

Monday, April 13, 2015

9:00 AM CONVENE

PRESENT William L. Randash, Chairman; Steve Baldwin and Deb Ranum, Members, Lani DeBuhr, Clerk

9:00 AM Bobby Wiedmer, Road Foreman and **Alba Higgins**, Shop Foreman

ROAD/SHOP REPORT

Blading of Roads: Alba reported all blades are out working roads now.

County Road Pickups: Quotes are still being worked on for the new pickups. When the pickups are purchased Alba said they plan on sending the 2 white Rangers, purple Ranger, and S10 to auction. The other pickups may be sent to other departments to be used. The Fairgrounds is interested in one of the pickups and Alba suggested the blue F150. This pickup would replace the 2 Dodges at the Fairgrounds. One of the Dodges could be sent to auction and the other one could have a water tank put in it and be used to water the flowers around town.

County Side by Side Repairs: Golf Course Side by Side is an older Jacobsen with a steering problem that has made it inoperable. Alba is trying to determine if parts can be ordered to fix it & how much it would cost. Landfill Side by Side has an oil leak, Mitch is trying to determine source of leak so the landfill can continue using it.

Tow Bars for Pickups: Alba has contacted a couple vendors and looked online for pricing. The cheapest price he has found thus far is with Hitchworld online. Commissioner Baldwin suggested calling other vendors for prices on the bars and will get Alba vendor numbers to call.

Culverts: Bobby is going to send someone up to Billings to get new culverts.

Calumet Bridge: Bobby talked to the State about the Calumet Bridge and they said they did not know anything about the bridge as it wasn't on the state inspection list due to its small size. They said it would be the county's responsibility to replace it and it shouldn't be a steel culvert. Bobby told them Brosz Engineering has done the hydrology study and it will be a box culvert, not a steel culvert. Bobby said the bridges are being prioritized based on condition of bridge and the Sparks & Kramlick are top on the list.

Steve Beylund's Mulchers- Commissioner Ranum asked if Alba had went and seen Steve's mulchers and what his thoughts were. Alba said they don't rake like ours do and our tractors wouldn't be able to pull them so he isn't sure what we would gain by having them.

9:35 AM Shannon Hewson, Brosz Engineering, joined meeting and Alba Higgins left meeting.

North City Shop Bridge- Shannon received an email from Mid-Rivers regarding the fiber lines that are hanging on the current bridge. Mid-Rivers said they are having a hard time getting an easement from the landowners to move these lines. The landowner has expressed concern that putting this new bridge in will create truck traffic on the road. Shannon and the commissioners are confident this would not happen. Bobby will talk to landowner more about the easement and the corridor planning for that area.

Calumet Bridge- Shannon spoke with MDT regarding the bridge and they said it has to be a 25 year structure and is a county responsibility as the work is considered "maintenance". Brosz Engineering is still waiting on 2 permits, one from the Fish, Wildlife & Game and the other from the Army Corp of Engineers. He thinks getting the Fish, Wildlife & Game permit shouldn't be a problem as this bridge is upstream from the Sparks Bridge that has already been approved by the Fish, Wildlife & Game. Prior to the Corp permit being given an easement from the landowner has to be received. Once these two permits are received the planning department can advertise to get the local permit and then the project can go out to bid. Shannon reiterated it is not a quick process and will take some time.

Sparks Bridge- Commissioner Baldwin confirmed with Shannon that the bypass for this bridge is on the east side, Dean's side. Darcy Wassman, County Attorney is working on a maintenance agreement between the landowners and the county. Shannon will stop in to see Darcy to discuss separating the maintenance agreement from the temporary easement with the landowners.

Hwy 7 Ditch: The ditch along Hwy 7 by Spiffy's is getting clogged with dirt and garbage. Bobby said the ditch on the east side of the highway has been partially cleaned but wasn't dry enough to complete it. Bobby will talk to Lance Wedemeyer, Public Works Director for City of Baker, about working together to clean out the rest of the ditch in that area.

1st Street Culvert: Commissioner Randash said the culvert on 1st street needs to be looked at as is it in bad shape. He asked Bobby to go look at the culvert to determine what needs to be done. Bobby said the culvert was cleaned out about 4 years ago but it may need to be replaced, he will go look at it.

9:55am- Bobby Wiedmer left the meeting.

Napa Retaining Wall- Shannon brought the Army Corp of Engineers permit application to have the commission sign it. He is submitting this application for the wall by itself, rather than as an amendment to the Lower Baker Lake Channel project. Commissioner Randash signed permit.

Channel pipes from Upper to Lower Lake- Commissioner Ranum asked if the seals have been put on the lower channel pipes. Shannon said the seals & bands have been put on all pipes although one of the bolts was stripped. Shannon is contacting Cretex to ask what their recommendation is to repair the stripped bolt and will get their recommendation in writing.

Upper Baker Lake Phase II- Shannon said it is almost done and he has given Diamond J a punch list of things they need to finish up before seeding. Shannon spoke with the Department of Natural Resources & Conservation (DNRC) about the progress and they stated they want Brosz Engineering to do an inspection of the dam every year once the project is complete.

Upper Baker Lake Phase III- Shannon asked how the commissioners want to proceed with this phase. Shannon is concerned that there may be issues with Phase III. He said there would have to be compulsory mitigation on it due to it being in a wetland. He also mentioned the existing plastic culverts would need to be lowered if they proceed with Phase III. No decision was made on proceeding with Phase III at this time.

10:15am- Shannon Hewson left the meeting.

10:30-11:40AM- CORRIDOR PLANNING STUDY CONFERENCE CALL

Commissioners attended and participated in the Corridor Planning Study Conference Call. The next meeting will be May 5th, time will be determined at a later date.

11:45 AM PUBLIC COMMENT

11:50am- Mona Madler with SMART joined meeting for public comment.

Millennium Project Sidewalk: Ruth Deviney gave SMART the names she wants put on the Millennium Project sidewalk. It will read "In Memory of Erika Nicole Deviney & Carl Deviney".

TransCanada Contribution: SMART received \$6500 from TransCanada towards the Baker Lake Tributary which is the creek that runs through McClain Park. TransCanada has a blog area on their website where they published an article regarding their community involvement in contributing to the tributary. Mona shared the article with the commission to get their feedback on it. The commission supported the article written.

Canadian Press Visit: Alex Panetta with Canadian Press will be here on April 22nd-23rd. On April 22nd he will meet with Mona, Mary Beck from Russell's, and Mike Griffith from Griffith Excavating to discuss the opportunity of the Keystone Pipeline & the affects the oil prices have on our community. On April 23rd he will go with the Commission to see the area designated for the TransCanada Marketlink.

CTEP: Jolene from Peaks to Plains will be sending the commissioners the CTEP report.

12:10 pm- Mona Madler left the meeting.

12:15pm RECESS

Commisioner Ranum made the motion to recess. **Commissioner Baldwin** seconds the motion. 3 Ayes. 0 Nays. Motion carried unanimously.

Noon Recess

1:15 PM RECONVENE

PRESENT William L. Randash, Chairman; **Steve Baldwin** and **Deb Ranum**, Members, **Lani DeBuhr**, Clerk

1:20 PM Jason Rittal, Eastern Plains Economic Development Corporation

Tiger Grant: The deadline for applying for this grant is June 5th with the pre-app being due May 4th. The Commission is wanting to hold off on applying for the grant this year due to not having all of the plans & studies that need to accompany the grant application nor having time to gather this information before the grant deadline. Jason agreed with that decision and suggested taking steps now to prepare to apply for it in the future if it is available. Jason said the Tiger Grant is not guaranteed every year but he is hopeful that it will be available in the future. He suggested keeping track of all the information that is being gathered with the current Corridor Study, to begin setting aside money for the County's local contribution that will be required if they receive the grant in the future and possibly seek out state dollars. Commissioner Baldwin asked Jason how much the County's contribution would have to be and he said the average contribution is \$3.50 of local funds for every \$1 of grant money received or at times is 20% of the total money granted.

