

## Official Proceedings

November 7, 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. Medical marijuana and Christmas holiday 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 October 3, 2017 Board of County Commissioner's meeting were presented.

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

To approve the minutes of the October 3, 2017 Board of County Commission meeting as presented.

**DISPOSITION:** Motion carried

The minutes of the October 11, 2017 Board of County Commissioner's special meeting were presented.

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

To approve the minutes of the October 11, 2017 Board of County Commission special meeting as presented.

**DISPOSITION:** Motion carried

### Accounts Payable

The accounts payable and supplement were presented.

**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:** \$593,933.03;

**10 Mil:** \$49,151.78;

**County Road:** \$485,049.59;

**Highway Tax Distribution:** \$162,177.15;

**Social Welfare:** \$312,689.38;

**Capital Improvement:** \$314,254.60;

**County Jail:** \$113,521.93;

**VSO Fund:** \$11,111.98;

**County Agent:** \$5,930.69;

**Weed Control:** \$17,307.66;

**9-1-1:** \$25,587.11;

**Security Reimb:** \$136.16;

**SW Victim Witness Program:** \$7,944.05;

**Preservation:** \$1,392.41;

**State Reimbursements:** \$300.00;

**Siren Contingency:** \$308.00;

**24/7 Fund:** \$7,238.61;

**Other Reimbursements:** \$22,542.17;

**BCI-Asset Forfeiture:** \$6,710.46;

**Judgment Execution:** \$252.02;

**BCI-Task Force:** \$3,728.60;

**Jag Grant:** \$3,750.00;

**911 Equipment:** \$1,214.79;

**Sheriff Oestreich**

Major Moser provided the Sheriff's Department monthly report which included the following:

- 174 criminal papers were received and 146 were served;
- The arrest tally included 1 accident, 151 stops, 65 citations, and 21 warnings;
- The Sheriff Sales and foreclosures received 5 executions, 3 Sheriff Sales, and revenue of \$1,251.90;
- 186 civil papers were received and 137 were served;
- Transports included 2 for other counties, 19 criminal, 12 daily court, 12 mental health, and 1 juvenile;
- The truck reg. program had a total of \$7,400 in fines and \$12,640.51 in permits;

- The 24/7 program had a total of \$747 in expenditures.

### **Pickett – Appraisal Contract**

Ms. Haag presented a contract for professional appraisal services for the following locations:

- Bakken Oil Express, LLC
- Halliburton’s Richardton sand plant
- QEP Field Service’s Belfield Gas Plant
- Tesoro Petroleum’s Dickinson Refinery
- Salt Water Disposal Facilities

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

To authorize the Chairman to sign the appraisal contract as presented.

**DISPOSITION:** Motion carried

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

Mr. Heiser presented the Road Department report to include hauling gravel, placing magnesium chloride, and getting sanders ready for winter. All lease trucks assisting Stark County have ceased. Mr. Heiser is looking at the possibility of moving gravel from the Richardton area to stock pile near South Heart.

### **JPA – Stark County & SWMCCC**

Ms. Haag presented an updated joint powers agreement between Stark County and the Southwest Multi-County Correction Center regarding the LEC building and is requesting the Chairman’s signature.

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

To authorize the Chairman to sign the joint powers agreement as presented.

**DISPOSITION:** Motion carried

### **Library – Certificate of Levy**

Ms. Haag presented a certificate of levy for four mills for the Stark County Library service.

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

To authorize the Chairman to sign the certificate of levy as presented.

**DISPOSITION:** Motion carried

### **Court Facilities Grant**

Ms. Haag presented a court facilities grant application in the amount of \$22,719.74 and advised Stark County is responsible for a 25% match.

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

To authorize the Chairman’s signature on the court facilities grant as presented.

**DISPOSITION:** Motion carried

### **Everbridge Contract – Bill**

Mr. Fahlsing presented an Everbridge contract for emergency notification services in the amount of \$9,224.25. This is a current vendor and the contract is for 2018 services however Mr. Fahlsing has submitted a request to honor the 2017 price as the 2018 budget has already been adopted.

**MOTION BY:** Commissioner Hoff

**SECOND BY:** Commissioner Kuntz

To authorize the Chairman to sign the final Everbridge contract when received.

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

**ND State Fair Delegate – Appoint**

The North Dakota State Fair is requesting Stark County's 2018 delegate be appointed. As Commissioner Franchuk holds this portfolio, he is recommended as the delegate.

**MOTION BY:** Commissioner Kuntz

**SECOND BY:** Commissioner Zander

To appoint Commissioner Franchuk as Stark County's State Fair delegate.

**DISPOSITION:** Motion carried

**County Engineer – Justin Hyndman**

Mr. Hyndman provided the following monthly report:

- 43<sup>rd</sup> St SW Bull Cr Structure 45-106-15.0 Replacement – Schwartz Construction, Final documents submitted to contractor;
- 31<sup>st</sup> St SW Structure 45-134-03.0 Replacement – Schwartz Construction, Final documents submitted to contractor;
- South Heart Road Widening – Norther Improvement, Final Estimate submitted;
- Courthouse Parking Lot – Winn Construction, Final documents submitted to contractor;
- Green River Bridge Structure 45-123-3.0 Replacement – Bid Nov. 7, 2017, 2018 Construction;
- Tributary of Thirty Mile Cr Structure 133-27.0 Replacement – Bid Dec. 5, 2017, 2018 Construction;
- 119<sup>th</sup> Ave SW Structure 113-3.0 Replacement – Bid Feb. 6, 2018, 2018 Construction;
- Enchanted Highway Micro-Surfacing – Bid Feb. 9, 2018, 2018 Construction;
- 47<sup>th</sup> Street SW Structure 129-19.0 and 130-19.0 and 104<sup>th</sup> Ave SW Structure 128-25.0 Replacement – Bid March 6, 2018, 2018 Construction;
- 35<sup>th</sup> Street SW Green River Low Water Crossing – Field work & reports to be completed. Direction needed from County for type of structure;
- 119<sup>th</sup> Ave SW Structure 45-113-20.0 Replacement – Bid Nov. 9, 2018, 2019 Construction;
- Structure 45-138-21 Replacement – Bid Nov. 13, 2020, 2021 Construction;
- 112<sup>th</sup> Ave SW (30<sup>th</sup> to 32<sup>nd</sup>) – KLJ will complete wetland monitoring.

In addition Mr. Hyndman advised of possible funding to add rumble strips to Highway 10 near South Heart however concerns were raised regarding noise levels. No action was taken at this time.

**Scull**

Mr. Cockeram provided an update to the Courthouse Addition project with a new completion date of December 30, 2017. Commissioner Zander recommended that the carpet be removed near the Clerk of Court's office and flooring be installed to match the new building for a better transition.

Mr. Cockeram also presented a change order in the amount of \$21,032.31.

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

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

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

**Bid Opening CBP-0045(16)02 109<sup>th</sup> Ave SW Green River Bridge Replacement**

The following bids were received for the Green River Bridge Replacement project:

- Industrial Builders, Inc. - \$922,694.89
- Swingen Construction - \$917,000.00
- Wanzek Construction, Inc. - \$1,257,371.20

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

To authorize Mr. Heiser and KLJ to review the submitted bids.

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

The low bid was from Swingen Construction and it was verified all qualifications were met.

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

To accept the low bid from Swingen Construction in the amount of \$917,000.00.

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

**Medical Marijuana**

Commissioner Franchuk requested Planning and Zoning to draft an ordinance related to medical marijuana in Stark County. A committee will be formed to work on the ordinance to include Commissioner Hoff, Commissioner Franchuk, State's Attorney, County Planner, and the Sheriff's Department.

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

To allow the formed committee to draft an ordinance regarding medical marijuana.

**DISPOSITION:** Motion carried

**Christmas Holiday**

Commissioner Franchuk requested that since Christmas day falls on a Monday this year, employees be given Tuesday, December 26<sup>th</sup> off for possible travel after the holiday.

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

To close County offices on Tuesday, December 26<sup>th</sup>, 2017.

**DISPOSITION:** Motion carried

**Email Fraud**

Ms. Haag advised of an email fraud that is currently affecting 15 counties and is advising everyone to use extra caution with their government email.

**Recorder's Office**

An announcement was made that Kathy Schwab, County Recorder will be retiring December 31<sup>st</sup>, 2017. The Commission will need to appoint the position to complete the term of office. Discussion was raised that other counties are moving the recorder position to an appointed position rather than an elected position. Chairman Elkin and Commissioner Zander will work with the State's Attorney's office to develop a plan for this process.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Hoff  
To accept the resignation of Kathy Schwab effective December 31<sup>st</sup>. 2017.  
**DISPOSITION:** Motion carried

**Public Hearing Minimum Price Delinquent Tax Property**

Ms. Haag presented 5 properties in Richardton with delinquent taxes. These properties will go up for public auction the third Tuesday in November at the Courthouse.

**MOTION BY:** Commissioner Hoff      **SECOND BY:** Commissioner Kuntz  
To accept the minimum value of the presented properties.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried

**Carlos Royal – Abatements**

Mr. Royal presented an abatement request for the following properties and associated tax year:

- West River Town Houses – 2016
- Silver Gate Apartments – 2015 and 2016
- Park Place Apartments – 2015 and 2016
- Century Apartments – 2015 and 2016
- 127 8<sup>th</sup> Ave E Apartments – 2016
- Eastwood Apartments – 2016
- Royal Manor Apartments – 2016

Mr. Hirschfeld, City of Dickinson Assessor provided an overview of the abatement process and advised the City of Dickinson has denied and rejected the applications.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Hoff  
To deny and reject the request for change in values as presented by Mr. Royal.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried

**Kelly-Airport**

Mr. Braun provided an overview of the Dickinson Municipal Airport and funding request for an existing project. The City of Dickinson is estimating a \$250,000 - \$300,000 fund allocation and \$400,000 is being requested from Stark County. Senate Bill 2200 gave the airport the authority to receive funds from the 10 Mill account. No decision was made.

**Other**

Farren Richard presented concerns regarding the noise level generated by the wind towers. Mr. Josephson will work with the Public Service Commission and Mr. Richard regarding this complaint.

The Park Board passed a motion to transfer \$19,000 to the Roughrider Commission for moving equipment to the new fairgrounds.

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Franchuk  
To approve the transfer of \$19,000 from the Park Board to the Roughrider Commission.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried

Mr. Hirschfeld presented an abatement request for 1785 1<sup>st</sup> St W, Dickinson and advised the City of Dickinson has denied and rejected the application.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Kuntz  
To deny and reject the request for change in values as presented by Hirschfeld.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried

The following Miscellaneous Receipts were filed: General: \$85,206.28; County Road: \$111,321.08; Highway Tax Distribution: \$236,651.01; Social Services: \$85,210.40; Capital Improvement: \$522,398.77; Weed Control: \$70,216.20; 911 Revenue: \$19,144.33; Fingerprint Station: \$140.00; Misc Grants: \$5,300.00; Estimated Tax Revenue: \$29,586.13; Victim Witness: \$1,679.75; Preservation Fee: \$1,095.00; 24/7 Fund: \$12,941.00; Other Reimbursements: \$25,034.56; Judgment Execution: \$252.02; BCI-Task Force: \$11,347.40; 911 Equipment: \$3,378.40;