

**OFFICIAL PROCEEDINGS OF THE LAMOURE COUNTY COMMISSION MEETING
December 20, 2016**

At 8:30 a.m. Chairman Miller called the meeting to order and opened with the pledge to the flag. Commissioners Victor Weigel, Bruce Klein, Robert Flath, Keith Heidinger were also present. Attending the meeting were Lauren Worrel, LaMoure County Highway Dept; Marlene White, LaMoure County Auditor; Tonya Duffy, State's Attorney; Gerald Harris, LaMoure Chronicle; and Bridget Henderson, The Edgeley Mail.

Chmn Miller asked for additions to the agenda. Letter of Resignation from Tax Director, 5-County Meeting and Set Future Meeting Dates were added. Motion to accept the additions and approve the agenda by Comm Klein, seconded by Comm Heidinger. Motion carried.

Lauren Worrel reported that road crews have been out plowing snow every day with the most amounts being in the west and by Litchville. Worrel stated that the crews are also doing equipment repairs. Worrel said that a major storm has been predicted for Christmas Day.

Worrel reported that the NDACE Conference is set for January 25-27 in Fargo.

Chairman Miller announced to the Commissioners that Sheriff Fernandes requested to be added to the agenda at this time. Motion to amend the additions to the agenda to include Sheriff Fernandes by Comm Klein, seconded by Comm Heidinger. Motion carried.

Matt Lange from KLJ told the Commissioners that Hwy 64 looks good, just waiting on some paperwork from Knife River. Lange stated that Hwy 61 for rehab work would cost roughly \$1.5 million. The first option would be doing a 3-1/4" to 3-1/2" overlay, and the second option would be a mill & overlay. Lange stated that there is only 4" of pavement there at this time, so this may not be the best option. Worrel recommended that the county go with the just the overlay. Lange stated that he will be looking for bids in April or May. There will be no new projects for a couple of years. Motion to go ahead with the Hwy 61 overlay project by Comm Flath, seconded by Comm Klein. Motion carried.

Sonya Albertson had sent in an Application for Transportation Alternatives Program (TA) Funds to be used for the Chan SanSan Scenic Backway turnout by the LaMoure Lake. Chairman Miller stated that matching funds for this project would be 20% cost to the county. Motion to sign the application to be submitted for Transportation Alternatives Program (TA) Funds by Comm Weigel, seconded by Comm Flath. Motion carried.

Auditor White presented the GIS Agreement for signature which was reviewed by Tonya Duffy. Motion to sign GIS Agreement by Comm Heidinger, seconded by Comm Klein. Motion carried.

Future meeting dates were set for January 5 & 17, February 7 & 21, March 7 & 21, and April 4 & 18. The Public Health meeting will also be on January 17.

Comm Klein reported that he spoke with Tanya Wieler regarding the payroll increase recommendations she had given them. Comm Klein stated that what Wieler was recommending an increase of that particular step, not a one step up increase. Comm Klein stated that there would be no pay increase for the Deputy Auditor. Comm Klein stated that Wieler checked around 10 positions to check the market share and found that the Recorder, Deputy Recorder, and changing the Clerk position in the Auditor's office to Deputy Auditor II needed to be adjusted to bring them exactly to 95% of the market. Motion to approve the recommendations by Tanya Wieler for changes to the pay scale to reflect changes to the Recorder, Deputy Recorder, and changing the Clerk position in the Auditor's office to a Deputy Auditor II to bring them to 95% of the market by Comm Weigle, seconded by Comm Klein. Motion carried.

Auditor White told the Commissioners that there was a suggestion made that there be a locked drop box placed outside of the courthouse for citizens to utilize when the courthouse was closed. The Commissioners chose not to put one in place at this time.

Auditor White presented a request for transfer that the County Agent had given her to show them. White stated she believed this was something that would normally be done with our yearly transfers, and the Commissioners agreed.

Auditor White presented the South Central Dakota Regional Council Joint Powers Agreement for signature. Motion to enter into the Joint Powers Agreement with the South Central Dakota Regional Council by Comm Heidinger, seconded by Comm Wiegel. Motion carried with Comm Flath and Chairman Miller being opposed.

Auditor White presented an application for a Court Facilities Improvement Grant to assist in covering costs for purchasing a scanner and cable and emergency ladders with the amount being requested of \$1,044.73. Motion to apply for the Court Facilities Improvement Grant by Comm Flath, seconded by Comm Klein. Motion carried.

Auditor White presented a beer and liquor license application from Dakota Summers for approval. Motion to approve the beer and liquor license application for Dakota Summers by Comm Flath, seconded by Comm Heidinger. Motion carried.

