Official Proceedings of the Stutsman County Commission

April 21, 2009

At 8:00 a.m., Chairman Klose called the regular meeting of the Stutsman County Commission to order. Dennis Ova, Dale Marks, Craig Neys, Doug Kaiser and Mark T. Klose answered roll call. Also present was Mike Zimmerman, County Highway Superintendent.

Noel Johnson, County COO, reviewed the request of Harley McLain for a property tax abatement on several tracts of agricultural land in Midway Township. He reviewed the pertinent NDCC Statutes and recommended the Commission deny the abatement application as there was no statutory authority for granting the requests. Ova made a motion that was seconded by Neys to deny the request for abatement, adjustment or refund of the 2003 taxes paid by Harley J. McLain on parcel #'s 35-2810000, 35-02820000, 35-2830000, 35-2840000 and 35-5500010 because Mr. McLain had failed to set out any legitimate reason for granting the request, Mr. McLain had no legitimate tax exemption, and/or Mr. McLain was tardy missing the NDCC 57-23-04 deadline. Roll call vote – Ova, Marks, Kaiser, Neys and Klose voted aye.

Connie Ova, JSDC-CEO, presented a proposal that would de-obligate the JSDC funding for the Spiritwood ethanol project. The Newman Group would sell their 551.8 acres of land in Section 21 of Spiritwood Township to JSDC for $1.975 million. JSDC would also receive the $2.5 million plus interest in the incentive account and the $2.0 million in the equity account plus $114,000 interest. JSDC would also receive a business credit of $75,000 for advertising from Newman Outdoor Advertising to be used by JSDC/City/County for economic development advertising, and JSDC would receive $39,000 for the 2009 cash rent. Great River Energy had offered $1.7 million for 451.8 acres of the land with the other 100 acres retained by JSDC for future industrial development. Kaiser made a motion seconded by Neys to approve the proposal. Roll call vote – Marks, Kaiser, Neys, Klose and Ova voted aye.

Ms. Ova also presented a Great River Energy jobs incentive grant funds request of $300,000. The request would be an 80/20 City = $240,000 and County = $60,000. GRE was committed to spending $356 million to construct the Spiritwood Station with the plant scheduled to start operating in 2010 and a 30-year contract to provide steam to operate Cargill Malt. The facility would create 24 full time jobs with a $25.50 minimum hourly wage rate. Ova made a motion seconded by Neys to approve the request for jobs incentive funds. Roll call vote: Kaiser, Neys, Klose, Ova and Marks voted aye.

Marks made a motion to rescind the tax exemption to the Newman Group for the ethanol plant. Motion was seconded by Neys. Motion carried.

Ova made a motion seconded by Neys to grant the site authorizations for the ND Buffalo Foundation at the Anchor Bar, the 281 Stop and the Buchanan Bar. Motion carried.

A motion to approve the beer license application for the Fair Grounds Beer Gardens for Casey Dodgson d/b/a Buffalo Lanes was made by Neys. The motion was seconded by Ova. Motion carried.

Neys made a motion to approve the special event permit for the Sportsman Bar and Café for an outdoor event in Spiritwood. Ova seconded the motion. Motion carried.

Mike Zimmerman, County Highway Superintendent, reported that County Road 62 had been opened from I-94 to Highway 46 and County Road 38 was open from the Barnes County line to US 281. The Valley Road between Ypsilanti and Montpelier was still under water. Guthmiller Earthmoving would work on the grade raise 5 miles south of Cleveland. Permits were obtained through the Corps of Engineers and since it was emergency road repair, 100% of the costs would be covered by the state. The NDDOT had given authorization for the repair. The Hehn-Schaffer road was questionable - a culvert may have to be installed to get the road open. The Oren Krapp Bridge would also need to be worked on.

Johnson stated that something was needed on the file for the state auditors indicating why the $50,000 threshold for bidding was superseded.

Zimmerman stated that in the past the County's policy was not to allow private contractors to load out of County gravel pits without County personnel doing the loading. Emergency gravel loading could be approved.

Johnson stressed that all flood damaged areas need to be documented with pictures, measurements etc. for reimbursement by FEMA.

Johnson stated that the Governor's Plan included: snow declaration money, flood declaration money, normal DOT funding, stimulus package and $120 million. The legislature needed to buy into the package.

Klose reiterated that the townships needed to know how their road repair would be financed. Johnson stated that the townships needed to have approval of any County loans before the townships contracted for repair work. FEMA funding percentages were discussed. Maximum mill levy allowed by law could possibly be a requirement for County loans.

A meeting with FEMA representatives, townships and commissioners would be organized.

A motion was made by Marks and seconded by Kaiser to allow the waiver of the gravel loading restrictions for flood related purposes. Motion carried.

Ova made a motion to grant authority to Zimmerman to hire outside contractors as necessary for flood related - emergency purposes. Neys seconded the motion. Johnson reminded Zimmerman that he needed to have something in writing on file regarding the $50,000 de minimis for bidding. Informational meeting for townships with FEMA was discussed. Roll call vote: Neys, Klose, Ova, Marks and Kaiser voted aye.

Johnson reported that the work contracted by the Corps of Engineers and sandbagging efforts should be wrapped up today. The Corps of Engineers and the National Guard would be patrolling the dikes looking for any potential leaks. There was a Black Hawk helicopter and Coast Guard helicopter in town for emergency response. The emergency operation center was operating 24/7. The high water releases would be continuing for approximately three weeks. The City sanitary sewer system was functioning properly at this time. City water usage needed to be held to a minimum to help protect the sanitary sewer system from failure. There were evacuation plans in place if evacuation would become necessary. The last step would be figuring out how to pay for everything.

Klose stated that there has been an interagency meeting everyday at 2:00 p.m. and that all Commissioners were welcome to attend. Johnson stated that the government agencies - County, City and Townships - had all pulled together to work on this effort.

Neys made a motion seconded by Ova to pay $145.00 in taxable meals. Roll call vote: Klose, Ova, Marks, Kaiser and Neys voted aye.

A motion to approve the mid-month bills for payment was made by Ova and seconded by Kaiser. Roll call vote: Ova, Marks, Kaiser, Neys and Klose voted aye.

| Fund | Warrant No | Amount | Vendor Name |
|---|---|---|---|
| GENERAL | | | |
| | 0046902 | 69.69 | ALLTEL |
| | 0046911 | 351.95 | C H CARPENTER LUMBER CO |
| | 0046918 | 1,520.35 | COLE PAPERS INC |
| | 0046920 | 107.47 | DACOTAH PAPER CO |
| | 0046926 | 90.00 | DOLL/DORA L |
| | 0046938 | 341.64 | JAMESTOWN I-94 SUPER EXPRESS |
| | 0046939 | 2,036.22 | JAMESTOWN SUN |
| | 0046946 | 180.00 | KROPP LAW OFFICES PC |
| | 0046947 | 1,615.71 | M D U |
| | 0046954 | 60.00 | N D ASSOCIATION OF COUNTIES |
| | 0046959 | 11.94 | OFFICELAND |
| | 0046961 | 25.00 | POLK COUNTY PUBLIC HEALTH |
| | 0046964 | 303.00 | PRESS ROOM/THE |
| | 0046968 | 35.10 | SAMEK/KAREN |
| | 0046974 | 688.90 | STOP & GO #431 |
| | 0046976 | 15.75 | STUTSMAN COUNTY CORRECTIONAL CENTER |
| | 0046979 | 125.45 | TDS METROCOM |
| | 0046983 | 40.00 | TRAUTMAN/RUSSELL |
| | 0046984 | 17.86 | TRUE VALUE HARDWARE |
| | 0046986 | 490.02 | UNIFORM CENTER |
| | 0046994 | 30.99 | 5 STAR EXPRESS LUBE |
| | | 8,157.04 | Final Total |
| 911 EMERGENCY PHONE SYSTEM | | | |
| | 0046921 | 437.00 | DAKOTA CENTRAL TELECOMMUNICATIONS |
| | 0046922 | 146.46 | DAKOTA CENTRAL TELECOMMUNICATIONS JMTN |
| | 0046954 | 9,623.73 | N D ASSOCIATION OF COUNTIES |
| | 0046967 | 1,291.28 | QWEST |
| | 0046979 | 9.20 | TDS METROCOM |
| | | 11,507.67 | Final Total |
| ROAD FUNDS | | | |
| | 0046903 | 378.90 | ANDERSON/CHARLES |
| | 0046905 | 177.75 | BECKER/HARRY |
| | 0046906 | 12,964.83 | BLOOM OIL CO |

| | | | |
|---|---|---|---|
| | 0046907 | 85.71 | BOB'S PLUMBING & HEATING |
| | 0046910 | 3,280.15 | BUTLER MACHINERY CO |
| | 0046912 | 78.95 | CARQUEST AUTO PARTS |
| | 0046914 | 184.69 | CATCO PARTS & SERVICE |
| | 0046916 | 72.90 | CENTRAL BUSINESS SYSTEMS, INC |
| | 0046917 | 671.84 | CNH CAPITAL |
| | 0046922 | 161.89 | DAKOTA CENTRAL TELECOMMUNICATIONS JMTN |
| | 0046923 | 6.00 | DAKOTA VALLEY ELECTRIC |
| | 0046924 | 585.27 | DAN POLAND MACHINE INC |
| | 0046928 | 1,803.00 | FARMERS UNION OIL CO-CENEX |
| | 0046929 | 179.94 | FASTENAL CO |
| | 0046944 | 290.70 | KOBLE/RON |
| | 0046947 | 1,090.87 | M D U |
| | 0046948 | 188.95 | MAC'S INC |
| | 0046949 | 28.30 | MEDINA CITY AUDITOR - DD |
| | 0046952 | 1,535.00 | MICHAEL TODD & COMPANY NC |
| | 0046953 | 796.21 | N A P A AUTO PARTS |
| | 0046957 | 187.77 | N W TIRE INC |
| | 0046959 | 22.04 | OFFICELAND |
| | 0046960 | 8.43 | OTTER TAIL POWER CO |
| | 0046962 | 812.48 | POWER PLAN |
| | 0046963 | 345.89 | PRAXAIR DISTRIBUTION INC |
| | 0046965 | 67.96 | PRO BUILD |
| | 0046969 | 24.83 | SEARS COMMERCIAL ONE |
| | 0046975 | 2,240.00 | STREETER COOP OIL |
| | 0046977 | 84.00 | STUTSMAN COUNTY ROAD DEPT |
| | 0046978 | 194.60 | SWANSTON EQUIPMENT CO. |
| | 0046979 | 9.19 | TDS METROCOM |
| | 0046985 | 384.66 | TWO RIVERS PRINTING |
| | 0046987 | 151.26 | VERIZON WIRELESS |
| | 0046989 | 1,255.27 | VINING OIL CO. |
| | 0046990 | 164.02 | WEST END HIDE & FUR |
| | 0046991 | 2,125.25 | WOODWORTH FARMERS ELEVATOR CO |
| | 0046992 | 2,724.30 | YPSILANTI EQUITY ELEVATOR |
| | | 35,363.80 | Final Total |
| SOCIAL SERVICES | | | |
| | | 385.90 | Final Total |
| COUNTY PARK | | | |
| | 0046902 | 45.51 | ALLTEL |
| | 0046967 | 119.40 | QWEST |
| | | 164.91 | Final Total |
| EMERGENCY | | | |
| | 0046912 | 420.70 | CARQUEST AUTO PARTS |
| | 0046931 | 7,600.00 | GLAESMAN MOVING |
| | 0046932 | 389.97 | GUN & REEL SPORTS, INC. |
| | 0046933 | 2,640.00 | GUTHMILLER EARTHMOVING,INC |
| | 0046934 | 219.46 | HOME OF ECONOMY |
| | 0046937 | 5,259.52 | INTERSTATE ENGINEERING |
| | 0046958 | 7,592.65 | NEWMAN SIGNS |
| | 0046965 | 55.98 | PRO BUILD |
| | 0046977 | 57.46 | STUTSMAN COUNTY ROAD DEPT |
| | 0046982 | 395.38 | TRACTOR SUPPLY CREDIT PLAN |
| | 0046990 | 1,142.55 | WEST END HIDE & FUR |
| | 0046993 | 923.40 | ZIMMERMAN/MIKE |
| | | 26,697.07 | Final Total |
| COUNTY CORRECTIONAL CENTER | | | |
| | 0046902 | 197.78 | ALLTEL |
| | 0046947 | 1,293.86 | M D U |
| | 0046956 | 12.48 | N D STATE TAX COMMISSIONER |
| | 0046967 | 396.78 | QWEST |
| | 0046979 | 61.47 | TDS METROCOM |
| | | 1,962.37 | Final Total |
| WEED CONTROL | | | |
| | 0046902 | 49.54 | ALLTEL |
| | 0046960 | 117.68 | OTTER TAIL POWER CO |
| | 0046979 | 1.76 | TDS METROCOM |
| | 0046985 | 39.50 | TWO RIVERS PRINTING |
| | | 208.48 | Final Total |
| VETERANS SERVICE | | | |
| | 0046979 | 4.79 | TDS METROCOM |
| | | 4.79 | Final Total |
| COUNTY AGENT | | | |
| | 0046908 | 164.00 | BROWER/LANCE |
| | 0046939 | 146.00 | JAMESTOWN SUN |
| | 0046979 | 139.69 | TDS METROCOM |
| | | 449.69 | Final Total |
| LIBRARY FUND | | | |
| | 0046904 | 1,319.94 | BAKER & TAYLOR BOOKS |
| | 0046915 | 35.94 | CENTER POINT LARGE PRINT |
| | 0046916 | 42.00 | CENTRAL BUSINESS SYSTEMS, INC |
| | 0046919 | 34.13 | CROSSROADS REPAIR LLC |
| | 0046922 | 49.95 | DAKOTA CENTRAL TELECOMMUNICATIONS JMTN |
| | 0046925 | 49.43 | DEMCO |

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|---|---|---|---|
| | 0046927 | 71.86 | FARMERS UNION OIL CO-CENEX |
| | 0046930 | 651.35 | GALE GROUP/THE |
| | 0046940 | 15.07 | JENSEN/AGNES |
| | 0046941 | 27.00 | JORGENSON/LA RAE |
| | 0046942 | 855.00 | JUNIOR LIBRARY GUILD |
| | 0046943 | 227.53 | KIDS REFERENCE COMPANY INC |
| | 0046945 | 555.00 | KRAHLER/ROBERT |
| | 0046947 | 175.04 | M D U |
| | 0046950 | 33.30 | MEIDINGER/KATHERINE |
| | 0046955 | 910.80 | N D STATE LIBRARY |
| | 0046960 | 199.69 | OTTER TAIL POWER CO |
| | 0046966 | 176.63 | PUMPKIN BOOKS |
| | 0046967 | 86.50 | QWEST |
| | 0046970 | 92.70 | SILBERNAGEL/JULIE |
| | 0046973 | 625.00 | SPOKEN ARTS |
| | 0046988 | 22.50 | VIGESAA/VERNON |
| | | 6,256.36 | Final Total |
| COURTHOUSE BUILDING | | | |
| | 0046907 | 598.02 | BOB'S PLUMBING & HEATING |
| | 0046909 | 1,211.43 | BROWN'S UPHOLSTERY |
| | 0046971 | 250.00 | SKEEL'S PAINTING & DECORATING |
| | | 2,059.45 | Final Total |
| DOCUMENT PRESERVATION FUND | | | |
| | 0046913 | 416.00 | CASS COUNTY TREASURER |
| | | 416.00 | Final Total |
| WEED BOARD CAPITAL IMPROVEMENT FUND | | | |
| | 0046972 | 6,000.00 | SPENNINGSBY/GREG |
| | | 6,000.00 | Final Total |
| DATA PROCESSING | | | |
| | 0046916 | 7.50 | CENTRAL BUSINESS SYSTEMS, INC |
| | 0046936 | 598.50 | INFORMATION TECHNOLOGY DEPT |
| | 0046954 | 13.00 | N D ASSOCIATION OF COUNTIES |
| | 0046959 | 511.47 | OFFICELAND |
| | 0046979 | 7.85 | TDS METROCOM |
| | | 1,138.32 | Final Total |
| CO EXTENSION FUND | | | |
| | 0046935 | 18.98 | HUGO'S 9 |
| | 0046951 | 4.00 | MERCER COUNTY EXTENSION OFFICE |
| | 0046981 | 180.00 | THOMPSON/WENDY |
| | | 202.98 | Final Total |

Neys made a motion seconded by Marks to adjourn. At 9:01 a.m. the mid-month meeting of the Stutsman County Commission was adjourned.

ATTEST:

Noel A. Johnson
County COO (Auditor)

Mark Klose
Commission Chairman