

9:00AM CONVENE

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

9:00AM COMMISSION WORK SESSION

BOARD APPOINTMENTS- The Commission received a letter of interest from Randy Wolenetz requesting to continue serving on the Fallon County Weed Board. The Commission received a letter of interest from Judy Gunderson requesting to continue serving on the Fallon County Council on Aging Board.

Commissioner Ranum made the motion to reappoint Randy Wolenetz to the Fallon County Weed Board and to reappoint Judy Gunderson to the Fallon County Council on Aging Board. Commissioner Randash seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.

JOURNAL ENTRIES- The Commission reviewed and Commissioner Baldwin, as Chairman, signed Journal Entry #688 to change coding for various expenses.

9:20am- Debbie Wyrick, Deputy Clerk and Recorder, joined the meeting.

Debbie Wyrick told the Commission when Thiel Brothers inspected the Exhibit Hall roof for hail damage they discovered the metal was improperly installed and is causing water to go underneath the roofing. Debbie said because of this Thiel Brothers submitted a quote to tear off existing metal roof and replace it so there is no long term damage. Debbie gave the quote to the Commission to review.

9:35am- Debbie Wyrick left the meeting.

PARKVIEW COMPLEX FOLLOW-UP- David Espeland, Fallon Medical Complex CEO, emailed the Commission notifying them he received another quote to seal coat the parking lots at Parkview, Fallon Medical Complex and the Health Department they had requested. David said the two quotes were close in cost but the other sealcoat company didn't include a sealant that was on Top Notch's quote and it appeared they omitted the east side of PVC 2 as well. David said he would like to use Top Notch because he knows their quality of work and can rely on them to continue to offer their service. The Commission gave approval to hire Top Notch to do the seal coating.

David notified the Commission the compressor in the A/C unit at PVC is out again and Mechanical Technology Inc. expects it is because Diamond J Construction did not vacuum the lines out and did not replace the filter dryer after hooking it back up following the Drainageway Project. David said the repair will cost \$5,349 and the Commission gave permission to have it repaired.

CHANGE OF RATE APPROVAL FORM- The Commission reviewed and signed Change of Rate Approval Forms for Michael Heiser and Lori Hall for successfully completing six months as a Dispatcher.

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.

10:00AM ROAD DEPARTMENT UPDATES

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

SHOP UPDATES- Alba Higgins gave updates on the vehicles and equipment they are servicing or repairing this week. Alba notified the Commission a calf was hit and killed by one of the County trucks last week and they have turned it into the insurance. Alba said they are working with the Department of Labor to ensure the equipment in the Shop is compliant and there are some changes and modifications required. Alba gave the Commission detailed information about what changes they will be needing to make and will get a cost estimate to the Commission. Alba asked the Commission if they wanted him to start writing up specs for a new blade in the event it is included in his budget. The Commission said yes, it would be wise to know this information.

10:15am- Shannon Hewson with Brosz Engineering joined the meeting.

Dale Butori told the Commission he joined the meeting to discuss issues he is having with spraying private driveways. Dale said he has approximately 25 landowners who either don't want their driveway sprayed or want it sprayed a certain time or a certain way. Dale said the correct way to handle this would be to have the

landowner post a “no spray zone” sign in front of their driveway and then to come in and add or change this in their Weed Management Plan since the weeds will now become the landowner’s responsibility. Dale said the landowners aren’t doing this and without it being done it is difficult for his staff to keep straight what driveways need to be sprayed or not and there is no accountability that the weeds are getting sprayed. Commissioner Ranum said the biggest complaint she hears is that trees are being sprayed. Dale said his crew does not spray any trees that are not in the right-of-way and are on the landowner’s side of the fence. Bobby said the State gave a directive that all trees in right-of-ways should be taken down because they are a liability to the County if a vehicle hits a tree in the right-of-way, so even if they do get sprayed it shouldn’t be a problem.

10:25am- Alba Higgins left the meeting.

Dale said another issue he has come across is landowners planting seed right up to the road. Dale said this makes it very difficult to spray the road without the chemical drifting onto some of the plantings. Dale said spraying driveways is especially difficult too since he has to approach them at a speed that isn’t conducive to laying the spray down correctly and asked the Commission if he can stop spraying driveways. The Commission said they could but it would require a Public Hearing or they could adopt it into their Road Policy. After more discussion, it was determined there is no policy in place and that having a Public Hearing may be the best way to approach this.

10:33am- Dale Butori left the meeting.

PROJECT UPDATES-

Cooper Bridge- Shannon Hewson said he almost has the cast-in-place design option done for the Cooper Bridge. Shannon said if the Commission wants to proceed with this bridge the bid opening will have to be advertised by July 1st with a start time of September 2016. Shannon said the Commission also has the option of putting an incentive in the bid specs for the contractor to begin the work in the next fiscal year rather than in September 2016.

Drainage Culverts through Town- Shannon gave the Commission the designs for the box culverts that will go through the City of Baker to review. Shannon suggested getting the City of Baker involved in the project since they will be the party who will maintain the streets and sidewalks after the culverts are installed. Shannon shared his ideas of tying in existing sidewalks with the new sidewalks that will be installed when culverts are constructed and gave the Commission pictures of how Bowman, ND did it for reference. Shannon said he is going to suggest to the City of Baker that a sidewalk on 4th Street be installed to eliminate the foot bridge there. Shannon said the cost to include this in the design would be under \$1,000 but it will be a City of Baker decision. Shannon reviewed the existing drainage flow and the projected flow once the culverts are installed with the Commission.

10:55am- Bobby Wiedmer left the meeting.

11:00AM COMMISSION WORK SESSION

Present: Shannon Hewson, Brosz Engineering; Rich Menger, Sanitarian; Mary Grube, Planner Administrative Assistant

Baker Lake Cleanup Discussion- The Commission, Rich Menger and Mary Grube reviewed an email regarding Baker Lake sent from the Department of Environmental Quality (DEQ) and a letter regarding Baker Lake from Fish, Wildlife and Parks. Rich told the Commission there was no fish kill or petroleum sheen on Baker Lake after the tornado and said that’s a good sign as it shows there was most likely little contamination. Rich said he is going to do a broad spectrum water test today and send it to the DEQ per their request. The Commission briefed Rich on the debris in the Lake and Rich said he will try to put a rush on the water test so the process of getting the debris out of the Lake can be expedited.

11:25am- Mary Grube and Rich Menger left the meeting.

Predator Control- The Commission received a Memorandum of Understanding (MOU) from the Montana Stockgrowers Association for a Wildlife Services Specialist to conduct Wildlife Services in Fallon County for predator control purposes. The Commission reviewed and Commissioner Baldwin, as Chairman, signed the MOU committing \$14,000 towards predator control in Fallon County for the period of July 1, 2016 to June 30, 2017.

11:45PM PUBLIC COMMENT

No one appeared for Public Comment.

12:00PM NOON RECESS

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

1:15PM RECONVENE

PRESENT: Steve Baldwin, Chairman; Deb Ranum, Member; Lani DeBuhr, Clerk

ABSENT: William L. Randash, Member

FALLON COUNTY COURTHOUSE

1:15PM SPLASH PARK UPDATES & PAY APP DISCUSSION

Present: Scott Rabbitt, Parks Director; Greg Steckler, Stahly Engineering

Greg Steckler and Scott Rabbitt met with the Commission to discuss the most recent Pay Application submitted by KO Construction. Scott said KO Construction still needs to paint and install vents in the Bath House but doesn't want them to do anything until the Insurance Adjuster comes to assess the damage from the tornado. Greg suggested reducing the retainage held to 1% so the delay in being able to complete the project doesn't hold up KO Construction from paying their subcontractors. Greg said this will leave a retainer of \$12,000 which is double what is left to complete the project. Greg said there is nothing on the Contractor's part that would prohibit the Splash Park from getting back up and running so paying them for the items they have completed and reducing the retainage seems fair. Scott said KO Construction did contact him last week to discuss when they can come back and finish the items so he is confident they will be completed when possible. The Commission gave permission to pay KO Construction for the work completed and reduce the retainage held to 1%. Commissioner Baldwin, as Chairman, signed Pay Application #6 from KO Construction. Upon Greg's recommendation the Commission will also issue a Certificate of Substantial Completion for the project.

The Commission asked Scott when he expected the Splash Park to be operable and open again. Scott said fencing is a requirement for the Splash Park to be open to the public so the fence needs to be repaired. Scott said he is meeting with the Insurance Adjuster tomorrow to assess the damages so they can be submitted to the Insurance Company. The Commission said the material of the fencing seemed flimsy and asked Scott if he could talk to a fencing contractor to get a heavier gauge fence installed.

1:45pm- Scott Rabbitt and Greg Steckler left the meeting.

1:50pm- Chuck Lee, 911/DES Director, joined the meeting.

Chuck Lee, Lani DeBuhr and the Commission discussed the volunteer and donation activity Lani DeBuhr has been doing for the tornado relief effort. Lani told the Commission she would like to continue to help with the relief effort but doesn't have the time to continue doing it at the level she has been. Chuck said he will take over the duties Lani has been doing and Lani will give him all the information she has gathered to start this transition.

2:00pm- Chuck Lee left the meeting.

2:00pm- Pat Ehret, Fair Board Chairman, joined the meeting.

Pat Ehret joined the meeting to notify the Commission of MHSRA Rodeo Finals claims that were purchased without Fair Board permission. Pat said she is struggling with a couple people purchasing items without bringing it to the Board first and she is trying to get a handle on it but it has been difficult. The Commission asked Pat to discuss this with the Board and that if the person(s) continue to make purchases without permission they may be responsible for paying for those items personally. Commissioner Ranum suggested Pat speak with Darcy Wassmann, County Attorney, about the law that states a board member or employee could be held personally responsible for making purchases without permission.

2:10pm- Pat Ehret left the meeting.

2:10PM CLAIMS APPROVAL

The Commission reviewed and approved the June Mid-Month Claims in the amount of \$391,720.22 and they are filed in the Clerk and Recorder's Office.

4:00PM COUNTY ATTORNEY UPDATES

Present: Darcy Wassmann, County Attorney

Spriggs Hay Lease- Darcy Wassmann said she will send the Hay Lease to Lani DeBuhr for the Commission to sign and mail out.

MacKay Land Lease- Darcy said she is still working on the language for this Land Lease.

Health Department Use of Building Contract- Darcy said she will draft a contract for people to sign when they want to use the Health Department to conduct business. Commissioner Baldwin said he will visit with David Espeland, Fallon Medical Complex CEO, about doing this also.

WBI Energy Lease- Darcy said her and Rich Batterman, City of Baker Attorney, revised the WBI Energy Easement for underground storage and sent it to WBI Energy. Darcy said WBI didn't accept this easement and the Property Rights Organization Group asked if they could bring in another attorney who is familiar with these types of issues. Darcy said she wouldn't object to another attorney helping with it as she is not an expert in this area. The Commission asked if they could legally contribute anything to this group and Darcy said yes, since the

County is a “property owner” in this matter they could contribute funds towards the effort to get the lease language changed. Commissioner Ranum said she is going to the next WBI/PRO meeting this Thursday and will give a report on what is discussed next week.

4:30pm- Mike Kirschten, Member of the Public and Landfill Operator, joined the meeting.

Mike Kirschten asked the Commission if they had received a bill for the Rifle Range Bathrooms yet as he needs to submit it to Fish, Wildlife and Parks for the grant they received to build them. The Commission said they will contact Todd Griffith to get the bill from his as soon as possible.

4:40pm- Mike Kirschten left the meeting.

Miscellaneous Items- Darcy and the Commission discussed board member conduct when items are purchased without board approval. Darcy said each board member is accountable to the board they serve on and accountable to the Commission for purchases made on behalf of the board.

Darcy asked the Commission if they wanted to do anything about the Cyber Security Grant award process. The Commission said they want to bring it to other people’s attention although they aren’t sure if anything can be done at this point. Commissioner Baldwin said he will talk to the Governor about this if he gets the opportunity.

4:45pm- Darcy Wassmann left the meeting.

5:00PM 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, JUNE 21, 2016

1:00PM RECONVENE

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

1:00PM INSURANCE ADJUSTER MEETING FOR TORNADO DAMAGE

Present: Ken Zander, EMC Insurance Adjuster; Debbie Wyrick, Deputy Clerk and Recorder; Chuck Lee, 911/DES Coordinator; Scott Rabbit, Parks Director

The Commission, Ken Zander, Debbie Wyrick, Chuck Lee and Scott Rabbitt went to various locations in the County that received tornado damage to assess the damage.

3:00PM RECESS

Commissioner Randash made the motion to recess until the next day. Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.

WEDNESDAY, JUNE 22, 2016

10:00AM RECONVENE

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

10:00AM FEMA DISASTER/TECHNICAL ASSESSMENT

Present: Chuck Lee, 911/DES Coordinator; Jeff Gates, MT DES District IV Coordinator; Lance Wedemeyer, City of Baker Public Works Director; Jack Austin, MT Fish, Wildlife and Parks Warden Captain; Zach Phillips, MT Fish, Wildlife and Parks Warden; Mary Louise Hendrickson, MT Department of Environmental Quality (DEQ) Technical Lead; Scott Rabbitt, Parks Director; Dan Brosz, Brosz Engineering; Tim Thennis, MT DES Recovery Bureau Chief; Mark Shugart, FEMA Civil Region VIII; Jason Rittal, Fallon County Development Advisor; Shannon Hewson, Brosz Engineering; Mary Grube, Planner Administrative Assistant; Rich Menger, Sanitarian

The Commission and all present met to discuss the best way to clean out the tornado debris in Baker Lake as well as the Baker Lake Disaster Mitigation plan Jason Rittal drafted on behalf of the Commission. The points of discussion were:

- According to Tim Thennis and Mark Shugart, the goal is to remove any emanate life safety risks such as the large debris from Baker Lake and to restore functionality to the Lake.
- The Baker Lake is not insured therefore insurance coverage is not a factor.
- The County may be eligible for State Assistance if the cost to meet this goal is under \$1.4 million or Federal Assistance if the cost reaches or exceeds \$1.4 million.
- The Commission's Mitigation Plan involves draining and dredging Baker Lake. Tim and Mark said there are less costly alternatives to making the Lake functional and recommended the Commission pursue those options. Tim said although draining and dredging the Lake would be a significant improvement, to get financial assistance the plan needs to be reasonable and necessary in restoring functionality and must be event related. Tim said the Mitigation Plan needs to address only tornado damage whereas the silt at the bottom of the Lake was not caused by the tornado so the removal of it would not qualify for financial assistance.
- Tim and Mark suggested the Commission look at the option of dredging the bottom of the Lake from a barge to remove debris or using a large crane to remove debris. The Commission said this method would not remove the nails, insulation and small items from the Lake. Tim said removing all debris, big and small, is not deemed necessary as all lakes have some sort of debris in them. Tim said the smaller debris will eventually settle into the silt at the bottom of the lake and not impede the use of it. The Commission said they are concerned they would be liable for people getting hurt while the debris settles. The Commission said the public swims and boats on this Lake so the smaller debris is a hazard. Tim and Mark said the removal of all debris, big and small, in the designated swimming areas could be included in the plan because removing it would be deemed necessary as people walk in those areas and could be injured by the small debris on the bottom. Tim said after the large debris is removed from the Lake people could still boat and ski in the middle of the Lake without injury as they wouldn't reach the bottom. Jason Rittal said a large portion of the Lake is only 5 feet deep which would pose a hazard to skiers if they stood up after falling off their skis. Tim said the most important item is the removal of debris and according to the guidelines financial assistance is available for removing debris up to 2 feet below the current water level, removing debris below the 2 feet would constitute restoring functionality and may not be eligible for assistance.
- Tim gave the State Declaration and Federal Declaration forms to the Commission and said they will need to determine the costs to mitigate the Lake before they can apply for assistance. Tim said the Declarations would need to be completed and submitted within 30 days of the event which is July 11th.
- Jason asked if the County hired an engineer to help them assess the damage and determine the associated costs will this exclude them from submitting a bid for the work. Tim said if they follow the normal engineering procurement for the assessment the engineer would be able to submit a bid for the work because they are being procured under the threshold.
- Tim said due to time constraints the Commission should start with the strongest items (items most likely eligible for assistance) such as debris removal, then move into establishing the functionality of the swimming areas and then identify the lower level hazard areas that are viewed as gray areas that may not be eligible for financial assistance. Tim said once they get the cost estimates for these items they will be able to determine if they will apply for State or Federal (Presidential) assistance.
- Tim said if the costs meet the \$1.4 million mark FEMA can come back and do a Preliminary Damage Assessment. Tim said it would be during this visit FEMA would determine what items in the plan are eligible for assistance. Tim said if the actual costs exceed the estimated costs the County would be paid for the project's actual costs.
- Tim said if the County gets State or FEMA assistance they will need to assess 2 mills for the project and this can be done by resolution. Tim said the County should also keep track of all related volunteer hours as this will assist them with the match that will be required if they receive Federal assistance.
- Commissioner Baldwin said a community in Alabama received assistance to drain and dredge a large lake due to a disaster and asked how they were allowed to get assistance for this if it isn't deemed necessary. Mark said he wasn't familiar with this case but could do research if necessary. Mark said the important thing to remember is the removing of water and silt is outside of getting the Lake to a usable condition.
- Commissioner Randash asked if FEMA and the County can partner together in the Baker Lake Restoration Plan. Mark said if a Federal Declaration is made those restoration items would be considered improvements and therefore not funded.

- Tim said if FEMA does get involved in the clean up the County would need to designate a staging area for private property taken out of the Lake.

10:50am- All present left to go look at condition of Baker Lake.

12:25pm- All present returned to the meeting to discuss the Baker Lake cleanup further.

Tim Thennis said there is a lot of debris in the Lake and the first step is for the Commission to create a plan that is broken down with associated costs as quickly as possible. Tim suggested the Commission include the economic impact of Baker Lake being closed in their plan as well so it gives the whole picture of the negative impact it has on the community. Tim said once the costs are determined, the Commission will be able to decide if they will apply for State or FEMA assistance. Tim said if the County applies for FEMA assistance it will be submitted to the President of the United States as it is a Presidential assistance program. The Commission asked if wages for the project would be exempt from the Davis Bacon wage law and Tim said yes they would be.

12:40pm- All present, except Jason Rittal and Dan Brosz left the meeting.

The Commission, Jason Rittal and Dan Brosz discussed the various options that were suggested by Tim Thennis and Mark Shugart. The Commission asked Dan Brosz if Brosz Engineering could start working on determining options and associated costs for the Baker Lake clean up immediately and he said yes.

Commissioner Randash made the motion to hire Brosz Engineering with a cap of \$10,000 to determine options and associated costs for the Baker Lake clean-up project. Commissioner Ranum seconded the motion. Commissioner Baldwin asked for further discussion and there was none. 3 Ayes. 0 Nays. The motion carried unanimously.

1:00pm- Jason Rittal and Dan Brosz left the meeting.

1:00PM RECESS

Commissioner Randash made the motion to recess until Friday, June 24, 2016. Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.

FRIDAY, JUNE 24, 2016

1:00PM RECONVENE

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

1:00PM BAKER CLEAN-UP MEETING WITH GOVERNOR BULLOCK'S DIGNITARIES

Present: Dan Villa, MT State Budget Director; Delila Bruno, State Emergency Administrator; Matt Quinn, Department of Military Affairs Adjutant General; Clayton Hornung, City of Baker Mayor; Mona Madler, SMART Executive Director; Darcy Wassmann, County Attorney; Chuck Lee, 911/DES Coordinator; Roger Meggers, Airport Manager; Scott Rabbitt, Parks Director; Jason Rittal, County Development Advisor; Jeff Gates, MT DES District IV Coordinator; Mary Grube, Planner Administrative Assistant; Rich Menger, Sanitarian

The Commission showed pictures of the tornado damage in Fallon County and especially Baker Lake to Dan Villa, Delila Bruno and Matt Quinn. The Commission shared details of their conversation with the FEMA and DES representatives earlier in the week. Jason Rittal said their biggest concern in applying for financial assistance is finding out how to bridge the gap between FEMA's request to only focus on the large debris and Fallon County's desire to remove all debris so Baker Lake is safe for all who use it. Jason explained to them how the majority of Baker Lake is only 5 feet deep and the danger the small debris would pose to boaters and skiers at that depth. The Commission said FEMA is only concerned with the debris two feet under the water line and the possibility of the water line significantly changing by the end of summer. The Commission said they are concerned if a barge could even go on the Lake to get debris with the shallow depths of it.

Delila said the State and FEMA are concerned with life safety and look at what a community would and is willing to do about those risks if financial assistance wasn't available. The Commission said the community has spent countless hours cleaning up all tornado debris, including debris around the lake. The Commission said they have been told to wait before removing anything from the Lake until the water testing is done to ensure it isn't contaminated. The Commission said the water test has been done and the results are expected to be available tomorrow. The Commission said another one of their concerns is that several of the homes destroyed were older homes that may have contained asbestos and this asbestos debris may be in the Lake. Matt asked if the water test they are having done would detect the presence of asbestos and Rich Menger said yes since it is a broad spectrum test. Delila asked if the County had a base line water test done prior to the tornado so it could

be compared with the test after the tornado hit and Rich said yes, he has a base line test. The Commission said the FEMA and DES rep told them they needed to research different options and they have done the following: contacted a dive company to get a quote for divers to do underwater videoing to determine the inventory of items in the Lake, contacted barge companies to get prices on removing debris this way and are getting prices to drain and excavate the silt in the Lake. Jason said they are very aware of the 30 day time frame they have to work in and are hoping they will have the figures and plan ready to submit to the Governor later next week.

2:30pm- Everyone left to go look at the Baker Lake site.

3:00pm- The Commission returned to their office.

3:00PM FAIR FOOD BOOTH BID REVIEW

Terry Sukut with JGA Architects was unable to attend the meeting, therefore it was canceled and will be rescheduled.

3:00PM ADJOURN

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

ADJOURN
s/Steve Baldwin, Chairman

MINUTE TAKER:
s/Lani J. DeBuhr, Clerk

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