

## Official Proceedings

December 4, 2018  
8:00 am

Vice-Chairman Zander called the meeting of the Stark County Board of Commissioners to order. Chairman Elkin was absent.

### Agenda

Vice-Chairman Zander asked for any changes to the agenda. NDSU Extension office was added.

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

To approve the agenda as presented with the change.

**DISPOSITION:** Motion carried

### Minutes

The minutes of the November 6, 2018 Board of County Commissioners meeting were presented.

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

To approve the minutes of the November 6, 2018 Board of County Commission minutes as presented.

**DISPOSITION:** Motion carried

### Accounts Payable

**MOTION BY:** Commissioner Kuntz            **SECOND BY:** Commissioner Arthaud

To approve the accounts payable with the supplement as presented.

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

### NDSU Extension

Mr. Froelich advised interviews have been conducted and an offer has been made and accepted for the FCW position. Once the employee in this position starts, they will be introduced to the Commission at the February meeting.

### Sheriff Oestreich

Sheriff Oestreich provided his monthly report which included the following:

- 888 calls for service were reported with 392.75 additional courtroom security hours.
- 127 criminal papers were received, 97 were served, and 6 were DNF/Returned;
- There were a total of 309.25 hours of overtime at a cost of \$11,562.27;
- The arrest tally included 103 stops, 7 accidents, 60 citations, and 3 warnings for a total of 70;
- The Sheriff Sales and foreclosures received 3 executions, 2 Sheriff Sale, and revenue of \$600.83;
- The truck reg. program had a total of 5 stops with a total of \$1,300.00 in fines;
- 131 civil papers were received and 99 were served;
- Transports included 3 for other counties, 17 criminal, 8 daily court, 6 medical, 12 mental health, and 2 juveniles;

- The monthly income included \$1,401.50 for civil, \$26,451.46 for truck reg, and \$0.00 for fingerprints and 24/7 had \$1,959.53 in expenditures.

Mr. Oestreich recommended changing the personnel policy for the sheriff's department regarding switching to bi-weekly pay periods and overtime. It was recommended that the Sheriff speak with Ms. Krebs on the policy.

### **Zoning**

RZ 05-18 – The Streitz Land Trust is requesting a rezoning from Agriculture to Agricultural Residential zoning district on a property located in the W ½ of the W ½ of the SW ¼ of Section 2, Township 139, Range 98 and in the W ½ of the E ½ of the SW ¼ of Section 2, Township 139, Range 98 containing approximately 60 acres. Planning and Zoning along with staff recommend approval.

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

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

MSP 04-18 – Dana Weston is requesting a Replat of Lot 3 Block 1 of the Bill Starlin Subdivision located in the NW ¼ of the NW ¼ and NE ¼ of Section 25, Township 139, Range 96 containing approximately 20 acres. Planning and Zoning along with staff recommend approval.

**MOTION BY:** Commissioner Kuntz                    **SECOND BY:** Commissioner Arthaud  
To approve the replat request as presented.

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

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

Mr. Heiser provided his monthly report to included finishing gravel crushing in a pit, driving the county to check roads after wet weather, and working on culverts.

### **Meeting Dates**

Ms. Haag presented the following 2019 dates for special consideration for county operations.

July 4<sup>th</sup> – falls on a Thursday, Friday most departments only work a half day.

**MOTION BY:** Commissioner Kuntz                    **SECOND BY:** Commissioner Arthaud  
To remain open on Friday, July 5<sup>th</sup>, 2019.

**DISPOSITION:** Motion carried

New Year's Eve falls on a Monday and the County is closed on Tuesday.

**MOTION BY:** Commissioner Kuntz                    **SECOND BY:** Commissioner Arthaud  
To deny New Year's Eve as paid time off.

**DISPOSITION:** Motion carried

Ms. Haag advised a motion was made at a previous meeting for 2018 that the county will be closed Christmas Eve.



To approve the liquor license application as presented for Fluffy Fields and authorize the Vice-Chairman's signature.

**DISPOSITION:** Motion carried

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Arthaud  
To approve the liquor license application as presented for the Lefor Club and Links Grill and Bar LLC if received by the deadline and authorize the Chairman's signature.

**DISPOSITION:** Motion carried

**Thyssenkup Elevator Contract**

A Thyssenkup elevator service contract was presented for the elevator in the new courthouse addition in the amount of \$1,800 per year.

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Franchuk  
To approve the presented Thyssenkup contract.

**DISPOSITION:** Motion carried

**Delinquent Tax Properties**

The following properties that are delinquent in taxes were presented to be offered back to the appropriate cities.

Lots 13 & 14 Block 7 Original Plat Gladstone

Delinquent Taxes - \$899.86

Minimum Value - \$7,500.00

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Arthaud  
To offer the presented property to the City of Gladstone for \$50.00.

**DISPOSITION:** Motion carried

Lot 3 Block 3 Fisher East Side 2<sup>nd</sup> Sub Rplt B4 East Side Add & Unplatted 2-139-96

Delinquent Taxes - \$24,180.97

Minimum Value - \$9,500.00

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Franchuk  
To offer the presented property to the City of Dickinson for \$50.00.

**DISPOSITION:** Motion carried

Lot 4 Block 3 Fisher East Side 2<sup>nd</sup> Sub Rplt B4 East Side Add & Unplatted 2-139-93

Delinquent Taxes - \$40,975.31

Minimum Value - \$47,700.00

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Arthaud  
To offer the presented property to the City of Dickinson for \$50.00.

**DISPOSITION:** Motion carried

Lots 6 & 7 Block 1 Custer's, 304 4<sup>th</sup> Ave NW, Belfield

Delinquent Taxes - \$1,496.34

Minimum Value - \$10,000.00

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Franchuk  
To offer the presented property to the City of Belfield for \$50.00.

**DISPOSITION:** Motion carried

Lots 5 & 6 Block 19 O'Connors, 106 Riverside Dr, Belfield

Delinquent Taxes - \$336.69

Minimum Value - \$5,100.00

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

To offer the presented property to the City of Belfield for \$50.00.

**DISPOSITION:** Motion carried

**County Engineer – Justin Hyndman**

Mr. Hyndman provided the following monthly report:

- Green River Bridge Structure 45-123-3.0 Replacement – Swingen, Final estimate submitted;
- 47<sup>th</sup> Street SW Structure 129-19.0 and 130-19.0 Replacement and 104<sup>th</sup> Ave SW Structure 128-25.0 Replacement – Shep's Welding. Completion October 19<sup>th</sup>, 2018, time extension October 28<sup>th</sup>, 2018;
- 35<sup>th</sup> Street SW Green River Bridge Low Water Crossing – Martin, 2018 Construction completion October 19<sup>th</sup>, 2018 time extension June 1, 2019;
- 119<sup>th</sup> Ave SW Structure 45-113-20.0 Replacement – Schwartz, 2019 construction;
- CMC4537 Structure 45-138-21 Replacement – Bid Nov. 13, 2020 thru the NDDOT, 2021 Construction;
- 112<sup>th</sup> Ave SW (30<sup>th</sup> to 32<sup>nd</sup>) – Reports submitted.

**Drug Testing Policy**

An update to the random tests section of the Stark County drug testing policy was presented to only include those departments that are classified as safety sensitive positions. Discussion was held regarding concern with the reasonable-suspicion tests if that also only applies to those in safety sensitive positions.

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Arthaud

To adopt the random drug testing policy amendment as presented.

**DISPOSITION:** Roll call vote. Franchuk-Nay, Arthaud-Nay, Kuntz-Aye, Zander-Aye. Motion failed

**Jeremy Wood**

Mr. Wood provided the following report:

**CBP-0045(16)05 99<sup>th</sup> Ave. SW Box Culvert southeast of Lefor**

The bid opening was held December 5, 2017 with Martin Construction the low bidder at \$212, 822.00. We have recommended pay estimate #2 (final) in the amount of \$3,975.83. Construction is complete.

**CBP-0045(15)02 and CBP-0045(15)03 47<sup>th</sup> St. Box Culverts southwest of Richardton**

The bid opening was held May 1, 2018 with Edward H Schwartz Construction the low bidder at \$421,624.00. We have recommended pay estimate #3 (final) in the amount of \$8,517.87. Construction is complete.

**COIB-5-983(061) 34<sup>th</sup> Street (between ND 22 and 113<sup>th</sup> Ave.)**

This project is a joint project between Stark County and the City of Dickinson. Hlebechuk Construction has finished the grading and culvert installation of the west mile. County forces have completed the graveling. The east mile will be graded early next summer in preparation for paving.

**COIB-5-983(061) 34<sup>th</sup> Street (between ND 22 and 113<sup>th</sup> Ave.)**

This project is a joint project between Stark County and the City of Dickinson. A bid opening has been scheduled for January 8<sup>th</sup> for the paving portion of the project.

**30<sup>th</sup> Street (from ND 22 East 3.1 Miles)**

We have the survey complete and the design is complete. We are hoping to be able to obtain easements by the end of the year in preparation for a February bid opening. This three mile section of road is a joint project between Stark and Dunn Counties and planned for 2019 construction.

**Payroll & Vacation/Sick Accrual Policies**

The Stark County Personnel policy for Vacation accrual, Sick Leave, and Payroll were all presented with amendments to reflect changes reflecting verbiage from the county moving from monthly pay periods to bi-weekly pay periods.

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

To amend the personnel policies as presented.

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

**Bridge Loan to Salary Advance**

The proposal of the bridge loan was presented and approved at a previous Commission meeting due to a change in pay periods. It is the recommendation of the State's Attorney however the verbiage of this program be changed from a bridge loan to a salary advance for employees.

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

To amend the previous motion to create this program as a salary advance.

**DISPOSITION:** Motion carried

**Court Facilities Grant**

Ms. Haag presented a court facilities grant application. Under this program the State will cover 75% of the total cost and the County is responsible for the remaining 25%. Under this application the County's total cost share is \$8,048.67.

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

To approve the presented court facilities grant application.

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

**Abatement – Carlos Royal**

Mr. Royal presented an abatement request on the following properties.

Parcel Number	Name
0010-2400-1100	Park Place (12 units)
0050-0810-0000	Eighth Ave E (23 Units)

1120-0200-0500	Royal Manor (24 units)
0050-0302-0000	Silvergate (12 units)
0500-0303-0000	
0500-0304-0000	
1160-0100-0101	Century Apartments (120 units)
1160-0100-0102	
1160-0100-0103	
1160-0100-0104	
1160-0100-0105	
1160-0100-0106	
1160-0100-0107	
1160-0100-0108	

The City of Dickinson denied the abatement request however did decrease the value of Century Apartments by \$10,000. Ms. Wander reviewed the documents and did not see any information that would recommend her to change the recommendation from the City of Dickinson.

Vice-Chairman Zander closed the public hearing.

**MOTION BY:** Commissioner Kuntz            **SECOND BY:** Commissioner Franchuk  
To deny the abatement request as presented.

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

**MOTION BY:** Commissioner Kuntz            **SECOND BY:** Commissioner Arthaud  
To amend the previous motion to allow and accept the reduction in value in Century apartments as presented by the City of Dickinson.

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

**Domestic Violence – Darianne**

Darianne is requesting a one-time donation for the new shelter. The new facility has received funds from the City of Dickinson, raised funds, and received grants from the State resulting in the building being free of any debt. They are looking to hire at least two additional individuals of which the critical time for the two position will be in January. Ms. Haag will add this to the January meeting agenda and it is requested that each Commissioner contact Darianne to review the current Domestic Violence financials, programs, and the facility. \$150,000 would cover the two positions and in addition they do not have the funds to add the sprinkler system.

**Vector Control**

An updated was provided by Vector Control. North Dakota Century Code provides for 1 Mill however they have not received this for the past couple of years as they have had the funding available in their budget however they are now in need of this funding for purchasing chemicals in 2019.

**MOTION BY:** Commissioner Kuntz            **SECOND BY:** Commissioner Franchuk  
To provide Vector Control with \$100,000 from the general fund.

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

**Abatement – Terry Clement**

Mr. Clement presented an abatement request on the following properties.

Parcel Number	Name	Tax Year
1140-0600-2601	Abode	2016
1670-2900-1500	Jewel Blue	2016
1140-0600-2300	Temili	2016
1670-2900-1200	TMJ Properties	2016
1140-0600-2601	Abode	2017
1670-2900-1500	Jewel Blue	2017
1140-0600-2300	Temili	2017
1670-2900-1200	TMJ Properties	2017

Mr. Hirschfeld with the City of Dickinson provided an overview and advised the City of Dickinson along with his recommendation was no change. Ms. Wandler recommended to deny the abatement request.

Vice-Chairman Zander closed the public hearing.

**MOTION BY:** Commissioner Kuntz           **SECOND BY:** Commissioner Zander  
To deny the abatement request as presented for abode, jewel blue, temili, and TMJ properties.

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

**Abatement – Frederickson & Byron PA**

It was decided that in order to provide adequate time for the remaining abatement hearings, a special meeting will be scheduled for December 18<sup>th</sup>, 2018 for the abatement hearings.

**SEH Inc – City of Richardton – TAPs Program**

City of Richardton is requesting Stark County’s approval and sponsorship of a transportation alternative project for fiscal year 2020-2021. This would involve Stark County acting as a financial pass-through agency and offering a letter of support for the project.

**MOTION BY:** Commissioner Kuntz           **SECOND BY:** Commissioner Arthaud  
To approve the request and authorize the Chairman’s signature on the letter of support.

**DISPOSITION:** Motion carried

**Scull Construction – Jury Room Remodel**

Mr. Cockeram provided a pricing sheet and scope of work for the 2<sup>nd</sup> floor jury room remodel project in the amount of \$59,169.13.

**MOTION BY:** Commissioner Kuntz           **SECOND BY:** Commissioner Arthaud  
To authorize Scull Construction to proceed with the presented project.

**DISPOSITION:** Motion carried

**Resolution BRO-0045(067)**

A resolution was presented to award the BRO-0045(067) project to Edward H Schwartz Construction in the amount of \$269,790.30.

**MOTION BY:** Commissioner Kuntz           **SECOND BY:** Commissioner Franchuk  
To authorize the Vice-Chairman's signature on the presented resolution.

**DISPOSITION:** Motion carried

**JLG Architects – Social Service Bldg**

Isaac Karley with JLG Architects presented the building design and overview for the new Social Services building project and is requesting authorization to proceed with the project.

**MOTION BY:** Commissioner Kuntz           **SECOND BY:** Commissioner Arthaud  
To authorize proceeding with the design development and the Vice-Chairman's signature on the schematic document.

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

**Emergency Management MOUs**

Mr. Fahlsing presented MOUs for Morton, Grant, and Adam's counties. Mr. Fahlsing also advised he has sent MOUs for Emergency Management to Billings, Dunn, Mercer, Hettinger, and Slope counties and is requesting approval for the Chairman's signature when those MOUs are received back in his office.

**MOTION BY:** Commissioner Kuntz           **SECOND BY:** Commissioner Franchuk  
To authorize the Chairman's signature on the presented MOUs.

**DISPOSITION:** Motion carried

**Executive Session – Former Employee Law Suit**

Mr. Henning advised an executive session is needed for the purpose of discussion related to a lawsuit brought before the County by a former employee.

**MOTION BY:** Commissioner Franchuk       **SECOND BY:** Commissioner Kuntz  
To adjourn the regular commission meeting and enter executive session.

**DISPOSITION:** Motion carried

**MOTION BY:** Commissioner Arthaud       **SECOND BY:** Commissioner Kuntz  
To adjourn the executive session.

**DISPOSITION:** Motion carried

Vice-Chairman Zander called the regular meeting to order.

**MOTION BY:** Commissioner Arthaud       **SECOND BY:** Commissioner Kuntz  
To have Mr. Armstrong proceed as directed in the executive session.

**DISPOSITION:** Motion carried

**Board Appointments**

Ms. Haag presented the following for re-appointment to the Stark Job Development Authority Board:

- Ken Solberg
- Linda Steve
- Dean Franchuk

- Mary Urlacher

All have accepted re-appointment

**MOTION BY:** Commissioner Kuntz

**SECOND BY:** Commissioner Arthaud

To re-appoint Ken Solberg, Linda Steve, Dean Franchuk, and Mary Urlacher to the Stark Job Development Authority Board.

**DISPOSITION:** Motion carried

**Portfolios**

No action was taken. Commissioner Arthaud will temporarily oversee former Commissioner Hoff's portfolios until they are ratified at a future meeting.

**MOTION BY:** Commissioner Kuntz

**SECOND BY:** Commissioner Franchuk

To adjourn the meeting.

**DISPOSITION:** Motion carried

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Kay Haag, Auditor

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Jay Elkin, Chairman