

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS  
SPECIAL MEETING MAY 6, 2021.**

The meeting was called to order by Chairman Michael Kasian at 9:03 A.M. with Commissioners Dean Rodne and Lester Iverson in attendance.

Others were present during portions of the meeting: Road Superintendent Jeff Iverson, EMS Director Kyle Michels, Fire Chief Kyle Shockley, Maintenance Supervisor Travis Bertelsen, Major Dean Wycoff, Sheriff Pat Rummel, Auditor/Treasurer Marcia Lamb, Clerk of Court/Recorder Juliana Hammerstrom, Weed Control Officer Katie Dillman, Deputy Auditor Jonna Bertelsen, State's Attorney Pat Weir, US Forest Service Misty Hayes, Nick Pedeliski, Jacey Hanson, Andrew Krebs, Susan Wolf, Sandy Short.

The board reviewed the commission minutes from April 6, 2021. After discussion regarding two sentences, they were removed. Rodne moved to approve the changed minutes. Iverson seconded. All voted aye.

Kasian moved to approve the agenda for the current meeting. Iverson seconded. All voted aye.

Belfield ambulance representative Susan Wolf and Ambulance Director Kyle Michels were in attendance to discuss the potential Billings County/Belfield Ambulance Merger. Michels and Commissioner Iverson went over the proposal that was given to Stark County and asked for feedback. There were some concerns discussed and there will be more information sought and brought back to a later meeting.

US Forest Service representative Misty Hayes was present to provide updates on the fires, road maintenance and Theodore Roosevelt Presidential Library. The grasslands are in a total burn ban but prairie dog hunting is still permitted. They are currently working on oil and gas leasing. Theodore Roosevelt Library land conveyance is moving forward as legislated. Would like to thank Fire Chief Kyle Shockley and all that have been involved with fighting the fires.

Tax & Zoning Director Stacey Swanson presented 2 ARW Applications and 2 Pipeline Applications that were approved having 1 ARW with conditions and the other 3 without conditions by the Road Superintendent.

- Lane Rossow – Sections 24-143-100 133<sup>rd</sup> Ave SW for construction of a new approach.
- Brandon Richard – Sections 10-137-100 134<sup>th</sup> Ave SW for a new fence line, contingent upon railroad ties being removed.
- Trevor Burian – Sections 23 to 26-144-98 10<sup>th</sup> St SW for a water line.
- Petro Hunt – Sections 13 to 14-144-98 121<sup>st</sup> Ave SW along 8<sup>th</sup> St SW for an oil pipeline.

State's Attorney Patrick Weir was present to discuss the joint powers agreement with the City of Medora regarding the extraterritorial area. This agreement formalizes the authorities in the extraterritorial area. The application process will take into consideration the county land use plan and zoning ordinances. Iverson moved to approve the joint powers agreement with the City of Medora. Rodne seconded. All voted aye.

Nick Pedeliski and Jacey Hanson were present to request that the county place 3 cattleguards on his leased land. The Medora Grazing Association requires them to fence the section but the county road runs through it so there will need to be cattleguards put in for his cattle to graze. After discussion regarding the costs of the cattleguards and the installation, Commissioner Kasian stated that the fence would need to be put in before cattleguards would be placed, but that the county would put them in if the fence were put in. No motion was made regarding this. After Nick Pedeliski and Jacey Hanson left the meeting, it came to the board's attention that the land was leased by Nick, not owned. The property owner will need to come to the board to discuss this issue.

The bid opening for the county courthouse re-window project was held on April 29<sup>th</sup> at 2:00pm with GT Architecture. Auditor Lamb had opened the bids, two were received - Viking Glass - \$166,900.00 and C&H - \$179,900.00. Kasian made the motion to accept Viking Glass bid at \$166,900.00. Iverson seconded. All voted aye.

