

**July 3, 2018**

The Williams County Commission met in regular session this 3<sup>rd</sup> day of July, 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-here.

There being a quorum, Chairman Montgomery proceeded.

Hanson moved Ramberg seconded approval of the consent agenda:

1. Bills to be paid July 3<sup>rd</sup>.
2. 1% Public Safety Awards- Tioga Police Department- \$1.5M. (Copy included in minutes)
3. Duplicate Warrants-Joleen Tinker- \$25.00 and Danielle Martin- \$704.19. (Copy included in minutes)
4. Approval of the May 2018 minutes.

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

Nathan Hall, Senior Planner presented Planning/Zoning items.

Zone update from Industrial (old) to Heavy Industrial (current) initiated by Development Services for James Lunnen/Nicholas Angel. Kemp moved Hanson seconded to follow the recommendation of Planning/Zoning staff of approval located as Lot 5 Valentina Subdivision Williston Township. Roll call vote: Aberle-yes, Montgomery-yes, Hanson-yes, Kemp-yes, and Ramberg-yes. Motion carried. (James Lunnen/Nicholas Angel)

Variance from Lot Size and Access Requirements presented for Ed Rintamaki/Gerald Backen/Barbara Hart/Katherine Backen-Anderson Trust with Ed Rintamaki present. The applicant is requesting a variance for a lot that is less than 40 acres in the agricultural district and a lot that does not front on a public road easement. The applicant is proposing a two-lot subdivision that would create an approximately 7 ½ acre lot around an existing saltwater disposal site. The applicant has proposed private access easement to connect the smaller lot to the unimproved section line along the east of the property. Hanson moved Ramberg seconded approval located in NE4 Section 33 T156 R99 Marshall Township with conditions to adhere to Williams County Ordinance and completion of the minor subdivision process. Roll call vote: Montgomery-yes, Hanson-yes, Kemp-yes, Ramberg-yes, and Aberle-yes. Motion carried. (Ed Rintamaki/Gerald Backen/Barbara Hart/Katherine Backen-Anderson Trust)

Variances to create 3 lots less than 40 acres in AG District and also not bring roadway easements and roads to current standards presented for Ed Rintamaki/Mark Brunelle with Ed Rintamaki present. The applicant is requesting a variance to create lots that are less than 40 acres in the AG District and not improve roadway easements and roads to current standards. The applicant has submitted a Re-Subdivision which would divide the subject property into 3 lots. Rintamaki stated that the roads within the re-subdivision are Township roads and the Township stated that the roads are sufficient. The Township maintains 49<sup>th</sup> and the landowner does the roads within the re-subdivision; there is already a written agreement to that effect. The parties will all take part in the maintenance. Ramberg stated that the roads should be left to the Township standards. Kemp moved Hanson seconded approval striking #2 of the conditions stating to improve roadways to County Standards located as Lot MS16-0077 in the NW4 Section 34 T154 R100 Stony Creek Township with the remainder of the conditions to adhere to Williams County Subdivision Ordinance and NDCC; project should have Williams County Water Board

approval; and complete minor subdivision process. Roll call vote: Hanson-yes, Kemp-yes, Ramberg-yes, Aberle-yes, and Montgomery-yes. Motion carried. (Ed Rintamaki/Mark Brunelle)

Conditional use permit for 2<sup>nd</sup> dwelling on a lot presented for Barbie Rodriguez/Carl Frisinger with Barbie Rodriguez present. The applicant would like to build a 2<sup>nd</sup> dwelling on a property that already has a dwelling to allow her to help on the ranch and help care for her father. Ramberg moved Aberle seconded approval located in the E2SE4 Section 9 T155 R95 Dry Fork Township with conditions that building permits and inspections shall be obtained as required by the current Building Code as adopted by Williams County; provide positive drainage; and approval from the Health Department for septic. Roll call vote: Kemp-yes, Ramberg-yes, Aberle-yes, Montgomery-yes, and Hanson-yes. Motion carried. (Barbie Rodriguez/Carl Frisinger)

Conditional Use Permit presented for Trevor Martin, XTO Energy/Nesson Gathering System LLC. with Trevor Martin present. The applicant would like to expand the existing gas plant to handle 100 million standard cubic feet per day in total gas out-put. The expansion will involve adding more tank batteries, another processing building, accessory structures, and additional compressor stations. Martin stated that they would like to expand from 25M to 100M to increase volumes. Aberle stated that the road past Holtes will need dust control. Martin stated that they will blade and apply dust control twice a year. Ramberg stated that they will need to do it more often like 4 times a year or as needed. Hanson questioned to the high speed of the trucks. Martin stated that they will follow the posted speed limits. Ramberg moved Aberle seconded to follow the recommendation of Planning/Zoning of approval located in the SW4NW4 except Sublot 1 Section 4 T156 R96 West Bank Township with conditions that building permits and inspections shall be obtained as required by the current Building Codes as adopted by Williams County, and dust control on the road at least 4 times a year with periodic maintenance. Roll call vote: Ramberg-yes, Aberle-yes, Montgomery-yes, Hanson-yes, and Kemp-yes. Motion carried. (Trevor Martin, XTO Energy/Nesson Gathering System LLC.)

