

Tuesday, October 14, 2008

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

Bob Weidmer, Road Foreman met to present his road report. Commissioner Ranum asked if the Road crew will blade when it dries up a little. Bob stated yes we will. Bob stated Thursday CAT is sending a person down to look at the old blades. Bob stated Billy and Rick are blading the Little Beaver Road today and said it is perfect. John Miller plowed down by Betsy Baxter's on Sunday. District 1-Plan to dismantle the bridge on Bridge Road, if they can get to it; blading when the roads dry up enough. District 2-blading the Little Beaver Road and will continue blading as the roads dry. District 3-will start blading when the roads dry up enough. Today the crew is building bridge signs, watering and blading the indoor arena and cleaning out sumps at the shop. We will also be going back to mowing new road easements when the snow is gone. They will wait to haul gravel when the roads are dryer. Commissioner Rieger stressed getting bridge planks and iron from the wrecked bridge. Commissioner Ranum asked if we can put in a low water crossing. Commissioner Rieger does not feel we can. Commissioner Rieger also feels we may be able to use a box culvert or culverts. Commissioner Rieger asked Commissioner Ranum if she wanted Brosz to look at it to decide what we may need. Commissioner Ranum stated, yes Brosz will be able to give us suggestions. The group discussed the bid letting. Commissioner Rieger cautioned Bob to tighten the strings on the specs. Commissioner Afrank cautions they do not write them only as CAT, etc. specs, in other words, bid apples to apples. Bob stated he and his wife cleaned and painted the office at the County Shop. The Commission thanked them for doing that.

Jack and Carolyn Hadley met to discuss road issues. Jack asked what have you got done as far as closures on roads. Commissioner Ranum stated Jack you still want to close those roads. Commissioner Afrank stated Jack wants the trails coming into his place closed, not on the Anticline Road. Commissioner Afrank stated we can not close the Anticline Roads. Commissioner Afrank felt there were two roads Jack would like closed. Jack stated there were three roads he wanted to have closed. Commissioner Afrank explained we have to advertise and have a hearing. Commissioner Afrank stated he feels we could advertise to abandon the roads discussed. Commissioner Afrank explained we sent everything to the Abstract office to do all of the research on the roads and Spence is mapping them all out. Jack asked if the Commission talked to Robert Wenz about changing the road discussed at a previous meeting. Commissioner Afrank stated no one had discussed that with them that they know of. Jack does not understand what the hearing would be for; Section 33 is land that he owns. Commissioner Afrank stated we could get easement to them to take care of those roads. Jack stated that is why I want to change that Road. What about the road by my house? I was here a year ago and you have not done anything except down south. Discussion on the road down south being land locked. Jack stated I will give you an example, how many roads does MDU need to get out? Commissioner Afrank stated I am not getting involved in that. Carolyn asked who has the liability on these roads. Commissioner Afrank stated you do. Carolyn stated the landowners have the liability? Commissioner Afrank responded, yes. Commissioner Afrank stated and I would like to see the oilfields have the easements on the roads. Commissioner Afrank also does not feel the oilfields would have drilled without the easements. Jack stated if Burlington Northern owned the land they would not have had to get easements on that land. Section 33 is Railroad property. Commissioner Afrank stated when Glen Rugg was in he stated when the land was sold they (Railroad) kept the right to ingress and egress. Jack stated why does the public get to use them? Commissioner Afrank stated Tunby's should be able to use that road. Jack stated I did not shut Tunby's down. Commissioner Afrank stated but they are the public. Commissioner Afrank stated he can understand not wanting the hunters, etc to get hurt on their (landowner) liability. Jack stated the County only bladed and mowed one side of the road going north and south and the mower and blades used his road to come in and get back out on it. Jack stated I can not keep MDU off the road. Commissioner Afrank feels the main anticline road started out as an MDU trail. The Commission will have Spence do the research on those roads that Jack wants abandoned. Jack knows he can not go all the way up to Chaparral because they need to get into their well. Commissioner Afrank feels we could have the hearing on those roads in 30 days. Commissioner Rieger

stated if they show the County as owners, for any reason, then they need to have petitions and go through that process. Jack stated they could have Spence contact Jack Hadley at his home phone number.

The Commission signed the resolution for the CMAR for the Baker Rural Fire District and Resolution #10-14-08 is on file in the Clerk and Recorder's office.

**REVENUES:**

Bowers Oil and Gas-Royalty payment-\$181.96.

West River Cooperative Telephone Company- Capital Credit-\$49.53.

Shooting Range key sales-\$100.00 new sales; \$15.00 replace lost key-Total-\$115.00

Noon Recess

Reinhard Barth, Outside Building Maintenance would like to purchase a snow bucket for the bob cat. He would like one that is wider especially for the parking lot. Commissioner Rieger asked if it would lift into the trucks. It will not lift high enough to dump into the trucks unless you use the small dump truck. They also discussed getting one for the loader. Commissioner Rieger discussed traction. Reinhard stated that is why he likes the skid steer rather than the loader. Commissioner Rieger discussed putting some side panels on the bucket so it does not flow out of the bucket. Reinhard will look into getting some pricing on the buckets and go from there. Commissioner Afrank asked about putting a blade on the four wheeler. Reinhard stated that is only a two wheel drive. Permission granted to purchase after getting a quote.

**BUSINESS AS OR IF NEEDED AND/OR PUBLIC COMMENT:**

Alba Higgins, Shop Foreman and Bob Weidmer, Road Foreman met to discuss bid specs for loaders. Commissioner Rieger made a motion to call for bids using the proposed specs (which are CAT specs). Commissioner Ranum asked Bob if he could call around for a generic set of bid specs. Bob stated he has tried and feels we could use these specs and put in the necessary changes to adapt to us. Alba agrees. Commissioner Afrank would not second the motion using those bid specs. Commissioner Ranum suggested a letter of explanation to go with the specs explaining the specs are not generic. Commissioner Ranum called for those in favor to signify by saying Aye. Commissioners Rieger and Ranum voted Aye. Commissioner Ranum called for those against to signify by saying Nay. Commissioner Afrank voted Nay and stated he did not feel we were bidding apples to apples. The ad will go out in the paper for three weeks. Bid opening will take place on November 5th

Dale Butori, Weed Supervisor met to discuss possibly getting Nico's pickup instead of putting it into the fleet. The Commission stated they decided it is going to go in the fleet along with the others and he can check it out whenever he needs it as long as no one else is using it.

**PUBLIC COMMENT:**

Sheena Veazey met to discuss the \$25.00 arena use fee. Last Tuesday she was at the lower barns when Barb Lechler, Fair Secretary came and said there would be a \$25.00 barn use fee. Sheena asked her, for what and is this a one time fee? Barb said no and it will go for cleaning the sand and replacing the sand. Sheena called a friend and had her call and ask Barb about the same thing. Barb told Tana Taylor it was not being used for the sand because it was too costly and Barb also told her that Fallon County is a rich County and Tana took it Barb meant, Fallon County should be responsible to pay for this because they are a rich County. Sheena stated she had 4 pages she wanted to read to the Commission and stated they are taking the matter up with the Commission because it was something that was already voted on and the renters did not get a chance to be heard by the Fair Board. Where is the money allocated to? Who all is being charged? How will they monitor this? There was no fee when the Fair Board first started. Will the 4H kids be charged for the use in this also? There is dog agility held there and other animals. Commissioner Ranum discussed she thought there were no dogs allowed there. Sheena stated the owners are there with their dog and they have agility classes. Commissioner Afrank felt that it was unleashed dogs they were talking about. Sheena stated what I'm saying is there are more than 4H horses there, there are all other animals there; along with

the Eastern Montana Horseshow Circuit, play days and little rodeos and open class events show has nothing to do with 4H. We just don't think it is fair because if one should have to pay, they all should. Since the County put the barn in, are they going to allow this fee to be charged? We don't have to pay to use the lake, etc. As a renter she pays stall rent to keep tack there and hay there and pays a deposit for damages that her horse may make. Is it just a winter month fee? She was told this fee would be good through April. Commissioner Afrank raised his concerns about the hay causing fires. Commissioner Ranum asked if they had fire extinguishers available. Sheena does not know if they have but feels they must. These are their concerns. Sheena asked this question before in the paper and Wanda Pinnow answered; it is used for repairs for the barn and wants to know how much money they have collected since 2006. They did get the quote for the sand and it was in excess of \$20,000.00. Since they are not going to replace the sand are they still going to assess the 25.00 fee? Commissioner Afrank stated you will never pay off the cost of the sand for over 30 years. Commissioner Rieger stated she wants to know who is going to pay. They pay for lights, etc also. Commissioner Rieger stated she should take this to the Fair Board and the Commission will meet again with Sheena on the 27<sup>th</sup>. Sheena stated they pay \$30.00 now for stall rent; they raised tack stall to \$15.00, if they can share it, because they can use the stall as a horse stall and Sheena stated she can understand that. Commissioner Afrank feels out of state people need to pay a fee and also wonders how they are going to monitor it. Commissioner Afrank questioned whether it was on the agenda. Commissioner Afrank suggests we have them attach their agenda to the minutes also when they send them to the Commission. Sheena will return to meet with the Commissioner's on the 27th.

Commissioner Rieger will try to attend the Wind Farm meeting with Clearwinds on Friday at lunch time.

Randy Hoenke, Baker Rural Fire Chief met regarding the Baker Rural Fire building. Randy was given the resolution on the CMAR. Randy wondered if since they approved the resolution, now they could proceed with the dirt work. Dirt work and hooking up sewer and water is the only thing they will do. Randy said everything will be published for two weeks. They have asked Ken Griffith to give an estimate with the new steel building they are promoting and Fisher also has steel buildings so they will also get a quote from Fisher, this will just be before they would go out to a bid. They are asking for an engineering estimate. If you have another company you want the Fire Department to ask feel free. Commissioner Afrank stated to make sure they know it is just a quote, not a bid. Rich Batterman, County Attorney was called and placed on speaker phone regarding the CMAR resolution. Randy asked can we proceed with the dirt work. Randy felt in a code someplace the CMAR takes all the risks for the building. Rich stated the Commission feels the bid needs to be published. Randy said the CMAR is adamant that he just solicits costs and does not need to advertise and then just picks the one that is advantageous to Fallon County. Rich stated you can put notice in the paper and it can be just for one week. With 18-2-502, M.C.A. you have made notice to the CMAR that he needs to advertise locally in the paper which is by way of the resolution. Randy stated do we advertise the dirt work in the paper. Rich stated just bid for one week in the paper; the CMAR does not require local advertising and that is what happened with the resolution. Randy stated so with the CMAR we did not have to solicit for bids but now that we have the resolution, we do? Rich stated yes, the Commission has the right to request you solicit bids locally and that is what this resolution allows for. Rich left the conversation. Randy had one more question, did you have a meeting with the City regarding a rental agreement on the space or how much the City would contribute to the new building. The Commission stated they have no formal agreement to see what the City is going to do. Commissioner Rieger stated the Commission still wants to see the bid specs. Commissioner Rieger asked do you understand your budget now. Randy stated he felt he did. Clayton Hornung, Mayor-City of Baker joined the discussion. Commission asked does the City have an agreement with the City and the County on the new building. Clayton stated there was no agreement other than what the City had stipulated they could furnish. Randy stated we have an automatic agreement with the City for fire protection because it is equipment used for both entities. Commissioner Afrank feels we need a mutual aid agreement with the City of Baker. Randy stated he is the first one on the chopping block. Randy does not want an open ended agreement and neither does Clayton. Clayton stated there are people out there that feel the Rural Fire

got free rent for all those years. Randy got permission from the Commission to proceed with an agreement with the City and the Rural Fire but needs to check with Rich Batterman first. Clayton stated we can also write a clause in the agreement regarding fire protection.

Clayton Hornung, Mayor-City of Baker met for a monthly reporting. The City appointed Nicole Brown as a City Judge and he understood Fallon County also did their appointment. The Commission responded, yes they did. Clayton asked if they should get the Parks Department Board together or wait to meet. Commissioner Ranum feels that it would be okay to wait. Clayton is okay with what Scott Rabbitt, Park Supervisor has done so far and feels Scott was overwhelmed with the work this year. Commissioner Ranum asked if the Solar Bees should be checked by Scott or whom. Commissioner Afrank feels Scott has too much work. Clayton stated Scott may need an assistant when they are by themselves. Commissioner Afrank stated Alba could take charge of putting Solar Bees in and taking out. Commissioner Afrank had hoped Eric Kary, Golf Course Supervisor and Scott could work together during those times they are working by themselves. Clayton convinced the Council to order a Solar Bee and wondered if the Federal Mineral Royalty monies could be used for this. Clayton wants a good one for the 1<sup>st</sup> cell. North Baker Water Sewer could put one in the 2<sup>nd</sup> cell. 3<sup>rd</sup> cell could get one from the Golf Course. Commissioner Afrank stated they should get the 24 hour one without brushes. Clayton asked if the County would be able to help the City out. It was explained the FMR monies will be used to help the Baker Rural Fire District with their building. Commissioner Rieger asked did you budget for a fire truck. Clayton stated yes it is in the budget. The City's gas well was discussed. Clayton asked Commissioner Rieger if they need to meet with Christina Shepherd, Rec Director. Commissioner Rieger feels it would be a good idea. Joyce Straub property was all annexed into the City; Clayton wondered if the road could stay on the County program and the City will pay for it. The Commission agreed they would keep it on the program and contact the City and they will pay for it.

**COMMISSION SIGNED THE FOLLOWING ROAD EASEMENTS:**

Bryant G. and Elizabeth A. Steen-Section 11-9-60-Corrects easement document #90651-Book 167 Miscellaneous, Page 57.

The Commission reviewed and approved the minutes for October 6- October 9, 2008.

The Commission received a copy of the audit report for School District 12 for Fiscal Year end June, 2008.

David Espeland, CEO-Fallon Medical Complex called and stated he is having Star Service replace all of the old faucets in the Nursing Home. David wondered if the Commission wanted the facets replaced in Parkview I also. The Commission felt this would be a good idea.

Commissioner Ranum signed the certification of completion and status of funds report for the preliminary engineering study of the North Baker Wastewater System. The report will be mailed to the Department of Commerce.

Adjourned.  
s/Deb Ranum, Chairperson

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