

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 4, 2024

Chairman Franchuk called the regular meeting of the Stark County Board of Commissioners to order at 9:12 a.m. Commissioners Present: Dean Franchuk, Paul Clarys, Bernie Marsh (on the phone), Neal Messer, and Cory White. Department Heads Present: Auditor Karen Richard, Sheriff Corey Lee, Road Superintendent Al Heiser, Human Resources Joetta Percy, Emergency Manager Alaynea Decker, Veteran’s Administrator Jessica McClellan, Tax Director Natalie Wandler, Park Director Lisa Heiser, Planning and Zoning Steve Josephson, and State’s Attorney Amanda Engelstad.

CHAIRMAN/VICE CHAIRMAN SELECTION

Franchuk called for nominations for Chairman of the Commission. Messer nominates Franchuk for Chair of the Commission for 2024. Marsh second. Franchuk calls for any other nominations twice. Messer moved nominations to cease and cast a unanimous ballot for Dean Franchuk.

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

Franchuk called for nominations for Vice-Chair of the Commission. Clarys moved to nominate Neal Messer for Vice-Chairman. White second. Franchuk calls for any other nominations three times. None were heard.

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

RATIFY AGENDA

White adds Park Board vehicle funds transfer under the Park Board items. Messer adds county-owned property.

MOTION BY: Commissioner Messer **SECONDED BY:** Commissioner White
 To ratify the agenda as amended.

DISPOSITION: All voted aye. Motion Carried.

MINUTES

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

MOTION BY: Commissioner White **SECONDED BY:** Commissioner Messer
 To approve the minutes as presented.

DISPOSITION: All voted aye. Motion Carried.

MINUTES

Chairman Franchuk called for approval of the minutes from December 27, 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 Messer
 To approve the accounts payable.

DISCUSSION: Richard adds Catalis, which is the new website, for \$2,544.00 to come out of the IT budget, and also adds out of Capital Improvements the road department did some electrical work for \$2,244.30.

AMENDED MOTION BY: Commissioner White **AMENDED SECOND BY:** Commissioner Messer
 To approve accounts payable and the Catalis invoice for \$2,544.00.

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

AP - ADVANCED BUSINESS METHODS	CONTRACT BASE 2024	\$ 3,340.38
AP - BORDER STATES ELECTRIC	STRIPS, CVR STL FLT	\$ 132.31
AP - BOSS OFFICE PRODUCTS	ENVELOPES,STAPLES	\$ 12.97
AP - BRAUN DISTRIBUTING	LYSOL, GLOVES, NPKNS	\$ 169.34
AP - CHS SOUTHWEST GRAIN	DYED FUEL	\$ 30,301.81
AP - NELSON INTERNATIONAL	OIL, FILTERS	\$ 875.90
AP - PRECISION KIOSK TECHNOLOGIES	JAN RENT	\$ 1,350.00
AP - RUNNINGS	CIRCULAR SAW, POLISH	\$ 224.96

AP - SIGN SOLUTIONS	66" YELLOW	\$ 1,795.20
AP - WEST DAKOTA OIL	FUEL	\$ 459.80
AP - WESTLIES	11-33	\$ 432.98
BRAVERA INSURANCE	COMM/BOILER/LIAB/INLAND	\$ 209,457.00
CATALIS PWE	WEBSITE HOST 8-23 TO7-24	\$ 2,544.00
CNA SURETY	BOND MK	\$ 50.00
DUNN COUNTY TREASURER	CORONER TRVL DEC 2023	\$ 135.00
ELECTRIC SALES & SERVICE	REPLACE LIGHTS	\$ 2,244.30
KIRK ROLL	DEC CALLS	\$ 2,000.00
LEGEND AUTO BODY INC	UNIT 29	\$ 692.20
LINDE GAS & EQUIPMENT INC	CYLINDER RENT	\$ 39.10
MENARDS	SHOP SUPPLIES	\$ 84.71
NAPA DICKINSON	SMALL REFILLS	\$ 19.96
NEWBY'S ACE HARDWARE INC	BLADE SET	\$ 24.99
NOVA FIRE PROTECTION	CONTRACT THRU 2026	\$ 400.00
PUMP SYSTEMS LLC	GORILLA HOSE/WANDS	\$ 371.15
SAX CUSTOMS LLC	MATS, WELL LINERS 10-31	\$ 327.95
SHRED ND LLC	SHRED	\$ 53.75
SOUTHWEST WATER AUTHORITY	WATER FD	\$ 12.94
SUHR-MERKENS LAW, PLLC	MH CASE	\$ 420.00
US POSTAL SERVICE	PO BOX DUES REDO	\$ 354.00
VISA	DEPT EXPENSES/SUPPLIES	\$ 3,109.99
WALMART CAPITAL ONE	DEPT EXPENSES/SUPPLIES	\$ 441.02

PARK BOARD COMMISSION ITEMS

Richard states the 2024 budget needs to be amended to add \$12,109.00 to the equipment line for County Park. And then also to approve the transfer of the \$12,109.00 from County Park to Road and Bridge.

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

To amend the 2024 County Parks budget to include \$12,109.00 in the equipment line and additionally approve the transfer from County Park to County Road and Bridge in the amount of \$12,109.00.

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

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

To approve Change Order 2 for \$700.00 and Change Order 5 for \$2,780.00.

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

YEARS OF SERVICE RECOGNITION (3)

Franchuk presents the following years of service certificates: Corey Lee 5 years and Ray Kaylor 5 years with previous service to include 12.5 years.

COREY LEE – SHERIFF REPORT

Lee presented the December 2023 report to the Commission: • Total calls for service 1486 – up from 1054 last year • Traffic stops 189 – up from 122 last year • 7 theft-related calls – up from 5 last year • 314 PR stops – up from 131 last year • 27 Bar checks – up from 6 last year • 32 calls for K-9 • Truck Reg 4 stops / 24 additional CFS • Transports: 26 Prisoner, 9 Court, 2 Juvenile, 5 Medical, 2 MH, 1 Assist • Responded to 24 accidents: 0 pedestrians, 1 fatality, 3 hit & run, 2 injury, and 18 property • 91 Total Arrests and 63 Warrants served • Civil Division: 157 attempts / 37 Subpoenas / 116 Civil Papers / 13 Criminal Papers.

Lee states that one brand of vehicle they have has very expensive repairs and they are going to stop using that brand. There is a new hire that will start next week. He also states the Dickinson Police Department intends to raise the county percentage for dispatch from 33% to 42%, which is an approximate \$130,000.00 increase.

AL HEISER – COUNTY ROAD

Heiser advises the road department is currently hauling scoria south of Richardton and Antelope to minimally traveled roads. They will be going into maintenance and repairs within the next few days. Last week the flex funding application was sent. The goal of this project is to get the heavy traffic load off Highway 22 in front of the mall and out.

JEREMY WOOD – NORTHERN PLAINS ENGINEERING PROJECT REPORT

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

The paving plans are complete and ready for a bid opening.

- **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. Construction is expected to begin in late October or early November. The project completion date is July 2024.

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

Design and easement acquisition efforts are underway in preparation for a January or February bid opening. We are considering combining the projects and bidding on a single project to attract more bidders and achieve lower construction costs. Construction is expected in 2024, flex funding application has been submitted.

JAMES KIEDROWSKI - KLJ

- **HLC-4500(050) PCN 24132 Hwy 10 & 116th Ave SW Roundabout**

KLJ collected traffic data for the intersection. Currently working on the cultural report and SOV letters. The geotechnical report has been completed. The project is currently programmed for 2027 construction. The goal is to get the project ready to bid sooner so the bid opening can be moved up if funding becomes available.

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

The project was bid on December 8, 2023, through the NDDOT with Morris Sealcoat and Trucking Inc. as the apparent low bidder at \$1,804,270.81. This is approximately \$125K below the Engineer's estimate. The City of Dickinson signed the MOU for the portion of the project within Urban limits. Construction is scheduled for 2024. Stark County needs to sign the MOU. Engelstad asks about the MOU and the maximum that the city will have to pay is \$18,000.00, based on the engineer's estimates and how confident they are that this is a concrete estimate and Stark County won't be held responsible if it goes over the \$18,000.00. Kiedrowski states the bid came in lower and he is confident it will be under \$18,000.00.

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

To authorize the Chairman to sign the Memorandum of Understanding relative to project 4510.

DISPOSITION: All voted aye. Motion Carried.

COMMUNITY BEHAVIOR HEALTH

Engelstad states the presenter has a misunderstanding with the date, so this will not take place today.

COUNTY PROPERTY

Messer addresses the property in Richardton that contained the house that the county just tore down. He has been contacted by the Healthcare Facility in Richardton and they would like to purchase this lot to place a modular home. Engelstad asks if the City of Richardton has been approached about buying the lot back. Richard states not since the house has been torn down. Engelstad suggests that Richardton be approached to buy it back and they can work with this group on a purchase. To reappraise the property a hearing would need to be held and it is up for anyone to purchase. The minimum sales price that was set on that property is \$48,400.00. Engelstad is going to do additional research and will come back to the commission on how to offer this to the City of Richardton.

ALAYNEA DECKER – 2024 BURN RESTRICTION

Decker presented the 2024 Burn Restriction – after consulting with the Stark County Fire Chiefs she believes it would be best to run the burn restriction effective immediately through December 2024. Burning will be restricted anytime the rating is High, Very High, or Extreme. In a Red Flag Warning a burn ban would be in place.

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

To approve the Fire Emergency Burn Restrictions for Stark County for 2024 as presented.

DISPOSITION: All voted aye. Motion Carried.

CONSOLIDATED IT CONTRACT

Clarys presents the new IT contract with Consolidated. The IT committee has been working with Consolidated on this contract. The contract for IT from Consolidated for 2024 is \$84,700.00 billed at \$7,058.00 per month. This includes 850 labor hours per year. Any unused hours at term end may be carried over into the new annual service agreement. Any hours over 840 will be billed at the reduced hourly rate of \$101.00 per hour. All hours, including travel, will be logged.

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

To approve the IT contract with Consolidated for 2024.

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

Engelstad reports back on the Richardton property from earlier in the meeting. Any property with special improvement assessments from a city may be sold back to that city for any agreed price. If the Commission would like to drop the price of the property below the special assessment due on the property, the county must get permission from the city to do so. Messer believes offering the property to the City of Richardton for a price of between \$10,000 and \$15,000 would be realistic, that lot is probably worth over \$20,000.00.

MOTION BY: Commissioner White **SECONDED BY:** Commissioner Clarys
To offer the property to the City of Richardton for \$19,000.00.

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

PLEDGE OF ASSETS

Richard presents the pledge of assets as of December 31, 2023, from Dakota Community Bank and Bravera Bank.

MOTION BY: Commissioner Messer **SECONDED BY:** Commissioner Clarys
To accept the Bravera Pledge of Assets dated 12-31-2023 and the Dakota Community Bank & Trust Pledge of Assets dated 12-31-2023 as submitted.

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

10:00 AM ABATEMENTS HEARING 101-2023 MERLIN HOTEL GROUP LLC, 102-2023 MERLIN HOTEL GROUP LLC, 103-2023 RAVEN RIDGE OWNER LLC, AND 104-2023 RAVEN RIDGE OWNER LLC

Franchuk opens the hearing at 10 am. Michael Block, representing Merlin Hotel Group, is present via the phone. He states the City of Dickinson approved the \$3.9 million reduction due to a sale price of \$2,860,000.00. Wandler states the amount the city approved is approximately \$20,000 per room. The \$3.9 million is for the years 2021 and 2022.

MOTION BY: Commissioner Messer **SECONDED BY:** Commissioner Clarys
To accept the recommendation and revaluation of parcel number 1015-0100-0200 for the years of 2021 and 2022 to \$3.9 million as per the city recommendation

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

Wandler presents Raven Ridge Apartments. The request for 2021 is \$2,831,000 and the city denied both the 2021 and 2022 applications. Block representing Raven Ridge states the assessment was \$12,265,000 in 2021. He states the average sales price of comparable units in the area is \$62,000 per unit. Their abatement request places this property at about \$92,000.00 per unit. Messer believes we would need additional information like operating statements to disagree with the city's recommendation.

MOTION BY: Commissioner Messer **SECONDED BY:** Commissioner White
To accept the City of Dickinson's recommendation and deny the applications.

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

APPOINT WATER RESOURCES BOARD MEMBER (1)

Franchuk states one application has been received – Myron Schank.

MOTION BY: Commissioner Messer **SECONDED BY:** Commissioner White
To appoint Myron Schank to the Water Resources Board.

DISPOSITION: All voted aye. Motion Carried.

APPOINT VECTOR CONTROL BOARD MEMBER (1)

Franchuk states Shonda Aman is the only applicant.

MOTION BY: Commissioner White **SECONDED BY:** Commissioner Messer
To appoint Shonda Aman to the Vector Control Board.

DISPOSITION: All voted aye. Motion Carried.

APPOINT PLANNING & ZONING BOARD MEMBERS (3)

Franchuk states there are 3 open spots and the 2 members whose positions are expiring would like to remain on the board – they are Kurt Froelich and Byron Richard. Michael LeMay is the only other applicant for the other open position.

MOTION BY: Commissioner Clarys **SECONDED BY:** Commissioner White
To appoint Michael LeMay, Kurt Froelich, and Byron Richard to 4-year terms for the Planning & Zoning Commission.

DISPOSITION: All voted aye. Motion Carried.

2024 COMMISSION PORTFOLIOS

Franchuk presented the current portfolio assignments. He questions if we should have two commissioners in the road department, as they are a bigger department. Marsh states we can do that, but presently anytime there is a big discussion on something they try to have another commission sit in. Franchuk asks if Marsh would like to remain on the IT, and Marsh agrees that White can take his place. Franchuk states the Roosevelt Custer Regional is related to Stark Development so he is wondering if Messer would like to take that over. Messer agrees he could take over the Roosevelt Custer Regional and he offers if someone would like to take over the Veterans Service Office. White volunteers for the VSO. Discussion was again held on adding another commissioner to the road department. Messer states he is open to it and the role of the portfolio holder is to be a liaison between the department and the county and maybe once a quarter there is a one-paragraph summary of what is going on in each department. For the road department if Heiser is OK we can continue to leave it as is with one. Clarys believes as it is a large portfolio, a backup would be good. White states he will be a second on the department.

Commissioner Messer made a **MOTION** to adjourn at 10:28 a.m., Commissioner White **SECONDED**, Adjourned.



Karen Richard, Auditor



Dean Franchuk, Chairman