

**REGULAR MEETING OF CASS COUNTY BOARD OF COMMISSIONERS
JUNE 6, 2016**

1. MEETING CALLED TO ORDER

Chairwoman Mary Scherling called the meeting to order at 3:30 PM with all members present as follows: Ken Pawluk, Rick Steen, Arland H. Rasmussen, and Mary Scherling. Chad M. Peterson was absent.

2. PLEDGE OF ALLEGIANCE

Heather Worden led the Pledge of Allegiance.

3. MINUTES APPROVED

MOTION, passed

Mr. Rasmussen moved and Mr. Steen seconded that the minutes of the previous meeting be approved as written. Motion carried.

4. AGENDA, Order approved

MOTION, passed

Mr. Pawluk moved and Mr. Steen seconded to approve the order of the agenda with the addition of a Victims of Crime Act (VOCA) grant agreement to the consent agenda and move a contract with Northern Improvement Co. for Wild Rice River Estates Subdivision paving project from the consent agenda to the regular agenda. Motion carried.

5. CONSENT AGENDA APPROVED

MOTION, passed

Mr. Rasmussen moved and Mr. Pawluk seconded to approve the consent agenda as follows: On roll call vote, the motion carried unanimously.

- a. Retroactively approve a special event permit for Bar Nine to serve alcoholic beverages on June 4, 2016, during the hours of 5:00 PM to 12:00 AM for a wedding reception to be held at the Hartl Ag Building, Red River Valley Fairgrounds in West Fargo, North Dakota; approve a special event permit for Bar Nine to serve alcoholic beverages on June 11, 2016, during the hours of 5:00 PM to 12:00 AM for a wedding reception to be held at Bonanzaville, U.S.A. in West Fargo, North Dakota; approve a special event permit for Bar Nine to serve alcoholic beverages on June 18, 2016, during the hours of 5:00 PM to 12:00 AM for a wedding reception to be held at Bonanzaville, U.S.A. in West Fargo, North Dakota; approve a special event permit for Bar Nine to serve alcoholic beverages on June 25, 2016, during the hours of 5:00 PM to 12:00 AM for a wedding reception to be held at Bonanzaville, U.S.A. in West Fargo, North Dakota; approve a special event permit for Bar Nine to serve alcoholic beverages on July 16, 2016, during the hours of 5:00 PM to 12:00 AM for a wedding reception to be held at Bonanzaville, U.S.A. in West Fargo, North Dakota; and approve a special event permit for Bar Nine to serve alcoholic beverages on July 23, 2016, during the hours of 5:00 PM to 12:00 AM for a wedding reception to be held at Bonanzaville, U.S.A. in West Fargo, North Dakota
- b. Authorize the chairwoman to sign Resolution #2016-8, Proclamation for World Elder Abuse Awareness Day on June 15, 2016, as follows:

RESOLUTION #2016-8

World Elder Abuse Awareness Day Proclamation

WHEREAS, Cass County's seniors are valued members of society and it is our collective responsibility to ensure they live safely and with dignity.

WHEREAS, Abuse of older people is a tragedy inflicted on vulnerable seniors and an ever-increasing problem in today's society that crosses all socio-economic boundaries.

WHEREAS, Combating abuse of older people will help improve the quality of life for all seniors across the state and country, and will allow seniors to continue to live as independently as possible and contribute to the life and vibrancy of Cass County.

WHEREAS, Cass County's seniors will be treated with respect and dignity to enable them to continue to serve as leaders, mentors, volunteers and important and active members of the community.

WHEREAS, We are all responsible for building safer communities by watching for and reporting possible abuse.

WHEREAS, The Cass County Coordinated Community Response Team will hold the event "No Excuse for Elder Abuse" on Wednesday, June 15, 2016 in observance of World Elder Abuse Awareness Day.

NOW THEREFORE, in recognition of World Elder Abuse Awareness Day on June 15th, we the Commissioners of Cass County proclaim the 15th day of June, 2016, as Elder Abuse Awareness Day in Cass County, and encourage all Cass County citizens to recognize and celebrate the accomplishments of Cass County's seniors.

