

**OFFICIAL PROCEEDINGS OF THE LAMOURE COUNTY COMMISSION MEETING
August 16, 2016**

At 8:33 a.m. Chairman Victor Wiegel called the meeting to order and opened with the pledge to the flag. Commissioners Lee Miller, Keith Heidinger, Bruce Klein and Robert Flath were also present. Attending the meeting were Lauren Worrel, LaMoure County Highway Department; Marlene White, LaMoure County Auditor; Tonya Duffy, States Attorney; Kimberly Robbins, DES/911 Coordinator; Dave Opdahl, Custodian; Gerald Harris, LaMoure Chronicle; Patty Wood Bartle, The Edgeley Mail; and Verleen Shear.

Chmn Wiegel asked for additions to the agenda. Abatements and Budget were added. Motion to accept the additions and approve the agenda by Comm Miller, seconded by Comm Flath. Motion carried.

Lauren Worrel reported that blade crews are on their 5th round in the East and 6th round in the West. Worrel stated that road crews will be installing a box culvert on Wednesday, August 17th north of Verona. Worrel told the Commissioners that crews are out crack sealing, hauling chips to Marion for Co Rd 61, crushing chips in Seefeldt's pit, and will start chip sealing on Monday, August 22nd.

Worrel stated that he would like approval to hire Barga Inc to do some crack sealing on Co Rd 35 and Co Rd 34. Worrel stated that he could use money that was set aside for chip sealing oil as it would cost approximately \$109,000. Motion to hire Barga Inc to do crack sealing on 1.2 miles beginning at the west end of Co Rd 35 to Co Rd 66 and on Co Rd 34 starting at 281 going east as far as they can with the product available at a cost of \$109,000 by Comm Flath, seconded by Comm Heidinger. Motion carried.

Worrel presented a utility permit request submitted by Dakota Valley Electric on for work to be done on Co Rd 60 by the airport with bores. Motion to approve utility permit for Dakota Valley Electric by Comm Klein, seconded by Comm Flath. Motion carried.

Worrel told the Commissioners that he and Matt Lange will be attending a meeting at the Association of Counties in October with the two Commissioners who will be going as well to discuss the county federal aid projects for next year.

Worrel told the Commissioners that he and Matt Lange from KLJ will be meeting with Knife River on Thursday to review the punch list and extra cost for their work on the Merricourt Road.

Kimberly Robbins, DES/911 Coordinator, informed the Commissioners that NDPERS Wellness Committee has awarded LaMoure County with a \$500 grant to assist with the cost of the employee wellness checks. Robbins stated that costs above \$500 will be funded at 75% up to the maximum of \$1,000.

Robbins asked for a motion to rescind the LaMoure County Fire Emergency/Burn Ban Declaration due to recent rains and changing weather conditions. The Commissioners chose to leave the Burn Ban in place.

Robbins informed the Commissioners that the LaMoure County Local Emergency Planning Committee (LEPC) meeting is scheduled for Thursday, September 1 in LaMoure. The State requires two meetings per year. The LEPC is made up of elected officials, Emergency Responders, community members, and business owners who assess the Hazardous Material Plan and funding for the TIER II reports.

Robbins presented a Corps of Engineers agreement which will allow the county to have access to new inundation maps which are available to Emergency Action Plan plan holders. Robbins stated she would submit this so that a password would be released for the county to have access.

Marlene White, LaMoure County Auditor, presented the Jamestown Community Corrections Agreement to the Commissioners to renew for the year of 2017. Comm

Heidinger asked how much this would cost, and White stated \$1,095.40 quarterly paid in January, April, July and October. Comm Heidinger asked the State's Attorney if this was necessary, and Duffy said that we do need to have something in place. Comm Heidinger stated that he has received complaints that they do not stay on top of the community service as they should. The Commissioners requested that White gather information regarding what other counties use for community service. This was tabled until the September 8th meeting.

White presented the Cost Share Agreement from the State Water Commission to be signed for the Memorial Park Streambank Restoration. Motion to sign the Cost Share Agreement with the State Water Commission for the Memorial Park Streambank Restoration Project by Comm Flath, seconded by Comm Heidinger.

Dave Opdahl, Custodian, reported that he has checking with Karr Tuck Pointing as to where the courthouse is on their schedule for this year. Opdahl stated that they have been focusing on schools, but they still plan on doing the tuck pointing on the courthouse this year as long as the weather cooperates. Chmn Wiegel asked which side was to be done this year, and Opdahl stated the north side has been scheduled. Opdahl told the Commissioners that the north and south sides along with the tower still need to be done at a cost of \$25,000 each.

Chmn Wiegel stated that he told Sheriff Fernandes and his deputies to call Tanya Weiler regarding their issues with comp time. Chmn Wiegel has discussed this with Tanya as well. After some discussion, the Commissioners tabled this until Tanya and Sheriff Fernandes have been able to have a discussion.

White requested that the Commissioners set the date for the next Park Board meeting. The Commissioners set it for Tuesday, September 20th at 10:00am. White will notify the Park Board members of this meeting date and time.

In the absence of Cindy Worrel, Treasurer, White presented a list of abatements for the Commissioners to approve. Motion to approve abatements as presented by Comm Heidinger, seconded by Comm Klein. Motion carried.

Break 9:30-9:40

White read a letter to the Commissioners from Ana DaFonte in the Treasurer's office which read as follows:

"August 16, 2016

Dear Distinguished Commissioners:

First, I want to thank you for reading my letter. By now you are aware that I was laid off as of August 31, 2016 via a letter hand delivered to me by the current Treasurer, Cindy Worrel.

My thoughts and feelings regarding this situation are due to a personal conflict with the treasurer. The letter reads it was due to budget cuts, however the budget is for 2016 and any budget cuts would occur in 2017. Currently the county is in the budget process for 2017.

I am a US Veteran and proud to be and I have not ever been treated so unfairly in my life as I have been treated in my employment with LaMoure County.

My request is that I remain in my position until the current year of 2016 has ended in December.

I appreciate your cooperation in this matter.

Sincerely,

Ana DaFonte”

White also read the letter from Cindy Worrel, Treasurer, which was given to DaFonte and included with DaFonte's letter, and it read as follows:

“August 1, 2016

Dear Ana,

While working on my budget, I had to take a fiscally responsible look at the costs for my department. The workload has declined drastically for the Deputy Treasurer position, as you are well aware of. I cannot, in good faith, as a County Department Head, have a Deputy Treasurer doing tasks that can be absorbed into the department head duties.

Due to the above mentioned reasons, the Deputy Treasurer position is being phased out. Your last day will be August 31, 2016.

I appreciate all your hard work & enjoyed working with you very much.

Sincerely,

Cindy Worrel

LaMoure County Treasurer”

After White finished reading the letters, Chmn Wiegel asked if there were any comments. Comm Flath stated that Worrel is an elected official and what happens in that department was not his concern. Chmn Wiegel asked if the county has a duty to make sure that there is someone to take over in the case that Worrel is not able to serve. Duffy reminded the Commissioners that White was on the accounts, so the county could continue on with business should something happen to Worrel. Comm Miller asked then as an elected official if it was up to Worrel as to whether or not she needed a deputy treasurer. Duffy stated that it was up to Worrel, and she would imagine that if Worrel did not feel she needed a deputy then she would not be asking for one at budget time. Comm Klein stated that it is his understanding that Worrel would hire part time help to assist as needed. Comm Heidinger asked what happens if Worrel gets sick and cannot make it to work, is her office just closed? Comm Klein stated it would be White's responsibility. Duffy stated that it is not White's job to fill in for Worrel. Duffy stated that Worrel would not be able to take a day off if there is nobody else working in her office. Comm Heidinger and Duffy wondered if Worrel was going to hire someone part time every time she wanted to go to a conference or anywhere else? Comm Flath asked if it is a requirement that the Treasurer's office be open every single day. Duffy stated if someone wanted to come in and pay their taxes they should not have to go around Worrel's schedule. Comm Flath stated that in his mind as an elected official if Worrel chose to have her office open only 3 days a week she could, unless the public says otherwise. Duffy asked if Worrel is an elected full time official, and she is an elected part time official? Comm Flath stated that Worrel doesn't even have to work and would still collect her full time pay. Comm Heidinger stated as long as her work is done. Comm Heidinger stated that if there is no deputy, the work would not be done. Comm Flath stated that she might be able to get her work done in one day. Comm Klein stated that as an elected official, Worrel can hire and fire as she deems necessary. Comm Flath stated that Worrel had reported to him that there was a ton of redundancy being done in the Treasurer's office. Comm Flath stated that Worrel has even asked the Auditor's office for work. Duffy stated that maybe the Auditor and Treasurer offices should be combined. Comm Flath told the Commissioners that Worrel

is not just going to sit in her office doing nothing to fill her time as she wants something to do. White stated that the inventory for the county will be given to Worrel to maintain. White stated that there are things during the mill levy process and budget process that she and Worrel can work on together. Comm Heidinger stated that the reason DaFonte was being laid off was due to budgetary reasons. Comm Flath said it was due to the work load declining. Chmn Wiegel stated that the professional way to handle it would have been to let DaFonte finish working through the 2016 budget. Comm Flath stated that ND is an at will state, and Worrel could have fired her as of that day. Comm Klein stated that Worrel is an elected official, and it is her responsibility to hire and fire. Comm Heidinger pointed out that the 2016 budget for Worrel's office was fine. Comm Flath and Comm Heidinger continued to discuss the reasons DaFonte was laid off. Comm Klein stated that in his opinion they could not approve that DaFonte remain employed until the end of the year. Comm Heidinger agreed that they could not go over Worrel's head.

<u>Vendor Name</u>	<u>Amount</u>
ALLIED ENERGY	3,420.00
AT&T MOBILITY	22.57
BIERSCHBACH EQUIPMENT & SUPPLY	164.62
BROCK WHITE CO LLC	913.25
BUERKLEY/PALMER OR ELLA	817.93
BUTLER MACHINERY COMPANY	272,800.00
CENEX FLEETCARD	290.56
CENTRAL BUSINESS SYSTEMS	733.20
CITY OF KULM	69.79
COMFORT SUITES	320.00
COMPUTER EXPRESS	1,400.00
D & B PORTABLES LLC	100.00
DAKOTA DYNAMICS	1,000.00
DAKOTA INDUSTRIAL SUPPLY	126.00
DAKOTA VALLEY ELECTRIC	71.23
DICKEY RURAL NETWORKS	251.00
DISCOVERY BENEFITS	83.00
EDGELEY MAIL	253.13
FIRST STATE AGENCY INC	172.00
FIRST STATE BANK OF NORTH DAKOTA	530.00
FLATH/ROBERT	150.00
GIESLER/EDNA	1,437.78
HEIDINGER/KEITH	242.88
HENRY/ROBERT	140.00
HIWAY SERVICENTER	361.00
HWY 13 ONE-STOP SHOP INC	448.49
INFORMATION TECHNOLOGY DEPT	619.50
INTERSTATE BATTERY SYSTEM OF ND	112.95
JOHN DEERE FINANCIAL	6.15
K.P. SHOCKMAN TREE MOVING	390.00
KLEIN/BRUCE	234.72
KNIFE RIVER MATERIALS	374,265.09
KNUTSON/BRADLEY	140.00
KULM HARDWARE & HOME CENTER	14.99
LAMOURE CHAMBER RETAILERS	75.00
LAMOURE CITY	198.25
LAMOURE COUNTY TREASURER	5,759.03
LAMOURE COUNTY 4-H COUNCIL	500.00
LAMOURE FEED & SEED	45.00
LAMOURE FOODS INC	294.55
LAMOURE HARDWARE	1,454.94
LAMOURE PARTS CENTER	416.23
LAMOURE PRINTING COMPANY	50.00

LEXIS-NEXIS	148.32
LYNN JOHNSON LOCK & KEY SERVICES	429.25
MARCO INC	185.33
MATTHEW BENDER & CO INC	53.93
MEIDINGER/JAN	312.80
MICHAEL TODD & COMPANY	184.59
MIDSTATES WIRELESS	210.00
MILLER/LEE	212.64
NDAAO	220.00
NDSU DEPT 3110	26.50
NILL CONSTRUCTION INC	9,337.00
NORTH DAKOTA ONE CALL	7.00
OAKES TRUCK & TRAILER CENTER	509.74
OFFICE OF ATTORNEY GENERAL – 1250	875.00
OTTER TAIL POWER COMPANY	2,167.78
PORTER/DENICE	94.12
PRAXAIR DISTRIBUTION INC	22.55
PRODUCTIVITY PLUS ACCOUNT	1,088.55
RAMKOTA HOTEL	320.40
RDO EQUIPMENT CO	4,811.56
RDO TRUCK CENTERS	576.18
SIEDSCHLAG/SUZANNE	52.50
SKY DANCER HOTEL & CASINO	139.90
STUTSMAN COUNTY CORRECTION CENTER	65.00
STUTSMAN RURAL WATER DISTRICT	49.15
SWANSTON EQUIPMENT CORPORATION	175.00
THE RADAR SHOP	215.00
TRUENORTH STEEL	9,288.77
ULMER/AL	51.10
VERIZON WIRELESS	239.25
VISA	1,672.90
W.D. LARSON COMPANIES LTD INC	428.49
WARNE CHEMICAL	139.78
WASTE MANAGEMENT	71.01
WEST END HIDE, FUR & METAL CO INC	182.88
WIEGEL/VICTOR	193.20

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

The Commissioners set a budget hearing for Tuesday, August 23rd at 8:30am.

Motion to adjourn by Comm Miller, seconded by Comm Flath. Motion carried. Meeting adjourned at 10:25am.

APPROVED THIS 8TH DAY OF September, 2016

VICTOR WIEGEL, Chairman

ATTEST:

MARLENE WHITE, County Auditor