

County Commission Meeting April 6, 2010

The Board of Sheridan County Commissioners met at 9:00 a.m. Commissioners present were Michael Axt, Eldon Ehrman, and Howard Erdmann.

Chairman Axt called the meeting to order. The minutes of the previous meeting was sent in the mail. It was moved by Commissioner Erdmann to approve the minutes as sent out, seconded by Commissioner Ehrman. Upon roll call vote – Erdmann – yes, Ehrman – yes, Axt – yes

The following Statements of fees were approved and submitted to their appropriate funds for March 2010:

County Recorder, Fees, \$1,472.50
Clerk of Court, Fees, \$1,000.00
Sheriff, Fees, \$760.00

The total miscellaneous receipts were collected for the following funds and were approved for the month of March, 2010:

General - \$4,766.40	Farm to Market - \$50,256.19
County Road - \$20,137.02	Highway Dist. - \$11,247.45
County Park - \$29.04	S.S. & OASIS - \$276.58
County Ext. - \$220.00	Weed Control - \$26.05
911 - \$1,387.95	Wireless 911 - \$731.50

An itemized listing of miscellaneous receipts were collected for the following funds and was approved for the month of March, 2010.

The March payroll warrants #36244-36275 were approved from the following funds:

General - \$23,078.19	Service Officer - \$291.67
County Agent - \$874.57	911 - \$437.50
Civil Defense - \$450.00	County Corrections - \$2,125.00
Highway Dist - \$10,495.83	Social Services - \$3,029.11

The following bills #36291-36365 were approved and ordered paid subject due to delinquent or any other indebtedness owing the County:

Ameripride Linen & Apparel Srv.,45.05;Bentz Supply Store,40.47;Walter M. Lipp,38.89;McClusky Gazette,108.00; Shirley A. Murray,65.00;Howard Erdmann,151.50;WRT,14,342.06;Co-Op Elevator,26.84;N.D. Assoc. Of Counties,796.64;Unity Insurance Agency, Inc., 29.00; Matthew Bender & Co., Inc.,147.52; Sylvia Schell,3.97;Waste Management Of ND; 87.95;Tracy Stein,65.00;N.D. State Radio Communication,1,882.08; Eldon Ehrman,156.00;Dakota Fire Extinguishers,302.15;Fireside Office Solutions,13.65;Office Depot,509.56;Birch

Communications, Inc.,126.15; BHG, Inc.,290.96;Information Technology Dept.,438.60; Mclean County Sheriff's Office,1,815.00; US Postal Service, 220.00;Cass County Treasurer,69.00; C-Store, 28.50;D&J Oil, Inc.,10,912.70;Agriculture Communication,70.00;Lawson Products,554.25;Konschak Oil Inc.,3,975.52; Mclean-Sheridan Rur Water,49.54;NAPA Auto Parts,1,007.55; Power Plan, 1,920.75; Community Memorial Hospital,25.00; ND Tax Commissioner, 1,158.63; Job Service ND, 84.76; Alltel,209.64; NDSU Extension Service, 813.92; 422-Praxair Dist. Inc.,98.00;Diane Fylling,146.55; ND States Attorney Assoc.,250.00;Atco International,95.00; Mechanics Plus,137.31; First District Health Unit,5,582.50;Tony Volochenko Jr.,400.00; OMB/ND Surplus Property, 65.00; Eide Ford,21,629.49;Marshall & Swift,476.20; NRG,322.84; James Paulus,143.79;RDO Equipment Co.,658.17;Synergy Graphics, Inc.,360.00; NDTC,18.20; SRT Communications,Inc., 12.88; Johnson's Plumbing Service, 603.71;Michael Axt,48.25;Stein's Inc., 68.93;Menards,45.58; HACTC,110.00;Rust's Hardware Hank,53.98; Visa, 376.40; McClusky City,31.00; Rue 54 Floral Shoppe,20.00; RV Enterprises,14,166.20;Don Wenning, 6.00;Alberta Strobel,153.00; Jerica Jesz,116.00; Alissah Iron Boulder,14.50;Laura Logsdon,136.00;Angela Frank,101.50; Colt Touchette,29.00;Nicole Helm,43.50;Shari Roth, 17.00;Connie Werth,17.00; WRT, 657.31

It was moved by Commissioner Ehrman to authorize the County Auditor to sign the Interstate letterhead for approving the North Central Rural Water Consortium to install a rural water main along and across township roads within Georgetown Twp (150-75) to service the Otto Giegle farmstead in the NW4 of section 7, seconded by Commissioner Erdmann. Upon roll call vote – Ehrman – yes, Erdmann – yes, Axt – yes Motion carried.

The Chairman stated a special meeting with the Bureau of Reclamation will be held at 10:00 a.m. tomorrow at the ND Game and Fish Lonetree facility to discuss the County and surrounding twps to use the Bureau of Reclamation gravel pits for crushing gravel.

Myron Dieterle, Weed Board member, met with the board to report that the Weed Board purchased a 2010 Ford pickup for the Weed Board officers that will be delivered in June. Robin Erdmann will be the weed officer and Ryan Mindt will assist with driving for different projects.

Dieterle had a recommendation for a new weed board member for the County Commission to appoint. Dieterle presented a letter of history of when the County Weed Control fund was enacted and reviewed issues throughout the State between County Commissioners and Weed Boards. It was moved by Commissioner Ehrman to instruct the States Attorney to draft a letter to send to the Attorney General to clarify County Commissioner spending authority in section 4.1-47-08 thru 4.1-47-25 of the NDCC, seconded by Commissioner Erdmann. Upon roll call vote – Ehrman – yes, Erdmann – yes, Axt – yes Motion carried. Dieterle also discussed issues with Canada thistle weed control. The GPS units were explained on how they are used for weed control projects.

It was moved by Commissioner Ehrman to appoint Monty Klein to the Weed

Board effective immediately to fulfill Clifford Kahler's vacancy term, seconded by Commissioner Erdmann. Upon roll call vote – Ehrman – yes, Erdmann – yes, Axt – yes Motion carried.

Sheriff, Trent Naser, met with the board to report on criminal issues in the County. It was moved by Commissioner Erdmann to approve the Sheriff's office to purchase video surveillance equipment up to \$1,500.00, seconded by Commissioner Ehrman. Upon roll call vote – Erdmann – yes, Ehrman – yes, Axt – yes Motion carried.

The time being 1:00 p.m. Otter Tail Energy Services Company (OTESCO) representatives, Myron Rader, Tom Hrdlicka, Kirby Anderson and Lynn Swenson, met with the board in the Courthouse community room to report on the property owner advisory meetings. Project status reports were given on the permitting process with the different gov't entities – U.S. Fish & Wildlife, Three Affiliated Tribes, GDCD with crossing the McClusky canal, and biological surveys that are being done. Payments of the wind turbines on the land owners property is determined on how big of megawatts the wind turbine generates: 1.5 MW = \$3,900.00; 1.6 MW = \$4,160.00; 2.3 MW = \$5,980.00. The height of the wind turbine will be 80 meters. Transmission connection is being held up for now. OTESCO is investigating into connecting into the possible new Minnkota transmission line. The Sheridan County planning board's proposed wind energy general provisions were discussed. OTESCO inquired about the conditional use permit that was already approved by the Sheridan County Planning Commission and County Commissioners a year ago and if OTESCO would have to go by the new proposed wind energy provisions if adopted. OTESCO recommended a few changes on the proposed wind energy general provisions to the County Planning regulations to be consistent with the ND Public Service Commission wind energy provisions.

The time being 2:00 p.m. the hearing on the proposed wind energy general provisions was held. Those present were: OTESCO members as listed above, Landowners: Theo Stein, Clifford Bentz, Charles Netzloff, Richard Bentz, Melvin Schindler, Timothy J. Strobel, Larry Werner, States Attorney, Walter M. Lipp and the McClusky Gazette editor, Allan Tinker. Chairman Axt reviewed the wind energy general provisions with the public. Tom Hrdlicka stated they applaud Sheridan County on trying to set up wind energy general provisions, whereas; some Counties have not even started yet. Axt stated OTESCO recommended three changes to the wind energy general provisions as follows: (1) Each wind turbine shall be set back from the nearest public road or above ground communication or electrical lines a distance not less than 1.10 times the total height of the wind turbine from the center line of the existing right of way. (2) Removal of all structures to a depth of 3ft below pre-construction grade. (3) to comply with all provisions of the original permit. Everyone had the opportunity to be heard. Netzloff stated the wind turbines are better to have placed in Sheridan County than oil wells due to the oil wells have a lot of traffic involved with the water trucks and semi's driving many times a day that tear up the roads as the western counties have experienced. The States Attorney inquired about the underground line, etc. if it belonged to the landowner whenever the wind project would terminate. OTESCO stated that yes the landowner can do what they want with the underground line, etc. if they wish to take

it out and sell it, etc. OTESCO representatives stated that the ND Public Service Commission can come out and explain the State wind energy general provisions also. It was moved by Commissioner Ehrman to adopt the following Wind Energy Resolution, seconded by Commissioner Erdmann. Upon roll call vote – Ehrman – yes, Erdmann – yes, Axt – yes The Resolution was declared adopted.

Wind Energy Resolution

Whereas, the Sheridan County Planning Commission has recommended approving the Wind Energy Facilities General Provisions to the Sheridan Planning and Zoning regulations;

Whereas, the County Commission had a public hearing on the Wind Energy Facilities General Provisions on April 6, 2010 to hear comments;

Whereas, the County Commission considered the comments from the public and made three specific changes to the Wind Energy Facilities General Provisions that are on file at the County Auditor's office;

THEREFORE, BE IT RESOLVED; that the Wind Energy Facilities General Provisions is declared adopted to the Sheridan Planning and Zoning regulations under 1.15 effective immediately as filed in the County Auditor's office.

Adopted this 6th day of April, 2010.

ATTEST:

Auditor

Chairman

Commissioner

Commissioner

The hearing on the application for abatement of taxes filed by Eric and Kacie Reimche for the structure located on the S2SW4 21-150-74 was held at this time. There being no one present, it was moved by Commissioner Ehrman to approve that the structure located on the S2SW4 21-150-74 be tax exempt due to landowners qualify as farmers, seconded by Commissioner Erdmann. Upon roll call vote – Ehrman – yes, Erdmann – yes, Axt – yes Motion carried.

The application for a variance permit to change the setback requirement to build a garage near the farm to market road right of way located on Section 5-149-76 filed by James Ebach was reviewed. A planning & zoning hearing with the planning & zoning board was set for May 4th at 2:00 p.m.

Wayne Houston, Emergency Manager, met with the board to report on the 911 meeting on how the formula for the new state radio charge of .38 per line came about.

Fees will be determined every two years and take affect on the odd numbered year. Houston requested a 15% in kind matching from the County for the Multi-Hazard Mitigation Planning grant in the amount of \$2,250. It was moved by Commissioner Ehrman to approve the Chairman to sign the letter of the County's commitment of in kind matching of \$2,250.00, seconded by Commissioner Erdmann. Upon roll call vote – Ehrman – yes, Erdmann – yes, Axt – yes Motion carried. The ice/snow storm from last Friday (Good Friday) was a significant disaster to the Rural Electric Companies in the County. It was moved by Commissioner Ehrman to approve the following disaster declaration to help request federal disaster funds for the rural electric coops, seconded by Commissioner Erdmann. Upon roll call vote – Ehrman – yes, Erdmann – yes, Axt – yes The Disaster Declaration was declared adopted.

SHERIDAN COUNTY, NORTH DAKOTA
DISASTER DECLARATION
APRIL 6, 2010

WHEREAS, a severe winter storm has caused numerous power lines to fall and sag due to heavy snow and strong winds; and

WHEREAS, portions of Sheridan County are without power due to this storm; and

WHEREAS, local power companies are continuing to restore power to Sheridan County residents; and

WHEREAS, the impact of these potential damages may threaten the health, well-being, and public safety of the citizens in Sheridan County; and

WHEREAS, the expense and time of cleanup, repair and replacement is in excess of available county and private resources and funds;

NOW THEREFORE, BE IT RESOLVED, that the Board of Sheridan County Commissioners declares an emergency exists in Sheridan County, North Dakota, and orders the activation and utilization of the county Emergency Operations Plan, its procedures, attachments and appendices to monitor the situation, alleviate hardship and initiate appropriate relief actions and mitigation measures by departments and agencies of local government to limit the hardships and impact of this emergency upon the citizens of Sheridan County.

Dated at McClusky, Sheridan County, North Dakota this 6th day of April, 2010.

Attest:

Chairman

County Auditor

Alvin Gross, Road Foreman, met with the board to discuss road issues with culverts plugged, etc. Tarring the paved County roads will start as soon as weather permits. Discussion of having a gravel crusher to come in to crush more gravel in certain pits was reviewed. It was moved by Commissioner Ehrman to purchase four tires for the Mac truck from Northwest Tires in the amount of \$255.00 per tire, seconded by Commissioner Erdmann. Upon roll call vote – Ehrman – yes, Erdmann – yes, Axt – yes Motion carried.

The Auditor was instructed to investigate into the energy efficiency community block grant through the ND Dept of Commerce for installing new windows in the County Shop.

It was moved by Commissioner Erdmann to approve the gravel royalty contract with Ralph Volson for the former Holen pit located on part of the SE4 6-146-75 for purchase of gravel at .50 per yd, seconded by Commissioner Ehrman. Upon roll call vote – Erdmann – yes, Ehrman – yes, Axt – yes. Motion carried.

It was moved by Commissioner Erdmann to approve the FEMA twp distribution payments based upon bills submitted for the FEMA sites in the twps affected, seconded by Commissioner Ehrman. Upon roll call vote – Erdmann – yes, Ehrman – yes, Axt – yes Motion carried.

It was moved by Commissioner Ehrman to approve the following resolution regarding the State’s Attorney election, seconded by Commissioner Erdmann. Upon roll call vote – Ehrman – yes, Erdmann – yes, Axt - yes Motion carried.

Resolution Regarding State’s Attorney Election

WHEREAS, Jerod E. Tufte, has filled out the required petition for nomination for the office of State’s Attorney, with the required signatures of qualified electors, and required Statement of Interests, and required Affidavit of Candidacy, as well as the required Campaign Contribution Statement, for the primary election in both Kidder County, North Dakota and Sheridan County, North Dakota.

WHEREAS, Jerod E. Tufte, is a qualified elector of Kidder County, and

WHEREAS, Jerod E. Tufte, is a licensed attorney in the State of North Dakota, and

WHEREAS, Jerod E. Tufte, is requesting a resolution signed by both the Sheridan County Board of Commissioners and Kidder County Board of Commissioners, pursuant to NDCC 11-10-04(5)(b), wherein two or more counties may agree by resolution to allow any candidate for the office of State’s Attorney to petition for the office in each county, and to serve if elected, if the candidate is a qualified elector of one of the counties at the time of the election.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Board of County Commissioners for Kidder County hereby agrees by resolution pursuant to NDCC 11-10-04(5)(b), to allow Jerod E. Tufte, to petition for the office of State’s Attorney for either or both counties, and to serve if elected, and as long as Jerod E. Tufte is a qualified elector of one of the counties of Sheridan County, ND or Kidder County, ND at the time of election. To be elected to serve as the Sheridan County

ND State's Attorney Jerod E. Tufte must receive the highest number of votes for the office of Sheridan County State's Attorney. To be elected to serve as Kidder County ND State's Attorney Jerod E. Tufte must receive the highest number of votes for the office of Kidder County State's Attorney. If Jerod E. Tufte receives both the highest number of votes for the office of Sheridan County, ND, State's Attorney, and also, Jerod E. Tufte receives the highest number of votes for the office of Kidder County, ND, State's Attorney, then Jerod E. Tufte may serve as the State's Attorney for both Sheridan County and Kidder County, as long as Jerod E. Tufte is a qualified elector of at least one (1) of the counties, namely Sheridan County or Kidder County, North Dakota.

This resolution is hereby approved to allow the qualified electors in each county to make the final decision regarding the election of the office of the State's Attorney, and is in no way an endorsement of any kind of any particular candidate.

Dated this 6th day of April, 2010.

By Sheridan County Board of
Commissioners.

Attest:

County Auditor

Chairman

Commissioner

Commissioner

The Auditor presented the re-application for abatement of taxes filed by David Martwick for Lots 1-2, Blk. 5, East, McClusky City for review. The hearing on the application for abatement was scheduled for May 4th at 2:30 p.m.

There being no further business the meeting adjourned.

County Auditor

Chairman

County Commissioner Meeting April 7th, 2010

The Board of County Commissioners met in special session at 10:00 a.m. at the ND Game & Fish Lonetree facility as set. County Commissioners present were Michael Axt, Howard Erdmann, and Eldon Ehrman. Others present were: Clyde Reimche, Berlin Twp Supervisor; Diane & Kim Raugust, Hugh Raugust, Fairview Twp Supervisors; Scott Peterson, NDGFD; Gary Schmitz, Western Township Supervisor; Alvin Gross, Sheridan County Road Foreman; Kerry Beckman, GDCD; Bill Faul, Pony Gulch Supervisor; and Walt Fairbanks, Bureau of Reclamation

Chairman Axt called the meeting to order and stated the purpose of the special meeting was to discuss using the Bureau of Reclamation gravel pits in order to crush more gravel to be used by the County and surrounding townships.

Walt Fairbanks presented soil maps that the Bureau of Reclamation has possible gravel pits located at. The Schmidt Pit may be expanded in Section 30 of Berlin twp and same with Sprenger Pit in Section 19 New Germantown Twp.

Issuing permits for gravel pit sites to be used only by the surrounding townships and the County - not contractors - was discussed.

Fairbanks will schedule GDCD to have their backhoe conduct a core sample of gravel testing for the gravel pit sites to pick from. Fairbanks will also start the paperwork process to request approval on the gravel pit sites from the Bureau of Reclamation in Denver so hopefully permits can be issued by August or so.

There being no further business the meeting adjourned.

Auditor

Chairman

County Park Commission Meeting April 6, 2010

The County Park Board met at 11:00 a.m. County Park Commissioners present were Arlington Helm, Eldon Ehrman, Howard Erdmann, and Michael Axt. Absent: Marlin P. Engen

Chairman Helm called the meeting to order. The minutes of the previous meeting was read and approved.

The Auditor reported that Kip Kovar with GDCD is still communicating with the Bureau of Reclamation on approving to install the culvert higher on the north end of North Hoffer's Lake. Also installing insulation into the 4-H building is not eligible for Energy Efficiency Block Grant due to the 4-H building did not have insulation prior to applying for the grant to have a energy comparison analysis conducted.

A committee met on changes to the 4-H building lease. The committee consisted of County Park Chairman, Arlington Helm, County Commissioner Chairman, Mike Axt, and the County Sheriff, Trent Naser. The proposed rent charge be \$200.00 for the whole 4-H building. No splitting up the rent between the new and old part of the 4-H building being there is no door in between them it would be difficult to control. No less than two weeks to cancel event or forfeit half of security deposit amount of \$100.00. At 1:00 a.m. quiet time is enforced on event weekends, if in non-compliance with quiet time, the tenant will be assessed a fee of \$50.00 per time the law enforcement is called that will be withheld from the security deposit. It was moved by Park Commissioner Michael Axt to approve the changes to the 4-H building lease effective immediately, seconded by Park Commissioner Helm. Upon roll call vote - Axt – yes, Helm – yes, Erdmann – yes, Ehrman – yes Motion carried. Repairs or adding on to current courtesy dock was discussed. Helm purchased more hose to pump water out of the pump house and a battery charger for the tractor. Courtesy and boat landing docks will be inserted in the lake later in the month.

There being no further business the meeting adjourned.

Secretary

Chairman

Planning and Zoning Commission Meeting March 2,2010

The Sheridan County Planning and Zoning Board met at 3:00 p.m. as per notice. Planning Commissioners members present were Howard Erdmann, Karen Konschak, Theresa Jorgensen, Thomas Sauter, Bonita Kluck, Arthur Waltz, and States Attorney, Walter M. Lipp. Absent: Lloyd Bauer. Others present were County Commissioners Eldon Ehrman and Michael Axt.

Chairman Erdmann called the meeting to order. The minutes of the previous meeting was read and approved.

The 1st order of business was to elect Chairman and Vice-Chairman for the ensuing year. It was moved by Planning Commissioner Sauter to nominate Howard Erdmann as Chairman and Karen Konschak as Vice-Chairman of the Planning Commission, seconded by Arthur Waltz. Upon roll call vote – Sauter – yes, Waltz – yes, Kluck –yes, Jorgensen – yes, Konschak – yes, Erdmann – yes, Lipp - yes Motion carried.

Karen Konschak stated the McLean County Zoning plan on wind energy facilities general provisions was reviewed by herself, Thomas Sauter, and States Attorney, Walter M. Lipp, as a good guideline to go by for implementing into the Sheridan County Zoning plan. County Commissioner Axt read the wind energy general provisions to the Planning Board. It was moved by Planning Commissioner Karen Konschak to recommend to the County Commission that the wind energy provisions be adopted to the Sheridan County Zoning plan, seconded by Walter Lipp. Upon roll call vote – Konschak – yes, Sauter – yes, Waltz – yes, Jorgensen – yes, Kluck – yes, Lipp – yes, Erdmann – yes, Motion carried.

The recommendations of the wind energy provisions will be forwarded to the County Commission to hold a public hearing prior to final adoption.

There being no further business the meeting adjourned.

County Auditor

Chairman