

**OFFICIAL PROCEEDINGS OF THE LAMOURE COUNTY BOARD OF COUNTY COMMISSIONERS
MEETING-Tuesday, May 16, 2023**

At 8:30 am Chairman Robert Flath called the meeting to order and opened with the pledge to the flag. Commissioners Jason Weigel, Keith Heidinger, Lee Miller, and Bruce Klein were also present. Also attending were James Shockman, State's Attorney; Jan Hamlin, Auditor; Darrick Nitschke, Highway Superintendent; and Art Hagebock, LaMoure Chronicle. Attending virtually was Kimberly Robbins, DES/911 Coordinator.

Chairman Flath called for additions to the agenda. Comm Miller added Scenic Backway. Comm Heidinger made a motion to approve the agenda, seconded by Comm Klein. All voting aye, motion carried.

Chairman Flath called for a review of the May 2, 2023 minutes. A motion was made by Comm Weigel to approve the minutes with a correction that he will require further research on Nora Township culvert, seconded by Comm Miller. All voting aye, motion carried.

Darrick Nitschke, Highway Superintendent, started by saying that the state will be removing road restrictions south of I-94 on Thursday. The county usually follows the state recommendations for applying and removing road restrictions. Comm Klein made a motion to remove the county road restrictions on Thursday except for any roads that are still in bad condition, seconded by Comm Heidinger. All voting aye, motion carried.

Darrick has only received one application for the summer Highway Department help. None of the six employees will be returning from last year. Darrick hopes to get a couple more applications in and at least have one crack sealing crew.

Darrick let the board know that Midwest has crews that we could hire. A two-inch crack to be filled by Midwest would cost approximately \$310, which is labor only. The county has the materials. Midwest's crew would cost approximately \$50,000 to \$70,000. That amount will only cover the leveling. The board would like at least one summer crew put together instead of hiring a crew from Midwest.

Darrick plans to have his crew start shoulder pulls once the load restrictions are removed.

On April 16, 2019, the commissioners approved a policy for tree planting which states 200 feet from the center of any county road. There was a request to plant trees 70 feet from the center of the road in Black Loam Township. Black Loam Township isn't zoned. State's Attorney, James Shockman, let the board know that since the county doesn't have a comprehensive zoning plan in place, it is a county policy, technically we can only control what we own or have easement to. The county right of way is 66' or less if it was set less previously. Highway Superintendent, Darrick Nitschke, will give the requesting party the county suggestions.

State's Attorney, James Shockman, let the board know that LaMoure County may have citizens encroaching on or obstructing certain county right of way under the jurisdiction of the LaMoure County Commissioners. James thinks it would be prudent to provide notice to landowners that the Commissioners have the authority, and the board intends to exercise its authority, to maintain the integrity and enforce its right of way easements. Comm Klein made a motion to put the following notice in the official paper and put on the county website, seconded by Comm Heidinger. All voting aye, motion carried. It will also be mailed to all township clerks.

NOTICE: LAMOURE COUNTY PROPERTY OWNERS

This NOTICE applies to all county roads within LaMoure County; however, LaMoure County Townships have the same authority over their township roads. The LaMoure County Commissioners intend to strictly enforce the following Sections of the North Dakota Century Code; Section 24-05-23 Encroachment, Section 24-05-24 Removal of Obstructions, and Section 24-06-29 Removal of

Obstructions and Traffic Safety Hazards. The Commissioners (Township Supervisors) have jurisdiction over roads, ditches, approaches, and rights of way to remove any and all obstructions, including but not limited to fences, rocks, crops, machinery or other hazards. If after notice the landowner does not remove the obstruction, the County (Township) may remove and charge the landowner for damages and costs. If not paid by the landowner, the damages and costs may be assessed as land taxes. Any questions please contact Darrick Nitschke Lamoure County Road Superintendent (701-883-5131).

James also mentioned that if the rights of way are not enforced, the county could potentially lose Federal funding which is the major revenue source for constructing, maintaining, repairing and improving these roads.

DES/911 Coordinator, Kimberly Robbins started with the James River levels. The James River at Adrian had a spring crest of 28.19 feet on April 18, 2023, with a current crest of 28.75 feet on May 15, 2023. The James River at LaMoure had a spring crest of 14.61 on April 19, 2023. The Corp of Engineers did say back in April that there is a possibility that this could be a high flow year with up to 1600 cfs releases. The current release from the Jamestown Reservoir and Pipestem Reservoir are 1300 cfs, but the plan is to go to the 1600 cfs. We will see high levels on the James River for the summer. On May 16, 2023 Boom Lake level was at 1458.41 feet and critical action stage is 1458.5. The Pushing REMot SENors (PRESENS) unit was installed in May and the data is on the county website. There was a less than one foot rise over the winter, but it is higher than it was in May 2022. The Department of Water Resources installed the PRESENS unit at Twin Lake and as of May 14, 2023 the level is at 1401.34 feet. The May installation elevation indicates one foot rise over the winter. The May 2023 elevation is lower than the May 2022 elevation. Kimberly went over the preliminary damage assessment for the 2023 spring flood. The statewide damages must exceed \$1,000,000 for the governor to request FEMA assistance. LaMoure County must exceed the local threshold of \$18,173 in damages. LaMoure County did submit \$94,000 in damages on May 15, 2020.

Kimberly went over what to do if you have an emergency and try to call 911, but you don't have a dial tone or are unable to make the call?

- Ask someone else to call on a different line or device/phone.
- Use a different service provider to make the call. If your cell phone can't get through, try your landline.
- Try texting 9-1-1.
- Use the state radio administrative line at 701-328-9921.

Break 9:32 a.m. to 9:45 a.m.

Custodian, Roger Loegering, joined the meeting to discuss replacing the sidewalk and steps from the front steps of the courthouse to the street. He had checked into pricing three years ago and the price has since doubled. There is a contractor available to do the work this year for \$38,000. The board would like to see the steps and sidewalk narrowed. Comm Miller made a motion to go forward with the sidewalk project for \$38,000 or less, seconded by Comm Weigel. All voting aye, motion carried.

Roger than discussed with the board a new courthouse garage that will be 30' X 50'. It would be located where the current 12' X 12' shed is sitting on the north side of the courthouse between the two driveways. Roger has checked with the City of LaMoure and the set back from the street is okay. It will have floor heat making it a temperature-controlled building. A tree will need to be removed. Roger said the minimum cost would be \$145,00 and the maximum would be \$165,000. The garage will have an area for the Sheriff's Department to process impounded vehicles and an evidence room. There will be an area for lawn equipment, and the other area in the building will be used for courthouse storage. Roger and the State's Attorney will work out the details and proper procedure for selling the current shed. Comm Weigel made a motion to build the courthouse garage, seconded by Comm Miller. Roll call

vote: Comm Weigel, yes; Comm Heidinger, yes; Comm Miller, yes; Comm Klein, no; and Chairman Flath, no. The majority was aye, motion carried. Comm Weigel and Miller will be overseeing this project. The size was a concern.

Comm Miller said that Sonya Albertson has been spearheading up the Chan SanSan Scenic Backway for the last twelve or thirteen years. She will write a letter of the things she feels could be done in the future, but she is too busy to continue. It is a volunteer position. If you know of anyone who has an interest, let one for the commissioners know. Sonya has done a good job and the commissioners thank her and Gene.

Auditor Hamlin reminded the board of the 5-County meeting Thursday at 4:00 p.m. in McLeod.

Comm Heidinger made a motion to pay the bills presented, seconded by Comm Miller. All voting aye, motion carried.

<u>Vendor Name</u>	<u>Amount</u>
A W DIESEL SERVICE	556.63
AGRI VALLEY INSURANCE	64.00
ANDERSON BROS., INC.	67.06
ARNDT/TRICIA	417.30
AT&T MOBILITY	61.81
BORDER STATES INDUSTRIES INC	1,442.24
BUTLER MACHINERY COMPANY	6,212.90
CENEX FLEETCARD	1,175.33
CENTRAL BUSINESS SYSTEMS INC	4,523.38
CHAMP SOFTWARE INC	8,706.00
CITY OF LAMOURE	94.50
CONTROL SOLUTIONS INC	113.00
COUNTIES PROVIDING TECHNOLOGY	2,500.00
DAKOTA CARRIER NETWORK	875.00
DAKOTA DYNAMICS	1,250.00
DAKOTA VALLEY ELECTRIC	131.77
DAKOTA VALLEY SERVICES	11.41
DICKEY RURAL COMMUNICATIONS	1,264.02
DICKEY RURAL NETWORKS	231.00
DIRECT ELECTRIC INC	2,215.59
ESCOSUPPLY	573.96
FERNANDES/ROBERT	8.75
FLATH/ROBERT	400.00
GLAXOSMITHKLINE PHARMACEUTICALS	3,951.79
HEIDINGER/KEITH	458.51
INFORMATION TECHNOLOGY DEPT	1,775.85
KLEIN/BRUCE	417.69
KULM HARDWARE & HOME CENTER	22.97
KUSTOM MACHINE INC	118.02
LAMOURE CHRONICLE	84.00
LAMOURE DRUG STORE	29.29
LAMOURE FOODS, INC.	68.27
LINDE GAS & EQUIPMENT, INC	52.81
LONSKI/GENE	50.00
MAIN STREET FARM & HOME	1,874.95
MILLER/LEE	237.99
ND DEPARTMENT OF TRANSPORTATION	10.00
NDACS	50.00
NDSU DEPT 3110	60.38
OAKES TRUCK & TRAILER, LLC	1,677.82
OTTER TAIL POWER COMPANY	1,113.80
PHARMCHEM INC	127.80
QUILL CORPORATION	207.44
RECORD KEEPERS LLC	7.88
TRUENORTH STEEL	48,320.92
VERIZON CONNECT NWF INC	210.47
VERIZON WIRELESS	298.97
WARCKEN/BILLI	248.10
WASTE MANAGEMENT	315.86
WEIGEL/JASON	252.40
WEX HEALTH, INC.	83.00

YOUNG INNOVATIONS	141.00
4IMPRINT, INC.	183.73

Chairman Flath adjourned the meeting at 11:14 a.m.

APPROVED THIS 6th DAY OF JUNE, 2023

ROBERT FLATH, Chairman

ATTEST:

JAN HAMLIN, County Auditor