

The Sargent County Board of Commissioners met at 10:00 a.m., following the county park board meeting, with the following members present: Dave Jacobson, Jason Arth, Mike Walstead, Sherry Hosford, and Bill Anderson. Also present was Jayne Pfau, Assistant State's Attorney; Jerry Waswick, county resident; Tibby Hinderlie, The Sargent County Teller; and Pam Maloney, Sargent County Auditor.

Approve March 21, 2017 minutes as corrected. (Hosford/Anderson, unanimous)

Discussion on the custodian's project to add picnic area to courthouse lawn at an approximate cost of \$1800. Motion to approve the project. (Hosford/Arth, unanimous)

Discussion on concrete repair work at the elevator entrance of the courthouse. There were two quotes received last fall from Enderson Construction and TON Construction. There will be a slight increase in materials cost from last fall, but the labor will remain the same. Motion to approve Enderson Construction to begin work on replacing the concrete pad on the west side of the courthouse at the elevator entrance. (Walstead/Anderson, unanimous)

Russ Martinson, Scott Mund, & Terry Wehlander, Hall Township Supervisors; and Sandra Hanson, Tax Director/911 Coordinator/Emergency Manager; arrived at the meeting to discuss the Five Star Dairy's Conditional Use Permit. The dairy is delinquent in its 2015 & 2016 payments and the 2017 payment is due in September. Pursuant to the terms of the Permit issued by Hall Township in September of 2006 and modified in 2008, the Dairy is required to pay \$15,000 yearly. The Dairy had agreed to all of the requirements and conditions of the Permit at the time it was issued. The Hall Township Board has requested that Lyle Bopp, State's Attorney, write the dairy a letter revoking the conditional use permit, unless the Dairy cures the delinquency immediately. This has been an ongoing battle between the Township and the Dairy for years. The commission suggested that the township board adopt a resolution asking the commissioners to change the tax classification of the Dairy's facilities in Hall Township from agriculture to commercial, with the property to be assessed and taxed accordingly in the 2017 and future tax years.

An Application for Abatement of Taxes was received from Elden & Rita Linderkamp, Cogswell, requesting abatement of taxes on a residence that was torn down in 2016: Parcel 27-8488000 – Lots 1-2 less 10 x 10 foot tract in NW corner of Lot 1, Block 6, Camp's Addition, Cogswell City. The applicants request that the value of the residence be reduced from 600 to 300. Ms. Hanson agreed to prorate for July-December tax credit. Cogswell City has approved the abatement application. Motion to concur with Cogswell City. (Hosford/Anderson, unanimous)

Ms. Hanson was asked about a home that had been in question regarding its farm exempt status. Ms. Hanson stated that she would be bringing that to the county board of equalization in June.

Discussion on the terms of the proposed contract for the Federal Aid Project (Safety Program) for the proposed new signal system installation to the ag-grade highway/rail crossing in Havana on Sargent County Road #7. According to the terms of the proposed contract, the cost of the project is \$220,187.13 of which the county is responsible for 10% or \$22,018.71. As it appeared that the cost of an upgrade to the crossing signals at the crossing on ND Highway #32 may also have been included in the total shown on the proposed contract, Commissioner Jacobson will call Jim Styron at ND DOT to confirm the contract price. Motion to approve the agreement and to authorize Chairman Jacobson to execute the same pending verification that the amount is accurate and pending review of the contract by the state's attorney's office. (Anderson/Walstead, unanimous)

Approve April payroll in the sum of \$185,063.21 (Nos. 13383-13445 & 75110-75125) and the following bills: (Anderson/Arth, unanimous)

74990-75004		Health Unit Expenses	1,802.56
75005	Forman City	Water/Sewer/Garbage	206.08
75006	Ottertail Power Company	Electricity	3,473.88
75007	Ransom County	VSO Salary/Benefits	880.82
75008	Crossroads Electric	JDA-Milnor Spec Home	14,400.00
75009	Marquette Construction	JDA-Milnor Spec Home	1,000.00
75010	Marquette, Kyle	JDA-Milnor Spec Home	500.00
75011	Ottertail Power Company	JDA-Milnor Spec Home	19.39
75012	Riverside Building Center	JDA-Milnor Spec Home	1,884.00
75013	Sargent County Bank	JDA-Milnor Spec Home	40,000.00
75014	Storbakken Sanitation	JDA-Milnor Spec Home	490.00

75015-75023		Health Unit Expenses	1,516.68
75024-75036		Human Services Expenses	7,606.99
75037	AZ Body Shop	Sheriff Car Repair	750.00
75038	America's Best Value Inn	Commission Travel	298.80
75039	Ameripride Linen	Cleaning Services	88.15
75040	Avid Hawk, LLC.	Web Service	45.00
75041	Bayger, Vanessa	Sheriff Travel	32.10
75042	Bonogofsky, Kevin	Scram Refund	50.00
75043	Voyager Fleet Card	Treasurer Travel	36.89
75044	Computer Prof. Unlimited, Inc.	Data Processing	1,415.58
75045	CHS-Dakota Plains	Gas Purchases	747.61
75047	Dakota Water Solutions	Water Jugs	35.00
75048	Dickey Rural Networks	Telephone	1,004.70
75049	Forman Drug	Sheriff Dept Supplies	4.13
75050	Forman Market	Cleaning Supplies	6.49
75051	Galls	Sheriff Uniforms/Radar Gun	1,722.03
75052	Gwinner One-Stop	Sheriff Gas	599.53
75053	Gwinner Transfer, Inc.	Sheriff Dept Vehicle Oil Change	108.03
75054	Hardware Hank	Courthouse Supplies	357.38
75055	Information Tech. Dept.	Wan Access/Netmotion	591.85
75056	J & M Printing	Tax Director Envelopes	119.00
75057	Lee's Service Station	Sheriff's Dept Tires/Oil Change	1,219.00
75058	Liberty Business Solutions	Inkjet Cartridge	109.95
75059	NDAAO	Tax Assessment Training	450.00
75060	NDACO	Continuing Education	70.00
75061	NDCCA	VIS Insurance Renewal	10.50
75062	ND State Radio	LETS License Renewal/Lerms	300.00
75063	Nelson Home Center	Supplies	84.30
75064	O'Brien, Matt	Prisoner Meal	11.18
75065	Paeper, Travis	Sheriff Car Wash	9.00
75066	Pharmchem, Inc.	Sweat Patch Analysis	325.00
75067	Quill.com	Office/Cleaning Supplies	83.38
75068	Reardon Office Equipment	Sheriff Dept Office Supplies	72.70
75069	Sargent County Teller	Printing/Publishing	317.23
75071	Southside Automotive	Road Vehicle/County Car Repairs	279.27
75072	Stein's Inc.	Courthouse Supplies	464.60
75073	Vanguard Appraisal	Network Service Fees	1,600.00
75074	Verizon Wireless	Sheriff MIFI Cards	160.04
75075	Visto's Carquest	Road & County Car Supplies	439.91
75076	White Banner Uniforms	Sheriff Dept Uniforms	167.23
75077	A W Diesel Service	Truck Repairs	3,706.27
75078	Berubes	Bobcat Purchase	2,045.00
75079	CHS-Dakota Plains	Road Fuel Purchase	1,497.60
75080	Ekstrom Repair	Vehicle Repair	532.15
75081	Hansen Lumber & Hardware	Shop Supplies	144.38
75082	John Deere Financial	Vehicle Repair	9.49
75083	RDO Equipment	Motor Grader Serviced	2,706.11
75084	Rutland Oil Company	Gasoline Purchase	1,656.00
75085	True North Steel	Culverts	584.40
75086	Dickey Rural Network	911 Trunks	259.00
75087	Klapperich, Cindy	FCS Travel	173.17
75088	NDACO	911 Wireless	275.20
75089	NDSU	Extension Envelopes	106.00
75090	NDSU	Extension Staff Support Training	15.00
75091	NDSU Extension-Ag Budget	Extension Salaries	20,083.30
75092	Sargent Central School	Extension Books	13.99
75093	Sargent County Teller	Printing/Publishing	90.00
75094	SC Treasurer	Extension Postage	133.51
75095	VISA	Extension Supplies	307.81

Merrill Engquist, Road Supervisor; and Jesse Sedler, Interstate Engineering; arrived at the meeting.

Mr. Sedler reported that he was still working on the revised estimate for the FLAP project on the replacement of a structure on the southeast side of the Tewaukon Refuge. They have not started working on the estimate for the SRF project on the township road from County Road #3 south to Silver Lake. Damon DeVillers had received the email regarding the Bridge Inventory Scour and Channel Profile Inspections and will be handling that by the July 15, 2017 deadline.

Lyle Bopp, State's Attorney, arrived at the meeting.

Jerry Waswick, county resident, stated his opinion on the petition to close several section lines in Jackson Township. He is unable to attend the public hearing on the matter, but wanted to be on the record as opposing the closing of the section lines between Sections 7 & 18 in Jackson Township, as well as the 2 mile stretch of section lines between Jackson Township in Sargent County and Riverdale Township in Dickey County which is on the Sargent/Dickey County Line. It is his opinion that it would not benefit the public, only private landowners. The commissioners thanked him for his input and will take it into consideration along with other opinions shared at the public hearing.

Merrill Engquist, Road Supervisor, updated the board on road issues. He would like to move forward with the graveling projects that he had provided information for at the last meeting at the approximate cost of \$232,532. He would also like to put up two 25,000 ton stockpiles, one at the Marlow Pit and one at the Thorpe Pit at a cost of \$217,500. The gravel in these piles and also the stockpile left at the Wallman Pit could also be used for the base work on County #12 south of County Road #3. Commissioner Jacobson stated that, in his opinion, there is no incentive for the contractors to get the graveling projects done if they've already gotten paid for the gravel in the stockpiles.

Meeting recessed for lunch at 12:00 p.m.

Meeting reconvened at 1:10 p.m. with Commissioners Arth, Walstead, Anderson, Hosford & Jacobson present; along with Jayne Pfau, Assistant State's Attorney; Tibby Hinderlie, Sargent County Teller; & Pam Maloney, Sargent County Auditor.

After additional discussion, motion to approve purchase of a 25,000 ton stockpile of modified Class 13 gravel at the Marlow Pit at the cost of \$4.60/ton, a 90 cents per ton discount from the "as used" bid price. Approximately 8,200 tons of this stockpile is planned to be used in 2017. (Walstead/Arth) Roll Call Vote: Yes – Arth, Walstead & Anderson. No – Hosford & Jacobson. Motion carried.

Lyle Bopp, State's Attorney arrived at the meeting at 1:30 p.m.

Mr. Engquist also inquired about replacing the 1984 IHC snowplow truck. A new engine was put in that truck about 15 years ago. He was given permission to check prices and come back to the Commission with some possible replacement options.

Mr. Bopp was asked about the Quit Claim Deeds for the vacated alleys & streets in Milnor City that had not been put back on the tax rolls after they had been vacated back in the 1920's. He stated that the urgency for the Quit Claim Deeds had passed, but that his office would be continuing to work on them as time allows.

Motion to publish the annual notice concerning County Road Rights of Way in the official newspaper. (Walstead/Anderson, unanimous)

Commissioner Walstead updated the board on the court facilities grant for wiring in the courtroom. The work has been scheduled for June and some painting will have to be done after the work is completed. He has requested that Alison Toepke, Sargent County Treasurer/Recorder/Clerk of Court, obtain quotes for the painting project.

There were several items brought up at the non-agenda employee meeting at the April 4 meeting. The commissioners discussed several of these. 1) Offensive sewer gas odor in women's restroom – the custodian has tried several different things and has had different plumbers to work on the problem. A suggestion was made to purchase the plug-in scents to try to cover the odor. 2) Fluorescent light replacement – Commissioner Walstead will check with B & K Electric for quotes and whether or not there might be grants available for the replacement. 3) Personnel board re-activation – Commissioner Anderson is working on this along with Sandra Hanson and Alison Toepke. 4) NDPERS retirement – Sheriff Paeper is setting up some presentations. 5) ND PERS Wellness Coordinator replacement – Cindy Klapperich is looking for a replacement – Commissioner Walstead will check with others in the courthouse to see who is available. 6) New pay plan consultant – Sheriff Paeper has some information on some other firms, and will do some checking on this.

States Attorney Lyle Bopp presented information for the public hearing this evening. He has done extensive research in State statutes, attorney general's opinions and North Dakota Supreme Court cases, and he stated that, in his opinion, only the county commission has the authority in State Law to close a congressional section line. If a section line is vacated by a township, it would still be open for public travel. The Supreme Court has stated in one opinion that the state legislature may have overstepped its bounds by delegating to counties and townships the authority to close or vacate

congressional section lines. The state's attorney also reviewed various standards of proof including beyond a reasonable doubt; clear and convincing; and by a preponderance of the evidence; and gave his opinion that this matter be decided by the lowest standard, preponderance of the evidence.

Motion to obtain a retirement card to send to the ND DOT-Fargo Office for Willie Shocker's retirement reception on Thursday, April 27, with Sargent County's thanks and congratulations on his retirement after 54 years of service as materials specialist with the ND DOT. (Anderson/Walstead, unanimous)

Meeting recessed at 2:40 p.m.

Meeting reconvened at 7:00 p.m. for the purpose of a public hearing regarding a petition signed by John Quandt; Brian Vculek; Larry Roney; Greg Zimbelman; Allen Hansen; and, Madella Scheffert; owners of land situated in Jackson Township (Township 130 North of Range 58 West) in Sargent County, requesting that Sargent County close the north/south section line that runs on the County Line between Sections 12 & 13-130-59 (Riverdale Township in Dickey County) and Sections 7 & 18-130-58 (Jackson Township in Sargent County); & the east/west section line between Sections 7 & 18-130-58 (Jackson Township in Sargent County). Those present were Pam Maloney, Sargent County Auditor; Jason Arth, Bill Anderson, Sherry Hosford, Dave Jacobson & Mike Walstead, Sargent County Commissioners; Lyle Bopp, Sargent County State's Attorney; Jayne Pfau, Sargent County Assistant State's Attorney; Mark Roberts & John Hokana, Dickey County Commissioners; Dan Delahoyde, Jackson Township Supervisor; Bob Banderet, Steve Kasowski, Valera Hayen, county residents; Steve Hansen & John Quandt, petitioners; and Tibby Hinderlie, Sargent County Teller. Assistant States Attorney Jayne Pfau set up her cellular phone to make an audio recording of the hearing. The Chairman described the procedure that would be followed for the hearing: each attendee was allowed 3 minutes to state their opinions/views; and, a question/answer period would follow. Chairman Jacobson also read letters from Jackson Township and from Sandra Hanson, Forman, opposing the closing of the section line. After hearing testimony from those present, States Attorney Bopp shared again with the board the required criteria for closing a section line, and also reiterated the statutes, attorney generals opinions and Supreme Court opinions shared at the commission meeting earlier in the day. The required criteria being: The board of commissioners, if petitioned by a person having an interest in the adjoining land or a portion thereof, after public hearing and a finding by the commissioners of public benefit, may close section lines or portions thereof which are not used for ten years, are not traveled due to natural obstacles or difficulty of terrain, are not required due to readily accessible alternate routes of travel, or are intersected by interstate highways causing the section line to be a dead-end, providing the closing of the dead-end section line does not deprive adjacent landowners access to the landowners' property. Motion that Sargent County deny the petition to close the north/south section line that runs on the County Line between Sections 12 & 13-130-59 (Riverdale Township in Dickey County) and Sections 7 & 18-130-58 (Jackson Township in Sargent County); & the east/west section line between Sections 7 & 18-130-58 (Jackson Township in Sargent County), as the petitioners have failed, by a preponderance of the evidence, to show a public benefit; there has been testimony that a substantial portion of those section lines have been traveled within the last 10 years; and that the petitioners have failed to show readily accessible alternative routes of travel. (Anderson/Walstead) Roll Call Vote: Yes – Arth, Walstead, Anderson, Hosford and Jacobson. No – None. Motion carried – there will be no section line closure. Mr. Bopp reminded those present that the decision could be appealed to the district court level within 30 days.

Meeting adjourned at 7:45 p.m.

DAVE JACOBSON – CHAIRMAN

ATTEST:

PAM MALONEY- COUNTY AUDITOR