

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING – JULY 7, 2020**

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

Others were present during portions of the meeting: Sheriff Pat Rummel, Danielle O'Brien, Anita Adams, Tammy Simnioniw, Shae Peplinski, Julie Reis, Jeff Iverson, Anita Kessel, Misty Hays, Tina Thornton, Curt Grudniewski, Naomi Zucker, Shanna Jonson, Brandy Dahlin, Miranda Jangula, Dan Donlin, Ambulance Directors Kyle Michels & Mitch Gilseth, Melissa Hamilton, Sherri Anderson, Tonya Woolery, Arvid Hecker, Daphne Senn, Joe Mayer, Rodney Krogh, Elizabeth Loos.

Kasian moved to approve the minutes from the June 2, 2020 regular meeting. Arthaud seconded. All voted aye.

Auditor Lamb presented the quarterly pledge report. Kasian moved to approve as presented. Arthaud seconded. All voted aye.

Discussion ensued regarding the annual Bankhead-Jones payment. The money received from the federal government is payment in lieu of taxes on federal land in the county. These lands were acquired by the federal government in the 30's and the purpose was to make the lands better to provide for the economic recovery of the area. The money received represents 25% of the rents, royalties and recreation fees that the government assesses and is not appropriated by the government but simply passed through to the counties. The money can only be used for Road & Bridge and School expenses.

The board reviewed invoices that have been sent out numerous times to individuals in the county. After review, the board directed that no work or materials are to be provided to the individuals who have not paid the county.

Billings County School Principal Shae Peplinski was present along with other members of the school board to discuss the request for a portion of the Bankhead Jones payment. She stated that the school board has been very cautious with the budget. Their project in the Fairfield school is complete. The sheriff's department is still working on setting up the Glade school for offices as the school was closed. They are waiting for the July 15 update from the Governor regarding guidelines for reopening of the schools in the fall. Billings County has a small number of students, which will help with social distancing and technology. Danielle O'Brien, Fairfield School Principal went over the general re-entry plan. The school board requested \$350,000 from the Bankhead Jones payment for 2021. Kasian moved to approve the request. Arthaud seconded. All voted aye.

Misty Hays, Curt Grudniewski, Naomi Zucker and Tina Thornton were present from the US Forest Service to update the board on projects that have been ongoing. They are working with KLJ on the design and expanded easements for the Little Missouri River Crossing. They have filed to be removed from the current lawsuit. There has been no stay on the decision so the project is moving forward. Discussion regarding the FLAP (Federal Land Access Program) funding – Billings County received funding for Whitetail and Magpie roads in 2021. Curt stated that they are trying to get funding for several dams that are failing. He also stated that there should be another request coming out for FLAP projects. He stated that they have a great relationship with our Road Superintendent and that the roads in the county are ranked very high, in great shape. Misty discussed the highest Bankhead Jones payment was received by the county this year. Over 50% of the mineral payments came from the little Missouri grasslands. The Oil & Gas Environmental Impact Study revision should be sent out this week in the federal register and the final record of decision will be in October. They also discussed the Presidential Library Board who has been in contact with them regarding potential opportunities for a land transfer. They would likely need congressional legislation if this were to happen. They have not made an official request for a parcel. They are working on changing over from scoria to gravel as scoria does not hold up as well for a road base. They are working on signing the Maah Da Hey trail to keep people from parking on the hill and in one place on Wannagan. This has been an ongoing issue with tourists parking in blind spots and in areas where there is no pull-out. Sheriff Rummel brought up an issue with what used to be known as Upper Magpie. DOT has changed the name to North Creek. People have been cutting through private property with poor directions and causing damage. Discussion was also had regarding putting a maintenance agreement in place between the county and Forest Service. Currently one is not in place.

Dan Donlin, Director of North Dakota State Radio was present with Shanna Johnson, Brandy Dahlin and Miranda Jangula to present Sheriff Deputy Dey Muckle with the Mobile Operator of the Year Award. This award was for the emergency response partner who maintains outstanding professionalism and etiquette when talking to dispatchers and other units. They thanked him sincerely for his service. Chairman Arthaud congratulated Dey and all of our law enforcement and Ambulance and Fire Services for the great work they do.

