

The Traill County Commissioners came to order on March 1, 2022, at 8:00 a.m. with the following members present: Commissioners Eblen, Elliott, Nesvig and Young. Commissioner Amb attended via Webex. Commissioner Eblen requested to add “Boilers” to the agenda. On motion of Young, seconded by Eblen and carried to approve the amended agenda. On motion of Elliott, seconded by Eblen and carried to approve the minutes of 02-15-22.

INDEMNITY BOND: On motion of Young, seconded by Eblen and carried to approve the Indemnity Bond for Lost Instrument for Treasurer’s check #28059 in the amount of \$53.00 for Howard & Collette Cotton.

RAFFLE PERMIT: On motion of Young, seconded by Elliott to approve a raffle permit filed by Stordahl Lutheran Church with drawing to be held on March 20, 2022.

LIQUOR/BEER LICENSE: On motion of Eblen, seconded by Young and carried to approve the liquor and beer licenses for ON-SALE only for the Goose River Golf Club, Hillsboro.

BOILER CONVERSION: Commissioner Eblen informed the board of bid openings for the boiler conversion will take place on 03-02-22. Bids will be reviewed and brought back to the full commission on 03-15-22.

HIGHWAY: Corwyn Martin, Road Superintendent (in-person) and Matt Lange (via Webex) updated the board on various issues. Roger Haberman, Industrial Builders requested commission approval to divert water to the south along county road #3 in the north ditch, during the time they are installing a box culvert by Kelso rest area. Verbal agreements with NDDOT and the Army Core of Engineers have approved the work. After much discussion, a motion was made to approve the request, however the motion was table until KLJ Engineers reviews the plans and written approvals are received from NDDOT and the Army Core of Engineers. On motion of Eblen, seconded by Young and carried to allow the Chairman to sign the Maintenance Agreement with the ND DOT for Bridge #231 and #316 in the amount of \$2,000,000.00. On motion of Eblen, seconded by Young and carried to allow Martin to advertise for gravel, fuel and road oil, with bid opening set for April 5, 2022. Commissioner Elliott has agreed to participate in interviews for RFP Engineers on March 31, 2022. Discussion on County Road 25 as Grand Forks County allows 10% overloads and Traill County does not allow any overloads. Commissioners instructed Martin inform Grand Forks County, County Road 25 will be posted and overloads will not be allowed. On motion of Eblen, seconded by Young and carried to allow Martin to place road restrictions on when weather permits.

TAX DIRECTOR: Kayla Knudson, Tax Director met with the board. On motion of Eblen, seconded by Young and carried to approve a two-year new home exemption for Matthew and Shana Williams in Ervin Township. On motion of Young, seconded by Elliott and carried to allow Knudson to advertise for an administrative assistant with a salary range of \$34,000.00 to \$37,000.00. Knudson was approached by Grand Forks County to assess the north (Grand Forks County) side of Reynolds City as the city is losing their assessor. On motion of Elliott, seconded by Eblen and carried to approve the request as Knudson’s office can handle the additional workload. On motion of Elliott, seconded by Young and carried to allow Traill County to implement a centralized building permit process with permits being collected in the Tax Director’s office.

PROPERTY INSURANCE BIDS: On motion of Eblen, seconded by Elliott and carried to open the bids. One bid was received from Erickson Agency for the April 2022 – April 2023 policy year. On motion of Eblen, seconded by Young and carried to accept the NDIRF Renewal for \$2 Million Liability Policy in the amount of \$70,352.00.

ELM RIVER WATERSHED: Jason Siegert, TCWRD; Jon McSparron and Marlin Stokke from Kelso Township discussed the costs/assessments for the Elm River Watershed. Siegert suggested the Townships place a “special assessment” on the tax rolls to cover their costs.

