

Official Proceedings

September 2, 2008

8:00 am

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

Chairman Wolf asked for any additions to the agenda. Comm. Nodland added NDACO conference. Comm. Zander moved to approve the agenda. Comm. Willer seconded. All voted Aye and the motion carried.

Comm. Hoff moved to approve the minutes from the August 5, 2008 meeting as presented. Comm. Nodland seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Willer moved to approve the accounts payable and supplement as presented. Comm. Zander seconded. Roll call vote. All voted Aye and the motion carried.

General: Payroll: \$121,168.55; George Nodland: \$75.00; Ken Zander: \$75.00; Alice Schulz: \$194.58; SBand: \$85.00; Matthew Bender: \$410.85; West Payment Center: \$495.46; Dakota Water Treatment: \$34.00; SBM Inc: \$1,389.95; Braun Distributing: \$892.58; Raco Industries: \$107.19; Service Printers: \$527.90; The Press Room: \$15.00; Comfort Inn: \$440.00; Diane Brines: \$57.50; Natalie Wandler: \$57.50; Winn Construction: \$400.00; B & M Security Inc: \$16.50; Border States Electric: \$108.36; DJ's Tesoro: \$124.81; Ecolab Pest Eliminator: \$150.00; I Spy Tech: \$70.00; Jerome Distributing: \$270.55; Kappel Tree Service: \$150.00; Newby's Ace Hardware: \$101.70; Quality Xterminators: \$40.00; Steffan's Saw & Bike: \$14.98; City of Dickinson: \$7,904.57; MDU: \$2,392.69; Roughrider Electric: \$140.00; Walmart: \$108.14; The UPS Store: \$8.42; Election Systems: \$4,866.37; Break Forth Church: \$50.00; Medcenter One Occupational Health: \$531.67; NDPers: \$13,665.67; County Stutsman: \$82.50; Ottmar & Ottmar: \$71.25; Hardy, Maus & Nordsven: \$2,035.50; Farmers Union Oil of Bis/Man: \$3,483.24; Consolidated: \$1,514.15; Alltel: \$811.17; Qwest Corporation: \$487.00; Xerox Corporation: \$281.29; ND Youth Correctional Center: \$1,462.80; Dickinson Parks: \$60.32; Todd's Auto: \$200.00; T-Rex Conoco: \$52.25; Diane Brines: \$60.20; Myron: \$344.75; Airport International Inn: \$605.00; Country Inn & Suites: \$55.00; Visa: \$9.55; Lawrence Kitzman: \$8.59; Runnings Supply: \$84.57; Dacotah Paper Co: \$113.25; Dakota Rubber Stamp: \$49.90; Advanced Business Methods: \$587.79; Superior Cleaners: \$40.25; Charbonneau Car Center: \$102.99; Dickinson Tire: \$1,159.45; Electronic Communications: \$2,766.00; Farmers Union Oil of Richardton: \$914.75; Kohler Communications: \$47.90; New Vision Truck Center: \$31.00; Schmidt Transmission: \$62.63; T-Rex Conoco: \$339.19; Cenex Fleetcard: \$89.22; Tesoro Fleet Service: \$2,658.73; Visa: \$106.66; Todd Weiler: \$60.00; LEC Maintenance: \$18,411.06; American Bank Center: \$549.80; Brent Pringle: \$50.00; Dickinson Press: \$70.50;

10 Mill: Kadrmas, Lee & Jackson: \$84.87;

County Road: Kadrmas, Lee & Jackson: \$15,231.97; Outback Lumber Supply: \$150.52; City of Dickinson: \$61.24; Alltel: \$87.52; City of Belfield: \$12.85; City of Richardton: \$54.90; Consolidated: \$24.56; MDU: \$354.12; Qwest Corp: \$51.15; Roughrider Electric: \$786.00; Southwest Water Authority: \$39.45; Border States Electric: \$39.87; Dakota Filter Supply: \$82.80; Dickinson Supply: \$221.29; Farmers Union Oil of South Heart: \$1.49; Runnings Supply: \$112.92; Newby's Ace Hardware: \$97.58; Praxair: \$144.93; Beall Corporation: \$165.29; Dickinson Tire: \$605.92; George's Tire: \$332.00; Mark's Tire Service: \$17.45; Pump Systems Inc: \$24.85; Schmidt Repair: \$3,653.31; Performance Truck Center: \$6,645.13; Interstate Power: \$807.61; Butler Machinery: \$280.25; Carquest Auto Parts: \$17.35; Dakota Farm Equipment: \$23.75; Dakota Tool & Machine: \$12.00; Kohler Communications: \$49.50; Prairie Implement: \$482.60; R & R Auto: \$603.66; Swanston Equipment: \$30.71; CNH Titan Access: \$163.93; West Plains Inc: \$566.26; Powerplan-RDO: \$38.17; Southwest Grain: \$17,377.70; West Dakota Oil: \$3,725.74; J's Muffler Shop: \$7.00; Fisher Sand & Gravel: \$599.17; Northern Improvement: \$105.00; Lyle Signs Inc: \$45.53; Payroll: \$163.92; ND Dept of Transportation: \$26,180.50;

Highway Tax Distribution: Payroll: \$57,906.89; NDPers: \$11,854.30;

Social Welfare: Emil Berard: \$2,720.00; Joann Gordon: \$75.00; ND Dept of Human Services: \$1,130.03; Cynthia Chestnut: \$150.00; Division of Vital Statistics: \$14.00; Payroll: \$165,891.71; Social Services: \$14,105.15; NDPers: \$35,114.00;

County Poor: ND Dept of Human Services: \$24,277.61;

IT – Computer/Updates: Payroll: \$4,200.00; NDPers: \$637.71; American Bank Center: \$305.67; Darren Czapiewski: \$23.99; Consolidated: \$162.47; CDW Government Inc: \$556.51; SBM Inc: \$54.34; Alltel: \$22.33; City of Dickinson: \$.06; Walmart: \$20.52; Information Technology Dept: \$1,174.55; Official Payment Center: \$225.00;

Fair Board: Stark County Fair Board: \$191.39;

County Jail: SWMCCC: \$27,614.75; Bismarck-Mandan Security Inc: \$3,850.20; Burleigh County Sheriff's Dept: \$310.20;

Insurance: American Insurance Center: \$150.00;

Comp Health: Blue Cross Blue Shield: \$445.30; Medicare Blue RX: \$118.70; NDPers: \$15,886.06;

VSO Fund: Payroll: \$5,508.81; Leslie Ross: \$583.00; Sarah Galster: \$438.50; Jonathan Publishing: \$137.00; Quality Quick Print: \$87.99; SBM Inc: \$41.50;

Social Security: American Bank Center: \$25,189.58;

Advertising: Dickinson Press: \$164.25;

County Agent: Payroll: \$3,495.81; NDPers: \$217.96; NDSU Ext Service: \$92.90; Kurt Froelich: \$30.00; Sharon Kickertz-Gerbig: \$30.00; Consolidated: \$141.33; SBM Inc: \$26.48; Advanced Business Methods: \$792.39; Travis Binek: \$35.00; Brenda Erie: \$100.00; Kirsten Hansen: \$138.80; NDSU Extension Service: \$25.00;

Weed Control: Payroll: \$10,240.87; NDPers: \$978.21; Alltel: \$21.88; ND Weed Control: \$360.00; SWMCCC: \$220.00; SBM Inc: \$4.11; US Postal Service: \$84.00; Runnings Supply: \$257.61; George's Tire Shop: \$179.00; Just In Glass: \$195.00; Pump Systems Inc: \$2.87; Western Fire & Safety: \$44.00; American Bank Center: \$109.07;

9-1-1: Payroll: \$5,632.65; NDPers: \$1,617.44; American Bank Center: \$398.69; City of Dickinson: \$6,215.41; Comfort Inn: \$110.00; Qwest: \$1,606.91; Consolidated: \$697.00; Reservation Telephone: \$80.00; NDA CO: \$9,259.34; SBM Inc: \$143.13;

Adult Education: Center for 4H Youth: \$91.00; Duke Enterprises: \$41.98; NDSU Extension Service: \$25.00; SBM Inc: \$322.99; CMRS-PB: \$2,798.24; Walmart: \$277.79;

Domestic Violence: State Treasurer: \$770.00;

Oil Impact Grant: Payroll: \$875.67;

Traffic Safety Grant: Payroll: \$1,553.97;

SW Victim Witness Program: Alltel: \$101.05; Consolidated: \$2.85; Payroll: \$3,034.75; American Bank Center: \$221.84; NDPers: \$531.44;

Domestic Violence Rape Crisis Center: Domestic Violence: \$587.50;

Preservation Fee: Cass County Treasurer: \$969.00; Datrue Process Automation: \$95.00;

State Reimbursement: Kimberly Schwindt: \$25.00; Larry Skwarok: \$25.00; Wendy Sundheim: \$25.00; Ralph Poikus: \$25.00; Dave Wilkie: \$25.00; Bernie Marsh: \$25.00; Marriah Marsh: \$25.00;

Other Reimbursements: Consolidated: \$178.13;

Judgment Execution: Dean D. Kubas: \$2,872.69; Stark County Sheriff's Dept: \$2,412.36; Clerk of District: \$220.26; Wells Fargo Bank: \$168,779.74;

911 Equipment: Archonix Systems: \$3,100.00; Berger Electric: \$209.88; Bullberry Systems: \$8,262.50; Kohler Communications: \$127.50; Alltel: \$103.48;

Gary Kostelecky, Emergency Management, recommended keeping the burn ban in effect until we get additional moisture.

Al Heiser, Road Superintendent, gave an update on road projects and requested out of state travel to Rapid City. Comm. Hoff moved to approve out of state travel to Rapid City, South Dakota for four road crew members. Comm. Nodland seconded. Roll call vote. All voted Aye and the motion carried.

Sheriff Clarence Tuhy reported the shooting range needs to be relocated due to the proximity of Patterson Lake and housing area. The Sheriff's Office and City of Dickinson Police Department have been working together to find a 40 acre or less tract of land and are open to any suggestions. A grant has been acquired to assist with some of the expense.

Auditor Schulz requested voting hours be set for the general election in November. Consensus of the Board was to keep voting hours at 8:00 AM to 7:00 PM on Election Day and Early Voting hours be set at Auditor Schulz's discretion.

Auditor Schulz, reported the Stark County Weed Board is recommending Daryl Zarak be appointed to replace Jerry Perdaems, Sr. who is retiring from the Weed Board. Comm. Nodland moved to appoint Daryl Zarak to the Stark County Weed Board. Comm. Willer seconded. All voted Aye and the motion carried. Chairman Wolf directed Auditor Schulz to send a letter to Mr. Perdaems thanking him for years of service.

Auditor Schulz reported she will notify The Dickinson Press of the meeting with Senator Conrad on September 4, 2008 and of the Southwest County Association meeting to be held on September 22, 2008.

Auditor Schulz reported that everyone is registered for the NDACO annual conference scheduled for October 12 thru October 15, 2008. Comm. Hoff, Comm. Nodland and Al Heiser will meet with Dave Leftwich of NDDOT.

Tim Kelly, Kadrmas, Lee & Jackson, gave the engineers report and update on road projects. A bid opening is scheduled for September 16, 2008, for the grading project south of Dickinson.

Irene Rhode, President for Stark County Council on Aging, thanked the Board for their past support and requested funding for the program for 2009. The Board will consider the request.

Jaclin Wike, Bond Attorney for DSU Foundation, requested Stark County serve as the pass through agent on a MIDA bond for the Badlands Activities Center. Stark County would serve as the sponsor or pass through agent only and would be under no obligation for payment of principal or interest. Comm. Nodland moved to authorize the Chairman sign the resolution to set a Public Hearing for the MIDA Bond issue for 9:30 AM at the October 7, 2008, Board of Commissioners meeting. Comm. Willer seconded. Roll call vote. All voted Aye and the motion carried.

Kevin Thompson, DSU Foundation Executive Director, gave an update on the Badlands Activities Center; several adjustments have been made since his presentation last fall.

Darriane Johnson, Domestic Violence and Rape Crisis Center Director, gave an update on services provided and requested funding for 2009. The Board of Commissioners will consider the request.

Mike Maus, requested a public hearing be set for the October 7, 2008, meeting to close a portion of a section line between Section 4-139-95 and Section 33-140-95.

Comm. Nodland reported that Zoning and Planning received a request from Neal Messer, for GTLE Dakota Plant 1, to apply for an amendment to the Stark County Zoning Ordinance and Map to change zoning from agriculture to industrial with a special use permit for processing and beneficiating of coal.

Neal Messer representing GTL Energy explained that GTL Energy would like to build a demonstration plant west and southwest of South Heart on 39th Street on a forty acre tract. The plant would consist of two buildings.

Robert French, Chief Executive Officer of GTL Energy, reported the plant would use state of the art technology to remove water from low grade coal, thus increasing thermal energy and efficiency. The process can reduce moisture found in coal from a level of 64% down to 8% moisture.

Mike Maus, Attorney for GTL Energy, asked the commission to consider making the zoning change so they could start on the building and attach the conditions to the special use permit.

Others speaking in support of the GTL Energy plant were Justin Kuylen, John Schulz, Steve Hoven and Gaylon Baker.

Mary Hodell, Myron Eberts, and Frank Hurt, members of Neighbors United, expressed concerns of individuals who live near the proposed plant, questioned who would be paying for the roads and what the connection was between GTL Energy and Great Northern Power Development.

Mark Trechok, Dakota Resource Council, entered for the record a letter to the Public Service Commission requesting a jurisdictional determination pursuant to ND Century Code Chapter 49-22 regarding a proposed coal beneficiation facility, and a news release dated April 3, 2008, titled South Heart gasification project embraces new coal beneficiation technology. Documents are held in Stark County Auditor's office.

Derrick Braaten, Counsel for Dakota Resource Council, mentioned that the Commission is being asked to decide on a land use, and wanted to remind them that their decision should be based on the context of the County's Comprehensive Plan which dictates such

things as avoiding conflicts between land uses and strive to protect the agricultural integrity of rural areas, rather than on a whim of what is good or bad for the community.

Comm. Nodland moved to accept the Planning and Zoning Boards recommendation to approve the request by GTLE Dakota Plant 1 LLC to amend provisions of the Stark County Zoning Ordinance and Map in the SW4 of the NW4 of Section 20, Township 139 North, Range 98 West, to change zoning from agricultural to industrial with a special use permit for the processing and beneficiation of coal subject to the company obtaining all the required approvals and permits from State agencies responsible, and States Attorney Henning to also review the application and make sure it complies with all county ordinances and that the county commission request as part of the application that the company hold public information meetings in South Heart. Comm. Hoff seconded. Discussion was held. Comm. Nodland amended his previous motion to include that GTLE agree in writing to complete roads as our engineering firm so designed, and that issuance of the special use permit be conditioned upon compliance by GTLE with all of the specified conditions. Comm. Hoff seconded the amendment. Chairman Wolf called for a roll call vote to accept the amendment. All voted Aye and the motion carried. Chairman Wolf then called for a roll call vote on the motion as amended. All voted Aye and the motion carried.

Comm. Nodland moved to adjourn. Comm. Zander seconded.

Alice Schulz, Auditor

Duane A. Wolf, Chairman

Official Proceedings

September 16, 2008

8:00 am

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

Chairman Wolf asked for any additions to the agenda. Auditor Schulz added salt shed agreement. States Attorney Henning added contract with GTLE for road. Chairman Wolf called for vote to ratify agenda. All voted Aye and the motion carried.

Comm. Willer moved to approve the minutes from the September 2, 2008 meeting as presented. Comm. Hoff seconded. All voted Aye and the motion carried.

Larry Bernhardt, Social Services Director, presented highlights of the Social Service budget for 2009. Comm. Hoff moved to approve the Social Services budget as presented. Comm. Zander seconded. Roll call vote. All voted Aye and the motion carried.

Auditor Schulz reported that the 2007 real estate valuation was \$48,768,010.00 and the 2008 real estate valuation is \$56,912,038.00 which reflects a 16.7% increase in valuation.

Auditor Schulz gave a brief overview of the 2009 budget for General Fund, reporting that \$100,000 will need to be transferred from the Oil & Gas Revenue Fund to help balance the budget.

Auditor Schulz reviewed the 2009 budget for the Capital Improvement Fund. Discussion was held on the Dickinson Rural Fire Departments request for \$50,000.00 to be put towards a new fire truck. The Dickinson Rural Fire District is already levying the maximum mills and is the back up for other fire districts. Comm. Zander moved to accept the Capital Improvement Fund 2009 budget. Comm. Willer seconded. Roll call vote. All voted Aye and the motion carried.

Auditor Schulz presented the Advertising Budget with the following contributions: Historical Society - \$5,000.00; SW Restitution - \$6,500.00; Spelling Bee - \$455.00; Domestic Violence and Rape Crisis Center - \$4,000.00; Uranium Study - \$3,000.00; Cowboy Hall of Fame - \$5,000.00; Belfield Veterans Memorial - \$1,500.00. It was the consensus of the Board to leave the budget as presented.

Auditor Schulz presented employee salary increases reflecting 4% and 5% increases for 2009. It was the consensus of the Board to go with the 5% increase to salaries. Comm. Zander recommended that at the end of each year provide a benefits statement to all employees.

Auditor Schulz requested a change to the longevity policy; currently longevity is paid at the end of the year for years of service, and is based on salary. Auditor Schulz presented four longevity plans to be reviewed, Plan C is comparable to the City of Dickinson's which is paid per month, and is based on years of service, so all employees with same years of service are paid the same longevity regardless of their salary. Comm. Zander moved to adopt Longevity Plan C to take effect in 2009. Comm. Willer seconded. Roll call vote. All voted Aye and the motion carried.

Sheriff Tuhy reviewed the Sheriff's Office budget for 2009.

Bid Opening for Road Project CP4525(08)01 for Grading & Surfacing over a seven mile stretch southeast of Dickinson. Bids were received from On-Site Improvements for \$497,683.15; Martin Construction for \$421,518.90; Edward Schwartz Construction for \$493,373.14; and Wilson Construction for \$486,066.24. Comm. Nodland moved to award Project CP4525(08)01 to Martin Construction contingent on Kadrmass, Lee & Jackson's review of figures. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Auditor Schulz presented the individual 2009 department budgets within the General Fund. Comm. Willer moved to approve all budgets coming out of the General Fund. Comm. Nodland seconded. Roll call vote. All voted Aye and the motion carried.

Al Heiser, Road Superintendent, presented the County Road Funds budget for 2009. The budget reflects a transfer of \$80,000 from Highway Distribution Fund to County Road Fund to help with general expenses. Comm. Hoff moved to approve the County Road Fund as presented. Comm. Willer seconded. Roll call vote. All voted Aye and the motion carried.

Auditor Schulz presented the 2009 budgets for the Special Revenue Funds. Weed Control is deficit spending and someday will need to be bailed out. Weed Control is assessed to only rural parcels, and are levying the maximum mills allowed. Some solutions suggested were combining with the City of Dickinson, getting legislation to increase mills, and applying for Energy Impact Grants. Comm. Zander moved to approve the Special Revenue Funds budgets as presented. Comm. Willer seconded. Roll call vote. All voted Aye and the motion carried.

Craig Kubas, Kadrmas, Lee & Jackson, reported that Martin Construction's bid for Road Project #CP-4525(08)01 checked out, but there was an irregularity on the formality of their bid. Martin Construction used an alternative bid form to submit their bid. According to Section 1.2 the Board has the right to waive irregularity. Comm. Nodland moved to waive the irregularity of Martin Construction's bid. Comm Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Auditor Schulz presented the Trust and Agency Funds – Non Budget Items. Comm. Nodland moved to approve the Trust and Agency Fund – Non Budget Items as presented. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Zander moved to approve St. Stephens Church raffle permit. Comm. Willer seconded. All voted Aye and the motion carried.

Comm. Hoff moved to authorize the Auditor sign the Energy Impact Grant request for reimbursement. Comm. Zander seconded. All voted Aye and the motion carried.

Comm. Zander moved to authorize the Chairman sign the memorandum to accept the recommendation to award the contract to the low bidder, Strongform, Inc., on the Dickinson District's Re-Bid Membrane Covered Salt/Sand Storage Building. Comm. Nodland seconded. All voted Aye and the motion carried.

States Attorney Henning suggested forming a committee to determine what Stark County's expectations are pertaining to GTLE and the road they are agreeing to redo according to Kadrmas, Lee & Jackson's design. Comm. Hoff and Al Heiser, Road Superintendent, volunteered to serve on the committee with Kadrmas, Lee & Jackson. Chairman Wolf directed States Attorney Henning to draw up the agreement or make

changes to GTLE's proposal after receiving recommendations from the committee, to be reviewed at a future meeting.

Auditor Schulz was directed to get Weed Control and Open Meeting Law on the agenda for the SW County meeting to be held on September 22, 2008.

The following **Miscellaneous Receipts** were filed: General: \$138,991.01; County Road: \$7,842.23; Highway Tax Distribution: \$118,185.90; Social Services: \$62,140.36; Information Technology: \$1,925.36; County Park: \$676.71; Social Security: \$2,850.07; Weed Control: \$27,694.50; 911 Revenue: \$19,954.20; Adult Education: \$1,622.50; Fingerprint Station: \$56.00; Domestic Violence: \$525.00; Criminal Interdiction Grant: \$3,872.19; Homeland Security Grant: \$6,990.49; Estimate Tax: \$7,374.92; Game and Fish: \$6,607.00; LEC Financial Officer: \$4,781.75; SW Victim Witness: \$4,474.22; DVRCC: \$887.50; Preservation Fee: \$1,242.00; Other Reimbursements: \$256.21; Judgment Execution Fund: \$1,268.84; 911 Equipment: \$2,961.91; 911 Wireless Fee: \$3,689.48;

Comm. Nodland moved to adjourn. Comm. Hoff seconded.

Alice Schulz, Auditor

Duane A. Wolf, Chairman