

**REGULAR MEETING OF CASS COUNTY BOARD OF COMMISSIONERS
OCTOBER 17, 2016**

1. MEETING CALLED TO ORDER

Chairwoman Mary Scherling called the meeting to order at 3:30 PM with all members present as follows: Ken Pawluk, Rick Steen, Arland H. Rasmussen, Chad M. Peterson and Mary Scherling.

2. PLEDGE OF ALLEGIANCE

Heather Worden led the Pledge of Allegiance.

3. MINUTES APPROVED

MOTION, passed

Mr. Rasmussen moved and Mr. Peterson seconded that the minutes of the previous meeting be approved as written. Motion carried.

4. AGENDA, Order approved

MOTION, passed

Mr. Steen moved and Mr. Peterson seconded to approve the order of the agenda. Motion carried.

5. CONSENT AGENDA APPROVED

MOTION, passed

Mr. Pawluk moved and Mr. Steen seconded to approve the consent agenda as follows: On roll call vote, the motion carried unanimously.

- a. Receive financial statement from the Auditor's Office for the month ended September 30, 2016.
- b. Receive and file Indemnity Bonds on Lost Instrument for The Title Co., Jill Schafer and James I. Roberts; and authorize the county auditor and county treasurer to issue duplicate checks.
- c. Appoint Chad Peterson to represent the Cass County Commission as a delegate to the 2016 North Dakota State Fair annual meeting scheduled for November 17, 2016, at the State Fair Center in Minot, North Dakota.
- d. Approve a calendar raffle permit for Hickson Community Club to be held on January 1, 2017, through December 31, 2017, at the Knickerbocker Liquor Locker in Hickson, North Dakota.
- e. Allow the solicitation of clothing items from Cass County employees to be given to the Salvation Army for distribution to the needy.
- f. Approve the continuation of the Extension Services Family Nutrition Program from October 1, 2016, through September 30, 2017.
- g. Authorize the Sheriff's Office to retain one fleet vehicle for the Sheriff's Reserve and Field Readiness Training Unit and to transfer one fleet vehicle to the Horace contracted deputies.
- h. Approve special event permit for RAWC Inc. d/b/a Rookies Sports Bar and Grill to serve alcoholic beverages on October 28, 2016, during the hours of 5:30 PM to 11:00 PM for a Center Ice event sponsored by the West Fargo Hockey Association to be held at the Red River Valley Fairgrounds in West Fargo, North Dakota.
- i. Contract approval
 - Death investigator services—contracted services to assist the Coroner's Office death investigators;
 - Cities of Casselton, Mapleton, Kindred and Horace—renewal of police service agreements for 2017;
 - North Dakota Department of Transportation—traffic safety grant in the amount of \$17,900 for seatbelt, impaired driving and underage drinking enforcement (no local match is required).

6. FLOOD DIVERSION, Project update

Attorney John Shockley provided an update on activities related to the FM Metro Flood Diversion project. He discussed the Public Private Partnership (P3) process and said six teams submitted Statement of Qualifications (SOQs). Interviews were held with a SOQ committee earlier this month, and they recommended short listing four teams, which were approved by the Diversion Board last week. The next step is to develop the Request for Proposals (RFPs) for the four teams, which he anticipates will be approved by the Diversion Board and Cass County Joint Water Resource District in December. Mr. Shockley said the commercial close on the P3 contract will be done the last quarter of 2017, and the financial close will be done the first quarter of 2018.

Mr. Shockley said a resolution has been drafted that outlines the procedures for contracting actions, which will need approval from the Finance Committee and will be forwarded to the Diversion Board for final approval.

Michael Redlinger, Assistant Fargo City Administrator, said the federal government will award the contract this fall to begin construction on the southern embankment. He said there are ongoing conversations with the Minnesota Department of Natural Resources (MN DNR) regarding its decision to deny a construction permit. He said no work will be done in Minnesota until 2019.

Mrs. Scherling thanked Mr. Shockley and Mr. Redlinger for the project update.

7. FLOOD DIVERSION, Transfer of sales tax dollars authorized to City of Fargo

Michael Montplaisir, Cass County Auditor, said for consideration today is a request to transfer flood sales tax dollars dedicated to the FM Metro Flood Diversion project to the City of Fargo for the month of September. He also provided a monthly balance sheet and revenues and expenditures report to keep the board fully informed on the project finances.

MOTION, passed

Mr. Pawluk moved and Mr. Peterson seconded to authorize the County Auditor to transfer \$1,661,238.13 to the City of Fargo as the fiscal agent for the FM Diversion Authority. On roll call vote, the motion carried unanimously.

8. MORTON COUNTY/DAKOTA ACCESS PIPELINE UPDATE

Chief Deputy Rick Majerus provided an update on protests occurring at the construction site of the Dakota Access Pipeline project in Morton County. He said at this time there are about 3,000 protesters that have set up camp. The State of North Dakota and Morton County have both issued emergency declarations, which allows emergency operations plans and processes to be implemented. He said an Emergency Management Assistance Compact (EMAC) has recently been approved, which allows law enforcement from other states to be deployed to provide their resources. Mr. Majerus said if an emergency declaration is approved by the commission, overtime hours, per diem and backfill pay would be reimbursable with a major deployment. Also, a declaration would allow exempt staff to be paid overtime.

Mr. Steen asked how many exempt staff have been deployed to Morton County. Mr. Majerus said at this time two exempt staff from the Sheriff's Office are working there. Mr. Majerus said a federal emergency declaration for financial assistance will not be forthcoming. Mr. Peterson said \$6 million in emergency funding has been approved by North Dakota Governor Jack Dalrymple, and he asked how long the funds will last. Mr. Majerus believes around \$1.2 million is being spent per month on law enforcement resources.

Mr. Majerus said it is unknown how long the protests will continue, and one of the top priorities is to keep Cass County appropriately staffed during this time. Mr. Peterson said he is concerned about something bad happening before the state and federal governments take a more active role.

Mrs. Scherling appreciates the service provided by law enforcement and said in order for the commission to approve overtime for exempt staff, an emergency declaration would need to be provided for consideration. She said if the Sheriff's Office wishes to proceed further, they may bring a declaration to a future meeting.

9. RESOLUTION #2016-21, National Retirement Security Week

Cindy Stoick, HR Director, said the United States Senate adopted a resolution proclaiming October 16 through October 22, 2016, as National Retirement Security Week. Cass County participates in the North Dakota Public Employees Retirement System (NDPERS) and has a good retirement plan. The county has offered a deferred compensation program since 1980 for employees. She said it is important to think about the future as costs for retirees increase every year, especially health care costs. The percentage of county employees participating in deferred compensation has increased over the past few years, and she wants to continue promoting the program to employees as an opportunity to save for retirement in addition to the NDPERS plan. Mr. Montplaisir said education on the program is important because different services are offered that employees should know about, including financial retirement planning.

Mr. Rasmussen commended Mr. Montplaisir and Mrs. Stoick for their efforts to educate county employees about this program.

MOTION, passed

Mr. Rasmussen moved and Mr. Steen seconded to adopt Resolution #2016-21 proclaiming the week of October 16-22, 2016, as National Retirement Security Week: On roll call vote, the motion carried unanimously.

**RESOLUTION #2016-21
NATIONAL RETIREMENT SECURITY WEEK**

WHEREAS, people are living longer and the cost of retirement is increasing significantly;

WHEREAS, the financial literacy of employees is important so that those employees understand the need to save for retirement;

WHEREAS, saving for retirement is a key component of overall financial health and security during retirement years and the importance of financial literacy in planning for retirement must be advocated;

WHEREAS, saving for retirement is necessary even during economic downturns or market declines, which makes continued contributions important;

WHEREAS, effectively and sustainably withdrawing retirement resources throughout the retirement years of an individual is as important and crucial as saving and accumulating funds for retirement;

WHEREAS, the week of October 16 through October 22, 2016, has been designated as "National Retirement Security Week";

WHEREAS, 214 Cass County employees participate in the 457(b) pre-tax deferred compensation plan and 20 Cass County employees participate in the Roth IRA plan totaling over \$16 million in plan assets, which amounts to a 3.5% increase in plan participation over the last three years.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners supports the goals of National Retirement Security Week to raise public awareness of the importance of saving adequately for retirement and of the tax-preferred retirement options available to county employees.

Dated at Fargo, North Dakota, this 17th day of October, 2016.

10. TAX-FORFEITED PROPERTIES, Appraisals

Mr. Montplaisir provided a list of real estate forfeited to Cass County for three years of delinquent taxes, pursuant to North Dakota Century Code Chapter 57-28. The list shows the minimum sales price as recommended by the County Auditor, which includes the unpaid taxes, costs against the property, and an estimate for 2016 taxes. The list will be published in the official county newspaper, posted on the county website, and sent to cities and townships with properties on the list.

MOTION, passed

Mr. Rasmussen moved and Mr. Peterson seconded to set the minimum sales prices as recommended by the County Auditor and set the hearing date on the minimum sales prices for 3:30 PM on November 7, 2016, in the Cass County Commission Room. Discussion: Mr. Montplaisir will take pictures of all the properties and at the hearing, may suggest values be lowered depending on the condition of the properties. On roll call vote, the motion carried unanimously.

11. VOUCHERS, Approved

MOTION, passed

Mr. Pawluk moved and Mr. Peterson seconded to approve Voucher No. 296,168 through Voucher No. 296,474. On roll call vote, the motion carried unanimously.

12. NDACo CONVENTION; MEETING UPDATES; ELECTION UPDATE, Committee reports

Mr. Peterson discussed the North Dakota Association of Counties (NDACo) annual convention held last week in Bismarck, which he and other commissioners attended. He said it was an opportunity to network with other county commissioners and officials from the entire state.

Commissioners reported on meetings they have attended or will be attending in the upcoming weeks.

Mr. Montplaisir said as of today the Auditor's Office has received 4,400 absentee ballot applications. Also, this election the office has used election workers to assist with ballot testing and other tasks, which has helped workers to better understand the election process and the work that is done to prepare for elections.

13. CORRESPONDENCE, Received and filed

MOTION, passed

Mr. Peterson moved and Mr. Rasmussen seconded to receive and file correspondence outlined by the secretary as follows: Motion carried.

- Letter from KLJ requesting comments on any environmental concerns with a proposed roadway widening and interchange reconstruction project on Sheyenne Street between 13th Avenue West and 40th Avenue East in West Fargo (copy referred to county engineer).

14. ADJOURNMENT

MOTION, passed

On motion by Mr. Peterson, seconded by Mr. Steen and all in favor, the meeting was adjourned at 4:48 PM.

ATTEST:

APPROVED:

Michael Montplaisir – Auditor
Cass County, North Dakota

Mary Scherling, Chairwoman
Cass County Board of Commissioners