

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

June 2, 2009

The Board of Commissioners of McKenzie County, North Dakota, met at the Courthouse at Watford City, ND, on June 2, 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.

Moved by Cayko seconded by Chinn 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 work on FEMA applications and mitigation plans. Command Center not really needed anymore. Moved by Chinn and seconded by Cayko to call for bids for the 1985 Southwind motor home to be opened July 7. All voting aye, motion carried.

Interaction of Forest Service and local fire districts was researched by State's Attorney Dennis Edward Johnson who reported that state law prevails on federal land.

Cayko presented information on a File for Life program that Williston Basin RC&D would have funding for. Samuelson will work with the ambulance service on this.

Ron Rankin reported on activities in the Sheriff's department and requested a six month adjustment for Deputy Jones. Board requested that this be done in the budgeting process.

Jaret Wirtz and Gene Veeder updated the Board on the water projects. \$4.855 million in stimulus money through the American Recovery and Reinvestment Act of 2009 has been received for water projects. They will continue to seek funding for the remaining amounts to complete the projects.

The Board convened as the County Equalization Board at 11:00 AM. No public appeared. Tax Director Deb Wisness presented the statistics for 2009. Moved by Anderson and seconded by Chinn to change the crop and non-crop ag values by 2% to stay within state guidelines. All voting aye, motion carried.

Amy Fast, Social Services Director, and Dawn Tschetter, Eligibility Worker, briefed the Board on a foster care case. They are working to get funding for residential care but the county may have a larger than usual liability due to the need for some temporary out-of-state placement.

Gene Veeder discussed Tobacco Garden Recreation Area from a tourist attraction viewpoint, listing a number of areas that need attention, including some poor construction in the showers and the need for some finishing work in the Lewis & Clark Lodge to make it more usable. Moved by Cayko and seconded by Anderson to finish the Lodge, make needed repairs in the showers and upgrade the electrical hook ups in the camping area. Voting aye: Chinn, Cayko, Lawlar, Anderson; abstaining due to conflict of interest: Patten; motion carried. Current operator will be asked to coordinate. Corps of Engineers annual compliance inspection will be June 16. Anderson and Chinn will attend.

McKenzie District Ranger Ron Hecker updated the Board on matters on the grasslands, including the travel plan, oil & gas activity, work on the grazing agreement and cooperation with local fire departments. Mark Koeser can get a permit from him to explore for gravel on the forest service lands.

Following noon recess, fuel bids were opened per notice with bids submitted by Farmers Union Oil Company and Rolfson Oil Company. Moved by Patten and

seconded by Cayko to accept the bid of Rolfson Oil Company for all fuels at all locations. All voting aye, motion carried.

Mike Dollinger updated the Board on the road stabilization projects. Consensus to have Franz Construction assist in hauling materials and to rent a water truck again.

Lowell Cutshaw, City Engineer, and Charles Ragains met with the Board to discuss access to the Ragains property on the west edge of town. It was determined that the best route would be on the quarter line/8th St. West. City is to pursue right of way for the property outside of city limits.

Bids were opened per advertised notice for a road department pickup. OK Implement bid a 2009 Dodge quad cab ½ ton at a cash price of \$35,965, allowed \$6,626 for the 2003 Ford F250 for a net of \$29,339. S & S Motors bid a 2009 F150 ½ ton at a cash price of \$38,745, gave a \$6,400 government concession and allowed \$2,445 for the trade for a net of \$29,900. Moved by Anderson and seconded by Chinn to accept the bid of OK Implement. All voting aye, motion carried.

Bids were opened per advertised notice for one new belly dump trailer with no trade. RDO Equipment bid a Midland for a cash price of \$46,150. Westlie Motors bid an RWay for a cash price of \$40,550. Koeser to review bids for compliance with specifications.

Bids were opened per advertised notice for tandem axle cabs and chassis. Westlie Motors bid a net of \$198,654 for three 2010 Freightliner SD120's trading three 2003 Sterlings. Westlie's bid a cash price of \$91,218 for a 2010 Freightliner SD120 with no trade. They also bid the optional pusher axles at \$6,538 each. Nelson International bid a net of \$257,340 for three 2010 International 5900's. Nelson's bid a cash price of \$95,780 for a 2010 International 5900 with no trade. They bid \$7,000 each for the optional pusher axles. Koeser to review bids for compliance with specifications.

County Road Superintendent Mark Koeser requested a commissioner look at a cattle guard project and Chairman Lawlar can go with him. He is still looking for gravel.

Lance Powell and Terrille Jacobson, Alexander City Council, presented information on the condition of their water treatment and supply system, projects needed and costs. The Board will consider this.

State's Attorney Dennis Edward Johnson was present when Morris and Vonne Tarnavsky presented the Board with information about roads in their area and a trail on which they intended to lock a gate. Johnson will do some further research on the status of the road and give an opinion to them.

Johnson also reported on research on the accretion land in Sections 30 and 31, Township 150 Range 104. He believes that an Attorney General's opinion may be needed to sort out the jurisdiction issues.

Patten asked about liability issues when social workers are transporting clients. Johnson suggested that a non-employee should have special deputy status and paid as an employee.

Anderson asked about background checks for liquor license applicants. Johnson stated that these could be done on board members if a corporation applies. In any case, a waiver should be obtained and checks run on all applicants if any.

Kyle Hexom, Indian Hills Disposal, Inc., met with the Board regarding a variance for a waste stockpile. This is the same matter for which Crude Processing obtained a variance in April. Moved by Patten and seconded by Anderson to approve the waste pile use variance application from Indian Hills Disposal, Inc. All voting aye, motion carried.

Carol Kieson discussed the current policy of charging landowners for road stabilization. Consensus was to make no change.

State's Attorney Johnson reported back that the road in question had been opened by the township on the section line with no deviations. He is to send a letter to the parties that it is a private matter.

County Engineer John Holter asked about surveys in East Fairview. These would be the responsibility of the individual property owner. Can the road department spray around cattle guards and signs on the Reichman road? Consensus is to leave it for now. Route 30 paving is done and will be chip sealed. Only one more change was needed on Route 13. Botany and biology showed nothing. Bear Creek project is delayed as the incorrect elbows were delivered.

Koeser reported back that the trucks all met specifications. The RWay trailer did not meet a number of specifications including width and warranties. Moved by Cayko and seconded by Chinn to purchase four Freightliners with pusher axles from Westlies trading three Sterlings and a Midland trailer from RDO Equipment. All voting aye, motion carried.

Moved by Anderson and seconded by Cayko to add to the road boring and trenching policy that those gravel roads that have been treated with a road stabilization product must be bored. All voting aye, motion carried.

Moved by Cayko and seconded by Anderson to approve utility permit applications from Bear Paw Energy and McKenzie Electric Cooperative. All voting aye, motion carried.

Moved by Chinn and seconded by Patten to approve approach permit applications from Burlington Resources and Red Rock Trucking. All voting aye, motion carried.

Moved by Patten and seconded by Chinn to execute a waiver of claim against St. Mary Land & Exploration Company for any period prior to December 1, 2002. All voting aye, motion carried.

Moved by Anderson and seconded by Patten to update the burn ban to include the new penalties enacted by the 2009 legislature. All voting aye, motion carried. Currently a violation is an infraction and the penalty is a \$500 fine. A second offense may be charged as a Class B misdemeanor which carries a one year sentence and a fine of \$1,000. As changed by House Bill 1451, effective August 1, 2009, an individual who willfully violates this burning ban is guilty of a class B misdemeanor, which is punishable by a maximum of thirty days' imprisonment, or a fine of one thousand dollars (\$1,000.00), or both.

Structural reports on the jail area were reviewed. Consensus is to proceed with determining the cause of cracks and separations in the new jail area and to move forward with the sally port project in the old jail area.

A petition for vacation of a portion of Cass Avenue in East Fairview was reviewed. A hearing will be held at the July 7, 2009 meeting.

Moved by Cayko and seconded by Patten to designate Commissioner Anderson as delegate and Treasurer Linda Svihovec as alternate delegate for the National Association of Counties annual conference to be held July 24-28 in Davidson County, Tennessee. All voting aye, motion carried.

The meeting adjourned at 5:40 PM until Tuesday, July 7, 2009, beginning at 9:00 AM CDT.