

9:00AM CONVENE

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

ABSENT: Deb Ranum, Member

FALLON COUNTY COURTHOUSE

9:00AM REVIEW AND SIGN AGREEMENT FORM FOR THE WEBSTER AND COAL BANK CULVERT PROJECT

The Commission reviewed and Commissioner Baldwin, as Chairman, signed the Agreement Form between Fallon County and Diamond J Construction for the construction of the Webster and Coal Bank Box Culvert Project.

9:15am- Commissioner Ranum joined the meeting.

9:15AM HAIL DAMAGE CLAIM DISCUSSION

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

Jason Rittal is drafting the hail damage bid specs that will go out to bid in October/November with a bid opening at end of November. Once the specs are completed the Commission will decide whether to include all building repairs into one bid or to break the repairs up into a few smaller bids. Commissioner Ranum suggested changing the color of tin on the Fairground Buildings to white when repairs are done. After further discussion it was determined some of the Fair buildings will only have two sides replaced therefore the khaki color will remain. All money from the insurance for autos has been received and all totaled vehicles the County kept will have a salvaged title.

9:55am- Debbie Wyrick, Jason Rittal and Alba Higgins left the meeting.

10:00AM ROAD DEPARTMENT UPDATES

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

Shop Updates- Alba Higgins gave updates on the vehicles and equipment being serviced or repaired this week. The Commission gave Alba permission to purchase cabinets from Fastenal to store nuts and bolts.

10:15am- Alba Higgins left the meeting.

Sather Rd. Discussion- Bryant Steen is moving his son to the Ollie area and is inquiring about Sather Road being maintained by the County. The road had been abandoned by the County and in order for it to be maintained a petition requesting the road to be opened would need to be done. Bobby Wiedmer will discuss this with Bryant and offer for him to come talk to the Commission about it.

UPDATE: On 10/13/16 Bobby Wiedmer researched this issue more and discovered the road in question was not abandoned as previously thought.

Road Updates- Bobby gave updates on the activities the Road Crew will be working on this week. A landowner thanked Bobby for making crowns in the roads as they are in much better condition than other Counties that don't put crowns in. Commissioner Ranum said Gene Nemitz asked if the County was going to replace the bridge on 6 Mile Road (Ismay Rd. North) since it is so narrow. Bobby said the bridge is on the Historical Society List so in order to replace it they would have to go around it. Bobby said Bowman County tried to do this and were required to remove the old bridge and then had to find a location to display it.

Webster Rd Box Culvert- Diamond J Construction had to have the old fence removed and the temporary fence installed before starting project. Because the fencing was not included in the bid specs, Shannon Hewson contacted three contractors to put the fence in immediately. Diamond J Construction's fence quote was high and Rieger Fencing had time to install the temporary fence but not remove the old fence. Fox Hills Fencing was able to remove the old fence and install the temporary fence for \$4,100 so Shannon had them do it this weekend. When the permanent fence is ready to go in Shannon will solicit quotes for it.

Westmore Rd Box Culvert- Shep's Welding gave a breakdown of the additional costs (\$43,650) incurred for the sloped end sections being reformed, Forterra will pay for this.

Railroad Avenue Study Results- The study results will be discussed next week due to time restraints.

10:45AM GOLF COURSE UPDATES

Present: Eric Kary, Golf Course Manager; Julie Straub, Human Resource Manager

Eric Kary gave updates on items he will be working on this month and said he doesn't expect to accrue overtime this week. Julie Straub asked Eric to notify the Commission ahead of time if he expects overtime.

10:55am- Eric Kary and Julie Straub left the meeting.

11:00am- Commissioner Ranum excused herself from the meeting to attend the Fairgrounds Concession Building Construction Meeting at the Fairgrounds.

11:45AM PUBLIC COMMENT

No one appeared for Public Comment.

12:00PM 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.

1:15PM RECONVENE

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

1:15PM CTEP & VETERANS MEMORIAL DISCUSSION

Present: Mona Madler, SMART Executive Director

CTEP Project- Mona Madler gave the Commission Peaks to Plains' field report for the CTEP Project to review. The Commission and Mona discussed Gamut Construction's progress on the CTEP Project and whether liquidated damages should be assessed since the project is still not complete. Commissioner Baldwin called Carson Beach, owner of Gamut Construction, and Carson expects the project to be completed in a week to a week a half. After much discussion and reservation, the Commission decided to give Gamut Construction up until October 21st to complete project and if it isn't done by this date liquidated damages will be assessed.

The CTEP bid specs stated the asphalt pavement needed to meet the Montana Department of Transportation (MDOT) mix standards but Gamut Construction used the Montana Public Works asphalt pavement mix standards instead. Mona spoke to an MDOT representative and they said using the Public Works standards were ok since it won't get the heavy traffic and high speeds that highways do. It is the Commission's choice if they want the asphalt removed and replaced with the MDOT standards mix since that is what is in the contract. The Commission chose to not have the asphalt removed since MDOT gave approval of the material used and because of time constraints.

Veteran's Memorial- Mona gave updates on the installation of the POW/MIA flagpole and monument at the Veteran's Memorial.

1:55pm- Mona Madler left the meeting.

1:50PM COMMISSION WORK SESSION

PURCHASE REQUEST- The Commission gave Lynda Herbst, Inside Building Maintenance Supervisor, permission to have Direct Electric remove and replace light fixtures in the new server room.

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.

2:30PM BAKER LAKE CLEAN-UP ENGINEERING PROCUREMENT TEAM SELECTION

Present: Jason Rittal, County Development Advisor; Chuck Lee, 911/DES Coordinator; Rich Menger, Sanitarian; Mary Grube, Planner Administrative Assistant

The Commission and all present met to discuss who should be on the Baker Lake Clean-Up Engineering Procurement Team. This team will review and rank the Request for Qualifications (RFQ) received from engineering firms in order to select the firm that will be hired for the project. The options for the team are: team composed of Commission only; committee formed with the Commission and other members; committee formed with members in which they give their recommendation to the Commission. The Commission was advised that the larger the selection team, the longer the process of ranking and choosing the engineer will take. After much discussion, the Commission decided to have the team composed of the Commission only due to the time factor in getting Baker Lake drained as soon as possible. The Commission will contact individuals to review the RFQs and give their thoughts during the selection process also. Once the engineering firm is selected they will be asked to give their proposal on the best way to drain the Lake, then it will be the County and FEMA's decision to accept the proposal and have work begin.

3:00pm- Jason Rittal, Rich Menger, Chuck Lee and Mary Grube left the meeting.

3:00PM POLICY MANUAL REVIEW

Present: Julie Straub, Human Resource Manager

The Commission approved the changes Julie Straub made to the sections of the Policy Manual per their request on October 5, 2016. Julie and the Commission reviewed the Fallon County Policy Manual- Sections 4.06 to 7.04 which included: Worker's Compensation; Retirement; Employee Wellness Program; Computers, Internet and Email; Social Media at Work; Workplace Safety Program; Safety Incentive Program; Workplace Violence Prevention; Weapons on County Property; Fallon County Credit Card; County Issued Cellular Phones; Use of County Vehicles and Equipment; County Auction and related County Personnel Forms. The Commission included prohibiting employees from using hands free cell phones while operating County vehicles or equipment in the County Issued Cellular Phones section of Policy Manual. The Commission asked for it to be noted that only County employees can operate County vehicles and that Board Members who are not County employees cannot operate County vehicles in the Use of County Vehicles and Equipment section of Policy Manual. The Commission included the requirement of having all employees take Fleet Vehicle Training before operating a County vehicle in the County Vehicles and Equipment section of the Policy Manual. This training will be given once a year during a Safety Meeting or individually as the need arises.

Julie said IRS rules state if an employee drives a work vehicle home then they have to pay a 3% tax on the use of it. Julie said at times employees take County vehicles home due to having to leave early in the morning or returning from their trip late at night. Julie said the Commission can create a policy that would specify the employee would not have to pay the 3% tax when taking a vehicle home and the Commission asked for that policy to be created. Commissioner Ranum suggested allowing other employees to be reimbursed for Personal Protective Equipment (PPE) they purchase like the Road, Landfill and Ambulance employees. Julie will discuss this recommendation with the Safety Committee to determine what types of PPE should be reimbursable. The Commission will continue to require employees to attend safety meetings in order to receive the Safety Incentive PPE reimbursement. The Road Department requested the PPE allowance be increased from \$150/year to \$200-\$250/year due to increased costs of steel toed boots and safety glasses. The Commission will do research on this before making a decision.

The Commission will formally approve the Policy Manual next week and then it will go out for a two week review before being adopted.

4:00pm- Julie Straub left the meeting.

4:00PM FENCING RIGHT OF WAY DISCUSSION

Present: Randy Wolenetz, Member of the Public; Darcy Wassmann, County Attorney

Present by Conference Call: Shane Mintz, Montana Department of Transportation (MDOT)

The Commission and all present met to discuss the fence the Enos family is putting in the State Right-of-Way (ROW). The Enos family was invited to attend this meeting but were unavailable and didn't ask for it to be rescheduled. The summary points of discussion were:

- The ROW is land the State purchased from the area landowners but the County has jurisdiction of the road and ROW since they maintain it and have the final say on how it is used.
- The original fence was set 60 feet from center line with variation for cuts. The new fence jogs quite a bit and is much closer than 60 feet from center line. Randy Wolenetz gave reasons why he and his neighbors think the placement of this fence is hazardous.
- Shane Mintz said the landowner is encroaching on the ROW and in order to keep it there they would need to apply for an encroachment permit which the Commission would approve or disapprove. Shane said the encroachment permit would be for a 5 or 10 year term and would require a bond to be in place for liability purposes. Shane said MDOT would rather nothing be in the ROW, but it is the County's decision to make.
- Shane's main concern is a portion of fencing that is within the "clear zone" of road. A road's "clear zone" is the amount of space needed for a driver to recover if they veer off the road. A "clear zone" is based off of traffic volume, slope and the speed limit of road and the "clear zone" for this road extends 20 feet from the center line. There is a ¼ mile stretch of road in which the fencing is only 18 feet from the center line and Shane said if MDOT had jurisdiction over it he would recommend it be moved.
- Commissioner Ranum said in the 1970s Delane Beach, a previous Commissioner, worked with the Enos family to get an easement for that road and then it eventually became a secondary primary road. Shane said an easement wasn't given but rather the State was deeded the land by a Bargain and Sale Deed. Cindy Irgens, Clerk, gave the Commission a copy of the Bargain and Sale Deed that she found upon their request. Shane will send the Commission all ROW information for this road so they can see where the fencing should be placed in order to not encroach on the ROW.

4:40pm- Shane Mintz ended the call and thereby left the meeting.

4:42pm- Bobby Wiedmer, Road Supervisor, joined the meeting.

The Commission updated Bobby Wiedmer on the discussion they had with Shane Mintz. Bobby said the Road Crew needs 33 feet from the center line for snow removal and Randy said the fence is closer than 33 feet in some areas. Darcy Wassmann said safety should be the Commission's number one concern and consistently making everyone abide by the same rules.

4:50pm- Shane Mintz with MDOT called and thereby joined the meeting.

Shane Mintz said after researching this further he discovered the State only obtained a temporary easement from the Enos family during construction of the road, the State didn't pay them for the 60 feet of ROW like all other landowners along it. Shane said the ROW information he is sending will show how many feet of ROW they have along Enos's land.

4:55pm- Shane Mintz ended the call and thereby left the meeting.

Darcy advised the Commission to wait until this information is received and then they can determine what can be done if anything. Bobby and Darcy discussed the easement the County has with the Enos family to maintain the road, Darcy will review the easement.

5:10pm- Bobby Wiedmer and Darcy Wassmann left the meeting.

5:15PM ADJOURN

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