

**August 2, 2016**

The Williams County Commission met in regular session this 2<sup>nd</sup> day of August, 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.

Kalil moved Hanson seconded approval of the consent agenda:

1. Abatements- 2015 Bosque Systems LLC valuation adjustment West Bank Township Sublot 1 SWNW Section 4 T156 R96; 2014/2015 Halliburton Energy Services valuation adjustments Harvest Hills Subdivision L6 B11 City of Williston; 2015 Thomas/Donna Haustveit Farm Residence Exemption Dry Fork Township NWSW Section 2 T155 R95; 2015 Daryl Hinderer valuation adjustment Stony Creek Township TR in W2SWSE Section 20 T154 R100; 2015 Holly Davidson valuation adjustment Tioga Township N2NW Section 13 T157 R95; 2014/2015 James S Holman etux valuation adjustment Stony Creek Township 190'113' in SENE Section 29 T154 R100; 2014/2015 Kelmar Properties LLC valuation adjustment Lots 3 & 4 Block 2 Borsheim Subdivision City of Williston; 2015 M&S Reiger Family LLLP valuation adjustment Sublot 1 E2SE Section 17 T154 R100 Stony Creek Township; 2014/2015 Dwight/Linda Pederson valuation adjustment Tioga City Todd's Subdivision L2; 2014/2015 Dwight/Linda Pederson valuation adjustment Tioga City Todd's Subdivision L3; 2014 Dwight/Linda Pederson Tioga City Todd's Subdivision L4; 2015 Dennis/Rhonda Rehak valuation adjustment Tioga Township NE Section 23 T157 R95; 2015 Eleanor Sigmon etal valuation adjustment Unorganized Township SENW ex ST Section 6 T154 R95; 2014/2015 Harold/Karen Sundhagen Tioga Township Sublot 5 NWNE Section 34 T157 R95; 2014/2015 Harold/Karen Sundhagen valuation adjustment Tioga Township Tract in N2SWNWNE Section 34 T157 R95; 2015 Ward R Thielen valuation adjustment Pleasant Valley Township Sublot 4 N2 L3 Section 5 T156 R95; and 2015 Viall's Golden Valley Acres valuation adjustment Golden Valley Township SE ex CO Section 30 T157 R96. Assessor's Errors (2016 corrections- keying error's)- Arthur/Ann Anderson Buford Township MS15-0069 Section 9 T152 R104 from 7,742 to 7,432; Joann E Arends/Andrew Esterby (CFD) Mont Township SW Section 15 T155 R102 from 281,350 to 249,050; Bainville Land LLC Round Prairie Township PT of L1 EX HWY NO of HWY Section 27 T27 R104 commercial structure from 58,600 to 0; BCD Farms Inc. Bull Butte Township MS13-0141 Section 28 T156 R103 from 20,122 to 19,074; Betty Mae Christopherson Marshall Township Section 9 Tract E2SW from 18,900 to 2,384; Allen/Arlen Dominek Judson Township SENE EX ST Section 13 T154 R102 from 20,288 to 19,968; Roger Gunlikson Scorio Township NESW Section 29 T159 R101 from 6,020 to 4,584; Donald Gunlikson Scorio Township Scorio Township W2SE Section 29 T159 R101 from 21,880 to 20,000; Martin/Linda Hanson/ Brandon J/Stacy S Nelson (CFD) Scorio Township MS14-0069 Section 27 T159 R101 from 3,028 to 2,268; Highway 2 LLC Judson Township MS14-0024 Section 29 T154 R102 from 29,820 to 29,732; Loren A Irwin Hardscrabble Township Section 15 250'X500' Tract in S2SENE from 1,906 to 1,648; Henry W Ladue (½), Ray Walton (¼), Everett Palmer (¼) Trenton Township L7 (29.7) Section 7 T153 R101 from 132 to 0; Mudhead LLC Buford Township PT of W2NW Section 22 T153 R104 from 974 to 830; Mudhead LLC Buford Township Farm Unit #01 EX Hwy EX State Section 16 & 17 T152 R104 from 53,520 to 47,372; Roger Arvid Olson etux Round Prairie Township SE Section 28 T154 R103 from 157,222 to 93,022; Gerald O/Linda L Selby Buford Township W2E2SW EX ST South of New

HWY Section 9 T152 R104 from 5,150 to 4,634; Shadow Industries LLC Buford Township MS13-0144 Section 5 T152 R103 from 21,352 to 13,446; Daryn/Dorothy Smith Ellisville Township MS14-0001 in SE Section 13 from 56,642 to 35,112; Trenchline Energy Services LLC Marshall Township MS14-0141 in E2NE Section 24 from 220,472 to 218,562; Wagner/Garth Harmon Hardscrabble Township NE EX DD PTS in NENE Section 13 from 67,852 to 65,236; Wagner/Garth Harmon Hardscrabble Township SE Section 13 from 67,050 to 63,506; Wagner/Garth Harmon Hardscrabble Township NW Section 13 from 69,274 to 63,512; and Yellowstone Ethanol LLC Hardscrabble Township Ethanol Plant Subdivision Lot 1 Block 1 from 110,894 to 69,846. Prorate of Assessments- 2016 Taxable to Exempt- BNSF Railway Company MS15-0076 in SE Section 32 T157 R96 from 304 to 128; BNSF Railway Company MS15-0126 in NE Section 33 T157 R96 from 144 to 48; and BNSF Railway Company MS15-0077 in SE Section 32 T157 R96 from 138 to 58.

2. Bills to be paid August 3<sup>rd</sup>
3. Duplicate Warrant requests for:

Payee	Check Number	Date	Amount
Steve Kemp	75405	03/08/2016	\$50.00
Cathy Hodge	75593	03/23/2016	\$30.00
Jason Boock	71287	06/17/2015	\$25.00

(Copy included in minutes)

4. 1% Public Safety Awards- Grenora Ambulance Service- \$14,333.39; Trenton Fire Department- \$360,367.00; Williams County Emergency Management-/SO- \$4,500.00; and Williams County Sheriff's Office- \$62,124.40. (Copy included in minutes)
5. Transfer order #282 from County/Emergency Poor to Social Services in the amount Of \$600,000.00.

Motion carried.

Kalil moved Hanson seconded approval of the travel request for Chris Nelson to go to Houston TX for training on the new foam system for oil storage tanks. Motion carried.

Nathan Hall, Staff Planner presented Planning/Zoning items.

Zone change to heavy industrial, conditional use permit and a major Comprehensive Plan Amendment presented for Stephen P Carter/Ryan/Janice Davidson (no one present) for a crude oil storage terminal. The terminal will consist of up to two 15,000 barrel above ground storage tanks, up to four tanker truck unloading stations and LACT units, valves, pumps, and metering stations and a 12" diameter discharge pipeline to the nearby Dakota Access Pipeline facility. Kalil stated that the Pleasant Valley Township has concerns that Section 32 and the west half of Section 33 is zoned heavy industrial and the project doesn't fit into the Comprehensive Plan. They disapproved the application. Ramberg stated that the Township doesn't want any expansion north of 61<sup>st</sup> St NW, but to keep all of the development to the south. He stated that there are other places for this. Hanson moved Ramberg seconded to follow the recommendation of the Township of denial located in a portion of the SE4SE4 Section 29 T156 R95 Pleasant Valley Township. Roll call vote: Ramberg-yes, Aberle-yes, Montgomery-yes, Hanson-yes, and Kalil-yes. Motion carried. (Stephen P Carter/Ryan/Janice Davidson)

Conditional use permit presented for Crescent Point Energy US Corp. /Angie Knutson/Toby Helgeson (no one present) for the establishment of a temporary storage yard. The proposed yard covers 3.214 acres in the northwest corner of the NE4 in Section 17 Winner Township. The applicant would use the yard for storage of construction equipment, pipe racks, fencing supplies, tanks, and other various equipment.

Kalil moved Hanson seconded to follow the recommendation of Planning/Zoning of denial as we have not allowed this anywhere else in the County located in the NE4 Section 17 T156 R100 Winner Township. Aberle stated that it will be all confined in a 3 acre area and the well sites are right there. Hanson stated that the stuff was already there before it was approved. Ramberg stated that it is better there than trucking the stuff in. Chairman Montgomery stated that if the area gets out of control the CUP can be pulled. Ramberg stated that the Township approved and it is in a centralized location. Hanson stated that the Chairman of the Township is the owner of the land where this will be located. Roll call vote: Aberle-no, Montgomery-no, Hanson-yes, Kalil-yes, and Ramberg-no. Motion failed. Aberle moved Ramberg moved approval. Amended motion to follow the conditions set forth by Planning/Zoning with conditions that the road along the property and the entrance be maintained; approval for two years from approval date; provide and record a lease for area provide for review; survey needs to be sealed; dedicate additional 42' of road easement along north line of NE; current approach at mid-section line services both NE and NW approach needs to continue to serve NW provide for review; and provide permanent track out device track out device will require review and approval. Hanson stated that we never have allowed this before, so why now. Ramberg stated that it is smaller and centrally located yard which will cut down on traffic. Aberle stated that it is ¼ mile off the road and there is a truck inspection site near there. Roll call vote: Montgomery-yes, Hanson-no, Kalil-no, Ramberg-yes, and Aberle-yes. Motion carried. (Crescent Point Energy US Corp. /Angie Knutson/Toby Helgeson)

The Commission received correspondence from Crescent Point US Corps that they are applying for an Application for Permit to Drill (APD) and as part of the process the NDIC has requested additional verification from Williams County before approving the APD that Crescent Point request permission to temporary utilize the 33' section line R/O/W which is in Orthell Township. Hanson moved Kalil seconded that this section line is within the Township and the Commission has no authority to give permission to utilize it so the Commission is deferring the decision to the Township Board of Supervisors. Motion carried.

Conditional use permit presented for Trey McCurley/John Melgaard Jr. /Merle Halverson (no one present) for a gravel pit. All adjacent properties are large agriculture parcels. The applicant does not intend to have maintenance of equipment or fuel tanks onsite. Some mobile processing equipment will be onsite. It is not planned to store any chemicals or fuel tanks onsite. An email was received from Lyndon Johnson requesting that the owner and/or operator be required to reclaim/rehabilitate the existing gravel pit near the west edge of this property before expanding or opening a larger pit. His property is adjacent to the south of Merle Halverson property which was surveyed in 2015 and the survey has been recorded. The over burden of the existing pit was pushed over the property boundary when the pit was opened by the previous operator. Hanson stated that a fence was put in between the property and the over burden has been pushed past the fence. Kalil moved Aberle seconded approval located in N2N2 EX ST & RR Section 20 T159 R99 Rock Island Township with the conditions from Planning/Zoning to provide and maintain permanent trackout device; and land should be restored to original state after operation is discontinued; with the addition of this condition from the Commission that the current over burden onto the adjacent neighbor's property be removed within 60 days and restored to original condition and where the over burden was to plant grass where it has been killed. Motion carried. (Trey McCurley/John Melgaard Jr. /Merle Halverson)

Conditional use permit presented for Pioneer Drilling Services/Todd Haas/Rory LaDuke (no one present) for the use of an existing trailer as a caretaker unit to guard property and equipment. Kalil moved Ramberg seconded to follow the recommendation of approval located in Sublot 3R Lot Rearrangement of Sublot 3 in the SW4SW4 Section 24 T154 R102 Judson Township with conditions that building permits

and inspections are required for all structures onsite; property shall be inspected by Williams County Fire Marshall; grading plan, drainage plan, stormwater management plan, shall be submitted to the County as part of the Building permit process; meet Water Board requirements; approval only for one caretaker unit; provide/maintain trackout device as long as commercial equipment stored, at any and all ingress/egress locations; and approval for one year from Commission approval date. Motion carried. (Pioneer Drilling Services/Todd Haas/Rory LaDuke)

Variance to deviate from setback requirements (133 feet) from County and Township roads presented for LaVern/Julianna Vance for a garage. Hall stated that he received a call from the State Land Department with concerns over the section line closure. Kalil moved Hanson seconded to follow the recommendation of Planning/Zoning of approval located in the NE4 Section 9 T155 R97 View Township with the condition that building permits and inspections are required for all structures onsite. Roll call vote: Hanson-yes, Kalil-yes, Ramberg-yes, Aberle-yes, and Montgomery-yes. Motion carried. (LaVern/Julianna Vance)

Hanson moved Aberle seconded approval of conducting a Planning/Zoning meeting on November 17, 2016 and moving the December 22, 2016 scheduled meeting to December 15, 2016. Motion carried.

Kalil moved Aberle seconded approval of the proposed amendment to Appendix A Platting Requirements line 9 of the Williams County Zoning Ordinance and Subdivision Regulations the removal of the requirements for the Auditor's and Recorder's signatures to be notarized. Motion carried.

Ramberg questioned the Planning/Zoning process and how it can be streamlined. This is concerning the SWMP approval for Gary Raan and how long it has taken. Hanson spoke on behalf of the Water Board. Chairman Montgomery stated that it was based on the number of acres involved. Kalil stated that we need to put some common sense in all of our regulations. Pat Beebe, County Highway Department stated that currently if the amount of land is less than one acre a SWMP is not required. There are two different types which are a full SWMP report or a de minimus effect letter (which is a quicker return). Ramberg questioned to why the acreage can't be raised from one acre to three acres. Wayne Crow from Ackerman Estvold works with the Water Board explained the process and the Rules/Regulations as well as drainage complaints that come forward when the process is not followed properly. He stated that the majority of projects are dealt with efficiently. Chairman Montgomery asked why there be some deviation between individuals and subdivisions. Crow explained the Raan situation and there is no hold up on his SWMP, but the NDCC and Rules/Regulations need to be followed so complaints are filed.

Cal Klewin, Theodore Roosevelt Expressway discussed the progress of the expressway, long term highway bill, and FAST ACT- Critical Rural Freight Corridors, which the NDDOT is putting in a grant. The cost of expansion from Watford City to Belfield is approximately \$1B.

Oscar Morellis, Pilot Travel Center in attendance concerning their denial of their application for a Beer/Liquor License at their location north of Williston at the 13 Mile Corner, as they have had a lot of request for this service. He is wondering why the Commission stated that this is a bad location. He stated that Fire Marshall Chris Nelson has been out to their location. They were approved for a Beer/Liquor License in 2012. Aberle moved Ramberg seconded to bring the decision back up before the Board. Roll call vote: Hanson-no, Kalil-no, Ramberg-yes, Aberle-yes, and Montgomery-no. Motion denied.

Darcy Anderson, Tax Director presented a Contract for Professional Appraisal Services for assessments on our industrial sites from Thos. Y. Pickett & Company Inc. for the sum of \$89,250.00 per year for two years. Kalil moved Ramberg seconded approval to enter into the contract. Motion carried.

Helen Askim, HR Director presented her open positions report and explained the changes to the budgeted currently held open position, which she will be deleting as they will not be filled in the 2017 budget, as discussed with the Department Heads. Aberle moved Kalil seconded acceptance of the Open Positions Report and fill the positions for two Correctional Officers. Motion carried. (Copy included in minutes)

Askim presented a request for an employee from the States Attorney's Office can carry forward three days of vacation into September. Kalil moved Hanson seconded to authorize the carry over for Roxie Miller for the last year. Motion carried.

Kalil moved Hanson seconded authorizing Innis to pay the bill of \$6,000.00 to the ND Association of Oil/Gas Producing Counties for dues. Motion carried. This is an increase from last year due to the road permit fee.

The Commission received a letter from Terri Sorenson concerning the placement of the emergency siren tower installed by Mike Smith. The tower is so close to her property line and she is questioning the building/construction codes for a structure of this size. Her property is in the Scenic East Subdivision, which is a residential neighborhood with covenants against operating a business within the subdivision. She believes this conflict with the covenants and wonders how Rural Water was able to sell the lot for this purpose. She is requesting that the tower be removed from the subdivision and feels this will affect her property values. Kalil moved Aberle seconded to have Mike Smith move the tower. Motion carried. Ramberg will explain the situation to Smith and Chairman Montgomery will call Sorenson.

Doug Stangeland, Stony Creek Township concerning County Road #9 south of Highway 1804. The road is not being bladed at the corner as there is a neighbor that complains when it is done. The road is very unsafe in his opinion. Aberle stated that Nelson went out and looked at the area. Discussion was held on the dust control that should be done by the oil companies using the road. Aberle stated that he will speak with Nelson when he comes back from vacation.

There being no further business, the meeting recessed at 9:17 AM.