

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

December 14, 2009

The Board of Commissioners of McKenzie County, North Dakota met at the Courthouse at Watford City, North Dakota on December 14, 2009. Present: Commissioners Anderson, Cayko, Chinn, Lawlar and Patten and Auditor Olson. Chairman Lawlar called the meeting to order at 9:00 AM CST.

Commissioner Anderson nominated Commissioner Lawlar as Chairman and Commissioner Chinn as Vice Chairman for the next year. Moved by Patten and seconded by Cayko that nominations cease and a unanimous ballot be cast for the candidates nominated. All voting aye, motion carried.

Treasurer Svihovec presented her report. She said that Cameron Arnegard has paid his residence taxes under protest again this year. There was discussion on the GPT Infrastructure Fund.

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

Sheriff Rankin introduced dispatcher Betty Youngbird. He handed out and discussed the deputies' schedule to show how the additional manpower is being used. His department is working with trucking companies to take part in their safety meetings to discuss safe driving and travel, and with schools. They want to get out the word to as many as possible to urge caution in driving. Deputy Johansen has been running the scales as there are reports of overloaded trucks.

Only S&S Motors submitted a bid on the patrol vehicle, bidding \$30,655 on the state bid through Westlie Motors. Moved by Cayko and seconded by Chinn to accept this proposal. All voting aye, motion carried.

Jaret Wirtz and Gene Veeder presented the Water District report. Efforts to secure funding continue. The energy industry is also interested in Missouri River water. System Two will be bid in January.

Chief Meteorologist Mark Schneider presented the final report for the cloud modification season. Also present were Atmospheric Resource Board members Orville Hellandsaas, Gary Levang and Rodney Cross.

The following met with the Board to discuss the coming census: Barb Keifer, Patricia Maxwell, Ardith Favorite, Jody Leidholm and Gene Veeder. The process was outlined and the importance of an accurate count discussed. There is a local "complete count" committee in place. Greatest need now is for workers.

Following noon recess, fuel bids were opened per notice with bids submitted by Rolfson Oil Company. Moved by Patten and seconded by Anderson to accept this bid for all fuels at all locations. All voting aye, motion carried.

Present for bid openings were County Engineer John Holter; Road Superintendent Mark Koeser; Mike Dollinger; Jerry Martinson and Jeff Kihle, Tractor & Equipment; Mark Feland, RDO Equipment; and Tom Hodgson, Westlie Truck Center.

Motor grader bids were opened per notice as follows: Tractor & Equipment - 160M Caterpillar for \$263,856; RDO Equipment - 870G John Deere for \$248,500. Koeser and Dollinger to review for compliance with specifications.

Tank Trailer bids were opened per notice. Moved by Cayko and seconded by Anderson to waive an irregularity in the bid from Beall Trailer of Dakota (no bid bond or dealer's license) and consider the bid. All voting aye, motion carried. Bids were submitted as follows: Beall - Model BAST-80-1-2-SB for \$64,465 plus \$5,625 for the interior coat; Westlie Truck Center - Model AEB9 for \$66,830 including interior coat. Koeser and Dollinger to review for compliance with specifications.

Kihle reported that with the application of lease payments to date, the 2006

Peterbilt tank truck that has been used for the road stabilization project could be purchased for a net of \$80,250. Moved by Cayko and seconded by Chinn to accept this offer. All voting aye, motion carried.

Holter presented a listing of pickups with purchase dates, miles and comments on conditions. He had additional information on stimulus money. North Dakota Department of Transportation is switching to 11 foot lanes for federal aid roads. Consensus of the Board is to stay with the 12 foot lanes.

Koeser and Dollinger reported back that the bids were all valid. Moved by Anderson and seconded by Patten to accept the bid of RDO Equipment for one motor grader, no trade, and the bid of Westlie Truck Center for one tank trailer, no trade. All voting aye, motion carried.

After further discussion of vehicle and equipment needs, moved by Cayko and seconded by Chinn to take bids at the February meeting for two mower tractors, one or more backhoes with 0-3 trades, one loader with no trade, two bottom dump trailers with one trade and two pickup trucks, trading units #53 and #73. All voting aye, motion carried.

Keith Winter and Dale Naze met with the Board for a discussion of liability issues and signing on the grasslands. The open range declaration from 1962 limits liabilities when the area is properly signed. The consensus is to help with this. There was also discussion and consensus to seek cooperating agency status with the USDA-Forest Service and the North Dakota State Land Department Board of University and School Lands with Dale Naze as the County's agent.

Moved by Patten and seconded by Anderson to formally request cooperating agency status from the Forest Service as related to allotment management plan development in McKenzie County. All voting aye, motion carried.

There was also a discussion about how slow the Forest Service has been in recognizing the County's information provided for in the settlement of the roadless initiative lawsuit and the need to have the roads reconciled before any other issues can be addressed.

Cherri Weyrauch reported problems with the furnace at the Weed Control building. The boiler seems to be working properly but the pressure is unreliable. Consensus is to get alternatives for a retro fit this summer.

State's Attorney Dennis Edward Johnson and Clerk of Court Lanae Roos presented information on a basic court TV package at about \$30,000. The State has granted \$25,000 toward the project. In addition, they requested additional equipment that would allow up to three sites to participate in a hearing at one time for about \$13,000. This equipment would have other applications in addition to court use. Moved by Patten and seconded by Anderson to fund up to \$14,000 to augment the grant to bring enhanced technology to the courtroom. All voting aye, motion carried.

After Roos left the meeting, Johnson reported on legal matters pending for the county.

Jeff Roel, Williston Basin Research and Development Council Coordinator, reported on a project called File for Life and informed the Board of some erosion on the Fairview Bridge Tunnel, a project which had been partially funded through the Council. Moved by Cayko and seconded by Patten to grant the Council \$1,000 toward implementation of the File for Life project. All voting aye, motion carried. Cayko will check out the tunnel and oversee the repairs.

A.J. Mock, Director of Northwest Dakota Public Transit, reported on the response to the enhanced schedule for the transit and some adjustments made in response to the usage. The service needs to build a bus garage and has acquired the old church lot north of S&S Motors. The City of Watford City will demolish the building and he requested that the County waive the tipping fees at the landfill for the debris, which was granted by consensus.

Moved by Chinn and seconded by Cayko to grant the following licenses: Watford City Golf Club: on/off beer and liquor with Sunday; Eagles Aerie #3543: on/off beer and liquor with Sunday; Anna & Rick Marquardt: on/off beer and liquor with Sunday; Roughrider Truck Stop, Inc: off sale beer with Sunday sales; PS Hellandsaas Ent. Inc.: on/off beer and wine with Sunday; Jerome Carr DBA Long X Saloon: on/off beer and liquor with Sunday. All voting aye, motion carried.

Moved by Cayko and seconded by Patten to approve approach permit applications from Burlington Resources, Continental Resources and Oasis Petroleum. All voting aye, motion carried.

Moved by Patten and seconded by Anderson to approve utility permit applications from Missouri Valley Communications, Bear Paw Energy and Tioga Gas Plant. All voting aye, motion carried.

Four applications received for the Infrastructure Fund allocations were considered. There is a total of \$91,875.01 available for allocation now. Moved by Chinn and seconded by Cayko to allocate \$15,000 to Sioux Township, \$10,000 to Hawkeye Township, \$2,790 to Mandaree School District and \$64,085.01 to McKenzie County School District. All voting aye, motion carried. Allocations will be paid out upon receipt of paid invoices.

Moved by Patten and seconded by Chinn to approve the edited approach and utility permit applications. All voting aye, motion carried.

Moved by Anderson and seconded by Patten to set voting precincts as in the past with one change - move line between Four Bears and Mandaree precincts to match the Four Bears segment line; and to establish the same polling locations as in the past. All voting aye, motion carried.

Moved by Patten and seconded by to make the following appointments: Andrea Enderle, three year term on Library Board; Donald Anderson, three year term on School Reorganization Board; and Tim Cayko, 4 year term on the Weed Control Board. All voting aye, motion carried.

Moved by Cayko and seconded by Chinn to approve the following change orders on the elevator project: omit swinging doors, install new sewer clean out and cover, revise sump pump location, install a trench drain through sidewalk north of elevator addition, install new lettered signs for the courthouse and Social Services, extend completion date to August 31 and install lay-in acoustical tile ceiling in the vestibule on the bottom level; for a total addition of \$8,716 to the cost. All voting aye, motion carried.

Moved by Anderson and seconded by Patten to issue a Quit Claim Deed to Roderick Neer, Roy Neer, Arthur Neer, Kenneth Neer, Linda Rude, Bonny Cluchie, and Cora Jenema for all of the following real property lying and being in the County of McKenzie, State of North Dakota, and described as follows, to-wit:

Township 149 North, Range 101 West, 5th P.M.
Section 2: W1/2SW1/4
Section 3: E1/2SE1/4
All voting aye, motion carried.

Moved by Anderson and seconded by Patten to approve a raffle permit to Keene Relay for Life. All voting aye, motion carried.

Proposed changes to the county beer and liquor license applications were reviewed and approved. The two will be combined into a single application.

The meeting adjourned at 5:10 PM CST, until 9:00 AM CST on January 5, 2010.

Attest: _____
Frances M. Olson, County Auditor

Richard Lawlar, Chairman

Board of County Commissioners