

GRAND FORKS COUNTY COMMISSION MEETING
July 21, 2009 – 4:00 P.M.

The Board met pursuant to adjournment with Commissioners Murphy, Knauf, Schmisek, Pic and Malm present.

Moved by Malm, seconded by Schmisek, to approve the minutes of the July 7, 2009 meeting and the Grand Forks County Board of Equalization minutes of the July 7, 2009 meeting. Motion carried.

Moved by Pic, seconded by Knauf, to approve the order of agenda. Motion carried.

Moved by Schmisek, seconded by Malm, to approve the consent agenda. Items in the consent agenda included: bills as submitted by the County Auditor, Check #140852 – 141196 in the amount of \$829,749.02; employee status changes for Frank Shaske, Ben Ebertowski, Stacey Dahl, Rae Lee Briske, Kimberly Anderson and Deb A. Fontaine and bonds for check reissue. Motion carried.

Bridgie Hansen, Juvenile Detention Administrator, addressed the board.

Moved by Pic, seconded by Knauf, to approve the Chair's signature on the Altru Health and Fitness Center Fitness Assessment Agreement. Motion carried.

Ms. Hansen said the current fitness standards require 32 sit-ups and they would like to change it to 32 sit-ups or 39 crunches.

Peter Welte, State Attorney, addressed the board.

Moved by Pic, seconded by Schmisek, to approve the Chair's signature on the following Grand Forks County Declaration and Resolution Authorizing Use of Emergency Fund. Motion carried.

**DECLARATION AND RESOLUTION AUTHORIZING USE OF
EMERGENCY FUND**

WHEREAS, NDCC 57-15-28 establishes an Emergency Fund for the County, authorizing the use of such monies "for emergency purposes caused by the destruction or impairment of any county property necessary for the conduct of the affairs of the county", and

WHEREAS, there has been significant destruction or impairment of county property in the form of water damage sustained to the Grand Forks County Office Building due to malfunction of infrastructure on the 6th floor of the Grand Forks County Office Building over the July 4, 2009 weekend, and

WHEREAS, the County of Grand Forks has been assessing the levy for the Emergency Fund pursuant to NDCC 57-15-28, and does have money available in the Emergency Fund,

**THEREFORE NOW THE GRAND FORKS COUNTY COMMISSION DOES
HEREBY DECLARE AND RESOLVE** that the aforementioned water damage is the

type of destruction or impairment of county property contemplated by NDCC 57-15-28, that there is good cause for the expenditure of such monies. Accordingly, the Grand Forks County Commission hereby authorizes the expenditure of such monies, to the extent necessary, to repair the aforementioned damage.

Dated this 21st day of July, 2009.

Dawnita Nilles, Red River Wahoo's Swim Team, informed the board they will be hosting the Zone Meet, August 7 – 10, 2009 at UND Hyslop Pool.

Brian Osowski, Osowski Business Consulting, addressed the board regarding Recovery Zone Bonds.

Moved by Schmisek, seconded by Pic, to approve the Chair's signature on the following Grand Forks County Resolution Designating Recovery Zone. Motion carried.

**GRAND FORKS COUNTY, NORTH DAKOTA
RESOLUTION DESIGNATING RECOVERY ZONE**

WHEREAS, the American Recovery and Reinvestment Act of 2009 ("ARRA") added Sections 1400U-1 through 1400U-3 to the Internal Revenue Code of 1986 (the "Code") authorizing State and local governments to issue Recovery Zone Bonds until December 31, 2010; and

WHEREAS, Recovery Zone Bonds provide tax incentives for State and local governmental borrowing at lower interest cost to promote job creation and economic recovery that is targeted to areas particularly affected by employment declines; and

WHEREAS, Section 1400U-1 of the Code imposes a national volume limitation of \$10 billion for Recovery Zone Economic Development Bonds and \$15 billion for Recovery Zone Facility Bonds of which Grand Forks County was allocated \$12,960,000 for Recovery Zone Economic Development Bonds and \$19,440,000 for Recovery Zone Facility Bonds; and

