

BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING – APRIL 3, 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: Leon Mallberg; April Baumgarter; Jay Brovold; Keri Klang; Mitch Gilseth; Donna Adams; Dave Adams; Pat Rummel; Stacey Swanson; Kathy Cash; Jim Odermann; Kyle Hexom; Marcia Lamb; Bill Palanuk; Roger Klym; Roy Krivoruchka; Richard Volesky; Craig Kubas; Dave Jurgens; Kirt James; Robert Kelsch; Steven Alderin; Jonathan Klym; Erin Odell; Stephanie Klym; Jerry Anheluk; Mark Kordon; Perry Tescher; Melanie Foster; Bobby Olstad; Jason Kastrow; Jeff Iverson

Kasian moved to approve the minutes from the March 6, 2012 regular meeting. Thompson seconded. All voted aye.

Leon Mallberg with the 'Empower the Taxpayer' group presented the board with Measure 2 information.

Commissioner Thompson requested that the May regular meeting be moved to either Wednesday or Thursday, May 2nd or 3rd, as he has a conflict on May 1st. The board decided to move the meeting to Thursday, May 3rd.

Kyle Hexom with Hexco Inc. and James Odermann appeared before the board as requested to discuss concerns the board had about road damages and dust control pertaining to the proposed scoria mining permit in 21-141-99. The permit was previously approved contingent upon an agreement with the county for the issues discussed today.

The Southwest Multi County Correction Center is seeking energy impact grant funding for control room equipment. They submitted a draft letter that will be sent to local legislators asking for their support on the project, and asked that the six member counties review the draft letter for their approval. Kasian moved to approve the draft letter as written. Thompson seconded. All voted aye.

The bid opening for the 2000 gallon fuel tank took place at 10:00 A.M. as advertised. Two bids were received. Thompson moved to accept the highest bid of \$1,600.00. Kasian seconded. All voted aye.

The board reviewed zoning requests that had been addressed by the zoning board at their March 20, 2012 meeting as follows:

Robert Kelsch of Clean Energy Fluids Corp applied to re-zone 40 acres in the S1/2NW1/4 8-142-99 from agricultural to industrial. The application also included a conditional use permit to construct an office/pump house, up to 30 water/fluid holding tanks, 2 fresh water tanks, and 2 skid housing units for employees. The site will also have a saltwater disposal well that will be permitted by the North Dakota Industrial Commission to process wastewater fluids, cutting and drilling muds, and saltwater from oil wells. The property is owned by Agnes Palanuk. The zoning board approved the rezoning and conditional use permit but the vote was not unanimous. Clean Energy Fluids Corp. presented their proposal and requested that the weight restriction on Blacktail Road be lifted and they will help with the cost of road maintenance and repair. Roger Klym spoke on behalf of those in opposition of the project, and submitted signed petitions. Clean Energy Fluids Corp. indicated that they would be willing to come back with additional information. After much discussion, Thompson moved to deny the permit at this time. Arthaud seconded.

Perry Tescher submitted an application for a conditional use permit to mine scoria in the S1/2S1/2 7-139-102. The zoning board approved the permit. Chairman Arthaud explained that the county requests companies agree to provide assistance with maintaining the road. Perry indicated that wouldn't be a problem. Thompson moved to uphold the zoning board recommendation. Arthaud seconded. All voted aye.

Garrett & Kristin Morel requested a conditional use permit for the placement of a mobile home at 1303 126th Ave SW in the NW1/4NE1/4 12-143-99. The property is zoned agricultural and owned by Rodney & Margaret Krogh. The zoning board approved the permit. Thompson moved to uphold the zoning board recommendation. Arthaud seconded. All voted aye.

Cody Eaton of Skyward Trend, LLC requested to rezone 1.47 acres from residential to commercial (Club 85), and to rezone 1.24 acres from agricultural to residential. The application also includes a conditional use permit to construct a mobile home park consisting of 10 single-wide mobile home sites to house employees. Both properties are in the SE1/4SE1/4 10-142-99. The zoning board approved the rezoning and approved the conditional use permit conditional upon approval from SW District Health and SW Water that the water and septic were adequate. Arthaud moved to table the issue until approval from SW District Health and SW Water are received. Thompson seconded. All voted aye.

Myron Yourk of Yourk and Kenner Enterprises, LLC applied for a variance to allow an RV as temporary housing on a 1.80 acre parcel in the NW1/4NW1/4 14-142-99. The zoning board denied this request. Thompson moved to uphold the zoning board recommendation. Arthaud seconded. All voted aye.

