

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING –AUGUST 7 2012**

The meeting was called to order at 9:00 A.M. with Commissioners Arthaud, Kasian and Thompson in attendance.

Others present during portions of the meeting were: Dave Jurgens, Jay Brovold, Craig Kubas, David Polanchuk, Joyce Thompson Sherry Adams, Donna Adams, Les Simnioniw, Jackson Kysar, Connie Kassian, Kent Blickensderfer, Stacey Swanson, Jay Brovold, Kayla Torgerson

Kasian moved to approve the minutes from the July 3, 2012 regular meeting and the July 9, 2012 special meeting. Thompson seconded. All voted aye.

David Polanchuk met with the board to discuss parking 4 to 6 trailers on his property North of Fryburg for the contractors that are building a road in the park. They would be there until the end of October. David indicated that he talked to Darrell Snyder who owns the adjacent property and he has no problem with the trailers being there temporarily. Because of the short time frame, David did not approach the zoning board. Commissioner Arthaud indicated that the contractors should follow the same protocol everyone else has to, and it should go through zoning first. Thompson moved to approve the request. Motion failed for lack of a second.

Joyce Thompson and Sherry Adams were on hand for the Southwest District health Unit budget hearing. They explained their 2013 budget proposal. Thompson moved to approve Billings County's share of the proposed budget to be taken to the SW District Health Meeting for final approval. Kasian seconded. All voted aye.

The board reviewed the following resolution. Arthaud moved to adopt and sign the resolution. Kasian seconded. All voted aye.

**RESOLUTION OF THE BILLINGS COUNTY
BOARD OF COMMISSIONERS**

1. WHEREAS, Billings County is the project sponsor planning to construct a road and bridge somewhere across the Little Missouri River to better accommodate traffic flow and transportation needs for citizens, tourists, commercial/industrial traffic, school bus routes, emergency personnel and County road maintenance. The proposed project is located within a study area between the southern border of the North Unit of Theodore Roosevelt National Park, the northern border of the South Unit of Theodore Roosevelt National Park, the eastern border of US Highway 85, and the western border of ND Highway 16. The Elkhorn Ranch Unit of Theodore Roosevelt National Park has been excluded from the project study area.
2. WHEREAS, Billings County is a political subdivision of the State of North Dakota. As such, Billings County has the authority to plan and construct roads and bridges pursuant to North Dakota Century Code 11-11-14. Billings County has the authority to use eminent domain for the purposes of property acquisition for road and bridge projects pursuant to North Dakota Century Code 11-11-14, Subdivision 20 and North Dakota Century Code 24-05-09.
3. WHEREAS, an Environmental Impact Statement (EIS) has been initiated for a proposed crossing of the Little Missouri River in conjunction with upgrading existing roadways and/or creating new roadways to connect east river and west river, from ND Highway 16 to US Highway 85, within the study area. Five build alternatives and three options within Billings and McKenzie Counties have been developed for the proposed project.
4. Field studies need to be completed on these build alternatives during the summer of 2012. Fieldwork will be completed this summer and a full analysis of potential environmental and social impacts will be conducted on the proposed alternatives. These impacts, purpose and need and a detailed description of the alternatives will be disclosed in the EIS. The Draft EIS is scheduled to be completed by January 2013.

NOW THEREFORE, BE IT RESOLVED BY THE BILLINGS COUNTY BOARD OF COMMISSIONERS:

5. In order to determine whether the alternatives identified in the EIS process are reasonable and feasible for use as a roadway and/or bridge, Billings County hereby resolves that it is necessary for its contractors to gain access to the parcels depicted on the attached map in order to conduct the following: (1) noise analysis; (2) field wetland delineation; (3) surveys of botany, wildlife and threatened and endangered species; (4) a class III cultural resource inventory; (5) topographic and cadastral surveys; and (6) a hydraulic survey for the river channel. This access must be located in the manner which will be compatible with the greatest public benefit and the least private injury and subject to the provisions of

North Dakota Century Code Section 32-15-21. No compensation is provided merely for the right to enter, but any damage occurring as a result of the entry will be compensated, although no damage is expected.

6. Since Billings County has the power of eminent domain and is in charge of studying various properties to determine whether they are appropriate for use as a road and/or bridge, Billings County has the legal authority to enter onto these lands to conduct necessary studies and surveys pursuant to North Dakota Century Code 32-15-06.
7. The Billings County Board hereby resolves and orders its legal counsel to send correspondence via certified mail to landowners whose land must be accessed for these survey, sampling and study purposes. The letters should advise the landowners of the timeframe when the consultants intend to be on their property to conduct the necessary surveys.
8. A map with the route of the potential road alignments is attached hereto, which will depict which lands will be accessed.

ADOPTED by the County Board this 7th day of August, 2012.

Chairman _____

Les Simnioniw met with the board concerning the 2012 budget. Les indicated that there may be a possibility of keeping two sprayers on longer and the building renovation was more than anticipated. Kasian moved to approve the budgeted transfer of \$90,000 and an additional transfer of \$25,000 from operating and maintenance reserve to weed board, and to amend the weed board's 2012 budget to add an additional \$30,000. Thompson seconded. All voted aye.

The board received and approved the following permits:

Construction in County Right-of-Way Permits:

- Greg Kessel – 36-140-100 along Highway 10

Pipeline Permits:

- OneOK – Sections 14, 11, & 10 141-99

The board reviewed the following zoning items from the zoning board's July 12, 2012 meeting.

Doug and Katie Oe: Request to build a garage on a 7.47 acre tract in the SE1/4NE1/4 28-139-100. The zoning board approved the request. Thompson moved to uphold the zoning board recommendation. Kasian seconded. All voted aye.

Donald Stigen: Request for a conditional use permit to mine scoria and gravel in SE1/4 20-143-99. The zoning board approved the permit. Thompson moved to uphold the zoning board recommendations and waive the bond requirement. Kasian seconded. All voted aye.

Mark Kasian: Request to plant a shelterbelt and build a garage with breezeway on a 3 acre tract in the SW1/4SW1/4 35-141-98. The zoning board approved the request. Thompson moved to uphold the zoning board recommendation. Arthaud seconded. All voted aye.

Energy Resource Group: Request to extend their conditional use permit for the crew housing facility planned in Fryburg. The extension request is for an additional 12 months. They also requested the ability to put up a temporary sign 103' from the road to announce the facilities availability. The zoning board approved both requests. Thompson moved to deny the conditional use permit, but to approve allowing them 12 additional months to meet the original requirements, and to deny the request for a sign. Kasian seconded. All voted aye.

Jackson Kysar presented the board with an update on the convenience store project in Fairfield.

Kent Blickensderfer and Connie Kassian with CenturyLink met with the board concerning their application for a permit to lay fiber optic cable in the county right of way along 22-143-99 along 16th St. SW. Thompson moved to approve the permit. Kasian seconded. All voted aye.

Karen Putnam has agreed to an appointment to the zoning board. Thompson moved to appoint her to a 4 year term. Kasian seconded. All voted aye.

Stacey Swanson presented the board with the final plat for the Frank's Creek Subdivision.

At 11:10 the board went into executive session. The board came out of executive session at 11:25.

Craig Kubas and Kayla Torgerson with Kadrmas, Lee, & Jackson met with the board for the monthly engineer's report and discussion concerning the Little Missouri River Crossing. Commissioner Arthaud informed them that they had previously discussed the resolution and signed it.

The board recessed from 12 Noon to 1:00 P.M.

The board reviewed 2013 budget requests and a rough draft of the preliminary budget. The preliminary budget will be reviewed again at the September meeting with the final budget hearing set for October 2, 2012 at 1:30 P.M.

The board approved the revenue vouchers for the month of July: Recorder \$11,211.40; Zoning \$1,175.00; Court \$132.50; Sheriff \$244.00

Revenues for materials and/or services rendered in July: map sales \$16.13; ambulance services \$65.68; Albert Kessel \$2,286.90 scoria; Cody Cerkoney \$12.60 scoria; Geoff Obrigewitsch \$129.50 scoria; Pat Weir \$357.90 scoria; Joseph L. Kessel \$282.60 gravel; James Downing \$113.10 scoria; Thomas Grosulak \$83.00 cobra insurance; Vernon Polensky \$300.00 used bridge plank

Revenues for the month of July: Township Road Distribution \$19,662.37; Permits \$40,250.00; Ambulance Staffing Grant \$11,556.79; Highway Distribution \$14,678.96; Interest \$3,290.80; Oil \$ Gas Production Tax \$287,906.97; Royalties \$54,322.76; State Aid Distribution \$76,796.20; EMPG Grant \$3,780.17

The following claims were approved for payment:

Advanced Business Methods	Recorder & Auditor– Copier Contracts	003014	\$	1,434.33	
Alliance Ag South Heart Agronomy	Weed – Chemicals	003015	\$	8,767.73	
Alternative Sanitation	Garbage Removal	003016	\$	220.00	1, 2, 3, W
American Welding & Gas	Shop Supplies	003017	\$	73.52	1
Ameripride Linen Service	Mat Rental	003018	\$	108.24	2, 3
Aspen Mills	Ambulance – Uniforms	003019	\$	182.50	
A T & T Mobility	Cellular Service	003020	\$	71.55	1
Billings County Rural Fire District	Taxes	003021	\$	5,786.10	
Billings County Historical Society	Taxes	003022	\$	316.44	
Billings County Pioneer	Publishing	003023	\$	605.73	2, G
Billings County School District	Taxes	003024	\$	345.18	
Beach Veterinary Clinic	Stray Dog Impound	003025	\$	54.86	
Belfield Automotive Supply, Inc.	Parts & Supplies	003026	\$	1,591.51	1, 2, 3, W, G
Best Energy	Propane	003027	\$	212.00	3
Blue Cross Blue Shield of N.D.	Dental & Vision Premiums	003028	\$	2,224.00	1, 2, 3, W, G
Boots Bar & Grill	D.E.M. – Search & Rescue, etc.	003029	\$	1,110.75	
Boswell Welding Co., Inc.	Cattleguards	003030	\$	6,260.00	3
Bound Tree Medical, LLC	Ambulance – Medical Supplies	003031	\$	1,625.57	
Braun Distributing, Inc.	D.E.M. – Emergency Supplies	003032	\$	143.25	
Butler Machinery Co.	Parts & Supplies	003033	\$	246.66	2, 3
Cerkoney, Cathy	Zoning Meeting – Mileage	003034	\$	83.85	
Challenger Industries, Inc.	Parts & Supplies	003035	\$	70.00	3
Charbonneau Car Center	Weed – Parts & Supplies	003036	\$	173.87	
Creative Energy	Diesel Fuel & Gas	003037	\$	21,125.52	1, 2, W
Dacotah Paper Co.	Recorder – Copy Paper	003038	\$	286.91	
Dakota Farm Equipment, Inc.	Parts & Supplies	003039	\$	303.45	2, 3, W
Dakota Filter Supply	Parts & Supplies	003040	\$	414.28	3
Dakota Insurance	Property Insurance	003041	\$	1,855.00	3, G
Dakota Territory Search Dogs	S. O. – Search & Rescue	003042	\$	1,480.51	
Dakota Water Treatment	Water System Rental	003043	\$	25.00	1
Dan's Interstate Conoco	S. O. & Ambulance – Gas	003044	\$	1,231.68	
Deans Distributing	Shop Supplies	003045	\$	110.00	3
DF Lighting Company	Courthouse – Maintenance Supplies	003046	\$	576.62	
Dickinson Press	Subscription	003047	\$	155.00	
Dickinson Public Library	Library Services	003048	\$	2,771.48	
Dickinson Ready Mix Co.	Fencing	003049	\$	108.00	3
Elkhorn Cafe	S. O. – Search & Rescue, etc.	003050	\$	322.12	
Fleck's Furniture & Appliance	D.E.M. – Ice Machine	003051	\$	2,950.00	
George's Tire, Ltd.	Tires	003052	\$	2,714.00	1, 2
Golden Valley County	Social Services	003053	\$	9,774.53	
Golden Valley County	Fire & Tornado Insurance	003054	\$	37.72	
Heartland Engineering	Blacktail Road	003055	\$	1,467.76	2
Hedahls Auto Plus	Parts & Supplies	003056	\$	4.64	1
Heiser Electric, Don	Electrical Service	003057	\$	10,995.23	3, W
Heiser, Don	Zoning Meetings – Mileage	003058	\$	62.76	
Hlebechuk Construction	Blade Roads	003059	\$	3,444.00	2, 3
Hlebechuk Construction	Wannagan Creek Road	003060	\$	133,134.51	1, 2, 3
Kadrmas, Lee, & Jackson, Inc.	Engineering	003061	\$	29,062.56	3
Kasian, Connie	Zoning Meeting – Mileage	003062	\$	78.30	
Kasian, Michael E.	Commissioner – Mileage	003063	\$	195.36	2
Kessel, Anita	Zoning Meeting – Mileage	003064	\$	89.40	
Kohler Communications	Radio Expenses	003065	\$	400.00	
Krebs Machine & Repair	Parts & Repair	003066	\$	280.00	2
Krush, Paul	Zoning Meetings – Mileage	003067	\$	91.62	
Lapp, Russel	S. O. – Search & Rescue	003068	\$	100.00	
Light and Siren	Ambulance – Lights & Siren	003069	\$	9,501.46	
Lyle Signs, Inc.	911 Street Signs	003070	\$	43.21	

Matthew Bender & Co., Inc.	Century Code Updates	003071	\$	201.01	
McJunkin Redman Corp.	Parts & Supplies	003072	\$	3.32	3
Medora Convenience	D.E.M. – Search & Rescue, etc.	003073	\$	846.71	
Medora, City of...	Taxes	003074	\$	24,605.38	
Midstate Telephone Company	911 Changes	003075	\$	8.00	
Midstate Telephone Company	Courthouse – Telephone Service	003076	\$	952.80	
Missouri Valley Petroleum, Inc.	Gas, Oil, & Diesel	003077	\$	14,323.00	2, G
N.D. Newspaper Association	Publishing	003078	\$	169.50	
N.D. Association of Counties	Taxes	003079	\$	115.89	
N.D. Oil & Gas Producing Counties	Membership Dues	003080	\$	4,000.00	
N.D. Cowboy Hall of Fame	Meeting Room – Maintenance	003081	\$	200.00	
N.D. Dept. of Transportation	License & Title Fees	003082	\$	10.00	2
N.D.P.E.R.S.	Health Insurance Premium	003083	\$	35,274.77	1, 2, 3, W, G
N.D. State Treasurer	Clerk of Court Fees	003084	\$	82.12	
N.D. Assoc. of Assessing Officers	Tax Director – Conference Fees	003085	\$	360.00	
Nelson International	Parts & Repairs	003086	\$	2,566.44	1, 2
Newby's Ace Hardware	Courthouse – Maintenance Supplies	003087	\$	143.91	
North Central Ambulance Sales	Ambulance – Parts & Repairs	003088	\$	1,227.00	
Northern Improvement Co.	Cold Mix	003089	\$	9,465.12	1, 3
Northern Improvement Co.	Cold Mix	003090	\$	1,086.88	1
Northern Improvement Co.	Old Highway 10	003091	\$	57,515.40	3
Nova Fire Protection	Courthouse – Fire Contract	003092	\$	260.00	
O'Day Equipment, Inc.	Fuel Tanks	003093	\$	16,294.91	1
Off Road Software, Inc.	Off Road GIS Software	003094	\$	1,400.00	
OK Tire Stores	Tires	003095	\$	823.84	3
Penguin Communications, LLC	Ambulance – Radio Services	003096	\$	20.71	
Performance Truck Center	Parts & Repairs	003097	\$	2,169.23	2
Pitney Bowes Global	Postage Machine Contract	003098	\$	349.08	
Porter Motors, Dan	Courthouse – Oil Change & Service	003099	\$	42.58	
Praxair	Shop Supplies	003100	\$	25.00	2
Pump Systems, Inc.	Weed – Parts & Supplies	003101	\$	141.73	
Queen City Motors, Inc.	Weed – Parts & Repairs	003102	\$	322.77	
Randy's Construction	Pit Reclamation	003103	\$	6,622.00	1
Ray's Auto Electric, Inc.	Parts & Supplies	003104	\$	184.63	1
RDO Equipment Co.	Parts & Repairs	003105	\$	3,038.86	2
Reiter Welding, Inc.	Parts & Repairs	003106	\$	127.50	3
Respond Systems	Shop Supplies	003107	\$	901.33	1, 2, W, G
Roughrider Electric Cooperative	Electricity	003108	\$	3,366.11	1, 2, 3, W, G
Rummel Auto Wrecking	Ambulance – Oxygen	003109	\$	65.90	
Runnings Farm & Fleet, Inc.	Parts & Supplies	003110	\$	437.30	1, G
Southwest Business Machines	Courthouse – Office Supplies	003111	\$	933.69	
Share Corporation	Courthouse – Maintenance Supplies	003112	\$	173.53	
St. Alexius Medical Center	Ambulance – Medical Supplies	003113	\$	13.40	
St. Joseph's Hospital	S. O. – Medical Services	003114	\$	93.00	
Stan's Communications	Ambulance – Radio Equipment	003115	\$	2,132.22	
Steffan Feed	Seed	003116	\$	235.90	1
Steffan Saw & Bike	Shop Supplies	003117	\$	141.96	2, 3
Stein's, Inc.	Courthouse – Maintenance Supplies	003118	\$	81.98	
SuperPumper	S. O. & Ambulance – Gas	003119	\$	350.31	
Southwestern District Health Unit	Taxes	003120	\$	2,795.55	
Southwest Multi-Co. Correction Ctr.	Prisoner Care	003121	\$	2,590.00	
Southwest Water Authority	Taxes	003122	\$	775.31	
Southwest Water Authority	Water Usage	003123	\$	2,013.00	1, 2, 3, W
Swanson, Stacey	Tax Director – Travel Expenses	003124	\$	216.60	
Tab Electronics	D.E.M. – Radio Services	003125	\$	548.80	
Tczap, John	Zoning Meeting – Mileage	003126	\$	45.00	
Tom's Service Center	Gas, Oil Change, & Service	003127	\$	1,632.46	W, G
Total Safety US, Inc.	Safety Equipment	003128	\$	551.75	1, W
Trapper's Kettle	S. O. – Incident Expense	003129	\$	110.20	
True North Steel	Culverts	003130	\$	15,713.16	3
Twin City Roofing, LLC	Courthouse – Skylight Replacement	003131	\$	15,352.00	
Verizon Wireless	Cellular Services	003132	\$	1,029.99	2, 3, G
Vogel Law Firm	Land Use Plan	003133	\$	493.50	
Wal-Mart	Supplies	003134	\$	889.27	
Wallwork Truck Center	Parts & Supplies	003135	\$	84.71	3
Warne Chemical & Equipment Co.	Weed – Parts & Supplies	003136	\$	111.34	
West Dakota Oil, Inc.	Parts, Supplies, & Diesel Fuel	003137	\$	23,038.70	1, 3
West Plains, Inc.	Parts & Supplies	003138	\$	80.97	2
Westlie Truck Center	Parts & Repairs	003139	\$	4,200.75	3
Wosepka, CPA, James J.	2011 Fiscal Year Audit	003140	\$	1,794.25	
Z & S Dust Control Systems	Dust Control	003141	\$	31,788.18	2
Century Link	Telephone Services	003216	\$	548.54	1, 2, 3, W, G
Consolidated	Internet Services	003217	\$	237.71	2, 3, W
Discovery Benefits, Inc.	Administrative Fees	003218	\$	83.00	
Information Technology Dept.	S. O. – T-1 Line	003220	\$	433.85	
Medora, City of...	Courthouse – Utilities	003221	\$	371.02	
N.D.P.E.R.S.	Retirement	003224	\$	18,064.85	1, 2, 3, W, G
Reservation Telephone Cooperative	Telephone Service	003226	\$	48.92	1, 2, 3, G
Visa	supplies	003227	\$	4,376.96	3, W, G

Payroll in the following amounts were approved for July: General Fund \$95,144.62; Road and Bridge Fund \$92,815.76; Weed Fund \$54,222.79

With there being no further business, Arthaud moved to adjourn the meeting 3:10 P.M. Kasian seconded. All voted aye.

James Arthaud, Chairman

Attest: _____

Joan Jurgens, Auditor/Treasurer

BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS

SPECIAL MEETING –AUGUST 23, 2012

The meeting was called to order at 9:00 A.M. with Commissioners Arthaud, Kasian and Thompson in attendance.

Others present during portions of the meeting: Richard Volesky, Dave Jurgens, Stacey Swanson, Marcia Lamb

The purpose of the meeting was to discuss the Little Missouri River Crossing.

The board reviewed letters that were sent to landowners adjacent to the proposed alternative routes, informing them that as part of the required Environmental Impact Statement, field studies would be conducted on the potential alternatives during the next six weeks. The Draft EIS is scheduled to be completed by January 2013.

Discussion turned to whether to pursue the project. Arthaud moved to approve going ahead with the survey. Thompson seconded. All voted aye.

With there being no further business, Thompson moved to adjourn the meeting 9:25 A.M. Arthaud seconded. All voted aye.

James Arthaud, Chairman

Attest: _____

Joan Jurgens, Auditor/Treasurer