

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**December 21, 2015**

**5:00 P.M.**

The Burleigh County Commission convened with all members present except Comm. Woodcox.

Chairman Schonert called the meeting to order and thanked Dakota Media Access for their service in providing coverage of the County Commission and other governmental meetings. Schonert noted the number of citizens who routinely stop him and tell him they watch the televised meetings.

Chairman Schonert then reported that he reviewed the bills and recommended approval.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the bills as presented. All members present voted "AYE." Motion carried.

Court Administrator Wunderlich appeared regarding consideration and approval of a Court Facilities Improvement Grant. Wunderlich stated the grant project consists of replacement of lighting in Courtrooms 301, 302, and 303, along with carpet replacement and window covering improvements in the Courthouse. Wunderlich stated the total cost of the project is \$78,030 with 75% State Court funding and 25% county funding.

Comm. Peluso questioned if the county-funded portion of the cost was budgeted in 2015 or 2016 budget. Finance Director Thompson appeared and stated he has discussed this with Comm. Woodcox and while not specifically included in the budget, funds are available from other budgeted line items.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the Court Facilities Improvement Grant application with the ND State Supreme Court. All members present voted "AYE." Motion carried.

Engineer Hall appeared regarding authorization the advertise of bids for: painted pavement markings, furnishing concrete and metal culverts, crushing of gravel, township gravel hauling, dust control, chip seal projects, and grazing/hay land leases.

Hall noted part of the bid authorization includes the leasing of about 30 acres of hay land adjacent to the county shops. Comm. Bitner requested that as Hall is preparing bid specifications for the grazing & hay land leases, he also review the AG land lease at the Missouri Valley Complex.

Chairman Schonert also questioned if the Township Boards are in agreement with the township gravel hauling process. Hall responded that the Township Officers have been advised of the process and will have further opportunity for input.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to authorize the advertisement of bids for painted pavement markings; the furnishing of concrete and metal culverts; crushing of gravel at various locations; township gravel hauling; dust control; chip seal projects; and, grazing and haying of County Highway Dept. lands. All members present voted "AYE." Motion carried.

Hall then presented the 2016 Highway Dept "fiscally constrained" construction program priorities. Hall requested the Commission review the project list over the next 30+ days for action at the February 1, 2016 regular meeting.

Hall noted the six (6) top project priorities at a total cost of just over \$6.7million in county funds. Hall detailed the following projects as top priorities:

- Reconstruction of Lincoln Road from 52nd St SE to Benteen Dr in Lincoln, estimated cost is \$2.9 million,
- Reconstruction of the County Highway 10 and 66<sup>th</sup> St intersection (round about), estimated cost of \$1,053,026,
- Construction of 57th Ave NW from ½ mile west of Washington St to 15th St NW (Grading only), estimated cost of \$50,000,
- Reconstruction of 43<sup>rd</sup> Ave NE from 80<sup>th</sup> St to a point ¼ mile east, estimated cost of \$20,000
- Special Assessment District 59 – Spiritwood Estates Subdivision Road Improvements, estimated cost of \$536,640,
- Reconstruction of 71st Ave NE from Centennial Rd to 66<sup>th</sup> St NE, estimated cost of \$2,076,250.

Hall also presented mid-range projects that should be considered in the next 2 - 7 years and long-range projects looking out 7 - 30 years.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to accept the 2016 Burleigh County Project Priority List as submitted and to table action on this item until the February 1, 2016, regular County Commission Meeting. All members present voted "AYE." Motion carried.

Emergency Manager Senger appeared regarding consideration of the renewal of the Emergency Management Joint Powers Agreement with Emmons County and a Mutual Aid Agreement with Bis-Man Transit System.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the renewal of the Joint Powers Agreement for Provision of Emergency Management Services with Emmons County. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the renewal of the Mutual Aid Agreement with Bis-Man Transit System. All members present voted "AYE." Motion carried

County Building Official/Director Ziegler appeared regarding the request for a zoning change and lot split for Lot 2, Block 1, Billy the Kid Subdivision. Ziegler explained the request is to change the zoning from Agricultural to Rural Residential and to split Lot 2 into three (3) lots. Ziegler reported the County Planning Commission conducted a public hearing on this request and recommends approval.

Comm. Bitner stated that because of the pet cemetery in the area this item received a high amount of public involvement. Bitner noted the pet cemetery issue is in litigation, however no injunction was ordered. Bitner stated the only question at this time for the County Commission to consider is does the request meet the zoning requirements.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve zoning change from Agricultural to Rural Residential and lot split of Lot 2, Block 1, Billy the Kid Subdivision. "AYE" votes: Bitner, Peluso, Schonert. "NAY" vote: Jones. Absent: Woodcox. Motion carried.

Comm. Jones then presented a brief update the of Bismarck Park & Rec District (BPRD) management of the county park system noting the BPRD is seeking applicants for a Facility Specialist – Burleigh County Parks and hopes to have the position filled by the end of January 2016.

Auditor/Treasurer Glatt reported the following Board appointments are needed prior to January 1, 2016, and presented for the Board's review the applications on file: County Planning Commission (1) 4 year term; Region VII Human Service Council (1) – 2 year term; and, County Weed Board (1) – 4 year term.

Glatt noted the applications on file for the Planning Commission are from two (2) residents who do not reside within the county zoning jurisdiction, and one (1) application from a Riverview Township resident which is within the county's zoning jurisdiction. Glatt stated he has no applications on file for the Region VII Human Service Council and one (1) application for the Weed Board. Glatt noted the Weed Board applicant has reached the term limit policy of no more than three (3) terms or twelve (12) years.

Comm. Bitner stated he thinks the Commission should keep the Planning Commission appointment open to allow more time for additional applications. No action was taken.

Comm. Bitner then stated that although the reappointment of Ronald Andahl to the County Weed Board would be against the policy of no more than three (3) terms or twelve (12) years, Andahl is interested and has submitted an application.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to reappoint Ronald Andahl to a four (4) year term on the Burleigh County Noxious Weed Control Board. All members present voted "AYE." Motion carried.

Auditor/Treasurer Glatt presented the abatements for the Commission's consideration; a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the Nitschke, Hogue, Schild, Helfrich, Becker, Kulish, and Westerness abatements as requested; and to approve the Lost Instrument Surety Bond to replace lost check #101737 (\$30). All members present voted "AYE." Motion carried.

Rick Detwiller, Burleigh County Water Resource District Manager, appeared and provided a quick explanation on the sale of the Hogue Island lots acquired through the 2011 flood buyout. Detwiller noted four (4) lots were sold for \$120,000.

On a motion made, seconded and carried the Board adjourned.

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Kevin J. Glatt  
Burleigh County Auditor/Treasurer

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Douglas R Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
December 7, 2015**

5:00 P.M.

The Burleigh County Commission convened with all members present.

Chairman Schonert called the meeting to order with the first item the approval of the minutes and vouchers.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the November meeting minutes as presented. All members voted "AYE." Motion carried.

Chairman Schonert reported that he reviewed the vouchers and recommended approval.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the monthly vouchers, journal vouchers, and filing fee reports as presented. All members voted "AYE." Motion carried.

Deputy Auditor/Tax Equalization Director Vietmeier appeared and presented the abatements for the Commission's consideration; a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to deny the Freier abatement as the qualifications for a Disabled Veterans Credit have not been met since the home did not exist on the property at the time of the assessment date, February 1, 2015. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the Clairmont, Bergman, Anderson, Wolf, Wagner, and Opp abatements as requested. All members voted "AYE." Motion carried.

Greg Runge, Attorney at Law, appeared regarding the Indigent Civil Commitment Contract. Runge stated he has been providing indigent civil commitment services for twenty-six (26) years and is requesting an increase in the contract compensation. Runge continued that he has not had an increase in compensation in all these years, although civil commitment filings since 2010 have jumped 68 percent. Runge added civil commitment filings totaled 141 in 2014 and 165 by mid-November this year. Runge projected there will be 190 civil commitment cases by the end of 2015. Runge noted Cass County pays \$3,901 per month and Grand Forks County pays \$3,500 per month for these services from their contract attorneys. Runge requested an increase in compensation to \$3,000 per month.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the increase in the Indigent Civil Commitment Contract with Greg Runge at an amount of \$36,000 per year effective January 1, 2016. All members voted "AYE." Motion carried.

County Building Official/Director Ziegler appeared with the following items for the Board's consideration: building inspection service agreement with the City of Lincoln; approval of a lot split within Shiloh Subdivision; and, confirmation of the County Planning Commission of denial of a special use permit.

Ziegler first presented the service agreement with the City of Lincoln for plan reviews, issuance of permits, and building inspections. Chairman Schonert questioned if we have enough staff to provide these services. Comm. Bitner stated we do have the staff available. Comm. Peluso noted the number of permits issued by the County Building/Planning Office will double if this contract is approved and questioned further if the present staff can handle the increase or if we will need additional staff.

Ziegler assured the Commission that the contract can be approved without additional staffing needed to provide the service.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve the building inspection service agreement for the provision of permit issuance, flood plain administration, and building inspection services to the City of Lincoln and its extraterritorial area. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the lot split of Lot 1, Block 1, Shiloh Subdivision, Riverview Township. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to confirm the Burleigh County Planning Commission denial of the special use permit request of Kelcie Beckman and David Antonelli (Burnt Creek Township). All members voted "AYE." Motion carried.

County Extension Agents Ziemann-Bolinske and Stegeman appeared regarding the horticulture program assistant position. Stegeman and Ziemann-Bolinske requested authorization to reclassify the existing Summer Horticulturist Intern position from a part-time position to a full-time benefited position. Stegeman noted there is a need to increase this position to full-time. Ziemann-Bolinske stated if approved this would be accomplished utilizing existing 2016 budget dollars with the hope that NDSU Extension would provide 50% of the salary dollars and 100% of the benefit costs in 2017 and beyond.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve the requested reclassification of the existing Summer Horticulturist Intern position from a part-time position to a full-time benefited position utilizing the adopted 2016 budget; with the caveat that without 50% salary and 100% benefit funding from NDSU Extension in 2017 the full-time position will be eliminated. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and presented the Detention Center report for the month of November. Heinert noted 750 prisoner nights were spent outside the Burleigh County facility at a cost of \$52,575, bringing the yearly total to \$680,507. Heinert noted there are currently 250 individuals utilizing the 24/7 testing program on a daily basis, with 69 on the drug patch, 152 on the ankle bracelet, and 29 on two-a-day breath tests.

Heinert next presented the monthly Jail Construction update noting that with the recent unseasonable weather, the project should be back on schedule in the coming weeks.

Heinert then introduced Harley Engelman, KAT Productions, who presented information regarding a KAT Productions project for recruitment of peace officers for Burleigh/Morton/Mandan/Bismarck law enforcement agencies. Engelman stated KAT Productions is creating a recruiting video and program to attract and keep law enforcement in the Bismarck-Mandan area. Engelman noted the cities of Bismarck and Mandan have endorsed the project; adding funding for the recruitment project will be raised privately.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to wholeheartedly support the KAT Productions project for recruitment of peace officers for Burleigh/Morton/Mandan/Bismarck law enforcement agencies. All members voted "AYE." Motion carried.

County Engineer Hall appeared regarding acceptance of the low bid for the improvement project at the intersection of 66th Street SE and County Highway #10.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to accept the low bid of Weisz & Sons in the amount of \$2,324,117.95 for the reconstruction of the intersection of 66<sup>th</sup> St SE and County Highway #10, and authorize the proper County officials to enter into a contract with the North Dakota Department of Transportation and the said bidder. All members voted "AYE." Motion carried.

Chairman Schonert then initiated a brief discussion on surface water drainage issues in older rural subdivisions. Hall presented an example of such a situation and requested direction from the Commission on how to proceed. By consensus the Board agreed that the issues should be discussed with the Burleigh County Water Resource District. No action was taken.

The Board then considered designation of precincts and voting places for the 2016 election cycle; to authorize an absentee ballot precinct; and to authorize the county auditor to establish and operate an early vote precinct for the Primary and General Elections as necessary.

Auditor/Treasurer Glatt then presented information regarding the changing of precinct boundaries and voting locations in north Bismarck and the area immediately surrounding north Bismarck. Glatt stated that for the past two (2) election cycles he has been concerned about the voting experience at Centennial School and Horizon Middle School. Glatt continued that his concerns are

primarily related to the growth in NW Bismarck. Glatt continued that due to the topography and street arrangement in NW Bismarck it is difficult to create understandable precinct boundaries and find voting locations with adequate and available facilities including parking. Glatt presented several recommendations for the Board to consider noting he contacted both political parties and the precinct inspectors affected by the proposed changes.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve the closing of the Horizon and Centennial voting sites and create combined precinct at the Century Baptist Church (District 47; to remove that portion of the Horizon precinct east of Washington St and add it to Gateway Mall precinct (District 47), change the Gateway Mall precinct to Grace Point Church, including voters from District 7 living north of 43rd Ave and within the corporate limits of the City of Bismarck (Districts 7 & 47), create a new precinct at Legacy High School (District 7), create a new precinct at Liberty Elementary School (District 7 & 8), with all other precincts boundaries and voting locations remaining the same as November 2014; and, to authorize an absentee ballot precinct, and authorize the county auditor/treasurer to establish and operate an early vote precinct for the Primary and General Elections as necessary. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt reported the following Board appointments are needed prior to January 1, 2016, and presented for the Board's review the applications on file: County Planning Commission (2) – 4 year terms; County Park Board (2) – 3 year terms; Region VII Human Service Council (1) – 2 year term; Burleigh County Water Resource District (1) – 3 year term; and, County Weed Board (1) – 4 year term.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to appoint Rodney Beck to a three (3) year term on the Burleigh County Water Resource District. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to appoint ElRoy Haadem and Jenna Machado to three (3) year terms on the Burleigh County Park Board. All members voted "AYE." Motion carried.

Glatt noted the applications on file for the Planning Commission are from residents who do not reside within the county zoning jurisdiction. Chairman Schonert noted that candidates from the county zoning jurisdiction are desired.

Comm. Bitner stated that although the reappointment of David Andahl would be against the policy of no more than three (3) terms or twelve (12) years, Andahl is interested and has submitted an application.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to reappoint David Andahl to a four (4) year term on the Burleigh County Planning Commission. All members voted "AYE" except Comm. Jones "NAY." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to authorize the advertisement of bids for election printing and supplies. All members voted "AYE." Motion carried.

On a motion made seconded and carried the Board adjourned.

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Kevin J. Glatt  
Burleigh County Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
November 16, 2015**

**5:00 P.M.**

The Burleigh County Commission convened with all members present.

Chairman Schonert called the meeting to order with the first item of business the approval of the minutes and vouchers.

Comm. Peluso reported that he reviewed the bills and vouchers and recommended approval.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the bills as presented. All members voted "AYE." Motion carried.

This was the hour and date set for a PUBLIC HEARING regarding the vacation of the streets, avenues and alleys located within and adjacent to Lots 13 – 24, Block 11, Menoken Townsite.

County Building Official/Director Ziegler appeared and presented information related to the request to vacate the streets, avenues and alleys located within and adjacent to Lots 13 -24, Block 11, Menoken Townsite, Menoken Township.

Chairman Schonert opened the public hearing and called for any public testimony.

As no one present appeared, the public hearing was closed and the following motion was made:

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the vacation of the dedicated streets, avenues, and alleys located adjacent, between, and within Lots 13 – 24, Block 11, Menoken Townsite, Menoken Township, Burleigh County ND. All members voted "AYE." Motion carried.

Mike Manstrom, Dougherty & Company LLC, appeared and presented the results of the bond sale for the Series A & B Sales Tax Revenue Bonds for the financing of the Burleigh/Morton Detention Center. Manstrom stated the Series A Bonds in the amount of \$60 Million were sold this morning at public sale and the Series B Bonds in the amount of \$30 Million were sold through a direct bank placement. Manstrom noted the public sale was very successful with six (6) major bond underwriters bidding on the bond issue. Manstrom reported the winning bid was received from Robert Baird & Co., Inc., at a net interest rate of 3.72388%. Manstrom continued the direct placement with Wells Fargo NA is for a fixed interest rate of 2.34%. Manstrom recommended the County Commission approve the sale of the bonds.

Scott Wegner, Arntson, Stewart, Wegner Bond Counsel, appeared and presented the bond resolutions to award the sale of Series A and Series B Revenue Bonds for financing the combined Burleigh/Morton Detention Center. Wegner stated the resolutions include a Post-Issuance Compliance Procedure and Policy for Bond Issues which specifies processes and procedures to ensure the continuing tax-exempt status of the bonds.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the resolutions approving the issuance of \$60,000,000 multi-county Sales Tax Revenue Bonds, Series 2015A (the "Series 2015A Bonds") and \$30,000,000 Sales Tax Revenue Bonds, Series 2015B (the "Series 2015B Bonds") including the Indenture of Trust and Supplemental Indenture, respectively between the County and Bank of North Dakota, as Trustee (the "Trustee"), each dated as of November 1, 2015; the continuing Covenant Agreement between the County and Wells Fargo Bank, National Association, as Purchaser of the Series 2015B Bonds, dated as of November 1, 2015; and the Escrow Agreement between Burleigh County, Morton County, and the Bank of North Dakota as the Trustee, dated November 1, 2015; and to approve the Post-Issuance Compliance Procedure and Policy for Bond Issues. "AYE" votes: Bitner, Peluso, Jones, Woodcox, Schonert. Motion carried.

County Engineer Hall appeared and presented the following items for the Board's consideration: results of bid opening for three (3) new motor graders; annual township road maintenance agreements with both the unorganized and organized townships; and, Special Assessment Screening Committee report regarding Spiritwood Estates SAD #59;

Hall presented the following results of the November 3, 2015, bid opening for three (3) new motor graders under a 5 year - total cost bid with a guaranteed repurchase price at the end of this period:

	<u>Total Sum bid</u>	<u>Less Buy Back</u>	<u>Total Bid Cost</u>
RDO Equipment Co. (672GP)	\$298,250.00	\$167,600.00	\$130,650.00
Machinery Co. (12M3)	\$279,800.00	\$138,000.00	\$141,800.00
RDO Equipment Co. (772GP)	\$323,250.00	\$179,900.00	\$143,350.00

Hall reported the new units would replace three units that will be turned back to the dealer at the end of the five year buy back period on March 1, 2016, with a return value of \$417,000.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to award bids for three (3) new motor graders to the low bidder RDO Equipment Co. in the amount of \$298,250.00 per motor grader (total cost \$894,750.00) under a 5 year - total cost bid with a guaranteed repurchase price at the end of this period. "AYE" votes: Bitner, Peluso, Jones, Woodcox, Schonert. Motion carried.

The County Commission recessed to immediately sit as the respective Burnt Creek, Riverview, Ft. Rice, Lincoln, Phoenix, and Lyman Unorganized Township Boards of Supervisors for the following motion:

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve as individual Township Boards for Burnt Creek, Riverview, Ft. Rice, Lincoln, Phoenix, and Lyman Unorganized Townships, the road maintenance agreements with the County, assigning the roles and responsibility for maintaining township roads within each respective township. All members voted "AYE." Motion carried.

The Unorganized Township Boards of Supervisors adjourned and the County Commission immediately reconvened with all members present.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve and authorize the proper county officials to enter into agreements with the Organized Townships, assigning the roles and responsibilities for maintaining township roads within Burleigh County. All members voted "AYE." Motion carried.

Hall then presented the Special Assessment Screening Committee report regarding the proposed Spiritwood Estates Special Assessment District (SAD #59). Hall stated the Screening Committee met on November 2, 2015, and considered the petition, the feasibility of the project, and the predictability of solvency of the District. Hall reported the Screening Committee recommended the Board of Commissioners accept the Engineering Report and Petition for Paving Improvements for Spiritwood Estates Subdivision and create a special assessment district by adopting a resolution of necessity.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to accept the Preliminary Engineers report to create Special Assessment District #59, and to declare a Resolution of Necessity for Special Assessment District #59 Spiritwood Estates Subdivision and to authorize the call for a public hearing regarding the same. All members voted "AYE". Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the Highway Dept to work with Public Surplus to sell at public auction the following used surplus equipment:

- #10-24 1999 Dodge ½ ton 4X4 Pickup
- #11-20 1991 Ford Super Duty 1 ton with dump hoist & box
- #11-71 2005 IH Tandem Dump Truck
- #11-75 2005 IH Tandem Dump Truck

All members voted "AYE". Motion carried.

Comm. Jones then initiated a discussion regarding the status of the County Board of Health. Jones recommended dissolving the current appointed County Board of Health effective 1/1/16 based upon the opinion of State's Attorney Riha, that since we have a Joint Powers Agreement with the City of Bismarck for the Provision of Public Health Services, a separate County Board of Health is not required.

Chairman Schonert and Comm. Bitner questioned County Building Official/Director Ziegler regarding septic system permitting and monitoring.

Ziegler appeared and stated he was unsure of the number of septic systems involved and how this would affect his office.

Comm. Woodcox noted that the Custer Health District would continue to provide the same service they are presently providing regarding septic systems as this proposed action would have no effect.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to dissolve the existing County Board of Health and designate and reconstitute the County Commission as the Burleigh County Board of Health effective December 31, 2015. "AYE" votes: Bitner, Peluso, Jones, Woodcox, Schonert. Motion carried.

The Board then reviewed appointments to the various auxiliary boards with the following motion being made:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to appoint Dick Weber to a five (5) year term on the Burleigh County Housing Authority; to reappoint Dick Weber to a two (2) year term on the Region VII Human Service Council; to reappoint Rick Detwiller to a three (3) year term on the Burleigh County Water Resource District; and to reappoint Dallan Buchmann to a four (4) year term on the Burleigh County Noxious Weed Control Board. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt presented the abatements for the Board's consideration; a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the Wm Clairmont – TR C Family Trust, Chalmers, Haider, Shiu, Sabot etal, Baier, Landsberger, Andahl, and Were abatements as requested; to rescind the approval of abatement #15-288 approved on November 2, 2015, and reschedule the abatement for consideration at the December 7, 2015, County Commission meeting and notify the applicant of their right to appear and present such evidence as may bear on the application; to approve the Lost Instrument Surety Bond to replace chk#99938; to approve the raffle permit of Peace Lutheran Church; and, to approve the SE liquor license application of Flash's Place for a wedding dance at the Driscoll Hall. All members voted "AYE." Motion carried.

By consensus the Board agreed to request a presentation from the Bismarck-Mandan Metropolitan Planning Organization on their application to receive Bicycle Friendly Community status from the League of American Bicyclists at a future meeting.

On a motion made seconded and carried the Board adjourned.

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Kevin J. Glatt  
Burleigh County Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
November 2, 2015**

**5:39 P.M.**

The Burleigh County Commission convened with all members present.

Chairman Schonert called the meeting to order with the first item of business the approval of the minutes and vouchers.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the October meeting minutes as presented. All members voted "AYE." Motion carried.

Comm. Peluso reported that he reviewed the vouchers and recommended approval.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the monthly vouchers, journal vouchers, and filing fee reports as presented. All members voted "AYE." Motion carried.

NDSU Extension – Burleigh County, 4-H Youth Development Agent Amelia Doll and Agriculture & Natural Resource Agent Ashley Stegeman appeared and presented a recap of their respective programming efforts and results.

County Engineer Hall appeared and presented a second approach permit application on behalf of Eldon Beastro, from Lot 2 Block 1, Hay Creek Pines Subdivision onto Forest Dr.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the second approach permit request of Eldon Beastro from Lot 2, Block 1, Hay Creek Pines Subdivision onto Forest Dr. All members voted "AYE." Motion carried.

HR Director Terras appeared regarding authorization to fill the Senior Assistant States Attorney position at Grade 14, Step 10 which exceeds the Burleigh County starting salary policy (Personnel Policy Chapter 2, Section 10). Terras stated the top candidate for the position has over fifteen (15) years of experience. Terras noted funds are available in the approved budgets.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve a variance to the starting pay policy and authorize the hiring of the Senior Assistant States Attorney at Grade 14, Step 10, as requested. All members voted "AYE." Motion carried.

Communications Director Dannenfelzer appeared and presented the final draft of agreements for the consolidation of Mandan's public safety communications and E-9-1-1 services into the existing Bismarck/Burleigh Combined Communications Center. Dannenfelzer stated the draft charter provides for a board of directors consisting of one member each from the Bismarck City Commission, Mandan City Commission, and the Burleigh County Commission to govern the combined center. Dannenfelzer continued an executive committee consisting of the Bismarck Police Chief, Mandan Police Chief, Mandan Fire Chief, Bismarck Fire Chief, Metro Ambulance Service, the Burleigh County Sheriff, and the Bismarck Rural Fire Chief will provide direction and oversight of the operations of the combined center, subject to the policy and budget limitations established by the board of directors. Dannenfelzer continued Burleigh County and Bismarck will pay 80 percent of the costs and Mandan 20 percent of the costs with the Burleigh/Bismarck split continuing at 35% Burleigh and 65% Bismarck. Dannenfelzer stated the draft agreement has been approved by the City of Bismarck and upon approval by the County and the City of Mandan he hopes to be dispatching for Mandan in January 2016.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve the final draft of the Charter Document and Joint Powers Agreement for the consolidation of Mandan's public safety communications and E-9-1-1 services into

the existing Bismarck/Burleigh Combined Communications Center. All members voted "AYE." Motion carried.

Dannenfelzer then requested authorization to expend funds out of the E-9-1-1 Enhancement Fund for the purchase of two (2) workstations needed for the additional employees for the dispatching for Mandan.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to authorize the expenditure of funds for the purchase of two (2) work stations/consoles needed for the additional employees related to the expansion of the Combined Communications Center to accommodate the dispatching for Mandan. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt questioned the dollar amount for the two (2) consoles needed for the additional employees.

Dannenfelzer stated the furniture is estimated at \$47,000, the E-9-1-1 workstations \$51,000, and the radio consoles around \$25,000.

Sheriff Heinert appeared and presented the Detention report for the month of October. Heinert noted that for the month of October on average 43 inmates per day were housed outside the Burleigh County facility at an average per day cost of \$2,983 bringing the yearly total to 9,737 nights outside at a total cost of \$627,932. Heinert stated there are currently 276 individuals utilizing the 24/7 testing program on a daily basis, with 78 on the drug patch, 145 on the ankle bracelet, and 53 on two-a-day breath tests. Heinert noted another 38 people are testing in other counties.

Auditor/Treasurer Glatt presented the abatements for the Board's consideration; a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the Funk, Schmitt/Hoerner, Freier, Eckes, Phillips, Hanson, O'Neill, Bosch, Knutson, Heidt, Schlinger, and Alexander abatements as requested; to approve the second approach permit request of Tobias Marman from Lot 1A of Lot 1, Block 2, State Street Office Park Subdivision onto Yukon Dr; and, to approve the vacation of the 80' Access Road on the west side of Lot, 1, Block 1, Gussner Acreage Homesites Subdivision as that roadway has been abandoned and not in use for over ten years pursuant to NDCC 24-07-31. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the 2016 Commission Meeting schedule as presented. All members voted "AYE." Motion carried.

Comm. Woodcox questioned State's Attorney Riha whether the County Commission needs to approve the contract with Bismarck Park & Recreation District (BPRD) for management Steckel Park, Kneifel Boat Ramp area, Kimball Bottoms, McLean Bottoms, Swenson Park, and the Missouri Valley Complex.

State's Attorney Riha responded no, it only needs to be approved by the County Park Board.

On a motion made seconded and carried the Board adjourned.

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Kevin J. Glatt  
Burleigh County Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
October 19, 2015**

**5:00PM**

The Burleigh County Commission convened with all members present.

Comm. Bitner reported that he had reviewed the monthly vouchers and recommended approval.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the bills as presented. All members voted "AYE." Motion carried.

This was the hour and date set for a public hearing regarding the minimum sale prices as determined for the annual tax sale on November 17, 2015. Chairman Schonert opened the public hearing and called for any public testimony. As no one present appeared, the following motion was made:

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to close the public hearing and confirm the minimum sale prices for the annual tax sale held on November 17, 2015, as previously adopted. All members voted "AYE." Motion carried.

Rachel Drewlow, Transportation Planner Bismarck-Mandan Metropolitan Planning Organization (MPO), and Gabe Schell, Kadrmass Lee & Jackson (KLJ) appeared regarding the Bis-Man MPO request for consideration and approval of the Northeast Bismarck Subarea Study.

Drewlow introduced the Northeast Subarea Study noting that the MPO contracted with KLJ to study the potential future transportation needs in the area. Schell reported the study focused on a 12-square mile area between I-94 to the south, Centennial Rd to the west, 80<sup>th</sup> St to the east and 84<sup>th</sup> Ave to the north. Schell continued the study looked at the future transportation needs in and around Northeast Bismarck, which is a major growth area. Schell stated the goal of the study is to help plan for future roadway development in the area and to develop a timeline for such development.

Comm. Woodcox questioned the timing for any updates to this study. Schell stated updates are normally done on a case-by-case basis depending on the changing environment. Comm. Woodcox then stated that the proposed interchange and truck by-pass at 66<sup>th</sup> St should be planned for 80<sup>th</sup> St and 110<sup>th</sup> Ave due to the high number of residential subdivisions along 66<sup>th</sup> St and 71<sup>st</sup> Ave. Schell responded that truck traffic either coming from or traveling to the east have little impact as most of the truck traffic in the study area being trucks with local destinations. Schell added the study finds the trucks on Centennial Rd are continuing south on Bismarck Expressway to industrial/commercial areas along the Expressway.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to accept the Bismarck-Mandan Metropolitan Planning Organization NE Bismarck Subarea Study as presented. All members voted "AYE." Motion carried.

Greg Larson, Burleigh County Water Resource District Manager, appeared regarding the proposed Fox Island Flood Protection project. Larson stated that in 2013, the County Commission committed to providing flood protection at the 20' level to protect the city wastewater treatment plant. Larson noted this flood protection project includes the already completed raising of Tavis Rd (by the county) and Mills Ave (by the City of Bismarck). Larson continued this commitment included approximately \$920,000 for the raising of Farwest Dr and Gallatin Lp. Larson requested the County Commission affirm this commitment as part of a special assessment district proposal for the area landowners to consider and approve by a majority vote.

County Engineer Hall appeared and stated the commitment to provide flood protection at the 20' level to protect the city waste water treatment plant could be met using sand bags or clay fill as was done in 2011 and does not necessarily mean the permanent raising of roadways. Hall noted no funds have been budgeted for this project.

Larson stated he is meeting with State legislators on November 4<sup>th</sup> to discuss the status of this project noting construction is not expected to begin until 2017, and further that the project could be funded through the issuance of bonds and repaid over several years. Larson requested the County Commission reaffirm the commitment as part of a special assessment district proposal for the area landowners to consider.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to commit \$920,000 to the Fox Island Flood Protection project contingent upon the passage of the special assessment district vote for the project with funding sources for the \$920,000 to be identified at a later date. Vote on motion: "AYE" votes: Peluso, Jones, Woodcox, Schonert. "NAY" vote: Bitner. Motion carried.

Auditor/Treasurer Glatt and Deputy Auditor/Tax Equalization Director Vietmeier then presented for the Board's review and input a preliminary plan for the 2016 equalization. Vietmeier stated the 64<sup>th</sup> Legislative Assembly adopted new training requirements for local assessment officials including a requirement that all assessments be reviewed by a certified assessor. Vietmeier continued that at this time there are only a handful of certified assessors in the county; and in order to complete the equalization and election duties next year in a timely and efficient manner, a plan has been drafted for the Commission's consideration. Vietmeier requested input from the Commission before submitting the plan to the townships. Vietmeier noted he has made preliminary contact with the leadership of the Township Officer's Association on this matter.

Comm. Peluso stated he thinks this a good plan. Chairman Schonert agreed and directed Vietmeier to move forward.

County Engineer Hall appeared regarding consideration of the 2016 Highway Department fee schedule. Hall noted the fee schedule includes minor changes from the 2015 fee schedule for Township Road Maintenance Agreements. Hall continued for 2016 he is proposing a 0% to 15% increase to the annual Township Road Maintenance Agreement fees in order to bring the fees collected to at least 25% of the actual cost of services based on an average of the previous three (3) years. Hall stated he is also proposing minor changes in equipment rates with the resultant increases/decreases bringing the Highway Dept. into compliance with ND state law.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve and adopt the 2016 Highway Dept. fee schedule. All members voted "AYE". Motion carried.

Building Official-Director Ziegler appeared and requested authorization to call for a public hearing for the vacation of streets, avenues, and alley(s) adjacent to Lots 14 – 24, Block 11, Menoken Townsite, Menoken Township.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to authorize the call for a public hearing related to the requested vacation of the streets, avenues, and alley(s) adjacent to Lots 14 – 24, Block 11, Menoken Townsite, Menoken Township. All members voted "AYE". Motion carried.

Burleigh Sheriff Dept. Major Leben appeared with the following items for the Board's consideration: acceptance of a NDDOT Grant in the amount of \$ 24,623 for 2015/2016 for occupant protection, impaired driver, underage drinking & distracted driving enforcement; and authorization to expend funds of \$6,952 from the Jail Maintenance & Construction Fund for repair of the fire alarm system in the jail.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve the acceptance of a ND Department of Transportation Grant (Contract No. 12152021, four projects) in the amount of \$24,623 for 2015/2016 for occupant protection, impaired driver, underage drinking, and distracted driving enforcement. All members voted "AYE". Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to authorize the expenditure of \$6,952 from the Jail Maintenance & Construction Fund for repair of the fire alarm system in the jail. All members voted "AYE". Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to appoint Comm. Peluso to represent Burleigh County in negotiating a final agreement between the City of Bismarck, City of Mandan, and Burleigh County for consolidating Mandan's public safety communications and 9-1-1 services into the existing Bismarck/Burleigh Combined Communications Center. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt presented a resolution authorizing the reimbursement of expenses for Special Assessment District #58; Skyline Estates paving project.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve and adopt a resolution authorizing the reimbursement of expenses for Special Assessment District #58. All members voted "AYE." Motion carried.

The Board then discussed a leash ordinance for rural Burleigh County. State's Attorney Riha stated he issued an opinion on this matter in May 2001. Riha stated nuisance dogs can be reported to a district judge and eventually be destroyed by the sheriff if the judge finds the dog is a problem. Riha continued the county could establish a civil ordinance which could allow fines.

Pam Berge, Ridgeview Acres Subdivision, appeared in support of a county leash law. Berge stated her dog was recently attacked noting the Sheriff's Dept. has been very responsive to her calls but that their hands are tied because there is no penalty and nothing they can do.

Chairman Schonert cautioned against a blanket ordinance for the entire county noting hunting dogs and farm dogs would need to be exempt.

Building Official-Director Ziegler was directed to study this issue and review and prepare a structure and draft language for a leash ordinance.

Auditor/Treasurer Glatt presented the abatements for the Board's consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve the Schwab, Bonagofsky, Thompson, and Conlon abatements as requested; to approve and authorize the Chairman and Auditor/Treasurer to execute a confirmatory county deed for Lots 1 – 6, Block 7, Driscoll Townsite 3rd Addition related to a tax sale held in 1919; and to approve the second approach permit applications of Jeff and Laurie Anderson, Lot 4 Block 3, Hightop Acres 2<sup>nd</sup> Subdivision, and Jamie King, Lot 18 Block 12, Grande Prairie Estates 2<sup>nd</sup> Subdivision. All members voted "AYE". Motion carried.

On a motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**October 5, 2015**

5:08 P.M.

The Burleigh County Commission convened a regular meeting with all members present except Chairman Schonert.

Vice-Chairman Bitner called the meeting to order with the first item of business the approval of the monthly minutes and vouchers.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve the September meeting minutes as presented. All members present voted "AYE." Motion carried.

Vice-Chairman Bitner reported that he had reviewed the monthly vouchers and recommended approval.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve payment of the monthly vouchers, journal vouchers, and filing fee reports as presented. All members present voted "AYE." Motion carried.

HR Director Terras appeared regarding a request of the State's Attorney to authorize the hiring of a Legal Secretary, Attorney II and file clerk. Terras stated we are currently recruiting for the vacant Attorney II and Legal Secretary positions. Terras continued that the Commission approved the 2016 budget with additional Legal Secretary, Attorney II and file clerk positions in the State's Attorney's Office. Terras recommended authorizing the recruitment and hiring of these additional positions approved in the 2016 budget to help with the current workload and to eliminate another recruiting process. Terras stated no additional funding is needed in the 2015 budget year due to turnover of positions in the State's Attorney's Office during the year.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to authorize the hiring of a Legal Secretary, Attorney II and file clerk approved in the 2016 budget immediately. All members present voted "AYE." Motion carried.

County Engineer Hall appeared with the following items for the Board's consideration: results of bids for the Lincoln Road Phase 2 - Drainage project; and authorization to advertise for bids for three (3) new motor graders, and to sell the old ones.

Hall stated that on September 2, 2015, the County Commission authorized the advertisement for bids for the Lincoln Road Phase 2 – Drainage project. Hall noted the engineer's estimate for the project is \$517,630.30. Hall continued that the following bids were opened on October 1, 2015:

Weisz & Sons \$1,090,628.25	BEK Consulting LLC \$486,073
Force Enterprise \$854,349.25	Meyer Contracting \$477,284.10

Comm. Woodcox questioned Hall if this project will take care of the drainage issue the City of Lincoln has been struggling with for the past year. Hall stated that he would be reluctant to say "take care of" but it will help and is a step in the right direction. Hall stated he was comfortable doing a "backbone system" along the county road as part of the reconstruction of Lincoln Road with Phase II of this project from Benteen Dr. to 52<sup>nd</sup> St. Hall stated the project is being done to improve the safety of the existing roadway as well as the drainage and riding surface.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to award the bid for part 1 of Phase II of the Lincoln Road reconstruction project (drainage) to the low bidder, Meyer Contracting, in the amount of \$477,284.10, and to authorize the proper County officials to enter into a contract with said bidder. All members present voted "AYE." Motion carried.

Hall then requested authorization to advertise for bids for three (3) new motor graders as approved in the 2016 budget. Hall stated the motor graders would be purchased under a five (5) year – total cost bid with a guaranteed repurchase price at the end of the period.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to authorize the advertisement of bids for the purchase of three (3) new motor graders under a five (5) year total cost bid with a guaranteed repurchase price at the end of the period. All members present voted "AYE". Motion carried.

Hall recommended that the Commission revisit the selling of the old motor grader(s) after bids are received for the purchase of the new graders later this year. No action taken.

Sheriff Heinert appeared and presented the Detention report for the month of September. Heinert noted that for the month of September 1,537 prisoner nights were spent outside the Burleigh County facility at a cost of \$106,053 bringing the yearly total to 8,411 "outside nights" at a total cost of \$535,450. Heinert stated there are currently 258 individuals utilizing the 24/7 testing program on a daily basis, with 69 on the drug patch, 134 on the ankle bracelet, and 55 on two-a-day breath tests. Heinert noted another 43 people testing in other counties.

Heinert then reported that the Burleigh / Morton Jail Committee met on September 22, 2015, and unanimously voted to establish the initial Percentage of Ownership of the Combined Detention Center at 85% Burleigh and 15% Morton based upon the first ten (10) months of sales tax collections. Heinert requested the Burleigh County Commission formally approve this new ownership percentage for the new combined detention center.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to formally approve the new ownership percentage for the new combined Burleigh/Morton County Detention Center at 85% Burleigh and 15% Morton based upon the first ten (10) months of sales tax collections. All members present voted "AYE." Motion carried.

Auditor/Treasurer Glatt presented the abatements for the Board's consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the Noon abatements as requested; and to authorize the cancellation of all outstanding checks written prior to July 2014 with funds sent to the Unclaimed Property Division at the State Land Dept. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to appoint Comm. Jones as the Burleigh County Representative to the ND Missouri River Advisory Council. All members present voted "AYE." Motion carried.

On motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
SEPTEMBER 24, 2015**

**5:00 P.M.**

The Burleigh County Commission convened with all members present.

Chairman Schonert called the meeting to order with the first item of business the approval of the bills.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve payment of the bills subject to Comm. Jones review and approval. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve and establish the minimum sale prices for the annual delinquent property tax sale as presented. All members voted "AYE." Motion carried.

Building Official Ray Ziegler appeared and presented the following items: consideration of amendments to the Burleigh County Zoning Ordinances, and consideration of a request to split Lot 13, Block 6, The Ranch Subdivision.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the amendments to the Burleigh County Zoning Ordinances as presented. "AYE" votes: Bitner, Peluso, Jones, Woodcox, Schonert. "NAY" votes: none. Motion carried.

Building Official Ray Ziegler requested consideration of the lot split of Lot 13, Block 6, The Ranch Subdivision be pulled from the agenda as there are some technical issues with the utility easements that need to be resolved.

Auditor/Treasurer Glatt presented the abatements for the Board's consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve the Schwarz, Andre, Tanous, Heck, Kraft, Sabot, Hayter, and Arbach abatements as requested; to approve the raffle permit application for the Sterling Teacher – Parents Association; to approve the Lost Instrument Surety Bond to replace check #99282 (\$209.36); to approve the Liquor License application for T-n-T Tavern (D & S), and to approve the 2<sup>nd</sup> approach permit for Thomas Todd (Circle K Estates Lot 12, Block 1). All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to appoint Comm. Woodcox as the Burleigh County delegate to the ND State Fair Association Annual Meeting. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to appoint Chairman Schonert as the Burleigh County representative to the Regional Transportation Task Force. All members voted "AYE." Motion carried.

Comm. Jones reported that the County Board of Health desires to send public health information home with students who attend rural Burleigh County schools. Jones requested County Commission authorization for this small project.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to authorize the County Board of Health to send public health information home with students who attend the rural schools. All members voted "AYE." Motion carried.

On a motion made, seconded, and carried the Board recessed until 6:00PM.

**6:00 P.M.**

This was the hour and date set for the continued PUBLIC HEARING regarding the proposed budget as published and adoption of the final budget for the year ending December 31, 2016.

Chairman Schonert called County Finance Director Thompson to summarize the actions of the County Commission at the August 19, 2015, budget meeting. Finance Director Thompson appeared and stated that the action of the Commission at the August 19th budget meeting resulted in the owner of a \$250,000 home in the City of Bismarck seeing a \$25 increase in the county portion of their property taxes in 2016.

Comm. Woodcox explained that although the county sends the tax statements (bills) the county only retains 19% of property tax. Woodcox noted the county zero mill increase notice of 3.67% and stated the school district noticed a 4.76% and the park district a 5.62% increase. Woodcox then suggested areas to reduce the county increase with the following motions made:

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to remove the Environmental Health Practitioner position from the Building/Planning/Zoning Department and reduce the budget by \$84,011. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to remove the requested equipment in the county park budget and reduce the same by \$75,000. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Jones, to reduce the Jail Maintenance & Construction levy from 1 mill to .50 mills. All members voted "AYE." Motion carried.

The Commission then discussed the County Library budget and levy request. Library Director Kujawa and Bookmobile Librarian McDonald appeared and stated Bookmobile use has increased by 22 percent and services rural schools in the county. Kujawa requested the library budget be approved as submitted noting the only change from 2015 is related to employee benefits.

Chairman Schonert then suggested that the Noxious Weed Control equipment budget be cut \$60,000 with the corresponding levy be reduced from 2 mills to 1.5 mills.

Motion by Comm. Bitner, 2nd by Comm. Jones, to reduce the Weed Control levy from 2 mills to 1.5 mills. All members voted "AYE." Motion carried.

Chairman Schonert then initiated a discussion regarding cuts to the Sheriff and Detention budgets. Schonert suggested removing the additional patrol vehicle in the Sheriff's Dept. and reducing the number of new hires in the Detention Center from nine (9) to seven (7).

Sheriff Heinert appeared and explained that the \$26,000 budgeted for a new vehicle will be used exclusively for the K-9 unit and includes several special features for the animal which preclude its use for normal patrol activities. Heinert added the K-9 unit will be partially funded through a grant (dog, training, equipment). Heinert then explained that four (4) of the new detention staff will be starting in mid-October to meet an existing need. Heinert continued three (3) of the staff are for a transition team that will be working to make the move to the new detention center. Heinert noted the mental health position will not start until July 1, 2016, and may be funded through a \$150,000 grant with the possibility of future grants up to \$3 million. Heinert concluded the last position, a building maintenance employee, will also start July 1, 2016.

At the request of Comm. Woodcox, Finance Director Thompson summarized the changes to the budget noting that the 3.67% county zero mill increase notice within the City of Bismarck had been reduced to approximately 2%.

Chairman Schonert opened the PUBLIC HEARING and invited public testimony and comment on the 2016 budget.

Brent Voorhees and Barb Knutson appeared with questions and comments regarding the 2016 Preliminary Budget. Chairman Schonert called for further testimony. No one else present appeared. Upon conclusion of testimony and discussion, the following motions were made:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve and adopt the final 2016 Burleigh County budget and appropriate mill levies as per the preliminary budget adopted, published and amended, with the understanding that in the future hard cuts will need to be examined to honor the sentiment of the public for no new taxes. "AYE" votes: Peluso, Jones, Woodcox, Schonert. "NAY" vote: Bitner. Motion carried.

The County Commission then recessed and immediately sat as the Township Boards for each unorganized township for the following motion:

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve and authorize the maximum mill levies for the Unorganized Townships of Lincoln, Burnt Creek, Riverview, Ft. Rice, Lyman, and Phoenix. All members voted "AYE". Motion carried.

The Burleigh County Commission immediately reconvened with all members present.

The Board then considered approval of the Agreements for the Joint Exercise of Governmental Powers with the City of Bismarck relating to contracts for Nursing & Public Health Services and the Police Youth Bureau.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the Agreements for the Joint Exercise of Governmental Powers with the City of Bismarck relating to contracts for Nursing & Public Health Services and the Police Youth Bureau. All members voted "AYE". Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve the contract with Centre, Inc., for Community Service & Misdemeanor Probation services funding (part of Detention Center budget). All members voted "AYE". Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve the contract with Mountain Plains Youth Services (Youthworks) for the provision of Attendant Care and Emergency Shelter Care Services funding (part of Social Services and Detention Center budgets). All members voted "AYE". Motion carried.

On a motion made, seconded and carried, the Board adjourned.

FINAL BUDGET OF BURLEIGH COUNTY  
NORTH DAKOTA  
CALENDAR YEAR BEGINNING JANUARY 1, 2016

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA

I, Kevin J. Glatt, County Auditor, do hereby respectfully submit to the Board of County Commissioners, the Final Budget for the twelve month period beginning January 1, 2016 and ending December 31, 2016. This budget was studied and examined by the Board of County Commissioners and changes made as deemed necessary. Upon a motion made, seconded and carried, the budget was ordered published after the recommended changes were made.

TO THE TAXPAYERS OF BURLEIGH COUNTY, NORTH DAKOTA

We, the Board of County Commissioners of Burleigh County, North Dakota, hereby give notice that we have examined into the several budget estimates filed by the several officers, institutions or undertakings, supported wholly or in part by Burleigh County, and from such examination in our opinion for the calendar year beginning January 1, 2016 the following amounts are necessary:

FINAL BUDGET

County Board .....	\$ 381,519
Juvenile Court .....	211,000
County Auditor/Treasurer/Tax Equalization .....	1,094,389
States Attorney.....	2,141,743
County Recorder .....	372,555

Superintendent of Schools .....	67,000
Public Administrator .....	6,300
Courthouse, Buildings & Grounds .....	499,638
Elections.....	301,000
Utilities.....	124,000
Printing, Publishing and Supplies.....	29,000
Telephone and Postage.....	102,000
Technology.....	97,180
Audit Fees.....	16,500
Human Resources .....	529,369
Liability and Property Insurance.....	109,000
County Planning.....	277,961
County Sheriff .....	6,188,369
County Detention Center.....	5,024,567
Emergency Management.....	269,693
Ambulance Services .....	1,500
Police Youth Bureau .....	59,624
Public Health Nurse .....	177,473
Advertising .....	83,992
County Health Board.....	2,250
Steckel Boat Ramp .....	16,400
Kimball Bottoms Boat Ramp .....	140,800
Kniefel Boat Ramp .....	36,150
Mitchell Lake .....	6,800
Driscoll Sibley Park .....	4,300
City Recreation.....	218,700
McLean Boat Ramp .....	30,000
Swenson Park.....	4,000
Communications Center.....	551,140
Transfer Out.....	205,300
GENERAL FUND BUDGET .....	\$19,381,212

Appropriation for General Government	\$19,381,212	
Plus: Delinquent Taxes & Interim Fund	9,914,340	
Less: Resources	<u>(16,524,263)</u>	
Balance to be levied (29.16 Mills)		\$12,771,289

Appropriation for Unorganized Townships	699,000	
Plus: Delinquent Taxes	34,950	
Less: Resources	<u>(198,250)</u>	
Balance to be levied		535,700

Appropriation for County Road & Bridge	14,193,189	
Plus: Delinquent Taxes	5,475	
Less: Resources	<u>(14,089,164)</u>	
Balance to be levied (.25 Mill)		109,500

Appropriation for Highway Tax Distribution	7,803,000	
Less: Resources	<u>(7,803,000)</u>	

Balance to be levied			- 0 -
Appropriation for Social Welfare		7,704,435	
Plus: Delinquent Taxes & Interim Fund	2,184,911		
Less: Resources	<u>(4,713,303)</u>		
Balance to be levied (11.82 Mills)			5,176,043
Appropriation for Job Development		100,000	
Plus: Delinquent Taxes	4,401		
Less: Resources		<u>(16,387)</u>	
Balance to be levied (.20 Mill)			88,014
Appropriation for Library		322,520	
Plus: Delinquent Taxes		13,421	
Less: Resources		<u>(67,513)</u>	
Balance to be levied (2.36 Mills)			268,428
Appropriation for Liability Insurance		28,000	
Less: Resources		<u>(28,000)</u>	
Balance to be levied			- 0 -
Appropriation for Special Assessments	28,000		
Plus: Interim Fund		7,000	
Less: Resources		<u>(35,000)</u>	
Balance to be levied			- 0 -
Appropriation for Senior Citizens		750,000	
Plus: Delinquent Taxes & Interim Fund		531,471	
Less: Resources		<u>(843,471)</u>	
Balance to be levied (1.00 Mill)			438,000
Appropriation for Detention Commissary		40,000	
Less: Resources		<u>(40,000)</u>	
Balance to be levied			- 0 -
Appropriation for Sobriety 24/7 Program	116,500		
Less: Resources		<u>(116,500)</u>	
Balance to be levied			- 0 -
Appropriation for Communication Center		2,334,000	
Less: Resources		<u>(2,334,000)</u>	
Balance to be levied			- 0 -
Appropriation for Victim/Witness Assistance		229,215	
Less: Resources		<u>(229,215)</u>	
Balance to be levied			- 0 -
Appropriation for Emergency Fund		1,381,000	

Less: Resources		<u>(1,381,000)</u>		
Balance to be levied				- 0 -
Appropriation for Veterans Service		340,756		
Plus: Delinquent Taxes & Interim Fund	101,384			
Less: Resources		<u>(118,241)</u>		
Balance to be levied (.74 Mill)			323,899	
Appropriation for Provident Life Bldg.		528,863	Less:	
Resources	<u>(528,863)</u>			
Balance to be levied				- 0 -
Appropriation for Social Security		110,000		
Less: Resources		<u>(110,000)</u>		
Balance to be levied				- 0 -
Appropriation for Advertising		12,000		
Less: Resources		<u>(12,000)</u>		
Balance to be levied				- 0 -
Appropriation for County Agent		419,674		
Plus: Delinquent Taxes & Interim Fund		116,800		
Less: Resources		<u>(298,833)</u>		
Balance to be levied (.54 Mill)				237,641
Appropriation for Comprehensive Health Insurance		246,000		
Less: Resources		<u>(246,000)</u>		
Balance to be levied				- 0 -
Appropriation for Weed Board	487,565			
Plus: Delinquent Taxes & Interim Fund	83,278			
Less: Resources		<u>(399,843)</u>		
Balance to be levied (1.50 Mills)				171,000
Appropriation for Water Resource District	737,000			
Plus: Delinquent Taxes & Interim Fund	32,850			
Less: Resources		<u>(112,850)</u>		
Balance to be levied (1.50 Mills)				657,000
Appropriation for County Park		62,202		
Plus: Interim Fund		565,054		
Less: Resources		<u>(627,256)</u>		
Balance to be levied				- 0 -
Appropriation for County Fair	8,867,000			
Less: Resources		<u>(8,867,000)</u>		
Balance to be levied				- 0 -
Appropriation for County Jail Maintenance				

	and Construction	50,000,000		
Plus:	Delinquent Taxes		10,950	
Less:	Resources		<u>(49,791,950)</u>	
	Balance to be levied (.50 Mill)			219,000
Appropriation for County Parks and				
	Recreational Areas		27,000	
Less:	Resources		<u>(27,000)</u>	
	Balance to be levied			- 0 -
Appropriation for Parking			52,000	
Less: Resources			<u>(52,000)</u>	
	Balance to be levied			- 0 -
Appropriation for Abandoned Cemeteries			7,200	
Less: Resources			<u>(7,200)</u>	
	Balance to be levied			- 0 -
Appropriation for Preservation Fund			92,500	
Less: Resources		<u>(92,500)</u>		
	Balance to be levied			- 0 -
Appropriation for Sheriff Drug Asset				
	Forfeiture Fund		28,000	
Less: Resources		<u>(28,000)</u>		
	Balance to be levied			- 0 -
Appropriation for States Attorney				
	Forfeiture Fund		8,000	
Less: Resources		<u>(8,000)</u>		
	Balance to be levied			- 0 -
Appropriation for Hazardous Chemicals		5,000		
Less: Resources		<u>(5,000)</u>		
	Balance to be levied			- 0 -
Appropriation for Rural Special				
	Assessments		493,900	
Less: Resources			<u>(493,900)</u>	
	Balance to be levied			- 0 -
TOTAL LEVIES ALL FUNDS			\$20,995,514	

This budget reflects a reduction of \$1,315,128 in the amounts that otherwise would have been paid by the county to the ND Department of Human Services for the costs related to foster care, subsidized adoption, Service Payments for the Elderly and Disabled (SPED), electronic benefits transfers for the Supplemental Nutrition Assistance Program (SNAP) programs and the computer processing costs of the technical eligibility computer system.

The adopted budget is available for public inspection on weekdays at the Burleigh County Auditor's Office, 221 North 5<sup>th</sup> Street,

Bismarck, North Dakota between 8:00 AM and 5:00 PM.

Adopted the 24th day of September, 2015  
BY THE BURLEIGH COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Kevin J. Glatt  
Burleigh County Auditor/Treasurer

\_\_\_\_\_  
Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
September 2, 2015**

**5:32 P.M.**

The Burleigh County Commission convened a regular meeting with all members present.

Chairman Schonert called the meeting to order with the first item of business the approval of the monthly minutes and vouchers.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve the August meeting minutes as presented. All members voted "AYE." Motion carried.

Comm. Jones reported that she had reviewed the monthly vouchers and recommended approval.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve payment of the monthly vouchers, journal vouchers, and filing fee reports as presented. All members voted "AYE." Motion carried.

This was the hour and date set for a public hearing regarding Special Assessment District #56 Country Side Estates, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, & 5<sup>th</sup> Subdivisions.

Auditor/Treasurer Glatt explained the process stating the purpose of the hearing is not to discuss costs but how costs are assessed. Glatt reported assessments are spread equally among the benefited properties pursuant to the submitted petition. Glatt also stated the average cost for Special Assessment District #56 will be \$390/year over 3 years at 3.59 percent interest.

Chairman Schonert opened the public hearing and called for public testimony. As no one present appeared, the following motion was made:

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to close the public hearing and to approve, confirm, and certify the Special Assessment List for Country Side Estates, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, & 5<sup>th</sup> Subdivisions, S.A.D. #56, as recommended by the Special Assessment Commission. All members voted "AYE". Motion carried.

This was the hour and date set for a public hearing regarding a request to vacate streets, avenues, and alley(s) within and adjacent to Lots 1 -13, Block 11 and Lots 1 – 3 & 22 – 24, Block 22, Menoken Townsite.

County Building Official/Director Ziegler appeared and explained the vacation request.

Chairman Schonert opened the public hearing and called for public testimony. As no one present appeared, the following motion was made:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to close the public hearing and to approve the request to vacate streets, avenues, and alley(s) within and adjacent to Lots 1 -13, Block 11 and Lots 1 – 3 & 22 – 24, Block 22, Menoken Townsite. All members voted "AYE." Motion carried.

Mike Manstrom, Dougherty & Company LLC, appeared regarding the bond sale authorization for Series A & B sales tax revenue bonds for financing of the Burleigh/Morton Detention Center. Manstrom stated he is recommending the county sell \$60 Million in Sales Tax Revenue Bonds through a public sale and \$30 Million through a direct bank placement. Manstrom stated the direct placement together with the public sale will provide the county with the best terms for the detention center financing. Manstrom requested authorization to fulfill the preliminary requirements for the sale of the Bonds noting the specific terms of the sale will be brought to the Commission for final approval.

Upon question Scott Wegner, Arntson, Stewart, Wegner Bond Counsel, appeared and stated Morton County previously authorized the issuance of bonds.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to authorize the County Auditor/Treasurer, in consultation with Dougherty & Company LLC, as financial consultant to the County to proceed to issue and sell its \$60,000,000 Sales Tax Revenue Bonds, Series 2015A (the "Series 2015A Bonds") and its \$30,000,000 Sales Tax Revenue Bonds, Series 2015B (the "Series 2015B Bonds") (together, the "Bonds") with the terms of such issuance and sale being subject to formal approval by this governing body on or before the respective sale dates for the purpose of financing the Burleigh/Morton Detention Center. All members voted "AYE". Motion carried.

Susan Wefald appeared and presented historical information about the Burleigh County Courthouse and the artwork within. Wefald stated she would like the County Commission to consider creating a brochure explaining the history of the building and artwork. Wefald suggested other options for presenting the information to visitors to the Courthouse including moveable signs and utilizing the internet.

Comm. Woodcox stated he liked the sign option and noted as the building & grounds portfolio holder he accepts the challenge to make something happen to present this information.

Becky Naslund and Brad Fettig, Montana-Dakota Utilities, Co., appeared and requested approval to start construction of an electric transmission line within the Missouri Valley Complex with the intent that MDU would obtain the easement afterwards by surveying the constructed route to get an accurate metes and bounds easement document. Naslund stated the line is needed to serve a new customer at 5318 Apple Creek Road and future customers to the south and east of Bismarck. Naslund stated the requested 10 foot easement is the most direct route and the electric line would be buried at an average depth of 48 inches.

Comm. Bitner stated he would approve the easement if MDU agrees to move the easement at any time in the future at MDU's cost and would want to see the actual metes and bounds easement document prior to approval.

Comm. Woodcox questioned why MDU did not use the existing easements within the road right of ways. Naslund stated the most cost effective route is the proposed direct route. Woodcox suggested MDU utilize the existing sewer and water easement and after discussion the following motion was made.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve the request of Montana Dakota Utilities, Co., to construct an electric transmission line within the Missouri Valley Complex utilizing the existing sewer and water easement. All members voted "AYE." Motion carried.

County Engineer Hall appeared with the following items for the Board's consideration:  
Overload Weight Policy, Consideration of Eminent Domain Hearing, and appointment of Special Eminent Domain Hearing Board.

Hall stated that for many years, Burleigh County has operated an oversize/overweight program within the county pursuant to state law noting the program has been a combination of the State Overweight Program, City of Bismarck Overweight Program, and various individual site specific County and Township requirements. Hall continued this process has led to confusion between the State, City, and adjacent Counties and in order to reduce the confusion for area haulers, the Highway Department is recommending that the County adopt the State legal load weight limitations chart for all county roadways. Hall reported that the county currently has a maximum weight limit of 80,000 pounds and under this new proposal the maximum weight limit will be 105,500 pounds, with larger loads allowed provided the hauler first obtains an oversize/overweight permit from the County Highway Department at least 24 hours before the move. Hall concluded the maximum allowable axle load on an oversize/overweight permit will be 20,000 pounds and that self-propelled earthmoving equipment will not be allowed on county roads after the implementation date.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to adopt the State of North Dakota legal load weight limitations chart effective January 1, 2016, with a maximum weight limit of 105,500 pounds, for all County roadways, and that the Highway Department be allowed to grant oversize/overweight permits with a maximum axle weight of 20,000 pounds, and further that the County will no longer allow self-propelled earthmoving equipment to be moved un-trailerled on County roadways. All members voted "AYE." Motion carried.

Hall then requested the Commission consider an Eminent Domain Hearing and appointment of a Special Eminent Domain Hearing Board. Hall stated that the Highway Department has been working on the development of plans and specifications for the reconstruction of the intersection of County Highway 10 and 66<sup>th</sup> St. Hall noted this project is being done to improve the traffic flow through the intersection and to enhance the health, safety and welfare of the citizens of Burleigh County. Hall continued that the County Commission previously approved the allocation of resources to design, acquire right of way, and construct this project. Hall stated that negotiations were initiated for the acquisition of the property needed for this project but he has been unable to purchase all property necessary for the completion of the project. Hall noted that unfortunately, taking the property through eminent domain under NDCC Chapters 24-01 and 24-05 is necessary.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to appoint the County Auditor/Treasurer and Commissioners Woodcox and Schonert as the Special Eminent Domain Hearing Board for the purpose of acquiring additional right of way for the reconstruction of the intersection of County Highway 10 and 66<sup>th</sup> St., with such right of way to be used to enhance the health, safety and welfare of the citizens of Burleigh County and, further that the Special Eminent Domain Hearing Board shall meet to fix damages for the taking of the property by eminent domain pursuant to North Dakota Century Code involving the following property owners: Brad and Roxann Roshau, Leo and Patricia Bitz, and Michael Baumgartner. All members voted "AYE." Motion carried.

Hall then requested authorization to advertise for bids for the Lincoln Road Phase II Project. Hall stated the Highway Department has been working on a plan for the reconstruction of Lincoln Road with Phase II of this project from Benteen Drive to 52<sup>nd</sup> St. Hall stated the project is being done to improve the safety of the existing roadway as well as the drainage and riding surface.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the advertisement of bids for part 1 of Phase II of the Lincoln Road reconstruction project. All members voted "AYE." Motion carried.

HR Director Terras appeared regarding a request of the Building/Planning/Zoning Department for reclassification of the Administrative Assistant II position to Administrative Assistant II/Associate Planner. Terras stated that upon review of the position and classification Fox Lawson & Associates recommends upgrading the classification to an Administrative Assistant II/Associate Planner, Grade 6, as the duties and responsibilities have evolved over the course of time and no longer correctly reflected the requirements of the position.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve the reclassification of the Administrative Assistant II (Grade 4) in the Building/Planning/Zoning Department to an Administrative Assistant II/Associate Planner (Grade 6) effective September 13, 2015. "AYE" votes: Bitner, Woodcox, Schonert. "NAY" votes: Jones, Peluso. Motion carried.

Sheriff Heinert appeared and presented the Detention report for the month of August. Heinert noted that for the month of August, 1,872 prisoner nights were spent outside the Burleigh County facility at a cost of \$125,975 bringing the yearly total to 6,874 "outside nights" at a total cost of \$429,397. Heinert stated there are currently 296 individuals utilizing the 24/7 testing program on a daily basis, with 103 on the drug patch, 135 on the ankle bracelet, and 58 on two-a-day breath tests.

Rick Gardner, Rough Rider Industries, appeared and stated Rough Rider Industries submitted a bid to construct furniture for the new Detention Center. Gardner stated Rough Rider Industries previously appeared before this Commission in an attempt to secure the business and the Commission was favorable to the request and was assured by the architect that they would be part of the new Detention Center. Gardner continued Rough Rider Industries has repeatedly tried to contact Comstock Construction Inc., the general contractor, to no avail. Gardner asked the Commission to intervene in an attempt to save money and provide valuable training and experience for the state prison inmates.

Sheriff Heinert stated all bid prices have been set and thus there would be no cost savings if Rough Rider Industries was awarded a contract for the furniture. Heinert continued the ND Attorney General (representing Rough Rider) and Comstock Construction's legal counsel have been discussing this matter.

Chairman Schonert suggested Rough Rider work with the jail committee on this issue. No action was taken.

Auditor/Treasurer Glatt presented the abatements for the Board's consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve the Peterson, Gradin, Bay,

McGarvey, Kurtz, Dockter, Waldron, Schettler, and Miller abatements as requested; and to approve the raffle permit application of the Grace Lutheran Church. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the following changes to the Burleigh County Alcoholic Beverage Rules and Regulations allowing 11:00am Sunday on-sale service: TYPE "S" LICENSE: A Sunday alcoholic beverage permit to allow a qualified Burleigh County alcoholic beverage licensee holding a Type B1, B2, BB, C, D, E, F, I, or W license under these rules to serve such beverages between the hours prescribed below. ALL TYPE "S" LICENSEES must abide by the following time restrictions: 1) A holder of a Type B1 license may serve alcoholic beverages between the hours of twelve noon on Sunday and one AM on Monday. 2) Holders of a C, F, or I license may serve alcoholic beverages between the hours of eleven AM on Sunday and one AM on Monday. 3) Holders of Type B2, BB, D, E, or W licenses may serve on-sale between the hours of eleven AM on Sunday and one AM on Monday, and off-sale between the hours of twelve noon on Sunday and one AM on Monday. All members voted "AYE." Motion carried.

On motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
August 19, 2015**

**8:30 A.M.**

Chairman Schonert first called a duly noticed meeting of the commissioners, all elected county officials, and those county officials serving in offices which were formerly elected, with each person present casting one vote, to elect Burleigh County's delegate to the North Dakota Association of Counties for the 2015 & 2016 annual Association meetings.

Auditor/Treasurer Glatt nominated Recorder Kroshus. As there were no further nominations a unanimous ballot of the elected officials in attendance was cast for Recorder Kroshus as Burleigh County's delegate to the North Dakota Association of Counties for the 2015 & 2016 annual Association meetings.

The Burleigh County Commission then convened a regular meeting with all members present.

Chairman Schonert called the meeting to order with the first item of business the approval of the bills.

Comm. Woodcox stated he had reviewed the bills and recommended approval.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the bills as submitted. All members voted "AYE." Motion carried.

The Commission then continued discussions regarding vote by mail precincts for the 2016 Primary and General Elections. Comm. Peluso stated that during the ND Association of Counties Presidents Tour, he learned that many counties are successfully using vote by mail for their elections. Peluso stated that 26 of 53 ND counties use vote by mail and most have found that it increases voter participation and decreases election costs. Peluso noted that vote by mail precincts are authorized by state law for precincts with 400 or fewer votes cast at the last election for governor.

Chairman Schonert noted he received three (3) phone calls against this proposal. Peluso noted he received two (2) emails in strong support. Comm. Jones noted she received two (2) phone calls in support and opposed, and Comm. Bitner noted he received two (2) calls opposed. Comm. Woodcox stated he has spoken to the Township Officers and they are opposed to this proposal.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to designate the Wilton/Regan, Wing, Sterling, and Menoken precincts as vote by mail precincts pursuant to NDCC 16.1-04-01, 16.1-04-02, and 16.1-11.1-01(2).

Jim Heisler, McKenzie Township Supervisor, appeared and stated the rural people pay taxes and he has talked to a lot of people who do not want to lose their voting rights.

Comm. Peluso stated people would not lose voting rights but would use a different method to vote. Peluso continued that with only 26 people voting at the Sterling Precinct in the 2014 Primary for example, it did not make sense to maintain these small polling sites. Peluso added this proposal will increase voter participation based upon what other counties have experienced.

Chairman Schonert stated his relatives in the State of Washington (a vote by mail state) just love vote by mail and would not go back to traditional voting. Schonert noted it is a change from tradition, but that change is inevitable.

Comm. Jones noted twelve (12) states utilize vote by mail and suggested closing the two (2) smallest precincts instead of all four (4) in order to give it a try.

Comm. Woodcox questioned the cost savings associated with closing each of the four (4) precincts.

Comm. Peluso stated his motivation to close these precincts is not related exclusively to cost but he believes will increase voter turnout based upon the experience of other counties. Peluso noted with the increase in population in the north part of Bismarck, it will be necessary to add at least two (2) new precincts and doing so will add about \$30,000 to the election budget for 2016. Peluso stated the costs saved by utilizing vote by mail precincts could be used to help offset the costs of the new precincts and would preclude the need to purchase new equipment for the needed additional precincts.

Auditor/Treasurer Glatt stated the average precinct cost for the last four (4) elections is \$1,451. Glatt estimated it will cost \$700 per precinct per election for mailing of applications and ballots if vote by mail precincts are established for these areas. Glatt noted as the auditor/treasurer/tax equalization office will be geared up for a large volume of absentee ballots, the extra 1,600 ballots from these precincts will not have a major effect on labor costs.

Woodcox then questioned if the election budget would be reduced by \$6,000 if these precincts were closed. Glatt stated the submitted election budget included a \$30,000 decrease if these precincts are closed as the required election equipment would be relocated to new precincts which are needed in the north part of Bismarck.

Claudia Boone, McKenzie Township resident, appeared and stated it is very important to keep the rural precincts as Election Day is an opportunity for the area residents to get together.

Chairman Schonert added the few dollars that may be saved should not be the deciding factor.

Tom Dutton, Burleigh County Township Officers Association, appeared and stated he opposes the closing of these precincts as it is the citizen's right to go to a polling place and cast their ballots.

Barb Knutson, McKenzie Township Clerk/Treasurer, appeared and expressed her strong opposition to the vote by mail proposal.

Commissioner Brian Bitner said he did not see a lot of savings in the mail-in system and stated voters who want can vote through the mail by absentee ballot.

Vote on motion: "AYE" votes: Peluso, Jones. "NAY" votes: Bitner, Woodcox, Schonert. Motion failed.

The Commission next considered the second approach permit application of David and Rosalyn Markwed located at 3555 93rd St SE. David and Michael Markwed appeared and requested authorization for a second approach to his property. Markwed stated the approach on the north end of his property is for a separate house, with a separate address, since the early 1950's. Markwed stated he owns the house but it is occupied by his daughter and family. Markwed stated the reason for the additional approach is for safety reasons as the existing approach has sight line deficiencies. Markwed stated the traffic on 93<sup>rd</sup> St. SE has increased and an additional approach for the truck/trailer traffic from his farm operation will greatly improve safety.

Comm. Woodcox asked Markwed if he would be willing to close the northern most approach in trade for this new approach. Markwed stated he would if required but would like to keep the northern most approach until his daughter moves.

County Engineer Hall appeared and stated he would like to see the northernmost approach go away but does not oppose the request for an additional approach.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the second approach permit application of David and Rosalyn Markwed located at 3555 93rd St SE. All members voted "AYE" except Comm. Peluso who voted "NAY". Motion carried.

Ron and Cheryl Borth appeared regarding a noxious weed control issue on rural lands adjacent to north Bismarck. Borth stated this is a 30 acre infestation of Canada thistle that has not been addressed. Borth stated the plants have gone to seed and are contaminating adjacent lands.

Weed Officer Hartman appeared and stated he has been working with the owner of the land for the last three (3) years noting it was mowed and hayed the two previous years which is an acceptable form of control. Hartman continued a notice to control was served on the landowner per ND State Law and the landowner directed the Weed Officer to spray. Hartman stated the thistle was sprayed and he does not think mowing at this time is needed. Hartman continued he will address the situation next spring.

Borth requested that the thistle be mowed and the regrowth be sprayed early this fall to kill the plant regrowth. Hartman disagreed stating it should not be mowed since it has already been sprayed with good results. Borth asked for assurance that this infestation be addressed next year in a timelier manner. Chairman Schonert stated he will do his best to see that the problem is resolved. No action was taken.

Sheriff Heinert appeared regarding the following items: consideration of a prisoner housing contract addendum with Grand Forks County; and, consideration of acceptance of a grant from State of ND for a Sheriff's Department K9.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the addendum to the prisoner housing contract with Grand Forks County. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to authorize the acceptance of the grant in the amount of \$12,715.50 (\$4,238.50 local match) from the State of ND for a Sheriff's Department K9. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the second approach permit applications of Clayton and Michelle Derby, Bismarck Municipal Airport, and Michael Batts; and to approve the lost instrument surety bonds to replace checks #96454(\$190) and check #99940 (\$767.27). All members voted "AYE." Motion carried.

Finance Director Thompson appeared and presented an overview of the submitted 2016 budgets and preliminary mill levies. Thompson stated the estimated taxable valuation for 2015 is \$438,000,000, an increase of 12.6% from 2014. Thompson continued the estimated value of one mill is \$438,000 for 2015 up from \$389,000 in 2014. Thompson stated based on last year's mill levy this would equal approximately \$892,000 in new taxes.

Thompson continued the submitted budgets for 2016 (reflecting proposed salary, retirement and health insurance increases) requires a property tax levy of \$21,313,461 a 9.2% or \$1,804,282 increase from the 2015 adopted budget of \$19,509,179. Thompson stated the estimated levy required to fund the 2016 preliminary budget is 51.98 mills, a 2.28 mill decrease from the current 54.26. Thompson continued the adoption of the adopted Governor's Property Tax Reform Bill by the 64<sup>th</sup> Legislature combined several levies into the general fund. Thompson noted the proposed 2015 general fund levy is higher due to this change, but again the overall levy is down 2.28 mills. Thompson noted the overall levy is down but taxes are up due to the increase in values. Thompson concluded that the county portion of the taxes on a house now valued at \$244,413 is up \$23.63 from last year.

The Board then conducted a review of the budget requests for the various departments and funds with several elected officials and department heads present.

Gordon Weixel, Burleigh County Water Resource District appeared and presented the Water Resource District 2016 budget request.

Sheriff Heinert appeared and presented the Sheriff and Detention Center budgets. Heinert noted he is requesting one (1) additional employee in the Sheriff's Department, a mechanic to service the fleet of 32 vehicles. Heinert noted he is requesting four (4) additional detention officers, three (3) detention transition team staff, one (1) mental health employee, and one (1) maintenance person for the detention center. Heinert stated he budgeted for the mental health and maintenance employees to start July 1, 2016.

Weed Officer Hartman appeared and presented the Noxious Weed Control budget. Hartman stated the proposed 2016 budget includes a new Assistant Weed Officer position along with additional equipment to include a pickup, trailer, utility all-terrain vehicle, sprayer, nurse tank, etc.

Chairman Schonert stated the weed issue heard by the Commission earlier is typical and more manpower is needed to supplement the weed program.

Comm. Peluso questioned if the noxious weed control problems can be solved with just an additional employee and equipment. Peluso suggested an enforcement officer position be considered.

Chairman Schonert recommended the submitted budget be approved with no new hires or additional equipment purchases without prior approval from the County Commission.

Comm. Jones agreed and suggested the Weed Board and Chairman Schonert better define the role of the weed officer and weed program prior to the final budget hearing.

Library Director Kujawa appeared and presented the Veteran's Memorial Library (county library) 2016 budget request.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to budget \$100,000 from the Jobs Development mill levy to fund the contract with Bismarck Mandan Development Association. All members present voted "AYE". Motion carried.

County Engineer Hall appeared and presented a detailed analysis of the 2016 proposed Highway Department budget. Hall noted the Highway Department only receives ¼ of a mill in property tax revenue and requested the Commission carefully consider a two (2) mill levy for the Highway Department. Hall stated without mill levy funding in the future, important road projects will not be constructed.

Bismarck/Burleigh Public Health Director Moch and Burleigh County Senior Adults Program Director Kipp also appeared and presented their respective 2016 budget requests.

State's Attorney Richard Riha appeared and briefly explained the proposed State's Attorney budget. Riha stated he is requesting an additional assistant state's attorney, an additional legal secretary, and an additional file clerk due to the increase in caseloads.

Victim Witness Advocate Ternes appeared and presented the proposed 2016 Victim Witness Advocate budget.

Building Official-Director Ray Ziegler appeared and explained the proposed Planning/Zoning budget. Ziegler stated increases in the Planning/Zoning budget include the addition of an Environmental Health Officer position. Ziegler stated the position will deal with the issues related to growth including health/safety impacts, education, and enforcement of state and local regulations. Ziegler stated revenue for the position will be generated through the issuance of operational permits, licensing, and possibly a state grant.

Comm. Jones stated she would rather contract for these services than hire additional staff and suggested holding this position until more work can be done regarding the establishment of a separate county or joint city/county health district.

Extension Agent Ziemann-Bolinske appeared and presented the proposed 2016 Extension budget.

Combined Communications Manager Mike Dannenfelzer appeared and briefly explained the proposed Combined Communications budget. Dannenfelzer noted the budget increase is directly related to the salary and benefit increase.

Danielle Smith of Guardian and Protective Services (GAPS) appeared and presented the 2016 budget request in the amount of \$6,300 as a subsidy to defray the cost of office space. Comm. Woodcox stated ND State Law requires the county to provide office space for the public administrator.

Tayonne Mannin and Rhonda Block of the Social Service Department appeared and the Commission reviewed the Social Service budget.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to budget a \$5,000 contribution for the Bismarck Mandan Chamber of Commerce. "AYE" votes: Bitner, Peluso, Schonert. "NAY" votes: Jones, Woodcox. Motion carried.

Emergency Manager/Homeland Security Manager Mary Senger appeared and briefly explained the proposed Emergency Management/Homeland Security budget.

HR Director Terras appeared and presented the Human Resources Department budget.

Comm. Woodcox briefly explained the Courthouse Building and Grounds budget. Woodcox stated the Building Maintenance line item includes \$70,000 for new lights in the courtrooms. Woodcox stated he thinks sales tax revenue can be used to fund this expense.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to remove the \$70,000 request for new lights in the courthouse from the Courthouse Building and Grounds budget. All members voted "AYE". Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve and adopt the Burleigh County 2016 Preliminary Budget as amended and to call for a public hearing on the budget on September 24, 2015. All members present voted "AYE". Motion carried.

Comm. Peluso then presented a request on behalf of Sheriff Heinert requesting authorization to hire the four (4) new detention officers proposed for the 2016 budget as early as October 1, 2015, should the 2016 budget be approved. Peluso stated the increased

prisoner numbers have created an increased stress level and Sheriff Heinert has not come up with any other alternative to get by. Peluso noted the 2015 budget will be able to handle the increased expense due to the number of staff vacancies throughout the year.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to authorize the hiring of four (4) new detention officers proposed for the 2016 budget as early as October 1, 2015, should the 2016 budget be approved. All members voted "AYE." Motion carried.

On motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
August 3, 2015**

**5:11 P.M.**

The Burleigh County Commission convened a regular meeting with all members present except Chairman Schonert.

Vice-Chairman Bitner called the meeting to order with the first item of business the approval of the monthly minutes and vouchers.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the July meeting minutes as presented. All members present voted "AYE." Motion carried.

Comm. Woodcox reported that he reviewed the monthly vouchers and recommended approval.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve payment of the monthly vouchers, journal vouchers, and filing fee reports as presented. All members present voted "AYE". Motion carried.

Social Service Director Osadchuk appeared requesting authority to hire an Eligibility Trainer. Osadchuk stated she would like to reclassify one of the existing open positions to become an eligibility trainer or "lead" person for the eligibility unit. Osadchuk stated she is not sure what classification the position will be, as she is working to get more information from the State Department of Human Services. Osadchuk reported the Social Service Department has four open positions and thus funds are available in the 2015 budget to fund this position.

Comm. Woodcox added that it is an excellent opportunity to have one person train the new eligibility workers rather than have supervisors take the time away from their other duties to train the new employees.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to authorize the creation of a new eligibility trainer or "lead" person within the eligibility unit of the Burleigh County Social Services Department. All members present voted "AYE". Motion carried.

HR Director Terras appeared regarding the turnover and retention of Assistant State's Attorney positions including consideration of changing the Asst. State's Attorney salaries to align with the current market. Terras reported the high turnover rate and caseload in the Burleigh County State's Attorney Office is the reason for the request. Terras requested any increase(s) become effective September 1, 2015. Terras noted Burleigh County has the highest criminal caseload in the state but operates with fewer attorneys than other counties and this, along with lower pay, makes it difficult to recruit and retain attorneys.

Terras recommended authorization to increase the Assistant State's Attorney positions current salaries by two (2) steps within their respective pay grades effective September 1, 2015, to align salaries with the current market.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to authorize a two (2) step salary increase within the respective pay grades of all Assistant State's Attorney positions effective September 1, 2015. All members present voted "AYE". Motion carried.

Sheriff Heinert appeared and presented the Detention Center report for the month of July. Heinert reported that three (3) new inmate records were set in July with 199 inmates on July 2; 201 inmates on July 15; and, 208 inmates on July 27. Heinert noted 1,596 prisoner nights were spent outside the Burleigh County facility at a cost of \$104,576 (excluding transport costs) bringing the yearly total to \$303,422. Heinert noted there are currently 296 individuals utilizing the 24/7 testing program on a daily basis, with 103 on the drug patch, 135 on the ankle bracelet, and 58 on two-a-day breath tests.

Heinert then presented an update on the construction of the new detention facility and further discussions followed regarding the rapid increase in inmate population. Heinert noted concern with the current increase in inmate populations and the projected inmate count on the opening day of the combined detention center (early 2017). Heinert continued this concern has prompted the exploration of expediting jail expansion now rather than later. Heinert stated an alternative bid to finish foundation work for an additional housing pod has been discussed. By consensus the Board directed Sheriff Heinert, Comm. Woodcox, and State's Attorney Riha to explore various options prior to the next meeting.

Comm. Jones then initiated a discussion regarding the Community Gardens Access Road at the Missouri Valley Complex. Jones stated the access road is in need of repair noting that County Engineer Hall has temporarily closed two (2) of the three (3) access points with snow fences, as people have been driving through the ditches to access the gardens.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to authorize the expenditure of up to \$1500 to improve access to the Community Gardens at the Missouri Valley Complex. All members present voted "AYE". Motion carried.

The Board then considered the abatements, a complete copy which are on file and available for inspection in the office of the county auditor/treasurer:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve the Sailer and Fetzer abatements; to authorize a call for a public hearing on September 2, 2015, related to the assessment lists for Special Assessment Districts #56 Countryside Estates, Countryside Estates 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>h</sup> Subdivisions; to authorize the call for a public hearing for vacation of streets, avenues, and alley(s) within and adjacent to Lots 1 -13, Block 11 and Lots 1 – 3 & 22 – 24, Block 22, Menoken Townsite; and to authorize the publication of the Weed Cutting Notice. All members present voted "AYE." Motion carried.

The Commission then considered the second approach permit application of David and Rosalyn Markwed (3555 93<sup>rd</sup> St. SE).

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to deny the Markwed second approach permit application.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to table the Markwed second approach application for two weeks. All members present voted "AYE". Motion carried.

Elizabeth Ennen appeared and questioned the call for a public hearing for vacation of streets, avenues, and alley(s) within and adjacent to Lots 1 -13, Block 11 and Lots 1 – 3 & 22 – 24, Block 22, Menoken Townsite. Building Official-Director Ziegler appeared and stated he will meet and explain the item to Ms. Ennen after the meeting.

On motion made, seconded, and carried, the Board adjourned at 5:47 p.m.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
July 20, 2015**

**5:00PM**

The Burleigh County Commission convened with all members present.

Chairman Schonert stated he had reviewed the bills and recommended approval.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the bills as presented. All members voted "AYE." Motion carried.

This was the hour and date set for a public hearing on the final consideration (second reading) of a sales tax bond ordinance for construction funding of the joint Burleigh/Morton County detention center.

Scott Wegner, Arntson Stewart Wegner bond counsel, appeared and presented the second reading of the sales tax bond ordinance. Wegner explained that upon approval of this ordinance, bonds will be issued at a later date. Wegner stated this is a formal step to pledge the sales tax to the bond payments with specific bond issuance resolutions presented for Commission approval upon completion of the bond sale.

Chairman Schonert called for any testimony. As no one present appeared; the public hearing was closed and the following motion was made:

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the sales tax bond ordinance authorizing the issuance of up to \$90 million in Burleigh County Sales Tax Revenue Bonds dedicated to the construction funding of a joint Burleigh/Morton County Detention Center and renovation of the current detention centers. All members voted "AYE." Motion carried.

This was the hour and date set for a public hearing on the application by CHS Inc., for property tax incentive/payment in lieu of taxes for a new and/or expanding business (agronomy facility) located on the SE1/4 of Section 32, Sterling Township. The County Commission was joined at the table by Fred Johnson representing the Sterling School Board, who was included as a nonvoting ex-officio member pursuant to state law during deliberations on the property tax incentive/payment in lieu of tax request.

Jeff Mehl, General Manager of CHS Inc., South Central, appeared and provided a brief summary of their current business and operations. Mehl explained that with the completion of this state-of-the-art dry fertilizer facility in the spring of 2016, CHS, Inc. will add 3-4 full-time and 5-6 seasonal employees. Mehl continued the new agronomy facility will be able to accept shuttle trains of urea and phosphates from central Florida and the Louisiana Gulf thus opening markets and resources to growers in our region. Mehl noted South Central is a division of CHS Inc., with a local board of directors and last year returned \$885,926 to customers in this area in dividends in the form of cash and patronage. Mehl stated CHS Inc., is requesting to make payments in lieu of taxes for the years 2016 through 2020, totaling \$59,961.67.

Upon question, Mehl stated CHS Inc., was not able to secure primary sector certification from the ND Commerce Department and therefore was not eligible for a property tax exemption; thus the request is for payments in lieu of taxes.

Deputy Auditor/Tax Director Vietmeier appeared and explained the process of CHS's application. Vietmeier noted the competing business located directly across the road.

Chairman Schonert called for any further testimony. As no one present appeared; the public hearing was closed and the following motion was made:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to deny the requested payments in lieu of taxes for CHS, Inc. All members voted "AYE." Motion carried.

Steve Bain, Bain Insurance, appeared regarding the renewal of the County liability insurance policy. Bain briefly reviewed the policy coverage and deductible amounts.

No action was taken.

HR Director Terras appeared and presented for consideration a request to reclassify the Social Services Department Attorney II position and to authorize the filling of the position at a Grade 14, Step 9.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the requested variance authorizing the filling the Social Services Department Attorney II position at a Grade 14, Step 9. All members voted "AYE." Motion carried.

Terras then requested authorization to add the Social Service Department Attorney II position into the Burleigh County classification system as it is different than the existing Attorney II position in the State's Attorney's office.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to add the Social Service Dept. Attorney II position into the Burleigh County classification system. All members voted "AYE." Motion carried.

Terras then reported Burleigh County participated in the following safety programs for 2015: Designated Medical Provider and Drug Free Workplace Discount Programs and the Learning Management System. Terras stated that based upon employee participation, Burleigh County received a 10% discount on Workforce Safety & Insurance; which amounted to \$17,823.26. No action was taken.

Sheriff Heinert appeared and requested approval and acceptance of a grant from the ND Department of Transportation in the amount of \$1,500 for the purchase of a radar unit.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve and accept the grant from the ND Department of Transportation (Project No. PHSPSC1507-02-04) in the amount of \$1,500 for the purchase of a radar unit. All members voted "AYE." Motion carried.

Heinert then presented a revised contract with CBM Management Services (jail food provider) for the Board's consideration. Heinert stated the contract renewal is for the period November 1, 2015, through Oct 31, 2016, at graduated rates dependent upon total number of meals served with the lowest rate of 126(+) meals at \$2.085/per meal. Heinert noted this is an increase from \$ 2.071/per meal in the current contract.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the contract renewal with CBM Management Services for the period of November 1, 2015 through October 31, 2016, at a scaled rate, dependent upon total number of meals per serving time, at \$2.085/meal, based on the 126(+) meal rate. All members voted "AYE." Motion carried.

Heinert then provided a New Detention Center construction update. Heinert noted there are 22 local subcontractors being used in a variety of capacities on the project. Heinert reported work to date has centered on the foundation and the underground plumbing and electrical services. Heinert estimated work is about one month ahead of schedule. Heinert stated the outside walls and cell blocks will be pre-cast concrete with the goal to have the entire facility enclosed this fall.

Heinert then presented a brief update on the current inmate population noting a new one day record of 208 inmates in custody. Heinert continued that inmates are being housed in nine (9) additional facilities, including Selby, SD. Heinert concluded with the increase in inmates, overtime is being paid on nearly every shift to accommodate the additional transports.

Comm. Peluso then initiated a discussion regarding the establishment of vote by mail precincts for the 2016 Primary & General Elections. Comm. Peluso noted that during the ND Association of Counties Presidents Tour, he learned that many counties are successfully using vote by mail for their elections. Peluso stated that 26 of 53 ND counties use vote by mail and most have found that it increases voter participation and decreases election costs. Peluso noted that vote by mail precincts are authorized by state law for precincts with 400 or fewer votes cast at the last election for governor.

Peluso provided vote totals and costs for staffing precincts and compared them to voting by mail. Peluso noted with the increase in population in the north part of Bismarck, it will be necessary to add at least two (2) new precincts and doing so will add about \$30,000 to the election budget for 2016. Peluso stated the costs saved by utilizing vote by mail precincts could be used to help off-set the costs of the new precincts and would preclude the need to purchase new equipment for the needed additional precincts.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to designate the Wilton/Regan, Wing, Sterling, and Menoken precincts as vote by mail precincts pursuant to NDCC 16.1-04-01, 16.1-04-02, and 16.1-11.1-01(2).

Comm. Woodcox stated he would like to allow the township officers and the rural residents more time to provide input on this issue.

Comm. Bitner agreed noting we should not move in haste and should allow more time for input.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to table the original motion until the next Commission meeting. All members voted "AYE" except Comm. Peluso. Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to amend the motion to table the discussion until the August 19, 2015, commission meeting. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to appoint Kathleen Atkinson to the unexpired term on the Burleigh County Housing Authority ending 12/31/17. All members voted "AYE." Motion carried.

Chairman Schonert noted the ND County Commissioners Association is seeking standing committee members. Schonert directed any commissioners interested in serving on a committee to contact the ND County Commissioners Association.

Comm. Jones provided a brief update on discussions with the Bismarck Park & Rec District for management services for several of the county parks. Jones noted that through the discussions the Bismarck Park & Rec District is requesting reinstatement of the one (1) mill for park and recreation facilities that the County Commission reduced to ½ mill. Jones noted the reinstatement of the full mill will provide assurance to the Bismarck Park & Rec District that we are serious about this proposal. Jones stated working documents are being drafted for future discussion.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to reinstate the one (1) mill for park and recreation facilities. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to designate Bank of the West as a Burleigh County public depository and to authorize the Auditor/Treasurer and Deputy Auditor/Treasurer to execute, deliver, file, and record all necessary documents with Bank of the West as needed. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt presented the abatements for the Board's consideration a complete copy of which are on file and available for inspection in the office of the auditor/treasurer.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the Liechty Homes and Erhardt abatements; and to approve the Lost Instrument Surety Bonds to replace checks #94086 (\$72.32), #94743 (\$53.82), #95365 (\$1,397.71), #96237 (\$341.85), and #97689 (\$55). All members voted "AYE." Motion carried.

On a motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
July 1, 2015**

**5:11 P.M.**

The Burleigh County Commission convened a regular meeting with all members present.

Chairman Schonert called the meeting to order with the first item of business the approval of the monthly minutes and vouchers.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the June meeting minutes as presented. All members voted "AYE." Motion carried.

Chairman Schonert reported he had reviewed the monthly vouchers and recommended approval.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the monthly vouchers, journal vouchers, and filing fee reports as presented. All members voted "AYE." Motion carried.

Social Service Director Osadchuk appeared and presented information regarding the number and makeup of the Burleigh County Social Service Board. Osadchuk stated the Social Service Board has traditionally been a seven (7) member board. Osadchuk continued there are currently two (2) vacancies on the Board and noted that state law allows for a five (5) member board which must include both male and female members. Comm. Woodcox and Director Osadchuk both agreed that with the proposed changes to Social Service funding and requirements a five (5) member board would be appropriate.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to change the Burleigh County Social Service Board from seven (7) members to five (5) members effective July 1, 2015. All members voted "AYE." Motion carried.

County Engineer Hall appeared with the following items for the Boards consideration: ratification of Heritage Park Addition plat and a waiver request to not pave 3.8 miles of 28<sup>th</sup> St and 110<sup>th</sup> Ave from Goehring 2<sup>nd</sup> Subdivision (this item was tabled at the last meeting).

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the plat ratification for Heritage Park Addition as requested. All members voted "AYE." Motion carried.

Hall then presented the request for waiver to not pave 3.8 miles of 28<sup>th</sup> St and 110<sup>th</sup> Ave leading from Goehring 2<sup>nd</sup> Subdivision to US Highway 83 which was tabled at the June 15, 2015 meeting. Hall stated Goehring 2<sup>nd</sup> Subdivision consists of four (4) large lots (19 + acres). Hall continued that a waiver was previously granted for the two (2) lot Goehring 1<sup>st</sup> Subdivision and although not significant at this time, at some point 110<sup>th</sup> Ave will need to be paved as the dust complaints will increase. Hall noted at the last meeting the Commission requested he explore paving funding options for the Board's consideration. Hall presented a draft option that would require the owners to commit this property to special assessment at some future date to fund the paving. Hall noted this option has not been thoroughly reviewed by the State's Attorney.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the waiver request to not pave 3.8 miles of 28<sup>th</sup> St and 110<sup>th</sup> Ave leading from Goehring 2<sup>nd</sup> Subdivision to US Highway 83. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the final plat and zoning change for Goehring 2<sup>nd</sup> Subdivision. All members voted "AYE." Motion carried.

Burleigh County Sheriff's Dept. Major Leben appeared and presented the Detention report for the month of June. Leben noted 1018 prisoner nights were spent outside the Burleigh County facility at a cost of \$62,022 bringing the yearly total to 3406 "outside nights" at a total cost of \$198,846. Leben stated inmates are currently being housed at seven (7) locations within the state. Leben reported there are currently 275 individuals utilizing the 24/7 testing program on a daily basis. Leben concluded that on one day in June the total inmate population was 195 which is a new record.

Auditor/Treasurer Glatt then presented the proposed 2016 budget calendar and a detailed budget "primer." Glatt reminded commissioners to be mindful of budget and other actions that have been previously approved by the Commission which impact the 2016 budget. Glatt noted in addition, that he is not comfortable with the recent pattern of deficit budgeting.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the 2016 Budget Calendar as presented. All members voted "AYE." Motion carried.

Comm. Peluso noted that during the NDACo Presidents Tour, he learned that many counties are successfully using vote by mail for their elections. Peluso stated if vote by mail increase voter participation and lowers election costs then the Commission should seriously consider making certain precinct vote by mail precincts. Peluso asked that this item be placed on the next agenda for further discussion. No action was taken.

Auditor/Treasurer Glatt then presented for the Board's consideration a policy to provide an exemption to in-state lodging rates.

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the policy to provide an exemption to in-state lodging rates when in-state rates are in excess of the rate allowed by ND state law. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to appoint Jeff Eslinger to a six (6) year term on the Burleigh County Special Assessment Commission ending 3/31/2021. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt then requested authorization to replace the carpet in the hallway, mailroom, and employee break room on the 1<sup>st</sup> floor of the City/County Building. Glatt stated the carpet was installed as part of the 2002 remodeling of the 1<sup>st</sup> floor of the City/County Building. Glatt continued the floor coverings on the 1<sup>st</sup> floor are starting to show their age. Glatt reported he solicited quotes from five (5) firms for replacement of the carpet in the hallway, mail room, and break room and to date has received prices from two (2) firms with the lowest quote being \$8,749.30 for the same carpet as in the Tom Baker Room and Kirkwood Mall with funds available in the budget.

Comm. Woodcox stated he cannot support the expenditure of funds for this project at this time. No action was taken.

Auditor/Treasurer Glatt presented the abatements for the Board's consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion Comm. Peluso, 2nd by Comm. Jones, to approve the Sabot and Liechty Homes abatements; to approve the gaming site authorization of the AMVETS Club; and, to approve the security pledges and designation of depositories. All members voted "AYE." Motion carried.

On motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
June 15, 2015**

**5:00PM**

The Burleigh County Commission convened with all members present except Comm. Woodcox.

Comm. Peluso stated he reviewed the bills and recommended approval.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the bills as presented. All members present voted "AYE." Motion carried.

