

Minutes of the Board of Ward County Commissioners

April 1, 2014

The regular meeting of the Ward County Commissioners was called to order by Chairman Gruenberg at 9:00 a.m. with Comm. Fjeldahl, Nybakken, Walter and Wepler present. Also present were Department Heads: Dana Larsen, Devra Smestad, Betty Braun, Mark Schrader, Pam Axtman, Dale Braun, Steve Kukowski and Leona Lochthowe.

Moved by Comm. Fjeldahl, seconded by Comm. Wepler to approve the agenda with additions. Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Nybakken to approve the minutes of the regular Commission meeting on March 18, 2014. Roll call: all voted yes; motion carried.

Smestad then presented the bills. Moved by Comm. Walter, seconded by Comm. Wepler to approve the 2014 March regular bills totaling \$435,506.88 and the Social Services bills of \$47,715.86. Roll call: all voted yes; motion carried.

Sean Weeks of Ackerman Estvold Engineering appeared.

There is a 26+ acre property located and owned by the City of Burlington that is undeveloped. Ackerman Estvold is the municipal engineer for the city and would like to develop the property into Riverwood Subdivision for low to moderate income housing for Beyond Shelter, Inc. The proposed development would consist of five (5) eight-plex multi-family buildings, 11 single family lots, and 6 duplex lots providing a total of 63 dwelling units with an improved, publicly dedicated right-of way (ROW). The ROW

improvements include the following infrastructure: water, sewer, storm sewer, and street lighting. The estimated cost of infrastructure is \$3,281,000. The source of funds that have been obligated to the project is \$4.7 million in CDBG-DR funds through Ward County. Moved by Comm. Nybakken, seconded by Comm. Wepler to approve Ackerman Estvold advertise for bids for the Riverwood Subdivision Development. Roll call: all voted yes; motion carried.

Highway Engineer Dana Larsen appeared.

In 2013, Ward County had 17 sites that were impacted by flooding. Some of the sites, the emergency work and permanent work were completed concurrently. If a site was passable at the time of inspection or the permanent work exceeded \$150,000, the project would need to go through the NEPA process and bid through the NDDOT. The following projects need to go out for bid through the NDDOT:

ER Site 3	Replace Damaged Culvert on County Road 18
ER Site 4	Grade Raise, Rip Rap, and Paving on County Road 23
ER Site 5	Grade Raise, Rip Rap, and Paving on County Road 14
ER Site 14	Grade Raise, Rip Rap, and Paving on County Road 14
ER Site 15	Inslope Repair on County Road 20
ER Site 17	Inslope Repair, Rip Rap, Asphalt Repair

Moved by Comm. Walter, seconded by Comm. Fjeldahl to authorize the Highway Department to advertise to bid out the remaining 2013 ER Projects listed above and authorize the chairman to sign the Construction Maintenance Agreement. Roll call: all voted yes; motion carried.

Dream Land Homes has placed obstructions in the County ROW on County Road 17, just north of US 2 & 52. The Highway Department has contacted the owners numerous times both in person and by phone requesting their sign, trucks, buildings,

and miscellaneous items be removed from the ROW and that they restore the ROW to previous condition. In Section 24-05-23 of the ND Century Code, a landowner who encroaches upon a county road or its ditches/approaches must be given notice by the board of commissioners for that county. If the land owner fails to remedy the encroachment within twenty days after receiving notice, that landowner is liable to the county for damages resulting from the encroachment. Moved by Comm. Wepler, seconded by Comm. Fjeldahl to authorize the Highway Department under Section 24-05-23 of the ND Century Code, to send written notice to Dream Land Homes informing them that they need to remove all obstructions located within the 75ft of ROW adjacent to County Road 17 and to restore the ROW back to previous condition. Roll call: all voted yes; motion carried.

Planning/Zoning Administrator Amber Turnquest appeared.

Moved by Comm. Fjeldahl, seconded by Comm. Walter to approve the following plat applications:

Applicant	Legal Description	Township
Honu Enterprises, LLC	Lots 11, and 13 through Speedway Subdivision of Portion of Lot 2, Section 18-155-83 of the 5 th Principle Meridian, Ward County, North Dakota, Plus Previously Vacated Alley, Less Speedway 2 nd Addition and Sublot A, and Vacated Road	Harrison

The applicant is seeking to reduce the size of right of way between the above property and the frontage road. The Harrison Township Board has recommended approval. The Ward County Water Resource Board has no objection to the plat but recommended that a “storm water management plan may be required if the subject property is (a) developed or subdivided or (b) if (an) application is made for a building permit”. Roll call: all voted yes; motion carried.

Jail Commander Penny Erickson appeared.

Erickson presented the Commission the annual update of policies and procedures for Ward County Jail. The policies and procedures have been reviewed and approved by the States Attorney and there were no major changes. Moved by Comm. Walter, seconded by Comm. Wepler to approve the Ward County Jail Policies and Procedures Manual. Roll call: all voted yes; motion carried.

Auditor/Treasurer Devra Smestad appeared on behalf of Emergency Management Director Amanda Schooling.

In December the North Dakota Department of Emergency Services (NDDDES) conducted an audit on the 2009 Ward County flood disaster. They noted three findings: 1) Moved by Comm. Wepler, seconded by Comm. Fjeldahl to approve \$42,193.65 be paid back by Ward County. (There is \$5,717.55 to be paid back by Freedom, McKinley and Ryder Township from the 2009 FEMA funds). Roll call: all voted yes; motion carried. 2) Moved by Comm. Walter, seconded by Comm. Wepler to approve \$50,011.57 be placed into the emergency fund. Roll call: all voted yes; motion carried.

3) Moved by Comm. Fjeldahl, seconded by Comm. Walter to approve \$34,324.20 be put in a separate account for mitigation projects for the Townships to apply through the Emergency Management Office. Guidelines will be established for the applications and committee review. Roll call: all voted yes; motion carried.

JLG Architect Don Davison appeared.

Davison updated the Commission on the progression of the new administrative building, jail expansion and juvenile detention center renovation. Foundation work is continuing on the east side of the north wing of the administrative building. Structural steel and steel floor decking for the north wing is continuing and on the 4th floor and roof

joists are being installed. Precast panels are completed and are being stored at Wells Concrete's plant in Grand Forks, until installation on April 15, 2014. A land deal with Minot Daily News and Ward County has been consummated and schematic design is ramping up for the jail expansion and renovation. BWBR, JLG and Adolfson & Peterson Construction met to discuss early preliminary estimates for the juvenile detention renovation. The first draft of the cost estimate was 1.78 million. Comm. Walter requested further refinement of the estimate. Final footprinting should take place for the jail expansion next week. The Commission requested a special meeting be set up when the date is known.

Sheriff Steve Kukowski appeared.

Kukowski presented a grant contract from The ND Department of Transportation (NDDOT) for \$4,000 with a 25% local match of \$1,000 for the purchase of radar equipment. Moved by Comm. Walter, seconded by Comm. Weppler to approve the NDDOT grant contract of \$4,000 with a local match of \$1,000 for two in-car radar machines for the Sheriff Department. Roll call: all voted yes; motion carried.

Auditor/Treasurer Devra Smestad appeared.

Moved by Comm. Fjeldahl, seconded by Comm. Weppler to receive and file the following correspondences: HR Coordinator – 2013 Ward County Property Inventory; ND Dept. of Corrections – Jail & Juvenile Detention Inspections & Certifications; ND Assoc. of Rural Electric Co. – Environmental Comments on Project; ND Supreme Court – Judgeship #4 Vacancy; ND County Employees Group – Dividend for Workers Comp Premium 2012; NDSU Extension Office – Annual Report. Roll call: all voted yes; motion carried.

Moved by Comm. Fjeldahl, seconded by Comm. Walter to appoint Wayne Tuttle and Norman Livingston Jr. to the Planning Commission Board for a four year term. Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Nybakken to appoint Linda Anderson to the Special Assessment Committee for a six year term. Roll call: all voted yes; motion carried.

The annual meeting of the North Dakota Insurance Reserve Fund (NDRIF) will be held May 15, 2014 in Bismarck. Smestad stated a representative is to attend from Ward County to cast a vote for a newly elected NDRIF Board Member. Smestad offered to attend on the county's behalf.

Moved by Comm. Wepler, seconded by Comm. Walter to approve the Resolution of Necessity for an Improvement Benefitting East Side Estates Paving District No. 1-2014 as follow:

BE IT RESOLVED by the Board of Ward County Commissioners, that the Commission has received and considered the report of the engineer, as to the general nature, purpose and feasibility of the proposed improvement benefitting East Side Estates Paving District No. 1-2014 and an estimate of the probable cost of the work, and has approved said report and directed that it be filed in the County Auditor/Treasurer's office, where any interested person may examine it, and determine that it is necessary to make the improvement, to wit:

Removing and salvaging the existing gravel, installing a geotextile mat, placing class 5 stone and the installation of asphalt pavement. The existing roads will be slightly widened and the ditches will be re-graded where necessary; and

BE IT FURTHER RESOLVED that special assessments for the improvement shall be levied upon properties with the boundaries for the district as heretofore created, to wit:

EAST SIDE ESTATES PAVING DISTRICT No. 1-2014

A subdivision located approximately 1.5 miles south of Minot on US 52 in Ward County, North Dakota. The site is within Section 33, Township 155 North, Range 82 West. The subdivision is located adjacent to the Souris River.

BE IT FURTHER RESOLVED that the entire cost to the county shall be paid by the levy of special assessments upon such properties in amounts proportionate to and not exceeding the benefits to be received by them from the improvements; and

BE IT FURTHER RESOLVED that this resolution shall be published once each week for two consecutive weeks in the official newspaper, and the County Commission shall at its meeting to be held May 6, 2014 beginning at 9:00 am, hear and determine the sufficiency of any written protests which owners of property within the district may file with the county Auditor/Treasurer within thirty days after the first publication.

Roll call: all voted yes; motion carried.

Smestad will publish the Resolution of Necessity for an Improvement Benefitting East Side Estates Paving District No. 1-2014 for two weeks and a public hearing will take place at the regular Commission meeting on May 6, 2014.

Moved by Comm. Nybakken, seconded by Comm. Walter that the following payroll amendments be approved: Janice Sweeny – Substitute Librarian – Library (Level 12); April Fellman – Correctional Officer – Sheriff Department (Level 20); Jennifer Olson – Sergeant – Sheriff Department (Level 24); Samantha Kaul – Patrol Deputy – Sheriff Department (Level 21); Jacqueline Soulis – Human Service Aid II – Social Services (Level 15). Roll call: all voted yes; motion carried.

Comm. Walter stated he had received a phone call in regards to Ward County owned property at 513 13th St SE, Minot. The home was affected by the 2011 flood and nothing has been done with the property. Comm. Walter questioned whether or not the home should be condemned by the city and torn down to make a level lot. Highway Engineer Dana Larsen will bring back a recommendation to the next Commission meeting.

Smestad stated the 2013 Annual Reports from the individual departments were located on the table. These are to be received and filed at the next regular Commission meeting.

At 10:11 a.m., with no further business, the meeting was adjourned.