

## Official Proceedings

January 6, 2015  
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. Ms. Haag added the Election of Officers.

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

To approve the agenda as presented with the additions.

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

### Minutes

The minutes of the December 30, 2014 Board of County Commissioners meeting were presented.

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

To approve the minutes of the December 30, 2014 Board of County Commission minutes as presented.

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

### Election of Officers

Position of Chairman

Commissioner Elkin cast a nomination for Commissioner Hoff for the position of Chairman.

**MOTION BY:** Commissioner Wolf

To cease nominations and cast a unanimous ballot for Commissioner Hoff for the position of Chairman.

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

Position of Vice-Chairman

Commissioner Kuntz cast a nomination for Commissioner Elkin for the position of Vice-Chairman.

**MOTION BY:** Commissioner Wolf

To cease nominations and cast a unanimous ballot for Commissioner Elkin for the position of Vice-Chairman.

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

### Accounts Payable

Ms. Haag advised that Kurt Froelich received a quote for a panic button system from Consolidated in the amount of \$1,417.00.

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

To take the \$1,417.00 for the consolidated quote out of capital improvements.

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

**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

**General:** Payroll: \$257,279.42; Ken Zander: \$150.00; ND County Commissioners Association: \$1,500.00; Thomas Gehrz: \$172.00; State Bar of South Dakota: \$100.00; West Payment Center: \$87.00; Dakota Water Treatment: \$16.75; ND Recorder's Association: \$150.00; Thos Y Pickett: \$19,000.00; MDU: \$4,222.14; Consolidated: \$410.67; Roughrider Electric: \$281.52; SW Water Authority: \$39.88; Braun Distributing: \$262.36; ETSystems Inc: \$59.50; Mac's Inc: \$27.60; Menards: \$101.07; Nalco Company: \$704.50; Otis Elevator Co: \$2,902.78; Rudy's Lock & Key: \$1.40; Runnings Supply: \$101.90; City of Dickinson: \$12,301.39; Village Family Service Center: \$3,690.00; NDPers: \$36,923.53; Melbye Law Office: \$707.50; Cenex Fleetcard: \$5,089.19; Wex Bank: \$1,185.87; Brightside Services: \$240.00; Presort Plus: \$6,656.43; US Postal Service: \$146.00; AT&T Mobility: \$1,734.22; Century Link: \$487.00; Advanced Business Methods: \$1,037.64; Consolidated Plastics: \$570.03; Great Plains Directory: \$368.50; Pitney Bowes: \$888.60; Dickinson Press: \$167.00; Farm & Home

Publishers: \$75.00; Forsgren Associates: \$4,946.50; Ralph Weisenberger: \$107.38; Dickinson Parks & Rec: \$70.72; Mike Lynk: \$110.00; Walmart: \$272.43; Just In Glass: \$80.00; T-Rex Conoco Inc: \$49.98; Tri-Energy Coop: \$499.02; Visa: \$128.58; LEC Maintenance: \$9,317.11; Stark County Auditor (Federal Deposit): \$662.58; NDACO: \$36,159.61; William Fahlsing: \$28.00; Verizon Wireless: \$171.07; ND 911 Association: \$50.00; NDEMA: \$50.00; ESRI: \$3,550.00; National Association of Counties: \$484.00; Roosevelt-Custer Regional Council: \$33,270.00;

**10 Mill:** Kadrmas, Lee & Jackson: \$17,277.04; ND Dept of Transportation: \$37,333.31;

**County Road:** Onsite Improvements: \$1,309.00; Butler Machinery: \$86,423.24; Sax Motor Co: \$32,159.00; Charbonneau Car Center: \$45,184.00; Val's Sanitation: \$300.00; MDU: \$1,413.42; AT&T Mobility: \$111.34; City of Belfield: \$26.25; City of Dickinson: \$156.39; Consolidated: \$51.44; Roughrider Electric: \$1,841.00; SW Water Authority: \$39.88; City of Richardton: \$75.90; Century Link: \$56.15; ACME Electric Co: \$384.99; Border States Electric: \$155.12; Dickinson Supply: \$1,722.08; Headahl's Headquarters: \$82.66; J & J Operating: \$176.37; Kimball Midwest: \$183.74; Lenny's Repair: \$11.18; Total Safety: \$176.00; Certified Power: \$203.40; Diamond Truck Equipment: \$1,465.92; SOS Truck Repair: \$103.97; Trucks of Bismarck: \$567.87; Westlie Truck Center: \$695.78; ND Dept of Transportation: \$34.50; Dakota Farm Equipment: \$204.64; Daryl's Machining: \$110.10; General Steel: \$47.50; Stone Mill Inc: \$50.50; Visa: \$20.78; SW Grain: \$1,492.73; Bosch Lumber Company: \$16.20; JP Steel & Supply: \$22.68; Menards: \$14.00; Road Equipment Parts: \$219.49; Vincent & Ardella Veverka: \$51,109.37; Frank & Anna Walters: \$85,190.62; Bonnie Brekke: \$756.00; NDACE Conference: \$510.00; Norman G Jensen: \$60.00; Kadrmas, Lee & Jackson: \$26,997.63;