- c. Receive and file Indemnity Bond on Lost Instrument for Melissa Paulik; and authorize the county auditor and county treasurer to issue a duplicate check.
- d. Authorize the chairwoman to sign a purchase order with RDO Equipment in the amount of \$11,900 for a John Deere ATV for the Highway Department survey crew; purchase order with Hancock Concrete Products LLC in the amount of \$80,465.28 for culvert replacements in Buffalo and Howes Townships; and purchase order with True North Steel, Inc. in the amount of \$45,738.48 for culvert replacements in Howes, Davenport and Hunter Townships.
- e. Grant final plat approval for Lindemann Subdivision, Section 14, Township 139N, Range 53W of the 5th Principal Meridian, Cass County, North Dakota; for Kellerman Subdivision, Section 22, Township 137N, Range 53W of the 5th Principal Meridian, Cass County, North Dakota; and for Sproul Subdivision, Section 8, Township 140N, Range 54W of the 5th Principal Meridian, Cass County, North Dakota.
- f. Contract approval
 - Flood lot lease for 2016;
 - Justice Assistance Grant (JAG) inter-local agreement—2016 Edward Byrne Memorial Justice Assistance Grant funds to be shared with the City of Fargo;
 - Swank Motion Pictures, Inc.—professional services agreement to allow the Cass County Jail to show DVD movies licensed from Swank;
 - Securus Technologies—contract addendum due to pending FCC rate changes for services provided for jail inmate phone calls (fees for account deposits cannot exceed \$3.00 for payment made through web or IVR and \$5.95 for payments made via live agent);
 - Kadrmass, Lee & Jackson, Inc.—engineering services for hydraulic analysis of bridges in Erie, Hunter, and Bell Townships;
 - Moore Engineering—engineering services for hydraulic analysis of bridges in Normanna, Kinyon, Gardner, and Wisner Townships;
 - Houston Engineering—engineering services for hydraulic analysis of bridges in Tower, Wheatland and Howes Townships;
 - Kadrmass, Lee & Jackson, Inc.—engineering services for environmental review and structure design work for bridge project in Dows Township;
 - Houston Engineering, Inc.—engineering services for environmental review and structure design work for bridge project in Addison-Durbin Townships;
 - Victims of Crime Act (VOCA)—grant agreement for the State's Attorney to execute and obtain VOCA funds for the period of July 1, 2016, through June 30, 2017.

6. **RESOLUTION #2016-9, Public hearing/host approval to issue MIDA bonds for Dakota Boys and Girls Ranch**

Attorney Jim Stewart discussed projects for the Dakota Boys and Girls Ranch Foundation to be refinanced with tax-exempt bonds. There are three projects included in the financing: a residential facility in Bismarck, thrift store in Grand Forks and thrift store in West Fargo. The project in Cass County is to refinance a one-story building containing a thrift store, related facilities and parking lot at 810 13th Avenue East in West Fargo. Grand Forks County has agreed to issue the bonds but because the project is outside its jurisdiction, Cass County is being asked to provide “host approval”.

The chairwoman opened the public hearing for comments and hearing none, closed the public hearing.

MOTION, passed

Mr. Steen moved and Mr. Pawluk seconded to adopt Resolution #2016-9 Approving the Issuance of Bonds by Grand Forks County, North Dakota, on Behalf of Dakota Boys and Girls Ranch Foundation under the Municipal Industrial Development Act and Authorizing the Execution of a Joint Powers Agreement (Dakota Boys and Girls Ranch Foundation Project). On roll call vote, the motion carried unanimously.

7. **WILD RICE RIVER ESTATES SUBDIVISION, Action on paving contract for special assessment district delayed until the next meeting**

Michael Montplaisir, County Auditor, said last month the board authorized him to move forward with creating a special assessment district to pave roads in Wild Rice River Estates Subdivision. The subdivision includes eight houses and one vacant lot. Bids were received and Northern Improvement Co. submitted the low bid of \$154,050. He said legal resolutions creating the assessment district are not ready. He recommends the board delay approval of the contract to allow time to prepare the resolutions to establish the special assessment district. The bid is good for 30 days.

Dan Peterson, 9814 21st Street South, Horace, is a resident of the subdivision. He said over 90% of the residents support moving forward with the special assessment district. The proposed cost is not significantly different than the engineer’s estimate. The original estimate the contractor gave for the project did not include all the work required by the county and township.

Mr. Montplaisir estimates the total cost with added fees will be around \$200,000 with annual installments ranging from \$1,800 up to \$2,600 depending on the number of years the assessments will be paid. He wants to ensure all of the residents are aware of the cost. He will work with the subdivision to determine the length of the bonds. Typically bonds are issued for 15 to 20 years.

MOTION, passed

Mr. Rasmussen moved and Mr. Steen seconded to delay action on the contract with Northern Improvement Co. for Wild Rice River Estates Subdivision paving until the next meeting on June 20, 2016. On roll call vote, the motion carried unanimously.

8. **FLOOD DIVERSION JOINT POWERS AGREEMENT UPDATE, Diversion Authority Board members and alternates appointed**

The Cass County Commission approved the Flood Diversion Joint Powers Agreement (JPA) on May 16, 2016. Attorney John Shockley was present to provide an update on the JPA, which will repeal and replace the Limited Joint Powers Agreement previously entered into on July 11, 2011 with six entities: City of Fargo, City of Moorhead, Cass County, Clay County, Cass County Joint Water Resource District and Buffalo-Red River Watershed District (BRRWD).

Mr. Shockley said the BRRWD did not approve the JPA, and as a result, the district will be removed from the Flood Diversion Board of Authority and will be considered a non-member. He said the new

JPA will consist of five entities. Moorhead will now have three members (mayor and two council members) and Clay County will have two members (two commissioners) on the Diversion Board.

Cass County currently has three members on the board, including a West Fargo City Commissioner. Under the new JPA, West Fargo will have its own board member on the Diversion Board. Cass County will continue to have three members on the Diversion Board with Darrell Vanyo, the current Diversion Board Chairman, remaining as Chair until the end of 2016. Mr. Shockley said Cass County now needs to appoint its new members to the Diversion Board as the new membership will take effect at the Diversion Authority Board meeting on June 23, 2016.

MOTION, passed

Mr. Steen moved and Mr. Rasmussen seconded to appoint Mary Scherling and Ken Pawluk as board members to the Flood Diversion Board of Authority and Chad Peterson, Rick Steen and Arland Rasmussen as alternate board members. The new JPA includes that Darrell Vanyo, the Diversion Board Chairman and a Cass County representative, will remain as Chairman until the end of 2016. On roll call vote, the motion carried unanimously.

9. ORDINANCE #2016-1 WEED MANAGEMENT PLAN, First reading held

Stan Wolf, Weed Control Director, was present to discuss a proposed weed management ordinance for construction and development sites. He said residential, commercial and industrial development continues to grow in the county and when areas are under development and construction, various noxious and invasive weeds are left to grow. The ordinance utilizes existing state law, and the intent is to inform developers that noxious weeds need to be controlled. The proposal also includes an application that landowners or operators of the land will need to complete to remind them that noxious weeds need to be controlled per state law. He said the application will be included with the informational packet when a request to subdivide or plat land is requested through the Cass County Planning Office. Mr. Wolf has discussed the management plan with Fargo and West Fargo public works officials, who agree the proposal is needed; however, the cities wish to be exempt from the ordinance as they already enforce their own weed control programs.

Mr. Pawluk said he thinks the fees for failure to control weeds are excessive and does not believe the ordinance is needed since this is already outlined in state law. Mr. Wolf said the fees included in the ordinance were taken from current state law.

Mr. Steen said the ordinance will serve as a notice to developers and landowners regarding the control of noxious weeds. Mr. Rasmussen said he likes the idea and without it in place, there is very little recourse for the county to enforce the program. State's Attorney Birch Burdick said under North Dakota Century Code, aggrieved individuals may appeal to the County Board of Commissioners.

MOTION, passed

Mr. Rasmussen moved and Mr. Steen seconded to approve the first reading of Ordinance #2016-1 Weed Management Plan for Development and Construction Sites, direct that appropriate notice be published in the official county newspaper, and schedule the second reading of the ordinance for July 5, 2016. On roll call vote, the motion carried with Mr. Rasmussen, Mr. Steen and Mrs. Scherling voting "Yes" and Mr. Pawluk voting "No".

10. ORDINANCE #2006-1 AMENDED SUBDIVISION ORDINANCE, Second reading held; adopted

The last amendment to the County Subdivision Ordinance was completed in 2012; however, one section was not updated with the standard plat size. For consideration today is a revision under the drafting standards to change the standard plat size dimensions from 20" x 30" to 22" x 34".

A first reading was held on May 2, 2016, and a notice was published in the official county newspaper regarding the second reading scheduled for today.

MOTION, passed

Mr. Steen moved and Mr. Pawluk seconded to approve the second reading of Amended Ordinance #2006-1, Cass County Subdivision Ordinance, and have the state's attorney publish this ordinance with all other county ordinances into a handbook for Cass County law enforcement officials. On roll call vote, the motion carried unanimously.

11. ORDINANCE #1997-3 AMENDED COUNTY PARK CAMPSITES, Second reading held; adopted

The Cass County Park Board approved a \$5 rate increase for all types of campsites at Brewer Lake. As a result, the county park campsite ordinance needs to be amended to reflect the change.

A first reading was held on May 2, 2016, and a notice was published in the official county newspaper regarding the second reading scheduled for today.

MOTION, passed

Mr. Pawluk moved and Mr. Rasmussen seconded to approve the second reading of Amended Ordinance #1997-3, Cass County Park Campsites, and have the state's attorney publish this ordinance with all other county ordinances into a handbook for Cass County law enforcement officials. On roll call vote, the motion carried unanimously.

12. CASS COUNTY YOUTH COMMISSION FUNDRAISER, Decision delayed to use Law Enforcement Center parking lot spots for Bison football games

Sheriff Paul D. Laney is requesting the board authorize the use of the southeast corner of the Law Enforcement Center (LEC) parking lot for NDSU Bison football games. He said the Cass County Youth Commission members would sell the parking spots as a fundraiser for their organization. The section would be roped off and there would be adult supervision at all times along with youth commission members who would be staffing the event.

Mrs. Scherling supports the idea but questioned the liability to the county. Mr. Burdick said he and Mr. Montplaisir will talk with Dawson Insurance, the county's insurer, regarding the issue. Mr. Rasmussen also supports the concept but has liability concerns too. Mr. Steen said the area should be marked as restricted with no tailgating allowed.

MOTION, passed

Mr. Rasmussen moved and Mr. Steen seconded to direct State's Attorney Birch Burdick to look into liability issues regarding the use of the LEC parking lot for Bison football games for future consideration by the County Commission. On roll call vote, the motion carried unanimously.

13. TAX EQUALIZATION BOARD, Convened for 2016 and recessed until June 20th

Chairwoman Mary Scherling convened the Cass County Board of Tax Equalization for 2016. Frank Klein, Director of Equalization, referred to his letter dated May 26, 2016, concerning the annual equalization of assessments. Statutes require residential and commercial property to be valued at market value and agricultural property to be valued at its productivity value. Agricultural land was increased by 3% for 2016 based on the certified average value provided by the State Tax Department.

Mr. Klein is reviewing assessments and will provide recommended adjustments for certain cities and townships at a later date. He suggested the commission hear any individual appeals today, and he will provide recommendations on the appeals at the June 20, 2016, meeting.

Mrs. Scherling opened up the meeting for public comments.

The following individuals spoke regarding properties in the City of Fargo:

William Gellner, 5421 11th Street South in Fargo, was present. He said the value on his home increased by \$22,400 or 10%, which he feels is excessive.

David Singleton, 701 20th Street South in Fargo, was present. He purchased the property in January 2016, and said the value was raised 20% over what he paid for the property six months ago.

Ben Hushka, Fargo City Assessor, was present. He said the city initially had over 600 properties to review. He will add the two properties to the list.

Mr. Klein said two appeals were submitted by Sterling Management for Eagle Run Apartments and Saddlebrook Apartments in West Fargo. The information has been forwarded to the West Fargo City Assessor for review.

Carl Wendelbo owns 10 acres in Gunkel Township. He said the property increased by 93% from last year and questioned what formula was used to determine the value. Mr. Klein said the assessor for Gunkel Township is not yet certified, so all assessments for Gunkel Township were reviewed by the Tax Director's Office. Mr. Klein said a letter was received from Timothy Timian, 1825 161st Avenue SE, Hunter, North Dakota, which is also located in Gunkel Township, who is protesting the tax increase on his property.

Bob Staloch was present and serves as an assessor for four townships and two smaller cities in Cass County. He said 10-acre tracts in the rural area are in high demand and are hard to find. He also said it is difficult to place values on properties in smaller entities because of the lack of recent sales in these areas.

Mr. Klein said the appeals presented today along with other appeals received by local assessors will be reviewed and recommendations will be provided at the next meeting.

MOTION, passed

Mr. Pawluk moved and Mr. Steen seconded that the County Board of Tax Equalization recess until June 20, 2016. Motion carried.

14. SALARY PROPOSAL FOR BUDGET PURPOSES, Department head recommendation

Mr. Montplaisir provided information on the cost of living adjustment (COLA) approved at the last department head meeting. He said department heads have consistently used the Midwest regional consumer price index (CPI) when recommending a COLA for the board to consider, and for the period of April 2015 through April 2016 it was .7%. He said this figure is for budget purposes and may be changed by the Commission during budget meetings in August.

MOTION, passed

Mr. Pawluk moved and Mr. Rasmussen seconded to authorize the use of a .7% COLA salary scale adjustment for 2017 budget development purposes. On roll call vote, the motion carried unanimously.

15. VOUCHERS, Approved

MOTION, passed

Mr. Pawluk moved and Mr. Rasmussen seconded to approve Voucher No. 293,201 through Voucher No. 293,512. On roll call vote, the motion carried unanimously.

16. MEETING UPDATES; BREWER LAKE SIGNAGE; ELECTION EARLY VOTING; SPRINGVALE CEMETERY, Committee reports

Commissioners reported on meetings and seminars they have attended or will be attending in the upcoming weeks.

Mr. Montplaisir said the North Dakota Game and Fish Department contacted the county about the redwood sign at Brewer Lake that needs to be replaced. The Game and Fish Department would like to add the Cass County Park Board's name to the signage along with their department. Board members did not object to including the Cass County Park Board on the sign and were in consensus to authorize the Game and Fish Department to order a new sign.

Mr. Montplaisir said the early voting precincts for the Primary Election opened today and will run through this week. He said as of today, approximately 1,000 absentee ballots have been returned to the County Auditor's Office.

Mr. Montplaisir said the county owns and maintains Springvale Cemetery in north Fargo. He said the cemetery is running out of platted space and will need to open a new section soon. The county most likely will need to hire someone to re-map the area. The County Administrator will contact the Corps of Engineers to inquire about who they used as part of the cemetery mitigation efforts that are underway for the Flood Diversion project.

17. CORRESPONDENCE, Received and filed

MOTION, passed

Mr. Rasmussen moved and Mr. Steen seconded to receive and file correspondence outlined by the secretary as follows: Motion carried.

- Notice from the City of Fargo Planning and Development regarding a public hearing to be held on June 6, 2016, to consider a zone change from agricultural to single-dwelling residential for a tract of land located at 8306 River View Road;
- Information on an application for Title V Permit to Operate submitted by North Dakota State University to the North Dakota Department of Health Division of Air Quality for operation of NDSU campus boilers located in Fargo;
- Letter from the Southeast Cass Water Resource District regarding a Notice of Assessment Hearing and Special Assessment List for Raymond-Mapleton Township Improvement District No. 76 Project.

18. ADJOURNMENT

MOTION, passed

On motion by Mr. Steen, seconded by Mr. Rasmussen and all in favor, the meeting was adjourned at 5:06 PM.

ATTEST:

APPROVED:

Michael Montplaisir – Auditor
Cass County, North Dakota

Mary Scherling, Chairwoman
Cass County Board of Commissioners