City of Lincoln Council President Karen Daly appeared regarding roundabouts at the intersections of Lincoln Road at 52<sup>nd</sup> St and Lincoln Road at 66<sup>th</sup> St. Daly stated a survey regarding roundabouts on Lincoln Rd was sent with the city's newsletter and monthly water bills late last winter. Daly stated the results of the survey show that the residents do not favor a roundabout at the 52<sup>nd</sup> St intersection. Daly suggested that bids not be awarded for the 52<sup>nd</sup> St intersection until after the residents have experienced the 66<sup>th</sup> St intersection roundabout and can provide more input. Daly suggested the 52<sup>nd</sup> St intersection be controlled by a 4-Way Stop.

County Engineer Hall appeared and stated that up to 75% of the design costs have already been expended on the 52<sup>nd</sup> St roundabout. Hall continued a roundabout is the best control solution for this intersection based upon sound engineering study. Hall stated that on at least four (4) occasions this issue was presented to various boards at public meetings. Hall concluded the Lincoln City Council has taken no position on the roundabouts. No action was taken.

Dave Lutsky, Senior Engineer with Ulteig Engineering, appeared regarding the acceptance of the right-of-way for Centurion Dr and Skyhawk Ave within the plat of Metro Industrial Park 3<sup>rd</sup> Subdivision.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the acceptance of the right-of-way for Centurion Dr and Skyhawk Ave within the plat of Metro Industrial Park 3<sup>rd</sup> Subdivision. All members present voted "AYE." Motion carried.

Scott Wegner, Artinson Stewart Wegner, appeared regarding consideration of a sales tax bond ordinance authorizing the issuance of up to \$90 Million in Burleigh County Sales Tax Revenue Bonds dedicated to the construction of a joint Burleigh/Morton County detention center and renovation of the current detention centers.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve the first reading of the sales tax bond ordinance authorizing the issuance of up to \$90 Million in Burleigh County Sales Tax Revenue Bonds dedicated to the construction of a joint Burleigh/Morton County detention center and renovation of the current detention centers. All members present voted "AYE." Motion carried.

Social Service Director Osadchuk and Nicole Delaplaine of the County Social Service Dept. appeared to discuss the termination of county funded home and community based services. Osadchuk initiated the discussion noting the changes to ND Statute (SB2206) which provides state funding for foster care, subsidized adoption, Service Payments for the Elderly and Disabled (SPED) programs and caps the Social Service Dept. budget at a level as determined by the state. Osadchuk explained that if the cap creates budget constraints, reducing or terminating county funded home and community based services may provide some relief.

Delaplaine then appeared and presented a history of the county funded home and community based services which consists primarily of Homemaker & Personal Care Services to keep people in their homes as long as possible. Delaplaine noted we presently have five (5) clients that pay for a part of the home and community based services noting the following client numbers: 2011

70 cases

2014	60 cases
2015	45 cases.

Delaplaine stated the decrease in cases may be attributed to several factors including more basic care beds in the community, family help, and Medicaid eligibility.

Christine Hogan, Staff Attorney North Dakota Protection & Advocacy Project, appeared and stated she is very concerned with the Burleigh County Social Service Board's May 28, 2015, decision to freeze new clients and terminate the program in 2016. Hogan continued the program is necessary for persons who do not qualify for other programs.

Chairman Schonert questioned Hogan if the Protection & Advocacy Project testified before the Legislature on this bill noting it caps county spending.

Hogan stated funding will be continued with a set percentage increase, noting it was not the intent of the legislation to stop or cut current programs.

Darcie Andahl, a current county funded home and community based services recipient, appeared and stated she has been receiving help with cleaning and shopping since 2006 which has allowed her to remain in her home.

Terry Traynor, ND Association of Counties Asst. Director, appeared and explained the long-term goal of SB2206 is to move all social service costs away from property tax levies. Traynor continued that the Legislature is concerned that costs do not grow over the next two (2) years and thus capped Social Service Dept. budgets with a state established percentage increase for salaries and benefits. Traynor noted that the goal is to preserve services presently provided without large cost increases. Traynor concluded that he is cautiously optimistic that Burleigh County can continue to fund all services at their current levels.

Schonert noted that with budget work to start next month this was a good time for such a discussion. No action was taken.

Burleigh County Supt of Schools Michael Heilman appeared and presented an update on the recent annexation of property from the Apple Creek School Dist. to Bismarck Public School Dist. Heilman also briefly reported on other rural school items and enrollments.

County Engineer Hall appeared with the following items for the Boards consideration: request of Vernon and Teresa Bleich for a second approach onto Sibley Dr from Lot 6, Block 2, Falconer Estates Subdivision, Lincoln Township; consideration of a developer waiver request related to paving of 84<sup>th</sup> Ave NE – Country Ridge 1<sup>st</sup> Subdivision; and, consideration of a waiver to not pave 3.8 miles of 28<sup>th</sup> St and 110<sup>th</sup> Ave from Goehring 2<sup>nd</sup> Subdivision.

Hall stated Vernon and Teresa Bleich requested a second approach from their property located at 5546 Falconer Dr onto Sibley Dr. Hall continued the Highway Department has reviewed and denied the request as subdivisions are laid out to improve the safety of the highway system in the area with access points (driveways) placed on interior roadways, which have lower speeds and are consistent throughout the subdivision. Hall noted Sibley Dr is a collector road with higher speeds and thus needs limits to access locations. Hall concluded since Sibley Dr is a main route to all developments to the south he recommends denial of the second approach request for safety reasons.

Teresa Bleich appeared and stated there is very good site distance at the proposed second approach location. Bleich added the second approach would be limited to their personal camper, boat, etc. Vernon Bleich stated use would be very occasional noting it is more of a hazard to keep their stuff in the front of their house. Bleich noted the elevation difference between the front and rear of the house makes it very, very difficult to access their backyard from Falconer Dr.

Comm. Peluso stated if we grant this request we will have many more which may create safety issues in the future.

Motion by Comm. Peluso, 2nd by Comm. Jones, to deny the Bleich second approach permit request onto Sibley Dr. All members present voted "AYE." Motion carried.

Hall then presented the developer waiver request related to the paving of 84<sup>th</sup> Ave NE adjacent to Country Ridge 1<sup>st</sup> Subdivision. Hall stated the current Gravel Road Improvement Policy requires developers to pave all internal roadways within a proposed subdivision and pave at least one roadway that connects the proposed subdivision into the existing paved highway system. Hall noted we also require developers to construct and pave all adjacent section line roadways. Hall continued Apple Creek Developers is currently constructing Country Ridge 1<sup>st</sup> Subdivision and as a result of numerous problems involved in the construction of the section line road (84<sup>th</sup> Avenue NE) on the north side of the development, the developers are requesting a waiver of the existing Gravel Road

Improvement Policy requiring them to pave 84<sup>th</sup> Avenue NE. Hall stated there is little or no development to the north or east of Country Ridge 1<sup>st</sup> Subdivision.

Dave Patience, Swenson Hagen Co., appeared on behalf of Apple Creek Developers and presented a brief history of the area and recent developments.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to deny the waiver request of Apple Creek Developers and require them to pave 84<sup>th</sup> Ave NE adjacent to Country Ridge 1<sup>st</sup> Subdivision. All members present voted "AYE." Motion carried.

Hall next presented the request for waiver to not pave 3.8 miles of 28<sup>th</sup> St and 110<sup>th</sup> Ave leading from Goehring 2<sup>nd</sup> Subdivision to US Highway 83. Hall stated Goehring 2<sup>nd</sup> Subdivision consists of four (4) large lots (19 + acres). Hall continued that a waiver was previously granted for the two (2) lot Goehring 1<sup>st</sup> Subdivision and although not significant at this time, at some point 110<sup>th</sup> Ave will need to be paved as the dust complaints will increase. Upon question Hall noted that county cost participation for section line roads is 60% regardless of the traffic count.

Dave Patience, Swenson Hagen Co., appeared on behalf of Goehring 2<sup>nd</sup> Subdivision and stated this is just north of 110<sup>th</sup> Ave and for many years no subdivision development was allowed north of 110<sup>th</sup>. Patience continued because of this many 40+ acre parcels were developed. Patience added recently, with the creation of the County Planning Dept., subdivision development is being allowed north of 110<sup>th</sup>. Patience noted many of these larger tracts are now being considered for further development.

Comm. Peluso questioned if we are encouraging development of parcels smaller than 40 acres and how long will the adjacent property owners be happy with gravel roads.

Chairman Schonert stated as a realtor he gets many requests for rural parcels less than 40 acres and that he is neither encouraging nor discouraging larger lots.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to table the waiver request to not pave 3.8 miles of 28<sup>th</sup> St and 110<sup>th</sup> Ave leading from Goehring 2<sup>nd</sup> Subdivision to US Highway 83 until the next meeting and direct Engineer Hall to explore other options for consideration. All members present voted "AYE." Motion carried.

County Building Official/Director Ziegler appeared regarding the following items: consideration of policy on building plans; consideration of final plat of Ennen Subdivision; consideration of lot split of Lot 8, Block 1, Apple Creek Estates Subdivision; and, consideration of final plat of Goehring 2<sup>nd</sup> Subdivision.

Ziegler requested approval of a policy requiring the County Building Official/Director review all plans for new county owned structures and major remodels prior to solicitation of bids.

Chairman Schonert admitted that even though it was his idea last month to have the County Building Official/Director review all plans he now thinks that since most of the projects are within the City of Bismarck's two mile extraterritorial zoning authority, maybe we should just let them do it rather than creating another layer of government.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to table discussion on this item as it is too vague. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve the zoning change request from AG to R1 and the final plat of Ennen Subdivision. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the lot split request of Terry Wald for Lot 8, Block 1, Apple Creek Estates Subdivision. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Jones, to table consideration of the final plat of Goehring 2<sup>nd</sup> Subdivision until issues with the pavement waiver request to not pave 3.8 miles of 28<sup>th</sup> St and 110<sup>th</sup> Ave leading from Goehring 2<sup>nd</sup> Subdivision to US Highway 83 are resolved. All members present voted "AYE." Motion carried.

Don Emineth, resident of Imperial Valley Subdivision just south of the City of Bismarck, appeared regarding the extensive use of fireworks in Burleigh County. Emineth stated he is most concerned about the length of time fireworks are shot off and requested that the Commission consider amending the home rule charter to limit the use of fireworks for a shorter period of time. No action was taken.

Denise Brown and Arlene Olson, Trygg Township, appeared regarding county issues. Brown stated she experienced hostility from Tax Director Vietmeier at the Burleigh County Township Association meeting in March and at county offices in Bismarck in April.

Chairman Peluso stated he has received only one written complaint about Vietmeier, noting the complaint has been addressed pursuant to the County Personnel Manual.

Peluso noted Vietmeier may not have the best "bedside manner" and reiterated that we are taking the right steps to correct this issue. Peluso stated he could go on for hours about the good things Vietmeier has done for the county, adding he has done an exemplary job as our tax director. Peluso noted this is not the proper forum for this issue.

Chairman Schonert stated he attended the same township association meeting and described Vietmeier's behavior as loud and boisterous.

Comm. Jones stated she has received many favorable reports from Township Assessors who feel Vietmeier is a "refreshing force" and tells things like they are.

Olson stated she also felt extreme hostility from Vietmeier at the City/County Building.

Auditor/Treasurer Glatt stated he was present at the City/County Building as reported and stated that it is very unfortunate and he is sorry that Brown and Olson felt threatened by Vietmeier; but in fact they were not threatened. Glatt stated he is dealing with the issues, noting he personally attended the Trygg Township Equalization meeting at Ms. Olson's residence and for almost three (3) hours repeatedly assured them that he would work with Vietmeier regarding their concerns.

Tom Dutton, Boyd Township Chairman, appeared and suggested Vietmeier needs more than a slap on the wrist; and upon question suggested termination. Dutton stated he finds no fault with the way Vietmeier performs his job – it is that he wants everything done his way.

Comm. Peluso stated it is not Vietmeier's way – it is state law.

Auditor/Treasurer Glatt stated if you want to attack someone then attack him. Glatt added he is the one responsible for the office as he hired Vietmeier and does his evaluations. Glatt stated the issues have been addressed with Comm. Peluso, the portfolio holder, and the HR Director pursuant to Chapter 7, Section 4, of the County Personnel Policy Manual. Glatt reiterated this is not the proper forum or venue for such a personal attack.

Ken Thomsen, Glenview Township Assessor, appeared and stated he finds Vietmeier to be very professional, although maybe a little "rough around the edges." Thomsen suggested Vietmeier might need some charm school but added "the man knows his job."

No action was taken.

Sheriff Heinert appeared and requested approval of a JAG Grant application with the City of Bismarck for law enforcement equipment.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Heinert, to approve a JAG Grant with the City of Bismarck for Sheriff's Dept. equipment with the county share being 35% or \$ 9,574. All members present voted "AYE." Motion carried.

The Commission then briefly discussed appointments to the Special Assessment Commission and Social Service Board. Auditor/Treasurer Glatt noted there are no applicants on file for these positions.

Auditor/Treasurer Glatt presented the abatements for the Commission's consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the Anderson and Heinrich abatements as requested; to approve the liquor license renewal of the Bottoms Up Tavern (E & S); to approve the Special Events Liquor License application for Bottoms Up Tavern for the Wing Rodeo June 20 - 21, 2015; and to approve the UND Alumni Association Raffle Permit Application. All members present voted "AYE." Motion carried.

On a motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
June 1, 2015**

**3:00 P.M.**

The Burleigh County Commission convened pursuant to law as the County Board of Equalization. Chairman Schonert called the Board of Equalization to order with all Commissioners present except for Comm. Bitner.

Deputy Auditor/Tax Equalization Director Vietmeier appeared and reviewed the statutes and duties of the Board of Equalization explaining the state requirements related to the sales ratio statistics. Chairman Schonert noted that the Board of Equalization must meet during the first ten (10) days in June to equalize and correct the assessment rolls and that the Board of Equalization is responsible for rendering uniform and just taxation.

Vietmeier presented the annual report of assessments for Burleigh County. Vietmeier reported that the total 2015 market value has increased overall by 12.61% (including AG land values at 90% - 100% of the State Tax Dept. recommendation). Vietmeier reported the main reason for the increase is due to new construction, non-exempt remodeling and improvements, property classification changes, market changes, abatements, and reappraisals. Vietmeier stated the average county AG land value, as certified by the ND State Tax Dept., is \$401.81 per acre. Vietmeier recommended an average \$/acre of \$391.37 to keep Burleigh County within tolerance of the state's recommended average. Vietmeier stated all values are as of February 1, 2015.

Vietmeier presented a detailed summary of changes in market valuations within the City of Bismarck, organized townships, unorganized townships and AG land. Vietmeier also presented a summary of mobile home valuations and the number of rural properties qualifying for homestead credits, veteran's credits, new home exemptions, new commercial properties, remodeling exemptions and geothermal exemptions.

The County Board of Equalization recessed to immediately sit as the Township Boards of Equalization for the unorganized townships of Lincoln, Riverview, Ft. Rice, Burnt Creek, Lyman, and Phoenix.

Chairman Schonert called for any testimony from those in attendance regarding the assessment of property within the unorganized townships.

As no one else present appeared, the following motion was made:

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve and accept the assessments of the unorganized Townships of Burnt Creek, Ft. Rice, Lincoln, Lyman, Phoenix, and Riverview as recommended by the Deputy Auditor/Tax Equalization Director. All members present voted "AYE." Motion carried.

The respective Unorganized Township Boards of Equalization adjourned and the County Board of Equalization immediately reconvened with all members present except Comm. Bitner.

The Board then reviewed the assessments of the Cities of Bismarck, Lincoln, Regan, South Wilton, and Wing. Chairman Schonert called for any testimony/comments relating to the assessments of the Cities of Regan, Wing, Lincoln, Bismarck, and South Wilton. No one present appeared.

The Board then reviewed the assessments of the Organized Townships.

Chairman Schonert called for any testimony/comments relating to the assessments of the organized townships.

Phil Bogner, 8316 Harvest Hills Dr., Gibbs Township appeared and stated he attended the Gibbs Township Board of Equalization and is concerned about the 20% increase proposed for his home. Bogner questioned who he could work with to determine how a brand new house can increase in value by 20% in one (1) year.

Tax Director Vietmeier suggested that he and the Gibbs Township assessor conduct a review of the property and thoroughly discuss the abatement process with Bogner.

Bob Bennet, 5813 Lariat Place, Hay Creek Township, appeared regarding the fact that his local board of equalization notice of increased value was sent from California and was not delivered at least 15 days prior to the Hay Creek Township Board of Equalization meeting. Bennet stated he is not protesting the amount of the assessment (value) but stated that the process was wrong and thus the assessment is invalid.

Tax Director Vietmeier stated that previous advice from the ND State Tax Dept. has been that the date of mailing must be at least 15 days prior to the meeting.

No one else present appeared and the following motions were made:

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to authorize a 13.9% overall increase on AG lands to an average of \$391.37 per acre. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve and accept the assessments of the Cities of South Wilton, Regan, Wing, Lincoln, and Bismarck as adopted and recommended by the local Boards of Equalization. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve and accept the assessments of the organized and unorganized townships as adopted by the local Boards of Equalization and recommended by the Deputy Auditor/Tax Equalization Director. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the Application for Property Tax Exemption for improvements to Commercial and Residential Buildings N.D.C.C 57-02.2 as recommended by the Deputy Auditor/Tax Equalization Director. All members present voted "AYE". Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve and accept the 2015 real property assessments as equalized, including an average AG value of \$391.37 per acre, and to authorize the Deputy Auditor/Tax Equalization Director to make corrections to property values on inundated lands in Burleigh County as needed, and further to adjourn sine die. All members present voted "AYE." Motion carried.

#### **5:16PM**

The Burleigh County Commission convened with all members present.

Chairman Schonert called the meeting to order with the first item of business the approval of the May minutes and vouchers.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve the May meeting minutes as presented. All members voted "AYE". Motion carried.

Comm. Peluso stated he reviewed the vouchers and recommended approval.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve payment of the vouchers, journal vouchers, and filing fee reports as presented. All members present voted "AYE." Motion carried.

Craig Vaughn, SRF Consulting, appeared and presented an overview of the Bismarck-Mandan Metropolitan Planning Organization I-94 Corridor Study Final Report. Vaughn stated the study area is approximately ½ mile North and ½ mile South of I-94 from Highway 25 on the West to 80<sup>th</sup> St. on the East. Vaughn highlighted the Corridor Plan Implementation Stages which align with the short, mid, and long-term transportation plans and project stages.

Upon question from Chairman Schonert, County Engineer Hall appeared and recommended acceptance and approval of the Bismarck-Mandan Metropolitan Planning Organization I-94 Corridor Study Final Report.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to accept and approve the Bismarck-Mandan Metropolitan Planning Organization I-94 Corridor Study Final Report as presented. All members voted "AYE." Motion carried.

Jerry Doan, Burleigh County 4-H Council Building Committee Chair, appeared regarding 4-H Building history along with a summary of the 2011 – 2015 (to date) revenues and expenses. Doan highlighted the many needs of the 4-H Council for the Joann Hetzel Memorial 4-H Building. No action was taken.

Sheriff Heinert appeared and presented the Detention report for the month of May. Heinert noted 884 prisoner nights were spent outside the Burleigh County facility at a cost of \$54,702 bringing the yearly total to 2388 "outside nights" at a total cost of \$136,824. Heinert noted there are currently 263 individuals utilizing the 24/7 testing program on a daily basis. Heinert noted a one day total inmate population of 183 during the month of May. Heinert then presented a brief new Detention Center Construction Update, and requested authorization to retain a vehicle (transport van) accident insurance settlement in the amount of \$14,657.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to authorize the Sheriff to retain a vehicle (transport van) accident insurance settlement in the amount of \$14,657 and to utilize these funds to replace the transport van. All members voted "AYE." Motion carried.

Finance Director/Accountant Thompson appeared regarding the 2016 salaries and benefits for budget purposes. Thompson stated the county department heads are requesting a 1 step increase pursuant to the salary plan and a 1% cost of living increase (COLA). Thompson stated no increase to the county portion (95%) of health insurance funding or increase in retirement benefits are requested.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to direct the 2016 County Preliminary Budget include a 1-step pay grade increase and a 1% cost of living increase.

Comm. Woodcox questioned why a pay step is granted every year and if any employees are ever denied an increase?

HR Director Terras appeared and stated the step plan is part of the entire Burleigh County compensation plan.

Vote on Motion: All members voted "AYE". Motion carried.

Comm. Bitner then led a discussion on the Missouri Valley Complex Event Policy for events being hosted at the Complex. Bitner stated this policy is an effort to address issues that have arisen at the Complex associated with the facility rental.

Bitner continued that at a meeting with various staff members, changes were discussed to the proposed policy, which is not included in the version in the Commission packets. Bitner led the Commission in attempting to codify those changes.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to approve the Missouri Valley Complex Event Policy with changes as discussed. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt stated no applications for the Social Service Board and Special Assessment Commission appointments have been received. Glatt noted that the Special Assessment Commission will need to meet and conduct public hearings this summer if special assessments are to be spread for collection on the 2015 tax statements.

Chairman Schonert questioned if a County Commissioner could be appointed to the Special Assessment Commission. State's Attorney Riha stated he would research this question.

Auditor/Treasurer Glatt presented the abatement, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the Lippert abatement as requested and to approve the raffle permit applications of the Grace Lutheran Church Women and the NDSU Development Foundation. All members voted "AYE." Motion carried.

Comm. Jones then reported that she and Comm. Woodcox have started very preliminary discussions with the Bismarck Park and Recreation District regarding management of the Burleigh County Park facilities and the Missouri Valley Complex. Jones stated there is interest from the Bismarck Park & Rec District. Jones stated the Bismarck Park & Rec District is requesting the reinstatement of the 1 mill for park & rec facilities that is extended by the county within the corporate limits of the City of Bismarck. Jones continued she intends to continue discussions if there is support from this Commission.

Comm. Woodcox stated we were close to accomplishing such a management contract 5-7 years ago and now is a good time to restart these discussions.

Comm. Peluso stated he thinks this is a great ideal and a move in the right direction for a better future for all citizens.

On a motion made, seconded, and carried, the Board recessed.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
May 18, 2015**

**5:00 P.M.**

The Burleigh County Commission convened a regular meeting with all members present except Commissioner Peluso.

Chairman Schonert called the meeting to order with the first item of business the approval of the bills.

Comm. Bitner stated he had reviewed the bills and recommended approval.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve payment of the bills as presented. All members present voted "AYE."  
Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the \$5,000 funding request of the Bismarck Mandan Symphony Orchestra for the Annual 4<sup>th</sup> of July Celebration and to approve the formal contract describing how the funds will be expended along with proof that the Symphony is a qualified non-profit organization recognized by the ND Council on the Arts. All members present voted "AYE". Motion carried.

Michael A. Mulloy, Attorney at Law, Bliss & Stebbins Law Firm, appeared representing St. Sophia's Investments Inc., regarding the appeal of the County Planning Commission denial of a zoning change request from R1-Residential to Commercial for Lots 1 & 2, Block 1, The Ranch Subdivision. Mulloy stated St. Sophia's requests the Commission first determine whether Chairman Schonert and Commissioner Bitner have conflicts of interest regarding this matter and then to approve the zoning request. Mulloy stated his client is willing to consider any conditions the Commission might impose as necessary to preserve the appearance and value(s) of the surrounding properties.

Chairman Schonert stated he does not believe he has a conflict of interest and asked State's Attorney Riha for guidance and clarification.

State's Attorney Riha stated he does not see a conflict of interest for Chairman Schonert referencing an Attorney General's opinion noting a conflict must reflect a direct and substantial benefit.

Comm. Woodcox stated he feels there is a conflict but it is not large enough to merit an exclusion of Chairman Schonert on this matter.

Comm. Bitner stated he may have had a previous conflict. Bitner specified that since he lost the bid on the construction of the trails within The Ranch Subdivision and since he no longer has a need or desire for commercial property within The Ranch Subdivision; he believes he no longer has a conflict of interest.

Upon further questioning from Comm. Woodcox, Bitner stated he owns other land and has no desire to put a veterinarian clinic at The Ranch location.

