

McLean County Commission Proceedings
Tuesday, July 19, 2022

The second regular July 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, Chief Deputy Auditor Lori A Foss, Road Superintendent Jim Grey, Building Maintenance Supervisor Curt Malo, Disaster Emergency Services Director/Risk Manager Noelle Kroll, Lewis & Clark Development Group Executive Director Brent Ekstrom, and Greg Cunningham of Washburn.

Moved by Suydam, seconded by Cottingham, to approve the minutes of the previous regular meeting held on July 5, 2022, as submitted. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Ekstrom presented information on Lewis & Clark's current services and previous year's activities along with the annual report.

Cammie Wright of NorDak North Publishing joined the meeting.

Kroll presented incident statistics for the county's risk management program through June 30, 2022. She went on to discuss the 2020 Homeland Security Grant which was just closed out reporting that all funds have been expended on two full-scale exercises, a walk-through metal detector for the courthouse, and handheld security wands for the Sheriff's Department. When all is said and done, the county received equipment valued at just over \$5,400.00 at a county expense of \$14.00. She would like to start the bid process to expend approved 2021 Homeland Security Grant funds by securing bids for additional functional exercises.

Moved by Cottingham, seconded by Suydam, to authorize Kroll to secure bids for functional exercises funded entirely by the 2021 Homeland Security Grant funds. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Grey discussed upcoming mowing activities and patching activities in the Butte area. He went on to talk about the 950 F4 in Garrison which wasn't running very well. Butler came up and looked at it finding that there were some bent push rods. When the technician came onsite, he found that the unit needs more including a cam shaft and possibly a new motor at a cost of \$35,000 for the motor alone. Shop Foreman Troy Kittler has looked at the unit and said at best we could look for a used motor for the unit at a cost of \$10,000 - \$15,000. Grey is considering selling the unit as is and letting the next owner worry about it. Cottingham asked what the worth would be and Grey responded that he was uncertain what the value would be.

Grey informed the board of a dump trailer that he was planning to budget for in 2023. He reported that he found a ton and a half truck with a dump box on it on BisMan Online (BisMan). The intended use would be to transport materials for use with the mini excavator or skid steer. The unit is no longer on BisMan but he was able to contact the owner and he still has the unit for sale with it located in Lemmon, SD, at an asking price of \$28,000. The unit has a fuel tank with an electric fuel pump located between the cab and the box that would come in handy for the intended purpose of the truck.

Moved by Cottingham, seconded by Suydam, to allow Grey to investigate and pursue the purchase of the unit as described above with negotiating authority up to the asking price of \$28,000. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Grey presented a boring permit request from Falkirk Mining Company. The boring permit requests to bore under County Road (CR) 17 to place two 12-inch HDPE parallel pipes to be used as conduit for electrical cables buried four feet below the existing grade.

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

Property Assessor Elizabeth Patterson joined the meeting.

Cunningham was invited to discuss road issues on CR 22 near his residence due a lack of gravel that is causing access issues when it rains. He feels more gravel needs to be placed in the area. After discussion, Grey agreed to haul more gravel to the area and to ensure a good transition between CR 22 and his approach.

Knutson informed the commission that we have been contacted by Aaron Hummert regarding 5.67 acres of land that was deeded to us in 1996 by Valdon and Patricia Swanson for county highway right-of-way. She has visited with Grey who has confirmed that the right-of-way is not being used nor are there plans to use it in the future. As per terms of the original deed, if the county is no longer using the highway right-of-way the land would revert to the owners. Hummert would like to plat the outlot notating the right-of-way and once the outlot is platted the county would issue a quit claim deed their rights to that outlot.

Moved by Cottingham, seconded by Suydam, to deed the property as described above to the owner on record once the outlot has been recorded. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Knutson reported that she attended the North Dakota Auditor/Treasurer Conference last week and it was reported by state offices in attendance that the Prairie Dog funding is likely to come in the first quarter of 2023 in the amount of \$3,068,000.00. The funds are restricted to infrastructure expenditures.

Patterson presented an application submitted Russell and Dawn Pegors, whose post office address is Coleharbor, ND, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located in Lot 16, Replat of Totten Trail Cottage Site (Snow Township). The above-named applicant seeks a variance to allow the construction of a structure closer than the required 15 feet from the side lot lines, as proclaimed in Subsection 4 of Section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on March 26, 2020.

Moved by Suydam, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the variance request involving land located in Lot 16, Replat of Totten Trail Cottage Site (Snow Township). Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Chief Deputy Sheriff Richard Johnson joined the meeting.

Moved by Cottingham, seconded by Suydam, to set the next Park Board meeting for Tuesday, August 2, 2022, at 8:00 a.m. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Johnson presented the formal agreement for attendant care with the North Dakota Department of Corrections and Rehabilitation and its Division of Juvenile Services (DJS) along with the ND Association of Counties (NDACo) commenting that the agreement had been reviewed by States Attorney Ladd Erickson. Johnson had discussed the YouthWorks situation at a June meeting including the proposal from NDACo at a cost of \$1,000.00 a month for a total expenditure of \$5,000.00 from August to December 2022.

Moved by Cottingham, seconded by Suydam, to enter into the YouthWorks agreement with DJS and NDACo for attendant care services. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Johnson requested permission to advertise for one or more Jailer/Dispatcher position due to a recent resignation effective the beginning of August.

Moved by Cottingham, seconded by Suydam, to authorize advertising to fill one or more Jailer-Dispatcher positions. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Knutson presented the Pledge of Securities received from TruCommunity Bank. The total public deposits were \$17,134,899.78 and the total pledged securities were \$17,895,652.02 with an overage of \$760,852.24 on June 30, 2022.

Moved by Cottingham, seconded by Suydam, to accept the Pledge of Securities from TruCommunity Bank for the month of June. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Foss presented the first reading of proposed changes to the following personnel policies:

- Policy 305 – Holidays - updated to coordinate with Policy 406 if its proposed changes are accepted; and,
- Policy 406 – Overtime and/or Compensatory Time - updated to reflect how overtime is compensated dependent on whether or not a department has a line item for overtime pay in their annual budget (if there is a budget overtime is paid out and if there is not a budget overtime is compensated through compensatory hours).

Discussion followed regarding policies presented. If approved, both policies take effect on August 1, 2022, which matches the end of the current 28-day timekeeping period for the Sheriff's Department. Cottingham pointed out a typo in the last line of the second paragraph in Policy 406 where the intended word should have been "item" and not "time".

Foss will make the correction to Policy 406 and disburse again to all employees for comment. The second reading of the proposed changes will be held at the commission meeting on August 2 and if approved the changes would be retroactively effective on August 1.

Chairperson Lee recessed the meeting at 9:20 a.m.

Chairperson Lee reconvened the meeting at 9:33 a.m.

The City of Max has submitted a proposal to purchase a county-owned property described as Lots 3 and 4, Block 9, Original Townsite to the City of Max, which was acquired by the county in 2017 due to nonpayment of taxes. The proposed purchase price is \$21.00 which includes \$20.00 for recording fees and \$1.00 for the property as is the standard practice in these situations.

Moved by Suydam, seconded by Cottingham, to sell the county owned lot as described above to the City of Max. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Received and ordered filed the fee collection report from the Recorder's Office in the amount of \$10,531.50 for the month of June.

Chief Deputy Sheriff Richard Johnson rejoined the meeting. Sheriff JR Kerzmann and Elmer Gilbertson of Parshall joined the meeting.

Knutson requested approval to transfer \$750,000.00 from Unorganized Township Roads to County Roads to remedy that fund's negative balance of -\$349,000.00. Funds in Unorganized Township Roads are traditionally transferred to that fund at various times of the year including at year-end.

Moved by Cottingham, seconded by Suydam, to authorize the transfer as presented. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Building Maintenance Supervisor Curt Malo joined the meeting presenting the proposed budgets for 2023 for Buildings & Grounds and County Motor Pool. Buildings & Grounds showed increases in all line items due to higher prices of purchases and implements separation between courthouse and Law Enforcement Center (LEC) expenses to allow for easier access to that data when needed. Regarding the Building Repair line items, Malo discussed the need for stucco repair at the LEC, concrete replacement in the courthouse parking lot, and window replacements. He also discussed the need to purchase a broom for the Bobcat. Total budget presented, not including Salaries, \$446,000.00. County Motor Pool showed minor increases in all line items due to increased prices.

The board also discussed the possibility of removing the Ford Taurus from the motor pool due to lack of use and increased cost of maintenance. Total budget presented, \$11,800.00.

Malo presented bids for retaining wall replacement due to deterioration that has become a safety hazard. The first bid was from A & C Land Development, Inc. of Washburn at a total cost of \$74,554.00 which included \$54,854.00 for the retaining wall replacement project and \$19,700.00 for a separate parking lot project removing entrance curbing which he stated was a snow removal safety hazard. The second was from Prairie View Landscaping and Nursery (Prairie View) of Baldwin for retaining wall repair only at a cost of \$20,980.00. Prairie View has no interest in the parking lot project.

Moved by Cottingham, seconded by Suydam, to accept the bid from Prairie View to replace the retaining wall at a cost of \$20,980.00. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Malo presented a bid from ABC Seamless Siding (ABC) for rain gutter replacement at the LEC in the amount of \$13,914.00. Malo would like the new gutters to be seamless as the seams are where the issues are in the current configuration. He said that ABC was the only business that expressed an interest in the project. It was mentioned that there is a county business in Garrison, Arrowhead, that does that type of work. The board requested Malo secure a bid from the local provider in Garrison and return to the board at a later meeting.

Kerzmann, North Dakota Bureau of Criminal Investigation (BCI) Special Agent Matt Hiatt, BCI Special Agent Mark Nickel, and Oliver County Sheriff David Hilliard joined the meeting to discuss the proposed utilization and reassignment of a current McLean County Sheriff's Department employee to the South Sakakawea Narcotics Task Force (SSNTF) which is headed by Hiatt. McLean became part of the Task Force two years ago at no cost to the county. The task force is currently comprised of the counties of McLean, Oliver, Sheridan, and Grant. The SSNTF employs one officer and the individual in that position has resigned to take another position in the state. The board would like to utilize an existing deputy from McLean County to fill this role. This individual would gain valuable training, experience, and knowledge at no additional cost to the county and those items could be valuable when that individual returns to county employment. The position has been traditionally partially funded at a 65% level through a JAG grant amounting to \$42,000. The remaining dollars are funded through contributions by the member counties and lottery grants. Currently Grant, Sheridan, and Oliver contribute a minimum of \$17,500 each and McLean contributes \$5,000. Hiatt would directly supervise the employee and the employee would remain a county employee so there would also be supervision from the department. Knutson said we would need a job description for the new position. Lee confirmed that we would need to replace the individual assigned to this role with a new employee and Kerzmann doesn't feel that this would be a problem. They would like to do an in-house job advertisement for the role and hope to start the individual within a month.

Moved by Cottingham, seconded by Suydam, to move forward with the SSNTF plan to utilize one existing McLean County officer as the designated SSNTF Officer. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

States Attorney Ladd Erickson joined the meeting presenting the proposed 2023 budget for his department which remained the same for all line items other than Salaries which is pending the outcome of the salary survey. He requested an additional \$25,000 for the possible utilization of retiring McLean Family Resource Center Victim Services Officer Jenell Olson as those services may not be offered by the Resource Center in the future. Her possible employment status was discussed including number of hours worked, benefit eligibility, and her worksite which would be remote. For her to remain benefit ineligible, she would need to work under 20 hours per week. Total budget presented, not including Salaries, \$35,000.00.

Knutson asked Erickson to discuss his Contingency Fund and its use as there had been questions from the board in the past and she would like them to have the correct information. He explained that there is no set use for the funds and he has considered using the funds for research services though those expenditures have never materialized though he has actually used the funds for special toxicology or ballistics work in investigations. Cunningham questioned the county's use and scope of Olson's services and whether the county funds her position in any way to which Ladd replied no.

Gilbertson, a western McLean County land renter, presented his concerns with gates being left open by visitors to the area allowing his and Dale Sorge's cattle to get out and roam on old Highway 8. He would like to have cattle guards placed on the north and south ends of the county road. Kerzmann mentioned that he has cattle guard that he is willing to donate to the project. Erickson questioned Grey whether or not the department has cattle guards in stock to which Grey replied no. Lee questioned Grey whether or not there would be issues with maintenance around cattle guards to which Grey again replied no. Erikson recommended the board approve \$3,500.00 for the project using JR's existing cattle guard and procuring a second one. Gilbertson stated that he and Sorge would perform the installation with the project completion pending approval of Grey.

Moved by Suydam, seconded by Cottingham, to approve a maximum expenditure of \$3,500.00 for the cattle guard project on old Highway 8. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Kerzmann and Johnson went on to present the proposed 2023 budgets for Sheriff, Sheriff Vehicles, and Vehicle Impound & Towing. In the Sheriff budget, Kerzmann discussed the \$20,000.00 increase in Capital Outlay due to a new acquisition method for replacing patrol vehicles that will allow them to get the vehicles on the road sooner and also the increase in the Overtime line due to proposed changes to Policy 406 – Overtime and/or Compensatory Time. He also discussed new line items for Leads Online which gives the department access to pawn shop records in theft investigations and for Youthworks. Knutson suggested and the board approved an increase of \$100,000.00 to \$300,000.00 for Overtime. Total budget presented, not including Salaries, \$860,060.00. Sheriff Vehicles showed minor increases in Oil and Tires and a \$50,000.00 increase in Gasoline to \$200,000.00. Lee requested that Gasoline be increased to \$250,000.00. Total budget presented, \$317,000.00. Vehicle Impound & Towing showed no changes. Total budget presented, \$6,000.00.

Chairperson Lee recessed the meeting at 10:50 a.m.

Chairperson Lee reconvened the meeting at 11:03 a.m.

Grey went on to present the proposed 2023 budgets for Highway Administration, Highway Shops - Washburn/Garrison, Highway Equipment Expense, Highway Maintenance Sheds, Highway Maintenance/Construction, and Farm to Market Road. In Highway Administration, there are \$300.00 increases to Training/Conventions and Travel for a total budgeted for each of \$1,500.00. Total budget presented, not including Salaries and related benefits, \$3,000.00. For Highway Shops - Washburn/Garrison, Shops Supplies for each shop increased to \$7,500.00 and Building Repairs decreased from \$50,000.00 to \$10,000.00. Total budget presented, \$25,000.00. Highway Equipment Expense showed increased amounts in all line items due to increased prices in all areas with a Capital Outlay request of \$850,000.00 including \$500,000.00 in lease payments on the motor graders, \$50,000.00 for a new mower, \$250,000.00 for a loader, and \$50,000.00 for Miscellaneous expenses. Total budget presented, \$1,690,000.00. Highway Maintenance Sheds remained the same in all areas. Total budget presented, \$8,000.00. Highway Maintenance/Construction showed increases in Gravel/Sand, Asphalt Patching, Oil Sealing, and Signs. Total budget presented, not including Salaries and related benefits, \$975,000.00. Farm to Market Road shows an increase in Engineering and a decrease in Construction in anticipation of increased bid amounts in 2023 due to increased cost of fuel. Knutson commented that some projects may be able to be funded by Prairie Dog funds if they arrive. Grey stated that he used data provided by Mike Rivinius of Wold Engineering. Total budget presented, \$1,000,000.00.

Knutson presented the 2023 budget for First District Health Unit showing an overall increase of .01 mills, or \$860.00.

She went on to present the 2023 budget for Senior Citizens (McLean and Mercer Counties Commission on Aging) showing a total budget of 2.00 mills. They have their own levying authority and are not part of the county's General Fund. It includes \$35,000.00 for West River Transit and \$600.00 for Butte Senior Center.

Knutson presented the proposed budgets for 2023 for County Commission, Auditor, Non-Departmental Expenses, Utilities, Dues/Memberships, Emergency Fund, Special Assessments, Unorganized Township Road, and School Resource Officer. County Commission showed Travel the same as 2022 and an increase to Training/Conventions of \$500.00. Total budget presented, not including Salaries, \$5,700.00. Auditor showed increases from \$1,000 to \$2000 in Travel and Training and an increase in Miscellaneous to \$500,000.00 to fund the acquisition of a new accounting/taxation software package. Total budget presented, not including Salaries, \$504,000.00. Non-Departmental Expenses showed small increases in Property Insurance, Publishing/Printing, Fair Board Budget Disbursement, and Furniture/Equipment along with a \$16,700 increase in Financial Audit since we will have our biennial audit in 2023. Total budget presented, \$391,000.00. Utilities showed minimal increases in most line items due to inflation. Total budget presented, \$178,000.00. Dues/Memberships showed a decrease overall. Total budget presented, \$32,958.84. Emergency Fund increased Emergency Reserve from \$36,151.41 to \$80,000.00. Total budget presented, \$80,000.00. Special Assessments increased to \$10,000.00. Total budget presented, \$10,000.00. Unorganized Township Road remained the same. Total budget presented, \$500,000.00. School Resource Officer had only one line item, Medical Insurance, projected at \$25,000.00 while the remainder are contingent on the salary survey. Total budget presented, not including Salaries and benefits, \$25,000.00.

Knutson had been contacted regarding issues with the vault toilet at Deepwater. The main issue is that the manufacturer is no longer in business. She has been in contact with Bob Frohlich, North Dakota Game and Fish Department (G & F), who at first said replacements could possibly be purchases on a cost share and then later said that G & F would cover entire cost if the county would promise to take care of them which the county has for many years. Park Manager Les Hultberg obtained prices for placing a porta potty. Bob was going to talk to the cement company, but she has not heard back from him. She will make contact with him again to assess the situation.

Hultberg reported that the high-water ramp is complete at Sportsmen's Centennial Park though low-water ramp is not finished yet. Frohlich reported that the West Totten Trail projects are not completed yet.

Moved by Suydam, seconded by Cottingham, 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 11:58 a.m. until the next regularly scheduled meeting on Tuesday, August 2, 2022. The commission minutes and agenda can be found on the county website at <https://www.mcleancountynd.gov>.

Steve Lee, Chairperson

Lori A Foss, Chief Deputy Auditor