

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING – MAY 3, 2016**

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

Others present during portions of the meeting were: Anita Adams, Allan Richard, Margie Lindbo, Kevin Uttech, Pat Hedstrup, Lili Stewart, Steven Klym, Andrew Haffner, Karen O'Brien, Beau O'Brien, John Tczap, Kevin Hachfeld, Tracy Schmidt, Josh Waclawik, Rob Knight, Jodi Wilson, Jacob Baumler, Rob Sand, Ashley Ross, Corie Greth, Tina Thornton, Macario Herrera, Shannon Boehm, Jeff Iverson, Greg Kessel, Stacey Kessel, Carlos Garcia, Corinne Lee, Jan Swenson, Steven Klym, Tama Smith, Wally Owen, Tom Williams, Leona Hibl, Larry Heilmann, Jason Ehlert, Valerie Naylor, Jim Fugle, Scott Lange, Dan Hedrington, Linda Weiss, Lillian Crook, Ruth Malm, Ray Strickland, Tim Hendricks, Nathen Julansen, Brian Rosendahl, Wendy Ross, Amy McCann, Laura Thomas, Pat Rummel, Rick Kramlich, Silas Harris, Shannon Hanson, Jennifer Hiser, David Shepherd, Jeff Haapapuro, Mike Cavanaugh, Andrew Krebs, Rhonda King

Kessel moved to approve the minutes from the April 5, 2016 regular meeting. Kasian seconded. All voted aye.

Auditor Lamb presented the annual Clerk of Court funding agreement with the State Supreme Court. Kessel moved to approve the reimbursement agreement. Kasian seconded. All voted aye.

Shannon Boehm & Tina Thornton from the Forest Service were present to discuss the Myers pit and a permitting system that was put in place after the original approval to respond to issues regarding federally owned minerals on private surface ownership. When application was made by Billings County, Game and Fish was not notified and when they reintroduced the approved application through the permitting process, it was discovered that the private surface area is in a Bighorn Sheep lambing area. They introduced Mac Herrera who is the acting grasslands supervisor. They had reviewed the proposal and looked for ways to mitigate, however they decided they would need to revoke the permit. In the future, all applications will go through the newly addressed permitting process.

Sheriff Pat Rummel was present to discuss the Multi Hazard Mitigation plan which will expire in 2018. In the past, Billings County was the fiscal agent, but now Dunn County will be the lead on the plan. Kessel moved to approve entering into the plan with Dunn and Stark County. Kasian seconded. All voted Aye. Sheriff Rummel also shared with the board that the week of May 19th will be EMS week and they will be holding another Community Health Fair and Blood Drive on the 19th of May.

Road Superintendent Jeff Iverson presented his monthly report.

The board reviewed zoning requests that had been addressed by the zoning board at their April 21, 2016 meeting as follows:

Meridian Energy Group, Inc: Application to rezone 717.06 acres in sections 1, 2, and 12 139-100 to Industrial. Current Zoning varies from Agricultural and Residential. Conditional Use Permit requested for the Davis Refinery, an approximately 55,000 barrel per day petroleum refinery. The proposed refinery and associated structures will be constructed in two phases, with the initial design capacity of 27,500 bpd capacity. Description of parcels included in the request:

1. 1 acre residence in the NE1/4 1-139-100 (3634 132nd ½ Ave SW), Residential zoning. Property is currently owned by Bonnie L. Heiser;
2. 61.30 acres in the NE1/4 1-139-100 (3636 132nd ½ Ave SW), Agricultural zoning. Property is currently owned by Bonnie L. Heiser;
3. 24.4 acre parcel in the NW1/4 1-139-100, Ag w/ 1 acre Residential spot zoning. Donald Heiser;
4. 176.2 acre parcel in the W1/2 1-139-100 (13261 37th St SW), Ag w/ 10 acres Residential spot zoning. Property is currently owned by Greg & Stacey Kessel;
5. SE1/4 S OF BNRR LESS RR ARW 2-139-100, 104.36 acres, Agricultural zoning. Property is currently owned by Greg Kessel;
6. N1/2SE1/4 N OF BNRR LESS RR ARW 2-139-100, 29.8 acres, Agricultural zoning. Property is currently owned by Greg Kessel;
7. N1/2 12-139-100, 320 acres, Agricultural zoning. Property is currently owned by Greg Kessel.

Tax & Zoning Director Swanson presented the applications and discussed her staff report. Chairman Arthaud made a statement that he would like to see the application tabled until the findings from the staff report are addressed. Some of the issues as related to the ordinance are 5.5B section lines do not comply with setbacks. 6.1.5.1 amount and suitability of the water. 6.1.5.1 sewer service, county will need to see engineered design. 6.1.15.1 – management plan needs to be more defined. Meridian has met with emergency services but the county will need to see a plan in place on paper. Storm Water – county will need to see engineered design. 6.15.2 county would like to see the screen design. Chairman Arthaud also stated that he would like to see two phases of bonding, one during construction and the other for after construction. They will also need to address the road right-of-ways within the project. Dan Hedrington, engineer from SEH was present and stated that he

understands the issues that they will need to address. They will work with Tax & Zoning Director Swanson and Road Superintendent Jeff Iverson. They requested to be placed on the agenda for the June 7, 2016 meeting. Kasian moved to table the application until the June 7 meeting. Kessel seconded. All voted aye.

Chairman Arthaud left the meeting at 10:30am.

Steven Klym: Application for a minor subdivision in the N1/2NE1/4 22-140-100 (3309 134th Ave SW). Tract will be approximately 2 acres. Request to rezone the proposed tract from agricultural to residential. A Variance has also been requested for the size of the lot. Property is currently owned by Steven Klym & Jonathan Klym. Current home is between the new parcel and the road. The two acre site would be large enough to place sewer and water. Kessel moved to uphold the zoning board decision on the application and the variance. Kasian seconded. All voted aye.

The board recessed until 11am and moved downstairs to the regular commission meeting room

At the 11AM appointed time, the meeting was reconvened and States Attorney Brovold was present to open the bids received for two projects. Project COIB 0427(052) 123rd Avenue & 26th Street - Thirteen bids were received as follows: Dennis Drewes, Inc. \$376,028.66; Diamond H Service, LLC \$293,945.10; Edward H Schwartz Construction, Inc \$413,260.76; Hanson's Excavating, Inc \$516,634.25; Hlebechuk Construction, Inc. \$330,599.25; Jensen Brothers Contractors \$431,625.00; LF Grading LLC \$330,792.49; Martin Construction, Inc. \$346,746.00; Park Construction Company \$485,435.29; Shep's Welding & Construction \$373,412.93; Veit & Company Inc. \$595,930.35; Wilson Construction, Inc \$352,086.76; BKW \$1,188,010.00. Project COIB 0434(057) 38th Street – Thirteen bids were received as follows: Central Specialties Incorporated \$1,011,106.41; Dennis Drewes, Inc. \$625,552.26; Diamond H Service, LLC \$470,364.55; Edward H Schwartz Construction, Inc \$643,406.27; Foothills Contracting, Inc \$529,031.82; Hlebechuk Construction, Inc \$491,964.55; Jensen Brothers Contractors \$672,683.85; Koehl Excavating LLC \$639,428.95; Martin Construction, Inc \$722,600.00; Rachel Contracting \$818,456.78; Wanzek Construction, Inc \$683,532.40; Wilson Construction, Inc. \$580,643.86; Veit & Company, Inc \$894,669.45. Kasian moved to award the bids based the lowest bid and engineer's recommendation after their review of the mathematics and the references. Kessel seconded. All voted aye.

Andrew Krebs from KLJ presented the monthly engineer report.

Discussion ensued regarding 10th Street and Kessel stated that he would like to add it to the current project list and pave the road from Highway 85. No decision was made.

Ashley Ross from KLJ was present to update the board regarding the Little Missouri River Crossing. The draft EIS is scheduled to be finished by this summer.

The following claims were approved for payment:

PAYEE	CHECK #	AMOUNT
Blue Cross Blue Shield of N.D.	011142	\$ 3,015.90
N.D. P.E.R.S.	011143	\$ 49,152.14
AGMC Farms, LLC	011144	\$ 17,251.20
Alternative Sanitation	011145	\$ 220.00
AmeriPride Linen Service	011146	\$ 394.11
Anchor Drilling Fluids USA, Inc.	011147	\$ 31,920.00
Aspen Mills	011148	\$ 127.42
A T & T Mobility	011149	\$ 77.12
BEK Communications	011150	\$ 737.30
Belfield Automotive Supply, Inc.	011151	\$ 2,623.04
Best Energy	011152	\$ 1,365.00
Billings County Rural Fire District	011153	\$ 14,980.60
Billings County Auditor	011154	\$ 273.54
Billings County Historical Society	011155	\$ 861.43
Billings County Pioneer	011156	\$ 1,233.48
Billings County School District	011157	\$ 107,996.14
Bound Tree Medical, LLC	011158	\$ 1,568.79
Brooks & Associates, C. E.	011159	\$ 6,628.13
Buffalo Gap, Inc.	011160	\$ 539.50
Butler Machinery Co.	011161	\$ 1,024.79
Carquest Auto Parts	011162	\$ 33.66
Cerkoney, Cathy	011163	\$ 87.80
Certified Power, Inc.	011164	\$ 150.93
Chad's Automotive Clinic	011165	\$ 402.03
Challenger Industries, Inc.	011166	\$ 59.30
Charbonneau Car Center	011167	\$ 1,316.07
Chesak Seed House	011168	\$ 954.00
Choice Financial	011169	\$ 38.00
Comfort Suites – Bismarck	011170	\$ 80.00
Creative Energy	011171	\$ 45.50
Dakota Farm Equipment, Inc.	011172	\$ 607.07
Dakota Filter Supply	011173	\$ 225.55
Deans Distributing	011174	\$ 2,682.00
Denny's Electric	011175	\$ 1,799.29
Diamond Truck Equipment	011176	\$ 237.56
Dickinson Public Library	011177	\$ 4,922.13
Dickinson Tire, Inc.	011178	\$ 546.86

Dryland Enterprises	011179	\$	21,332.50
Dunn County Auditor	011180	\$	82.38
Election Systems & Software	011181	\$	526.79
Electronic Communications	011182	\$	189.00
ESRI	011183	\$	2,200.00
Erikson Trucking, Greg	011184	\$	25,437.50
Ferguson Enterprises, Inc.	011185	\$	155.28
Four Corners Café	011186	\$	1,043.80
Gall's, Inc.	011187	\$	3,640.01
General Steel & Supply Co.	011188	\$	100.00
George's Tire, Ltd.	011189	\$	922.00
Hammerstrom, Juliana	011190	\$	65.58
Hecker, Arvid C. & Mary E.	011191	\$	14,108.40
Heiser Electric, Don	011192	\$	281.36
Helena Chemical Company	011193	\$	10,654.00
Hidden Springs Java	011194	\$	34.00
Hlebechuk Construction	011195	\$	60,967.40
J and J Operating, LLC	011196	\$	4,780.88
James Oil Well Service, Inc.	011197	\$	1,819.60
J P Frame Shop	011198	\$	21.30
Kadrmass, Lee, & Jackson, Inc.	011199	\$	92,400.36
Kasian, Connie	011200	\$	82.40
Kasian, Michael E.	011201	\$	106.92
Kastrow, Jason S.	011202	\$	80.50
Kathrein Trucking	011203	\$	10,350.00
Kessel, Anita F.	011204	\$	93.20
Kessel, Joseph L.	011205	\$	202.28
Kuntz, Paul & Donna	011206	\$	6,796.00
Lyle Signs	011207	\$	1,209.50
Mac's, Inc.	011208	\$	14.34
Malkowski Trucking	011209	\$	34,375.00
Matthew Bender & Co., Inc.	011210	\$	236.61
MBI Energy Rentals, Inc.	011211	\$	270.00
Medora, City of...	011212	\$	3,574.98
Menards – Dickinson	011213	\$	197.47
Mid-American Research Chemical	011214	\$	233.86
N.D. Association of Counties	011215	\$	191.88
N.D. Association of Counties	011216	\$	59.45
N.D. County Recorders Association	011217	\$	100.00
N.D. Cowboy Hall of Fame	011218	\$	400.00
N.D. P.E.R.S.	011219	\$	4,797.12
N.D. State Treasurer	011220	\$	2,235.97
N.D. Surplus Property	011221	\$	4,080.00
NDACO Resources Group, Inc.	011222	\$	1,840.19
N.D. L.T.A.P. – U.G.P.T.I.	011223	\$	150.00
Nelson International	011224	\$	2,629.41
Newby's Ace Hardware	011225	\$	59.33
North Dakota One Call	011226	\$	10.00
Northern Plains Engineering, LLC	011227	\$	457.50
Off Road Software, Inc.	011228	\$	695.00
Oldel Trucking	011229	\$	11,931.25
Pitney Bowes Reserve Account	011230	\$	2,400.00
Porter Motors, Dan	011231	\$	138.27
Postmaster	011232	\$	47.00
Projects Pros, LLC	011233	\$	1,480.00
Pump Systems, Inc.	011234	\$	2,315.96
Radisson Hotel – Bismarck	011235	\$	80.10
Ramada Hotel of Bismarck	011236	\$	180.00
Ramkota Hotel – Bismarck	011237	\$	1,468.20
Ray's Auto Electric	011238	\$	219.15
RDO Trust 80-5800	011239	\$	1,010.15
Redmond, Perry & Alicia	011240	\$	1,500.00
Rockmount Research & Alloys	011241	\$	612.02
Rudy's Lock & Key	011242	\$	530.00
Rummel Auto Wrecking	011243	\$	34.00
Runnings Supply, Inc.	011244	\$	708.00
Sax Motor Co.	011245	\$	447.26
Seachange Print Innovations	011246	\$	184.02
Service Printers	011247	\$	912.88
Silver Spurs, LLC	011248	\$	7,245.00
Southwest Business Machines	011249	\$	1,219.07
Southwest Multi-Co. Correction Ctr.	011250	\$	2,820.00
Southwest Water Authority	011251	\$	1,247.24
Southwest Water Authority	011252	\$	3,056.16
Southwestern District Health Unit	011253	\$	10,273.72
St. Alexius Medical Center	011254	\$	531.38
Swanson, Stacey	011255	\$	35.00
Tab Electronics	011256	\$	1,450.00
Tczap, John	011257	\$	295.96
Teigen, Jasmin	011258	\$	242.80
Thompson, Philip M.	011259	\$	238.70
Thos. T. Pickett & Co., Inc.	011260	\$	15,000.00
Thyssen Krupp Elevator	011261	\$	480.00
Tom's Service Center	011262	\$	638.70
Total Safety U.S., Inc.	011263	\$	59.95
Tractor & Equipment Co.	011264	\$	576.46
U P S Store	011265	\$	10.35
Underground Vaults, Inc.	011266	\$	212.00
Uniform Center	011267	\$	170.91
Verizon Wireless	011268	\$	1,962.73

