

## Official Proceedings

June 2, 2020  
8:00 am

Chairman Kuntz called the meeting of the Stark County Board of Commissioners to order. All members present. The meeting was open to the public and access granted through a conference call.

### Agenda

Chairman Kuntz asked for any changes to the agenda. Commissioner Elkin added building permits, Commissioner Arthaud added open precinct and Commissioner Franchuk added Coroner's letter of resignation.

**MOTION BY:** Commissioner Elkin                   **SECOND BY:** Commissioner Franchuk  
To approve the agenda with the changes.

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

### Minutes

The May 5, 2020 Board of County Commissioner's regular meeting minutes were presented.

**MOTION BY:** Commissioner Zander                   **SECOND BY:** Commissioner Elkin  
To approve the May 2, 2020 Board of County Commissioner's meeting minutes as presented.

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

### Accounts Payable

**MOTION BY:** Commissioner Franchuk                   **SECOND BY:** Commissioner Arthaud  
To approve the accounts payable with the supplement as presented.

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

### Sheriff Lee

Sheriff Lee provided the monthly totals for May and thanked the Commissioners for the support and protection offered during the COVID pandemic.

Sheriff Lee requested an extension of the maximum carryover limit on vacation hours, due to COVID-19 and staff not being able to use vacation hours as planned. Currently the limit is set at 240 hours as of the employee's anniversary month. State's Attorney Tom Henning stated the exception should be made countywide.

**MOTION BY:** Commissioner Zander                   **SECOND BY:** Commissioner Elkin  
Moved to make a temporary exemption to the paid time off maximum limit of 240 hours, increasing to 280 hours with an expiration date of January 1, 2021.

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

Sheriff Lee requested increasing the limit on the Sheriff's Office credit cards to \$2,500.00 since they have limited the number of credit cards issued to one for administration use and two for travel use.

**MOTION BY:** Commissioner Arthaud      **SECOND BY:** Commissioner Zander  
Motion to increase the limit on the credit card allowance to \$2,500.00 for the Sheriff's Office.

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

Sheriff Lee requested that members on the Asset Forfeiture Board consists of the Auditor, a Commissioner and member of the public. Sheriff Lee recommended Andrew Kordonowy as the member of the public as he has expressed interest in serving on the board. Sheriff Lee also felt having a member on the Board from the State's Attorney Office would be a conflict of interest since the State's Attorney Office is eligible for the Asset Forfeiture funds. State's Attorney Henning disagrees there is any conflict with the State's Attorney Office representative serving on the board. Direction was given to follow our current practice of appointing auxiliary board members, and advertise for the open position.

**MOTION BY:** Commissioner Arthaud      **SECOND BY:** Commissioner Franchuk  
Motion so there is no conflict down the road to follow Sheriff Lee's request of members on the board.

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

Sheriff Lee also reported that due to uncertain times he cannot in good faith to staff and residents of Stark County submit the reduction asked for in the 2021 budget.

#### **Road Superintendent – Al Heiser**

Mr. Heiser recommended dropping the speed limit to 25 miles per hour on a gravel maintenance road behind Decker subdivision about a mile west of Highway 22. There currently is no speed limit sign present.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Elkin  
Motion to place a 25 mile speed limit on road.

**DISPOSITION:** All voted aye. Motion carried

Mr. Heiser gave an update on projects the road crew is working on and presented a bill from Konecranes, Inc. for a crane inspection that was not on the accounts payable list approved earlier.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Elkin  
Motion to pay the Konecranes, Inc. bill for \$425.00.

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

#### **Gladstone Fire District – Terri Thiel**

Ms. Thiel reported that the Gladstone Fire District was awarded \$187,500.00 to replace a Pumper Fire Truck, which was 50% of the application. Additional funding of \$187,500.00 is still needed. The Gladstone Fire District has committed to fund raising \$20,000.00, leaving a balance needed of \$167,500.00. The application was made per joint presentation of Stark County and Dunn County due to shared fire district lines. Ms. Thiel is requesting 65% or \$108,875.00 from Stark County, funds could be split over two years since the grant

ends March 1, 2022. Chief Joe Wanner reported that it takes a year to build a truck for delivery.

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

Motion of support for the proposed project amount of \$108,875.00.

**DISPOSITION:** Roll call vote. Commissioner Zander Aye. Commissioner Elkin Aye. Commissioner Arthaud Nay. Commissioner Franchuk Aye. Chairman Kuntz Aye. Motion carried

### **Section Line Closing**

Chairman Kuntz opened the Public Hearing to close a portion of a section line described as a parcel of land lying Thirty-Three (33) feet on either side of the section line between the SE1/4 of Section Eight and the NE1/4 of Section Seventeen, Township One Hundred Thirty-Nine North, Range Ninety-Six West, Fifth Principal Meridian (5<sup>th</sup> P.M.), Stark County, ND; Less and except the East 185-feet and the West 208.87-feet of said parcel. Andrew Schrank reported the section line is not traveled due to natural obstacles and difficult terrain and an alternate route has been provided. The property is currently in the platting process with the City of Dickinson. Chairman Kuntz asked for anyone opposing the closing of the said portion of section line. There being no opposition Chairman Kuntz closed the Public Hearing.

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

Motion to close the section line as requested.

**DISPOSITION:** Roll call vote. Commissioner Franchuk Aye. Commissioner Arthaud Aye. Commissioner Zander Nay. Commissioner Franchuk Aye. Chairman Kuntz Aye. Motion carried

State's Attorney Henning requested that Mr. Schrank have his legal counsel prepare the notice of closing the section line.

### **Street Vacation – Frank's 4th**

Natalie Wander, Tax Director, presented a Landowner Petition to vacate the 2<sup>nd</sup> Ave Street, East of Block 4 of Frank's 4<sup>th</sup> Subdivision, adjacent to Dickinson City Limits with Heartland Mobile Park to the East. All surrounding property owners adjacent to the 2<sup>nd</sup> Avenue Street have been notified. Chairman Kuntz opened the Public Hearing and asked for anyone opposing the vacating of said street. There being no opposition Chairman Kuntz closed the Public Hearing.

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Elkin

Motion to close street located at 2<sup>nd</sup> Ave SE, East of Block 4, Frank's 4<sup>th</sup> Subdivision.

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

### **Roer's 2018 Abatement**

Ms. Wandler presented the City of Dickinson's recommended values on sixteen vacant lots located within Westridge Subdivision to \$750.00 per acre, apartments located within the Westridge Subdivision to the 2019 and 2020 True & Full Value of \$2,436,100.00, and Market Place Strip Mall to the 2019 and 2020 True & Full Value of \$3,456,300.00.

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

Motion to accept the City of Dickinson's recommendations.

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

**Edward Dick – Conditional Use Permit**

Steve Josephson, Planning and Zoning Director, presented CUP 01-19 from Edward Dick of Dickinson Indoor Ranges LLC for a one year extension to establish an indoor firing range on property located in the SW4 of the NW4 of Section 2, Township 139N, Range 97, containing approximately 5 acres.

**MOTION BY:** Commissioner Franchuk     **SECOND BY:** Commissioner Arthaud  
Motion to approve the extension of the Conditional Use Permit to Dickinson Indoor Ranges LLC.

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

**Belfield Ambulance**

Auditor Haag presented a request from the Belfield Ambulance for funding to purchase a new ambulance. Total cost of ambulance is \$264,943.00, they have received grants in the amount of \$181,300.00. Their request is any funds to put towards the balance of the remaining cost of \$83,643.00. Decision was table until next meeting, until the Auditor’s Office can find out if Billings County or any other County that is serviced by Belfield Ambulance will be contributing any funds toward the purchase.

**Total Control –Northern Plains Engineering Bills**

Auditor Haag presented bills from Total Control, Inc. for the removal of trees and demolishing and removal of house located at 523 Dupont Street in the amount of \$17,400.00, and inquired if the expense could be added as specials to the property. Stark County acquired the property through 2017 delinquent tax proceedings. Funds to pay the Total Control, Inc. bills should come from the General Fund.

**MOTION BY:** Commissioner Arthaud     **SECOND BY:** Commissioner Franchuk  
Motion to have the Auditor advertise the sale through public notice.

**DISPOSITION:** Roll call vote. Commissioner Arthaud Aye. Commissioner Franchuk Aye. Commissioner Zander Nay. Commissioner Elkin Nay. Chairman Kuntz Aye. Motion carried

Auditor Haag also inquired which fund to pay a bill form Northern Plains Engineering for a survey done on County owned lot by Highway 10 off of West Villard. The Board directed the funds to be paid for the Northern Plains Engineering bill from the General Fund.

**Zoning**

VAR 03-20 Michael Ballard is requesting a variance to the maximum square footage requirement for an accessory structure and a variance to allow an accessory structure in the front yard, and a variance for the maximum height of an accessory structure to property located on Lot 1, Block 1 of Green River Estates Subdivision. Planning and Zoning and staff recommend approval.

**MOTION BY:** Commissioner Franchuk     **SECOND BY:** Commissioner Arthaud  
To approve the application for Michael Ballard as presented.

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

CUP 01-20 Glenn and Stacey Koffler are requesting a conditional use permit for a kennel on property located in the SE4 of Section 33, Township 140, Range 95. Planning and Zoning and staff recommend approval.

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

To approve the application for Glenn and Stacey Koffler as presented.

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

### **NDACo-Standing Committees**

Auditor Haag presented an email from NDACo requesting interest from county commissioners to be appointed to serve on various standing committees. Commissioner Arthaud expressed interest and will complete the form expressing which committee(s) she would be interested in serving on.

### **Open to Public - Date**

Auditor Haag informed the Board that department heads have been inquiring when the county buildings will be open to the public, and have requested June 15 be the effective date.

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

Moved to open to the public on June 15, 2020.

**DISPOSITION:** Withdrew motion due for lack of second.

**MOTION BY:** Commissioner Arthaud      **SECOND BY:** Commissioner Zander

Moved to open to the public as of June 2, 2020, with the public be required to wear masks and be screened like they have been at the door.

**DISPOSITION:** Roll call vote. Commissioner Arthaud Aye. Commissioner Zander Nay. Commissioner Elkin Nay. Commissioner Franchuk Nay. Chairman Kuntz Nay. Motion failed

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Elkin

Moved to open to the public as of June 10, 2020, with the same precautions as suggested, such as screening questions, and taking temperature if concern, and provided a mask at the front door when they come through security.

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

Sheriff Lee requested that each department let the security desk know if they want the public entering their office be required to wear a mask.

### **County Coroner**

Commissioner Franchuk announced that Dr. Dennis Wolf is retiring July 1, 2020 after 52 years of serving as the County Coroner. Dr. Wolf indicated that Dr. James Brooke and Leah Floberg have agreed to continue and serve as Deputy Coroners.

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

Moved to appoint Dr. James Brooke and Leah Floberg as acting Coroners, and check if one of them would be interested in serving as the County Coroner.

**DISPOSITION:** All voted aye. Motion carried.

**Open Precinct**

Commissioner Arthaud would like it to be public record that there was a motion made in March to have a vote center at the BAC, that there was another motion made the same day to go Vote By Mail, and there was not an Executive Order by the Governor to not have an open precinct. Commissioner Arthaud would also like to have it on record that she was not opposed to having an open precinct. State’s Attorney Henning responded that it was highly encouraged by the Governor to go by Vote by Mail, and at that time 33 counties had already moved in that direction. State’s Attorney Henning also stated that the first motion became mute when the second motion to go Vote by Mail took place. Commissioner Zander stated that he doesn’t feel any of the Commissioners were opposed to open precincts. Commissioner Arthaud felt a special meeting should have been called to address the voting issue. Auditor Haag confirmed no counties in North Dakota will have a precinct open on Election Day, with the exceptions of counties with reservations.

**Building Permits**

Natalie Wandler, Tax Director, informed the Board the Forsgren’s contract is up at the end of the month and is looking for direction moving forward. Bobbi Strait, Forsgren Associate, reported that 29 permits have been turned in this year, she receives about 30 call per week on the process, fees, and what is allowed under code. Commissioner Elkin questioned if it is possible to extend the contract to the end of the year. Ms. Strait stated that Forsgren would be willing to accept the extension. Commissioner Arthaud acknowledged that Forsgren had the 30 day notice their contract would be ending, and understands that we are in the middle of construction season, but there would be a substantial savings with contracting with Mel Zent. Proposals/bid packages will be reviewed and contract awarded at the January 2021 meeting.

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

Moved to extend Forsgren’s contract to the end of December 2020.

**DISPOSITION:** Roll call vote. Commissioner Elkin Aye. Commissioner Zander Aye. Commissioner Franchuk Nay. Commissioner Arthaud Nay. Chairman Kuntz Aye. Motion carried

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

To adjourn the meeting.

**DISPOSITION:** Motion carried

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Kay Haag, Auditor

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Pete Kuntz, Chairman