

McLean County Commission Proceedings
Tuesday, June 21, 2022

The second regular June meeting of the Board of Commissioners was called to order at 8:30 a.m. by Chairperson Steve Lee. Present were Commissioners Lee, Steve Cottingham, and Barry Suydam. Also present were: Auditor Beth A. Knutson, Road Superintendent Jim Grey, and Deputy Auditor Diane L. Blumhagen.

Moved by Suydam, seconded by Cottingham, to approve the minutes of the previous regular meeting and the Board of Tax Equalization meeting held on June 7, 2022, as submitted. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Grey was present with an update on department operations reporting that County Road (CR) 12 rock project will be completed this week. He reviewed 36th Avenue SW near Wolf Creek Wolf Creek determining that an additional 25-mph Speed Limit sign should be placed. He also informed the board that Caleb Strecker has been hired to fill the open Equipment Operator II position.

Chief Deputy Sheriff Richard Johnson joined the meeting.

Grey presented a boring permit request from Melodie Wannemacher requesting to bore CR 16 in Section 4, Township 146 North, Range 81 West, placing a water line.

Moved by Cottingham, seconded by Suydam, to approve the boring permit request from Melodie Wannemacher as presented. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

James C. Falcon of NorDak North Publishing joined the meeting.

Grey presented a boring permit request from RTC Networks requesting to bore right-of-way on the south side of CR 9 approximately 691' then bore underneath 23rd St NW in Section 3, Township 149 North, Range 90 West, placing fiber inside plastic conduit pipe.

Moved by Suydam, seconded by Cottingham, to approve the boring permit request from RTC Networks as presented. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Grey presented the following boring permits request from Falkirk Mining Company requesting to bore SW $\frac{1}{4}$ of Section 1, Township 144 North, Range 84 West, to Section 12, Township 144 North, Range 84 West, and the NE $\frac{1}{4}$ of Section 11, Township 144 North, Range 84 West, placing a 10 inch pipe to be used to convey water from mining pits; SE $\frac{1}{4}$ of Section 1, Township 144 North, Range 84 West, to SW $\frac{1}{4}$, of Section 6, Township 144 North, Range 83 West, placing a 10 inch pipe to be used to convey water from mining pits; NE $\frac{1}{4}$ of Section 11, Township 144 North, Range 84 West, to SE $\frac{1}{4}$ of Section 11, Township 144 North, Range 84 West, and SW $\frac{1}{4}$ of Section 11, Township 144 North, Range 84 West, placing a 10 inch pipe to be used to convey water from mining pits; NW $\frac{1}{4}$ of Section 1, Township 144 North, Range 84 West, to NE $\frac{1}{4}$ of Section 2, Township 144 North, Range 84 West, placing a 10 inch pipe to be used to convey water from mining pits; SW $\frac{1}{4}$ of Section 1, Township 144 North, Range 84 West, to SE $\frac{1}{4}$ of Section 1, Township 144 North Range 84 West, placing a 10 inch pipe to be used to convey water from mining pits; SE $\frac{1}{4}$ of Section 32, Township 145 North, Range 83 West, to NE $\frac{1}{4}$ of Section 2, Township 144 North, Range 84 West, placing a 10 inch pipe to be used to convey water from mining pits; NE $\frac{1}{4}$ of Section 11, Township 144 North, Range 84 West, to NW $\frac{1}{4}$ of Section 12, Township 144 North, Range 84 West, placing a six inch pipe to be used to convey water from mining pits; SW $\frac{1}{4}$ of Section 12, Township 144 North, Range 84 West, to SE $\frac{1}{4}$ of Section 12, Township 144 North, Range 84 West, placing a six inch pipe to be used to convey water from mining pits; NE $\frac{1}{4}$ of Section 11, Township 144 North, Range 84 West, to SE $\frac{1}{4}$ of Section 11, Township 144 North, Range 84 West, and SW $\frac{1}{4}$ of Township 144 North, Range 84 West, placing a six inch pipe to be used to convey water from mining pits; NE $\frac{1}{4}$ of Section 1, Township 144 North, Range 84 West, to NW $\frac{1}{4}$ of Section 6, Township 144 North, Range 83 West, placing a six inch pipe to be used to convey water from mining pits; SE $\frac{1}{4}$ of Section 33, Township 145 North, Range 83 West, to NE $\frac{1}{4}$ of Section 1, Township 144 North, Range 84 West, placing a six inch pipe to be used to convey water from mining pits; and NE $\frac{1}{4}$ of Section 2, Township 144 North, Range 84 West, to NW $\frac{1}{4}$ of Section 1, Township 144 North, Range 84 West, placing a six inch pipe to be used to convey water from mining pits.

Moved by Suydam, seconded by Cottingham, to approve all of the boring permits requests from Falkirk Mining Company as presented. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Johnson updated the commission that Youthworks is changing their processes due to legislative action and a ND Department of Health ruling. North Dakota Association of Counties (NDACo) has contacted the Sheriff's Office proposing attendant care in the county. McLean County consists of 3% usage which results in \$1,000.00 a month, or \$5,000.00 from August to December 2022. Johnson requested the use of ARPA funds to pay for the remainder of the year and the department will create a budget line item for 2023.

Moved by Cottingham, seconded by Suydam, to pay the \$5,000.00 as presented. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Aaron Fuller, of Garrison, ND; and Chris Heid, DuWayne Heid, and Bill Pedersen, of Bismarck, ND, joined the meeting.

Johnson requested approval to purchase a subscription to LeadsOnline LLC. This is a program that businesses utilize when items are purchased from individuals. The seller's name, description of item, and serial number is inputted into the system which can be accessed through the subscription. The prorated 2022 amount is \$1,317.00, with 2023 rate being \$2,635.00.

Moved by Cottingham, seconded by Suydam, to approve subscribing to LeadsOnline LLC. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Landon Niemiller, of Bismarck, ND, joined the meeting.

Johnson presented a Pro-Vision quote to purchase three high-definition in-car video, two-camera base kits in the amount of \$16,725.00. Discussion followed.

Moved by Suydam, seconded by Cottingham, to approve the purchase of three video systems at a cost of \$16,725.00. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Tax Director Todd Schreiner and Property Assessor Elizabeth Patterson joined the meeting.

Johnson presented the proposed budget for 2023 for Communications, with no changes from last year. Total budget presented, \$9,000.00.

Johnson presented the proposed budget for 2023 for E-911 with the only change being the Salaries line item has been left blank until the Salary Survey is received. Total budget presented, not including Salaries, \$91,950.00.

Patterson presented an application submitted by DeeAnn M. Lowry, of Garrison, ND, requesting approval of a Conditional Use Permit involving land located in the SE¼NE¼ of Section 16, Township 148 North, Range 86 West, more specifically identified as Outlot B (1.58 acres).

Moved by Suydam, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the request of a Conditional Use Permit involving land located in the SE¼NE¼ of Section 16, Township 148 North, Range 86 West, more specifically identified as Outlot B (1.58 acres). Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Patterson presented an application submitted by Daniel and Lindsay Hoff, of Washburn, ND, requesting approval of a Conditional Use Permit involving land located in Government Lot 5 of Section 6, Township 144 North, Range 81 West, more specifically identified as Outlot A (3.64 acres).

Moved by Cottingham, seconded by Suydam, to concur with the Planning and Zoning Commission and approve the request of a Conditional Use Permit involving land located in Government Lot 5 of Section 6, Township 144 North, Range 81 West, more specifically identified as Outlot A (3.64 acres). Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Patterson presented a variance request submitted by Gene and Sharon Larson, whose post office address is York, ND, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located on Lot 4 of Lee's Point 2nd Subdivision (Wise Township).

Moved by Suydam, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the request of a variance of the setback requirements involving land located on Lot 4 of Lee's Point 2nd Subdivision (Wise Township). Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Patterson presented a request for zoning change submitted by Discovery Wind, LLC, whose post office address is Charlottesville, VA, involving land described as the NW portion of the NW¼ of Section 33, Township 145 North, Range 80 West, of McLean County. The above-named applicant seeks a zoning change to allow the construction of a 197' meteorological tower to measure the wind resource in the area.

Moved by Cottingham, seconded by Suydam, to concur with the Planning and Zoning Commission and approve the request of a zoning change involving land described as the NW portion of the NW¼ of Section 33, Township 145 North, Range 80 West, of McLean County. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Patterson presented a request for zoning change submitted by Discovery Wind, LLC, whose post office address is Charlottesville, VA, involving land described as the NE portion of the SE¼ of Section 9, Township 143 North, Range 80 West, of McLean County. The above-named applicant seeks a zoning change to allow the construction of a 197' meteorological tower to measure the wind resource in the area.

Moved by Suydam, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the request of a zoning change involving land described as NE portion of the SE¼ of Section 9, Township 143 North, Range 80 West, of McLean County. Discussion followed. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Patterson presented an application submitted by the Louise M. Markert Trust, whose post office address is Shoreline, WA, requesting approval of a subdivision plat involving land located in the NE¼ of Section 36, St. Mary Township, of McLean County. The above-named applicant seeks approval of a subdivision plat to develop a 21-lot rural residential subdivision to be known as Pleasant Point Subdivision.

Moved by Cottingham, seconded by Suydam, to concur with the Planning and Zoning Commission and approve the request of a subdivision plat involving land located in the NE¼ of Section 36, St. Mary Township, of McLean County. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Patterson presented an application submitted by Aaron Fuller, whose post office address is Garrison, ND, requesting approval of a subdivision plat involving land located in the NE¼NW¼ of Section 29, Township 148 North, Range 84 West, of McLean County. The above-named applicant seeks approval of a subdivision plat to develop a 21-lot rural residential subdivision to be known as De Trobriand Bay Estates.

Moved by Suydam, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the request of a subdivision plat involving land located in the NE¼NW¼ of Section 29, Township 148 North, Range 84 West, of McLean County. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Schreiner presented the proposed budget for 2023 for Veterans Service, with the only change being the Salaries line item has been left blank until the Salary Survey is received. Total budget presented, not including Salaries, \$2,460.00.

Schreiner presented the proposed budget for 2023 for Tax Director/Land Use, GIS Maintenance line item increased from \$683.95 to \$700.00 and Salaries line item has been left blank until the Salary Survey is received. Total budget presented, not including Salaries, \$41,120.00.

Knutson informed the board that remaining ARPA funds have been received in the amount of \$917,776.00.

Knutson discussed the Washburn City Commission Meeting that she attended regarding county-owned property within the City of Washburn. An agreement was reached on parcel 81-3001-00067-000; the prospective buyer will be submitting a bid for the next commission meeting.

Moved by Cottingham, seconded by Lee, to reappoint Barry Suydam to the McLean Mercer Regional Library Board for a three-year term. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Knutson discussed receiving two letters of interest for the open McLean Mercer Regional Library Board position. The first letter of interest was received from Kayla Oberlander and the second was received from Ashley Opdahl.

Moved by Suydam, seconded by Cottingham, to appoint Kayla Oberlander for a three-year term. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Knutson discussed the open Planning and Zoning Commissioner position for the Underwood area.

Director of Disaster Emergency Services and Employee Risk Manager Noelle Kroll joined the meeting.

Knutson provided the Primary Election overview stating the McLean County Measure passed though it does not need to be utilized until 2024.

Knutson updated the commission that the Sportsmen's Centennial Park ramp extension has been completed. The invoices have been paid and submitted to North Dakota Game and Fish for reimbursement of their 75% of the cost.

Knutson received request from West River Transit to assist in the purchase of a van with the county cost share match being 20% or \$11,945.00.

Moved by Cottingham, seconded by Suydam, to approve the county cost share of 20% for the purchase of a van. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Knutson discussed two additional West River Transit buses ordered for the Garrison area with the county cost share being 15% or \$16,500.00 each for a total of \$33,000.00.

Knutson informed the commission that the signed police contract from the City of Wilton has been received back.

Knutson discussed appointing a delegate for the North Dakota Association of Counties (NDACo) Conference. Recorder Heidi Anderson is our current delegate and has agreed to be appointed again.

Moved by Suydam, seconded by Cottingham, to appoint Recorder Heidi Anderson as NDACo Conference Delegate. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Kroll presented the proposed budget for 2023 for Employee Risk Management Program, with no changes from last year. Total budget presented, \$6,900.00.

Kroll presented the proposed budget for 2023 for Disaster Emergency Services Contractors and Plan Updates decreases from \$25,000.00 to \$8,500.00, Equipment and Supplies increased from \$21,320.00 to \$35,000.00, and Salaries has been left blank until the Salary Survey is received. Total budget presented, not including Salaries, \$49,860.00.

Clerk of Court Bonnie Bohnsack joined the meeting to present the proposed budget for 2023 for Clerk of District Court, with the only change being the Salaries has been left blank until the Salary Survey is received. Total budget presented, not including Salaries, \$33,500.00.

Bohnsack presented the proposed budget for 2023 for Juvenile Court, with no changes from last year. Total budget presented, \$2,000.00.

Adam Ourada, Falkirk Mining Company, joined the meeting.

NDSU Extension Agent/Family and Community Wellness Coordinator Courtney Hoikkala joined the meeting to present the proposed budget for 2023 for Extension Agent Agent Salaries increased from \$49,165.00 to \$54,517.00; Training and Conventions increased from \$500.00 to \$800.00; Office Supplies, Ribbons, and Paper increased from \$800.00 to \$900.00; Fair Supplies increased from \$200.00 to \$800.00; Printed Publications increased from \$100.00 to \$500.00; Educational and Meeting Materials increased from \$500.00 to \$1,400.00; Capital Outlay and Equipment decreased from \$3,000.00 to \$1,500.00; and Salaries for Administrative Assistant has been left blank until the Salary Survey is received. Total budget presented, not including Administrative Assistant Salary, \$70,597.00.

David Miller, of Bismarck, ND, joined the meeting.

Knutson presented the proposed budget for 2023 for McLean County Park Board Supplies decreased from \$1,400.00 to \$1,300.00; Park Maintenance decreased from \$1,800.00 to \$1,700.00; Fuel increased from \$1,500.00 to \$2,800.00; Overtime

decreased from \$3,775.12 to \$3,000.00; and Salaries has been left blank until the Salary Survey is received. Total budget presented, not including Salaries, \$37,100.00.

Knutson presented the proposed budget for 2023 for Weed Control Board Benefit line items have been left blank until the rates are received. Total budget presented, not including benefits, \$163,250.00. Lee requested Gas and Oil increase from \$10,000.00 to \$12,000.00.

Knutson presented the proposed budget for 2023 for McLean County Historical Society Electricity increased from \$2,750.00 to \$3,000.00; Gas increased from \$2,000.00 to \$3,000.00; and Labor Salaries increased from \$27,500.00 to \$31,000.00. Total budget presented, \$53,150.00.

Knutson presented the proposed budget for 2023 for Recorder Travel increased from \$850.00 to \$1,000.00; Maintenance Agreement increased from \$8,500.00 to \$9,000.00; and Salaries has been left blank until the Salary Survey is received. Total budget presented, not including Salaries, \$12,000.00.

Chairperson Lee opened a public hearing at 10:00 a.m. for Falkirk Mining Company’s right-of-way variance request.

Moved by Cottingham, seconded by Suydam, to approve the following resolution of McLean County Commission:

Resolution Of
McLean County Commission

Whereas, pursuant to the provisions of Chapter 38-14.1-07 of the North Dakota Century Code and Chapter 69-05.2-04 of the North Dakota Administrative Code, The Falkirk Mining Company (“Falkirk”) petitioned the Board of County Commissioners of McLean County, North Dakota (“Commission”) 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 north and south sides of the section line between Lot 1 Section 2, Township 144 North, Range 84 West and Section 32, Township 145 North, Range 83 West
- b. The east and west sides of the section line between the NW4 of Section 12 and the NE4 of Section 11, Township 144 North, Range 84 West
- c. The east and west sides of the section line between the N2SW4 of Section 12 and the N2SE4 of Section 11, Township 144 North, Range 84 West
- d. The north and south sides of the road located along the quarter line between the NE4 and the SE4 of Section 11, Township 144 North, Range 84 West
- e. The north and south sides of the road located along the quarter line between the NW4 and the SW4 of Section 12, Township 144 North, Range 44 West

Whereas, a public hearing was held upon the Petition of Falkirk before the Commission on the 21st day of May, 2022, 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 north and south sides of the section line between Lot 1 Section 2, Township 144 North, Range 84 West and Section 32, Township 145 North, Range 83 West
- b. The east and west sides of the section line between the NW4 of Section 12 and the NE4 of Section 11, Township 144 North, Range 84 West
- c. The east and west sides of the section line between the N2SW4 of Section 12 and the N2SE4 of Section 11, Township 144 North, Range 84 West
- d. The north and south sides of the road located along the quarter line between the NE4 and the SE4 of Section 11, Township 144 North, Range 84 West
- e. The north and south sides of the road located along the quarter line between the NW4 and the SW4 of Section 12, Township 144 North, Range 44 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 21st day of May, 2022.

Attest:

Beth Knutson, County Auditor

McLean County Commission

By: _____

By: _____

By: _____

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

Moved by Cottingham, seconded by Suydam, to approve the following vouchers for payment:

A detailed list of checks is available for public inspection anytime during regular business hours in the McLean County Auditor's Office.

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

There being no further business, the chairperson declared the meeting adjourned at 10:12 a.m. until the next regularly scheduled meeting on Tuesday, July 5, 2022. The commission minutes and agenda can be found on the county website at <http://www.mcleancountynd.gov>.

Steve Lee, Chairperson

Diane L. Blumhagen, Deputy Auditor