

**BASIN ELECTRIC
POWER COOPERATIVE**

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RECEIVED

May 14, 2012

MAY 15 2012

PUBLIC SERVICE COMMISSION

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

Re: Williston Tie Project Siting Application
PU-11-692

Dear Mr. Nitschke:

Per the Administrative Law Judge's request for the Conditional Use Permit made on April 10, 2012, enclosed please find the Williams County Commission minutes indicating approval of the Project which can be found on Page 7 of 10 in the attachment. Mountrail-Williams Electric Cooperative (**Mountrail-Williams**) made the request at the April 10, 2012 Williams County Commission meeting. Neither Basin Electric Power Cooperative nor Mountrail-Williams has received the actual permit from Williams County.

Sincerely,

Casey J. Jacobson
Attorney

cjj/ds
enclosure

cc: Jerry R. Lien, PSC (via e-mail w/attachments)
Mark E. Gruman, PSC (via e-mail w/attachments)
Christopher A. Marohl (via e-mail w/attachments)

43 PU-11-692 Filed: 5/15/2012 Pages: 11
Williams County Commission minutes

April 10, 2012

The Williams County Commission reconvened this 10th day of April 2012, beginning at 8:00 AM in the Memorial Room of the Williams County Courthouse.

Chairman Kalil called the meeting to order. Innis took roll call of: Ramberg-here, Aberle-here, Hanson-here, and Montgomery-here.

There being a quorum, Chairman Kalil proceeded.

Media present was
Jase Howell- Williston Herald.

Nelson reported that there is bridge in Judson Township that Gerald Miller feels needs to be replaced for the possible by-pass route and Nelson stated that he told him to apply through the infrastructure fund. Rod Westrum did the preliminary surveying in the area, but Ameri-Tech who is doing the engineering design for this stretch of road on County Road #4 and they feel that there is no plan for this bridge to be replaced in this one (1) mile stretch of road. Montgomery moved Aberle seconded to table any action on the bridge and rely on the knowledge of the engineering design. Motion carried.

Discussion was held on the load limits on our paved roads. Through the consensus of the Board no load limits will be adjusted at this time.

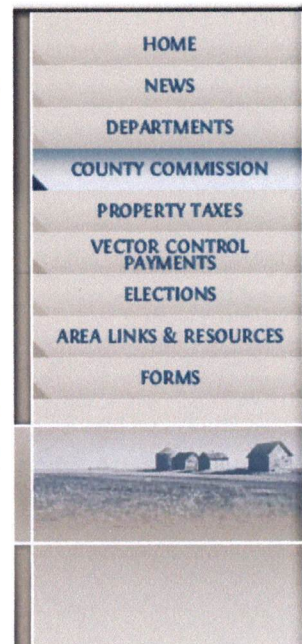
Nelson gave a road update.

Nelson was authorized to advertise for bids for patching.

APRIL 10, 2012

- [May 08,2012](#)
- [May 01,2012](#)
- [April 10,2012](#)
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Discussion was held on the West 26th St repairs.

Cost of dust control was discussed. Power Fuels and JMac apply the chemical for .40 per foot.

Hanson moved Aberle seconded adoption of the Fire Emergency and Automatic Burn Ban until it is rescinded, which will remain in effect whenever the National Weather Service Fire Danger Index is in the Very High or Extreme Status and/or a Red Flag Warning has been issued for Williams County. Any individual who willfully violates the Burn Ban is guilty of a Class B misdemeanor (up to 30 days in Jail and a \$1,000.00 fine). Motion carried. Hallesy will send notices to the media.

Hanson moved Ramberg seconded adoption of the Severe Summer Weather Awareness Week of April 30th thru May 4th 2012. Motion carried.

Hanson moved Aberle seconded approval of the abatement for Antoinette Engmann 2012 of a 16X80 2009 Friendship on mobile home permit located in the SWSESE Section 24 T155 R101 Missouri Ridge Township. Motion carried.

Gooch-Egge reported that Burke Housing, man camp will be involved in a City of Williston annexation and is questioning who should receive the crew housing permit fees. According to the NDCC on Crew Housing, the monies go into the General Fund then the Commission has the discretion as to where to put the monies. Gooch-Egge was instructed that the County will receive the monies and if the City of Williston questions this action, she is to direct them to speak with the Commission.

Evenson reported on the scanning project that they have been working on in her office, financed through the Document Preservation monies. US Imaging has scanned all their books. Costs for the digital images were discussed.

Pederson reported that as of this Thursday April 12th all the audio and video equipment will be working in the Memorial Room.

Mullen reported on the 2nd go round of the public meetings for the Comprehensive Plan 2035 and where to proceed from here. Round 3 public meetings will begin in May 2012.

Hunt reported on the Carolville Bridge and his analysis of the structure. The current signage is for the lower load limit that the bridge can support, but it can go higher with the proper signage. His recommendation is for 80,000 for two (2) miles as the structure can handle the capacity.

Hunt presented the bids for the County #10 Project COI-5316(054) bids opened April 9, 2012 as follows:

Knife River Corporation	Border States Paving	Northern Improvement	Century Companies	Mayo Construction
\$3,662,745.68	\$4,173,384.60	\$4,233,519.64	\$4,394,147.68	\$4,504,133.63

Engineer's estimate was \$3,361,008.15. Hunt recommended proceeding with the low bid from Knife River, executing the contracts from the Board, and authorizing the use of the Carolville Bridge with the completion date of August 31, 2012. Hanson moved Aberle seconded to award the contract to Knife River and authorize the Chairman to sign the contracts when ready and to follow the prior mentioned recommendations from Hunt. Motion carried.

Askim introduced Planning/Zoning Code Enforcement Officer Stephanie Vagts to the Board. The Commission explained how they would like Vagts to proceed with code enforcement, with flagrant violations at top priority. The biggest problem within the County will be the one (1) mile extraterritorial jurisdiction. Aberle moved Hanson for Vagts to pursue a Joint Powers agreement with the City of Williston on procedures within the one (1) mile extraterritorial jurisdiction. Motion carried.

Discussion was held with Scott Augustine concerning the vacation of the alleyway by the Commission in May 2011 in West Acres Estates Subdivision. The alleyway is part of a corridor system and never should have been vacated. The County acted in an improper manner as no one was ever notified of the action to be taken. Montgomery moved Aberle seconded directing the Auditor to find an expedited solution to the problem and correct the decision the Commission made by reversing the alleyway vacation. Motion carried.

Horton presented the Planning/Zoning agenda on behalf of Edson.

Zone change presented from agriculture to industrial for Haakon/Lori Jorgenson for Hiland Operating with a conditional use permit to construct a natural gas compressor facility. Aberle moved Montgomery seconded to table as this application maybe withdrawn located SE1/4NE1/4 Section 32 T155 R100 Mont Township. Motion carried. (Haakon/Lori Jorgenson/ Hiland Operating)

Zone change presented from agriculture to commercial for Abe Owan to construct commercial buildings. This property is to the east of property recently re-zoned to commercial for HPML Properties. Aberle moved Hanson seconded approval of the zone change of S1/2SE1/4 Section 21 T154 R102 Judson Township. Motion carried.

(Abe Owan)

Zone change presented from agriculture to commercial for JD Moore for the purpose of oilfield storage. This property is located on 103rd

Ave NW to the north of property recently re-zoned to commercial by Tomas Haustveit and is in the area of Enbridge and Hess facilities. Ramberg moved Aberle seconded denial of the zone change but approval of a conditional use permit of N1/2NW1/4 Section 33 T156 R95 Pleasant Valley Township. Motion carried. (JD Moore)

Zone change presented from agriculture to commercial for Craig Moen for the purpose of a truck repair business. This property is located to the west of Sublot 3 which was re-zoned to commercial July 2011. Aberle moved Montgomery seconded approval of the zone change located on Sublot 2 Section 1 T155 R99 Springbrook Township. Motion carried. (Craig Moen)