Commissioner Baldwin made the motion to table pursuing the Tiger Grant at this time.

Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. Motion carried unanimously.

Canadian Press Meeting: Commissioner Baldwin invited Jason to accompany the Commission on April 23rd when they meet with Alex Panetta from the Canadian Press. Jason said he will plan on attending and to let him know the time when they find out.

Fallon County Capital Improvement Plan: Jason handed out the Fallon County Capital Improvement Plan and asked for an input session to discuss it at a later date. He would like to look at the budgets from FY 2014-15 to determine what portion of the revenue was spent on capital projects. Then from there they could look and map out what future capital improvement projects they would like to focus on for the current upcoming fiscal year.

Commissioner Ranum shared with Jason there have been changes made to the Lower Baker Lake Drainage Project due the Core disagreeing with the project.

The Commission and Jason discussed the status of projects that are nearing completion and whether they can be removed from the plan. The Boy Scout Building is almost complete and can be taken off, the Skate Park and the Plevna Park are getting close to completion but may need to stay on the plan due to rock work and other landscaping work still needing to be done.

Jason asked if he could meet with Brenda Wood; Clerk & Recorder, Barb Ketterling; Treasurer and the Commission for a couple of hours to review budgets, review the capital improvement plan and make decisions regarding future capital improvements. The meeting was set to Thursday, April 30th from 10am-12pm. Prior to the meeting Jason would like the Commission to review the plan and budget and take notes of ideas or comments they would like to discuss at the meeting. Lani DeBuhr will contact Brenda and Barb about meeting.

Jason asked if a CD could be made and given to him with pictures of all assets. He would like to use these pictures to include in the Capital Improvement Project Plan. Lani DeBuhr will ask Joe Janz, Outside Building Maintenance Supervisor, if he has the photos to put onto a CD.

2:20pm- Jason Rittal left the meeting.

2:25PM Bobby Wiedmer, Road Foreman

Bobby went to look at culverts after his morning meeting with the Commission.

1st Street Culverts: Tops of culverts are fine, but the bottoms are rusted. There are 2 of them and they are rounded on top, flat on bottom. The end walls are wooden and the water is coming around these end walls and washing dirt from around them. He said they need to be replaced but it isn't a dangerous situation right now.

Culvert by Conoco building: The culvert needs to be cleaned out and Lance Wedemeyer, Director of Public Works for City of Baker, is going to go clean it out.

Nelson Culverts: Lance and Bobby went over to Nelsons and ordered culverts to put in there.

2:30pm- Bobby Wiedmer left the meeting.

2:30 PM CLOSED SESSION/PERSONNEL

2:40 PM LAWLAR SEWER ISSUE- Amber Lawlar; Member of the Public, **Rich Menger;** Sanitarian, **Darcy Wassman;** County Attorney

Amber came in to respond to the letter she was mailed on March 29, 2015 from Commissioner Randash stating the Commission is not responsible for DEQ regulations her and her husband were required to follow nor the cost associated with it. Amber said she disagrees and feels the county failed to advise her correctly on the process to repair and replace her sewer line and therefore is responsible. Commissioner Randash said they are doing what is in the best interest of all tax payers and what their attorney and previous attorney advised them to do.

Amber asked Commissioner Baldwin if he was able to look at the letter she brought in from DEQ. Commissioner Baldwin said he has not been able to look at it but has attempted to call the DEQ person to no avail. Amber gave him the letter she received from DEQ regarding the issue.

Amber said they were having sewer line problems in the fall but were not able to dig up the ground until the spring when her brother-in-law could dig it up. She said when they were ready to start digging she got permission from Mike Rinaldi, previous Fallon County Sanitarian, to start digging. Her brother-in-law, Bobby Thielen, dug the line up and afterwards she was sent a letter from the county telling her to stop any activity on the sewer line due to it being in a flood plain. Commissioner Baldwin asked Rich Menger, Sanitarian, if Mike was wrong for telling Amber she could start digging to begin with. Rich said no, that was right because anytime there is a possibility of raw sewage being exposed it needs to be fixed immediately. After receiving the stop order notice Amber said she applied for an emergency floodplain permit rather than a regular floodplain permit so that they could fix the line right away. She said she didn't get an emergency permit denial letter but rather got a regular permit with no explanation. This caused a delay in them getting their sewer fixed. Darcy Wassman, County Attorney, said her being granted a regular floodplain permit was in essence the "denial" of the emergency permit. Amber said she wasn't sure about that because it gave no explanation as to why they didn't grant her the emergency floodplain.

Darcy asked Amber how she felt the county was responsible for the repairs she had to do on her line. Amber said she was not given the proper information from the county regarding what was required with fixing her line and because of that she lost time and probably spent more money. Darcy said when work is done to a sewer line that is less than 40 ft., like Amber's, it is considered "maintenance" and the home owner has the responsibility to gather the information needed to do the work and to make sure it is done. Amber said she was trying to get the information by calling Mike Rinaldi to ask if she could dig up the sewer line and then asking Mary what to do after she received the stop order. She said she filled out the paper work while sitting at Mary's desk and it was then that Mary called someone at the state about a question Amber had. Amber said she thinks this phone call was what got the DEQ involved in which it didn't need to be. Darcy said no one knows exactly how DEQ became aware of the issue but that it is a county employees right to inquire at levels "above" them such as the state department to get further clarification or instruction on matters which is what Mary was doing.

Rich Menger stated the importance of repairing a sewer line immediately because of the danger of being exposed to raw sewage. He said he was surprised how the PVC pipe on Amber's line was crushed as it could not have happened from soil action. Rich asked if something, like the backhoe may have driven over it. Amber said it was a weak PVC pipe that was used from day one when the sewer was installed originally. Commissioner Baldwin asked if anyone in the city knew about the PVC pipe in the ground and Amber said she did not know.

Amber asked Rich if she was wrong for repairing the line. Rich said no, the repair needs to happen immediately but a permit needs to be granted before any renovations on the line are done and those renovations need to meet the current DEQ standards. Amber said Jon Brosz

submitted her plan to DEQ but they made her put 2 separate sewer lines in rather than replace the original line. Darcy said this was because her line did not meet the current standards, you cannot have 2 lines coming off of the same sewer line therefore they have to be made separate. Darcy said that no matter what Amber would have had to comply with these standards and fix her lines that way and that it is her responsibility not the county's.

Amber asked Darcy about the investigation she did into the problem and questioned the thoroughness of it as Jon Brosz said he did not talk to Darcy about it. Darcy said she talked to all parties involved including Jon. Amber asked Darcy what Jon said about it and Darcy said he would have been upset if he was told to stop working on repairing his sewer line also. Commissioner Baldwin said they have not been able to talk to Jon about it. Amber asked Commissioner Baldwin to call Jon to see if they could talk to him now about the situation, he tried to call but could not contact Jon.

Amber asked what Mike Rinaldi's role was in all of this as he was the one who told her she could dig up the line. Darcy referred to Rich on the sanitarian's role in this. He said for a repair, as the Sanitarian, he would have said to dig up the line and fix it. Commissioner Baldwin asked Amber if she talked to Mike after receiving the stop order and she said she was sure she did but couldn't remember exactly when. Darcy Wassman asked Amber if she had any written communication with Mike Rinaldi and she said no, it was all done over the phone.

Amber said she thinks the county and her both share responsibility for the mess this created. She asked the Commission if they will work with her and help her out with the expenses. Commissioner Baldwin asked if her neighbors, the Erickson's, agreed to pay for some of it and Amber said yes they did.

Darcy asked Amber what part of this project the county is responsible for and if the cost would have been the same even if the delay and DEQ involvement wouldn't have happened. Rich agreed that this is important to know. Amber said she didn't know for sure but that having to wait an extra 30 days to do the work, to have to hire Jon and make the sewer line into 2 separate lines has cost quite a bit. Rich said the project had to be engineered no matter what since it was a renovation of the line and doesn't think the cost would have varied very much even with the delay. Amber said she agreed but she thinks things would have been different had they been told what to do from the start and DEQ may not have had to be involved.

Rich and the Commission discussed the DEQ role in these situations stating they are there to make sure the standards are met and that the county was not at fault for DEQ getting involved.

3:40pm- Rich Menger left the meeting.

Darcy asked Amber if she had a dollar amount she felt the county was responsible for. Amber said she didn't, she was just hoping the county would help her out with some of it. Darcy told Amber if she felt the county was responsible for part of the expense of the project she needed to determine the amount the county is responsible for. Darcy said anytime someone holds another party responsible for a financial obligation on something there has to be a value determined. Amber said she doesn't know but would like Jon Brosz her to help her figure it out. Commissioner Baldwin told Amber she needs to determine the amount she thinks the county is responsible for.

3:50pm- Darcy Wassman left the meeting.

Amber told the Commission she didn't want to cause a problem but hopes they will help her with this as she was not told the right thing to do. She said she thinks if she would have been told what to do from the beginning she wouldn't have this problem.

4pm- Amber Lawlar left the meeting.

4 PM Scott Rabbit, Parks Director

Sidewalks: Scott said this project will be under \$80,000 and therefore does not need to go out to bid. He would like Chad and Carson with Gamut Construction to do the work as they have already taken measurements and done a walk through with Scott on what the job will entail. The Commission voiced concern if the project would be done in a timely manner and Scott said it will be done no later than August. The Commission made the decision to have them do the work.

Splash Park: Scott has sent the "Invitation to Bid" for the Splash Park to Fallon County Times and it will be in the paper on Thursday, April 16th. Scott said he does not have the bid specs right now but Greg Steckler with Stahly Engineering said he will have the specs delivered to Scott no later than Friday, April 17th so he will have them for potential contractors. Scott gave a copy of the "Invitation to Bid" to the Commission for their records.

4:10pm- Scott Rabbit left the meeting.

4:10 PM Debbie Wyrick, Deputy Clerk & Recorder

Property Hail Claim: Debbie gave the commission the Property Hail Claim sheet that lists all the county assets that incurred hail damage on August 20th, 2014 and the status of their repairs. The Commission and Debbie discussed the status of what has been repaired and reimbursed so far. The roofs for the Museum, Courthouse and Grandstands are complete and we have received the insurance reimbursement for these repairs. There are still items that need to be repaired and top on the list is the Fairground and Road buildings.

Debbie said she was waiting for Terri Scherr, the insurance adjuster to give her the amended appraisals for the roof projects that were appraised initially with the wrong material being used. Commissioner Baldwin called Terri Scherr and he said he would send the amended appraisals by the end of this week.

Fairground Roofing Repairs: The Commission said it is important to try and get the fairground buildings repaired prior to the fair if possible. According to the itemized repair list from the insurance adjuster, the big barn will exceed \$80,000 to repair so Commissioner Ranum asked Lani DeBuhr to schedule a time for Richard Griffith to come in to discuss the bid specs for the big barn in order to get it out to bid soon. The other buildings are smaller projects and will only need quotes from contractors to repair. Debbie will contact Terri Scherr to ask for the itemized lists of the fair building repairs to help with getting quotes for these buildings.

Indoor Shooting Range: The building is not finished yet, but Debbie said when it is, the Commission will need to determine what insurance they want for it.

MACO: Debbie said MACO (Montana Association of Counties) will be here in June to discuss the County's insurance coverages and policies. They would like to meet with our insurance agent while here also. Debbie said she is going to call Jim Leischner, the County's insurance agent, to ask about the replacement values we have set for our buildings as they may need to be adjusted.

4:55pm- Debbie Wyrick left the meeting.

4:55 PM CLOSED SESSION/PERSONNEL

5:15pm- Commissioner Minutes: No minutes submitted for approval.

5:15 ADJOURN

Commissioner Ranum made the motion to recess. **Commissioner Baldwin** seconds the motion. 3 Ayes. 0 Nays. Motion carried unanimously.

ADJOURN
s/William L. Randash, Chairman

MINUTE TAKER:
s/Lani J. DeBuhr, Clerk

ATTEST:

s/Brenda J. Wood, Clerk and Recorder