

McLean County Commission Proceedings
Tuesday, November 17, 2015

The final regular November 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, Clerk Terri Guderjahn, and Stu Merry 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.

Director of Emergency Management Noelle Kroll joined the meeting to inform the commission that the county's Hazardous Mitigation Plan has been approved by the State and has been submitted for Federal approval. Kroll also informed the commission that there will be "*Railroad Community Awareness & Hazardous Materials*" training for the county firefighters in Wilton this evening. Krebsbach questioned Korgel about paying Kroll for her unused vacation and comp time. Korgel responded that it has been done in the past, usually after the first of the year, and recommended revisiting the issue at the December 1 meeting.

Highway Superintendent Jim Grey and Wold Engineering representatives Mike Rivinius and Ron Wagner joined the meeting. Grey informed the commissioners of \$18,219.09 in repairs for the 1993 950F CAT loader and reported that the new Diamond mower has arrived. Mowing has wrapped up other than various areas of cattails along the county roads.

Grey informed the commission of a motor grader lease program available through RDO Equipment and Butler Machinery with lease/return and lease-to-buy options; current interest rates are quoted at 2.00% to 3.29%. He stated that many counties are now using the program. Lowell Mallard of Butler Machinery will attend the December 1 meeting to answer any questions the commission may have. Lee mentioned that the NDACo has an agreement with RDO Equipment regarding tractor leases as well.

Grey reported that the Flath, Janz and Schafer gravel pits still have gravel while the Giedd pit will be empty as of today.

Suydam questioned Grey regarding a "*Road Closed*" sign on the Stoney Inn road that had fallen down. Grey answered that it could come down for the winter but may need to be up again come spring. Suydam also mentioned that Max Farmers Elevator and Max Farm Service representatives may attend the December 1 meeting to discuss accessibility of the section line road to the south. Grey stated that it would take a lot of work to reopen that road.

Ron Wagner of Wold Engineering informed the commission that Senate Bill (SB) 2103 road projects are near completion; the mild fall weather being a benefactor. They are finishing up small areas of subgrade repairs and aggregate surfacing on County Road (CR) 23 south of Benedict. Subgrade repairs and aggregate surfacing on CR 2 in western McLean County has been completed; he and Rivinius will be visiting the site today. Subgrade repair and aggregate surfacing on CR 13 (CMC2841) south of Douglas has been completed as well. Krebsbach questioned Wagner if they would be able to sign off on the projects and Wagner thought they could sign off on CR 2 and 13; he will look into CR 23.

Land Use Assistant Cassie Goetz joined the meeting with one item requiring action from the regular Planning & Zoning Commission meeting held on November 16, 2015.

Moved by Krebsbach, seconded by Lee, to concur with the Planning & Zoning Commission and approve the variance request from Linda Wright of Maxbass for land described as Lot 16 of Hideaway Point Subdivision, located in St. Mary Township, to allow the construction of a structure closer than the required 15-foot setback from the side lot line. Krebsbach explained that the adjacent land owner has signed off on it and Wright's lot is at the very end of the road. Roll Call Vote: Aye: Suydam, Lee, and Krebsbach. Nay: None. Motion carried.

Moved by Krebsbach, seconded by Lee, to approve the Joint Power Agreement with the cities of Benedict, Butte, Coleharbor, Garrison, Max, Mercer, Riverdale, Ruso, Turtle Lake, Underwood, Washburn and Wilton for elections to be held in conjunction with county elections in 2016. This agreement is the same as 2014 except for a couple of code changes set by the legislature. The maximum amount charged the city will not exceed \$1,000.00 and the minimum amount will again be established at \$50.00. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Moved by Krebsbach, seconded by Lee, to concur with Korgel's recommendation to approve three precincts for the June 2016 Primary Election and November 2016 General Election with boundaries as set in 2011 including a precinct and polling place in White Shield/Ziegler, a precinct including the remainder of Legislative District 4, and a precinct including all of Legislative District 8 with vote centers in Washburn, Garrison and Turtle Lake. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Korgel informed the commission of an upcoming hearing set by Garrison Diversion Conservancy District at 11:00 a.m. on December 2, 2015 at the Carrington headquarters regarding a special assessment for an irrigation project in the amount of \$188,111.25.

Dennis Fiedler, Barry Fiedler, and Eric Schon of Mercer; Curt Hedstrom and Marilyn Schon Rath of Bismarck; Dalen Schafer of Turtle Lake; and Leroy Nielsen of Hettinger joined the meeting along with Sheriff J. R. Kerzmann, Assistant Jail Administrator Wade Krohmer, Chief Deputy Sheriff/E-911 Coordinator Richard Johnson and States Attorney Ladd Erickson.

Leroy Nielsen was present to request permission to build an approach along County Road 33 on an existing section line road located on state land to access his family farmstead. Currently the only way to access his property is to go through another landowner's property or through state land. He feels there is plenty of sight distance for this approach. Nielsen presented a map of the area and explained his position to the commission. Krebsbach stated that the approach would have to be built according to federal specifications and doesn't feel it can be done because of the marsh area. Lee visited the site yesterday and is sympathetic to Nielsen, but is concerned that it is a safety issue as it is in a no passing zone, making him hesitant to allow an approach to be built there. Highway Superintendent Jim Grey agreed, stating that the approach does have to be built to federal specs and would be a safety issue. The other option would be an approach on a Medicine Hill Township section line which the county does not have jurisdiction over. States Attorney Ladd Erickson explained that the road project is much more complicated than Nielsen realizes and feels the safest way to access the property is from the Sheridan County side.

Moved by Krebsbach, seconded by Lee, to deny the request from Leroy Nielsen to build an approach along County Road 33 on an existing section line to access his family farmstead. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Chief Deputy Auditor Lori Foss joined the meeting replacing Deputy Auditor Nancy Leidholm.

Moved by Lee, seconded by Krebsbach, to approve the updated job description for Patrol Deputy - Senior Officer as presented. Foss noted that Field Training Officer duties were added to the job description. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

The salary adjustment for Patrol Deputy Senior Officer Justin Krohmer tabled at the November 3 meeting was discussed. Korgel informed the commission that the county would have to increase the salary for all three Senior Officers since the increased duties added to the revised job description affect all employees assigned to that role. Foss informed the commission that the Senior Officers are assisting Training Officer Ricky Richard with Richard handling 90% of the training and the other officers handling approximately 10%. Sheriff Kerzmann explained that Krohmer had recently completed his FTO class while the others had completed the class a while back. Foss informed the commissioners that there was a reasonable gap between Krohmer and the officers in training. When Krebsbach suggested paying him the same as the other two it was noted that Krohmer had only been with the county for 14 months while the other two Senior Officers have been with the county for 8 and 12 years.

Moved by Lee, seconded by Krebsbach, to approve a 2% increase for all Patrol Deputy Senior Officers effective on December 1, 2015. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Chief Deputy Sheriff/E-911 Coordinator Richard Johnson informed the commission that the cooperative agreement to share Reverse 911 services with Burleigh County will end on December 31, 2015 and is not renewable. He explained that we've been paying \$4,800.00 plus \$0.07 per call with the Burleigh system; he recommends going with CodeRED which is the same system Burleigh County will be switching to. This is a high-speed notification system designed to enable clients to rapidly record, send and track personalized voice, email, text and social media messages. A one year license includes 24/7/365 uninterrupted access including complimentary testing and training; unlimited Integrated Public Alert & Warning System (IPAWS) message origination; 7,500 system minutes for delivered voice messages; unlimited text, email and social media messaging; unlimited push notifications to citizens via the CodeRED mobile app; design and hosting of a

custom web page for community enrollment including a link on our website to allow citizens to enter their data into the system; and 24/7 technical support at a cost of \$4,000.00 per year.

Moved by Lee, seconded by Krebsbach, to approve implementing the CodeRED system beginning January 1, 2016. Lee feels it is a critical system and is a cost savings to the county. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Johnson explained to the commission that earlier this year he had recommended discontinuing their subscription to Lexipol LLC's online services for policy manual updates but after looking into it further he realized that it is needed for updating state and federal policy changes. This was not included in the 2016 budget. Korgel stated that missed updates could affect our federal compliance and jeopardize needed grants along with other state or federal funding. Krebsbach questioned if there was money there to do this. Korgel stated that we'd find the money to do it.

Moved by Lee, seconded by Krebsbach, to approve the subscription to Lexipol LLC's online services for policy manual updates at a cost of \$2,975.00 annually. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Johnson requested permission to purchase camera upgrades for the booking area and interview room for better quality pictures and sound at a cost of \$2,428.00. The commission decided to table this issue until January.

Johnson requested permission to purchase a new light bar for one of the patrol cars at a cost of \$1,400.00 as replacement parts are no longer available. Lee suggested checking with ND Surplus Property to see what they may have on hand. Lee stated that we certainly want the car equipped, but if you can find a cheaper alternative that would be better.

Sheriff J. R. Kerzmann and States Attorney Ladd Erickson informed the commission that they had checked into potential liability issues with the Jail Chaplain position as currently staffed; they both reported that they could not see where there would be any issues.

Kerzmann requested and received permission to purchase two winter coats for the two deputies coming out of the academy and two pair of pants for other deputies at a cost of \$800.00.

Kerzmann told the commission that we have seven impound vehicles that could be offered for sale at auction; a couple of which are still drivable. He requested permission to hold a vehicle auction at the impound lot. Krebsbach suggested bringing them to Washburn for the county sale on March 26, 2016. Kerzmann stated they'd be looking at towing fees for units requiring transport. Grey commented that the Highway Department could haul the non-drivable cars to Washburn for the sale when they haul the Highway Department's equipment down from Garrison. Erickson mentioned that there are two abandoned campers at the impound lot as well; he requested and received permission to make those units available for giveaway as they have no value other than possibly being used as hunting shacks.

Doug Stoltz and Steve Burke of Falkirk Mining Company joined the meeting with an update for the commission. Stoltz explained that they are looking at expanding the East Mine permit area about 1600 acres to the north. He reported that Falkirk is working on a federal coal lease; the process to accomplish this was detailed and is expected to take three to seven years. Korgel stated that the county receives a share of any royalties generated by that lease. Stoltz stated that they are looking at relocating CR 23 and will come in with a plan for that next year. He questioned the commission about an old gravel road located about one mile north of Highway 200 continuing to CR 25, wondering if it could be replaced as a section line trail as there are no residences along it. Grey and the commission were in agreement with this plan. Stoltz went on to discuss the Riverdale field south of the power plant. The mine plan will change as they will not go west of CR 17. They are still on schedule to get CR 20 reopened next fall. In 2020 or 2021 there will be a new plan for CR 17 with alternate routes. The building of the haul road to the West Mine area has begun. Stoltz said that they are working hard on getting tracts ready for bond release.

Grey told the commission that ND Game & Fish Department (G & F) had contacted him about doing a cost share on gravelling the road south of CR 16 along with hauling the gravel for the job. He had notified G & F that his department didn't have time or staff needed to enter into such an arrangement. Grey will recommend to G & F that they find another source to help with the hauling and gravelling.

Korgel informed the commission that the Tax Sale offering properties taken by the county due to delinquent 2012 taxes had taken place with no one in attendance. He recommended selling the lots to the cities of Max and Underwood for \$1.00 plus recording fees.

Moved by Lee, seconded by Krebsbach, to offer for sale two parcels of county owned property described as and offered to the following: 1) Lot 14, Block 4, Original Townsite, City of Max, to the City of Max and 2) Lot 5, Block 4, Mees South Terrace Addition, City of Underwood, to the City of Underwood at a sale price of \$1.00 plus recording fees per parcel. Roll Call Vote: Aye: Lee, Krebsbach, and Suydam. Nay: None. Motion carried.

Korgel requested and received permission to disburse some of the payments over an extended time period to allow the transfer of funds due to the size of some of the bills.

Moved by Krebsbach, seconded by Lee, to approve the vouchers for payment as cash flow allows:

CHECK #	VENDOR	DESCRIPTION	AMOUNT
A128357	ANDERSON WESTERN INC	PROJECT CNOA-2827(053)	175,714.73
A128358	BECHTOLD PAVING, INC.	PROJECT CNOA-2804(054)	116,251.50
A128359	CK AUTO INC	PARTS	385.00
A128360	D & D REPAIR, INC	PARTS	65.00
A128361	ENERBASE COOP RESOURCES	FUEL	22,771.52
A128362	WILTON FARMERS UNION OIL CO	TANK RENT	3.00
A128363	GARRISON FARMERS UNION OIL CO	PARTS, FUEL, GREASE, SHOP SUPPLIES	3,213.51
A128364	TURTLE LAKE FARMERS UNION OIL	GREASE	28.00
A128365	GARRISON CITY	GARBAGE/WATER	67.95
A128366	GARRISON LUMBER	QUICKCRETE	24.45
A128367	GCR TIRE CENTERS	TIRES	23,653.69
A128368	INLAND TRUCK PARTS CO	PARTS	17.31
A128369	JOHN DEERE FINANCIAL	PARTS, OIL	3,209.48
A128370	MAX FARM SERVICES	FUEL	5,888.36
A128371	MCLEAN ELECTRIC COOPERATIVE	ROSEGLLEN, UNDERWOOD & GARRISON SHOPS	420.00
A128372	MDU	WASHBURN, TURTLE LAKE, MAX & GARRISON SHOPS	460.79
A128373	MIDWEST DOORS, INC.	BUTTE SHOP SUPPLIES	3,945.60
A128374	NAPA AUTO PARTS-WASHBURN	PARTS, WASHBURN SHOP SUPPLIES	386.98
A128375	NAPA AUTO PARTS-GARRISON	PARTS, GARRISON SHOPS SUPPLIES, OIL	640.49
A128376	NELSON INTERNATIONAL	PARTS	258.89
A128377	PRAXAIR DISTRIBUTION	PARTS	341.52
A128378	QUAM CONSTRUCTION COMPANY	PROJECT CP-2800(015)	267,500.05
A128379	RESERVATION TELEPHONE COOP	TELEPHONE	96.98
A128380	S & J HARDWARE	MAX SHOP SUPPLIES	25.28
A128382	TITAN MACHINERY	2015 DIAMOND 15' BATWING MOWER	19,000.00
A128383	VERIZON WIRELESS	HIGHWAY DEPT CELL SERVICE	210.06
A128384	VINING OIL	DIESEL FOR WASHBURN SHOP	15,848.93
A128385	WEST RIVER TELECOMM	TELEPHONE & DSL	87.68
A128386	SUNDRE SAND & GRAVEL	PROJECT CNOB-2800(051)	1,905,820.64
A128387	SUNDRE SAND & GRAVEL	PROJECT CNOB-2800(051)	915,832.26
A128388	AMERIPRIDE LINEN & APPAREL	SHOP TOWELS, FLOOR MATS	176.86
A128389	CHIEF LAW ENFORCEMENT SUPPLY	SPIKE STRIPS - SHERIFF	2,339.96
A128390	D&L AUTOMOTIVE	OIL CHANGE - SHERIFF	51.51

A128391	DACOTAH PAPER COMPANY	COPY PAPER, JANITORIAL SUPPLIES TOILET TISSUE, BREAK ROOM SUPPLIES, SHAMPOO, ICE MELT	1,144.60
A128392	EATON CORPORATION	REPAIRS TO LEC UPS SYSTEM – IO BOARD	4,993.73
A128393	MICHELLE EFFERTZ	REIMBURSE NOVEMBER CELL PHONE	30.00
A128394	LADD R ERICKSON	OCTOBER TRAVEL	131.10
A128395	FARMERS UNION SERVICE ASSOC	1986 CATERPILLAR MODEL 62	80.00
A128396	GARRISON FARMERS UNION OIL CO	GASOLINE, OIL CHANGES, TIRE REPAIRS – SHERIFF	1,454.23
A128397	TURTLE LAKE FARMERS UNION	GASOLINE – SHERIFF	57.00
A128398	LORI A FOSS	OCTOBER TRAVEL, REIMBURSE COUNTY SHARE CELL SERVICE 2015	406.00
A128399	BENJAMIN GEHRING	REIMBURSE CORONER SERVICES –NOV	1,500.00
A128400	GRAINGER	LIGHTS	107.00
A128401	HARRYS AUTO	GASOLINE – SHERIFF	172.41
A128402	HATZY'S REPAIR	OIL CHANGE – SHERIFF	96.90
A128403	INFORMATION TECHNOLOGY DEPT	T-1 LINE ACCESS, VPN, USER FEES, EXCHANGE EMAIL ACCOUNTS, LERMS USER FEES	831.10
A128404	RICHARD JOHNSON	CELL PHONE REIMBURSEMENT	30.00
A128405	KRAUSE'S SUPER VALU	WELLNESS PROGRAM HEALTH FAIR/ DEFENSIVE DRIVER TRAINING SNACKS, INMATE MEALS, DOG FOOD	7,467.22
A128406	DOUG KREBSBACH	OCTOBER TRAVEL	135.70
A128407	NOELLE KROLL	OCTOBER TRAVEL & NOVEMBER CELL PHONE REIMBURSEMENT	176.05
A128408	LEXISNEXIS MATTHEW BENDER	ND CRM/TRAF LAW MANUAL 15E W/ EBOOK	111.43
A128409	CURT MALO	REIMBURSE NOVEMBER CELL PHONE	30.00
A128410	MAX FARM SERVICES	GASOLINE – SHERIFF	253.03
A128411	MCLEAN ELECTRIC COOPERATIVE	SECURITY LIGHTS – COURTHOUSE, PARK; PARK BOARD, SPORTSMEN CENTENNIAL PARK; CIVIL DEFENSE; CAMPER PADS; CAMPGROUND METER	628.00
A128412	MDU	GAS – LAW ENFORCEMENT CENTER, COURTHOUSE	71.34
A128413	MIDCONTINENT CABLE CO	LEC CABLE	68.72
A128414	NAPA AUTO PARTS-WASHBURN	ANTIFREEZE – WEED CONTROL; OIL/FILTER – LEC GENERATOR	215.14
A128415	ND SAFETY COUNCIL	ANNUAL MEMBERSHIP DUES	225.00
A128416	ND SURPLUS PROPERTY/OMB	BOOTS – MALO PERSONAL USE	20.00
A128417	ND SUPREME COURT	E-FILING SURCHARGE FEE – STATES ATTORNEY	25.00
A128418	ND YOUTH CORRECTIONAL CTR	DETENTION CARE – McLEAN COUNTY JUVENILE COURT	284.98
A128419	RYAN OBERG	REIMBURSE NOVEMBER CELL PHONE	30.00
A128420	OFFICE DEPOT	CD SLEEVES, LABELS, HP 950 BLACK INK CARTRIDGES, 2016 PLANNER, GLUE STICKS, HP #60 BLACK INK CARTRIDGES, HP #53A LASER TONER, RUBBERBANDS, LAPTOP STAND	424.44
A128421	PHARMCHEM INC.	SWEAT PATCH ANALYSIS	650.00
A128422	RICHARD HULTBERG	NOVEMBER P & Z MEETING TRAVEL	43.70
A128423	VERNON OSTBY	NOVEMBER P & Z MEETING TRAVEL	42.55
A128424	DARWIN SAARI	NOVEMBER P & Z MEETING TRAVEL	28.75
A128425	RACO INDUSTRIES	RIBBON, LABELS – RECORDER	384.24
A128426	RESERVATION TELEPHONE COOP	GARRISON DEPUTIES, PARK, 911 TRUNKING RECURRING	177.40
A128427	SRT COMMUNICATIONS, INC	LINE RECORD/TRANSPORT PER MILE/ TRANSPORT TRUNKING	698.28
A128428	SUPERPUMPER	GASOLINE – SHERIFF	1,729.92
A128429	TELETRAC, INC.	SUBSCRIPTION – SHERIFF	1,680.00
A128430	VERIZON WIRELESS	DATA CARDS – SHERIFF	720.18
A128431	WATER PURITY INC	WATER DELIVERIES-COURTHOUSE LOBBY	77.00
A128432	WEBER ELECTRIC	FREEZER REPAIRS	204.50
A128433	WEST RIVER TELECOMM	911 TRUNKING, MONTHLY TELEPHONE CHARGES	3,475.19
A128434	WEX BANK	FLEET CARD	353.39

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

There being no further business, the chairperson declared the meeting adjourned at 10:26 a.m. until the next regularly scheduled meeting on Tuesday, December 1, 2015. The commission minutes and agenda can be found on the county website at <http://www.mcleancountynd.gov>.

Barry Suydam, Chairperson

Terri Guderjahn, Secretary