

Monday, December 1, 2008

Deb Ranum, Chairperson; Dennis Afrank, Member and Brenda Wood, Clerk and Recorder met for the regular December, 2008 session. Donald Rieger excused to attend a meeting in Helena.

CLOSED-PERSONNEL/HIPAA

Bob Wiedmer, Road Foreman met to present his road report. Alba and Mitch put all of the wings on the blades with the exception of the shop blade. Alba and Mitch will continue to work on the compactor this week to try to get completed or nearer completion. The Commission asked how the new loader scales were working. Bob stated they were working well; he is letting everyone get a chance to learn how to run it. Discussion regarding the cattle guard located on Dave Hayden's; Bob will drive down there and look at it. Bob will stop and visit with Dave about it if he is home.

CLOSED-PERSONNEL

PHONE IN CONVERSATION:

George Fitzgerald, Skyway TV of Jordan, MT phoned to discuss the digitalization that will take affect in February, 2009 and the affect it will have on television in our area. George asked if Fallon County planned to continue the off the air television. Commissioner Afrank stated he thought there would be no off the air television. George stated yes there will be. George explained the difference between analog and digital is just the quality of the picture; digital will clear the picture. George explained they can put a digital converter back to analog and no one would have to change their television or anything. Commissioner Afrank asked what the cost for the converter would be. George stated the DAP (Digital Analog Processor) would cost approximately \$1,400.00. Commissioner Afrank asked George to call back when Commissioner Rieger was back in the office and explain this system again.

Tim Barkley, Sheriff met to discuss the possibility of consolidation of the Sheriff and Police Department into one unit. Tim stated he met with John Beach and Rod Morris, City of Baker, Councilmen; Randy Ketterling, Chief of Police and Rich Batterman, County Attorney regarding this matter. Tim feels this is not going to save either entity any money. Tim also stated if he were to do this, it would be a 24 hour department or not at all. Tim stated there would be no officers, they would all be Deputies. Tim feels the way it is now, has been working quite well; Tim does feel some of the employees may be happier with the change. Tim stated, again, he is not interested in the change unless it will be a full time Department. Tim will try to get some figures together, look into scheduling and return to discuss this further.

The Commission reviewed and approved the November, 2008 payroll and withholdings in the amount of \$361,969.34 and they are on record in the Clerk and Recorder's office.

Journal Approvals:

Journal #336 to void check #31985-County Vehicle Tax Credit for November, 2008 which prints every month.

Journal #337 to adjust the fund expenditures for warranted #31985 for the County Vehicle Tax Credit that runs as a deduction automatically and prints a warrant that needs voided each month.

Noon Recess

CLOSED-HIPAA

Jim Leischner, County Insurance Agent; Rich Batterman, County Attorney; Courtney Dietz, Wanda Pinnow, Dee Dee Geving and Don Buerkle-Fair Board Members and Barb Lechler, Fair Secretary met to discuss Certificates of Insurance and their importance. Pat Ehret, Board Member will not be able to attend. Wanda stated Pat wanted everyone to know she has two new avenues for a carnival and is optimistic. Wanda led the discussion

by stating Commissioner Afrank asked that the Fair Board have everyone provide proof of insurance in the amount of \$300,000. Wanda wondered why it is just the Fairgrounds users that have to provide proof of insurance. Wanda stated her son-in-law uses the TARA track and takes her grand daughter riding on the four wheeler and he was not asked to provide that. You don't have to have it to use the lake, the parks, the golf course, etc. Rich stated that was all given in a form of a contract to your Secretary. Rich stated whenever you are using any county facility for a formal event such as the Fairgrounds, TARA and the Rifle Range you should provide certificates of insurance. Wanda explained having a risk user agreement for people to sign. Rich explained the risk user agreement it is not worth the paper it is written on. It does not cover that person; all we are trying to do is cover the users. Wanda stated we keep getting asked, with the tax dollars that are being paid, they (users) feel they are paying for the liability insurance for the buildings so why do they have to provide liability insurance. Debbie Wyrick, Deputy Clerk and Recorder joined the discussion. Jim stated as an example the insurance will subrogate back to the insurance company and then they will come back on the individual for that, i.e. horse, etc. and the damages. If they do not have the insurance their insurance will not pay for the damages the individual will then have to pay. Wanda stated she understands we need the insurance but the people do not have the same understanding. Commissioner Ranum asked is \$300,000.00 a standard amount to be asking. Jim stated he felt that was okay. Rich stated he does not care as long as they have the correct amount asked for. Courtney stated anyone can use the TARA track by paying a day fee or a user fee; he did not know they had to have liability insurance. Wanda stated the Fair Board does not feel it should be their responsibility to tell the public they need to provide the proof of insurance. Rich stated he can place something in the contract that would inform the public the County provides no insurance. Dee Dee found an article that stated \$500,000.00 is the best protection to have. Jim stated that is right, because the biggest load is on the first \$100,000.00 and that is where the biggest cost comes in to play; any additional is not that much more to pay. Courtney stated, I think what Wanda is trying to say is we are telling people they have to have the insurance and some are receptive and some are not. Jim stated the people that you are going to have problems with are mobile home owners, renters and people such as that. Dee Dee stated in the article she had, they said they tacked it on to the person's automobile insurance. Jim stated that is possible to do also. Rich and Jim stated they can set down and figure something out. Wanda felt it should be put in the paper and it should not come from the Fair Board or Barb. Jim stated you can send them to me or have them call me and I will answer their questions. Wanda wants to create a tri-fold with the information on it for Barb to hand out with the other paperwork. Commissioner Afrank questioned the golfers having to have insurance to golf. Wanda and Dee Dee stated it was just a question that was posed to them. Wanda stated the people using the barn feel they are being picked on and she can understand that. Rich stated golfing is some what different because it is different than putting someone on a horse. Don B. asked about those that are training horses, what do you do? Rich feels if they are engaged in business and if they do not have the proper insurance, that person has a problem. Deb stated they have a sign that says not responsible for accidents, do they need to put up a sign saying liability insurance is required. Rich stated that is pretty much covered in the agreement. Don B. stated some peoples insurance companies do not want them to reveal the amount of coverage the insured has. Jim stated he has never heard of that and these people do not understand we are requiring this to protect them, not the County. Debbie stated if they could word it such as, this person meets the minimum requirements and sign it, that would work but some of the certificates also have no expiration dates. Tracking the certificates was discussed. Debbie stated she told Barb she could track them on a spreadsheet. Rich if we do not do this then we will be the bad people because we would then have to come back and sue them. Jim stated, again, this is protecting those individuals. Commissioner Ranum discussed the individuals giving riding lessons. Wanda stated if you are involved through 4H, you can pay the \$2.00 and get the insurance but then you also can not charge for the lessons. Commissioner Afrank asked what happens if the accident amount goes over the amount required. Jim stated then it goes after the next responsible party. Jim asked how many people do we have that are using county property or equipment to run a business. Rich stated this is the first I have heard of it. Jim feels if you are running an equestrian business you should be using your own facility and there are equestrian insurance policies available because he writes policies for those types of individuals. Commissioner Afrank feels something needs to be done because the Fair Board is

catching the flack for this issue. Jim and Rich stated we will write something up. Wanda stated we just want clarification for the public. Wanda discussed they have no barn manager at this time and they felt, after talking to the old barn manager they would like to offer more money per month for the position. This is based upon the fact that the previous manager had actually been putting in several hours of work bringing the hourly rate down considerably. Dee Dee and Wanda also discussed the decision on the tractor, by Commissioner Rieger. They did not understand why they got a tractor that was far too large to store for any building they have, now what are they supposed to do. Now they are going to have to try to decide what building they are going to put it in. Don B. felt it was not that much larger than the one they have, except it has a cab. Commissioner Afrank stated the Commission, along with Don Buerkle felt this would be a good all around tractor to be used for the out door arena and would be able to be used for moving panels, moving the stage as well as other things. Wanda stated they have a husband and wife that would like to be the barn managers and they wondered if they could split the money. Debbie discussed the issue with raising the salary and the salaries are set; but splitting the money would not be a problem for her as long as she knows. Debbie felt how it was advertised would be the problem. Rich stated since they only asked for a barn manager, they could run the ad again and make the changes and allow anyone that would like to work as a couple, apply for the job. Commissioner Afrank asked would you first observe the person run a tractor. Don B stated we could. Commissioner Afrank stated you probably should have them trained to operate the equipment. Dee Dee asked what are we going to do with those individuals that do not provide their proof of insurance. Commissioner Afrank stated I would tell them or send them a letter stating you will comply or you will give them an eviction notice. Dee Dee stated she feels the users are feeling they are being picked on. Jim stated a lot of this comes from the Insurance Company and then Rich is brought in on these matters so we have to look at everything from all aspects. Commissioner Afrank asked if the Board had cleared up the issues with the barn user fee. Wanda stated they changed the age limit, requiring a fee to those over 18 years of age and that seems to have made people happier.

Misti Breitbach, Health Nurse met to discuss the need for position descriptions for all employees in the health department. The Commission agrees we have been working on job descriptions for all employees. The Commission then went into a closed session.

CLOSED-PERSONNEL

The Commission reviewed and approved the November, 2008 month end claims in the amount of \$350,899.30 and they are on record in the Clerk and Recorder's office.

Recess

Tuesday, December 2, 2008

Reconvened with all Commissioners' present.

PUBLIC COMMENT AND OR BUSINESS AS OR IF NEEDED:

Dale Butori, Weed Supervisor brought in the cost report for spraying the roads for the Commission to view. Commission asked Dale if he sprayed all of the roads. Dale stated he did get all of the roads sprayed.

Bob Wiedmer, Road Foreman met to discuss the work they are completing on the Landfill compactor.

Alba Higgins met to discuss the compactor and work that needs to be done. Permission granted to do what he feels is necessary with the exception of the air conditioning.

The Commission reviewed, approved and signed the following plats:
Meggers Minor; Final Plat of the Meadows Second Filing and Mitchell's Minor.

George Fitzgerald, Skyway TV of Jordan, MT phoned and discussed changing from digital back to analog. Commissioner Rieger expressed he would like to have him come and visit with the Commission. George will come down and check the meter level and visit with the Commission further to decide if this is what they want him to do.

Clayton Hornung, Mayor-City of Baker was unable to attend his meeting.

Recess

Wednesday, December 3, 2008

Reconvened with all Commissioners' present.

PUBLIC COMMENT AND OR BUSINESS AS OR IF NEEDED:

Tim Barkley, Sheriff met to discuss the sprinkler system in the jail. Simplex/Grinnell is trying to decide what to do regarding replacing the cast iron heads. Further discussed the issue of consolidation of City and County law enforcement. Tim feels it will cost more for both the City and County, Tim is not interested in pursuing this unless the total Commission is for this. Tim again expressed he would only do this if there was 24 hour coverage. Everyone agreed we need to have a hard and fast contract.

Alba Higgins, Shop Foreman stated he needs to get the highway tires off of Road Foreman's pickup. Bob needs to have 8 or 10 ply tires if he is going to travel the County Roads. Commission stated if possible to trade them and get new ones, that would be preferred, otherwise permission granted to get better tires.

Don Wood met to discuss the load limits on the bridge West of Baker going to Brown's Custom Feeds and the Fertilizer Plant. Trucks are loading calcium chloride and Don is concern about the load limits for the bridge. The Commission will do some research regarding this matter but feel certain the bridge will handle the loads due to the recent updates to the bridge.

The Commission reviewed and signed the following road easements:

Sikorski & Sons, Inc.-Bergstrom Hill Spur in Sections 29-5-59; 32-5-59.
Delane and Arleen Beach Living Trust-Bergstrom Hill Spur in Sections 33-5-59
Donald L. and Merri Beck-Farmstead in Section 1-9-59
Dean & Karen R. Wang-Yellow Brick Road and DuCharme Access in Section 33-7-59
Tim Jensen-Shell Oil Road and Fertile Prairie Road in Section 7-7-61

Noon recess

The Commission and the Clerk and Recorder attended the mandatory OSHA training for the balance of the day. Commissioner Rieger attended most of the training and left early for the week.

Recess

Thursday, December 4, 2008

Reconvened with Commissioner's Ranum and Afrank; Commissioner Rieger was excused for the day.

The Commission had to reschedule the meeting with David Espeland and Selena Nelson for later this afternoon due to an unexpected conference call.

The Commission had a conference call regarding the case regarding the taxation of pipelines which was overturned by the Montana Supreme Court from the District Court. Most of the conference call was taped and is on file in the Clerk and Recorder's office.

Noon Recess

Reconvened at 1:15 PM.

Vera Abrams, Safety Supervisor met to discuss the Blood Borne Pathogens Policy. Vera would like to ask the permission of the Commission in changing the policy so the Hepatitis B shot would be available for all employees at the County's expense. Commission granted permission for all employees to receive the Hepatitis B shot at the County's expense and this will be added to the Blood Borne Pathogens Policy. Commissioner Afrank asked about purchasing mouth to mouth masks. Decision was made to purchase one for each employee or office and one for each County vehicle. Decision was made to have all of the Safety Policy manuals be contained in green notebooks with white labels. Vera stated the potluck lunch is scheduled for December 19, 2008. After some discussion the First Aid/CPR training will be held May 4-May 9, 2009. Vera will do some checking to find out who would be able to perform the training, the cost and how long the training will take.

Bob Wiedmer, Road Foreman met to discuss the bridge West of Baker going to Brown's Custom Feeds. Greg with DOT of Glendive is the bridge inspector for our area and will be here on Monday, December 8, 2008 to inspect that bridge. Greg stated the bridge has never been on the State's roster to inspect. Bob stated the Pennel Creek Bridge was inspected by Brosz; they feel the end walls are in good condition but the wings are in bad condition. Bob stated they need to replace the pilings and it is hard to find people that will do that. The Commission gave names of those possible contacts.

David Espeland and Selena Nelson met for the monthly report. Selena turned in the financials. David reviewed the energy report from S & L for Parkview I. David submitted the updated changes to the Rental Agreement for Parkview 1 and Parkview II for the Commission to review; Debbie Wyrick, Deputy Clerk and Recorder reviewed and approved of the changes also. David will have Rich Batterman, County Attorney review the changes. Commissioner Ranum asked how many residents were in the nursing home. Selena replied there were 24 residents in the Nursing Home and they need residents. Commissioner Afrank suggested advertising the openings. David and Selena felt this was a good idea; they have advertised before and gotten residents. David stated the bid opening will be held on the 18th for the Nursing Home renovations. David reviewed the expansion project completions and the punch list for Hardy is almost complete. David stated they also have a new Director of Nursing.

The Commission reviewed, approved and signed the extended service plan from Solar Bee for maintenance of the aerators for the Baker Lake.

The Commission sent a memo to vendors regarding the price of fuel and possibilities of reevaluating the necessity of fuel surcharges and delivery charges for the benefit of the Fallon County taxpayers.

MISCELLANEOUS REVENUES:

Fallon County Airport Report for November, 2008-\$300.53 received in Aviation Fuel.
PILT-Fallon County is to receive an additional \$14,006 PILT (Payment In Lieu of Taxes) funding. The Commission made the decision to place this in the Road Fund.
Continental Resources, Inc.-November Oil and Gas Revenues-\$10,939.25.
Murphy Oil Corporation-November Oil and Gas Revenues-\$206.50

The Commission received the October, 2008 cash report and all funds have sufficient funding with the exception of the WIC and RSVP Grant Funds which will correct themselves when the reimbursements come in through the reporting process.

The Commission received notification from the Department of Administration, the response with the corrective actions to the Fiscal Year 2007 audit report findings and recommendations were accepted.

The Commission received the field report from Jeff Gruizenga of Coneer Engineering regarding the Boiler Replacements at the Fallon Medical Complex and the Fallon County Courthouse. Those reports are on file in the Clerk and Recorder's office.

The Commission reviewed and approved the minutes for November 17, 2008.

Adjourned.
s/Deb Ranum, Chairperson

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