WHEREAS, Recovery Zone Economic Development Bonds may generally be used to finance public projects or working capital expenditures that promote development or other economic activity in a "recovery zone" and Recovery Zone Facility Bonds may generally be used to finance private projects within a designated "recovery zone"; and

WHEREAS, Section 1400U-1(b) of the Code defines a "recovery zone" to mean:

- (1) any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures or general distress,
- (2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990, and
- (3) any area for which a designation as an empowerment zone or renewal community is in effect; and

WHEREAS, the County may make the designation of a recovery zone in any reasonable manner as it shall determine in good faith in its discretion; and

WHEREAS, the County may use the volume cap to finance eligible County projects or may allocate the volume cap to ultimate beneficiaries in any reasonable manner it determines in good faith in its discretion;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Grand Forks County, North Dakota, as follows:

Section 1. Designation of Recovery Zone. The Board of County Commissioners finds that significant unemployment, increased home foreclosures and general economic distress exist throughout the County as a result of the current recession, catastrophic flooding of the Red River and realignment of the Grand Forks Air Force Base. Therefore all of Grand Forks County, North Dakota is hereby designated as a “recovery zone” within the meaning of Section 1400U-1(b) of the Code.

Section 2. Allocation of Volume Cap. The Board of County Commissioners appoints the following individuals to serve on a committee to formulate a volume cap allocation policy for the County: Commissioner Malm, Grand Forks County Auditor, States Attorney, Director of Administrator. The President and CEO of the Grand Forks Region Economic Development Corporation will be asked to serve on the committee.

Adopted July 21, 2009.

The public hearing for the Application for Property Tax Incentives for New or Expanding Business for Dakota IV W, LLC was opened. No one from the public appeared and the public hearing was closed.

Nick Brown, Dakota IV W, LLC, addressed the board.

Moved by Malm, seconded by Schmisek, to approve a New or Expanding Business Exemption for Dakota IV W, LLC for five years as follows: 100% for the first year, 80% for the second year, 60% for the third year, 40% for the fourth year and 20% for the final year, beginning in 2010. Motion carried.

Moved by Pic, seconded by Malm, to open bid received for the structures located at 1541 34th Ave NE, West Olso, ND. Motion carried.

Moved by Malm, seconded by Pic, to accept the bid received from Brandon Nice and Jan Nice for the 24' x 28' garage for \$205. Motion carried.

Moved by Knauf, seconded by Pic, to approve the Chair's signature on the Amendment to Lease for space occupied by the Northeast Human Service Center within the Grand Forks County Office Building for the period of July 1, 2009 through June 30, 2011. Motion carried.

Moved by Knauf, seconded by Schmisek, to approve the Chair's signature on the Amendment to Lease for space occupied by the Child Support Enforcement Division within the Grand Forks County Office Building for the period of July 1, 2009 through June 30, 2011. Motion carried.

Moved by Schmisek, seconded by Knauf, to approve the Chair's signature on a Quit Claim Deed on parcel number 48-3130-00027-000. Motion carried.

Moved by Malm, seconded by Pic, to approve the water loss and mitigation agreement with Craftmasters Construction for \$40,985.99. Motion carried.

Moved by Pic, seconded by Knauf, to approve the Chair's signature on a right-of-way certification letter for project STM-SC-BRC-1830(052) – Grand Forks County Red River, 1 mile south & 8 miles east of Thompson Bridge No. 18-146-30.0 Structure – 1.499 mile. Motion carried.

Moved by Knauf, seconded by Pic, to adjourn. Motion carried. The meeting adjourned at 5:00pm. The next meeting will be held on August 4, 2009.

William Murphy, Chair
Grand Forks County Commission

Debbie Nelson, County Auditor