

Official Proceedings

Oct 1st, 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 to the agenda. Comm. Hoff added Zoning. States Attorney Tom Henning added a report. Comm. Elkin moved to approve the agenda with the additions. Comm. Kuntz seconded. All voted Aye and the motion carried.

Comm. Kuntz moved to approve the minutes from the September 3rd, 2013 meeting. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff moved to accept the accounts payable plus the supplement. Comm. Wolf seconded. Roll call vote. All voted Aye and the motion carried.

General: Payroll: \$188,408.73; NDPers: \$28,023.41; Linda Krebs: \$123.50; Kay Haag: \$123.50; Tristan Joy Wins: \$160.00; Tom Henning: \$186.45; James Hope: \$117.52; Melissa Rummel: \$56.50; Matthew Bender & Co Inc: \$62.94; West Payment Center: \$647.50; Dakota Water Treatment: \$34.00; SBM Inc: \$1,137.85; Kathy Schwab: \$101.70; CNA Surety: \$50.00; Secretary of State: \$36.00; Xerox Corporation: \$658.36; Diane Brines: \$80.50; Natalie Wandler: \$80.50; Denny's Electric: \$541.00; Maintenance Management: \$470.00; Consolidated: \$455.57; MDU: \$2,730.23; Roughrider Electric: \$150.00; Southwest Water: \$44.05; Braun Distributing: \$175.47; JP Steel & Supply: \$102.52; Logo Magic: \$160.00; Newby's Ace Hardware: \$205.42; Probuild: \$17.67; Runnings Supply: \$1,670.82; T-Rex Conoco Inc: \$608.30; City of Dickinson: \$13,013.89; Walmart: \$537.51; Maus & Nordsven: \$675.00; Mikal Simonson: \$225.00; Ottmar & Ottmar: \$67.50; Cenex Fleetcard: \$8,334.17; Farmers Union Oil Bis/Man: \$1,437.47; Farmers Union Oil Richardton: \$318.66; Wex Bank: \$715.76; US Postal Service: \$50.00; AT&T: \$1,490.90; Century Link: \$487.00; Office Max Inc: \$347.38; Pittney Bowes: \$888.60; Elks 1137: \$74.00; Zuger Kirmis & Smith: \$910.00; Bank of The West: \$25.00; ND Department of Trust Land Unclaimed Property: \$159.95; Dickinson Parks: \$49.92; Myron Corp: \$206.79; Comfort Inn: \$79.00; NDACO: \$20.00; ND Post Board: \$405.00; Quality Quick Print: \$328.50; Visa: \$458.63; Advanced Business Machines: \$425.33; Millie's Stitching: \$1.00; Superior Cleaner: \$6.00; Uniform Center: \$142.99; Dickinson Tire & Auto: \$1,522.11; DJ's Tesoro: \$59.00; Electronic Communications: \$2,805.00; Just in Glass: \$40.00; Kustom Signals Inc: \$46.00; Midas Auto Service: \$1,518.74; Parkway Ford Sales: \$14,000.00; Sax Motor Company: \$235.40; Richard Carney: \$11.75; Balco Uniforms: \$4,339.34; Brownells Inc: \$58.64; Ultramax: \$2,392.00; Light & Siren: \$1,265.75; Motorola: \$2,023.30; LEC Maintenance: \$10,991.68; Stevenson Funeral Home: \$125.00; Stark County Auditor (Federal Deposit): \$549.15; Verizon Wireless: \$40.01; Professional Printing: \$72.00; Dickinson Press: \$130.72;

10 Mill: Kadrmas Lee & Jackson: \$61,615.58; ND Department of Transportation: \$186,785.68;

County Road: Kadrmas Lee & Jackson: \$121,551.34; All-In-Service LLC: \$15,410.00; Jurgens Trucking: \$18,400.00; Martin Construction: \$2,862,482.37; Edward Schwartz Construction: \$48,843.00; North Central Rental and Leasing: \$9,203.00; Maintenance Management: \$200.00; AT&T: \$163.29; City of Belfield: \$22.50; City of Dickinson: \$83.61; City of Richardton: \$54.90; Consolidated: \$45.06; MDU: \$279.50; Roughrider Electric: \$887.00; Southwest Water: \$53.17; Century Link: \$56.22; Border States Electric: \$80.52; Randy Dillinger: \$81.57; Flags USA: \$84.00; Certified Power: \$346.49; Charbonneau Car Center: \$22.20; Dakota Tool & Machine: \$207.00; Hedahls Headquarters: \$300.38; Interstate Power Systems: \$6,601.82; J & J Operating LLC: \$121.61; Nelson International: \$1,096.85; NW Tire Inc: \$682.00; Parkway Ford Sales: \$98.09; Trucks of Bismarck: \$169.45; Wallwork Truck Center: \$365.13; Belfield Automotive: \$3.90; Butler Machinery: \$308.72; George's Tire Shop: \$45.00; US Farm Innovations: \$401.40; Southwest Grain: \$49,764.02; West Dakota Oil: \$6,272.86; Berger Electric: \$1,354.62; Dakota Filter Supply: \$422.38; Hoist & Crane: \$4,146.21; Mac's Inc: \$18.63; Mid-West Doors: \$10.68; Newby's Ace Hardware: \$8.99; Probuild: \$3.87; Road Equipment Parts: \$3,176.71; Rummel Auto Wreck: \$94.10; Runnings Supply: \$89.38; Schaeffer MFG Company: \$716.40; Total Safety: \$100.00; Val's Sanitation: \$200.00; Z & S Dust Control: \$55,899.20; Kris Engineering: \$1,242.21; Hettinger County: \$2,560.50; Northern Improvement: \$7,150.75; Lyle Signs Inc: \$741.31; Dickinson Press: \$27.36; SDSU: \$280.00; Clayton Swan: \$700.00;

Highway Tax Distribution: Payroll: \$103,043.29; NDPers: \$26,423.69; JobsHQ: \$207.00; NDACO: \$252.00;

Social Welfare: Payroll: \$162,073.32; NDPers: \$42,036.81; AT&T: \$46.46; ND Dept of Human Services: \$3,528.82; ND Dept of Health: \$7.00; Wrap Around Checks: \$1,484.88; Sax Motor Co: \$25,286.00; Walmart: \$81.42; Hewlett Packard: \$3,712.00; Braun Distributing: \$57.28; City of Dickinson: \$184.60; Comfort Suites: \$1,267.00; Consolidated: \$811.86; DJ's Tesoro: \$102.55; Grand International: \$561.68; Bertie Gustafson: \$600.00; MDU: \$968.79; Diane Mortenson: \$403.58; NDACSSB: \$49.00; Quality Xterminator: \$50.00; Record Keepers: \$25.00; SBM Inc: \$1,730.24; The UPS Store: \$81.78; Visa: \$1,120.65; Jeri Weiss: \$44.68;

County Poor: ND Dept of Human Services: \$34,582.11;

IT-Computer/Updates: NDACO Resources: \$11,053.94; Consolidated: \$269.26; Avenet LLC: \$1,700.00; Dell Marketing: \$475.24; Informational Technology Dept: 1,209.45; Xerox Corporation: \$187.34; Bullberry System: \$4,387.50; SBM Inc: \$149.99;

Park Board: Kadrmas Lee & Jackson: \$532.51; Western Fence: \$29,950.00;

Fair Board: Stark County Fair Board: \$325.83;

County Jail: SWMCCC: \$107,349.85;

Insurance: American Insurance: \$30.00;

Comp Health Care: NDPers: \$31,306.76; Blue Cross Blue Shield: \$375.00;

VSO Fund: Payroll: \$7,423.92; Quality Quick Print: \$414.80; Walmart: \$9.00; Xerox Corporation: \$37.98;

Social Security: Stark County Auditor (Federal Deposit): \$33,379.85;

Advertising: Dickinson Press: \$240.92;

County Agent: Payroll: \$4,513.51; NDPers: \$473.79; NDSU Extension Service: \$27,938.00; Kurt Froelich: \$455.57; Mercer County Extension Service: \$39.50; Samantha Roth: \$765.25; Consolidated: \$162.20; NDSU: \$114.00; SBM Inc: \$239.83; Xerox Corporation: \$89.21; Kirsten Hansen: \$137.40; Stacy Kilwein: \$100.00;

Weed Control: Payroll: \$11,237.96; NDPers: \$2,547.68; Jim Basaraba: \$120.00; SBM Inc: \$2.00; Quality Quick Print: \$89.00; Crop Production: \$66,856.57; Runnings Supply: \$165.05; Stark County Auditor (Federal Deposit): \$219.35;

9-1-1: Payroll: \$4,397.53; NDPers: \$1,574.04; Stark County Auditor (Federal Deposit): \$310.55; City of Dickinson: \$10,806.25; Century Link: \$1,615.18; Consolidated: \$529.00; NDACO: \$14,585.00; Radisson Hotel: \$297.00;

Adult Education: NDSU Extension Program: \$14.00; AG Communications: \$25.00; Stark-Billings 4-H Council: \$129.88;

Fingerprint Station: Chief Law Enforcement: \$30.61;

Domestic Violence: State Treasurer: \$630.00;

Oil Impact Grant: Payroll: \$10,852.80; Parkway Ford Sales: \$41,700.00; Light & Siren: \$3,797.25; Motorola: \$6,069.90; NDACO: \$1,719.77; Stark County Auditor (Federal Deposit): \$770.22;

Saturation Patrol Grant: Payroll: \$1,255.85;

Cops Grant 2011: Payroll: \$4,045.50; NDPers: \$1,004.12; Stark County Auditor (Federal Deposit): \$309.48;

Misc. Grants: Electronic Communications: \$2,585.00; Professional Printing: \$28.00; Runnings Supply: \$1,399.99;

SW Victim Witness Program: Payroll: \$5,082.89; NDPers: \$1,052.78; SBM Inc: \$135.57; AT&T: \$83.67; Consolidated: \$37.92; Stark County Auditor (Federal Deposit); \$372.51; Verizon: \$40.01;

DVRCC: Domestic Violence: \$290.55;

Preservation Fund: Tyler Technology: \$1,653.75;

State Reimbursements: Hunter Easterling: \$25.00; Brian Eaton: \$25.00; Matthew Hanson: \$25.00; Mike Legler: \$25.00; Lauren Asheim: \$25.00; Justin L Fridrich: \$25.00; Thomas Grosz: \$25.00; Corey Lee: \$25.00; Kurt Schoening: \$25.00; Visa: \$576.30; Scott Zitzloff: \$25.00;

Siren Contingency: Roughrider Electric: \$210.00;

Other Reimbursements: Gladstone Inn & Suites: \$138.60; Inventory Trading Company: \$742.00; Consolidated: \$178.16; Pharm Chem Inc: \$2,382.00; Office of Attorney General: \$2,595.00;

911 Equipment: Consolidated: \$57.12;

Sheriff Clarence Tuhy gave his monthly report.

Al Heiser, Road Superintendent, gave an update on roads.

Tim Kelly, Kadrmas, Lee & Jackson, gave the engineers report and reported the bridge project is behind schedule and recommends a conference call with the contractor's bonding company.

Comm. Wolf moved to authorize Chairman Zander to sign the Pipeline Easement Agreement between Stark County and Dakota Prairie Refining. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Wolf moved to authorize Chairman Zander to sign Energy Impact Grants for Rural EMS Assistance, Inc., Dickinson Ambulance and Stark County Department of Emergency Services. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin moved to adopt the revised Stark County Vehicle Policy. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Elkin moved to appoint Commissioner Wolf to the State Fair Delegate from Stark County. Comm. Wolf seconded. All voted Aye and the motion carried.

Auditor Kay Haag supplied a copy of the Stark County Fair Association to the Commission and discussed dollar amounts for the Richardton Health Center and Southwest Coalition for Safe Communities.

Chairman Zander opened the public hearing for the 2014 budgets. No comments were made. Chairman Zander closed the public hearing. Comm. Elkin moved to approve the 2014 budgets as discussed. Comm. Wolf seconded. Roll call vote. All voted Aye and the motion carried.

States Attorney Tom Henning reported the overweight issue Stark County was sued for was ruled against Stark County by the District Court and the Supreme Court ruled in favor of the District Court.

Discussion was held regarding the 207K Exemption Plan for the Sheriff’s Office. Comm. Wolf moved to amend the Stark County Benefit & Personnel Policy Section 3(C) 207K Exemption Plan by removing the sentence that reads “ As of June 18th, 2012 the Sheriff’s Office will follow the 207K Exemption Plan, but only work 160 hours in the twenty-eight (28) day work period, before overtime”, and insert the Patrol Staff will be scheduled 168 hours in a twenty-eight (28) day work period, with eight of those hours preferably flexed, if not able to flex then the eight hours will be paid at straight pay. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve the request from Carlton LeBeff. The request was for a Conditional Use Permit for a Fuel and Bulk Storage Facility. The location being in the NE4 Section 10, Township 139, Range 97 containing approximately 23 acres. Tom Ehli spoke against the Conditional Use Permit due to its location. Comm. Hoff moved to approve the Zoning Boards recommendation to approve the Conditional Use Permit with the staff’s recommendations. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Bid opening was held for the following motor graders:

	2 new AWD Motor Graders	1 used Cat 140H #2Zk02100	1 used Cat 140H #2ZK02101
RDO Equipment	\$316,000 each	\$72,500 trade-in	\$72,500 trade-in
Butler Machinery	\$304,000 each	\$86,000 trade-in	\$89,000 trade-in
Bob Boltz		\$55,000 private buyer	
Shane Sickler		\$70,100 private buyer	\$70,100 private buyer

Comm. Wolf moved to accept Butler Machinery’s bid with the trade-in option. Comm. Elkin seconded. All voted Aye and the motion carried.

Auditor Kay Haag presented the following properties that will become delinquent as of 5:00 pm October 1st, 2013. Comm. Wolf moved to approve the delinquent property valuations as presented with the minimum opening bid beginning at the minimum value. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried. The delinquent property valuations are as follows:

Legal Description	Parcel ID #	Delinquent Taxes	Minimum Value
Tr NE4 13-138-96 .84 Acres	25-0000-03775-200	\$39.02	\$1,000
L 21 & 22 B 19 Richardton	42-0001-02209-000	\$144.05	\$4,100
L 14 S18’ & Lots 15& 16 B 10 OP	42-0001-02101-000	\$1,112.29	\$30,900

Richardton			
L 1 & 2, 9 & 10 B 6 OP Belfield	44-0001-04026-000	\$2,404.10	\$25,100
L 16 B 31 OP Belfield	44-0001-06323-000	\$8,029.60	\$3,000
L 2 B e McDonough's Add Dickinson	41-1200-05000-201	\$8,933.49	\$214,000.00

Comm. Hoff presented a recommendation from the Zoning Board to deny the request from Stu Stiles and Jim Hereford. The request was for a Planned Unit Development Overlay District on a parcel zoned Agricultural. The location being in the E2 of the NW4, Lots 1 and 2 of Section 7, Township 139, Range 98, in the NE4 of Section 7, Township 139, Range 98, in the SE4 of Section 7, Township 139, Range 98, in the SW4 of Section 7, Township 139, Range 98, and in the SE4 of Section 6, Township 139, Range 98 containing approximately 438.8 acres. Comm. Hoff moved to approve the Zoning Boards recommendation to deny the Planned Unit Development Overlay District on a parcel zoned Industrial. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

The zoning request from South Heart Rail Terminal, LLC has withdrawn their request.

Steve Josephson, County Planner, reported the preliminary plat for Mitch Erdle does not need to be presented to the Commission at this time.

Comm. Hoff presented a recommendation from the Zoning Board to approve the request from Jason and Natasha Bird. The request was for a zoning change from Agriculture to Rural Residential. The location being in the SE4 of Section 26, Township 138, Range 98 containing approximately 5.22 acres. Comm. Hoff moved to approve the Zoning Boards recommendation to approve the zoning change from Agriculture to Rural Residential with the staff's recommendations. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve the request from Dennis and Barb Dohrman. The request was for a zoning change from Agriculture to Rural Residential. The location being in the SE4 of Section 18, Township 139, Range 93 containing approximately 5.00 acres. Comm. Elkin moved to approve the Zoning Boards recommendation to approve the request for a zoning change from Agriculture to Rural Residential with the staff's recommendations. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

The zoning request from Derrick Syminow has been put on hold by his request.

Comm. Hoff presented a recommendation from the Zoning Board to approve the request for Mitch Feininger. The request was for a zoning change from Agriculture to Agriculture Residential. The location being in the NW4 of the NW4 of Section 25, Township 139, Range 96 on 20 acres. Comm. Elkin moved to approve the Zoning Boards recommendation to approve the request for a zoning change from Agriculture to Agriculture Residential with the staff's recommendations. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve the request from Tricon Industrial Development. The request was for a Planned Unit Development Overlay District on a parcel zoned Industrial. The location being in the NW4 of Section 11, Township 139, Range 97 containing approximately 161 acres. Comm. Hoff moved to approve the Zoning Boards recommendation to approve the request for Planned Unit Development Overlay District on a parcel zoned Industrial with the staff's recommendations. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

The preliminary plat for Carlton LeBeff does not need to be presented to the Commission at this time.

The following **Miscellaneous Receipts** were filed: General: \$1,014,020.38; 10 Mill: \$34,194.55; County Road: \$296,240.67; Highway Tax Distribution: \$278,897.53; Special Road & Bridge: \$10,273.47; Social Services: \$78,926.29; County Poor: \$143,073.23; IT-Computer/Updates: \$586.48; Capital Improvement: \$422,906.95; County Park: \$3,325.86; County Jail: \$26,086.56; Insurance: \$10,273.47; Comp Health: \$14,251.93; Emergency: \$3,424.49; VSO: \$4,532.41; Social Security: \$32,145.95; Advertising: \$1,762.61; County Agent: \$8,031.91; Weed Control: \$41,747.67; 911 Revenue: \$29,307.31; Adult Education: \$458.69; Fingerprint Station: \$504.00; Domestic Violence: \$630.00; Misc. Grants: \$9,408.41; Estimate Tax: \$14,441.47; Game and Fish: \$18,605.00; SW Victim Witness Program: \$17,426.56; Domestic Violence & Rape Crisis Center: \$962.50; Preservation Fee: \$2,544.00; State Reimbursement: \$150.00; Other Reimbursements: \$7,721.50; 911 Equipment: \$5,172.00;

Comm. Elkin moved to adjourn. Comm. Wolf seconded.

Kay Haag, Auditor

Ken Zander, Chairman