

9:00 AM CONVENE

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

8:50am- Dave Havens, Member of the Public, joined the meeting.

9:00AM COMMISSION WORK SESSION

AGREEMENTS/MEMORANDUMS-

Department of Revenue Lease Agreement- The Commission reviewed and signed the Department of Revenue Lease Agreement with Fallon County effective July 1, 2015.

Memorandum of Understanding- The Commission reviewed the Memorandum of Understanding between Fallon County Water Sewer District and the developer High Plains Group that was drafted back in 2013 but never finalized. The Commission will have Darcy Wassman, County Attorney and Jason Rittal, EPEDC Executive Director review and update the Memorandum for High Plains Group to sign.

QUOTES-

Roof Repair Quotes- The Commission reviewed the quotes submitted by Griffith Steel to repair the hail damage on the roofs of the Fairgrounds buildings. The Commission approved the quotes.

Work Station Quotes- The Commission reviewed the quotes to build new work stations in the Clerk & Recorder's work room. Zachman Construction submitted a quote for \$6,015 to install custom made work stations. Big Sky Mini Barns submitted a quote for \$4,775 to build and install custom work stations. The Commission would like Big Sky Mini Barns to build the work stations.

Refurbish Commission Desk Quote- The Commission received a quote from Big Sky Mini Barns to refurbish the Commission Desk for \$6,850. Due to the expense and low revenues this year the Commission decided to not have the desk refurbished at this time.

COMMISSION MINUTES-

Commissioner Ranum made the motion to approve the August 17th-21st, 2015 Commission Minutes and the August 24th-28th, 2015 Commission Minutes. Commissioner Baldwin seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.

MISCELLANEOUS ITEMS-

Auction Items- Lani DeBuhr, Clerk, asked the Commission if they wanted to send all of the old cubicle partitions that are stored in the Courthouse Basement to the County Auction. The Commission said they want them sent to the auction with the understanding that new cubicles will not be purchased again for the downstairs offices as these have been available for use for several years.

CORRESPONDANCE/NOTICES-

Montana Department of Transportation- The Commission received the original Easement conveyed to the County by Frederick and Ann Hoff for highway purposes to retain for their records.

Lutheran Food Booth- The Commission received a letter dated August 26th, 2015 from Richard Batterman, Attorney for the American Lutheran Church, regarding the Surrender and Lease Agreement changes the County made. The letter states the church council will meet and respond to the changes and in the mean time they request the County give written confirmation they will not demolish the existing food booth. In response, Darcy Wassman, County Attorney, sent a letter dated August 28th, 2015 to Richard Batterman stating the County will not demolish the building until they meet with church representatives to discuss the use of the Food Booth.

City of Baker- The Commission received a copy the City of Baker's Resolution #644 dated August 19th, 2015 resolving the City formally establish and adopt a capital improvement fund.

Chamber of Commerce- August 2015 Chamber Chatter Newsletter

Department of Revenue- Office Closure Notice for September 21-25, 2015

DEPARTMENT MINUTES/AGENDAS/REPORTS/NOTICES-

Fair Board- Fair Board Special Meeting Agenda for September 2, 2015 meeting

Special Projects- Special Project Report dated 08/27/15. The report is filed in the Clerk & Recorder's Office.

Town of Plevna- Plevna Water Phase 2 Project Update for the week of 08/24/2015

Extension/County Agent- Fallon/Carter County Homemakers Newsletter/September 2015; Fallon/Carter County 4-H Newsletter/September 2015

Fallon Medical Center (FMC)- The Commission received an email dated August 28th, 2015 from David Espeland, FMC CEO. The email was regarding the problems they are having with the PVC-1 HVAC Compressor and the contractor, Jackson Construction was sent a copy of the email also.

Airport- The Commission received an email dated August 26th, 2015 from Wade Cebulski with MDT Aeronautics. The email contained the Airport's Capital Improvement Plan's Summary Report.

REVENUES-

Continental Resources, Oil/Coal/Gas Royalties- \$5,706.40

EMAILS- The Commission reviewed the emails sent to them from State agencies and other entities that required no action, discussion or decision.

10:00AM ROAD DEPARTMENT UPDATES

Present: Alba Higgins, Shop Foreman; Bobby Wiedmer, Road Supervisor

County Auction- Alba Higgins and the Road crew are starting to get everything ready for the Auction. Alba said the 6x6 Firetruck from the Plevna Rural Fire District is running and runs good. It does have a starter problem as the starter won't disengage and also has electrical problems. Alba said he will continue working on it when he has time. The Bureau of Land Management (BLM) gave the County a water tank and the Commission said they don't want it to go to Auction but may give it to the Fire Department.

Senior Citizen Bus- The older Senior Citizen bus has a wheelchair lift problem and Alba suspects the intelock went out in it. Alba said the lift will work only when you override the intelock panel. The Commission would like the bus to go to Billings to be repaired.

Fairgrounds Mule- The mule has an erratic idle and Alba has gone through it but isn't sure what is causing the problem.

Kenworth Trucks- One of the Kenworth Truck's had a power steering pump installed in it. The other needs to have a new air conditioner compressor installed.

Airport Broom- The broom was delivered last Friday to the Airport.

Roller-Packer- The City returned the Roller-Packer this morning and said there is a hydraulic leak.

Shop Gutters- Melby's Seamless Gutters measured the shop to install gutters but Alba hasn't received the quote yet.

Shop Updates- There are 2 sections left to spray for the insulation. Alba said birds like to build nests in the spray foam and suggested the Commission consider lining the insulation with tin to prevent this from happening. The foam also breaks down when exposed to UV light for an extended period of time.

Blade P75- The glass needs to be replaced in this blade before it is traded.

Mowing & Hauling Gravel – The Road crew is mowing and hauling gravel this week.

Anticline Road- The crew continues to work on the Anticline Road and has received compliments from the public on the work being done on this road.

Tronstad Culverts- Bobby Wiedmer said the culvert looks like it was set too high. Bobby said they can't take them out now but can add a 48" culvert further south to deal with the water flow instead. The Commission asked how this happened and Bobby said he suspects the Contractor didn't do what they were instructed. The Commission asked if the contractor could be held responsible and Bobby said he didn't know. Bobby said the concrete had to be laid down in the bottom so the culvert wouldn't continue to sink in the ground and this could have increased the elevation of the culvert although it wasn't intended to. The Commission would like Bobby to talk to the contractor and he said he would.

10:25am- Shannon Hewson, Brosz Engineering, joined the meeting.

Napa Retaining Wall- Shannon Hewson said they are getting close to completing the project and the next step is to put gravel on top so it ties into the wall correctly. Shannon said there isn't ground water coming into the area as they expected so they suspect the reason why the wall failed before is due to a rain gutter on the adjacent building pouring water into the channel. They are going to correct this so the water flows over the wall and they would also like to bring in borrow for fill so the channel is back to grade. Shannon said fabric was put in between the wash rock and gravel to ensure the wash rock stays clean. Bobby suggested using their cold mix for the project and Shannon said if it was ready right away it may be a possibility and would like to visit with the Contractor first. Shannon gave the Commission the Pay Application 1 from Diamond J Construction for the Commission to review and sign. Commissioner Randash, as Chairman, signed the Pay Application. Shannon said Lance Wedemeyer, City of Baker Public Work Director, asked if there was going to be a guardrail put up around the wall and Shannon told him no because it is a private alley and would be the landowner's responsibility if one was installed.

Lower Baker Lake- Deb Afrank, Member of the Public, said she would be ok with having the trees removed along her property and Highway 7 but wants the sloped embankment to be mowed. The Commission asked Shannon if the State would authorize the County to mow it. Shannon said he doesn't suspect it would be a problem but would need to discuss it with the State. Bobby said the Road Department will remove the trees. Shannon said the topography for the project is complete and now the hydrology and sizing of bridges will be done. They are also going to be doing the wetland delineations soon.

Sparks/Kramlick Box Culvert Project- Shannon said the by-passes turned out well and the project is going smoothly. Shannon said if it rains hard gravel will need to put on the by-pass and the gravel on the by-pass will be reused at the end of project. Shannon said when the Contractor started digging they found the ground is composed of clay and sand and is very firm so stabilization rock won't have to be used. The forming and rebar will be set for the Kramlick Box Culvert today. Shannon said the landowners seem to be satisfied with the

progress although Tom Sparks is still concerned with the skew of the box culvert. Shannon said there was a question if the staking was done correctly so he is going to the project today to inspect the staking and will have a surveyor come over and reset it if need be. Shannon gave the Commission the Pay Application 1 from Diamond J Construction for the Commission to review and sign. Commissioner Randash, as Chairman, signed the Pay Application.

Sanitarian- Bobby asked the Commission to talk to the Sanitarian as he heard from a member of the public that the Sanitarian is trying to dictate the contractor people should hire to do their work.

11:00am- Bobby Wiedmer and Shannon Hewson left the meeting.

11:00AM WEED BUDGET DISCUSSION

Present: Dale Butori, Weed Supervisor

Dale Butori and the Commission reviewed his budget for the coming FY2015-16. The Commission and Dale made adjustments to the Weed Budget to account for the loss of revenues. Dale said he would like to have the concrete poured this year for where his water tanks are but due to budget cuts he said he understands if it has to be put off for a year or two. Dale budgeted \$7,000 for half of a Side by Side in his capital outlay account.

11:15AM SOUTHEAST MONTANA AREA REVITALIZATION TEAM (SMART) UPDATES

Present: Mona Madler, SMART Executive Director

CTEP Project Updates- Mona Madler spoke with the engineer, J.W. Papez, with Peaks to Plains about the lack of bids for the sidewalk project. J.W. said they have 3 years for the funding to be used and he suggested it go out to bid again later this year with construction commencing in late April or May. He said the cost to advertise it again would be \$1,200. The Commission asked if Peaks to Plains has to do the advertising for the bid or if SMART can do it and Mona said she doesn't know.

Mona said the main contractor who is awarded the bid can use subcontractors but has to do 40% of the work themselves. Mona said there was concern on the two ADA corners on Dakota Ave. off 5th St. not being in the project plans and said she talked with Lance Wedemeyer, City of Baker Public Works Director in March and he said the two corners were going to be part of the City's Dakota Ave. Project and was taken out of the CTEP plans.

11:25am- Clayton Hornung, City of Baker Mayor, joined the meeting.

Clayton Hornung said he wasn't aware Lance agreed to include the two corners in the City's project until after the fact and isn't sure why Lance agreed to that since the property owners are responsible for the cost of installing curbs and gutters for the project. Clayton said the bid they received for the project was very high and because of that they are breaking out the costs for the curb and gutters in order to lower the cost for the property owners. The Commission said the work for the two corners should go into the CTEP project as was originally planned and not be included in the City's project. Mona said the cost of the two ADA corners would be \$6,000 and will talk to J.W. to see if the corners can be added to the plan and what the cost would be to do it. Clayton and the Commission reviewed a map of Dakota Ave. to determine what the County and City's responsibility is for that area.

Veteran's Memorial Updates- Mona said they have 6-8 Veteran names to add to the Veteran's Memorial and asked the Commission for approval to add them to the Memorial. The Commission gave Mona their approval and asked her to have the names with concrete on them to be cleaned up at the same time. Mona gave the Commission ideas she found for a POW memorial to be built. The Commission chose one they liked and Mona will proceed in determining the costs to build it. The Commission verified with Mona that all the flags are being flown correctly at the Memorial.

Port Authority Updates- Mona said she submitted a grant request for an Urban Renewal Plan Match Grant of \$22,000 and has been asked to submit additional information for the grant.

11:45AM PUBLIC COMMENT

No one appeared for Public Comment.

12:00pm- Dave Havens and Mona Madler left the meeting.

12:00PM NOON RECESS

Commissioner Baldwin made the motion to take a noon recess. Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.

1:00pm- Dave Havens, Member of the Public, joined the meeting.

1:00PM STAGE 2 FIRE RESTRICTION DISCUSSION

Present: Tom Muckle, Rural Fire Chief

The Commission asked Tom Muckle about the email they received regarding the Stage 2 Fire Restrictions. Tom said he talked to Baker Fire Chief Bruha and Plevna Fire Chief Sanders about the Stage 2 Fire Restrictions and they said they don't think the restrictions should be imposed in Fallon County at this time. Tom said he agrees with them and said Governor Bullock's Fire Restriction recommendation was due to all the fires in Western Montana, not Eastern Montana. Tom said he received an email from Chuck Lee, 911/DES Director on Friday regarding the weekend fire conditions and advised the Fire Departments to tell people not to burn if they

were asked.

Tom said he received a Fire Grant this year that he plans to use for hand tools but hasn't received the funds yet. He asked the Commission if he could purchase the hand tools with County funds and then reimburse the County when the grant funds are received. The Commission gave Tom permission to do this.

1:05pm- Tom Muckle left the meeting.

1:15PM FY2016 BUDGET ADOPTION HEARING

Present: Brenda Wood, Clerk & Recorder; Jason Rittal, EPEDC Director

Brenda Wood gave the Commission a copy of the FY2015-16 Revenue and Expenditure Budget Report, the Tax Levy Requirements Schedule and a copy of the Expected Revenue for FY2015-16. The Commission, Brenda and Jason Rittal reviewed the Capital Improvement Plan to ensure the items scheduled for in FY2015-16 were budgeted for. Brenda said the carry-over from the previous year and the Commission doing budget cuts in each department helped with the budget balancing even with the loss of revenues. The Commission authorized Brenda to put excess Revenue into the Capital Improvement Fund for future projects. The budget and all reports and schedules are filed in the Clerk & Recorder's office.

Commissioner Baldwin made the motion to adopt the Budget for FY2015-16 as presented. Commissioner Ranum seconded the motion. Commissioner Randash asked for discussion. Commissioner Ranum said although the budget is approved all Department Heads, especially Scott Rabbitt, Parks Director need to get approval for any purchase over \$1,000. 3 Ayes. 0 Nays. The motion carried unanimously.

The Commission signed the 2015-04 Resolution Adopting Budget for FY2015-16.

**2015-04
RESOLUTION OF THE COMMISSIONERS
OF FALLON COUNTY, STATE OF MONTANA
ADOPTING BUDGET FOR FY2015-2016**

WHEREAS, the County Commissioners of Fallon County, State of Montana, pursuant to Section 7-6-4024, MCA, held a public hearing on August 31, 2015 at 1:15 PM in the office of the County Commission for the purpose of adopting the FY 2015-2016 budget;

WHEREAS, no public comment was received either for or against said budget for FY 2015-2016;

WHEREAS, the Fallon County Commissioners left the mill levies the same as last year;

WHEREAS, the Fallon County Commissioners have determined that there is and will be sufficient funding available throughout the year to offset said expenditures;

NOW, THEREFORE, BE IT RESOLVED that the County Commissioners of Fallon County, State of Montana, pursuant to Section 7-6-4030, MCA hereby declare, decree and order the adoption of said budget for FY 2015-2016.

BE IT FURTHER RESOLVED that the above designation shall be effective as of July 1, 2015.

Introduced and passed 3 **Ayes;** 0 **Nays;** 0 **Absent**

**FALLON COUNTY COMMISSIONERS
Fallon County, Montana**

s/William L. Randash, Chairman s/Steve Baldwin, Member s/Deb Ranum, Member

ATTEST:

s/Brenda J. Wood, Clerk and Recorder

2:00pm- Brenda Wood and Jason Rittal left the meeting.

