

**McLean County Commission Proceedings
Tuesday, September 15, 2015**

The final regular September meeting of the Board of Commissioners was called to order at 8:30 a.m. by Vice Chairperson Steve Lee. Present were Commissioners Lee and Doug Krebsbach. Also present were Auditor Leslie Korgel, Deputy Auditor Nancy Leidholm, and Suzanne Werre of BHG News Service. Absent was Commissioner Barry Suydam.

Moved by Krebsbach, seconded by Lee, to approve the minutes of the previous meeting as submitted. Roll Call Vote: Aye: Lee and Krebsbach. Nay: None. Motion carried. Absent and not voting: Suydam.

Received and ordered filed the corrected fee collection report from the Recorder's office for the month of August in the amount of \$8,371.30.

Highway Superintendent Jim Grey joined the meeting along with Wold Engineering representative Mike Rivinius. Grey reported that gravelling and mowing will continue for about another month throughout the county. Rivinius updated the commission on various road projects throughout the county:

- Project CNOB-2800(051) – Surge Fund gravelling - A portion of subgrade repairs on County Road (CR) #2 should be completed this week. Gravelling is being done on CR #23.
- Project CNOA-2804(054) – Max Paving Project - Grey talked to the railroad's contractor and the culvert should be installed in the next day or two.
- Project CP-2800(015) – Culvert Repair and Replacement – The contractor is planning on starting next week on CR #33.

Discussion took place regarding the possibility of selling some Highway Department equipment in a private individual's property sale next spring.

Director of Emergency Services Manager Noelle Kroll joined the meeting. Kroll reported that she is working with the National Weather Service to update the county's StormReady status and will be meeting with a representative on September 21 for an onsite inspection of the county's dispatch center. StormReady is a community preparedness program sponsored by the National Weather Service that encourages government entities and commercial gathering sites to prepare for severe storms by increasing cooperation among the various agencies responsible for disaster preparedness. Kroll also updated the commission regarding the county's Hazardous Mitigation Plan with a tentative finalization date of September 30. She reported that she had attended the North Dakota Emergency Management Association (NDEMA) Conference and has been appointed as a Member at Large, representing the voice of the NW Region of North Dakota.

Moved by Krebsbach, seconded by Lee, to appoint Auditor Leslie Korgel as the county delegate for the North Dakota State Fair Association. Roll Call Vote: Aye: Lee and Krebsbach. Nay: None. Motion carried. Absent and not voting: Suydam.

Sheriff J. R. Kerzmann, Chief Deputy Sheriff/E-911 Coordinator Richard Johnson, and Assistant Jail Administrator Wade Krohmer joined the meeting.

Moved by Krebsbach, seconded by Lee, to move newly assigned employee James Valandra from deputy back to his jailer/dispatcher position. Roll Call Vote: Aye: Lee and Krebsbach. Nay: None. Motion carried. Absent and not voting: Suydam.

Krohmer talked briefly regarding a request from the US Marshals for the boarding of short term prisoners and transports.

States Attorney Ladd Erickson joined the meeting.

