

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING AUGUST 3, 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: Auditor Marcia Lamb, States Attorney Patrick Weir, Deputy Auditor Jonna Bertelsen, Tax/Zoning Director Stacey Swanson, Sheriff Dean Wyckoff, Fire Chief Kyle Shockley, Maintenance Supervisor Travis Bertelsen, Clerk/Recorder Juliana Hammerstrom, Ambulance Director Mitch Gilseth, Road Superintendent Patrick Redmond, Weed Director Katie Dillman, Ben Procive, Amy McCann, Ken Vein, Zach Mathern, Allan Richard, Teresa Kessel, Anthony Kessel, Kurt Kordon, Jim Fugle, Roger Kessel, Joseph Kessel, James Odermann, Laura Grzanic, Julie Reis, Jeremy Wood, Andrew Krebs, Shae Peplinski, Kinley Slaughter, Kwirt Johnson, Tammy Simnioniw, Sean Cleary via Teams, Clarence Sitter, Dan Hedrington, Cal Klewin.

The Pledge of Allegiance was recited. Klym moved to approve the meeting minutes of the July 6 regular & July 26 special, 2023 commission meetings. Rodne seconded. All voted aye.

Agenda – The board added discussion regarding building permit waivers and a consolidated easement request for the fiber project. Rodne moved to approve the amended agenda. Klym seconded. All voted aye.

Misty Hayes, US Forest Service was present to give a quarterly update. Consolidated has started the broadband project which is split into three phases. Phase 1 has been approved and will move onto phase 2 in the next month or so. The forest service will be providing authorization to the presidential library to build a temporary road for construction. The Maah Daah Hey Trail events have started. They went fairly well besides a couple gates that got left open and the issues were resolved. Sheriff Wyckoff thanked Misty and the forest service for the improvements. Fire Chief Shockley has been working with the forest service as to developing a system similar to what the county is using. Travel planning will be initiated in 2024 designating which roads and trails will be open for motorized use. Auditor Lamb asked if the county would be considered a cooperating agency to give input to the planning, which was answered yes.

Shae Peplinski Superintendent of Billings County School District was present with members of the board. They thanked the commission for the funds to help with the gym expansion. They are requesting \$350,000 of Bankhead Jones funding for 2024 as requested in previous years. The commission had no objections to the request. Chairman Iverson asked that the school utilize Sunrise Youth Bureau as much as possible for trainings and resources.

Ben Procive was in attendance to discuss truck traffic in Fryburg. He requested different options for the board to consider that included lower weight limits and higher monitoring of the road by the sheriff's office. With the speed limit already 25 mph there is not much more we can do. The board will look into options with the road superintendent.

Andrew Krebs with KLJ was present to give his monthly report.

Jeremy Wood with Northern Plains Engineering was present to give his monthly report.

Road Superintendent Patrick Redmond gave his monthly report.

Sherry Adams was present to discuss the Southwest District Health budget. August 22, 2023 at 6pm is the joint commission meeting. SWDH will getting an increase in state aid for local public health at \$185,000. SWDH was also awarded 4 grants. The levy dollars from the county covers other things that the grants will not cover. SWDH has moved into the old true value building.

Tax & Zoning Director Swanson was present with 4 ARW applications.

1. 2023-16 – Geoff Obrigewitsch – Ag approach 23rd ST SW – 32-142-98
2. 2023-17 – SW Water Authority – Improve an existing approach and other construction along East River Rd – 34-140-102
3. 2023-18 – Jacey Hanson– ag approach Frank's Creek Rd 20-141-99
4. 2023-19 – SEH for Meridian Energy Group – construction of section line roads – 132nd Ave SW & 37th St SW

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

The city and county zoning boards approved the ETZ application for Jim Bridger to build a 50' x 70' shop south of his house. The zoning board approved the application with the condition that is only be used for storage. Klym made the motion to approve the application in the ETZ for Jim Bridger to build a 50'x70' shop. Rodne seconded. All voted aye.

The board reviewed the consolidated ROW easements. Rodne moved to approve the easements. Klym seconded. All voted aye.

The board questioned Swanson on the building permit waiver issues that were held over from last meeting. Swanson visited with Dunn county and the form looks good to them and they would possibly consider adopting something similar. Swanson still stands by that it should be for true ag and family farmstead only, which was the original intent from the locals that requested. Collectively, it may be problematic for the county in the future with the insurance ratings, this does not come from the insurance agency but the underwriters so may not see it until later when it is prorated through the county. The county has had no other interests in the opt out currently, this would not benefit the homeowners but would benefit the contractors when there is no oversight. States attorney Weir stated that with the opt out option on the application worded the way it is, it will not fall back on the county legally. The commission needs more information on insurance ratings and how to distinguish actual farming/ranching before making a decision.

Sean Cleary and Clarence Sitter were present to discuss the Western Heritage Destination Development grant application information for the State of ND. They requested a letter of support from the county. The board had no issue with signing a support letter.

Dan Hedrington was present from SEH Meridian energy company. They would like to build up 37th St. and 132nd Ave section line using the same specs as 38th St. SEH provided specs and the road superintendent approved of them as presented. Martin Construction will be doing the work. The road will be paved, but there can be no pavement for the first year according to county specs, will be a gravel surface 50' wide and when paved will be 32' wide. They have been working closely with DEQ and working on bringing semi-tractor trailers next year. KLJ reviewed the plans and they implemented the changes requested by county and KLJ. SEH will be attaining the easements from the landowners. Stark county has the draft copies as well and gave a release to Billings County to make the road decisions. Rodne moved to approve ARW application 2023-19 pending approval from the County States Attorney. Klym seconded. All voted aye.

Klym moved to approve the quarterly pledge report as presented by Auditor Lamb. Rodne seconded. All voted aye.

Cal Klewin was present to discuss the NDDOT TR Expressway Freight Expansion Project application. He requested a letter of support from the county. Klym moved to approve a letter of support for the NDDOT TR Expressway Freight Expansion Project application. Rodne seconded. All voted aye.

2023-01 TRPL application had conditions regarding the approval. Tax & Zoning Director Swanson went over the conditions. Zach Mathern and Jen Jackson went through a presentation regarding lighting, dark sky standards, lighting levels, and berms that will be placed at the site. Klym moved to approve the accessory structures. Rodne seconded. All voted aye. Rodne moved to approve the outdoor lighting. Klym seconded. All voted aye. Motion carried. Klym moved to approve the conditions. Rodne seconded. All voted aye.

The board recessed for lunch from 12:00pm to 1:00 pm.

Klym moved to go into Executive Session at 1:06pm pursuant to NDCC §44-04(19.1) & (19.2) to consult with the county attorneys regarding a lawsuit against the county by the Short family that they were made aware of. Rodne seconded. All voted aye. States Attorney Weir stated the executive session will be recorded and expected to last one hour. The public was asked to leave the meeting room. Those present for the executive session were Lester Iverson, Dean Rodne, Steve Klym, Marcia Lamb, Jonna Bertelsen, Pat Weir and Tami Norgard.

The board exited executive session at 2:25pm and moved back into the regular meeting and invited the public to return.

Klym moved to adopt Resolution 2023-13 Resolution of Necessity to Acquire Real Property Necessary for the Little Missouri River Crossing Road and Bridge Project. Iverson seconded. Iverson asked for discussion. Rodne requested looking into a bridge to the south as well. Roll call vote on the motion was taken. Klym aye, Iverson aye, Rodne Nay. Motion carried. The full text of the resolution may be viewed at the County Auditor's Office.

Auditor Lamb presented the 2024 county preliminary budget. Lamb discussed the budget items that were up for discussion at the last meeting for approval. The commission decided not to take the 2.5% COLA increase for their salaries. Emergency Manager/Fire Chief Kyle Shockley requested a deputy position \$82,000 salary and to also include a county vehicle. The board kept the budget as presented but made no motion on the position. Southwest Multicounty Correction Center decreased their budget request. Soil conservation district for Stark/Billings purchased a new building to move everyone to the same locations. Due to the move they are increasing their request \$27,000 for the new building. The library has not provided a budget request so they will be limited to the dollars requested in 2023. Rodne moved to approve the 2024 County preliminary budget as presented. Klym seconded. All voted aye.

Klym moved to appoint Tax & Zoning Director Stacey Swanson as the county delegate to NDACo annual conference. Rodne seconded. All voted aye.

The following claims were approved for payment:

Blue Cross Blue Shield of ND	23168	\$	4,264.00
ND Public Employee Retirement Sy	23169	\$	784.20
Acme Tools	23170	\$	108.70
Active911 Inc	23171	\$	345.00
AF Services LLC	23172	\$	600.00
Aggregate Construction Inc	23173	\$	10,135.59
All Around Tire & Oil	23174	\$	228.76
Aramark	23175	\$	530.58
Be Mobile Dickinson South	23176	\$	50.99
Big Horn Tire	23177	\$	1,641.28
Billings County Hist Society	23178	\$	129.38
Billings County Rural Fire Dist	23179	\$	2,513.84
Billings County School Dist	23180	\$	1,352,341.43
Billings County Weed Board	23181	\$	25.99
Bismarck State College	23182	\$	625.00
Blue Sky Dumpsters, LLC	23183	\$	1,024.50
Boss Office Products	23184	\$	537.86
Bound Tree Medical LLC	23185	\$	2,572.80
Braun Distributing Inc	23186	\$	324.19
Brosz Engineering Inc	23187	\$	51,502.50
Butler Machinery Co	23188	\$	96.55
Capital One	23189	\$	249.03
Central Mechanical Inc	23190	\$	530.95
Cerberus Security	23191	\$	30.00
Cerkoney Cathy	23192	\$	95.85
Charbonneau Car Center	23193	\$	405.61
Creative Energy	23194	\$	4,331.41
Dakota Insurance	23195	\$	22,173.00
Dickinson Public Library	23196	\$	4,269.00
Ecolab Pest Elim Div	23197	\$	354.33
EMS Technology Solutions LLC	23198	\$	3,000.00
Environmental Systems	23199	\$	2,420.00
ERE Trucking LLC	23200	\$	22,505.00
Farmers Union Oil - Beach	23201	\$	7,652.83
Forsgren Associates Inc	23202	\$	66,299.43
Gall's Inc	23203	\$	40.50
George's Tire LTD	23204	\$	884.00
Gooseneck Implement	23205	\$	73.99
GS Publishing	23206	\$	438.36
Hestekin NPR/IC Jennifer	23207	\$	150.00
Hlebechuk Construction Inc	23208	\$	98,332.45
J and J Operating LLC	23209	\$	115.98
Jones & Bartlett Learning LLC	23210	\$	232.48
Kasian Connie	23211	\$	89.30
KLJ Engineering LLC	23212	\$	4,837.94
Knopik Pit Management LLC	23213	\$	1,960.00
Kubik Bogner Ridl & Selinger PLLP	23214	\$	3,000.00
Linde Gas & Equipment Inc	23215	\$	350.48
Little Missouri Restaurant & Saloon	23216	\$	306.00
Malley's Safety Supply LLC	23217	\$	438.61
Martin Construction	23218	\$	82,529.84
Menards Dickinson	23219	\$	1,428.62
Metro-Billing Services	23220	\$	264.00
MGM Rural Sanitation LLC	23221	\$	355.33
Montana Fluid Solutions LLC	23222	\$	18,980.00
Motorola Solutions	23223	\$	21,765.94
ND A A O	23224	\$	420.00
ND Association of Counties	23225	\$	77.82

ND Attorney General's Office	23226	\$	300.00
ND Dept of Environmental Quality	23227	\$	1,650.00
ND State Radio Communications	23228	\$	5,126.16
ND State Treasurer	23229	\$	456.10
Newman Signs	23230	\$	1,430.07
Nutrien Ag Solutions	23231	\$	2,690.00
Putnam Karen	23232	\$	50.00
RDO Equipment Co	23233	\$	14,828.52
RELX, INC	23234	\$	233.40
Richard Mindy	23235	\$	144.00
Rodne, Dean	23236	\$	77.51
Romanyshyn Trucking	23237	\$	27,510.00
Roughrider Electric Coop Inc	23238	\$	15,395.74
RPM Auto Repair	23239	\$	2,181.91
Rudy's Lock and Key	23240	\$	12.50
Runnings Supply Inc	23241	\$	545.10
Shockley Kyle	23242	\$	297.50
Southwest Multicounty Correction CTR	23243	\$	150.00
Southwest Water Authority	23244	\$	4,956.26
Southwestern Dist Health Unit	23245	\$	1,887.38
Syminow Rodney	23246	\$	69.65
Tessco Inc	23247	\$	549.74
The UPS Store	23248	\$	1.90
Total Safety US Inc	23249	\$	62.00
Verizon Wireless	23250	\$	2,667.94
Vogel Law Firm	23251	\$	1,752.00
Warne Chemical & Equipment	23252	\$	755.37
Weir H Patrick	23253	\$	178.16
West Dakota Oil Inc	23254	\$	22,472.40
West Plains Inc	23255	\$	240.64
Westlie Crossroads Truck Ctr	23256	\$	7,001.59
Whittingham Fred	23257	\$	35.00
Wyrick Construction	23258	\$	17,116.57
Belfield Automotive Supply	23259	\$	1,123.34
CenturyLink	23260	\$	956.41
Information Technology Dept	23261	\$	1,353.75
Medora, City of	23262	\$	597.58
Reservation Telephone	23263	\$	40.00
Roughrider Electric Coop Inc	23264	\$	3,196.16
RTC Networks	23265	\$	1,107.29
Verizon Wireless	23266	\$	55.52
Visa	23267	\$	5,304.72
Wex Health Inc	23268	\$	84.46
Charles Schwab	23269	\$	1,395.15
ND Public Employee Retirement Sy	23270	\$	9,515.00
ND Public Employee Retirement Sy	23271	\$	46,861.09
NDFOP State Lodge Treasurer	23272	\$	54.00
North Dakota Public Health Ins Trust	23273	\$	82,981.69
State Dispersement Unit	23274	\$	1,077.00
Wex Health Inc	23275	\$	1,906.27
ND State Tax Commissioner - Payroll	23276	\$	18,943.00
Visa	23277	\$	3,196.57

The board approved the revenue vouchers for the month of July: Recorder \$3,744.80; Zoning \$6,994.91; Court \$100; EMS \$14,938.88; Sheriff \$50.00.

Revenues for materials and/or services rendered in July: Beach Community Ambulance \$500.00 ALS intercept; Lester Iverson \$610.20 gravel & hauling; John Klym \$553.50 scoria & hauling. Weed spraying: Jenna Redmond \$38.36, Katie Dillman \$65.45, Irene Wolf \$63.00, Deb Kuntz \$700.97, Deeann Baertsch \$374.90, Charles Sivak \$346.83, Jed Boltz \$126.00, Ernest Buckman \$101.91, Patty Hutzenbiler \$63.00, Sandie Dillman \$126.00, Dave Adams \$33.79, Kay Tescher \$252.00, Connie Hartman \$63.00, Jodee Egly \$63.00, Annette Steffan \$36.23, Kathy Redmond \$126.00, Bennett Creek Ranch \$189.00, Billings County \$25.99, ND Dept of Agriculture \$5,910.23,

Eric Richard \$556.82, Fritz Land Trust \$\$80.33, Roy Krivoruchka \$214.20, Mikayla Obrigewitch \$71.40, Doug Oe \$16.03, Delry Sabrosky \$153.22, Tasha Stevens \$119.04, Rhonda Paluck \$611.50.

Revenues for the month of July: Road & Bridge permits \$25,369.07; Highway Distribution \$16,374.68; Oil & Gas Production Tax \$127,507.54; Royalties \$26,392.64; Unorganized Oil & Gas Production Tax \$8,500.50; Interest \$22,167.60; State Aid Distribution \$34,694.01; Cash Bar permits \$50.00; 24/7 program \$300.00; Township Distribution \$19,742.75; RRN Human Service Indirect \$15,000.00; State Library \$7,984.35; Raffle Permit \$25.00.

Payroll including longevity in the following amounts was approved for July: General Fund \$220,735.72; Road and Bridge Fund \$122,889.65; Weed Fund \$49,239.28.

Klym moved to adjourn at 3:32pm. Rodne seconded. All voted aye.

Lester Iverson, Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING AUGUST 30, 2023.**

The meeting began at 8:00am and was attended by Commissioners Dean Rodne and Steven Klym.

Others were present during portions of the meeting: NDACo representatives Donnell Preskey, Dwight Driscoll, Jayme Tennyson, Carrie Krause, Chad Peterson, Diane Mortenson, Stacey Swanson, Kyle Michels, Pat Weir, Katie Dillman, Pat Redmond, Mitch Gilseth, Juliana Hammerstrom, Kyle Shockley, Travis Bertelsen, Dean Wyckoff, Jonna Bertelsen.

Individuals from the NDACo Board of Directors were present and discussed topics ranging from human services, infrastructure, mental health and substance abuse, legislation, Medora area planning and the presidential library. No action was taken at this meeting.

The meeting ended at 10:00am

Lester Iverson, Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer