

BILLINGS COUNTY COMMISSION PROCEEDINGS

BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING JULY 3, 2025.

The meeting was called to order by Chairman Dean Rodne at 9:00 A.M. with Commissioners James Haag and Steven Klym in attendance. The Pledge of Allegiance was recited.

Others were present during portions of the meeting: Auditor Marcia Kessel, States Attorney Patrick Weir, Tax/Zoning Director Stacey Swanson, Sheriff Dean Wyckoff, Maintenance Supervisor Dale Frieze, Clerk/Recorder Juliana Hammerstrom, Fire Chief Kyle Shockley, EMS Director Kyle Michels, Road Superintendent Pat Redmond, Deputy Auditor Anna Moe, Major Travis Collins, Ken Vein, Sherry Adams, Jeremy Wood, Ben Procive, Jolene Procive, Lori Elliot, Shae Peplinski, Robert Gates, Kinley Slauter, Misty Hays, Danielle O'Brien, Laura Feldmann, Jolene Obrigewitch.

Klym moved to approve the June 3, 2025 regular meeting minutes and June 17, 2025 special meeting minutes. Haag seconded. All voted aye.

Klym moved to approve the agenda with an addition of adding NDPERS Public Safety participation agreement. Haag seconded. All voted aye.

Maintenance Supervisor Dale Frieze presented his monthly report. The new carpet install project will start next week. The vaporizer is installed and is located outside of the current fenced area. Frieze provided a quote from Dakota Fence replacing the wood fence with a chain link fence. It will be a cost share with the city of Medora.

Sheriff Dean Wyckoff presented his monthly report. The new deputy position will start August 15th. The Road and Bridge fund can fund a dedicated truck regulatory position and equipment. Discussion was held on the budget for the TRPL opening/ 250th celebration. In preparation for the TRPL opening: TRPL, City of Medora and Billings County are coordinating very closely. The state legislature appropriated one million dollars to the State Historical Society to be distributed at the discretion of their board.

EMS Director Kyle Michels presented his monthly EMS report. The new van will arrive the first part of August. The E-bike has arrived. Michels presented updates on the 2026 budget and preparation needs for the TRPL opening.

A motion was made by James Haag for Billings County to affirm to North Dakota Public Employees Retirement System that Billings County is formed pursuant to N.D.C.C. § 11 and is neither a non-profit corporation nor a for-profit corporation, to expand membership of the NDPERS Public Safety Defined Benefit Retirement Plan per HB 1419 (2025 legislative session) and offer the plan to all eligible dispatch and emergency medical service (EMS) employees of the County. The motion was seconded by Steven Klym. The Board approved expanding the NDPERS Public Safety Defined Benefit Retirement Plan to all eligible dispatch and emergency medical service (EMS) effective August 1, 2025. All voted aye.

Jeremy Wood, Northern Plains Engineering provided an update on the road project for 38th ST (East of Fryburg) to Hwy 10. The single cell box culvert has some deficiencies and needs to be replaced during the road project. Bid opening is on August 5th. Vesey bridge changed design to a double cell box culvert. The project is delayed but in the budget.

Sherry Adams – Southwest District Health Unit
The 2026 Budget will hold even again this year. On July 31 the joint commission meeting will be held. Klym moved to approve the 2026 Southwest District Health Unit mill levy request. Haag seconded. All voted aye. Road Superintendent Pat

Redmond provided his monthly report. Three Midland Belly Dump trailers were delivered in District 2. Redmond traded in the 2023 GMC for a 2025 F-150. Martin Construction is finished with Meridian Road. Wyrick Construction finished crushing at the Obrigewitch pit. Working on getting quotes for the Maus pit. Clyde pit opening in August. Tax & Zoning Director Stacey Swanson presented the following zoning applications: Stephanie Arthaud, SJA Properties LLC, application 2025-18, for a Conditional Use Permit to operate a 2- bedroom short-term rental. Klym moved to uphold the zoning board decision to approve application 2025-18 with conditions. Haag seconded. All voted aye.

State's Attorney Patrick Weir presented an update. Billings County has been sued in Federal court due to being Zoned Roughrider North, the case has been turned over to NDIRF.

Weir provided an update on the new grasslands regulations, issuing a rule doing away with inventoried roadless rule from 2001. In September the Forest Service will likely issue another rule for grasslands regulations concerning the grasslands, no law passed but asking for regulatory changes.

Discussion on the road to the new wedding venue/hotel on bible camp road. –TRMF legal team is wanting to move ahead discussing easements. Commission agreed more conversations need to happen.

States Attorney Weir presented resolution 2025-17. Resolution regarding public participation in regular meetings as was required by Senate Bill 2180. Rodne moved to approve Resolution 2025-17. Klym seconded. All voted aye. The resolution reads as follows:

BILLINGS COUNTY 2025-17 RESOLUTION OF POLICY REGARDING PUBLIC COMMENT REQUIREMENTS AT REGULAR MEETINGS

WHEREAS, Billings County (the "County") is a North Dakota political subdivision under Chapter 11 of the North Dakota Century Code.

WHEREAS, as a North Dakota political subdivision, the County is subject to North Dakota's openmeetings requirements under Chapter 44-04 of the North Dakota Century Code. WHEREAS, during the 2025 Legislative Session, the North Dakota Legislature approved SB 2180, a bill that includes a new public meeting requirement in Chapter 44-04 for cities, counties, townships, school districts, park districts, and water resource districts (the "Public Entities").

WHEREAS, under SB 2180, at every regularly scheduled meeting, the Public Entities must include an opportunity for members of the public to provide comments.

WHEREAS, SB 2180 directs the Public Entities to implement policies that include rules for public comments, including time limits for public speakers, total meeting time limitations for public comment, rules regarding permissible topics, and rules of decorum.

WHEREAS, as a County, the County must comply with SB 2180 and approves this RESOLUTION OF POLICY in compliance with the public comment policy requirements under SB 2180.

NOW THEREFORE, BE IT RESOLVED that this RESOLUTION OF POLICY represents the County's official policy regarding public comments at regular board meetings as mandated under SB 2180.

BE IT FURTHER RESOLVED that the County's policy under this RESOLUTION OF POLICY ensures the public's right to speak at a regular meeting and ensures the public comment process is orderly, efficient, and respectful.

BE IT FURTHER RESOLVED that the County approves the following policy

regarding public comments at the County's meetings under SB 2180:

1. The County will include a public comment agenda item as the first non-procedural agenda item at all regular meetings of the County.

1. a. "Regular" meetings include the County's regularly scheduled monthly meetings, as approved and filed with the Billings County Auditor, all as required under N.D. Cent. Code § 44-04-20(3).

2. Each person interested in providing public comments at a meeting must submit a speaker card, in person or via email, to the County Auditor prior to the meeting being called to order that includes:

2. a. the person's name; b. the person's address; and

c. an agenda item from the current meeting agenda or the previous meeting agenda that the person seeks to address.

3. If a speaker card does not include all three items above, the person is disqualified, and the person may not speak at the meeting.

4. The County will afford each person three minutes to provide comments. The County will notify each speaker when the three minutes have expired, and the speaker will promptly conclude.

5. To ensure orderly and efficient meetings, the County will limit the public comment agenda item to a total of thirty minutes, regardless of how many people have submitted speaker cards.

6. The County will call on each person who has properly submitted a completed speaker card to present public comments, in the order of submission.

7. All comments must:

7. a.address the agenda item identified on the speaker card, from the current meeting agenda or the previous meeting agenda; and

b. be pertinent to the County.

8. Comments may not:

8. a. be defamatory, abusive, harassing, or unlawful; b. include information that is exempt or confidential under North Dakota open records or open meetings law; or c. interfere with the orderly conduct of the County's meeting.

9. Speakers may not yield their allotted time to another person.

10. In the sole discretion of the Commission, should a person in attendance have specific information on a topic then under discussion by the Commission, any one of the three commissioners may address a specific question to that person. The inquiry of the commissioner must be directly relevant to the topic and the time allocated for this purpose shall be no more than five minutes.

11. Anyone unable or unwilling to speak in-person may submit written comments to the County Auditor prior to the meeting; the written comments must include the person's name and address and must be pertinent to an agenda item from the current meeting agenda or the previous meeting agenda. If a person submits written comments to the County Auditor at least twenty-four hours prior to the County meeting, the Auditor will circulate and distribute the comments to the County Board of Commissioners prior to the meeting and the County will address and discuss the comments at the meeting. If a person submits written comments to the County Auditor less than twenty-four hours prior to a meeting, the County will not address or discuss the comments at that meeting and the County Auditor will circulate and distribute the comments to the County Board of Commissioners after the meeting.

12. If you have requested one week in advance of the meeting and have your topic approved to be placed on the agenda, you may, at the board's discretion be allowed to attend remotely to address your topic

specifically at time published. Public comments during the scheduled public comment period of the meeting will not be allowed remote attendance. The county preference is for in-person attendance.

BE IT FURTHER RESOLVED that this RESOLUTION OF POLICY supersedes any of the County's previous policies or practices regarding public comments at the County meetings.

Date Approved: July 3, 2025
BILLINGS COUNTY

Fire Chief Kyle Shockley presented his monthly report. Discussion was held on the DEM budget.

Billings County School District request for BankHead Jones funding which may only be used for roads, bridges and schools. Discussion was held on a request of a certain percentage paid to the school each year from the Bank Head Jones fund. Tabled for further discussion.

The board took a short break: 10:44am. The meeting reconvened at 10:52am.

Misty Hays, US Forest Service. The US Forest Service has been working with the state and county on updating fire restrictions. Travel Management has been on hold, but she anticipated USFS will be getting permission to move forward. Forest Service is rescinding the 2001 roadless area conservation rule. The commissioners addressed the need for the road on the back side of the musical road to be repaired so it can be accessible for emergency situations. Klym moved to approve a resolution to the USFS that an emergency situation exists and conditions necessitate USFS emergency access road be authorized to the West of the TRPL to West River Road. Haag seconded. All voted aye.

National Environmental Policy Act (NEPA) rules effective today, Hays mentioned it would simplify and reduce timelines.

The USFS has been working with Lori Elliot and Roger Myer to adjust the access to forest service land. The forest service is working on routing traffic to the Sentinel Butte, exit 10, for Wannagan Campground and Petrified

Forest. They are tentatively planning a small prescribed burn after the 15th of July, big top Mesa (Magpie area). It is a no livestock grazing area, the burn will clean up the area for big horn sheep habitat, 12 acres total.

Wyckoff mentioned all the camping going on to the radio tower, approximately 30 campers every night. It looks like a major highway, just over impacted. The rules on Forest Service property, anyone that wants to camp can drive off the road 300 feet for the purpose of camping. Local ranchers are trying to use their grasslands for grazing. Through travel management USFS could designate that road to the tower.

Cal Klewin, provided updates regarding the Theodore Roosevelt Expressway. Theodore Roosevelt Expressway is a proposed 4-lane divided highway system stretching from Canada to Mexico. The legislature gave \$100,000,000 to this DOT project for the 6.5-mile stretch (on Hwy 85 where it breaks to the Long X Bridge). Klewin thanked Billings County for their past support and hopes the support continues in the 2026 budget.

Jolene Obrigewitch, Development Director and Laura Feldman, Executive Director at Home on the Range presented renderings for the school expansion project. HOTR is a Qualified Residential Treatment Program and working ranch. HOTR requested funds to help with the school expansion project. The topic is tabled for discussion so that Auditor Kessel can look into the legality for the use of BankHead Jones funds.

Ben Procive – Fryburg Main Street Questions. Procive spoke on the Meridian Road and 38th Street expressing his concerns of the traffic and the designated truck route from the west. Procive asked if the com-

mission would take a look at the road and the rules. State's Attorney will review and provide information for the next meeting.

Auditor Kessel presented her monthly report.

Commissioners agreed to assist in funding a portion of the Southwest Multi County Correction Center pipe replacement and camera upgrade at a total of \$21,656.89.

A date for a Special Meeting was set for Tuesday, July 29, 2025 at 9am for 2026 Budget. The following claims were approved for payment:

BELFIELD AUTOMOTIVE SUPPLY INC	3,704.30
DOUBLE EE SERVICE INC	2,491.88
FARMERS UNION OIL CO - BEACH	8,075.32
FORSGREN ASSOCIATES INC	1,589.03
GERRY'S PLUMBING LLC	11,250.00
SOUTHWEST MULTI-COUNTY CORRECTION CTR	1,300.00
US POSTAL SERVICE	616.00
WEST DAKOTA OIL INC	967.85
JPMORGAN CHASE BANK NA	9,177.51
EIDE CHRYSLER DODGE JEEP RAM	27,505.00
CONSOLIDATED TELCOM	1,005.05
INFORMATION TECHNOLOGY DEPT	1,624.35
MEDORA, CITY OF	1,148.20
ROUGH RIDER ELECTRIC COOP INC	3,197.98
RTC NETWORKS	1,122.60
VISA	287.36
WEX HEALTH INC	45.50
CHARLES SCHWAB	1,669.40
N.D. P.E.R.S.	9,572.50
ND PUBLIC EMPLOYEE RETIRE SYSTEM	54,041.07
NDFOP STATE LODGE TREASURER	54.00
NORTH DAKOTA PUBLIC HEALTH INS TRUST	97,246.88
STATE DISPERSEMENT UNIT	1,869.00
WEX HEALTH, INC. ..	1,525.01
BLUE CROSS BLUE SHIELD OF ND	5,229.30
ND PUBLIC EMPLOYEE RETIRE SYSTEM	1,279.04
ALL AROUND TIRE & OIL	104.76
ARMBRUST BRYAN & WENDY	12.00
ARMBRUST DAVID & DOROTHY	12.00
ARMBRUST MARY LOU	99.00
BILLINGS COUNTY ..	1,080.78
BILLINGS COUNTY HISTORICAL SOC	244.10
BILLINGS COUNTY RURAL FIRE DISTRICT	18,396.90
BILLINGS COUNTY SCHOOL DISTRICT	727.81
BLUE HAWK AUDIO & VIDEO	738.75
BLUE SKY DUMPSTERS, LLC	125.00
BOESPFUG TRAILERS & FEED	26.30
BOSS OFFICE PRODUCTS ..	799.49
BRAUN DISTRIBUTING INC ..	832.46
BRIDGER MICHAEL	159.00
BROSZ ENGINEERING INC ..	19,542.50
CAPITAL ONE	186.63
CERBERUS SECURITY	120.00
CERKONEY CATHY	99.00
CERTIFIED POWER INC	3.95
CHARBONNEAU CAR CENTER	2,617.49
CODE 4 SERVICES INC	12,922.33
COWBOY CAFE	191.76
DAKOTA DIRT WORKS	3,230.00
DAKOTA INSURANCE	31,598.00
DARBY'S WELDING & MACHINE	86,500.00
DAVE'S QUALITY CARPET CARE	3,600.00
DEERE CREDIT INC	5,625.00
DEGRUY MARGARET	104.00
DELL MARKETING LP	1,829.38
DICKINSON PUBLIC LIBRARY ..	4,256.20
DICKINSON READY-MIX COMPANY	19,341.00
DOUBLE EE SERVICE INC ..	5,656.44
DTE INC	710.00
ECOLAB PEST ELIM DIV	379.22

EIDE CHRYSLER DODGE JEEP RAM	30,655.00
ERE TRUCKING LLC	14,945.00
EVERSPRING SUITES BISMARCK	297.00
FEDERAL HIGHWAY ADMINISTRATION	970,880.00
FERGUSON ENTERPRISES INC #1657	342.36
GEORGE'S TIRE LTD	16,699.00
GRAPHIC ATTIC LLC	1,383.88
GS PUBLISHING	978.53
HAAG JAMES M	197.40
H L E B E C H U K CONSTRUCTION INC	108,122.05
HR COLLABORATIVE	100.00
J AND J OPERATING LLC	46.15
JAMES OIL WELL SERVICE INC	14,769.49
JONES & BARTLETT LEARNING LLC	387.00
JUST-IN GLASS	571.74
KASIAN CONNIE	50.00
KESSEL MARCIA	106.40
KLJ ENGINEERING LLC	39,551.77
KOHLER COMMUNICATIONS INC	638.39
KREBS MACHINE & REPAIR ..	518.03
KUBIK BOGNER RIDL & SELINGER PLLP	3,000.00
LEXIPOL LLC	3,889.12
LUKOWSKI FRANK	135.00
MAC'S HARDWARE	72.95
MARCO TECHNOLOGIES, LLC	6,139.96
MENARDS DICKINSON	873.24
MGM RURAL SANITATION LLC	979.29
MIDAS AUTO SERVICE EXPERTS	164.74
MOTOROLA SOLUTIONS	112,707.81
MURTHA LAW OFFICE	5,720.00
ND ASSOCIATION OF COUNTIES	1,206.54
ND ATTORNEY GENERAL'S OFFICE	150.00
ND DEPT ENVIRONMENTAL QUALITY	1,650.00
ND DEPT OF TRANSPORTATION	34.50
ND DEPT OF TRANSPORTATION	11.50
ND STATE TREASURER	11.45
NDAAO KIMBERLY MARKLEY, ASSESSOR	225.00
NDACO RESOURCES GROUP INC	527.30
NDACS	50.00
NEWMAN SIGNS	672.40
NUTRIEN AG SOLUTIONS	10,257.80
OBRIGEWITCH SHAWN	275,598.00
PUMP SYSTEMS INC	76.81
RDO EQUIPMENT CO	10,811.64
RECON POWER BIKES	8,662.99
RED ROCK FORD ..	38,433.83
RELX INC. d/b/a LEXISNEXIS	485.48
RODNE, DEAN	59.80
ROHAN HARDWARE	44.47
RTC NETWORKS	7,601.22
RUMMEL PATRICK	475.00
RUNNINGS SUPPLY INC	1,922.87
SANFORD HEALTH OCCUPATIONAL MEDICINE ..	306.00
SANFORD INPT PHARMACY	1,019.00
SAX MOTOR CO	85.34
SIGN SOLUTIONS	7,194.04
SOUTHWEST WATER AUTHORITY	1,921.26
SOUTHWESTERN DIST HEALTH UNIT	3,320.81
SPEEDTECH LIGHTS INC.	1,083.86
STRYKER SALES CORPORATION	530.40
SYMINOW RODNEY	71.00
THERAPY SOLUTIONS	110.00
TW ENTERPRISES CRITICAL POWER+	1,198.63
UGPTI-NDLTAP	50.00
US POSTAL SERVICE	2,400.00
VERIZON WIRELESS	1,802.08
VESTIS	588.65
VOGEL LAW FIRM	3,895.50
WARNE CHEMICAL & EQUIPMENT CO	88.97
WEIR H PATRICK	339.80
WEST DAKOTA OIL INC	1,296.14
WESTERN CHOICE COOPERATIVE	24,155.34
WESTLIE CROSSROADS TRUCK CTR	18,291.73