

**9:00AM CONVENE**

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

**9:15AM WEED CHEMICAL DISCUSSION**

**Present: Dale Butori, Weed Supervisor**

Dale Butori and the Commission discussed the chemicals he will be applying this year to areas in Fallon County.

**9:30am- Dale Butori left the meeting.**

**9:30AM COMMISSION WORK SESSION**

**JOURNAL ENTRY FORM-** The Commission reviewed and Commissioner Baldwin, as Chairman, signed Journal Entry Form #564- moving invoices between expense accounts in the Extension budget and the Economic Development budget.

**NEW HIRE APPROVAL FORMS-** The Commission reviewed and signed a New Hire Approval Form for Heather Lowery as a Seasonal Fair Crew Hand.

**DONATION REQUEST-** The Commission received a letter requesting a donation for the Positive Choices program. The Commission agreed to donate \$500 which is the same amount they donated last year.

**MISCELLANEOUS-**

**Gravel Pit-** Brosz Engineering submitted the Owens Gravel Pit measurements equaling 15,487 cubic yards.

**Fair Food Booths-** The Commission received notice from JGA the Fair Food Booth project has gone out to bid with a bid opening date of June 15, 2016 at 2pm.

**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.

**9:50am- Tom Owens, Member of the Public, joined the meeting.**

**10:00AM ROAD UPDATES**

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

**SHOP UPDATES-** Alba Higgins and the Commission discussed items that Alba will need to budget for in next years' budget such as gravel, bridges and equipment. Alba gave updates on the equipment and vehicles being serviced or repaired this week. Alba said the shop garage door did not go up all the way last week and because of this a truck was backed into it. Alba said he contacted Debbie Wyrick, Deputy Clerk and Recorder, to determine if it should be turned into the County's Insurance and is waiting to hear back from her. Alba asked the Commission if they can have the Polaris Ranger the Weed Department has available to use for chip and sealing. Alba said if they were given this Ranger they could give their red buggy to the Fairgrounds to have and the Commission gave permission.

**ROAD UPDATES-** Bobby Wiedmer and the Commission discussed the Johnny Creek Trail road as Clayton Graham said he is concerned about the safety of it, especially when people are driving on it with horse trailers. Commissioner Ranum said Clayton offered to supply the dirt if the road was widened but Bobby said the road is already 25 feet wide and widening it won't fix the problem. Bobby said there are several blind spots on the road and the biggest issue is the speed at which people drive on the road. The Commission agreed and said people really need to slow down and suggested putting signage along the road.

Bobby gave updates on the activities the Road Crew will be working on this week and the culverts that were installed last week. The Commission and Bobby discussed removing the trees along HWY 7 by the Afrank property.

**10:20am- Shannon Hewson joined the meeting.**

Tom Owens asked the Commission and Bobby if they were planning on putting gravel on Webster Road along the 101 Road and Chimney Creek Road. Bobby said they will be putting gravel on them but not for

another six months as he doesn't have a gravel supply that is close to that area right now. Tom and Bobby discussed using gravel from the Tronstad pit and Tom said he would be concerned the weeds from this pit would spread through the County if applied to the roads. Bobby said the weeds in the pit don't have a long root system and could be scraped off the top so shouldn't be a problem. The Commission asked Bobby if there were other pits he could pull gravel from and Bobby said there were but they are quite a distance away. Bobby said it isn't an easy job trying to get gravel on all the roads continuously as the County has over 200 miles of road and only time to gravel 35 miles per year. Tom suggested the County hire someone to help them get the roads graveled so they can get caught up and the Commission said they have done that in the past. Tom and Bobby discussed various pits nearby that the County may be able to buy gravel from. The Commission asked Bobby to contact Wyrick Construction about purchasing gravel from the nearby Blanch pit so it can be laid on both of these roads this summer. Shannon Hewson said he just measured the Coldwell pit and it may be a good place to get gravel from also. Tom asked Bobby to not do anymore blading on these roads until gravel is laid down as it makes the road hard to drive down.

Tom and the Commission discussed the WBI Energy Leases that were mailed to the County and various landowners. Tom told the Commission many landowners are working together to get the language in the leases changed and to receive annual payments rather than a one-time payment. Tom asked the Commission if they would consider joining the Property Rights Group and helping with attorney fees. The Commission said they would have to discuss the legalities of it with the County Attorney before giving an answer.

**10:45am- Tom Owens left the meeting.**

**PROJECT UPDATES-**

**Sage-Grouse Permits-** Shannon told the Commission a Sage-Grouse permit will be needed for all future projects.

**Calumet Rd Box Culvert Bridge-** Shannon said Coon Construction will be moving in on Wednesday to start construction on the bridge.

**City of Baker Culverts/Sidewalk-** Shannon asked the Commission if they would be interested in putting a sidewalk through the culverts that will run through town and gave pictures of the design for them to review. Shannon said he wanted them to know they had the option to do this and if they wanted to do in the future now would be the time to have it included in the design plans. The Commission said they been working on getting sidewalks around the lake since 2012 and to add more sidewalk construction wouldn't be a good idea. The Commission said they would also have safety concerns with kids hanging out in the culverts if a sidewalk ran through it. The Commission asked Shannon if it would be possible to install a gate at the mouth of the culvert by the City Park for safety purposes and Shannon said it is possible although they will want to consider the maintenance of keeping the gate cleaned out. Shannon said he will research it and bring what he finds to the Commission.

**11:05am- Shannon Hewson left the meeting.**

**11:05AM HEALTH DEPARTMENT BUILDING DISCUSSION**

**Present: Debbie Wyrick, Deputy Clerk and Recorder; Kim Cuppy, Health Nurse**

The Commission, Debbie Wyrick and Kim Cuppy met to discuss the proper way to handle people using the Health Department offices to conduct business. The Commission said there is a "for-profit" counselor out of Miles City using the building at no charge and they are concerned about the liability and fairness of this. After further discussion it was decided a contract should be drafted between the County and any entity using the building on a consistent basis and a fee should be charged. Commissioner Randash said he will contact Fallon Medical Complex to find out what they charge outside providers to use their office space. The Commission said they will need to contact the County Attorney about this particular counselor using the facilities as they contribute funds and have an agreement with Eastern Montana Mental Health for counseling services and this may pose as a conflict of interest.

**11:22am- Debbie Wyrick and Kim Cuppy left the meeting.**

**11:45AM PUBLIC COMMENT**

**No one appeared for Public Comment.**

**12:00PM NOON RECESS**

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

**3:00PM GOLF COURSE MANAGER CLASSIFICATION DISCUSSION**

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

The Commission and all present met to discuss Eric Kary's job classification changing from an exempt to a non-exempt position which would qualify him to receive overtime pay. Julie Straub said up until now Eric has been classified as an exempt employee but after creating a job description for him it was determined he should have been classified as a non-exempt employee due to the majority of his work being manual labor. The Commission and Eric discussed Eric's yearly schedule, duties and when it would be most likely for him to incur overtime. Eric said the majority of his overtime occurs in the spring months due to needing to get the greens ready and the rest of his overtime usually occurs during weeks Golf Tournaments are held. The Commission, Eric and Darcy discussed the Golf Course Board's role in supervising Eric and if they should be contributing any of their profits to help maintain the Golf Course. Darcy Wassmann suggested the Club House pay for the portion of overtime hours Eric accrues when getting the course ready for tournaments as they are the hosts of the events and receive money from them. Julie said Eric asked if he was eligible for overtime back pay since he was classified incorrectly to begin with and she told the Commission Eric is eligible for two years' worth of back pay. The Commission asked Julie to give them the amount the back pay will be and they will discuss it with the Golf Course Board to ask if they can help share the cost of this. Julie suggested Eric notify her or the Commission when he expects to accrue overtime so they know in advance and Eric said he could do that.

The Commission asked Eric if he would have enough work to stay busy in the winter months and he said yes as he does all his maintenance work during the winter months so when spring comes his equipment is ready to go. Eric said in the years he was working at the Road Department during the winter months he had to scramble to get everything ready and some things he was responsible for didn't get done.

#### **3:45pm- Eric Kary left the meeting.**

Commissioner Ranum said she is concerned about Eric being paid overtime now since he was given a considerable raise a few years ago to compensate for being exempt and not getting overtime pay. Julie and the Commission discussed the importance of job's being classified correctly.

#### **4:00pm- Julie Straub left the meeting.**

#### **4:00PM COUNTY ATTORNEY UPDATES**

##### **Present: Darcy Wassmann, County Attorney**

**MacKay Land Lease-** The Commission and Darcy Wassmann discussed the hunting concerns Donald and Laurie MacKay have with their new County Land Lease. Darcy told the Commission they have 3 options to deal with hunters on the land: 1) Prohibit hunting to everyone due to it disrupting the operation of their business, 2) Prohibit hunting to the "public" where the public wouldn't be able to hunt but the tenant could. Darcy said she would not recommend this option as it is County land which is the property of the "public" and 3) Allowing the public to hunt as long as they can get to the land without interrupting and going on other privately owned property. The Commission said a County road goes through this property so people can access it that way. The Commission said they will discuss these options with the MacKays when they come in at 4:30pm.

**Attorney Updates-** Darcy Wassman gave updates on the items she has been working on for the Commission such as: Stanhope Easements, High Plain Group's Easement and the Little Beaver Minor Subdivision Easement.

**WBI Lease-** The Commission told Darcy about the WBI Lease and the discussion they had with Tom Owens earlier in the day. Darcy suggested the Commission view the lease as a landowner since it is their duty to protect the County's property interests. Darcy said she doesn't see a problem with them joining efforts with the group to scale back the language in the easements but rather than contributing funds for attorney fees it would be more fiscally responsible to have her, as the County Attorney, assist.

#### **4:30PM MACKAY LAND LEASE DISCUSSION**

##### **Present: Donald MacKay, Land Lessee; Darcy Wassmann, County Attorney**

Donald MacKay met with the Commission to discuss concerns he has with the new land lease. Donald said a County road runs through the land he leases, making it a popular area for hunters. Donald said he is concerned about being held liable if a hunter were to get hurt or shot while on the land or if they were to hurt or shoot his animals. Darcy told Donald he wouldn't be liable as it is County owned land unless he were to place or build something on the land that would cause someone to get injured. Donald said he is also concerned about entering the land when hunters are there as he has to go to the far end of the property line to get water. Darcy explained the three options she presented to the Commission earlier in the day to deal with hunters on the property. Donald asked if they could post a sign that said "no hunting without permission" so he would know who is hunting on the land in case something happened. Darcy said government officials cannot discriminate against anyone using their land and giving Donald the authority to allow or not allow people to hunt on the land is not good practice and could potentially lead to discrimination or at least a perception of discrimination. Darcy said they could limit hunting to only County residents but then any non-County resident couldn't hunt, even if accompanied with a County resident. Darcy recommended the Commission either allow all hunters or

none at all. The Commission told Donald they would like time to think about what to do before making a final decision.

Donald asked the Commission why they went from a 10 year lease to a 1 year lease. The Commission said it was done to better manage the land and make the lease holders accountable for using it. Donald asked why the rate increased so much and the Commission said they decided to make the rates comparable to other government land leases so it's a better use of County assets for the benefit of the taxpayers. The Commission said they also considered selling the land but because it would have to go out to bid, risking the chance someone other than the lessee buying it they opted to renew the leases instead for a shorter time period.

Donald asked the Commission if he could drill on the land to get water. The Commission said he could and to keep the receipts in the event he no longer leases the land the County could pay for the expenses for the water that will be permanently available. Darcy advised Donald the County would need to be the owner of the water rights since they are the property owner.

**5:00pm- Donald MacKay and Darcy Wassmann left the meeting.**

#### **5:00PM EVENING RECESS**

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

**TUESDAY, MAY 10<sup>TH</sup>, 2016**

#### **10:00AM ARC MAPPING TRAINING**

**Present: Mike Madler**

The Commission attended the ARC Mapping Training Session taught by Mike Madler.

**WEDNESDAY, MAY 11<sup>TH</sup>, 2016**

#### **11:00AM RECONVENE**

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

#### **11:00AM LEE MOORE PROPERTY**

**Present: Landowners: Bruce Moore, Neil Moore, Lee Moore; Sam Johnson, Department of Natural Resources and Conservation; Mary Grube, Planner Administrative Assistant; Rich Menger, Sanitarian, Darcy Wassman, County Attorney; Julie Straub, Human Resource Manager; Shannon Hewson, Brosz Engineering  
Present by Conference Call: Forrest Sanderson, Contracted Planner**

Everyone present met to discuss the process Lee Moore will need to take to bring his scrap metal property into floodplain compliance and the summary points of discussion were:

- The scrap metal is located in the floodway of the property and regulations do not allow anything to be placed in the floodway unless it can be moved in a moment's notice. The scrap metal will need to be moved out of the floodway to another location.
- The flood fringe of the property can be used to deposit the scrap metal with the proper permitting and may be an ideal place for the scrap metal to be moved to.
- Requiring a permit to clean up the floodway area is up to the community and Forrest Sanderson suggested not making the Moore's go through two permitting processes but rather lump the cleanup and the flood fringe permitting together.
- Forrest suggested Lee hire an engineer to survey the land so they know where the exact boundaries are, where they can run the rail line and what ground they can build up. Sam Johnson agreed and said it is best to have a survey done if you are near the margins of a floodway.
- Lee will hire Brosz Engineering to determine the exact location of the flood fringe and floodway on property. Then he will begin removing the material in the floodway after the survey is complete and start the permitting process to use the flood fringe for the scrap metal deposit.
- Brosz Engineering will begin working on the survey next week and Lee will keep Mary Grube and Forrest informed of what they plan to do once the survey is complete.

**11:30am- Forrest Sanderson ended the phone call and thereby left the meeting. Bruce Moore, Neil Moore, Lee Moore, Rich Menger and Shannon Hewson left the meeting.**

The Commission and Sam discussed the process of map revision.

**11:40pm- Sam Johnson, Mary Grube, Darcy Wassmann and Julie Straub left the meeting.**

**11:45PM ADJOURN**

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

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ADJOURN  
s/Steve Baldwin, Chair

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MINUTE TAKER:  
s/Lani J. DeBuhr, Clerk

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

**THURSDAY, MAY 12<sup>TH</sup>, 2016**

**11:00AM WBI EASEMENT MEETING**

The Commission attended the WBI Easement meeting landowner representatives had with WBI representatives.

**FRIDAY, MAY 13<sup>TH</sup>, 2016**

**11:00AM MACO DISTRICT 1, 2 & 3 SPRING MEETING IN CIRCLE, MT**

Commissioner Ranum and Commissioner Randash attended the MACo District Meeting in Circle, MT.