Official Proceedings of the Stutsman County Commission

August 17, 2010

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

Chairman Klose opened discussion on the petitions to amend Articles 6 and 8 of the Home Rule Charter. Tom Tracy, Superintendent - Kensal Public School, had concerns and questions about the petitions not meeting the sponsor requirements. This could set a precedent for other potential efforts to change the home rule charter. He questioned whether other home rule counties had gone through a similar initiated measure process. He expressed concerns that most of the County's funds had to be spent in certain areas. Overall, the $1.2 million diversion of funds did not seen like a lot of money, but the county could only divert money from discretionary funds. The $1.2 million would be a large percentage of those discretionary funds.

Fritz Fremgen, State's Attorney, responded to the petition sponsorship requirement. He indicated that it was an argument over the process. No other Home Rule Charter counties had gone through the initiated measure process. The Courts required that no technical restrictions should be placed on the initiated measure process. If the County did not accept the petitions, the County could end up in court.

Noel Johnson, County COO, responded to Mr. Tracy that the $1.2 million redirection required by the petition did not seem like a lot of money relative to the County's overall budget of $16 million, but the County's only unrestricted fund was the General Fund. The amendment would require redirecting $800,000 from the General fund's $2.6 million budget to road funds. $1.6 million of the $2.6 million budget was employee wages. Budgets had been reduced over the years. This would require additional staff reductions.

Mr. Tracy questioned whether or not any other counties have road boards. Judy Graves responded that Richland County had a road board. Other home rule charter entities in North Dakota do not require sponsoring committees for their amendment process.

Jim Nowatski, Chairman of the Home Rule Charter Committee, commented that he had reviewed his committee notes and there was no record of any discussion on the state's initiated measure sponsor committee requirement. The Charter was drafted to be subservient to the state and not upset state law.

Commissioner Marks expressed his concern over the budget cuts that would be necessary if the measure to appropriate 2% of the county's taxable value passed. Funds for essential services could be at risk. Craig Headland responded that the Commission was the elected representatives of the County and it was their responsibility to provide necessary services to the electorate. The County taxes were the lowest percent in the state for roads while the total taxes were comparable to other counties. The measure would help divert more state money to roads and help leverage more federal funds. Judy Graves suggested moving Highway Distribution money from the road department into the farm-to-market fund and pay for the farm-to market maintenance out of that fund instead of the road fund. Commissioner Klose responded that moving the money from the road fund into the road construction fund will leave no money for road maintenance. Alternatively, moving the money and expenses from one fund to another does not create any new money. Either way it is the same end result, the county has to maintain and fix roads.

Tom Tracy recalled that the road committee of a few years ago was a broad representation of people. The committee concluded the matrix system was the best method to prioritize roads – the most used roads in the poorest condition were the highest priority to fix and maintain.

Noel Johnson, County COO, reported that the petition to amend Article 6 (road committee) had the required number of signatures to be placed on the ballot while the petition to amend Article 8 (2% allocation funds) had 1,484 signatures and not the required 1,491. Additional signatures could be acquired. Marks made a motion seconded by Ova to approve the petition for allocating 2% of the net taxable value of the county into the farm-to-market road fund provided the required additional signatures were submitted. Under advice of Fremgen, Marks withdrew the motion and Ova withdrew his second. Marks made a motion seconded by Ova to acknowledge receipt of the petition to amend Article 6 of the Home Rule Charter (road committee) and place the question on the November ballot. Roll call vote – Ova, Marks, Kaiser, Neys and Klose voted aye.

A motion was made by Marks seconded by Neys to allow submission of the necessary number of signatures for the petition to amend Article 8 of the Home Rule Charter by August 27th. Roll call vote – Marks, Kaiser, Neys, Klose and Ova voted aye.

Johnson presented the Recovery Zone Facility Bonds Policy (RZFBs) that had been referred back to the JSDC Board at the July 20, 2010 commission meeting for their approval of the policy. Klose stated that the JSDC Board had approved the policy. There were $6.7 million in development bonds and $10.1 million in facility bonds available. Funds must be used by January 1. Neys made a motion

seconded by Ova to adopt the Recovery Zone Facility Bonds Policy. Roll call vote – Kaiser, Neys, Klose, Ova and Marks voted aye.

Brian Osowski, Osowski Business Consulting, and Ted Holmes, Vice-President-Finance – IRET Properties presented an application (letter) for $2.2 million of RZFBs allocation for improvements to the Bison Theater at the Buffalo Mall. Improvements would include six new theaters with stadium seating and digital surround sound. The County would act only as the conduit and would bear no responsibility to the obligation of these bonds. He was requesting preliminary approval of the project and to also set the public hearing for the September 21, 2010 Commission meeting. Osowski explained that this allocation of facility bonds would go away on January 1, 2011, a new allocation, based on different criteria would possibly be available after January 1. Ova made a motion to hold the public hearing on the issuance of Recovery Zone Facility Revenue Bonds to IRET Properties on September 21, 2010 seconded by Neys. Motion carried. A motion to grant preliminary approval of the project was made by Marks and seconded by Neys. Roll call vote – Neys, Klose, Ova, Marks and Kaiser voted aye.

Commissioner Kaiser left the meeting at 9:15 a.m.

Connie Ova, CEO-JSDC, presented the 2011 draft budget. She stated that as many cuts as possible had been made to the budget and JSDC would be asking for the same amount ($78,000) as last year. Klose said that the budget had been approved by the JSDC Board. A motion to approve the budget was made by Neys and seconded by Marks. Roll call vote – Klose, Ova, Marks and Neys voted aye.

Commissioner Kaiser rejoined meeting at 9:17 a.m.

Lindsay Larson, JSDC Marketing/Business Development Specialist, presented a request for a policy and procedure change pertaining to the mandatory publication in The Jamestown Sun. She would like to recommend a minimum of a quarter page ad twice a year versus a full page ad twice a year to assist in cutting the budget for JSDC. JSDC utilizes their website, e-Newsletter, press releases, newspaper articles, radio shows, Facebook, Twitter and public speaking to promote and generate awareness for the organization. Neys made a motion seconded by Ova to concur with the change in the mandatory publication requirement. Motion carried.

Connie Ova presented a request from FARRMS, Medina ND, for $5000 economic development funds in order to hire an additional 0.75 full time employee. Sharon Clancy, FARRMS, stated that the organization was a private, non-profit organization that provides education, facilitation and micro loans to small North Dakota farmers in sustainable agriculture throughout the state. Most classes were conducted in Medina, bringing economic activity into the city in terms of meal service and lodging. There would be 2.75 people employed with this new staff position; their partner, International Certification Services (ICS) employed approximately 30 people. This would be a one-time request to help them on their way. This would be 100% County funded. Ova made a motioned seconded by Marks to approve the $5000 funding. Roll call vote – Ova, Marks, Kaiser, Neys and Klose voted aye.

Lindsay Larson showed the Commission the marketing folder that would be used as follow-up to the people that they meet at trade shows. The folder included a generic intro letter, flyers for the three business parks in the area, annual report, and a brochure booklet on Jamestown and Stutsman County. Marketing stats were also presented to show that their efforts were working.

9:26 a.m. Commission meeting break

9:29 a.m. Commission meeting reconvened

Robin Iszler, Central Valley Health District Administrator, presented the proposed 2011 budget. There was an increase of approximately $12,000 in expenditures over 2010. Overall budget was about $1.7 million dollars for the health department with a large portion being federal sources. The County's share of expenditures was mainly increased salaries due to loss of federal programs to pay salaries and health insurance.

The joint Logan/Stutsman County Commission meeting was set for 8:00 a.m. on September 21, 2010 for the final approval of the Central Valley Health District 2011 Budget.

Jeff Mitchell discussed the road between sections 17, 18 and 19 in Chase Lake Township. The road was originally a graded road in the 70's. The road would be beneficial for all parties to access farm land. It requires 21 miles of extra driving miles to reach farmland on the other side and it is a definite safety issue during potato harvest. Mitchell along with the VanRay's would like to do the work to reconstruct the road. They have the materials that would be necessary for the reconstruction within a mile of the site and would be willing to do the work and use their own equipment for the repair. Mike Zimmerman, County Highway Superintendent, stated that as long as they were displacing water, mitigation acres would come into play. The Commission advised Mitchell to contact the Chase Lake National Wildlife Refuge for their input and approval. Neys made a motion seconded by

Kaiser that as long as Mitchell and VanRays work with and gain approval from Chase Lake, Game and Fish and the Corp, the Commission would approve their efforts. Motion carried.

