

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING – JANUARY 3, 2013**

The meeting was called to order at 9:00 A.M. with Commissioners Kessel & Kasian in attendance. Commissioner Arthaud was absent.

Others present during portions of the meeting were: Joan Jurgens, Greg & Ardis Erickson, Roy Krivoruchka, James Bervig, Jay Brovold, Donna Adams, Dave Jurgens, Vent Wallace, Doug Hecker.

Kessel moved to approve the minutes from the December 4th, 2012 regular meeting and the December 13th, 2012 special meeting. Kasian seconded. All voted aye.

The annual 2013 contract was received by the commissioners from Bowman Radar. After review, Kessel moved to approve the contract. Kasian seconded. All voted aye.

After review, Kasian moved to approve the 2013 resolutions. Kessel seconded. Motion carried. Resolutions 2013-01 through 2013-11 are as follows. The full texts of the resolutions are on file in the Auditor's Office and posted on the public bulletin board in the Billings County Courthouse.

Resolution 2013-01 designates the following appointments: State's Attorney – Jay Brovold; Disaster Emergency Coordinator – Pat Rummel; Magistrate – Donna Adams; Tax Director/Zoning Inspector/Land Use Coordinator – Stacey Swanson; Superintendent of Schools Designee – Joan Jurgens/Marcia Lamb; Risk Manager/Title VI Coordinator – Pat Rummel; Custodian – Larry Johnson; Veteran Service Officer – Leslie Ross; Coroner – Dennis E. Wolf, M.D.; Paramedics – Keri Klang, Mitch Gilseth, Travis Boone; Consulting Engineers – Kadmas, Lee & Jackson, P.C., Interstate Engineering, Ameritech Engineering, Northern Plains Engineering, and Heartland Engineering.

Resolution 2013-02 sets regular monthly meetings of the Board of County Commissioners for 2013 to begin at 9:00 A.M. on the following dates unless changes are posted and advertised in the paper: January 3, February 5, March 5, April 2, May 7, June 4, July 2, August 6, September 3, October 1, November 5, and December 3. Special meetings will be subject to the notice requirement in the Century Code, which is to notify the official newspaper and post the meeting notice in the courthouse.

Resolution 2013-03 designates the following holidays when the courthouse will be closed: January 1 – New Year's Day, January 21 – Martin Luther King Day, February 18 – President's Day, March 29 – Good Friday, May 27 – Memorial Day, July 4 - Independence Day, September 2 – Labor Day, November 12 – Veterans' Day, November 28 & 29 – Thanksgiving, December 24, 12:00PM until 4:00PM – Christmas Eve, December 25 – Christmas Day.

Resolution 2013-04 designates the courthouse will be open every Monday through Friday during the hours of 8:00 A.M. to 4:00 P.M. except Memorial Day through Labor Day it will be open Monday through Thursday hours of 8:00 A.M. to 5:00 P.M., Friday 8:00 A.M. to 12:00 noon with the exception of holidays and other declared closings.

Resolution 2013-05 designates reimbursement for expenses of county employees and officials in the performance of county duties: mileage .90% of GSA rate, 1st Qtr. 6:00 A.M. to Noon \$6.00, 2nd Qtr. Noon to 6:00 P.M. \$9.00, 3rd Qtr. 6:00 P.M. to Midnight \$15.00, 4th Qtr. Midnight to 6:00 A.M. (Lodging) 100% of GSA rate.

Resolution 2013-06 authorizes the County Auditor/Treasurer to pay certain miscellaneous expenses such as postage, freight, telephone, regular employee payroll and apportionments.

Resolution 2013-07 designates the following depositories for County funds: First State Bank of Golva, Great Plains National Bank of Belfield, Bank of the West of Beach, Wells Fargo Bank of Dickinson, and American State Bank of Dickinson

Resolution 2013-08 accepts the following pledges of security from the named depository banks: Great Plains National Bank \$3,627,531.60 plus \$250,000.00 FDIC; Bank of the West \$18,183,969.00 plus \$250,000.00 FDIC; Wells Fargo Bank \$2,041,910.99 plus \$250,000.00 FDIC; and First State Bank of Golva \$1,432,799.87 plus \$250,000.00 FDIC.

Resolution 2013-09 authorizes the County Auditor/Treasurer to invest, reinvest, and redeem Certificates of Deposit and other investments of the County.

Resolution 2013-10 directs that all legal notices be published in the official elected County newspaper, "Billings County Pioneer," and posted in the Courthouse.

Resolution 2013-11 sets the salaries for county officials, deputies, clerks and employees as follows:
 The Board of County Commissioners set the following maximum salaries for the positions listed below, on either an annual or hourly basis, and which salaries are exclusive of that official's or employee's health insurance and/or other benefits:

Commissioners (3)	15,000.00
Auditor/Treasurer	63,393.76
Auditor/Treasurer Deputies (2)	50,654.16
State's Attorney	58,613.78
Tax Director/Zoning Inspector/Technology Director	60,693.78
Deputy Tax Director	48,255.38
County Recorder/Clerk of Court	60,693.78
County Recorder/Clerk of Court Deputies (2)	48,255.38
Sheriff	62,131.84
Deputy Sheriff (4131)	54,884.14
Deputy Sheriff/Emerg. Mgr./Title VI Coordinator (4132)	62,332.60
Deputy Sheriff (4133)	54,884.14
Fire Chief	38,250.00
Ambulance Director/Paramedic (Medora)	53,123.60
Paramedic (Belfield)	47,173.20
Paramedic (Belfield & Medora)	47,173.20
Custodian	51,271.38
Road Foremen (3)	55,326.88
Road Crew	52,205.76
Road Crew (Part-time)	23.55/hr
Veteran Service Officer	9,000.00
Weed Control Officer	54,287.38
County Agent (Share with Stark County)	7,177.28
(Share with Golden Valley)	1,700.00
County Agent Assistants -3 (Share with Stark County)	10,794.97
Home Economist (Share with Stark County)	4,796.88
(Share with Golden Valley)	200.00

SOCIAL SERVICES –

Share with Golden Valley (Billings County Share noted below is 40% of total)

Social Services Director (Golden Valley & Billings)	24,967.20
Social Worker	15,297.60
Eligibility Worker	17,582.93
Administrative Assistant	13,676.93
Homemaker II	6.14/hr
Homemaker II	5.97/hr
Homemaker II	5.30/hr
Billings County Social Service Board Members	45.00/meeting

The board reviewed the following zoning issues presented by Zoning Director, Stacey Swanson:

Myron & Tim Yourk: Application to construct a 24' x 34' addition to the café on a 1.80 acre parcel in the NW1/4NW1/4 14-142-99 (2000 Hwy 85 SW), South Fairfield. Property is zoned commercial. The zoning board approved this application. Kasian moved to uphold the application conditional upon the structure being inspected later to be sure the use is as stated on the application. Kessel seconded. All voted aye.

Roberta O'Brien: Application for a conditional use permit to have 1 RV as temporary housing on a 10 acre tract in the NW1/4 3-139-100 (3624 135th AVE SW). Property is zoned agricultural. RV is currently sitting on old mobile home site. The zoning board approved the conditional use permit for one year. Kessel moved to uphold the zoning board decision. Kasian seconded. All voted aye.

Jarid Sinkler of SBG Green River Facility, LLC: Application for a variance to allow a mobile home as employee housing at the saltwater disposal facility in the NW1/4NW1/4 23-141-99 (2710 Hwy 85 SW). Property is owned by Doug & Rhonda Paluck and zoned agricultural. The zoning board approved the variance pending final approval by commissioners. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Tim O'Brien: Conditional use permit for a residence and shop in the SE1/4SE1/4 30-142-98 (12525 23rd St SW). Property is zoned agricultural. The shop is already built and modular home already moved in. Setbacks are ok and sewer and water have been permitted by Southwest District Health The zoning board approved this conditional use permit. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Paul Kessel: Application for a conditional use permit to have 2 RV's as temporary housing in the NW1/4SW1/4 31-142-98 (2376 126th Ave SW). Property is zoned agricultural. This use would be compliant with the new zoning ordinance re: temporary RV housing. The zoning board approved the conditional use permit. Kessel moved to uphold the zoning board decision. Kasian seconded. All voted aye.

Greg & Ardis Erikson: Request to rezone a 5 acre parcel in the W1/2NW1/4 35-141-99 (2943 Hwy 85 SW) from residential to commercial and allow parking for 2 trucks. Zoning minutes from June 17, 1980 stated there would be no more industrial or commercial zoning allowed in Section 35-141-99, West of Hwy 85. The zoning board denied this request based on aforementioned June 17, 1980 zoning action. Greg and Ardis were in attendance to answer questions. Discussion ensued regarding mixed commercial and residential use. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Gerry Grosulak: Request a minor subdivision for a 5 acre tract in the NW1/4NE1/4 34-141-99 & rezone the property from agricultural to residential. This property is being sold. If the buyer would want to place a home or further subdivide the property, they would have to apply to the zoning board. The zoning board approved this request conditional upon a survey of the five acres being provided. Kasian moved to uphold the zoning board decision with the condition. Kessel seconded. All voted aye.

Giles Radtke: Request to rezone a 15 acre tract in the E1/2E1/2SE1/4 8-139-100 from agricultural to commercial. Application to construct a 72' x 80' shop & a conditional use permit requested for a residence. Property is currently owned by the Russel Logan Equity Pure Trust. The zoning board approved this request conditional upon a survey being done of the 15 acres and an approved sewer permit be provided. Kasian moved to uphold the zoning board decision with the conditions. Kessel seconded. All voted aye.

Brent & Sarah Boltz: pending zoning violation. Personal shop was built on their property within the 250' setback from Hwy 85. The zoning board approved the variance. Kasian moved to uphold the zoning board decision conditional upon it remaining a residential use. Kessel seconded. All voted aye.

The board received and approved the following permits:

Construction in County Right-of-Way Permits

- Whiting Oil & Gas Corporation – Section 14, Township 141, Range 100 along Franks Creek Rd to Franks Creek Federal 11-14TFH
- Whiting Oil & Gas Corporation – Section 15, Township 141, Range 100 along USFS 734-3 to Oyhus Federal 31-15TFH
- Whiting Oil & Gas Corporation – Section 23, Township 142, Range 101 along FEDERAL NFSR 732 to BSMU #2304
- Whiting Oil & Gas Corporation – Section 5, Township 140, Range 100 along 30th St SW to Babeck Federal 11-5PH
- Whiting Oil & Gas Corporation – Section 26, Township 140, Range 100 along 34th St SW to Talkington Federal 11-26PH
- Whiting Oil & Gas Corporation – Section 27, Township 140, Range 100 along 34th St SW to Talkington Federal 11-27PH
- Roughrider Electric – Sections 28 & 21, Township 144, Range 99 crossing at 10th St SW
- Giles Radtke – Section 8, Township 139, Range 100 along 38th St SW

Pipeline Permits

- Belle Fourche & Bridger Pipeline Company – Section 5, Township 142, Range 102

James Bervig from Hexco addressed the board regarding their contract with Billings County.

The bid opening for crushing and stockpiling scoria in the NE1/4 Section 14-138-101 was scheduled for 11:30A.M. States Attorney Jay Brovold was present to open the bids. Only one bid was received from Fisher Sand and Gravel in the amount of \$83,750.00. Kasian moved to accept the bid as presented by States Attorney Brovold. Kessel seconded. All voted aye.

The board recessed from 12 Noon to 1:00 PM.

The board approved the revenue vouchers for the month of December: Sheriff \$111.00 Fees; Zoning Inspector \$1,050.00 permits and applications; County Recorder \$13,725.70 December collections; Clerk of Court \$154.00 December collections.

Revenues for materials and/or services rendered in December: Lana Safratowich \$251.21 gravel & trucking Roy Krivoruchka \$151.20 scoria; Joey & Rene' Berger \$94.50 scoria; Anthony Kessel \$424.50 blade, fill & trucking; David Reis \$100.20 fill sand & trucking; Lance Thomas \$261.20 scoria & trucking; David Reis \$207.00 scoria & trucking; Mike Klatt \$622.50 gravel & trucking; Joan Jurgens \$5.00 paper; Hurt Farms \$20.00

water; Dakota Line Contractors \$23.81 water; Dwayne Shypkoski \$163.33 water; Jerry Wagner \$20.95 water; B&B Hot Oil Service \$2,426.00 water; Flying Y \$130.60 scoria & trucking; Loren Bock \$28.57 water; Roger Klym \$1314.39 scoria; Edwin Cerkoney \$255.15 scoria & gravel.

Revenues for the month of December: Mineral Royalties \$319,148.95; Highway Tax Distribution \$23,512.64; Oil & Gas Production Tax \$319,969.66; Adjutant General \$50.00; Interest \$2,915.65; Royalties \$71,004.72; Permits \$15,190.00; Beer & Liquor Licenses \$1,200.00; Belfield Ambulance Energy Improvement Project Reimbursement \$127,370.00; Map Sales \$43.01; Copies \$6.50; GV County Insurance Reimbursement \$1,895.00; NDDOT Oil impact reimbursement \$85,714.28; NDDOT Seatbelt Protection Grant \$153.00; ND Dept of Health Staffing Grant \$5,000.00; ND Dept of Health Stemi Grant \$24,110.00; Dakota Insurance refund \$33.00; BC Rural Fire \$2,322.00; BCBS \$6,463.07; Ambulance Services \$2,002.85; NFPA refund \$155.45; ND Supreme Court Contract Payment \$1,636.00.

The following claims were approved for payment:

PAYEE	EXPLANATION	CHECK #	AMOUNT	DEPT
Advanced Business Methods	Recorder – Copier Contracts	004134	\$ 1,603.18	
Alternative Sanitation	Garbage Removal	004135	\$ 220.00	1, 2, 3, W
Ameripride Linen Service	Mat Rental	004136	\$ 42.55	2
A T & T Mobility	Cellular Service	004137	\$ 72.17	1
Billings County Auditor	Tax Deposit	004138	\$ 1,175.00	
Billings County Rural Fire District	Budget	004139	\$ 42,500.00	
Billings County Rural Fire District	Taxes	004140	\$ 56.87	
Billings County School District	Library Building Budget	004141	\$ 1,500.00	
Billings County School District	Taxes	004142	\$ 141,403.71	
Belfield Automotive Supply, Inc.	Parts & Supplies	004143	\$ 13.38	2
Belfield Plumbing & Heating	Courthouse – Boiler Repairs	004144	\$ 1,210.40	
Best Energy	Propane	004145	\$ 3,335.00	1, 3
Blue Cross Blue Shield of N.D.	Dental & Vision Premiums	004146	\$ 2,465.50	1, 2, 3, W, G
Brody Chemical Corp.	Diesel Treatment	004147	\$ 326.94	2
Brooks & Associates, C.E.	Land Use Plan – Roadless	004148	\$ 697.31	
Butler Machinery Co.	Parts & Repairs	004149	\$ 285.05	3
Charbonneau Car Center	2012 Dodge Ram 2500	004150	\$ 32,709.00	3
Chemsearch	Diesel Guard	004151	\$ 285.00	1
Creative Energy	Diesel Fuel	004152	\$ 10,035.89	1
Dakota Farm Equipment, Inc.	Parts & Repairs	004153	\$ 1,437.77	2, 3, W, G
Dakota Rubber Stamp	Auditor – Signature Stamps	004154	\$ 55.00	
Dan’s Interstate Conoco	Ambulance – Gas	004155	\$ 71.84	
Dickinson Airport Authority	Airport Hanger Funding Budget	004156	\$ 15,800.00	
Domestic Violence & Rape Crisis Ctr.	Budget	004157	\$ 2,500.00	
DTE, Inc.	Parts & Supplies	004158	\$ 13.00	2
Family Connect Visitation Center	Budget	004159	\$ 2,000.00	
Feiningers Electric	Electrical Service	004160	\$ 4,841.06	1
First State Bank of Golva	Direct Deposit Fee	004161	\$ 12.00	
Fisher Industries	Washed Sand	004162	\$ 1,614.20	1, 3
George’s Tire, LTD.	Tires	004163	\$ 2,267.00	2, 3
Golden Valley County	Extension Service Budget	004164	\$ 4,900.00	
Golden Valley Soil Conservation Dist.	Soil Conservation Budget	004165	\$ 2,000.00	
Governsoft	Dakota Programs Software Support	004166	\$ 12,195.00	
Hexco, LLC	Gravel Crushing	004167	\$ 94,459.83	2
Hlebechuk Construction	Wannagan Creek Road	004168	\$ 51,274.46	1, 2
Institute of Local Government	Auditor & Tax Director – Class Fees	004169	\$ 80.00	
Jamestown Communications	Ambulance – Radio Equipment	004170	\$ 1,961.00	
J P Steel & Supply, Inc.	Iron Supplies	004171	\$ 298.20	1, 3
Kadrmars, Lee, & Jackson, Inc.	Engineering	004172	\$ 59,462.93	1, 2, 3
Kasian, Connie	Zoning Meeting – Mileage	004173	\$ 78.30	
Kasian, Michael E.	Commissioner – Mileage	004174	\$ 261.96	2
Kessel, Anita	Zoning Meeting – Mileage	004175	\$ 89.40	
Kessel, Joseph L.	Commissioner – Mileage	004176	\$ 119.33	1
Kevin’s Auto & Truck Repair	Ambulance – Service Engine	004177	\$ 248.52	
Krush, Paul	Zoning Meeting – Mileage	004178	\$ 91.62	
Little Falls Machine, Inc.	Plow	004179	\$ 641.31	1
Mac’s, Inc.	Shop Supplies	004180	\$ 20.56	2
Mid-American Research Chemicals	Courthouse – Maintenance Supplies	004181	\$ 714.36	
Midstate Telephone Company	911 Changes	004182	\$ 8.00	
Midstate Telephone Company	Courthouse – Telephone Service	004183	\$ 959.44	
Missouri Valley Petroleum, Inc.	Gas & Diesel Fuel	004184	\$ 4,590.68	
N.D. Association of Counties	Taxes	004185	\$ 148.58	
N.D. Association of Counties	Marriage License Program Fee	004186	\$ 19.00	
N.D. Atmospheric Resource Board	Weather Radar Funding Budget	004187	\$ 2,500.00	
N.D. Auditor’s Association	Membership Dues	004188	\$ 75.00	
N.D. County Commissioner’s Assoc.	Membership Dues	004189	\$ 1,145.00	
N.D. Cowboy Hall of Fame	Meeting Room – Maintenance	004190	\$ 200.00	
N.D. Envelope Company	Recorder – Office Supplies	004191	\$ 115.70	
N.D.P.E.R.S.	Health Insurance Premium	004192	\$ 37,700.47	1, 2, 3, W, G
N.D. Historical Society	Chateau Interpretive Center Budget	004193	\$ 15,000.00	
N.D. State Treasurer	Taxes	004194	\$ 41.64	
N.D. Weed Control Association	Membership Dues	004195	\$ 275.00	
Nelson International	Parts & Repairs	004196	\$ 4,225.34	2, 3
Newby’s Ace Hardware	GM Chipkey & Batteries	004197	\$ 97.97	1, G
North Central Rental & Leasing	Excavator & Trailer Rental	004198	\$ 11,913.00	3
Northern Improvement Co.	Old Highway 10	004199	\$ 675.00	3
Obrigewitch, Cliff	2013 Storage Access Agreement	004200	\$ 1,000.00	3
Off Road Software, Inc.	Off Road GIS Software	004201	\$ 1,400.00	

Oyhus Land Company	Scoria Royalties	004202	\$	45,249.05	2
Parent/Family Resource Center	Budget	004203	\$	1,350.00	
Prairie West Development	Budget	004204	\$	10,000.00	
Putnam, Karen	Zoning Meeting – Mileage	004205	\$	46.11	
RDO Equipment Co.	Parts & Repairs	004206	\$	1,189.98	2
Roosevelt-Custer Regional Council	Budget	004207	\$	5,000.00	
Roughrider Electric Cooperative	Electricity	004208	\$	3,301.96	1, 2, 3, W, G
Runnings Supply, Inc.	Parts & Supplies	004209	\$	390.05	1, 2, G
Southwest Business Machines	Office Supplies	004210	\$	951.30	
Schmidt Repair, Inc.	Courthouse – Generator Hookup	004211	\$	892.50	
Schuhrike Family Trust	Scoria Lease Agreement	004212	\$	5,000.00	2
South Dakota LTAP	Road Conference Fees	004213	\$	70.00	2
Share Corporation	Courthouse – Maintenance Supplies	004214	\$	516.00	
Simnioniw, Les	Weed – Registration Fees	004215	\$	100.00	
Smart Computer & Consulting	Auditor – Computer Support	004216	\$	248.75	
Stark County Auditor	Veteran Service Officer – Budget	004217	\$	10,600.00	
Stark County Auditor	Extension Service – Budget	004218	\$	30,620.93	
Steam Brothers	Ambulance – Crew Quarters Clean-up	004219	\$	350.00	
Sunrise Youth Bureau	Budget	004220	\$	7,000.00	
Southwest Community Service	Budget	004221	\$	2,550.00	
Southwestern District Health Unit	Budget	004222	\$	5,000.00	
Southwestern District Health Unit	Taxes	004223	\$	23.96	
Southwest Multi-Co Correction Ctr.	Budget	004224	\$	24,908.33	
Southwest Water Authority	Taxes	004225	\$	6.64	
Southwest Water Authority	Water Usage	004226	\$	386.47	1, 2, 3, W
Tab Electronics	Ambulance – Lights	004227	\$	72.75	
Tczap, John	Zoning Meeting – Mileage	004228	\$	45.00	
Texas Refinery Corp.	Shop Supplies	004229	\$	294.00	2
Thompson, Joyce	Hilltop Home – Mileage	004230	\$	33.30	
ThyssenKrupp Elevator	Courthouse – Elevator Repairs	004231	\$	1,596.51	
Theodore Roosevelt Expressway	Highway 85	004232	\$	8,000.00	1, 2, 3
U.P.S. Store	Ambulance – Shipping Expense	004233	\$	83.49	
U.S.D.A. Forest Service	Road Use Permit	004234	\$	86.37	3
Verizon Wireless	Cellular Services	004235	\$	1,350.55	2, 3, G
Vogel Law Firm	Land Use Plan – E.I.S. Road Issues	004236	\$	84.00	
Wal-Mart	Courthouse & Ambulance – Supplies	004237	\$	1,300.67	
Western Soil Conservation District	Soil Conservation Budget	004238	\$	7,000.00	
Westlie Crossroads Truck Center	Parts & Supplies	004239	\$	64.60	3
Wildcard Fencing, LLC	Fencing – River Drive	004240	\$	527.00	3
ThyssenKrupp Elevator	Courthouse – Elevator Repair	004241	\$	11,715.60	
Centurylink	Telephone Service	004301	\$	519.82	1, 2, 3, G
Consolidated	911 Changes & Internet Service	004302	\$	239.71	2, 3, W, G
Discovery Benefits, Inc.	Flex Plan – Admin. Fee	004303	\$	89.25	
Information Technology Dept.	S. O. – T-1 Line	004305	\$	461.60	
Job Service of North Dakota	Unemployment Taxes	004306	\$	3,371.00	1, 2, 3, W, G
Medora, City of...	Courthouse – Utilities	004307	\$	194.95	
N.D.P.E.R.S.	Retirement Contributions	004310	\$	22,097.09	1, 2, 3, W, G
N.D. State Tax Commissioner	Sales & Use Tax	004313	\$	1,435.43	
Reservation Telephone	Telephone Service	004315	\$	49.65	2, 3, G
Verizon Wireless	Ambulance – Cellular Service	004316	\$	32.13	
Visa	Elevator Repair/Ambulance – Training	004317	\$	7,045.74	

Payroll in the following amounts were approved for December: General Fund \$109,475.74; Road and Bridge Fund \$89,668.58; Weed Fund \$4,369.78.

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

James Arthaud, Chairman

Attest: _____

Marcia Lamb, Acting Auditor/Treasurer