

Official Proceedings

October 7, 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. Hoff added Trans Canada Pipeline and Emergency Management meeting in Minot. Comm. Willer moved to approve the agenda with the additions. Comm. Nodland seconded. All voted Aye and the motion carried.

Comm. Hoff moved to approve the minutes from the September 16, 2008, meeting as presented. Comm. Zander seconded. All voted Aye and the motion carried.

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

General: Payroll: \$126,429.26; Tom Henning: \$294.79; Matthew Bender: \$52.40; West Payment Center: \$495.46; Dakota Water Treatment: \$39.00; SBM Inc: \$916.11; Walmart: \$421.89; Advanced Business Methods: \$1,118.61; Dave Netzer Painting: \$2,400.00; Taylor Nursery: \$780.52; B & M Security Inc: \$16.50; Border States Electric: \$23.88; Bosch Lumber Company: \$45.20; Braun Distributing: \$19.00; D & E Supply Co: \$3,359.00; Denny's Electric: \$104.78; DJ's Tesoro: \$45.60; Duraclean Cleaning: \$751.50; Jerome Distributing: \$255.20; Newby's Ace Hardware: \$143.32; Nitro-Green: \$225.00; MDU: \$1,965.63; Roughrider Electric: \$156.00; City of Dickinson: \$7,869.28; Election Systems Inc: \$1,711.35; Instructional Media: \$15.60; Alice Schulz: \$35.15; NDPers: \$13,377.45; Hann law PLLC: \$157.50; Kropp Law Office: \$120.00; Farmers Union Oil of Bis/Man: \$3,047.52; Tesoro Fleet Service: \$1,927.76; Visa: \$415.72; Don's Filters: \$197.64; Steam Brothers: \$650.00; Alltel: \$744.94; Consolidated: \$504.57; Qwest: \$487.00; US Postal Service: \$50.00; Dakota Rubber Stamp: \$39.95; Great Plains Directory: \$529.90; Pitney Bowes Inc: \$819.00; Vanberkom Business Products: \$127.17; Xerox Corporation: \$321.62; ND Youth Correctional Center: \$182.85; Elks 1137: \$129.27; State Land Department: \$137.42; Dickinson Parks & Rec: \$58.24; Chad's Automotive: \$393.89; T-Rex Conoco: \$78.68; Dakota West RC & D: \$350.00; LoAnn's Marketing: \$320.51; Radisson Hotel Bismarck: \$165.00; Dickinson Police Dept: \$100.00; Lawrence Kitzman: \$299.00; Post Board: \$135.00; SW Wireless: \$204.99; Balco Uniforms Co: \$725.00; Superior Cleaners: \$49.00; Carquest Auto Parts: \$22.96; Copy Xpress: \$375.00; Dickinson Tire: \$551.09; Electronic Communications: \$2,780.00; Farmers Union Oil of Richardton: \$1,004.77; ICOP: \$251.16; Kohler Communications: \$501.58; Pro Tint: \$140.00; Sax Motor Co: \$7,006.72; T-Rex Conoco: \$137.58; ND Dept of Transportation: \$11.50; Ray Allen Manufacturing: \$67.45; Todd Weiler: \$60.00; Brownells Inc: \$17.92; Galls Inc: \$360.90; LEC Maintenance: \$6,594.46; Stevenson Funeral Home: \$261.25; American Bank Center: \$549.80; Comfort Inn: \$110.00; Gary Kostelecky: \$137.50; Sleep Inn & Suites: \$440.00; Dickinson Press: \$67.50;

10 Mill: Kadrmas, Lee & Jackson; \$37,087.77;

County Road: Kadrmas, Lee & Jackson: \$2,816.03; Outback Lumber Supply: \$30.00; Northern Improvement: \$384.00; Alltel: \$87.77; City of Belfield: \$19.60; City of Richardton: \$54.90; Consolidated: \$20.36; MDU: \$288.82; Roughrider Electric: \$638.00; Southwest Water Authority: \$39.45; City of Dickinson: \$61.24; Qwest: \$57.84; Acme Electric Co: \$249.99; Belfield Automotive: \$11.96; Dickinson Supply: \$119.07; Don's Filters & Supplies: \$220.20; Lenny's Repair: \$2.50; Rummel Auto Wrecking: \$113.25; Runnings Supply: \$87.81; SBM Inc: \$6.79; Beall Corporation: \$50.25; East End Auto: \$437.50; Performance Truck Center: \$3,247.14; Schmidt Repair Inc: \$10.67; Todd's Auto: \$60.95; Brown's Field Service: \$785.70; Butler Machinery: \$1,385.30; George's Tire Shop: \$85.00; Ray's Auto Electric: \$347.90; West Plains Inc: \$92.22; Southwest Grain: \$27,115.42; Berger Sanitation: \$180.00; Dickinson Ready Mix: \$262.50; Ficek Wrecker Service: \$550.00; General Steel: \$24.73; West Dakota Oil: \$80.58; Billings County: \$14,899.50; Fisher Sand & Gravel: \$6,273.66; Lyle Signs Inc: \$984.12; Dickinson Press: \$264.00; South Dakota LTA: \$280.00; Payroll: \$204.90;

Highway Tax Distribution: Payroll: \$58,705.55; NDPers: \$12,131.62;

Social Welfare: Ashley County Clerk of Court: \$15.00; Sandy Brown: \$55.68; Division of Vital Statistics: \$7.00; ND Dept of Human Services: \$1,114.44; Cynthia Chestnut: \$75.00; Payroll: \$163,083.41; NDPers: \$34,878.41; Social Services: \$7,107.80; Sharon Rivers: \$324.49;

County Poor: ND Dept of Human Services: \$23,520.13;

IT – Computer/Updates: Payroll: \$4,200.00; NDPers: \$637.71; American Bank Center: \$305.67; Alltel: \$21.88; Consolidated: \$161.41; CDW Government Inc: \$8,723.72; ESP Computers: \$70.00; SBM Inc: \$290.69; Walmart: \$254.96; Information Technology Dept: \$1,176.95;

Fair Board: Stark County Fair Board: \$448.05;

County Jail: SWMCCC: \$29,918.68;

Insurance: American Insurance Center: \$674.00;

Comp Health: Blue Cross Blue Shield: \$445.30; Medicare Blue RX: \$118.70; NDPers: \$16,140.73;

VSO Fund: Payroll: \$5,508.81; Best Western Doublewood Inn: \$330.00; Comfort Inn: \$110.00; Advanced Business Methods: \$280.00; SBM Inc: \$6.29;

Social Security: American Bank Center: \$25,310.43;

Advertising: Dickinson Press: \$258.96;

County Agent: Payroll: \$3,616.12; NDPers: \$265.49; NDSU Extension Service: \$25,932.30; Radisson Hotel: \$55.00; CMRS-PB: \$50.00; Kurt Froelich: \$30.00; Sharon Kickertz-Gerbig: \$620.00; Consolidated: \$149.28; Consumer Reports: \$26.00; SBM Inc: \$170.70; AG Communication Service: \$130.00; Kirsten Hansen: \$138.80; Debra Theurer: \$100.00;

Weed Control: Payroll: \$7,472.18; NDPers: \$632.16; Alltel: \$23.44; Quality Quick Print: \$59.00; Runnings Supply: \$108.01; Queen City Motors: \$117.95; Dunn County Auditor: \$1,367.24; Steffan's Saw & Bike: \$129.90; American Bank Center: \$109.07; NDPers: \$346.05;

9-1-1: Payroll: \$5,632.65; NDPers: \$1,617.44; American Bank Center: \$398.69; City of Dickinson: \$6,215.42; Comfort Suites: \$55.00; Gary Kostelecky: \$40.00; Visa: \$560.52; Dakota West RC & D: \$350.00; Qwest: \$1,607.16; Consolidated: \$639.00; Reservation Telephone: \$80.00; NDACO: \$1,893.48; Professional Printing: \$136.00; SBM Inc: \$218.20; Berger Electric: \$388.37; ID America: \$193.21;

Adult Education: SBM Inc: \$115.25; University of Minn: \$1,081.47; Walmart: \$106.67;

Domestic Violence: State Treasurer: \$770.00;

Traffic Safety Grant: Payroll: \$334.69;

Security/Transfer DJS Reimb: Visa: \$2,261.25;

SW Victim Witness Program: SBM Inc: \$93.68; Linda Presler: \$445.96; Consolidated: \$1.82; Alltel: \$100.00; Payroll: \$3,489.96; American Bank Center: \$221.84; NDPers: \$531.44;

Domestic Violence Rape Crisis Center: Domestic Violence: \$785.70;

Preservation Fee: Cass County Treasurer: \$960.00;

State Reimbursement: Greg Barros: \$25.00; Ralph Poikus: \$25.00; Amanda Richey: \$25.00; Joe Cianni: \$25.00;

Other Reimbursements: Consolidated: \$178.13;

Judgment Execution: Stark County Sheriff's Dept: \$987.36; Arnold Betlaf: \$700.00; Credit Bureau of Bismarck: \$598.15; Bryan A. Decker: \$59.35; Appliance Furniture: \$40.00; Pet & Paw Palace: \$327.00; Express Collections: \$345.36; Greg Hunke: \$139.14; Kimberly Flohr: \$40.00;

911 Equipment: Consolidated: \$14,242.50; Western Fence: \$1,300.00; Alltel: \$103.48; Walmart: \$135.52;

Gary Kostelecky, Emergency Management, recommended keeping the burn ban in effect until we receive more moisture. Gary presented a contract from Roughrider Electric to put two antennae's on our tower. Comm. Hoff moved to authorize the Chairman sign the contract, after States Attorney Henning's review. Comm. Willer seconded. Roll call vote. All voted Aye and the motion carried.

States Attorney Henning reported that according to an oil company Stark County owns 96 mineral acres that were acquired through a tax deed in the 1930's or 1940's. It was the consensus of the Board to have States Attorney Henning do a title search and bring a recommendation to the next meeting.

Sheriff Tuhy gave a report on the South Sakakawea Narcotics Task Force and reported that Deputy Michael Adolf retired from the Sheriff's Office. The Sheriff's Office in the past has given an employee their service weapon upon retirement and completing 20 plus years of service. States Attorney Henning reported that the Sheriff has the authority to give ownership to his deputy of his service weapon, according to the Sheriff's Office policy. The service weapon should be removed from inventory.

Al Heiser, Road Superintendent, gave an update on road projects. Discussion was held on the Urban Truck Route. Comm. Nodland reported he is checking with Dave Leftwich of NDDOT for possible funding based on the safety issue of trucks coming off I-94 and turning north on Highway 22.

Auditor Schulz presented the properties forfeited to Stark County for taxes, and requested that values be set on each property for the tax sale on November 18, 2008. Comm. Nodland moved to set the following minimum values:

<u>Legal Description</u>	<u>Minimum Value</u>
Lot 16, Block 9 OP Richardton	\$10,000.00
Lot 9, Block 20 OP Taylor	\$13,000.00
Lot 13, Block 5 OP South Heart	\$ 5,000.00

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

Auditor Schulz informed the Board that Lot 5, Block 1 in Decker 2nd is an empty lot and designated as a park. There is an individual who is interested in purchasing the lot. States Attorney Henning reported that the lot should not be for sale, because at the time the sub-division was platted a lot had to be set aside and designated as a park. The lot could be sold if the county wants to vacate the sub-division. Comm. Nodland commented that if the Road Department or Weed Board takes care of the lot, Park Board should reimburse these departments.

Tim Kelly, Kadrmas Lee & Jackson, gave the engineers report and update on road projects.

Comm. Nodland moved to authorize the Chairman sign a request for funding from the North Dakota Department of Transportation for a Small Scale Safety Improvement Project in Section 15, Township 140, Range 95. Comm. Zander seconded. All voted Aye and the motion carried.

Gary Goetz, Richardton Fire District, read a letter from the directors of the Richardton Fire District, explaining the area covered by the district, mutual aid agreements in place, listed equipment currently used by district, grants applied for and expressing concern that giving \$50,000.00 to one fire district and zero to other fire districts as unfair. The fire district has contacted Red Trail Energy for funding and would like to get some of the employees as volunteer fire men so they would be familiar with the plant in the event of a fire. Comm. Nodland suggested a county commissioner and Gary Kostelecky attend Red Trail Energy's annual meeting for support in asking for assistance.

Auditor Schulz presented a Memorandum of Understanding between the North Dakota Secretary of State and Stark County to purchase electronic poll books. Comm. Nodland moved to authorize the Chairman sign the Memorandum of Understanding for the purchase and maintenance of electronic poll books and authorize the purchase of 15 electronic poll books. Comm. Zander seconded. All voted Aye and the motion carried.

Chairman Wolf opened the Public Hearing to close a portion of section line located between Section 33, Township 140, Range 95 and Section 4, Township 139, Range 95. Mike Maus representing AAG Services is requesting the closing of the section line as it runs through the property. No one was present to speak against the closing of the section line. Chairman Wolf closed the Public Hearing. Comm. Nodland moved to close 1015.80 feet of section line between SE4 Section 33-140-95 and NE4 Section 4-139-95, and recommended that Southwest Water be contacted to ensure they are okay with easement to their property, and the public benefit to closing this portion of the section line is to make it clear to the public that it is not an appropriate access to any kind of public activity. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Wolf opened the Public Hearing on the DSU Foundation MIDA bonds issuance for the Badlands Activity Center. Chairman Wolf asked if anyone was present to speak against the MIDA bond issue. No one was present. Jaclin Wike, Bond Attorney for DSU Foundation presented a resolution for \$11.5 million MIDA bond issuance for which Stark County would act as the pass through agent only. Chairman Wolf closed the Public Hearing. Comm. Nodland moved to authorize the Chairman sign the MIDA Revenue Bond - Dickinson State University Foundation Project General Authorization Resolution. Comm. Willer seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Nodland presented a recommendation from the Zoning Board to approve Norbert Sickler request for a zoning change from agriculture to residential agriculture. Comm. Nodland moved to approve Norbert Sickler's request to change zoning from agriculture to residential agriculture on an 80 acre plat located in the W2NE4 of Section 33, Township 139, Range 96. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Allen Ullendorf requested to have a road paved off of Exit 90 leading to Highway 10 by Richardton. It was a consensus of the Board to not approve the request as there is no funding available, and there are a lot of roads in Stark County that would fall in the same category.

Comm. Hoff provided information on the Trans Canada Pipeline that will cross the southeast corner of Stark County. The project will come through in 2010 and will require boring under road to connect pipeline to Morton County.

Comm. Hoff reported that at the Emergency Management meeting in September he learned that the Minot diving team equipment can be used in any county for free.

Sheriff Tuhy requested he would like to establish a difference between the salary of a one year deputy and a twenty year deputy. He would like to have a study done or could piggyback off of the City of Dickinson's job classification. Chairman Wolf commented that equal job description should be equal pay and we have a longevity plan in place to compensate for years of service. The Sheriff's Office would need to do something within their budget.

Chairman Wolf opened the Public Hearing on the Stark County 2009 budget. Chairman Wolf asked if anyone was present to speak against the 2009 budget. Lewis Moorman expressed his concerns that a budget was not available for the public to review and that rural Stark County went through an appraisal this year, which resulted in an overall increase in valuation of 17%. This resulted in a shift of a tremendous amount of burden to rural residents and commercial property owners. Mr. Moorman reminded the commission that a lot of residents expressed their concern and hoped the commission reviewed the budget with a keen eye. Chairman Wolf closed the Public Hearing. Comm. Willer moved to approve the Stark County 2009 budget as presented. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

The following **Miscellaneous Receipts** were filed: General: \$105,228.43; 10 Mill: \$16,697.54; County Road: \$159,417.36; Highway Tax Distribution: \$159,013.87; Special Road & Bridge: \$5,016.64; Social Services: \$85,016.12; County Poor: \$69,864.09; Information Technology: \$1,221.81; Capital Improvements: \$90,398.27; County Park: \$1,598.44; County Jail: \$12,738.33; Insurance: \$5,349.64; Comp Health: \$6,959.36; Emergency Fund: \$1,672.21; Social Security: \$16,889.46; Veteran's Service Office: \$2,213.22; Advertising: \$860.70; County Agent: \$3,965.44; Weed Control: \$29,974.39; 911 Revenue: \$21,362.42; Adult Education: \$565.45; Asset Forfeiture: \$2,798.24; Fingerprint Station: \$272.00; Domestic Violence: \$315.00; Traf Safety Grant: \$2,306.82;

Estimate Tax: \$13,780.52; Game and Fish: \$74,025.00; SW Victim Witness: \$785.70;
DVRCC: \$785.70; Preservation Fee: \$1,713.00; Other Reimbursements: \$17,336.18;
Judgment Execution Fund: \$557.00; 911 Equipment: \$7,120.77;

Comm. Zander moved to adjourn. Comm. Hoff seconded.

Alice Schulz, Auditor

Duane A. Wolf, Chairman