

Minutes of the Board of Ward County Commissioners
May 3, 2016

The regular meeting of the Ward County Commission was called to order by Chairman Fjeldahl at 9:00 a.m. with Comm. Louser, Weppler, and Nybakken, present. Comm. Walter was absent. Also present were Department Heads: Dana Larsen, Roza Larson, Devra Smestad, Ryan Kamrowski, Melissa Bliss, Betty Braun, and Amanda Schooling.

Moved by Comm. Louser, seconded by Comm. Weppler to approve the agenda with additions. Roll call: all voted yes; motion carried.

Moved by Comm. Weppler, seconded by Comm. Nybakken to approve the minutes of the Commission Meeting on April 19, 2016. Roll call: all voted yes; motion carried.

Auditor/Treasurer Devra Smestad then presented the bills. Moved by Comm. Nybakken, seconded by Comm. Louser to approve regular bills totaling \$199,680.65 and the Social Welfare Fund of \$7,304.01. Roll call: all voted yes; motion carried.

Brian Kunz, Senior Project Manager for Adolfson & Peterson Construction appeared with project updates. Crews are moving right along with the Jail Expansion project; sheet piling was completed last week and pouring of concrete footings has begun.

With regard to the Courthouse Renovation, abatement should be completed next week with demolition to begin shortly afterward. Chairman Fjeldahl informed the Board there may be some minor changes to the renovation phasing order to keep the project moving forward.

Eric Hoffer, representative from Adolfson & Peterson Construction, appeared with an update on the Courthouse renovation project. In an effort to preserve the historic characteristics of the building and comply with the current fire code, any exposed sprinklers in the atrium will be painted to match the ceiling. Moved by Comm. Wepler, seconded by Comm. Louser to approve the sprinkler shop drawings and authorize Chairman to sign the document. Roll call: all voted yes; motion carried.

Doug Larson, JLG Architects appeared with updates on Courthouse Renovation Project. Moved by Comm. Louser, seconded by Comm. Nybakken to authorize Chairman to sign Change Order M2 for \$1,451.69; Change Order G7 for \$2,779.50; and Change Order E3 for \$18,981.88. Roll call: all voted yes; motion carried.

Myron Knutson, representative from Public Financial Management, Inc., appeared to discuss options of Sales Tax and General Obligation Bond Analysis for Ward County. Moved by Comm. Louser, seconded by Comm. Wepler to start the GO Bond process and move forward. Comm. Louser then amended his motion to approve Initial Resolution Authorizing the Issuance and Sale of General Obligation Correction Center Bonds, seconded by Comm. Wepler as follows:

WARD COUNTY, NORTH DAKOTA
**INITIAL RESOLUTION AUTHORIZING THE ISSUANCE AND SALE
OF GENERAL OBLIGATION CORRECTION CENTER BONDS**

WHEREAS, Ward County, North Dakota (the "**County**"), a North Dakota political subdivision organized pursuant to and existing under the provisions of North Dakota Century Code (the "**NDCC**") Title 11 COUNTIES, now determines that it is in the best interest of the County to issue and sell its General Obligation Correction Center Bonds, Series 2016 in the amount of not to exceed \$7,723,000 (the "**Bonds**") for the purpose of financing the cost of the improvements hereinafter described and to pledge the county correction center levy to the payment of the principal and interest on the Bonds; and

WHEREAS, the County is authorized to levy an annual tax for county correction centers of 10 mills (the "**Correction Center Fund**").

BE IT RESOLVED as follows:

*SECTION 1
FINDINGS AND AUTHORIZATION*

1.01. Findings. In order to issue the Bonds pursuant to NDCC Chapter 21-03 to finance the cost of the hereinafter described Project, the following findings are made:

- (a) The maximum amount of the Bonds proposed to be issued is \$7,723,000.
- (b) The purpose for which the Bonds are proposed to be issued is to construct, equip and furnish a county correction center and to pay costs incidental to such work and bond issuance (the "**Project**").
- (c) The assessed valuation of all taxable property in the County, as defined in NDCC Section 57-02-01, is \$3,607,171,252.
- (d) The total amount of bonded indebtedness of the County is \$21,448,235.
- (e) The amount of outstanding bonds of the County issued for a similar purpose is \$44,365,000.

1.02. Authorization. General obligation correction center bonds of the County to be designated as "Ward County, North Dakota General Obligation Correction Center Bonds, Series 2016" are hereby established and authorized to be issued in the aggregate principal amount of not to exceed \$7,723,000.