Gerald Grosulak applied for a conditional use permit to place new mobile home site at 12858 29th St SW in the N1/2N1/2 34-141-99. The zoning board approved the permit conditional upon SW District Health's approval of the septic system. Thompson moved to uphold the zoning board recommendation. Arthaud seconded. All voted aye.

An amendment to an application submitted by Tim & Myron Yourk requesting a variance for the 250' setback requirement along Highway 85, and an application for the construction of a convenience store with three above ground 12,000 gallon fuel tanks on a 1.80 acre parcel in NW1/4NW1/4 14-142-99. The zoning board approved only the setback variance for three fuel tanks to be in line with the setbacks of the existing buildings and not less than 200' from the center of highway 85; and a 25'x50' addition attached to the South end of the existing café building. Arthaud moved to table the issue and request a detailed engineering plan be submitted. Thompson seconded. All voted aye.

Chairman Arthaud requested that the zoning director follow-up with Morey Bang concerning zoning ordinance compliance with the campground South of Medora.

Dave Adams inquired about road use stipulations into the scoria pit on 7-139-102. Commissioner Arthaud will consult with the road foreman, but he feels that if the county puts county funds into building the road it will become a county road. The county received a special use permit from the Forest Service for the access through Forest Service land.

The board received and approved the following permits:

Construction in County Right-of-Way Permits

- Continental Resources – Section 4-141-99 along 24th St SW
- Continental Resources – Section 11-141-98 along 26th St SW
- Continental Resources – Section 28-141-99 along 28th St SW
- Whiting Oil & Gas – Section 25-141-100 along 28th St SW
- Whiting Oil & Gas – Section 2-141-100 along South Ash Coulee Road
- Whiting Oil & Gas – Section 20-142-100 along 21st St SW
- Robert Kelsch – Section 8-142-99 along 131st Ave SW
- Continental Resources – Section 20-141-99 along 26th St SW
- Brandon Richard – Section 18-139-100 along 38th St SW
- Whiting Oil & Gas – Sections 27 & 28 140-100 crossing 135th Ave SW
- Roughrider Electric – Sections 14 & 15-140-100 crossing 134th Ave SW and 32nd St SW
- Whiting Oil & Gas - Sections 26 & 27-140-100 crossing 134th Ave SW
- Continental Resources – Section 5-142-98 along 125th Ave SW
- Continental resources – Section 32-141-99 along 30th St SW
- Roughrider Electric – Section 24-142-101 crossing an unnamed road east of Ash coulee Road
- Roughrider Electric – Section 10-141-102 crossing between 146th Ave SW and 147th Ave SW
- Roughrider Electric – Section 16 & 17-140-100 crossing 136th Ave SW
- Roughrider Electric – Section 17-140-100 crossing Government Creek Rd
- XTO Energy Inc – 9-142-99 along 130th Ave SW

Pipeline Permits

- OneOK – Sections 23 & 24 141-99

Craig Kubas with Kadrmas Lee & Jackson met with the board for the monthly engineers report.

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

Bobby Olstad with Dakota Insurance met with the board for the annual insurance review.

Dave Jurgens and Pat Rummel presented the board with a proposal from Electronic Communications to construct a new tower on Sentinel Butte. Dave and Pat could see no advantage to the county.

Pat Rummel, Keri Klang and Mitch Gilseth met with the board about the 2012 energy impact grants awarded to the Medora and Belfield ambulance. Discussion of the City of Medora's grant for their fire/ambulance building ensued.

The annual payment for the Bankhead Jones Farm Tenant Act was received in the amount of \$5,511,390.83. Thompson moved to forward the \$350,000 budgeted amount to the Billings County School District and transfer the remainder evenly to the three road district funds. Arthaud seconded. All voted aye. Thompson moved to

approve amending the Land Utilization budget by \$3,061,390.83 to account for the amount received and distributed over the budgeted projection. Arthaud seconded. All voted aye.

The board was notified that Dee Ann Baertsch was declining her appointment to the Vision West Consortium board. Darlene Mitchell said that Lynn Arthaud would be willing to take the position. Thompson moved to appoint Lynn to the board. Kasian seconded. All voted aye.

The board approved the revenue vouchers for the month of March: Recorder \$16,829.31; Zoning \$2500.00; Court \$120.50; Sheriff \$52.00

Revenues for materials and/or services rendered in March: Belfield Ambulance \$3,599.82 staffing grant reimbursement; Thomas Grosulak \$126.00 cobra insurance; Ambulance services \$1,684.30; Curtis Fitzgerald \$16.13 map; Connie Hartman \$73.75 plat books; Marcia Lamb \$36.87; Ed Shypkowski \$26.88 map; Jason Glick \$16.13 map;

Revenues for the month of March: BLM Minerals \$486,466.15; Telecommunications Tax \$24,310.85; Highway Tax Distribution \$11,690.91; Oil & Gas Production Tax \$150,091.06; ND Dept of Trust Lands PILT \$4,405.85; Interest \$2,949.62

The following claims were approved for payment:

Advanced Business Methods	Recorder – Copier Contracts	002151	\$	489.00	
Alternative Sanitation	Garbage Removal	002152	\$	165.00	1, 2, 3
American Welding & Gas	Welding Supplies	002153	\$	220.00	2
Ameripride Linen Service	Mat Rental	002154	\$	162.26	2, 3
A T & T Mobility	Cellular Service	002155	\$	71.94	1
Billings County Rural Fire District	Taxes	002156	\$	9,162.91	
Billings County Historical Society	Taxes	002157	\$	421.70	
Billings County Pioneer	Publishing	002158	\$	67.32	2
Billings County School District	Taxes	002159	\$	158,625.37	
Billings County Sheriff	S. O. – Training Expenses	002160	\$	63.38	
Belfield Automotive Supply, Inc.	Parts & Supplies	002161	\$	391.13	1, 2, 3
Best Energy	Propane	002162	\$	1,424.00	3
Blue Cross Blue Shield of N.D.	Dental & Vision Premiums	002163	\$	2,386.80	1, 2, 3, W, G
Boespflug Trailers & Feed	Weed – 2012 ABU Trailer	002164	\$	2,960.00	
Boots Bar & Grill	D.E.M. – Fire Food	002165	\$	235.50	
Bosch Lumber Co.	Shop Supplies	002166	\$	57.98	2
Boswell Welding Co., Inc.	Sandblast Tanks	002167	\$	1,081.00	3
Bound Tree Medical, LLC	Ambulance – Medical Supplies	002168	\$	414.06	
Brooks & Associates, C. E.	Land Use Plan	002169	\$	276.19	
Butler Machinery Co.	Parts & Repairs	002170	\$	1,655.93	2, G
Carquest Auto Parts	Parts & Supplies	002171	\$	30.19	1
Cash, Kathy	Deputy Auditor – Election Training	002172	\$	30.93	
Cellular Communications	Cellular Phone	002173	\$	259.97	2
Cerkoney, Cathy	Zoning Meeting – Mileage	002174	\$	80.70	
Chief Supply	Ambulance – Helmet Brackets	002175	\$	303.88	
Comfort Inn – Bismarck	Tax Director & D.E.M. – 911 Meeting	002176	\$	207.00	
Creative Energy	Diesel Fuel	002177	\$	5,411.37	1
Dakota Farm Equipment, Inc.	Weed – 2012 X.U.V.	002178	\$	12,100.00	
Dakota Farm Equipment, Inc.	Parts & Supplies	002179	\$	746.37	3
Dakota Insurance	Property Insurance	002180	\$	507.00	1, 3, W, G
Dakota Water Treatment	Water System Rental	002181	\$	25.00	1
Dan’s Interstate Conoco	S. O. & Ambulance – Gas	002182	\$	659.62	
Deans Distributing	Drum Oil	002183	\$	1,424.40	3
DF Lighting Company	Courthouse – Maintenance Supplies	002184	\$	150.15	
Dickinson, City of...	Waste Disposal	002185	\$	19.25	2
Dickinson Public Library	Library Services	002186	\$	4,294.53	
Dickinson Ready Mix Co.	Silt Fence	002187	\$	204.00	3
Dickinson Supply, Inc.	Shop Supplies	002188	\$	516.52	3
DJ’s Tesoro	S. O. – Gas	002189	\$	69.39	
DTE, Inc.	Shop Supplies	002190	\$	362.62	2
Energy Systems Industrial	Shop Cabinets	002191	\$	530.51	3
Floor to Ceiling Store	Weed – Bath Tile	002192	\$	1,600.00	
General Equipment & Supplies	Terex Repair	002193	\$	1,241.60	1, 2, 3
George’s Tire, Ltd.	Tire	002194	\$	545.00	2
Golden Valley County	Social Services	002195	\$	4,016.80	
Heiser, Don	Zoning Meetings – Mileage	002196	\$	61.32	
HR Collaborative	Auditor – Human Resource Class	002197	\$	250.00	
JM Welding, LLC	Packer Repair	002198	\$	1,884.72	3
J P Steel & Supply	Iron Supplies	002199	\$	465.84	3
Jurgens, Joan	Auditor – Election Training	002200	\$	36.54	
Kadrmass, Lee, & Jackson, Inc.	Engineering	002201	\$	64,497.36	1, 2, 3
Kasian, Connie	Zoning Meeting – Mileage	002202	\$	75.60	
Kasian, Michael E.	Commissioner – Mileage	002203	\$	195.33	2
Kelly Inn – Bismarck	Auditor – Election Training	002204	\$	138.60	
Kessel, Anita	Zoning Meeting – Mileage	002205	\$	85.80	
Klang, Keri	D.E.M. – Training Expense	002206	\$	54.00	
Krebs Machine & Repair	Water Truck Repair	002207	\$	160.00	2
Krush, Paul	Zoning Meeting – Mileage	002208	\$	87.84	
Mac’s, Inc.	Shop Supplies	002209	\$	16.95	3
Martin’s Welding & Refrigeration	Shop Heater Repair	002210	\$	221.00	2
Matthew Bender & Co., Inc.	Court Rules – Updates	002211	\$	102.94	
Medora, City of...	Taxes	002212	\$	1,054.58	
Menards	Shop Expenses	002213	\$	1,209.14	3, W

Midstate Telephone Company	911 Changes	002214	\$	46.00	
Midstate Telephone Company	Courthouse – Telephone Service	002215	\$	931.40	
Midwest Doors, Inc.	Shop Supplies	002216	\$	193.33	1
Mobile Binders	Clerk of Court – Docket Binders	002217	\$	1,029.40	
Missouri Valley Petroleum, Inc.	Gas, Oil, & Diesel	002218	\$	26,334.91	2, 3, G
N.D. Association of Counties	Taxes	002219	\$	109.95	
N.D. County Treasurer Association	Membership Dues	002220	\$	50.00	
N.D. Cowboy Hall of Fame	Meeting Room – Maintenance	002221	\$	200.00	
N.D. Department of Transportation	License & Title Fees	002222	\$	11.50	1
N.D.P.E.R.S.	Health Insurance Premium	002223	\$	34,825.94	1, 2, 3, W, G
N.D. State Radio Communications	S. O. – T-1 Line, 911 Services	002224	\$	1,644.33	
N.D. State Treasurer	Clerk of Court Fees	002225	\$	1,166.56	
N.D. Weed Control Association	Membership Dues	002226	\$	275.00	
N.D.A.A.O.	Tax Director – Class Fees	002227	\$	50.00	
Nelson International	Parts & Supplies	002228	\$	204.76	2
Newby's Ace Hardware	Supplies	002229	\$	389.94	3, W, G
Northern Improvement Co.	Omega Mix	002230	\$	14,039.31	1
Lamb, Marcia	Deputy Tax Director – Travel Expense	002231	\$	181.80	
O'Brien Oilfield Service, LLC	Iron Supplies	002232	\$	53.02	3
Off Road Software, Inc.	Off Road GIS Software	002233	\$	1,400.00	
Oilind Safety	Gas Monitor's	002234	\$	5,223.90	
OK Tire Stores	Tires	002235	\$	1,687.65	3
Parkway Ford	Parts & Repairs	002236	\$	652.49	1
Penguin Communications, LLC	911 Voice Notification System	002237	\$	774.00	
Performance Truck Center	Parts & Repairs	002238	\$	1,459.12	2
Porter Motors, Dan	Ambulance – Service	002239	\$	274.88	
Prairie Lumber Company	Weed & Museum – Construction	002240	\$	2,020.69	
Praxair	Shop Supplies	002241	\$	28.22	1
Probuild	Shop Supplies	002242	\$	183.53	3
Pump Systems, Inc.	Parts & Equipment	002243	\$	4,992.36	1, 2, 3
Ram General Contracting, Inc.	Shop – Maintenance	002244	\$	450.16	3
Ramkota Hotel – Bismarck	D.E.M. – Travel Expenses	002245	\$	69.00	
Ray's Auto Electric	Batteries	002246	\$	374.85	1
RDO Equipment Co.	Parts & Supplies	002247	\$	54.30	2
Redmond, Perry & Alicia	2012/2013 Gravel Lease Access	002248	\$	1,500.00	1
Reliance Telephone, Inc.	Clerk of Court – Collect Call	002249	\$	4.10	
Roughrider Electric Cooperative	Electricity	002250	\$	2,273.87	1, 2, 3, W, G
Roughrider RV's	Shop Supplies	002251	\$	40.72	1
Rummel Auto Wrecking	Ambulance – Oxygen	002252	\$	60.95	
Rummel, Patrick	D.E.M. – Travel Expense	002253	\$	54.00	
Runnings Farm & Fleet, Inc.	Parts & Supplies	002254	\$	432.45	1, 2, G
Rustan, Melissa	Weed – Sears Appliances	002255	\$	1,823.94	
Southwest Business Machines	Office Supplies	002256	\$	1,041.43	
Share Corporation	Courthouse – Maintenance Supplies	002257	\$	245.15	
Sirchie Fingerprint Laboratory	S. O. – Fingerprinting Supplies	002258	\$	164.85	
Smart Computers & Consulting	Computer Technical Support	002259	\$	1,187.50	
Steffan Saw & Bike	Parts & Supplies	002260	\$	32.00	1
Stein's, Inc.	Courthouse – Maintenance Supplies	002261	\$	333.90	
Superior Lamp, Inc.	Lighting Supplies	002262	\$	626.25	3
SuperPumper	S. O. – Gas	002263	\$	223.00	
Southwestern District Health Unit	Taxes	002264	\$	3,708.10	
Southwest Multi-Co. Correction Ctr.	Prisoner Care	002265	\$	490.00	
Southwest Water Authority	Taxes	002266	\$	1,166.56	
Southwest Water Authority	Water Usage	002267	\$	318.18	1, 2, 3, W
Swanson, Stacey	Tax Director – Travel Expense	002268	\$	30.00	
Swanston Equipment Corp.	Marathon LD600T Crack Sealer	002269	\$	38,887.00	1
Synergy Graphics	Election – Supplies	002270	\$	70.39	
Tczap, John	Zoning Meeting – Mileage	002271	\$	45.00	
Team Laboratory Chemical Corp.	Fine Road Patch	002272	\$	677.00	1
Texas Refinery Corporation	Parts & Supplies	002273	\$	506.40	2
Thompson, Allan T.	Commissioner – Mileage	002274	\$	138.72	
Tom's Service Center	S. O. – Oil-x, Service, & Gas	002275	\$	255.80	
Total Safety US, Inc.	Safety Equipment	002276	\$	865.60	1, 2, 3, G
Trappers Inn	D.E.M. – Training Expense	002277	\$	130.54	
Verizon Wireless	Cellular Service	002278	\$	1,029.77	2, 3, G
Volesky Construction	Weed – Shop Construction	002279	\$	15,081.00	
Wal-Mart	Courthouse – Maintenance Supplies	002280	\$	146.92	
West Dakota Oil Co., Inc.	Shop Supplies	002281	\$	91.18	1
West Plains, Inc.	80" Dozer Blade	002282	\$	3,900.00	1
Westlie Truck Center	Parts & Repairs	002283	\$	7,127.07	2, 3
American Family Life Assurance	Premium	002340	\$	972.99	
Century Link	Telephone Service	002341	\$	464.76	1, 2, 3, W, G
Consolidated	Internet Service & 911 Changes	002342	\$	237.71	2, 3, W
Dakota Insurance	Property Insurance	002343	\$	83.00	1, 2, 3, W, G
Discovery Benefits, Inc.	Administrative Fees	002344	\$	83.00	
Discovery Benefits, Inc.	Premium	002345	\$	1,753.35	
Information Technology Dept.	S. O. – T-1 Line	002346	\$	453.25	
Job Service North Dakota	Unemployment Taxes	002347	\$	2,882.70	1, 2, 3, W, G
Medora, City of...	Courthouse – Utilities	002348	\$	234.58	
State Dispersement Unit	Garnishment	002349	\$	946.00	
N.D. Department of Transportation	Weed – License & Title 2012 XUV	002350	\$	10.00	
N.D. Department of Transportation	Weed - License & Title 2012 Trlr.	002351	\$	10.00	
N.D.P.E.R.S.	Deferred Comp. Premium	002352	\$	5,514.00	
N.D.P.E.R.S.	Retirement	002353	\$	17,418.80	1, 2, 3, W, G
N.D. State Tax Commissioner	State Withholding Taxes	002354	\$	6,353.89	
Prudential	Deferred Comp.	002355	\$	28.58	
Reservation Telephone Cooperative	Telephone Service	002356	\$	49.55	1, 2, 3, G
Visa	Ambulance – Medical Supplies, etc.	002357	\$	5,850.75	1, 2, 3, G

Payroll in the following amounts were approved for March: General Fund \$90,564.93; Road and Bridge Fund \$83,250.43; Weed Fund \$4,569.28

With there being no further business, Thompson moved to adjourn the meeting 3:00 P.M. Arthaud seconded.

James Arthaud, Chairman

Attest: _____

Joan Jurgens, Auditor/Treasurer