Tax & Zoning Director Stacey Swanson was present and went over the applications that were approved by the Billings County Zoning Board at the June 18, 2020 meeting:

Arvid Hecker: Application to extend his lease agreement for another 3 years. Land is used mainly for farming and ranching. The zoning board approved this request with conditions set by the Zoning Director for a

reclamation plan, dust and weed control.

Albert and Anita Kessel: Application to extend lease agreement for 3 years. Land is being used for rigs, oil equipment, and drilling. The permit is for temporary use. The zoning board approved this request with conditions set by the Zoning Director for a reclamation plan, dust and weed control.

State's Attorney Weir stated that both applicants have been forthcoming and these applications are not considered variances, but temporary use. The board amended the ordinance to allow for temporary uses. They are requesting three years. The commission is in no way endorsing industry to offload used equipment or industrial equipment. They will come back if they determine that the storage will be permanent. This is not the intent.

The board approved the applications one by one with the conditions as set by the Zoning Director and State's Attorney. Reclamation is the most important part. Kasian moved to approve. Arthaud seconded. All voted aye.

Tax & Zoning Director Stacey Swanson presented 3 Pipeline and 1 ARW Application that were approved with conditions by the Road Superintendent.

- Medora Grazing Association (two applications) – Sections 13, 14-138-100 crossing 133rd Ave SW
 - Sections 26-35-139-102 crossing East River Road
- Petro Hunt LLC – Sections 13,14-144-98 crossing 121st Ave & 8th Street
- David Urlacher – Section 22-138-100 along 134th Ave SW.

Steve Klym's term on the Billings County Zoning Board has expired and he has agreed to another four year term. John Tczap was the appointed City Representative to the County Zoning Board and as he no longer serves on City Council, two names were provided by the City for consideration on the board. State's Attorney Weir was present to discuss the Joint Powers Agreement with the City of Medora regarding the additional ½ mile of extraterritorial zoning authority. County Zoning will be primary in the extraterritorial area and a board will be made up of the Mayor, the Chairman of City Zoning, Chair of County Commission. This is to apply conditions uniformly in the extraterritorial area. The board will approve the Joint Powers Agreement when it is complete and then will appoint the city representative to County zoning.

Auditor Lamb opened the bids that were received at 10:30am. Krehlik Gravel Pit – one bid was received from Knife River Corporation – \$413,475. Simnioniw Gravel Pit – One bid was received from Sundre Sand and Gravel – \$109,250. Kasian moved to approve the two bids. Motion died for lack of a second. KLJ will review the bid tabulations and the commission will make a decision by the end of the day.

Rodney Krogh, President of the Billings County Historical Society was present to discuss the Courthouse museum siding that needs to be done this fall. All bids that were previously submitted have expired. The current estimate is \$18,300. Kasian moved to approve the work being done. Arthaud seconded. All voted aye.

There was an agenda item to go into executive session to discuss current litigation. State's Attorney Weir stated that there was nothing to update the board about so executive session was not entered.

Road Superintendent Jeff Iverson and Daphne Senn from KLJ gave their monthly reports. They are continuing wetland monitoring. The TR Oilfield road realignment staking is completed. Little Missouri River Crossing – preliminary design is still being worked on. Crews are hauling gravel in all districts. Dakota Dirtworks has begun working tr road. Fog seal – fed aid is nearly complete – still striping. A culvert replaced on magpie road. Culverts are starting to fail across the county and will need to be looked at. Arthaud asked about the crossing at Swensons. He will discuss with them and bring back to next meeting. Kasian stated that there are issues with 30th street and 121st culverts.

Sheriff Pat Rummel gave his monthly report. Coroner, Dr. Wolf resigned effective July 1, 2020. The State of ND has a forensic pathologist that does autopsies etc. You can have a Doctor or someone that is approved by them. Jim Ladbury picks up generally and he has preapproval. Dr. Wolf had received compensation of \$600/case. Ladbury said he would be fine with that. Chairman Arthaud stated there was a county resident that was interested in the position and had been a medical director previously. Rummel will discuss the position with him and come back to the next meeting with a recommendation.

The board discussed Cost of Living increase for salaries in 2021. Arthaud stated that he felt a 2% increase would be recommended. Kasian requested 1%. After discussion of the work being done in the county and the improvements and efficiencies that have been made in all departments, the agreement was for 1.5% of the high salary across the board. Kasian moved to approve. Arthaud seconded. All voted aye.

The current owner of the Fryburg School emailed the auditor that the sale fell through due to Covid-19 and that he would be willing to donate the school to the County if there was a need for it. The board discussed having a public hearing to see what would be suggested for the school. A public hearing will be scheduled for input prior to a decision being made.

Ambulance Directors Mitch Gilseth and Kyle Michels were present to give the monthly report. They are anticipatin a late September/early October delivery of the ambulance.

Kyle Shockley, Billings County Fire Chief, discussed a request for possibly adding an insurance policy for each of the active fire fighters in the county. He discussed having it as an incentive for volunteerism. The fire board will discuss a policy for who is considered "active" with training requirements involved. He and the County Auditor will discuss this with NDACo and see what is being offered across the State of ND.

A resolution was reviewed that had been adopted by Stark County regarding the right to keep and bear arms. Kasian moved to adopt the resolution. Arthaud seconded. All voted aye. The resolution reads as follows:

RESOLUTION OF THE BILLINGS COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Second Amendment of the United States Constitution reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." And,

WHEREAS, Article 1, Section 1, of the Constitution of North Dakota provides, "All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for the lawful hunting, recreational, and other lawful purposes, which shall not be infringed." And,

WHEREAS, certain legislation introduced in past sessions of the North Dakota Legislative Assembly, and certain legislation introduced in the current session of the United States Congress could have the effect of infringing on the rights of law-abiding citizens to keep and bear arms, as guaranteed by the Second Amendment of the United States Constitution; and,

WHEREAS, the Billings County Board of Commissioners is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Billings County to keep and bare Arms or could begin a slippery slope of restrictions on the Second Amendment of the citizens of Billings County; and,

WHEREAS, the Billings County Board of Commissioners wishes to express its deep commitment to the rights of all citizens of Billings County to keep and bear Arms; and,

WHEREAS, The Billings County Board of Commissioners wishes to express opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the citizens of Billings County to bear Arms; and,

WHEREAS, the Billings County Board of Commissioners wishes to express its intent to stand as an Advocate County for Second Amendment rights and to oppose, within the limits of the Constitutions of the United States and the State of North Dakota, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the right of the citizens to keep and bear arms, including through legal action, the power of appropriation of public funds, and the right to petition for redress of grievances.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BILLINGS COUNTY, NORTH DAKOTA:

That the Board of Commissioners hereby expresses its intent to uphold the Second Amendment rights of the citizens of Billings County and its intent that public funds of the County not be used to restrict Second Amendment rights or to aid in the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of Billings County to bear arms; and,

That the Board of Commissioners hereby declares its intent to oppose unconstitutional restrictions on the right to keep and bear arms through such legal means as may be expedient, including without limitation court action; and,

That the Board of Commissioners hereby declares Billings County, North Dakota, as a "Second Amendment Advocate."

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Chairman of the Board of Commissioners of the County of Billings, North Dakota; hereby certifies that the Resolution set forth above was adopted during an open meeting on July 7, 2020, by the Board of Commissioners.

Signed this _____ day of _____, 2020.

By: _____
Chairman, Board of Commissioners

Attest: _____
Auditor, Billings County

Discussion ensued regarding a Resolution to support the DAPL pipeline. Kasian moved to request the State's Attorney to draft. Arthaud seconded. All voted aye.

The board discussed the bids received earlier in the meeting. Knife River's bid was 25% over engineers estimate. Kasian moved to reject the bid. Arthaud seconded. All voted aye. Kasian moved to approve the Sundre Sand and Gravel bid contingent upon the math being correct. Arthaud seconded. All voted aye.

The following claims were approved for payment:

PAYEE	CHECK #	AMOUNT
N.D. P.E.R.S.	018335	\$ 72,121.97
Blue Cross Blue Shield of N.D.	018336	\$ 3,890.00
ABC Fencing, LLC	018337	\$ 470.00
Allied Electronics Inc.	018338	\$ 253.08
AmeriPride Linen Service	018339	\$ 491.60
Aramark	018340	\$ 272.64
Aspen Mills	018341	\$ 1,155.83
Beaver Creek Archaeology	018342	\$ 2,400.00
Belfield Automotive Supply, Inc.	018343	\$ 1,178.87
Billings County Pioneer	018344	\$ 1,523.12
Billings County Rural Fire District	018345	\$ 45.03
Billings County School District	018346	\$ 350,000
Billings County School District	018347	\$ 492.82
Boots Bar & Grill	018348	\$ 376.25
Boss Office Products	018349	\$ 1,774.34
Bound Tree Medical, LLC	018350	\$ 45.05
Branded Graphics LLC	018351	\$ 82.50
Braun Distributing Inc.	018352	\$ 877.48
Brooks & Associates, C. E.	018353	\$ 183.50
Butler Machinery Co.	018354	\$ 413.22
Carlson McCain Inc.	018355	\$ 3,640.00
Code 4 Services, Inc.	018356	\$ 10,339.27
Creative Energy	018357	\$ 2,683.40
Crowell & Moring, LLP	018358	\$ 12,868.40
Dakota Fluid Power Inc.	018359	\$ 495.95
Dakota Insurance	018360	\$ 13,098.00
Dakota Sports	018361	\$ 4,095.37
Deans Distributing	018362	\$ 640.75
Dell Marketing LP	018363	\$ 3,397.69
Dickinson Public Library	018364	\$ 11,198.05
Dryland Enterprises	018365	\$ 21,000.00
Eide Bailly	018366	\$ 600.00
Election Systems & Software	018367	\$ 3,513.77
EMS Technology Solutions LLC	018368	\$ 3,000.00
ERE Trucking, LLC	018369	\$ 18,500.00
Forsgren Associates, Inc.	018370	\$ 2,946.59
Four Corners Café	018371	\$ 351.00
George's Tire, Ltd.	018372	\$ 12,306.00
Gooseneck Implement	018373	\$ 95.22
Helena Chemical Company	018374	\$ 3,138.45
Hlebechuk Construction	018375	\$ 23,895.00
J and J Operating, LLC	018376	\$ 4,799.74
James Oil Well Service Inc.	018377	\$ 3,000.00
Jay R's Auto Body	018378	\$ 585.00
Jeff's Towing	018379	\$ 179.95
Johnson, Larry D.	018380	\$ 61.28
Kasian, Connie	018381	\$ 84.50
Kasian, Michael E.	018382	\$ 122.48
Kessel, Anita	018383	\$ 96.00
Kessel, Joseph L.	018384	\$ 101.75
KLJ Engineering, LLC	018385	\$ 49,528.80
Klym, Steve	018386	\$ 67.25
Knudtson-Simmioniw	018387	\$ 1,500.00
Kohler Communications, Inc.	018388	\$ 200.00
Krebs Machine & Repair	018389	\$ 440.00
Kubik Bogner Ridl & Delinger PLLP	018390	\$ 3,000.00
Kutzler, Marilyn	018391	\$ 71.88
Little Missouri Restaurant & Saloon	018392	\$ 262.00
Mac's, Inc.	018393	\$ 47.98
Malkowski Trucking	018394	\$ 21,125.00
Menards	018395	\$ 1,666.04
Metro-Billing Services	018396	\$ 22.00
MGM Rural Sanitation, LLC	018397	\$ 309.00
Mid-American Research Chemical	018398	\$ 390.30
Midstate Telephone Company	018399	\$ 1,254.76
Midwest Welding, LLC	018400	\$ 255.00
Motorola Solutions	018401	\$ 166.66
N.D. Association of Counties	018402	\$ 373.00
N.D. Association of Counties	018403	\$ 126.35
N.D. Cowboy Hall of Fame	018404	\$ 200.00
N.D. Department of Transportation	018405	\$ 203.52
N.D. Energy Services	018406	\$ 1,820.00
N.D. State Radio Communications	018407	\$ 3,277.56
N.D. State Treasurer	018408	\$ 631.07
Nelson International	018409	\$ 4,619.73
Newby's Ace Hardware	018410	\$ 30.98
Northwest Tire Inc.	018411	\$ 1,140.35
Nutrien Ag Solutions	018412	\$ 6,823.00
Oyhus Land Company	018413	\$ 1,500.00
Platinum Motorsports Inc.	018414	\$ 15,058.22
Pomp's Tire – Bismarck	018415	\$ 566.96
Pump Systems, Inc.	018416	\$ 706.20

Quadient Leasing USA Inc.	018417	\$	375.00
Quality Quick Print	018418	\$	3,975.00
Rauschenberger Consulting LLC	018419	\$	1,300.00
RDO Equipment Company	018420	\$	4,083.58
RELX, Inc.	018421	\$	233.40
Romanyshyn Trucking	018422	\$	20,540.00
Rummel Auto Wrecking	018423	\$	40.00
Runnings Supply, Inc.	018424	\$	68.93
Sax Motor Co.	018425	\$	165.85
Service Printers	018426	\$	324.85
Share Corporation	018427	\$	407.25
Sherwin-Williams Co.	018428	\$	181.47
Southwest Business Machines	018429	\$	674.83
Southwest Multi-County Correction Ctr.	018430	\$	564.16
Southwest Water Authority	018431	\$	6,430.37
Southwest Water Authority	018432	\$	8.73
Southwestern District Health Unit	018433	\$	34.27
Tczap, John	018434	\$	50.00
Temp Right Service, Inc.	018435	\$	959.50
Truenorth Steel Inc.	018436	\$	35,090.40
Uniform Center	018437	\$	480.17
Verizon Network Fleet, Inc.	018438	\$	55.80
Verizon Wireless	018439	\$	2,041.06
Vogel Law Firm	018440	\$	9,810.00
Wal-Mart	018441	\$	669.42
Warne Chemical & Equipment Co.	018442	\$	440.94
Weir, Diane	018443	\$	39.80
West Dakota Oil, Inc.	018444	\$	6,763.18
Western Choice Cooperative	018445	\$	11,484.61
Westlie Crossroad Truck Center	018446	\$	12,142.00
N.D. P.E.R.S.	018447	\$	13,954.00
ND Public Employee Retire System	018448	\$	42,264.00
ND Public Employee Retirement System	018449	\$	650.00
American Family Life Assurance	018450	\$	2,332.55
Discovery Benefits, Inc.	018451	\$	2,093.34
NDFOP State Lodge Treasurer	018452	\$	25.00
Prudential Service Center	018453	\$	14.29
State Dispersement Unit	018454	\$	1,217.00
N.D. State Tax Comm Payroll	018455	\$	10,560.00
Centurylink	018456	\$	895.16
Directv	018457	\$	118.52
Discovery Benefits Inc.	018458	\$	78.75
Information Technology Dept	018459	\$	954.32
Medora, City of	018460	\$	1,111.24
Reservation Telephone	018461	\$	40.94
Roughrider Electric Coop Inc.	018462	\$	4,719.54
Verizon Wireless	018463	\$	50.10
Visa	018464	\$	6,571.19
Visa	018465	\$	1,630.40
Job Service North Dakota	018466	\$	<u>1,591.43</u>

The board approved the revenue vouchers for the month of June: Recorder \$4,616.00; Zoning \$4,019.27; Court \$153.00; Sheriff \$42.50, EMS \$2,038.23.

Revenues for materials and/or services rendered in June: Liquid Connections \$790.00 seeding damage from wet conditions; WEED SPRAYING: Medora Grazing Association \$5,973.14, Al Shaeffer \$29.06, Randy & Sue Mosser \$56.32, Darin Schumacher \$144.38, Ted & Kay Tescher \$35.54, Rod Wagner \$47.56, Randy & Sue Mosser \$56.32, Edwin Egly \$9.11, Tom Redmond \$20.87, Don Schmeling \$16.38, Thorwald Wanner \$28.16, Brian & Jessica Buckman \$36.35, Sandy Baertsch \$522.57.

Revenues for the month of June: Sheriff \$6,229.78 permits, Highway Distribution \$9,782.28; Oil & Gas Production Tax \$16,371.66; Royalties \$4,240.09; Unorganized Oil & Gas Production Tax \$1,091.44; Interest \$121,097.77; Bankhead Jones \$9,194,139.54, State Library Payment \$6,960.51, Fireworks Permit \$154.00, 24/7 \$300.00.

Payroll in the following amounts was approved for June: General Fund \$191,340.15; Road and Bridge Fund \$128,085.08; Weed Fund \$50,917.79.

With there being no further business, the meeting ended at 2:30 P.M.

James Arthaud, Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer