

**PROCEEDINGS OF THE BOARD OF WALSH COUNTY COMMISSIONERS
MARCH 5, 2019**

March 5, 2019 - 9:00 a.m.

Members present: Chairman Barta, Commissioners Burianek, Skorheim and Wild. Absent Commissioner Anderson.

Motion by Wild to approve the February 19, 2019 regular meeting minutes, bills and agenda additions of school annexation committee, building permits and department head meeting update. Second by Skorheim. Motion carried.

Joe Bata, Harold Mach, Terry Novak and Roger Schuster have all agreed to service another term on the Walsh County School Annexation & Reorganization Committee. Will reach out to the school for possible candidates for the one open position.

Ed Sevigny, Tax Director, JR Steele, Assistant State's Attorney and Richard Noel, Extern in the States Attorney's Office, appeared to discuss and get direction on the March 14th sheriff's sale of mobile homes. There are 2 mobile homes up for sale, one in Grafton and one in Ardoch. Someone is still living in the one in Grafton and still owes \$73. Commissioners suggested that Ed try to get the balance paid. Discussed the eviction process, unpaid utilities and possibility of no sale. Last year's mobile homes haven't been removed yet. They will probably be removed in May now.

Sevigny was also looking for direction for abatements submitted for 2018 that deal with soils issues. Any landowner can file an abatement every year so they have to be addressed. Commissioners recommended that he start with the soils committee and have a meeting. The adjustments were to start in 2019.

The rates for meeting per diem were discussed. The assessors are the only group that is not at the \$35 rate. **Motion by Burianek to increase the rate to \$35 plus mileage for assessor per diem for 2019 and going forward.** Second by Skorheim. Motion carried.

Contracts have been sent out to 6 cities and 1 township for assessing fees through Walsh County at \$3.00 per parcel.

Tanya Wieler, Human Resource Director, appeared for the following:

- WSI offers a training program called Learning Management System. If we get 100% participation the County can receive a 5% discount which amounts to approximately \$1700. They have a huge selection of courses that last from 10 minutes to an hour. Training has to be done quarterly so we would have to do a quick sign up and get 1 course done by March 31. **Motion by Wild to move ahead and participate with LMS training.** Second by Burianek. Motion carried.
- Slight change in wording of Funeral Leave Policy
- The Harassment Policy has been completely rewritten and is a blanket harassment policy. Page 3, item 7, should include "and or State's Attorney" after The Human Resource Director. With the new harassment policy changes were needed in the grievance procedure as well as the Equal Opportunity section. **Motion by Burianek to approve the first reading of the Section 2.1: Equal Opportunity Employer,**

Section 4.4: Funeral Leave, Section 5.3: Grievance Procedures and the Harassment Policy. Second by Wild. Motion carried.

- A child at work waiver of liability form was discussed for children that might be in the workplace visiting. It wouldn't apply to all departments as it would be a safety issue in some departments such as the jail or road crew. It is not a policy just a way of protecting the County of any liability. **Motion by Skorheim to support and add it to procedures where applicable.** Second by Wild. Motion carried.
- There was a discussion at the department head meeting in regard to Martin Luther King Day being switched with the Friday after Thanksgiving day. There were mixed feeling about this and pro and cons were discussed. There was no censuses of the group and Tanya requested that department should email her if they have a strong feeling or wanted to vote one way or the other. Only 1 employee responded. The policy will be left alone and the second reading will be held at the next meeting.

Katrina Hodny, Veterans Service Officer, appeared to discuss annual training. The Veterans Office will be closed on March 17-19 and October 6-9 for annual training.

Larry Tanke, water board member, presented a Red River Joint Water Resource District booklet which contains the 2018-2022 watershed management strategy, accomplishments, activities and future needs.

Albin Jallo, water board member gave an update on Drain 4 and Drain 30-2. Bids have been awarded. Drain 87 is in Phase 2.

Jennifer Lindenberger, Administrative Assistant, gave legislative updates in regard to the water board. She also gave an update on Fordville, Matejcek and Bylin Dams with the possibility of some studies and rehabs with the dams in the future.

Commissioner Burianek attended the department head meeting and gave an update. Some of the topics included compensation for unused sick leave, pay plan for next budget cycle, social service zones and MLK holiday.

Commissioner Wild asked if there was a penalty for not having a building permit. Can we make a penalty countywide for failure to get a building permit? Auditor will check with other counties to see what they do and it should probably start with planning and zoning committee.

The County will probably need to purchase sand bags this year. No one has budgeted for them and no one can remember past procedure. Will look into the use of the Emergency Fund for sand bags.

Motion by Wild to approve and sign the traffic grant for video cameras for the sheriff's department. Second by Burianek. Motion carried.

Motion by Wild to pay the invoice for Implementation of Marsy's Law for \$763.00 out of the county general fund. Second by Skorheim. Motion carried.

Report of county offices for fees collected during February: County Recorder \$6,424.34 and Sheriff fees \$2,142.08.

At 11:00 a.m. a public hearing for the Walsh County Drain 87 Property Right Acquisition for Parcels 14, 16 & 22 was held. Those in attendance were Chairman Ernie Barta and Commissioners Lauren Wild, Lawrence Burianek and Dennis Skorheim, Auditor Kris Molde, Walsh County Water Board members Larry Tanke and Albin Jallo, Administrative Assistant Jennifer Lindenberger, Dan Gaustad, Attorney for the water board, Kelley Cole, State's Attorney, JR Steele, Assistant States Attorney, Richard Noel, Extern in State's Attorney's Office, landowners Ron Moe, John Russum, Gary Hove, Harlan Brekke and Ted Suda, reporters Todd Morgan and Bonnie Meibers.

Mr. Moe asked if he could ask some procedural questions before the testimony began. He wanted to know if the hearing was legal if it was not posted in the paper. Moe had the notice served on him and no newspaper notice was required. Mr. Moe then asked if the Commissioners who previously sat as members on the Water Board were going to recuse themselves due to a conflict of interest. State's Attorney Cole read a definition of a conflict of interest regarding voting on such a measure. Commissioner Burianek is the only member that had previously sat on the Water Board and he stated he was not going to recuse himself.

Attorney Gaustad then addressed the Commission. He presented the Commission and Mr. Moe with a booklet of information showing all of the requirements the Water Board followed, a timeline of events that have occurred since first contacting Mr. Moe and copies of all correspondence between the Water Board and Mr. Moe. Gaustad stated that today is not about the legality of the Drain 87 vote or establishment of the drain. Today is about if the Water Board followed the procedure laid out in N.D.C.C §61-16.1-09 regarding the authority to pursue quick take. If the Commission were to approve the Water Board's request, the next steps would be for the Water Board to deposit a check with the Clerk of Court, a notice sent out to Mr. Moe regarding the deposit for quick take and Mr. Moe's option to appeal to District Court. Gaustad then went through the timeline of events from February 2018 to present.

Mr. Moe then presented information to the Commission. He then stated that he has 2 issues with the sale of his land for Drain 87. The first is that he wants reasonable assurance that the sale is being conducted legally. Chairman Barta stated that the hearing was not to decide the legality of the drain vote but the negotiation of the purchase of land rights. Moe then moved on to his second issue which was the price he was being offered for his land. He told the Commission about sales of land west of Grafton along Hwy 17 that sold for \$12,000 per acre back in 1984 for the commercial development of businesses like Hanson Implement and Grafton Equipment. He also referenced a land sale by Vesleyville that was much higher than the Water Board's offer. He then moved on to his requirement that the Water Board produce a letter from the ND Attorney General regarding the legality of the Drain 87 vote. He closed with a newspaper article reference to the Ramsey County Hog Barn in which Ramsey County recused themselves on the grounds that the zoning was a township issue, not a County issue.

Mr. Gaustad was allowed to respond to Mr. Moe's testimony. He began by stating he would not apologize for his handout and he stands behind his work product that showed just how many procedural rules the Water Board had to follow. He said he also took offense to Mr. Moe's comments regarding the appraisal done by Mr. Roos, which in fact was a legal requirement in the quick take process. He again stated that the Water Board has no control over the issuance of a letter from the Attorney General's office and if Mr. Moe will not proceed without that letter, then the Water Board has no other option but to ask for the commissioner's approval to proceed with quick take in order to continue with the drain construction.

Chairman Barta then asked if there was a motion to move forward with the quick take process. **Motion by Wild to allow the water board to follow the quick take process.** Second by Skorheim. Upon roll call vote, all voted yes. Motion carried.

In closing, Chairman Barta strongly encouraged both parties to come to a conclusion and get this settled. No one wins if this goes to court.

Meeting adjourned at 11:55 a.m.

Ernie Barta, Chairman

Attest:

Kris Molde, Auditor