

1. OPENING & ROLL CALL

The Board met in regular session on Tuesday, December 21, 2021 at 9:00 A.M. in the Emergency/Community Room, Mountrail County Courthouse, Stanley ND with Commissioners Joan Hollekim, Jason Rice, Wayne Olson, Trudy Ruland, and Daniel Uran present. Also present was State's Attorney, Wade Enget.

Chairman Ruland called the meeting to order.

2. BUSINESS

A. AGENDA

Moved by Comm. Rice, seconded by Comm. Olson, to review and approve the agenda as corrected. Upon roll call, all present voted yes. Motion carried.

B. MINUTES

Moved by Comm. Hollekim, seconded by Comm. Rice, to approve the minutes of the December 7, 2021 as corrected. Upon roll call, all present voted yes. Motion carried.

C. FEES

Moved by Comm. Uran, seconded by Comm. Olson, to approve the October & November fees for the Recorder and September & October fees for Planning & Zoning. Upon roll call, Uran, Olson, Ruland, Rice and Hollekim voted yes. Motion carried.

D. PAYROLL

Moved by Comm. Olson, seconded by Comm. Rice, to approve the regular full time Employee Classification for Alexis Sprecher with the Sheriff's Office as a Dispatcher in the amount of \$4,125 per month/\$49,500 per year. Upon roll call, Olson, Ruland, Rice, Uran and Hollekim voted yes. Motion carried.

Moved by Comm. Hollekim, seconded by Comm. Uran, to approve the regular full time Employee Classification for Bonita Hornberger with the Auditor's Office as a Clerk in the amount of \$4,122.50 per month/\$49,470 per year effective January 1, 2022. Upon roll call, Ruland, Olson, Uran, Hollekim and Rice voted yes. Motion carried.

Moved by Comm. Uran, seconded by Comm. Rice, to approve the regular full time Employee Classification for Kelsey Bursinger with the Mountrail McKenzie Human Service Zone as a Family Service Specialist in the amount of \$4,700 per month/\$56,400 per year. Upon roll call, Rice, Ruland, Olson, Uran and Hollekim voted yes. Motion carried.

Moved by Comm. Hollekim, seconded by Comm. Olson, to approve the regular full time Employee Classification for Kelsie Martindale with the Mountrail McKenzie Human Service Zone as a Direct Care Associate III-Parent Aide Position in the amount of \$3,813 per month/\$45,760 per year. Upon roll call, Hollekim, Rice, Ruland, Olson and Uran voted yes. Motion carried.

Nichole Degenstein, Human Resource Director, and Wade Enget, State's Attorney met to explain the rules associated with the hiring of Moesha Dixon as a temporary employee to assist with custodial duties in conjunction with her full-time employment as dispatcher in the Sheriff's Department. State's Attorney Enget stated the temporary job to be performed with limited hours is classified in a different capacity and will not be combined with hours worked in the Sheriff's Department as interpreted in accordance with 29 CFR 553.30, as amended and North Dakota Administrative Rule 46.03-07-04. Under this interpretation, no overtime will be required to be paid for the temporary position.

Moved by Comm. Hollekim, seconded by Comm. Uran, to approve the temporary Employee Classification in conjunction with current full-time employment for Moesha Dixon with the County Building Department as a Facilities Technician I in the amount of \$19.00 per hour not to exceed 10 hours per week and no more than 120 hours per year. Upon roll call, Uran, Hollekim, Rice, Ruland and Olson voted yes. Motion carried.

Moved by Comm. Uran, seconded by Comm. Rice, to approve the regular full time Employee Classification for Rachel Riepl with the Mountrail McKenzie Human Service Zone as a Family Service

Specialist in the amount of \$4,950 per month/\$59,400 per year. Upon roll call, Ruland, Hollekim, Uran, Olson and Rice voted yes. Motion carried.

Moved by Comm. Uran, seconded by Comm. Olson, to approve the regular full time Employee Classification for Steven Marshall with the Road & Bridge Department as a Road worker I in the amount of \$3,712.50 per month/\$44,550 per year. Upon roll call, Rice, Uran, Olson, Hollekim and Ruland voted yes. Motion carried.

