Barnes County Commission
August 19, 2014
Valley City, ND 58072

The Barnes County Commission met in regular session on Tuesday, August 19, 2014 with Phil Leitner, Cindy Schwehr, Eldred Knutson, John Froelich, and Rodger Berntson present. Chairman Knutson called the meeting to order at 8:00 a.m., the Pledge of Allegiance was recited, and the Agenda was reviewed.

Building & Grounds – Courthouse Steps

Terry Sorensen, Sorensen Construction, appeared, along with Stan Horst, Building & Grounds, to discuss options to re-align the blocks on the south patio up to the correct level. Also discussed were repairs needed to the jail steps and replacement of damaged bricks on the patio.

Auditor – Minutes/Board Appointment

John Froelich moved to approve the August 5, 2014 minutes; Rodger Berntson seconded the motion. Motion carried. Beth Didier, Auditor, presented an application from Dale Jorissen for consideration of appointment to the Water Board. John Froelich moved to appoint Dale Jorissen to the District 5 unexpired term ending 12/31/2016; Cindy Schwehr seconded the motion. Motion carried.

Treasurer – Cancellation of Outstanding Checks

Vicki Zinck, Treasurer, presented a list of checks to be cancelled, per North Dakota Century Code 11-25-05: #4379 dated 10/3/12 payable to Darren Nelson in the amount of $7.73; #4476 dated 2/4/13 payable to Renee Lee Jarvis in the amount of $34.83; #4478 dated 2/4/13 payable to Ashtabula Wind LLC in the amount of $105.43; #118432 dated 8/7/12 payable to Rebecca Radermacher in the amount of $15.00; #118539 dated 8/7/12 payable to Rebecca Radermacher in the amount of $15.00; #118676 dated 9/5/12 payable to Rebecca Radermacher in the amount of $15.00; #119365 dated 11/21/12 payable to Appliance City Radio in the amount of $14.98; #119386 dated 11/21/12 payable to Brandon Compson in the amount of $9.00; #119462 dated 11/21/12 payable to Cody Thibert in the amount of $25.00; #120836 dated 4/4/13 payable to Lorianne Forvilly in the amount of $25.00; #121522 dated 6/9/13 payable to Danielle Clyde in the amount of $5.65. Rodger Berntson moved to cancel the checks; Phil Leitner seconded the motion. Motion carried upon roll-call vote, with all members voting "yes". If the party entitled to any such warrant shall appear and give good and sufficient reason for the party's delay in calling for such warrant or in presenting the same for payment, the board may issue a new warrant in the amount to which the party is entitled, except for the statute of limitations.

Applications for Special Permit at Special Event

Beth Didier, Auditor, presented an Application for Special Permit to Sell Alcoholic Beverages at a Special Event at Designated Premises from Valley City Eagles Aerie 2192 for an event in Ashtabula Township at a private residence on August 23, 2014. Cindy Schwehr moved to approve the application; John Froelich seconded the motion. Motion carried upon roll-call vote, with all members voting "yes". Ms. Didier presented an Application for Special Permit to Sell Alcoholic Beverages at a Special Event at Designated Premises from Tavern 94 for an event at Riverbend Farms in Marsh Township on September 6, 2014. Phil Leitner moved to approve the application; John Froelich seconded the motion. Motion carried upon roll-call vote, with all members voting "yes". Ms. Didier presented an Application for Special Permit to Sell Alcoholic Beverages at a Special Event at Designated Premises from Valley City Eagles Aerie 2192 for an event in Valley Township at the Barnes County Municipal Airport on September 6, 2014. Phil Leitner moved to approve the application; Cindy Schwehr seconded the motion. Motion carried upon roll-call vote, with all members voting "yes".

Planning & Zoning – Permit Applications

Liz Roorda, Deputy Tax Director, presented an application for a Conditional Use Permit (CUP), Ag to Residential, from Justin G Mueller (Dazey Township, SW ¼ 15-143-59). Cindy Schwehr moved to approve the application; John Froelich seconded the motion. Motion carried with all members voting "yes". Ms. Roorda presented an application for a CUP, Ag to Residential from Chad Kjelland (Binghampton Township, NE ¼ Section 32 and NW ¼ Section 33-139-56). Cindy Schwehr moved to approve the application; Phil Leitner seconded the motion. Motion carried with all members voting "yes". Ms. Roorda presented an application for a Variance – Setback of 175' for a deck to be attached to the residence from Chad Kjelland (Binghampton Township, NE ¼ Section 32 and NW ¼ Section 33-139-56). Cindy Schwehr moved to approve the application; Phil Leitner seconded the motion. Motion carried with all members voting "yes".

Sanborn Lake Outlet

Kurt Tompkins, US Fish & Wildlife, appeared to discuss the process required for a permanent permit for the Sanborn Lake Outlet. Under the temporary permit, the natural "plug" in the natural drain was removed for the emergency

outlet, and was later put back, as required to meet the conditions of the permit. Mr. Tompkins stated that, if the easement is materially affected, USF&W generally cannot justify exchange acres. NRCS has an interest in this wetland, as well. Mr. Tompkins also provided updates on their acquisition proposals: one offer was declined, and the other two are awaiting appraisals later this month.

Columbia Grain – Right-of-Way Access Request

Darren Bjornson, Columbia Grain, requested permission build an extra driveway on County right-of-way and add truck parking to keep trucks off of the highway. Kerry Johnson, Highway Superintendent, considers this to be a request for a modified approach and has no problem with it. Bruce Anderson stated that Hobart Township is okay with it, as well. Rodger Berntson moved to grant Columbia Grain access to build this driveway according to County standards; Phil Leitner seconded the motion. Motion carried upon roll-call vote, with all members voting "yes".

Sheriff – Patrol Vehicle

Randy McClaflin, Sheriff, and Dan Anderson, Deputy Sheriff, presented proposals for a replacement patrol car. They also provided information regarding light bar options. Cindy Schwehr moved to purchase the 2014 Police Interceptor from Stoudt-Ross Ford at a cost of $28,301.25 with Stoudt-Ross Ford delivering the vehicle, and to accept the salvage bid from Gille Auto of $3,812; John Froelich seconded the motion. Motion carried upon roll-call vote, with all members voting "yes". Also discussed were options to make the stop signs at the intersection of County Highways #22 and #11 more visible and to increase compliance.

State's Attorney – Flood Plain Ordinance

Carl Martineck, State's Attorney, presented the Floodplain Ordinance, which is currently Appendix B of the Development Code. John Froelich moved to approve the policy as set forth in the Floodplain Ordinance; Cindy Schwehr seconded the motion. Motion carried upon roll-call vote, with all members voting "yes". The Commission agreed that it should be a stand-alone document, separate from the Planning & Zoning Code. Also discussed was: the Mundahl dike, Nelson Floodplain Development Application, and the Diegel dike. John Froelich moved to send notice to Paul Diegel that if he doesn't remove his dike within 15 days, the County will do it for him, and that he has the right to request a hearing within that 15 day period; Rodger Berntson seconded the motion. Motion carried upon roll-call vote, with all members voting "yes".

Commission Discussion

A recent meeting regarding 10-Mile Lake ended in a stand-still. It's currently at 1,433', and was at 1,435.5' when it was high and running. The general consensus was that it's not a worthwhile project for local land-owners to invest in, unless they could bring the level down to 1,430'. Until the USF&W and NRCS come up with a level they can live with, the discussion is on hold. The reimbursement on the Hobart FEMA expenses so far has been received. John Froelich is going to attend a meeting of the Upper Sheyenne tomorrow. The upcoming property tax sale and County leases were discussed. The bid for the demolition of the Young FEMA property garage was awarded to Rich Plecity. Cindy Schwehr moved to approve the Demolition Agreement; John Froelich seconded the motion. Motion carried upon roll-call vote, with all members voting "yes". We have not heard back from Barnes County Soil Conservation as to whether they are willing to take over the property. Compensation for service on the various County boards was discussed. Other discussion included: the proposed wellness center being brought up for an advisory vote, meeting with local legislators tonight at 7 pm, posting agendas and minutes from County entities on the Barnes County website.

With no further business, Phil Leitner made a motion, seconded by John Froelich, to adjourn the meeting. Motion carried unanimously.

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Beth M Didier
Barnes County Auditor

Eldred Knutson, Chairman
Barnes County Commission