

**August 4, 2020**

The Williams County Commission met in regular session this 4<sup>th</sup> day of August 2020 beginning at 8:00 AM in the Commission Room of the Williams County Administrative Building virtually and in person.

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

There being a quorum, Chairman Kemp proceeded.

The Commission said the Pledge of Allegiance.

Discussion was held on the ditches where the owners have blocked due to ATV's riding in them and Karen Prout, Special Assistant States Attorney was directed to send a letter to the owners to remove the logs, railroad ties, fence posts, and any other obstructions. A delegation from Pherrin Township was in attendance. The rules and regulations for OHV were discussed. Joe Trumpower, Supervisor for Pherrin Township, where this is happening stated that he has re-seeded and fertilized his ditch. This is only happening in Pherrin Township. There are no tracks that go north and south out of the Township. Tom Bloch, resident of Pherrin Township referred to a sign stating "NO OFF-ROAD VEHICLES OR OFF-ROADING" from Williston Township on 26<sup>th</sup> St, inquiring if it is not indeed legitimate. Prout stated that in order to enforce a penalty different than State law an ordinance would have to be passed first. Ramberg asked isn't there an easement for roadway from the middle of the road. Prout stated yes and no as the roadway is for public travel and Highway 85B and County Road #6 are on section lines and enforced through law enforcement. The owners stated that they had to do something the parents weren't doing anything to stop the action and it was getting out of control and someone may have gotten hurt. The riders were not paying attention to traffic. They were speeding, spinning out on their driveways and jumping over the approaches. Even if an ordinance is passed there will have to be allowance for street legal and farm equipment and other exemptions. Trumpower stated that this isn't going on in other Townships. This is impeding our traffic, possibility of hitting someone, especially a child, and the ATV's jump out in front of vehicles. Mark Moore stated that he called law enforcement and they stated that their hands were tied, and nothing could be done. Property damage has to be at least \$1,000.00 or more. Kameron Hymer, Development Services Director stated that there is no place for them to ride or open areas. This could be possibly an idea for the County Parks. Kelly Bagley stated that they have torn up his driveway and he has placed rocks for erosion control, and he can't mow the area anymore due to the ruts. Who is responsible for the damage in the ditches and who is going to do the repairs? Anderson stated that there is no place for them to ride. Montgomery questioned the liability and how much insurance it would cost. There would have to be supervision. What would it entail when approach permits are issued? Hanson stated that maybe the slope of the approach could be changed to go further out into the ditch so there would be no jumping. If speed limit signs were placed in the ditches, law enforcement would not be able to enforce them. It was stated that on E Dakota Parkway the people decorate their approaches; and Knife River has boulders for erosion purposes in the ditches. It takes money to keep up your property which includes your approaches. Dale Heglund stated that the easements are there for safety. Milton Lindvig stated that he has two miles of right-of-way along County Roads #6 and #9 and both sides are getting riding trails in them. He stated that the erosion is going to continue as the ditches were not designed for this use; section lines are for access but not this type; and right-of-way description doesn't fit the criteria for recreational uses. Ramberg stated that putting up signs would be for the safety and protection of the main traffic that uses the highways. Why can't the owners take care of the erosion but not their approaches? Anderson asked why it's okay to decorate their approaches with rocks and put rocks around their culverts, but not

fixing their approaches. Prout stated that we will have to talk with Dennis Nelson, County Highway Superintendent and to look at erosion control in ditches and approaches. Sheriff Kvande stated that he understands the frustration of the landowners, but it is difficult to catch them driving in the ditches when they are patrolling. It was discussed to have a Committee to come up with some ideas and forward this on to the County Park Board. Anderson stated that the immediate threat is erosion control and what can the owners do to control. Trumpower stated that he has taken rock and compacted into the ground and hopefully this will make good erosion control and he can mow it now. Nelson stated that rip rap is used for erosion control. No decision was made.

