

McLean County Commission Proceedings

Tuesday, August 8, 2023

The first regular August meeting of the Board of Commissioners was called to order at 8:38 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; Road Superintendent James Grey; Assistant Road Superintendent Travis Verke; Risk Manager Noelle Kroll; Chief Deputy Sheriff Richard Johnson; NDSU Extension Agent Kamile Moderegger; and Rocky Thompson.

Moved by Lee, seconded by Suydam, to approve the minutes of the previous meeting held on July 18, 2023, as submitted. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Grey presented an update on department operations reporting that graveling and mowing continues in the county. Grey requested approval to sign up for the North Dakota State Bid Program.

Moved by Lee, seconded by Suydam, to authorize the Highway Department to sign up for the North Dakota State Bid Program. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Grey presented a boring request from RTC Networks requesting to bore County Road 21 in Section 21, Township 149 North, Range 82 West, and Section 22, Township 149 North, Range 82 West, placing fiber inside plastic conduit pipe to provide services to Jim and Nancy Vitko.

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

Grey presented a boring request from RTC Networks requesting to bore 53rd Avenue in Section 19, Township 148 North, Range 86 West, and Section 20, Township 148 North, Range 86 West, placing fiber inside plastic conduit pipe to provide services to Camille Jenkins.

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

Grey presented a boring request from WRT Cooperative requesting to bore 10th Street NW in Section 20, Township 144 North, Range 83 West, and 35th Avenue in Section 29, Township 144 North, Range 83 West, placing fiber cable telecommunications facility to serve Dean Swanson.

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

Lee discussed County Road 6 with Grey and Verke.

Moved by Lee, seconded by Suydam, to approve the 2023 Fire Emergency Burn Restrictions as follows:

McLean County
State Of North Dakota
2023 Fire Emergency Burn Restrictions
for
McLean County, North Dakota
August 8, 2023

Whereas, McLean County, North Dakota has very dry conditions with significant fuel supplies available; and

Whereas; McLean County has experienced sustained high winds; and

Whereas; McLean County has been threatened with rural fires as of this date; and

Whereas, all available resources remain committed to protecting life and property; and

Whereas, the impact of fires could threaten the health, well-being, and safety of citizens in McLean County; and

Whereas, the cost of emergency response and the inordinate equipment wear may be far in excess of available County resources.

Now, Therefore, be it Resolved, that the Board of McLean County Commissioners declares a Fire Emergency and Automatic Burn Restriction effective when the North Dakota Rangeland Fire Danger Rating is Very High, Extreme and/or a Red Flag Warning has been issued for McLean County, North Dakota, effective immediately thru November 1, 2023.

What's Included (when the ND Rangeland Fire Danger Rating is Very High, Extreme and/or a Red Flag Warning)

No Open Burning: includes burning of leaves, grass clippings, garbage/pits, ignition of farm or crop residue/land, hay land, sloughs, construction debris, fallen trees, campfires/bonfires/recreational fires and fireworks.

What's Excluded

Controlled Devices: only when device(s) (gas, charcoal, wood-fired/pellet grills, patio fireplaces and chimineas, gas camp stoves, and smokers/pellet grills) is/are on a hard, non-organic surface and 15' away from vegetation and an extinguisher or water is available on site.

Any individual who willfully violates this burn restriction is guilty of a Class B Misdemeanor (NDCC 37-17.1-10.1; maximum sentence of 30 days in jail and a \$1,500.00 fine), and restitution of fire suppression costs may be sought from the court. the McLean County Sheriff's Department is authorized to issue citations to violators.

The North Dakota Rural Fire Danger Guide is posted on the McLean County website: www.mcleancountynd.gov or residents can contact the McLean County Sheriff's Office at 701-462-8103.

Dated at Washburn, North Dakota this 8th day of August, 2023.

Steve Cottingham, Chairman
McLean County Commission

Attest: _____
Beth Knutson
McLean County Auditor

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

Kroll presented the Risk Management accident statistics for January through June 2023 showing nine accidents needing medical attention and 15 accidents not requiring medical attention.

Johnson informed the board that Justin Krohmer has resigned his position. He stated that Sheriff JR Kerzmann would like to fill the open position within the department at a later date and requested to advertise for one or more Patrol Deputy positions.

Moved by Suydam, seconded by Lee, to authorize to advertise for one or more Patrol Deputies. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Thompson discussed paving 50th Avenue West of Garrison with the commissioners. Discussion followed with Knutson recommending Thompson seek advisement from an attorney as there are steps to follow per North Dakota Century Code (NDCC).

Chief Deputy Auditor Lori A Foss joined the meeting.

Adam Ourada, Falkirk Mining Company, joined the meeting.

Foss presented new job descriptions for Jailer/Dispatcher I and Jailer/Dispatcher II. Discussion followed.

Moved by Lee, seconded by Suydam, to approve the job descriptions as presented. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

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

Transfer Of Funds Resolution

Wherefore, Petitioner requests that the Board of McLean County Commissioners set this matter for hearing and that thereafter Petitioner be granted the relief requested.

Dated this 8th day of August, 2023.

The Falkirk Mining Company

By: _____
Jay H. Kost, its President

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

Ourada requested approval of and to set hearing date for a petition to temporarily close Section Line in Section 1 and 2, Township 146 North, Range 82 West and Section 6, Township 146 North, Range 81 West.

Moved by Lee, seconded by Suydam, to approve the Petition for temporarily closure of Section Line and set hearing for September 5, 2023 at 9:15 a.m.

Before The Board of
McLean County Commissioners

In the matter of the application of)
The Falkirk Mining Company for an) Petition for closing
order temporarily closing certain) of Section Line roads
section line roads that interfere)
with surface coal mining operations)

Pursuant to the provisions of Chapters 38-01-07.1 and 38-01-07.2, North Dakota Century Code, The Falkirk Mining Company ("Petitioner") states as follows:

1. Petitioner is a surface coal mining operator with the right to conduct surface coal mining and reclamation operations on or in the vicinity of the lands hereinafter described.
2. Petitioner requests that the following described section line roads, as shown on the map attached as Exhibit A, be temporarily closed to allow a safe and efficient means to conduct reconstruction of Petitioner's coal conveyance system and any support related services:
 - a. The section line road between the NE ¼ of Section 2 and the NW ¼ of Section 1, Township 146 North, Range 82 West
 - b. The section line road between the NE ¼ of Section 1, Township 146 North, Range 82 West and the NW ¼ of Section 6, Township 146 North, Range 81 West
 - c. The section line road between Section 1, Township 146 North, Range 82 West and Section 36, Township 147 North, Range 82 West
3. Petitioner asserts that the closing of the above described section line roads will not deprive adjacent landowners access to their property.
4. After the completion of construction projects, the Petitioner will restore the closed section line roads to as good a condition as existed prior to the closing of such roads to the extent required by the Board of McLean County Commissioners.

Wherefore, Petitioner requests that the Board of McLean County Commissioners set this matter for hearing and that thereafter Petitioner be granted the relief requested.

Dated this 8th day of August, 2023

The Falkirk Mining Company

By: _____
Jay H. Kost, its President

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

NDSU Extension Agent Sarah Bedgar joined the meeting.

Chairperson Cottingham recessed the meeting at 9:45 a.m.

Chairperson Cottingham reconvened the meeting at 9:50 a.m.

Clerk of Court Bonnie Bohnsack joined the meeting.

Kroll rejoined the meeting.

Knutson presented the Pledge of Securities received from TruCommunity Bank. The total public deposits were \$24,475,289.42 and the total pledged securities were \$26,595,561.00 on July 31, 2023.

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.

Knutson discussed appointing a delegate for the North Dakota Association of Counties (NDACo) Conference. Recorder Heidi Anderson has volunteered to be reappointed as delegate.

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

Moved by Lee, seconded by Suydam, to approve the change in the in-state meal reimbursement with breakfast increasing from \$7.00 to \$9.00, lunch increasing from \$10.50 to \$14.00, and dinner increasing from \$17.50 to \$22.00 as instituted by the state (SB 2124) effective August 1, 2023. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Knutson presented a Gaming Site Authorization Application submitted by Strawberry Lake Improvement Association for bingo, raffles, pull tab dispensing device, electronic pull tab device, seal board, and poker activities at DL's Strawberry Kooler of Ruso from July 1, 2023, to June 30, 2024.

Moved by Lee, seconded by Suydam, to approve the Gaming Site Authorization Application as submitted by Strawberry Lake Improvement Association. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Received and ordered filed the fee collection report from the Recorder's Department for the month of June in the amount of \$13,343.40.

Received and ordered filed the fee collection report from the Sheriff's Department for the month of June in the amount of \$2,303.16.

Tax Director Todd Schreiner joined the meeting.

Grey rejoined the meeting.

Building Maintenance Supervisor Curt Malo joined the meeting.

Knutson presented the commission with the preliminary budget as follows:

The proposed general fund budget is available for public inspection anytime during regular business hours in the McLean County Auditor's Office.

Moved by Lee, seconded by Suydam, to accept the preliminary budget 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 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 Uncollected Tax List for years 2020-2022 showing a total of \$1,110,358.10.

Knutson presented the current list of delinquent tax payers owing more than \$4,000.00 showing 37 taxpayers owing \$410,198.34 in back taxes.

Knutson presented the budget narrative for period ending July 31, 2023. She presented data showing property tax collections are at 92% collected including 96% with discount for 2023 or \$18,814,204.70; government reimbursement revenues totaled \$1,739,072.25 compared to \$1,687,129.00 in 2022; fees and miscellaneous revenues totaled \$1,211,328.83 compared to \$1,028,872.55 in 2022; and expenditures were at 49.94% of total budget for 2023.

There being no further business, the Chairperson declared the meeting adjourned at 10:26 a.m. The commission minutes and agenda can be found on the county website at <https://www.mcleancountynd.gov>.

Steve Cottingham, Chairperson

Diane L. Blumhagen, Deputy Auditor