

REGULAR MEETING OF HETTINGER COUNTY COMMISSIONERS  
May 12, 2021

The meeting was called to order by Chairman Angela Carlson at 8:30 a.m. with commissioners Todd Lutz and Tom Geerts in attendance. Also present, Elliott Finck, Road Supervisor.

Geerts motioned to approve the April minutes as presented, seconded by Lutz. All voting aye, motion carried. Lutz made the motion to approve the agenda with the following additions, Social Service Indirect Costs, and Health Insurance, Geertz seconded, all voting aye, and motion carried.

Lutz motion to adjust the 2021 budget moving the Court Grant of the new flooring in the Clerk of Courts office from the General to Capital Improvements for the payment and reimbursement, seconded by Geerts, all voting aye, motion carried.

Lutz rescinded the motion from last month to purchase three tablets for the commissioners from NRG and to instead purchase two used tablets from Slope Electric and to utilize the tablet the Tax Directors office not in use, seconded by Geerts. All voting aye, motion carried.

Discussion was held regarding Rodney Schaeffer's use of county vehicle and that no mileage has been taxed to him when he drives to Mott from New England and back when he needs to work in the shop. This discussion was held that it was a hiring incentive from a previous commissioner, but nothing was written in the minutes to confirm. Lutz made the motion to continue as we have, seconded by Geerts. Roll call was taken with Lutz and Geerts voting aye and Carlson voting nay. Motion carried.

Sheriff Sarah Warner gave her monthly report. She brought the resolution regarding the 2<sup>nd</sup> Amendment to the commissioners, Geerts motioned to approve the following **RESOLUTION: WHEREAS**, the Second Amendment of the United States Constitution reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." And, **WHEREAS**, Article I, Section I, of the Constitution of North Dakota provides, "All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear Arms for the defense of their person, family, property, and the state, and for the lawful hunting, recreational, and other lawful purposes, which shall not be infringed." And, **WHEREAS**, certain legislation introduced in past sessions of the North Dakota Legislative Assembly, and certain legislation introduced in the current session of the United States Congress could have the effect of infringing on the rights of law-abiding citizens to keep and bear Arms, as guaranteed by the Second Amendment of the United States Constitution; and, **WHEREAS**, the Hettinger County Board of Commissioners is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Hettinger County to keep and bear Arms or could begin a slippery slope of restrictions on the Second Amendment of the United States Constitution on the citizens of Hettinger County; and, **WHEREAS**, the Hettinger County Board of Commissioners wishes to express its deep commitment to the rights of all citizens of Hettinger County to keep and bear Arms; and, **WHEREAS**, the Hettinger County Board of Commissioners wishes to express opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the citizens of Hettinger County to keep and bear Arms; and, **WHEREAS**, the Hettinger County Board of Commissioners wishes to express its intent to stand as an Advocate County for the Second Amendment rights and to oppose, within the limits of the Constitution of the United States and the State of North Dakota, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens of Hettinger County to keep and bear Arms, including through legal action, the power of appropriation of public funds, and the right to petition for redress of grievances, **NOW, THEREFORE, BE IT RESOVED BY THE BOARD OF COMMISSIONERS OF HETTINGER COUNTY, NORTH DAKOTA:** That the Board of Commissioners hereby expresses its intent to uphold the Second Amendment rights of the citizens of Hettinger County and its intent that public funds of the County not be used to restrict Second Amendment rights or to aid in the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of Hettinger County to keep and bear Arms; and, That the Board of Commissioners hereby declares its intent to oppose unconstitutional restrictions on the right to keep and bear Arms through such legal means as may be expedient, including without limitation court action; and, That the Board of Commissioners hereby declares Hettinger County, North Dakota, as a "Second Amendment Advocate." Lutz seconded the motion to approve this resolution. All voting aye, motion carried.

The sheriff's office will be getting a new vehicle soon and Sheriff Warner asked that the 2009 Expedition and the 2014 Explorer be used as trade-ins. The 2016 Expedition would replace the 2009 Expedition for county use. Lutz motioned to approve the trade-ins and vehicle for county use, seconded by Geerts. All voting aye, motion carried.

Sheriff Warner asked the commissioners to add an Asset/Forfeiture Fund now that she has a policy in place for the funds to be received or disbursed. Lutz motioned to add the fund, seconded by Geerts, all voting aye, motion carried.

Tracy Kruger, Emergency Manager, discussed with the board that she will use her funds to install a four-plug electrical outlet on the third floor of the courthouse. There are currently no outlets available to use for the HAM radio antenna that she will install as a back-up for communications in emergency situations.

Chad Kelsch, Tax Director, presented the commissioners with three homestead credit abatement requests, Lutz motioned to approve, seconded by Geerts. All voting aye, motion carried.

Heidi Marxen, our new County Agent, met with the board. She mentioned how her first couple of weeks were going well with meeting calls and she has been busy getting the 4-H clubs preparing for the upcoming fair. On

June 9<sup>th</sup>, the commissioners will be having a ceremony celebrating those that have helped make the construction of the new fair building possible.

Elliot Finck, Road Supervisor, presented his report. Lutz motioned to sign the new gravel contract with Dale and Brenda Meier for purchase of 50,000 cy more/less of gravel in their pit, seconded by Geerts. All voting aye, motion carried.

Finck mention that the bridge in Merrill Township, located on the section line between sections 28 and 29, is in bad condition. Finck has informed the township and residents in the area that there will be no replacement of the bridge. Geerts made the motion to take out the bridge and that there will be no replacement, seconded by Lutz. All voting aye, motion carried.

Discussion on gravel needed and where to get the gravel took place. We will continue getting some yards of gravel from Stark County. There are also a couple options with either a land owner with gravel or from Adams County.

Gravel crushing bids were received from four entities. Geerts made the motion to accept the bid from Aggregate Construction, Inc., seconded by Lutz.

Commissioners briefed each other on each of their respective portfolios.

The commissioners broke for a brief lunch.

The board reconvened and one applicant for the Tax Director position and two applicants for the Administrative Assistant for extension service position were interviewed. No definite decisions were made at this time to hire any applicants.

Lutz made the motion to approve the bills as presented and to pay the assessing fees out of the individual unorganized townships: General 19,277.11; Highway Dist. 729.96; Road & Bridge 51,495.68; Emergency 911 7,965.54; County Agent 141.51; New Fair Building 7,542.3; VSO 13,000; Sheriff 6,181.93; 24/7 Program 385.65. Motion to second, Geerts. All voting aye, motion carried.

Geerts motioned to transfer \$150,000 from the Road & Bridge fund to the Highway Distribution fund, seconded by Lutz. All voting aye, motion carried.

Geerts motioned to approve the Underground Right of Way easement in 29-134-94 received from Slope Electric, seconded by Lutz. All voting aye, motion carried.

Geerts made the motion to have Billings County withhold our county's portion of the administrative costs from the indirect funding they send us, seconded by Lutz. All voting aye, motion carried.

Carlson motioned to adjourn, seconded by Lutz. All voting aye, motion carried.

ATTEST

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Jeri G. Schmidt, AUDITOR

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Angela Carlson, CHAIRMAN