Commissioner Elliott introduced the following Resolution and moved its adoption:

RESOLUTION - ELM RIVER MAINTENANCE DISTRICT

WHEREAS, in 2012, the Elm River Joint Water Resource District (formerly known as the Traill-Steele-North Cass Joint Water Resource District) approached the Traill County Commission (the “County”) regarding the establishment of the ELM RIVER MAINTENANCE DISTRICT under N.D. Cent. Code § 61-16.1-40.1.

WHEREAS, in the 1950s and '60s, the Soil Conservation Service (the "SCS"), a precursor to the Natural Resources Conservation Service, entered into various operation and maintenance agreements with the Traill County Water Conservation and Flood Control District and the Traill County Water Management District, precursors to the Traill County Water Resource District (collectively, the three Traill County entities are the "Traill County Water Board"), under which the Traill County Water Board was responsible for operation and maintenance of certain Elm River Watershed improvements in Traill, Steele, and Cass Counties constructed by the SCS (the "SCS Agreements").

WHEREAS, specifically, under the SCS Agreements, the Traill County Water Board was responsible for operation and maintenance of the channel improvements in certain portions of the Elm River channel, as well as the following three dams: Elm River Dam #1 (commonly referred to as "Steele County Dam"); Elm River Dam #2 (commonly referred to as "Augustadt Dam"); and Elm River Dam #3 (commonly referred to as "Cass County Dam"). Collectively, these improvements are the "Elm River Improvements."

WHEREAS, the SCS did not convey any funds to the Traill County Water Board and did not provide any other funding source for future operation, maintenance, or improvement costs regarding the Elm River Improvements.

WHEREAS, further, under N.D. Cent. Code § 61-16.1-40, any dam or flood control project constructed by a federal agency but no longer maintained by that federal agency becomes the responsibility of the water resource district where the dam or flood control project is located.

WHEREAS, the Traill, Steele, and North Cass Water Resource Districts recognized the Elm River Improvements benefit real property in all three of their respective geographic boundaries and formed the Elm River Joint Water Resource District (the "Joint WRD") to manage, operate, and maintain the Elm River Improvements.

WHEREAS, in accordance with Section 61-16.1-40.1, the Joint WRD conducted proceedings, including the requisite joint public hearing with the County on April 16, 2012, to create the ELM RIVER MAINTENANCE DISTRICT; the purpose of the ELM RIVER MAINTENANCE DISTRICT is to generate assessment funds from parties that benefit from the Elm River Improvements to finance and fund operations, maintenance, and improvements of the Elm River Improvements.

WHEREAS, under Section 61-16.1-40.1, creation of the ELM RIVER MAINTENANCE DISTRICT required approval by two-thirds of the county commissions for Cass, Traill, and Steele Counties; two-thirds approval by the Traill, Steele, and North Cass Water Resource Districts; and two-thirds approval by the Joint WRD; all of the entities unanimously approved the creation of the ELM RIVER MAINTENANCE DISTRICT in 2012.

WHEREAS, the County approved a Resolution on June 5, 2012 (the "2012 County Resolution"), in which the County approved the creation of the ELM RIVER MAINTENANCE DISTRICT; a copy of the 2012 County Resolution is attached to this RESOLUTION as Exhibit A.

WHEREAS, the 2012 County Resolution contained a recital that indicated that, in accordance with Section 61-16.1-40.1 in effect at that time, the maximum annual maintenance assessment levies could not exceed \$2 per acre for agricultural lands.

WHEREAS, the North Dakota Legislature has since amended Section 61-16.1-40.1 to increase the maximum annual maintenance assessment levies to \$4 per acre for agricultural lands.

WHEREAS, the County recognizes the Legislature's 2021 amendment of Section 61-16.1-40.1 to increase the maximum annual maintenance assessment levies up to \$4 per acre for agricultural lands, and otherwise recognizes the Legislature may further increase the maximum annual maintenance assessment levies permissible under Section 61-16.1-40.1 in the future.

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, Traill County, North Dakota, affirms its previous decision that creation of the ELM RIVER MAINTENANCE DISTRICT was necessary for the benefit of roads and infrastructure in Traill County that benefit from the Elm River Watershed Improvements.

BE IT FURTHER RESOLVED, that the Board of County Commissioners, Traill County, North Dakota, authorizes the Elm River Joint Water Resource District to levy annual maintenance assessment levies regarding the ELM RIVER MAINTENANCE DISTRICT in accordance with N.D. Cent. Code § 61-16.1-40.1, as annually approved by the Traill County Board of Commissioners.

Upon roll call vote being taken thereon, the following voted in favor of the Resolution: Commissioners Eblen, Elliott, Nesvig, Young and Amb, said resolution was declared duly passed.

CITY COVID REIMBURSEMENTS: On motion of Eblen, seconded by Young and carried to reimburse the following cities for COVID related expenses, after receiving proof of purchases: Portland City \$160.40, Hatton City \$3,809.44 and Hillsboro City \$12,960.16.

SHERIFF: Steve Hunt, Sheriff presented his annual DES Grant. On motion of Young, seconded by Amb and carried to approve the DES Grant in the amount of \$45,333.34 with a 25% cost share to the county.

MASKS: Brenda Stallman, TDHU Director updated the commission on the current CDC guidelines. Although CDC has lifted most restrictions, Traill County is still in the high risk. On motion of Amb, seconded by Young, effective immediately, to remove the current mask mandate in county offices and follow the current CDC Guidelines, voting aye: Commissioners Eblen, Elliott, Nesvig and Amb, voting nay: Commission Young, motion passed.

KIWANIS MEETING: The Commissioners have been invited to attend the Kiwanis's noon meeting which will be held on Tuesday, March 15, 2022.

On motion duly made and carried, the following bills paid by the County Auditor to March 1, 2021, were allowed paid to-wit:

103752 & 103762 NDPERS-Retirement	32,979.65	103756 TC Treasurer-FOASI	45,975.31
83242-83319 Payroll	280,939.96		

On motion duly made and carried, the following bills presented to the Board were ordered paid, to-wit:

103830 Airgas	159.50	103831 Big Jims Tire	311.95
103832 Dakota Heritage Bank	985.00	103833 East Central Water	40.00
103834 Kurt Elliott	75.00	103835 Great Amer. Leasing	286.00
103836 Grainger	326.18	103837 Hillsboro Banner	87.00
103838 Hillsboro Inn	143.88	103839 Hillsboro Utilities	1389.94
103840 High Plains Water	5.00	103841 Kim Jacobson	249.66
103842 John Deere Credit	115.05	103843 Dale Johnson	75.00
103844 KLJ Engineering	33875.43	103845 David Knudsvig	99.36
103846 Lawson Products	46.60	103847 Larson Welding	229.55
103848 Jeff McInnes	82.02	103849 Midstates Equip.	15277.16
103850 Millers	42.95	103851 Metro. Mechanical	2013.30
103852 Motion Industries	101.76	103853 Paul Mueller	84.36
103854 Jill Murphy	325.36	103855 ND DOT	16.00
103856 ND Recorders Assn.	200.00	103857 ND Weed Control	275.00
103858 Ottertail Power	235.39	103589 Remark Tech	18326.20
103860 Foster Care	99.75	103861 Seatol	2000.00
103862 Sorum Oil	4125.11	103863 ND State Radio	1569.12
103864 Steele County	1482.50	103865 Twin City Garage	715.00
103866 TC Tribune	374.00	103867 Tyler Tech.	4951.86
103868 Zep Manufacturing	83.43	103870 JP Morgan	30238.66
103871 NDPERS-Life	2382.54	103872 NDPHIT-Health	54610.09
103874 BCBS-Dental/Vision	7035.20		

There being no further business to be brought before the board, the meeting was adjourned at 9:29 a.m. to meet again on March 15, 2022 at 8:00 a.m.

ATTEST:

Glenda Haugen, Auditor

Ken Nesvig, Chairman