

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING APRIL 6, 2021.**

The meeting was called to order at the Medora Community Center Gym by Chairman Michael Kasian at 9:00 A.M. with Commissioners Dean Rodne and Lester Iverson in attendance.

Others were present during portions of the meeting: Road Superintendent Jeff Iverson, EMS Directors Mitch Gilseth and Kyle Michels, Fire Chief Kyle Shockley, Maintenance Supervisor Travis Bertelsen, Major Dean Wycoff, Captain Frank Lukowski, Deputy Al Muckle, Deputy Clint Wohler, Auditor Marcia Lamb, State's Attorney Patrick Weir, Vogel Law firm Attorney Tami Norgard, Recorder Julianna Hammerstrom, Tax Director Stacey Swanson, Deputy Auditor Jonna Bertelsen, Jeremy Wood, Eric Urness, Curt Glassoe, Jordan Kessel, Shelon Cockeram, Megan Quade, Tyler O'Brien, Naomi Rossow, Julie Reis, Scott Hutzenbiler, Ben Simons, John Kessel, Gordon Krance, Jud Mork, Kim Colbert, Orest Baranko, Allan Richard, Jonathan Klym, Nellie Klym, Kevin Kessel, Jim Lowman, Anthony Kessel, Joseph Kessel, Ted Tescher, Sarah Short, Dave Short, Don Short, Sandy Short, Derrick Braaten, Jim Fugle, Connie Fulton, Don Fulton, Maggie Fulton, Katie Fulton, Nick Emch, Don Heiser, Wes Obrigewitch, Mike Heiser, Ernie Buckman, Cole Buckman, Elizabeth Loos, Tom Schaf, Sandy Baertsch, Perry Teshler, Robin O'Brien, Dennis Joyce, Doug Ellison, Lynn Arthaud, Jim Arthaud, Kurt Kordon, Grant Kessel, Garrett Kessel, Amy McCann, Donovan O'Brien, Andrew Klym, Lorraine Schant, Frank Schant, Joey Kessel, Diane Weir, Suzy Williams, Richard Volesky.

Iverson moved to approve the minutes from the March 2, 2021 regular meeting. Rodne Seconded. All voted aye.

Auditor Lamb requested an addition to the agenda of the Fire Emergency Declaration. Kasian moved to approve the addition and the agenda. Rodne seconded. All voted aye.

Chairman Kasian explained the process of the Little Missouri River Crossing discussion. Each person will be allotted 5 minutes to address the commission regarding their opinions for or against the bridge, there will be no repeating topics discussed, and requested that the public in attendance be considerate of the speakers. Tami Norgard, Vogel Law firm attorney for Billings County first presented an update of where the process is currently and how the county arrived at this point. She explained the litigation from 2004 until present. Norgard reminded the public that this is not a hearing, and questions may not be asked to the commission as they are currently in active litigation. Appraisals of the land were discussed, and the board needs to decide a fair offer for right of way. Norgard also updated the public on the three lawsuits that the county is engaged in, all brought on by the Short family. Two have been referred to a federal magistrate and the third was brought last year seeking to overturn the 2021 budget.

Chairman Kasian requested that those in favor of the bridge speak first. Topics that were discussed included: environmental impact studies concluded there is a purpose and a need for the bridge. These studies were done and determined that the bridge could not be put on federal land. The fire departments, emergency services and law enforcement need the bridge as a passage to the other side of the river for emergency purposes, if there is a fire or a medical emergency and they are on the wrong side of the river, they would have to reroute back to Medora and it would cost valuable time. The fire trucks and water tenders cannot pass through the crossings that are there right now. A resident stated that they would like to see growth in the community for the future of our children, we do not want to lose our voice or watch the community and economy die. Road crew would like to see this project go through and the commission has support from them. Farmers and ranchers need the protection for their business and without the access they could lose that to a fire in a matter of minutes. Putting the bridge in would give the ranchers on the east side a quicker route to access markets. An oil company representative spoke regarding the importance of the bridge due to accidents that happen on job sites and needing the quick response from emergency services.

After a 5-minute break, those opposed were asked to come up and speak. Topics that were discussed included: The location of the bridge is not in an ideal spot for the land owners. Asked why weren't the residents in the area asked if they would like a bridge. The two families of the land that the bridge will go on do not want it and feel they have property rights to say no. Tax payers potentially have to pay for the bridge if a loan is taken out. The family still has a personal connection to the land by sharing family memories even though they live out of state. They have asked that the county not take their land by eminent domain and to look for a different area to place the bridge using the county's own money. Statement that the Environmental Study required by NEPA and KLJ, the engineering firm gave false information and that the county should be able to put a bridge where ever they want without federal or government support. Felt that involuntary eminent domain should not be used. Putting in a road for public use should be on public land not private.

Chairman Kasian asked for a motion to go into executive session to discuss negotiation strategy and to determine a fair offer of compensation to the landowners at 10:23 am. This is allowed under NDCC §44-04-19.1 Iverson made the motion to move into executive session. Rodne Seconded. All voted aye. The board adjourned to the Roosevelt Room in the Medora Community Center as opposed to asking the attendees to leave the gym area. The individuals present during the executive session were Commissioners Kasian, Iverson and Rodne, Auditor Marcia Lamb, States Attorney H. Patrick Weir, Attorney Tami Norgard, and Deputy Auditor Jonna Bertelsen. The board

exited executive session at 10:56 am and moved back into the Medora Community Center Gym. Rodne moved to make an offer of \$2,500/acre for permanent easement and \$500/acre/year during construction for temporary easement to all landowners. Iverson seconded. All voted aye.

The board adjourned to the Billings County Commissioner room for the remainder of the agenda at 11:00am as noticed in the agenda.

The bid opening for the 121<sup>st</sup> road project as advertised at 11:00 am was held with Auditor Lamb opening the bids. Six bids were received: Hlebechuk Construction Inc - \$423,733.81, Baranko Brothers Inc. - \$683,582.36, Wilson Construction Inc. - \$445,200.00, Edward H. Schwartz Construction Inc - \$448,983.90, Martin Construction Inc - \$448,383.45, Dakota Dirtworks LLC - \$434,166.53. Rodne made the motion to accept Hlebechuk Construction bid at \$423,733.81 contingent on KLJ reviewing and approving the mathematics on the bid. Iverson seconded. All voted aye.

Road Superintendent Jeff Iverson gave his monthly report. They are currently reviewing spring frost restrictions. They are setting four frac tanks to replace the fiberglass tanks that were destroyed during the wind storm. There was a gas plant fire yesterday in Fairfield that got put out quickly. Road crew is in the process of getting the trucks back to the shops from the fire in Medora. Noticed that the BTA road has a bad culvert that needs replacing. Iverson got an estimate for the replacement pipe for \$15,000.00. Due to the severity of how bad it really is, he feels it should be done this year and the commission agreed to get it done. There is more gravel that could be crushed in the Krehlik pit. Jeff Schmidt was given an offer of \$15,000.00 last fall to buy the remaining gravel from from the stockpile on his land, if it is ok with the State's Attorney, they will write up an agreement.

Fire Chief Kyle Shockley gave his monthly report. The commission requested that he send a letter of thanks to all departments and surrounding communities that helped with the fire. They have not been assisting with the fire up in the north yet due to the drought severity, they need to stay around the local areas. Shockley asked the commission to put out a resolution for a total burn ban. This will ban all personal fires that produce any sort of ash and also no off-road travel. Kasian moved to put out the resolution for a total burn ban. Iverson Seconded. All voted aye. Asked that Shockley get the information out to as many sources as possible. All agencies during the fire came together amazingly. Jeff Iverson stated that NIMS is great and need to work toward succession training. Burning coal seam on foundation property needs to be taken care of. Three spots of coal seam are still burning. Iverson and Shockley will get together to come up with a plan to dig the coal seams out. Lamb requested that we continue fire emergency declaration to end of the year. Rodne made the motion to continue the Fire Emergency Declaration to the end of 2021. Iverson seconded. All voted aye.

Jay Brovold's abstract files are currently in the courthouse basement in a storage room. As they are personal files and the county cannot have the liability for them and that the room will be needed for the HVAC project to commence this summer, it was decided that the files will need to be removed by Jay by May 4<sup>th</sup>. Kasian moved to send Jay Brovold a letter stating this. Iverson seconded. All voted aye.

The EMS monthly report was submitted in writing. Commissioner Iverson informed the board that a financial request will be made of Stark County at their next meeting and he has been working with EMS to give a presentation since a majority of the calls are from there. EMS will update the board at the next meeting.

Iverson will not be present for the May 4<sup>th</sup> meeting, so the board agreed to move the May meeting to the 6<sup>th</sup> at 9am. Since the dates for the regular commission meetings are already posted, this will have to be a special meeting with a set agenda.

Commissioners recessed for lunch at 12:10 pm.

Meeting reconvened at 1:05 pm.

Tax and Zoning Director Stacey Swanson stated there were no ARW's or zoning applications this month. Swanson brought forward the domestic fowl amendment that needs commission approval. This gives residential areas the ability to keep domestic fowl under the specific guidelines laid out in the amendment. The public hearing was held at the last zoning meeting and no one showed up for or against the amendment. Rodne made the motion to accept the domestic fowl amendment as presented. Iverson Seconded. All voted aye.

Swanson then gave an update regarding the Chimney Butte Environmental Waste permit. The amended permit changes the slope of the waste site. Chimney Butte has a 7-year permit through the Department of Health.

Curt Glassoe, representing the Maah Daah Hey Trail Association was present to explain the the maps that he brought for the sheriff's department a few weeks ago. The sheriff's department asked for 20 maps strictly of the Maah Daah Hey Trail for emergency purposes and the wrong ones were brought down, Major Dean Wycoff returned them to Curt and asked that he check with the Forest Service to provide us with those maps, biking season is starting now and we need them as soon as possible for emergency services.

Engineer Ken Schwartz, representing GT Architecture, presented the bid opening for the HVAC mechanical overhaul. There was one bid for the project, Central Mechanical - \$583,800.00. This bid came out roughly \$20,000.00 higher than the engineer's estimate but there is enough money in the building remodel budget to pay for this. Kasian made the motion to accept the bid from Central Mechanical for \$583,800.00. Rodne Seconded. All voted aye. Ken will send them the notice of award letter. Schwartz discussed that there are two issues that may come up during the project that may need some contingency money set aside for. The air ducts will need to be cleaned, and while the project is being done, there will need to be A/C units throughout the building to keep it cool in here during the August/September heatwaves. Ken brought some examples to look at for temporary A/C units. There will be a prebid meeting on April 20<sup>th</sup> at 1:00pm for the window project that will also be taking place this summer. Bids will be accepted until April 29<sup>th</sup> at 2:00pm.

Maintenance Supervisor Travis Bertelsen gave his monthly report. The courthouse museum project is ongoing, hoping to have the inside done by tourist season. The roll off dumpster used to clean up the southside was completely filled in two hours. The transportation of the roll off cost \$312.00 and waiting on the bill from the land fill. They were not informed that you could not dump metal, so the landfill had to sort through the dumpster. It was requested that we get another dumpster in there right away since there is a lot more that needs to be cleaned up. It was approved to get another roll off. Travis could talk to Continental Iron, Robinson Recycling or Blue Sky to recycle the metal. Ecolab came a few weeks ago and sprayed the interior of the courthouse for bugs and will be coming back to spray the exterior. There are 22 or so canned lights on the exterior of the building that need to be replaced because they are burning the bulbs out after a few days. Would look nice to have the exterior lit up at night, so Travis will get a quote from an electrician for that project and bring it back to the next meeting.

Major Dean Wyckoff with the Sheriff's Office gave his report. Reverse 911 information was discussed. They went in and found out that Dickinson dispatch, in order to have them provide that function for us, Billings County will need to purchase 6 units. The total price for the purchase would be \$40,446.86. \$1,500.00/radio.

Auditor Lamb presented the quarterly pledge report. Iverson moved to approve it as presented. Rodne seconded. All voted aye.

The following claims were approved for payment:

Blue Cross Blue Shield of ND	19423	\$	3,860.60
ND Public Employee Retire System	19424	\$	881.61
3D Specialties	19425	\$	184.42
Advanced Business Methods Inc	19426	\$	1,133.16
American Welding & Gas	19427	\$	580.08
Aramark	19428	\$	162.70
Belfield Automotive Supply Inc	19429	\$	365.10
Billings County Historical Society	19430	\$	4,710.17
Billings County Pioneer	19431	\$	45.82
Billings County Rural Fire District	19432	\$	54,339.75
Billings County School District	19433	\$	721,376.76
Boespflug Trailers & Feed	19434	\$	200.75
Boss Office Products	19435	\$	1,023.41
Bound Tree Medical LLC	19436	\$	704.63
Brooks & Associates, CE	19437	\$	1,904.30
Butler Machinery Co	19438	\$	4,695.67
Certified Power Inc	19439	\$	1,161.83
Chimney Butte Land LLP	19440	\$	1,423.80
Corneil Todd	19441	\$	50.00
Creative Energy	19442	\$	142.37
Crowell & Moring LLP	19443	\$	5,177.50
Dakota Sports	19444	\$	210.65
Deans Distributing	19445	\$	1,796.00
Dickinson Public Library	19446	\$	3,365.90
Directv	19447	\$	122.99
East End Auto & Trucking	19448	\$	535.00
Electro Watchman Inc	19449	\$	377.20
Fastenal Company	19450	\$	582.96
Four Corners Café	19451	\$	500.00
Gallagher Benefit Services Inc	19452	\$	580.00
George's Tire LTD	19453	\$	9,586.00
Gooseneck Implement	19454	\$	1,859.57
Hlebechuk Construction Inc	19455	\$	487.50
IAAO	19456	\$	220.00
J and J Operating LLC	19457	\$	3,630.20
Jeff's Towing	VOID	\$	426.08

Kasian Connie	19459	\$	83.60
Kasian Michael	19460	\$	81.76
Kevin's Auto & Truck Repair	19461	\$	100.24
KLJ Engineering LLC	19462	\$	93,205.37
Klym Steve	19463	\$	66.80
Kohler Communications Inc	19464	\$	200.00
Krebs Machine & Repair	19465	\$	2,282.82
Kuntz Sandblasting & Painting LLC	19466	\$	4,199.91
Kutzler Marilyn	19467	\$	71.12
Ladbury Jim	19468	\$	600.00
Little Missouri Restaurant & Saloon	19469	\$	635.00
Mac's Inc	19470	\$	803.05
Malkowski Trucking	19471	\$	700.00
Medora, City of	19472	\$	43,415.33
Menards Dickinson	19473	\$	535.10
MGM Rural Sanitation	19474	\$	268.50
Midstate Communications	19475	\$	2,297.21
ND Association of Counties	19476	\$	97.39
ND Association of Counties Engineering	19477	\$	100.00
ND Attorney General's Office	19478	\$	310.00
ND County Commissioners Assoc.	19479	\$	1,280.00
ND Cowboy Hall of Fame	19480	\$	200.00
ND Dept of Transportation	VOID	\$	11.50
ND Planning Association	19482	\$	305.00
ND Recorders Association	19483	\$	200.00
ND State Treasurer	19484	\$	13,097.59
NDACo Resources Group INC	19485	\$	391.48
Nelson International	19486	\$	650.77
Newby's Ace Hardware	19487	\$	363.53
Northwest Tire Inc	19488	\$	1,668.63
PB Electric	19489	\$	616.25
Praxair Distribution Inc	19490	\$	124.29
Premier Specialty Vehicles Inc	19491	\$	278.90
Pump Systems Inc	19492	\$	773.38
Putnam Karen	19493	\$	51.12
Pyramid Communications	19494	\$	66.42
Quality Quick Print	19495	\$	30.00
RDO Equipment Co	19496	\$	1,652.66
Red Rock Ford	19497	\$	188.88
Rodne, Dean	19498	\$	466.80
RELX	19499	\$	57.84
Roughrider RV's	19500	\$	146.41
Runnings Supply Inc	19501	\$	1,278.39
Sanford Health Occupational Medicine	19502	\$	11.50
Sanford Inpt Pharmacy	19503	\$	45.00
Sax Motor Co	19504	\$	2,583.12
Share Corporation	19505	\$	302.85
Southwest Business Machines	19506	\$	155.60
Southwest Water Authority	19507	\$	423.30
Southwest Water Authority	19508	\$	12,609.99
Southwestern Dist Health Unit	19509	\$	49,677.94
St Alexius Medical Center	19510	\$	472.88
Theodore Roosevelt Expressway	19511	\$	8,000.00
Thyssen Krupp Elevator	19512	\$	564.99
Titcomb, Olivia	19513	\$	283.00
Tom's Heating Service	19514	\$	2,100.00
Total Safety US Inc	19515	\$	443.96
Uniform Center	19516	\$	1,129.98
Verizon Networkfleet Inc	19517	\$	64.76
Verizon Wireless	19518	\$	2,282.61
Vision West ND	19519	\$	750.00
Wal-Mart Community	19520	\$	227.83
West Dakota Oil Inc	19521	\$	3,334.43
Westlie Crossroads Truck Ctr	19522	\$	7,214.83
Jeff's Towing	19523	\$	177.35

Verizon Wireless	19524	\$	50.10
Verizon Wireless	19525	\$	2,258.41
Charbonneau Car Center	19526	\$	18,339.00
CenturyLink	19527	\$	955.75
Directv	19528	\$	129.24
Information Technology Dept	19529	\$	1,000.45
Kasian, Michael	19530	\$	76.16
Medora, City of	19531	\$	426.75
Reservation Telephone	19532	\$	40.23
Rodne, Dean	19533	\$	101.92
Roughrider Electric Coop	19534	\$	5,073.82
Verizon Wireless	19535	\$	43.20
Visa	19536	\$	2,072.32
Visa	19537	\$	290.96
Wex Health Inc	19538	\$	63.00
ND Public Employee Retire System	19539	\$	11,114.00
ND Public Employee Retire System	19540	\$	42,933.89
ND Public Employee Retire System	19541	\$	650.00
Discovery Benefits	19542	\$	2,579.61
NDFOP State Lodge Treasurer	19543	\$	25.00
Prudential Service Center	19544	\$	14.29
State Dispersement Unit	19545	\$	717.00
ND Public Health Ins Trust	19549	\$	72,565.12

The board approved the revenue vouchers for the month of March: Recorder \$19,541.20; Zoning \$100.00; Court \$80.00; EMS \$2,436.29.

Revenues for materials and/or services rendered in March: NDIRF \$40,391.67 road crew time to remove damaged tanks and replacements; Robertson Metal Recycling \$737.20 metal; Denver Tessier \$2,700.00 cattleguard replacement; Stark County \$38,812.33 Belfield Paramedic Share. WEED SPRAYING: Cory Smith \$27.56, Kevin Kirsch \$245.09, Curtis Schaff \$272.99, Curtis Talkington \$70.81, Bob Chruszch \$20.87, Dave Adams \$36.35.

Revenues for the month of March: Sheriff \$13,190.03 permits, Highway Distribution \$11,842.14 ; Oil & Gas Production Tax \$341,447.04; Royalties \$21,745.56; Unorganized Oil & Gas Production Tax \$22,763.14; Interest \$9,325.59; Sheriff 24/7 \$500.00; ITD \$10,500 SIRN; Telecommunications Tax \$24,310.85; BLM Mineral Royalty \$48,122.03; State PILT \$5,869.68.

Payroll in the following amounts was approved for March: General Fund \$173,614.21; Road and Bridge Fund \$129,070.70; Weed Fund \$9,901.43.

With there being no further business, the meeting ended at 4:00 pm.

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Michael Kasian, Chairman

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

Marcia Lamb, Auditor/Treasurer