2:10PM MECHANICAL TECHNOLOGY INC. (MTI) AGREEMENT

Present: Lynda Herbst, Inside Building Maintenance Supervisor

The Commission reviewed the MTI contract to determine what services they are receiving. The Commission said the Hospital is having problems with MTI changing their filters and asked Lynda Herbst if the filters at the Courthouse are being changed. Lynda said they are doing them and she has been pleased with their service. The Commission will review the MTI diagnostic reports for the past year and discuss it during their next meeting.

2:20PM LUTHERAN BOOTH PLAN

Present: Richard Griffith, Griffith Steel; Jerrid Geving, Fair Board Member

Richard Griffith gave the Commission a memo regarding questions he had about the Lutheran Booth and the steps to take during construction. The Commission will review the memo and schedule a time to meet with

Richard once all questions can be answered.

Jerrid Geving asked if the Commission can give him an answer on when the building will be constructed as the building will be needed in June if Baker's bid for the High school National Final Rodeo is accepted. The Commission and Jerrid suggested holding off on the Lutheran Booth project due to the disagreement of the Surrender and Lease Agreement potentially slowing the process of the building being torn down and being built by June. Commissioner Ranum suggested tearing down and building the Taco Stand this year if an agreement can't be made with the Lutherans.

Dave Havens, Member of the Public, asked the Commission if he could make a comment and was given permission. Dave asked why a contract or agreement with the Lutherans is even needed. He said he was speaking on behalf of the public and said the Food Stand built for the Lutheran's to use would be a public owned entity and the County shouldn't be expected to enter into an agreement when they are the ones paying for the building.

2:30pm- Richard Griffith and Jerrid Geving left the meeting.

2:35PM CONTRACTED PLANNER DISCUSSION

Present: Mary Grube, Planner Administration Assistant

Mary Grube said she has not received a detailed invoice from Faron Henderson, Contracted Planner, yet nor seen him recently. The Commission asked Mary if she could do the Flood Plain duties and Mary said yes as it is mainly paperwork and she is studying to take the Flood Plain test during the next AM conference. The Commission asked if Faron takes files with him to do his County work and Mary said he did until some files were lost or misplaced. Mary said she is concerned Faron is charging for work he isn't doing. The Commission said they were hopeful Faron would work out well as the Contracted Planner but now it seems Faron has lost interest in the job.

2:45pm- Mary Grube left the meeting.

2:45PM GOLF COURSE BOARD UPDATES

Present: Matt Mettler, Lakeview Country Club Board Vice President

Matt Mettler came in to let the Commission know Mike Gentilini, Lakeview Country Club Board President acted on his own when telling the Commission the Board didn't want Scott Rabbit, Parks Director and his employees to be at the Golf Course as it was not a Board decision.

The Commission asked Matt to remind Eric Kary, Golf Course Manager, to get Commission approval before spending over \$1,000. Matt said they could do that and asked if the Commission expected the Board to give Eric direction or if that was the Commission's responsibility. The Commission said they give Eric approval to purchase things but they expect the Board to supervise and give Eric direction on what they want done at the Golf Course. The Commission explained the role the Fair Board and Weed Board have with their managers. The Commission asked Matt to give them a copy of their monthly Board minutes and he said he would do that.

3:10pm- Matt Mettler left the meeting.

3:10pm- Chuck Lee, 911/DES Director, joined the meeting.

911/DES Training- Chuck joined the meeting to ask the Commission for permission to attend a National Emergency Training in September 2015 and a FEMA training in November 2015. The Commission gave Chuck approval to attend these trainings.

3:15pm- Chuck Lee left the meeting.

3:20pm- BOARD RESIGNATION

The Commissioner received a letter from Mike Stark, Rifle Range Board Member, stating he was resigning from the Rifle Range Board.

Commissioner Ranum made the motion to accept Mike Stark's resignation from the Rifle Range Board. Commissioner Baldwin seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.

3:30PM JUSTICE OF PEACE ADDITIONAL OFFICE HELP DISCUSSION

Present: Nicole Benefiel, Justice of Peace

Nicole Benefiel asked the Commission to approve her hiring someone on a temporary basis to go through the records in the basement. Nicole said the person would need to go through all of the files as she doesn't think it has ever been done. The position could last a year and she would like to have her part-time employee, Linda Kinell do it. Nicole has talked to Linda about increasing her hours to do the record retention work and Linda would be able to do this. The Commission approved Nicole increasing Linda's hours to do the retention work. The Commission asked Nicole to talk to Debbie Wyrick, Deputy Clerk & Recorder, about Linda's hours being increased.

4:00pm- Dave Havens left the meeting.

4:00PM CLOSED SESSION/BOARD RESIGNATION

4:30PM CULVERT REPLACEMENT BY PRAIRIE STREET DISCUSSION

Present: Dave Havens, Member of the Public; Shannon Hewson, Brosz Engineering; Bobby Wiedmer, Road

Supervisor; Clayton Hornung, City of Baker Mayor; Lance Wedemeyer, City of Baker Public Works Director

Dave Havens said he wanted everyone present to know about the water issues he is having with water collecting around the old Conoco Phillips building. Dave said he has talked to the Montana Department of Transportation and they told him they were not responsible for the drainage of that area. Dave said he would like to lay asphalt on the north side of the building eventually but with the current drainage it wouldn't be feasible. Shannon Hewson said the current culvert is undersized and suggested putting a 24 inch culvert with a 1 foot cover on it. Bobby Wiedmer said there is a Mid-Rivers cable line that sits on top of the culvert and this dictated the size of the culvert they installed. The Commission asked Bobby to get a one locate to see if the cable line is still there and if so ask Mid-Rivers to move it.

Shannon said the washout from the road and the sediment that settles at the mouth of the culvert is also adding to the problem. He said if a culvert was installed it would cause the water to flow faster and no longer collect around the building. Shannon said until the street is paved the sediment will continue to settle and the debris will continue to gather in places and require the culvert to be cleaned out regularly. Lance Wedemeyer suggested looking at assessing SIDs to the landowners on the road in order to get the road paved or culverts and gutters installed but Clayton said he isn't hopeful the landowners would agree to this as that is probably the reason the road is still dirt. It was suggested a curb and gutter be installed along Dave's parking lot so the dirt and debris wouldn't collect in his parking lot. Dave said he isn't opposed to installing curbs and gutters but it wouldn't fix the problem of the dirt and debris coming onto his parking lot.

The Commission said they would like to proceed with having the culvert replaced to take care of the water drainage problem. Dave said after the culvert is replaced he can work with Shannon to deal with the dirt and debris that collects on his parking lot. Clayton Hornung asked Dave to come up with a plan to present to the City when he decides what he wants to do with the curbs and gutters along his parking lot and if an SID will need to be assessed to pay for it. The Commission asked Clayton why a property owner would be responsible for correcting the street problem. Clayton said a property owner is responsible for having they're road paved and having curbs and gutters installed and the City maintains it. Commissioner Randash suggested routing some of the water to the north side of the street with more culverts but Shannon said he didn't think that would resolve the issue. The Commission would like the 24 inch culvert put in and asked Shannon to proceed with getting it drawn up to ensure it is done correctly and won't interfere with any future plans the City has for the area. Shannon reminded the Commission the County would need to get a permit before any work is done to replace the culvert.

5:20pm- Bobby Wiedmer, Dave Havens, Shannon Hewson, Clayton Hornung and Lance Wedemeyer left the meeting.

5:30PM ADJOURN

Commissioner Baldwin made the motion to adjourn. Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.

ADJOURN
s/William L. Randash, Chairman

MINUTE TAKER:
s/Lani J. DeBuhr, Clerk

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