Official Proceedings of the Stutsman County Commission – May 21st, 2013

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.

J.P. Wiest requested Stutsman County to pave the frontage road that is south and west of the Woodbury Interchange. Wiest stated the road has been a source of contention over the past 40 years. There have been several efforts by community members to pave the frontage road. It has been stated to J.P. the frontage road is a township road and therefore is a township problem. The township has no money and it was stated Wiest Truck Lines trucks are destroying the road. J.P. stated that the road is in disrepair not only near his business, but further past his place heading west. Wiest stated the road shows an anti-community perception to the people visiting the campground. In 2009, the frontage road was impassable unless you had a four-wheel drive pickup. The constituents at the campground would park their pickups in Wiest Truck Lines parking lot and they would all get into a four wheel drive truck and drive the rest of the way to the campground. Thirteen families had no fire protection, no police service, and no school bus service. Wiest stated the barb wire fence was cut where people drove through the ditch and onto Interstate 94. He stated the gentleman who owned the campground at that time and a neighbor were blading the road with a little tractor and a blade trying to make the road passable. J.P. visited with the gentlemen and he went back to work and called Tyler at RTS Shearing to have concrete rubble delivered and called Nick from Border States who brought out gravel and equipment. Border States worked on the road to get it back into shape. Wiest stated that this situation is just not a township problem, but a community problem. Dean Schrader, KOA Campground, informed the commissioners the disrepair of the frontage road is affecting his business. The first comment he receives from the clients is how awful the road is. Schrader stated the campers make their reservation coming and going. After the campers drive the frontage road, they cancel the return visit. Wiest has contacted Casey Bradley, Auditor/COO, several times over the past four months regarding paving the frontage road. Originally the businesses along the frontage road would pay for the project. Bradley, Auditor/COO, contacted Border States for an estimate. The estimate, which was turned over to J.P. Wiest, was approximately $780,000.00 to pave the frontage road. Bradley, Auditor/COO, stated to Wiest that the road is a township road and he will need to visit with the township before proceeding with the paving project so they are in agreement. Last week, J.P. Wiest called and requested for Stutsman County to pave the frontage road. Bradley, Auditor/COO, called Duane Anderson, Woodbury Township Supervisor, stated they do have the authority to set up a special assessment district if they choose to do so. Bradley, Auditor/COO, does not know if Woodbury Township has the capacity to do the special assessment, but they would need to contact a bond council. Casey Bradley, Auditor/COO, did some researching and found Burleigh County does do special assessment districts upon petition. Bradley, Auditor/COO, is not sure in what capacity they are doing it, but would need to research some more if it is the board's choice. The road is in ownership of the township and they are responsible for the maintenance and upgrades of the road. Duane Anderson stated the frontage road was paved about 40-50 years ago and the State of North Dakota turned the maintenance of the road over to the township. The road is in the federal right of way. The city did not annex the road when they annexed Titan Machinery. The frontage road does get a lot of traffic. The frontage road gets bladed weekly. In 2009, muskrats plugged the culvert under the frontage road. Culverts were installed last year on the frontage road. The culverts under Interstate 94 are partially plugged. Anderson contacted the State Highway Department regarding the cleaning of the culverts under Interstate 94 so the water can flow away, but he has not been back out there to see if that has been taken care of. Duane Anderson stated the township was approached about special assessment districts a few years ago. He knows that Titan Machinery does want the road paved, but they are part of the City of Jamestown which is not in Woodbury Township's tax base and therefore would not work for bonding purposes. The estimate allows for some work but does not include federal wetland mitigation areas. There will be no federal or state funding available for this road. Bradley, Auditor/COO, stated Woodbury Township can set up special assessments if they would like to. It does require a formal petition process. The thresholds are pretty low, somewhere around 40%, but if we dealing with a few landowners it may not be able to go forward. It was suggested for J.P. Wiest to contact the landowners and have them petition the county. Bradley, Auditor/COO, stated Burleigh County requires the petition to come to the county board and the township writes a letter of support of the petition. Casey Bradley, Auditor/COO, will contact Burleigh County to get more information about the special assessment district process. A question was raised as to the maintenance of the road after it is paved.

Bids were opened for Paris Township Site 15 grade raise. Bids are as follows: Graber Earthmoving $100,676.00; Guthmiller Earthmoving $135,000.00; Viet Construction $366,368.15; RTS Shearing $129,840.00; Bowman Trenching $229,591.00.

Mickey Nenow, Highway Superintendent, will take all of the bids, review, tabulate the bids, and deliver the information to Paris Township. Paris Township will award the bid.

DeAnn Brunner, JSDC, requested approval of continuation of services for SRF Consulting. SRF Consulting has provided technical assistance to the City of Jamestown, Stutsman County, and JSDC as well as developing a short term growth management plan. SRF Consulting is focusing on the southwest area of Jamestown by the Jamestown Regional Medical Center and Wal-Mart as to where the roads should be placed and how the development should happen. SRF Consulting Group, Inc. is proposing to continue providing technical assistances to the city, JSDC, the county, coordination between the townships, city and county, assist with zoning ordinance changes and reviews, as well as be part of the steering committee for the Land Use and Transportation plan. The focus is in the southwest area of the city near Jamestown Regional Medical. Jim Boyd, spoke to the commissioners about developing a road that connects the Wal-Mart area to the hospital. Stephanie Falkirk, SRF Consulting, stated they are working on the detail master plan in the southwest area as well as aiding in zoning and developing subdivisions and extra communication with townships. SRF Consulting is providing an interim plan until the city has completed a formal plan. It is an 80/20 City/County split with the county share being $5,000.00. Schwartz made a motion, seconded by Marks to approve the continuation of services with SRF Consulting as requested. Roll call vote: Ova, Marks, Schwartz, Neys, Klose voted aye.

Bids were opened for Alexander Township Site 15 grade raise. Bids are as follows: Bowman Trenching $162,925.00; RTS Shearing $104,162.00; Viet Construction $289,438.63; Guthmiller Earthmoving $98,878.20; and Graber Earthmoving $84,448.00.

Mickey Nenow, will take all of the bids, review, tabulate the bids, and will deliver the information to Alexander Township. Alexander Township will award the bid.

Marks made a motion, seconded by Ova to approve the construction engineering agreement for SC-4745(060) which is three miles north of the Spiritwood Interchange of I-94 West. Motion Carried.

Robin Iszler, Central Valley Health presented her 2012 annual report. Currently she has 24 staff. As of right now they are not replacing some positions when staff retires. The main focus in 2012 was the community health assessment process. The following are the community health priorities: (1) Obesity and physical activity, (2) Safe driving – Distracted driving and drunk driving, (3) Youth alcohol and tobacco use, and lastly (4) Mental health awareness and suicide. As the Central Valley Health is working with agencies they are trying to address the community health priorities. The Environmental health program licenses and/or inspects the following types of facilities: Body art, restaurants, school foodservice, school facilities, swimming facilities, tanning facilities, child care facilities, group home facilities, and NCWS. In 2012, the environmental health division added school health and safety inspections to the list of services offered. In 2012, the environmental health division did an onsite sewer workshop which was one day training for all of the contractors in the surrounding area. Iszler stated the workshop went over well. Title X program has been providing reproductive health services since 1970. The nursing services program is expecting another pandemic flu outbreak in the fall which may be similar to the H1N1 flu. This program is complemented but not replaced by the Patient Protection and Affordable Care Act. In November 2012, measure four passed, creating smoke-free workplaces and protecting all North Dakotans from the dangers of secondhand smoke. The WIC program which provides nutrition and health services to mothers and babies serves an average of 444 individuals per month for Stutsman and Logan counties combined. Federal monies are based on population.

Bids were opened for gravel crushing and stockpiling. The bids are as follows: RTS Shearing $4.70 per cubic yard ¾" maximum size, W.M. Scepaniak $3.92 per cubic yard ¾" maximum size, Knife River $6.48 per cubic yard ¾" maximum size. Marks made a motion, seconded by Schwartz to award the bid for gravel crushing and stockpiling to W.M. Scepaniak as presented. Roll call vote: Marks, Schwartz, Neys, Klose, Ova voted aye.

Jim Fettig, Courthouse Maintenance Supervisor, informed the commissioners Central Dakota Mechanical rescinded his boiler bid. They wanted unlimited liability if anything were to break.

Central Dakota Mechanical started the job and walked off the job and stated he had no interest in doing the job. Casey Bradley, Auditor/COO, told Central Dakota Mechanical if he wrote a letter stating he rescinds his bid, the county will let him have his bidder's bond back so the county will not have to deal with the company anymore. Bob's Plumbing stated they would honor their bid which was $9,963.00. Ova made a motion; seconded by Schwartz to re-award the boiler bid to Bob's Plumbing and Heating as requested. Roll call vote: Schwartz, Neys, Klose, Ova, Marks voted aye.

Casey Bradley, Auditor/COO, informed the commissioners the Senior Citizen Center is moving into the old hospital; they have not formally given the building back to the county but may happen within a few weeks. Bradley, Auditor/COO brought up the question of future utilization of the Senior Citizen Center facility. He stated the Housing Authority is possibly interested in renting the space; however, there are some concerns with the building. The renovation of the building and the sewer system may be too big for the Housing Authority to take on which leaves the county with little options for the facility. Bradley, Auditor/COO, spoke with Chief Edinger and Sheriff Kaiser about using it as a cold-storage facility. The facility used to be a garage; which reverting it back to a garage may be the most cost effective because the county wouldn't have to address the sewer system. There would be some cost reverting it back to a cold storage unit; however, it may be minimal. The cold storage option would create an issue for the Stutsman County Library. The Stutsman County Library is renting part of the Senior Citizen Center. The library does not have access to bathrooms. They may need to consider running their own lines for the sewer if the library decides to stay in the building so the restrooms are ADA compliant. The Sheriff's Department, the City of Jamestown Police Department, and the Maintenance Department did walk through the facility. This option would alleviate some of the storage at the Highway Department, Jamestown Ambulance and the Jamestown Fire Department. This option would put pressure on the Stutsman County Library. A question was raised as to the consolidation of the two libraries and the possibility of storing the bookmobile in the Senior Citizens Center building. A question was raised maybe it would be beneficial to sell the building outright. It was suggested to get cost estimates to turn the facility into cold storage. The building has an appraised value of $430,000.00.

Schwartz made a motion, seconded by Ova to approve the CBM Managed Services amendment to the Food Service Contract as presented. Motion Carried.

The Sydney Township Road Bridge is a 2009 project and the design was approved a long time ago. The funding was finally secured to do the project. The project is on a time limit and needs to be done by November 2013 or the county forfeits approximately $200,000.00. The county does not have the time to do a redesign which FEMA has to approve. The two options the county has are to close the road permanently or to go with the approved design as drawn. There may be a possibility of having to close the road for safety reasons in the spring when the water is higher. Mickey Nenow visited the area to see how much water does flow through the bridge in the spring. Casey Bradley, Auditor/COO, received a phone call from Greg Enzminger stating he is content with the project as designed, but requested the county to put up signage from both directions warning drivers that the road may be underwater. Richard Klose stated Mickey visited the section of road too early; it takes about two days for the water to reach the Sydney bridge area from Streeter. Richard stated the county is building a death trap. He stated four people have died in North Dakota crossing inundated roads. Richard stated the height of the road is already there and it is possible to put in large 14 foot culverts; he design from Interstate Engineering would cut the road down by five feet. He stated the county needs to protect the people who do not know the area from the death traps. Mark Klose stated the western part of the state uses the low-water crossings all the time. Richard Klose called a gentleman from Medora about the low water crossings and he stated it is on minimum maintenance roads. Richard informed the commissioners the Sydney Road was a major farm to market road prior to 2009. The bridge originally was built in the 1930's and was washed out in 1969 and again in 2009 due to a buildup of ice and extensive flooding. Schwartz stated this is the first he has heard of anyone who is unhappy with the proposed design and someone should have said something at least two years ago. Richard Klose stated he spoke with Dale Marks over a year ago regarding the design and he would bring it up at a county commissioner meeting. He also stated that Mark Davis and LeMoyne Klose spoke with Mike Zimmerman in 2010 regarding the low water crossing. Dale Marks informed the commissioners that Richard Klose did speak to him regarding his cattle and fencing issues not the liability issues of the low water crossing. Gerald Brickner stated there has been damage to the bridge in prior years such as pylons being sheared and it came from ice. Mark Klose stated the only choice for the county is to have the low water crossing or to close the road and take out the bridge. Darren, Interstate Engineering,

informed the constituents the main reason of the low water crossing is mainly due to the cost of the project and does cut down from the original grade. The proposed design fits five 48 inch culverts with one foot of cover according to manufacturer's recommendations for a minimum cover. Darren stated the proposed design is for a 25 to 30 miles per hour design speed. It handles a two year design flow through the culverts. The bridge would see quite a few events with the type of spring runoff and weather the county has seen over the years. The top of the road is a concrete mat with interconnecting cables that would provide some erosion protection. When the water does overflow the road, the township will need to fill in the cracks on an on-going basis. This is a minimal fix to get the road open with an over-topping section for run-off. FEMA restores to the pre-existing condition and does not allow for upgrades to the area. Richard Klose stated according to an Interstate Engineering report it would cost approximately $196,000.00 to repair the bridge to its original state; the low water crossing would cost approximately $222,250; and lastly, four 4x6 boxed concrete culverts was $230,500.00. He stated that no matter how the county does it, they still have the removal of the bridge from 1969 and from 2009. Richard Klose informed the commissioners that it would cost less than $100,000 to put in three large 14 foot culverts he suggested earlier. Darren, Interstate Engineering, stated he cannot comment on this information due to not seeing the estimate. Darren stated he likes the idea of the low cost proposal of what the design was made up of. The county will have the issues of the more frequent over topping of the road way due to run-offs. It was suggested to put up signage and a depth gauge to warn drivers of the low water crossing. Marks made a motion, seconded by Schwartz to approve the low water crossing design as presented. Roll call vote: Neys, Klose, Ova, Marks, Schwartz voted aye.

Ova made a motion, seconded by Neys to approve the application for a special event permit for Hitchin' Post Bar at Lakeview Meadows. Motion Carried.

Casey Bradley, Auditor/COO, presented a legislative update to the commissioners. The Association of Counties held a 2013 legislative wrap-up meeting last week. Two house bills were passed dealing with property tax relief. House Bill 1013 which was the educational funding bill. There are still some disagreements as to how it is to be interpreted, but there will be a 50 mill buy down of the school levy. This will vary by school district and is determined by how much the school was levying in their general fund. If the school is at 110 mills then there will be a 50 mill buy down. The state is requiring the county to put the previous 75 mill as tax relief as well as the additional 50 mill so the taxpayer understands they will be getting altogether a 40.4% buy down. Senate Bill 2036 also dealt with property tax relief and it is an across the board 12% buy down on all property taxes. It is a credit given by the state to every taxpayer. Actual relief for the taxpayers will vary from district to district. As part of the buy down, the Senate capped the schools at 60 mills in the general fund, gave them additional 12 mills of discretionary funding and unlimited cap on debt service funding.

House Bill 1177 states all appointed county board per diem rate will be set by the appointing governing body. This is to ensure consistency across all boards.

House Bill 1302 which is regarding the DUI laws that were passed. This bill states if the blood alcohol level is over .16 a person will automatically spend two days in jail for the first offense. The second offense the person will spend ten days in jail no matter what the blood alcohol content is; 120 days in jail if the person has a third offense; and if a person has a fourth offense the person spends 365 days in jail at a state facility. There will be serious cost consequences for the county. Sheriff Kaiser will be working on figures for this. Every DUI in the city and county will have automatic jail time and the county will have to house them. The 24/7 program is run by the Law Enforcement Center. They will see a huge increase. All juvenile alcohol arrests will run through the 24/7 program. There is no funding to offset this. This is completely local property taxpayer share that will fund this and the county will have to absorb this cost. This law will go into effect August 1, 2013.

The senate did pass a two percent increase to the retirement fund.

All voters who vote now will have to use identification. It has to be an approved identification by the Secretary of State. There will be no more voter affidavits to be filled out at the polling locations. There is no more personal vouching of voters by election workers. The Department of Transportation is providing free identification to anyone who wants one. The Secretary of State's office will be working with the colleges and nursing homes to come up with acceptable identification for the students to use for voting. The Secretary of State's office is looking to having their previous and current address on the form of identification to prevent dual voting.

The voter will have to submit an identification number on the absentee ballot; otherwise the ballot will not be accepted. The multiple columns on the ballot have been consolidated. The ballot will have a Democratic column, a Republican column, and the other parties will be consolidated down to one column.

The banking industry petitioned the state legislature to repeal the bank tax and be treated like corporate income tax. All political subdivisions of Stutsman County received a distribution of $340,420. Of that, Stutsman County received 21.3%, or $72,509. The county will receive that money this year. In 2014, the money the county receives will be offset through an increase of state aid.

Senate Bill 2176 was passed which is dealing the county highway aid funding. Stutsman County received $1.6 million which was paid to the county in February. Senate House Bill 1358 passed which set aside an additional $4,473,854 to Stutsman County. This money will be available to the county in February 2014. The county will be able to apply and have projects approved prior and submit for reimbursements on approved projects. The money must go to a county major collector route and it is not supposed to be used for new road construction but can be used for major upgrades. The mandate is any road that utilizes this funding must be 105,500 roads when the project is completed. The funding will be a 90/10 split with the county share being ten percent. The money cannot be used for maintenance purposes.

The county is trying to work with Tyler Technologies and address specific items the county needs such as customized tax receipts, tax statements, and reports that are sent out to taxpayers. It is $8800.00 which is a one-time fee. This will be a huge cost saving on staff time. Schwartz made a motion, seconded by Neys to approve the Tyler Technologies professional services statement of work. Motion Carried.

Ova made a motion, seconded by Schwartz to approve the James River Joint Water Resource Board's consideration of funding commitment for phase one of the James River Feasibility study in the amount of $10,000.00. Motion Carried.

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

GENERAL
0063007 153.67 A & B BUSINESS INC;0063011 113.00 BENDER/STEVE G;0063012 11.48 BERGQUIST/JERRY;0063013 5.79 BROWN & SAENGER;0063018 414.56 COLE PAPERS INC;0063020 391.17 CREATIVE ENERGY;0063021 334.29 DACOTAH PAPER CO;0063026 33.90 DUBORD/GWEN; 0063030 453.50 FARM & HOME PUBLISHERS INC;0063034 315.95 INFORMATION TECHNOLOGY DEPT;0063035 26,372.43 INSURE FORWARD;0063036 738.97 JAMESTOWN I-94 CLARK;0063037 26.80 JAMESTOWN IMPLEMENT;0063038 54.00 JAMESTOWN REGIONAL MEDICAL CENTER; 0063041 117.24 LASER SUBSTRATES INC;0063042 229.01 LEXISNEXIS MATTHEW BENDER;0063044 231.00 MAINSTAY SUITES;0063045 160.00 MARTINIZING DRY CLEANING;0063046 1,187.40 MDU; 0063047 99.00 METZGER/JOSHUA;0063049 280.00 NCRAAO 2013;0063055 262.00 OHIO CALIBRATION LABORATORIES;0063057 239.00 PERLEBERG/TYLER;0063061 156.20 QUILL CORPORATION;0063063 801.00 SANDNESS LAW OFFICE;0063067 300.00 STUTSMAN COUNTY WEED BOARD;0063069 165.59 TDS METROCOM;0063071 40.00 TRAUTMAN/RUSSELL;0063072 87.00 TWO RIVERS PRINTING
911 EMERGENCY PHONE SYSTEM
0063012 79.10 BERGQUIST/JERRY;0063017 1,315.12 CENTURYLINK;0063023 824.06 DAKOTA CENTRAL TELECOMMUNICATIONS JMTN;0063035 1,798.02 INSURE FORWARD;0063069 9.96 TDS METROCOM
ROAD FUNDS
0063009 528.84 ANDERSON/CHARLES;0063015 1,549.51 BUTLER MACHINERY CO;0063016 66.00 CENTRAL BUSINESS SYSTEMS INC;0063020 1,240.10 CREATIVE ENERGY;0063024 161.92 DAKOTA CENTRAL TELECOMMUNICATIONS JMTN;0063025 8.00 DAKOTA VALLEY ELECTRIC;0063027 154.98 EQUIPMENT DIST;0063028 773.26 FACTORY MOTOR PARTS CO;0063029 136.56 FARGO TRAILER CENTER;0063031 197.28 FASTENAL CO;0063032 152.55 GRUENSTEIN/LARRY;0063033 30.00 HOBBY TIRE;0063035 41,170.19 INSURE FORWARD;0063039 101.12 JAMESTOWN SUN;0063040 144.64 KOLLMAN/LLOYD;0063043 42.98 MAC'S INC;0063046 635.90 MDU;0063048 434.56 NAPA AUTO PARTS;0063052 1,377.50 NEWMAN SIGNS;0063053 65.00 NORTHWEST TIRE INC;0063056 14.26 OTTER TAIL POWER CO;0063058 46.44 POWER PLAN;0063059 71.57 PROBUILD;0063060 56.11 QUALITY SERVICE & REPAIR;0063065 2,832.00 STREETER COOP OIL;0063068 650.54 SWANSTON EQUIPMENT CO;0063069 17.87 TDS METROCOM;0063079 23,056.88 VINING OIL CO;

0063082 63.97 WEST END HIDE & FUR;0063084 3,122.90 YPSILANTI EQUITY ELEVATOR
SOCIAL SERVICES FUND TOTAL 276438.79
COUNTY PARK
0063008 2,891.00 ALL ABOUT STEEL BUILDINGS;0063017 107.98 CENTURYLINK;0063035 5,894.69 INSURE FORWARD;0063066 21,100.00 STUTSMAN COUNTY AUDITOR
COUNTY CORRECTIONAL CENTER
0063017 437.30 CENTURYLINK;0063035 12,563.64 INSURE FORWARD;0063046 1,134.10 MDU; 0063066 275,000.00 STUTSMAN COUNTY AUDITOR;0063069 104.47 TDS METROCOM;0063080 56.77 WALMART
WEED CONTROL
0063035 4,908.99 INSURE FORWARD;0063056 103.45 OTTER TAIL POWER CO;0063066 10,000.00 STUTSMAN COUNTY AUDITOR;0063078 86.34 VERIZON WIRELESS;0063083 29,547.00 WILHELM CHEVROLET BUICK GMC
VETERANS SERVICE
0063066 6,000.00 STUTSMAN COUNTY AUDITOR;0063069 9.21 TDS METROCOM
COUNTY AGENT
0063013 22.56 BROWN & SAENGER;0063022 112.08 DAKOTA CENTRAL TELECOMMUNICATIONS; 0063035 483.79 INSURE FORWARD;0063050 40.00 ND FARM BUREAU FOUNDATION;0063064 20.00 STEELE/TERESA;0063066 23,000.00 STUTSMAN COUNTY AUDITOR;0063070 14.05 TDS METROCOM
TAX REFUND
0063075 955.45 UNVERFERTH/SHIRLEY
DRUG PROGRAM FUND TOTAL 14460.64
WITNESS ADVOCACY PROGRAM FUND TOTAL 6000.00
DOCUMENT PRESERVATION FUND
0063074 19.40 UNDERGROUND VAULTS & STORAGE
COUNTY HAZARDOUS CHEMICAL ACCOUNT FUND TOTAL 369.68
DATA PROCESSING
0063019 417.00 CPS TECHNOLOGY SOLUTIONS;0063034 864.55 INFORMATION TECHNOLOGY DEPT;0063069 1.14 TDS METROCOM;0063073 17,938.00 TYLER TECHNOLOGIES INC
CO EXTENSION FUND
0063010 40.00 AVE MARIA VILLAGE;0063051 616.00 NDSU EXTENSION PESTICIDE PROGRAM; 0063054 85.11 NOVAK/LINDSEY
GRANTS
0063014 999.00 BUFFALO VALLEY RED CROSS
CENTRAL VALLEY HEALTH BOND ISSUE
0063081 400.00 WELLS FARGO CORPORATE TRUST SERVICE
FEMA FUNDS
0063039 264.96 JAMESTOWN SUN

At 10:05 a.m., a motion to adjourn was made by Schwartz, seconded by Neys. Motion Carried.

ATTEST:

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Casey Bradley	Mark T. Klose
Auditor/COO	Commission Chairman