

Official Proceedings

March 3, 2015
8:00 am

Chairman Hoff called the meeting of the Stark County Board of Commissioners to order. Commissioner Jay Elkin absent.

Agenda

Chairman Hoff asked for any additions or deletions to the agenda. Chairman Hoff added an engine break discussion. Ms. Haag added the Southwest Counties meeting.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf

To approve the agenda as presented with the additions.

DISPOSITION: Motion carried

Minutes

The minutes of the February 3, 2015 Board of County Commissioners meeting were presented.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Zander

To approve the minutes of the February 3, 2015 Board of County Commission minutes as presented.

DISPOSITION: Motion carried

Accounts Payable

Chairman Hoff question the Sheriff's Department regarding a charge of \$285.00 to Priesmeyer Enterprises for a storage vault. Sheriff Oestreich advised this is a cash vault used for the 24x7 program which secures the funds and prints a receipt. This was provided through a grant from the Attorney General's office and the match funds equal the amount of \$285.00.

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Zander

To approve the accounts payable with the supplement as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Ms. Haag advised there are some bills coming in from work completed at the Belfield shop and Richardton shop. There are other projects that invoices will be received including the Courthouse and Sunrise Youth Bureau.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Zander

To approve payments out of the Capital Improvement funds.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Sheriff Oestreich

Sheriff Oestreich provided the department monthly report. Deputies are pleased with the streamlining of the 24x7 program. Sheriff Oestreich advised that Deputy DJ Wallace has been invited to participate in the Southwest Tactical Team as a negotiator. Sheriff Oestreich is requesting out of state travel for DJ Wallace and Tim Josephson to attend a training seminar on homicide and violent crimes investigation. The seminar is April 21-23 in Las Vegas.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Kuntz
To approve Sheriff Oestreich's out of state travel request.
DISPOSITION: Motion carried

Road Superintendent - Al Heiser

Mr. Heiser advised there is a meeting in Stanley on March 6th regarding oil and gas funding. Mr. Heiser along with Commissioners Hoff and Kuntz will be attending. The bridge by Messmer's was closed by the DOT and Mr. Heiser is looking at the possibility of concrete mats as a repair solution. The Road Department is going to start crack sealing next week.

Mr. Heiser presented a surplus list for auction and is requesting a motion to declare the presented property as surplus.

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Zander
To declare list as presented as surplus property along with any other miscellaneous items.
DISPOSITION: Roll call vote. All voted aye. Motion carried

Mr. Miller with the Road Department is looking at replacing the existing handheld GPS unit. The cost of the new unit with the discount from the old unit is \$6,300.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Kuntz
To approve the upgrade and take the funds from the IT budget.
DISPOSITION: Motion carried

Jessica Clifton-VSO

Ms. Clifton provided the Veteran's Service Office monthly report. Ms. Hunt has completed a week of training in Fargo. Currently the office is working with 4 homeless veterans which is down from 11 the previous week. Currently Ms. Clifton and Ms. Hunt are going through background checks to be able to service 4 female veterans located in the New England Women's Prison.

Ms. Clifton is requesting out of state travel for herself and Ms. Hunt May 31 through June 5th in Wisconsin. The travel request is for the National Association of County Veteran's Service Officers.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Wolf
To approve the out of state travel request from Ms. Clifton and Ms. Hunt.
DISCUSSION: Commissioner Wolf would prefer to see only one department employee out of the office at a time to continue serving.
DISPOSITION: Motion carried

Red Trail Energy

Ms. Haag presented the Commission with a proxy solicited on behalf of the Red Trail Energy Board of Governors for the annual meeting of members to be held on March 19, 2015.

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Zander
To vote no.
DISPOSITION: Motion carried

County Engineer – Justin Hyndman

Mr. Hyndman provided the following monthly report:

- Green River Bridge NE of Dickinson – Meyer Contracting. Project records have been submitted to NDDOT.
- Saetz Bridge NW of Dickinson – Schwartz Construction. Winter suspension change order. Completion date October 17th 2014.
- 38th Street Gas Plant to Billings County – Martin Construction. Winter suspension. Completion date October 18th, 2014.
- Hwy 10 Gladstone to SW Grain 2.5 miles – Northern Improvement. Project records have been submitted to NDDOT.
- Landfill Road E Villard 2.3 miles south – Final estimate submitted.
- 32nd Street East of ND 22 0.6 miles – Final estimate submitted.
- 39th St SW Norwegian Creek Box – Martin Construction. 2015 construction.
- 116th Ave Hwy 10 N to West Dickinson Bypass 0.6 miles – Grading Project, pre job March 12th. Paving Project, working with AI to bid project/change order.
- 32nd Street west of ND 22 1 mile – Working with AI to determine a bid opening date.
- Roadway Grading 112th Ave SW from 30th to 32nd – Working with AI to determine a bid opening date.
- 112th Ave SW from 32nd to 33rd – Working with AI to determine a bid opening date.
- Green River Bridge by Letang’s – Working on preliminary design. Anticipated November 2015 bud opening and 2016 construction, depending on federal funding.
- Bridge 45-149-20 Messer – Completed site visit with AI, Wayne, and Commissioner Elkin.

An Engineering Services Agreement was presented to the Commission. There were some questions regarding the agreement from the Commission and Mr. Henning. Commissioner Zander requested a representative from KLJ to speak to the Commission at the next meeting regarding the agreement. No action was taken.

Rural EMS-Energy Impact Grant

Dickinson Ambulance submitted a grant reimbursement request in the amount of \$2,083.33. Stark County is the pass-through agency for the Dickinson Ambulance Service.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Zander

To allow the chairman to sign the grant reimbursement request form.

DISPOSITION: Motion carried

Golf Course – Liquor License

The Dickinson Parks and Recreation has awarded the lease to The Links Grille & Bar, LLC. The Links Grille & Bar has submitted a liquor and beer license application which is a transfer of the license to a new name.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf

To approve the presented liquor license.

DISCUSSION: Commissioner Wolf would like to review the application pricing for next year.

DISPOSITION: Motion carried

Mineral Purchase Inquiry – TSD Land Co.

The TSD Land Company expressed interest in purchasing mineral rights owned by Stark County. The location is NE4 of Section 20, Township 139N, Range 94W containing approximately 3.15 acres.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf

To reject the offer from TSD Land Company.

DISPOSITION: Motion carried

Southwest Counties Meeting

The Golden Valley County Auditor sent an email to Ms. Haag requesting the number of attendants for the Southwest Counties meeting. The meeting will be held on March 30, 2015 at Lady J's. Ms. Haag was advised that all Commissioners should be present and Mr. Fahlsing will be presenting on radio communication needs. Mr. Henning advised that this needs to be published as an open meeting.

Bid Openings – Equipment Rental, Butiminous, Gravel Crushing

Bids were received for the items listed above. Mr. Heiser will keep the bids on file and use as needed. The following companies submitted bids.

- Kim Fugere Trucking
- Diamond H Services, LLC
- Northern Improvement
- Meyer Aggregate, LLC
- All-in Service
- Dakota Water Haulers – No contractor's license provided
- Martin Construction
- Jurgens Operating, LLC
- Kathrein Trucking, LLC – No contractor's license provided
- Hlebechuk Construction
- Fisher Sand and Gravel
- Butler Machinery
- Edward H. Schwartz Construction
- Baranko Brothers – Need proof of liability for anything other than rentals

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Kuntz

To accept all bids.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Gladstone Fire – Funding Request

Fire Chief Joe Wanner provided a handout to the Commission. The funding request is for financial assistance of \$125,000 from Stark County to the Gladstone Fire District in relation to construction of a new fire hall. The estimated building project is \$525,000. Commissioner Zander advised he would have liked to use surge funding to fulfill this

request however that is no longer an option. Chief Wanner was asked if the Commitment would suffice and allow the Gladstone Fire Department to proceed of which Stark County would provide the funding through the 2016 budget. Chief Wanner advised that should not be a problem.

Haul Road Agreement

The Commission was presented with a Haul Road Agreement regarding a wind tower project. Through this agreement the Road Department will review and issue the designated route. The company will pay half of the pre-haul inspection. Once the project is complete the company will pay for damages to the road. Chairman Hoff advised he would like additional time to review the agreement prior to a motion.

Engine Breaks

Citizens have expressed concern over the use of engine breaks on the south side of Dickinson and Highway 22. Discussion was to place a sign at the intersection of 20th St SW and Highway 22.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf

To get permission from the State to get prohibition issued for engine break use for one mile.

DISPOSITION: Motion carried

Blain Decker – 8th St SW, Road Rules

Mr. Decker is questioning why the new Armstrong well is being developed by the cemetery in the current location. The Commission advised Mr. Decker that they have no control over the development location of wells. Mr. Decker expressed concern with the route the oil field traffic is going to use to access the site. Mr. Henning advised that if they obtain an overweight permit they are allowed to travel on the road in question. There are two option that were presented. The first option is to require the Armstrong Corporation to restore the road back to the original state when completed or the second option is to have a separate access road to the site. Mr. Heiser advised he would discuss these options with Mr. Armstrong. Mr. Decker is also concerned with the garbage along the road. Mr. Henning and Mr. Oestreich advised Mr. Decker he could turn in the individual responsible for dumping the garbage if he knows who it is to the Sheriff's Department.

John Frantsvog – Fryberger

Mr. Frantsvog advised in 2007, Stark County issued \$18,000,000 Healthcare Revenue Refunding Bonds to Benedictine Living Communities for the purpose of refinancing BLC obligations incurred to acquire and improve facilities located in Garrison, Ellendale, Dickinson, Wahpeton, and Lamoure.

Mr. Frantsvog is requesting approval of amendments to the 2007 Bond documents for the purpose of amending the definition of "Related Facilities" in the 2007 Bond documents by adding the words "or adjacent to". The amendment allows BLC to assume the BLFG debt and grant a mortgage on land adjacent to the facilities refinanced by the 2007 Bonds. Without the action before the County Board, the transition between BLC and BLFG could not take place.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf
To amend and extend the prior approval of this board for the bonds in the manner requested by Benedictine Living Communities.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Purchase Agreement

A purchase agreement was presented for 3.02 acres located by the Stark County Shop in Richardton. The description of the land is NW4, SW4, N of #10 4-139-92 3.02 acres. The purchase price of the property is \$65,000 with \$5,000 earnest money.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf

To approve the purchase with funds from the Road Department.

DISPOSITION: Roll call vote. All voted aye. Motion carried

CUP Renewals

Infinity Wind Power submitted a conditional use permit extension request for 1 year.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf

To approve extension request for 1 year.

DISPOSITION: Motion carried

Fisher Industries submitted a renewal request for two gravel pits located in Stark County. The gravel pits are located at the NE ¼ 27-140-95 and the SE ¼ 27-140-95.

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Kuntz

To approve the request for both Fisher Industries sites.

DISPOSITION: Motion carried

Fred Lee

Mr. Lee provided a handout to the Commission outlining his concerns of being released from Stark County employment. Mr. Lee stated his termination from the Stark County Sheriff's Department was un-warranted and is requesting the Commission vote in a county policy that protects employees. Mr. Henning advised that elected officials have specific authority given to them by State statute. No action was taken by the Commission.

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Kuntz

To adjourn the meeting.

DISPOSITION: Motion carried

Kay Haag, Auditor

Russ Hoff, Chairman