

## Official Proceedings

August 7, 2007

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. Zander added Southwest District Health. 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 July 3, 2007, meeting as presented. Comm. Nodland seconded. All voted Aye and the motion carried.

Comm. Willer moved to approve the minutes from the July 23, 2007, special meeting as presented. Comm. Zander seconded. All voted Aye and the motion carried.

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

**General:** Payroll: \$110,013.83; Russ Hoff: \$222.13; Betsy E. Johnson: \$80.00; State of North Dakota: \$25.00; Tom Henning: \$188.85; James Hope: \$97.00; SBAND: \$110.00; Matthew Bender: \$794.50; West Payment Center: \$458.01; Culligan Water: \$30.25; SBM Inc: \$255.24; Walmart: \$315.01; PFC Products Inc: \$171.95; Raco Industries: \$105.89; Service Printers: \$219.20; Xerox Corporation: \$345.28; NDAAO: \$280.00; Diane Brines: \$50.00; Natalie Wandler: \$50.00; Don's Filters: \$2,174.36; B & M Security: \$16.50; Braun Distributing: \$441.50; Electric Sales & Service: \$2,288.17; Jerome Distributing: \$465.25; Newby's Ace Hardware: \$120.69; Nitro Green: \$198.00; Pump Systems Inc: \$23.73; Quality Xterminators: \$120.00; Sherwin-Williams: \$105.63; UBC: \$23.25; City of Dickinson: \$7,723.48; MDU: \$3,268.54; West Plains Electric: \$156.00; NDPers: \$11,628.13; Job Service North Dakota: \$15.62; Hardy, Maus & Nordsvan: \$675.00; Sandness Law Office: \$195.00; Jodie Koch Scherr: \$239.68; Stutsman County Auditor: \$82.50; Consolidated: \$488.40; Qwest: \$487.00; Alltel: \$370.03; CMRS-PB: \$15,000.00; Quality Quick Print: \$564.42; Alice Schulz: \$27.44; ND Dept of Corrections: \$225.00; Vanguard Appraisal Service: \$18,462.50; Dickinson Parks & Rec: \$68.64; DJ's Amoco: \$123.46; Dakota Inn: \$89.88; Quality Inn & Suites: \$30.39; Visa: \$19.69; Advanced Business Methods: \$540.43; FedEx: \$14.13; Visa: \$157.77; ND State Radio Club: \$175.00; Galls Inc: \$22.08; Superior Cleaners: \$8.25; Copy Xpress: \$305.00; Dickinson Tire: \$92.57; Kohler Communications: \$42.00; Pro Tint: \$130.00; Sax Motor Co: \$27.20; T-Rex Conoco Inc: \$203.05; Western Fire & Safety: \$63.40; BP Amoco: \$2,495.75; Farmers Union of Bis/Man: \$1,525.83; Jay Kuntz: \$60.00; Ray Allen Professional K-9 Equip: \$84.95; SW Wireless: \$15.00; LEC Maintenance: \$3,808.66; Dennis E Wolf MD: \$3,875.00; American Bank Center: \$523.12; ND Emergency Management: \$120.00; Denny's Electric: \$92.00; ESP Computers: \$28.95; Gary Kostecky: \$138.45;

**10 Mill:** Kadrmas, Lee & Jackson: \$3,405.44;

**County Road:** Central Mechanical: \$3,730.59; Kadrmas, Lee & Jackson: \$903.88; American Bank Center: \$15,874.51; Pump Systems Inc: \$4,441.60; City of Dickinson: \$61.24; City of Belfield: \$12.85; City of Richardton: \$54.90; Consolidated: \$21.25; MDU: \$303.06; MGM Rural Sanitation: \$184.80; SW Water Authority: \$39.45; West Plains Electric: \$545.00; Qwest: \$50.16; Alltel: \$177.09; ACME Electric Co: \$179.99; B & S Richardton Hardware; \$90.15; Carquest Auto Parts: \$7.92; Dakota Filter Supply: \$83.40; Dan's Supermarket: \$46.06; Dickinson Supply: \$335.67; Farmers Union Oil: \$31.99; Lenny's Repair: \$114.15; Newby's Ace Hardware: \$148.97; Quality Xterminators: \$70.00; Rudy's Lock & Key: \$15.00; Runnings Supply: \$39.16; Steffan's Saw & Bike: \$31.98; Stone Mill Inc: \$23.40; Western Fire & Safety: \$90.85; Walmart: \$88.88; Belfield Auto Parts: \$86.61; Boespflug Trailers: \$1,000.69; Chad's Automotive: \$334.37; CR Auto Glass: \$330.00; Performance Truck Center: \$780.03; Schmidt Repair Inc: \$361.17; Snyder Repair: \$25.00; Tom's Service Center: \$20.00; Wallwork Truck Center: \$57.07; Basin Hydraulic: \$48.21; Brown's Field Service: \$792.98; Butler Machinery: \$1,986.66; Dakota Farm Equipment: \$93.51; Powerplan RDO: \$231.45; Missouri Valley Petroleum: \$6,318.84; Southwest Grain: \$6,188.41; West Dakota Oil: \$3,335.95; ND Dept of Transportation: \$8,996.80; Johnston Fargo Culverts: \$3,657.84; Fisher Sand & Gravel: \$112.23; Hlebechuk Construction: \$5,265.00; Larry Ridl: \$5,215.00; Northern Improvement: \$2,700.73; Lyle Signs Inc: \$136.59; Payroll: \$195.15;

**Highway Tax Distribution:** Payroll: \$55,307.96; NDPers: \$12,755.27; Job Service North Dakota: \$244.90;

**Social Welfare:** City of Dickinson: \$95.00; ND Dept of Human Services: \$1,084.56; Eyewear Concepts: \$69.40; Pam Popiel: \$695.73; Sheri Whitworth: \$90.00; Roosevelt Elementary: \$36.00; Payroll: \$150,541.31; NDPers: \$33,460.96; Vickie Bell: \$480.00; Zones: \$229.22; Social Services: \$24,469.12;

**County Poor:** ND Dept of Human Services: \$21,742.32;

**IT – Computer/Updates:** Payroll: \$4,000.00; NDPers: \$619.47; American Bank Center: \$299.51; Consolidated: \$198.04; Archonix Systems: \$20,807.50; ESP Computers: \$55.00; SBM Inc: \$129.99; Information Technology Dept: \$1,126.40; Hewlett Packard: \$691.00;

**County Park:** Milo Burwick & Sons: \$710.00;

**Fair Board:** Stark County Fair Board: \$203.42;

**County Jail:** SWMCCC: \$44,518.56;

**Comp Health:** Blue Cross Blue Shield: \$427.20; Medicare Blue RX: \$131.80; NDPers: \$15,631.39;

**VSO Fund:** Payroll: \$5,621.31;

**Social Security:** American Bank Center: \$22,090.44;

**Advertising:** Dickinson Press: \$116.42; ND Newspaper Association: \$150.00;

**County Agent:** Payroll: \$3,530.65; NDPers: \$244.32; NDSU Extension Service: \$79.80; Kurt Froelich: \$30.00; Sharon Kickertz-Gerbig: \$30.00; Consolidated: \$147.03; SBM Inc: \$66.71; Walmart: \$41.75; TGCI Membership: \$250.00;

**Weed Control:** Payroll: \$12,666.62; NDPers: \$867.87; Leland Brand: \$200.00; Alltel: \$28.89; Runnings Supply: \$280.80; SWMCCC: \$40.00; SBM Inc: \$27.50; Walmart: \$10.94; Helena Chemical: \$9,795.52; Western Fire & Safety: \$120.45; DTE Truck Equipment: \$32.00; George's Tire Shop: \$14.00; Hedahls Headquarters: \$20.38; Keith Kraenzel Signs: \$135.00; Pump Systems Inc: \$168.32; Reds Fix It Shop: \$2,060.00; Bosch Lumber Co: \$16.63; Jeremy Jepson: \$50.00; One Stop Rental: \$18.28; City of Dickinson: \$28.00; NDSU Ext Program: \$70.00; American Bank Center: \$96.84;

**9-1-1:** Payroll: \$5,000.29; NDPers: \$1,559.78; American Bank Center: \$345.62; City of Dickinson: \$5,939.58; Qwest: \$1,609.70; Consolidated: \$1,013.50; Reservation Telephone: \$80.00; SBM Inc: \$99.50; 3D Specialties: \$179.95;

**Adult Education:** NDSU Extension Service: \$47.00;

**Asset Forfeiture:** Ray Allen Professional K-9 Equip: \$400.00;

**Domestic Violence:** State Treasurer: \$910.00;

**Traf Safety Grant:** Payroll: \$660.21;

**Security/Transfer DJS:** Payroll: \$203.49;

**LEC Financial Officer:** Payroll: \$4,100.67; American Bank Center: \$307.10; NDPers: \$373.98;

**SW Victim Witness Program:** Payroll: \$2,758.85; Kohler Communications: \$151.94; Reliable: \$52.67; SBM Inc: \$25.35; Alltel: \$93.69; City of Dickinson: \$.10; Consolidated: \$2.58; American Bank Center: \$200.74; NDPers: \$506.27;

**Domestic Violence Rape Crisis Center:** Domestic Violence: \$550.20;

**Preservation Fund:** Cass County Treasurer: \$670.50; Underground Vaults: \$207.00;

**State Reimbursement:** Jerry Gayda: \$25.00; Jason Brower: \$25.00; Parke Little: \$25.00;

**Other Reimbursements:** Shane A. Gunderson: \$515.00; ND State Treasurer: \$140.00; Farmers Union Oil of Bis/Man: \$75.00; Consolidated: \$137.12; Walmart: \$1.78;

**BCI-Task Force:** Payroll: \$2,994.81; American Bank Center: \$217.64; NDPers: \$519.54;

**911 Wireless Fee:** Verizon Wireless: \$34.98;

Cheryl Tollefson, Library Director, reported that the Grand Opening and Dedication of the Dickinson Area Public Library Expansion and Renovation project will be on September 21, 2007. Cheryl also thanked the Board for past support and requested funding for 2008. The Board of Commissioners will consider the request at the September meeting.

Gary Kostelecky, Emergency Management, presented a Fire Emergency Proclamation and Resolution. Comm. Zander moved to authorize the Chairman sign the Fire Emergency Proclamation and Resolution. Comm. Willer seconded. All voted Aye and the motion carried.

## **PROCLAMATION**

### **FIRE EMERGENCY, STARK COUNTY, NORTH DAKOTA**

July 24, 2007

WHEREAS, Stark County, North Dakota is under abnormally dry conditions; and

WHEREAS, all available resources remain committed to protecting life and property; and

WHEREAS, the impact of fires could threaten the health, well-being, and safety of citizens in Stark County; and

WHEREAS, the cost of response and the inordinate equipment wear may be far in excess of available County resources.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Stark County Commissioners declare a **Fire Emergency** to include a **Burn Ban** on the ignition of fireworks, garbage burning, campfires or smoking materials outside of vehicles and buildings or any other willful burning in Stark County, and all cities in Stark County until further notice.

**ANY INDIVIDUAL WHO WILLFULLY VIOLATES THIS BURN BAN IS GUILTY OF AN INFRACTION.**

Dated at Dickinson, North Dakota this 24<sup>th</sup> day of July 2007.

Comm. Nodland moved to approve a revised lease between Stark County and the Rural Fire Department to place an antenna on a tower on Radar Base Hill. Comm. Zander seconded. All voted Aye and the motion carried.

Gary Kostelecky gave a brief review of HB1162 Emergency Services Coverage & Care, which requires Board of Commissioners to do an annual review of emergency transportation.

Sheriff Clarence Tuhy presented a grant application for signatures. Comm. Nodland moved to authorize the Chairman sign the Project Northland Grant application. Comm. Willer seconded. All voted Aye and the motion carried.

Comm. Nodland moved to authorize the Chairman sign the North Dakota Highway Patrol Juvenile Justice Grant application for alcohol enforcement. Comm. Hoff seconded. All voted Aye and the motion carried.

Diane Brines, Tax Director, explained SB2172 Disabled Veteran Homestead Property Tax Exemption. No action was taken by the board. Diane also reviewed Vanguard Appraisals, Inc. appraisal of Red Trail Energy.

Comm. Nodland presented Zoning Board's recommendation to approve a zoning change request on a tract located in North Half of 13-139-92. Comm. Nodland moved to approve a request from Dakota Drag Racing Association to change zoning from agriculture to public recreation on a 100 acre tract in the North Half of Section 13-139-92. Comm. Zander seconded. Roll call vote. All voted Aye and the motion carried.

Al Heiser, Road Superintendent, gave an update on road projects, and presented a joint powers agreement with the City of Dickinson to share equipment. Comm. Nodland moved to authorize the Chairman sign the Joint Powers Agreement between Stark County and City of Dickinson to share road equipment, upon review by States Attorney. Comm. Willer seconded. All voted Aye and the motion carried.

Al Heiser also recommended changing speed limit from 55 mph to 35 mph on a one mile stretch past Tooz Construction. Comm. Zander moved to change the speed limit to 35 mph for a one mile stretch from Highway 22 going east on 34th Street Southwest to 110<sup>th</sup> Avenue Southwest. Comm. Nodland seconded. All voted Aye and the motion carried.

Federal Aid projects meeting with NDDOT is at 11:20AM on October 8, 2007.

Alice Schulz, Auditor, reported an NDACo delegate and alternate need to be appointed. It was the consensus of the Board to authorize the Stark County Action Team (SCAT) to appoint the NDACo delegate and alternate.

Chairman Wolf opened the Public Hearing for the Southwest District Health Unit budget. Carlotta Ehlis reported the SWDHU is requesting same as last year plus 4% increase to salaries. The Board of Commissioners will consider the request at the September meeting. Chairman Wolf closed the Public Hearing.

Comm. Nodland and Comm. Willer recommended making changes to the Stark County Real Estate Policy. It was the consensus of the Board to have a final draft drawn up and have Tom Henning, States Attorney, review to assure policy is keeping within the statute and intent of what we want to accomplish.

Comm. Nodland left meeting.

Floyd Hurt, Mayor of South Heart, requested Stark County participate in repairing Main Street in South Heart. The City recently chipped sealed it, but a lot of trucks use the road and it takes a beating. It was the consensus of the Board to have Al Heiser check into what could be done and come up with some type of cost share.

Floyd Hurt also expressed concern with speeding problems in the City of South Heart. Sheriff Tuhy was directed to work with Mr. Hurt and come up with a plan.

Alice Schulz, Auditor, announced that Stark County will be a pilot county for the 2008 election, using vote centers. At a vote center, any ballot can be picked up at any of the precincts.

The following checks are over a year old and have not been cashed. Comm. Hoff made a motion to cancel these checks and report them to the Unclaimed Property Division of the ND State Land Department. Comm. Zander seconded. Roll call vote. All voted Aye and the motion carried.

### **Cancel Checks Over a Year Old**

#### **American State Bank**

##### **Demand Check:**

12-9-05	#17899	Donald K. Plew	Taxes	\$ 3.48
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##### **Warrant Check:**

5-16-06	#50624	Citifinancial	Sheriff	\$653.92
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			Total	\$657.40
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Comm. Zander moved to authorize the Chairman sign a Temporary Construction Easement with Kadrmass Lee & Jackson for Right of Way plat for a temporary

construction easement needed to construct Fairway Street between the I-94 Business Loop and 23<sup>rd</sup> Avenue West. Comm. Hoff seconded. All voted Aye and the motion carried.

Alice Schulz, Auditor, reported that the City of Belfield would like to construct a new fire hall and have applied for a grant. The grant requires a letter of support from Stark County stating that this is not inconsistent with Stark County's development plan. Comm. Zander moved to have Alice prepare a letter of support. Comm. Willer seconded. All voted Aye and the motion carried.

Alice Schulz, Auditor, presented a letter in response to addressing the safety issues on the Old Red Trail. Comm. Willer moved to authorize the Chairman sign the letter addressing safety issues. Comm. Hoff seconded. All voted Aye and the motion carried.

Alice Schulz, Auditor, informed the Board that Stark County will be celebrating their 125<sup>th</sup> anniversary in 2008, and was wondering if they would like to recognize the event. No action taken.

Chairman Wolf opened the Public Hearing to close a section line in Township 139, Range 95. Bruce Selinger, representing Mike and Bernie Wolf, explained that as a result of undermining in the area and the sinkhole problems, the property is not safe to travel, and closing the section line would not deprive any landowners access to his/her property. Discussion was held. There being no further discussion Chairman Wolf closed the Public Hearing. Comm. Willer moved to close the section line between Tract A which is described as Section 17 W2W2 and Section 18 SE4 in Township 139-Range 95 and Tract B which is described as Section 18 E2 and Section 19 NE4 of Township 139-Range95. Comm. Zander seconded. Roll call vote. Nodland Absent. Hoff Aye. Willer Aye. Zander Aye. Wolf Nye. The motion carried.

The following **Miscellaneous Receipts** were filed: General: \$56,449.14; County Road: \$58,653.75; Highway Tax Distribution: \$124,261.48; Social Services: \$74,871.10; Information Technology: \$1,277.70; Capital Improvement: \$53,029.79; County Park: \$569.10; Social Security: \$2,337.06; County Agent: \$60.00; Weed Control: \$23,217.62; 911 Revenue: \$15,316.88; Adult Education: \$2,942.00; Asset Forfeiture: \$100.00; Domestic Violence: \$875.00; Estimate Tax: \$14,619.61; Game and Fish: \$4,264.00; Security/Transfer DJS Reimb: \$203.49; LEC Financial Officer: \$4,781.75; SW Victim Witness: \$1,700.20; DVRCC: \$550.20; Preservation Fee: \$1,962.00; State Reimbursements: \$225.00; Other Reimbursements: \$9,258.01; Judgment Execution Fund: \$2,810.28; 911 Equipment: \$3,399.64; 911 Wireless Fee: \$6,778.98;

Comm. Zander moved to adjourn meeting. Comm. Willer seconded.

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Alice Schulz, Auditor

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Duane A. Wolf, Chairman