Marks raised the question, for a constituent, on whether a site authorization to the same organization could be held in two locations within the same town (village). Johnson reported that the paperwork for the site authorization had been completed.

A motion to approve the site authorization for the ND Buffalo Foundation at the Jamestown Country Club was made by Ova and seconded by Kaiser. Motion carried.

A motion to approve the site authorization for the Knights of Columbus at Cuz'n Ron's Saloon in Ypsilanti was made by Neys and seconded by Ova. Motion carried.

Tracey Trapp, LEC Administrator, requested permission for out-of-state travel to attend the Bureau of Prisons Contractors and Conference Training in St. Louis, Mo. Kaiser made a motion seconded by Neys. Motion carried.

Johnson requested approval of polling location and polling hours for the General Election. An Early Voting Precinct at the courthouse, an Absentee Precinct to process absentee ballots at the Courthouse the day of the election, the same polling locations as the Primary Election (Vote Center in the Civic Center in Jamestown and rural precincts in Pingree, Kensal and Medina). The polling hours would be from 7:00 a.m. to 7:00 p.m. A motion was made by Ova and seconded by Kaiser to approve the November election precincts and polling hours. Motion carried.

Clyde Reister, Newbury Township Chairman, reported that their township had four areas go under water this spring and recently had two more areas that were ready to go under. They had taken the necessary action and pictures for FEMA assistance. The Township was looking for a $10,000 loan from the County in order to move ahead with the repairs. Neys made a motion seconded by Ova to approve the $10,000 load the Newbury Township. Johnson reported that the interest rate was 5% for 5 years from the General Fund Sub-Account. Roll call vote - Marks, Kaiser, Neys, Klose and Ova voted aye.

Marks made a motion to approve $115.00 in taxable meals. Motion was seconded by Kaiser. Roll call vote – Kaiser, Neys, Klose, Ova and Marks voted aye.

Ova made a motion seconded by Neys to approve the payment of the mid-month bills. Roll call vote – Neys, Klose, Ova, Marks and Kaiser voted aye.

Fund	Warrant No	Amount	Vendor Name
GENERAL			
	0052325	115.45	A & B BUSINESS INC
	0052328	70.48	ALLTEL
	0052331	707.84	BOB'S PHOTO
	0052339	958.44	CDW GOVERNMENT INC
	0052343	122.00	COMFORT INN
	0052347	21.42	CROSSROADS REPAIR LLC
	0052353	647.32	DAN'S SOOPER STOP
	0052354	30.00	DEFRIES/JEFF
	0052355	320.00	DICK/TIFFINEY
	0052356	1,855.00	DKK GUARDIANSHIP SERVICES INC
	0052357	40.97	FARMERS UNION OIL CO-CENEX
	0052360	187.50	FREMGEN/FRITZ
	0052363	45.98	GUN & REEL SPORTS, INC.
	0052364	105.36	HAROLDSON'S A & B BUSINESS
	0052371	30.00	INSTITUTE OF LOCAL GOVT
	0052374	548.71	JAMESTOWN I-94 CLARK
	0052378	175.00	LEFEVRE/TROY
	0052379	366.32	LEXISNEXIS MATTHEW BENDER
	0052384	60.00	N D ASSOCIATION OF COUNTIES
	0052385	337.83	N D ASSOCIATION OF COUNTIES RESOURCE GRP
	0052386	210.00	N D P O A
	0052388	2,559.90	N D YOUTH CORRECTIONS CENTER
	0052393	9.36	NORTHERN SAFETY TECHNOLOGY INC
	0052394	5,320.00	NORTHPORT MEDICAL INC
	0052398	19.99	OFFICELAND
	0052401	160.00	PRESS ROOM/THE
	0052408	277.50	SANDNESS LAW OFFICE
	0052409	155.00	SCHMITZ/JAY A
	0052410	536.60	STAMP FULFILLMENT SERVICES
	0052411	741.54	STOP & GO #431
	0052412	51.14	STOUDT INC/R M
	0052414	151.42	TDS METROCOM
	0052416	40.00	TRAUTMAN/RUSSELL

