

Official Proceedings

March 4, 2014

8:00 am

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

Chairman Hoff asked for any additions or deletions to the agenda. Comm. Zander added Duane Schwab. Auditor Kay Haag added Video Room. Comm. Kuntz moved to approve the agenda with the additions. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Elkin moved to approve the minutes with no revisions from the February 4, 2014 meeting. Comm. Wolf seconded. Roll call vote. All voted Aye and the motion carried.

Accounts Payable was presented with the supplement. Chairman Hoff questioned the Everbridge bill to Emergency Services. Emergency Services Director Bill Fahlsing reported it was for the yearly maintenance fee for the emergency notification system. Chairman Hoff questioned the Other Reimbursements fund. Auditor Kay Haag reported it is an in-and-out fund used for items such as grant reimbursements. Comm. Elkin questioned a bill from NDACo for a sonic wall. Auditor Kay Haag reported it was for internet access. Auditor Kay Haag presented a bill for \$2,693 from Hlebechuk Construction for the demolition of a storage building in Belfield. Comm. Zander moved to accept the accounts payable as presented plus the supplement and the bill from Hlebechuk Construction to be paid through the County Road fund. Comm. Wolf seconded. Roll call vote. All voted Aye and the motion carried.

General: Payroll: \$223,501.95; Comfort Inn: \$444.00; HR Collaborative: \$150.00; Skillpath Seminar: \$807.00; Visa: \$1,181.35; Linda Gingery: \$1,960.00; Ronald G Harnden: \$94.50; ND State's Attorney: \$750.00; Dakota Water Treatment: \$45.25; West Payment Center: \$664.38; Newby's Ace Hardware: \$214.59; SBM Inc: \$999.66; Walmart: \$304.23; Xerox Corporation: \$647.15; Diane Brines: \$125.00; Natalie Wandler: \$69.00; Braun Distributing: \$712.21; Fisher Research: \$2,325.56; Menards: \$24.99; Lyle Signs Inc: \$59.32; Consolidated: \$444.14; MDU: \$4,147.20; Roughrider Electric: \$375.64; Southwest Water Authority: \$40.53; Clean Sweep: \$18.99; Rudy's Lock & Key: \$10.00; Steffan Saw & Bike: \$449.95; City of Dickinson: \$12,283.55; Synergy Graphics: \$258.94; Kay Haag: \$157.50; NDPers: \$36,064.52; Maus & Nordsven: \$675.00; Ottmar & Ottmar: \$52.50; Stutsman County Auditor: \$47.50; Tri-Energy Coop: \$1,054.16; Wex Bank: \$654.71; Cenex Fleetcard: \$606.07; Lady J's: \$1,700.00; Brightside Services: \$240.00; Dickinson Heating & Air: \$80.00; AT&T Mobility: \$1,519.17; Century Link: \$487.00; Lynn Betlaf: \$23.82; Great Plains Directory: \$431.60; NDACO Directory: \$30.00; Office Max Inc: \$310.50; Forsgren Associates: \$21,110.87; ND Youth Correctional Center: \$5,575.50; Dickinson Parks & Rec: \$64.48; T-Rex Conoco Inc: \$430.28; Econo Lodge Inn: \$199.20; Belfield Sportsmen's Club: \$40.00; NDACO Resources: \$1,129.94; ND Post Board: \$30.00; NDPHA: \$30.00; ND Highway Patrol: \$526.00; The UPS Store: \$55.96; Advanced

Business Methods: \$388.20; Uniform Center: \$166.80; Electronic Communications: \$1,646.00; Just In Glass: \$40.00; Light & Siren: \$1,607.00; Pro Tint: \$660.00; R&J Communications: \$329.99; Sax Motor Co: \$334.59; Farmers Union Oil of Richardton: \$274.04; Cenex Fleetcard: \$7,212.87; Balco Uniforms: \$199.86; Chief Law Enforcement: \$100.96; Ultramax: \$1,463.00; The Attic Sportsman: \$524.00; Light & Siren: \$718.00; LEC Maintenance: \$11,371.88; Stark County Auditor (Federal Deposit): \$874.06; Crowne Plaza Billings: \$344.26; Verizon Wireless: \$90.41; Professional Printing: \$68.00; ND State Radio Corp: \$10.00; Dickinson Press: \$95.76;

10 Mill: Kadrmas, Lee & Jackson: \$5,852.07;

County Road: Kadrmas, Lee & Jackson: \$29,143.90; MGM Rural Sanitation: \$195.00; AT&T Mobility: \$109.18; City of Belfield: \$23.25; City of Dickinson: \$86.85; Consolidated: \$54.13; MDU: \$2,064.71; Roughrider Electric: \$2,414.00; Southwest Water Authority: \$73.82; Century Link: \$56.32; City of Richardton: \$54.90; ACME Electric Co: \$57.49; Belfield Automotive: \$61.82; Border States Electric: \$465.35; Braun Distributing: \$63.34; Butler Machinery: \$6,531.60; Creative Energy: \$14.98; Dickinson Supply: \$75.50; Randy Dillinger: \$101.05; Energy Systems Inc: \$106.56; Hedahl's Headquarters: \$811.44; J & J Operating: \$205.05; Lenny's Repair: \$56.62; Mac's Inc: \$245.95; Midwest Doors: \$15.90; ND Surplus Property: \$661.00; Newby's Ace Hardware: \$161.99; Praxair: \$684.85; Runnings Supply: \$840.86; Service Printers: \$314.40; Walmart: \$652.03; Boespflug Trailers: \$135.00; Certified Power: \$377.15; Diamond Truck Equipment: \$20.00; JP Steel & Supply: \$297.42; Sax Motor Co: \$109.61; Total Safety US: \$33.97; Dakota Farm Equipment: \$95.80; General Steel: \$249.13; Kohler Communications: \$68.50; NW Tire Inc: \$4,222.72; RDO Equipment Co: \$2,615.58; Titan Machinery: \$17.59; West Plains Inc: \$208.89; Southwest Grain: \$7,041.84; Berger Electric: \$63.00; Central Mechanical: \$8,042.67; Electric Pump: \$154.80; Hlebechuk Construction: \$2,693.00; Midwest Doors: \$502.00; Pump Systems Inc: \$5.90; Esco Bismarck: \$654.00; Winter Equipment: \$492.51; Northern Improvement: \$202.50; Lyle Signs Inc: \$875.93

Highway Tax Distribution: Payroll: \$95,490.06; NDPers: \$26,390.36; NDACO Resources: \$852.60; Skillpath Seminar: \$269.00;

Special Road & Bridge: City of Belfield: \$581.76; City of Dickinson: \$26,222.84; City of Gladstone: \$125.61; City of Richardton: \$372.37; City of South Heart: \$298.56; City of Taylor: \$112.63;

Social Welfare: Payroll: \$180,577.85; AT&T Mobility: \$44.66; Wrap Around Checks: \$1,031.98; ND Family Based Services Association: \$310.00; ND Dept of Human Services: \$4,256.29; NDPers: \$48,866.90; Dacotah Foundation: \$315.00; Emily Albert: \$49.66; Braun Distributing: \$130.94; City of Dickinson: \$192.31; Comfort Suites: \$74.00; Consolidated: \$960.33; Dell Marketing LLC: \$1,432.80; Bertie Gustafson: \$650.00; Hewlett-Packard: \$5,512.00; Kelly Inn: \$325.68; MDU: \$1,347.34; Newby's Ace Hardware: \$19.77; Pitney Bowes Inc: \$485.81; Professional Printing: \$28.00;

Record Keepers: \$25.00; SBM Inc: \$1,169.30; SW District Health: \$25.00; Temp Right Services: \$743.62; Total Safety US: \$245.72; Visa: \$960.44; Walmart: \$151.18;

County Poor: ND Dept of Human Services: \$32,887.00;

IT-Computer/Updates: NDACO Resources: \$8,655.97; Consolidated: \$269.26; Tyler Techonologies: \$15,796.21; Archonix: \$10,007.00; Dell Marketing LLC: \$2,663.48; Hewlett Packard: \$893.44; Information Technology Dept: \$737.00; Xerox Corporation: \$187.34;

Capital Improvement: Cross Country Freight: \$139.90; Dave Netzer Painting: \$6,300.00; Electric Pump: \$2,752.74; Don Jones: \$210.00; Zeller Construction: \$1,500.75;

County Park: Stark County Fairboard: \$25,305.00; Dickinson Guaranty: \$50,000.00;

Fair Board: Stark County Fairboard: \$38,915.45;

County Jail: SWMCCC: \$80,401.46;

Comp Health Care: NDPers: \$33,464.97; Blue Cross Blue Shield: \$414.80;

