

## Official Proceedings

April 3<sup>rd</sup>, 2012  
8:00 am

Chairman Zander called the meeting of the Stark County Board of Commissioners to order. All members present.

Chairman Zander asked for any additions to the agenda. Comm. Hoff added Zoning. Comm. Hoff moved to approve the agenda. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Kuntz moved to approve the minutes from the March 6<sup>th</sup> and March 20<sup>th</sup>, 2012 meeting, with a correction to the 10% weight permit to follow the State guidelines. Comm. Wolf seconded. All voted Aye and the motion carried.

Comm. Hoff moved to accept the accounts payable as presented plus the supplement. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

**General:** Payroll: \$154,748.43; Kay Haag: \$111.00; ND County Treasurer: \$50.00; Linda L Gingery: \$373.60; Melissa Rummel: \$111.00; Rhonda Ehlis: \$263.10; West Payment Center: \$598.28; Dakota Water Treatment: \$34.00; Newby's Ace Hardware: \$251.34; SBM Inc: \$1,274.41; Steele County Recorder: \$100.00; Kathy Schwab: \$15.00; Michelle Shreve: \$109.90; Raedeen Weinberger: \$18.55; Xerox Corporation: \$604.67; Thos Y Pickett & Co Inc: \$9,000.00; Comfort Inn: \$418.00; Maintenance Management: \$400.00; Consolidated: \$482.41; Southwest Water Authority: \$43.35; Braun Distributing: \$368.42; DJ's Tesoro: \$138.21; Ecolab: \$539.38; Jerome Distributing: \$37.20; Sherwin-Williams: \$77.04; Total Safety US: \$7.50; City of Dickinson: \$10,947.22; MDU: \$2,212.66; Walmart: \$332.71; Synergy Graphics: \$1,591.24; Visa: \$843.73; NDPers: \$20,195.42; Maus & Nordsven: \$675.00; Farmers Union of Bis/Man: \$2,309.19; Wright Express: \$2,488.91; Century Link: \$487.00; US Postal Service: \$50.00; CMRS-PB: \$15,000.00; Bismarck Floral: \$33.95; Farm & Home Publishers: \$675.50; Great Plains Directory: \$336.00; Midland Atlas Co: \$314.00; Office Max Inc: \$316.29; Pitney Bowes: \$687.36; Unlimited Office Supplies: \$179.98; Dickinson Parks & Rec: \$49.92; Expressway Inn: \$207.90; Best West Plus Ramkota: \$69.00; Clarence Tuhy: \$41.85; West Wind Consulting: \$100.00; American Insurance Center: \$50.00; Dan's Supermarket: \$30.21; Gaffaney's Floral: \$62.50; Secretary of State: \$36.00; Balco Uniforms Center: \$1,052.83; Superior Cleaners: \$11.00; Uniform Center: \$54.20; Wanner Western Wear: \$281.75; Dickinson Tire: \$164.45; Dickinson Collision Center: \$497.00; Electronic Communications: \$270.00; Jesse Hoff: \$25.00; Legend Auto Body: \$330.86; T-Rex Conoco Inc: \$216.83; Cenex Fleetcard: \$457.86; Farmers Union Oil of Richardton: \$224.35; Member Services: \$75.00; American Target: \$925.00; LEC Maintenance: \$7,842.40; Stark County Auditor (Federal Deposit): \$514.31; Comfort Inn West: \$69.30; Sure Sign: \$150.00; Kadrmas, Lee & Jackson: \$122.40; Advanced Business Methods: \$23.02; Dickinson Press: \$84.00;

**10 Mill:** Kadrmas, Lee & Jackson: \$8,477.28;

**County Road:** Kadrmas, Lee & Jackson: \$40,010.13; Balco Uniforms: \$432.34; City of Belfield: \$22.25; City of Dickinson: \$83.36; City of Richardton: \$54.90; Consolidated: \$41.66; MDU: \$730.97; Roughrider Electric: \$1,056.80; Southwest Water Authority: \$55.69; Century Link: \$56.11; Belfield Automotive: \$84.99; Carquest Auto Parts: \$16.99; Catco: \$1,495.71; Team Laboratory: \$130.75; Mac's Inc: \$127.98; Matco Tools: \$27.38; Prairie Auto Parts: \$49.85; Runnings Supply: \$299.07; SBM Inc: \$24.70; Dakota Filter Supply: \$390.72; Dakota Signwerks: \$36.00; Dakota Tool & Machines: \$364.00; Dickinson Supply: \$97.17; George's Tire Shop: \$1,118.00; J & J Operating: \$2,726.80; Legend Auto Body: \$500.00; Nelson International: \$3,388.70; Newby's Ace Hardware: \$75.81; Performance Truck Center: \$85.00; Pump Systems LLC: \$461.53; Ray's Auto Electric: \$325.95; Safelite Fulfillment: \$157.58; Sax Motor Co: \$13.74; Trucks of Bismarck: \$82.77; Wallwork Truck Center: \$573.32; Westlie Crossroads: \$641.06; Butler Machinery: \$2,000.09; Dakota Farm Equipment: \$60.82; Harlen's Radiator Shop: \$44.00; JP Steel & Supply: \$434.74; RDO Equipment Co: \$544.60; Swanston Equipment: \$329.88; Southwest Grain: \$24,730.52; Specialized Lubricants: \$660.88; West Dakota Oil: \$2,422.69; Lenny's Repair: \$57.36; Mid-West Doors: \$23.02; Missouri Valley Petroleum: \$10.04; Praxair: \$326.51; Road Equipment Parts Center: \$128.83; Rummel Auto Wrecking: \$130.55; S & S Appliance: \$186.99; Frank & Anna Walter: \$34,856.25; 3D Specialties: \$1,467.29; Coca-Cola Bottling: \$24.00; Dan's Supermarket: \$36.85; Dickinson Press: \$413.00; Flags USA: \$84.00; Maintenance Management: \$160.00; Edward H Schwartz: \$9,088.00;

**Highway Tax Distribution:** Payroll: \$82,613.86; NDPers: \$19,145.40;

**Social Welfare:** Payroll: \$152,249.45; ND Dept of Human Services: \$4,618.57; NDPers: \$37,192.92; Erina Krause: \$450.00; SW Area Support: \$48.00; Social Services: \$7,906.68;

**County Poor:** ND Dept of Human Services: \$32,427.61;

**IT – Computer/Updates:** NDACO Resources: \$7,069.92; Consolidated: \$237.90; Tyler Technologies: \$14,327.63; Hewlett-Packard: \$584.00; Information Technology Dept: \$638.40; Archonix: \$11,657.00;

**Capital Improvement:** Allan's Decorating: \$6,205.80; Berger Electric: \$4,363.00; Dickinson Press: \$228.90; Kadrmas Lee & Jackson: \$870.00; Schwartz Contracting: \$6,933.00; Viking Glass of ND: \$2,880.00;

**County Park:** Bismarck-Mandan Dev Assoc: \$1,133.50; Dickinson Baseball Club: \$25,000.00; Tre: \$25,000.00;

**Fair Board:** Stark County Fair Board: \$4,415.97;

**County Jail:** SWMCCC: \$68,593.29; St Joseph's Hospital: \$93.00;

**Insurance:** American Insurance Center: \$608.00;

**Comp Health Care:** NDPers: \$22,289.76; Blue Cross Blue Shield: \$158.90;

**VSO Fund:** Payroll: \$6,903.93; Comfort Inn: \$207.00;

**Social Security:** Stark County Auditor (Federal Deposit): \$28,715.98;

**Advertising:** Dickinson Press: \$332.50;

**County Agent:** Payroll: \$3,729.53; NDPers: \$342.08; Kurt Froelich: \$557.51; NDSU Extension Service: \$70.04; Stark Billings County 4H: \$227.65; Samantha Roth: \$30.00; Consolidated: \$156.83; Pitney Bowes Inc: \$94.33; SBM Inc: \$15.27;

**Weed Control:** Payroll: \$9,066.25; NDPers: \$2,165.92; ND Weed Control: \$275.00; SBM Inc: \$201.13; Dickinson Press: \$32.20; Braun Distributing: \$50.69; Mac's Inc: \$101.61; Runnings Supply: \$138.45; Boespflug Trailers: \$66.30; Ray's Auto Electric: \$50.06; West Plains Inc: \$12.07; Total Safety US: \$152.26; Walmart: \$18.63; Stark County Auditor (Federal Deposit): \$208.72;

**9-1-1:** Payroll: \$3,910.93; NDPers: \$1,335.36; Stark County Auditor (Federal Deposit): \$275.26; City of Dickinson: \$9,980.83; Century Link: \$1,609.11; Consolidated: \$633.00; Reservation Telephone: \$80.00; SBM Inc: \$173.76;

**Adult Education:** Bob's Photo: \$237.45; Elks 1137: \$226.34; NDSU Extension Program: \$1,428.00; SBM Inc: \$31.68;

**Fingerprint Station:** Walmart: \$7.04;

**Domestic Violence:** State Treasurer: \$595.00;

**Traf Safety Grant:** Farmers Union Bis/Man: \$322.54; Payroll: \$647.52;

**Cops Grant 2011:** Payroll: \$3,596.20; NDPers: \$862.06; Stark County Auditor (Federal Deposit): \$275.11;

**Cops Grant 2009:** Payroll: \$3,596.20; NDPers: \$1,688.90; Stark County Auditor (Federal Deposit): \$275.11;

**Misc Grants:** Balco Uniforms: \$1,297.05; Walmart: \$637.97;

**SW Victim Witness Program:** Payroll: \$4,476.22; SBM Inc: \$18.49; NDPers: \$846.14; Consolidated: \$41.33; Stark County Auditor (Federal Deposit): \$327.03;

**DVRCC:** Domestic Violence: \$927.99;

**Preservation Fund:** US Imaging: \$15,351.20; Consolidated: \$59.95;

**State Reimbursement:** Jodi Martin: \$13.50;

**Siren Contingency:** Roughrider Electric: \$215.00;

**Other Reimbursements:** Comfort Inn: \$138.00; Dickinson Collision: \$5,203.48; Legend Auto Body: \$3,873.35; Consolidated: \$182.00; Pharm Chem Inc: \$155.00; Office of Attorney General: \$1,535.00;

**911 Equipment:** Consolidated: \$55.58;

Sheriff Clarence Tuhy gave an update on the task force, court room security and monthly transports.

Sheriff Clarence Tuhy presented NDDOT Radar Equipment Grant (Project # PHSP4021207-02-24) for the Chairman's signature. Comm. Wolf moved to authorize the Chairman Zander to sign the NDDOT Radar Equipment Grant. Comm. Kuntz seconded. All voted Aye and the motion carried.

Sheriff Clarence Tuhy discussed that the \$30 administrative fee for concealed weapons permits is not permissible and the \$8 fee for fingerprinting is permissible.

Sheriff Clarence Tuhy reported that Stark County was awarded the Energy Infrastructure and Impact Grant for \$133,960 for vehicles and equipment.

Comm. Hoff presented a recommendation from the Zoning Board to approve Fisher Sand & Gravel Company request for a Conditional Use Permit with an annual fee per unit within an Industrial zone for construction workforce housing. The location being in the W2NW4 of Section 22, Township 140, Range 95. Comm. Hoff moved to accept the Zoning Boards recommendation to approve the Conditional Use Permit. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Al Heiser, Road Superintendent, gave an update on roads.

Comm. Kuntz approved the road grading project on 113<sup>th</sup> Avenue between 32<sup>nd</sup> Street and 33<sup>rd</sup> Street for approximately \$40,000. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Hoff moved to approve two new hires for the Road Department. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Wolf moved to authorize Bill Fahlsing, emergency Manager/911 Coordinator, to purchase a vehicle with funds from the EMPG Grant for \$12,320.50 and Emergency Management for \$12,320.50. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Hoff moved to approve out-of-state travel for Bill Fahlsing, Emergency Manager/911 Coordinator for FEMA training in Billings, MT. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Wolf moved to have a letter of support drafted for the SWMCCC Energy Impact Grant that will be used for the control room update, letter of support will be sent to the Legislators. Comm. Kuntz seconded. All voted Aye and the motion carried.

Tim Kelly, Kadrmas, Lee & Jackson, gave the engineers report and presented a Core of Engineers Permit. Comm. Wolf moved to authorize Chairman Zander to sign the permit and Kadrmas, Lee & Jackson to act as Stark County's agent. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Steffes Corporation's request for a zoning change from Agricultural to Industrial. The location being Section 3, Township 140, Range 96 containing 25.93 acres. Comm. Hoff moved to accept the Zoning Boards recommendation to approve the zoning change from Agricultural to Industrial. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Baranko Land Company, LLC's request for zoning change from Agricultural to Industrial to conform to the area. The location being in the SE4NW4 of Section 3, Township 140, Range 96 containing a 12 acre tract and approximately a 15 acre tract. Comm. Hoff moved to accept the Zoning Boards recommendation to approve the zoning change from Agricultural to Industrial. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Tim Howard, Nuvision Construction's request for a Conditional Use Permit for Leam Drilling for workforce housing to include five living quarters above a new office and shop building. The location being in the SE4 of Section 9, Township 140, Range 96 containing 3.09 acres. Comm. Hoff moved to accept the Zoning Boards recommendation to approve the Conditional Use Permit. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Bid opening was held for hot bituminous pavement. One bid was submitted by Northern Improvement Company. Comm. Elkin moved to accept the bid from Northern Improvement Company and put on file. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Mike and Cissie Cassidy's request for a zoning change from Agricultural to Residential/Agricultural contingent on a final plat. The location being in the S2SW4 of Section 36, Township 140, Range 95 containing 4.57 acres. Comm. Hoff moved to

accept the Zoning Boards recommendation to approve the zoning change from Agricultural to Residential/Agricultural for a single family dwelling and excluding a final plat. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Emery Walker's request for a zoning change from Agricultural to Residential/Agricultural to build a single family residence and a Conditional Use Permit to build a 60 x 120 shop to house work vehicles. The location being in the NW4 of Section 4, Township 140, Range 99 containing 40 acre tract. Comm. Elkin moved to accept the Zoning Boards recommendation to approve the zoning change from Agricultural to Residential/Agricultural and a Conditional Use. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to deny Wayne Engker's request for a zoning change from Agricultural to Industrial with a Conditional Use Permit for workforce housing, sleeping quarters for six to eight employees and a small equipment storage. The location being in the SE4 of Section 29, Township 139, Range 99. Comm. Elkin moved to accept the Zoning Boards recommendation to deny the request for a zoning change from Agricultural to industrial with a Conditional Use Permit Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Location Services, Inc.'s request for final approval for a zoning change from Agricultural to Industrial for the construction and operation of a treatment facility supporting the oil and gas industry. The location being in the N2NE4 of Section 16, Township 138, Range 99 containing 80 acres. Comm. Hoff moved to table this item until April 17<sup>th</sup> at 10:00 am, when a Special Meeting will be conducted so more information can be gathered. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Stark County Commission meeting adjourned at 9 am for a Park Board Meeting.

Stark County Commission meeting reconvened at 10:55 am.

Stark County Commission meeting adjourned into Executive Session at 10:59 am.

Stark County Commission meeting reconvened at 11:12 am.

States Attorney Tom Henning, regarding the executive session, stated for the purpose to satisfy the requirements of the statute, a workplace investigation of the Stark County Sheriff's Office has been authorized by the Stark County Commissioner's for reason of high rates of attrition and a letter of concern received by some Commissioner's by former Deputy Ernie Shear.

The following **Miscellaneous Receipts** were filed: General: \$211,177.52; 10 Mill: \$28,267.51; County Road: \$148,633.55; Highway Tax Distribution: \$229,404.35; Special Road & Bridge: \$8,492.74; Social Services: \$30,287.91; County Poor: \$118,273.91; IT-

Computer/Updates: \$394.77; Capital Improvement: \$81,961.48; County Park: \$2,762.09; County Jail: \$21,564.90; Insurance: \$27,715.74; Comp Health: \$11,781.60; Emergency: \$2,830.91; VSO Fund: \$3,746.80; Social Security: \$24,728.87; Advertising: \$1,457.09; County Agent: \$6,577.71; Weed Control: \$7,873.06; 911 Revenue: \$22,559.02; Adult Education: \$25.00; Fingerprint Station: \$648.00; Domestic Violence: \$455.00; Traf Safety Grant: \$2,067.52; Cops Grant 2011: \$14,571.21; Cops Grant 2009: \$15,072.20; Estimate Tax: \$4,495.64; Game and Fish: \$2,222.00; SW Victim Witness Program: \$11,909.42; Domestic Violence & Rape Crisis Center: \$928.00; State Reimbursements: \$392.20; Other Reimbursements: \$2,298.81; 911 Equipment: \$7,496.63;

Comm. Elkin moved to adjourn. Comm. Kuntz seconded.

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Kay Haag, Auditor

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Ken Zander, Chairman