

Official Proceedings of the Stutsman County Commission

April 21, 2009

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

Noel Johnson, County COO, reviewed the request of Harley McLain for a property tax abatement on several tracts of agricultural land in Midway Township. He reviewed the pertinent NDCC Statutes and recommended the Commission deny the abatement application as there was no statutory authority for granting the requests. Ova made a motion that was seconded by Neys to deny the request for abatement, adjustment or refund of the 2003 taxes paid by Harley J. McLain on parcel #'s 35-2810000, 35-02820000, 35-2830000, 35-2840000 and 35-5500010 because Mr. McLain had failed to set out any legitimate reason for granting the request, Mr. McLain had no legitimate tax exemption, and/or Mr. McLain was tardy missing the NDCC 57-23-04 deadline. Roll call vote – Ova, Marks, Kaiser, Neys and Klose voted aye.

Connie Ova, JSDC-CEO, presented a proposal that would de-obligate the JSDC funding for the Spiritwood ethanol project. The Newman Group would sell their 551.8 acres of land in Section 21 of Spiritwood Township to JSDC for \$1.975 million. JSDC would also receive the \$2.5 million plus interest in the incentive account and the \$2.0 million in the equity account plus \$114,000 interest. JSDC would also receive a business credit of \$75,000 for advertising from Newman Outdoor Advertising to be used by JSDC/City/County for economic development advertising, and JSDC would receive \$39,000 for the 2009 cash rent. Great River Energy had offered \$1.7 million for 451.8 acres of the land with the other 100 acres retained by JSDC for future industrial development. Kaiser made a motion seconded by Neys to approve the proposal. Roll call vote – Marks, Kaiser, Neys, Klose and Ova voted aye.

Ms. Ova also presented a Great River Energy jobs incentive grant funds request of \$300,000. The request would be an 80/20 City = \$240,000 and County = \$60,000. GRE was committed to spending \$356 million to construct the Spiritwood Station with the plant scheduled to start operating in 2010 and a 30-year contract to provide steam to operate Cargill Malt. The facility would create 24 full time jobs with a \$25.50 minimum hourly wage rate. Ova made a motion seconded by Neys to approve the request for jobs incentive funds. Roll call vote: Kaiser, Neys, Klose, Ova and Marks voted aye.

Marks made a motion to rescind the tax exemption to the Newman Group for the ethanol plant. Motion was seconded by Neys. Motion carried.

Ova made a motion seconded by Neys to grant the site authorizations for the ND Buffalo Foundation at the Anchor Bar, the 281 Stop and the Buchanan Bar. Motion carried.

A motion to approve the beer license application for the Fair Grounds Beer Gardens for Casey Dodgson d/b/a Buffalo Lanes was made by Neys. The motion was seconded by Ova. Motion carried.

Neys made a motion to approve the special event permit for the Sportsman Bar and Café for an outdoor event in Spiritwood. Ova seconded the motion. Motion carried.

Mike Zimmerman, County Highway Superintendent, reported that County Road 62 had been opened from I-94 to Highway 46 and County Road 38 was open from the Barnes County line to US 281. The Valley Road between Ypsilanti and Montpelier was still under water. Guthmiller Earthmoving would work on the grade raise 5 miles south of Cleveland. Permits were obtained through the Corps of Engineers and since it was emergency road repair, 100% of the costs would be covered by the state. The NDDOT had given authorization for the repair. The Hehn-Schaffer road was questionable - a culvert may have to be installed to get the road open. The Oren Krapp Bridge would also need to be worked on.

Johnson stated that something was needed on the file for the state auditors indicating why the \$50,000 threshold for bidding was superseded.

Zimmerman stated that in the past the County's policy was not to allow private contractors to load out of County gravel pits without County personnel doing the loading. Emergency gravel loading could be approved.

Johnson stressed that all flood damaged areas need to be documented with pictures, measurements etc. for reimbursement by FEMA.

Johnson stated that the Governor's Plan included: snow declaration money, flood declaration money, normal DOT funding, stimulus package and \$120 million. The legislature needed to buy into the package.

Klose reiterated that the townships needed to know how their road repair would be financed. Johnson stated that the townships needed to have approval of any County loans before the townships contracted for repair work. FEMA funding percentages were discussed. Maximum mill levy allowed by law could possibly be a requirement for County loans.

A meeting with FEMA representatives, townships and commissioners would be organized.

A motion was made by Marks and seconded by Kaiser to allow the waiver of the gravel loading restrictions for flood related purposes. Motion carried.

Ova made a motion to grant authority to Zimmerman to hire outside contractors as necessary for flood related - emergency purposes. Neys seconded the motion. Johnson reminded Zimmerman that he needed to have something in writing on file regarding the \$50,000 de minimis for bidding. Informational meeting for townships with FEMA was discussed. Roll call vote: Neys, Klose, Ova, Marks and Kaiser voted aye.

Johnson reported that the work contracted by the Corps of Engineers and sandbagging efforts should be wrapped up today. The Corps of Engineers and the National Guard would be patrolling the dikes looking for any potential leaks. There was a Black Hawk helicopter and Coast Guard helicopter in town for emergency response. The emergency operation center was operating 24/7. The high water releases would be continuing for approximately three weeks. The City sanitary sewer system was functioning properly at this time. City water usage needed to be held to a minimum to help protect the sanitary sewer system from failure. There were evacuation plans in place if evacuation would become necessary. The last step would be figuring out how to pay for everything.

Klose stated that there has been an interagency meeting everyday at 2:00 p.m. and that all Commissioners were welcome to attend. Johnson stated that the government agencies - County, City and Townships - had all pulled together to work on this effort.

Neys made a motion seconded by Ova to pay \$145.00 in taxable meals. Roll call vote: Klose, Ova, Marks, Kaiser and Neys voted aye.

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

Fund	Warrant No	Amount	Vendor Name
GENERAL	0046902	69.69	ALLTEL
	0046911	351.95	C H CARPENTER LUMBER CO
	0046918	1,520.35	COLE PAPERS INC
	0046920	107.47	DACOTAH PAPER CO
	0046926	90.00	DOLL/DORA L
	0046938	341.64	JAMESTOWN I-94 SUPER EXPRESS
	0046939	2,036.22	JAMESTOWN SUN
	0046946	180.00	KROPP LAW OFFICES PC
	0046947	1,615.71	M D U
	0046954	60.00	N D ASSOCIATION OF COUNTIES
	0046959	11.94	OFFICELAND
	0046961	25.00	POLK COUNTY PUBLIC HEALTH
	0046964	303.00	PRESS ROOM/THE
	0046968	35.10	SAMEK/KAREN
	0046974	688.90	STOP & GO #431
	0046976	15.75	STUTSMAN COUNTY CORRECTIONAL CENTER
	0046979	125.45	TDS METROCOM
	0046983	40.00	TRAUTMAN/RUSSELL
	0046984	17.86	TRUE VALUE HARDWARE
	0046986	490.02	UNIFORM CENTER
	0046994	30.99	5 STAR EXPRESS LUBE
		8,157.04	Final Total
911 EMERGENCY PHONE SYSTEM			
	0046921	437.00	DAKOTA CENTRAL TELECOMMUNICATIONS
	0046922	146.46	DAKOTA CENTRAL TELECOMMUNICATIONS JMTN
	0046954	9,623.73	N D ASSOCIATION OF COUNTIES
	0046967	1,291.28	QWEST
	0046979	9.20	TDS METROCOM
		11,507.67	Final Total
ROAD FUNDS			
	0046903	378.90	ANDERSON/CHARLES
	0046905	177.75	BECKER/HARRY

	0046906	12,964.83	BLOOM OIL CO
	0046907	85.71	BOB'S PLUMBING & HEATING
	0046910	3,280.15	BUTLER MACHINERY CO
	0046912	78.95	CARQUEST AUTO PARTS
	0046914	184.69	CATCO PARTS & SERVICE
	0046916	72.90	CENTRAL BUSINESS SYSTEMS, INC
	0046917	671.84	CNH CAPITAL
	0046922	161.89	DAKOTA CENTRAL TELECOMMUNICATIONS JMTN
	0046923	6.00	DAKOTA VALLEY ELECTRIC
	0046924	585.27	DAN POLAND MACHINE INC
	0046928	1,803.00	FARMERS UNION OIL CO-CENEX
	0046929	179.94	FASTENAL CO
	0046944	290.70	KOBLE/RON
	0046947	1,090.87	M D U
	0046948	188.95	MAC'S INC
	0046949	28.30	MEDINA CITY AUDITOR - DD
	0046952	1,535.00	MICHAEL TODD & COMPANY NC
	0046953	796.21	N A P A AUTO PARTS
	0046957	187.77	N W TIRE INC
	0046959	22.04	OFFICELAND
	0046960	8.43	OTTER TAIL POWER CO
	0046962	812.48	POWER PLAN
	0046963	345.89	PRAXAIR DISTRIBUTION INC
	0046965	67.96	PRO BUILD
	0046969	24.83	SEARS COMMERCIAL ONE
	0046975	2,240.00	STREETER COOP OIL
	0046977	84.00	STUTSMAN COUNTY ROAD DEPT
	0046978	194.60	SWANSTON EQUIPMENT CO.
	0046979	9.19	TDS METROCOM
	0046985	384.66	TWO RIVERS PRINTING
	0046987	151.26	VERIZON WIRELESS
	0046989	1,255.27	VINING OIL CO.
	0046990	164.02	WEST END HIDE & FUR
	0046991	2,125.25	WOODWORTH FARMERS ELEVATOR CO
	0046992	2,724.30	YPSILANTI EQUITY ELEVATOR
		35,363.80	Final Total
SOCIAL SERVICES			
		385.90	Final Total
COUNTY PARK			
	0046902	45.51	ALLTEL
	0046967	119.40	QWEST
		164.91	Final Total
EMERGENCY			
	0046912	420.70	CARQUEST AUTO PARTS
	0046931	7,600.00	GLAESMAN MOVING
	0046932	389.97	GUN & REEL SPORTS, INC.
	0046933	2,640.00	GUTHMILLER EARTHMOVING,INC
	0046934	219.46	HOME OF ECONOMY
	0046937	5,259.52	INTERSTATE ENGINEERING
	0046958	7,592.65	NEWMAN SIGNS
	0046965	55.98	PRO BUILD
	0046977	57.46	STUTSMAN COUNTY ROAD DEPT
	0046982	395.38	TRACTOR SUPPLY CREDIT PLAN
	0046990	1,142.55	WEST END HIDE & FUR
	0046993	923.40	ZIMMERMAN/MIKE
		26,697.07	Final Total
COUNTY CORRECTIONAL CENTER			
	0046902	197.78	ALLTEL
	0046947	1,293.86	M D U
	0046956	12.48	N D STATE TAX COMMISSIONER
	0046967	396.78	QWEST
	0046979	61.47	TDS METROCOM
		1,962.37	Final Total
WEED CONTROL			
	0046902	49.54	ALLTEL
	0046960	117.68	OTTER TAIL POWER CO
	0046979	1.76	TDS METROCOM
	0046985	39.50	TWO RIVERS PRINTING
		208.48	Final Total
VETERANS SERVICE			
	0046979	4.79	TDS METROCOM
		4.79	Final Total
COUNTY AGENT			
	0046908	164.00	BROWER/LANCE
	0046939	146.00	JAMESTOWN SUN
	0046979	139.69	TDS METROCOM
		449.69	Final Total
LIBRARY FUND			
	0046904	1,319.94	BAKER & TAYLOR BOOKS
	0046915	35.94	CENTER POINT LARGE PRINT
	0046916	42.00	CENTRAL BUSINESS SYSTEMS, INC

	0046919	34.13	CROSSROADS REPAIR LLC
	0046922	49.95	DAKOTA CENTRAL TELECOMMUNICATIONS JMTN
	0046925	49.43	DEMCO
	0046927	71.86	FARMERS UNION OIL CO-CENEX
	0046930	651.35	GALE GROUP/THE
	0046940	15.07	JENSEN/AGNES
	0046941	27.00	JORGENSON/LA RAE
	0046942	855.00	JUNIOR LIBRARY GUILD
	0046943	227.53	KIDS REFERENCE COMPANY INC
	0046945	555.00	KRAHLER/ROBERT
	0046947	175.04	M D U
	0046950	33.30	MEIDINGER/KATHERINE
	0046955	910.80	N D STATE LIBRARY
	0046960	199.69	OTTER TAIL POWER CO
	0046966	176.63	PUMPKIN BOOKS
	0046967	86.50	QWEST
	0046970	92.70	SILBERNAGEL/JULIE
	0046973	625.00	SPOKEN ARTS
	0046988	22.50	VIGESAA/VERNON
		6,256.36	Final Total
COURTHOUSE BUILDING			
	0046907	598.02	BOB'S PLUMBING & HEATING
	0046909	1,211.43	BROWN'S UPHOLSTERY
	0046971	250.00	SKEEL'S PAINTING & DECORATING
		2,059.45	Final Total
DOCUMENT PRESERVATION FUND			
	0046913	416.00	CASS COUNTY TREASURER
		416.00	Final Total
WEED BOARD CAPITAL IMPROVEMENT FUND			
	0046972	6,000.00	SPENNINGSBY/GREG
		6,000.00	Final Total
DATA PROCESSING			
	0046916	7.50	CENTRAL BUSINESS SYSTEMS, INC
	0046936	598.50	INFORMATION TECHNOLOGY DEPT
	0046954	13.00	N D ASSOCIATION OF COUNTIES
	0046959	511.47	OFFICELAND
	0046979	7.85	TDS METROCOM
		1,138.32	Final Total
CO EXTENSION FUND			
	0046935	18.98	HUGO'S 9
	0046951	4.00	MERCER COUNTY EXTENSION OFFICE
	0046981	180.00	THOMPSON/WENDY
		202.98	Final Total

Neys made a motion seconded by Marks to adjourn. At 9:01 a.m. the mid-month meeting of the Stutsman County Commission was adjourned.

ATTEST:

Noel A. Johnson
County COO (Auditor)

Mark Klose
Commission Chairman