

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

October 4, 2016

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 October 4, 2016. Present: Commissioners Richard Cayko, Doug Nordby, Ron Anderson, Vawnita Best, and Kathy Skarda, Auditor Svihovec, Deputy Auditor Johnsrud, and Chief Assistant State's Attorney Schwarz. Chairman Cayko called the meeting to order at 9:00 a.m.

Barbara Curren presented the Treasurer's Report for the period ending September 30, 2016.

Moved by Skarda, seconded by Best, to approve the Treasurer's Report, Minutes, and bills as presented. All voting aye, motion carried.

Francis Bosch, Williston Vector Control, discussed expanding their services into all of McKenzie County. He also requested representation from the McKenzie County Commissioners should the Vector Control Board be expanded. Bosch felt that a larger vector control district would be more effective. Bosch informed the Board that counties are allowed up to 1.0 mill levy for vector control. Moved by Skarda, seconded by Best, to approve the management agreement for Department of Defense Aerial Pesticide for 2017/2018. All voting aye, motion carried.

Howdy Lawlar and Amber Higgins, County Weed Board, inquired as to how to handle the cost of spraying county property, which was not budgeted. The Board suggested that the Weed Board track the usage for the next year to help gather additional information on how to move forward.

Moved by Best, seconded by Skarda, to approve the purchase of three 4-wheelers from Riverside Marine and Cycle, \$7,899.00 each, with the trade in of a 2013 Bobcat, resulting in a total bill of \$14,197.00; and to approve the purchase of a 2015 Chevrolet Silverado K3500 pickup from Murphy Motors at a cost of \$34,654.30. All voting aye, motion carried.

Rick Schreiber reported that Venti Sales, the vendor approve for the purchase of a used water truck at the September 20, 2016, meeting, was not willing to release the water truck unless payment was wired in advance. Schreiber requested consideration of a proposal for a truck from RDO. Moved by Best, seconded by Skarda, to purchase a 2000 Freightliner Water Truck for the landfill from RDO at a cost \$96,300.00. All voting aye, motion carried.

PDW Kanwar reported that he had advertised the proposed County Right-of-Way Acquisition policy requesting public comments. Commissioner Skarda reported that she had heard comments from landowners concerned about condemnation. No other comments were offered in favor or against the proposed policy. Moved by Nordby, seconded by Anderson, to approve the Right-of-Way Acquisition Policy as presented. All voting aye, motion carried.

Kanwar discussed a request from utility companies to use county right-of-way for utilities. Commissioner Best reported that there were circumstances where utility companies were having difficulties getting service to property owners due to difficulty in obtaining right-of-way from private landowners. The Board discussed that in most cases it should be the landowner who should have the opportunity to negotiate right-of-way, other than in rare cases where it is in the public's best interest to locate the utility within the county right-of-way.

Kanwar presented three proposals for the Lewis & Clark road project. Moved by Anderson, seconded by Best, to accept the Plote Construction proposal for the Lewis & Clark/Game & Fish road project, not to exceed \$100,000.00. All voting aye, motion carried.

Shannon Storm approached the Board regarding the maintenance of Scairt Woman Road, west of Grassy Butte. The County has provided limited maintenance on the road. Storm requested that the road be declared a private road to allow the landowners the ability to charge a lease fee to the oil companies for use and maintenance of the road. Kanwar and Chief ASA Schwarz stated that it is a public county road by definition. Storm stated that there were three active wells on the road, two in Billings County and one in McKenzie County. The Board determined that more research is needed to determine when the Forest Service granted approval to construct the road through Forest Service Land.

Moved by Nordby, seconded by Skarda, to approve the Courthouse Security and Emergency Policy manuals as presented. All voting aye, motion carried.

Moved by Skarda, seconded by Best, to appoint Carol Holman to the McKenzie County Housing Authority Board for a five year term expiring 10/29/2021. This appointment is to fill the position of Steve Meyer who is retiring at the end of his term. All voting aye, motion carried.

Following discussion, the Board directed Chief ASA Schwarz to contract a landman to determine whether the County has mineral interest in Sections 29, 32, and 33, Township 153N, Range 98W on a lease offer with Continental.

Calvin Parrish, County Coroner, was recognized for his 39 years of dedicated service to McKenzie County.

The Board directed Facility Manager Nate Carlson to obtain a contractor to tear out and remove burned trees from Paul Deutsch's property as a result of a fire at the gun range during Sheriff Department munitions training.

Moved by Nordby, seconded by Skarda, to approve Law Enforcement Center Change Order #7 in the amount of \$48,956.00. All voting aye, motion carried.

Moved by Nordby, seconded by Skarda, to approve the Mogen Anhydrous Ammonia Facility application as presented for a 26,000 gallon tank site located in SW1/4SE1/4 of Section 8, Township 152 North, Range 95 West. All voting aye, motion carried.

The meeting recessed for lunch at 11:45 a.m. and reconvened at 1:00 p.m.

Moved by Anderson, seconded by Skarda, to accept the omitted property values as presented by Tax Director Katie Paulson as follows: \$70,408,540 in Commercial property value and \$7,690,780 in Residential property value. All voting aye, motion carried.

RESOLUTION PERMITTING TEMPORARY OBSTRUCTION OF SECTION LINE

WHEREAS, a petition to temporarily obstruct a portion of a section line roadway in Township 146 North, Range 102 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 Fifteen (15) and the West Half (W1/2) of Section Fourteen (14), Township One Hundred Forty-Six North (T146N), Range One Hundred Two West (R102W) 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 Fourteen (14) thence N 00°00'24" E a distance of 84.44 feet to the point of beginning; thence continuing N 00°00'24" E, a distance of 443.49 feet to the point of terminus, located S 00°00'24" W, a distance of 2115.19 feet from the West Quarter Corner of said Section Fourteen (14). Said strip has a total length of 443.49 feet and contains 0.67 acres more or less.

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, October 4, 2016 at 1:00 PM CDT in the Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Cayko, Anderson, Nordby, Skarda, and Best present, and

WHEREAS, the petitioner and the Commissioners agreed that written permission to temporarily obstruct the section line right of way rather than closing the section line was a more appropriate solution, and

WHEREAS, the section line described above does not have an improved road and is not traveled by the public, and

WHEREAS, testimony has been received and evidence examined in favor of allowance of the temporary obstruction of said section line as above described, on motion made by Commissioner Nordby, 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 relief agreed to and hereby permitting the section line to be temporarily obstructed as described.

The Board retracted their directive to Chief ASA Schwarz to contract a landman to research the mineral ownership in Section 33, Township 153 North, Range 93 West due to losing the court case in the Buzick Quiet Title Action where the County sought quiet title for a mineral interest in that legal description.

Moved by Nordby, seconded by Anderson, to approve the amended Development Agreement with Three Forks Ventures LLC as presented by County Planning Director Jim Talbert. All voting aye, motion carried.

Moved by Nordby, seconded by Skarda, to draft a resolution to other government agencies regarding highway beautification. All voting aye, motion carried.

HR Manager Amanda Willis presented a request for donated sick leave for medical appointments. Moved by Best, seconded by Skarda, to approve the request of donated sick time up to 160 hours for Kristy Roles. All voting aye, motion carried.

The Board discussed the State's Attorney Position. Chief ASA Schwarz and Commissioner Skarda both recused themselves as Skarda's son Ty has applied as well as Chief ASA Schwarz. Chief ASA Schwarz offered to leave the meeting to provide a more candid conversation amongst the board regarding the applicants.

HR Manager Willis presented a list of seven applicants: Ty Skarda, Bradford Coates, Jennifer Gooss, Todd Schwarz, Joseph Nwoga, Chas Neff, Meg Morley. Commissioner Nordby and Best will serve on interview committee. HR Manager Willis will schedule interviews with Jennifer Gooss, Ty Skarda, Todd Schwarz and Chas Neff who were selected by the Board for interviews. Position will remain open until filled.

The Board held their final 2017 Budget Review. Commissioner Best reported that she had compared the Sheriff Department budget to several other counties and reported that there was a lot of information requested that was not provided. Best stated that it is the Board of Commissioner's responsibilities to oversee the budget. Commissioner Nordby reported that he had received an updated report on new vehicle

purchases. Best explained that budget authority and spending approval is the responsibility of the board. ASA Schwarz explained the statutory responsibility of the board to approve all expenditures. Sheriff Schwartzberger feels that the Board has micromanaged his department by trying to control his budget through expenditure approval which he feels is not necessary or the duty of the board.

FINAL BUDGET RESOLUTIONS

Moved by Anderson and seconded by Best to adopt the following resolutions addressing the final budget and tax levy for calendar year 2017:

**RESOLUTION ADOPTING A FINAL BUDGET
FOR MCKENZIE COUNTY FOR CALENDAR YEAR 2017**

WHEREAS, this Board did on the 7th day of September 2016, adopt a Preliminary Budget for January 1 through December 31, 2017 and

WHEREAS, this preliminary budget was published in the official newspaper of this County on the 7th day of September 2016, together with a notice of such hearing on the preliminary budget, such hearing being held on the 20th day of September 2016,

NOW, THEREFORE BE IT RESOLVED, that the following be and is hereby adopted as the final budget for McKenzie County from January 1, 2017, through December 31, 2017, and there is hereby appropriated the following amounts of money for the purposed hereinafter set forth, namely:

**2017 FINAL COUNTY BUDGET
MCKENZIE COUNTY**

	2015 ACTUAL	2016 APPROPRIATION	2017 APPROVED
<u>GENERAL GOVERNMENT</u>			
County Board	\$205,281	\$209,867	\$224,123
Housing Authority Board	23,002	77,451	82,676
Auditor/Treasurer	489,030	646,170	664,559
Motor Vehicle/Passports	450,909	291,889	221,812
State's Attorney	683,826	861,797	860,505
Recorder/Tax Director	864,160	1,210,097	749,936
County Superintendent	71,786	81,514	80,967
Planning & Zoning	1,200,401	1,125,269	725,324
Human Resources	100,155	145,612	155,840
GIS Department	564,030	408,922	318,888

Custodian	383,939	512,343	566,876
Courthouse Maintenance	384,552	510,000	500,000
Building Fund	19,232,340	27,100,000	19,550,000
Elections	3,386	54,700	1,500
Landfill	4,186,458	2,599,839	1,663,332
Workforce Safety & Insurance	48,172	55,000	180,000
WSI Medical Expense	0	1,000	1,000
Job Service	15,078	18,000	22,000
Audit Fees	41,734	25,000	27,500
Court Appointed Atty - Mental Health Fees	3,388	8,000	8,000
Forest Service - Litigation	50,607	75,000	150,000
Property & Liability Insurance	73,207	50,000	100,000
Rental Property	301,982	200,000	0
Temporary Offices/ Storage Units	147,393	60,000	20,000
Telephone System & Maintenance	45,558	70,000	25,000
Publishing, Printing	40,983	70,000	45,000
Dues, Registrations	44,967	26,500	40,000
Postage	32,420	35,000	35,000
Mailing Machine	5,772	7,500	7,500
Copier Expense	14,702	15,000	25,000
Technology/Computer Expense	667,246	1,015,000	805,000
Remediation & Reclamation	0	0	500,000
Miscellaneous	721,971	550,000	400,000
Special Projects	1,522,819	2,500,000	2,500,000
Equipment & Office Furniture	8,755	0	0
Wolf Pup Daycare	100,000	100,000	150,000
McKenzie County Health Care System	200,000	300,000	300,000
Family Crisis Shelter	10,000	10,000	20,000
Williston Community Services	30,000	30,000	30,000
Watford City Airport	30,000	30,000	30,000
Alexander Senior Citizens	15,000	15,000	0
Watford City Senior Citizens	8,000	8,000	8,000
McKenzie Co Rural Fire - OT/weekend housing	97,500	90,000	85,000
Lewis & Clark Museum	32,000	41,600	70,000
Pioneer Museum	15,000	25,000	25,000
McKenzie County Heritage Association	35,000	35,000	35,000
Tri-County Economic Development	45,000	26,000	26,000
County Fair (General Fund 2017)	0	75,000	75,000
Atmospheric Resources (General	0	90,000	115,000

Fund 2017)

Tourism & Recreation	81,732	83,385	95,418
TOTAL GENERAL GOVERNMENT	\$33,329,241	\$41,575,455	\$32,321,756

2017 FINAL COUNTY BUDGET

	2015 ACTUAL	2016 APPROPRIATION	2017 APPROVED
<u>PUBLIC SAFETY</u>			
County Sheriff	\$4,912,490	\$5,730,114	\$4,654,822
Dispatch	0	1,258,826	1,004,040
Jail - LE Center	2,627,514	1,930,494	3,932,108
County Coroner	38,410	35,700	33,600
Disaster Emergency Service	233,509	118,304	111,575
Risk Management Coordinator	7,997	20,304	0
McKenzie County Ambulance	127,600	0	0
Alexander First Responders	4,000	4,000	4,000
TOTAL PUBLIC SAFETY	\$7,951,520	\$9,097,742	\$9,740,145
 <i>SUB-TOTAL GENERAL FUND</i>	 <i>\$41,280,761</i>	 <i>\$50,673,197</i>	 <i>\$42,061,901</i>

TRANSFERS FROM GENERAL FUND TO OTHER FUNDS

Road & Bridge	\$45,000,000	\$33,500,000	\$24,000,000
County Park	0	125,000	155,000
Job Development Authority	0	0	150,000
County Library	0	0	150,000
TOTAL TRANSFERS	\$45,000,000	\$33,625,000	\$24,455,000

GRAND TOTAL-GENERAL FUND	\$86,280,761	\$84,298,197	\$66,516,901
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SPECIAL REVENUE FUNDS

Unorganized District Roads - Tfr to R&B	\$5,000,000	\$3,000,000	\$3,000,000
Highway Tax Distribution Fund - Tfr to R&B	1,200,000	2,000,000	750,000
County Road & Bridge	79,385,643	100,983,119	64,552,720
County Human Services	1,540,828	1,841,351	1,886,722
Veteran's Services	46,410	74,997	118,902
County Agent	166,610	186,693	176,794
County Park	59,698	160,016	190,716

Public Library	279,061	301,354	521,058
Public Library - Tfr to Bookmobile	3,000	10,000	0
Bookmobile - Tfr to Purchase			
Bookmobile	0	0	92,900
Social Security - Tfr to Co Agt & Veterans	18,916	0	0
Water Resource District	3,729,966	6,311,331	6,096,196
Weed Control	464,817	482,436	504,059
Job Development Authority	173,933	172,288	311,395
Self Insurance Fund	2,132,004	3,201,750	3,707,000
Document Preservation Fund	88,650	47,195	46,000
Hazardous Chemical Preparedness E911	2,984	20,500	42,000
Federal Entitlement Fund - Tfr to Soc Serv	139,214	287,100	371,600
2016 Certificate Fund	750,000	0	0
District Health Unit	25,132	500,000	4,010,000
Historical Society	109,634	150,971	126,000
	10,300	29,844	42,600
TOTAL SPECIAL REVENUE FUNDS	\$95,326,800	\$119,760,945	\$86,546,662
Total including Interfund Transfers	\$181,607,561	\$204,059,142	\$153,063,563
Less Interfund Transfers	(51,971,916)	(38,635,000)	(28,297,900)
GRAND TOTALS	\$129,635,645	\$165,424,142	\$124,765,663

2017 FINAL COUNTY BUDGET
MCKENZIE COUNTY

The following is a summary of the taxes required to be levied to fund the proposed expenditures for 2017.

	2017 Budget	Non-Tax Resources	Proposed
	Approved		Levy
General Fund	66,516,901	79,370,616	860,000
Unorganized District Roads	3,000,000	2,802,312	894,400
Road & Bridge Fund	64,552,720	68,795,047	1,720,000
Social Services	1,886,722	1,142,334	750,000
Veteran's Services	118,902	10,484	112,000
County Agent	176,794	73,196	107,500
Public Library	521,058	347,864	200,000
Water Resource District	6,096,196	6,066,803	0
Weed Control	504,059	227,491	280,500

Job Development Authority	311,395	193,208	123,000
Health Unit	126,000	1,390	125,000
Historical Society	42,600	4,021	39,000
Total Requests and Levies Required	143,853,347	159,034,766	5,211,400

RESOLUTION FOR A COUNTY TAX LEVY FOR
CALENDAR YEAR ENDING DECEMBER 31, 2017

WHEREAS, this Board did on the 4th day of October, 2016, set forth in budget form the amounts necessary to appropriate from County Funds for each and every County office, department and undertaking, for the calendar year ending December 31, 2017, and indicated there on the amount of taxes necessary to be levied to meet such appropriations, and

WHEREAS, such budget was published in the official newspaper on September 7, 2016, and due notice of hearing was given as required by law, and

WHEREAS, this Board has this day adopted a Final County Budget for the calendar year 2017 as heretofore set forth,

NOW, THEREFORE, BE IT RESOLVED, that in accordance there is hereby levied a tax for the year 2016 on all taxable property in McKenzie County, for the purposes set forth in the Final Budget in the total amount of \$5,211,400 to be divided and apportioned to the several County Funds and Unorganized District Road funds as follows:

- County General Fund \$860,000
- Unorganized District Roads – 10.00 mills - estimate \$894,400
- Road & Bridge Fund – 10.00 mills - estimate \$1,720,000
- Social Services = \$750,000
- Veterans Services - \$112,000
- County Agent - \$107,500
- Public Library - \$200,000
- Weed Control - \$280,500
- Job Development Authority - \$123,000
- District Health Unit \$125,000
- Historical Society \$39,000

Planning Director Talbert provided an update to the Board that the Great American Lodge receiver has agreed to transfer all assets belonging to the Great American Lodge to the new owner, Scott Fain, once the request has been filed with US District Court Judge Hovland.

Commissioner Cayko asked for a motion to close the meeting and enter into Executive Session for attorney consultation on the investigation update pursuant to NDCC § 44-04-19.1. Moved by Anderson, seconded by Best, to move into Executive Session to discuss the investigation update. Roll call vote: Anderson, aye; Best, aye; Cayko, aye; Nordby, aye; Skarda, aye. Motion carried.

Executive Session began at 5:12 p.m. and was attended by Commissioners Anderson, Best, Cayko, Nordby, Skarda; Chief Assistant State's Attorney Todd Schwarz, Auditor Svihovec, Deputy Auditor Johnsrud, and HR Manager Willis.

Executive Session was adjourned at 5:50 p.m. The public was invited to return to the meeting room and the meeting returned to open session.

The meeting recessed at 5:53 p.m. until October 12, 2016, at 12:00 p.m.

Special Meeting October 12, 2016

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 October 12, 2016. Present: Commissioners Richard Cayko, Ron Anderson, Doug Nordby, Kathy Skarda, and Vawnita Best, Auditor Svihovec, Deputy Auditor Johnsrud, and Chief Assistant State's Attorney Schwarz. Chairman Cayko called the meeting to order at 12:18 p.m.

The purpose of the special meeting was to set minimum sales prices on the properties acquired through the tax foreclosure process.

Moved by Anderson, seconded by Nordby, to set the minimum sales for the property acquired by McKenzie County through Tax Deed as follows: Charles Seaman Jr & Debora K Seaman JT, Lots 16-17 Block 7, Arnegard Original Townsite, \$3,500.00; Charles Seaman Jr & Debora K Seaman JT, Lots 18-19-20-21 Block 7, Arnegard Original Townsite, \$1,500.00; Lot 2 Block 3 Less PT of IT 1416, Eikren Addition to Alexander, \$500.00; Camp Buck LLC Sec 16, Twp 153N, Range 101W, IT 2312 PT SE1/4, \$4,500.00; and Brandon & Amanda Kieson JT, Sec 29 Twp 152N Range 98W NE1/4SW1/4, NW1/4SE1/4 EX SW1/4NW1/4SE1/4, W1/221/2NE1/4SE1/4, \$22,500.00. All voting aye, motion carried.

The meeting recessed at 12:37 p.m.

Special Meeting October 13, 2016

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 October 13, 2016. Present: Commissioners Richard Cayko, Ron Anderson, Doug Nordby, Kathy Skarda, and Vawnita Best, Auditor Svihovec, Deputy Auditor Johnsrud, and Chief Assistant State's Attorney Schwarz. Chairman Cayko called the meeting to order at 12:00 p.m.

The purpose of the meeting was to discuss the Village Business Institute investigation of the Sheriff Department for an employee claim of harassment and retaliation, violations of Title VII Civil Rights Act of 1964.

Commissioner Cayko asked for a motion to close the meeting and enter into Executive Session for attorney consultation on the investigation update pursuant to NDCC § 44-04-19.1. Moved by Anderson, seconded by Nordby, to move into Executive Session to discuss the investigation update. Roll call vote: Anderson, aye; Best, aye; Cayko, aye; Nordby, aye; Skarda, aye. Motion carried.

Executive Session began at 12:14 p.m. and was attended by Commissioners Anderson, Best, Cayko, Nordby, Skarda; Chief Assistant State's Attorney Todd Schwarz, Auditor Svihovec, Deputy Auditor Johnsrud, and HR Manager Willis.

Executive Session was adjourned at 1:49 p.m. The public was invited to return to the meeting room and the meeting returned to open session and the following motions made during executive session were read into the record.

A motion was made by Commissioner Best, seconded by Commissioner Nordby, that as a result of the Village Business Institute investigation regarding the allegations consisting of workplace bullying and retaliation, which now will be made public, the Board consensus is to take disciplinary action against Lt. Michael Schmitz up to and including termination, pending a response within 10 days, and a final determination by this Board. Lt. Michael Schmitz is on administrative leave immediately and unpaid administrative leave beginning the October 16, 2016, payroll. Mr. Schmitz shall surrender all County property by 4:30pm CT on Friday, October 14, 2016, to Sheriff Gary Schwarzenberger. Roll call vote: Anderson, aye; Best, aye; Cayko, aye; Nordby, aye; Skarda, aye. Motion carried.

A motion was made by Commissioner Anderson, seconded by Commissioner Nordby, that as a result of the Village Business Institute investigation regarding the allegations consisting of workplace bullying and retaliation, which will now be made public, as well as other complaints to which this Board has been made aware, the McKenzie County Board of Commissioners requests that Acting State's Attorney Todd Schwarz prepare a petition for Governor's removal of Sheriff Gary Schwartzenger. The Board requests a final review of the petition, to ensure accuracy, before it is filed by Acting State's Attorney Todd Schwarz with the Governor's Office. Roll call vote: Anderson, aye; Best, aye; Cayko, aye; Nordby, aye; Skarda, aye. Motion carried.

The meeting recessed at 1:52 p.m. until October 18, 2016, at 1:00 p.m.

October 18, 2016

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 October 18, 2016. Present: Commissioners Richard Cayko, Ron Anderson, Doug Nordby, Kathy Skarda, and Vawnita Best, Auditor Svihovec, Deputy Auditor Johnsrud, and Assistant State's Attorney Neff. Chairman Cayko called the meeting to order at 1:00 p.m.

Moved by Anderson, seconded by Best, to approve the Planning & Zoning Consent Agenda as presented. All voting aye, motion carried. Items approved are as follows: 1. Indian Hills - Recommend approval of the amendment to Conditional Use Permit 0027-13 Indian Hills to the County Commission to permit the mobile home trailer to remain on the property for employee housing. Adopt the findings and conditions as provided in the staff report; 2. Watford Ridge LLC - Recommend approval of Zone Change 0023-16 Watford Ridge LLC to the County Commission to change the zoning from Agriculture to R-3. Adopt the findings as provided in the staff report; 3. NST Express LLC - Recommend approval of Conditional Use Permit 0044-16 NST Express LLC to the County Commission to permit two (2) Lateral Interconnects to a previously approved oil pipeline, with accompanying equipment. Adopt the findings and conditions as provided in the staff report.

Talbert updated the Board on the Great American Lodge transaction and advised that the receiver had not submitted their request to the Court yet. A letter will be sent to the Court from the County.

The section line petitions that were tabled during the Special Meeting on September 19, 2016, were discussed by the Board.

Section Line Closure Petition 201601- ConocoPhillips Boxer 21-6H was reviewed.

RESOLUTION TEMPORARILY DISCONTINUING SECTION LINE ROADWAYS

WHEREAS, a petition to temporarily close a portion of a section line roadway in Township 150 North, Range 96 West and Township 149 North, Range 96 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 within the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 31, Township 150 North, Range 96 West, and Lot 3 of Section 6, Township 149 North, Range 96 West, of the 5th Principal Meridian, McKenzie County, North Dakota; being more specifically described as a strip of land sixty-six (66) feet in width and lying thirty-three (33) feet on each side of the following described centerline: Commencing at the southwest corner of the Southwest Quarter of said Section 31; thence along the south section line on an azimuth of 090°07'40", a distance of 1949.50 feet to the POINT OF BEGINNING: thence continuing along the south section line on an azimuth of 090°07'40", a distance of 240.32 feet to the POINT OF ENDING: said ending point being located on an azimuth of 270°07'40", a distance of 2857.74 feet from the southeast corner of the Southeast Quarter of said Section 31. Said tract contains 240.32 linear feet or 14.56 rods (0.36 acres).

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, October 18, 2016, at 1:00 PM CDT in the Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Anderson, Cayko, Nordby, Skarda, and Best present, and

WHEREAS, testimony has been received and evidence examined in favor of the temporary discontinuance of said roadways, on motion made by Commissioner Anderson, seconded by Commissioner Best, 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.

Section Line Closure Petition 201602- ConocoPhillips Inga 14-12H was reviewed.

RESOLUTION TEMPORARILY DISCONTINUING SECTION LINE ROADWAYS

WHEREAS, a petition to temporarily close a portion of a section line roadway in Township 148 North, Range 98 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 Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 12 and Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section 13, Township 148 North, Range 98 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, being more specifically 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 southwest corner of the Southwest Quarter of said Section 12; thence along the south section line on an azimuth of 090°06'50", a distance of 1842.48 feet to the POINT OF BEGINNING; thence continuing along the south section line on an azimuth of 090°06'50", a distance of 303.63 feet to the POINT OF ENDING; said ending point being located on an azimuth of 270°06'50", a distance of 3118.52 feet from the southeast corner of the Southeast Quarter of said Section 12. Said tract contains 303.63 linear feet or 18.40 rods (0.46 acres).

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, October 18, 2016, at 1:00 PM CDT in the Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Anderson, Cayko, Nordby, Skarda, and Best present, and

WHEREAS, testimony has been received and evidence examined in favor of the temporary discontinuance of said roadways, on motion made by Commissioner Nordby, 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.

Section Line Closure Petition 201603- ConocoPhillips Amanda 21-14H and Ole Boe 24-11H was reviewed.

Moved by Best, seconded by Skarda, to table until the November 15, 2016, meeting pending a new legal description which does not include the existing road. All voting aye, motion carried.

Section Line Closure Petition 201604- ConocoPhillips Cherry Creek State 11-25H was reviewed.

