

## Official Proceedings

May 3, 2016  
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. There were none.

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

To approve the agenda as presented.

**DISPOSITION:** Motion carried

### Minutes

The minutes of the April 5, 2016 Board of County Commissioners meeting were presented.

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

To approve the minutes of the April 5, 2016 Board of County Commission minutes as presented.

**DISPOSITION:** Motion carried

### Accounts Payable

Chairman Hoff questioned an invoice to the Sadness Law Office. It was advised that this was for a patient that was in the State Hospital.

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

To approve the accounts payable with the supplement as presented.

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

**General:** Payroll: \$279,124.73; NDACo: \$317.00; ND Supreme Court: \$25.00; ND CLE Commission: \$25.00; Matthew Bender & Co: \$236.61; Thomson Reuters: \$568.05; Consolidated: \$1,113.57; Dakota Water Treatment: \$20.50; SBM Inc: \$1,392.58; Spectra Associates: \$54.95; The UPS Store: \$13.48; Xerox Corporation: \$866.88; Diane Brines: \$59.40; Tiffany Conrad: \$265.50; MDU: \$2,826.01; Roughrider Electric: \$150.00; SW Water Authority: \$45.58; Bierschbach Equipment: \$13.85; Border States Electric: \$94.80; Braun Distributing: \$592.50; Mann's Plumbing: \$179.88; Menards: \$46.89; Newby's Ace Hardware: \$24.69; Quality XTerminators: \$180.00; Rudy's Lock & Key: \$30.00; T-Rex Conoco: \$65.24; City of Dickinson: \$14,044.26; Walmart: \$183.12; Visa: \$2,156.02; Kay Haag: \$49.68; ND Pers: \$84,599.88; American Insurance: \$330.00; Blue Cross Blue Shield: \$627.20; Humana Insurance: \$18.40; Discovery Benefits: \$99.00; Stark County Auditor (Federal Deposit): \$46,946.56; Mackoff Kellogg: \$1,800.00; Melbye Law Office: \$184.50; Sacajawea Substance Abuse Counseling: \$762.50; Sandness Law Office: \$90.00; Stutsman County: \$304.00; Wex Bank: \$5,182.58; Pamela Lynch: \$560.00; Total Safety USA: \$84.00; AT&T Mobility: \$2,144.13; Century Link: \$487.00; US Postal Service: \$50.00; Brady Martz: \$350.00; Dacotah Paper Co: \$52.50; Unlimited Office Products: \$198.80; CNA Surety: \$50.00; Forsgren Associates: \$22,819.44; ND Youth Correction Center: \$3,134.78; ND Dept of Commerce: \$106,819.00; Dickinson Parks & Rec: \$39.52; ND State Radio Communications: \$1,500.00; Best Western Plus: \$160.20; FBINAA: \$70.00; POST Board: \$45.00; Advanced Business Methods: \$483.05; Ingrid Keesler: \$153.60; Dickinson Tire: \$1,863.60; Electronic Communications: \$42,349.50; Midas Auto Service: \$1,036.77; Parkway Ford Sales: \$275.36; Roughrider Speed Center: \$409.99; Runnings: \$713.72; Sax Motor Co: \$187.47; Balco Uniforms Center: \$173.47; Red Hawk Rifles: \$752.00; Ultramax: \$2,222.00; LEC Maintenance: \$8,532.45; Comfort Suites: \$160.00; Elizabeth Okerson: \$97.20; Verizon Wireless: \$90.90; DRS Enterprises: \$12.90; NDACO Resources: \$8,768.74; Tyler Technologies: \$17,415.32; Information Technologies: \$2,604.30; Ban-Koe Co: \$2,495.00; Stark County Fair Board: \$384.39; Stark County Historical Society: \$25,000.00; Dickinson Press: \$131.22;

**10 Mil:** ND Dept of Transportation: \$5,428.13;

**County Road:** Kadrmas, Lee & Jackson: \$32,048.91; Boltz Construction: \$5,147.50; Hlebechuk Construction: \$24,575.00; Edward Schwartz Construction: \$34,592.50;

American Bank Center: \$48,798.74; Westlie Truck Center: \$30,904.77; ND Dept of Transportation: \$400.00; Quality XTerminators: \$60.00; MDU: \$557.98; AT&T Mobility: \$113.58; City of Belfield: \$41.08; City of Dickinson: \$114.29; City of Richardton: \$93.62; Consolidated: \$61.13; MGM Rural Sanitation: \$195.00; Roughrider Electric: \$1,466.00; SW Water Authority: \$3,388.41; Century Link: \$56.22; Braun Distributing: \$66.33; Country Drug Store: \$7.93; Creative Energy: \$43.96; Dickinson Supply: \$301.69; Energy Systems Industrial: \$202.85; Flags USA: \$96.00; Hedahls: \$85.63; Mac's Inc: \$43.36; Menards: \$302.54; Runnings: \$164.63; SBM Inc: \$106.59; Butler Machinery: \$16,152.77; Chad's Automotive: \$526.81; East End Auto: \$30.00; J & J Operating: \$307.07; Just In Glass: \$118.00; Nelson International: \$559.72; NW Tire Inc: \$11,979.58; Pump Systems LLC: \$35.24; Wallwork Truck Center: \$1,405.29; Belfield Automotive: \$69.27; Boespflug Trailers: \$98.95; Capital Industries: \$283.63; Certified Power: \$29.98; Dakota Farm Equipment: \$61.43; Dakota Filter Supply: \$282.67; Dave's Radiators: \$80.00; George's Tire Shop: \$186.00; J's Muffler Shop: \$45.00; Light & Siren: \$399.53; Pump Systems LLC: \$180.13; RDO Trust: \$3,691.93; SW Grain: \$11,052.31; West Dakota Oil: \$7,599.95; Diamond Truck Equipment: \$1,267.45; Fastenal Company: \$8.41; Lawson Products: \$163.14; MJ Painting: \$1,670.97; ND One Call: \$9.00; Esco Supply: \$743.60; TrueNorth Steel: \$15,919.58; 3D Specialties: \$2,226.25; Bosch Lumber Company: \$299.89; Lyle Signs Inc: \$2,944.00; Newman Traffic Signs: \$3,981.49; Dickinson Press: \$459.27; NDLTAP: \$750.00; All-In Service: \$9,780.00; Leo & Kathleen Ehrmantraut: \$24,950.00; Adolph C Jr & Carina Ficek: \$24,950.00; Kim Fugere Trucking: \$11,418.75; Jurgens Operating: \$20,750.00; Kathrein Trucking: \$41,107.50; Martin Construction: \$28,292.50; Adam F Wock: \$24,950.00;

**Highway Tax Distribution:** Payroll: \$138,032.93; ND Pers: \$34,968.68; Job Service ND: \$6,337.58;

**Social Welfare:** Payroll: \$204,619.47; Discovery Benefits: \$143.00; Wrap Around Check: \$7,513.83; ND Pers: \$57,934.19; Logo Magic Inc: \$170.00; West River Conference of Social Services: \$190.00; Dickinson Parks & Rec: \$22.88; Advanced Business Methods: \$187.16; AT&T Mobility: \$43.96; Biesiot Activity Center: \$150.00; Braun Distributing: \$199.21; City of Dickinson: \$187.29; Comfort Suites: \$80.00; Consolidated: \$1,207.27; CTS Language Link: \$7.01; Emily Dolinar: \$56.25; Bertie Gustafson: \$700.00; MDU: \$991.55; NDCSW: \$30.00; Newby's Ace Hardware: \$51.48; Quality XTerminators: \$80.00; Quality Quick Print: \$380.21; Record Keepers: \$24.50; SBM Inc: \$1,179.61; Visa: \$481.73; Walmart: \$401.41; Jeri Wiess: \$406.58; Ladbury Funeral Service: \$3,900.00;

**Capital Improvement:** B G Excavation: \$4,675.00; Bosch Lumber Company: \$1,165.04; Central Mechanical: \$1,682.00; Fastenal Company: \$4.73; Lenny's Repair: \$14.33; Viking Glass: \$1,330.00; LEC Maintenance: \$5,000.00; Allan's Decorating: \$430.00; Braun Intertec: \$4,318.00; JLG Architects: \$105,242.03; Roughrider Industries: \$1,291.00; Rudy's Lock & Key: \$2,640.00; Badlands Environmental Consultants: \$2,001.00; Brown & Saenger: \$18,068.18; Walmart: \$428.00;

**County Jail:** Ray Kaylor: \$7.48; Zach Milne: \$8.68; SWMCCC: \$122,586.73; Teena Oestreich: \$7.94; Sunrise Youth Bureau: \$208,331.03;

**VSO Fund:** Payroll: \$7,694.70; Jessica Clifton: \$49.89; Dakota Water Treatment: \$3.75; Dickinson Parks & Rec: \$50.00; Quality Quick Print: \$243.00; Visa: \$175.95; Consolidated: \$80.43; Verizon Wireless: \$40.03;

**County Agent:** Payroll: \$4,304.23; ND Pers: \$656.83; Jane Heth: \$99.50; Samantha Roth: \$254.94; Visa: \$401.09; Kurt Froelich: \$79.73; Consolidated: \$172.88; SBM Inc: \$30.48; Walmart: \$18.51; Xerox Corporation: \$116.13; Stacy Kilwein: \$100.00; Deb Theurer: \$100.00;

**Weed Control:** Payroll: \$17,687.69; ND Pers: \$5,034.71; AT&T Mobility: \$41.62; Walmart: \$118.68; Dickinson Press: \$34.02; US Postal Service: \$115.30; Menards: \$394.86; Runnings: \$920.79; O'Reilly Automotive: \$417.36; NDSU Extension Pesticide Program: \$180.00; Stark County Auditor (Federal Deposit): \$255.27;

**9-1-1:** Payroll: \$5,422.07; ND Pers: \$1,968.26; Stark County Auditor (Federal Deposit): \$449.94; City of Dickinson: \$12,982.91; Information Technology Dept: \$4,900.22; Consolidated: \$447.00;

**Domestic Violence:** State Treasurer: \$350.00;

**Oil Impact Grant:** Payroll: \$5,008.07;

**Traf Safety PHSPID Grant:** Payroll: \$674.24;

**Misc Grants:** Dickinson Area Ambulance: \$7,711.42;

**SW Victim Witness Program:** Payroll: \$5,633.33; Discovery Benefits: \$5.50; ND Pers: \$1,295.75; AT&T Mobility: \$86.69; Consolidated: \$38.88; Verizon Wireless: \$40.01; Stark County Auditor (Federal Deposit): \$413.16;

**DVRCC:** Domestic Violence: \$690.00;

**Preservation Fee:** NDACO Resources: \$7,705.28;

**State Reimbursements:** Brandon Stockie: \$75.00; Katie Lefor: \$25.00; John Hiltunen: \$50.00; Samantha Ruane: \$50.00; Mike Legler: \$50.00; Tim Josephson: \$25.00; La'Sean Pickstock: \$25.00; David Wallace Sr: \$25.00; Michael Hanson: \$25.00; Hunter Easterling: \$25.00;

**Siren Contingency:** Roughrider Electric: \$261.00;

**Other Reimbursements:** Morphtrak LLC: \$30,004.00; SBM Inc: \$19.00; Consolidated: \$575.07; PNC Equipment Finance: \$19,488.77; American Insurance: \$60.00; Office of Attorney General: \$5,910.00; Pharm Chem: \$475.00;

**Judgement Execution:** Arva Steier: \$285.42; Jayme Kilwein: \$1,816.91; Stark County Sheriff; \$438.92; Cottrell Law Firm: \$576.78; Worthington Law Firm: \$2,095.49;

**BCI-Task Force Grants:** Payroll: \$13,067.34; Dickinson Parks & Rec: \$4.16; Discovery Benefits: \$5.50; ND Pers: \$2,847.81; Stark County Auditor (Federal Deposit): \$940.66; Visa: \$2,135.42; Consolidated: \$67.91; Verizon Wireless: \$725.88; Wex Bank: \$560.26; Payroll Travel Reimbursement: \$1,620.00; SW Crime Conference: \$10.00;

**911 Equipment:** Advanced Business Methods: \$23.60; Consolidated: \$987.84; Electronic Communications: \$20,790.00; SBM Inc; \$287.91;

### **Sheriff Oestreich**

Sheriff Oestreich provided his monthly report which included the following:

- 161 criminal papers were received and 147 were served;
- The arrest tally included 2 accidents, 149 stops, 79 citations, and 26 warnings;
- 147 civil papers were received and 147 were served;
- Transports included 4 for other counties, 19 criminal, 24 daily court, 1 medical, 14 mental health, and 3 juveniles;
- The truck reg. program had a total of \$0.00 in fines and \$2,520.00 in permits;
- The 24/7 program had a total of \$167.60 in revenue.

Sheriff Oestreich advised the 2017 JAG Grant has been opened and the application was completed last week. In total the request amount is \$27,000 with a 65/35% split. This grant is requesting new radios and training. The funding will be released in 2017 so the grant match will be budgeted in 2017.

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

To authorize the Chairman to sign the grant application as presented.

**DISPOSITION:** Motion carried

### **Zoning**

Baranko Brothers, Inc. is requesting a Conditional Use Permit for Excavating and Mining of topsoil and borrow dirt located in the NE ¼ of the NE ¼ of Section 6, Township 139, Range 98 containing approximately 129 acres. The actual mine site will be approximately 4 acres in area. Planning and Zoning along with Staff recommend approval subject to conditions.

**MOTION BY:** Commissioner Elkin                    **SECOND BY:** Commissioner Zander  
To approve the Conditional Use Permit as presented.

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

### **Weed Control Agreement**

The City of Dickinson sent Stark County a letter advising they wish to enter into an agreement again this year for Weed Control services. The presented agreement has nearly identical terms to the previous agreement.

**MOTION BY:** Commissioner Wolf                    **SECOND BY:** Commissioner Elkin  
To authorize the Chairman to sign the Weed Control Service agreement as presented.

**DISPOSITION:** Motion carried

### **Dickinson Ambulance**

The Dickinson Ambulance submitted an energy infrastructure and impact grant request for reimbursement in the amount of \$9,600.00.

**MOTION BY:** Commissioner Elkin                    **SECOND BY:** Commissioner Zander  
To authorize the Chairman to sign the request for reimbursement as presented.

**DISPOSITION:** Motion carried

### **Title VI (Appoint)**

Ms. Haag advised that Stark County needs to appoint a coordinator for the Title VI of the Civil Rights Act of 1964 and recommends Linda Krebs for the appointment.

**MOTION BY:** Commissioner Zander                    **SECOND BY:** Commissioner Elkin  
To appoint Linda Krebs as the Stark County Title VI Coordinator.

**DISPOSITION:** Motion carried

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

Mr. Heiser provided his monthly report.

An issue with the Bakken Estates road was discussed as there are concerns with the maintenance of the road. As this is a private road Commissioner Wolf advised Mr. Henning should write a letter advising it should be fixed or discussions would need to take place about the item being fixed at the County's cost and assessed to the property owners through a special assessment district. Mr. Henning agreed to write the letter. Mr. Heiser will go in with a blade and address the immediate safety concerns.

A letter was provided requesting SB 2103 funding for project CMC 4521-1. This project would consist of approximately 1 mile of roadway reconstruction, paving, and chip seal coat from the Dickinson Bypass and continue south to the intersection of 34<sup>th</sup> St SW.

**MOTION BY:** Commissioner Elkin                    **SECOND BY:** Commissioner Kuntz  
To authorize the Chairman to sign project request letter to the NDDOT.

**DISPOSITION:** Motion carried

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

Mr. Hyndman provided the following monthly report:

- 38<sup>th</sup> St SW CMC 4512 Phase 2 Additional Aggregate Base and Paving 2.0 miles – Northern Improvement. Prejob was held April 20<sup>th</sup>. Project to start April 25<sup>th</sup>.
- 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.
- 112<sup>th</sup> Ave SW Green River Bridge 120-03.0 – Wanzek. KLJ has submitted scope and fee to NDDOT. CE contract has not yet been signed.
- Bridge 45-141-20.0 – Canyon, shop drawings have been approved. Waiting to schedule a prejob.
- South Heart Road CMC 4511 Mill and Overlay 1 mile – Northern Improvement. Prejob scheduled for April 25<sup>th</sup>.

- HWY 10 Dickinson to 83<sup>rd</sup> Ave SW Overlay and Chip Seal 23 miles – Border States. Anticipated start date May 2<sup>nd</sup>.
- 32<sup>nd</sup> St SW and 105<sup>th</sup> Ave SW Reconstruct – KLJ submitted hydraulic report to Stark County. KLJ submitted 404 permit application to the USACE. County to install and grade intersection.
- 112<sup>th</sup> Ave SW from 34<sup>th</sup> St SW to 33<sup>rd</sup> St SW 1 mile reconstruct – May 3<sup>rd</sup> Bid Opening at 8:45 am.
- HWY 10 116<sup>th</sup> Ave SW to I-94 Business Loop and 116<sup>th</sup> Ave SW from HWY 10 south to the Refinery – KLJ working on plans for June 7<sup>th</sup> Bid Opening.

**ADA (Appoint)**

Ms. Krebs has been working on ADA Compliance. The next step of the project will be to appoint two employees to visit each County site and assess for ADA compliance. Ms. Haag recommends appointing Ms. Krebs and Mr. Dschaak.

**MOTION BY:** Commissioner Zander           **SECOND BY:** Commission Wolf

To point Linda Krebs and Mike Dschaak to the ADA Assessment Project.

**DISPOSITION:** Motion carried

**LEC Letter**

Commissioner Wolf presented the Commission with a letter to the City of Dickinson regarding the ESG Loan Payment from the City of Dickinson. The City of Dickinson previously offered \$75,000 towards the \$153,861.76 balance of the City’s portion. This letter provides a counter offer that the City of Dickinson pay \$75,000 plus sign a quit claim deed to the property on which the LEC building is located.

