

McLean County Commission Proceedings
Tuesday, April 21, 2015

The final regular April meeting of the Board of Commissioners was called to order at 8:30 a.m. by Chairperson Barry Suydam. Present were Commissioners Suydam, Doug Krebsbach, and Steve Lee. Also present were Auditor Les Korgel, Deputy Auditor Nancy Leidholm, and Cheryl McCormack of BHG News Service.

Moved by Krebsbach, seconded by Lee, to approve the minutes of the previous meeting as submitted. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Disaster Emergency Services Manager (DES) Noelle Kroll joined the meeting to present a Mutual Aid Agreement between Ward County and McLean County for approval.

Moved by Lee, seconded by Krebsbach, to approve the Mutual Aid Agreement with Ward County. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Kroll visited with the commission regarding a 2 week Intro to Emergency Management training class in Maryland available in July. The only expense to the county would be for her meals. Discussion followed regarding keeping the Highway Department office and DES office active while she is gone.

Moved by Lee, seconded by Krebsbach, to approve the 2 week Intro to Emergency Management training in Maryland for Kroll. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Kroll informed the commission that the North Dakota Department of Public Instruction, Safe & Healthy Schools unit, applied for and received one of 25 Emergency Operations Management grants from the US Department of Education. This grant will allow DPI and state partners - Department of Homeland Security and ND Safety Council - to provide on-site assessment, training and follow up to rural school districts and community/county partners to develop, implement and evaluate high-quality school emergency operations plans (EOPs). Schools will receive direct on-site services through an application process. The process consists of a comprehensive on-site assessment, with recommendations based on need, on-site training with school staff and community/county emergency personnel. The grant's goal is to ensure the school districts are safe for students, staff and the community.

Highway Superintendent Jim Grey joined the meeting along with Ron Wagner of Wold Engineering. Grey reported that crews are working on the many soft spots showing up on county roads.

Grey informed the commission that Duane Grimsley and Justin Adolf of Underwood have expressed interest in purchasing right-of-way property from the county to construct more parking for semi-trucks to keep them off the streets. Grey has visited with Underwood City Auditor Diane Schell and she doesn't have a problem with it. Grimsley will cover the expense of a culvert should one be needed.

Moved by Krebsbach, seconded by Lee, to approve the sale of right-of-way to Justin Adolf pending survey results and easement agreements. This portion is located near Grimsley's in Underwood. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Moved by Krebsbach, second by Lee, to approve the sale of the right-of-way to Duane Grimsley pending survey results and easement agreements. This portion is located near the old Grimsley's Garage location in Underwood. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Grey presented his recommendations for the equipment bid openings held at the April 7 meeting.

Moved by Lee, seconded by Krebsbach, to concur with Grey's recommendation and purchase the 2015 Case 821F wheel loader for \$191,000.00, with an additional \$1,688.00 for 5 speed transmission, from Titan Machinery of Bismarck. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Moved by Krebsbach, seconded by Lee, to concur with Grey's recommendation and purchase the 2014 Case CX 130C excavator for \$131,000.00 from Titan Machinery of Bismarck. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Grey requested permission to purchase a 1995 CAT 613C II scraper for \$20,000.00 from Surplus Property of Bismarck. The machine has only 89 hours on it. He reported that the 1986 scraper now owned by the department requires \$37,000.00 worth of repairs. Korgel stated that there is money in the budget for the purchase.

Moved by Lee, seconded by Krebsbach, to approve the purchase of the 1995 CAT 613C II scraper for \$20,000.00 from Surplus Property of Bismarck. Grey was instructed to sell the old machine. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Grey requested and was granted permission to send out a request for bids on a skid steer.

Moved by Lee, seconded by Krebsbach, to approve the permit request from West River Telecommunications Cooperative of Hazen, to install and maintain BFO 4 fiber & BFC copper telecommunications facilities to serve the Dwight Gradin residence. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Moved by Krebsbach, seconded by Lee, to approve the permit request from West River Telecommunications Cooperative of Hazen, to install and maintain fiber telecommunications facilities to serve Turtle Lake and surrounding areas. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Ron Wagner of Wold Engineering updated the commission regarding the three surge fund projects adding that the 3rd project, subgrade repair and aggregate surfacing on CR #13 south of Douglas, has been approved by the committee and state, though NDDOT has not given any concrete direction regarding the 55 m.p.h. design speed.

Moved by Lee, seconded by Krebsbach, to approve the Preliminary and Construction Engineering Agreement with Wold Engineering for project CNOB-2800(051), which entails graveling and subgrade repairs on McLean County CMC routes 2802, 2841, 2861. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Land Use Administrator Todd Schreiner and assistant Cassie Goetz joined the meeting with recommendations from yesterday's Planning & Zoning Commission meeting.

Moved Krebsbach, seconded by Lee, to concur with the Planning & Zoning Commission and approve the conditional use permit request from Creative Energy Solutions, LLC for land located in the NE¼SW¼ of Section 17, Township 149 North, Range 85 West, for the installation of a 60 meter meteorological tower to conduct wind studies. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Moved by Lee, seconded by Krebsbach, to concur with the Planning & Zoning Commission and approve the conditional use permit request from Ryan Lelm for land located in the NE¼ of Section 28, Township 149 North, Range 79 West, known as Outlot A, consisting of 4.89 acres, to change the classification from agricultural to residential. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Moved by Krebsbach, seconded by Lee, to concur with the Planning & Zoning Commission and approve the conditional use permit request from Charlie Lies, representing Dwight and Kim Lies, for land located in the NW¼NW¼ of Section 7, Township 150 North, Range 84 West, known as Outlot B, to construct a non-farm structure on agricultural land. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Moved by Lee, seconded by Krebsbach, to concur with the Planning & Zoning Commission and approve the conditional use permit request from J. R. and Tonya Kerzmann for land located in the NW¼ of Section 32, Township 148 North, Range 84 West, known as Outlot A, consisting of 10 acres, to construct a non-farm structure on agricultural land. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Schreiner informed the board of the resignation of Planning & Zoning Commission member Duane Bauer.

Sheriff J. R. Kerzmann and Chief Deputy Sheriff/E-911 Coordinator Richard Johnson joined the meeting.

Moved by Lee, seconded by Krebsbach, to approve the purchase of a desktop quad monitor stand for the dispatch center for \$94.00 plus shipping and handling. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Moved by Lee, seconded by Krebsbach, to approve the reimbursement for the cost of training ammunition to Deputy Bradley Nielsen. Kerzmann has taken the necessary steps to insure that ammunition is not purchased for training by individuals, but instead supplied by the department in the future. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Kerzmann reported the termination of a deputy making the department short two positions as one was let go in January and has not been replaced. He requested permission to advertise for replacements hoping to get them in place before the busy recreation season begins.

Moved by Lee, seconded by Krebsbach, to approve the advertising for one or more deputy sheriffs. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Korgel, along with Sheriff Kerzmann presented the proposed 2016 City Police Contracts. The 2016 contracts see a change in the format to reflect hours of service requested times the base rate of \$20.77/hr. The base rate is figured by the salary of a new deputy at \$43,204.00 divided by 2080 hours in a full year. The cost of benefits at \$11.3016/hr, is not included in the contract cost, and is paid for by the county.

Moved by Krebsbach, seconded by Lee, to approve the 2016 Police Service Contract proposal as presented. Lee sees the percentage that the county subsidizes is growing every year and doesn't know if it can continue that way. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Discussion followed regarding a complaint by the cities and the number of tickets issued. Kerzmann detailed a new streamlined approach to handle the tickets which should bring in more revenue for the cities instead of district court tickets that bring revenue for the state.

Discussion took place regarding temporary overtime that had been approved at the October 7, 2014 commission meeting. Korgel expressed concern that it was still going on and Kerzmann felt that it shouldn't last much longer. He explained that one Jailer/Dispatcher had been out with a broken arm and a couple more should be completing training shortly. Lee would like Kerzmann to let Assistant Jail Administrator Wade Krohmer know that the commission is concerned with the continued overtime. Kerzmann stated that Krohmer has expressed that another part-time person would help and added that he is doing a good job of moving people around on the squads. Lee feels flexible with the idea of possibly bringing on another part-time person but doesn't want to be over-staffed either and would like to see the overtime minimized.

Kerzmann reported that he is looking into a reimbursement program the state has for help with the cost of transporting prisoners.

Nathan Turck and Cecil Osterlund of 3 Mile High, LLC, Garrison, joined the meeting. They are working with the city of Garrison regarding a variance and zoning to tear down an existing apartment complex to put up a larger complex of 12 apartments. This property is located across the road from SuperValu and they are requesting a 21' x 140' easement from McLean County between 4th and 5th Street, located in the right-of-way along the frontage road in Garrison. The plan is to concrete this portion to create more parking for the complex. Krebsbach and Lee feel this will be a good addition for the city.

Moved by Krebsbach, seconded by Lee, to approve the sale of right-of-way to 3 Mile High, LLC, pending the survey results with actual footage and easement agreements. Krebsbach stated that they will have to come back to the commission to determine the price once the survey is completed. Suydam feels this will clean up the area for the city. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Moved by Lee, seconded by Krebsbach, to approve the gaming site authorization from the American Foundation for Wildlife for games of chance at Totten Trail Resort. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

States Attorney Ladd Erickson joined the meeting to discuss the hiring of additional staff for his office. He realizes spending is on hold but would like the commission to consider this. He requested to be allowed to advertise for a part-time or full-time position when the legislature ends, in hopes that the right person will apply. Korgel suggested that Erickson return to the May 19 meeting with a job description and salary proposal, and if approved, go through the hiring process. Suydam questioned the request due to the fact the county is in a budget freeze and wasn't considering hiring until July. Korgel stated that Erickson wants to put things in motion, but the commission will have the final say. Lee questioned where he would put the additional staff. Erickson responded they would share the office with his legal assistant until things are figured out for the highway department.

Discussion took place regarding an ongoing issue between Curt and Jane Lechner and Nathan Strecker and access to property previously addressed at the September 30, 2013 and July 1, 2014 meetings, in which the commission moved to have Strecker remove the gates by July 1, 2014 and nothing has been done. Lee feels the commission needs to take some kind of action on this. The commission tabled the issue until the May 5, 2015 commission meeting.

Land Use Administrator Todd Schreiner rejoined the meeting per Erickson's request. Discussion followed regarding Recreational Vehicle (RV) use throughout county subdivisions. Erickson feels that if a home owners association approves it, that's fine. If a subdivision has no home owners association then that subdivision must follow the county's ordinance which doesn't allow RV living, unless a landowner is living in it while building a home for a period of one year. Erickson stated that the county should only get involved if the local political group that represents the land owners is upset about it, and doesn't need to enforce the will of one person when the rest of the group is ok with it. Lee wonders if the ordinance should be changed stating county enforcement could take place when a formal complaint is received from the home owners association. This would be on a case by case basis.

Another situation was discussed where a subdivision owner wants to include unlimited RV use and not build the roads to county specs. Erickson feels that in order to get a subdivision approved, the Planning & Zoning Commission should require that roads be built to county specs, as at some point down the road, they could become county responsibility. Lee feels it would be beneficial for Erickson to talk with the Planning & Zoning Commission expressing this position. Schreiner added that plats cannot be recorded until roads are built to county specs and inspected by the county road superintendent. Lee wants to see consistency with the roads and RV allowance throughout the county.

Discussion took place regarding the Benedict sewer system.

Moved by Lee, seconded by Krebsbach, to approve the following vouchers for payment:

CHECK #	VENDOR	DESCRIPTION	AMOUNT
A126756	BHG INC	BIDS, LEGAL FOR BITUMINOUS CNOA-2804(054)	355.51
A126757	CUSTOM TRUCK ACCESSORIES	TILT LATCH FOR TRAILER	140.00
A126758	ENERBASE COOP RESOURCES	FUEL & PROPANE	5,196.78
A126759	GARRISON FARMERS UNION OIL	PROPANE FOR TAR TRUCK & MOLYPLEX	425.66
A126760	GARRISON CITY	GARBAGE/SEWER/WATER	58.01
A126761	GCR TIRE CENTERS	TIRES	992.39
A126762	MASTER FIRE & SAFETY	FIRE EXTINGUISHERS	1,226.25
A126763	MDU	WASHBURN, TURTLE LAKE, MAX & GARRISON SHOPS	605.84
A126764	MENARD'S	GARRISON & WASHBURN SHOP SUPPLIES, SIGNS	419.92
A126765	MOTION INDUSTRIES	BALL BEARINGS	43.48
A126766	NAPA AUTO PARTS	PARTS, GARRISON SHOP SUPPLIES	1,139.50
A126767	ND DEPT OF TRANSPORTATION	PROJECT HEC-HRR-9999(304)	3,240.22
A126768	RESERVATION TELEPHONE COOP	TELEPHONE	208.88
A126769	SMITHYS LLC	PARTS	105.25
A126770	VERIZON WIRELESS	HIGHWAY CELL SERVICE	208.66
A126771	AMERICAN TRUST CENTER	QUARTERLY FEES – ERICKSON, LEE, KORGEL	1,346.18

A126772	BELTRAMI CO SHERIFF'S OFFC	FTO TRAINING – KROHMER	350.00
A126773	BISMARCK TIRE	TIRES – SHERIFF	1,001.52
A126774	BUTLER MACHINERY COMPANY	GENERATOR REPAIRS – TOWER	666.91
A126775	CDW GOVERNMENT INC	APC RBC17 REPLACEMENT BATTERY	56.18
A126776	UNDERWOOD CITY	ROOM & KITCHEN RENT FOR PESTICIDE TRAINING	50.00
A126777	COMFORT SUITES	ROOM – HANSON	74.00
A126778	DIGITAL ALLY	DVM500PLUS IN-CAR VIDEO SYSTEM	4,175.00
A126779	DIRTY DEEDS EXCAVATING	OPEN DIKE ON PAINTED WOODS LAKE TO PREVENT FLOODING ON FAHLGREN LAND	4,560.00
A126780	MICHELLE EFFERTZ	TRAVEL	220.80
A126781	ELECTRONIC COMMUNICATIONS	CAMERA FOR 2 ND FLOOR LOBBY	297.00
A126782	ENERBASE COOP RESOURCES	GASOLINE – SHERIFF	266.20
A126783	FIRST DISTRICT HEALTH UNIT	DISBURSE 2015 TAX COLLECTIONS	155,280.00
A126784	BENJAMIN GEHRING	APRIL REIMBURSEMENT FOR CORONER SERVICES	1,500.00
A126785	JAN HANSON	TRAVEL – 4-H LEADER'S COUNCIL MEETING	25.30
A126786	INFORMATION TECH DEPT	T-1 LINE ACCESS, VPN, USER FEES, EXCHANGE EMAIL ACCOUNTS, LERMS USER FEES – SHERIFF	1,942.60
A126787	INFORMATION SYSTEMS CORP	PAPER, ROLL, BOND 20#	136.50
A126788	JOHNSON CONTROLS	UPGRADE AUTOMATION ENGINES – COURTHOUSE, LAW ENFORCEMENT CENTER	5,930.00
A126789	WALTER M LIPP	COURT APPOINTED COUNSEL	150.00
A126790	L-TRON CORPORATION	POCKETJET ROLL PAPER – SHERIFF	162.00
A126791	MDU	LAW ENFORCEMENT CENTER, COURTHOUSE	160.88
A126792	MENARD'S	DOOR KNOB, CURTAIN RODS, HEAVY DUTY HOSE, SHELVES, CEMENT BLOCKS	217.13
A126793	MIDCONTINENT CABLE CO	CABLE TV – LEC	61.50
A126794	ND ASSN OF CO SUPERINTENDENT	2015 DUES	50.00
A126795	ND STATES ATTNY ASSOCIATION	2015 DUES	300.00
A126796	ND YOUTH CORRECTIONAL CTR	DETENTION CARE FOR McLEAN COUNTY YOUTH	3,134.78
A126797	OFFICE DEPOT	6X9 ENVELOPES, TABS, INSERTS, BROTHER LC79CL XXL	194.27
A126798	PHARMCHEM INC.	SWEAT PATCH KITS	375.00
A126799	RICHARD HULTBERG	PLANNING & ZONING TRAVEL	43.70
A126800	DONALD FLINN	PLANNING & ZONING TRAVEL	11.50
A126801	VERNON OSTBY	PLANNING & ZONING TRAVEL	42.55
A126802	DARWIN SAARI	PLANNING & ZONING TRAVEL	28.75
A126803	ROGER BRITTON	PLANNING & ZONING TRAVEL	14.38
A126804	RESERVATION TELEPHONE COOP	GARRISON DEPUTIES, PARK, 911 TRUNKING	211.99
A126805	US IMAGING	SCAN 1882 – 2013 BOOKS – STAGE 2 – RECORDER	47,915.29
A126806	WASHBURN AUTO BODY LLC	MOUNT/BALANCE TIRES – SHERIFF	74.00
A126807	WATER PURITY INC	WATER DELIVERED	70.00
A126808	MIKE THYBERG	WEED BOARD TRAVEL	5.75
A126809	PAUL JACOBSON	WEED BOARD TRAVEL	50.60
A126810	KRUEGER, GARRETT B	WEED BOARD TRAVEL	41.40
A126811	FRED TOMLINSON	WEED BOARD TRAVEL	58.65
A126812	DALEN SCHAEFER	WEED BOARD TRAVEL	43.13
A126813	WEX BANK	GASOLINE, OFFICE SUPPLIES – SHERIFF	226.12
A126814	WILTON FARMERS UNION ELEV	HALL RENTAL FOR PESTICIDE TRAINING	125.00

Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

There being no further business, the chairperson declared the meeting adjourned until the next regularly scheduled meeting on Tuesday, May 5, 2015. The commission minutes and agenda can be found on the county website at <http://www.mcleancountynd.gov>.

Barry Suydam, Chairperson

Nancy Leidholm, Deputy Auditor