

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING –JULY 3 2012**

The meeting was called to order at 9:00 A.M. with Commissioners Kasian and Thompson in attendance. Commissioner Arthaud joined the meeting at 1:00 P.M.

Others present during portions of the meeting were: Craig Kubas; Jim Wosepka; Leif Sande; Zach Glaeckert; Deb Theurer; Royce Robins; Stacey Swanson; Jay Brovold; Pat Rummel; Jim Haag; Bob Procive; Rick Duval; Bill Engen; Donna Adams; Stacey Swanson; John Tczap; Bob Procive; Rick Duval; Bill Engen; Dean Rau; Dwayne Shypkoski; Joe Vesey; Emily Vesey; Jeremy Wood; Marcia Lamb

Kasian moved to approve the minutes from the June 5, 2012 regular meeting. Thompson seconded. All voted aye.

Jim Wosepka CPA presented the board with the independent audit report for 2011. Kasian moved to approve the 2011 audit report. Thompson seconded. All voted aye. Auditor Jurgens requested that the 2012 audit be done as soon as possible after her April 1, 2013 retirement date and she would be available to assist with it. Jim Wosepka indicated that the audit could be done in May.

Leif Sande and Zach Glaeckert with Bartlett & West met with the board concerning the Bakkenlink Pipeline. The zoning request for pipe storage site was not approved by the zoning board or the commissioners. They met with the board to once again request approval. The site is one mile from the Billings/McKenzie County border in 1-144-99. Kasian moved to approve the request and for them to meet with the zoning board at their next meeting. Thompson seconded. All voted aye.

The board received and approved the following permits:

Construction in County Right-of-Way Permits:

- Roughrider Electric – S1/2SW1/4 13-142-101
- Continental Resources – 24-141-98 along 28th St SW
- Mountain Peak Builders LLC – 1-144-99 7th St SW
- Dwayne Shypkoski – 25-139-100 along 41st St SW
- Donald Stigen – SE1/4 16-143-99 along 15th St SW
- Bakkenlink Pipeline – 10-139-100 along 134th Ave SW
- ONEOK Rockies Midstream LLC – 3 & 10 141-99 crossing South Ash Coulee
- SBG Disposal LLC – NW1/4NW1/4 23-141-99 along 27th St SW
- Alan Bjornson – SE1/4 6-139-102 along Dutchman’s Rd.
- Schwartz Construction – 23-142-98 along 21st Ave SW and off of new section line access road – this was approved contingent upon adjacent landowners approval.

Pipeline Permits:

- Bakkenlink Pipeline – amendment to permit approved September 6, 2011

The board reviewed an application to abate taxes on parcel #18-8000-00757-000 for a vacant mobile home. Kasian moved to approve the abatement. Thompson seconded. All voted aye.

NDACo requested the board review and approve an amendment to the existing statewide wireless 911 network agreement to expand the role of the joint effort to the implementation of a “Next Generation 911” network. Kasian moved to approve the amendment. Thompson seconded. All voted aye.

The board reviewed the following zoning items from the zoning board’s June 14, 2012 meeting.

Alan Bjornson: Conditional use permit to place a manufactured home on an existing home site at 14967 Dutchman’s Rd SW. The property is a 41 acre tract in the SE1/4 6-139-102 and zoned agricultural. The zoning board approved the permit conditional that all water and sewer conditions are met. Kasian moved to uphold the zoning board recommendation and approve the permit conditional upon the fees being paid. Thompson seconded. All voted aye.

Dwayne Shypkoski: Request to build a 60’ x 140’ pole building and two hoop-frame buildings for manufacturing wattles on a 5 acre tract in the SW1/4 25-139-100. Property is zoned agricultural. The zoning board approved the request conditional upon water, sewer and road access requirements are met. Thompson moved to uphold the zoning board recommendation. Kasian seconded. All voted aye.

Joe Vesey: Request to rezone 5 acres in the SE1/4 13-144-100 from Agricultural to Recreational. Conditional use permit for a 10-unit primitive campground. The zoning board approved the request conditional upon approval from the state. Thompson moved to uphold the zoning board recommendation. Kasian seconded. All voted aye.

Jimmy & Mary Anderson: Request to build a residence on a 5 acre tract in the SW1/4SW1/4 13-139-100. The zoning board approved the request. Thompson moved to uphold the zoning board recommendation. Kasian seconded. All voted aye.

Eclipse Energy Services: Conditional use permit to mine scoria and operate a rock quarry in sections 27, 33, & 34 137-100. Property is zoned agricultural and owned by Rocky & Darlene Fritz. The zoning board approved the permit. Thompson moved to uphold the zoning board recommendation. Kasian seconded. All voted aye.

Cody Eaton, JCB Trucking: Application for an 8' x 14' sign on a tract in the SE1/4 SE1/4 10-142-99 (South Fairfield). Also included is a variance to allow up to 30' for the height of the sign and locate the sign by Club 85, which is within the 250' setback from Hwy 85. Property is zoned commercial and currently owned by Raymond & Victoria Karras. The zoning board approved the application and variance. Kasian moved to uphold the zoning board recommendation. Thompson seconded. All voted aye.

Rick Duval, of ADB Development, LLC: Final Plat Review for Frank's Creek Subdivision in the E1/2E1/2NW1/4 sec 22-141-99. Thirty residential tracts are proposed ranging in size from 1.01 acre to 2.16 acres. Property is currently owned by William & Edna Engen. The zoning board approved the plat under the condition that the Billings County Commissioners decide the size of the road, surfacing, and whether it must be built prior to lots being sold. The Commissioners also need to determine whether there will be an area dedicated to a public park or a payment in lieu. The zoning board's approval was also conditional upon a letter from SW District Health or State Health Department approving the adequacy of the lot sizes for sewer and water for all 30 lots. Thompson moved to approve the rezoning from agricultural to residential with setback variance to reduce the front lot setback to 50', 36' road width, \$100,000 bond or other security for one year for road guarantee, cash payment in lieu of land dedication for public use set at \$400/lot, gravel surfacing on the roads with road strictly subdivision maintained, and that the county is notified by the Southwest District Health Unit when sewer and water permits are approved. Kasian seconded. All voted aye. Thompson moved to approve the final plat. Kasian seconded. All voted aye.

Brad Skachenko: Request to amend a permit from 2011 to build a 40' x 80' storage building for residents of the Boots campground on a 5.30 acre tract in the SE1/4SE1/4 34-140-102. The zoning board approved the amendment. Thompson moved to uphold the zoning board recommendation. Kasian seconded. All voted aye.

Ron Broersma requested a conference call with the board concerning the zoning application for an RV to temporarily be set at the 4 corners café location. The permit was submitted by Tim Yourk on his behalf, and was denied by both the zoning board and commissioners. Ron indicated that he has never personally submitted an application but is asking the board to reconsider the one submitted by Tim Yourk to allow an RV temporarily until a lot in the RV park across the road becomes available. Jim Ramsey, owner of the RV park, was contacted and he stated that Ron Broersma is on the waiting list, but he can't give him a definite time of availability. The board took no action and requested that it be re-addressed by the zoning board first.

Craig Kubas with Kadrmas Lee & Jackson met with the board for the monthly engineers report. Thompson moved to reject the bid for project #CP-0408(12)01. Kasian seconded. All voted aye. Some calculation errors were discovered in the bid awarded to Asphalt Surface Technologies. The bid for project #CP-04(12)02 was previously awarded pending calculations were correct once checked by KLJ. After calculations were checked, the apparent low bidder was Bituminous Paving for \$276,739.80. Thompson moved to rescind the award to Asphalt Surface Technologies and award the project to Bituminous Paving. Kasian seconded. All voted aye.

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

Deb Theurer with West Dakota Parent & Family Resource Center discussed the programs done in the past year, and their proposed budget allocation for the next year.

Royce Robins with Empire Oil met with the board concerning an amendment to the previously approved oil & gas lease for the Kotchman Estate that corrects the description of the lease. The board accepted the amended lease. Royce also discussed the minerals owned by the county for 308 acres in 19-144-98 and offered a lease. The board requested that he take the lease back and see if they will offer \$1300/acre. Thompson moved to approve the lease if they come back with that offer. Kasian seconded. All voted aye.

Jeremy Wood with Northern Plains Engineering met with the board concerning the River Road project. Various ways of correcting the issues with the road were discussed. Chairman Arthaud, Road Foreman Jeff Iverson, and Jeremy will meet at the site Monday and the project will be bid in August.

The board discussed the annual cost of living increase for 2013 so it can be implemented into the upcoming budget planning. Thompson moved to approve 3% of the highest salary and give that same dollar amount to all employees. Arthaud seconded. All voted aye.

The board was informed that Don Heiser's term on the zoning board expired June 30th. He does not wish to be reappointed, but will remain on the board until a replacement can be found. Thompson moved to appoint Don to the board until a replacement can be found. Kasian seconded. All voted aye.

Darlene Mitchell's term on the REAP board expired June 30th, and she has indicated that she would serve another term. Thompson moved to reappoint her for another two year term. Kasian seconded. All voted aye.

The Forest Service submitted a partial termination of easement for portions of Wannagan Road located in 4-141-102 and 33-142-102. This portion of road has been realigned and currently under a new USDA Public Road Easement issued to Billings County. After discussion, the board decided to table the request until the road is completely built.

The board received a county permit agreement renewal from the Association of Oil & Gas Producing Counties. Arthaud moved to sign the agreement. Thompson seconded. All voted aye.

Auditor Jurgens informed the board that there was an error in the 2012 budget and the BLM and PILT transfers to Road and Bridge were not included in the master budget. Kasian moved to approve amending the Land Utilization budget to include a BLM transfer of \$600,000 and a PILT transfer of \$150,000.00 to Road and Bridge. Thompson seconded. All voted aye.

The board approved the revenue vouchers for the month of June: Recorder \$32,994.40; Zoning \$975.00; Court \$115.00; Sheriff \$251.00

Revenues for materials and/or services rendered in June: Map Sales \$69.88; Ambulance Services \$3,700.05; Sax Motors \$19,000.00 reimbursement for quick response units; RCRC \$5,040.00 loan payment; Res Specialty Pyrotechnics \$2.00 fireworks permit; TRMF \$161.25 handicap stencil kit; DOT \$403.98 reimburse S.O. overtime

Revenues for the month of June: Radio Programming Grant \$1,976.25; Underage Drinking Grant \$1,500.00; Ambulance Staffing Grant \$3,750.00; Highway Tax Distribution \$12,764.86; Oil & Gas Production Tax \$254,323.75; PILT \$106,187.00; Permits \$16,480.00; Royalties \$79,326.06

The following claims were approved for payment:

Acme Tools	Shop Supplies	002797	\$ 46.54	3
Adams, Donna	Recorders Convention	002798	\$ 431.40	
Advanced Business Methods	Recorder – Copier Contract	002799	\$ 21.00	
Alliance Ag South Heart Agronomy	Weed – Chemicals	002800	\$ 12,419.09	
Alternative Sanitation	Garbage Removal	002801	\$ 220.00	1, 2, 3, W
American Welding & Gas	Shop Supplies	002802	\$ 48.24	1, 3
Ameripride Linen Service	Mat Rental	002803	\$ 460.10	2, 3
A T & T Mobility	Cellular Service	002804	\$ 71.70	1
Billings County Rural Fire District	Taxes	002805	\$ 24.39	
Billings County Pioneer	Publishing	002806	\$ 1,426.81	1, G
Billings County School District	Taxes	002807	\$ 164.29	
Billings County Sheriff	S. O. – Travel Expenses	002808	\$ 217.41	
Belfield Automotive Supply, Inc.	Parts & Supplies	002809	\$ 947.73	2, 3, W, G
Blue Cross Blue Shield of N.D.	Dental & Vision Premiums	002810	\$ 2,344.00	1, 2, 3, W, G
Booke, Travis	Ambulance – Expenses	002811	\$ 342.64	
Braun Distributing, Inc.	S. O. – Crime Prevention	002812	\$ 176.70	
Brovold, Jay V.	States Attorney – Travel Expense	002813	\$ 286.00	
Butler Machinery Co.	Parts & Repairs	002814	\$ 1,491.86	3
California Contractors Supply Co.	Shop Supplies	002815	\$ 159.60	3
Cash, Kathy	Election – Travel Expense	002816	\$ 18.70	
Cerkoney, Cathy	Zoning Meeting – Mileage	002817	\$ 83.85	
Chemsearch	Shop Supplies	002818	\$ 377.24	1
Comfort Inn – Bismarck	D.E.M. & Tax Director – 911 Meeting	002819	\$ 138.00	
Cowboy Café	D.E.M. – I-94 Trailer Fire	002820	\$ 270.00	
Creative Energy	Diesel Fuel & Gas	002821	\$ 13,147.08	1, W
Dakota Farm Equipment, Inc.	Parts & Supplies	002822	\$ 3,681.63	1, 2, W
Dakota Insurance	Property Insurance	002823	\$ 1,627.00	1, 2, 3, G
Dakota Water Treatment	Water System Rental	002824	\$ 25.00	1
Dan's Interstate Conoco	S. O. & Ambulance – Gas	002825	\$ 446.46	
Dickinson Public Library	Library Services	002826	\$ 2,585.41	
Doublewood Inn - Fargo	Recorders Convention	002827	\$ 138.60	
DTE, Inc.	Parts & Supplies	002828	\$ 5,056.10	2
East End Auto & Truck Parts	Ambulance – Headlight	002829	\$ 12.00	
Ed Roehr Safety Products	S. O. – Batteries	002830	\$ 49.85	
Electronic Communications	Police & Fire Radio's	002831	\$ 14,595.00	
Election Systems & Software	Primary Election – Technical Support	002832	\$ 3,219.04	
ESP Computers & Software	S. O. – Computer Software	002833	\$ 599.85	
ESRI, Inc.	ARC GIS Software License	002834	\$ 2,200.00	
Fastenal Company	Shop Supplies	002835	\$ 12.80	3
Ferguson Enterprises, Inc.	Parts & Supplies	002836	\$ 104.74	1
George's Tire, Ltd.	Tire Repair	002837	\$ 40.00	1
Golden Valley County	Social Services	002838	\$ 9,914.19	
Heartland Engineering	Blacktail Road	002839	\$ 4,108.28	2
Heiser, Don	Zoning Meetings – Mileage	002840	\$ 62.76	
Hlebechuk Construction	Blade Roads	002841	\$ 12,364.50	1, 2, 3
Hlebechuk Construction	Wannagan Creek Road	002842	\$ 70,300.47	1, 2, 3

Hoffman Auction Company	91' Ford Oil Distributor	002843	\$	14,000.00	3
J and J Operating, LLC	Spray Heads & Installation	002844	\$	8,680.80	3
Kadrmass, Lee, & Jackson, Inc.	Engineering	002845	\$	54,418.47	1, 2, 3
Kasian, Michael E.	Commissioner – Mileage	002846	\$	274.17	2
Kastrow, Lisa	S. O. – Prisoner Transport	002847	\$	100.00	
Kessel, Anita	Zoning Meeting – Mileage	002848	\$	89.40	
Klang, Keri	Ambulance – Travel Expense	002849	\$	39.00	
Knudtson-Simmioiw Mineral Trust	2010/2015 Scoria Lease	002850	\$	250.00	1
Kohler Communications	Radio Expenses	002851	\$	227.65	1, G
Krush, Paul	Zoning Meetings – Mileage	002852	\$	91.62	
Lacal Equipment, Inc.	Parts & Supplies	002853	\$	2,591.10	3
Mid-American Research Chemical	Maintenance Supplies	002854	\$	167.04	
Martin Construction	123 rd Ave SW Gravel Treatment	002855	\$	141,966.05	1
Matthew Bender & Co., Inc.	Subscription	002856	\$	225.48	
McJunkin Redman Corp.	Parts & Supplies	002857	\$	9.12	3
Medora Convenience	Ambulance – Windshield Wash	002858	\$	6.18	
Medora, City of...	Taxes	002859	\$	22,402.96	
Metro Billing Services	Ambulance – Runs	002860	\$	34.00	
Midstate Telephone Company	911 Changes	002861	\$	14.00	
Midstate Telephone Company	Courthouse – Telephone Service	002862	\$	965.22	
Mid West Crane Service	Courthouse – Move Rocks	002863	\$	410.00	
MBI Energy Logistics	Water Roads	002864	\$	1,013.00	3
Mobile Binders	Recorder – Recording Paper	002865	\$	688.98	
Missouri Valley Petroleum, Inc.	Gas, Oil, & Diesel	002866	\$	17,925.98	2, 3, G
N.D. Newspaper Association	Publishing – Election Analysis	002867	\$	182.16	
N.D. Association of Counties	Weed – D & A Testing	002868	\$	265.00	
N.D. Association of Counties	Taxes	002869	\$	63.46	
N.D. Cowboy Hall of Fame	Meeting Room – Maintenance	002870	\$	200.00	
N.D. Dept. of Mineral Resources	Subscription	002871	\$	48.00	
N.D. Insurance Department	Tank Registration Fees	002872	\$	800.00	1, 2, 3, G
N.D. Peace Officers Association	S. O. – Conference Fees	002873	\$	420.00	
N.D.P.E.R.S.	Health Insurance Premium	002874	\$	34,180.02	1, 2, 3, W, G
N.D. Safety Council	Membership Dues	002875	\$	175.00	
N.D. Fire & Tornado Fund	Property Insurance	002876	\$	6,643.47	1, 2, 3, W, G
N.D. State Radio Communications	S. O. T-1 Line & 911 Services	002877	\$	1,633.80	
N.D. State Treasurer	Clerk of Court Fees	002878	\$	110.73	
Nelson International	Parts & Supplies	002879	\$	431.36	1
Newby's Ace Hardware	Supplies	002880	\$	148.83	
Northern Improvement Co.	Cold Mix	002881	\$	7,748.72	1
Northern Improvement Co.	Old Highway 10	002882	\$	216,512.55	3
NW Tire	Brake Repair	002883	\$	1,218.78	3
O'Brien Oilfield Service, LLC	Iron Supplies	002884	\$	126.00	3
Off Road Software, Inc.	Off Road GIS Software	002885	\$	1,400.00	
OK Tire Stores	Tires	002886	\$	1,475.70	3
Oyhus Land Company	Franks Creek Road Right-of-Way	002887	\$	6,160.00	2
Performance Truck Center	Parts & Repairs	002888	\$	7,374.85	2
Postmaster	P. O. Box Rentals	002889	\$	312.00	
Praxair	Shop Supplies	002890	\$	61.30	3
Probuild	Maintenance Supplies	002891	\$	22.76	
Pump Systems, Inc.	Set-up 71' Water Tanker	002892	\$	8,752.21	3
Queen City Motors, Inc.	Weed – Parts & Repairs	002893	\$	142.36	
Ramkota Hotel – Bismarck	Ambulance – Training Expense	002894	\$	39.00	
RDO Equipment Co.	Parts & Repairs	002895	\$	3,852.84	3
Roosevelt-Custer Regional Council	Mitigation Plan	002896	\$	4,536.66	
Roughrider Electric Cooperative	Electricity	002897	\$	2,852.22	1, 2, 3, W, G
Rudy's Lock & Key	Shop Expense	002898	\$	100.00	3
Rummel, Patrick	D.E.M. – 911 Travel Expense	002899	\$	39.00	
Runnings Farm & Fleet, Inc.	Parts & Supplies	002900	\$	647.29	1, 2, 3, W
Southwest Business Machines	Office Supplies	002901	\$	1,420.38	W, G
Share Corporation	Courthouse – Maintenance Supplies	002902	\$	360.61	
Sherwin-Williams	Courthouse – Maintenance Supplies	002903	\$	300.00	
Smart Computers & Consulting	Recorder – Computer Support	002904	\$	294.37	
Steffan Saw & Bike	Shop Supplies	002905	\$	183.15	2
Stein's, Inc.	Courthouse – Maintenance Supplies	002906	\$	466.98	
SuperPumper	S. O. & Ambulance – Gas, etc.	002907	\$	252.46	
Southwest Grain Cooperative	Seed	002908	\$	93.72	2
Southwestern District Health Unit	Taxes	002909	\$	20.66	
Southwest Multi-Co. Correction Ctr.	Prisoner Care	002910	\$	140.00	
Southwest Water Authority	Taxes	002911	\$	5.73	
Southwest Water Authority	Water Usage	002912	\$	1,113.60	1, 2, 3, W
Tczap, John	Zoning Meeting – Mileage	002913	\$	45.00	
Team Laboratory Chemical Corp.	Shop Supplies	002914	\$	181.50	3
Tom's Service Center	Gas, Oil Change, & Service	002915	\$	1,325.07	3, W, G
Total Safety US, Inc.	Weed – Safety Equipment	002916	\$	568.18	
Trapper's Kettle	Ambulance – Training	002917	\$	114.06	
Twin City Roofing, LLC	Courthouse – Skylight Replacement	002918	\$	20,995.00	
Verizon Wireless	Cellular Services	002919	\$	1,038.20	2, 3, G
Wal-Mart	Supplies	002920	\$	717.90	W, G
Warne Chemical & Equipment Co.	Weed – Parts & Supplies	002921	\$	492.42	
West Plains, Inc.	Parts & Supplies	002922	\$	368.83	1, 3
Westlie Truck Center	Parts & Repairs	002923	\$	4,121.96	3
Wildcard Fencing, LLC	Cattleguard Fencing	002924	\$	646.50	3
Wosepka, CPA, James J.	2011 Fiscal Year Audit	002925	\$	5,870.50	
Century Link	Telephone Services	002999	\$	527.44	1, 2, 3, W, G
Consolidated	Internet Services	003000	\$	452.71	2, 3, W
Discovery Benefits, Inc.	Administrative Fees	003001	\$	83.00	
Information Technology Dept.	S. O. – T-1 Line	003003	\$	433.85	
Job Service North Dakota	Unemployment Taxes	003004	\$	3,303.45	1, 2, 3, W, G
Medora, City of...	Courthouse – Utilities	003005	\$	383.14	
N.D. Game & Fish Department	Game Licenses	003007	\$	578.00	

N.D.P.E.R.S	Retirement	003009	\$	18,386.66	1, 2, 3, W, G
Reservation Telephone Cooperative	Telephone Service	003012	\$	43.89	1, 2, 3, G
Visa	Ambulance – Equipment	003013	\$	2,258.00	

Payroll in the following amounts were approved for June: General Fund \$88,990.61; Road and Bridge Fund \$93,428.58; Weed Fund \$61,472.96

With there being no further business, Kasian moved to adjourn the meeting 4:15 P.M. Arthaud seconded. All voted aye.

James Arthaud, Chairman

Attest: _____

Joan Jurgens, Auditor/Treasurer

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING JULY 9 2012**

The meeting was called to order at 1:00 P.M. with Commissioners Kasian and Thompson in attendance. Commissioner Arthaud was absent.

The purpose of the meeting was to open bids for the Blacktail Road project – 9.20 miles of blended base.

A total of five bids were received, and after Ted Bildeau with Heartland Engineering checked the calculations, Kasian moved to award the contract to Rachel Contracting, the lowest bidder, in the amount of \$247,338.00.

With there being no further business on the special meeting agenda, Kasian moved to adjourn the meeting 1:45 P.M. Thompson seconded. All voted aye.

James Arthaud, Chairman

Attest: _____

Joan Jurgens, Auditor/Treasurer