**Highway Tax Distribution:** Payroll: \$106,668.50; NDPers: \$28,792.97; NDACO: \$29,022.26;

**Social Welfare:** Payroll: \$191,281.08; NDACO: \$7,055.28; AT&T Mobility: \$45.35; ND Dept of Human Services: \$4,482.58; NDPers: \$51,851.03; NC Dept of Health: \$24.00; Vital Statistics: \$28.00; Secretary of State: \$36.00; Advanced Business Methods: \$78.17; Wrap Around Checks: \$1,113.48; Comfort Suites: \$222.00; Consolidated: \$751.41; Bertie Gustafson: \$650.00; MDU: \$1,330.22; Newby's Ace Hardware: \$8.09; Pitney Bowes Inc: \$258.09; Professional Printing: \$438.00; Record Keepers: \$49.00; Safety Works: \$375.00; SBM Inc: \$643.26; Stevenson Funeral Home: \$1,950.00; Sunrise Youth Bureau: \$262.50; The UPS Store: \$36.35; Visa: \$233.41; Walmart: \$48.47;

**County Poor:** ND Dept of Human Services: \$33,816.24;

**IT-Computer/Updates:** NDACO Resources: \$9,128.65; Consolidated: \$270.26; Addem Inc: \$6,165.81; GIS Workshop: \$29,200.00; Vanguard Appraisals: \$2,475.00; Governsoft: \$12,195.00; Tap Publishing: \$211.03;

**Fair Board:** Stark County Fair Board: \$215.37;

**Insurance:** NDACO: \$25,817.68; American Insurance Center: \$120,200.00;

**Comp Health Care:** NDPers: \$34,014.06; Blue Cross Blue Shield: \$447.20;

**VSO Fund:** Payroll: \$4,803.53; Professional Veterans Advocates: \$50.00; Verizon Wireless: \$80.10; Consolidated: \$59.31;

**Social Security:** Stark County Auditor (Federal Deposit): \$41,094.05;

**County Agent:** Payroll: \$4,934.08; NDPers: \$610.24; NDACO: \$226.13; Consolidated: \$166.33; Pitney Bowes Inc: \$188.66;

**Weed Control:** Payroll: \$15,923.18; NDPers: \$4,593.43; Stark County Auditor (Federal Deposit): \$235.32; NDACO: \$1,854.27;

**9-1-1:** Payroll: 5,213.53; NDPers: \$1,786.52; Stark County Auditor (Federal Deposit): \$372.33; NDACO: \$16,652.45; City of Dickinson: \$11,275.83; Century Link: \$1,617.17; Consolidated: \$477.00;

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

**Oil 3061 Grant:** Payroll: \$3,525.70; NDPers: \$1,361.93; Stark County Auditor (Federal Deposit): \$239.80;

**Criminal Justice/Oil Impact Grant:** Payroll: \$4,252.95; NDPers: \$1,523.52; Stark County Auditor (Federal Deposit): \$325.34;

**Traf Safety Grant:** Payroll: \$2,773.20; Cenex Fleetcard: \$441.28;

**Cops Grant 2011:** Payroll: \$4,725.50; NDPers: \$1,156.42; Stark County Auditor (Federal Deposit): \$354.02;

**Game & Fish:** ND Game & Fish Dept: \$213,479.00;

**Security/Transfer DJS Reimb:** Cenex Fleetcard: \$590.52;

**SW Victim Witness Program:** Payroll: \$5,416.22; NDACO: \$174.44; SBM Inc: \$10.18; Verizon Wireless: \$80.02; NDPers: \$1,205.31; AT&T Mobility: \$84.88; Consolidated: \$38.59; Stark County Auditor (Federal Deposit): \$398.01;

**DVRCC:** Domestic Violence: \$805.00;

**State Reimbursements:** Jesse Becker: \$25.00; Samantha Ruane: \$25.00; Lauren Asheim: \$25.00; Jason Wallace: \$25.00; George L Sarnicki: \$50.00; Michael Hanson: \$25.00; Jayden Peters: \$25.00;

