

Minutes of the Board of Ward County Commissioners

January 4, 2022

The regular meeting of the Ward County Commission was called to order by Chairman Rostad at 9:00 AM with Commissioners Anderson, Fjeldahl, Pietsch, and Weppler present. Also present were department heads Bradley Starnes, Brian Vangsness, Dana Larsen, Emily Burkett, Jason Blowers, Jennifer Wiechmann, Kerrienne Boetcher, Kristin Kowalczyk, Marisa Haman, Noreen Barton, Robert Roed, and Roza Larson.

Moved by Comm. Anderson, seconded by Comm. Weppler to approve the agenda with the addition of item 8H, Approval of County Deed for foreclosed property sold at public auction. Roll call; all voted yes; motion carried.

Moved by Comm. Weppler, seconded by Comm. Fjeldahl to approve Commission Meeting minutes from December 21, 2021, and Special Commission Meeting minutes from December 29, 2021. Roll call; all voted yes; motion carried.

Moved by Comm. Pietsch, seconded by Comm. Weppler to approve the regular bills totaling \$223,465.92. Roll call; all voted yes; motion carried.

Bill List - 01/04/2022

	VENDOR: GENERAL BILLS	DESCRIPTION/DEPT: GENERAL BILLS	
187621	ENERBASE FARMERS UNION/CENEX	GAS FOR PICKUP--FACILITY MGMT	\$69.93
187622	HESI	MANIFEST BOX/TRANSPORTATION --JAIL OPERATIONS	\$128.60
187623	HIGH POINT NETWORKS	VMWARE LOG4J PATCHING--IT	\$131.25
187623	HIGH POINT NETWORKS	WINDOWS 2022 STANDARD LICENSES & 40 USERS CALS--IT	\$4,835.50
187624	ND ASSOC OF COUNTIES	2022 EST WORKERS COMP PREMIUM--INSURANCE	\$139,840.75
187625	TYLER TECHNOLOGIES INC	2022 ANNUAL MAINTENANCE--GENERAL	\$76,528.41
187626	UNITED MAILING SERVICES INC	MAIL PROCESSING--HUMAN SERVICES	\$462.15
187626	UNITED MAILING SERVICES INC	POSTAGE--GENERAL	\$188.80
187626	UNITED MAILING SERVICES INC	SERVICES--GENERAL	\$429.37
Total General Bills			\$222,614.76

	VENDOR: PARK BILLS	PARK BILLS	
Total Park Board Bills			\$0.00

	VENDOR: ROAD BILLS	ROAD BILLS	
187617	MDU - BISMARCK OFFICE	KENMARE SHOP	\$97.60
187618	MINOT CITY OF, WATER DEPT	200 72ND ST SE MINOT	\$162.91
187619	NORTH PRAIRIE RURAL WATER	DOUGLAS SHOP	\$55.39
187620	SRT	OFFICE TELEPHONE	\$535.26
Total Road Bills			\$851.16

GRAND TOTAL	\$223,465.92
--------------------	---------------------

Robert Roed, Ward County Sheriff appeared and presented the 2022 vehicle bids received from Minot Automotive Center and Westlie Motors.

Moved by Comm. Pietsch, seconded by Comm. Anderson to approve the Westlie Motors 2022 Ford Explorer police interceptor bid of \$34,556.40 per vehicle. Roll call; all voted yes; motion carried.

Mr. Roed continued with the Interlocal Agreement between the City of Minot and the County of Ward. This year the grant will be divided between the city and the county with each receiving \$9,016. County funds will be used for an evidence drying cabinet and crime scene barrier walls.

Moved by Comm. Weppler, seconded by Comm. Pietsch to approve the Interlocal Agreement and have the Chairman sign. Roll call; all voted yes; motion carried.

Noreen Barton, Tax Equalization Director, appeared regarding adjustments to Tax Roll Memorandum.

1. Property Owner qualifies for Farm Exemption:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Enockson, Leslie & Sandra	HN170040000000 SE S17-151-87	2021	\$307,000	\$122,000	\$14,425	\$6,100
Johnson, Bruce & Candace	GR23005U020000 W2S2SWNW W2E2S2SWNW Less RD S23-159-87	2021	\$237,000	\$8,000	\$10,705	\$400
Klein, Garth & Rebecca	NP110990000030 Olt 3 of NWNE & NENE Less ROW S11-154-81	2021	\$317,000	\$3,000	\$14,280	\$150
Goldade, Arnold	TO35005U080000 SESW & SWSE S35- 154-86	2021	\$232,000	\$38,000	\$10,630	\$1,900
Peterson, Troy	CP090010000000 NE S9-157-86	2021	\$260,000	\$129,000	\$12,345	\$6,450
Murphy, Donald	GR26005U030000 N2N2SWNW S26-159-87	2021	\$171,000	\$6,000	\$7,725	\$300
Engeberg, Jason	GR010990000010 Olt 1 of SW S1-159-87	2021	\$91,000	\$8,000	\$4,550	\$400

2. MH was purchased by a party that is not exempt, needs to be added to the tax roll:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Harr, Andrew	MI5105862 Edgeview MHP Lot 8	2022	\$0.00	\$46,000	\$0.00	\$2,070

3. Removed taxes, MH's are not livable:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
ST. Clair, Lucas	TA5101026 Parkway Estates Lot 39	2021	\$2,000	\$0.00	\$90	\$0.00
ST. Clair, Lucas	TA5101026 Parkway Estates Lot 39	2020	\$2,000	\$0.00	\$90	\$0.00
Mueller, Pearl	NE5100398 Prairie Acres MHP Lot 11	2021	\$1,000	\$0.00	\$45	\$0.00
Mueller, Pearl	NE5100398 Prairie Acres MHP Lot 11	2020	\$1,000	\$0.00	\$45	\$0.00

Behnkie, Richard	NE5101733 Prairie Acres MHP Lot 33	2021	\$2,000	\$0.00	\$90	\$0.00
Jeannotte, Cathy	NE5101549 Prairie Acres MHP Lot 42	2021	\$2,000	\$0.00	\$90	\$0.00
Jeannotte, Cathy	NE5101549 Prairie Acres MHP Lot 42	2020	\$3,000	\$0.00	\$135	\$0.00
Jeannotte, Cathy	NE5101549 Prairie Acres MHP Lot 42	2019	\$3,000	\$0.00	\$135	\$0.00

4. Continuation of #4:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
De Marce, Sheyenne	NE5100430 Prairie Acres MHP Lot 37	2021	\$3,000	\$0.00	\$135	\$0.00
Ingwerson, Ashley	NE5101074 Prairie Acres Lot 30	2021	\$1,000	\$0.00	\$45	\$0.00
Ingwerson, Ashley	NE5101074 Prairie Acres Lot 30	2020	\$1,000	\$0.00	\$45	\$0.00
Ingwerson, Ashley	NE5101074 Prairie Acres Lot 30	2019	\$1,000	\$0.00	\$45	\$0.00
Vincent, Everett	NE5101833 Prairie Acres Lot 32	2021	\$1,000	\$0.00	\$45	\$0.00
Vincent, Everett	NE5101833 Prairie Acres Lot 32	2020	\$2,000	\$0.00	\$90	\$0.00
Vincent, Everett	NE5101833 Prairie Acres Lot 32	2019	\$2,000	\$0.00	\$90	\$0.00
Vincent, Everett	NE5101833 Prairie Acres Lot 32	2018	\$2,000	\$0.00	\$90	\$0.00
Vincent, Everett	NE5101833 Prairie Acres Lot 32	2017	\$3,000	\$0.00	\$135	\$0.00

5. Souris River Sold to Recorded Owner, no longer qualifies for Exemption, prorated for 10 months:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Fimrite, Andrew & Darla	BN010690000010 Lot 1 Steen's 8 th Addn.	2021	\$0.00	\$94,000	\$0.00	\$4,700

6. MH Burnt down 9/21, removed from tax roll for 2022:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Meadowlark Builders	MI5105708 Parkview MHP Lot 44	2022	\$40,000	\$0.00	\$1,800	\$0.00

7. Property estimated for 2021, on site review indicated reduction is needed to reflect market value:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Clemens, Mark & Lavon, Deanne	MI240720700062 Eastwood Park Addn. E ½ Lots 5 & 6 Block 7	2021	\$262,000	\$218,000	\$11,790	\$9,810

8. Property was accidentally omitted from 2021 tax roll:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Sampson, Matthew	MI06F110000030 The Bluffs 9 th Addn. Lot 3	2021	\$0.00	\$611,000	\$0.00	\$4,050

9. Property replatted, change of square footage:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
PRGA Properties (St Joseph)	MI26F650000020 Suburban Homes 4 th Addn. Lot 2 Except 20' Block 1	2021	\$1,154,000	\$1,208,000	\$57,700	\$60,400

10. Property was estimated for 2021, full finished basement. After Inspection basement found to be unfinished, condition estimated to better than it was:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Fisher, Jon & Marlys	MI264190000140 Southdale 9 th Addn. Lot 14	2021	\$398,000	\$357,000	\$17,910	\$16,065

11. Property Owner failed to file property tax exemption form, returned to tax roll:

Property Owner	Description	Valuation Year	Old True & Full	New True & Full	Old Taxable Value	New Taxable Value
Minot Vocational Adjustment Workshop	MI375381900020 Soo Line Lease Site #10996D	2021	\$0.00	\$280,000	\$0.00	\$14,000
American National Red Cross	MI221150300240 Garden Valley Addn. Lot 23 & 24 Block 3	2021	\$0.00	\$344,000	\$0.00	\$17,200
American National Red Cross	MI221150300010 Garden Valley Addn. Lot 1 Block 3	2021	\$0.00	\$38,000	\$0.00	\$1,900
Veterans of Foreign Wars Post	MI202882520136 Olt. S20-155-82 S33' of W222.03' of Lots B of Olt. 13	2021	\$0.00	\$22,000	\$0.00	\$1,100
ND Conference Assn 7 th Day ADV	MI251610200052 Lot 4 7 5 Less W30' Block 2	2021	\$0.00	\$969,000	\$0.00	\$48,450

Moved by Comm. Pietsch, seconded by Comm. Fjeldahl to approve adjustments to Tax Roll Memorandum as presented. Roll call; all voted yes; motion carried.

Doug Diedrichsen, Planning and Zoning Administrator, appeared regarding a Plat Application for Kirk Vollmer for the following described property: Proposed Outlots 10 & 11 lying in the NW4NW4SW4 35-155-81. The applicant is proposing to parcel two Outlots, proposed Outlot 10 is 7.35 acres, proposed Outlot 3 is 2.88 acres. These Outlots are for future residential purposes. Surrey Township zoning applies with the township recommending approval. Planning Commission recommends approval based on findings of facts and staff recommendations. An Affidavit of Correction has been received from the surveyor that has not been reviewed by the Planning and Zoning Commission but the Affidavit does remove the right-of-way dedication adjacent to the county road.

Moved by Comm. Pietsch, seconded by Comm. Fjeldahl to approve the Plat Application for Kirk Vollmer less the 75-foot dedicated right-of-way per the Affidavit of Correction by the surveyor which will be recorded with the plat maps.

A discussion was held on being noncompliant with Ward County Planning and Zoning Ordinances and why the ordinances are not being corrected to become compliant. Mr. Diedrichsen stated he has not received any directive regarding accepting or denying applications that may or may not have a right-of-way dedication and is therefore bringing all applications to the Planning and Zoning Committee regardless of dedication.

State's Attorney Roza Larson appeared and read North Dakota Century Code 11-33.2-08 which states: Board may adjust enforcement of resolution. The board of county commissioners is authorized to adjust the application or enforcement of any provision of a resolution hereunder in any specific case when a literal enforcement of such provision would result in great practical difficulties, unnecessary hardship, or injustice, so as to avoid such consequences, provided such action shall not be contrary to the public interest or the general purposes of this chapter.

Ms. Larson stated with the Judge telling us to stop this practice the county commission does have the authority to adjust applications and enforcements but the ordinances do need to be amended so that everyone is on the same page.

Moved by Comm. Anderson, seconded by Comm. Fjeldahl to amend the motion to add the findings of fact in which a Judge has suggested that Ward County needs to stop the practice of requiring right-of-way dedication (Pietsch et al vs. Ward County et al, Case #1:18-CV-00023). Roll call; all voted yes; motion carried.

Moved by Comm. Pietsch, seconded by Comm. Fjeldahl to approve the plat less the 75-foot dedicated right-of-way per the Affidavit of Correction submitted by the surveyor which will be recorded with the plat maps in light of the findings of fact that the Judge has suggested Ward County needs to stop the practice of requiring right-of-way dedication. Roll call; all voted yes; motion carried.

A Plat Application was submitted by Bret Erickson for the following described property: Proposed Outlot 5 lying in the SE4SE4 11-157-86. The applicant is proposing to parcel an Outlot, proposed Outlot 5 is 4.99 acres. This Outlot is for future residential/agricultural purposes. The proposed Outlot meets minimum zoning requirements for Ward County. Ward County zoning applies with the township recommending approval. Planning Commission recommends approval based on findings of facts and staff recommendations.

Moved by Comm. Weppeler, seconded by Comm. Fjeldahl to approve the Plat Application for Bret Erickson as presented. Roll call; all voted yes; motion carried.

A Plat Application was submitted by James and Pamela Mostad for the following described property: Proposed Outlot 30 lying in the NE4SE4 10-154-82. The applicant is proposing to parcel an Outlot, proposed Outlot 30 is 44.12. This Outlot is for future agricultural purposes. The proposed Outlot meets minimum zoning requirements for Ward County. Ward County zoning applies with the township recommending approval. Planning Commission recommends approval based on findings of facts and staff recommendations.

Moved by Comm. Pietsch, seconded by Comm. Anderson to approve the Plat Application for James and Pamela Mostad as presented. Roll call; all voted yes; motion carried.

A Plat Application was submitted by Richard Solberg for the following described property: Proposed Outlot 3 lying in the SE4SE4 26-156-82. The applicant is proposing to parcel an Outlot, proposed Outlot 3 is 4.76 acres. This Outlot is for future Agricultural/Residential purposes. The proposed Outlot meets minimum zoning requirements for Ward County. Ward County zoning applies with the township recommending approval. Planning Commission recommends approval based on findings of

facts and staff recommendations. An Affidavit of Correction has been received from the surveyor that has not been reviewed by the Planning and Zoning Commission but the Affidavit does remove the right-of-way dedication adjacent to the county road.

Moved by Comm. Pietsch, seconded by Comm. Fjeldahl to approve the Plat Application for Richard Solberg less the 75-foot dedicated right-of-way per the Affidavit of Correction by the surveyor which will be recorded with the plat map. Roll call; all voted yes; motion carried.

Two modifications, signature, and recorder review were not completed for both of Nathan Smith's applications and will be moved to a later date.

A Plat Application was submitted by James Olson for the following described property: Proposed Outlot 2 lying in the SE4NE4 & NE4SE4 3-156-84. The applicant is proposing to parcel an Outlot, proposed Outlot 2 is 4.00 acres. This Outlot is for future residential purposes. The proposed Outlot meets minimum zoning requirements for Ward County. Ward County zoning applies with the township recommending approval. Planning Commission recommends approval based on findings of facts and staff recommendations.

Moved by Comm. Anderson, seconded by Comm. Pietsch to approve the Plat Application for James Olson as presented. Roll call; all voted yes; motion carried.

Moved by Comm. Fjeldahl, seconded by Comm. Weppler to set a hearing date on the right-of-way dedication policy and form a committee made up of any or all Commissioners to draft the language on the process and policy going forward in regard to plat approvals and related right-of-way issues. Roll call; all voted yes; motion carried.

Moved by Comm. Pietsch, seconded by Comm. Fjeldahl to implement a process by Ward County to return property taken from Ward County landowners due to the right-of-way ordinance during the platting process as recommended by Ward County Planning Committee. At the August 19, 2021 Ward County Planning meeting a motion was made by Commissioner Evans to recommend to the County Commission to publish and adopt the Ward County Zoning Ordinance Amendment 2021-1, which strikes the last part of Article 24, Sec. 4, F, e and adds f:

e) Existing right-of-way shall be clearly shown on plats. ~~and including widths required in Article 24, Section 4, A, (12).~~

f) Outlot Plats are exempt from right-of-way dedications required in Article 24, Section 4, A, (12).

A second motion made by Commissioner Evans during that August 19, 2021 meeting stated "that Planning and Zoning Commission strongly recommends to the County Commission to direct the County Recorder to identify all outlots platted with right-of-way dedication and provide a list to the County Commission to devise a remedy."

The motion made today is to direct the recorder's office to have the authority to work with any department heads or others necessary to come up with a list of affected property owners as well as develop a plan to return the taken property. Ms. Kowalczyk is to report back at the next meeting to give an update on the process. Roll call; Pietsch, Fjeldahl, and Anderson voted yes; Weppler and Rostad voted no; motion carried.

Pietsch, Fjeldahl, and Anderson voted yes; Weppler and Rostad voted no; motion carried.

Dana Larsen, Highway Engineer, appeared regarding 2022 equipment bids.

Moved by Comm. Fjeldahl, seconded by Comm. Anderson to approve the Highway Department to purchase two $\frac{3}{4}$ ton pickups and one $\frac{1}{2}$ ton pickup from Westlie Motors, one tandem axle truck from Westlie Truck Center, one 8.5 metric ton excavator minus trade of JD tractor backhoe to Butler Machinery, and two packer attachments from RDO Equipment as presented.

Auditor/Treasurer Marisa Haman appeared.

Moved by Comm. Fjeldahl, seconded by Comm. Pietsch to receive and file the letter from NDIRF regarding 2022 Board of Director Election and the letter from North Dakota Environmental Quality Department. A North Dakota Environmental Quality Department item will be placed on the agenda for the next meeting in order to facilitate adding any comments the Commissioners may have regarding the letter. Roll call; all voted yes; motion carried.

Moved by Comm. Weppler, seconded by Comm. Anderson to approve signing the following contracts: Berthold Development Corporation, Kenmare Community Development Corporation #2, and Ward County Historical Society. Roll call; all voted yes; motion carried.

Moved by Comm. Pietsch, seconded by Comm. Weppler to approve reducing the General fund balance by \$370,588.26 and cash balance by \$240,106.10 which has been an outstanding audit item the last two years. Roll call; all voted yes; motion carried.

Moved by Comm. Anderson, seconded by Comm. Pietsch to approve the 2022 budget amendments and 2021 transfers with the clarification that Sheriff's department amendment is to radio and uniform budget line item. Roll call; all voted yes; motion carried.

Ms. Haman presented the Commission with a bid to purchase foreclosed property. The bid is for Parcel #MI018190000040. Minimum sale price for this property is \$33,125.92 and the bid amount was \$22,000.00. Current taxes due on the property as of today are \$21,800.00 and would be covered under the \$22,000.00 bid until March 1, 2022.

Eric Bretheim, who submitted the bid, came forward to discuss the property in more detail.

Moved by Comm. Weppler to table this item until the next meeting but without a second, motion failed.

Moved by Comm. Pietsch, seconded by Comm. Fjeldahl to hold a hearing with the City of Minot with an increased bid amount of \$23,000.00. Roll call; all voted yes; motion carried.

Moved by Comm. Weppler, seconded by Comm. Anderson to approve the Quit Claim Deed on foreclosed property redeemed by owner and to have the Chairman sign. Roll call; all voted yes; motion carried.

Moved by Comm. Weppler, seconded by Comm. Anderson to approve request for Duplicate Warrant for Elmer Jesme Conference of Counties. Roll call; all voted yes; motion carried.

Moved by Comm. Weppler, seconded by Comm. Fjeldahl to approve the County Deed for foreclosed property redeemed by owner and have the Chairman sign. Roll call; all voted yes; motion carried.

At 10:39 AM with no further business, the meeting was adjourned.

ACCEPTED AND APPROVED THIS 18TH DAY OF JANUARY, 2022

Chairman, Ward County Commission

ATTEST:
