

Minutes of the Board of Ward County Commissioners

September 4, 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: Betty Braun, Bob Barnard, Devra Smestad, Jason Blowers, John Crosby, Kerriane Boetcher, Leona Lochthowe, Mark Schrader, Roza Larson, Robin Finneseth, Ryan Kamrowski.

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

Moved by Comm. Fjeldahl, seconded by Comm. Louser, to approve the regular Commission meeting minutes from the August 21st meeting. Roll call; all voted yes; motion carried.

Moved by Comm. Rostad, seconded by Comm. Wepler, to approve the regular bills with changes totaling \$236,397.23 and Social Services bills totaling \$9,798.28. Roll call; all voted yes; motion carried.

Galen Scheresky, a concerned citizen, appeared to express his frustrations and concerns with the building permit process. He met with Leo Schmidt numerous times and felt he was not given clear instructions of what was needed to obtain his permit. His original intent was to build a commercial building, however, he is now constructing a farm shop that requires no permit. Leo Schmidt, Building Inspector, appeared to answer questions and present his version of the events in regard to Mr. Scheresky's permit application. Mr. Scheresky's hope is that going forward the permit requirements be made clearer.

Moved by Comm. Wepler, seconded by Comm. Louser, to open a public hearing about a Resolution for a proposed bond for the purchase of a new building for Easter Seals Goodwill at 9:25 a.m. Roll call; all voted yes; motion carried.

Mr. Gordon Hauge from Easter Seals Goodwill came forward to explain that Ward County is being asked to approve bonds being issued out of funds from the City of Surrey. Ward County has no financial responsibility and is only being asked to authorize the Resolution.

Moved by Comm. Louser, seconded by Comm. Fjeldahl, to close the public hearing at 9:30 a.m. Roll call; all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Louser, to adopt the Resolution on behalf of Easter Seals Goodwill ND, Inc. through the City of Surrey. Roll call; all voted yes; motion carried.

RESOLUTION APPROVING THE ISSUANCE OF BONDS  
BY THE CITY OF SURREY, NORTH DAKOTA,  
ON BEHALF OF EASTER SEALS GOODWILL ND, INC.  
UNDER THE MUNICIPAL INDUSTRIAL DEVELOPMENT ACT

BE IT RESOLVED by the County Commission (the "Commission") of Ward County, North Dakota (the "County"), as follows:

Section 1.     Recitals and Findings.

1.1.     Easter Seals Goodwill ND, Inc., a North Dakota nonprofit corporation (the "Corporation"), has requested that the City of Surrey, North Dakota issue its revenue bonds (the "Bonds") for the benefit of the Corporation in the aggregate principal amount not to exceed \$1,750,000, under the provisions of Chapter 40-57, North Dakota Century Code (the "Act"), for the purposes of (i) acquiring and renovating an approximately 15,000 square foot, two-story building containing administrative and programming facilities and an adjacent parking lot located at 2505 16<sup>th</sup> Street SW, Minot, North Dakota and functionally related and subordinate facilities to be used or useful in connection with the project (the "Project"), and (ii) paying the costs of issuing the Bonds.

1.2.     At a public hearing held on the date hereof, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to finance the Project through the issuance of revenue bonds under the Act by the City of Surrey, and interested persons were given the opportunity to submit written comments to the County Auditor before the time of the hearing.

Section 2. Approval and Authorization.

2.1.     The County hereby approves and authorizes the issuance of the Bonds by the City of Surrey under the Act and the use the proceeds thereof to finance the Project and pay the costs of issuance. Such Bonds may be issued on such terms and conditions as the City of Surrey, the Corporation and the purchaser of the Bonds may deem desirable and without further approval or consent of this Commission.

2.2.     The County Commissioners and County Auditor are hereby authorized to do all acts and things, and to execute all documents, necessary in connection with the issuance of the Bonds by the City of Surrey and to accomplish the purpose and intent of this resolution.

2.3.     Neither this approval nor any actions, agreements, or legal matters related hereto or executed in pursuance hereof, shall in any manner or form create an indebtedness or liability of the County, but is solely an accommodation by the County to satisfy the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended. The Corporation has agreed and it is hereby determined that any and all costs incurred by the County in connection with the issuance of the Bonds will be paid by the Corporation.

Moved by Comm. Louser, seconded by Comm. Fjeldahl, to open a public hearing about Resolution #2-2018 at 9:32 a.m. Roll call; all voted yes; motion carried.

Brian Fauske appeared on behalf of the Apple Grove Homeowners Association. This is the second reading to move forward with the proposed paving project. Apple Grove residents will be asked to split the cost equally by parcel not square footage.

Travis Zabloutney appeared on behalf of his mother, with concerns regarding the split of special assessment costs between homeowners. She is the majority owner along the road to be paved. He reiterated his concern if homeowners are going to be charged by parcel or square foot. His mom has no opposition to the plan as long as the cost of the project is split between homeowners equally. There are also questions about the rail spur that crosses the road to be paved. Mr. Zabloutney also asked for clarification about access in and out of his mom's property, who will be maintaining the road and who is to pay for that cost.

Jason Mayfield from Wold Engineering came forward to address some of the concerns. The township has agreed to maintain the road to be paved. Regarding access, Wold plans to meet with Mr. Zabloutney to discuss the issue of access with two points to be proposed. In addition, the road will be paved right up to the rails and the owner is only responsible for the area between the tracks.

Devra Smestad clarified that this hearing's purpose is to see if there are protests against the project. If not, it will go to engineering for bids and then to the Special Assessments Committee. Once determined, the proposed special assessment fees will be brought to the Commissioners. Timing for the project most likely will be Spring 2019.

Moved by Comm. Wepler, seconded by Comm. Louser, to close the public hearing at 9:48 a.m. Roll call; all voted yes; motion carried.

Moved by Comm. Rostad, seconded by Comm. Louser, to adopt the Resolution and proceed with planning for the project. Roll call; all voted yes; motion carried.

RESOLUTION NO. 2-2018  
RESOLUTION OF NECESSITY FOR AN IMPROVEMENT BENEFITTING  
20TH AVE SE BETWEEN NORTHERN PLAINS IMPLEMENT AND 39TH ST SE

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 benefiting 20th Ave SE - just east of US Highway 2 between Northern Plains Implement to 39th St SE, Minot, approximately .38 miles - Paving District No. 1-2018 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:

Place 3 inches of new Aggregate Surface Course class 13 before paving Superpave FAA 42 at a minimum of 3.5 inches.

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

20th Ave SE Paving District No. 1-2018.

This roadway begins at the intersection of US Highway 2 and ends at 39th St SE in Nedrose Township.

BE IT FURTHER RESOLVED that the entire cost to the County shall be paid by the levy of special assessments upon such properties in an amount 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 during its meeting to be held Tuesday September 4, 2018, which begins at 9:00 a.m., 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 first publication.

Leona Lochthowe, Facilities Management, asked for approval of a bid to replace carpet in Court Rooms 100 and 101. The low bid was \$13,114.00 from Tollefson's Contract Flooring. The funds will be coming from the District Court budget.

Moved by Comm. Rostad, seconded by Comm. Fjeldahl to approve the bid of \$13,114.00 from Tollefson's Contract Flooring. Roll call: all voted yes; motion carried.

Nancy Simpson from Planning and Zoning presented items from the July 19th Planning and Zoning meeting for consideration.

#### Memorandum 1

Application for a **variance** by Paulette Zietz for the following described property:

Proposed Outlot 4 being a portion of Lot B of Outlot 1, 11-152-82, Newman Township

This application is for a variance to Ward County Zoning Resolution No. 6 Article 24. F.1.c. pertaining to right-of-way dedication for an outlot. The reason for the variance is a hardship due to unique preexisting conditions. Access to the outlot is provided by a "road by prescription" and is noted as a 40' access easement on the plat. Newman Township recommends approval and states the Township will not provide maintenance for the access easement.

Moved by Comm. Weppler, seconded by Comm. Fjeldahl to approve the variance application for Paulette Zietz with the Township recommendation. Roll call: all voted yes; motion carried.

Memorandum 2

Application for a **plat** by Paulette Zietz for the following described property:

Proposed Outlot 4 being a portion of Lot B of Outlot 1, 11-152-82, Newman Township

The plat application is for an outlot to be created to surround an existing inert landfill for selling to the user. Newman Township recommends approval and recommends a fence be erected around the proposed outlot. 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. Fjeldahl, seconded by Comm. Louser, to approve the plat application for Paulette Zietz with the Township recommendation. Roll call: all voted yes; motion carried.

Travis Schmit, Assistant County Engineer, appeared and presented a cleanup order from First District Health Unit for the old KOA campground. It has been requested that the property be mowed and the structure inspected for structural integrity. If sound, the building is to be boarded up and if not, demolished. Cost of cleanup is to be added to the property taxes.

Moved by Comm. Louser, seconded by Comm. Weppler, to direct the Highway Department to work with the Building Inspector to complete the cleanup as directed and add the costs incurred to the property taxes. Roll call: all voted yes; motion carried.

Ryan Kamrowski present the following Tax Roll Corrections:

1. Parcel was split created parcel # HN07005U010000 removing 40 acres ag land:

<b>Property Owner</b>	<b>Description</b>	<b>Valuation Year</b>	<b>Old True &amp; Full</b>	<b>New True &amp; Full</b>	<b>Old Taxable Value</b>	<b>New Taxable Value</b>
Fischer, James & Sharon et al	HA070010000000 NE Less W2W2NE S7-151-87	2018	\$122,400	\$91,800	\$6.120	\$4,590

2. New parcel was split from HN07005U010000 adding ag land value:

<b>Property Owner</b>	<b>Description</b>	<b>Valuation Year</b>	<b>Old True &amp; Full</b>	<b>New True &amp; Full</b>	<b>Old Taxable Value</b>	<b>New Taxable Value</b>
Fischer, Joel	HN07005U010000 W2W2NE	2018	\$0.00	\$30,600	\$0.00	\$1,530

3. Reduction based on recent inspection, recent listing for sale and income & expenses:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Bahl, Jo & Mark	MI272882530200 Olts S27-155-83 SESE Olt 20	2018	\$672,000	\$586,000	\$30,240	\$26,370
Bahl, Jo & Mark	MI272882530200 Olts S27-155-83 SESE Olt 20	2017	\$685,000	\$599,000	\$30,825	\$26,955
Bahl, Jo & Mark	MI272882530200 Olts S27-155-83 SESE Olt 20	2016	\$739,000	\$653,000	\$33,255	\$29,385

4. Assignment change for lease of T-Hanger 9/5/2017:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
City of Minot c/o Bryan Sharp	MI37A680800213 Minot International Airport 2nd Addn. Lot 2 Block 8 Hangar #14	2017	\$13,000	\$10,000	\$650	\$500
City of Minot c/o M20K LLC c/o Quan, William	MI37A680800216 Minot International Airport 2nd Addn. Lot 2 Block 8 Hangar #12	2017	\$13,000	\$10,000	\$650	\$500

5. Property purchased by the City of Minot 8/18 pro-rate value 7 months:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
City of Minot	MI244500000020 Carlsons R/A of Lot 1 Block 1 Lot 2 Plus ½ Vacated Alley	2018	\$106,000	\$62,000	\$4,770	\$2,790
City of Minot	MI244540400171 Torbensons 3rd Addn. Lots 15, 16, & 17 Less Portion Great Northern ROW Plus ½ Vacated Alley Blk 4	2018	\$176,000	\$117,000	\$8,800	\$5,850

6. Non-profit property sold 6/18 pro-rate 6 months:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Rolly Ackerman	MI2423820000050 Original Minot Addn. Lots 2, 3, 4 & 5 Less Railway Block 20	2018	\$0.00	\$59,000	\$0.00	\$2,950

7. MFH burnt down 5/18 value pro-rated for 4 months:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Behm, Judy	MI5104179 Western Village Lot 77	2018	\$11,000	\$3,667	\$495	\$165

Moved by Comm. Rostad, seconded by Comm. Fjeldahl, to approve Tax Roll Corrections. Roll call; all voted yes; motion carried.

Under Old Business, the Commissioners reviewed the Ordinance – 2018 Ward County Alcoholic Beverage Retail Sale Licensure and Regulations in Ward County, North Dakota Excepting Incorporated Cities. In Section 3, recommended fees for golf courses are as follows:

9. Golf Course Alcoholic Beverage License (on-sale and off-sale) \$1,000.00
10. Golf Course Beer and Wine License (on-sale and off-sale) \$500.00
11. Golf Course Alcoholic Beverage License (on-sale only) \$750.00
12. Golf Course Beer and Wine License (on-sale only) \$375.00

Moved by Comm. Wepler, seconded by Comm. Fjeldahl, to add the fee language indicated above to Section 3, add the language, “as set in Section 3,” to Section 4.B. and approve the Ordinance upon first reading. Roll call; all voted yes; motion carried.

The Commissioners revisited the document received from Motley Rice, Ferrer Poirot Wansbrough, Fears Nachawati, McNamee Hosea and Salazar Sullivan Jasionowski regarding opioid counsel. Burleigh and Cass counties are filing suits on their own and working with their own counsel. The Attorney General is filing on behalf of all the counties in the State.

Moved by Comm. Wepler, seconded by Comm. Fjeldahl to Receive and File the document from Motley Rice, Ferrer Poirot Wansbrough, Fears Nachawati, McNamee Hosea and Salazar Sullivan Jasionowski. Roll call; all voted yes; motion carried.

Moved by Comm. Fjeldahl, seconded by Comm. Louser to respond to the email received from Motley Rice, Ferrer Poirot Wansbrough, Fears Nachawati, McNamee Hosea and Salazar Sullivan Jasionowski stating that we are not interested in meeting at the present time. Roll call; all voted yes; motion carried.

And finally, Ms. Smestad presented a comparison of the Vote-by-Mail precincts as the primary election in June was the first time for Vote-by-Mail in Ward County.

Moved by Comm. Wepler, seconded by Comm. Fjeldahl to Receive and File the Vote-by-Mail statistics. Roll call; all voted yes; motion carried.

Devra Smestad appeared:

Moved by Comm. Wepler, seconded by Comm. Rostad, to Receive and File the following correspondence: Emergency Management – Ward County MHMP Approval Package. Roll call; all voted yes; motion carried.

Moved by Comm. Fjeldahl, seconded by Comm. Louser, to approve the event permits for LawDawgs (2) and the VFW. Roll call; all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Louser to recognize the Minot Air Force Base Breast Cancer Awareness Committee as a public-spirited organization. Roll call; all voted yes; motion carried.

Moved by Comm. Louser, seconded by Comm. Wepler to approve the Raffle Permit for the Minot Air Force Base Breast Cancer Awareness Committee. Roll call; all voted yes; motion carried.

Comm. Walter presented two letters from KLJ and Apex regarding wind tower projects. Two projects are under consideration and KLJ and Apex are requesting comments. Moved by Comm. Rostad, seconded by Comm. Wepler to Receive and File the letters from KLJ and Apex. Roll call; all voted yes; motion carried.

Moved by Comm. Rostad, seconded by Comm. Louser to approve two corrective deeds for Parcels MK220990000030 and MK220990000060 to correct the actual taxes owed by the owners of each parcel. Roll call; all voted yes; motion carried.

Stephanie Hoffart from the Minot Area Development Corporation appeared to request support and sponsorship for a grant from the Consolidated Rail Infrastructure and Safety Improvement Program for additional rail in the Minot Industrial Park. Ward County is being asked to sponsor the grant as the MACD is a private entity and therefore not directly eligible to receive funds the grant program. Ward County will have no financial liability.

Moved by Comm. Wepler, seconded by Comm. Fjeldahl to sponsor and support the grant application for the Consolidated Rail Infrastructure and Safety Improvement Program. Roll call; all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Louser, to approve the following payroll amendment: Mahoney, R. – Sheriff's Department (Level 24). Roll call; all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Rostad to change the language on the Application for Event Permits to read, "must be filed with the County Auditor/Treasurer at least 14 days before a regular scheduled commission meeting prior to the event." Roll call; all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Rostad to receive the information provided by Devra Smestad from a recent meeting with the NDACo. Ms. Smestad recommended the Commissioners review the information prior to the NDACo conference in October. Roll call; all voted yes; motion carried.

Comm. Fjeldahl brought forward the issue of building security. This came up in the interviews for the IT position. He suggested that a formal committee be selected to begin the process of determining what steps need to be taken in regard to building Security. Moved by Comm. Fjeldahl, seconded by Comm. Louser, to form a committee to include personnel from the Library, Human Resources, Social Services, IT Department, Sheriff's Department, State's Attorney's Office, Facilities, Extension Services, Comm. Fjeldahl and Comm. Rostad. Roll call; all voted yes; motion carried.

Ms. Smestad reminded the group that budget hearings are scheduled for September 11, 2018 at 6:30 p.m. in the commission chambers.

At 10:35 a.m. with no further business, the meeting was adjourned.