**Siren Contingency:** Roughrider Electric: \$268.00;

**Other Reimbursements:** American Insurance Center: \$174.00; Consolidated: \$178.16; Pharm Chem Inc: \$25.00; Office of Attorney General: \$7,083.00; Walmart: \$47.91;

**Judgment Execution:** Patricia Snyder: \$65.00; Kimberly Ann Burrell: \$65.00; Allan Dennis Richard: \$65.00; Stark County Sheriff's Dept: \$279.57; West Dakota Oil: \$5,177.68; Furniture Rent All: \$195.00;

**BCI-Task Force Grants:** Payroll: \$8,593.25; NDPers: \$1,479.52; Stark County Auditor (Federal Deposit): \$615.85; Galls/Quartermaster: \$585.00; Smart Computers: \$349.00; The UPS Store: \$10.83; Walmart: \$213.47; Wex Bank: \$676.95; American Insurance Center: \$204.00; Consolidated: \$66.91; Verizon Wireless: \$990.10;

**911 Equipment:** SBM Inc: \$490.00; Consolidated: \$59.71;

### **Sheriff Oestreich**

Introduced Major Ray Kaylor and Fern Moser to the Commission, both former Sheriff's Department employees. Major Kaylor will be in charge of the patrol and truck regulatory departments and Major Moser will be in charge of the investigative, civil process, and office staff. Sheriff Oestreich thanked the Commission for the support he has received. Sheriff Oestreich is requesting three iPhones for his department and is also working on the Zuercher records management system. Sheriff Oestreich introduced his wife and daughter and read the oath of office.

**MOTION BY:** Commissioner Wolf

**SECOND BY:** Commissioner Elkin

To approve Sheriff Oestreich's request for three iPhones in the amount of \$150 to be taken out of the special general fund for phones.

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

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

Mr. Heiser advised his staff is currently working on snow removal along with equipment repairs in the shop.

**Pledge of Assets & Depositories**

Ms. Haag presented the pledge of assets and depositories report. The report is as follows:

American Bank Center

Deposits - \$28,779,035.50

Market Value - \$36,495,559.00

Pledging Required - \$31,381,939.05

Dakotah Bank – CD’s - \$0.00

Dakota Community Bank

Deposits - \$8,405,062.30

Market Value - \$9,973,189.17

Pledging Required - \$8,970,568.53

Bremer Bank – CD

Deposits - \$500,000.00

Market Value - \$1,184,862.50

Pledging Required - \$275,000.00

Bank of the West - \$0.00

Western Cooperative Credit Union - \$0.00

**MOTION BY:** Commissioner Wolf

**SECOND BY:** Commissioner Elkin

To accept pledges as presented.

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

**MOTION BY:** Commissioner Elkin

**SECOND BY:** Commissioner Kuntz

To accept banks listed as depositories.

**DISCUSSION:** Commissioner Hoff asked if we can accept other banks. Auditor Haag advised we could.

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

**Detention Service Contract Renewal**

Ms. Haag presented the detention service contract for renewal and advised there were no changes from the previous contract. Mr. Henning advised this is from the Division of juvenile services as any juvenile taken into custody must be transferred to a certified facility within 24-48 hours.

**MOTION BY:** Commissioner Kuntz

**SECOND BY:** Commissioner Wolf

To allow the Chairman to sign the Detention Service contract renewal.

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

**Portfolios**

A listing of the Commissioner’s portfolios was presented.

Commissioner Wolf – No Change

Commissioner Zander – No Change

Commissioner Hoff – No Change

Commissioner Elkin – No Change

Commissioner Kuntz – Added the Sheriff’s portfolio as this should be listed under all Commissioners as previously discussed. Commissioner Elkin will remain the Liaison Commissioner to the Department.

**Park Board Appointments**

**MOTION BY:** Commissioner Elkin

**SECOND BY:** Commissioner Wolf

To appoint Arnie Binek to the Park Board.

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

**MOTION BY:** Commissioner Zander

**SECOND BY:** Commissioner Kuntz

To appoint Lisa Heiser to the Park Board.

**DISPOSITION:** Motion carried

Ms. Heiser declined the nomination as she does not meet the requirements.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Elkin  
To withdraw Lisa Heiser from the Park Board Appointment.  
**DISPOSITION:** All voted aye. Motion carried

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Wolf  
To appoint Lynn Betlaf to the Park Board.  
**DISPOSITION:** All voted aye. Motion carried

**County Engineer – Justin Hyndman**

Provided the following updates:

- Green River Bridge NE of Dickinson – Project final. KLJ will proceed with final as discussed with NDDOT.
- Saetz Bridge NW of Dickinson – Schwartz Construction, winter suspension change order. Completion date of October 17<sup>th</sup>, 2014.
- 38<sup>th</sup> Street Gas Plant to Billings County – Martin Construction, winter suspension. Completion date of October 18<sup>th</sup>, 2014.
- 32<sup>nd</sup> Street west of ND22 1 mile – KLJ met with AI for PS&E meeting. Plan to bid grading in 2015 with 112<sup>th</sup> Ave SW. Paving will be bid separately.
- 116<sup>th</sup> Ave HWY 10 north to West Dickinson Bypass 0.6 miles – Bid opening December 30, 2014 for early 2015 construction.
- Hwy 10 Antelope intersection 5.6 miles to Morton County – Border States, project is final. KLJ is waiting on agreement for borrow.
- HWY 10 Gladstone to SW Grain 2.5 miles – Northern, KLJ working on project final and has sent final quantities to NIC.
- Landfill road E Villard 2.3 miles south – Northern, project complete. KLJ working on project final and has sent final quantities to NIC.
- 32<sup>nd</sup> Street east of ND 22 0.6 miles – Northern, project complete. KLJ working on project final and has sent final quantities to NIC.
- Green River Bridge by Letang's – Working on preliminary design. Anticipate November 2015 bid opening and 2016 construction, depending on federal funding.
- Roadway Grading 112<sup>th</sup> Ave SW from 30<sup>th</sup> to 32<sup>nd</sup> St – KLJ had PS&E meeting with AI. Plan to bid in 2015 with 32<sup>nd</sup> St SW grading plans.
- 115<sup>th</sup> Avenue SW Paving BOE Access Road – Northern, project complete. Final estimate submitted. Final Oil and Gas reimbursement submitted.
- 39<sup>th</sup> St SW Norwegian Creek Box – Martin Construction, project to start 2015.
- Golf Course Road – Possible future overlay.
- 112<sup>th</sup> Ave SW from 32<sup>nd</sup> to 33<sup>rd</sup> – Environmental and preliminary survey complete. Working on preliminary design.

**Rob Kudrna – Dickinson Rural Fire Department**

Mr. Kudrna provided an overview of last year's activities. Stated that the Rural Fire District has been in a growth phase for approximately 4 to 5 years with expansion of the rescue division as well as the firefighting division. Mr. Kudrna recently met with Gerry Fisher who is the Administrator for the Energy Infrastructure and Impact office out of Bismarck. Gerry informed Mr. Kudrna that they will no longer be doing or promoting the EIIO grant program. The decision has been made that the state would be handing the funding to the counties most affected by the oil impact.

The Dickinson Rural Fire Department is exploring the option of renovating the North Fire Hall to provide for quicker and safer response to emergencies. The renovation is estimated to cost between \$700,000 and \$800,000. This figure does not include any of the interior tools needed such as air compressors and other essential equipment. The total project cost is estimated at \$1,100,000. Stark County is approximately 70% of the total service area and Mr. Kudrna advised the fair share of these costs would be right at \$800,000.

Commissioner Zander asked if the fire district looked at moving out of the north location to another site. Mr. Kudrna advised there were concerns with cost of land and building. One developer did approach the department with land however it was determined that the site was out of the desired building area. Commissioner Zander stated once we know we are on firm ground with the surge funds we should be able to have a better understanding.

### **Section Line Closing**

Nathan Bouray representing the City of South Heart presented information on the section line closing in the NW1/4 of Section 7, Township 139 North, Range 97 West, to the west, and further abuts the section line running between the two sections, from the southern edge of the right of way of Highway 10, traveling south, to the northern edge of the Burlington Northern Santa Fe Railroad right of way.

Chairman Hoff opened the public hearing of which nobody spoke for or against. Chairman Hoff then closed the public hearing.

**MOTION BY:** Commissioner Zander

To approve the section line closing.

**DISPOSITION:** There was no second of the motion. The motion failed.

**DISCUSSION:** Commissioner Zander advised the motion was made because the City of South Heart is requesting the section line closure and there was no opposition. Commissioners Hoff and Elkin both feel that section line closing seem to come back and negatively impact the county.

### **Shawn Kessel**

Mr. Kessel presented a handout on the Crooked Crane Trail to the Commission. Provided an overview of the existing trail along with a multi-phase plan for trail improvements. This plan includes a 1.8 mile fitness trail, 5 mile hard surfaced shared use path, and a 12 mile nature trail. The trail is entirely in Stark County, the land is owned by the Bureau of Reclamation, and maintained by the Dickinson Parks and Recreation. Mr. Kessel advised there is a steering group for this project and invited a member of the Stark County Commission to join this group. They are looking for \$50,000 from Stark County to assist with the project funding. Phase 1 will cost approximately \$1,400,000. Mr. Heiser advised that Stark County received a grant a while back for this project. Commissioner Zander said there wasn't the support and individuals were not involved in the planning process so that grant was not utilized. No financial decision was made regarding this project.

### **Veteran's Service Officer – George Nodland**

Mr. Nodland requested to know what the reason Ms. Ross was terminated for. Mr. Henning advised that the issue was her losing her accreditation and the events leading up to that decision. Mr. Henning previously presented emails and communications to the Stark County Board of Commissioners which were an embarrassment to the County. His office has not received any complaints about Ms. Ross' performance. Mr. Nodland is asking the Commission to take a second look and explore other options. Commissioner Zander stated that they acted on behalf of the veterans.

Kyle Ross asked that the Commission look at the evidence.

Kirk Ross stated the Commission made a decision on the evidence that they had without looking at Ms. Ross' evidence. Mr. Henning stated they reviewed the entire situation. They received information from the State Department of Veteran's Affairs along with the National Association. Commissioner Hoff stated that Ms. Ross had the opportunity to make the Commission aware of the situation at hand and failed to do so.

Nancy Kostecky provided an overview of her family history of military service and asked if some of the emails that were provided could have been taken out of context. Ms. Kostecky then requested a board be formed to review all of the evidence.

Ken Kussy also requested to have some type of review process.

Jessica Clifton, Stark County Veteran's Service Officer advised she is fully capable of providing the same level of service to the Veterans in Stark and surrounding counties and is qualified and competent to do so.

Darryl Prescott advised he would be in support of a review process. Stated he doesn't believe that Ms. Ross had yet lost her accreditation at the time the Commission voted to

terminate Ms. Ross. Also stated that North Dakota Century Code does not state the Veteran's Service Officer must retain accreditation throughout holding the position.

Mr. Henning stated he has documentation of communications that were sent to a fifteen member board of which was never provided to the Stark County Board of Commissioners or the Stark County State's Attorney's office.

Gary Ladbury stated Ms. Ross has helped him out tremendously but has every bit of confidence that Ms. Clifton will continue to serve the veterans.

Commissioner Hoff said he didn't make the decision over one item of accreditation. This isn't a decision that was made overnight. Commissioner Zander stated if the evidence that the Commission was provided is incorrect or if there is additional evidence out there he would like Mr. Henning to review and report back to the Commission. Commissioner Wolf stated what was done was done and if the Commission receives more information they may have to look at this again.

Nancy Kostelecky requested that a committee of no less than 5 and no more than 9 individuals be formed to review information regarding the decision of Ms. Ross.

The following Miscellaneous Receipts were filed: General: \$302,101.31; 10 Mill: \$29,459.07; County Road: \$650,592.39; Highway Tax Distribution: \$633,750.08; Special Road & Bridge: \$8,850.74; Social Services: \$87,206.87; County Poor: \$123,259.49; IT-Computer/Updates: \$589.18; Capital Improvement: \$74,153.09; County Park: \$2,863.96; County Jail: \$22,473.93; Insurance: \$8,850.74; Comp Health: \$12,278.23; Emergency Fund: \$2,950.25; Veteran's: \$15,904.74; Social Security: \$27,976.80; Advertising: \$1,518.51; County Agent: \$41,081.11; Weed Control: \$8,474.59; 911 Revenue: \$28,511.15; Adult Education: \$365.00; Asset Forfeiture: \$2,000.00; Fingerprint Station: \$16.00; Domestic Violence: \$595.00; Oil3061 Grant: \$4,758.72; NDBCI-OIL 3518 Grant: \$4,808.16; Criminal Justice/Oil Impact Grant: \$5,729.51; Traf Safety Grant: \$2,260.21; Estimate Taxes: \$734.79; Game & Fish Licenses: \$65,535.00; Security/Transfer DJS Reimb: \$734.82; SW Victim Witness Program: \$1,940.00; Domestic Violence & Rape Crisis Center: \$805.00; Preservation Fee: \$1,927.00; Siren Contingency: \$39.21; Other Reimbursements: \$9,482.16; Judgment Execution: \$5,847.25; BCI Grants: \$60,493.98; 911 Equipment: \$5,263.48;

**MOTION BY:** Commissioner Zander      **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