

Forman, North Dakota
April 5, 2016

The Sargent County Board of Commissioners met at 9:00 a.m. in the 2nd floor conference room of the courthouse for a non-agenda employee meeting, with all Commissioners and twenty county employees present. Topics of discussion included: repairs to the parking lot & back entrance; holidays particularly the Friday after Thanksgiving and Columbus Day; salary and/or benefit increases and improvements; re-activating a personnel board; NDPERS Retirement Program; exit interview procedures; background checks of prospective employees; and possible volunteer/charity work. Following the non-agenda employee meeting, the Sargent County Board of Commissioners convened in the Commissioners' Room at 10:15 a.m. with the following members present: Bill Anderson, Sherry Hosford, David L Jacobson, Mike Walstead and Jerry Waswick. Absent: None. Jeanne Sexton-Brown, the Sargent County Teller; Jayne Pfau, Assistant States Attorney; Merrill Engquist, Road Supervisor; Donna Eklund, county resident; and, Pam Maloney, Sargent County Auditor; were also present.

Sandra Hanson, Tax Director/Emergency Manager/911 Coordinator, attended the meeting to discuss the Weber Township Bridge No 119.19 project. The culvert at the site, on the Wild Rice River, had been washed out in the flood of 2010, and an alternative route of access in lieu of replacing the bridge had been provided for local residents by upgrading some Township roads. Sargent County had agreed to cost share 50% of the local share, up to \$15,000, on this project, and the project is now completed. Sargent County had also agreed to remove the wrecked culvert from the site, and this will be done when a contractor with equipment large enough to get the job done is working nearby. Motion to release the funds amounting to \$12,777.17 to Weber Township as Sargent County's 50% cost share match. (Hosford/Anderson, unanimous)

Sandra Hanson also brought up Sargent County's Fire Emergency Proclamation from May, 2015, and requested that the Commission either re-adopt the resolution or rescind it. Despite the fact that there has been very little precipitation in the past 6 months, the fire danger rating in Sargent County has been rated as "moderate" which allows for open burning without permission from local fire departments or law enforcement. Motion to rescind the fire proclamation dated 5/9/15. (Jacobson/Anderson, unanimous) A new proclamation may be adopted if and when conditions warrant.

Commissioner Hosford asked about the signs on Bridge No. 129-19, across the Wild Rice River north of Delores Breker's farm in Tewaukon Township. This was originally a FEMA site, but the bridge had been replaced by the U. S. Fish & Wildlife Service with funds from the Federal Lands Access Program (FLAP). Commissioner Hosford had received a phone call from one of the Tewaukon Township supervisors who was of the opinion that "Narrow Bridge" signs should be installed at the bridge site. According to Road Supervisor Engquist, Sargent County is responsible for the bridge end markers, but the township would be responsible for any signage leading up to the bridge. Mr. Engquist will check this out. He will also place chevron signs at the river in Hamlin Grove.

Ms. Hanson also provided the commissioners with a copy of Sargent County Residential Sales Ratio for 2015 for their information. The sales ratios indicate a substantial increase in the prices paid for residential properties in Sargent County during 2015.

County Road Supervisor Engquist reported to the commissioners that Keith Miller, road department employee, has resigned and will be done as of Friday, April 8.

Sheriff Travis Paeper arrived at the meeting to discuss the NDPERS retirement program. The commissioners and employees would like more information to obtain a better understanding of the program before making a decision. Motion to authorize Sheriff Paeper to organize another meeting and/or webinar with NDPERS for all employees to get a better understanding of the PERS retirement program. (Hosford/Anderson, unanimous)

Approve minutes of the March 15, 2016, commission meeting as corrected. (Hosford/Walstead, unanimous)

Commissioner Anderson reported that he had only received one department's response regarding the Verizon government ECD account plan. The auditor had received three others. The auditor will forward this information to Lisa Duckstad, Verizon Government Account Executive, so she may be able to provide quotes for a comprehensive County ECD program.

Discussion on the solicitation from Sanford AirMed to consider a county-wide membership program to provide air ambulance service to the citizens of the county. Commissioner Anderson reported that he had corresponded via e-mail with County Ambulance Service Coordinator Brian Tayer concerning the

offer. At the price offered, the commissioners do not consider this to be a good investment for the county and will not authorize participation at this time. No motion was made, and no action was taken.

Assistant States Attorney Pfau updated the board on the progress being made in amending the Sargent County Zoning Ordinance No. 1 Solid Waste and Incinerating Facilities and Comprehensive Plan to add language prohibiting the storage, as well as the disposal, of nuclear waste in Sargent County. According to law, the notice and the amendment will be published for two weeks in the official newspaper before the amendment may be considered for approval by the Commission.

Motion to authorize the chairman to sign a letter to Chad Orn, ND DOT Assistant Programming Engineer, concerning the turn lane project on the north side of ND #13 at the site of the new CHS grain terminal and fertilizer handling facility, which states that Sargent County cannot and will not commit its resources to the project as requested unless: there is clear legal authority to do so; it is certain that the funds needed for the project will be provided by either the ND DOT or by some other secure third party; and, that Sargent County will be held harmless, both legally and financially, from any liability incurred in connection with the project. (Jacobson/Anderson, unanimous)

The commission reviewed the letter received from Job Service North Dakota regarding the claim for unemployment insurance compensation which has been made by a former county employee. Motion to request that the State's Attorney's office file an appeal on the determination of allowable benefits for the former social services director. (Anderson/Hosford, unanimous)

Approve Gaming Site Authorization for Bullis Post #84 of The American Legion, Lidgerwood, for a site in the Geneseo Bar, from July 1, 2016 through June 30, 2017. (Jacobson/Hosford, unanimous)

Set date for silent auction of surplus property for May 17, 2016. Bids to be opened at 10:30 a.m. (Walstead/Hosford, unanimous)

Acknowledged letter from Ohnstad Twichell regarding crossing improvements in Jackson and Verner Townships. Pursuant to State law, the county will be responsible for 40% cost share for culverts installed in road crossings of the legal drain, or approximately \$23,652.37. A copy of the Drain 7 Improvement District in Milnor Township was also received from the Sargent County Water Resource Board, which indicates a 40% cost share for culverts in the amount of \$38,518.97.

Another letter was received from Ohnstad Twichell regarding a 9.3 acre parcel in the SW1/4-23-130-57 which had been in an ownership dispute. The Sargent County Water Resource District believed that it owned the property in fee, as the successor to the Sargent County Board of Drain Commissioners, which had obtained its interest in the property by right-of-way deeds signed in 1917 and 1918. However, the North Dakota Supreme Court recently determined that the 1917 and 1918 deeds did not grant fee title to the SC Water Resource District, but, instead, granted only a right of way easement for the purpose of constructing and maintaining a legal drain. Therefore, Nancy Mathews and Phyllis Delahoyde are the legal owners of the 9.3 acres and the property should be placed back on the tax rolls. Much discussion on how to implement checking all deeds/drains to check all parcels affected by this ruling. The matter was referred to the County Tax Director for assessment of value in accordance with the soils based valuation system, as modified. No action by the Commission was deemed to be necessary at this time.

Steve Hansen & John Quandt, Dickey County residents; & Dan Delahoyde, Jackson Township Supervisor; attended the meeting to discuss vacating a north/south section line between sections 12/13 in Riverdale Township in Dickey County and 7/18 in Jackson Township in Sargent County. They said that they have discussed this with Gary Neuharth, Dickey County State's Attorney, and stated that they were told that they needed a petition to vacate a road based on NDCC 24-07-04. They have a petition to vacate 3 undeveloped section lines that all neighboring landowners have signed, that they say will relieve the township and county of any liability for maintaining public rights of way and for some drainage ditches that are planned for that area. They stated that they had met with the Dickey County Commission earlier in the day, & that Dickey County voted to move ahead with the vacating of the section lines upon approval of their state's attorney. Lyle Bopp, Sargent County State's Attorney, had provided some information on this matter via e-mail before the meeting stating that roads can be vacated - section lines cannot. A section line may be closed, according to NDCC 24-07-03. In order to close a section line, certain criteria must be met, including: a public hearing; a finding by the Commission that there would be a public benefit to close the section line; a finding by the Commission that the section line has not been used for a period of ten years or more; & a finding by the Commission that the section line is not necessary due to readily accessible alternative routes. Commissioner Anderson stated that he does agree with the Sargent County state's attorney & does not favor closing section lines. Mr. Quandt stated that the public benefit from this section line vacation is that the liability would fall to the landowners, not to the township, however, as the landowners have stated that the section lines would be kept open for public access, their understanding of the liability

exposure may not be correct. There is currently a pending application for a permit for the proposed drainage ditches, so the commission was wondering why they were wanting to close the section lines now, before they knew for sure whether or not the application would be approved. The commission will contact the state's attorney to get more information regarding this issue and possibly get an attorney general's opinion on the matter, as the Dickey County State's Attorney and the Sargent County State's Attorney are in apparent disagreement as to the applicable statutes and procedures to be followed.

The commission recessed for lunch at 12:15 p.m.

The commission reconvened at 1:05 p.m.

Merrill Engquist, Road Supervisor; Damon DeVillers, Mike Bassingthwaite, and Jesse Sedler, Interstate Engineering, arrived at the meeting at this time. The Board proceeded to open and read bids for the Surge Funding Project, Mine and Blend, Aggregate Base, Hot Bituminous Surfacing and Incidentals for Sargent County #14 from Sargent County #5 south to the North Dakota/South Dakota border. Representatives were present and bids were received from Bituminous Paving, Inc, Ortonville, MN; Central Specialties, Alexandria, MN; Knife River Materials, Bemidji, MN; Mark Sand & Gravel Co, Fergus Falls, MN; and, Mayo Construction, Inc., Cavalier, ND. Motion to accept all bids and authorize Interstate Engineering to tabulate the bids & bring back a recommendation to the April 19 Commission meeting. (Walstead/Anderson, unanimous)

Mike Bassingthwaite updated the board on the Hall Township bridge project right-of-way acquisition and presented a supplemental agreement for the commissioner's review. The purpose of the supplemental agreement is to put in writing the rights, duties and responsibilities that have been agreed upon as part of the construction of the referenced project. Mr. Dale Kjos has donated his share of the right-of-way necessary to construct this project, provided that the provisions of the supplemental agreement are approved by the Commission. All the items listed on the supplemental agreement will occur within the project easement areas, and they will be performed by the contractor. Items to be performed by the county are noted. Motion to authorize the chairman to sign the supplemental agreement between Sargent County and Dale Kjos. (Jacobson/Anderson, unanimous) The bid letting for this project is on the May calendar, if the Army Corp of Engineers permit is received by the end of April.

Motion to approve Application for Work within County Road Right-Of-Way to David Bladow for construction of a field approach on the west side of Section 7-130-54 in Ransom Township. (Jacobson/Anderson, unanimous)

Motion to approve Application for Work within County Road Right-Of-Way to Clarmont Ulven for construction of an approach on the west side of Section 35-132-56 and to remove old culvert & approach with installation of new culvert and approach on the west side of Section 26-132-56; both in Whitestone Hill township. (Jacobson/Walstead, unanimous)

The Auditor was instructed to sign & return the proxy to elect Bruce Strinden to the North Dakota Insurance Reserve Fund Board of Directors. (Anderson/Hosford, unanimous)

Motion to authorize the chairman, county auditor & state's attorney, to sign the Construction and Maintenance Agreement for BRO-0041(012) Bridge Removal and Replacement 5 miles south and 2 miles east of DeLamere. (Walstead/Anderson, unanimous)

Reminder to the commission about the quarterly 5-County Meeting to be held Thursday, April 7 at the Green Lantern Hall, Geneseo Bar & Grill, at 4 pm.

Meeting adjourned at 2:00 p.m.

JERRY WASWICK - CHAIRMAN

ATTEST:

PAM MALONEY – COUNTY AUDITOR