Dale Heglund, from the NDLTAP stated that the Williams County Road Day scheduled for August 6<sup>th</sup> will be cancelled. Heglund introduces Matt Johnson as the Western Transportation Liaison for the four Big Oil Counties and he will live here. Heglund also introduced Joel Wilt from our local NDDOT Department. Johnson has his office at the NDDOT building and he is here to help us. Johnson stated that we need to bring anything to him so he can bring it to the table with the Upper Great Plains team to help us out. Nelson reported that they are very helpful and wants them to work with the three Code 3 Bridges we have and how to get them fixed. Wilt addressed the ditch riding with ATV's and he is encouraging groups of individuals to get together and come up with ideas.

Nelson discussed the road crossing permits and he has been working with Prout to update them. Montgomery stated to make the fine and fee the same as the State. Ramberg moved Montgomery seconded to change the fee for violations to \$50,000.00 for road crossing permits. Roll call vote: Ramberg-yes, Hanson-yes, Kemp-yes, Anderson-yes, and Montgomery-yes. Motion carried.

Nelson gave a road update.

Gerald Miller asked the Commission if they have any plans on paving south of Missouri Ridge School to County Road #7. The Commission stated that they will have Nelson take a look at it.

Montgomery moved Ramberg seconded approval of the 2021 Williams County Preliminary Budget as presented. Roll call vote: Hanson-yes, Kemp-yes, Anderson-yes, Montgomery-yes, and Ramberg-yes. Motion carried. (Copy included in minutes) The public hearing for final approval is scheduled for September 15<sup>th</sup> at 9:30 AM.

Sam Neill, Senior Planner presented Planning/Zoning items.

LU-0090-20 Lindon Brunelle is requesting a Zone Change to Rural Residential for a two acre parcel currently zoned Agricultural located in the SWSW Section 10 T155 R103 Hebron Township, with no one present. The applicant wants a building permit to construct an addition to an existing pole barn. Anderson moved Ramberg seconded to follow the recommendation of Planning/Zoning of approval and to adhere to Williams County Zoning Ordinance. Roll call vote: Kemp-yes, Anderson-yes, Montgomery-yes, Ramberg-yes, and Hanson-yes. Motion carried. (Lindon Brunelle)

LU-0091-20 Jerol Gohrick is requesting a Zone Change to Rural Residential from Agricultural and a Conditional Use Permit for a home occupation to sell firearms, ammunition, and accessories for a 10 acre parcel located in the NWNENE of Section 8 T158 R95 Lindahl Township, with no one present. Ramberg moved Anderson seconded to follow the recommendation of Planning/Zoning of approval and to adhere to Williams County Zoning Ordinances and North Dakota Century Code. Roll call vote: Anderson-yes, Montgomery-yes, Ramberg-yes, Hanson-yes, and Kemp-yes. Motion carried. (Jerol Gohrick)

Anderson moved Montgomery seconded approval of the consent agenda:

1. Abatements: 2019 Roy Michael Gibbs value adjustment Williston Township 1.11 A in SESE 213'X226' Section 19 T154 R101 and 2018/2019 Michael Hamers DAV exemption Marmon's 2<sup>nd</sup> Addition L5 B2 to the City of Williston. Assessor's Error: 2020 K & H Holdings, Inc. value adjustment of the City of Williston Original Townsite W ½ of L22 thru 24 B19 was 182,200 now 109,200. Prorate of Assessment: 2020 Secretary of Housing and Urban Development taxable to exempt Missouri Meadow Estate L4 B5 was 275,200 now 137,700.
2. Bills to be paid August 5<sup>th</sup>.
3. Approval of the 1% Public Safety Awards for Tioga Fire (City) - \$4,236.91; Grenora Fire- \$111,831.80 and \$7,600.00; and Alamo Fire Protection District- \$69,621.63. (Copy included in minutes)
4. Approval of the July 2020 minutes.

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

Helen Askim, HR Director brought up the discussion on the Home Rule Charter referring to updating language with legislative changes and the removal of 2 out of 4 elected positions to appointed and put on the November ballot. More work will have to be done versus June like Town Hall meetings. It is up to the Commission to be committed to do the work on this. Kemp stated that we have to get the legal side cleaned up in compliance with the law. Montgomery stated that the language on the ballot was vague. Ramberg stated that the people already voted and voiced their opinion. Montgomery asked as to what they voiced their opinion. Montgomery stated that we need to have two measures: one for the legal housekeeping and the other for the 2 positions from elected to appointed. Montgomery moved Hanson seconded approval to place the Home Rule Charter on the November ballot spelling out the elected and housekeeping measure separately. Prout stated that the Home Rule Charter with the changes will have to be published in the newspaper. Ramberg stated that it needs to be split out into layman's terms and the appointed from elected already got answered. The legal language just has to be squared up and he doesn't feel comfortable with the elected to appointed. Montgomery stated that the ballot language needs to be shortened up. Askim stated that she will put the Home Rule Charter with the changes on the home page of the website. Roll call vote: Ramberg-yes, Hanson-yes, Kemp-yes, Anderson-yes, and Montgomery-yes. Motion carried. Prout will get it published in the newspaper.

The Joint Powers Agreement with Round Prairie Township and The County regarding 49<sup>th</sup> St. Round Prairie didn't quite understand the road issue and the impact they would rather take back control of the road and work with Outrigger for a road maintenance agreement. Trent Taylor from OE2 North-Outriggers on the telephone gave a history of the access to their property and there were some miscommunications of bringing 49<sup>th</sup> St up to County Standards. The majority of the project is almost already completed and they used the original road. Anderson moved Ramberg seconded to rescind the Joint Powers Agreement and transfer the road back to Round Prairie Township and amend the Conditional Use Permit and strike condition #1 for County approval of roads. Roll call vote: Hanson-yes, Kemp-yes, Anderson-yes, Montgomery-yes, and Ramberg-yes. Motion carried. (Copy included in minutes)

Askim presented the 2020 Vacation Carry-Forward Requests. Anderson moved Ramberg seconded approval as presented by Askim. Roll call vote: Kemp-yes, Anderson-yes, Montgomery-yes, Ramberg-yes, and Hanson-yes. Motion carried. (Copy included in minutes)

Askim presented the Open Positions Report. Montgomery moved Anderson seconded approval of the Open Positions Report with five positions of one Building Inspector- Development Services; one Custodian- Facilities Department; and one Patrol Deputy and two Corrections Officer- Sheriff's Department. Roll call vote: Kemp-yes, Anderson-yes, Montgomery-yes, Ramberg-yes, and Hanson-yes. Motion carried. (Copy included in minutes)

Discussion was held on the Fleet Program for the County excepting the Sheriff's Department and County Highway. Richard Martin, Facilities Director Martin stated that he needs more direction. The one program is \$1,500.00 but that isn't the right one that we want. The program we want is \$3,000.00. Ramberg moved Montgomery seconded to get the Fleet Program up and running as soon as possible, but up and running functionally by January 1, 2021. Roll call vote: Anderson-yes, Montgomery-yes, Ramberg-yes, Hanson-yes, and Kemp-yes. Motion carried.

The Commission declared that any future Executive Sessions will be held in the Corinth Room.

Anderson moved Montgomery seconded that the election drop off ballot boxes will be placed in Trenton, Grenora, Ray, Tioga, and behind the Administrative Building and the 2020 November General Election will be vote by mail with two Election Polling locations at the ARC and the Tioga Community Center. Roll call vote: Anderson-yes, Montgomery-yes, Ramberg-yes, Hanson-yes, and Kemp-yes. Motion carried. COVID 19 was discussed as far as equipment protection. Innis was instructed to get the items she needs.

There being no further business the meeting recessed at 10:43 AM.