

## Official Proceedings

March 1, 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 additions or deletions to the agenda. Chairman Hoff added courthouse zoning, bill for prisoner, and sunrise youth.

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

To approve the agenda as presented with the additions.

**DISPOSITION:** Motion carried

### Minutes

The minutes of the February 2, 2016 Board of County Commissioners meeting were presented.

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

To approve the minutes of the February 2, 2016 Board of County Commission minutes as presented.

**DISPOSITION:** Motion carried

### Accounts Payable

Commissioner Elkin questioned a bill from Britton Jeweler's. It was advised this is for Justin's retirement.

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

To approve the accounts payable with the supplement as presented.

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

**General:** Payroll: \$281,192.01; Comfort Inn: \$400.00; Brittney Bornemann: \$147.32; Amanda Engelstad: \$147.32; Tom Henning: \$147.32; Thomson Reuters: \$568.05; Dakota Water Treatment: \$55.00; JobsHQ: \$560.56; SBM Inc: \$3,324.43; Walmart: \$263.15; Raco Industries: \$104.78; Rocky Mountain Oil Journal: \$259.00; Xerox Corporation: \$943.45; MDU: \$3,435.97; Consolidated: \$693.31; Roughrider Electric: \$150.00; SW Water Authority: \$39.95; Braun Distributing: \$129.11; Clean Sweep Vacuum Center: \$18.99; Electric Sales & Service: \$426.99; Ferguson Enterprises: \$86.16; JP Steel & Supply: \$65.70; Mac's Inc: \$29.38; Menards: \$12.38; Mid-West Doors: \$107.95; Newby's Ace Hardware: \$338.91; Prairie Auto Parts: \$96.64; Runnings: \$660.82; Sherwin-Williams: \$31.67; Steffan's Saw & Bike: \$22.98; Uline: \$327.02; City of Dickinson: \$14,048.19; Kay Haag: \$108.00; ND Pers: \$85,128.06; American Insurance: \$954.00; Blue Cross Blue Shield: \$483.20; NDACO: \$1,962.55; Mackoff Kellogg: \$2,020.00; Andrew S Marquart: \$108.00; Melbye Law Office: \$93.75; Sacajawea Substance Abuse Center: \$1,178.00; Wex Bank: \$5,015.15; Tri-Energy Coop: \$51.89; Pamela Lynch: \$560.00; Best Friends Mentoring: \$15,000.00; DVRCC: \$64,250.00; Sandra Rambousek: \$455.00; AT&T Mobility: \$2,123.44; Century Link: \$487.00; Brady Martz & Associates: \$760.00; Dacotah Paper Co: \$368.90; 4 Seasons Trophies: \$15.00; Great Plains Directory: \$189.00; NDACO Directory: \$30.00; Pitney Bowes Inc: \$262.62; Unlimited Office Products: \$280.92; Visa: \$3,410.91; Forsgren Associates: \$1,204.80; ND Youth Correction Center: \$569.96; Jessie Herold: \$213.24; I-94 Development: \$1,000.00; Dickinson Parks & Rec: \$45.76; Hedahls: \$127.31; T-Rex Conoco: \$29.27; Teresa Blackwood: \$52.50; ND State Radio Commission: \$1,155.00; John E Reid & Associates: \$770.00; ND Sheriff's & Deputies Association: \$200.00; Great Plains Clinic: \$301.00; Advanced Business Methods: \$425.13; Menards: \$247.99; Balco Uniforms: \$1,232.86; Logo Magic Inc: \$112.00; Millie's Stitching: \$178.00; The Uniform Unit: \$1,901.18; Charbonneau Car Center: \$622.00; Dickinson Collision Center: \$500.00; Electronic Communications: \$300.00; Midas Auto Service: \$448.93; Parkway Ford Sales: \$305.81; Quality Quick Print: \$475.00; Sax Motor Company: \$22,961.26; Sure Sign: \$140.00; ND Dept of Transportation: \$16.50; Andrus Outdoors: \$19.98; The Attic: \$2,600.00; Brownells Inc: \$1,773.39; Dakota Sew & So: \$109.52; Dickinson Area Ambulance: \$166.25; Electronic Communications: \$75.00; Lilja Precision: \$725.00; Red Hawk Rifles: \$1,148.00; Sirchie: \$2,475.65; Bob's Photo: \$199.99; Meggitt Training: \$1,044.58; Ultramax: \$22,781.00; LEC Maintenance: \$12,487.12; Dennis E Wolf MD:

\$5,500.00; Stark County Auditor (Federal Deposit): \$45,835.99; Sandra Engeland: \$67.00; Verizon Wireless: \$90.92; Rudy's Lock & Key: \$104.50; Belfield Ambulance: \$5,000.00; Dickinson Ambulance: \$10,000.00; Richardton Ambulance: \$6,000.00; SW District Health: \$750.00; Dickinson Press: \$168.48;

**10 Mil:** Kadrmas, Lee & Jackson: \$63.14;

**County Road:** Kadrmas, Lee & Jackson: \$60,567.40; RDO Equipment Co: \$228,000.00; Westlie Truck Center: \$30,870.28; Capital Industries: \$14,000.00; Val's Sanitation: \$200.00; MDU: \$974.81; AT&T Mobility: \$113.46; City of Dickinson: \$100.85; Consolidated: \$62.15; Roughrider Electric: \$2,152.00; SW Water Authority: \$64.34; City of Richardton: \$93.62; Century Link: \$56.24; Belfield Automotive: \$28.65; Border States Electric: \$498.41; Clean Sweep Vacuum: \$18.99; Dickinson Supply: \$38.74; IBS Inc: \$294.47; Mac's Inc: \$103.76; Menards: \$57.85; Newby's Ace Hardware: \$29.98; Runnings: \$374.15; Service Printers: \$314.40; Total Safety USA: \$74.95; Bierschbach Equipment: \$16.15; Dakota Farm Equipment: \$1,286.52; Dakota Filter Supply: \$47.08; Diamond Truck Equipment: \$95.91; General Steel: \$438.68; Hedahls: \$17.77; J & J Operating: \$799.05; Nelson International: \$234.23; NW Tire: \$4,944.44; Pump Systems LLC: \$65.48; Road Equipment Parts: \$58.84; United Truck & Equipment: \$1,510.28; West Dakota Oil: \$1,207.68; ND Dept of Transportation: \$677.39; Butler Machinery: \$8,588.59; Dakota Signwerks: \$36.00; RDO Trust: \$23,219.91; Visa: \$385.48; SW Grain: \$9,556.36; Buckman Plumbing: \$485.00; JP Steel & Supply: \$38.88; Kimball Midwest: \$1,235.88; Lenny's Repair: \$15.75; NSC Minerals: \$5,169.54; City of Dickinson: \$90.65; EscoSupply: \$6,480.00; Fisher Sand & Gravel: \$324,123.21; Lyle Signs Inc: \$169.90; Britton Jewelers: \$129.50; Dickinson Press: \$1,819.26; American Bank Center: \$30.00; US Postal Service: \$68.00; Walmart: \$42.98;

**Highway Tax Distribution:** Payroll: \$119,037.06; ND Pers: \$33,779.42; NDACO: \$538.65;

**SP Road & Bridge:** City of Belfield: \$68,864.01; City of Dickinson: \$40,700.88; City of Gladstone: \$184.44; City of Richardton: \$910.81; City of South Heart: \$469.64; City of Taylor: \$160.47;

**Social Welfare:** Payroll: \$204,293.38; Brady Martz & Associates: \$230.00; NDACO: \$1,235.60; ND Pers: \$58,357.59; Wrap Around: \$979.12; Sax Motor Co: \$10,331.00; Dickinson Parks & Rec: \$22.88; Advanced Business Methods: \$129.72; All American Travel: \$1,048.20; AT&T Mobility: \$43.98; Braun Distributing: \$160.72; City of Dickinson: \$193.62; Comfort Suites: \$560.00; Consolidated: \$1,154.25; CTS Language Link: \$10.42; Eddy Funeral Home: \$1,950.00; Evanson Funeral Home: \$1,950.00; Bertie Gustafson: \$700.00; MDU: \$1,314.70; Newby's Ace Hardware: \$55.78; Pitney Bowes Inc: \$258.09; Record Keepers: \$33.00; SBM Inc: \$1,541.87; Southwestern District Health Unit: \$30.00; Visa: \$549.50; ND Department of Transportation: \$11.50;

**Capital Improvement:** Electric Sales & Service: \$873.20; Stands & Mounts: \$642.60; Jerry D Schwartz Construction: \$3,830.00; Berger Electric: \$113.75; Consolidated: \$366.50; ETSystems Inc: \$609.84; JLG Architects: \$42,575.00; Richardton Health Center: \$10,000.00;

**County Jail:** SWMCCC: \$141,594.24; Daniel Brown: \$11.73; CHI St Joseph's Health: \$776.00;

**VSO Fund:** Payroll: \$7,746.68; Jessica Clifton: \$521.80; Dakota Water Treatment: \$14.00; Jonathan Publishing: \$130.00; Consolidated: \$53.39; Verizon Wireless: \$40.01; Country Media Inc: \$5.00; NDACO: \$91.60;

**County Agent:** Payroll: \$4,546.88; ND Pers: \$693.86; Visa: \$468.23; Kurt Froelich: \$35.00; Samantha Roth: \$35.00; Consolidated: \$289.99; SBM Inc: \$23.31; Xerox Corporation: \$112.20; Kirsten Hansen: \$136.72; Deb Theurer: \$100.00; NDACO: \$57.20;

**Weed Control:** Payroll: \$17,849.53; ND Pers: \$5,034.71; AT&T Mobility: \$6.96; ND Weed Control: \$275.00; 4 Seasons Trophies: \$64.50; Walmart: \$90.80; NDACO: \$114.40; Stark County Auditor: \$255.27;

**9-1-1:** Payroll: \$5,422.07; ND Pers: \$1,968.26; Stark County Auditor: \$383.69; City of Dickinson: \$12,982.91; Red River Regional Dispatch Center: \$720.00; Information Technology Dept: \$2,540.00; Consolidated: \$489.00;

**Adult Education:** Visa: \$30.94;

**Domestic Violence:** State Treasurer: \$245.00;

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

**Traf Safety Grant:** Payroll: \$425.30;

**Misc Grants:** Dickinson Area Ambulance: \$54,400.43;

**Game & Fish:** ND Game & Fish Department: \$24,088.00;

**SW Victim Witness Program:** Payroll: \$5,633.33; ND Pers: \$1,295.75; AT&T Mobility: \$117.02; Consolidated: \$39.86; Walmart: \$3.42; Stark County Auditor (Federal Deposit): \$413.16; Verizon Wireless: \$40.01;

**DVRCC:** Domestic Violence: \$735.00;

**State Reimbursements:** Taylor Peters: \$25.00; Mike Legler: \$25.00; Jesse Becker: \$50.00; John Hiltunen: \$25.00; Cynthia Jaeger: \$25.00; Jan Kuhn: \$25.00; Renee Boomgaarden: \$25.00; Latoya Myran: \$25.00; Dr Chris Hertler: \$25.00; Zachary Milne: \$25.00; Mike Hanel: \$25.00; Matthew Hanson: \$25.00;

**Siren Contingency:** Federal Signal Corporation: \$3,812.34; West Shore Services: \$9,422.02; Roughrider Electric: \$275.00;

**Other Reimbursements:** Dickinson Collision Center: \$11,853.29; Consolidated: \$267.03; Visa: \$191.29; Dell Marketing LLP: \$477.60; Hewlett-Packard: \$2,385.94; NDACO Resources: \$133.58; Pharm Chem Inc: \$750.00; SBM Inc: \$59.95;

**Judgement Execution:** Blaine Allen Decker: \$9,724.06; Stark County Sheriff: \$333.08; Worthington Law Office: \$150.25;

**BCI-Task Force Grants:** Payroll: \$14,651.97; ND Pers: \$2,847.81; Stark County Auditor (Federal Deposit): \$977.79; NDACO: \$120.20; Quality Quick Print: \$59.00; Jerome Distributing: \$42.00; Visa: \$281.79; Verizon Wireless: \$1,851.96; Consolidated: \$66.91; Wex Bank: \$441.41;

**911 Equipment:** Advanced Business Methods: \$23.60; Consolidated: \$176.17; Walmart: \$79.52;

### **Sheriff Oestreich**

Sheriff Oestreich provided his monthly report which included the following:

- 142 criminal papers were received and 89 were served;
- The arrest tally included 8 accidents, 131 stops, 94 citations, and 41 warnings;
- 172 civil papers were received and 127 were served;
- Transports included 2 for other counties, 8 criminal, 18 daily court, 2 medical, 12 mental health, and 1 juveniles;
- The truck reg. program had a total of \$18,695.00 in fines and \$39,327.75 in permits;
- The 24/7 program had a total of \$3,311.13 in revenue.

Sheriff Oestreich also advised he has received 2 options from Archonix to access prior data from moving to Zuercher Technologies. Archonix will charge either \$3,500 per year

for data access or \$10,500 as a one-time charge for lifetime access. This is needed as not all data was able to transfer to the Zuercher system. It was advised that the lifetime option was in the best interest and to be taken out of the I.T. fund.

Commissioner Zander asked if numbers for Sheriff's department are increasing. Sheriff's Oestreich advised that some areas are down while other areas are up.

### **Sponsorship of Drug Court Grant – Judge Gion/Kris Fehr**

Kris Fehr and Judge Gion provided handouts and spoke on the drug court grant program.

Per the handout, the rules for the drug court can be tailored to fit the community, and so for now there will be simple generalizations. In most drug courts, the defendant must be facing charges that do not entail violence, and must have at least one prior addiction-related offense. The defendant must apply for entry into the drug court, and the application is reviewed by the State's Attorney's Office for approval.

If approved, the defendant then pleads guilty to the charges, and his case is diverted into drug court. In the drug court setting, the focus is on treatment and accountability. If the defendant successfully completes drug court, the defendant may have the underlying charge reduced, amended or dismissed. If the defendant fails the drug court, he or she is returned to the criminal court for sentencing.

It is not believed that the applicants will need to come before the Commission in the future for funding.

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

To accept the request to sponsor the grant and authorize the Chairman to sign the grant application as presented.

**DISPOSITION:** Motion carried

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

Mr. Heiser presented his monthly report. In addition, Mr. Heiser advised they are working on crack sealing and trucks are hauling scoria.

Mr. Heiser also advised that due to a hazardous materials release that occurred in May of 2014 on Highway 10, it has been observed that there is no vegetative growth on the impacted soil. Mr. Heiser will work with Mr. Fahlsing to contact the responsible party and have this issue resolved.

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

Mr. Hyndman provided the following monthly report:

- 32<sup>nd</sup> St SW, Green River Bridge – Meyer Contracting. Project records have been submitted to NDDOT. Waiting on documents from contractor.
- 38<sup>th</sup> St SW, CMC 4512, Phase 2 Additional Aggregate Base and Paving 2.0 miles – Northern Improvement awarded project. \$1,139,510.15. 2016 construction.
- 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 – Scheduled for March 18th, 2016 bid opening through the NDDOT.
- Bridge 45-141-20.0 – February 1, 2016 bid opening. Kanyon Specialty Contractors was low bid at \$271,343.90. KLJ sent the letter of recommendation to award to Stark County.
- South Heart Road, CMC 4511, Mill and Overlay 1 mile – March 1, 2016 bid opening.
- Hwy 10, Dickinson to 83<sup>rd</sup> Ave SW, Overlay and Chip Seal 23 miles – March 1, 2016 bid opening.
- 32<sup>nd</sup> St SW and 105<sup>th</sup> Ave SW Reconstruct – KLJ working on preliminary plans.
- 112<sup>th</sup> Ave SW from 34<sup>th</sup> St SW to 33<sup>rd</sup> St SW 1 mile reconstruct – KLJ working on preliminary plans.

### **Zoning**

Butch Pribyl is requesting a zoning change from Agriculture to Rural Residential on a parcel located in the SW4 and S2 of the NW4 Section 35, Township 140, Range 95

containing approximately 94.84 acres. Planning and Zoning along with Staff recommend approval with conditions.

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

To approve the zoning change with conditions.

**DISCUSSION:** There was discussion on the preliminary plan process for this request. Commissioner Zander called for the question.

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

### **RFP Construction Engineering Services**

At the previous meeting a committee was formed regarding the Construction Engineer Services on the Green River Bridge project. Bids were received from the following companies:

- Boundary Engineering
- Epic
- Stanley Consultants
- Forsgren
- Houston Engineering
- KLJ
- Taney Engineering

The committee will select the top 3 qualified agencies and bring them in for an interview.

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

To accept all proposals.

**DISPOSITION:** Motion carried

### **Beer/Liquor License**

Ms. Haag advised she has received a beer and liquor license application from Deborah Kinzel.

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

To approve both applications at the \$500 application fee.

**DISPOSITION:** Motion carried

### **Red Trail Energy – Proxy**

Ms. Haag presented the Commission with the annual proxy solicitation from Red Trail Energy.

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

To decline the proxy vote.

**DISPOSITION:** Motion carried

### **Dickinson Ambulance – Energy Impact Grant**

Ms. Haag presented an energy impact grant request for reimbursement from the Dickinson Ambulance in the amount of \$54,400.43.

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

To authorize the Chairman to sign the reimbursement request as presented.

**DISPOSITION:** Motion carried

### **iPads**

Commissioner Zander discussed the possibility of Commissioner utilizing iPads for meetings, documents, and emails. It is believed that they are more efficient and would help to reduce paper use. It was decided that the Commissioners would further review this and discuss at the next Commission meeting.

### **Bid Opening – South Heart Road Project and Highway 10**

The following bids were received for the South Heart Road Project:

- Northern Improvement - \$742,499.46
- Bituminous Paving - \$990,253.30

The following bids were received for the Highway 10 project:

- Border States – \$6,016,462.36
- Central Specialties – \$6,605,688.12
- Northern Improvement – \$6,266,360.99
- Anderson Western – \$6,470,736.51

The apparent low bid is Border States.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Wolf  
To accept all bids for review prior to selecting and authorizing the Chairman to sign the contract for low bid.

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

### **Sanford Med Air**

Mr. Zander presented on a letter received from Sanford Med Air on a Community Membership Program. The possibility was discussed on placing the medical community membership programs on the election ballot of which a petition would need to be filed.

### **Courthouse Zoning**

It was advised that in order to proceed with the Courthouse addition, a zoning change from R3 to Public is required.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Elkin  
To approve the zoning request as presented.

**DISPOSITION:** Motion carried

### **Sanford Bill**

Mr. Henning presented a bill from Sanford Medical in the amount of \$161,639.55 for services provided to an individual once the individual was taken into custody. Mr. Henning suggested a Commissioner be involved in the negotiations with Sanford Health. It was decided Commissioner Wolf will work with Mr. Henning.

### **Sunrise Youth Bureau**

Chairman Hoff advised that due to some safety and security concerns, the Sunrise Youth Bureau is considering installing a panic button. The cost of this would be approximately \$2,500 and taken out of Capital Improvement. No motion was made.

### **NextEra Energy**

One of the concerns from the Commission was working with a particular family. NextEra Energy advised that those concerns have been addressed and resolved to the satisfaction of the family.

### **Bid Opening – Equipment Rental, Bituminous, Gravel Crushing**

#### Equipment Rental

All of the equipment rental bids will be placed on file and used when needed.

**MOTION BY:** Commissioner Elkin      **SECOND BY:** Commissioner Kuntz  
To accept all hourly rental rate bids.

**DISPOSITION:** Motion carried

#### Bituminous

Received the following bid for Bituminous:

##### Northern Improvement

- Hot bituminous pavement - \$66 per ton
- PG 58-28 Asphalt Cement - \$425 per ton
- Mobilization - \$5,000 Lump Sum
- 1 flagger, pilot car, and signing - \$187 per hour

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Wolf  
To accept bid on bituminous.

**DISPOSITION:** Motion carried

#### Gravel Crushing

Received the following bid for gravel crushing:

##### Meyer Aggregate

- Gravel - \$3.15
- Scoria - \$2.75
- Stockpiling - \$3.45

#### Fisher Sand and Gravel

- Crushing and Stockpiling 1” minus gravel - \$3.48

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

To accept all bids.

**DISPOSITION:** Motion carried

**Alan Fehr – Patterson Lake Project**

Mr. Fehr provided handouts and presented on the Patterson Lake Project. The project will consist of a lakeside facility, enhancement of the lake, and outdoor activities/events.

The lakeside facilities proposed amenities include a restaurant, bar, meeting rooms, reception area, indoor restrooms, patios & balconies, locker rooms, gazebo/pavilion, and rentals.

Enhancements of the lake include the beach area, additional piers, shoreline, and water quality.

Outdoor activities/events include fishing tournaments, boat races, sailing regattas, outdoor concerts, and winter and year-round events.

The task force for this project meets monthly.

**JLG**

Mr. Remark presented the monthly report on the Courthouse addition project. The owner attention items are as follows:

Schematic design phase sign off. This approves the design team to formally transition into Design Development phase.

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

To authorize the Chairman to sign the schematic design upon his further review.

**DISPOSITION:** Motion carried

Approve Badlands Environment Consultants, Inc. hazardous materials study. This is not to exceed the estimated \$2,200.00. Also includes a bulk sample analysis (if over 50 samples) at \$18.00 per sample.

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

To approve the hazmat study not to exceed \$2,200.00.

**DISPOSITION:** Motion carried

The following Miscellaneous Receipts were filed: General: \$281,173.26; 10 Mil: \$8,974.87; County Road: \$122,234.10; Highway Tax Distribution: \$221,587.92; Special Road & Bridge: \$2,722.71; Social Services: \$207,066.94; Capital Improvement: \$140,471.42; County Jail: \$6,655.52; Emergency Fund: \$907.57; Veteran's: \$1,109.25; County Agent: \$1,815.14; Weed Control: \$37,772.03; 911 Revenue: \$39,069.72; Adult Education: \$75.50; Fingerprint Station: \$568.00; Domestic Violence: \$413.00; Oil Impact Grant: \$42,779.93; Oil3061 Grant: \$2,005.97; Traf Safety Grant: \$2,169.03; Misc Grants: \$54,400.43; Estimate Taxes: \$1,227.00; Game & Fish Licenses: \$11,601.00; SW Victim Witness Program: \$1,485.00; Domestic Violence & Rape Crisis Center: \$735.00; Preservation Fee: \$1,941.00; State Reimb: \$650.00; Other Reimbursements: \$8,983.32; Judgment Execution: \$10,207.39; BCI-Task Force: \$44,428.08; 911 Equipment: \$8,892.10;

**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