E. BOARD APPOINTMENTS

Discussion was held on the appointments expiring on the Job Development Authority Board, Housing Authority, Human Service Zone, North Central Human Service Centers Advisory Council, Park Board, Planning & Zoning Board, Soils Board, Upper Missouri District Health Unit Board, Tax Director of Tax Equalization and Weed Board. Discussion was also held on the Planning & Zoning Board with the vacant spot left open by Thomas Bieri.

Moved by Comm. Hollekim, seconded by Comm. Olson, to approve appointments to boards as follows: Lori Hanson as Director of Tax Equalization for a three year term; Jason Rice, Wayne Olson, Thomas Nash and Jim Hennessy to the Job Development Authority Board for a three year term; Daniel Uran, Vincent Roehr, Kathy Skarda and Corine Sage-Brugh to the Human Service Zone for a three year term; Desiree Sorenson to the North Central Human Service Center's Advisory Council for a two year term; Jason Rice, Wayne Olson and Arden Eide to the Park Board for a 3 year term; Gary Weisenberger and Arlo Borud to the Planning & Zoning Board for a 4 year term; Keith Deutsch to the Soils Boards for a 3 year term; Daniel Uran to the Upper Missouri District Health Unit Board for a 5 year term and Dustin Roise to the Weed Board for a 4 year term. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Hollekim, seconded by Comm. Rice to recess at 11:58 a.m. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Rice, seconded by Comm. Hollekim, to reconvene at 12:56 p.m. Upon roll call, all present voted yes. Motion carried.

F. BEER & LIQUOR LICENSE

Moved by Comm. Hollekim, seconded by Comm. Olson, to approve the beer/liquor licenses for the 2022 year for the following establishments upon completion of paperwork: Sneak Creek Saloon, Superpumper Inc. subject to township board approval, T&T Investments and Belden Chuck Wagon. Upon roll call, Rice, Ruland, Hollekim, Uran, and Olson voted yes. Motion carried.

G. SPECIAL COMMISSIONER MEETING

Moved by Comm. Rice, seconded by Comm. Olson, to approve the Special Commissioner meeting to be held on December 30, 2021 at 8:30 a.m. Upon roll call, all present voted yes. Motion carried.

H. TRANSFERS

Comm. Hollekim discussed the transfer from Unorganized Township 153 North, Range 94 West (underwater) being transferred out of the township into the Road & Bridge Fund and then the Road & Bridge Fund would transfer into the Unorganized Township 155 North, Range 94 West. Comm. Ruland stated it would be best to leave the balance in the Unorganized Township 153 North, Range 94 West (underwater) and then it would be available for other townships to utilize when needing help.

Moved by Comm. Hollekim, seconded by Comm. Uran, to approve the transfer for 96th Ave NW road project totaling \$250,000 from Unorganized Township 153 North, Range 94 West Fund (underwater) to Unorganized Township 155 North, Range 94 West Fund. The total cost of the 96th Ave NW road project was \$306,699.79. Upon roll call, Uran, Ruland, Rice, Hollekim and Olson voted yes. Motion carried.

Moved by Comm. Uran, seconded by Comm. Olson, to approve the transfer-totaling \$630,000 from the County Buildings Department under the General Fund to the General Capital Projects Fund for the Memorial Building Renovation Project. Upon roll call, Olson, Uran, Ruland, Hollekim and Rice voted yes. Motion carried.

Moved by Comm. Uran, seconded by Comm. Hollekim, to approve the transfer for the 2021 Insurance Premium totaling \$114,489 from the County Road & Bridge Fund, County Park Fund, and Weed Control Fund to the General Fund. Upon roll call, Uran, Rice, Hollekim, Ruland and Olson voted yes. Motion carried.

I. MEMORIAL BUILDING RENTAL OFFICES

Moved by Comm. Uran, seconded by Comm. Rice, to approve the advertisement for possible rental of temporary offices to relocate employees in ~~for~~ the Memorial Building with deadline of Friday, January 14th, 2022 to submit proposals and bid opening on Tuesday, January 18th, 2022. Upon roll call, all present voted yes. Motion carried.

J. 2022 SCHEDULE OF COUNTY MEETINGS

Moved by Comm. Rice, seconded by Comm. Olson, to approve the 2022 Schedule for the County Commissioner meetings. Upon roll call, all present voted yes. Motion carried.

K. BILLS

Moved by Comm. Olson, seconded by Comm. Rice, to approve the bills totaling \$2,425,442.95. Upon roll call, Olson, Hollekim, Rice, Uran, and Ruland voted yes. Motion carried. (A complete list of bills is posted on a regular basis on the Mountrail County website @ www.co.mountrail.nd.us under the County Commissioner heading and/or are available for review in the Auditor’s Office during normal business hours).

APPROVED 12/21/2021 - PAYMENT 12/21/2021

<u>Warrant #</u>	<u>Vendor Name</u>	<u>Warrant Total</u>
102917	A&W TOWING & RECOVERY, INC. GENERAL FUND	750.00 750.00
102918	ARAMARK UNIFORM SERVICES GENERAL FUND COUNTY ROAD & BRIDGE FUND	681.91 506.93 174.98
102919	ARMOR INTERACTIVE GENERAL FUND DOCUMENT PRESERVATION FUND	10,037.99 9,497.99 540.00
102920	BBH INSURANCE, INC GENERAL FUND	402.00 402.00
102921	BLUE CROSS BLUE SHIELD COBRA GENERAL FUND	113.60 113.60
102922	CARD SERVICES GENERAL FUND	128.49 128.49
102923	CHARM-TEX, INC. GENERAL FUND	139.60 139.60
102924	CITY OF NEW TOWN COUNTY ROAD & BRIDGE FUND	56.00 56.00
102925	COLE PAPER INC. GENERAL FUND	239.80 239.80
102926	COUNTIES PROVIDING TECHNOLOGY GENERAL FUND	3,453.88 3,453.88
102927	DAKOTA DRUG CO GENERAL FUND	150.40 150.40
102928	DAKOTA DUST-TEX, INC COUNTY ROAD & BRIDGE FUND	173.90 173.90
102929	DENNIS/MARY GENERAL FUND	90.00 90.00
102930	DMC WEAR PARTS LLC COUNTY ROAD & BRIDGE FUND	7,040.00 7,040.00

102931	ENERBASE	3,148.33
	GENERAL FUND	1,402.81
	COUNTY ROAD & BRIDGE FUND	1,745.52
102932	ENGET/WADE	184.80
	GENERAL FUND	184.80
102933	FARDEN CONSTRUCTION, INC	467,775.18
	COUNTY ROAD & BRIDGE CAPITAL PROJECTS	467,775.18
102934	GLOBAL SAFETY NETWORK, INC	47.00
	GENERAL FUND	47.00
102935	GONZALEZ/JULISSA	36.00
	GENERAL FUND	36.00
102936	H WINDOW COMPANY, LLC	79,568.00
	GENERAL FUND	79,568.00
102937	H.A.THOMPSON & SONS INC	6,112.49
	GENERAL FUND	4,346.49
	COUNTY ROAD & BRIDGE FUND	1,766.00
102938	HDR ENGINEERING, INC	25,636.02
	COUNTY ROAD & BRIDGE FUND	25,636.02
102939	HOME OF ECONOMY	500.12
	COUNTY ROAD & BRIDGE FUND	500.12
102940	HR COLLABORATIVE	50.00
	GENERAL FUND	50.00
102941	INFORMATION TECHNOLOGY DEPT	51,121.61
	GENERAL FUND	3,925.98
	E 911 EMERGENCY/WIRELESS FUND	3,221.94
	AMERICAN RESCUE PLAN FUND	43,973.69
102942	JAMAR TECHNOLOGIES, INC	923.67
	COUNTY ROAD & BRIDGE FUND	923.67
102943	JOHN DEERE FINANCIAL	602.32
	COUNTY ROAD & BRIDGE FUND	883.05
	WEED CONTROL FUND	-280.73
102944	JPMORGAN CHASE BANK NA	1,009.85
	GENERAL FUND	863.93
	COUNTY ROAD & BRIDGE FUND	1.98
	COUNTY AGENT FUND	74.00
	WEED CONTROL FUND	69.94
102945	JUMA/SAMMY	520.00
	COUNTY PARKS FUND	520.00
102946	KADRMAS, LEE & JACKSON INC	35,000.00
	COUNTY ROAD & BRIDGE FUND	35,000.00
102947	KRONOS SAASHR INC	641.56
	GENERAL FUND	641.56
102948	LANGUAGE LINE SERVICES, INC	2.94
	E 911 EMERGENCY/WIRELESS FUND	2.94
102949	LIGHT HOUSE TRADES, INC.	2,137.40
	COUNTY ROAD & BRIDGE FUND	2,137.40
102950	LYCOX ENTERPRISES, INC	21,975.00
	COUNTY ROAD & BRIDGE FUND	21,975.00

102951	MCKESSON MEDICAL-SURGICAL GENERAL FUND	142.45 142.45
102952	MEIERS OIL INC GENERAL FUND	39.75 39.75
102953	MENARDS - MINOT GENERAL FUND	97.72 97.72
102954	MIDSTATE TELEPHONE CO GENERAL FUND COUNTY ROAD & BRIDGE FUND COUNTY AGENT FUND WEED CONTROL FUND	3,710.57 3,414.01 182.34 81.76 32.46
102955	MOUNTRAIL CO ROAD DEPART 154-94 UNORGANIZED TOWNSHIP	889,698.26 889,698.26
102956	MOUNTRAIL COUNTY HEALTH CENTER GENERAL FUND	800.00 800.00
102957	MOUNTRAIL COUNTY MEDICAL CENTER GENERAL FUND	6,992.40 6,992.40
102958	MOUNTRAIL COUNTY WEED CONTROL COUNTY PARKS FUND	180.00 180.00
102959	MOUNTRAIL WILLIAMS ELECTRIC COOP GENERAL FUND COUNTY ROAD & BRIDGE FUND COUNTY PARKS FUND	392,529.21 49.90 391,094.60 1,384.71
102960	NAPA AUTO PARTS COUNTY ROAD & BRIDGE FUND WEED CONTROL FUND	11,113.20 60.12 11,053.08
102961	ND ASSOCIATION OF COUNTIES GENERAL FUND	252.00 252.00
102962	NEW TOWN CITY COUNTY AIRPORT FUND	64,552.47 64,552.47
102963	NEWMAN TRAFFIC SIGNS COUNTY ROAD & BRIDGE FUND	25,953.09 25,953.09
102964	NORTH AMERICAN TRAILER SALES, LTD COUNTY ROAD & BRIDGE FUND	2,077.87 2,077.87
102965	NORTHERN SAFETY TECHNOLOGY INC GENERAL FUND	7,327.20 7,327.20
102966	NORTHWEST COMMUNICATIONS COOP E 911 EMERGENCY/WIRELESS FUND	129.00 129.00
102967	NOVA FIRE PROTECTION, INC. COUNTY ROAD & BRIDGE FUND	360.00 360.00
102968	NW LANDOWNERS ASSOCIATION GENERAL FUND	1,000.00 1,000.00
102969	O'REILLY AUTO PARTS COUNTY ROAD & BRIDGE FUND	122.28 122.28
102970	OFFICE DEPOT INC GENERAL FUND COUNTY ROAD & BRIDGE FUND COUNTY AGENT FUND	4,394.08 3,059.31 1,283.59 51.18

102971	OFFICE OF THE STATE AUDITOR GENERAL FUND	13,250.00 13,250.00
102972	OLONIA/MORGAN COUNTY PARKS FUND	627.80 627.80
102973	OTIS ELEVATOR COMPANY GENERAL FUND	5,675.40 5,675.40
102974	OTTER TAIL POWER COMPANY COUNTY ROAD & BRIDGE FUND	828.48 828.48
102975	OVERHEAD DOOR COMPANY OF MINOT COUNTY ROAD & BRIDGE FUND	1,121.50 1,121.50
102976	PARSHALL CITY COUNTY AIRPORT FUND	64,552.46 64,552.46
102977	PINNACLE COUNTY ROAD & BRIDGE FUND	889.30 889.30
102978	PLAZA OK HARDWARE COUNTY ROAD & BRIDGE FUND	431.52 431.52
102979	POMP'S TIRE SERVICE COUNTY ROAD & BRIDGE FUND	224.13 224.13
102980	PRAIRIE FORD, INC. COUNTY ROAD & BRIDGE FUND	2,040.26 2,040.26
102981	PRODUCTIVITY PLUS ACCOUNT COUNTY ROAD & BRIDGE FUND	12,531.11 12,531.11
102982	PROFESSIONAL PAVEMENT PRODUCTS, INC COUNTY ROAD & BRIDGE FUND	576.57 576.57
102983	R & T WATER DISTRICT COUNTY PARKS FUND	50.00 50.00
102984	RDO EQUIPMENT CO COUNTY ROAD & BRIDGE FUND	34,006.96 34,006.96
102985	RECORD KEEPERS, LLC GENERAL FUND	30.00 30.00
102986	RTC NETWORKS GENERAL FUND COUNTY ROAD & BRIDGE FUND COUNTY PARKS FUND	2,669.46 2,114.54 195.04 359.88
102987	RUDOLPH ELECTRIC, LLC GENERAL FUND	365.80 365.80
102988	SAUBER ENGINEERING, INC COUNTY ROAD & BRIDGE FUND	43,975.87 43,975.87
102989	SCHOCK'S SAFE & LOCK INC COUNTY ROAD & BRIDGE FUND	330.00 330.00
102990	SOURIS RIVER TELECOMMUNICATIONS E 911 EMERGENCY/WIRELESS FUND	168.00 168.00
102991	SRF CONSULTING GROUP, INC GENERAL FUND	1,769.51 1,769.51
102992	STANLEY AUTO & TRUCK COUNTY ROAD & BRIDGE FUND	1,209.42 1,209.42

102993	STANLEY CITY COUNTY AIRPORT FUND	64,552.46 64,552.46
102994	STANLEY COMMERCIAL CLUB GENERAL FUND	1,000.00 1,000.00
102995	STANLEY FIRE DEPARTMENT CO. HAZARDOUS CHEMICAL ACCOUNT FUND	12,067.00 12,067.00
102996	STANLEY PROFESSIONAL BUILDING VETERAN'S SERVICE OFFICER FUND	650.00 650.00
102997	STANLEY WELDING COUNTY ROAD & BRIDGE FUND	607.53 607.53
102998	STAPLES, INC. AND SUBSIDIARIES GENERAL FUND COUNTY ROAD & BRIDGE FUND	135.97 42.08 93.89
102999	STEINS INC COUNTY ROAD & BRIDGE FUND	858.18 858.18
103000	SUMMIT FOOD SERVICE, LLC GENERAL FUND	5,597.21 5,597.21
103001	THE SIDWELL COMPANY GENERAL FUND	30.00 30.00
103002	THOMSON REUTERS-WEST PUBLISHING CORP. GENERAL FUND	171.99 171.99
103003	TRACTOR SUPPLY COMPANY GENERAL FUND COUNTY ROAD & BRIDGE FUND	1,162.56 69.98 1,092.58
103004	ULINE GENERAL FUND	1,755.25 1,755.25
103005	UNITED QUALITY COOPERATIVE COUNTY ROAD & BRIDGE FUND	4,969.47 4,969.47
103006	US POSTAL SERVICE GENERAL FUND	166.00 166.00
103007	VACHAL/LYNNETTE COUNTY AGENT FUND	879.62 879.62
103008	VERIZON CONNECT NWF, INC. COUNTY ROAD & BRIDGE FUND	760.93 760.93
103009	VERIZON WIRELESS GENERAL FUND E 911 EMERGENCY/WIRELESS FUND WEED CONTROL FUND	1,159.24 78.77 1,048.70 31.77
103010	WESTLIE TRUCK CENTER COUNTY ROAD & BRIDGE FUND	6,707.93 6,707.93
103011	X-CHAIR GENERAL FUND	2,966.65 2,966.65
	FINAL TOTAL	\$ 2,425,442.95

L. BOARD CONCERNS

Wade Enget, State's Attorney gave an update on the Zurich vs Mountrail County court case. The case was dismissed by the District Court. State's Attorney Enget stated that the Zurich's have the right to appeal the ruling to the North Dakota Supreme Court.