VSO Fund: Payroll: \$8,829.17; Jessica Clifton: \$1,203.00; San Diego Veteran's Affairs: \$600.00; Jonathan Publishing: \$110.00; Consolidated: \$20.80; Verizon Wireless: \$40.05; Xerox Corporation: \$45.96;

Social Security: Stark County Auditor (Federal Deposit): \$36,600.66;

Advertising: Dickinson Press: \$495.52;

County Agent: Payroll: \$4,433.91; NDPers: \$549.91; Stark-Billings County 4-H: \$120.00; Kurt Froelich: \$64.88; Samantha Roth: \$35.00; Consolidated: \$166.27; Xerox Corporation: \$125.61; Linda McCaw: \$110.00; ND Jump Start: \$75.00; NDSU Extension Service: \$30.00;

Weed Control: Payroll: \$10,977.77; NDPers: \$2,847.28; Dultmeier: \$132.22; Newby's Ace Hardware: \$35.07; Stark County Auditor (Federal Deposit): \$220.72; Runnings Supply: \$117.90; Gempler's: \$382.50;

9-1-1: Payroll: \$4,813.52; NDPers: \$1,725.48; Stark County Auditor (Federal Deposit): \$342.38; City of Dickinson: \$11,275.83; Century Link: \$1,617.66; Consolidated: \$343.00; Everbridge Inc: \$8,785.00;

Adult Education: NDSU Extension Pesticide Program: \$453.60; Ag Communication: \$160.00; Walmart: \$52.28;

Domestic Violence: State Treasurer: \$490.00;

Traf Safety Grant: Payroll: \$437.11; Cenex Fleetcard: \$244.05;

Oil Impact Grant: Payroll: \$4,621.82; NDPers: \$1,584.19; Stark County Auditor (Federal Deposit): \$311.19;

NDBCI-Oil 3518 Grant: The Attic Sportsman's Loft: \$2,160.00; Light & Siren: \$6,462.00; Newby's Ace Hardware: \$296.97; Uniform Center: \$124.16;

Cops Grant 2011: Payroll: \$4,392.16; NDPers: \$1,101.59; Stark County Auditor (Federal Deposit): \$336.00;

Misc Grants: Fisher Research: \$6,976.66; Visa: \$858.00;

SW Victim Witness Program: SBM Inc: \$175.02; NDPers: \$1,154.44; AT&T Mobility: \$83.82; Consolidated: \$40.87; Stark County Auditor (Federal Deposit): \$372.51; Verizon Wireless: \$40.01; Payroll: \$5,082.89;

Hazardous Chemical Prep: St Joseph's Hospital: \$648.46;

DVRCC: Domestic Violence: \$920.14;

Preservation Fee: Hewlett-Packard: \$7,844.29;

State Reimbursements: Thomas Grosz: \$25.00; Hunter Easterling: \$25.00; Evan Kowalski: \$25.00; Matthew Hanson: \$25.00; Luke Sarnicki: \$25.00; Brian Eaton: \$50.00; Mike Legler: \$25.00; Kurt Schoening: \$25.00; Jason Wallace: \$25.00; Tim Jokerst: \$25.00;

Siren Contingency: Roughrider Electric: \$296.00;

Other Reimbursements: Electronic Communications: \$3,949.00; Consolidated: \$178.16; Office of Attorney General: \$5,471.00; Pharm Chem Inc: \$4,141.00; Walmart: \$29.94;

Judgement Execution: Stark County Sheriff's Dept: \$590.32; West Dakota Oil: \$15,414.62; Collection Center: \$771.55; Hagemeyer North: \$10,592.91;

BCI-Task Force Grants: Payroll: \$13,124.57; NDPers: \$2,933.07; Stark County Auditor: \$925.78; Quality Quick Print: \$49.99; Dakota Communications: \$90.50; Consolidated: \$66.87; Verizon Wireless: \$612.64; David Wallace: \$357.59; Wex Bank: \$1,245.45; Jeremy Moser: \$291.34; Tim Josephson: \$128.00; Double Tree Suit: \$1,396.48; Northland Travel: \$1,720.00;

911 Equipment: Consolidated: \$235.35; SBM Inc: \$89.94; Walmart: \$27.97;

Sheriff Clarence Tuhy gave an update and monthly report of the Stark County Sheriff's Department. There was discussion on the overtime line item and it was pointed out that the special deputies are not paid at an overtime rate for items such as transports, however their normal pay rate does come out of the overtime line item. Sheriff Clarence Tuhy reported the monthly report will be broken down in the future to show the number of hours spent on calls such as courthouse security. All grant dollars have been utilized so the next monthly report will show actual costs for services no longer covered by grants. Sheriff Clarence Tuhy discussed a vehicle bid that was brought up at the February 4th, 2014 commission meeting.

Sheriff Clarence Tuhy reported only one bid has been received for the purchase of vehicles and is requesting action from the commission to accept the bid so they may proceed. Comm. Wolf moved to authorize the vehicle purchase from Parkway Ford. Comm. Elkin seconded. All voted Aye and the motion carried.

Sheriff Clarence Tuhy reported he will be promoting two sergeant positions within the department. With the addition of these two positions/promotions the Sheriff's Department will not be adding additional staff to backfill.

Sheriff Clarence Tuhy has had a discussion with Comm. Elkin in regards to parking for law enforcement vehicles at the courthouse. There are two parking spots in the north parking lot along the building that are signed "Reserved for Law Enforcement with Prisoners." Sheriff Clarence Tuhy reported they have had issues with individuals parking in these spots and have asked people to refrain from parking in these signed spots. Sheriff Clarence Tuhy has ordered signs stating "Violators will be Towed at Owners Expense." State's Attorney Tom Henning advised that the board will have to grant authority to the Sheriff to allow vehicles to be towed. There was discussion if law enforcement should be allowed to park if they don't have prisoners present. Sheriff Clarence Tuhy stated that there are times where law enforcement may arrive without prisoners, however they are there to pick them up to transport. It was also stated by the commission that there are times where it has been noticed that law enforcement is parking in those spots and prisoners are not being transported to or from the building. States Attorney Tom Henning provided additional discussion that due to safety and security, he felt that law enforcement should be allowed to have parking as close to the building as possible.

Commissioner Kuntz moved to allow Sheriff Clarence Tuhy to place the towing signs on the building. Commissioner Elkin seconded. Roll call vote. All voted aye and the motion carried.

Road Superintendent Al Heiser provided his monthly report and presented an agreement from the North Dakota Department of Transportation for the County to maintain the gravel on 116th Ave SW, which will more than likely be in place until the entire truck bypass project is completed and paved. Commissioner Elkin moved to authorize Chairman Hoff to sign the 116th Ave SW Agreement with the North Dakota Department of Transportation. Commissioner Kuntz seconded. All voted Aye and the motion carried.

The Bakken Express would like to put in another railroad crossing. Road Superintendent Al Heiser advised they may need to have signals placed on the crossing. Chairman Hoff asked that Road Superintendent Al Heiser keep the commission updated as discussions continue. The Road Department is hauling in chip seal for the summer season. They will be working on the landfill road and 32nd Street SW. Hopefully next week the weather will allow crack sealing to be done. Road Superintendent Al Heiser did get pricing on adding on some bays in the Richardton shop. This project will fall within the bid requirements. Due to this the commission advised Road Superintendent Al Heiser to proceed with the project. Road Superintendent Al Heiser advised that lift station improvements are becoming costly and if the improvement costs should be taken out of the County Road fund or Capital Improvement fund. Commissioner Wolf advised this should come out of the Capital Improvement fund. The survey on the Green River Bridge is completed. Road Superintendent Al Heiser reported that the road from 32nd Street SW to the county line is a concern.

Director of Emergency Services Bill Fahlsing advised that an Oil Impact Grant application was completed by Laural Mattson and Road Superintendent Al Heiser. The application deadline was prior to the Commission meeting so the Chairman signed the application and is requesting that the signature be ratified. Road Superintendent Al Heiser provided an overview for the scope of the application. Commissioner Wolf moved to ratify the signature on the Oil Impact Grant application. Commissioner Zander seconded. All voted Aye and the motion carried.

Tim Kelly, Kadrmass, Lee & Jackson, provided the monthly Engineer's report. The Green River bridge project is still under way. The contract company is getting charged liquidated damages for days they are working. They are not currently being penalized for days they are not working during the winter. Starting April 15th, 2014 they will be charged daily liquidated damage fees no matter what. Highway 10 from the I-94 Bridge and enchanted highway will be chip sealed in 2015. Tim Kelly expressed a concern with the BOE road, the "dead lane" is all uphill and discussed using concrete for the road however this will double the cost of the road and there are concerns with rutting on the road. There was discussion about the BOE covering the 10% cost share since this road is needed for them. Billings County will be taking the lead on the bid for the 38th Street SW project since only one mile of the project falls within Stark County.

Randy Hondl raised a concern with weight limits. In January of 2014 Randy Hondl was pulled over and weighed. This stop resulted in a substantial fine. He contacted the county road department and was referred to Chairman Hoff. Eventually Mr. Hondl was able to speak with States Attorney Tom Henning and advised he should hire an attorney for the fine. The roads affected are 38th St SW, 39th St SW, and 112th Ave SW. Randy Hondl advised that these roads access his farm land and must be traveled at certain times throughout the year. States Attorney Tom Henning asked if he would be okay with an exemption during seeding and harvest. Other than that, they would need to use unrestricted roads. Chairman Hoff asked Mr. Henning to visit with Mr. Hondl to discuss this issue further and come to a resolution.

Chairman Hoff opened the bid opening for Equipment Rental, Crushing and Stockpiling Gravel and Hot Bituminous Pavement. The following bids were received :

Received the following bids for Hot Bituminous Pavement:

- Northern Improvement

Received the following bids for Crushing and Stock Piling Gravel:

- Meyer Aggregate
- Fisher Sand and Gravel

Received the following bids for Equipment Rental:

- Boltz Construction – No contractor’s license presented
- Martin Construction
- Jurgens Trucking, LLC.
- All-In Service
- Onsite Rental
- Baranko Brothers
- Edward H. Schwartz
- Northern Improvement

Commissioner Wolf moved to accept all bids for future use. Commissioner Elkin seconded. All voted Aye and the motion carried.

Sunflower Wind Project is a 110 megawatt wind power project. The presenting party reported they have been working with the land owners since 2009. They have authorization to connect into the existing power grid. They are looking at installing roughly 55 wind turbines in total. During the next 6-8 months they will start identifying the type of turbines to be used which will determine the exact number to be installed. This project is located in both Stark and Morton County. The project will not be using overhead lines but rather installing lines underground. Steve Josephson, County Planner, provided the conditions for the permit and highlighted one change. Comm. Elkin presented a recommendation from the Zoning Board to approve the request for a Conditional Use Permit for Wind Energy Facilities on parcels located in Sections 24, 25, 26 and 35 and 36 of Township 139, Range 91, and in Section 1, Township 138, Range 91 on approximately 3,200 acres for Sunflower Wind Project, LLC. Comm. Elkin moved to approve the Conditional Use Permit with conditions for Wind Energy Facilities. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

The South Heart Rail Terminal rezoning conditions were presented before the commission, specifically the conditional outlined uses. These uses included the following:

- a. Petroleum storage and fueling facilities accessory for on-site uses;
- b. Cement and ready mix facilities, including asphalt/hot mix facilities; and
- c. Manufacturing and blending processes for products and services required by the oil and gas and agricultural industries excluding oil refineries and petrochemical plants.

Comm. Elkin moved to approve the amendments to the rail facility as presented. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Director of Emergency Services Bill Fahlsing presented a resolution to increase the existing emergency services communications (9-1-1) fee and proposed ballot measure. Bill Fahlsing explained that the fee is currently assessed at \$1.00 per communication service (land line telephone, cellular telephone, voice over internet protocol) device and is based on the billing address for said service. Bill Fahlsing reported that the collected fees are not increasing at the rate of the population increase and the fees are no longer covering the related expenses to operate the 9-1-1 emergency communication system. Currently the fees collected are distributed via a percentage into the operational fund and the equipment fund. The current equipment is past the end-of-life estimate and will need to be upgraded in the near future. Bill Fahlsing also encouraged all residents of Stark County to ensure their billing address is changed to an address within the county so the fee may be collected for 9-1-1 services. This fee increase to \$1.50 must be presented at the election. Bill Fahlsing also provided the ballot measure. Comm. Wolf moved to approve the Resolution and ballot measure and to authorize Chairman Hoff to sign the Resolution. Comm. Zander seconded. Roll call vote. All voted Aye and the motion carried.

Director of Emergency Services Bill Fahlsing advised the commission that he was contacted by Consolidated and advised that the software version of the phone system that is currently running is no longer supported by the company. As a result, a software upgrade would need to be conducted. Consolidated advised that there is no cost for the upgrade to the software, however there would be a charge for the labor. The estimate for the labor is a total of 7 sites at 8 hours per site at a rate of \$99 per hour. The total with these figures for the complete system is \$5,544. Bill Fahlsing advised that this system is shared between Stark County, the City of Dickinson, and the Southwest Multi-County Correction Center. Bill Fahlsing broke down the figures in relation to each agencies ownership of the sites and the total cost to the individual agencies would be \$1,056 for Stark County, \$4,224 for the City of Dickinson, and \$264 for the Southwest Multi-County Correction Center. Bill Fahlsing has spoken with agency heads from the City of Dickinson and SWMCCC and they have committed to the upgrade pending the County approval. Bill Fahlsing also stated that he has advised Consolidated that the expense is not to exceed this amount and in the future for all upgrades, the agencies would need to be advised in a more timely manner so that the funding could be budgeted by the agencies. Comm. Wolf moved to approve the phone system upgrade and not to exceed the quoted amount and to be paid out of the Information Technology budget. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Working Hours Policy

The following changes were submitted to the Commission from the handbook.

- a. Section 1 – Definitions – Change:
 - a. Full Time Employees: Full time employees are permanent employees who usually work a 40-hour **work** week in a regularly funded position.
- b. Section 1 – Definitions – Add:

- a. **Full Time Employees: The Stark County work week for non-law-enforcement employees is defined as a seven consecutive-day period beginning on Sunday at 12:01AM and ends on Saturday at 12:00 midnight.**
- c. Section 1 - Definitions – Change
 - a. Part Time Employees: Part time employees are permanent employees who work at least 20 hour per **work** week for at least five months per year in a regularly funded position.
- d. Section 1 – Definitions – Change
 - a. Temporary and Occasional Employees: Persons employed on a temporary, or occasional basis are not considered eligible for the benefits **and leave time** available with the following exceptions: (1) Social Security, Workmen’s Compensation and other benefits **are** mandated by the state or federal government. ~~(2) Funeral Leave, and (3) Holiday pay prorated for the full month in which the holiday occurs.~~
- e. Section 2 – Business Hours – Change
 - a. Business hours ~~are from 8:00AM to 5:00PM with one hour off for lunch, Monday thru Friday for the public are Monday thru Thursday 8:00AM to 5:00PM and Friday 8:00AM to Noon. If possible, lunch hours may be staggered within the department to accommodate being open for business from noon to 1:00PM. Employees are allowed one hour off for lunch.~~ Fifteen-minute breaks are allowed in the morning and afternoons.
 - b. ~~Alternative Summer schedule, Memorial Day through Labor Day, Monday through Thursday 7:30AM to 5:30PM and Friday 7:30AM to 12:00 Noon.~~
 - c. **Each elected official/department head can determine the need to be available to the public additional hours, and may extend their hours without approval of the Board of Commission.**
- f. Section 6 – Insurance and Retirement (Revised 9-1-09) - Change
 - a. Section 1 - North Dakota Public Employees Retirement: Stark County pays ~~13.26%~~ **15.26%**, the county and the employee share, of the employee individual wages (excluding overtime) to the **main** retirement fund.
 - b. Section 2 – **North Dakota Law Enforcement with Prior Service Retirement Plan**: Stark County participates in the Law Enforcement **with Prior Service** Retirement Plan, whereby Stark County contributes **15.26% plus an additional ~~2.19%~~ 1.19%** of the **law enforcement** employee’s monthly gross salary (**excluding overtime**) into the fund.

Comm. Elkin moved to adopt the proposed amendments to the Stark County Personnel Policy. Commissioner Kuntz seconded. All voted Aye and the motion carried.

Commissioner Wolf moved to appoint Larry Bares to the Stark County Water Management Board. Commissioner Zander seconded. All voted Aye and the motion carried.

Scott Karsky reported he purchased a piece of land from Stark County and is requesting an additional 75 feet from the adjoining lot. Discussion was there is an oil well site on this property and the property cannot be used for much. Boundary Engineering has surveyed the site and will provide the details to the county with a selling price of \$7,500. Comm. Zander moved to proceed with the sale of the additional land (W 75' Lot 12 Block 34 State Addition) for \$7,500. Comm. Kuntz seconded. All voted Aye and the motion carried.

Auditor Kay Haag reported there has been a Harassment and Bullying training scheduled for March 18th with two sessions. The morning session will be held from 8:15 am through 11:30 am with lunch from 11:30am to 12:15pm. The afternoon session will have lunch provided from 12:30 pm to 1:15 pm with the session being from 1:15 pm to 4:30 pm. The training location is Lady J's. Auditor Kay Haag requested that this training session be mandatory for all county employees. This training has been approved in the budget. Comm. Zander moved to make the training session mandatory for all employees. Comm. Wolf seconded. All voted Aye and the motion carried.

The Commission was presented with a resolution from the North Dakota Department of Transportation. This resolution is in reference to project BRO-0045(053) 6 miles north and 7 miles east of South Heart. The resolution is regarding the February 7, 2014 bid opening for the above mentioned project. The low bidder is Edward H Schwartz Construction Inc. Comm. Kuntz moved to authorize Chairman Hoff to sign the Resolution for the North Dakota Department of Transportation. Commissioner Elkin seconded. All voted Aye and the motion carried.

Zeller Construction did some work in May of 2013 and the County received the bill in January of 2014. The bill is approximately \$1,500. Comm. Elkin moved to pay the Zeller Construction bill from the Capital Improvement fund. Comm. Kuntz seconded. All voted Aye and the motion carried. States Attorney Tom Henning also requested permission to explore remodeling of the State's Attorney's office area. The commission advised he may proceed in the exploration.

Comm. Elkin presented a recommendation from the Zoning Board to approve the request for a Temporary Use Permit for asphalt batching plant site with associated material stockpiles, vehicles, and other allied equipment on a parcel located in the NW4 of Section 36, Township 140, Range 98 containing approximately 157.49 acres for Northern Improvement Company. Steve McCormick represented Northern Improvement Co. and provided a project overview. Gary Ramsey represented Dorothy Tuhy and provided information against the project. Steve Josephson, County Planner, recommended approval with conditions/restrictions. Comm. Zander moved to approve the Temporary Use Permit with the following conditions/restrictions for Northern Improvement Co.

1. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
2. The temporary use shall be limited through the inclusion of the following conditions.

- a. The temporary use permit shall be limited to a portable hot mix asphalt mixing plant with ancillary equipment parking and storage that is needed to support that activity. No other activities shall occur on the site.
- b. The duration of the temporary use permit shall be April 1, 2014 through November 30, 2014.
- c. Hours of operation for mixing at the hot plant shall be limited to 6:00 a.m. through 7:30 p.m. In the event that a contract requires night paving, the applicant shall notify the Stark County Road Superintendent as well as any landowners and residents within a .75 mile radius a week in advance.
- d. Operations associated with the temporary use permit shall be restricted to the areas shown on the map submitted with the application dated January 22, 2014.
- e. No permanent structures shall be erected on the site. Temporary structures shall be limited to a maintenance facility, mobile testing facilities, an office facility associated with the asphalt plant, and a fuel dispensing facility.
- f. The hot mix plant and ancillary equipment associated with the plant shall be located a minimum of 300 feet from adjacent properties.
- g. No temporary structures, vehicles or equipment shall be stored on the site before April 1, 2014 and after November 30, 2014.
- h. Prior to commencing the temporary use operations, the developer shall arrange for the County Weed Officer to inspect the property for all new and invasive and noxious weeds. If required by the County Weed Officer, the developer shall be responsible for implementing a Weed Control Plan as approved by the County Weed Control Office. The developer shall provide a copy of the Weed Officer's report and required weed control plan to the Stark County Zoning Administrator.
- i. Access points serving the subject property shall be determined in accordance with Stark County regulations.
- j. Prior to commencement of the temporary use operations, the Stark County Road Superintendent shall approve a dust and erosion control plan submitted by the developer.
- k. The developer shall be responsible for all maintenance associated with the temporary use permit, including, but not limited to, County roads used as part of the operations haul route.
- l. Prior to the beginning of operations, the applicant shall contact the County Road Superintendent and request an inspection of the temporary use haul route.
- m. The applicant shall contact the County Road Superintendent no later than November 1 to request a subsequent inspection of the temporary use haul route.
- n. The applicant shall be responsible for dust control along the haul route.
- o. Any proposed change of the temporary use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.

- p. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.**
- q. Development and operation of the Hot Mix Plant Site shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

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

Comm. Elkin presented a recommendation from the Zoning Board to approve the request for a zoning change from Agricultural to Rural Residential on a parcel located in the NW4 of Section 15, Township 138, Range 95 on five (5) acres for Nichole and Errol Zafke. Comm. Elkin moved to approve the zoning change for Nichole and Errol Zafke. Comm. Wolf seconded. Roll call vote. All voted Aye and the motion carried.

The Commission was provided the agreements for project BRO-0045(042).

Comm. Wolf moved to authorize Chairman Hoff to sign the Kadrmas, Lee & Jackson Scope of Engineering Services Agreement and Construction Engineering Services Agreement for project BRO-0045(042). Comm. Zander seconded. All voted Aye and the motion carried.

Sheriff Clarence Tuhy raised a concern about the fees being collected by the Truck Regulatory position. Sheriff Clarence Tuhy stated his concern is that permits are being filed and the permit fee is being turned back over to the filing company/individual. He also expressed a concern of the State's Attorney's office dropping cases and returning fees without the consultation of the Sheriff's office. State's Attorney Tom Henning advised that his office makes the best legal judgment on cases and his decision on these cases does not require consultation from the Sheriff's department. Sheriff Deputy Frederick Lee was advised he is doing a wonderful job and encouraged to keep up the great work.

Tim Kelly, Kadrmas, Lee & Jackson, presented the agreement for project number SOIA-5-09(100)056. The agreement is to allow the North Dakota Department of Transportation to proceed with the construction of street improvements on the 116th Ave Interchange eastbound & westbound.

The Commission was presented with the CE Services Agreement for project BRO-0045(053). Comm. Zander moved to authorize Chairman Hoff to sign the Construction Engineering Services Agreement for project BRO-0045(053). Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

States Attorney Tom Henning reported that the Maus & Nordsvan Law Firm has provided legal services to individuals in mental health proceedings. They are providing this service at a rate of \$625 per month and can no longer sustain this service at this cost. The new contract amount presented is at a rate of \$1,800 per month. This fee currently comes out of the General fund. Comm. Wolf asked if we could solicit other agencies to

see if there is any other interest in this service. The Commission provided direction to States Attorney Tom Henning to explore other firms.

Auditor Kay Haag reported that Kurt Froelich advised the equipment in the video room is old and having problems. Meetings are held in the video room at the courthouse often. Auditor Kay Haag reported she received an estimate to replace the equipment at a cost of \$12,799. Auditor Kay Haag was given direction by the Commission to get an updated estimate for the next Commission meeting.

The Stark County Commission was presented with 4 reimbursement requests to the North Dakota Department of Transportation as outlined below.

1. Project COIA-0045(058)
 - a. Requesting \$5,477.75 which is 90% of the total cost (\$6,086.39) we have paid for preliminary engineering and design of this project from October 21, 2013 to January 28, 2014.
 - b. Requesting \$318,308.40 which is 90% of the total cost (\$353,676.00) we have contractually obligated to the construction of this project from December 3, 2013 to the present.
2. Project COIA-4512(001)
 - a. Requesting \$12,125.51 which is 90% of the total cost (\$13,472.79) we have paid for the preliminary engineering and design of this project from October 16, 2013 to January 28, 2014.
 - b. Requesting \$593,971.30 which is 90% of the total cost (\$659,968.11) we have contractually obligated to the construction of this project from December 3, 2013 to present.

Comm. Elkin moved to authorize Chairman Hoff to sign the four reimbursement requests. Comm. Wolf seconded. All voted Aye and the motion carried.

Commissioner Zander reported that the Social Services department is running out of space in their present location. Comm. Zander and a few others looked at the old Dickinson Clinic building as an option and is encouraging Comm. Wolf and Comm. Kuntz to look at the building as a possible site for Social Services.

The following **Miscellaneous Receipts** were filed: General: \$276,588.77; 10 Mill: \$8,974.87; County Road: \$148,098.47; Highway Tax Distribution: \$234,111.28; Special Road & Bridge: \$2,722.71; Social Services: \$93,801.03; County Poor: \$38,319.67; IT-Computer/Updates: \$366.74; Capital Improvement: \$93,227.27; County Park: \$13,437.42; County Jail: \$6,655.52; Insurance: \$3,503.32; Comp Health: \$3,226.92; Emergency: \$907.57; Veteran's Service Office: \$1,109.25; Social Security: \$6,981.70; Advertising: \$403.36; County Agent: \$1,826.93; Weed Control: \$2,333.48; 911 Revenue: \$43,794.07; Adult Education: \$2,601.00; Fingerprint Station: \$336.00; Domestic Violence: \$315.00; Traf Safety Grant: \$1,962.28; Estimate Taxes: \$977.00; Game & Fish Licenses: \$6,301.00; SW Victim Witness Program: \$1,770.81; Domestic Violence

& Rape Crisis Center: \$920.14; Preservation Fee: \$2,180.00; Other Reimbursements: \$12,910.00; Judgment Execution: \$27,369.40; 911 Equipment: \$7,730.12;

Comm. Elkin moved to adjourn. Comm. Zander seconded.

Kay Haag, Auditor

Russ Hoff, Chairman