

BOTTINEAU COUNTY
COMMISSIONER PROCEEDINGS
DECEMBER 3RD, 2013
7:30 A.M.

The Commissioner Meeting was called to order at 7:30 am. by Chairman Jeff Beyer. A meeting of the Board of Bottineau County Commissioners was held in the Commissioner Room at the Courthouse with the following members present: Chairman Jeff Beyer, Vice-Chairman Dan Marquardt, Commissioners Todd Streich, LeRoy Rude, Lance Kjelshus, States Attorney, Swain Benson and County Auditor, Lisa Herbel.

Minutes of November 5th and November 18th, 2013 were approved by Marquardt, seconded by Streich. Motion carried unanimously.

The Agenda was accepted after liquor licenses were added under other business.

Christmas Gifts for employees was discussed and a motion was made to give employees a \$30.00 gift card by Marquardt, seconded by Streich. Beyer, Marquardt, Rude, Streich voted yes, and Kjelshus voted no.

Lisa presented an application for a BOOM vault for Hoffas Park through a grant available through the ND Game and Fish and a motion was made to submit the application for the grant by Kjelshus, seconded by Rude. Motion carried.

Discussion was held on the Gross Production tax that will be received in December. As both the County Road and Bridge Fund and the General Fund have their budget obligations met after the November distribution was received, a motion was made to put the GPT distribution for December into the Courthouse Building and Improvement Fund by Rude, seconded by Kjelshus. Motion carried unanimously.

Ritchie Gimbel, Road Superintendent gave an update on the road department activities. He reported that all FEMA bridges have been completed. He also reported that the Cut Bank Creek drain has also been completed. A Breakaway mail box was installed for the change order on Federal Aide project BRO-0005(030) and on final inspection, the breakaway mailbox was removed and replaced by another mailbox by the landowner. Kelly Kirk and Cayce Stute, Bottineau County Maintainer operators, went to training for winter maintenance. Ritchie is planning to attend a weight limit class. The security around the Bottineau County shop was discussed. Ritchie was able to obtain another quote from Security Fence for \$46,633, and a quote Dakota Fence for \$55,575.00. Ritchie planned to verify the fences will be stabilized in the same manner. A motion was made to accept the two bids by Rude, seconded by Marquardt. Motion carried unanimously.

Brad Robertson, Wold Engineering discussed the current projects in the County. He presented an Engineer's estimate for Project PLN-0005(031), Newburg Bridge, for \$1318683.10.

-Bike Path – an April bid letting is planned and he also discussed that the County may want to consider treating the areas where willows have been coming through the pavement before the project begins.

- Box Culvert, located North of Souris, and east of Olson's dam – has a May 16th, 2014 bid date set.

- For the chip seal for County Road 6, it was decided to seal 6 miles South of Souris and 6 miles east of Souris to Hwy 14, with a February bid letting.

Clif Issendorf, discussed the Elysian Township FEMA Project with both the Bottineau County and Oak Creek Water Boards in attendance. The Texas crossing has been completed at Boehnke's. Byron and Jay Bullinger expressed concern with the south culvert and feel it's too wide and want the water prevented from going into Bullinger's field with the cost being covered by all entities involved. The Bottineau County Water Board and the Oak Creek Water Board thanked Ritchie for all his hard work in completing these projects.

Lisa Peterson, Tax Director, explained the Forest Stewardship Tax Law. Bottineau County has not participated in the past, but there may be reimbursement available in the future so it may be a program to look at in the future.

Ann Monson, Treasurer, has had a request for our tax records to be provided electronically. Open records policy mandates the County to provide the records electronically if requested in that format.

A Public Hearing was held in response to a petition received to close the section line that borders the north portion of Outlot 7 of N1/2 Govt. Lot 2, Section, 24, Township 163 N, Range 75W from Chad and Sienna Bullinger. Chad requested the section line be closed based on safety for his family and for the snowmobilers. He also stated he is unable to put snow fences up as the snowmobilers are crossing over the plastic fence. He also stated that the snowmobilers are not staying on the trails. Chad also requested enforcement of the law of staying on the trails. Sienna spoke about safety factors and is worried about the possibility of hitting a snowmobiler as well.

Mike McIntee spoke about the ND Century Code, Section 24-07-03, which states all sections lines are open and in order to close a road, the Commissioners have to find a benefit to the public. Mike also stated that liability for the snowmobilers that travel the trails is covered by the State Snowmobile Association. If they go off the trails, it's the snowmobiler's liability.

Dave Vad also spoke of the reasons he feels the trail should stay open including the economic factors to the community.

Earl Thompson spoke of keeping the trail open to have access to Loon Lake for recreational purposes.

Bill Demming, from the Lake Metigoshe State Park spoke about providing additional enforcement since this matter was brought discussed last spring.

Loren Johnson spoke about the efforts the Snowmobilers group goes through to make sure the trails are safe.

Lenny McGuire also spoke about the area being developed and will be offered for sale and closing the section line would cut off access to Loon Lake.

After listening to all speakers present in regards to the petition, a motion was made to deny the petition to close the section line by Kjelskus, seconded by Streich. Lisa called for a roll call with Beyer, Marquardt, Rude, Kjelskus, Streich, all voting yes. Motion carried unanimously.

Members from the Bottineau County and Oak Creek Water boards met while the Commissioner meeting was in session and it was decided that after Bottineau County pays their 40%, the Oak Creek Water Board would pay 60%, and the Bottineau County Water Board 40% on the cost share not covered by FEMA on the Elysian Township Bridge. The repair on the Texas crossing will be split 40% County, and then Oak Creek Water Board would pay 60%, and Bottineau County Water Board 40% on the remaining 60%.

Mike McIntee, met with the Commission to discuss his concerns about the amount of time it's taking the deputies to serve legal papers for his firm. This was discussed with Sheriff Watson and it was decided that he will create a system so this doesn't happen again.

Department Head Meeting – A summary of the meeting was given and each department head gave a summary of their office's activities.

The culvert on the 17C Highway south of Maxbass was discussed. Before any action is taken to replace the culvert, the road department will try to find the pipe first. Ritchie will check with the City of Bottineau to see if they can use their metal detectors.

Cost sharing on the Rolette/County line was discussed. A preliminary agreement was sent to Rolette County for their comments.

It was the consensus of the Board of Commissioners that the Bottineau County Road Superintendent and Townships involved in any projects should be in attendance at all final inspections.

A petition was received from 72 people asking that County Road 28B, the East Grade, be maintained as a paved farm to market road and a motion was made that the petition be filed in the County Auditor's office by Rude, seconded by Marquardt. Motion carried unanimously.

The December bills were reviewed; 17875 Ag Communications \$5.00 (12/5), 17876 Antler Outlaws \$15,000.00, 17877 APCO International \$92.00, 17878 Lisa Atkinson \$414.59, 17879 AT&T Mobility \$102.09, 17880 B&M Laundry \$240.57, 17881 BeeLine Service \$105.00, 17882 David Berge \$79.21, 17883 Bottineau Farmers Elevator \$7,133.38, 17884 Bottineau Lumber Inc. \$513.89, 17885 Bottineau Tech. Center \$300.00, 17886 Miranda Brandt \$270.70, 17887 Butler Machinery \$11,403.93, 17888 Cenex Credit Card \$3,311.03, 17889 Century Link \$1,010.26, 17890 Circle Sanitation \$55.75, 17891 City of Bottineau \$347.16, 17892 City of Antler \$83.00, 17893 City of Newburg \$32.50, 17894 Clute Office Equipment \$76.20, 17895 Clute Office Equipment \$121.60, 17896 Comfort Inn \$370.00, 17897 The Computer Store \$1,101.00, 17898 Barb Cote \$270.70, 17899 Courant \$842.97, 17900 Crop Production Services \$13,342.50, 17901 Family Bakery \$1,768.00, 17902 Ferrellgas \$50.00, 17903 Front Porch \$47.87, 17904 GE Capital \$610.00, 17905 Lyle Gravseth \$93.60, 17906 H&H Trucking \$5,530.27, 17908 I Design \$15.00, 17907 JLG Architects \$2,500.00, 17910 Paul Johnson \$66.78, 17911 Judy's Mowing \$150.00, 17912 Kane TWP \$4,000.00, 17913 Kelly Inn \$298.80, 17914 Ketterling's Junk Yard \$803.50, 17915 Kinetic Leasing \$42,112.74, 17916 Kelly Kirk \$104.29, 17917 Lexis Nexis Matthew Bender \$174.53, 17918 Mack Law Offices, P.C. \$92.00, 17919 MidContinent \$57.90, 17920 Mikkelsen Aggregates \$1,440.00, 17921 Mikkelsen Aggregates \$1,085.00, 17922 Mikkelsen Aggregates \$1,670.00, 17923 Mikkelsen Aggregates \$252.00, 17923 Mikkelsen Aggregates \$32,426.20, 17924 MK Electric \$199.40, 17925 Modern Marketing \$296.53, 17926 MoJo Roast \$85.50, 17927 Karla Monson \$158.20, 17928 Moum's Tesoro \$781.05, 17929 Mount Rose Township \$2,000.00, 17930 Tim March \$3,750.00, 17931 Myers Parts of Bottineau \$45.04, 17932 NACCTFO \$75.00, 17933 ND Assoc. of Counties \$112.69, 17934 NDLTAP-UGPTI/NDSU \$150.00, 17935 Nodak Supply \$743.38, 17936 North Central Electric \$613.44, 17937 O'Keeffe Oil \$2,607.50, 17938 Ottertail Power Co. \$132.26, 17939 Richland Co. Auditor \$57.54, 17940 Tim Semler \$960.00, 17941 Souris River Telephone \$1,325.29, 17942 Spectrum \$938.29, 17943 State Bank of Bottineau Insurance \$47.00, 17944 State Bank of Bottineau Insurance \$55,317.00, 17945 The Standard \$231.99, 17946 Stevenson's Towing \$210.00, 17947 Casey Stute \$28.00, 17948 Tacoma Township \$2,500.00, 17949 Take 5 Water Store \$195.00, 17950 Theels Inc. \$534.89, 17951 Three D Specialties \$382.19, 17952 TREC Inc. \$150.00, 17953 True North Steel \$67,554.13, 17954 Turtle Mtn. Communications \$1,644.89, 17955 Tweed Co. Ag. \$1,813.85, 17956 Tyler Technologies \$3,930.42, 17957 UND \$97.00, 17958 United Telephone Corp. \$541.70, 17959 Vanguard Appraisals, Inc. \$591.68, 17960 Waste Management \$359.44, 17961 The Water Doctors \$152.14, 17962 Tanya Wieler \$1,000.00, 17963 Wold Engineering \$24.00, 17964 Working Ranch Magazine \$35.00, 17978 Starion \$3,135.00 (12/6) 38891-38970 Payroll \$183,900.87 (11/25), Grand Total \$665,481.05 and a motion was made to approve paying of the bills by Marquardt, seconded by Rude. Motion carried unanimously.

A motion was made to call for bids on the annual lease of Earth Moving Equipment for the meeting on January 7, 2014 by Streich, seconded by Kjelskus. Motion carried unanimously.

A motion was made to renew the 2014 Liquor licenses for –

Midway Bar & Grill
Renville Corner
Four Seasons Resort
A Frame Bar & Grill
Birchwood 10th Hole
Westhope Country Club

Sawmill Corner, Inc.
Dockside Barbeeque
Birchwood Steakhouse
Twin Oaks Resort
Bottineau County Club
Mohall Country Club

by Marquardt, seconded by Streich. Motion carried unanimously.

A motion was made to reappoint Dean Milbrath to the Bottineau County Water Board, Matt Brandjord to the Boundary Creek Water Board, Myron Hahn to the Oak Creek Water Board for a three year terms and Kelly Jensen to the North Central Human Service Center for a two year term by Kjelskus, seconded by Rude. Motion carried unanimously.

The 2014 EAP contract was presented for renewal and a motion was made to sign the contract with the Village for EAP Services for 2014 by Streich, seconded by Rude. Motion carried unanimously.

Reports in the Consent Agenda were reviewed and a motion was made to approve the Consent Agenda by Streich, seconded by Marquardt. Motion carried unanimously.

A motion was made to open bids on the house in Bottineau located at Lot 35 & N 15' of Lot 36, Blk 44, White's 2nd Addition, that did not sell at the November auction, by Kjelskus, seconded by Streich. Motion carried unanimously.

A motion was made to accept the high bid of \$8001.00 bid for the property located at Lot 35 & N 15' of Lot36, Blk 44, White's 2nd Addition, Bottineau, by Streich, seconded by Kjelskus. Motion carried unanimously.

A motion was made to adjourn the meeting at 12:15 pm. by Kjelskus, seconded by Rude. Motion carried unanimously.

Jeff Beyer, Chairman

Lisa Herbel, Auditor

The meeting reconvened at 12:16 pm. Chairman Beyer, and Vice-Chairman Marquardt vacated their seats at this time. Lisa asked for nominations for the Chairman of the County Commissioners and a motion was made to nominate Commissioner Marquardt by Streich, seconded by Beyer. Motion carried unanimously. Nominations were then requested for the Vice-Chairman of the County Commissioners and Commissioner Rude nominated Kjelshus, seconded by Beyer. Motion carried.

Commission Marquardt adjourned the meeting at 12:30 pm.

Dan Marquardt, Chairman

Lisa Herbel, Auditor