

Official Proceedings

May 7, 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. IT and Dakota Helicopter's spill report were added.

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

To approve the agenda as presented with the changes.

DISPOSITION: Motion carried

Poster Contest Winners

The National County Government Month poster contest winners were presented as follows:

- 1st place – Richard Leshovsky Jr.
- 2nd place – Dylan Gross
- 3rd place – Aubrey Powers

Minutes

The minutes of the April 2, 2019 Board of County Commissioners meeting were presented.

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

To approve the minutes of the April 2, 2019 Board of County Commission minutes as presented.

DISPOSITION: Motion carried

Accounts Payable

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

To approve the accounts payable with the supplement as presented.

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

General: \$1,413,657.69;

10 Mil: \$204,126.12;

County Road: \$788,602.89;

Highway Tax Distribution: \$249,861.89;

Social Welfare: \$406,207.11;

Capital Improvement: \$142,237.32;

County Jail: \$140,236.00;

VSO Fund: \$16,733.66;

County Agent: \$22,195.12;

Weed Control: \$20,924.97;

9-1-1: \$29,866.77;

Adult Education: \$43.00;

Misc Grants: \$361.29;

OT Grant PHSPOP: \$563.08;

OT Grant PHSPID: \$227.16;

SW Victim Witness Program: \$11,010.35;

Preservation Fund: \$143.73;

State Reimbursements: \$100.00;

Siren Contingency: \$1,179.28;

24/7 Fund: \$6,357.09;

Other Reimbursements: \$19,572.77;

911 Equipment: \$148.12;

Sheriff Lee

Sheriff Lee provided his monthly report, which included the following:

- 1,208 calls for service were reported with 356.5 additional courtroom security hours.
- 166 criminal papers were received, 123 were served, and 14 were DNF/Returned;
- There were a total of 229.5 hours of overtime at a cost of \$7,658.27;
- The arrest tally included 295 stops, 6 accidents, 157 citations, and 31 warnings for a total of 194;
- The Sheriff Sales and foreclosures received 7 executions, 3 Sheriff Sale, and revenue of \$4,172.72;
- The truck reg. program had a total of 5 stops with a total of \$0.00 in fines;
- 140 civil papers were received and 102 were served;
- Transports included 3 for other counties, 19 criminal, 10 daily court, 2 medical, 10 mental health, and 0 juveniles;
- The monthly income included \$3,144.50 for civil, \$16,731.35 for truck reg, \$195.00 for fingerprints and \$3,375.15 for 24/7.

In addition, Sheriff Lee provided an update on office restructuring, traffic enforcement, K-9 donations, and vehicle replacements.

The department is switching to Glocks and is working out a trade with a supplier at no cost with the current inventory. Sheriff Lee is asking that former Sheriff Tuhy's duty weapon be provided as a gift for his years of service. This will need to be researched in previous meeting minutes for the next meeting.

Road Superintendent - Al Heiser

Mr. Heiser provided his monthly report to include a closed bridge which is being re-designed and will also start picking up recycled asphalt from I-94. Will also be coordinating with Sheriff Lee regarding surplus property for an auction sale.

County Engineer – Andrew Krebs

Mr. Krebs provided the following monthly report:

- CBP-0045(17)03 35th Street SW Green River Low Water Crossing – Martin, 2018 Construction. Time extension June 1, 2019;
- BRO-0045(067)PCN21764 119th Ave SW Structure 45-113-20.0 Replacement – Schwartz, 2019 Construction. CE agreement was signed by KLJ and Stark County and sent to the NDDOT.
- 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. ROW plats completed and submitted to Stark County.
- SC-4500(019)PCN22506 and SU-5-983(064)PCN22507 Chip Seal Paved Roads west of Dickinson – Draft MOU sent to City of Dickinson for review. Started working on plans. October 11, 2019 Bid Opening thru the NDDOT.

Mr. Krebs also presented an agreement for the Chairman's signature.

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

To authorize the Chairman's signature on the presented agreement.

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

LEC-JPA

Mr. Fahlsing presented a joint powers agreement for the Law Enforcement Center between Stark County and the Southwest Multi-County Correction Center. This is an existing agreement and requesting an update to allow for the LEC board members of Stark County Auditor, Sheriff, Director of Emergency Services, and the SWMCCC Administrator to appoint a designee to attend the LEC board meetings in their absence.

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

To authorize the Chairman's signature on the joint powers agreement as presented.

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

July 4th – Thursday

Ms. Haag advised that since July 4th falls on a Thursday and most County offices are closed at noon on Fridays, she is requesting Stark County declare the County government offices to be closed on Friday, July 5th.

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

To close county government office on Friday, July 5th.

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

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. Construction is expected to begin on the east mile later this week. Hlebechuk Construction is the grading contractor for the 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 June.
- 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. 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. The bid opening is scheduled for the May 7th meeting at 9:00 a.m.
- 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. The bid opening is scheduled for the May 7th meeting at 9:00 a.m.

Dakota Helicopter’s Spill

Mr. Fahlsing advised the Commission that Commissioners Kuntz and Zander, Mr. Heiser, and himself met with a representative from the Department of Health on-site on Tuesday, April 30th. Further sampling will be taken of the contaminated area. Mr. Heiser suggested a mixture of manure and topsoil be brought in to reclaim the soil and restart the vegetative growth. Additional information will be provided as it is received.

City of Dickinson – Walter Hadley

Mr. Hadley introduced the City of Dickinson Renaissance Zone program for a five year renewal and is requesting a letter of support from Stark County.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Elkin
To provide a letter of support for the Renaissance Zone program.
DISPOSITION: Roll call vote. All voted aye. Motion carried

ND Insurance Reserve Proxy

Ms. Haag presented the North Dakota Insurance Reserve Fund Proxy for Annual Meeting and advised that in the past Stark County has abstained.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Arthaud
To abstain and have the Chairman sign.
DISPOSITION: Roll call vote. All voted aye. Motion carried

Richardton Park – Adam Hoselton

Mr. Hoselton advised they have collected \$35,000 through fundraising towards their goal of \$43,500 and is requesting \$7,500 from Stark County. The Commission requested that Mr. Hoselton present this at the Park Board meeting.

Zoning

MSP 03-19 – Dean and Marilyn Burwick are requesting a Minor Subdivision Plat of the D. Burwick Minor Subdivision located in the SE ¼ of the SW ¼ of Section 4, Township 139, Range 97 containing approximately 20 acres. Planning and Zoning along with staff recommend approval.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud
To approve the Minor Subdivision Plat as presented.
DISPOSITION: Roll call vote. All voted aye. Motion carried

RZ 03-19 – Justin and Christine Kruger are requesting a rezoning from Agriculture to Rural Residential on a property located in the SE ¼ of the E 1,400 feet of the North 1,697 feet of Section 33, Township 138, Range 96 containing approximately five acres. Planning and Zoning along with staff recommend approval.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud
To approve the rezoning request as presented.
DISPOSITION: Roll call vote. All voted aye. Motion carried

RZ 04-19 – Chad Binstock is requesting a rezoning from Agriculture to Rural Residential on a property located in the E ½ of the SW ¼ of 27, Township 138, Range 96 containing approximately 7.71 acres. Planning and Zoning along with staff recommend approval.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud
To approve the rezoning request as presented.
DISPOSITION: Roll call vote. All voted aye. Motion carried

VAR 01-19 – John Heinen is requesting a variance to the minimum lot size for the Rural Residential zoning district on a property located at 11091 45M Street SW in the S ½ of the S ½ of the SW ¼ of the NW ¼ of Section 22, Township 138, Range 96 containing approximately 9.21 acres. Planning and Zoning along with staff recommend approval.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud
To approve the variance request as presented.

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

2 Bid Openings

CP-45(19)03 – Grading and Structure

The following bids were received:

- Hlebechuk Construction Inc. - \$429,516.12
- Martin Construction Inc. - \$308,763.92
- Baranko Brothers Inc. - \$350,601.07
- Edward H. Schwartz Construction Inc. - \$329,890.97
- Central Specialties Inc. - \$463,757.50

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

To accept the low bid from Martin Construction in the amount of \$308,763.92 for bid CP-45(19)03 subject to the engineer's review.

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

CP-45(19)01 and CP-13(19)01 – Grading and Structure

The following bids were received:

- Hlebechuk Construction Inc. - \$584,675.18
- Martin Construction Inc. - \$672,322.81
- Baranko Brothers Inc. - \$642,047.72
- Edward H. Schwartz Construction Inc. - \$559,714.05

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

To accept the low bid from Schwartz Construction in the amount of \$559,714.05 for bid CP-45(19)01 and CP-13(19)01 subject to the engineer's review.

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

Mike Njos – Highlands Engineering

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

- SC-4531(054) Microsurfacing (HES Project #188928) – The project has been finalized and the final paperwork was submitted to the NDDOT, as well as, to Al Heiser for the County records.
- 2019 Stark County Chip Seal (HES Project #199470) – The bids were opened April 2nd, 2019. The project was awarded to Astech for \$374,665.11 and the Agreements have been signed. 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) – The legal, hydraulic, and topo survey is scheduled for this week. The structure sizing will begin immediately after, along with right-of-way exhibits. The cultural resource survey and wetland delineation is being scheduled for US Army Corps permitting purposes. BNSF Railroad will need to be coordinated with since some work may occur on their ROW. 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 scheduled for this week. The structure sizing will begin immediately after. Once sizing is complete, we will submit our recommendations to Mr. Heiser.

- Ridge View Estates Subdivision Paving (HES Project #199583) – We will provide construction engineering services (quantity tracking) for the County during this asphalt paving work by Northern Improvement Co.

Abatement – George Ehlis

Ms. Wandler presented an abatement request for George Ehlis. This request was presented at the City of Dickinson. The appraised value was set at \$525,700 and the City of Dickinson adjusted the value to \$492,000. Ms. Wandler is requesting Stark County approve the lowered amount approved by the City of Dickinson.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz
To accept the adjusted value of \$492,000 in regards to the George Ehlis abatement request.
DISPOSITION: Roll call vote. All voted aye. Motion carried

Airport

Mr. Braun provided a handout to the Commissioners and an overview of funding for the airport project. The airport is requesting \$600,000 from Stark County and is on the agenda to request funding from Dunn County.

Chairman Zander appointed Commissioner Arthaud to the Airport Authority Board as the Stark County Commission Liaison.

Mr. Braun advised that the City of Dickinson is contributing \$400,000.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz
To match the City of Dickinson’s contribution of \$400,000 to the Dickinson Airport.
DISCUSSION: Sandra Kuntz expressed concern regarding the process of approving this request. It was determined further discussion is needed prior to making a decision on providing funding.
DISPOSITION: Motion withdrawn

A special meeting will be scheduled for 8:00 a.m. on Thursday, May 23rd, 2019.

Park Board

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz
To accept the recommendation of the Park Board and provide \$7,500 to the Richardton Park.
DISPOSITION: Roll call vote. All voted aye. Motion carried

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Franchuk
To accept the recommendation of the Park Board subject to the review of the Stark County Auditor and provide \$9,000 towards the Family Fun Day.
DISPOSITION: Roll call vote. All voted aye. Motion carried

Scull Construction

Mr. Cockeram provided an update the jury room project.

The bid package #1 – contractor recommendations document was presented with approved alternates 3, 5a, and 7 for the Chairman’s signature.

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

To authorize the Chairman’s signature on the presented document.

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

The completion of construction documents were also presented for the Chairman’s signature.

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

To authorize the Chairman’s signature on the Completion of construction documents.

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

IT

Commissioner Arthaud advised that our servers are not being backed-up. Mr. Fahlsing will check into this and follow up with Commissioner Arthaud.

Willard Schank

Mr. Schank raised concerns with the cost of the jumping castles at the kids fair, the sprinkler system, airport expansion project, and social services building when Stark County does not yet own the land.

The following Miscellaneous Receipts were filed: General: \$138,553.12; County Road: \$77,995.64; Highway Distribution: \$259,293.92; Social Services: \$9,847.06; Capital Improvement: \$125,329.37; County Agent: \$56.79; Weed Control: \$8,759.15; E-911 Fund: \$26,720.27; Fingerprint Station: \$375.00; Estimate Tax: \$615.00; Security Reimb: \$142.08; Victim Witness: \$25,872.80; Preservation Fee: \$1,314.00; State Reimb: \$250.00; Siren Contingency: \$16,511.00; 24/7 Fund: \$9,563.00; Other Reimbursements: \$19,845.16; BCI-Asset Forfeiture: \$176.33; 911 Equipment: \$4,716.09;

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

To adjourn the meeting.

DISPOSITION: Motion carried