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

CHECK #	VENDOR	DESCRIPTION	AMOUNT
A127842	ENERBASE COOP RESOURCES	FUEL/GAS	23,801.55
A127843	GARRISON FARMERS UNION OIL	FUEL/GAS	5,050.46
A127844	FILTER CARE OF GRAFTON	WASHED FILTERS	12.02
A127845	GARRISON CITY	GARBAGE/WATER	80.72
A127846	GARRISON LUMBER	RXR BRIDGE MATERIALS	36.48
A127847	GCR TIRE CENTERS	TIRES	629.74
A127848	JOHNSEN TRAILER SERVICE	PARTS	65.76
A127849	JOHN DEERE FINANCIAL	PARTS, OIL	1,206.15
A127850	LAKESIDE MACHINERY	PARTS	6,484.60
A127851	MAUTZ, CAREY	REIMBURSE FOR PARTS	114.97
A127852	MAX FARM SERVICES	FUEL	2,957.18
A127853	MCLEAN ELECTRIC COOPERATIVE	ROSEGLLEN, UNDERWOOD & GARRISON SHOPS	370.00
A127854	MCLEAN SHERIDAN RURAL WATER	WATER	120.88
A127855	MDU	WASHBURN, TURTLE LAKE, MAX & GARRISON SHOPS	174.17
A127856	MIDWEST DOORS, INC.	DOORS AT UNDERWOOD & TURTLE LAKE SHOPS	7,788.70
A127857	NAPA AUTO PARTS-WASHBURN	PARTS, WASHBURN SHOP SUPPLIES	196.89
A127858	NAPA AUTO PARTS-GARRISON	PARTS, GARRISON SHOP SUPPLIES	140.06
A127859	PRAXAIR DISTRIBUTION	PARTS	336.39
A127860	RENSCH FARM STORE	PARTS	174.16
A127861	RESERVATION TELEPHONE COOP	TELEPHONE	96.27
A127862	SCHAEFFER MANUFACTURING CO	OIL	6,232.11
A127863	STAN PUKLICH CHEVROLET	PARTS	213.82
A127864	TITAN MACHINERY	DIAMOND 15' BATWING MOWER, USED PEMBERTON HYDRAULIC COUPLER	21,500.00
A127865	VERIZON WIRELESS	HIGHWAY DEPT CELL SERVICE	427.60
A127866	WAGON WHEEL LUMBER	PARTS FOR RENTAL TRACTORS	25.99
A127867	WASTE MANAGEMENT	GARBAGE	49.81
A127868	WEST RIVER TELECOM	TELEPHONE, DSL	87.73
A127869	AMERIPRIDE LINEN & APPAREL	SHOP TOWELS, FLOOR MATS	166.48
A127870	AMERICINN OF GRAND FORKS	LODGING/SWANSON FOR TRAINING IN GRAND FORKS – SHERIFF	74.70
A127871	BHG INC	COMMISSION MINUTES, HELP WANTED ADS, NOTARY STAMPS, NOTICES, OFFICE SUPPLIES	1,746.12
A127872	BOBCAT OF MANDAN	2015 BOB HS8 SPREADER	3,401.77
A127873	CHARM-TEX, INC.	SECURITY BAR SOAP – SHERIFF	94.36
A127874	CITY OF WASHBURN	DEPOSIT FEE/RENTAL FEE – COUNTY HEALTH FAIR; WATER/SEWER – LEC, COURTHOUSE	338.64
A127875	CULLIGAN WATER CONDITIONING	PORTABLE EXCHANGE TANK RENTAL – PARK	90.00
A127876	DACOTAH PAPER COMPANY	SCOUR PADS, TOILET PAPER, CUPS, PAPER TOWELS, GARBAGE BAGS, CLEANERS, LAUNDRY SOAP, SHAMPOO, BODYWASH	1,377.54
A127877	DAKOTA CENTRAL SOCIAL SVC	MCLEAN COUNTY BILLABLE SHARE AUGUST EXPENDITURES	63,410.30
A127878	MICHELLE EFFERTZ	REIMBURSE AUG/SEPT CELL PHONE,	164.79

A127879	WILTON FARMERS UNION OIL CO	REIMBURSE FOR CLIP BOXES, MILEAGE	
A127880	FARMERS UNION SERVICE ASSOC	GASOLINE – SHERIFF	1,565.41
A127881	GARRISON FARMERS UNION OIL	TRACTOR LEASE	600.00
		GASOLINE/WASHER FLUID, SWAP OUT	2,017.05
		TIRES – SHERIFF	
A127882	FISCHER AUTO BODY	REPAIR WINDSHIELD CHIP – SHERIFF	45.00
A127883	GALLAGHER BENEFIT SERVICES	DBM TRAINING, REVIEWING SURVEYS,	11,575.00
		PREP OF BENCHMARK SUMMARY	
A127884	GARRISON VETERINARY SERVICE	DOG FOOD – CHANCE/REMI	117.50
A127885	GARRISON MEMORIAL HOSPITAL	PRISONER MEDICAL	2,425.48
A127886	GARRISON FAMILY CLINIC	PRISONER MEDICAL	180.00
A127887	BENJAMIN GEHRING	SEPTEMBER REIMBURSEMENT FOR	1,500.00
		CORONER SERVICES	
A127888	IRENE GRAVES	REIMBURSE TRAINING FEE, AUG/SEPT	125.00
		CELL PHONE	
A127889	GRIMSLEYS EXHAUST & FUELS	GASOLINE – SHERIFF	1,131.19
A127890	HARRYS AUTO	BRIDGESTONE TIRE – WEED CONTROL	185.11
A127891	HATZY'S REPAIR	OIL CHANGE – SHERIFF	48.95
A127892	HIWAY 83 EXPRESS	GASOLINE – COUNTY MOTOR POOL	189.50
A127893	INFORMATION TECH DEPT	T-1 LINE ACCESS, USER FEES, VPN,	831.10
		EXCHANGE EMAIL ACCOUNTS,	
		NETMOTION, LERMS USER FEES	
A127894	RICHARD JOHNSON	CELL PHONE REIMBURSEMENT	30.00
A127895	KRAUSE'S SUPER VALU	SUPPLIES FOR NUTRITION PROGRAM,	5,277.95
		INMATE MEALS, DOG FOOD, BLEACH	
A127896	NOELLE KROLL	REIMBURSE AUG/SEPT CELL PHONE	60.00
A127897	LEXISNEXIS MATTHEW BENDER	4 ND CRT RULES ANNO 8/18 SUPP	75.62
A127898	CURT MALO	REIMBURSE AUG/SEPT CELL PHONE	60.00
A127899	MASTER FIRE & SAFETY	ANNUAL FIRE EXTINGUISHER	238.75
		MAINTENANCE, 6 YEAR MAINTENANCE,	
		2 HOSE & CLIPS	
A127900	MAX FARM SERVICES	GASOLINE – SHERIFF	354.43
A127901	MCLEAN ELECTRIC COOPERATIVE	SECURITY LIGHTS – COURTHOUSE,	2,218.00
		PARK; PARK BOARD, CENTENNIAL	
		PARK, CIVIL DEFENSE, CAMPER PADS,	
		CAMPGROUND METER	
A127902	MCLEAN COUNTY AUDITOR	McLEAN COUNTY SHARE – EMERGENCY	258,710.01
		REPAIR PROJECT	
A127903	MCLEAN COUNTY AUDITOR	AUGUST POSTAGE – COUNTY AGENT	29.98
A127904	MDU	GAS – COURTHOUSE, LEC	171.63
A127905	MGIA DAKOTA'S CHAPTER	REGISTRATION FEE – SHERIFF	50.00
A127906	MIDCONTINENT CABLE CO	CABLE TV – LEC	68.72
A127907	NAPA AUTO PARTS-WASHBURN	HALOGEN CAPSULES, WINDSHIELD	45.50
		WIPERS – COUNTY MOTOR POOL; VALVE	
		STEM, SPARK PLUG – WEED CONTROL	
A127908	NAPA AUTO PARTS-GARRISON	OIL FILTERS – WEED CONTROL	25.56
A127909	NDACO RESOURCES GROUP	HP T1000 G4 UNINTERRUPTIBLE POWER	1,985.90
		SUPPLY; MOVE DATA TO HARD DRIVE –	
		SHERIFF; MONTHLY BACKUP FEE FOR	
		DATA – OCTOBER; MANAGED SERVER	
		PRO – OCTOBER; MANAGED WORK-	
		STATIONS PRO – OCTOBER; SUBSCRIP-	
		TION BASE ANTIVIRUS – OCTOBER	
A127910	ND SECRETARY OF STATE	NOTARY RENEWAL – R JOHNSON	72.00
A127911	NDSU	BUSINESS CARDS – IRENE GRAVES	45.00
A127912	LINDA MCCAW	NDSU FALL CONF REG – EFFERTZ	140.00
A127913	ND YOUTH CORRECTIONAL CTR	DETENTION CARE FOR McLEAN COUNTY	1,709.88
		JUVENILE	
A127914	RYAN OBERG	REIMBURSE AUG/SEPT CELL PHONE	60.00
A127915	OFFICE DEPOT	BROTHER TN-430 FAX TONER, BLUE/ GREEN/RED HANGING FILE FOLDERS, HP #75, #60 & #80 INK CARTRIDGES, 9X12 ENVELOPES, HP 80A & 53A LASER TONER	572.19
A127916	PARKER DENTAL CLINIC	PRISONER MEDICAL	222.00
A127917	PHARMCHEM INC.	SWEAT PATCH KITS	725.00
A127918	POST BOARD	PSYCH TEST	110.00
A127919	RADISSON HOTEL BISMARCK	LODGING – KROLL – EMA CONF	74.70
A127920	RECORD KEEPERS	SHREDDING SERVICES – AUGUST	16.00
A127921	RESERVATION TELEPHONE COOP	GARRISON DEPUTIES, PARK, 911	264.37
		TRUNKING	
A127922	SCOTT'S HARDWARE	COFFEE MAKER, BATTERIES – COUNTY	53.98
		AGENT	
A127923	SEVERIN, RINGSAK & MORROW	COURT APPOINTED ATTORNEY FEES	1,900.00
A127924	S & J HARDWARE	GARDEN PLUG, BOLT, CLEANERS, SCREWS, BATTERIES – PARK	169.97
A127925	SRT COMMUNICATIONS, INC	911 TRUNKING	698.28
A127926	ST ALEXIUS CLINICS	PRISONER EDICAL	398.00
A127927	SUPERPUMPER	GASOLINE – SHERIFF	123.49
A127928	TAO INTERACTIVE INC	ANNUAL EGOV WEBSITE HOSTING	599.95
A127929	THIRD WATCH COMMUNICATIONS	PROGRAMMING OF MOTOROLA ASTRO	326.95
		SPECTRA – SHERIFF	
A127930	UNDERWOOD CLINIC PC	PRISONER MEDICAL	604.00
A127931	UNIFORM CENTER	PANTS, PATCHES – SHERIFF	720.00
A127932	US IMAGING	SCAN 1882 – 2013 BOOKS – STAGE 3	14,389.20
A127933	VERIZON WIRELESS	DATA CARDS – SHERIFF	720.18
A127934	VIKING SCREEN PRINTS	RAPID REMOVER – PARK	25.76
A127935	WASTE MANAGEMENT	AUGUST GARBAGE PICKUP – LEC, COURTHOUSE	139.06
A127936	WASHBURN FAMILY CLINIC	PRISONER MEDICAL	90.00
A127937	WEBER ELECTRIC	GFI IN FREEZER, REST BREAKERS – LEC	244.16
A127938	WEST RIVER TELECOM	911 TRUNKING RECURRING, MONTLY CHARGES	3344.36
A127939	WESTERN FRONTIER INS AGENCY	NOTARY BOND RENEWAL – OLSON, JOHNSON	100.00

Roll Call Vote: Aye: Lee and Krebsbach. Nay: None. Motion carried. Absent and not voting: Suydam.

Moved by Krebsbach, seconded by Lee, to approve the final salary survey from Fox Lawson & Associates as submitted. Roll Call Vote: Aye: Lee and Krebsbach. Nay: None. Motion carried. Absent and not voting: Suydam.

McLean County Agent Michelle Effertz and NDSU Southwest District Director Gerald Sturn joined the meeting

The board conducted the first reading of the proposed changes to the County Liquor Ordinance, specifically paragraph 1 of page 2, changing **HOURS – Any retail business, club or lodge shall not open for business before 0800 cst and must be closed after 0100 cst Monday through Sunday except no beer or liquor shall be sold before 1200 cst (noon) 1100 cst on Sunday. No beer or liquor may be sold or consumed on any licensed premises during closed hours.*

State’s Attorney Ladd Erickson was present to discuss his recommendations regarding the McLean County Extension Office:

- Recommends a new vehicle use policy with better accountability for the use of all county vehicles, not just the extension office.
- Recommends the county ensure the office has an empowered department head to handle the functions of the office with more local control.
- Recommends the county discontinue the funding of Agent Grave’s position due to the fact that the main activities are trainings and meetings around the state with some 4-H/nutritional activities in the county. Little or no agricultural support is being done by the office.
- With only one Agent, Erickson recommends setting the office travel budget at \$2,500.00 annually plus the use of one dedicated county vehicle, adding that additional expense be covered by NDSU or special commission approval.

Erickson recommends appointing a committee to go over these recommendations and also determine what the county wants from the Extension Office to make sure the county is getting what they are paying for.

Discussion followed regarding travel, mileage, and using a personal vehicle. Lee has no problem with in-county travel, but excessive out of county travel is a concern.

NDSU representative Gerald Sturn welcomes the opportunity to work with the commission to determine what is wanted by the county. He presented a letter of resignation from Extension Agent Irene Graves effective September 25, 2015.

Vice Chairperson Lee appointed Extension Agent Michelle Effertz, Korgel and himself to meet with Sturn at 8:00 a.m. on September 18 to discuss what is wanted of the Extension office.

Vice Chairperson Lee appointed Commissioner Krebsbach, Chief Deputy Auditor Lori Foss, Captain Dave Pederson, and State’s Attorney Ladd Erickson to work on the county motor pool travel system.

The Vice Chairperson recessed the meeting at 9:44 a.m.

The Vice Chairperson opened a public hearing at 10:00 a.m. with regards to Falkirk Mining Company’s request for permitting surface coal mining operations within 100 feet of the outside right-of way of certain public roads.

Jane Miller and Max Guenther of Underwood, Pat and Valdon Swanson of Bismarck, Falkirk Mining Company’s Human Resources Manager Randy Crooke, Operations Manager Shane Wagner, and Land Manager Chris Frieze, were in attendance.

Moved by Krebsbach, seconded by Lee, to approve the following resolution as submitted:

RESOLUTION OF
McLEAN COUNTY COMMISSION

WHEREAS, pursuant to the provisions of chapter 38-14.1-07(04) of the North Dakota Century Code and Chapter 69-05.2-04-01.1(3)(b) of the North Dakota Administrative Code, The Falkirk Mining Company (“Falkirk”) petitioned the Board of County Commissioners of McLean County, North Dakota (“Commissioners”) for permission to conduct surface coal mining operations within 100 feet of the outside right-of-way line of the following public roads:

- a. The east and west sides of the section line between the SW4 of Section 7, Township 145 North, Range 82 West and the SE4 of Section 12, Township 145 North, Range 83 West;
- b. The north side of the south section line of the W2SW4 of Section 7, Township 145 North, Range 82 West;
- c. The north side of the south section line of Section 12, Township 145 North, Range 83 West;
- d. The west side of the section line between the SW4 of Section 12 and Section 11, Township 145 North, Range 83 West;
- e. The east and west sides of the section line between the SW4 of Section 9 and the SE4 of Section 8, Township 145 North, Range 83 West;
- f. The east and west sides of the section line between Section 8 and Section 7, Township 145 North, Range 83 West;
- g. The east and west sides of the section line between NW4 of Section 7 Township 145 North and the NE4 of Section 12, Township 145 North, Range 84 West;
- h. The north and south sides of the section line of Section 1 and Section 12, Township 145 North, Range 84 West;
- i. The east side of the west section line of Section 1, Township 145 North, Range 84 West;
- j. The west side of the section line between the NW4 of Section 1 and the NE4 of Section 2, Township 145 North, Range 84 West;
- k. The north and south sides of the section line between Section 1, Township 145 North and Section 36, Township 146 North, Range 84 West;
- l. The east side of the section line of the SW4 of Section 29, township 145 North, Range 83 West; and
- m. The north and south sides of the section line between Section 29 and Section 32, Township 145 North, Range 83 West.

WHEREAS, a public hearing was held upon the Petition of Falkirk before the Commission on the 15th day of September, at 10:00 a.m., CDT, in the Courthouse in the City of Washburn, North Dakota, and the Commission having heard and considered all of the testimony and evidence presented;

WHEREAS, the Commission has jurisdiction over the subject matter of the Petition and the public roads and rights-of-way stated therein;

WHEREAS, the Notice of Hearing on said Petition was duly served and published as required by law; and

WHEREAS, the interests of the public and the interests of the affected landowners will be protected.

NOW, THEREFORE BE IT RESOLVED that the Commission does hereby approve the conducting of surface coal mining operations, except actual coal removal, by Falkirk within 100 feet of the outside right-of-way line of the following public roads:

- a. The east and west sides of the section line between the SW4 of Section 7, Township 145 North, Range 82 West and the SE4 of Section 12, Township 145 North, Range 83 West;
- b. The north side of the south section line of the W2SW4 of Section 7, Township 145 North, Range 82 West;
- c. The north side of the south section line of Section 12, Township 145 North, Range 83 West;
- d. The west side of the section line between the SW4 of Section 12 and Section 11, Township 145 North, Range 83 West;
- e. The east and west sides of the section line between the SW4 of Section 9 and the SE4 of Township 145 North, Range 83 West; Section 8,
- f. The east and west sides of the section line between Section 8 and Section 7, Township 145 North, Range 83 West;
- g. The east and west sides of the section line between NW4 of Section 7 Township 145 North and the NE4 of Section 12, Township 145 North, Range 84 West;
- h. The north and south sides of the section line of Section 1 and Section 12, Township 145 North, Range 84 West;
- ii. The east side of the west section line of Section 1, Township 145 North, Range 84 West;
- j. The west side of the section line between the NW4 of Section 1 and the NE4 of Section 2, Township 145 North, Range 84 West;
- k. The north and south sides of the section line between Section 1, Township 145 North and Section 36, Township 146 North, Range 84 West;
- l. The east side of the section line of the SW4 of Section 29, township 145 North, Range 83 West; and
- m. The north and south sides of the section line between Section 29 and Section 32, Township 145 North, Range 83 West.

BE IT FURTHER RESOLVED that this Resolution, the Petition involved herein, and the Affidavits of Publication of Notice of Hearing be filed with the McLean County Auditor.

Dated this 15th day of September, 2015.

ATTEST:

McLEAN COUNTY COMMISSION

By: _____

By: _____

By: _____

Roll Call Vote: Aye: Lee and Krebsbach. Nay: None. Motion carried. Absent and not voting: Suydam.

The Chairperson closed the right-of-way public hearing at 10:17 a.m.

The Vice Chairperson opened a public hearing at 10:17 a.m. with regards to Falkirk Mining Company's request to temporarily close certain section line roads.

Falkirk Mining Company representative Randy Crooke stated that Falkirk was withdrawing the request at this time due to information received from the public that has caused them to make adjustments to the request.

Max Guentner of Underwood stated that he would like to see CR #17 black topped to which Commissioner Lee responded that it is cost prohibitive for the county. Guentner also would like to see new CR #20 ten feet wider as it is narrower than the old CR #20.

Discussion followed regarding release of bond, lands meeting production standards and right of first refusal.

Krebsbach questioned the mining of CR #17. Crooke stated that he will have a representative bring the commission a mine plan once it is determined.

The Vice Chairperson closed the closing of section line roads public hearing at 10:48 a.m. and reconvened the commission meeting.

There being no further business, the chairperson declared the meeting adjourned at 10:49 a.m. The next regularly scheduled meeting is on Tuesday, October 6, 2015. The commission minutes and agenda can be found on the county website at <http://www.mcleancountynd.gov>.

Steve Lee, Vice Chairperson

Nancy Leidholm, Deputy Auditor