Official Proceedings of the Stutsman County Commission – February 16, 2016

At 8:00 a.m., Chairman Klose called the mid-month meeting of the Stutsman County Commission to order. Dale Marks, David Schwartz, Craig Neys, and Mark T. Klose answered the roll call. Dennis Ova was absent.

Josh Smaage, I.T. Director, presented an I.T. assistant update. It's been 8 months since the position has been able to be filled by a qualified applicant. Smaage made a request to explore outsourcing and contractual options. Companies that do remote support would be an option. A motion to allow Smaage to go ahead and explore outsourcing options was made by Schwartz, seconded by Neys. Motion carried.

Mickey Nenow, Road Superintendent, requested to advertise for Montpelier, Ypsilanti and south of Cleveland road projects. Marks made a motion to approve advertising for the road department's summer projects, seconded by Schwartz. Motion carried.

Nenow also requested to advertise for gravel crushing. Schwartz made a motion, seconded by Marks to approve adverting for gravel crushing. Motion carried.

Tyler Perleberg, Tax Director, presented the Commission with more township assessment contracts. These townships included: Fried, Jim River Valley, Newbury, Paris, Round Top, St. Paul, Strong and Sydney. Perleberg will reach out to the townships he has not heard from and make sure they have an assessor. A motion was made by Neys to approve the above-noted assessment contracts, seconded by Schwartz. Motion carried.

Casey Bradley, Auditor/COO, informed the Commission that Mr. Larson submitted another complaint against him. Bradley presented a letter to the commission in response to the complaint:

> It has been brought to [Bradley's] attention that Attorney Joseph Larson on behalf of the FOP Lodge #4 has filed a complaint against [him]. [Bradley] received a copy of this complaint and had an opportunity to review the allegations that have been made. Normally, [Bradley] would not respond to baseless allegations but [he] believes the seriousness of these allegations warrant a response.
>
> The complaint states that [Bradley] failed to fulfill [his] statutory duties under North Dakota Century Code 11-13-02 (4) and then they proceed to provide only a portion of what is stated in that law, "The Auditor is required to preserve all documents to be kept in the auditor's office." Here is the full text of the law, also attached for your reference, "Carefully preserve all documents, books, records, maps, and other papers required to be deposited or kept in the auditor's office." You will note that they neglected to include the "required" statement from the law. The Auditor's Office is "required" to maintain a variety of different records when there is a statutory provision requiring that they are kept by our office or if they are official documents related to actions of the Stutsman County Commission.
>
> In this case, the Governing Authority operates under a Joint Powers Agreement (JPA) between the City of Jamestown and Stutsman County. The JPA was created in accordance with N.D.C.C. 54-40.3, which has no requirement that Auditor's Office is responsible to maintain any documents related to the actions of the JPA. Likewise, the JPA does not require any document retention. The JPA is only a recommending body to the City of Jamestown Council and the Stutsman County Commission, where

all official action may be taken and documented appropriately. Therefore, the fact that [Bradley] did not have any records as was indicated in the meeting was completely accurate. The Auditor's Office only provides financial updates each month to the Governing Authority meetings, we do not prepare agendas nor do we take minutes.

They have stated that [Bradley] failed to inform the board that after their open records request [Bradley] had the knowledge of their contracts. Again, as [Bradley] stated before, the Governing Authority is simply a recommending body, it does not have any budgetary authority. Just because their minute's state that a contract was approved does not mean it was approved unless it is in the official minutes of the Stutsman County Commission. As [Bradley] stated in their open records request, we were unable to locate any contract for vending services.

On or around February 1, 2016 it was brought to [Bradley's] attention that Thomas Nagel had delivered to one of our County Dispatchers a copy of two documents which appeared to be contracts for vending services from 2008 and 2011, these are attached [to the letter] for [the commissions'] review. This is the first time we had an opportunity to review what was claimed to be contracts between the FOP#4 and the Governing Authority.

As we have confirmed before, these documents were never presented to the Stutsman County Commission for review and authorization. So [Bradley's] position remains the same, there are no contracts in place for vending services between the FOP#4 and the Stutsman County Commission, the Governing Authority does not have the authority to enter into a contract on the commission nor the city council's behalf.

When these documents were delivered to [Bradley], [he] did turn them over to State's Attorney Fremgen and [they] briefly discussed the validity of the documents. [Bradley] did discuss [his] position that these were not valid contracts and [Fremgen] didn't have any objections with [Bradley's] position. [Bradley] did not request a formal opinion from [Fremgen] because it is very clear that the Governing Authority cannot expend funds which are exactly what they are being mandated to do in these documents that were signed by a County Dispatcher and Mr. Nagel, not the Stutsman County Board Chair after a vote of the Stutsman County Board of Commissioners.

[Bradley] also want[s] to address the allegation that was made that [he] "informed Chief Edinger…that the Stutsman County Commissioners wanted Fraternal Order of Police vending machines and ATM out of the Law Enforcement Center." This is a complete fabrication, [Bradley] [has] spoken with Chief Edinger in regards to this comment and [Chief Edinger] also stated to [Bradley] that the entire context of [their] conversation was only in regards to the request for a special meeting to discuss Mr. Nagel's comments in the news story. The vending machine and ATM request was not made to [Bradley] until a later date.

Jerry Bergquist, 9-1-1 Emergency Manager/Coordinator, presented a 2015 call for services video to the Commission that was prepared by Josh Smaage, IT Director. The location of each call is identified in the video. Calls for service for Jamestown Ambulance, Jamestown Police Department, Stutsman County Sheriff's Office, Jamestown City Fire Department and Jamestown Rural Fire Department were included.

Bergquist also presented the 2015 Communications Center Annual Report. Jamestown Police Department is the largest customer for dispatch followed by the Sherriff's Department, Jamestown Ambulance and Highway Patrol. Eighty-two percent of 9-1-1 calls are coming in via cell phone. Additional details and statistics for calls of service were discussed.

Jim Fettig, Maintenance Supervisor, read the approval of the 2016 Courthouse Facility Grants. All four awarded grants reflect a 25% contribution by the county for each project. The following grants were approved by the Court Facilities Improvement Advisory Committee: an award of $1,005.00 for bulletproof panels in Courtrooms 1 and 2 for protection of the deputy clerk of court; an award of $8,116.50 to install two cameras in the corridor through which inmates are brought into court, includes monitoring equipment and video/audio capture board; an award of $990.75 for the installation of a customer service counter and cabinet outside the clerk of court front desk area; and an award of $2,854.09 to replace carpet on the stairs leading to the 2nd floor district court offices. Neys made a motion to approve the grants, seconded by Schwartz. Roll call vote: Marks, Schwartz, Neys, and Klose. Voted Aye.

An approval for caulking the exterior of the courthouse building was requested by Fettig. Last year a business was unable to fulfill their duties. Fettig received a new quote from Ellenson Caulking LLC. Ellenson Caulking LLCs' quote is $6,398.00 less than the previous business. The upper level will cost $13,750.00 and the lower level is $13,950.00 for a total of $27,700.00. Seventy-five percent of the upper level will be reimbursed. This project was budgeted for two years ago. Marks made a motion, seconded by Schwartz to approve the request and quote for caulking the exterior of the courthouse. Motion carried.

Schwartz made a motion, seconded by Neys to approve the taxable meals and mid-month bills. Roll call vote: Schwartz, Neys, Klose, and Marks. Motion carried.

	General Revenue Fund			**General Revenue Fund Cont'd**	
72209	A & B BUSINESS INC	$ 300.39	72308	TWO RIVERS PRINTING	$ 598.00
72211	ARTS CENTER,THE	$ 2,060.00	72310	UNDERWOOD AMMO	$ 165.95
	ATTLESON, MARK	$ 17.50	72314	WILHELM CHEVROLET BUICK GMC	$ 112.33
72212	AVANS,KIM	$ 25.00	72315	WOODARD,ERIC	$ 104.38
72213	BALCO UNIFORM CO INC	$ 1,002.33		**County Roads Fund**	
72215	BEHAVIORAL INTERVENTIONS	$ 1,753.92	72210	AMERIPRIDE SERVICES	$ 406.63
72216	BLUMER, MARK T.	$ 1,730.76		ANDERSON,CHARLES	$ 806.76
72217	BOB BARKER CO	$ 682.22	72222	BUFFALO CITY DIESEL	$ 482.30
72218	BOB'S PLUMBING & HEATING INC	$ 223.40	72226	CENTRAL BUSINESS SYSTEMS INC	$ 75.00
	BOND,JOSHUA	$ 139.86	72230	CREATIVE ENERGY	$ 477.97
72220	BRENDEL,KAREN	$ 8.24	72233	DAKOTA VALLEY ELECTRIC	$ 8.00
72221	BROWN & SAENGER	$ 215.96	72239	DSI AUTOMOTIVE PRODUCTS	$ 20.00
72223	BUFFALO WEST BLOCK 6 LLC	$ 5,752.99		GRUENSTEIN,LARRY	$ 361.80
72224	CBM FOOD SERVICE	$ 6,998.67	72244	HIGH PLAINS WATER	$ 30.00
72225	CDW GOVERNMENT INC	$ 3,799.71	72247	HOME OF ECONOMY	$ 203.68
72228	CLIMATE CONTROL	$ 531.40	72248	INFINITY BUILDING SERVICES	$ 107.88
72229	CONTRERAS,DEBBIE	$ 25.00	72250	INLAND TRUCK PARTS CO	$ 79.91
72230	CREATIVE ENERGY	$ 174.75	72253	JAMESTOWN PLUMBING & HEATING	$ 87.66
72231	DACOTAH PAPER CO	$ 740.20	72257	JOHN DEERE FINANCIAL	$ 10.10

72234	DALSTED & RYAN P C	$ 836.00		KOBLE,RON	$ 443.88
72236	DIAMOND DRUGS INC	$ 15.80	72261	LITTLE FALLS MACHINE INC	$ 67.47
72237	DIDIER,JOHN	$ 159.70	72264	MAC'S INC	$ 82.56
72238	DRIVERS LICENSE GUIDE COMPANY	$ 43.60	72266	MDU	$ 976.83
72240	ERICKSON,BEE JAE	$ 130.11	72268	MEDINA CITY AUDITOR	$ 18.85
	FREMGEN,FRITZ	$ 169.66	72270	MENARDS - JAMESTOWN	$ 706.39
	FREMGEN,FRITZ	$ 108.00	72271	MICHEL'S AUTO SALES & PARTS LLC	$ 20.00
	FREMGEN,FRITZ	$ 108.00	72273	NAPA AUTO PARTS	$ 1,300.64
	GEROUX,GARRY	$ 17.50	72274	ND ASSOCIATION OF COUNTIES	$ 510.30
72242	GOEHRING,BARBARA	$ 1,235.13	72278	NORTHWEST TIRE INC	$ 4,863.97
72243	GRIMSON,ANDREA	$ 25.00	72281	OTTER TAIL POWER CO	$ 835.11
	HESS,KEITH	$ 34.00	72285	PRAXAIR DISTRIBUTION INC	$ 338.64
72245	HIMMERICH,MARY	$ 5.85	72288	PRODUCTIVITY PLUS ACCOUNT	$ 180.27
72246	HOGGARTH,BERNARD	$ 336.52	72289	QUALITY SERVICE & REPAIR	$ 8.48
72249	INFORMATION TECHNOLOGY DEPT	$ 932.35	72290	QUILL CORPORATION	$ 54.13
72251	JAMESTOWN COMMUNICATIONS INC	$ 158.00	72298	STREETER COOP OIL	$ 354.32
72252	JAMESTOWN I-94 EXXON	$ 118.09	72306	TRACTOR SUPPLY CREDIT PLAN	$ 41.91
72254	JAMESTOWN REGIONAL MEDICAL CENTER	$ 246.00	72311	VINING OIL CO	$ 224.25
72255	JAMESTOWN SUN	$ 1,571.32	72312	WEST END HIDE & FUR	$ 348.43
72256	JENSEN,MARLYS E	$ 31.12	72313	WESTERN PLAINS CONSULTING INC	$ 6,551.94
72258	KLEIN McCARTHY ARCHITECTS	$ 3,750.12		**Foster Care Trust Fund**	$ 13,733.00
72259	KVLY-TV	$ 500.00		**Social Service Fund**	$ 1,761.96
72260	LANGUAGE LINE SERVICES	$ 40.43		**City - County Health Fund**	
72262	LLOYDS MOTORS	$ 72.40	72227	CENTRAL VALLEY HEALTH	$ 17,410.00
72265	MARQUART,ANDREW S	$ 669.60		**County Park Fund**	
72267	MEDICINE SHOPPE	$ 367.55	72219	BRADY,LUCAS	$ 90.00
72269	MEIDINGER,SHIRLEY	$ 9.50	72241	GAHNER SANITATION SERVICE	$ 100.00
	MOE NAUMANN,KATHERINE M	$ 3,000.00		**Weed Control Fund**	
72272	MURRAY,JUSTIN	$ 25.00	72214	BAYMONT INN & SUITES	$ 510.40
72275	ND EMERGENCY MANAGEMENT ASSOCIATION	$ 50.00		DEUTSCHER,DAVID	$ 35.64
72276	NEOFUNDS BY NEOPOST	$ 7,535.00		LEES,KIM	$ 13.50
72277	NEOPOST GREAT PLAINS	$ 32.00	72263	MAC'S	$ 158.12
72279	OFFICE OF STATE TAX COMMISSIONER	$ 2,572.37	72281	OTTER TAIL POWER CO	$ 40.15
72280	OPP,ALICE	$ 287.60		**Historical Society**	
72281	OTTER TAIL POWER CO	$ 9,793.82	72303	STUTSMAN COUNTY MEMORIAL MUSEUM	$ 8,243.00
72282	OVIATT,SHELDON	$ 25.00		**County Agent Fund**	
72283	PEUSER,HOWARD	$ 125.50	72232	DAKOTA CENTRAL TELECOMMUNICATIONS	$ 241.29
72284	PHARMCHEM INC	$ 500.00	72294	SERVICEMASTER OF JAMESTOWN	$ 416.00
72286	PRESS ROOM,THE	$ 57.00		**Commissary Fund**	
72290	QUILL CORPORATION	$ 225.55	72235	DERBY INDUSTRIES	$ 808.16
72291	RECORD KEEPERS	$ 50.00	72307	TURNKEY CORRECTIONS	$ 122.28
72292	REDWOOD BIOTECH INC	$ 1,250.00	72317	OLSON, CRAIG	$ 2.11
72293	SANDNESS LAW OFFICE	$ 90.00	72318	TAYLOR, RONNIE	$ 40.51
	SCHAFFER,DIANNE	$ 50.00		**Courthouse Building Fund**	
72295	SIEBERT,MARY ANN	$ 329.51	72287	PROBUILD	$ 1,338.35
72296	SMOKIE'S FIRE SALES & SERVICE INC	$ 108.64		**Document Preservation Fund**	
72297	STEIN'S INC	$ 970.75	72309	UNDERGROUND VAULTS & STORAGE	$ 1,155.00
	STUTSMAN COUNTY FAIR - DD	$ 41,241.00		**County Hazardous Chemical Account**	
72299	STUTSMAN CO PARK	$ 6,244.00	72316	WORKFORCE SAFETY & INSURANCE	$ 250.00
72300	STUTSMAN CO ROAD DEPT	$ 9,581.00		**Senior Citizens Fund**	
72302	STUTSMAN COUNTY AUDITOR	$ 30,660.00		JAMES RIVER SENIOR CITIZENS - DD	$ 11,947.00
72304	SUPREME COURT OF ND	$ 25.00		**FEMA**	
72305	THOMSON REUTERS	$ 534.99	72300	STUTSMAN CO ROAD DEPT	$ 55.38
72307	TURNKEY CORRECTIONS	$ 118.90		STIRTON TOWNSHIP #53 - DD	$ 12,618.38

Casey Bradley received a letter from the North Dakota Highway Patrol with regards to assisting Stutsman County with road weight restrictions when time and resources permit. Neys made a motion,

seconded by Schwartz to request year-round assistance from the North Dakota Highway Patrol for the 2016 year. Motion carried.

At 8:32 a.m., a motion to adjourn was made by Schwartz, seconded by Neys. Motion carried.

ATTEST:

_____	_____
Casey Bradley	Mark T. Klose
Auditor/COO	Commission Chairman