

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**  
**April 6, 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, Human Resources Joetta Percy, Planning and Zoning Steve Josephson, Recorder Kim Kasian, and County Park Lisa Heiser.

**RATIFY AGENDA**

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

To ratify the agenda as presented.

**DISPOSITION:** All voted aye. Motion Carried.

**MINUTES**

Chairman Franchuk called for approval of the minutes from March 7, 2023.

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

To approve the minutes as presented.

**DISPOSITION:** All voted aye. Motion Carried.

**ACCOUNTS PAYABLE**

Messer would like the bill for \$5,450.00 to the State Auditor for the final audit bill moved down to the discussion regarding the Audit Firm Selection.

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

To approve the resolution and supplement as presented, except the state auditor bill, and move that bill to the discussion line under our audit.

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

**APRIL 2023 FINANCIALS – MINUTES**

**24/7 Fund:** OFFICE OF ATTORNEY GENERAL, \$3,720; PHARM CHEM, \$6,518.67; TOBIE POLENSKY, \$138; VERIZON, \$41.90

**9-1-1 Equipment:** ELECTRONIC COMMUNICATIONS, \$484; PENGUIN MANAGEMENT, \$2,880; VISA, \$66.49

**ARPA:** MBN ENGINEERING, \$2,544.75

**Capital Improvements:** ELECTRIC SALES & SERVICE, \$1,147.25

**County Agent:** PAYROLL: \$5,963.12, NDSU, \$1,382.28; VISA, \$348.55; XEROX, \$92.18; SWDHU, \$350

**County Jail:** SWMCCC, \$175,366.75

**County Roads:** BLACK HILLS TRUCKING, \$2,023.40; ADAMS FIELD SERVICE, \$615; ARAMARK, \$150.72; AT&T, \$36.71; BUTLER, \$7,657.29; CERTIFIED POWER, \$96.59; CITY OF BELFIELD, \$28.11; CITY OF DICKINSON, \$110.93; CITY OF RICHARDTON, \$116.80; DAKOTA POWER HYDRAULICS, \$662.87; DAKOTA TOOL & MACHINE, \$1,093.54; DIAMOND TRUCK EQUIPMENT, \$4,201.16; DOUG & MICHELLE SCHEELER, \$600; DTE, \$2,074.20; DUANE WOLFE, \$14,250; ENERGY SYSTEMS, \$76.42; GENERAL STEEL, \$1,863.16; GLENN & CHERYL LOHMANN, \$9,200; GOOSENECK IMPLEMENT, \$13,656.01; HENRY SCHANK TRUST, \$1,200; HUTZ'S WELDING, \$15.52; IBS, \$588.10; J & J OPERATING, \$319.18; JAYME & HOLLY PRAUS, \$6,800; JP STEEL & SUPPLY, \$1,053.40; LAWSON PRODUCTS, \$1,468.82; LINDE GAS, \$684.28; MAC'S, \$1,393.20; MDU, \$2,963.58; MENARDS, \$2,217.16; MICHAEL & LONNA MILBURN, \$1,200; MOTOR VEHICLE, \$10; NAPA BELFIELD, \$877.94; NAPA DICKINSON, \$1,333.91; RDO EQUIPMENT, \$10,445.69; RDO

**E9-1-1:** PAYROLL, \$4,914.08; CITY OF DICKINSON, \$12,735.38; APCO INTERNATIONAL, \$30; NDACO, \$6,766.28

**General:** PAYROLL, \$481,560.42; ANDREW MARQUART, \$621; A&L EVENT RENTALS, \$4,800; ADVANCED BUSINESS METHODS, \$230; AED EVERYWHERE, \$615.20; APPLIED CONCEPTS, \$91; ARAMARK, \$90.82; ARMOR INTERACTIVE, \$176; AVI SYSTEMS, \$395.85; BELFIELD SPORTSMAN CLUB, \$560; BCBSND, \$156.80; BRAVERA INSURANCE, \$2,702; CENTURY LINK, \$151.72; CITY OF DICKINSON, \$13,349.20; CITY OF DICKINSON ANIMAL SHELTER, \$60; DAKOTA BUSINESS SOLUTIONS, \$100; DEPT OF CORRECTIONS & REHAB, \$225; DICKINSON TIRE & AUTO, \$1,854.92; DUNN COUNTY TREASURER, \$172.92; EAST END AUTO, \$275; ETSYSTEMS, \$909.50; FERGUSON ENTERPRISES, \$2,183.96; FORENSIC ANALYTICAL CRIME LAB, \$4,831.45; FORUM COMMUNICATIONS, \$30.80; FOUR SEASONS TROPHIES, \$79.99; GOOSENECK IMPLEMENT, \$1,673.83; JORDAN KNOTTNERUS, \$25; KAY ERICKSON, \$1,050.50; KIRK ROLL, \$2,400; LANGUAGE LINK, \$29.82; LEC MAINTENANCE, \$16,182.86; LEGEND AUTO BODY, \$398.53; LIFELINE TRAINING, \$716; MACKOFF KELLOGG LAW FIRM, \$2,000; MAGNUM ELECTRIC, \$95; MDU, \$8,086.40; MENARDS, \$514.25; MOTOR VEHICLE DOT, \$11.50; NAPA DICKINSON, \$7.99; NDACO, \$136; ND COUNTY RECORDERS ASSOCIATION, \$200; ND SHRM STATE COUNCIL, \$359; NDACO, \$200; NDSAA, \$750; NEWBY'S ACE HARDWARE, \$129.17; NPCA, \$170; OFFICE OF THE STATE AUDITOR, \$5,450; QUALITY QUICK PRINT, \$450; RADISSON HOTEL, \$259.20; RED RIVER GLAZING, \$3,775; RED ROCK FORD DICKINSON, \$30,360; ROUGHRIDER ELECTRIC, \$275.70; ROUGHRIDER MOTORSPORTS, \$5,150; SANFORD HEALTH, \$764; SAX MOTOR, \$75.02; SHERWIN-WILLIAMS, \$344.77; SOUTHWEST CRIME CONFERENCE, \$100; SWDHU, \$20; STEPHANIE A SMITH, \$917; STEVENSON FUNERAL HOMES, \$220; STUTSMAN COUNTY AUDITOR'S OFFICE, \$152; SUPERIOR WATER TREATMENT, \$63; THE UPS STORE, \$18.37; TMI STORAGE SYSTEMS, \$409; T-REX CONOCO, \$178.29; VERIZON, \$2,585.97; VILLAGE FAMILY SERVICE CENTER, \$2,820; VISA, \$6,655.20; WELLCARE, \$7.50; WELLS FARGO BANK, \$25; WOODWORTH LAW OFFICE, \$245; XEROX, \$150.52

**Highway Distribution:** PAYROLL, \$181,977.18; VISA, (28.05); NDACO \$73

**Siren Contingency:** ROUGHRIDER ELECTRIC, \$374.39

**Veteran's Service Office:** PAYROLL, \$14,089.04; NDACTVSO, \$50; VERIZON, \$40.03

**Victim Witness:** PAYROLL, \$25,179.21; BRITTON JEWELERS, \$130; VERIZON, \$128.81; VISA, \$108.58

#### **NATIONAL COUNTY GOVERNMENT MONTH PROCLAMATION**

Franchuk read the National County Government Month Proclamation declaring April 2023 as National County Government Month in Stark County.

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

To approve the proclamation.

**DISPOSITION:** All voted aye. Motion Carried.

#### **YEARS OF SERVICE RECOGNITION**

Franchuk presented the following employees with Years of Service Recognition Certificates:

Lisa Heiser – 5 years, Norma Rebout – 5 years, Barbara Tessier – 5 years, Keith Schank – 10 years, and Linda Presler has retired with 19 years and 8 months of service.

#### **COREY LEE – SHERIFF REPORT**

Lee presented the March 2023 report to the Commission: • Total calls for service 1654 – up from 1334 last year • Traffic stops 206 – up from 205 last year • 10 theft-related calls – up from 5 last year • 389 PR stops – up from 217 last year • 22 Bar checks – up from 21 last year • 41 calls for K-9 • 5 Truck Reg Stops 23 Other Calls for Service • Transports: 10 Prisoner, 17 Court, 2 Juvenile, 1 Medical, 4 MH, 1 Assist • Responded to 18 accidents: 0 pedestrians, 0 fatalities, 3 hit & run, 1 injury, and 10 property • 99 Total Arrests.

Lee reports they are seeing quite an increase in narcotics traffic and arrests, and reports on a couple of large drug busts recently made. He also advised the commission that he and Mehrer will be traveling to Deadwood, SD for Sheriff and Chiefs meeting next week for 2 days.

looking at purchasing those. Marsh would like to see the estimate and Lee should bring estimates to the next meeting.

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

To approve the out-of-state travel for the Sheriff's Department.

**DISPOSITION:** All voted aye. Motion Carried.

#### **AL HEISER – COUNTY ROAD**

Heiser advises that next week the road department will start doing crack sealing as the weather improves. They are going to try a new seal this year which is a rubber that expands by 200%. He also reports the bridge by South Heart that was not approved by the DOT is now going to be approved for construction in 2024, it will be bundled with another bridge. The governor signed a bill for a snow removal reimbursement from the state, and they will be submitting expenses for reimbursement.

Messer asks about the 18" rule from a hard surface rule from the USPS, meaning any post box that is further than 18" from a roadway will not be serviced. Heiser advises that mailboxes that close may be hit by plows and that they may have to further address that requirement.

#### **AL HEISER – SURPLUS PROPERTY**

Heiser presented a list of surplus property from the Belfield shop. He would like to sell it at the annual auction sale in Scheffield, the date will be advertised in the paper.

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

To declare, per Heiser's presentation, as surplus property available for auction.

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

#### **JAMES KADRMAS – INTERSTATE ENGINEERING**

- **BJR-0045(075): 38<sup>TH</sup> St SW Bridge Replacement**

The funding has been approved after bundling it with the removal of Bridge 45-102-26.0. The stipulation is that they must be bid in the same bid opening, so we will be in a time crunch to get the environmental document drafted, reviewed, and finalized. Looking for a Fall 2023 bid.

#### **MIKE NJOS – HIGHLAND ENGINEERING**

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

The preconstruction meeting will be held within the next month. Central Specialties Inc. is the contractor and the completion date is October 1<sup>st</sup>, 2023.

- **BRJ-0045(076) PCN 23725 Bridge Replacement 83<sup>rd</sup> Ave SW – 3 miles east & 7 miles north of Richardton (HES Project #210271)**

This project is a bridge replacement with a precast box culvert. The final environmental document (DCE) was submitted on 1/23/23 and was just approved on 3/27/23. Final plan drawings are being submitted this week. The bid letting is being moved to fall 2023 since the NDDOT is not allowing the bid date to be more than a year from the construction completion date.

- **BRJ-0045(077) PCN 23737 3 Each Bridge Removals & Replace with Low-Water Crossings (HES Project #220900)**

The draft environmental document was submitted to the NDDOT on 2/9/23 and we are awaiting comments. Preliminary plans are being submitted to NDDOT. The project is currently on the June 2023 bid opening, but most likely will also be moved to this fall for 2024 construction.

#### **JEREMY WOOD – NORTHERN PLAINS ENGINEERING PROJECT REPORT**

- **BRZ-0045(072) 127<sup>th</sup> Ave Bridge Replacement south of Belfield**

The DOT has not approved funding for this project. The bridge is located nine miles south and three miles east of Belfield. Additional archaeological work may be required. We have suspended work on this project until funding is identified.

- **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 east of Belfield. The other bridge is located one mile south and one mile east of Belfield.

**ANDREW KREBS - KLJ**

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

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

- **Hwy 10 & 116<sup>th</sup> Ave SW Intersection Improvements**

Application for Highway Safety Improvement Program (HSIP) funding to install a roundabout was submitted to NDDOT on 12/29/22. Waiting on a response if project funding is approved. Project selections are typically determined by the end of June.

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

SOV letters were sent out on March 9<sup>th</sup>. We started the environmental document and are waiting on the comment period to end to finalize the draft. Bid opening is scheduled for 11/17/23 with a 2024 construction.

**STEVE JOSEPHSON – PLANNING & ZONING**

Josephson presented RZ 01-23 Dennis and Beth Richard rezoning Agriculture and Industrial to Agriculture on a parcel located in the SE ¼ of Section 29, Township 139 North, Range 99 West containing approximately 119.57 acres. They plan to use the entire subject property for agricultural uses and crop production. Both staff and the Planning & Zoning Board recommended approval.

**MOTION BY:** Commissioner Clarys

**SECONDED BY:** Commissioner White

To approve RZ 01-23 Dennis and Beth Richard, rezoning from Industrial to Agricultural, on the land located in Section 29, Township 139 North, Range 99 West.

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

**STATES ATTORNEY – SALE OF CELL PHONE RESOLUTION**

Franchuk presented a resolution regarding the 2018 iPhone previously used by the victim witness advocate in both personal and business matters, which is valued at less than \$1,000.00, be sold to her for the sum of \$1.00 so that upon her retirement she may be able to continue to use the phone for personal matters.

**MOTION BY:** Commissioner Messer

**SECONDED BY:** Commissioner Clarys

To approve the 2018 iPhone used by the Victim Witness Advocate, which is presently used for personal and county matters, and which is valued at less than \$1000 be sold back to her after the exit interview for \$1.00.

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

**AUDITOR – AUDITOR AUTHORIZATION FOR EVENT PERMITS**

Richard asks the commission to authorize herself and Deputy Jahner to approve the event permits, so they can be approved immediately, and we don't have to wait until the commission meeting for approval. All liquor and beer licenses are excluded and will still come to the commission for approval.

**MOTION BY:** Commissioner Marsh

**SECONDED BY:** Commissioner White

To authorize Richard and Jahner to approve the event permits.

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

**AUDITOR – LEFOR KC CLUB (REGENT DEVELOPMENT CORP) GAMING LICENSE**

**MOTION BY:** Commissioner Clarys

**SECONDED BY:** Commissioner Messer

To approve the Regent Development Corporation's application for a gaming site.

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

**AUDITOR – DICKINSON POLICE ASSOCIATION EVENT PERMIT**

**MOTION BY:** Commissioner Messer

**SECONDED BY:** Commissioner White

never joined the association of counties that are part of this agreement. Due to the 2020 Census, the ownership has changed, Stark County previously owned 55% and it is now increased to 72%.

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

To approve the updated Southwest Multi-County Correction Center agreement as presented and authorize the Chair to sign the contract.

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

#### **AUDITOR – OUT-OF-STATE TRAVEL NACO CONFERENCE**

Richard advises the Auditor and Deputy Auditor will be attending the 2023 NACO conference in Austin, TX in July of 2023 and is seeking commissioner approval.

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

To approve the out-of-state travel for the annual conference in Texas for the Auditor and Deputy Auditor.

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

#### **CHAIR FRANCHUK – BADLANDS HUMAN SERVICE CENTER ADVISORY GROUP COMMISSIONER APPOINTMENT**

Franchuk reports there is a vacancy on this board, and they are looking for a commissioner to be appointed.

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

To appoint Paul Clarys to the Badlands Human Service Center Advisory Board.

**DISPOSITION:** All voted aye. Motion Carried.

#### **AUDITOR – STARK HOUSING AUTHORITY BOARD**

Richard reviewed a letter received from Executive Director Derek Johnson, which addresses one of the board members the county appointed – Terica Holmes. They have been unable to contact her, the email comes back as undeliverable and there is no answer or voicemail for the phone number provided. She attended a single meeting since her appointment, and that was in April of 2022. He is requesting that the County Commission move to remove this commissioner due to neglect of duty. Richard is also requesting permission to post the opening on the Stark County website for the May meeting.

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

To have the Stark County Commission send notice to Terica Holmes, regarding a letter of removal from the Stark County Housing Authority Board, per the recommendation of the Stark County Housing Authority Board.

**DISPOSITION:** All voted aye. Motion Carried.

**BREAK 10:00 AM – 10:15 AM**

#### **10:15 AM PARK BOARD MEETING**

Franchuk called the meeting of the Stark County Commissioners back to order at 10:56 AM.

#### **AUDITOR – 2022 AUDIT FIRM SELECTION**

Richard presented two proposals for the 2022-year audit: The State Auditor's Office and Eide Bailly. The county has been using the State Auditor for many years, but working with them has had a lot of challenges within the last year as they had issues with staff turnover and not enough senior staff. The State Auditor quote is \$29,000 - \$34,000 and the quote for Eide Bailly is \$50,000 - \$60,000 plus up to \$10,000 for the single audit. The State Auditor stated they would like a chance to fix the issues we had with the 2021 audit process. Messer asked about Brady Martz and if we reached out to them. Richard responds she has in the past and at that time they did not have the staffing and that we need a decision quickly as we need to schedule the audit for this summer. Richard recommends we stay with the State



their audits, do we want to pay the bill or ask for a discount? Marsh thinks if there is a chance for a discount, we should ask for it. Messer states we had to submit information multiple times and were getting billed for those hours.

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

To ask the State Auditor for a discount.

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

Carla Arthaud addressed the commission regarding the Planning and Zoning Board appointment of 2 members that took place in December. She questioned when the process for appointing board members changed and who made that change and expressed concern regarding a fictitious name being used to post the board opening on Facebook. Franchuk advises when he was made aware the 2 terms were up, as Chair of the Planning & Zoning Board, he asked HR to advertise the positions. In the past, we have advertised those board openings so that if anyone in the public is interested, they can apply for them. Arthaud disagreed that never in the past has there been a commissioner removed if they were interested in another term, new members were only appointed when someone retired. Richard states that the fictitious name was HR Joetta Pearcy's posting, when the Facebook page was created there needed to be a name attached to it and that name was used. Richard also says in 2022 she brought it up to Franchuk that she felt it was odd that we just asked expiring board members if they want another term and that we didn't open it up to the public to allow those interested to apply. She states Franchuk agreed and stated that we need to do it across the board.

Arthaud also asked about the position she held as a layperson on the Roughrider North Zone Board. She states the Roughrider North Zone Board had unanimously voted that she remain on that board as a layperson. She further addressed Clarys and the motion he made to appoint someone to the board, he did not let the other commissioners know that it would be removing Arthaud from that board. Clarys states that after reviewing the election that took place in November by the Roughrider North Zone Board appointing Arthaud was done in error as that board cannot internally appoint at-large members. The counties have the authority to appoint at-large members. The appointment the Stark County Commission made was advertised and handled appropriately. Arthaud feels the motion should have been more transparent and said who was being removed.

Commissioner Messer made **MOTION** to adjourn at 11:49 AM, Commissioner White **SECONDED**, Adjourned.

  
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Karen Richard, Auditor

  
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Dean Franchuk, Chairman