	0052420	30.00	VOGEL/JASON
	0052425	36.99	5 STAR EXPRESS LUBE
		17,045.06	Final Total
911 EMERGENCY PHONE SYSTEM			
	0052339	184.53	CDW GOVERNMENT INC
	0052348	579.00	DAKOTA CENTRAL TELECOMMUNICATIONS
	0052350	146.52	DAKOTA CENTRAL TELECOMMUNICATIONS JMTN
	0052384	2,630.23	N D ASSOCIATION OF COUNTIES
	0052403	1,287.84	QWEST
	0052414	5.71	TDS METROCOM
		4,833.83	Final Total
ROAD FUNDS			
	0052327	162.18	ALLIED ELECTRONICS INC
	0052329	305.36	AMERIPRIDE LINEN & APPAREL
	0052334	143.15	BUTLER MACHINERY CO
	0052335	160.96	CARQUEST AUTO PARTS
	0052337	1,096.29	CATCO PARTS & SERVICE
	0052342	126.05	CNH CAPITAL
	0052344	2,369.61	CREATIVE ENERGY
	0052350	159.52	DAKOTA CENTRAL TELECOMMUNICATIONS JMTN
	0052351	6.00	DAKOTA VALLEY ELECTRIC
	0052352	200.00	DAN POLAND MACHINE INC
	0052358	66.12	FASTENAL CO
	0052359	168,920.50	FLINT HILLS RESOURCES LP
	0052367	2.10	HOME OF ECONOMY
	0052372	550.00	INSURE FORWARD
	0052376	207.00	JOHNSTON FARGO CULVERT INC
	0052380	74.18	M D U
	0052381	47.86	MAC'S INC
	0052383	295.42	N A P A AUTO PARTS
	0052390	64.20	NEWMAN SIGNS
	0052391	705.00	NORTH CENTRAL RENTAL & LEASING
	0052392	230.45	NORTHERN ENGINE & SUPPLY, INC
	0052395	78.32	NORTHWEST TIRE INC
	0052398	69.58	OFFICELAND
	0052400	132.97	PRAXAIR DISTRIBUTION INC
	0052402	294.63	QUALITY SERVICE & REPAIR
	0052413	647.00	SWANSTON EQUIPMENT CO.
	0052414	19.01	TDS METROCOM
	0052418	131.50	VERIZON WIRELESS
	0052422	127.26	WEST END HIDE & FUR
	0052423	150.00	WILLEYS SEPTIC TANK SERVICE
	0052424	2,402.20	WOODWORTH FARMERS ELEVATOR CO
		179,944.42	Final Total
SOCIAL SERVICES			
		864.74	Final Total
COUNTY PARK			
	0052328	46.22	ALLTEL
	0052329	250.00	AMERIPRIDE LINEN & APPAREL
	0052403	123.05	QWEST
		419.27	Final Total
COUNTY CORRECTIONAL CENTER			
	0052328	196.16	ALLTEL
	0052330	33.00	BLINSKY/PAM
	0052333	79.50	BROWN/DORINDA
	0052340	33.00	CEBULA/SCOTT
	0052373	229.00	JAMESTOWN COMMUNICATIONS INC
	0052398	79.77	OFFICELAND
	0052403	402.10	QWEST
	0052414	73.83	TDS METROCOM
		1,126.36	Final Total
WEED CONTROL			
	0052345	2,286.90	CREATIVE ENERGY INC.
	0052346	12,185.00	CROP PRODUCTION SERVICES
	0052361	71.24	GARY'S TROLLING MOTOR SERVICE
	0052362	432.48	GCR TIRE CENTERS
	0052365	300.00	HEINRICH/RICHIE
	0052375	250.92	JAMESTOWN SUN
	0052382	62.66	MAC'S INC
	0052397	112.59	O'REILLY AUTOMOTIVE INC.
	0052399	57.60	OTTER TAIL POWER CO
	0052404	1,146.37	R & B MOTORSPORTS
	0052406	103.50	RENTAL STORE/THE
	0052414	.33	TDS METROCOM
	0052417	57.37	TRUE VALUE HARDWARE
	0052419	32.64	VINING OIL CO.
	0052421	208.50	WALMART
		17,308.10	Final Total
VETERANS SERVICE			
	0052414	11.09	TDS METROCOM
		11.09	Final Total
COUNTY AGENT			
	0052349	112.08	DAKOTA CENTRAL TELECOMMUNICATIONS
	0052387	45.00	N D S U
	0052407	388.44	SAHR/EUNICE
		545.52	Final Total

EMPLOYEES HOSPITAL INS			
	0052396	25.00	NWWA
		25.00	Final Total
DRUG PROGRAM			
		7,098.68	Final Total
COUNTY CORRECTIONAL CENTER CONST.			
	0052377	472.19	KEEPERS INC
		472.19	Final Total
DOCUMENT PRESERVATION FUND			
	0052336	297.00	CASS COUNTY TREASURER
		297.00	Final Total
COUNTY HAZARDOUS CHEMICAL ACCOUNT			
	0052375	83.64	JAMESTOWN SUN
		83.64	Final Total
GENERAL FUND SUB ACCOUNT			
	0052389	10,000.00	NEWBURY TOWNSHIP #38 - DD
		10,000.00	Final Total
DATA PROCESSING			
	0052326	1,512.00	ACOM SOLUTIONS
	0052338	529.28	CDW GOVERNMENT
	0052364	70.16	HAROLDSON'S A & B BUSINESS
	0052366	75.00	HIGH PLAINS TECHNOLOGY
	0052369	590.80	INFORMATION TECHNOLOGY DEPT
	0052398	169.49	OFFICELAND
	0052405	3,000.00	REAL VISION SOFTWARE
	0052414	5.93	TDS METROCOM
		5,952.66	Final Total
ROAD AND BRIDGE BUILDING FUND			
	0052332	1,556.76	BOB'S PLUMBING & HEATING INC
		1,556.76	Final Total
CO EXTENSION FUND			
	0052368	5.14	HUGO'S 9
		5.14	Final Total

10:03 a.m. the Commission recessed for a break prior to the 2011 budget review by department.

Commissioner Kaiser left for the remainder of the meeting.

10:10 a.m. the Commission reconvened for the 2011 budget review.

Warren Tobin, representing the employee wage and benefit's committee, presented the employee's request for the 2011 budget – one step increase on the pay scale and a 1.1% cost of living adjustment for eligible employees based on a satisfactory job performance. He thanked the Commission for covering the cost of health insurance in the past and hoped that the cost coverage would be able to continue. Johnson stated that increases in health insurance premiums were projected to be around 14% for the next biennium. The 2011 department budgets included an 8% increase.

Mike Zimmerman, County Highway Superintendent, reviewed the Road Department Budget. Wages were increased for more part time help. Maintenance was increased to reflect increases in parts and maintenance costs. Overlaying and resealing was increased to chip seal the Ypsilanti road and the Montpelier road. Patching was increased for additional recycling. Purchase of assets projected were a motor grader, a pickup and a tire packer. The budget shortfall was $200,000 with $300,000 additional deficit spending in the Highway Distribution Fund. Johnson indicated that the Emergency Fund would deficit spend $500,000 to cover the cost of the County's share of the cost for grade raises in the Cleveland area.

Zimmerman requested permission to purchase a new laser printer to replace a printer. Neys made a motion seconded by Ova to allow the purchase of a replacement laser printer. Motion carried.

Tracey Trapp, LEC Administrator presented the 2011 budget request for the Law Enforcement Center.

Trapp reported that they had to employ the proper number of staff and the Center was well within guidelines. It was also a liability issue - one mishap/event - then all guidelines would be reviewed closely. He said that if the LEC did not have contracted inmates from other counties and federal, they would be strictly a County jail – there would be no revenue from outside sources. Johnson told the Commission that the County pays $100,000 out of the General Fund for the County share of the LEC and $105,000 for dispatch wages. The County does not pay anything to house the County's prisoners or for space for the Sheriff's Department in the LEC.

The LEC Building Fund (Fund 41) was reviewed. Johnson stated that when he looked at the request of $212,000 for purchase of fixed assets and looked at the fund balance, the fund would be $100,000 in the red. Trapp reviewed the individual items in the request: roof replacement - $170,000, the roof has leaked and been patched numerous times and had been on the purchase of fixed assets list for a number

of years; cooling tower control system (more efficiency) $3,000; wireless security system (panic buttons) - $6,000; air system controller for basement/1st floor - $5,000; (2) heat pumps - $5,000; concrete replacement - $8,000; conference room audio system - $11,300; carpet cleaning machine - $3,500 and vacuum cleaner - $800. Much of the request was required just to keep the building in good repair.

Trapp discussed the budget for the Law Enforcement Center (Fund 23), the medical expense line item was increased by $5,000. NDCCAA was working on developing a type of medical insurance coverage for facilities to cover the cost of major medical treatment for inmates. Each County had the responsibility of covering inmates' medical expense for prisoners from their County. Room and Board was increased respective to the increase in number of inmates. Medical Group Insurance expense was increased.

Fixed asset purchase requests included flooring and bunks in the remodeled multi-purpose room, a van trade-in for prisoner transport, cooler shelving, computers, chairs, floor buffer, taser, restraint chair, washing machine and dryer. Total purchase of fixed assets request was $54,200.

Jerry Bergquist, 9-1-1 Coordinator/Emergency Manager, reviewed the 2011 Communications budget. This was a portion of the LEC budget. The service contract line item was adjusted to reflect the increase charge from State Radio. Group insurance costs increased. Wage line item - $115,000 comes from the 9-1-1 budget and $105,000 from the General Fund.

Bergquist reviewed the 9-1-1 budget. This fund was a dedicated revenue account – moneys can be spent only for 9-1-1 purposes. Revenue was decreasing from the land line use, wireless use was increasing. Revenue dollars would be banked for major equipment update expenditure in 2012. Equipment was not available for purchase in 2011. Original equipment was purchased in 1999. Maintenance and repairs included $10,000 for painting and checking the 260' tower at Cleveland. Purchase of assets include a NetClock (time synchronization system), and replacement of a dispatch chair, Motorola workstations and laser printer, for a total of $28,300.

Emergency Management Fund receives federal dollars to help run their office. Funding can only be used to finance this department. In 2009 this fund received $41,924 in federal reimbursement and expenditures were $50,000 from the general fund.

Sheriff Orr reported on grants that had been applied for. Funds received from grants were used mainly for purchase of equipment. Expenditures for the 2011 budget stayed relatively the same, did add a line item for mobile data terminal technology and programs for equipment upgrade. Orr explained that many of their duties were by spelled out by State law, if required to cut his budget by 20%, he would most likely need to cut 2 positions. This in turn would take away from their response time, programs for the public, etc. Vehicle trades were based on the mileage of the vehicle. Pickups were purchased because of the driving conditions deputies encounter six months out of the year.

Eunice Sahr, Extension County Agent, visited with the Commission regarding the Extension Fund (Fund 27). The General Fund was supplementing this fund ($19,500 for 2010) to balance the books. Sahr reported that merging of counties was initiated by the governing boards of the counties. When the part-time 4-H person/secretary was added to their staff is when the 2 mills levy began to be overspent. Sahr does not envision any changes in staffing. 4-H was expanding its programming, if the part-time person was dropped then more of the responsibility would fall on the two County Agents. Johnson recommended putting a ½ mill levy increase measure on the November ballot for the voters need to decide on additional funding for the Extension Office. Ova made a motion seconded by Neys to put the ½ mill levy increase measure on the ballot. Johnson estimated that a ½ mill increase would equal approximately $2.25 on a $100,000 house and about a $1.00 on a quarter of land. Roll call vote – Klose, Ova, Marks and Neys voted aye.

The next meeting would be held on August 24, 2010 at 7:00 a.m. to continue the 2011 budget review and review of the road petition.

Ova made a motion seconded by Marks to adjourn. At noon, the mid-month meeting of the Stutsman County Commission was adjourned.

ATTEST:

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