Official Proceedings of the Stutsman County Commission

December 7, 2010

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.

Ova made a motion seconded by Neys to approve the minutes of the November meetings. Motion carried.

Jay Schmitz, Assistant State's Attorney, submitted a letter of resignation. He had been elected as a District Judge and would take office January 1, 2011. He thanked the Commission for his years of employment and the Commission wished him well.

Richard Huebner, Chairman Severn Township, requested a $10,000 loan for Severn Township to help repair flood damaged roads south of 49th St SE on 81st Avenue and east of 81st Ave on 49th St SE. Neys made a motion seconded by Marks to approve a 5 year loan at 5% annual interest from the General Fund Sub-account. Roll call vote – Ova, Marks, Schwartz, Neys and Klose voted aye.

Joe Brummund requested that the Commission consider allowing 105,500 pound loads for tractor trailers with pups. 105,500 pound loads on semis with pup trailers were less pounds per square inch of tire surface than on conventional semis with 80,000 pound loads. The larger loads would mean less traffic on the roads. Commissioner Schwartz commented that the county bridges had all been constructed for maximum loads of 80,000 pounds. The greater weight would accelerate bridge deterioration. Zimmerman indicated that repetitive dynamics and pavement flexes would have to be considered. Townships would have to be involved. The heavier loads would be crossing township roads before they got to the county collectors. The Commission would discuss the matter at the township officer's meeting and get additional information.

Sheriff's vehicle bids were opened. Bids were as follows: Don Wilhelm, Inc. – 2011 GMC Sierra SLE Crew Cab - Selling Price $38,925 Trade Allowance $15,120 Rebates $7,300 Net Price $16,505; R.M. Stoudt Inc. – 2011 Ford F-150 Crew Cab 4X4 - Selling Price $34,830.05 Trade Allowance and Fleet Discount $16,001.00 Net Price $18,829.05 (price without trade is $29,330.05). The bids were tabled for review and recommendation by the Sheriff's Department until the next meeting.

Rich Welding & Mark Dooley, Gavilon Grain, presented a proposal for upgrading the paved County Road 40 PA to a 105,500 pound road and paving County Road 64 GA from Gavilon grain north to 40 PA. The $1.35 million cost estimate would be paid with funds from Gavilon, ND Department of Transportation, BNSF Railroad and JSDC. The funds from BNSF were contingent upon closing the railroad crossing adjacent to Gavilon. The Commission would not consider closing the crossing until a public hearing was held. Steve Thompson, Interstate Engineering, presented issues that had to be resolved. The cost estimate did not include utility relocation, right of way, cultural resources, and wetland mitigation. Ova made a motion seconded by Schwartz to authorize Thompson to prepare more accurate cost estimates that included all aspects of the project's potential costs. Motion carried.

Lance Brower, County Agent, presented the potential economic impacts of Gavilon expanding their facility to include wholesale liquid fertilizer. 15 created jobs and 13 additional jobs with an economic impact of $7.3 million could be attributed to the operations of the expansion plus 45 created jobs and 18 additional jobs with an economic impact of $8.3 million could be attributed to the construction of the expansion to the facility.

Fritz Fremgen, State's Attorney, gave his monthly report. The right of way plats and deeds for Old Highway #10 had been recorded. Counties imposing overweight fines and retaining the fees collected was not legal under current law.

Noel Johnson, County COO, reviewed the township balances owed to the County Road Department for contract work. The total was over $1.3 million. 29 townships had imposed their own excess levy. Johnson recommended placing a 9 mill excess levy on 11 of the townships that did not have an excess levy and had an account over one year delinquent and a balance owing of at least $15,000. Courtenay Township concurred with the excess levy, but they were concerned about the cost overruns on FEMA projects. These costs were the sole responsibility of the Township. Zimmerman responded that FEMA rules and policies were always changing. Ova made a motion seconded by Schwartz to place a 9 mill excess levy on the following townships – Alexander, Chase Lake, Courtenay, Flint, Gerber, Manns, Marstonmoor, Roosevelt, Sharlow, Wadsworth and Walters. Roll call vote – Marks, Schwartz, Neys, Klose and Ova voted aye.

Schwartz made a motion seconded by Neys to abate the 1983-1987 taxes of $699.31 on Kensal City parcel #76-1000270 so the City could sell the property. Motion carried.

A motion was made by Ova seconded by Marks to make the following Board nominations: Weed Board – Robert Martin; LEC Governing Board – James Nygaard; Water Resource Board – Joel Lees and Arlyn Schmidt; and Buffalo City Tourism – David Smette. Motion carried.

Neys made a motion seconded by Ova to approve the following Beer License applications: Shawndell Gudmestad-Moore d/b/a Hitching Post Bar; Jamestown Country Club; Ron Davis d/b/a Cuz=n Ron=s Saloon; Wayne & Hilda Kuntz d/b/a Sportsman Bar; Carmel Demaray d/b/a Windsor Bar; Krewzer=s Dream Inc. (Bob & Kris Wenzel) d/b/a/ Buchanan Bar; Judith Ganser d/b/a Anchor Bar; Sandra Norquist d/b/a Ypsilanti Bar & Grill; Stutsman County Fair Association; and Joey Uehran d/b/a 281 Stop. Motion carried.

A motion was made by Schwartz seconded by Ova to make the following Stutsman County Committee appointments: Grievance Committee - Norma Kaiser, Elise Miller, Warren Tobin, and Mickey Nenow; Personnel Committee – Linda Chadduck, Sandy Bendewald, Jerry Bergquist, and Mickey Nenow; Newsletter Committee – Renee Valenta, Diane Nygaard, Todd Volk and Nancy Pfaff; Wage and Benefits Committee – Jacki Lindell, Troy LeFevre, Melissa Rudnick, Teresa Steele, Warren Tobin, Jason Falk, Robin Harrington and Steve Comer. Motion carried.

Mike Zimmerman, County Highway Superintendent, gave his monthly report. The 2009 grade raises had been completed. He presented 15 potential ER grade raise projects for next year. Marks made a motion seconded by Neys to solicit proposals for engineering services for the 2011 ER projects. Motion carried.

Zimmerman requested the Commission begin planning for selecting road recycling projects for next year.

A motion was made by Schwartz seconded by Marks to pay $20,000 for Stutsman County's share of the South Central Regional Truck Regulatory for the multi-county effort for weight compliance on county roads. Roll call vote – Schwartz, Neys, Klose, Ova and Marks voted aye.

Jon Arntson, Bond Council for IRET Properties, requested passage of the resolution that set the general covenants for the Recovery Zone Facility Bonds to expand Bison Twin Theaters at the Buffalo Mall. Neys made a motion seconded by Schwartz to approve the bond resolution. Motion carried.

At 5:26 p.m. the commission meeting was recessed for the County Park Board meeting.

Stutsman County Park Board Meeting

December 7, 2010

At 5:31 p.m. Chairman Klose called the Stutsman County Park Board meeting to order. Park Board members present were Bob Woodward, Mark Schlecht, Dennis Ova, Dale Marks, David Schwartz, Craig Neys and Mark T. Klose.

A motion to approve the minutes from the November meeting was made by Schlecht seconded by Woodward. Motion carried.

A motion to approve the monthly bills was made by Neys seconded by Schwartz. Roll call vote – Woodward, Schlecht, Ova, Marks, Schwartz, Neys and Klose voted aye.

Fund	Warrant No	Amount	Vendor Name
COUNTY PARK			
	0053535	17.78	CARQUEST AUTO PARTS
	0053542	396.98	CHAMP INDUSTRIES INC
	0053547	150.00	COMER/STEVE
	0053556	1,417.00	CREATIVE ENERGY INC.
	0053557	763.70	CURTIS ELECTRIC
	0053559	422.98	DAKOTA SANITATION
	0053575	29.15	FASTENAL CO
	0053587	87.03	INFINITY BUILDING SERVICES
	0053595	10.00	JAMESTOWN IMPLEMENT
	0053603	36,184.63	KREBSBACH BACKHOE SERVICE
	0053610	81.15	MAC'S INC
	0053621	28.49	N A P A AUTO PARTS
	0053638	450.35	NORTHERN PLAINS ELECTRIC
	0053654	179.49	QWEST
	0053661	27,600.00	RICH MCGRUDER CONSTRUCTION
	0053678	29.92	STUTSMAN COUNTY AUDITOR
	0053680	125.50	STUTSMAN RURAL WATER DISTRICT
	0053687	17.97	TRUE VALUE HARDWARE
		67,992.12	Final Total

Johnson reviewed the proposed changes to the cabin permit as approved by the Bureau of Reclamation. Permit fees were updated; redundant and outdated language was removed. There were no substantive

changes. Nellie Degen expressed concerns over the proposed fee schedule. 2011 – seasonal $800 – year-around $1,930; and 2012 – seasonal $1,000 – year-around $2,500. Prior to 2003, seasonal permit fees were half of the fees for year-around permits. Now, the proposed fee schedule had seasonal permits at 40% of the year-around fee. The seasonal use was for 7 months or more than half the year. The Park Board could increase the seasonal fee. The consensus was that the Park Board could consider changes for 2012 at a later date – fees for 2011 had already been billed. Ova made a motion seconded by Schlecht to approve changes to the language within the permit. Roll call vote – Schlecht, Ova, Marks, Schwartz, Neys, Klose and Woodward voted aye.

Dennis Lorenz, County Park Superintendent gave his monthly report. Three new vault toilets had been installed: below the Lakeside Marina, East side of 5-Mile Corner and near the public boat ramp area on 31st St SE. All the improvements at Lakeside Marina were completed so everything should be ready to go for next year.

A motion to adjourn the Park Board meeting was made by Schlecht seconded by Woodward. At 6:08 p.m. the meeting was adjourned.

The Stutsman County Commission meeting was called back to order at 6:09 p.m. with all Commissioners present. Johnson presented documents for the Commission to review pending an appeal by a former employee whose employment had recently been terminated. Johnson reviewed the scope of the Commission's role per the Stutsman County Policy Manual.

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

Fund	Warrant No	Amount	Vendor Name
GENERAL			
	0053515	25.00	ADAMSKI/JEREMY
	0053516	155.32	ALLTEL
	0053524	75.00	BERGQUIST/JERRY
	0053527	50.00	BRANDVOLD/VICTORIA
	0053535	97.99	CARQUEST AUTO PARTS
	0053538	498.74	CDW GOVERNMENT INC
	0053539	1,319.62	CENEX CREDIT CARD
	0053540	98.10	CENTRAL BUSINESS SYSTEMS, INC
	0053543	615.25	CITY OF JAMESTOWN
	0053546	1,029.97	COLE PAPERS INC
	0053557	340.00	CURTIS ELECTRIC
	0053558	487.85	DACOTAH PAPER CO
	0053560	710.86	DAKOTA WHOLESALE TIRES
	0053567	252.50	DICK/TIFFINEY
	0053568	1,925.00	DKK GUARDIANSHIP SERVICES INC
	0053583	496.02	HAROLDSON'S A & B BUSINESS
	0053590	1,250.00	JAMESTOWN AMBULANCE
	0053593	441.14	JAMESTOWN I-94 CLARK
	0053594	82.66	JAMESTOWN IMPLEMENT
	0053596	1,348.00	JAMESTOWN SUN
	0053598	49.79	JETSTREAM CAR WASH
	0053604	360.00	KROPP LAW OFFICES PC
	0053606	49.47	LEXISNEXIS MATTHEW BENDER
	0053607	105.00	LINDELL/JACKI
	0053608	205.00	LISKO FUNERAL CHAPEL
	0053609	185.33	M D U
	0053615	810.00	MEDINA AMBULANCE SERVICE
	0053626	6.50	N D DEPT OF MOTOR VEHICLE
	0053628	980.00	N D NEWSPAPER ASSOCIATION
	0053630	315.00	NATIONAL DISTRICT ATTNY ASSN
	0053640	382.68	OFFICELAND
	0053648	135.00	PRESS ROOM/THE
	0053650	19.60	PRO BUILD
	0053654	751.53	QWEST
	0053664	105.00	RUFF/JAMIE ANDERSON
	0053665	885.00	SANDNESS LAW OFFICE
	0053667	25.00	SCOTT/BRANDEE
	0053668	25.00	SCOTT/STETSON
	0053672	506.60	STAMP FULFILLMENT SERVICES
	0053673	760.00	STATE BOARD OF LAW EXAMINERS
	0053674	141.92	STEIN'S, INC
	0053675	1,088.90	STOP & GO #431
	0053676	55.57	STOUDT INC/R M
	0053682	50.00	THOMPSON/JAN
	0053686	64.87	TRUE VALUE HARDWARE
	0053688	59.99	TWO RIVERS PRINTING
	0053691	132.00	U S POSTMASTER
	0053695	30.00	VOGEL/JASON
	0053696	176.00	VOLK/TODD
	0053698	75.52	WALMART COMMUNITY BRC
	0053701	389.15	WENZEL'S LOCK & KEY
	0053702	453.60	WEST GROUP PAYMENT CENTER
	0053707	107.97	5 STAR EXPRESS LUBE
		20,786.01	Final Total

911 EMERGENCY PHONE SYSTEM			
	0053530	5,587.00	BULLBERRY SYSTEMS INC
	0053623	2,593.77	N D ASSOCIATION OF COUNTIES
		8,180.77	Final Total
ROAD FUNDS			
	0053518	305.36	AMERIPRIDE LINEN & APPAREL
	0053519	196.50	ANDERSON/CHARLES
	0053528	82.30	BUFFALO CITY DIESEL
	0053532	4,785.95	BUTLER MACHINERY CO
	0053540	89.00	CENTRAL BUSINESS SYSTEMS, INC
	0053543	10.95	CITY OF JAMESTOWN
	0053545	62.28	CNH CAPITAL
	0053555	11,163.08	CREATIVE ENERGY
	0053557	554.76	CURTIS ELECTRIC
	0053559	23.82	DAKOTA SANITATION
	0053561	7,511.07	DALLMANN SERVICES
	0053566	695.61	DELTA SUPPLIES INC
	0053574	2,940.00	FARMERS UNION OIL CO-CENEX
	0053575	16.88	FASTENAL CO
	0053580	130.00	GRUENSTEIN/LARRY
	0053594	71.61	JAMESTOWN IMPLEMENT
	0053599	52,006.40	JOHNSTON FARGO CULVERT INC
	0053602	238.00	KOLLMAN/LLOYD
	0053609	152.61	M D U
	0053610	119.10	MAC'S INC
	0053611	70.00	MARGIE HANDY WORK
	0053622	722.80	N A P A AUTO PARTS
	0053623	1,179.84	N D ASSOCIATION OF COUNTIES
	0053633	97.28	NELSON INTERNATIONAL
	0053636	94.60	NEWMAN SIGNS
	0053638	25.00	NORTHERN PLAINS ELECTRIC
	0053639	202.85	NORTHWEST TIRE INC
	0053640	319.85	OFFICELAND
	0053643	13.70	OTTER TAIL POWER CO
	0053647	70.59	PRAXAIR DISTRIBUTION INC
	0053652	23.32	QUALITY SERVICE & REPAIR
	0053653	62.98	QUILL CORP
	0053670	246.00	SINCLAIR/JOHN
	0053684	49.99	TRACTOR SUPPLY CREDIT PLAN
	0053693	2,506.32	VINING OIL CO.
	0053694	78.61	VISA
	0053697	517.43	WALLWORK INC/W W
	0053700	164.90	WALMART COMMUNITY BRC
		87,601.34	Final Total
SOCIAL SERVICES			
		26,210.27	Final Total
EMERGENCY			
	0053521	5,668.47	ASHLAND TOWNSHIP #2
	0053581	40,208.17	GUTHMILLER EARTHMOVING, INC
	0053627	138,048.65	N D DEPT OF TRANSPORTATION
	0053662	2,433.10	ROUND TOP TOWNSHIP #47
		186,358.39	Final Total
COUNTY CORRECTIONAL CENTER			
	0053514	129.35	A & B BUSINESS INC
	0053517	50.00	AMERICAN CORRECTIONAL HEALTH SERV ASSOC
	0053525	128.94	BOB BARKER CO
	0053535	12.51	CARQUEST AUTO PARTS
	0053537	131.00	CDW GOVERNMENT
	0053538	98.19	CDW GOVERNMENT INC
	0053541	110.00	CENTRAL VALLEY HEALTH
	0053543	1,592.23	CITY OF JAMESTOWN
	0053546	578.79	COLE PAPERS INC
	0053552	107.15	COUNTY MARKET
	0053558	1,393.82	DACOTAH PAPER CO
	0053562	772.06	DAN POLAND MACHINE INC
	0053564	2,441.52	DEAN FOODS NC, INC
	0053572	60.00	ELECTRONIC COMMUNICATIONS
	0053573	466.31	FARMER BROTHERS COFFEE
	0053575	38.07	FASTENAL CO
	0053578	158.00	FRIEZE/LARAE
	0053588	500.00	INNOVIS HEALTH
	0053589	356.00	INNOVIS HEALTH
	0053591	117.00	JAMESTOWN COMMUNICATIONS INC
	0053592	5,653.30	JAMESTOWN HOSPITAL
	0053598	555.51	JETSTREAM CAR WASH
	0053609	672.09	M D U
	0053610	15.48	MAC'S INC
	0053614	173.00	MCDOUGALL/DR KENNETH
	0053617	508.95	MOORE MEDICAL CORP
	0053619	5,184.00	MORPHOTRAK
	0053620	122.38	N A P A AUTO PARTS
	0053640	292.07	OFFICELAND
	0053644	592.43	PAN-O-GOLD BAKING CO.
	0053649	59.94	PRETZER/BECKY
	0053651	151.57	PROBUILD
	0053654	377.35	QWEST

	0053658	482.00	REDWOOD BIOTECH INC
	0053659	48.00	REDWOOD TOXICOLOGY LABORATORY, INC
	0053666	119.98	SCHMOKER/CORRINE
	0053671	54.07	SMAAGE/JOSH
	0053674	364.00	STEIN'S, INC
	0053677	33.75	STOUDT INC/R M
	0053679	181.46	STUTSMAN COUNTY CORRECTIONAL CENTER
	0053681	7,231.49	SYSCO FOOD SERVICES OF ND
	0053683	1,439.63	THRIFTY DRUG-WHITE DRUG
	0053685	160.00	TRAUT LAWN IRRIGATION INC
	0053686	74.39	TRUE VALUE HARDWARE
	0053690	6,607.45	U S FOOD SERVICE INC
	0053694	264.39	VISA
	0053699	315.39	WALMART COMMUNITY BRC
	0053701	50.00	WENZEL'S LOCK & KEY
	0053703	184.39	WESTERN DETENTION
		41,209.40	Final Total
WEED CONTROL			
	0053654	7.99	QWEST
	0053678	23.12	STUTSMAN COUNTY AUDITOR
		31.11	Final Total
VETERANS SERVICE			
	0053654	15.99	QWEST
	0053692	202.40	U S POSTMASTER
		218.39	Final Total
COUNTY AGENT			
	0053632	100.00	NDEAFCS
	0053640	50.48	OFFICELAND
	0053655	315.00	RADISSON HOTEL FARGO
		465.48	Final Total
TAX REFUND			
	0053520	909.48	ANDRES/JAMES
		909.48	Final Total
COMMISSARY			
	0053534	47.31	CABLE SERVICES
	0053554	68.16	CRAWFORD SUPPLY CO
	0053563	223.52	DCR DISTRIBUTORS
	0053576	375.33	FRANK MCKONE CANDY CO
	0053579	467.31	FRITO LAY
	0053600	714.12	KEEFE COFFE & SUPPLY
	0053612	678.72	MAXIMA SUPPLY LLC
	0053645	2,454.47	PEPSIAMERICAS
	0053646	551.00	PIZZA CORNER FROZEN PIZZA
	0053660	4,810.00	RELIANCE INMATE SYSTEMS INC.
	0053694	226.29	VISA
	0053699	238.79	WALMART COMMUNITY BRC
	0053702	149.00	WEST GROUP PAYMENT CENTER
		11,004.02	Final Total
DRUG PROGRAM			
		39.97	Final Total
WITNESS ADVOCACY PROGRAM			
	0053648	30.00	PRESS ROOM/THE
		30.00	Final Total
COURTHOUSE BUILDING			
	0053557	357.39	CURTIS ELECTRIC
		357.39	Final Total
DOCUMENT PRESERVATION FUND			
	0053536	334.00	CASS COUNTY TREASURER
		334.00	Final Total
GENERAL FUND SUB ACCOUNT			
	0053669	10,000.00	SEVERN TOWNSHIP #48
		10,000.00	Final Total
DATA PROCESSING			
	0053550	2,551.23	COMPUTER PROFESSIONAL,ULTD, INC
	0053553	695.98	CPS TECHNOLOGY SOLUTIONS
	0053640	1,583.93	OFFICELAND
	0053654	15.99	QWEST
	0053671	152.53	SMAAGE/JOSH
		4,999.66	Final Total
ROAD AND BRIDGE BUILDING FUND			
	0053557	99.38	CURTIS ELECTRIC
		99.38	Final Total
CO EXTENSION FUND			
	0053584	20.00	HATLEWICK/DEBRA
	0053618	41.02	MOREHOUSE/LUELLA
	0053629	55.00	N D S U AG COMMUNICATION
	0053631	75.00	NDAEA
		191.02	Final Total
GRANTS			
	0053591	9,213.20	JAMESTOWN COMMUNICATIONS INC
		9,213.20	Final Total
JOB INCENTIVE FUND			
	0053597	1,000.00	JAMESTOWN/STUTSMAN DEVELOPMENT CORP
		1,000.00	Final Total
FEMA FUNDS			
	0053577	2,955.84	FRIED TOWNSHIP #18

	0053581	5,346.00	GUTHMILLER EARTHMOVING, INC
	0053705	2,486.59	WINDSOR TOWNSHIP #61
		10,788.43	Final Total
WAGES			
	7633-7817	461,104.85	WAGES (11-24-2010)
		461,104.85	Total Wages

A motion to adjourn was made by Schwartz seconded by Neys. At 6:13 p.m. the meeting was adjourned.

ATTEST:

Noel A Johnson
County COO (Auditor)

Mark T. Klose
Commission Chairman