

McLean County Commission Proceedings

Tuesday, May 24, 2022

The second regular May 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; Deputy Auditor Diane L. Blumhagen; Director of Disaster Emergency Services Noelle Kroll; Wold Engineering Representative Mike Rivinius; Apex Clean Energy Representative Bill Pedersen; and Great River Energy Representative Rachel Retterath.

Moved by Suydam, seconded by Cottingham, to approve the minutes of the previous regular meeting 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 shoulder work will start this week and rock work on County Road (CR) 12 near Coleharbor will start next week.

Grey requested approval to purchase a hoist for the Washburn Shop. Discussion followed.

Moved by Suydam, seconded by Cottingham, to authorize the purchase of a hoist for the Washburn Shop not to exceed \$8,000.00. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Cammie Wright of NorDak North Publishing joined the meeting.

Rivinius informed the board that the North Dakota Department of Transportation (NDDOT) was inquiring on potential upcoming bridge projects through an infrastructure bill. Rivinius requested approval to submit the following three bridges projects; Bridge #28-145-30.0, Bridge #28-143-31.0, and Bridge #28-135-10.0.

Moved by Cottingham, seconded by Suydam, to authorize Wold Engineering to submit applications for Bridge #28-145-30.0, Bridge #28-143-31.0, and Bridge #28-135-10.0 with priority based on need to be fixed and cost to the county. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Commissioner Cottingham discussed the three-way stop signs on 36th Ave SW near Wolf Creek. Discussion followed which included comment that many phone calls have been received by the Highway Department and the Commissioners.

Moved by Cottingham, seconded by Suydam, to remove the north and south stop signs on 36th Ave SW by Wolf Creek. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Commissioner Lee discussed with Grey concerns regarding CR 27. Discussion followed.

Adam Ourada, Falkirk Mining Company, joined the meeting.

Tax Director Todd Schreiner joined the meeting.

Kroll informed the commissioners that the public review of the multi-hazard mitigation draft plan is complete. Kroll requested approval to send the plan to the state for review.

Moved by Cottingham, seconded by Suydam, to authorize Kroll to send the multi-hazard mitigation draft plan to the state for review. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Kroll informed the board that some of the Emergency Management Performance Grant (EMPG) is changing to Integrated Preparedness Planning Workshop (IPPW). Discussion followed.

Schreiner presented an application submitted by Cornjerker Farms L.P., of Bismarck, ND, requesting approval of a Conditional Use Permit involving land located in NW¼ of the SE¼ and the NE¼ of the SW¼ of Section 12, Township 144 North, Range 83 West, more specifically identified as Outlot A (12.14 acres).

Moved by Cottingham, seconded by Suydam, to concur with the Planning and Zoning Commission and approve the request of a Conditional Use Permit from Cornjerker Farms, L.P., of Bismarck, ND, involving land located in NW¼ of the SE¼ and the NE¼ of the SW¼ of Section 12, Township 144 North, Range 83 West, more specifically identified as Outlot A (12.14 acres). Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Schreiner presented an application submitted by Joshua and Krista Messer, of Buchanan, ND, requesting approval of a Conditional Use Permit involving land located in the N½ of the NW¼ of Section 28, Township 143 North, Range 81 West, more specifically identified as Outlot B (5 acres).

Moved by Cottingham, seconded by Suydam, to concur with the Planning and Zoning Commission and approve the request of a Conditional Use Permit from Joshua and Krista Messer, of Buchanan, ND, involving land located in the N½ of the NW¼ of Section 28, Township 143 North, Range 81 West, more specifically identified as Outlot B (5 acres). Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Ourada with approached the board to petition for a hearing to conduct surface coal mining operations within 100 feet of the outside right-of-way line of the following public roads: 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; 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; 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; north and south sides of the road located

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

Falkirk asserts that the interests of the public and the interests of affected landowners will be protected from the proposed surface coal mining operations.

A hearing on the Petition will be held by the Board of McLean County Commissioners in the McLean County Courthouse at Washburn, North Dakota, on the 21st day of June, 2022, at 10:00 am. CDT for the purpose of receiving testimony and evidence bearing upon the above request by Falkirk. Statements may be made orally or in writing at the time of the public hearing. The Petition is on file in the office of the McLean County Auditor and may be viewed by interested persons during regular office hours.

By order of the Board of McLean County Commissioners.

Beth Knutson, County Auditor

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

State's Attorney Ladd Erickson joined the meeting to discuss the gravel pit bond with JMAC. Discussion followed on recalling the bonds.

Chief Deputy Sheriff Richard Johnson joined the meeting.

Erickson presented the commission with the proposed verbiage changes for the McLean County Zoning Ordinance. Discussion followed.

Moved by Cottingham, seconded by Suydam, to accept the changes made as presented for the McLean County Zoning Ordinance. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Erickson requested approval to publish the McLean County Zoning Ordinance in the McLean County Independent and on the county website.

Moved by Cottingham, seconded by Suydam, to approve publication of the McLean County Zoning Ordinance finalized revisions as presented. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Knutson informed the commission that the signed police contracts from the following cities have been received back: Benedict, Riverdale, and Turtle Lake.

Knutson informed the commission that Erica Meadows, Washburn Vote Center Inspector, is unavailable to attend election training. Knutson stated that Donna Sommer showed interest in being appointed as inspector for the Washburn Vote Center.

Moved by Cottingham, seconded by Suydam, to appoint Donna Sommer as Inspector for Washburn Vote Center. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Johnson requested approval to accept a Boating Safety Grant through the North Dakota Game and Fish (NDGF). It is a 50/50 grant which included two survival rescue kits, four five-point harness vests, and 18 spot lights. The county cost portion would be \$2,354.39.

Moved by Suydam, seconded by Cottingham, to accept the NDGF Boating Safety Grant. Discussion followed. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Johnson requested approval to purchase three computers including Microsoft Office 2021 from Armor Interactive at a total cost of \$5,960.28. The funds would come from the E-911 Equipment Purchases account.

Moved by Cottingham, seconded by Suydam, to approve the purchase as presented in the amount \$5,960.28. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Knutson informed the commission that the West Totten Trail low water ramp will be worked on and paid for by NDGF. The NDGF is also looking into pouring a cement high water ramp to replace the current gravel high water ramp at West Totten Trail. The United States of America Corp of Engineers (USACE) will be providing material, equipment, and labor to improve the low water ramp at Sportsmen's Centennial Park. The Sportsmen's Centennial Park high water ramp project will be completed this summer by NDGF with a 75%-25% cost share. Knutson stated she will be applying for gaming funds from Totten Trail Resort to cover the counties 25% share.

Knutson presented a Gaming Site Authorization Application submitted by Washburn American Legion Victor B Wallin Post #12, for gaming activities at the Painted Woods Golf Course for July 1, 2022, to June 30, 2023, with the addition of electronic pull tabs and poker along with removal of prize board.

Moved by Suydam, seconded by Cottingham, to approve the Gaming Site Authorization Application submitted by the Washburn American Legion Victor B Wallin Post #12 for gaming activities as presented at the Painted Woods Golf Course. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Knutson informed the commission that a recent weather system came through Washburn doing some damage to the shingles on the Law Enforcement Center building. Discussion followed.

Knutson informed the commission that both of the Energy Conservations Grant applications were approved for light replacement at the Garrison and Turtle Lake Highway Shops with work needing to be completed by June 2022.

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

There being no further business, the chairperson declared the meeting adjourned at 10:00 a.m. until the next regularly scheduled meeting on Tuesday, June 7, 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