

Forman, North Dakota  
December 4, 2018

The Sargent County Board of Commissioners met at 9:00 a.m. with the following members present: Richard Ruch, Jason Arth, Jerry Waswick, Lyle Bopp and Bill Anderson. Also present were Tibby Hinderlie, the Sargent County Teller; and, Pam Maloney, Sargent County Auditor.

Pam Maloney, County Auditor, called the meeting to order to organize for 2019.

The Oath of Office was administered to Lyle Bopp; Richard Ruch; & Jerry Waswick, County Commissioners at Large, each for a four year term ending December 7, 2022.

The Pledge of Allegiance was recited.

Nominate Jason Arth for Chairman, term ending on December 3, 2019. (Anderson) Move nominations cease and Secretary cast a unanimous ballot for Jason Arth. (Waswick/Anderson) Upon roll call vote, motion carried unanimously. Commissioner Arth accepted his election, and assumed control of the meeting as Chairman of the County Commission.

Nominate Jerry Waswick for Vice-Chairman, term ending on December 3, 2019. (Anderson) Move nominations cease and Secretary cast a unanimous ballot for Jerry Waswick. (Bopp/Anderson) Upon roll call vote, motion carried unanimously.

Approve November 20, 2018 minutes as revised. (Waswick/Bopp, unanimous)

Chairman Arth made the following portfolio appointments: 1 – Jason Arth; 2 – Jerry Waswick; 3 – Bill Anderson; 4 – Lyle Bopp; 5 – Richard Ruch. Motion to affirm the appointments made by the chairman. (Anderson/Bopp) Upon roll call vote, motion carried unanimously.

Appoint Mark Bopp (member at large-term expires 12/31/21); and Terry Dusek (representing Milnor City-term expires 12/31/21); to the Sargent County Job Development Authority (JDA). (Anderson/Ruch) Roll call vote: Yes – Anderson, Arth, Ruch & Waswick. No – None. Abstain: Bopp. Motion carried.

Appoint Bill Anderson and Lyle Bopp (commissioners-terms to expire 12/3/2019) to the Sargent County Job Development Authority. (Waswick/Ruch) Upon roll call vote, motion carried unanimously.

Appoint Bill Anderson, Jason Arth, Lyle Bopp, Richard Ruch and Jerry Waswick to the Sargent County Social Service Board with terms to expire December 3, 2019. (Anderson/Ruch) Upon roll call vote, motion carried unanimously.

Appoint Jason Arth to the Sargent County Weed Control Board with term expiring December 3, 2019. (Waswick/Bopp) Upon roll call vote, motion carried unanimously.

Appoint Jerry Waswick to the Sargent County Health Board with term expiring December 3, 2019. (Bopp/Anderson) Upon roll call vote, motion carried unanimously.

Appoint Jason Arth and Bill Anderson to the Sargent County Planning Commission with terms expiring December 3, 2019. Upon roll call vote, motion carried unanimously.

Set regular 2019 monthly meeting dates as the first and third Tuesdays of each month, other than January, 2019, when the 1<sup>st</sup> Tuesday falls on January 1, a holiday; and, due to the fact that there are 5 Tuesdays in January, the meetings will be held January 8 & January 22, 2019. (Waswick/Bopp) Upon roll call vote, motion carried unanimously.

Authorize Auditor to pay utility bills and withholding taxes. (Anderson/Waswick) Upon roll call vote, motion carried unanimously.

Authorize Treasurer to invest county funds. (Anderson/Bopp) Upon roll call vote, motion carried unanimously.

Wendy Willprecht, Emergency Manager/911 Coordinator; arrived at the meeting. She requested that the updated Local Hazardous Materials Response Plan be considered for approval. Motion to approve the plan as presented. (Anderson/Bopp) Upon roll call vote, motion carried unanimously.

Ms. Willprecht also informed the board that she is almost finished with an Evacuation Sheltering Plan for the McFarland Mobile Home Park in Gwinner. She has also received a quote from Lake Agassiz Regional Council for the update of the Multi-Hazard Mitigation Plan. The quote was for \$24,600, but she did have some additional questions regarding the quote. The matter was tabled until the next meeting.

Jayne Pfau, Assistant State's Attorney, arrived at the meeting.

Rick Millner, Five-Star Dairy; Denise Ferderer, Tax Director; & Sandra Hanson, Tax Assessor; arrived at the meeting. Five-Star Dairy is located in Hall Township, south of Delamere and adjacent to County Road #14. According to Mr. Millner, the Dairy is currently milking approximately 1,600 cows at its facility. Mr. Millner contends that Sargent County and other political subdivisions within the county have no authority to assess the value of improvements at the dairy, or to levy taxes upon the dairy's improvements, and stated that he thought that the improvements situated on the dairy's property are exempt from taxation as the dairy is an agricultural, rather than a commercial, enterprise, in his opinion. Commissioner Anderson stated that Mr. Millner will have opportunity to make his case at the township equalization meeting, the county equalization meeting and at the state equalization meeting. He was requested to have information prepared showing that the dairy is not a commercial business enterprise, but a farming operation before those meetings convene next April.

Carol Peterson; Ronald Narum; Jessica Peterson; Robert Ptacek; Terry Dusek; Sargent County Job Development Board Members; Nathan Berseth, Crossroads Community Advisors Consultant; & Mike Walstead, Sargent County Resident; arrived at the meeting. Mr. Berseth reported to the board on the business of the JDA Board in 2018, including loans that had been made to several businesses within Sargent County, most of them in cooperation with one or more lead lenders. He also reported on the spec home that the JDA had built in Milnor City's new Peterson's Addition. The home was built in 2016-17 as a demonstration project, and was sold in 2018 at a loss, but he assured the board that property tax revenues alone will offset the loss in 6-7 years. He stated that, ideally, the JDA would like to help with future spec homes as a lender of "gap" financing, not as a developer, with other investors. The JDA also has loans with several businesses in the county under consideration at this time. Both Mr. Berseth and Commissioner Anderson commented on the very active and interested members of the JDA board and their commitment to the betterment of Sargent County.

Carol Peterson, Milnor City Economic Development Coordinator, stated that Milnor City is asking the county's sponsorship of the Milnor City Transportation Alternative Grant to replace sidewalks, curb & gutter along Milnor's business district on Main Street. Pursuant to NDLTAP Grant Regulations, applications by cities with a population of less than 5,000 must be sponsored by the County in which the city is situated. Motion for Sargent County to be the sponsoring agent, at no cost to the county, and authorize Commission Chairman Jason Arth to sign any documents required for the grant application sponsorship as the authorized representative of Sargent County. (Waswick/Anderson) Upon roll call vote, motion carried unanimously.

Jessica Peterson, Gwinner City Auditor, requested that the county also sponsor Gwinner City's Transportation Alternative Grant. Motion to authorize the chairman to sign a letter of support for the Gwinner City TAP project. Gwinner City's project is construction of 5' & 6' wide concrete sidewalks that will start at 1<sup>st</sup> St NW & continue west on the south side of 3<sup>rd</sup> Ave NW approximately 1630' & turn north approximately 1170' along the east side of the golf course in an alley easement. (Anderson/Waswick) Upon roll call vote, motion carried unanimously.

Motion to appoint Mike Walstead to the Sargent County JDA Board as a member at large – term to expire December 31, 2021. (Bopp/Anderson) Upon roll call vote, motion carried unanimously.

More discussion was held on the December 31, 2018 deadline to apply for a Court Facilities Improvement Grant. The proposed project will be to provide WiFi for the whole courthouse. Motion to authorize the chairman to sign the Court Facilities Improvement Grant Application and to submit the application by the December 31 deadline. (Anderson/Bopp) Upon roll call vote, motion carried unanimously.

Jayne Pfau, representing Sargent County's Personnel Board; brought forward a revision to Section 310 Sick Leave Benefits, of the employee handbook. The main change to this section would be to compensate employees for all unused sick leave upon time of termination or retirement at a rate of one day for ten days of sick leave. Previously, 60 days of sick leave was not allowable to be converted. Motion to allow employees to convert the 60 days sick leave that must be retained by an employee while employed by Sargent County, to vacation at a rate of 1 day of vacation for 10 days of sick leave upon retirement or sooner termination of employment. (Bopp/Anderson) Upon roll call vote, motion carried unanimously.

Approve and authorize Lyle Bopp, Courthouse Commissioner; and, Wendy Willprecht, Emergency Manager/911 Coordinator; to choose the best quote for the painting of the Emergency Manager/911

Coordinator's office in the courthouse and to have the work completed as soon as it may conveniently be done. (Anderson/Waswick) Upon roll call vote, motion carried unanimously.

Motion to approve County Deeds and to authorize the chairman to sign for the following sales: Lots 7-8 & N 12 1/2' Lot 9, Block 2, Original Townsite, Forman City, for \$3700, to Marlene Pulkrabek, 1703 4<sup>th</sup> Ave NW, Mandan ND 58554; Lots 1-5, Block 2; Reserve A; Reserve B; & Reserve C, Forman Industrial Addition, Forman City, for \$6,914.03 (\$1+specials), to Forman City, PO Box 122, Forman ND 58032; Lots 4-5, Block 14, Milwaukee Addition, Cogswell City; & W 100' Lot 2, Block 9, McNeeley's Addition, Cogswell City, for \$2,662 (\$1+specials), to Cogswell City, PO Box 86, Cogswell ND 58017; All of Outlot L except tract in NE portion beg 266' SE of E cor Blk 31; SE 175'; SW 167'; NW 175'; NE 167' to beg; less all of Outlot L located SW of line located 167' SW & parallel to SW boundary line of 2<sup>nd</sup> St formerly known as C Street; & less a portion of Outlot L beg 441' SE of E cor of Blk 31, said pt being located on SW boundary ln of 2<sup>nd</sup> St formerly known as C Street, then continuing SE-erly along SW boundary ln of 2<sup>nd</sup> St 175'; th SW-erly at RA 167'; th NW-erly along ln parallel with SW boundary ln of 2<sup>nd</sup> St 175'; th NE-erly at RA 167' to beg, Auditor's Plat, Milnor City, for \$2,258.39 (\$1+specials) to Milnor City, PO Box 70, Milnor ND 58060; & Lots 7-8, Block 8, Original Townsite, Havana City; & Lots 1-2-4, Block 8, Original Townsite, Havana City, for \$1,002.42 (\$1+specials) to Havana City, 248 Sargent Ave E, Havana ND 58043. (Bopp/Anderson) Upon roll call vote, motion carried unanimously.

The Board reviewed the results of the Official Canvass of the November 6, 2018 General Election. The following were elected to the respective county offices: County Commissioner At Large – Jerry Waswick-1084; Lyle Bopp-892; Richard Ruch-864; County Auditor – Pam Maloney-1807; County State's Attorney – Jayne Pfau-1740; County Treasurer/Recorder/Clerk of Court– Alison Toepke–1045; County Sheriff – Travis Paeper-1,663; County Official Newspaper – Sargent County Teller-1803. Total votes cast in the county 2031. Motion to accept the 2018 General Election results as certified by the Canvassing Board. (Anderson/Bopp) Upon roll call vote, motion carried unanimously.

Approve beer and liquor licenses for 2019 to: Olivia and Austin Stenvold, CDPB, LLC, Tewaukon Township, rural Havana; Gerald D Dill, Dilley's Bar & Grill, Vivian Township, Stirum; and, to Jennifer and Paul Lugert, Geneseo Bar and Grill, Kingston Township, Geneseo. (Bopp/Waswick) Upon roll call vote, motion carried unanimously.

Approve Games of Chance Permit SC-2018-04 to Cogswell Gun Club, Cogswell, ND for a raffle on February 24, 2019 at Silver Lake Park; Permit SC-2018-05 to Tewaukon Rod & Gun Club, Geneseo ND for a raffle on January 18, 2019 at Geneseo Hall, Geneseo ND; & Permit SC-2018-06 to Cogswell Gun Club, Cogswell ND for a raffle on February 3, 2019 at Kraft Lake, formerly known as Kraft Slough. (Anderson/Bopp) Upon roll call vote, motion carried unanimously.

The commission was informed that the 2018 Fall Township Officer's Meeting has been scheduled for Wednesday, December 12 at 10:30 a.m. at Forman City Hall.

Discussion was held regarding Jayne Pfau's salary when she begins her term as State's Attorney. Tabled until the next meeting.

Commissioner Waswick requested a report on the ag properties that Ms. Ferderer had referred to at an earlier meeting as omitted properties that should be added to the tax rolls.

Discussion was held on whether an employee should receive holiday pay for the Thanksgiving holiday, as the employee didn't work or take vacation, sick leave or personal leave the day prior to the holiday. According to Section 308 – Holidays, in the employee handbook,: To be eligible for holiday pay, nonexempt employees must be scheduled to work on the last workday immediately preceding the holiday and the first work day immediately following it, unless they are on approved personal holiday, sick leave or vacation. The commission agreed that the provisions of policy #308 in the Sargent County Employee's Policy Manual should continue to be followed, in this situation and in other similar situations in the future.

Meeting adjourned at 12:15 p.m.

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JASON ARTH – CHAIRMAN

ATTEST:

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PAM MALONEY – COUNTY AUDITOR