

The Barnes County Commission met in regular session on Tuesday, June 21, 2016 with Cindy Schwehr, Bill Carlblom, Mike Metcalf, John Froelich, and Rodger Berntson present. Chairman Metcalf called the meeting to order at 8:00 a.m., the Pledge of Allegiance was recited, and the Agenda was reviewed.

**Hobart Lake Contract Amendment**

John Froelich moved to approve the Hazard Mitigation Grant Program Subgrant Agreement for FEMA-DR-1981 between the North Dakota Department of Emergency Services and Barnes County; Bill Carlblom seconded the motion. Motion carried upon roll-call vote, with all members voting "yes".

**Snagging & Clearing Resolution #2016-1**

Rodger Berntson moved to approve the Resolution #2016-1 Declaring the Necessity to Create Sheyenne River Snagging and Clearing District No. 2016-01, pending clarification by the Water Board as to how it is paid for; John Froelich seconded the motion. Motion carried upon roll-call vote, with all members voting "yes".

Resolution #2016-1  
RESOLUTION DECLARING THE NECESSITY TO CREATE  
SHEYENNE RIVER SNAGGING AND CLEARING DISTRICT NO. 2016-01

WHEREAS, the Barnes County Commission (the "County") and the Barnes County Water Resource District (the "District") have cooperated regarding the creation of SHEYENNE RIVER SNAGGING AND CLEARING DISTRICT NO. 2016-01. WHEREAS, the District's jurisdictional boundaries include certain portions of the Sheyenne River, and the District has concluded certain snagging, clearing, cleaning, and maintenance is necessary in portions of the Sheyenne River within the District's jurisdictional boundaries. WHEREAS, more specifically, the District previously declared the necessity to create SHEYENNE RIVER SNAGGING AND CLEARING DISTRICT NO. 2016-01, a snagging and clearing district under N.D. Cent. Code § 61-16.1-09.1, for purposes of financing and funding a snagging, clearing, and maintenance project on that portion of the Sheyenne River depicted in the map attached to this RESOLUTION as Exhibit A (the "Project"). WHEREAS, the District previously analyzed and investigated that portion of the Sheyenne River watershed in the vicinity of the Project to determine what parcels of real property would benefit from the Project, and approved a preliminary assessment list for SHEYENNE RIVER SNAGGING AND CLEARING DISTRICT NO. 2016-01 comprised of real properties that will benefit from the Project. WHEREAS, the District and the County cooperated to conduct a joint public hearing regarding the Project and the proposed creation of SHEYENNE RIVER SNAGGING AND CLEARING DISTRICT NO. 2016-01 on June 13, 2016, preceded by all requisite notices in accordance with Section 61-16.1-09.1.

WHEREAS, at the hearing, the District and its engineer explained the necessity for the Project; the lack of a sufficient alternative funding mechanism to fund snagging, clearing, cleaning, and maintenance along the Sheyenne River; the benefits the Project will provide to certain properties within the Sheyenne River watershed; and the need to create SHEYENNE RIVER SNAGGING AND CLEARING DISTRICT NO. 2016-01 under Section 61-16.1-09.1 to finance and fund the Project. WHEREAS, if both the District and the County approve the creation of SHEYENNE RIVER SNAGGING AND CLEARING DISTRICT NO. 2016-01 by two-thirds votes, the District can levy special assessments against properties that will benefit from the Project, up to a maximum of \$0.50 per acre for ag lands, and \$0.50 per \$500 of taxable valuation for non-ag property. WHEREAS, under Section 61-16.1-09.1, the District cannot collect more than \$100,000.00 for any single snagging and clearing district; rather, following expenditure of all assessments levied for purposes of the Project by the District, if the District wishes to conduct additional snagging and clearing in the same natural watercourse, the District must create a new snagging and clearing district, and must follow all procedures under Section 61-16.1-09.1 to create the new district, including an additional joint hearing with the County. WHEREAS, the County has reviewed the proposed Project; the County has considered the benefits the Project would provide to certain property within the Sheyenne River watershed; and the County has considered the necessity to create SHEYENNE RIVER SNAGGING AND CLEARING DISTRICT NO. 2016-01. WHEREAS, under Section 61-16.1-09.1, creation of SHEYENNE RIVER SNAGGING AND CLEARING DISTRICT NO. 2016-01 requires approval by two-thirds of the County and two-thirds approval by the District. WHEREAS, on June 13, 2016, following the joint public hearing, the District unanimously authorized, approved, and ordered the creation of SHEYENNE RIVER SNAGGING AND CLEARING DISTRICT NO. 2016-01. NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners, Barnes County, North Dakota, declares it necessary to create SHEYENNE RIVER SNAGGING AND CLEARING DISTRICT NO. 2016-01 for the benefit of the properties within the Sheyenne River watershed that benefit from and rely upon the Sheyenne River for improved drainage and other benefits. BE IT FURTHER RESOLVED, that the Board of County Commissioners, Barnes County, North Dakota, authorizes, approves, and orders the creation of SHEYENNE RIVER SNAGGING AND CLEARING DISTRICT NO. 2016-01.

