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STATE OF NORTH DAKOTA

COUNTY OF DUNN

IN THE DISTRICT COURT

SOUTHWEST JUDICIAL DISTRICT

First International Bank & Trust, Plaintiff,

vs.

EE Trucking LLC and Elmer Jehovany Estrada Caceros, Defendants.

Case No. 13-2025-CV-00020

SUMMONS

[1] THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANTS:

[2] You are hereby summoned and required to appear and defend against the Complaint in this action, which is served on you, by serving on the attorney for the Plaintiff an answer or other proper response within twenty-one (21) days after the service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

[3] DATED this 31st day of January, 2025.

CROWLEY FLECK PLLP  
Attorneys for Plaintiff  
1331 9th Avenue NW – Second Floor  
P.O. Box 1206  
Williston, North Dakota 58802-1206  
Telephone No.: 701-572-2200  
Facsimile No.: 701-572-7072

TREVOR A. HUNTER  
(ND Bar ID #07959)  
thunter@crowleyfleck.com  
(Apr. 3 & 10 & 17, 2025)

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MINUTES

City of South Heart

Regular Meeting

April 7, 2025

7:00 P.M.

MAYOR:

Brock White

COUNCILMEMBERS:

Jeremy Binstock

Arlen Kubas

Kyle Wolfe

Josh Wagner

CITY AUDITOR:

Renae Praus

UNAPPROVED MINUTES:

ROLL CALL: White, Praus, Binstock, Wagner, Kubas, Wolfe

REGULAR MEETING: Mayor White called the meeting to order at 7:00pm.

ALSO PRESENT: Stark County Sherriff Corey Lee, Ryan Roller, Natalie Wandler-Stark County Tax Assessor, Jason Maxwell, Jacob Waldo, Jessie Kadmas-Interstate Engineering, Rebecca Berner-Interstate Engineering

APPROVAL OF AGENDA:

Item to add to agenda Natalie Wandler, Stark County Tax Assessor, Councilman Wolfe made a motion to approve the agenda with the addition, and Councilman Kubas seconded the motion. All in favor. Motion carried.

MINUTES:

Councilman Wagner made a motion to approve the March 3, 2025, Regular Meeting Minutes and Councilman Kubas seconded the motion. All in favor. Motion carried.

Councilman Wolfe made a motion to approve the March 24, 2025, Special Meeting Minutes and Councilman Wagner seconded the motion. All in favor. Motion carried.

JASON MAXWELL:

Jason was present to approach the board if they would have a problem with having tents in the RV Park for special events this summer. The council didn't see any concerns, but Mayor White would like to discuss the issue with the attorney. The city will update Mr. Maxwell at the next council meeting.

NATALIE WANDLER-STARK COUNTY ASSESSOR:

Natalie presented the totals for the review of sales for South Heart tax assessments for this last year. With these figures they would propose a 6-7% increase. A motion to approve the increase was made by Councilman Wolfe and seconded by Kubas. All in favor. Motion carried

DISCUSSION ON 5<sup>TH</sup> ST NW GOLF COURSE TRAFFIC:

The council discussed the traffic from the golf course on 5<sup>th</sup> Street NW. They discussed putting up some signs and installing the speed bumps. Street Commissioner Binstock will reach out to the county and see if the city can put some signs up coming into town.

GOLF COURSE PARKING LOT PAVING:

The council discussed with Rebecca and Jessie what the council would like them to prepare for costs estimates for the project to see if we can move forward with getting the project completed.

PHEASANT COUNTRY GOLF COURSE:

The Golf Course presented a request for a name change on the liquor license for the restaurant. The council did not have any concerns with the name change to Birdie's Bar and Grill a motion to approve was made by Councilman Kubas and seconded by Councilman Wagner. All in favor. Motion carried

REUSE CONTRACT EXTENSION BETWEEN SOUTH HEART AND DICKINSON:

The council reviewed the contract and agreed to the new contract with the rates and terms specified. Councilman Kubas made a motion to approve the contract with the city of Dickinson and motion was seconded by Councilman Wolfe. All in favor. Motion carried.

SIDEWALK ON THE SOUTH SIDE OF SCHOOL PROPERTY:

The council discussed moving forward with this project. They would like the school to also be involved with this project. Councilman Wagner with contact Mason Eberts and discuss the schools' thoughts on the project.

POLICE REPORT:

Stark County Sherrif Lee the report for South Heart for the month of March.

STREET COMMISSIONER:

Street Commissioner Binstock will look at the cost for a new speed sign by the church.

WATER DEPARTMENT:

Councilman Wolfe mentioned he was in contact with McQuire the company that will complete the repairs on the tower this year. Looks like sometime this fall they should be here to complete them

Past due accounts were discussed. The council will be addressing these this month as we need the past due accounts paid up in full.

SEWER DEPARTMENT:

Councilman Kubas discussed the levels at the lagoons. He informed the council he would have the lift station cleaned out again and add the degreaser chemicals added to the system.

OTHERS:

Councilman Binstock let the council know the mower was done they installed new blades, and he ordered some extra filters to have on hand.

The council briefly discussed the plans for a park on 5<sup>th</sup> Street NW.

BLACK MOUNTAIN:

The auditor presented the quote for the cloud version of Black Mountain Software to the board for their review. Councilman Wagner made a motion to approve the quote for the Cloud Version of Black Mountain Software, motion was seconded by Councilman Wolfe. All in favor. Motion carried

The council discussed the past due utility accounts and all utility accounts that are over 60 days past due will be shut off. The service will not be reconnected until the utility balance is paid in full. Disconnect and reconnection fees will apply to the balance and the balance must be paid in full before the service is reconnected.

REVIEW OF FINANCIAL REPORTS & BILLS:

City of South Heart	City Utilities	133.00	Ck.12566
Workforce Safety	Premium	250.30	Ck.12567
Column Software	Publish Minutes	180.12	Ck.12569
Gooseneck Equipment	JD Utility Filters	202.93	Ck.12570
Advanced Business Machines	Copy Machine	113.09	Ck.12571
Performance Truck	Repairs	154.80	Ck.12572
Renae Praus	City Auditor Wages/ Mileage	3289.82	Ck.12563
Dakota West Inspections	Building Inspector	5624.55	Ck.12564
Safeguard Business	Water Bills	459.22	Ck.12565
Roughrider Electric	Street Lights	24.50	Ck.12573
MGM Sanitation	Refuse Contract	3967.06	Ck.12575
Ebeltoft, Sickler Lawyers	Fees	975.00	Ck.12576
ND One Call	Locates	11.30	Ck.12577
Fergusson Water Works	Dues	600.00	Ck.12578
Billings County Ambulance	Contract	5000.00	Ck.12579
USPS	Stamps	112.00	Ck.12574
Montana Dakota Utilities	Utilities	2642.81	Ck.12561
Southwest Pipeline Authority	Water Use for April	4087.87	Ck.12562
Consolidated Telcom	Telephone/Internet	323.47	Ck.12580
US Postal Service	Stamps	73.00	Ck.12581
Southwest District Health Unit	Water Testing	25.00	Ck.12568
Advanced Business Machines	Copy Machine Lease	113.09	Ck.12582
Consolidated	Transfer of Files	1012.50	Ck.12583

Councilman Binstock made a motion to pay the bills submitted for the month of March, approve the Financial Reports and Pledge Agreements as submitted and Councilman Wagner seconded the motion. All in favor. Motion carried.

ADJOURNMENT:

Councilman Wolfe made a motion if no further business to adjourn and Councilman Kubas seconded the motion. All in favor. Motion carried. Meeting adjourned.

Brock White, Mayor

Renae Praus, City Auditor