

**OFFICIAL PROCEEDINGS OF THE LAMOURE COUNTY BOARD OF COUNTY COMMISSIONERS
MEETING-Tuesday, June 20, 2023**

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

Chairman Flath called for additions to the agenda. State's Attorney, James Shockman, would like to give an update on a pending county litigation from 2018. Also, added were the front doors of the courthouse. Comm Klein made a motion to approve the agenda, seconded by Comm Heidinger. All voting aye, motion carried.

Chairman Flath called for a review of the June 6, 2023 minutes. A motion was made by Comm Weigel to approve the minutes, seconded by Comm Heidinger. All voting aye, motion carried.

Darrick Nitschke, Highway Superintendent, informed the board he will advertise for oil bids for the 19 miles of chip sealing and six miles of sand sealing to be done this year.

Darrick handed out a letter addressed to the LaMoure County Commissioners from Cody Peterson. The letter asked the commissioners to look into cleaning out the east ditch on CR 61 from the culvert on the south side of the old railroad tracks, next to the town of Marion, going north for about one mile. Bryan with KLJ will look at the area and look for the original ditch grades when the road had the reconstruction done. He will report back to the board.

Darrick, Bryan and Matt with KLJ, drove CR 34 and CR 35. They also drove the CR 35 from Highway 281 to Jud. The Jud Road was not in as good of shape as they thought it would be. CR 34 and 35 from Highway 281 to CR 61 are in rough shape as well. If the Jud Road doesn't have an overlay done soon, it will be in the same condition as CR 34 and CR 35. The twelve miles could cost from 2.6 million to 3.7 million depending on if there is just an overlay or milling, leveling, and an overlay. It would cost approximately 4 to 5 million each to also do CR 34 and CR 35. The ARPA funds have been dedicated to the Jud Road. Bryan said there is federal aid, Prairie Dog, and some new funds that could be available to use on the project. The board let Bryan know that they would like to hire Braun to test the pavement from US Highway 281 to Jud on CR 35 and the three miles west of Jud on CR 35, along with the two and a half miles from CR 61 to Grand Rapids on CR 34. The project should be bid out this October to be completed in 2024. Comm Keith made a motion to move forward on the Jud Road project with the testing and the two-and-a-half miles from Grand Rapids to CR 61, seconded by Comm Weigel. Roll call vote: Comm Weigel, yes; Comm Heidinger, yes; Comm Miller, yes; Comm Klein, yes; and Chairman Flath, yes. All voting aye, motion carried. There was some discussion on reclaiming and doing a base one on CR 34.

DES/911 Coordinator, Kimberly Robbins, began by reminding the board that the North Dakota State Department of Water Resources and FEMA will be having an open house Wednesday, June 21st from 5:00 p.m. to 7:00 p.m. at the BankNorth community room regarding the FIRM mapping. Chairman Flath will be at the meeting. FEMA maps look at the different risks a property has of flooding. Based on the new maps, property will be mapped into a higher risk flood zone, known as the Special Flood Hazard Area (SFHA). If you have a mortgage from a federally regulated lender and your property is in the SFHA, you are required by federal law to carry flood insurance when these flood maps are put into effect. The flood maps have been on the county website since December 2022. This was brought to a commissioner meeting in January 2023 and a couple of weeks ago FEMA had a discussion with community officials. After that meeting, several letters and postcards were sent out to individuals and township chairmen to attend the open house. It would be a good idea to visit with your insurance agent. After the preliminary maps are issued, FEMA initiates a 90-day public comment and appeal period before the maps become final. Once any comments or appeals are resolved, the maps are finalized,

and the Letter of Final Determination is issued, which begins a six-month adoption and compliance period.

Kimberly let the board know that 9-1-1 hang-ups and misdials are on the rise in the state of North Dakota. In May of 2022, there were 441 hang-up/misdials and in May of 2023, 1,689. If you accidentally dial 911, don't hang up. Stay on the line to let a dispatcher know you are okay. If you misdial 911 and do hang up, immediately answer the returned call from dispatchers to let them know you are okay. Talk to your kids about using 911 and when it is appropriate to call.

The Veterans of Foreign Wars Gilbert N Nelson Post 1326 are requesting a gaming site authorization to have pull tab dispensing devices and electronic pull tab devices at The Rabbit Hole in Adrian. Comm Heidinger made a motion to approve the gaming site authorization for The Rabbit Hole, seconded by Comm Weigel. All voting aye, motion carried.

Public Health Director, Jessica Duffy, join the meeting to see if the commissioners have made a decision on how they would like to spend the opioid settlement funds. The Public Health Department currently received \$1,750 per month to do opioid training, which has been used to do Narcan trainings and social media education. Jessica has the list of what the settlement funds could be spent on and would be willing to come up with a plan. The current balance is \$4,091.33 as of the end of May.

Chairman Flath was asked by Jessica about the leave time for nurses for ambulance and fire department calls. Chairman Flath said the county has set a policy some time ago that it would be two hours of county pay for a call and anything after that would be vacation or hours made up if the workload allows.

Comm Klein said the grant is still available for a storm shelter at Memorial Park. The park board in the past hasn't been interested due to the look, the height, and the location of the shelter. It has been determined that it is a commissioner decision, since it is a county grant. The commissioners feel the location of the shelter should be revisited. There is a siren at the park, but no place to go. Kimberly believes the construction deadline for that grant is 2024 and the grant closed out in 2025. A new location will be looked at to see if it will work. Kimberly also mentioned the lead time to build the shelter is six to nine months. The county would have to commit this fall and put it in the 2024 budget. The board is in favor of pursuing the shelter.

Chairman Flath gave an update on the Memorial Park Stream Bank by the museum building. He will be meeting with a NRCS State Engineer on Thursday morning at 10:00 a.m. They are considering to fix it at their expense.

Sheriff Fernandes joined the meeting to discuss the NDPERS Public Safety Retirement Plan. Since the NDPERS Main Retirement Plan will be closing, he would like to attract new hires in his department with the NDPERS Public Safety Retirement Plan. The Public Safety plan offers better contributions and earlier retirement. Deputy Fleck and Sheriff Fernandes would like to remain on the main plan; since they are grandfathered in. Auditor Hamlin will have to check with NDPERS to see if law enforcement can have one or both plans. She will also check into the process of how to join the Public Safety Plan.

The cement is being replaced in the front of the courthouse. There have been inquiries if the front door will be open once the cement is done. Sheriff Fernandes said for security purposes the fewer doors open the better, but it is a commission decision. Comm Heidinger made a motion to open the front doors of the courthouse as soon as the cement project is complete, seconded by Comm Weigel. All voting aye, motion carried.

At 9:48 a.m., Chairman Flath opened two bids for the shed. Alan Nitschke's bid was \$400 and Billi Warcken's bid was \$50. Comm Weigel made a motion to accept Alan Nitschke's bid of \$400 subject to the removal date of July 17, seconded by Comm Klein. All voting aye, motion carried.

Break 9:50 a.m. to 10:01 a.m.

Treasurer, Cindy Worrel, was contacted by Dakota Mailing that the postage machine needs to be updated. The machine the county is currently using is going to be obsolete. Cindy presented three options and is suggesting the new lease (60-month) with an updated machine and reserve account with Dakota Mailing. This option is the least expensive at \$140.27 a month. Comm Heidinger made a motion to go with the new lease with an updated machine and the reserve account, seconded by Comm Klein. All voting aye, motion carried.

Cindy presented a list of the excess vehicles and equipment. The park is looking for a smaller trailer and public health is looking for a smaller vehicle but one that they can still haul with. There are currently 13 items that could be sold. The board would like to put these items on an Orr Auction. State's Attorney, James Shockman, will look into the laws for the sale of excess property.

State's Attorney, James Shockman, informed the board that in March of 2018, Victor and Mary Ann Schaffer filed a complaint against Tyler Syversen, Wano Township, LaMoure County, and LaMoure County Water Resource District. NDIRF was contacted about handling the case for the county entities. It involved a culvert installed in Wano Township, which was not a county road or have any county involvement, but the county was listed as a party. The complaint was served but never filed with the court. In 2023, Syversen filed a counterclaim with the court, but only Schaffer was served. Mr. Shockman spoke with Corey Quinton who is the NDIRF attorney for Wano Township, LaMoure County, and the LaMoure County Water Resource District. Mr. Quinton has filed a stipulated release of all county entities and township. The order has been signed. The only parties now involved are Syversen and Schaffer.

Comm Klein made a motion to appoint Comm Miller as the county NDACo delegate, seconded by Comm Heidinger. All voting aye, motion carried.

Comm Heidinger made a motion to close the courthouse July 3 with pay, seconded by Comm Klein. All voting aye, motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>
AGRI VALLEY INSURANCE	526.00
AT&T MOBILITY	61.81
BANKNORTH	830.00
BUTLER MACHINERY COMPANY	1,532.90
CENEX FLEETCARD	1,184.51
CENTRAL BUSINESS SYSTEMS INC	150.56
CHS DAKOTA PLAINS AG	71.00
CITY OF FARGO, NORTH DAKOTA	14.00
CITY VIEW FUEL	37.05
COLE PAPERS INC	116.83
COMPUTER EXPRESS	11,251.18
COUNTIES PROVIDING TECHNOLOGY	2,500.00
COX REPAIR	16.25
D&L CONCRETE	38,000.00
DACOTAH PAPER CO.	325.62
DAKOTA CARRIER NETWORK	875.00
DAKOTA RENTAL	306.98
DAKOTA VALLEY ELECTRIC	97.06
FLATH/ROBERT	300.00
GLAXOSMITHKLINE PHARMACEUTICALS	636.43
GOOD/LAURIE	140.19
GREEN IRON EQUIPMENT	137.97
HEIDINGER/KEITH	442.79
HIGH PLAINS WATER	2,475.00
INFORMATION TECHNOLOGY DEPT	1,773.15
INTERSTATE BATTERY SYSTEM OF ND	410.85
JAMESTOWN REGIONAL MED CT	58.00

JOHN DEERE FINANCIAL	8,000.00
KLEIN/BRUCE	539.96
LAGODINSKI/JAMIE	1,100.00
LAMOURE CHRONICLE	115.50
LITCHVILLE BULLETIN	115.50
MAIN STREET FARM & HOME	586.97
MIDSTATES EQUIPMENT & SUPPLY	2,055.00
MILLER/LEE	360.26
ND DEPARTMENT OF TRANSPORTATION	11.50
NDSU EXTENSION- DICKEY COUNTY	80.10
OTTER TAIL POWER COMPANY	1,826.78
PEPSI-COLA	305.63
PROGRESSIVE AGRICULTURE FOUNDATION	75.00
QUALITY INN	352.80
R & S COLLISION CENTER, INC.	601.34
SAFETY KLEEN SYSTEMS, INC.	442.67
SALAMANDER TECHNOLOGIES LLC	1,510.00
SEEFELDT/CURWOOD	3.93
SWANSTON EQUIPMENT CORPORATION	21,200.00
TITAN MACHINERY	9.05
US POSTAL SERVICE	146.00
VERIZON CONNECT NWF INC	210.47
VERIZON WIRELESS	437.17
WARCKEN/BILLI	13.10
WASTE MANAGEMENT	1,312.19
WEIGEL/JASON	352.40
WEX HEALTH, INC.	83.00

Chairman Flath adjourned the meeting at 10:46 a.m.

APPROVED THIS 6th DAY OF JULY, 2023

ROBERT FLATH, Chairman

ATTEST:

JAN HAMLIN, County Auditor