Official Proceedings of the Stutsman County Commission

October 4, 2011

At 4:00 p.m., Chairman Klose called the regular meeting of the Stutsman County Commission to order. Dennis Ova, Dale Marks, David Schwartz, Craig Neys and Mark T. Klose answered roll call.

A motion to approve the minutes from the September meetings was made by Schwartz and seconded by Ova. Motion carried.

The public hearing was held on the proposed Model "D" Floodplain Management Zoning Ordinance Amendment. Noel Johnson, Zoning Administrator, presented the amendment as approved by the Stutsman County Planning and Zoning Commission. Jerry Bergquist, 9-1-1 Coordinator/Emergency Manager, reviewed the amendment. He indicated that this would change the flood plain management ordinance from the emergency phase to the regular phase. Only property within a mapped area would be subject to the ordinance restrictions. Only a very small portion of the County south of Jamestown along the James River and a small area adjacent to Spiritwood Lake was mapped. The change would allow individuals to acquire up to $250,000 in flood insurance protection. Nellie Degen supported the amendment as it would allow an opportunity for residents to acquire flood insurance protection before next spring. Schwartz made a motion seconded by Neys to approve the amendment. Roll call vote – Ova, Marks, Schwartz, Neys and Klose voted aye.

Bergquist presented a mutual aid agreement between the City of Jamestown and Stutsman County. Jim Ruether, Jamestown Fire Chief, indicated that the prior agreement had expired several years ago. The agreement ensures that any costs for the mutual aid will qualify for FEMA reimbursement. A motion was made by Ova seconded by Schwartz to approve the agreement. Roll call vote – Marks, Schwartz, Neys, Klose and Ova voted aye.

Bergquist requested approval of a contract with the ND Association of Counties and the ND League of Cities to conduct disaster training and to conduct a disaster exercise. Bergquist had a Homeland Security Grant to pay the $20,500 contract fees. Neys made a motion seconded by Marks to approve the contract. Roll call vote – Schwartz, Neys, Klose, Ova and Marks voted aye.

Bergquist presented a draft of a letter to the Township Officers. The letter would inform the Townships of the upcoming Special Legislative Session. The State Emergency Management Office indicated that the Special Session would be addressing flood related issues. The townships may want to consider contacting their Legislators to inform them of the Township's financial difficulties dealing with FEMA projects and other road repairs caused by several consecutive years of abnormally high moisture, and to encourage them to propose legislation for funding assistance. Johnson requested permission to send a similar letter to the Governor outlining the County's and the Township's financial problems associated with the high water on County and Township roads. Marks made a motion seconded by Ova to authorize sending the letters. Motion carried.

Lindsay Larson, JSDC Marketing/Business Development Specialist, presented a funding request for the South Central Dakota Regional Council/Small Business Development Council for 2012. Marks made a motion seconded by Schwartz to pay $11,914 from JSDC funds for the annual dues. Roll call vote – Neys, Klose, Ova, Marks and Schwartz voted aye.

Steve Thompson, Interstate Engineering, presented the advertisement for Requests for Proposals for engineering services for permanent repairs on the Emergency Relief projects. The RFP's were required to qualify for 80% reimbursement of the preliminary and construction engineering cost. A motion was made by Ova seconded by Marks to advertise for engineering services. Motion carried.

Schwartz made a motion seconded by Marks to hire Beaver Creek Archeology for the cultural resources investigation on the Great River Energy (GRE) paving project in Spiritwood Township at a cost of $1,785. Roll call vote – Klose, Ova, Marks, Schwartz and Neys voted aye.

By consensus, the Commission authorized Thompson to contact subsoil consultants for boring estimates on the GRE road.

Mickey Nenow, County Highway Superintendent, gave his monthly report. He requested payment of the following bills for Emergency Repairs on County roads: RTS Shearing - project 47-5 - $198,034.93; project 47-6 - $134,130.65; project 47-12 - $150,318.56; Lindberg Brothers, Inc. - project 47-1 - $315,181.15; Border States Paving Inc. - Gavilon Road paving - $512,757.24. Schwartz made a motion seconded by Marks to pay the bills. Roll call vote – Ova, Marks, Schwartz, Neys and Klose voted aye.

Nenow requested permission to send 5 blade operators to a training class in Jamestown at a cost of $40 per man. Ova made a motion seconded by Neys to approve the request. Motion carried.

A motion was made by Neys seconded by Ova to authorize out-of-state travel for road department personnel and commissioners to attend the Regional Local Roads Conference in Rapid City, SD, October 25th through the 27th. Motion carried.

Commissioner Schwartz reported that the Water Board had approved a request to allow a drain to lower water on County Road 43. The drain was in and the water was off the road.

Commissioner Marks expressed concerns over depleted gravel pits. Nenow responded that no gravel had been crushed this year. The bids for crushing would expire which would allow the County to rebid the gravel crushing for next year.

Johnson reviewed the Federal Aid report from the ND DOT. Stutsman County would have $1,753,294 in the Federal Aid account in 2012. The County's Matching Federal Aid fund would have about $1.4 million. These funds could be used for a paving project. Ova made a motion seconded by Neys to push potential projects back another year and certify the same projects for 2013, 2014 and 2016. Motion carried. The certification was non-binding – the Commission could add or change any projects on the list.

Fritz Fremgen, State's Attorney, reviewed his monthly report. The time had expired for a potential appeal by Margo Haut. Ashley Heitkamp, Assistant State's Attorney, continued to work on Title VI compliance issues. The additional District Judge in Jamestown helped to increase case closings and reduce the number of cases pending. Bounced checks were down, but identity theft was up.

Toni Hible, Director of Tax Equalization, requested out-of-state travel for her and the staff appraiser to attend a one day educational seminar in Cohasset, Minnesota. Ova made a motion seconded by Neys to approve the request and to authorize payment of the $55 per person registration fees. Motion carried.

Tracey Trapp, LEC Administrator, requested out-of-state travel for the LEC nurse and her assistant to attend the American Correctional Health Services Association Conference in St Cloud, Minnesota, November 2nd and 3rd. Schwartz made a motion seconded by Ova to authorize the travel and the $100 per person registration fees. Motion carried.

Nellie Degen, a cabin owner, addressed the proposed increase in cabin permit fees. She and her husband were requesting that the seasonal permit fees be increased over the Bureau of Reclamations proposed amount. She wanted to go on record that the proposed fee structure and past fees were not fair and could be considered discriminatory when compared to the amount charged to the year-around permit holders ($2,360 for year-around and $983 seasonal (7 months)). The Bureau had indicated to her that the fees could not be less than recommended but they could be more. She proposed that the seasonal rate be half of the year-around rate. The increased rates would generate about $6,000 in additional revenue for the Park Board.

At 5:14 p.m., the Commission meeting was recessed for the Park Board meeting.

Stutsman County Park Board Meeting

October 4, 2011

At 5:20 p.m. Chairman Klose called the Stutsman County Park Board meeting to order. Park Board members present were Dennis Ova, Dale Marks, David Schwartz, Craig Neys, Mark Klose, Mark Schlecht and Bob Woodward.

A motion to approve the minutes from the September meeting was made by Neys and seconded by Woodward. Motion carried.

Woodward made a motion seconded by Schlecht to pay the following bills. Roll call vote - Woodward, Schlecht, Ova, Marks, Schwartz, Neys and Klose voted aye.

Fund	Warrant No	Amount	Vendor Name
COUNTY PARK			
	0056894	181.53	CENTURYLINK
	0056910	250.64	DAKOTA SANITATION
	0056957	22.34	MAC'S INC
	0056972	393.92	N A P A AUTO PARTS
	0056982	16.00	N D PUBLIC HEALTH LABORATORY
	0056989	1,734.00	NORTHERN PLAINS ELECTRIC
	0056991	20.00	NORTHWEST TIRE INC
	0057026	281.50	STUTSMAN RURAL WATER DISTRICT
		2,899.93	Final Total

Johnson reported that the concessionaire contract for Pelican Point Landing would expire this year. The current contract provided for suspension of some of the contract terms as deemed necessary for visitor safety, health and enjoyment of the area. In his opinion, this provision would allow the Park Board to suspend the term of the contract due to the high water since 2009. The current concessionaires at Pelican Point and at the Marina have had very difficult financial problems due to the high water since 2009. The Board could consider extending the contract to the current concessionaire or they could solicit proposals for a new contract. The campground committee would meet with the concessionaires and the Bureau of Reclamation to consider extending the concessionaire's contracts and report back to the full Board.

