

Official Proceedings

November 4, 2014
8:00 am

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

Agenda

Chairman Hoff asked for any additions or deletions to the agenda. None were provided.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Elkin

To approve the agenda as presented.

DISPOSITION: Motion carried

Minutes

The minutes of the October 7, 2014 Board of County Commissioners meeting were presented.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Wolf

To approve the minutes of the October 7, 2014 Board of County Commission minutes as presented.

DISPOSITION: Motion carried

Accounts Payable

Commissioner Elkin questioned the process that was followed regarding an accident with a road department vehicle. Mr. Heiser advised that the incident was reported in accordance with County policy. Commissioner Kuntz asked Sheriff Tuhy about a charge for Rudy's Lock and Key. Sheriff Tuhy advised this was for locks in the evidence room.

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Elkin

To approve the accounts payable with the supplement as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

General: Payroll: \$230,602.99; Expressway Inn: \$149.40; Pete Kuntz: \$275.60; Linda Gingery: \$322.00; Christopher Redmann: \$109.31; Matthew Bender & Co: \$114.43; West Payment Center: \$714.65; Amer-Chem Inc: \$46.95; Consolidated: \$1,263.16; Dakota Water Treatment: \$19.25; SBM Inc: \$2,102.79; Xerox Corporation: \$720.52; MDU: \$2,623.92; Roughrider Electric: \$150.00; Southwest Water: \$49.46; Braun Distributing: \$299.16; Dickinson Ready Mix: \$20.25; Jon's Home Comforts: \$184.20; Menards: \$275.30; Newby's Ace Hardware: \$57.90; Quality Xterminator's: \$180.00; Runnings Supply: \$53.94; City of Dickinson: \$12,443.40; Walmart: \$700.84; Carol Beckert: \$622.50; Sally Berger: \$260.60; Lynn Betlaf: \$16.80; Jackie Bosch: \$198.36; Janell Braun: \$285.09; David Brudvik: \$216.55; Donald Bussier: \$223.10; Dorothy Bussier: \$223.10; Eleanor Fischer: \$257.24; Geri Baer: \$326.00; John Gengler: \$260.40; Gene Johnson: \$215.99; Kim Goodall: \$105.00; Kay Haag: \$57.12; Shirley Hartman: \$219.35; Joann Heiser: \$982.84; Leona Hoff: \$210.00; Marianne Hoffman: \$193.44; Marla Hutzenbiler: \$205.81; Ivela Jahner: \$227.24; Ruth Johnson: \$191.25; Elven Kaufman: \$261.52; Kathryn Krebs: \$234.25; Cindy Klein: \$144.74; Belle Frank: \$244.16; Linda Krebs: \$156.24; Lorie Johnson: \$215.99; Mary Maus: \$622.50; Kay

Mikkelson: \$214.48; Jackie Miller: \$198.36; Natalie Muniato: \$131.25; Clem Privratsky: \$199.48; Luella Ridl: \$877.50; June Rixen: \$231.72; Sharon Runcorn: \$845.60; Elaine Schank: \$243.60; Rose Senn: \$835.86; Sandy Weisenberg: \$238.00; DS Solutions Inc: \$150.00; Quality Quick Print: \$328.00; Seachange: \$196.04; Visa: \$4,250.66; Dickinson Press: \$273.20; ND Newspaper Associates: \$358.82; NDPers: \$36,609.94; Mackoff Kellog: \$1,060.00; Sacajawea Substance Abuse: \$991.00; Wex Bank: \$292.51; Cenex Fleetcard: \$8,525.88; Brightside Services: \$270.00; Sherwin Williams: \$401.71; US Postal Service: \$50.00; AT&T: \$1,734.66; Century Link: \$487.00; AED Everywhere: \$177.00; Dacotah Paper Co: \$471.66; Farm & Home Supply: \$25.00; Service Printers: \$334.20; Forsgren Associates: \$24,135.02; ND Youth Correction: \$371.70; Buell Consulting: \$2,314.13; Dickinson Parks: \$64.48; T-Rex Conoco Inc: \$476.69; ND State Radio Communications: \$900.00; Best Western: \$74.70; NDACo: \$75.00; Post Board: \$45.00; ND Post: \$25.00; American Insurance: \$100.00; Dakota Rubber Stamp: \$24.95; Advanced Business Methods: \$565.11; Millie's Stitching & Crafts: \$14.50; Dickinson Tire Inc: \$835.60; East End Auto & Parts: \$105.00; Electronic Communications: \$80.00; Just in Glass: \$250.00; Parkway Ford Sales: \$121.00; Positive Concept: \$189.32; Sax Motor Co: \$378.60; ND Dept of Transportation: \$20.50; Tri Energy Cooperative: \$730.98; Alcopro Inc: \$348.00; Rudy's Lock & Key: \$618.00; Ultramax: \$2,170.00; LEC Maintenance: \$9,058.63; Stark County Auditor (Federal Deposit): \$616.71; Raddisson Hotel: \$75.90; Verizon: \$90.38; Kohler Communications: \$47.45; Dell Marketing LLC: \$325.18;

