

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING – OCTOBER 1, 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, Stacey Swanson, Jay Brovold, Jeff Iverson, Pat Rummel, Andrew Krebs, Craig Kubas, Dave Jurgens, Jeremy Wood, Mary Griffin,

Kasian moved to approve the minutes from the September 3, 2013 regular meeting. Kessel seconded. All voted aye.

After review of the annual Joint Powers Agreement for shared Veteran services between Billings County and the Stark County veteran service officer, Kessel moved to approve. Kasian seconded. All voted aye.

Auditor Lamb presented a court facilities grant for the Clerk of Court. Kessel moved to approve the grant application. Kasian seconded. All voted aye.

Donna Adams addressed the board regarding a scoria pit on her property.

Auditor Lamb presented the legislative changes to the oil and gas production tax for the States 2013-14 fiscal year and how the new distribution allocates the funds.

Tax & Zoning Director, Stacey Swanson, presented information regarding weed control and supplemental design standards and a draft amendment to the Billings County zoning ordinance. Mary Griffin Abrahamson was present to ask questions regarding the required drainage language and requested a change to subsection 4A & B. The board discussed alternatives and changes to the draft. Discussion ensued regarding the extraterritorial area around the city of Medora and how the city and county zoning can benefit from working more closely together on projects in this area.

The board reviewed zoning requests that had been addressed by the zoning board at their September 19, 2013 meeting as follows:

Hugh Hlebechuk: Application for a conditional use permit to mine sand & rock in the NESW 9-141-100. Property is zoned agricultural and owned by Edwin & Catherine Cerkoney. Approach permit was approved by commission. The zoning board approved the conditional use permit. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Rick Duval, dba Westdak Homes, LLC: Application to place a modular home on Lot 11, Block 3, Frank's Creek Subdivision 22-141-99 (2733 Green River Dr). Property is zoned residential and owned by ADB Development, LLC. An amended application was filled out to change to Lot 7, Block 1 (2720 Green River Dr).. The Lot size is the same as original application. Sewer & water have been approved by Southwest District Health. The zoning board approved the application. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Darrell Snyder: Application for a minor subdivision in the S1/2NE1/4 22-140-100, adjacent to 134th Ave SW. The minor subdivision will create 2 tracts approximately 5-7 acres each. Request to rezone the proposed tracts from agricultural to residential. Darrel was present and turned in the surveys to the zoning director. Discussion ensued regarding the access to the west lot. Darrel has met with road superintendent, Jeff Iverson for approval on an approach off of 134th. He marked on the survey an approach that Jeff stated would work with a private road to the back lot. Discussion ensued regarding road size and the requirement to build to county specifications. Anita Kessel moved to approve rezoning of parcel 2 & 3 to residential. Krush seconded. All voted aye. The zoning board approved the rezoning. Kessel moved to uphold the zoning board decision contingent upon a recorded easement for the private access to back lot. Kasian seconded. All voted aye.

Darrell Snyder: Application for a minor subdivision in the SW1/4 24-140-100, adjacent to 133rd Ave SW. Tract will be approximately 5 acres. Request to rezone the proposed tract from agricultural to commercial. Discussion ensued regarding the requested use of the property for a pipeline company to park their equipment and to build a shop eventually. There is Southwest water and electric running through the property. Darrel will work with road superintendent Jeff Iverson on the approach. Anita Kessel moved to approve the rezone of parcel 3 to commercial. Krush seconded. All voted aye. The zoning board approved the rezoning. Kessel moved to uphold the zoning board decision with the responsibility of Darrel Snyder to bring in a new request should this change to an industrial use. Kasian seconded. All voted aye.

Doug Paluck: Application to rezone approximately 7 acres in the NW1/4NW1/4 23-141-99, adjacent to Hwy 85. Request to rezone the proposed tract from agricultural to industrial and allow truck parking. The zoning board approved the rezoning of the 7 acres and the variance for the lot width and to allow truck parking. Discussion regarding the use of the property and the fact that the project has already begun prior to commission

approval. Kasian moved to approve contingent upon no permanent or temporary structures being located at that property. Kessel seconded. All voted aye.

Craig Kubas & Andrew Krebs with KLJ met with the board for the monthly engineers report.

Jeff Iverson met with the board for the monthly road superintendent report.

Discussion ensued regarding stockpiled material stored at Roy Krivoruchka's property. States Attorney Brovold will send a letter regarding a lease for the County to retrieve the material.

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

A letter was received and read from a citizen of Billings County.

The board discussed with road superintendent, Jeff Iverson the amount of county material that could be sold to private individuals. The board determined that 200 cubic yards should be the maximum.

Dave Jurgens was present to discuss an energy impact grant application.

The 2014 budget hearing was held at 1:00PM as advertised. No citizens were in attendance either for or against any portion of the budget. Kessel moved to approve the 2014 budget. Kasian seconded. All voted aye. Kasian moved to close the budget hearing at 2:00PM. Kessel seconded. All voted aye.

Pat Rummel addressed the board regarding a Department of Transportation traffic safety contract. After review, Chairman Arthaud signed. Rummel then addressed the Local Emergency Planning Committee necessity for a commissioner to be listed and to attend the meeting once per year. Chairman Arthaud volunteered.

Stacey Swanson returned to the meeting to present the following approach and pipeline permits.

The board received and approved the following permits with road superintendent conditions:

Construction in County Right-of-Way Permits

- Roughrider Electric Coop – Section 19 & 20-142-99 along 20th St SW
- Roughrider Electric Coop – Section 7 & 18-142-99 along 131st Ave SW crossing 20th St SW
- Roughrider Electric Coop – SE1/4SE1/4 Section 26 and NE1/4NE1/4 Section 35-142-99 crossing 23rd St SW
- Darrel Snyder – Sections 22 & 24-140-100 along 34th St SW and 134th Ave SW
- WestDak Homes – Section 22-141-99 along Green River Rd
- Whiting – Section 16-141-102 along Wannegan Creek Rd
- Roughrider - SE1/4SE1/4 Section 10-141-98 along 122nd Ave SW
- Roughrider – SW1/4SW1/4 Section 11-141-98 along 122nd Ave SW

Pipeline Permits

- Denbury Onshore, LLC – Section line between Sections 16 & 21-141-101 and Section line between Sections 21 & 22-141-101 and NE1/4 Section 21-141-101 along TR road for a produced water transfer line.
- Oneok Rockies Midstream – Section 27-142-98 for a gas gathering poly pipeline.

Stacey also discussed the approach permits fees. To be more in line with other counties, she requested that fees increase to \$100.00 for all permits that are not for residential use. Kessel moved to approve the increase to \$100.00. Kasian seconded. All voted aye.

Jesse Romanyshyn – Application for a conditional use permit to place a manufactured home on a 1 acre tract in the NW1/4 14-142-99, south Fairfield (2000 Hwy 85 SW). Property is zoned commercial and currently owned by the Yourk Family Trust. The zoning board approved the application contingent upon Jesse turning in a survey of the property, approved application from SW District Health, and actual distance from property lines. All requirements from the July 18, 2013 zoning meeting have been met. Kessel moved to approve. Kasian seconded. All voted aye.

Jeff Iverson and Jeremy Wood were present to discuss property belonging to the Billings County Weed Board.

The board approved the revenue vouchers for the month of September: Recorder \$8,343.88; Zoning \$400.00; Court \$209.00, Sheriff \$225.00.

Revenues for materials and/or services rendered in September: City of Medora \$200,000.00 reimbursement for ambulance; Doug Paluck \$602.40 crushed scoria & hauling; Ambulance Services \$670.10.

Revenues for the month of September: Highway Tax Distribution \$21,460.70; Oil & Gas Production Tax \$1,078,451.71; Interest \$2,842.83; Sheriff \$4,825.00 permits; Royalties \$87,096.29; Auditor permits \$4.00; BLM \$352,695.70.

The following claims were approved for payment:

PAYEE	EXPLANATION	CHECK #	AMOUNT	DEPT
Advanced Business Methods	Recorder – Copier Contract	006083	\$ 17.92	
Alliance Ag South Heart	Weed – Chemicals	006084	\$ 2,080.88	
Alternative Sanitation	Garbage Removal	006085	\$ 220.00	1, 2, 3, W
Ameripride Linen Service	Mat Rental	006086	\$ 145.27	2, 3
A T & T	Cellular Service	006087	\$ 71.33	1
ATCO International	Courthouse – Maintenance Supplies	006088	\$ 222.00	
Baranko Bros., Inc.	Franks Creek Road – Project	006089	\$ 110,677.32	2
Billings County Rural Fire District	Taxes	006090	\$ 86.07	
Billings County Pioneer	Publishing	006091	\$ 580.07	
Billings County Pioneer	Subscription	006092	\$ 34.00	
Billings County School District	Taxes	006093	\$ 404.21	
Belfield Automotive Supply, Inc.	Parts & Supplies	006094	\$ 1,563.99	2, 3, G
Belfield Plumbing & Heating	Courthouse – Motor Repair, etc.	006095	\$ 1,883.50	
Best Energy	Propane	006096	\$ 2,088.45	
Blue Cross Blue Shield of N.D.	Dental & Vision Premiums	006097	\$ 2,463.90	1, 2, 3, W, G
Bound Tree Medical, LLC	Ambulance – Medical Supplies	006098	\$ 51.73	
Bridger, Gina	Ambulance – E.M.T. Training Test	006099	\$ 70.00	
Brooks & Associates, C. E.	Land Use Plan – Roadless	006100	\$ 3,962.22	
Butler Machinery Co.	Parts & Supplies	006101	\$ 54.01	3
Care, Inc.	Ambulance – Oil-x & Service	006102	\$ 90.68	
Cerkoney, Cathy	Zoning Meeting – Mileage	006103	\$ 84.55	
Creative Energy	Gas & Diesel Fuel	006104	\$ 25,562.74	1, 3, W
Dacotah Paper Co.	Recorder – Copy Paper	006105	\$ 250.90	
Dakota Farm Equipment, Inc.	Parts & Supplies	006106	\$ 969.90	1, 2, 3, G
Dan’s Interstate Conoco	Sheriff – Gas	006107	\$ 230.20	
Deans Distributing	Shop Supplies	006108	\$ 478.10	1, 2
DF Lighting Company	Courthouse – Lighting Supplies	006109	\$ 237.55	
Dickinson Public Library	Library Services	006110	\$ 3,359.57	
Dickinson Ready Mix Company	Concrete	006111	\$ 535.90	3
Dickinson Tire, Inc.	Ambulance – Tire & Service	006112	\$ 116.67	
DJ’s Tesoro	Ambulance – Gas	006113	\$ 112.97	
Electronic Communications	Sheriff – Radio Expense, Cell Booster	006114	\$ 1,588.50	3, G
Fastenal Company	Shop Supplies	006115	\$ 116.35	3
Fisher Industries	Scoria Crushing – Porter Pit	006116	\$ 128,129.71	3
Foremost Productions	Rural Fire Department – Promotional	006117	\$ 303.45	
General Equipment & Supplies	Terex Repair	006118	\$ 2,354.40	1, 2, 3
George’s Tire Shop	Tire & Repair	006119	\$ 142.24	3, W
Golden Valley County	Social Service & Building Remodel	006120	\$ 15,017.63	
Heiser Electric, Don	Electrical Service & Repair	006121	\$ 3,070.98	3, G
Hlebechuk Construction, Inc.	Gas Plant Road	006122	\$ 42,973.47	1
Hlebechuk Construction, Inc.	Blade Roads	006123	\$ 21,907.50	1, 2
J and J Operating, LLC	Parts & Supplies	006124	\$ 28.79	3
Jeff’s Towing	Sheriff – Oil-x & Service	006125	\$ 82.63	
Jobs HQ	Publishing	006126	\$ 417.40	
Jurgens, Dave	Sheriff – Travel Expense	006127	\$ 56.00	
Kadrmas, Lee, & Jackson, Inc.	Engineering	006128	\$ 138,518.67	1, 2, 3
Kasian, Connie J.	Zoning Meeting – Mileage	006129	\$ 78.90	
Kasian, Michael E.	Commissioner – Mileage	006130	\$ 165.55	2
Kessel, Anita	Zoning Meeting – Mileage	006131	\$ 90.20	
Kessel, Clara	Risk Mgmt. – Wellness Program	006132	\$ 200.00	
Kessel, Joseph L.	Commissioner & Zoning – Mileage	006133	\$ 186.45	1, G
Klang, Keri	Ambulance – Training Expense	006134	\$ 152.55	
Kleinsasser, Kathaleen	Scoria Royalties	006135	\$ 4,343.38	3
Kohler Communications, Inc.	Gorham Tower Rental	006136	\$ 200.00	
Krebs Machine & Repair	Machine Work	006137	\$ 358.75	2
Krivoruchka, Roy	Access Agreement	006138	\$ 2,500.00	2
Krush, Paul	Zoning Meeting – Mileage	006139	\$ 92.46	
Lapp, Colleen	Deputy Auditor – Travel Expense	006140	\$ 451.58	
Liberty Doors, LLC	Service Call – Overhead Repair	006141	\$ 90.00	2
Light and Siren	Ambulance – Light Packages	006142	\$ 8,512.10	
Lindbo Welding Service	Weed – Trailer Repair	006143	\$ 80.00	
Lyle Signs, Inc.	Road Signs	006144	\$ 428.97	2, 3
Martin Construction	River Drive	006145	\$ 6,965.00	3
Medora Convenience	Ambulance – Supplies	006146	\$ 7.18	
Medora, City of...	Firehall – Loan	006147	\$ 550,000.00	
Meyer Aggregate, LLC	Scoria Crushing – D. Adams Pit	006148	\$ 10,917.50	3
Midstate Telephone Company	Courthouse – Telephone Service	006149	\$ 950.86	
Motorola Solutions	Ambulance – Radio Equipment	006150	\$ 12,514.20	
Missouri Valley Petroleum, Inc.	Medora Keytrol – Gas Fill	006151	\$ 6,452.80	
N.D. Association of Counties	Taxes	006152	\$ 143.50	
N.D. Association of Counties	Mileage – D & A Testing	006153	\$ 31.87	1, 2, 3
N.D. Cowboy Hall of Fame	Meeting Room – Maintenance	006154	\$ 200.00	
N.D. Department of Transportation	Road Easement	006155	\$ 20,831.35	3
N.D. Department of Transportation	Road Easement	006156	\$ 13,688.35	3
N.D. Envelope Co.	Recorder – Envelopes	006157	\$ 75.45	
N.D.P.E.R.S.	Health Insurance Premium	006158	\$ 42,188.99	1, 2, 3, W, G
N.D. State Treasurer	Taxes	006159	\$ 188.35	
N.D.A.C.O. Resources Group	Courthouse – Tech. Mgmt. Contract	006160	\$ 953.00	
Nelson International	Parts & Repairs	006161	\$ 2,785.49	2, 3
Newby’s Ace Hardware	Ambulance – Supplies	006162	\$ 13.98	

