

The Sargent County Board of Commissioners met at 9:00 a.m. with the following members present: Jerry Waswick, David Jacobson, Sherry Hosford, Mike Walstead, and Bill Anderson. Also present was Jeanne Sexton-Brown, The Sargent County Teller; and Pam Maloney, Sargent County Auditor.

Gary Thornberg arrived at the meeting to discuss the tile drain project on a parcel of approximately 20 acres in the SE1/4 of Section 13-129-55 on the west side of County #10 in Weber Township. He has met with the Sargent County Water Resource Board regarding this project, and no permit is needed from that board. This project will flow into an existing drain, not directly into the County Road #10 right-of-way, as previously thought, so no permit is required from the county, either. Motion stating that the Sargent County Commission has no objection to the tile drain being installed by Mr. Thornberg for the purpose of draining an area of approximately 20 acres in SE1/4 of Section 13-129-55 in Weber Township. (Anderson/Jacobson, unanimous)

Lyle Bopp, State's Attorney, arrived at 9:50 a.m.

A conference call was made to Joe Scepaniak of Wm. D Scepaniak, Inc. regarding the payment of the Final Estimate No. 2 for the Aggregate Surfacing Project CP 4125(14)02 for Wm. D Scepaniak, Inc. The gravel application was completed in the fall of 2014, and the company's foreman on the job site believed, at that time, that all requirements had been met and the project accepted, while it was the understanding of the County Road Supervisor that the grading had not been completed to specs and would have to be "touched up." Because the grading had not been completed to specs by the company, the County continued to hold the contract retainage amount. The County road crew completed the grading, but failed to notify the company of this fact. The company's management requested payment of the retainage in February of 2016, and was surprised at the blading deduct on the final Engineer's Estimate received from the county. Neither the company's job foreman nor the County Road Supervisor had any written notes or correspondence concerning the matter. Joe Scepaniak, representing the Scepaniak company, expressed willingness to accept an offer by Commissioner Walstead to split the difference, so instead of \$4,356 deduction, it would be \$2,178, leaving the final billing from Scepaniak to be \$26,142.17. The commissioners will discuss it further when the county engineer arrives at the meeting.

Acknowledged check received from Mid-State Auto Auction for the sale of the 2009 Dodge Durango in the amount of \$4,884.02 (\$5,100 sales price less fees).

More discussion on 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. The auditor has received emails from John Quandt inquiring whether the commission has made a decision on the request from Mr. Quant and others to "vacate" the section line. There is currently a pending application before the State Water Commission for a permit for the proposed drainage ditches, and the Sargent County commission had previously informed the applicants that it will take no action on their request until the State Water Commission has ruled on the drainage permit application. The County Commission also requested that the state's attorney render a written opinion concerning the legal effect of vacating the section line as requested, specifically whether vacating this section line actually does relieve the township and/or county of liability for the 33' of right of way on either side of the section line.

Some discussion regarding the ND PERS retirement plan. Sargent County's Nationwide Retirement representative, Carmen Toman, will be here May 19th to meet with the employees and discuss the County's current retirement program, so the decision will be tabled until after conferring with her, & also receiving input from the employees who had attended the meeting on Tuesday, April 26.

Motion to approve a Quit Claim Deed from Sargent County to Jessi C Seelye for a parcel of land located in the SW1/4 of Section 1-129-58 (Southwest Township) com at the SW corner of the SW1/4 of Section 1-129-58, thence running due East 43 rods; thence running North at right angles 30 rods; thence running West at right angles 43 rods; and thence running South 30 rods to point of beginning; containing approximately in all about 8 acres. This matter had been brought up by the States Attorney at the April 19 Commission meeting, and had been discussed at that time. (Walstead/Jacobson, unanimous)

Damon DeVillers, Interstate Engineering; Merrill Engquist, Sargent County Road Supervisor; & Donna Eklund, county resident; arrived at the meeting. Mr. DeVillers updated the board on the wetland mitigation for the Hall Township Bridge Project. There is still .87 acre needed for the project. Motion to authorize the engineer to inform the Army Corps of Engineers that Sargent County will acquire .87 acre of wetlands mitigation from Ducks Unlimited at the price of \$34,800, unless another lower cost source of wetlands mitigation acres becomes available. (Anderson/Walstead, unanimous)

The engineers will talk to the landowners in Section 2 of Herman Township and Section 35 of Hall Township at the Halmrast Bridge Site, to determine if the right to use some acres for wetlands mitigation could be acquired there. Motion to amend the motion made at the April 19th meeting to pay up to \$6500 to Ray Zajac for a wetlands mitigation easement and up to \$3000 for borrow at a rate of \$1 per yard to read: pay \$6200 to Ray Zajac for a wetlands mitigation easement and \$4,161 for borrow at a rate of \$1 per yard (Anderson/Hosford, unanimous)

Additional discussion with Road Supervisor Engquist & County Engineer DeVillers on the conference call with Joe Scepaniak earlier in the meeting. There had been no formal acceptance of the road project after the completion of the graveling in the fall of 2014, but there is also no documentation regarding the condition of the road at the time the contractor left the job site. The engineers had not been hired to supervise the project, but only to test the quality of the materials. The contractor had previously accepted contract adjustments made because some gravel had not met contract specifications, and all other contract issues have been resolved satisfactorily. Motion to pay the contractor the contract retainage of \$28,320.17 less \$2,178.00, 50% of the blading done by Sargent County. (Jacobson/Anderson) Roll Call Vote: Yes – Jacobson, Walstead, Anderson, & Waswick. No – Hosford. Motion carried.

Motion to ask Interstate Engineering to consider paying 50% of the county's share of the blading deduct. (Hosford/Anderson) Roll Call Vote: Yes – Anderson & Hosford. No – Jacobson, Walstead & Waswick. Motion failed.

Mr. DeVillers had a "Notice of Award" prepared for Mark Sand & Gravel 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, as that company was the low bidder with a bid of \$1,547,234.55. Action on suspended motion from the April 19 meeting to award the bid to Mark Sand & Gravel. Mr. DeVillers has inspected the portion of the road that was paved in 2015 & the issues at the south end of that project will be resolved when the seal coat is applied. In the Engineer's opinion, Mark Sand & Gravel is a satisfactory bidder possessing the equipment, personnel and experience needed to complete the project in accordance with contract specifications. Roll Call Vote: Yes – Jacobson, Walstead, Anderson, & Waswick. No – Hosford. Motion carried. There are culvert replacements and slope work to be done by the county road department before the contractors starts work on the project. Road Supervisor Engquist stated that the work will be completed before the contractor is ready to begin work on the paving project.

Mr. DeVillers stated that he had conferred with Bryon Fuchs, ND DOT, regarding the approximately \$500,000.00 of the surge money remaining after the County #14 paving project was bid. Mr. Fuchs encouraged using the funds for pavement preservation, which would be at least a 2" overlay, but less than a 3" overlay, on an existing main corridor. The commission requested that Mr. DeVillers check County Road #4 to see where the best area for the use of the remaining HB 1176 funds would be.

Mr. Engquist stated that graveling contracts will be going out to the local contractors this week. Some of the commissioners have received phone calls regarding the condition of County Road #8, a gravel road, north of Hoving. This is on the list of priority gravel projects for 2016. Discussion on applying dust control to county roads. Motion to approve plan to apply dust control at curves, railroad crossings, intersections and residences as has been done in previous years. (Anderson/Hosford) Motion to amend the original motion to read: approve plan to apply dust control at curves, railroad crossings, intersections and residences as has been done in previous years with work to be completed by June 30th. (Jacobson/died for lack of second) Roll Call Vote on original motion: Yes – Walstead, Anderson, Hosford & Waswick. No – Jacobson. Motion carried.

Motion to approve cost share request from Dunbar Township on 4 36" x 60' culverts between sections 7/8 for the purpose of protecting the road from being washed out and also protecting farm buildings. The Sargent County Water Resource Board has approved the request contingent upon the county's approval. Cost share for culverts is Sargent County 1/3; Sargent County Water Resource Board 1/3; & Dunbar Township 1/3. (Walstead/Hosford, unanimous)

Brian Tayer, Milnor Ambulance Coordinator; and Sandra Hanson, Tax Director/911 Coordinator/EMA; met with the commission to report on Milnor Ambulance Squad activity. Mr. Tayer informed the commission that Michael Werner, his assistant, will not be leaving Sargent County's employment in July, 2016, as previously reported. The Milnor Ambulance Squad has had an increase in ambulance runs this quarter. The Gwinner First Responders have been a huge asset to their squad. The Commissioners thanked Brian for his report, and commended him, the members of the Milnor Ambulance Squad and the Gwinner First Responders for their work on behalf of the people of Sargent County.

Alison Toepke, Treasurer/Recorder/Clerk of Court, arrived at the meeting to introduce the Department's new employee, Diane Brown. Ms. Brown will be starting at a County pay Grade 8/Step 2. Motion to authorize Diane Brown to sign checks and other documents required of that department, and to approve the removal of Joan Schwab, former employee, from that capacity. (Anderson/Walstead, unanimous)

Motion to approve removal of inventory items listed from county inventory: 791-microwave; 2962-desk; 428-secretary desk; 2422-copier; 1365-electric typewriter; no#-computer monitor/keyboard/mouse; 2926-fax; no#-table; 229-office chair; 715-desk; 2815-printer; 1923-dual VHS; 218-cubicle; no #-keyboard tray; 1394-computer desk; 897-file cabinet; 894-file cabinet; 1043-desk chair; 2961-desk; 747-shelving unit; 2969-HP laptop; 151-2 drawer table; 524-7 drawer table/desk; 833-desk chair; & 694-office desk. (Walstead/Jacobson, unanimous)

Motion to authorize the chairman to sign the funding agreement for clerk of district court services. Total funding for this agreement will be \$4,846/month beginning August 1, 2017. (Anderson/Jacobson, unanimous)

Acknowledgement of NDIRF conferment check in the amount of \$206.

Motion to authorize the chairman and county auditor to execute an easement between Cheryl L Zirnelt & Micheal D Zirnelt; and, Sargent County; granting an easement to Sargent County on the E1/2 of SW1/4 of Section 31-130-55; for the benefit of and appurtenant to County Road #3. (Anderson/Jacobson, unanimous)

Motion to authorize the chairman to sign the Right-of-Way Certification letter to ND DOT for the Hall Township Bridge project (BRO-0041(012)). (Jacobson/Anderson, unanimous)

Approve minutes of the April 19, 2016, commission meeting as corrected. (Hosford/Walstead, unanimous)

Approve the purchase of a Pyramid Time Clock for \$260.19 for the Silver Lake park staff; and a Lathem Time Clock for \$320.79 for the road department. (Hosford/Anderson, unanimous)

Commissioner Waswick had received an estimate on concrete repair work at the elevator entrance of the courthouse. Some more research will be done regarding ADA requirements before accepting the quote or starting the project.

More discussion was held on how to proceed with valuation assessment on parcels of real estate with legal drains across them following the ND Supreme Court's ruling in Sargent County WRB v. Mathews. Commissioner Anderson suggested that the state's attorney prepare a letter to the townships so they are aware of the ruling now, and when they have their equalization meetings in the Spring of 2017 they will be able to act on those parcels at that time.

Meeting adjourned at 12:10 p.m.

JERRY WASWICK - CHAIRMAN

ATTEST:

PAM MALONEY – COUNTY AUDITOR