

Official Proceedings

September 4th, 2012
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. Wolf added Recorder. Comm. Hoff added Zoning. Chairman Zander added BLM Letter. Auditor Kay Haag added Time Card. Comm. Hoff 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 from the August 7th, 2012 meeting. Comm. Kuntz seconded. All voted Aye and the motion carried.

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

General: Payroll: \$158,775.43; Linda L Gingery: \$427.00; James Hope: \$466.20; Matthew Bender: \$60.94; West Payment Center: \$598.28; Dakota Water Treatment: \$24.00; SBM Inc: \$1,997.44; Raco Industries: \$106.75; Xerox Corporation: \$598.52; Comfort Inn: \$828.00; Diane Brines: \$156.00; Natalie Wandler: \$156.00; Maintenance Management: \$820.00; Consolidated: \$866.91; MDU: \$2,404.40; Roughrider Electric Cooperative: \$150.00; Southwest Water Authority: \$46.84; Braun Distributing: \$347.72; Electric Sales & Service: \$151.07; Newby's Ace Hardware: \$62.91; Nitro-Green: \$275.00; RJ Distributing: \$160.00; T-Rex Conoco: \$254.89; City of Dickinson: \$12,209.68; Visa: \$465.10; Election Systems: \$2,849.86; NDPers: \$20,270.16; Badlands Human Services: \$320.50; Maus & Nordsven: \$675.00; Farmers Union Oil of Bis/Man: \$4,030.95; Wright Express: \$2,611.91; Century Link: \$487.00; AT&T Mobility: \$852.79; Hirsch Floral: \$32.00; Walmart: \$328.75; Vogel Law Firm: \$1,662.50; MBI Energy Services: \$200.00; Ralph Weisenberger: \$78.15; Dickinson Parks & Rec: \$49.92; Gladstone Inn: \$415.80; Mainstay Suites: \$77.00; Springhill Suites: \$346.50; Daun Schaff: \$413.04; Wisconsin Technical College: \$700.00; Great Plains Clinic: \$289.00; Westwind Consulting: \$100.00; Dan's Supermarket: \$44.25; Rudy's Lock & Key: \$20.60; Service Printers: \$311.20; Total Safety US: \$46.00; Advanced Business Methods: \$231.06; Superior Cleaners: \$18.00; Wanner Western Wear: \$161.85; Dickinson Tire: \$19.61; Farmers Union of Richardton: \$357.42; Cenex Fleetcart: \$3,156.56; Balco Uniforms Co: \$39.64; Electronic Communications: \$7,645.00; The Perfect Fit: \$135.15; LEC Maintenance: \$9,227.39; Stevenson Funeral Home: \$1,295.00; Dennis E Wolf: \$3,900.00; Stark County Auditor (Federal Deposit): \$514.06; Verizon Wireless: \$40.01; ND Emergency Management: \$100.00; Professional Printing: \$36.00; Sure Sign: \$240.00; AED Everywhere: \$251.00; Dickinson Press: \$146.00;

County Road: Boltz Construction: \$1,350.00; Jurgens Trucking: \$13,052.50; Martin Construction: \$9,915.00; Northern Improvement: \$849,506.19; Edward Schwartz Construction: \$22,780.00; Maintenance Management: \$160.00; City of Belfield: \$22.25;

City of Dickinson: \$83.36; Consolidated: \$41.81; MDU: \$259.88; Roughrider Electric: \$630.00; Southwest Water Authority: \$50.70; AT&T Mobility: \$57.30; Century Link: \$56.50; City of Richardton: \$54.90; Belfield Automotive: \$9.76; Braun Distributing: \$104.34; Runnings Supply: \$124.42; Andy's Repair LLC: \$234.58; Dakota Filter Supply: \$629.93; DTE Truck Equipment: \$65.13; J & J Operating: \$141.42; NW Tire Inc: \$1,920.49; Performance Truck Center: \$40.50; Pump Systems LLC: \$94.83; Swanston Equipment: \$155.04; Trucks of Bismarck: \$341.34; Wallwork Truck Center: \$298.21; Westlie Crossroads: \$7,063.11; Butler Machinery: \$1,594.04; Carquest Auto Parts: \$7.58; George's Tire Shop: \$25.00; RDO Equipment Co: \$334.15; Southwest Grain: \$48,871.06; West Dakota Oil: \$3,563.07; Fastenal Company: \$38.58; General Steel: \$102.97; Hedahl's Headquarters: \$55.19; Prairie Auto Parts: \$6.31; Road Equipment Parts: \$371.11; Total Safety US: \$109.25; Z & S Control System: \$20,584.00; Husky Oil Marketing: \$8,597.61; Laker Chemical Inc: \$1,350.00; Norman G Jensen: \$282.30; Coca-Cola Bottling: \$48.00; Locators & Supply: \$299.99; Nace: \$120.00; Kadrmas, Lee & Jackson: \$54,968.95;

Highway Tax Distribution: Payroll: \$88,369.61; NDPers: \$20,754.98; NDACO: \$339.88;

Social Welfare: NDCSW: \$1,330.00; ND Dept of Human Services: \$6,797.50; NDPers: \$36,394.80; NDACO: \$140.00; Wrap Around Checks: \$325.00; Payroll: \$151,436.31; Social Services: \$13,676.06;

County Poor: ND Dept of Human Services: \$35,281.82;

IT – Computer/Updates: NDACO Resources: \$8,011.78; Consolidated: \$237.90; Avenet LLC: \$1,700.00; Dell Marketing LLC: \$1,671.60; Hewlett-Packard: \$1,232.77; Information Technology Dept: \$578.40; Visa: \$12.99;

Capital Improvement: Viking Glass of ND: \$47,250.00;

Fair Board: Stark County Fair Board: \$291.56;

County Jail: SWMCCC: \$82,195.65; St Joseph's Hospital: \$186.00;

Insurance: American Insurance Center: \$112.00;

Comp Health Care: NDPers: \$22,460.82; Blue Cross Blue Shield: \$158.90;

VSO Fund: Payroll: \$6,903.93;

Social Security: Stark County Auditor (Federal Deposit): \$29,522.01;

Advertising: Dickinson Press: \$838.48; The Richardton Merchant: \$73.50;

County Agent: Payroll: \$3,605.27; NDPers: \$349.42; Stark-Billings County 4H: \$69.30; Kurt Froelich: \$30.00; Samantha Roth: \$30.00; Consolidated: \$183.20; SBM Inc: \$15.53; Advanced Business Methods: \$964.86; Kirsten Hansen: \$137.74; Stacy Kilwein: \$100.00; Walmart: \$7.10;

Weed Control: Payroll: \$11,853.75; NDPers: \$2,174.75; SBM Inc: \$30.20; Walmart: \$1.94; Dickinson Press: \$185.34; Quality Quick Print: \$165.00; Crop Production: \$265.00; Runnings Supply: \$462.09; City of Dickinson: \$12.00; Mac's Inc: \$73.00; Pump Systems LLC: \$212.40; Walmart: \$7.88; Stark County Auditor (Federal Deposit): \$208.72;

9-1-1: Payroll: \$3,910.93; NDPers: \$1,335.37; Stark County Auditor (Federal Deposit): \$275.20; City of Dickinson: \$9,980.83; Century Link: \$1,613.78; Consolidated: \$695.00; Reservation Telephone: \$80.00;

Adult Education: Alberta Agriculture: \$60.00; NDSU Extension Pesticide Program: \$166.00;

Domestic Violence: State Treasurer: \$805.00;

Traf Safety Grant: Payroll: \$1,799.95;

Cops Grant 2011: Payroll: \$3,785.47; NDPers: \$889.12; Stark County Auditor (Federal Deposit): \$289.59;

Cops Grant 2009: Payroll: \$3,785.47; NDPers: \$889.12; Stark County Auditor (Federal Deposit): \$289.59;

Misc. Grants: Electronic Communications: \$372.00;

SW Victim Witness Program: Payroll: \$4,476.22; SBM Inc: \$61.82; NDPers: \$846.14; Consolidated: \$40.90; Stark County Auditor (Federal Deposit): \$327.03; AT&T Mobility: \$64.04; Linda Presler: \$199.30;

DVRCC: Domestic Violence: \$981.00;

Preservation Fund: Consolidated: \$59.95; Payroll: \$135.60;

State Reimbursement: Tom Grosz: \$25.00;

Siren Contingency: Denny's Electric: \$1,634.50; Roughrider Electric: \$196.00;

Other Reimbursements: Consolidated: \$182.00; Office of Attorney General: \$1,335.00;

911 Equipment: Consolidated: \$55.58; Walmart: \$32.88;

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

Comm. Kuntz moved to approve out of state travel for training, employee to be determined. Comm. Wolf seconded. All vote Aye and the motion carried.

Auditor Kay Haag informed the Commission that Fern Moser submitted a time card for Comp. time. The Commission directed Sheriff Clarence Tuhy to research the matter.

Al Heiser, Road Superintendent, gave an update on roads, dust control and fuel budget.

Tim Kelly, Kadrmas, Lee & Jackson, gave the Engineers Report.

Comm. Wolf moved to appoint Kathy Schwab interim Recorder beginning October 1st, 2012. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Elkin moved to adopt the Funds Balance Policy:

Minimum Fund Balance – The County will maintain a minimum unassigned fund balance in its General Fund of \$550,000.00. This minimum fund balance is to protect against cash flow shortfalls related to timing of projected revenue receipts and to maintain a budget stabilization commitment.

Replenishing deficiencies – when fund balance falls below the minimum [15] percent range, the County will replenish shortages/deficiencies using the budget strategies and time frames described below.

The following budgetary strategies shall be utilized by the County to replenish funding deficiencies:

- The County will reduce recurring expenditures to eliminate any structural deficit or,
- The County will increase revenues or pursue other funding sources, or,
- Some combination of the two options above.

Minimum fund balance deficiencies shall be replenished within the following time periods:

- Deficiency resulting in a minimum fund balance between [12.5] percent and [15] percent shall be replenished over a period not to exceed one year.
- Deficiency resulting in a minimum fund balance between [10] percent and [12.5] percent shall be replenished over a period not to exceed three years
- Deficiency resulting in a minimum fund balance of less than [10] percent shall be replenished over a period not to exceed five years.

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

Comm. Wolf moved to authorize Chairman Zander to sign the Energy Impact Grants for the Sheriff's Department, Emergency Management and the Dickinson Ambulance.

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

Shawn Kessel, City Administrator, gave an update on anticipated annexations.

Irene Rohde, Council on Aging, asked for support for the 2013 budget year. The Commission will consider it.

Comm. Hoff presented a recommendation from the Zoning Board to deny the request from Kenneth Heck. The request was for a zoning change from Agricultural to Industrial. The location being in the NW4 Section 5, Township 140, Range 99 containing approximately 25 acres. Comm. Elkin moved to approve the Zoning Boards recommendation to deny the zoning change from Agricultural to Industrial for Kenneth Heck. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff moved to approve the revised final plats for Enchanted Acres Subdivision located in the SW4 and NE4 Section 5, Township 139, Range 94, and a final plat for Buffalo Heights Subdivision located in All of Government Lot 1 Section 5, Township 139, Range 94. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to deny the request from Richard Dahm. The request was for a zoning change from Agricultural to Residential and for a plat of Duck Creek Estates. The location being in the SE4 Section 2, Township 139, Range 97 containing approximately 218 acres. Comm. Hoff moved to approve the Zoning Boards recommendation to deny the zoning change from Agricultural to Residential for Richard Dahm with the condition that Richard Dahm is not to appear before the Zoning Board for a period of six months. 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 Brian Dolyniuk. The request was for a zoning change from Agricultural to Heavy Industrial with a Conditional Use Permit for a Planned Unit Development to allow for a trade school/private training center with short term accommodations for the training center for students. The location being in the NW4 Section 5, Township 140, Range 99 containing approximately 25 acres. Bob Procive spoke against and Jim Arthaud spoke for the zoning change. Comm. Elkin moved to approve the Zoning Boards recommendation to approve the zoning change from Agricultural to Heavy Industrial for Brian Dolyniuk with the following revised conditions:

- a. Development shall be limited to a vocational school for an oilfield safety academy with a maximum enrollment of 60 students.
- b. The location of the buildings and other uses on site associated with the academy will be as generally shown on the site plan submitted on August 20, 2102.
- c. The residential dormitory shown on the site plan shall be limited to a maximum occupancy of 60 students.
- d. Hours of operation for outside activities shall be limited to 7 am to 9 pm.
- e. A maximum of nine trucks for training purposes shall be allowed on the site.
- f. The developer shall be required to improve 127th Ave S south of 35th St SW to meet minimum County Standards. Maintenance of this portion of 127th Ave

S, including, but not limited to, blading and snow plowing, shall be the responsibility of the developer.

- g. Any future expansions on the site as well as changes to the uses allowed on the site shall require a hearing before the Stark County Planning and Zoning Board as well as approval from the Stark County Commission.
- h. The developer shall secure all applicable water and sewer permits from the Southwest District Health District.
- i. Fluids and materials used for training purposes, including production oil and water, shall be limited to those authorized by the North Dakota Administrative Code as regulated by the North Dakota Industrial Commission. Storage and clean up for fluids and materials used for training purposes shall be in accordance with the rules and regulations of the State of North Dakota.
- j. No rail facilities shall be constructed as part of the project.

With the following condition added:

Work over rigs and jake breaking used between the hours of 7 am to 5 pm.

Al Brown voiced his concerns for dust control on 41st St SW.

Roy and Sharon Romanyshyn voiced their concerns regarding a road easement on 32nd St SW. Comm. Kuntz moved to condemn the property and conform to county standards. Comm. Wolf seconded. Roll call vote. All voted Aye and the motion carried. Al Heiser was instructed to meet with Roy and Sharon Romanyshyn to negotiate and resolve the situation.

Vicky Steiner with the North Dakota Oil and Gas Producing Counties presented a support letter to the Bureau of Land Management regarding keeping hydraulic fracturing at the local level. Comm. Wolf moved to authorize the Commission to sign the support letter. Comm. Elkin seconded. All voted Aye and the motion carried.

Tom Henning, States Attorney, presented Liquor License Resolutions/Ordinances from Cass County, Morton County and Burleigh County. Comm. Wolf moved to amend Stark County Ordinances and add a Liquor License Ordinance/Resolution. Comm. Elkin seconded. All voted Aye and the motion carried.

The following **Miscellaneous Receipts** were filed: General: \$222,974.07; County Road: \$590,550.71; Highway Tax Distribution: \$243,101.99; Social Services: \$100,418.24; IT-Computer/Updates: \$2,283.33; Capital Improvement: \$358,004.45; Infrastructure: \$11,689.13; County Park: \$33,958.35; Social Security: \$10,006.37; County Agent: \$100.00; Weed Control: \$27,054.09; 911 Revenue: \$23,563.98; Adult Education: \$30.00; Fingerprint Station: \$296.00; Domestic Violence: \$910.00; Misc. Grants: \$27,278.25; Estimate Tax: \$10,739.94; Game and Fish: \$21,012.00; SW Victim Witness Program: \$2,381.00; Domestic Violence & Rape Crisis Center: \$981.00; Preservation Fund: \$2,571.00; Other Reimbursements: \$3,577.19; 911 Equipment: \$7,837.09;

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

Kay Haag, Auditor

Ken Zander, Chairman