

Minutes of the Board of Ward County Commissioners  
July 19, 2016

The regular meeting of the Ward County Commission was called to order by Chairman Fjeldahl at 9:05 a.m. with Comm. Louser, Walter, Wepler, and Nybakken, present. Also present were Department Heads: Ryan Kamrowski, Kerriane Tyler, Roza Larson, Melissa Bliss, Betty Braun, and Devra Smestad.

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

Moved by Comm. Wepler, seconded by Comm. Louser to approve the minutes of the Regular Commission Meeting on July 5, 2016. Roll call: all voted yes; motion carried.

Auditor/Treasurer Devra Smestad then presented the bills. Moved by Comm. Walter, seconded by Comm. Nybakken to approve regular bills totaling \$1,128,411.33 and the Social Welfare Fund of \$11,534.81. Roll call: all voted yes; motion carried.

At 9:10 a.m. Chairman Fjeldahl opened the public hearing regarding GO Bonds.

For the record, no one appeared to speak for or against the GO Bonds.

At 9:11a.m. Chairman Fjeldahl adjourned the public hearing and reconvened the meeting with all members present.

Moved by Comm. Walter, seconded by Wepler to approve on second reading Resolution Providing for the Sale of \$7,723,000 GO Correction Center Bonds, Series 2016. Roll call: all voted yes; motion carried.

Ryan Hochbrunn, Adolfson & Peterson representative, appeared with information on the Ward County Jail Expansion Project.

Moved by Comm. Walter, seconded by Comm. Nybakken to approve Change Order #6 for glass and glazing changes in amount of \$28,217. Roll call: all voted yes; motion carried.

Moved by Comm. Louser, seconded by Comm. Walter to approve Change Order #7 for soil corrections in amount of \$111,829. Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Louser to approve Change Order #8, credit for gas line changes, in amount of \$5,788. Roll call: all voted yes; motion carried.

Madison Young, representative from Adolfson & Peterson, appeared with information about Ward County Courthouse Renovation.

Moved by Comm. Wepler, seconded by Comm. Louser to approve Change Order #6, credit for sprinkler revisions, in amount of \$25,000. Roll call: all voted yes; motion carried.

Change Order #7 and #8 were tabled pending additional information.

Smestad presented Administrative Building Certificates of Substantial Completion from Wheeler Contracting and Mowbray & Sons. Moved by Comm. Walter, seconded by Comm. Wepler to accept Certificates and authorize Chairman sign documents. Roll call: all voted yes; motion carried.

Highway Engineer Dana Larsen appeared with information on various projects. Moved by Comm. Nybakken, seconded by Comm. Louser to award low bid of \$239,486.05 to Gratech Company for Rolling Green grade raise project ROL 001 and

award low bid of \$69,952.95 to Gratech Company for Mandan Township grade raise project MAN 001. Roll call: all voted yes; motion carried.

Larsen then provided information about Ward County Complex Parking Lots and requested approval of three Change Orders. Moved by Comm. Walter, seconded by Comm. Nybakken to approve Change Order for \$900 to install millings between the Minot Daily parking lot and Morgan Building. Roll call: all voted yes; motion carried.

Moved by Comm. Walter, seconded by Comm. Wepler to approve Change Order to use fines to level areas in the parking lot rather than patching these areas at a cost of \$200/ton approximately \$2,000 worth of work. Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Walter to approve Change Order to remove existing Morgan building driveways along Burdick Expressway and award \$11,121 bid to Bechtold Paving. Roll call: all voted yes; motion carried.

Larsen then discussed price adjustments for Ag Land ROW along County Road #18. Previous recommendation was to offer \$2,375/acre but recent appraisal value indicates offer should be \$3,000/acre. Moved by Comm. Wepler, seconded by Comm. Walter to approve request to set value of Ag land at \$3,000/acre based on the appraisal completed by GE Bock Real Estate, LLC. Roll call: all voted yes; motion carried.

Larsen then requested approval to resend the offer to Charles Miller using the numbers in the appraisal completed by GE Bock Real Estate, LLC, and new offer letters that include the 10% 30 day signing bonus be sent out to all other landowners. Roll call: all voted yes; motion carried.

Finally, Larsen presented bids for Pilot Project on County Road #15 northwest of Burlington. Moved by Comm. Wepler, seconded by Comm. Walter to accept low bid of \$287,574 from Gravel Products to shape, gravel and stabilize road. Roll call: all voted yes; motion carried.

Chief Deputy Barnard appeared with bids for new transport van. Moved by Comm. Louser, seconded by Comm. Wepler to accept lowest bid of \$26,287 from Minot Chrysler and make the purchase. Roll call: all voted yes; motion carried.

Barnard stated once the new van is delivered, the current van will be given to Social Services.

State's Attorney Roza Larson appeared with Ward County Ordinance 2016-2. Moved by Comm. Wepler, seconded by Comm. Walter to approve on first reading Ordinance 2016-2, publish and set date for public hearing/second reading. Roll call: all voted yes; motion carried.

#### WARD COUNTY ORDINANCE 2016-2

WHEREAS, Ward County is a Home Rule Charter County having the authority pursuant to the Article 2 of the Home Rule Charter provides for the adoption, amendment, repeal, initiation, referral, enforcement and penalties for violation of ordinances resolutions and regulations to carry out its governmental and proprietary powers and to provide for public health, safety and welfare. However, this subsection does not confer any authority to regulate any industry or activity that is exclusively regulated by state or federal law or by rules adopted by a state or federal agency.

WHEREAS, the Home Rule Charter also provides for the zoning, planning and subdivision of public and private property within the county limits but outside the zoning authority of any city or organized township that has its own zoning ordinances.

WHEREAS, State law mandates that any local jurisdiction electing to administer and enforce a building code shall adopt and enforce the state building code, however local governmental jurisdiction may amend the state building code to conform to local needs.

WHEREAS, the State has implemented building codes which, by reference, incorporates all other state regulated codes, such as, but not limited to, electrical, plumbing, American Disabilities Act, and the International Fire Code-ICC.

WHEREAS, Ward County has adopted Planning and Zoning Ordinances, which includes the adoption of the North Dakota State Building Code. The Planning and Zoning Ordinances mandates the issuance of building permits, and provides for the inspection of certain newly constructed buildings, unless specifically exempt from such permit and inspection requirements.

WHEREAS, certain building permits may not be issued until certain state codes have been met, unless such codes have been amended to conform to local needs.

WHEREAS, Ward County, enforces of the state building code, and therefore by incorporation also enforces the International Fire Code-ICC.

WHEREAS, there are certain requirements within the International Fire Code-ICC, which are determined to not meet certain local needs.

WHEREAS, Ward County wishes to adopt the International Fire Code-ICC, (currently the 2012 International Fire Code – ICC) which may be amended and periodically updated through state and federal legislation or agencies consistent with international building, residential, mechanical, fuel gas and other codes. A copy of which shall be maintained with the Building Inspector, located in the Ward County Tax Department and another copy shall be maintained with the Ward County Planning and Zoning Coordinator, located in the Ward County Highway Department.

WHEREAS, upon adoption of the 2012 International Fire Code-ICC, Ward County wishes to amend section 507.5.1 to read as follows:

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant ~~on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building,~~ on site fire hydrants and mains shall be provided by the fire code official a tender truck will be provided by the authority having jurisdiction in lieu of this requirement to provide the necessary adequate fire suppression.

BE IT ORDAINED BY THE COUNTY COMMISSION OF WARD COUNTY, NORTH DAKOTA:

Under the authority of the Home Rule Charter, and for the purpose of promoting public health, safety, morals, comfort and general welfare, conserving the value of property thereby adopts the International Fire Code-ICC.

That the International Fire Code-ICC may be periodically amended by state and federal legislation or agency to be consistent with the international building, residential, mechanical, fuel gas and other regulatory codes.

That the 2012 International Fire Code-ICC section 507.5.1 shall be amended to conform with local needs and shall read as follows:

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant ~~on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building,~~ on site fire hydrants and mains shall be provided by the fire code official a tender truck will

be provided by the authority having jurisdiction in lieu of this requirement to provide the necessary adequate fire suppression.

Auditor/Treasurer Devra Smestad appeared.

Smestad presented quote for panic button in 24/7 Morgan Building. Moved by Comm. Nybakken, seconded by Comm. Walter to approve SimplexGrinnel Quote for \$3,582. Roll call: all voted yes; motion carried.

Moved by Comm. Walter seconded by Comm. Wepler to receive and file the following correspondence: Crowley/Fleck Attorneys – ND Pipeline Co 10 Year Plan; ND Legendary – Business Incentive Accountability Law Searches; ND Dept of Health – Storm Water Discharges from Construction; ND State Water Commission – Hosted Meetings; ND Dept of Emergency – Increased Fees; ND Dept of Corrections – Continuation of Monitoring; Chief Deputy Barnard – SO June Monthly Report; Berthold Planning & Zoning Commission – Notice of Public Hearing. Roll call: all voted yes; motion carried.

Moved by Comm. Nybakken, seconded by Comm. Louser to receive and file Monthly Reports to include Financial Report. Roll call: all voted yes; motion carried.

Moved by Comm. Walter, seconded by Comm. Wepler to approve Application for Raffle Permit for Ward County Historical Society. Roll call: all voted yes; motion carried.

Moved by Comm. Walter, seconded by Comm. Louser to approve Central Power projects near Ruthville with assistance from Ward County Engineer. Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Walter to approve Special Event Permit for Lawdawgs. Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Walter to approve the following payroll amendment: Amicar (Omar) Ortiz – Sheriff’s Dept (Level 21). Roll call: all voted yes; motion carried.

At 10:25 a.m. the meeting was recessed for an Executive Session.

At 10:26 a.m. Chairman Fjeldahl opened an Executive Session with the other Commissioners to discuss hearings related to removal of Ward County Sheriff Steve Kukowski.

At 11:25 a.m. Chairman Fjeldahl closed the Executive Session with the regular meeting reconvened.

Moved by Comm. Nybakken, seconded by Comm. Walter to take no action but seek advice of Special Prosecutor Seymour Jordan before the end of the day. Roll call: all voted yes; motion carried.

At 11:40 a.m., with no further business, the meeting was adjourned.