Official Proceedings of the Stutsman County Commission – February 18th, 2014

At 8:00 a.m., Chairman Klose called the mid-month meeting of the Stutsman County Commission to order. Dennis Ova, Dale Marks, David Schwartz, Craig Neys, and Mark T. Klose answered the roll call.

Casey Bradley, Auditor/COO, informed the commissioners the Jail Administrator Hiring Committee interviewed five candidates. The committee offered the position to Chad Jackson. He has accepted the offer. Bradley introduced Chad Jackson to the commissioners.

DeAnn Brunner, Jamestown/Stutsman Development Corp (JSDC) requested a Flex PACE interest buy-down for Buchanan Ag, LLC. Buchanan Ag, LLC is a locally owned full-service farm, ranch and agricultural input supplier. They opened in October 2012 and have experienced tremendous growth. Buchanan Ag, LLC has started to build a new warehouse that allows them to carry greater inventory and better serve their customers. This will be an 80% / 20% county/city split with the counties share being $8,800. Neys made a motion, seconded by Schwartz to approve the request as presented. Roll call vote: Ova, Marks, Schwartz, Neys, Klose voted aye.

Connie Ova, JSDC, requested a funding request for Dakota Spirit Ag Energy (DSA) project. The request is for a New Jobs Training funding request for an ethanol bio refinery locating in Stutsman County. The JSDC Board of Directors recommended approval of the New Jobs Training funding request, however there was not a final vote for the percentage split between the city and county. It was suggested by Connie Ova to do a 90% / 10% city/county split with the county's portion being $43,400.00. Marks made a motion, seconded by Ova to approve the funding request as a 90% / 10% split with the county's portion being $43,400. Roll call vote: Marks, Schwartz, Neys, Klose, Ova voted aye.

Connie Ova requested to purchase 320 acres of real estate from David Klose which is property adjoining the Spiritwood Energy Park Association (SEPA). The Revier Cattle Company was interested in putting a feedlot on the 320 acre property, but has since changed their mind and is no longer interested in the property. The Jamestown/Stutsman Development Corporation would like to pursue purchasing the 320 acres for possible projects in the future such as mitigation acres, connection to rail at SEPA, possibility of annexing property into the City of Jamestown and/or the Jamestown Public School District. The deadline for this request is March 1, 2014. Commissioner Schwartz stated he has received numerous phone calls in opposition to this request. Bradley, Auditor/COO, stated certain criteria needs to be met in order to annex the land into Jamestown Public School District. A child must be enrolled at Jamestown Public Schools and must be living on the property. The land must also adjoin the current school district's land. The annexation would not happen due to the above criteria not being met. Several comments were heard from the public. Schwartz made a motion, seconded by Neys to reject the request as presented. Roll call vote: Ova voted yes, Marks voted no, Schwartz voted yes, Neys voted yes, Klose voted no. Motion Carried.

Connie Ova requested an option agreement for Kal Patel to purchase lots 1 and 2 of Block 3 in the I-94 Business Park. Kal has secured Nill Construction as his first tenant and plans to build an 8,000 square foot building this spring. Schwartz made a motion, seconded by Marks to approve the request as presented. Roll call vote: Schwartz, Neys, Klose, Ova, Marks voted aye.

Jerry Bergquist, 9-1-1 Coordinator/Emergency Manager, requested acceptance of a Homeland

Security Grant in the amount of $25,000.00 for the Anne Carlsen Center. Neys made a motion, seconded by Schwartz as presented. Motion Carried.

Mickey Nenow, Highway Superintendent, requested approval of change orders for five grade raises south of Cleveland for Guthmiller Earthmoving Incorporated in the amount of $200,165.87. Schwartz made a motion, seconded by Ova to approve the request as presented. Roll call vote: Neys, Klose, Ova, Marks, Schwartz voted aye.

Nenow requested approval to advertise for a Shop Foreman/Lead Mechanic position. Layne Kittleson submitted his resignation effective February 27, 2014. Ova made a motion, seconded by Marks to approve the advertising request. Motion Carried.

Ulteig Engineering submitted a request for increase of fees for the Aspen project. This project is pending litigation and the county is in year three of a one year project. The increase in fees are $28,172.00 for project 4717(085) and $70,205 for project 4717(090) for a total of $98,377. Ulteig does have a person on site performing the work, overseeing the work, and staking as needed. The fee increase will become part of the litigation since it is a direct relation to the project. The fee is an 80% / 20% split with the Department of Transportation and Stutsman County. Ova made a motion, seconded by Schwartz to approve the request as presented. Motion Carried.

Dustin Bakken, Tax Director, received a permit for a wind farm mid-January from Courtenay Wind Farm, LLC. The permit was broke up into three sections: wind farm, transmission line, and a list of variances. The zoning committee unanimously approved the wind farm permit, had no issues with the transmission lines, and approved the list of variances that were presented. Commissioner Schwartz abstained from the vote. Marks made a motion, seconded by Neys to approve the conditional use permit for Courtenay Wind Farm, LLC as presented. Roll call vote: Klose, Ova, Marks, Schwarz abstained, Neys voted aye.

Casey Bradley, Auditor/COO, presented three budget amendments to account for 2013 bills received in 2014 for the county coroner; to account for an overage in maintenance and repairs at the Memorial Building; and to account for overage in Special Deputies' Wages. Neys made a motion, seconded by Ova to approve the budget amendments as presented. Motion Carried.

Bradley, Auditor/COO, presented the 2013 year-end report which is an unaudited financial report. Bradley went over some of the variances that occurred during the year. Stutsman County originally adopted the 2013 budget with an anticipated deficit of $2,583,985. Based on the information the county is projecting an unaudited net increase of $353,602 which is a difference of $2,937,587 from what was budgeted. The primary purpose of the planned budget deficit was a result of the planned Federal Highway ER projects and one regular Federal Aid project. As of December 31, 2013 the county still had ten projects that have not been closed out. Five projects by Guthmiller have had site work completed but not finalized as well as one project by Lakeview. RTS Shearing failed to complete two projects in the Streeter area and is having liquidated damages levied against them when the project was suspended. Aspen Construction still has two projects remaining incomplete, which is still pending litigation. The Sheriff's Office received two insurance payments totaling $29,074.64 for damages to vehicles. Three vehicles were budgeted for purchase and only one purchase was made due to one vehicle being totaled and having to shift vehicles around until a replacement was received. The State Aid distribution was not done until after year end. Service contracts in the amount of $22,711 was for covering legal fees for contracting out work not being supported by our State's Attorney. Due to the majority of the

work centered on special assessment districts it was paid out of the Highway Fund and will be charged back to the applicable projects. Temporary employees were not utilized in 2013 but will be in 2014 for the scanning of legal documents in the State's Attorney's Office. The Regional Council was paid out of the incentive fund and no reimbursement was received by the General Fund in the amount of $12,600. State Aid was received and was $192,203 more than the estimated amount. The underutilization of hours in Corrections and general employees created a surplus of $88,263 in the FICA/Retirement fund. No projects were completed in 2013 for the emergency fund. The $156,166 expense in the health insurance fund is a one-time issue relating to switching to the new accounting system. The failure of projects being completed has resulted in transfers not happening for the highway aid and federal aid funds. The taskforce utilized their fund balance to purchase a vehicle. The roof project was put off again to allow for renovations to occur on the elevator. Schwartz made a motion, seconded by Ova to approve the 2013 year-end report as presented. Motion Carried.

Marks made a motion, seconded by Ova to approve the taxable meals and mid-month bills. Roll Call vote: Ova, Marks, Schwartz, Neys, Klose voted aye.

| | **GENERAL REVENUE FUND** | | | **COUNTY ROADS FUND CONT'D** | |
|---|---|---|---|---|---|
| 65501 | A & B BUSINESS INC | $153.67 | 65510 | BOB'S PLUMBING & HEATING INC | $533.54 |
| 65502 | AHNER,RICHARD OR SHIRLEY | $80.16 | 65513 | BUTLER MACHINERY CO | $244.23 |
| 65505 | APPLE TIME INC | $269.68 | 65514 | CARQUEST AUTO PARTS | $90.43 |
| 65506 | AULT,CHARLES OR CYNTHIA | $55.44 | 65517 | CENTRAL BUSINESS SYSTEMS INC | $69.00 |
| 65507 | BANK FORWARD | $32.79 | 65521 | CNH CAPITAL | $29.85 |
| 65508 | BEHM,DENNIS | $46.96 | 65525 | CROSSROADS REPAIR LLC | $584.00 |
| 65509 | BJUR, BERTIL | $102.36 | 65528 | DAKOTA CENTRAL TELECOMMUNICATIONS | $161.92 |
| 65511 | BOOMGAARDEN, SHARLEEN L | $1,107.01 | 65530 | DAKOTA VALLEY ELECTRIC | $8.00 |
| 65515 | CASS COUNTY SHERIFF'S DEPT | $465.00 | 65531 | DAN POLAND MACHINE INC | $37.80 |
| 65517 | CENTRAL BUSINESS SYSTEMS INC | $21.30 | 65542 | FLEETPRIDE | $1,012.94 |
| 65520 | CLEMENS,BRIAN | $30.16 | 65551 | HOME OF ECONOMY | $396.60 |
| 65522 | COLE PAPERS INC | $228.84 | 65556 | JAMESTOWN ELECTRIC | $554.74 |
| 65524 | CREATIVE ENERGY | $312.31 | 65559 | JAMESTOWN SUN_4235 | $105.60 |
| 65526 | DACOTAH PAPER CO | $122.98 | 65565 | MAC'S INC | $325.34 |
| 65529 | DAKOTA FUSION, INC | $1,722.52 | 65568 | MDU | $1,444.37 |
| 65532 | DICK,TIFFINEY | $38.00 | | MEDINA CITY AUDITOR | $18.85 |

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| 65533 | DOCKTER, GARY | $62.55 | 65570 | NAPA AUTO PARTS | $867.14 |
| 65534 | DOCKTER,CHRISTINA | $54.80 | 65572 | ND ASSOCIATION OF COUNTIES | $112.23 |
| 65535 | ED ROEHR SAFETY PRODUCTS | $83.39 | 65574 | NEWMAN SIGNS | $70.86 |
| 65536 | EDINGER,GARY | $54.80 | 65577 | O'REILLY AUTOMOTIVE INC | $40.47 |
| 65537 | EKREN,DEAN | $43.60 | 65578 | OTTER TAIL POWER CO | $554.61 |
| 65538 | ELHARD,TIM | $39.12 | 65579 | OTTO'S WELDING & MACHINE SHOP | $1,337.40 |
| 65539 | ERICKSON,STEVE | $27.92 | 65582 | POWER PLAN | $572.97 |
| 65540 | FARMERS UNION OIL CO-CENEX | $55.85 | 65583 | PRAXAIR DISTRIBUTION INC | $171.80 |
| 65541 | FERCHO,WILFRED L | $141.35 | 65584 | QUALITY SERVICE & REPAIR | $98.03 |
| 65543 | FREIER,GREG | $54.80 | 65585 | QUILL CORPORATION | $77.47 |
| 65545 | GOTTFRIED,MARVIN | $71.60 | 65586 | RDO TRUCK CENTERS | $18.59 |
| 65546 | GROSULAK,MARGARET | $124.30 | 65590 | SAFETY KLEEN CORP | $262.83 |
| 65547 | GUTHMILLER, GERALDINE E | $740.45 | 65599 | TDS METROCOM | $8.83 |
| 65548 | HEBRON BRICK SUPPLY CO | $2,406.65 | 65607 | VINING OIL CO | $1,752.50 |
| 65549 | HEINRICH,GENE | $49.20 | 65608 | WALLWORK INC,W W | $270.70 |
| 65550 | HOBBY TIRE | $35.99 | 65611 | WEST END HIDE & FUR | $124.86 |
| 65552 | HOYT,DAMIAN T | $63.00 | 65614 | WOODWORTH FARMERS GRAIN CO | $3,542.77 |
| 65554 | INFORMATION TECHNOLOGY DEPT | $66.10 | 65615 | YPSILANTI EQUITY ELEVATOR | $2,232.45 |
| 65557 | JAMESTOWN I-94 CLARK | $778.40 | | **SOCIAL SERVICES FUND TOTAL** | $639.60 |
| 65558 | JAMESTOWN SUN | $1,444.59 | | **EMERGENCY** | |
| 65561 | JP ENTERPRISES INC | $1,596.70 | 65573 | ND DEPT OF TRANSPORTATION | $2,801.62 |
| 65562 | KAISER,CHAD | $63.00 | | **COUNTY CORRECTIONAL CENTER** | |
| 65563 | KVLY-TV | $50.00 | 65516 | CDW GOVERNMENT INC | $18.66 |
| 65564 | LLOYDS MOTORS | $63.00 | 65518 | CENTURYLINK | $164.00 |
| 65566 | MARSHALL & SWIFT/BOECKH, LLC | $879.15 | 65519 | CLASSIC COUNTRY KSJB | $70.00 |
| 65567 | MATT, LARRY OR MARY | $53.52 | 65555 | INGSTAD FAMILY MEDIA | $150.00 |
| 65568 | MDU | $2,718.52 | 65560 | JOBS HQ | $424.12 |
| 65569 | MUTSCHLER ESTATE, HENRY H | $1,116.84 | 65568 | MDU | $1,890.55 |
| 65575 | NORTHERN PLAINS ELECTRIC | $354.00 | 65571 | ND APCO ASSOCIATION | $195.00 |
| 65576 | NORTHERN SAFETY TECHNOLOGY INC | $38.92 | 65578 | OTTER TAIL POWER CO | $6,163.00 |
| 65578 | OTTER TAIL POWER CO | $3,840.88 | 65599 | TDS METROCOM | $102.70 |
| 65580 | PENNY MAC LOAN SERVICES LLC | $1,578.21 | 65600 | THE NEW MIX 93.3 | $70.00 |
| 65581 | PHIEFER,IRWIN | $375.62 | | **WEED CONTROL FUND** | |
| 65585 | QUILL CORPORATION | $223.41 | 65512 | BROWN & SAENGER | $47.87 |
| 65587 | REEB, ALBERT OR JOAN M | $407.75 | 65555 | INGSTAD FAMILY MEDIA | $50.00 |
| 65589 | ROEMMICH,MARIAN | $26.80 | 65578 | OTTER TAIL POWER CO | $111.08 |
| 65591 | SANDNESS LAW OFFICE | $1,170.00 | 65595 | SEVEN SEAS MOTOR INN | $417.14 |
| 65592 | SCHAACK,BEVERLY | $830.26 | 65605 | VERIZON WIRELESS | $124.59 |
| 65593 | SCHEAFFER,CLIFTON | $27.92 | | **HISTORICAL SOCIETY** | |
| 65594 | SCHULZ,ANN | $43.60 | 65544 | FRONTIER VILLAGE ASSN | $6,000.00 |
| 65597 | SUKO,MARK A | $15.60 | 65596 | STUTSMAN COUNTY MEMORIAL MUSEUM | $7,754.00 |
| 65598 | SUKO,MARTIN | $516.87 | | **VETERANS SERVICE FUND** | |
| 65599 | TDS METROCOM | $222.17 | 65599 | TDS METROCOM | $10.60 |
| 65601 | TRAUTMAN,RUSSELL | $80.00 | | **COUNTY AGENT FUND** | |
| 65602 | TWO RIVERS PRINTING | $124.00 | 65527 | DAKOTA CENTRAL TELECOMMUNICATIONS | $112.08 |
| 65604 | VAN DE VELDE,SARAH | $117.60 | 65560 | JOBS HQ | $164.84 |
| 65606 | VIGESAA,MYRON | $38.00 | 65599 | TDS METROCOM | $13.26 |
| 65609 | WELLS FARGO BANK | $1,720.40 | | **DOCUMENT PRESERVATION FUND** | |
| 65610 | WELLS FARGO HOME MORTGAGE | $127.35 | 65516 | CDW GOVERNMENT INC | $159.64 |
| 65612 | WILHELM CHEVROLET BUICK GMC | $75.35 | 65603 | UNDERGROUND VAULTS & STORAGE | $1,155.00 |
| 65613 | WOLFF,CLAYTON | $10.00 | | **DATA PROCESSING FUND** | |
| | **E 911 PHONE SYSTEM FUND** | | 65516 | CDW GOVERNMENT INC | $4,038.22 |
| 65527 | DAKOTA CENTRAL TELECOMMUNICATIONS | $761.41 | 65523 | COMPUTER PROFESSIONAL ULTD INC | $2,899.91 |
| 65588 | RICHLAND COUNTY COMMUNICATIONS/911 | $13,048.00 | 65554 | INFORMATION TECHNOLOGY DEPT | $639.15 |
| 65599 | TDS METROCOM | $12.11 | | **COUNTY EXTENSION** | |
| | **COUNTY ROADS FUND** | | 65553 | HUGO'S 9 | $85.37 |
| 65501 | A & B BUSINESS INC | $140.00 | | **FEMA FUND** | |
| 65503 | AMERIPRIDE SERVICES | $583.99 | 40531 | CORINNE TOWNSHIP | $114703.60 |
| 65504 | ANDERSON,CHARLES | $582.40 | | | |

Casey Bradley, Auditor/COO informed the commissioners there will be a financial report available in the drop box every month.

Bradley stated there was an issue scheduling meetings in the LEC and Whitney rooms. Josh Smaage, IT Director, created a program to schedule meetings and to display the meetings on a

television. Each person will be responsible to schedule a meeting when it arises.

Bradley informed the commissioners the public can now report any concern they have through the Stutsman County website by selecting report a concern. The concern will then be forwarded to the appropriate department head.

At 9:12 a.m., a motion to adjourn was made by Ova, seconded by Marks. Motion Carried.

ATTEST:

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| Casey Bradley | Mark T. Klose |
| Auditor/COO | Commission Chairman |