

**McLean County Commission Proceedings**  
**Tuesday, August 18, 2020**

The final 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 Highway Superintendent Jim Grey, Auditor Beth A. Knutson, and Deputy Auditor Nancy Leidholm.

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

Highway Superintendent Jim Grey was present with department updates. He reported that gravelling and mowing are continuing throughout the county. Grey stated that a John Deere sickle mower has broken down and Shop Mechanic Troy Kittler is tearing it apart in hopes of fixing it as parts can no longer be found. Discussion followed with regards to the purchase of a new one with Grey stating that they can get by if they have to. He has been checking prices and one can be purchased for around \$5,000.00. Cottingham questioned if there was money in the budget to which Grey and Knutson said yes. Lee would like to hold the purchase off until next year. Grey went on to report that bottom ash has been hauled in to the Garrison and Washburn shops adding that he has to order salt to blend in preparation for eventual winter roads. He reported that he'd ordered the requested road oil to top off his supply. Discussion followed regarding a possible gravel pit in the county.

County Agent Calandria Edwards joined the meeting to introduce new Family and Community Wellness Extension Agent Courtney Hoikkala. Hoikkala presented a handout of the educational programs offered by NDSU Extension and requested the commission's input as to what has worked in the past and for any insight they may have to help meet county needs. Discussion followed.

Knutson discussed an expense for the rescue boat from Garrison Farmers Union billed to the Garrison Fire Department but sent to the county for payment. Discussion followed regarding the ownership and responsibility of the rescue boat. Knutson stated that the county doesn't pay to maintain boats belonging to other cities in the county. Suydam would like to see the boat remain with the county. Lee would like to see Sheriff Kerzmann involved in the discussion. Cottingham wants clarification as to who is responsible for the rescue boat and would like to see this issue resolved. The commission approved paying the expense.

Knutson presented a request from Building Maintenance Supervisor Curt Malo for an estimate to repair an air handler in the courthouse that lost a bearing. Lee feels Malo can use his discretion to get someone in to fix the air handler.

Chief Deputy Lori Foss joined the meeting for a discussion regarding polling locations for the 2020 General Election on November 3, 2020. The commission would like to see the three usual vote centers and polling place open for voting. Discussion followed regarding the struggle to find enough election workers to staff the locations which includes additional workers to clean and monitor the number and social distancing of voter's inside each location; using additional county employees and possibly city employees to help staff the locations; PPE; and opening the courthouse on Saturday's to extend the hours for absentee voting in hopes of alleviating some congestion on Election Day.

Moved by Lee, seconded by Cottingham, to approve the following polling locations for the 2020 General Election: Garrison Vote Center at the Garrison City Auditorium; Turtle Lake Vote Center at the Turtle Lake American Legion Hall; Washburn Vote Center at the Washburn Memorial Hall; and White Shield/Ziegler Precinct at the White Shield Complex. Lee stated that safety protocols can be fine-tuned and if enough workers can't be found to work the locations, a special meeting can be held before August 31 to discuss the issue again and make possible changes. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

The board conducted the second reading of proposed changes to the following personnel policies:

- Policy 106 – Minimum Wage and Policy 314 – Military Leave Updated to show housekeeping revisions to comply with current law.
- Policy 314 – Military Leave Updated to show housekeeping revisions to comply with current law.
- Policy 406 – Overtime and Compensatory Time Changed to read, "*The county requires that all compensatory time earned is taken before using **annual or sick leave** and the employee is strongly encouraged to make every effort to use it by end of the month following the month that it is earned.*" This change will take effect January 1, 2021.
- Policy 1300 – COVID-19 Families First Coronavirus Response Act Leave This policy is being added to provide a basis for dealing with COVID-19 absences under the letter of the law.

Moved by Suydam, seconded by Lee, to approve the personnel policy changes as submitted. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Knutson presented the list of delinquent taxpayers owing more than \$4,000.00 showing 60 taxpayers owing \$487,126.40.

Moved by Lee, seconded by Suydam, to approve the following agreement:

**USE AND SUBROGATION AGREEMENT**

This Use and Subrogation Agreement (Agreement) is made and entered this 18<sup>th</sup> day of August, 2020 (the Effective Date) by and between McLean County, North Dakota, a political subdivision organized and existing under

the laws of the State of North Dakota (the “County”) and Garrison Diversion Conservancy District, a political subdivision organized and existing under the laws of the state of North Dakota with its principal place of business at 401 US-281, Carrington, North Dakota 58421 (“Garrison Diversion”).

The parties hereto agree to the following facts:

Garrison Diversion is undertaking construction of the Red River Valley Water Supply Project (the “Project”) in order to provide a reliable supplemental water supply to eastern and central North Dakota.

Garrison Diversion has entered into an agreement to buy certain real property within the Northeast Quarter (NE1/4) of Section 5, Township 143 North, Range 81 West of the 5<sup>th</sup> PM, McLean County, North Dakota (the “Parcel”) upon a portion of which the County has a Perpetual Easement (“Easement”) dated April 14, 1967 and recorded as Document Number 246531 for bank stabilization and protection as well as specified recreational activities.

Garrison Diversion intends to use and construct an intake facility and related installations (Facilities) on the Parcel in order to pump water from the Missouri River.

The intake facility will be constructed, entirely or partially, within the Easement.

The Easement provides a reservation to the grantor and its assigns of all rights and privileges in the land covered by the Easement as may be used and enjoyed without interfering with or abridging the rights and easements granted to the County by virtue of the Easement.

The County does not believe that construction and use of the Facilities will interfere nor abridge the rights of the County, person or other entity affiliated or associated to the rights granted in the Easement and the County desires to grant Garrison Diversion the right to construct and use the Facilities within the Easement.

Now, therefore, the parties further agree as follows:

1. The County hereby subrogates its rights under the Easement to Garrison Diversion to the extent of the construction, operation, use, access to and from and maintenance of the Facilities constructed by Garrison Diversion within the easement along with any associated uses and installations for the construction, operation, use, access to and from and maintenance of the Facilities.
2. The County further, to the extent necessary to achieve the intentions of this agreement, consents, and grants to Garrison Diversion the right, to the construction, operation, use, access to and from and maintenance of the Facilities within the Easement.
3. This agreement is subject to Garrison Diversion’s acquisition of the Parcel, attached hereto as Plat of Outlot B the description of which was prepared by Todd Norton, a registered land surveyor, Advanced Engineering and Environmental Services, 1815 Schafer St. Ste. 301, Bismarck, ND 58501, which plat was previously recorded.
4. This Agreement is binding on the heirs, successors and assigns of the parties hereto.
5. Wherever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law. If any provision of this Agreement shall be found invalid or unenforceable, this shall not affect the validity of the remaining provisions of this Agreement, and the remaining provisions shall remain in full force and effect.
6. This Agreement was drafted with review and comment from each party’s attorney. Accordingly, the parties agree that the legal doctrine of construction against the drafter will not be applied should any dispute arise concerning this Agreement.
7. This Agreement shall be in full force and effect until termination by the mutual agreement of the parties in writing.

McLean County Board of County Commissioners

By: \_\_\_\_\_  
Steve Cottingham, Chairperson

Date: \_\_\_\_\_

Garrison Diversion Conservancy District

By: \_\_\_\_\_  
Duane DeKrey, General Manager

Date: \_\_\_\_\_

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

Moved by Suydam, seconded by Lee, to approve the following vouchers for payment:

CHECK #	VENDOR	DESCRIPTION	AMOUNT
A303265	DIAMOND MOWER INC	INPUT CONNECTION SHIELD	107.25
A303266	ENERBASE COOP RESOURCES	FUEL TO GARRISON	12,337.75
A303267	GARRISON FARMERS UNION OIL CO	FUEL & GREASE, BRIDGE MATERIALS	107.10
A303268	GARRISON CITY	GARBAGE/WATER	54.80
A303269	ISTATE TRUCK CENTER	PARTS	4,440.23
A303270	JOHN DEERE FINANCIAL	OIL/DEF	573.93
A303271	MCLEAN COUNTY IMPLEMENT LLC	PARTS	103.02
A303272	MDU	GAS – WASHBURN, TURTLE LAKE, MAX AND GARRISON SHOPS	116.20
A303273	NAPAAUTO PARTS GARRISON	PARTS	7.17
A303274	NEWMAN SIGNS INC	SIGNS	100.47
A303275	NW TIRE	TIRES FOR MOWERS	443.12
A303276	OK AUTOMOTIVE	PARTS	285.90
A303277	TITAN MACHINERY	PARTS	375.60
A303278	WAGON WHEEL LUMBER INC	PARTS	26.69
A303279	WHOLESALE AG PRODUCTS WEST	2.5 GALLONS ORACLE	106.25
A303281	MORRIS SEALCOAT TRUCKING INC	PROJECT CP-2879(020) CHIP SEAL	327,525.14
A303282	WOLD ENGINEERING PC	PROJECT B-19-33~CP-2879(020)	19,099.37
A303283	JAN HANSON	MILEAGE	64.40
A303284	ARMOR INTERACTIVE	SHERIFF DATTA NAS – SEPT; SERVER BACKUP DEVICES – SEPT; 45 NODES – SEPT	1,700.00
A303285	CONNIE KELSCH	6 FT SWIFFER POLE	12.83
A303286	CURT MALO	REIMBURSE AUGUST CELL PHONE	30.00
A303287	CASS COUNTY TREASURER	INMATE HOUSING – SHERIFF	85.00
A303288	CHASE DRUG STORE	INMATE MEDICAL – SHERIFF	677.27
A303289	CHARMTX INC	INMATE HYGIENE, FACE MASKS	325.38
A303290	DICKS VACUUM SERVICE INC	CLEAN OUT DRYER VENT – LEC	220.00
A303291	DOCS SHOP	BRAKES, AIR FILTER, OIL CHANGES – SHERIFF	2,707.93
A303292	CALANDRIAJARBOE EDWARDS	SUPPLIES FOR TRAIN THE TEACHER	78.38
A303293	ENERBASE COOP RESOURCES	GASOLINE – SHERIFF	74.25
A303294	WILTON FARMERS UNION OIL CO	GASOLINE – SHERIFF	308.20
A303295	GARRISON FARMERS UNION OIL CO	RESCUE BOAT – GAS, SEA FOAM	85.89
A303296	FARMERS UNION OIL OF TL	TPOST CLIPS; GRAZON NEXT – WEED CONTROL	202.02
A303297	GARRISON VETERINARY SERVICE	DOG FOOD – SHERIFF	182.66
A303298	GARRISON LUMBER	TAP SCREWS – PARK	1.56
A303299	GRIMSLEYS EXHAUST AND FUELS	GASOLINE – SHERIFF	306.00
A303300	HIWAY 83 EXPRESS	GASOLINE – SHERIFF	239.80
A303301	INFORMATION TECHNOLOGY DEPT	NETMOTION LERM USER FEES – SHERIFF; T-1 LINE ACCESS; ACTIVE DIRECTORY USER FEES; VPN; AZURE AD PLAN 2; EXCHANGE EMAIL ACCOUNTS	1,317.55
A303302	JAVAROSE FLORAL	FLORAL ARRANGEMENT – CARLSON SERVICE	55.00
A303303	KENS BODY SHOP	RAND HAND BUMPER & GRILL, TOW SQUAD CAR TO MANDAN, IMPOUNDS – SHERIFF	4,425.00
A303304	KRAUSES MARKET	INMATE MEALS – SHERIFF; COFFEE, HAND SOAP	251.75
A303305	MCLEAN COUNTY AUDITOR	JULY POSTAGE – COUNTY AGENT	35.25
A303306	MDU	GAS – COURTHOUSE, LEC	269.95
A303307	MENARDS	BUCKET WINDOW WASH KIT	34.99
A303308	MERCER CO SHERIFFS DEPT	INMATE HOUSEING – SHERIFF	675.00
A303309	MIDCONTINENT CABLE CO	LEC CABLE TV	105.00
A303310	MOORE ENGINEERING INC	ENGINEERING – PAINTED WOODS	14,755.70
A303311	NAPAAUTO PARTS GARRISON	WIPER BLADES – PARK; ANTIFREEZE, OIL FILTER – WEED CONTROL	42.97
A303312	ND DEPT OF HUMAN SERVICES	STATE PROCESSING FEE – SHERIFF	176.22
A303313	ND DEPT. OF HEALTH	COVID TESTING – SHERIFF	20.00
A303314	ROUGH RIDER INDUSTRIES	WELLNESS BARRIERS	300.00
A303315	AARON MATTIES	GASOLINE – SHERIFF	23.49
A303316	S AND J HARDWARE	GARDEN PLUG, BIT, BUG SPRAY, ENTRY KNOB, LOCKSET, BREAKER – PARK	86.11
A303317	S MCLEAN SOIL CONSERVATION	HORTICULTURE SUPPLIES – COUNTY AGENT	45.00
A303318	SRT COMMUNICATIONS INC	LINE RECORD/TRUNKING	694.08

A303319	RYAN OBERG	REIMBURSE AUGUST CELL PHONE	30.00
A303320	TURTLE LAKE MAIN ST MARKET	INMATE MEALS – SHERIFF	4,640.39
A303321	UNDERGROUND VAULTS	LEASE RENTAL – MFILM BOX – RECORDER	212.00
A303322	UNDERWOOD WASHBURN CLINICS	INMATE MEDICAL – SHERIFF	1,392.00
A303323	UNIFORM CENTER	SHIRTS, PANTS – SHERIFF	1,572.98
A303324	UNICOM	GRILL LIGHTS – SHERIFF	219.00
A303325	US FOODS	INMATE MEALS – SHERIFF	1,272.51
A303326	WARD CO CORRECTIONAL CENTER	CORRECTIONS OFFICE ACADEMY	150.00
A303327	WATER PURITY INC	WATER DELIVERED – SHERIFF	70.00
A303328	WEST RIVER TELECOMM	911 TRUNKING RECURRING – E-911	494.36
A303329	WESTERN LIGHTING TECH INC	(4) LED HYBRID TUBES, RETROFIT FIXTURES	79.96
A303330	WEX BANK	GASOLINE – SHESRIFF	6,901.15

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

Director of the McLean Mercer Regional Library, Beth Bruestle, and Library Board member Kayla Oberlander, joined the meeting. Discussion followed concerning Mercer County suggesting getting rid of the bookmobile; the fuel, maintenance and rent expense of the bookmobile; and alternative options for transporting books between the County Library and schools. Knutson stated that Mercer County has approved the bookmobile in their Preliminary Budget for 2021. Lee speculated if Mercer County cuts the bookmobile, does McLean County follow suit or fully fund it.

There being no further business, the chairperson declared the meeting adjourned at 9:59 a.m. until the next regularly scheduled meeting on Tuesday, September 1, 2020. The commission minutes and agenda can be found on the county website at <http://www.mcleancountynd.gov>.

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Steve Cottingham, Chairperson

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Nancy Leidholm, Deputy Auditor