

9:00AM CONVENE

PRESENT: Steve Baldwin, Chairman; Deb Ranum, William L. Randash, Members; Debbie Wyrick, Recording Clerk

GUEST: Dave Havens, Member of the Public

FALLON COUNTY COURTHOUSE

9:00AM COMMISSION WORK SESSION

The Commission organized and filed items from the previous week.

9:15 AM HAIL DAMAGE UPDATES

Present: Jason Rittal, County Development Advisor; Debbie Wyrick Deputy Clerk & Recorder; Alba Higgins, Shop Foreman

Jason Rittal and Debbie Wyrick gave the Commission updates on the County's hail damage claim. Jason said all windows at the Fairgrounds should be replaced before Fair but the overhead doors in the Big Barn won't as they have to be included with the bid specs of claim. Jason said he spoke to Barb Lechler, Fairgrounds Manager, about this. Jason said the Fairgrounds speakers are on order and will be installed in time for Fair also. Alba said the metal being removed from the buildings Griffith Steel is currently repairing is being stored at the old landfill. The Commission and all present discussed how to address salvage metal in the bid process so it specifies who can retain the material and who is responsible to move it. Commissioner Ranum said she has concerns with the bid specs and how the roof repairs will be made to the Grandstands and the use of continuous type caulk sealant or overlapping of the sheet metal so the roof doesn't leak. Jason said he has started working on the basic bid specs for the hail damage by using a JGA spec book to guide him. Jason said he will need to get permission from JGA to use their forms or purchase a template due to copy right laws.

Debbie Wyrick said they received an estimate of \$13,117.35 to repair the 2008 Chevy 1500 pickup that DuWayne Bohle, Special Project Worker, uses. Debbie said the EMC Adjuster, Jordan Wahl, indicated there are two or three autos that are totaled and will update the Commission when those estimates are received. Alba Higgins said once all estimates are received for the autos they will be able to discuss moving the hail damaged vehicles to other departments that might need a more reliable vehicle rather than sending them to auction. Alba said if they do decide to sell them at auction they have historically done well, even when they are damaged. Commissioner Ranum asked Alba if he could get the technology to do paintless dent repairs and after some discussion the Commission said they can discuss this option once all estimates are received.

9:35am- Gary Gorder, Member of the Public, joined the meeting.

Gary Gorder said on behalf of the Gun Range Board he wanted to thank Fallon County for allowing the use of the Gun Range for Devon Banister Benefit Shoot. Gary said they raised over \$23,000 and many people who attended were unaware of the Gun Range facilities so they are hopeful more people will be purchasing memberships as a result of attending.

9:40am- Gary Gorder left the meeting.

Alba said Dale Butori inquired about possibly switching their Ford 550 pickup with one the Weed Department has but Alba isn't sure this will work because of how the truck is rigged up. Alba said they are still waiting on the EMC Adjuster for the repairs to the 2016 Freightliner Truck that hit a calf.

9:50am- Jason Rittal left the meeting.

10:00AM ROAD DEPARTMENT UPDATES

Present: Mark Sieler, Road Foreman; Alba Higgins, Shop Foreman

SHOP UPDATES- Alba Higgins gave the Commission updates on what vehicles and equipment are being serviced or repaired this week. Alba said the hail damage repairs to uninsured vehicles or equipment is almost complete and they are just waiting for parts to finish. Alba gave the Commission updates on the crane replacement at the shop and the status of other remediation items from the Department of Labor inspection.

10:25am- Alba Higgins left the meeting.

ROAD UPDATES- Mark Sieler said the Road Crew is hauling gravel to the Ismay Road this week and he hopes they can start mowing next week.

10:30am- Mark Sieler left the meeting.

10:30am- Shannon Hewson with Brosz Engineering joined the meeting.

PROJECT UPDATES-

Cooper Bridge- Shannon Hewson said he spoke with Jason Garber from the Department of Environmental Quality (DEQ) in regards to the Cooper Bridge 318 permit and Jason said all the paperwork is in order, they are just waiting for the sage grouse approval letter.

Green Acres Road- Shannon said Bobby Wiedmer, Road Supervisor, asked him to do a DEQ Storm Water Pollution Prevention Plan Application for the Green Acres Road since he wants to start work on the road next week. The Commission reviewed the application and Commissioner Baldwin, as Chairman, signed it. Shannon said since time is of the essence Brosz Engineering can pay the \$1,000 fee that needs to be submitted with the application and then request reimbursement from the County. The Commission gave permission to do this in order to expedite the application process.

Commissioner Ranum said there are drainage problems around culverts where a bridge has been removed and replaced with a culvert and presented pictures she has taken that show this. Shannon suggested using riprap to help alleviate the problem and to check with local suppliers in getting the material. Shannon said another possible solution would be to use erosion blankets.

Coal Bank and Webster Road Bridges- Shannon said the DEQ 318 permit application is complete and ready to submit. Shannon said they again can have Brosz Engineering send the \$250 fee for each bridge with the application to expedite the process and the Commission gave permission. Shannon asked the Commission if they would like him to have a landowner meeting for these bridges and the Commission said yes. Shannon and the Commission discussed the bypass that will be needed for the Webster Road Bridge.

11:00am- Shannon Hewson left the meeting.

11:00AM 911/DISPATCH IT TECH DISCUSSION

Present: Chuck Lee, 911/DES Coordinator; Julie Straub, Human Resource Manager; Nic Eisle, Undersheriff

Chuck Lee asked the Commission if they would have any objections in entering into an agreement with a company to take over the IT needs in Dispatch and the Sheriff's Department. Chuck said Data Imaging System (DIS) has been recommended but he would like research and talk to other companies as well. Commissioner Ranum asked if they would still need an on-site tech person to work with a company and Chuck said he doesn't expect an additional Fallon County position would be needed. Chuck said he doesn't know what it would all entail but would like permission to do research on it right now. Julie Straub said Andy Fujimori, IT Tech, is scheduled for training with the CJIN program. Nic Eisle said he is in agreement to get something like this going and would like information on the cost to have this service provided remotely. The Commission gave Chuck permission to do the research and asked him to keep them informed.

11:10am- Nic Eisle left the meeting.

11:30AM 911/DES JOB CLASSIFICATION DISCUSSION

Present: Chuck Lee, 911/DES Coordinator; Julie Straub, Human Resource Manager

The Commission and all present met to follow-up on the discussion about the 911/DES Coordinator job description. Julie Straub said when creating a job description she has to determine the amount of time the person spends on their job duties. Julie said when she was gathering information to determine the amount of time Chuck Lee spends doing his job duties she discovered he was gone 39% of the year in 2015 for training. Julie said this poses the question if this position is a full-time position. The Commission asked how many trainings are applicable to what Chuck does here, in Fallon County, and Chuck said they all apply. The Commission asked if any of the trainings are required to maintain the certifications he has and Chuck said no, nothing he takes requires additional training. Chuck said he admits he goes to a lot of training and the training is important but he is surprised the amount of time he was at trainings is so high. The Commission said they were surprised too although they know Chuck has required trainings he has to attend. The Commission asked if there were any online trainings he could attend rather than traveling to them. Chuck said there might be some available but some are by acceptance only. The Commission asked Chuck if his position is a full-time position. Chuck said yes and that his duties are split 50/50 between 911 and DES. Chuck said all Counties around here have full time DES Coordinators with additional duties like he does. Julie gave a list of Counties that have full time or

part time DES Coordinators. Chuck said he has plenty of work to keep himself busy if they are concerned the position doesn't have enough work. Chuck said he will do research on the documentation that Julie gave him and will then set up an appointment with the Commission to discuss it further.

12:00pm- Chuck Lee, Julie Straub and Dave Havens left the meeting.

12:00PM NOON RECESS

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

1:15PM RECONVENE

PRESENT: Steve Baldwin, Chairman; Deb Ranum, William L. Randash, Members; Debbie Wyrick, Recording Clerk

GUEST: Dave Havens, Member of the Public

FALLON COUNTY COURTHOUSE

1:15PM PUBLIC COMMENT

Joe Janz, Outside Building Maintenance Supervisor, joined the meeting. Joe said he is not needed out at the Fairground during the Fair as much this year since Floyd Ehret is working there. Joe said because of this he won't have to take a week's worth of vacation to work there but will only be needed in the evenings when his outside building maintenance work is done. Joe said he wanted the Commission to know he will be accruing overtime during Fair week. Joe said he can change the filters in Dispatch's air conditioning unit. The Commission told Joe not to do anything with the Sheriff's rooftop air conditioner until they talk to Mechanical Technology Inc. about it.

1:20pm- Joe Janz left the meeting.

1:25PM CONTAMINATED SOIL DISCUSSION

Present: Tom Kachel, Landfill Manager

Tom Kachel said another County employee approached him about giving a local business a discount when they have to dispose of their contaminated soil. Tom asked the Commission what interest Fallon County has with the soil issue and why another employee would be discussing discounting landfill rates with a business owner. Tom said he is the Landfill Manager and those discussions should be with him first, not the business owner. Tom said they cannot pick and choose who to give discounted rates too and they have rates and rules set for a reason. Commissioner Ranum agreed and said they will not reduce the rates, especially with the problems they have had in the past. Tom said they already give incentives with destroying older building by discounting the tipping fees by 50% and this business owner would receive that discount. Commissioner Baldwin said the soil test isn't back yet and they should wait until it is before proceeding. Tom said he was told if they don't offer a discount the business owner wouldn't be able to do their project due to the cost of the soil disposal. Commissioner Baldwin asked if there was any way the business could recoup the cost of the soil disposal and Tom said no, they can only recoup the cost on buildings.

1:32pm- Julie Straub, Human Resource Manager and Darcy Wassmann, County Attorney joined the meeting.

Tom requested the Commission close the meeting since he needs to talk about how he was treated by another employee. Darcy Wassmann explained the laws that govern a meeting being closed. Darcy recommended Tom give an explanation of the incident first and then if need be they can ask the employee involved to join the meeting and that employee would have the opportunity to close it. Tom said on August 3rd another employee came to the Landfill and told Tom he should create a new class of soil for a business owner's project. Tom said he was also told if there was not reduced rates for the soil he would be responsible for shutting down the project. Tom said he is concerned about the manner in which this was handled didn't appreciate how he was treated. Tom said he has rules he has to follow and will not be bullied. Tom gave the Commission a letter that addressed his concerns about the matter. Darcy asked the Commission why the other employee would have involved himself in this matter, is it because he is trying to promote growth in Fallon County by helping business owners? Tom said the whole situation was handled inappropriately because the business owner received the rates from him, wasn't happy with the rates and then went to the other employee and complained about them. Darcy asked the Commission how this type of situation should be handled in the future. Commissioner Baldwin said in the future Tom and the other employee should be able to discuss it together, come to an agreement and then both of them come to the Commission to discuss it. Tom said contaminated soil is contaminated, there are no acceptable levels and went into detail on acceptable limits. Tom said if anyone wants to specific details that define contaminated soil they can obtain them from him.

2:00pm- Tom Kachel, Darcy Wassmann and Julie Straub left the meeting.

2:00PM CITY SIREN ON OLD FIREHALL DISCUSSION

Present: Chuck Lee 911/DES Coordinator; Darcy Wassmann, County Attorney

Chuck Lee said CB Heiser gave permission for the County to put a siren on the old City Fire Hall. Chuck said Dale Butori, 911/DES Deputy Coordinator, suggested the siren have multiple horns and not revolve. Chuck asked the Commission if they would be ok with placing a siren there and possibly paying CB a onetime fee of \$50 to do so. The Commission said yes and asked Darcy if she could draft an agreement between Fallon County and CB Heiser to place the siren there. Darcy and Chuck will work together on the agreement.

2:20pm- Chuck Lee and Darcy Wassmann left the meeting.

2:30PM ALIEN VAULT PURCHASE REQUEST

Present: Andy Fujimori, IT Tech

Andy Fujimori said he has been looking at other email providers since the falloncounty.net emails that go through Bulldog no longer have support service. Andy gave the Commission a cost breakdown if they were to use Microsoft as their email provider to review.

Andy gave the Commission a Sales Order Form from Alien Vault to review. Andy said the original cost of the program is \$92,900 but because Fallon County is a government entity they would receive a discount where the program would only cost \$50,069.40. Andy reviewed the hardware that is included in the quote and said all training they would provide to him would be free. The Commission asked Andy what advantage this program has to the County. Andy said it would monitor all virus and malware applications that are currently out there. The Commission asked if the cost is a onetime fee and Andy said the equipment is but there is a yearly fee of \$3,500. The Commission asked if the program would allow Andy to sit in his office and monitor employees' computers and Andy said yes, it would monitor their computers for viruses and other things. Commissioner Baldwin asked if our firewall didn't already do that and Andy said the only department that has a firewall is the Sheriff's Department. Commissioner Randash said he doesn't know enough about it to make a comment but would be concerned the system would become outdated as most computer stuff does. Commissioner Baldwin said he would prefer they not make a decision on it yet.

Andy said he is in the process of updating the list of email addresses where they can be sorted and would help run the network better.

3:00pm- Andy Fujimori left the meeting.

3:00PM PUBLIC HEALTH HIRING

Present: Julie Straub, Human Resource Manager; Kim Cuppy, Public Health Nurse

Julie Straub said her and Kim Cuppy interviewed two applicants for the Part Time Staff Nurse position and would like the Commission's approval to hire Kimberly Bryan for the position. Julie said she currently works as a PRN at Fallon Medical Center and would like to continue working in that position in addition to the County's PT Staff Nurse Position. The Commission reviewed and signed the New Hire Approval Form authorizing Kimberly Bryan to be hired as the Staff Nurse in the Public Health Department.

3:20pm- Kim Cuppy and Julie Straub left the meeting.

3:20PM COMMISSION WORK SESSION

Encroachment Permit- The Commission reviewed and Commissioner Ranum, as Commissioner of District 1, signed an Encroachment Permit from Denbury Resources to bore the Anticline Road 120 ft to construct an oil flow line.

Baker Lake EPA Approval- The Commission received a letter dated August 4, 2016 from the United States Environmental Protection Agency Region #8 giving their approval of the Fallon County Restoration Plan for Baker Lake- Administrative Order for Compliance Docket No. CWA-08-2006-0032.

Board Resignation- The Commission received a letter from Curtis Ehman stating he was resigning from the Fallon County Planning Board and the Lake Advisory Board due to accepting an employment offer out of state.

Commissioner Randash made the motion to accept Curtis Ehman's resignation. Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.

BOARD AGENDAS/MINUTES- The Commission reviewed Board Agendas and Minutes.

REVENUES- The Commission reviewed revenues received during the week.

DEPARTMENT REPORTS/NOTICES- The Commission reviewed Department Reports, Newsletters and Notices.

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

3:40pm- Dave Havens left the meeting.

3:40PM EVENING RECESS

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

TUESDAY, AUGUST 9, 2016

9:00AM RECONVENE

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

9:00AM WBI LEASE MEETING DISCUSSION

Present: Jason Rittal, Economic Development Advisor; Gary Forrester, MDU/WBI

Gary Forrester gave the Commission a copy of the most recent letter that was sent to landowners and gave an overview of the letter that accompanied the revised easements that were mailed out. Jason then gave a report of what he heard during the most recent landowner meeting. Jason said the landowners aren't opposed to WBI storing gas but want to sit down to negotiate with someone who has WBI authority. Jason said the City Attorney and County Attorney are closely involved in this process but they are not specifically the group's attorney. The landowner group will be the ones negotiating, the attorneys are only there to advise them during the process and they are hoping WBI will do the same with an "in house" attorney. Jason said the landowners have stated they want to be on equal playing field as mineral owners are. The landowners are also concerned about the length of the lease and are opposing a permanent lease. Jason said the landowners want the surface rights and water rights addressed separately since they are separate issues that should be dealt with individually if they are needed. Jason said the issue of old agreements was also been discussed with questions about where they will stand in regards to the new easements or if they will be revisited.

9:40am- Gary Forrester and Jason Rittal left the meeting.

10:00AM FEMA TORNADO DISASTER MEETING

Present: FEMA Team: Charley Baird, Tom Barnard, Chuck Jones, Derek Richardson, Nancy Thomas, Laurie Hassell, Michael Houston, Chuck Lee, 911/DES Coordinator; Jeff Gates, MT DES District IV Coordinator; Kent Atwood, MT-DES; Tim Thennis, MT-DES; Rich Menger, Sanitarian; Jason Rittal, County Development Advisor; Darcy Wassmann, County Attorney; Lani DeBuhr, Clerk

The Commission attended the FEMA Applicant Briefing and Kick-Off Meeting for the Tornado Disaster Clean-Up. Tim Thennis and Charley Baird presented information regarding each parties (FEMA, State and County) responsibilities in receiving Federal Public Assistance for the Tornado Disaster Clean-Up. The key points presented were:

- Funding = 75% comes from FEMA; 25% comes from the State and County with County's share being equivalent of 2 mills or \$80,000.
- All permitting must be complete prior to the clean-up beginning and during the clean-up all laws with the Department of Environmental Quality and Army Corps of Engineers must be followed.
- All gravel for roads must come from a SHPO approved pit and have the DEQ open-cut mining permit issued.
- Staging area cannot be in a floodplain and is best in a pre-disturbed area.
- The County has to follow the Federal procurement process since it is the strictest process out of State/Federal/Local. Any contractor that is on the Federal Debarment List cannot be awarded the bid.
- Project Worksheets (PWs) will be done for each facet of the plan and they will include the scope of work and estimated associated costs. The PWs will be submitted to FEMA for approval once complete.

- Any supplemental items that are unknown and not included in the PWs can be dealt with by the County asking for a Change of Scope Approval. This approval has to be given before the supplemental work begins.
- The Clean-Up Plan will be a long-term plan and therefore most likely will be audited. Keeping accurate records and documenting everything is essential. Direct administration costs also need to be documented and assigned to the PW the work was done for.
- Fallon County is now in a tornado area and can qualify for the Hazard Mitigation Grant Program. This program can assist in building tornado safe rooms for communities and other protective items to keep the community safe. Homeowners can also apply for assistance through this grant program but cannot do it directly, their request would have to go through the City or County.
- The PDA that was approved included removing the top 6" of soil at the bottom of the 26 acres of the Lake to remove debris. Due to the condition of the soil it will most likely require a foot of sediment to be removed. Sediment removed below the 1 foot mark will be the County's responsibility to pay for and would be considered an "improvement".

After this information was presented the Commission, Tom Barnard, Derek Richardson, Jason Rittal and Darcy Wassmann met together to brainstorm and discuss what should be included in the Project Worksheets that will be submitted to FEMA. Tom said after reviewing the damages he has now categorized the Clean-Up Plan to a Category G which means Baker Lake has lost its function and cannot be used for what it was intended for. Tom said this is a good thing as they can now include other items like the removal of smaller debris on the bottom of the Lake rather than just the big items of debris. Tom said two Project Worksheets (PWs) will be done, one will be for dewatering Baker Lake and one to remove the debris from Baker Lake. After much discussion it was determined the key items that need to be included are:

- Engineering services to determine the best way to dewater Baker Lake and where the water should be sent when dewatering begins.
- Construction/pumping costs to dewater Baker Lake with security and safety measures included to ensure the public does not enter the Lake. The PW will be flexible with how the dewatering is done since it will be dependent on the engineer's findings.
- Permitting costs.
- Engineering services to determine the best way to remove the debris once the dewatering is complete and the amount of debris is known. Items to be considered when planning for debris removal are: location for debris to be staged; location for the sediment removed to be placed in order for it to dry; transportation costs of sediment and road repairs that may be needed due to large trucks transporting heavy loads on roads.
- Construction costs to remove the debris.

Tom said procurement of engineering fees for both PWs can be done together but the engineer would have to ensure the work is itemized and kept separate for both PWs. Tom said the County can opt to do more than FEMA approves of but it would be considered an "improved project" and would be the County's responsibility to pay. Tom said if costs are more than estimated in the PW the PW can be modified to account for the increased costs. Tom said he will give the Commission time to consider the information they were given today and they will meet again at 1:30pm tomorrow.

12:00PM RECESS

Commissioner Randash made the motion to recess for the remainder of the day.

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

WEDNESDAY, AUGUST 9, 2016

1:30PM RECONVENE

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

1:30PM FEMA TEAM MEETING CONTINUED

Present: FEMA Team: Tom Barnard, Derek Richardson, Michael Houston, Laurie Hassell; Jason Rittal, Economic Development Advisor

All present met and reviewed what was discussed the day before. Tom Barnard said he would like to write two Project Worksheets (PWs) to begin with. The first PW would include the engineering costs to determine the best way to dewater Baker Lake and where to put the water once it is drained. Tom said this PW would also include the construction/pumping costs to dewater the Lake. Tom said the second PW would include the engineering costs to determine the best way to remove the debris and where to place the debris and sediment once they are removed. Tom said after the engineer determines the best way to remove the debris another PW will need to be drafted that would include the construction costs to remove the debris. Tom said this third PW will need to be done after the other PW work is complete since it is impossible to estimate the costs of removal when the full scope of debris is unknown. Tom said he hopes the dewatering could be completed this fall and over the winter the engineering could be done for the debris removal followed by the third PW being drafted. Tom said if these things happen in that time line then in the spring and summer months the debris could be removed. The Commission agreed and gave Tom permission to proceed with writing the PWs as he recommended.

2:30PM ADJOURN

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

ADJOURN
s/Steve Baldwin, Chairman

MINUTE TAKER:
s/Lani J. DeBuhr, Clerk

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