

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING – MARCH 5, 2013**

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

Others present during portions of the meeting were: Donna Adams, Clarence Sitter, John Hild, John McCain, Roy Krivoruchka, Craig Kubas, Pat Rummel, Lynn Arthaud, Shirley Brentrup, Leona Odermann, Cody Reis, Hugh Hlebechuck, Terry Metzger, Steve Burns, Kim Ekre, Alan Ridl, Becky & Chuck Howe, Jim Haag, Dave Jurgens, Keri Klang, Mitch Gilseth.

After review, Kessel moved to approve the minutes from the February 5, 2013 regular meeting and the February 12, 2013 special meeting. Kasian seconded. All voted aye.

It was brought to the board's attention that Jon Odermann's appointment on the Billings County Weed Board expires on March 31, 2013. Odermann has agreed to another term on the board. Kessel moved to re-appoint him. Kasian seconded. All voted aye.

After review of Employee Assistance Programs through St. Alexius and The Village Business Institute, Kessel moved to contract with St. Alexius for the 8 session model for the employees of Billings County. Kasian Seconded. All voted aye.

The board reviewed Medora City Council Resolution supporting the words and intent of legislative bill HB1183 introduced into the sixty-third Legislative Assembly of the State of North Dakota. Kessel moved to adopt Resolution 2013-12. Kasian seconded. All voted aye. The full text of this resolution is on file in the Auditor's Office and posted on the public bulletin board in the Billings County Courthouse.

The board reviewed zoning requests that had been addressed by the zoning board at their February 28, 2013 special meeting as follows:

Cheyene Harmon: Application for a conditional use permit to place a manufactured home with an attached garage in a Residential district on a 5 acre tract in the S1/2NW1/4 9-139-100 (13570 Bryan Ave, Fryburg). SW water & sewer approved. The zoning board approved the application. Kessel moved to uphold the zoning board decision. Kasian seconded. All voted aye.

Darlene & Rocky Fritz: Application from last year for RV's at scoria pit. They requested to have one RV only at the home-site for one year. No RV's are to be located at the gravel pit site. SE1/4SE1/4 Section 16-137-100. The zoning board approved the amendment to the original application. Kessel moved to uphold the zoning board decision. Kasian seconded. All voted aye.

Steven Klym: Application for a conditional use permit to have 2 RV's as temporary housing in the N1/2NE1/4 22-140-100 (3309 134<sup>th</sup> Ave SW). Property is zoned agricultural. The zoning board approved the application. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Theodore Roosevelt Medora Foundation: Request to rezone approximately 57 acres in the NE1/4 3-139-102 from Agricultural to Residential. The tract of land is located at the southwest intersection of Sully Creek Rd & East River Rd S. The zoning board approved the rezoning of the 57 acres. John Hild and Clarence Sitter were present to answer questions. Kessel moved to uphold the zoning board decision. Kasian seconded. All voted aye.

The board received and approved the following permits:

Construction in County Right-of-Way Permits

- Consolidated – District 1 multiple locations in Townships 143-100 & 143-99 for Fiber Optic line.
- Roughrider Electric – NE1/4SE1/4 18-142-100 crossing US Forest Service FS738.
- Roughrider Electric – NW1/4SW1/4 Section 30-142-100 crossing US Forest Service FS73-3.
- Roughrider Electric – SE1/4NW1/4 31-142-100 crossing Lower 30 Road FS733.

Pipeline Permits

- OneOK Pipeline – Section 28-142-98 crossing 23<sup>rd</sup> Street.

Chairman Arthaud requested to note on the ARW applications that the permits are valid only for one year from date of approval.

Hugh Hlebechuck from Hlebechuck Construction and Terry Metzger from ADB development were present to discuss the road that has been built at Franks Creek Subdivision. Terry Metzger requested to have until March 15<sup>th</sup> to relocate the tractor trailers that are being parked at the subdivision. Kasian moved to release the ADB bond for the subdivision road and to give them until March 15, 2013 to remove the trucks. Kessel seconded. All voted aye.

The North Dakota Department of Health packet on the proposed approval of the Chimney Butte Environmental, LLC was reviewed. John McCain was present to answer any questions. Arthaud went over the review and the response to questions that were raised at the Dept. of Health public hearing. Kasian moved to accept the approval of the Health department as provided. Arthaud seconded. Arthaud and Kasian voted aye. Kessel voted nay. Motion carried.

Craig Kubas with Kadrmas, Lee, & Jackson met with the board for the monthly engineer's report.

There were three bid openings. States Attorney Brovold was present for the bid opening and reviewed the bid packets and determined they were in order.

Bid #1 – District 1 Crushing and Stockpiling Gravel – Township 143 Range 99 – No Bids were received.

Bid #2 – District 2 Crushing and Stockpiling Gravel. One bid was received by Meyer Aggregate - \$132,000.00. Kasian moved to award the bid to Meyer Aggregate. Kessel seconded. All voted aye.

Bid #3 – District 3 Crushing and Stockpiling Scoria - Adams Pit SW1/4 Section 7-139-102. Four bids were received – Meyer Aggregate - \$81,250.00, Fisher Sand & Gravel \$84,590.00, Pipkin-Goodfellow \$175,623.75, Howe Well Drilling & Excavation \$93,988.00 Bids will be reviewed for mathematical errors and will be addressed at the next commissioner meeting.

The board recessed for lunch from 12:00-1:00.

Dave Jurgens and Pat Rummel addressed the board regarding a change in the Billings County Employee Policy Manual to provide availability pay so that the Sheriff's office can have 24 hour 7 days per week coverage. The pay will be \$50/day for one person to be available for calls after regular scheduled work hours. Kessel moved to approve the request. Arthaud seconded. Kessel and Arthaud voted aye. Kasian voted nay. Motion carried.

Shirley Brentrup and Lynn Arthaud met with the board to discuss the finished Vision West Plan for Billings County. Copies of this plan are on file in the Auditor's office.

Pat Rummel addressed the board regarding putting up a partition in the Medora fire hall to separate the fire department from the ambulance. This is a multi-agency building owned by Billings County. The cost of the partition will come out of 3<sup>rd</sup> District budget. The board requested that Emergency manager Rummel take charge of maintenance of the building.

The board approved the revenue vouchers for the month of February: Recorder \$9048.80; Zoning \$725.00; Court \$145.00; Sheriff \$55.00.

Revenues for materials and/or services rendered in February: Ambulance Services \$2,968.88; Interstate PowerSystems \$150.00 snow removal.

Revenues for the month of February: Department of Transportation \$1,189.71 sheriff's office grant; Highway Tax \$20,868.67; Oil & Gas Distribution Tax \$271,868.09; Interest \$1,914.25; Royalties \$69,856.24; Permits \$14,480.00; Overload Fees \$14,000.00; Contract Clerk Services \$1,636.00; City of Medora Ambulance Cost share \$87,716.24; City of Belfield Paramedic Cost share \$22,932.69; Stark County Paramedic Cost share \$22,932.69.

The following claims were approved for payment:

PAYEE	EXPLANATION	CHECK #	AMOUNT	DEPT
Adams, Donna	Recorder – Travel Expense	004529	\$ 58.72	
Advanced Business Methods	Recorder – Copier Contracts	004530	\$ 1,491.45	
Alternative Sanitation	Garbage Removal	004531	\$ 220.00	1, 2, 3, W
American Welding & Gas	Shop Supplies	004532	\$ 656.24	1
Ameripride Linen Service	Mat Rental	004533	\$ 235.51	2, 3
Applied Concepts, Inc.	Sheriff – DSR Counting Unit	004534	\$ 2,467.50	
Armbrust Revocable Trust, Emilia	Sand Fill Royalties	004535	\$ 3,200.00	2
A T & T Mobility	Cellular Service	004536	\$ 71.66	1
Barth Ford, Bill	Sheriff – 2013 F150 Ford Pickup	004537	\$ 25,779.00	
Billings County Rural Fire District	Taxes	004538	\$ 23,461.76	
Billings County Historical Society	Taxes	004539	\$ 1,610.10	
Billings County Pioneer	Publishing	004540	\$ 1,707.48	1, 2, 3, G
Billings County School District	Taxes	004541	\$ 250,592.37	
Belfield Automotive Supply, Inc.	Parts & Supplies	004542	\$ 658.04	1, 2, 3, G
Belfield Plumbing & Heating	Museum – Furnace Repairs, etc.	004543	\$ 1,948.02	
Best Energy	Propane	004544	\$ 7,735.50	1, 2, 3, G
Bismarck Tribune	Subscription	004545	\$ 283.20	
Blue Cross Blue Shield of N.D.	Dental & Vision Premiums	004546	\$ 2,426.00	1, 2, 3, W, G
Boots Bar & Grill	Ambulance – Training Expense	004547	\$ 195.50	

Bound Tree Medical, LLC	Ambulance – Medical Supplies	004548	\$	3,345.38	
Butler Machinery Co.	Parts & Supplies	004549	\$	3,252.68	1, 3
Carpenter Law Offices	W-2 Advisory Service	004550	\$	492.00	
Cellular Communications	Ambulance – Cellular Iphone	004551	\$	299.92	
Cerkoney, Cathy	Zoning Meetings – Mileage	004552	\$	169.10	
Charbonneau Car Center	Parts & Supplies	004553	\$	126.75	3
Comfort Inn – Bismarck	Tax Director – NDAAO Conference	004554	\$	138.00	
Creative Energy	Diesel Fuel & Shop Supplies	004555	\$	9,849.41	2
Dacotah Lock & Key	Ambulance – Lock Installations	004556	\$	6,352.00	Voided
Dakota Farm Equipment, Inc.	Maintenance – Sweeper Repairs	004557	\$	327.07	
Dakota Filter Supply	Parts & Supplies	004558	\$	401.53	1, 3
Dan’s Interstate Conoco	S. O. & Ambulance – Gas	004559	\$	116.68	
Denny’s Electric	Generator Repair	004560	\$	852.50	1
Dickinson Public Library	Library Services	004561	\$	4,392.99	
DJ’s Tesoro	Ambulance – Gas	004562	\$	85.54	
Donut Hole	Ambulance – Training Expense	004563	\$	11.50	
Electronic Communications	Sheriff – Gunlock Installation	004564	\$	460.00	
Emil’s Repair	Parts & Supplies	004565	\$	102.00	3
General Steel & Supply	Parts & Repairs	004566	\$	643.61	1
George’s Tire, LTD.	Tires	004567	\$	11,506.00	3
Gilseth, Mitch	Ambulance – Travel Expense	004568	\$	234.00	
Golden Valley County	Social Service	004569	\$	7,422.89	
Hedahls Auto Plus	Shop Supplies	004570	\$	243.93	1
Hidden Springs Java	D.E.M. – Multi-Hazard Plan Meeting	004571	\$	25.00	
Hlebechuk, Thomas A.	Tax Deposit – Escrow Refund	004572	\$	526.28	
J and J Operating, LLC	Water Tank Repairs	004573	\$	5,549.99	3
Jamestown Communications	Radio Equipment	004574	\$	916.00	3
J P Steel & Supply, Inc.	Iron Supplies	004575	\$	659.55	1
Kadrmaz, Lee, & Jackson, Inc.	Engineering	004576	\$	33,368.57	1, 2, 3
Kasian, Connie	Zoning Meeting – Mileage	004577	\$	84.90	
Kasian, Michael E.	Commissioner – Mileage	004578	\$	219.22	2
Kastrow, Jason	S. O. – Training Expense	004579	\$	39.00	
Kessel, Anita	Zoning Meetings – Mileage	004580	\$	174.40	
Kessel, Joseph L.	Commissioner – Mileage	004581	\$	194.36	1
Klang, Keri	Ambulance – Training Expenses	004582	\$	135.00	
Krebs Machine & Repair	Machine Work	004583	\$	85.00	1
Larry’s Alignment	Parts & Repairs	004584	\$	650.00	3
Lyle Signs, Inc.	Road Signs	004585	\$	786.92	2, 3
Mac’s, Inc.	Shop Supplies	004586	\$	76.19	2
Mid-American Research Chemicals	Courthouse – Maintenance Supplies	004587	\$	205.40	
Matthew Bender & Co., Inc.	Court Rules – Updates	004588	\$	34.89	
Medora, City of. . .	Taxes	004589	\$	21,356.90	
Mid-Dakota Wheel Alignment	Parts & Repairs	004590	\$	2,780.44	1
Midstate Telephone Company	Courthouse – Telephone Service	004591	\$	962.02	
Mobile Binders	Recorder – Recording Binders	004592	\$	754.18	
Motorola Solutions	Ambulance – Radio’s	004593	\$	4,934.60	
Missouri Valley Petroleum, Inc.	Gas & Diesel Fuel	004594	\$	27,320.48	3, G
N.D. Association of Counties	Taxes	004595	\$	80.09	
N.D. Association of Counties	Auditor & D.E.M. – ILG Class Fees	004596	\$	160.00	
N.D. Association of Counties	Auditor & Recorder – Directories	004597	\$	180.00	
N.D. Association of Counties	D & A Testing Fees	004598	\$	893.20	1, 2, 3, W
N.D. Attorney General	Sheriff – Scram Program Fees	004599	\$	25.00	
N.D. Attorney General	Sheriff – Scram Program Fees	004600	\$	150.00	
N.D. Attorney General	Sheriff – Scram Program Fees	004601	\$	155.00	
N.D. Attorney General	Sheriff – Scram Program Fees	004602	\$	80.00	
N.D. Cowboy Hall of Fame	Meeting Room – Maintenance	004603	\$	200.00	
N.D.P.E.R.S.	Life Insurance Premium	004604	\$	6.00	3
N.D.P.E.R.S.	Health Insurance Premium	004605	\$	37,700.47	1, 2, 3, W, G
N.D. States’ Attorney Association	Membership Dues	004606	\$	300.00	
N.D. State Treasurer	Taxes	004607	\$	4,437.84	
N.D.A.C.O. Resources Group	Recorder – Computer Support	004608	\$	62.00	
Nelson International	Parts & Repairs	004609	\$	1,330.61	2, 3
Newby’s Ace Hardware	Shop Supplies	004610	\$	132.58	1, 3
North Central Ambulance Sales	Ambulance – Cabinet Installation	004611	\$	558.68	
O’Brien Oilfield Service, Inc.	Iron Supplies	004612	\$	557.18	3
O’Brien, Tyler	Medora Keytrol – Walkway	004613	\$	490.00	
Off Road Software, Inc.	Off Road GIS Software	004614	\$	1,400.00	
Parkway Ford	Parts & Repairs	004615	\$	2,647.76	1
Pemberton, Juliana	Tax Director – Travel Expense	004616	\$	176.86	
Performance Truck Center	Parts & Repairs	004617	\$	2,876.17	2
Pitney Bowes	Postage Machine – Supplies	004618	\$	209.06	
Porter Motors, Dan	Ambulance – Oil-x & Service	004619	\$	39.60	
Postmaster	Ambulance – P O Box Rental	004620	\$	44.00	
Praxair	Shop Supplies	004621	\$	190.06	1, 2
Pump Systems, Inc.	Parts & Supplies	004622	\$	121.20	1, 2
Putnam, Karen	Zoning Meetings – Mileage	004623	\$	92.26	
Ramkota Hotel – Bismarck	Sheriff – Travel Expenses	004624	\$	207.00	
Ray’s Auto Electric, Inc.	Parts & Repairs	004625	\$	21.00	3
RDO Equipment Co.	2013 JD 724K Loader, etc.	004626	\$	222,248.00	2, 3
Roosevelt-Custer Regional Council	Mitigation Plan	004627	\$	3,968.58	
Roughrider Electric Cooperative	Electricity	004628	\$	2,774.02	1, 2, 3, W, G
Rummel, Patrick	Sheriff – Travel Expense	004629	\$	21.00	
Runnings Supply, Inc.	Parts & Supplies	004630	\$	125.50	1, 3
Rural Economic Area Partnership	Strategic Plan	004631	\$	16,600.00	
Sanitation Products, Inc.	Falls – Cylinder & Yoke	004632	\$	1,949.84	1
Southwest Business Machines	Recorder – Copier Contracts	004633	\$	825.00	
Southwest Business Machines	Office Supplies	004634	\$	1,007.29	3, G
St. Joseph’s Hospital	Ambulance – Medical Supplies	004635	\$	1.58	
Stigen, Don & Sharleen	Gravel Lease Extension	004636	\$	125.00	1
Southwestern District Health Unit	Taxes	004637	\$	14,466.16	

Southwest Multi-Co. Correction Ctr.	Prisoner Care	004638	\$	1,500.00	
Southwest Water Authority	Taxes	004639	\$	4,402.84	
Southwest Water Authority	Water Usage	004640	\$	391.81	1, 2, 3, W
Swanson, Stacey	Tax Director – Travel Expense	004641	\$	67.25	
Tczap, John	Sheriff – Travel Expense	004642	\$	30.00	
Tom’s Service Center	Gas, Service, Batteries, & Tires	004643	\$	1,303.10	3, G
Underground Vaults, Inc.	Recorder – Microfilm Storage	004644	\$	4.50	
U.P.S. Store	Shipping Services	004645	\$	12.45	2, G
Verizon Wireless	Cellular Services	004646	\$	1,126.72	2, 3, G
Vidacare Corporation	Ambulance – Medical Supplies	004647	\$	1,221.55	
Wal-Mart	Courthouse – Supplies	004648	\$	54.40	
Westlie Crossroads Truck Center	Parts & Supplies	004649	\$	196.01	3
Zoll Medical Corporation	Ambulance – Medical Supplies	004650	\$	264.45	
Dacotah Lock & Key	Ambulance – Lock Installations	004652	\$	4,203.67	
Verizon Wireless	Ambulance – Phone Cards	004653	\$	30.06	
Centurylink	Telephone Service	004710	\$	507.49	1, 2, 3, G
Consolidated	911 Changes & Internet Service	004711	\$	229.21	2, 3, W, G
Discovery Benefits, Inc.	Flex Plan – Admin. Fee	004713	\$	83.00	
Information Technology Dept.	Sheriff – T-1 Line	004714	\$	461.60	
Medora, City of...	Courthouse – Utilities	004715	\$	200.06	
N.D.P.E.R.S.	Retirement Contributions	004719	\$	22,928.62	1, 2, 3, W, G
Reservation Telephone	Telephone Service	004722	\$	49.51	2, 3, G
Visa	Ambulance – Training, etc.	004723	\$	5,739.72	

Payroll in the following amounts were approved for February: General Fund \$111,019.67; Road and Bridge Fund \$90,163.11; Weed Fund \$4,282.15.

With there being no further business, Kessel moved to adjourn the meeting at 2:55 P.M. Kasian seconded. All voted aye.

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James Arthaud, Chairman

Attest: \_\_\_\_\_

Marcia Lamb, Auditor/Treasurer