

**9:00AM CONVENE**

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

**GUEST:** Dave Havens, Member of the Public

**FALLON COUNTY COURTHOUSE**

**9:00AM COMMISSION WORK SESSION**

**MISCELLANEOUS DISCUSSION-** Commissioner Randash said he had a man trim his trees recently and asked the Commission their thoughts on having him trim trees at the Golf Course. Commissioner Randash said the man could trim the trees along the road and by the Club House for \$1,500. Commissioner Randash said he doesn't want to take business away from a local person but thinks the man does a good job at a good price. Commissioner Ranum said she wants to wait until they determine the pay and hours for Eric Kary, Golf Course Superintendent, as trimming trees may become a part of his duties. Commissioner Ranum said she also thinks if they are going to spend money on trimming trees the trees at Triangle Park should be trimmed first.

Commissioner Randash asked if it would be out of line to ask the Country Club to pay for Eric's overtime hours since his overtime is usually due to tournament work. Commissioner Baldwin and Commissioner Ranum said they liked the idea, especially since the Country Club doesn't give the County any of the green fees they receive. The Commission said they will need to discuss this with the Country Club Board and the County auditor. Commissioner Ranum said a few years ago they were told Eric wasn't eligible for overtime and because of this they increased his salary to compensate him for no longer being able to earn overtime pay. Commissioner Ranum said now he will be paid overtime at the higher wage and said she is frustrated how the Commission has been told different things over the years.

**MINUTES APPROVAL-** The Commission reviewed the Commission Minutes for the weeks of June 6-10, 2016, June 13-17, 2016 and June 20-24, 2016.

**Commissioner Randash made the motion to approve the Commission Minutes for the weeks of June 6-10, 2016, June 13-17, 2016 and June 20-24, 2016. Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.**

**9:15am- Jason Rittal, County Development Advisor, joined the meeting.**

**COUNTY DEVELOPMENT ADVISOR CELL PHONE-** The Commission asked Jason Rittal if he would like to be issued a County cell phone to use for County business. Jason said he would rather not have two cell phones to keep track of and carry with him. Jason said his wife is on his current cell phone plan and he is most likely under a contract so canceling his phone could be a problem. Jason said he has always used his personal cell phone for business and would like to continue to do so. The Commission gave permission for Jason to use his existing cell phone for business use and encouraged Jason to use a percentage of the expense of his cell phone as a tax write off.

**9:20am- Jason Rittal left the meeting.**

**NEW HIRE APPROVAL FORM-** The Commission reviewed and signed the New Hire Approval Form authorizing Marcia Sears to be hired as the Home Health Aide.

**CHANGE OF RATE APPROVAL FORMS-** The Commission reviewed and signed Change of Rate Approval Forms for Shelbie Webb and Kadon Gentilini for passing the Weed Endorsement test.

**CTEP LANDSCAPING PROJECT-** The Commission reviewed and Commissioner Baldwin as Chairman signed the Notice to Proceed for the CTEP Landscaping Project.

**CORRESPONDENCE-** The Commission received an email from Jeff Hadley and Josi Hadley asking them to deny the Burning Permit System adoption request stating they don't want to call 911 every time they burn their garbage. The email also said weather conditions in the country and town can be different so questioned how 911 can give permission to burn based on weather conditions.

**CLAIM APPROVALS-** The Commission reviewed and approved the following claims: Forterra for bridge box culverts in the amount of \$83,542.60 and MT Department of Environmental Quality for the Landfill license in the amount of \$2,115.98.

**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 UPDATES**

**Present: Alba Higgins, Shop Foreman; Bobby Wiedmer, Road Supervisor; Shannon Hewson, Brosz Engineering**

**SHOP UPDATES-** Alba Higgins gave the Commission updates on the equipment and vehicles being serviced or repaired this week. Alba reviewed the hoist quote he received from Anderson Services Inc. with the Commission. Alba said this was one of the items they are required to change according to the Department of Labor’s inspection and the cost is \$42,865. Alba and Bobby Wiedmer said they would like to purchase this out of this year’s budget and the Commission gave permission. Alba said the Landfill has an oil drop building they aren’t using and he would like to outfit it for DEF dispensing. Alba said doing this would be considerably cheaper than purchasing a new dispensing building. The Commission asked Alba to get an estimate on what the costs would be to outfit the existing building. The Commission and Bobby discussed possibly getting rid of the hot oil tanks that are no longer being used.

**10:17am- Alba Higgins left the meeting.**

**ROAD UPDATES-** Bobby gave the Commission updates on Fallon County roads and the activities of the Road Department this week. Bobby said the Road Crew will be doing hand patching with cold mix this week and are planning on doing the parking lots at Fallon Medical Complex, Baker Senior Center and Plevna Senior Center. The Commission asked Bobby to talk to Joe Janz, Outside Building Maintenance Supervisor, about the holes in the south parking lot of Court House as they may need to be filled also.

**PROJECT UPDATES-** Shannon Hewson said him and Bobby are going to go do a final inspection at the Calumet Rd Box Culvert Bridge this week. Shannon said the old culvert from 3<sup>rd</sup> street is removable and the City of Baker would like to use it for their walking bridge and he is going to look at it today to determine if it could be used for that purpose.

**10:30am- Bobby Wiedmer left the meeting.**

**10:45AM BAKER LAKE CLEAN-UP MILL RESOLUTION & CLEAN-UP PLAN REVIEW**

**Present: Jason Rittal, County Development Advisor; Dan Brosz, Brosz Engineering; Chuck Lee, 911/DES Coordinator; Shannon Hewson, Brosz Engineering**

**BAKER LAKE CLEAN-UP MILL RESOLUTION-** Jason Rittal gave the Commission an article that will be going into the Fallon County Times to address the Baker Lake Clean-Up Plan for them to review. The Commission reviewed and approved of the article to be submitted to Fallon County Times.

Jason asked the Commission if they wanted to adopt and sign the County Declaration Resolution to impose two mills for restoring services and repairing facilities damaged by the tornado. Jason said the mills equal \$80,000 that will be assessed on property taxes and should have a minor effect per individual tax payer. Chuck Lee said levying the mills is a requirement for State Financial Assistance but not Federal Assistance and since it is unknown right now what kind of financial assistance they may qualify for the mills should be instated. The Commission asked if they were required to offer public comment on this resolution before adopting it and Jason said no as the action is deemed an emergency. The resolution was on the Commission’s agenda, therefore the public was notified.

**Commissioner Randash made the motion to adopt the County Declaration Resolution No. 2016-16 to impose a two mill levy to be utilized for restoring services and repairing facilities damaged by the tornado. Commissioner Ranum seconded the motion. Commissioner Baldwin asked for any discussion and there was none. 3 Ayes. 0 Nays. The motion carried unanimously. The Commission signed the County Declaration Resolution No. 2016-16.**

**COUNTY DECLARATION RESOLUTION**

**RESOLUTION NO. 2016-16**

**WHEREAS,** the tornado has caused severe damage to private property, county facilities and county parks and recreational facilities within the County on June 11, 2016; and

**WHEREAS,** restoration of these facilities is essential to ensure the health, safety and welfare of residents of the County; and

**WHEREAS,** the County has committed all available resources, taken all possible action to combat and to alleviate the situation and local resources are not adequate to cope with the situation.

**NOW, THEREFORE, BE IT RESOLVED** by the County Commissioners that a disaster is hereby declared pursuant to Section 10-3-403, MCA, because expenditures for repair and damaged facilities will be beyond the financial capability of the County.

**BE IT FURTHER RESOLVED**, that there shall be appropriated immediately to the Emergency Fund Number 2260 an amount equivalent to two (2) mills on the taxable valuation of the County outside the incorporated municipalities, pursuant to Section 10-3-405, MCA. Said two (2) mills will be levied during fiscal year 2017 and be utilized for restoring services and repairing facilities damaged by the tornado.

**BE IT FURTHER RESOLVED**, that copies of this resolution be filed with the County Clerk and Recorder, County Assessor and the Montana Disaster and Emergency Services Division in Helena.

**PASSED AND ADOPTED** by the Fallon County Board of County Commissioners on this 27th day of June, 2016.



*Bernie DeLoe*  
Clerk and Recorder

*Steve Boldwin*  
Chair

*William Kowalski*  
Commissioner

*Deb Ranum*  
Commissioner

**CLEAN-UP PLAN REVIEW-** Dan Brosz told the Commission there seems to be two options for cleaning the Lake out. Dan said one option is to drain and dredge the Lake and the other option is to have barges placed on the Lake to remove debris with an excavator. Dan said they considered using a crane but it wouldn't be able to get out into the middle of the Lake as the distance would be too far. Dan said if barges were used the best thing to do would be to locate the debris first so the barges could go right to where the material is. Dan gave the Commission a quote from Collins Engineers to conduct 3-D underwater imaging on the Lake to determine what items are in it and where they are located. Dan said they also have the ability to use GPS mapping to mark the locations of items so the barge can go directly to the debris at the time of clean-up. Dan said not only would this direct the barges where to go but they could also use this information when writing the bid specs for the project and for the FEMA assessment team. Dan said he expects it would take 2-4 days on site to map the entire Lake and gave the cost breakdown: 2 days=\$26,500; 3 days=\$36,000; 4 days=\$45,500; 5 days=\$55,000.

**11:05am- Mary Grube and Shirley Maier joined the meeting.**

Shannon Hewson said he spoke with a couple of dredging companies that have barge and dredging equipment and these companies are concerned about the depth of the Lake as their barges sit 2-2.5 feet deep. Shannon said if they hit an area of the Lake that is too shallow for the barge they would have to dredge that area to remove silt so the barge can stay afloat. Shannon reviewed the topographic maps of the Lake with the Commission and said he expects potentially 200,000 yards of silt may need to be dredged from the Lake to allow the barge to navigate it. Shannon explained the differences between mechanical and hydraulic dredging and said the material can be put in sacks or pumped up to two miles away to stock pile. Shannon said once the silt and debris are removed from the Lake it would need to be stock piled somewhere to allow the silt to dry out before it could be taken to the Landfill or dispersed elsewhere.

Dan said he also spoke with a local company about draining and dredging the Lake and they felt the bottom of the Lake was strong enough to drive on once it was drained so this may be a viable option. The Commission said they also received the toxicity test results for the Lake and it showed the water wasn't toxic so removing the water shouldn't be a problem if they go this route.

**11:13am- Roland Maier joined the meeting.**

**11:15am- Dan Brosz, Shannon Hewson, Chuck Lee and Jason Rittal left the meeting.**

**TIMBER CREEK MAJOR SUBDIVISION-** Mary Grube presented the Staff Report #MJR-FP-16-01 Timber Creek Acres Final Plat and the Final Plat for the Timber Creek Major Subdivision to the Commission to review. Mary asked that the Staff Report #MJR-FP-16-01 Timber Creek Acres Final Plat be put into record. After the Commission reviewed these items, Mary Grube moved for the adoption of Staff Report MJR-FP-16-01 as Findings of Fact and that the Final Plat for the Timber Creek Acres Major Subdivision be approved.

**Commissioner Ranum made the motion to adopt the Staff Report MJR-FP-16-01 as Findings of Fact and to approve the Final Plat for the Timber Creek Major Subdivision. Commissioner Randash seconded the**

**motion. Commissioner Baldwin asked if there was any other discussion and there was none. 3 Ayes. 0 Nays. The motion carried unanimously.**

**11:25am- Roland Maier and Shirley Maier left the meeting.**

**BUERKLE FAMILY TRANSFER-** Mary presented the Commission with a Certificate of Survey for the Buerkle Family Transfer between Danny Buerkle and Lana Buerkle and their son Britt Buerkle.

**Commissioner Ranum made the motion to approve the application of survey for the Buerkle Family Transfer between Danny Buerkle and Lana Buerkle and their son Britt Buerkle. Commissioner Randash seconded the motion. Commissioner Baldwin asked if there was any other discussion and there was none. 3 Ayes. 0 Nays. The motion carried unanimously.**

**BOARD APPOINTMENT-** Mary presented a letter of interest from Elisabeth Epley to serve on the Planning Board. Mary asked the Commission to appoint her to the Planning Board since there is a vacancy.

**Commissioner Ranum made the motion to appoint Elisabeth Epley to the Planning Board. Commissioner Randash seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.**

**11:33am- Mary Grube left the meeting.**

**11:35am- Jason Rittal, Dan Brosz, Chuck Lee, and Shannon Hewson returned to the meeting.**

Shannon said 30 acres would probably be necessary to stockpile the silt to dry with 15 acres being needed for unusable "dirty" silt and an additional 15 acres for usable silt. Shannon said the stock pile location and its proximity to the Lake could greatly affect the cost of project. The Commission and all present discussed various locations but no suitable location was determined. Shannon said they also need to factor in how much time it will take for the silt to dry out, whether it is in the sacks or stockpiled. Dan said although the project has to be completed within 180 days they may have some latitude once the silt and material is removed from the Lake.

**11:42am- Mary Grube joined the meeting.**

Chuck Lee asked if the Upper Baker Lake could be used to place some of the water removed from the Lake and Mary Grube said she didn't think MT Department of Environmental Quality (DEQ) would allow that to be done. Dan said they are also thinking about how to handle the shoreline of private landowners when cleaning out the Lake and will talk to the Army Corps of Engineers about it. Dan said the quicker the Commission decides what option they want to go with the better as the permitting process is much easier to get approval for if done within 30 days of disaster.

**11:52am- Bruce Quesnell, Member of the Public, joined the meeting.**

Bruce gave the Commission a note stating he has sonar ability on his boat and will let them use it at no charge.

**11:55am- Bruce Quesnell left the meeting.**

**12:00pm- Chuck Lee, Dan Brosz, Shannon Hewson, Jason Rittal and Mary Grube left the meeting.**

**12:08pm- Dave Havens left the meeting.**

**12:08PM NOON RECESS**

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

**1:15PM RECONVENE**

**PRESENT: Steve Baldwin, Chairman; William L. Randash, Member; Lani DeBuhr, Clerk**

**ABSENT: Deb Ranum, Member GUEST: Dave Havens, Member of the Public**

**FALLON COUNTY COURTHOUSE**

**1:15PM OUTSIDE BUILDING MAINTENANCE/SPECIAL PROJECTS INTERDEPENDENT ROLES DISCUSSION**

**Present: Joe Janz, Outside Building Maintenance Supervisor; DuWayne Bohle, Special Projects Maintenance Worker; Julie Straub, Human Resource Development; Darcy Wassmann, County Attorney**

The Commission told Joe Janz and DuWayne Bohle they would like them to begin working with each other again to cover each other's shifts while on vacation or out sick. DuWayne said he has always been willing to cover for Joe but the last time Joe was gone he received an email from Julie Straub that Darold Brown was going to cover for Joe. Julie said the email was sent out to all staff after Joe asked her to do so. The Commission said now that they have two people on staff that can do Joe's duties Darold should only be called in for things such as painting or stucco work unless Joe and DuWayne are both gone. After further discussion it was decided and agreed upon that Joe and DuWayne will cover each other's duties when the other is gone and communicate

with each other when this is needed. DuWayne asked if the Commission wanted him to have his own office since Joe asks him frequently when he is getting his own office. The Commission said no unless DuWayne wanted his own office and DuWayne said no he doesn't need one as he does his paperwork at the Rifle Range.

**1:30pm- Joe Janz, DuWayne Bohle and Julie Straub left the meeting.**

**1:33pm- Commissioner Ranum joined the meeting.**

**1:35pm-** The Commission told Darcy Wassmann about the concerns they have with Eric Kary's job classification changing because it will allow him to receive overtime at the higher wage he was given a few years ago due to not being able to get overtime. Darcy said she understood their concerns and said they need to be careful their decision on his classification isn't a "responsive" one that would come across as retaliatory. The Commission said they aren't wanting to be responsive but are struggling knowing they increased his wage a few years ago to compensate him for not being eligible for overtime and now may have to pay overtime at that that higher wage. Darcy said they do have a few options they could consider: one would be for Eric's seasonal staff to begin work earlier or later to share the heavier work load Eric has in the spring and summer months; another would be to have the Country Club use their green fees to pay for Eric's overtime when getting the greens ready for tournaments or to limit Eric's hours so he cannot work overtime.

The Commission asked if it was legal to have the Country Club pay for Eric's overtime and Darcy said yes and thinks the Country Club could contract Eric's services when they need him to get the greens ready for tournaments as they are not County events. Commissioner Ranum said they should be able to help pay for the overtime because the County used to reimburse the Country Club for Eric's wages but then they changed him to a County employee and paid him directly. Commissioner Ranum said she isn't sure why this change happened but thinks it had something to do with benefits the County offered. Commissioner Randash said when the Country Club first started their green fees didn't cover all of their expenses and that is why the County started paying for maintenance of the Golf Course. Darcy asked if the County has ever received green fees from the Country Club. The Commission said they think the County used to get the green fees and asked Brenda Wood, Clerk and Recorder, to research the reason the County no longer receives them.

## **2:00PM EASTERN PLAINS ECONOMIC DEVELOPMENT CORP. (EPEDC) MEMORANDUM OF UNDERSTANDING REVIEW**

**Present: Jason Rittal, County Development Advisor; Darcy Wassmann, County Attorney**

Jason Rittal presented the Commission with the EPEDC Memorandum of Understanding (MOU) to review. The MOU states EPEDC will pay Fallon County \$65/hour for the time Jason spends helping EPEDC with the Executive Director transition. Jason said he expects it will take a year or close to it before his services are no longer needed for this transition. The Commission and Darcy Wassmann reviewed the MOU and eliminated the automatic renewal option. The Commission, Darcy and Jason discussed who will be responsible for the liability insurance for Jason while he is performing EPEDC duties, including travel. Darcy said Brian Hopkins with MACo recommends EPEDC carry the liability insurance rather than the County. Jason said any other contractor who is hired by EPEDC carries their own liability insurance and since the County would be "contracting" one of their employees they should be the party to carry the liability insurance but will talk to EPEDC about them providing it further.

**2:10pm- Jason Rittal and Darcy Wassmann left the meeting.**

**2:20pm- Commissioner Baldwin and Commissioner Randash went to the Baker Senior Citizen Center to review how the holes are being filled as they received a complaint from a Member of the Public.**

**2:35pm- Commissioner Baldwin and Commissioner Randash returned to the meeting.**

## **2:30PM COMMISSION WORK SESSION CONTINUED**

**EXHIBIT HALL ROOF-** The Commission reviewed the Thiel Brothers quote to replace the Exhibit Hall roof at the Fairgrounds. The Commission said they will have the Fair Board review and discuss the quote before making a decision.

**PARKVIEW COMPLEX (PVC) RENTAL RATES-** The Commission discussed raising the PVC rent \$5 this year and next. The Commission reviewed the spread sheet David Espeland, Fallon Medical Center CEO, drafted in 2013 proposing possible rent increases and a \$5 rent increase per month was one of the options. The Commission said this option is the one they would like to adopt.

**Commissioner Randash made the motion to increase the Parkview Complex rent \$5/ month this year and \$5/month next year. Commissioner Ranum seconded the motion. Commissioner Baldwin asked if there was any other discussion and there was none. 3 Ayes. 0 Nays. The motion carried unanimously.**

**2:55pm- Mike Menger with Menger's Plumbing joined the meeting.**

Mike Menger asked the Commission if they wanted to repair or replace the hot water heater in the Court House. The Commission asked Mike to go look at the hot water heater at the hospital to see if it would be a good replacement and if not to purchase a new one.

### **3:00PM FCWSD-STANHOPE ADDITION SEWER PROJECT BID OPENING**

The Commission attended the bid opening for the FCWSD-Stanhope Addition Project.

**3:00pm- Dave Havens left the meeting.**

**3:15pm- The Commission returned from the bid opening meeting.**

**3:20pm- Jason Rittal, County Development Advisor, joined the meeting.**

Jason Rittal asked the Commission if they want to pay the remaining \$625,000 that is in this year's budget to the Fallon County Water Sewer District (FCWSD) for the Stanhope Addition sewer project. Jason said the County has committed \$1.8 million towards the project and paying this amount now will reduce the amount they will have to budget for next year. The Commission gave permission to pay the remaining \$625,000 to the FCWSD now for the Stanhope Addition sewer project.

**3:30pm- Jason Rittal left the meeting.**

**3:50am- Dave Havens, Member of the Public, returned to the meeting.**

### **4:00PM GOLF COURSE SUPERINTENDENT WAGE DISCUSSION**

**Present: Eric Kary, Golf Course Superintendent; Julie Straub, Human Resource Manager; Darcy Wassmann, County Attorney**

The Commission and all present met to discuss Eric Kary's employee classification and overtime pay. The Commission told Julie Straub they agree Eric should be classified as a non-exempt employee according to the labor laws that govern it. Julie told Eric the Commission is concerned about the overtime he will accrue now that he is eligible for it. The Commission and Eric discussed his schedule and Eric said he accrues his overtime hours in two ways: in spring months to get the greens ready for the season and in the summer and fall months when to gets the greens ready for tournaments. Eric said in the summer months his crew accrues overtime for the tournaments also. Eric said the overtime he accrues in the spring months is due to him being the only one at the golf course to do the mowing and get the irrigation system operable as his crew doesn't start until school gets out. Darcy asked the Commission if there was another County employee who may not be that busy who would be able to help Eric in the spring months with mowing so he doesn't accrue so much overtime and they said possibly. The Commission said they feel the overtime Eric and his crew accrues to get ready for tournaments should be the Country Club's responsibility to pay since it is their money making events they are working on and Eric agreed. The Commission and Eric discussed the overtime hours he expects to accrue for the remainder of the season. The Commission decided to put a cap of 10 hours of overtime for Eric and his employees combined until the Commission can speak to the Country Club Board about the overtime pay. The Commission said if the Country Club starts paying for his overtime then they will become the ones who control how much overtime he receives. The Commission and Eric discussed his work schedule and duties during the winter months and the importance of keeping communication open when Eric is gone.

The Commission asked Eric if he knew if the Country Club ever paid green fees to the County. Eric said several years ago the Country Club had to put the green fee money towards golf course improvements and provide receipts to the County proving this. Eric said he thought about \$13,000-\$15,000 was collected in green fees at that time and put towards the improvements. The Commission asked Eric if he knew why the Country Club no longer does this and Eric said he wasn't sure.

Commissioner Ranum expressed concern about all employees being treated fairly because Eric and other employees are able to earn overtime and it affects their PERS positively where other employees don't get that opportunity. Darcy said not all positions require overtime and that the Commission does treat everyone fairly by paying them the wage they are due and paying overtime when it is warranted.

**4:30PM- Eric Kary left the meeting.**

### **4:30PM WEED CONTROL COORDINATOR WAGE DISCUSSION**

**Present: Dale Butori, Weed Control Coordinator; Julie Straub, Human Resource Manager; Darcy Wassmann, County Attorney**

The Commission and Dale Butori discussed what his job duties are during the winter months. Dale told the Commission if they want him to do other duties or assist other Department's during the winter months he can. Dale also suggested Chuck Lee, 911/DES Coordinator, start training him more for his Deputy 911/DES Coordinator position. The Commission and Dale discussed the overtime hours him and his crew accrue.

The Commission asked Dale his opinion on the Burn Permit System. Dale said as a Firefighter he is in favor of it but thinks it shouldn't be an annual permit but rather should be permitted each time someone wants

to burn something other than garbage. Dale said the nice thing about the Burn Permit System is it would make fire restrictions the last resort rather than the first. Dale and the Commission discussed how the system should be enforced also.

**4:50pm- Commissioner Ranum excused herself from the meeting. Dale Butori left the meeting.**

Julie Straub asked the Commission if they approved Eric Kary receiving two years back pay as he is under the assumption they did. The Commission said they did not. Julie said it was after Eric read the abbreviated minutes in the Fallon County Times that he assumed they had approved it. The Commission, Darcy Wassmann and Julie reviewed the abbreviated and full minutes from the week in which Julie presented the request to them. The abbreviated minutes said the Commission determined Eric would be paid for the two years back pay. The full minutes said the Commission asked Julie to give them the amount the back pay would be and that they would ask the Golf Course Board if they could help share the cost of it. Darcy said it is the full minutes that are binding and since there was no definite answer given by the Commission about paying it and no motion was made to pay it, the Commission did not authorize it to be paid. Darcy suggested Eric make a formal request for the back pay and if the Commission decides to pay it they will need to make a formal motion to do so.

**5:10pm- Darcy Wassmann, Julie Straub and Dave Havens left the meeting.**

**5:10PM EVENING RECESS**

**Commissioner Randash made the motion to recess for the evening. Being there was no second, Commissioner Baldwin stepped down from being Chair and seconded the motion. 2 Ayes. 1 Absent. 0 Nays. The motion carried.**

**THURSDAY, JUNE 30, 2016**

**10:00AM RECONVENE**

**PRESENT: Steve Baldwin, Chairman; William L. Randash, Member; Lani DeBuhr, Clerk**

**ABSENT: Deb Ranum, Member**

**FALLON COUNTY COURTHOUSE**

**10:00AM BAKER LAKE CLEAN-UP DISCUSSION**

**Present: Sage Joyce, Army Corps of Engineers Regulatory Project Manager; Dan Brosz, Brosz Engineering; Shannon Hewson, Brosz Engineering; Jason Rittal, County Development Advisor; Rich Menger, Sanitarian; Chuck Lee, 911/DES Coordinator; Mary Grube, Planner Administrative Assistant; Lake Advisory Board**

**Members: Jerad Singer, Guy Varner and Curt Ehman**

Sage Joyce and the Commission discussed the Army Corps of Engineers (Corps) permitting process in relation to the Baker Lake Clean-Up Project. Sage said the Corps can issue an emergency permit but the work on the project would have to start within 30 days of disaster to be issued. The Commission asked if the "start date" of work could be the day the volunteers started cleaning the Lake shore. Sage said it could but it may not be a good idea as they would also need to submit a plan to her that shows the actual scope of work to be done within 15 days of that date which may have already passed if the volunteers started cleaning shore right away. Sage said that possibly the "start date" could be today because a trailer was removed from the Lake today. Sage said the work also has to be completed within 30 days of start date for the emergency permit but expects the County would be able to request an extension since it will take longer than 30 days to complete the clean-up. Jason Rittal said the time limit of the permit could pose as a problem if FEMA won't let them begin work on the Lake until the plan is approved. Sage said permit 33 CFR 322 is a temporary construction access permit that could be issued in conjunction with the emergency permit. Sage said they can also apply for a tailored, written permit but the timeline for this type of permit is usually 120 days with a 30 day public comment period. Jason said this type of permit may conflict with the 180 day time limit FEMA sets on the project. Jason asked if the emergency permit could be granted to begin the work and then lead into the tailored permit to continue the work. Sage said she would need to ask the State Program Manager about this. Sage said they may also be able to get a Letter of Permission for the project. Sage said the important thing to do now is get the plan in place so they can determine what type of permit will be needed for each phase of the project. Sage told the Commission to include every facet of the project when filing for the permits also. Dan Brosz suggested contacting all agencies involved when starting the permitting process so things can move as quickly as possible and the Commission agreed.

The Commission and all present discussed the different types of debris in the Lake and Sage said the most difficult part of the project will be to remove the smaller debris since it can't be taken out by a crane or excavator. The Commission asked Sage if the EPA will have anything to do with the project and she said not for the disaster clean-up, which will be under the Army Corps of Engineers. Sage said after the clean-up project is complete then the EPA would take over the enforcement of the Lake. Sage told the Commission to be careful about the Baker Lake Clean-Up Plan not overlapping the Baker Lake Restoration Plan that has been sent to EPA as it would only complicate things. The Commission and all present discussed how to handle private-property shorelines, especially the privately owned lots along the Lake that extend into the Lake. Sage said the County would most likely need to get permission from each landowner to clean-up their shore and land that extends into the Lake but will discuss this with the State Program Manager as well. Mary Grube suggested having all landowners sign a joint application for the work to be done on their property if it is needed.

**10:50am- Sage Joyce, Rich Menger, Mary Grube, Jerad Singer, Guy Varner and Curt Ehman left the meeting.**

Dan and Shannon presented the Commission with the 1<sup>st</sup> draft of the Baker Lake Debris Removal Engineering Report to review. After reviewing and discussing the items in the report a few changes will be made with the final draft being given to the Commission by Friday.

**11:34am- Dan Brosz, Shannon Hewson and Jason Rittal left the meeting.**

**11:35PM NOON RECESS**

**Commissioner Randash made the motion to take a noon recess. Being there was no second, Commissioner Baldwin stepped down from being Chair and seconded the motion. 2 Ayes. 1 Absent. 0 Nays. The motion carried.**

**1:00PM RECONVENE**

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

**1:00PM FAIRGROUNDS FOOD BOOTH BID REVIEW**

**Present: Jason Rittal, County Development Advisor**

**Present by Conference Call: Terry Sukut, JGA Architects**

Terry Sukut presented the Commission with a Budget/Bid Evaluation Sheet with options to reduce the overall cost of the project since all bids submitted exceeded the expected cost of project. The Commission agreed with all seven options except the option to change the material thickness of the roof. The Commission said because of the hail our area receives they want the heavier 24 gauge roofing to be installed rather than 26 gauge as suggested. There were two alternative bid items included also. One was to install a clock tower in the court yard and the other was to install concrete patio tables in the seating area. Commissioner Randash said he didn't want the clock tower included due to the high price and Commissioner Baldwin and Commissioner Ranum said they wanted it included therefore the clock tower will be included in the project. The Commission all agreed to not include the patio tables in the project.

**1:40pm- Rich Menger joined the meeting.**

The Commission told Terry to also remove the light pole flower basket hangers from the project. The Commission said they would like to award the project to Tooz Construction and asked Terry to notify them of the changes they have made to the project.

**Commissioner Ranum made the motion to award the Fallon County Fairgrounds Concessions and Pavilion bid to Tooz Construction with the changes recommended by JGA Architects. Commissioner Randash seconded the motion. Commissioner Baldwin asked for any further discussion and there was none. 3 Ayes. 0 Nays. The motion carried unanimously.**

**1:50pm- Terry Sukut ended the phone call and thereby left the meeting.**

Rich Menger said he spoke to someone at the Department of Environmental Quality (DEQ) and they said no permitting would be necessary for moving the water out of Baker Lake. Rich said permitting is only needed if the water is contaminated and hazardous and the water test results show it isn't. Rich said he also talked to someone at Fish, Wildlife and Parks about salvaging the fish when the Lake is cleaned out and they said with the low temperature of the Lake they aren't too concerned about it. Jason asked Rich if he could get what DEQ and FWP in writing and Rich said yes.

**2:00pm- Jason Rittal and Rich Menger left the meeting.**

**2:00PM 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, Chair

---

MINUTE TAKER:  
s/Lani J. DeBuhr, Clerk

---

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