Northern Improvement Co.	Cold Mix	006163	\$	3,154.37	1
Off Road Software, Inc.	Off Road GIS Software	006164	\$	1,400.00	
Parkway Ford	Parts & Repairs	006165	\$	2,216.44	1
Porter, Dennis	Scoria Royalties – Porter Pit	006166	\$	4,343.38	3
Porter Motors, Dan	Ambulance – Brake Inspection	006167	\$	356.07	
Postmaster	Auditor – Stamps	006168	\$	276.00	
Prairie Excavation, LLC	Culvert Replacement	006169	\$	3,940.00	2
Prairie Insulation	Insulate Fryburg Water Tank	006170	\$	1,531.24	3
Pump Systems, Inc.	Parts & Supplies	006171	\$	26.40	1
Putnam, Karen	Zoning Meeting – Mileage	006172	\$	46.13	
Quality Quick Print	Sheriff – Vehicle Lettering	006173	\$	135.00	
Ray’s Auto Electric	Batteries	006174	\$	386.85	1
RDO Equipment Co.	Parts & Repairs	006175	\$	2,617.36	2
Respond Systems	Courthouse – Maintenance Supplies	006176	\$	118.05	
Roughrider Bar & Steakhouse	Ambulance – Training Expense	006177	\$	300.00	
Rudy’s Lock & Key	Shop Supplies	006178	\$	23.40	1
Rummel, Patrick	D.E.M. – Travel Expenses	006179	\$	413.60	
Runnings Farm & Fleet	Shop Supplies	006180	\$	376.62	1, 3, W
Sax Motor Co.	Ambulance – Q.R.U. Suburban	006181	\$	21,038.30	
Sax Motor Co.	Ambulance – Block Heater Repair	006182	\$	256.11	
Southwest Business Machines	Emergency Building – Chairs, etc.	006183	\$	4,028.03	3, G
S.D.S.U. – L.T.A.P.	Road Conference Fee	006184	\$	70.00	3
SimplexGrinnell	Courthouse – Fire Detector Repair	006185	\$	826.90	
Snyder Repair & Service	Weed – Parts & Repairs	006186	\$	1,102.76	
St. Joseph’s Hospital	Sheriff – Blood Alcohol Test	006187	\$	104.00	
Southwestern District Health Unit	Taxes	006188	\$	44.05	
Southwest Water Authority	Taxes	006189	\$	13.35	
Southwest Water Authority	Water Usage	006190	\$	1,194.26	1, 2, 3, W
Swanson, Stacey	Tax Director – Travel Expenses	006191	\$	760.05	
Tczap, John	Zoning Meeting – Mileage	006192	\$	45.00	
Temp Right Service	Courthouse – A/C Repair	006193	\$	1,250.45	
Tom’s Service Center	Sheriff – Oil-x, Service, & Gas	006194	\$	168.20	
Total Safety US, Inc.	Weed – Safety Supplies	006195	\$	19.25	
Tractor & Equipment	Parts & Repairs	006196	\$	418.70	1
Tyler Technologies, Inc.	Courthouse – Software License Fee	006197	\$	10,035.50	
Tyler Technologies, Inc.	Auditor – Training Expense	006198	\$	838.23	
UPS Store	Ambulance – Shipping Service	006199	\$	17.20	
US Records Midwest, LLC	Recorder – Roller Shelving	006200	\$	11,079.00	
Verizon Wireless	Cellular Services	006201	\$	162.10	2, 3, G
Wal-Mart	Courthouse – Maintenance Supplies	006202	\$	180.03	
West Dakota Oil, Inc.	Drum Oil	006203	\$	748.71	1
West Plains, Inc.	Parts & Supplies	006204	\$	811.42	1, 3
Westlie Crossroads Truck Center	Parts & Supplies	006205	\$	226.99	3
Centurylink	Telephone Service	006271	\$	527.79	1, 2, 3, W, G
Consolidated	911 Changes & Internet Service	006272	\$	232.19	2, 3, W, G
Discovery Benefits, Inc.	Flex Plan – Administrative Fee	006273	\$	83.00	
Information Technology Dept.	Sheriff – T-1 Line	006275	\$	470.35	
Job Service North Dakota	Unemployment Taxes	006276	\$	1,947.49	1, 2, 3, W, G
Johnson, Joshua	Courthouse – Custodial Services	006277	\$	2,000.00	
Medora, City of...	Courthouse – Utilities	006278	\$	234.02	
N.D. Department of Transportation	Ambulance – Title 2014 Suburban	006280	\$	11.50	
N.D.P.E.R.S.	Retirement Contributions	006282	\$	23367.32	1, 2, 3, W, G
Reservation Telephone	Telephone Service	006286	\$	42.28	1, 2, 3, G
Roughrider Electric Cooperative	Electricity	006287	\$	2,563.85	1, 2, 3, W, G
Southwest Multi-Co. Correction Ctr.	Prisoner Care	006288	\$	993.10	
Visa	Ambulance – Supplies, etc.	006289	\$	105.21	W, G
Visa	Ambulance – Gas	006290	\$	56.02	

Payroll in the following amounts were approved for September: General Fund \$106,428.12; Road and Bridge Fund \$93,191.76; Weed Fund \$12,770.94.

With there being no further business, Kessel moved to adjourn the meeting 3:10 P.M. Kasian seconded. All voted aye.

James Arthaud, Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer