

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING – SEPTEMBER 2, 2014**

The meeting was called to order at 9:00 A.M. with Commissioners Arthaud, Kessel and Kasian in attendance. Chairman Arthaud was present by phone during portions of the meeting.

Others present during portions of the meeting were: Richard Brown, Joe Marques, Jerry Mayer, Holly Praus, Laura Grzanic, Alvin Klem, Nicholas Hiza, Karen Putnam, James Wosepka, Lowell Lindbo, Bob Procive, Pat Hedstrup, Ben Procive, Margie Lindbo, Don Gordon, Bunky Lillibridge, Lance Yohe, Dennis Guenther, Claire Vigesaa, Gordon Gerbig, Cody Reis, Florian Kuntz, Trevor Burian, David Reis, Todd Bang, Terrald Bang, Frank Hurt, George Hurt, Curt Pavlicek, Scott Burian, Kayla Torgerson, Andrew Krebs, Justin Hyndman, Kurt Froelich, Recorder/Clerk of Court Donna Adams, Sheriff Dave Jurgens, Chief Deputy Sheriff Pat Rummel.

After review, Kessel moved to approve the minutes from the August 5, 2014 regular meeting. Kasian seconded. All voted aye.

Auditor Lamb informed the board that due to legislative law changes, salaries for county boards that are appointed by the commission should be set. Kessel moved to allow \$50.00/meeting for each board except the water board which is legislatively mandated at \$75.00/meeting. Kasian seconded. All voted aye.

The board reviewed a letter from SW REAP stating that Darlene Mitchell's term ended in June and a request for a replacement for that board appointment. Kasian moved to appoint Emily Klym to the SW REAP board. Kessel seconded. All voted aye.

Auditor Lamb requested to change the November meeting date as it falls on the 4th which is the General Election. Kasian moved to change the date to Thursday, the 6th of November. Kessel seconded. All voted aye.

Jerry Mayer and Holly Praus were in attendance from the Sunrise Youth Bureau. They discussed the various programs provided free to the schools regarding bullying, drugs and alcohol. They stated that they appreciate the support the county has always shown to the Bureau.

Independent Auditor Jim Wosepka was in attendance to present the 2013 Annual Audit Report. Kessel moved to approve the auditor's report for fiscal year 2013. Kasian seconded. All voted aye.

The board received and approved the following permits with road superintendent conditions:

Construction in County Right-of-Way Permits

- Gerry Grosulak – Section 34-141-99 along 29th St SW
- ADB Development – Section 22-141-99 along Green River Road.
- Roughrider Electric – Section 1&2-144-99 along 127th Ave SW
- Roughrider Electric – Section 23&24-141-98 crossing 121st Ave SW
- Upper Missouri Power Coop – Section 14 & 15-139-102 along 146th Ave SW

The board reviewed zoning requests that had been addressed by the zoning board at their August 21, 2014 regular meeting as follows:

Billy Richard: Application for a conditional use permit to place a manufactured home in the S1/2NW1/4 3-139-100. Property is zoned Agricultural and owned by Alan Richard. The zoning board approved the conditional use permit contingent upon the Southwest District Health sewer and water approval being turned in. The approval has been turned in. Kessel moved to uphold the zoning board decision. Kasian seconded. All voted aye.

Orion Wind Resources LLC: Conditional use permit to construct a meteorological tower in the NE1/4 13-144-99. Tower will be used to monitor & collect wind data. Property is zoned agricultural and owned by Cody & Janell Tachenko. The zoning board approved the conditional use permit. Nicholas Hiza was present to represent Orion. Arthaud questioned where they have other projects. Kasian asked about aviation regulations and safety measures taken. The tower will be painted for safety and the company will notify local crop dusters. This tower will only be used for data collection. Another application would need to be submitted if they would like to place a wind farm in the future. Kessel moved to uphold the zoning board decision. Kasian seconded. All voted aye.

Orion Wind Resources LLC: Conditional use permit to construct a meteorological tower in the S1/2 29-143-98. Tower will be used to monitor & collect wind data. Property is zoned agricultural and owned by Curtis & Louie Pavlicek. Discussion ensued regarding the site of the tower. The zoning board approved the conditional use permit. Kessel moved to uphold the zoning board decision. Kasian seconded. All voted aye.

Richard Brown and Joe Marques from Morgan Chase Management approached the board with a request to build a new County Weed Board shop on county land in Fryburg in exchange for the old Weed Board building and the 3 acre property that it is now located. Discussion ensued regarding the type of building and they stated it would be a 40'X100' Legacy building on concrete slab. The new building would be located by the Fire Hall and County Shop. The board stated that they would like them to discuss this proposal with Weed Control Officer Les Simnioniw and come back to the next meeting.

Morgan Chase Management: Application to construct a four-story, 2 unit extended stay hotel and a 60' x 100' wastewater processing structure. Block 2 & lots 1-6, Block 3, Original Fryburg (3749 Main St, Fryburg). Property is zoned commercial and currently owned by Energy Resource Group, LLC. This application was denied by the Billings County Zoning Board based on concerns of the size and scope of the project in an unincorporated community, the lack of Fryburg infrastructure and support services such as fire and police protection, security concerns as well as the feasibility of the project. A petition signed by 18 residents of Fryburg requesting that this project be denied was reviewed by the board. Joe Marques and Richard Brown were present to discuss their application and informed the board about their reasons for choosing Billings County for this project. They stated that the oil companies they had met with have told them they still need housing and they feel the need is going to rise. Discussion ensued regarding safety and noise concerns as well as the ownership of the property. Kessel asked the residents in attendance what they would like to see happen with the building. Numerous individuals were present and the comments varied. The board stated that they would like to see something happen with the building; however a project of this size as well as the safety and security issues does not seem to be a good fit. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Road Superintendent Jeff Iverson was present to update the board on various projects in the county. Discussion then turned to dust control in the county.

A number of Billings County residents were present to discuss load restrictions on 10th Street and 123rd Ave. Road Superintendent Jeff Iverson and Sheriff Dave Jurgens were present to discuss the issues on those roads. Commission decided a Class 1 restriction of 80,000lbs gross weight would be enforced for 10th Street and no restrictions on 123rd Ave. The board reviewed an overload fine for Terrald Bang. After discussion, Kessel moved to lower the fine to \$1,000.00. Kasian seconded. All voted aye.

Lance Yohe from Missouri River Stakeholders presented information about what the group represents and invited the commissioners to attend various conferences in the future.

Dennis Guenther from SM Energy presented an affidavit of temporary section line closure/usage in NW1/4 Section 34-141-101. The board determined that SM Energy would need to fill out an application for construction in the county right-of-way. After the application was appropriately filled out, Kessel moved to approve the temporary section line closure/usage and the right-of-way construction application. Kasian seconded. All voted aye.

Gordon Gerbig arrived as a representative of the Medora Grazing Association and presented a letter on their behalf urging the speed limit to 35mph on open-range county roads, a 45mph on fenced county roads and to request additional livestock warning signs.

Justin Hyndman, Andrew Krebs and Kayla Torgerson from KLJ were present for the monthly engineers report and discussion regarding the different alternatives for the Little Missouri River Crossing.

Jeremy Wood was present to discuss a potential road project by the Medora substation.

The board recessed from 12:45 to 1:20 P.M.

Auditor Lamb informed the board that after discussion with States Attorney Brovold, lowering the fine for Terrald Bang was not within the board's authority. The fine must be contested at the time received as it then becomes a court issue. Kessel moved to rescind the earlier motion to lower the fine. Kasian seconded. All voted aye.

Rita Ennen was present from the Dickinson Public Library to discuss the budget and the contract for the 2014-15 school year. Kasian moved to accept the contract. Kessel seconded. All voted aye.

Kurt Froehlich from the Extension service was in attendance to present the 2015 budget request.

Deb Theurer was present from Prairie West Development to discuss the 2015 budget request.

The board received and approved the following permits with road superintendent conditions:

Construction in County Right-of-Way Permits

- Roughrider Electric – Sections 1 & 2-141-100 crossing 133rd Ave

- Badlands Cellular d/b/a Verizon Wireless – Section 28-142-98 along 123rd Ave
- Whiting Oil & Gas – Section 11-141-102 along NFSR 726
- Whiting Oil & Gas – Section 29-142-102 along NFSR 729

The board reviewed the 2015 preliminary budget. Kessel moved to approve the 2015 preliminary budget. Kasian seconded. All voted aye. The final 2015 budget hearing will be held at the October 7, 2014 regular meeting.

The following claims were approved for payment:

PAYEE	EXPLANATION	CHECK #	AMOUNT	DEPT
Blue Cross Blue Shield of N.D.	Dental & Vision Premiums	008090	\$ 2,606.70	1, 2, 3, W, G
N.D. P.E.R.S.	Health & Life Insurance Premiums	008091	\$ 40,000.54	1, 2, 3, W, G
3D Specialties	Signage Program – Spades	008092	\$ 697.50	2
Advanced Business Methods, Inc.	Recorder – Copier Contracts	008093	\$ 35.84	
Alliance Ag South Heart	Weed – Chemicals	008094	\$ 300.00	
Alternative Sanitation	Waste Removal	008095	\$ 220.00	1, 2, 3, W
American Engineering Testing, Inc.	Richard Pit – Gravel Testing	008096	\$ 9,325.05	1, 2
American Insurance Center	Courthouse – Boiler Insurance	008097	\$ 994.00	
American Welding & Gas	Shop Supplies	008098	\$ 60.23	2
AmeriPride Linen Service	Mat Rental	008099	\$ 212.97	2, 3
Anchor Drilling Fluids USA, Inc.	Dust Control	008100	\$ 24,487.00	2, 3
A T & T Mobility	Cellular Service	008101	\$ 71.82	1
Attic Sportsman's Loft	Sheriff – Ammunition	008102	\$ 659.00	
Belfield Automotive Supply, Inc.	Parts & Supplies	008103	\$ 741.78	2, 3, W, G
Belfield Plumbing & Heating	Courthouse – Parts & Repairs	008104	\$ 4,234.43	
Billings County Rural Fire District	Taxes	008105	\$ 58.01	
Billings County Pioneer	Publishing	008106	\$ 746.64	
Billings County Sheriff	Sheriff – Training Expenses	008107	\$ 316.68	
Boespflug Trailers & Feed	Sheriff – 2015 Haulmark Trailer	008108	\$ 5,250.00	
Boespflug Trailers & Feed	Courthouse – Supplies	008109	\$ 70.00	
Boundtree Medical, LLC	Ambulance – Medical Supplies	008110	\$ 2,659.32	
Brooks & Associates, C. E.	Land Use Plan – Roadless	008111	\$ 1,636.35	
Butler Machinery Co.	Parts & Supplies	008112	\$ 192.02	1
Butler, Keith & Karen	Plumley Draw – Right-of-Way	008113	\$ 1,453.63	3
Cassidy MD, Dr. Michael	Ambulance – Medical Direction	008114	\$ 3,000.00	
CDW Government	Sheriff – Thermal Paper	008115	\$ 188.02	
Cerkoney, Cathy	Zoning Meeting – Mileage	008116	\$ 84.20	
Comfort Inn – Bismarck	Tax Director – Conference Travel	008117	\$ 592.00	
Creative Energy	Gas & Diesel Fuel	008118	\$ 37,496.23	1, 2, 3, W
Crop Production Services	Weed – Chemicals	008119	\$ 1,420.00	
Dakota Dirt Works	Contractor Services	008120	\$ 2,337.50	1, 2
Dakota Filter Supply	Parts & Supplies	008121	\$ 433.51	1, 3
Dakota Tool & Machine, Inc.	Parts & Repairs	008122	\$ 140.00	3
Dan's Interstate Conoco	Sheriff & Ambulance – Gas	008123	\$ 234.03	
Deans Distributing	Shop Supplies	008124	\$ 288.40	3
Denny's Electric	Generator Repairs	008125	\$ 145.00	2
Dickinson Chamber of Commerce	SW Night @ the Legislature	008126	\$ 500.00	
Dickinson Public Library	Library Services	008127	\$ 3,068.18	
Dickinson Tire, Inc.	Ambulance – Tire	008128	\$ 347.55	
DJ's Tesoro	Ambulance & Sheriff – Gas	008129	\$ 130.60	
Emergency Medical Products	Ambulance – Medical Supplies	008130	\$ 127.45	
Fastenal Company	Shop Supplies	008131	\$ 572.53	2, 3
George's Tire, LTD	Tires & Repair	008132	\$ 1,551.00	1, 3
Golden Valley County	Social Services	008133	\$ 22,126.43	
Helena Chemical Company	Weed – Chemicals	008134	\$ 232.50	
Hewlett Packard Company	Tax Director – Computer Monitor	008135	\$ 216.00	
Hlebechuk Construction	Gas Plant Road	008136	\$ 62,682.48	1
Hlebechuk Construction	Blade Roads	008137	\$ 33,137.60	1, 2
Hlebechuk Construction	131 st Avenue SW	008138	\$ 105,090.89	2
Jeff's Towing	Sheriff – Oil-x & Service	008139	\$ 88.53	
Jurgens, Dave	Sheriff – NDPOA Conference	008140	\$ 518.14	
Kadmas, Lee, & Jackson, Inc.	Engineering	008141	\$ 38,751.51	1, 2, 3
Kasian, Connie	Zoning Meeting - Mileage	008142	\$ 78.60	
Kasian, Michael E.	Commissioner – Mileage	008143	\$ 196.00	2
Kastrow, Jason	Sheriff – NDPOA Conference	008144	\$ 73.50	
Kessel, Anita F.	Zoning Meeting – Mileage	008145	\$ 89.80	
Kessel, Joseph L.	Zoning & Commissioner - Mileage	008146	\$ 242.12	1, G
Kohler Communications	Gorham Tower – Rent	008147	\$ 200.00	
Krush, Paul	Zoning Meeting – Mileage	008148	\$ 92.04	
Lindbo Welding Service	Weed – Trailer Repairs	008149	\$ 165.00	
Lyle Signs, Inc.	Road Signs	008150	\$ 1,429.73	2
Martin Construction	38 th Street SW – Construction	008151	\$ 333,392.66	3
Matthew Bender & Co., Inc.	Court Rules – Updates	008152	\$ 37.08	
Menards – Dickinson	Courthouse – Maintenance Supplies	008153	\$ 127.20	
Mid-American Research Chemical	Courthouse – Maintenance Supplies	008154	\$ 214.80	
Midstate Telephone Company	Courthouse – Telephone Service	008155	\$ 954.44	
Mobile Binders	Recorder – Binders	008156	\$ 557.78	
Moser, Fern	Sheriff – NDPOA Conference	008157	\$ 504.70	
N.D. Association of Counties	Taxes	008158	\$ 85.36	
N.D. Assoc. Oil & Gas Counties	Membership Dues	008159	\$ 4,000.00	
N.D. Cowboy Hall of Fame	Meeting Room – Maintenance	008160	\$ 200.00	
N.D. Department of Transportation	Sheriff – Title 2015 Haulmark Trailer	008161	\$ 5.00	
N.D. P.E.R.S.	Golden Valley – Health Insurance	008162	\$ 3,957.02	
N.D. State Treasurer	Clerk of Court Fees	008163	\$ 48.70	
NDACO Resources Group, Inc.	Tax Director – Tech Mgmt. Contract	008164	\$ 1,770.56	
NDACO Resources Group, Inc.	Tax Director – Shipping Monitor	008165	\$ 47.83	

N.D. Assoc. County Superintendents	Membership Dues	008166	\$	50.00	
Nelson International	Parts & Repairs	008167	\$	3,069.17	1
Newby's Ace Hardware	Parts & Supplies	008168	\$	88.53	3, G
Niteowl Repair, LLC	Sheriff – Firearm Cleaning	008169	\$	135.00	
North Central Ambulance Sales	Ambulance – Repairs	008170	\$	3,917.89	
Northern Plains Engineering, LLC	Engineering	008171	\$	22,125.00	1, 2, 3
Northwest Tire, Inc.	Weed – Tires & Repair	008172	\$	302.68	
Off Road Software, Inc.	Tax Director – Software Support	008173	\$	695.00	
Pemberton, Juliana	Deputy Tax Director – Travel Expense	008174	\$	80.50	
Pitney Bowes Global	Courthouse – Postage Contract	008175	\$	378.27	
Prairie Auto Parts, Inc.	Ambulance – Supplies	008176	\$	10.36	
Professional Printing	Sheriff – Printing Services	008177	\$	295.00	
Putnam, Karen	Zoning Meeting – Mileage	008178	\$	46.12	
RDO Equipment Co.	Parts & Repairs	008179	\$	3,641.06	2, 3
Respond Systems	Replenish 1 st Aid Kits	008180	\$	246.28	3, G
Rudy's Lock & Key	Shop Supplies	008181	\$	157.00	1, 3
Rummel, Patrick	Sheriff – NDPOA Conference	008182	\$	525.98	
Runnings Farm & Fleet, Inc.	Parts & Supplies	008183	\$	214.99	1, 3
Sax Motor Co.	Ambulance – Oil-x & Service	008184	\$	44.47	
Share Corporation	Courthouse – Maintenance Supplies	008185	\$	258.24	
Snyder Repair & Service	Weed – Tires & Repairs	008186	\$	464.22	
Southwest Business Machines	Office Supplies	008187	\$	504.50	3, G
Southwest Multi-Co. Correction Ctr.	2013 Fiscal Year Loss	008188	\$	3,567.75	
Southwest Multi-Co. Correction Ctr.	Sheriff – Prisoner Care	008189	\$	1,583.33	
Southwest Water Authority	Water Usage	008190	\$	1,231.82	1, 2, 3, W
Southwest Water Authority	Taxes	008191	\$	13.39	
Southwestern District Health Unit	Taxes	008192	\$	43.64	
St. Joseph's Hospital	Sheriff – Blood Alcohols	008193	\$	114.30	
Stein's, Inc.	Courthouse – Maintenance Supplies	008194	\$	142.90	
Swanson, Stacey	Tax Director – Travel Expense	008195	\$	80.50	
Tczap, John	Zoning Meeting – Mileage	008196	\$	45.00	
Tom's Service Center	Sheriff – Gas	008197	\$	64.00	
Total Safety US, Inc.	Safety Supplies	008198	\$	217.32	1, 3, W
Tyler Technologies, Inc.	Auditor – Tax Wise Contract	008199	\$	5,755.56	
Ultramax	Sheriff – Ammunition	008200	\$	1,642.00	
U S Farm Innovations	Parts & Supplies	008201	\$	483.00	3
Verizon Wireless	Cellular Service	008202	\$	1,283.86	2, 3, G
Wal-Mart	Courthouse & Sheriff – Supplies	008203	\$	160.46	
Wallwork Truck Center	Parts & Supplies	008204	\$	154.02	3
Warne Chemical & Equipment Co.	Weed – Electric Starter	008205	\$	312.11	
West Dakota Oil, Inc.	Gas & Diesel Fuel	008206	\$	42,875.06	1, 2, 3 G
Westlie Truck Center	Parts & Repairs	008207	\$	1,592.28	2, 3
Wolf MD, Dennis E.	Sheriff – Autopsies	008208	\$	750.00	
Wosepka P.C., James J.	2013 Fiscal Year Audit – Fees	008209	\$	1,600.00	
Zoll Medical Corporation	Ambulance – Medical Supplies	008210	\$	285.00	
N.D. P.E.R.S	Retirement	008214	\$	29,098.67	1, 2, 3, W, G
Century Link	Telephone Services	008218	\$	516.41	1, 2, 3, W, G
Consolidated	Internet Service	008219	\$	234.19	2, 3, W
Discovery Benefits, Inc.	Administrative Fees	008220	\$	83.00	
Medora, City of...	Courthouse – Utilities	008221	\$	365.47	
Reservation Telephone Cooperative	Telephone Service	008222	\$	43.75	2, 3, G
Roughrider Electric Cooperative, Inc.	Electricity	008223	\$	3,229.36	1, 2, 3, W, G
Sanford AirMed	Medical Air Flight Contract	008224	\$	4,327.00	
Visa	Ambulance – Training Expense, etc.	008225	\$	4,587.79	3, W, G
Visa	Ambulance & Sheriff – Gas, etc.	008226	\$	<u>1,223.38</u>	

The board approved the revenue vouchers for the month of August: Recorder \$9,980.25; Zoning \$1,825.00; Court \$123.00; Sheriff \$35.00.

Revenues for materials and/or services rendered in August: Southwest Water Authority \$329.00 topsoil & trucking; Albert Kessel \$1,890.00 gravel; Cody Reis \$259.25 scoria & trucking; U.S. Forest Service \$867.00 blading; Tim O'Brien \$551.25 scoria; James Adams \$144.50 blading; Cody Buehner \$216.75 blading; Devon Kessel \$235.40 gravel & trucking; Myron Polensky \$1,521.85 fill sand & blading & trucking; Al Schaeffer \$144.50 blading.

Revenues for the month of August: Highway Tax Distribution \$13,427.53; Oil & Gas Production Tax \$285,139.78; Interest \$5,691.82; Sheriff \$12,960.00 permits \$24,260.00 overload fees; Royalties \$71,013.83; Fireworks Permits \$4.00.

Payroll in the following amounts were approved for August: General Fund \$137,013.93; Road and Bridge Fund \$98,203.99; Weed Fund \$43,027.80.

With there being no further business, Kasian moved to adjourn the meeting at 3:45P.M. Kessel seconded. All voted aye.

James Arthaud, Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer