

Official Proceedings

March 4, 2008

8:00 am

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

Chairman Wolf asked for any additions to the agenda. Comm. Nodland added State Health Department letter-Waste Management. Comm. Willer moved to approve the agenda with the addition. Comm. Zander seconded. All voted Aye and the motion carried.

Comm. Hoff moved to approve the minutes from the February 5, 2008, meeting as printed. Comm. Zander seconded. All voted Aye and the motion carried.

Comm. Nodland moved to approve the accounts payable and supplement as presented. Comm. Willer seconded. Roll call vote. All voted Aye and the motion carried.

General: Payroll: \$122,515.67; George Nodland: \$75.00; Ken Zander: \$75.00; ND State's Attorney Assoc: \$550.00; SBAND: \$70.00; West Payment Center: \$495.86; Culligan Water: \$609.50; Midwest Business Machine: \$1,006.00; SBM Inc: \$730.95; ND County Recorder's Assoc: \$75.00; Rocky Mountain Oil Journal: \$189.00; Diane Brines: \$32.50; Natalie Wandler: \$32.50; Comfort Inn: \$106.00; Consolidated: \$1,620.96; B & M Security: \$16.50; Border States Electric: \$31.19; Braun Distributing: \$87.84; Dacotah Paper Co: \$96.72; Fix It Shop: \$180.95; Jerome Distributing: \$243.55; Mann's Plumbing: \$944.47; Newby's Ace Hardware: \$51.89; One Stop Rental: \$20.85; Quality Quick Print: \$7.00; Western Fire & Safety: \$55.00; City of Dickinson: \$7,335.12; Visa: \$510.51; MDU: \$4,800.79; West Plains Electric: \$227.00; Walmart: \$414.94; Medcenter One Occupational Center: \$337.50; NDPers: \$13,816.70; Hardy, Maus & Nordsvan: \$676.50; Kropp Law Office: \$127.50; Jodie Koch Scherr: \$495.00; BP: \$2,748.19; Farmers Union Oil of Bis/Man: \$997.94; Gary's Painting & Lawn Service: \$180.00; US Postal Service: \$50.00; Alltel: \$394.46; Qwest: \$487.00; Quality Quick Print: \$15.00; Xerox Corporation: \$314.17; American Bank Center: \$571.72; Vanguard Appraisals: \$12,112.50; Dickinson Parks & Rec: \$64.48; Charbonneau Car Center: \$76.46; DJ's Amoco: \$68.75; BW Seven Seas Inn: \$220.00; NDACO: \$1,247.50; Community Action: \$50.00; Great Plains Clinic: \$117.00; Dickinson Press: \$75.26; Clean Sweep Vacuum: \$350.00; Logo Magic Inc: \$39.00; Wannier Western Wear: \$174.90; Electronic Communications: \$2,050.00; Farmers Union Oil of Richardton: \$627.73; Kohler Communications: \$106.20; Parkway Ford Sales: \$342.58; Sax Motor Co: \$646.10; Schmidt Transmission: \$259.90; T-Rex Conoco: \$113.05; Stevenson Funeral Home: \$600.00; Jay Kuntz: \$60.00; Brownells Inc: \$32.90; LEC Maintenance: \$6,381.97; Brent Pringle: \$25.00; Advanced Business Methods: \$547.14;

County Road: Kadrmas, Lee & Jackson: \$6,654.08; American Bank Center: \$15,970.84; RDO Equipment: \$194,641.00; United Truck & Equipment: \$23,750.00;

City of Dickinson: \$112.54; Alltel: \$87.16; City of Belfield: \$12.85; City of Richardton: \$54.90; Consolidated: \$27.33; MDU: \$1,898.83; Qwest: \$49.99; West Plains Electric: \$1,318.00; Southwest Water Authority: \$42.37; Benco Equipment: \$93.84; Berger Electric: \$13.85; Border States Electric: \$262.61; CR Auto Glass: \$36.00; Dakota Filter Supplies: \$93.30; DF Lighting Company: \$285.05; Dickinson Supply: \$474.17; Fix It Shop: \$15.00; JP Steel & Supply: \$157.70; Kohler Communications: \$72.55; Newby's Ace Hardware: \$252.07; Praxair: \$2,472.76; Pump Systems Inc: \$80.49; Rummel Auto Wrecking: \$496.84; Runnings Auto Supply: \$318.02; Schmidt Repair Inc: \$158.24; Sherwin-Williams: \$67.44; Steffan's Saw & Bike: \$170.00; Stone Mill Inc: \$56.34; Western Fire & Safety: \$465.55; ND Dept of Transportation: \$12.00; Richardton Postmaster: \$52.00; Walmart: \$25.40; Beall Corporation: \$291.91; Carquest Auto Parts: \$159.72; Midwest Auto Glass: \$212.02; Performance Truck Center: \$213.26; Ray's Auto Electric: \$435.96; Sax Motor Co: \$13.59; Wallwork Truck Center: \$65.07; Belfield Automotive Center: \$82.39; Midwest Auto Glass: \$297.53; Titan Machinery: \$16.38; US Bearings & Drives: \$209.73; GA Sadowsky & Son: \$3,163.36; Schaeffer MFG Co: \$359.04; West Dakota Oil: \$3,264.35; Don Heiser Electric: \$650.53; 3D Specialties: \$474.00; Lyle Signs Inc: \$1,330.85; Payroll: \$163.92;

Highway Tax Distribution: Payroll: \$52,992.77; NDPers: \$11,614.97; NDACO: \$595.00;

Social Welfare: ND Dept of Human Services: \$7,310.40; Payroll: \$157,500.18; Sunrise Youth Bureau: \$150.00; NDPers: \$35,219.43; ND Family Based Services: \$120.00; Community Action: \$175.00; Social Services: \$8,488.49; St Alexius Medical Center: \$100.00;

County Poor: ND Dept of Human Services: \$26,571.35;

IT – Computer/Updates: Payroll: \$4,200.00; NDPers: \$637.71; American Bank Center: \$305.67; Dickinson Press: \$188.50; Alltel: \$21.79; Consolidated: \$156.34; Tyler Technologies: \$9,324.00; ESP Computers: \$113.90; Hewlett-Packard: \$16,248.00; NDACO Resources: \$2,133.70; SBM Inc: \$7.99; Zones: \$2,166.56; Information Technology Dept: \$1,200.40; Official Payment Center: \$225.00;

County Park: Kadrmas, Lee & Jackson: \$577.40; Culligan Water: \$9,963.33;

Fair Board: Stark County Fair Board: \$33,914.45;

County Jail: SWMCCC: \$38,705.46;

Insurance: American Insurance Center: \$370.00;

Comp Health: Blue Cross Blue Shield: \$445.30; NDPers: \$16,244.58; Medicare Blue RX: \$118.70;

VSO Fund: Payroll: \$5,902.38; SBM Inc: \$59.98;

Social Security: American Bank Center: \$23,949.94;

Advertising: Dickinson Press: \$213.93;

County Agent: Payroll: \$3,507.06; NDPers: \$262.96; NDSU Extension Service: \$24,694.50; Select Inn of Fargo: \$49.00; Kurt Froelich: \$30.00; Sharon Kickertz-Gerbig: \$30.00; Consolidated: \$153.58; Office Pro: \$32.00; University of California: \$28.00; Walmart: \$34.96; Debra Theurer: \$100.00; Mary Whitmer: \$167.80;

Weed Control: Payroll: \$4,216.68; NDPers: \$975.25; Alltel: \$43.58; SBM Inc: \$86.39; American Bank Center: \$97.73;

9-1-1: Payroll: \$5,696.65; NDPers: \$1,623.28; American Bank Center: \$398.89; City of Dickinson: \$6,215.41; Channing Bete Co: \$27.45; Qwest: \$1,607.17; Consolidated: \$731.00; Reservation Telephone: \$80.00; NDACO: \$1,808.71; SBM Inc: \$45.78; 3D Specialties: \$76.54; NDACO Resources: \$578.00;

Adult Education: Cole Papers Inc: \$146.04; Amy Ferebee: \$35.00; Mulligan's Catering: \$252.00; NDSU Extension Service: \$280.00; SBM Inc: \$760.00; John Weeks: \$30.00; Walmart: \$24.38;

Juvenile Alcohol Grant: Payroll: \$40.82;

Domestic Violence: State Treasurer: \$315.00;

Homeland Security Grant: Supercircuits Inc: \$79.00; Elks: \$389.06;

Traf Safety Grant: Payroll: \$54.42;

Game & Fish: ND Game & Fish Dept: \$7,752.00;

Security/Transfer DJS Reimb: Payroll: \$300.52; BP: \$125.44;

LEC Financial Officer: Payroll: \$4,305.70; American Bank Center: \$320.77; NDPers: \$392.68;

SW Victim Witness Program: Payroll: \$3,034.75; SBM Inc: \$14.83; Alltel: \$100.44; City of Dickinson: \$.31; Consolidated: \$9.86; American Bank Center: \$221.84; NDPers: \$531.44;

Domestic Violence Rape Crisis Center: Domestic Violence: \$731.94;

Preservation Fee: Cass County Treasurer: \$775.50;

State Reimbursement: Tom Grosz: \$25.00; Mike Hanel: \$25.00;

Other Reimbursements: Consolidated: \$234.55;

Judgment Execution: Stark County Sheriff's Dept: \$240.00; Credit Collections: \$649.00; Recovery Resources: \$511.86;

911 Equipment: Berger Electric: \$2,574.76; Verizon Wireless: \$34.95;

Gary Kostelecky, Emergency Management, reported they are in the final phase of the siren project. When completed there will be 17 sirens throughout the county that can be controlled individually and as a whole through dispatch at the LEC.

Sheriff Clarence Tuhy requested approval of NDDOT Traffic Safety Grant to cover overtime. Comm. Zander moved to authorize the Chairman sign the Traffic Safety Grant Contract #PHSP4020805-06-14. Comm. Willer seconded. All voted Aye and the motion carried.

Sheriff Tuhy announced the resignation of Jay Kuntz, Canine Officer, and introduced Todd Weiler as the departments new Canine Officer.

Al Heiser, Road Superintendent, gave an update on road projects and reported that the State Health Department requires erionite testing on stockpiles of gravel. Total Control Inc. started taking samples last week.

Comm. Nodland reported encroachment of county right of way will be enforced. A notice needs to be put in the paper.

Comm. Zander recommended increasing the counties liability coverage from one million to two million, and Chairman Wolf also requested research be done on NDIRF's legal fee limit of \$100,000.00, and how the county can further insure themselves above the \$100,000.00 limit for lawyer fees on lawsuits. Comm. Zander moved to increase our liability coverage to two million, with funds to cover the increase in premium to come from the General Fund. Comm. Hoff seconded. Roll call vote. Comm. Nodland abstained. Comm. Hoff Aye. Comm. Willer Aye. Comm. Zander Aye. Chairman Wolf Aye. The motion carried. Tom Henning, States Attorney, will contact NDIRF on the \$100,000.00 legal fee limit.

Comm. Nodland read the following motion approved at the Zoning Board to recommend granting Great Northern Power Development's request to change zoning from agricultural to industrial property located in Township 139, Range 98, Section 9: South of RR, Section 10: SW4 South of RR, Section 13: SW4SW4, Section 14: W2W2, SE4SW4, S2SE4, Section 15: All, Section 16: All, Section 17: All, Section 20: N2N2, SE4NE4, E2SE4, Section 21: All, Section 22: All, Section 23: All, Section 24: W2NW4, Section 27: All, Section 28: N2NW4, E2, Section 29: NE4NE4, Section 33: NE4, E2SE4, Section 34: All. Township 138, Range 98, Section 3: N2N2. The motion made was to grant the Application of Great Northern Power Development to amend the

Stark County Zoning Ordinance to change the zoning from Agricultural to Industrial and to grant a Conditional Use or Special Use Permit for the use of the property as a coal mine subject to the following conditions:

- 1) That Great Northern Power Development obtain all necessary state approval, licenses and permits relative to the operation of the coal mine.
- 2) That Great Northern Power Development agree in writing to replace all water lost as a result of damage to water wells caused by their mining operations.
- 3) That Great Northern Power Development build and maintain necessary access roads to the mine and plant, such roads to be built to the satisfaction of the Stark County Commissioners.
- 4) That Great Northern Power Development will work in concert with law enforcement and emergency responders to facilitate public safety.

Tom Henning, States Attorney, recommending taking a proactive stand and have Great Northern Power Development redo their presentation done at the earlier luncheon meeting and then the Board can review information and make a decision. Comm. Nodland moved to table the zoning change decision until the April 1, 2008, meeting and request Great Northern Power Development make the same presentation as at the luncheon meeting. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried. The presentation is scheduled for 9:00 AM.

Comm. Zander questioned if we have a policy concerning non-county employees in county owned vehicles doing county business. Discussion was held. Comm. Zander suggested getting input from department heads to find out how much exposure the County actually has, and check with other counties and entities if they have policies in force.

Gary Kostelecky requested out of state travel to Spearfish, South Dakota, to attend the APCO Conference. Comm. Zander moved to allow Gary Kostelecky out of state travel. Comm. Willer seconded. All voted Aye and the motion carried.

Gary Kostelecky announced the retirement of Bonnie Leach in May, 2008.

Comm. Willer moved to sign the Energy Impact Fund Grant request for \$25,000.00 road repair reimbursement. Comm. Nodland seconded. All voted Aye and the motion carried.

Alice Schulz, Auditor, gave an update on the vote center concept that Stark County is being a pilot county for the 2008 primary and general elections. There will be three voting stations in Dickinson and one in Richardton and Belfield. Alice contacted the South Heart, Gladstone and Taylor city auditors to notify their councils that there would not be a voting station in their city. Alice reported getting a call from Floyd Hurt, South Heart Mayor, expressing concern that some of the elderly would not go to Belfield or Dickinson to vote. Alice and Comm. Nodland will work with Mr. Hurt to accommodate the individuals he feels it would affect.

Tim Kelly, Kadrmas, Lee & Jackson, gave a summary of items discussed at the joint meeting of Stark and Hettinger County officials and staff concerning the speed limit on Enchanted Highway. Based on the review of data and the discussion at the joint meeting, it is recommended to raise the speed limit on the Enchanted Highway (in the underdeveloped rural areas) to 60mph for all vehicles. The only exception is the area north of the I-94 interchange which is recommended to be 50 mph for all vehicles. Comm. Hoff moved to increase the current speed limit to the recommendation from the speed limit study, contingent upon Hettinger County accepting the same speed limit recommendation. The increase would be implemented after the overlay and painting project are completed. Comm. Nodland seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Nodland presented notification from the State Health Department that Waste Recovery Systems Inc. in Belfield requested a permit for treatment and storage of hazardous tanks and material. It was the consensus of the Board to have the Road Superintendent go and check out the location.

The following **Miscellaneous Receipts** were filed: General: \$106,634.80; 10 Mill: \$8,974.87; County Road: \$75,706.38; Highway Tax Distribution: \$112,836.59; Special Road & Bridge: \$2,722.71; Social Services: \$149,777.87; County Poor: \$38,319.67; Information Technology: \$815.00; Capital Improvement: \$24,219.01; County Park: \$10,820.27; County Jail: \$6,655.52; Insurance: \$2,207.67; Comp Health: \$3,226.92; Emergency: \$907.57; Veterans Service Office: \$1,109.25; Social Security: \$8,392.63; Advertising: \$403.36; County Agent: \$1,815.14; Weed Control: \$4,196.49; 911 Revenue: \$26,974.17; Adult Education: \$2,646.00; Finger Print Station: \$120.00; Domestic Violence: \$350.00; Homeland Security Grant: \$2,700.58; Estimate Tax: \$3,163.59; Game and Fish: \$9,618.00; Security/Transfer DJS Reimb: \$425.96; LEC Financial Officer: \$5,019.15; SW Victim Witness: \$1,566.94; DVRCC: \$731.94; Preservation Fee: \$1,461.00; Other Reimbursements: \$137.43; Judgment Execution Fund: \$3,002.72; 911 Equipment: \$8,971.49;

Comm. Zander moved to adjourn. Comm. Hoff seconded.

Alice Schulz, Auditor

Duane A. Wolf, Chairman