

Official Proceedings

June 1st, 2010
8:00 am

Chairman Duane Wolf called the meeting of the Stark County Board of Commissioners to order. Members present Chairman Wolf, Comm. Hoff, Comm. Elkin and Comm. Kuntz. Comm. Zander absent.

Chairman Wolf asked for any additions to the agenda. States Attorney Tom Henning added Hwy 85 Road Easement. Auditor Alice Schulz added Construction and Maintenance Agreement, Catholic Health Initiative and removed GTLE Tax Exemption. Comm. Hoff moved to approve the agenda with the additions and the deletion. Comm. Kuntz seconded. All voted Aye and the motion carried.

Comm. Elkin moved to approve the minutes from the May 3, 2010 meeting. Comm. Kuntz seconded. All voted Aye and the motion carried. Comm. Elkin moved to approve the minutes from the April 19, 2010 special meeting. Comm. Hoff seconded. All voted Aye and the motion carried.

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

General: Payroll: \$129,819.18; Matthew Bender: \$366.32; West Payment Center: \$443.60; Dakota Water Treatment: \$36.50; SBM Inc: \$663.17; Midwest Business Systems: \$500.00; Underground Vaults: \$825.41; City of Dickinson: \$8,057.47; Runnings Supply: \$76.91; Val's Sanitation: \$50.00; B & M Security Inc: \$16.50; Braun Distributing: \$825.76; Dakota Farm Equipment: \$372.34; Dickinson Heating & Air: \$91.50; Jerome Distributing: \$66.50; Mid-American Research: \$109.60; Newby's Ace Hardware: \$51.25; RJ Distributing: \$160.25; Superior Cleaners: \$65.00; MDU: \$1,910.49; Walmart Community: \$129.95; Election Workers: \$7,482.62; Election Source: \$39.04; Alice Schulz: \$9.54; Service Printers: \$3,230.47; Election Systems: \$1,631.72; NDPers: \$15,456.39; Hann Law PLLC: \$232.50; Hardy Maus & Nordsvan: \$1,353.00; Melbye Law Office: \$243.75; Sandness Law Office: \$105.00; Stutsman County: \$232.50; Farmers Union Oil of Bis/Man: \$1,879.43; Fleet Services: 2,516.82; US Postal Service: \$14.55; Postmaster: \$12.85; Alltel: \$727.75; Consolidated: \$359.08; Qwest: \$487.00; Great Plains Directory: \$284.75; Quality Quick Print: \$12.00; Xerox Corporation: \$288.00; Dickinson Parks & Rec: \$66.56; T-Rex Conoco: \$189.08; Candlewood Suites: \$465.00; Comfort Inn: \$59.00; Visa: \$125.86; Balco Uniforms: \$167.00; CNA Surety: \$50.00; Secretary of State: \$36.00; Galls: \$132.96; Logo Magic Inc: \$14.00; Sax Motor Co: \$165.04; ND Dept of Transportation: \$13.00; Farmers Union Oil of Richardton: \$498.29; Cenex Fleetcard: \$87.50; Todd Weiler: \$60.00; Kohler Communications: \$1,240.00; Southwest Wireless: \$24.99; LEC Maintenance: \$7,025.38; Stark County Auditor (Federal Deposit): \$444.95; Shirley Meduna: \$53.25; Dickinson Press: \$98.28;

10 Mill: Kadrmas, Lee & Jackson: \$864.11;

County Road: Kadrmas, Lee & Jackson: \$11,526.15; Northern Improvement: \$104,954.76; Onsite Improvement: \$8,535.00; Butler Machinery: \$171,570.49; Dakota Farm Equipment: \$6,904.69; Alltel: \$91.18; City of Dickinson: \$86.80; City of Richardton: \$54.90; Consolidated: \$41.37; MDU: \$424.44; Roughrider Electric: \$1,247.00; Southwest Water Authority: \$42.95; Arc Aid Thrift Store: \$14.40; Belfield Automotive: \$25.59; Carquest Auto Parts: \$201.85; Country Drug Store: \$15.30; Creative Energy: \$20.62; Lenny's Repair: \$21.83; Newby's Ace Hardware: \$47.97; Runnings Supply: \$98.33; Beall Corporation: \$224.73; Ficek Wrecker Service: \$125.00; Kohler Communications: \$522.78; Sax Motor Co: \$919.33; Schmidt Repair Inc: \$7,726.09; Boespflug Trailers: \$10.90; Catco: \$21.29; Dakota Filter Supply: \$8.40; Dakota Tool & Machinery: \$52.00; Dickinson Tire: \$63.68; Fastenal Company: \$57.35; JP Steel & Supply: \$120.67; Safelite Fulfillment: \$100.00; US Bearings & Drives: \$315.22; West Plains Inc: \$409.83; RDO Equipment Co: \$343.91; Missouri Valley Petroleum: \$2,592.00; Southwest Grain: \$16,236.40; West Dakota Oil: \$3,049.20; Acme Electric Co: \$6.98; Harlen's Radiator Shop: \$120.00; Hedahl's Headquarters: \$14.74; Prairie Auto Parts: \$5.82; Praxair: \$90.88; Rummel Auto Wrecking: \$45.50; Steffan Feeds: \$567.50; Lyle Signs Inc: \$6,623.13; Dickinson Press: \$383.04; Payroll: \$223.65;