Nellie Degen addressed the Park Board and made the same request as she had made to the County Commission. The permit fee structure was not fair. The seasonal fees should be half of the year around fees.

Ron Qual, representing the Cabin Owners Association, expressed concerns over the continual rise in permit fees. Where would the increases end - the fees should be capped. Because of the high water, the cabin owners had no use of their frontage and had to deal with damages to their property due to the high water. Their association wanted to go on record opposing the fee increases.

Sandy Eckelberg, Accounts and Property Coordinator, reported that the permit fees were due by the end of the year. She had to give a 60 day notice to cabin owners. The Board needed to make a decision soon to meet the deadlines. The Bureau recommended an increase from $1,930 to $2,360 for year around and from $800 to $983 for seasonal. The higher rates had been recommended for last year, but the Board had been catching up with the recommended fees for several years.

Nellie Degen commented that the rates could not be less than the Bureau recommended, but they could be more.

Ron Qual indicated he had a year around permit, but he was not in favor of raising his neighbor's permit fees – leave as recommended by the Bureau.

Schlecht made a motion seconded by Woodward to set the permit fees at $2,360 for year around and $983 for seasonal. Roll call vote – Woodward - aye, Ova - aye, Marks - nay, Schwartz - nay, Neys - nay, Klose - nay, Schlecht - aye. Motion failed.

Schwartz made a motion to set the permit rates at $2,360 for year around and $1080 for seasonal. The motion died for lack of a second.

Woodward made a motion seconded by Ova to table consideration until the next meeting and to talk to Scott Hettinger at the Bureau of Reclamation. Motion carried.

Dennis Lorenz gave his monthly report. He requested permission to buy a truck at a truck auction. The purchase was in next years' budget. Ova made a motion seconded by Schlecht to authorize up to $10,000 for the purchase of a used truck. Motion carried.

Lorenz reported that the campgrounds were closed for the season. His crew would try and install a high water boat ramp at the boat club yet this fall. A HazMat review had recommended better signage.

Ron Qual indicated that the grade raise on the west side cabin access road would not be done this year due to high estimates and high water. The money would be saved until next year.

At 6:05 p.m. a motion to adjourn was made by Ova and seconded by Woodward. Motion carried.

At 6:10 p.m., the regular Commission meeting was called back to order with all Commissioners present.

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

Fund	Warrant No	Amount	Vendor Name
GENERAL			
	0056866	126.99	A & B BUSINESS INC
	0056872	506.92	BAKKEN/DUSTIN
	0056877	25.00	BODINE/KYLIE
	0056880	40.00	BRIAN'S SERVICE & REPAIR
	0056883	68.54	BROWN & SAENGER
	0056888	1,680.58	C H S CREDIT CARD DEPT
	0056891	179.98	CARQUEST AUTO PARTS
	0056894	768.54	CENTURYLINK
	0056895	289.83	CHADDUCK/LINDA
	0056896	25.00	CHAPIN/HEATHER

	0056897	25.00	CHAPIN/RANDY
	0056898	137.50	CITY DIRECTORIES
	0056899	1,791.82	CITY OF JAMESTOWN
	0056907	300.40	CRAIG/MICHAEL R
	0056925	25.00	GETTLER/DUSTIN
	0056926	25.00	GOURNEAU/CHAD
	0056927	95.91	GRAYBAR
	0056929	25.00	HARR/NICK
	0056931	512.53	HIBLE/TONI
	0056937	1,250.00	JAMESTOWN AMBULANCE
	0056938	2,739.33	JAMESTOWN ELECTRIC
	0056945	362.43	JETSTREAM CAR WASH
	0056949	532.50	KROPP LAW OFFICES PC
	0056950	25.00	LANENGA/DEVERSHAWN
	0056953	25.00	LESLIE/TANNER
	0056954	496.00	LEXISNEXIS MATTHEW BENDER
	0056956	275.82	M D U
	0056957	55.70	MAC'S INC
	0056960	92.00	MAYER/JEROME P
	0056962	790.00	MEDINA AMBULANCE SERVICE
	0056965	461.25	MID-AMERICAN RESEARCH CHEMICAL CORP
	0056967	72.00	MIDWEST MANAGEMENT
	0056968	25.00	MILLER/ABBY
	0056971	14.69	N A P A AUTO PARTS
	0056974	15.00	N D A A O
	0056979	11.50	N D DEPT OF MOTOR VEHICLE
	0056985	60.00	NACCTFO
	0056989	76.00	NORTHERN PLAINS ELECTRIC
	0056999	25.00	PETERSON/JOHN
	0057004	770.00	RAMKOTA HOTEL
	0057010	1,491.80	RICHARD EDINGER LAW OFFICE
	0057013	137.20	RYAN/JANESSA
	0057014	89.25	SANCTION SOLUTIONS
	0057015	97.50	SANDNESS LAW OFFICE
	0057016	39.00	SCHERBENSKE & SONS
	0057017	2.82	SCHUBERT'S CARPET ONE
	0057022	92.50	STRAND/ARNOLD E
	0057035	788.49	VERIZON WIRELESS
	0057037	248.79	VISA RD
	0057043	476.28	WEST GROUP PAYMENT CENTER
	0057045	25.00	WILLIAMS/AARYCA
	0057046	42.34	WILSON/HUNTER
		18,354.73	Final Total
RESTORATIVE JUSTICE FUND			
		72.00	Final Total
911 EMERGENCY PHONE SYSTEM			
	0056892	1,070.21	CDW GOVERNMENT
	0056902	130.00	COMFORT INN
	0056975	1,762.22	N D ASSOCIATION OF COUNTIES
	0057033	202.40	U S POSTMASTER
	0057036	129.99	VISA EMS
		3,294.82	Final Total
ROAD FUNDS			
	0056869	159.12	ANDERSON/CHARLES
	0056878	46,902.45	BORDER STATES PAVING INC
	0056881	464.60	BROCK WHITE COMPANY
	0056887	271,881.96	BUTLER MACHINERY CO
	0056891	339.98	CARQUEST AUTO PARTS
	0056899	11.50	CITY OF JAMESTOWN
	0056908	4,368.88	CREATIVE ENERGY
	0056910	26.31	DAKOTA SANITATION
	0056920	244.80	FARMERS UNION OIL CO-CENEX
	0056922	15,107.40	FLINT HILLS RESOURCES LP
	0056933	121.92	HOME OF ECONOMY
	0056934	68.02	INFINITY BUILDING SERVICES
	0056941	48.56	JAMESTOWN SUN
	0056943	830.00	JB EXCAVATING
	0056948	404.94	KOBLE/RON
	0056956	103.47	M D U
	0056957	31.13	MAC'S INC
	0056958	70.00	MARGIE HANDY WORK
	0056973	462.46	N A P A AUTO PARTS
	0056987	361.33	NELSON INTERNATIONAL
	0056988	152.00	NEWMAN SIGNS
	0056989	17.00	NORTHERN PLAINS ELECTRIC
	0056990	190.85	NORTHWEST TIRE INC
	0056995	13.49	OTTER TAIL POWER CO
	0057018	145.86	SINCLAIR/JOHN
	0057019	115.08	SMOKIE'S FIRE SALES & SERVICE INC
	0057023	1,200.00	STUTSMAN COUNTY ABSTRACT CO
	0057025	285.00	STUTSMAN COUNTY GLASS
	0057026	41.00	STUTSMAN RURAL WATER DISTRICT
	0057030	62.98	TRACTOR SUPPLY CREDIT PLAN
	0057040	206.78	WALMART COMMUNITY BRC

	0057042	18.03	WEST END HIDE & FUR
		344,456.90	Final Total
SOCIAL SERVICES			
		22,237.31	Final Total
EMERGENCY			
	0057003	1,000.00	R T S SHEARING
		1,000.00	Final Total
COUNTY CORRECTIONAL CENTER			
	0056867	129.35	A & B BUSINESS INC
	0056868	200.00	ACHSA MN CHAPTER
	0056870	143.00	ATCO INTERNATIONAL
	0056871	295.00	ATTORNEY GENERAL OFFICE
	0056874	1,432.80	BEHAVORIAL INTERVENTIONS
	0056876	407.73	BOB BARKER CO
	0056883	109.16	BROWN & SAENGER
	0056892	31.44	CDW GOVERNMENT
	0056894	403.08	CENTURYLINK
	0056899	1,924.73	CITY OF JAMESTOWN
	0056900	537.26	COLE PAPERS INC
	0056904	92.00	CONSULTING RADIOLOGISTS,LTD
	0056905	62.22	COUNTY MARKET
	0056909	546.06	DACOTAH PAPER CO
	0056912	2,085.18	DEAN FOODS NC, INC
	0056916	113.30	ECOLAB PEST ELIMINATION DIV
	0056917	500.00	ESSENTIA HEALTH
	0056919	675.34	FARMER BROTHERS COFFEE
	0056921	38.95	FASTENAL CO
	0056927	334.64	GRAYBAR
	0056932	80.38	HOME OF ECONOMY
	0056935	898.00	INNOVIS HEALTH JAMESTOWN
	0056936	44.32	J & L SERVICE
	0056939	3,983.38	JAMESTOWN REGIONAL MEDICAL CENTER
	0056944	341.30	JEFFREY D DOYLE INC
	0056945	878.71	JETSTREAM CAR WASH
	0056956	447.50	M D U
	0056957	139.65	MAC'S INC
	0056961	273.00	MCDOUGALL/DR KENNETH
	0056965	177.50	MID-AMERICAN RESEARCH CHEMICAL CORP
	0056969	292.35	MOORE MEDICAL CORP
	0056977	480.00	N D CHAPTER OF A P C O
	0056994	1,975.00	OTIS ELEVATOR COMPANY
	0056996	556.56	PAN-O-GOLD BAKING CO.
	0056997	190.00	PATHOLOGY CONSULTANTS,PC
	0057002	31.49	PROBUILD
	0057006	570.00	REDWOOD BIOTECH INC
	0057007	78.50	REDWOOD TOXICOLOGY LABORATORY,INC
	0057009	40.00	RENAISSANCE RECYCLING
	0057020	101.75	STEIN'S, INC
	0057021	75.76	STOUDT INC/R M
	0057027	5,575.27	SYSCO FOOD SERVICES OF ND
	0057028	163.41	THRIFTY DRUG-WHITE DRUG
	0057031	261.00	TWO RIVERS PRINTING
	0057032	5,704.19	U S FOOD SERVICE INC
	0057035	74.62	VERIZON WIRELESS
	0057039	59.50	WALMART COMMUNITY BRC
	0057048	151.42	XTREME AUTO INC
		33,705.80	Final Total
WEED CONTROL			
	0056894	8.18	CENTURYLINK
	0057024	5.96	STUTSMAN COUNTY AUDITOR
		14.14	Final Total
VETERANS SERVICE			
	0056880	40.00	BRIAN'S SERVICE & REPAIR
	0056894	16.35	CENTURYLINK
	0056898	137.50	CITY DIRECTORIES
	0056903	138.00	COMFORT SUITES
	0057029	186.00	TOBIN/WARREN J
	0057034	360.00	U S POSTMASTER
		877.85	Final Total
COUNTY AGENT			
	0056882	210.56	BROWER/LANCE
	0056883	13.09	BROWN & SAENGER
	0056893	234.19	CENTRAL BUSINESS SYSTEMS, INC
	0056930	102.00	HATLEWICK/DEBRA
	0056983	24,742.64	N D S U EXTENSION SERVICE
	0056984	69.00	N D S U EXTENSION SERVICE
	0056992	20.00	NUTRITION ACTION HEALTHLETTER
		25,391.48	Final Total
EMPLOYEES HOSPITAL INS			
	0056981	98,701.92	N D P E R S
		98,701.92	Final Total
COMMISSARY			
	0056876	51.50	BOB BARKER CO
	0056890	47.31	CABLE SERVICES

	0056911	283.66	DCR DISTRIBUTORS
	0056912	49.28	DEAN FOODS NC, INC
	0056921	13.82	FASTENAL CO
	0056923	371.28	FRANK MCKONE CANDY CO
	0056924	354.17	FRITO LAY
	0056946	262.72	KEEFE COFFE & SUPPLY
	0056957	2.14	MAC'S INC
	0056959	1,488.70	MAXIMA SUPPLY LLC
	0056998	1,420.94	PEPSIAMERICAS
	0057000	397.50	PIZZA CORNER FROZEN PIZZA
	0057001	408.72	PRO BUILD
	0057008	3,300.00	RELIANCE INMATE SYSTEMS INC.
	0057017	274.32	SCHUBERT'S CARPET ONE
	0057027	27.5}	SYSCO FOOD SERVICES OF ND
	0057039	172.91	WALMART COMMUNITY BRC
		8,871.47	Final Total
DRUG PROGRAM			
		250.88	Final Total
COUNTY CORRECTIONAL CENTER CONST.			
	0056913	13,500.00	DIVERSIFIED COATINGS INC
	0056964	150.30	MICHAEL J. BURNS ARCHITECTS,LTD
		13,650.30	Final Total
DOCUMENT PRESERVATION FUND			
	0056892	902.01	CDW GOVERNMENT
		902.01	Final Total
DATA PROCESSING			
	0056883	499.98	BROWN & SAENGER
	0056894	16.35	CENTURYLINK
	0056906	695.98	CPS TECHNOLOGY SOLUTIONS
		1,212.31	Final Total
CO EXTENSION FUND			
	0056930	23.00	HATLEWICK/DEBRA
	0056980	20.00	N D NUTRITION COUNCIL
	0056986	60.00	NDSU EXTENSION SERVICE-HDFS
		103.00	Final Total
CENTRAL VALLEY HEALTH BOND ISSUE			
	0057041	6,252.50	WELLS FARGO CORPORATE TRUST SERVICE
		6,252.50	Final Total
JOB INCENTIVE FUND			
	0056940	5,000.00	JAMESTOWN STUTSMAN DEVELOPMENT CORP
	0056942	19,500.00	JAMESTOWN/STUTSMAN DEVELOPMENT CORP
		24,500.00	Final Total
FEMA FUNDS			
	0057044	1,000.00	WILLEYS SEPTIC TANK SERVICE
		1,000.00	Final Total
WAGES			
	9662-9858	461,767.88	WAGES (09/25/2011)
		461,767.88	Total Wages

The hearing was held on the proposed 2012 budget. Johnson reported on the changes in the budgets from 2011, the proposed 2011 mill levy and the projection of 2012 ending fund balance. The County would deficit spend $2.9 million and have a mill levy of 114.44 mills for 2011 compared to a 114.51 mill levy for 2010.

Cliff Kropp questioned the value increase on farm land. Johnson stated that the Legislature required an increase in value of 9%. For 2012 and beyond the productivity of the land and land use will be used to determine the value of land for tax purposes. Kropp also wondered when the increases were going to stop – everyone wants more but don't want to pay for it.

Scott Harms requested Johnson to explain the difference in Fund 22 and Fund 58. Johnson stated that Fund 22 (Emergency Fund) was for an emergency and could only be spent in a case of a declared disaster. Fund 58 (Emergency Human Services) was another fund to generate more money for Social Services and could be spent for Social Services related expenses only. Johnson stated that the General Fund was the only un-restricted use fund, all others were restricted – specific use only.

Degen questioned the County's authority to tax the land owned by the Bureau of Reclamation that is leased by the cabin owners. The Bureau pays in lieu taxes on their land and the cabin owners pay property taxes on the same land. Johnson responded that State law allows possessory interest assessment on the leasehold interests of land leased from otherwise property tax exempt government owned land.

Harms asked about the Measure #2 that will be on the statewide ballot in June. The measure would eliminate all property taxes. Johnson stated that facts regarding the impact on the measure on County and local governments, in an unbiased manner, would be presented to the public to allow the voters to make an informed decision on the measure.

A motion was made by Ova seconded by Marks to approve the 2012 budget as presented. Roll call vote - Marks, Schwartz, Neys, Klose and Ova voted aye.

A motion to adjourn was made by Schwartz seconded by Neys. At 6:47 p.m. the meeting was adjourned.

ATTEST:

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