

Special Meeting Minutes of the Board of Ward County Commissioners

February 7, 2022

The special meeting of the Ward County Commission was called to order by Chairman Rostad at 2:00 PM with Commissioners Anderson, Fjeldahl, Pietsch, and Weppler present. Also present were department heads Dana Larsen, Jason Blowers, Jennifer Wiechmann, Kerrienne Boetcher, Kristin Kowalczyk, Marisa Haman, Noreen Barton, and Roza Larson.

A presentation was given by Michelle Hoffman and Hannah York, both Consulting Principals of CliftonLarsonAllen, LLP on the features of their online portal to handle the American Rescue Plan Act application process for ARPA funds. Their presentation addressed, among other items, online portal features, access for users to applications, and individual categories approved for fund use.

Doug Diedrichsen, Planning & Zoning Administrator, appeared and spoke to the revision of right-of-way language in the Ward County Planning and Zoning policies. On the draft document Mr. Diedrichsen provided, the standards under Article 24, Section 4, Subsection F, (1, c) have been directly listed under this subsection rather than having to refer back to an earlier section for the standards. Also, under Article 24, Section 4, Subsection F, (1, e), the language “and including widths required in Article 24, Section 4, A, (12)” has been stricken. This will remove the dedication requirement for outlot platting and would no longer be part of the plat application process. This would not affect the subdivision section.

A discussion was held.

Moved by Comm. Pietsch, seconded by Comm. Fjeldahl under Article 24 under Section 1 the language “A. All subdivisions of lands within six miles of the City of Minot shall be subdivided according to the master plan of the City of Minot as provided by Chapter 40-48 of the North Dakota Century Code” be stricken and the second part of the motion would include under Section 4, item 12 “Plats proposed along existing roads or statutory right of ways can dedicate to the public for public use sufficient right-of-way to meet these requirements, (and those would be the 5 requirements listed above which would be design standards for Ward County) upon a showing by the county or the public, of public need and imminent necessity. Upon a showing right-of-way is required to meet these requirements, just compensation shall be provided for the dedication.”

States Attorney Roza Larson appeared to recommend the above language not be placed into the ordinances and to go with the draft language presented by Mr. Diedrichsen above with striking in Article 24, Section 4, subsection F, 1e the language “and including widths required in Article 24, Section 4, A, (12).” With eliminating any type of right of way dedication for outlots, the highway engineer needs to start a process, which is normally done through eminent domain, to acquire that land through negotiation. Every plat that comes in would have to go through this process whether or not it is needed.

The above motion and second were withdrawn.

Moved by Comm. Pietsch, seconded by Comm. Fjeldahl to strike the language under Section 4, item 12 that states “Plats proposed along roads shall donate and dedicate to the public for public use sufficient right-of-way to meet these requirements” and replaced with “Plats will show existing statutory right-of-way.”

A discussion was held on various topics which included new roads, existing roads, and roads within subdivisions.

The above motion and second were withdrawn.

Moved by Comm. Pietsch, seconded by Comm. Fjeldahl under Article 24 under Section 1 the language that reads: “A. All subdivisions of lands within six miles of the City of Minot shall be subdivided according to the master plan of the City of Minot as provided by Chapter 40-48 of the North Dakota Century Code” shall be removed and under Section 4, item 12 the language shall read: “Plats proposed

along existing roads or statutory right-of-ways, such plats shall show existing North Dakota statutory right-of-way.” Any remaining language is to be stricken. Roll call; all voted yes; motion carried.

A discussion was held regarding subdivisions and outlots.

Moved by Comm. Pietsch, seconded by Comm. Wepler approve language presented on the draft Mr. Diedrichsen provided regarding Article 24, Section 4, subsection F, 1e to state: “Existing right-of-way shall be clearly shown on plats” and striking additional language of “and including widths required in Article 24, Section 4, A, (12).” Roll call; all voted yes; motion carried.

Beth Pietsch spoke regarding the procedure on how to get Ward County property back to landowners. The Recorder’s office will gather the information but will need to additionally speak with the assessor’s office, the highway department, the auditor’s office, and/or the rest of the committee. Ms. Pietsch suggested putting information online where inquires can be sent by email, mail, or dropped off in the Recorder’s office at which time further research will be done to see if the land qualifies.

A discussion was held.

Moved by Comm. Fjeldahl, seconded by Comm. Anderson that there will be no deadline for filling out the form requesting to get the qualified Ward County property back.

Discussion on the Home Rule Charter and that if this right-of-way issue were to come up in the future, a vote of the people should be required, not just a vote of the Commissioners. This will be put on the agenda for the next Commission Meeting.

At 4:49 PM with no further business, the meeting was adjourned.

ACCEPTED AND APPROVED THIS 15TH DAY OF FEBRUARY, 2022

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Chairman, Ward County Commission

ATTEST: