

**McLean County Commission Proceedings**  
**Tuesday, December 6, 2022**

The first regular December meeting of the Board of Commissioners was called to order at 8:31 a.m. by Chairperson Steve Cottingham. Present were Commissioners Cottingham, Steve Lee, and Barry Suydam. Also present were Auditor Beth A. Knutson; Deputy Auditor Diane L. Blumhagen; Chief Deputy Auditor Lori Foss; Road Superintendent Jim Grey; Assistant Road Superintendent Travis Verke; Dakota Central Human Service Zone Directors (DCHSZ) Steven Reiser and Maurice Hardy; Chief Deputy Sheriff Richard Johnson; Civil Engineer Jon Martin of Wold Engineering; Wold Engineering representative Mike Rivinius; and Apex Clean Energy representative Sean Stocker.

Moved by Lee, seconded by Suydam, to approve the minutes of the previous regular meetings held on November 1 and 15, 2022, as submitted. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Grey presented an update on department operations reporting that snow removal continues.

Grey requested permission to advertise for two or more Equipment Operator II positions in the Garrison and Washburn areas. Discussion followed.

Moved by Suydam, seconded by Lee, to advertise for two or more Equipment Operator II positions in the Garrison and Washburn areas. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Arnold Wall of Mercer, ND, joined the meeting.

Grey presented a letter from the United States Air Force Base in Minot, ND, requesting to change TE Route. Discussion followed.

Moved by Lee, seconded by Suydam, to respond with disapproval of change to the TE Route. Discussion followed. Roll Call Vote: Aye: Lee and Cottingham. Nay: Suydam. Motion carried.

Grey presented a utility permit request from West River Telecommunications Cooperative. The permit requested to plow on county right-of-way along 26<sup>th</sup> Avenue NW, in Section 22, Township 145 North, Range 82 West, for fiber cable telecommunications facilities to serve the Gunnar Hyttinen residence.

Moved by Lee, seconded by Cottingham, to approve the utility permit request from West River Telecommunications Cooperative as presented. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Rainbow Energy President Stacy Tschider joined the meeting.

Grey requested permission to return the approved reassigned Equipment Operator II positions for 2023 back to Equipment Operator III positions. Foss stated it would increase the approved 2023 Highway Department Salary line item from \$1,058,784.09 to \$1,080,940.99, an increase of \$22,156.90. Discussion followed.

Moved by Lee, seconded by Suydam, to amend the 2023 Highway budget salary line item as presented. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Martin informed the commissioners that Quality Dirtworks LLC's bid in the amount of \$455,850.84 was accepted at the bid opening on November 18, 2022, with a completion date of November 10, 2023. Discussion followed with Wold Engineering recommending going forward with the project.

Moved by Suydam, seconded by Lee, to accept the following:

Resolution

Whereas, the bid in the amount of \$455,850.84 from Quality Dirtworks LLC received in the bid opening of November 18, 2022 for Project BRJ-0028(051) was the low bid received.

Whereas, this bid is considered reasonable.

Now Therefore, be it resolved by the Board of County Commissioners of MCLEAN County will award to Quality Dirtworks LLC the contract for Project BRJ-0028(051) and hereby authorizes the Chairman of the Board to sign said contract.

It is further understood that the County shall reimburse the North Dakota Department of Transportation for any payments made under this contract, which are not collectible from the Federal Highway Administration.

Attest:

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
County Auditor Chairman,  
Board of County Commissioners

County: McLean

This is to certify that the above resolution was adopted and passed at a meeting of the Board of County Commissioners at McLean County on December 6, 2022.

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

McLean County Agriculture and Natural Resources NDSU Extension Agent Sarah Bedgar; Nick Swenson and Troy Matthiesen of Strata Corporation; and Lamoyne Vossler of Mercer, ND, joined the meeting.

Johnson informed the commission that Ray Copeland has been promoted to the open Corporal position. Johnson requested approval to adjust Copeland's salary from \$50,672.23 to \$54,442.84 with retroactive date of December 1, 2022.

Moved by Lee, seconded by Suydam, to approve the salary increase as presented retroactive to December 1, 2022. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Johnson requested approval to purchase 10 body cameras for the Sheriff's Department utilizing forfeiture account funds.

Moved by Suydam, seconded by Lee, to approve the purchase of 10 body cameras. Discussion followed. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Cammie Wright of NorDak North Publishing joined the meeting.

Scott Jansen of Apex Clean Energy; Larry Gessele of Mercer, ND, and Sheridan County Commissioner Rod Schilling of Mercer, ND, joined the meeting.

Foss requested approval to change the county's Information Technology (IT) support provider from Armor Interactive to NRG Technology Services, effective February 1, 2023. Discussion followed.

Moved by Lee, seconded by Suydam, to change the IT provider from Armor Interactive to NRG Technology Services. Discussion followed. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Dakota Central Human Service Zone Directors (DCHSZ) Steven Reiser introduced incoming DCHSZ Director Maurice Hardy. Discussion followed.

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

Bedgar updated the commission on current NDSU Extension operations.

States Attorney Ladd Erickson joined the meeting.

Chairperson Cottingham called the Ehler and Gesselle Gravel Pit public hearing to order at 9:10 a.m.

JMAC Resources representative Terry Gadbow joined the meeting via the teleconference.

Erickson invited Vossler to speak at the hearing. Vossler stated his main concern is the condition of the roads. Discussion followed.

Erickson invited Grey to speak at the hearing. Grey informed the commission of the condition of the road and the maintenance that the Highway Department has completed on the road. Grey stated that the Highway Department has billed JMAC Resources and Strata Corporation for time when the county has completed maintenance in the past. Erickson asked Grey what the Highway Department's position was on the road and Grey stated that the road needs to be maintained and watered daily.

Erickson invited Sheridan County Commissioner Schilling to speak at the hearing. Discussion followed.

Erickson asked Gadbow if there is product in the pit that the county could purchase until the pit is empty. Grey stated that there is gravel and rock that the county could purchase out of the pit.

Erickson invited Strata Corporation representative Swenson to speak at the hearing. Swenson stated that chloride has been applied to the road when there is excess travel. Discussion followed resulting in Lee stating that the county should not have to call Strata Corporation when maintenance is needed on the road and it should be monitored daily when maintenance is needed. Erickson asked Swenson for a solution and Swenson stated dust control and maintenance work to be done on the whole road.

Strata Corporation representative Matthiesen added to the discussion.

Alan Wagner of Wilton, ND, joined the meeting.

Erickson recommended a motion be made that empowers Grey to temporarily shut down the pit if necessary or to take any other remedial course of action needed on a moment's notice with a phone call to the company managing the pit. Lee requested to modify the motion to include allowing one of the commissioners the authority to temporarily shut the pit down as well.

Moved by Lee, seconded by Suydam, to authorize the Highway Road Superintendent or one County Commissioner the authority to temporarily close the pit and road for certain types of traffic to preserve public safety, protect road infrastructure, or for non-compliance with the Road Maintenance Agreement at a moment's notice with a phone call to the company managing the pit or any haul road. Discussion followed. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Lee requested the gravel haulers sit down with Grey and formulate a plan as to how maintenance is going to be performed going forward.

Hearing no additional comments from the public, and no discussion, Chairperson Cottingham closed the hearing at 10:05 a.m. and immediately reconvened the commission meeting.

Chairperson Cottingham recessed the commission meeting at 10:05 a.m.

Chairperson Cottingham reconvened the commission meeting at 10:12 a.m.

Patterson presented an application submitted by Michael Houser, of Coleharbor, ND, requesting approval of a Conditional Use Permit involving land located in the NW¼ of Section 1, Snow Township, more specifically identified as Outlot C containing six acres. The above-named applicant seeks approval of a Conditional Use Permit to construct a non-farm structure on agricultural land.

Moved by Suydam, seconded by Lee, to concur with the Planning and Zoning Commission and approve the Conditional Use Permit request involving land located in the NW¼ of Section 1, Snow Township, more specifically identified as Outlot C containing six acres. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Patterson presented an application submitted by Jason D. and Amy J. Naas, whose post office address is Bismarck, ND, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located on Lot 44, Snake Creek Cottage Site, Malcolm Township. The above-named applicants seek a variance to allow the construction of a structure closer than the required 15 feet from the side lot line, 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 May 24, 2022.

Moved by Lee, seconded by Suydam, to concur with the Planning and Zoning Commission and approve the variance of the setback requirements involving land located on Lot 44, Snake Creek Cottage Site, Malcolm Township. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Patterson presented an application submitted by Discovery Wind, LLC, whose post office address is Charlottesville, VA, involving land described as the SW portion of the SW¼ of Section 14, Township 144 North, Range 81 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, 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 May 24, 2022.

Moved by Suydam, seconded by Lee, to concur with the Planning and Zoning Commission and approve the zoning change request involving land described as the SW portion of the SW¼ of Section 14, Township 144 North, Range 81 West. Discussion followed from Alan Wagner stating that he is opposed. Erickson addressed Wagner stating that Discovery Wind has done its due diligence that was required of them, and his legal opinion that concerns the commission is that it needs to be passed. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Patterson presented an application submitted by Discovery Wind, LLC, whose post office address is Charlottesville, VA, involving land described as the SW portion of the SW¼ of Section 12, Township 144 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, 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 May 24, 2022.

Moved by Lee, seconded by Suydam, to concur with the Planning and Zoning Commission and approve the zoning change request involving land described as the SW portion of the SW¼ of Section 12, Township 144 North, Range 80 West, of McLean County. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Knutson discussed Director of Emergency Services Noelle Kroll's request for approval from the State of North Dakota to reallocate unused funds in the amount of \$1,706.88 from the Homeland Security Grant. The funds would be used to purchase hand held metal detectors for the Sheriff's Department. Knutson also commented the cost of the previously approved grant for keyless door entry locks came in higher than requested and that Kroll requested approval from the State of North Dakota to reallocate unused funds from Homeland Security Grant be used for the difference.

Moved by Lee, seconded by Suydam, to approve the purchase of keyless door entry locks and mobile metal detectors with grant funds. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Knutson discussed scheduling the annual township meetings.

Moved by Lee, seconded by Suydam, to schedule the annual township meetings for January 10, 2023, with time pending. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Moved by Lee, seconded by Suydam, to approve the 2023 commission meeting schedule. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Moved by Suydam, seconded by Lee, to set the Park Board meetings for April 4, 2023 at 8:00 a.m. and August 1, 2023 at 8:00 a.m. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Foss rejoined the meeting to present a Telecommuting Agreement submitted by State's Attorney Ladd Erickson for Kelsey Renner, starting December 13, 2022 and running through January 8, 2023.

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

Foss presented an Infant at Work Request form submitted by State's Attorney Ladd Erickson for Kelsey Renner, with an end date of February 22, 2023. The Infant at Work policy allows employees the right to bring their infant to work until the infant reaches four months of age.

Moved by Suydam, seconded by Lee, to approve Renner's Infant at Work and Telecommuting request. Discussion followed. Roll call vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Knutson updated the commission on Prairie Dog funding with the proposed amount being \$3,545,772.00 for first quarter of 2023, of that amount \$9,106.15 is proposed to be available for townships.

Moved by Lee, seconded by Suydam, to approve James Grey, Travis Verke, Curt Malo, and Vance Tomlinson as 2023 Commuter Benefit Employees. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Knutson presented the Pledge of Securities received from TruCommunity Bank. The total public deposits were \$16,933,564.65 and the total pledged securities were \$20,060,074.00 on November 30, 2022.

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

The board signed service recognition certificates for the following employees: Joshua Eide, John Matthews, and Lori Ballensky for five years; Nona Blaisdell, Jolene Haux, Beth A Knutson, Garrett Krueger, Kayla Oberlander, Cassandra Smith, Barry Suydam, and Susan Winter for ten years; Wayne Entze, Richard Hultberg, and Cody Meadows for 15 years; Steve Lee, Karalee Buske, and Lawrence Hubbard for 20 years; and Aggie Jennings for 25 years.

Knutson presented 2023 Beer and Liquor License renewal applications for the following: Hwy 83 Lawn and Leisure Inc; Garrison Golf Club; McLean County Racers Association; TOTNTRL, Inc; and DL's Strawberry Kooler.

Moved by Lee, seconded by Suydam, to approve all Beer and Liquor License renewal applications as presented. Discussion followed. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Moved by Suydam, seconded by Lee, to approve the Local Raffle Permit Application submitted by the Bis-Man Reel & Rec for a raffle to be held at Totten Trail Bar and Grill, Coleharbor, on February 18, 2023, with prizes listed as an ice auger, fishing rods, tackle, clothes, pop-up ice house, and gift cards with total prize value set at \$1,800.00, proceeds directed toward the *Take a Kid Fishing* program. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Moved by Lee, seconded by Suydam, to approve the following Transfer of Funds Resolution:

#### Transfer of Funds Resolution

Be it resolved, that the McLean County Board of Commissioners move to make the following transfers of funds to update revenue funds to the correct accounts as follows:

Transfer \$132,443.22 from Unorganized Township Roads (8471-2999-000) to County Road (2100-3999-000);

Transfer \$4,068.76 from Leafy Spurge (8025-2999-000) to Weed Control (8026-3999-000);

Transfer \$85.78 from County Fair (8010-2901-000) to County General (1000-3999-000);

Transfer \$750,000.00 from County General (1000-2901-000) to County Road (2100-3999-000).

Transfer \$389,836.86 from Seizure Funds (8014-2901-000) to Sheriff-Drug Forfeiture (1000-3642-000)

Approved this 6th day of December, 2022.

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Steve Cottingham, Chairperson

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Beth A. Knutson, Auditor

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

Received and ordered filed the fee collection report from the Recorder's Department for the month of November in the amount of \$8,825.90.

Received and ordered filed the fee collection report from the Sheriff's Department for the month of November in the amount of \$900.94.

Moved by Lee, 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: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Knutson presented the current list of delinquent tax payers owing more than \$4,000.00 showing 29 taxpayers owing \$265,593.11 in back taxes.

Knutson presented the Uncollected Tax List for years 2019-2021 showing a total of \$462,538.93.

There being no further business, the chairperson declared the meeting adjourned at 11:10 a.m. until the next regularly scheduled meeting on Tuesday, December 27, 2022. The commission minutes and agenda can be found on the county website at <https://www.mcleancountynd.gov>.

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Steve Cottingham, Chairperson

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Diane L Blumhagen, Deputy Auditor