

Minutes of the Board of Ward County Commissioners

August 21, 2018

The regular meeting of the Ward County Commission was called to order by Chairman Walter at 9:00 a.m. with Comms. Fjeldahl, Louser, Rostad and Wepler present. Also present were department heads: Amanda Schooling, Betty Braun, Dana Larsen, Derrill Fick, Devra Smestad, Ellen Bjelland, Jason Blowers, John Crosby, Kerrienne Boetcher, Leona Lochthowe, Mark Schrader, Robert Vallie, Ryan Kamrowski.

Moved by Comm. Wepler, seconded by Comm. Rostad, to approve the Agenda with changes. Roll call; all voted yes; motion carried.

Moved by Comm. Louser, seconded by Comm. Fjeldahl, to approve the regular Commission meeting minutes from the August 7th meeting with clarification to the last page as follows:

Smestad presented a letter from Robert and Marlene Hargrave requesting release from FEMA grant consideration **at Rice Lake** and return of funds. Agreement is between the Ward County Water Board and HDR Engineering.

Roll call; all voted yes; motion carried.

Moved by Comm. Rostad, seconded by Comm. Wepler, to approve the regular bills with changes totaling \$1,732,934.07 and Social Services bills totaling \$10,704.87. Roll call; all voted yes; motion carried.

Stephanie Williams from HDR Engineering appeared to present an update on the FEMA grant for Rice Lake homeowners. Two of the three homeowners who had pursued the grant to raise their homes have made the decision to walk away from the program and have requested that their letters of credit be released back to them. The Ward County Water Resource District has agreed to pay for all three homeowners' costs for design and project management that have been accrued to date in the amount of \$21,000.00. One homeowner, Cobi Hood, has asked that his property be acquired under the current grant request. He is aware that any costs incurred for design and project management going forward are his responsibility.

Moved by Comm. Wepler, seconded by Comm. Rostad, to release the letters of credit for the homeowners who are not participating in the FEMA grant program, upon receipt of a letter from the Ward County Water Resource District confirming the costs they will cover. Roll call; all voted yes; motion carried.

The conversation moved on to the acquisition of Mr. Hood's property. If acquired, the County will hold that property and nothing can be done with it per federal grant requirements. The property will be

demolished and the site returned to its original state. Mr. Hood said he would sign a contract to mow the property. He reiterated that he is aware that he is liable for any costs incurred in relation to the acquisition and can walk away if he does not desire to move forward.

Moved by Comm. Fjeldahl, seconded by Comm. Wepler, to approve the request to acquire Mr. Hood's property with the caveat that the current owner of the adjacent lot (Mr. Hood) continue to mow the property. Roll call; all voted yes; motion carried.

Mary Ann Blade from the Rice Lake Board apprised the commissioners of the progress that has been made at Rice Lake. On August 18th, the Board hosted a Family Day that was very well attended. She also gave the commissioners photos of some of the work that has been completed to the welcome sign and the nature trail. She spoke to the issue of where to locate mailboxes for the lake residents. The board has been working with the residents, Post Office and the Highway Department to determine the best location. The boxes will be cluster mailboxes and moved to the parking lot by the boat ramp.

Larry Hubbard from the Sheriff's Department appeared with a request for approval and signature of a grant for funds to be used for a new phone for the crisis negotiation team.

Moved by Comm. Louser, seconded by Comm. Wepler to approve and sign the application for a grant to purchase a new phone for crisis negotiation. Roll call: all voted yes; motion carried.

Leona Lochthowe presented a bid to construct a DIRT Wall system for the hallway housing the HR Department. Hight Construction was the only bidder at \$18,650.00. Additional costs that are forthcoming for the HR Department will include a panic button and a camera for Robin Finneseth's office.

Moved by Comm. Wepler, seconded by Comm. Fjeldahl, to approve the bid from Hight Construction in the amount of \$18,650.00. Roll call: Comms. Louser and Walter voted no; motion carried.

Nancy Simpson from Planning and Zoning presented items from the August 10th Planning and Zoning meeting for consideration.

Memorandum 1

Application for a **variance** for Brian Polvani for the following described property:

Proposed Outlot 2, NW ¼ NW ¼, 32-156-85, Foxholm Township

The application is for a variance to Ward County Zoning Resolution No. 6 Article 15. The reason for the variance is a hardship due to unique preexisting conditions and reasonable use of the parcel is not possible.

Moved by Comm. Louser, seconded by Comm. Wepler, to approve the variance application for Brian Polvani with the requirement that he sign a hold harmless agreement due to the proximity to County Road 11. Roll call: all voted yes; motion carried.

Memorandum 2

Application for a **plat** for Sawyer Disposal Services for the following described property:

Proposed Outlot 2 NW ¼ NW ¼, 25-152-82, Newman Township

The plat application is for creating an outlot to be sold to Tanner Vix to construct grain bins. Newman Township has responded with approval contingent on receipt of owner signed plat. The Ward County Water Resource Board returned the plat without objection, and with the usual recommendation noting that:

1. A storm water management plan may be required if the subject property has applied for a special use permit, and,
2. No development as a result of this plat should obstruct any watercourse or divert surface water flows.

Moved by Comm. Louser, seconded by Comm. Rostad, to approve the plat application for Sawyer Disposal Services. Roll call: all voted yes; motion carried.

Memorandum 3

When reviewing the fees associated with wind turbines, it became evident that a fee schedule is still listed in Ward County Zoning Resolution 6 Article 22. Staff recommends removal of the fee schedule.

Moved by Comm. Louser, seconded by Comm. Rostad, to approve the removal of the fee schedule from the Ordinance amendment recommendation. Roll call: all voted yes; motion carried.

Dana Larsen, County Engineer, appeared with three items. The first is a request for approval and signature of a construction agreement for a new railroad signal installation on County Road 9 in Makoti. This is part of a safety improvement plan with the NDDOT, CP and BNSF railroads and Federal Highway to add signals to crossings on county roads. The estimated cost for the new signal is \$261,325.66 with a 90/10 cost share. The local share is \$26,133.00 and will come out of the Highway Department's construction fund.

Moved by Comm. Wepler, seconded by Comm. Fjeldahl, to approve the construction agreement for the railroad signal installation on County Road 9 in Makoti. Roll call: all voted yes; motion carried.

The second item is a cleanup order from First District Health Unit for the property of Diane Jorde located at 11980 331st Avenue SW in Douglas. Comparative photos indicate that the cars on the property have not moved since 2014 and many of the car doors are open along with the door to the camper on the property.

Moved by Comm. Rostad, seconded by Comm. Fjeldahl to authorize cleanup of the Diane Jorde property as directed by First District Health Unit and to have the cost of cleanup added to the property taxes. Roll call: all voted yes; motion carried.

Lastly, Mr. Larsen presented the Ward County Highway Department UAS Use and Operations Guidelines. These guidelines address the use of unmanned aerial systems to get imagery for mapping, project planning and damage assessment.

Moved by Comm. Fjeldahl and seconded by Comm. Louser to adopt the Ward County Highway Department UAS Use and Operations Guidelines. Roll call; all voted yes; motion carried.

Robert Vallie from the State's Attorney's Office came forward on behalf of Roza Larsen. He presented a proposed Ordinance—2018 Ward County Alcoholic Beverage Retail Sale Licensure and Regulations in Ward County, North Dakota Excepting Incorporated Cities. The document addresses fees, especially concerning golf course alcohol sales. The other key change is the subject of Sunday license fees. There were questions about the definition of minors and it was suggested the language be changed. It was pointed out that there are some typos and inconsistencies that need to be addressed. The commissioners also need to set fees for the new items in Section 3. In order to do so, they requested information to determine what other counties are charging as well as the City of Minot.

Moved by Comm. Louser, seconded by Comm. Weppler, to change the language regarding minors to read, "under the legal age for alcohol consumption." Roll call; all voted yes; motion carried.

Moved by Comm. Fjeldahl, seconded by Comm. Louser, to approve on first reading with changes to be included in the document for the second reading. Roll call, all voted yes; motion carried.

Devra Smestad pointed out that there is nothing to publish as the ordinance is not final. She suggested the first reading take place at the next commission meeting.

Mr. Vallie also talked about a document received from Motley Rice, Ferrer Poirot Wansbrough, Fears Nachawati, McNamee Hosea and Salazar Sullivan Jasionowski regarding opioid counsel.

Moved by Comm. Louser, seconded by Comm. Rostad to table this item for further information and discussion. This will be moved to Old Business and placed on next meeting's agenda. Roll call; all voted yes; motion carried.

Devra Smestad appeared:

Moved by Comm. Weppler, seconded by Comm. Rostad, to Receive and File the following correspondence: Sherry & Jim Heilmann – Use of brine water on roads email response; Enbridge – Pipeline Safety and Emergency Information; Valuations Northwest – Appraisal Services; Fargo VA Healthcare – Veterans Town Hall; Darel Harrington – Citizen Letter; Janell Regimbal – Attendant Care. Roll call; all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Rostad, to Receive and File the following monthly reports including financials: County Recorder; Sheriff's Department; Tax Equalization Office. Roll call; all voted yes; motion carried.

Moved by Comm. Louser, seconded by Comm. Wepler to approve the corrective deeds for Tim and Kathy Thompson and Dustin and Crystal Hendrickson. Roll call; all voted yes; motion carried.

Moved by Comm. Louser, seconded by Comm. Rostad to cancel checks issued by Ward County that are outstanding for six months or longer as of August 31, 2018. Roll call; all voted yes; motion carried.

Moved by Comm. Rostad, seconded by Comm. Wepler to approve the gaming site authorization for the Souris Valley Bowmen. Roll call; all voted yes; motion carried.

Moved by Comm. Louser, seconded by Comm. Wepler to approve the raffle permits for Dakota Elementary PTA and St. Mary's Church. Roll call; all voted yes; motion carried.

Moved by Comm. Rostad, seconded by Comm. Louser to approve the job description for the position of Senior Accountant in the Auditor/Treasurer's Office. Roll call; all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Louser, to approve the following payroll amendments: Payroll Amendments/Corrections – Batteiger, D. – Sheriff's Department (Level 21); Duncan, C. – Social Services (Level 16); Hester, M. – Auditor/Treasurer's Office (Level 19); Hurteau, C. – Court Security (Level 16); Nix, A. – Social Services (Level 25); Wersal, N. – State's Attorney's Office (Level 29). Roll call; all voted yes; motion carried.

Moved by Comm. Fjeldahl, seconded by Comm. Louser to have all payroll amendments be routed through the HR Department for review and recommendation. Roll call; all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Rostad to set the final budget hearing date to Tuesday, September 11, 2018 at 6:30 p.m. in the Commission Chambers. Roll call; all voted yes; motion carried.

Comm. Fjeldahl commented on the recent interviews with department heads about IT. He is working with Jason Blowers to set policy and procedures based on the discussions. He was very encouraged and said the process went well.

Comm. Wepler asked John Crosby from Veterans Services to come forward about the Town Hall meeting for veterans to be held in Ward County on August 23rd.

At 10:38 a.m. with no further business, the meeting was adjourned.