Zone update from Commercial (old) to Rural Residential (current) presented for Keith Horob/Dennis Horob with Keith Horob present. Hanson moved Kemp seconded to follow the recommendation of Planning/Zoning of approval located as Sublot 2 in W2SW4 Section 21 T154 R103 Round Prairie Township with conditions that if zone change for a portion of lot, minor subdivision should take place and completion of minor subdivision process. Roll call vote: Aberle-yes, Montgomery-yes, Hanson-yes, Kemp-yes, and Ramberg-yes. Motion carried. (Keith Horob/Dennis Horob)

Conditional Use Permit presented for Dave Iadorola, Aurora Wind Project LLC/Multiple with a team of their representatives present. The applicant would like to establish a Wind Energy Facility with potential to generate 30 Omegawatts of electricity for distribution. They are also applying concurrently with this request for a CUP for a high voltage transmission line and variance to setbacks and blade clearance. This is the same group that did the Lindahl Wind Project. The team gave a presentation and overview of the project. The Townships involved have no position on the application. They are requesting a variance between the turbines and residents. They have received Federal subsidies that will expire in 2020. Hanson asked if they were going to flip the project. They stated yes and that it will be an Italian Company that is based in the US. The project still needs to go through the PSC, which requires bonds. A portion of the bonds are to take the turbines down and turn the land back to its original state. These bonds remain in place for the lifetime of the project. The easements are in place already. Loren Sandvold stated that he feels this is a good deal and does support agriculture, but this will help the landowners. He believes this will revitalize the rural economy and is in favor of the project. Tim Sundhagen was involved in the Lindahl Project and he is in favor of this project. The company is only the developers and they do intend to flip the project when it is completed. There are bonds in place for the

reclamation. He will receive energy from the project. He fully supports this project and would rather see wind turbines than oil wells. Ramberg moved Kemp seconded to follow the recommendation of Planning/Zoning of approval located in multiple sections in Hazel, Big Meadow, New Home, South Meadow, Champion, and Golden Valley Townships with conditions to complete Lindahl Project 100% prior to any approvals for Aurora Project; provide civil plans and obtain approval prior to any permits; provide bond estimates for any improvements and all haul roads; any changes to approved plans-submit changes and obtain approval prior to any installation, obtain Water Board approval; building permits and inspections shall be obtained as required by the current Building Code as adopted by Williams County; applicant shall work with Highway Department and Townships to document road conditions both before and after use; and any improvements required to roads for the project shall be completed at the applicant's expense. Roll call vote: Montgomery-yes, Hanson-no, Kemp-yes, Ramberg-yes, and Aberle-yes. Motion carried. (Dave Iadorola, Aurora Wind Project LLC/Multiple)

Variance from Wind Turbine setback requirements presented for David Iadorola, Aurora Wind Project LLC./Multiple with Dave Iadorola present. The applicant is requesting a variance to the requirement to set wind turbines back 1,400 feet from existing structures. The applicant would maintain the 1,400 foot setback from existing dwellings, but would like the setback reduced to 500 feet from existing and active above ground oil and gas wellhead and tank battery locations. Kemp moved Aberle seconded to follow the recommendation of Planning/Zoning of approval located in multiple sections in Hazel, Big Meadow, New Home, South Meadow, Champion, and Golden Valley Townships with conditions to obtain approval from all owners prior to approval in all cases; compliance with the Building Code currently adopted by Williams County throughout the construction of new structures; and variance shall only apply to distances from unoccupied structures. Roll call vote: Hanson-no, Kemp-yes, Ramberg-yes, Aberle-yes, and Montgomery-yes. Motion carried. (David Iadorola, Aurora Wind Project LLC./Multiple)

Conditional Use Permit presented for David Iadorola, Aurora Wind Project LLC./Multiple with Dave Iadorola present. The applicant is applying for a CUP for a High Voltage Transmission Line in to transmit electricity that would be generated from the Aurora Wind Project if approved. The transmission line will run approximately 22 miles from the wind farm to Basin Electric Coop's Tande Substation in Mountrail County. Iadorola stated that all easements are in place. Ramberg moved Kemp seconded to follow the recommendation of Planning/Zoning of approval located multiple sections in Hazel, Big Meadow, New Home, South Meadow, Champion, and Golden Valley Townships with conditions to provide Certificate of Survey showing all recorded easements, Certificate of Survey will need to show easements for transmission lines, overhead power, underground power, and ingress/egress easements that are required for the project, please note that the Certificate of Survey is not limited to those easements as noted; and applicant shall work with Highway Department and Townships to document road conditions both before and after use of the roads to assess repairs needs. Roll call vote: Kemp-yes, Ramberg-yes, Aberle-yes, Montgomery-yes, and Hanson-no. Motion carried. (David Iadorola, Aurora Wind Project LLC./Multiple)

Variance from minimum turbine blade clearance requirement presented for David Iadorola, Aurora Wind Project LLC./Multiple with David Iadorola present. The applicant is requesting a variance from the required minimum blade clearance height of 75'. They would like to reduce the required clearance height to 40 feet which will still provide sufficient clearance to ensure the safety of those living and working around the turbines. Kemp moved Aberle seconded to follow the recommendation of Planning and Zoning of approval located multiple sections in Hazel, Big Meadow, New Home, South Meadow, Champion, and Golden Valley Townships with conditions to obtain approval from all owners prior to approval in all cases and compliance with the Building Code currently adopted by Williams County

throughout the construction of new structures. Roll call vote: Ramberg-yes, Aberle-yes, Montgomery-yes, Hanson-no, and Kemp-yes. Motion carried. (David Iadorola, Aurora Wind Project LLC./Multiple)

Aberle moved Kemp seconded to table the proposed Amendment on Regulation of Pipelines in Williams County until the July 17<sup>th</sup> meeting. Roll call vote: Aberle-yes, Montgomery-yes, Hanson-yes, Kemp-yes, and Ramberg-yes. Motion carried.

Appeal for roadway easement requirement presented for Britta Liesner located in the NESW Section 10 T155 R97 with Richard Liesner present. They are requesting a family farm exemption. Hall gave a background on the application. Liesner stated that he is not in the market to sell. The request is not along a County road and there are no future plans for updating County Road #17. If there is work along County Road #19 they will allow an easement. Kemp moved Ramberg seconded to allow the appeal for the roadway easement request. Roll call vote: Montgomery-yes, Hanson-yes, Kemp-yes, Ramberg-yes, and Aberle-yes. Motion carried.

Mike Smith, Emergency Management Director gave an update on the exercises he has completed. There will be a couple more exercises for SWAT Team, Sheriff's Department, Police Department, and EMS.

Smith stated that on July 18<sup>th</sup> he will be participating in the ND Regional Hazmat Exercise. In September there will be a full scale active assailant exercise and they will be using the Williams County Administrative Building after hours for the exercise. Aberle questioned the exercise held in Dunn County that he seen on the news and the Commission were not made aware of the exercise. Smith relayed that he spoke with Ramberg concerning the exercise. Ramberg stated that he forgot to mention it to the rest of the Commission. Montgomery stated that the trainings are great and asked how the remainder of his work was going. Smith stated that everything is going well.

Smith gave a siren update. He received names of the camp hosts from Innis to pre-warn them of the last bad storm that we had in the County.

Corey Paryzek, Parks Manager and Weed Control Officer stated that he thinks that Parks and Weed positions should be separate departments as they are at the same time of the year. The Commission stated that this will be brought up during the budgeting cycle.

Paryzek stated that he attended the beetle netting for leafy spurge in Medora.

Smith stated that he wanted to give big credit to the IT Department for the drone help that he received and the GIS for their help on the Hazmat maps.

Karen Prout, Special States Attorney gave the Commission an update on the PILT program funds. A Class Action Opt-In Notice form was sent asking if Williams County would like to participate. The suit was started by Kane County, Utah v United States Class Action lawsuit, which is for the right to recover additional sums under the Payment in Lieu Of taxes Act for fiscal years 2015, 2016, and 2017. Kemp moved Ramberg seconded that this is a frivolous lawsuit and not sign up and disregard. Hanson stated that it is our duty to collect the money. Roll call vote: Hanson-no, Kemp-yes, Ramberg-yes, Aberle-no, and Montgomery-no. Motion failed. Hanson moved Aberle seconded to participate in the class action lawsuit and authorize the Chairman to sign. Roll call vote: Kemp-no, Ramberg-no, Aberle-yes, Montgomery-yes, and Hanson-yes. Motion carried. (Copy included in minutes)

Discussion was held on the Tyrone Township Section 33 Drainage issue. Aberle questioned the amount of money to draft up plans. Chuck McCauley has not filed a drainage complaint. Prout was instructed to send a letter to send McCauley a letter to file a formal drainage complaint and advise him of his options.

