

County Commission Meeting December 4, 2012

The Board of County Commissioners met at 9:00 a.m. County Commissioners present were Eldon Ehrman, Michael Axt, and Howard Erdmann.

Chairman Ehrman called the meeting to order. The minutes of the previous meeting was sent out in the mail and approved as sent.

The following Statement of fees were approved and submitted to their appropriate funds:

County Recorder, fees, \$1,969.25  
Sheriff, fees, \$937.40

The total miscellaneous receipts were collected for the following funds and were approved for the month of November, 2012:

General - \$4,666.14	County Road - \$3,592.15
Highway Dist. - \$19,979.35	County Park - \$105.00
Weed Control - \$35.15	Civil Defense - \$822.13
911 -\$1,593.15	

An itemized listing of miscellaneous receipts are on file at the County Treasurer's Office.

The November payroll warrants #40564-40591 were approved from the following funds:

General - \$23,495.55	Highway Dist. - \$12,987.02
Service Officer - \$337.50	County Agent - \$673.97
Civil Defense - \$487.50	911 - 475.00
County Corrections - \$2,489.17	Policing - \$681.25
BCI - \$3744.04	

The following bills #40600-40659 were approved and ordered paid subject due to delinquent or any other indebtedness owing the County:

Ameripride Services Inc., 46.62; McClusky Gazette, 49.88; N.D. Newspaper Association, 187.68; Howard Erdmann, 75.04; WRT, 1,134.30; Eldon Ehrman, 40.32; Fireside Office Products, Inc., 111.70; Office Depot, 377.06; Birch Communications, Inc., 150.83; BHG, Inc., 389.16; Information Technology Dept., 413.60; Centre Inc., 480.00; Bismarck Tire Center, 967.80; D&J Oil, Inc., 6,409.82; Lawson Products, 288.57; Kenschak Oil Inc., 2,473.80; Mclean-Sheridan Rur Water, 53.15; Power Plan, 982.38; Farmers Union Oil Co., 486.00; Post Board, 45.00; Mechanics Plus, 801.84; Darrell Grade, 24.00; Alberta Voegelé, 40.00; Redwood Toxicology Lab, Inc., 111.41; Richland County Auditor, 21.12; NRG, 40.00; James Paulus, 383.12; Lyle Signs, Inc., 1,818.00; McClusky Merchants, 50.00; NDTC, 18.30; Ottetail, 1,704.63; A&G Trucking, 14,080.00; Johnson's Plumbing Service, 182.60; Michael Axt, 14.56; Stein's Inc., 84.34; Bismarck Tribune, 53.00; Visa, 684.45; McClusky City, 32.00; ES&S, 2,629.29; WM Of WI-MN, 356.95; NDDES, 9,372.05; Verizon Wireless, 270.23; Orrin Holen, 1,399.00; Pharm Chem, Inc., 63.00; TASC, 2,546.20; Daphne Lauer, 312.00; Kassidee Logsdon, 200.00; Beazley Engineering, PC., 3,000.00; Ms Becky's, 20.40; Fargo Glass & Paint Co., 767.10; Susag Sand & Gravel, Inc., 202.40; RV Enterprises, 10,077.00; Wold Engineering, PC., 4,555.65; Don Wenning, 690.00; Charles Netzloff, 1,290.00; Verendrye Electric Coop., 208.00

Trent Naser, Sheriff, met with the board to discuss criminal issues. Naser also inquired about hiring a full time clerk between the Sheriff and the Clerk of Court offices. The board recommended getting a job description together and to discuss this further at the December 18<sup>th</sup> Special County Commission meeting.

It was moved by Commissioner Axt to lift the burn ban within Sheridan County effective immediately, seconded by Commissioner Erdmann. Upon roll call vote – Axt- yes, Erdmann – yes, Ehrman – yes Motion carried.

Herb Bargman, Wold Engineering, was contacted by speakerphone to discuss the FEMA large project in New Germantown Road District in responding to FEMA of why the extra quantity of embankment, etc.

It was moved by Commissioner Erdmann to adopt the following Encroaching Resolution and plan, seconded by Commissioner Axt. Upon roll call vote – Erdmann – yes, Axt – yes, Ehrman – yes Resolution adopted.

Resolution – Highway Right of Way Signs

Be it hereby resolved that we the Sheridan County Board of County Commissioners set a plan for Highway Right of Way Enforcement in Sheridan County as follows:

1. Sheridan County Road Crew will provide notice of any violations observed, and include as much information as possible regarding landowners, tenants, and renters, and any specific persons that they have observed committing the violation.
2. The Sheridan County Road Crew shall be providing notice to the Sheridan County Sheriff's Office of any violations of encroachment, injury, plowing, or destroying **more than two (2) feet** of the county road, highway right of way and ditches.
3. The Sheridan County Sheriff's Office will investigate any violations by taking a statement from the Sheridan County Road Crew, going out to the area of the violation and photographing any violations (such as photos of plowing around the signs), and also by interviewing any landowners and tenants that may have committed the violation.
4. The Sheridan County Sheriff's Office will serve a written notice and warning of the violation upon the landowner and tenant/renter.
5. The Warning will provide that the violator has not more than 50 days to cure the violation, and that they are subject to pay damages to the County after 20 days.
6. The Sheridan County Sheriff's Office shall provide a Return of Service of the Warning to the Sheridan County State's Attorney, as well as a report for the investigation of the violation.
7. Curing the violation will include having to level out the right of way and/or ditch and seed and plant grass in the right of way and/or ditch.
8. A First Offense will be criminally charged by state law for destroying public property and the Sheridan County Sheriff's Office and the Sheridan County State's Attorney reserve the right to bring criminal charges for any flagrant violations and/or intentional acts to encroach, injure, plow-up, and/or destroy the right of way and ditches and/or destroy or remove County Road Signs.
9. For any Second (2<sup>nd</sup>) violations or more and any violators that have not cured the violation in less than 50 days, Sheridan County will turn over the violation and request that the violator be criminally charged. At the discretion of the Sheriff's Office and State's Attorney, they will determine if the criminal charge will result in a summons and/or a warrant. At the discretion of Sheridan County, any failure to cure the violations after the 50 days may result in the Sheridan County Road crew leveling the right of way and/or ditch and replanting grass in the right of way or ditch.
10. If Sheridan County has to repair the damages and cure the violations, Sheridan County is entitled to double the damages for the costs of the repair, and the expense of the repairs become part of the taxes to be levied against the land and will be collected with other real estate taxes for the area of real property with the damages.

Dated this 4<sup>th</sup> day of December, 2012.

Attest: \_\_\_\_\_  
Shirley A. Murray  
Sheridan County Auditor

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Eldon Ehrman, Chairman  
Sheridan County Board of Commissioners

Joyce Dockter, County Recorder, met with the board to discuss possibly hiring a full time position to be shared with Clerk of Court's Office work that is combined with her office and a Sheriff's clerk.

The beer and liquor license applications for the 2013 year filed by KED, Inc. were considered at this time. It was moved by Commissioner Erdmann, seconded by Commissioner Ehrman to approve the 2013 Beer & Liquor License to KED, Inc. for 2012. Upon roll call vote – Erdmann – yes, Ehrman – yes, Axt – yes Motion carried.

It was moved by Commissioner Axt to re-appoint Howard Erdmann to the Dakota Central Social Service Board, seconded by Commissioner Erdmann. Upon roll call vote – Axt – yes, Erdmann – yes, Ehrman – yes Motion carried.

The Auditor was instructed to advertise for bids on fuel for the County for the discount rack price of the day. The fuel bid letting will be held at 2:00 p.m. January 3<sup>rd</sup>, 2013.

The time being 2:00 p.m. the County Commission meeting recessed for the County Planning & Zoning Board meeting. The County Commission meeting reconvened at 2:30 p.m.

It was moved by Commissioner Axt to approve the Variance Permit & the Conditional Use Permit to Minnkota Power as approved by the Planning & Zoning Board, seconded by Commissioner Erdmann. Upon roll call vote – Axt – yes, Erdmann – yes, Ehrman – yes Motion carried.

Due to the New Year’s Day Holiday falling on the first Tuesday in January, the County Commission January meeting will be held on Thursday January 3<sup>rd</sup>, 2013.

It was moved by Commissioner Erdmann to re-appoint Debbie Miller to the County School Reorganizing Committee, seconded b Commissioner Axt. Upon roll call vote- Erdmann – yes, Axt – yes, Ehrman – yes Motion carried.

It was moved by Commissioner Erdmann to approve the Memorandum of Understanding with McLean County to share costs for States Attorney services in the annual amount of \$28,000.00 plus legal assistant part time salary, seconded by Commissioner Axt. Upon roll call vote – Erdmann – yes, Axt – yes, Ehrman – yes Motion carried.

The time being 3:00 p.m. a job interview with Gerald Bertsch was held at this time.

The time being 3:30 p.m. a job interview with Eric Kucharski was held at this time.

It was moved by Commissioner Erdmann to hire Eric Kuckarski as equipment operator effective January 2<sup>nd</sup>, 2013 upon his acceptance, seconded by Commissioner Axt. Upon roll call vote – Erdmann – yes, Axt – yes, Ehrman – yes Motion carried.

The Auditor reported that the County is signed up for a “no-cost” tractor for the 2013 summer rental program with the New Holland Co. and NDACo.

It was moved by Erdmann to approve the laptop and desktop computer quote in the total estimated amount of \$3,757.09 that includes NRG setup and installation costs of equipment, seconded by Commissioner Axt. Upon roll call vote – Erdmann – yes, Axt – yes, Ehrman – yes Motion carried.

The Auditor reported the MetLife Insurance premium will be increasing .08 per \$1,000 of life insurance or \$14.40 annually per employee for \$15,000.00 life insurance policies.

There being no further business the meeting recessed until 10:00 a.m. December 18, 2012.

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Auditor

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Chairman

Special County Commission Meeting December 18, 2012

The Board of Sheridan County Commissioners met in special session at 10:15 a.m. County Commissioners present were Eldon Ehrman, Howard Erdmann, and Michael Axt.

Chairman Ehrman called the meeting to order.

Douglas Straus, G & R representative, met with the board to present a brief synopsis of the HVAC system survey by installing an air conditioning system in the Courthouse. It was moved by Commissioner Axt to approve phase #1 that includes a mechanical and electrical

update to the Courtroom area on the 3<sup>rd</sup> floor of the Courthouse estimated not more than \$100,000.00 with no upfront costs to send into the Court Facilities Improvement Grant and to also include in the grant the remodeling estimate of the jury box and the Clerk of Court reporter desk area from Teumer's Custom Pride in the amount of \$3,165.00, seconded by Commissioner Erdmann. Upon roll call vote – Axt – yes, Erdmann – yes, Ehrman – yes Motion carried. The Court Facilities Improvement Grant would pay up to 75% if approved with the local share being 25%. The Court Facilities Improvement Grant application deadline is December 31, 2012 and will be acted on by March 1, 2013.

Herb Bargmann, Wold Engineering, met with the board to discuss the overrun amount of material on invoice #817445 from RV Enterprises, Balfour, for the Large 2011 FEMA Project site in New Germantown. Bargmann stated the road was built 1.2 ft too high according to FEMA specs other than that the water was 14ft deep and with the deep water condition 50% or more of over run on embankment material is not unusual. Bargmann will email info to the Auditor to be forwarded onto FEMA for further evidence in explaining the reason of overrun on material.

Ladd Erickson, McLean-Sheridan County States Attorney, was called by speakerphone to address the encroachment on Farm to Market road right of way violations. Erickson stated even if a sign is not present the landowner is still in violation encroaching on the Farm to Market road right of ways and could be criminally charged by state law for destroying public property. It was moved by Commissioner Erdmann to remove the fine amount of \$300.00 from the encroaching resolution adopted on December 4<sup>th</sup> and instead state that land owners could be criminally charged by state law for destroying public property, seconded by Commissioner Axt. Upon roll call vote – Erdmann – yes, Axt – yes, Ehrman – yes Motion carried.

Trent Naser, Sheriff; Joyce H. Dockter, County Recorder; others, Tracy Stein Deputy Auditor met with the board to discuss the job description of a Clerk – Sheriff's Office/Assistant Clerk - Clerk of Court Office full time position between the two offices. Applications will be accepted until January 18th with interviews to follow. Interview Committee will consist of Trent Naser, Joyce Dockter, and Michael Axt. If Commissioner Axt can not attend than, Commissioner Ehrman will take his place. The interview Committee will make their recommendation to the County Commissioners at the February 5<sup>th</sup> meeting. The base pay per hour was set at \$11.00 per hr upon negotiation with experience. Date of hire would be February 11<sup>th</sup> unless longer notice is required.

The January meeting date was re-scheduled to Tuesday, January 8, 2013.

County Commissioner Axt reported that the new County Agent, Sarah Crimmins, was hired by NDSU as the Sheridan County Agent and will be starting January 2, 2013.

It was moved by Commissioner Axt that the current Sheriff's clerk position be terminated when the new full time position between the Sheriff and Clerk of Court office starts and the County Agent clerk position be decreased down to two days a week unless needed otherwise, seconded by Commissioner Erdmann. Upon roll call vote – Axt – yes, Erdmann – yes, Ehrman – yes Motion carried.

It was moved by Commissioner Erdmann that the Deputy County Recorder be full time effective January 1, 2013, seconded by Commissioner Axt. Upon roll call vote – Erdmann - yes, Axt – yes, Ehrman – yes Motion carried.

The Auditor reported Eric Kuckarski accepted the Equipment Operator position to start working January 2<sup>nd</sup>, 2013.

It was moved by Commissioner Erdmann to re-appoint Jerone Sauter to the Weed Board, seconded by Commissioner Axt. Upon roll call vote – Erdmann – yes, Axt –yes, Ehrman – yes Motion carried.

There being no further business the meeting adjourned.

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Auditor

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Chairman