

**July 6, 2016**

The Williams County Commission met in regular session this 6<sup>th</sup> day of July, 2016 beginning at 8:00 AM in the Memorial Room of the Williams County Courthouse.

Chairman Montgomery called the meeting to order. Innis took roll call: Ramberg-here, Aberle-here, Hanson-here, and Kalil-here.

There being a quorum, Chairman Montgomery proceeded.

Chairman Montgomery stated that a motion has to be given to hold an Executive Session at 9:00 AM for Attorney consultation to discuss School District Levies. The legal authority for holding an Executive Session is NDCC Section 44-04-19.1 subsection 2, and NDCC Section 44-04-19.2 subsection 1. Kalil moved Aberle seconded to hold an Executive Session at 9:00 AM in Courtroom #202 on the second floor of the Williams County Courthouse. Motion carried.

City Commissioner Tate Cymbaluk present to concerning a land swap between the City and the County on behalf of the Williston Rural Fire Department. The parcels in the swap are Municipal Park Addition Lots 1, 2, 3 (City) for LaDue Addition to the City of Williston B1 E2 L1, 2, & 3 (County). If the Williston Rural Fire doesn't use the property then the property will revert back to the original ownership. Special Assistant States Attorney Karen Prout, City Attorney Pete Furuseth, and Cymbaluk will draft an agreement for both parties to sign. There will be no money that will change hands, just property. Fire Chief David Benth has no issues with the exchange. Kalil moved Aberle seconded to approve the land swap and authorize the Chairman to sign the agreement when prepared. Motion carried. (Copy included in minutes)

Kalil moved Hanson seconded approval of the consent agenda:

1. Abatements- 2014/2015 Donald Gunlikson/Indian Trust Land possessory interest in 136 AC in NE Section 8 T158 R103; 2014/2015 James Horob/Indian Trust Land possessory interest in L4 SESE Section 10 T155 R104; 2014/2015 James Horob/Indian Trust Land possessory interest in NESE & L3 Section 10 T155 R104; 2014/2015 James Horob/Indian Trust Land possessory interest in 102 AC in E2NE L 1 & 2 Section 34 T156 R104; 2014/2015 Curtis Houle/Indian Trust Land possessory interest in S2SE EX DD Section 2 T155 R104; 2014/2014 Mike Kueffler/Indian Trust Land possessory interest in 47 AC in NE Section 25 T158 R103; 2014/2015 Greg Larson/Indian Trust Land possessory interest in 140 AC in E2SE L 3 & 4 Section 34 T156 R104; 2014/2015 Steve Muller/Indian Trust Land possessory interest in 79 AC in SW Section 5 T158 R103; 2014/2015 Steve Muller/Indian Trust Land possessory interest in 36 AC in SW Section 8 T158 R103; 2014/2015 Dale Nelson/ Indian Trust Land possessory interest in E2NE L1 (29.80), L2 (29.65) EX DD INT Section 31 T157 R103; 2014/2015 Todd Panasuk/Indian Trust Land possessory interest in 122.5 AC in SW Section 14 T155 R104- all valuations on these prior parcels are exempt from taxes because leases on Indian Trust Land and they are no longer taxable per ruling that came down January 4, 2013- 25 CFR 162.017; 2015 assessment error on building City of Williston 1.4 AC Tract in L1 Section 2; 2014/2015 Value Adjustment for Homestead Credit Sandra L Picard Sunnyslope Terrace L 14 to the City of Williston; 2015 assessment error on building Splash Enterprises LC City of Williston Homecroft 2<sup>nd</sup> Addition Plot 7; 2015/2016 Value Adjustment Jawaid Surani 2011 Friendship Mobile Home located on Lot 2 Block 1 Hi-Land Heights 2<sup>nd</sup> Subdivision; and 2014/2015 Exempt Trenton Indian Service Area Corporation Tract in NESW Section 17 T153 R102.

2. Bills to be paid July 6<sup>th</sup>
3. 1% Public Safety Awards- Epping FD -\$35,000.00; Grenora Ambulance Service- \$7,118.44; and Wildrose Fire District- \$7,900.00. (Copy included in minutes)
4. Duplicate Warrant requests for:

Payee	Check Number	Date	Amount
Manger Insurance	69299	02/10/2015	\$128.00
Wildrose Senior Center	76070	04/20/2016	\$5,000.00
Christi Osborn	70707	05/12/2015	\$128.56
Christi Osborn	74199	12/29/2015	\$75.00
Pathology Services	75597	03/23/2016	\$416.88
Verlan Kvande	75492	03/09/2016	\$21.15

(Copy included in minutes)

5. Transfer order #281 of \$804,475.32 from HTD to Road/Bridge
6. Board of Equalization Minute Approval- June 2, 2016
7. May 3<sup>rd</sup> and 17<sup>th</sup> minutes
8. Culvert Petition- Judson Township

Motion carried.

Katie Lima, Development Services Director presented Planning/Zoning items.

Zone change to rural commercial presented for William J Senff, Jr. (no one present) to allow the operation of a paint ball facility. Existing house will be utilized as a barricade. Lima stated that instead of a zone change Planning/Zoning recommended a conditional use permit. Kalil moved Hanson seconded to follow the recommendation of Planning/Zoning of approval located as Lots 7, 8, 9 Block 3 East Addition Section 35 T156 R98 Wheelock Township with conditions that building permits, inspections are required for all new structures; improve bounding roadway; provide for onsite parking; provide site plan; note if one large building is proposed, lot lines may need to be adjusted; minimum one off-street parking per 10,000 square feet if recreational area; area should be fenced with a fence at least 8 ft. tall; and approve s conditional use permit and not as Zone Change. Motion carried. (William J Senff, Jr.)

Conditional use permit renewal presented for Woodrow Sveen/Ames Savage Water Solutions (Mike Ames present). Ames is requesting that the paving condition be removed and the truck traffic is not heavy so he is wondering why the need for a trackout pad. This is mostly a water exchange depot. Kalil moved Hanson seconded to follow the recommendation of Planning/Zoning of approval striking the paving requirement located SE4SW4 Section 14 T155 R95 Dry Fork striking requirement #10 of pave on and offsite roadways, but with remainder of conditions of road maintenance along property and entrance; Operator may possibly be called upon at times to control dust on roadways and/or be called upon to perform grading under Williams County Highway supervision and to perform work within a timely manner; Operator shall provide Williams County with responsible party's contact information, consisting of name, address, and telephone number in addition to an alternate upon signing this Agreement; any failure or delay in the performance of the work detailed herein by said Operator shall result in the suspension of their CUP until such time as the work has been satisfactorily completed; all of the work described above will be precipitated by citizen complaints; compliance with all building permit requirements; including the proposes storm water management plan and drainage plan; final

inspection by building department; and approval for one year from Commission approval date. Motion carried. (Woodrow Sveen/Ames Savage Water Solutions)

Conditional use permit presented for Larena McGinity/Melgaard Construction/Trey McCurley (Larena McGinity present) for a new gravel pit. All adjacent properties are large agricultural parcels. The applicant does not intend to have maintenance of equipment or fuel tanks onsite. Some mobile processing equipment will be on site. It is not planned to store any chemicals or fuel tanks on site. Discussion was held on whether the County needs to approve gravel pits and Prout/Hymer stated that in the new ordinances they have to be approved. McGinity stated that this operation will be only be for a short period of time, they will be setting up a crusher in the future, not a large area, and they need to reclaim the land in the future. Kalil moved Ramberg seconded approval located in S2S2 Section 20 T159 R95 with conditions to provide for 75' road easement along County Road #21; provide and maintain permanent track out; update County Rad #21 to County Standards; change hard surface to Dust Control surface of County Road #21 up to County Road #50 cooperating with the County Highway Department on roadway criteria; and land should be restored to original state after operation is discontinued. Motion carried. (Larena McGinity/Melgaard Construction/Trey McCurley)

Zone change to urban residential, conditional use permit, and Major Comprehensive Plan Amendment presented for Mike Ames/Bill Sheldon/Brian Lee representing Red Mike Airport for a fly-and-live community, or park, consisting of airfield, runway and related facilities and connecting residential lots. Next step will be subdivision application. The applicant requested application to be tabled until the July 19<sup>th</sup> meeting as the engineers could not be present today. Kalil moved Hanson seconded to table until the July 19<sup>th</sup> meeting. Motion carried. (Mike Ames/Bill Sheldon/Brian Lee representing Red Mike Airport)

Zone change to urban residential presented for Aurena Investments LLC/Fred Stelter (Fred Stelter present) to allow further subdivision of the property into two residential lots. The applicant intends to apply for a re-subdivision as second step. This is a maintenance item to correct the zoning of the entire area. Kalil moved Aberle seconded to follow the recommendation of Planning/Zoning of approval located as L 1R a rearrangement of L 7, 8 B5 Section 1 T153 R102 Trenton Township with conditions to adhere to NDCC and Williams County Ordinance; provide a plot/grading plan for both lots, drainage easement may be needed; adhere to Upper Missouri Health standards; approval and recording of a re-subdivision plat; and building permits, inspections are required for all structures. Motion carried. (Aurena Investments LLC/Fred Stelter)

Conditional use permit presented for William/Tammy Lacrosse/Ian Vestal (Ian Vestal present) for temporary storage of various commercial equipment on 7.37 acres in a residential zone. Kalil references the comments from Judson Township " the property is in a residential subdivision, concerns about the chemicals that are stored and potential of fire, they are asking for permission after the fact and they knowingly bought the property as residentially zoned, there is also a rundown trailer house pulled off to the side" with recommendation of disapproval. Dana Larson stated that chemicals are stored on the property; it is a mess, a lot more than trailers on the property, and lots of stuff. He spoke with Rich Vestal and nothing has changed. Kalil moved Hanson seconded to follow the recommendation of Planning/Zoning of denial located as Sublot 3 in W 635.33' in SESW Section 11 T154 R102 Judson Township. Motion carried. (William/Tammy Lacrosse/Ian Vestal)

Vacation of 7' strip easement deeded to Williams County presented for Ronald Viall/Furuseh Law. Kalil moved Hanson seconded to follow the recommendation of Planning/Zoning of approval located in NW4

EX ST & DD PTS Section 13 T156 R98 Wheelock Township with condition that the vacation drawing should be sealed and recorded with resolution of approval. Motion carried. (Ronald Viall/Furuseth Law)

Katie Lima, Development Services Director/Building Official presented the Liberty Midstream Reclamation Bond for discussion. When their application was approved January 19, 2016 one of the special conditions that a reclamation bond shall be submitted to Williams County Development Services. The bond of \$500,000.00 was required by Lindahl Township for reclamation purposes. Mike Hess in attendance questioning that since the property was re-zoned to heavy industrial then why is a bond and conditional use permit required. Lima stated that when the re-zone was applied for so was the conditional use permit. Kalil stated that something in heavy industrial requires a conditional use permit. If this is a permanent plant then why was a bond required as it won't go away. Lima stated that for a gas plant a conditional use permit is required, but they own the property. Kalil moved Aberle seconded to remove the condition for the requirement to submit a bond. Motion carried.

Discussion was held on the interpretation of "Can a building or structure be constructed over a property or lot line if the two lots, parcels, or tracts of land in question are contiguous (adjacent and having common interior border) and have a common landowner?" Prout stated that is allowed if the property owners are the same they need to file something with the Tax Assessors Office to make into one parcel. Kalil moved Ramberg seconded to follow the interpretation stated by Prout. Motion carried. (Copy of memo included in minutes)

Mike Smith, Emergency Management Director presented a memo to the Commissioners concerning his 1% Public Safety grant Award for his Disaster Medical Response Trailer project. In the memo Smith sited the cost breakdown, reasons for the need of the trailer, Disaster Medical Response Unit Standard Operating Guidelines, Disaster Medical Response Unit Usage Report, and how the supplies stocked with expiration dates will be rotated. He addressed the issue of wants versus needs. He feels that he can serve the greatest amount of citizens with the money we are going to spend. Smith stated that the 1% Public Safety Committee approved his request. Ramberg stated that they were to discuss with the City of Williston to see if they would help contribute to the costs and Ramberg said that City Commissioner Tate Cymbaluk was going to take this to the City Commissioners. Aberle said that when he spoke to Cymbaluk no dollars were available now, but it is a good idea. The entire award was for \$88,382.00 with the trailer costs to be \$29,000.00. Kalil said that he appreciates all of Smith's work, but he is uncomfortable to spend the dollars at this time as the revenue for the 1% Public Safety Tax is down 66%. Kalil also stated that he did express his same thoughts with other EMS individuals. Kalil moved Aberle seconded to deny the award at this time. Hanson stated that the Commission promised the 1% Public Service Board that they would not second guess their decisions and there is still money coming into the fund. Ramberg stated that he agrees with Hanson and the Committee was 100% in favor of this award for the Disaster Medical Response Trailer project as there is a need and use for it. Aberle asked if the Committee has denied any requests. Hanson and Ramberg stated yes they have. Aberle feels that there is no need for this as we have trained people to do the job and he doesn't think the trailer will ever be taken out to the sites. Roll call vote: Ramberg-no, Aberle-yes, Montgomery-yes, Hanson-no, and Kalil-yes. Motion carried.

Kalil moved Ramberg seconded approval for the Youth Diversion grant for Williams County and then branch out to other agencies as presented by Marsha Hughes. Motion carried. (Copy included in minutes)

Ramberg moved Hanson seconded approval of the Open Position Report submitted by Helen Askim, HR Director and permission to advertise to hire Property Specialist (Tax Assessor's Office), Plans Examiner

(Development Services), and Intake Worker HSPA I (Social Services). Motion carried. (Copy included in minutes)

Askim discussed with the Commissioners about the fall fly over this year. She asked the departments using that application and they stated that there isn't enough significant change to justify the money being spent. Kalil moved Hanson seconded to eliminate the 2016 fall fly over. Motion carried.

Lima stated that Development Services is low staffed presently and she is looking into a planning agency to assist, such as CTA until we get a Senior Planner trained. Lima said that they didn't want to fall behind in their work. Kalil questioned Nathan Hall responsibilities and Lima explained them to the Board. CTA currently is doing the planning for the Cities of Ray and Grenora. Hanson moved Kalil seconded for Lima to talk to CTA to see if they will assist us and get a proposal for the necessary work load. Motion carried.

The Board recessed at 8:57 to attend the Executive Session at 9:00 AM.

The Board reconvened at 9:24 AM.

Dennis Nelson, County Highway Superintendent stated that Williams County was picked by the Federal Highway Commission to go to the new structures for bridges and has awarded dollars. Nelson will be sending Tugi Shinezorig to a training class in South Dakota on how to put a bridge in.

Nelson reported that the new dump truck was rolled and he is questioning when they are done dealing with the insurance company if he can proceed with a re-purchase. Hanson moved Aberle seconded Nelson to re-purchase a dump truck. Motion carried.

Nelson will have project maps for the Commission for the budgeting cycle.

Discussion was held on the 52<sup>nd</sup> St Project. Selland received the award. Discussion was held on acquiring the few easements remaining. One of the easements remaining is with the Alva J Fields Trust and they are having a meeting this afternoon at 2:00 PM at Charles Neff's Office.

Nelson stated that they have a signed Road Maintenance Agreement with the Lindahl Wind Farm development.

Aberle brought the topic up that the County should not be involved in any type of mining operations, such as gravel by issuing conditional use permits. Ramberg brought up the topic of whether or not the County should be in the business of approval of pipelines and gathering systems.

Aberle gave a road permit update, which we have received \$10,901,655.22 since 2007.

Hanson moved Kalil seconded authorizing Innis to move the City of Williston polling location from the Raymond Family Community Center to the ARC. Motion carried.

Hanson moved Kalil seconded the appointments of Wayne Aberle and Barry Ramberg to the Social Services Board for a period of 3 years. Motion carried.

At 9:55 AM Chairman Montgomery turned the gavel to Vice-Chairman Aberle and vacated the Chair.

Montgomery moved Kalil seconded the denial of the Beer/Liquor License for Pilot Travel Center as this is not a good location for a liquor store. Motion carried.

AT 9:55 AM Vice-Chairman Aberle turned the gavel back to Chairman Montgomery.

There being no further business, the meeting recessed at 9:56 AM.