Minutes of the Board of Ward County Commissioners April 15, 2014

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

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

Moved by Comm. Weppler, seconded by Comm. Fjeldahl to approve the minutes of the regular Commission meeting on April 1, 2014. Roll call: all voted yes; motion carried.

Smestad then presented the bills with corrections. Moved by Comm. Walter, seconded by Comm. Nybakken to approve the 2014 April regular bills totaling \$521,662.28, the Social Services bills of \$22,683.49 and the Human Services bills of \$85,278.01. Roll call: all voted yes; motion carried.

Emergency Management Director Amanda Schooling appeared.

On March 14, 2014, due to a quick melt, the Ward County Commission signed a local Emergency Declaration. Schooling recommends suspending the disaster event and set an end date for closeout. Moved by Comm. Walter, seconded by Comm. Fjeldahl to table the suspension for 2 weeks to continue assessing the flood situation at Rice Lake. Roll call: all voted yes; motion carried.

Ward County Water Resource Board Member Maurice Foley appeared.

Foley is very concerned with the flooding situation at Rice Lake. Rice Lake is a special assessment district and homes are starting to be abandoned, which will leave the special assessments delinquent. After three years of abandonment the county takes over the property and the citizens of the county are to assume responsibility of the debt. When this situation occurred in Devils Lake, ND several years ago, Ramsey County charged a \$1/lot in lieu of taxes as long as the specials were being maintained allowing the individual ability to keep ownership of the property. Foley is wondering if there are any instruments with today's laws that would allow for a similar plan. Jarid Lundeen of Rice Lake appeared for comment. Currently there are 10 properties that are completely inundated and he expects many more. If the lake continues to rise 110 out of the 168 homes will be hit with water. He believes if the taxes were abated it would deter Rice Lake property owners from abandoning property. Moved by Comm. Walter, seconded by Comm. Fjeldahl to recommend the States Attorney's Office research what can be done legally to abate the taxes of those owning property at Rice Lake Recreational District. Roll call: all voted yes; motion carried.

Lisa Jahner of North Dakota Association of Counties (NDACO) appeared.

Lutheran Social Services is the county provider for attendant care and currently resides within the Ward County Library building. Attendant care provides supervision for juveniles who have been charged with a mild offense and require a less restrictive environment for a temporary supervised stay. The US Department of Justice provides funding for attendant care which is delegated by the NDACO to any unit of local government. With the new administration building being constructed and the library being torn down to move into the new building, there are questions of whether or not the

county wishes to continue attendant care. Recent changes have occurred to continue running the program and funding has been cut by a third. If Ward County wishes to continue with the program, they will have to provide a new space and subcontract with Lutheran Social Services or another operation which must meet specific criteria that was not required in the past. Additionally, the county would be responsible for the funding that was cut. Captain Bob Barnard appeared for comment. With the rise of population and crime, this organization is necessary to house juveniles in this situation. There is currently no space available in the jail and these individuals need a safe temporary environment. Janelle Regimball of Lutheran Social Services appeared for comment. With the large cut in funding, they will try to run the program as efficiently as possible. Additionally, if the county chooses to continue the program, she feels the location should be close to the jail and closed off to the public for liability and safety concerns. After discussion, the commission will consider options for a new location and funding for attendant care services.

Highway Engineer Dana Larsen appeared.

Bids were opened last week for the urbanization of County Road 2 in Kenmare and a Memorandum of Agreement was drafted with the City of Kenmare for the maintenance of the road. Two bid alternatives of asphalt and concrete were considered. It was agreed upon by the Highway Committee and the city to choose the concrete option and award Wagner Construction the bid in the amount of \$3,580,977.05. Kenmare City is willing to contribute \$375,000 up front for the project and over a 5 year span pay an additional \$356,446.35. One point three million dollars of the project will funded by oil impact funds and the remainder by the ½ cent sales tax.

Moved by Comm. Nybakken, seconded by Comm. Fjeldahl to approve and authorize the Chairman to sign the Memorandum of Agreement with the City of Kenmare for the concrete reconstruction of County Road 2 and award the bid to Wagner Construction for \$3,580,977.05. Roll call: all votes yes, except Comm. Gruenberg who voted no; motion carried.

Larsen presented a resolution from the North Dakota Department of Transportation (NDDOT) for project BRO-0051 (021), which is a bridge north of Kenmare that is in need of critical repair. Resolution is as follows:

RESOLUTION

WHEREAS, the bid in the amount of \$818,193.12 from Central Specialties Inc. received in the bid opening of April 11, 2014 for Project BRO-0051(021) was the low bid received.

WHEREAS, this bid is considered reasonable.

NOW THEREFORE, be it resolved by the Board of County Comissioners of WARD County will award to Central Specialties, Inc. the contract for Project BRO-0051(021) and hereby authorizes the Chairman of the Board to sign said contract.

It is further understood that the County shall reimburse the North Dakota Department of Transportation for any payments made under this contract, which are not collectible from the Federal Highway Administration.

Moved by Comm. Weppler, seconded by Comm. Walter to award the project BRO-0051(021) to Central Specialties Inc. and authorize the Chairman to sign the Resolution with the NDDOT. Roll call: all voted yes; motion carried.

In 2013 Dig-It-Up Construction completed an emergency grade raise on 359th

Ave in Rushville Township. The cost of the grade raise was \$248,690 of which a total of \$211,387 will be covered by FEMA/State (75%/10%) and \$37,303 would be local cost.

Then just before fall the commission awarded additional emergency work to Sundre

Sand & Gravel to repair the inslopes. The cost of the repairs was around \$15,000. The current low bid to widen the road from 14ft to 24ft, place 4:1 inslopes and rip rap the inslopes was \$194,771 of which, FEMA/State would cover 85% and after close out the local cost would be \$29,215. The total local cost for the site repair after the close outs would be around \$80,000. Discussion was held with the home owner about improving the access from the north and if the water comes up a couple more feet, the township would not have enough funds to do any more grade raises. The owner wanted the current access improved. The average budget for Rushville Township is around \$40,000 per year, so it will take a few years to repay the loan that Rushville Township has with the Highway Department. The loan interest is set at the same interest rate as the GO Bond the county currently has. Moved by Comm. Walter, seconded by Comm. Fjeldahl award the bid in the amount of \$194,771 for the road repairs on 359th Ave in Rushville Township to Sundre Sand and Gravel.

Planning/Zoning Administrator Amber Turnguest appeared.

Moved by Comm. Walter, seconded by Comm. Nybakken to approve the plat application for the following described property:

| Torrey Dickenson | Outlot 3 A Portion of Outlot 2 and a Portion of Sublot A of Outlot 2, Section 29-156-81 | Maryland Township |
|------------------|---|-------------------|
| Torrey Dickenson | Outlot 4 A Portion of Outlot 2 and a Portion of Sublot A of Outlot 2, Section 29-156-81 | Maryland Township |

The application is for two outlots with parcel sizes of 5.18 and 4.18 acres respectively.

The Maryland Township Board has recommended approval of the plats. The Ward County Water Resource Board had no objection to the plat, but recommended that a storm water management plan may be required if the property is developed, subdivided or if an application is made for a building permit. Roll call: all voted yes; motion carried.

At 10:39 a.m. the Board recessed.

At 10:45 a.m. the Board reconvened.

Director of Tax Equalization Pam Axtman appeared.

Moved by Comm. Walter, seconded by Comm. Weppler to approve the

following properties values were excessive:

| Property Owner | Description | Valuation Year | Old True & Full | New True & Full |
|----------------------------|---|-------------------|--------------------|--------------------|
| Ruth Groninger | 200 Roosevelt St, Des Lacs DS5100542 | 2014 | \$18,700 | \$15,500 |
| Mary Ferderer | Lot 4 Blk6 Orig Douglas DG5103272 | 2014 | \$22,700 | \$18,800 |
| Merlin Lockwood | 615 Colton Ave #34, Burlington BN5105248 | 2014 | \$62,900 | \$60,200 |
| Clements & Darene Stein | 5801 5 th Ave SE HA5101641 | 2014 | \$29,400 | \$24,300 |
| Vernon Olson | 6010 Cty Rd 12 W HA5101285 | 2014 | \$34,700 | \$30,000 |
| Robert Petz | PO Box 74, Makoti MK5101365 | 2014 | \$20,200 | \$17,000 |

Back out taxes; mobile home was abandoned:

| Property Owner | Description | Valuation Year | Old True & Full | New True & Full |
|----------------|--|-------------------|--------------------|--------------------|
| JD Donaghe | 48500 492 nd St NW, Kenmare DE5100444 | 2011 | 10,300 | \$0 |

The following mobile home was lost in the 2011 flood:

| Property Owner | Description | Valuation Year | Old True & Full | New True & Full |
|----------------|---|-------------------|--------------------|--------------------|
| Terry Theilen | 1325 27 th St SE #169 MI5104323 | 2010 | \$2,300 | \$0 |

The following mobile home was taken to landfill in August of 2013:

| THE IONOWING INC | The following mobile nome was taken to landing in August of 2013. | | | | | |
|------------------|---|-----------|------------|------------|--|--|
| Property Owner | Description | Valuation | Old True & | New True & | | |
| | | Year | Full | Full | | |
| Barbara Robbins | 13001 2 nd St NW #49 TA5102663 | 2014 | \$20,500 | \$0 | | |

The following mobile home was not connected to utilities:

| Property Owner | Description | Valuation Year | Old True & Full | New True & Full |
|------------------|--|-------------------|--------------------|--------------------|
| Damian Kautzmann | 6701 87 th St NW, Burlington KK5105100 | 2013 | \$25,100 | \$0 |

The following qualifies for the two year new construction discount:

| Property Owner | Description | Valuation Year | Old True & Full | New True & Full |
|--------------------------|--|-------------------|--------------------|--------------------|
| Josh & Kristina Myers | 416 6 th Ave SW, Surrey SY19TY30000020 | 2013 | \$106,600 | \$31,600 |

The following property needs to be adjusted to market value:

| Property Owner | Description | Valuation Year | Old True & Full | New True & Full |
|----------------------|--|-------------------|--------------------|--------------------|
| Mark & Sheila Miller | 412 11 th St SE MI243970200040 | 2013 | \$191,700 | \$167,000 |

The following property was assessed in 2009. The home was estimated to be in better condition than is actually was:

| Property Owner | Description | Valuation Year | Old True & Full | New True & Full |
|------------------------|---|-------------------|--------------------|--------------------|
| Donald & Kay Madsen | 1635 11 th St SW MI260760000150 | 2013 | \$297,500 | \$275,000 |

The following lease site was cancelled:

| Property Owner | Description | Valuation Year | Old True & Full | New True & Full |
|----------------------|---|-------------------|--------------------|--------------------|
| Roger Sundsbak, Etal | 24 27 th St SE MI375400000060 | 2013 | \$312,700 | \$0 |

The following property is part of the buy-out from the 2011 flood:

| Property Owner | Description | Valuation Year | Old True & Full | New True & Full |
|----------------|---|-------------------|--------------------|--------------------|
| City of Minot | River Park Addn E46' of W50' Lt 2 Blk 2 | 2013 | \$56,100 | \$0 |
| | MI133340200022 | | | |

The following were vacated for 2013; remove values:

| Property Owner | Description | Valuation Year | Old True & Full | New True & Full |
|----------------|--------------------------------------|-------------------|--------------------|--------------------|
| Nathan Jung | PO Box 386, Surrey SY180330000240 | 2013 | \$9,600 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000290 | 2013 | \$9,600 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000190 | 2013 | \$15,200 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000210 | 2013 | \$15,200 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000220 | 2013 | \$19,200 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000230 | 2013 | \$19,200 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000140 | 2013 | \$20,000 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000160 | 2013 | \$20,000 | \$0 |

| Nathan Jung | PO Box 386, Surrey SY180330000350 | 2013 | \$20,000 | \$0 |
|-------------|--------------------------------------|------|----------|-----|
| Nathan Jung | PO Box 386, Surrey SY180330000360 | 2013 | \$20,000 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000370 | 2013 | \$20,000 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000380 | 2013 | \$20,000 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000150 | 2013 | \$21,800 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000170 | 2013 | \$22,400 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000200 | 2013 | \$24,800 | \$0 |
| Nathan Jung | PO Box 386, Surrey SU180030000180 | 2013 | \$200 | \$0 |
| Nathan Jung | PO Box 386, Surrey SU180030000190 | 2013 | \$200 | \$0 |
| Nathan Jung | PO Box 386, Surrey SU180030000200 | 2013 | \$200 | \$0 |
| Nathan Jung | PO Box 386, Surrey SU180030000240 | 2013 | \$200 | \$0 |
| Nathan Jung | PO Box 386, Surrey SU180030000250 | 2013 | \$200 | \$0 |
| Nathan Jung | PO Box 386, Surrey SU180030000260 | 2013 | \$400 | \$0 |
| Nathan Jung | PO Box 386, Surrey SU180030000280 | 2013 | \$400 | \$0 |
| Nathan Jung | PO Box 386, Surrey SU180030000270 | 2013 | \$600 | \$0 |
| Nathan Jung | PO Box 386, Surrey SU180030000290 | 2013 | \$600 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000180 | 2013 | \$20,000 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000300 | 2013 | \$24,000 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000310 | 2013 | \$24,000 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000320 | 2013 | \$24,000 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000330 | 2013 | \$24,000 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY180330000340 | 2013 | \$24,000 | \$0 |

The following meets the criteria for agricultural values:

| Property Owner | Description | Valuation Year | Old True & Full | New True & Full |
|----------------|--------------------------------------|-------------------|--------------------|--------------------|
| Nathan Jung | PO Box 386, Surrey SY070990000050 | 2013 | \$18,800 | \$0 |
| Nathan Jung | PO Box 386, Surrey SY070990000040 | 2013 | \$18,800 | \$0 |
| Nathan Jung | PO Box 386, Surrey | 2013 | \$18.800 | \$0 |

SY070990000030

Roll call: all voted yes; motion carried.

States Attorney Roza Larson appeared.

Larson is requesting to allow her department to donate leave for an employee who is about to go on maternity leave. Moved by Comm. Fjeldahl, seconded by Comm. Walter to allow employees to donate leave for the individual in need. Roll call: all voted yes; motion carried.

Larson handed the commission a 55th Settlement Agreement that was quick claimed by Ward County for the City of Minot. Moved by Comm. Weppler, seconded by Comm. Walter to approve the document. Roll call: all voted yes; motion carried.

Auditor/Treasurer Devra Smestad appeared.

Moved by Comm. Nybakken, seconded by Comm. Weppler to receive and file the following correspondences: ND Dept. of Health – Transfer Station; ND Dept. of Veterans Affairs – Training for Officers; ND Dept. of Health – Inactivated Transporter's Permit; Sheriff Kukowski – February Monthly Report; FDHU – Contacts w/ People by County Report. Roll call: all voted yes; motion carried.

Moved by Comm. Walter, seconded by Comm. Fjeldahl to receive and file the monthly reports; including the financial report. Roll call: all voted yes; motion carried.

Moved by Comm. Walter, seconded by Comm. Fjeldahl to receive and file the 2013 Audit Report. Roll call: all voted yes; motion carried.

Moved by Comm. Weppler, seconded by Comm. Walter to approve the 2014 gaming site authorization for the Minot VFW Post 753, Inc. Roll call: all voted yes; motion carried.

Moved by Comm. Fjeldahl, seconded by Comm. Nybakken to approve a raffle permit for the Action Agility Dog Training Club from May 30th to June 1, 2014. Roll call: all voted yes; motion carried.

Moved by Comm. Weppler, seconded by Comm. Walter to receive and file the 2014 North Dakota Insurance Reserve Fund Conferment of Benefits. Roll call: all voted yes; motion carried.

Smestad presented the first part of the contract agreement with the Construction Manager at risk AP Midwest, LLC for approval. Moved by Comm. Walter, seconded by Comm. Fjeldahl to set up a meeting date with AP Midwest, LLC and the architects to review and discuss the contract. Roll call: all voted yes; motion carried.

Moved by Comm. Weppler, seconded by Comm. Fjeldahl to receive and file the 2013 annual reports from the individual departments of Ward County. Roll call: all voted yes; motion carried.

Moved by Comm. Weppler, seconded by Comm. Fjeldahl that the following payroll amendment be approved: Matthew Pavlick – Patrol Deputy – Sheriff Department (Level 21).

At 11:22 a.m., with no further business, the meeting was adjourned.