

Official Proceedings

June 5, 2018
8:00 am

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

Agenda

Chairman Elkin asked for any changes to the agenda. Airport discussion was removed.

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

To approve the agenda as presented with the changes.

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

Minutes

The minutes of the May 1, 2018 Board of County Commissioners meeting and May 24, 2018 Board of County Commissioners special meeting were presented.

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

To approve the minutes of the May 1, 2018 Board of County Commission minutes as presented.

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

MOTION BY: Commissioner Hoff **SECOND BY:** Commissioner Kuntz

To approve the minutes of the May 24, 2018 Board of County Commission special meeting minutes as presented.

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

Accounts Payable

Commissioner Franchuk would like an explanation on the travel report to show location of travel. It was also advised that Pamela Lynch provides cleaning services for the new courthouse addition and the county extension office.

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

To approve the accounts payable with the supplement as presented.

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

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

To pay the cleaning bill as presented.

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

General: \$594,499.55;

10 Mil: \$389,691.66;

County Road: \$177,657.83;

Highway Tax Distribution: \$164,209.68;

Social Welfare: \$298,503.56;

Capital Improvement: \$8,943.35;

County Jail: \$120,048.63;

VSO Fund: \$11,249.33;

County Agent: \$10,020.04;

Weed Control: \$118,105.45;

9-1-1: \$26,472.70;

Traf Safety PHSTOP: \$1,093.73;

Security Reimb: \$289.34;

SW Victim Witness Program: \$7,851.04;

Preservation Fee: \$3.15;

State Reimbursements: \$175.00;

Siren Contingency: \$310.00;

24/7 Fund: \$8,621.17;

Other Reimbursements: \$42,883.84;

BCI-Asset Forfeiture: \$12,209.37;

Judgment Execution: \$2,190.12;

911 Equipment: \$134.72;

Sheriff Oestreich

Sheriff Oestreich provided his monthly report which included the following:

- 117 criminal papers were received and 102 were served;
- The arrest tally included 10 accidents, 71 stops, 31 citations, and 5 warnings;
- The Sheriff Sales and foreclosures received 4 executions, 5 Sheriff Sales, and revenue of \$1,814.66;
- 168 civil papers were received and 118 were served;
- Transports included 2 for other counties, 19 criminal, 5 daily court, 6 medical, 11 mental health, and 6 juveniles;
- The truck reg. program had a total of \$0.00 in fines and \$9,784.24 in permits;

- The 24/7 program had a total of \$831.10 in revenue.

Commissioner Franchuk stated a travel request was possibly overlooked for a deputy attending the FBI Academy.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Zander
To approve the out-of-state travel request for one deputy to attend the FBI Academy.

DISPOSITION: Motion carried

Sheriff Oestreich advised things in the department are going well. Every day is a challenge with transports. Five interviews were conducted for open positions and two will proceed with background checks.

Road Superintendent - Al Heiser

Mr. Heiser presented his monthly report to include scoria south of Belfield, reclaiming gravel pits, and culvert replacements.

Mr. Miller provided the following traffic count numbers:

- 30th St SW east of Highway 22 – 436 average vehicles per day.
- 35th St SW near Fluffy Fields Winery – 592 average vehicles per day.
- 34th St SW west of Highway 22 – 1,585 average vehicles per day.
- 34th St SW east of State Avenue – 671 average vehicles per day.
- 34th St SW west of State Avenue – 450 average vehicles per day.

Fisher Sand and Gravel – CUPs

Two Fisher Sand and Gravel conditional use permits were presented for annual renewal. These were originally approved in 2013.

A conditional use permit for a gravel pit operation on a 30 acre parcel located in the SE ¼ of Section 27, Township 140, Range 95.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Hoff
To approve the conditional use permit as presented.

DISPOSITION: Motion carried

A conditional use permit for a gravel pit operation on a 10 acre site located in the NE ¼ of Section 27, Township 140, Range 95.

MOTION BY: Commissioner Hoff **SECOND BY:** Commissioner Kuntz
To approve the conditional use permit as presented.

DISPOSITION: Motion carried

Consolidated Easement – Bill

Mr. Fahlsing advised Consolidated Telco is running a fiber optic line to their communications tower on Radar Base Hill. As part of this project they will be running a line to the Stark County communications tower. A right-of-way easement was presented.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Hoff
To approve the right-of-way easement as presented and authorize the Chairman's signature.

DISPOSITION: Motion carried

County Engineer – Justin Hyndman

Mr. Hyndman provided the following monthly report:

- Green River Bridge Structure 45-123-3.0 Replacement – Swingen, 2018 Construction;
- 47th Street SW Structure 129-19.0 and 130-19.0 Replacement and 104th Ave SW Structure 128-25.0 Replacement – Shep’s Welding, 2018 Construction starting June 6th;
- 35th Street SW Green River Bridge Low Water Crossing – Martin, 2018 Construction starting late July/early August;
- 47th Street SW Structure 142-20.0 and 142-20.1 Replacement – Schwartz, 2018 construction;
- 119th Ave SW Structure 45-113-20.0 Replacement – Bid Nov. 9, 2018 thru the NDDOT, 2019 Construction;
- CMC4537 Structure 45-138-21 Replacement – Bid Nov. 13, 2020 thru the NDDOT, 2021 Construction;
- 112th Ave SW (30th to 32nd) – KLJ will complete wetland monitoring in June.

Zoning

RZ 02-18 – Brad Hartigan is requesting a rezoning from Agricultural to Rural Residential on a property located at 4350 117th Avenue SW in the NW ¼ of the SW ¼ of Section 10, Township 138, Range 97 containing approximately 40 acres. Planning and Zoning along with staff recommend approval.

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

To approve the rezoning request as presented.

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

RZ 03-18 – Jessica Anderson Fricks and Jason Morrell are requesting a rezoning from Agriculture to Rural Residential zoning district on a property located at 9289 Highway 10 in the NW ¼ of the SW ¼ of Section 34, Township 140, Range 93 containing approximately 3.69 acres. Planning and Zoning along with staff recommend approval.

MOTION BY: Commissioner Hoff **SECOND BY:** Commissioner Kuntz

To approve the rezoning request as presented.

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

CUP 02-18 – Jessica Anderson Fricks and Jason Morrell are requesting a conditional use permit for a kennel on a property located at 9289 Highway 10 in the NW ¼ of the SW ¼ of Section 34, Township 140, Range 93 containing approximately 3.69 acres. Planning and Zoning along with staff recommend approval.

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

To approve the conditional use permit as presented.

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

Board Appointments

Ms. Haag presented JoAnn Hoff and Phillip Messer for reappointment on the County Weed Board.

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

To reappoint JoAnn Hoff and Phillip Messer to the County Weed Board.

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

July Meeting Date

Ms. Haag discussed the July Stark County Board of County Commissioner's meeting date with the July 4th holiday. It was decided that the commission meeting will remain on July 3rd, 2018.

Scul

Mr. Cockeram provided the monthly report related to the courthouse expansion project. They are working on the basement door and landscaping. Should be submitting the final project closeout at the July commission meeting.

Executive Session

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

To enter executive session for the purpose of discussing an offer made in regards to current and possible litigation.

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

Executive session was entered at 8:50am.

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

To close the executive session.

DISPOSITION: Motion carried

Executive session was closed at 9:05am.

MOTION BY: Commissioner Hoff **SECOND BY:** Commissioner Kuntz

To refuse the settlement offer from Mr. Royal regarding the pending litigation with Stark County and possible litigation regarding the 2017 tax statement.

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

Jeremy Wood

Mr. Wood provided the following monthly report:

- CBP-0045(17)01 119th Ave SW Box Culvert northwest of Dickinson – The bid opening was held February 6, 2018 with Martin Construction the low bidder at \$142,530.00. Construction began on April 23 and is 100% complete. Pay estimate #1 in the amount of \$125,525.82 is recommended for payment.
- CBP-0045(16)05 99th 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. Construction is expected in the 2018 construction season.
- CBP-0045(15)02 and CBP-0045(15)03 47th 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. Construction is expected in the 2018 construction season.

- 34th St from ND 22 west 2 miles – Begun designing this project and are approximately 70% complete.
- 30th St from ND 22 east 3.1 miles – Begun project development to regrade approximately 3 miles of 30th Street (along the County line) east of ND 22 to correct steep in slopes and provide added sight distance.
- Hydrology Study and 404 Permit Application – Have completed a hydrology study and 404 permit application for an existing bridge located on 84th Ave SW northeast of Richardton. The Army Corps of Engineers has reviewed the application and requested a field archaeological report to be complete as part of the approval process. The report is expected to be complete in 2-3 weeks.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Hoff
To approve pay estimate as presented in the amount of \$125,525.82.

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

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Kuntz
To approve the archaeological study as presented not to exceed \$4,000.

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

House of Manna – Pamela Baumgartner

Ms. Baumgartner provided a handout with an overview of the House of Manna operations and is requesting \$10,000 from Stark County for the 2019 Budget.

Carlos Royal

Mr. Royal is appealing his 2018 tax assessment. A handout was provided with information regarding his properties and is requesting that taxes on two of his properties be corrected.

County Equalization

Chairman Elkin opened the County Equalization public hearing.

City of Belfield

Tax Director Natalie Wandler reported in the City of Belfield the true and full valuation at \$53,315,500 and the taxable valuation at \$2,480,820. No new residential construction of 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 Franchuk

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 \$33,548,100 and the taxable valuation at \$1,550,550. New residential construction of \$272,500 and no new commercial construction was reported. There were no comments from the public regarding the City of South Heart's assessment.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Hoff
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 \$14,379,600 and the taxable valuation at \$651,767. New residential construction of \$105,800 and no new commercial construction was reported. There were no comments from the public regarding the City of Gladstone's assessment.

MOTION BY: Commissioner Hoff **SECOND BY:** Commissioner Zander
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 \$12,392,100 and the taxable valuation at \$566,020. No new residential construction or commercial construction was reported. There were no comments from the public regarding the City of Taylor's assessment.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Franchuk
To accept the City of Taylor's assessment as presented.
DISPOSITION: Roll call vote. All voted aye. Motion carried

City of Richardton

Tax Director Natalie Wandler reported in the City of Richardton the true and full valuation at \$72,809,170 and the taxable valuation at \$3,491,216. New residential construction of \$39,400 and no new commercial construction was reported. There were no comments from the public regarding the City of Richardton's assessment.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Kuntz
To accept the City of Richardton's assessment as presented.
DISPOSITION: Roll call vote. All voted aye. 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 2018 true and full values are \$2,646,182,723 with a taxable valuation of \$125,199,573.

Terry Clement provided information on the Jewel Blue and TMJ properties for consideration.

Carlos Royal provided additional information regarding his property tax assessment.

Ms. Wandler presented her recommendation that the Stark County Board of Equalization accept all of the City Assessor's values as they were originally presented to the City of Dickinson Board of Equalization.

Chairman Elkin closed the public hearing.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Franchuk
To accept the City of Dickinson's assessment as originally presented to the City of Dickinson Board of Equalization in the amount of \$2,646,182,723.
DISPOSITION: Roll call vote. All voted aye. Motion carried

Stark County

Tax Director Natalie Wandler reported in the County the true and full valuation at \$1,149,067,350 and the taxable valuation at \$55,421,577 for 2018. New residential construction of \$378,723,200 and new commercial construction of \$316,543,750 was reported. Farmland has an increase of 2%; the average value per acre is \$453.57. There were no comments from the public regarding Stark County's assessment.

MOTION BY: Commissioner Hoff **SECOND BY:** Commissioner Kuntz
To accept the Stark County assessment as presented.
DISPOSITION: Roll call vote. All voted aye. Motion carried

Gary Greff – Posting Signs

Mr. Greff advised that the flying geese sculpture road on Highway 10 is closed however the other sculptures are open. Would like to place a sign advising of the change in the county easement.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Hoff
To authorize the sign placement with input from the county road superintendent.
DISPOSITION: Motion carried

Eagles – Doug-Roughrider Days

Doug is requesting a temporary liquor license at the Stark County Fairgrounds for events being held during Roughrider Days for June 28th through June 30th, July 4th, and July 6th.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Zander
To approve the temporary liquor license as presented.
DISPOSITION: Roll call vote. All voted aye. Motion carried

Architectural RFO Social Service Project

Commissioner Zander advised that we are at the stage in the Social Service Building project to select an architectural firm. A request for qualification document was presented to be sent out for the selection.

Park Board

Payments were presented on behalf of the Park Board in the amount of \$58,291.25.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Franchuk
To authorize the presented payments in the amount of \$58,291.25 to be paid out of the general fund.
DISPOSITION: Roll call vote. All voted aye. Motion carried

Other

Mr. Fahlsing presented an acceptance letter for an Energy Infrastructure and Impact grant in the amount of \$16,511 to add an outdoor warning siren to the Stark County Fairgrounds.

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

To authorize the Chairman's signature on the grant acceptance letter.

DISPOSITION: Motion carried

The following Miscellaneous Receipts were filed: General: \$78,072.43; County Road: \$219,612.40; Highway Distribution: \$249,381.05; Social Services: \$1,942,801.43; Capital Improvement: \$179,135.22; County Agent: \$120.00; Weed Control: \$23,861.60; E-911 Funds: \$38,489.69; Estimated Tax Revenue: \$765.00; Victim Witness: \$2,665.50; Hazardous Chemical Prep: \$9,462.50; Preservation Fee: \$1,506.00; 24/7 Fund: \$10,303.00; Other Reimbursements: \$51,556.46; Judgment Execution: \$2,190.12; 911 Equipment: \$6,792.77;

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

To adjourn the meeting.

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