Andrew Krebs with KLJ and Road Superintendent Jeff Iverson gave their monthly reports. Crews are hauling on 122<sup>nd</sup>. Knife river dug test holes on the Krehlik pit and will be back later this summer to finish crushing. Crews are out cleaning cattleguards. Water tanks in all three districts are full. 24<sup>th</sup> street access to pit has been completed. Continental has put a lot of scoria down as well. They are hauling from 24<sup>th</sup> to 25<sup>th</sup> street. FLAP program applications are due by June 24<sup>th</sup>. Will submit the 133<sup>rd</sup> Ave 3 mile reconstruction project that comes out of whitetail picnic ground. Crews have been called in to help support fire suppression. The signed lease agreement with Schmidt's was reviewed. Commissioner Iverson moved to approve the agreement with Schmidts. Rodne seconded. All voted aye. State's Attorney Weir brought back discussion regarding cattleguards. The commission has the right to put in a cattleguard, they must issue a permit first and once the cattleguard is in, the owners are to maintain it. Andrew Krebs gave KLJ report. Wetland monitoring is continuing. Gerbig pit was seeded yesterday to reclaim but the pit reclamation is not completed. Tests were run on the Krehlik pit for additional gravel. Wannagan creek row from Golden Valley east 2.1 miles. Billings county will meet with the landowner this spring

to discuss the project. Working on PS&E plans for the Little Missouri River Crossing, bridge design and utility plats for Phase I. Final right of way plats submitted for Phase I. KLJ is also working on Phase II grading plans. County wide chip seal for 14.5 miles is a future project scheduled for 2026. Next meeting they will bring the endorsement forms to apply for FLAP. Chairman Kasian questioned KLJ regarding the breakdown of the KLJ engineering bill. Andrew will send a breakdown of duties for each type of engineer. The Master Service Agreement was presented, and amendments are done every two years. States Attorney Weir will review the MSA prior to the approval.

Weed Control Officer Katie Dillman was present to give her report. She presented three names for appointment to a four year term on the county weed board, Sonny Egly, Allan Richard and Perry Redmond. Rodne moved to approve those three to the weed board. Iverson seconded. All voted aye. Dillman mentioned the spraying crew is fully staffed for 2021 with most employees returning from previous years with a few new hires. They added a new noxious weed to the list, Common Mullen. Dillman updated the commission on grants they have applied for and received. Golden Valley County asked if she would be willing to combine counties to help with their issue of finding a control officer. Katie felt this would not benefit the county with the work load the sprayers already have. The commission were not in favor of combination.

Fire Chief Kyle Shockley gave an update on the recent fires in the county. Kasian asked if they have taken any pictures from where the fire originated. It was believed to have come from a powerline failure where the line was sagging and spliced. The fire department does not have any pictures of where either fire started, but will go out and do some investigating to see if he can find the source. The north fire was believed to have started from an oil well pad and that fire is under investigation by the US Forest Service. Credit for the north fire needs to go to local volunteers and the forest service. Sandy Short was present and stated that the Short and Obrigewitch family would like to thank the fire department and all who came for saving the homestead and they are grateful. Shockley discussed bringing up the years of service award again because it is getting harder to get volunteers for these fires.

The board discussed the emergency declaration and since the original emergency declaration only included the language of the City of Medora and west, the declaration needs to be amended to include the entire county. Kasian moved to amend the emergency declaration to include all of Billings County. Rodne seconded. All voted aye. The emergency declaration reads as follows:

**EMERGENCY DECLARATION  
AMENDED FROM 4-1-2021**

Michael Kasian, as Chairman of the Billings County Commission, has declared a state of emergency due to fires in Billings County.

This Emergency Declaration is issued pursuant to ND Century Code and the authority granted therein.

This Emergency Declaration shall remain in effect until rescinded by the Billings County Commission at any special or regular meeting called for that purpose.

**NOW, THEREFORE, BE IT RESOLVED** that the Billings County Commission declares a state of emergency in Billings County, North Dakota.

Dated at Medora, North Dakota, this 6<sup>th</sup> day of May, 2021.

APPROVED: \_\_\_\_\_

Michael Kasian, Chairman

ATTEST: \_\_\_\_\_

Marcia Lamb, County Auditor

Fire Chief Shockley stated that the Medora district needs a new grass unit. The cost is \$90,000. Kasian moved to approve the purchase for the fire district through the County General Fund that has money budgeted for fire emergency needs. Rodne seconded. All voted aye.

The board recessed for lunch at 12:05pm. Meeting reconvened at 1:03 pm.

Major Dean Wyckoff and Sheriff Pat Rummel gave their monthly report. The department is steadily getting busier mainly due to the fires. Reports for fish and game related issues should be reported to the sheriff's office right away with as Game and Fish response time can be slow. Earlier this year, the deputies had to go out on foot to track down a suspect in a high-speed vehicle chase, and they did not have necessary bodily protection. Rummel requested proper vests, face shields and helmets. Five units will cost the department \$16,604.00. The board was in favor of this purchase and it is within the Sheriff budget. Rummel asked that a line that was included in the February minutes be corrected. He did not say that he should supervise the ambulance service. Iverson moved to correct the February minutes. Rodne seconded. All voted aye.

Maintenance Supervisor Travis Bertelsen gave his monthly report. The courthouse construction projects will be starting soon and it would be logical to get a security system throughout the courthouse. The cameras will be placed in the hallways and common areas. The commission agreed with this. Central mechanical has been out working towards the project to get things lined up. Museum project is getting close to being done. Aakre construction is skirting the crew quarters and emergency housing. The ducts need to be cleaned for the mechanical

project. Travis will get bids from three companies and bring them to the board next month. The land on the south side is being used to dump leaves and trees from the county again. One resident was already talked to for dumping from the sheriff's office. The city asked the county if we had a good place for dumping, so will ask the city if they would consider cost sharing a dumpster. Pat Weir will need to look into a legal contract.

Auditor Lamb presented Plains Marketing Division orders. After review by the board, Chairman Kasian signed the orders.

The following claims were approved for payment:

PAYEE	CHECK #	AMOUNT
Blue Cross Blue Shield of ND	19547	\$ 3,860.60
ND Public Employee Retire System	19548	\$ 881.61
3D Specialties	19549	\$ 149.60
701 Meats	19550	\$ 54.25
ABC Fencing LLC	19551	\$ 1,597.05
Active911 Inc	19552	\$ 130.00
All Around Tire & Oil	19553	\$ 3,208.43
Aramark	19554	\$ 564.77
BeMobile Dickinson South	19555	\$ 109.94
Belfield Automotive Supply Inc	19556	\$ 7,326.86
Berger Rene	19557	\$ 84.00
Best Energy	19558	\$ 121.16
Billings County Historical Society	19559	\$ 18,981.21
Billings County Pioneer	19560	\$ 3,038.36
Billings County Rural Fire District	19561	\$ 5,996.90
Billings County School District	19562	\$ 66,793.46
Billings County Sheriff	19563	\$ 149.58
Bismarck Tribune	19564	\$ 630.00
Blue Sky Dumpsters, LLC	19565	\$ 312.50
Boss Office Products	19566	\$ 1,476.51
Bound Tree Medical	19567	\$ 670.94
Brooks & Associates, C.E.	19568	\$ 7,316.50
Brosz Engineering Inc	19569	\$ 687.50
Butler Machinery Co.	19570	\$ 729.71
Cerberus Security	19571	\$ 943.35
Certified Power Inc	19572	\$ 303.96
Charbonneau Car Center	19573	\$ 900.27
Creative Energy	19574	\$ 95.52
Crist Chadwick T	19575	\$ 45.60
Dakota Insurance	19576	\$ 124,035.00
Dell Marketing LP	19577	\$ 530.48
Dickinson Public Library	19578	\$ 3,071.42
Dooley Enterprises Inc	19579	\$ 3,173.49
Dunn County Auditor	19580	\$ 3,858.65
DW Supplies LLC	19581	\$ 477.98
E Services LLC	19582	\$ 31,595.00
Ecolab Pest Elim Div	19583	\$ 251.00
Ferguson Enterprises Inc	19584	\$ 39.69
Four Corners Café	19585	\$ 377.00
Gallagher Benefit Services	19586	\$ 9,500.00
George's Tire LTD	19587	\$ 2,794.00
Gooseneck Implement	19588	\$ 3,435.73
Heiser Electric Don	19589	\$ 200.00
Highlands Engineering & Surveying	19590	\$ 15,559.00
Hlebechuk Construction Inc	19591	\$ 6,857.50
Jones & Bartlett Learning LLC	19592	\$ 517.65
Just-In Glass	19593	\$ 40.00
Kevin's Auto & Truck Repair	19594	\$ 438.00
KLJ Engineering LLC	19595	\$ 177,875.93
Kohler Communications INC	19596	\$ 289.99
Krebs Machine & Repair	19597	\$ 640.30
Kubik, Bogner, Ridl & Selinger PLLP	19598	\$ 6,000.00
Kutzler, Marilyn	19599	\$ 144.48
Little Missouri Restaurant & Saloon	19600	\$ 284.00
MAC's Inc	19601	\$ 1,049.10

Medora, City of	19602	\$	10,500.00
Medora, City of	19603	\$	14.59
Menards Dickinson	19604	\$	199.51
MGM Rural Sanitation LLC	19605	\$	296.50
Mid-American Research Chemical	19606	\$	364.14
Mid-States Organized Crime	19607	\$	100.00
Midstate Communications	19608	\$	82.75
ND 911 Association	19609	\$	50.00
ND Association of Counties	19610	\$	7.00
ND Association of Counties	19611	\$	129.45
ND Attorney General's Office	19612	\$	295.00
ND County Treasurer's Association	19613	\$	200.00
ND Cowboy Hall of Fame	19614	\$	200.00
ND Dept of Transportation	19615	\$	6.50
ND Dept of Transportation	19616	\$	6.50
ND Dept of Transportation	19617	\$	1,344.94
ND State Radio Communications	19618	\$	3,457.56
ND State Treasurer	19619	\$	1,701.49
NDACo Resources Group INC	19620	\$	266.39
Nelson International	19621	\$	910.16
Northwest Tire Inc	19622	\$	3,374.26
O'Brien Oilfield Service LLC	19623	\$	729.13
PB Electric	19624	\$	195.00
Pickett Thomas	19625	\$	13,000.00
Pump Systems Inc	19626	\$	2,431.16
Quadient Leasing USA, INC	19627	\$	375.00
Quality Quick Print	19628	\$	520.00
RDO Equipment Co	19629	\$	1,130.50
Redmond Glenn	19630	\$	84.00
RELX	19631	\$	233.40
RM Hoefs & Associates	19632	\$	20,050.58
Runnings Supply Inc	19633	\$	351.43
Sanford Inpt Pharmacy	19634	\$	1,095.00
Sax Motor Co	19635	\$	62.74
Shockley Kyle	19636	\$	102.59
Southwest Business Machines	19637	\$	179.44
Southwest Multi-County Correction	19638	\$	660.00
Southwest Water Authority	19639	\$	1,063.90
Southwest Water Authority	19640	\$	750.30
Southwestern Dist Health Unit	19641	\$	3,635.01
Stark County Auditor	19642	\$	26,424.08
Stein's Inc	19643	\$	245.00
Swanson Stacey	19644	\$	270.72
Temp Right Service Inc	19645	\$	491.83
Thorndike Krystal	19646	\$	15.95
Tom's Heating Service	19647	\$	2,100.00
Total Safety US Inc	19648	\$	50.02
Toyne Inc	19649	\$	48,345.00
Uniform Center	19650	\$	2,113.44
Verizon Networkfleet Inc	19651	\$	64.76
Verizon Wireless	19652	\$	2,082.33
Vogel Law Firm	19653	\$	6,243.80
Wal-Mart Community	19654	\$	391.28
Wallwork Truck Center	19655	\$	62.78
Warne Chemical & Equipment	19656	\$	223.60
West Dakota Oil Inc	19657	\$	75,379.33
Western Choice Cooperative	19658	\$	2,977.21
Westlie Crossroads Truck Ctr	19659	\$	9,190.30
Zoll Medical Corp	19660	\$	200.29
Midstate Communications	19661	\$	1,156.35
CenturyLink	19662	\$	951.98
Directv	19663	\$	122.99
Information Technology Dept	19664	\$	1,180.45
Kasian, Michael	19665	\$	159.04
Medora, City of	19666	\$	584.12

Reservation Telephone	19667	\$	40.38
Roughrider Electric Coop	19668	\$	3,670.29
Verizon Wireless	19669	\$	43.20
Visa	19670	\$	855.12
Visa	19671	\$	2,103.62
Wex Health Inc	19672	\$	63.00
NDFOP State Lodge Treasurer	19673	\$	25.00
Prudential Service Center	19674	\$	14.29
State Dispersment Unit	19675	\$	717.00
Wex Health Inc	19676	\$	2,579.61
ND State Tax Commissioner	19677	\$	10,967.00
ND Public Health Ins Trust	19678	\$	72,565.12
ND Public Employee Retire System	19679	\$	11,139.00
ND Public Employee Retire System	19680	\$	43,323.39
ND Public Employee Retire System	19681	\$	650.00
Job Service ND	19682	\$	7,729.51

The board approved the revenue vouchers for the month of April: Recorder \$2,587.60; Zoning \$100.00; Court \$75.00; EMS \$6,773.46, Sheriff 1,020.00.

Revenues for materials and/or services rendered in April: WEED SPRAYING: Gerry Grosulak \$16.36, William Kessel \$49.94, Kris Swenson \$27.56, Randy & Sue Mosser \$14.08, Kevin Volesky \$55.13, Trotter Construction \$473.00, Chad Crist \$12.50, Jerry Shae \$101.75, Paul Kessel \$41.75, Kurt Kordon \$50.86, Jerry Anheluk \$9.11, Tom Grosaluk \$31.40, Russel Logan \$1,798.87.

Revenues for the month of April: Sheriff \$15,588.98 permits, Highway Distribution \$14,479.73 ; Oil & Gas Production Tax \$411,010.15; Royalties \$20,508.37; Unorganized Oil & Gas Production Tax \$27,400.67; Interest \$9,121.76; Sheriff 24/7 \$100.00; State Aid Distribution \$69,454.97, Township Road Distribution \$18,961.28, NDIRF Confriment \$45,478.00.

Payroll in the following amounts was approved for April: General Fund \$177,657.47; Road and Bridge Fund \$128,791.57; Weed Fund \$9,901.43.

With there being no further business, the meeting ended at 3:00 pm.

\_\_\_\_\_  
Michael Kasian, Chairman

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

Marcia Lamb, Auditor/Treasurer

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS  
SPECIAL MEETING – May 26, 2021.**

The meeting was called to order at 12:00 P.M. by Chairman Kasian with Commissioners Rodne in attendance at the Billings County Courthouse and Commissioners Kasian and Iverson in attendance by phone.

The one item on the special meeting agenda was to remove the total burn ban placed by the county and to make a new resolution to tie the burn ban to the fire index.

Rodne moved to rescind the previous total burn ban, Iverson seconded. All voted aye.

Iverson moved to approve a resolution for the burn ban to be tied to the fire index, Rodne seconded. All voted aye. The resolution reads as follows:

**RESOLUTION NO: 2021-14  
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 26<sup>TH</sup> day of May, 2021.  
Billings County, North Dakota

By: \_\_\_\_\_  
Michael Kasian, Chairman

Attest: \_\_\_\_\_  
Marcia Lamb, Auditor