

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



AUDITOR
KAREN RICHARD

DEPUTY AUDITOR
Lana Jahner

OFFICIAL PROCEEDINGS OF THE STARK COUNTY COMMISSION
February 7, 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, Assistant States Attorney Jim Hope, and Human Resources Joetta Percy.

Chairman Franchuk remembered Wayne Baer with a moment of silence. Chairman Franchuk also offered his condolences to Wayne Baer's family.

RATIFY AGENDA

The City of Dickinson will be removed from the agenda.

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

To ratify the agenda as amended.

DISPOSITION: All voted aye. Motion Carried.

MINUTES

Chairman Franchuk called for approval of the minutes from January 5, 2023.

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

To approve the minutes as presented.

DISPOSITION: All voted aye. Motion Carried.

ACCOUNTS PAYABLE

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

To approve the resolution and supplement as presented.

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

COREY LEE – SHERIFF REPORT

Lee presented the January 2023 report to the Commission: • 1,573 Total calls for service– up 1, 239 from last year • 214 Traffic stops – down from 221 last year • 294 PR stops – up from 269 last year • 28 Bar checks – up from 13 last year • 5 theft-related calls – down from 7 last year calls • 41 K-9 • Responded to 16 accidents: 0 pedestrians, 1 fatality, 1 hit & run, 4 injury, and 18 property • Transports: 19 Prisoners, 21 Court, 2 Medical, 1 Juvenile, 6 MH, 0 Another Agency • 113 Total Arrests.

Greg Barros Retirement/2 Light duty/Performance Based Pay/Legislative Bills

CHRIS KIMMERLE- Narcotics Task Force 2022 Year-End Report

Kimmerle presented the 2022 report. Total cases- 122 cases/Investigations (2021-185), Community presentations-24 (2021-22), Total arrests- 38 (2021-41), Total methamphetamine seized- 3,185g (2021-2,596g), Total marijuana seized- 26,038g (2021-6770g), Total cocaine- 13g (2021-53g), Total fentanyl (includes powder and pills)-1559 units containing 15,590 Dosage Units (2021-974U-9,740 DU), Total heroin- 0 (2021-49.9g-499 DU), Total Psilocybin- 4g (2021-9.8g), Total MDMA-2 units (2021-2U), Total other controlled pills- 350 units (2021-532U), Total SWNTF Overdose Investigations- 29 requiring hospitalization with 4 being fatal (2021-18 hospitalizations with 4 fatal).

AL HEISER – COUNTY ROAD

Heiser reported that the road crew is working on maintenance and hauling scoria. Prairie dog funding is available. Heiser will ask Jeremy Wood to get a plan for the paving project on 107th and 32nd. Will wait to bid it until after the legislative session is over. Crack Sealing will start soon. Discussed Electric Semis. Heiser received a President's Plaque from the North Dakota Association of County Engineers.

BID RESOLUTION FOR BRIDGE PROJECT BRP-0045(072)

BID was awarded to Schwartz Construction at \$823,364.69. Requested the resolution be signed by the Chair.

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

To sign the resolution.

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

JAMES KADRMAS – INTERSTATE ENGINEERING

- **BRZ-0045(075): 38th St SW Bridge Replacement**

Our environmental specialist has continually reached out to NDDOT regarding our draft DCE. The department is backlogged and is trying to get caught up. Last month, Supt. Heiser brought it to our attention that funding had not yet been secured for the project, so we reapplied for funding and are yet to hear back from DOT. James did talk to Brian Fuchs, and they are still scoring and should hear back by the end of next week.

MIKE NJOS – HIGHLANDS ENGINEERING PROJECT REPORT

- **BRJ-0045(076) Bridge Replacement 83rd Ave SW– 3 miles east of Richardton (HES Project #210271)**

This project is a bridge replacement with a precast box culvert. The final environmental document (DCE) was submitted and waiting on final approval by NDDOT. The USACE permit is pending approval after the final DCE is approved. Final plan drawings are being prepared. The bid letting is anticipated for May 12, 2023. Construction will most likely be in 2024 due to the long lead time for getting precast box culverts manufactured.

- **BRJ-0045(77) PCN 23737 3 Each Bridge Removals & Replace with Low-Water Crossings (HES Project #220900)**

The USACE JD letters have been received and we are waiting on the SHPO concurrence letter. The draft environmental document is being submitted to the NDDOT. Preliminary plans are being drafted. Bid letting is set for June 9th and possibly 2023 most likely 2024 construction.

- **BRP-0045(074) PCN 23382 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 1st, 2023.

JEREMY WOOD – NORTHERN PLAINS ENGINEERING PROJECT REPORT

- **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 later. The project has been suspended for the winter.

- **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 was bid on January 13th with Edward H Schwartz Construction the low bidder at \$823,364.69. I would recommend awarding the project.

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

The DOT has approved federal funding for this project. The bridge is located nine miles south and three miles east of Belfield. Additional archaeological work may be required.

MISCELLANEOUS:

Jeremy mentioned two possible road projects for the Commission to consider. Both road projects have steep inslopes and the County has trouble with snow removal on both of them. One is on 114th Ave north of the bypass and the other is on 41st St and 109th Ave.

ANDREW KREBS – KLJ

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

USACE responded with an email requiring mitigation monitoring to continue in 2023. No other remedial actions are proposed at this time. Wetland mitigation monitoring is scheduled to continue in 2023.

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

Application for Highway Safety Improvement Program (HSIP) funding to install a roundabout was submitted to NDDOT on Dec 29, 2022. Waiting on a response if project funding is approved.

- **SC-4500(020) PCN 23927 2024 Chip & Fog Seal Hwy 10 East of Dickinson**

Received a project number from the NDDOT. Bid opening is scheduled for November 17, 2023, with 2024 construction.

Heiser added that there was another major accident at the intersection of Hwy 10 & 116th Ave. A total of 8 major accidents in the last 4 years.

9:30 AM BID OPENING – Stark County Courthouse HVAC Contract

1 bid being Central Mechanical at \$1,475,900.00 with an alternative add of \$349,900.00. Jeremy Butman with Prairie Engineering informed the board that the alternative add is for the 2nd-floor courtroom to replace HVAC units which includes some ceiling work and replacement lighting. The reason this bid is an alternative is that they are waiting on some information from the State Historical Society.

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

To table the bid on the HVAC system in the courthouse for Prairie Engineering review.

DISPOSITION: All voted aye. Motion Carried.

CHAIRMAN FRANCHUK – RETIREMENT RECOGNITION FOR GARY MAYER ON 36 YEARS OF SERVICE.

Heiser presented Gary Mayer with a retirement watch.

CURT GLASCOE - NDSU LTAP

Glascoe presented Innovation Champion for State LTAP- Joe Messer and Randy Dillinger runner-up for 2022 Innovated Champions for the State of North Dakota.

GLADSTONE FIRE DISTRICT

Terri Theil introduced the new Fire Chief Doug Brost and presented the year-end review for 2021 & 2022. Fire Chief Brost updated the board on the purchase of a new truck.

Lee commented on the City of Gladstone fireworks display. Brost informed the board that the firework display is funded by firefighters and private donors.

RICHARD PLAT/RIGHT OF WAY VACATION

Denis Richard is requesting to vacate lots 5, 6, and 7 from the plat for tax purposes.

A discussion was held on Richard's options.

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

To vacate lots 5, 6, and 7 from the Richard subdivision Plat with the county road easement being retained.

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

BREAK 10:10 AM to 10:20 AM

JULIE OBRIGEWITSCH – STARK COUNTY SPIRIT OF EXCELLENCE AWARD

Obrigewitsch introduced Audrey Kuntz as the November 2022 recipient of the Stark County Spirit of Excellence Award. Kuntz has dedicated a large portion of her time to becoming an EMT to serve the community that she loves. She also became a teacher to follow her passion for teaching children.

While doing all these things she also created Richardton-Taylor Ambulances Safety Tuesday program that focuses on teaching children how to be prepared not scared. She has donated her time and resources in making sure the program is not only informative but also includes other agencies such as fire, law enforcement, and even game wardens. These agencies not only inform the kids but make sure they know that these agencies and people the kids can trust. Audrey pours her soul into being there for her community and is a wonderful role model and steward to the town of Richardton and its surroundings. The next deadline for Spirit of Excellence applications is February 15th.

STEVE JOSEPHSON - RFP STARK COUNTY COMPREHENSIVE PLAN

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

To approve the notice of the RFP for the Stark County Comprehensive Plan.

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

SHAWNA DAVENPORT - 2023 BOWMAN RADAR OPERATIONS AGREEMENT

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

To sign Bowman Operations Agreement.

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

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

To authorize the Emergency Services Director to sign the agreement in the future unless there is a fee change.

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

ROUGH RIDER NORTH HUMAN SERVICES BOARD MEMBER SELECTION

Clarys stated that there were 4 applicants for the board vacancy.

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

To nominate Travis Leintz to be appointed to the Roughrider North Human Services Board.

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

BEER & LIQUOR FEE SCHEDULE

Marsh presented the beer & liquor license fee schedule as follows.

Off Sale -- Beer only \$250, Beer & Liquor \$500

On Sale – Beer only \$500, Beer & Liquor \$750

Club or Non-Profit -- Beer only \$250, Beer & Liquor \$500

Richard noted that Richardton Abbey doesn't fall into any of the listed categories and recommends adding liquor only.

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

To amend the proposal to add the liquor only at \$250 a year.

DISPOSITION: All voted aye. Motion Carried.

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

To approve the Beer and Liquor License Fee Scheduled as amended.

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

JOETTA PEARCY – COUNTY LEAVE WITHOUT PAY POLICY

Pearcy presented the county leave without pay policy item number 11 to follow the N.D.C.C. 4-07-15-03 not to exceed one year.

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

To approve the county leave without pay policy as presented.

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

JOETTA PEARCY - STARK COUNTY PERSONNEL HANDBOOK APPROVAL FOR 2023

Pearcy presented changed a few pages of Stark County Personnel Handbook along with the date.

The first page is the Business hours and Work Schedules. The second page is the County Leave Without pay policy. The third page is Personal Property and Valuables.

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

To approve the Stark County personnel handbook for 2023 as presented.

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

NEAL MESSER -LEGISLATIVE BILLS

Messer Informed the board of legislative bills that will be discussed on February 13, 2023. Several bills are county government related such as property tax, property tax relief, election bills, budgets, NDPERS, etc.

KAREN RICHARD - PLEDGE OF ASSETS CORNERSTONE BANK

Richard presented the following pledge of assets with totals as of December 31, 2022:

- Cornerstone Bank – Deposits of \$2,250,000.00.

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

To approve the pledged security amounts for Cornerstone Bank as presented.

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

JIM HOPE - COVID EMPLOYEE PAY

Looking at reinstating the Covid Emergency Pay Policy that expired on December 31, 2022. No action was taken.

Lee is requesting to give Greg Barros his badge at retirement.

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

To approve Sheriff Lee to issue Greg Barros his badge.

DISPOSITION: All voted aye. Motion Carried.

Commissioner Clarys made **MOTION** to adjourn at 11:15 AM, Commissioner White **SECONDED**, Adjourned.