

# GOLDEN VALLEY COUNTY COMMISSION SPECIAL MEETING MINUTES

**GOLDEN VALLEY COUNTY BOARD OF COUNTY COMMISSIONERS MINUTES OF SPECIAL PROCEEDINGS December 30, 2024**

The Golden Valley County Commissioners held a special meeting at 9 a.m. on Dec. 30, 2024. Chairman Adam Smith called the meeting to order. Commissioners Robert Schmeling and Rory Farstveit were present along with States Attorney Christina Wenko and Gary Howard with *Golden Valley News*.

Discussion was held in regards to Buffalo Gap Guest Ranch to renew the beer and liquor license for 2025. Commissioner Schmeling moved to approve the renewal of the beer and liquor license for 2025 and Commissioner Farstveit seconded. Motion carried.

Commissioner Farstveit moved to approve the final vouchers for payment and Commissioner Schmeling seconded. Motion carried.

Commissioner Farstveit moved to amend the following expenditure budgets as listed below and Commissioner Schmeling seconded. Motion carried.

- Expenditure Budgets
  - a. General Fund-\$25,183 LoadPass fees disbursed to Townships
  - b. General Fund-7,474 Opioid funds received and disbursed to SW Dist. Health
  - c. General Fund-\$14,423-Back the Blue Grant disbursed to Law Enforcement
  - d. GV Ag Improvement Fund-\$3,100 additional check-off seed reporting to NDCISA
  - e. Emergency Fund-\$2,600 dumpsters at complete Burn Ban period
  - f. Soc Ser Abuse Fund-\$111 money sent to Soc Ser Zone to zero out fund

Commissioner Farstveit moved to amend the following revenue budgets as listed below and Commissioner Schmeling seconded. Motion carried.

- Revenue Budgets
  - g. Capital Outlay Reserve Fund-\$47,167-insurance payment for roof
  - h. General Fund-\$92,100-more interest received than anticipated
  - i. General Fund-\$72,600-more e-permit funds received than anticipated
  - j. GV Ag Improvement Fund-\$11,500-collections came in higher than anticipated
  - k. Hazardous Materials Fund-\$500-collections came in higher than anticipated
  - l. BLM Fund-\$6,100- payment came in higher than anticipated
  - m. Emergency Fund-\$1,100- State Aid came in higher than anticipated
  - n. Weed Control-\$85,000-more spraying and chemical sold than anticipated
  - o. Library CD-\$50 interest missed at budget time
  - p. Special County Road Fund-\$3,900-NDIRF ins claim paid

Commissioner Smith moved to set the February 2025 regular meeting date for February 11, 2024 to allow the Board to attend meetings in Bismarck that fall on the normal meeting date of the first Tuesday of the month and Commissioner Schmeling seconded. Motion carried.

- Commissioner Smith moved to cancel payments on the following checks and reissue or void as noted and Commissioner Farstveit seconded.
  - 77583, 11/2018-REISSUE  
Mary Ann Schillo.....\$46.17  
Soc Ser Board Salary
  - 76385, 03/2018-VOID  
Kaydee Baker.....\$104.70  
Mileage
  - 77478, 11/2018-REISSUE  
Troy Tescher.....\$27.25  
Mileage
  - 78406, 05/2019-VOID  
NDSU Ext. Pesticide  
Program.....\$140.00  
Study Material
  - 78480, 06/2019-REISSUE  
Julie Goldsberry.....\$30.00  
Soc Ser Competency class
  - 79937, 06/2020-REISSUE  
Sam Clyde.....\$140.00  
Study Material Reimb.
  - 81707, 10/2021-REISSUE  
Henry Township.....\$277.95

Coll submitted 84431, 11/2023-REISSUE  
Kim Obrigewitch .....\$25.00  
Soc Ser Bld. Clean  
Commissioner Schmeling moved to adopt the following resolution and Commissioner Farstveit seconded. Motion carried.

**RESOLUTION NO. 2024 - 15 A Resolution of the Golden Valley County Commission Amending the Employee Handbook Regarding the Drug and Alcohol Use Policy**

WHEREAS, the County has an Employee Handbook which outlines drug and alcohol use for employees, which is stated as follows:

WHEREAS, the County desires to amend its policy regarding drug testing for employees to offer a safe workplace, and

NOW, THEREFORE, be it resolved by the Board of Commissioners of the County of Golden Valley County hereby amend the Drug and Alcohol Use Policy of the Employee Handbook as follows:

**DRUG AND ALCOHOL USE POLICY**  
**DRUG-FREE WORKPLACE COMPLIANCE POLICY:** Illegal drugs in the workplace are a danger to us all. They impair safety and health, promote crime, lower productivity and quality, and undermine public confidence in the work we do.

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the workplace. To be in compliance with regulations issued by the Department of Transportation, Federal Highway Administration and Federal Transit Administration under authority of Congress via the Omnibus Drug and Alcohol Testing Act, and under the Federal Drug-Free Workplace Act, the County adopts the following policy. In order to be considered a "responsible source" for the award of federal contracts, Golden Valley County has developed the following policy for our employees. Unless otherwise set forth in other County policies which may be stricter, the following policy shall apply.

**POLICY:**  
County employees may not possess or consume alcoholic beverages or controlled substances in County buildings, offices, vehicles, or while driving or doing business on behalf of the County. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on any work site and during all working hours by employees. No employee will be allowed to perform job duties when impaired or under the influence of mind-altering drugs, illegal drugs and or alcohol during working hours.

Employees are hereby notified that a compliance with this policy is a condition of employment and failure to comply with this policy could result in disciplinary action up to and including termination.

Employees performing safety sensitive functions or driving county vehicles must not consume alcohol 8 hours prior to duty time and up to 8 hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

- 1) DEFINITIONS:
  - 1) Positive alcohol test. Alcohol test will be considered positive if the breath test indicates an alcohol presence of 0.04 or greater. If an alcohol test indicates an alcohol concentration of at least .02 but less than .04, the test is considered negative, but the employee will be taken out of service for 24 hours. If the test results are positive, the employee and supervisor will be notified before the employee leaves the test site.
  - 2) Positive controlled substance test. A test will be considered positive if there is no legitimate explanation why the controlled substance is in the urine sample.
  - 3) Safety Sensitive Employee: An employee whose duties are fraught with such "risks of injury to others that even a momentary lapse of attention can

have disastrous consequences."

2) TESTING GUIDELINES:  
1) Post offer pre-employment testing for drugs will be conducted on all new employees.

2) Testing for drugs or alcohol of any current employee will be conducted when a supervisor has reasonable suspicion and employee is violating policy. The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the employee. These observations may include indications of the chronic and withdrawal effects of controlled substances. The chronic and withdrawal effects of controlled substances may not be the sole indicator for reasonable suspicion but may be used in conjunction with other indicators.

3) If an employee is involved in a motor vehicle collision using a county vehicle or if using a personal vehicle driving for county business when the county liability could be affected, then post collision testing is required.

4) Employees requiring drug or alcohol testing because of motor vehicle collisions or determination of probable cause will be transported to and from the testing site by a supervisor or department head. Under no circumstances will the employee provide their own transportation.

5) Should the test results for drug or alcohol be positive, a confirmation test will be conducted. Once the test is verified as positive, the employee may not return to work until directed by the County.

6) An employee's refusal to be tested may be considered cause for dismissal. Refusal to test behavior includes refusing to take the test, inability to provide a sufficient quantities of breath, saliva or urine to be tested without a valid medical explanation, tampering with or attempting to adulterate the specimen, interfering with the collection procedure, not immediately reporting to the collection site, failing to remain at the collection site until the collection process is complete, having a test result reported to be adulterated or substituted, or leaving the scene of an accident without a valid reason before the tests have been conducted.

3) TYPES OF TESTING:  
1) Pre-Employment. All employees working for the County will be subjected to pre-employment testing for controlled substances only. All pre-employment testing will be conducted prior to the employee's first day of employment.

2) Reasonable Suspicion. The County will test an employee if a supervisor has reasonable suspicion that the employee has used a controlled substance or has misused alcohol.

a. Alcohol. Reasonable suspicion alcohol testing is permissible when the employee's supervisor has reason to believe that the employee has used alcohol in violation of this Policy. An alcohol test may be administered just prior, just after, or while the employee is performing a job-related function.

b. Controlled Substances. Reasonable suspicion testing for controlled substances may be based on observations at any time the employee is on duty.

c. Supervisor Training. All supervisors will be given adequate training to make judgments about reasonable suspicion of alcohol or drug use. The supervisor's judgment must be based on specific observations related to appearance, behavior, speech, or body odors, including indications of chronic and withdrawal effects of controlled substances. The supervisor must document the observations fully upon notifying the employee that testing is required. Supervisors will be trained regarding physical, behavioral, speech, and performance indicators of probable

alcohol misuse and use of controlled substances.

3) Post Accident. Post collision testing is required when the collision involves a fatality, any involved vehicle requires towing from the scene, any person involved requires medical treatment away from the scene of the collision, or for cause.

a. Employees must be tested for alcohol within two hours and controlled substances within 32 hours.

b. If the alcohol test is not administered within two hours, the supervisor must file records stating why.

c. If no alcohol test is administered within 8 hours of the accident, no test will be given and the supervisor must file records stating the reason for the delay and lack of testing.

d. Employees must submit the police report with the necessary accident/incident reports and when injuries occur, the Workforce Safety and Insurance reports. Records will be maintained by the Human Resources Department.

4) Random Testing. Employees that have a commercial driver's license (CDL) will be subject to random testing in compliance with DOT regulations, and employees classified as safety sensitive will also be subject to random drug testing. However, a minimum number of alcohol tests equal to 25% of the average number of county employees covered under the policy will be performed each year.

a. The vendor will select drivers using a computerized random selection program. Employees selected will be tested

only while the employee is on duty, just prior to, just after, and while performing a safety sensitive function.

b. Tests may be performed at any time the employee is on duty, regardless of the duties being performed at the time of testing because of the random selection process.

c. Employees may potentially be tested at any time, even if there is a recent previous test. Once an employee is notified of the testing, he or she must report immediately to this testing site.

5) Return to Duty. If an employee receives a positive test, the employee will immediately be suspended. Following this suspension, the County will investigate to review the employees past record of performance and appropriate action will be taken. The employee's supervisor, in conjunction with the Board of County Commissioners, will decide on further action.

a. These actions may include any or all of the following:

i. Referral to a substance abuse professional (SAP) for assessment and recommendations for a plan of treatment.

ii. Reduction or removal from any supervisor duties.

iii. Termination of employment.

b. Employees referred to an SAP must successfully complete the recommended treatment plan and receive a negative return to duty test.

6) Follow Up. Any employees that have received a positive drug or alcohol test and have returned to duty are subject to additional random

screenings for 12 to 16 months. Any employees with a positive test result during this follow up. Will be terminated from employment with the County.

4) OTHER REQUIREMENTS AND NOTIFICATIONS:  
1) Employees must notify their employer of any criminal charge or conviction of a drug and or alcohol violations within five days, which may result in appropriate disciplinary action.

2) This policy does not apply to controlled substances prescribed by a physician or to alcoholic beverages or controlled substances which are maintained or used as evidence for law enforcement purposes and or county nursing services.

3) Employees working for the County are subject to the FMSCA Clearinghouse Guidelines program. These guidelines affect only those employees working for the county that are holders of a CDL (Class A) driver's license.

Dated this 30th day of December 2024.

APPROVED:  
Adam Smith, Chairman,  
Board of Commissioners  
County of Golden Valley

ATTEST:  
Tamra Sperry,  
Golden Valley  
County Auditor

Commissioner Schmeling moved to adjourn and Commissioner Farstveit seconded. Motion carried. Chairman Smith declared the meeting adjourned at 9:50 a.m.

ATTEST:  
Adam Smith, Chairman,  
County Commissioners  
Tamra Sperry, County Auditor  
(Published Jan. 16, 2025)

## Dykins retires from teaching after 35 years

By Carol Tescher Obrigewitch

The first of the year's short, interesting monthly meeting of the Beach School Board was held on January 8 at 6 p.m.

President Robert Sperry called the meeting to order, welcomed guests and took the roll call of the board members.

After saying the Pledge of Allegiance and the reading of the Speaker Policy by board member Landon Lechler, Sperry reviewed the Consent Agenda, and no items required discussions.

Part of the Consent Agenda approved without discussion at the meeting was a letter of resignation from Mike Zier as Athletic Director and Leigh Dykins' resignation as a 35-year teacher at Beach High School. Both were received and accepted.

Department heads gave their reports.

Superintendent Geis welcomed the staff back to work and recognized music teacher Kirstyn Bohn for an outstanding elementary music concert held before the holiday break.

Elementary school principal Lynn Swanson-Puckett reiterated Geis' statement on Bohn and the concert. "The elementary Christmas concert was awesome and very well attended. I heard many compliments from parents about the performance," Swanson Puckett said.

She went on to say that the students were invited to the theater for

a free movie in December.

Also, the staff did an active shooter drill at the elementary school on December 20. "We ran through the drill twice and the staff appreciated the opportunity to practice." They had the opportunity to have questions and concerns answered by members of the sheriff's department and the EMT crew.

Swanson-Puckett continued, "Certified staff has started the book study 'The Writing Revolution.' We will continue professional development during PD times through May." She said she registered with Dickinson State University as an instructor so the participants could do the book study and receive graduate credit for their work.

Taryn Sweet, Secondary Principal, had several items listed in the agenda and brought up a few she deemed necessary.

Sweet gave kudos to the Applied Communications class for having enough articles to fill two weeks' publication of the *Buccaneer Buzz* in the *Golden Valley News*. She recommended that the board take the time to read the paper.

She congratulated the members of the Golden Valley County FFA Chapter on their awards received at the State Leadership Development Events (LDE) Day in Bismarck.

Sweet said she would like approval to add to the handbook on absences from Study Hall. If

a student has 10 unexcused absences from Study Hall, they will lose their ability to have Study Hall the following semester.

According to Sweet, the Junior/Senior play will be rescheduled, and the date will be announced later.

Misty Farnstom, the business manager, reported that the tax forms will be distributed this month, and security pledged reports were requested from First State Bank and Western Cooperative Credit Union.

Athletic Director Mike Zier showed the buckle he and the rest of the *Buccaneer* football team's staff and players received from Mark Goldberg and Devin Steele. The beautiful buckles honored the team's making it to the 9-Man Playoffs. Zier said the whole bunch was super excited and grateful.

He congratulated former NDSU football player and school board member Landon Lechler on the Bison win.

He said he attended the Wibaux County High School meeting about going co-op on sports. "It was well attended, with standing room only," he said. He didn't hear any negative comments.

Another meeting of both schools on co-oping was held the following evening at the Beach High School.

The meeting adjourned at 6:17 pm.

The next regular school board meeting will be on February 12, 2025, at the Beach High School Library at 6 p.m.