

## PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS

January 5th, 2016

At 8:38am, Chairman Copenhaver called the Foster County Commission meeting to order. Roll call included Chairman Pat Copenhaver, Vice Chairman Josh Dreher and Commissioner Roger Gussiaas.

Also present were Public Health Nurse Lisa Solwey, Road Superintendent Nate Monson, Tax Director Karen Evans, NDACo Legal Counsel Aaron Birst via phone, Sheriff Ian Mattice, Water Board representatives Doug Zink and Mark Schneider, Carrington resident Ted Keller, States Attorney Paul Murphy, Foster County Independent reporter Erik Gjorvik, and Auditor Casey Cables.

The meeting started out with approval of the minutes. Vice Chairman Dreher made a motion to approve the December 15<sup>th</sup> minutes with corrections, seconded by Commissioner Gussiaas. All voted aye, and the motion was carried. Commissioner Gussiaas made a motion to approve the December 28<sup>th</sup> minutes, seconded by Vice Chairman Dreher. All voted aye, and the motion carried.

Approval of the agenda followed. Commissioner Gussiaas made a motion to approve the agenda with the addition of calling the North Dakota Association of Counties (NDACo) for questions on funding, seconded by Vice Chairman Dreher. All voted aye, and the motion carried.

New business began with choosing a chairman for the 2016 year. Chairman Copenhaver opened nominations for the chairman position. Commissioner Gussiaas nominated Vice Chairman Dreher as Chairman. With no further nominations, Commissioner Gussiaas made a motion to appoint Vice Chairman Dreher as Chairman, seconded by Vice Chairman Dreher. Majority of the votes said aye, and Vice Chairman Dreher became the 2016 Chairman. Nominations opened for Vice Chairman, with Commissioner Gussiaas nominating Chairman Copenhaver. With no further nominations, Commissioner Gussiaas made a motion to appoint Chairman Copenhaver to the Vice Chairman position for 2016, seconded by Vice Chairman Dreher. Majority of the votes said aye, and Chairman Copenhaver became the Vice Chairman for 2016.

Public Health Nurse Lisa Solwey discussed the update of the Public Health building, and the bid received for the mold removal project from DJ Klocke. Solwey reported that the project will hopefully take a week to complete.

Road Superintendent Nate Monson presented the board with his report, starting with copies of the road crew sick leave and vacation time taken in 2015. Monson went on to discuss the warranty on the 772G-2010 blade owned by the county, in that an extended warranty is not an option for this machine. Monson also discussed all of the plowing and sanding the road crew has completed over the winter within the county.

Tax Director Karen Evans approached the board with her report, discussing the different abatements that have been received as of recent.

The auditor requested the Board to sign the South Central Dakota Regional Council agreement. Commissioner Gussiaas made a motion to sign the agreement, seconded by Vice Chairman Dreher. All voted aye, and the motion carried.

The auditor then requested the board approve a liquor license for Cork and Barrel Liquors/Hiway Off-Sale within the Foster County limits. Commissioner Gussiaas made a motion to approve the liquor license for Cork and Barrel Liquors/Hiway Off-Sale, seconded by Vice Chairman Dreher. All voted aye, and the motion carried.

Commissioner Gussiaas discussed having George Topp as the official alternate for the Tri-County Social Service Board. Vice Chairman Dreher made a motion to appoint George Topp as the official alternate for the Tri-County Social Service Board, seconded by Commissioner Gussiaas. All voted aye, and the motion carried.

Aaron Birst, legal counsel for the NDACo called into the meeting to discuss the options of loans the county could use towards funding the county shop project. Birst relayed that he would have to check with others before saying what the county's options are. Later in the meeting, Birst discussed that Foster County does have the authority to borrow up to \$500,000 from local banks for infrastructure projects, but not from the Bank of North Dakota.

Sheriff Ian Mattice reported on the year end activities of the Sheriff's office. Mattice also requested 3 sets of new cameras for the sheriff vehicles, with a quote of \$2725 per set. The general consensus of the board was to have Mattice purchase the cameras.

Water Board representatives Doug Zink and Mark Schneider approached the board with their request of \$2500 to assist in the assessment of the McHenry Lagoon project, with the agreement that the Water Board, McHenry Township and City of McHenry put in the same share. Vice Chairman Dreher made a motion to approve \$2500 towards the project, seconded by Commissioner Gussiaas. All voted aye, and the motion passed.

Carrington resident Ted Keller approached the board with his discussion encompassing the executive session held in August regarding the county shop project. Keller discussed the lack of guidance, lack of study, and

discussed the common thread of Paul Murphy within the project. States Attorney Paul Murphy walked into the meeting sometime during Keller's discussion. The board had questions for Murphy in regards to what day would work best in his schedule to have commissioner meetings. Words were exchanged between Murphy, the board, and Keller regarding Murphy's performance as States Attorney. During the conversation, Vice Chairman Dreher requested that Murphy step down from his position. Vice Chairman Dreher relayed that his intent was to request the State Governor remove Murphy from office. Murphy left shortly after.

Commissioner Gussiaas made a motion to ask Paul Murphy to step down from the State's Attorney's position. Vice Chairman Dreher seconded the motion. The auditor questioned whether it was appropriate to make a motion as such, because it was not on the agenda. Commissioner Gussiaas then rescinded his motion. Vice Chairman Dreher then made a motion to look into reciprocity agreements with neighboring counties for the State's Attorney position. The motion was seconded by Commissioner Gussiaas. Majority voted aye, and the motion carried.

Discussion ensued over when the next regular meeting would take place, and when regular meetings would take place during the year. No final decision was made, but the boards general consensus was to have the next meeting on January 19<sup>th</sup>, 2016.

Board on motion approved the following bills:

21051	NORTH DAKOTA NEWSPAPER ASSOCIATION	191.40
21052	VERIZON WIRELESS	472.30
21053	NAPA AUTO PARTS	922.76
21054	DACOTAH PAPER COMPANY	176.30
21055	OFFICE DEPOT	60.46
21056	BRAUN INTERTEC CORPORATION	2,246.25
21057	MDU COMPANY	424.63
21058	GREATER RAMSEY WATER DISTRICT	42.00
21059	SCHROEDER CONSTRUCTION	64,599.75
21060	BUTLER MACHINERY COMPANY	287.78
21061	MOORING TECH	1,160.00
21062	RDO EQUIPMENT CO.	835.69
21063	JOEL LEMER	383.00
21064	QUILL CORPORATION	329.58
21065	NORTH DAKOTA STATE UNIVERSITY	80.00
21066	QUILL CORPORATION	20.99
21067	C & J OIL COMPANY	6,752.44
21068	WOLD ENGINEERING, P.C.	5,053.18
21069	MLGC	269.91
21070	BESSETTE MOTORS, INC.	247.68
21071	CENTRAL BUSINESS SYSTEMS	189.32
21072	RUNNING'S SUPPLY, INC.	154.86
21073	CARRINGTON MOTORS INC	199.53
21074	SOFTWARE INNOVATIONS	550.00
21075	BUTLER MACHINERY COMPANY	170.24
21076	CARRINGTON MOTORS INC	254.00
21077	CITY OF GLENFIELD	360.00
21078	EVERBRIDGE, INC DBA NIXLE	3,000.00
21079	CITY OF CARRINGTON	201.31
21080	FOSTER COUNTY SHERIFF'S DEPARTMENT	150.00
21081	CREDIT COLLECTION BUREAU	1,286.58

With no further business, Commissioner Gussiaas made a motion to adjourn, seconded by Vice Chairman Dreher. All voted aye, and the meeting was adjourned.

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Casey Cables  
Foster County Auditor

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Josh Dreher, Chairman  
Board of County Commissioners

January 6th, 2016

At 8:32pm, Chairman Dreher called the Foster County Commission meeting to order. Roll call included Chairman Josh Dreher, Vice Chairman Pat Copenhaver and Commissioner Roger Gussiaas.

Also present were Ted and Judy Keller, Nurgul Gussiaas, Doug and Brenda Zink, Leo Straley, Lindsay Dreher, Kim Radermacher via phone, Foster County Independent reporter Erik Gjorvik, and Auditor Casey Cables.

The purpose of the meeting covered two areas, those being the discussion of the States Attorney office liability, security, performance issues and location of the State's Attorney office, and the decision on moving the State's Attorney office to the Foster County Courthouse.

Discussion started with the announcement that State's Attorney Paul Murphy had given his letter of resignation to the Auditor's office. Following the announcement, the board discussed where to go for legal counsel until a new State's Attorney is found. Chairman Dreher discussed that both Assistant State's Attorney's Jayme Tenneson and Kim Radermacher would be willing to help Foster County in emergency situations. The board called Radermacher on the phone to ask when the county should request all county owned property be returned, and what the procedure is for filling the vacancy. Radermacher discussed that 10 days would be an ample amount of time to return the county owned items, and that the procedure is to first look within county for a candidate qualified for the position. If no one is found within county, then the board may start looking outside of county boundaries.

Commissioner Gussiaas made a motion to give Paul Murphy a deadline for pending cases for no later than Monday, January 11<sup>th</sup> at 4:30pm and to receive an inventory list no later than Wednesday, January 13<sup>th</sup> at 4:30pm to be received, and any other files and property within. Chairman Dreher seconded the motion. Questions arose about the motion, and the auditor requested that the motion be rescinded, and made into separate motions for ease of understanding. Commissioner Gussiaas rescinded his motion, and Chairman Dreher rescinded his second.

Commissioner Gussiaas made a motion to have all open cases delivered by January 11<sup>th</sup> at 4:30pm, seconded by Chairman Dreher. Discussion ensued from Vice Chairman Copenhaver regarding if this was ample time to receive the cases. After discussion, Commissioner Gussiaas called the question. A roll call vote was taken, with Commissioner Gussiaas voting aye, Vice Chairman Copenhaver voting aye, and Chairman Dreher with no vote seeing that the aye's have the majority.

Commissioner Gussiaas then made a motion to receive a current list of county inventory as of Wednesday, January 13<sup>th</sup> at 4:30pm, seconded by Chairman Dreher. Vice Chairman Copenhaver asked Lindsay Dreher, State's Attorney Secretary, how large of a job the inventory list is, to which she relayed that the job would be a large project. With a roll call vote, Commissioner Gussiaas voted aye, Vice Chairman Copenhaver voted nay, and Chairman Dreher voted aye. With majority of the votes as aye, the motion carried.

Commissioner Gussiaas then made a motion to have all remaining county property located with the past State's Attorney's office delivered to the Foster County Courthouse by Wednesday, January 20<sup>th</sup> at 4:30pm, with a second by Vice Chairman Copenhaver. All voted aye, and the motion carried.

The board requested that the auditor post a notice of a special meeting on January 11<sup>th</sup> at 9:00am for the purpose of discussion and decision on the State's Attorney's Resignation, and the discussion and decision on how to move forward with the State's Attorney's office.

With no further business, Commissioner Gussiaas made a motion to adjourn the meeting, seconded by Vice Chairman Copenhaver. All voted aye, and the meeting was adjourned at 9:51pm.

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Casey Cables  
Foster County Auditor

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Josh Dreher, Chairman  
Board of County Commissioners

At 9:03pm, Chairman Dreher called the Foster County Commission meeting to order. Roll call included Chairman Josh Dreher, Vice Chairman Pat Copenhaver and Commissioner Roger Gussiaas via phone.

Also present were State's Attorney Secretary Lindsay Dreher, Social Service Director Carrie Widmer-Thompson, Kim Radermacher via phone, WDAZ reporter Matt Henson and Auditor Casey Cables.

The purpose of the meeting covered two areas, those being the discussion and decision on the State's Attorney's Resignation, and the discussion and decision on how to move forward with the State's Attorney's office.

The first item of business was to accept the resignation letter of Paul Murphy as State's Attorney. His letter was received by the auditor's office on January 6<sup>th</sup>, 2016. Commissioner Gussiaas made a motion to accept the resignation of Paul Murphy, seconded by Vice Chairman Copenhaver. All voted aye, and the motion was carried.

Discussion ensued over moving the State's Attorney's office to the Foster County Courthouse. Chairman Dreher relayed that he talked to David Klein of the Housing Authority office about his thoughts of having the State's Attorney's office moved into their office, with the mindset that the Housing Authority is in the courthouse very rarely.

The discussion over how to move forward opening the job to the public followed. Assistant State's Attorney Kim Radermacher relayed via phone to put an ad in the newspaper, open the position as a job opening, and emphasize that the position in the future must be held by a Foster County resident. Discussion then ensued over the State's Attorney's Secretary position, held by Lindsay Dreher, wife of Chairman Dreher. Chairman Dreher relayed that after discussions with Aaron Birst, legal counsel for the North Dakota Association of Counties, that Mrs. Dreher is still an employee of the county, and that she will report to one of the commissioners for her duties. A general consensus of the board made Commissioner Gussiaas her point of contact to avoid nepotism.

Vice Chairman Copenhaver made a motion to put an advertisement in the newspaper for the vacant State's Attorney position, seconded by Commissioner Gussiaas. All voted aye, and the motion carried.

With no further business, Vice Chairman Copenhaver made a motion to adjourn the meeting, seconded by Commissioner Gussiaas. All voted aye, and the meeting was adjourned at 9:55am.

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Casey Cables  
Foster County Auditor

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Josh Dreher, Chairman  
Board of County Commissioners