

## Official Proceedings

December 3, 2019  
8:00 am

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

### Agenda

Chairman Zander asked for any changes to the agenda. Chairman Zander removed Portfolios.

**MOTION BY:** Commissioner Elkin                      **SECOND BY:** Commissioner Arthaud

To approve the agenda with the changes.

**DISPOSITION:** Motion carried.

### Minutes

The November 5, 2019 Board of County Commissioner's meeting minutes were presented.

**MOTION BY:** Commissioner Kuntz                      **SECOND BY:** Commissioner Franchuk

To approve the November 5, 2019 Board of County Commissioner's meeting minutes as presented.

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

### Accounts Payable

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

To approve the accounts payable with the supplement as presented.

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

### Sheriff Lee

Sheriff Lee provided his monthly report which included the following:

- 1,100 calls for service were reported with 319 additional courtroom security hours.
- 121 criminal papers were received, 125 were served, and 17 were DNF/Returned;
- There were a total of 477.50 hours of overtime at a cost of \$14,816.85;
- The arrest tally included 154 stops, 10 accidents, 89 citations, and 27 warnings for a total of 126;
- The Sheriff Sales and foreclosures received 13 executions and 9 Sheriff Sales;
- The truck reg. program had a total of 7 stops with a total of \$0.00 in fines;
- 112 civil papers were received and 69 were served;
- Transports included 7 criminal, 6 daily court, 2 medical, 4 mental health, and 2 juveniles;
- The monthly income included \$5,025.00 for civil, \$47,139.62 for truck reg, and \$230 for fingerprints.

Sheriff Lee reported that the Truck Reg Deputy will be out on leave beginning December 10 and a Memorandum of Understanding has been written with the ND Highway Patrol to help out with enforcement during the time frame of her absence.

**MOTION BY:** Commissioner Elkin                    **SECOND BY:** Commissioner Arthaud

To approve the Memorandum of Understanding.

**DISPOSITION:** Motion carried.

Sheriff Lee presented a request from the Dickinson Ambulance for funding to assist with the purchase of an electrocardiogram machine. Sheriff Lee would like to offer the excess funds in the sheriff's budget to help out.

Penny Lewis reported that Dickinson Ambulance would like to update their event rig, which is also used for transports. The current machine does not allow to track pace of heart, nor does it allow shocks to infants. Cost for a new unit with five year warranty with option to purchase additional five years extended warranty would be \$30,900.00. Trade in allowance would be \$3,000.00, and they have received \$3,000.00 from LEPC if other funding could be secured. Ms. Lewis stated Dickinson Ambulance would be thankful for any amount.

**MOTION BY:** Commissioner Arthaud                    **SECOND BY:** Commissioner Elkin

To approve donating \$20,000.00. Discussion was held.

**MOTION BY:** Commissioner Arthaud                    **SECOND BY:** Commissioner Elkin

To amend previous motion and change amount to \$24,900.00.

**DISPOSITION:** Roll call vote. Motion carried.

Auditor Haag requested clarification as to where funds would be taken. It was determined to take the funds from General – Miscellaneous.

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

Mr. Heiser reported the road crew has been transferring scoria and gravel from various pits to the Dickinson and Richardton Shop, and he is working on a contract for additional shale south of Dickinson. Mr. Heiser reported traffic count on 107<sup>th</sup> and 35<sup>th</sup> is reflecting high usage, and is working on a project design to regrade and widen the road with Northern Plains Engineering.

### **Andrew Krebs - KLJ**

Mr. Krebs provided the KLJ engineer's report for two bridge replacements, one chip seal project, bridge scour analysis for multiple locations and a wetland mitigation monitoring project.

### **Jeremy Wood – Norther Plains Engineering**

Mr. Wood provided the Northern Plains engineer's report that construction on the two bridge replacement projects and one street project has been suspended for the season. Mr. Wood gave an update on three bridge replacement projects in the design phase. Mr. Wood also reported that on the grading project in the design phase there is a building located within the 33' statutory limit. Mr. Wood also gave an update on the Green River Estates design phase street project and disclosed that he lives in the sub division. Mr. Wood stated

he will step away from the project if the Commission has any concerns. Discussion was held. Consensus of the Board was there would not be any conflict since the Road Superintendent would have control of the project.

**Kenzie Roberts – Highland Engineering**

Mr. Roberts provided the Highland engineer’s report for one bridge construction project that has been suspended for the season, and on a culvert replacement project in the design phase.

**Scull**

Rod Cockeram gave an update on the Stark County Office Building construction. Mr. Cockeram reported 18 weather days have been claimed so far.

**December Meeting Date – Budget Variances**

Auditor Haag reported that she will need until December 30 to complete the budget variances for 2019, and would like the meeting set for December 31.

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

To set the last meeting of the year for December 31 at 8:00 AM.

**DISPOSITION:** Motion carried.

**Beer & Liquor Licenses**

Auditor Haag reported that she has received liquor license applications from Assumption Abbey, Green 19 Grill & Lounge, St. Pius Verien, County Line Truck Stop, and Wix Barn & Lounge. Auditor Haag is waiting for applications from Lefor Columbus Club and Fluffy Fields Vineyard and Winery.

**Meeting Dates - 2020**

Auditor Haag presented the following dates for the 2020 Stark County Commissioners Meeting: January 7, February 4, March 3, April 7, May 5, June 2, July 7, August 4, September 1, September 15, October 6, November 3, December 1, and December Second Commission Meeting date to be determined.

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

To approve the meeting dates for 2020 as presented.

**DISPOSITION:** Motion carried.

**Delinquent Tax Properties**

Auditor Haag reported that a Public Meeting was held on the third Tuesday of November to offer the delinquent properties for sale, no one showed. In the past, unsold parcels were offered to the small cities for \$50.00. Following are the parcels by city.

<b>City</b>	<b>Legal Description</b>
Belfield	Lot 10 Block 21 O’Connors’ Resurvey
Belfield	Lot 5 Block 4 Makaruk Addition
Belfield	Lot 28 Block 2 Makaruk Addition
Belfield	Lots 1, 6-8 Block 34 OP Belfield

Dickinson	S2 of Lot 3 Block 9 Sub of Blk 9 Messersmith & Simpsons Addition
Dickinson	Lot 1 Block 1 State 7 <sup>th</sup> Addition, storm water detention pond
Richardton	Lots 17-18 Block 22 OP Richardton
Taylor	Lots 11, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35 Block 1 Prairie East

**MOTION BY:** Commissioner Kuntz                    **SECOND BY:** Commissioner Elkin  
 To offer the delinquent parcels to the respective cities for \$50.00 per parcel.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried.

**SW REAP Board**

Auditor Haag presented a letter from the SW Rural Economic Area Partnership informing the Commission that Ralph Weisenberger’s term is expiring and he is willing to be reappointed for another two year term.

**MOTION BY:** Commissioner Elkin                    **SECOND BY:** Commissioner Kuntz  
 To reappoint Ralph Weisenberger to the SW REAP board for another term.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried.

**Weed Control Board Appointment**

Commissioner Kuntz reported that Dwight Schank and Ron Obritsch’s terms have expired and both are willing to be reappointed to the Weed Control Board for another four year term.

**MOTION BY:** Commissioner Kuntz                    **SECOND BY:** Commissioner Elkin  
 To reappoint Dwight Schank and Ron Obritsch to the Stark County Weed Control Board for another term.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried.

**Zoning**

CUP 04-19 Central Dakota Frontier Cooperative is requesting a conditional use permit for an anhydrous ammonia storage facility on a property located in the NW ¼ of the NW ¼ of Section 33, Township 137, Range 94 containing approximately 158.5 acres on an approximately five (5) acre tract. The Planning and Zoning Commission and staff recommends approval.

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

Public Hearing-RZ 14-19 Jodee Heim is requesting a rezoning from Residential, Agricultural to Agricultural Residential on a property located at 10472 36<sup>th</sup> Street SW in the NW ¼ of Section 3, Township 139, Range 95 containing approximately 33.65 acres. The Planning and Zoning Commission and staff recommends approval.

**MOTION BY:** Commissioner Franchuk                    **SECOND BY:** Commissioner Arthaud  
 To approve the rezoning request as presented.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried.

Public Hearing-CUP 05-19 Jodee Heim is requesting a conditional use permit for a kennel on a property located at 10472 36<sup>th</sup> Street SW in the NW ¼ of Section 3, Township 139, Range 95 containing approximately 33.65 acres. The Planning and Zoning Commission and staff recommends approval.

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Arthaud  
To approve the conditional use permit request as presented.

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

Public Hearing- RZ 15-19 Justin and Melanie Young are requesting a rezoning from Agriculture to Agricultural Residential on a property located at 4617 109F Avenue SW in the NW ¼ of the NE ¼ of Section 26, Township 138, Range 96 containing approximately 12.68 acres. The Planning and Zoning Commission and staff recommends approval.

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Arthaud  
To approve the rezoning request as presented.

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

MSP 07-19- Emery Walker is requesting a Minor Subdivision Plat of the Emory Walker 2<sup>nd</sup> Subdivision described as Lot 1 and the remainder of Lot 2 located in the NE ¼ of Section 4, Township 140, Range 99 containing approximately 58.08 acres. The Planning and Zoning Commission and staff recommends approval.

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Arthaud  
To approve the minor subdivision plat as presented.

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

### **Ryan Jilek – Stark Development**

Mr. Jilek reported on programs that SDC has been working on, gave an update on the 2020 Census and reviewed the Economy at a Glance. Mr. Jilek also thanked the Commission for their support.

### **City Abatement – Ryan Inc. – Red Roof Inn**

Tax Director Natalie Wander presented the recommendation from the City of Dickinson to deny the request from Ryan Inc. for abatement of taxes for 2017 tax year on the Red Roof Inn located at 165 26<sup>th</sup> Street West. No representation from Ryan Inc. – Red Roof Inn was present. Ms. Wandler recommends keeping the assessed value at \$5,743,400 as originally set by the City Assessor.

**MOTION BY:** Commissioner Elkin      **SECOND BY:** Commissioner Arthaud  
To approve the City of Dickinson’s recommendation.

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

Ms. Wandler reported that as of now, there will be 26 abatements for the January 7 meeting, and was wondering if a special meeting should be scheduled to handle the abatements. A special meeting was scheduled for January 6, 2020 at 8:00 AM with a limit of 15 minutes allowed for each property.

### **Red Trail Energy**

Dustin Willet, COO, Red Trail Energy, gave an update on the Red Trail Energy Carbon Capture and Storage Project. Mr. Willet invited the Commission to an Open House on December 11 from 6:00 to 8:00 PM, information on the project and its current activities through displays and one on one conversations will be available.

### **Building Permits**

Mel Zent, Dakota West Inspection Service presented a pre-inspection agreement between Stark County and Dakota West Inspection Services to provide services in the form of Building Inspections, along with a fee schedule. State's Attorney Tom Henning will review the agreement.

### **Radio Discussion – Bill Fahlsing**

Bill Fahlsing, Director of Emergency Services, presented a request to update the Statewide Inoperable Radio Network (SIRN) dispatch equipment. Mr. Fahlsing reported that two primary users of the system, Dickinson Police Department and Dickinson Fire Department, infrastructure are nearing the end of their life. Both entities would have to acquire their own equipment, but the equipment would incorporate into the updated system. Mr. Fahlsing is requesting a special budget item in the 2020 budget for \$467,000.00 which includes \$420,000.00 for the SIRN update and \$47,000.00 to add the required redundant network circuit. SIRN 2020 will benefit the Sheriff's Office, Dickinson Police Department, Fire Departments, and other first responder agencies within the county.

**MOTION BY:** Commissioner Arthaud      **SECOND BY:** Commissioner Elkin

To approve \$467,000.00 out of the IT budget within the General Fund for the SIRN project and authorize the Chair to sign the letter to the state advising the funds have been allocated to the SIRN project.

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

### **Forsgren Associates, Inc. – Building Permit Contract**

Aaron Swenson and Bobbi Strait, came today to renew the contract between Stark County and Forsgren Associates Inc. for Building Inspection and Plan Check Services. Discussion was held on whether or not we are within the contract limits to terminate services, and if a request for proposal with specifics stated should be applied in this instance, since two or more parties are interest in servicing the building permits for Stark County. State's Attorney Henning advised to continue the contract as written or go to an executive session to discuss further.

**MOTION BY:** Commissioner Arthaud      **SECOND BY:** Commissioner Franchuk

To move into executive session.

**DISPOSITION:** Motion carried.

State's Attorney Henning announced the purpose of the executive session would be to discuss the legal propriety of going forward with the change in the contractual relationship with our current Building Inspector.

The Board recessed for the executive session at 10:40 AM.

The Board reconvened at 10:59 AM.

State's Attorney Henning explained the board had a brief discussion about the direction they think is reasonable to take in the face of the debate that happened just prior to going into executive session, about how to address the fact that there may be others interested in doing the building inspections, previously done by Forsgren Associates for the past five years. In settlement of this discussion, State's Attorney Henning invited any Commissioner to make a motion concerning how they wish to attempt to settle this discussion and avoid unnecessary court time for all involved.

**MOTION BY:** Commissioner Arthaud      **SECOND BY:** Commissioner Franchuk  
To terminate the Forsgren's contract in six months effective from existing termination date.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried.

State's Attorney Henning will on behalf of Commission forward a notice to Forsgren Associates concerning the action the Commission has taken.

The Board recessed for the County Park Board Meeting at 11:11 AM.

The Board reconvened at 11:55 AM.

**MOTION BY:** Commissioner Arthaud      **SECOND BY:** Commissioner Elkin  
To adjourn the meeting.  
**DISPOSITION:** Motion carried

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Kay Haag, Auditor

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Ken Zander, Chairman