

## Official Proceedings

Sept 3rd, 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. Kuntz added Courthouse trees. Comm. Elkin moved to approve the agenda with the one addition. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Kuntz moved to approve the minutes from the August 6, 2013 meeting. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

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

**General:** Payroll: \$191,767.04; Patricia Garrity: \$560.00; Best Western Fargo Doublewood: \$138.60; Melissa Rummel: \$56.50; Matthew Bender: \$1,180.51; Secretary of State: \$88.00; West Payment Center: \$638.99; Dakota Water Treatment: \$37.75; SBM Inc: \$651.64; Raco Industries: \$169.60; Unlimited Office Supplies: \$744.40; Xerox Corporation: \$608.25; Comfort Inn: \$138.00; Consolidated: \$524.08; MDU: \$2,238.91; Roughrider Electric: \$152.28; Southwest Water Authority: \$65.05; Braun Distributing: \$1,244.31; Clean Sweep Vacuum: \$199.95; JB's Window Cleaning: \$2,080.00; Jon's Home Comforts Inc: \$372.00; JP Steel & Supply: \$4.30; Logo Magic Inc: \$70.00; Mann's Plumbing: \$284.78; Newby's Ace Hardware: \$188.95; Nitro-Green: \$289.00; Pump Systems Inc: \$43.49; R & J Distributing: \$80.00; Rudy's Lock & Key: \$60.00; Runnings Supply: \$137.63; Steffan's Saw & Bike: \$293.89; T-Rex Conoco Inc: \$614.67; City of Dickinson: \$91,818.57; Visa: \$822.77; Walmart: \$1,279.28; Election Systems: \$2,849.86; NDPers: \$28,714.66; Maus & Nordsven: \$675.00; Stutsman County: \$190.00; Cenex Fleetcard: \$10,366.28; Farmers Union Oil Bis/Man: \$1,169.37; Wex Bank: \$691.16; Action Cleaning: \$1,435.00; Allan's Decorating: \$328.00; AT&T Mobility: \$1,425.71; Century Link: \$487.00; George Kuchynski: \$19.00; Office Max Inc: \$385.22; Elks 1137: \$82.35; Ralph Weisenberger: \$80.01; Zuger Kirmis & Smith: \$7,437.50; Gaylon Baker: \$200.00; Dickinson Parks & Rec: \$49.92; Dan Porter Motors: \$72.92; All American Travel: \$1,238.60; Samantha Ruane: \$60.57; Sleep Inn & Suites: \$162.90; Souris Valley Supplies: \$504.25; ND Sheriff's & Deputies Assoc: \$110.00; Advanced Business Methods: \$300.98; Dickinson Collision Center: \$243.93; Dickinson Tire: \$53.52; Electronic Communications: \$210.00; Midas Auto Services: \$626.91; Parkway Ford Sales: \$125.90; Queen City Upholstery: \$527.55; R & J Communications: \$7,191.75; Sax Motor Co: \$206.15; Total Safety US: \$50.50; Farmers Union of Richardton: \$825.52; Balco Uniforms Co: \$636.66; Chief Supply: \$85.35; Thumper's Guns: \$960.00; Ultramax: \$2,016.00; LEC Maintenance: \$11,199.99; Stark County Auditor (Federal Deposit): \$549.14; Verizon Wireless: \$40.01; Hewlett-Packard: \$120.00; ID America: \$106.19; ND Assoc of Oil Producing Co: \$4,000.00; Dickinson Press: \$56.24;

**10 Mill:** Kadrmas, Lee & Jackson: \$1,474.04; ND Dept of Transportation: \$821.59;

**County Road:** Kadrmas, Lee & Jackson: \$48,259.48; All-In-Service: \$16,905.00; Ficek Wrecker Service: \$2,375.00; Jurgen's Trucking: \$13,023.75; Edward-Schwartz Construction: \$17,286.00; Ty Newton Fencing: \$287.00; Outback Lumber Supply: \$156.07; AT&T Mobility: \$163.02; Century Link: \$56.31; City of Belfield: \$22.50; City of Dickinson: \$83.61; City of Richardton: \$54.90; Consolidated: \$46.26; MDU: \$257.81; Roughrider Electric: \$684.00; SW Water Authority: \$49.21; Newby's Ace Hardware: \$25.98; Running's Supply: \$407.08; SBM Inc: \$194.98; TMI Storage System: \$105.00; Carquest Auto Parts: \$39.48; Diamond Truck Equipment: \$106.48; George's Tire Shop: \$25.00; Nelson International: \$4,951.49; NW Tire Inc: \$5,071.00; WallWork Truck Center: \$95.66; Westlie Truck Center: \$8.47; Butler Machinery: \$3,562.08; Pump Systems LLC: \$233.65; RDO Equipment Co: \$378.79; SW Grain: \$40,791.94; West Dakota Oil: \$708.50; Dakota Filter Supply: \$472.58; ETSystems Inc: \$335.62; Mac's Inc: \$59.05; Northern Improvement Inc: \$7,833.75; Prairie Auto Parts: \$4.99; West River

Striping: \$850.00; Z & S Dust Control: \$34,776.00; Laker Chemical Inc: \$6,761.25; NACE: \$30.00; ND Insurance Department: \$100.00; Service Printers: \$60.00; Chris Olhauser: \$3,900.00; Martin Construction: \$700,307.45;

**Highway Tax Distribution:** Payroll: \$98,488.72; NDPers: \$25,666.47; NDACO: \$20.00;

**Social Welfare:** Payroll: \$164,514.80; NDPers: \$41,648.89; ND Dept of Human Services: \$325.15; Wrap Around Checks: \$8,146.36; AT&T Mobility: \$58.37; Braun Distributing: \$94.72; Jack Brown: \$200.00; City of Dickinson: \$188.50; Comfort Suites: \$345.00; Consolidated: \$900.94; Dell Marketing LLC: \$1,900.96; DJ's Tesoro: \$36.99; Bertie Gustafson: \$626.78; Hewlett Packard: \$3,168.00; MDU: \$920.69; Pitney Bowes Inc: \$258.09; Record Keepers: \$36.00; SBM Inc: \$1,519.94; Sunrise Youth Bureau: \$8,861.25; Visa: \$363.14; Walmart: \$154.22;

**County Poor:** ND Dept of Human Services: \$31,385.29;

**IT-Computer/Updates:** NDACO Resources: \$10,617.73; Consolidated: \$341.76; NDACO Resources: \$149.15; Berger Electric: \$3,769.50; Dell Marketing LLC: \$1,194.00; Hewlett-Packard: \$5,584.00; Informational Technology Dept: \$689.60; Xerox Corporation: \$187.34;

**Capital Improvement:** New England Fire Dept: \$40,000.00;

**Park Board:** Kadrmas, Lee & Jackson: \$1,813.37;

**Fair Board:** Stark County Fair Board: \$214.90;

**County Jail:** SWMCCC: \$107,727.65; St Joseph's Hospital: \$198.00;

**Insurance:** American Insurance Center: \$139.00;

**Comp Health Care:** NDPers: \$32,221.93; Blue Cross Blue Shield: \$560.60;

**VSO Fund:** Payroll: \$7,423.92; Jessica Clifton: \$113.00; SBM Inc: \$694.14; Veteran's Information: \$50.00; Xerox Corporation: \$27.49;

**Social Security:** Stark County Auditor (Federal Deposit): \$33,942.39;

**Advertising:** Dickinson Press: \$493.54;

**County Agent:** Payroll: \$3,907.44; NDPers: \$419.00; Samantha Roth: \$717.30; US Postal Service: \$2,500.00; Kurt Froelich: \$35.00; Consolidated: \$169.29; Pitney Bowes Inc: \$155.52; Xerox Corporation: \$286.46; Jane Heth: \$40.00; Deb Theurer: \$100.00;

**Weed Control:** Payroll: \$15,730.42; NDPers: \$2,547.68; SBM Inc: \$9.49; Dickinson Press: \$236.84; Quality Quick Print: \$95.00; US Postal Service: \$138.00; Crop Production: \$209.22; Runnings Supply: \$347.19; George's Tire Shop: \$39.00; O'Reilly Auto Parts: \$79.99; East End Auto Parts: \$255.00; 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; Walmart: \$25.00; Century Link: \$1,626.54; Consolidated: \$453.00;

**Adult Education:** Bob's Photo: \$581.70;

**Domestic Violence:** State Treasurer: \$770.00;

**Oil Impact Grant:** Payroll: \$10,726.17;

**Saturation Patrol Grant:** Payroll: \$245.07;

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

**Misc. Grants:** Walmart: \$948.42; Scuba One: \$4,447.00;

**Security/Transfer DJS Reimb:** Farmers Union Oil Bis/Man: \$294.52;

**SW Victim Witness Program:** Payroll: \$4,736.22; SBM Inc: \$354.32; NDPers: \$1,006.82; AT&T Mobility: \$93.57; Consolidated: \$39.35; Verizon Wireless: \$40.01; Stark County Auditor (Federal Deposit): \$345.99;

**State Reimbursements:** Josh Gladden: \$25.00; Taylor Mccabe: \$25.00; Shane Holtz: \$25.00;

**Siren Contingency:** Roughrider Electric: \$209.00;

**Other Reimbursements:** Elks 1137: \$35.31; Consolidated: \$178.16; Visa: \$166.60; Pharm Chem Inc: \$525.00; Office of Attorney General: \$2,175.00; Walmart: \$9.24;

**911 Equipment:** SBM Inc: \$1,830.00; Consolidated: \$57.12;

Sheriff Clarence Tuhy was not present. A monthly report was provided.

Auditor Kay Haag presented three Veteran Service Joint Power Agreements between Stark County and Billings County for \$11,500.00, Stark County and Dunn County for \$17,000.00 and Stark County and Hettinger County for \$11,000.00. Comm. Wolf moved to authorize Chairman Zander to sign the three Veteran Service Joint Power Agreements. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Road Superintendent Al Heiser reported there are multiple items to be surplus property. Discussion was held to advertise the items and sell them in September. Comm. Wolf moved to declare the surplus items. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Wolf moved to take the New England Fire Department funds from Capital Improvement rather than the General. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Kuntz moved to authorize Chairman Zander to sign a Stationary Generator Maintenance Contract for the Courthouse with Denny's Electric and Motor Repair, Inc., with a yearly cost of \$780.00. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Hoff moved to approve the removal/trimming of trees on Sims Street for a cost of \$3,900.00. Comm. Wolf seconded. All voted Aye and the motion carried.

Al Heiser, Road Superintendent, gave an update on roads and weed control.

Tim Kelly, Kadrmas, Lee & Jackson, gave the engineers report on various projects and has scheduled a meeting at the NDACo Convention.

Jerry Mayer, presented the Sunrise Youth Bureau budget and requested funding for 2014. The Board of Commissioners will consider the request.

Irene Rohde, Council on Aging, requested funding for 2014 and thanked the Commission for past support. The Board of Commissioners will consider the request.

The following items were discussed regarding the Leave Time Policy:

1. Anniversary date of employee
2. Vacation leave substituted for sick leave, when sick leave is zero
3. Three days for funeral leave means three eight hour days

4. Leave without pay approval

Comm. Kuntz moved to adopt the amended items to the Leave Policy. Comm. Wolf seconded. All voted Aye and the motion carried.

Todd Miller, Road Department, researched and discussed GPS solutions for efficiency in county vehicles and presented rough costs.

Diane Brines, Tax Director, presented a Contract For Professional Appraisal Services. Comm. Elkin moved to authorize Chairman Zander to sign the Contract For Professional Appraisal Services. Comm. Hoff seconded. All voted Aye and the motion carried.

Steve Josephson, discussed a zoning change from Agricultural to Commercial and Industrial and a Conditional Use Permit requested by Carlson LeBuff (C.L. Thomas) that was tabled at the August 6<sup>th</sup> Commission meeting. The concerns were with the plat for the Planned Unit Development process and weed control. Comm. Hoff moved to approve the zoning change from Agricultural to Commercial and Industrial. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Hoff moved to approve the proposed amendments to Section 16.6 of the Stark County Zoning Ordinance to include the staff recommendations and the following language:

**Article VI: ~~Subdivision Regulations~~ Additional Provisions, would be amended to include the following language:**

**6.16 Excavation and Mining of Sand, Gravel, Rock, Stone, Scoria and Clay**

All mining and excavation sites shall be located so as to protect and preserve agricultural land and to minimize the traffic, noise, dust, fumes, vibration impact on adjoining uses, and disruption of known water sources. The provisions of this section shall not apply to any excavations for agricultural purposes or for uses requiring less than five thousand (5,000) cubic yards of aggregate.

An applicant for a conditional use permit to excavate or mine sand, gravel, rock, stone, scoria, or clay shall meet the following requirements:

- 1) Provide the County Zoning Administrator with a site plan for operation and reclamation of the mined land, including maps showing the location of the land to be mined; the location of roads and points of access to the site; adjacent residences with one mile of the site, maps showing the existing and proposed contours after the land is mined; and a timetable for operation of the site.
- 2) Provide the County Zoning Administrator with evidence of written agreement between the applicant and property owner that excavation or processing shall not take place within three hundred (300) feet of an adjacent property line or within five hundred (500) feet of an existing residence.
- 3) Provide documentation that the site has been inspected for invasive and/or noxious weeds by the County Weed Officer or a North Dakota Certified Weed Seed Free Forage (WSFF) Inspector before mining and excavation commences. The inspection shall occur at a time determined by the County Weed Officer. The Weed Officer shall provide the applicant with documentation of the inspection and the Applicant shall submit such documentation with the Conditional Use Permit Application. If during the inspection it is determined that site is infested with invasive and/or noxious weeds, the Applicant shall be required to submit a weed treatment plan that has been reviewed and approved by the County Weed Officer. The plan shall, at a minimum, include the following components:
  - a. Pit Opening Plan, which would include an inspection prior to opening of the pit;

- b. Overburden Material Stockpile Plan;
- c. Active Pit Mining Plan;
- d. Buffer Zone Area Plan;
- e. Mine Area Reclamation Plan; and
- f. Yearly Inspection Proposal Plan which would include annual inspections by the County Weed Officer.

The plan shall be submitted as part of the conditional use application.

Weed control treatments shall be completed and a reinspection by the Weed Officer or a WSFF certified inspector shall be completed prior to the commencement of mining operations. A written reinspection report shall be filed with the Stark County Zoning Administrator prior to the commencement of mining operations.

- 4) Demonstrate compatibility with the existing landform including the vegetation, surface, and ground water resources.
- 5) All mining and excavation sites must have at least a 3-to-1 slope.
- 6) Provide the County Zoning Administrator with written evidence of a reclamation agreement between the applicant and the surface owner.
- 7) Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned, or closure of the operation of the site. All top soil shall be replaced and planted to natural protected vegetation.
- 8) Post bond as followed in an amount to be determined by the County Commission.

Mining activities within a within a two-mile radius of a jurisdictional limits of any incorporated city within the County shall be prohibited.

Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Auditor Kay Haag reviewed the 2014 preliminary department budgets. The following Department Heads spoke about their respective budgets:

- 1. Tax Director Diane Brines presented the Tax Director's budget and included appraisal work with Pickett & Company.
- 2. Auditor Kay Haag presented the Commissioner's budget.
- 3. Auditor Kay Haag presented the auditor's budget with an increase in part-time Clerk wages for the election year.
- 4. Emergency Manager/9-1-1 Coordinator Bill Fahlsing presented the Emergency Management's budget with a request for his Assistant to go full-time as a Deputy and presented 9-1-1's budget.
- 5. Emergency Manager/9-1-1 Coordinator Bill Fahlsing presented an addition to the Information Technology budget for a part-time support person in conjunction with the City of Dickinson.
- 6. States Attorney Tom Henning presented the States Attorney's budget with the request to keep funds for an additional Assistant States Attorney and to include the Stark County Victim Witness budget.
- 7. Auditor Kay Haag presented the Custodians budget.
- 8. Weed Control Officer Diane Allmendinger presented the Weed Control's budget.
- 9. County Agent Kurt Froelich presented County Agent's budget.
- 10. Auditor Kay Haag presented the Veterans Service's budget with an increase to Billings County, Dunn County and Hettinger County for services.
- 11. Recorder Kathy Schwab presented the Recorder's budget with a request for a part-time Clerk.
- 12. Road Superintendent Al Heiser presented the 10 Mill's budget, County Road's budget, Special Road & Bridge's budget and Highway Distribution's budget with a request for a full-time crew member.

13. Sheriff Clarence Tuhy not present. Comm. Elkin requested the Sheriff's budget be reviewed at the September 17<sup>th</sup> meeting. Changes will be made to the 2014 preliminary budget and presented for review at the September 17<sup>th</sup> meeting. County Agent Kurt Froelich discussed certification requirements regarding Weed Control spraying of insecticides.

States Attorney Tom Henning updated The Commission regarding Courthouse security. An Engineering firm will be reviewing the Courthouse.

The following **Miscellaneous Receipts** were filed: General: \$953,106.71; County Road: \$323,018.50; Highway Tax Distribution: \$266,557.07; Social Services: \$109,377.64; IT-Computer/Updates: \$2,017.77; Capital Improvement: \$500,906.39; County Park: \$1,281,896.82; Social Security: \$3,994.94; Weed Control: \$47,484.25; 911 Revenue: \$27,604.83; Fingerprint Station: \$48.00; Domestic Violence: \$630.00; Saturation Patrol Grant: \$1,500.92; Estimate Tax: \$6,019.31; Game and Fish: \$25,005.00; SW Victim Witness Program: \$2,360.00; Domestic Violence & Rape Crisis Center: \$795.00; Preservation Fee: \$2,462.00; Other Reimbursements: \$7,375.16; 911 Equipment: \$4,871.53;

Comm. Elkin moved to adjourn. Comm. Kuntz seconded.

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Kay Haag, Auditor

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Ken Zander, Chairman