

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

July 7, 2009

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

Treasurer Svihovec presented her report.

Moved by Cayko and seconded by Patten to approve the minutes as written and the Treasurer's report and bills as presented. In addition, the following correction is made to the October minutes for a motion omitted: "Moved by Lawlar and seconded by Anderson to accept the bid of Beard's Construction for the elevator project and include alternate No. G-1 for a total of \$329,100. All voting aye, motion carried." All voting aye, motion carried.

Lawlar and Chinn reported on a meeting with Ceynars regarding road work in their area.

Cayko and Chinn reported on a meeting with Steve Berg, Bechtold Paving, regarding repairs needed on Route 55 prior to seal coat.

Jerry Samuelson was present for opening of bids on the command center which were as follows: Christian Jones offered \$750, Greg Elliot offered \$853 and Jaret Wirtz offered \$201. Moved by Patten and seconded by Chinn to accept Greg Elliot's bid. All voting aye, motion carried.

Samuelson reported that the County had received over \$125,000 in reimbursements for the snow removal and cited a lot of work done by Steve Jorgenson on the applications. He also said that Carol Kieson worked a lot with FEMA on the flood losses, estimated at about \$40,000.

Samuelson was installed as the Commander of the North Dakota Department of the American Legion on June 28. There will be a Commander Homecoming on September 19 at the Veterans Memorial Building.

There was discussion about doing a Military Covenant from the County. The City of Watford City did one on Memorial Day.

Sheriff Ron Rankin reported that accidents are really up as well as complain calls from citizens. He had a handout from E-911 Coordinator Lloyd Clock regarding equipment upgrades needed. This was tabled until next meeting when Clock would be available.

Jaret Wirtz reported that the Water Resource District had secured the final funding needed to go forward with cost share on the water treatment plant at Four Bears and to go forward with System Two.

Wally Johnson presented information on three projects at the airport. The runway will be crack sealed and the ramp repaired, both of which are fully funded with funding from FAA and Energy Impact. In addition, the parking lot needs to be re-done as the patches are not holding and they would like an additional storage shed. Estimate for the parking lot is \$39,500 and for the storage is \$38,600. Moved by Chinn and seconded by Cayko to grant \$78,100 to the Airport Authority for these two projects. All voting aye, motion carried.

David Drovdal, Neil Nelson, Jim Larson, Ed Bazer, Wayne Johnson, John Fulwider, Harold Larson and Shane Johnson met with the Board on behalf of the Arnegard Rural Fire District. Their 1960 truck is no longer worth fixing. They have located a combination tanker pumper for \$160,000 and would need about \$15,000 for additional equipment. They have been keeping their equipment updated and can move

most of it to the new truck. Moved by Chinn and seconded by Cayko to grant \$175,000 to the Arnegard Rural Fire District for equipment. All voting aye, motion carried.

Moved by Patten and seconded by Cayko to approve the following Memorandum of Understanding:

MEMORANDUM OF UNDERSTANDING

The County of McKenzie County and the City of Watford City have entered into an agreement wherein the County of McKenzie will provide landfill services for miscellaneous items for the City of Watford City on the following terms:

1. Items to be included in this agreement are white ware, metal, trees, ash, tires and wood with or without nails but free of all other materials. Items do not include those from commercial vendors, such as a tire or appliance dealership, professional tree service, or carpenters.
2. Residents of Watford City who bring a stub of their most recent water bill with them will not be charged the usual disposal fee at the landfill for these items.
3. The annual fee of \$2,000.00 will be payable to the McKenzie County Auditor on or before May 1, and will cover the year of payment.
4. Either party may terminate this agreement at any time.
5. The effective date of this agreement is January 1, 2010.

All voting aye, motion carried.

Moved by Patten and seconded by Cayko to approve the raffle permit application from the Grassy Butte Community Club. All voting aye, motion carried.

Moved by Cayko and seconded by Patten to execute an agreement with the North Dakota Department of Health for water testing. All voting aye, motion carried.

Moved by Chinn and seconded by Patten to execute a letter of intent to Trane for an HVAC evaluation. All voting aye, motion carried.

Moved by Chinn and seconded by Cayko to approve approach permit applications from Diamond Resources for Continental Resources, Newfield Production Company and Warren Hovland; and utility permit applications from Hess Corporation and Bear Paw Energy. All voting aye, motion carried.

Moved by Chinn and seconded by Cayko to execute division orders to St. Mary Land & Exploration Company for Bicentennial Fed 23-2H, to XTO Energy Inc. for Sakakawea Federal 13X-35R; and to Encore Operating, L.P., for Charlson 14X-35H. All voting aye, motion carried.

Present for the Road Department portion of the meeting after lunch recess were County Engineer John Holter, Road Superintendent Mark Koeser and Steve Berg, Bechtold Paving. Fuel bids were opened per notice with bids submitted by Farmers Union Oil Company and Rolfson Oil Company. Moved by Chinn and seconded by Patten to accept the bids of Farmers Union Oil Company for all fuels at all locations. All voting aye, motion carried.

Alphie Westerso met with the Board regarding the road stabilization project and the traffic past her house. Consensus to accept payment to date on the stabilizer until results can be better determined.

Koeser discussed equipment needs and surplus. Moved by Patten and seconded by Chinn to purchase 4 sander attachments and to advertise for bids on September 1 for surplus equipment. All voting aye, motion carried.

It was approved to rent a blade for a short time to get caught up as the road stabilization project takes an blade away from maintenance.

Koeser is still trying to find gravel. He was urged to get some tied up for the future.

There was discussion of the road in the Stenberg area but easements may not be obtainable until an estate is settled.

Holter had an estimate from Bechtold Paving for the repairs on Route 55 and for some work at Tobacco Garden Recreation Area. There was also discussion of reducing the speed limit for trucks.

Moved by Patten and seconded by Chinn to sign Route 55 at 35 miles per hour for loaded trucks, effective as soon as signs go up. All voting aye, motion carried.

Moved by Cayko and seconded by Chinn to contract with Bechtold Paving to extend the RV dump station at Tobacco Garden Recreation Area and any other repairs needed there. All voting aye, motion carried. Commissioner Chinn and Park Commissioner Stevens will determine the other repairs.

Moved by Cayko and seconded by Patten to accept the proposal of Bechtold Paving for repairs on Route 55 needed before an overlay project can be started. All voting aye, motion carried.

Two proposals were received for overlays on the two legs at the junction of County Routes 10 and 44 with ND 23 as follows: Bechtold Paving - \$39,125 and Northern Improvement - \$40,425. Moved by Patten and seconded by Cayko to accept the proposal of Bechtold Paving for this project. All voting aye, motion carried.

Walta Novak and Erica Turnquist, on behalf of the Alexander PTO, met with the Board regarding a project to update the playground equipment at the school. They have almost \$12,000 in their fund and the School Board will be adding to it. Moved by Patten and seconded by Chinn to grant the Alexander PTO \$25,000 toward the playground project. All voting aye, motion carried.

Moved by Patten and seconded by Cayko to make the following board appointments: HUMAN SERVICES BOARD 3 year terms - Dick Iverson; WATER RESOURCE BOARD 5 year term - Gene Veeder; WATFORD CITY PLANNING COMMISSION 5 year term - Rick Holm; NW HUMAN SERVICE CENTER COUNCIL 2 year term - Rick Lawlar and Anita Pedersen. All voting aye, motion carried.

Commissioner Cayko left the meeting at 3:10 PM.

Svihovec and Olson discussed the proposal from NRG Technology Services for providing support to the county. Moved by Chinn and seconded by Patten to execute the proposed service agreement. All voting aye, motion carried.

State's Attorney Dennis Edward Johnson discussed a number of issues with the Board including that the time has expired on the notice to remove a nuisance and he will contact the Upper Missouri District Health Unit for the next step. Cameron Arnegard has 60 days from today to appeal the summary judgement to the Supreme Court.

Frank Leppell met with the Board regarding making improvements to a section line in order to access his home site. Tabled to next meeting to allow some research into the uses and law.

Wally Johnson reported back that he had received a second proposal for the paving work at the airport that was about \$9,000 less and that a 4 inch floor in the building instead of a 6 inch floor would reduce that cost by about \$2,500. Moved by Patten and seconded by Chinn to amend the grant to the airport to \$67,200 due to a reduction in the costs of the projects. All voting aye, motion carried.

Arlen and Bev Flynn, Jeanie Bearman, Vess Hurley, Ed Simmons and Daryl Flagen were present for the hearing on the petition to close a portion of Cass Avenue. After hearing from the attendees, moved by Patten and seconded by Chinn to reject the petition as presented. All voting aye, motion carried.

Rich Wardner and Jerry Mayer, on behalf of the Sunrise Youth Bureau, met with the Board to inform them of the services being provided to McKenzie County and to discuss budget contributions. Consensus is to address this through the Social Services budget.

Chinn reported on discussions with Southwest Water Authority regarding a meter pit that was installed in a section line right of way between sections 29 and 30 in Township 146 Range 98. It was re-affirmed by the Board that the section line is open and that the pit would have to be moved if the County improved the section line.

There was a discussion of the percentage increase for salaries to be allowed in the next budget cycle. Consensus is for a three percent increase.

The meeting adjourned at 5:15 PM until Tuesday, August 4, 2009, beginning at 9:00 AM CDT.

Attest: _____
Frances M. Olson, County Auditor

Richard Lawlar, Chairman
Board of County Commissioners