Viking Glass	011269	\$	168.00
Volesky, Evelyn	011270	\$	6,152.40
Wal-Mart	011271	\$	313.83
Warne Chemical & Equipment Co.	011272	\$	474.85
West Dakota Oil, Inc.	011273	\$	3,212.04
West Plains, Inc.	011274	\$	115.00
Western States Sheriff Association	011275	\$	100.00
Westlie Truck Center	011276	\$	12,981.49
N.D. P.E.R.S.	011280	\$	33,906.42
Century Link	011284	\$	530.70
Consolidated	011285	\$	61.14
Discovery Benefits, Inc.	011286	\$	84.00
Information Technology Dept.	011287	\$	657.90
Medora, City of...	011288	\$	310.23
Midstate Telephone Company	011289	\$	1,029.73
Reservation Telephone Cooperative	011290	\$	40.00
Roughrider Electric Cooperative	011291	\$	2,511.04
Verizon Wireless	011292	\$	30.06
Visa	011293	\$	4,298.44
Visa	011294	\$	<u>1,120.02</u>

The board reconvened after lunch to discuss the additional zoning board decisions from the April 21, 2016 meeting:

Jeff & Rhonda King: Application for a Conditional Use Permit for Tract 3, Merrifield Creek Ranch Estates subdivision 27-139-100 (14625 Plumley Draw Rd). Requested is a change of use from a single family residence to a residence with lodging or a bed and breakfast inn. A Variance has also been requested to allow one rv as a seasonal lodging facility, subject to permitting by the health departments. Property is zoned agricultural. Rhonda was present to answer questions from the board. The ND Health Department inspected the property and stated that the license would be approved after commission approval. Kessel moved to approve the application and variance. Kasian seconded. All voted aye.

Scott & Angella Cymbaluk: Application for a minor subdivision in the SE1/4NE1/4 36-141-99 (2993 126th Ave SW). Tract is approximately 11 acres. Property is zoned agricultural and currently owned by Ronald Rodakowski, etal. Swanson presented an air photo. There will be no change in use, it is simply to allow access to water. It is more than five acres so it may remain agricultural. Scott was present to answer questions. The zoning board approved the application. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Auditor Lamb and Deputy Auditor Connie Hartman presented a request from an employee regarding their comp time. Kessel moved to approve the individuals comp time to be rolled over instead of paid out until they have a surgery in October where they will need to use the time accrued. The board stated that this is not a change in policy and future requests would need to be reviewed on a case by case basis. Kasian seconded. All voted aye.

Tax & Zoning Director Stacey Swanson presented an approach permit which was approved with conditions set by Road Superintendent Iverson:

- Baranko Brothers Inc. – Section 32-142-98 along 23rd Street SW

The board approved the revenue vouchers for the month of April: Recorder \$3,011.00; Zoning \$3,290.49; Court \$45.00; Sheriff \$36.00.

Revenues for materials and/or services rendered in April: EMS Services \$658.58

Revenues for the month of April: Sheriff \$368.80 overload fees; Sheriff \$11,254.72 permits; Highway Tax Distribution \$13,818.35; Oil & Gas Production Tax \$169,632.53; Interest \$3,179.32; Royalties \$14,211.82; Unorganized Oil & Gas Production Tax \$27,759.70; State Oil Impact \$267,005.29; Special Event Permit \$25.00; 12% State Paid Credit \$200,610.82; NDIRF Confrimment \$459.00; State PILT \$5,058.35; Maps \$10.75; Township Distribution \$18,076.21; State Aid Distribution \$67,608.94

Payroll in the following amounts were approved for April: General Fund \$138,750.04; Road and Bridge Fund \$117,112.32; Weed Fund \$5,373.23.

With there being no further business, Kasian moved to adjourn the meeting 3:00P.M. Kessel seconded. All voted aye.

James Arthaud, Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer

