

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING – APRIL 14, 2020**

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

Others were present during portions of the meeting by phone (complete list unavailable as some phone numbers were unknown): Major Dean Wyckoff, Fire Chief Kyle Shockley, Tax & Zoning Director Stacey Swanson, Ambulance Directors Mitch Gilseth & Kyle Michels, Andrew Krebs KLJ, States Attorney Patrick Weir, Ken Schwartz, Jared Twogood

Kessel moved to approve the minutes from the March 3, 2020 regular meeting and the March 27, 2020 special meeting. Kasian seconded. All voted aye.

A resolution authorizing the use of eminent domain authority was reviewed by the board. Kasian moved to approve the resolution, Kessel seconded. All voted aye. The resolution reads as follows:

**BEFORE THE BOARD OF COMMISSIONERS, BILLINGS COUNTY, NORTH DAKOTA
RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN AUTHORITY**

WHEREAS, Billings County is a political subdivision of the State of North Dakota and is authorized under Article I, § 16 of the North Dakota Constitution and Chapter 24-05 of the North Dakota Century Code, to acquire interests in privately owned lands which are necessary for present use as a highway in the county; and

WHEREAS, Billings County has determined that an additional highway and crossing over the Little Missouri River, located between the Long X Bridge and I-94 bridges, is necessary to provide users with a safe, efficient, and reliable local connection between roadways on the east and west sides of the Little Missouri River; and

WHEREAS, Billings County has determined a connection between Belle Lake Road and Short Road to East River Road is the preferred route of the new highway and crossing and that additional land is needed for construction, reconstruction, widening, altering, changing, locating, relocating, aligning, realigning, repairing, and maintaining the road, and for other right-of-way purposes; and

WHEREAS, Billings County has determined that it is necessary to acquire or utilize portions of property adjacent to or within the planned corridor of the above-described road.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BILLINGS COUNTY, NORTH DAKOTA, that the public purpose and present use of privately owned lands within the planned corridor is a use provided for by law;

BE IT FURTHER RESOLVED that it is necessary for Billings County to acquire or utilize portions of the property adjacent to or within the planned corridor to allow for construction, reconstruction, widening, altering, changing, locating, relocating, aligning, realigning, repairing, and maintaining the road, and for other right-of-way purposes for a new highway and crossing of the Little Missouri River in order to provide users a safe, efficient, and reliable local connection between roadways on the east and west sides of the Little Missouri River in Billings County;

BE IT FURTHER RESOLVED that pursuant to Article I, § 16 of the North Dakota Constitution and Chapter 24-05 of the North Dakota Century Code, Billings County hereby authorizes the use and initiation of eminent domain proceedings to acquire or utilize portions of privately owned property adjacent to or within the planned corridor for construction of an additional highway and crossing over the Little Missouri River.

The Board should cause the Alternative K-1 route to be surveyed and an appraiser should be hired to identify the fair market value of the necessary corridor. The Board will continue negotiations with affected landowners, who are identified on the attached Exhibit.

Adopted this 14th day of April, 2020.

Approved: Jim Arthaud, Commissioner

ATTEST: Marcia Lamb, Auditor

The second resolution was reviewed regarding a Fire Emergency Order. Kessel moved to approve the resolution, Kasian seconded. All voted aye. The resolution reads as follows:

Fire Emergency Order

WHEREAS, the Billings County Board of County Commissioners recognizes that current conditions have created an extreme risk to the citizens and property within Billings County, ND, of unnecessary loss by fire; and

WHEREAS, the Board wishes to regulate activities within the County which pose a potential hazard for such loss, should the present weather conditions continue.

NOW, THEREFORE, BE IT HEREBY RESOLVED BILLINGS COUNTY IS DECLARED UNDER A FIRE EMERGENCY ORDER AND A BURN BAN IS IN FORCE.

1. No travel is to be allowed off of surfaced roadways normally used for vehicular traffic except as necessary for normal farmer/rancher or industry operations.
2. Industrial operating crews and farmer/rancher operations shall have fire extinguishers and normal fire-fighting equipment at hand, and industrial personnel shall remain at the job site for one-half hour after daily operations are completed.
3. Smoking is restricted to inside of vehicles or buildings.
4. Burn ban to include any open burning which includes a ban on the ignition of fireworks, garbage or pit burning and campfires.
5. This burn ban is in effect for Billings County when the North Dakota Fire Danger Rating is in the High, Very High or Extreme and/or a Red Flag Warning has been issued for Billings County.

Pursuant to NDCC 37-17.1-10, any person who willfully violates the burning ban established by this resolution is guilty of a Class B Misdemeanor (UP TO 30 DAYS IN JAIL AND/OR A \$1500.00 FINE.), and restitution of fire suppression costs may be sought from the court.

Dated at Medora, ND, this 14th day of April, 2020.

Billings County, North Dakota

Approved: James Arthaud, Chairman Attest: Marcia Lamb, Auditor

The third resolution was reviewed by the board regarding the Resolution approving the application and match for the BUILD transportation grant. Auditor Lamb will be making the application. The resolution reads as follows:

Applicant for the BUILD construction grant and authorizing match commitment

Whereas, Transportation is a vital part of the Billings County infrastructure and adequate transportation facilities are essential to sustain and maintain the social and economic wellbeing of the area;

Whereas, The Further Consolidated Appropriations Act of 2020 made available \$1 billion for National Infrastructure Investments, otherwise known as BUILD Transportation Grants.

Now, Therefore, Be It Resolved, the Billings County agrees to serve as the applicant for a BUILD Grant application, to request funding for the construction of the proposed Little Missouri River Crossing and related road improvements. Agreeing to the applicant includes a willingness and ability to secure and guarantee the local share of costs (match) in the amount of \$3.2 million, associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

Be It Further Resolved; Billings County authorizes the submittal of a BUILD Grant application.

I hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted by Billings County on this 14th day of April, 2020.

Approved: James Arthaud, Chairman Attest: Marcia Lamb, Auditor

Ken Schwartz and Jared Twogood from GT Architecture were present by phone to discuss the courthouse and mechanical project that was due to be bid April 28th, 2020. Auditor Lamb discussed the drop in revenues due to the downturn of the economy from the pandemic and suggested that the bid be cancelled until such time that the markets stabilize. The board agreed and the bid is hereby cancelled.

Tax & Zoning Director Stacey Swanson presented 1 ARW Application that was approved with conditions by the Road Superintendent.

- Von & Noreen Johnson – Section 26-141-99 along 29th St SW to move an existing approach

Swanson and Patrick Weir, States Attorney then discussed the progress of the joint powers agreement with the City of Medora. They are working with the City Attorney, Sandra Kuntz.

Mitch Gilseth and Kyle Michels, Ambulance Directors gave their monthly report. They have received notice that they were approved for a grant for the ambulance in the amount of \$120,000.

Sheriff Pat Rummel gave his monthly report.

The board reviewed the quarterly pledge report. Kessel moved to approve the pledge report. Kasian seconded. All voted aye.

Auditor Lamb then presented the revenue reports for March. Kessel moved to approve. Kasian seconded. All voted aye.

The board reviewed a list of the bills for March with one additional bill for Savvik sterilization. Kasian moved to approve the bills for payment and they will be physically signed at a later date. Kessel seconded. All voted aye.

Road Superintendent Jeff Iverson was present by phone and gave his monthly report. He discussed that the Boltz and Oyhus pits will be bid at the May meeting. He talked about projects for stimulus funding and the TR Road project. The low bid received for the TR Road project was Dakota Dirtworks and LF Grading for \$78,000.00. Kessel approved the low bid, Kasian seconded. All voted aye. The State of ND still needs to sign off on this project.

Andrew Krebs was present by phone for KLJ's monthly engineering report. He went over wetland monitoring reports and stated that the Gerbig pit is reclaimed and ready to close out. He also stated that he and Jeff were working on potential projects for submission to NDDOT for future stimulus funding.

The following claims were approved for payment:

<u>PAYEE</u>	<u>CHECK #</u>	<u>AMOUNT</u>
AmeriPride Linen Service	017845	\$ 414.76
BEK Commuications	017846	\$ 1,105.00
Belfield Automotive Supply, Inc.	017847	\$ 1,534.20
Bill Barth Ford	017848	\$ 44.41
Billings County Historical Society	017849	\$ 3,051.12
Billings County Pioneer	017850	\$ 489.01
Billings County Rural Fire District	017851	\$ 52,229.57
Billings County School District	017852	\$ 668,121.11
Boss Office Products	017853	\$ 349.86
Bound Tree Medical, LLC	017854	\$ 1,823.29
Brooks & Associates, C. E.	017855	\$ 10,075.58
Brosz Engineering, Inc.	017856	\$ 1,915.00
Butler Machinery Co.	017857	\$ 452.70
Creative Energy	017858	\$ 79.33
Crowell & Moring, LLP	017859	\$ 29,613.86
D & K Services, LLC	017860	\$ 381.30
Dakota Business Solutions	017861	\$ 265.99
Dakota Insurance	017862	\$ 56.00
Dickinson Public Library	017863	\$ 3,201.25
Farmers Union Oil Co. – Beach	017864	\$ 10,726.84
George's Tire, Ltd.	017865	\$ 7,482.00
Gerbig, Yelena	017866	\$ 10.50
Gooseneck Implement	017867	\$ 1,075.63
Hild, John	017868	\$ 40,000.00
Hlebechuk Construction	017869	\$ 720.00
Holiday Inn – Fargo	017870	\$ 169.20
J and J Operating, LLC	017871	\$ 641.68
Jeff's Towing & Automotive	017872	\$ 503.19
Johnson, Christine	017873	\$ 21.00
Jones & Bartlett Learning, LLC	017874	\$ 82.38
Just-In Glass	017875	\$ 544.70
Kadrmass, Lee, & Jackson, Inc.	017876	\$ 24,056.91
Kasian, Michael E.	017877	\$ 127.65
Kessel, Joseph L.	017878	\$ 105.80
Krebs Machine & Repair	017879	\$ 1,025.00
Light and Siren	017880	\$ 652.00
Mac's, Inc.	017881	\$ 244.19
Malley's Safety Supply, LLC	017882	\$ 97.77
Medora, City of...	017883	\$ 46,129.40
Menards	017884	\$ 387.60
Metro-Billing Services	017885	\$ 110.00
MGM Rural Sanitation, LLC	017886	\$ 309.00
Midstate Telephone Company	017887	\$ 1,214.15
Motorola Solutions	017888	\$ 28,500.00

Murtha, Janilyn K.	017889	\$	2,416.66
Murtha, Janilyn K.	017890	\$	112.70
Namyniuk, Martha	017891	\$	100.00
N.D. Association of Counties	017892	\$	108.21
N.D. Association of Counties	017893	\$	538.65
N.D. Attorney General's Office	017894	\$	45.00
N.D. Cowboy Hall of Fame	017895	\$	200.00
N.D. Department of Transportation	017896	\$	11.50
N.D. State Treasurer	017897	\$	12,745.11
NDLTAP – UGPTI	017898	\$	100.00
Nelson International	017899	\$	1,505.26
Newby's Ace Hardware	017900	\$	166.20
Obrigewitch, Jenna	017901	\$	125.00
Postmaster	017902	\$	330.00
Pump Systems, Inc.	017903	\$	114.91
Rauschenberger Consulting, LLC	017904	\$	4,200.00
RDO Equipment Company	017905	\$	1,427.18
RELX, Inc.	017906	\$	233.40
Rudy's Lock & Key	017907	\$	21.00
Runnings Supply, Inc.	017908	\$	645.99
Sanford Inpatient Pharmacy	017909	\$	360.00
Sax Motor Company	017910	\$	103.84
Service Printers	017911	\$	210.40
Southwest Business Machines	017912	\$	761.50
Southwest Water Authority	017913	\$	437.22
Southwest Water Authority	017914	\$	12,203.58
Southwestern District Health Unit	017915	\$	47,834.11
Stein's, Inc.	017916	\$	534.60
Tab Electronics	017917	\$	2,415.98
Tczap, John	017918	\$	70.00
Thompson, Patty	017919	\$	10.50
Verizon Network Fleet, Inc.	017920	\$	75.80
Verizon Wireless	017921	\$	2,272.51
Vogel Law Firm	017922	\$	4,577.50
Wal-Mart	017923	\$	489.95
West Dakota Oil, Inc.	017924	\$	5,407.21
Westlie Crossroad Truck Center	017925	\$	12,757.46
Blue Cross Blue Shield of N.D.	017926	\$	3,962.30
N.D. P.E.R.S.	017928	\$	139,336.88
N.D.P.E.R.S.	017936	\$	41,522.54
Century Link	017937	\$	1,096.97
DirecTV	017938	\$	118.52
Discovery Benefits, Inc.	017939	\$	89.25
Information Technology Dept.	017940	\$	937.17
Medora, City of...	017941	\$	431.44
N.D. Department of Transportation	017942	\$	1.00
Reservation Telephone Cooperative	017943	\$	42.06
Roughrider Electric Cooperative, Inc.	017944	\$	4,874.58
Verizon Wireless	017945	\$	30.06
Visa	017946	\$	3,532.91
Visa	017947	\$	VOID
Visa	017948	\$	<u>667.51</u>

The board approved the revenue vouchers for the month of March: Recorder \$6,574.60; Zoning \$200.00; Court \$100.00; Sheriff \$82.50, EMS \$7,174.40.

Revenues for materials and/or services rendered in March: Mark Kasian \$372.00 scoria & hauling; Donovan Obrien \$90.00 gravel & hauling; Beach Community Ambulance \$500.00 transport; Nelson Site Management \$14.76 water; Tony Obrigewitch \$178.13 scoria & hauling; Curt Miller \$50.00 scoria & hauling. WEED SPRAYING: Gailand Kadrmas \$22.28, Bob Lee \$16.38, Randy & Sue Mosser \$48.49, Roy Krivoruchka \$56.39, Randy & Sue Mosser \$84.58, Adam Wanner \$44.56, Kevin Fugere \$112.77, Matt Buckman \$66.14, Dustin Richard \$44.99, Pat Frank \$122.85, David Rodakowski \$56.39.

Revenues for the month of March: Sheriff \$21,157.00 permits, Highway Distribution \$13,167.10; Oil & Gas Production Tax \$333,837.31; Royalties \$23,822.63; Unorganized Oil & Gas Production Tax \$22,255.81; 24/7 \$300.00; Interest \$227,755.98; State PILT \$5,565.14; Telecommunication Tax \$24,310.85; BLM Mineral Royalty \$131,023.72.

Payroll in the following amounts was approved for March: General Fund \$167,606.43; Road and Bridge Fund \$126,915.54; Weed Fund \$7,600.60.

With there being no further business, the meeting ended at 10:00 A.M.

James Arthaud, Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer