

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING –JUNE 5, 2012**

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

Others present during portions of the meeting were: Craig Kubas; Phil Sand; Dennis Keller; Stacey Swanson; Marcia Lamb; Jim Haag; Pat Rummel; John Tczap; Dave Jurgens; Jay Brovold; Chris King; Tame & Rollie Baumgarten; Thorwald Wanner; Jerald Wanner; Ed Cerkoney; Jim Fritz; Rose Krebs; Rod Kadrmas; Joseph L. Kessel; Joseph G. Kessel; Mike Klatt; Perry & Alicia Redmond; Jim & Dona Lowman

Kasian moved to approve the minutes from the May 3, 2012 regular meeting. Thompson seconded. All voted aye.

Phil Sand and Dennis Keller met with the board concerning reservation telephone laying fiber optic line in the county right of way. No action was taken at this time.

The board was informed that Paul Krush accepted another term to the Planning and Zoning board. Kasian moved to reappoint him to the position. Thompson seconded. All voted aye.

The board received and approved the following permits:

Construction in County Right-of-Way Permits:

- John Romanyshyn – 12-141-98 along 121st Ave SW
- Roughrider Electric Cooperative Inc. – NE1/4SE1/4 32-142-100 crossing West River Road
- Roughrider Electric Cooperative Inc. – Sections 7 & 8-141-99 crossing 131st Ave. SW
- Roughrider Electric Cooperative Inc. – 6-141-101 along East River Road
- Roughrider Electric Cooperative Inc. – 11 & 12-141-98
- Roughrider Electric Cooperative Inc. – 35-141-99 crossing between 35-141-99 and 4-140-99
- Roughrider Electric Cooperative Inc. – 9 & 10-139-100
- Pat Redmond – 2-139-100 along Highway 10
- Jimmy Anderson – 13-139-100 along 133rd Ave SW
- Baranko Brothers, Inc. – 10-139-100 along 135th Ave or crossing 38th St
- George Andreas c/o Jimmy Anderson 14-139-100 along 133rd Ave SW
- George Andreas c/o Jimmy Anderson 13-139-100 along 133rd Ave SW

The American Foundation For Wildlife submitted a gaming site authorization for Club 85. Kasian moved to approve the site authorization. Thompson seconded. All voted aye.

The board reviewed the following zoning items from the zoning board's May 10, 2012 and May 31, 2012 meetings:

Shawn Gawryluk: Application for temporary crew housing for 2 skid shack units in the NW1/4SW1/4 28-139-100. The zoning board approved the application conditional upon approval from SW District Health. Thompson moved to approve granting the application once approval from SW District Health is received. Kasian seconded. All voted aye.

Lance Thomas: Application to rezone 2 acres in the SW1/4SW1/4 36-141-99 from agricultural to residential for the placement of a manufactured home. Lance also requested a variance from the 5 acre minimum lot size. The property is currently owned by David & Patricia Kubas but Lance is purchasing 2 acres. The zoning board approved the rezoning and variance under the condition of approval from SW District Health. Thompson moved to approve granting the application once approval from SW District Health is received. Kasian seconded. All voted aye.

Byron Richard: Application (1) to rezone 5 acres in the S1/2NW1/4 9-139-100 (Fryburg) from agricultural to residential for the placement of a manufactured home. Property is currently owned by Russel Logan Equity Pure Trust. The zoning board approved the application pending approval from SW District Health. Thompson moved to approve granting the application once approval from SW District Health is received. Kasian seconded. All voted aye.

Byron Richard: Application (2) to rezone 5 acres in the S1/2NWNW1/4 9-139-100 (Fryburg) from agricultural to residential for the placement of a manufactured home. Property is currently owned by the Russel Logan Equity Pure Trust. The zoning board approved the application pending approval from SW District Health. Thompson moved to approve granting the application once approval from SW District Health is received. Kasian seconded. All voted aye.

Billings County District #3: Application for a conditional use permit to mine scoria on 15 acres in the NW1/4SW1/4 7-139-100. The permit requested to reduce the setback requirement from 300' to 75' on the west

boundary of the SW1/4. Property is owned by Dave and Donna Adams and is zoned agricultural. The zoning board approved the permit. Kasian moved to approve the application. Thompson seconded. All voted aye.

Charles Lynn & Jody Safford: Application for a conditional use permit for the placement of a manufactured home on an existing farm site at 12525 23rd St SW in the SE1/4SE1/4 30-142-98. The zoning board approved the application. Thompson moved to approve the application. Kasian seconded. All voted aye.

John Romanyshyn: Application to rezone 5.5 acres in the NW1/4SW1/4 12-141-98 from agricultural to residential for the construction of a home. Property is owned by Myron and Sandy Romanyshyn. The zoning board approved the application. Thompson moved to approve granting the application once approval from SW District Health is received. Kasian seconded. All voted aye.

Myron Yourk: Variance to add a mobile home hookup on the south half of a 2.8 acre tract in the NW1/4NW1/4 14-142-99 and tie into the sewer system of the shop building. The zoning board approved the variance. Kasian moved to uphold the zoning board recommendation. Thompson seconded. All voted aye.

Malkowski Trucking: Application for a Variance to construct 2 RV hookups for temporary housing for employees at 1608 128th Ave SW in the NW1/4NW1/4 26-143-99. Property is zoned Agricultural and owned by Qwain Malkowski. The zoning board approved the variance for one year conditional upon the SWDH application being provided by the commissioners meeting. Kasian moved to approve the application as long as the conditions are followed. Thompson seconded. All voted aye.

Kwirt Johnson: Application for a Variance to build a horse barn within the 250' setback from I-94 at 13298 35th St SW in the SW1/4NW1/4 36-140-100. Property is zoned Agricultural. The zoning board approved the variance. Thompson moved to approve the variance. Kasian seconded. All voted aye.

Rodney & Rene Syminow: Application for a conditional use permit to place a modular home at 13455 38th St SW in the S1/2SE1/4 10-139-100. Property is zoned Agricultural. Modular home will be at an existing farmsite. The zoning board approved the application conditional upon adequate water and sewer. Thompson moved to approve the application also conditional upon adequate water and sewer. Kasian seconded. All voted aye.

Rocky & Darlene Fritz: Application for a Variance to allow 3 RV's as temporary housing for the supervisors at the rock pit in the SW1/4SW1/4 34-137-100. Property is zoned Agricultural. The zoning board approved the three RV's for one year conditional that they utilize a closed loop system for their sewer and water. Thompson moved to uphold the zoning board recommendations. Kasian seconded. All voted aye.

Cody Eaton, Skyward Trend applied to change zoning from agricultural to residential for a 10 unit mobile home park in SE1/4SE1/4 10-142-99. They also requested rezoning Club 85 tract from residential to commercial. The zoning board approved the applications. Thompson moved to approve the applications. Kasian seconded. All voted aye.

Craig Kubas with Kadrmas Lee & Jackson met with the board for the monthly engineers report and road project bid openings.

Bids received for project number CP-04(12)02 seal coat on 10th St – Bituminous Paving \$276,739.80; Asphalt Surface Technologies \$268,946.60; Hardrives Construction \$318,877.85. Thompson moved to accept the low bid of Asphalt Surface Technologies in the amount of \$268,946.60, pending the mathematical calculations are correct once checked by Kadrmas, Lee & Jackson. Kasian seconded. All voted aye.

Bids received for project number CP-0408(12)01 for graveling from district one county shop going East – Rachel contracting \$597,869.50. The board tabled this until the July meeting.

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

At 1:00 P.M., the board recessed as the Board of County Commissioners and convened as the County Board of Equalization. Tax Director Stacey Swanson and Deputy Tax Director Marcia Lamb explained the process and reported on the county valuations. Topics of discussion included the state mandate that the 1998 soil survey be implemented by 2012, rather than the 1944 soil survey previously used; sales ratio study, and the tolerance level set by the state. Kasian moved to approve the assessments and valuations as presented. Thompson seconded. All voted aye.

At 2:15 P.M., Kasian moved to adjourned as the County Board of Equalization and reconvene as the Board of County Commissioners. Thompson seconded. All voted aye.

The board approved the revenue vouchers for the month of May: Recorder \$29,937.82; Zoning \$3,825.00; Court \$128.00; Sheriff \$25.00

Revenues for materials and/or services rendered in May: Ambulance Services \$4,474.37; Boyd Construction \$655.00 overload fees; map sales \$10.75; Larry Cymbaluk \$201.20 scoria & trucking;

Revenues for the month of May: Permits \$20,535.00; Royalties \$84,887.62; Oil Impact Grant \$1,204,030.00; Highway Distribution \$13,984.68; Interest \$3,936.58; Oil & Gas Production Tax \$196,625.35; EMS Staffing Grant \$15,000.00

The following claims were approved for payment:

ABC Fencing, LLC	Fencing Materials	002554	\$ 148.00	3
Adams, James W	2012/2013 Gravel Lease	002555	\$ 500.00	3
Advanced Business Methods	Recorder – Copy Paper, etc.	002556	\$ 1,029.00	
Alliance Ag South Heart Agronomy	Weed – Chemicals	002557	\$ 10,525.98	
Alternative Sanitation	Garbage Removal	002558	\$ 220.00	1, 2, 3, W
Ameripride Linen Service	Mat Rental	002559	\$ 138.46	2, 3
Applied Concepts, Inc.	S. O. – DSR Counting Unit	002560	\$ 2,312.50	
A T & T Mobility	Cellular Service	002561	\$ 71.70	1
Atlas Windshield Repair	Windshield Replacements	002562	\$ 1,500.00	2
Billings County Rural Fire District	Taxes	002563	\$ 103.97	
Billings County Historical Society	Wage Budget	002564	\$ 16,000.00	
Billings County Pioneer	Publishing	002565	\$ 576.18	1, G
Billings County School District	Taxes	002566	\$ 44,879.56	
Belfield Automotive Supply, Inc.	Parts & Supplies	002567	\$ 1,247.38	2, 3, W
Bismarck Fertilizer Co., Inc.	Weed – Chemicals	002568	\$ 2,667.50	
Blue Cross Blue Shield of N.D.	Dental & Vision Premiums	002569	\$ 2,386.80	1, 2, 3, W, G
Boltz Construction	Blade Roads	002570	\$ 3,619.00	3
Boswell Welding Co., Inc.	Build Cattleguard	002571	\$ 5,560.00	3
Butler Machinery Co.	Parts & Supplies	002572	\$ 1,010.67	3
CDW Government	S. O. – Computer Equipment	002573	\$ 19,477.08	
Cerkoney, Cathy	Zoning Meeting – Mileage	002574	\$ 83.85	
Chemsearch	Courthouse – Maintenance Supplies	002575	\$ 616.00	
Comfort Inn – Bismarck	S. O. & Tax Director – Training	002576	\$ 483.00	
Cowboy Café	D.E.M. – Painted Canyon Fire	002577	\$ 1,138.50	
Creative Energy	Diesel Fuel & Supplies	002578	\$ 5,537.76	1, 2
Dakota Farm Equipment, Inc.	Parts & Supplies	002579	\$ 154.00	3
Dakota Filter Supply	Parts & Supplies	002580	\$ 406.10	3
Dan’s Interstate Conoco	S. O. – Gas	002581	\$ 546.37	
Deans Distributing	Diesel Fuel Bulk	002582	\$ 22,452.95	3
Diamond Truck Equipment	Parts & Supplies	002583	\$ 139.10	1
Dickinson, City of...	Waste Disposal	002584	\$ 165.95	2, W
Dickinson Public Library	Library Services	002585	\$ 2,799.86	
DS Solutions, Inc.	Election – Test Ballots	002586	\$ 30.00	
Electronic Communications	Radio Equipment	002587	\$ 1,540.00	1, 3, G
Emil’s Repair	Weed – Parts & Repairs	002588	\$ 1,481.13	
Ferguson Enterprises, Inc.	Courthouse – Maintenance Supplies	002589	\$ 148.64	
Fisher Sand & Gravel	Concrete Rock	002590	\$ 275.80	2
George’s Tire, Ltd.	Tires	002591	\$ 13,096.00	1, 2, 3
Golden Valley County	Social Services	002592	\$ 6,560.90	
Great Plains Clinic	S. O. – Workforce Safety	002593	\$ 172.47	
Hartman, Connie	Auditor – Travel	002594	\$ 174.84	
Heartland Engineering	Blacktail Road	002595	\$ 638.61	2
Heiser, Don	Zoning Meetings – Mileage	002596	\$ 125.52	
Hidden Springs Java	D.E.M. – Multi-Hazard Meeting	002597	\$ 46.50	
Hlebechuk Construction	Blade Roads	002598	\$ 24,868.00	2, 3
Holiday Inn – Fargo	Clerk of Court – Convention	002599	\$ 138.60	
Huffman, Jade	Weed – Pesticide Training	002600	\$ 80.00	
JM Welding, LLC	Build Fuel Tank Landing	002601	\$ 1,846.67	3
Johnson, Christine	Clerk of Court – Travel	002602	\$ 380.10	
J P Steel & Supply, Inc.	Iron Supplies	002603	\$ 65.40	2
Jurgens, Dave	S. O. – Travel	002604	\$ 39.00	
Kadmas, Lee, & Jackson, Inc.	Engineering	002605	\$ 55,677.09	1, 2, 3
Kasian, Connie	Zoning Meeting – Mileage	002606	\$ 78.30	
Kasian, Michael E.	Commissioner – Mileage	002607	\$ 239.76	2
Kessel, Anita	Zoning Meeting – Mileage	002608	\$ 178.80	
Kevin’s Auto & Truck Repair	Batteries	002609	\$ 446.85	3
King Speed Printing	Auditor & Tax Director – Printing	002610	\$ 422.00	
Krush, Paul	Zoning Meetings – Mileage	002611	\$ 183.24	
Lamb, Marcia	Tax Director – Travel	002612	\$ 795.69	
Bobby Lombardi	Weed – Pesticide Training	002613	\$ 80.00	
Lyle Signs, Inc.	Road Signs	002614	\$ 142.60	2
Mac’s, Inc.	Shop Supplies	002615	\$ 410.40	2
Malkowski, Pete	Blacktail Road – Water Usage	002616	\$ 500.00	2
Matthew Bender & Co., Inc.	Century Code Updates	002617	\$ 580.63	
MedMedia	Ambulance – Emstat Fees	002618	\$ 250.00	
Medora Convenience	Risk Mgmt. – Training Expense	002619	\$ 33.54	
Medora, City of...	Taxes	002620	\$ 13,366.87	
Metro Billing Services	Ambulance – Runs	002621	\$ 153.00	
Midstate Telephone Company	911 Changes	002622	\$ 24.00	
Midstate Telephone Company	Courthouse – Telephone Service	002623	\$ 948.77	
MBI Energy Services	Parts & Supplies	002624	\$ 49.31	3
Missouri Valley Petroleum, Inc.	Gas, Oil, & Diesel	002625	\$ 31,696.03	2, 3, G
N.D. Association of Counties	Taxes	002626	\$ 157.89	
N.D. Association of Counties	Workers Comp. – Premium	002627	\$ 4,917.65	1, 2, 3, W, G
N.D. Association of Oil & Gas	Weed – D & A Testing	002628	\$ 159.00	
N.D. Cowboy Hall of Fame	Meeting Room – Maintenance	002629	\$ 200.00	
N.D.P.E.R.S.	Health Insurance Premium	002630	\$ 34,180.02	1, 2, 3, W, G

N.D. Secretary of State	Election – Technical Support	002631	\$	1,729.51	
N.D. State Radio Communications	S. O. – Permit Fees	002632	\$	40.00	
N.D. State Treasurer	Clerk of Court Fees	002633	\$	12.65	
Nelson International	Parts & Supplies	002634	\$	1,196.68	2
Never Enough Thyme Greenhouse	Courthouse – Maintenance Supplies	002635	\$	606.92	
Newby’s Ace Hardware	Supplies	002636	\$	397.25	W, G
Newman Signs	Road Signs	002637	\$	1,109.12	1
Nielsen, Bobbi Jo	Weed – Pesticide Training	002638	\$	80.00	
Northern Improvement Co.	Omega Mix	002639	\$	4,852.50	1
Northern Improvement Co.	Old Highway 10	002640	\$	24,030.90	3
NW Tire	Tire Repair	002641	\$	47.05	3
O’Brien, Birdie & Mony Wolf	Risk Mgmt. – Safety Meeting	002642	\$	500.00	
O’Day Equipment, Inc.	Fuel Tank	002643	\$	13,994.08	1
O’Day Equipment, Inc.	Fuel Tank	002644	\$	23,130.00	3
Off Road Software, Inc.	Off Road GIS Software	002645	\$	1,400.00	
OK Tire Stores	Tires	002646	\$	6,956.40	3
Pakor, Inc.	Clerk of Court – Passport Film	002647	\$	98.51	
Parkway Ford	Parts & Repairs	002648	\$	3,645.97	1
Prairie Excavation, LLC	Ambulance – Crew Housing Set-up	002649	\$	1,386.69	
Prairie Lumber Company	Weed – Shop Construction	002650	\$	74.11	
Probuild	Shop Supplies	002651	\$	20.00	3
Pump Systems, Inc.	Courthouse – Maintenance Supplies	002652	\$	177.00	
RDO Equipment Co.	Parts & Supplies	002653	\$	2,148.83	2, 3
RDO Trust 80-5800	2009 Towmaster Trailer	002654	\$	3,200.00	2
Respond Systems	Courthouse – Maintenance Supplies	002655	\$	126.66	
Roughrider Electric Cooperative	Electricity	002656	\$	2,405.98	1, 2, 3, W, G
Roughrider Speed Center, Inc.	Ambulance – Hypertech Chips	002657	\$	819.98	
Rummel, Patrick	S. O. – Travel Expense	002658	\$	39.00	
Runnings Farm & Fleet, Inc.	Parts & Supplies	002659	\$	492.27	2, W, G
S & R Interiors	Museum – Install Stair Threads	002660	\$	1,805.74	
Sax Motor Co.	Ambulance – (2) Chevrolet Suburban’s	002661	\$	79,438.00	
Sax Motor Co.	2012 Chevrolet 3/4T Pickup	002662	\$	24,763.00	3
Southwest Business Machines	Office Supplies	002663	\$	2,117.00	2, W, G
South Heart Auto Service	Parts & Repairs	002664	\$	734.55	2
Share Corporation	Courthouse – Maintenance Supplies	002665	\$	164.39	
Smart Computers & Consulting	Computer Technical Support	002666	\$	643.13	
St. Joseph’s Hospital	S. O. – Workforce Safety	002667	\$	216.15	
Steffan Saw & Bike	Parts & Supplies	002668	\$	107.92	2
SuperPumper	S. O. & Ambulance – Gas	002669	\$	225.98	
Southwestern District Health Unit	Taxes	002670	\$	45.66	
Southwest Multi-Co. Correction Ctr.	Prisoner Care	002671	\$	560.00	
Southwest Water Authority	Taxes	002672	\$	12.65	
Southwest Water Authority	Water Usage	002673	\$	1,805.99	1, 2, 3, W
Swanson, Stacey	Tax Director – Travel	002674	\$	225.24	
Swanston Equipment Corp.	Parts & Supplies	002675	\$	47.09	1
Symionow Living Trust, Nick	2011/2016 Scoria Lease	002676	\$	125.00	1
Tczap, John	Zoning Meeting/Workforce Safety	002677	\$	120.00	
Team Laboratory Chemical Corp.	Shop Supplies	002678	\$	160.25	3
Thompson, Allan T.	Commissioner – Mileage	002679	\$	248.09	1
Tom’s Service Center	Gas, Battery, & Tire Repair	002680	\$	266.95	3, G
Total Safety US, Inc.	Safety Equipment	002681	\$	517.36	1, 2, 3, W
True North Steel	Culverts	002682	\$	11,522.85	1
Unlimited Office Products	Auditor – Envelopes	002683	\$	230.88	
Verizon Wireless	Cellular Services	002684	\$	1,028.21	2, 3, G
Vogel Law Firm	Land Use Plan – Eberts Ranch	002685	\$	287.00	
Volesky Construction	Courthouse – Cement Work	002686	\$	2,125.00	
Wal-Mart	Supplies	002687	\$	388.18	W, G
Westlie Truck Center	Parts & Supplies	002688	\$	7,526.20	3
Wosepka Auto Service	Parts & Repairs	002689	\$	186.00	1
Z & S Dust Control Systems	Dust Control	002690	\$	10,801.60	2
Zachmann, Nate	Weed – Pesticide Training	002691	\$	80.00	
Baranko, Phyllis	Election Official	002765	\$	213.41	
Century Link	Telephone Services	002766	\$	528.81	1, 2, 3, W, G
Consolidated	Internet Services	002767	\$	336.71	2, 3, W
Discovery Benefits, Inc.	Administrative Fees	002768	\$	83.00	
Ewoniuk, Shelly	Canvass Board – Election Official	002770	\$	54.41	
Fritz, Darlene	Election Official	002771	\$	240.04	
Don Gordon	Election Official	002772	\$	165.10	
Hande, Margie	Election Official	002773	\$	228.94	
Hewson, Robert	Election Official	002774	\$	228.94	
Information Technology Dept.	S. O. – T-1 Line	002775	\$	433.85	
Jensen, Douglas	Election Official	002776	\$	139.00	
Krogh, Margaret	Election Official	002777	\$	298.90	
Lindbo, Margie C.	Election Official	002778	\$	182.86	
Malkowski, Kathleen	Election Official	002779	\$	238.40	
Medora, City of...	Courthouse – Utilities	002780	\$	269.99	
N.D. Department of Transportation	Ambulance – License & Title Fees	002782	\$	23.00	
N.D.P.E.R.S	Retirement	002784	\$	18,012.89	1, 2, 3, W, G
Oster, Amanda	Election Official	002785	\$	139.00	
Pedeliski, Nick E.	Canvass Board – Election Official	002786	\$	46.64	
Polensky, Glenella F.	Election Official	002787	\$	243.95	
Polensky, Vernon	Election Official	002788	\$	198.40	
Redmond, Alicia	Election Official	002790	\$	222.84	
Redmond, Glenda	Election Official	002791	\$	178.42	
Reservation Telephone Cooperative	Telephone Service	002792	\$	44.94	1, 2, G
Rodne, Debbie	Election Official	002793	\$	171.76	
Swenson, Sunya	Election Official	002794	\$	183.96	
Tczap, Joan	Election Official	002795	\$	154.00	
Visa	Weed & Ambulance – Equipment	002796	\$	2,356.74	1, 2, 3, G

Payroll in the following amounts were approved for May: General Fund \$90,210.58; Road and Bridge Fund \$89,622.11; Weed Fund \$13,459.69

With there being no further business, Kasian moved to adjourn the meeting 3:30 P.M. Thompson seconded.

James Arthaud, Chairman

Attest: _____

Joan Jurgens, Auditor/Treasurer