

Proceedings of the Mountrail County Commissioners

February 21, 2017

The Board met in regular session on Tuesday at 9:00 A.M. with Commissioners Arlo Borud, Trudy Ruland, Garry Jacobson, Daniel Uran and Gary Johnson present. Also present was States Attorney, Wade Enget.

Chairman Borud called the meeting to order

Moved by Comm. Ruland, seconded by Comm. Jacobson, to review and approve the agenda as is. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Jacobson, seconded by Comm. Ruland, to approve the Minutes of the February 7, 2017 meeting as corrected. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Ruland, seconded by Comm. Uran, to approve the bills totaling \$342,313.68. Upon roll call, all present voted yes. Motion carried. (A complete list of bills is posted on a regular basis on the Mountrail County Website @ www.co.mountrail.nd.us under the County Commissioner's heading.)

Moved by Comm. Ruland, seconded by Comm. Uran, to approve the January 2017 fees for the Sheriff Department. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Jacobson, seconded by Comm. Johnson, to approve the transfer for the 2017 budget fund as per the Board action totaling \$100,000 from the General Fund to the Emergency Fund. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Jacobson, seconded by Comm. Uran, to approve waiving the rental fee for the South Complex building for the Stanley FFA for the annual banquet on March 23, 2017. Upon roll call, all present voted yes. Motion carried.

Discussion was held on the Pee Wee Wrestling program being held at the South Complex. The Board requested Karen Babbitt, Head Custodian, be present at the next meeting.

Moved by Comm. Johnson, seconded by Comm. Ruland, to approve the Road Crossing Permit 409 from Mountrail Williams Electric Cooperative on 64th Ave NW, located in Sections 20 and 21 in Township 152 North, Range 88 West (Plaza Township) to bore for an electrical line. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Ruland, seconded by Comm. Jacobson, to untable the discussion on the complaint letter from Aaron Heberlie. Upon roll call, all present voted yes. Motion carried.

States Attorney Enget stated the complaint was received and investigated.

Moved by Comm. Uran, seconded by Comm. Ruland, to find that no violation had occurred and to not place the complaint in the personnel file. Upon roll call, all present voted yes except for Comm. Johnson who voted no. Motion carried.

Discussion was held about the public utilizing the Emergency/Commissioner Room. Corey Bristol, Deputy Sheriff, stated there is safety concern and the room contains the infrastructure for the Justice Center.

Moved by Comm. Johnson, seconded by Comm. Uran, to approve the Emergency/Commissioner Room to be used for county official meetings only. Upon roll call, all present voted yes except for Comm. Jacobson who voted no. Motion carried.

Discussion was held on the location of the designated smoking area. The Board agreed to designate the north corner of the Justice Center as the designated smoking area.

Moved by Comm. Ruland, seconded by Comm. Jacobson, to table the discussion on adding a cell phone while driving policy to the employee handbook to review the similar policies from other counties. Upon roll call, all present voted yes. Motion carried.

Discussion was held on the public works repeater attached to the Memorial Building. The City of Stanley sent a letter requesting the antenna remain on the building for a 10 year period. The City of Stanley stated no other antenna or equipment will be added and will provide liability insurance.

Moved by Comm. Johnson, seconded by Comm. Jacobson, to approve the City of Stanley's antenna to remain on the Memorial Building as long as the City provides a contract and maintains liability insurance. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Johnson, seconded by Comm. Uran, to approve the bill totaling \$4,380.66 to ASI Signage Innovations for a wall directory and a double sided directory for the Justice Center. Upon roll call, all present voted yes. Motion carried.

Chairman Borud opened the 9:40 A.M. public hearing to receive comments on the zoning amendment request filed by Terry Jones, with concurrence from landowner Johnny David Kulczyk, to rezone a 10 acre, more or less, tract of land known as NE¼NE¼SE¼ of Section 17, Township 154 North, Range 94 West (Unorganized Township) and 40 acres, more or less, described as SE¼NE¼NE¼, NE¼SE¼NE¼, SE¼SE¼NE¼, NE¼NE¼SE¼ of Section 20, Township 154 North, Range 94 West (Unorganized Township) from agricultural to industrial for a water depot with ponds.

Present for the hearing was Dan Krieger and Charlie Sorenson. Charlie Sorenson stated 2 dams were constructed which are now leaking and dirt was dumped on the property line. Dan Krieger stated erosion from the dike is moving onto his father's property.

The Planning & Zoning Board recommended the zoning amendment filed by Terry Jones be denied at the January 9, 2017 public hearing.

Moved by Comm. Uran, seconded by Comm. Johnson, to deny the request of Terry Jones, with concurrence from landowner Johnny David Kulczyk, for an amendment to the Mountrail County Zoning Ordinance to rezone a 10 acre, more or less, tract of land known as NE¼NE¼SE¼ of Section 17, Township 154 North, Range 94 West (Unorganized Township) and 40 acres, more or less, described as SE¼NE¼NE¼, NE¼SE¼NE¼, SE¼SE¼NE¼, NE¼NE¼SE¼ of Section 20, Township 154 North, Range 94 West (Unorganized Township) from agricultural to industrial for a water depot with ponds as recommended by the Mountrail County Planning Commission at their January 9, 2017 meeting. Upon roll call, all present voted yes. Motion carried.

States Attorney Enget will work with Lisa Lee, Planning & Zoning Administrator, to follow up with the landowner Johnny David Kulczyk about this matter.

States Attorney Enget stated the appointment of Jackie Dwyer to the Planning & Zoning Board does not cover the district requirements. The appointment needs to be from the Stanley City district. Administrator Lee will work on finding a replacement.

Moved by Comm. Ruland, seconded by Comm. Uran, to reconsider the appointment of Jackie Dwyer. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Jacobson, seconded by Comm. Ruland, to rescind the appointment of Jackie Dwyer to the Planning & Zoning Board due to North Dakota Century Code 11-33-04. Upon roll call, all present voted yes. Motion carried.

Discussion was held on Senate Bill 2286.

Shawna McFarland, Social Services Director, met with the Board to discuss Social Service issues.

Director McFarland informed the Board that a position had been reclassified and now there is an opening for a Family Service Specialist.

Director McFarland stated 18 hours of annual leave from 2012 to 2013 was missed for an employee. States Attorney Enget stated the state limitation will need to be researched and a written recommendation will be presented at the March 10, 2017 Commissioner Meeting.

Director McFarland informed the Board that a new requirement states the policy books need to be signed every year. Discussion was held on the State taking over funding of Social Services. Director McFarland gave an update on the Heartview grant.

Lori Hanson, Tax Director, along with Rory Porth, Property Assessor, met with the Board to discuss abatement applications and the soil type implementation.

Tax Director Hanson presented 4 applications for abatements.

Moved by Comm. Ruland, seconded by Comm. Johnson, to approve the 100% homestead credit for 2015 year on property number 15-0021400. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Jacobson, seconded by Comm. Johnson, to approve the 100% homestead credit for 2016 year on property number 15-0021400. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Johnson, seconded by Comm. Uran, to approve the 60% homestead credit for 2016 year on property number 56-0018300. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Jacobson, seconded by Comm. Ruland, to approve the 50% disabled veteran's credit for 2016 on property number 61-0089951. Upon roll call, all present voted yes. Motion carried.

Assessor Porth gave an update on the soil type implementations.

Jana Heberlie, Road & Bridge Engineer, met with the Board to discuss issues with the Road and Bridge Department along with Mary Trahan, Administrative Assistant.

Engineer Heberlie informed the Board that 99% of the ROW has been completed on 74th St NW, CR 4. The ROW has not been purchased from David White. David White is concerned about losing trees that serve as windbreak which would devalue the property and beekeeping business. The Board decided to redesign and reroute the road to save some of the trees on the property at the January 19, 2016 Commissioner Meeting. The trees that need to be removed are located with the 33' statute ROW. David White wants either more money for the property, money towards a tree windbreak construction, or for the county to construct the tree windbreak. Also present was Zach Gaaskjolen from Brosz Engineering. Mr. Gaaskjolen stated only 7' of the property is needed. Engineer Heberlie stated the property is zoned commercial and the valuation for commercial properties was not completed for this project. Engineer Heberlie suggested using the commercial valuation from the Ross road project.

Moved by Comm. Ruland, seconded by Comm. Johnson, to approve offering David White the same commercial valuation as the Ross road project. Upon roll call, all present voted yes. Motion carried.

Discussion was held on the construction of 76th Ave, CR 3. Comm. Johnson stated the road does not connect to any other road and suggested the road be turned back to the township. Engineer Heberlie stated the road project would not qualify for state funding due to not meeting requirements of a CMC route.

Moved by Comm. Jacobson, seconded by Comm. Uran, to place design of 76th Ave, CR 3, on hold. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Ruland, seconded by Comm. Jacobson, to approve the final change order for Old Hwy 2 in the amount of \$38,963.00. Upon roll call, all present voted yes. Motion carried.

John Sauber from Sauber Engineering presented 4 design alternatives for the White Earth Valley Road to correct a slope issue. The first option would be the no build option which Engineer Sauber does not recommend. The second option would be less expensive but the slope would be 2:1 which is steeper. The third alternative would be more expensive and the slope would be constructed equal to the existing slope at a 3:1 with utilizing the existing ROW. The fourth option would be the most expensive alternative and it would provide the flattest slope at 4:1 and would be easier to maintain. Engineer Sauber stated the ROW goes to Small Street but the CMC route goes through Mctavish Ave. Engineer Heberlie stated there is room in the Farm to Market Budget to finance this project.

Moved by Comm. Jacobson, seconded by Comm. Ruland, to approve the third alternative for the White Earth Valley Road. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Ruland, seconded by Comm. Jacobson, to approve the utilization of the Farm to Market Budget to finance the White Earth Valley Road project. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Ruland, seconded by Comm. Johnson, to approve the 2017 frost law load restrictions. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Jacobson, seconded by Comm. Ruland, to approve the letter to Slawson Exploration to deny a request to haul overweight on CR 15. Upon roll call, all present voted yes. Motion carried.

Engineer Heberlie gave an update on the 2017 Missile Road Erosion Improvement Projects in Mountrail County.

Engineer Heberlie informed the Board that EOG has placed water hoses in county ROW without approval on intersections of CR 3 and CR 14.

Moved by Comm. Ruland, seconded by Comm. Jacobson, to approve sending a letter to EOG stating the obstruction needs to be removed within 7 days. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Jacobson, seconded by Comm. Uran, to approve the Advanced Business Method proposal for a new copy machine with the cost to come from all 5 departments at the South Complex. Upon roll call, all present voted yes. Motion carried.

Discussion was held on the Uniform County Permit System.

States Attorney Enget gave an update on the Palermo South road project mediation. States Attorney Enget requested to appoint the McGee Law Firm to assist with arbitration and stated there will be a \$3,500 filing fee.

Moved by Comm. Uran, seconded by Comm. Ruland, to approve paying the \$3,500 filing fee. Upon roll call, all present voted yes. Motion carried.

Moved by Comm. Ruland, seconded by Comm. Johnson, to approve entering into a contract with the McGee Law Firm as an Assistant State’s Attorney.

Brian Kunz and Konrad Johnson, with Adolfsen & Peterson gave a financial update and the progress of the outstanding projects.

Laurie Johnson, Jail Administrator, met with the Board to give an update on the jail facility.

Administrator Johnson gave an update on the jail software and the boarding fees will be \$70.00 per day.

The Board questioned what was hindering the opening of the jail facility. Administrator Johnson stated the jail inspection needs to be completed and the IVAN arraignment has not been installed. Comm. Ruland stated the jail needs to be open because it is costing the county money each month for paying the jail staff and transporting all of the prisoners to Rugby. Administrator Johnson stated the department will push for a March 1, 2017 opening.

APPROVED 2/21/2017-PAYMENT 2/21/2017

<u>Warrant#</u>	<u>Vendor Name</u>	<u>Warrant Total</u>
90717	ADVANCED BUSINESS METHODS GENERAL FUND	855.62 855.62
90718	AMERICAN INSURANCE CENTER GENERAL FUND	300.00 300.00
90719	BABBIT/KAREN GENERAL FUND	53.73 53.73
90720	BAYMONT INN & SUITES COUNTY ROAD & BRIDGE FUND	163.80 163.80
90721	BBH INSURANCE, INC GENERAL FUND	296.00 296.00
90722	BHG INC COUNTY ROAD & BRIDGE FUND	90.00 90.00
90723	BLUE CROSS BLUE SHIELD GENERAL FUND	89.90 89.90
90724	BORDER STATES PAVING, INC. COUNTY ROAD & BRIDGE FUND	168,552.68 168,552.68
90725	BUTLER MACHINERY CO COUNTY ROAD & BRIDGE FUND	3,029.57 3,029.57
90726	CARQUEST OF STANLEY COUNTY ROAD & BRIDGE FUND	1,080.44 1,080.44
90727	CASH-WA DISTRIBUTING GENERAL FUND	223.03 223.03
90728	CDW GOVERNMENT GENERAL FUND	2,109.20 2,109.20
90729	CITY OF NEW TOWN	50.00

	COUNTY ROAD & BRIDGE FUND	50.00
90730	COOKS CORRECTIONAL GENERAL FUND	99.59 99.59
90731	DEANS BULK SERVICE, INC COUNTY ROAD & BRIDGE FUND	1,858.80 1,858.80
90732	DUERRE/SCOTT COUNTY ROAD & BRIDGE FUND	292.25 292.25
90733	ELECTRONICS COMMUNICATIONS INC E 911 EMERGENCY/WIRELESS FUND	945.00 945.00
90734	EXPRESSWAY INN GENERAL FUND	81.90 81.90
90735	FARMERS UNION OIL CO - WILTON GENERAL FUND	61.95 61.95
90736	FARMERS UNION OIL CO-PLAZA GENERAL FUND COUNTY ROAD & BRIDGE FUND	13,582.74 286.58 13,296.16
90737	FASTENAL COMPANY COUNTY ROAD & BRIDGE FUND	14.62 14.62
90738	GAFFANEYS OF WILLISTON INC GENERAL FUND	88.45 88.45
90739	GERDAU AMERISTEEL CORP COUNTY ROAD & BRIDGE FUND	80.22 80.22
90740	GOOSENECK IMPLEMENT COUNTY ROAD & BRIDGE FUND	10,000.00 10,000.00
90741	GRAVEL PRODUCTS INCORPORATED COUNTY ROAD & BRIDGE FUND	9,457.66 9,457.66
90742	GRAY BROS CREAMERY GENERAL FUND	35.85 35.85
90743	HACTC GENERAL FUND	121.17 121.17
90744	HENNESSY/JIM GENERAL FUND	287.92 287.92
90745	HOLIDAY INN COUNTY ROAD & BRIDGE FUND	181.00 181.00
90746	HYSJULIEN/CAMMI GENERAL FUND	84.39 84.39
90747	INFORMATION TECHNOLOGY DEPT GENERAL FUND E 911 EMERGENCY/WIRELESS FUND	2,762.24 2,539.60 222.64
90748	JH MEDICAL SUPPLY GENERAL FUND	5.50 5.50
90749	KLEIN MCCARTHY ARCHITECTS GENERAL FUND	26,297.01 26,297.01
90750	LAKE REGION LAW ENFORCEMENT CENTER GENERAL FUND	1,200.00 1,200.00
90751	LARSON'S TIRE SERVICE WEED CONTROL FUND	55.13 55.13

90752	LAWSON PRODUCTS, INC COUNTY ROAD & BRIDGE FUND	558.13 558.13
90753	LEGAL SERVICES OF NORTH DAKOTA GENERAL FUND	7,107.07 7,107.07
90754	LEUPP/TAMRA GENERAL FUND	293.79 293.79
90755	MEIERS OIL INC GENERAL FUND COUNTY ROAD & BRIDGE FUND	21,057.80 1,919.82 19,137.98
90756	MENARDS - MINOT GENERAL FUND	289.71 289.71
90757	MIDSTATE TELEPHONE CO GENERAL FUND COUNTY ROAD & BRIDGE FUND COUNTY AGENT FUND WEED CONTROL FUND	1,552.21 1,271.60 189.11 50.67 40.83
90758	MILLER/TROY GENERAL FUND	35.00 35.00
90759	MOORE MEDICAL LLC GENERAL FUND	2,188.70 2,188.70
90760	MOUNTRAIL COUNTY 4-H GENERAL FUND COUNTY AGENT FUND	774.18 96.73 677.45
90761	MRC GLOBAL (US) INC. COUNTY ROAD & BRIDGE FUND	338.16 338.16
90762	NAPA COUNTY ROAD & BRIDGE FUND	4,365.45 4,365.45
90763	NAPA AUTO PARTS COUNTY ROAD & BRIDGE FUND	15.98 15.98
90764	ND ASSOCIATION OF COUNTIES GENERAL FUND	426.00 426.00
90765	ND ENVELOPE COMPANY COUNTY ROAD & BRIDGE FUND	147.75 147.75
90766	ND WEATHER MODIFICATION ASSN WEATHER MODIFICATION FUND	1,800.00 1,800.00
90767	NDWCA WEED CONTROL FUND	275.00 275.00
90768	NEOFUNDS BY NEOPOST GENERAL FUND	700.00 700.00
90769	NEOPOST USA INC GENERAL FUND	666.06 666.06
90770	NETWORKFLEET, INC. COUNTY ROAD & BRIDGE FUND	771.95 771.95
90771	NORTH AMERICAN TRAILER SALES, LTD COUNTY ROAD & BRIDGE FUND	2,917.39 2,917.39
90772	OFFICE DEPOT INC GENERAL FUND COUNTY ROAD & BRIDGE FUND COUNTY AGENT FUND	2,056.31 1,719.56 302.65 34.10

90773	OVERHEAD DOOR COMPANY OF MINOT COUNTY ROAD & BRIDGE FUND	1,304.00 1,304.00
90774	PLAZA OK HARDWARE COUNTY ROAD & BRIDGE FUND	184.55 184.55
90775	PRAIRIE FORD, INC. GENERAL FUND COUNTY ROAD & BRIDGE FUND	281.55 271.47 10.08
90776	RACERS STORE 301 GENERAL FUND	326.05 326.05
90777	RDO EQUIPMENT CO COUNTY ROAD & BRIDGE FUND	9,183.30 9,183.30
90778	RENSCH CHEVROLET GENERAL FUND	51.93 51.93
90779	RESERVATION TELEPHONE GENERAL FUND COUNTY ROAD & BRIDGE FUND COUNTY PARKS FUND	765.16 641.21 110.00 13.95
90780	SAUBER ENGINEERING, INC COUNTY ROAD & BRIDGE FUND	14,365.00 14,365.00
90781	SEACHANGE PRINT INNOVATIONS GENERAL FUND	350.00 350.00
90782	SHOPKO STORES OPERATING CO.,LLC GENERAL FUND	65.13 65.13
90783	SPRINGANS FURNITURE GENERAL FUND	188.00 188.00
90784	STANLEY AMERICAN LEGION COLOR GUARD GENERAL FUND	338.13 338.13
90785	STAPLES, INC. AND SUBSIDIARIES COUNTY ROAD & BRIDGE FUND	4.87 4.87
90786	STEINS INC GENERAL FUND	528.80 528.80
90787	THE SIDWELL COMPANY GENERAL FUND	15,065.00 15,065.00
90788	THOMSON REUTERS-WEST PUBLISHING CORP. GENERAL FUND	136.06 136.06
90789	TIOGA MACHINE SHOP INC COUNTY ROAD & BRIDGE FUND	1,194.74 1,194.74
90790	TOMLINSON/HEATHER GENERAL FUND COUNTY AGENT FUND	63.20 31.60 31.60
90791	TONY'S TRANSFER COUNTY ROAD & BRIDGE FUND	28.00 28.00
90792	ULINE GENERAL FUND	901.26 901.26
90793	UNIFORM CENTER GENERAL FUND	480.93 480.93
90794	VERIZON WIRELESS GENERAL FUND E 911 EMERGENCY/WIRELESS FUND	1,290.64 58.63 1,106.75

	COUNTY AGENT FUND	66.63
	WEED CONTROL FUND	58.63
90795	WESTLIE TRUCK CENTER COUNTY ROAD & BRIDGE FUND	530.80 530.80
90796	WHEELER CONSTRUCTION, INC. E 911 EMERGENCY/WIRELESS FUND	1,655.53 1,655.53
90797	424-PRAXAIR DISTRIBUTING INC COUNTY ROAD & BRIDGE FUND	207.05 207.05
	FINAL TOTAL	\$ 342,313.68

The Board adjourned at 2:40 P.M. to meet in regular session on Friday, March 10, 2017 at 9:00 A.M.

Accepted and approved this 10th day of March, 2017.

Arlo Borud, Chairman
Mountrail County Commissioners

Stephanie A. Pappa
Mountrail County Auditor