MONDAY, SEPTEMBER 28TH, 2015

9:00AM CONVENE
Present: William Randash, Chairman; Steve Baldwin, Deb Ranum, Members; Lani DeBuhr, Clerk
FALLON COUNTY COURTHOUSE

8:55am- Dave Havens, Member of the Public, entered the meeting.

9:00AM COMMISSIONER WORK SESSION

AGREEMENTS-
Short Form Agreement- The Commission reviewed and Commissioner Randash, as Chairman, signed the Short Form Agreement with Kadrmas, Lee & Jackson, Inc. to perform Planning Services for Fallon County effective September 29, 2015.
Building Demolition Agreement- The Commission reviewed and Commissioner Randash, as Chairman, signed the Building Demolition Agreement with Ken and Tonya England for tearing down a home, garage and tree on 1st Street.

BUDGET REPORTS-
Fallon County Budget- The Commission reviewed and Commissioner Randash, as Chairman, signed Fallon County’s Montana City/Town/County Final Budget Document for Fiscal Year ending June 30, 2016.
MAEFAIRS Montana Office of Public Instruction- The Commission reviewed and Commissioner Randash, as Chairman, signed the MAEFAIRS Montana Office of Public Instruction FY2015-16 Budget Report for Baker K-12 Schools.

PERMITS-
Approach Permit- The Commission reviewed and Commissioner Ranum signed the Approach Permit submitted by Montana Dakota Utilities to install an approach to their existing substation.

CLAIMS APPROVAL-
Claim Approval- The Commission reviewed and Commissioner Randash, as Chairman, signed a Claim to pay Veto Enterprises $47,400 for the purchase of a 2015 Expedition for the Sheriff’s Department.

MISCELLANEOUS-
CTAP Funds- The Commission mailed a letter dated September 16, 2015 to Allison Mouch, Community Planning and Assistance Program (CTAP) Bureau Chief requesting funding to update the County’s 2013 Growth Policy, to update the Subdivision Regulations and Local Administrative process and to adopt the Lakeshore Protection Regulations.
Keystone Work Camp- Rich Menger, Sanitarian, completed and Commissioner Randash, as Chairman, signed the Montana Department of Public Health & Human Services Work Camp Plan Review for the Keystone Work Camp.

CORRESPONDENCE-
Kinsey Auctioneers- The Commission received a detailed list of the items sold at the County Auction along with the winning bid for each item from Kinsey Auctioneers.
Baker Lake Mitigation- The Commission received an email dated September 16, 2015 from Jeffrey Olsson with DOWL Engineering notifying them that DOWL Engineering is identifying activities that may require permitting such as geotechnical borings, monitoring wells and water quantity and/or quality sampling devices and they will do the research on what types of permits are required.

The Commission received a copy of an email dated September 20th, 2015 that Tom Parker with Geum Consulting Inc. sent to Monica Heimdal, Environmental Protection Agency (EPA) and Todd Tillinger, Army Corps of Engineers regarding the Baker Lake Mitigation Project. The email was sent as an introduction and explained the steps that Fallon County is currently taking with the Baker Lake Mitigation Project.

Property Insurance- The Commission received an email from John Des Roches with EMC Insurance Companies notifying them of the adjuster’s appraisal on the damages to the Library Roof.

GENERAL JOURNAL ENTRY APPROVAL-
The Commission reviewed and Commissioner Randash, as Chairman, signed the following journal:
Journal 149—Move claim 54361-DOJ/CJIN to 911 Fund from Dispatch
REVENUES-
Montana Department of Revenue, House Bill 124 Entitlement Share Tax Repayment- $136,649.94; State of Montana, 1st Quarter Oil and Gas Production Distribution 2015- $1,916,576.11; Daniel Albrecht, Encroachment Permit- $150; Sands Oil, Oil & Gas Royalties- $99.95; Continental Resources, Oil/Gas/Coal Royalties- $4,552.78

DEPARTMENT MINUTES/AGENDAS/REPORTS-
Special Projects- DuWayne Bohle, Special Projects, submitted a Special Project Report dated 09/24/15 to the Commission. The report is filed in the Clerk & Recorder’s Office.
Treasurer- Cash Receipt Balancing Report with a Treasurer’s Balance of $92,177,292.66 at the close of business day on July 31, 2015 and a Cash Receipt Balancing Report with a Treasurer’s Balance of $92,688,535.44 at the close of business day on August 31, 2015.

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

10:00am- Dave Havens left the meeting.

10:00 AM OLLIE ROADS TOUR
Present: Bobby Wiedmer, Road Supervisor
Bobby Wiedmer took the Commission to Ollie to look at roads in that area. Bobby demonstrated the stabbiness of the shoulders and the feasibility of drivers being able to pass one another on the road as he has been receiving complaints that the shoulders are soft and the roads are too narrow.

Bobby said they hauled material to the bridge going into Ismay.
The Commission and Bobby drove down the road in front of the businesses north of town. The Commission said one of the business owners would like scoria or gravel placed on the road and the road maintained. The Commission and Bobby said if they were to place scoria or gravel on the road and maintain it the businesses would no longer be able to use the road as a parking area. This will be discussed with the business owners to find out what they would like to do.

11:00am- Dave Havens, Member of the Public, entered the meeting.

11:00AM BAKER LAKE MITIGATION PROJECT
Present: Tom Parker, Guem Consulting Inc.; Rich Menger, Sanitarian; Mary Grube, Planner Administrative Assistant
The Commission, Tom Parker and Rich Menger met to discuss the feasibility of the Environmental Protection Agency (EPA) approving the Baker Lake Mitigation Plan that Tom is working on. Tom said he has talked to the EPA about the Afrank property and advised them he will be submitting a different impact statement than the one the EPA created as he thinks the impact areas were measured incorrectly. Rich presented pictures to the Commission of the Afrank Bed and Breakfast in 2003, prior to the river rock being removed in 2005 when the County truck was sinking through the ice. Rich said the pictures show there hasn’t been any addition to the Afrank shoreline as the shoreline in 2003 was very much the same as it is now except the river rock is now gone and dirt and grass remain. Rich said he thinks the EPA made the correlation of finding concrete on the north side of property as proof the Afrank shoreline has been added onto. Rich said the concrete on the north side of the property is material from the Longfellow School that burned down many years ago and was dumped in that location, long before the Afranks owned the property. Tom said he thinks the EPA will be receptive to more detailed analysis they receive from the County when the plan is submitted. Tom said although they will be giving the EPA more data, the plan will address everything in the EPA’s original Administrative Order and will strive to meet each requirement. Tom said if there is something they have requested that cannot be done he will be providing a good explanation on the reason why.

11:15am- Shannon Hewson, Brosz Engineering, entered the meeting.

Tom said he is here this week to take a closer look at all the pieces and refine items for the plan. He brought a member of his staff to do the wetland delineation that will be included in the plan. Tom said DOWL Engineering will be collecting survey, lake depth and soil data and be putting in ground water wells and this information will help him develop the restoration plan. Tom said DOWL will also be collecting data to support the floodplain plan. Tom explained to the Commission the monitoring wells will be put between the two dams because that area is where the restoration and construction of wetlands will occur at the same time.

11:20am- Karen Banister, Museum Curator, entered the meeting.

The Commission talked to Tom about the impact of the NAPA Retaining Wall on the spillway and asked if that method could be used to keep the drainage through town clean. Tom said he wasn’t sure and that it would be a design element the engineers could look at. Tom said it is possible for the sediment to flow through the...
channel in a way that would allow natural vegetation to occur and he would suggest pursuing that method. Rich told the Commission he is having high school science students collect data on the lake as well.

11:30pm - Joe Wilkerson and Brittany Tonille with Dirt Armor entered the meeting.

Tom said once the plan is submitted and approved by the EPA the final step in the order is to submit a Permanent Application to the Army Corps of Engineers to implement the plan. Tom said when they reach this point they will be “over the hump” and back to normal in getting the lake restored. Tom said he plans on keeping the EPA and Corps informed on this process. Rich said he is working on getting all the permitting done and informing all interested parties at the right stages of the project.

Rich gave the Commission the Short-Term Water Quality Standard for Turbidity-318 Authorization Request Geotechnical Investigation for the Baker Lake Restoration Plan to review and Commissioner Randash, as Chairman, signed it. Rich will mail the 318 Authorization Request to the Montana Department of Environmental Quality.

11:30am - Rich Menger, Mary Grube and Tom Parker left meeting.

11:30AM MUSEUM UPDATES

Present: Karen Banister, Museum Curator

Karen Banister said she has been going through files and is working on the grants that Julie Straub gave her. Karen said she wants to clean out all the glass cases over the winter and asked who could help her move them. The Commission told her to contact Joe Janz, Outside Maintenance Supervisor, for assistance.

11:35am - Karen Banister left the meeting.

Shannon came in to give the Commission updates on projects Brosz Engineering is working on with the County.  
- **Sparks Box Culvert** - The bridge is backfilled and the grading is being finished.  
- **Kramlick Box Culvert** - The bridge is being backfilled today.  
- **Lower Baker Lake Drainage** - The channel has been topoed, the model has been started and the wetland delineation is being done this week. Shannon said he is setting up an on-site meeting the week of October 20-23rd with the Army Corps of Engineers and the City of Baker and would like the Commission to attend. The Commission said at least one person will be there.  
- **Baker Corridor Study** - The Commission gave Shannon a copy of the Baker Corridor Study Plan for him to review. Shannon said he will attend the public meeting on October 20th, 2015.  
- **Prairie Ave. Culvert** - Shannon is going to get a cut sheet for the culvert to Bobby Wiedmer, Road Supervisor, this week.

11:40am - Shannon Hewson left the meeting.

11:45AM PUBLIC COMMENT

Joe Wilkerson and Brittany Tonille with Dirt Armor came in to talk to the Commission about their product for the County Roads. Joe asked the Commission if they would be interested in Dirt Armor doing a demo on one of their roads to demonstrate how their product works. Joe said Bowman, ND has used their product and are interested in having them do some of their roadways in the city limits too. Joe said the Road Superintendent in Bowman is very pleased with the product of Dirt Armor and bumped up the miles they were having Dirt Armor do from 2 miles to 6 miles. Joe said people tend to think gravel has to be hauled and placed on the road before Dirt Armor can apply their product but it isn’t necessary as they use the material there and can make any material hard. Joe told the Commission their labor and product has a 4 year warranty.

11:55am - Joe Wilkerson and Brittany Tonille left the meeting.

11:55am - Kelly Goerndt, Member of the Public, entered the meeting.

Kelly said he came in to talk to the Commission about him submitting a quote for the Weed Department’s trailer. Kelly said he wasn’t sure if the Commission knew he gave Dale Butori a quote for a trailer and wanted to ensure they knew he had because he does care about getting the County’s business. Kelly said he met with Dale about a trailer he had and told Dale he would get back to him with a price. Kelly said later in the day he called Dale back and left a voicemail letting him know what the price was for the trailer but didn’t receive a call back from Dale. He said when he finally was able to get a hold of Dale on the phone Dale acted like he was put out and was rude and said Kelly was supposed to email him the quote. Kelly said Dale told him as he was walking away “you can just email me” but didn’t give him his email address when they first met so he didn’t know he had to email the quote in and thought a phone call was ok. The Commission apologized to Kelly for how Dale treated him and suggested Kelly contact the Weed Board as they are the ones who approve the trailer that is purchased. Kelly asked if the Commission was given his quote and the Commission said they weren’t
given any quotes, that Dale only asked for permission to purchase a trailer with an approximate cost and they gave him permission with the suggestion of purchasing a PJ Trailer.

12:05pm- Kelly Goerndt left the meeting.

12:10pm- Dave Havens left the meeting.

12:10PM NOON RECESS

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

1:00PM ROAD UPDATES CONTINUED

Present: Alba Higgins, Shop Foreman

Senior Bus- Interlock control module has been replaced on the bus. The AC unit went out and the bus lights keep coming on indicating there are other issues. Alba Higgins asked the Commission if they want him to take it to Billings to repair the AC unit and the other issues that may exist. The Commission said they would like Alba to repair the AC unit and then send it to Billings for the other repairs.

Truck #12- Alba will be repairing the brakes on this truck.

1:10pm- Alba Higgins left meeting.

1:15pm- Brenda Wood, Clerk and Recorder, joined the meeting to take minutes.

1:15PM FAIR BOARD APPOINTMENT

Present: Lani DeBuhr and Jerrid Geving, Fair Board Members

The Commission received letters of interest from Thomas Rodriguez, Jason Coulter, Darin Koenig, Tasha Larsen and Lane Stanhope to serve on the Fair Board.

The Commission chose to do a secret ballot in which all Commissioners, Jerrid Geving and Lani DeBuhr casted a vote for two people to fill the two positions open. Thomas Rodriguez and Darin Koenig were the two candidates with the most votes.

Commissioner Baldwin made the motion to appoint Thomas Rodriguez to the Fair Board for a term of three years, ending October 1, 2018 and to appoint Darin Koenig to the Fair Board for a term of one year, ending October 1, 2016. Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.

Jerrid told the Commission about the Raymond Center in Williston, ND and said the set up and uses of that building may be a good design to look at when planning the Fairgrounds Exhibit Hall and encouraged them to go look at it.

1:30pm- Brenda Wood left the meeting.

1:30PM KRAMLICK AND SPARKS BOX CULVERTS TOUR

The Commission, Lani DeBuhr and Jerrid Geving drove out to look at the progress of the Kramlick and Sparks Box Culverts.

3:00pm- Jerrid Geving left the meeting.

3:00PM CLOSED SESSION/FMLA

3:15PM REMOTE CONTROL AIRPLANE SPACE

Present: Alvin Madler, Member of the Public

Alvin Madler asked the Commission to provide a remote control air strip on County land for airplane flyers to use. Alvin said more people are taking an interest in flying remote airplanes and they get quite a few people from surrounding areas that come to Baker to fly as well. Alvin asked if they could use some of the property located west of Baker where the Hot Mix Plant is located and have an area graded for the landing strip in a cross configuration and maintain it if necessary. The Commission asked how often it would be used and he said once a week is the average use. The Commission said they will talk to the Department of Transportation to make sure it wouldn’t be a problem since it is so close to the highway.

3:30pm- Alvin Madler left the meeting.

3:30PM TROTTER & ASSOCIATES

Present: Mary Grube, Planner Administrative Assistant

Mary Grube and the Commission met to review the July and August Trotter & Associates invoices. Mary gave the Commission copies of the Planning Board Minutes that mention the subdivisions and policy and procedure changes Faron Henderson, Contracted Planner, worked on. There are items on the invoices that the Commission and Mary did not recognize as County work or projects. Mary said she reviewed the Planning Board
minutes to determine what items Faron was directed to work on and said it appeared Faron billed for work he wasn’t asked to do by the Board. The Commission said they would like Mary to draft a letter to Trotter & Associates regarding the items they think they were charged for incorrectly and to have Susan Swimley, Attorney, review the letter since the County Attorney is out of the office. Mary said she will do that and bring the letter into the Commission to sign and mail.

3:45PM CRAWFORD’S MORTGAGE SURVEY
The Commission reviewed and Commissioner Randash, as Chairman, signed the Crawford’s Mortgage Survey.

4:00PM HEALTHCARE REFORM ITEMS
Present: Debbie Wyrick, Wellness Committee Member; Alba Higgins, Wellness Committee Member; Selena Nelson, Wellness Committee Member

Wellness Benefit Program- The Wellness Committee met with the Commission to discuss changes they would like to see in the Wellness Benefit Program. Selena Nelson said they would like the LifeLine/LifeStyle screenings to be included in the Wellness Benefits rather than the Health Insurance Benefits since a doctor usually repeats the screening when seeing the patient as they have been known to create false positives. Selena and Debbie Wyrick said they are a good measure and guide for someone to use to track their health so they would like them to still be used by employees but see them as a better fit in the Wellness Program. Debbie said they would like Tobacco Cessation to be included in the Wellness Benefits also and hope including it will encourage people to attempt quitting smoking. Debbie said the current Wellness Benefits are set at $750 but the Committee would like the amount increased to $1500 to account for the items added to the program and increased costs of health care. Selena said increasing the amount may also encourage people to be more proactive in taking care of their health. Debbie said if these changes are approved they won’t become effective until the next fiscal year, July 1, 2016, when the new Wellness Program takes effect.

Health Insurance Benefits- Debbie said the Committee would like to have Obesity/Weight Loss Coverage to be included in the Health Insurance Benefits. Debbie said it would cover a once per lifetime surgical treatment and in order for the person to qualify for the surgery they would have to demonstrate a commitment to the lifestyle change it requires by meeting several eligibility requirements. Debbie said it is an expensive item but in the long run it may reduce the overall claims associated with obesity for those who have the surgery. Debbie said if it was added the increase in claims wouldn’t be seen right away as it does take time to get approved for the surgery. The Commission said they wonder if these surgeries would really benefit people and would like the Committee to do more research before they make a decision.

Debbie said the Health Insurance reserve is now $1,032,957.59 and the Committee suggests the employer, Fallon County, take two premium holidays before the end of the year to reduce the reserve. Selena said increasing the amount may also help with lowering the reserve.

Commissioner Ranum made a motion to include the LifeLine/LifeStyle Screenings and Tobacco Cessation in the Wellness Benefits, to increase the Wellness Benefits from $750 to $1500 effective July 1, 2016 and to give the employer two premium holidays. Commissioner Baldwin seconded the motion. Commissioner Randash asked for any further discussion and there was none. 3 Ayes. 0 Nays. The motion carried unanimously.

4:25pm- Selena Nelson and Alba Higgins left the meeting.

Healthcare Reform Reporting- Debbie told the Commission the Healthcare Reform Reporting for employees has to be done January 31st, 2016 for the calendar year 2015. Debbie said she has been trying to determine the best way to do the reporting but is having a hard time as it is very extensive. Debbie said she contacted EBMS for assistance and they said they have a tool called ACA Management Tool that tracks the employees’ hours, issues the 1094s and generates the IRS report at a cost of $1,500 annually and $1.50 per month per employee. Debbie said Tyler Technology implemented a tracking module in their program to track employees’ hours too but doesn’t have the means to train Debbie on how to use it. Debbie said there are so many variables and has not received any clear direction on how to handle various employee statuses that she would like EBMS to do the reporting at least until she has time to learn it. Debbie said another benefit to having EBMS do it is they take the liability of the reporting being accurate on behalf of the County. The Commission gave Debbie permission to have EBMS handle the tracking of employee hours, issuing the 1094s and generating the IRS Report on behalf of the County in order to adhere to the Healthcare Reform requirements. The Commission reviewed and Commissioner Randash, as Chairman, signed the Services Agreement with EBMS for the ACA Management Tool subscription.

Fallon County Employee Medical Benefit Plan- The Commission reviewed and Commissioner Randash, as Chairman, signed the Fallon County Employee Medical Benefit Plan restated July 1, 2015.
4:40pm- Debbie Wyrick left the meeting.

4:40PM MINUTES APPROVAL
Commissioner Baldwin made the motion to approve the September 7-11, 2015 Commission Minutes with amendments. Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.

Commissioner Baldwin made the motion to approve the September 14-18, 2015 Commission Minutes with amendments. Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.

4:45PM PARKS LIGHT PURCHASE
Present: Scott Rabbitt, Parks Director
Scott Rabbitt asked the Commission for approval to purchase lights to go around Iron Horse Park and in front of Triangle Park. Scott said the lighting was in his budget last year but he wasn’t ready to install them so they weren’t purchased. The Commission told Scott the lighting is not in this year’s Capital Improvement Plan and asked him to wait until the Iron Horse Splash Park is finished to add the lighting to the Plan and purchase the lights.

Scott said he would like to have a bathroom that is closer to the playground and beach area of Triangle Park so kids and parents don’t have to walk so far to the current bathroom. Scott suggested moving the older bathroom at Iron Horse Park to Triangle Park since the Bath House at the Splash Park can be used for all parks in the Iron Horse Park area. Scott said the bathroom is monolithic and could be moved easily.

The Commission asked Scott about the weeds in Triangle Park and Scott said he is going to pull the weeds and then reseed the area. Scott said he is also putting in sprinkler systems in Triangle Park. The Commission suggested putting rocks in some areas in the park to cut down on the weeds.

The Commission told Scott the garbage cans around the parks were overfull while he was gone for his Convention and asked him who was supposed to be taking care of them. Scott said his employee Isaiah Schell was emptying the garbage cans but was sick a couple of days while Scott was gone and that was why they hadn’t been emptied.

5:00pm- Scott Rabbitt left the meeting.

5:00PM EVENING RECESS
Commissioner Ranum made the motion to recess for the evening. Commissioner Baldwin seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.

Wednesday, September 30, 2015

1:00PM RECONVENE
Present: William L. Randash, Chairman; Lani DeBuhr, Clerk
Absent: Steve Baldwin and Deb Ranum, Members

1:00PM BAKER LAKE MITIGATION
Jim Potts, DOWL Engineering; Tom Parker, Guem Consulting; Jeff Olsson, DOWL Engineering via Conference Call; Rich Menger, Sanitarian
Jeff Olsson told the Commission they are going to begin collecting data to support the County in its two goals, one being the development of the Baker Lake Restoration Plan and the other is a long term plan of developing a better fishing and recreational opportunity for the lake. Jeff said a big component of the long term goal will be dealing with the sedimentation on the bottom of lake and around the lake. Jeff said they will be installing monitoring wells and boring holes between the Upper and Lower Lakes in order to determine the geology of the underlying area. This will help establish support and determine if the material in that area is suitable for wetland development. The boring of holes will also help identify what they can expect to find under the lake, determine how deep the lake can be dredged and how much sediment has accumulated. Jeff said this information will be helpful in creating a long term plan to deal with the sediment and the future of dredging the lake.

Jim Potts said he is here to identify the exact locations for the borings. Commissioner Randash asked what the cost will be of boring the holes and Jim said the way they are boring the holes will be a 1/3rd of the cost of drilling off a barge platform in the lake and it will show the cross section of the lake bottom as well. Commissioner Randash said the area in the middle of the lake was where a livery used to be and that people
boarded their horses there because of the springs in that area. Jeff said it would be helpful to know where those springs are so that maybe they could dredge those areas to allow the fresh, warmer spring water to come up and hopefully keep some of the lake surface open during the winter months. Jeff said this would keep the water oxygenated and hopefully help with the large fish kills that occur every winter. Commissioner Randash noted on the map where the spring is located. Rich told Jeff he enlisted the help from high school science students to gather oxygen information throughout the winter.

Commissioner Randash said Brosz Engineering designed a labyrinth to allow the water in the spillway to travel in a way that will remove the sediment and asked if this would interfere with the monitoring wells. Jeff said the monitoring wells are temporary so it won’t affect Brosz’s plans. Commissioner Randash said there is also an abandoned gas line that is under the bottom of the lake they may run into when dredging. Jeff said they will be going out into the lake and sampling the sediment at the bottom of the lake to determine its chemical composition. He said this information is helpful in the event they dredge that area and have to move the sediment elsewhere. There will be a team doing geophysical measurements to map out the lake bottom at the same time.

1:30pm- Jeff Olsson ended the conference call and thereby left the meeting.

Tom Parker said he looked at the lake using Google Pro which allows you to look at maps back in time and the maps clearly show where the EPA and Army Corps of Engineers overestimated the amount of dirt fill that occurred. Tom gave the Commission the aerial photos to show this and will be putting together a timeline with these maps for the County’s record.

1:40pm- Jim Potts, Tom Parker, and Rich Menger.

1:40PM ADJOURN

Commissioner Randash adjourned the meeting.

ADJOURN
s/William L. Randash, Chairman

MINUTE TAKER:
s/Lani J. DeBuhr, Clerk

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