

## Official Proceedings

July 5, 2016  
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 changes to the agenda. Commissioner Elkin requested time for George Nodland. Auditor Haag added the Pledge of Assets.

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

To approve the agenda as presented with the changes.

**DISPOSITION:** Motion carried

### Minutes

The minutes of the June 7, 2016 Board of County Commissioners meeting were presented.

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

To approve the minutes of the June 7, 2016 Board of County Commission minutes as presented.

**DISPOSITION:** Motion carried

### Accounts Payable

Ms. Haag presented a consolidated phone quote for services that was originally presented at the previous month's Commission meeting. It was advised that phone charges generally come out of the general fund while this is approved to be taken out of the IT fund. Ms. Haag requested this be changed to be taken out of the general fund. Chairman Hoff questioned an invoice for Trans Union risk in the amount of \$1,320.00. Sheriff Oestreich advised this is a criminal intelligence program used to provide information on individuals if you are attempting to locate or conducting an investigation. Commissioner Wolf questioned the Forsgren payment of \$168,051.54. This high payment was due to building permit funds collected primarily for the wind farm. Chairman Hoff also clarified that the \$11,000 for Mag Chloride covered approximately 2 miles.

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

To approve the accounts payable with the supplement as presented.

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

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

To authorize payment of the presented Consolidated quote to be taken out of the general fund.

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

**General:** Payroll: \$294,719.50; Badlands Human Services: \$50.00; Dickinson Press: \$324.00; Family Safety Center: \$50.00; Linda L Gingery: \$382.00; Samantha Ruane: \$25.00; Brandon Stockie: \$25.00; Taylor Peters: \$25.00; Thomson Reuters: \$578.05; Dakota Water Treatment: \$21.75; SBM Inc: \$1,471.90; East End Auto: \$210.00; Xerox

Corporation: \$1,061.75; MDU: \$2,670.67; Consolidated: \$1,589.57; Roughrider Electric: \$171.09; SW Water Authority: \$56.83; Bierschbach Equipment: \$27.70; Braun Distributing: \$280.56; Clean Sweep Vacuum: \$37.98; Dakota Farm Equipment: \$32.92; Denny's Electric: \$780.00; Diebold Inc: \$290.00; ETSystems Inc: \$114.30; Ferguson Enterprises: \$51.36; JP Steel & Supply: \$31.77; Logo Magic: \$105.00; Menards: \$198.92; Newby's Ace Hardware: \$180.70; Rudy's Lock & Key: \$16.00; Runnings: \$166.73; Taylor Nursery: \$525.00; T-Rex Conoco: \$132.47; City of Dickinson: \$15,901.84; Walmart: \$269.60; Election Systems: \$5,836.81; Dickinson State University: \$200.00; ND Pers: \$83,938.77; American Insurance: \$235.00; NDACo: \$40.60; ND Insurance Dept: \$4,920.12; Humana Insurance: \$18.40; Blue Cross Blue Shield: \$627.20; Discovery Benefits: \$77.00; Stark County Auditor (Federal Deposit): \$48,022.00; Keogh Law Office: \$304.00; Mackoff Kellogg: \$1,800.00; Melbye Law Office: \$499.50; Sacajawea Substance Abuse Counseling: \$1,435.00; Stutsman County Auditor's Office: \$266.00; Wex Bank: \$5,161.80; Pamela Lynch: \$630.00; AT&T Mobility: \$2,241.17; Century Link: \$487.00; US Postal Service: \$50.00; Dacotah Paper Co: \$468.90; Kay Haag: \$15.75; Pitney Bowes: \$888.60; Unlimited Office Products: \$268.72; Farm Home Publishers: \$140.00; Forsgren Associates: \$168,051.54; ND Youth Correction Center: \$5,699.60; Dickinson Parks & Rec: \$35.36; Visa: \$1,048.02; City of Fargo ND: \$200.00; Scot Ethen: \$1,500.00; Transunion Risk & Alternative Data Solutions: \$1,320.00; Advanced Business Methods: \$495.69; Dickinson Tire: \$25.00; Electronic Communications: \$450.00; O'Reilly Auto Parts: \$11.95; Parkway Ford: \$40.98; Total Safety USA: \$31.00; Chief Law Enforcement: \$1,116.17; LEC Maintenance: \$15,497.78; Verizon Wireless: \$90.93; NDACO Resources: \$8,834.58; Dell Marketing: \$4,319.54; Information Technologies: \$2,625.70; Tyler Technologies: \$25,079.75; Stark County Fair Board: \$450,000.00;

**10 Mil:** Kadrmas Lee & Jackson: \$31.38;

**County Road:** Kadrmas, Lee & Jackson: \$183,730.02; ABC Fencing: \$7,533.80; All-In Service: \$15,690.00; Kim Fugere Trucking: \$21,315.00; Hlebechuk Construction: \$23,937.50; Jurgens Operating: \$32,875.00; Kathrein Trucking: \$78,540.00; Martin Construction: \$85,324.20; Onsite Improvements: \$9,780.00; Schwartz Construction: \$91,440.00; American Bank Center: \$47,308.51; Dakota Farm Equipment: \$10,250.00; MDU: \$338.11; AT&T Mobility: \$113.78; City of Belfield: \$27.50; City of Dickinson: \$114.71; Consolidated: \$52.67; Roughrider Electric: \$668.00; SW Water Authority: \$54.02; Century Link: \$56.46; City of Richardton: \$84.78; Dickinson Supply: \$70.07; Menards: \$259.70; Runnings: \$75.75; SBM Inc: \$79.99; Total Safety USA: \$137.60; George's Tire: \$50.00; Just In Glass: \$171.06; Mac's Inc: \$45.79; Nelson International: \$1,108.36; NW Tire: \$6,593.73; Road Equipment Parts: \$538.65; Westlie Truck Center: \$1,803.58; Butler Machinery: \$860.10; Energy Systems Industrial: \$648.90; General Steel: \$135.24; RDO Trust: \$2,445.15; Visa: \$114.80; SW Grain: \$6,773.26; West Dakota Oil: \$25,433.93; Al Heiser: \$40.20; Belfield Automotive: \$13.88; Creative Energy: \$59.98; Diamond Truck Equipment: \$65.02; EscoSupply: \$464.30; Fleck's Furniture: \$60.00; Pump Systems LLC: \$22.65; TrueNorth Steel: \$365.40; Border States Paving: \$320.28; Lyle Signs: \$106.61; ND Insurance Department: \$350.00; B&W Rental: \$811.00; Roadworx LLC: \$11,914.65; SW Water Authority: \$2,038.48; Border

States Paving: \$3,739,892.72; Martin Construction: \$89,717.00; Northern Improvement: \$89,319.20;

**Highway Tax Distribution:** Payroll: \$132,333.51; ND Pers: \$35,613.89; NDACo: \$2,609.09;

**SP Road & Bridge:** Kadrmas, Lee & Jackson: \$2,888.43;

**Social Welfare:** Payroll: \$201,017.73; NDACo: \$424.88; Discovery Benefits: \$137.50; Mendards: \$93.80; Stark County Auditor (Federal Deposit): \$2,040.00; Dacotah Foundation: \$180.00; ND Pers: \$56,352.50; Advanced Business Methods: \$148.38; All American Travel: \$1,701.20; AT&T Mobility: \$44.14; Braun Distributing: \$257.56; City of Dickinson: \$220.77; Comfort Suites: \$240.00; Consolidated: \$1,081.39; Gas U Up: \$75.25; Grant County: \$711.47; Bertie Gustafson: \$700.00; MDU: \$1,180.16; Newby's Ace Hardware: \$33.45; Pitney Bowes: \$258.09; Record Keepers: \$33.00; Rudy's Lock & Key: \$16.00; Safety Works: \$230.00; SBM Inc: \$392.37; Visa: \$400.10; Walmart: \$216.75; Dickinson Parks & Rec: \$22.88; The UPS Store: \$375.95;

**Capital Improvement:** Hewlett-Packard: \$9,516.16; LEC Maintenance: \$64,679.17; Dickinson Press: \$19.44; JLG Architects: \$18,491.50;

**County Jail:** SWMCCC: \$110,918.33; CHI St. Alexius: \$232.00;

**VSO Fund:** Payroll: \$7,845.90; Jessica Clifton: \$347.76; Dakota Water Treatment: \$3.75; Consolidated: \$57.82; Verizon Wireless: \$40.01;

**County Agent:** Payroll: \$3,916.16; ND Pers: \$597.60; NDSU Extension Service: \$1,798.14; Samantha Roth: \$347.90; Kurt Froelich: \$35.00; Consolidated: \$159.04; Visa: \$21.24; Xerox Corporation: \$314.80;

**Weed Control:** Payroll: \$30,771.69; ND Pers: \$5,034.71; NDACo: \$252.32; AT&T Mobility: \$41.77; SBM Inc: \$108.28; Dickinson Press: \$254.10; Menards: \$213.28; Runnings: \$24.88; Dakota Sports: \$60.00; George's Tire Shop: \$203.63; Custom Design: \$192.00; Walmart: \$20.79; Stark County Auditor (Federal Deposit): \$247.64;

**9-1-1:** Payroll: \$5,422.07; ND Pers: \$1,140.85; Stark County Auditor (Federal Deposit): \$1,210.10; City of Dickinson: \$12,982.91; Information Technology: \$4,900.22; Consolidated: \$345.00; NDACo: \$14,741.15;

**Domestic Violence:** State Treasurer: \$700.00;

**Oil Impact Grant:** Payroll: \$5,008.07;

**Traf Safety PHSPID Grant:** Payroll: \$1,020.72;

**Security/Transfer DJS Reimb:** Wex Bank: \$137.64;

**SW Victim Witness Program:** Payroll: \$5,633.33; Discovery Benefits: \$5.50; NDACo: \$3.59; SBM Inc: \$141.13; ND Pers: \$1,295.75; AT&T Mobility: \$86.88; Consolidated: \$41.47; Stark County Auditor (Federal Deposit): \$409.13; Verizon Wireless: \$40.01;

**DVRCC:** Domestic Violence: \$635.00;

**State Reimbursements:** Harold Dentinger: \$25.00; Timothy Josephson: \$50.00; Ian Wise: \$25.00; Mike Legler: \$25.00; Justin Fridrich: \$25.00; Mike Hanel: \$25.00; Evan Kinto: \$25.00;

**Siren Contingency:** Roughrider Electric: \$263.00;

**Other Reimbursements:** Comfort Inn: \$240.00; City of Dickinson: \$15.00; Consolidated: \$270.03; Visa: \$240.00; Information Technology: \$690.00; Office of Attorney General: \$6,080.00; Pharm Chem Inc: \$2,982.00; SBM Inc: \$1.68; Walmart: \$1.96;

**Judgement Execution:** Stacey Kubas: \$23.48; Kodi Meduna: \$4,155.44; Stark County Sheriff: \$171.45;

**BCI-Task Force Grants:** Payroll: \$13,467.68; Dickinson Parks & Rec: \$4.16; NDACo: \$277.18; Discovery Benefits: \$5.50; ND Pers: \$2,847.81; Stark County Auditor (Federal Deposit): \$939.41; Jerome Distributing: \$24.00; Synch/Amazon: \$230.23; Visa: \$132.14; Consolidated: \$67.98; Verizon Wireless: \$392.74; Wex Bank: \$517.71; Enterprise FM: \$6.95;

**911 Equipment:** Advanced Business Methods: \$23.60; Consolidated: \$179.87;

### **Sheriff Oestreich**

Sheriff Oestreich provided his monthly report which included the following:

- 188 criminal papers were received and 157 were served;
- The arrest tally included 10 accidents, 160 stops, 104 citations, and 88 warnings;
- 149 civil papers were received and 122 were served;
- Transports included 19 criminal, 16 daily court, 7 medical, 7 mental health, and 5 juveniles;
- The truck reg. program had a total of \$7,435.00 in fines and \$39,523.53 in permits;
- The 24/7 program had a total of \$1,441.00 in revenue.

### **Park Board Recommendation – Motion \$50,000**

Auditor Haag reminded the commission that all taxes collected for the Park Board go into the general fund. The Park Board then makes recommendations of which they are then brought forth to the County Board of Commissioners in the request of a motion.

At the last Park Board meeting they made the recommendation to provide the Fair Board with \$50,000.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Elkin  
To provide the Fair Board with \$50,000 from the Park Board per their recommendation.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried

### **Road Superintendent - Al Heiser**

Superintendent Heiser provided his monthly report. Chairman Hoff discussed a “T” intersection near his home. A citizen is concerned with the curve in this road. Mr. Heiser will research the feasibility of using a scraper to cut down the hill and possibility of additional sign placements.

### **George Nodland**

Mr. Nodland presented the commission with concerns of the use of fireworks in County subdivisions. Mr. Nodland requested the County place a ban on fireworks in County subdivisions and would like the State’s Attorney’s office to see if the County can recognize the city’s ETZ and ban fireworks in subdivisions. The Commission advised there is no good in having an ordinance to ban fireworks if that ordinance cannot be enforced. Mr. Hope advised the sale of permits for fireworks are issued by the Sheriff. The state statute is unclear as to how much authority the Sheriff has on issuing the permits. The commission was also requested to work with the legislature to address this issue in the future.

### **County Engineer – Justin Hyndman**

Mr. Hyndman provided the following monthly report:

- 38<sup>th</sup> St SW CMC 4512 Phase 2 Additional Aggregate Base and Paving 2.0 miles – Northern Improvement. Paving complete. Chip seal to start July 6<sup>th</sup>.
- 112<sup>th</sup> Ave SW 30<sup>th</sup> to 32<sup>nd</sup> CMC 4521 Grading and Aggregate 2.3 miles – KLJ will complete wetland monitoring to satisfy the USACE.
- 112<sup>th</sup> Ave SW Green River Bridge 120-03.0 – Wanzek. Prejob on schedule. Beams set July 22<sup>nd</sup>, 2016.
- Bridge 45-141-20.0 – Canyon, prejob was held June 16<sup>th</sup>. Project to start mid July.
- South Heart Road CMC 4511 Mill and Overlay 1 mile – Northern Improvement. Concrete work started.
- HWY 10 Dickinson to 83<sup>rd</sup> Ave SW Overlay and Chip Seal 23 miles – Border States. Paving to be completed by July 4<sup>th</sup>.
- 32<sup>nd</sup> St SW and 105<sup>th</sup> Ave SW Reconstruct – County completing install.
- 112<sup>th</sup> Ave SW from 34<sup>th</sup> St SW to 33<sup>rd</sup> St SW 1 mile reconstruct – Martin. Grading started.
- HWY 10 116<sup>th</sup> Ave SW to I-94 Business Loop and 116<sup>th</sup> Ave SW from HWY 10 south to the Refinery – Northern apparent low bid.
- South Heart, Main Ave E Paving – KLJ to stake Main Ave E for shaping prior to paving.

Mr. Hyndman also advised that Mr. Heiser has request a haul road inspection for the wind farm project and KLJ will be working on this.

### **Zoning**

Eric Myran is requesting a zoning change from Agricultural to Rural Residential on a parcel located in the NW ¼ of section 28, Township 140, Range 94 containing approximately 5 acres. Planning and Zoning along with staff recommend approval.

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

To approve the zoning change as presented.

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

Mr. Josephson presented a proposed amendment change to section 5.6 of the Stark County Zoning Ordinance as adopted on October 2, 2012. This amendment would update the industrial district as it pertains to storage of explosives and hazardous materials to a conditional use permit. Planning and Zoning recommend approval.

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

To adopt the proposed amendment changes to section 5.6 as presented.

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

### **City Abatements – Joe Hirschfeld**

Mr. Hirschfeld presented 91 city abatement applications and advised that the City of Dickinson has denied all applications.

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

To accept the City's recommendation and deny the abatement applications as presented.

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

### **Title VI – Adopt**

Ms. Haag advised that this is required by law to keep on file and relates to discrimination of Protected classes.

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

To adopt the Title VI Plan and Non-Discrimination Policy as presented for Stark County.

**DISPOSITION:** Motion carried

### **Courthouse Addition**

Ms. Haag presented the Stark County Commission with the current costs to date for the Courthouse addition project. Current expenses equal \$351,148.73.

### **Matmown (CME Oil) CUP**

Matmown has submitted a conditional use permit renewal application. This is for a gravel pit that was approved last year under a different name and ownership.

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

To approve the conditional use permit renewal application as presented.

**DISPOSITION:** Motion carried

### **Pledge of Assets**

Ms. Haag presented the Stark County pledge of assets and reminded the commission that pledging has to be equal to or exceed the market value. Ms. Haag also advised there are four CDs that are due. Dacotah Bank is offering a CDAR where they will take \$250,000 and send to multiple banks for bids on interest.

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

To accept the pledge of assets as presented.

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

**Kurt Froelich**

Mr. Froelich introduced Hanna Norby as a summer intern with the Stark/Billings NDSU Extension Office. Ms. Norby is majoring in Agriculture Education.

**JLG**

Mr. Hope expressed concerns over the guarantee maximum price and other items from the general contract. Mr. Jangula with Scull Construction commented on the following. The General Conditions in the amount of \$330,826.00 include items such as dumpster fees, site superintendent, vehicles, fuel, equipment, and sales tax. The General Requirements in the amount of \$119,110.80 include additional equipment. Mr. Jangula will send a more details list of the items. Mr. Henning is currently reviewing the AIA A133-2009 contract and will make suggested changes as necessary. They are also researching the County's tax exempt status as it pertains to this project.

The following Miscellaneous Receipts were filed: General: \$216,334.29; 10 Mill: \$24,267.46; County Road: \$2,660,344.30; Highway Tax Distr: \$285,740.24; Sp Road & Bridge: \$7,290.96; Social Services: \$68,190.40; County Poor: \$101,537.39; Capital Improvement: \$234,592.26; County Jail: \$18,513.32; Emergency Fund: \$2,430.32; Veterans: \$3,216.60; County Agent: \$5,646.92; Weed Control: \$72,720.03; 911 Revenue: \$33,556.91; Adult Education: \$353.90; Fingerprint Station: \$300.00; Domestic Violence: \$910.00; Traf Safety PHSPOP Grant: \$1,190.84; Traf Safety PHSPID Grant: \$1,177.76; Estimate Taxes: \$2,731.14; Security/Transfer DJS Reimb: \$136.90; SW Victim Witness Program: \$2,845.00; Domestic Violence & Rape Crisis Center: \$635.00; Preservation Fee: \$1,851.00; State Reimbursements: \$1,968.50; Other Reimbursements: \$9,615.03; Judgement Execution: \$4,350.37; BCI Grants: \$63,560.42; 911 Equipment: \$5,921.89;

**MOTION BY:** Commissioner Wolf

**SECOND BY:** Commissioner Elkin

To adjourn the meeting.

**DISPOSITION:** Motion carried

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Kay Haag, Auditor

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Russ Hoff, Chairman