No action was taken on the conflict of interest assertions.

Mulloy then continued with the zoning request for Lots 1 & 2, Block 1, The Ranch Subdivision. Mulloy explained the lots adjoin Highway 83 to the west, Parker Ranch Road to the south, King Ranch Road to the east, and future planned green space to the north. Mulloy stated his client owns eight (8) other R1-Residential lots within The Ranch Subdivision and does not want to harm the value of those parcels and therefore will be careful in the developing Lots 1 & 2 if the zoning change is approved.

Comm. Jones noted these lots are considerably lower than the other lots in the subdivision and much lower than Highway 83. Jones questioned if St. Sophia's would be willing to sign an agreement to buffer and mitigate any noise and light pollution. Mulloy stated his client would be willing to work with the development and the County Commission to install buffers to resolve these concerns. Upon further question Mulloy stated the owners do not have any specific plans for the property but have considered a convenience store and/or strip mall. Mulloy reiterated his client does not want the zoning change to harm the value of their eight (8) R1-Residential lots within the subdivision.

Comm. Woodcox questioned why this request was denied at the Planning Commission as he feels it makes no sense for these lots to be zoned R1-Residential.

Comm. Bitner responded the Planning Commission denied the zoning change due to universal opposition at the public hearing.

Jackie and Dave Andahl, The Ranch Subdivision developers, appeared and spoke in opposition of the proposed zoning change.

Mike Radke, Ron Frei, Dustin Hase, Bruce Pritschet, Josh Wulf, Al Staloch, Dustin Wing, Shawna Wing, and Ken Walter, all residents/landowners of The Ranch Subdivision, appeared in opposition of the appeal.

Brad Miller and Darren Radke, also residents/landowners of The Ranch Subdivision, submitted emails in opposition of the appeal.

Judy Maslowski submitted an email in support of the appeal.

Ken Krumm, St. Sophia's Investments, LLC., appeared and requested approval of the zoning changing stating there is no desire to build anything on these lots that will be counter-productive or harm the value of the other residential lots that St. Sophia's is marketing within The Ranch Subdivision.

Comm. Bitner questioned how the sewer system would work on this property should the zoning change be approved? Krumm stated similar to the way it is handled for the other commercial properties. Krumm continued that the subject lots have triple road frontage which is typical of commercial property. Krumm noted these lots have been removed from the subdivision covenants; another indication that they are different from the other residential lots. Krumm added throughout the settlement negotiations these properties were intended to be commercial lots.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox to approve the appeal and change the zoning from R1-Residential to Commercial for Lots 1 & 2, Block 1, The Ranch Subdivision. "AYE" votes: Jones. "NAY" votes: Bitner, Schonert, Woodcox. Absent: Peluso. Motion failed.

County Engineer Hall appeared with the following items for the Board's consideration: results of the bid opening for construction of a Salt Storage and Cold Storage Building at the Burleigh County Highway Dept. Bismarck location.; results of the bids for the Lincoln Road project; new subdivision Road Design and Construction Policy.

Hall presented the following results of the May 14, 2015, bid opening for the construction of a Salt Storage and Cold Storage Building at the Burleigh County Highway Dept. (Bismarck location):	Base Bid	Alt. #1
Straightway Construction, Inc.,	\$885,800	\$758,700
Capital City Construction, Inc.,	\$1,167,000	\$874,000

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to accept the low bid from Straightway Construction in the amount of \$885,800 for the construction of a Salt Storage Building and to reject the bid for Alternate #1 (Cold Storage Building) at the Burleigh County Highway Dep. (Bismarck Shop site), and authorize the proper County officials to enter into a contract with said bidder. All members present voted "AYE". Motion carried.

Hall then presented the following results of the May 15, 2015, bid opening for the Lincoln Road project:

Northern Improvement Co.	\$2,699,589.19
Sand Creek Corp.	\$2,786,102.38
Weisz & Sons Construction	\$2,595,857.55

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to award bids for the construction of the Lincoln Road to the low bidder Weisz & Sons Construction in the amount of \$2,595,332.55 and authorize the proper County officials to enter into a contract with said bidder. All members present voted "AYE". Motion carried.

Hall also presented a new Subdivision Road Design and Construction Policy. Hall stated in 2014, Burleigh County instituted a new process for the review and approval of the design and construction of subdivision roadways outside of the City of Bismarck's ETA. Hall further explained a new process was developed to ensure that subdivision roadways would be designed to county standards and then constructed to the approved design. Hall also stated the process has worked well this past year and would

now like to implement it with in the City of Bismarck's ETA which will allow the county to do this as part of the City of Bismarck's Zoning Ordinance and Planning Department Policy.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to adopt the Subdivision Road Design and Construction Policy as presented. All members present voted "AYE." Motion carried.

HR Director Terras appeared regarding the health insurance premium costs for the period July to December, 2015. Terras presented the 2015-2017 health insurance premium rate changes from the ND Public Employees Retirement System (NDPERS) for the group health insurance which will be contracted through Sanford Health as of July 1, 2015. Terras noted the contract rates will increase 15% for the July 2015 through June 2017 contract period.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the increase in health insurance premium costs for the remaining of fiscal year 2015. All members present voted "AYE." Motion carried.

Sheriff Heinert appeared regarding consideration of a contract with Grand Forks County Detention Center for prisoner housing.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve the prisoner housing contract with Grand Forks County. All members present voted "AYE." Motion carried.

Auditor/Treasurer Glatt presented the abatements a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the Rath, Steinle, Enzminger, and Davison abatements; raffle permit applications of Dakota Woodturners, Minot Area Youth Sportsman's Club and St. Hildegard's Catholic Church; the Gaming Site Authorization of the Bismarck Mandan Convention & Visitors Bureau, and Hazelton Lions Club; to recognize the Dakota Woodturners, Minot Area Youth Sportsman's Club as other public spirited organizations; and to approve the Liquor License renewals of Flash's Place LLC, Misty Waters Marina, Hawktree Inc, and Nicholson Enterprises LLC; and to approve the Special Events Liquor License applications of Nicolson Enterprises LLC for Abate Bike Rally & Friends of Vets Fundraiser (both at Menoken Grove picnic area). All members present voted "AYE." Motion carried.

On a motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt,  
Auditor/Treasurer

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Douglas R. Schonert  
Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**May 4, 2015**

5:25 P.M.

The Burleigh County Commission convened a regular meeting with all members present except Commissioner Peluso.

Chairman Schonert called the meeting to order with the first item of business the approval of the minutes and vouchers.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the April 2015 meeting minutes as presented. All members present voted "AYE." Motion carried.

Comm. Bitner reported that he reviewed the bills and recommended approval.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve payment of the vouchers, journal vouchers, and filing fee reports as presented. All members present voted "AYE." Motion carried.

County Agent Shaundra Ziemann-Bolinske and Social Services Director Kim Osadchuk appeared and presented brief legislative updates.

Deputy Auditor/Tax Director Vietmeier appeared and presented the abatements for the Board's consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the Edgewood Properties LLP, Lindholm, Schaefer, Brendel, Thompson, and Neuenschwander abatements as requested and recommended by the Deputy Auditor/Tax Director. All members present voted "AYE." Motion carried.

Vietmeier then presented information regarding the June 1, 2015, County Board of Equalization meeting. Vietmeier stated AG land values are anticipated to increase due to continued production increases. Vietmeier estimated the increases will range from 8-17% depending on soil type. Vietmeier continued 41 of the 43 organized townships have returned their assessment rolls with Burleigh County having recently assumed assessment duties for Hazel Grove, McKenzie and Menoken Townships in addition to all of the unorganized townships, the City of Lincoln, and Ecklund Township. Vietmeier added Burleigh County is assisting Apple Creek and Trygg Townships with their assessments until their assessors become certified.

Vietmeier reported the assessor education/training legislation passed as part of HB1059 and will require Class II assessors (townships and cities under 5000 pop.) to have eighty (80) hours of training/education to be certified. Vietmeier noted Class II assessors have until July 31, 2017, to complete the training requirements.

Kim Lee, City of Bismarck Planning Manager, appeared regarding approval of a ghost platted road in the proposed final plat for Apple Meadows 3<sup>rd</sup> Subdivision. Lee stated as the proposed plat is located within the City's Urban Service Area Boundary, the City of Bismarck is requiring that the property be ghost platted. Lee continued, as part of the ghost plat for the subdivision, a roadway will be dedicated to provide access to the future smaller urban residential lots within the plat. Lee stated the road is presently not needed to provide access to the larger rural residential lots but will be needed when and if the property is annexed to the City of Bismarck. Lee continued that Burleigh County ordinance requires all dedicated roadways in a plat be improved prior to recording of the plat. Lee requested the county waive this requirement and approve the ghost platting of the roadway to allow for future construction of the road when needed.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the request from the City of Bismarck and authorize a variance to waive the requirement that the portion of Midlands St north of Keepsake Ln be constructed within the final plat of Apple Meadows 3<sup>rd</sup> Subdivision and approve the ghost platting of the roadway to allow for future construction of the road when needed. All members present voted "AYE". Motion carried.

Burleigh County Noxious Weed Officer Hartman appeared and presented a Burleigh County Noxious Weed Control update.

County Engineer Hall appeared with the following items for the Board's consideration: results of the bid opening for the 2015 county-wide chip seal package; Burleigh County Land Use Plan update agreement; second approach permit application of Paul Huettl.

Hall presented the following results of the April 30, 2015, bid opening for the 2015 seal coat projects:

Asphalt Surface Tech Corp.	\$959,842.62
Morris Sealcoat & Trucking, Inc.	\$930,008.72

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to award bids for the 2015 Chip Seal Package to Morris Sealcoat & Trucking, Inc., in the amount of \$930,008.72. All members present voted "AYE". Motion carried.

Hall then stated that on April 22, 2014, the County Board approved the Comprehensive Plan and the second step in the process is to approve an update to the County Land Use Plan. Hall stated the Metropolitan Planning Organization (MPO) has decided to proceed with producing a County Land Use Plan for the areas outside the City of Bismarck control, but inside the MPO border. Hall noted this leaves only the area outside of the MPO boundary, but yet under the Burleigh County Zoning control that needs to be updated. Hall stated in December of 2014, the County Board decided that the most economical way to produce an update to the existing plan was to work with the MPO on this project. Hall reported that staff has been working with the MPO to solicit and review proposals with three (3) consulting firms submitting proposals. Hall stated upon thorough review of the proposals, the selection committee ranked KLJ as the most qualified firm to perform this project. Hall recommends the County Commission approve the negotiated scope of services and \$26,000 fee for this project.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to authorize and enter into an agreement with KLJ for \$26,000 to produce an updated Land Use Plan for areas outside of the MPO boundary, but yet under the Burleigh County Zoning control. All members present voted "AYE." Motion carried.

Hall then presented the second approach permit application of Paul Huettl for an additional approach to his property at 5714 Country Creek Dr. Hall stated the Highway Dept. has reviewed the request and because it does not meet the required distance between adjacent approaches, it was denied. Paul Huettl has requested an appeal of the Highway Department's denial to the County Board.

Hall stated although the request does not meet the required distance between adjacent approaches he recommends approval of the second approach application as the location of the second approach does not pose any safety risk.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the second approach permit application of Paul Huettl at 5714 Country Creek Drive. All members voted "AYE". Motion carried.

Sheriff Heinert appeared with the following items for the Board's consideration: monthly detention center report, new detention center construction update, and owners' representative contract approval.

Sheriff Heinert presented the April jail report noting 769 prisoner nights were spent outside the Burleigh County facility at a cost of \$45,232, bringing the yearly total to 1,504 "outside nights" at a total cost of \$82,122. Heinert noted there are currently 254 individuals utilizing the 24/7 testing program on a daily basis, with 67 on the drug patch, 137 on the ankle bracelet, and 50 on two-a-day breath tests.

Heinert next presented a brief new detention center construction report. Heinert stated a groundbreaking ceremony will take place on Wednesday, May 6. Heinert continued that the original project construction cost was estimated at \$55,000,000 with the architect's fee based on 6% of the construction cost or \$3,300,000. Heinert continued the project bid cost exceeded this amount by \$12,439,400 and that Venture Architects has agreed to reduce their fee on this amount from 6% to 5%, a savings of \$124,394. Heinert noted the new total architect fee will be \$3,921,970 plus reimbursable expenses.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the Venture Architects and consultants contract fee adjustment as presented. All members present voted "AYE". Motion carried.

Heinert then requested approval of the Owners' Representative contract with Rodney Matzke. Heinert stated Matzke will be responsible for oversight during the construction phase of the jail project, and will review and become familiar with all architectural plans, will be onsite during the jail construction as often as needed, and will attend weekly construction meetings

unless excused by the Sheriff. Heinert continued Matzke will provide all services described during construction for a monthly fee of three-thousand-five hundred dollars (\$3,500) starting May 1, 2015 and ending the last day of the month of completion of construction as declared by Venture Architects Inc. Heinert added three-hundred dollars (\$300) per month fee will also be paid to Matzke to cover vehicle and other unforeseen expenses incurred to complete the contract responsibilities.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve and authorize the Owners' Representative contract with Rodney Matzke as presented. All members voted "AYE". Motion carried.

Michael Gunsch, Houston Engineering, appeared on behalf of the Burleigh County Water Resource District, and presented an application for a Missouri River Bank Stabilization permit from the US Army Corps of Engineers and a Sovereign Lands permit from the ND State Water Commission for a bank stabilization project along the Missouri River at the Fox Island Boat Ramp. Gunsch reported as this project is located within an easement under Burleigh County's authority the State Water Commission and the Corp of Engineers requires approval of Burleigh County. Gunsch noted the entire cost of the project will be funded through a Heritage Fund Grant received by the Bismarck Park & Rec District. Gunsch suggested the County Commission assign the operation and maintenance of the easement to the Bismarck Park & Rec District which operates the Fox Island Boat Ramp.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the application for the Missouri River Bank Stabilization permit from the US Army Corps of Engineers and the Sovereign Lands permit from the ND State Water Commission with the condition that all future and ongoing operating and maintenance responsibilities of the Bank Stabilization Easement be transferred to the Bismarck Park & Rec District. All members present voted "AYE". Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve the raffle permit application of Capital City Gun Club; the Gaming Site Authorizations of the NoDak Sportsman's Club (Bottoms Up Bar in Driscoll and Flash's Bar in Sterling); and to approve the Liquor License renewals of Capital City Gun Club and Rolling Plains Adventures. All members present voted "AYE." Motion carried.

On a motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt,  
Auditor\Treasurer

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Douglas R. Schonert  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
April 20, 2015**

**5:00 P.M.**

The Burleigh County Commission convened a regular meeting with all members present.

Chairman Schonert called the meeting to order with the first item of business the approval of the bills.

Comm. Jones stated she reviewed the bills and recommended approval of the same.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve payment of the bills as presented. All members voted "AYE." Motion carried.

Dennis Reep, Burleigh County Water Resource District Board Member, appeared and updated the County Commission on the Hogue Island flood buyout, Burnt Creek Floodway, and Missouri River Correction Center projects. Reep stated the Water Resource District is developing a policy manual for board actions. Reep also recognized retiring McDowell Dam Supt. Forrest Ecklund.

Asst. County Engineer Schriock then presented the following items for the Board's consideration: request for authorization to advertise for bids for the Lincoln Road project, request of Charles and Linda Hanson for a second approach permit from Lot 14 less the W20', North Star Acres Subdivision onto North Star Acres Rd.

Schriock stated the Highway Department has been working on a plan for the reconstruction of Lincoln Road with Phase I of the project from 66th St. SE to Benteen Dr. Schriock continued that the project would improve the safety of the existing roadway as well as improve the roadway drainage and riding surface. Schriock noted this project is scheduled for completion in 2015.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to authorize the advertisement of bids for Phase I of the Lincoln Road reconstruction project. All members voted "AYE". Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve the second approach permit application of Charles and Linda Hanson onto North Star Acre Rd from Lot 14 less the W20', North Star Acres Subdivision, Hay Creek Township. All members voted "AYE". Motion carried.

Ashley Stegeman, Agriculture & Natural Resources Agent, and Amelia Doll, 4-H Youth Development Agent, appeared and presented updates on program areas within Burleigh County Extension.

Comm. Bitner reported certain fire hydrants located on the Missouri Valley Complex have been damaged and need to be replaced. Bitner continued cost estimates and quotes are being compiled to replace the hydrants and to move the water meter to eliminate the water meter pit that is below the water table.

Asst. County Engineer Schriock appeared and stated he and Comm. Bitner recently met with the City Engineer and Cofell's Plumbing & Excavating, regarding special assessment work being done on the Missouri Valley Complex; including the tree removals that have taken place at the Complex. Schriock stated Comm. Bitner will continue to monitor and approve the reclamation of the property upon completion of the contracted work.

Emergency Manager Senger appeared and updated the Commission on the recent wildfires and adoption of a Total Burn Ban. Senger stated that after consultation with the ND Forest Service Fire Manager and the Bismarck Rural Fire Department Chief, she recommends continuance of the Total Burn Ban for at least one more week. Senger stated the use of propane grills will be allowed if utilized according to the manufacturer's instructions.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to affirm the Total Burn Ban effective immediately for Burleigh County. All members voted "AYE". Motion carried.

Comm. Schonert inquired how the burn ban will be lifted. Senger stated she will consult with the ND Forest Service Fire Manager and the Bismarck Rural Fire Department Chief before lifting the ban.

Senger also reported on the recent fire in the South Fork area. Senger stated 34 agencies were involved in the wildfire response. Senger estimated 1,500 acres were burned with a total estimated cost to fight the fire at between \$85,000 and \$87,000.

Comm. Woodcox then initiated a discussion related to the special assessments on the Missouri Valley Complex associated with development of the Midwest Business Park. Woodcox expressed his concern about how the Special Assessment District was established and in particular, the county being assessed in excess of \$2.1 Million with no opportunity for input on the assessment district(s).

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to formally request the City of Bismarck put SID 15-325 (water), SID 15-561 (storm water), and SID 14-488 (pavement, curb & gutter) on hold until further discussions and resolution can be made with the County of Burleigh. All members voted "AYE." Motion carried.

The County Commission then considered the reappointment of Joyce Falkenstein to the School District Reorganization Committee.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to reappoint Joyce Falkenstein to a three (3) year term on the Burleigh County School District Reorganization Committee. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt presented the abatements a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the Irish, Fischer, Stein, Wahl Daffinrud, Urban, and Boschee abatements as requested. All members voted "AYE." Motion carried.

On a motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
April 8, 2015**

**5:00 P.M.**

The Burleigh County Commission convened a regular meeting with all members present.

Chairman Schonert called the meeting to order with the first item of business the approval of the March minutes.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the March meeting minutes as presented. All members voted "AYE." Motion carried.

Comm. Jones stated she reviewed the bills and recommends approval of the same.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve payment of the vouchers, journal vouchers, and filing fee reports as presented. All members voted "AYE." Motion carried.

Deputy Auditor/Tax Director Vietmeier appeared and presented the abatements for the Board's consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve the Mills, Booth Business Park/Staples, Liechty Homes, Diane Milner et al., Sears, Barfield, Hagen, Keller, Gartner, Goetz, Burgad, Olson, Gordon, and Schiele abatements as requested. All members voted "AYE." Motion carried.

Brian Ritter, President/CEO of the Bismarck-Mandan Development Association (BMDA), appeared and presented an update on BMDA projects.

County Engineer Hall appeared and requested the acceptance of right of way within Apple Creek Road Subdivision and Imperial Valley 1<sup>st</sup> Replat Subdivision. Hall stated both subdivisions are within the City of Bismarck extraterritorial area and the final plats have been approved.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the acceptance of the right of way within Apple Creek Road Subdivision. All members voted "AYE". Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the acceptance of the right of way within Imperial 1<sup>st</sup> Replat Subdivision. All members voted "AYE". Motion carried.

County Engineer Hall then presented the following items: consideration of bids for centerline & edge line striping, consideration of bids for 2015 seal coat projects, consideration of bids for SAD # 58 Skyline Estates paving, consider developer pavement

waiver request for a proposed industrial subdivision adjacent to Andre Industrial Park (tabled 3/16/15), consider request of U of Mary for waiver of road construction requirement, and consider changes to existing Highway Functional Classification Map.

Hall reported that bids for centerline & edge line striping were opened on March 30, 2015, with the following bids received:

J & J Striping	\$215,935.00
Traffic Safety Services, Inc.	\$242,764.64

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to award the bid for the painted pavement markings to the low bidder J & J Striping in the amount of \$215,935. All members voted "AYE". Motion carried.

Hall next presented the results of the following bid opening held March 30, 2015, for the 2015 seal coat projects:

Asphalt Surface Tech Corp.	\$896,877.82
Morris Sealcoat & Trucking, Inc.	\$1,002,258.99
Bituminous Paving Inc.	\$1,161,458.76

Hall continued that upon reviewing the bids it appeared that the low bidder presented an unbalanced bid. Hall stated Asphalt Surface Tech Corp bid \$0.10 for the Fog Seal and Emulsified Asphalt, items that should cost \$2.50 to \$3; and they bid \$120 on Cover Cost Material, an item that should cost \$35 to \$40. Hall stated these items alone would not lead to a recommendation to reject the bids; however, when asked about their bidding irregularities Asphalt Surface Tech Corp stated they discovered an error in the plans. Hall noted bidders are required to report any errors in plans and specification before proceeding with the bidding process. Hall continued that based upon the unbalanced bid and plan error it is no longer clear which bidder has the low bid. Hall concluded that after consultation with the State's Attorney, he recommended the Board reject all bids and this project be rebid.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to reject all bids for the 2015 Chip Seal Package and authorize the proper County officials to rebid the project. All members voted "AYE". Motion carried.

Hall then reported the following bids were received on March 30, 2015, for SAD # 58 Skyline Estates paving project:

Northern Improvement	\$546,998.82
Mariner Construction Inc.	\$614,434.43

Hall noted the engineer's estimate for the project is \$542,709.50 and the estimate used for the district petition was \$588,100.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to award the bid for the SAD # 58 Skyline Estates paving project to the low bidder Northern Improvement Co., in the amount of \$546,998.82. All members voted "AYE". Motion carried.

Hall initiated a discussion regarding a developer waiver request from a proposed industrial subdivision adjacent to Andre Industrial Park (a tabled item from March 16, 2015). Hall stated that under the current Gravel Road Improvement Policy, developers are required to pave all internal roadways within a proposed subdivision and pave at least one roadway that connects the proposed subdivision with the existing paved highway system. Hall reported a developer is exploring the option of developing 80 acres east of Andre Industrial Park, and changing the zoning from agricultural to industrial. Hall stated if the developer is required to meet current standards for an industrial subdivision, the developer believes the project will be cost prohibitive.

Comm. Woodcox suggested the current Gravel Road Improvement Policy be reviewed to determine if there should be different policies for residential and industrial developments.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to deny the developer waiver request of Ron Aberle for a proposed industrial subdivision adjacent to Andre Industrial Park, Menoken Township. All members voted "AYE". Motion carried.

Hall then presented a developer waiver request from the University of Mary. Hall explained The U of Mary, in developing the University of Mary 2<sup>nd</sup> Subdivision, is requesting a waiver from the current practice that requires the dedication and construction of all section line and quarter line roads shown in the Fringe Road Master plan. Hall continued that some alterations to the location of quarter line roads are allowed as long as the proposed quarter line road still services the needs of the public. Hall stated the U of Mary will provide the right of way but wants a waiver from the building of the quarter section road.

Comm. Bitner questioned who would pay for the road when it is needed.

Dave Patience, Swenson & Hagen Co., representing the University of Mary appeared and stated that the U of Mary is willing to write a letter to the County Commission stating that if a road is needed in the future they would not object to the creation of a Special Assessment District to fund the construction cost.

Comm. Jones inquired if a Master Plan has been developed by the U of Mary for the area.

Patience stated the U of Mary is currently developing a Master Plan and storm water plan as part of the subdivision approval requirements. Patience noted the anticipated completion date is mid-May.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the developer waiver request of the University of Mary to forego the requirement of constructing the quarter line

road (Sentinel Street) on the east side of the proposed University of Mary 2<sup>nd</sup> Subdivision, contingent upon receiving a letter from the University of Mary indicating that the University does not and will not oppose the creation of a Special Assessment District to fund the construction cost and subject to the necessary right-of-way for such roadway to be provided. “AYE” votes: Jones, Peluso, Woodcox. “NAY” votes: Bitner, Schonert. Motion carried.