*SECTION 2
DEDICATION OF CORRECTION CENTER FUND TAX LEVIES*

2.01. Dedication. The County hereby dedicates such an amount as is necessary to provide for the payment of the principal at maturity and the interest when due on the Bonds on a parity with any other bonds issued or to be issued in accordance with and pursuant to the authority granted to the County by NDCC Section 21-03-07(6), from the Correction Center Fund levy of the County established and levied pursuant to the provisions of NDCC Section 57-15-06.6, which dedication shall continue in affect and may not be discontinued by the County until the principal and any accrued interest on the Bonds have been paid in full or defeased in accordance with the provisions of the resolution authorizing the issuance of the Bonds.

*SECTION 3
PUBLICATION OF RESOLUTION; OPPORTUNITY FOR PROTEST*

3.01. Publication. The County Auditor is hereby directed to cause a copy of this Resolution to be published in the official newspaper of the County, the *Minot Daily News*.

3.02. Opportunity for Protest. Any owner of taxable property within the County may, within sixty (60) days after publication of this Resolution, file with the County Auditor of the County a protest against the adoption of this Resolution. Protests must be in writing and must describe the property which is the subject of the protest. If the County finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent (5%) or more of the assessed valuation of all taxable property within the County, as theretofore last finally equalized, all further proceedings under this Resolution are barred.

Roll call: all voted yes; motion carried.

Highway Engineer Dana Larsen appeared with information on bids for joint road improvement project in Plaza area. Completion date is approximately October 15, 2016 with the low bid submitted by Central Specialties, Inc., in the amount of \$7,264,109.02. Moved by Comm. Wepler, seconded by Comm. Nybakken to award

the Ward County portion of the Plaza Road Improvement project and authorize the chairman to sign the contracts with Mountrail County and Central Specialties, Inc., contingent on Mountrail County Board of Commissioners approving their portion of the project. Roll call: all voted yes; motion carried.

Additionally, Larsen presented bids with two different completion dates for CDBG Township Grade Raises. Moved by Comm. Nybakken, seconded by Comm. Wepler to authorize the chairman to sign the contracts contingent on the approval of federal and state agencies, the contractor's ability to meet the deadlines, and maximizing the available CDBG funds. Roll call: all voted yes; motion carried.

Finally, Larsen presented quote to replace the lights in the four Highway Department outlying shops. The current florescent lighting is original to the shops and will be replaced with new LED bulbs. Moved by Comm. Wepler, seconded by Comm. Louser to approve quote from Gefroh Electric for \$20,750 to replace the lighting in Sawyer, Douglas, Berthold, and Kenmare shops. Roll call: all voted yes; motion carried.

Planning/Zoning Administrator Amber Turnquest appeared. Moved by Comm. Wepler, seconded by Comm. Nybakken to approve Memorandum 1 as follows:

1. Application for plat approval by Norman Sollid on behalf of Linda Jung for the following described property:

Outlots 5 & 6 of SW ¼ SE ¼, Section 15-155-81, Surrey Township

This application is for 3.26 and 4.22 acre outlots respectively. The Surrey Township Board has recommended approval. The Ward County Water Resource Board returned the plat without objection, but with the recommendation that a storm water management plan may be required if the property is (a) developed or subdivided or (b) if an application is made for a building permit; and that any

development as a result of this plat should not obstruct watercourses or divert surface water flows. The ND DOT has approved an approach to this lot.

2. Application for plat approval by Norman Sollid on behalf of William and Clara Klein for the following described property:

Outlot 2 of Outlot 1 and N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 11-154-81, New Prairie Township

This application is for 3.48 and 9.97 acre outlots respectively. The New Prairie Township Board has recommended approval. The Ward County Water Resource Board returned the plat without objection, but with the recommendation that a storm water management plan may be required if the property is (a) developed or subdivided or (b) if an application is made for a building permit; and that any development as a result of this plat should not obstruct watercourses or divert surface water flows.

3. Application for plat approval by Tagne and Larry Stone for the following described property:

Outlot 1 of SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17-156-81, Margaret Township

The application is for a 4 acre outlot. The Margaret Township Board has recommended approval. The Ward County Water Resource Board returned the plat without objection, but with the recommendation that a storm water management plan may be required if the property is (a) developed or subdivided or (b) if an application is made for a building permit; and that any development as a result of this plat should not obstruct watercourses or divert surface water flows

4. Application for plat approval by Rachel Vincent for the following described property:

Outlot 3 Being a Portion of Sublot A of Outlot 1, Section 10-152-82, Newman Township

The application is for a 5 acre outlot. The Newman Township Board has recommended approval with the understanding that it must follow Newman township zoning rules. The Ward County Water Resource Board returned the plat without objection, but with the recommendation that a storm water management plan may be required if the property is (a) developed or subdivided or (b) if an application is made for a building permit; and that any development as a result of this plat should not obstruct watercourses or divert surface water flows.

5. Application for plat approval by Rachel Vincent for the following described property:

Outlot 4 Being a Portion of Sublot A of Outlot 1, Section 10-152-82, Newman Township

The application is for a 4.30 acre outlet. The Newman Township Board has recommended approval with the understanding that it would remain zoned agricultural. The Ward County Water Resource Board returned the plat without objection, but with the recommendation that a storm water management plan may be required if the property is (a) developed or subdivided or (b) if an application is made for a building permit; and that any development as a result of this plat should not obstruct watercourses or divert surface water flows.

6. Application for plat approval by Sean Anderson for the following described property:

Outlot 2 of NE $\frac{1}{4}$ SE $\frac{1}{4}$ & SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1-157-83,
Waterford Township

The application is for a 20.03 acre outlet. The Waterford Township Board has recommended approval. The Ward County Water Resource Board returned the plat without objection, but with the recommendation that a storm water management plan may be required if the property is (a) developed or subdivided or (b) if an application is made for a building permit; and that any development as a result of this plat should not obstruct watercourses or divert surface water flows. The Minot Air Force Base commented that there was no opposition to the plat application.

7. Application for plat and variance approval by Norman Sollid on behalf of Edward and Jean Heit for the following described property:

Outlot 6 of Outlot 5 of NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8-157-81, Margaret
Township

The application is for a 2.04 acre outlet. The Margaret Township Board has recommended approval. The Ward County Water Resource Board returned the plat without objection, but with the recommendation that a storm water management plan may be required if the property is (a) developed or subdivided or (b) if an application is made for a building permit; and that any development as a result of this plat should not obstruct watercourses or divert surface water flows.

An approval of this outlet would remove access to the original Outlot 5. The variance request is for Outlot 5 to be by easement only. The Ward County Zoning Ordinance requires that primary access to a lot cannot be by easement only.

This application was previously heard at the January 21, 2016 meeting of the Planning Commission and a motion was made to recommend to the County Commission that the application be denied. At the February 2, 2016 meeting of the County Commission the application was heard and a motion was made to send the application to the Planning Commission for additional consideration. At the April 21, 2016 meeting of the Planning Commission, with additional information, they recommend that the plat and variance be approved.

Roll call: all voted yes; motion carried.

Turnquest then presented Memorandum 2 as follows:

1. Application for plat approval by Justin Hoffarth for the following described property:

Outlot 7 of SE ¼ Less Outlot 9, Section 32-156-82, McKinley Township

This application is for special use permit is to allow a sanitation company to be operated on the property. There would be no customers at the location which would be used for container and truck storage.

At the March 17, 2016 meeting of the Ward County Planning Commission, a motion was made to recommend to the Ward County Commission that the special use permit be denied due to location of the swampy area and access to the lot not being adequate for commercial traffic. At the April 5, 2016 meeting of the Ward County Commission a motion was made to send the application to the Planning Commission for additional consideration.

At the April 21, 2016 meeting of the Ward County Planning Commission, the application was recommended for denial by a vote of 4-2 due to the proposed use not being in keeping with the current zoning for the area which is agricultural/residential in addition to the previous reasons for denial.

Discussion was held about whether or not a special use permit for a commercial business should be approved for an area zoned agricultural/residential. Moved by Comm. Wepler to recommend denial of special use permit. Motion died for lack of second.

Moved by Comm. Louser, seconded by Comm. Nybakken to approve the special use permit. Discussion was held and a decision made to include a timeframe for the permit.

Motion to amend made by Comm. Nybakken, seconded by Comm. Louser, to approve special use permit to allow a sanitation company to be operated on the property with 10 year timeframe. There will be no customers at the location which

would be used for container and truck storage. Roll call: Comm. Wepler voted no; Comm. Louser, Nybakken, and Chairman Fjeldahl voted yes; motion carried.

Turnquest then presented Memorandum 3 to the Board for information:

On April 21, 2016 at the Ward County Planning Commission meeting, the Commission was made aware of a construction crew camp in Hilton Township. An application was received that day from Ryan Minnerath with Central Specialties Inc. for a special use permit for a “temporary camp site for employees while constructing Hwy 23 NDDOT project”. The Planning Commission asked that the County Commission be updated on this project.

Ward County Building Inspector, Leo Schmidt and Jim Heckman with First District Health Unit reported that the site looks to be up to code. A two foot high berm was put in place to serve as a fire break. Tanks appear to be emptied regularly; there are porta potties on site, and a large roll off dumpster. Larry Haug, the Ward County 911 Coordinator, sent out a letter to fire departments, ambulances services, Central Dispatch, and other first responders within the emergency services response area with the location and directions to the site.

The application for the Special Use Permit will go the May 19, 2016 meeting of the Planning Commission.

Director of Tax Equalization Ryan Kamrowski appeared. Moved by Comm.

Wepler, seconded by Comm. Louser to approve changes to County Tax Roll as follows:

1. Parcel should have been made history in 2013:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Nelson, Duane & Margaret	SU310990000020 Olt 2 of NWNE Less ROW	2013	\$2,000	\$0.00	\$100	\$0.00
Nelson, Duane & Margaret	SU310990000020 Olt 2 of NWNE Less ROW	2014	\$2,500	\$0.00	\$125	\$0.00
Nelson & Duane & Margaret	SU310990000020 Olt 2 of NWNE Less ROW	2015	\$2,700	\$0.00	\$135	\$0.00

2. Escaped Assessment:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Johnson, Jordon	MI5105599 Parkview MHP Lot 39	2013(2014MH)	\$0.00	\$10,000	\$0.00	\$450
Johnson, Jordon	MI5105599 Parkview MHP Lot 39	2014(2015MH)	\$0.00	\$10,000	\$0.00	\$450

3. Property Owner filed application for farm exemption:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Raszler, Ernest & Marcia	LI5102016 W2NW S13 S2NE S14-153-86	2015(2016MH)	\$6,800	\$0.00	\$306	\$0.00

4. Omitted Property:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Marum, Dave & Shelly	BD000010400040 Lots 3 & 4 Blk 4	2015	\$33,400	\$95,400	\$1,503	\$4,295
Marum, Dave & Shelly	BD000010400040 Lots 3 & 4 Blk \$	2014	\$31,800	\$93,800	\$1,431	\$4,221

5. Residence was destroyed by a fire on 7-2015, Pro rate value from date of disaster:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Selfridge, Jeremy & Larae	BN010450000010 Riverwood Addition Lot 1	2015	\$267,600	\$139,400	\$12,402	\$6,273

6. After recent inspection of property recommend adjustment to 2015 valuation to reflect more accurate market value of property:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Vise, Dustin	AF080990000080 Olt 8 of Olt 6 of NWNW S8-154-83	2015	\$435,200	\$381,000	\$19,584	\$17,145

7. Residential Structure assessed to parcel in error since 2012:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Gravesen, Donald	KE07005U0700000 S2 SE Less Olts 2 -6 , 8, 9 &10 Hwy 84.5' S7-160-88	2015	\$176,600	\$45,400	\$8,174	\$2,270
Gravesen, Donald	KE07005U0700000 S2 SE Less Olts 2 -6 , 8, 9 &10 Hwy W 84.5' S7-160-88	2014	\$168,700	\$43,700	\$7,810	\$2,185
Gravesen, Donald	KE07005U0700000 S2 SE Less Olts 2 -6 , 8, 9 &10 Hwy W 84.5' S7-160-88	2013	\$155,200	\$39,400	\$7,181	\$1,970
Gravesen, Donald	KE07005U0700000 S2 SE Less Olts 2 -6 , 8, 9 &10 Hwy W 84.5' S7-160-88	2012	\$138,100	\$37,000	\$6,396	\$1,850

8. Property excluded from assessment in error:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Kadrmass, Lee & Jackson Inc	MI10C740500000 Northern Lights Addn Block 5	2015	\$0.00	\$465,000	\$0.00	\$23,250
Kadrmass, Lee & Jackson Inc	MI10C470500000 Northern Lights Addn Block 5	2014	\$0.00	\$276,000	\$0.00	\$13,800

9. Lot Adjusted to reflect market value:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Rued, Jonathan	MI27B790000040 Lighthall's S/D of Olt 3 Lot 4	2015	\$30,000	\$15,000	\$1,500	\$750
Rued, Jonathan	MI27B790000040 Lighthall's S/D of Olt 3 Lot 4	2014	\$30,000	\$15,000	\$1,500	\$750
Rued, Jonathan	MI27B790000050 Lighthall's S/D of Olt 3 Lot 5	2015	\$18,000	\$10,000	\$900	\$500
Rued, Jonathan	MI27B790000050 Lighthall's S/D of Olt 3 Lot 5	2014	\$18,000	\$10,000	\$900	\$500

10. Home was estimated to be in better condition that it actually was:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Johnson, William & Phyllis	MI356700008190 Dakota Lake Condo on Lots 4,5,6 Carlson's Addn Unit 819	2015	\$262,000	\$222,000	\$11,790	\$9,990

11. Duplicate Parcel assessment given in error, removed from tax roll:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Mountain Vista Development INC	MI14D370010021 Riverwalk S/D Lot 2A	2015	\$14,000	\$0.00	\$700	\$0.00

Roll call: all voted yes; motion carried.

Additionally, Kamrowski requested Tax Equalization be allowed to immediately process valuations on Mobile Home and Escaped Assessments as of placement date.

This action would eliminate additional penalties and interest to the property owner. No change will be made at this time.

Finally, Kamrowski requested Board approve creation of two additional position titles for the Building Inspector position already approved by Personnel Committee:

Building Inspector I – Entry level position with little to no experience and no prior ICC (International Code Council) Certification – Pay Grade 23.

Building Inspector II – Minimum of 12 month prior work history of performing building inspections and hold a current ICC B1 Residential Certification – Pay Grade 24.

Building Inspector III – Minimum of 36 months of prior work history of performing building inspections and hold a current ICC B1 Residential & B2 Commercial Building Certification – Pay Grade 25.

Moved by Comm. Wepler, seconded by Comm. Nybakken to approve request. Roll call: all voted yes; motion carried.

Emergency Management Director Amanda Schooling appeared with Ward County Fire Emergency Burn Ban Declaration. Due to the number of recent fires, and the warm weather, this ban will remain in effect until October 1, 2016 any time the North Dakota Rangeland Fire Danger Rating is in High, Very High, Extreme, and/or a Red Flag Warning has been issued for Ward County. Moved by Comm. Wepler, seconded by Comm. Louser to authorize Chairman sign the document. Roll call: all voted yes; motion carried.

Auditor/Treasurer Devra Smestad appeared.

Moved by Comm. Nybakken, seconded by Comm. Wepler to receive and file the following correspondence: NDSU Extension – Making a Difference; CNATCA – Membership & Conferences; Alliant Group – Energy Efficient Commercial Deduction for Mowbray & Son; KLJ – Proposed Pipeline; 2015 Ward County Property Inventory; 2015 Inventory Summary of Purchases; Grazzini Brothers & Company – Notice of Claim on Payment Bond. Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Nybakken to receive and file corrected March 2016 Financial Report. Roll call: all voted yes; motion carried.

Moved by Comm. Louser, seconded by Comm. Wepler to appoint Cale Wyatt Neshem to Ward County Weed Control Board to fill an unexpired term vacated by Arvid L. Carlson. Roll call: all voted yes; motion carried.

Moved by Comm. Louser, seconded by Comm. Nybakken to approve Special Event Permits for VFW. Roll call: all voted yes; motion carried.

Moved by Comm. Louser, seconded by Comm. Wepler to approve Special Event Permits for M & S Concessions. Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Louser to approve Application for Raffle Permit for Action Agility Dog Training Club. Roll call: all voted yes; motion carried.

Moved by Comm. Louser, seconded by Comm. Wepler to approve Gaming Site Authorization for Minot Indoor Rodeo. Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Nybakken to approve Quit Claim Deed on the following Tax Foreclosed Property redeemed by owner:

<u>Name of Purchaser</u>	<u>Description</u>
CITIMORTGAGE, INC	PARKLAND ADDTN LOT 10 BLK 2

MI232940200100

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Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Nybakken to approve the following payroll amendments: Nicholas Wooster – Sheriff’s Dept (Level 21); Taylor Foley – Highway Dept (Level 15); Iredia Osadolor – Juvenile Detention (Level 18); Amber Tikalsky – Juvenile Detention (Level 18); Danette Krumwiede – Juvenile Detention (Level 18); Trever Huber – Social Services (Level 25); Ingvald Hanson – Highway Dept (Level 15). Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Louser to authorize Chairman sign Certificates of Appreciation acknowledging Business After Hours Sponsors and Musician. Roll call: all voted yes; motion carried.

At 11:45 a.m., with no further business, the meeting was adjourned.