

**McLean County Commission Proceedings
Tuesday, March 1, 2016**

The first regular March meeting of the Board of Commissioners was called to order at 8:30 a.m. by Chairperson Steve Lee. Present were Commissioners Lee, Barry Suydam and Doug Krebsbach. Also present were Auditor Les Korgel and Alyssa Meier of BHG News Services.

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

Highway Superintendent Jim Grey and Mike Rivinius of Wold Engineering joined the meeting.

Grey informed the board that road restrictions were placed on county roads as of Thursday, February 25, 2016, and presented the following resolution to the board for signing:

RESOLUTION

WHEREAS, NDCC §39-12-03 provides that whenever any highway will be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic condition unless the weight of vehicles, trucks, or other commercial vehicles thereon is limited, local authorities may by resolution impose restrictions as to the weight of the vehicles and the same shall be noticed by erection of signs designating the provisions of the resolution at each end of the portion of the highway effected thereby; and

WHEREAS, the Board of McLean County Commissioners has determined that highways which are under its jurisdiction may be seriously damaged by reason of deterioration, rain, snow or other climatic conditions unless the weight of vehicles, trucks or other commercial vehicles thereon is limited;

THEREFORE, IT IS HEREBY RESOLVED; that 7 ton per axle not to exceed 80,000 pounds road restrictions are imposed on all McLean County asphalt roads except McLean County #18 to the Great River Energy Plant;

That 6 ton per axle not to exceed 65,000 pounds road restrictions are imposed on all other McLean County roads except McLean County Highway #16 extending 7 miles south of Riverdale to the Fisher Industries (Sand and Gravel) Plant.

IT IS HEREBY ORDERED that the McLean County Highway Superintendent shall cause notice of such restrictions to be posted at each end of the portion of the highway affected thereby. Road restrictions imposed shall begin within 24 hours after said signs have been erected.

DATED: This 1st day of March, 2016.

McLEAN COUNTY BOARD OF COMMISSIONERS

Steve Lee – Chairman

Doug Krebsbach

Barry Suydam

ATTEST:

Leslie Korgel, Auditor

IT IS HEREBY RESOLVED that the above-stated road restrictions are hereby removed.

DATED: This ____ day of _____, 2016.

McLEAN COUNTY BOARD OF COMMISSIONERS

Steve Lee – Chairman

Doug Krebsbach

Barry Suydam

ATTEST:

Leslie Korgel, Auditor

Moved by Krebsbach, seconded by Suydam, to approve the resolution for weight restrictions on county roads. Roll Call Vote: Aye: Suydam, Krebsbach and Lee. Nay: None. Motion carried.

Grey told the commission that crack sealing started the last week of February and also that E-911 signs were being installed on Highway #37 and #83. Sunde Gravel moved a gravel crusher into the Giedd pit to beat the load restrictions coming into effect. Grey also mentioned that the highway department has a 2005 dura patcher that they have not used for several years. The county can get \$20,000.00 on trade-in for it and purchase two sanders. The sanders will cost about \$30,000.00 so there would be a net cost of \$10,000.00.

Moved by Suydam, seconded by Krebsbach, to trade in the 2005 dura patcher on two sanders. Roll Call Vote: Aye: Suydam, Krebsbach and Lee. Nay: None. Motion carried.

Mike Rivinius from Wold Engineering reviewed the upcoming projects for bid on March 15th.

Clerk of Court Cathy Bailey appeared before the commission to discuss the state clerk of court contract. Bailey said that the contract has been very good to work with. Korgel stated that the state is compensated on the basis of 2.48 FTEs. Korgel thought the contract has been a good deal for the county. Cathy said the only problem has been confusion on ordering equipment as to which party is supposed to pay, but that was a minor problem.

Moved by Suydam, seconded by Krebsbach, to go with the funding agreement for the 2017-2019 biennium with the state for the clerk of courts office. Roll Call Vote: Aye: Suydam, Krebsbach and Lee. Nay: None. Motion carried.

Disaster Emergency Services Manager Noelle Kroll joined the meeting to discuss the burn ban for McLean County. She recommended that the 2015 burn ban be rescinded and a new 2016 burn ban be adopted. The 2016 ban has a few changes to include items changed by the 2015 ND State Legislature.

Moved by Krebsbach, seconded by Suydam, to rescind the 2015 Burn Ban and adopt the 2016 Fire Emergency Declaration and Burn Ban as follows:

FIRE EMERGENCY DECLARATION AND BURN BAN PROCLAMATION
for
MCLEAN COUNTY, NORTH DAKOTA

March 1, 2016

WHEREAS, the county of McLean, North Dakota is under abnormally dry conditions complied with significant fuel supplies resulting in extreme fire potential and lack of significant snow coverage throughout the winter months; 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 public safety of citizens in McLean County resources.

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 Burn Ban (to include a ban on ignition of farm or crop land, campfires, fireworks, charcoal grills and garbage burning) remain in effect, until further notice, whenever the North Dakota Fire Danger Rating is Very High or Extreme Index and/or a Red Flag Warning has been issued for McLean County, North Dakota until further notice.

ANY INDIVIDUAL WHO WILLFULLY VIOLATES THIS BURN BAN IS GUILTY OF A CLASS B MISDEMEANOR (NDCC 37-17.1-10.1) PUNISHABLE BY A FINE OF UP TO \$1500.00 AND 30 DAYS IN JAIL. 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 1st day of March, 2016.

McLean County Commission

Steve Lee, Chairman

ATTEST:

Leslie Korgel, County Auditor

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

Korgel presented a beer and liquor license application from Heather Wallgren DBA Backroadz Bar and Grill operating at the Brush Lake Community Center. Korgel said that a background check was completed by the Sheriff's office and everything was ok. He then went on to say that under Century Code 5-1-7 a license cannot be issued in an organized township unless the township has given written approval. Korgel stated he has not received that approval yet.

Moved by Suydam, seconded by Krebsbach, to table the request from Heather Wallgren until the approval letter is received from Wise Township. Roll Call Vote: Aye: Krebsbach, Suydam and Lee. Nay: None. Motion carried.

Sheriff JR Kerzmann, Chief Deputy Sheriff Richard Johnson, Assistant Jail Administrator Wade Krohmer and Deputy Justin Krohmer joined the meeting.

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

CHECK #	VENDOR	DESCRIPTION	AMOUNT
A129239	3D SPECIALTIES	SIGNS	113.76
A129240	BUTLER MACHINERY COMPANY	PARTS	2,703.05
A129241	WILLIAM CARLSON	REIMBURSE FOR CELL PHONE	30.00
A129242	CIRCLE SANITATION SERVICE	GARBAGE PICKUP	64.25
A129243	CNH INDUSTRIAL CAPITAL	SEAL	6.40
A129244	D & D REPAIR, INC	PARTS	174.49
A129245	FASTENAL COMPANY	SIGNS	149.40
A129246	SCOTT'S HARDWARE	WASHBURN SHOP SUPPLIES, PARTS	621.75
A129247	S & J HARDWARE	PARTS, GARRISON SHOP SUPPLIES	22.40
A129248	TITAN MACHINERY	QUICK ATTACH LOADER BUCKET	2,640.00
A129249	WOLD ENGINEERING P.C.	PROJECT B-14-7-CP-2800(015) – CULVERT REPLACEMENT; PROJECT B-14-10-CNOA-2804(054) – MICROSURFACING	40,209.02
A129250	ABM INC	COPIER MAINTENANCE AGREEMENT – RECORDER	793.41
A129251	ATLAS BUSINESS SOLUTIONS, INC.	SCHEDULE ANYWHERE SUBSCRIPTION – SHERIFF	806.40
A129252	BEV'S CAFE	ROLLS FOR PESTICIDE TRAINING – COUNTY AGENT	103.36
A129253	BHG INC	NOTARY STAMP – OLSON – SHERIFF	27.75
A129254	BUSINESS CARD	AIRLINE TICKETS/MOTEL/RENTAL CAR – SHERIFF; ANTI VIRUS; VACUUM CLEANER BAGS, SWIFFER DUSTERS; (3) 10 PK TABBIES	3,737.83
A129255	CENEX CREDIT CARD	GASOLINE – SHERIFF	1,397.48
A129256	CIRCLE SANITATION SERVICE	GARBAGE PICKUP	337.00
A129257	CITY OF WASHBURN	COURTHOUSE – WATER/SEWER	94.92
A129258	DAKOTA CENTRAL SOCIAL SVCS	McLEAN COUNTY SHARE BILLABLE EXPENSES – JANUARY 2016	63,158.23
A129259	DOC'S SHOP	MAF SENSORS, OIL CHANGES, & TIRES – SHERIFF	1,345.59
A129260	ELECTRONIC COMMUNICATIONS	INTERCEPTOR SRV – 200VBN S-7	200.00
A129261	GARRISON DIVERSION	DISBURSE MONTHLY COLLECTIONS	23,517.85
A129262	GARRISON VETERINARY SERVICE	K-9 DOG FOOD	99.75
A129263	BENJAMIN GEHRING	REIMBURSE FOR FEBRUARY CORONER SERVICES	1,500.00
A129264	GROUP MOBILE	PANASONIC TOUGHBOOK/EXTENDED WARRANTY/MICROSOFT OFFICE	2,404.00
A129265	CALLA JARBOE	TRAVEL	53.62
A129266	SHANNON JEFFERS	FEBRUARY MEETINGS/TRAVEL	1,520.80
A129267	KIDDER COUNTY AMBULANCE	CPR MASKS – SHERIFF	49.50
A129268	NOELLE KROLL	CPR CARDS, JANUARY TRAVEL	285.22
A129269	LEE, STEVE	FEBRUARY TRAVEL	125.28
A129270	LEXISNEXIS MATTHEW BENDER	VETERAN BENEFITS ADMIN FORMS ON CD 5-16 – 4-17	290.55
A129271	MCHENRY COUNTY AUDITOR	2016 ELMER JESME DUES	75.00
A129272	MCLEAN FAMILY RESOURCE CTR	DISBURSE MONTHLY COLLECTIONS	565.00

A129273	ND ASSOCIATION OF COUNTIES	DISBURSE 15% E-911 COLLECTIONS; PRE-EMPLOYMENT DRUG TESTING FEE – MAGRUDER	1,535.32
A129274	ND EMERGENCY MANAGEMENT	2016 MEMBERSHIP DUES	30.00
A129275	LYNN OBERG	FEBRUARY MEETINGS/TRAVEL	1,311.84
A129276	OFFICE DEPOT	3 HOLE PUNCH PAPER, BINDER CLIPS, HP 90A & 64A LASER TONER, FEDERAL LABOR LAW POSTERS	446.37
A129277	OTTERTAIL POWER COMPANY	BUTTE, TURTLE LAKE, WASHBURN, & MAX SHOPS; COURTHOUSE; RADIO TOWER	5,493.66
A129278	JAIMI POCHANT	INMATE CARE – FEBRUARY	930.00
A129279	SCOTT'S HARDWARE	EPOXY, SALT, HANGER, LYNCH PIN, LINERS, HALOGEN BULB, OIL, MICROWAVE, PISTOL SPRAY NOZZLE	235.67
A129280	SRT COMMUNICATIONS, INC	ASSESSOR CELL SERVICE/CELL PHONE & ACTIVATION FEE	239.24
A129281	ND STATE TREASURER	DISBURSE STATE TAX	23,512.12
A129282	ST ALEXIUS CLINICS	INMATE MEDICAL – SHERIFF	668.00
A129283	BARRY SUYDAM	FEBRUARY TRAVEL	75.60
A129284	ARLAN SWANSON	FEBRUARY TRAVEL	69.50
A129285	THIRD WATCH COMMUNICATIONS	INSTALL LIGHT BAR, LIGHT SIREN CONTROL – S-2 – SHERIFF	2,437.55
A129286	WASHBURN AUTO BODY LLC	HUB CAP – S-4 – SHERIFF	69.30
A129287	WASHBURN VOLUNTEER AMB FEBRUARY PAYROLL	INMATE MEDICAL – SHERIFF A detailed list of payroll funds expended is available for public inspection anytime during regular business hours in the McLean County Auditor's office.	1,390.47 \$336,033.55

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

States Attorney Ladd Erickson and McLean County Water Board chairperson, Lynn Oberg, joined the meeting.

Sheriff JR Kerzmann and Chief Deputy Richard Johnson presented the cost comparisons on the new and used patrol vehicles as requested from the last meeting. The three new 2016 Ford Expeditions would cost \$116,034.91 compared to \$91,909.74 for the three 2013 Dodge Charger rear wheel drive cars; the difference being \$24,125.17. The Expeditions would have a 12 to 14 week delivery time. Lee stated he would be more comfortable having all wheel drive instead of rear wheel drive and newer vehicles.

Moved by Krebsbach, seconded by Suydam, to purchase three 2016 Ford Expeditions equipped for patrol for the sheriff's department in the amount of \$116,034.91. Roll Call Vote: Aye: Krebsbach, Suydam and Lee. Nay: None. Motion carried.

Sheriff Kerzmann informed the commission that he had promoted Justin Krohmer to the detective position and requested that his salary be adjusted. Kerzmann also said that Chris Liebel and Andrea McCullough will be promoted to patrol duties. This will put the jailer/dispatchers down one. Assistant Jail Administrator Wade Krohmer would like to move June Bies to a sergeants' position because of the promotion of the two jailer sergeants to patrol. Les is to bring the adjusted salaries to the March 15th meeting.

Krohmer then requested that a non-dial out phone be put in the visitation room so that clients could talk to their attorneys instead of using the booking room telephone. This ties up the booking room so that if someone is brought in to be booked they don't have to wait. The cost would be about \$200.00 to install and \$36.00 per month for the separate line.

Moved by Krebsbach, seconded by Suydam, to put in the non-dial phone in the visitation room at the Law Enforcement Center. Roll Call Vote: Aye: Suydam, Krebsbach and Lee. Nay: None. Motion carried.

Tax Director Todd Schreiner presented a request for abatement from Joshua R. and Trista L. Rust of Mercer for land described as Lot 1 of Stute's Blue Lake Resort. The request was to lower the value of the property \$50,600.00 because the structure had been removed in January of 2014. Schreiner stated that the structure was removed in 2014 and had not been replaced.

Moved by Suydam, seconded by Krebsbach, to approve the abatement request from Joshua R. and Trista L. Rust for land described as Lot 1 of Stute's Blue Lake Resort, reducing the value from \$92,600.00 to \$42,000.00. Roll Call Vote: Aye: Krebsbach, Suydam and Lee. Nay: None. Motion carried.

The chairperson recessed the meeting at 9:45 a.m.

The chairperson reconvened the meeting at 10:00 a.m.

States Attorney Ladd Erickson joined the meeting to discuss the Dunn County court appeal which was turned down by district court concerning zoning authority in the oil patch. The district court action gives the oil and gas division complete authority on oil and gas activities. Erickson would like to join the appeal to the ND Supreme Court from the viewpoint that the district court ruling leaves all property associated with oil and gas activity as agricultural property rather than commercial property. Erickson would like to contest that basis.

Moved by Suydam, seconded by Krebsbach, to allow the States Attorney to file a brief on behalf of Dunn County. Roll Call Vote: Aye: Krebsbach, Suydam and Lee. Nay: None. Motion carried.

Erickson then presented a resolution of support for purchasing land for use in the Painted Woods Creek flood control project. The land would be purchased by the American Foundation for Wildlife for eventual transfer to the ND Game and Fish Department.

Moved by Krebsbach, seconded by Suydam, to approve the resolution of support for the American Federation of Wildlife as follows:

RESOLUTION OF SUPPORT

The McLean County Board of Commissioners hereby supports the purchase of land by the American Foundation for Wildlife and its partner from Mr. Robert Landgren. The Commission has been briefed on this project a number of times and desires this purchase occur so the land may be used for flood control and private property protection around Painted Woods Lake. The Commission understands that the ultimate owner of the land purchased will be the North Dakota Game and Fish Department.

Dated this 1st day of March, 2016.

Barry Suydam

Doug Krebsbach

Steve Lee

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

Erickson then introduced Terry Allbee, business manager and biologist for the ND Natural Resources Trust, who has been very helpful in this project.

There being no further business, the chairperson declared the meeting adjourned until the next regularly scheduled meeting on Tuesday, March 15. The commission minutes and agenda can be found on the county website at <http://www.visitcleancounty.com/officals/meetings.html>.

Steve Lee, Chairperson

Les Korgel, Auditor