

OFFICIAL PROCEEDINGS OF THE MCHENRY COUNTY BOARD OF COMMISSIONERS

June 6, 2023

9:00 AM

Chairman Nelson called the meeting to order. Commissioners Bryan Bruner, Brady Nelson, Duane Drader, Lance Johnson and Armann Anderson present. Also present was Terry Peterson

A motion was made by Anderson and seconded by Drader to approve the May 2<sup>nd</sup> minutes. Motion carried unanimously.

Chairman Nelson reminded all board members of the open meetings requirements where all county business must be conducted during commission meetings.

Commissioner Nelson reported he has had discussions with Strata Corporation regarding the maintenance of 11.2 miles of county road 19 from the Verendrye pit to Hwy 41. Strata has informally agreed to take responsibility for 2/3 of the gravel placed on this section of road and the county would pay the remaining 1/3, with the county maintaining the road in the winter and Strata maintaining the road in the summer. A motion was made by Nelson and seconded by Bruner to approach Strata with a formal agreement as stated above. Motion carried unanimously.

A motion was made by Nelson and seconded by Bruner to allow Commissioner Nelson to place 30 loads of gravel on county roads in District 4. Motion carried unanimously.

The board discussed looking into the possibility of approaching Murex Petroleum with a similar agreement for the cost-share on gravel.

A motion was made by Drader and seconded by Anderson to have Dean Wittmayer repair the Barkus Bridge located North of Buffalo Lodge. Motion carried unanimously.

Since this mobile home was advertised for bids on two occasions and received no bids, a motion was made by Drader and seconded by Johnson to accept the offer of \$1.00 from Kevin Colby for the sale of a 1970 Great Lakes mobile home 12' X 47' with an 8' X 12' addition. Motion carried unanimously.

A motion was made by Bruner and seconded by Anderson to issue the proper deed to Jacob E, Ehrman and JoEllen Ehrman for the sale of county land described as Lot 3 of Block 3 in Mueller's Addition in the City of Anamoose, and to cancel any remaining taxes. Motion carried unanimously.

A motion was made by Bruner and seconded by Anderson to approve the special event permit for Finishline Burgers and Brew on July 1<sup>st</sup> at the Velva Wildlife Club. Motion carried unanimously.

A motion was made by Johnson and seconded by Drader to reissue lost instrument #84140. Motion carried unanimously.

A motion was made by Johnson and seconded by Anderson to sign the joint powers agreement with the ND Association of Counties for GIS services. Motion carried unanimously.

A motion was made by Drader and seconded by Anderson to approve abatements 1461-1469. Motion carried unanimously.

A motion was made by Bruner and seconded by Drader to send a letter of intent to lease a tractor from Gooseneck Implement for 2024. Motion carried unanimously.

Katelyn Crider with JLG Architects and Tina Powell joined the meeting to discuss the updates on the jury room and courtroom renovations. Crider commented that AVI has adjusted their cost to move the computer cables. The revised estimate is currently at \$158,333 with the grant award at \$110,890. A motion was made by Johnson and seconded by Drader to accept the revisions and advertise for bids. Motion carried unanimously. The pre-bid walk through will be scheduled at 11:00 AM on June 15, the bid opening will be held at 2:00 PM on June 29<sup>th</sup> and the bids will be presented to the county commission at 9:15 AM on July 6<sup>th</sup>.

Kristen Bechtold, Kayla Clementich, Jill Lohnes and Gerald Johnes joined the meeting to discuss the site authorization for gaming at the Velva Golf Club, since the rental agreement between the golf club and Velva Fire Department is set to expire. The Velva Fire Department did apply for the site authorization with the county, which was approved at the April 4<sup>th</sup> commission meeting. The golf club wishes to enter into an agreement with Aggie Foundation and not the Velva Fire Department. There was some confusion as to which document needs to be obtained first, the site authorization or the rental agreement, and who has the final say on which non-profit entity is approved. It was stated the Velva Fire Department is currently operating in 4 sites, which are all located in Velva and the Aggie Foundation operates in 13 sites throughout the county. The States Attorney will be contacted for guidance and to look into the possibility of both non-profits to be approved at this location.

A motion was made by Bruner and seconded by Drader to approve the utility permits for Verendrye Electric located in section 21-152-78, 1-156-78 and 16-154-80. Motion carried unanimously.

The Auditor informed the board of the following premium credits pertaining to the county's workforce safety program: LMS training credit - \$915.49, Premium Safety Discount - \$915.49, Premium Dividend Credit Refund - \$4,831.46.

Jason Mayfield and Greg Hagen met with the board. Jason mentioned the bridge ends on the Russell Road bridge were planned to be filled with gravel before paving but Farden will fill with a cement subgrade for the same price. The change order was signed. Greg Hagen reported all but one of the landowners seemed to be in agreement with the easement payment for the three bridge replacements North of Granville.

A motion was made by Anderson and seconded by Johnson to advertise the engineering RFP for the following project: Removal of Existing Structures and Construction of New Structures, Project BRC-BRJ-2500(023), PCN 23983, bridge # 25-115.04.4 & 25-107-26.1, located 1 mile South and 1 West of Upham, ND and 3 miles West and 1 mile South of Granville, ND, respectively. Motion carried unanimously.

A motion was made by Drader and seconded by Bruner to appoint Patrick Wagner to the Eaton Irrigation District Board. Motion carried unanimously.

The board recessed for lunch.

The board reviewed the conditional use extension applications from B & J Construction to continue to mine gravel in the Eaton pit and Kongsliie pit. A motion was made by Drader and seconded by Bruner to approve the extensions. Motion carried unanimously.

The board reviewed the variance application from Scott Smith, requesting to construct a shop 90 feet from the center of 80th St NE, located in the SW ¼ SE ¼ of section 22-159-76. No one appeared in opposition at the public hearing. A motion was made by Lance and seconded by Anderson to approve the variance as recommended by the zoning board. Motion carried unanimously.

The board reviewed the application from Pat Bohl to set a grain bin 70 feet from the center of 7th Ave N, located in the NE ¼ of section 33-159-78. There are other existing bins that have been permitted at this setback distance. A motion was made by Johnson and seconded by Drader to approve the variance as recommended by the zoning board. Motion carried unanimously.

This being the time advertised for the County Equalization meeting, the third zoning application presented to the board will be acted upon after the equalization meeting.

Assessors Pam Volochenko and Doris Holen joined the meeting as well as Tax Director Kristi Brummond.

A motion was made by Anderson and seconded by Bruner to recess as a Board of Commissioners and reorganize as a Board of Equalization. Motion carried unanimously.

The board reviewed the city assessments and the following assessor adjustments made after the city equalization meetings: Voltaire City – parcel 65-2-12776-1 increased \$53,130 due to being taxed as real estate instead of mobile home, parcel 65-2-12766-2 increased \$54,556 due to a reassessment, parcel 65-2-12776 increased \$136,100 due to no longer qualifying as tax exempt. A motion was made by Drader and seconded by Anderson to approve the city assessments as presented. Motion carried unanimously. The board reviewed the township assessments and the following assessor adjustments made after the township equalization meetings: Olivia Township – parcel 2-261 increased \$20,000 due to FRE not returned; Cottonwood Lake Township – parcel 3-384 increased \$11,400 due to new construction; Land Township – parcel 4-559-3 increased \$57,900 due to new construction, parcel 4-614-1 increased \$200,000 due to new construction; Voltaire Township – parcel 8-1374-2 decreased \$17,950 due to demolition, parcel 8-1455 increased \$75,000 due to new construction; Odin Township – parcel 9-1602-1 increased \$67,030 due to new construction; North Prairie Township – parcel 19-3628-6 increased \$3,500 due to reassessment; Falsen Township – parcel 21-4171-2 increased \$114,700 due to a change from FRE to residential; Riga Township – parcel 33-6627 increased \$60,600 due to a change from FRE to residential; Deering Township – parcel 37-7482 decreased \$95,300 due to qualifying as FRE; Little Deep Township – parcel 44-8756-1 increased 29,300 due to new construction; Layton Township – parcel 45-8933-3 increased \$44,100 due to a change from FRE to residential; Meadow Township – parcel 51-9848-1 increased \$36,600 due to a change from FRE to residential, parcel 51-9848-2 increased \$74,300 due to reassessment. A motion was made by Johnson and seconded by Bruner to approve the township changes as presented. Motion carried unanimously. Notice of increases were sent in order to comply with the notice requirement for both the city and township adjustments.

A motion was made by Johnson and seconded by Drader to increase ag land values to 93% of the state average which will be approximately a 3.32% increase. Motion carried unanimously.

The board reviewed the inundated land application for parcels 36-7259 and 36-4001-12872 which are located in Berwick Township. The township board recommended to deny the application since the land was not inundated for two consecutive years as required by law. A motion was made by Drader and seconded by Bruner to follow the township recommendation and deny the application. Motion carried unanimously.

A motion was made by Anderson and seconded by Drader to recess as a Board of Equalization and reorganize as a Board of Review for the unorganized townships. Motion carried unanimously. The board reviewed the assessments, farm residence exemptions, veteran's credit and homestead credits for the unorganized townships. A motion was made by Anderson and seconded by Drader to approve the FRE's, VC's and homestead credits. Motion carried unanimously. The board reviewed an application for inundated land for parcel 42-8454. A motion was made by Drader and seconded by Bruner to deny the application as the aerial pictures indicate the water is drying up. Motion carried unanimously. A motion was made by Nelson and seconded by Bruner to approve the values as presented. Motion carried unanimously.

A motion was made by Drader and seconded by Anderson to adjourn as a Board of Review and reorganize as a Board of Equalization. Motion carried unanimously. A motion was made by Bruner and seconded by Anderson to accept the changes for the unorganized townships. Motion carried unanimously. A motion was made by Bruner and seconded by Johnson to adjourn as a Board of Equalization and reconvene as a Board of Commissioners. Motion carried unanimously.

Trey Skager, Josh Frey and Miriam Smette joined the meeting. Josh Frey asked the board if they would consider allowing him to contract services with the legal assistant in Towner County at a rate of \$26.66/hr to assist in getting paperwork caught up. A motion was made by Bruner and seconded by Drader to grant this request. Motion carried unanimously.

The States Attorney asked for consideration of renting additional space at their current location. A contract was presented indicating the new rent amount. A motion was made by Drader and seconded by Johnson to approve the additional space. Motion carried unanimously.

A motion was made by Nelson and seconded by Anderson to allow Miriam to pursue a VOCA grant. Motion carried unanimously.

Trey Skager discussed updating the police contracts as the amounts have remained the same for over ten years.

The board reviewed the variance application received from Tyler Welstad to establish a three-row shelterbelt 60 feet from the center of county road 16, located in the NW ¼ NW ¼ of section 22-159-78. It was stated the county right-of-way on this road is 66 feet from the center of the road. It was also mentioned the trees have been planted without a permit. It is the county's responsibility to maintain the right-of-ways along county roads and keep them clear of obstructions for liability reasons and also funding, as the state has the ability to discontinue funding roads projects if the right-of-ways are not maintained. The zoning board did recommend approving the variance as requested. A motion was made by Drader and seconded by Bruner to deny the variance for reasons stated above. Commissioners Drader, Bruner, Anderson and Nelson voting aye. Commissioner Johnson voting nay. Motion carried.

The board asked the States Attorney about eminent domain, inverse condemnation, site authorizations for gaming and the possibility of persuading the state to take Co Rd 19 from the Pierce County line to Hwy 14.

The board is waiting for cost estimates to update the compensation plan.

A motion was made by Nelson and seconded by Johnson to run water and sewer to the Granville shop. Motion carried unanimously.

A motion was made by Nelson and seconded by Anderson to allocate \$20,000 to each commissioner to spend on gravel in their district. Motion carried unanimously.

A consent motion was made by Johnson and seconded by Drader to approve the following: Treasurer's Miscellaneous Receipts #47563-47657; the monthly payroll in the amount of \$143,871.33 paid by warrant checks #27570-27619; Clerk of Court May City of Upham \$220.00, County fees \$730.00, State fees \$17,231.96; County Recorder May recording fees of \$3,527.00 and misc fees of \$338.08; Sheriff May statement of fees \$1,108.00, Sheriff mileage \$719.00, Deputy reports for May.

The board continued to audit bills until completed. A motion was made by Bruner and seconded by Johnson that the following bills be approved and the proper checks be issued thereof:

<b>Warrant</b>	<b>Paid</b>	<b>Reason</b>	<b>Amount</b>
86347	Advanced Business Methods	Copy machine lease	215.67
86348	Amazon Capital Services	Battery replacement, flags, supplies	351.57
86349	American Welding & Gas, Inc	Cylinder rent	39.83
86350	Anderson, Armann	Mileage	87.77
86351	Attorney General Office	Program fees	1,865.00
86352	Bruner, Bryan	Mileage	46.50
86353	Cenex Fleetcard	Gas	4,550.51
86354	Dacotah Paper Company	Supplies	327.52
86355	Davenport, James	Mileage, meals	224.46
86356	Dakota Fluid Power, Inc	Cylinder repair	1,221.92
86357	DK Service	Gas, Diesel, Supplies	2,865.32
86358	Dokken's Automotive LLC	Oil change, wiper blades, balance tires	267.49
86359	Drader, Duane	Mileage, parts	1,477.31
86360	Domestic Violence Crisis Center	Fees	227.50
86361	Enerbase	Gas	303.65
86362	Envision Cooperative	Gas, diesel	324.25
86363	First District Health Unit	2nd Qtr Mill Levy	28,720.25
86364	Fletcher, Kelsie	Witness reimbursement	831.25
86365	The Forum	Subscription	64.00
86366	Gackle, Bob	K9 kennel	300.00
86367	Galls LLC	Uniform	145.99
86368	Gerda Ameristeel	Steel	399.91
86369	General Trading Company	Supplies	66.82
86370	Golden West Industrial Supply	UV Flashlights	304.07
86371	HACTC	Prisoner board, medical	21,121.28
86372	Hardware Hank	Supplies	1,353.60
86373	Heringer Lumber	Bridge Plank	1,428.00
86374	Holen, Doris	Assessing, mileage	1,442.05
86375	HR Collaborative	Registration	100.00
86376	Ihry Insurance Agency, Inc	Premiums	1,912.00
86377	Jaeger, Nancy & Robert	Witness reimbursement	750.00
86378	Jaeger, Shannon	Witness reimbursement	37.50
86379	John Deere Financial	Blade lease, parts	77,189.79
86380	J & J Market	Supplies	27.98
86381	JLG Architects	Courthouse renovations	8,413.20
86382	Johnson, Lance	Mileage	498.45
86383	Jones, Haylee	Witness reimbursement	93.75
86384	Lautt's Auto Body & Towing, Inc	Blades, battery, filter	258.98
86385	Linde Gas & Equipment, Inc	Cylinder rent	143.51

86386	Lowe's Printing	Cards	125.00
86387	Marks, Naomi	Witness reimbursement	359.25
86388	Mike's Body Paint & Glass	Impounds, repairs	11,699.71
86389	Midwest Canine Alternatives, Inc	Recertification	300.00
86390	McHenry County Treasurer	County car mileage	242.80
86391	McHenry County Treasurer	Sheriff May Fees, Mileage, Towing	3,009.54
86392	Menards	Supplies	222.79
86393	Metcalfe, Kendra	Mileage, meals, lodging	589.32
86394	Mouse River Journal	Legal publications	357.71
86395	Mouse River Oil Company	Gas, diesel fuel, oil change	9,680.32
86396	Maertens Welding Machine Company	Parts	560.54
86397	NAPA Auto Parts of Minot	Supplies	231.16
86398	Nutrien Ag Solutions, Inc	Chemical	186,970.20
86399	Northern Brake Service	Parts	70.00
86400	NDACo Resources Group	Datto Backup	112.86
86401	ND Dept of Transportation MVD	Title transfer	11.50
86402	ND Dept of Transportation FMD	Project BRC-BRS-0099(008)	7,719.50
86403	ND Telephone Company	Circuit fees	41.14
86404	NDSU	Letterheads, envelopes	557.00
86405	ND Victim Assistance Association	2023 Dues	50.00
86406	Nelson, Brady	Mileage	37.33
86407	NPCAC	Witness reimbursement	162.50
86408	Odin Township	LoadPass permit fees	111.80
86409	Office Depot, Inc	Office supplies	316.41
86410	O.K. Tire Store - Minot	Tires	524.28
86411	Otter Tail Power Company	Electric service	3,018.13
86412	Perez, Jill	Witness reimbursement	368.00
86413	Peace Garden Peace Officer Assoc	2023 Dues	80.00
86414	Pharmchem, Inc	Drug testing	127.80
86415	PowerPlan	Parts	1,914.63
86416	Powell, Tina	Gas, meals, lodging	241.40
86417	Pro Forms	Receipt books	1,504.22
86418	Red River Children's Advocacy Center	Witness reimbursement	50.00
86419	Schwalbe, Sarah	Witness reimbursement	37.50
86420	Selensky Services	Tar for roads	43,860.00
86421	Smette Oil Company, Inc	Gas, diesel, grease	6,583.36
86422	SRT Communications, Inc	Phone, 911 service	1,995.89
86423	Staples Credit Plan	Office Supplies	180.25
86424	Steven's Welding and Machine	Cylinder repair	604.43
86425	Strata Corporation	Gravel	10,515.62
86426	Suchor, Jerome	Spraying	350.00
86427	Towner Animal Health Clinic	Canine services	195.00
86428	Towner Health & Wellness	States Attorney Office rent	545.00
86429	Towner City	Utilities	388.77
86430	Torr, Johnna	Mileage, meals	69.45
86431	Towner Parts & Equipment	Parts	34.84
86432	TransUnion Risk Alternative	Online fee	110.00
86433	Thomas Reuters West	Online resource fee	196.91
86434	Third Watch Communications	Equipment	32,138.00
86435	Tyler Technologies, Inc	VetraSpec renewal	449.00
86436	Velva Area Voice	Subscription renewal	43.00
86437	Verizon Wireless	Wireless service	746.41
86438	Village Family Service Center	Witness reimbursement	2,283.75
86439	Vormestrand, Alan	Mileage	94.32

86440	Voltaire Township	LoadPass permit fees	111.80
86441	Wald, Rachel	Registration, mileage	99.02
86442	Ward County	Prisoner board	80.00
86443	Ward County Sheriff's Dept	Paper service	100.50
86444	Wittmayer Backhoe Service, LLC	Culvert installation	2,191.00
86445	Wiersch, Barry	Chainsaw rental	50.00
86446	Yunker Law PC	Attorney fees	1,071.00
86447	Ziegler Oil Company	Diesel, propane	4,387.46

At 4:40 PM, there being no further business to come before the board at this time, a motion was made by Anderson and seconded by Drader to adjourn. Motion carried unanimously.

ATTEST:

\_\_\_\_\_  
Darlene Carpenter, Auditor

\_\_\_\_\_  
Brady Nelson, Chairman