Official Proceedings of the Stutsman County Commission

February 1, 2011

At 3:00 p.m., Chairman Klose called the special meeting of the Stutsman County Commission to order. Dennis Ova, Dale Marks, David Schwartz, Craig Neys and Mark T. Klose answered roll call. The purpose of this meeting was to inform the landowners and the general public of the proposal from Gavilon Grain and have public input into the closing of the road at the railroad crossing between sections 28 and 29 in Midway Township adjacent to the east of Gavilon Grain.

Mark Dooley, Manager at Jamestown Gavilon Fertilizer, explained that Gavilon proposed to the Commission to close the railroad track east of their facility and participate with ND DOT to overlay County Road 40 from Hwy 281 and to the south along 80th Avenue SE to the facility to create a truck route for the grain and dry fertilizer business. Gavilon was proposing to build a liquid fertilizer plant at the same location which would employ an additional five to seven new employees which would bring economic development to the County. The dry fertilizer plant employs five people. The reason for closing this crossing would be to direct all trucks into the plant from one direction, they would participate in the cost of the road and this would also help eliminate a lot of the dust created along the interstate by trucks. Gavilon would like to expand their track to the east to allow for another spur that would allow them to load more grain cars at one time, unload more fertilizer cars and be able to store more liquid fertilizer cars at their facility.

Troy Schrader, Area Manager for Gavilon Fertilizer, LLC, stated that they are concerned with the safety factor with the truck traffic to the south of the facility. Workers also work right up to the crossing. Going north on pavement and to the east may help to get the truck traffic under control. Gavilon wants to be a good neighbor. They would pave the road to the north and widen County Road 40 to the east.

Dale Diede asked if this crossing was any more of a safety issue than other crossings in the County. Gavilon personnel stated it was more of a convenience factor for traffic when the crossing is shut down for loading and unloading of cars. It should also help with the dust factor.

Susan Diede stated that the dust had been a factor since the early 80's and that it would still be a problem because there are people living along a gravel road plus there was a trucking company on the south side of the interstate. She said that this could possibly quadruple the truck traffic that already uses County Road 40, why not pave the gravel road to the south and the frontage road along the interstate and equalize the traffic.

Harold Trautman questioned if the federal government had any obligation on frontage roads to make them dust free.

John Deuitch stated that he uses the road everyday to go to work and with shutting it down it would limit the closest access for fire and ambulance service.

Elmer Balvik questioned why the spur could not be built further west. Dooley said that it is where the unload pit is located and where the load out facilities are at and they are unable to move those.

Tom Sagaser asked if there were plans to widen the road to the north to allow for truck parking while waiting to load and unload. He also said that the road to the west of the facility had always seemed to collect a lot of snow so getting kids to school using that road was also an issue.

Irv Sahr commented on the dust and ruts during wet springs and that speed limits and load limits on the frontage road along the interstate were not followed. The road takes quite a beating and that the pavement was designed for the loads going to the elevator. He understands that the road to the north would have more traffic but the pavement was designed for it.

Rich Welding, Manager at Jamestown Gavilon, stated that the majority of the farmers try to stay within the load limits and that less than 30% of trucks are overloaded.

Trautman asked who would pay for the maintenance of the road in the future years. Schrader stated that it would have to be addressed at that time.

Concerns about the intersection at the By Pass and County Road 40, the speed, angle and trees etc. all come into play with the safety of that intersection. A question was raised about the difference in cost from building the road north from Gavilon and County Road 40 to a 105,500 load limit versus building the road south and along the frontage road to a safer, slower intersection with the By Pass.

Delane Brandt noted that County Road 40 is not a 105,500 lb road and that the road would have to be torn out and the base reconstructed to make it such.

Art Perleberg stated that there was nothing wrong with the base of County Road 40. He had hoped that someone with the DOT would have been present to discuss the By Pass/County Rd 40 intersection. The only problem with County Road 40 right now was the area at the culvert, which could be fixed.

Sagaser asked what the approximate cost of doing a mile of road. Marks stated that total reconstruction of a paved road was $700,000 to $800,000. Klose said that the approximate cost for doing the road to the north and County Road 40 was $1.3 to $1.5 million.

Sagaser suggested that a road be built to the south along 35th Street to the By Pass that would allow a straight access to the By Pass. It would take the traffic away from the residents along the interstate and also from those along County Road 40. The downfall would be that it would still be to the south of the tracks. If there was a good quality gravel road built approximately a mile in length. There was only one person living along this area, people to the north and south would be happy.

Susan Diede wondered how much more of their acreage would be taken for the extra width of the road and how much more their property tax would be.

Gary Peterson stated that there are many times that you can't see for the dust along the frontage road and that the ruts and soft spots in the spring are terrible. He said there needs to be weight enforcement along these roads.

Schrader stated that they were looking for the best option. Ova asked if there was a way to keep the crossing open and make it work. A question was raised wondering if cross arms could be put up further south to notify traffic when the crossing might be closed for an extended period.

Johnson asked if the crossing remains open if Gavilon would still pave the road to the north. Schrader said it could be 50/50, he could not say for sure.

Sagaser stated that there is a school bus that stops along this road and that he would like safety factors along this road to be looked at. He would also like to see the dollars received for load limit enforcement to be kept by the county.

Marks stated that they had testified before the legislature to that point and it was currently hung up in committee. He said whether the county keeps the money or not there would be weight limit enforcement within a four county region.

Klose thanked the public for coming and for written comments received and that the commission would take comments under consideration.

Joe Schmidt said that there should be a contingency of receiving any benefits from the county that an officer should be able to look at the weigh tickets right at the elevators and not have to weigh the trucks along the road. Schwartz said that it was illegal in North Dakota to check weigh tickets, the change would have to be passed by the state legislature in order to do so.

Marks said that the only meaningful income was from property tax and sales tax to fund road construction. They had checked into other fees to generate income and there was only the little box of property tax and sales tax – limited revenue.

Klose thanked all again for coming and the special commission meeting – public hearing was adjourned at 4:11 p.m.

ATTEST:

Noel A Johnson	Mark T. Klose
County COO (Auditor)	Commission Chairman