

**August 7, 2018**

The Williams County Commission met in regular session this 7<sup>th</sup> day of August, 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.

Ramberg moved Hanson seconded approval of the consent agenda:

1. Abatements- 2016/2017 Homestead Credit- Marlene Foss Park Addition B13 less E 60' L3, 4, 5, 6 City of Williston; 2016/2017 Value Adjustment- 4-2 Go Properties, Inc. NENE Ex St & DD Pts Section 26 T155 R101 City of Williston; and 2017 Value Adjustment- Javier Quinonez The Timbers Subdivision L14 B10. Prorate of Assessments- 2018 Secretary of Housing & Urban Development of Washington DC L2 B5 Lukenbill Subdivision Missouri Ridge Township was 126,000 now 52,500. Assessor's Errors- 2018 Javier Quinonez City of Williston The Timbers Subdivision L14 B10 was 265,700 now 155,000 and 2018 Connor Sales Co. Inc. City of Williston Sublot 7 in L1 & 2 Except State Section 2 T154 R101 was 3,783,200 now 3,772,400.
2. Bills to be paid August 8.
3. 1% Public Safety Award- Tioga Police Department- \$500,000.00. (Copy included in minutes)
4. Duplicate Warrants- Cheryl Mahnke- paycheck #086628 and Elizabeth Olson- \$39.98. (Copy included in minutes)
5. Ratification for Chris Votava to attend Child Abuse and Neglect CLE Training in Denver next week.
6. Culvert Petition- Williams County Water Board. (Copy included in minutes)
7. Transfer Order #308- \$551,440.62 from Special Road Levy to Road/Bridge. (Copy included in minutes)

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

Dennis Nelson, County Highway Superintendent presented bids for Low Boy Trailer as follows:

Company	Swanston Equipment	RDO Equipment
Low Boy Trailer Type	ED Etnyre & Co. RTN55TD3-R4A	Tow Master T-110DTG
Net Purchase Price FOB Williams County, as per specs	\$86,065.00	\$102,500.00
Delivery Date	180 Days ARO	95-100 Days from order

Aberle moved Ramberg seconded to accept the low bid from Swanston Equipment in the amount of \$86,065.00. Roll call vote: Aberle-yes, Montgomery-yes, Hanson-yes, Kemp-yes, and Ramberg-yes. Motion carried.

Chairman Montgomery opened the public hearing on the 2019 Williams County Preliminary Budget and Levies. There being no comments for or against said budget/levies, Chairman Montgomery closed the hearing. Hanson questioned some changes that he is interested in looking at. Another budget meeting will be held to review the questioned changes and Kristi Hanson, Finance Officer will make the changes before the final budget/levies approval September 18<sup>th</sup>. Kemp moved Ramberg seconded approval of

the 2019 Williams County Preliminary Budget and Levies as presented. Roll call vote: Montgomery-yes, Hanson-yes, Kemp-yes, Ramberg-yes, and Aberle-yes. Motion carried. (Copy included in minutes)

Doug Lalim, Building Official presented Ordinance # 2018-08-07 An Ordinance Amending 2015 Zoning Ordinance Ordinances: Amending North Dakota State Building Code as Adopted by Williams County and recommended its adoption. Hanson moved Kemp seconded the adoption of Ordinance #2018-08-07 as presented. Roll call vote: Hanson-yes, Kemp-yes, Ramberg-yes, Aberle-yes, and Montgomery-yes. Motion carried. (Copy included in minutes)

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

Zone change from Agricultural to Rural Residential presented for Terry Skjerseth/Valerie Anderson with no one present. The applicant is proposing the zone change for a 20.51 acre portion of the quarter section. The applicant has submitted a two-lot subdivision that would separate a farmstead site from the remaining quarter section. The area of the farmstead could not be split in aliquot parts and so did not qualify for any of the exemptions to the subdivision regulations. Ramberg moved Hanson seconded to follow the recommendation of Planning/Zoning of approval located as 20.51 acres in NW4 Section 29 T156 R97 Equality Township with the condition of the completion of the minor subdivision process. Roll call vote: Kemp-yes, Ramberg-yes, Aberle-yes, Montgomery-yes, and Hanson-yes. Motion carried. (Terry Skjerseth/Valerie Anderson)

Conditional use permit for Home Occupation presented for Eli McMillan/Questar Energy Services Inc. with no one present. The home occupation is a temporary, non-customer accessible oil & gas quality lab in an existing structure on the property. Aberle stated that there will be one employee, small lab, and no other traffic. Aberle moved Ramberg seconded to follow the recommendation of Planning/Zoning of approval located in E2 SE4 SE4 Section 11 T153 R99 Twelve Mile Township with the condition that all provisions of Chapter 6-4 of the Williams County Zoning Ordinance shall apply. Roll call vote: Ramberg-yes, Aberle-yes, Montgomery-yes, Hanson-yes, and Kemp-yes. Motion carried. (Eli McMillan/Questar Energy Services Inc.)

Conditional use permit for Home Occupation presented for Callie Bina with no one present. The applicants request is for a pet grooming facility offering pick-up and delivery service. Aberle moved Ramberg seconded to follow the recommendation of Planning/Zoning of approval located as Lot 1 Martin Reiger Subdivision Section 11 T154 R98 Truax Township with the conditions to resolve access issues; new construction shall require a plot and grading plan; and all provisions of Chapter 6-4 of the Williams County Zoning Ordinance shall apply. Roll call vote: Aberle-yes, Montgomery-yes, Hanson-yes, Kemp-yes, and Ramberg-yes. Motion carried. (Callie Bina)

Variance to create two parcels less than 40 acres in Ag District and to not improve roads or dedicate any additional easements to existing road presented for Ed Rintamaki/Mark Brunelle with Ed Rintamaki present. Kemp moved Ramberg seconded to follow the recommendation of Planning/Zoning of approval located as MS16-0076 Section 34 T154 R100 Stony Creek Township with the Commission condition that if there are any additional building permits then the roads have to be brought to County standards and Planning/Zoning condition to adhere to Williams County Subdivision Ordinance and NDCC. Roll call vote: Montgomery-yes, Hanson-yes, Kemp-yes, Ramberg-yes, and Aberle-yes. Motion carried. (Ed Rintamaki/Mark Brunelle)

Variance to create two parcels less than 40 acres in Ag District presented for Ed Rintamaki/Dixie Springs Homes LLC with Ed Rintamaki present. The applicant wants to create the two lots less than 40 acres and have them remain classified in the AG District. Planning/Zoning denied the application in support of

Tyrone Township denial due to 61<sup>st</sup> St NW could be impassible in the winter months and the dam built on section line (138<sup>th</sup> Ave NW) was built without Township approval. Rintamaki stated that this road isn't any different than any other road in the County. Ramberg stated that the Township takes care of the residents in their Township as they pay taxes. Kemp moved Hanson seconded to follow the recommendation of Planning/Zoning of denial. Roll call vote: Hanson-yes, Kemp-yes, Ramberg-no, Aberle-yes, and Montgomery-yes. Motion carried. (Ed Rintamaki/Dixie Springs Homes LLC)

Appeal from KLJ, Sheldon Taylor present for the Williston Airport Minor Subdivision Plat. Taylor stated that there are items that the FAA is requiring a variance that the section corners need to be maintained which means the plat will have to be adjusted to accommodate this; vacation of 33' easement of Section lines within property address will be completed at a later date; and the land will be deeded to Steve Jensen when the plat is completed. Attorney Kathleen Key Imes, representing Steve Jensen is wondering why the land has not been deeded yet. The action today explains the situation. Darcy Anderson, Tax Director will check into the land descriptions and acreage. Attorney Imes will work with Karen Prout, Special Assistant States Attorney and Auditor Innis to get this taken care of. Anthony Dudas stated that the above action is the missing link to getting the deed issued. Prout stated that in order to vacate the section lines there will have to be a public hearing. Dudas will obtain more information on the closing on the section lines. Kemp moved Aberle seconded to allow the variance and the non-conforming 66' lot. Roll call vote: Montgomery-yes, Hanson-yes, Kemp-yes, Ramberg-yes, and Aberle-yes. Motion carried. Dudas, City of Williston Attorney, and Prout will work together through the process of closing the section lines.

Dan Weyrauch in attendance is questioning the closure of a section line in Farmvale Township. According to the map from the 1937 Williams County atlas it shows the road in existence going through Sections 19, 29, and 30 named Hofflund Trail. Paul Weyrauch stated that the land is land-locked and this is the only access to the property. David Hartsoch has a chain and padlock on the road. The road if it has never been closed has to be open to the public. Weyrauch has called the Sheriff's Department who refused to do anything about it. Aberle stated that the road has prescriptions. Weyrauch stated that they use the road every year. Aberle stated that Hartsoch can't deny access to their property. Prout stated that she will contact Dennis Johnson, States Attorney in McKenzie County as he has done some work on this. According to the atlas the road has been in existence since at least 1937. Prout will get information and forward it to Ramberg to give to Weyrauch.

Gerald Miller in attendance questioning to see if the Commission can help with the road between Section 13 & 24 in Judson Township which is on the north side of his property where it needs to be straightened out. He stated that the Township won't do anything about it. This is not a County road so there is nothing that the County can help with, but he needs to talk with the Township and if they need help with the road problems have them come and talk to the Commission.

Nelson gave a road update. The overlay project to be completed on the White Bridge Road County Road #7A behind the fairgrounds will have to wait until next year due to the flooding water on the road that needs to be repaired now. Ramberg moved Aberle seconded authorizing Nelson to repair the water damaged road costs of \$250,000.00 to \$300,000.00 in addition to the overlay project. Roll call vote: Hanson-yes, Kemp-yes, Ramberg-yes, Aberle-yes, and Montgomery-yes. Motion carried.

Kemp is going to contact the NDDOT on who is holding back the water by OK Tire as it is causing a mosquito breeding haven. He will also be contacting the City of Williston.

Anderson reported that the State Board of Equalization is next week and she will be attending all next week. There is only one protest from Ridgeview Apartments.

Ramberg moved Kemp seconded to accept the 2019 award for the Tioga Signal Road Safe Sidewalk Project TAC-0053(074)2019 on behalf of the City of Tioga. Roll call vote: Ramberg-yes, Aberle-yes, Montgomery-yes, Hanson-yes, and Kemp-yes. Motion carried. Innis will notify Pam Wenger with the NDDOT.

Hanson moved Kemp seconded authorizing Innis to pay the annual Township dues for the 6 Unorganized Townships consisting of Cow Creek, Hofflund, Nesson Valley, Unorganized, New Home, and Golden Valley. Roll call vote: Aberle-yes, Montgomery-yes, Hanson-yes, Kemp-yes, and Ramberg-yes. Motion carried.

Sheriff Verlan Kvande and Lt Jeremy Mohl, and Doretta Taylor, Courthouse Café in attendance to discuss a prisoner meals increase, as requested by Taylor. She is requesting a \$1.00 per meal increase. The contract that was signed in 2017 did not have any meal rate increases included. The contract is for 5 years. Taylor stated that they have not had an increase in 10 years. Chairman Montgomery asked why this was not brought up when she signed the 5 year contract in December 2017. Taylor responded that she didn't know the contract was for 5 years and this was not in it. Chairman Montgomery stated that she can opt out of the contract with a 30 day notice. Taylor stated that they are now following the DOCR rules and hired more help and she has been putting her own money into the café. Sheriff Kvande went over other Correctional Centers costs they are paying through Summit Food Services and we are paying over double than any other Correctional Center using them. All Correctional Centers fall under the DOCR standards. Hanson stated that he would like to see the actual costs for meals to include labor, and food. Aberle stated that other Counties are meeting standards for ½ the price. Chairman Montgomery stated that they are paying very little for the space and are running a café to the public also. He stated that there is a 5 year contract in place or she can take the 30 day opt out provision. It is hard to justify the increase requested. Prout stated that the contract can be amended if the Commission chooses. Aberle moved Ramberg seconded to stick with the 5 year contract, stick with the meal allowance, and if Taylor wants to opt out she can. Taylor asked if she opts out if someone else in her facility assumes her contract. Prout stated she will have to investigate it and they will have to enter into a new contract. Roll call vote: Hanson-no, Kemp-yes, Ramberg-yes, Aberle-yes, and Montgomery-yes. Motion carried. Chairman Montgomery will visit with Prout, Kemp, and Aberle on this matter.

Ramberg moved Kemp seconded approval of the Open Position report submitted from Helen Askim, HR Director of three positions County Highway- Staff Engineer and Heavy Equipment Operator and Social Services-LSW/FSS. Roll call vote: Kemp-yes, Ramberg-yes, Aberle-yes, Montgomery-yes, and Hanson-yes. Motion carried. (Copy included in minutes)

Askim reported that network admin Tammy Azure has relocated to Michigan and will be working remotely. This is the 2<sup>nd</sup> IT EE to be working from out of State. She will be working through policy and documentation for remote workers.

Askim reported that Jim Gray, NDSU has approved the Ag Agent position in Williams County.

There being no further business the meeting adjourned at 9:34 AM.