10 Mill: Kadrmas, Lee & Jackson: \$24,183.20; Border States Paving: \$325,321.97; ND Dept of Transportation: \$1,006.66;

County Road: Kadrmas, Lee & Jackson: \$35,122.81; Hlebechuk Construction: \$2,600.00; Jurgens Trucking: \$22,170.00; Northern Improvement: \$395,737.94; Edward Schwartz Construction: \$44,923.50; City of Rugby: \$5,000.00; Quality Xterminators: \$60.00; AT&T Mobility: \$111.60; City of Belfield: \$26.25; City of Dickinson: \$98.85; City of Richardton: \$75.90; Consolidated: \$48.90; MDU: \$388.46; MGM Rural Sanitation: \$195.00; Roughrider Electric: \$932.00; SW Water Authority: \$50.68; Century Link: \$56.08; Belfield Automotive: \$37.01; Border States Electric: \$51.10; Braun Distributing: \$63.36; Carquest Auto Parts: \$12.97; Charbonneau Car Center: \$24.75; Dakota Filter Supply: \$129.15; Dickinson Ready Mix: \$18.50; Randy Dillinger: \$37.33; Kohler Communications: \$65.00; Lenny's Repair: \$619.97; Mac's Inc: \$159.82; Menards: \$99.17; Midwest Hose & Specialty: \$46.50; Nelson International: \$40,775.31; Runnings: \$254.07; Total Safety US: \$36.00; Walmart: \$15.29; Butler Machinery: \$3,713.27; Hedahl's Headquarters: \$39.98; NW Tire Inc: \$347.99; Sax Motor Co: \$133.43; Wallwork Truck Center: \$41.62; Westlie Truck Center: \$84.53; Al's Metal Work: \$187.00; Capital Industries: \$253.45; Dakota Farm Equipment: \$81.18; Stone Mill Inc: \$19.00; SW Grain: \$47,599.60; West Dakota Oil: \$3,019.50; Road Equipment Parts: \$99.06; Z & S Dust Control: \$8,280.00; EscoSupply: \$2,313.20; Titan Machinery: \$1,393.20; Fisher Sand & Gravel: \$257,211.04; Larry & Betty Jo Ridl: \$213,380.00; Lyle Signs Inc: \$974.16; BW Ramkota Hotel: \$335.96; Dickinson Press: \$48.51; Martin Construction: \$25,268.75; Outback Lumber Supply: \$2,421.25; Ty Newton Fencing: \$4,502.70;

Highway Tax Distribution: Payroll: \$104,752.58; Payroll: \$27,484.24; NDACO: \$80.55;

Social Welfare: NDPers: \$49,133.26; Advanced Business Methods: \$124.95; AT& T Mobility: \$45.20; Sunrise Youth Bureau: \$4,555.00; ND Dept of Human Services: \$4,016.68; Wrap Around: \$1,813.00; All American Travel: \$3,200.00; Braun Distributing: \$204.59; City of Dickinson: \$174.90; Comfort Inn: \$148.00; Comfort Suites: \$888.00; Consolidated: \$834.30; Dell Marketing: \$238.80; Dickinson Press: \$167.00; DJ's Tesoro: \$33.01; Bertie Gustafson: \$650.00; Hewlett-Packard: \$1,742.60; MDU: \$724.86; NDACO Resources: \$932.01; Newby's Ace Hardware: \$20.96; Quality Xterminators: \$80.00; Record Keepers: \$33.00; Sacajawea Substance Abuse Center: \$175.00; SBM Inc: \$3,284.19; Visa: \$429.95; Walmart: \$27.71; Jeri Wiess: \$219.60; Payroll: \$177,786.76;

County Poor: ND Dept of Human Services: \$35,907.34;

IT-Computer/Updates: NDACO Resources: \$8,136.28; Consolidated: \$269.26; AVI Systems Inc: \$2,165.00; Hewlett Packard: \$235.00; Information Technology Dept: \$1,411.80; Xerox Corporation: \$187.34; Vanguard Appraisals: \$8,125.00;

Capital Improvement: Dukart Construction: \$1,050.00; Electric Sales & Service: \$1,010.45; Don Jones: \$525.00; Kadrmas, Lee & Jackson: \$949.75; PNC Equipment Finance: \$51,945.53;

Fair Association: Stark County FairBoard: \$1,381.18;

County Jail: SWMCCC: \$101,967.07; St Joseph's Hospital: \$110.00;

Comp Health Care: Blue Cross Blue Shield: \$414.80; NDPers: \$31,804.92;

VSO Fund: Payroll: \$8,512.49; Consolidated: \$27.15; Verizon Wireless: \$40.07; Xerox Corporation: \$39.62;

Social Security: Stark County Auditor (Federal Deposit): \$37,911.84;

Advertising: Dickinson Press: \$269.12;

County Agent: Payroll: \$4,272.24; NDPers: \$530.91; BW Fargo Doublwood Inn: \$112.05; Kurt Froelich: \$432.76; NDSU Ext Service: \$969.59; Consolidated: \$169.02; Samantha Roth: \$35.00; Xerox Corporation: \$53.50; Pitney Bowes: \$277.02;

Weed Control: Payroll: \$14,596.10; NDPers: \$4,410.23; AT&T Mobility: \$41.12; Carquest Auto Parts: \$34.02; Mac's Inc: \$542.18; Menards: \$419.53; O'Reilly Auto Parts: \$12.99; Runnings: \$50.94; Walmart: \$2.56; Stark County Auditor (Federal Deposit): \$219.71;

9-1-1: Payroll: \$4,813.52; NDPers: \$1,725.48; Stark County Auditor (Federal Deposit): \$341.74; City of Dickinson: \$11,275.83; Advanced Business Methods: \$526.82; Century Link: \$1,616.01; Consolidated: \$437.00;

Adult Education: Dickinson Press: \$167.00;

Domestic Violence: State Treasurer: \$770.00;

Oil 3061 States Attorney: Payroll: \$3,225.71; NDPers: \$1,316.16; Stark County Auditor (Federal Deposit): \$216.86;

Traf Safety Grant: Payroll: \$237.57;

Criminal Justice/Oil Impact Grant: NDPers: \$1,474.16; Payroll: \$3,952.94; Electronic Communications: \$4,153.50; Stark County Auditor (Federal Deposit): \$302.40;

Cops Grant 2011: Payroll: \$4,392.16; NDPers: \$1,101.59; Stark County Auditor (Federal Deposit): \$326.58;

Misc Grants: Dickinson Ambulance: \$1,676.96; Cenex Fleetcard: \$147.84; Visa: \$78.50;

SW Victim Witness Program: NDPers: \$1,205.31; SBM Inc: \$550.61; AT&T Mobility: \$84.73; Consolidated: \$43.09; Payroll: \$5,416.22; Stark County Auditor (Federal Deposit): \$398.01; Verizon Wireless: \$40.01;

DVRCC: Domestic Violence: \$1,125.00;

Preservation Fee: Tyler Technologies: \$1,736.44; Underground Vaults: \$29.24; US Imaging: \$50,330.17;

State Reimbursements: Shane Holtz: \$75.00; Nathaniel Younkin: \$25.00; Comfort Inn: \$489.48; George Sarnicki: \$25.00; Matthew Hanson: \$25.00; Benjamin Jarrett: \$25.00;

Siren Contingency: Roughrider Electric: \$207.00;

Other Reimbursements: Parkway Ford Sales: \$27,000.00; Just In Glass: \$214.00; Radisson Hotel Bismarck: \$372.30; Electronic Communications: \$569.00; Consolidated: \$178.16; Verizon Wireless: \$309.73; Legend Auto Body: \$319.80; PNC Equipment Finance: \$19,488.77; Alcopro Inc: \$116.00; Office of Attorney General: \$7,743.00; Pharm Chem Inc: \$2,128.50;

Judgment Execution: Dickinson Press: \$80.85; Stark County Sheriff's Dept: \$398.84; National Acct Service: \$1,235.62;

BCI-Task Force Grants: Payroll: \$10,237.89; NDPers: \$1,858.32; Stark County Auditor (Federal Deposit): \$773.53; Cerberus Security: \$15,375.04; Walmart: \$92.85; SBM Inc: \$61.54; Consolidated: \$66.91; Verizon Wireless: \$1,462.54; Wex Bank: \$1,102.77; Enterprise FM TR: \$50.00;

911 Equipment: Consolidated: \$57.14; Walmart: \$99.85;

Sheriff Tuhy

Sheriff Tuhy provided his monthly report which showed a decrease in calls for service. Commissioner Elkin asked about courtesy transports. Sheriff Tuhy advised that these are transports that are conducted for other counties as the Stark County Sheriff's department is available. It was also mentioned that other counties conduct these for Stark County. Nothing new was reported on the truck regulatory position and the payroll for truck regulatory time is continuing to come out of the road department's budget.

Road Superintendent - Al Heiser

Mr. Heiser provided his monthly report including the following:

- Road crew is hauling scoria to areas that include oil impacted roads. Mr. Heiser visited with the North Dakota Department of Transportation and was advised we should be able to receive a cost share for this.
- Highway 10 at Antelope interchange is basically complete.
- Crushing has been completed at the Ridl pit.

Mr. Heiser expressed a concern with the speed zone near South Heart on Highway 10. Mr. Heiser requested that the Commission reduce the speed to 35mph on Highway 10 from 121st Ave SW to 122nd Ave SW.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Kuntz

To reduce speed limit to 35mph on Highway 10 from 121st Ave SW to 122nd Ave SW.

DISPOSITION: Motion carried

SBJ and Halliburton are both putting in a rail facility. Commissioner Elkin asked if we are going to have to restrict traffic on Highway 10 at these locations. Mr. Heiser advised that the road should handle the traffic.

County Engineer

Justin Hindman provided the following Engineer's update:

- Green River Bridge NE of Dickinson – Project Final, DBE and NOI issues are being addressed.
- Saetz Bridge NW of Dickinson – Schwartz Construction, construction has started, but has not been completed. Completion date of October 17th.
- 38th Street Gas Plant to Billings County – Martin Construction, top lift gravel remaining. Completion date of October 18th.

- 32nd Street west of ND 22 1 mile – Working on grading plans. Plan to bid December 2014 with 112th Ave SW. Paving will be bid separately.
- 116th Ave Hwy 10 North to west Dickinson bypass 0.6 miles – PS&E plans submitted to County. Plan is to hire Martin Construction for construction this spring.
- Hwy 10 Antelope intersection 5.6 miles to Morton County – Border States, KLJ working on project final.
- Hwy 10 Gladstone to SW Grain 2.5 miles – Northern, KLJ working on project final. Stark County responded to DBE issues.
- Landfill Road E Villard 2.3 miles south – Northern, Project complete. KLJ working on project final.
- 32nd Street East of ND 22 0.6 miles – Northern, Project complete. KLJ working on project final.
- Green River Bridge by Letang’s – Working on preliminary design. Anticipated 2016 bid opening and construction depending on federal funding.
- Roadway grading on 112th Ave SW – Working on grading plans. Plan to bid December 2014 with 32nd St SW grading plans.
- 115th Avenue SW paving BOE access road – Northern, project complete. KLJ working on project final.
- Taylor road overlay – Northern, project complete.
- 39th St SW Norwegian Creek Box – Martin Construction, project to start 2015.
- Golf Course Road – Obtained coring information and completed preliminary overlay estimate. Al is deciding on future overlay.

Public Hearing – Delinquent Tax Properties Minimum Price

Ms. Haag presented the delinquent tax properties. They are as follows:

L29 B18 OP Belfield
 Delinquent Taxes - \$1,550.86
 Minimum Value - \$1,200.00

L8 B1 Nelson’s Subdivision, Belfield
 Delinquent Taxes - \$432.95
 Minimum Value - \$10,400.00

Commissioner Hoff opened the public hearing. There were no individuals that spoke at the hearing. Commissioner Hoff then closed the public hearing.

Kurt Froelich – Security

Mr. Froelich advised the Commission that he has security issues with the office location and provided a number of examples. Mr. Froelich obtained a quote from Consolidated on a panic button system. Mr. Froelich will work with Mr. Fahlsing to work out the details in dispatch.

MOTION BY: Commissioner Zander

SECOND BY: Commissioner Kuntz

To approve the purchase of the panic button system in the amount of \$1,417.00 to be taken out of Capital Improvements.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Jesse Diamond – Zoning

Mr. Diamond provided an overview of the zoning request. Jesse Diamond of Buell Consulting, Inc. is requesting a conditional use permit for a 190 foot telecommunications tower on a parcel located in the E2 of the W2 of Section 27, Township 138, and Range 96. The lease area contains approximately 23 acres. Mr. Josephson provided staff recommendation which was approval subject to conditions.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz

To approve conditional use permit zoning request for Jesse Diamond with conditions.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Linda – Affordable Care Act

Ms. Krebs sent out an email regarding the requirements of the Affordable Care Act. Ms. Krebs advised that the Commission needs to decide on a reporting period and the method to evaluate if the current coverage is affordable. Ms. Krebs made the recommendation for the initial measurement period to be 12 months beginning November 1, 2013 through October 31, 2014 to determine full time status, followed by a two month administrative period running from November 1 through December 31, 2014 and the 12 month stability period running from January 1 through December 31, 2015. Moving forward then with the monthly measurement period for full and part time employees in regularly funded positions and using the 12 month measurement period and similar administrative and stability period used with initial measurement period for seasonal, variable and part time temporary employees.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf

To adopt the measurement period proposal outlined by Ms. Krebs.

DISPOSITION: Roll call vote. All voted aye. Motion carried

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Wolf

To evaluate coverage affordability, the rate of pay safe harbor formula will be used.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Samantha Roth – Out of State Travel

Ms. Roth requested out-of-state travel to Bellevue, Washington November 18th – 21st for an association conference for financial councilors. The cost is \$990 and in the budget.

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Zander

To approve Ms. Roth's out-of-state travel request.

DISPOSITION: Motion carried

Christmas

Ms. Haag advised there have been questions regarding the office being opened the day after Christmas which is a Friday.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Elkin
To close county offices the day after Christmas
DISPOSITION: Motion carried

Zoning

All four zoning items were regarding the same conditional use permit request from NextEra Energy Resources for a meteorological tower. The purpose of these towers is to study the wind patterns on the specific location to identify possible locations for wind turbines. Mr. Josephson advised that the staff and Planning and Zoning board's recommendation for all requests was for approval with conditions.

Melissa Hochmuth of NextEra Energy Resources is requesting a conditional use permit for a 197 foot meteorological tower on a parcel located in the SW4 of Section 12, Township 139, Range 94 containing approximately 160 acres.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf
To approve the conditional use permit as presented with conditions.
DISPOSITION: Roll call vote. All voted aye. Motion carried

Melissa Hochmuth of NextEra Energy Resources is requesting a conditional use permit for a 197 foot meteorological tower on a parcel located in the E2 of the SE4 of Section 24, Township 139, Range 94 containing approximately 80 acres.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Kuntz
To approve the conditional use permit as presented with conditions.
DISPOSITION: Roll call vote. All voted aye. Motion carried

Melissa Hochmuth of NextEra Energy Resources is requesting a conditional use permit for a 197 foot meteorological tower on a parcel located in the N2 of the NE4 of Section 21, Township 139, Range 93 containing approximately 80 acres.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Elkin
To approve the conditional use permit as presented with conditions.
DISPOSITION: Roll call vote. All voted aye. Motion carried

Melissa Hochmuth of NextEra Energy Resources is requesting a conditional use permit for a 197 foot meteorological tower on a parcel located in the SW4 of Section 14, Township 139, Range 92 containing approximately 160 acres.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Wolf
To approve the conditional use permit as presented with conditions.
DISPOSITION: Roll call vote. All voted aye. Motion carried

Dickinson Ambulance Energy Impact Grant

Dickinson Ambulance Service is requesting reimbursement on a grant in the amount of \$1,676.96. Stark County is the applicant agent for this grant.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Zander
To allow the Chairman to sign the reimbursement request.
DISPOSITION: Motion carried

JPA City of Dickinson & Stark County Weed Board

Stark County received a Joint Powers Agreement for the City of Dickinson and Stark County Weed Board. Requesting a motion for the Chairman to sign the agreement.

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Zander

To authorize the Chairman to sign the agreement upon review by the State's Attorney.

DISPOSITION: Motion carried

Tom Henning

Mr. Henning discussed the article that was in the Dickinson Press regarding the City of Dickinson prosecution services. Mr. Henning advised that a few years ago he advised the City it would cost \$42,000. Upon review the City of Dickinson Civil Attorney received \$104,000 and the contract firm received \$281,000. The City is currently on pace to pay \$250,000 this year for municipal court services. Mr. Henning expressed his concern that the 2015 salary budget request was not taken with the seriousness and attention it deserved. Mr. Henning reminded the Commission that his office prosecutes the serious crimes of the area.

Stark Development Board Appointment

Ms. Haag advised that the Stark Development Nominating Committee met to review the 5 members whose terms expire in 2015 which includes Commissioner Zander. The Committee has asked Mr. Zander to continue in his appointment and requested the Commission to approve another term.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Wolf

To appoint Commissioner Zander to the Stark Development Board.

DISPOSITION: Motion carried

KLJ

John with KLJ provided an update on the new Social Services Building. Currently they are evaluating land options and will present additional information as it becomes available.

The following Miscellaneous Receipts were filed: General: \$596,921.65; County Road: \$431,496.46; Highway Tax Distribution: \$307,612.14; Social Services: \$59,676.75; IT-Computer/Updates: \$144.30; Capital Improvement: \$269,595.84; County Park: \$57,977.53; Social Security: \$2,601.79; County Agent: \$150.00; Weed Control: \$3,355.05; 911 Revenue: \$29,803.22; Adult Education: \$52.50; Fingerprint Station: \$32.00; Domestic Violence: \$875.00; 71; Misc. Grants: \$1,955.80; Estimate Taxes: \$32,117.73; Game & Fish: \$118,974.00; Stark County Victim Witness: \$2,270.00; Domestic Violence: \$1,125.00; Preservation Fee: \$1,857.00; Other Reimbursements: \$30,653.86; Judgment Execution: \$1,715.31; 911 Equipment: \$5,263.84;

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf

To adjourn the meeting.

DISPOSITION: Motion carried

Kay Haag, Auditor

Russ Hoff, Chairman