Kemp moved Hanson seconded authorizing the Chairman to sign the Joint Powers Agreement between Williams County and the Williston Area Vector Control District #1. Roll call vote: Ramberg-yes, Aberle-yes, Montgomery-yes, Hanson-yes, and Kemp-yes. Motion carried. (Copy included in minutes)

Kristi Hanson, Finance Officer stated that we don't pay out the 1% Public Safety Award today to make sure there is sufficient funds. The Commission agreed.

Ramberg moved Aberle seconded authorizing the Chairman to sign the Tioga Signal Road Construction/Construction Bonds documents. Roll call vote: Aberle-yes, Montgomery-yes, Hanson-yes, Kemp-yes, and Ramberg-yes. Motion carried.

Helen Askim, HR Director, discussed filling the Agriculture Agent position, since Danielle Steinhoff accepted the 4-H position. Hanson moved Ramberg seconded approval of the Open Position's Report to commence on the search for the Agriculture Agent position. Roll call vote: Montgomery-yes, Hanson-yes, Kemp-yes, Ramberg-yes, and Aberle-yes. Motion carried. (Copy included in minutes)

Askim reported that the property assessor's position that is open may have the position title changed, so they will get a different pool of applicants. A Correctional Officer position has re-opened. The two equipment operator/truck driver positions have been put on hold at this time.

Chairman Montgomery stated that there will be a meeting July 10<sup>th</sup> with the Western Energy Association in Watford City at 3:30 PM at Conoco Philips to discuss the re-write of the Gross Production Tax formula. Chairman Montgomery and Kemp will be attending.

Kemp stated that Melanie Klug with the Williston Senior Citizens Center is having a difficult time with their transportation program. This program delivers the Meals on Wheels. They have received a personal loan and did get mill levy monies and they have hired a grant writer, as the new director doesn't know anything about grant writing. Hanson questioned as to how much would it take to keep the program running. Discussion was held that \$100,000.00 would be a great help. Discussion will be held during the budgeting concerning this issue to see if there is some way they can receive more mill levy money. Montgomery moved Ramberg seconded to give the Williston Senior Citizens Center \$100,000.00 and \$50,000.00 to the other five Senior Centers (Ray, Grenora Toga, Wildrose, and Trenton) out of the Social Services money that was transferred to the General Fund. Roll call vote: Ramberg-yes, Aberle-yes, Montgomery-yes, Hanson-yes, and Kemp-yes. Motion carried.

Hanson moved Kemp seconded that the funds for the Williston Senior Center will be paid out today. Roll call vote: Aberle-yes, Montgomery-yes, Hanson-yes, Kemp-yes, and Ramberg-yes. Motion carried.

Mark Brunelle in attendance to discuss the problems on County Road #9 east of Williston that Oasis and Continental use to go to their oil well sites. The road was completely destroyed last night and the dust problem is unbelievable. The road surface is shot and is not going to get better. Aberle stated that they have done some dust control, the road is rough, and can't keep the gravel on the road. Aberle stated that they are getting the road ready to pave next year. They are going to work the corners out, have to obtain easements, and get the project engineered. Brunelle stated that the road is a safety issue. Kemp suggested that Nelson meet with Oasis and Continental and see if they can help with the road maintenance. Ramberg moved Aberle seconded to prepare engineering plans to start the process. Roll

call vote: Aberle-yes, Montgomery-yes, Hanson-yes, Kemp-yes, and Ramberg-yes. Motion carried. The Commission stated that the County Highway Department has to keep a close eye on this road and if shut it down if necessary.

Hanson stated that Innis received a hard time from a couple of Commissioners regarding the Primary Election in an unprofessional and derogatory manner. She has been running elections for a long period of time and deserves an apology. No action was taken.

Ed Rintamaki updated the Commission on the Muddy Valley Subdivision. He stated that the north boundary (B2 and B3) has shifted 40' to the south, since the plat was recorded. He is planning on meeting with the landowners showing them his surveying results. He recommends that the monuments should be left in place versus adjusting the boundary lines and leave the plat as recorded. He will visit with Planning/Zoning on how to proceed.

There being no further business, the meeting recessed at 10:08 AM.