Zone change presented from residential to commercial for Site West Development for the purpose of an office/shop. This property is located to the north of Lot 2 which was re-zoned to commercial December 2011. Rod Westrum present representing Site West Development stated that other areas have been re-zoned to commercial and it fits the area. The street is the natural boundary between commercial and residential. Aberle moved Montgomery seconded approval as it is in with the rest of the commercial area and the street makes a natural buffer between commercial and Town/Country Subdivision located on Lot 1 Block 3 Sunset Subdivision T154 R101 Williston Township. Motion carried. (Site West Development)

Conditional use permit for Glenn Solberg for a water depot. Mr. Solberg is requesting approval for a re-location of his water depot. His conditional use permit was approved by the Commission on February 13 2012 with the following conditions: must provide barrier to prevent trucks from going north by the cemetery; post signs at the north end "No trucks, Dead end"; pump house located 300 yards east of the cemetery. Mr. Solberg has since come up with a new location for his depot to satisfy the neighbor and Township. He would like approval of the new location. Mr. Solberg has also brought the neighbor

(Dennis Johnson) into his venture and Chairman Kalil feels that this has polluted the process. Montgomery moved Ramberg seconded to approve the conditional use permit with the original placement and conditions located NW1/4 Section 9 T158 R100 Winner Township. Roll call vote: Ramberg-yes, Aberle-yes, Hanson-yes, Montgomery-yes, and Kalil-yes. Motion carried. (Glen Solberg)

Conditional use permit presented for Keven Nelson for cleaning of salt water drilling fluid to be re-used. A road maintenance plan was submitted to

Edson last week. Hanson moved Aberle seconded to follow the recommendations of Planning/Zoning of approval for two (2) years with a road maintenance agreement prior to conducting business located on Sublot 1 Section 6 T159 R97 Hazel Township. Motion carried. (Keven Nelson)

Zone change presented from agriculture to commercial for Joann Becker for the purpose of constructing a new shop adjacent to Key Energy. Mr. and Mrs. Eugene Moe voiced their objections due to lighting issues within their home and if trees are located as a buffer they would have to be 12' to 14' high to block the light, garbage already in the area, and water drainage concerns. Hanson moved Aberle seconded to table the zone change located for a 35 acre tract in E1/2NE1/4 Section 18 T156 R95 Pleasant Valley Township. Motion carried. (Joann Becker)

Major Subdivision of residential/commercial presented for David Loyens consisting of 148 lots ranging in size from one (1) acre to 7.14 acres. This property had a zone change approval from agriculture to two (2) lots of commercial with Phase I and Phase II of residential at the November 10, 2011 meeting. The Township never replied to Edson with a recommendation. Montgomery moved Aberle seconded to table action until the Board receives information and recommendation from Round Prairie Township, located S1/2 Section 22 T154 R103 Round Prairie Township. Motion carried. (David Loyens)

Zone change presented from agriculture to commercial/residential for AmHaul Services with a conditional use permit for multi-family housing. There was to be a zone change at the same time the conditional use permit was applied for but the application was not received by the Planning/Zoning Department until the morning of the March 8, 2012 meeting, therefore the issue was tabled. They are now requesting a zone change to commercial/residential for a truck shop and single and multi-family housing. Aberle moved Hanson seconded to deny the zone change and conditional use permit located SW1/4NW1/4 Section 13 T156 R98 Wheelock Township. Motion carried. (AmHaul Services)

Conditional use permit for Purity Oilfield Services for a water depot. The water depot was previously operated by Rick Sorenson and has been purchased by Purity Oilfield. They have also obtained a water permit from the State Water Commission. Hanson moved Ramberg seconded denial of the conditional use permit based on belief that a corporation can't own farmland located SW1/4 Section 20 T156 R100 East Fork Township. Motion

carried. (Purity Oilfield Services)

Conditional use permit for Mountrail Williams Electric Cooperative to install electrical transmission lines. Montgomery moved Hanson seconded to follow the recommendation of Planning/Zoning of approval located in various locations within Williams County. Roll call vote: Aberle-abstained, Hanson-yes, Montgomery-yes, Ramberg-yes, and Kalil-yes. Motion carried. (Mountrail Williams Electric Cooperative)

Conditional use permit for Express Energy for storage of explosives bunker/magazines. Montgomery moved Hanson seconded to follow the recommendation of Planning/Zoning of denial for the conditional use permit located on Lot 1 Block 1 Whitlock Industrial Park Williston Township. Motion carried. (Express Energy)

Jeff Morrau reported that the punch list for Phase I will be conducted soon. Phase II pre-construction meeting will be coming with the contracts forth coming.

Morrau reported that JP Structures meet all the qualifications for the general on the multi-use building and Morrau stated that he endorses them as apparent low bidder at \$4,235,468.00. Mechanical Construction low bid with Selid Plumbing/Heating at \$441,700.00 and Electrical Construction low bid with Triangle Electric at \$545,700. Morrau stated that the entire project would come to \$5.3 million. Morrau will have to obtain a parking agreement with LaFavre, with the detached garages being eliminated. Askim will know the later part of April whether the County will receive any grant monies she applied for. Askim reported that she does not know if the County will be eligible for a program for supplying housing for Law Enforcement deputies. Discussion was held on changing the first level parking into offices. Montgomery moved Hanson seconded to proceed and the monies will be found somewhere and investigate changes the parking stalls into offices. Roll call vote: Hanson-yes, Montgomery-yes, Ramberg-yes, Aberle-yes, and Kalil-yes. Motion carried. Monies for the project have been out into a separate fund by Innis as directed by the Commission. The fund consists of crew housing permit fees and oil leases.

Alan Ackerman, Ackerman/Estvold Engineering, presented bids

for the re-construction of County #9 and County #4 opened April 10th as follows:

County #9

Border States Paving Inc.	Olson Brothers Excavating Inc.	Rachel Contracting
\$4,197,405.00	\$1,968,188.00	\$1,857,124.80

Engineering estimate was \$1,370,355.00.

County #4

Central Specialties Inc.	Environmental Materials Inc.	Rachel Contracting
\$369,710.85	\$331,980.37	\$287,757.10

Engineering estimate was \$253,177.60.

Hanson moved Ramberg seconded to accept the low bid from Rachel Contracting for the re-construction of County #9 and County #4 and issue the contracts. Motion carried.

Aberle moved Hanson seconded acceptance of the Auditor's

monthly report. Motion carried

Hanson moved Montgomery seconded approval of all bills properly vouchered, fund adjustments, and fees from the various departments of Sheriff-\$121,570.74, Auditor-\$1,135.00, States' Attorney-\$764.88, and Treasurer/Recorder-\$115,931.90, totaling \$239,402.52. Motion carried.

Innis was instructed to work with Equality Township in appointing an assessor per NDCC 58-05-02 and 58-05-18.

Aberle moved Hanson seconded authorizing the cell phone reimbursement of \$50.00 per month to Edson retroactive to January 1, 2012. Motion carried.

Askim reported that due to the number of departments that use the 2nd Floor Conference Room that only County entities will be able to use the room, eliminating others that are currently using the room.

Askim has the draft copy of the policy manual which will be reviewed before final approval.

Montgomery moved Aberle seconded authorizing Askim to proceed with the proposed Nationwide Deferred Compensation changes. Motion carried.

Discussion was held on employees/department heads representing Williams County at speaking engagements. Askim will prepare County data and challenges to help with presentations and permission needs to be received from the Commission to attend.

Discussion was held on City of Williston annexations and the process how

they sporadically pick the areas and the routes they proceed along. Innis was instructed to get with John Kautzman to arrange a joint Board meeting with the City Commission to discuss this issue. Hopefully this could be on April 18th at 8:00 AM when there is a liaison meeting scheduled.

There being no further business, the meeting adjourned at 12:21 PM.

