

9:00 AM CONVENE

**PRESENT: Steve Baldwin, Chairman, Roy Rost, Member Brenda J. Wood, Clerk and Recorder
FALLON COUNTY COURTHOUSE**

PUBLIC COMMENT – AGENDA ITEMS

9:00 AM

No one appeared for public comment.

9:15 AM Deb Ranum, Member joined

9:29 AM MINUTES APPROVAL FOR WEEK OF OCTOBER 30 – NOVEMBER 3, 2017

Commissioner Rost made the motion to approve the Commission Minutes for the week of October 30, 2017, with corrections. Commissioner Ranum seconded the motion. Commissioner Baldwin asked for any other discussion; being none. 3 Ayes. 0 Nays. The motion carried unanimously.

9:40 AM HAIL LOSS UPDATES/Terry Sukut, JGA Architects via Conference Call

County Shop-The Contractor has been notified they will need to remove the metal roofing they just placed due to the fact they left a void which needs to be filled with insulation. This is a code issue that will be remedied.

Ambulance Garage-Commissioner Baldwin let Terry know there was an incident this weekend with the Ambulance Garage. The Contractor left the EMS building with no electricity or heat. They had a call and had to manually open the door. When the door is released manually there is a bar that comes down and it in turn creased the top of the new Ambulance. Commissioner Baldwin contacted the Contractor and in turn MDU was notified as well. Terry will address the Contractor regarding this issue.

Weather-Discussed the snowy weather and the fact the Contractor will still be able to do most any of the work left to be completed.

While up on the roofs last week they noticed various items that were incomplete such as the 4H (west end) roof panel seams were not finished and other items such as that; they will keep working with the contractors to get the work completed.

PVI and PVII-Finally very close to getting that project finished; snow breaks were received and supposedly they are being installed or have been installed.

Skylights-Tri-Jack Manufacturing (skylight manufacturer) feels the skylights should be shipped the week of December 4th. If the weather is good it should only take a few days to have them installed. Discussed a special sealant product that will be used for placement of the skylights due to the cold weather.

First Dakota-Terry feels First Dakota would be finished the middle of December and the County could extend their contract to that time as the final date was never agreed upon.

Metal Museum building-Waiting for the insulation.

Items removed from Contract-Delete work at the Golf Course pump house; delete stucco work at the Museum. Terry will be working further on both of these items.

Insurance Company-Terry is trying to get the Insurance Company to weigh-in on the code issue regarding the County shop, since the inspectors are the ones requiring that.

Food Booth-Commissioner Ranum asked if the Food Booth project was closed out or if there are more loose ends. Commissioner Baldwin stated the Fair Manager notified the Commission some items arrived for the Food Booth, possibly the shelving and drawers. Discussed additional electrical circuits that were to be installed. Terry stated the Contractor was to find out where the circuits were to be installed and will do more follow-up. Commissioner Rost also discussed the drain for the ice machine.

10:00 AM Bobby Wiedmer, Road Supervisor joined the meeting.

Museum Stucco-Commissioner Ranum asked what the plan was for the damaged stucco. Terry stated they will need to find someone that knows this type of work well and develop a plan to complete it next year when the weather is warm.

10:07 AM Terry ended the call, thereby, left the meeting.

SHOP REPORT

Alba is gone this week.

ROAD REPORT

Coffer dam-The Road Crew completed the coffer dam in the Upper Baker Lake. Will need to find out if the City has opened the gate or not.

Road Work-Placing scoria on Pine Creek Road; this will take most of the week to complete. Patching bad spots on Cabin Creek Road; should finish that this week as well.

Pennel Creek Bridge-Discussed weight restrictions on that bridge.

TransCanada-Bobby stated TransCanada has discussed placing gravel, mixed with chloride for stabilization on the haul roads. Bobby also discussed gravel specs with TransCanada.

Shop roof-The Commission Informed Bobby about the roof issue at the shop.

Street Maintenance-Bobby discussed the streets in the Herbst Industrial Subdivision; in particular the North/South Street that runs from Shell Oil Road to the Radio Station. The group discussed the drainage from Highway 7 and MT DOT's lack of assistance regarding this matter. Commission made the decision to seek assistance from Brosz Engineering regarding the streets in this Subdivision. Commissioner Ranum asked Shannon to contact the Flood Plain Coordinator regarding this area as well. Shannon will do so.

Bonnevale Road Bridge-This bridge is part of TransCanada's haul route and will be addressed during their bid process.

10:15 AM Shannon Hewson, Brosz Engineering joined the meeting.

PROJECTS REPORT

Lake-Contractor is working near Iron Horse Park; the bottom of the lake seems to be holding up quite well. Due to the weather the contractor is taking their time during the debris removal process. All of the debris has to be taken to the Landfill first to go through the scale.

Cargates-Bobby stated the Road crew pulled and replaced two (2) cargates on Coral Creek Road.

Drainage project-The final pay application should be ready to be submitted for payment this week.

10:50 AM Bobby left the meeting.

The contract for the drainage project was discussed; discussed completing a separate contract for the work remaining to be finished and close the existing contract. Cost of work remaining, plus retainage will be placed in the new contract. The Contractor will also work on the approach on 5th street when the weather is better.

Dewatering project-Will discuss this further this afternoon.

North Baker Water drainage-Shannon has been waiting on information from the County Attorney regarding culvert placement.

11:00 AM Shannon left the meeting.

11:27 AM SAFETY COMMITTEE-REQUEST ASSISTANCE/Julie Straub, HRM/Safety Supervisor; Stacey Moore and Debbie Wyrick, Safety Committee Members

Safety inspection follow-ups-There are some clean-up items that need to be completed in various Departments but those Departments need assistance to complete them. Commission would like a list of items and they will then determine the best approach.

Department of Labor courtesy inspection follow-ups-Electrical panels are not properly labeled and/or lack of labels. Julie asked if the Safety Committee had permission to get quotes and submit for the next fiscal year budget. The Commission granted permission to get quotes for review. Commissioner Ranum feels they should get quotes to have all electrical panels properly labeled and feels it should be completed this fiscal year. The group will get a list prepared and quotes submitted for Commissioner review.

11:40 AM Debbie, Julie and Stacey left the meeting.

11:45 AM CONTAINER SITE HOLIDAY HOURS/Julie Straub, HRM; Debbie Wyrick, Deputy Clerk and Recorder; Tom Kachel, Landfill Manager

Discussed part-time positions receiving "prorated" holiday hours. In order for the employee to receive the full 8 hours they can choose to take vacation to make up the difference or they can choose to work. The employee has chosen to work and will receive hours worked plus Holiday Pay. The Container Site will remain open for the Veteran's Day Holiday.

11:50 AM Debbie and Julie left the meeting.

Discussed a bill that has not been paid in full; a Missoula firm owes the money. The Commission feels the fees will be paid when the firm receives their grant monies.

11:51 AM Tom left the meeting.

11:52 PM Commissioner Rost made the motion to take a noon recess. Commissioner Ranum seconded the motion. Commissioner Baldwin asked for any other discussion; being none. 3 Ayes. 0 Nays. The motion carried unanimously

NOON RECESS

RECONVENE

**PRESENT: Steve Baldwin, Chairman, Deb Ranum, Member; Brenda Wood, Clerk and Recorder
FALLON COUNTY COURTHOUSE**

1:15 PM PUBLIC COMMENT – NON-AGENDA ITEMS

No one appeared for public comment.

1:30 PM CLAIMS APPROVAL

The Commission reviewed and approved the October, 2017 End of Month Claims in the amount of \$1,415,084.54 and they are filed in the Clerk and Recorder's Office.

3:00 PM PUBLIC HEARING/ADOPT LEGISLATIVE CHANGES/AMEND FALLON COUNTY SUBDIVISION REGULATIONS/Mary Grube, Planner Administrative Assistant

3:00 PM Commissioner Baldwin opened the Public Hearing.

Commissioner Baldwin stated the reason for this Public Hearing is to adopt and add to the Fallon County, City of Baker and Town of Plevna Subdivision Regulations, the reflection of changes made during the 2017 Legislative Session and include a change to the maximum time that a non-phased subdivision preliminary plat approval can be extended.

Commissioner Baldwin asked that the public hearing notice be placed of record and is on file in the Clerk and Recorder's office.

Mary presented the summary of recommendations from the Planning Board:

The Fallon County Planning Board met on Monday, October 2, 2017 to review and conduct a public hearing on the proposed 2017 Fallon County, City of Baker and Town of Plevna Subdivision Regulations. The proposed amendments are designed to implement the changes made to Montana Subdivision Law and advice from the Montana Association of Counties pertaining to local subdivision review. The following laws were the proposed changes to the subdivision regulations and the specific legislation that mandated the change:

HB245-Effective Date of May 3, 2017 – Mandating the time lines for the review and approval of final plats.

HB416-Effective Date of October 1, 2017 – Addressing issues raised in the Legacy Ranch and Aspen Trails Court Case out of Ravalli County. In the Court Decision, the local government was required to apply a "hard look" standard of review to subdivisions within their jurisdiction.

HB445-Effective Date of May 8, 2017 – Addressed more issues raised in the Legacy Ranch decision related to the ability of local government to approve phased subdivision application. The legislation also outlines procedural requirements, approval timelines and the ability to impose conditions on future phases as they are proposed for filing. These new conditions in addition to the original conditions imposed on the overall development must be met before the phase can be filed.

SB219-Effective April 7, 2017 – Addresses the issues surrounding Mortgage Exempt Surveys filed before October 1, 2003 and the parcels that were created were transferred to a third party. In short, the legislation legitimizes the transfers and clarifies that the remainder parcel can be conveyed without subdivision review.

These necessary changes will now be included in the regulations.

The specific recommended modification from the Planning Board is: to extend an approval of a preliminary plat appear on the agenda for the Governing body, that the Governing body provide an opportunity for the public to comment on the requested extension and that the maximum cumulative period for an approval of a preliminary plat is ten (10) years.

PUBLIC COMMENT: Commissioner Baldwin asked if the Planning Department received any comments from the public regarding this hearing. Mary responded by stating there were no comments received.

Commissioner Baldwin opened the floor for Public Comment: No Public Members in attendance and no Public Comment was received.

3:05 PM Commissioner Baldwin closed the Public Comment portion of the hearing.

3:06 PM Commissioner Baldwin had no questions to respond to and no further action needed to be addressed.

3:07 PM Commissioner Baldwin closed the Public Hearing.

Commissioner Ranum made the motion that the 2015 Subdivision Regulations be updated and amended to reflect the changes in the draft regulations presented to the Fallon County Commission upon recommendation by the Fallon County Planning Board. Commissioner Baldwin seconded the motion. Commissioner Baldwin asked if there was further discussion; being none. 2 Ayes. 1 Absent. 0 Nays. Motion Carried.

The Commission Adopted Resolution 2018-7 which is on file in the Clerk and Recorder's office.

3:15 PM PLANNING DEPARTMENT UPDATES/Mary Grube, Planner Administrative Assistant

Mary received an email from Steve Becker, NRCS regarding the Upper and Lower Dam Operations Manual. Steve submitted the following items that need to be addressed. Photos were also provided for review.

Remove the soil and concrete piles sitting on the left auxiliary spillway. Excavate and reshape the entrance of the spillway to the original design geometry. Seed all exposed soil areas in accordance with NRCS specifications.

Damage from excessive ATV traffic in the left auxiliary spillway has created ruts and shows where individuals have jumped over the wall of the dam. This will need to be repaired and reseeded.

Ruts along the dam have damaged the right auxiliary spillway. The locked gate that once existed needs to be replaced and locked. Repairs and reseeding needs to take place.

Dam must be monitored and maintained on a regular basis for positive drainage in the outlet channel between the Upper and Lower Baker Lake. This will prevent backwater with high sulfate concentration from deteriorating the concrete in the impact basin and principal spillway pipe. Sediment, bank sloughing, and/or heavy vegetation needs to be removed to facilitate the lowest water level possible.

Saplings along the front slope need to be removed; should be easy to pull. Commissioner Ranum suggested asking Community Service to remove the saplings; balance of the Commission agreed.

Mary could schedule a meeting with the City of Baker Mayor and Public Works. Commission stated the Mayor would be in on Thursday. Mary stated she would join the meeting and discuss at that time.

Mary sent the County Attorney a reminder of a secondary agreement relating to the upper dam for County and City to be able to control the operation of the gate. Mary has not heard back from her yet.

3:10 PM Mary left the meeting.

3:10 PM COMMISSIONER WORK SESSION

Commission reviewed emails, letters, various revenues received, various Department Reports, Board Minutes and Agendas.

3:45 PM SMITH CONTRACTING CORRESPONDENCE-Dewatering Project Closeout and Liquidated Damages/Shannon Hewson, Brosz Engineering; Darcy Wassmann, County Attorney; Dan Brosz, Brosz Engineering via Conference call

The group discussed assessments of liquidated damages verses actual costs in great length. Discussed the word terminology discussed in a prior letter addressed to Smith Contracting; should have stated contract "expired" rather than "terminated", which is easily addressed.

The lake was to be completely dewatered in 45 days per specs but that never happened. There were 60 days when the Contractor did nothing. The lake should have been drier before the new contractor began work. Fallon County will be paying the new contractor for making it possible for the water to be removed.

Items will be addressed and a draft letter prepared for all to review next Monday.

Smith Contracting emailed Shannon today regarding replacing rip/rap on a private landowner's property. This is to be completed by Smith Contracting who will have to acquire the proper permits before starting.

4:15 PM Dan left the call, thereby leaving the meeting.

Liquidated damages were further discussed.

4:24PM Darcy and Shannon left the meeting.

4:25 PM RECESS

Commissioner Ranum made the motion to recess until Wednesday night, November 8, 2017. Commissioner Baldwin stepped down from the chair to second the motion. Commissioner Baldwin asked for any other discussion; being none. 2 Ayes. 1 Absent. 0 Nay. The motion carried.

TUESDAY, NOVEMBER 7, 2017

9:00-5:00 PM RECESSED-COMMISSION SCHEDULED OUT OF THE OFFICE

WEDNESDAY, NOVEMBER 8, 2017

9:00-5:00 PM RECESSED-COMMISSION SCHEDULED OUT OF THE OFFICE

5:30 – 6:30 PM LEPC MEETING/Library Basement

6:30 PM **RECESS**

THURSDAY, NOVEMBER 9, 2017

9:00 AM **RECONVENE**

PRESENT: Steve Baldwin, Chairman; Deb Ranum and Roy Rost, Members; Brenda Wood, Clerk and Recorder

FALLON COUNTY COURTHOUSE

9:00 AM **AGENDA ITEMS – PUBLIC COMMENT**

No one appeared for Public Comment

9:05 AM **CITY UPDATES/JoDee Pratt, Mayor-City of Baker**

Putting out an RFQ for a new Engineer; the City had a very bad water leak which took the City Crew approximately 12 hours to repair. Visited about the remaining items to be completed for the drainage/culvert project; JoDee asked if the cement forms were going to be able to be used for the creek channel; the Commission is unsure at this time. JoDee stated the Park Supervisor took the broom over to the Hospital and stressed their Maintenance Department will need to check the fluids frequently. The City has a new Judge. Commission discussed the news pertaining to the Keystone Pipeline and Denbury CO2 sound positive. Commissioner Rost had someone question him about the opening date of the ice skating rink. JoDee feels that will happen soon, with the cold weather. Parks Department has ordered parts to repair the handicap swing, again. Commission is reviewing and gathering comments on the new Parks Maintenance and Operations Plan for discussion at a later date. JoDee reported the bridge for the City Park is complete and hopes to have it installed yet this year. The group discussed the condition of the street by the new Cenex station; JoDee is working with Cenex on that matter. JoDee stated the City is also working with the Planning Department to change some of the City ordinances to better suit the City's urban needs. The City removed a water tank from tank hill that was approximately 100 years old and no longer in use. JoDee is working on beautification of that area as well.

9:35 AM **JoDee left the meeting.**

9:35 AM **NON-AGENDA ITEMS – PUBLIC COMMENT**

No one appeared for Public Comment

9:45 AM **BREAK**

10:00 AM **FMC UPDATES/David Espeland, CEO; Margie Losing, CFO**

Broom-The Commission reported the broom was delivered by the Parks Department after being repaired. They would like David to remind FMC Maintenance employees to be sure to check the fluids weekly. David will visit with his employees and discussed getting the manual for the broom as well.

PVCI-The new heat tape installed in the drainage pipes, by a Contractor, is not working properly. David will report this to Terry Sukut, JGA.

Snow breaks-PVCI, PVCII & Public Health-Snow breaks are partially placed, David will take pictures and send to the Commission and Terry.

Staffing-FMC is still struggling with staffing and looking for a Doctor. They may have a Doctor come in to do small surgeries; the Doctor will put a proposal together.

MT Health Network-Discussed working with MT Health Network to benefit chronic care patients. A grant would pay for the Coordinator for area Hospitals such as FMC, Circle, etc. and the Hospitals would be able to bill accordingly for the services.

Financials-Margie presented the Financials; September was a good Month.

Audit-FMC has heard of no more adjustments; the Auditors are waiting on the cost report.

Cost report-FMC was notified they will only have to claim their fully depreciated amount which will mean they will have to send less money back to Medicare. Good Job Margie.

11:00 AM **DAVID TURCH CONSULTING/Kodiak Hill-Davis, David Turch and Associates via conference call**

Kodiak stated this is the end of the Legislation period in Washington DC and there are some big items coming from that.

Tax Reform-The new tax laws will be quite complex; the House is finished with their version; the Senate is not. The Senate does not support corporate tax cuts. Republicans feel they need to pass tax reform, however they need to come to terms with House and Senate on tax reform.

Bonds-Municipal Bonds will be cut; Private activity bonds, (which is a separate funding mechanism that is sometimes used by mostly larger Airports), will be cut in the House version

State tax deduction-Such as property taxes and sales taxes will no longer be deductible on your Federal tax return, in the House version. This is highly contentious and up in the air because the Senate version is not available yet.

Mortgage interest-House version moves allowable deduction amount to \$500,000 from \$1,000,000.

Kodiak will get the House version of tax deductions to the Commission.

Budget-The budget is at a standstill because they have until December 8th to complete the budget.

Trip to Montana-Kodiak and David would like to make a trip to Montana to meet with the Commission before the end of the year. Kodiak stated she and David feel it would be good to have our delegation come to Washington DC (3 Commissioners/Airport Manager, if possible).

FEMA-Kodiak stated they were grateful to see the award from FEMA to Fallon County of \$1.2 million.

EPA-Kodiak is unable to find anything in writing regarding how EPA issues are normally handled regarding wetlands issues but it is good that Fallon County is working on remediating the issue through the current Lake project.

Kodiak explained the state of Montana has a good delegation that supports Montana and would like to assist in getting the State of Montana delegation to see the progress that has been made on the Baker Lake.

Pipeline progresses were discussed.

11:20 AM Kodiak left the conversation, thereby leaving the meeting.

11:30 AM Brenda left the meeting; Debbie Wyrick, Deputy Clerk and Recorder joined to take minutes

11:30 AM Commissioner Ranum left with a Luther Land Services Representative, to check a County land parcel the Commission is having appraised.

11:30 AM RECREATION DEPARTMENT UPDATES/Angie Rabbitt, Recreation Director

Updates on the Recreation Department programs, attendance is up in most programs, all is running well. Recreation Department will no longer sponsor Parade of Lights.

12:00 PM ADJOURN

Commissioner Rost made the motion to Adjourn. Commissioner Baldwin stepped down from the Chair to second the motion. Commissioner Baldwin asked for any other discussion; being none. 2 Ayes. 0 Nay. 1 Absent. The motion carried.

ADJOURN
s/Steve Baldwin, Chairman

ATTEST:

s/Brenda J. Wood, Clerk and Recorder