

Monday, March 2, 2009

The Commission convened in regular session at 10:00 AM, March 2, 2009 with Deb Ranum, Chairperson; Donald Rieger and Dennis Afrank, Members and Brenda Wood, Clerk and Recorder present.

The Commission discussed the Baker Rural Fire Department Building Project. Commissioner's Ranum and Afrank were in session on February 23, 2009 with the Baker Rural Fire and Jim Berve of Fisher Construction. Commissioner Afrank stated at that meeting he felt they had enough funds to get the project started and felt we could find the funding for the project; Commissioner Afrank further stated he was willing to pay back the \$600,000 that was borrowed from them for the Hospital Project and budget the remainder in the next fiscal year. Commissioner's Ranum and Rieger were to discuss this further on February 24, 2009 when they were in for other non-session meetings. Commissioner's Rieger and Ranum felt they would pay back the \$600,000 that was borrowed from the Baker Rural Fire Department to fund the Hospital Project, in this fiscal year and then the remainder would be budgeted next fiscal year. The Commission felt it was best to make this a formal decision during a regular session. Commissioner Afrank made the motion, in this fiscal year, to pay back the \$600,000 that was borrowed from the Baker Rural Fire District for the Hospital Project and fund the remaining, approximate \$350,000 next fiscal year. Commissioner Rieger seconded the motion. Commissioner Ranum called for a vote of those in favor. 3 Ayes. Commissioner Ranum called for a vote of those opposed. 0 Nays. The motion carried unanimously. The Clerk and Recorder stated they had budgeted more than the \$600,000 for that project in this fiscal year, however, not knowing how the funding will fall the 3<sup>rd</sup> and 4<sup>th</sup> quarters, regarding oil revenues, some of that funding may be needed to fill the shortfall for other budgeting purposes. If this funding is not needed this year for the short fall, the remainder will carry over into the next fiscal year for the Baker Rural Fire Department Project and no further funding will need to be found for the project. The Commission and the Clerk and Recorder feel confident the \$350,000 will be there in the next fiscal year budget, for this project.

Bob Wiedmer, Road Foreman met to present his weekly road report. Bob reported the road crew had finished graveling Sunset Trail Road on Friday and started graveling on the South end of the Anticline Road. Alba Higgins, Road Foreman is hoping to take the D6 CAT back to the Landfill this week and bring the D7 CAT back and service it. The road crew may also start blading some of the roads if it gets warm enough. Some roads are getting wash boardy and some holes are showing up. The crew has patched some spots on Bergstrom Hill Road where the water went across the road due to the culverts being iced closed. Bob brought pictures of the Hagadone prospect for gravel; they will also need to get a contract before we have Kit Anderson, Planner get a permit. Bob did some calculating and feels it will cost approximately \$121,200.00 to complete 5.8 miles of roads. Dale Newell, MT Highway Supervisor stated the State was planning to work on the South Plevna Road as the new pavement has some bad spots. Dale also told Bob the State is planning to replace the bridge on Cabin Creek Road, below Wyrick Dam and the bridge on Ollie Road.

Jason Rittal, Executive Director for Eastern Plains Economic Development Corporation met to discuss the NBWS project. Jason is working with Brosz on the application for EDA. Jason talked to Bill McChesney on Saturday and Bill stated Jason should get the list of projects that are ready from the 5 counties. Jason is planning to go to Billings regarding the TSEP funding to see if NBWS is going to get any of it. Jason stated he will be working with Brosz Engineering, Inc. regarding this project. Jon Brosz met with Jason on Saturday and Jason stated Brosz Engineering had completed most of the work that Jason had thought he would have to do.

Vera Abrams, Safety Supervisor met to remind the Commission of the meeting on Thursday, March 19, 2009 with Emelia McEwen from MACO regarding the County's Safety Program Audit.

The Commission reviewed and approved February, 2009 payroll and withholdings in the amount of \$359,451.60 and they are filed in the Clerk and Recorder's office.

## Noon Recess

Dan and Jon Brosz, Brosz Engineering, Inc.; Tracy McDonald, Rural Development (on the phone); Sandy Kust, Midwest Assistance Program and Jason Rittal, Executive Director for Eastern Plains Economic Development Corporation met regarding funding for the North Baker Water Sewer Project. Jason stated right now, with the funding we now have committed we are still short a considerable amount for the project. Rich Batterman, County Attorney joined the group discussion at 1:15 PM. Dan stated we need to start now or it will not get done this year. Bruce Moore and Ken Griffith, NBWS Board Members joined the discussion at 1:25 PM. Jason asked Rich if it would work for the District to pay the money back to the County in a Capital Improvement Project Fund for renovation for the District; such as a revolving loan or whatever the Commission desires; in lieu of the money received from USDA. Rich stated since the District is a separate entity of the County he felt this could be done; it would just require us to set up some paperwork to get it accomplished, but Rich will check and get back to them on this. Rich asked if it would make more sense to do a bond payment. Jason is in hopes we can get grant funding, rather than getting a loan. Rich stated he is just looking out for the County's best interest so they are not stuck with the bill. Sandy stated if the EDA does not come through then RD is still on the table and she stated hopefully there will still be some Stimulus funding. Jon explained they had \$400,000 in loan figured in the budget and the rates would still be okay. Sandy explained they sent requests to Representative Rehberg, Senators Testor and Baucus and are hoping for at least \$300,000 in Stimulus funding.

Dan and Jon Brosz, Brosz Engineering stayed to discuss the bridge on Pannel Creek. Commissioner Ranum signed the application for the wetlands permit for the Pannel Creek Bridge. Meadows Preliminary Plats were also discussed.

Craig and Wanda Pinnow met to discuss the purchase of the land leased, by the County from the Pinnow's, for the existing Landfill site. Wanda explained the entire 80 acres is not fenced off, so Fallon County would only get what is fenced off. Commissioner Afrank stated we would need to have the property surveyed to find out how much acreage exists inside the fenced in area and where it is located within that section. Discussion that there was still 10 years left on the lease, the County could continue to lease it and then discuss purchasing later. Commissioner Afrank stated we will get it surveyed and get back to the Pinnow's.

Alba Higgins, Shop Foreman met to discuss the new park building. Commissioner Afrank felt it would be a better idea to add on to the County Shop building so there would be access to water, restrooms and the availability of having a wash bay. After some discussion it was decided they may be able to add on to the west side of the County shop and the Road Department would then be able to use this building, for equipment during the winter. Alba will discuss this with Scott Rabbitt and get back to the Commission.

Alba also discussed some equipment that he feels will need to be replaced in the next fiscal year. Alba would like to go to Sidney to look at how their county shop set up their radios in their new blades; we may need to go to a smaller radio and would also like to see how they have their blades set up. Alba could then stop and get some quotes for new radios. Commissioner Rieger stated possibly the County could purchase them through the disaster funding. Alba stated he also needs to talk to the Glendive Road Secretary about her MSDS program. Permission granted by the Commission for Alba to Sidney and Glendive for those purposes named.

Kevin Dukart, City Clerk asked if it would be possible for the City to link to the County's website for the purpose of placing their minutes and agenda on the web page. The Commission will discuss this with Don Dilworth, Computer Tech and get back to the City on their decision.

Recess

Tuesday, March 3, 2009

Betty Mueller met to discuss the RSVP (Retired Senior Volunteer Program). Betty stated Pat Madler; RSVP Coordinator can no longer prepare the RSVP grant per new guidelines. The RSVP Grant is now supposed to be completed by the Governing Body meaning the Commission. Betty stated she, Jan Lovec and Lolita Cameron will dig in their heels and do the grant but they may need help gathering some of the information. Betty wanted to inform the Commission so they would be aware of why they were asking for this information instead of Pat. Betty stated the RSVP is a very worthwhile program; they have 117 volunteers and several work stations throughout the County.

Scott Rabbitt, Park Supervisor and Alba Higgins, Shop Foreman met to discuss the new park shop location. Alba and Scott felt they could add on to the west side of the County shop. The Commission feels they should move forward with this project. Scott stated some of the floating docks have holes in them and they can not be repaired. Permission granted by the Commission to replace them.

The Commission reviewed and approved the February, 2009 end of month claims in the amount of \$150,397.01 and they are filed in the Clerk and Recorder's office.

LaRita Huether, DOR has been working with the TPR (Tax Policy and Research) Department to get answers asked for by the Commission. LaRita received the approval from her department heads to give the information to the Commissioner through the TPR. The Commission asked for information regarding the loss of revenue pertaining to the Omimex case.

Noon Recess

#### **CLOSED-PERSONNEL**

#### **CLOSED-PERSONNEL/HIPAA**

Joyce Straub met to discuss having an approach placed on the East side of her property going out to the main road. The Commission stated they would have Bob Wiedmer, Road Foreman contact Joyce to find out where she wants it placed. Joyce stated the other approach is always blown closed in the winter and she plans to place a garage on that side of her home also.

Mike Griffith, Griffith Excavating met to discuss having the old public health building dismantled and remove the concrete slab. Mike will try to get it scheduled this month. The Commission will have David check inside the building to see if there is anything left that needs removed and check and see if the satellite dish was removed. The Commission would like a quote for the building if Mike could call back and let them know the cost, they would appreciate it. The Commission asked about the new dumpsite. Mike stated they have started forming the walls, etc this week and it will need to be fenced. Commissioner Ranum stated Tom Barth, Landfill Manager suggested slanting the fence. Mike will talk to Tom Barth about slanting the fence. Mike stated this is so the paper does not crawl up the sides and blow away.

Jason Rittal, Executive Director-Eastern Plains Economic Development Corporation called in to update the Commission on the NBWS project.

Clayton Hornung, Mayor-City of Baker stated he did not have much to discuss with the Commission this time. Clayton would like to get the Recreation Department Board together and visit and see how things are going for Jason Dulin, Recreation Director and wanted to know when Commissioner Rieger could meet. Commissioner Rieger stated they should choose a date and he will be at the meeting. Clayton asked Commissioner Ranum when she would be available to meet with Scott Rabbitt, City/County Park Supervisor and the Park Board; she stated the same as Commissioner Rieger, pick a date and she will be there. Commissioner Rieger further stated they are usually always meeting on Mondays so that would work out. Clayton stated he would schedule them for a Monday, one week with Recreation Board and the next Monday with the Park Board. Commissioner Afrank asked if the Commission could again get an expense and revenue breakdown for the Recreation Program as it does not seem to be paying for itself.

Clayton stated all along they felt it would only pay for the Director's wages and not for the rest of the program. Clayton will try to get those figures to Commissioner Afrank.

Recess

Wednesday, March 4, 2009

The Commission reconvened at 10:00 AM with all present.

Ken Griffith, Griffith Excavating phoned in and stated it would cost approximately \$10,125.00 to tear down the old Public Health Building and they want to complete that task this month. The Commission agreed to the price and would make sure they had David Espeland check on the contents, etc. in the building.

A letter was written to Luther Appraisal, Miles City, MT asking them to schedule an appraisal for the W ½ of Section 30, Township 6 North, Range 55 East so this land can be scheduled for public auction.

**The Commission signed the following road easements:**

Stephen M. Judd-Section 26-9-58 – Anticline Road.

Shye Nicole Boggs-Section 23-9-58-Anticline Road; Section 24-9-58-Cabin Creek Road; Section 25-9-58-Anticline Road; Section 13-9-58-Cabin Creek Road.

Jade Dylan Boggs-Section 13-9-58-Cabin Creek Road; Section 25-9-58-Anticline Road; Section 24-9-58-Cabin Creek Road; Section 23-9-58-Anticline Road;

Noon Recess

Gye Varner, Underground Boring Specialties and Allen Varner, F & D Oilfield Maintenance were called to come and meet with the Commissioners regarding moving a portion of the water extension line from the lagoon to the golf course. The new landowners from the Meadows Subdivision needed the pipeline to be moved, as discussed in earlier meetings, due to construction of a home, etc. The group tried to find information regarding the size and type pipe used for the pipeline. Gye asked if it may possibly be cheaper to drill a well at the golf course then it would be to move the existing line. The Commission felt they would not be able to use the water even if they did hit water in this zone. It was also felt they would need more than one well in order to have enough water for the course. Allen will get in touch with Barry Varner and try to get the project on the list of things to do. Gye and Allen felt they could strip the pipe back on Don and Merri Beck's property as it is visible in that area. They could get the size and type pipe from that location and get the pipe ordered and available for the project start date. Commissioner Afrank contacted Merri Beck and notified her of what was about to take place. Merri stated she felt it would be okay but wants it completed when it will not tear up the ground and make a mess. Merri will contact Don and get his feelings also. Merri phoned the Commission and stated Don expressed the same concerns as she regarding the land.

**CLOSED-PERSONNEL**

Steve Merrill, MDU phoned and stated they will need to schedule a power outage for the courthouse so they can arrange to change out the transformer. Steve explained the transformer is slightly overloaded; it now runs at 120%; normally they let them run at 150% but they do not want to run it this way for the courthouse. Steve stated they would like to change it out before the frost goes out so as not to destroy the lawn in the back of the courthouse. Commissioner's felt the emergency generator should kick in so it should not be an issue as to the date they do the change out. Commissioner Afrank mentioned they may want to be careful of the back feed from the generator. Steve felt this should not be an issue. Also discussed access, how they were going to get the transformer out and new one in. Steve stated they may have to let the fence down and put it back up again.

Rich Batterman, County Attorney was called and asked the question regarding various projects and Davis Bacon wages. Commissioner Rieger wondered if the Fire Department

project would be included in that category also. Rich stated yes, any construction project, over \$25,000.00, in which public funds are used, would need to be paid at Davis Bacon wages.

Scott Rabbitt, Park Supervisor phoned and stated Brosz Engineering stated they will need an architect to complete the park building. Commissioner Ranum stated she does not want to use Stevenson Design for this project.

The Commission discussed placing the City on the County web page. Commissioner Afrank stated he feels they should not be; Commissioner Rieger stated he felt they could be and Commissioner Ranum also felt they could be on the web page.

**The Commission signed the following road easements:**

Misti Jo Boggs-Section 24-9-58-Cabin Creek Road; Section 23-9-58-Anticline Road; Section 13-9-58-Cabin Creek Road; Section 25-9-58-Anticline Road.

Lynda Herbst, Custodian met to discuss having wall paper placed in the newly remodeled handicapped restrooms. Commissioner's agreed Lynda should get the restrooms re-wallpapered. Lynda asked if she should have the store room primed and painted. The Commission felt that would be fine; no need to get it wall papered. Commissioner Afrank stated Tumblewood Development plans to place plastic sheeting behind the urinal to protect the wall.

The Commission signed the final outlay closeout report for the environmental assessment grant for the extension of the Baker Municipal Airport runway and mailed them to Kadrmas Lee & Jackson of Bismarck, ND. Kadrmas will send the Commission an original copy as soon as all of the signatures are received.

The Commission signed the appraisal contracts with Normal Lee and the review appraisal contracts with Steve Repac for the extension of the Baker Municipal Airport runway and mailed them to Kadrmas Lee & Jackson of Bismarck, ND. Kadrmas will send the Commission an original copy as soon as all of the signatures are received.

Recess

Thursday, March 5, 2009

The Commission reconvened at 10:00 AM with all present.

David Espeland and Selena Nelson met to present their monthly report. The Commission stated they plan to have the old Public Health building torn down and wondered if David would perform a walk through. David stated he would do so. David stated the remodeling is coming along quite well. They are having two (2) new tubs installed, one in the Nursing Home and one in the Hospital. They are commercial tubs that you can walk in to through a door and are equipped with lifts and scales to weigh the residents/patients. The cost per tub is \$22,000; they come from Nebraska and have a 15 year life. The group discussed how nice the radiology equipment is; you can get your x-ray placed on a CD and take it where ever it needs to be. David explained they have the Doctor from Williston read them; he will read them seven (7) days per week, 24 hours per day and they transmit to him via computer, etc. David stated the CT machine will need to be replaced within a year. David stated the Fuji technician came and performed a routine maintenance check on the Hospital equipment and stated everything is in good working order. David stated Connie Moore is now taking care of the rent and registers resident's statements of work, etc. for Parkview I and Parkview II. David stated they met with the residents of PVC I and PVC II and got a list of concerns from them. David stated some of the items of concern will be brought up during their one (1) year warranty walk through. Commissioner Rieger wondered if they were going to finish landscaping. David stated yes but they need to get the sidewalks placed first. ABT (Val) looked at Parkview 1 regarding the weatherization walkthrough that was completed awhile ago. The decision was made to get a quote from Stevenson Design to get this project going and completed. David stated Jeff Gruizenga, Coneer Engineering was going to come back and take a look at the Hospital boilers again and he has not yet returned. David

stated the boiler project is still not complete; the propane tank portion of the project is still not complete as there was a problem with the set-up, then the weather changed and they could not complete it. The Commission asked if David remembered if the dish was gone from the old Public Health building. David stated he would check it out. Contract Nursing is down to two (2) part time CNA's; they feel partially due to the economy but mostly due to Sarah Maynard, new Director of Nursing.

Commissioner's Ranum and Rieger were going to attend the Chamber meeting at Thee Garage at 12:00 Noon.

#### Noon Recess

Reconvened at 1:00 PM with all present.

Jason Rittal, Executive Director-Eastern Plains Economic Development Corp; Jon Brosz, Brosz Engineering; Ken Griffith; Dale Leivestad; Wayne Sander and Bruce Moore, North Baker Water Sewer Board Members met to discuss the North Baker Water Sewer Project. Jason explained the DNRC Funding looks good; there will be some start up requirements. TSEP is at the legislature but the NBWS project is scheduled to receive \$120,000.00. Rural Development reported the submittal was just received from Brosz Engineering but Prairie Avenue was not included in that so they will have to deal with it somehow. Jason discussed the pros for a re-bid is they would bid it as one project so the funding sources will look good. No one will allow utilization of grant money to the first phase of the project; it will all go to the second phase anyway so that scope as presented in the application is completed. The better it looks on paper the more favorable the project funding awards will be. Commissioner Afrank asked if the project would be shovel ready this year. Jon stated yes but they would not go out to bid until May 15<sup>th</sup> or June 1<sup>st</sup> so we can have the funding reviewed and a full packet in place before we start. Ken asked what we do if we wait and get no more money than we have now. Commissioner Afrank stated Fallon County is not going to fund the project unless we know there is other project funding available. Commissioner Rieger concurred with that. Jon explained waiting and spreading it over two fiscal years. Jason stated that we need to make sure Davis Bacon wages are in place for the EDA funding. Phasing in the general sense is ok, but not phasing to the extent that you change order the second phase in. Jason stated project rankings are best for EDA funding if they are related to a disaster but Jason feels those people that were involved with disasters would have already gotten their list together and gotten their funding and this is money that is left. Jason feels we would have as good a chance as anyone else for this funding. The NBWS Board feels they would like to forgo letting the bid and re-bid the project. Ken stated he hates to delay the project but also does not want to lose any chance of getting funding. Dale stated so the project may go into 2010. Jon stated we will have to. Jason stated what we are doing is just extending the completion date to allow for the contractors to complete the work prior to deadline. Ken asked how long do you think it will be before you find out about your funding. Jason stated six (6) weeks for a verbal from EDA and USDA may be about the same time frame. Ken Griffith made the motion that the North Baker Water Sewer Board not award the bid and go to bid for the entire project, inclusive of Prairie Avenue. Dale Leivestad seconded the motion. Bruce Moore, President called for a vote of those in favor. 4 Ayes. Bruce called for a vote of those opposed. 0 Nays. The motion carried unanimously. Ken Griffith made the motion for Jason to contact the funding sources regarding this project to maintain communication. Wayne Sander seconded the motion. Bruce called for a vote of those in favor. 4 Ayes. Bruce called for a vote of those opposed. 0 Nays. The motion carried unanimously. Jon will contact the contractor and tell him the bids will not be awarded at this time.

The Commission reviewed and approved the minutes from February 23<sup>rd</sup> and February 24<sup>th</sup>, 2009.

The Commission has been steadily watching the legislative sessions and reviewing many of the bills they deem pertinent to Fallon County, City of Baker, Schools and the State of Montana.

#### **REPORTS RECEIVED/REVIEWED/APPROVED:**

Ambulance November and December, 2008 financial reports. November, 2008-reported 5 runs; \$3,420.00 charged out; \$9,358.16 payments, 12 accounts sent to collection for a total of \$6,861.88; December, 2008-reported 10 runs; \$7,055.00 charged out; \$14,137.59 payments, 3 accounts sent to collection for a total of \$833.39.

January 19, 2009 Fair Board Minutes.

January, 2009 Treasurer's Cash Report-all funds are sound with the exception of the RSVP fund which will correct itself when the reimbursements come back in and the County Match is transferred in.

**MISCELLANEOUS:**

The Commission received the bridge structure reports for the Glendive Division, for the 2008-2009 inspection schedules from the MT DOT-Glendive District Office. Those reports are on file in the Commissioner's office.

**FIRE TRUSTEE ACCLAMATION:**

The Commission declared elected by acclamation, Larry J. Singer as Trustee for the Baker Rural Fire District. Per Section 7-33-2106(4), M.C.A. the Election Administrator cancelled the election as the number of candidates is equal to the number of positions to be elected. Per Section 13-1-304 the County governing body shall declare elected by acclamation each candidate who filed a nominating petition for the position.

**FIRE TRUSTEE ACCLAMATION:**

The Commission declared elected by acclamation, James Hagadone (3 year term); Sam Thielen (1 year term to correct an election rotation error) and Rolph Tunby (2 year term to complete Dale Buerkle's Trustee position) for the Plevna Rural Fire Department. Per Section 7-33-2106(4), M.C.A. the Election Administrator cancelled the election as the number of candidates is equal to or less than the number of positions to be elected. Per Section 13-1-304 the County governing body shall declare elected by acclamation each candidate who filed a nominating petition for the position. No one has filed for William Lane's Trustee (3 year term) position, therefore leaves an open trustee position. Commissioner Rieger made the motion to reappoint Bill Lane as a Plevna Rural Fire Department Trustee; Commissioner Afrank seconded the motion. Commissioner Ranum called for the vote of all those in favor. 3 Ayes. Commissioner Ranum called for the vote of all those opposed. 0 Nays. The motion then carried unanimously.

**ENCROACHMENT PERMITS:**

Commissioner Ranum signed encroachment permits for Fidelity Exploration and Production Company: Permit #501-3" steel natural gas pipeline to cross Coral Creek Road in Section 10-6-60; Permit #502-3" steel natural gas pipeline to cross Coral Creek Road in Section 15-6-60.

**MISCELLANEOUS REVENUES:**

Continental Resources, Inc.-December, 2008-Oil and Gas Royalties in the amount of \$3,318.64.

Encore Operating, L.P.-December, 2008 and January, 2009-Oil and Gas Royalties in the amount of \$2,034.47.

ConocoPhillips Company-February, 2009 Oil and Gas Royalties in the amount of \$2,760.67.

County portion of February Aviation fuel sales in the amount of \$154.63.

**JOURNAL VOUCHERS:**

#520-Transfer Federal Mineral Royalty monies per Commissioner letter dated 2-25-2009.

#521-Correct the placement of the December, 2008 WIC reimbursement monies.

Adjourned.  
s/Deb Ranum, Chairperson

ATTEST:

s/Brenda J. Wood, Clerk and Recorder