

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING FEBRUARY 7, 2023.**

The meeting was called to order by Chairman Lester Iverson at 9:00 A.M. with Commissioners Dean Rodne and Steven Klym in attendance.

Others were present during portions of the meeting: State's Attorney Patrick Weir via Teams, Deputy Auditor Jonna Bertelsen, Maintenance Supervisor Travis Bertelsen, Clerk/ Recorder Juliana Hammerstrom, Tax Director Stacey Swanson, Ambulance Director Mitch Gilseth, Sheriff Dean Wyckoff, Fire Chief Kyle Shockley, Weed Supervisor Katie Dillman, Julie Reis, Amy McCann, JLG Architects Zach Mathern & Jen Jackson via Teams, Dickinson Press Jason O'Day, Ken Vein, Road Superintendent Patrick Redmond, Joseph Kessel, Roger Kessel, Anthony Kessel, Laura Grzanic, Andrew Krebs, Jen Turnbow, Mike Huffington, John Kessel, Misty Hays, Brent Bogar

The Pledge of Allegiance was recited. Rodne moved to approve the meeting minutes of the January 3, 2023 regular commission meeting. Klym seconded. All voted aye.

Chairman Iverson added the Van Horn radio tower lease agreement and beach post prom donation request to the agenda. Klym moved to approve agenda as amended. Rodne seconded. All voted aye.

The board discussed implementing policy for commission meeting discussions. A policy regarding proper etiquette for meetings was read by the board. Klym moved to adopt the policy. Rodne seconded. All voted aye.

Weed Supervisor Katie Dillman presented her monthly report. They hired an aerial sprayer out of Killdeer to drone spray and also traded the 2005 dodge for a 2019 dodge.

Ambulance Director Mitch Gilseth presented his monthly report.

Courthouse Maintenance Travis Bertelsen gave his monthly report. He provided updates on the snow cleats that will be added to the roof for protection from snow and ice falling. Discussed painting and putting in new carpet on the main floor. He has been in contact with Floor to Ceiling for carpet and flooring information and Western Edge Painting.

Fire Chief and Emergency Manager Kyle Shockley gave his monthly report. Bob Procive has been out of town so there are no updates on the fire building. He would like to put out the bid again for the Fairfield radio tower. The date for his Deputy training has been pushed back. He presented the Bowman radar service contract to the board. After discussion of the accuracy of the Bowman radar, Klym moved to approve the contract. Rodne seconded. All voted aye. Alvin Van Horn agreed to the lease terms of \$2,500 per year for 5 years with a one-time \$500.00 late payment fee. Rodne moved to approve the lease. Klym seconded. All voted aye.

Clerk of Court/Recorder Hammerstrom gave her monthly report. Senate Bill 2277 came out of the judiciary committee with a "do pass" recommendation and will now move onto appropriations. There is no plan in place for current employees if this bill does pass. If this does not make it out of appropriations, there will need all the support they can get. They have read the resolutions and testimonies from counties. Discussed Risk Management and the drug testing policy. Reasonable Suspicion will be scheduled. Klym asked if going through hospital was the plan and Hammerstrom stated that you don't need to post accident test every incident. Hammerstrom mentioned the discussion about salary increases for her and her staff, that was discussed last month, due to taking the risk management appointment. Rodne moved to give a \$6,000 increase for Hammerstrom and \$1.00/hr increase for each of her deputies. Iverson seconded. All voted aye.

Sheriff Dean Wyckoff gave his monthly report. The office is up 16 calls from last January. Wyckoff expressed the importance that the Senate Bill 2277 has and how it could really affect small counties. The Sheriff's office hired office deputy Grant Geis. The Sheriff's office door will be open 5 days a week. He will be sworn in after two weeks of training. Nathaniel Awender will fill the last deputy position and he will start February 21.

Julie Reis commended the board for adding a meeting policy and requested that the board repeat motions for the minutes accuracy.

Auditor Lamb presented budget transfers for the 2022 fiscal year. After discussion regarding the federal funds that have been receipted into the road and bridge fund over the last few years, Lamb requested to move those carryover funds to the land utilization fund. The following budget transfers were approved:

Human Services to General Fund: \$48,326.18

Road & Bridge to BankHead Jones Land Utilization: \$4,507,418.82

Road & Bridge to BLM Mineral Royalty Land Utilization: \$2,906,298.55

Road & Bridge to Federal PILT Land Utilization: \$966,533.00

Unorganized to Road & Bridge: \$3,735,000.00

Highway Distribution to Road & Bridge: \$500,000.00

Beach Post Prom committee requested a donation to the post prom party. States Attorney Weir discussed with the commissioners that this would be an inappropriate county expenditure under state law.

Emily Vesey is the county representative on the Roughrider North Human Service Zone Board and her term is ending. She agreed to continue for another 3-year term. Iverson moved to reappoint Vesey. Rodne seconded. All voted aye.

The board took a 10 minute break.

Tax & Zoning Director Stacey Swanson gave her monthly report. She presented the zoning application for the Theodore Roosevelt Presidential Library. The application consists of the final site plan review and to extend from 1-year application expiration to 2 years because of the extent of the project. Zach Mathern from JLG Architects presented their zoning application and design process that was discussed with the zoning board in January. Swanson presented to the commission her recommendations for approval.

1. To approve the concept of the parking canopies, photovoltaic panels, and boardwalk pavilions only, but don't grant final approval until the board revisits later when plans for these features are finalized.
2. Traffic management plans will be coordinated with billings county and the city of Medora.
3. To approve the concept of the outdoor lighting only, but don't grant final approval until the board revisits later when lighting plans are finalized.
4. The county will be informed when the wastewater/sewer management and stormwater plans have been approved by the NDDEQ.
5. TRPL will continue to coordinate with the USFS, BNSF, TRMF, NDDOT, the City of Medora, and Billings County for an emergency access route to the site.
6. TRPL will coordinate with TRMF, Billings County, and the City of Medora for dust control, weed control, and erosion control especially during the grading and construction phases of the project.
7. To grant the extension for a 2-year permit due to the size and scope of the project.

Ken Vein expressed his gratitude for all the work the county has done for the library and the board. Klym moved to uphold the recommendations from the zoning board and approve application 2023-1 with the conditions. Iverson Seconded. All voted aye. Motion carried.

Chairman Iverson discussed the Little Missouri River Crossing and that back in July of 2021 Commissioner Kasian made the motion that the county does need a river crossing north of Medora, but to not move forward with eminent domain on the Short property and to look into other options for a crossing and the motion this was agreed on by all commissioners. Since this motion carried, there have not been any other options for a crossing brought to the board. Rodne stated there is another crossing that the county uses, but wasn't sure this was an option. Jen Turnbow who worked for KLJ at the time the Environment Impact Statement Record of Decision, was present to give the board information regarding the EIS and why that area was chosen by Federal Highway. The Record of Decision was decided in June of 2019 and is valid for 5 years. Klym would like to see that we use this current EIS and start to negotiate easements. Rodne said he is fine with a crossing of some sort, but still does not believe that we should use eminent domain. Iverson believes that this is the only option that we have and no others have been brought forward. Steve Klym moved to proceed with the Little Missouri River crossing bridge project in the selected location within the EIS. Iverson seconded. Roll call vote. Klym aye, Iverson aye, Rodne nay. Motion carried.

States Attorney Weir stated that it would be appropriate to retain Jen Turnbow to review engineering on the project and to retain Tami Norgard from Vogel Law Firm as legal counsel. Rodne stated he felt the first thing that should be established is that we should get the land acquired and then proceed with the paperwork. Attorney Norgard suggested that the next step would be to discuss an offer that the county would like to negotiate with all current land owners as some ownership has changed. An appraiser would need to be hired to update the appraisal on file. Klym moved to retain Jen Turnbow with Ulteig. Rodne seconded. All voted aye. Klym made the motion to grant Mr. Weir permission to hire outside council for the Little Missouri River Crossing. Rodne seconded. All voted aye. Klym moved to authorize staff to hire an appraiser. Rodne seconded. All voted aye.

Andrew Krebs from KLJ gave his monthly report. He also went through some of the funding applications.

Road Superintendent Patrick Redmond gave his monthly report. Black hills trucking hit a culvert on Lindbo Hill and they will be replacing the entire thing this spring with a cost share. The old plow was wrecked when it struck a cattle guard and NDIRF gave a 44% reimbursement for the damage due to the age of the plow. There is a snow removal bill being discussed in the legislature right now to reimburse counties for snow removal.

The board recessed for lunch at 11:45 a.m. and reconvened at 1:00 p.m.

Misty Hayes from the USFS gave her quarterly update. They have hired a new grasslands supervisor out of Bismarck. She updated the board regarding Maah Daah Hey trail events and being prepared and prepped with the sheriffs office and emergency department to get ahead of the season. They are working on public comments on the Medora south trailhead. The goal is to alleviate the safety concern on that hill. They are working with the county and DOT on the whitetail and magpie crossing. They are also working on processing a special use access road to try to alleviate traffic from the Medora musical traffic with the library being built.

Brent Bogar representing the TRMF and TRPLF gave a report regarding infrastructure funding through the ND Legislature. DOT funding for state highways and public funds. There are a few bills (86MM to townships). 100MM for county roads & bridges that they are tracking.

Stacey presented 3 ARWs all approved with no conditions.

- 2023-2 – Petro Hunt – Construction for new approach to o/g location. 8th St SW. 15-144-98
- 2023-3 – Luke Hlebechuk – New approach for residence. 22nd St SW. 22-142-99
- Pipeline 4449 – Petro Hunt – o/g line along 122nd Ave SW & crossing 8th St SW. 2, 11, 14-144-98

Rodne moved to approve the ARW's as presented. Klym seconded. All voted aye.

Klym mentioned that SWMCCC will be sending us a new agreement and that it will be reviewed by States Attorney Weir prior to commission approval.

The following claims were approved for payment:

PAYEE	CHECK #	AMOUNT
Adams David & Donna	22443	\$ 500.00
Adams James	22444	\$ 1,500.00
Andreas Rose Marie c/o Carmen Waldo	22445	\$ 250.00
Aramark	22446	\$ 454.26
B & B Hot Oil Service Inc	22447	\$ 1,165.00
Belfield Automotive Supply	22448	\$ 2,099.45
Billings County Historical Soc.	22449	\$ 126.85
Billings County Rural Fire Dist.	22450	\$ 2,270.43
Billings County School Dist.	22451	\$ 3,322.26
Billings County School Dist.	22452	\$ 1,500.00
Bock Ronald & Judy	22453	\$ 1,500.00
Bock Ronald & Judy	22454	\$ 63,060.00
Boltz Jory & Tonya	22455	\$ 1,500.00
Boss Office Products	22456	\$ 376.44
Brosz Engineering Inc	22457	\$ 12,765.00
Capital One	22458	\$ 180.60
Cerberus Security	22459	\$ 30.00
Charbonneau Car Center	22460	\$ 380.41
Deans Distributing	22461	\$ 2,593.22
Dickinson Public Library	22462	\$ 5,922.59
Domestic Violence & Rape Crisis Center	22463	\$ 45,000.00
Ecolab Pest Elim Div	22464	\$ 267.33
Family Connect Visitation Center	22465	\$ 5,000.00
Farmers Union Oil Co - Beach	22466	\$ 7,123.92
Froelich Donald & Sarah	22467	\$ 1,500.00
George's Tire LTD	22468	\$ 3,658.00
Gerbig Brian	22469	\$ 1,500.00
Golden Valley Soil Conservation Dist	22470	\$ 2,500.00
Hild John	22471	\$ 1,000.00
Hintz Kadon	22472	\$ 15,000.00
Hlebechuk Construction Inc	22473	\$ 44,527.00
Killdeer Ambulance Service	22474	\$ 1,000.00
KLJ Engineering LLC	22475	\$ 21,750.87
Klym Steven	22476	\$ 56.25
Kubik Bogner Ridl & Selinger PLLP	22477	\$ 3,216.00
Lawson Products Inc	22478	\$ 391.21
Linde Gas & Equipment Inc	22479	\$ 71.25
Logan Terry	22480	\$ 1,000.00
Medora, City of	22481	\$ 132.97
Menards Dickinson	22482	\$ 41.98

MGM Rural Sanitation LLC	22483	\$	354.44
Mosser Randall & Susan	22484	\$	1,000.00
ND Association of Counties	22485	\$	335.00
ND Association of Counties	22486	\$	113.24
ND Association of Counties	22487	\$	42,277.21
ND Atmospheric Resource Board	22488	\$	2,500.00
ND Dept of Transportation	22489	\$	591.17
ND State Treasurer	22490	\$	611.55
NDACE	22491	\$	150.00
NDACO Resource Group Inc	22492	\$	31,899.48
Obrigewitch Shawn	22493	\$	1,000.00
Oyhus Land Company	22494	\$	1,500.00
Parent/Family Resource Center	22495	\$	1,300.00
Polensky Vernon & Glenella	22496	\$	31,602.75
Polensky Vernon & Glenella	22497	\$	1,500.00
RDO Equipment Co	22498	\$	2,161.49
Redmond Perry & Alecia	22499	\$	1,500.00
RELX Inc	22500	\$	233.40
Rodne Dean	22501	\$	26.67
Roosevelt-Custer Regional CNCL	22502	\$	5,700.00
Sanford Inpt Pharmacy	22503	\$	524.00
Southwest Multi-County Correction Ctr	22504	\$	25,321.69
Southwest Narcotics Task Force	22505	\$	18,000.00
Southwest Water Authority	22506	\$	3,747.37
Southwest Water Authority	22507	\$	0.12
Southwestern District Health Unit	22508	\$	2,500.00
Southwestern District Health Unit	22509	\$	1,902.99
Stark County Auditor	22510	\$	13,000.00
Stark/Billings Soil Conservation Dist	22511	\$	7,000.00
Sunrise Youth Bureau	22512	\$	7,000.00
Theodore Roosevelt Expressway	22513	\$	8,000.00
Thomas Lance & Stephanie	22514	\$	1,500.00
Verizon Wireless	22515	\$	2,366.44
Western Choice Cooperative	22516	\$	17,124.46
Westlie Crossroads Truck Ctr	22517	\$	42.65
Blue Cross Blue Shield of ND	22518	\$	4,351.50
ND Public Employee Retirement Sy	22519	\$	851.97
ND State Tax Commissioner	22520	\$	1,115.03
ND Public Employee Retirement Sy	22521	\$	10,666.00
ND Public Employee Retirement Sy	22522	\$	46,431.80
NDFOP State Lodge Treasurer	22523	\$	25.00
ND Public Health Ins Trust	22524	\$	82,894.82
State Dispersement Unit	22525	\$	1,077.00
Wex Health Inc	22526	\$	1,906.27
CenturyLink	22527	\$	951.42
Information Technology Dept	22528	\$	1,239.70
Medora, City of	22529	\$	417.72
Reservation Telephone	22530	\$	40.00
Roughrider Electric Coop	22531	\$	5,399.71
RTC Networks	22532	\$	1,161.09
Verizon Wireless	22533	\$	55.52
Visa	22534	\$	5,571.19
Visa	22535	\$	2,100.61
Wex Health Inc	22536	\$	66.50
ND State Tax Commissioner	22537	\$	18,525.00
Job Service North Dakota	22538	\$	1,681.41

The board approved the revenue vouchers for the month of January: Recorder \$10,402.40; Zoning \$475.00; Court \$20.00; EMS \$8,310.16; Sheriff \$1,008.00.

Revenues for materials and/or services rendered in January: WEED SPRAYING: John Romanyshyn \$766.93, City of Belfield \$1,036.00.

Revenues for the month of January: Road & Bridge permits \$4,605.25; Highway Distribution \$17,362.38; Oil & Gas Production Tax \$508,060.99; Royalties \$37,590.14; Unorganized Oil & Gas Production Tax \$33,870.73; Interest \$12,745.40; State Aid Distribution \$30,242.23; Township Distribution \$22,077.60; LEPC \$12.50; Natl Opioid Settlement \$475.08; NDRIN \$12,699.00; Capitol Credits \$2,361.61; 24/7 Program \$600.00 EMS Services \$500.00.

Payroll including longevity in the following amounts was approved for January: General Fund \$239,131.81; Road and Bridge Fund \$127,308.55; Weed Fund \$13,240.37.

With there being no further business, Klym moved to adjourn the meeting at 1:35 pm. Rodne seconded. All voted aye.

Lester Iverson, Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer