

**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**  
**July 6, 2023**

Chairman Franchuk called the regular meeting of the Stark County Board of Commissioners to order at 9:00 a.m. Commissioners Present: Dean Franchuk, Paul Clarys, Bernie Marsh, Neal Messer, and Cory White. Department Heads Present: Deputy Auditor Lana Jahner, Sheriff Corey Lee, Road Superintendent Al Heiser, Human Resources Joetta Percy, and County Park Lisa Heiser.

**RATIFY AGENDA**

Franchuk removed Diane Procive from the agenda.

Marsh notified the board that he would be leaving at 10 a.m.

**MOTION BY:** Commissioner White      **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 June 6, 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 White      **SECONDED BY:** Commissioner Clarys

To approve the Accounts Payable bills as submitted.

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

05 MOTORSPORTS	GASKET KIT	\$ 15.70
3D SPECIALTIES INC	GUARDRAIL REPAIRS	\$ 4,100.00
A1-SPRINKLERS	SPRINKLERS	\$ 161.25
ANDREW MARQUART	47-2022-MH-21	\$ 198.00
AP - ADVANCED BUSINESS METHODS	PRINTERS	\$ 526.15
AP - BALCO	UNIFORMS	\$ 87.80
AP - BOSS OFFICE PRODUCTS	OFFICE SUPPLIES	\$ 434.94
AP - BRAUN DISTRIBUTING	WATER, PAPER PRODUCTS	\$ 1,356.63
AP - CENTRAL MECHANICAL	PAY EST 4 HVAC 2023	\$ 311,895.00
AP - CHS SOUTHWEST GRAIN	FUEL	\$ 36,612.93
AP - CLEAN SWEEP VACUUM CENTER	VACCCUM	\$ 899.90
AP - CONSOLIDATED	PHONE/CONTRACT	\$ 45,888.34
AP - HEART RIVER CLEANING	JUNE CLEANING	\$ 625.00
AP - INFORMATION TECHNOLOGY	AZURE	\$ 9,499.08
AP - J LORAE PERFECTION SERVICES	JUNE CLEANING	\$ 3,000.00
AP - JAM PEST CONTROL	JUNE SPRAY	\$ 215.00
AP - JUST IN GLASS	UNIT 22	\$ 445.98
AP - KLJ SOLUTIONS	SC-4500(20) PCN 23927	\$ 945.68
AP - LEC	LEC EXPENSES	\$ 2,997.78
AP - LOGO MAGIC	CAPS	\$ 600.00
AP - MOTOROLA SOLUTIONS	RADIOS	\$ 51,442.80
AP - NELSON INTERNATIONAL	EQUIP REPAIRS	\$ 3,447.39
AP - NW TIRE	TIRES	\$ 887.68
AP - RUNNINGS	PLANTS, SHOP SUPPLIES	\$ 472.04
AP - SWMCCC	COURT FEES	\$ 5,950.00
AP - THOMSON REUTERS	RESEARCH	\$ 814.50
AP - WEST DAKOTA OIL	FUEL	\$ 7,400.33
AP - WEX FLEET	FLEET	\$ 14,891.92
AP - WEX HEALTHCARE	MAY FEES	\$ 93.50

AP - ZONAR	FUEL, IGNITION SERVICE	\$ 248.96
ARAMARK	MATS	\$ 434.42
ARMOR INTERACTIVE	CLOUD STORAGE	\$ 56.00
AT&T MOBILITY	PHONE	\$ 36.65
BIG HORN TIRE INC	23-10	\$ 147.33
BLUE CROSS BLUE SHIELD OF ND	JULY PREMIUM	\$ 332.60
BRAVERA INSURANCE	PREM INCREASES	\$ 20,769.00
BUTLER MACHINERY COMPANY	EQUIP REPAIRS	\$ 1,949.57
CARQUEST AUTO PARTS	GASMATIC, AIR FILTER	\$ 327.77
CENTRAL MECHANICAL	WATER HEATER PIPE REPAIR	\$ 3,349.79
CENTURY LINK	PHONE	\$ 151.72
CITY OF BELFIELD	WATER	\$ 28.11
CITY OF DICKINSON	51 3RD ST E	\$ 25,964.65
CITY OF DICKINSON ANIMAL SHELTER	MAY BOARDING	\$ 360.00
CITY OF RICHARDTON	UTILITIES	\$ 116.80
CREATIVE ENERGY	FUEL	\$ 3,126.59
D&J EQUIPMENT SALES SERVICE, LLC	OIL METER	\$ 293.82
DD - CLIFTON, JESSICA	OUTREACH	\$ 203.05
DD - DAVENPORT, SHAWNA J	VANTIS TRAVEL	\$ 158.14
DD - ENGELSTAD, AMANDA	FARGO CONF JUNE 2023	\$ 715.36
DD - HEISER, LISA	MAY MILEAGE	\$ 890.80
DD - KASIAN, KIMBERLY	CONF TRAVEL	\$ 361.13
DIAMOND TRUCK EQUIPMENT	5-781	\$ 256.00
DICKINSON READY MIX	SHOP CONCRETE	\$ 276.50
DUNN COUNTY TREASURER	JUNE TRAVEL	\$ 357.63
EAST END AUTO & TRUCK PARTS	UNIT 32	\$ 220.00
ELECTRIC SALES & SERVICE	DIX/BELFIELD SHOP REPAIR	\$ 15,825.97
FARM HOME PUBLISHERS LTD	PLAT BOOKS	\$ 300.00
FERGUSON ENTERPRISES INC	PVC TEE W/PLUG	\$ 12.82
FORUM COMMUNICATIONS COMPANY	PUBLISHING	\$ 664.51
GEORGE'S TIRE SHOP LTD	TIRES	\$ 3,024.00
GOOSENECK IMPLEMENT	EQUIP/REPAIRS	\$ 647.46
HLEBECHUK CONSTRUCTION INC	GRAVEL TO 32ND ST	\$ 7,517.50
HOME ON THE RANGE	BARREL RACE	\$ 2,000.00
HUTZ'S WELDING SERVICE & REPAIR LLC	18-14	\$ 1,250.00
J & J OPERATING LLC	MUD FLAPS	\$ 96.19
KAISER-FRANCIS MGMT CO	FENCE TUBING	\$ 360.00
KEOGH LAW OFFICE	MH COMMIT	\$ 100.00
KIESLER POLICE SUPPLY	FIREARM	\$ 409.00
KIRK ROLL	JUNE CALLS	\$ 3,200.00
LANGUAGE LINK	MAY TRANSLATE	\$ 13.06
LAWSON PRODUCTS INC	SHOP SUPPLIES	\$ 276.59
MACKOFF KELLOGG LAW FIRM	MONTHLY FEE	\$ 2,000.00
MDU	UTILITIES	\$ 8,522.68
MENARDS	SHOP SUPPLIES, TOOLS	\$ 2,440.74
MOTOR VEHICLE DOT	CP TRAILER REGISTER	\$ 10.00
NAPA DICKINSON	SHOP SUPPLIES	\$ 187.38
ND AG-NEWS	SUBSCRIPTION	\$ 109.00
ND ASSOCIATION OF COUNTIES	D&A AD, DM, AD, CH, JJ, RS	\$ 756.00
NDLTAP - UGPTI/NDSU	TRENCH TRAIN DE, MS, CW	\$ 75.00
NDPOA	MEMBERSHIP CL	\$ 40.00
NDSU - NANCY SMITH	APRIL MOTORPOOL	\$ 350.94
NEWBY'S ACE HARDWARE INC	CHAIN, SUPPLIES	\$ 124.13
NUTRIEN AG SOLUTIONS INC	CHEMICALS	\$ 88,316.90
OFFICE OF ATTORNEY GENERAL	DAY SCRAM ENDS 4-30-23	\$ 8,561.00
OFFICE OF STATE AUDITOR	FINAL BILL 2021	\$ 5,450.00
O'REILLY AUTOMOTIVE INC	BATTERY	\$ 181.47

OUTBACK LUMBER	TIMBER	\$ 23.20
PHARM CHEM INC	PATCHES/SCREENS	\$ 3,555.80
PLATINUM MOTOR SPORTS	V-BELT	\$ 737.95
POST BOARD	POST BOARD TESTING LK	\$ 25.00
PRECISION KIOSK TECHNOLOGIES	MAY LAB ANALYSIS	\$ 1,350.00
PUMP SYSTEMS LLC	SHOP SUPPLIES	\$ 319.32
QUALITY QUICK PRINT	POST IT PADS	\$ 220.00
RAY'S AUTO ELECTRIC	BATTERIES	\$ 2,726.46
RDO EQUIPMENT COMPANY	15-21	\$ 741.64
ROUGH RIDER COMMISSION	REIMBURSEMENTS	\$ 63,150.00
ROUGH RIDER ELECTRIC COOP INC	UTILITIES	\$ 1,567.18
RUDY'S LOCK & KEY LLC	CH RE-KEYS	\$ 119.00
SANFORD HEALTH	DOT DE	\$ 100.00
SAX MOTOR CO	OIL CHANGE	\$ 192.88
SCENIC SIGN CO LLC	NO TRESPASS SIGN	\$ 233.28
SHRED ND LLC	SHRED	\$ 107.50
SIGN SOLUTIONS	BRACKET	\$ 188.13
SOUTHWEST WATER AUTHORITY	WATER	\$ 137.19
STEVENSON FUNERAL HOMES INC	DISASTER POUCHES	\$ 660.00
STREET COP TRAINING	ND CASE LAW AA	\$ 199.00
SUBSURFACE INC	GROUT INJECTION	\$ 23,800.00
SUPERIOR WATER TREATMENT	WATER	\$ 117.50
SWMCCC	INMATES	\$ 180,397.74
TAYLOR NURSERY LLC	TREES	\$ 3,150.00
TOOZ CONSTRUCTION INC	HAUL MATERIALS	\$ 10,075.00
T-REX CONOCO INC	FUEL	\$ 93.54
TY NEWTON FENCING	SW SPEEDWAY FENCE	\$ 390.00
UNIFORM CENTER	UNIFORMS	\$ 254.94
VERIZON WIRELESS	PHONE	\$ 2,910.33
VISA	HOTEL, TRAINING, SUPPLIES	\$ 1,596.08
WALMART CAPITAL ONE	OFFICE SUPPLIES/CLASSES	\$ 177.98
WELLCARE	JUNE PREMIUM	\$ 7.50
WESTLIE CROSSROADS TRUCK CENT	11-36	\$ 416.55
XEROX CORPORATION	CA PRINTER	\$ 399.13
GENERAL FUND	PAYROLL	\$ 478,394.49
COUNTY ROAD	PAYROLL	\$ 185,101.39
VETERAN SERVICES	PAYROLL	\$ 14,085.32
COUNTY AGENT	PAYROLL	\$ 5,226.15
WEED CONTROL	PAYROLL	\$ 32,641.97
E-911	PAYROLL	\$ 3,889.54
VICTIM WITNESS	PAYROLL	\$ 6,710.88
COPS GRANT	PAYROLL	\$ 3,117.63

#### **JULIE OBRIGEWITSCH – SPIRIT OF EXCELLENCE AWARD**

Obrigewitsch presented Joe Wanner as the May Spirit of Excellence Awardee. Wanner has served the Stark County community in several ways. He served as the Fire Chief of the Gladstone Consolidated Fire Department for 32 years and currently serves on the Gladstone Fire Department's Board of Directors. After the attacks of 9/11, Joe accepted a position at the Southwestern District Health Unit as the Emergency Preparedness and Response Coordinator. During Covid-19, he was at the forefront of the pandemic training and response. The next deadline is August 15, 2023

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

Franchuk presented the following employees with Years of Service Recognition Certificates:  
Joe Messer 5 years and Rita Wanner 10 years.

#### **COREY LEE – SHERIFF REPORT**

Lee presented the June 2023 report to the Commission: • Total calls for service 1622 – up from 1586 last year • Traffic stops 188 – down from 204 last year • 382 PR stops - up from 302 last year • 17 Bar

checks – up from 10 last year • 12 theft-related calls – up from 8 last year • 22 calls for K-9 • 7 Truck Reg Stops 33 Other Calls for Service • Responded to 19 accidents: 0 pedestrians, 0 fatalities, 2 hit & run, 5 injury, and 12 property • Transports: 15 Prisoner, 16 Court, 2 Medical, 4 Juvenile, 1 Assist, 4 MH • Civil Division – 171 attempts / 13 Subpoenas / 126 Civil Papers / 15 Criminal Papers • 86 Total Arrests and 66 Warrants served.

Lee reports that the Carnival, Rodeo, and Concert went well without any incidents. South Heart Family Fun Day was successful. Andrea Zimnawoda is moving back to Oklahoma and is being replaced by Rachel Stockert.

Lee reported that K-9 Archer located a package that contained about 2 ½ lbs. of methamphetamines and Jerry Lee is back and doing well.

#### **AL HEISER – COUNTY ROAD**

Heiser reports that the Road Crew has finished graveling 116<sup>th</sup> and Ash Coulee Road. The next projects will be in Belfield and South Heart. Heiser is still waiting on funding from the DOT for the paving project on 107<sup>th</sup> and 32<sup>nd</sup>.

Heiser is seeking permission for a committee of himself, Chairman Franchuk, and Commissioner Marsh to negotiate the liquidated damages with Martin Construction.

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

To approve the committee to negotiate the damages with Martin Construction.

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

To approve the committee to negotiate the damages with Martin Construction and bring back the recommendations to the commission.

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

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

To approve the June approved amount of \$37,683.01 be corrected to \$22,935.26 and approve the bill of \$15,825.97 to come out of the capital improvement fund.

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

Jahner reports that the Road Department received the snow reimbursement in two payments totaling a little over \$530,000. Heiser thanked everyone who helped in applying for the reimbursement.

#### **ANDREW SCHRANK – HIGHLAND ENGINEERING**

- **BRJ-0045(074) PCN 23382 Bridge Replacement with a Box Culvert on 80<sup>th</sup> Ave SW– 15 miles south & 8 miles east of Richardton (HES Project #210449)**

This project is already Bid to Central Specialties. The roadway was closed on Monday, 6/26/23. The Contractor plans to begin the majority of the work on 7/5/23. The completion date is 10/1/23, but the Contractor's currently scheduled completion date is 8/8/23.

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

The final environmental document (DCE) and the USACE permit have been submitted and approved. We are currently working on final plans which are due 8/4/2023. The bid letting is scheduled for October 2023 with construction completion in October 2024.

- **BRJ-0045(077) PCN 23737 3 Each Bridge Removals & Replace with Low-Water Crossings (HES Project #220900) on 32nd Street SW – 0.01 miles east of 98th Ave SW 91st Ave SW – 0.22 miles north of 31st St SW 88th Ave SW – 0.34 miles north of 32nd St SW.**

The draft environmental document was submitted to the NDDOT on 2/9/23. We are currently working to finalize the hydraulic report requested by the NDDOT. PS&E review plans are due 7/7/23 and final plans are due 8/4/23. The bid letting is scheduled for October 2023 with construction completion in October 2024

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

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

We finally received a response on our DCE review request. The Department has asked that the environmental documents be updated with the new number designation and resubmitted. They did, however, reiterate that the projects will be bid at the same opening, possibly setting the stage for more delays in the review process.

- **BRJ-0045(078): 130<sup>th</sup> Ave SW – 45-102-26.0 Bridge Removal**

We will have a scope drafted for internal review next week, then we can submit our scope and fee to the State for their review.

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

- **CP-45(22)01 32<sup>nd</sup> St and 107<sup>th</sup> 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. Project construction recently resumed and is expected to be complete later this week.

- **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 January 13<sup>th</sup> with Edward H Schwartz Construction the low bidder at \$823,364.69. Construction is expected to begin in late fall.

- **DESIGN PROJECTS: 41 St. SW/109th Ave SW and 114th Ave SW**

Wood provided the commission with location maps and an opinion of the cost for the two projects. Wood stated that they will bid on these projects in the next few months.

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

To have Northern Plans Engineering move forward with these projects.

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

#### **CIVIL ASSET FORFEITURE FUND REQUEST**

State's Attorney Englestad is requesting \$22,445 out of the Civil Asset Forfeiture Fund for a case management system.

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

To approve the recommendation from the Civil Asset Forfeiture Fund in the amount of \$22,445.00.

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

#### **AMANDA ENGELSTAD – SA ADDITIONAL STAFF MEMBER REQUEST**

Englestad is requesting an additional staff member.

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

To approve the additional staff member for the State's Attorney's Office.

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

#### **ROUGH RIDER NORTH HUMAN SERVICES ZONE BOARD APPOINTMENT**

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

To approve Dean Rummel to the Roughrider North Human Services Zone Board.

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

#### **STARK COUNTY VECTOR CONTROL BOARD APPOINTMENT**

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

To approve Jerry Mayer to remain on the board.

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

#### **YCC DETENTION SERVICE AGREEMENT – AUDITOR**

Chairman Franchuk signed the yearly agreement with YCC.

No action is needed.

#### **PLEDGE OF ASSETS – AUDITOR**

Jahner presented the following pledge of assets:

- Dakota Community Bank- Deposits of \$2,564,589.02, Market Value of \$3,901,797.00, and pledging required of \$2,546,047.92 and Pledged Amount of \$3,925,000.00.
- Bravera DDM and Dakota Community DDM – the assets in those accounts are FDIC insured and a statement was provided to the commission showing how the banks invest the money to provide the FDIC insurance.
- Bravera- Pledged \$7,651,727.00 and Market Value of \$6,776,161.00, Deposits \$500,000.00.
- Cornerstone- Pledged custody holdings through 6-30-23 were reviewed, Deposits \$2,250,000.00.

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

To approve the pledge of assets.

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

Jahner reports that two CDs will be renewed with quotes from Bravera, Dakota Community Bank, Cornerstone, Dakota Bank, and Choice Financial. Auditor Richard has decided on Bravera Bank for 12 months at 5.36%. Jahner stated that the renewal hasn't happened yet if the board had any suggestions

or comments. Chairman Franchuk stated that this should be coming to the board for approval. Messer stated that renewals and anything financial needs to be going through the board. He is fine with a recommendation, but the action needs to be coming through the board. Jahner asked if the board could make a motion for that.

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

To approve the CD renewals for the 12 months at 5.36% with Bravera.

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

**PARK BOARD 10:00 a.m. to 10:18 a.m.**

Franchuk called the commission meeting back to order at 10:19 a.m.

**STARK COUNTY WEED BOARD APPOINTMENTS**

Jepson reports that the Weed Board has two openings, one being in area 2 and one in area 4. The weed board recommends David N Wanner for area 2 and Irvin Binstock for area 4.

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

To approve David N Wanner for area 2 for a 4-year term on the Stark County Weed Board.

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

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

To approve Irvin Binstock for area 4 for a 4-year term on the Stark County Weed Board.

Roll call: Commissioners: Clarys - aye, White— aye, Messer - aye, Chairman Franchuk – aye. Commissioner Marsh is absent. Motion Carried.

Clarys thanked Mr. Schank and Mr. Obritsch for their service on the Weed Board for the last twelve years. Jepson stated that Weed Board is responsible for around 11,200 acres of land along county and state right of ways in Stark County. He stated that the state contract has been completed for the state roads and around half done for the county roads. Jepson stated that they are on schedule being it is halfway through the summer.

On June 29, 2023, the Biochemical Field Day for leafy spurge flea beetles was held, and 32 people were in attendance. They swept beetles for twenty landowners. Commissioners Clarys and Messer were also in attendance for their own personal beetles. Jepson is hoping to use the beetles to make some progress with the leafy spurge in the county. A quarter of a million beetles were collected that day.

On days when there is inclement weather, the weed employees go out scouting looking at roads that haven't been sprayed and roads that have been sprayed. This year, along with the scouting, they have implemented collecting trash from the county road ditches. To this date, they have collected trash along 120 miles of the county right of way. The employees enjoy doing something good for the community.

Clarys asked Jepson to talk about the cost-share program. Jepson stated that cost share is a 70/30 program. The county will pay 70% and the landowner will pay 30%. Jepson anticipates the county saving the landowners close to \$100,000 with 120 participants in the program. Which is down from the average of 200 landowners.

Commissioner Clarys made **MOTION** to adjourn at 10:27 a.m., Commissioner Messer **SECONDED**, Adjourned.

  
Karen Richard, Auditor

  
Dean Franchuk, Chairman