Comm. Uran stated he will not be running another term as a Commissioner. Discussion was held on the Mountrail McKenzie Human Service Zone Supervisors not taking the COVID-19 bonus in order for the zonal employees to receive the bonus. Comm. Hollekim will draft an article on the history of Old Highway 2 and will bring to the board for review once drafted.

3. APPOINTMENT SCHEDULED

9:15 A.M.

Chairman Ruland opened the 9:15 A.M. public hearing for the purpose of receiving comments on an amendment to zoning request, to rezone a tract of land from Agriculture to Industrial filed by August (Gus) Neumann applicant with concurrence from Mark & Cheryl Lee, landowners, for purpose of an auto salvage operation on a tract of land described as Lot 5, Block 21, Lake Sanish Addition to the Village of Sanish located in the N½ of Section 23, Township 152 North, Range 93 West (**Unorganized Township**).

Melissa Vachal, Planning & Zoning Administrator, presented the information from the November 22, 2021 Planning & Zoning Commission recommending to the Mountrail County Commissioners to deny the zoning request filed by August (Gus) Neumann, applicant & Mark & Cheryl Lee, landowners. Comm. Ruland stated this doesn't meet the setbacks requirements for the P&Z and the lot size is too small.

Moved by Comm. Hollekim, seconded by Comm. Rice, to deny the zoning request to rezone a tract of land from Agriculture to Industrial filed by August (Gus) Neumann applicant with concurrence from Mark & Cheryl Lee, landowners, for purpose of an auto salvage operation on a tract of land described as Lot 5, Block 21, Lake Sanish Addition to the Village of Sanish located in the N½ of Section 23, Township 152 North, Range 93 West (**Unorganized Township**) due to setback requirements and the lot being too small for a salvage yard. Upon roll call, all present voted yes. Motion carried.

9:20 A.M.

Nichole Degenstein, Human Resource Director, met with the board to discuss working with Johnson Control to connect the alarm system in the original courthouse building for the safety and security of the employees. HR Director Degenstein requested permission to move forward with obtaining electrical bids for installation of the fire alarm system.

Moved by Comm. Olson, seconded by Comm. Uran, to approve advertising for bids for the electrical for the installing of fire alarms in the Courthouse. Upon roll call, Ruland, Rice, Uran, Olson and Hollekim voted yes. Motion carried.

Human Resource Director Degenstein and State's Attorney Enget discussed establishing a policy for complaints from the public towards appointed officials. After much discussion, the Board agreed a policy was not necessary and agreed complaints from the public towards appointed officials shall be in writing and submitted to the State's Attorney for review. After review, the State's Attorney will present the complaint(s) to the Board.

9:35 A.M.

Brad Ellis, Building Supervisor along with Brad Mann, H.A. Thompson & Sons met with the board to discuss and present a proposal for the upgrading of the heating/cooling for the original courthouse building. Brad Mann stated the proposal included painting of the fire emergency exits. Discussion was held on where the chiller unit would be located and the noise volume. Brad Mann stated HA Thompson would help with the coordination of the general and electrical contractors. Comm. Rice questioned on whether the electronic controls would be able to be hacked. Brad Mann stated the system has a high level of security installed to prevent hackers from gaining unauthorized use. Comm. Hollekim stated the coordination of the general and electrical contractors could be an issue based on the timing and the Building Supervisor being absent. Commissioner Wayne Olson and Sheriff Corey Bristol will be the points of contact while Brad Ellis is absent. Brad Mann stated that the bids for the electrical and the general contractor could possibly be given once meeting with H.A. Thompson & Sons. Brad Mann reviewed the cost for the total project for the upgrading of the heating/cooling system. Wade Enget discussed the provisions of N.D.C.C. 48-01.2-04(2) which allows for the governing body to contract without seeking bids by declaring an emergency situation, as defined by N.D.C.C. 48-01.2-01(13), with the emergency situation being the immediate need to keep the workplace safe for employees/public, COVID-19 protocols and lack of good ventilation/clean air.

Moved by Comm. Uran, seconded by Comm. Olson, to approve the declaring of an emergency pursuant to N.D.C.C. 48-01.2-01(13) and N.D.C.C. 48-01.2-04(2) for the immediate protection of public health and safety of the Courthouse for employees/public, which include the current COVID-19 protocols and lack

of good ventilation/clean air, and, therefore, to enter into a contract for the replacement of the existing heating/cooling system for the Courthouse. Upon roll call, Ruland, Uran, Hollekim, Rice and Olson voted yes. Motion carried.

Moved by Comm. Uran, seconded by Comm. Rice, to approve entering into the Project Agreement for Building Environmental Systems Proposal #PP-120121 with H.A. Thompson for the upgrading of the heating/cooling in the courthouse divided into three payments with the start, progress invoice and completion totaling \$1,158,640. Upon roll call, Olson, Uran, Ruland, Rice and Hollekim voted yes. Motion carried.

10:00 A.M.

Jana Hennessy, Engineer met to discuss Road & Bridge. Also present were Matthew Huettl, Craig Mizera and Justin Ahmann.

1. 41ST ST NW/PROPOSAL FOR ENGINEERING SERVICES ACKERMAN-ESTVOLD

Engineer Hennessy discussed the revised preliminary and construction engineering services for 41st St NW. The Phase 1 agreement would be for the approximate 1.4 mile stretch of 41st St NW from Highway 1804 west to the quarter line in Section 12, Township 152, Range 93 (East line of Riverview Estates Subdivision) and the Phase 1 & 2 agreement would extend west another .8 mile through the Bridgeview/Arrowhead/Riverview subdivisions.

Moved by Comm. Hollekim, seconded by Comm. Uran, to approve signing the revised engineering agreement between owner and engineer for Professional Services with Ackerman-Estvold for Phase 1 & 2 for 41st St NW subject to the City of New Town signing. Upon roll call, Olson, Uran, Rice, Hollekim and Ruland voted yes. Motion carried.

2. CR15

Engineer Hennessy discussed the bid opening for CR15, Van Hook Road.

Moved by Comm. Uran, seconded by Comm. Rice, to approve the notice of award to Gratech Company LLC for CR15, Van Hook Road Reconstruction Project totaling \$3,338,436.26. Upon roll call, Olson, Uran, Hollekim, Rice and Ruland voted yes. Motion carried.

3. CR9/PHASE II-ROW UPDATE

Engineer Hennessy updated the board on the right of way on CR 9, Phase II. Engineer Hennessy discussed the counter offer from Colin Vachal, Freda Vachal and Mark Vachal for right of way easement for the White Earth Bay Road, CR 9 Phase II Project requesting an additional amount of \$12,906 due to not following the section line. The Commission were in all agreement that this would set a precedent for future acquisitions of right of way if this was allowed. Engineer Hennessy stated the prior requests from the Vachal Family with concerns of hay yard and the moving of cattle have all been met. Discussion was held on the upkeep of the hay yard and the extra space for the moving of cattle along the road in the terms if it's just during the construction process or after the project is done. Craig Mizera, HDR Engineering stated this would be only during the construction process and could be noted on the updated paperwork. It was mentioned the topography doesn't allow the road to be built on the section line. More discussion will be held at the next commissioner meeting with the Vachal family in attendance.

Engineer Hennessy discussed the R&T Water quote for the rural water relocation for the CR 9, Phase II Project. The total estimated construction cost is \$700,250 with the County's share being \$622,038 (88.83%).

Engineer Hennessy discussed the obtaining permanent easement vs temporary easement with permanent maintenance. The owners of White Earth Bay Park would like a temporary easement instead of a permanent easement. The permanent maintenance would be associated with the installation of culvert.

Moved by Comm. Olson, seconded by Comm. Rice, to approve the Temporary Easement with Permanent Maintenance Form for the owners of White Earth Bay for CR 9, Phase II Project. Upon roll call, all present voted yes. Motion carried.

Discussion was held on the process and rule changing as of August 30, 2021 on the US Army Corps of Engineers (USACE) 404 permit and the jurisdiction determination (JD) wetlands form. The two options to move forward are to start over with the USACE 404 permit process or purchase wetland credits from

Ducks Unlimited with an increased estimated cost from \$40,470 up to \$62,480 for the additional acreage. The consensus of the board is to move forward with purchasing wetland credits and bring the contract back at the next commissioner meeting.

4. 213 CAPITAL PROJECTS TRANSFER

Moved by Comm. Olson, seconded by Comm. Hollekim, to approve the transfer for CR 15 Van Hook Project 15(82)21 from Road & Bridge Fund to Capital Projects Fund totaling \$3,672,279.89. Upon roll call, Hollekim, Uran, Rice, Ruland, and Olson voted yes. Motion carried.

5. MWEC UPDATE

Chris Meiers, along with Darrin Sand with Mountrail-Williams Electric Cooperative (MWEC) gave an update on all the projects within the county. Darrin Sand discussed the updating of electrical services at Van Hook Park due to the activity level and usage. Discussion was held on installing a metering system for the usage of air conditioners running in campers all summer long. Chris Meiers, suggested looking into an electrical company to have the meters installed. Chris Meiers discussed the roundabout for ND State Highway 8 and Highway 23 and mentioned the MWEC facilities being moved is behind schedule due to not being notified about the project. Discussion was held on the contract agreements and for the county to be cognizant of a situation before the project is under construction; in particular if a project needed a different starting point when construction begins. Chris Meiers discussed the mishaps of the cutting of lines on 74th Ave NW and 76th Ave NW. Chris Meiers stated the lines were buried far enough into the hills where the cutting shouldn't have taken place. Chris Meiers stated that they are working with the locators and the GPS coordinates for better tracking for all future projects so this doesn't happen again.

11:30 A.M.

Chairman Ruland discussed the National Opioid Litigation from Attorneys Ferrer, Poirot, Wansbrough, Feller & Daniel. The item will be discussed in an executive session. The legal authority for closing this portion of the meeting is the North Dakota Century Code section(s), 44-04-19.1 & 44-04-19.2. The topic or purpose of this executive session is the settlement negotiation involving the National Opioid Litigation between Johnson & Johnson/Janssen and the Opioid Distributors (AmerisourceBergen, Cardinal, and McKesson).

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

The executive session began at 11:37 a.m. and was attended by Joan Hollekim, Trudy Ruland, Jason Rice, Dan Uran, Wayne Olson, Wade G. Enget and Stephanie A. Pappa.

Moved by Comm. Hollekim, seconded by Comm. Uran, to close the executive session. Upon roll call, all present voted yes. Motion carried.

The executive session adjourned at 11:47 a.m.

Wade Enget, State's Attorney discussed the participation agreement for the consideration for the benefits for the settlement agreement involving the National Opioid Litigation between Johnson & Johnson/Janssen and the Opioid Distributors (AmerisourceBergen, Cardinal, and McKesson)

Moved by Comm. Hollekim, seconded by Comm. Rice, to authorize the Chair to sign the Settlement Participation Form to participate in the proposed Settlement Agreement with McKesson Corporation, Cardinal Health Inc., and AmerisourceBergen Corporation. This settlement will bring back the money to the county as it allows the County to retain their share of the settlement. Upon roll call, Ruland, Rice, Uran, Hollekim and Olson voted yes. Motion carried.

11:55 P.M.

Discussion was held on COVID-19 concerns. Present was Melissa Vachal.

4. ADJOURN

The Board adjourned at 1:42 P.M. to meet in special session on Thursday, December 30, 2021 at 8:30 A.M. Accepted and approved this 4th day of January, 2022.

Trudy Ruland, Chairman

Stephanie A. Pappa

Mountrail County Commissioner

Mountrail County Auditor