Highway Tax Distribution: Payroll: \$63,292.51; NDPers: \$14,683.86;

Social Welfare: Payroll: \$153,005.56; ND Dept of Human Services: \$6,843.02; Social Services: \$8,369.71; NDPers: \$36,668.01; Generations Day: \$100.00; Dickinson Dental: \$251.00;

County Poor: ND Dept of Human Services: \$27,300.48;

IT – Computer/Updates: Payroll: \$4,586.40; NDPers: \$1,194.66; Stark County Auditor (Federal Deposit): \$373.73; Alltel: \$65.80; Consolidated: \$175.25; Tyler Technologies: \$12,933.00; ESP Computers: \$445.00; SBM Inc: \$726.98; Information Technology: \$1,374.80; NDACO Resources: \$299.00;

Park Board: Queen City Abstract, Title & Esc: \$475.00;

Fair Board: Stark County Fair Board: \$451.76;

County Jail: St. Joseph's Hospital: \$99.00; SWMCCC: \$32,454.21;

Insurance: American Insurance Center: \$830.00;

Comp Health: Blue Cross Blue Shield: \$144.80; NDPers: \$21,506.88;

VSO Fund: Payroll: \$6,015.63; Leslie Ross: \$1,944.72;

Social Security: Stark County Auditor (Federal Deposit): \$25,430.28;

Advertising: Dickinson Press: \$587.16;

County Agent: Payroll: \$4,272.95; NDPers: \$396.30; Kurt Froelich: \$186.50; Jane Heth: \$208.50; Samantha Roth: \$521.10; Consolidated: \$152.95; Pitney Bowes Inc: \$61.19; SBM Inc: \$10.29; Walmart: \$4.88; Advanced Business Methods: \$1,139.47; Sheila Steiner: \$143.65; Deb Theurer: \$100.00;

Weed Control: Payroll: \$10,960.06; NDPers: \$2,143.53; Alltel: \$22.41; Dickinson Press: \$355.84; Quality Quick Print: \$84.00; Gemplers: \$300.95; Runnings Supply: \$224.38; Walmart: \$58.75; George's Tire: \$18.00; Pump Systems Inc: \$316.52; West Plains Inc: \$10.87; Dan's Supermarket: \$57.62; Western Fire & Safety: \$33.80; Stark County Auditor (Federal Deposit): \$184.90;

9-1-1: Payroll: \$3,310.24; NDPers: \$1,230.47; Stark County Auditor (Federal Deposit): \$220.16; City of Dickinson: \$7,112.92; Qwest: \$.79; Consolidated: \$501.00; Reservation Telephone: \$80.00; Alltel: \$17.01;

Adult Education: NDSU Extension Pesticide Program: \$126.00; NDSU: \$650.70; SBM Inc: \$303.49;

Domestic Violence: State Treasurer: \$630.00;

Juvenile Alcohol Grant: Payroll: \$254.40;

Cops Grant: Payroll: \$3,433.85; NDPers: \$1,232.09; Stark County Auditor (Federal Deposit): \$238.25;

Misc. Grant: Scuba One: \$5,061.00;

Game & Fish: ND Game & Fish: \$930.00;

Security/Transfer DJS Reimb: Farmers Union Oil Bis/Man: \$139.12; Fleet Services: \$149.48;

SW Victim Witness Program: Dell Marketing: \$238.80; Hewlett-Packard: \$1,199.00; Alltel: \$78.93; Consolidated: \$2.47; Payroll: \$3,838.95; Stark County Auditor (Federal Deposit): \$281.73; NDPers: \$674.21;

Hazardous Chemical Prep: Walmart: \$12.06;

DVRCC: Domestic Violence: \$485.00;

Preservation Fund: Cass County Treasurer: \$752.00; SBM Inc: \$419.00; Consolidated: \$49.95;

State Reimbursements: Justin Krohmer: \$25.00;

Siren Contingency: Roughrider Electric: \$249.00;

Other Reimbursements: St. Joseph's Hospital: \$100.00; Consolidated: \$178.19; CitiCapital: \$33,660.16;

Judgment Execution: Deanna Dixon: \$124.55; Stark County Sheriff's Dept: \$100.00;

Sheriff Clarence Tuhy gave an update on the task force and monthly transports.

Sheriff Clarence Tuhy discussed the CGIS Program, which is a state website for sharing information with other law enforcement agencies.

Sheriff Clarence Tuhy discussed permitting rigs entering Stark County with a one-time fee of \$500 for each location. Comm. Hoff moved for Sheriff Tuhy to implement the permitting of rigs entering Stark County, with a one-time fee of \$500 for each location. Comm. Elkin seconded. All voted Aye and the motion carried.

Sheriff Clarence Tuhy discussed a security grant for schools. The Sheriffs Department will act as the pass-thru agency for the security grant.

Scott Staudinger, representing Deckers 2nd, requested lowering the speed limit as a safety precaution for children at play. Comm. Hoff moved to lower the speed limit in Deckers 2nd to 15 mph. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Terry Boehm, Kadrmas, Lee & Jackson, presented a project description and cost opinion for the Stark County Weed Board Office and Cold Storage Facility. Total estimated project cost was approximately \$530,000.00.

Al Heiser, Road Superintendent, discussed a request he received from James and Gloria Learn regarding dust control on 34th Street SW, from heavy oil truck traffic. Discussion was held to use Base One, uncovered, on approximately a quarter mile of the road as an experimental dust control.

Tom Henning, States Attorney, discussed an abandonment of a Stark County Highway Easement consisting of Parcel No. 7 in the NW4 Section 28 Township 137 Range 99, Parcel No.8 in the SW4 Section 28 Township 137 Range 99 and Parcel No. 9 in the SE4 Section 29 Township 137 Range 99. Carmi L. Howe, Howe & Howe Attorneys and Counselors at Law, submitted a Quit Claim Deed from Stark County to Byron & Kathleen Richard. Comm. Kuntz moved to authorize the Chairman sign the Quit Claim Deed from Stark County to Byron and Kathleen Richard. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Al Heiser, Road superintendent, discussed and submitted the design standards for county roads. Comm. Elkin moved to approve the Design Standards on County Major Collectors and Local Roads for New or Reconstruction of Existing Infrastructure. Comm.. Kuntz seconded. Discussion was held. Comm. Elkin moved to amend his motion to approve Design Standards for Undeveloped or Previously Unmaintained Section Line Roads. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Design Standards for Undeveloped or Previously Unmaintained Section Line Roads

	County Major Collectors (CMC) "On-System"	Local Roads (County) "Off-System"	Local Roads (Township) "Off-System"	Local Roads (Other) "Off-System"
Bridge Width (Clear Roadway) – Min is 28'				28'
Strom Design Frequency (Bridges)*				15 Yr
Design Loading (Bridges) – Min is HS-25				HS 25
Culvert Design Frequency*				10 Yr
Graded Roadbed Width (sub-grade)- Paved Surface				32'
- Minimum travel way width (both lanes + shoulders)				24'
- Minimum pavement section (base & HBP)				6" Base, 4" HBP
Graded Roadbed Width (sub-grade) – Gravel Surface				28'
- Minimum travel way width (both lanes + shoulders)				24'
- Minimum gravel thickness				4"
Design Speed				25 to 35 MPH
Right of Way Width				66' Min
Inslope Ratio				4:1
Separation (Road top to Ditch Bottom)				4'

*Bridges – For County Major Collectors (on-system); the design frequency is 25 years and other local roads (off-system); the design frequency is 15 years. If an overflow section is provided, then the waterway opening plus the overflow section must pass the appropriate design frequency. Culverts – The same design frequencies are required for culverts as they are for bridges; except for Township roads, the design frequency is 10 years. These requirements are required according to North Dakota Century Code.

Adopted by _____ County

Date _____

Chairperson, Board of County Commissioners

Attest:

County Auditor

Bid opening was held for Road Project CP-4510(10)01. Two bids were submitted:
 1. Northern Improvement Company for a total construction cost of \$1,158,539.00
 2. Anderson Western, Inc. for a total construction cost of \$1,229,743.43
 Comm. Elkin moved to award Road Project CP-4510(10)01 to Northern Improvement Company, contingent upon the review of the bid numbers by Kadrmas, Lee, and Jackson’s Engineer. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Bid opening was held for Road Project CP-4510(10)02. One bid was submitted by Northern Improvement Company, for a total construction cost of \$672,175.00. Comm. Elkin moved to award Road Project CP-4510(10)02 to Northern Improvement Company, contingent upon the review of the bid numbers by Kadrmas, Lee, and Jackson’s Engineer. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Tim Kelly, Kadrmas, Lee & Jackson, presented the contracts for the two road project bids awarded to Northern Improvement Company; Road Project CP-4510(10)02 and Road Project CP-4510(10)02. Comm. Hoff moved to authorize the Chairman sign the two road project bids awarded to Northern Improvement Company, contingent upon the outcome of the review. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Tim Kelly, Kadrmas, Lee & Jackson, presented a Department of Transportation Construction and Maintenance Agreement for BRO-0045(045). Comm. Kuntz moved to authorize the Chairman sign the construction and maintenance agreement BRO-0045(045), contingent upon the review outcome. Comm. elkin seconded. Roll call vote. All voted Aye and the motion carried.

Tim Kelly, Kadrmas, Lee & Jackson, presented a Department of Transportation Resolution for Chip Seal Projects SC-4510(061) and SC-4531(053). Comm. Hoff moved to authorize the Chairman sign the Resolution for Chip Seal Projects SC-4510(061) and SC-4531(053), contingent upon the county board concurs in awarding Northern Improvement Company the bid. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Mathew Remyense, Airport Manger, requested to use the 1 mil the airport receives from the county for capital projects and the normal operating budget. The Commission granted the request, contingent upon Tom Henning, States Attorney, reviewing the statute regarding the use of the 1 mil.

Terry Clement, discussed planting trees on county owned lots that have an oil well situated on them. Terry Clement presented a quote for trees from Taylor Nursery for approximately \$2,100.00 and requested funds for the purchase of the trees. The Commission pledged \$1,400.00 upon the approval of the Park Board.

Auditor Alice Schulz, discussed the Commission attending a June 3rd Catholic Health Initiative informational meeting. The commission directed Auditor Schulz to publish the notice.

The County Board of Equalization began at 10:00 AM. Stark County Tax Assessor, Diane Brines presided.

City of Dickinson Assessor, Jan Zent, reported in the City of Dickinson the true and full valuation will be \$907,929,650 and the taxable valuation will be \$41,915,960 for 2010. Comm. Hoff moved to accept the City of Dickinson valuations recommended by the City Assessor. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

County Assessor Brines reported in the City of Belfield there was a reevaluation on residential properties, the true and full evaluation will be \$19,836,100 and the taxable

valuation will be \$917,250 for 2010. New residential construction of \$229,300 and new commercial construction of \$50,800 was reported. Five veteran exemptions and two residential exemptions were reported. Comm. Elkin moved to approve the City of Belfield valuations. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

County Assessor Brines reported in the City of South Heart the true and full evaluation will be \$10,639,700 and the taxable valuation will be \$484,234 for 2010. New residential construction of \$420,000 was reported. One veteran exemption and three residential exemptions were reported. Comm. Kuntz moved to approve the City of South Heart valuations. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

County Assessor Brines reported in the City of Gladstone there was a reevaluation on residential properties, the true and full evaluation will be \$4,376,700 and the taxable valuation will be \$199,299 for 2010. New residential construction of \$252,800 was reported. Three residential exemptions were reported. Comm. Hoff moved to approve the City of Gladstone valuations. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

City of Taylor Assessor, Lorna O'Connor, reported in the City of Taylor the true and full evaluation will be \$2,842,250 and the taxable valuation will be \$129,888 for 2010. New residential construction of \$26,600 was reported. Comm. Kuntz moved to accept the City of Taylor valuations recommended by the City Assessor. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

County Assessor Brines reported in the City of Richardton the true and full evaluation will be \$17,818,400 and the taxable valuation will be \$812,369 for 2010. New residential construction of \$296,200 and new commercial construction of \$33,000 was reported. Six veteran exemptions were reported. Comm. Hoff moved to approve the City of Richardton valuations. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

County Assessor Brines reported in the county the true and full evaluation will be \$425,443,300 and taxable valuation will be \$20,361,800 for 2010. New residential construction of \$6,772,689 and new commercial construction of \$4,166,200 was reported. Nineteen new two year residential exemptions, 30 existing two year residential exemptions and 14 veteran exemptions were reported. Countywide there was an average increase of 6%. The average increase when taking into consideration the City of Dickinson, small cities and rural Stark County is 7.6%. Farm land had no increase to value, the average value per acre is \$206.28. Comm. Elkin moved to approve the County valuations. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Bob Procive discussed high traffic activity and the condition of the road on 35th Street SW, due to oil field vehicles. Discussion was held to improve the condition of the road by adding gravel.

Al Heiser, Road Superintendent, requested to hire part-time help to assist Todd Miller in completing his bridge study. The Commission granted his request.

Discussion was held regarding the sale of the Weed Board building. Comm. Kuntz moved to direct Auditor Schulz to advertise for bids with the right to reject any and all bids. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm Kuntz reported on the installation of a 22 KW generator for the courthouse. Discussion was held regarding the size of the generator and to research it further.

Comm. Hoff moved to change the November meeting date from the first Tuesday, November 2, 2010 to the second Tuesday, November 9, 2010. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

The following **Miscellaneous Receipts** were filed: General: \$89,550.82; County Road: \$71,055.57; Highway Tax Distribution: \$144,769.63; Social Services: \$99,801.11; IT-Computer/Updates: \$786.20; Capital Improvement: \$58,578.22; Oil & Gas Infrastructure: \$10,623.65; County Park: \$338.20; Social Security: \$2,013.87; Weed Control: \$9,939.04; 911 Revenue: \$22,950.13; Adult Education: \$367.52; Asset Forfeiture: \$35.00; Fingerprint Station: \$208.00; Domestic Violence: \$910.00; Juvenile Alcohol Gran: \$519.92; Misc. Grants: \$14,314.00; Estimate Tax: \$11,059.33; Game and Fish: \$11,567.00; Security/Transfer DJS Reimb: \$288.60; SW Victim Witness Program: \$10,589.30; Hazardous Chemical Prep: \$1,887.50; Domestic Violence Rape Crisis Center: \$485.50; Preservation Fee: \$2,622.00; Other Reimbursements: \$179.00; Judgment Execution: \$224.55; 911 Equipment: \$7,650.16;

Comm. Kuntz moved to adjourn. Comm. Hoff seconded.

Alice Schulz, Auditor

Duane A. Wolf, Chairman

Official Proceedings

June 15, 2010
9:00 am

Chairman Duane Wolf called the special meeting of the Stark County Board of Commissioners to order. All members present.

The Board recessed at 9:07 am for an executive session regarding a zoning motion made April 6, 2010.

Comm. Zander moved to convene for an executive session for attorney consultation regarding a zoning motion made April 6, 2010. Comm. Hoff seconded. All voted Aye and the motion carried. All members present with States Attorney Tom Henning, Attorney for the Commission Mitch Armstrong and Tax Director Diane Brines. Tax Director Diane Brines was excused from the executive session. Comm. Hoff moved to close the executive session at 9:37 am. Comm. Elkin seconded. All voted Aye and the motion carried.

The Board reconvened the special meeting at 9:38 am.

The discussion held in the executive session regarded the intent of the zoning motion made April 6, 2010 for Great Northern Project Development's request to amend the zoning ordinance from Agricultural to Industrial with nine conditional uses and subjected to four conditions.

Comm. Elkin, for the purposes of clarification, stated the intent of his motion was to allow the rezoning of land for Great Northern Project Development's purposes from Agricultural to Industrial, subject to nine conditional uses and four other conditions as well.

The April 6, 2010 motion read as follows:

Comm. Elkin moved to accept the Zoning Boards recommendation to grant Great Northern Project Development's request to amend the zoning ordinance from Agricultural to Industrial with the following nine conditional uses as defined by section 5.08-B of the Stark County Zoning ordinance, and also subjected to the following four conditions:

1. Great Northern Project Development obtains all the necessary local, state and federal approvals, licenses and permits relative to the operation of the coal mine.
2. Great Northern Project Development agrees in writing to replace all water lost as a result of damage to water wells caused by their mining operation.
3. Great Northern Project Development builds and maintains necessary access roads to the mining plant, in such, roads be built to the satisfaction of the Stark County Commission.
4. Great Northern Project Development will work in concert with law

enforcement and emergency responders to facilitate public safety.
Chairman Wolf called for a revote of the motion. Roll call vote. All voted Aye and the motion carried.

Tom Henning, States Attorney, discussed the basic outline of the land opted to Catholic Health Initiative for purposes of obtaining Title Insurance. Discussion was that the replatting of the land was acceptable to the city. The Commission directed States Attorney Tom Henning to move forward with Catholic Health Initiative.

Comm. Hoff moved to adjourn. Comm. Elkin seconded.

Alice Schulz, Auditor

Duane A. Wolf, Chairman