

December 4, 2018

The Williams County Commission met in regular session this 4th day of December 2018 beginning at 8:00 AM in the Commission Room of the Williams County Administrative Building.

Innis administered Oaths of Office to newly elected Commissioners: Beau Anderson- Commissioner District #1; Cory Hanson- Commissioner District #3; and Commissioner Barry Ramberg- Commissioner District #5.

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

There being a quorum, Innis proceeded.

Time for re-organization of the Board. Innis called for nominations for Chairman. Kemp recommended Montgomery for Chairman. Ramberg moved Anderson seconded to cease nominations and cast a unanimous ballot for Montgomery for Chairman. Innis called for roll call vote for Montgomery for Chairman-Ramberg-yes, Hanson-yes, Montgomery-yes, Anderson-yes, and Kemp-yes. Motion carried.

Chairman Montgomery called for nominations for Vice-Chairman. Anderson recommended Kemp for Vice-Chairman. Ramberg moved Hanson seconded to cease nominations and cast a unanimous ballot for Kemp for Vice-Chairman. Roll call vote: Hanson-yes, Montgomery-yes, Anderson-yes, Kemp-yes, and Ramberg-yes. Motion carried.

Ramberg moved Kemp seconded approval of the consent agenda:

1. Bills to be paid December 5th.
2. 1% Public Safety Award- Epping Fire- \$72,881.68 and \$16,433.42; Grenora Fire Department- \$423,000.00; and Williston Rural Fire Department- \$17,757.54. **(Copy included in minutes)**
3. Mike Smith to attend the FEMA Training Class Rescheduled- February 11th-15th in Emmitsburg MA (approved August 2018) and March 4th -7th Oklahoma City OK- National Disaster Symposium/Tornado Summit.
4. November 2018 minutes.

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

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

Variance to create two (2) lots less than 40 acres in Agriculture District and not to dedicate any drainage easements or improve roads for Ed Rintamaki/Charles H Keever with Ed Rintamaki present. The applicant states that 121st Road NW is improved access for the existing farm house but is marked as a Dead End and Private Road but shown on the plat map as a public access road with a 75' wide easement either side of the centerline on the subject property. There is another public roadgoing through the north end of the property that is shown on the plat map with a 150' easement on the subject property. The applicant has requested that there be no requirement to make any improvements to these roads. Previously the property owners were granted an appeal from the Commission to not dedicate any additional roadway easement along the section lines. Ramberg moved Kemp seconded to follow the recommendation of Planning/Zoning of approval located W2SW Section 21 T154 R98 with conditions to adhere to Williams County Subdivision Ordinance and NDCC; provide record information for public access to protect; and successful completion of minor subdivision process. Roll call vote: Anderson- yes,

Kemp-yes, Ramberg-yes, Hanson-yes, and Montgomery-yes. Motion carried. (Ed Rintamaki/Charles H Keever)

Conditional use permit for an additional dwelling on an Agricultural parcel for C. Wayne Vance with Vance present. The applicant is requesting the CUP as he removed the mobile home on the property and is applying for a building permit to replace it with a newer model. Ramberg moved Hanson moved to follow the recommendation of Planning/Zoning of approval located NE Section 2 T154 R97 with conditions to provide for 75' road easement north of the State's easement on the east section line and along the north section line and provide for positive drainage. Roll call vote: Kemp-yes, Ramberg-yes, Hanson-yes, Montgomery, and Anderson-yes. Motion carried. (C. Wayne Vance)

Conditional use permit for an existing water depot for Jodi Riehl- Ames Savage Water Solutions/William Sheldon with no one present. Kemp moved Ramberg seconded to follow the recommendation of Planning/Zoning of approval located in SNE4 Section 18 T154 R96 with conditions to update contact list with Highway Department (both primary and secondary); provide water to Williams County as needed; and comply with all conditions of approval for previous CUP (LU-0043-16). Roll call vote: Ramberg-yes, Hanson-yes, Montgomery-yes, Anderson-yes, and Kemp-yes. Motion carried. (Jodi Riehl- Ames Savage Water Solutions/William Sheldon)

Zone change from Agricultural to Urban Residential for Darla Heilman/Darla/David Heilman for a proposed two (2) acre lot with no one present. The applicant currently owns one (1) acre parcel and has obtained an additional acre from a neighboring property. They have applied for a minor subdivision to combine the two (2) into a two (2) acre parcel. Ramberg moved Kemp seconded to follow the recommendation of Planning/Zoning of approval located in S2SWSWSW Section 6 T156 R95 with conditions to adhere to NDCC and Williams County Ordinance; adhere to Water Board if needed; and completion of the minor subdivision process. Roll call vote: Hanson-yes, Montgomery-yes, Anderson-yes, Kemp-yes, and Ramberg-yes. Motion carried. (Darla Heilman/Darla/David Heilman)

Conditional use permit for bulk fuel storage for Chris Schroeder/Jason Wolla/Wolla Oilfield Services LLC. with Chris Schroeder/Jason Wolla present. There are existing fuel tanks on the location already and the applicant would like to add an additional 15,000 gallon propane tank. The Fire Inspector is satisfied. Ramberg moved Kemp seconded to follow the recommendation of Planning/Zoning of approval located as Lot 3 TCN Ranch Subdivision Section 33 T156 R101 with conditions to provide plot and grading plan; adhere to Williams County Water Board requirements; and applicant shall obtain approval from the Williams County Building Division, including the Fire Inspector, prior to installation of the new 15,000 gallon tank. Roll call vote: Montgomery-yes, Anderson-yes, Kemp-yes, Ramberg-yes, and Hanson-yes. Motion carried. (Chris Schroeder/Jason Wolla/Wolla Oilfield Services LLC.)

Henderson reported on the appeal from Ed Rintamaki (SP-0122-18 and SP-0149-18) considering the re-subdivision and not doing the recorded and measured distances and bearings. This was a request from the County Highway Department (Pat Beebe). Henderson stated that this is not required, but if the information is pertinent they can require the information. Beebe stated that the reason for this is to make sure the re-subdivision of the original parcel has no gaps and the bearings are not the same as the original plat. Beebe stated that this is not the first case of this requirement being requested. Rintamaki stated that he does show that information if he is doing the work from someone else's surveying, but this is his and it will cost the owner for him to go out and do this work. If there is a problem a Certificate of Correction can be filed due to problems with the CAD program where there could possibly be minor discrepancies. He could provide a calculated error if the parcel doesn't close. This is the only responsibility that he incurs and there is no liability to the County or County surveyor. Rintamaki stated

that there is nothing in the NDCC or County regulations regarding this issue. Kemp moved Ramberg seconded approval of the appeal as presented. Roll call vote: Anderson-yes, Kemp-yes, Ramberg-yes, Hanson-yes, and Montgomery-yes. Motion carried.

Cal Klewin gave the Commission an update on the Theodore Roosevelt Expressway. Funding is requested state by state for the project. Discussion was held on our state funding. Klewin reminded the Commission that the annual Port to Plains Alliance next fall meeting will be held in Williston.

Ramberg moved Hanson seconded authorizing the Chairman to sign the County Deed for Dustin/Megan Johnsrud for City of Epping Uggen Addition Lot 7 Block 8 and City of Epping Uggen Addition Lot 8 Block 8. Roll call vote: Kemp-yes, Ramberg-yes, Hanson-yes, Montgomery-yes, and Anderson-yes. Motion carried.

Kemp moved Hanson seconded authorizing the Chairman to sign the County Deed for Jason/Tanya Hill for Original Townsite of Temple (Haarstad) Lots 1 through 6 and Lots 9 through 16 Block 2; Lots 15 through 18 Block 3; Lots 17 and 18 Block 2; and Lot 13 Block 3. Roll call vote: Ramberg-yes, Hanson-yes, Montgomery-yes, Anderson-yes, and Kemp-yes. Motion carried.

Ramberg moved Kemp seconded authorizing the Chairman to sign the Detention Service Agreement between the Department of Corrections and Rehabilitation (DOCR), Division of Juvenile Services (DJS), Youth Correctional Center (YCC) and Williams County. Roll call vote: Hanson-yes, Kemp-yes, Montgomery-yes, Anderson-yes, and Ramberg-yes. Motion carried. (Copy included in minutes)

Kemp moved Ramberg seconded to set December 31, 2018 beginning at 8:00 AM for the year end meeting to pay year end bills. Roll call vote: Montgomery-yes, Anderson-yes, Kemp-yes, Ramberg-yes, and Hanson-yes. Motion carried.

The Board recognized Xavier Gutierrez and Skyler Lenzo for their outstanding accomplishments for achieving the rank of Eagle Scouts.

Hal Hickel present at the Commission meeting regarding section lines. The section lines he was discussing was View Township Section 16 and Sections 20 and 21. The one is a school section and he fixed the fence and took his cattle in by the section line and there is a prescriptive road there and he has been charged with criminal trespassing. The terrain is rugged between Sections 20 and 2, but he has permission from Larry Craft to go that way. Jordan Vance rents the land and now he has steel posts across the fence line. Hickel is looking for guidance on how to remedy this situation. Ramberg stated that he can't be denied access on a section line. Special States Attorney Karen Prout stated that she doesn't know all the details regarding section lines and this incident. She will contact the States Attorney's office for more information on the charges. Ramberg stated that a parcel of land can't be landlocked. In 2015 the east way was closed requested by Lavern Vance, so you must go in via the south route. Hickel reported that since July he has not seen his cattle as he has had it hired done due to the charges. Hickel explained the harassment that he has gone through since July. Prout stated that there is nothing that the Commission can do today due to the criminal charges and Hickel has an attorney. Prout will check into the charges further. Hickel asked who has the supervision over the Sheriff's Department. Chairman Montgomery stated that the Commission only has control over their budgets, as the Sheriff is elected.

Discussion was now turned over to Equality Township Sections 5 and 8. Hickel stated that there was a road there and now it has been taken out. The atlas shows the road. Hickel states that Tom Wheeler took the road out and he asked the Township to put the road back in and they will not. Hickel stated

that he is putting a home there. Prout stated that the section line is open for public travel and the Township doesn't have to maintain it or re-build roads. A trail is all that is required. Chairman Montgomery stated that this is a Township issue and if not then a legal issue.

Helen Askim, HR Director reported that there are no positions to fill at this time. (Copy included in minutes)

Discussion was held on the portfolio, re-appointments, and unexpired terms held by Wayne Aberle and Martin Hanson, former Commissioners.

Ramberg moved Kemp seconded to appoint Beau Anderson to fill the unexpired terms of Martin Hanson on the Tuition Appeals Committee ending 3/20/2020; Park Board ending 7/05/2020; and the Social Services Board ending 7/31/2020 and Cory Hanson to the unexpired terms of Wayne Aberle on the Park Board ending 7/5/2020 and Social Services Board ending 7/31/2019. Roll call vote: Ramberg-yes, Hanson-yes, Montgomery-yes, Anderson-yes, and Kemp-yes. Motion carried.

Kemp moved Anderson seconded the appointment of Kristi Hanson as the County Commission Representative to the Library Trustees filling the unexpired term of Cheryl Aberle, term ending 06/30/2020. Roll call vote: Hanson-yes, Montgomery-yes, Anderson-yes, Kemp-yes, and Ramberg-yes. Motion carried.

A meeting will be set up with the two funeral homes in Williston to discuss the County Morgue appointment to be made on December 18th.

Kemp moved Ramberg seconded designating Dr. Les Jaszczak as the Health Care Administrator for Williams County Correctional Center for the term of January 1, 2019 to December 31, 2019 pending contract approval. Roll call vote: Montgomery-yes, Anderson-yes, Kemp-yes, Ramberg-yes, and Hanson-yes. Motion carried.

Hanson moved Anderson seconded the appointment of Lindsey Harriman as the Williams County Representative delegate for the NDACo annual conference in October and delegate to the ND State Fair Board for the terms of 01/01/2019 to 12/31/2019. Roll call vote: Anderson-yes, Kemp-yes, Ramberg-yes, Hanson-yes, and Montgomery-yes. Motion carried.

Kemp moved Ramberg seconded the appointment of Beau Anderson to the Tri-County Regional Development Council for the term of 01/01/2019 to 12/31/219. Roll call vote: Kemp-yes, Ramberg-yes, Hanson-yes, Montgomery-yes, and Anderson-yes. Motion carried.

Anderson moved Kemp seconded the appointment of Cory Hanson as the County Commission Representative to the Upper Missouri River Regional Joint Dispatch Center Board of Authority for the term of 01/01/2019 to 12/31/2019. Roll call vote: Ramberg-yes, Hanson-yes, Montgomery-yes, Anderson-yes, and Kemp-yes. Motion carried.

Hanson moved Kemp seconded to appoint Barry Ramberg as the County Commissioner serving on the Williams County Planning and Zoning Board co-terminus. Roll call vote: Hanson-yes, Montgomery-yes, Anderson-yes, Kemp-yes, and Ramberg-yes. Motion carried.

Hanson moved Anderson seconded to appoint Steve Kemp to the Upper Missouri District Health Unit Board for a term of 01/01/2019 to 12/31/2023. Roll call vote: Montgomery-yes, Ramberg-yes, Anderson-yes, Kemp-yes, and Hanson-yes. Motion carried.

Ramberg moved Kemp seconded approval of the 2019 Portfolio assignments as presented. Roll call vote: Anderson-yes, Kemp-yes, Ramberg-yes, Hanson-yes, and Montgomery-yes. Motion carried. (Copy included in minutes)

Prout, Askim, and Chairman Montgomery will meet with the two County Morgues and make the yearly appointment at the next meeting.

Kristi Hanson, Finance Director reported that the road improvements for the City of Ray have been completed. Lonnie Fleck, Interstate Engineering sent in a reimbursement request for 75% of the cost up to a maximum of \$363,000.00 with the City of Ray responsible for the remainder of the funding. Ramberg moved Kemp seconded authorizing the Chairman to sign the funding request, authorizing Hanson to pay \$218,574.21 with one half funds to come from the Crew Housing Fund and the other one half from the Frost Law Fund. Roll call vote: Kemp-yes, Ramberg-yes, Hanson-yes, Montgomery-yes, and Anderson-yes. Motion carried. (Copy included in minutes)

Portfolio appointments will be posted on the website.

Kari Evenson, Treasurer/Recorder gave an update on the tax statements, they will be mailed out starting December 12.

There being no further business, the meeting recessed at 9:26 AM.