

OFFICIAL PROCEEDINGS OF THE MCHENRY COUNTY BOARD OF COMMISSIONERS

April 2, 2019

9:00 AM

Chairman Bruner called the meeting to order. Commissioners Gregg Boutilier, Harry Bergstad, David Medalen, Larry Haman and Bryan Bruner were present.

A motion was made by Medalen and seconded by Bergstad to approve the minutes from the March 5th and 18th meetings. Motion carried unanimously.

A motion was made by Bergstad and seconded by Medalen to approve change order #1 on project BRC-2506(065) which increases the wetland mitigation acreage needed from .13 acres to .26 acres. Motion carried unanimously.

A motion was made by Bergstad and seconded by Boutilier to approve the raffle permit from the Velva Wildlife Club. Motion carried unanimously.

A petition was received from the residents of Bantry City, requesting this city be dissolved. A motion was made by Medalen and seconded by Boutilier to hold an election as required by law. Motion carried unanimously.

Tax Director, Becki Freund and Stacey Schmitt joined the meeting. Abatement #1299 was presented to the board. The applicant felt he was being double taxed on a structure, but it was explained this was not accurate. It was the recommendation of the Tax Director this abatement be denied. A motion was made by Bergstad and seconded by Boutilier to deny the abatement. Motion carried unanimously. Abatements #1306 and #1307 were presented to the board. These applications were requesting a homestead credit. The Tax Director recommended these abatements be approved. A motion was made by Haman and seconded by Bergstad to approve the abatements. Motion carried unanimously.

Kent Indvik and various contractors joined the meeting for the bid opening of county project CNOC-2507(001) which is to reshape and gravel Co Rd 2. Bids were received from Farden Construction, Mikkelsen Aggregate, B & J Excavating, and Dirty Dog Digging and Trucking. The bids were opened and a motion was made by Bergstad and seconded by Haman to accept the low bid of \$166,705.05 from Farden Construction. Motion carried unanimously.

A motion was made by Medalen and seconded by Haman to sign the construction engineering contract with Wold Engineering for the BRC-2506(065) project west of Upham. Motion carried unanimously.

A motion was made by Medalen and seconded by Boutilier to sign the construction engineering contract for the low water crossing known as DR 4323 PW 66. Motion carried unanimously.

A motion was made by Bergstad and seconded by Boutilier to advertise DR 4323 PW 66 for bids to be opened at 10:00 AM on May 7th. Motion carried unanimously.

Mike Volk and Neil Kitzman joined the meeting, as well as representatives from RDO Equipment and Butler Machinery, for the bid opening on new motorgrader leases. Low profile tires, tempered glass and wings were optional equipment included in the bid. A motion was made by Haman and seconded by Boutilier to lease one motorgrader with hydraulic controls for an annual cost of \$34,454.58 and three motorgraders with electronic controls for an annual cost of \$38,336.06. Tempered glass will be installed on all four blades. Motion carried unanimously. The board will decide on wings at a later date.

James Darnell with CF Industries met with the board regarding their anhydrous ammonia license. Due to the company restructuring, the license which was previously held by CF Industries Sales will need to be held by CF Distribution Facilities LLC. A motion was made by Bergstad and seconded by Medalen to approve the permit. Motion carried unanimously. Boutilier absent.

A floodplain application was received from the ND Department of Transportation regarding a microsurface project on Hwy 2 near Towner, within the regulatory floodway. A motion was made by Medalen and seconded by Bergstad to approve the floodway permit. Motion carried unanimously.

A motion was made by Bergstad and seconded by Boutilier to appoint Myron Miller to the School Reorganization Board. Motion carried unanimously.

A motion was made by Bruner and seconded by Boutilier to appoint Teresa Proper to the County Park Board. Motion carried unanimously.

The board recessed for lunch.

States Attorney, Josh Frey joined the meeting.

The board discussed the weight limits on county roads. A motion was made by Bergstad and seconded by Medalen to change the weight limit on Co Rd 5 from 92,000 lbs. to 93,000 lbs. and to place a ton restriction of 7 tons/axle in the spring and 8 tons/axle during non-restriction months in order to match with Bottineau County. Motion carried unanimously.

Ryan Ackerman met with the board to present a progress report of the Mouse River Enhanced Flood Project.

A request was received to lower the speed limit on Co Rd 18 from Hwy 2 to 65th St N. A motion was made by Haman and seconded by Boutilier to post the speed at 40 MPH on this portion of the road. Motion carried unanimously.

Estimates were received to repair the overhead garage door at the Drake county shop. A motion was made by Bergstad and seconded by Boutilier to accept the quote from Magic City Garage Door Company. Motion carried unanimously.

Curtis Olafson and Matt Daniel met with the board to give a presentation on the opioid epidemic and requested the county to sign on with their firm to include McHenry County in the class action lawsuit against the opioid pharmaceutical companies. No action was taken at this time.

The board discussed property owned by the county due to tax foreclosure described as Lots 1-2 of Block 1 in Original Granville. A motion was made by Bergstad and seconded by Haman to give Commissioner Boutilier the authority to negotiate a price for the property with Granville City, in which the negotiated price will be accepted or denied by the full commission at their next meeting. Motion carried unanimously.

The board reviewed the following zoning permits. A conditional use application was received from Mayo Construction to set up a portable asphalt plant in the NE ¼ NE ¼ of Sec 34-155-77. The public hearing was held by the zoning board, with no one attending in opposition. A motion was made by Haman and seconded by Boutilier to approve the CUP. Motion carried unanimously. A variance application was received from Marvin Helland to add an attached garage to his house. The garage will be 45' from the center of 15th Ave NE located in the NE ¼ SE ¼ of Section 9-152-75. The public hearing was held by the zoning board, with no one appearing in opposition. The zoning board recommended approving the permit. A motion was made by Bergstad and seconded by Bruner to approve the variance. Motion carried unanimously. A variance application was received from Kasowski Farms to build a shed/airplane hangar 125' from the center of Co Rd 19 located in the SW ¼ SE ¼ of Section 32-154-77. The public hearing was held by the zoning board with no one attending in opposition. A recommendation was made by the zoning board to approve the variance, but the States Attorney should be contacted for his opinion since this is located along a paved county highway. The commission posed the question to the States Attorney who stated variances should only be allowed if the construction cannot not be done within the setback requirements or would create an unreasonable hardship. He also mentioned it is in the county's best interest to safeguard all right-of-ways and setback distances along county roads and highways. A motion was made by Medalen and seconded by Bergstad to deny the variance. Commissioners Bruner, Bergstad, Haman and Medalen voting aye. Commissioner Boutilier voting nay. Motion carried.

Chief Deputy, Dustin Welstad joined the meeting in place of Sheriff Skager.

The board discussed the proposal from Fox Lawson to update the current employee compensation plan. A motion was made by Bergstad and seconded by Medalen to update the plan. Commissioners Bruner, Bergstad, Medalen and Boutilier voting aye. Commissioner Haman voting nay. Motion carried.

Dustin was asked to have Sheriff Skager provide the commissioners with a copy of the Sheriff Department uniform policy. The board also reiterated their opposition in getting a bloodhound.

A motion was made by Haman and seconded by Boutilier to gather estimates for a new county shop in Towner and add a lean-to on the county shop in Granville. Motion carried unanimously.

Linda Fairbrother met with the board to request outsourcing the stuffing and mailing of tax statements in August. The board asked for an estimated cost. Linda presented the estimate from November of 2018, which the board had approved at that time. The board agreed to allow her to try it for the August statements.

Boutilier left the meeting.

A consent motion was made by Bergstad and seconded by Medalen to approve the following receipts: Treasurer's Miscellaneous Receipts #43380-43472, the monthly payroll in the amount of \$162,104.55 paid by warrant checks #24956-25020, and Social Service bills totaling \$18,591.67; County Recorder Mar recording fees of \$2,850.00 and misc fees of \$544.50; Sheriff February statement of fees \$180.00, Sheriffs mileage \$252.00; Deputy reports for March.

The board continued to audit bills until completed. It was then moved by Haman and seconded by Bergstad that the following bills be approved and the proper checks be issued thereof:

Warrant	Paid	Reason	Amount
76985	Advanced Business Methods	Copier lease	942.67
76986	Acme Tools	Impact wrench	365.99
76987	Ashley, Jo	Mileage, registration	399.27
76988	B & J Excavating	Gravel	270.00

76989	Bergstad, Harry	Mileage	60.32
76990	Boutilier, Gregg	Mileage	104.40
76991	Brandt, Kelly	Mileage	71.92
76992	Bruner, Bryan	Mileage	147.32
76993	Big Sky Ranch	Snow removal	2,850.00
76994	Butler Machinery Company	Parts	1,331.55
76995	Carpenter, Darlene	Mileage	165.88
76996	Cenex Fleetcard	Gas	2,831.39
76997	Chief Law Enforcement Supply	Uniforms	191.80
76998	Comfort Suites Bismarck	Lodging	423.00
76999	Cenex Propane Partners	Propane	992.00
77000	Dakota Communications, Inc	Remove, reinstall equipment	4,317.20
77001	Dacotah Paper Company	Janitorial supplies	168.88
77002	Davenport, James	Mileage	237.12
77003	Dakota Fire Extinguishers, Inc	Annual service Hester Shop	189.93
77004	Drake KC Club	Hall rent	150.00
77005	DK Service	Gas, diesel fuel	2,299.95
77006	DMC Wear Parts LLC	Grader blades	7,641.02
77007	Drake City	Utilities	89.48
77008	Dakota Truck & Farm Service	Used snow tire	1,043.10
77009	Domestic Violence Crisis Center	1/2 monthly collections	126.35
77010	Enerbase	Gas, diesel fuel, LP tank rent	2,887.93
77011	Envision	Gas, diesel fuel, oil change	2,497.65
77012	Evident, Inc	Drug test supplies	312.38
77013	Fairbrother, Linda	Mileage, meals	206.10
77014	Gerdau	Steel	1,575.46
77015	Gooseneck Implement	DEF fluid	469.39
77016	General Trading Company	Shop supplies	82.70
77017	Hansen, Jerry	Mileage	207.64
77018	HACTC	Prisoner board	6,438.00
77019	Human Development & Family Science	DYSP Workbooks	500.00
77020	Hardware Hank	Supplies	727.76
77021	Ihry Insurance Agency, Inc	Premiums 2019 Ford Explorer	3,112.00
77022	John Deere Financial	Parts, DEF fluid	814.99
77023	Kitzman, Neil	Mileage	230.84
77024	Kuhnenn Trucking & Excavating	Clear bridge debris	500.00
77025	LaQuinta Inns & Suites	Lodging	592.20
77026	Lehmann, Helen	Mileage, meals	280.50
77027	LeierGIStics LLC	Website maintenance	450.00
77028	Lemer, George	Mileage, registration	222.49
77029	Law Enforcement Systems, Inc	Mileage, registration	93.00
77030	Matthew Bender & Company, Inc	Law manual	23.94
77031	Mike's Body Paint & Glass	Wrecker calls	1,655.80
77032	McHenry County Treasurer	Unorganized Twp 2019 Road Mtce	20,850.00
77033	McHenry County Twp Officers	Unorganized Twp 2019 Dues	1,120.00
77034	Mouse River Journal	Legal publications	157.52
77035	Mouse River Oil Company	Diesel fuel supplement	4,875.36
77036	Napa Auto Parts, Minot	Supplies	71.95
77037	ND Association of Counties	10% wireless, landline fees, registration	2,149.45
77038	ND County Auditors Association	2019 NDACo Dues	100.00
77039	ND Dept of Human Services	2013 FEMA De-obligation Brown Twp	1,102.97
77040	NDACo Resources Group	Data backup	112.86
77041	ND Recorder's Association	Registration	200.00
77042	NDSU Extension Bottineau County	DYSP Host night	45.00
77043	NDSU Extension Pierce County	DYSP Host night, book	109.00
77044	ND State Treasurer	\$.50 911 fees	9,110.72

77045	ND County Treasurer's Association	2019 Dues	200.00
77046	ND Telephone Company	911 Circuit fees	41.14
77047	Nickle, Dominic	Mileage	74.24
77048	Nodak Store, Inc	Welder, grease gun	739.97
77049	Office Depot, Inc	Office supplies	706.73
77050	Otter Tail Power Company	Electric service	4,232.09
77051	PharmChem, Inc	Drug testing	57.10
77052	Pinkerton Animal Hospital	Exam and supplies	83.49
77053	Pitney Bowes	Equipment lease February-April	482.49
77054	PowerPlan	Blade parts & repairs	4,031.91
77055	Praxair Distribution, Inc	Welding supplies	348.99
77056	Quality Inn	Lodging	253.80
77057	Quill Corporation	Copy paper	114.67
77058	Ramkota Hotel & Conference Center	Lodging	99.00
77059	Rognlien, Maxine	Mileage, meals	193.70
77060	Souris Basin Planning Council	2019 mileage assessment	226.20
77061	Star City Senior Center	Hall rent	75.00
77062	Smette Oil, Inc	Diesel fuel, DEF fluid, gas	5,548.78
77063	State Radio Communications	Reverse 911 Fee	1,562.70
77064	SRT Communications, Inc	Phone, 911 service	1,450.98
77065	Towner Health & Wellness	April rent	545.00
77066	Tri-N Propane	Propane	585.00
77067	Towner City	Utilities	327.46
77068	Towner Foods	Supplies	55.19
77069	Thomson Reuters-West Publishing	Westlaw	144.35
77070	Tractor Supply Company	Supplies	79.63
77071	Upham City	Garbage pickup	18.00
77072	Verizon Wireless	Cell phone service	802.29
77073	Volk, Mike	Mileage	87.00
77074	Wald, Rachel	Mileage	269.12
77075	Westlie Motor Company	2 - 2019 Ford Explorer	64,513.36
77076	Wold Engineering, PC	CNOC-2507(001), BRC-2506(065)	13,511.03
77077	Ward County Weed Control Board	Ag Expo Booth rent	250.00

At 5:10 PM, there being no further business to come before the board at this time, a motion was made by Bergstad and seconded by Haman to adjourn.

ATTEST:

Darlene Carpenter, Auditor

Bryan Bruner, Chairman