BARNES COUNTY BOARD OF COMMISSIONERS:

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Mike Metcalf, Chair

ATTEST:

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Beth Didier, Auditor  
Barnes County, North Dakota

#### **State's Attorney – RTS Executive Session**

John Froelich made a motion to go into Executive Session at 8:20 a.m.; Bill Carlblom seconded the motion. Motion carried upon roll-call vote, with all members voting "yes". Those present for the Executive Session included Mike Metcalf, John Froelich, Rodger Berntson, Shawn Mayfield, Mark Anderson, Kerry Johnson, Cindy Schwehr, Bill Carlblom, Carl Martineck, and Beth Didier. Cindy Schwehr moved to close the Executive Session at 8:34 a.m.; John Froelich seconded the motion. Motion carried upon roll-call vote, with all members voting "yes".

Bill Carlblom made a motion to deny payment of liquidated damages to RTS in the amount of \$105,000, or any amount thereof; Cindy Schwehr seconded the motion. Motion carried upon roll-call vote, with all members voting "yes".

#### **Planning & Zoning – Variances & CUPs**

Jessica Jenrich, Planning & Zoning Coordinator, presented an application for a Conditional Use Permit (CUP) - Residential to Commercial - from William R Poukka (Cuba Township, NW ¼ 4-139-57). Cindy Schwehr moved to approve the application; Bill Carlblom seconded the motion. Motion carried upon roll-call vote, with all members voting "yes". Ms. Jenrich presented an application for a CUP – Agricultural to Residential and a Variance – Lot Size from Christopher R Hofmann (Eckelson Township, NE ¼ 8-140-61). John Froelich moved to approve the application; Bill Carlblom seconded the motion. Motion carried upon roll-call vote, with all members voting "yes". Ms. Jenrich presented an application for a CUP – Ag to Residential and Variance – Setback 140' from center of township road from Scott A Nelson (Getchell Township, NW ¼ 12-141-58). Cindy Schwehr moved to approve the application; Bill Carlblom seconded the motion. Motion carried upon roll-call vote, with all members voting "yes". Ms. Jenrich presented an application for a Variance – Setback of 114' from township road from Todd S Vogel (Rosebud Township, SE ¼ 18-137-60). John Froelich moved to deny the application; Bill Carlblom seconded the motion. Motion carried upon roll-call vote, with all members voting "yes".

#### **Highway Department – Water Truck Purchase**

Kerry Johnson, Highway Superintendent, requested approval to purchase a water truck at a cost of \$35,000. Cindy Schwehr moved to approve the request; Bill Carlblom seconded the motion. Motion carried upon roll-call vote, with all members voting "yes".

#### **Auditor – Minutes / Board Appointments / Election Update**

Bill Carlblom moved to approve the June 7, 2016 minutes; Cindy Schwehr seconded the motion. Motion carried. No board appointments were made, due to a lack of candidates being presented at this time for the School Annexation Committee, as well as the Senior Citizens Council. Auditor Beth Didier presented an Election Update: 2,734 people voted in the 2016 Primary Election on June 14<sup>th</sup>. Of the 2,734 ballots, 1,930 were either mailed in or hand-delivered. 804 voters appeared at the in-person polling location at the Courthouse on Election Day.

#### **City-County Health – Public Health Award**

Theresa Will, City-County Health Director, along with board chairman Sharon Buhr, presented an award to Sheriff Randy McClafin for Outstanding Public Health Service, for being an advocate for public health, through alcohol and tobacco reduction and awareness efforts.

#### **Harold J Rotunda – Reporting Requirements**

Harold Rotunda, CPA, presented information regarding pension and infrastructure reporting requirements.

#### **Alex Petersen – Courthouse Access**

Alex Petersen expressed concerns over how access to the Courthouse is granted. The Commission explained that differences are attributable to the fact that the 4/20 event was held during County Government Week, and therefore needed to be scheduled differently.

#### **Tax Director – Assessing Contract & Sidwell Contract**

Betty Koslofsky, Tax Director, presented an Assessor Contract for Dazey Township (\$772) for approval. Cindy Schwehr moved to approve the contracts; Bill Carlblom seconded the motion. Motion carried upon roll-call vote, with all members voting "yes". Ms. Koslofsky requested approval of the Sidwell Contract for Professional GIS Services at a total cost of \$71,901 payable over 3 years with zero interest, with an annual Maintenance Fee of \$3,750. John Froelich moved to approve the request; Cindy Schwehr seconded the motion. Motion carried upon roll-call vote, with all members voting "yes".

### **Commission Discussion**

Bill Carlblom made a motion to approve a quotation from TectaAmerica Dakotas for re-caulking the skylights at a cost of \$5,693, and to get an estimate for plaster repair, to be done sometime in the future; John Froelich seconded the motion. Motion carried upon roll-call vote, with all members voting “yes”.

With no further business, Bill Carlblom made a motion, seconded by John Froelich, to adjourn the meeting. Motion carried unanimously, and the meeting adjourned at 10:47 a.m.

Mike Metcalf, Chairman  
Barnes County Commission

Beth M Didier  
Barnes County Auditor