

Minutes of the Board of Ward County Commissioners  
September 6, 2016

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

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

Moved by Comm. Wepler, seconded by Comm. Louser to approve minutes from Special Commission Meetings on August 17-18, 2016, and minutes of Regular Commission Meeting on August 16, 2016 with clarification Courthouse Renovation Change Order #9 for proposed Alternate #4 approved with funds from Courthouse Facilities Improvement Grant. Roll call: all voted yes; motion carried.

Auditor/Treasurer Devra Smestad then presented the bills. Moved by Comm. Walter, seconded by Comm. Wepler to approve regular bills totaling \$1,998,955.15 and the Social Welfare Fund of \$12,159.34. Roll call: all voted yes; motion carried.

At 9:06 a.m. Chairman Fjeldahl opened the public hearing regarding Ward County Ordinance 2016-2, International Fire Code-ICC.

Minot Rural Fire Chief Rex Weltikol and State's Attorney Roza Larson appeared to speak in favor of the adoption of Ordinance.

At 9:12 a.m. Chairman Fjeldahl adjourned the public hearing and reconvened the meeting with all members present.

Moved by Comm. Wepler, seconded by Louser to adopt on Final Reading Ward County Ordinance 2016-2 as follows:

#### 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 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 a tender truck will be provided by the authority having jurisdiction in lieu of this requirement to provide the necessary adequate fire suppression.

Roll call: all voted yes; motion carried.

At 9:12 a.m. Chairman Fjeldahl opened public hearing regarding Amendment to Ward County Zoning Ordinance removing references of Carbondale and Freedom Townships from Chapter 4.

Highway Engineer Dana Larsen and Director of Emergency Management

Amanda Schooling appeared to speak in favor of adoption of the Ordinance.

At 9:20 a.m. Chairman Fjeldahl adjourned the public hearing and reconvened the meeting with all members present.

Moved by Comm. Walter, seconded by Louser to adopt on Final Reading Ward County Zoning Ordinance as written:

#### DISTRICT BOUNDARIES

The boundaries of the base floodplain district shall be the areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) through a scientific and engineering report entitled "The Flood Insurance Study for Ward County, North Dakota" dated January 19, 2000 with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway maps and any revision thereto are hereby adopted by reference and declared to be a part of this ordinance. The boundaries shall include areas shown on the County Floodplain Management Map as County Floodplain Management Areas. Said maps are kept on file in the office of the Ward County Auditor at the time of the adoption of this ordinance, and shall be available for public inspection during the established County office hours. Said flood hazard areas may be changed periodically through additional floodplain maps derived from studies by federal, state and local officials. This new information for updating the flood insurance study and supplementary documents shall be forwarded to FEMA immediately. The area subject to the authority of the Ward County Floodplain Zoning Ordinance will be comprised of all unorganized areas located within the boundaries of Ward County, and those townships which have filed written relinquishments of their zoning authority to Ward County at the Ward County Auditor's office. The townships which have filed their written relinquishments of zoning authority to Ward County pursuant to North Dakota Century Code, Chapter 11-33, are: Baden, Carpio, Harrison, Foxholm, Kirkelie, Nedrose, New Prairie, Sawyer, Sundre, and Willis.

Roll call: all voted yes; motion carried.

Ward County Building Inspector Leo Schmidt appeared with request for Moving Permit filed by Mike Steier to move single family one story conventional framed home and garage from 7605 Hwy 2 East, Minot, ND, Minot Prairie Industrial Park Lot #3

Minot Parcel #MI23E590100010 to 14205 72<sup>nd</sup> Ave NE, Olt 4 of S2SW less ROW Sec 22, 156-N 81-W Maryland Twp, Parcel #ML220990000040.

At 9:20 a.m. Chairman Fjeldahl opened public hearing regarding Moving Permit.

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

At 9:21 a.m. Chairman Fjeldahl adjourned the public hearing and reconvened the meeting with all members present.

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

Ryan Ackerman, Souris River Joint Board Administrator appeared with update on Structure Acquisition, Relocation and Ring Dike (StARR) Program. The goal of this program is to reduce future flood risk to rural residents throughout the basin who were impacted by 2011 flood by removing structures from the floodplain. Once purchased, Board would like to deed property over to Ward County for upkeep and maintenance. Discussion ensued about condition of property and options available to county following sale. Action tabled pending property address and legal description from Ackerman and additional information from Highway Engineer Dana Larsen and State's Attorney Roza Larson.

Moved by Comm. Wepler, seconded by Comm. Louser to receive and file Souris River Joint Board Quarterly Update to Renville, Ward, McHenry and Bottineau County Commissions. Roll call: all voted yes; motion carried.

Assistant City Planner Nancy Simpson appeared requesting Letter of Support for extension of City of Minot's Renaissance Zone blocks. The Renaissance Zone currently consists of twenty six blocks generally located in the old downtown

commercial and residential area of Minot. Moved by Comm, Wepler, seconded by Comm. Louser to approve request and authorize chairman sign document. Roll call: all voted yes; motion carried.

Ryan Hochbrunn and Eric Hoffer, Adolfson & Peterson Construction, appeared with Jail Expansion Project updates and change orders.

Moved by Comm. Wepler, seconded by Comm. Walter to approve Change Order #10 for elevator smoke vent in amount of \$11,178. Roll call: all voted yes; motion carried.

Moved by Comm. Louser, seconded by Comm. Wepler to approve Change Order #11, light fixture credit in amount of \$489. Roll call: all voted yes; motion carried.

Moved by Comm. Nybakken, seconded by Comm. Louser to approve Change Order #12 revisions of door electrical requirement, chiller and 4<sup>th</sup> floor furring in amount of \$2,316. Roll call: all voted yes; motion carried.

Moved by Comm. Walter, seconded by Comm. Louser to approve Change Order #13 using public utilities relocation allowance at no additional cost to county. Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Walter to approve Change Order #14 so project can move forward but request A&P Construction provide explanation on why additional \$51,736 shouldn't come from Errors and Omissions of JLG Architects. Roll call: all voted yes; motion carried.

Moved by Comm. Wepler, seconded by Comm. Louser to approve Change Order #15 so project can move forward with explanation from A&P Construction on

why additional \$25,227 shouldn't come from Errors and Omissions of JLG Architects.

Roll call: all voted yes; motion carried.

Moved by Comm. Walter, seconded by Comm. Louser to approve Change Order #16 to modify dayroom showers in amount of \$8,820. Roll call: all voted yes; motion carried.

At 10:20 a.m. the meeting was recessed.

At 10:30 a.m. the meeting was reconvened.

Highway Engineer Dana Larsen appeared with CSI Change Order to add cement stabilization to Plaza Road Project on Ward County Road #20 due to increased traffic. Moved by Comm. Walter, seconded by Comm. Louser to approve Option #2 at cost of approximately \$553,000 for Ward County section of road. Roll call: all voted yes; motion carried.

Assistant Highway Engineer Travis Schmit appeared with following Memorandum for Plats recommended for Approval. Moved by Comm. Weppler, seconded by Comm. Walter to approve Memorandum 1 as follows:

1. Application for plat approval by Brian and Stacy Wallin for the following described property:

Outlot 3 of NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 28-155-81, Surrey Township

The application is for 5.02 acre outlot. The Surrey Township 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 no development as a result of this plat should obstruct any watercourses or divert surface water flows.

2. Application for plat approval by Marilyn Bradley for the following described property:

Outlot 2 of SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 1-152-85, Rice Lake Township

This application is for a 2.01 acre outlot. The Rice Lake Township Board 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 no development as a result of this plat should obstruct any watercourses or divert surface water flows.

3. Application for plat approval by William Casey Schriock for the following described property:

Outlot 2 a Portion of Warranty Deed Doc. #652215 and an Unplatted Parcel lying in the NE ¼ SE ¼, Section 30-154-82, Sundre Township

Outlot 3 a Portion of Warranty Deed Doc. #652215 lying in the NE ¼ SE ¼, Section 30-154-82, Sundre Township

This application is for 6.67 and 5.23 acre outlots respectively. The Sundre 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 no development as a result of this plat should obstruct any watercourses or divert surface water flows.

4. Application for plat approval by Wayne Giesen for the following described property:

Outlot 6 of SW ¼ SE ¼, Section 27-152-87, Orlie Township

This application is for a 15.52 acre outlot adjacent to 275<sup>th</sup> Ave SW, east of County Road 9. The Orlie 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 no development as a result of this plat should obstruct any watercourses or divert surface water flows.

Roll call: all voted yes; motion carried.

Schmit then presented Memorandum #2, Zone Change and Variance. Moved by Comm. Weppler, seconded by Comm. Louser to approve the following with clarification the Application for zone change is from A-1 to R-1:

1. Application for zone change by William Casey Schriock for the following described property:

Outlot 2 a Portion of Warranty Deed Doc. #652215 and an Unplatted Parcel lying in the NE ¼ SE ¼, Section 30-154-82, Sundre Township

This application is for a zone change on the property listed above. The adjoining properties are zoned agricultural (A-1). There is currently a residence on Outlot 3.

2. Application for variance by Leon Huizenga for the following described property:

Outlot 4 NW ¼ Section 17-157-83, Waterford Township

This application is for a variance on the property listed above. Ward County Zoning Ordinance, Chapter 1 Section II allows for the construction of non-residential, non-commercial buildings that replace existing structures if they are less than 1,000 square feet. The application is to construct a 4,000 square foot building and remove 16 other buildings on the property that total 4,400 square feet. The Minot Air Force Base reviewed the application and did not have any objection to the requested variance.

Roll call: all voted yes; motion carried.

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

Weppler, seconded by Comm. Walter to approve changes to County Tax Roll as

follows:

1. Farm Residence Exempt:

<b>Property Owner</b>	<b>Description</b>	<b>Valuation Year</b>	<b>Old True &amp; Full</b>	<b>New True &amp; Full</b>	<b>Old Taxable Value</b>	<b>New Taxable Value</b>
Jung, Daniel & Christina	SU150990000040 Olt 4 of E2NE S15-155-81	2016	\$439,000	\$31,000	\$19,755	\$1,395
Jung, Daniel & Christina	SU150990000040 Olt 4 of E2NE S15-155-81	2015	\$352,200	\$31,200	\$15,849	\$1,404

2. Omitted Property:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Grigsby, Matthew & Guy	MG040990000030 Olt 3 of SWSW S4-157-81	2016	\$4,900	\$146,000	\$245	\$6,320
Grigsby, Matthew & Guy	MG040990000030 Olt 3 of SWSW S4-157-81	2015	\$4,600	\$139,600	\$230	\$6,305
Grigsby, Matthew & Guy	MG040990000030 Olt 3 of SWSW S4-157-81	2014	\$4,400	\$139,400	\$220	\$6,295

3. MH Escaped Assessment:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Bradish, Andrew II	HA5105641 Rimrock S/D Olt 11 L17	2016	\$0.00	\$22,000	\$0.00	\$990
Bradish, Andrew II	HA5105641 Rimrock S/D Olt 11 L17	2015	\$0.00	\$22,000	\$0.00	\$990
Paverud, Dixie	MI5105639 Wheatland Village Lot 152	2016	\$0.00	\$98,000	\$0.00	\$4,410
<i>Paverud, Dixie</i>	<i>MI5105639 Wheatland Village Lot 152</i>	2015	<i>\$0.00</i>	<i>\$98,000</i>	<i>\$0.00</i>	<i>\$4,410</i>
Paverud, Dixie	MI5105639 Wheatland Village Lot 152	2014	\$0.00	\$98,000	\$0.00	\$4,410

4. Structure assessed to incorrect parcel, remove structure value for 2016:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Precision Plus Construction	SY19T480300030 TIF Myers 6 <sup>th</sup> Addition Lot 3 Blk 3	2016	\$215,000	\$31,000	\$9,675	\$1,550

5. Parcel officially annexed in 2010, error noticed in 2016 by County Tax Director :

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Roberts, Ronald & Anneslies	MI272881520023 Olt 2 of SWNW W429' Less E99' S27-155-83	2016	\$0.00	\$2,000	\$0.00	\$100

6. Basement was estimated as completely finished, but is not:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
DK Ventures I	MI232810000410 Oak Park Addition Lot 41	2016	\$156,000	\$146,000	\$7,020	\$6,570

7. Escaped Assessment, Possessory Interest Lease Site not currently being assessed since 2014:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Jacraig Partners LLP	NEL65282000000 Lease Site #BF65282	2016	\$0.00	\$109,000	\$0.00	\$5,450
Jacraig Partners LLP	NEL65282000000 Lease Site #BF65282	2015	\$0.00	\$109,000	\$0.00	\$5,450
Jacraig Partners LLP	NEL65282000000 Lease Site #BF65282	2014	\$0.00	\$109,000	\$0.00	\$5,450

8. Property was purchased by Ward County in 2014 for flood control:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Ward County	HA180180000270 Robinwood Estates all Lot 27 & Sublot A of Lot 28	2016	\$99,800	\$0.00	\$4,491	\$0.00
Ward County	HA180180000270 Robinwood Estates all Lot 27 & Sublot A of Lot 28	2015	\$99,800	\$0.00	\$4,491	\$0.00

9. Property owner qualifies for Wheelchair Exemption, form turned in late:

<b>Property Owner</b>	<b>Description</b>	<b>Valuation Year</b>	<b>Old True &amp; Full</b>	<b>New True &amp; Full</b>	<b>Old Taxable Value</b>	<b>New Taxable Value</b>
Hennes, Joseph & Margaret Life Estate	MI191310000350 R/A of Green Valley Addition Lot 35	2016	\$266,000	\$166,000	\$11,970	\$7,470
Hennes, Joseph & Margaret Life Estate	MI191310000350 R/A of Green Valley Addition Lot 35	2015	\$279,000	\$179,000	\$12,555	\$8,055
Hennes, Joseph & Margaret Life Estate	MI191310000350 R/A of Green Valley Addition Lot 35	2014	\$280,000	\$180,000	\$12,600	\$8,100

10. Property was estimated in 2015 as basement finished. A 2016 review, the single family has no basement finished:

<b>Property Owner</b>	<b>Description</b>	<b>Valuation Year</b>	<b>Old True &amp; Full</b>	<b>New True &amp; Full</b>	<b>Old Taxable Value</b>	<b>New Taxable Value</b>
DLSL	MI232940700010 Parkland Addition Lot 1 Block 7	2016	\$140,000	\$123,000	\$6,300	\$5,535

Roll call: all voted yes; motion carried.

Emergency Management Director Amanda Schooling appeared with two Enbridge Safe Community Program Grants for \$999 to Emergency Management for Training, and \$1,000 to Sheriff's Reserve for protective gear. Moved by Comm. Wepler, seconded by Comm. Louser to accept Grants and authorize Chairman to sign documents. Roll call: all voted yes; motion carried.

Schooling then presented National Flood Insurance Program Adoption for Burlington Township to fall under Ward County. Moved by Comm. Wepler, seconded by Comm. Louser to approve on first reading change to Ward County Floodplain Zoning Ordinance.

Chapter 4- Ward County Zoning Ordinance would read as follows:

**DISTRICT BOUNDARIES**

The boundaries of the base floodplain district shall be the areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) through a scientific and engineering report entitled “The Flood Insurance Study for Ward County, North Dakota” dated January 19, 2000 with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway maps and any revision thereto are hereby adopted by reference and declared to be a part of this ordinance. The boundaries shall include areas shown on the County Floodplain Management Map as County Floodplain Management Areas. Said maps are kept on file in the office of the Ward County Auditor at the time of the adoption of this ordinance, and shall be available for public inspection during the established County office hours. Said flood hazard areas may be changed periodically through additional floodplain maps derived from studies by federal, state and local officials. This new information for updating the flood insurance study and supplementary documents shall be forwarded to FEMA immediately. The area subject to the authority of the Ward County Floodplain Zoning Ordinance will be comprised of all unorganized areas located within the boundaries of Ward County, and those townships which have filed written relinquishments of their zoning authority to Ward County at the Ward County Auditor’s office. The townships which have filed their written relinquishments of zoning authority to Ward County pursuant to North Dakota Century Code, Chapter 11-33, are: Baden, **Burlington**, Carpio, Harrison, Foxholm, Kirkelie, Nedrose, New Prairie, Sawyer, Sundre, and Willis.

Roll call: all voted yes; motion carried.

Auditor/Treasurer Devra Smestad appeared.

Moved by Comm. Wepler, seconded by Comm. Walter to receive and file the following correspondence: NDDDES – 2016 Rice Lake Road & Sewer Project; The Village – EAP Utilization Report; ND Dept of Health – Inert Waste Workshop; Crowley/Fleck – 2014 & 2016 10-Year Plans. Roll call: all voted yes; motion carried.

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

Moved by Comm. Nybakken, seconded by Comm. Louser to approve Gaming Site Authorization for Souris Valley Bowmen. Roll call: all voted yes; motion carried.

Moved by Comm. Louser, seconded by Comm. Nybakken to approve appointment of Kenneth Gillespie and Kandi Mikkelson to North Dakota State Fair Association Committee. Roll call: all voted yes; motion carried.

Smestad then presented Ward County Preliminary 2017 Budget.

Comm. Nybakken stated budget appears very reasonable with Comm. Louser adding the increase appears to be less than 2%. Public Hearing has been set for September 27, 2016 at 7:00 p.m.

Discussion ensued about Highway Department preliminary budget being lowered to 9 mills from requested from 10 mills. Moved by Comm. Weppler, seconded by Comm. Walter to change Highway Department budget request back to 10 mills. Roll call: all voted yes; motion carried.

Moved by Comm. Walter, seconded by Comm. Louser to adopt 2017 Preliminary Budget with requested changes. Roll call: all voted yes; motion carried.

Smestad asked Board to confirm attendance of Annual NDACo Conference so she can finalize room reservations.

Comm. Walter presented proposed Chumas Plaza Plaques that will be placed in front of Administration Building at cost of approximately \$2,200 and paid for by donations. Errors were noted and will be corrected before project finalized. Moved by Comm. Weppler, seconded by Comm. Louser to move forward with project after corrections and changes completed. Roll call: all voted yes; motion carried.

Moved by Comm. Weppler, seconded by Comm. Walter to approve the following payroll amendments: Cheri L. Smith – Social Services (Level 17); Cheri L. Smith – Social Services (Level 19); Lecia L. Hager – Social Services (Level 25); Donald

Wingertsahn, Jr., - Sheriff's Dept (Level 18); Corey Cawvey – Sheriff's Dept (Level 18);  
Tammy Sattler – Sheriff's Dept (Level 20). Roll call: all voted yes; motion carried.

At 11:40 a.m. the meeting was recessed for an Executive Session.

At 11:41 a.m. Chairman Fjeldahl opened an Executive Session with the other Commissioner's providing discussion about potential purchase of property.

At 12:05 p.m. Chairman Fjeldahl closed the Executive Session with the regular meeting reconvened.

Board unanimously agreed to not take any action at this time pending additional information.

At 12:10 p.m., with no further business, the meeting was adjourned.