

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

January 3, 2017

The Board of Commissioners of McKenzie County, North Dakota met at the Commissioner's Room at the McKenzie County Courthouse in Watford City, North Dakota on January 3, 2017. Present: Commissioners Doug Nordby, Vawrita Best, Tom McCabe, Gene Veeder, and Kathy Skarda, Deputy Auditor Johnsrud, Acting State's Attorney Schwarz. Chairman Nordby called the meeting to order at 9:00 a.m.

Commissioner Skarda requested the minutes be amended to correct a typo on the first page. Moved by Skarda, seconded by Best, to approve the December 2016 minutes as amended. All voting aye, motion carried.

Moved by Best, seconded by Skarda, to approve the bills as presented. All voting aye, motion carried.

Howdy Lawlar and Amber Higgins, Weed Control Office, asked about the voucher process and changes in line items for payments. Chairman Nordby suggested a meeting be scheduled with Deputy Auditor Johnsrud to discuss the topic.

Moved by McCabe, seconded by Skarda, to approve the Credit Card, Accounts Payable, and Travel reimbursement policies as amended. All voting aye, motion carried.

Moved by Veeder, seconded by McCabe, to nominate Commissioners Nordby and Best to the Law Enforcement Center Joint Powers Board. All voting aye, motion carried.

Moved by Veeder, seconded by Skarda, to publish the 2017 salaries in the McKenzie County Farmer. All voting aye, motion carried.

Assistant State's Attorney Neff and Acting State's Attorney Schwarz presented statistical numbers for cases per attorney and total cases for several counties, including McKenzie. Commissioner Skarda asked to see actual year end totals prior to hiring a fourth attorney.

Highway Superintendent Dollinger asked the Board to declare an emergency and to purchase a snow blower that would attach to the front of a pay loader. Moved by Veeder, seconded by Skarda, to declare an emergency and to purchase the Snocrete Model 948IC for \$101,000.00 from RDO. All voting aye, motion carried. Dollinger also asked for permission to explore leasing an additional snow blower from T&E and the Board supported this request.

Rick Jore, City of Watford City, asked for support and approval from the Board for the City to apply for a NDDOT Transportation Alternatives Program Grant. Moved by Veeder, seconded by Skarda, to support the NDDOT Transportation Alternatives Program Grant by the City of Watford City. All voting aye, motion carried.

Richard Reidel addressed the Board with concerns over section lines being closed that prohibit access to the Yellowstone River. The Board asked PWD Kanwar to work with the State's Attorney's office and Mr. Reidel to investigate this matter further and make sure that the section lines are not improperly closed.

Moved by Best, seconded by Veeder, to advertise for an additional Assistant State's Attorney. Commission Skarda requested to see year end documentation and numbers prior to hiring. All voting aye, motion carried.

Moved by Best, seconded by Skarda, to approve \$0.60/mile and a \$10.00 minimum fee, to be reviewed each legislative biennium, as the civil process mileage fee for the Sheriff's Office. All voting aye, motion carried.

Moved by Skarda, seconded by Veeder, to declare a snow emergency as presented by Jappe. All voting aye, motion carried.

SNOW EMERGENCY DECLARATION

WHEREAS: since early December 2016, McKenzie County has received 27 inches of snow causing an unusual burden on McKenzie County including the cities of Arnegard, Alexander & Watford City due to the amount of snow and the constant wind which drift roads as fast as they can be plowed; and,

WHEREAS: McKenzie County and our organized cities, have expended a majority of their snow removal funds, and still have had to constantly re-plow all essential roads due continual snow fall and blowing and drifting snow. Critical roads such as emergency routes, school bus routes etc. must be re-plowed several times most days; and,

WHEREAS: the attempt to maintain access to critical routes and residential access has caused an inordinate amount of wear and damage to our City and County road equipment and has also caused significant damage to collateral infrastructure such as the roadways themselves; and,

WHEREAS: the removal of the excessive snow, has generated unexpected and unbudgeted costs such as equipment maintenance and repair, snow removal materials and the cost of manpower overtime etc., continues to deplete jurisdictional budgets,

NOW THEREFORE BE IT RESOLVED, that The McKenzie County Commission declares that a State of Emergency exists in McKenzie County and our organized cities requiring the activation and utilization of The Combined McKenzie County Emergency Operations Plan and to mitigate where possible; and to provide protection to the citizens of McKenzie County during this ongoing event.

BE IT FURTHER RESOLVED, all local government agencies and departments are directed to provide protection to the citizens of McKenzie County during this event and limit where possible the hardships and impact of said emergency.

Moved by Best, seconded by Skarda, to purchase two sets of track and go equipment for the Sheriff's Office and to direct Jappe and Veeder to work to secure funds from private industry. All voting aye, motion carried.

Danielle Bettencourt, Associate Attorney at C.E. Brooks, joined the meeting via conference call to update the Board on the oil royalties lawsuit.

Chairman Nordby asked for a motion to close the meeting and enter into Executive Session for attorney consultation on the oil royalties lawsuit pursuant to NDCC § 44-04-19.1. Moved by Veeder, seconded by Best, to enter into Executive Session for attorney consultation. Roll call vote: Veeder, aye; Best, aye; Nordby, aye; McCabe, aye; Skarda, aye. Motion carried.

Executive Session began at 11:30 a.m. and was attended by Commissioners Veeder, Best, Nordby, McCabe, and Skarda; Acting State's Attorney Todd Schwarz, and Deputy Auditor Johnsrud.

Executive Session was adjourned at 11:49 a.m. The public was invited to return to the meeting room and the meeting returned to open session.

The meeting recessed for lunch at 11:50 a.m.

The meeting reconvened at 2:00 p.m. with a conference call with Jared Torstenson to discuss IHD landfill comments. Trevor Hunter, Crowley-Fleck Law Firm, spoke on behalf of IHD. Planning Director Talbert asked IHD to submit their comments to the Board two weeks prior to the next scheduled agenda time to discuss the topic.

The appointment of a State's Attorney to fill the remainder of the vacated term was discussed and comments were taken from the public. Moved by Best, seconded by Veeder, to appoint Chas Neff to fill out the remainder of the State's Attorney term. Roll call vote: Veeder, aye; Best, aye; Nordby, aye; McCabe, aye; Skarda, nay. With 4 votes aye and 1 vote nay, motion carried.

The Board changed the February 21 meeting to February 23 due to scheduling conflicts.

The meeting recessed at 3:05 p.m. until January 17, 2017, at 1:00 p.m.

January 17, 2017

The Board of Commissioners of McKenzie County, North Dakota met at the Commissioner's Room at the McKenzie County Courthouse in Watford City, North Dakota on January 17, 2017. Present: Commissioners Doug Nordby, Vawnita Best, Tom McCabe, Gene Veeder, and Kathy Skarda, Auditor Svihovec, Deputy Auditor Johnsrud, and State's Attorney Neff. Chairman Nordby called the meeting to order at 1:00 p.m.

Moved by Skarda, seconded by McCabe, to approve the bills as presented, with the exception of The Village Business Institute. All voting aye, motion carried.

Moved by Best, seconded by Skarda, to approve the Planning & Zoning Consent Agenda, Items 1-5, as presented. All voting aye, motion carried.

Items approved:

1. 0001-17 PUD requested by McKenzie County
Recommend approval of the Planned Unit Development 0001-17 (PUD) request by McKenzie County Planning Director to the County Commission. Adopt the findings and conditions as provided in the staff report.
2. 0026-16 ZC E & M Services LLC
Recommend approval of Zone Change 0026-16 E & M Services LLC to the County Commission to change the zoning from Agriculture to Light Industrial. Adopt the findings as provided in the staff report.
3. 0027-16 ZC E & M Services LLC
Recommend approval of Zone Change 0027-16 E & M Services LLC to the County Commission to change the zoning from Agriculture to Light Industrial. Adopt the findings as provided in the staff report.
4. 0028-16 ZC Joel Brown
Recommend approval of Zone Change 0028-16 Joel Brown to the County Commission to change the zoning from Industrial to Residential Rural Density R-10A. Adopt the findings as provided in the staff report.
5. 0046-16 CUP Plains Terminal LLC
Recommend approval of Conditional Use Permit 0047-16 (CUP) Plains Terminal LLC, to the County Commission to allow the request to build a small metering building. Adopt the findings and conditions as provided in the staff report.

Moved by Skarda, seconded by Best, to approve Planning & Zoning Consent Agenda Item 6A, for five CUPs with a December 31, 2017, sunset clause. All voting aye, motion carried. Approved were:

6. Annual Review of Workforce Housing Conditional Use Permits
 - A. Recommend approval to the County Commission to renew the following Conditional Use Permits with Sunset Clauses, until Dec. 31, 2017:
 1. Aries Residential Suites
 2. Delta Constructors
 3. Fertile Fields
 4. Newfield Exploration
 5. Delmer Rink

Moved by McCabe, seconded by Veeder, to approve Planning & Zoning Consent Agenda Item 6B, for thirteen CUPs for workforce housing permits ending December 31, 2017. All voting aye, motion carried. Approved were:

6. Annual Review of Workforce Housing Conditional Use Permits
 - B. Recommend approval to the County Commission to renew the following Conditional Use Permits with workforce housing until Dec. 31, 2017:
 1. True Oil/ Sash 2 Sash
 2. Construct Workforce Housing
 3. J & A Services
 4. Target Logistics
 5. Red Rock Transport
 6. Slaugh Fishing
 7. Most Wanted Well Service
 8. Dry Ground Specialist Inc.
 9. Black Frac Tanking
 10. Line Finders
 11. OFT
 12. Brockbank
 13. Tamarac

RESOLUTION TEMPORARILY DISCONTINUING SECTION LINE ROADWAYS

WHEREAS, a petition to temporarily close a portion of a section line roadway in Township 148 North, Range 105 West of the 5th Principal Meridian has been filed in the office the McKenzie County Auditor, being further described as:

A tract of land located in the NW/4NW/4 of Section 26 and NE/4NE/4 of Section 27, Township 148 North, Range 105 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, being more particularly described as a strip of land sixty-six (66) feet in width, lying thirty-three (33) feet on each side of the following described centerline: Commencing at the northeast corner of Section 27-T148N-R105W, thence 350 feet south along the centerline of the section line between Sections 26 and 27-T148N-R105W.

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, January 17, 2017 at 1:00 PM CDT in the Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Nordby, Best, McCabe, Veeder, and Skarda present, and

WHEREAS, testimony has been received and evidence examined in favor of the temporary discontinuance of said roadways, on motion made by Commissioner Best, seconded by Commissioner Skarda, and a vote of 5 aye and 0 nay,

IT IS RESOLVED by the Board of County Commissioners for McKenzie County, North Dakota, that is in the interest of the public and the parties involved granting the petition and hereby declaring the described section line roadways to be temporarily discontinued.

RESOLUTION TEMPORARILY DISCONTINUING SECTION LINE ROADWAYS

WHEREAS, a petition to temporarily close a portion of a section line roadway in Township 153 North, Range 95 West of the 5th Principal Meridian has been filed in the office the McKenzie County Auditor, being further described as:

A strip of land located within the East half (E1/2) of Section Seven (7) and the West half (W1/2) of Section Eight (8), Township One Hundred Fifty-Three North (T153N), Range Ninety-Five West (R95W) of the Fifth Principal Meridian (5th P.M.), McKenzie County, North Dakota. A strip of land Sixty-Six (66) feet wide having Thirty-Three (33) feet lying on each side of the following described line: Commencing at the Southwest corner of said Section Eight (8) thence N 00°01'50" W a distance of 874.97 feet to the Point of Beginning; thence continuing 00°01'50" W, a distance of 301.42 feet to the Point of Terminus, located S 00°01'50" E, a distance of 4095.91 feet from the Northwest corner of said Section Eight (8). Said tract has a total length of 301.42 feet and contains 0.46 acres more or less.

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, January 17, 2017 at 1:00 PM CDT in the Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Nordby, Best, McCabe, Veeder, and Skarda present, and

WHEREAS, testimony has been received and evidence examined in favor of the temporary discontinuance of said roadways, on motion made by Commissioner Veeder, seconded by Commissioner McCabe, and a vote of 5 aye and 0 nay,

IT IS RESOLVED by the Board of County Commissioners for McKenzie County, North Dakota, that is in the interest of the public and the parties involved granting the petition and hereby declaring the described section line roadways to be temporarily discontinued.

Moved by Veeder, seconded by Skarda, to approve the furniture renovation in the Tax Director Office, as presented by Recorder Ann Johnsrud, totaling \$8,644.96. All voting aye, motion carried.

Moved by Skarda, seconded by Best, to reschedule the March 7, 2017, meeting to March 8, 2017, due to conflicts with the NDACo Officials Academy. All voting aye, motion carried.

Moved by Best, seconded by Skarda, to appoint Tom McCabe to fill the vacancy on the County Housing Authority Board with a term expiring October 29, 2019. All voting aye, motion carried.

Moved by Veeder, seconded by McCabe, to appoint Ken Rooks as Jail Administrator and Nate Carlson as Facility Manager for the McKenzie County Law Enforcement Center. All voting aye, motion carried.

Moved by Skarda, seconded by Best, to approve authorizing eight corrections staff employees that were on hold from budget hearings anticipating some dispatchers would transfer to corrections. All voting aye, motion carried.

Moved by Skarda, seconded by Best, to approve the Law Enforcement Center Change Order #12 in the amount of \$43,054.00. All voting aye, motion carried.

The Board tabled a request from Peggy Hellandsaas, Tobacco Gardens, to have the County participate in maintenance on the existing second boar ramp, north of the main ramp, with an estimated bid of \$65,000-\$70,000.

Moved by Veeder, seconded by Best, to approve the proposal from ICON Architectural Group for architectural services for the County Public Works Shop Facility. All voting aye, motion carried.

Moved by Skarda, seconded by Best, to approve the Quit Claim Deed as Curative Title Action on the E1/2SE1/4 Section 30, including that portion of Lot 2, Block 1 Hegg Second Addition to the City of Watford City; Township 150N, Range 98W less 9.95 acres ROW and less Lot 1, Block 1 in the Hegg Second Addition. All voting aye, motion carried.

Moved by Veeder, seconded by Skarda, to renew the County's participation in the BCBS Healthy Blue, Health Club Credit, and Wellness Services Agreement. All voting aye, motion carried.

Moved by Best, seconded by Veeder, to accept the resignation of Sarah Skarda, with regret. Commissioner Skarda abstained from voting. All others voting aye, motion carried.

Moved by Best, seconded by Skarda, to set the annual salary for State's Attorney Neff at \$95,648.00, E82 Step 1. All voting aye, motion carried.

The Board tabled the Village Business Institute contract and bill until the February 6, 2017, meeting.

Moved by Veeder, seconded by McCabe, to appoint Doug Nordby as the McKenzie County representative to the Coordinated Regional Operability Board. All voting aye, motion carried.

Moved by Skarda, seconded by Best, to approve the Keene Volunteer Fire Department Raffle Permit. All voting aye, motion carried.

Housing Coordinator Sarah Skarda updated the Board on the operation of Hillside Court and discussion was had regarding transitioning following Skarda's resignation.

Moved by Skarda, seconded by Best, to approve advertising an RFP for Renovation and Management of the Hillside Court Apartment Complex. All voting aye, motion carried.

Danielle Bettencourt and Connie Brooks, C.E. Brooks & Associates, joined the meeting via conference call to update the Board on the roadless lawsuit.

Chairman Nordby asked for a motion to close the meeting and enter into Executive Session for attorney consultation on the roadless lawsuit pursuant to NDCC § 44-04-19.1. Moved by Best, seconded by Skarda, to enter into Executive Session for attorney consultation. Roll call vote: Veeder, aye; Best, aye; Nordby, aye; McCabe, aye; Skarda, aye. Motion carried.

Executive Session began at 2:55 p.m. and was attended by Commissioners Veeder, Best, Nordby, McCabe, and Skarda; State's Attorney Neff; Auditor Svihovec; and Deputy Auditor Johnsrud.

Executive Session was adjourned at 3:08 p.m. The public was invited to return to the meeting room and the meeting returned to open session.

Moved by Veeder, seconded by Skarda, to authorize a budget amendment of \$125,712.77 in total; \$31,452.00 to outfit two vehicles being transferred to patrol and \$94,260.77 for the purchase of an additional vehicle with equipment. This will reduce the 2018 vehicle request from 5 vehicles to 4 vehicles. All voting aye, motion carried.

Barbara Curren presented the Treasurer's Report for the period ending December 31, 2016. Moved by Skarda, seconded by Best, to approve the Treasurer's Report as of December 31, 2016, the Pledge of Assets, List of Cancelled Checks, and List of Official Depositories, as presented. All voting aye, motion carried.

List of Cancelled Warrants and Checks:

<u>Date Issued</u>	<u>Warrant or Check #</u>	<u>Payee</u>	<u>Amount</u>
7/7/2014	20245	McKenzie County Sheriff	\$50.00
3/9/2015	20491	W North Fund III LP	\$15.00
6/15/2015	20582	Statoil Oil & Gas	\$438.00
8/14/2015	20613	Zavanna LLC	\$20.00
10/12/2015	20668	Zavanna LLC	\$30.00
10/12/2015	20672	Marion Gill	\$41.00
11/17/2015	20701	Snow Spence Green LLP	\$34.00
12/1/2015	20713	Zavanna LLC	\$18.00
1/19/2016	20771	Mountrail County Clerk of Court	\$1,500.00
9/2/2016	21002	McKenzie County Sheriff	\$220.02
12/8/2016	21084	McKenzie County Sheriff	\$158.41
12/15/2016	21090	John Berg	\$6.34
1/16/2016	207473	Alexander Dschaack	\$10.00
2/3/2015	207735	Whitehall Truck & Towing	\$1200.00
7/1/2015	209188	Interstate Engineering	\$2,947.50
9/1/2015	209961	Dennis Rohde	\$1,048.21
11/3/2015	210675	Security Pros	\$6,100.00
12/15/2015	211114	Stephanie Davis	\$25.00
1/5/2016	211454	Tri-County Development	\$26,000.00
1/22/2016	211552	Patriot Lodging	\$9405.19
1/29/2016	211557	Tamara Hayes	\$527.17
1/28/2016	211558	Devon Patrick	\$1746.78
2/2/2016	211601	Cody Berdahl	\$5,740.00
2/2/2016	211719	ND Council of Educational Leaders	\$395.00
2/2/2016	211720	ND County Auditor's Assn.	\$450.00
2/2/2016	211799	Paul Wisness	\$172.50
2/19/2016	211866	Dunn County Sheriff	\$4,400.00
2/19/2016	211872	Montana Dakota Utilities	\$9,267.00
2/19/2016	211875	Ricochet Gun Works	\$150.00
3/1/2016	211962	Defensive Edge Training & Consulting	\$395.00
3/1/2016	212009	John E Reid & Associates	\$2,420.00
3/1/2016	212042	ND Dept of Human Services	\$120.47
3/1/2016	212071	Douglas Pechtel	\$1,575.00
3/16/2016	212188	First International Insurance	\$235.57
4/5/2016	212358	International Code Council	\$630.00
4/5/2016	212391	McKenzie Co Social Services	\$694.68
5/3/2016	212731	McKenzie Co Motor Vehicle Branch	\$37.00
7/1/2016	213386	Cailan Sherman	\$593.79

7/7/2016	213442	DEMCO	\$154.94
7/7/2016	213484	Jamar Tech Inc	\$4,500.00
7/7/2016	213494	Kohler Communications Inc	\$6,961.30
7/7/2016	213523	Myers Auto Parts	\$127.98
7/7/2016	213444	Dreams Carports & Buildings Inc	\$4475.25
8/12/2016	213949	DCI Credit Services	\$589.60
9/8/2016	214138	FOP Legal Defense Fund	\$546.00
9/8/2016	214226	ND Insurance Department	\$725.00
11/1/2016	214860	Expressway Inn	\$240.30
11/1/2016	214981	Jennifer Peglau	\$991.70
12/2/2016	215239	Nationwide Retirement	\$75.00
12/5/2016	215240	Matthew Rolfson	\$321.70
12/6/2016	215386	McKenzie County Motor Vehicle	\$30.00
12/21/2016	215589	Fargo Holiday Inn	\$480.60
12/30/2016	215713	Nicole D Shahin	\$1452.08

The following checks/warrants have been turned over to the State of ND for unclaimed property:

11/18/2014	20348	McKenzie Electric Coop	\$64.00
11/24/2014	20352	Oasis Petroleum	\$114.00
12/3/2013	202976	Jeanette Hoffman	\$205.10
7/16/2013	19915	Rocky Mountain Title Insurance	\$7.00
12/4/2013	20030	Steven Waliezer	\$48.75
3/25/2014	20142	Traynor Law Firm	\$21.00
5/28/2014	20206	Bakken Oil	\$16.00
4/1/2014	204452	Matthew Rolfson	\$321.70
4/4/2013	200449	Andrea Higgins	\$20.96
5/28/2014	20210	Zavanna LLC	\$33.00
7/24/2014	20260	Marathon Oil Co	\$5.00
9/4/2013	202065	Toni Ann McGovern	\$8.86

The meeting adjourned at 3:50 p.m. until February 6, 2017, at 9:00 a.m.

Linda Svihovec, Auditor

Douglas Nordby, Chairman