

November 20, 2018

The Williams County Commission met in regular session this 18th day of November 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-absent, Aberle-absent, Hanson—here, and Kemp—here.

There being a quorum, Chairman Montgomery proceeded.

Hanson moved Kemp seconded approval of the consent agenda:

1. Abatements- 2017/2018 Farm Residence Exemption- Robert Gannaway Mont Township NWNE Section 26 T155 R102 and 2017 Homestead Credit- Peggy Slough Bruegger's Addition L4 EX S 10' B1 City of Williston.
2. Bills to be paid November 21st, fees from the various departments of Register of Deeds- \$90,190.70, Sheriff- \$448,603.25, and Auditor- \$1,785.00 totaling \$540,578.95.
3. October 2018 Financials. (Copy included in minutes)
4. Culvert petitions- Blacktail and Hebron Townships. (Copy included in minutes)
5. Transfer order #313 of \$3,000,000.00 from General Fund to the Emergency Fund; \$5,000,000.00 from General Fund to County Reserve; \$287.48 from EOC Fund to General Fund; and \$4,650.94 from Water-Egypt Fund to County Parks Fund. (Copy included in minutes)

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

Kemp moved Hanson seconded approval of the meeting dates of January 8, 2019 and January 22, 2019 due to the first Tuesday falling on January 1, 2019. Roll call vote: Hanson- yes, Kemp-yes, Montgomery-yes. Motion carried.

Ramberg arrived at 8:07 AM.

Kameron Hymer, Development Services Director gave a summary of the appeal for Ed Rintamaki- MS16-0076 (original plat number). Rintamaki is appealing the requirement to show measured and record bearings/distances on his re-subdivision as required by 4-5-2 #7 Ordinance. Rintamaki handed out a document titled "Conflicting Elements" to the Board with hi-lighted sections on pages 2, 6, and 7 stating his case. Rintamaki stated that the information is not pertinent as he is the surveyor of record on the original plat. On the original plat it was not required to have the original distances filed and he was never given a good reason why he needs to do it now. Some of the records he has researched in our County records have them on it and some don't. Pat Beebe, our County Surveyor has some that don't have them on it. Ramberg stated that we need to hold ourselves to the same standards as required by the public. Beebe stated that when Ray Pacheco was the Planning/Zoning Supervisor (when these documents were recorded) the ordinances did not require them to be stated on the plat, but the regulations were changed about one (1) year ago and are now required. Beebe stated that this is the first case of someone not wanting them on the plat to be recorded, everyone else has complied with the regulation. This is the title sequence from an original parcel that was platted to make sure the boundary lines close and for the protection of the landowner and surveyor. This is more than the minimum requirements from the State in the NDCC. It is in the Federal rule of elements of survey. Hymer stated that this is a requirement recommended by staff. Rintamaki stated that if there was a mistake that as the surveyor of record it would be his responsibility to stand behind his surveys. Kemp moved to follow the recommendation of staff. Died for a lack of a second. Hanson moved Ramberg seconded to grant

the appeal. Hanson stated that the re-subdivision meets the state statute and he doesn't think it will cause a problem. Ramberg stated that a licensed surveyor should meet the State requirements. Kemp asked how many more of these situations did not ask for this and Beebe stated that he explained all of the three (3) cases. Ramberg stated that we keep piling on more making things tougher and if a licensed surveyor causes problems make them accountable for their mistake. Kemp-no, Ramberg-yes, Montgomery-no, and Hanson-yes. Due to the tie vote Karen Prout, Special Assistant States Attorney advised the Commission to hold this issue over to the next meeting when a full Board will be present. Innis will put it on the agenda.

Hanson moved Ramberg seconded authorizing the Chairman to sign the Social Services Building Expansion Contract with JLG as summarized. Roll call vote: Ramberg-yes, Montgomery-yes, Hanson-yes, and Kemp-yes. Motion carried. (Copy included in minutes)

8:23 AM Chairman Montgomery tried to call Brad Prchel concerning the Tax Abatements for Menards and El Rancho with no answer. He will try back later in the meeting.

Darin Langerud, with the Weather Modification gave an overview of the program and cost review for 2018. Langerud stated that the trial program has ended for Burke County and they put it on the November ballot and it failed, so they will no longer be included in the program. He reviewed the three (3) studies that are currently underway. He spoke on some legislative issues involving funding and Montgomery requested to be keep in the loop by contacting Helen Askim (HR Director) or Lindsey Harriman (Communications Official) to relay the information to the Commission. Discussion was held on putting a radar station in the Williston area, possibly at the new airport as we have no radar coverage in our area and this may have benefitted McKenzie County from the last storm event and aid in public safety. The radar systems in Stanley, Bismarck, and Glasgow MT can't report radar for our area. This discussion was started due to the possibility of having the radar system in Stanley going full time versus just for this program. The costs would be around \$1M+ to get a full-time radar system. The radar system would have a 100-mile radius which would greatly help our region. No action was taken at this time.

At 8:48 AM, Chairman Montgomery opened the public hearing for the 2016 Tax Abatements or Refund of Taxes for the El Rancho LLC B1 L1 thru 7 & 12 thru 18 plus N 50' vacated alley and B1 L 10-11. Brad Prchel and Lane (last name unknown) present on speaker phone. Prchel went through the per room valuation, sales of other motels, no income data was received for the income approach. Darcy Anderson, Tax Director stated that the current valuation on the property is based on the original assessment, when built, and annual adjustments and reappraisals over time, based on market analysis and applied to all properties with similar occupancies and uses. They arrived at their values using the same valuation methodology and approaches that they have used to arrive at the valuations of all other similar properties in the city. The applicant has provided a sampling of comparable sales. However, none of the sales dates are within the assessment time frame for the 216 assessments. Only sales that occurred in 2013 through 2015 are useable for their assessment analysis. No analysis of the included sales was included in the information provided by the applicant. The applicant has provided no evidence or proof that the assessment is in error or has been done in an arbitrary, unreasonable, or capricious manner. She recommends that the application be denied as the City of Williston did on November 13. Hanson moved Ramberg seconded to stay with the Assessor's Office as presented. Roll

call vote: Hanson-yes, Kemp-yes, Ramberg-yes, and Montgomery-yes. Motion carried. (Copy included in minutes)

Lane presented the analysis for the Menards abatement which were sales outside of the region. Anderson stated after Lane gave his report stated that the information consisted of a single page of 30 sales and 21 active listings from states other than North Dakota. All the sales are outside of the local market and the vast majority are “dark stores”, properties that have been put up for sale after going vacant, usually in poorer locations than the subject property. Of the 30 sales, only 11 occurred within the assessment time frame. The applicant provided no appraisal, value analysis, or indication of exactly how their requested value was arrived at. They have provided no evidence or proof that the assessment is in error or has been done in an arbitrary, unreasonable, or capricious manner. The applicant has filed abatements on other Menard stores across North Dakota on the final few days leading up to the statutory deadline to file for the 2016 tax year. The City of Williston Commission heard this abatement November 13 and denied the application. She recommends denial. Ramberg moved Hanson seconded that the application for abatement or refund of taxes for the 2016 tax year for Menard, Inc. be denied. Roll call vote: Kemp-yes, Ramberg-yes, Montgomery-yes, and Hanson-yes. Motion carried. (Copy included in minutes)

Carl Frisinger spoke with the Commissioners regarding an issue with the County Highway Department as there are trees and brush in the ditch along County Road #23 and he stated that he asked Dennis Nelson, County Highway Superintendent a year ago to take care of them and he hasn't done it. Frisinger stated that if the County Highway Department tears down his fence they are responsible for putting it back up. Nelson will take care of the situation.

Hanson moved Kemp seconded approval for the repurchase and authorization for the Chairman to sign the deed for James/Tina Mulkey in the amount of \$3,129.26 located in T153 R103 Section 5 MS13-0048 in Gvt L 3, 4 in N2NW. Roll call vote: Ramberg-yes, Montgomery-yes, Hanson-yes, and Kemp-yes. Motion carried.

Hanson moved Ramberg seconded approval for the repurchase and authorization for the Chairman to sign the deed for Alan Roness in the amount of \$266.11 located in Judson Township T154 R102 Section 11 N2SW. Roll call vote: Montgomery-yes, Hanson-yes, Kemp-yes, and Ramberg-yes. Motion carried.

Hanson moved Ramberg seconded approval for the repurchase and authorization for the Chairman to sign the deed for Jennifer DeMoe in the amount of \$4,071.01 located in the City of Tioga Simons Addition Lot 4 Block 8. Roll call vote: Hanson-yes, Kemp-yes, Ramberg-yes, and Montgomery-yes. Motion carried.

Hanson moved Kemp seconded approval of the repurchase and authorize the Chairman to sign the deed for DBSM Properties LLC in the amount of \$2,538.66 located in the City of Tioga Simons Addition Lot 6 & N 40 ft of vacated 2nd St Block 18. Roll call vote: Kemp-yes, Ramberg-yes, Montgomery-yes, and Hanson-yes. Motion carried.

Hanson moved Ramberg seconded approval of the repurchase and authorize the Chairman to sign the deed for Elite Oilfield Services LLC in the amount of \$12,473.89 located in the City of Williston Saddle

Ridge Subdivision Lot 2 Block 2. Roll call vote: Ramberg-yes, Montgomery-yes, Hanson-yes, and Kemp-yes. Motion carried.

Chairman Montgomery and Kemp updated the Commission on the CMAR selection process and the interviews. The Committee recommends the hiring of JE Dunn- consolidated construction for the CMAR for the Social Service Remodeling Project. Montgomery moved Kemp seconded to follow the recommendation of the Committee and hire JE Dunn as the CMAR for the Social Services Remodeling Project. Roll call vote: Montgomery-yes, Hanson-yes, Kemp-yes, and Ramberg-yes. Motion carried.

Tom Selby donated a post card selection for the County to scan, for County use only. Askim presented a document that the donor and the County Commission will sign for the use and handling of these historical documents. Hanson moved Kemp seconded authorizing the Chairman to sign the Historical Scan Document as presented. Roll call vote: Hanson-yes, Kemp-yes, Ramberg-yes, and Montgomery-yes. Motion carried. **(Copy included in minutes)**

Hanson moved Ramberg seconded approval of the Open Positions report for one Administrative Assistant for Social Services presented by Helen Askim HR Director. Roll call vote: Hanson-yes, Kemp-yes, Ramberg-yes, and Montgomery-yes. Motion carried. **(Copy included in minutes)**

Chairman Montgomery thanked Commissioner Hanson for his 11 years of service to Williams County and wished him good luck in his retirement. Commissioner Hanson thanked the employees of Williams County.

There being no further business, the meeting adjourned at 9:28 AM.