

Official Proceedings

May 7, 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 or deletions to the agenda. Auditor Kay Haag added Shawn Kessel and Comm. Hoff added Zoning. Comm. Elkin moved to approve the agenda with the additions. Comm. Wolf seconded. All voted Aye and the motion carried.

Comm. Kuntz moved to approve the minutes from the April 2, 2013. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Wolf 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: \$200,779.00; NDPers: \$28,819.50; Patricia Garrity: \$2,082.50; HR Collaboration: \$30.00; Brianna Betlaf: \$37.50; State Board of Law Examiners: \$75.00; Thomson Reuters: \$768.19; Dakota Water Treatment: \$36.50; SBM Inc: \$1,660.95; Walmart: \$503.31; ND Safety Council: \$40.00; Service Printers: \$567.10; Xerox Corporation: \$819.09; NCRAAO 2013: \$570.00; Central Mechanical Inc: \$454.57; Maintenance Management: \$430.00; Consolidated: \$452.96; MDU: \$2,975.89; Roughrider Electric: \$150.00; Southwest Water: \$44.05; Berger Electric: \$240.00; Braun Distributing: \$277.72; Clean Sweep Vacuum: \$35.98; Dakota Farm Equipment: \$16.46; Quality Xterminators: \$180.00; Total Safety: \$434.80; City of Dickinson: \$11,776.94; Job Service ND: \$948.78; Maus & Nordsven: \$679.00; Ottmar & Ottmar: \$97.50; Sacajawea Substance Abuse Counseling: \$300.00; Stutsman County: \$112.50; Cenex Fleetcard: \$7,556.67; Farmers Union Oil Bis/Man : \$2,000.69; Farmers Union of Richardton: \$352.77; Wex Bank: \$588.80; AT&T: \$1,478.46; Century Link: \$487.00; US Postal Service: \$67.55; Great Plains Directory: \$1,453.20; Office Max Inc: \$298.60; Graybar: \$129.95; Badlands Human Services: \$95.00; Elks 1137: \$99.75; Gaffaney's Floral: \$44.00; Ralph Weisenberger: \$125.39; Zuger Kirmis & Smith: \$1,977.50; Mark Selle: \$200.00; Dickinson Parks & Rec: \$47.84; Creative Energy: \$55.67; T-Rex Conoco Inc.: \$706.27; West Dakota Oil: \$42.65; State Radio Communications: \$1,200.00; BW Plus Grant Creek Inn: \$190.18; Belfield Sportsman Club: \$140.00; NDACO Resources: \$80.00; Newby's Ace Hardware: \$2.79; Great Plains Clinic: \$52.00; Westwind Consulting: \$400.00; Quality Quick Print: \$349.00; Rudy's Lock & Key: \$52.40; Advanced Business Machines: \$837.48; Millie's Stitching: \$3.00; Uniform Center: \$2,586.60; ND Dept. of Transportations: \$11.50; Applied Concepts: \$85.00; Dickinson Tire: \$339.79; Electronic Communications: \$20,540.00; R & J Communications: \$2,212.50; Sax Motors Co: \$354.53; Visa: \$253.89; Killdeer Vet Clinic: \$298.05; Brownells Inc: \$21.95; James R Wemple: \$500.00; Hettinger County Sheriff's Office: \$361.20; Motorola Solutions: \$10,939.80; LEC Maintenance: \$7,896.78; Stark County

Auditor (Federal Deposit): \$549.86; Verizon Wireless: \$40.01; Kohler Communications: \$100.00; Dickinson Press: \$45.26;

10 Mill: Kadrmas Lee & Jackson: \$1,459.45; Roughrider Electric: \$54,135.82;

County Road: Kadrmas Lee & Jackson: \$58,882.02; Jurgens Trucking: \$5,060.00; Fisher Sand & Gravel: \$185,604.55; Southwest Grain: \$79,028.57; Maintenance Management: \$160.00; Quality Xterminators: \$60.00; AT&T: \$193.17; City of Belfield: \$24.81; City of Dickinson: \$83.61; City of Richardton: \$76.50; Consolidated: \$48.67; MDU: \$1,107.14; Roughrider Electric: \$1,450.00; Southwest Water: \$62.26; Century Link: \$56.44; Belfield Automotive: \$291.57; Dickinson Supply: \$34.73; Mac's Inc: \$63.74; Probuild: \$11.40; Pump Systems LLC: \$2,002.88; Runnings Supply: \$592.66; Service Printers: \$471.45; Total Safety: \$451.81; Certified Power: \$51.80; Charbonneau Car Center: \$106.50; Diamond Truck Equipment: \$638.50; DTE Truck Equipment: \$255.00; Fleet Pride: \$688.74; General Steel: \$52.18; George's Tire Shop: \$928.00; J & J Operating: \$941.92; Nelson International: \$4,075.79; NW Tire: \$2,991.78; Performance Truck: \$146.90; SOS Truck Repair: \$36.64; Wallwork Truck Center: \$100.92; Westlie Truck Center: \$6.36; Butler Machinery: \$3,302.34; Just In Glass: \$63.00; RDO Equipment Company: \$1,374.15; West Dakota Oil: \$5,165.85; CarQuest Auto Parts: \$103.49; Dakota Filter Supply: \$884.53; JP Steel & Supply: \$480.48; Krebs Machine & Repair: \$1,001.57; Lenny's Repair: \$3.88; MGM Rural Sanitation: \$180.00; Mid-West Doors: \$65.00; O'Reilly Auto Parts: \$19.99; Praxair: \$195.25; Rummel Auto Wrecking: \$57.39; Schaeffer MFG Co: \$898.08; Val's Sanitation: \$990.00; Escosupply: \$6,392.00; Contech Engineer: \$28,107.80; Dennis & Vernell Sievers: \$33,900.37; Laker Chemical Inc. DBA Team Laboratory Chemical Corp: \$1,380.00; Lyle Signs Inc: \$561.32; Bierschbach Equipment: \$310.56; Coca-Cola Bottling Company: \$108.00; Dickinson Press: \$467.93; Elks 1137: \$227.45; SBM Inc: \$21.96; ND Dept. of Transportation: \$123.20; Martin Construction: \$15,331.48;

Highway Tax Distribution: Payroll: \$104,824.36; NDPers: \$24,455.31; Job Service North Dakota: \$8,178.00; ND Safety Council: \$1,160.00;

Social Welfare: Payroll: \$158,738.13; Wrap Around Checks: \$1,068.00; ND Dept of Human Services: \$3,862.63; NDPers: \$38,811.15; West River Conference: \$845.00; Emily Albert: \$80.68; Braun Distributing: \$243.33; Jack Brown: \$250.00; City of Dickinson: \$183.30; Comfort Suites: \$1,035.00; Consolidated: \$851.03; Dickinson Press: \$140.00; DJ's Tesoro: \$110.83; Electric Sales & Service: \$19.95; Bertie Gustafson: \$600.00; MDU: \$820.23; Professional Printing: \$992.00; Quality Xterminators: \$80.00; Record Keepers: \$18.00; SBM Inc: \$204.74; Sunrise Youth Bureau: \$2,250.00; Visa: \$18.00; Walmart: \$238.93; Jeri Weiss: \$989.52; AT&T Mobility: \$68.75;

County Poor: ND Dept of Human Services: \$30,492.45;

IT – Computer/Updates: NDACO Resources: \$10,011.83; Consolidated: \$257.90; Tyler Technologies: \$15,044.01; Dell Marketing: \$428.04; Hewlett Packard: \$232.00;

Information Technology Dept: \$846.25; Xerox Corporation: \$187.34; GIS Workshop: \$18,000.00;

Capital Improvement: Allan's Decorating: \$1,650.00; Motorola Solutions: \$51,893.11; Viking Glass of ND: \$1,230.00;

Fair Board: Stark County Fair Board: \$1,044.75;

County Jail: SWMCCC: \$83,076.10; St Joseph's Hospital: \$99.00;

Insurance Reserve: American Insurance Center: \$30.00;

Comp Health Care: NDPers: \$26,622.36; Blue Cross Blue Shield: \$189.40;

VSO Fund: Payroll: \$7,423.92; Comfort Suites: \$207.00; Xerox Corporation: \$30.74;

Social Security: Stark County Auditor (Federal Deposit): \$34,275.53;

Advertising: Dickinson Press: \$570.86;

County Agent: Payroll: \$4,397.36; NDPers: \$469.25; Jane Heth: \$217.00; Kurt Froelich: \$35.00; Samantha Roth: \$35.00; Consolidated: \$181.38; NDSU: \$104.00; Xerox Corporation: \$156.43; Pitney Bowes: \$277.02; SBM Inc: \$364.00; ND Jumpstart: \$70.00; University of Wisconsin: \$50.00;

Weed Control: Payroll: \$9,989.22; NDPers: \$2,410.17; SBM Inc: \$18.99; Total Safety US: \$112.22; Walmart: \$513.93; Stark County Auditor (Federal Deposit): \$219.35; Travis Jepson: \$70.06;

9-1-1: Payroll: \$4,397.53; NDPers: \$1,478.09; Stark County Auditor (Federal Deposit): \$312.42; City of Dickinson: \$10,806.26; Century Link: \$1,611.80; Consolidated: \$277.00; Reservation Telephone: \$80.00; NDACO: \$15,791.45; Lyle Signs Inc: \$2,808.00;

Adult Education: CMRS-PB: \$1,950.00; Elks 1137: \$111.58; Kurt Froelich: \$39.88; NDSU Extension Pesticide Program: \$56.00; Ag Communication: \$10.00;

FingerPrint Station: Chief Supply: \$48.50;

Domestic Violence: State Treasurer: \$735.00;

Juvenile Alcohol Grant: Payroll: \$1,067.81;

Oil Impact Grant: Electronic Communications: \$5,435.50;

Cops Grant 2011: NDPers: \$967.44; Payroll: \$4,045.50; Stark County Auditor (Federal Deposit): \$309.48;

Misc. Grants: Hettinger Co Sheriff: \$361.20; Motorola Solutions: \$4,721.50;

SW Victim Witness Program: Payroll: \$4,736.22; SBM Inc: \$28.99; NDPers: \$970.14; AT&T Mobility: \$86.63; Consolidated: \$39.79; Stark County Auditor (Federal Deposit): \$346.93; Verizon Wireless: \$40.01;

Hazardous Chemical: Dickinson Press: \$5.11;

DVRCC: Domestic Violence: \$939.40;

Preservation Fund: Tyler Technologies: \$2,500.00; Consolidated: \$59.95; Payroll: \$14.01;

State Reimbursements: Thomas Grosz: \$25.00; Shane Holtz: \$50.00; Kurt Schoening: \$50.00; Jeffrey Wayne Jasper: \$25.00; Enne Un: \$25.00; Rod Berger: \$25.00; Jesse Hoff: \$25.00; Jim Wahl: \$139.69; George Sarnicki: \$50.00;

Siren Contingency: Roughrider Electric: \$237.00;

Other Reimbursements: Elks 1137: \$14.25; Viking Glass of ND: \$2,280.00; Wex Bank: \$6.87; Consolidated: \$182.00; Justin Hoff: \$28.25; PNC Equipment Finance: \$19,488.77; PharmChem Inc: \$399.00; Office of Attorney General: \$1,550.00;

911 Equipment: Consolidated: \$471.62; Walmart: \$55.88;

Sheriff Clarence Tuhy presented the Sheriff's Department monthly report and 2012 year end report.

Sheriff Clarence Tuhy presented a North Dakota Game & Fish Grant for boat and water activities in the amount of \$2,500.00. Comm. Hoff moved to authorize Chairman Zander to sign the Game & Fish Grant. Comm. Elkin seconded. All voted Aye and the motion carried.

Sheriff Clarence Tuhy presented a North Dakota Department of Transportation Amendment Grant, Traffic Safety Contract #12121761A, Project #PHSP4021307-02-20. Comm. Wolf moved to authorize Chairman Zander to sign the Amendment Grant. Comm. Kuntz seconded. All voted Aye and the motion carried.

Sheriff Clarence Tuhy reported the new radios have been received, but may need to spend \$500-\$1000 each for seven radios due to compatibility issues with the sirens.

Sheriff Clarence Tuhy reported Vehicle #10, a 2007 Ford Expedition needs a new engine.

Sheriff Clarence Tuhy reported four Enforcer brand cameras, 2-4 years old, need to be replaced. The Watchguard brand camera is approximately \$6,000/unit installed. Auditor Kay Haag advised the Sheriff's equipment budget is almost expended. The Commission advised Sheriff Clarence Tuhy to get exact numbers.

Commissioner Kuntz inquired why three Stark County Sheriff's Deputies were in Belfield for prom night. Sheriff Clarence Tuhy stated it was for an Under-Age Drinking Grant.

Comm. Kuntz inquired why a Stark County Sheriff's Deputy was patrolling I-94. Sheriff Clarence Tuhy stated assistance is needed when the Highway Patrol is not available.

Comm. Kuntz inquired why two other officers had to attend the Commission meeting and not out patrolling. Sheriff Clarence Tuhy stated the two officers are administration and not patrol.

Auditor Kay Haag asked for direction and a motion regarding a Kohler Communication bill for radios for the Sheriff's Office. Comm. Elkin moved to approve the bill less a 20% retainage fee regarding issues for the radios. Comm. Wolf seconded. All voted Aye and the motion carried.

Al Heiser, Road Superintendent, gave update on the Road Department, placing no off-road signs regarding ATV's and information on an easement for an optic fiber line.

Al Heiser, Road Superintendent, reported the ND Department of Transportation would like to redo the bridge by South Heart. There are two options:

Option 1: Repair the existing, which will close the road during construction

Option 2: Divert the road and put in a new bridge, which will put a curve in the road

Al Heiser, Road Superintendent, would like to see Option 1.

Al Heiser, Road Superintendent, Comm. Wolf and Comm. Kuntz will be attending a meeting regarding what funding Stark County will receive due to the oil impact.

Ray Long, Privratsky's Subdivision, reported Southwest Water regulations do not allow a septic system on a lot less than 40,000 square feet. Ray Long requested an easement of 8,000 square feet for Lot 18 to comply with Southwest Waters regulations. Comm. Hoff moved to approve a 30 foot easement along Highway 10 and authorize the Chairman Zander to sign the easement. Comm. Wolf seconded. All voted Aye and the motion carried.

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

Bill Fahlsing, Emergency Manager/9-1-1 Coordinator, presented a Fire Emergency Declaration Burn Ban Proclamation. Comm. Elkin moved to declare, adopt and

authorize Chairman Zander to sign the Fire Emergency Declaration Burn Ban Proclamation. Comm. Wolf seconded. All voted Aye and the motion carried.

Kuntz Builders, Kyle and Tom, requested to store building materials and dirt for approximately one year on Stark County's lot West of the oil well. Comm. Kuntz moved to approve the storage on the lot subject to a Lease Agreement and to authorize Chairman Zander to sign the Lease Agreement once approved. Comm. Elkin seconded. All voted Aye and the motion carried.

The Commission discussed eliminating the two-year tax exemption. The City of Dickinson eliminated it in February 2013. Comm. Wolf moved to eliminate the two-year tax exemption effective immediately, excluding those already existing. Comm. Kuntz seconded. All voted Aye and the motion carried.

Terry Oestreich discussed his service revolver and stated the following:

- Started working for Stark County in July 1986
- Resigned from Stark County in February 2013
- After 20 years of service Stark County presents their service revolver to the employee
- I was instructed by Captain Franchuk to turn in my service revolver for paperwork.
- I was instructed to go to Andrus Outdoors to fill out firearms paperwork.
- Andrus Outdoors informed me that Sheriff Clarence Tuhy picked up the service revolver
- ATF reported they spoke with Sheriff Clarence Tuhy regarding the service revolver and Sheriff Clarence Tuhy stated that I had not left in good standing and my office was a mess

Clarence Sheriff Tuhy stated he did not give Terry Oestreich his service revolver due to the disarray of the office and a paper trail to follow. States Attorney Tom Henning stated that all of the evidence at the time of Terry Oestreich's retirement is current, all materials were made available and is not impacting any cases. Comm. Wolf directed Sheriff Clarence Tuhy turn over the last service revolver issued to Terry Oestreich today. Comm. Kuntz seconded. All voted Aye and the motion carried.

Auditor Kay Haag reported there are two Deputy line items that are not in the budget and asked for direction regarding where the funds should come from.

Stark County received a letter from the City of South regarding an invoice for policing. City of South Heart is declining to pay the invoice until an explanation of the charges are provided. The Commission tabled the discussion until States Attorney researches what the law states in regards to law enforcement in incorporated cities.

Shawn Kessel, City Administrator discussed the new Public Safety Building regarding dispatch and space occupancy that will be available.

Shawn Kessel, City Administrator discussed developing a comprehensive plan for the mapped Plan Sub Area from Dickinson to South Heart. Comm. Zander stated the school districts should be a part of the planning process along with financial responsibility.

Judge Greenwood ordered that the Gladstone Park Districts financial information be turned over to the Stark County Auditor Kay Haag and an audit be performed. States Attorney Tom Henning will request they go through the State Auditors.

States Attorney Tom Henning discussed the hiring of an additional attorney. The Commission directed States Attorney Tom Henning to present the hiring information at the next meeting June 4th.

Comm. Wolf moved to authorize Chairman Zander to sign the Energy Infrastructure & Impact Grant for reimbursement. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Hoff moved to approve the KSK Subdivision final plat following staff recommendations located in the SE4SE4 of Section 12, Township 140, Range 96 for Kay Haag. 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 the SE4 of Section 35, Township 140, Range 95 containing approximately 18.79 acres for M. Jackson Armstrong.

Comm. Elkin moved to approve the zoning change from Agricultural to Agricultural Residential following staff recommendations for M. Jackson Armstrong. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve a Conditional Use Permit for Gravel Pits, Crushing and Stockpiling on a 30-acre tract located in the SE4 of Section 27, Township 140, Range 95 for Fisher Sand and Gravel Company.

Comm. Hoff moved to approve a Conditional Use Permit for Gravel Pits, Crushing and Stockpiling following staff recommendations for Fisher Sand and Gravel Company. 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 Conditional Use Permit for Gravel Pits, Crushing and Stockpiling on a 10-acre tract located in the NE4 of Section 27, Township 140, Range 95 for Fisher Sand and Gravel Company.

Comm. Hoff moved to approve a Conditional Use Permit for Gravel Pits, Crushing and Stockpiling following staff recommendations for Fisher Sand and Gravel Company. 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 Residential, Agriculture to Industrial in the NE4 of Section 15, Township 139, Range 97 containing approximately 34.8 acres for Dakota Prairie Refining, LLC.

Comm. Hoff moved to approve the zoning change from Residential, Agriculture to Industrial following staff recommendations for Dakota Prairie Refining, LLC. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board a zoning change from Agricultural to Rural Residential in the NE4 of Section 33 Township 138, Range 96 containing approximately 5.01 acres for Tyrell Dworshak.

Comm. Elkin moved to approve the zoning change from Agricultural to Rural Residential following staff recommendations for Tyrell Dworshak. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board a zoning change from Agricultural to Rural Residential in the N2 of Section 23, Township 138, and Range 96 containing approximately 6.5 acres for Jason & Melinda Wenko.

Comm. Elkin moved to approve the zoning change from Agricultural to Rural Residential following staff recommendations for Jason & Melinda Wenko. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board a zoning change from Agricultural to Rural Residential in the SE4 of Section 2, Township 140, Range 98 containing approximately 9.9 acres for Marty Steidl.

Comm. Hoff moved to approve the zoning change from Agricultural to Rural Residential following staff recommendations for Marty Steidl. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board a zoning change from Agriculture to Agricultural Residential in the NW4 of Section 17, Township 139, Range 91 containing approximately 30 acres for Mitch Erdle and Scott Schneider.

Comm. Elkin moved to approve the zoning change from Agricultural to Rural Residential following staff recommendations for Mitch Erdle and Scott Schneider. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried. States Attorney reported a letter of opposition was received by Cal Ullendorf which should have been at the public hearing.

The following **Miscellaneous Receipts** were filed: General: \$224,376.68; County Road: \$48,511.50; Highway Tax Distribution: \$239,566.22; Social Services: \$63,268.14; IT-Computer/Updates: \$584.48; Capital Improvement: \$52.08; Infrastructure: \$142,175.47; County Park: \$72.30; Social Security: \$2,307.26; Weed Control: \$29,062.35; 911

Revenue: \$28,933.18; Adult Education: \$72.92; Fingerprint Station: \$720.00; Domestic Violence: \$1,116.00; Juvenile Alcohol Grant: \$1,067.81; Oil Impact: \$133,960.00; Estimate Tax: \$1,642.87; Game and Fish: \$4,429.00; SW Victim Witness Program: \$11,897.37; Domestic Violence & Rape Crisis Center: \$939.40; Preservation Fee: \$14,427.17; Other Reimbursements: \$25,583.29; 911 Equipment: \$5,105.97;

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

Kay Haag, Auditor

Ken Zander, Chairman