

Official Proceedings

June 4, 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. The motions for the Richardton Park Board, SW Motocross, and Best Friends were removed.

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

To approve the agenda with the changes.

DISPOSITION: Motion carried

Minutes

The minutes of the May 7, 2019 Board of County Commissioner's meeting were presented.

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

To approve the minutes of the May 7, 2019 Board of County Commissioner's minutes as presented.

DISPOSITION: Motion carried

The minutes of the May 23, 2019 Special Board of County Commissioner's meeting were presented.

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

To approve the minutes of the May 23, 2019 Special Board of County Commissioner's minutes as presented.

DISPOSITION: Motion carried

Accounts Payable

A correction was made to have the payment to Reindel Masonry be paid out of the buildings and grounds fund instead of the County Recorder's fund.

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

To approve the updated accounts payable with the supplement.

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

General: \$553,937.99;

10 Mill: \$90,086.83;

County Road: \$240,314.64;

Highway Tax Distribution: \$164,782.21;

Special Road & Bridge: \$30,000.00;

Social Welfare: \$289,085.69;

Capital Improvement: \$708,682.59;

County Jail: \$154,182.81;

VSO Fund: \$11,780.06;

County Agent: \$8,883.43;

Weed Control: \$107,201.13;

9-1-1: \$25,298.59;

Adult Education: \$214.78;

OT Grant PHSTOP: \$511.32;

Security Reimbursement: \$142.08;

SW Victim Witness Program: \$10,479.76;

Preservation Fund: \$191.64;

State Reimbursements: \$274.05;

Siren Contingency: \$352.98;

24/7 Fund: \$11,015.94;

Other Reimbursements: \$33,660.16;

Judgement Execution: \$481.00;

911 Equipment: \$252.19;

Sheriff Lee

Sheriff Lee provided his monthly report which included the following:

- 1400 calls for service were reported with 400.25 additional courtroom security hours.
- 180 criminal papers were received, 149 were served, and 12 were DNF/Returned;
- There were a total of 487.75 hours of overtime at a cost of \$16,128.49;
- The arrest tally included 335 stops, 7 accidents, 211 citations, and 82 warnings for a total of 300;
- The Sheriff Sales and foreclosures received 3 executions, 3 Sheriff Sale, and revenue of \$1,432.13;
- The truck reg. program had a total of 6 stops with a total of \$60.00 in fines;

- 213 civil papers were received and 141 were served;
- Transports included 2 for other counties, 16 criminal, 10 daily court, 3 medical, 12 mental health, and 3 juveniles;
- The monthly income included \$2,673.00 for civil, \$9,913.37 for truck reg, and \$375.00 for fingerprints. 24/7 had \$1,099.00 in expenditures.

Sheriff Lee advised the previously mentioned gun trade will cost us approximately \$500.00 due to two invoices being discovered that were not previously paid to the vendor. The overtime policy is being looked at for review in 2020 for the Sheriff's Department.

Sheriff Lee has ordered new badges and would like to present the badges previously held by Sheriff Oestreich and Sheriff Tuhy to those individuals and is requesting a motion to do so.

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

To present the requested badges to Sheriff's Oestreich and Tuhy.

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

Road Superintendent - Al Heiser

Mr. Heiser provided his monthly report to include rain causing issues with roads. The crew is conducting heavy graveling south and east of Dickinson and working on placing pipe. The Road Department is waiting on water to dry out to put in a box culvert.

Mr. Heiser presented the following MOUs between Stark County and the City of Dickinson. They have been approved by the City and are awaiting approval from Stark County. The State's Attorney has reviewed and approved.

MOU – City of Dickinson (34th St SW & 40th St W)

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

To authorize the Chairman's signature on the MOU as presented.

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

MOU – City of Dickinson (Villard St)

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

To authorize the Chairman's signature on the MOU as presented.

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

County Engineer – Andrew Krebs

Mr. Krebs provided the following monthly report:

- CBP-0045(17)03 35th Street SW Green River Low Water Crossing – Martin, Progress estimate 4 submitted for payment. Rain has delayed finishing the project;
- BRO-0045(067)PCN21764 119th Ave SW Structure 45-113-20.0 Replacement – Schwartz, 2019 Construction. CE agreement is finalized. Schwartz doesn't have a proposed start date yet.

- BRO-0045(066)PCN21994 CMC 4537 Structure 45-138-21 Replacement – Bid Nov. 13, 2020 thru the NDDOT. Will plan to bid in February 2020 for 2020 construction. Will begin environmental document.
- SC-4500(019)PCN22506 and SU-5-983(064)PCN22507 Chip Seal Paved Roads west of Dickinson – MOU signed by the City of Dickinson and it needs to be signed by Stark County. Draft environmental document has been submitted to the NDDOT. Started working on plans. October 11, 2019 bid opening thru the NDDOT.

Jeremy Wood

Mr. Wood provided his monthly report to include the following:

- COIB-5-983(061) 34th Street (between ND 22 and 113th Ave) – This project is a joint project between Stark County and the City of Dickinson. The west mile has been graded and graveled. Hlebechuk Construction has started grading the east mile and it is expected the grading will be completed the first week of June. County forces will complete the graveling in preparation for the paving project.
- COIB-5-983(061) 34th Street (between ND 22 and 113th Ave) – This project is a joint project between Stark County and the City of Dickinson to pave two miles of 34th Street from ND 22 west two miles. Bids were opened January 8th with Northern Improvement Company the low bidder at \$1,786,481.70. Construction is expected in late June or July.
- CP-45(19)02 80th Ave SW Bridge Replacement North of Antelope – The design is complete and easements secured for this bridge replacement project. Bids were opened March 5, 2019 with Baranko Brothers Inc. the low bidder at \$154,471.91. A pre-construction meeting has been scheduled for Thursday June 6th. Construction is anticipated in 2019.
- CP-45(19)04 41st Street SW Bridge Replacement Southeast of Richardton – The design is complete and easements secured for this bridge replacement project. Bids were opened April 2, 2019 with Hlebechuk Construction the low bidder at \$189,539.86. Construction is anticipated in 2019.
- CP-45(19)03 127th Ave SW Bridge Replacement Southeast of Belfield – The design is complete and easements secured for this bridge replacement project. There are no utility adjustments/relocations anticipated for this project. Bids were opened May 7th with Martin Construction the low bidder at \$308,764.42.
- CP-45(19)01 30th Street (from ND 22 East 3.1 Miles) – We have completed an Engineer’s Estimate for a grading project located on 30th Street (Dunn/Stark County Line) east of ND 22. The traffic counts have been completed. The survey and design is complete and we have begun coordinating with utility companies on estimated costs for potential adjustments/relocation. Bids were opened May 7th with Edward H Schwartz Construction the low bidder at \$559,714.05.

Mr. Wood also advised they are working on a street repair/maintenance project for the City of Gladstone. There are some streets that experience significant traffic from residents living outside of Gladstone as they pass through town. A representative from the Gladstone City Council and Mr. Wood will present project costs and ask the County Commission for

consideration for assistance in the street repair. Chairman Zander would like Commissioner Kuntz and Mr. Heiser to review the project and then present to the Commission.

Other Items

Mr. Cockeram with Scull Construction advised they would like to rebid a couple of items in the bid package for the Social Service building project. The Commission determined a Special County Commission meeting will be held on Wednesday, June 12 at 8am. Stark County has also not received the contract back regarding the purchase of the land from CHI.

Mike Njos – Highland

Mr. Njos provided his monthly report to include the following:

- 2019 Stark County Chip Seal (HES Project #199470) – The Notice to Proceed was issued to Astech and the work is anticipated to begin in July or August.
- 36th St SW Bridge Replacement 45-151-08.1 8 miles E. of Richardton (HES Project #199568) – Box Culvert size alternatives have been selected and we are in the process of obtaining pricing from Forterra. The temporary construction easement exhibits are being prepared. The cultural resource survey and wetland delineation survey is complete and we are waiting on the reports. The Army Corps permit will then be submitted for approval. Design plans are on-going. The goal is to complete the structure replacement work this fall.
- 10th Ave E (Dickinson) Culvert Replacement ½ mile north of 21st St E (HES Project #199582) – The hydraulic and topo survey is complete and the structure sizing will be completed this week. We will then submit our recommendation to Mr. Heiser.
- Ridge View Estates Subdivision Paving (HES Project #199583) – We completed construction engineering services (quantity tracking) for the County during this asphalt paving work by Northern Improvement Co. Final quantities for the project were:
 - o NIC proposal quantity @ 4”=2,874 tons
 - o Calculated plan quantity=2,099 tons
 - o Final pay quantity placed=2,107.15 tons
- East Villard Paving (HES Project #199597) – We completed construction engineering services (quantity tracking) for the County during this asphalt paving work by Northern Improvement Co. Final quantity for the project was:
 - o Calculated plan quantity: 2,879.94 tons
 - o Final pay quantity placed: 2,877.92 tons

Matt Hewson – Public Hearing Road Vacation

Ms. Wandler presented a road vacation of 31U Street SW for Matt Hewson of the street within Lot 8 Block 4 and Lot 1 Block 6 and the surrounding parcels within Greenvale and Reiter Subdivision within 09-140-96.

Chairman Zander opened the public hearing.

There were no objections by the public.

Chairman Zander closed the public hearing.

MOTION BY: Commissioner Kuntz

SECOND BY: Commissioner Arthaud

To vacate 31U Street SW within Lot 8 Block 4 and Lot 1 Block 6 of Section 9 Township 140 Range 96.

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

IT and Budget – Alan

Mr. Ibach provided an overview and reports of the server backups. Mr. Ibach did advise there were issues with the Archonix 3 server not backing up on a daily basis. This server is an archive server and data does not change on this server and daily backups are not necessary.

Mr. Ibach also presented the preliminary 2020 IT budget. There was also discussion regarding the possibility of moving some 911 items into the 2020 budget.

Abatement – John Wanner

Mr. Hirschfeld presented two abatements on behalf of Mr. Wanner.

The first abatement request was presented for property ID 0200-0400-1200. The City of Dickinson adjusted the value from \$169,300 to 160,400.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Franchuk
To accept the City's value of \$160,400 as presented.

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

The second abatement request was presented for property ID 0050-1200-1600. The City of Dickinson adjusted the value from \$178,100 to \$155,500.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Franchuk
To accept the City's value of \$155,500 as presented.

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

Taylor Opera House

Vickie Solemsaas and Sue Larsen provided an update to the Taylor Opera House update project to include increase heating and air conditioning costs along with additional updates to the interior and exterior of the building and is requesting an additional \$30,000 from Stark County.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz
To provide the Taylor Opera House \$30,000 out of the general fund.

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

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz
To amend previous motion to pay out of the special road and bridge fund.

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

Airport Motion

A motion was made a previous meeting to provide the Dickinson Regional Airport with funding and the funding source needs to be specified.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Franchuk
To provide the funding out of the general fund.

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

Website

An overview was provided on who maintains the Stark County website. Ms. Haag advised her staff inputs information to the website as requested. The Commission is requesting that meetings be added to the calendar such as regular and special Commission meetings.

Executive Session – Mitch Armstrong

The purpose for the executive session is to provide an update on the status on abatements currently held in court and possible settlements.

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

DISPOSITION: Motion carried

The session is expected to take approximately 20 minutes.

The executive session was called to order at 10:25am.

The regular Stark County Board of County Commissioners meeting was called to order at 10:34am.

Mr. Armstrong presented an overview of the purpose of the executive session and listed the properties in question. Mr. Armstrong is the Stark County Attorney appointed by the North Dakota Insurance Reserve Fund.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Arthaud
To proceed with the appeals as they are currently pending.

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

Public Hearing – Tax Equalization

Chairman Zander opened the County Tax Equalization public hearing. The sign-in sheet for the hearing is on file with the Stark County Tax Director's office.

City of Belfield

Tax Director Natalie Wandler reported in the City of Belfield the true and full valuation at \$53,044,400 and the taxable valuation at \$2,469,665. New residential construction of \$193,500 and no new commercial construction was reported. There were no comments from the public regarding the City of Belfield's assessment.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Elkin
To accept the City of Belfield's assessment as presented.

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

City of South Heart

Tax Director Natalie Wandler reported in the City of South Heart the true and full valuation at \$34,474,600 and the taxable valuation at \$1,591,333. There was no new residential or

commercial construction reported. There were no comments from the public regarding the City of South Heart's assessment.

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

To accept the City of South Heart's assessment as presented.

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

City of Gladstone

Tax Director Natalie Wandler reported in the City of Gladstone the true and full valuation at \$14,351,800 and the taxable valuation at \$651,045. New residential construction of \$94,800 and no new commercial construction was reported. There were no comments from the public regarding the City of Gladstone's assessment.

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

To accept the City of Gladstone's assessment as presented.

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

City of Taylor

Tax Director Natalie Wandler reported in the City of Taylor the true and full valuation at \$12,710,500 and the taxable valuation at \$580,255. New residential construction was reported at \$188,400 with no new commercial construction. Ms. Wandler did work with the City of Taylor to bring them within the threshold and did a 4% increase this year and will conduct another 4% increase in 2020. There were no comments from the public regarding the City of Taylor's assessment.

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

To accept the City of Taylor's assessment as presented.

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

City of Richardton

Tax Director Natalie Wandler reported in the City of Richardton the true and full valuation at \$72,357,170 and the taxable valuation at \$3,470,198. No new residential or commercial construction was reported. There were no comments from the public regarding the City of Richardton's assessment.

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

To accept the City of Richardton's assessment as presented.

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

City of Dickinson

Jeremy Easum provided information regarding the Roer's vacant lots and is contesting the property valuation and requesting a reduction of the taxable valuation.

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

To deny the request and accept the City of Dickinson's recommendation.

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

Chairman Zander closed the public hearing and adjourned the meeting until 1:00pm.

Chairman Zander reconvened the County Tax Equalization public hearing at 1:09pm.

Ms. Wandler presented for Sierra Ridge, Custer Crossing, and the Ravenwood Apartments. It was Ms. Wandler's recommendation that the County accept the City of Dickinson's to deny their request.

Sierra Ridge

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Elkin
To deny the request and accept the City of Dickinson's recommendation.

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

Custer Crossing

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud
To deny the request and accept the City of Dickinson's recommendation.

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

Ravenwood Apartments

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Kuntz
To deny the request and accept the City of Dickinson's recommendation.

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

Carlos Royal provided information on three of his properties including Century Apartments, Silver Gate, and Park Place. Joe Hirschfeld with the City of Dickinson also provided information regarding these properties. Ms. Wandler recommends following the City of Dickinson's recommendation to deny the request.

Century Apartments

MOTION BY: Commissioner Arthaud **SECOND BY:** Commissioner Elkin
To follow the State's value of \$5,129,000.

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

Silver Gate

MOTION BY: Commissioner Arthaud **SECOND BY:** Commissioner Kuntz
To accept the State's assessment of \$614,000 for the Silver Gate apartments.

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

Park Place

MOTION BY: Commissioner Arthaud **SECOND BY:** Commissioner Elkin
To reduce the assessment to \$455,000 from 542,200.

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

Terry Clement provided information on four properties including Adobe, Temili, Jewel Blue, and TMJ Properties. Joe Hirschfeld with the City of Dickinson also provided information regarding these properties.

Adobe

MOTION BY: Commissioner Arthaud **SECOND BY:** Commissioner Elkin
To set the value at \$960,000.

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

Temili

MOTION BY: Commissioner Arthaud **SECOND BY:** Commissioner Kuntz
To set the value at \$720,000.

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

Jewel Blue

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Arthaud
To set the value at \$1,144,980.

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

TMJ Properties

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Arthaud
To set the value at \$759,526.

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

City of Dickinson

Joe Hirschfeld, City of Dickinson Assessor presented on behalf of the City of Dickinson. Mr. Hirschfeld reported in the City of Dickinson the 2019 true and full values are \$2,522,853,036 with a taxable valuation of \$118,942,471.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Kuntz
To accept the City of Dickinson values as presented with the adopted changes.

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

Eugenia Dietz and Kelly Dolyniuk presented a concern with a valuation on a piece of property in Stark County. The Commission asked Ms. Wandler to work with the property owner to come to a resolution, ideally between a valuation of \$16,000-\$18,000.

Stark County

Tax Director Natalie Wandler reported in the County the true and full valuation at \$1,167,860,056 and the taxable valuation at \$56,312,006 for 2019. New residential

construction of \$7,465,500 and new commercial construction of \$6,403,700 was reported. Farmland has a decrease of -2%; the average value per acre is \$442.60. There were no comments from the public regarding Stark County's assessment.

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

To accept the Stark County assessment as presented.

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

The following Miscellaneous Receipts were filed: General: \$117,618.33; County Road: \$136,668.69; Highway Distribution: \$258,594.59; Social Services: \$2,058,569.16; Capital Improvement: \$143,870.46; County Agent: \$10.38; Weed Control: \$21,921.70; E-911 Fund: \$27,643.53; Adult Education: \$450.00; OT Grant-PHSPOP: \$1,301.56; Estimate Tax: \$615.00; Security Reimb: \$140.60; Victim Witness: \$8,342.82; Hazardous Chemical Prep: \$9,137.50; Preservation Fee: \$1,902.00; 24/7 Fund: \$10,657.00; Other Reimbursements: \$33,889.84; BCI-Asset Forfeiture: \$142.63; Judgement Execution: \$691.00; 911 Equipment: \$4,867.77; Special Operations: \$4,350.00;

Chairman Zander closed the public hearing.

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

To adjourn the meeting.

DISPOSITION: Motion carried