

Commission Meeting September 2, 2014

The meeting was called to order at 8:38 AM. Present were Commissioners Joel Hamar, John Hokana, Gary White, Thor Sand and Chairman Simek. Deputy Auditor Sheppard was present to facilitate the budget presentations. No press was present.

The Pledge of Allegiance was recited.

Additions to the Agenda

- Sign Knife River payment request
- States Attorney regarding Weed Board
- November 4 Commission Meeting

Budgets reviewed:

The commissioners reviewed the salary request from States Attorney Neuharth for the States Attorney Office including the Administrative Assistant Holly Hokana. The commissioners wondered if the Administrative Assistant position needs to be more hours than 20 hours a week. No action was taken.

Sheppard reported the Sheriff Budget includes the quote for the bench with cuff rings that was discussed during the prior budget hearing. The commission discussed having the bench manufactured locally.

The Farm to Market budget was adjusted to include \$70,000 for future road repair. The Health District and Social Service budgets were reviewed

White motioned to approve the minutes from the August 19 Commission Meeting, August 21 Special Budget Meeting, and August 26th Special Budget Meeting. Sand seconded. Motion carried.

Hokana motioned to approve the vouchers. Hamar seconded. Motion carried.

States Attorney Neuharth joined the meeting at 10:45 to inform the commissioners there is a statute that requires all bids be in writing and that oral bids are not acceptable. He said the idea behind the statute to assure public funds are being spent responsibly and to prevent additional unauthorized charges. Neuharth will draft a letter to the Weed Board Chairman informing him of the requirement for written bids.

Highway Superintendent Hagen and DES/911 Director Russell joined at 10:50 AM. Russell told the commissioners he is monitoring the Nodak building and suggested an asbestos inspection be completed before the building falls down. Russell said the cost of an inspection and asbestos abatement will be less expensive before the building falls down or is demolished. Russell suggested the county assist the city with the expense if the cost is greater than \$30,000.

Russell updated the commission on the German Township lawsuit. Russell is required to give a deposition in Jamestown.

The commissioners asked Hagen to look into flagging or replacing a culvert along 91st street and 79th Ave, north of Roy Schuldheisz residence.

Hagen presented a variance request from Kent and Andi Schimke to add a 20 foot addition to their house. Hagen said the location has never been a snow problem and that the addition shouldn't cause any problems. White motioned to grant the variance to Kent and Andi Schimke because the area has not been a snow problem and with the stipulation that if the addition causes road blocking problems, the problem will be resolved at the expense of the landowner. Sand seconded. Motion carried.

Hagen said he has money in the 2014 budget to repair Dickey County 3 by Mike Beethe's residence, east of County 10. Hagen said approximately 1,000 feet can be repaired for \$300 per ton, which equates to \$34,500. Knife River will repair the area after they are completed with the mine and blend project on Dickey County 3. Sand motioned to allow the county to repair the 1,000 foot area of Dickey County 3, by the Beethe residence. White seconded. Motion carried.

Hagen and Cory Blumhardt from Blumhardt Chevrolet discussed the dually pickup that is approved for in the 2014 Highway Department budget. Hagen recently re-read the quote and realized the quote was for a single wheel pickup. Blumhardt told Hagen that Blumhardt will see what can be done about a dually. Blumhardt felt he could come close to the original bid amount.

Kadmas, Lee and Jackson Engineer Loegering joined the meeting at 11:00 am. He reported the Kasprick grade raise project (1112(-65) is behind schedule. Loegering said the project will not get paved this year. Discussion followed about the \$2,000 a day penalty if the project isn't finished by the date completion date of 10/31/2014.

Loegering submitted a change order for the Mine and Blend project (1112(067) in the amount of \$6,810. The change is for fiber roles that will be placed along the bridge as erosion control. Sand motioned to have Road Superintendent Hagen sign change order; Hamar seconded. Motion carried.

Loegering submitted payment estimate #2 from Knife River for the Mine and Blend Project# 1112(067) in the amount of \$428,284.88. Loegering said the project is costing about \$300,000 less than the bid because the anticipated deterioration of the road was less than expected. Loegering said Bryon Fuchs from the Department of Transportation (DOT) agreed that Dickey County can use the unspent funds on another project that can be bid this fall and the work done in 2015.

Loegering reported a landowner along County 3 is putting in an approach that's about 80' wide and has started on another approach along county 3. Loegering said the slopes are not correct. Hamar said the county has a policy that a permit has to be obtained by the landowner if a new approach is built or an existing one widened by the landowner. The policy also states the slopes have to be built to standards. Loegering presented photos of the above discussed approaches. The photos are on file at the County Road Department Office.

Community Vitality Area Director Brunns attended the meeting to update the commissioners on the salary research she is doing for the 2016 salary year. Brunns reported that she has been in contact with other counties and the ND Association of Counties (NDACo). Brunns said she didn't find many consistencies in the salary schedules of the agencies she contacted.

Discussion followed about different salary options. Sand motioned to add \$1.10 per hour to each salary on the Dickey County salary schedule. The \$1.10 per hour amounted to a \$2,288 dollar raise for fulltime and \$1,144 raise for part-time employees. A cost of living increase and step will not be implemented for 2015 salaries. Hokana seconded. Motion carried.

Sand motioned to increase the amount the employees can flex for medical expenses to \$2,500; Hamar seconded. Motion carried.

Hokana motioned to raise the commissioner wage by 2.1% cost of living to keep the wage in line for future years. Discussion followed. Motion failed for lack of a second.

White motioned to adjourn. Sand seconded. Motion carried.

Special Health District Meeting September 9, 2014

Chairman Simek called the meeting to order at 11:45 AM. Present were Board members Joel Hamar, John Hokana, Gary White, Thor Sand, Chairman Simek, Health District Director Roxanne Holm, Director of Nursing Laurie Wang and States Attorney Neuharth.

Guests present were Brian Seyer, Bill Schmitz, Jake Kelly and Jodi Hebl. Marci Beta was present by telephone conference call. Beta represented the Environmental Health Division, Central Valley Health (CVH) District, Jamestown, ND.

Holm stated the purpose of the special meeting is to discuss the inspection of the Ludden Tavern in Ludden ND. The inspection results were that the septic system for the Tavern is not up to code according to Central Valley Health Regulation Number Two. The meeting will also determine if the Dickey County Commission will grant a variance to the Ludden Tavern in Ludden ND so the business can open as planned.

Marci Beta stated the violation, as explained to CVH, is caused by the following issues.

1. The sewage system does not have a large enough septic tank for an establishment that seats 49 people. The current septic tank is 1000 gallons and needs to be 5,000 to accommodate capacity of the Ludden Tavern.
2. The drain field is undersized
3. There doesn't appear to be a 3 foot separation between the septic tank and the drain field.
4. The water table appears to be too high in relation to the drain field.

Beta explained the following problems could occur if the violations are not corrected.

Too small of a septic tank can result in not enough retention time for solids resulting in solids infiltrating the drain field, which could lead to premature failure.

A drain field that's under sized is going to put more effluent out than the drain field is prepared to handle during high capacity times. When that happens the effluent isn't getting properly treated and ends up on the ground or in the facility itself.

Beta said all these issues can result in water born illnesses and contamination of ground and surface waters.

The 3 foot separation is necessary because effluent that comes out of the septic tank still requires treatment to revoke any passage of microbes that are present. Soil perforation and absorption remove contaminants. When the water table is too high in relation to the drain field, the contaminants aren't properly treated before entering the water, resulting in contaminant issues.

White asked what minimum corrections are required by CVH to allow the Ludden Tavern to be open for business. Beta stated the options are to install a system that meets code by working with a licensed installer, which includes a septic system that matches the capacity of the business.

Beta explained another option is to install a system with a self-contained holding tank that is pumped out as needed by a licensed pumper. She said although the septic tank in the current system is too small for the capacity, a licensed installer can make the septic system into a holding tank by closing off the opening. The holding tank would then need to be pumped by a licensed pumper more often.

Hokana asked why the establishment wasn't grandfathered in. Beta said the business was closed and reopened under new ownership. Hebl said the ownership hasn't changed and she was hired to operate the business. Schmitz said the owner has been the Ludden Sportsman Club for the past three years. Beta explained the facility was inspected because it was a closed business that was reopened.

When asked about the frequency of inspections, Beta explained restaurants are usually inspected annually while septic systems are inspected upon the business opening or reopening, a change of ownership, and a change of licensure.

Schmitz questioned the maximum capacity of 49, stating the number of customers at one time is closer to 10, and maybe 20 on a good night. He further stated that calling the establishment a limited restaurant because they serve pizza is a real stretch. Schmitz said the septic system has not had problems nor has the Tavern ever had water issues, even during major flood conditions.

Hebl asked what wording is required in the variance to allow the tavern to open if the sewer system is left as is. Beta explained the commission needs to spell out if the variance is being granted to allow the business to open and not meet code or if the business is required to fulfill certain criteria to meet code either before the business opens or within a reasonable time after opening.

Beta strongly encouraged the commission not to grant a variance that acknowledges the business does not meet code and the commission is allowing the business to continue to operate as such. Beta said variances are rarely granted to businesses to open before health codes are met. She also said the variance that is allowed will be used as precedence for other businesses with code issues.

Discussion followed about the length of time a temporary variance may be granted. Ludden City Mayor Chuck German confirmed the city council verbally agreed that the county commissioners should grant a variance for the Ludden Tavern to be open for business. Hokana suggested the temporary variance be granted for one year while the water table is monitored.

Wang said one year is a long time to operate in violation of code and doesn't believe the Tavern should be granted a cooking license until the septic system is reevaluated and determined to be up to code.

Hokana motioned to grant a temporary variance to Ludden Tavern until October 7, 2014 to allow time to hire a licensed septic tank installer to test the water table and the drain field soil; have the septic tank pumped by a licensed pumper; if needed; and have a plan in place to fix any problems. A representative for the Ludden Tavern will report the progress to the Health District Board during the Health Board meeting on October 7, 2014. Sand seconded. Motion carried.

Hokana motioned to adjourn White seconded. Motion carried.

September 9, 2014

Special Budget Meeting

Chairman Simek called the meeting to order at 8:30 AM. Present were Joel Hamar, John Hokana, Gary White, Thor Sand and Chairman Simek. Deputy Auditor Sheppard was present to facilitate the budget hearing.

The commission reviewed the summary of expenses for the county budget. The county will not be required to hold a preliminary budget hearing because the percent of increase is a negative 0.06. The percent is based on the formula prescribed by the legislature.

The commission reviewed the Job Development Authority (JDA) budget. The final amount approved for the JDA levy is \$344,680.

The Health Insurance Budget has some reserve to fund the state projected 16% increase in Health Insurance.

The commissioners agreed that the ND Association of Counties will be contracted to do annual maintenance for the Dickey County Employee Manual.

Sheriff Bohannon, Sheriff Office Clerk Masse, and Clerk of Court Schimke joined the meeting at 9:50 to discuss the County Corrections budget and testing the security systems. Schimke explained the security process necessary to test the security systems. Discussion followed. Testing of the security system will be transferred to the Sheriffs Department. Schimke is willing to assist the Sheriff's Office during the transition of transferring the County Corrections budget and the security system testing. Bohannon stated the sheriff's office may need to hire another deputy in the future.

Schimke said the court administrator is going to pay for the tabletop wireless microphones from the court administrator budget. Schimke asked to have the revenue and expense in the amount of \$7,200 from the grant budget removed.

The commission suggested that Schimke notify the newspaper about a newspaper article regarding the county provided passport services instead of the \$700 to advertise in the newspaper. Schimke's budget was reduced by \$700 for advertising, \$1,200 for duties related to security testing and \$7,201 for the grant budget.

States Attorney Neuharth's salary was discussed. The commissioners decided that if the States Attorney's office is requiring more than a one-half position than Neuharth should ask for a higher percentage of hours. Hokana stated for now the decision is made for 2015 and the salaries need to stay as they are. He said a committee should be formed to review the 2016 salaries.

Sand motioned to adjourn at 11:25 PM. Hamar seconded. Motion carried

States Attorney Neuharth asked the commission to reconvene the commission meeting at 1:00 to allow him the opportunity to discuss his wages. White motioned to reconvene the County Commission Meeting of September 9, 2014. Hokana seconded. Motion carried.

Neuharth expressed disappointment that he was given a raise of one-half the amount other employees and elected officials received. Discussion followed about the scope and complicity of the work and the responsibility that is required of the States Attorney's office.

White motioned that States Attorney Neuharth be recognized as an elected official and department head and be given the same raise as the fulltime employees. Hamar seconded. Motion carried.

Hokana motioned to adjourn at 1:20 PM. White seconded. Motion carried.

Commission Minutes

September 16, 2014

Chairman Simek called the meeting to order at 9:30 AM. Present were Joel Hamar, John Hokana, Gary White, Thor Sand and Chairman Simek.

The Pledge of Allegiance was recited.

White motioned to approve the September 2nd Commission Meeting and September 9th Special Budget Meeting minutes with corrections. Hokana seconded. Motion carried.

Hamar motioned to approve the bills. Sand seconded. Motion carried.

Hokana motioned to approve the financials. White seconded. Motion carried.

Treasurer Gail Veland reported she sent a letter to the local banks asking each bank to explain the services they provide as well as their bank fees. Choice Financial presented their services to Commissioner Hamar and the Treasurer and Auditor Offices on September 15. Veland said most of the local banks have been in touch with the Treasurers Office. Veland is hopeful each bank will meet with the county regarding the services they offer.

Sand motioned to open the abatement hearing at 10:17 AM. Hamar seconded. Motion carried.

The Commission reviewed the abatement request from Ellendale City for the 2011, 2012 and 2013 taxes due on the Nodak Building, parcel #07860000. Ellendale City submitted a letter stating the City Council abated the specials for the Nodak Building. The deed that transfers ownership from Historic Ellendale Land Development Co, LLC to Ellendale City has been sent to the attorney. Hamar was concerned that although some of the partners in the ownership of the Nodak have the means to pay for the demolition, the Ellendale City residents will pay the expense through special assessments. Discussion followed. Sand motioned to abate the 2011, 2012 and 2013 taxes that are due and to abate the upcoming 2014 taxes on the Nodak building, parcel #07860000, on the stipulation that the deed granting ownership to Ellendale City is recorded. White seconded. Motion carried. Hamar motioned to close the abatement hearing. White seconded Motion carried.

911/DES Director Russell and German Township Chairman Rodney Brosz joined the meeting at 10:50 AM. Russell was concerned that Kadrmass, Lee and Jackson may bill German Township an additional \$20,000 for engineering on the transfer of function during the 2011 FEMA disaster. Auditor Kuska presented vouchers and invoices that were paid by the county and subsequently billed to German Township. German Township paid the amount owed to the county. Discussion followed. Russell felt the paid billing statement from Kadrmass, Lee and Jackson was the amended payment and German Township does not own additional money.

Brosz thanked Dickey County for the help they have given German Township with the FEMA grade raise.

Russell updated the commission on the lawsuit regarding the German Township grade raise and the use of material without landowner permission. Russell received more paperwork that appears the landowner's attorney is stating the county didn't properly oversee the contractor, Lakeside, Inc. The paperwork also insinuates the investigation by Dickey County Sheriff Department was not done properly.

Kadrmass, Lee and Jackson (KLJ) Engineer Loegering reported that KLJ completed a cultural survey on a new borrow site. If the state approves the new site Webster Scale may be able to meet the completion date of October 31, 2014 for the Kasprick Slough grade raise, project # 1112 (064).

The commission asked Loegering about the steep drop from the pavement to the shoulder of the mine and blend project on Dickey County 3. Loegering said Knife River will place gravel on the shoulder within the next two weeks. Discussion followed about the traffic hazard that is a result of the steep angle from the pavement to the shoulder of State Highway 11. Loegering said the angle can be no greater than 25 degrees and the slope on State Highway 11 is 25 degrees. Russell will send a letter to John Thompson from the ND Department of Transportation regarding the commissioners concern for safety.

Loegering said Guthmiller EarthMoving, Inc. asked for their final payment on Project 1112 (065). Loegering said the project isn't complete until the change order for fiber rolls are placed for erosion control. He said the contingency payment will not get paid to Guthmiller EarthMoving, Inc. until the final inspection and the project is determined acceptable.

Loegering handed out copies of a map along with an updated five year road plan for Dickey County. The map and road plan is on file at the Auditor's Office and Highway Department Office.

Loegering presented the federal aid paperwork. He suggested that the commissioners borrow ahead on federal aid if the state allows because the cost of completing a project earlier is more economical. There is no interest on federal aid money that's borrowed ahead.

Loegering explained remaining \$300,000 from HB 1358 has to be spent on a project that is continuous with other road projects and not a randomly chose section of road. Loegering said it costs about \$160,000 per mile to do an overlay. The least amount of repair that HB 1358 road money can be spent for is an overlay. White suggested an overlay for Dickey County 3, east of Oakes. Discussion followed about the minimal amount of truck traffic that is on that section of County 3. No action was taken. Loegering said it's up to the state to decide which project will be acceptable.

Road Superintendent Hagen said the October 1st deadline for mowing ditches has been submitted to the Times Leader as well as the propane bid for the 2014-2015 heating season. The propane bid hearing will be held at 11:00 AM during the October 7th commission meeting.

Hagen reported the highway crew is doing some crack sealing. He said a permit was issued for a new approach along County 5 in Albion Township.

The commission reviewed the 2015 budget. Hamar motioned to transfer \$11,000 from the unused loan funds for proposed projects to proposed projects in the General Fund. White seconded. Budget items removed from the General Fund are as follows:

- Half time position in the Auditor's Office
- Extra position in the Highway Department
- Equipment rental reduced in Highway Department
- Travel and training expense reduced

Sand motioned to accept the budget with changes. White seconded. Motion carried.

White motioned to adjourn. Hokana seconded. Motion carried.

Salaries	115,793.29
Cities, Townships, Schools	10,050.70
Human Services	1,689.45
Cole Paper	587.30
Dakota Plains Credit Union	257.03
Dakota Plains Credit Union	857.76
Dickey County Hiway Dept	454.26
Dickey County Hiway Dept	1,745.85
Dickey County Treasurer	5.94
Kelly Inn-Bismarck	298.80
Myhre Law Office	290.48
Neuharth, Gary	250.00
Oakes Tire Center	51.00
Ottmar & Ottmar, PC Attorneys	99.00
Stutsman County Auditor	380.00
Albers Sales & Trucking	825.00
Economy Oil Co	3,108.31
Farmers Tractor Parts	75.00
IWI Inc	30.00
Southeast Water Users	45.91
Bruns, Jodi	102.00

Barnes County Corrections	2,600.00
Stutsman Correctional Center	2,160.00
Computer Express	1,645.00
Dickey County Hotel Group-Ellendale	10,000.00
Harvest Inn	5,000.00
Travelers	1,075.00
Kiser, Breana	158.96
NDSU Ag Communications	140.00
SE Region Career & Tech Center-Oakes	113.75
Burkhardt, Ray	22.40
Dickey County Leader	30.25
Montana-Dakota Utilities	85.90
Farmers Union Oil Co	184.47
Fullerton Farmers Elevator	195.23
True Value-Ellendale	365.81
Weis, Terry	14.00
Dickey County Hiway Dept	918.10
Zimbelman, Don K	22.40
Dakota Plains Credit Union	306.45
Ellendale City Auditor	785.57
Midstates Wireless	1,779.00
Totalfunds by Hasler	4,000.00
Dickey County Treasurer	1,921.98
Dakota Plains Credit Union	117,000.00
ND PERS	39,681.44
ND PERS	2,949.66
ND PERS	447.34
ND PERS	94.16
Community Volunteer EMS of LaMoure	5.67
Kulm Ambulance Coprs Inc.	14.88
Edgeley Ambulance Service	8.07
Ellendale City Auditor	62.98
Oakes City Auditor	61.65
ND State Treasurer	215.81
Garrison Diversion Conservancy District	40.81
James River Soil Conservation	52.79
Ellendale Fire District	57.14
Oakes Fire District	56.72
Dickey County Treasurer	510.59
ND PERS	2,190.42
ND PERS	175.00
ND Child Support Enforcement	342.00
US Dept. of Education	216.40
Rodenburg Law Firm	235.47
Human Services	26,793.70
Bank West Mortgage	79.39

Nehlich, John	6.20
Alber, Laurel	72.50
Cass County Sheriff's Office	36.00
Chief Supply	52.99
Computer Express	109.99
Dickey County Leader	613.70
Healthcare Environmental Services, Inc	85.00
LexisNexis Matthew Bender	86.10
Mark T Blumer Law Office	1,169.04
NDSU Ag Communications	140.00
Russell, Charles	60.02
Economy Oil	26,909.53
Farmers Union Oil	4,035.36
Farmland Co-op	2,014.22
Fullerton City Auditor	14.50
Hwy #1 Fuel & Service Inc	317.08
John Deere Financial	693.68
Napa Farnams Genuine Parts Inc	1,057.68
Napa Parts Supply, Inc	10.76
Oakes Truck & Trailer	2,182.64
Ottertail Power Company-Fergus Falls	36.32
Praska's Hardware Hank	12.47
R Enterprises, Inc	23,907.78
Safety Kleen	234.92
True North Steel	13,632.34
True Value-Ellendale	171.56
Vistos Carquest	81.00
Waste Management	39.32
Office of Attorney General-1250	390.00
Bruns, Jodi	42.00
True Value-Ellendale	9.97
Stutsman Correctional Center	1,800.00
Dataspec Inc	649.00
Dathe, Gary	104.16
Oakes Computer Services	155.00
Veteran's Information Service	25.00
Central Business Systems Inc	318.05
Information Technology Dept (ITD)	593.00
Starion Insurance Agency	124.00
Kiser, Breana	229.92
JR's Repair & Construction	1,020.00
Mertz Const & Supply-Ellendale	170.23
Napa Farnams Genuine Parts Inc	15.96

Dickey County Hiway Dept	1,111.19
Ellendale City Auditor	83.50
Price Plumbing	1,983.00
True Value-Ellendale	369.56
Weis, Terry	150.70
CenturyLink	287.82
Dickey Rural Networks	255.00
ND Association of Counties	1,238.78
A&B Business Inc	1,070.70
Ameripride Services, Inc	644.69
AT&T Mobility	520.70
Computer Express	1,699.90
Dakota Electronics	90.81
Dakota Valley Electric Coop	171.00
Dickey Rural Networks	1,122.13
Montana-Dakota Utilities	1,637.48
NDSU Extension Service-Ag Budget	15,240.64
True Value-Ellendale	320.00
ND Game & Fish	540.00
AFLAC	2,533.78
WageWorks	80.00
ND PERS	17,777.19
ND PERS	4,350.03
ND PERS	1,188.79
ND PERS	290.90
ND PERS	2,190.42
ND PERS	175.00
Delta Dental of MN	976.80
Ameritas Life Insurance Corp.	330.08
ND Child Support Enforcement	342.00
US Dept. of Education	216.40
Rodenburg Law Firm	235.47
NDPEA	144.92
ND State Tax Commissioner	3,799.94
Courtney, Kyle	239.68

Respectfully Submitted,
Dean Simek, Chairman
Beverly Kuska, Auditor