

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING SEPTEMBER 7, 2021.**

The meeting was called to order 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: State's Attorney Patrick Weir, Deputy Auditor Jonna Bertelsen, Sheriff Pat Rummel, Major Dean Wyckoff, Fire Chief Kyle Shockley, Ambulance Directors Kyle Michels and Mitch Gilseth, Maintenance Supervisor Travis Bertelsen, Clerk and Recorder Juliana Hammerstorm, Tax Director Stacey Swanson, Road Superintendent Jeff Iverson, Amy McCann, Ken Vein, Karen Putnam, Daphne Senn, Steven Klym, Jeremy Wood, Mike Lefor, Dr. Marcus Lewton.

The board reviewed the commission minutes from the August 3, 2021 meeting. Iverson moved to approve the minutes as presented. Rodne seconded. All voted aye.

Chairman Kasian asked for any additions or changes to the agenda. Kasian moved to approve the agenda as presented. Iverson seconded. All voted aye.

Commissioner Iverson stated that he is going to put on hold his further actions regarding the Little Missouri River Crossing due to some meetings coming up with the state to look into other options.

Sheriff Rummel gave his monthly report. There have been complaints of speeding in the county and they have placed the speed trailer in those areas. He noted that when you turn off from a signed road onto an unsigned road, the speed limit stays the same. Discussion ensued regarding the speed limits throughout the county. The individual roads make a difference when determining what a proper speed should be. Rodne would like to have the road superintendent, the Sheriff and States Attorney review the road map system and make a recommendation at a future meeting.

Courthouse Maintenance Travis Bertelsen gave his report. He provided a tentative schedule of areas Central Mechanics will be working in. All air will be off until the project is complete. Next week they will start on the south side of building, take out ceiling tiles and then clean up, then come into the auditor/tax office near the end of the month. Once the pumps get here, they will move back through and place pumps. They will be working downstairs and outside for the next two weeks. Estimated completion is November 30. The hardware needed to be replaced on the garage doors in the ambulance building and he replaced all three doors in the pink shop. He is working with Fire Chief Kyle Shockley to put in new flooring in the emergency building that was ruined by all the fires this summer. Johnson Controls is the only company that will do the updates to the fire alarm system without having to replace everything, will need to get a new quote from them since the old quote was only good for 30 days.

Tax & Zoning Director Stacey Swanson presented a draft version of the recreational district ordinance. Kasian moved to approve. Rodne seconded. All voted aye. The ordinance may be viewed at the Billings County Tax & Zoning office.

Swanson then went over a zoning application received for a new elevator at the Burning Hills Amphitheatre. Since the amphitheater is within the one-mile extraterritorial area, this must be approved with city zoning as well as county. The building follows all guidelines through zoning. Kasian questioned if it will be taller than the current buildings. It will be even with or lower. The new elevators will hold 10-15 people and have space to accommodate to emergency services needs such as gurneys. Rodne made the motion to approve the zoning application for a new elevator building at Burning Hills Amphitheatre contingent upon it not setting a precedent for any other applications that have to do with hillside/ridgeline issues. Iverson seconded. All voted aye.

Tax & Zoning Director Stacey Swanson presented four ARW applications that were reviewed with conditions by the Road Superintendent & Weed Officer.

- Scout Energy –Concerns on how they will access the area, will they need to break the rigs down? Will put on hold until we get more information.
- Ron & Shirley Buckman – Southwest Water crossing 18th street.
- Carey & Marge Hande – water line crossing 3rd creek road
- Gordon Gerbig – two crossings on East River Road water line crossing.

Iverson moved to approve the applications for Buckman, Hande and Gerbig. Rodne seconded. All voted aye.

Swanson will be hosting the vision west consortium conference and provided the information on the meeting that will be held at the Cowboy Hall of Fame.

Jeremy Wood was present from Northern Plains to update the board on the 121st project. They set the box culverts last week and today they are working on rebar and back filling. The road should be open to traffic now. He does

not have an estimate on final pay yet, but should by the next meeting. There are no wetland mitigation requirements. Jeremy will send in the compliance certificate.