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

To authorize the Chairman to sign the letter as presented.

**DISPOSITION:** Motion carried

**Dress Code Policy**

It was advised that members of the general public were questioning the dress code of County employees. The current policy has a very brief policy on dress code and appearance. A proposed policy was presented to the Commission.

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

To adopt the dress code policy as presented.

**DISPOSITION:** Motion carried

**Bid Opening CP-0045(15)04 112<sup>th</sup> Ave SW & 3<sup>rd</sup> St SW**

The following bids for the project were received.

- Martin Construction, Inc. - \$1,812,000.00
- Northern Improvement Company - \$1,896,269.67

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

To accept low bid from Martin Construction, Inc. in the amount of \$1,812,000.00 subject to review from Al Heiser.

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

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

To authorize the Chairman to sign.

**DISPOSITION:** Motion carried

**Morey Bang Piney Acres Subdivision**

Jerry Geiger presented the Commission with a letter outlining issues between the residents of the Piney Acres Subdivision and SM Fencing. These issues included zoning issues, chemical spill, road maintenance, noise level, and pipe cleaning.

The residents were advised that the zoning now falls within the City of Dickinson ETZ area and they are now responsible for zoning. It was also advised that the Stark County Sheriff is also involved in the issues. Mr. Henning advised that Mr. Fahlsing with Stark County Emergency Management also get involved to work with the State Department of Health regarding the chemical spill issues.

### **City Abatement**

The following three abatements were presented.

#### Lincoln Apartments

The total true and full value of the Lincoln Apartments for 2015 is \$33,342,300. The value being requested by the applicant is \$29,617,800 for a difference of \$3,724,500.

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

To accept the City of Dickinson's valuation and deny application.

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

#### Jefferson Apartments

The total true and full value of the Jefferson Apartments for 2015 is \$7,284,300. The value being requested by the applicant is \$6,780,000 for a difference of \$504,300.

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

To accept the City of Dickinson's valuation and deny application.

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

#### Dickinson Pacific Apartments

The total true and full value of the Jefferson Apartments for 2015 is \$21,323,400. The value being requested by the applicant is \$16,610,000 for a difference of \$4,713,400.

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

To accept the City of Dickinson's valuation and deny application.

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

### **Tyler Technologies – Joe Silverthorne**

Mr. Silverthorne provided an overview and software proposal for their financial and tax software. The first year cost is the implementation fee. The fee starting the second year includes maintenance and support. There are currently nine other counties in North Dakota using the software. \$25,000 is being requested as a down payment.

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

To sign the presented agreement and provide a \$25,000 down payment to be taken out of the IT fund.

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

### **Taylor Fire – Harlan Bloom & Ryan Berger**

Mr. Bloom and Mr. Berger thanked the Commission for the previous \$50,000 provided for a fire truck last year.

The Taylor Fire Department is looking to expand their facility to include a meeting room, additional storage room, kitchen, outside parking, and small office for record keeping. The future building will be 50x70 and will go east of the existing building. Currently they have funding from the firefighters, City of Taylor, and local businesses but are still \$165,000 short. The total project cost is \$385,000.

The Commission advised they will address this request during the budget process for 2017.

### **JLG – Display of Materials**

Mr. Remark with JLG advised they will be setting up a display of materials for the courthouse expansion project in the lobby. All are encouraged to stop by and take a look.

The following Miscellaneous Receipts were filed: General: \$42,722.13; County Road: \$119,459.93; Social Services: \$123,554.74; Capital Improvement: \$542.35; Weed Control: \$15,454.82; 911 Revenue: \$36,183.14; Adult Education: \$30.28; Fingerprint Station: \$283.00; Domestic Violence: \$700.00; Traf Safety Grant: \$2,099.00; Misc Grants: \$9,305.53; Estimate Taxes: \$802.20; Security/Transfer DJS Reimb: \$155.40; SW

Victim Witness Program: \$16,734.99; Domestic Violence & Rape Crisis Center: \$690.00; Preservation Fee: \$11,051.25; Other Reimbursements: \$38,772.16; Judgement Execution: \$5,213.52; BCI Grants: \$34,153.97; 911 Equipment: \$6,385.31;

**MOTION BY:** Commissioner Elkin  
To adjourn the meeting.

**SECOND BY:** Commissioner Zander

**DISPOSITION:** Motion carried

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Kay Haag, Auditor

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Russ Hoff, Chairman