

Official Proceedings

Aug 6th, 2013

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. States Attorney Tom Henning added Land Sale. Comm. Elkin moved to approve the agenda with the one addition. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Kuntz moved to approve the minutes from the July 2nd, 2013 meeting. Comm. Wolf seconded. Roll call vote. All voted Aye and the motion carried.

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

General: Payroll: \$195,942.23; Patricia Garrity: \$350.00; NDACO: \$70.00; La Quinta Inn: \$194.40; St Alexius Medical Center: \$250.00; Rhonda Ehliis: \$123.52; Ramada Bismarck: \$102.00; State Bar Association: \$255.00; West Payment Center: \$628.19; American Insurance Center: \$50.00; Dakota Water Treatment: \$32.75; SBM Inc: \$955.92; ND Secretary of State: \$36.00; Xerox Corporation: \$861.04; BW Fargo Doublewood Inn: \$308.00; Days Inn Fargo: \$308.00; Diane Brines: \$45.50; Natalie Wandler: \$45.50; Denny's Electric: \$289.25; Dickinson Heating: \$112.50; Dickinson Steel Builders: \$79.02; Maintenance Management: \$1,100.00; Consolidated: \$438.01; MDU: \$2,487.70; Roughrider Electric: \$158.24; Southwest Water Authority: \$55.93; Bosch Lumber Co: \$52.30; Braun Distributing: \$397.47; City of Dickinson: \$12,605.16; Dickinson Heating & Air: \$217.85; ETSystems Inc: \$157.00; JobsHQ: \$360.39; Logo Magic Inc: \$24.00; Nalco Company: \$3,465.42; Newby's Ace Hardware: \$214.38; Nitro-Green: \$289.00; Quality Xterminators: \$295.00; Runnings Supply: \$39.44; Walmart: \$246.02; NDPers: \$28,810.33; Maus & Nordsvan: \$1,366.00; Sandness Law Office: \$112.50; Stutsman County: \$47.50; Cenex Fleetcard: \$9,605.85; Alois Warren: \$44.00; CMRS-PB: \$10,000.00; AT&T Mobility: \$1,508.33; Century Link: \$487.00; Dakota Rubber Stamp: \$9.99; Office Max Inc: \$298.60; The UPS Store: \$45.59; Visa: \$134.46; Dickinson Parks & Rec: \$47.84; Chad's Automotive: \$561.15; T-Rex Conoco Inc: \$376.86; ND State Radio Corp: \$1,200.00; NDPOA: \$240.00; Ray Engebretson: \$250.00; Quality Quick Print: \$125.00; R & J Communications: \$1,722.27; Balco Uniforms Co: \$176.53; Applied Concepts: \$185.00; Dickinson Tire: \$20.95; Electronic Communications: \$240.00; Farmers Union Oil of Bis/Man: \$2,004.08; Farmers Union of Richardton: \$427.53; Wex Bank: \$631.09; Taser International: \$284.56; The Attic: \$275.00; LEC Maintenance: \$11,271.60; Dennis E Wolf MD: \$4,600.00; Stark County Auditor (Federal Deposit): \$549.15; Verizon Wireless: \$80.02; ND Emergency Management: \$60.00; Professional Printing: \$80.00; Advanced Business Methods: \$105.45; Dickinson Press: \$166.96;

10 Mill: Kadrmas, Lee & Jackson: \$7,179.52; ND Dept of Transportation: \$2,867.04;

County Road: Jurgens Trucking: \$22,166.25; All In Service LLC: \$24,660.00; Edward Schwartz Construction: \$5,226.00; Westlie Truck Center: \$47,168.20; Quality Xterminators: \$120.00; AT&T Mobility: \$174.03; City of Belfield: \$22.50; City of Dickinson: \$11,433.04; City of Richardton: \$54.90; Consolidated: \$45.23; MDU: \$277.15; Roughrider Electric: \$645.00; SW Water Authority: \$44.05; Century Link: \$56.31; Acme Electric Co: \$129.93; Braun Distributing: \$148.14; Gerry Dukart: \$13.72; Mac's Inc: \$102.69; Runnings Supply: \$436.43; Boespflug Trailers: \$140.00; Just In Glass: \$173.00; Nelson International: \$2,842.39; Performance Truck Center: \$2,560.43; Ray's Auto Electric: \$682.35; ND Dept of Transportation: \$11.50; Butler Machinery: \$415.38; NW Tire Inc: \$5,148.43; RDO Equipment Co: \$1,450.42; SW Grain: \$30,007.84; Swanston Equipment: \$1,031.37; West Plains Inc: \$151.74; West Dakota Oil: \$7,177.57; Carquest Auto Parts: \$4.42; Dakota Filters Supply: \$189.86; Energy Systems Inc: \$49.60; Hedahl's Headquarters: \$49.21; JP Steel & Supply: \$8.22; Just In Glass: \$116.00; MGM Rural Sanitation: \$180.00; Total Safety US: \$94.54; Z & S Dust Control: \$5,451.00; TrueNorth Steel: \$2,180.00; Fisher Sand & Gravel: \$1,208.64; Laker Chemical: \$1,380.00; Northern Improvement: \$1,020.00; 3D Specialties: \$2,496.70; Lyle Signs Inc: \$359.26; Coca-Cola Bottling: \$337.20; Maintenance Management: \$320.00; ND Insurance Dept: \$600.00; Dickinson Ready Mix: \$307.00; Kadrmas, Lee & Jackson: \$51,177.55; Martin Construction Inc: \$1,048,340.17; Steffan Feeds: \$547.00;

Highway Tax Distribution: Payroll: \$100,704.31; NDPers: \$25,780.45; NDACO: \$20.00;

Social Welfare: Payroll: \$161,557.34; AT&T Mobility: \$69.74; NDPers: \$41,936.59; Jobs HQ: \$274.00; ND Dept of Human Services: \$9,083.43; Wrap Around Checks: \$1,797.39; NDCSW: \$320.00; Braun Distributing: \$369.14; Jack Brown: \$300.00; City of Dickinson: \$201.83; Comfort Suites: \$345.00; Consolidated: \$868.23; Dell Marketing LLC: \$475.24; DJ's Tesoro: \$36.93; Bertie Gustafson: \$600.00; Hewlett Packard: \$1,007.00; MDU: \$902.36; Newby's Ace Hardware: \$34.99; Quality Xterminators: \$80.00; Record Keepers: \$18.00; SBM Inc: \$616.30; Walmart: \$315.41; Jeri Weiss: \$41.99; Visa: \$367.42;

County Poor: ND Dept of Human Services: \$37,945.69;

IT-Computer/Updates: NDACO Resources: \$21,307.28; Consolidated: \$269.26; Archonix: \$1,897.50; Hewlett-Packard: \$2,778.69; Information Technology Dept: \$1,428.20; Xerox Corporation: \$187.34; Electronic Communications: \$340.00;

Capital Improvement: Berger Electric: \$14,876.12;

Fair Board: Stark County Fair Board: \$220.47;

County Jail: SWMCCC: \$100,360.25; St Joseph's Hospital: \$198.00;

Comp Health Care: NDPers: \$31,685.56; Blue Cross Blue Shield: \$189.40; Humana Insurance: \$74.00;

VSO Fund: Payroll: \$7,423.92; Leslie Ross: \$240.00; Xerox Corporation: \$81.93;

Social Security: Stark County Auditor (Federal Deposit): \$34,693.48;

Advertising: Dickinson Press: \$278.13; ND Newspaper Association: \$240.00;

County Agent: Payroll: \$4,108.63; NDPers: \$440.57; NDSU Extension Service: \$359.02; Kurt Froelich: \$35.00; Samantha Roth: \$35.00; Consolidated: \$171.74; SBM Inc: \$79.99; Xerox Corporation: \$142.06; Pitney Bowes: \$277.02;

Weed Control: Payroll: \$20,442.27; NDPers: \$2,550.64; Leland Brand: \$200.00; NDWCA: \$275.00; Walmart: \$16.52; Dickinson Press: \$82.80; Crop Production: \$7,405.19; Runnings Supply: \$554.57; Chad's Automotive: \$101.76; George's Tire Shop: \$247.00; O'Reilly Auto Parts: \$18.77; Pump Systems LLC: \$249.52; Steffan's Saw & Bike: \$74.99; West Plains Inc: \$47.16; Ficek Wrecker Service: \$150.00; Stark County Auditor (Federal Deposit): \$219.35;

9-1-1: Payroll: \$4,397.53; NDPers: \$1,574.04; Stark County Auditor (Federal Deposit): \$310.55; City of Dickinson: \$10,806.25; Dakota 911 Conference: \$800.00; AT&T: \$2.47; Century Link: \$1,620.79; Consolidated: \$513.00

Adult Education: Bob's Photo: \$843.98; NDSU Extension Program: \$56.00; Ag Communication: \$25.00;

Domestic Violence: State Treasurer: \$1,260.00;

Seat Belt Grant: Payroll: \$3,331.13;

Oil Impact Grant: Payroll: \$4,171.35;

Saturation Patrol Grant: Payroll: \$1,046.69;

Cops Grant 2011: Payroll: \$4,045.50; NDPers: \$1,004.12; Stark County Auditor (Federal Deposit): \$309.48;

Misc. Grants: Keitu Engineers: \$10,200.00; R & J Communications: \$6,692.49;

Game & Fish: ND Game & Fish Dept: \$102,060.00;

SW Victim Witness Program: Payroll: 4,736.22; SBM Inc: \$35.99; NDPers: \$1,006.82; Verizon Wireless: \$80.02; AT & T Mobility: \$84.68; Consolidated: \$39.79; Stark County Auditor (Federal Deposit): \$345.99; Walmart: \$129.00;

Hazardous Chemical Prep: Keitu Engineers: \$2,550.00;

Preservation Fund: Underground Vaults: \$238.50; Consolidated: \$62.79;

State Reimbursements: La Qunita Inn: \$554.40; Shane Holtz: \$25.00;

Siren Contingency: Electronic Communications: \$1,445.00; Roughrider Electric: \$213.00;

Other Reimbursements: Dickinson Steel Builders: \$3,149.98; Lexipol LLC: \$6,850.00; Consolidated: \$178.16; Intoximeters: \$320.00; Office of Attorney General: \$2,225.00; Pharm Chem Inc: \$1,699.00;

Judgment Execution: Stark County Sheriff's Dept: \$210.00;

911 Equipment: Consolidated: \$57.12;

Sherry Adams, Southwest District Health Administrator, presented the Southwest District Health budget and requested funding for 2014. The Board of Commissioners will consider the request.

Sheriff Clarence Tuhy presented his monthly report and presented a diagram for courthouse security.

Sheriff Clarence Tuhy and Captain Dean Franchuk presented a Criminal Justice Oil Impact Emergency Funding Grant. The Grant will reimburse \$138,450.00 (75%) and Stark County will match with \$46,150.00 (25%). Comm. Elkin moved to authorize Chairman Zander to sign the Grant Acceptance Letter. Comm. Kuntz seconded. All voted Aye and the motion carried.

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

Al Heiser, Road Superintendent, discussed the purchase of a belly dump. Comm. Kuntz moved to purchase a new belly dump. Comm. Elkin seconded. All voted Aye and the motion carried.

Tim Kelly, Kadrmas, Lee & Jackson, gave the engineers report on various projects.

Rena Paasch, Dickinson Area Public Library Director, presented the library budget, gave an update on library activities, and requested funding for 2014. The Board of Commissioners will consider the request.

Tracy Tooze, Tooze Construction, discussed building permitting and inspection and the need for Stark County to hire an engineer/building inspector to review the building process in more depth.

Alan Ibach, NRG Technologies, presented the Informational Technology’s budget for 2014.

Auditor Kay Haag discussed an amendment to the Electronics Tool Policy to include language under Access Codes and Passwords as follows “Employees shall be responsible for the following: *Shall not disclose the password for wireless internet access to others.*” Comm. Wolf moved to amend the Electronic Tools Policy. Comm. Hoff seconded. All voted Aye and the motion carried.

Rod Landbloom, Roosevelt-Custer Regional Council, presented their annual report and requested funding for 2014. The Board of Commissioners will consider the request.

Kris Fehr, Best Friends Mentoring Program, presented fact sheets and requested funding for 2014. The Board of Commissioners will consider the request.

The following checks are over a year old and have not been cashed. Comm. Hoff moved to cancel these checks and report them to the Unclaimed Property Division of the ND State Land Department. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

CANCEL CHECKS OVER A YEAR OLD – AUGUST 2013
AMERICAN STATE BANK

Demand Checks:

11-03-11	#21688	Patricia K Hook	8.00
11-04-11	#21691	Marilyn and or Mark Roller	\$39.00
12-06-11	#21729	Schwab Messer Construction	6.83
12-07-11	#21749	Kurt Kinghorn	6.69
01-9-12	#21848	Haynes & Boon LLP	40.00
02-17-12	#21974	LaVonne A Wolff	51.87
03-19-12	#22033	William Sabo	7.00
04-04-12	#22066	Nabors Well Service Co	20.00
07-03-12	#22173	Dickinson Guaranty & Title	10.05
159.95			

Kurt Froelich, County Agent, requested out-of-state travel for Samantha Roth to Branson, MO. Comm. Kuntz moved to approve out-of-state travel for Samantha Roth. Comm. Wolf seconded. All voted Aye and the motion carried.

Comm. Wolf moved to approve the plat for Copperleaf Subdivision, SE4 Section 35, Township 140, Range 95 and SW4 Section 36, Township 140, Range 95. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Auditor Kay Haag verified enrollment for the NDACO Conference October 6th – 8th.

Comm. Wolf moved to authorize Chairman Zander to sign the ND Department of Transportation Construction and Maintenance Agreement for HRR-9-999(304). Comm. Kuntz seconded. All voted Aye and the motion carried.

Auditor Kay Haag reported Philip Wallace offered \$30,000.00 for a lot owned by Stark County, Lot 13 Block 34 State Addition. Discussion was held regarding value, appraisal and advertising. The Commission postponed the discussion until the Spring of 2014.

Auditor Kay Haag reported two changes to the Stark County Discovery Benefits Plan. They are as follows;

Language change in Section 6.4 to change FSA limit from \$3,000 to \$2,500 per Health Care Reform.

If a participant fails to make any election of Benefit Option, there shall be no Employer Contribution (i.e., the Employer Contribution shall not be available in cash.

Byran Richards discussed the noxious weed issue in Stark County regarding ditches, Industrial land and gravel pits. Staffing and equipment cost are a big issue. Comm. Elkin moved to add new language to the crossing permit, pipeline permit and utility permit regarding maintenance of noxious weeds. Comm. Kuntz seconded. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Dakota Prairie Gasification's final plat located in Section 15, Township 139, Range 97.

Comm. Hoff moved to approve the Dakota Prairie Gasification's final plat with the following staff recommendations.

A building permit for any structure within the platted subdivision may not be issued until all of the following improvements are constructed by the developer and approved by Stark County.

- a. The grading of all roadways within the subdivision;***
- b. The installation of storm water management facilities required to manage storm water in accordance with an approved storm water management plan and submittal of a statement from a consulting engineer that certifies that the facilities were built in accordance with the approved storm water management plan;***

- c. The construction of any other required facilities, such as turning lanes or bridges;*
- d. The paving of all roadways and parking areas within the development;*
- e. The paving of 38th Avenue Southwest from 116th Street Southwest to the terminus of the Dakota Prairie North Subdivision.*
- f. Any other improvements required by the Stark County Zoning Ordinance.*
- g. The completion of required off-site improvements, such as the construction of turning lanes or the paving of section line roadways, may be delayed with the submittal of an assurance of completion.*

Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve a zoning change from Agricultural to Agricultural Residential on a parcel located in the NW4 of Section 17, Township 139, Range 91 containing approximately 97.6 acres for Mitch Erdle.

Comm. Hoff moved to approve the zoning change from Agricultural to Agricultural Residential for Mitch Erdle with the following staff recommendations:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Prior to obtaining a building permit, the developer shall plat the subject property in accordance with the Stark County Subdivision regulations.

Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve a zoning change from Agricultural to Commercial and Industrial, and tabling the Conditional Use Permit on a parcel located on the NE4 of Section 10, Township 139, Range 97 containing approximately 154 acres for Carlton LeBuff.

Comm. Elkin moved to table the zoning change from Agricultural to Commercial and Industrial and a Conditional Use Permit for Carlton LeBuff. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff moved to approve the proposed amendment to Section 6.7 of the Stark County Zoning Ordinance to include the following language:

Use of engine brakes, compression brakes, “jake brakes” or similar braking devices is prohibited as posted or signed. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Kathy Schwab, Recorder, discussed hiring a company to scan her recorded books. The cost will be approximately \$177,000.00 and will come from the Preservation Fund. Comm. Hoff moved to approve the scanning of the recorded books. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Auditor Kay Haag reported the State Auditors would like Stark County to put a vacation/sick policy in place. Linda Krebs, Payroll/Benefits Administrator has a proposed policy in place. The Commission advised to present it at the next Commission meeting.

Discussion was held regarding six Fema units owned by the City of Dickinson used for transitional housing for newly hired staff. Comm. Wolf will gather more information regarding the housing.

Discussion was held regarding HB1041 which is to eliminate responsibility of counties for funding public administrators/guardians for indigent persons. NDACO has presented a Joint Powers Agreement to pool the local funding and the Commission to sign the agreement and allocate 1/10 of a mill for two years of the biennium. Comm. Wolf moved to authorize Chairman Zander to sign the Joint Powers Agreement. Comm. Hoff seconded. All voted Aye and the motion carried.

The following **Miscellaneous Receipts** were filed: General: \$120,165.58; 10 Mill: \$2,098.24; County Road: \$185,624.27; Highway Tax Distribution: \$176,112.51; Social Services: \$31,946.46; IT-Computer/Updates: \$576.88; Infrastructure: \$51,834.74; County Park: \$60.20; County Agent: \$100.00; Weed Control: \$10,494.16; 911 Revenue: \$27,655.04; Adult Education: \$25.00; Fingerprint Station: \$320.00; Domestic Violence: \$770.00; Seat Belt Grant: \$3,141.90; Cops Grant 2011: \$16,960.66; Misc. Grants: \$16,892.49; Estimate Tax: \$1,375.64; Game and Fish: \$8,798.00; SW Victim Witness Program: \$2,281.05; Domestic Violence & Rape Crisis Center: \$746.05; Preservation Fee: \$2,274.00; Other Reimbursements: \$11,591.91; Judgment Execution Fund: \$210.00; 911 Equipment: \$4,880.49;

Comm. Hoff moved to adjourn. Comm. Wolf seconded.

Kay Haag, Auditor

Ken Zander, Chairman