

BOARD OF COMMISSIONERS
DEAN FRANCHUK, Chairman
NEAL MESSER, Vice-Chair
BERNIE MARSH
PAUL CLARYS
CORY WHITE



AUDITOR
KAREN RICHARD

DEPUTY AUDITOR
Lana Jahner

OFFICIAL PROCEEDINGS OF THE STARK COUNTY COMMISSION
January 5, 2023

Chairman Franchuk called the regular meeting of the Stark County Board of Commissioners to order at 9:00 AM. Commissioners Present: Dean Franchuk, Paul Clarys, Bernie Marsh, Neal Messer, and Cory White. Department Heads Present: Auditor Karen Richard, Sheriff Corey Lee, Road Superintendent Al Heiser, States Attorney Amanda Engelstad, Human Resources Joetta Percy, and County Park Lisa Heiser.

RATIFY AGENDA

Marsh asked to add open records.

MOTION BY: Commissioner Marsh **SECONDED BY:** Commissioner Clarys

To ratify the agenda as amended.

DISPOSITION: All voted aye. Motion Carried.

9:00 AM PUBLIC HEARING MIDA BONDS – DICKINSON CATHOLIC SCHOOLS

Attorney Scott Wegner representing Dickinson Catholic Schools addressed the commission regarding the MIDA bonds request. Wegner explained the process and answered any questions - explaining the county that issues the bond is a passthrough or conduit – but the lending and repayment are negotiated directly between the lender and the borrower. By statute, the county cannot contribute to the repayment of the bond.

Franchuk opened the public hearing at 9:15 AM. Franchuk asked for comments or questions from the public 3 times. Franchuk closed the public hearing at 9:17 AM.

MOTION BY: Commissioner Marsh **SECONDED BY:** Commissioner Messer

To authorize the Auditor and Chair to sign the Bond Resolution.

DISPOSITION: Roll call: Commissioners: Marsh - aye, Messer – aye, Clarys - aye, White - aye, Chairman Franchuk – aye. Motion Carried.

MINUTES

Chairman Franchuk called for approval of the minutes from December 6, 2022.

MOTION BY: Commissioner Clarys **SECONDED BY:** Commissioner White

To approve the minutes as presented.

DISPOSITION: All voted aye. Motion Carried.

Chairman Franchuk called for approval of the minutes from December 28, 2022.

MOTION BY: Commissioner Messer **SECONDED BY:** Commissioner Clarys

To approve the minutes as presented.

DISPOSITION: All voted aye. Motion Carried.

ACCOUNTS PAYABLE

MOTION BY: Commissioner Messer **SECONDED BY:** Commissioner Marsh

To approve the resolution and supplement as presented.

DISPOSITION: Roll call: Commissioners: Messer - aye, Marsh - aye, White - aye, Clarys - aye, Chairman Franchuk – aye. Motion Carried.

24/7 Fund: PRECISION KIOSK, \$1350; ATTY GENERAL, \$3909; PHARM CHEM, \$1,689.95; VERIZON, \$83.78

9-1-1 Equipment: CONSOLIDATED, \$21.32; ELECTRONIC COMM, \$8985

County Agent: PAYROLL: \$6,556.78, BOSS, \$167.90; CONSOLIDATED, \$143.60; NDACO, \$102.44; NDSU EXTENSION AG, \$15,973.49; PITNEY BOWES, \$187.80; USPS POSTAGE, \$1000; WALMART, \$10.68; WALMART, \$75.81

INDUSTRIES, \$5,848.46; CARQUEST, \$9.48; CENEX RICHARDTON, \$58.28; CENTURY LINK, \$77.74; CERTIFIED POWER, \$1,042.32; CHS INC, \$2245; CITY OF BELFIELD, \$28.11; CITY OF DICKINSON, \$107.40; CITY OF RICHARDTON, \$124.03; CLINT DIEDE, \$2,604.28; CURTIS & JUANITA TALKINGTON, \$1200; DAKOTA POWER HYDRAULICS, \$70.55; DIAMOND TRUCK EQUIPMENT, \$31.55; SCHWARTZ CONSTRUCTION, \$5,266.67; ELECTRIC SALES, \$107.95; ENERGY SYSTEMS, \$27.95; ERNEE WALTER, \$137.50; FREDERICK REPAIR, \$96.30; FRONTIER PRECISION, \$12.60; GENERAL STEEL, \$141.54; GOOSENECK IMPLEMENT, \$422.24; HLEBECHUK CONSTRUCTION, \$24,667.75; HUTZ'S WELDING, \$2,592.83; J & J OPERATING, \$1,378.33; JAMES MILLER, \$137.50; JIM BOBB, \$78,493; JOHN & NANCY DULETSKI, \$61,432.62; JP STEEL & SUPPLY, \$644.42; KEVIN FUGERE, \$600; LAWSON PRODUCTS, \$756.10; LINDE GAS, \$584.96; MAC'S, \$44.36; MARTIN CONSTR, \$19,185.83; MATCO TOOLS, \$48.75; MDU, \$4,052.82; MENARDS, \$272.42; MOTOR VEHICLE DOT, \$11; NAPA BELFIELD, \$117.55; NAPA DICKINSON, \$1,286.01; NDACE, \$275; NEWBY'S, \$20.69; PUMP SYSTEMS, \$36.12; RAYMOND P VEVERKA, \$26,083.13; RAY'S AUTO, \$1,610.67; RDO EQUIPMENT, \$3,157.04; ROUGHRIDER ELEC, \$344.14; SAX MOTOR, \$708.90; SW WATER, \$170.18; STONE AG, \$293.75; VERIZON, \$83.78; VISA, \$2,038.79; WALLWORK TRUCK CENTER, \$138.12; WEST PLAINS, \$17.38; WESTLIE CROSSROADS TRUCK CENTER, \$5,055.72; WINTER EQUIPMENT COMPANY, \$4,323.81; AL HEISER, \$75; CHAD STOLTZ, \$100; NDACO, \$25,415.92; ND SAFETY COUNCIL, \$359; ROUGHRIDER ELEC - HAZEN, \$9,261.44; SANFORD OCC HEALTH, \$300

County Weed: PAYROLL \$10,508.94; AGTERRA, \$105; PAUL CLARYS, \$18.34; MICHAEL HOERNER, \$40.61; RONALD OBRITSCH, \$20.96; DWIGHT SCHANK, \$6.55; LES SIMNIONIW, \$21.62; SHELLY ZIMAN, \$11.79; NDACO, \$2,523.26; VERIZON, \$62; VISA, \$724.80; WALMART, \$30.36; WARNE CHEMICAL, \$331.90

COVID 19: STARK COUNCIL ON AGING, \$100,000; CONSOLIDATED, \$287.50; COMMUNITY ACTION, \$15,000; DICKINSON AIRPORT, \$44,583; ELDER CARE, \$155,500; ETSYSTEMS, \$2100; GOLDMARK DESIGN, \$1112; GUARDIAN FLEET, \$25,177.91

E9-1-1: PAYROLL, \$5,679.47; APCO INTL, \$359; CITY OF DICKINSON, \$14,931.17; DICKINSON POLICE DEPT, \$1850; NDACO, \$9,567.66

General: PAYROLL, \$480,037.32; NDACO, \$600; ABM, \$6,092.50; BALCO, \$2,799.87; BORDER STATES, \$150; BOSS, \$2,887.55; BRAUNS, \$1,570.61; CENTRAL SQUARE, \$975; CITY AIR, \$2,375.62; CLEAN SWEEP, \$2,168.86; CONSOLIDATED, \$24,148.14; ESRI, \$4,110.96; EVERBRIDGE, \$9,972.88; NDTD, \$7,360.48; J LORAE CLEANING, \$5800; JAM PEST CONTROL, \$215; LEFTA, \$4,243.60; LEXIPOL, \$589.40; NW TIRE, \$1,472.64; RUNNINGS, \$437.23; THOMSON REUTERS, \$814.50; TRITECH SOFTWARE, \$23,989.62; TYLER TECH, \$13,819.58; WEX FLEET, \$11,329.50; WEX HEALTH, \$93.50; ARAMARK, \$181.64; ARMOR INTERACTIVE, \$176; AVI SYSTEMS, \$500; BELFIELD SPORTSMAN CLUB, \$1120; BEST FRIENDS MENTORING, \$15,000; BCSBND, \$156.80; BRAVERA INSURANCE, \$74,044; BRITTON JEWELERS, \$120.20; CENTRAL MECHANICAL, \$1001; CENTURY LINK, \$151.72; CHAD C. NODLAND, \$675; CITY OF DICKINSON, \$16,320.60; CITY OF DICKINSON ANIMAL SHELTER, \$20,620; DAKOTA BUSINESS SOLUTIONS, \$220.99; DCS IMAGINATION LIBRARY, \$5000; AMANDA ENGELSTAD, \$194; LISA HEISER, \$177.51; JUDITH ROLL, \$62.88; DEFENSE TECH, \$995; DEFENSIVE EDGE TRAINING, \$2500; DEPT OF CORRECTIONS & REHAB, \$150; DIAMOND TRUCK EQUIPMENT, \$6,077.50; DICKINSON AREA AMBULANCE, \$10,000; DICKINSON CHAMBER OF COMMERCE, \$558; DICKINSON POLICE DEPT, \$1850; DICKINSON TIRE & AUTO SVC CTR, \$1,111.24; DOMESTIC VIOLENCE & RAPE CRISIS CENTER, \$81,750; DUNN COUNTY TREASURER, \$528.13; EAST END AUTO, \$803; ELECTRIC SALES & SERVICE, \$267.80; ETSYSTEMS INC, \$6064; FORUM COMMUNICATIONS, \$1,164.31; GOOSENECK IMPLEMENT, \$226.88; GOVOFFICE, \$4999; GREAT PLAINS DIRECTORY, \$266; HEARTLAND CONSULTING GROUP, \$12,660; JOE'S AUTO, \$294.78; JP STEEL & SUPPLY, \$812.96; KIRK ROLL, \$6000; LANGUAGE LINK, \$45.26; LEC MAINTENANCE, \$17,383.97; LEXIPOL, \$9,642.26; MACKOFF KELLOGG LAW FIRM, \$4000; MAC'S, \$59.50; MAGNUM ELEC, \$190; MDU, \$20,490.31; MENARDS, \$226.48; MIDAS AUTO SERVICE EXPERTS, \$719.96; MOCIC, \$200; NDACO, \$28,914.11; ND COUNTY AUDITORS ASSOC, \$250; ND COUNTY RECORDERS ASSOCIATION, \$200; ND COUNTY TREASURERS' ASSOC, \$250; ND NEWSPAPER ASSOC, \$167.86; ND STATE RADIO COMMUNICATIONS, \$1500; NDEMA, \$50; NEWBY'S, \$346.47; OFFICE OF THE STATE AUDITOR, \$24,500; OTIS ELEVATOR, \$3,828.72; PITNEY BOWES, \$242.13; PRESORT PLUS, \$8751.40; QUADIENT LEASING, \$1,164.27; QUADIENT POSTAGE, \$4500; QUALITY QUICK PRINT, \$3,825.00; RECORD KEEPERS, \$275.

\$1,800.84; VISION WEST ND, \$1600; WALMART, \$302; WARNE CHEMICAL, \$170.95; WEATHERTAP.COM, \$227.63; WELLCARE, \$7.50; XEROX, \$242.92

Hazardous Chemical: NIKITA LORENZEN, \$103.31; FORUM, \$21.56

Highway Distribution: PAYROLL, \$205,310.21; AL HEISER, \$75; CHAD STOLTZ, \$100; NDACO, \$25,415.92; ND SAFETY COUNCIL, \$359; ROUGHRIDER ELECTRIC - HAZEN, \$9,261.44; SANFORD OCC HEALTH, \$300

Siren Contingency: FEDERAL SIGNAL, \$3150; ROUGHRIDER ELEC, \$460.15

Special Project County Park: QUALITY QUICK PRINT, \$2750

Veteran's Service Office: PAYROLL, \$13,951.30; BOSS, \$349.99; BRAUNS, \$40.50; CONSOLIDATED, \$21.46; NDACTVSO, \$320; VERIZON, \$80.02

Victim Witness: PAYROLL, \$15,025.32; CONSOLIDATED, \$21.32; NDACO, \$86.27; VERIZON, \$247.58

COREY LEE – SHERIFF REPORT

Lee presented the December 2022 report to the Commission: • Total calls for service 1088 – down from 1211 last year • Traffic stops 122 – down from 192 last year • 5 theft-related calls – down from 8 last year • 131 PR stops – down from 183 last year • 6 Bar checks – down from 8 last year • 27 calls for K-9 • Transports: 19 Prisoner, 13 Court, 0 Juvenile, 6 Medical, 5 MH, 0 Another Agency • Responded to 16 accidents: 0 pedestrians, 0 fatalities, 3 hit & run, 1 injury, and 12 property • 97 Total Arrests.

Lee outlined an incident that took place south of South Hearth that K9 Thor had been dispatched to. K9 Thor was given the command to apprehend the suspect, he made contact with the suspect and created a barrier between the suspect and a shotgun. Lee advised that the K9 program is working, and this case is a best-case scenario.

Lee spoke about speed limit signage on 114th N of the truck bypass. The residents there would like to lower the speed limit to 35 mph, it is currently at 55 mph, and it is a narrow road with several hills. Lee recommends the change.

MOTION BY: Commissioner Marsh **SECONDED BY:** Commissioner White

To change the speed limit to 35 mph.

DISPOSITION: Roll call: Commissioners: Marsh - aye, White - aye, Messer - aye, Clarys - aye, Chairman Franchuk – aye. Motion Carried.

Richard addressed Lee regarding the Sheriff's department contributing to the Coffee with the Legislators. If it is paid for out of tax dollars, then it would have to say just Stark County, and the commission would have to approve it. The Sheriff's department has its own account, it is unaffiliated with the county, and that account could be used without commission approval. Lee asked the commission if they would be interested in sponsoring. Franchuk thinks sponsoring will open a can of worms with other departments.

AL HEISER – COUNTY ROAD

Heiser thanked his staff for the job they did with the last snowstorm. He also advised the commission about a concern from a citizen - east of the county shop there is a steep fill by the retention pond. He is going to have Jeremy Wood look and maybe we should put up a guardrail.

MIKE NJOS – HIGHLANDS ENGINEERING PROJECT REPORT

- **BRP-0045(074) Bridge Replacement 45-152-24.1 on 80th Ave SW– 15 miles south & 8 miles east of Richardton (HES Project #210449)**

This project is on hold for construction in 2023. Central Specialties Inc. was awarded the project. The completion date is October 1, 2023.

- **Bridge Replacement 45-147-1.0 on 83rd Ave SW – 8 miles north of Richardton & 4 miles east of ND8 (HES Project #210271)**

This project is a bridge replacement with a precast box culvert. The final environmental document (DCE) will be submitted after receiving SHPO concurrence on 11/29/22. The USACE permit is pending approval. The bid letting is anticipated for the spring of 2023. Construction will most likely be in 2024.

JEREMY WOOD – NORTHERN PLAINS ENGINEERING PROJECT REPORT

- **BRO-0045(070) 83rd Ave and 86th Ave Bridge Replacements south of Richardton**

Construction is complete and the project has been accepted by the DOT.

- **BRZ-0045(072) 127th Ave Bridge Replacement south of Belfield**

The DOT has approved funding for this project. Additional archaeological work may be required.

- **BRP-0045(072) 131st Ave Bridge Replacements near Belfield**

The DOT has approved HB 1505 funding for this project. One of the bridges is located three miles south and one mile west of Belfield. The other bridge is located one mile north and one mile west of Belfield. The project is scheduled to be bid on January 13th with construction in 2023.

- **CP-45(22)01 32nd St and 107th Ave Grading northeast of Dickinson**

The general scope of work will consist of widening the roadway and graveling in preparation for paving at a later date. The project was bid June 7th with Hlebechuk Construction the low bidder at \$1,376,225.73. The project has been suspended for the winter.

ANDREW KREBS – KLJ

- **CBP-0045(17)02 Site 1 Wetland Mitigation Monitoring 47th St SW**

The wetland mitigation monitoring report for 2022 was completed and submitted to the USACE on September 14, 2022. The mitigation site is currently at .30 acres which is .08 acres short of the required .38 acres. Waiting on a response from the USACE. Monitoring is currently scheduled to continue in 2023.

- **Hwy 10 & 116th Ave SW Intersection Improvements**

Working with Heiser to put together an application for Highway Safety Improvement Program (HSIP) funding to install a roundabout at this location. The application was submitted to NDDOT on Dec 29, 2022. Waiting on a response if project funding is approved.

- **2024 Chip Seal East of Dickinson**

Future chip seal project on Hwy 10 east of Dickinson for 2024 construction. Submitted an estimate and location map to the NDDOT requesting County Federal Aid Program funding for this project.

- **Stark County Pits**

Sickler Pit: KLH completed the measurement of 3 stockpiles.

Krebs advised the current agreement between KLJ and Stark County is expired and presented an amendment to extend the agreement 5 years.

MOTION BY: Commissioner Marsh **SECONDED BY:** Commissioner Clarys

To approve the Chair to sign the agreement with KLJ Engineering on Amendment No. 5.

DISPOSITION: Roll call: Commissioners: Marsh - aye, Clarys - aye, Messer - aye, White - aye, Chairman Franchuk – aye. Motion Carried.

REQUEST FOR APPROVAL TO GO TO FORMAL BIDS ON COURTHOUSE HVAC

Messer reports the HVAC in the original building (built in 1936) is mechanically deficient and fails. Over the past year, the county has contracted with Prairie Engineering to come in and analyze and make recommendations. As that is complete, he is now asking for authorization to formalize the bid process.

MOTION BY: Commissioner Messer **SECONDED BY:** Commissioner White

To authorize the bidding process on the HVAC system in the courthouse.

DISPOSITION: Roll call: Commissioners: Messer - aye, White - aye, Marsh - aye, Clarys - aye, Chairman Franchuk – aye. Motion Carried.

CONSOLIDATED 2023 CONTRACT

Engelstad has reviewed the contract and it is fine legally, the rate has gone up and there is an added exclusion. Franchuk advises the rate has increased to \$8,750.00 per month.

MOTION BY: Commissioner Marsh **SECONDED BY:** Commissioner Clarys

To renew the contract with Consolidated.

DISPOSITION: Roll call: Commissioners: Marsh - aye, Clarys - aye, Messer - aye, White - aye, Chairman Franchuk – aye. Motion Carried.

PLEDGE OF ASSETS

DISPOSITION: Roll call: Commissioners: Messer - aye, Clarys - aye, Marsh - aye, White - aye, Chairman Franchuk – aye. Motion Carried.

KAREN RICHARD - STARK COUNTY 2023 INSURANCE RENEWAL

Richard presented the 2023 insurance renewal and would like the commission to consider increasing the liability limit from 3 to 5 million – which would cost \$2,200 more a year in premium. She would also like the commission to consider switching to blanket coverage on the equipment instead of individualized and also to increase the comp and collision deductibles to \$500/\$1000. The county could save approximately \$8000 by increasing the deductible.

MOTION BY: Commissioner Messer **SECONDED BY:** Commissioner Clarys

To increase liability limits from 3 million to 5 million, follow the recommendation of coverage A, B, C, and D for the equipment, and take the auto insurance to \$500 comp / \$1000 collision.

Discussion: Marsh asks if we want to stay at 5 million or go to 10 million as there won't be much in the annual fee increase.

AMENDED MOTION BY: Commissioner Messer **AMENDED SECOND BY:** Commissioner Clarys

To increase liability limits from 3 million to 10 million, follow the recommendation of coverage A, B, C, and D for the equipment, and take the auto insurance to \$500 comp / \$1000 collision.

DISPOSITION: Roll call: Commissioners: Messer - aye, Clarys - aye, Marsh - aye, White - aye, Chairman Franchuk – aye. Motion Carried

BREAK 10:17 AM to 10:30 AM

10:30 AM PARK BOARD MEETING to 11:03 AM

Franchuk called the meeting back to order at 11:04 AM.

JOETTA PEARCY - STARK COUNTY EMPLOYEE POLICIES APPROVAL

Pearcy presented the Performance Management Policy revisions to the commission. Messer also discussed the wording in the policy that states any department head who fails to conduct an annual performance evaluation on their staff may lose eligibility to receive an annual increase if one is approved by the Board of County Commissioners – and would like that wording looked at in the future.

MOTION BY: Commissioner Messer **SECONDED BY:** Commissioner Marsh

To approve the Performance Management Policy proposal

DISPOSITION: Roll call: Commissioners: Messer - aye, Marsh - aye, White - aye, Clarys - aye, Chairman Franchuk – aye. Motion Carried.

Pearcy presented the revised Travel, Meals & Lodging policy.

MOTION BY: Commissioner Marsh **SECONDED BY:** Commissioner Messer

To accept the new guidelines for the Travel, Meals & Lodging policy in our handbook.

DISPOSITION: Roll call: Commissioners: Marsh - aye, Messer - aye, Clarys - aye, White - aye, Chairman Franchuk – aye. Motion Carried.

Pearcy presented the Hours of Work policy. She explains this is a new policy that establishes the official work week and pay period along with time reporting requirements.

MOTION BY: Commissioner Messer **SECONDED BY:** Commissioner Clarys

To approve the Hours of Work policy as presented.

DISPOSITION: Roll call: Commissioners: Messer - aye, Clarys - aye, Marsh - aye, White - aye, Chairman Franchuk – aye. Motion Carried.

Pearcy presented a new Bereavement policy. She advises this policy expands on the information that had previously been in the employee handbook under funeral leave.

MOTION BY: Commissioner Marsh **SECONDED BY:** Commissioner White

To accept the Bereavement policy as updated today

To table to get input from the Department heads.

DISPOSITION: All voted aye. Motion Carried.

Pearcy presented a new Volunteering policy. This policy addresses employees who want to volunteer and how their salary is affected.

MOTION BY: Commissioner Clarys **SECONDED BY:** Commissioner White

To approve the new policy on Volunteering for the Stark County Handbook.

DISPOSITION: Roll call: Commissioners: Clarys - aye, White - aye, Marsh - aye, Messer - aye, Chairman Franchuk – aye. Motion Carried.

JOETTA PEARCY - STARK COUNTY PERSONNEL HANDBOOK APPROVAL FOR 2023

Pearcy presented a couple of changes to the Personnel Handbook and then because of time - stated that she will print off just the pages that had changes to them and present them to the commission at the next meeting.

OPEN RECORDS

Engelstad states that she emailed a version of the open meetings from the Attorney General's Office to the Commissioners. Engelstad then provided an informational overview of open records and open meetings.

Commissioner Messer made **MOTION** to adjourn at 11:48 AM, Commissioner White **SECONDED**, Adjourned.



Karen Richard, Auditor



Dean Franchuk, Chairman