

## Official Proceedings

June 6, 2017  
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 additions or deletions to the agenda. A lawsuit and section line closing items were added.

**MOTION BY:** Commissioner Hoff                    **SECOND BY:** Commissioner Franchuk

To approve the agenda as presented with the additions.

**DISPOSITION:** Motion carried

### Minutes

The minutes of the May 2<sup>nd</sup>, 2017 Board of County Commissioners meeting and May 16<sup>th</sup>, 2017 Board of County Commissioner's special meeting were presented.

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

To approve the minutes of the May 2<sup>nd</sup>, 2017 Board of County Commissioners meeting and May 16<sup>th</sup>, 2017 Board of County Commissioner's special meeting as presented.

**DISPOSITION:** Motion carried

### Accounts Payable

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

To approve the accounts payable with the supplement as presented.

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

**General:** \$580,937.01;

**10 Mil:** \$21, 151.95;

**County Road:** \$197,241.75;

**Highway Tax Distribution:** \$173,453.72;

**Social Welfare:** \$280,635.72;

**Capital Improvement:** \$409,146.40;

**County Jail:** \$242,858.17;

**VSO Fund:** \$8,607.25;

**County Agent:** \$6,073.08;

**Weed Control:** \$146,847.75;

**9-1-1:** \$31,467.00;

**Adult Education:** \$238.33;

**Domestic Violence:** \$560.00;

**Traf Safety PHSPOP Grant:** \$912.75;

**Traf Safety PHSPID Grant:** \$1,144.17;

**Security Reimb:** \$272.32;

**SW Victim Witness Program:** \$7,613.91;

**Protest Funds:** \$72,483.81;

**DVRCC:** \$775.00;

**Preservation Fee:** \$3.15;

**State Reimbursements:** \$1,089.83;

**Siren Contingency:** \$2,261.50;

**Other Reimbursements:** \$44,828.92;

**BCI-Task Force Grants:** \$17,859.53;

**911 Equipment:** \$133.22;

### **Sheriff Oestreich**

Sheriff Oestreich provided his monthly report which included the following:

- 118 criminal papers were received and 99 were served;
- The arrest tally included 9 accidents, 137 stops, 67 citations, and 39 warnings;
- 136 civil papers were received and 98 were served;
- Transports included 2 for other counties, 20 criminal, 23 daily court, 13 mental health, and 8 juveniles;
- The truck reg. program had a total of \$5,345 in fines and \$12,279.34 in permits;
- The 24/7 program had a total of \$533.80 in revenue.

### **Flag Pole**

Sheriff Oestreich presented information to add a flag pole at the Law Enforcement Center for the Stark County Sheriff's Department flag. The Commission advised that this should be a budgeted item for 2018. Rebranding of the Law Enforcement Center may also be necessary for the current occupants of the building.

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

Mr. Heiser presented his monthly report including the road department hauling scoria, recycled materials, and working on miscellaneous paving projects.

Discussion was held regarding limiting truck traffic to local traffic only on 34<sup>th</sup> St SW. A committee was formed with Mr. Heiser, Commissioner Kuntz, and Commissioner Hoff to meet with the City of Dickinson regarding the road maintenance and bring an agreement back to the commission.

### **County Engineer – Justin Hyndman**

Mr. Hyndman provided the following monthly report:

- Bull Creek Structure Replacement – Schwartz Construction.
- Structure 45-134-03.0 Replacement – Schwartz Construction.
- Green River Bridge – KLJ is waiting on the USACE to finalize the MOA to proceed ahead with the bridge adoption/mitigation. Project to be bid after the 404 permit is obtained.
- South Heart Road Widening – Northern Improvement.
- Tributary of Thirty Mile Creek Structure Replacement along 99<sup>th</sup> Ave SW – USACE 404 permit application was submitted and KLJ is waiting on a response prior to proceeding ahead with the plans.
- Courthouse Parking Lot – Rebid June 6, 2017.
- Plum Creek Structure 45-142-20.0 Replacement – KLJ working on design. Bid date February 9, 2018.
- Structure 45-113-20.0 Replacement – KLJ to pick up environmental and preliminary surveys this summer. Bid date November 9, 2018.
- 112<sup>th</sup> Ave SW (30<sup>th</sup> to 32<sup>nd</sup>) CMC 4521 Grading and Aggregate 2.3 miles – KLJ will complete wetland monitoring to satisfy the USACE. Submitted 2016.

Mr. Hyndman advised that the North Dakota Department of Transportation is requesting additional bridge projects.

A change order was presented for Northern Improvement regarding the South Heart road widening project in the amount of \$2,600.

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

To authorize the Chairman to sign the change order as presented.

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

### **NDSU County FCS Position – Kurt Froelich**

Mr. Froelich advised that the NDSU Extension Service has 20 open positions throughout the State and have authorized to fill 5 of those positions. The open FCS position in Stark County was not selected to be filled. This will be reevaluated based on employee turnover in the future.

### **Zoning**

Brent Benson is requesting a rezoning from Agriculture to Rural Residential on a property located at 3159 State Highway 8 located in the NE ¼ of the SE ¼ of Section 7, Township

140, range 92 containing approximately 5.00 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:** Motion carried

**Out-of-State Travel Request – Steve Josephson**

Mr. Josephson requested out-of-state travel for September 13<sup>th</sup> through September 15<sup>th</sup> in Spearfish, South Dakota to attend the annual western planner's association meeting.

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

To approve the out-of-state travel request as presented.

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

**SS Work Week Definition**

Social Services is requesting a policy change to define their work week as a seven consecutive-day period beginning Friday at 5:01 PM and ends on Friday at 5:00 PM.

**MOTION BY:** Commissioner Hoff                    **SECOND BY:** Commissioner Franchuk

To approve the policy change as presented.

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

**July 3<sup>rd</sup>**

Ms. Haag advised that a number of Stark County employees will be out July 3<sup>rd</sup> which falls on a Monday and the County is closed for July 4<sup>th</sup>. Requesting to close county offices on July 3<sup>rd</sup>, 2017.

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

To close county offices on Monday, July 3<sup>rd</sup>, 2017.

**DISPOSITION:** Motion carried

Ms. Haag will place a public notice regarding the closure.

**Scull**

An update was provided regarding the Courthouse Expansion project.

Mr. Cockeram provided three change orders.

Change order #6

This change order includes work for the elevator, sally port, commissioner's room, and VA offices. The owner contingency will be reduced by \$5,555 and the construction contingency will be reduced by \$2,158.53.

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

To sign change order #6 as presented.

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

Change order #7

This change order is regarding the remodel of the existing 3<sup>rd</sup> floor office space for State Court offices. Commissioner Zander suggested that with the cost of the existing remodel

he would like to explore finishing the 3<sup>rd</sup> floor of the courthouse addition. Change order #7 will be tabled until a decision is made on the finishing of the new 3<sup>rd</sup> floor.

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

To move forward with the price out plan to the 3<sup>rd</sup> floor of the new addition with the terms of the existing contract pending the State Attorney's office review.

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

Change order #8

This change order is regarding the heating system for ice removal. Due to the cost it is the recommendation that the county not proceed with this.

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

To reject change order #8.

**DISPOSITION:** Motion carried

### **Roer's Abatements**

The City of Dickinson approved a 65% reduction to the unimproved vacant lots in question.

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

To concur with the City of Dickinson's re-evaluation with the unimproved lots listed in column 3 figure 2 of the Roer's abatement packet.

**DISPOSITION:** Roll call vote. Commissioner Franchuk, aye. Commissioner Hoff, abstain. Commissioner Kuntz, aye. Commissioner Zander, aye. Chairman Elkin, aye. Motion carried

It is the Assistant State's Attorney's recommendation that the Commission table the presented abatement to review all information provided and address at the next County Commission meeting.

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

To table the Roer's abatement on improved vacant lots and apartments.

**DISPOSITION:** Roll call vote. Commissioner Franchuk, aye. Commissioner Hoff, abstain. Commissioner Kuntz, aye. Commissioner Zander, aye. Chairman Elkin, aye. Motion carried

### **Courthouse Parking Lot Addition Bid Opening**

The following bids were received for the Stark County Courthouse Parking Lot Addition project.

- Giovanni Construction - \$106,668.78
- Winn Construction, Inc. - \$101,967.02

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

To approve the low bid of Winn Construction in the amount of \$101,967.02 based on review of both bids by KLJ.

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

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

To authorize the Chairman to sign the contract as presented.

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

## **County Equalization**

### City of Belfield

Tax Director Natalie Wandler reported in the City of Belfield the true and full valuation at \$54,645,000 and the taxable valuation at \$2,543,761. New residential construction of \$162,700 and no new commercial construction was reported. There were no comments from the public regarding the City of Belfield's assessment.

**MOTION BY:** Commissioner Hoff                    **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 \$34,830,000 and the taxable valuation at \$1,614,518. New residential construction of \$15,700 and no new commercial construction. There were no comments from the public regarding the City of South Heart's assessment.

**MOTION BY:** Commissioner Kuntz                    **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 \$14,478,100 and the taxable valuation at \$656,240. New residential construction of \$373,000 and no new commercial construction was reported. There were no comments from the public regarding the City of Gladstone's assessment.

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

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 \$12,501,200 and the taxable valuation at \$571,090. 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 Franchuk                    **SECOND BY:** Commissioner Hoff

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 \$73,151,820 and the taxable valuation at \$3,506,389. New residential construction of \$451,700 and no new commercial construction was reported. There were no comments from the public regarding the City of Richardton's assessment.

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

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 2017 true and full values are \$2,785,113,887 with a taxable valuation of \$132,727,640. There were no comments from the public regarding the City of Dickinson's assessment.

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

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

**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 \$1,152,673,500 and the taxable valuation at \$55,646,251 for 2017. New residential construction of \$370,518,500 and new commercial construction of \$335,194,200 was reported. Farmland has an increase of 2%; the average value per acre is \$419. There were no comments from the public regarding Stark County's assessment.

**MOTION BY:** Commissioner Hoff      **SECOND BY:** Commissioner Franchuk

To accept the Stark County assessment as presented.

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

#### **Lawsuit – Bridge Collapse**

Ms. Bornemann, Assistant State's Attorney gave an update regarding a lawsuit involving a bridge collapse and requested a Commissioner designee as a point of contact for this lawsuit.

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

To appoint Commissioner Zander as the designee to the State's Attorney's office regarding this lawsuit.

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

#### **SW Water Authority**

A letter was presented to the Commission from the Southwest Water Authority regarding possible relocation of a water main transmission line required for any future projects.

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

To authorize the chairman to sign the Southwest Water Authority letter as presented.

**DISPOSITION:** Motion carried

#### **Section Line Closing**

A resolution to close section line and vacate road easement was presented for the section line lying south of Lot 5, Block 1, Plat of Haag Subdivision in the SW ¼ of Section 34, Township 140N, Range 95W.

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

To authorize the Chairman to sign the resolution to close the section line and vacate the road easement as presented.

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

#### **Doug Pasicznyk – Eagles Club**

Mr. Pasicznyk is looking for clarification on the liquor permit for Roughrider Days that will be held in the County and requesting three locations at the Stark County Fairgrounds.

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

To allow the Eagles Club up to three separate locations on the Stark County Fairgrounds for the application date subject to the State's Attorney's review.

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

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

To adjourn the meeting.

**DISPOSITION:** Motion carried

The following Miscellaneous Receipts were filed: General: \$128,492.30; County Road: \$96,746.27; Highway Tax Distribution: \$230,501.77; Social Services: \$83,519.52; County Poor: \$28,944.62; Capital Improvement: \$123,196.61; County Jail: \$71.00; County Agent: \$15.79; Weed Control: \$28,380.64; 911 Revenue: \$20,654.27; Fingerprint Station: \$135.00; Domestic Violence: \$387.00; Traf Safety PHSPop Grant: \$2,378.85; Traf Safety PHSPIP: \$2,430.42; Estimated Tax Revenue: \$1,263.35; Security/Transfer DJS Reimb: \$139.12; SW Victim Witness Program: \$2,276.46; Domestic Violence & Rape Crisis Center: \$775.00; Preservation Fee: \$1,647.00; State Reimbursements: \$2,118.11; Other Reimbursements: \$47,443.82; BCI Task Force: \$63,557.56; 911 Equipment: \$3,642.73;