

**McLean County Commission Proceedings
Tuesday, June 4, 2019**

The first regular June 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 Beth A. Knutson, Deputy Auditor Nancy Leidholm, Road Superintendent James Grey, Steve Cottingham of Falkirk Mining Company, Duane Zarr of Coleharbor, F. W. Schmidt of Ruso, and Susanne Werre of BHG News Service.

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

Grey reported that road restrictions were lifted on May 29, 2019. He went on to question the county's policy regarding road restrictions in that gravel roads are restricted to six ton per axle and asphalt county roads are restricted to seven ton per axle during the road restriction time frame. Grey recommended restricting both gravel and asphalt county roads to six ton per axle in the future to alleviate confusion.

Moved by Krebsbach, seconded by Suydam, to approve changing the road restriction policy to include the six ton per axle restriction for both gravel and paved county roads. Roll Call Vote: Aye: Krebsbach, Suydam, and Lee. Nay: None. Motion carried.

Grey went on to discuss a portion of 36th Avenue NW in the Wolf Creek area. Area residents have complained that the road is slimy when it rains due to the use of magnesium chloride for dust control. Duane Zarr was present to verify the complaints adding that it was full of washboards when dry as well. Grey stated if there is no moisture the maintainer can't get rid of the ridges and pot holes and feels a 35 mile-per-hour (mph) speed limit would help as well. He will have crews use the new shark edges to cut down the washboards and turn it back into a gravel road.

Moved by Krebsbach, seconded by Suydam, to suspend magnesium chloride treatment on a portion of 36th Avenue NW located in the Wolf Creek area. Roll Call Vote: Aye: Krebsbach, Suydam, and Lee. Nay: None. Motion carried.

Discussion followed in regards to the same issue on a three-mile stretch of County Road 15. Grey recommended a 35-mph speed limit there as well. Krebsbach would like to see the road patrolled to help enforce the speed limit. Crews will use the new shark cutting edges to level out washboards and see how things play out.

Grey informed the commission that crack sealing and patching on County Road 14 is continuing and going well with three miles completed. Graveling is ongoing in the Wilton and Washburn areas and a culvert on County Road 33 north of Fiedler's will be cut in today.

Discussion followed regarding the purchase of a new backhoe for \$55,000.00. Grey listed various equipment he could sell to put towards the purchase including an older backhoe for \$8,000.00, seeder for \$4,000.00, and two Ford tractors with loaders for about \$3,500.00 each. Grey was instructed to list the equipment for sale on bismanonline.com. Knutson recommended selling the equipment and returning to the commission at a later date. Lee would like to see the purchase pushed back to later in the year to see where revenues stand.

Moved by Suydam, seconded by Krebsbach, to approve the following agreement with Falkirk Mining Company:

AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into as of the 4th day of June, 2019, by and between McLean County, whose address is P.O. Box 1108, Washburn, North Dakota 58577 (the "County"), and The Falkirk Mining Company, whose address is 2000 Schafer Street, Suite D, Bismarck, North Dakota 58501-1204 ("Falkirk").

WITNESSETH:

WHEREAS, Falkirk closed a portion of County Road 23 north of Highway 200 near Underwood, ND by Resolution dated December 5, 2017, as depicted on the map attached hereto as Exhibit A which is incorporated herein by reference; and

WHEREAS, Falkirk desires to mine through the closed portion of County Road 23; and

WHEREAS, Falkirk and the County desire to upgrade certain portions of County Road 12, as depicted on the design attached hereto as Exhibit B which is incorporated herein by reference, to provide landowner access within the vicinity in lieu of rerouting or rebuilding County Road 23 while County Road 23 remains closed (hereinafter referred to as the "Project"); and

WHEREAS, taking the closed portion of County Road 23 out of service will cause the County to lose Seven Thousand Two Hundred Dollars (\$7,200.00) per year in federal highway funds; and

WHEREAS, Falkirk agrees to reimburse the County for the loss of federal highway funds on an annual basis during the time the closed portion of County Road 23 remains closed; and

WHEREAS, Falkirk agrees to pay the County the sum of Three Thousand Dollars (\$3,000.00) per year for additional snow removal costs to be incurred by the County for the upgrade of County Road 12, during the time the closed portion of County Road 23 remains closed; and

WHEREAS, Falkirk agrees that if the upgraded portion of County Road 12 becomes flooded and impassable during the time that County Road 23 is closed, Falkirk shall provide the necessary relief, which may include but is not limited to, pumping water, raising the grade of the road, or rerouting the road, to allow traffic to pass on County Road 12, as mutually agreed upon by Falkirk and the County;

WHEREAS, Falkirk agrees it is responsible for any required wetland mitigation work related to the Project during the time County Road 23 remains closed because of Falkirk's mining operations;

WHEREAS, Falkirk agrees it is responsible for any required utility relocation related to the Project and caused by Falkirk's mining operations, including the cost of obtaining any necessary additional right of way, during the time County Road 23 remains closed because of Falkirk's mining operations;

NOW, THEREFORE, in consideration of the premises, the County and Falkirk hereby agree as follows:

1. Falkirk shall upgrade County Road 12 pursuant to the design specifications as depicted on Exhibit B.
2. During the time that the portion of County Road 23 is closed, as depicted on Exhibit A, Falkirk shall pay annually to the County, on or before July 1 of each year, the sum of Ten Thousand Two Hundred Dollars (\$10,200.00) per year.
3. That if the upgraded portion of County Road 12 becomes flooded and impassable during the time that County Road 23 is closed, Falkirk shall provide the necessary relief, which may include but is not limited to, pumping water, raising the grade of the road, or rerouting the road, to allow traffic to pass on County Road 12, as mutually agreed upon by Falkirk and the County.
4. That Falkirk is responsible for any required wetland mitigation work related to the Project during the time County Road 23 remains closed because of Falkirk's mining operations.
5. That Falkirk is responsible for any required utility relocation related to the Project and caused by Falkirk's mining operations, including the cost of obtaining any necessary additional right of way, during the time County Road 23 remains closed because of Falkirk's mining operations.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

ATTEST:

MCLEAN COUNTY

McLean County Auditor

Chairman, Board of County Commissioners

THE FALKIRK MINING COMPANY

By: _____
Jay H. Kost, its President

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

Grey reported that the two Equipment Operator II positions located in Garrison have been filled and crews are now fully staffed.

Recorder Heidi Anderson, Tax Director Todd Schreiner, Clerk of Court Catherine Bailey, and Clerk Cassandra Goetz joined the meeting.

Knutson informed the commission that in meeting with Anderson, Schreiner, Bailey and Goetz, it has been decided that Goetz will work full-time, dividing her time between the Clerk of Court and Tax Director offices, leaving a full-time Clerk position open in the Recorder's office. She recommended advertising in-house for a full-time Data Entry Clerk to work 50% in the Clerk of Court's office and 50% in the Tax Director's office while advertising externally for a full-time Clerk position in the Recorder's office.

Moved by Krebsbach, seconded by Suydam, to approve the department change for Goetz pending the outcome of the in-house advertising for a full-time Data Entry Clerk position to be split between the Clerk of Court and Tax Director; and to advertise externally for the full-time Clerk position in the Recorder's office. Roll Call Vote: Aye: Krebsbach, Suydam, and Lee. Nay: None. Motion carried.

Knutson presented nine letters of interest received for the District 1 County Commission vacancy left by the resignation of Commissioner Doug Krebsbach effective June 30, 2019. Lee feels interviews need to be done with all nine candidates. Lee and Suydam will review the letters with interviews to be held on June 13, 2019, beginning at 8:30 a.m.

The Board received and ordered filed the fee collection report from the Recorder's office in the amount of \$14,269.10 for the month of May.

The Board received and ordered filed the fee collection report from the Sheriff's Department in the amount of \$974.95 for the months March, April, and May.

Knutson provided the board with a list detailing all vouchers presented for payment at this meeting.

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

CHECK #	VENDOR	DESCRIPTION	AMOUNT
A138318	DIAMOND MOWER INC	GEAR BOX & FLEX-WING DISC	3,061.85
A138319	WILLIAM CARLSON	CELL PHONE REIMBURSEMENT	30.00
A138320	ISTATE TRUCK CENTER	PARTS	1,634.81
A138321	MCLEAN SHERIDAN RURAL WATER	WATER	81.11
A138322	MENARDS	WASHBURN SHOP SUPPLIES	118.18
A138323	NORTHERN PLAINS EQUIPMENT	PARTS	353.11
A138324	PAHLKE STEEL INC	PARTS	141.67
A138325	SWANSTON EQUIPMENT CORP	10 PALLETS – LEVEL & GO MASTIC CRACKFILL	13,250.00
A138326	WAGON WHEEL LUMBER INC.	WASHBURN SHOP SUPPLIES	13.58
A138327	WEST RIVER TELECOMM	TELEPHONE & DSL	91.48
A138328	AT T MOBILITY	SHERIFF, STATES ATTORNEY CELL SERVICE; LAND USE, DES – DATA CARDS	239.71
A138329	BHG INC	COMMISSION MINUTES, HELP WANTED ADS, NOTICES	2,694.41
A138330	BILL BARTH	UNIT S-7 – FUEL INDUCTION SERVICE	1,994.24
A138331	ASHLEY BROSSART	JAIL NURSE	1,749.00
A138332	CAPITAL TROPHY	3 PLAQUES – SHERIFF	174.00
A138333	CHS CREDIT CARD DEPT	GASOLINE – SHERIFF	4,765.91
A138334	CHASE DRUG STORE	INMATE MEDICAL – SHERIFF	1,017.48
A138335	CHARM-TEX, INC.	RAZORS, FABRIC SOFTENER, IBUPROFEN, INMATE ORANGE SHIRTS, PANTS, SHERIFF	339.60
A138336	CIRCLE SANITATION SERVICE	GARBAGE PICKUP	354.00
A138337	CITY OF WASHBURN	WATER/SEWER – LAW ENFORCEMENT CENTER, COURTHOUSE	554.57
A138338	LEE STEVE	MAY TRAVEL	67.28
A138339	DAKOTA AWARDS	NOTARY STAMP, COUNTY STAMP, 1" X 2" ENGRAVED GOLD PLATE	77.48
A138340	DOCS SHOP	SHERIFF – REPLACE RADIATOR, COOLANT LEAK	1,632.14
A138341	ELECTRONIC COMMUNICATIONS	UNIT S-4 VRS CYCLING ON & OFF, REPLACE CABLES	175.00
A138342	GARRISON DIVERSION	DISBURSE MONTHLY COLLECTIONS, SPECIAL ASSESSMENT COLLECTIONS	15,285.86
A138343	BENJAMIN GEHRING	REIMBURSE MAY CORONER FEES	750.00
A138344	GEMPLERS	BEACON STROBE – WEED CONTROL	110.49
A138345	GERARD GOVEN	MAY WATER BOARD MEETINGS & TRAVEL	438.80
A138346	HAUGENS DRAIN SERVICES	SHOWER DRAIN IN WOMEN'S CELL	155.00
A138347	SHANNON JEFFERS	MAY WATER BOARD MEETINGS & TRAVEL	1,372.08
A138348	MCLEAN FAMILY RESOURCE CTR	DISBURSE MONTHLY COLLECTIONS	770.00
A138349	MERKENS LAW PLLC	MENTAL HEALTH	870.00
A138350	ND ASSOCIATION OF COUNTIES	DISBURSE 10% E-911 COLLECTIONS; LEG WRAP UP – KNUTSON, REISER, ANDERSON; DEALING W/ DIFFICULT PERSONALITIES – KNUTSON, FOSS	1,201.75
A138351	ND ASSN OF ASSESSING OFFICERS	NDAAO CONFERENCE FEES/DUES	520.00
A138352	NORTHSHORE INN & SUITES	ROOM FOR K-9 TRAINER	169.98
A138353	LYNN OBERG	MAY WATER BOARD MEETINGS & TRAVEL	1,189.08
A138354	OFFICE DEPOT	WALL FILES; FILE FRAMES; AAA, AA, 9V, & D BATTERIES; CALCULATOR; HP 60, 61, 952 INK CARTRIDGES; HP 53A LASER TONER	830.65
A138355	OTTERTAIL POWER COMPANY	BUTTE, TURTLE LAKE, WASHBURN & MAX SHOPS; COURTHOUSE; RADIO TOWER; LAW ENFORCEMENT CENTER	5,734.75
A138356	RAY O HERRON	SPIKE STRIPS – SHERIFF	3,124.50
A138357	PAUL SANNES	REIMBURSE MAY CORONER FEES	750.00
A138358	RICHARD JOHNSON	REIMBURSE MAY/JUNE CELL PHONE	60.00
A138359	SAMANTHA KAMPHUIS	REIMBURSE SWIFFER CLEANER	12.31
A138360	SIX, ANNA	REIMBURSE TEST STRIPS; CPR TRAINING	38.38
A138361	S & J HARDWARE	SPRAY ADHESIVE	12.83
A138362	ND STATE TREASURER	DISBURSE MONTHLY COLLECTIONS	6,422.80
A138363	VERIZON WIRELESS	DATA CARDS, DETECTIVE PHONES – SHERIFF; HIGHWAY CELL SERVICE; ASSESSOR – CELL/HOTSPOT	1,097.06
A138364	WASHBURN AUTO BODY LLC	STRUTS, MOUNT/BALANCES TIRES – SHERIFF	1,225.25
A138365	WEST RIVER TELECOMM MAY PAYROLL	TELEPHONE SERVICE – SHERIFF A detailed list of payroll funds expended	91.06 \$362,014.54

is available for public inspection anytime during regular business hours in the McLean County Auditor's office.

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

Knutson discussed the McLean-Mercer Regional Library Board appointments.

Moved by Krebsbach, seconded by Lee, to appoint commissioner Suydam to the McLean-Mercer Regional Library Board for a three-year term ending July 1, 2022. Roll Call Vote: Aye: Krebsbach, Suydam, and Lee. Nay: None. Motion carried.

Moved by Krebsbach, seconded by Suydam, to approve the Lease Agreement with the North Dakota Department of Corrections. Roll Call Vote: Aye: Krebsbach, Suydam, and Lee. Nay: None. Motion carried.

F. W. Schmidt was present to discuss a fence across a section line in Township 150 North, Range 80 West, directly north of Strawberry Lake and requested the commission to look into this.

Knutson presented the Uncollected Tax List for years 2005 – 2018 along with the list of delinquent taxpayers owing more than \$4,000.00 which shows 37 taxpayers owing a total of \$666,580.50.

Knutson then presented the 2020 Budget Calendar for the commission's approval.

Moved by Krebsbach, seconded by Suydam, to approve the McLean County 2020 Budget Calendar as presented. Roll Call Vote: Aye: Krebsbach, Suydam, and Lee. Nay: None. Motion carried.

Knutson presented the financial recap for the period ending May 31, 2019. She presented data showing property tax collections are at 95% which is lower than the 97% collected at this same time in 2018; Government Reimbursement revenues are lower at \$837,448.71 in comparison to \$873,426.35 in 2018; Fees and Miscellaneous revenues are lower at \$599,764.09 compared to \$678,829.38 in 2018; and expenditures were at 37% of total budget for 2019 compared to the 41.67% reference percentage.

Chief Deputy Auditor Lori Foss joined the meeting for the first reading of proposed changes to the following personnel policies:

- Policy 303 Annual Leave - allowing over 240 hours of annual leave to be carried until October 31 of each year with excess forfeited on that day if not used;
- Policy 313 Family and Medical Leave Act - revamped to reflect current law and practices with the main change being FMLA would not kick in until all applicable paid leave has been exhausted rather than whenever an employee takes three consecutive days of sick leave as it stands today;
- Policy 315 Maternity – Related Absences - includes direction to also refer to Family Sick Leave policy;
- Policy 317 Family Sick Leave - changed to allow for up to 480 hours/12 weeks of accrued sick leave to be used for **serious** illness or up to 240 hours for the birth of a child to accommodate changes to our FMLA policy to ensure employees do not lose any benefits that they currently have;
- Policy 320 Life Insurance - changed to reflect the current levels of coverage and practices;
- Policy 403 Payment of Salaries/Wages - changed to reflect current practices;
- Policy 406 Overtime and /or Compensatory Time - changed requirement from compensatory time being used in place of any other paid leave to only be used in place of sick leave; and
- Policy 707 Work Schedules - changes to reflect current law and practices.

The commission's only recommended change was to remove "Grandparent" and "Grandchild" from allowable use of Family Sick Leave.

There being no further business, the chairperson declared the meeting adjourned at 9:56 a.m. until the Board of Equalization Meeting scheduled for today at 11:00 a.m. The commission minutes and agenda can be found on the county website at <http://www.mcleancountynd.gov>.

Steve Lee, Chairperson

Nancy Leidholm, Deputy Auditor