

**OFFICIAL PROCEEDINGS OF THE LAMOURE COUNTY COMMISSION MEETING
October 4, 2016**

At 8:30 a.m. Chairman Victor Weigel called the meeting to order and opened with the pledge to the flag. Commissioners Lee Miller, Bruce Klein, Robert Flath, and Keith Heidinger were also present. Attending the meeting were Lauren Worrel, LaMoure County Highway Department; Matt Lange, KLJ; Marlene White, County Auditor; Julianne Racine, County Extension Agent; Tonya Duffy, State's Attorney; Holly Braun and Mark Klever, First State Agency; Dell Horn, Jamestown Community Corrections; Karin Boom, Clerk of Court; Billi Warken; Gerald Harris, LaMoure Chronicle; Patty Wood Bartle, The Edgeley Mail; and Verleen Shear.

Chmn Weigel asked for additions to the agenda. County Agent Quarterly Report, Court Facilities Improvement Grant, State Fair Delegates, Memorial Park Update, and 5-County Meeting were added to the agenda. Motion to accept the changes and approve the agenda by Comm Klein, seconded by Comm Miller. Motion carried.

Motion to approve September minutes by Comm Heidinger, seconded by Comm Klein. Motion carried.

Motion to pay Social Services' bills of \$1,013.02 by Comm Heidinger, seconded by Comm Flath. Motion carried.

Lauren Worrel reported that road crews are on their 7th round of blading, hauling gravel on Co Rd 63 and finished from Adrian south for 3 miles, and graveling from Dickey south for approximately 2 miles. Worrel stated that they are also changing screens on the crusher to make 1-1/2" crushed, have been mowing around bridges, and hauling rock to the county pit stock pile.

Worrel told the Commissioners that a new gate will be installed by Dakota Fence at the county shop costing \$9,488 which will become the new entrance, and there will be no electric on it.

Worrel stated that Knife River gave an amount of \$97,000 for the extra work on the Merricourt Rd, and we countered with \$45,000. Knife River came back with a price of \$87,000, and we countered with \$55,000. Worrel received a letter from Knife River stating that they would accept the price of \$55,000 if the county was willing to consider the work to be complete. Worrel said he has had them out to work on the shoulders a couple of times. Worrel stated that he could do that work for less than \$3,000. After much discussion the following motion was made. Motion to accept the \$55,000 offer from Knife River as final payment for the extra work on the Merricourt Rd by Comm Flath, seconded by Comm Klein. Motion carried.

Matt Lange, KLJ, reminded the Commissioners that there is a meeting next Tuesday at the Civic Center in Bismarck at 10:20am. Lange wanted to discuss Federal funding for the Hwy 61 project with the Commissioners. Lange stated that if DOT is funding 50% or more of the project, the State would be considered the lead agent as they are Title VI compliant. Lange stated what they had proposed was using the remaining \$1,000,000 of State money and \$500,000 or \$600,000 of Federal aid to complete this project. LaMoure County is not Title VI compliant, so we could not do this. Lange said that two or three years ago they were requiring counties to get Title VI compliant. Lange stated that he would recommend that LaMoure County becomes Title VI compliant. Lange stated that he talked to Brian Fuchs, and he said that if we borrow ahead 2 years to get the LaMoure match down a little bit. Lange said we would not use up our partial funding, and he and Worrel have talked about how to use the left over State funding. Lange stated that if we want to be able to use Federal and State money together, LaMoure County would have to become Title VI compliant. Lange and Worrel have discussed how they should use the remaining State money. Lange stated that his estimate is based on some work we have already done, and that is where he is getting the \$1.7 million cost estimate. Lange said that if we keep getting State money and want to use Federal money, LaMoure County is going to have to become Title VI compliant.

Comm Miller asked what the process is to get Title VI compliant. Lange said that it is pretty intense in that the facilities have to have a plan with different Equal Employment Opportunity options on your website. Lange stated that there is someone who assisted Ramsey and Barnes counties both hired to get this done for them. Lange stated that there are a lot of compliance issues that have to be done. Worrel stated that you have to at least have a plan to get these things completed. Lange stated that box culverts can now be purchased with the State funding now too. Worrel stated that there are several little projects this money could be used on. Lange said that our balance right now is \$503,000. Lange stated that we could get the bids in the spring and do Co Rd 61 first. Comm Heidinger stated that we will have to become Title VI compliant sooner or later, and Worrel said yes, eventually. Lange stated that he will come back once he has a better idea of what the cost will be for the Co Rd 61 project.

Mark Klever and Holly Braun from First State Agency informed the Commissioners that it is now time to renew the County's liability, auto and inland marine insurance. Klever pointed out that data breach coverage of \$250,000 was built into the policy now. Klever introduced Holly Braun as the person who had replaced Charla Warcken at the agency. Klever gave a quote of \$22,663 premium for \$1,000,000 coverage which is what the County currently has in place. Klever was told to renew it at that.

Julianne Racine, County Extension Agent, was present to give the Commissioners her quarterly report. Racine stated that a few of the activities which have been done in the 3rd quarter are drift presentation, a field day w/NRCS & SCD, soybean trial plot tour, Marketing Club field trip, Dickey County Fair, County overnight camp, State Fair, attending the Marketing Club Facilitators Conference, and the Tri County Garden Club along with many others.

Racine also gave a report on the 4-H Youth Development side of her office which included several activities such as judging at the Ransom and Dickey County Fairs, planning and delivering the LaMoure County Extension Overnight Camp, planning and delivering Clover Day Camp, supporting the county 4-H'ers at the ND State Fair, preparing 4-H Open houses at county schools, attending Nation Youth Science Day Training in Bismarck, designing and delivering greeting cards while visiting residents at St Rose Care Center, and selling produce at the LaMoure Farmer's Market.

Dell Horn from the Jamestown Community Corrections was present to discuss the renewal of the agreement between that facility and LaMoure County for providing community service support. Horn explained the process of community service and how it gets put into place. Karin Boom, Clerk of Court, was also present to answer any questions that the Commissioners might have. Horn presented numbers from the last three years which showed 16 offenders in 2014, 6 offenders in 2015, and so far this year there have been 3 offenders assigned Community Service. Horn stated that crimes follow a bell curve. Horn stated that there is a change in philosophy when the State's Attorney changes. Horn explained that there are those who get assigned community service, but then serve it in another place because they live somewhere else. Those numbers are not included in what Horn was presenting to the Commissioners. Horn told the Commissioners that when someone gets community service they come into his office, pay a fee and get assigned some type of community service. The person is covered under insurance which is provided by Horn's office. Horn told the Commissioners that they have a statewide system set up to monitor the community service. Horn stated that his office works closely with the people at the worksite to make sure the offender is doing what they are supposed to be doing. Horn stated that most of the worksites are seasonal, but the Great Plains Assistance Dogs Foundation in Jud is all year round. Horn said that once the deadline has come around, a report is written by his office as to the status of the community service. Horn stated that in the rural counties the community service seems to get done due to the fact that hard working people live there, and he tells them not to procrastinate. Comm Heidinger asked what type of timeline there is when someone gets sentenced to community service. Horn stated that judges vary in their timeline according to the recommendation made by the State's Attorney. Horn stated that if someone gets 30 hours of community service, Judge Narum usually gives the person 60 days to get it done. Comm Heidinger said your organization then has 60 days to get them assigned and who picks the place

where they go. Horn stated that a lot of times he does because the person has no idea what to do. Horn is not opposed to them choosing where they go, but the judges want them to work outside of their comfort zone. Comm Heindinger asked who follows up on this, and Horn stated that he does. Comm Heindinger stated that he has a problem with all of this as he knows a number of people who have been sentenced to community service, but never was contacted by Horn or his organization and the time is about to run out. Horn stated that the person is given the phone number and contact information for setting up community service before they leave the courtroom and have a two day time frame to do that. Comm Heindinger stated that he sees no follow-up by Horn and his office. State's Attorney Tonya Duffy reminded Comm Heindinger that the numbers he was looking at which showed 3 offenders assigned community service this year did not reflect all of the offenders who received community service because some of them actually do their community service where they live instead of in LaMoure County. Karin Boom stated that it is a matter of who tracks this information, and Comm Heindinger is only hearing one side. Boom said that they are told that they have so many hours to contact the community service office. It is on the defendant to make the initial arrangements. Boom stated that the defendant's always say that nobody told them, but they are told before they leave the courtroom. There is a sheet that goes out to the worksite to log the time that the person puts in. Comm Miller asked if they are monitored by the staff at the work site? Boom stated that they are like their supervisor and give a report on the time sheet, and community service does their report off of that. Boom stated that there are a lot of hours that get transferred to other places due to the person living in another area. Comm Heindinger stated that this has been an ongoing problem for many years. Comm Heindinger said that if there is anything to come out of this discussion, he would like it to be that there is more follow-up by Horn's office. Horn stated that he makes a call half-way through and close to the end of the community service. Horn said that he has people who may go one time to community service, but not show up again. Duffy stated that she is told by defendant that they called to set it up, but they never hear back. Boom stated that the defendant is supposed to contact the work site after talking to Horn. After much discussion, the Commissioners decided to revisit this at the Commissioner meeting on December 6th. Comm Weigel stated that he knew someone who had not completed his community service and came back to request that it be transferred to Fargo.

10:00 Comm Weigel opened the budget hearing.

Break 10:05am-10:15am

Duffy told the Commissioners that she wanted to talk a little bit about Marsy's Law because if it passes there will be an enormous cost to the county through her office and the Sheriff's office. Duffy stated that this would put a constitutional measure through our State for victim's rights. Duffy stated that they are trying to reinvent the wheel as the victim's already have these rights statutorily, but this would make it a constitutional measure. Duffy stated that the expected cost would be \$1.1 million for the remaining 7 months of the 2015-2017 biennium and another \$4 million for the 2017-2019 biennium. Duffy stated that the counties should expect about \$1.74 million cost for a two year period. Duffy stated that if this does become law, the Sheriff's office will have quadruple the work as victim's will have to be notified for every single portion of a proceeding and will have to be notified via service. Because it is a constitutional measure nobody is really saying what will happen if we don't comply with it; however, Duffy stated that someone who is a victim of a bad check would have the same rights as someone who was held at gunpoint. Duffy stated whatever position you take on this is entirely up to you, she is not taking a position it, but she wanted to point out there are a number of organizations that are opposed to it. Usually, the Sheriff's office has to do a service when a case starts, but this would require that it would be for every single status conference that we have along the way. The biggest point that Duffy wanted to make is should this pass into law, the Sheriff's office would have to do as a result of this which would include about 4-5 services per case. This would also create a lot of work for Duffy's office. Duffy stated that there would be a serious impact on the county's budget. Comm Klein stated that the important thing is that it is a constitutional amendment. Gerald Harris asked what is a victim? Duffy stated that it was someone who was impacted by a crime. Gerald then asked if he gets hit over the head, then does his son

living in Colorado gets notified? Duffy stated no because Gerald lives here. Gerald said if a person gets killed, then who gets notified? Duffy said his family would then get notified. Comm Klein stated then every one of them would have to be served for every little thing, and Duffy stated yes. Duffy explained that all victims should already be notified as there is a system in place. There was much discussion, and Duffy read from a list of organizations who are against Marsy's Law. Duffy stated that there are 22 states which have already put this into their constitution. Duffy stated that she just wanted to inform the Commissioners of the impact this would have on the county.

Comm Weigel stated that the budget hearing was still open should anyone wish to ask any questions. Gerald Harris stated that he had a question about the Sheriff's Dept budget increasing by approximately \$100,000 and why was that increased? Comm Weigel was going to give him the budget to look at, but Harris wanted to know why he was getting another deputy when the population continues to decline. Harris asked how much more activity has there been to justify this? Comm Heindinger explained that the Sheriff told them a lot of the comp time and on-call time could be alleviated, and a truck regulatory program put into place in our Sheriff's Dept. Comm Weigel stated that the cost for scales was included in the 2016 budget. Comm Flath pointed out that the \$100,000 does not include a vehicle, weapon, or clothing. Comm Flath stated that the vehicle that they were going to trade in and replace with a new vehicle this year will be brought back and continue to be used, but he was not sure what they would use for a truck regulatory vehicle. Harris asked if they could use the truck regulatory vehicle that they used to use, but the Commissioners said no that one is gone. Comm Heindinger stated that the Sheriff said he could put it into the blue Expedition used to have. Comm Klein stated that the sedan would be used for one of the deputies. Comm Miller stated that one of the deputies is now trained for truck regulatory, but all of the deputies would be trained for it without additional cost in one day according to the Sheriff. Billi Warcken asked if the Highway Patrol has truck regulatory, and Comm Weigel stated they all are. Comm Flath stated that as far as he knows the Highway Patrol has never been approached by our Sheriff's Dept for assistance with truck regulatory. Comm Weigel stated that he asked the Highway Patrol about all of this, but it would take a long time for someone to respond to a request for assistance. Patty Wood-Bartle asked why there was an increase in Public Health by about \$90,000-\$100,000. Comm Heindinger stated that the amount of grant money has gone down. Comm Flath stated that there was an increase of \$2,000 in tax dollars requested. Auditor White stated that Tony Hanson will continue to apply for grants. Comm Klein stated that they are going to try and get a grant to cover hiring another employee too. Comm Flath stated that they are showing an increase of \$36,000 in immunizations. Harris stated that once the 4th deputy is added, that will be a continuing expense indefinitely. Comm Weigel stated that if someone is hired at the Road Dept that is the same thing. Harris stated there is a lot of money coming in to cover it at the Road Dept. Comm Klein stated that it doesn't have to last forever as one of the departments just cut an employee, so it can be done. Comm Flath pointed out that department heads come and go with different mindsets, so things can change. Sheriff Fernandes stated that the on-call would not go away, and he could not promise that the comp time would go away. Comm Miller stated that the way the Employee Handbook reads right now employees must use their comp time before their vacation time. Billi Warcken asked if there was any documentation showing what the reduction in comp time would be. Comm Flath stated that we get no documentation, and the Auditor's office just pays off of the figure that is written down. Warcken stated then there is no guarantee that there will be a reduction or that there will be truck regulatory. Comm Miller stated that if we have the scales, then the deputies who were trained could do the truck regulatory. Comm Flath stated that it is pretty evident that there is no reduction as the Sheriff's budget has gone up \$100,000.

Comm Weigel stated that Mike Shockman had told the Commissioners that he was going to put out the Ford for bids and the carburetor is bad on the John Deere gator, but now it is probably a valve. Comm Weigel said that the mechanic said maybe he could work on it over the winter and possibly do some trading.

White told the Commissioners that it is now the time to apply for the Court Facilities Improvement Grant which needs to be submitted by December 31, 2016. White will

give this to Karin Boom as she usually knows if there is anything to apply for in the courtroom.

White told the Commissioners that it is time to appoint two delegates to represent LaMoure County at the 2017 ND State Fair. White requested that they appoint Eric Lahlum and Julianne Racine as our delegates. Motion to appoint Eric Lahlum and Julianne Racine as our 2017 ND State Fair delegates by Comm Miller, seconded by Comm Klein. Motion carried.

Comm Flath stated that there would be another bill coming through to be paid for the work being done at Memorial Park which will leave about \$60,000 to be paid to Harvey Sand & Gravel which will not be paid until everything is complete. Comm Flath may allow them to deviate from the contract just for the grass seeding so that the soil temp is where it should be. Comm Flath also reported that there probably will not be an application for funds this year, but there should be next year for SRF money. Matt Lange will apply as he can. Comm Flath stated that if you get a chance, drive up and take a look; and they were able to save the main entrance, but it will be one lane. Comm Flath stated that the engineer will determine whether or not there will need to be any changes for the one way traffic for liability purposes.

Comm Klein stated that the 5-county meeting will be held on Thursday in LaMoure with a tour of the Verona Elevator at 4:00pm and the meeting will begin at 5:00pm at Centerfield with dinner at 6:00pm. Any agenda items can be sent to Pam Maloney at Sargent County.

White stated that Public Health was wondering if they could change their next meeting to November 15th as their flu vaccination schedule is very full at this time. White reminded the Commissioners that the sale of forfeited properties will also be on that day. The Commissioners set the November meeting dates of November 1st and November 15th.

White told the Commissioners that they had received a letter from Tim Sattler at Choice Financial stating that he will be at the NDACo Conference in Bismarck and would like them to stop by and see him.

White also informed the Commissioners that the State lodging rate will be increasing by \$1.80 in most places effective October 1, 2016 bringing it to \$81.90.

White told the Commissioners that there is an LTAP meeting at the Best Western Ramkota Hotel in Rapid City, SD on October 19 & 20, 2016.

Comm Weigel stated that the budget hearing meeting is now closed and called for a motion to approve the budget. Motion to approve the 2017 proposed budget by Comm Klein, seconded by Comm Miller. Comm Heidinger stated that he is torn when it comes to this budget because of the big increase in the Sheriff's budget. Comm Heidinger stated that if the comp time is decreased and truck regulatory is put into place it would be a plus for the county. Roll call vote taken: Comm Miller Yes, Comm Klein Yes, Comm Flath No, Comm Heidinger Yes, Chairman Weigel Yes. Motion carried.

<u>Vendor Name</u>	<u>Amount</u>
AT&T MOBILITY	15.84
BORDER STATES PAVING INC	756.88
BROWN & SAENGER	45.98
BUILDERS MART	42.00
CENTRAL BUSINESS SYSTEMS	93.00
CENTRAL VALLEY HEALTH DISTRICT	278.10
CITY OF FARGO ND	14.00
CITY OF KULM	2,046.69
COMFORT INN	160.00
COMPUTER EXPRESS	561.88
COMPUTER PROFESSIONALS UNLIMITED	4,183.80

DAKOTA DYNAMICS	1,000.00
DAKOTA PERFORMANCE & ACCESSORIES	385.00
DICKEY RURAL COMMUNICATIONS	1,274.71
DIRECT ELECTRIC INC	157.04
DUFFY LAW OFFICE	2,032.44
DUFFY/JESSICA	509.76
EDGELEY MAIL	1,005.02
FLINT HILLS RESOURCES LP	179,952.96
GOOD OIL COMPANY	17.01
HAMPLE EXCAVATION SERVICE	475.00
HANSON/LESLIE	106.92
HARVEY SAND & GRAVEL	154,063.29
HENRY/ROBERT	70.00
HOMAN/CAROLINE	145.80
HWY 13 ONE-STOP INC	300.77
KADRMAS LEE & JACKSON INC	7,171.52
KAUL/LORAIN	12.00
KLEIN'S LOADER SERVICE	3,995.00
KLEVER/DARCY	14.04
LAMOURE CHRONICLE	1,575.99
LAMOURE DRUG STORE	44.25
LAMOURE FOODS INC	8.48
LAMOURE HARDWARE	198.92
LAMOURE PARTS CENTER	342.24
LAMOURE PRINTING COMPANY	132.50
LOOMER/DANIEL	30.00
MERCK SHARP & DOHME CORP	1,900.80
METROPOLITAN COMPOUNDS INC	619.62
ND STATE RADIO COMMUNICATIONS	120.00
NDSU AG COMMUNICATION	150.00
NDSU EXTENSION SERVICE	19,146.00
ND PUBLIC EMPLOYEES RETIREMENT SYSTEM	402.19
OAKES COMMUNITY HOSPITAL	31.00
OFFICE DEPOT BUSINESS CREDIT	67.10
PORTER/DENICE	62.26
QUILL CORPORATION	520.47
RACINE/JULIANNE	431.22
ROBBINS/KIMBERLY	108.00
SANDNESS/STACEE	194.94
SANOFI PASTEUR INC	2,819.46
SCHWAAB INC	76.50
SENGER/JULIE	162.00
SERVICE MASTER	1,125.00
ST ROSE CARE CENTER	15,168.76
STUTSMAN RURAL WATER DISTRICT	49.45
TITAN MACHINERY	65.31
TITAN MACHINERY-BISMARCK	87.62
UNIFORM CENTER	71.99
VANGUARD APPRAISALS INC	24,043.30
VERIZON WIRELESS	90.93
WASTE MANAGEMENT	337.22
WEX BANK	326.58

Bills were reviewed. Motion to pay the bills by Comm Heidinger, seconded by Comm Miller. Motion carried.

Motion to adjourn by Comm Flath, seconded by Comm Heidinger. Motion carried.

APPROVED THIS 1ST DAY OF November, 2016

VICTOR WEIGEL, Chairman

ATTEST:

MARLENE WHITE, County Auditor