

Official Proceedings

November 1, 2011

8:00 am

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

Chairman Zander asked for any additions to the agenda. Comm. Hoff added Planner. Chairman Zander added State Addition Lot and Infrastructure Meeting. Comm. Elkin moved to approve the agenda with the additions. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Wolf moved to approve the minutes from the October 4, 2011 meeting. Comm. Kuntz seconded. All voted Aye and the motion carried.

Comm. Wolf moved to accept the accounts payable as presented plus the supplement, excluding the Fraternal Order Of Police annual fees. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

General: Payroll: \$137,038.52; Best Western Plus Ramkota Hotel: \$966.00; Kay Haag: \$102.00; East End Auto: \$378.80; Linda L Gingery: \$63.45; West Payment Center: \$598.28; Dakota Water Treatment: \$56.75; SBM Inc: \$1,057.66; CNA Surety: \$50.00; Secretary of State: \$108.00; Carol Beckert: \$470.22; Ardean Ouellette: \$525.52; US Records Midwest: \$515.75; Service Printers: \$189.40; Xerox Corporation: \$998.14; Comfort Inn: \$130.00; A-1 Sprinklers: \$200.00; Border States Electric: \$11.48; Braun Distributing: \$477.81; DJ's Tesoro: \$93.71; Ecolab: \$513.70; Lyle Signs Inc: \$54.87; Mann's Plumbing: \$1,309.44; Newby's Ace Hardware: \$61.67; Quality Xterminators: \$150.00; Runnings Supply: \$4.47; City of Dickinson: \$9,101.77; MDU: \$2,487.90; Walmart: \$262.01; NDPers: \$15,743.54; Job Service North Dakota: \$29.16; Keogh Law Office: \$100.00; Maus & Nordsvan: \$681.00; Farmers Union Oil Bis/Man: \$2,186.80; Maintenance Management: \$240.00; Century Link: \$487.00; Consolidated: \$319.19; Great Plains Directory: \$419.75; Midland Atlas Co: \$308.00; Office Max Inc: \$435.52; Pitney Bowes Inc: \$262.62; ND Youth Correctional Center: \$8,177.40; NDACO: \$85.00; Stark County Auditor (Discovery Benefits): \$1,450.96; Dickinson Parks & Rec: \$60.32; T-Rex Conoco Inc: \$297.39; Myron Corp Inc: \$410.73; ND State Radio: \$1,070.00; ND Post Board: \$73.00; Fraternal Order of Police: \$360.00; Great Plains Clinic: \$197.90; American Insurance Center: \$100.00; Quality Quick Print: \$79.00; The UPS Store: \$26.42; FedEx: \$27.44; Advanced Business Methods: \$300.42; Superior Cleaners: \$33.00; Dickinson Tire Inc: \$101.49; Electronic Communications: \$120.00; Parkway Ford Sales: \$232.12; Protint: \$600.00; Sax Motor Co: \$265.54; Farmers Union Oil of Richardton: \$57.34; Fleet Services: \$1,935.26; Galls An Aramark: \$90.53; SW Wireless: \$199.98; Balco Uniforms Co: \$853.00; LEC Maintenance: \$8,687.89; Stark County Auditor (Federal Deposit): \$483.32; Visa: \$250.76; American Board of Certification: \$470.00; Kadrmas, Lee & Jackson: \$653.14; Dickinson Press: \$124.60; Roosevelt-Custer Regional Council: \$2,785.66;

10 Mill: Kadrmas, Lee & Jackson: \$42,027.75; Black Hills Trucking: \$12,050.00; Onsite Improvements Inc: \$62,515.57; Edward Schwartz Construction: \$2,690.50;

Herbert A & Lee Decker: \$1,000.00; Shaun Olheiser: \$500.00; Michael & Margaret Schulz: \$1,000.00; ND Dept of Transportation: \$1,770.17;

County Road: Northern Improvement: \$49,466.36; One Stop Rental: \$174.50; Quality Xterminators: \$40.00; City of Belfield: \$21.50; City of Dickinson: \$114.58; City of Richardton: \$54.90; MDU: \$427.79; MGM Rural Sanitation: \$186.00; Roughrider Electric: \$868.00; Southwest Water Authority: \$84.59; Consolidated: \$42.71; Qwest: \$55.95; Border States Electric: \$161.46; Braun Distributing: \$18.40; ND Surplus Properties: \$50.00; Newby's Ace Hardware: \$38.94; Running's Supply: \$364.08; Southwest Grain: \$43,036.28; George's Tire Shop: \$1,214.00; Johnsen Trailer: \$130.56; Larry's Alignment: \$630.26; Nelson International: \$12,717.02; NW Tire Inc: \$611.27; Parkway Ford Sales: \$501.00; Prairie Auto Parts: \$5.66; Ray's Auto Electric: \$359.85; Trucks of Bismarck: \$433.66; Wallwork Truck Center: \$38.50; Westlie Crossroads: \$198.33; Butler Machinery: \$478.88; Dakota Farm Equipment: \$156.52; Dakota Tool & Machines: \$151.00; Safelite Fulfillment: \$380.00; West Plains Inc: \$233.56; Al Heiser: \$53.55; West Dakota Oil: \$23.82; Carquest Auto Parts: \$73.01; Dakota Filter Supply: \$344.74; Fix It Shop: \$20.00; Alan Krebs: \$150.00; Mann's Plumbing: \$290.81; Rummel Auto Wrecking: \$35.60; Total Safety US: \$156.00; Z & S Dust Control: \$4,923.28; Fisher Sand & Gravel: \$244.43; 3D Specialties: \$142.11; Lyle Signs Inc: \$198.42; Best Western Plus Ramkota Hotel: \$69.00; Best Western Ramkota Hotel: \$269.50; Dickinson Press: \$47.60; Maintenance Management: \$160.00; Kadrmas, Lee & Jackson: \$10,344.64; Martin Construction: \$3,519.58;

Highway Tax Distribution: Payroll: \$66,829.86; NDPers: \$15,955.85;

Social Welfare: Payroll: \$148,527.36; Generations Daycare: \$150.00; ND Dept of Human Services: \$4,266.94; NDPers: \$33,263.96; Wrap Around: \$120.00; Social Services: \$12,409.80;

County Poor: ND Dept of Human Services: \$30,504.50;

IT – Computer/Updates: NDACO Resources: \$6,851.75; Consolidated: \$237.90; CDW Government Inc: \$165.15; SBM Inc: \$1,384.97; Information Technology Dept: \$1,244.00; Vanguard Appraisals: \$7,400.00; Official Payment Center: \$225.00;

Capital Improvement: SWMCCC: \$65,711.35; PNC Equipment Finances: \$51,945.53; Central Mechanical: \$27,705.00; Denny's Electric: \$16,098.14; Kadrmas, Lee & Jackson: \$3,697.72; Tooz Construction: \$96,527.93;

County Park: Bismarck-Mandan Development Assoc: \$388.50;

Fair Board: Stark County Fair Board: \$1,639.17;

County Jail: St Joseph's Hospital: \$200.00; SWMCCC: \$72,834.58; St Joseph's Hospital: \$93.00;

Insurance: American Insurance Center: \$106.00;

Comp Health Care: NDPers: \$23,600.76; Blue Cross Blue Shield: \$155.50;

VSO Fund: Payroll: \$6,555.82; BW Fargo Doublewood Inn: \$138.60;

Social Security: Stark County Auditor (Federal Deposit): \$25,793.05;

Advertising: Dickinson Press: \$225.66;

County Agent: Payroll: \$3,830.66; NDPers: \$281.86; Stark-Billings Co 4H: \$100.00; Kurt Froelich: \$30.00; Samantha Roth: \$30.00; Consolidated: \$155.85; Pitney Bowes: \$377.18;

Weed Control: Payroll: \$8,011.19; NDPers: \$1,948.65; SBM Inc: \$18.16; Chad's Automotive: \$200.37; Sample Auto Sales: \$2,336.40; Walmart: \$20.32; Stark County Auditor (Federal Deposit): \$188.44;

9-1-1: Payroll: \$3,475.63; NDPers: \$1,216.82; Stark County Auditor (Federal Deposit): \$241.96; City of Dickinson: \$7,753.93; Qwest: \$1,610.43; Consolidated: \$685.00; Reservation Telephone: \$80.00; 3D Specialties: \$1,217.31; Lyle Signs Inc: \$3,610.00; Rudy's Lock & Key: \$20.00;

Adult Education: Walmart: \$38.12;

Domestic Violence: State Treasurer: \$665.00;

Juvenile Grant: Payroll: \$288.48;

Traf Safety Grant: Payroll: \$313.01;

Cops Grant: Payroll: \$7,746.64; NDPers: \$2,553.56; Stark County Auditor (Federal Deposit): \$570.94;

Misc Grants: Balco Uniforms Co: \$853.00;

Security/Transfer DJS Reimb: Fleet Services: \$145.04;

SW Victim Witness Program: SBM Inc: \$830.15; NDPers: \$756.62; Payroll: \$4,476.22; Stark County Auditor (Federal Deposit): \$327.04; Consolidated: \$3.37;

DVRCC: Domestic Violence: \$650.00;

Preservation Fund: Cass County Treasurer: \$1,267.00; NDACO Resources: \$1,233.52; Consolidated: \$49.95; Payroll: \$272.96;

State Reimbursements: Nigel Sims: \$25.00;

Siren Contingency: Roughrider Electric: \$204.00;

Other Reimbursements: Olheiser Masonry: \$531.74; Parkway Ford Sales: \$1,318.64; Consolidated: \$182.00; PNC Equipment Finances: \$19,488.77;

Judgment Execution: Scott Kudrna: \$200.00; Parkway Ford Sales: \$5,100.00; Stark County Sheriff's Dept: \$274.10;

911 Equipment: Consolidated: \$52.03;

Sheriff Clarence Tuhy gave an update on the task force, court room security and monthly transports.

Sheriff Clarence Tuhy introduced his new Office Manager Aimee Sanders.

Sheriff Clarence Tuhy discussed meeting with the judges regarding courtroom security. Chairman Zander will attend this meeting.

Al Heiser, Road Superintendent, gave updates on road projects and cold storage building.

Tim Kelly, Kadrmas, Lee & Jackson, gave the Engineer's report.

Comm. Wolf moved to authorize the Chairman Zander to sign the Energy Impact Grant. Comm. Elkin seconded. All voted Aye and motion carried.

Comm. Elkin moved to re-appoint Vaune Cripe, Joe Frenzel, Bob Zent and Bob Maeyaert to the Stark County Jobs Development Authority Board for a three year term. Comm. Kuntz seconded. All voted Aye and the motion carried.

Comm. Elkin moved to re-appoint Chairman Zander to the SW District Health Unit for a five year term. Comm. Kuntz seconded. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Bob Boltz's request for a zoning change from Agricultural to Industrial for an existing building being used for personal and business with further expansion for truck parking. The location being a 7.55 acre tract located in the NE4NE4 Section 3, Township 139, Range 99. Comm. Hoff moved to accept the Zoning Boards recommendation to approve Bob Boltz's request of a zoning change from Agricultural to Industrial for an existing building being used for personal and business with further expansion for truck parking. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to deny Byron Richards' request for a zoning change from Agricultural to Industrial with a Conditional Use Permit for workforce housing with a maximum of two housing units per acre. The request for the Conditional Use Permit was withdrawn. The location being approximately 192.60 acres in the S2 and N2NE4 Section 16, Township 139, Range 99. Comm. Elkin moved to accept the Zoning Boards recommendation to deny Byron Richards' request of a zoning change from Agricultural to Industrial for workforce housing with a maximum of two housing units per acre until a preliminary plat is presented. Comm. Hoff seconded. All voted Aye and motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Energy Services Limited Liability's request for an extension until June 30, 2012 for a

Conditional Use Permit for temporary living quarters. The location being in the N2NE4 Section 1, Township 139, Range 95. Comm. Elkin moved to accept the Zoning Boards recommendation to approve Energy Services Limited Liability's request for an extension until June 30, 2012 for a Conditional Use Permits with the following conditions:

1. Provide adequate parking for any and all crew housing facility residents.
2. Provide for adequate fire suppression.
3. Provide for adequate access to emergency vehicles and each dwelling marked with reflective type numbers.
4. Meet all design standards required by any building code and fire code.
5. Comply with waste water rules with Southwest District Health.
6. Any fees on these conditions will be paid by the applicant.
7. There will be a \$100 fee per dwelling.

Comm. Kuntz seconded. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Ruben and Margaret Orth's request for Zoning change from Agricultural to Residential for a single family residence. The location being a 6.38 acre tract located in the SE4 Section 2, Township 139, Range 97. Comm. Elkin moved to accept the Zoning Boards recommendation to approve Ruben and Margaret Orth's request for a zoning change from Agricultural to Residential for a single family residence. Comm. Hoff Seconded. All voted Aye and motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to deny Michael Kindsfater's request for a Conditional Use Permit to build a bunkhouse. The location being in Lot 5 Block 1 Safratowich Subdivision Section 5, Township 140, Range 99. Comm. Elkin moved to accept the Zoning Boards recommendation to deny Michael Kindsfater's request for a Conditional Use Permit to build a bunkhouse. Comm. Hoff seconded. All voted Aye and the motion carried.

Chairman Zander discussed the State Addition Lot with the pipeline running under it. More information will be gathered regarding the pipeline.

Chairman Zander opened the public hearing for Delinquent Tax Properties. Chairman Zander asked for anyone to speak for or against the minimum amounts set for the properties. Chairman Zander closed the public hearing. Comm. Hoff moved to accept the minimum values as non-disputed. Comm. Kuntz seconded. Roll Call Vote. All voted Aye and motion carried.

Chairman Zander discussed the meeting held by the Governor for Southwest North Dakota Infrastructure.

Gaylon Baker, Stark Development Corporation, discussed Stark Development Corporation receiving two mils for the 2012 budget. After discussion, the Commissioners stayed with the approved 2012 budget of 1 mil.

Emil Weigleander, Historical Society, presented a financial summary for the Historical Society and discussed receiving a ¼ mil for the 2013 budget year. Emil Weigleander was instructed to come in during the 2013 budget cycle to request money for the Historical Society.

Comm. Hoff discussed the possibility of sharing a planner with the City.

Discussion was held on the Truck Bypass – HDR Engineering was the firm selected to do the Environmental /Preliminary Design.

Marie McCabe, Human Resource Generalist, discussed the first four chapters of the revised policy manual. Changes discussed were sick leave, holiday pay, salary ranges and job descriptions. Also changes to overtime pay in the Sheriff's Office. The 7K Exception as outlined in the FLSA Manual was discussed.

Comm. Elkin moved to adopt the job descriptions with flexibility for change. Comm. Wolf seconded. Roll call vote. All voted Aye and motion carried.

Comm. Wolf moved to authorize the Sheriff's Office to follow the 7K Exception beginning January 1st, 2012. Comm. Kuntz seconded. Roll call vote. All voted Aye and motion carried.

Comm. Wolf moved to adopt the revisions to sick leave and holiday policies as follows:

Section 4 – Holidays *(Revised 11-1-11)*

Stark County will observe the same ten holidays as the State of North Dakota as outlined in the North Dakota Century Code, Chapter 1-03.

Those holidays are as follows:

- New Year's Day
- Martin Luther King Day (M)
- Presidents Day (M)
- Good Friday
- Memorial Day (M)
- July 4th
- Labor Day
- Veteran's Day (November 11)
- Thanksgiving Day plus the Friday after
- Christmas Day
- County Offices will close at noon on December 24th, unless it is a holiday or weekend pursuant to NDCC 1-03-02.
- Any other day appointed by the President of the United States or the Governor of North Dakota as a public holiday.

Monday holidays are indicated by the (M).

When a holiday falls on a Saturday, the holiday will be observed the preceding Friday. When a holiday falls on a Sunday, the holiday will be observed on the following Monday.

Standard Holiday Policy

Full-time employees who are not otherwise required to work, shall take each holiday off and receive full pay (8 hours of pay). In the event the County Commissioners designate a portion of a day as a holiday, only that portion will be considered as a holiday.

Employees who are employed less than full time (40 hours per week) but 20 hours or more per week shall be paid holiday pay based on a prorated number of hours worked. Holiday pay will be prorated based on the number of hours worked in a pay period divided by 173.33 monthly work hours.

Employees who are employees less than 20 hours per week and Part-time seasonal employees shall receive neither paid holiday time nor additional compensation for working on a holiday.

Employees who work on a holiday shall receive hour for hour compensation (up to 8 hours) in addition to their regular pay.

Sick Leave: Full time employees earn 8 hours of sick leave per month. Part-time employee sick leave is pro-rated based upon % of time worked. Sick leave is an approved absence from work, with pay, when an employee is ill or in need of medical care. **Up to 80 hours of sick leave may be used in a calendar year as family sick leave for an illness or medical need in the employee's immediate family. The employee may also take an additional 10% of accrued sick leave to care for an employee's immediate family in the same calendar year. "Eligible family member" means the employee's spouse, parent (natural, adoptive, foster and stepparent), child (natural, adoptive, foster and stepchild), or any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member.** An employee must bring in a doctors statement if they have had an absence, for themselves or an immediate family member (family sick leave), or three days or more. A supervisor has the right to request a doctor's note for even one day of absence if there has been excessive use of sick leave or if there is suspected abuse of the sick leave policy. (Revised 11-1-11)

The following **Miscellaneous Receipts** were filed: General: \$155,224.31; County Road: \$98,996.12; Highway Tax Distribution: \$225,548.10; Social Services: \$70,335.71; IT-Computer/Updates: \$1,285.80; Capital Improvement: \$156,659.19; Infrastructure: \$22,341.86; County Park: \$67.73; Insurance: \$68.00; Social Security: \$994.47; County Agent: \$100.00; Weed Control: \$7,729.13; 911 Revenue: \$14,662.12; Adult Education: \$21.00; Domestic Violence: \$315.00; Homeland Security Grant: \$182.00; Estimate Tax: \$44,357.80; Game and Fish: \$55,534.00; SW Victim Witness Program: \$1,135.00; Domestic Violence & Rape Crisis Center: \$650.00; Preservation Fee: \$2,646.00; Other Reimbursements: \$54,883.13; Judgment Execution: \$5,574.10; 911 Equipment: \$4,887.48;

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

Kay Haag, Auditor

Ken Zander, Chairman