

October 2, 2018

The Williams County Commission met in regular session this 2nd day of October, 2018 beginning at 8:00 AM in the Commission Room of the Williams County Administrative Building.

Chairman Montgomery called the meeting to order. Innis took roll call of: Ramberg-here, Aberle-here, Hanson-here, and Kemp-absent.

There being a quorum, Chairman Montgomery proceeded.

Ramberg moved Hanson seconded approval of the consent agenda:

1. Abatements-2017 Richard/Coreen Beard Homestead Credit Happy Acres Addition L14 & E 1' L13 & W 21' L15 B1 City of Williston; 2016/2017/2018 William Cole Homestead Credit Gauthier 2nd Subdivision S 20' of L22 & N 40' L23 City of Williston; 2017 Carolyn English value adjustment Epping Ranch Subdivision Lot 4 Block 11 Springbrook Township; and 2017 Secretary of Housing/Urban Development value adjustment City of Williston Volney 3rd Rearrangement L10 B5. Assessor's Errors- 2018 Carolyn English Springbrook Township Epping Ranch Subdivision Lot 4 Block 11 was 228,900 now 95,400; 2018 Kupper P&E LLP Equality Township Kupper Subdivision Lot 2 Block 1 was 557,500 now 453,000; 2018 Laura/Todd Nygard City of Williston Russell Rearrangement L2, 3 was 273,200 to 268,900; and 2018 Bonny Marmon Stony Creek Township NWSE EX DD PTS Section 27 T154 R100 was 170,170 now 148,070. Prorate of Assessment- 2018 Secretary of Housing/Urban Development L10 B5 Volney 3rd Rearrangement City of Williston was 288,300 now 0.
2. Bills to be paid October 3rd.
3. Duplicate Warrants- Anthony Carlson check #087059 issues 9/19/18 \$1,364.93 payroll check and Jennifer Friesen Check #083544 issued 10/4/2017 \$107.41 reimbursement of flex fees. **(Copy included in minutes)**
4. Cancellation of Treasurers Checks and Warrants. **(Copy included in minutes)**
5. John Lucero- attend Lock Smith School- Seattle WA October 29-November 2.
6. Marsha Hughes/Shawn Teske- attend Train the trainer for Mental Health in Juvenile Justice Training New Orleans LA November 7-9.
7. 1% Public Safety Award- Wildrose Fire Protection District- \$20,580.64; Trenton Volunteer Fire Department- \$114,000.00, \$399,934.00, and \$116,000.00. **(Copy included in minutes)**
8. September 4th and 18th minutes.
9. Culvert Petition- Climax Township. **(Copy included in minutes)**

Roll call vote: Ramberg-yes, Aberle-yes, Montgomery-yes, and Hanson-yes. Motion carried.

Sam Henderson, Planning/Zoning Official presented Planning/Zoning items.

Request to transfer Conditional use Permit to new owner and removed time condition presented for Terri Sorenson/KRS Enterprises, Kevin Sorenson with Terri Sorenson present. The applicant recently purchased the property and requests the existing CUP for a caretaker's residence be transferred to them and to remove the 5 year time limit placed on the original CUP. Sorenson stated that there has been a lot of vandalism and they are planning on changing the mobile home to a smaller unit. Hanson moved Aberle seconded to follow the recommendation of Planning/Zoning of approval located Lots 1, 2, & 3 Poison Springs Subdivision Section 33 T156 R101 Tyrone Township with conditions of approval to allow only one caretaker on site, regardless of shift work; the CUP shall not be transferrable at the time of sale of the property and/or business; approval for 5 years (until July , 2020); no children shall be allowed to

live within the facility; building permits, inspections shall be required for all structures on sites; and provide and maintain trackout pad. Roll call vote: Aberle-yes, Montgomery-yes, Hanson-yes, and Ramberg-yes. Motion carried. (Terri Sorenson/KRS Enterprises, Kevin Sorenson)

Conditional use Permit for Home Occupation use for salon presented for Cody Hering/Nick Erickson with Cody Hering present. The applicant is requesting to operate a Home Occupation on the property, specifically a one chair, one stylist salon. Aberle moved Hanson seconded to follow the recommendation of Planning/Zoning of approval located as Sublot 4 in E2SE Section 9 and S2SW Section 10 T153 R102 Trenton Township with conditions that all provisions of Chapter 6-4 of the Williams County Zoning Ordinance shall apply. Roll call vote: Montgomery-yes, Hanson-yes, Ramberg-yes, and Aberle-yes. Motion carried. (Cody Hering/Nick Erickson)

Request to Update the Zoning Classification of the Properties Shown as the Repealed Commercial District in Section 30 Judson Township to Heavy Industrial presented by Planning Zoning Staff with various owners. Staff is requesting to update the classification of the properties in Judson Township Section 30 shown as the Commercial on the Zoning map to the current Heavy Industrial District. Judson Township recommends approval with a turning lane installed on Highway 1804. This is out of the staff's control. This request from the Township is due to the number of recent accidents. The Commission requested Karen Prout, Special Assistant States Attorney to write a letter to the NDDOT to do a study on the possibilities of putting in turn lanes for public safety due to fatality accidents. Prout was requested to bring the letter to the next meeting for signatures from the Commission and to work with Henderson. Ramberg moved Aberle seconded approval of the changes located in E2 & SE2 Section 30 T154 R102 Judson Township. Roll call vote: Hanson-no, Barry-yes, Wayne-yes, Montgomery-yes, and Montgomery-yes. Motion carried. (Planning Zoning Staff with various owners)

Variance presented for David/Darla Heilman, both present. Henderson gave a history of the application. There is a request for additional roadway easement though part of their home. They are trying to sell their home. Ramberg moved Hanson approved to allow the variance of no additional roadway easement. Roll call vote: Ramberg-yes, Aberle-yes, Montgomery-yes, and Hanson-yes. Motion carried. (David/Darla Heilman)

Kameron Hymer, Development Services Director introduced the new Planner, Taylor Dawson, which was an internal transfer.

Kristi Hanson, Finance Official presented the Bank of North Dakota Loans for Commission review.

General Fund Balance as of 9/30/2018	\$ 50,659,194
Transfer to the Social Services Building Improvement Fund	\$ (4,657,769)
BND- County Highway Complex Loan Payoff	\$ (5,892,948)
Weed Control Final Payment toward Highway Complex	\$ 207,848
Remaining General Fund Balance	\$ 40,316,325

Master Facility Bank of North Dakota Loan	
Fund 14- 1% Sales Tax Grant for the LEC Expansion	\$ 3,362,960
Master Facility Loan Balance as of 9/30/2018	\$ 6,579,224
10/2/2018 Advance	\$ 1,703,676
Prepayment	\$ (3,362,960)
Loan Balance	\$ 4,919,940
Going forward apply the \$166,667 monthly to this loan	

(Copy included in minutes)

Hanson moved Ramberg seconded approval of Transfer Order #309 of \$207,848.00 from Weed Control to Fund 114 Debt Service. Roll call vote: Aberle-yes, Montgomery-yes, Hanson-yes, and Ramberg-yes. Motion carried. (Copy included in minutes)

Aberle moved Hanson seconded approval of Transfer Order #310 \$4,657,769.00 from the General Fund to Fund 118 Social Services Building Improvement Fund and \$5,658,100.00 from General Fund to Fund 114 Debt Service to pay off the Bank of North Dakota Loan on the County Highway Complex loan; Claim Voucher of \$3,362,960.00 for pay down of the Bank of North Dakota Facility Loan with the principal balance as of 9/30/2018 \$6,579,224.00; and Requisition No. 9 to the Bank of North Dakota in the amount of \$1,703,676.21 for the Master Facility Loan. Roll call vote: Montgomery-yes, Hanson-yes, Ramberg-yes, and Aberle-yes. Motion carried. (Copy included in minutes)

Sheriff Verlan Kvande gave kudos to the Correctional Center Staff as they have a few items to be corrected on the DOCR audit. Good work. The Café issue is getting better.

Darcy Anderson Valuation/Equalization Director introduced Shelby Piper, new assessor who will be working with the City of Williston and Mobile Homes.

Ramberg moved Hanson seconded the Williams County Funding Request for the Grenora Community Senior Citizens Center in the amount of \$50,000.00 as applied for. Roll call vote: Montgomery-yes, Hanson-yes, Ramberg-yes, and Aberle-yes. Motion carried. (Copy included in minutes)

Ramberg moved Aberle seconded adoption of the Agreement between Williams County and the City of Williston for Collection and Disbursement of 9-1-1 Fee and to leave the collection of fees split as is with 75% to the City of Williston and 25% to the County. Roll call vote: Hanson-yes, Ramberg-yes, Aberle-yes, and Montgomery-yes. Motion carried. (Copy included in minutes)

Aberle presented items for Dennis Nelson, County Highway Superintendent. Aberle stated that they may have to purchase new blades if they can find employees to operate them. Discussion was held on blading and the time being spent on blading, which is up to Nelson.

Aberle moved Ramberg seconded to raise the County highway R/O/W easement payment to \$1,200.00 per acre. Roll call vote: Ramberg-yes, Aberle-yes, Montgomery-yes, and Hanson-yes. Motion carried.

Wayne Crow, Ackerman Estvold reported that Tyrone and Missouri Ridge Townships got together concerning the 60th St NW Special Assessment District. Crow stated that they don't have the money to bond the project, which will be approximately \$3M. The project will end up to be 3 miles which will include 2.5 miles which is Heinen Subdivision. Discussion was held on 58th St NW in Missouri Ridge Township going east past the Ramada Inn. Crow stated that the two projects could be tied together. This project would cost approximately \$500,000.00. The bond counsel needs to know how to set up the paperwork and the dollar amount needed for both projects. These projects can be bid in the spring, but there has to be enough landowner's approval first. Ramberg moved Hanson seconded for the County to sponsor 60th St NW for the Special Assessment District based on landowner approval. Roll call vote: Montgomery-yes, Hanson-yes, Ramberg-yes, and Aberle-yes. Motion carried. Crow will keep the County in the loop.

Ed Rintamaki gave an update on the Muddy Valley Subdivision. On August 28 he met with the Williams County Staff to discuss the process for correcting the boundary line errors and the errors of the exterior subdivision boundary line. He was informed by staff that it would be recommended that the plat amendment would follow the current Williams County Subdivision Regulations for major subdivisions as

adopted in September 2015. It was also suggested by some staff that this plat amendment may not have to adhere to each of the current regulations. It was suggested that he go over the major subdivision regulations and present to the Commission a list of regulations that he thinks should be waived. After reviewing the regulations he thinks all of the current regulations should be waived. The plat should be recorded with the pertinent boundary line information depicting the new boundary line locations and the vacating of portions of the streets as originally platted. The scope of work for amending this plat is dealing solely with the existing boundary corner monuments, their location on the ground and creating an amend plat depicting the change from the original plat. This is the quickest way to fix the existing issues. If the Commission decides to require following the current major subdivision regulations, this will require a significant amount of time and cost to finalize this plat. A couple of items that will increase the time and costs are engineered design plans for the existing streets/drainage and a development agreement. These items are separate issues from the existing boundary line errors. Rintamaki has questions as who will pay for the design plans for the existing streets/drainage and development agreement; what if some of the current landowners don't agree with these requirements/costs; is the amended plat going to be held from being recorded until everyone agrees; and what about financial institutions that have provided mortgages for these properties? What happens when an individual decides to sell their property and these boundary issues haven't been resolved due to everyone not agreeing to the requirements? The current landowners have purchased their property based on the existing boundary corner monument locations, have made significant improvements to their property and are in agreement with leaving the boundary lines as they exist on the ground, as is the affected adjoining landowner. They are in agreement with resolving these issues and amending the plat as quickly as possible. Kristina Fesco questioned the roads as they are not up to standards and the drainage easements. Hymer stated that there is no development agreement and the roads were put in after the death of Jack Sjol. Travis Lingenfelter stated that he has lost the most amount of land, which is okay as Rintamaki has aligned the lots and the future homeowners can hopefully come together with the County for some common sense way to deal with the drainage and the roads and not put the burden on the landowners. Henderson stated that they can waive all the subdivision requirements; they can appeal the process; title opinion; final plat requirements; County not responsible for roads, ditches, drainage as he feels that is all up to the developer. There may have to be some financial security that would have to be put up in order to get these items completed. Henderson stated that they are not against Rintamaki in his request to waive certain requirements, but they believe it is still up to the developer to take care of work. This could be a civil matter between the landowners and the developer for the drainage, roads, and easements. Fesco stated that she spoke with the developer and she said it is not her responsibility. Chairman Montgomery stated that we will address the property boundary lines first. Rintamaki stated that he will submit the preliminary amended plat to Planning/Zoning. Hymer stated that they can't waive certain requirements as that will have to go before the Commission, but they will review the plat.

Hanson moved Aberle seconded approval of the Open Position report submitted from Helen Askim, HR Director of three positions County Highway- Equipment Operator, Development Services- Planning/Zoning Technician, and Social Services- Social Worker-Lead Worker. Roll call vote: Ramberg-yes, Montgomery-yes, Hanson-yes and Aberle-yes. Motion carried. (Copy included in minutes)

There being no further business the meeting adjourned at 9:24 AM.