Daphne Senn was present from KLJ to give updates. Wetland mitigation monitoring on 133rd and 123rd & 26th will be monitored into next week. Krehlik pit updates, knife river will move back in on September 13th, they have had a lot of their crew out sick. Working on Wannagan Creek Row negotiations. Billings County is scheduled to meet at the NDACo conference Monday October 4th at 3:15pm. Road Superintendent Jeff Iverson gave his report. Crews are finishing on 18th street this week. Will be doing a lot of mowing now that they are getting some morning dew. 30th street completed, seeded and mulched. Box culvert is set. Met with Dunn County on the 120th Street project. Working on safety improvements next to Mike and Kayla Romanyshyn's. Asked Jeremy Wood to look at some improvement options to 25th Street, there is one mile that needs to be touched up. East River Road has some settlement on asphalt and will patch one on 38th Street. Renting a compactor and a roller. Met with Brosz Engineering for federal SC funds. 2024 project is East River Road mill and overlay. Federal funds can go ahead three years. There are three motor graders in district one that need to be replaced. Will bid out the 3 motor graders. Met with Rob Rayhorn with DOT who is with the safety coordinator. The flashing speed limit signs need to be a different size. Cleaned out drain on Blacktail Rd. Bridge inspections are completed. He will meet with Pat Weir and Pat Rummel for the speed limits on roads.

Representative Mike Lefor was present to discuss the SW Career and Technical Education Academy. They have formed a taskforce of 22 members. They are starting out with CDL, Certified Nursing and welding. The goal is to get involved in drafting, automotive, computer science and diesel mechanics. The Halliburton facility in Dickinson was donated for this project. Based on statistics from other CTE's in the state, the graduation rates are high. They will be applying for a \$10 million grant from the State of ND. They have received support from Dunn County, Stark County, City of Dickinson and other private entities. They requested that Billings County make a \$675,000 donation for 2022. Dr. Marcus Lewton is the superintendent of Dickinson Public School and gave some information regarding why they are bringing a CTE to the area. Will contain collaborative and ladder programs. Started by business needs. They are frustrated with the kids from the Southwest having to go elsewhere for certifications and not moving back to the communities. The \$10 million grant would be used for construction and equipment. Operating costs and technology are what will be covered by the donations. Interested in what needs we feel aren't being met in this area. Department of commerce recently did a study and we are low on 264,000 jobs. Applicants from the Southwest Counties will have precedent over other applicants and member schools will be the governing board. States Attorney Weir requested that when the AG's office determines the legality of the county supporting this that it is provided to the county. The board will discuss the request later in the day.

States Attorney Weir and Representative Lefor discussed the work being done regarding behavioral health. Lefor stated they are working on a 16 bed facility in the old hospital in Dickinson. Weir had a meeting last Friday with the legislative interim committee and stated that the main concern is sending individuals with mental health and addiction problems back to the communities from the State Hospital or elsewhere when there are not adequate facilities to provide the level of care necessary.

Karen Putnam from Medora Heritage Commission was present to ask the commission for a donation. They are in the process of getting a sculpture of Medora to put up in Medora. The total cost is \$48,000. They have raised \$31,000 with two other possible donors. The request is for \$15,000 from the county. The foundation is donating the land and the cement work for the project that will most likely be at the Von Hoffman house. They are a board of 5 individuals and are a 501c3. The commission asked what the city has donated. She has not been to the city yet. They will have further discussion on what will be donated later.

The board recessed for lunch at 12:00pm.

The board reconvened at the site of the future Presidential Library for a site tour.

The board moved back to the commission room at 2:00pm.

The board reviewed a memorandum of understanding with the Presidential Library Foundation. Last November, Congressman Hoeven was working with Billings County and the library. They had to get a deed from USFS to get the land. The memorandum of understanding includes the following pertinent language. The full MOU may be reviewed at the Billings County Auditor's office:

Now, therefore, TRPLF and the County hereby agree:

I. Support for the County's Comprehensive and Land Use Plan: TRPLF fully commits to the County's Comprehensive and Land Use Plan and the three pillar principles of ranching, energy and tourism expressed therein. TRPLF recognizes that the economy of Billings County depends primarily on these three pillars. TRPLF expects that its addition to the County will bring meaningful, long-lasting and year-round economic growth. While it will be important, TRPLF fully respects that this is but one of the drivers of the local economy and that a healthy community depends on all three diverse industries remaining vibrant and healthy and co-existing with each other.

2. Support for the County's Priorities: TRPLF specifically commits to working with the County on the priorities identified below by voicing its support, making connections, leveraging relationships, and amplifying the voices of local concerns using its platforms and profile:

a. Grazing. To maintain and improve ranchers' ability to sustain cattle on Forest Service lands covered by the Medora Grazing Association's grazing agreement with (the "Grazing Agreement") through federal recognition of the state's section line access law and by limiting the Forest Service's designation of land as "suitable for wilderness."

i. TRPLF facilitated an extension of the Medora Grazing Association's Grazing Agreement for an additional ten years.

ii. TRPLF agreed to all of the Medora Grazing Association's requests to mitigate the impacts of TRPLF's acquisition of land for the Library from the Forest Service.

iii. . TRPLF will offer to execute an agreement with the Medora Grazing Association that, for not less than the remaining term of the Grazing Agreement, authorizes continued grazing at the level of animal units per month consistent with the Grazing Agreement on the portion of TRPLF's land that is available for grazing.

iv. TRPLF recognizes the years-long effort of the County to establish its rights over section line road authority. TRPLF used its best efforts to support Congressional recognition of the section line rights and will continue to give the County its full support in its efforts concerning this issue, including working with its supporters amongst conservationists and the Wilderness Society to ensure access to federal land within Billings County.

b. River Crossing. To secure a crossing over the Little Missouri River that would provide improved access for emergency services and visitors to the Elkhorn Ranch and Maah Daah Hey Trail.

1. TRPLF facilitated a meeting among the Governor, the Commissioner of Transportation, the State's Attorney and TRPLF leadership to consider the potential for state assistance and/or federal assistance in locating and financing a crossing that would be appropriate for the County and its residents.
2. TRPLF commits to continued and similar efforts in the future.

3. Property Taxation: The County and TRPLF will enter into a PILOT Agreement under which TRPLF will make certain payments to the County in lieu of taxes to ensure it pays its fair share as an institution in the County to support the general welfare of the County, and in which the County recognizes the additional infrastructure investment it will realize through the increased economic activity that will arise from the Library's presence in the community as well as state and federal investment that TRPLF is and will be instrumental in securing.

4. Development Agreement. The County and TRPLF will enter into a Development Agreement under which the County and TRPLF establish their mutual commitments to each other governing the applicable development standards and infrastructure improvements that will associated with the design, construction and operation of the Library..

5. Cooperation: To the extent TRPLF's Library project prompts changes in the County's ordinances, infrastructure and related needs (including roads, parking, housing, and services), emergency services, police, fire, or the comprehensive plans for Medora, or any other local impact, TRPLF and the County each commit to being at the table and working in partnership with each other and other local stakeholders to develop a solution that supports both the TRPLF and the community, as well as the local community's customs, culture and economic stability.

Iverson moved to approve the Memorandum of Understanding. Rodne seconded. All voted aye.

Kyle Michels and Mitch Gilseth presented their monthly report. Discussion ensued regarding the potential Belfield Ambulance merger. Iverson stated he felt the best decision would be to merge with Belfield, dissolve the board and present to Stark County regarding cost share. They will keep the staff in Belfield and will basically will run the same way as currently run. Pat Rummel requested something in writing for ongoing use the building. Discussed medical billing options. Discussed the 501c4 that the Belfield board has, suggested not to dissolve the board yet. Rummel thinks they should keep it as does Kyle Shockley. Rummel thinks other counties need to step up and pay more. The ambulance directors went over percentages of Stark versus Medora calls. Kasian requested that the States attorney write a Joint Powers Agreement and work with Stark and the City of Belfield. Iverson made the motion to move forward with the merger with Belfield Ambulance and have Weir write up Joint Powers Agreements with Stark County and the City of Belfield. The JPA's may be renegotiated in the future. Language will be able to be reopened in the future if it is not adequate to provide for the needs of the ambulance service area. Rodne seconded. All voted aye.

Kasian discussed the Southwest Career and Technical Education Academy and moved that Billings County approves a donation of \$500,000 for 2022 contingent upon approval by AG that this is a legal donation, with the expectation that children of Billings County residents will be considered favorably in admission as opposed to individuals outside of the Southwest area and dependent upon the future financial health of the county, additional funds may be considered. Rodne seconded. All voted aye.

Medora statue donation discussion was postponed until we know if City of Medora made a donation.

Auditor Lamb requested a Special meeting for September 23rd at 1:00pm to review the draft final budget.

The October meeting was moved to October 7th at 9:00am due to the ND Association of Counties convention conflict.

The board reviewed the updated Logan lease agreement. Kasian moved to approve. Rodne seconded. All voted aye.

The board reviewed a Medical Director Services Agreement with Dr. Kadon Hintz and Sanford Health. Rodne moved to approve the agreement. Iverson seconded. All voted aye.

The following claims were approved for payment:

PAYEE	CHECK #	AMOUNT
3D Specialties	20086	\$ 978.63
701 Meats	20087	\$ 285.09
Alex Air Apparatus Inc	20088	\$ 17,043.64
All Around Tire & Oil	20089	\$ 2,262.89
American Welding & Gas	20090	\$ 90.75
Aramark	20091	\$ 241.10
Aspen Mills	20092	\$ 172.88
Big Horn Tire	20093	\$ 3,737.72
Billings County Historical Soc	20094	\$ 286.96
Billings County Pioneer	20095	\$ 57.40
Billings County Rural Fire Dist	20096	\$ 4,993.24
Billings County School Dist	20097	\$ 4,769.95
Billings County Water Mgmt Dist	20098	\$ 180,253.00
Blue Sky Dumpsters LLC	20099	\$ 100.00
Boss Office Products	20100	\$ 563.42
Bound Tree Medical	20101	\$ 232.56
Braun Distributing Inc	20102	\$ 2,648.65
Brooks & Associates, C.E.	20103	\$ 1,595.64
Brosz Engineering Inc	20104	\$ 3,462.50
Burly's Roughrider Bar & Steak	20105	\$ 389.70
Butler Machinery	20106	\$ 1,039.73
Capital One	20107	\$ 1,131.25
Cerberus Security	20108	\$ 30.00
Cerkoney Cathy	20109	\$ 89.20
Coast to Coast Solutions	20110	\$ 123.60
Code 4 Services Inc	20111	\$ 2,654.27
Corneil Todd	20112	\$ 50.00
Creative Energy	20113	\$ 6,333.20
Crowell & Moring LLP	20114	\$ 737.50
Dakota Sports	20115	\$ 1,055.24
Dickinson Press	20116	\$ 150.28
Dickinson Public Library	20117	\$ 4,791.73
Dickinson Ready-Mix Company	20118	\$ 416.00
Dryland Enterprises	20119	\$ 35,312.50
DTE Inc	20120	\$ 5,942.96
Ecolab Pest Elim Div	20121	\$ 251.00
ERE Trucking LLC	20122	\$ 16,468.75
First Initial Respond Systems	20123	\$ 565.10
Forsgren Associates Inc	20124	\$ 2,336.19
Four Corners Café	20125	\$ 1,027.00
Gall's Inc	20126	\$ 311.95
Gallagher Benefit Services, INC	20127	\$ 3,247.50

George's Tire LTD	20128	\$	9,785.00
Helena Chemical Company	20129	\$	160.80
Hlebechuk Construction Inc	20130	\$	230,942.64
Interstate Power Systems Inc	20131	\$	2,302.87
J and J Operating LLC	20132	\$	10,507.03
J P Steel & Supply Inc	20133	\$	100.96
James Oil Well Service Inc	20134	\$	1,640.00
Just-IN Glass	20135	\$	580.22
Kasian Connie	20136	\$	83.60
Kelley's McDonalds	20137	\$	329.75
Kessel Anita F	20138	\$	94.80
Kevin's Auto & Truck Repair	20139	\$	688.90
KLJ Engineering LLC	20140	\$	22,542.65
Klym Steve	20141	\$	66.80
Kohler Communications Inc	20142	\$	400.00
Kubik Bogner Ridl & Selinger PLLP	20143	\$	3,000.00
Kutzler Marilyn	20144	\$	124.88
Ladbury Jim	20145	\$	500.00
Lexipol LLC	20146	\$	2,998.00
Logo Magic	20147	\$	792.00
MacQueen Emergency	20148	\$	13,072.05
Malkowski Trucking	20149	\$	11,505.00
Malley's Safety Supply Inc	20150	\$	2,141.22
Medora, City of	20151	\$	663.99
Menards Dickinson	20152	\$	2,676.53
Metro-Billings Services	20153	\$	161.00
MGM Rural Sanitation LLC	20154	\$	296.50
Midstate Communications	20155	\$	1,188.32
Montana Fluid Solutions	20156	\$	10,500.00
ND Association of Counties	20157	\$	53.29
ND Attorney General's Office	20158	\$	305.00
ND Cowboy Hall of Fame	20159	\$	200.00
ND Dept of Transportation	20160	\$	11,403.87
ND Peace Officers Association	20161	\$	540.00
ND State Treasurer	20162	\$	483.01
ND State's Attorney Association	20163	\$	300.00
NDACO Resources Group Inc	20164	\$	833.68
Nelson International	20165	\$	1,338.91
Newby's Ace Hardware	20166	\$	724.02
North Dakota One Call	20167	\$	9.60
Northern Plains Engineering	20168	\$	24,040.00
Nutrien Ag Solutions	20169	\$	6,438.00
PB Electric	20170	\$	685.50
Pickett Thomas	20171	\$	8,000.00
Pump Systems Inc	20172	\$	168.73
Putnam Karen	20173	\$	51.12
RDO Equipment Co	20174	\$	3,295.93
RELX Inc	20175	\$	233.40
Rockmount Research & Alloys	20176	\$	626.52
Rodne, Dean	20177	\$	57.84
Romanyshyn Trucking	20178	\$	11,635.00
Runnings Supply Inc	20179	\$	1,033.44
Sanford Health Occupational Medicine	20180	\$	174.50
Sax Motor CO	20181	\$	71.74
Service Printers	20182	\$	210.40
Share Corporation	20183	\$	885.96
Southwest Business Machines	20184	\$	59.19
Southwest Water Authority	20185	\$	1,148.03
Southwestern Dist Health Unit	20186	\$	4,501.52
Strobes N More LLC	20187	\$	2,291.91
Temp Right Service Inc	20188	\$	1,052.90
The UPS Store	20189	\$	17.43

Tom's Heating Service	20190	\$	345.00
US Postal Service	20191	\$	2,400.00
Val's Sanitation	20192	\$	978.00
Verizon Wireless	20193	\$	2,545.34
Vogel Law Firm	20194	\$	5,712.00
W.S. Darley & Co	20195	\$	1,248.33
Warne Chemical & Equipment Co	20196	\$	518.00
West Dakota Oil Inc	20197	\$	30,684.72
Westlie Crossroads Truck Ctr	20198	\$	1,494.20
Wyckoff Gabe	20199	\$	275.00
Belfield Automotive Supply Inc	20200	\$	997.38
Southwest Water Authority	20201	\$	4,199.74
Blue Cross Blue Shield of ND	20202	\$	3,870.30
ND Public Employee Retire System	20203	\$	881.89
CenturyLink	20204	\$	953.21
Directv	20205	\$	122.99
Information Technology Dept	20206	\$	1,220.95
Kasian Michael	20207	\$	126.00
Medora, City of	20208	\$	791.11
Reservation Telephone	20209	\$	40.00
Roughrider Electric Coop Inc	20210	\$	5,192.53
Verizon Wireless	20211	\$	43.20
Visa	20212	\$	518.14
Visa	20213	\$	2,159.43
Wex Health Inc	20214	\$	63.00
ND Public Employee Retire System	20215	\$	10,349.00
ND Public Employee Retire System	20216	\$	41,583.92
ND Public Employee Retire System	20217	\$	650.00
NDFOP State Lodge Treasurer	20218	\$	25.00
North Dakota Public Health Ins Trust	20219	\$	68,940.36
Prudential Service Center	20220	\$	14.29
State Dispersement Unit	20221	\$	717.00
Wex Health Inc	20222	\$	2,479.61

The board approved the revenue vouchers for the month of August: Recorder \$8,260.60; Zoning \$1,220.78; Court \$30.00; EMS \$5,999.96, Sheriff 98.00.

Revenues for materials and/or services rendered in August: Doug Tescher \$963.00 scoria & hauling. WEED SPRAYING: May Farms Partnership \$92.80, Ray Thompson \$94.55, Delry Sabrosky \$89.80, Shea Shypkoski \$55.69, Radtke Service LLC \$73.74, Medora Grazing Association \$170.59, Don Schmeling \$152.54, Cody Armbrust \$29.06, Sandy Baertsch \$284.97, Byron Richard \$80.92, TRMF \$42.83, Terry Hildestad \$170.42, Margie Lindbo \$282.98, JF Ranch LLC \$63.70, Greg Schneider \$204.75, Brian Gerbig \$91.35, Mary Anderson \$171.57, Carrie Wanner \$64.36, Rick Dutchak \$616.68, City of Medora \$224.86.

Revenues for the month of August: Sheriff \$7,142.47 permits:, Highway Distribution \$10,416.90; Oil & Gas Production Tax \$132,517.40; Royalties \$30,572.66; Unorganized Oil & Gas Production Tax \$8,834.50; Interest \$14,237.47; Sheriff 24/7 \$200.00; State Aid Distribution \$29,233.65; McKenzie County \$11,899.77 roadless.

Payroll in the following amounts was approved for August: General Fund \$188,715.78; Road and Bridge Fund \$110,520.19; Weed Fund \$35,017.36.

With there being no further business, the meeting ended at 4:50.

Michael Kasian, Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING SEPTEMBER 23, 2021.**

The meeting was called to order by Chairman Michael Kasian at 1:06pm with Commissioners Dean Rodne and Lester Iverson in attendance.

Others were present during portions of the meeting: Jonna Bertelsen Deputy Auditor, Juliana Hammerstrom Clerk of Court/Recorder, Patrick Rummel Sheriff.

Auditor Lamb went through the draft final budget and estimated mill levies with the commissioners. There was discussion on a contribution to the city for a new fire truck. The final budget will be reviewed and approved at the October 7, 2021 commission meeting.

With there being no further business, the meeting ended at 2:55pm.

Michael Kasian, Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer