Proceedings of the Mountrail County Commissioners

1. OPENING & ROLL CALL

The Board met in special session on Tuesday, April 13, 2021 at 8:30 A.M. with GOTOMEETING with Commissioners Trudy Ruland, Wayne Olson, Daniel Uran all present via GOTOMEETING, Joan Hollekim and Jason Rice were present. Also present was Wade Enget, State’s Attorney.

Chairman Ruland called the meeting to order.

2. APPOINTMENT SCHEDULED

8:30 A.M.

Present were Karen Babbitt, Building Supervisor, Corey Bristol, Sheriff and Pat Dittbrenner, with Dittbrenner Woodworking, LLC

Building Supervisor Babbitt discussed the prepayment requested by Dittbrenner Woodworking, LLC for the Courthouse basement remodel supplies.

Moved by Comm. Olson, seconded by Comm. Rice, to approve a payment in the amount of $29,000 to Dittbrenner Woodworking, LLC. Upon roll call, Ruland, Rice, Olson, Hollekim and Uran voted yes. Motion carried.

Discussion was held on the demolition of the West side jail cell. Building Supervisor Babbitt discussed that she is waiting on a call back from Chamley Pipe & Salvage to see if this could be done in a timely manner.

8:45 A.M.

Chairman Ruland discussed the pending litigation between CSI and Mountrail County. The item will be discussed in an executive session. The legal authority for closing this portion of the meeting is North Dakota Century Code section(s) 44-04-19.1. The topic or purpose of this executive session is for a discussion of the Order Granting Plaintiffs Motion for Preliminary Injunction, U.S. District Court Case No. 1:21-cv-050.

Moved by Comm. Hollekim, seconded by Comm. Rice, to enter into an executive session rather than in an open meeting. Upon roll call, Rice, Ruland, Hollekim, Uran and Olson voted yes. Motion carried.

The executive session began at 8:45 a.m. and was attended by Joan Hollekim, Trudy Ruland, Jason Rice, Dan Uran, Wayne Olson, Wade G. Enget, Brian Schmidt, Attorney Representing Mountrail County, and Stephanie A. Pappa.

The executive session adjourned at 9:03 a.m.

Discussion was held on the District Court proceedings for 74th Ave NW, CR 4. Brian Schmidt, Attorney discussed the options outlined in the U.S. District Court Order Granting Plaintiffs Motion for Preliminary Injunction. The two options set forth by the US District Court are to award the project to Central Specialties LLC as the lowest responsible bidder or to exercise its discretion and reject any and all bids and rebid the project for 74th Ave NW, CR 4. John Sauber, Sauber Engineering discussed the rebidding process. Engineer Sauber stated if the project were to be rebid it tentatively could be awarded around the 18th of May and could delay the completion date. Comm. Uran stated the cons of rebidding would be meeting completion dates and the increase in cost due to the late start date. Comm. Hollekim was concerned about the landowners’ disappointment if the project is delayed. Comm. Rice asked if the bid was awarded to Central Specialties, LLC, is there a guarantee they would be able to start before June? Engineer Sauber stated there isn’t a way to predict when the construction company would be able to start. State’s Attorney Enget stated the County’s bid documents allows all bids to be held for 60 days from the date of the bid opening before a contract for this project is signed by the County . Comm. Rice asked if Central Specialties LLC were awarded the bid, would it be possible to use the arbitration as the delay for the contract time deadlines? Brian Schmidt stated Central Specialties LLC could possibly use that argument going forward. A special meeting will be held April 14th at 7:30 a.m. for the bids on 74th Ave NW, CR 4.

3. ADJOURN

The Board adjourned at 9:34 A.M. to meet in special session on Wednesday, April 14, 2021 at 7:30 A.M. Accepted and approved this 20th day of April, 2021.

Trudy Ruland, Chairman Stephanie A. Pappa

Mountrail County Commissioner Mountrail County Auditor