

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

June 4, 2013

The Board of Commissioners of McKenzie County, North Dakota met at the Courthouse in Watford City, North Dakota on June 4, 2013. Present: Ron Anderson, Richard Cayko, Roger Chinn, Rick Lawlar, Doug Nordby, Public Works Administrator Kanwar, Auditor Svihovec and Deputy Auditor Wold. Chairman Anderson called the meeting to order at 9:00 a.m.

Treasurer Grantier presented the treasurer's report. Moved by Nordby, seconded by Lawlar to approve the minutes, bills and treasurer's report as presented. All voting aye, motion carried.

Extension Agent Thorne presented a proposal to partner with the NDSU Extension Service to upgrade the IVN video conference system; the current system is obsolete. Moved by Nordby, seconded by Cayko to partner with NDSU and purchase the Real/Presence Group 700 system in the amount of \$9,599.00 and the maintenance plan for \$4,080.00. All voting aye, motion carried.

Recorder Johnsrud presented a proposal for digitizing records in courthouse offices. Moved by Cayko, seconded by Chinn to accept the proposal from US Imaging as presented by Johnsrud. All voting aye, motion carried.

The Board supported the letter presented by Commissioner Chinn to send to ND Senators regarding 5.1% sequestration fee withheld from Bankhead Jones payments.

Discussion was held on the May 9, 2013 Zoning Ordinances

Zoning Ordinances

WHEREAS, McKenzie County Commissioners held a public hearing on May 9, 2013 addressing three filed grievances regarding the Zoning Ordinances.

WHEREAS, Justin Hughes representing Northwood Enterprises filed a grievance with Section 3.4 – Agricultural Districts under Article II: Districts; requesting to have multi-family units allowed in the agricultural district if there was an approved recorded plat prior to the adoption of zoning;

WHEREAS, Bernie Biegler representing Big Mountain Homes filed a grievance with Section 3.4 County Zoning Map under Article III: Districts requesting a zoning map change from agricultural to general commercial/industrial on Lot 13 SWSW Section 17 T150N R99W.

WHEREAS, Mike Durbee representing Randy Warner with Great Plains Outdoor Advertising filed a grievance with Section 4.4 Signs and Advertising in Article IV: Special Provision requesting revision of the section with input from the sign industry.

THEREFORE, BE IT RESOLVED, that the Board of McKenzie County Commissioners confirm the motions of the May 9, 2013 hearing and deny the requested relief sought by Northwood Enterprises, Big Mountain Homes and Great Plains Outdoor Advertising.

This resolution is adopted on this 4<sup>th</sup> day of June 2013, on motion by Commissioner Lawlar, seconded by Commissioner Nordby, and a vote of five ayes and zero nays.

Moved by Cayko, seconded by Lawlar to advertise for a public hearing at 1:00 p.m. on July 2, 2013 to close a section line presented by Craig & Barb Sorenson described as beginning at the northwest corner of Section 2, Township 153 North, Range 97 West, thence Easterly along the North Line of said Section 2, on an assumed azimuth of 90°00'00", to a set iron pin at the Northeast Corner of IT #2141 in Section 2: Lot 2 Township 153 North, Range 97 West. All voting aye, motion carried.

Denton Zubke, reported on SB2233 and the impact to McKenzie County Water Resource District.

Moved by Lawlar, seconded by Cayko to accept Rolfson Oil's bid for all fuels at all locations. All voting aye, motion carried.

Moved by Chinn, seconded by Nordby to award Burski Excavating, Inc. the Landfill Leachate Pond 1, Equipment Garage and Landfill Improvements bid in the amount of \$978,465.00. All voting aye, motion carried.

Moved by Nordby, seconded by Lawlar to award Tractor & Equipment the cutting edge bid. All voting aye, motion carried.

Moved by Cayko, seconded by Chinn to award West River Striping Co. the pavement marking bid in the amount of \$87,379.32. All voting aye, motion carried.

Moved by Chinn, seconded by Cayko to award Nelcon Inc. the bid on Route 16 – Phase III in the amount of \$8,242,154.05. All voting aye, motion carried.

Moved by Lawlar, seconded by Nordby to award Century Companies, Inc. the bid on Route 16 – Phase IV in the amount of \$1,674,364.30. All voting aye, motion carried.

Moved by Chinn, seconded by Cayko to open Route 14 to 105,500 pounds gross weight from Hwy 23 to Hwy 73 and post the speed limit for loaded trucks at 20 mph. All voting aye, motion carried.

Moved by Lawlar, seconded by Cayko to publish resolution for the following subdivisions with a comment period through June 30, 2013: McKenzie Ridge Subdivision, Dakota Meadows Subdivision, Saddle Ridge Subdivision, Misty Hills Subdivision, Star Light Subdivision, Moon Light Subdivision and Rakken Arrow

Subdivision and to table the Rolling Hills Village Subdivision due to concerns with the name. All voting aye, motion carried.

Moved by Nordby, seconded by Cayko to approve the Building and Planning Department fees as presented with the exception of the Vacation of Right-of-way/Section line fee of \$500.00. Chinn voting nay, motion carried.

Moved by Lawlar, seconded by Cayko to approve Joint Powers Agreements for zoning administration for Arnegard and Sioux Townships. All voting aye, motion carried.

Moved by Nordby, seconded by Cayko to approve the Planning & Zoning consent agenda as presented including approvals for Construct Inc., Watford Ridge, and Tervita. All voting aye, motion carried.

The Board approved Planner Hadley's request for an additional staff member to assist with permits and zoning administration, with an estimated salary of \$55,000.00.

The Board gave approval for the Road Department to purchase snow plow trucks under the state awarded bid.

Moved by Chinn, seconded by Cayko to accept Ebel Integrators bid for the Law Enforcement Security System and Surveillance equipment in the amount of \$352,750.52. All voting aye, motion carried.

The Board reviewed and denied the recent request for funding assistance for roads from McKenzie Bay Marine Club.

Moved by Chinn, seconded by Cayko to approve the following board appointments: Water Board – Bob Cross (term expires 6/30/18); Human Resources Board – Jerome Lervick (term expires 6/30/16) and Dale Patten (term expires 6/30/16); Weed Board – Howdy Lawlar (term expires 6/30/17) and Commissioner Nordby will serve on the Planning and Zoning Board. All voting aye, motion carried.

Moved by Chinn, seconded by Lawlar to approve an easement as amended to WAWSA for Lot 1 Block 3, Lots 1 thru 8 & 13 thru 18 of Section 36 Township 151 North, Range 104 West (Cartwright Shop). All voting aye, motion carried.

Moved by Cayko, seconded by Nordby to approve an 18 month contract with NRG to manage the IT Services Plan in the amount of \$5,647.00 per month. All voting aye, motion carried.

Moved by Anderson, seconded by Nordby to approve Kringen Construction's proposal for excavation, site work, purchase and installation of fire pump storage tank, and installation of a water line for the Cartwright Shop project with a cost estimate of \$354,974.90. All voting aye, motion carried.

Moved by Cayko, seconded by Nordby to participate with the Williston Vector Control for the purpose of coordinating with the Department of Defense Innovative Response Training missions to aerially apply larvicides and/or adulticides to the lands

and/or waters of McKenzie County for the control of mosquitos and other pest insects during the 2013 and 2014 calendar years for 50% of the cost of chemical only, up to a maximum of \$50,000 per year. All voting aye, motion carried.

HR Director Giffin presented a proposal for an E-time Module and payroll prep from Computer Professionals Unlimited Inc. in the amount of \$7,500.00 which includes set-up fees. Moved by Cayko, seconded by Nordby to accept the proposal as presented. All voting aye, motion carried.

The Commission agreed that Giffin establish a re-payment plan of \$50.00/month be established with Rick Schreiber for moving expenses that were not approved.

Giffin presented a draft six month contract with Steven Jorgenson for GIS services which would begin July 1, 2013. Moved by Chinn, seconded by Lawlar to approve the contract. All voting aye, motion carried.

The Commission then recessed at 3:00 p.m. for the County Tax Equalization Meeting and reconvened following that meeting at 3:30 p.m.

Moved by Lawlar, seconded by Cayko to approve a raffle permit to the Friends of Mike. All voting aye, motion carried.

Moved by Lawlar, seconded by Nordby to approve an oil and gas lease from Triangle USA Petroleum located in Section 14 T150N R100W: I.T. #1288 in Block 6 of G.O. Haugan's First Addition to Arnegard, including all streets and alleyways adjacent thereto. All voting aye, motion carried.

Following presentations by Bob Gallagher, David Johnson and Terry Moe regarding the Ideal Landfill including a special election, the location and the landfill permit process; it was moved by Cayko, seconded by Nordby that McKenzie County will not hold a special election regarding the Ideal Landfill. Roll call vote was taken, Anderson – aye, Cayko – aye, Chinn – aye, Lawlar – aye, Nordby – aye, motion carried.

Bernie Biegler joined the meeting to address his grievance with the zoning ordinances. Chairman Anderson informed him that it had been denied and he will need to go to the Planning and Zoning Commission.

State's Attorney Johnson agreed to work with Jane Witheredge, Tervita on a Route 14 road agreement. The final version will be presented at the June 18, 2013 Commission Meeting.

Sheriff Rankin and Captain Fulwider updated the Board on several department issues including towing services and office space. The Board thanked Sheriff Rankin for his years of service and dedication to McKenzie County as Rankin will retire on July 1, 2013.

Moved by Lawlar, seconded by Cayko to proceed with the purchase of 32 acres of land for relocation of the county shop and yard. All voting aye, motion carried.

June 18, 2013

The Board of Commissioners of McKenzie County, North Dakota met at the Courthouse in Watford City, North Dakota on June 18, 2013. Present: Ron Anderson, Richard Cayko, Rick Lawlar, Doug Nordby, Planner Hadley, Auditor Svihovec and Deputy Auditor Wold. Commissioner Chinn was absent. Chairman Anderson called the meeting to order at 1:00 p.m.

Chairman Anderson opened the public hearing for two street vacations at 1:00 p.m. Three individuals presented their concerns with the vacation of a street in the former townsite of East Fairview ND described as Fourth (4th) Street located south of Lots 2, 3 and vacated alley Block 2 of Corbett's First Addition to East Fairview, ND; and north of Lots 1, 11 and vacated alley of Block 3 of Corbett's First Addition to East Fairview, ND. This portion of the hearing closed at 1:14 p.m. There was no one in attendance for the second hearing addressing the vacation of street and alleys in Cartwright ND described as a portion of Third Avenue located West of County Road 16 and South of State Highway 200, the east half of Hup Street between 2nd Avenue and State Highway 200, and the 20 foot wide alley contained within Block 3. This hearing closed at 1:15 p.m. Moved by Lawlar, seconded by Nordby to approve the vacation of the Cartwright street and alleys. Moved by Nordby, seconded by Lawlar to deny the petition to vacate the street in East Fairview; to contract to have the culverts cleaned and post a dead end sign on the street. All voting aye, motion carried.

Jerry Samuelson reported on the road damages from the recent rains. He has a tour scheduled with individuals from FEMA to address the damages.

Moved by Lawlar, seconded by Cayko to approve the Planning & Zoning consent agenda as presented including approval of Tamarac Investments. All voting aye, motion carried.

Moved by Nordby, seconded by Cayko to approve changing the name of Dakota Meadows Phase III to Dakota Meadows Second Addition and changing Rolling Hills Village Subdivision to ALN Commercial Subdivision. All voting aye, motion carried.

Planner Hadley presented the Subdivision Resolution as approved by the Planning and Zoning Commission. Moved by Nordby, seconded by Lawlar to adopt the subdivision resolution. Motion passed with a unanimous aye vote.

Moved by Lawlar, seconded by Cayko to appoint Jeremy Olson to the Planning and Zoning Commission (term ending 1/31/14) to replace Carol Norgard and to appoint Lisa Redford to the Social Service Board (term ending 6/30/16). All voting aye, motion carried.

The Board reviewed a letter from Dakota Meadows Subdivision regarding road use and upgrades. It was agreed that Kanwar and Hadley will work on language to be considered addressing approaches and oil access.

Planner Hadley reported on activities in the Planning and Zoning department.

The August Commission meeting will be held on August 8, 2013 beginning at 9:00 a.m.; the September Commission meeting will be held on September 4, 2013 beginning at 9:00 a.m.; the Preliminary Budget meeting will be September 19, 2013 beginning at 8:30 a.m. and will include the Planning and Zoning consent agenda items; the October Commission meeting will be October 1, 2013 beginning at 9:00 a.m. All meetings will be held at the McKenzie County Courthouse.

Moved by Cayko, seconded by Lawlar to approve reimbursement of moving expenses for Jeff Shaffer up to \$2,500.00. All voting aye, motion carried.

Moved by Nordby, seconded by Cayko to approve the road use agreement between McKenzie County and Tervita LLC for County Route 14. All voting aye, motion carried.

Moved by Nordby, seconded by Cayko to disclaim any mineral interest the County may have under the tract of land described as .26 acres in the NW1/4NE1/4 being the portion of a right of way for a public road as surveyed and platted by the North Dakota State Highway Commission for Federal Aid Project #312A, Section 23 T150N R98W. All voting aye, motion carried.

Chairman Anderson presented the following declaration:

**EMERGENCY DECLARATION**

**MCKENZIE COUNTY, NORTH DAKOTA**

WHEREAS, McKenzie County, North Dakota experienced 4.5 inches of rain from May 18, 2013 through May 31, 2013 and an additional 1.8 inches of rain from June 1, 2013 through June 3, 2013, and

WHEREAS, the impact of excessive rain through the duration of these storms caused road erosion, saturation, and massive surface damage to approximately 500 miles of County and Township roads and causing safety concerns to the citizens of McKenzie County; and

WHEREAS, continued restoration activities may have a serious financial effect on the Townships and McKenzie County in general.

NOW, THEREFORE, BE IT RESOLVED, that the Board of McKenzie County Commissioners declares that an emergency exists in McKenzie County, North Dakota. Dated this 5th day of June, 2013. Moved by Lawlar, seconded by Nordby to approve the emergency declaration as presented. All voting aye, motion carried.

Moved by Cayko, seconded by Nordby to apply a zone change application with the City of Watford City for the property the County purchased described as Lot 1 Block 4 5<sup>th</sup> Addition, Original Townsite Watford City, ND. The application would be to change from R4 to CF (Community Facilities). All voting aye, motion carried.

The Commission approved to proceed with the survey for the proposed Watford City Shop location.

Commissioner Cayko will represent the Commission at the Regional Jail meeting to be held in Stanley.

Moved by Nordby, seconded by Cayko to enter into executive session at 2:57 p.m. to discuss an employee termination claim. All voting aye, motion carried. Assistant State's Attorney Ari Johnson was reached via telephone. Executive session ended at 3:09 p.m. Moved by Cayko, seconded by Lawlar to instruct legal counsel to turn this claim over to NDIRF for resolution. All voting aye, motion carried.

The meeting adjourned at 4:00 p.m.

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Linda Svihovec, Auditor

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Ronald Anderson, Chairman