RESOLUTION TEMPORARILY DISCONTINUING SECTION LINE ROADWAYS

WHEREAS, a petition to temporarily close a portion of a section line roadway in Township 149 North, Range 97 West of the 5th Principal Meridian has been filed in the office the McKenzie County Auditor, being further described as:

Parcel 1: A tract of land located in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 23, Township 149 North, Range 97 West of the 5th

Principal Meridian, McKenzie County, State of North Dakota, being more specifically described as follows: The south 33 feet of the east 292.10 feet & the east 33 feet of the south 255.01 feet of said Southeast Quarter of the Southeast Quarter of Section 23. Said tract is shown on the plat as Parcel 1 and contains 0.39 acres.

Parcel 2: A tract of land located in the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 24, Township 149 North, Range 97 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, being more specifically described as follows: The west 33 feet of the south 224.37 feet & the south 33 feet of the west 203.62 feet of said Southwest Quarter of the Southwest Quarter of Section 24. Said tract is shown on the plat as Parcel 2 and contains 0.30 acres.

Parcel 3: A tract of land located in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section 25, Township 149 North, Range 97 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, being more specifically described as follows: The north 33 feet of the west 203.62 feet and the west 33 feet of the north 281.89 feet of said Northwest Quarter of the Northwest Quarter of Section 25. Said tract is shown on the plat as Parcel 3 and contains 0.34 acres.

Parcel 4: A tract of land located in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section 26, Township 149 North, Range 97 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, being more specifically described as follows: The east 33 feet of the north 251.84 feet & the north 33 feet of the east 292.10 feet of said Northeast Quarter of the Northeast Quarter of Section 26. Said tract is shown on the plat as Parcel 4 and contains 0.39 acres.

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, October 18, 2016, at 1:00 PM CDT in the Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Anderson, Cayko, Nordby, Skarda, and Best 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.

Section Line Closure Petition 201605- ConocoPhillips Cleo 1-12H was reviewed.

RESOLUTION TEMPORARILY DISCONTINUING SECTION LINE ROADWAYS

WHEREAS, a petition to temporarily close a portion of a section line roadway in Township 149 North, Range 96 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 Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 12 & Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section 13, Township 149 North, Range 96 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, being more specifically 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 southwest corner of the Southwest Quarter of said Section 12; thence along the south section line on an azimuth of 090°01'29", a distance of 1458.22 feet to the POINT OF BEGINNING; thence continuing along the south section line on an azimuth of 090°01'29", a distance of 388.49 feet to the POINT OF ENDING; said ending point being located on an azimuth of 270°01'29", a distance of 780.51 feet from the southeast corner of the Southwest Quarter of said Section 12. Said tract contains 388.49 linear feet or 23.54 rods (0.59 acres).

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, October 18, 2016, at 1:00 PM CDT in the Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Anderson, Cayko, Nordby, Skarda, and Best present, and

WHEREAS, testimony has been received and evidence examined in favor of the temporary discontinuance of said roadways, on motion made by Commissioner Nordby, seconded by Commissioner Anderson, 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.

Kassydi Maybee, ConocoPhillips requested the Board reconsider Section Line Closure Petition 201616 Outlaw Gap 34-23MBH, Outlaw Gap 44-23TFH, Gladstone Gap 34-23MBH-ULW which was denied at the September 19, 2016, meeting. Maybee stated this was a new location and was not already existing. Moved by Skarda, seconded by Best, to place Section Line Closure Petition 201616 back on the November 15, 2016, meeting and for Ms. Maybee to obtain an easement around the requested closure. All voting aye, motion carried.

Section Line Closure Petition 201610- SM Energy Klamm 13-10H was reviewed.

RESOLUTION TEMPORARILY DISCONTINUING SECTION LINE ROADWAYS

WHEREAS, a petition to temporarily close a portion of a section line roadway in Township 150 North, Range 97 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 in North half (N½) of Section Fifteen (15) and the South half (S½) of Section Ten (10), Township One Hundred Fifty North (150N), Range Ninety-Seven West (R97W) 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 Northwest corner of said Section Fifteen (15) thence N 89°53'26" E a distance of 1051.07 feet to the point of beginning; thence continuing N 89°53'26" E, a distance of 254.69 feet to the point of terminus, located S 89°53'26" W, a distance of 1327.19 feet from the North quarter corner of said Section Fifteen (15). Said easement has a total length of 254.69 feet and contains 0.39 acres more or less.

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, October 18, 2016, at 1:00 PM CDT in the Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Anderson, Cayko, Nordby, Skarda, and Best present, and

WHEREAS, testimony has been received and evidence examined in favor of the temporary discontinuance of said roadways, on motion made by Commissioner Anderson, seconded by Commissioner Nordby, 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.

Section Line Closure Petition 201611- SM Energy Leiseth 16-13H was reviewed.

RESOLUTION TEMPORARILY OBSTRUCTING SECTION LINE ROADWAYS

WHEREAS, a petition to temporarily obstruct a portion of a section line roadway in Township 151 North, Range 100 West and Township 151 North, Range 99 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 in East half (E½) of Section Thirteen (13), Township One Hundred Fifty-One North (151N), Range One Hundred West (R100W) and the West half (W½) of Section Eighteen (18), Township One Hundred Fifty-One North (T151N), Range Ninety-Nine West (R99W) 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 Southeast corner of said Section Thirteen (13) thence N 00°01'59" W a distance of 789.41 feet to the point of beginning; thence continuing N 00°01'59" W, a distance of 100.00 feet to STA. 1+00, located S 00°01'59" E, a distance of 1751.66 feet from the East Quarter corner of said Section Thirteen (13). Said easement has a total length of 100.00 feet and contains 0.15 acres more or less.

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, October 18, 2016, at 1:00 PM CDT in the Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Anderson, Cayko, Nordby, Skarda, and Best present, and

WHEREAS, testimony has been received and evidence examined in favor of the temporary obstruction of said roadways, on motion made by Commissioner Nordby, 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 obstructed.

RESOLUTION TEMPORARILY CLOSING SECTION LINE ROADWAYS

WHEREAS, a petition to temporarily close a portion of a section line roadway in Township 151 North, Range 100 West and Township 151 North, Range 99 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 in East half (E½) of Section Thirteen (13), Township One Hundred Fifty-One North (151N), Range One Hundred West (R100W) and the West half (W½)

of Section Eighteen (18), Township One Hundred Fifty-One North (T151N), Range Ninety-Nine West (R99W) 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 Southeast corner of said Section Thirteen (13) thence N 00°01'59" W a distance of 889.41 feet to the STA. 1+00; thence continuing N 00°01'59" W, a distance of 373.76 feet to point of terminus, located S 00°01'59" E, a distance of 1377.90 feet from the East Quarter corner of said Section Thirteen (13). Said easement has a total length of 373.76 feet and contains 0.57 acres more or less.

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, October 18, 2016, at 1:00 PM CDT in the

Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Anderson, Cayko, Nordby, Skarda, and Best present, and

WHEREAS, testimony has been received and evidence examined in favor of the temporary closure of said roadways, on motion made by Commissioner Nordby, 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 closed.

Section Line Closure Petition 201614- Newfield Sand Creek State 1-16H was reviewed.

RESOLUTION TEMPORARILY DISCONTINUING SECTION LINE ROADWAYS

WHEREAS, a petition to temporarily close a portion of a section line roadway in Township 153 North, Range 96 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 S1/2SW1/4 of Section 16 & N1/2NW1/4 of Section 21, Township 153 North, Range 96 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, being more specifically 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 southwest corner of the Southwest Quarter of said Section 16; thence along the said south section line on an azimuth of 090°11'34", a distance of 1204.15 feet to the POINT OF BEGINNING; thence continuing along said south section line on an azimuth of 090°11'34", a distance of 287.02 feet to the POINT OF ENDING; said ending point being located on an azimuth of 270°11'34", a distance of 1149.67 feet from the southeast corner of the Southwest Quarter of said Section 16. Said tract contains 287.02 linear feet or 17.40 rods (0.43 acres).

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, October 18, 2016, at 1:00 PM CDT in the Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Anderson, Cayko, Nordby, Skarda, and Best present, and

WHEREAS, testimony has been received and evidence examined in favor of the temporary discontinuance of said roadways, on motion made by Commissioner Nordby, seconded by Commissioner Anderson, 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.

Section Line Closure Petition 201615- Newfield Sand Creek Federal 1-23H was reviewed.

RESOLUTION TEMPORARILY DISCONTINUING SECTION LINE ROADWAYS

WHEREAS, a petition to temporarily close a portion of a section line roadway in Township 153 North, Range 96 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 S1/2SE1/4 of Section 23 & N1/2NE1/4 of Section 26, Township 153N, Range 96 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, being more specifically 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 southwest corner of the Southeast Quarter of said Section 23; thence along the said south section line on an azimuth of 090°07'59", a distance of 835.17 feet to the POINT OF BEGINNING; thence continuing along said south section line on an azimuth of 090°07'59", a distance of 392.60 feet to the POINT OF ENDING; said ending point being located on an azimuth of 270°07'59", a distance of 1407.32 feet from the southeast corner of the Southeast Quarter of said Section 23. Said tract contains 392.60 linear feet or 23.79 rods (0.59 acres).

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, October 19, 2016, at 1:00 PM CDT in the Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Anderson, Cayko, Nordby, Skarda, and Best 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.

Section Line Closure Petition 201617- Emerald Oil Grizzly Federal 1-27-HR was reviewed.

Moved by Nordby, seconded by Skarda, to table until an an-built metes and bounds survey is completed. All voting aye, motion carried.

Section Line Closure Petition 201618- XTO Energy Cole Federal 44X-32H, 44X-32D, 44X-32G2, 44X-32C was reviewed.

RESOLUTION TEMPORARILY DISCONTINUING SECTION LINE ROADWAYS

WHEREAS, a petition to temporarily close a portion of a section line roadway in Township 150 North, Range 97 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 South East Quarter (SE¼) of Section Thirty-Two (32) and the South West Quarter (SW¼) of Section Thirty-Three (33), Township One Hundred Fifty North (T150N), Range Ninety-Seven West (R97W) of the Fifth Principal Meridian (5th P.M.), McKenzie County, North Dakota. Said strip of land being Sixty-Six (66) feet wide having Thirty-Three (33) feet lying on each side of the following described line: Commencing at the South East Corner of said Section Thirty-Two (32); thence N 00°04'53" W, a distance of 101.91 feet to the point of beginning; thence continuing N 00°04'53" W, a distance of 414.16 feet to the point of terminus, located S 00°04'53" E, a distance of 2129.59 feet from the East Quarter corner of said Section Thirty-Two (32). Said easement has a total length of 414.16 feet and contains 0.63 acres, more or less.

WHEREAS, Notice of Hearing was given and duly held by the McKenzie County Board of Commissioners on Tuesday, October 18, 2016, at 1:00 PM CDT in the Commissioners Room of the McKenzie County Courthouse, Watford City, North Dakota, with Commissioners Anderson, Cayko, Nordby, Skarda, and Best 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 Nordby, 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 Best, seconded by Skarda, to approve the abatement request for KC Transport as presented. All voting aye, motion carried.

A section line closure application from Continental Resources on the Todd 1-6H well was reviewed. Moved by Skarda, seconded by Best, to table the application until the section line location can be verified. All voting aye, motion carried.

Nathan Heinert, National Weather Service, presented McKenzie County and Watford City as "Storm Ready" communities. An appreciate plaque and community signs were presented to Emergency Manager Karolin Jappe for posting around the community.

Moved by Best, seconded by Anderson, to approve the water bills and other bills as presented. All voting aye, motion carried.

Moved by Anderson, seconded by Skarda, to approve the raffle permit application for Keene Fire Department. All voting aye, motion carried.

Moved by Anderson, seconded by Nordby, to approve the raffle permit application for Yellowstone School District. All voting aye, motion carried.

Moved by Nordby, seconded by Skarda, to approve the Law Enforcement Center Change Order #10 in the amount of \$21,571.00. All voting aye, motion carried.

Moved by Skarda, seconded by Nordby, to table comment on the Edward Danks application for Trust Land, N1/2 of Section 26, Township 151 North, Range 94 West, until the November 1, 2016, meeting. All voting aye, motion carried.

Brady Bertram, Brosz Engineering, presented a Route 31 cement construction project update.

Moved by Anderson, seconded by Skarda, to approve the design proposal from Brosz Engineering Inc for completing design of Route 31 for payment in 2017 with a total cost to exceed \$57,130.00. All voting aye, motion carried.

PWD Kanwar presented an update on Route 34 design for 2017, starting with the north end of the road.

The Board directed ASA Neff to research the setback requirements for the new county shop site, which has a pumping oil well located within 500 feet.

Moved by Anderson, seconded by Skarda, to purchase a used side dump trailer for \$36,000.00 from RDO. All voting aye, motion carried.

Water Resource District Manager Jeff Shaffer presented a Loan Guaranty for the Board to consider. The Board tabled a decision on the agreement until the State's Attorney's Office can review the agreement for legalities.

The Board discussed the candidates that were interviewed for the State's Attorney position and it was the consensus of the Board that the decision would be tabled at this time and that the position would remain open.

Sgt Charles "Tony" Blass entered the Commission Room during the discussion on the State's Attorney position and served Chairman Cayko a document.

Gene Veeder stated that he had spoken to both LSS and Hahn regarding Hillside Court and that both stated they would be submitting proposals within the next 30 days.

Commissioner Nordby updated the Board on the Law Enforcement Center Joint Powers Agreement. He stated that it could be placed on the November 1, 2016, meeting agenda for a vote if the Board had no concerns with it as it currently stands.

A special meeting was scheduled for 9:00 a.m. on Monday, October 24, 2016. The agenda items are as follows: Mudmen Arnegard Dam cleanup; WAWSA Loan Guaranty; Lt. Schmitz Administrative Leave – pending disciplinary action; and Petition for Governor's removal of Sheriff Schwartzberger.

Chairman Cayko stated that the papers brought in by Sgt Blass were a petition for writ of prohibition to the Board from Sheriff Schwartzberger, which had been filed in the court record.

The meeting recessed at 4:09 p.m. until October 24, 2016, at 9:00 a.m.

Special Meeting October 24, 2016

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 October 24, 2016. Present: Commissioners Richard Cayko, Ron Anderson, Doug Nordby, Kathy Skarda, and Vawnita Best, Auditor Svihovec, Deputy Auditor Johnsrud, and Chief Assistant State's Attorney Schwarz. Chairman Cayko called the meeting to order at 9:00 a.m.

Chief Assistant State's Attorney Schwarz updated the Board that a Mudmen representative had indicated they intended to clean up the Arnegard Dam site but did not have the finances to do so at this time. Jeff Shaffer reported that there was retention equipment belonging to Mudmen still at the site. Moved by Skarda, seconded by Nordby, to authorize the County to clean up and reclaim the Arnegard Dam site, leaving the equipment owned by Mudmen for them to retrieve within 30 days. All voting aye, motion carried.

Chief ASA Schwarz advised the Board that the County should not sign the agreement for the WAWSA Loan Guaranty as it is presently written. McKenzie County Water Resource District Board Chairman Denton Zubke updated the Board on the history of legislative borrowing to water resource districts and the necessity of the county loan guaranty because the MCWRD does not have the borrowing authority. A decision was tabled until the November 1, 2016, meeting where revised language providing McKenzie County notice would be added to the document.

Chief ASA Schwarz recommended that a hearing for Lt. Mike Schmitz be held within 10-15 days. Moved by Nordby, seconded by Skarda, to schedule a 3:00 CT hearing during the November 15, 2016, meeting and that Schmitz's benefits will be continued until the matter has been resolved. All voting aye, motion carried.

Chief ASA Schwarz indicated that he would not be presenting the petition to the Board for review and that it would be filed this week after he had verified the accuracy of the documents. Once filed the Attorney General's office has up to 30 days to investigate the petition. Schwarz stated that at the conclusion of that investigation the Attorney General will make a recommendation to the Governor.

The meeting adjourned at 9:38 a.m. until November 1, 2016, at 9:00 a.m.

**The McKenzie County Commissioners attended the following
additional meeting in October 2016:**

October 9-11, 2016: Event Center, Bismarck, ND
ND Association of Counties joint annual conference
Commission members present were Cayko, Anderson, Best, Nordby and Skarda.

Linda Svihovec, Auditor

Richard Cayko, Chairman