

RICHLAND COUNTY BOARD OF COMMISSIONERS
MARCH 17, 2014

The Richland County Board of Commissioners met on March 17, 2014 at the Richland County Courthouse with Commissioners Sid Berg, Tim Campbell, Jason Heitkamp, Perry Miller and Dan Thompson. Also present were Administration Personnel Bailey and DeVal; State's Attorney McBeth and a Daily News Reporter.

MISC/CORRESPONDENCE

- Correspondence from Garrison Diversion re- funding

Correspondence was received from the ND Supreme Court regarding the Judgeship Vacancy in the SE District. Bailey reported that Judge Cruff has recommended the Board send a letter supporting that the Judgeship stay in the SE District. A motion was made by Heitkamp to send a letter to the ND Supreme Court requesting the Judgeship remain in the SE District; motion seconded by Campbell. Vote was unanimous.

Discussion was held on the County Vehicles available for Departments to use. We currently have two Crown Vics, one Intrepid and one Trailblazer. Following discussion, a motion was made by Campbell to trade in the Trailblazer and one Crown Vic for a reliable used vehicle (to be purchased locally); motion seconded by Miller. Vote was unanimous.

HIGHWAY DEPARTMENT

Highway Personnel in attendance were Justin Flack and Lowell Bladow.

Bridge 126-30 - ROW is required from three landowners. The County minimum Payment Policy for ROW is \$500-\$1000 in lieu of donation and just compensation/appraisal. Two landowners have signed paperwork asking for minimum payment of \$500; the third landowner is requesting minimum payment of \$1000. Flack requested authorization to pay the landowner \$1,000 for the ROW Easement, to keep the project moving, and to also offer the other two landowners \$1,000 rather than the minimum \$500.

A motion was made by Heitkamp to authorize the payment of \$1,000 to the landowners for the ROW; motion seconded by Campbell. Vote was unanimous.

County Rd 22 - ROW is required from two landowners. Arlen Schutt and Wallie Hardie are the landowners. Wallie Hardie was in attendance.

Hardie voiced concerns with the proposed project curve and the changes to traffic flow; he asked if there was a way to keep the existing roads.

Flack replied the DOT/Federal Highway is not lenient on safety requirements.

Thompson commented that he thought everyone was on Board with the project. Hardie replied he has been supportive of the project but he was not aware of the curves; he thought there would be square 90's; he would be willing to compromise. He asked if the DOT would consider 45 mph, 2 acres and 300' rather than the proposed project at 6-1/2 acres and 500'.

Thompson asked about the time frame - Flack replied he was hoping to bid the project the first part of April which means clarifying the ROW next week and advertising in the next two weeks.

Following discussion, Flack was instructed to contact the state to see if they will consider the compromise suggested by Hardie; and a meeting will be set up to discuss further with the parties involved.

Hardie left the meeting. (See discussion later in the meeting).

Motor Graders - Requesting to sell MG-4 (2008 Cat) and buyout MG-5 (2009 Cat).

MG-4 - Heilbling auctioneers costs: Auction Time Fee \$500, 3% Commission if sold, \$350 if it doesn't sell. Checked with other auctioneers and commission's ranged from 5-8%. Researched having the County auction through a website and learned we have to go through a bonded auctioneer.

MG-5 - Buyout of \$130,000 due by June 1 and is budgeted for.

A motion was made by Berg to auction the MG-4 through Heilbling and to buyout the MG-5; motion seconded by Campbell. Vote was unanimous.

Culvert Bid Opening - Bids were received from the following:

- Hancock Concrete, Hancock, MN
- Tru-North Steel - Fargo
- Cretex - Fargo

A motion was made by Heitkamp to accept all culvert bids received; motion seconded by Campbell. Vote was unanimous.

The Board took a brief recess at this time.

County Rd 22 cont. - Discussion continued from earlier in the meeting. Flack reported he checked into the background of CR 22 during the break and found that to capture HB1358 funding this was made into a federal aid road.

Thompson commented that if we go to condemnation, the project won't go through this year. Campbell reported he made a phone call during the break and that won't happen; he will set up a meeting with the parties involved and keep Flack informed.

Road Restrictions - Restrictions went into effect this morning at 6:00 AM. Last week our restriction notice & map were posted on our website, letters & maps were mailed out to trucking industry, and the media was notified. Crews are out signing roads this morning.

WATER RESOURCE BOARD

Guests in attendance were Walter Hardie and Wayne Hardie.

Bridge 124-17 on Drain 4 - WRB Moffet asked if a Cost estimate had been received. Bladow replied he is waiting for soil boring information, which is needed to determine piling length which will determine the costs.

Walter Hardie - Drainage on CR 22 - Hardie expressed numerous concerns with Drain 39, CR 22 one half mile east of Hwy 127.

- The outlet has been the same since the 60's; water from the West, with all the tiling, can't get out and eventually goes over the road. He is not against tiling, but when the water goes over the road they should be shut down.
- The Bridge at the end of Drain 39 has been replaced with a Texas Crossing and culverts - it holds water back. It needs to be fixed, possibly with larger culverts.
- After the Riparian Group did a clean out on Drain 39 there is a 60 ft. fall in three miles.

WRB Burvee replied if there is a problem he should put in an application asking the individual to put in slide gates; the WRB is in the process of looking at a Drain Clean out of 39, possibly next summer.

Hardie stated he was told it would be legal for him to break up the road.

Thompson discouraged Hardie from doing that and asked him if he had gone to the Water Board to ask for larger culverts. Hardie replied he would only be pushing it on to the next landowner.

WRB Burvee stated everything starting by Wallie's to Drain 39 on Hwy 127 were downsized, or had plates installed. It was engineered by Interstate Engineering.

Hardie stated he would take the Water Board and the County to Court, he was told the County Road is blocking water.

Hardie has land in Sec 36 of LaMars, it wasn't in an assessed area and he has asked for an assessment to join in. 4-5 years ago Charlie Hardie applied for a bigger culvert and it was approved by the Water Board - after that the water came faster and kept going East; the Drain Board approved at the top of the line.

WRB Burvee replied it was supposed to have a reducer on it; he suggested Hardie come to the Water Board to file an objection. Hardie stated the Water Board should see that the work is done correctly - he shouldn't have to police it and file a complaint against a neighbor.

Miller agreed with Hardie, that if they were supposed to have a Reducer on it, they should. Burvee replied, if they are made aware of it, they can deal with it.

Berg asked if an Engineer had to sign off on the project. WRB Moffet replied - we take in good faith that the work is done correctly.

Hardie again stated he would cut the road because it is blocking the outlet.

Miller advised against this and said it would be a bad deal if someone drove on it and got hurt. Hardie stated he would block it off.

WRB Burvee stated on the N side of Sec 19 Fairmount South, there is supposed to be a berm in the Township Ditch, but it is not high enough so water tops the berm; need to talk with the Township to get it fixed.

Miller asked Hardie what his solution would be. Hardie replied, you can't stop water with a road; bigger outlets, starting at Joe Sauter's to the County Road or 3 crossings; not sure of Texas Crossings - this would need to be checked on by an Engineer.

Berg commented - a ditch with that much drop in three miles, you need control structures through-out Drain 39. He recommended the Water Board, Hardie, the Township and landowners meet to see what has been done - or not done, and discuss what can be done to alleviate the water issues.

Hardie replied he has tried to work with the Water Board and he would cut the road.

WRB Burvee suggested Hardie put his grievances in writing, not verbal.

Campbell stated that he was concerned with Hardie cutting the road; he asked Hardie not to cut the road and said we would go look at the bridge.

WRB Burvee suggested the County Engineer look at the bridge.

UPCOMING MEETINGS

March

- 17 Park Board 5:00 PM
- 31 Township Officers Meeting

April

- 7 Commission Meeting
- 7 Petitions Due by 4:00 PM
- 21 Commission Meeting

Being there was no further business, the meeting adjourned at 10:30 A.M.

ATTEST: 
Harris Bailey
Auditor/Administrator

 CHAIRPERSON
Dan Thompson
Board of Richland County Commissioners