

McLean County Commission Proceedings

Tuesday, August 20, 2024

The second regular August meeting of the Board of Commissioners was called to order at 8:30 a.m. by Chairperson Steve Cottingham. Present were Commissioners Cottingham, Steve Lee, and Barry Suydam. Also present were Auditor Beth A. Knutson; Administrative Assistant/Receptionist Lynda Snyder; Road Superintendent James Grey; Chief Deputy Sheriff Richard Johnson; Lewis & Clark Development Group representative Brent Ekstrom, Wes Peck and Scott Hammer, UND Energy & Environmental Research; Troy Matthiesen; Gerald Lelm; Charlene Lelm; Jenny Rubert; Ann Mittleider, and Larry Gessele.

Moved by Suydam, seconded by Lee, to approve the minutes of the May 21, 2024, and June 4, 2024, meetings, as submitted. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Ekstrom presented information on the Lewis and Clark Development Group and its various grant programs, housing programs, revolving loan fund programs and the ND Opportunity Fund. Ekstrom stated the group now has 700 homes and implemented a new program doing property management for income restricted units across the state. Discussion followed.

Ekstrom presented the Regional Livestock Development and Planning Grant Program to the commissioners. The ND Department of Agriculture is visiting every county throughout the state and will give you a map of your county to show the "good, better and best" places for rural economic development. The cost to the county is \$0 to receive the map which is confidential and not public information. Ekstrom encouraged the commissioners sign a resolution accepting the grant funds. Discussion followed. Lee requested Knutson put a resolution into motion for the next commission meeting.

Grey presented the Highway Department update stating that they are graveling in Turtle Lake and Butte areas and will continue across the county as needed. Discussion followed on previous graveling issues of County Road (CR) 29.

Grey stated that mowing is going well but has been delayed due to moisture. Grey informed the board that one of the Woods mowers has weak gear boxes and should be replaced. Discussion on the best type of mowers continued. Grey stated we should be able to wait until next year to purchase and can rent for this year if one goes down. Discussion followed.

Grey reported that one plow truck is still in Bismarck being repaired and he will touch base to get a time frame on the repair. Discussion followed on the trucks and the value in replacing versus continuing to repair them. Grey pointed out that insurance will pay for some of the repairs

Lee requested that Grey provide a list of equipment expected to be on the auction this fall.

Grey went on to inform the board that the brush mower previously discussed cannot be purchased locally as previously thought. Grey researched the mower needed and found the best way to purchase was online. Discussion followed.

Moved by Lee, seconded by Suydam, to approve the purchase of the DR field and brush mower in the amount of \$2,699.99 with or without freight. Discussion followed. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Grey was approached by Swanson Equipment about a used Duratek wood/tree chipper for sale. The machine has a diesel engine and only 127 hours. The value is \$65,000.00 and they are willing to sell it to McLean County for \$24,000. Lee asked if there were funds budgeted for this purchase. Discussion followed. Knutson stated that there is money in the budget as well as in the sale of equipment funds.

Moved by Lee, seconded by Suydam, to approve the purchase of the Duratek wood chipper/tree grinder for \$24,000. Discussion followed. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Grey presented two permits from Falkirk Mining Company to install 69kV overhead powerlines, one over 2nd Street SW and 29th Avenue SW with clearance to the lowest conductor of powerline of 30 feet and 30.7 feet respectively and another over CR 14 with clearance to the lowest conductor of powerline of 32.4 feet. Both lines will have wooden power poles installed and guy wires.

Moved by Suydam, seconded by Lee, to approve installation of powerlines as presented. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Grey presented two permits from Falkirk Mining Company to construct new field approaches for field access. Approaches will have a 30-foot wide top and 4:1 side slope with no culverts required.

Moved by Lee, seconded by Suydam, to approve construction of two approaches at the locations presented. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Grey presented a permit from Falkirk Mining Company to excavate a diversion ditch through a section line. Falkirk will construct an approach with culvert through the diversion ditch to allow access on the section line.

Moved by Suydam, seconded by Lee, to approve excavating a diversion ditch and constructing field approach at the location presented. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Patterson presented a modification of the approved subdivision plat known as Schlichting's Third Subdivision located in parts of the W½W½ of the SE¼, the W½E½W½ of the SE¼, and part of Government Lot 3, of Section 32, St. Mary Township. The request for modification, submitted by George and Bernice Schlichting, whose post office address is Garrison, ND, seeks to change the original 22-lot rural residential subdivision plat to the 7-lot subdivision plat to be known as Block 1 of Schlichting's Third Subdivision

Cottingham stated that the issue is getting rural water to these lots. Originally the subdivision was intended to be 22 lots but will only be able to get water for 5 of them and potentially 2 more in the next five years. Discussion followed.

Moved by Suydam, seconded by Lee, to approve revision of Schlichting subdivision plat known as Schlichting's Third Subdivision located in parts of the W½W½ of the SE¼, the W½E½W½ of the SE¼, and part of Government Lot 3, of Section 32, St. Mary Township. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Patterson presented an application submitted by Douglas and Lori Naze of Surrey, ND, on behalf of landowners Kenneth and Patricia Saylor, requesting approval of a Conditional Use Permit involving land located in Outlot B in SE¼SE¼ of Section 30, Township 149 North, Range 84 West. The above-named applicants seek approval of a Conditional Use Permit to construct a non-farm structure on agricultural land.

Cottingham stated that the location of the structure will be high enough that drainage not an issue and there were no concerns with the approach. McGinnis township has approved. Discussion followed.

Moved by Lee, seconded by Suydam, to approve the application submitted by Douglas and Lori Naze of Surrey, North Dakota, on behalf of landowners Kenneth and Patricia Saylor, requesting approval of a Conditional Use Permit involving land located in Outlot B in SE¼SE¼ of Section 30, Township 149 North, Range 84 West. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Patterson presented an application submitted by Patrick and Dawn Brunelle, whose post office address is Bismarck, ND, requesting approval of a variance involving land located in Lot 21, Crooked Lake Subdivision, Township 148 North, Range 80 West. The above-named applicants seek a variance to allow the construction of a structure closer than 15 feet from the side lot line, as proclaimed in Subsection 6 of 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022.

Schreiner stated that the applicant is putting a new structure on same exact spot and neighbor has signed off on it. Discussion followed.

Moved by Lee, seconded by Suydam, to approve the setback variance submitted by Patrick and Dawn Brunelle, whose post office address is Bismarck, North Dakota, requesting approval of a variance involving land located in Lot 21, Crooked Lake Subdivision, Township 148 North, Range 80 West. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Patterson presented an application submitted by Jami DeCent, whose post office address is Minot, ND, requesting approval of a variance involving land located in Lot 7, Berget Subdivision, Township 148 North, Range 80 West. The above-named applicant seeks a variance to allow the construction of a structure closer than 15 feet from the side lot line, as proclaimed in Subsection 6 of 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022.

Schreiner stated that applicant's neighbor has signed off on this request. Applicant is putting up a garage behind his house. Discussion followed

Moved by Lee, seconded by Suydam, to approve the variance request application submitted by Jami DeCent, whose post office address is Minot, North Dakota, requesting approval of a variance involving land located in Lot 7, Berget Subdivision, Township 148 North, Range 80 West. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Patterson presented an application submitted by Estvold Properties, LLLP, whose post office address is Parshall, ND, requesting approval of a variance involving land located in Lot 3, Deepwater Creek Cabin Site, Township 149 North, Range 90 West. The above-named applicant seeks a variance to allow the construction of a structure closer than 15 feet from the side lot line and 30 feet from the rear lot line, as proclaimed in Subsections 6 and 7 of 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022.

Schreiner stated that this is a stick-built structure being replaced with a modular structure and has approval from not only their neighbor but also the U.S. Army Corps of Engineers.

Moved by Suydam, seconded by Lee, to approve the variance application submitted by Estvold Properties, LLLP, whose post office address is Parshall, ND, requesting approval of a variance involving land located in Lot 3, Deepwater Creek Cabin Site, Township 149 North, Range 90 West. Discussion followed. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Patterson presented an application submitted by Strata Corporation, Grand Forks, ND, on behalf of landowners Gerald and Charlene Lelm, requesting approval of a Conditional Use Permit involving land located in the S½NE¼ less Outlots A & B and the N½SW¼ of Section 14, Township 145 North, Range 79 West, containing 79 Acres. The above-named applicant seeks approval of a Conditional Use Permit to operate a sand and gravel pit for mining, processing and selling of sand and gravel products.

Matthiesen stated that there are two separate permits and construction of a new road. Discussion followed.

Grey stated that he recommended to Strata that calcium chloride be used on roads to prevent excessive dust.

Lee opened discussion regarding the county having access to the road and also the speed limit. Discussion followed.

Cottingham recommended the road be built up before entering the highway for safety reasons. Discussion followed.

Matthiesen stated that U.S. Fish and Wildlife has identified protected wetlands and Stata is cooperating with any restricted areas. He went on to explain that the current pit in the area is ending its life and is being reclaimed, this is the reason for the interested in the new pit, which he expects to have a life of approximately 10 years.

Ann Mittleider spoke on behalf of her family and expressed concerns with excessive dust, truck traffic, and noise. Discussion followed.

Matthiesen discussed the hours of crushing and the testing Strata has done for noise tolerance and dust particles. Discussion followed.

Lee recommended that dust control and road maintenance requirements be a condition written into the permit.

Moved by Lee, seconded by Suydam, to approve the zoning request with the conditions stated regarding road maintenance and dust suppression being added to the permit. Discussion followed. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Peck updated the commission on the geophysical survey planned in Central North Dakota. Peck stated that the survey will span over 230 miles in McLean County and each landowner must grant permission before the state will issue permit. Hammer stated that 114,000 acres are already under permit. Landowners not granting access for the survey is currently at approximately 16,000 acres and will not adversely affect the data. Hammer went on to explain that archeological sites have been identified in certain areas and all surveying is monitored, as well as work only being done when land is dry or frozen.

Cottingham requested maps of the areas being surveyed and also that a copy be placed on file in the Auditor's Office. He requested additional updates as the project continues and stressed the importance of contacting landowners before accessing their land. Discussion followed. Peck stated that they will return to an upcoming Commission meeting when the permit is received from the state and offered to take Commissioners onsite to see how the machines work.

Chairperson Cottingham recessed the meeting at 9:47 a.m.

Chairperson Cottingham reconvened the meeting at 9:55 a.m. to set a date and time for the budget hearing.

Knutson stated the date of September 17, 2024 was set when the budget calendar was approved, however a time needed to be set.

Moved by Lee, seconded by Suydam, to set the budget hearing for September 17, 2024 at 9:00 a.m. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Knutson stated that NDACo Delegate needs to be appointed. Heidi Anderson is the current delegate and agreed to continue unless someone else is interested.

Moved by Lee, seconded by Suydam, to appoint County Recorder Heidi Anderson to a two-year term as NDACo delegate for McLean County. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Knutson presented a request from the Sheriff's Department totaling \$24,909.00 to purchase new guns. Knutson stated that there is a trade in value of \$2,750.00 for the old guns included in this however the guns will be sold on the auction this fall. Sheriff JR Kerzmann feels they will receive more revenue from the auction than trading them in. She also stated that the Sheriff's Department received a \$5,000.00 donation from gaming activities at Totten Trail and the remainder will be paid out of the Forfeiture Fund, if approved.

Moved by Suydam, seconded by Lee, to approve the purchase of new guns in the amount of \$22,659.00 using the gaming funds donated and selling the old guns on the auction in the fall. Discussion followed. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Knutson presented a quote for \$9,952.60 from Scheels for ammunition. The budget for ammunition for 2024 is \$10,000.00.

Moved by Lee, seconded by Suydam to approve the ammunition purchase for the Sheriff's Department in the amount of \$9,952.60. Discussion followed. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion carried.

Knutson presented a petition for the White Shield Rural Fire Protection District. She stated that 60% of qualified electors living in area needed to sign and only ten signatures were submitted. Knutson presented the map to show the area that is covered and will determine how many electors actually reside in that area.

Knutson discussed the petition requirements and Century Code states that a complete description according to government survey is needed. She went on to discuss the notice requirements and the necessary commission proceedings for the new fire taxing district. Discussion followed.

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.

There being no further business, the Chairperson declared the meeting adjourned at 10:16 a.m. The commission minutes and agenda can be found on the county website at <https://www.mcleancountynd.gov>.

Steve Cottingham, Chairperson

Lynda Snyder, Administrative Assistant/Receptionist