Official Proceedings of the Stutsman County Commission

October 20, 2011

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 roll call.

The hearing was opened on the request by Gavilon Fertilizer, LLC for a five year, 100% property tax exemption on their proposed expansion to construct a 19,500 short ton liquid fertilizer facility in Section 29, Midway Township. Mark Dooley, General Manager – Gavilon Fertilizer, LLC, indicated that construction would begin this fall on the $4.5 million project. The company had recently paved two miles of township and county roads leading into their facility at no cost to the Township or the County. Toni Hible, County Director of Tax Equalization, presented a list of past exemption requests. Similar projects had been granted a five year exemption. No one spoke to oppose the exemption request. A motion was made by Neys seconded by Schwartz to approve the request. Roll call vote – Ova, Marks, Schwartz, Neys and Klose voted aye.

Mickey Nenow, County Highway Superintendent, requested permission to advertise for bids for gravel crushing. Most pits were depleted. The goal was to get someone yet this fall. Schwartz made a motion seconded by Marks to advertise for gravel crushing bids. Motion carried.

Clarice Liechty expressed concerns over an illegal drain that was recently constructed to get water off of County Highway 43, East of Kensal. The drain had cut off access to her land and had drained water onto her land. She was concerned that the County did not notify her and/or her renter of the project. She wanted to know how the County was going to get the water that they had drained onto her land off her land. Commissioner Schwartz responded that the drain was not illegal - it had been approved by the Water Board. A 2" rain in the area had caused the drainage onto her land.

Connie Ova, JSDC-CEO, presented a funding request by Custom Contracting Solutions for a Flex PACE interest buy-down loan. The loan request was for up to $54,000 on an 80/20 County/City split. The loan would be repaid once the $100,000 underlying loan from the Bank of North Dakota had been paid back. Marks made a motion seconded by Ova to approve $43,200 in County funds. Roll call vote – Marks, Schwartz, Neys, Klose and Ova voted aye.

Ms. Ova presented a request from the Green Vision Group a/k/a Beetsall Biofuel for $1,000 to be used with funds from 12 other communities to match an APUC grant. The grant will provide funding for NDSU to complete the EPA Life Cycle Analysis (LCA) application to qualify energy beets as a feedstock pathway for biofuel refining. Some of the participants in this project were part of a project that owes JSDC $140,000 on another project. The JSDC Board approved this project based on the merit of this project and not based on the prior project. Jim Boyd, JSDC-Past President, encouraged the Commission to focus on the project and do the study – it was in the best interests of the County. Commissioner Klose questioned a provision of the proposal that would require Stutsman County to provide additional funds if any of the 12 other communities do not buy into the project. He cited concerns over past experiences with some of the principles of this project. Not one payment had been made on the prior funds provided by JSDC. The participants in this Green Vision Group had no money in the project so they had no skin in the game. None of the $67,000 grant or the $12,000 match was any of their money. Commissioner Marks indicated that he and Commissioner Klose had split their vote at the JSDC meeting. He indicated that he thought this project was worthy of the funding. Commissioner Ova had concerns over where the money was going. If he had borrowed money from a bank and not repaid any of the money, the bank would never consider giving him additional funds. Ms. Ova responded that the grant administrator would be responsible for the money being spent for the intended purpose. Mr. Boyd responded that the funds would be going to NDSU. The technology looked promising and the beets would have half the emissions compared to corn. Commissioner Schwartz expressed doubts based on litigation threats by some of the principles of this project when the prior project failed. Schwartz made a motion seconded by Neys to deny funding for the project. Roll call vote – Schwartz – aye, Neys – aye, Klose – aye, Ova – aye and Marks – nay.

The hearing was held on the abatement request to lower the 2009 true and full value on Spiritwood Lake City parcel #84-9702700 from $67,400 to $45,200. Toni Hible indicated that this property's 2010 value had been reduced by the Board because the land and footings had sunk – the foundation was destroyed due to high moisture the past few years. Spiritwood Lake City had recommended approving the request. Neys made a motion seconded by Schwartz to approve the request. Roll call vote – Neys, Klose, Ova, Marks and Schwartz voted aye.

Warren Tobin, Veterans Service Officer, reported on his attendance at a training seminar conducted by the Professional Veterans Advocates of North Dakota and training by the North Dakota Department of Veterans Affairs. A letter from the ND Commissioner of Veterans Affairs indicated

that Stutsman County had received over $7.7 million in VA benefits thanks in part to the efforts of Mr. Tobin. A letter from Senator Conrad was noted thanking Mr. Tobin for the excellent job serving as Master of Ceremonies for the service medals presented to Mr. Gerald Blocks' family.

Nellie Degen presented a letter from her and Bill Degen concerning the seasonal versus the year-around cabin permit fees at Jamestown Reservoir. In 2004, the seasonal permit fees were 50% of the year around fees. Beginning in 2005, the seasonal permit fees have been 41% of the year around fees. This has been an injustice that was brought to the Park Board's attention a year ago. They had received an intimidating phone call where an individual had indicated that if they did not back off, certain individuals were going to hire an attorney for the purpose of suing the Bureau of Reclamation and having them force the Degens to have a second house. It was the Degen's constitutional right to request assistance, information, fairness and equality for all. Bill Degen expressed concerns over a member of the Park Board not declaring a conflict of interest on a motion and vote on the permit fees at the October Park Board meeting. The permit fees would be put on the agenda for the November Park Board meeting.

Casey Bradley presented the outstanding balances of money owed to the County by the Stutsman County Townships for contract work. The balances had grown from $1.1 million in 2010 to $1.4 million. The money was for all types of work – blading, graveling, snow removal, FEMA, etc. Most townships were already at their 36 mill maximum levy. Bradley presented a draft letter and FEMA location maps for Governor Dalrymple and local legislators asking for funding assistance for the County and Townships for dealing with the expenses due to the abnormally high water the past several years. Since 2009, the 1,978 FEMA sites have totaled about $5.5 million in repair costs for the Townships plus about $20 million for the County's Emergency Relief (ER) projects.

Clarice Liechty questioned if the Townships were being charged interest on the money that is owed to the County and if they were aware that they could borrow from the Bank of North Dakota. Bradley stated that the $1.4 million due to the County was a variety of different things – contract work by the road department, gravel, loans from the county, etc. Three years of flooding was making it difficult for Townships to come up with the money match required for disaster projects. Liechty asked how many were levying up to the maximum. Noel Johnson stated that most were levying the max. He also stated that water problems have been around since 1993 and that they were focusing just on the last three years. The County has the authority to levy 9 mills on any township that has an unpaid balance over a year old and were not at the maximum levy. The Commission was not charging interest because the townships can't even pay the principal; it was an issue of trying to keep the roads open. Liechty stated that it should be an issue that the residents of Stutsman County should bring to their representatives to get more money for the townships.

Klose asked if there were any other options available to townships. Johnson stated that the townships having bonding ability but unless they are borrowing large sums the costs involved with bonding would double their cost. Besides the amount that was received from the gas tax and motor vehicle fees, the only funding that townships had available to them was property taxes and that the maximum levy allowed was 36 mills. The average township has a budget of only $7,000 to $10,000, gravel alone for a year can cost up to $50,000 plus. Johnson also stated that the Bank of North Dakota would lend on an interim basis, townships could borrow only if they had FEMA money coming back in.

Ova made a motion seconded by Marks to send the letter and the FEMA locations maps to Governor Dalrymple. Motion carried.

Gerald Gust, Chairman of the Wadsworth Township Supervisors, requested a $10,000 loan from the County to assist with the cost of a grade raise on 16th Street SE between 54th and 55th Avenue SE. Their Township already owes the County over $60,000. His township has been fighting the high water since 1993. They have no other resources other than their property tax levy. Klose questioned whether there were any other levies available to the township. Bonding was an option, but the bond costs such as bond council and registering the bonds could be up to $40,000. Most landowners were willing to pay additional taxes, but only a small portion of the tax goes to the townships. Marks made a motion seconded by Ova to approve the $10,000 loan from the General Fund Sub-Account. Roll call vote – Klose, Ova, Marks, Schwartz and Neys voted aye.

Steve Thompson reported on a design meeting with Great River Energy for paving 3 miles of roads that access their proposed ethanol plant off of County Highway 62 one mile north of Interstate I-94. The consensus at the meeting was to start a dialogue between the County and Spiritwood Township for the possibility of the County taking ownership of the road. A memorandum of understanding should be developed over road maintenance. There was a special assessment district created for this paving that would be paid strictly by Great River Energy. Clarence Daniel, Township Supervisor, indicated that the Township had discussed their willingness to plow the snow on the road and possibly setting aside permit fees for future road maintenance. The matter would be addressed by the road portfolio holders, State's Attorney and COO and would be brought back to the Commission.

Marks made a motion seconded by Schwartz to appoint Casey Bradley as Stutsman County Auditor/COO and to authorize Casey Bradley, Linda Chadduck, Jacki Lindell and Lindsay Baumgartner as signatories on all County bank accounts and to remove Noel Johnson as a signatory on the bank accounts. Roll call vote – Ova, Marks, Schwartz, Neys and Klose voted aye.

A motion was made by Ova seconded by Neys to approve $261 in taxable meals and to approve the mid-month bills. Roll call vote – Marks, Schwartz, Neys, Klose and Ova voted aye.

Fund	Warrant No	Amount	Vendor Name
GENERAL			
	0057056	56.95	A T & T MOBILITY
	0057058	67.36	ANDERSON-RUFF/JAMIE
	0057060	290.19	BAKKEN/DUSTIN
	0057061	126.00	BALCO UNIFORM CO. INC
	0057062	95.50	BOB'S PLUMBING & HEATING INC
	0057064	8.94	BROWN & SAENGER
	0057070	533.10	CENTRAL BUSINESS SYSTEMS, INC
	0057072	1,791.82	CITY OF JAMESTOWN
	0057076	5.00	CURTIS ELECTRIC
	0057077	587.82	DACOTAH PAPER CO
	0057084	842.30	DAN'S SOOPER STOP
	0057085	1,925.00	DKK GUARDIANSHIP SERVICES INC
	0057086	102.00	DOLL/DORA L
	0057087	178.25	ECOLAB PEST ELIMINATION DIV
	0057088	450.00	EDDY FUNERAL HOME
	0057090	33.54	FARMERS UNION OIL CO-CENEX
	0057092	25.12	GUMKE/RAMONE
	0057094	58.00	HESS/KEITH
	0057096	55.50	INFORMATION TECHNOLOGY DEPT
	0057099	817.59	JAMESTOWN ELECTRIC
	0057100	872.19	JAMESTOWN I-94 CLARK
	0057102	1,636.32	JAMESTOWN SUN
	0057104	300.00	KROPP LAW OFFICES PC
	0057105	151.22	LINDELL/JACKI
	0057106	292.01	M D U
	0057108	58.00	MAYER/JEROME P
	0057111	150.00	N D A A O
	0057112	480.00	N D STATE RADIO COMMUNICATIONS
	0057114	770.00	NETWORK CENTER COMMUNICATIONS
	0057117	3,780.11	OTTER TAIL POWER CO
	0057121	348.74	QUILL CORPORATION
	0057123	138.00	RAMKOTA HOTEL
	0057126	1,098.76	STOP & GO #431
	0057127	728.67	STOUDT INC/R M
	0057130	160.10	TDS METROCOM
	0057133	40.00	TRAUTMAN/RUSSELL
	0057135	73.34	TRUE VALUE HARDWARE
	0057136	829.00	TWO RIVERS PRINTING
	0057137	145.00	TWO RIVERS PRINTING
	0057142	41.49	5 STAR EXPRESS LUBE
		20,142.93	Final Total
911 EMERGENCY PHONE SYSTEM			
	0057071	1,291.41	CENTURYLINK
	0057078	148.56	DAKOTA CENTRAL TELE JMTN
	0057080	479.00	DAKOTA CENTRAL TELECOMMUNICATIONS
	0057130	2.51	TDS METROCOM
		1,921.48	Final Total
ROAD FUNDS			
	0057057	467.42	AMERIPRIDE LINEN & APPAREL
	0057063	20,790.18	BORDER STATES PAVING INC
	0057066	194.70	BUFFALO CITY DIESEL
	0057067	41,379.03	BUTLER MACHINERY CO
	0057068	174.19	CARQUEST AUTO PARTS
	0057070	150.68	CENTRAL BUSINESS SYSTEMS, INC
	0057072	11.50	CITY OF JAMESTOWN
	0057074	25,968.00	CREATIVE ENERGY
	0057081	163.81	DAKOTA CENTRAL TELECOMMUNICATIONS JMTN
	0057083	6.00	DAKOTA VALLEY ELECTRIC
	0057089	6,322.39	FARMERS UNION OIL CO-CENEX
	0057091	150.40	FASTENAL CO
	0057095	43.92	HOME OF ECONOMY
	0057097	428.00	INSURE FORWARD
	0057098	325.00	JAMESTOWN COMMUNICATIONS INC
	0057106	189.64	M D U
	0057107	24.45	MAC'S INC
	0057109	15.15	MEDINA CITY AUDITOR
	0057110	448.88	N A P A AUTO PARTS
	0057113	224.63	NELSON INTERNATIONAL
	0057115	254.15	NORTHWEST TIRE INC
	0057116	125.07	O'REILLY AUTOMOTIVE INC.
	0057117	537.40	OTTER TAIL POWER CO
	0057118	238.32	PRAXAIR DISTRIBUTION INC

	0057119	1,341.88	QUALITY SERVICE & REPAIR
	0057120	42.95	QUILL CORP
	0057130	12.76	TDS METROCOM
	0057132	17.99	TRACTOR SUPPLY CREDIT PLAN
	0057134	5,788.50	TRUE NORTH STEEL
	0057141	3,123.55	YPSILANTI EQUITY ELEVATOR
		108,960.54	Final Total
SOCIAL SERVICES			
		6,518.74	Final Total
COUNTY PARK			
	0057056	79.44	A T & T MOBILITY
	0057057	323.70	AMERIPRIDE LINEN & APPAREL
		403.14	Final Total
EMERGENCY			
	0057093	341,424.94	GUTHMILLER EARTHMOVING,INC
	0057122	500,585.72	R T S SHEARING
		842,010.66	Final Total
COUNTY CORRECTIONAL CENTER			
	0057065	35.70	BROWN/DORINDA
	0057070	130.91	CENTRAL BUSINESS SYSTEMS, INC
	0057071	529.74	CENTURYLINK
	0057072	1,895.66	CITY OF JAMESTOWN
	0057082	1,522.00	DAKOTA COMMUNICATIONS INC
	0057106	416.02	M D U
	0057112	960.00	N D STATE RADIO COMMUNICATIONS
	0057117	6,617.73	OTTER TAIL POWER CO
	0057130	78.19	TDS METROCOM
	0057140	121.38	WALZ PHARMACY
		12,307.33	Final Total
WEED CONTROL			
	0057059	77.64	AT&T MOBILITY
	0057075	11,009.92	CROP PRODUCTION SERVICES
	0057117	30.62	OTTER TAIL POWER CO
	0057128	3.08	STUTSMAN COUNTY AUDITOR
	0057130	69	TDS METROCOM
	0057139	129.10	VERIZON WIRELESS
		11,251.05	Final Total
VETERANS SERVICE			
	0057130	10.71	TDS METROCOM
	0057137	145.00	TWO RIVERS PRINTING
		155.71	Final Total
COUNTY AGENT			
	0057079	112.08	DAKOTA CENTRAL TELECOMMUNICATIONS
	0057131	14.07	TDS METROCOM
		126.15	Final Total
COURTHOUSE BUILDING			
	0057099	1,752.96	JAMESTOWN ELECTRIC
		1,752.96	Final Total
DOCUMENT PRESERVATION FUND			
	0057069	273.00	CASS COUNTY TREASURER
		273.00	Final Total
COUNTY HAZARDOUS CHEMICAL ACCOUNT			
	0057129	22.50	STUTSMAN COUNTY CORRECTIONAL CENTER
	0057133	25.50	TRAUTMAN/RUSSELL
		48.00	Final Total
DATA PROCESSING			
	0057064	675.90	BROWN & SAENGER
	0057073	2,728.00	COMPUTER PROFESSIONAL,ULTD,INC
	0057077	57.76	DACOTAH PAPER CO
	0057096	604.40	INFORMATION TECHNOLOGY DEPT
	0057124	28.00	RENAISSANCE RECYCLING
	0057125	76.37	SMAAGE/JOSH
	0057129	110.00	STUTSMAN COUNTY CORRECTIONAL CENTER
	0057130	1.64	TDS METROCOM
		4,282.07	Final Total
CANCELLED-LOST WARRANT FUND			
	0057138	25.63	UNCLAIMED PROPERTY DIVISION
		25.63	Final Total
JOB INCENTIVE FUND			
	0057101	10,110.00	JAMESTOWN STUTSMAN DEVELOPMENT CORP
		10,110.00	Final Total

Neys made a motion seconded by Schwartz to adjourn. At 2:24 p.m., the mid month meeting of the Stutsman County Commission was adjourned.

ATTEST:

Noel A. Johnson
COO / Auditor

Mark T. Klose
Commission Chairman