Hall then presented a request to amend the existing Highway Functional Classification Map. Hall stated the Federal-Aid Highway Act of 1973 required the use of functional highway classifications to update and modify the Federal-Aid highway system. Hall explained that periodically it is necessary for local units of government to review their existing highway functional classifications and recommend changes to the State and Federal Highway authorities. Hall reported that when developing this list of changes, the County Highway Department took into account changes (such as new development, changes to the highway system, and new land use) in our area.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to approve the proposed amendments to the Federal-Aid Highway Functional Classification Map as recommended and to authorize the County Engineer to work with the North Dakota Department of Transportation and the Federal Highway authorities to implement said changes. All members voted “AYE”. Motion carried.

County Building Official Ziegler appeared and requested authorization to enter into a service agreement with Cromwell Township for the Building/Planning/Zoning Dept. to provide building plan review, issue building permits and provide building inspections for Cromwell Township.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the building inspection services agreement with Cromwell Township. All members voted “AYE”. Motion carried.

Sheriff Heinert appeared and presented the monthly jail update and a request for approval of application for a two (2) year federal grant in the amount of \$150,000 (\$37,500 local share) for working with incarcerated mentally ill persons.

Sheriff Heinert stated for the month of March 408 prisoner nights were spent outside the Burleigh County facility at a cost of \$22,131, bringing the yearly total to 735 “outside nights” at a total cost of \$36,890. Heinert noted inmates were housed at the Bismarck Transition Center, Morton and McLean Counties in March. Heinert noted there are currently 248 individuals utilizing the 24/7 testing program on a daily basis; 66 on the drug patch, 129 on the ankle bracelet, and 53 on two-a-day breath tests.

Sheriff Heinert also presented a brief pre-construction report on the Burleigh/Morton Detention Center. Chairman Schonert questioned who will be responsible for the overall construction project and if there is any penalty for construction delays. Sheriff Heinert

responded the architect is responsible for the overall construction project and there are no penalties for construction delays.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the application of a federal grant for working with incarcerated mentally ill. All members voted "AYE". Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the Fire Emergency and Burn ban for Burleigh County. All members voted "AYE". Motion carried.

Dominic Goetz appeared and requested the Commission call for a public hearing for the closure of the following section line: the east 33 feet of the NE1/4 less right of way, Section 28, and the west 33 feet of the NW1/4 less right of way, Section 27, Township 139 North, Range 76 West, Sterling Township.

Chairman Schonert stated that in order for the County Commission to close a section line a public benefit must be found. Schonert questioned Goetz what the public benefit might be to close the section line. Goetz stated he could not identify a public benefit. No action taken.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox to table the second approach permit application of C & L Hanson onto North Star Acre Rd from Lot 14 less the W20', North Star Acres Subdivision until the April 20<sup>th</sup> meeting. All members voted "AYE". Motion carried.  
Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve the 2<sup>nd</sup> approach permit application of Jeffrey and Kathy Kottenbrock for a second approach onto Hay Creek Dr. from Lots 15C&D, Block 12, Grande Prairie Estates 2<sup>nd</sup> Subdivision. All members present voted "AYE". Motion carried.

On a motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
March 16, 2015**

**5:00 P.M.**

The Burleigh County Commission convened a regular meeting with all members present.

Chairman Schonert called the meeting to order with the first item of business the approval of the bills.

Comm. Woodcox stated he reviewed the vouchers and recommended approval of the same.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to approve payment of the bills. All members voted "AYE." Motion carried.

Deputy Auditor/Tax Director Vietmeier appeared and presented the abatements for the Board's consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the Vallarano, Fogel (2), Schumacher, Lengenfelder, Fahlsing, Mack, and Johnson abatements as requested. All members voted "AYE". Motion carried.

Kelvin Hullet, President Bismarck-Mandan Chamber of Commerce and Donnell Preskey-Hushka, NDACo appeared and presented a 2015 Legislative update.

NDSU Extension Agent Ziemann-Bolinske appeared and introduced Amelia Doll, 4H Youth Development Agent and Ashley Stegeman, Agriculture and Natural Resources Agent. Stegeman and Doll appeared and gave a short introduction of their job descriptions. Ziemann-Bolinske also presented a short legislative update.

Sheriff Heinert appeared and presented a brief state legislative update.

County Engineer Hall presented the following items for the Board's consideration: discussion on disposal of the old county shop grounds, consideration of bids for gravel crushing, consideration of bids for concrete & metal culverts, and consideration of a developer pavement waiver request for a proposed industrial subdivision adjacent to Andre Industrial Park.

Hall stated that late in 2014, the Burleigh County Highway Dept. moved operations to the new shop, located on the corner of 80<sup>th</sup> St NE and 43<sup>rd</sup> Ave NE. Hall stated the Highway Dept. has been moving stockpiled material, culverts, equipment and other items from the old shop to the new shop. Hall reported this process should be completed by mid-June. Hall continued the old shop grounds were located on the old City of Bismarck landfill. Hall noted the ND Dept. of Health and the City of Bismarck Public Works Dept. are very interested in returning this area to a more suitable environment.

Hall stated that since it is in the best interest of all parties to transfer the ownership of this site to the City, he proposes directing the staff, under the guidance of Comm. Woodcox who holds the Buildings & Grounds Portfolio, to meet with the City of Bismarck to develop a transfer process.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to direct Comm. Woodcox and county staff to meet with the City of Bismarck to develop a plan for the transfer of ownership of the old Bismarck County Shop grounds to the City of Bismarck. All members voted "AYE". Motion carried.

Hall reported that the following bid was received for gravel crushing: Gravel Products Inc. - \$4.52 per cubic yard. Hall recommended award of bids to Gravel Products Inc.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to award the bid for gravel crushing to Gravel Products Inc. in the amount of \$4.52 per Cubic Yard and to authorize the proper county officials to enter into a contract with said bidder. All members voted "AYE." Motion carried.

Hall reported that Cretex Concrete Products, Inc. submitted a bid for Furnishing Concrete Culverts and that TrueNorth Steel and Contech Engineered Solutions submitted bids for Furnishing Metal Culverts.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to award the low bid from Cretex Concrete Products, Inc. for Furnishing Concrete Culverts; and to accept the bids of TrueNorth Steel and Contech Engineered Solutions for Furnishing Metal Culverts and to authorize the proper county officials to enter into contracts with said bidders. All members voted "AYE". Motion carried.

Hall reported that under the current Gravel Road Improvement Policy, developers are required to pave all internal roadways within a proposed subdivision and pave at least one roadway that connects the proposed subdivision with the existing paved highway system. Hall stated Ron Aberle is exploring the option of developing 80 acres east of Andre Industrial Park, and changing the use of the land from agricultural to industrial. Hall stated if Aberle is required to meet current standards for an industrial subdivision, Aberle believes the project will be cost prohibitive. Hall stated Aberle is requesting a waiver from the pavement requirement for this proposed industrial subdivision.

Karen Bonnett, a Burleigh County resident, appeared and stated if this industrial subdivision is granted a waiver, it will set precedent for other future developments.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to table the developer waiver request of Aberle for a proposed industrial subdivision adjacent to Andre Industrial Park to give Commissioners additional time to research the policy. All members voted "AYE". Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to recognize the Dakota Junior Golf Association as an Other Public Spirited Organization, to approve the Dakota Junior Golf Association raffle permit application and to declare April 12 - 18, 2015 as National Public Safety Telecommunications Week. All members voted "AYE". Motion carried.

Finance Director Thompson appeared and presented the following proposed 2014 budget amendments for the Board's consideration:

<u>FUND</u>	<u>2014 BUDGET</u>	<u>AMENDED BUDGET</u>	<u>CHANGE</u>
<b>ROAD AND BRIDGE</b>	<b>23,412,393</b>	<b>25,600,000</b>	<b>350,000</b>
EXPENSE EXCEEDED BUDGET			

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the 2014 budget amendments as presented and recommended by Finance Director Thompson. All members voted "AYE." Motion carried.

Comm. Jones initiated discussion on the condition of the county road leading to the Community Gardens. Jones stated the road needs to be bladed and graveled. Chairman Schonert stated he will direct the County Highway Dept. to grade the road.

Comm. Peluso initiated discussion concerning a trail, constructed and maintained by the Bismarck Parks and Recreation on a section line along Burnt Creek Dr. Peluso stated someone has gated the trail and posted a sign saying no motor vehicles on the corner of Burnt Creek Dr. Chairman Schonert stated he has discussed this with Engineer Hall who, in cooperation with the State's Attorney, will draft a letter to the responsible party notifying them that they cannot close the section line.

On a motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
March 2, 2015**

**5:00 P.M.**

The Burleigh County Commission convened a regular meeting with all members present.

Chairman Schonert called the meeting to order with the first item of business the approval of the February minutes and vouchers.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to approve the February meeting minutes as presented. All members voted "AYE." Motion carried

Comm. Woodcox stated he reviewed the vouchers and recommended approval of the same.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to approve payment of the vouchers, journal vouchers, and filing fee reports as presented. All members voted "AYE." Motion carried.

Deputy Auditor/Tax Director Vietmeier appeared and presented the abatements for the Board's consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the J & A Properties LLP, Zimmerman, Smith, Stadick, Kohls, Ziegler, Meyer, Alexander, Irvine, Kuntz, Glaser, Bitz, Schlabsz, Wetzstein, and Dockter abatements as requested. All members voted "AYE." Motion carried.

Finance Director Thompson appeared and presented the following proposed 2014 budget amendments for the Board's consideration:

<b>FUND</b>	<b>2014 BUDGET</b>	<b>AMENDED BUDGET</b>	<b>CHANGE</b>
<b>RIVERVIEW TWP</b>	<b>50,000</b>	<b>68,000</b>	18,000
ROAD EXPENSE EXCEEDED BUDGET			
<b>LINCOLN TWP</b>	<b>100,000</b>	<b>845,000</b>	745,000
ROAD EXPENSE EXCEEDED BUDGET			
<b>ROAD AND BRIDGE</b>	<b>23,412,393</b>	<b>25,250,000</b>	1,837,607
EXPENSE EXCEEDED BUDGET			
<b>KNIEFEL BOAT RAMP</b>	<b>61,150</b>	<b>110,000</b>	48,850
CAPITAL OUTLAY EXCEEDED BUDGET			
<b>JAIM MAINT. &amp; CONSTRUCTION</b>	<b>2,141,284</b>	<b>2,835,000</b>	693,716
EXPENSE EXCEEDED BUDGET			
<b>SHERIFF DRUG ASSET FORFEITURE</b>	<b>20,000</b>	<b>31,000</b>	11,000
EXPENSE EXCEEDED BUDGET			
<b>CITY REGIONAL AREAS</b>	<b>284,006</b>	<b>285,000</b>	994
EXPENSE EXCEEDED BUDGET			
<b>SOBRIETY 24/7</b>	<b>25,000</b>	<b>137,000</b>	112,000
EXPENSE EXCEEDED BUDGET			
<b>ABANDONED CEMETERY</b>	<b>5,000</b>	<b>6,000</b>	1,000
MAINTENANCE EXCEEDED BUDGET			
<b>NORTH STAR ACRES RSAD</b>	<b>5,000</b>	<b>15,000</b>	10,000
REFINANCED OUTSTANDING DEBT			

<b>PRAIRIEWOOD ESTATES RSAD</b>	<b>19,000</b>	<b>54,000</b>	35,000
REFINANCED OUTSTANDING DEBT			
<b>ASHWOOD ESTATES I-III RSAD</b>	<b>31,900</b>	<b>91,000</b>	59,100
REFINANCED OUTSTANDING DEBT			
<b>FOXHAVEN II-IV RSAD</b>	<b>12,000</b>	<b>34,000</b>	22,000
REFINANCED OUTSTANDING DEBT			
<b>ROLLING MEADOWS RSAD</b>	<b>22,900</b>	<b>66,000</b>	43,100
REFINANCED OUTSTANDING DEBT			
<b>ASHWOOD IV RSAD</b>	<b>9,000</b>	<b>26,000</b>	17,000
REFINANCED OUTSTANDING DEBT			
<b>BROOKFIELD ESTATES RSAD</b>	<b>27,500</b>	<b>101,000</b>	73,500
REFINANCED OUTSTANDING DEBT			
<b>WESTWOOD/BRIESE RSAD</b>	<b>11,400</b>	<b>42,000</b>	30,600
REFINANCED OUTSTANDING DEBT			
<b>SHAMROCK ACRES RSAD</b>	<b>35,600</b>	<b>130,000</b>	94,400
REFINANCED OUTSTANDING DEBT			
<b>HARVEST GROVE FIRST RSAD</b>	<b>24,300</b>	<b>89,000</b>	64,700
REFINANCED OUTSTANDING DEBT			
<b>FALCONER (2005) RSAD</b>	<b>11,400</b>	<b>42,000</b>	30,600
REFINANCED OUTSTANDING DEBT			
<b>BRENTWOOD ESTATES RSAD</b>	<b>29,100</b>	<b>107,000</b>	77,900
REFINANCED OUTSTANDING DEBT			
<b>HIGHTOP ACRES RSAD</b>	<b>22,700</b>	<b>83,000</b>	60,300
REFINANCED OUTSTANDING DEBT			
<b>GREEN ACRES RSAD</b>	<b>53,300</b>	<b>227,000</b>	173,700
REFINANCED OUTSTANDING DEBT			
<b>THREE BEARS RSAD</b>	<b>4,200</b>	<b>18,000</b>	13,800
REFINANCED OUTSTANDING DEBT			
<b>SPRUCE HILL/SPRUCE CREEK RSAD</b>	<b>25,800</b>	<b>110,000</b>	84,200
REFINANCED OUTSTANDING DEBT			
<b>PRAIRIEWOOD ESTATES 2<sup>ND</sup> RSAD</b>	<b>64,950</b>	<b>358,000</b>	293,050
REFINANCED OUTSTANDING DEBT			
<b>CRESCENT RIDGE RSAD</b>	<b>6,450</b>	<b>36,000</b>	29,550
REFINANCED OUTSTANDING DEBT			
<b>PRAIRE PLACE RSAD</b>	<b>25,800</b>	<b>25,900</b>	100
REFINANCED OUTSTANDING DEBT			
<b>SECLUDED ACRES ACRES 2<sup>ND</sup> &amp; 3<sup>RD</sup> RSAD</b>	<b>0</b>	<b>166,000</b>	166,000
NEW SPECIAL ASSESSMENT			
<b>SECLUDED ACRES WEST RSAD</b>	<b>0</b>	<b>143,000</b>	143,000
NEW SPECIAL ASSESSMENT			

<b>SKYLINE ESTATES RSAD</b>	<b>0</b>	<b>500</b>	<b>500</b>
NEW SPECIAL ASSESSMENT			
	<b>26,541,133</b>	<b>31,531,400</b>	4,990,267

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the 2014 budget amendments as presented and recommended by Finance Director Thompson. All members voted "AYE." Motion carried.

Asst. County Engineer Schriock presented the following items for the Board's consideration: consideration of bids for township gravel hauling, dust control, surface grazing, and approval of the Biennial/Amended Township Road Mileage Certification.

Schriock reported that the following bid was received for Township Gravel Hauling from:  
Guthmiller & Son Dirtworks, Inc.: \$722,625.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to accept the low bid from Guthmiller & Son Dirtworks, Inc of \$722,625 for Township Gravel Hauling and authorize the proper county officials to enter into a contract with said bidder. All members voted "AYE". Motion carried.

Schriock reported that the following bid was received for the 2015 grazing rights on Section 9, T141N, R76W, from Donald Welch: \$15,050.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to accept the bid for the 2015 grazing rights on Section 9, T141N, R76W, from Donald Welch: \$15,050 and authorize the proper county officials to enter into a contract with said bidder. All members voted "AYE". Motion carried.

Schriock reported that the following bids were received for Dust Control:

RoadWorx, LLC	\$202,750.00
Enviro Tech Services, Inc	\$205,600.00

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to accept the low bid from RoadWorx, LLC of \$202,750 for Dust Control (supplying and applying Magnesium Chloride) and to authorize the proper county officials to enter into a contract with said bidder. All members voted "AYE". Motion carried.

Asst. County Engineer Schriock then presented the Biennial Township Road Certification. Schriock stated the Highway Department has reviewed the county/township roadway system and has prepared the required forms for the Chairman's signature. Schriock stated the total roadway mileage is as follows:

County Roadways:	584 miles
Organized Township Roadways:	763 miles
Un-Organized Township Roadways:	<u>130 miles</u>
Total:	1,477 miles

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox to approve Biennial Township Road Certification as presented. All members voted "AYE". Motion carried.

Communications Director Dannenfelzer appeared requesting funding approval for the purchase of a Police Priority Dispatch System. Dannenfelzer stated the Bismarck/Burleigh Combined Communications Center User Board is requesting authorization to use 9-1-1 Enhancement Account funds to purchase and implement a Police Priority Dispatch System (PPDS) at a cost not to exceed \$66,182. Dannenfelzer reported the purchase price of the system includes the annual maintenance that has been budgeted as part of the Communication Center annual operating budget. Dannenfelzer stated the \$66,182 would be reduced by the \$6,422 annual maintenance costs.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to authorize the expenditure of 9-1-1 Enhancement funds in an amount not to exceed \$66,182 for the implementation of the Police Priority Dispatch System. All members voted "AYE". Motion carried.

HR Director Terras appeared regarding the Employee Service Recognition Ceremony. Terras requested Commission approval for the April 22, 2015, Ceremony to be held in the Tom Baker Room.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to authorize the Human Resource Office to host the 2015 Burleigh County Employee Service Recognition Lunch and Ceremony on Wednesday, April 22, 2015. All members voted "AYE". Motion carried.

Comm. Peluso initiated discussion concerning a trail, created by the Bismarck Parks and Recreation; on a section line along Burnt Creek Drive. Peluso stated someone has gated the trail on the corner of Burnt Creek Drive and has posted a sign saying no motor vehicles. Peluso believes the section line cannot be closed. Comm. Schonert stated he would do some investigation and report to the Commission. No action was taken.

Comm. Bitner also reported the contract for the lease of the Missouri Valley Fairgrounds farmland property will be ending soon. Comm. Schonert and Comm. Bitner will work together to prepare information to go out for bids. No action was taken.

On a motion made, seconded, and carried, the Board recessed until 6:00PM.

**6:00 P.M.**

The Burleigh County Commission convened a joint meeting with the Morton County Commission. All members were present.

Chairman Schonert called the joint meeting to order for the purpose of consideration of bids for the construction of the new combined Burleigh/Morton County Detention Center and to review the Burleigh/Morton Tax Directors appraisal for the Detention Center site, and consider the Joint Powers Agreement related to combined detention center financing.

Sheriff Heinert appeared and introduced Tom Poweleit and Jeff Ubl from Venture Architects & übl Design Group. Poweleit and übl presented the low bids for the construction of the new Burleigh/Morton County Detention Center:

General Contractor: Comstock Construction Inc, Fargo ND - \$41,664,400  
Mechanical/Plumbing/Sprinkling: Central Mechanical Inc, Mandan ND - \$12,900,000  
Electrical: Northern Electric, Westminster, CO - \$11,895,000  
Fire Suppression: Nova Fire Protection, Fargo ND - \$980,000

Poweleit gave a brief history of the Detention Center project from the initial design phase. Ubl stated multiple local contractors were contacted to solicit interest for the project. Ubl explained work force availability and bond capacity were reasons cited for only one (1) general contractor bid.

Deputy Auditor/Tax Director Vietmeier then appeared and presented an the appraisal of value completed in conjunction with Morton County Tax Director Linda Morris for the parcel upon which the proposed detention center will be built.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to accept the Burleigh/Morton Tax Directors appraisal of Lot 1, Block 1, Missouri Valley Subdivision, City of Bismarck, Burleigh County, ND of \$6,000,000 and authorize the payment/transfer of funds for the transfer/purchase of said property for the Detention Center. "AYE" votes: Woodcox, Peluso, Jones, Bitner, Schonert. "NAY" votes: None. Motion carried.

Comm. Woodcox then initiated a discussion on the bids that were received. Woodcox stated he was not surprised that the bid amounts exceeded the architect's estimates. Woodcox stated does not favor downsizing the project as he feels it will not save much money in the long run, as downsizing will reduce capacity which will be needed in the future.

Commissioners Strinden, Peluso, Schulz, and Schonert all agreed to leave the original Detention Center size as is.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to accept the recommendation of Venture Architects & übl Design Group and award the low bids for the General Contractor: Comstock Construction Inc, Fargo ND - \$41,664,400; Mechanical/Plumbing/Sprinkling: Central Mechanical Inc, Mandan ND - \$12,900,000; Electrical: Northern Electric, Westminster, CO - \$11,895,000; and Fire Suppression: Nova Fire Protection, Fargo ND - \$980,000 with an estimated total cost including contingencies of \$82,857,853. "AYE" votes: Bitner, Jones, Peluso, Schonert, Woodcox. "NAY" votes: None. Motion carried.

The Morton County Commission voted unanimously for the same motion.

Scott Wegner, Arntson Stewart Wegner PC, appeared and presented a Joint Powers Agreement related to the funding and financing details for the combined detention center. Wegner stated the Joint Powers Agreement establishes the framework to move the sales tax revenues from the two counties to an escrow agent to be pledged for the payment of bonds. Wegner continued that each County Commission would need to approve the

Future action will be required by both counties for the bonds.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to authorize the Joint Powers Agreement pursuant to NDCC Chapter 54-40.3 between Burleigh and Morton County, North Dakota and to authorize and direct the Chairman and County Auditor/Treasurer to execute the Joint Powers Agreement. "AYE" votes: Bitner, Jones, Peluso, Schonert, Woodcox. "NAY" votes: None. Motion carried.

Rick Gardner, Rough Rider Industries, appeared and stated Rough Rider industries submitted a bid to construct cell furniture for the new Detention center. Gardner contacted Comstock Construction Inc. prior to the County Commission meeting and was informed that the cell furniture contract was awarded to a different company.

Tom Poweleit from Venture Architects & übl Design Group assured Gardner Rough Rider Industries will be a part of the new Detention center.

Commissioners Schonert and Strinden thank each Commission for their hard work and dedication.

On a motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 18, 2015**

**5:00 P.M.**

The Burleigh County Commission convened a regular meeting with all members present.

Chairman Schonert reported that he had reviewed the bills and recommended approval.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the bills as presented. All members voted "AYE." Motion carried.

Sheriff Heinert, Veteran's Service Director Landis, Auditor/Treasurer Glatt, Emergency Manager Senger, and Deputy Auditor/Tax Director Vietmeier appeared and presented Legislative updates. No action was taken.

Comm. Bitner noted that many of the bills reported on were going to increase property taxes with little being done to reduce property taxes.

Deputy Auditor/Tax Director Vietmeier appeared with the abatements for the Board's consideration.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the Creek Properties LLC & Buffalo Jump Properties, Morris/Salter, Vargas, Petersen, Williams, Ross, Resier, Liechty Homes, Vietz, Albers, Wagner, Kramer, Conlon, Person, Birkholz, Hawley, Horning, Stewart, Mehring, Phelps, Van Patten, Schell, Werre, Bullinger, Weisgerber, Schumacher, Jochim, Bender, Bahn, Bonagofsky, Knight, Prouty, Cro-Magnon, and Tracy abatements as requested. All members voted "AYE." Motion carried.

Rick Stoppelmoor, HDR Engineering, appeared and presented the Bismarck-Mandan Metropolitan Planning Organization final draft report of the 2015-2040 Long Range Transportation Plan. Jason Carbee attended via phone conference.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to adopt the 2015-2040 Long Range Transportation Plan and to direct Burleigh County staff to implement said plan. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following items for the Board's consideration: appeal of Brad Fettig for a 2<sup>nd</sup> approach permit onto 80<sup>th</sup> St., consideration of the detailed plans and specifications for SAD#58 Skyline Estates Subdivision and authorize the advertisement of bids, consideration of NDDOT Rail Safety Program Agreements, authorize the advertisement of bids for the 2015 Chip Seal Package, and authorize the advertisement of bids for construction of a Salt Storage and a Cold Storage Building at the Bismarck Shop site.

Hall noted that the appeal of Brad Fettig for a second approach onto 80<sup>th</sup> St NE ended in a tie vote at the January 5, 2015 meeting and by statute it needs to be resolved by the Commission.

Hall reported that Brad Fettig received an approach permit onto 80<sup>th</sup> St NE from the N1/2N1/2SW1/4 of Section 28, Gibbs Township (2303 NE 80<sup>th</sup> St) and requested an additional approach for his property. Hall continued that the Highway Dept. denied this additional approach due to the fact that Fettig already has two (2) approaches (one on the N side of his property and the second approach approved for his home site). Hall presented options for Fettig to consider including utilizing the approach on the north side of the property.

Brad Fettig appeared and stated the referenced north approach is not on his property and the landowner does not wish to share this approach. Fettig stated this is not a request for a 3<sup>rd</sup> approach but in fact a 2<sup>nd</sup> approach permit application. Fettig stated site distance is good and not a factor. Fettig stated the requested 2<sup>nd</sup> approach will be used for AG purposes and will be located 275' south of the previously granted approach that serves his home site. Fettig added that sharing the existing approach for the home site and AG uses would require considerable fill and a box culvert.

Comm. Peluso expressed concern as to how this 2<sup>nd</sup> approach would be used. Fettig stated he would only use this approach for private use.

Chairman Schonert stated this is not an issue of site distance and safety at the present time. However, 80<sup>th</sup> St will eventually become an arterial roadway and it is important to limit the number of approaches on arterial roads.

Kim Fettig appeared and stated she lives on 52<sup>nd</sup> St which is also an arterial street and stated this Commission approved her request for a 2<sup>nd</sup> approach a few years ago.

Comm. Biter expressed his concern that if we grant this 2<sup>nd</sup> approach request, we will have set a precedent and it will be difficult to deny other such requests along 80<sup>th</sup> St in the future.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve the 2<sup>nd</sup> approach permit application of Brad Fettig from the N1/2N1/2SW1/4 of Section 28, Gibbs Township (2303 NE 80<sup>th</sup> St). "AYE" votes: Woodcox, Peluso, Jones. "NAY" votes: Bitner, Schonert. Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the detailed plans and specifications for the paving and chip sealing of roadways within Skyline Estates Subdivision Special Assessment District #58 and to authorize the advertisement of bids for the same. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the NDDOT Rail Safety Program Agreements for upgrading and cost sharing of the existing railroad crossing signal system over 97th Avenue NE. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Peluso, to authorize the advertisement of bids for the 2015 Chip Seal Package. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to authorize the advertisement of bids for the construction of one (1) Salt Storage and one (1) Cold Storage Building at the Bismarck Shop site. All members voted "AYE." Motion carried.

David Lutsky, Ulteig Engineering, appeared regarding paving waiver variance request on behalf of Stur-D Products for the western portion of Centurion Dr (59.7') and Skyhawk Ave (59.2') within the proposed replat of Metro Industrial Park Third Subdivision (extraterritorial area).

Motion by Comm. Peluso, 2nd by Comm. Jones to approve the waiver variance request for Stur-D Products for the western portion of Centurion Dr (59.7') and Skyhawk Ave (59.2') within the proposed replat of Metro Industrial Park Third Subdivision (extraterritorial area). All members voted "AYE". Motion carried.

Emergency Manager Senger appeared regarding consideration of the Multi-Hazard Mitigation Plan.

Motion by Comm. Peluso, 2nd by Comm. Jones, to adopt the Burleigh County Multi-Hazard Mitigation Plan. All members voted "AYE." Motion carried.

Motions by Comm. Bitner, 2nd by Comm. Woodcox, to approve the Second approach permit application of Edsons Construction – 2238 Skyhawk Ave (Lot 8, Block 2, Metro Industrial Park Replat). All members voted "AYE." Motion carried.

Chairman Schonert then initiated a discussion on the designation of one (1) Commissioner from the County Planning Commission as the portfolio holder for the Building/Planning/Zoning Dept. The Board also further discussed the combining of the BMDA, Chamber of Commerce, BMMB and other similar portfolios into one.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to designate Comm. Bitner as the lead Commissioner and portfolio holder for the Building/Planning/Zoning Dept. and to combine the Government Coordination, Bismarck Mandan Chamber of Commerce, Burleigh Morton Mandan Bismarck (BMMB), and Bis/Man Development into one portfolio with Comm. Jones as the portfolio holder. "AYE" votes: Woodcox, Peluso, Jones, Bitner, Schonert "NAY" votes: None. Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Jones, to appoint Comm. Bitner to the Bismarck City Planning Commission. All members voted "AYE". Motion carried.

On a motion made, seconded, and carried the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 2, 2015**

**5:00 P.M.**

The Burleigh County Commission convened a regular meeting with all members present except Commissioners Bitner and Jones.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve the January meeting minutes as presented. All members present voted "AYE." Motion carried.

Chairman Schonert reported that he reviewed the vouchers and recommended approval of the same.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to approve the January vouchers, journal vouchers, and filing fee reports as presented. All members present voted "AYE." Motion carried.

County Extension Agent Ziemann-Bolinske, Sheriff Heinert, and Veteran's Service Director Landis appeared and presented Legislative updates. No action was taken.

Deputy Auditor/Tax Director Vietmeier appeared with the abatements for the Board's consideration.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to approve the Baker, Jacobson, Bonagofsky, Christensen, Guthmiller, Straub, Berg, Bolinske, Sprynczynatyk, Pfennig, Klein, Emmil, Sayler, Jochim, Benson, Metzger, Ziemann, McCarvel O'Connor, Schillo, HHM Properties, Remmick, Stockert, and Buechler abatements as requested. All members present voted "AYE." Motion carried.

Scott Wegner, Arntson Stewart Wegner PC, appeared regarding conveyance of title for University of Mary Student Center back to the U of Mary pursuant to the 1999 MIDA Bond Issue. Wegner stated Burleigh County issued University Facilities Revenue Bonds (MIDA Bonds) for the purpose of financing the construction of a new student life center and the remodeling of the existing student union building. Wegner reported since the bonds have been paid, a warranty deed needs to be executed to transfer ownership of the student center back to the University of Mary.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to authorize the appropriate county officials to execute such instruments, satisfactions or releases as may be required to release the County's interest in the property described in the 1999 MIDA Bond Indenture. All members present voted "AYE." Motion carried.

County Engineer Hall appeared and presented the appeal of Brad Fettig for a 2<sup>nd</sup> approach permit onto 80th St. Hall noted Fettig originally appealed the Highway Dept denial of the second approach on January 5, 2015 with the Commission vote ending in a tie. Hall noted by stature as this item ended in a tie vote it needs to be resolved by the Commission. Hall stated this item was then scheduled for the January 21, 2015 meeting and was pulled as there was not a full Board present. Hall recommended this item again be held in abeyance until the full Commission is present.

Chairman Schonert agreed to hold this item until all five (5) Commissioners are in attendance.

Brad Fettig appeared and stated he believes action can be taken at this meeting on his request. Fettig added it is unfair to delay a decision on this matter. No action was taken.

Sheriff Heinert appeared and presented the Detention Center monthly report. Heinert stated that for the month of January, 197 prisoner nights were spent outside the Burleigh County facility at a cost of \$8,949. Heinert noted there are currently 256 individuals utilizing the 24/7 testing program on a daily basis, with 68 on the drug patch, 139 on the ankle bracelet, and 49 on two-a-day breath tests.

Heinert reported that in 2014 the average daily population was 165 (down from 169 in 2013) with bookings into the detention center at 5,527 (4,083 male & 1,444 female). Heinert noted in 2014, 6,326 prisoner nights were spent outside of the Burleigh County facility for a total cost of \$310,999. Heinert concluded that in 2014 the highest daily prisoner population count was 197.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to recognize the Driscoll Centennial Club as an other public-spirited organization and to approve the raffle permit of the Driscoll Centennial Club. All members present voted "AYE". Motion carried.

Comm. Schonert recommended the portfolio and appointment of a portfolio holder for Building/Planning/Zoning be held in abeyance until the full Commission is present.

On a motion made, seconded, and carried the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 20, 2015**

**12:00 Noon**

The Burleigh County Commission convened an informational meeting at the NDSU Extension Office with all members present except Comm. Woodcox. The purpose of the meeting was to hear programming updates from the Burleigh County Extension Service. No action was taken.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 21, 2015**

**5:00 P.M.**

The Burleigh County Commission convened a regular meeting with all members present except Comm. Woodcox.

Comm. Peluso reported that he had reviewed the bills and recommended approval.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the bills as presented. All members present voted "AYE." Motion carried.

This was the hour and date set for a public hearing regarding the petition of Terry Wald to vacate the following section line: the north 348 feet of the south 423 feet of the west 33 feet of Section 6, Township 138 North, Range 79 West, Apple Creek Township and the north 348 feet of the south 423 feet of the east 33 feet of Section 1, Township 138 North, Range 80 West, Lincoln Township, Burleigh County, ND.

Dave Patience, Swenson Hagen Co., appeared representing Terry Wald and stated 52<sup>nd</sup> St SE was relocated to the west by the county several years ago for safety reasons (steep hill). Patience stated that since the road was moved for safety reasons the section line right of way is no longer needed. Patience noted the public benefit of the closure of the section line is and was safety. Patience explained Wald is concerned because people still try to travel the section line and it is dangerous as there is a 30' drop off.

Chairman Schonert agreed the public benefit was the moving of the roadway several years ago to a safer location. Schonert questioned Patience if the closure will create another buildable lot. Patience stated no.

As no one else present appeared, the public hearing was closed and the following motion was made:

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to approve the petition of Terry Wald to vacate the following section line: the north 348 feet of the south 423 feet of the west 33 feet of Section 6, Township 138 North, Range 79 West, Apple Creek Township and the north 348 feet of the south 423 feet of the east 33 feet of Section 1, Township 138 North, Range 80 West, Lincoln Township, Burleigh County, ND with the public benefit being the roadway was already moved for safety reasons.

Chairman Schonert questioned State's Attorney Riha if the moved roadway qualifies as a public benefit as required by law.

Riha stated if people are still using the section line and it is unsafe then safety could be considered a public benefit of the closure.

Vote on motion: "AYE" votes: Bitner, Peluso, Schonert. "NAY" vote: Jones. Absent: Woodcox. Motion carried.

Deputy Auditor/Tax Director Vietmeier appeared with the abatements for the Board's consideration.

Motion by Comm. Peluso, 2<sup>nd</sup> Comm. Jones, to approve the Etchison, DuToit, Unkenholz, Kraft, Schlichenmayer, Frieson, Arnold, Sanford Bismarck, Grueneich, Jesser, Brinkman, Blazek, Larson, Lord, Michalenko, Hagel, Wagner, Zietlow, Brown, and Haider abatements as requested. All members present voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following items for the Board's consideration: appeal of Brad Fettig for a 2<sup>nd</sup> approach permit onto 80<sup>th</sup> St., results of bid lettings for openings for one new Motor Grader, one new 3-yard front end loader and one new 4-yard motor grader, continued discussion regarding the developer's agreement for Country Ridge 1<sup>st</sup> and 2<sup>nd</sup> Subdivisions, review of 2015 construction program priorities, and authorization to advertise for bids for painted pavement markings, furnishing of concrete & metal culverts, crushing of gravel, dust control, surface grazing rights on county gravel property, and township gravel hauling.

Chairman Schonert requested the appeal of Brad Fettig for a second approach onto 80<sup>th</sup> St NE be pulled from the agenda and rescheduled for the February 2, 2015, meeting.

Engineer Hall reported that four (4) bids were received for both the 3 and 4 cubic yard front-end loaders with Titan Machinery the low bidder for the 3-yard and RDO Equipment Co. the low bidder for the 4-yard loaders.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to award bids for a for a 3 cubic yard front end loader to the low bidder Titan Machinery, in the amount of \$150,556.85 and to award bids for a 4 cubic yard front end loader to the low bidder, RDO Equipment Co., in the amount of \$223,200, both a under a 5 year - total cost bid with a guaranteed repurchase price at the end of this period, and to authorize the proper County officials to enter into a contract with said bidders. All members present voted "AYE." Motion carried.

Hall next stated that two (2) bids received were for the motor grader with RDO Equipment the low bidder.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to award bids for a new motor grader to the low bidder, RDO Equipment Co., in the amount of \$305,450.00 under a 5 year - total cost bid with a guaranteed repurchase price, and to authorize the proper County officials to enter into a contract with said bidder. All members present voted "AYE." Motion carried.

Hall then stated that the developers of Country Ridge 1<sup>st</sup> and 2<sup>nd</sup> Subdivisions are no longer interested in pursuing a development agreement for the subdivisions as they will follow current ordinance requirements.

Hall then presented the 2015 Highway Dept. construction program priorities noting for 2015 ten (10) projects have been identified at a total cost of just under \$7million in county funds. Hall detailed the following projects as top priorities:

- Reconstruction of Lincoln Road from 52<sup>nd</sup> St SE to 66<sup>th</sup> St SE in Lincoln, estimated cost is \$2.2million,
- Special Assessment District 58 – Skyline Estates Roadway Improvements, estimated cost of \$600,000,
- Paving of 30<sup>th</sup> Ave NE and 249<sup>th</sup> St NE (McKenzie Haul Road) estimated, cost of \$3 million,
- Construction of 57<sup>th</sup> Ave NW from ½ west of Washington St to 15<sup>th</sup> St NW (Grading only), estimated cost of \$75,000
- Chip seal, estimated cost of ten (10) mile project is \$150,000,
- Construction of 15<sup>th</sup> St NW from 57<sup>th</sup> Ave NW to S.H. 1804 (grading only), estimated cost of \$150,000,
- Construction of 26<sup>th</sup> St NE from 43<sup>rd</sup> Ave to 71<sup>st</sup> Ave NE, estimated cost of \$200,000,
- Reconstruction of the intersection of 71<sup>st</sup> Ave NE and 66<sup>th</sup> St NE, estimated cost of \$100,000,
- Paving of township roads in Moffit, estimated cost of \$100,000,
- Township Paving Participation, estimated cost of \$200,000.

Hall also presented mid-range projects that should be considered in the next 2 - 7 years and long-range projects looking out 7 - 30 years.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to adopt the 2015 Burleigh County Project Priority List as submitted. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to authorize the advertisement of bids for painted pavement markings. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to authorize the advertisement of bids for furnishing of concrete & metal culverts, crushing of gravel, dust control, surface grazing rights on county gravel property, and township gravel hauling. All members present voted "AYE." Motion carried.

County Building Official/Director Ziegler appeared with the following items for the Board's consideration: zoning change and final plat of Country Ridge 1st Subdivision, and zoning change and final plat of Country Ridge 2nd Subdivision.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the zoning changes and final plats of Country Ridge 1st and 2nd Subdivisions. All members present voted "AYE." Motion carried.

Sheriff Dept. Major Kelly Leben appeared regarding reappointment of Deputy County Coroner/Physician Viney.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to reappoint Dr. Jeanette Viney to a five (5) year term as Deputy County Coroner/Physician effective 1/1/2015. All members present voted "AYE." Motion carried.

Comm. Jones presented information regarding Burleigh County Missouri River easements. Jones stated the Water Resource District will be investigating easements on Hogue Island to determine when the easements were created and filed and who has responsibility for maintenance. Jones reported sovereign lands cannot be built on within 150' of the original high water mark. Jones stated research will be done and forwarded to the Planning and Zoning Commission for consideration. No action was taken.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the Lost Instrument Surety Bond to replace check #98274 (\$25). All members present voted "AYE." Motion carried.

Chairman Schonert then requested that further discussion on portfolios (BMMB) and appointment of a portfolio holder for Building/Planning/Zoning be pulled from the agenda.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to schedule legislative updates from Department Heads at the beginning of the meeting agenda(s). All members present voted "AYE". Motion carried.

Motion by Comm. Jones, to schedule public comment at the beginning of the agenda of the second monthly meeting as follows: Citizens of Burleigh County may express their concerns at this time. The Board of Commissioners will listen to any citizen concern(s), but may or may not take any formal action at that same meeting. Each matter will be taken under

advisement. Groups should select one representative to express their views. The Chairman may limit the length of time per representative to 5 minutes.

Motion died for lack of a second.

Comm. Jones then relayed comments from Extension Agent Ziemann-Bolinske regarding NDSU legislative issues.

Library Director noted legislative issues related to library funding.

Auditor/Treasurer Glatt also reported on legislative issues that will have impact on county government.

On a motion made, seconded, and carried the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 5, 2015**

**5:00 P.M.**

The Burleigh County Commission convened a regular meeting with all members present except Comm. Woodcox.

County Auditor/Treasurer Glatt called the meeting to order and immediately called for nominations for Chairman for 2015.

Comm. Bitner nominated Comm. Schonert for the Chairmanship with Comm. Jones seconding the nomination. Auditor/Treasurer Glatt called for further nominations. As there were no further nominations the following motion was made:

Motion by Comm. Bitner, 2nd by Comm. Jones, to cease nominations and to cast a unanimous ballot to elect Comm. Schonert as Chairman. All members present voted "AYE." Motion carried.

Chairman Schonert expressed his appreciation and commendation to Comm. Peluso for his hard work and diligence as Chairman in 2014 with the other Commissioners also expressing their appreciation.

Comm. Schonert assumed the Chair and called for nominations for the Vice-Chair. Comm. Peluso nominated Comm. Bitner as Vice-Chairman with Comm. Jones seconding the nomination. Chairman Schonert called for further nominations. As there were no further nominations the following motion was made:

Motion by Comm. Peluso, 2nd by Comm. Jones, to cease nominations and to cast a unanimous ballot to elect Commissioner Bitner as Vice-Chairman. All members present voted "AYE." Motion carried.

The Board then reviewed portfolio assignments for 2015 and after discussion approved the assignment of portfolios by consensus.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the December meeting minutes as presented. All members present voted "AYE." Motion carried.

Comm. Peluso reported that he had reviewed the vouchers and recommended approval of the same.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the December bills and vouchers as presented. All members present voted "AYE." Motion carried.

Deputy Auditor/Tax Director Vietmeier appeared with the abatements for the Board's consideration.

Motion by Comm. Bitner, 2nd by Comm. Jones, to approve the Steen, Strutz, Hofland, Heidt, Job, Jackman, Wilhelm, 1st Choice Homes LLC, MDI LTD Partnership #55, MDI LTD Partnership #92, MDI LTD Partnership #90, MDI LTD Partnership #73, and Wolff abatements as requested. All members present voted "AYE." Motion carried.

Asst. County Engineer Schriock appeared and presented the following items for the Board's consideration: appeal of Brad Fettig for a 2nd approach permit onto 80th St, discussion regarding developer's agreement for Country Ridge 1st & 2nd Subdivisions, and review of 2015 construction program priorities.

Schriock stated Brad Fettig received an approach permit onto 80th St NE from the N1/2N1/2SW1/4 of Section 28, Gibbs Township (2303 NE 80th St) and requested an additional approach for his property. Schriock continued that the Highway Dept. denied this additional approach due to the fact that Fettig already has two (2) approaches (one on the N side of the his property and the second approach approved for his home site). Schriock continued that if this request is approved Fettig will have three (3) approaches onto 80th St a future main arterial roadway. Schriock presented options for Fettig to consider including utilizing the approach on the north side of the property.

Brad Fettig appeared and stated the referenced north approach is not on his property and the landowner does not wish to share this approach. Fettig stated this is not a request for a 3rd approach but in fact a 2nd approach permit application. Fettig stated site distance is good and not a factor. Fettig stated the requested 2nd approach will be used for AG purposes and will be located 275' south of the previously granted approach which serves his home site. Fettig added that sharing the existing approach for the home site and AG uses will require considerable fill and a box culvert.

Chairman Schonert stated this is not an issue of site distance and safety at present however, 80th St will eventually become an arterial roadway and it is important to limit the number of approaches on arterial roads.

Kim Fettig appeared and stated she lives on 52nd St which is also an arterial street and stated this Commission approved her request for a 2nd approach a few years ago.

Comm. Biter expressed his concern that if we grant this 2nd approach request, we will have set a precedent and it will be difficult to deny other such requests along 80th St in the future.

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the 2nd approach permit application of Brad Fettig from the N1/2N1/2SW1/4 of Section 28, Gibbs Township (2303 NE 80th St). "AYE" votes: Jones, Peluso. "NAY" votes: Bitner, Schonert. Absent: Woodcox. Motion tied.

Auditor/Treasurer Glatt stated that pursuant to state law as the motion tied it will be placed on the agenda for the next meeting.

Schriock then presented draft developer's agreements for Country Ridge 1st and 2nd Subdivisions. Schriock stated that the developer of Country Ridge 1st and 2nd Subdivisions (Apple Creek Developers) has not completed the construction or paving of the subdivision roads. Schriock continued the developers are requesting the waiver of several county zoning requirements thereby allowing the developer to record the plat and sell lots.

Schriock added the developers agreements may provide the county insurance that the work will be completed. Schriock stated he is not comfortable with a developer's agreement until the road base is constructed and approved and gravel is placed on all of the roads within the subdivisions.

Jordan Hammargren appeared and stated he desires to purchase a lot and build a home in Country Ridge and has been waiting for two (2) years due to delays. Hammargren stated he would like to start building this spring (2015) as he is concerned mortgage interest rates will increase this year and he would like to lock in his interest rate.

Dave Patience, Swenson Hagen Co., appeared and stated the developer (Apple Creek Developers) has not had a chance to review the developer's agreements. Patience stated he will ask Building Official/Director Ziegler to place the approval of Country Ridge 1st and 2nd Subdivisions on the agenda for the next County Commission agenda.

Auditor/Treasurer Glatt stated that approval of the Country Ridge 1st and 2nd Subdivisions is not ready for Commission action and that county ordinance needs to be followed or a developers agreement approved prior to consideration of the plat approval and final zoning change. No action was taken.

Schriock then presented the 2015 highway department construction program priorities noting for 2015 along with mid-range projects that should be considered in the next 2 - 7 years. Schriock requested the Board review the priority list for further discussion at the January 21, 2015 meeting. No action was taken.

Building Official/Director Ziegler appeared regarding consideration of a service agreement with Apple Creek Township for the provision of septic system and mechanical system inspections.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the service agreement with Apple Creek Township. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and presented the Detention Center monthly report along with the following items for the Board's consideration: authorize advertisement of bids for new Detention Center construction, appointment of County Coroner, and consideration of the Juvenile Detention contract with Youth Correctional Center (ND DOCR).

Sheriff Heinert stated that for the month of December, 282 prisoner nights were spent outside the Burleigh County facility at a cost of \$13,348 bringing the yearly total to 6,330 "outside nights" at a total cost of \$310,559. Heinert noted there are currently 288 individuals utilizing the 24/7 testing program on a daily basis, with 90 on the drug patch, 143 on the ankle bracelet, and 55 on two-a-day breath tests.

Greg P. Doucette, Senior Project Manager Ubl Design Group, P.C., appeared and presented the advertisement for bids and the new Burleigh/Morton County Detention Center. Doucette suggested a February 18, 2015 bid opening with a Special Joint Meeting of the Burleigh and Morton County Commissions on March 2, 2015 to award bids.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to authorize the advertisement of bids for the new Burleigh/Morton County Detention Center with said bid opening scheduled for February 18, 2015. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to appoint Dr. Boyd Addy to a five (5) year term as County Coroner/Physician effective 1/1/2015. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Peluso, to approve the Juvenile Detention contract with Youth Correctional Center (ND DOCR). All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the designation of the public depositories and approval of the security pledges; to authorize the County Auditor/Treasurer to make payment upon demand for all invoices and claims for utility services, gas, fuel, and oil pursuant to the adopted bill payment policy; and to approve the Bingo Permit of the Sterling Lions Club. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to appoint Comm. Woodcox as the Burleigh County representative on the Mayor's Intergovernmental Committee. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Jones, to appoint Comm. Jones as the alternate representative on the Mayor's Intergovernmental Committee. All members present voted "AYE." Motion carried.

Comm. Bitner then requested that an agenda item be established for County Department Heads to update the County Commission on legislative items. Bitner also suggested that time be allotted on the agenda at the second meeting of the month for public input and comment.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman