

Forman, North Dakota
November 6, 2014

The Sargent County Board of Commissioners met at 9:00 a.m. with the following members present: David L. Jacobson; Mike Walstead; Bill Anderson; Steve Wyum; and Jerry Waswick. Absent: None. Also present were: Jesse Sedler Interstate Engineering, Inc. and Paige Cary with the Sargent County Teller.

Jesse Sedler presented Change Orders for the following projects and amounts for approval from the Board: CER-4129(058)-\$3,090.40; CER-4110(063)-\$35,491.03; CER-4118(054)-\$64,450.53; CER-4103(059)-\$3,077.26 Motion to authorize the Chairman to sign the change orders. (Waswick/Walstead, unanimous)

Board members will accompany Jesse Sedler and NDDOT officials for a final inspection of county ER and FAS projects on November 10th.

Motion to approve the 2014-2015 County Federal Aid Program list with the following projects: BRO-0041(012) PCN 20039 Bridge No. 41-135-05.0 – Bridge located 4 miles south and 3 miles east of DeLamere (\$800,000); CNO 4135 PCN-Gravel, Mine and Blend and HBP – County Road 14 located 5 miles south of ND 11, south 5.5 miles to SD border (\$2,900,000); CNO 4103 (060) PCN 20531 – Gravel, Mine and Blend and HBP – County Road 2 located from ND 13 south 1.9 miles to Crete (\$1,154,300) and CNO 4125 PCN Mill and HBP Overlay -- County Road 10 located from ND 13 2.5 miles through Milnor City (\$725,000). (Walstead/Anderson, unanimous)

Motion to approve the following bill: Warrant # 70378 - Central Specialties, Inc. – Estimate No. 2 – County Road # 14 through Geneseo - \$1,935,082.52. (Walstead/Anderson, unanimous)

Motion to request proposals for Engineering Services for the following projects:

- 1 Preliminary and Construction Engineering Services for a Mine and Blend, Hot Bituminous Surfacing and Incidentals project on CMC Route 4103 located on County 2 from ND 13 south 1.9 miles to Crete. Project No. 4103(060) PCN 20531.
- 2 Preliminary and Construction Engineering Services for a Mine and Blend, Hot Bituminous Surfacing and Incidentals project on CMC Route 4135 located on County 14 from 5 miles south of ND 11 south 5.5 miles to the South Dakota line.
- 3 Preliminary and Construction Engineering Services for a mill and Hot Bituminous Overlay and Incidentals project on CMC Route 4125 located on County 10 from ND 13 north 2.5 miles to the Sargent County line.
- 4 Preliminary Engineering Services for a bridge replacement project BRO-0041(012) PCN 20039. Bridge No. 41-135-0.50 replacement project and Incidentals project located 4 miles south and 3 miles East of DeLamere over the Wild Rice River.
- 5 Preliminary and Construction Engineering Services for a Seal Coat Project and Incidentals project on CMC Route 4103 located on County 2 from ND 13 north 2.5 miles.
- 6 Preliminary and Construction Engineering Services for a Seal Coat Project and Incidentals project on CMC Route 4111 located on County 4 from ND 13 south 3 miles.
- 7 Preliminary and Construction Engineering Services for a Seal Coat Project and Incidentals project on CMC Route 4124 located on County 7 from Sargent County 2 west 2 miles.
- 8 Preliminary and Construction Engineering Services for a Seal Coat Project and Incidentals project on CMC Route 4125 located on County 10 from Sargent County 5 south 3 miles.
- 9 Preliminary and Construction Engineering Services for a Seal Coat Project and Incidentals project on CMC Route 4125 located on County 10 from ND 13 south 4 miles.
- 10 Preliminary and Construction Engineering Services for a Seal Coat Project and Incidentals project on CMC Route 4129 located on County 12 from ND 11 south 2 miles.
- 11 Preliminary and Construction Engineering Services for a Seal Coat Project and Incidentals project on CMC Route 4135 located on County 14 from ND 11 south 5 miles.

Proposals shall be opened at 11:30 a.m. on December 16, 2014 at the Commission Office. (Walstead/Jacobson, unanimous)

David Bergeman, Agent, Farmers Union Insurance met with the Board to express his interest in applying for the job to serve as the agent for Sargent County through the North Dakota Insurance Reserve Fund. Mr. Bergeman presented a letter with his credentials and his interest to become the county insurance agent. Following discussion the Board agreed to advertise for an agent in January with opening of proposals in March, 2015.

Chris Gross, Moore Engineering Inc.; and Lucas Siemieniewski, Sargent County Water Board arrived at the meeting, and Mr. Gross proceeded to discuss with the commissioners a project that the Water Board is considering on Drain No. 8, which begins in Rutland City and continues south along the east side of County #10 for a little more than 2 miles, to the Wild Rice River. The contemplated project includes relocation of the drain from County No. 3 on the west side of Rutland west around the Ronald Narum residence and then under County No. 10 south of the Prindiville family's farm site. The project would involve a ditch with 4:1 slopes and a 10 foot ditch bottom. Mr. Gross and Mr. Siemieniewski were seeking financial support from the commissioners as the project would remove the current, long standing safety hazard from the roadway, as well as improve the

grade stability along County No. 10. Total cost of the project is approximately \$500,000.00. Cost share is available through the ND State Water Commission, making the local cost about \$325,000.00. Drain No. 8 has a small assessment area and very minimal maintenance funds available. There are options available to the Water Board and the county commission to fund such a project. The Water Board is seeking a commitment from the county commission before February 1, 2015 to allow time for this project to be submitted to the State Water Commission for its consideration. The county commissioners are interested in pursuing this project and will contact the Water Board before February 1st with a specific monetary amount.

Motion to approve the minutes of the October 21, 2014, commission meeting. (Waswick/Jacobson, unanimous)

Sandy Hanson and Gina Hillestad met with the Board concerning incorrect pay steps for some County employees. Bill Anderson introduced the following motion for consideration:

MOTION TO CORRECT EMPLOYEES' COMPENSATION

- 1 Since September 1, 2013, the pay steps of Sargent County employees have been based on years of service, as provided in the motion approved by the County Commission on August 20, 2013.
- 2 It has come to the attention of the County Commission that the pay steps of some County employees were calculated based on a beginning pay step of "0", a pay step that does not exist in the County's Pay Plan and which was not contemplated in the motion of August 20, 2013.
- 3 As a result of the inadvertent assignment of an incorrect pay step, some County employees have not been paid the correct amount as contemplated and authorized by the motion of August 20, 2013, while other County employees have been at the correct step and have been paid the correct amount.
- 4 It is the intention of the Sargent County Commission that all County employees be paid the correct amount, according to their pay grade and pay step as provided in the County's Pay Plan.

Therefore, the Sargent County Commission hereby authorizes, requests and directs that the County Auditor recalculate the appropriate pay steps of all County employees, using a base pay step of "1" as provided in the County's Pay Plan and authorized in the motion approved by the County Commission on August 20, 2013; and, that the County Auditor calculate the correct compensation for each employee who was not compensated at the correct pay step at any time after September 1, 2013; and, that the County Auditor and the County Treasurer are hereby authorized and directed to pay to each employee who was not paid at the correct pay step at any time after September 1, 2013, the difference between the amount which should have been paid to the employee and that which was actually paid; and, the County Auditor and County Treasurer are authorized to pay these amounts from the funds from which the employees' compensation would normally be drawn; and, it is directed that these amounts shall be paid to the applicable employees during the November 2014 pay period, or as soon thereafter as reasonably may be done, but no later than the December 2014 pay period.

The motion was seconded by Jerry Waswick. Discussion followed with Bill Anderson explaining that the motion was needed to authorize the administrative departments to correct the error and pay the amounts which had been earned but had not been paid to those employees who had been compensated at the incorrect pay step at any time since September 1, 2013. Dave Jacobson suggested that rather than adopting this motion, the County could retroactively change the County's Pay Plan to start with year -0- instead of year -1-. Jerry Waswick offered an amendment to the motion to calculate the new steps from January 1, 2014 instead of September 1, 2013. He reasoned that the 2013 budget was closed, and that there may not be sufficient funds in the 2014 budget to pay employees wages that had been earned, but not paid, in 2013. Motion died for lack of a second. Jacobson and Waswick expressed a concern about the source of funds to pay the estimated \$10,450.00 in unpaid wages and salaries, as calculated by the County Treasurer's office, plus matching Social Security and retirement matching payments needed to fund this motion. Anderson explained that, had the pay steps been correctly applied for all employees, not just some, at the outset, the entire amount of unpaid wages and salaries, including matching payments for Social Security and the retirement fund, would have already been paid out in the employees' monthly paychecks, as earned, and no action would have been required to correct this error. A roll call vote followed the discussion. Aye: Anderson, Walstead and Wyum. Nay: Jacobson and Waswick. Motion carried.

Motion to transfer \$4,047.80 from the Disaster Assistance Fund to the Homeland Security Fund to zero out the negative balance in the Homeland Security Fund. (Jacobson/Anderson, unanimous)

Sandy Hanson also reported to the commission that the 2010 FEMA audit is complete and a total of \$76,711.87 that had not been paid out to the County or to the Townships must be repaid to FEMA. Of that total \$36,723.00 is money that had been allocated to the county road department and \$39,989.13 is money that had been allocated to the various Townships for which the documentation and paperwork required to receive these funds had not been provided. In many instances the County Road Department and the Townships had opted to forego the funds rather than make the repairs to FEMA specifications. These monies are maintained by the County in a separate fund and will be transferred back to FEMA.

Kevin Throener, Cogswell Fire Department met with the commissioners regarding road conditions in southwest Sargent County, specifically on a freshly graveled stretch of County #5 west of Brampton. Mr. Throener, speaking on behalf of the Cogswell Fire Department, expressed concern for the safety of the driving public as well as fire department and other emergency services volunteers. Mr. Throener stated that, in his opinion, leaving a ridge of gravel in the middle of a roadway is unacceptable, and unsafe for the traveling public, and should be signed or have a blade leveling the gravel as it is placed on the roadway. Jerry Waswick commented that this is a serious situation and action must be taken by this Board if the investigation of the motor vehicle rollover on County #5 that occurred on Saturday, November 1, indicates negligence or failure to comply with safety standards on the County's part. The Board is awaiting the accident investigation results from a fatal accident over the weekend and will have a consultation with the States Attorney to discuss the results when the report is available.

Meeting adjourned at 12:00

STEVE WYUM – CHAIRMAN

ATTEST:

SHERRY HOSFORD - AUDITOR