

OFFICIAL PROCEEDINGS OF THE
BOARD OF COMMISSIONERS
MCKENZIE COUNTY, NORTH DAKOTA

April 7, 2009

The Board of Commissioners of McKenzie County, North Dakota, met at the Courthouse at Watford City, ND, on April 7, 2009. Present: Commissioners Anderson, Cayko, Chinn, Lawlar and Patten. Chairman Lawlar called the meeting to order at 9:00 AM.

Treasurer Linda Svihovec presented her report. Discussion included Bankhead Jones allocations, oil & gas tax distribution and current status of SB2229 and HB1304.

Moved by Cayko seconded by Patten to approve the minutes as written, the Treasurer's report as presented and the bills as listed. All voting aye, motion carried.

Jerry Samuelson reported on his various activities. He advised the need of a flood emergency declaration and is checking on need of a 2nd snow emergency declaration. He and the road department are working on putting together information for an application for emergency funding.

Sheriff Ron Rankin reported that both bids from the March meeting for a new patrol vehicle had fallen through. David Knudtson and Brent Sanford explained the current situation for obtaining vehicles and presented some alternatives to the bid vehicles. Rankin also asked consideration of a credit card for the department to use for out of town trips.

Jaret Wirtz and Gene Veeder updated the Board on the water systems. They are still waiting to see what the legislation will be for the coming biennium.

Cameron and Susan Arnegard presented additional information during the hearing on their application for abatement and settlement of taxes for the year 2008. Treasurer Svihovec was also present. He stated that he has been asked to have a date set for oral arguments on his case in district court concerning the rejected application for 2007 taxes.

Recorder Ann Johnsrud updated the Board on the project to rescan the poorly done pages from an earlier project and reported on the progress with the annual book repair. Several books in the Auditor's office will also be rebound. She and Treasurer Svihovec also reviewed the need for having the GIS mapping more readily available, as there is no one currently able to provide this information when the Tax Director is absent.

Monte Hininger, Crude Processing Company, reviewed the company's services for environmental clean up and the need for a variance on the amount time waste may be stockpiled prior to final disposal. Moved by Chinn and seconded by Cayko to grant the variance. All voting aye, motion carried.

Following noon recess, fuel bids were opened per notice with bids submitted by Rolfson Oil Company and Farmers Union Oil Company. Moved by Cayko and seconded by Chinn to accept the bid of Farmers Union Oil Company for all fuels at all locations. All voting aye, motion carried.

Darin Danielson, Earl Reidle, and Scott Buxbaum, Yellowstone Township supervisors, met with the Board to inquire about the plans for the road stabilization work this summer. The township would be willing to fill in short stretches that would facilitate maintenance. Mike Dollinger and Carol Kieson were present for part of this discussion. The Township also requested assistance with a large culvert install. Moved by Anderson and seconded by Patten to furnish the culvert for the east end of 32nd ST NW in Yellowstone Township with the installation to be completed by the irrigation district. All voting aye, motion carried.

County Road Superintendent Mark Koeser reviewed the road damages which resulted from the recent flooding due to spring melt and run off and discussed possible equipment replacements. County Engineer John Holter also mentioned that Unit 72, a 2003 Ford F250, is due to be traded. Moved by Cayko and seconded by Patten to replace three 2003 Sterling tractors and Unit 72, taking bids on June 2. All voting aye, motion carried.

Holter reported that the equipment has been moved in for the Bear Creek culvert project.

There was a discussion of payments for fence as it relates to obtaining rights of way for projects.

Social Services Director Amy Fast inquired about any funding for recognitions or memorials. It had been suggested that a brick be purchased at the Children's Park in memory of Henry Skjelvik for his many years of service as a foster parent. Consensus was to go forward with this.

Weed Control Officer Cherri Weyrauch brought to the Board's attention a parcel of land between the Yellowstone River and the North Dakota/Montana state line that is badly infested and not very accessible. She asked for help in determining ownership and how best to approach it. She also asked about gas cards to facilitate filling the trucks. Auditor Olson will check on the account to see what needs to be done to re-activate it.

State's Attorney Dennis Edward Johnson answered a number of questions for the Board on legal matters.

Sheriff Rankin reported back on the proposals for a new vehicle. Moved by Anderson and seconded by Cayko to purchase a used 2008 Chevy Tahoe as neither vehicle in the original bid process is available. All voting aye, motion carried.

A delegation from Sioux Township, including Tim Denowh, Dean Oakland, Jan Anderson Linda Paulson and Elaine Tjelde, met with the Board regarding the bids which were taken for the new community building. They are about \$159,000 short for the project. There was a discussion of the construction and maintenance plans. Denowh stated that the Fairview Fire Department will consider stationing a pumper truck in Cartwright in addition to the grass fire truck. A number of in-kind donations are also being given. Moved by Cayko and seconded by Patten to grant \$160,000 to Sioux Township for the Cartwright Community Center. All voting aye, motion carried.

Tim Nelson met with the Board regarding the Fairgrounds. They will need a small tractor for use as the one that has been loaned in the past will not be available. He presented proposals from RDO Equipment - \$27,574.46 - and Heggen Equipment - \$21,850. Moved by Patten and seconded by Anderson to grant the Fair Board \$21,850 toward an equipment purchase. All voting aye, motion carried.

Leroy Defoe presented a new fee schedule for the landfill. He is projecting costs of \$8.75 per cubic yard going forward. RDO Equipment will be at the landfill tomorrow for training on the new equipment and commissioners are invited for a noon steak fry. Moved by Patten and seconded by Cayko to adopt the new fee schedule for the landfill and to revise the waste disposal Memorandum of Understanding with the City of Watford City to \$2,000 per year, effective January 1, 2010. All voting aye, motion carried.

Gene Veeder reviewed the current status of the Lutheran Social Services housing project. Commissioner Patten declared a conflict. Moved by Anderson and seconded by Cayko to waive the conflict. Voting aye: Lawlar, Chinn, Cayko, Anderson; Not voting: Patten; motion carried. Moved by Chinn and seconded by Anderson to grant \$50,000 to the Job Development Authority for housing development. All voting aye, motion carried.

Moved by Patten and seconded by Cayko to approve a five year membership in the Theodore Roosevelt Expressway Association. All voting aye, motion carried.

District Ranger Ron Hecker reported on Forest Service matters, including the travel management plan and grazing agreements in the works. The Department of Justice is still looking at the North Dakota Attorney General's opinion on section lines in relation to the roadless law suit settlement. Engineering has some questions on the Route 13 plans. The Forest Service would like the county to request a regular easement from them for this project.

There was discussion regarding the current policy for removing and replacing fences along projects. Moved by Patten and seconded by Anderson to adjust fencing payments to \$1,500 to remove and \$7,000 to replace, retaining the current policy standards and time limit of 2 years from completion of project. Voting aye: Anderson, Cayko, Patten, and Lawlar; voting nay: Chinn; motion carried.

Moved by Cayko and seconded by Patten to adopt the following resolution:

County Government Week
May 3-9, 2009
"Greening Our Future"

WHEREAS, the nation's 3,068 counties provide a variety of essential public services to communities serving 300 million Americans; and

WHEREAS, McKenzie County and all counties take seriously their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

WHEREAS, many county government initiatives and programs involve the protection of valuable and vulnerable environmental resources in communities; and

WHEREAS, the National Association of Counties is the only national organization that represents county governments in the United States; and

WHEREAS, the National Association of Counties created National County Government Week in 1991 to raise public awareness and understanding about the roles and responsibilities of the nation's counties to meet the needs of the community; and

WHEREAS, NACo and McKenzie County are working together to Restore the Partnership between all levels of government to better serve American communities;

NOW, THEREFORE, BE IT RESOLVED THAT I, Rick Lawlar, Chairman of the Board of Commissioners, do hereby proclaim May 3-9, 2009 as National County Government Week and encourage all McKenzie County officials, employees, schools and residents to participate in county government week activities.

All voting aye, resolution is adopted.

Moved by Patten and seconded by Cayko to execute the construction and maintenance agreement with North Dakota Department of Transportation for Project STM-SC-2755(053). All voting aye, motion carried.

Dale Aldridge, Plains Marketing, had requested load restriction variances on Routes 53 and 55. Consensus is that there will be no additional variances from the past.

Moved by Cayko and seconded by Anderson to approve approach permit applications from Bear Paw Energy and Burlington Resources and utility permit applications from Bear Paw Energy, Hess Corporation and Zenergy. All voting aye, motion carried.

A request had been received to include a landfill ad on the Mandaree sports calendar for 2009, which was rejected.

A petition for the vacation of streets and alleys in the Country Club Acres Addition was reviewed and a hearing set for May 5, 2009, beginning at 11:00 AM CDT.

Moved by Chinn and seconded by Anderson to adopt the following resolution:

WHEREAS, the bid in the amount of \$549,845.35 from Bechtold Paving, Inc. received in the bid opening of March 20, 2009, for Project SC-2730(056) was the low bid received.

WHEREAS, this bid is considered reasonable.

NOW THEREFORE, be it resolved by the Board of County Commissioners of McKenzie County to award to Bechtold Paving, Inc. the contract for Project SC-2730(056) and hereby authorize the Chairman of the board to sign said contract.

It is further understood that the County shall reimburse the North Dakota Department of Transportation for any payments made under this contract which are not collectible from the Federal Highway Administration.

All voting aye, resolution is adopted.

Moved by Chinn and seconded by Cayko to adopt the following resolution:

EMERGENCY DECLARATION

WHEREAS, beginning on March 21, 2009, temperatures in McKenzie County had been high enough to effect rapid snow melt; and

WHEREAS, this resulted in creeks and rivers to overflow and cause flooding of residential areas; and

WHEREAS, run off caused washing in road ways as well as some roads being completely washed out, resulting in many additional hours of work by the county road department, in an effort to keep roads open and safe for commerce, school and mail;

WHEREAS, the cost of the water damages has adversely impacted available county and township resources already severely stretched by the long winter;

NOW, THEREFORE, BE IT RESOLVED that the McKenzie County Board of Commissioners declares a state of emergency and orders the activation and utilization of the County Emergency Operations Plan, its procedures, attachment and appendices to monitor the situation, alleviate hardship, and initiate appropriate relief actions and mitigation measures by departments and agencies of local government to limit the impact of this emergency upon the citizens of McKenzie County.

All voting aye, resolution is adopted.

Moved by Chinn and seconded by Cayko to distribute the Bankhead Jones payment as follows: to the Townships - value of federal lands times township levy times two; to the school districts - the larger of the value of federal lands times school levy times two OR resident students times \$400.00. All voting aye, motion carried. The Bankhead Jones distribution this year totaled \$5,672,541.39.

Moved by Patten and seconded by Chinn to execute a proxy for the North Dakota Insurance Reserve Fund annual meeting, indicating a vote for Ron Krebsbach as county representative. All voting aye, motion carried.

Moved by Chinn and seconded by Cayko to execute a scoria stockpile agreement with Craig and Carol Kieson. All voting aye, motion carried.

The Cameron Arnegard application was reviewed. Moved by Cayko and seconded by Chinn to accept the recommendation of the Arnegard Township Board and reject the application. All voting aye, motion carried.

The meeting recessed at 6:00 PM until April 14, 2009, beginning at 10:00 AM CDT.

April 14, 2009

The Board of Commissioners of McKenzie County, North Dakota, reconvened at the Courthouse at Watford City, ND, on April 14, 2009. Present: Commissioners Anderson, Cayko, Chinn, Lawlar and Patten. Chairman Lawlar called the meeting to order at 10:00 AM.

Present for bid openings were County Engineer John Holter, County Road Superintendent Mark Koeser, Lowell Cutshaw, Steve Berg and Arlen Moran.

Bids were opened per advertised notice for CP2727(009), Pavement overlay on the Nohley road as follows: Bechtold Paving Inc. - \$165,276.66; Franz Construction - \$158,407.20; Bituminous Paving Inc. - \$213,025.70; Northern Improvement Company - \$240,250.11.

Bids were opened per advertised notice for CP2716(009), Pavement overlay on part of County Route 16 as follows: Bechtold Paving Inc. - \$282,279.63; Franz Construction - \$273,082.45; Bituminous Paving Inc. - \$332,606.60; Northern Improvement Company - \$379,648.70. Engineering department will review bids and report back to the Board.

Further discussion on the vehicles and equipment that may need replacing. Koeser asked about adding another truck for hauling and another driver to help out with the dust control projects.

Moved by Chinn and seconded by Anderson to accept the bids of Franz Construction for CP2727(009) and CP2716(009). All voting aye, motion carried.

Bids for scoria and gravel crushing were submitted per advertised notice by Sundre Sand and Gravel and by Susag Sand and Gravel. Moved by Patten and seconded by Cayko to accept both bids with priority being given to Sundre as the lowest bidder. All voting aye, motion carried.

Bids for culverts were submitted per advertised notice by Johnston Fargo Culvert and Cretex West. Moved by Chinn and seconded by Anderson to accept both bids. All voting aye, motion carried.

Bids for cutting edges were submitted by Tractor and Equipment Company. Moved by Anderson and seconded by Cayko to reject the bid. All voting aye, motion carried.

Moved by Cayko and seconded by Patten to advertise for bids for a truck tractor and trailer with no trade to be opened June 2. All voting aye, motion carried.

Watford City Engineer Lowell Cutshaw and County Emergency Manager Jerry Samuelson met with the Board for a general discussion of flood plain mapping, ordinances required to be part of the national flood insurance program and mapping proposed by FEMA.

Samuelson also reviewed the current status of HB1057 which would set requirements for veterans service officers.

Sheriff Ron Rankin and Auditor Olson reviewed the options developed by Hulsing & Associates for the old jail area. Cutshaw said that the city police department would prefer staying at the courthouse but that space is becoming an issue. Hulsing will be asked to go forward with option 2 which includes moving the door of the detox cell and adding an overhead door on the south side for vehicle access.

The meeting recessed at 12:00 noon, reconvening at 3:25 PM following lunch and a County Park Board meeting.

Moved by Patten and seconded by Cayko to purchase a mower for the Keene Park per proposal from Heggen Equipment. All voting aye, motion carried.

Moved by Chinn and seconded by Patten to approve utility permits to Hess Corporation and Bear Paw Energy. All voting aye, motion carried.

Commissioner Cayko will refer a group requesting a fireworks permit to the Sheriff's Office as he issues those.

Commissioner Chinn reported that HB 1304 is still being reviewed and that SB2229 has been defeated.

Commissioner Patten reported that there will be a bill from C.E. Brooks for some work on a response to the Forest Service's proposed Travel Management Plan and that she has also sent a letter requesting enforcement of the lawsuit settlement. Both charges will be shared as before by counties and grazing associations.

The meeting adjourned at 3:45 PM until Tuesday, May 5, 2009, beginning at 9:00 AM CDT.

Attest: _____
Frances M. Olson, Auditor

Richard Lawlar, Chairman
Board of County Commissioner