

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING –NOVEMBER 8, 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: Albert Kessel, Anita Kessel, Stacy Swanson, Marcia Lamb, Donna Adams, Jay Brovold, Joyce Kenner, Myron Yourk, Tim Irish, Sheila Marie, Mary Abrahamson, Jeff King, Rhonda King, Dave Gates, Jim Haag, Jeff Iverson, Jeremy Wood, Joe Cianni, Mike Hanel, Dave Jurgens, Pat Rummel, Tim Solberg, Mike Heiser .

Kasian moved to approve the minutes from the October 2, 2012 regular meeting, and the October 29, 2012 special meeting. Thompson seconded. All voted aye.

The board reviewed the resolution “Billings County Highway Department Agreement for Use and Restoration of Haul Road.” Kasian moved to adopt the resolution. Thompson seconded. All voted aye. The resolution will be attached to all further gravel pit requests.

The board received and approved the following permits:

Pipeline Permits:

- OneOk Rockies Midstream – 36-143-100 & 1-142-101

Construction in County Right-of-Way Permits

- Whiting Oil & Gas Corporation – Section 9-140-100 along 31st St
- OneOk – Sections 7 & 8 141-99 along 31st Ave.
- Chad Hammerstrom – Section 32-139-102 along 148th Ave SW
- Roughrider Electric – SW1/4SW1/4 Section 15 & NW1/4NW1/4 Section 22 in 141-98 crossing 27th St SW

The board reviewed the following zoning items from the zoning board’s October 18, 2012 meeting.

Roxanne Binstock: Conditional use permit to place a mobile home on a 25.24 acre tract in the NW1/4 17-142-99 (2016 131st Ave SW). Property is zoned agricultural. This application is to replace an old mobile home on the property with existing sewer and water. The zoning board approved the permit. Thompson moved to uphold the zoning board recommendation. Kasian seconded. All voted aye.

Allan Thompson: Application for a variance to have 4 RV’s as temporary crew housing during the construction of the special waste landfill in the N1/2 4-143-99. Two will be located at 1241 Hwy 85 SW & 2 in the NW1/4NW1/4. Property is zoned agricultural. There will be water and electric at the sites, however sewer will be hauled out. The zoning board approved the variance. Kasian moved to uphold the zoning board recommendations. Arthaud seconded. Thompson abstained. Motion passed.

Billings County, District 2: Conditional use permit to mine gravel on 10 acres in the SE1/4 Sec 13-142-99. Property is zoned agricultural and owned by the Emila Armbrust Revocable Trust. This application has been reviewed by the Billings County Weed Board and the District 2 road foreman and approved. The zoning board approved the permit conditional that the permit fee was paid. Thompson moved to uphold the zoning board recommendation. Kasian seconded. All voted aye.

Government Creek Ranch: Variance to allow RV’s as temporary crew housing along TR Road in the S1/2 21-141-101. Property is zoned agricultural. The zoning board approved the variance for one week conditional upon any future campers must be approved through the zoning board prior to being allowed. Thompson moved to uphold the zoning board recommendation. Kasian seconded. All voted aye.

Jeff & Rhonda King: Conditional use permit requested to operate a small trucking company with 8 trucks on Tract 3, Merrifield Creek Ranch Estates, Sec 27-139-102 (14625 Plumley Draw Rd). Property is 61.65 acres and zoned agricultural. The zoning board denied the permit with a roll call vote. Commissioner Arthaud explained the process the county went through when setting up the subdivision ordinances. The Merrifield Subdivision lots were marketed as residential and vacation lots. Each lot contains more than 40 acres and zoned agricultural to allow them to have a few horses. The subdivision ordinance does not allow for industrial and commercial uses. Thompson moved to uphold the zoning board decision and deny the variance. Kasian seconded. All voted aye.

Chad Hammerstrom: Conditional use permit to place a mobile home on a 60 acre tract in the E1/2 Sec 32-139-102. Property is zoned agricultural and currently owned by Beck and Muhonen, et al. The zoning board approved the application conditional upon the approach being approved by the road district foreman and the commissioners. Kasian moved to uphold the zoning board recommendation. Thompson seconded. All voted aye.

Some zoning violations were brought to the board’s attention and State’s Attorney Jay Brovold was called into the meeting. Jay said to refer the violations to him. A zoning board member asked for some clarification on the protocol the zoning board follows.

Myron Yourk of Yourk and Kenner Enterprises, LLC: Construction of an 80 unit hotel leased to TGC Properties, LLC on a 2.8 acre tract in the NW1/4NW1/4 14-142-99 (South Fairfield). Property is zoned Commercial. This application was first reviewed in March. No new information has been submitted pertaining to water & sewer service for the proposed hotel. The zoning board denied the request. Thompson moved to uphold the zoning board recommendation. Kasian seconded. All voted aye. Myron Yourk requested that their application for the addition to the café be approved. Commissioner Arthaud requested that he reapply to the zoning board.

Dave Gates with KLJ Engineering met with the board for the monthly engineer’s report.

Jeff Iverson addressed the board regarding an invoice for a county resident.

Jeremy Wood with met with the board to discuss some road projects.

The board recessed from 12 Noon to 1:18 P.M.

Captain Joe Cianni and Sergeant Mike Hanel from the Dickinson Police Department met with the board requesting funding for a Bearcat (Armored Vehicle) for the SWAT team due to increased violent crimes and high risk search warrants. They received 100K towards vehicle from an oil impact grant, but they are still \$50,000 short. They are requesting \$25,000 one-time payment and there will be no charge for using the bearcat in the future. Kasian moved to approve if the money could be found in the budget, and with a condition that a mutual aid agreement was presented, Thompson seconded. All voted aye.

Billings County Fire Chief Tim Solberg and Mike Heiser met with the board requesting funding to purchase an additional fire truck. Kasian moved to approve \$100,000 to the Fire Department to match the grant they received from the State. Thompson seconded. All voted aye.

The bid opening for District 3 Road and Bridge's 4-wheel drive front end loader was held at the October 29th special meeting. One bid was received from RDO Equipment in the amount of \$221,635.00. Arthaud moved to accept the bid. Thompson seconded. All voted aye.

Billings County Auditor Joan Jurgens requested approval to implement the following 2012 budgeted transfers, all to Road and Bridge. Unorganized Township Road Funds \$500,000.00, BLM Minerals \$600,000.00; Highway Distribution \$120,000.00, PILT \$129,000.00. Thompson moved to approve the budgeted transfers. Kasian seconded. All voted aye.

The board discussed the January meeting day falling on New Year's Day. The board decided to postpone the meeting to Thursday, January 3, 2013.

The board approved the revenue vouchers for the month of October: Zoning \$725.00; Recorder \$19,186.29; Sheriff \$20.00; Clerk of Court \$157.50

Revenues for materials and/or services rendered in October: General Scrap Inc. \$174.90 scrap metal; Map sales \$37.63; Belfield Ambulance \$231.46 staffing reimbursement; Mike Kasian \$121.06 weed spraying; Perry Redmond \$299.45 weed spraying; Workforce Safety \$2,923.92 weed spraying; Misc. ambulance services \$569.20; Lana Safratowich \$251.22 gravel & trucking; Randy Kuntz \$627.21 weed spraying; Bernarda Doolittle \$440.45 weed spraying; Department of Transportation \$8,622.71 weed spraying; Ted Tescher \$209.79 weed spraying; Joseph Schmidt \$207.50 trucking

Revenues for the month of October: Department of Health \$3,204.00 ambulance staffing grant; Empire Oil Company \$400,608.00 oil & gas lease; Township Road Distribution \$20,514.33; Highway Tax Distribution \$15,269.90; State Aid Distribution \$86,050.65; Oil & Gas Production Tax \$705,242.11; Alcohol Enforcement Grant \$4,984.59; Emergency Management Grant \$3,780.17; Interest \$2,188.04; Royalties \$87,861.13; Permits \$18,200.00

The following claims were approved for payment:

Adams, Donna	Recorder – Travel Expense	003638	\$	179.28	
Advanced Business Methods	Copier Contracts	003639	\$	1,041.62	
Alternative Sanitation	Garbage Removal	003640	\$	220.00	1, 2, 3, W
Ameripride Linen Service	Mat Rental	003641	\$	128.24	2, 3
A T & T Mobility	Cellular Service	003642	\$	71.72	1
Balco Uniform Co., Inc.	S. O. – Protective Equipment	003643	\$	873.85	
Billings County Rural Fire District	Taxes	003644	\$	6,730.03	
Billings County Pioneer	Publishing	003645	\$	1,538.42	3, G
Billings County School District	Taxes	003646	\$	332,503.07	
Belfield Automotive Supply, Inc.	Parts & Supplies	003647	\$	1,433.14	1, 2, 3, G
Best Energy	Courthouse – Generator Hook-Up	003648	\$	372.51	
Bituminous Paving, Inc.	Gas Plant Road	003649	\$	4,978.38	1
Blue Cross Blue Shield of N.D.	Dental & Vision Premiums	003650	\$	2,475.00	1, 2, 3, W, G
Bob's Oilfield Service, Inc.	Winterize Water Tanks	003651	\$	799.80	1
Brody Chemical Corp., Inc.	Diesel Treatment	003652	\$	326.97	2
Brooks & Associates, C.E.	Land Use Plan – Roadless	003653	\$	1,931.53	
Butler Machinery Co.	Parts & Supplies	003654	\$	11.80	1
Cassidy, Dr Michael M.D.	Ambulance – Medical Direction	003655	\$	5,000.00	
CDW Government	S. O. – Brother Pocketjet	003656	\$	377.64	
Cedar Fencing	Build Road Fences	003657	\$	12,278.00	3
Cellular Communications, Inc	S. O. – Novatel USB Modem	003658	\$	109.89	
Cerkoney, Cathy	Zoning Meeting Mileage	003659	\$	83.85	
Chesak Seed House	Seed – Tracy Mt. Road	003660	\$	3,530.95	3
Cowboy Café	S. O. – Search & Rescue	003661	\$	319.50	
Creative Energy	Gas, Diesel Fuel, & Shop Supplies	003662	\$	26,943.49	1, 2
Crist, Chad	Parts & Service	003663	\$	55.56	1
Dacotah Paper Co.	Recorder – Copy Paper	003664	\$	200.72	
Dakota Farm Equipment, Inc.	Parts & Supplies	003665	\$	821.21	1, 2, G
Dakota Filter Supply	Filters	003666	\$	265.86	3
Dakota Insurance	Property Insurance	003667	\$	470.00	3
Dakota Rubber Stamp	D.E.M. – Equipment & Supplies	003668	\$	955.04	
Dakota Water Treatment	Shop Supplies	003669	\$	75.00	1
Dan's Interstate Conoco	S. O. & Ambulance – Gas	003670	\$	395.15	
Dean's Distributing	Antifreeze	003671	\$	509.50	3
DF Lighting Company	Courthouse – Lighting Supplies	003672	\$	752.11	
Dickinson Public Library	Library Services	003673	\$	4,248.51	
The Donut Hole	D.E.M. – Training Expense	003674	\$	80.50	
DS Solutions, Inc	Election – Ballot Creation	003675	\$	40.00	
Electronic Communications	S. O. – Printers & Fire Dept. Radios	003676	\$	4,238.00	
Elections Systems & Software	Election – Ballots	003677	\$	489.94	
Electro Watchman, Inc	Courthouse – Security Contract	003678	\$	299.40	
Elite Power	Shop Supplies	003679	\$	300.00	3
Envirotech Services, Inc	Dura-Blend Dust Control	003680	\$	8,219.72	3
Gall's, Inc.	S. O. – Uniforms	003681	\$	12.46	
George's Tire, Ltd.	Tires & Repair	003682	\$	11,492.00	1, 2, 3
Golden Valley County	Social Services	003683	\$	7,822.04	
Griffin-Abrahamson, Mary	Weed – Postage	003684	\$	9.00	
Heartland Engineering	Blacktail Road	003685	\$	2,843.50	2
Hlebechuk Construction	Blade Roads & Haul Scoria	003686	\$	22,973.00	1, 2
Hlebechuk Construction	Wannagan Creek Road	003687	\$	2,520.00	1, 2, 3
Information Technology Dept	S. O. – T-1 Line & Net Motion	003688	\$	1,470.85	
Institute of Local Government	I.L.G. – Class Fees	003689	\$	80.00	
Jamestown Communications	Radio Equipment	003690	\$	67.00	3
JB's Window Cleaning Service	Courthouse – Window Cleaning	003691	\$	375.00	
Jobs HQ	Tax Director – Publishing	003692	\$	189.00	
Kadrmass, Lee, & Jackson, Inc.	Engineering	003693	\$	170,022.56	1, 2, 3

Kasian, Connie	Zoning Meeting – Mileage	003694	\$	78.30	
Kasian, Michael E.	Commissioner – Mileage	003695	\$	410.70	2
Kessel, Anita	Zoning & Council on Aging – Mileage	003696	\$	711.00	
Kevin's Auto & Truck Repair	Freightliner Repair	003697	\$	5,274.95	3
Kohler Communications	Gorham Tower Radio Expense	003698	\$	430.00	
Krush, Paul	Zoning Meeting – Mileage	003699	\$	91.62	
Medora, City of...	Taxes	003700	\$	27,214.99	
Midstate Telephone Company	Courthouse – Telephone Service	003701	\$	983.30	
Mid West Crane Service	Unload Mud Tank	003702	\$	930.00	1
Mobile Binders	Recorder – Docket Binders	003703	\$	739.42	
Missouri Valley Petroleum, Inc.	Gas, Diesel Fuel, & Oil	003704	\$	35,606.96	3, G
NFPA	Fire Dept. – Prevention	003705	\$	155.45	
N.D. Association of Counties	Taxes	003706	\$	151.62	
N.D. Association of Counties	Convention – Registration Fees	003707	\$	860.00	
N.D. Assoc. Oil & Gas Producing Co.	Registration Fees	003708	\$	110.00	3, G
N.D.A.A.O.	Tax Director – Training	003709	\$	225.00	
N.D. Cowboy Hall of Fame	Meeting Room – Maintenance	003710	\$	200.00	
N.D. Post Board	S. O. – License Application Fee	003711	\$	135.00	
N.D.P.E.R.S.	Health Insurance Premium	003712	\$	37,993.08	1, 2, 3, W, G
N.D. State Tax Commissioner	Taxes	003713	\$	43.80	
N.D.A.C.O. Resources Group, Inc.	Recorder – Computer Support	003714	\$	112.00	
NDSU Extension Pesticide Program	Weed – Pesticide Training Fee	003715	\$	80.00	
Nelson International	Parts & Repairs	003716	\$	1,090.81	2
Newby's Ace Hardware	Maintenance & Shop Supplies	003717	\$	103.06	1, G
Northern Improvement Co.	Omega Mix	003718	\$	217.00	2
Northern Improvement Co.	Old Highway 10	003719	\$	1,057,069.10	3
NOVA Fire Protection	Courthouse – Flow Switch Installation	003720	\$	530.00	
Off Road Software, Inc.	Off Road GIS Software	003721	\$	1,400.00	
Penguin Communications, LLC	911 – Voice Notifications	003722	\$	125.00	
Pitney Bowes Global	Postage Meter – Contract	003723	\$	349.08	
Pitney Reserve Account	Postage Meter Refill	003724	\$	2,400.00	
Pope Brothers	Gravel Royalties	003725	\$	8,178.00	3
Professional Printing	S. O. – Office Supplies	003726	\$	128.00	
Public Safety Center	S. O. – Crime Prevention	003727	\$	303.61	
Pump Systems, Inc.	Parts & Supplies	003728	\$	152.04	2
Putnam, Karen	Zoning Meeting – Mileage	003729	\$	46.11	
Rachel Contracting	Blacktail Road	003730	\$	102,676.58	1, 2
Radisson Hotel – Bismarck	S. O. – Training Expense	003731	\$	138.60	
Ramkota Hotel	N.D.A.C.O. Convention	003732	\$	937.00	
Ramkota Hotel	Road Conference	003733	\$	158.00	2
Randy's Construction	Build Roads	003734	\$	9,964.00	2
RDO Equipment Co.	Parts & Motorgrader Rental	003735	\$	3,266.72	2, 3
Roughrider Electric Cooperative	Electricity	003736	\$	2,491.58	1, 2, 3, W, G
Roughrider Electric Cooperative	Wannagan Creek Road	003737	\$	16,017.36	1, 2, 3
Rudy's Lock & Key	Medora Keytrol – Gas Keys Cut	003738	\$	56.00	
Runnings Supply, Inc.	Parts & Supplies	003739	\$	326.39	1, 2, G
Sagebrush Firearms	S. O. – Rifles	003740	\$	5,077.65	
Southwest Business Machines	Courthouse – Office Supplies	003741	\$	246.71	
Shade, Kim	Fencing – Tracy Mt. Road	003742	\$	1,587.39	3
Smart Computers & Consulting	Tech. Support – Norton Installation	003743	\$	1,137.50	1, 2, 3, W, G
St. Joseph's Hospital	S. O. – Blood Tests	003744	\$	99.00	
Stan's Communications	Ambulance – Radio Expense	003745	\$	122.35	
Steffan Saw & Bike	Tool Repair	003746	\$	24.90	1
Stein's, Inc.	Courthouse – Maintenance Supplies	003747	\$	867.69	
SuperPumper	Ambulance – Gas	003748	\$	182.89	
Southwestern District Health Unit	Taxes	003749	\$	3,259.48	
Southwest Multi-Co Correction Ctr.	Prisoner Care	003750	\$	2,675.00	
Southwest Water Authority	Taxes	003751	\$	903.96	
Southwest Water Authority	Water Usage	003752	\$	973.75	1, 2, 3, W
Swanson, Stacey	Tax Director – Laser Tape	003753	\$	44.99	
Tczap, John	Zoning Meeting – Mileage	003754	\$	45.00	
Thompson, Allan T.	Commissioner – Mileage	003755	\$	133.20	1
Tom's Service Center	S. O. – Gas, Oil Change, & Service	003756	\$	582.60	
Tooz Construction, Inc.	Shop Concrete Repair	003757	\$	89,611.92	1
Total Safety US, Inc.	Parts & Supplies	003758	\$	336.68	1
True North Steel	Mud Tank	003759	\$	36,000.00	1
Tyler Technologies, Inc.	Recorder – Symantec Renewal	003760	\$	300.00	
Ultramax	S. O. – Training Expense	003761	\$	612.00	
Verizon Wireless	Cellular Services	003762	\$	1,218.21	2, 3, G
Vogel Law Firm	Land Use Plan – E.I.S. Road Issues	003763	\$	1,767.00	
Wal-Mart	Courthouse & Ambulance – Supplies	003764	\$	904.60	
Watchguard Video	S. O. – Equipment	003765	\$	114.00	
West Dakota Oil, Inc.	Drum Oil	003766	\$	176.00	1
West Dakota Truck Repair, Inc.	Parts & Repairs	003767	\$	26.19	1
West Plains, Inc.	Parts & Supplies	003768	\$	23.10	1
Westlie Crossroads Truck Center	Parts & Supplies	003769	\$	1,037.31	3
Woody's Feed & Grain	Oats Seed	003770	\$	48.00	3
Z & S Dust Control Systems	Mag-Cloride Dust Control	003771	\$	10,214.22	2
Zoll Medical Corp.	Ambulance – Monitors	003772	\$	89,179.65	
Armbrust, Joseph A.	Election Official	003833	\$	233.96	
Baranko, Phyllis	Election Official	003834	\$	235.07	
Centurylink	Telephone Service	003835	\$	531.82	1, 2, 3, G
Consolidated	Internet Service	003836	\$	237.71	2, 3, W
Discovery Benefits, Inc.	Flex Plan – Admin. Fee	003837	\$	89.25	
Ellison, Douglas	Election Official	003839	\$	154.00	
Ewoniuk, Shelly	Canvass Board – Election Official	003840	\$	44.41	
Fritz, Darlene	Election Official	003841	\$	225.04	
Gordon, Donald R.	Election Official	003842	\$	180.64	
Hande, Margie	Election Official	003843	\$	217.27	
Hewson, Robert	Election Official	003844	\$	189.52	

Information Technology Dept.	S. O. – T-1 Line	003845	\$	202.35	
Krogh, Margaret	Election Official	003846	\$	291.68	
Maldowski, Kathleen	Election Official	003847	\$	241.73	
Medora, City of...	Courthouse – Utilities	003848	\$	209.16	
N.D.P.E.R.S.	Retirement Contributions	003851	\$	23,752.33	1, 2, 3, W, G
Pedeliski, Nick E.	Canvass Board – Election Official	003852	\$	34.42	
Polensky, Glenella L.	Election Official	003853	\$	256.16	
Polensky, Vernon F.	Election Official	003854	\$	54.40	
Putnam, Karen	Election Official	003856	\$	155.11	
Redmond, Glenda J.	Election Official	003857	\$	209.50	
Reservation Telephone	Telephone Service	003858	\$	43.96	1, 2, 3, G
Roosevelt Custer Regional Council	Mitigation Plan	003859	\$	4,296.42	
Solga, Kathleen	Election Official	003860	\$	160.66	
Swenson, Sunya	Election Official	003861	\$	233.92	
Visa	Ambulance – Supplies	003862	\$	749.17	
Weir, Diane	Election Official	003863	\$	<u>154.00</u>	

Payroll in the following amounts were approved for October: General Fund \$104,664.63; Road and Bridge Fund \$86,401.53; Weed Fund \$4,820.77

With there being no further business, Kasian moved to adjourn the meeting 2:45 P.M. Arthaud seconded. All voted aye.

James Arthaud, Chairman

Attest: _____

Joan Jurgens, Auditor/Treasurer