Auditor White read a letter of resignation from Tax Director Jan Meidinger giving a 2-week notice with his last day to be January 3, 2017. Motion to accept Jan Meidinger's resignation as Tax Director by Comm Klein, seconded by Comm Flath. Motion carried.

The Commissioners set up an interview committee and requested that ads go in the local newspapers, the statewide classified ads, and place on the NDACo website as well.

Comm Klein gave a report on the 5-county meeting that he and Chairman Miller attended last Thursday. Comm Klein stated that 8-10 legislators attended the meeting as well as quite a few from the other counties. Comm Klein presented a handout that the NDACo gave them with legislative items that may be presented at the next session. Comm Klein stated that the Social Service issue was discussed, and it was pointed out that the control would still remain with the counties. Comm Klein stated that the State of ND has \$6 billion in the Legacy Fund, and 2017 will be the first time that \$120 million in interest can be used. Comm Klein reviewed a few more items on the list including some discussion on allowing the truck limits to go to 129,000 pounds. Comm Klein also pointed out that a consolidated tax statement will be discussed, but Auditor White pointed out that the Auditor's Association is not in favor of this at this time.

Break 9:55am-10:05am

Sheriff Fernandes was present to discuss payouts of deputy vacation hours. After a lengthy discussion which included Tanya Wieler via telephone, it was determined that no decision could be made until the December totals were added in.

Sheriff Fernandes then wanted to discuss paying the deputies for time they have worked at the Dakota Access Pipeline protest. Sheriff Fernandes stated that in talking with Holly Gaugler who is the State Finance Chief, she stated that they have made an exception for not paying overtime to agencies who have five or less employees and anything over 173 hours, and she is ok with paying them overtime hours as long as the Commissioners approves it. The county gets reimbursed by the State within 30 days. Auditor White asked if even though they are making an exception would the county to be covered with regard to the Labor Laws. Tanya stated that when we choose to be more generous than what the law asks of us, then we will not be in trouble per se. Tanya stated that the questions that come to mind is that if there is an exception being made we need to have that in writing to make sure that the county is covered. Tanya stated that we would want to put it in writing that this is a special circumstance to be

applied only to this situation. Tanya stated that in writing would be in the minutes should the Board approve it, as well as from the individual that Sheriff Fernandes spoke with. Jan Hamlin stated that the State Auditors said it would be paid out based on our county's policy for overtime. Sheriff Fernandes stated that what they are reading is for the backfill policy which applies to a situation where the deputies go to work at the protest, and then we have someone working to cover their position here. Sheriff Fernandes stated that was not the case because he only allowed them to go on their days off with no cost being incurred by the county. Tanya stated that she suggests we get all of this in writing. Tonya Duffy stated that it is not ok to just get an email from the State Finance Chief, but it needs to be documentation from who made that decision. Sheriff Fernandes stated that on Thanksgiving Day, a Signal 100 was issued for all available officers to go to work at the protest, and he covered for Deputy Fleck who was supposed to work that day so that he could go to the protest. Sheriff Fernandes did state that the Governor had requested 100 federal officers, but that was denied. Comm Heidinger asked how many hours the deputies worked at the protest, and Jan Hamlin showed them the hours which would be 171.14 hours for Deputy Fleck and 68.25 hours for Deputy Henry. Comm Heidinger asked why they would be paid overtime if they were working on their days off, and Sheriff Fernandes stated that anything over 173 hours worked at the county would be overtime. Comm Heidinger said that would be double dipping then if they are choosing to work on their days off. Sheriff Fernandes stated that in his opinion they should be paid overtime. Comm Flath stated that he thinks it is piss poor management asking our officers to go and do this being in the position that we were in, such as having too many comp hours, not being able to use vacation hours, not being able to spend time with family, which we have heard over and over, and still you can't say no. Comm Flath state that yes, you want to help your fellow officers, but you need to think about your family too, and that was more hours away. Comm Flath stated that he hears it one way and then it flip flops another way, and he is torn, and we need to be concerned about our officers a little bit. Comm Flath stated that yes they will do what they do because they help their fellow officers, but at the same time he hears that they can't spend time with their families. Comm Flath stated that he ran into one of our officers on Thanksgiving Day, and he passed Comm Flath like he was standing still and had to have been going 80-90 mph with no lights on. Sheriff Fernandes stated that he addressed that with the deputy. Comm Heidinger stated that it troubles him that he hears the deputies can't take time off, and yet they had time to go work at the protest. Sheriff Fernandes stated that these are extraordinary circumstances. Motion to pay deputies at the overtime rate for working at the Dakota Access Pipeline protest provided we receive the proper documentation from the State authorizing the exception to paying the overtime, and we receive the State's Attorney opinion by Comm Klein, seconded by Comm Weigel. Motion carried.

<u>Vendor Name</u>	<u>Amount</u>
ACCOUNT SERVICES EXCHANGE LLC	258.75
BARNES COUNTY CORRECTIONS	5,915.00
BERUBE'S	282.96
BROWN & SAENGER	133.49
BUILDERS MART	56.20
CENEX FLEETCARD	394.95
CENTERFIELD BAR & GRILL	56.00
CENTRAL BUSINESS SYSTEMS	67.20
COACHS BAR AND GRILL	58.32
CODE 4 SERVICES LLC	1,408.28
COMPUTER EXPRESS	2,623.99
COX/ELSIE	2,814.00
D&B PORTABLES LLC	175.00
DAKOTA DYNAMICS	2,000.00
DAKOTA VALLEY ELECTRIC	83.27
DICKEY/LAMOURE WATERSHED PROGRAM	4,896.87
DICKEY RURAL NETWORKS	239.00
DIRECT ELECTRIC INC	540.75

DISCOVERY BENEFITS	83.00
DR JAY PHILLIPPI	475.00
DUFFY/TONYA	1,485.09
EDGELEY MAIL	429.70
FIRST STATE BANK OF NORTH DAKOTA	530.00
FLATH/ROBERT	225.00
GALLS LLC	223.92
GLAXOSMITHKLINE PHARMACEUTICALS	341.30
GREAT PLAINS DIRECTORY	919.20
HEIDINGER/KEITH	242.88
INTERGRAPH CORP SGI DIVISION	1,475.00
JAMESTOWN COMMUNICATIONS	11,476.86
JOHN DEERE FINANCIAL	136.02
KADRMAS LEE & JACKSON INC	6,025.83
KARTES/THOMAS	10,866.00
KLEIN/BRUCE	239.58
KLEIN'S GRILL	59.75
LAMOURE CHRONICLE	59.25
LAMOURE COUNTY TREASURER	1,739.22
LAMOURE PRINTING COMPANY	747.00
LITCHVILLE BULLETIN	435.44
LOAD O METER CORPORATION	24,475.00
LYCOX ENTERPRISE INC	15,610.00
MARCO INC	196.89
MERCK SHARP & DOHME CORP	5,742.26
MIDSTATES EQUIPMENT & SUPPLY	28,659.00
MILLER/LEE	352.44
MONTANA DAKOTA UTILITIES	41.30
NATIONAL 4-H COUNCIL SUPPLY SERVICE	43.75
ND DEPT OF TRANSPORTATION	21.50
NDACE	450.00
NDACO RESOURCES GROUP	65.00
NDWCA	125.00
NEUHARTH/GARY	32.40
OAKES COMMUNITY HOSPITAL	31.00
OFFICE OF THE STATE AUDITOR	14,750.00
OST BODY & PAINT	189.99
OTTER TAIL POWER COMPANY	2,522.21
PFIZER INC	1,010.53
PORTER/DENICE	37.26
QUILL CORPORATION	218.02
R&S COLLISION CENTER INC	1,678.80
RACINE/JULIANNE	144.72
RAZORBACK CONTRACTORS SUPPLY INC	516.00
ROBBINS/KIMBERLY	23.76
SAFETY KLEEN SYSTEMS INC	321.70
STAR BUSINESS FORMS	572.92
STUTSMAN COUNTY CORRECTION CENTER	2,080.00
TYLER TECHNOLOGIES	3,185.78
VANGUARD APPRAISALS INC	27,459.00
VERIZON WIRELESS	427.67
VISA	285.34
WATCHGUARD VIDEO	11,056.00
WEIGEL/VICTOR	193.20
WEST SIDE AUTO BODY SHOP	489.00
XIT	1,180.00

Bills were reviewed. Motion to pay the bills by Comm Weigel, seconded by Comm Flath. Motion carried.

Motion to pay Social Service bills of \$454.93 by Comm Weigel, seconded by Comm Heidinger. Motion carried.

Auditor White presented some correspondence that came in for the Commissioners.

Motion to adjourn by Comm Flath, seconded by Comm Miller. Motion carried. Meeting adjourned at 11:20am.

APPROVED THIS 5TH DAY OF January, 2017

LEE MILLER, Chairman

ATTEST:

MARLENE WHITE, County Auditor