

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

**May 5, 2009**

The Board of Commissioners of McKenzie County, North Dakota, met at the Courthouse at Watford City, ND, on May 5, 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. There was a discussion of HB 1304 and an amendment in HB1324.

Moved by Cayko seconded by Anderson 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 that the criteria has changed for the snow removal reimbursements and McKenzie County will qualify for some funds. FEMA is here today looking at the road damages. A need for better records on hours worked and projects was noted. There was discussion of the requirements in HB1057 for Veterans' Service Officer accreditation.

Ron Rankin and John Fulwider updated the Board on activities in the Sheriff's Department.

Jaret Wirtz and Gene Veeder updated the Board on the progress to obtain funding for the various water projects.

Ross Sundeen was present for the hearing on a petition to vacate streets and alleys in the Country Club Acres Subdivision. Moved by Patten and seconded by Anderson to make the following declaration:

**DECLARATION VACATING STREETS, AVENUES AND ALLEYS**

A Petition for the purpose of vacating the following described streets, avenues and alleys in the Country Club Acres Subdivision, McKenzie County, North Dakota, said Subdivision located in Township 150 North, Range 98 West, in McKenzie County, North Dakota, and more particularly described as follows, to wit:

Lots 1, 2, 3, 4, 5, 6, 7, 8, & 9 of Block 1 and Lots 1, 2, 3, 4, 5, 6, 7, 8, & 9 of Block 2 of Country Club Acres Subdivision, McKenzie County, North Dakota according to the map or plat thereof on file and of record in the office of the County Recorder, McKenzie County, North Dakota

having been filed with the McKenzie County Board of County Commissioners in compliance with North Dakota law Chapter 24-07 NDCC; and

Said Petition containing sufficient survey or description to dispense with the requirements of a survey required in Section 24-07-07 NDCC; and

Notice of said Petition and hearing dispense with pursuant to section 24-07-11 wherein more than 70% of the qualified electors who are owners or part owners of land bordering on the existing streets, avenues and alleys having signed the said Petition to vacate the streets, avenues and alleys; and

The McKenzie County Commission Board of Commissioners specifically finding that it would be in the best interests of the County to abandon, vacate and close said streets, avenues, and alleys, it is hereby ORDERED:

THAT THE STREETS, AVENUES AND ALLEYS DEDICATED TO PUBLIC USE AS SHOWN ON THE PLAT FOR COUNTRY CLUB ACRES SUBDIVISION AND DESCRIBED ABOVE ARE HEREBY ABANDONED, VACATED AND CLOSED TO PUBLIC USE.

All voting aye, motion carried.

Moved by Patten and seconded by Cayko to approve utility permits to Bear Paw Energy, Reservation Telephone Cooperative, and Arrow Midstream Holdings. All voting aye, motion carried.

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

#### Credit Card Resolution for the McKenzie County Sheriff's Department

It is resolved that:

1. First International Bank is a depository for funds of McKenzie County
2. This resolution is in effect until rescinded or modified in writing
3. This resolution is in regard to a Visa credit card account and has no effect on any other accounts or transactions between First International Bank and McKenzie County
4. The County hereby agrees to all the terms and conditions of the Visa credit card account
5. The Chairman of the Board of County Commissioners, as elected from year to year, shall be the authorized agent to make changes to the credit limitations on this account, close the account, or change the authorized signature
6. The name and signature of the current chairman appears below
7. The authorized signatures on this account shall be as listed on Form CA-1, attached
8. The authorized credit limit is \$1,500.00

## Credit Card Resolution for the McKenzie County Weed Control Office

It is resolved that:

1. First International Bank is a depository for funds of McKenzie County
2. This resolution is in effect until rescinded or modified in writing
3. This resolution is in regard to a Visa credit card account and has no effect on any other accounts or transactions between First International Bank and McKenzie County
4. The County hereby agrees to all the terms and conditions of the Visa credit card account
5. The Chairman of the Board of County Commissioners, as elected from year to year, shall be the authorized agent to make changes to the credit limitations on this account, close the account, or change the authorized signature
6. The name and signature of the current chairman appears below
7. The authorized signature on this account shall be as listed on Form CA-1, attached.
8. The authorized credit limit is \$1,000.00

All voting aye, motion carried.

Arlen Flynn had requested reconsideration of a street vacation petition presented to the Board last year. Mr. Flynn is to be asked to resubmit the petition at the June meeting.

Guy Rolfsrud presented additional information on proposed new service for the north camping area at Tobacco Garden Recreation Area. Cost would be about \$8,600. Moved by Anderson and seconded by Patten to proceed with the project. All voting aye, motion carried.

Becky Ruggles and Dawn Carl met with the Board to request assistance with upgrades at the Alexander arena to make it more usable for the Li'l Wranglers Youth Rodeo program. They are looking at a new crow's nest and PA system. 93 youth were involved in the program last year. Moved by Chinn and seconded by Patten to grant \$2,000 to the program for improvements at the Alexander arena. All voting aye, motion carried.

Keith Winter reviewed the funding for the conservation projects on the grazing allotments. Moved by Anderson and seconded by Chinn to allow the McKenzie Grazing Association to retain an additional 25% of the grazing fees for conservation projects. All voting aye, motion carried.

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

County Engineer John Holter and County Road Superintendent Mark Koeser reviewed Road & Bridge Department activities, including additional work that would be needed on Route 55 to have it ready for the contracted overlay that was bid on May 1. Moved by Patten and seconded by Chinn to adopt the following resolution:

WHEREAS, the bid in the amount of \$798,934.16 from Mayo Construction Company, Inc. received in the bid opening of May 1, 2009, for Project STM-SC-2755(053) 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 Mayo Construction Company, Inc. the contract for Project STM-SC-2755(053) 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, motion carried.

Bechtold wants to start on the Route 30 project as soon as frost restrictions come off. Franz will start the two county projects the second week of June. Route 13 archeology was done with nothing found. Botany and wildlife will be done May 13. Revised plans were re-submitted.

Discussion on Route 12 road stabilization. Moved by Patten and seconded by Cayko to have Franz Construction do the prepare Route 12 for application of magnesium chloride. All voting aye, motion carried.

Quotes for the magnesium chloride solution were \$1.25 per gallon from Ferrell and \$0.74 per gallon from Z & S Dust Control. Z & S's price is contingent on having a site for a supply bladder. The ND Department of Health has approved use of an area at the landfill provided proper dikes are put in place. There was also discussion of a possible pricing policy that would be on a sliding scale according to traffic counts.

Peggy Hellandsaas and Rex Korslien met with the Board regarding beer and wine licenses.

Moved by Patten and seconded by Anderson to adopt the following fee schedule effective May 1, 2009:

\$550 liquor including wine, any sales, including Sundays  
\$150 wine only, any sales, including Sundays  
\$150 beer, any sales, including Sundays  
\$100 beer, off sale only, including Sundays  
\$15 Special (single occasion) permit for same as regular license

All voting aye, motion carried.

Moved by Anderson and seconded by Cayko to approve an off and on sale beer license and an on sale only wine license, both to include Sunday sales per application

from P.S. Hellandsaas Enterprises, Inc. Voting aye: Anderson, Chinn. Cayko. Patten; voting nay: Lawlar; motion carried.

A delegation met with the Board regarding the proposed renovation of the former B & H Body shop into a wellness facility. Present were Brent Sanford, Dan Kelly, Doug Nordby, Aaron Pelton, Laura Johnsrud, Tricia Sundeen, Linda Svihovec and Gene Veeder. The current facility is being outgrown with no place to expand and a new facility is estimated at \$1.5 million. Projected cost of the renovation is \$500,000 and the Healthcare Foundation has committed to raising the funds for equipment needs. Veeder pointed out that a wellness center scored as highly important in surveys of community needs and is an important asset in recruiting people into the community. The Roughrider Fund has approved \$250,000 toward the project and the city would own the building, leasing it back to the Healthcare Foundation for management. Expanded services could better serve elderly and rehabilitation needs.

State's Attorney Dennis Edward Johnson reviewed legal matters for the county.

Arnold Strahs, West Segment Tribal Council Representative, MHA Nation, introduced himself and asked a number of general questions about how the county approaches various matters, roads in particular.

Leroy Defoe and Lowell Cutshaw met with the Board regarding the revised Memorandum of Understanding for white ware and other items. The landfill can accept wood if it is free of all but nails. It can then be burned. The MOU will be amended to reflect this and returned to the City of Watford City for further action.

Moved by Anderson and seconded by Patten to grant \$250,000 to the McKenzie Healthcare Systems Foundation for the development of a wellness center. All voting aye, motion carried.

Other discussions included condition of carpeting at the library, an informational Open House on the Theodore Roosevelt Expressway, the progress on the LSS housing project, FAA concerns about proximity of the fairgrounds to the end of the runway, a complaint on the condition in which the Multipurpose Building is left after rodeos, non-delivery of flooring for the elevator project, a storage site for part of the East Fairview lagoon pump and status of Commissioner Chinn's oil & gas royalty audit project.

The meeting adjourned at 5:40 PM until Tuesday, June 2, 2009, beginning at 9:00 AM CDT.

Attest: \_\_\_\_\_  
Frances M. Olson, Auditor

\_\_\_\_\_  
Richard Lawlar, Chairman  
Board of County Commissioner