

Burleigh County Commission 2011 Meeting Minutes

January 5, 2011
5:00 P.M.

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

County Auditor\Treasurer Glatt called the meeting to order and immediately called for nominations for chairman for 2011.

Comm. Peluso nominated Comm. Bitner for the chairmanship. Auditor\Treasurer Glatt called for further nominations. As there were no further nominations the following motion was made:

Motion by Comm. Peluso, 2nd by Comm. Schonert, to cease nominations and to cast a unanimous ballot to elect Comm. Bitner as Chairman. All members voted "AYE." Motion carried.

Comm. Bitner assumed the Chair and called for nominations for the Vice-Chair. Comm. Woodcox nominated Comm. Schonert as Vice-Chairman. Chairman Bitner called for further nominations. As there were no further nominations the following motion was made:

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to cease nominations and to cast a unanimous ballot to elect Commissioner Schonert as Vice-Chairman. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to keep the 2011 portfolio assignments the same as 2010. All members voted "AYE." Motion carried.

The Burleigh County Commission recessed and immediately convened as the Burleigh County Park Board.

5:12pm.

The Burleigh County Commission reconvened with all members present.

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

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the December meeting minutes as presented. All members voted "AYE." Motion carried.

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

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, 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 with the following abatements for the Board's consideration:

Vietmeier introduced City Assessor Deb Goodsell who stated the value of this property, the old Home Depot, is comparable and equalized with Menard's, Lowe's, Wal-Mart, Sam's Club, etc. Goodsell reported that since the property was sold at auction, the sale is not recognized when establishing value as it is not an arms-length transaction. Upon question, Goodsell reported the Bismarck City Commission denied the abatement by a unanimous vote.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to deny the HD Partners LLP abatement and accept the recommendation of the City Assessor and County Tax Director.

Malcolm Brown, Attorney at Law, representing HD Partners LLP appeared and stated the requested value of \$3,701,000MV is not based upon the purchase price but rather is based on the appraisal done by Bill Knudson. Brown continued that the Home Depot property cannot be compared with Menard's or Lowe's due to the "economic obsolescence" of the property as noted in the appraisal. Brown noted ND State Law requires the Commission provide rational for denial of an abatement request.

Comm. Schonert questioned why this property suffers from economic obsolescence when Menard's across the street is a very successful operation.

Burleigh County Commission 2011 Meeting Minutes

Bob Savageau, HD Partners LLP, appeared and stated the property is currently being marketed with good prospects. Savageau noted he is reluctant to divulge the specifics. Savageau continued that this property cannot be compared with the others because it is vacant and not a going concern. Savageau stated Bismarck Home Depot was closed because when the national economic downturn began, Home Depot made an economic decision that this just was not a good market for them and more than anything it was probably the competition.

Comm. Peluso stated approving such a large reduction would bring similar requests for owners of similar properties. Peluso noted the square foot value of this building is comparable with other similar buildings in the area and noted many buildings are taxed without considering vacancy rates.

Comm. Woodcox questioned Savageau if he would sell the property for \$3,701,000 and Savageau responded no.

Attorney Brown reiterated that the abatement request is not based upon the purchase price; it is based upon the appraisal.

Comm. Peluso questioned if the appraisal was done for bank financing purposes with Brown responding yes.

Comm. Schonert questioned the appraisers 60% obsolescence factor and Brown stated this was the appraiser's professional opinion.

Amended Motion by Comm. Woodcox to deny the HD Partners LLP abatement and set the value half way between \$3.7M and \$7.2M. Amended motion died for lack of second.

Comm. Peluso stated he would like more time to review the information on this item.

Comm. Schonert withdrew his motion to deny the HD Partners LLP abatement with Comm. Armstrong withdrawing his second.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to table the HD Partners LLP abatement request. All members voted "AYE" except Comm. Armstrong "NAY." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the Kraft, Miller, Wetzel, and White abatements as requested. All members present voted "AYE." Motion carried.

Engineer Hall appeared and presented his monthly report, a complete copy of which is on file and available for inspection in the office of the county auditor/treasurer. Hall requested authorization to advertise for bids for concrete and metal culverts and to advertise bids for the reconstruction of the Centennial Road and 43rd Ave NE intersection.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to authorize the call for bids for concrete and metal culverts. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to authorize the call for bids for the reconstruction of the Centennial Road and 43rd Ave NE intersection. All members voted "AYE." Motion carried.

The Commission then discussed changes to the Burleigh County Wind Turbine Facilities ordinance. Chairman Bitner initiated a discussion regarding the thirty-one (31) suggested changes by NextEra Energy LLP. Chairman Bitner presented a definition prepared in collaboration with the State's Attorney's office for "general description" which is intended to clarify the general nature of what is desired for the special use permit application. Bitner continued the "general description" definition would provide for more general locations of where a turbine will be located, especially when near existing structures, roads, utilities, etc. Bitner added the intent is to provide "picture" for public hearing purposes showing where towers would be located without requiring detailed engineering and surveying to be completed so early in the process.

By consensus the Board directed the "general description" definition be forwarded to the County Planning Commission for consideration.

Bitner then requested the County Commission review the thirty-one (31) suggested changes by NextEra Energy LLP individually. Bitner reported the State's Attorney has determined that since the County Commission took no action after the

Burleigh County Commission 2011 Meeting Minutes

Planning Commission public hearing on the matter, the County Commission can act on these items without having to send them back to the County Planning Commission. Bitner noted the proposed changes provide simple wording and move several items from the special use permit application to the building permit application.

The Board then proceeded to review the thirty-one (31) suggested changes. Asst Community Development Director Lee appeared and suggested the Board review the staff comments regarding the thirty-one (31) suggested changes.

Upon review it was determined that items #1 - #8 have been previously incorporated into the ordinance and no action is needed.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the following change to item #9 as recommended by staff: **show roadway locations and rights-of-way for public roads within 500-feet of turbine locations as a Special Use Permit submittal item and to move roadway names, and type & width of surfacing to building permit submittal items.** All members voted "AYE" except Comm. Armstrong.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the following change to item #10 as recommended by staff: **move existing and proposed access points along public rights-of-way to building permit submittal items.** All members voted "AYE" except Comm. Armstrong.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the following change to item #11 as follows: **show general locations and rights-of-way for railroads available from public documents within 500-feet of proposed turbine locations as a Special Use Permit submittal item.** All members voted "AYE" except Comm. Armstrong.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the following change to item #12 as recommended by staff: **show utility easements available from public documents within 500-feet of proposed turbine locations as a Special Use Permit submittal item.** All members voted "AYE" except Comm. Armstrong.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve the following change to item #13 as recommended by staff: **show location of any parks, public land, historic resources, multi-use trails, or areas of recreational significance available from public documents when within 3000-feet of a proposed turbine location as a Special Use Permit submittal item.** All members voted "AYE" except Comm. Armstrong.

It was noted by the Board that #14 was previously incorporated into the ordinance and no action is needed. The Board also noted that there was no request for item #15.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the following change to item #29 as recommended by staff: **show participating residences within 500-feet of a proposed turbine; show nonparticipating residences within 2000-feet of a proposed turbine; and, show parks, boat ramps, swimming beaches or other public recreation areas within 3000-feet of a proposed turbine available from public documents as a Special Use Permit submittal items.** All members voted "AYE" except Comm. Armstrong.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the following change to item #16 as recommended by staff: **show general locations of Section lines available from public documents as a Special Use Permit submittal item.** All members voted "AYE" except Comm. Armstrong.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the following change to item #17 as recommended by staff: **remove Existing zoning. (Section 21-III-4.(q)) from the ordinance.** All members voted "AYE" except Comm. Armstrong.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the following change to item #18 as recommended by staff: **show general property lines available from public documents that are within 500-feet of a proposed turbine location as a Special Use Permit submittal item.** All members voted "AYE" except Comm. Armstrong.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the following change to item #19: **show owners of property (identified as participating and non-participating) available from public documents within 500-feet of a proposed turbine location as a Special Use Permit submittal item.** All members voted "AYE" except Comm. Armstrong.

Upon review it was determined that items #20 - #25 have been previously incorporated into the ordinance and no action was taken.

Burleigh County Commission 2011 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the following change to item #26 as recommended by staff: **move all existing wind turbine facility fixtures, regardless of ownership, accessory structures or buildings, including substations, meteorological towers, electrical infrastructure, and collector or transmission lines. (Section 21-III-4.(w)) as building permit submittal items.** All members voted "AYE" except Comm. Armstrong.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the following change to item #27 as recommended by staff: **show proposed turbine locations as a Special Use Permit submittal item and move showing turbine heights, roads, electrical equipment, collector and feeder lines and all other associated facilities to the building permit application.** All members voted "AYE" except Comm. Armstrong.

Asst Community Planning Director Lee informed the Board that the change to Item #19 is not workable as designation of participating and non-participating landowners is not available from public documents. Lee stated the only source of who is participating and who is not participating is the applicant.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the following changes to Item #19 as recommended by staff: **show owners of property (identified as participating and non-participating) within 500-feet of a proposed turbine location as a Special Use Permit submittal item.** All members voted "AYE" except Comm. Armstrong.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the following change to item #28 as recommended by staff: **show owners of property available from public documents within 500-feet of a proposed turbine location as a Special Use Permit submittal item.** All members voted "AYE" except Comm. Armstrong.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the following change to item #30 as recommended by staff: **move location and dimensions of proposed utility easements, including easements for storm water management facilities and proposed locations of culverts and retention/detention areas, if applicable (Section 21-III-4.(aa)) to the building permit application.** All members voted "AYE" except Comm. Armstrong.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the following change to item #31 as recommended by staff: **move boundaries of any filed lease, easement, or option for wind energy facilities, whether they benefit the applicant, the applicant's probable operator, or an unrelated party (Section 21-III-4.(bb)) to the building permit application.** All members voted "AYE" except Comm. Armstrong.

The Board then reviewed the process and procedures to make amendments to zoning ordinances (Article 29 – Amendments), Action by Planning Commission (Article 29 – Section 6), the requirement for a 2/3 vote of all members the Board of County Commissioners (Article 29, Section 9. Protest), and adding Highway Maintenance Facility to P-Public zoning designation – Commercial Industrial.

Comm. Woodcox suggested that the requirement for a 2/3 vote of all members the Board of County Commissioners (Article 29, Section 9. Protest) be removed thereby allowing a simple majority for passage.

Comm. Schonert suggested that commercial industrial be added to the General Description of Article 20 related to the P-Public use district and to add Highway Maintenance Facilities to the permitted uses within the P-Public use district.

Chairman Bitner suggested the County Planning Commission consider changes to allow the County Commission to make minor changes to the zoning ordinances in an attempt to expedite the process thereby making the process timelier and less costly for the applicants.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to forward the preceding discussion and suggestions to the Burleigh County Planning Commission for their consideration. All members voted "AYE." Motion carried.

HR Director Gall appeared and presented the results of the Employee Re-Classification requests and subsequent requests for salary increases. Gall stated the Reclassification Committee is recommending approval of the Watson (HR Dept), denial of the Tardif (State's Attorney's Office), and tabling of the Alderin (Auditor/Treasurer/Tax Equalization Office) reclassification requests.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve the Watson (HR Dept), deny the Tardif (State's Attorney's Office), and table the Alderin (Auditor/Treasurer/Tax Equalization Office) reclassification requests. All members voted "AYE." Motion carried.

Gall then requested a salary increase for Felicia Watson to reflect her reclassification.

Burleigh County Commission 2011 Meeting Minutes

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the salary increase for Felicia Watson as requested to reflect the reclassification of her position. All members voted "AYE." Motion carried.

Gall then presented a request on behalf of State's Attorney Riha for a salary increase for Gwen Tardif to reflect her increased supervisory and management level duties as recommended by the Review Committee.

The Board by consensus directed this item be placed on the next agenda when Riha can be present.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, 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 a raffle permit for the Sterling Lions. All members voted "AYE." Motion carried

Comm. Woodcox then expressed his appreciation and commendation to Comm. Armstrong for his hard work and diligence as Chairman in 2010 with the other Commissioners expressing their agreement and appreciation.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

January 19, 2011
5:12 P.M.

The Burleigh County Commission reconvened with all members present.

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

Comm. Schonert stated that he reviewed the bills and recommended approval of the same.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve payment of the bills as presented. All members voted "AYE." Motion carried.

This was the hour and date set to conduct a PUBLIC HEARING regarding the Resolution of Necessity for Special Assessment District #52 Prairie Pines Subdivisions.

Auditor\Treasurer Glatt briefly explained the proposed Special Assessment District for the paving of roadways noting that the required 60% of the landowners signed the petition to create the district.

Chairman Bitner opened the public hearing and called for public testimony. Auditor\Treasurer Glatt noted the letter from Bernie and Annette Fischer (9441 Cedar Lane), attached as part of the agenda packets, noting their concern about drainage and specifically requesting assurance that if the east ditch along Cedar Lane reaches capacity it will run over a paved Cedar Lane to the west ditch before it backs up onto our property beyond the ditch itself.

County Engineer Hall appeared and stated subdivision landowners will assume 100% of the cost of paving and chip sealing the roadways within Prairie Pines Subdivisions and 30% of the paving and chip sealing 97th Ave NE with cost participation from the county and township. Hall noted the estimated assessment for each of the 46 lots to be \$8486.

Hall stated that he has visited with the Fischers and has reviewed their concern. Hall noted several of the culverts in the immediate area have recently been repaired or replaced. Hall stated that he is not comfortable with providing the Fischer's the assurance they desire. Hall concluded he is very confident that the drainage will perform as designed.

As no one present appeared the following motion was made:

Motion by Comm. Schonert, 2nd by Comm. Peluso, to close the public hearing regarding the proposed Prairie Pines Subdivisions SAD#52, and to adopt a resolution determining insufficiency of protests and to direct the engineer to prepare detailed plans and specifications. All members voted "AYE." Motion carried.

Deputy Auditor\Tax Director Vietmeier appeared with the following abatements for the Board's consideration:

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the Nevland and Heimes abatements as requested. All members voted "AYE." Motion carried.

The Board then considered the HD Partners LLP abatement. It was noted that this item was heard and tabled at the last meeting and that several Commissioners have since met individually with the applicant, Tax Director Vietmeier and city assessing staff to review the assessment of this property.

Vietmeier appeared and recommended denial of the HD Partner's LLP abatement as the property assessment is accurate and equalized with other similar properties. Vietmeier noted NDCC 57-02-27 which states we cannot adopt a lower value for one property if we do not establish similar values for like properties (equalization).

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to remove the HD Partners LLP abatement from the table. All members voted "AYE". Motion carried

Malcolm Brown, attorney at law, representing HD Partners LLP appeared and reiterated the request of two (2) weeks ago to set the value of the property at \$3,701,000MV based upon the appraisal done by Bill Knudson.

Burleigh County Commission 2011 Meeting Minutes

Comm. Peluso reported he met with the assessing staffs and received some very good information. Peluso stated that when Home Depot was in operation values and taxes paid were based upon a retail operation. Peluso continued that once the store was closed and the sale made to HD Partners it is no longer used as a retail space and in reality is a warehouse. Peluso stated he would be comfortable with finding an independent appraiser to appraise the property with HD Partners assuming the cost of the independent appraisal.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to ask HD Partners LLP to pay the cost of an appraisal to be completed by Vanguard Appraisals, Inc, and further to allow HD Partners LLP time to consider whether they will pay for the appraisal.

Comm. Schonert stated we have very experienced and competent staffs who value property for tax purposes on a daily basis. Schonert continued that we must consider the effects of equalization. Schonert stated if we approve this abatement we will be playing favorites. Schonert noted other property that has sat vacant in the past with no reductions in value. Schonert stated he does not agree with Knudson's appraised value as he thinks the land was valued too low and the 60% obsolesce too high. Comm. Schonert stated approving such a reduction for this property would bring requests from owners of similar properties. Schonert concluded by stating we should rely on our assessment staffs' expertise.

Comm. Armstrong agreed with Comm. Schonert noting further it is clear what ND law requires in regards to equalization. Armstrong added he does not believe the value is \$3,701,000 as requested by HD Partners.

Comm. Woodcox questioned HD Partners if they would agree to pay for an appraisal done by Vanguard Appraisals.

Attorney Brown stated HD Partners would have to discuss this to determine if they are willing to assume the cost without any assurance that the County Commission would agree with the value determined by another appraiser.

Upon question, City Assessor Goodsell stated that if the appraisal done by Vanguard was done for taxation and equalization purposes she would accept the appraisal. Goodsell continued the \$7,200,000 value is based upon the building not the use.

Comm. Woodcox stated this property is owned by local people and not owners from California or China and this has a bearing on his thought process. Woodcox continued he would rather give an abatement to a local owner than one from outside. Woodcox noted the investors are taking a chance in improving the local economy.

Goodsell stated we cannot equalize property based upon where the owner is from.

Vote on Motion: All members voted "AYE".

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to table the motion to deny the HD Partners LLP abatement. All members voted "AYE." Motion carried.

The Board then briefly discussed the assessment of mobile homes. No action was taken.

Engineer Hall appeared with the following items for the Board's consideration: 2011 Road Project Priority List; engineer's report as to general nature, purpose, feasibility, and estimate of probable cost for SAD #53 Northridge Estates (chip seal), acceptance of report and creation of special assessment district by Resolution of Necessity; and, authorization to advertise bids for gravel crushing.

Hall presented the proposed 2011 Road Project Priority List for the Board's consideration.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve the 2011 Burleigh County Road Project Priority List and authorize the Highway Department to allocate resources to design, acquire right of way and construct the prioritized projects under the North Dakota Century Code and Burleigh County policies. All members voted "AYE." Motion carried.

Hall then presented the Preliminary Engineer report for SAD #53 Northridge Estates (chip seal) Special Assessment District. Hall reported that Hay Creek Township is requesting that the County Commission initiate this special assessment district. Hall stated that all other special assessment districts established in Burleigh County have been done by petition of

Burleigh County Commission 2011 Meeting Minutes

the residents. Hall continued the township and subdivision residents have been unsuccessful in their attempts to create the district by petition. Hall stated the township board recognizes the need for the chip seal application in order to preserve the existing pavement within the subdivision. Hall estimated the cost for the chip seal for this special assessment district to be \$958 per lot. Hall recommended the Declaration of a Resolution of Necessity and call for public hearing for SAD #53.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to accept the Preliminary Engineers report, to create Special Assessment District #53, and to declare a Resolution of Necessity for Special Assessment District #53 Northridge Estates Subdivision and to call for a public hearing regarding the same. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to authorize the call for bids for gravel crushing. All members voted "AYE." Motion carried.

Ken Royle, Burleigh County Water Resource District, appeared regarding the Corps of Engineers draft of the Lake Sakakawea Surplus Water Report and Environmental Assessment. Royle strongly recommended the County of Burleigh take an opposing stand on the study and to specifically oppose any attempt by the COE to limit the use of water from the Missouri River system, including Lake Sakakawea and Lake Oahe, by users and for beneficial purposes within the State of North Dakota.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve a resolution in opposition to the study and limiting or charging for water from the Missouri River system and send a letter to the Corps of Engineers regarding the same. All members voted "AYE." Motion carried.

HR Director Gall appeared and presented the results of the Employee Re-Classification request and requests for salary increases. Gall stated the Reclassification Committee is recommending approval of the Alderin (Auditor\Treasurer\Tax Equalization Office) reclassification request. Gall also presented requests for salary increases for Gwen Tardif (State's Attorney's Office) and Janet Alderin (Auditor\Treasurer\Tax Equalization).

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the Alderin (Auditor\Treasurer\Tax Equalization Office) reclassification and salary increase requests as presented. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the salary increase for Gwen Tardif as requested retroactive to January 1, 2011. All members voted "AYE." Motion carried.

Gall then presented several Personnel Policy changes for the Board's review and consideration at the next regular meeting.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to notify the City of Bismarck that the County Commission has no issue(s) with the final plat of Woodruff Subdivision (area of joint jurisdiction) and will therefore not request negotiation. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to accept the resignation of Dr. Clausnitzer from County Board of Health and to appoint Dr. Juhala to the unexpired term on County Board of Health. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to designate the Driscoll Centennial Club as a public spirited organization and to approve the raffle permit application of the Driscoll Centennial Club. All members voted "AYE." Motion carried.

6:20PM

County Engineer Hall and State's Attorney Riha appeared regarding negotiations for possible purchase of property for county shop site(s). State's Attorney Riha suggested the Board convene an Executive Session pursuant to NDCC44-04-19.1(9).

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to recess and immediately reconvene an executive session of the Burleigh County Commission pursuant to NDCC44-04-19.1(9) for the purpose of discussing negotiation strategy related to the purchase of real property for a County Road Dept facility. All members voted "AYE." Motion carried.

**Burleigh County Commission
2011 Meeting Minutes**

6:33PM

The Burleigh County Commission reconvened with all members present.

Chairman Bitner explained that the Commission authorized the county engineer by motion to negotiate with the owners on the purchase of a 40 acre piece of property for a future county Road Dept shop location in the Bismarck area.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

January 31, 2011

3:30 P.M.

The Burleigh County Commission convened a special "workshop" meeting at the ND Association of Counties Building with all members present except Comm. Armstrong. Gibbs Township Supervisors Hauk and Brown along with Sheriff Heinert, Emergency Manager Senger and Finance Director Thompson were also in attendance.

Chairman Bitner called the meeting to order and stated the purpose of the meeting was to review the needs, options, and finances of a new maintenance shop for the Bismarck area.

Bitner then turned the meeting over to County Engineer Hall who on behalf of the Highway Dept Property Team made the presentation related to a new maintenance shop for the Bismarck area.

Hall stated he hopes to address the following questions and concerns today:

- Why does the Highway Department need more space?
- How can the Department fulfill the current space needs?
- Where should the Highway Department be located?
- What is the Department's timeline?
- What are the needs of other county departments?
- How can we work with the City of Bismarck?
- How much will it cost and how do we fund a new facility?
- What should we do with the existing facility?

Hall presented information showing the expansion of rural subdivisions and noted the expectations of the residents have changed. Hall noted the EAPC Space Study completed in 2009 that determined current needs of 4,220 Sq. ft. of office space and 23,640 Sq. ft. of shop and warm storage space. Hall stated we currently have 14,600 Sq. ft.

Hall then explained that from an operational stand point the best location would be in Gibbs Township explaining the pros & cons of a Gibbs Township site. The Board also discussed the pros & cons of an addition at the current site, relocation to the Missouri Valley Complex (fairgrounds) property, and establishing one or more satellite shops.

Hall stated the Property Team recommends we go with a new site in Gibbs Township as it is the best location to serve county residents. Hall explained the "fairgrounds" site is not the best location to serve the residents noting the access problems. Hall explained his concerns with any option that uses the existing location as the majority of the property is on a landfill.

Hall presented a loose timeline of at least 2.5 years to occupy a new shop site and an estimated cost of \$4.5M. Hall also presented options for the existing site including but not limited to the following options: keep the whole site and restore landfill section to prairie grassland; use building(s) to meet Sheriff, Emergency Management and others space need; sell site under the Century Code process to the highest bidder; some combination of the first two options; and, split site and sell/lease landfill section to City for their needs.

Comm. Peluso suggested that an artist rendering of a proposed shop building be developed so as to show potential neighboring residents how the facility would look. Peluso added that he did not think the present location is an option as he would not support expansion on a landfill.

Gibbs Township Supervisor Hauk stated he was against building a new shop in Gibbs Township because of the noise and detrimental effect on property values.

Comm. Schonert stated he cannot support expansion on the current site nor at the "fairgrounds."

Chairman Bitner requested he be replaced on the Highway Department Property Team by Comm. Woodcox as he is concerned about the conflict he may have as a building contractor.

Burleigh County Commission 2011 Meeting Minutes

Gibbs Township Supervisor Brown stated he understands the need for a new shop and suggested it be located further away from Bismarck and perhaps even as far out as Menoken.

Road Supt Ness stated the Road Dept has been neighbors of Gibbs Township residents for many, many years at the current location. Ness noted the closet residence is approximately 600' and we have never had a problem. Ness concluded that from a service and operational basis, Gibbs Township provides the most efficient location.

5:01pm

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

February 7, 2011
5:00 P.M.

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

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

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the January meeting minutes as presented. All members voted "AYE." Motion carried.

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

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, 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 with the following abatements for the Board's consideration:

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the Easton, Hegel, Dockter, Hansen, Gunderson, Wolf, Hornbacher, Diede, and Neigum abatements as requested. All members voted "AYE." Motion carried.

Steve Grabill, Ulteig Engineers on behalf of the Bismarck-Mandan MPO, appeared to update the Commission, and receive questions and comments regarding the Bismarck Northwest Subarea Study. Grabill noted the Study addresses the region bounded by North Washington Street, the Missouri River, Interstate 94, and ND Highway 1804. Grabill reviewed the executive summary with the Commission noting the public comments from the previous public hearings have been incorporated into the study final document. Grabill highly recommended 57th Ave NW as a corridor between the low lands (River Road) and the highlands (Washington St).

Chairman Bitner questioned where the improvement of 57th Ave NW is on our priority list.

County Engineer Hall appeared and complimented Grabill on the study. Hall noted the issue of moving traffic usually revolves around whether you build a road to encourage development or build roads to follow development. Hall continued transportation planning requires a delicate balance between the two. Hall stated the 2011 road project priority list includes right of way acquisition for 57th Ave and 15th St in this area. Hall noted his short-term plans would be for the construction of smaller 2-lane roadways with expansion of the roads as the need arises. Hall stated generally he expects to need 150' of right of way with more necessary along the bluff to account for the terrain.

Linda Axtman, Al Lukes, and Marsha Kilzer all appeared and presented comments regarding the study and area traffic.

The Commission, by consensus, requested the Axtman, Lukes and Kilzer comments be noted by Grabill and made a part of the study. No further action was taken.

Engineer Hall appeared and presented his monthly report, a complete copy of which is on file and available for inspection in the office of the county auditor\treasurer. Hall presented the results of the bid opening held February 2nd for furnishing concrete and metal culverts.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to accept the low bids from Cretex Concrete Products West for furnishing concrete culverts and Johnston Fargo Culvert for furnishing metal culverts. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the amended Township Road Mileage Certification and submission of the same to the ND State Treasurer. All members voted "AYE." Motion carried.

Auditor\Treasurer Glatt then presented a Burleigh County Snow & Flood Declaration on behalf of Emergency Manager Senger. Glatt stated the requested declaration reaffirms a previous declaration signed on January 31, 2011.

Burleigh County Commission 2011 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to reaffirm and extend the Burleigh County Snow & Flood Declaration of January 31, 2011. All members voted "AYE." Motion carried.

HR Director Gall appeared regarding updates to Personnel Policies and discussion on conducting a current compensation study.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the following personnel policies/amendments: Chapter 2, Section 11: Probationary Period; Chapter 5, Section 2: Leave Sharing Program; Chapter 12, Section 24: Social Media Policy; and, Chapter 12, Section 25: Wireless Communications Device Policy. All members voted "AYE." Motion carried.

Peluso stated his motion did not include any changes to the Smoking Policy as he thinks the changes are "too much". Peluso continued Department Heads should police smoking around county buildings and equipment.

Gall then initiated a discussion on conducting a compensation study. Gall noted that 2011 was the year targeted for such a study however, funding was removed from the 2011 budget in an effort to reduce the mill levy. Gall requested the Commission provide direction on this issue, noting previous discussions during budget deliberations regarding the Social Service Director salary. Chairman Bitner stated he would like to see a compensation study done for the Social Service Director. Comm. Woodcox stated that if a study is done for one (1) department head it should be done for all department heads and further a budget amendment would be required to cover the expense.

Upon question Gall estimated the cost of a compensation study utilizing Fox Lawson & Associates to be \$18,000, with this cost applicable for 12 positions or 25 positions. Gall stated we could direct Fox Lawson to use the markets (geographical areas) with which we desire to be compared.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to direct the Human Resource Director to initiate the process of contracting with Fox Lawson & Associates for the purpose of conducting a compensation study in 2011 for possible implementation in 2012, and further to direct the HR Director to solicit input from Burleigh County Department Heads regarding which positions should be reviewed during the course of this study. All members voted "AYE." Motion carried.

The Board then considered ratification of changes made to Wind Turbine Facilities Ordinance.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to ratify the changes made to Wind Turbine Facilities Ordinance by motions made December 20, 2010 and January 5, 2011 as submitted by the Community Development Dept. as an Ordinance Amendment. All members voted "AYE" except Comm. Armstrong who voted "NAY." Motion carried.

Chairman Bitner noted there may be further amendments to the Wind Turbine Facilities Ordinance noting in particular other submittal items required of the Special Use Permit application. Bitner suggested the statement of assurance the project will not alter existing drainage and the soil erosion control plan be reviewed.

Social Service Director Doe appeared regarding HB1333. Doe stated the bill calls for the transfer of foster care and sub adopt programs costs to the state of ND and the study of the administration and funding of state and county social service programs. Doe stated she recently testified on HB1333 regarding the transfer of social service program costs but did not speak favorably or unfavorably regarding the transfer of county social services to the state. A considerable discussion ensued regarding whether county social service programs and costs should be transferred to the state of ND. No action was taken.

6:56PM

County Engineer Hall and State's Attorney Riha appeared regarding negotiations for possible purchase of property for county shop site(s). State's Attorney Riha suggested the Board convene an Executive Session pursuant to NDCC44-04-19.1(9).

Burleigh County Commission 2011 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to recess and immediately reconvene an executive session of the Burleigh County Commission pursuant to NDCC44-04-19.1(9) for the purpose of discussing negotiation strategy related to the purchase of real property for a County Road Dept facility. All members voted "AYE." Motion carried.

7:06PM

The Burleigh County Commission reconvened with all members present.

Chairman Bitner explained that the Commission authorized the county engineer by motion to negotiate with the owners on the purchase of a 40 acre piece of property for a future county Road Dept shop location in the Bismarck area.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

February 24, 2011
12:00 Noon

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

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

Comm. Schonert stated that he reviewed the bills and recommended approval of the same.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve payment of the bills as presented. All members present voted "AYE." Motion carried.

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

Auditor/Treasurer Glatt noted that the Emmabelle Wolf abatement was inadvertently approved in error at the February 7, 2011 meeting. Glatt noted Wolf does not meet the requirements of the Homestead Credit program as she has sold the property on a contract for deed. Glatt recommended rescinding the previous action to approve the Wolf abatement and to deny the Wolf abatement as she does not qualify for a Homestead Credit allowance.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to rescind the previous action approving the Emmabelle Wolf abatements and to deny the 2009 & 2010 Wolf abatement request as she does not qualify for a Homestead Credit allowance as she has sold the property on a contract for deed. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to deny the Vicki Ingalls & Shannon Sailer abatement as the property value, when compared with similar properties, is equalized; and to approve the Bender, Kuntz, Martin, Smith, Mallery, Bosch, Wall, Brolin, Reidinger, Schatz, Boehm, Pelletier, Seifert, and Bismarck Park & Rec District abatements as requested. All members present voted "AYE." Motion carried.

Engineer Hall appeared with the following items for the Board's consideration: consideration of bids for reconstruction of Centennial Road and 43rd Ave; authorization to advertise for bids for construction of Wilton County Shop; and authorization to establish Spring Load Restrictions.

Hall presented the results of the bid opening for the reconstruction of the Centennial Road & 43rd Ave NE intersection. Hall noted bids were opened on February 23, 2011 at 4:00 P.M. with the following bids received:

Northern Improvement Co	\$814,460.46
Sand Creek Corp	\$718,088.99
Mariner Construction, Inc	\$727,806.40

Hall reported the Engineers' Estimate to be \$757,378.70 and recommended award of bids to the low bidder Sand Creek Corp.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to accept the low bid of Sand Creek Corp in the amount of \$718,088.99 for the reconstruction of the Centennial Road and 43rd Avenue NE intersection, and 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 the construction of the Wilton County garage. Hall noted that earlier this year, the Burleigh County Highway Department and the County Board ranked the replacement of the existing Wilton and Regan County garages as priority #7 in the 2011 Burleigh County Project Priority List. Hall continued that a 40 acre parcel was purchased and a consulting firm retained to develop plans and specifications for construction. Hall stated the plans and specifications have been completed and he is now requesting authorization to advertise for bids for the construction of the Wilton County garage.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to authorize the advertisement of bids for the construction of the Wilton County garage. All members present voted "AYE" with Chairman Bitner abstaining. Motion carried.

Burleigh County Commission 2011 Meeting Minutes

The Commission then considered the establishment of roadway load limits in conjunction with NDDOT.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to establish the annual road weight limit/load restrictions on Burleigh County paved roadways per the ND DOT and to request the ND State Highway Patrol to enforce the same on the county highway system. All members present voted "AYE." Motion carried.

Social Service Director Doe appeared and requested approval of a \$3,000 Foster Adopt Recruitment grant application and approval of the concurrent spending authority.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the Social Service Dept request for approval of a \$3,000 Foster Adopt Recruitment grant application and the concurrent spending authority. All members present voted "AYE." Motion carried.

HR Director Gall appeared and initiated a discussion on conducting a current compensation study. Gall reported the estimated cost from Fox Lawson & Associates for a compensation study of the thirty-six positions requested by the various department heads to be \$18,000. Gall continued the estimated cost to complete a classification review for fourteen (14) requested positions to be \$7,000 to \$10,000.

Comm. Peluso stated he is onboard with starting the salary study but not so keen on the classification study. Peluso suggested waiting until after the legislative session is over to see what budgetary concerns may surface.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to move forward with a salary review of thirty-six (36) positions and further to delay the classification study of fourteen positions (14) until information is received related to the salary study and legislative action. All members present voted "AYE." Motion carried.

Gall then requested approval of a salary adjustment for the Road & Bridge Dept Account Manager.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve the salary increase for the Road Dept Account Manager position from a Grade 9, Step 5, to a Grade 9, Step 7, and to change the position for non-exempt to exempt. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to recognize the Bismarck Cancer Center Foundation as a public spirited organization and to approve the raffle permit application of the Bismarck Cancer Center Foundation and to approve the contract renewal with ND Dept of Corrections for Juvenile Detention. All members present voted "AYE." Motion carried.

Chairman Bitner reported on his recent meeting with Mayor Warford regarding the draft contract for planning services. Comm. Schonert commented the draft contract appears very "wide-open" and favors the City of Bismarck. By consensus it was agreed more work and negotiation needs to be done.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

**March 7, 2011
5:31 P.M.**

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

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

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the February meeting minutes as presented. All members voted "AYE." Motion carried.

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

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve payment of the vouchers, journal vouchers, and filing fee reports as presented. All members voted "AYE." Motion carried.

Russ Staiger, Bismarck Mandan Development Association, appeared regarding highlights of the 2010 BMDA annual report. No action was taken.

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

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the Jones, Link, Buelow, Nielsen, Mallory, Renschler, Fonder, Kreitel, Gilliam, Burkhardtsmeier/Bergstrom, and Stevenson abatements as requested. All members voted "AYE." Motion carried.

Asst. Community Development Director Lee appeared with the following items for the Board's consideration: acceptance of right-of-way dedication within MDU Substation Subdivision; and, acceptance of right-of-way dedication within Fernwood Subdivision.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to accept the of right-of-way dedication within the final plat of MDU Substation Subdivision. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to accept the of right-of-way dedication within the final plat of Fernwood Subdivision. All members voted "AYE." except Comm. Peluso who voted "NAY." Motion carried.

Engineer Hall appeared and presented his monthly report, a complete copy of which is on file and available for inspection in the office of the county auditor/treasurer.

Engineer Hall requested authorization to seek design proposals for the County Highway #10 overlay project. Hall stated recent changes in Washington have put our Federal funding allocation at risk. Hall continued that this project was initially planned for the 2012 construction season and requested this project be moved to the 2011 construction season thereby utilizing the current federal fund allocation(s). Hall stated the current work load of the department does not allow for timely completion of the design work, adding a design consultant will also be helpful completing this project as it will require expertise in dealing with the myriad of Federal requirements.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to authorize the Road Dept to seek design proposals for the County Highway #10 overlay project. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and presented the Sheriff's Department/Detention Center Annual report. Heinert also requested authorization to expend \$2,850 out of the Jail Maintenance Fund to paint three (3) detox cells and day room area.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to authorize Sheriff Heinert to expend \$ 2,850 out of the Jail Maintenance Fund to paint three Detox Cells and day room area. All members voted "AYE." Motion carried.

By Consensus the Board agreed to authorize the Commissioner holding the Sheriff/Detention Center portfolio to approve any expenditure of \$5,000 or less.

Burleigh County Commission 2011 Meeting Minutes

Finance Director Thompson appeared and presented the following proposed 2010 budget amendments for the Board's consideration:

<u>FUND</u>	<u>BUDGET</u>	<u>AMENDED BUDGET</u>	<u>CHANGE</u>
RIVERVIEW UNORG TOWNSHIP	183,000	710,000	527,000
ROAD WORK EXCEEDED BUDGET			
BURNT CREEK UNORG TOWNSHIP	25,000	140,000	115,000
ROAD WORK EXCEEDED BUDGET			
LINCOLN UNORG TOWNSHIP	499,000	646,000	147,000
ROAD WORK EXCEEDED BUDGET			
HIGHWAY GAS TAX	5,032,000	5,113,000	81,000
STATE GAS TAX RECEIPTS EXCEEDED BUDGET			
CELLULAR PHONE TAX	614,600	696,600	82,000
EXCISE TAX COLLECTIONS EXCEEDED BUDGET			
VETERAN SERVICE	205,483	207,000	1,517
COMPUTER SERVICES EXCEEDED			
SPECIAL ASSESSMENTS	22,000	39,000	17,000
ASSESSMENTS ON COUNTY PROPERTY			
EAST RIDGE 1ST -SAD	0	500	500
NEW RURAL SPECIAL ASSESSMENT DISTRICT			
PRAIRE PLACE -SAD	0	7,000	7,000
NEW RURAL SPECIAL ASSESSMENT DISTRICT			
PRAIRE PINES -SAD	0	1,000	1,000
NEW RURAL SPECIAL ASSESSMENT DISTRICT			
BROOKFIELD DRAINAGE -SAD	0	7,600	7,600
NEW RURAL SPECIAL ASSESSMENT DISTRICT			

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the 2010 budget amendments as presented and recommended by Finance Director Thompson. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the raffle permit application of Peace Lutheran Church and to approve payment of the Burleigh County Township Officers Association dues for unorganized townships of Burnt Creek, Riverview, Lincoln, Ft. Rice, Phoenix, and Lyman. All members voted "AYE." Motion carried.

6:28PM

County Engineer Hall and Assistant State's Attorney Suhr appeared regarding negotiations for possible purchase of property for county shop site(s). State's Attorney Riha suggested the Board convene an Executive Session pursuant to NDCC44-04-19.1(9).

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to recess and immediately reconvene an executive session of the Burleigh County Commission pursuant to NDCC44-04-19.1(9) for the purpose of discussing negotiation strategy related to the purchase of real property for a County Road Dept facility. All members voted "AYE." Motion carried.

6:46PM

The Burleigh County Commission reconvened with all members present.

**Burleigh County Commission
2011 Meeting Minutes**

Chairman Bitner explained that the Commission authorized the county engineer by motion to negotiate with the owners on the purchase of a 40 acre piece of property for a future county Road Dept shop location in the Bismarck area.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

**March 21, 2011
5:00 P.M.**

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

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

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

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve payment of the bills as presented. All members voted "AYE." Motion carried.

Scott Wegner, Arnison, Stewart & Wegner P.C., appeared representing St. Alexius Medical Center, regarding the issuance of \$8M in MIDA Bonds to finance the cost of the new St. A's Administrative Building. Wegner stated a Public Hearing was held on April 19, 2010 for the project, with the Commission authorizing the issuance of up to \$25M in bonds, issued in multiple series, with this being the 3rd and last series.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the Bond Issuance Resolution and other ancillary documents related to the sale of \$8M in MIDA Bonds from the original \$25M MIDA Bond Authorization on behalf of St. Alexius Medical Center. All members voted "AYE." Motion carried.

Jeff Collier, Executive Director for The Bismarck-Mandan Symphony Orchestra, appeared and requested \$5,000 in funding for the Annual 4th of July Celebration held at the State Capital grounds. Collier presented a formal contract for the Board's consideration.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the \$5,000 funding request for the Annual 4th 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.

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

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the Rohrich, Krein, Mohl, and Schuler abatements as requested. All members voted "AYE." Motion carried.

Tax Director Vietmeier recommended denial of the HD Partners abatement as the value determined by City Assessor using the cost method is valued correctly and equalized when compared with other similar properties within the City of Bismarck and Burleigh County.

Marcy Dickerson, ND State Tax Dept Supervisor of Assessments appeared and stated the City of Bismarck Assessing Dept. had used the correct approach (cost method) in determining the value of the Home Depot property.

Comm. Schonert questioned Dickerson if the city/county followed the requirements of ND State Law when determining value and Dickerson responded yes, noting the purchase price cannot be considered as the property was purchased at an auction sale. Dickerson added the fact that the property is vacant has no bearing on determining value for taxation purposes.

Comm. Schonert emphasized that we have experienced and competent staffs who value properties daily, have followed ND statute and therefore the Commission should accept their recommendation to deny the abatement. Schonert noted the appraisal submitted by HD Partners was done for financing purposes and should not be considered.

Comm. Woodcox questioned the present use of the building. Woodcox noted the property is no longer a big box store and questioned if property was considered a warehouse would the market value change? Woodcox added a private appraisal completed by a reputable appraiser was completed with a value significantly less than the value used for assessment purposes.

Burleigh County Commission 2011 Meeting Minutes

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to deny the HD Partners LLP abatement as the property was correctly valued using the appropriate method and is equalized with other similar properties.

Bob Savageau, HD Partners, appeared and disputed Schonert's contention that the appraisal should not be considered. Savageau stated HD Partners is only asking for consideration of the price paid for the property adding he did not think he was making an exceptional request. Savageau suggested the property be compared with the Running's property.

Comm. Woodcox suggested that we split the difference between the value as determined by the City Assessor and the value requested by HD Partners. Woodcox continued that this would be fair to both parties and that we cannot always equalize by following the actual letter of the law. Woodcox stated just because the law states we cannot use the auction sale as a comparable value there are exceptions and we can set the value at anything we want. Woodcox then offered the following amended motion:

Amended Motion by Comm. Woodcox, 2nd by Comm. Peluso, to deny the abatement request and set the value at halfway between the value as assessed and the requested value.

Comm. Peluso questioned City Assessor Goodsell regarding the Running's property value. Goodsell explained the Running's value included the purchase of the Dickinson store (former Wal-Mart). Goodsell stated that the building was valued according to its previous use and will continue until the use is changed. Goodsell warned that if the property value is lowered and subsequent improvements made and a remodeling exemption is granted on the property, the value of the improvements could be exempted for up to five (5) years.

Comm. Armstrong stated he is concerned that other property owners will see this and request abatements for their properties. Armstrong noted the Running's property is at least fifteen (15) years older than the subject property.

Comm. Woodcox reiterated splitting the value 50/50 is a good compromise.

Comm. Schonert stated it is wrong to split the value and questioned what this new value would be based upon? Schonert added the City Assessor, County Tax Director, and State Supervisor of Assessments have all recommended denial of the abatement based upon the cost method and the property being equalized with other similar properties. Comm. Schonert warned this will spur others to apply for abatements.

Comm. Peluso stated that since this is no longer a box store there should be some compromise of value for the new owners.

Chairman Bitner questioned if there is any method by which we can leave the value alone but provide a break in taxes in order to provide some economic development help to the owners.

Comm. Armstrong noted there is no hardship here, HD Partners knew what they were getting into when they made the purchase and they did it for profit.

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

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

Savageau again appeared and stated that any compromise would be appreciated.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to deny the HD Partners LLP abatement as requested and set the value of the property at \$7,200,000. "AYE" votes: Armstrong, Schonert. "NAY" votes: Woodcox, Peluso, Bitner. Motion failed.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to deny the HD Partners LLP abatement and set the value at \$5,200,000 as a compromise based upon the private appraisal and the fact that the property is vacant and not producing any income. "AYE" votes: Peluso, Woodcox, Bitner. "NAY" votes: Armstrong, Schonert. Motion carried.

Burleigh County Commission 2011 Meeting Minutes

HR Director Gall appeared with the following items for the Boards consideration: approval of the date of the 2011 Employee Recognition Ceremony; Commissioner Salary Structure; and review list of prospective survey participants for the 2011 Salary Survey.

Motion by Comm. Woodcox 2nd by Comm. Peluso, to approve and designate April 27, 2011 (11:30am – 1:30pm) for the Employee Recognition Ceremony. All members voted "AYE." Motion carried.

Gall then introduced a proposed salary structure for County Commissioners. Gall stated that the salary structure is based upon a two percent (2%) pay increase per year. Gall continued that the pay plan would take effect in 2012 for newly elected commissioners.

Comm. Schonert stated that he would be more comfortable with taking the average employee raise rather than an automatic percent (2%) increase each year. Comm. Schonert requested more time to study the proposal. No action was taken.

Gall then presented a list of prospective survey participants for the 2011 salary survey to be conducted by Fox Lawson & Associates. No action was taken.

Chairman Bitner then initiated a discussion regarding additional changes to the Wind Turbine Facility Ordinance. Bitner noted these items were previously discussed and requested the following items be forwarded to the Community Development Dept for the purpose of drafting ordinance amendments for consideration by the Burleigh County Planning Commission: a) Statement of assurance that the project will not alter any existing surface water drainage patterns b) Soil Erosion Control Plan in accordance with Section 10 of Article 33 of the Burleigh County Zoning Ordinance be removed from the Special Use Permit and moved to the Building Permit application, and c) National Pollution Discharge Elimination System (NPDES) construction permit be moved from the Special Use Permit to the Building Permit application.

Upon discussion Bitner suggested that the following verbiage be considered: Statement of assurance that the project will not negatively alter any existing surface water drainage patterns.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to submit items a) & c) above to the Community Development Dept and to direct the preparation of ordinance amendments for Burleigh County Planning Commission consideration with the verbiage ...will not negatively alter.....added. All members voted "AYE" except Comm. Armstrong. Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to submit item b) above to the Community Development Dept and to direct the preparation of an ordinance amendment for Burleigh County Planning Commission consideration. All members voted "AYE" except Comm. Armstrong. Motion

Burleigh County Sheriff Heinert appeared and requested approval of a Mutual Aid Agreement between Cass and Burleigh Counties to share equipment and assistance during emergencies. Sheriff Heinert also requested authorization to replace a four-wheel drive vehicle that was significantly damaged during the March 11, 2011 blizzard.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve the Memorandum of Understanding (Mutual Aid Agreement) between Burleigh and Cass Counties to share equipment and assistance as needed. All members voted "AYE." Motion carried.

Sheriff Heinert reported one (1) of the Sheriff four-wheel patrol vehicles was "totaled" out during the March 11th blizzard. Heinert stated the ND Insurance Reserve Fund has approved a payment of approximately \$25,000 for the vehicle. Heinert noted he did not budget for the replacement of this unit.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the purchase of a four-wheel drive vehicle to replace the totaled unit and to authorize the amendment of the budget for the same (\$25,000). All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the Garrison Diversion Conservancy District Recreation Grant Program application for funding assistance for the Kniefel Landing fish cleaning station project. All members voted "AYE." Motion carried.

Burleigh County Commission 2011 Meeting Minutes

Chairman Bitner stated he recently accompanied the Burleigh County Highway Department to open snow/ice blocked culverts and ditches. Bitner explained several problem areas and in particular Lots 7, 8, 9, 10, & 11, Block 7, Copper Ridge 2nd Subdivision. Bitner strongly recommended no building permits be issued in that area until a solution to the problem is found.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to prohibit any further building permits for Lots 7, 8, 9, 10, & 11, Block 7, Copper Ridge 2nd Subdivision, until the health and safety issue related to the erosion/drainage and utility issues are resolved to the satisfaction of the Burleigh County Commission. All members voted "AYE." Motion carried.

Chairman Bitner then initiated a discussion regarding the purchase of laptop computers for use by Commissioners. No action was taken.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

April 4, 2011

5:18 P.M.

The Burleigh County Commission convened a regular monthly meeting with all members present except Comm. Woodcox.

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

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the March 2011 meeting minutes as submitted. All members present voted "AYE." Motion carried.

Chairman Bitner stated he had reviewed the monthly vouchers and recommended approval.

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

This was the hour and date set to conduct a PUBLIC HEARING regarding the Resolution of Necessity for Special Assessment District #53 Northridge Estates Subdivisions (1st, 2nd, & Commercial Park) chip seal project.

County Engineer Hall briefly explained the proposed special assessment district for chip sealing of the roadways within Northridge Estates Subdivisions (1st, 2nd, & Commercial Park). Hall stated the creation of the special assessment district was requested by the Hay Creek Township Board of Supervisors.

Alan Hausauer, Northridge Estates resident, questioned why a chip seal application was not included in the original paving of the subdivision.

Engineer Hall explained that the road is a township road and maintained by the County. Hall continued chip seal applications were not required when this subdivision was initially developed. Hall noted the County has since changed this policy.

Dennis Wanner, Northridge Estates resident, appeared and questioned the life expectancy of a chip seal project.

Hall explained that three chip seal applications can be done on a roadway before an overlay needs to be done with each chip seal expected to last 15 – 20 years.

John Klein, Northridge Estates resident, appeared and questioned if any consideration has been made for the soft spots and cracks in the existing pavement.

Hall stated that the chip seal process normally fills and repairs the cracks. Hall added he will inspect and review the appropriate action for the soft spots prior to the chip seal application.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to close the public hearing regarding the proposed Northridge Estates Subdivisions (1st, 2nd, & Commercial Park), SAD #53, and to adopt a resolution determining insufficiency of protests and direct the engineer to prepare detailed plans and specifications for construction of the improvement. All members present voted "AYE." Motion carried.

Deputy Auditor\Tax Director Al Vietmeier appeared and presented the monthly 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. Armstrong, 2nd by Comm. Peluso, to approve the Rose, Bail, and Glass abatements as requested and recommended by the Deputy Auditor\Tax Equalization Director. All members present voted "AYE." Motion carried.

County Engineer Hall appeared and presented the monthly County Engineer's report along with the following items for the Board's consideration: consideration of bids for crushing of gravel; consideration of bids for the Wilton area shop building; and, authorization to advertise for bids for 2011 painted pavement markings.

Burleigh County Commission 2011 Meeting Minutes

April 18, 2011

5:12 P.M.

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

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

Chairman Bitner stated he had reviewed the bills and recommended approval of the same.

Motion by Comm. Schonert, 2nd Comm. Armstrong, to approve payment of the bills as presented. All members voted "AYE." Motion carried.

Deputy Auditor\Tax Director Al Vietmeier appeared and presented the following 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:

Deputy Auditor\Tax Director Al Vietmeier recommended approval of the abatements as requested.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the Stroh, Kraft, The Bridge Church, Saylor, Maddock, Leiss, and Place abatements as requested and recommended by the Deputy Auditor\Tax Equalization Director. All members voted "AYE." Motion carried.

Anne Jorgenson Green, Central Dakota Humane Society, appeared regarding the purchase of Lot 2, Block 1, Missouri Valley Complex 1st Replat (fairgrounds). Green explained that the CDHS wishes to move its headquarters from its present site north of Mandan to the "fairgrounds". Green explained that CDHS needs a new facility with city sewer and water services. Green continued this site would be ideal because it is surrounded by the North Dakota State Penitentiary, a cement plant and Farmers Livestock Exchange and thus would not create noise issues. Green presented an oral offer of \$75,000 for the eight-acre parcel. The Commission noted this offer is far below the advertised minimum bid price (\$235,000) and suggested perhaps a lease agreement, deed restrictions or other arrangements could be negotiated for this site or another site on the fairgrounds property.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to table action on this request for thirty (30) days. All members voted "AYE." Motion carried.

HR Director Gall appeared regarding consideration of a County Commissioner Salary Structure. Gall explained the proposed salary structure for County Commissioners is based upon a two percent (2%) pay increase per year. Gall continued that the pay plan would take effect in 2012 for newly elected commissioners.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the County Commissioner Salary Structure as submitted. All members voted "AYE." Motion carried.

County Agent Haadem appeared regarding the hiring of a summer intern.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the hiring of a summer intern starting May 1, 2011. All members voted "AYE." Motion carried.

Comm. Schonert then announced the retirement of County Agent Elroy Haadem. Schonert read Haadem's resignation letter noting Haadem is retiring effective July 15, 2011 after 35 years of service.

Haadem stated he would be available to prepare the County Extension budget prior to leaving.

Gerald Sturn, NDSU Extension Service District Director, appeared and stated a committee will be formed to find and interview candidates. Haadem recommended the same committee which was used to hire Home Economist Myrdal, made up of County Commissioners, 4-H representatives and the Burleigh County Extension Advisory Board, be used to find his replacement.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize the NDSU Extension Service to initiate the process of hiring a County Agent to replace Elroy Haadem who is retiring effective July 15, 2011. All members voted "AYE." Motion carried.

Comm. Schonert then initiated a discussion on the make-up and representation (membership) of the Metropolitan Planning Organization. Schonert explained that presently the City of Bismarck has four votes that can all be cast by the mayor. Schonert continued the City of Mandan has two votes, with Burleigh County, Morton County and the city of Lincoln each

Burleigh County Commission 2011 Meeting Minutes

having one vote. Comm. Schonert stated he believes Burleigh County should have more votes and that the City of Bismarck should have fewer votes. Schonert added he thinks the ND Dept of Transportation should also have voting representation. Schonert asked the Commission to review the representation and the voting structure of the Metropolitan Planning Organization for future consideration.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the Site Authorization application of the NODAK SPORTSMAN (Uncle Jesse's Bar Driscoll) and to approve the Reimbursement Resolution for Special Assessment Districts #52 & #53. All members voted "AYE." Motion carried.

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

Kevin J. Glatt,
Auditor\Treasurer

Brian Bitner
Chairman

Burleigh County Commission 2011 Meeting Minutes

May 2, 2011

5:25 P.M.

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

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

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the April 2011 meeting minutes as presented. All members voted "AYE." Motion carried.

Comm. Peluso recommended approval of the bills subject to his review.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve payment of the vouchers, journal vouchers, and filing fee reports subject to Commissioner Peluso's review. All members voted "AYE." Motion carried.

Deputy Auditor/Tax Director Vietmeier appeared and presented the following 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. Armstrong, 2nd by Comm. Peluso, to approve the Dockter, McCormack, Thorson, and MacDonald abatements as requested and recommended by the Deputy Auditor/Tax Director. All members voted "AYE." Motion carried.

Vietmeier recommended denial of the Misty Water LLC abatements in concurrence with the recommendation of the Hay Creek Township Board of Supervisors. Vietmeier explained that the request for a reduction for Lot 85 is an issue between the lessor and lessee as the parcel is taxed as one unit. Vietmeier continued that if the lessee only utilizes a portion of the property that should be resolved through the lease agreement. Vietmeier recommended denial of the abatement request for Lot 2 and recommended a reduction in the 2009 value to reflect the functional obsolescence of the property as reflected in the 2010 (current year) value.

Neil Modin, Hay Creek Township Board of Supervisors, appeared and stated the township board has no authority to reduce values based upon the seasonality of business. Modin noted value reductions are not granted other businesses that are only open for a portion of the year. Modin continued the Hay Creek Township Board does recommend lowering the 2009 improvement value by \$60,200 to reflect the functional obsolescence of the property as reflected in the 2010 (current year) value of Lot 2, Block 1, Misty Waters Subdivision.

Modin recommended the abatement request for Lot 85, Block 1, Misty Waters Subdivision be denied. Modin stated that even if the present lessee only utilizes approximately 12 acres out of 37 acres and only 960ft of the seawall, the township has no authority to adjust the value on this parcel and it is a matter between the lessee and lessor.

Burleigh County State's Attorney Riha reaffirmed that the abatement cannot be approved based on seasonality as farming in North Dakota is a seasonal operation.

Larry Haisley, Misty Waters LLC, appeared and stated the market value for 2010 was established by Vanguard Appraisals Inc., and he feels the value of the sheet pilings is overstated. Haisley continued he worked extensively with the township assessor on 2010 values and still feels the sheet piling is overvalued. Haisley stated if riprap had been used in place of sheet piling the value and thus taxes would be much lower.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to deny the Misty Waters LLC abatement request for Lot 85, Block 1, Misty Waters Subdivision as the property is assessed as an entire unit and the breakdown of taxes is an issue between the lessor and lessee. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to deny the Misty Waters LLC abatement request for Lot 2, Block 1, Misty Waters Subdivision and set the 2009 market value at \$809,300 to reflect the economic obsolescence of a portion of the business as reflected in the 2010 value. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the monthly County Engineer's report, a complete copy of which is available for inspection in the office of the County Auditor/Treasurer. Hall presented a draft of the Lincoln Corridor Study and requested the Commission review the draft of the Study, paying close attention to the highlighted questions, prior to the formal presentation in June.

Burleigh County Commission 2011 Meeting Minutes

Hall then presented the following items for Board consideration: award of bids for the design agreement for County Highway #10 overlay project; award of bids for Project #36 which includes paving of SAD#52 and adjacent roadways; and award of bids for painted pavement markings.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to authorize the proper county officials to enter into an agreement with Apex Engineering Group for \$203,703 to perform design and construction inspection services for the County Highway #10 overlay project. All members voted "AYE." Motion carried.

The Burleigh County Commission recessed to immediately sit as the Burnt Creek Township Board of Supervisors for the following motion:

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to award bids for Project #36 which includes paving of SAD#52 and adjacent roadways to the low bidder, Mariner Construction, Inc., in the amount of \$1,033,369 and authorize the proper County officials to enter into a contract for the same. All members voted "AYE." Motion carried.

The Burnt Creek Township Board of Supervisors adjourned and the Burleigh County Commission reconvened with all members present.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to award bids for Project #36 which includes paving of SAD#52 and adjacent roadways to the low bidder, Mariner Construction, Inc., in the amount of \$1,033,369 and authorize the proper County officials to enter into a contract for the same. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to award bids for the 2010 center and edge line pavement markings to the low bidder J & J Striping, in the amount of \$134,799.96 and authorize the proper County officials to enter into a contract for the same. All members voted "AYE." Motion carried.

Commissioner Schonert presented information regarding road damage associated with the City of Bismarck and their sludge waste disposal operations. Schonert explained that the City of Bismarck hauls sludge from the waste water treatment plant by truck to area landowners for use as fertilizer. Schonert stated that the gravel roads are too soft to support the heavy truck traffic and are being severely impacted and damaged. Schonert stated the City of Bismarck has been contacted and is aware of the situation, but is reluctant to provide any maintenance or repair assistance. By consensus the Board agreed that the Road Department should work with the City of Bismarck to formulate a solution and report back with their findings at the May 16th meeting.

Assistant Community Development Director Kim Lee appeared with the following items for the Board's consideration: zoning ordinance text amendment relative to Amendments and Protests (Article 29); zoning ordinance text amendment relative to P-Public Use District Regulations (Article 20.1); and zoning ordinance text amendment relative to Special Uses/Roadway Maintenance Facilities (Art. 8).

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the zoning ordinance text amendment relative to Amendments and Protests (Article 29). All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the zoning ordinance text amendment relative to P-Public Use District Regulations (Article 20.1). All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the zoning ordinance text amendment relative to Special Uses/Roadway Maintenance Facilities (Art. 8). All members voted "AYE." Motion carried.

By consensus of the Board it was requested that the Burleigh County Planning Commission consider an ordinance amendment to limit the time an item can be tabled.

By consensus the Board agreed that the Burleigh County Planning Commission consider an ordinance requiring a meat packing facilities obtain a special use permit which requires a public hearing.

Sheriff Heinert appeared with the following items for the Board's consideration: approval of renewal of the Juvenile Detention Service Contract with the ND Dept of Corrections; and authorization to issue a RFP for inmate meals.

Burleigh County Commission
2011 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the Juvenile Detention Service Contract renewal with the ND Dept of Corrections. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to authorize the Request for Proposals for Detention Center inmate meal services. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the gaming site authorization of the Convention & Visitor Bureau (Burnt Creek Club) and the D & S liquor license applications of Uncle Jesse's Bar in Driscoll subject to approval by the States Attorney. All members voted "AYE." Motion carried.

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

Kevin J. Glatt,
Auditor\Treasurer

Brian Bitner
Chairman

Burleigh County Commission 2011 Meeting Minutes

May 16, 2011

5:00 P.M.

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

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

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

Motion by Comm. Peluso, 2nd Comm. Armstrong, to approve payment of the bills as presented. All members present voted "AYE." Motion carried.

This was the hour and date set for a Public Hearing regarding approval of the issuance of \$7.5 million in Municipal Industrial Development Act bonds for the University of Mary.

Scott Wegner, Arntson Stewart Wegner PC, appeared and explained Morton County has approved the issuance of MIDA Bonds on behalf of the University of Mary in an amount not to exceed \$7.5M for the purpose of financing campus-wide energy saving building improvements. Wegner continued that statute allows Morton County to issue MIDA Bonds subject to Burleigh County Commission approval as the bonds will be issued for a project within Burleigh County.

No one else present appeared and the following motion was made:

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the Resolution Approving the Issuance of Bonds by Morton County on behalf of the University of Mary under the Municipal Industrial Development Act in an amount not to exceed \$7.5M for the purpose of financing campus-wide energy saving building improvements. All members present voted "AYE." Motion carried.

Deputy Auditor\Tax Director Al Vietmeier appeared and presented the following 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:

Deputy Auditor\Tax Director Al Vietmeier recommended approval of the abatements as requested.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the Krein, Dosch, Letteir, Brenning, Fibiger, and Lingert abatements as requested and recommended by the Deputy Auditor\Tax Equalization Director. All members present voted "AYE." Motion carried.

Asst. Community Development Director Lee appeared regarding the following items: zoning ordinance text amendment relative to Special Uses (Wind Turbine Facilities); consideration of request for negotiation relating to zoning ordinance text amendments in area of joint zoning jurisdiction relating to subdivision regulations (lot splits) and relating to special uses (roadway maintenance facilities).

Lee explained the zoning ordinance text amendment relative to Special Uses (Wind Turbine Facilities) involved minor revisions to the wind turbine ordinance to protect existing surface water drainage patterns and moves the soil erosion control plan and the national pollution discharge elimination system permit from the special use permit application to the building permit application. Lee noted a public hearing on this matter was held before the County Planning Commission with the Planning Commission approving the zoning ordinance text amendment relative to Special Uses (Wind Turbine Facilities).

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approving the zoning ordinance text amendment relative to Special Uses (Wind Turbine Facilities) as presented. All members present voted "AYE." Motion carried.

Lee explained the Bismarck City Commission approved zoning ordinance text amendments within the area of joint zoning jurisdiction relating to subdivision regulations (lot splits) and relating to special uses (roadway maintenance facilities). Lee continued that as the Text Amendments are in the area of joint jurisdiction, if the County Commission opposes the amendments, negotiation can be requested in an attempt to resolve any differences.

Burleigh County Commission 2011 Meeting Minutes

Lee stated if negotiation is not requested by June 4 the decisions of the City of Bismarck are final. Lee asked that if negotiation is not requested, then written notification be provided to allow the ordinances to become effective prior to the June 4, 2011 date.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to notify the City of Bismarck that the Burleigh County Commission has no objections to the action(s) of the City of Bismarck in regards to Ordinances 5819 and 5820 and therefore will not request negotiation on these ordinances. All members present voted "AYE." Motion carried.

Anne Jorgenson Green, Central Dakota Humane Society, appeared regarding the purchase of Lot 2, Block 1, Missouri Valley Complex 1st Replat (fairgrounds). Green explained that the CDHS wishes to move its headquarters from its present site north of Mandan to the "fairgrounds". Green continued the CDHS Board of Director's has discussed the Commission suggestion of lease property at the "fairgrounds" but feels a lease arrangement is not in the best interest of the CDHS. Greene noted the current elevation of this lot is 1652' and flood plain ordinance requires a minimum elevation of 1655'. Greene stated this will require a considerable amount of fill to make the lot buildable at an estimated cost of \$80,000. Greene requested the Commission consider sale of the land at public auction.

Comm. Armstrong noted the minimum sales price as set by the Commission is \$235,000 with the current CDHS offer at \$75,000. By consensus the Commission allowed Commissioners Schonert and Woodcox two (2) weeks to work with the auditor/treasurer to review the minimum sales prices and the best bidding process for the sale of the lots at the "fairgrounds."

County Engineer Hall appeared with the following items for the Board's consideration: award of bids for Project #38 which includes chip seal of SAD#52 and the City of Regan paving assistance request.

Hall reported that bids for County Highway Department's Project #38 including SAD#52 were opened earlier today with the only bid received from Asphalt Surface Technologies Corp (ASTECH) in the amount of \$696,187.67. Hall noted the Engineer's estimate of \$850,030.35 and recommended award of bid to ASTECH. Hall noted a portion of the project includes roadways within Lincoln Unorganized Township.

5:17pm

The Burleigh County Commission recessed to immediately sit as the Lincoln Township Board of Supervisors for the following motion:

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to award bids for Project #38 including SAD#52 to Asphalt Surface Technologies Corp (ASTECH) in the amount of \$696,187.67, and authorize the proper County officials to enter into a contract with said bidder. All members present voted "AYE." Motion carried.

5:18pm

The Lincoln Township Board of Supervisors adjourned and the Burleigh County Commission reconvened with all members present except Chairman Bitner.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to award bids for Project #38 including SAD#52 to Asphalt Surface Technologies Corp (ASTECH) in the amount of \$696,187.67, and authorize the proper County officials to enter into a contract with said bidder. All members present voted "AYE." Motion carried.

Hall then reported the City of Regan in a letter dated April 27, 2011, requested Burleigh County assistance in the beautification of the city by paving certain streets prior to the city's 100th Anniversary in 2012. Hall noted in light of previous assistance to the City of Wing in 2010, he felt this request should be considered by the County Commission. Hall stated Regan is looking to pave approximately ½ mile of city streets with the total estimated cost (material, labor, equipment and engineering) for the paving to be \$78,000. Hall noted due to the short timeline for completing this project and the limited city tax base, it is unlikely the City of Regan would be able to fund the project. Hall continued the county is considering paving approximately 1.5 miles of county roads in the Regan area. Hall stated he is exploring a source of material for this project, but combining these projects could provide a lower unit cost for both projects. Hall recommended that since the County assisted the City of Wing with their paving project, the County should assist the City of Regan.

Burleigh County Commission 2011 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to authorize the County Engineer to expend up to \$100,000 for the City of Regan paving project as requested. All members present voted "AYE." Motion carried.

Engineer Hall then introduced the next item on the agenda; the Arnie Zent concern regarding the South 12th Street Culvert Project. Hall presented background information noting Stan Hepper the landowner on the west side of 12th St filed a complaint with the Burleigh County Water Resource District requesting a culvert be placed under S 12th St as the roadway is blocking the natural flow of water. Hall stated the Water Resource District ordered that a culvert be installed, and upon the advice of the State's Attorney the Road Dept will fulfill this order as time allows. Hall noted Zent is "downstream" and objects to the order and placement of the culvert.

Arnie Zent appeared regarding the S12th Street Culvert Project and the order of the Burleigh County Water Resource District for the same. Zent stated that he owns and farms the land on the east side of S12th St. Zent noted he does not desire to hinder further development in the area but is concerned that putting a culvert in will severely impact his operations. Zent continued that he has buildings on the property to house his farm equipment and both have water issues. Zent stated his water issues have been compounded by other culverts added on the north side of Burleigh Ave and with the reconstruction of Highway 1804 adjacent to the United Tribes Technical College. Zent sympathized with the landowner to the west (Hepper) but does not think his property should be a watershed for other developers. Zent requested the county delay installing the culvert(s) until plans are developed and in place to divert this water to the Missouri River.

Stan Hepper the property owner to the west appeared and stated he does not want to dump water on his neighbor; he just wants the county to follow the law. Hepper stated he made a similar request in 1996 which for reasons unknown to him was rejected.

Vice-Chairman Schonert reported he has been involved in several of the Water Resource District discussions on this matter and questioned State's Attorney Riha regarding the requirements of state law.

State's Attorney Riha responded that by statute and at least three (3) Supreme Court decisions a roadway cannot block the natural flow of water and it appears in this case, from the engineering reports, the road is blocking the flow.

Upon question County Engineer Hall responded S 12th St is under Burleigh County jurisdiction and that county crews would install the culvert once other spring road repairs are completed unless directed otherwise.

Vice-Chairman Schonert stated that based upon the law and the advice of the State's Attorney we must follow the law and therefore install the culvert(s).

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to table this matter until the next meeting and request the Water Resource District to make a presentation on this matter at that time. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the Gaming Site Authorization application of the Hazelton Lions (Moffit Bar & Sterling Bar); to recognize the Capital City Gun Club as an Other Public Spirited Organization and to approve the Raffle permit application of the Capital City Gun Club; to approve the 2nd approach permit for Melinda Thornton (6169 Island Road); and to approve the liquor license renewals of the Burnt Creek Club, Misty Waters Marina, and Hawk Tree Golf Course. All present members voted "AYE." Motion carried.

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

Kevin J. Glatt,
Auditor/Treasurer

Brian Bitner
Chairman

Burleigh County Commission 2011 Meeting Minutes

May 24, 2011

10:00 A.M.

The Burleigh County Commission convened a special meeting at the ND Game & Fish Dept Conference Room with all members present except Chairman Bitner.

Vice-Chairman Schonert called the meeting to order noting the purpose of receiving information related to Missouri River levels and consideration of establishing a no wake zone.

With County Commissioners detailing Burleigh County flood plans noting sandbag operations and warning residents that county roadways will go under water based upon the projected releases. Commissioners noted this will be a long-term event and strongly recommended residents move furniture from lower levels and prepare for the worst.

The Board then turned to the primary purpose of the meeting the consideration of establishing a no wake zone along the Missouri River in order to promote safety and prevent damage to private and public property.

Several members of the public appeared in support of the establishment of a no wake zone. Testimony was received in support of prohibiting all boat traffic on the river.

Terry Steinwand, Director of the ND Game & Fish Dept appeared and stated the ND Game & Fish Dept has the authority to regulate river traffic but defers to the local Board's for recommendation.

Sean Johnson, Department of Emergency Services\Homeland Security, appeared and stated the US Coast Guard has authority to enforce safety zones to protect life, personal safety, and for environmental concerns. And has the "authority" to shut down the entire river

Comm. Peluso noted the importance of preventing erosion along both private and public property.

Bob Timian, ND Game & Fish Dept Chief Game Warden, appeared and stated that the Department enforces and idle speed standard in many parts of the state. Timian continued idle speed is the minimum speed needed to maintain steerage of a vessel and that the Dept is awaiting the Commission's request for enforcement.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to restrict all boat traffic on the Missouri River along the boundary of Burleigh County to idle speed excepting necessary law enforcement and emergency services effective immediately. "AYE" votes: Armstrong, Peluso, Woodcox, Schonert. "NAY" votes: none. Absent: Bitner.
Motion carried.

At this point the Morton County Commission meeting at the same time adopted similar motions for areas in Morton County.

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

Kevin J. Glatt,
Auditor\Treasurer

Brian Bitner
Chairman

Burleigh County Commission 2011 Meeting Minutes

May 25, 2011

4:00 P.M.

The Burleigh County Commission convened a special meeting at the in the Tom Baker Meeting Room of the City\County Meeting Room with all members present except Chairman Bitner.

Vice-Chairman Schonert called the meeting to order noting the purpose of the purpose of receiving information related to Missouri River. Also in attendance were Governor Dalrymple, Maj. Gen. David Sprynczynatyk of the ND National Guard, Morton County Commission Chairman Strinden, Mayor Helbling of the City of Mandan and Mayor Warford of the City of Bismarck.

State Engineer Sando appeared and presented information relative to water levels and projected river flows.

The meeting consisted of reports from the Governor, General and from each of the counties and cities related to river flows and flood fighting efforts.

No action was taken by any of the respective Boards.

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

Kevin J. Glatt,
Auditor\Treasurer

Brian Bitner
Chairman

Burleigh County Commission 2011 Meeting Minutes

May 26, 2011

4:00 P.M.

The Burleigh County Commission convened a special meeting at the in the Tom Baker Meeting Room of the City\County Meeting Room with all members present.

Chairman Bitner called the meeting to order noting the purpose of receiving information related to Missouri River. Also in attendance were Governor Dalrymple, Maj. Gen. Sprynczynatyk of the ND National Guard, Morton County Commission Chairman Strinden, Mayor Helbling of the City of Mandan and Mayor Warford of the City of Bismarck.

Governor Dalrymple stated that he has requested a Presidential Emergency Declaration for all counties in ND along the Missouri River including the Native American Reservations.

Maj. Gen. Sprynczynatyk of the ND National Guard presented updated release information from the Corps of Engineers. Maj. Gen. Sprynczynatyk stated releases would be increased to 85,000cfs on Monday May 31st with releases expected at 105,000cfs by the end of June. Maj. Gen. Sprynczynatyk recommended that preparations should be made to the 120,000cfs level or a flood stage of 20' in Bismarck.

State Engineer Sando appeared and presented information relative to water levels and projected river flows. Sando stated we should prepare for a river level at least 5.5' higher than the existing level.

The representatives of Bismarck, Mandan, and Burleigh and Morton County presented reports on the flood fighting efforts in their respective jurisdictions.

The cities of Bismarck and Mandan presented Corps of Engineers plans to construct dikes to protect public infrastructure and property within city limits.

Representatives from the area utility companies appeared and presented information regarding utility services during flood events.

Burleigh County Commissioners briefly discussed options for constructing dikes in areas of Burleigh County outside the corporate limits of the City of Bismarck. By consensus the Board agreed to further discuss dike construction tomorrow (May 27th) at 4:00pm.

Maj. Gen. Sprynczynatyk reminded all entities to keep accurate records as he anticipates the Presidential Emergency Declarations to be approved with allow 75% reimbursement for projects to protect public infrastructure.

No action was taken by any of the respective Boards.

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

Kevin J. Glatt,
Auditor\Treasurer

Brian Bitner
Chairman

Burleigh County Commission 2011 Meeting Minutes

May 27, 2011

4:00 P.M.

The Burleigh County Commission convened a special meeting at the in the Tom Baker Meeting Room of the City\County Meeting Room with all members present except Comm. Peluso.

The purpose of the meeting was to receive information and potentially make decisions related to Missouri River levels and flood mitigation

Maj. Gen. Sprynczynatyk of the ND National Guard and Greg Wilz of ND Department of Emergency Services appeared and presented updated maps of the areas covering Burleigh and Morton Counties. Maj. Gen. Sprynczynatyk noted very soon there will be maps available that will have all addresses for the affected areas along with approximate elevations of the homes and approximate elevations of the expected river levels

Todd Lindquist, of the Army Corps of Engineers, appeared stated based upon new information releases from the Garrison Dam need to be accelerated. Lindquist presented the following updated schedule of releases from Garrison Dam:

May 30	85,000 cfs
June 4	90,000 cfs
June 6	95,000 cfs
June 7	100,000 cfs.

Lindquist stated he is not sure when the releases will be increased to 105,000cfs. Lindquist stated this should not change construction plans – just the window of time to complete the projects.

County Engineer Hall appeared and presented dike construction options for the Commissioners to consider. Hall directed the Commission to new maps depicting the several options and presented information regarding the cost, estimated homes affected and projected time needed for completion.

Hall explained Project 1 which would be a Corps of Engineers project as it would protect the Imperial Valley sewage treatment facility.

Hall detailed Project 2 which would be an extension of the Corp of Engineers dike and would be constructed along 48th Ave west to England St and then north to South Bay Development and tie into the Tavis Road causeway. Hall stated this dike could protect approximately 45 homes at a cost of \$1,500,000. Hall noted this project would take 9 days to complete operating 24/7. Hall stated this project will require private landowner easements and hold harmless agreements.

Hall detailed Project 3 which would extend from the Tavis Road causeway west along Farwest Dr then north along Fontenelle Dr then east along Larson Road then north along Whisper Dr and Langer Lane to the Mills Ave dike thence east along Mills Ave thence south along Traynor Ln and Smokey Ln to Larson Road then east on Larson Rd to Tavis Rd thence south on Tavis Rd to the Tavis Rd causeway. Hall stated this dike could protect approximately 42 homes at an estimated cost of \$500,000 and would take 3 days to complete operating 24/7. Hall reported that this dike would be very difficult to maintain and is very possible it would fail over an extended period. Hall stated this dike would require constant monitoring and if any breach occurred would be very difficult to repair.

Hall explained the projects 2 and 3 would be very difficult to construct with all the traffic in the area and arrangements would need to be made to limit traffic. Hall stated he would be uncomfortable with allowing overnight residents in the area and especially in Project 3 during construction.

Hall detailed Project 4 which would consist of a dike form ND 1804 west along Burnt Creek Loop to the Misty Waters Subdivision. Hall stated the Misty Waters Subdivision has been built and would act as a levy. Hall continued a levy would then be constructed from the north end of Misty Waters north along Burt Creek Loop and then east on Olive Tree Dr then west along Olive Tree Dr and then north thru the woods to and north along Magnolia Dr (Ponderosa Subdivision) and connecting in that area with an existing berm. Hall stated this dike could protect approximately 79 homes at an estimated cost of this project is \$3,000,000 and would take 9 days to complete operating 24/7. Hall noted this project would be extremely difficult along Magnolia Dr due to the closeness of the existing homes in the immediate area. Hall stated another

Burleigh County Commission 2011 Meeting Minutes

option for this project would be to extend straight north on Burnt Creek Loop and foregoing Olive Tree and Ponderosa Subdivisions. Hall stated this would reduce the number of home potentially protected and reduce the cost to \$2,000,000.

Chairman Bitner stated we should do whatever we can to protect homes understanding that we do not have enough funds.

Comm. Armstrong stated we should move as quickly as possible on projects requiring the least amount of time, noting the increased flows will limit the time for completion.

Upon question Hall stated he had contractors ready to and further they would be hired on an hourly basis and should projects need to be halted due to water and time constraints payment would only be made for hours worked.

Chairman Bitner stated Senators Conrad and Hoeven assured him that whatever resources we need would be provided.

Comm. Schonert stated we need to make these Corp of Engineers projects as the southern projects tie together with proposed City of Bismarck projects and provide additional protection for city infrastructure.

Asst. State's Attorney Suhr stated he would review statute regarding the use of emergency funds for these projects.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to move forward with the Corp of Engineers Project 1 along 48th Ave SE and S12th St. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve and move forward with the construction of Project 2 which would be an extension of the Corp of Engineers dike and would be constructed along 48th Ave west to England St and then north to South Bay Development and tie into the Tavis Road causeway at an estimated cost of \$1,500,000 contingent on all necessary private landowner easements and hold harmless agreements being secured. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve and move forward with the construction of Project 3 which would extend from the Tavis Road causeway west along Farwest Dr then north along Fontenelle Dr then east along Larson Road then north along Whisper Dr and Langer Lane to the Mills Ave dike thence east along Mills Ave thence south along Traynor Ln and Smokey Ln to Larson Road then east on Larson Rd to Tavis Rd thence south on Tavis Rd to the Tavis Rd causeway at an estimated cost of \$500,000. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve and move forward with the construction of Project 4 subject to Corps of Engineers funding. All members present voted "AYE." Motion carried.

Sheriff Heinert appeared and presented a short report on activities of the Sheriff and Detention Center in regards to the flood effort.

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

Kevin J. Glatt,
Auditor/Treasurer

Brian Bitner
Chairman

Burleigh County Commission 2011 Meeting Minutes

May 28, 2011

6:56 P.M.

The Burleigh County Commission convened a special meeting at the in the Tom Baker Meeting Room of the City\County Meeting Room with all members present.

The purpose of the meeting was to receive information and potentially make decisions related to Missouri River levels and flood mitigation.

Chairman Bitner opened the meeting by stating the assurances that he received from a number of high level officials regarding funding and the provision of ALL necessary resources was misleading. Bitner stated Federal funding to protect private residences is not an option. Bitner continued the Corp of Engineers is constructing a levy along 48th Ave east to provide protection for the water and sewer infrastructure at Imperial Valley Subdivision. Hall noted 48th Ave is being considered a primary levee with another secondary levee to be constructed on Burleigh Ave.

County Engineer Hall appeared and stated that the Highway Dept will continue sand bag operations to the following sites for as long as possible:

- Ponderosa Park
- Hoge Island
- Whispering Bay Subdivision
- 48th Ave & Sibley Dr

Hall added the Highway Dept will continue monitoring county roadways and maintaining roadway integrity in the rural subdivisions to allow access as long as possible.

Hall then informed the Commission that throughout the day he has been meeting with Corps. of Engineers Officials regarding the constructing of the levies approved by the County Commission yesterday. Hall stated that based upon the increased flows and the shortening of the window before the increased releases start, decisions were made to direct all available resources to levies that protect critical infrastructure.

Hall continued the Highway Dept is assisting in the construction of a levee to secure the South Center Regional Water treatment plant to ensure continued potable water.

Hall stated the situation has changed too dramatically and thus he does not believe the County can complete the two temporary levees approved yesterday in the Fox Island area (England St and then north to South Bay Development to Tavis Road; and, Farwest Dr, Fontenelle Dr, Larson Rd).

Upon question Hall stated that it is not technically feasible to do these projects with the projected increased flows and the shorter time-frame.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to suspend construction of two temporary levees in the Fox Island area (England St and then north to South Bay Development to Tavis Road; and, Farwest Dr, Fontenelle Dr, Larson Rd) as previously approved due to the viability of the construction given the projected increase in river flows and the shorter time frame.

Comm. Woodcox stated he thinks we can do one or both of these projects.

Engineer Hall stated that the contractors and resources have been reallocated to ensure the projection of critical infrastructure.

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

Comm. Woodcox then expressed his concern regarding the dissemination of information and misinformation.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, that all statements on behalf of Burleigh County be made by Chairman Bitner, Emergency Manager Senger, and the designated Public Information Officer (Auditor\Treasurer Glatt). All members voted "AYE." Motion carried.

Burleigh County Commission 2011 Meeting Minutes

Niles Hushka, Kadrmas Lee & Jackson PE, appeared and stated KLJ is offering the expertise regarding the correct methods for using sandbag and building levees.

Comm. Peluso stated that people in the blue areas of the map need to get geared up to move.

Chairman Bitner stated that evacuation plans are being developed when and if the need arises.

Mike Robb, the original developer of Imperial Valley Subdivision and the owner of the water and sewer plant, appeared and questioned if Imperial Valley Subdivision was to be protected by a Corps of Engineers levee.

The Board directed Robb to the latest map which shows the Corp of Engineers is constructing a levy along 48th Ave east to provide protection for the water and sewer infrastructure at Imperial Valley Subdivision.

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

Kevin J. Glatt,
Auditor\Treasurer

Brian Bitner
Chairman

Burleigh County Commission 2011 Meeting Minutes

May 29, 2011

5:41 P.M.

The Burleigh County Commission convened a special meeting in the Tom Baker Meeting Room of the City\County Meeting Room with all members present.

The purpose of the meeting was to receive information and potentially make decisions related to Missouri River levels and flood mitigation.

Chairman Bitner requested County Engineer Hall appear and update the Commission.

County Engineer Hall appeared and reported the construction of a levee to secure the South Center Regional Water treatment plant to ensure continued potable water should be completed by midnight. Hall reported sandbag operations continue at the four (4) Burleigh County sites.

Hall continued that after the difficult decisions made last night to suspend levee construction projects he and his staff went back to the drawing board to further consider options. Hall reported the Corps of Engineers was consulted regarding connecting their 48th Ave levee with a county levee that would extend from Washington St along 48th Ave to England St and then north to higher ground at the South Bay Development area. Hall stated with the Corps of Engineers connection at Washington St which reduces the length of the levee and after refining the numbers he estimates the cost to be \$520,000. Hall stated he has contractors lined up and ready who can complete this project on a timely basis. Hall stated one caveat would be rain – which would severely hamper the timely completion of this project.

Comm. Schonert noted this is a very viable project which can enhance the protection of all of south Bismarck.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to authorize the County Highway Dept to move forward with the construction of a temporary levee that would extend west from S Washington St along 48th Ave SE to England St and then north to higher ground at the South Bay Development area.

Comm. Armstrong then questioned if the protection would cover the 20.6' + 1' and what the cost of additional height would be if the flows and river levels increase.

Hall reported the dike would be constructed to the 20.6' + 1' and that he is confident the levee could be increased another 2' from there at an additional cost of \$175,000 - \$200,000.

Hall stated he did not feel the Fox Island levee project is feasible.

Chairman Bitner stated our Congressional Delegation is committed to finding funding to reimburse the county on this flood fight and there may be some reimbursement.

Jeb Williams, a Fox Island resident, appeared and appealed to the County Commission to save the homes in Fox Island. Williams stated the Fox Island levee is the quickest and cheapest with much of the infrastructure in place.

County Engineer Hall reminded everyone that the 48th Ave levy on the east side of S Washington is a Corps of Engineers levee that will be bid tonight and awarded tomorrow. Hall continued this project will start when other projects with higher priority are completed. Hall noted the completion of the Corps of Engineers permit is crucial as this county levee needs to tie into the Corp levee or it will not work.

Comm. Armstrong noted that 120,000cfs is projected for Thursday June 2nd, four (4) days from now, and that this project will take five (5) days to complete. Armstrong questioned if the contract can be stopped.

Hall stated the proposed contracts are on an hourly basis and thus could be terminated.

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

Comm. Woodcox stated he wants to revisit the Fox Island levee project. Woodcox stated he is not ready to give up on that area.

Burleigh County Commission 2011 Meeting Minutes

Mike Eggli, a Fox Island resident, appeared and stated time is short and appealed to the Commission to construct the Fox Island levee.

Burleigh County Water Resource District Engineer Gunsch appeared and stated the Fox Island levee would require a battle on two (2) fronts – the river level and ground water. Gunsch stated the time line keeps getting shorter.

Upon question Hall responded this levee would offer protection for 42 homes at a cost of just over \$500,000.

Upon question Hall and Gunsch both stated if and when this project would start ALL RESIDENTS would need to evacuate.

Comm. Woodcox questioned the engineering staff if they were given more time could they further study this levee project.

Hall responded that he believe a levy in this area would be very susceptible to failure. Hall stated all indications are this will be a long term event and the battle will be on the two (2) fronts as explained by Gunsch. Hall stated the probability of success is between 10% - 20%.

Comm. Peluso stated he has friends in this area and we need to be realistic and look at where county funds can do the most good. Peluso stated he is committed to keeping access in the area.

Comm. Schonert noted the high rate of failure for this project.

Greg Berger, a Fox Island resident, appeared and appealed for the Commission to construct this levee.

Comm. Woodcox stated he is willing to take the gamble on this project even if the odds are not good.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to direct the engineering staff to further review the plans, river flows, available resources, etc and report back tomorrow at a 10:00am Special Meeting of the Burleigh County Commission on the viability of this project. All members voted "AYE." Motion carried.

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

Kevin J. Glatt,
Auditor\Treasurer

Brian Bitner
Chairman

Burleigh County Commission 2011 Meeting Minutes

May 30, 2011

10:06 A.M.

The Burleigh County Commission convened a special meeting at the in the Tom Baker Meeting Room of the City\County Meeting Room with all members present.

The purpose of the meeting was to consider a temporary levy in the Fox Island area and potentially make decisions related to Missouri River levels and other flood mitigation projects.

County Engineer Hall appeared and stated that most of last night was spent trying to find a way to make this project happen. Hall stated that within the last few hours Northern Improvement Co. has come to our aid with additional resources.

Hall explained the plan would be to raise Mills Ave an additional 2.5' and use trap bags along the other areas to the intersection of the Tavis Road causeway and then raise Tavis Road an additional 2.5' with clay. Hall stated this would still require extensive pumping of the ground water. Hall estimated the cost to be \$550,000 with a 20% chance of success given the extended period that will be needed to maintain and keep viable.

Upon question Hall stated it would be built to the 20.6' + 1' level and that he is confident the levee could increase another 2' from there at additional cost.

Comm. Armstrong questioned the use of these county funds for a project with such a low success rate and anticipating flows will go even higher. Armstrong noted this project will be very difficult and costly to maintain.

Comm. Schonert expressed his concern with county finances and has discussed the same with Auditor\Treasurer Glatt.

Comm. Peluso noted he would rather channel our resources in other areas to help the large number victims in Burleigh County.

Comm. Woodcox stated we have so many homes we cannot save – here we have a shot at saving some – and he supports the project. Woodcox stated the Governor told him the Legislature put some money away for disasters in Western ND and this qualifies.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the Fox Island temporary levee project and start immediately.

Jeb Williams, a Fox Island resident, stated this project will help provide access to more homes than the 42 protected by the dike and will allow those others the opportunity to keep fighting the battle.

Mike Eggl, a Fox Island resident, appeared and stated as a homeowner he cannot be objective on this project and hopes the Commission will do the reasonable thing.

Comm. Peluso question if we start the project and the flows increase can we stop.

County Engineer Hall stated the proposed contracts are on an hourly basis and thus could be terminated. Hall stated however the trap bags will be purchased and could be sold to another entity.

Duane Ternes appeared and questioned how long he will have access to his property.

Hall stated if this is a go then we need to start immediately and will need to shut down access at 6:00pm TONIGHT.

Craig Lambrecht, a Fox Island resident, appeared and asked the Commission to "take care of your people." Lambrecht added "20% is good odds."

Ev Herringer, a Fox Island resident outside this levee, appeared and stated if this is approved his house is doomed as he cannot make it out by 6:00pm tonight.

Duane Ternes, a Fox Island resident outside this levee, asked the Commission to consider adding to the dike the residents have constructed along the channel to Whispering Bay.

Burleigh County Commission 2011 Meeting Minutes

Comm. Schonert stated we need to go with the project being discussed now. Schonert stated he is aware of the dike Ternes is referring to as the county helped him and his neighbors construct it.

Vote on Motion: "AYE" votes: Peluso, Schonert, Woodcox, Bitner. "NAY" vote: Armstrong. Motion carried.
County Engineer Hall stated he will need assistance from the Sheriff's Dept to get the word out to the people in the area that at 6:00pm tonight people need to be out of the area and once construction of the levee only limited access will be allowed.

Bob Uppgren, a Fox Island resident outside this levee, appeared and asked the Commission to consider all the people in Burleigh County who have been excluded from this levee.

Comm. Peluso noted the funds available in the City of Bismarck Tax Increment Fund that are unrestricted and could be used for financing flood efforts.

Comm. Woodcox questioned if the Corps of Engineers levee or the county levee could be retooled to include more residents south of 48th Ave.

Engineer Hall stated this would be very difficult given the number of projects already in the works and the short time frame.

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

Kevin J. Glatt,
Auditor\Treasurer

Brian Bitner
Chairman

Burleigh County Commission 2011 Meeting Minutes

June 4, 2011 – Special Meeting
2:00pm

The Burleigh County Commission convened a special emergency meeting in the 1st Floor Conference Room of the City\County Building with all members present. Emergency Manager Senger, Sheriff Heinert, State's Attorney Riha, and Asst. State's Attorney Suhr were also present.

Chairman Bitner called the meeting to order noting the purpose of the meeting to consider mandatory evacuations.

Sheriff Heinert appeared and stated as many homes as possible were visited earlier this week to advise residents of the conditions and the possibility of the need to evacuate. Heinert presented copies of handouts distributed during door-to-door visits which highlight emergency services may not be available once water is over roadways. Heinert continued door-to-door visits are conducted whenever possible 24 hours before the anticipation of water over roads. Heinert stated at 12 hours before the anticipation of water over the roads a reverse E-9-1-1 call is made and at the closing of the roads another door-to-door canvass is made. Heinert stated the county does not have the resources available to conduct rescues over the large area being inundated by the Missouri River. Heinert stated the concern is not just water over the roadways, but running water with current over the roads.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to authorize the Chairman of the Burleigh County Commission at the recommendation of the Burleigh County Sheriff and/or the Burleigh County Emergency Manager to request a Mandatory Evacuation from the Governor of the State of ND at whatever time deemed necessary.

Upon question State's Attorney Riha stated the motion was appropriate.

Comm. Schonert stated he believes we should make every effort possible to allow residents to stay in their homes for as long as possible.

Sheriff Heinert stated that when the Sheriff's Dept does not feel safe going into an area, strong consideration should be made to evacuate.

The Board then reviewed a hold harmless agreement that residents would be asked to sign if they choose not to evacuate.

Comm. Schonert questioned if evacuation means a resident cannot go back into an area.

State's Attorney Riha reminded the Board that only the Governor can effect a mandatory evacuation and if a mandatory evacuation is ordered then residents need to leave or be charged with an infraction.

Comm. Peluso stated we should approve the motion and if an evacuation is needed the Chairman can request the Governor to do so on a timely basis without the need for another County Commission meeting.

Comm. Schonert stated his biggest concern with a mandatory evacuation is the stress this may cause residents.

Vote on Motion: "AYE" votes: Armstrong, Peluso, Schonert, Woodcox, Bitner. "NAY" votes: none. Motion carried.

The Commission agreed by consensus that hold harmless agreements will NOT be used should a mandatory evacuation be ordered by the Governor.

Comm. Schonert reported that he has been contacted by area landowners regarding the establishment of temporary campgrounds for those forced to leave their homes. Schonert stated he hoped the city and county would temporarily suspend all zoning regulations regarding the use of travel trailers and campers thereby allowing people to park their campers on vacant and occupied lands. Schonert added the County Commission will discuss this further at the June 6, 2011 regular meeting.

**Burleigh County Commission
2011 Meeting Minutes**

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

Kevin J. Glatt, Auditor\Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

June 6, 2011
3:00 P.M.

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

Chairman Bitner reviewed the statutes and duties of the Board of Equalization and explained the state requirements related to the sales ratio statistics. Bitner noted that the Board of Equalization must meet during the first ten (10) days in June to equalize and correct the assessment rolls. The Board shall be responsible and just to render uniform taxation.

Deputy Auditor/Tax Equalization Director Vietmeier presented the annual report of assessments for Burleigh County. Vietmeier reported that the total 2011 market value has increased overall by 4.26% (excluding AG land values). Vietmeier reported the main reason for the increase is due to new construction and an increase in the market. Vietmeier stated the average county AG land value as certified by the ND State Tax Dept is \$225.66 per acre. Vietmeier recommended an overall AG value increase of 7% countywide to keep Burleigh County within tolerance of the state's recommended average. Vietmeier stated that these values are as of February 1, 2011.

Vietmeier presented a detailed summary of changes affecting homestead credits, veteran's credits, new home exemptions, new commercial properties, remodeling exemptions, geothermal exemptions, and changes to AG land.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to authorize a 7% overall increase on AG lands to an average of \$218.89 per acre. All members present voted "AYE." Motion carried.

Randy Kluksdahl, Clear Lake Township Board Supervisor, appeared and presented information regarding the assessment changes completed by the township board using the soil survey method at their annual township meeting. Kluksdahl reported the township was sent a notice that the changes approved by the Township Board of Equalization would be denied due to inconsistency in the application of soil modifiers. Kluksdahl stated that fourteen (14) parcels were changed using soil survey modifiers and that next year they will review all parcels.

Vietmeier stated he can recommend acceptance of the assessments for 2011 as presented. Vietmeier added ALL parcels will need to receive the same scrutiny by the Township Board for the 2012 assessments.

Aaron Berg, Clear Lake Township Board Supervisor, appeared and explained the process the Township Board of Equalization used in assigning modifiers to certain properties. Berg stated that Tax Director Vietmeier is requesting documentation for the modifiers and thus decreases in the assessed values, but is not requesting documentation for increases.

Vietmeier stated that he will work more closely with the Township Board and land owners for the 2012 assessments. Vietmeier continued he can accept the recommendations of the Clear Lake Township Board of Equalization for the year 2011. Vietmeier added a more equitable method for the application of modifiers will be needed for 2012 including documentation of why modifiers were used.

Birdie Fode, Apple Creek Township, appeared and requested a review of her property values. Fode added she recently had an appraisal done and would like to discuss her value further with the county.

Vietmeier stated he would physically inspect the Fode property and review the appraisal as part of the requested evaluation.

The Board then reviewed the assessments for the Cities of Bismarck, Lincoln, Regan, South Wilton, and Wing. Vietmeier recommended no changes from the values approved by the respective City Boards of Equalization.

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

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve 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.

Burleigh County Commission 2011 Meeting Minutes

The Board then reviewed the assessments for the organized townships. Vietmeier recommended no changes from the values approved by the respective Township Board's of Equalization.

Chairman Bitner called for any testimony/comments relating to the assessments of the organized townships. No one present appeared.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve and accept the assessments of the organized 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.

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.

Vietmeier stated that Lincoln and Burnt Creek Townships were increased by four (4) percent mainly due to increases in the residential property classification.

Chairman Bitner called for any testimony from those in attendance regarding the assessment of property within the unorganized townships. No one present appeared.

Motion by Comm. Woodcox, 2nd by Comm. Peluso 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 recessed and the County Board of Equalization immediately reconvened with all members present except Comm. Armstrong.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, 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.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the residential remodeling and commercial addition exemptions as recommended by Deputy Auditor/Tax Equalization Director Vietmeier. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve and accept the 2011 real property assessments as equalized, including an average AG value of \$218.89 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.

On a motion made, seconded and carried the County Board of Equalization adjourned and the Burleigh County Commission immediately convened the June regular meeting with all members present except Comm. Armstrong.

Deputy Auditor/Tax Equalization Vietmeier appeared and presented the following abatement 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:

Auditor/Treasurer Glatt explained that the abatement for Richard Letteer was incorrectly approved at the May 16th commission meeting. Glatt recommended the abatement be denied since the applicant does not qualify for a Homestead Credit for the year 2010.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to rescind the previous motion approving the Letteer abatement on May 16, 2011 and deny the Richard Letteer abatement as the applicant does not qualify for a Homestead Credit for the year 2010. All members present voted "AYE." Motion carried.

Burleigh County Commission 2011 Meeting Minutes

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the Rants, Carson, Vincent, Wagner, Munsch, Schirado, Moe, and Bogardus abatements as requested. All members present voted "AYE." Motion carried.

4:00PM

On a motion made, seconded and carried the Burleigh County Commission recessed.

5:10PM

The Burleigh County Commission convened with all members present.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve the May meeting minutes as presented. All members voted "AYE." Motion carried.

Comm. Schonert reported he has reviewed the vouchers and recommends approval of the same.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve the vouchers, journal vouchers, and filing fee reports as presented. All members voted "AYE." Motion carried.

Mary Senger, Burleigh County Emergency Manager, appeared and gave a short flood update. Senger stated that we are in the transition stage from building levees to 24/7 monitoring.

Burleigh County State's Attorney Riha appeared and recommended the Board approve a motion denoting no trespassing on the levees and to further sign the levees appropriately. Riha stated the fines for trespassing on the levees are \$1,000 and up to 30 days in jail.

Motion by Comm. Armstrong, 2nd by Peluso, to approve an order forbidding individuals from trespassing on public levees and to post no trespassing signs on the levees as needed. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and stated that all levees are being patrolled 24/7 by the ND National Guard. Heinert added the Quick Response Forces are staged in the area to make any necessary repairs to levees. Heinert then presented a brief update on current and future patrolling of voluntarily evacuated rural subdivisions.

Comm. Peluso expressed concerns regarding erosion problems on Sibley Dr. south of Briardale. Peluso stated that property owners have spoken with a private engineer and have received some advice that may help protect their property from erosion. Peluso continued that by diverting the river channel away from the shoreline some properties may be saved. Bruce Bentz, Missouri River Estates Subdivision, asked if someone could take a look at the problem and see if there is any viable solution. Comm. Schonert suggested a contact be made with State Engineer Sando. Chairman Bitner volunteered to contact Sando and the Corp of Engineers.

Engineer Hall appeared and presented his monthly report. Hall noted the majority of his report is flood related. Hall requested that all private graveling work be suspended for the remainder of the 2011 construction season due to time constraints. Hall continued that work requested by the various townships may not be completed due to flood monitoring and repairs. Hall suggested all townships consider private contractors for their road projects. Hall noted many county road projects will be delayed until later. Hall added the county will not be able to complete the mowing of roadway right-of-way (ditches) as in the past. Hall noted it is the adjacent landowner's responsibility and requested townships to inform their residents of this requirement. Hall hoped the townships would be able to monitor the mowing of the ditches as it is a major factor when trying to keep roadways open in the winter.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to suspend private gravel operations for the remainder of the 2011 construction season. All members voted "AYE." Motion carried.

HR Director Gall appeared and requested a variance to Chapter 4, Section 5 of the County Personnel Policy Manual related to Annual Leave. Gall requested a policy variance to allow employees to carryover hours over the maximum of 240 hours of accrued annual leave beyond the second pay period in June 2011 to a future date as many employees have not been able to take vacation due to flood activities.

Burleigh County Commission 2011 Meeting Minutes

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the request to a variance to Personnel Policy Chapter 4, Section 5: Annual Leave, to allow employees to carryover annual leave in excess of the maximum of 240 hours of accrued annual leave beyond the second pay period in June 2011 to a future date. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the liquor license renewals for the Uncle Jesse's Bar (D & S), Apple Creek Country Club (E & S), Capital City Gun Club (B & S), Moffit Bar (D & S), and Sterling Bar (D & S) subject to all necessary paperwork being filed and taxes paid, Township Board approval(s) and review and approval by the Sheriff; to approve the Special Events Liquor License applications for the Sterling Bar for the Menoken Grove Bike Rally June 10-12, 2011. All members voted "AYE." Motion carried.

Comm. Schonert then requested variances be authorized to planning and zoning regulations to allow flood evacuees to "set up camp" on vacant and occupied property. Schonert stated his intent is to allow people to set up their campers next to friends and family homes and to allow rural property owners to open up available acreage to flood victims as temporary camp sites. Schonert added that this should be made as easy as possible for the landowners and campers. Schonert suggested the end date for any such variances to be September 15, 2011.

Carol Simenson, Riverview Township resident, appeared and offered flood victims spots to park their campers. Simenson stated that they have availability for eight (8) camper spots with electric and water/sewer services.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to suspend any planning and zoning regulations to allow flood evacuees to "set up camp" on vacant and occupied property thereby allowing campers on available acreage thru September 15, 2011. All members voted "AYE." Motion carried.

Karen Kautzmann, Burleigh-Morton Superintendent of Schools, appeared and recommended the Board confirm her appointments to the Burleigh County School District Reorganization Committee.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to confirm the appointment of Brenda Blazer and Kim Birkeland to three (3) year terms on the Burleigh County School District Reorganization Committee. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to appoint Allen Hill to the unexpired term of Linda Hill on the Burleigh County Housing Authority. All members present voted "AYE." Motion carried.

Floyd Robb, spokesman for the residents of Glenwood Estates, appeared and requested consideration for the residents in the Glenwood Estates area (south of 48th Ave and west of S12th St). Robb stated the residents of the Glenwood area have received little or no consideration from the county in regard to flood protection and access. Robb pleaded for access into the area south of the 48th Ave levee for as long as possible and for any other help the county may be able to provide. Robb also requested that the drainage ditch south of Glenwood Estates be pumped out as soon as possible after the water recedes.

Sylvia Shockman, Lea Nelson, Gary Reile, Holly Ell, Tanya Vetter, James Eslinger, Cynthia Vanous, Mike Neff, and other residents of Glenwood Estates and surrounding areas, expressed concern over the lack of communication, lack of sandbags and other resources. Residents expressed feelings that they were evacuated too early, before they could adequately sandbag their homes, all because of the 48th Ave levee construction. Several residents questioned if they will be reimbursed for their homes or the sand they purchased.

Sheriff Heinert appeared and stated the area was given notice that once the Corps of Engineers started levee construction access would be severely restricted to allow construction to proceed without delay and interference from local traffic. Heinert continued every effort was made to provide correct information and access to residents of the area.

Chairman Bitner apologized on behalf of Burleigh County for the short notice and miscommunications and stated he would look into the situation. No action was taken.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

June 13, 2011 **Special Meeting**
2:00pm

The Burleigh County Commission convened a special emergency meeting in the Tom Baker Meeting Room of the City\County Building with all members present except Comm. Woodcox. County Engineer, Sheriff Heinert, Asst. State's Attorney Nesvig, Burleigh County Water Resource District Board Chairman Narum, and Water Resource District Engineer Gunsch were also present.

Chairman Bitner called the meeting to order noting the purpose of the meeting to consider temporary water access (utilizing the Burnt Creek floodway project) in the Hogue Island area and potentially make decisions related to Missouri River levels and other flood mitigation projects.

Gailen Narum, Chairman Burleigh County Water Resource District Board, appeared and stated last week, upon citizen complaint, he informed the Sheriff's Department that both dikes along the Burnt Creek Channel were closed to public traffic and anyone using them should be informed they are trespassing. Narum continued Sheriff Heinert subsequently requested the dikes be opened to allow Hogue Island residents access to launch water craft as a means to access Hogue Island by water. Narum stated at the time the Sheriff's Dept was advised that both dikes were private property and that the section line right of way in the middle of the drainage ditch was vacated by the County Commission. Narum informed the Commission that the south dike is in fact privately owned and the north dike is owned by the Burleigh County Water Resource District. Narum concluded that the Burleigh County Water Resource District met this morning and is confident that they can make minor improvements to the north dike to allow better water access for Hogue Island residents.

Water Resource District Engineer Gunsch appeared and stated presently residents of Hogue Island are using the south dike to launch water craft. Gunsch continued that this is compromising the south side of this flood protection system. Gunsch stated the north dike is part of the Double Ditch trail and has an existing gravel surface. Gunsch stated the north side is better suited for vehicle traffic and launching boats. Gunsch suggested additional gravel and a turnaround area could be constructed at little cost to accommodate the Hogue Island residents desiring to check and maintain their homes and safeguard the flood protection structure. Gunsch added the Water Resource District will fund the improvement costs. Gunsch requested the County Commission temporarily open the section line right of way in the middle of the drainage ditch previously vacated.

Comm. Schonert stated the intent of this project is to provide temporary access for Hogue Island residents only.

Upon question Gunsch responded that he is confident this area will be useable for an extended period of time at the projected flows from the Garrison Dam.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve the Water Resource District proposal to open and improve the north side of the dike and to allow access to the section line right of way in the middle of the drainage ditch previously vacated on a temporary basis to allow access for Hogue Island residents only with the request that appropriate signs be placed in the area. All members present voted "AYE." Motion carried.

Comm. Peluso then urged the use of the City of Bismarck tax increment fund reserves to help offset flood recovery efforts. Peluso added he has been assured by the parties to the pending lawsuit that the lawsuit would be dropped immediately if the funds were made available to the county, school and park districts. Peluso added that although it is still early in the fight, consideration has to be given to recovery. Comm. Peluso also suggested that one firm be hired to administer the recovery efforts for the multiple entities when ready, as was done in Grand Forks.

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

Kevin J. Glatt, Auditor\Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

June 20, 2011

5:00PM

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

Comm. Schonert reported he has reviewed the bills and recommends approval of the same.

Motion by Comm. Schonert, 2nd Comm. Peluso, to approve payment of the bills as presented. All members present voted "AYE." Motion carried.

Asst. Community Development Director Lee appeared and presented a lot split request for Lot 1, Block 1, Skogen's 1st Addition Replat. Lee stated the Burleigh County Planning Commission after conduction a public hearing on this matter voted to recommend the approval of the requested lot split.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the requested lot split for Lot 1, Block 1, Skogen's 1st Addition Replat. All members present voted "AYE." Motion carried.

Emergency Manager Senger appeared and presented a flood update. Senger reported 679 homes in Bismarck/Burleigh have been evacuated. Senger stated that a Preliminary Damage Assessment for Individual Assistance was performed on June 18, 2011 with follow-up assessments from the air today. Senger stated weather today caused the air mission to be terminated noting additional assessments may be completed Wednesday or when weather conditions allow. Senger reported the data obtained will be compiled with other recent data collected from other counties to augment the information previously submitted from other areas in the state including the tribal nations. Senger stated the ND Department of Emergency Services is currently working on the appeal and will compile additional data to support the Governor's recent Individual Assistance request. Senger stated the appeal will include engineering impact information regarding velocity of the water on the structures, extended duration of saturation (structures), air quality, structural integrity, and hydrostatic pressure on the foundations. Senger continued that when and if Burleigh County is declared for the Individual Assistance Program, citizens will need to listen for a coordinated media blitz provided by the Federal Emergency Management Agency (FEMA). Senger added that part of the normal process is to open a Disaster Recovery Center where citizens can physically meet with a representative and to "register" for available assistance. Senger sated citizens will also be able to "register" their damage through a 1-800 number.

Senger then reported that inundated areas, whether they are directly on the river or inland and within the levee protection systems need to be protected from potential fire. Senger stated Bismarck Rural Fire Department is unable to access many parts of the county due to water or levees and is therefore recommending a Burn Ban be approved to prohibit fireworks and open burning within the inundated areas and within the areas protected by the levee systems. Senger added the 2011 Flood Event Map indicates the existing levees and the areas protected by levees with the penalty for violation of this burn ban is a Class B misdemeanor (NDCC 37-17.1-10.1: maximum sentence of 30 days in jail and \$1,000 fine).

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to declare a Burn Ban for Burleigh County until further notice as emergency services have limited access to areas along the Missouri River, including numerous inland areas, and the impact of fires could threaten the safety of the citizens in Burleigh County as well as the levee protection systems currently in place. All members present voted "AYE." Motion carried.

Sheriff Heinert appeared and presented a detailed update on current access conditions and patrol/security details of the voluntarily evacuated rural subdivisions. Heinert recommended the Commission institute a dusk-to-dawn ban on using the Missouri River similar to what was adopted by the Morton County Commissioners.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to restrict all boat traffic on the Missouri River and all adjoining waters along the boundary of Burleigh County to idle speed during daylight hours only excepting necessary law enforcement and emergency services effective immediately. All members present vote "AYE." Motion carried.

Sheriff Heinert then presented information on the installation of a card controlled access gate at the entrance to the Fox Island levee. Heinert recommended the gate system be leased for three months at a rate of \$3,500 per month. Heinert explained the gate system would be less expensive than having officers man a check point and would free up officers to patrol elsewhere. Heinert noted the entrance to the levee needs to be controlled in order to protect the levee from excessive vehicle traffic especially during times of rain and wet conditions.

Burleigh County Commission 2011 Meeting Minutes

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve and authorize the Sheriff to lease a card controlled access control gate at the entrance to the Fox Island levee from Dakota Fence for three (3) months at a rate of \$3,500 per month. All members present voted "AYE." Motion carried.

Sheriff Heinert then recommended the County Commission consider asking the Governor to approve stricter no trespassing rules for inundated areas.

Asst. Burleigh County State's Attorney Suhr appeared and recommended the Board approve a resolution requesting the Governor approve a no trespassing declaration pursuant to N.D.C.C. § 37-11.1-05(6)(e) and(g).

Motion by Comm. Woodcox, 2nd by Schonert, to adopt a resolution for the Governor's signature asking for a Proclamation forbidding trespassing in those areas of voluntary evacuation and/or flood inundation and to authorize the Sheriff to appropriately sign these areas "no trespassing" upon such Proclamation by the Governor. All members present voted "AYE." Motion carried.

Heinert stated with these two (2) measures in place (Missouri River hours and Governors no trespassing order) he does not believe a curfew is needed.

County Engineer Hall appeared and presented the Highway Department Flood Update and in particular the 48th Ave, Fox Island, and South Center Regional Water District levees. Hall noted the Highway Dept is working diligently to keep these levees operational. Hall stated sixty-six (66) miles of roadway have been closed in Burleigh County. Hall then led a discussion regarding deconstruction of levees and the collection of sandbags. Hall added he would like to utilize the Missouri Valley Complex (fairgrounds) property for recovery and storage of all the clay and sand used for the construction of levees and dikes. Hall requested that all potential sales of Missouri Valley Complex (fairgrounds) property be put on hold indefinitely and requested broad latitude for use of the Missouri Valley Complex (fairgrounds) property for the recovery efforts. The Board by consensus agreed that all potential sales of Missouri Valley Complex (fairgrounds) property be put on hold indefinitely and granted the Highway Dept broad latitude for use of the property for recovery efforts.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to authorize the advertisement of bids for the removal of the clay materials utilized for the flood control levee systems. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to authorize the advertisement of bids for the removal of the trapezoid bag levee systems. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize the advertisement of bids for the disposal of sandbags. All members present voted "AYE." Motion carried.

Hall then estimated that to date the Highway Dept has expended approximately \$3.7Million on flood fighting efforts. Hall continued the Highway Dept will continue to work on additional flood abatement efforts. Hall requested that ALL requests for Highway Dept assistance be made directly to the Highway Dept to allow for a thorough analysis regarding the reasonableness and maintenance requirements associated with any request. Hall cautioned that we not take on too many projects and thereby endanger the maintenance of the current projects. Hall suggested that all projects of \$25,000 or less be reviewed and approved/denied by the Highway Dept and Comm. Schonert; with projects with estimated costs of more than this reviewed by the entire Board.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to authorize the Highway Dept and Comm. Schonert the authority to review and approve/deny all flood related projects of \$30,000 or less. All members present voted "AYE." Motion carried.

County Agent Haadem appeared and presented information on how flooding affects trees.

Gailen Narum, Chairman Burleigh County Water Resource District Board, appeared and stated last week the Water Resource District agreed to provide access to Hogue Island residents using the Burnt Creek flood protection channel. Narum stated with the rising water and concerns for the integrity of the flood protection structure he is concerned this access may not be granted. Narum stated the Water Resource District is continuing to research the project and solicit contractors. No action was taken.

Burleigh County Commission 2011 Meeting Minutes

Stacy Sturm, Burleigh County Flooded Residents, appeared regarding flood recovery. Sturm presented several questions for the Commission concerning such items as FEMA assistance, how long the flows will last, how long the levees will remain, etc.

Bob Simmers, also speaking for the group, stated the immediate concerns are access and security of property. Simmers continued short-term concerns are pumping water away from homes, with future concerns being tax re-evaluation, debris removal and road repairs. Simmers suggested that future town hall meetings with the county engineer and at least one (1) County Commissioner be held.

Chairman Bitner suggested the several neighborhoods contact the Sheriff's Dept for help and assistance in forming neighborhood watch programs to help with trespassing and security concerns.

Sturm reappeared and questioned if those areas not protected by levees could get priority for pumping of water and if there would be assistance with pumping?

Floyd Robb, Glenwood Estates resident, appeared and requested consideration for the residents in the Glenwood Estates area (south of 48th Ave and west of S12th St). Robb pleaded for access into the area south of the 48th Ave levee for as long as possible.

Several other residents appeared and expressed their concerns and frustrations regarding items such as future property tax breaks, boat service access, road access using floating bridges, etc.

Engineer Hall stated he is currently exploring options for access into the Falconer Estates \ Briardale areas. Hall stated preliminary estimates for temporary access exceed \$400,000. Hall stated more information will follow as soon as possible. Hall added access priorities will be based where access can be provided to the most people at the most reasonable cost on a timely basis.

Comm. Peluso encouraged residents to contact their state legislators regarding consideration for flood financing at the special Legislative Session planned for redistricting purposes.

HR Director Gall appeared with the following items for the Board's consideration: Work Force Safety Learning Management System Discount; update Personnel Policy Chapter 3, Section 3: Employee Work Hours; consider a Special Commission Meeting in July with Fox Lawson & Associates to present the Compensation Study via video conference; and, notification that the Board of Commissioners will no longer be provided health insurance coverage from Blue Cross Blue Shield of ND effective October 1, 2011

Gall first notified the Board that Burleigh County had 100% participation from county employees in the Work Force Safety Learning Management System and with this participation Burleigh County received a \$5,004.75 refund of premium.

Gall then requested a change to Chapter 3, Section 3 of the County Personnel Policy Manual related to payment of overtime for exempt employees. Gall stated that with all the hours worked by county exempt employees during the ongoing flood emergency; this policy would allow the payment of overtime for hours worked in excess of 45 hours per week.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to table any action regarding changes to Personnel Policy Chapter 3, Section 3: Employee Work Hours until the July 18, 2011 meeting. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to schedule a special meeting with Fox Lawson & Associates to present the Compensation Study to the Commissioners via video conference on July 11, 2011 at the North Dakota Association of Counties. All members present voted "AYE." Motion carried.

Gall then informed the Commission that newly elected Burleigh County Commissioners and Burleigh County Commissioners that reach age 65 will no longer be eligible for Blue Cross & Blue Shield North Dakota health insurance benefits effective October 1, 2011.

Burleigh County Commission 2011 Meeting Minutes

Motion by Comm. Schonert, 2nd by Comm. Peluso, to authorize the HR Director to solicit information from other health insurance carriers regarding plan options and costs for review and consideration. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the St. Hildegard's Catholic Church raffle permit application and the Amendment to the ND Dept of Transportation – United Tribes Technical College walking trail Shared Use Construction and Maintenance Agreement. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to request a public meeting with the Corps of Engineers and FEMA. All member present voted "AYE." Motion carried.

7:46PM

HR Director Gall\State's Attorney Riha appeared and recommended the Commission convene an Executive Session pursuant to NDCC44-04-19.1(9) to consider possible actions regarding employment termination grievance.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to convene an Executive Session pursuant to NDCC44-04-19.1(9) to consider possible action regarding employment termination grievance. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor\Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

June 23, 2011 **Special Meeting**
10:00am

The Burleigh County Commission convened a special emergency meeting in the Tom Baker Meeting Room of the City\County Building with all members present.

Chairman Bitner called the meeting to order noting the purpose of the meeting was to review alternatives for Sibley Drive access and potentially make decisions related to Missouri River levels and other flood mitigation projects.

County Engineer Hall appeared and stated the Highway Dept has reviewed a number of options for providing access to the area. Hall noted that the water flowing into Apple Creek was causing a consistent backflow of high velocity water at least two feet deep. Hall added the depth and velocity of the water severely limits the help the county can provide. Hall stated the first option considered was to elevate the Sibley Drive roadbed. Hall continued the negative effects of this option include cost, the road would block the continuous flow of water and force it into Sibley Island Estates, and construction would be dangerous along with the inability to compact the material with long-term stability of the project questionable. Hall noted the positive of this option being the water flow into Apple Creek. Hall stated the second option considered was a floating bridge. Hall continued a floating bridge requires deeper water and generally is not used in moving water situations. Hall presented a third option which consisted of either a pier-to-pier bridge or a series of culverts with bridge planks laid over them. Hall estimated the cost of either option at between \$500,000 and \$650,000 plus removal costs. Hall stated either option would require a minimum of two weeks to obtain the necessary materials and equipment and approximately two weeks for construction. Hall added the possibility of the roadbed liquefying would stop any project. Hall concluded there are no acceptable options from an engineering or economic point of view; and therefore made no recommendation.

Commissioner Schonert stated a shuttle service was considered with Harlow's Bus service willing to provide a shuttle bus at a cost of \$800 per day. Schonert added the State's Attorney Riha has advised not to accept such a liability. Engineer Hall expressed his opposition to the a shuttle bus as the roadways are unsafe in their present condition. No action was taken.

Commissioner Peluso suggested a shuttle service using pontoon boats and offered to research this option further.

Scott Harris, 9320 Sibley Dr, appeared in support of the idea of using pontoons or boats for access into the area. Harris suggested establishing boat access where University Dr crosses Apple Creek (Swenson Park).

Ron Kraft, 6601 Apple Creek Dr, requested the closure of the lower section of Apple Creek Dr. Kraft further requested a mandatory evacuation of the area. Many in the audience objected to the mandatory evacuation. Kraft stated the wakes caused by vehicle travel on Apple Creek Dr is causing major damage to the homes along Apple Creek Dr. Kraft requested that traffic be routed back to Sibley Dr via Oahe Bend. Chairman Bitner responded that Oahe Bend is even deeper than Apple Creek Dr.

Brenda Bry, 6501 Apple Creek Dr, appeared and stated she does not want Apple Creek Dr closed and suggested a 5MPH speed limit. Bry also requested an ID system be implemented to monitor who goes into the area.

Alan Hilton, 8720 South Fork Junction, appeared and applauded the county for their work and attempts to provide access in such a timely manner.

Bob Simmers, 8523 Briardale Dr, appeared and spoke in favor of a boat shuttle and reiterated the need for reduced speeds on Apple Creek.

Susan Weiland, 5110 12th St SE, appeared and stated questioned why the National Guard is prohibiting boats in the area. Chairman Bitner stated he would clarify the boat policy with the Guard.

Terry Wagner, 8835 South Fork Junction, appeared and noted that everyone needs to use common sense and be nice to each other. Wagner stated boat access is a good and sufficient solution.

Paul Stubbs, 1500 Oahe Bend, appeared and questioned if it would be possible to monitor the water depth and road conditions. The Commission noted that the roadways are dangerous and could wash out at any time and therefore no vehicles should be travelling on closed roads.

Burleigh County Commission 2011 Meeting Minutes

Jonathan Bry, 5000 Willow Oaks Rd, appeared to inquire about access at S 12th St and 48th Ave. Engineer Hall stated there are no plans to close the two access points to that area and they are working with the National Guard to maintain access as long a possible.

Engineer Hall restated his intent to prioritize projects based on what will help the most people in the timeliest fashion. Hall also stated the county is looking at standing water issues.

The Commission emphasized to all residents that to be safe and considerate no matter how they are accessing their property, adding that safety is a concern throughout the county and efforts will continue to provide access to property in a safe manner.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

July 6, 2011

5:00 P.M.

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

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, 2nd by Comm. Armstrong, to approve the June meeting minutes as presented. All members present voted "AYE." Motion carried.

Comm. Woodcox reported that he has reviewed the monthly vouchers and recommends approval of all the bills except for the I-Pad reimbursement requested by Comm. Armstrong. Comm. Armstrong explained that he purchased the iPad during the flood crisis and used it as a communication device. Armstrong added it was discussed at the Planning Commission level and will also be utilized at the Planning Commission level. Armstrong added it is property of the county.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve payment of the monthly vouchers, journal vouchers, and filing fee reports except the I Pad reimbursement in question. All members present voted "AYE." Motion carried.

Emergency Manager Senger appeared and presented a flood update. Senger reported 694 homes in Bismarck/Burleigh have been evacuated. Senger stressed that residents affected by the flooding need to register with FEMA through a 1-800 number or online, and residents who have questions concerning any of the recovery programs should go to the Disaster Recovery Center at the Bank of ND. Senger stated that Burleigh County officials have met with the State Hazard Mitigation Officer with the Dept of Emergency Services regarding the acquisition process and requirements for the home acquisition grant. Senger emphasized this process is very preliminary and may take up to eighteen (18) months to receive the grant award. Senger continued that discussions are still being held regarding bank erosion and instability, the burn ban, and mosquito control.

Ray Ziegler, Building Inspector, appeared and discussed the re-entry of flooded homes. Ziegler stated he estimates up to ninety (90) homes have been moderately damaged (water heaters and furnaces may need replacing), with approximately six (6) homes that are substantially damaged. Ziegler continued these six (6), which are uninhabitable, are of greatest concern. Ziegler commented on the importance of getting permits before any remodeling or rebuilding is contemplated. Ziegler reported that if the cost of repairs equals or exceeds 50% of the pre-flood market value, the structure must be brought up to full compliance with the local flood plan ordinance. Ziegler stated this may require that structures be raised to meet the new flood plain elevation.

Sheriff Heinert appeared and presented a detailed update on current access conditions and patrol/security details of the voluntarily evacuated rural subdivisions. Heinert stated the gate system installed at the entrance to Fox Island is working well.

County Engineer Hall appeared and presented the Highway Department Flood Update. Hall stated considerable resources have been expended maintaining the levees and pumping areas where the water will not recede naturally. Hall estimated that to date the Highway Dept has expended approximately \$3.7 Million on flood fighting efforts.

Hall requested guidance in regards to removal of debris (sheetrock, carpet, up to and including water heaters) in the flooded areas. Hall noted one approach would be to set up dumpsters in particular subdivisions under contractual agreements, with the contractor responsible for the disposal. Hall noted such a program could be very expensive unless available as a FEMA reimbursable program.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, authorization for the County Engineer to proceed in locating a suitable FEMA reimbursable program for debris removal. All members present voted "AYE." Motion carried.

Bismarck\Burleigh Public Health Nurse Ereth, appeared and presented information regarding the hazards and concerns when working in flood waters. Ereth suggested that anyone working in the flooded areas have a tetanus shot update.

County Auditor\Treasurer Glatt presented information regarding property assessment and property tax concerns. Glatt reported a plan is being finalized for assessments and subsequent abatements and should be available soon. Glatt

Burleigh County Commission 2011 Meeting Minutes

emphasized that inspections on properties cannot be done until flood waters recede.

Stacy Sturm, Burleigh County Flooded Residents, appeared regarding flood recovery. Sturm presented several questions for the Commission concerning pumping of water, assessment for levees and pumping, buy outs and reimbursements, property taxes, etc.

Chairman Bitner stated that he understands that flooding residents would like answers at the moment but decisions will be made as the flood water levels recede.

Dave Wolfer, also speaking for the group, questioned what the process will be for assessing properties in the flood areas and what can residents expect concerning property taxes.

County Auditor Glatt explained that they are working diligently on a plan within the parameters of state law. Glatt hoped a detailed plan will be complete within the next couple weeks.

Bob Upgren, Fox Island resident, appeared and cautioned against lowering property values in flooded areas. Upgren stated he does not want his property devalued and considered worthless. Upgren questioned the feasibility of constructing a permanent levee in the Fox Island area.

Jonathan Bry and Rod Eckroth appeared with questions regarding pumping and when levees will be removed.

This was the hour and date set for a PUBLIC HEARING regarding the Lincoln Road Corridor Study.

Steve Grabill, Ulteig Engineers, appeared on behalf of the Bismarck-Mandan MPO and presented the final draft of the Lincoln Road Corridor Study. Grabill informed the Commission that several public input meetings and two (2) public hearings have been held. Grabill presented a brief overview of the recommended alternatives which include both corridor and intersection level recommendations. Grabill noted people want better connections between Lincoln and Bismarck with mixed response concerning at the 52nd St intersection and elevating the Lincoln Road. Grabill noted the expressed concerns regarding Airway Ave. Grabill presented the results of five (5) questions that were posed at the public hearings and public input meetings. Grabill asked that each Commissioner review the questions and provide individual feedback. Grabill further requested the Commission take action on the final Lincoln Road Corridor Study.

Chairman Bitner called for testimony from those in attendance. As no one appeared the following motion was made.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to accept the Lincoln Road Corridor Study as presented. All members present voted "AYE." Motion carried.

County Engineer Hall appeared and presented his monthly County Engineer's report along with the following items for the Board's consideration: authorize purchase agreement for property for the new Bismarck shop, and authorization reclassification and salary adjustment for Asst County Engineer Position to Engineer II.

Engineer Hall requested authorization to execute a purchase agreement with Michael & David Esposito for the purchase of 40 acres in the SW ¼ SW ¼, Section 16, Gibbs Township, in the amount of \$200,000 for the site of a new Bismarck shop facility. Hall explained that the Highway Department's Property Team has been searching for a suitable piece of property to facilitate the replacement of the current Bismarck shop. Hall stated that this property is located at the corner of 43rd Avenue NE and 80th Street NE. Hall stated that the offer is based on appraisal and negotiation with the land owner.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to authorize and approve the Highway Departments purchase of the SW ¼ of the SW ¼ of Section 16 in Gibbs Township (40 acres +/-) from Michael Esposito and David Esposito for \$200,000. All members present voted "AYE." Motion carried.

Engineer Hall continued that he has been working with the HR Director on redesigning the Engineering positions to accommodate the expanded duties of the engineering staff due to growth in Burleigh County. Hall stated that after reviewing different professional tract structures within the ND Dept of Transportation, Cass County and the Burleigh County State's Attorney's Office, he worked with the HR Director and Fox Lawson & Associates and the following three (3) positions were established: Engineer I, Engineer II, and Senior Assistant County Engineer. Hall explained that a current employee

Burleigh County Commission 2011 Meeting Minutes

has recently become a Registered Professional Engineer, he would like to reclassify this employee for the Asst County Engineer position into the new series at the Engineer II position.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to direct and authorize the HR Director to make the required changes to reclassify Dan Schriock from Asst County Engineer Grade 10, Step 10 to an Engineer II Grade 12, Step 8. All members present voted "AYE." Motion carried.

Lori Steel, Victim/Witness Program Coordinator, appeared regarding authorization to hire a Temporary Victim/Witness Intern from early September through early November to cover Heather Wanner's caseloads during medical leave.

Motion by Woodcox, 2nd by Armstrong, to approve the hiring of a Temporary Victim/Witness Advocate to cover Heather Wanner's caseload during her medical leave. All members present voted "AYE." Motion carried.

Sheriff Heinert appeared with the following items for the Board's consideration: consider results of RFP for Detention Center prison food service; and authorize grant acceptance of Justice Assistance Grant in cooperation with City of Bismarck.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to award bids for the Detention Center prison food service to the low bidder and current contractor CBM Management Services at the same rates as 2011. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to authorize the Sheriff to accept a JAG Grant (\$13,883.30) in cooperation with City of Bismarck to be used for radio equipment. All members present voted "AYE." Motion carried.

HR Director Gall appeared and presented information regarding Health Insurance coverage for county employees including the Board of Commissioners. Gall reported our current Blue Cross Blue Shield Plan will see an 8.3% increase and County Commissioners will no longer be provided health insurance coverage effective October 1, 2011. Gall continued the ND Public Employees Retirement System offers Blue Cross Blue Shield coverage to political subdivisions and noted County Commissioners are provided coverage. Gall reported both the employee and employer could save premium costs with a switch to the PERS plan. Gall stated that the PERS plan offers a Single or Family Plan; Single plus Dependent Plan is not offered as with our current plan. Gall noted the county currently has thirty-three (33) individuals that carry the Single plus Dependent plan, with those individuals needing to switch to either a single or family plan if NDPERS is selected by the County Commission. Gall concluded that switching to the NDPERS Health Insurance Plan could save the county approximately \$210,420.

County Recorder Kroshus requested consideration for subsidizing the difference between a Single plus Dependent and a Family Plan for those employees currently on the Single plus Dependent who do not have other options. Kroshus estimated should all thirty-three (33) switch the subsidy would cost the county approximately \$38,000 with a net estimated savings of \$172,420.

Comm. Woodcox stated that he would like to look at grandfathering these thirty-three (33) employees and make no decision until the July 11th meeting.

Auditor/Treasurer Glatt presented the following abatement for the Board's consideration, where as a complete copy is available on file in the Auditor/Treasurer's office.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the Glaser abatement as requested. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve August 17 & 18 (if needed) dates for budget hearings with the public hearing and consideration of the final budget on September 22, 2011 at 6:00pm; to approve the security pledges as presented; and to approve the raffle permit application of the U of Mary Boosters. All members present voted "AYE." Motion carried.

The Board then reviewed applications for appointments to the various Burleigh County Auxiliary Boards.

Burleigh County Commission 2011 Meeting Minutes

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to reappoint Comm. Woodcox to a two (2) year term on the Burleigh County Board of Health expiring 12/31/13. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to reappoint Mike Heim to a six (6) year term on the Burleigh County Special Assessment Commission expiring 3/31/2017. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to reappoint Elizabeth Day and Valerie Timm to a three (3) year term on the Burleigh County Social Service Board expiring 6/30/2014. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

July 11, 2011
12:00 Noon

The Burleigh County Commission convened a special meeting in the Conference Room of the ND Association of Counties Building with all members present except Comms. Armstrong and Schonert.

Chairman Bitner called the meeting to order stating the purpose of the meeting is to receive the Compensation & Benefits Study from Fox Lawson & Associates and to continue discussion on health insurance options.

Beth Osterm, senior consultant with Fox Lawson & Associates, appeared from Minneapolis\St.Paul via the Interactive Video Network, and presented the results of the Compensation & Benefits Study. Osterm opened the presentation stating that county pay is very competitive with the market. Osterm stated current salaries are approximately three (3) percent below market. Osterm recommended a two (2) percent increase to the salary structure to stay current with the market. Upon question Osterm responded that if an increase to the salary structure is not implemented, future market reviews will show larger disparities and require larger increases to be competitive. Osterm also suggested that those positions that were found to be significantly above and below the market be further reviewed.

The County Commission and Department Heads present then discussed the various compensation options for 2012 including cost of living, reclassification, retirement contributions, etc.

Comm. Woodcox suggested that any positions whose minimum salary range is less than 10% of the market should be reviewed to determine if the classification is correct.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to accept the Fox Lawson & Associates Compensation & Benefits Study and to direct the HR Director to determine the impact of implementation of a two (2) percent increase to the salary structure and to further look at those positions whose salary range is less than or greater than 10% of the market or requested by the Dept Head. All members present voted "AYE." Motion carried.

The Commission and Dept Heads present then continued a review and discussion of health insurance options. Gall reported early estimates show a savings of \$210,000 annually by switching to the ND Public Employees Health Insurance plan. Gall noted the PERS plan does not offer a Single plus Dependent plan and reported there are currently 33 employees utilizing the Single with Dependent plan. Gall stated those presently under the Single plus Dependent plan will need to switch to a family plan.

The Board discussed options for subsidizing the increased cost to employees under the Single plus Dependent plan who must switch to the family plan.

The Commission directed State's Attorney Riha to return to the July 18th meeting with advice regarding the legality of subsidizing the Single plus Dependent plan under PERS.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to table the discussion on Health Insurance plans and subsidizing the Single plus Dependent premium cost to the July 18th meeting. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor\Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

July 18, 2011

5:00 P.M.

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

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

Comm. Woodcox reported that he has reviewed the bills and recommends approval of the same.

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

Steve Bain, Bain Agency, appeared and presented information concerning the county liability insurance policy renewal.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the renewal of the county liability insurance policy for 2011-2112 as presented. All members voted "AYE." Motion carried.

Emergency Manager Senger appeared and presented a flood update. Senger reported that to date 693 homes in Bismarck/Burleigh have been evacuated. Senger stressed taking basic precautions when working in flood waters. Senger continued that consideration and monitoring are still ongoing regarding bank erosion & instability, mosquito control, and lifting/modifying the burn ban.

Sheriff Heinert appeared and stated patrols of inundated areas continue with both marked and unmarked vehicles including boats. Heinert suggested that residents take precautions when hiring contractors for cleanup and/or repair. Heinert continued his department is working with the Attorney General's Office - Consumer Protection Division to establish a one-stop shop, similar to the Minot area, to handle the licensing and monitoring of flood recovery contractors. Heinert stated his department would institute a similar system if the AG's office does not.

County Engineer Hall appeared and presented the Highway Department Flood Update. Hall stated that county levees are holding well, and pumping is continuing in areas where water will not recede naturally. Hall outlined an early plan for sandbag and debris removal from flooded areas once river levels recede. Hall continued that zones (by neighborhood) will be established and when a zone is activated residents may place sandbags in the right of way for contractors to pick up. Hall stated the zone activation may also be used for debris removal. Hall anticipates the debris removal will consist of large dumpsters placed within the zones and marked for specific waste; electronics, appliances, construction materials. Hall also suggested using this zone method as a means for deactivation of the burn ban. Hall stated he will work with Sheriff Heinert and Emergency Manager Senger on this matter.

Hall estimated that to date the Highway Department has expended approximately \$4.1 Million on flood fighting efforts and will continue to work on additional flood abatements efforts as directed

Warren Emmer, Sleepy Hollow Subdivision resident, appeared regarding pumping of water out of the Sleepy Hollow Subdivision. Emmer stated a county pump was in place for approximately 16 hours and then was abruptly pulled and moved. Emmer continued the pump was lowering the water in the area and was pulled because a neighbor did not want the water pumped onto his property. Emmer added all of the neighbors want the pumping to resume, except for the one where the water is being pumped.

Neil Modin, Hay Creek Township Board of Supervisors, appeared and stated that four (4) pumping operations have been started in Hay Creek Township and four (4) times the pumping has been stopped because a neighboring landowner was concerned the pumping was going to inflict damage on his property. Modin stated we need to look at the greater good – and consider the number of landowners who would benefit from pumping versus the one landowner who may be damaged. Modin continued the decisions to pump were based upon good information and review by qualified professionals and should not have been stopped. Modin questioned who has the authority to determine where, how, and when to pump.

Upon question, Asst. State's Attorney Nesvig stated that ND law is very clear regarding the natural flow of water, however in these cases of trapped water there are several different scenarios that need to be considered regarding the authority to pump across another person's land.

Burleigh County Commission 2011 Meeting Minutes

Comm. Woodcox suggested that the authority to determine where, how, and when to pump should be given to the county engineer.

County Engineer Hall stated he does not have a problem with having the authority, but advised the Commission that in the case of an upset landowner, he will not impose county will on an individual landowner.

Comm. Schonert stated he has no problem delegating this authority to the County Engineer with the understanding that he has the discretion to place and pull pumps based on his judgment of the situation.

Dwayne Wahl, Sleepy Hollow Subdivision resident, appeared and stated he was the neighbor that did not want the water pumped onto his property and thus the pump was pulled. Wahl stated his concern that the pumping onto his property will raise the water level and affect him directly. Wahl stated when the pump to the north and west was pulled as the landowner in that area did not want the water, he determined he was in peril and demanded the pumping of water onto his property stop.

Comm. Schonert noted that County Engineer Hall and the Water Resource District have a very good handle on what is going on and how pumping activities might impact adjacent properties. Schonert added he believes based upon the advice of the engineer and water district that this area could be pumped with no effect on the Wahl property.

Comm. Peluso added that we should work closely with Wahl and that if the water goes up at all on the Wahl property because of the pumping that it be stopped immediately.

Chairman Bitner summarized that pumping in this area will be resumed and if it creates any problem for the Wahl property it will be stopped. Wahl reluctantly acquiesced.

Southwest Central Regional Environmental Health Practitioner Aaron Johnson (Custer Health District), appeared and provided information regarding septic system recovery. Johnson stressed not to use your septic system if your drain field has standing water.

County Auditor/Treasurer Glatt presented information regarding property assessment and property tax concerns. Glatt outlined the process that will be utilized to review damages and establish the property values based upon damage sustained to property from the flood. Glatt stated that the goal is to provide fair and equal treatment of all Burleigh County residents.

Anne Green, Central Dakota Human Society, appeared regarding the purchase of Lot 2, Block 1, Missouri Valley Complex 1st Replat (fairgrounds). Green stated that the CDHS is still very much interested in keeping discussions open regarding the purchase of the Missouri Valley Complex property Green stated that CDHS has spent a substantial amount of time looking at other properties and finds this property as the best option.

Comm. Schonert questioned if the CDHS has considered increasing their offer? Schonert explained that sandbag and dike materials may be used to fill in low areas on lots at the Missouri Valley Complex (fairgrounds) including the lot in which CDHS has interest.

Green stated that CDHS is willing to pay market price for the property. Green continued the land would be even more attractive for a building site if it was raised to the required building elevation.

Comms. Schonert and Peluso both agreed that any potential sales of the Missouri Valley Complex (fairgrounds) be put on hold indefinitely until it has been established what kind and how much storage will be needed for the clay and sand used for the construction of levees and dikes.

HR Director Gall appeared with the following items for the Board's consideration: Request for decision on Health Insurance Plan and funding, continued discussion on the Compensation & Benefit Study, update on Personnel Policy – Chapter 12, Section 17: In and Out of State Travel, and update on Personnel Policy –Chapter 3, Section 3: Employee Work Hours.

HR Director Gall requested approval of a health insurance contract with Blue Cross Blue Shield of ND or with NDPERS for the provision of health insurance coverage for Burleigh County employees. Gall requested advice from the States Attorney

Burleigh County Commission 2011 Meeting Minutes

office regarding the legality of county subsidization of employees who have the single plus dependent coverage, if employees are being moved to the family plan under NDPERS.

Asst. State's Attorney Nesvig stated that there is nothing to specifically indicate that it is illegal for the county to subsidize employees. Nesvig questioned if such a policy would be seen as unfair.

Motion by Comm. Woodcox, 2nd by Armstrong, to accept the ND Public Employees Retirement System (NDPERS) plan as the new county health insurance plan effective October 1, 2011 with no subsidy for employees who currently carry a single plus dependent plan. All members voted "AYE." Motion carried.

Gall then initiated a discussion regarding the Fox Lawson Compensation & Benefit Study.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to increase the step plan by 2% for all employees.

Comm. Schonert requested that this item be held for discussion during budget hearings.

Comm. Woodcox withdrew his motion with Comm. Peluso (the 2nd) agreeing.

Gall requested authorization to work with individual Department Heads who have positions targeted as more than 10% below market by the Fox Lawson Compensation & Benefits Study.

By consensus the Board agreed to authorize the Human Resource to work with individual Department Heads who have positions targeted as more than 10% below market by the Fox Lawson Compensation & Benefits Study.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the update of the Personnel Policy, Chapter 12, Section 17: In and Out of State Travel as presented and recommended by the HR Director. All members voted "AYE." Motion carried.

By consensus the Board agreed to discuss Personnel Policy –Chapter 3, Section 3: Employee Work Hours at a later date.

Auditor\Treasurer Glatt presented the following abatement for the Board's consideration, where as a complete copy is available on file in the Auditor\Treasurer's office.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the Martel abatements as requested. All members voted "AYE." Motion carried.

The Board then reviewed the application for appointment to the Region VII Human Service Council.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to appoint Troy Roness to the vacant term on the Region VII Human Service Council expiring 12/31/13. All members voted "AYE." Motion carried.

Chairman Bitner noted he is working with archeologists to get an archeological survey done of the areas within the Missouri River Complex (fairgrounds) as part of the ATV Training and Riding area grant application with the ND Parks Dept.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES**

August 1, 2011

5:00 P.M.

The Burleigh County Commission convened a regular meeting with all members present. Chairman Bitner called the meeting to order with the first item of business the approval of the monthly minutes and vouchers.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the July meeting minutes as presented. All members voted "AYE." Motion carried.

Comm. Armstrong reported that he has reviewed the monthly vouchers and recommends approval.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve payment of the monthly vouchers, journal vouchers, and filing fee reports as presented. All members voted "AYE." Motion carried.

Gerald M. Sturn, Southwest District Director – NDSU Extension, appeared to introduce the new Burleigh County Extension Agent KaSondra Staiger. Sturn noted the selection process was very thorough and Ms. Staiger is here and ready to start work!

Asst. Community Development Kim Lee, Community Development Dept. appeared with the following items for the Board's consideration: acceptance of right-of-way in Rock Creek 3rd Subdivision; final plat of Rock Creek 3rd; and, consideration/call for public hearing on petition of Justine & Logan Thompson and Tyler Kastet & Brandi Becker to vacate a future access easement described as an 80-foot easement along the property line between Lot 3, Block 7 and Lot 1, Block 8, Skyline Estates.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to accept and approve the right-of-way dedication within Rock Creek 3rd Subdivision. All members voted "AYE." Motion carried.

Lee then stated that as Rock Creek 3rd is within the area of joint city\county planning and zoning jurisdiction the Bismarck City Commission approved final plat and zoning change. Lee informed the County Commission that negotiation with the City of Bismarck may be requested if the County is not in agreement with the final plat and zoning change. Lee stated if negotiation is not requested by August 25, 2011 the final plat and zoning change will take effect. Lee concluded the purpose of placing the item on the agenda is so the applicants do not have to wait the required 30 days.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to notify the City of Bismarck that the County Commission has no issue(s) with the final plat of Rock Creek 3rd Subdivision (area of joint jurisdiction) and will therefore not request negotiation. All members voted "AYE." Motion carried.

Lee then introduced for discussion the consideration/call for public hearing on the petition of Justine & Logan Thompson and Tyler Kastet & Brandi Becker to vacate a future access easement described as an 80-foot easement along the property line between Lot 3, Block 7 and Lot 1, Block 8, Skyline Estates.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to call for public hearing on the petition of Justine & Logan Thompson and Tyler Kastet & Brandi Becker to vacate a future access easement described as an 80-foot easement along the property line between Lot 3, Block 7 and Lot 1, Block 8, Skyline Estates. All members voted "AYE." Motion carried.

Emergency Manager Senger appeared and presented a flood update. Senger reported that to date approximately 950 residents in Burleigh County have registered for Individual Assistance with \$670,000 having been allocated for housing assistance in Burleigh County.

Senger reported that the NDSU Extension Service will be hosting a Flood Recovery Series at Bismarck State College, in the National Energy Center for Excellence Auditorium (Room 304) on August 16, 18, 23 and 25 from 7-9 p.m. each

evening. Senger continued that consideration and monitoring are still ongoing regarding bank erosion & instability, mosquito control, and lifting/modifying the burn ban.

Comm. Peluso questioned if the burn ban was still in effect for the Ponderosa area. Senger responded that area C (Ponderosa area) was removed from the burn ban on July 27th. After discussion the consensus was to modify the burn ban to only include areas that are inundated by floodwaters and have access limitations. Senger reminded residents excluded from the burn ban to utilize the established controlled burn procedures by contacting the Sheriff's Department before a controlled burn is started so that emergency responders are not dispatched for reports of a fire and after the burning is completed and the fire is out, to again contact the Sheriff's Department to inform them of completion.

Senger noted the County Board of Health is recommending that mosquito (larvae) control bricks be used in standing water areas. Senger continued the bricks could be offered to residents at cost (\$3 each) with the distribution point being the County Extension Office.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to authorize the purchase of ten (10) cases of mosquito briquettes for resale at cost (\$3\each) at the NDSU Extension Service. All members voted "AYE." Motion carried.

Senger reported Bismarck\Burleigh Public Health will be offering tetanus shots this week Tuesday thru Friday between the hours of 11:00am and 2:00pm each day.

Sheriff Heinert appeared and stated patrols of inundated areas continue with both marked and unmarked vehicles including boats. Heinert suggested that residents take precautions when hiring contractors for cleanup and/or repair. Heinert continued his department sent letters to area residents regarding working with contractors and continues to work with the Attorney General's Office - Consumer Protection Division to establish a one-stop shop to handle the licensing and monitoring of flood recovery contractors. Heinert noted that effective today going around road closed barricades is now a \$250 fine not \$20 pursuant to state law.

County Engineer Hall appeared and presented the Highway Department Flood Update. Hall stated the recent thunderstorms have not been conducive to pumping and have caused tree damage will require several weeks of cleanup. Hall reported the rain has set the pumping operations back a week or better. Hall stated that county levees are holding well, and pumping is continuing in areas where water will not recede naturally. Hall stated bids will be opened for debris removal on August 8th and requested a special meeting be scheduled for August 9th to consider the bids. Hall continued bids will be opened on August 16th for levee removal with consideration of the bids at the August 17th budget meeting. Hall estimated the levee removal costs will be high, noting that he wants the levee removal finished by the end of October.

Hall reported that bids were opened this afternoon for sandbag removal and disposal. Hall stated one (1) bid was received to remove the more than five (5) million sandbags throughout the county. Hall recommended award of the bid to Knife River Corp. in the amount of \$4, 023,233.50. Hall stated this was approximately \$1.5 million less than the engineers estimate.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to award bids for sandbag removal and disposal to Knife River Corp. in the amount of \$4, 023,233.50. All members voted "AYE." Motion carried.

Hall anticipated activating the sandbag collection sites later this week with the road side pickup zones being activated as the water recedes and areas become more accessible.

A discussion was held regarding load restrictions for roadways affected by flood waters with the consensus that we will have road issues and problems in the future as there will not be adequate time to allow roadways to thoroughly dry out.

County Auditor\Treasurer Glatt updated the Commission on property assessment items including consideration of a Memo of Understanding with the City of Bismarck providing mutual aid allowing Bismarck City Assessing staff help assess flood damage for property tax purposes. Glatt reported just under 1,000 letters were sent out with around 400 responding to date.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the Memo of Understanding with the City of Bismarck for assessing aid. All members voted "AYE." Motion carried.

HR Director Gall appeared regarding salary & benefits items for 2012 budget preparations including the Fox Lawson & Associates Study Recommendations. Gall first requested consideration for a Cost of Living Adjustment (COLA) for county employees for budget purposes. Gall presented information noting a 3.65% Consumer Price Index (CPI) increase over the past 12 months. Gall estimated each 1.0% in salary increase equates to \$110,000. Gall stated the county department heads are requesting a 3% COLA increase for 2012 salaries.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve a 3% Cost of Living Increase for county employees for consideration in the 2012 budget. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the step-in-grade plan and fund it accordingly for consideration in the 2012 budget. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to fund both the employer share (1%) and employee share (1%) increase required by the ND Public Employee Retirement System for consideration in the 2012 budget. All members voted "AYE." Motion carried.

HR Director Gall also recommended moving all salary ranges up 3% to reflect the COLA increase.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to adjust all salary ranges up 3% to reflect the 3% COLA increase if approved. All members voted "AYE." Motion carried.

Chairman Bitner then reported that he has incurred an estimated \$600 - \$800 expense to his personal vehicle directly related to driving thru flood waters. Bitner stated he normally would not drive through flood waters but in this instance it was part of a tour for FEMA officials. Bitner requested reimbursement for this expenditure.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve reimbursement to Chairman Bitner for repairs and maintenance to his personal vehicle upon presentation of the bill. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve reimbursement to Comm. Armstrong for the purchase of an iPad for county related business. All members voted "AYE." Motion carried

Susan Weiand, Glenwood area resident, appeared with questions regarding flood recovery including pumping, property assessments, and sandbag removal.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

**Burleigh County Commission
Special Meeting Minutes**

August 9, 2011

12:00Noon

The Burleigh County Commission convened a special meeting in the Tom Baker Meeting Room of the City\County Building with all members present except Chairman Bitner.

Vice-Chairman Schonert called the meeting to order noting the purpose of the meeting to review bids for debris removal and receiving information and making decisions related to Missouri River flood mitigation and recovery.

County Engineer Hall appeared and summarized the bid specifications. Hall stated the proposed work includes the monitoring, removing, and hauling of 30 yard roll-off containers from various residential zones for the removal of electronics, large appliances, and construction debris with the contractor hauling and disposing of the debris. Hall stated bids were opened on August 8th with two (2) bids received with one bid not meeting bid specifications. Hall stated the engineer's estimate for the project is \$182,450 with the lone qualified bid, from Coughlin Construction, in the amount of \$359,350. Hall recommended rejecting all bids and suggested landowners deal directly with the waste removal companies.

Vice-Chairman Schonert stated one option would be to reject the bids and to rebid the project. Schonert continued that if the project is rebid it could include tree removal as there are many, many residents that need help removing fallen trees from the recent storms. Schonert stated that FEMA representatives informed him this morning that if the trees are brought to the public right of way or public areas FEMA would reimburse the county for the removal. Schonert noted he would support such a program. Schonert continued if we decide to rebid this project, formal bid requirements would need to be followed and would delay the start of the project for at least 30 days.

Comm. Armstrong stated 30 days is too long and something needs to be done in a timelier manner. Armstrong noted that with sandbag removal the county will have expended over \$8Million with no reimbursement to date.

Engineer Hall stated that the Board should proceed on the premise that this contract will be 100% county funded and should not be based upon any reimbursement from FEMA.

Comm. Peluso noted that tree removal expenses could be in the millions and wondered how the county could take on this expense.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to reject all bids for debris removal.

The Board reviewed other options, with Comm. Woodcox noting that although this is a costly item, he believes we should do everything we can to minimize hardship for our residents.

Comm. Peluso questioned if we could possibly forego the formal bid process and deal directly with the waste removal companies.

Engineer Hall stated to his knowledge the formal bid process must be followed unless the Governor waives bidding requirements as he did earlier. Hall reiterated if this is rebid it would take approximately 30 days before removal could start. Hall noted that to include tree removal may be problematic as the local tree removal companies are very, very busy.

Comm. Peluso suggested tabling this item until the next meeting to allow time to request a waiver from the Governor.

Comm. Armstrong withdrew his motion with Comm. Woodcox agreeing.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to table further consideration of the bids for debris removal until the next meeting. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to formally request from the Governor a variance from state law to forego the formal bid process during the recovery period as the timing is very critical from a safety

perspective and to get the needed work completed prior to freeze up. All members present voted "AYE." Motion carried.

Upon question Engineer Hall reported the bid opening for the 48th Ave & England St levee and the Fox Island levee are scheduled for next week. Hall stated the trigger mechanism in the contract is a river level below 16 feet for four consecutive days. Hall added the only levee he would be comfortable leaving over the winter would be England St north of 48th Ave to the first private driveway. Hall concluded the rest of the levees need to be removed for snow removal activities.

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

Kevin J. Glatt, Auditor\Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
BUDGET MEETING MINUTES**

August 17, 2011

10:00 A.M.

The Burleigh County Commission convened the budget review meeting with all members present except Chairman Bitner. Vice-Chairman Schonert called the meeting to order with the first item of business the approval of the bills.

Comm. Armstrong reported that he has reviewed the bills and recommends payment of the same.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve payment of the bills. All members voted present "AYE." Motion carried.

Asst. Community Development Director Lee appeared regarding acceptance of the right-of-way within Copper Ridge 3rd Subdivision. Lee recommended acceptance of the right-of-way dedication subject to the following conditions: the subdivision will be developed in phases, with each phase being developed in chronological order (Phase 1 before Phase 2, Phase 2 before Phase 3, etc); each phase will only be allowed to develop (i.e., building permits issued) when written documentation is received from the Burleigh County Engineer that the roadways required for that particular phase have been constructed to minimum County standards and paved; and, each phase will only be allowed to develop (i.e., building permits issued) when a storm water management plan certification is received for that phase indicating that the storm water facilities required for that particular phase have been installed in accordance with the approved storm water management plan and said certifications have been accepted by both the City Engineer and the County Engineer.

Lee added Engineer Hall has further recommendations regarding the improvements to the adjacent section line roads.

Harley Swenson, neighboring landowner, appeared and questioned the fairness of the plat and acceptance of the right of way without the southern portion of 52nd St SE being paved. Swenson questioned if and when he decides to develop the adjacent property will he be required to construct and pave this portion of 52nd St.

Comm. Woodcox asked if this issue was discussed during the deliberations on the final plat. Lee reported that the City Planning Commission and City Commission have approved the final plat but did not address the issue of the construction and paving of 52nd St SE. Lee reported Apple Creek Township had no issues with the plat or the staff recommendations.

Engineer Hall appeared and presented his recommendations regarding the improvement of the adjacent section line roads. Hall noted the conditions of the plat as detailed by Asst. Community Development Director Lee and continued the applicant has been working on a plan to improve only those portions of the adjacent section line roads necessary for development of the property. Hall stated the section line roadways included in each phase would be improved and paved in conjunction with the construction of roadways within the subdivision. Hall reported that because the plat was redesigned to better address storm water issues and there is a large storm water retention area in the southwest corner of the plat, a modification is necessary to the standard county policy of requiring all adjacent section line roadways to be improved in conjunction with development of the plat. Hall continued that because of the storm water retention area in this plat, he is recommending that the section of 52nd St SE south of southern line of Copper Ridge 2nd not be improved in conjunction with development of the plat and further recommended that 76th Ave SE between 52nd St SE and Derek Dr (the north-south road just east of the quarter-section line) not be improved in conjunction with development of the plat. Hall concluded that construction of these roadway segments at this time would be detrimental to the management of storm water for this area.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to accept the right of way dedication for Country Creek 3rd Subdivision and further to adopt the recommendations of Engineer Hall regarding the improvements to adjacent section line roads.

Harley Swenson again asked who will be responsible for the construction and paving of the south part of 52nd St in this area. Swenson stated he agrees the road should not be improved at this time but desires some consideration for the cost of future development of the roadway.

Comm. Peluso stated at this time it is determined best not to build the roadways for the reasons detailed by the county engineer. Peluso stated this is a reasonable action and in the future County Commissions will have to make reasonable decisions based upon the facts at that time.

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

County Engineer Hall then initiated discussion regarding bids for debris removal\tree removal. Hall reminded the Commission that bids for debris removal were opened on August 8th and tabled by the Board on August 9th. Hall summarized the bid specifications noting the proposed work includes the monitoring, removing, and hauling of 30 yard roll-off containers from various residential zones for the removal of electronics, large appliances, and construction debris with the contractor hauling and disposing of the debris. Hall stated two (2) bids were received with one bid not meeting bid specifications. Hall stated the engineer's estimate for the project is \$182,450 with the lone qualified bid, from Coughlin Construction, in the amount of \$359,350. Hall recommended rejecting all bids and suggested landowners deal directly with the waste removal companies. Hall continued that FEMA will not provide reimbursement for tree removal as the wind storm(s) are a separate event and not associated with the flood emergency. Hall stated that any tree that falls on the right of way will be cleaned up and removed.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to reject all bids for debris removal. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to direct the county staff to work directly with the local contractors in an attempt to get refuse dumpsters into the various neighborhoods for flood clean-up.

Engineer Hall stated that people are reasonable and responsible and have already started the task of cleanup and have taken this role on themselves. Hall recommends that the county does not take on this role for various reasons, most notably the need to monitor the sites to ensure no illegal dumping (hazardous materials, etc).

Comm. Peluso withdrew his motion with Comm. Armstrong concurring.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to direct the county staff to work directly with the local contractors in an attempt to establish appliance removal within the affected areas. All members present voted "AYE."

Finance Director Thompson appeared and presented an overview of submitted budgets and preliminary mill levies. Thompson noted taxable values are up approximately 4% overall in Burleigh County. Thompson added new construction accounted for about 2.8% of the increase. Thompson stated the budget as presented reflects a 2.4% increase in taxes and coupled with the increase in value, equates to a .48 mill decrease. Thompson added the budget as presented calls for general fund spending to outpace revenue by approximately \$630,000. Thompson noted the estimated county taxes on a home valued at \$150,000 in 2006 (now valued at \$182,849) would be almost equal to the taxes on this same home in 2009.

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

Ellen Owen (Director), Burleigh County Council on Aging, appeared and presented the Council on Aging budget.

Russ Staiger, Bismarck-Mandan Development Association (BMDA), appeared and presented information regarding the activities of BMDA. Staiger requested the Commission consider restoring full funding for BMDA. Staiger specifically

requested the Commission fund BMDA at the \$100,000 level similar to the City of Mandan and Morton County. Upon question Staiger noted the City of Bismarck provides \$400,000 in annual funding from sales tax collections.

Comm. Armstrong noted the extra expenses the county has incurred from the flood event and questioned at what point do the taxpayers step aside from funding this private organization.

Comm. Woodcox stated he supports the \$100,000 funding level and stated we cannot stop promoting the community.

Auditor\Treasurer Glatt noted that at the 2011 Final Budget Hearing a motion was made, seconded and carried that reduced the funding for BMDA, The Chamber, Lewis & Clark Regional Development Council, and the Dakota Prairie Resource, Conservation and Development Association by 25% for 2011 with the intent of reducing the same in the future.

Motion by Comm. Woodcox to provide \$100,000 funding to BMDA for 2012. As there was no second to the motion, Vice-Chairman Schonert relinquished the chair to Comm. Peluso to second the motion made by Comm. Woodcox.

Vote on motion: "AYE" votes: Schonert, Woodcox. "NAY" votes: Armstrong, Peluso.
Absent: Bitner.

State's Attorney Riha stated as this is a tie motion it will need to be voted on at the next meeting.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to fund BMDA at the \$75,000 level for 2012 budget purposes. "AYE" votes: Peluso, Schonert, Woodcox. "NAY" vote: Armstrong. Absent: Bitner. Motion carried.

Kelvin Hullet, president of the Bismarck Mandan Chamber of Commerce, appeared and presented information regarding the activities and benefits of Chamber membership.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to budget \$5,000 for 2012 Chamber membership. "AYE" votes: Armstrong, Peluso, Schonert, Woodcox. "NAY" vote: none. Absent: Bitner. Motion carried.

Paul Rechlin, Lewis & Clark Regional Development Council Executive Director, appeared and presented information regarding the activities and benefits of membership to the RDC. Rechlin requested the Commission fund the Regional Development Council membership as in 2010 (.2 of one mill).

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to budget for the full membership to the Lewis & Clark Regional Development Council for 2012. "AYE" votes: Peluso, Schonert, Woodcox. "NAY" vote: Armstrong. Absent: Bitner. Motion carried.

Upon question the Commission by consensus directed the funding for the Dakota Prairie Resource, Conservation and Development Association remain the same as in 2011 (\$900).

Doug Herzog of Youthworks, Nancy Keating of Centre Inc., Judy Vetter of Guardian & Protective Services, and KaSondra Staiger of NDSU Extension appeared and presented information related to their budgets. Kristi Harms, Veteran's Memorial Library, appeared regarding the library budget for 2012. Harms noted part of the budget request will be allocated for the Bookmobile replacement fund.

Each Commissioner noted they were comfortable with the budgets submitted by their respective departments

The Board then discussed the Jail Maintenance & Construction mill levy. Comm. Woodcox suggested that the proposed ½ mill levy be increased to two (2) mills to provide funding for a new jail.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to levy two (2) mills for the Jail Maintenance & Construction Fund

for budget purposes. All members present voted "AYE." Motion carried.

Comm. Schonert then initiated a discussion regarding the County Planning budget. Schonert suggested that the proposed Planning budget be increased from \$40,000 to \$120,000 to make funds available for a separate County Planner\Building Inspector should things not be resolved with the City of Bismarck on these issues.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to increase the Planning budget from \$40,000 to \$120,000. All members present voted "AYE." Motion carried.

Comm. Armstrong noted this budget allocates funding for 7.5 new employees and questioned if the Commission wanted to specifically discuss any of the new hires.

Comm. Woodcox noted he was comfortable with the Social Service Dept budget request for an additional 1.5 full time employees and invited Social Service Director Doe to the podium to provide a brief overview of the Social Service Dept budget. Doe appeared and noted the case load of the various social welfare programs.

Comm. Peluso recommended that the preliminary budget be adopted.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve and adopt the Burleigh County 2011 Preliminary Budget as amended and to call for a public hearing on the budget on September 22, 2011. All members present voted "AYE." Motion carried.

Vice-Chairman Schonert then 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 2011 & 2012 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 2011 & 2012 annual Association meetings.

Auditor\Treasurer Glatt presented the following abatement for the Board's consideration. A complete copy is available on file in the Auditor/Treasurer's office.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve the Whitmire abatement as requested. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the SE Liquor License application of the Burnt Creek Club (9/17/11 – Wedding Dance). All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to lift the Burn Ban in Burleigh County effective immediately. All members present voted "AYE." Motion carried.

Comm. Peluso suggested the county also revisit the Missouri River idle only restriction. Sheriff Heinert appeared and stated he agrees that once the river falls below flood stage the idle only and night boating restrictions should be removed.

Comm. Armstrong noted that state law prohibits wakes that damage property and hoped enforcement of the statute will not be overlooked.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to remove the Missouri River idle speed and night boating restrictions along the boundary of Burleigh County when the river level at Bismarck is below 16 feet for four

consecutive days. All members present voted "AYE." Motion carried.

The Commission then considered the request of the Bismarck Mandan Chamber of Commerce for sponsorship of the Chamber hosted Community Flood Recovery Conference. Comm. Armstrong suggested that instead of donating \$2,500 for this conference, the county could provide scholarships for flood affected Burleigh County residents on a first come basis in an amount equal to the requested \$2,500. Armstrong stated this would help support both the Chamber effort and those residents affected by the flood who may otherwise not be able to afford the conference.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the \$2,500 sponsorship\scholarship to the Community Flood Recovery Conference and to appoint Comm. Armstrong as the lead person on the scholarship\reimbursement procedure. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt
Burleigh County Auditor\Treasurer

Brian Bitner
Chairman

**Burleigh County Commission
Special Meeting Minutes**

**August 18, 2011
12:00Noon**

The Burleigh County Commission convened a special meeting in the Tom Baker Meeting Room of the City\County Building with all members present except Chairman Bitner.

Vice-Chairman Schonert called the meeting to order noting the purpose of the meeting to review bids for levee removal and receiving information and making decisions related to Missouri River flood mitigation and recovery.

County Engineer Hall appeared and summarized the bid specifications for the levee removal projects. Hall stated the trigger mechanism in the contracts is a river level below 16' for four (4) consecutive days. Hall added the river level this morning was just under 16'.

Hall reported bids were opened this morning for the 48th Avenue SW & England Street Protection Berm Removal project with five (5) bids received. Hall noted the engineer's estimate for the project is \$2,086,480.00 with the low bid received from Phillips & Jordan, Inc., in the amount of \$797,146.30. Hall continued the next low bid was \$1,548,001.74 and expressed concern that there was an error in the Phillips & Jordan, Inc. bid. Hall stated he contacted the low bidder who is presently working on flood related recovery in Minot regarding the bid and the bidder assured him that the bid was correct and that they are ready to proceed with a contract. Hall added Phillips & Jordan, Inc. is a company that specializes in disaster recovery. Hall recommended acceptance of the low bid for the 48th Avenue SW & England Street Protection Berm Removal project.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to award the bid for the 48th Avenue SW & England Street Protection Berm Removal project to the low bidder, Phillips & Jordan, Inc. in the amount of \$797,146.30 and to authorize the proper County officials to enter into a contract with said bidder. All members present voted "AYE." Motion carried.

Hall then presented the results of the bid opening held this morning for the Tavis Road & Fox Island Protection Berm Removal project. Hall stated four (4) bids were received. Hall reported the engineer's estimate for the project is \$2,815,972.50 with the low bid from Phillips & Jordan, Inc. in the amount of \$332,452.50. Hall stated he contacted the low bidder who is presently working on flood related recovery in Minot regarding the bid and the bidder assured him that the bid was correct and that they are ready to proceed with a contract. Hall recommended acceptance of the low bid for the Tavis Road & Fox Island Protection Berm Removal project.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to award the bid for the Tavis Road & Fox Island Protection Berm Removal project to the low bidder Phillips & Jordan, Inc. in the amount of \$332,452.50 and to authorize the proper County officials to enter into a contract with said bidder. All members present voted "AYE." Motion carried.

The Commission then discussed options for debris removal. Engineer Hall presented the following ideas for homeowners affected by the flood for the Board's consideration: a) Homeowners contract with local haulers to have containers brought to their homes and contractors haul away debris (homeowner pays for all costs); b) Homeowners – haul debris to the county fairgrounds where a controlled collection site will be available and monitored 7am to 7pm - 7 days a week for the month of September – County will hire contractor to monitor and haul debris to the landfill (homeowner pays cost of hauling debris to fairgrounds -County pays all other costs); and, c) Homeowners haul debris directly to the City landfill and dispose of debris with the City of Bismarck billing Burleigh County for tipping fees for the month of September only (homeowner pays cost of hauling to landfill - County pays tipping fee).

Comm. Woodcox insisted that more than one (1) location be made available for residents to dump their debris. Woodcox stated there must be other areas that could be used and requested Hall find other locations. Hall noted

the difficulty the county had to find sandbag transfer sites and suggested finding willing landowners to allow dumping of garbage would be much more difficult.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to direct county staff to pursue the establishment of a controlled debris collection site for Burleigh County homeowners directly affected by flooding at the Missouri Valley Complex (fairgrounds) that would be available and monitored 7am to 7pm - 7 days a week for the month of September – whereby the county will hire a contractor to monitor and haul debris to the landfill (homeowner pays cost of hauling debris to fairgrounds - county pays all other costs) and to further pursue another controlled collection site or sites; and further to pursue the option of Burleigh County homeowners directly affected by the flood to haul debris directly to the City landfill and dispose of debris with the City of Bismarck billing Burleigh County for tipping fees for the month of September only (homeowner pays cost of hauling to landfill - county pays tipping fee). All members present voted “AYE.” Motion carried.

Hall briefly updated the Commission on the completion of the 43rd Ave & Centennial Road intersection improvement.

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

Kevin J. Glatt, Auditor\Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

September 1, 2011

5:10 PM

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

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

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the August meeting minutes as presented. All members present voted "AYE." Motion carried.

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

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

This was the hour and date set for a public hearing on the petition of Justine & Logan Thompson and Tyler Kastet & Brandi Becker to vacate a future access easement described as an 80-foot easement along the property line between Lot 7, Block 1 and Lot 1, Block 7, Skyline Estates.

Asst. Community Development Director Lee appeared and explained the request to vacate the future access easement. Lee stated this access easement is now part of a storm water easement for the Country Creek Subdivisions and thus will not be needed or practical for future road access. Lee reported Gibbs Township has no issues with the petition and further advised that staff recommends approval.

Vice-Chairman Schonert opened the public hearing for the petition to vacate a future access easement described as an 80-foot easement along the property line between Lot 7, Block 1 and Lot 1, Block 7, Skyline Estates.

Petitioner Justine Thompson appeared and requested approval of the petition. No one else present appeared and the following motion was made:

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to close the public hearing and to approve the vacation of a future access easement described as an 80-foot easement along the property line between Lot 7, Block 1 and Lot 1, Block 7, Skyline Estates. All members present voted "AYE." Motion carried.

County Engineer Hall appeared and presented the results of the 8/31/11 bid opening for the South Central Regional Water Protection Berm Removal project. Hall stated four (4) bids were received with the low bid received from Basaraba Excavating in the amount of \$185,110.10. Hall reported the engineer's estimate for the project was \$415,833.50.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to accept the low bid from Basaraba Excavating in the amount of \$185,110.10 for the South Central Regional Water Protection Berm Removal project, and authorize the proper County officials to enter into a contract with said bidder. All members present voted "AYE." Motion carried.

Hall continued that recent flooding and drainage problems along 385th Street NE (Arena Road) have caused damage to the road. Hall continued the road is currently under water and is closed to traffic. Hall stated after thorough review of the situation, he recommends a grade raise would be the best solution. Hall continued the project would include (but not be limited to) developing plans and specifications to raise the existing road through the affected area and to perform construction administration services during the construction. Hall stated design services would be 100% county funded with construction costs funded 80% federal and 20% county. Hall requested authorization to seek bids from engineering consultant firms for design and construction administration services.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to authorize the advertisement of bids to seek design service proposals for the reconstruction of 385th Street NE (Arena Road) and to further add this project to the 2011 Burleigh County Project Priority List. All members present voted "AYE." Motion carried.

Hall then informed the Commission that a portion of River Road north of Wilderness Cove Subdivision has developed some cracks and sloughing. Hall stated the Highway Dept has been monitoring the situation and is concerned about the long-term effects of the cracking and sloughing. Hall requested authorization to solicit bids for geotechnical survey services to determine the appropriate course of action.

Burleigh County Commission 2011 Meeting Minutes

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to authorize advertisement of geotechnical survey service proposals for the study of River Road north of Wilderness Cove Subdivision and further to add this project to the 2011 Burleigh County Project Priority List. All members present voted "AYE." Motion carried.

County Engineer Hall, Sheriff Heinert, Emergency Manager Senger, and Auditor\Treasurer Glatt each presented short Flood Recovery reports. Hall stated the levee removal projects have started and he anticipates all work to be completed prior to the October 15th deadlines. Hall stated fifteen (15) pumps are still running throughout the county and he expects fewer than ten (10) pumps will be running next week. Hall noted many roads are still unsafe or have load restrictions.

Emergency Manager Senger appeared and reported she has started the process with the Burleigh County Water Resource District to form a task force to develop plans for response to future flooding. Commissioner Schonert noted the process will start as work concludes on recovery, and will include how best to plan against short and long-term for future flood events.

Sheriff Heinert appeared and warned the public that the Missouri River is not the same river people knew last summer. Heinert asked boaters to reduce speed to protect shoreline property and due to the strong current and potential hazards from sandbars and debris. Heinert strongly recommended people use lifejackets at all times and noted the riverbank is very unstable and thus unsafe. Heinert requested sightseers stay out of flood-impacted areas as levee work and damaged and falling trees are a huge safety concern. Heinert stated the extra traffic causes delays for homeowners and contractors trying to cleanup which causes added costs for the community. Heinert noted Deputies continue to monitor flooded neighborhoods and motorists who ignore road closed signs will be fined \$250.

Auditor\Treasurer Glatt reported that over 400 homes have been inspected for property tax purposes. Glatt stated work to date has been data collection in the field and upon completion of this phase the data will be quantified. Glatt stated the City of Bismarck has provided valuable staffing help in this endeavor. Glatt noted a public forum was held on August 19th regarding the acquisition grant process and added the forum generated many, many phone calls regarding the process. Glatt stated a detailed grant application will be prepared upon further discussion with the Commission and residents.

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.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve the Gross, Price and Gullickson abatements as requested and recommended by the Auditor\Treasurer. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve the gaming site authorization of the Grace Lutheran Church (Driscoll); to approve publication of the Weed Cutting Notice to Landowners; to approve the lost instrument surety bonds to replace check #73707 (\$272), #74259 (\$55) and #76803 (\$248); and to approve the 2nd approach permit allocation of Todd Kovash from Secluded Acres West Subdivision, Lot 2 Block 1. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve a \$750 sponsorship grant for the NDACo Annual Conference to be held in Bismarck. All members voted "AYE." Motion carried.

Susan Weiland appeared and made a plea for the county to immediately start the planning process for future flooding. Comm. Peluso assured Weiland that this process has already started.

Liz Taylor appeared and pleaded for help with trees and cleanup of her property as she has no one to help her and cannot afford to hire anyone.

Dwayne Wahl appeared and requested help for pumping of the coulee in his back yard.

Engineer Hall reported that the Highway Dept has on three (3) occasions, excavated areas adjacent to the Wahl property to alleviate the water in the subject coulee. Hall stated this has removed approximately 3' – 4' of the water. Hall added the last such excavation work was performed earlier today and suggested allowing some time for the water to evacuate.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

September 22, 2011

5:00P.M.

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

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

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve payment of the bills as presented. All members present voted "AYE." Motion carried.

Asst. Community Development Director Lee appeared and presented the request of Wilton Wind IV, LLC, a wholly owned subsidiary of NextEra Energy Resources, LLC, for a special use permit to allow the construction and operation of a wind turbine facility in a project area encompassing Sections 2-5 and 8-17 in Crofte Township (T141N-R79W). Lee noted the County Planning Commission upon conclusion of a public hearing on August 11, 2011 approved the special use permit application upon submittal of the following items: further information on locations of homes impacted by shadow flicker; a sound study; confirmation that local emergency service providers have reviewed the applicant's Fire Protection and Medical Emergency Plan; and, confirmation that the Biological Resources Survey study has been submitted to USFW and NDGF. Lee stated the Community Development Dept staff recommends approval of the special use permit as it meets county ordinance standards and upon submittal of the above items as required by the Planning Commission. Lee noted the following two recommended conditions from the Planning Commission also still apply: the Building Inspections Division will require a one-month review period of all building permit submittal items, and the special use granted under this article must be put into use within twenty-four (24) months or it shall lapse and the land owner must re-apply.

Lee noted an updated map and plan has been provided by NextEra that removes one (1) tower from the application and three (3) other towers have been moved (southeast corner of the project). Lee noted the changes move the towers further from existing residents and that all towers exceed the required 1,750' distance from non-participating residents. Lee stated the special use permit if approved would be for a maximum of thirty-six (36) towers.

Lee reported that the Crofte Township Board of supervisors formally recommends denial of the special use permit.

Crofte Township Officer Terry Thompson appeared and reported that he interviewed the residents of the township regarding the special use permit. Thompson continued that twenty-nine (29) of the residents are opposed to the special use permit with ten (10) in support. Thompson added he was unable to contact the remaining eight (8) residents. Thompson noted the Crofte Township Board voted unanimously to recommend a do not pass on the special use permit. Thompson stated the township's biggest concerns are the devaluation of property values and the noise of the turbines.

Scott Scoville, NextEra Energy Resources LLC, appeared and stated NextEra revised the special use permit application after hearing from area residents and moved the turbines farther away from existing residences. Scoville noted that the closest turbine is 2,124' from the closest participating (have a leased tower site) residence and 2,911' away from the closest non-participating (no leased tower sites) residence. Scoville added NextEra has fulfilled all requirements of the county wind turbine special use permit. Scoville noted the worst case scenario for locations of homes impacted by shadow flicker is less than thirty (30) hours per year.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the special use permit for Wilton Wind IV, LLC, a wholly owned subsidiary of NextEra Energy Resources, LLC, to allow the construction and operation of a wind turbine facility in a project area encompassing Sections 2-5 and 8-17 in Crofte Township (T141N-R79W) with the conditions that the Building Inspections Division will require a one-month review period of all building permit submittal items, and the special use granted under this article must be put into use within twenty-four (24) months or it shall lapse and the land owner must re-apply.

Comm. Woodcox stated that extensive time and effort was expended to finalize and adopt the wind turbine ordinance. Woodcox continued that as NextEra has met the requirements of the ordinance he supports the special use permit application.

Comm. Schonert stated that although he finds it difficult to vote against the township, he feels this is bigger than the township and supports all forms of energy development that provide jobs and increase the tax base.

Burleigh County Commission 2011 Meeting Minutes

Comm. Armstrong stated he does not feel the county should go against the wishes of the township and should not impose its will on the local residents. Armstrong continued NextEra submitted an improper application with faulty data to the Public Service Commission. Armstrong stated these are some of the reasons he cannot support the special use permit.

Comm. Peluso appeared and was briefed on the item. Peluso stated he has thoroughly reviewed the special use permit application and has no questions.

Vote on Motion: "AYE" votes: Schonert, Woodcox, Peluso, Bitner. "NAY" vote: Armstrong. Motion carried.

5:32 P.M.

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

6:00 P.M.

This was the hour and date set for a PUBLIC HEARING regarding the proposed budget as published and adoption of the final budget for the year ending December 31, 2012.

Chairman Bitner opened the PUBLIC HEARING and invited public testimony and comment on the 2012 budget. As no one present appeared Chairman Bitner closed the public hearing.

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

Motion by Comm. Woodcox, 2nd 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.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve and adopt the final 2012 Burleigh County budget and appropriate mill levies as per the preliminary budget adopted and published as amended, and to authorize the maximum mill levy allowable for the General, Emergency, and Senior Citizens Funds.

Comm. Woodcox noted the Veterans Service requested budget includes funds for an additional employee along with office remodeling for the additional position. Woodcox noted the budget also includes additional staff for the Highway Dept, Social Services Dept, Sheriff's Dept, and Emergency Management. Woodcox noted as the Veteran's Service portfolio holder he has some concerns with the additional staff and remodeling request.

Veteran's Service Officer Landis appeared and presented information explaining the need for an additional staff member. Landis noted the increased workload since 2002 when the office was expanded by one additional employee.

Chairman Bitner expressed his concern with the request for additional space and remodeling expenses and suggested a more thorough review be completed.

Comm. Schonert suggested the funds for the additional staff member and remodeling be left in the budget, with final approval to be granted by the Commission prior to any hiring or remodeling being completed. The Board agreed by consensus to Comm. Schonert's suggestion.

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

The Board then considered for approval the Agreements for the Joint Exercise of Governmental Powers with the City of Bismarck relating to contracts for Public Health Services, Detention Nursing Services, and Police Youth Bureau along with a contract with Centre Inc. for Community Service & Misdemeanor Probation services.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the Agreements for the Joint Exercise of Governmental Powers with the City of Bismarck relating to contracts for Public Health Nursing Services, Detention Center Nursing Service, and Police Youth Bureau for calendar year 2012. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the contract with the Centre, Inc., for Community Service & Misdemeanor Probation services for calendar year 2012. All members voted "AYE." Motion carried.

**Burleigh County Commission
2011 Meeting Minutes**

HR Director Gall appeared regarding authorization to fill the Wing Shop Highway Maintenance Worker position (budgeted for 2012) effective October 1, 2011 rather than January 1, 2012. Gall stated that with a recent retirement at the Wing Shop, interviews were conducted with several qualified applicants. Gall recommended authorization to hire for the replacement of the retiree along with hiring to fill the position targeted to be filled in 2012. Gall noted the workload warrants the filling of the position at the present time.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to authorize the hiring of a Highway Maintenance Worker for the Wing Shop effective October 1, 2011. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the SE Liquor License for Uncle Jesse's Bar (Driscoll), the raffle permit application of the U of Mary Athletic Dept, and the Detention Center meal contract renewal with CBM, Inc. All members voted "AYE." Motion carried.

The Board then discussed the date of the second October meeting and the conflict with the NDACo Conference.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to change the October 17, 2011 meeting date to October 19, 2011. All members voted "AYE." Motion carried.

Chairman Bitner noted that the October 3, 2011 agenda will include discussion regarding the following improvements to the Missouri Valley Complex: digital signage and access road to the moto-cross area.

Comm. Armstrong noted he attended a ND Department of Emergency Services after action review meeting today and noted Burleigh County Emergency Manager Senger was singled out as "doing everything a county emergency manager should" during such an emergency.

Comm. Schonert noted the October 3rd agenda will also include discussion regarding the appointment of a representative from Burleigh County to work with the City of Bismarck and the Burleigh County Water Resource District along with the respective engineering staffs to meet, discuss, and draft a joint resolution formalizing a process to develop a Missouri River Flood Risk Mitigation Plan

On a motion made seconded and carried the Board adjourned.

**FINAL BUDGET OF BURLEIGH COUNTY
NORTH DAKOTA
CALENDAR YEAR BEGINNING JANUARY 1, 2012**

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, 2012 and ending December 31, 2012. 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, 2012 the following amounts are necessary:

<u>FINAL BUDGET</u>	
County Board	\$ 255,679
County Auditor/Treasurer/Tax Equalization	757,613
States Attorney	976,904
Juvenile Court	176,000
County Recorder	194,370
Courthouse, Buildings & Grounds	453,127
Utilities	83,200

**Burleigh County Commission
2011 Meeting Minutes**

Printing, Publishing and Supplies	28,000
Elections	232,500
Telephone and Postage.....	103,000
Examination Fee.....	10,750
Human Resources	978,288
County Sheriff	3,369,805
County Detention Center	2,226,348
Communication Center	369,653
Emergency Management.....	186,947
Ambulance Services.....	1,500
Public Administrator	24,000
Property Insurance.....	10,000
Police Youth Bureau	59,524
Public Health Nurse	110,565
County Planning.....	120,000
Health Board	3,000
Superintendent of Schools.....	93,044
Technology	37,000
Transfer Out.....	73,000
GENERAL FUND BUDGET	\$10,933,817

Appropriation for Sobriety 24/7 Program	12,000	
Less: Resources	<u>(12,000)</u>	
Balance to be levied		- 0 -

Appropriation for Water Resource District	1,277,365	
Plus: Delinquent Taxes & Interim Fund	376,959	
Less: Resources	<u>(1,097,324)</u>	
Balance to be levied (2.00 Mills)		557,000

Appropriation for Communication Center	1,504,000	
Less: Resources	<u>(1,504,000)</u>	
Balance to be levied		- 0 -

Appropriation for Victim/Witness Assistance	142,355	
Less: Resources	<u>(142,355)</u>	
Balance to be levied		- 0 -

Appropriation for Emergency Fund	2,000,000	
Plus: Delinquent Taxes & Interim Fund	527,850	
Less: Resources	<u>(1,970,850)</u>	
Balance to be levied (2.00 Mills)		557,000

Appropriation for Veterans Service	292,800	
Plus: Delinquent Taxes & Interim Fund	88,127	
Less: Resources	<u>(82,385)</u>	
Balance to be levied (1.07 Mills)		298,542

Appropriation for Provident Life Bldg.	504,931	
Less: Resources	<u>(504,931)</u>	
Balance to be levied		- 0 -

**Burleigh County Commission
2011 Meeting Minutes**

Appropriation for Social Security	1,296,387	
Plus: Delinquent Taxes & Interim Fund	354,484	
Less: Resources	<u>(1,043,132)</u>	
Balance to be levied (2.18 Mills)		607,739
Appropriation for Advertising	59,481	
Plus: Delinquent Taxes & Interim Fund	17,564	
Less: Resources	<u>(23,171)</u>	
Balance to be levied (.19 Mill)		53,874
Appropriation for County Agent	296,108	
Plus: Delinquent Taxes & Interim Fund	86,843	
Less: Resources	<u>(126,639)</u>	
Balance to be levied (.92 Mill)		256,312
Appropriation for Comprehensive Health Insurance	811,021	
Plus: Delinquent Taxes & Interim Fund	231,984	
Less: Resources	<u>(458,427)</u>	
Balance to be levied (2.10 Mills)		584,578
Appropriation for Weed Board	268,271	
Plus: Delinquent Taxes & Interim Fund	182,025	
Less: Resources	<u>(279,046)</u>	
Balance to be levied (2.50 Mills)		171,250
Appropriation for County Park	244,400	
Plus: Delinquent Taxes & Interim Fund	437,287	
Less: Resources	<u>(618,687)</u>	
Balance to be levied (1.00 Mill)		63,000
Appropriation for County Fair	550,000	
Less: Resources	<u>(550,000)</u>	
Balance to be levied		- 0 -
Appropriation for County Jail Maintenance and Construction	1,652,423	
Plus: Delinquent Taxes	6,963	
Less: Resources	<u>(1,102,386)</u>	
Balance to be levied (2.00 Mills)		557,000
Appropriation for County Parks and Recreational Areas	224,707	
Plus: Delinquent Taxes	10,455	
Less: Resources	<u>(26,062)</u>	
Balance to be levied (1.00 Mill)		209,100
Appropriation for Cellular Phone Tax	701,312	
Less: Resources	<u>(701,312)</u>	
Balance to be levied		- 0 -
Appropriation for Parking	48,000	
Less: Resources	<u>(48,000)</u>	
Balance to be levied		- 0 -

**Burleigh County Commission
2011 Meeting Minutes**

Appropriation for Abandoned Cemeteries	3,000	
Less: Resources	<u>(3,000)</u>	
Balance to be levied		- 0 -
Appropriation for Preservation Fund	48,000	
Less: Resources	<u>(48,000)</u>	
Balance to be levied		- 0 -
Appropriation for Sheriff Drug Asset Forfeiture Fund	15,000	
Less: Resources	<u>(15,000)</u>	
Balance to be levied		- 0 -
Appropriation for States Attorney Forfeiture Fund	7,000	
Less: Resources	<u>(7,000)</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	716,100	
Less: Resources	<u>(716,100)</u>	
Balance to be levie		- 0 -
TOTAL LEVIES ALL FUNDS		\$15,960,402

The adopted budget is available for public inspection on weekdays at the Burleigh County Auditor's Office, 221 North 5th Street, Bismarck, North Dakota between 8:00 AM and 5:00 PM.

Kevin J. Glatt
Burleigh County Auditor\Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

October 3, 2011

5:06 P.M.

The Burleigh County Commission convened with all members present.

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

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the September meeting minutes as presented. All members voted "AYE." Motion carried.

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

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve payment of the vouchers and journal vouchers as presented. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the 2012 proposed Road Dept fee schedule. Hall explained previously, with Commission approval, all Road Dept fees were combined into one fee schedule. Hall requested the Commission consider a 10% increase to the annual fee charged for Annual Township Road Maintenance Agreements; to charge the actual cost (up to 12% of a project cost) for engineering and supervision services; and to allow changes in equipment rates in compliance with ND State Law.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the proposed Road Dept fee schedule changes effective January 1, 2012. All members voted "AYE." Motion carried.

Greg O'Shea, agent for Butler Machinery, appeared and requested the motor grader bid specifications be revised to allow Butler Machinery (Caterpillar) the opportunity to bid. O'Shea continued the current specifications require a steering wheel and Caterpillar motor graders are only available with a joystick. O'Shea stated Butler Machinery has provided the county with a demonstrator machine to acquaint operators with joystick operations.

County Engineer Hall explained the bid specifications do specify a steering wheel. Hall stated the specifications have nothing to do with not wanting CAT products. Hall continued the motor grader operators have safety concerns using the joysticks when performing high speed snow removal. Hall noted he has some concerns with timing, as four (4) of the machines in the fleet have a mandatory buy-back/purchase option on January 12, 2012. Hall stated he is willing to conduct additional demonstrations, but does not want to be four (4) machines short in the middle of the winter. O'Shea stated the four (4) machines in question are CAT machines and that they would be willing to extend the buyback period thirty (30) days to allow more time to demonstrate the machines and revise the bid specifications.

Comm. Schonert stated that he has spoken with the operators and Road Supt Ness regarding the CAT machines and the joystick control. Schonert stated not one operator has come forward in support of the joystick controls and feels we should consider the input of our employees out in the field. Schonert concluded he supports the current bid specifications.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to authorize the advertisement for bids for the purchase of four (4) new motor graders with the intent being to consider revising the specifications and to advertise for the sale of units #15-02, #15-03, #15-04, and #15-11 (all Caterpillar 140H motor graders) with minimum bids of \$110,500 per unit. All members voted "AYE." Motion carried.

Kasondra Staiger, County Extension Agent, appeared and presented the Commissioners with a Thank You card and cupcakes in recognition of National 4-H Week.

Auditor/Treasurer Glatt presented the request from Sheriff Heinert to approve a grant from the ND Dept of Transportation for compliance checks/server training, Impaired Driving Enforcement, and Occupant Protection – seat belt enforcement.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the NDDOT Grant in the amount of \$16,275 for seat belt enforcement, impaired driving, and compliance checks/server training. All members voted “AYE.” Motion carried.

Deputy Auditor\Tax Equalization Director Vietmeier appeared and presented the following 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. Armstrong, 2nd by Comm. Woodcox, to approve the Almer, Kaufman, and Wobbema abatements as requested and as recommended by the Deputy Auditor\Tax Director. All members voted “AYE.” Motion carried.

Deputy Auditor/Tax Director Vietmeier recommended denial of the Duchsherer abatement based upon review of comparable sales of similar properties. Vietmeier added the Bismarck City Commission and City Assessor recommend denial of the abatement.

Eugene Duchsherer appeared and explained the property was on the market for two (2) years before a final sale. Duchsherer requested withdrawal of the 2011 abatement.

Comm. Peluso noted the first question the Commission usually asks when considering abatements is “would you sell for that price?”, and obviously he has.

Comm. Woodcox questioned if a request to lower property values after a completed sale has been granted in the past and expressed concern that this may set precedent.

Comm. Armstrong noted no one comes in to request an increase in property value if a property is sold for more than the taxable value.

Motion by Comm. Schonert to table until the October 19, 2011 meeting and request a representative from the City Assessing staff be present. Motion died for a lack of second.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to deny the Duchsherer abatement based upon the recommendation of the City of Bismarck upon review of comparable sales of similar properties. “AYE” votes: Bitner, Armstrong, Woodcox, Schonert. “NAY” vote: Peluso. Motion carried.

Vietmeier then presented for the Board’s consideration changes to the Burleigh County 2011 abstract of property values to reflect damages related to the Missouri River flood in order to finalize the 2011 property tax assessments and forward the same to the State Board of Equalization.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the changes to the 2011 real property assessments related to flood damages and forward the same to the State Board of Equalization. All members voted “AYE.” Motion carried.

Beth Taylor, resident of the Glenwood area, appeared and requested further information on the abatement process.

Auditor/Treasurer Glatt commended Vietmeier and the entire Auditor\Treasurer\Tax Equalization staff for the outstanding job done to reassess over 800 properties. Glatt also thanked the City of Bismarck Assessor's Office for their assistance with this matter.

Auditor\Treasurer Glatt then presented the recommended minimum sales prices for the annual delinquent property tax sale. Glatt explained the recommended minimum sales prices are based upon the amount of delinquency, the market value as assessed by the local assessor, location, condition, among other factors.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to establish the minimum sale prices for the annual delinquent property tax sale as presented. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt then presented information regarding legislative redistricting and establishment of new voting precincts. Glatt stated that it is important to create a positive voting experience for the electors of Burleigh County. Glatt emphasized that using district boundaries that are not clear leads to voter confusion and when people are confused – they tend not to participate. Glatt requested the Commission consider authorizing the chairman's signature on a letter he drafted to the State Legislative Redistricting Committee detailing Burleigh County's concerns with the current proposed district boundaries. By consensus the Board directed Chairman Bitner to sign the letter as prepared by Auditor\Treasurer Glatt.

Comm. Schonert then initiated a discussion regarding appointment of representatives from Burleigh County to work with the City of Bismarck and the Burleigh County Water Resource District along with the respective engineering staffs to meet, discuss, and draft a joint resolution formalizing a process to develop a Missouri River Flood Risk Mitigation Plan. Schonert suggested two (2) county commissioners, County Engineer Hall, Water Resource District Chair Narum, Water Resource District Engineer Gunsch, along with two (2) Bismarck City Commissioners and City of Bismarck engineering staff make up the committee. Schonert stated that it is important to start discussions now with the City of Bismarck and other entities.

ND National Guard Major General and State Recovery Task Force Coordinator Sagsveen appeared and suggested a joint powers agreement that would involve the two cities, two counties, and the three water resource districts be considered as a means to approach the ND Dept of Emergency Services for funding of mitigation plans and projects to minimize future potential damage. Sagsveen stated that he would work with these entities to obtain funding for mitigation.

Bismarck City Administrator Wocken appeared and stated the City of Bismarck is very interested in the Burleigh\Bismarck task force and the development of a joint powers agreement for the entire community.

Comm. Peluso suggested including representatives from the school and park districts.

Susan Weiand, resident of south Bismarck, appeared and requested the Commission consider appointing a citizen to this task force.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to appoint Commissioners Peluso and Schonert to work with the City of Bismarck and the Burleigh County Water Resource District along with the respective engineering staffs to meet, discuss, and draft a joint resolution formalizing a process to develop a Missouri River Flood Risk Mitigation Plan. All members voted "AYE". Motion carried.

Chairman Bitner initiated a discussion on potential improvements to the Missouri Valley Complex. Bitner stated that he has received several quotes for digital signage at the Missouri Valley Complex that would display upcoming events. Bitner stated that user groups are discussing sharing the cost of the digital signage.

Chairman Bitner presented price quotes on the construction of an access road to the

Motocross area on the Missouri Valley Complex (fairgrounds) to replace the access that travels thru the old race track parking lot. Chairman Bitner recommended moving ahead with road construction and hiring Hartz Construction, Inc. who submitted a quote of \$8,500.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to hire Hartz Construction, Inc., for construction of an access road to the motocross area based upon the price quote in the amount of \$8,500. All members voted "AYE." Motion carried.

Chairman Bitner noted the Highway Dept may be needed to survey and establish centerlines for this road construction project.

Chairman Bitner informed the commissioners that a grant has been secured to establish an ATV training and play area on the Missouri Valley Complex. Bitner noted the county match for this grant is about \$3,500. By consensus the Board directed Bitner to move forward with the project.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the Lost Instrument Surety Bonds to replace checks: #76768 (\$207.43), #77435(\$171.65), and #78004 (\$317); and to approve the 2nd approach permits for Rosey Sand (527 Sheehan Road, Lot 1, Block 5, Spiritwood Estates), John Edwards (12026 Country Meadows Dr, Lot 4, Block 4, Country Meadows Sub), and Kris Hanson (7540 Ash Lane, Lot 7, Block 16, Ponderosa Riverside Village 2nd Sub). All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to appoint Commissioners Armstrong and Peluso as delegates to the ND State Fair Association Annual Meeting. All members voted "AYE." Motion carried.

Susan Weiand, Glenwood Subdivision area resident, appeared and requested the county extend the program to pay for flood debris disposal taken to the Bismarck landfill. Weiand requested the Bismarck Landfill extend hours at least one evening per week for those who are unable to dispose of landfill items during the regular operating hours.

Chairman Bitner stated that the Commission would consider extending the October 31 deadline at a later date and directed Auditor/Treasurer Glatt to contact the City of Bismarck regarding extending hours one evening per week at the Bismarck Landfill.

On a motion made seconded and carried the Board adjourned.

Kevin J. Glatt
Burleigh County Auditor\Treasurer

Brian Bitner, Chairman

Burleigh County Commission 2011 Meeting Minutes

**October 19, 2011
5:00 P.M.**

The Burleigh County Commission convened with all members present with Chairman Bitner present via telephone.

Vice-Chairman Schonert called the meeting to order with the first item of business the approval of bills. Schonert reported that he has reviewed the bills and recommended approval of the same.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve payment of 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 15, 2011. Chairman Bitner opened the public hearing and called for any public testimony. No one present appeared and the following motion was made:

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to close the public hearing and confirm the minimum sale price for the annual tax sale as previously adopted. All members voted "AYE." Motion carried.

Sheriff Heinert appeared regarding an update on the Jail Needs Assessment Study and recommendation from the Selection Committee. Heinert reported that the Morton Burleigh Bismarck Mandan Committee after review of the proposals received from EAPC of Bismarck, CRS of Minneapolis, and Kimme & Associates Inc. of Champaign, IL, recommended the contract be awarded to Kimme & Associates Inc. of Champaign, IL in the amount of \$49,500. Heinert stated Kimme has worked in developing both the Cass County and Pierce County jail facilities along with 50 other jail projects in the Midwest. Heinert continued this will be a study of the Burleigh County Detention Center, a study of the Morton County Detention Center and a study identifying whether it would be cost-effective and feasible to combine those two centers into one facility.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to authorize the Sheriff to enter into a detention center needs assessment contract with Kimme & Associates in the amount of \$49,500.

DeWayne Ternes appeared and stated he is very concerned about the architect Rick Hoganson who is part of the Kimme & Associates team. Ternes stated Hoganson was asked to step down as lead architect on the ND Veterans Home project due to very large cost overruns.

Comm. Woodcox stated he has discussed this item at length with Sheriff Heinert. Woodcox stated the study is very comprehensive and will look at whether a regional detention center is the best option and will consider and provide recommendations on funding options and all costs.

Heinert stated the specifications call for a twenty (20) year plan with all costs being analyzed over twenty (20) years including building maintenance costs, staffing, etc., and will include an analysis of whether we should build a regional facility, a Burleigh\Morton facility, separate county facilities or none of the above.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to table the motion regarding the contract for a detention center needs assessment until the next meeting in order to do some additional research regarding the Kimme & Associates staff. All members voted "AYE." Motion carried.

Asst. Community Development Director Lee appeared with the following items for the Board's consideration: consideration for re-subdivision of a platted lot (aka lot split) for Lot 1, Block 1, Martel's 1st Subdivision and consideration of a storm water easement for Country View Estates Subdivision.

Lee presented the request for the lot split of Lot 1, Block 1, Martel's 1st Subdivision noting the request was approved by the Planning Commission (with conditions) and Apple Creek Township. Lee stated Lot 1, Block 1 will be split into a five (5) acre parcel and a twenty-eight (28) acre parcel with a 20' wide private access easement.

Vice-Chairman Schonert expressed concern with only a 20' wide easement. Schonert asked Engineer Hall if 20' was adequate. Engineer Hall responded 20' is very narrow but since it is a private road the county has no responsibility for maintenance.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the re-subdivision of a platted lot (aka lot split) for Lot 1, Block 1, Martel's 1st Subdivision with the condition that a plat of irregular description be recorded before the lot split is effective and before building permits are issued and that an access easement of not less than 20-feet wide, for a private drive to provide access to the west parcel, is recorded in conjunction with the plat of irregular description. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the storm water easement for Country View Estates Subdivision as presented. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the results of the request for consulting proposals for the grade raise of 385th St near Arena. Hall stated three (3) consulting firms submitted proposals, and after a thorough review of the proposals, the selection committee ranked Apex Engineering Group Inc. as the most qualified firm to perform this project. Hall reported that recent flooding and drainage problems along 385th Street NE (Arena Road) have caused damage to the road with the road currently under water and closed to traffic. Hall continued after review of the situation, it was decided that a grade raise would be the best solution to the existing problem. Hall explained the project would include (but not be limited to) developing plans and specifications to raise the existing road through the affected area and to perform construction administration services during the construction. Hall stated design services will be funded entirely by the county with construction costs shared 80% federal and 20% county. Hall stated the Apex bid to design and oversee a project to raise the grade at 385th Street Northeast (near Arena) is \$430,700 with \$168,000 of this amount for design services with the remainder for construction administration. Hall added the design phase is needed to request federal funding. If federal funding is not awarded the county can decide not to proceed and would then not expend the remaining \$262,700 for construction administration.

Comm. Woodcox stated the grade raise of 385th St near Arena should not be approved until a more thorough review is done of all flood damage and funding priorities are established.

Emergency Manager Senger and Engineer Hall presented information related to the development of a flood mitigation plan for Burleigh County. Hall explained that approximately 32 projects have been identified to create flood protection and enhance access. Hall stated the proposed flood mitigation plans include a mix of plugging, grade raises, control structures, levees, ditch blocks, and drainage upgrades along the Missouri River- both north and south of Interstate 94. Hall stated the proposed joint Burleigh County/Bismarck flood task force appears to be on hold as the Bismarck City Commission desires to only appoint staff and no commissioners to the task force. Hall noted the Burleigh County Water Resource District wanted city "policy makers" to join the local flood committee and had decided that without a city commissioner there is no city/county flood task force. Hall stated that as time is of the essence they are presenting this proposal for the Board to consider. Senger and Hall requested the Commission review the proposed plans for comment and further discussion next month.

Hall noted the preliminary estimate for the projects is between \$25 and \$35 Million. Hall stated there is no need to bring in a consultant on this item as the Highway Dept and Water Resource District experienced the

flooding first hand and have learned valuable lessons and information for the future. Hall noted the projects outlined are preliminary and the projects that move forward will depend on priority, need, and available funding.

Vice-Chairman Schonert expressed his desire for the City of Bismarck to fully participate in a joint task force and again extended an invitation to Bismarck to appoint at least one (1) city commissioner to the proposed task force.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to authorize the Highway Dept to advertise for bids for flood related recovery projects thru 12/31/11 in order to respond on a timely basis. All members voted "AYE." Motion carried.

By consensus the Board directed Hall to move forward with the development of both temporary and permanent flood protection projects with the Burleigh County Water Resource District.

The Board then revisited the results of the request for consulting proposals for the grade raise of 385th St near Arena. Comm. Woodcox stated he cannot support this project and suggests priorities be set for this and other work.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to authorize the proper county officials to enter into an agreement with Apex Engineering Group Inc. in the amount of \$430,710 to perform design and construction administration services for the grade raise of 385th Street NE near Arena. All members voted "AYE" except Comm. Woodcox who voted "NAY." Motion carried.

Alexis Duxbury appeared and expressed her concerns regarding the proposed plan for flood protection projects. Duxbury stated if the County Commission had an approved Comprehensive Land Use Plan the county would not be facing such tragic consequences of the flood. Duxbury noted also that if the County Commission had approved the two (2) foot above flood plain building requirement as recommended by the Planning Staff, less damage would have occurred.

6:15pm

Comm. Woodcox was excused.

Duxbury requested that a moratorium be placed on any new construction in the flood inundated areas of Burleigh County.

Comm. Armstrong noted the County Planning Commission is presently reviewing the idea of such a moratorium. Armstrong added he has also requested the Planning Dept review the Comprehensive Plan, which although not adopted, may have certain areas that may help with recovery and planning for future events.

Auditor\Treasurer Glatt appeared and presented the following 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. Armstrong, 2nd by Comm. Peluso, to approve the Kunz, Senger, and Goff abatements as requested and as recommended. All members voted "AYE." Motion carried.

Chairman Bitner then initiated a discussion regarding the marketing and sale of certain Missouri Valley Complex Property. Bitner stated he has received many inquiries regarding this property and suggests we move forward with the marketing and sale of the property. The Board directed Commissioners Schonert and Woodcox along with Auditor\Treasurer Glatt to review the minimum sales prices for possible adjustment.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the Lost Instrument Surety Bonds to replace checks #77032 (\$262), to approve the bingo permit application of the Sterling School TPO, and to authorize the cancellation of outstanding checks written prior to January 2009 with funds sent to State Land Dept Unclaimed Property Division. All members voted "AYE." Motion carried.

Jerry Rodgers, Hoge Island resident, appeared and requested assistance for bank stabilization and rip rapping along the shoreline on the north end of Hoge Island.

Vice-Chairman Schonert suggested Rodgers work through the Burleigh County Water Resource District and formally request funding for the needed bank stabilization and rip rapping along the shoreline on the north end of Hoge Island. Schonert continued the Water Resource District can then try and work through the bureaucracy to get the answers that are needed from the Corps of Engineers and the State Water Commission.

Chairman Bitner reported that he recently met with Governor Dalrymple, who is the Chairman of the State Water Commission, on this matter and that things are in the works. Bitner added he is committed to working on this item and assured Rodgers that it is a topic of current discussion.

On a motion made seconded and carried the Board adjourned.

Kevin J. Glatt
Burleigh County Auditor\Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
November 7, 2011**

5:10 P.M.

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

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

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the October meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

Sheriff Heinert appeared regarding an update on the Jail Needs Assessment Study and recommendation from the Selection Committee. Heinert reported that the Morton Burleigh Bismarck Mandan (MBBM) Committee, after review of the proposals received from EAPC of Bismarck, CRS of Minneapolis, and Kimme & Associates Inc. of Champaign, IL, recommended the contract be awarded to Kimme & Associates Inc. of Champaign, IL in the amount of \$49,500. Heinert stated that at the Commission's request at the last meeting he contacted Kimme regarding the role of Architect Hoganson on this project and was assured the architect would not be involved in recommending space needs for the study, and would only help in technical aspects of the existing jails and potential sites for future growth.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to authorize the Sheriff to enter into a detention center needs assessment contract with Kimme & Associates in the amount of \$49,500. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented an update to the flood protection plan he presented at the last meeting. Hall also requested the Board's consideration of an offer from City of Bismarck to join their Missouri River Flood Study RFP/RFO; authorization to seek an architectural consultant firm to design a new Bismarck Shop; consideration of consulting proposals for repair of a River Road slide area; and consideration of Maintenance Agreements between the County and both the organized and unorganized Townships.

Hall started by informing the Commission that since the last meeting he has visited with several groups and individuals regarding the initial flood protection plan. Hall continued that he has received many good suggestions that have been incorporated into the initial plan. Hall stated he believes he will have a final plan ready for discussion at the November 21st County Commission meeting. Hall noted the refinements to the plan now include 38 separate projects at an estimated cost of \$25 million. Hall stated the Commission will have to determine at what river stage should the plan provide protection. Hall stated the initial plan protects to a 20' river stage at the gauge in Bismarck. Hall noted sensitive areas will be protected by a 16' levee constructed wide enough to accommodate the addition of 4' trap bags.

Hall then recommended that the county does not participate in the City of Bismarck Missouri River flood study. Hall stated his recommendation is based upon the fact that the county has already developed a plan and is well ahead of the city. Hall continued the city's Request for Proposals was developed without input from the county and furthermore the March 1, 2012 city deadline is not timely. Hall stated there are better ways to develop plans than through a RFP. Hall noted with Commissioners agreeing that we have the needed expertise in-house to develop flood protection plans. Hall reminded commissioners that the Burleigh County Water Resource District has requested the city join them on a local task force involving the city, county and the water district. Hall concluded that regardless of how plans are developed the county and city will have to work together where flood protection plans meet.

Comm. Schonert noted that 95% of the flood issues are located outside of city limits and that we have all the experts in place, and with the lead of the Burleigh County Water Resource District we are able to move forward on a timely basis.

Schonert reiterated the open invitation to the City of Bismarck to join the Burleigh County Water Resource District sponsored joint flood task force.

Hall then requested Board authorization for the Highway Department's Property Team to seek an architectural consultant firm to design the new Burleigh County – Bismarck Shop. Hall noted the county has purchased a 40 acre parcel on the Northeast corner of the intersection of 80th Street NE and 43rd Ave NE and it is the Highway Department's opinion that we should move forward with the design and construction of a new facility at the new site to move existing operations.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to authorize the County Auditor/Treasurer and the County Engineer to advertise for an architectural consultant firm to design and perform construction administration for the new Burleigh County - Bismarck shop. All members voted "AYE." Motion carried.

Hall next requested authorization to enter into a design agreement contract with Kadmas, Lee & Jackson, Inc. in an amount not to exceed \$289,088 to perform design services for the repair of the River Road slide area just north of Wilderness Cove Road. Hall continued the project would include (but not be limited to) developing a geotechnical report, final plans and specifications to repair the existing road along with administration services during any construction.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to authorize the County Engineer to enter into an agreement with Kadmas, Lee & Jackson, Inc. for \$289,088 to perform design and construction administration services for the repair of the River Road slide area just north of Wilderness Cove Road. All members voted "AYE" except Comm. Woodcox who voted "NAY." Motion carried.

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

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve as the 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.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve and authorize the proper county officials to enter into an agreement with the County's Townships, assigning the roles and responsibility for maintaining township roads within Burleigh County. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to formally request FEMA to continue with the Digital Flood Insurance Rate Map Update. All members voted "AYE." Motion carried.

Comm. Schonert then led a discussion regarding the appointment of Cathy Palczewski as "office chair" of the Burleigh County Extension Service Office.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to appoint Cathy Palczewski as office chairwoman for the Burleigh County Extension Service. All members voted "AYE." Motion carried.

The Board then considered improvements to the Missouri Valley Complex (digital signage and expansion of community gardens) and discussed marketing and sale of Missouri Valley Complex Property. Chairman Bitner initiated the discussion concerning the location, appearance and design of a digital sign to announce events at the "fairgrounds." Bitner noted the price quotes submitted range from \$49,000 to \$76,000. Bitner reported that the 4-H Council and Buckstop Junction have tentatively committed \$15,000 towards the purchase of a sign. By consensus the Board agreed to ask the user groups at the "fairgrounds" to develop bid specs for this project.

Cathy Palczewski, NDSU Extension Service, appeared and stated the community garden currently has thirty (30) plots with requests for another twenty (20) on a waiting list. Chairman Bitner explained that in order to expand the community garden

a new water line needs to be added for irrigation. Bitner presented a price quote from Northern Plains Drilling & Excavating in the amount of \$17,742 for a 3-inch water line.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the expenditure of up to \$17,742 for the construction of a new 3-inch water line from the fairgrounds' old racetrack to a new community gardens area. All members voted "AYE."
Motion carried.

Chairman Bitner reported the county has been awarded a ND Parks & Rec Dept Off-Highway Vehicle Recreation (OHVR) grant in the amount of \$14,883.20 for the Missouri Valley Motorsports Park on the "fairgrounds." Bitner reminded the Commission this grant is for the development of an off-road vehicle play and training area and trails within the "fairgrounds" property.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to accept the OHVR grant from the ND Parks & Rec Dept. All members voted "AYE." Motion carried.

The Commission then considered options for the marketing and sale of property. Auditor/Treasurer Glatt recommended the Board consider following NDCC11-27-03.1 and marketing the property through nonexclusive listing agreements (realtors).

Anne Green, Central Dakota Humane Society, appeared and stated the Humane Society is still very interested in Lot 2, Block 1. Green reminded the Commission it had voted to put the land up for a public auction in May. Auditor/Treasurer Glatt stated the motion in May included setting new minimum sales prices. Glatt added the Commission to date has not established new minimum sales prices.

Comm. Woodcox stated the Commission is interested in leasing the desired parcel to the Humane Society. Green stated she would take the long-term lease proposal back to her board for re-evaluation. Woodcox added he wanted to see the Humane Society get this property as it appears to be a perfect spot for them.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to utilize NDCC 11-27-03.1 as an alternative to a public auction and thereby listing the following "fairgrounds" property by engaging licensed real estate brokers to attempt to sell the described property by way of nonexclusive listing agreements and to provide a 3% maximum rate of fee, compensation, or commission; and provided that the county reserves the right to hold all offers for a period of twenty-one (21) days to permit the County Commission sufficient time to review all offers prior to acceptance or rejection and may reject any and all offers determined to be insufficient subject to review and approval by the State's Attorney:

Lot 1, Block 1	(335,357sqft)	asking price	\$ 410,000
Lot 2, Block 1	(352,069sqft)	asking price	\$ 235,000
Lot 1, Block 2	(536,623sqft)	asking price	\$ 2,125,000
Lot 1, Block 3	(220,755sqft)	asking price	\$ 350,000

Missouri Valley Complex First Replat to the City of Bismarck, Burleigh County ND.

All members voted "AYE." Motion carried.

Comm. Woodcox then initiated a discussion to initiate the process for assignment of Supt of Schools duties. Woodcox reported that with the decrease in rural schools and decreasing enrollments in the existing rural schools the position may no longer be needed. Woodcox added Morton County will be considering a similar motion. Woodcox continued the Supt of Schools position is a shared position and jointly funded with Morton County. Comm. Woodcox offered the following motion for discussion:

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to proceed in the interest of elimination of the position of county superintendent of schools in accordance with the provisions of Chapter 15.1-11-02 of the North Dakota Century Code. This motion, if approved, will necessitate a majority consent vote in favor of elimination of the position by the school board presidents in each of the school districts having their administrative headquarters in Burleigh County. If such approval is granted, Burleigh County will move forward in compliance with the additional provisions of sub-section 1 of 15.1-11-02 of the North Dakota Century Code. If all necessary approvals are granted, this elimination of the position of county superintendent of schools will become effective on January 1, 2013.

Woodcox stated he has been working on this proposal with Morton County Commission Chairman Strinden and they believe this move would save over \$190,000 in tax dollars. Woodcox continued that if the motion is approved he will go out and

visit with the School Boards for their comments. Woodcox stated the ND Dept of Public Instruction must approve the plan for the assignment of duties and a majority of the school board presidents must approve. Woodcox concluded the county superintendent of schools presently oversees five (5) rural school districts in Burleigh County - Apple Creek, Sterling, Menoken, Naughton and Manning – with enrollments of 141 students.

Will McDonald of the Manning School Board and Tim Hagen of the Apple Creek School Board appeared and expressed their concerns with eliminating the Supt of Schools position. Ron Leingang of the Little Heart School District in Morton County also appeared noting the rural school districts do utilize the services of the county superintendent of schools.

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

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

Candice Seerup requested the 2011 market value on the S 44' of Lot 2 and the N21' of Lot 3, Block 5, Jennings 1st Addition to the City of Bismarck be reduced from \$132,500MV to \$32,500MV as she qualifies for a Homestead Credit allowance.

Luella Dunn requested the 2011 market value on Pt of the NE1/4NW1/4 aka Tract 1, Section 34, Lincoln Township be reduced from \$331,500MV to \$266,300MV due to flood damage.

Larry & Adela Roller requested the 2011 market value on Lot 8 and the vacated 10' of adjacent alley, Block 8, Replat of Calkins Addition to the City of Bismarck be reduced from \$122,300MV to \$97,100MV as the property was damaged by fire.

Janeen Swenson requested the 2011 market value on a 1976 Greenwood 14' x 70' mobile home be reduced from \$7,968MV to \$0 as she qualifies for a Homestead Credit allowance.

Alice Rasmussen requested the 2009-2011 market values on a 1972 Wickcraft 14' x 66' mobile home be reduced from \$7,642MV to \$0 (2009), from \$7,642MV to \$0 (2010), and from \$6,440MV to \$0 (2011) as she qualifies for a Homestead Credit allowance.

Darren Davis requested the 2009-2011 market values on a 1971 Liberty 12' x 50' mobile home be reduced from \$3,450MV to \$0 (2009), from \$3,450MV to \$0 (2010), and from \$3,750MV to \$0 (2011) as he qualifies for a Disabled Veterans Credit allowance.

Jeri Daniels requested the 2011 market value on a 1993 Friendship 28' x 56' mobile home be reduced from \$40,832MV to \$39,372MV due to assessor error.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the Seerup, Dunn, Roller, Swenson, Rasmussen, Davis, and Daniels abatements as requested. All members voted "AYE." Motion carried.

The Board then considered the designation as "Project Sponsor" for the United Tribes Technical College application for Transportation Enhancement (TE) Funds for the second phase of multi-use bike path walking trail system on the UTTC campus.

Auditor\Treasurer Glatt stated that should the grant be awarded a companion agreement will be executed to "hold Burleigh County" harmless for all liability associated with the grant and trail, with the county acting only as the grant sponsor and a pass through agency for the grant funds.

UTTC Facilities Manager Curtis Maynard appeared and stated the grant application specifies that UTTC is responsible for all maintenance of the trail(s).

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve Burleigh County's designation as "Project Sponsor" for the United Tribes Technical College application for Transportation Enhancement (TE) Funds for the second phase of multi-use bike path walking trail system on the UTTC campus. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY PARK BOARD
MEETING MINUTES
November 7, 2011**

5:00PM

The Burleigh County Park Board convened with all members present.

Chairman Bitner called the meeting to order with the first item of business the approval of the October minutes.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the October meeting minutes as presented. All members voted "AYE." Motion carried.

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

Motion by Comm. Woodcox 2nd by Comm. Peluso, to approve payment of the County Park Board vouchers. All members voted "AYE." Motion carried.

Comm. Bement then presented brief reports on the county boat ramp facilities. Bement reported that the courtesy docks at Kimball and McLean Bottoms will be removed for the season on Monday, November 14th.

Auditor/Treasurer Glatt then presented an update on the process for submitting claims for Public Assistance from FEMA for damages at the county park facilities. Glatt stated he continues to work with FEMA on site visits and assembling documentation and price estimates for repairs at Kniefel, McLean and Kimball Bottoms boat ramps for future reimbursement. Glatt noted debris, sand and silt cleanup at Kniefel is estimated at \$450,000 due to the volume of silt in that location.

Glatt recommended that the County Park Board authorize solicitation of proposals for design and reconstruction administration for the work needed to bring the McLean, Kimball, and Kniefel facilities up to pre-flood condition. Glatt stated the work would involve developing bid specifications for restoring and stabilizing river banks, riprap replacement, removal of silt and sand and replacing boat ramps. Glatt hoped a private firm could work on the project specifications and study repair needs over the winter with bid openings scheduled for early spring.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to authorize the county auditor/treasurer and county engineer to advertise for a consulting firm to develop bid specifications and construction administration for the Kniefel Landing, Kimball Bottoms and McLean Bottoms recreation areas. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
November 21, 2011**

5:00 P.M.

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

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

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve payment of the bills as presented. All members voted "AYE." Motion carried.

Sheriff Heinert appeared regarding consideration of the 2012 vehicle purchases for the Sheriff's Department utilizing the state bids and price quotes from local dealers for the replacement of three (3) Dodge Chargers, one (1) Ford Expedition, and one (1) all wheel drive transport van. Heinert continued that the state bids were not from local dealers and he would prefer to purchase locally.

Heinert stated that the state bid for patrol cruisers is from Nelson Auto Center in Fergus Falls, MN in the amount of \$24,443 each. Heinert stated he solicited quotes from the local vendor, Ryan Dodge in the amount of \$25,358 a difference of \$2,745 for three (3). Heinert recommended the purchase of three (3) Dodge Chargers from Ryan Dodge.

Chairman Bitner questioned the States Attorney if there is an obligation to accept a local bid over a state bid.

States Attorney Riha stated that the Commission can reject any and all bids and can purchase locally. Riha stated there is a preference in the statutes for local businesses.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to authorize the purchase of three (3) patrol cruisers from Ryan Dodge (\$25,358 each). All members voted "AYE" except Comm. Peluso who voted "NAY." Motion carried.

Heinert then stated the state bid for the 4X4 SUV was from Hatton Ford of Hatton ND in the amount of \$29,153 for a Ford Explorer. Heinert continued he received a price quote from Eide Ford in the amount of \$31,103 for the same vehicle and from Puklich Chevrolet in the amount of \$29,900 for a similarly equipped Chevy Tahoe.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to authorize the purchase of one (1) 2012 Chevrolet Tahoe 4X4 SUV from Puklich Chevrolet (\$29,900). All members voted "AYE." Motion Carried.

Heinert then presented information regarding the purchase of a 2012 Chevrolet full size van from Puklich Chevrolet for \$27,027 less a \$5,500 trade-in for the current transport van (2008 Chevy). Heinert stated that Social Services may be interested in purchasing the 2008 Chevy van, if they can purchase it directly from Puklich Chevrolet for \$5,500.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to authorize the purchase of one (1) 2012 Chevrolet full size van from Puklich Chevrolet for \$27,027 less \$5,500 for the trade-in. All members voted "AYE." Motion carried

Communications Manager Dannenfelzer appeared regarding a request from the Combined Communications Center User Board to upgrade the current Looking Glass mapping suite to GeoBlade (server and software upgrade) as well as ArcGIS Enterprise Licensing Agreement.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to authorize the User board to contract with SunGard Public Sector to upgrade to GeoBlade and add the required hardware and license software to upgrade to AcrGIS Server–Enterprise Edition, with funding for this project to come from the E911 Enhancement Account. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented an updated flood protection projects master plan for the Board's consideration. Hall stated that although there has been no public hearing on the flood protection projects master plan he has visited with several groups and individuals regarding this flood protection plan. Hall requested the Commission approve

the plan and direct staff to move forward with spending monies and resources on the design phase on the flood protection measures. Hall asked that the Commission also make a determination as to what level of protection the projects should be built. Hall stated the Commission will have to determine at what river stage the plan should provide protection. Hall stated the initial plan protects to a 20' river stage at the gauge in Bismarck. Hall noted sensitive areas will be protected by a 16' levee constructed wide enough to accommodate the addition of 4' trap bags. Hall then explained the project sponsorship at this point in time appear to be 1/3 County Highway Dept projects, 1/3 Burleigh County Water Resource District (BCWRD) projects and 1/3 a combination County Highway Dept and BCWRD projects. Hall continued that if all the County Highway Dept projects are designed "in-house" it could take up to 5-6 years to complete the design phase. Hall emphasized this time could be reduced to 2-3 years by hiring a consultant to complete the design and construction administration. Hall stated that to lessen the cost of consultants the construction administration could be done "in-house." Hall also requested the Commission consider a process for adding projects that are not included in the initially adopted plan.

Comm. Woodcox questioned how these projects will be funded. Hall responded that after the design phase, projects would be formally bid, and would then need approval from the Commission. Comm. Armstrong noted the estimated \$25 million cost for all 38 projects to protect 700 or so properties (homes). Hall stated he anticipated funding would come from a combination of State, Federal, County and private funding (special assessments).

Chairman Bitner then provided an opportunity for those in the audience to appear on this matter.

Jonathan Bry, Glenwood Subdivision area resident, appeared and stated that if assessed for any costs of flood protection he wants to be assured his neighborhood will be protected. Bry expressed his concern that there will be no gap in the levee in the Sibley Park area.

Engineer Hall responded that levees will not be built with gaps, noting there is a natural "high spot" in the Sibley Park area that will tie the proposed levees together.

John Dwyer, 156th Ave NW area resident, appeared and thanked the Commission and county staff for all their work during the flood event. Dwyer expressed his concern about the level of protection that was proposed for this area.

Engineer Hall responded the initial plan calls for modification to the control structure in the area to allow water out – but not back in, and to completely shut the flow of water if needed. Hall stated more study can be done with final design of this control structure.

Susan Weiand, Glenwood area resident, appeared and questioned the start and completion dates of these projects.

Engineer Hall noted some of the projects are temporary measures and would not be constructed if not needed. Hall added more specifics would be known later in the spring.

Alexis Duxbury, appeared and stated she is concerned how this plan is being formulated as it appears it is being driven by not only those affected but by all residents of Burleigh County who must bear the cost. Duxbury questioned if building to the 500 year event is prudent noting the small likelihood of a recurrence of such a large flood event. Duxbury suggested that a moratorium be placed on any new construction in the affected areas. Duxbury noted previous actions of the County Commission regarding building setbacks from the river and flood plain zoning ordinances. Duxbury asked that the Commission not move so fast with this flood protection projects master plan.

The Commission noted Duxbury's prior criticism of the county for lack of planning and now she opposes the planning the county is proposing.

Engineer Hall suggested that perhaps an opportunity for formal public input should be given and suggested December 19, 2011, as a potential date for a public hearing on this matter.

Neil Modin, Chairman Hay Creek Township, appeared and stated he has been included in the plans from the outset. Modin added Hay Creek Township is very happy with the protection plans to date.

Rod Eckroth, England St. resident, appeared and expressed his support for the flood protection projects master plan as presented.

Engineer Hall again suggested conducting a public hearing on this matter and asked that the Commission provide direction on what level to protect and what kind of timeline the Commission desires for the design of projects. Hall stated if the design of projects is done "in-house" it will delay most other road projects.

Comm. Peluso stated we should start today on the design and do what we can, if a project warrants we can bring in design consultant on a case-by-case basis.

Chairman Bitner added he would like to avoid spending extra monies for consultants if at all possible.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to call for a public hearing on December 19, 2011, to accept public comment on the flood protection projects master plan and whether to direct staff to move forward with spending monies and resources on the design phase on the flood protection measures; to determine what level of protection the projects should be built; to determine whether design consultants should be engaged for the design phase or the work should be done "in-house" by county engineering staff; and to determine the process for adding projects that are not included in the initially adopted plan. All members voted "AYE." Motion carried.

Hall then presented the results of the recent bid opening for the purchase of four (4) new motor graders. Hall informed the Commission that two (2) bids were received for the purchase of four (4) new motor graders.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to award the bid for the purchase of four (4) new motor graders to the low bidder, RDO Equipment Co in the amount of \$247,000 for each of the four (4) new motor graders under a 5 year-total cost bid with a guaranteed repurchase price at the end of this period. All members voted "AYE." Motion carried.

HR Director Gall appeared regarding the update of the following Personnel Policies:

Chapter 4, Section 4: Sick Leave, Chapter 5, Section 1: Family and Medical Leave, Chapter 7, Section 8: Current Employee Criminal Record and Drivers License Suspension, and Chapter 12, Section 10: Inclement Weather and Emergency Closing.

By consensus the Board agreed to table this item until the December 5th meeting to further review the policies.

Social Service Director Doe appeared regarding an Economic Assistance award received through USDA's Food and Nutrition Services for the Supplemental Nutrition Assistance Program (SNAP) recognizing the work of county social service employees and the ND Economic Assistance Policy Division staff. Doe stated that North Dakota received two (2) of the four (4) bonuses awarded this year. Doe stated that Burleigh County received \$46,440 for our share of the performance bonuses.

Comm. Woodcox stated the Social Service Board has authorized the purchase of the used 2008 Sheriff's Dept transport van for \$5,500 from Puklich Chevrolet.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize the purchase of a used 2008 full size Chevy Van from Puklich Chevrolet in the amount of \$5,500. All members voted "AYE." Motion carried.

Commissioner Schonert then initiated a discussion regarding establishment of a County Planning Department and hiring of a county planner. Schonert continued that this item has been on the back burner for long enough and noted the Commission budgeted \$120,000 to create a separate county planning office in 2012 and collect its own fees outside of city zoning jurisdiction. Schonert noted the county contracts for these services from the City of Bismarck for \$40,000 per year for the rural planning work. Schonert stated he wants the county planner to be overseen by the county engineer and to function independently. Schonert stated he believes development in rural Burleigh County will happen rapidly in the next five years outside city zoning borders from the impact of the energy industry. Schonert added the proposed flood protection projects and a new look at the county's comprehensive plan are added reasons for a separate county planner. Schonert stated the county's own planner could help with the 38 flood protection projects outlined by Engineer Hall. Schonert concluded while the city planning staff is professional, they are "over-urbanized", and do not understand some of the rural problems and rural feelings.

The Board by consensus agreed to take this item under consideration for further discussion at the December 5, 2011 meeting. No action was taken.

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

Lavonne Glasser requested the 2010 and 2011 market values on a 1975 Marshfield 14' x 66' mobile home be reduced from \$7,660MV to \$0 (2010) and from \$8,082MV to \$0 (2011) as the property owner qualifies for a Homestead Credit allowance.

Everett & Carol Heringer requested the 2011 market value on Lot 2, Block 1, Larson Subdivision, Lincoln Township be reduced from \$487,700MV to \$445,900MV as the property improvement was damaged by flood.

Erwin & Mary Jo Lang requested the 2011 market value on Lot 5, Block 22, Sonnet Heights Addition to the City of Bismarck be reduced from \$179,000MV to \$133,200MV as the applicant qualifies for a wheel chair exemption.

James & Isabel Schmidt requested the 2011 market value on Lot 2, Block 1, Cottonwood Lake 5th Replat to the City of Bismarck be reduced from \$166,800MV to \$146,800MV as the applicant qualifies for a Homestead Credit allowance.

Clifford England requested the 2010 and 2011 market values on a 2001 Chief Bella Vista 30' x 68' mobile home be reduced from \$54,836MV to \$0 (2010) and from \$77,194MV to \$0 (2011) as the property owner qualifies for a Homestead Credit allowance.

Amalia Zacher requested the 2011 market value on a 1974 - Buddy 24' x 57' mobile home be reduced from \$13,146MV to \$0MV as she qualifies for a Homestead Credit allowance.

William & Tracy Lipp requested the 2010 and 2011 market values on Lot 3, Block 7, Falconer Estates Subdivision, Lincoln Township be reduced from \$460,000MV to \$437,500MV (2010) and from \$489,200MV to \$437,500MV as the property improvement was overassessed.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the Glasser, Heringer, Lang, Schmidt, England, Zacher, and Lipp abatements as requested and recommended by the Auditor\Treasurer. All members voted "AYE." Motion carried.

The Commission then considered appointments to the various auxiliary boards with the following motion made:

Motion by Comm. Peluso, 2nd by Comm. Schonert, to reappoint Nils Pearson to a five (5) year term on the Burleigh County Housing Authority; to reappoint Mike Ulmen to a five (5) year term on the Lincoln City Planning Commission; to reappoint Brenda Sather to a two (2) year on the Region VII Human Service Council; and to reappoint Dallen Buchmann to a four (4) year term on the Burleigh County Weed Board. All members voted "AYE." Motion carried

Auditor\Treasurer Glatt noted the remaining appointments will be placed on the agenda as applications are received.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the 2012 meeting schedule as presented. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize the call for public hearing on behalf of St Alexius Med Center MIDA Bonds in an amount not to exceed \$46 Million for December 5, 2011. All members voted "AYE." Motion carried.

Auditor\Treasurer Glatt then requested authorization to cancel delinquent taxes related to parcels acquired and sold through tax deed. Glatt explained that six (6) parcels went to delinquent tax sale and were sold at the minimum established prices set by the County Commission. Glatt continued the minimum sales prices on three (3) of the parcels did not cover the delinquencies.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to authorize the cancellation of delinquent taxes on the following parcels pursuant to NDCC 57-28-20: 010-022-030; CR-143-78-00-11-180 & -181; 39-138-79-75-02-160; 34-139-77-62-26-121; and 33-139-78-61-02-011. All members voted "AYE." Motion carried.

Auditor\Treasurer Glatt then presented information regarding establishment of voting precincts, voting sites, and voting methods. Glatt started preliminary discussion about voting precinct possibilities using population trends and shifts, maps of existing and

new legislative district boundaries, maps of existing and potential future rural precincts, and information on establishing vote-by-mail precincts for less-populated rural areas. Glatt also presented information highlighting potential changes in voting precincts in and around the cities of Bismarck and Lincoln. Glatt stated he will forward more information to the Commission at the next meeting noting new precincts will need to be set at the December 19, 2011 County Commission meeting.

Pat Whalen, a new Bismarck resident and former oil field worker, appeared and questioned if any preparations are being considered regarding the impact of the oil boom on our community. Whalen stated his goal is to alert the community and make suggestions on how to prepare for the expected oil boom. Whalen made several suggestions for the Commission's consideration which included the use of impact fees, and zoning ordinances, in an effort to protect and enhance the future of our community and our children and grandchildren.

7:40PM

County Auditor/Treasurer Glatt and State's Attorney Riha briefed the Board regarding purchase offers received for the possible sale of "fairgrounds" property. State's Attorney Riha suggested the Board convene an Executive Session pursuant to NDCC44-04-19.1(9).

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to recess and immediately reconvene an executive session of the Burleigh County Commission pursuant to NDCC44-04-19.1(9) for the purpose of discussing the purchase offers and negotiation strategy related to the sale of real property at the "fairgrounds." All members voted "AYE." Motion carried.

8:09PM

The Burleigh County Commission reconvened with all members present.

Chairman Bitner explained that the Commission by motion rejected one (1) of the purchase offers and authorized the county auditor/treasurer and state's attorney to negotiate with the prospective purchaser for the sale of a parcel of land at the "fairgrounds."

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

BURLEIGH COUNTY COMMISSION
MEETING MINUTES
December 5, 2011

5:00 P.M.

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

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

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the November meeting minutes as presented. All members voted "AYE." Motion carried.

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

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve payment of the 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 issuance of Health Care Facilities Revenue Bonds (MIDA Bonds) on behalf of the St Alexius Medical Center in an amount not to exceed \$46Million. Chairman Bitner opened the public hearing and called for any public testimony.

Sean Smith, Tschider & Smith, representing St. Alexius Medical Center appeared and requested that at the end of any public testimony tonight, the public hearing be continued until the January 4, 2012 County Commission meeting as St. Alexius Medical Center is not ready to complete the issuance of the bonds under the North Dakota Municipal Industrial Development Act of 1955, North Dakota Century Code, Chapter 40-57, as amended. Smith stated St. A's initially intended to issue the bonds by the end of 2011. Smith noted the proceeds of the revenue bonds, when issued, would be used principally to advance refund the outstanding and previously issued with the maximum amount of bonds proposed to be issued to refund the Refunded Bonds being \$46,000,000.

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

Motion by Comm. Peluso, 2nd by Comm. Schonert, to continue the public hearing regarding the issuance of Health Care Facilities Revenue Bonds (MIDA Bonds) on behalf of the St. Alexius Medical Center in an amount not to exceed \$46Million until January 4, 2012. All members voted "AYE." Motion carried.

Scott Wegner, Arntson, Stewart & Wegner, appeared regarding approval of Financing Resolution & Initial Resolution for refunding and authorizing the sale of bonds to finance Special Assessment District #52 Prairie Pines Subdivision.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the Financing Resolution & Initial Resolution for refunding and authorizing the sale of bonds to finance Special Assessment District #52 Prairie Pines Subdivision. All members voted "AYE." Motion carried.

Donna Wunderlich, SC District Court Administrator, appeared and requested the County Commission approve the Court Facility Improvement Grant application.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve and authorize the Court Facility Improvement Grant application. All members voted "AYE." Motion carried.

HR Director Gall appeared regarding consideration of updated Personnel Policies and consideration of variances to Burleigh County Personnel Policies related to starting salaries and annual leave for a potential Social Services employee.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve the updates to the Burleigh County Personnel Policies: Chapter 4, Section 4: Sick Leave (change to 80 hours per calendar year of sick leave to attend to needs of family members

who need medically related assistance); Chapter 5, Section 1: Family Medical Leave; Chapter 7, Section 8: Current Employee Criminal Record and Drivers License Suspension; Chapter 12, Section 10: Inclement Weather and Emergency Closing (combine Chapter 12, section 11 with section 10). All members voted "AYE." Motion carried.

Gall explained the Social Service Dept is requesting a variance to County Personnel Policies related to starting salaries and annual leave for a potential Social Service Dept employee.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve the variances to the Burleigh County Personnel Policies thereby authorizing a starting salary at a Grade 11, Step 6 and to authorize the accrual of annual leave at fourteen (14) hours per month rather than eight (8) hours per month for Social Service Dept employee Kevin Miller. All members voted "AYE." Motion carried.

Anne Green, Central Dakota Humane Society Board of Directors, appeared and presented an updated offer to purchase Lot 1, Block 1, of the Missouri Valley Complex, i.e., the "fairgrounds" property. Green stated the offer is \$133,000 with the county having first right of refusal if the Humane Society decides to sell the property in the future.

Asst. State's Attorney Nesvig suggested the Board discuss this matter in executive session pursuant to NDCC44-04-19.1(9).

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to convene an executive session of the Burleigh County Commission pursuant to NDCC44-04-19.1(9) at the end of the meeting for the purpose of discussing the purchase offers and negotiation strategy related to the sale of real property at the "fairgrounds." All members voted "AYE." Motion carried.

The Commission then considered the acceptance of the county's counteroffer for the sale of Lots 1 & 3, Block 2, Missouri River Complex 1st Replat. Asst. State's Attorney Nesvig noted a recent communication between County Engineer Hall and the potential purchaser of the property regarding the removal of Apple Creek Road between Lots 1 & 3, Block 1 and the building of a cul-de-sac at the north end of Apple Creek Road. Nesvig suggested that an agreement on this matter be written into the purchase agreement.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to table discussion on the consideration of the acceptance of the county counteroffer for sale of Lots 1 & 3, Block 2, Missouri River Complex 1st Replat. All members voted "AYE." Motion carried.

Comm. Schonert then initiated discussion regarding the establishment of a separate County Planning Department and hiring of a county planner. Schonert stated the existing joint City/County Planning Dept has been in place for over 30 years based upon a "handshake" agreement. Schonert continued that the county budgeted \$120,000 for 2012 and now is the time to hire our own planner and building inspector. Schonert stated the county planner and separate building inspector would be under the supervision of the county engineer with offices at the county highway dept office building.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to direct County Engineer Hall and Human Resource Director Gall to start the process of hiring a separate county planner and building inspector.

Comm. Armstrong stated he will not support this motion. Armstrong stated he does not believe this is the time to break a combined department established through the vision of our forefathers on this Commission in the 1970's. Armstrong continued city and county leaders recognized 30 years ago that we are in this together - they erected the City/County Building where we meet, and where citizens of Burleigh County or Bismarck get services. Armstrong noted for \$40,000 a year the county is getting the services of twenty (20) professionals that do their job well with no distinction between city and county.

Roxy Jacobson, Executive Director Bismarck Mandan Homebuilders Association, appeared and stated her group would oppose higher fees as a method to fund a separate county planning department. Jacobsen stated her organization thinks the existing combined city/county planning department serves the homebuilders well.

Comm. Schonert stated he anticipated no increase in fees and perhaps even less stringent rules and regulations.

Charles Manders, City of Bismarck resident, appeared in opposition to the motion to create a separate planning dept. Manders stated to increase the budget from \$40,000 to \$120,000 is not fair to Bismarck residents who pay 80 percent of the property taxes in Burleigh County. Manders questioned if the 11 permits issued outside the extraterritorial area justifies this increase in taxes.

Comm. Schonert stated Burleigh County will experience growth like it has never seen before in the next few years. Schonert stated now is the time to move forward and be proactive by creating our own department.

Comm. Peluso noted the county commission is only trying to do the right thing for the 20% of the population who are not within the extraterritorial area.

Comm. Woodcox suggested that we explore having a separate county planner located within the Community Development Office – someone dedicated to rural issues – and cannot support Comm. Schonert's motion.

Comm. Peluso then stated he likes Comm. Woodcox's idea and suggested we take a few more weeks to "explore options."

Kathleen Jones, Hay Creek Township resident, appeared in support of a separate planning department.

James Schmidt, Telfer Township Supervisor, appeared and stated rural Burleigh County Townships have difficulty hiring building inspectors and his township would be interested in contracting with Burleigh County for building inspection services.

Alexius Duxbury, Bismarck City resident, appeared and stated she appreciates all the discussion on this matter but does not support the motion and thinks it would be a mistake to split planning. Duxbury stated she thinks the 2009 comprehensive land use plan that was rejected by Schonert, Bitner, and Peluso should be reconsidered.

Mike Donahue, Lincoln Township resident, appeared and stated initially he supported a separate county planner but now thinks more discussion should be held on Comm. Woodcox's idea.

Jake Spitzer, Ecklund Township resident, appeared stated he thinks a separate county planner should be hired and he does not care where his office is – he will find him.

Comm. Schonert stated he does not think placing our planner within a city department will work and added rural county residents are not being heard under the current system.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to table the motion to direct the county engineer and human resource director to start the process of hiring a separate county planner and building inspector. All members voted "AYE" except Comm. Schonert "NAY."

Auditor\Treasurer Glatt presented the abatements for Commission 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, 2nd by Comm. Peluso, to approve abatements as requested and recommended by the Auditor\Treasurer. All members voted "AYE." Motion carried.

Auditor\Treasurer Glatt then presented information regarding the establishment of voting precincts, voting sites, and voting methods. Glatt noted that since the last Commission meeting he has directed his attention to voting precincts in and around Bismarck, and stated that he has tried to keep precinct boundaries to a minimum within the City of Bismarck. Glatt stated that at the present time he has thirty-six (36) precincts designated an increase of one (1). Glatt reminded the Commission that at the last meeting he presented information covering census information showing population trends and shifts especially in the rural areas. Glatt noted his previous recommendation regarding using vote by mail in certain rural precincts. Glatt stated that establishing vote by mail precincts will allow election equipment to be utilized in precincts that have larger voting populations. Glatt reminded the Board of their responsibility to have new precincts approved by the end of the year and noted the new precincts will need to be set at the December 19, 2011 County Commission meeting.

The Board then considered appointment of the County Dept Heads and Appointed Officials.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to reappoint David Andahl to a four (4) year term on the Burleigh County Planning Commission; to reappoint Cary Backstrand to a three (3) year term on the Burleigh County Water Resource District; to reappoint Ron Andahl to a four (4) year term on the Burleigh County Noxious Weed Control Board; and to appoint John (Pat) Whalen to a four (4) year term on the Burleigh County Planning Commission subject to his meeting the required criteria under state law. All members voted "AYE." Motion carried.

By consensus the Board agreed to consider the remaining appointments at a later time.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to reappoint the following County Department Heads: Veterans Service Officer, Mark Landis; County Engineer, Marcus Hall; County Road Superintendent, Rodney Ness; County Agent, Cathy Palczewski; Safety/Risk Management Director/Human Resource Director, Renae Gall; Disaster Preparedness Director, Mary Senger; and Social Service Director Shari Doe. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve the Lost Instrument Surety Bond to replace check # 85370 in the amount of \$45.50, and to approve the Raffle/Bingo Permit application of the Sterling Lions Club. All members voted "AYE." Motion carried.

7:18PM

County Auditor/Treasurer Glatt and Asst. State's Attorney Nesvig briefed the Board regarding purchase offers received for the possible sale of "fairgrounds" property. Asst. State's Attorney Nesvig suggested the Board convene an Executive Session pursuant to NDCC44-04-19.1(9) to discuss the Central Dakota Humane Society offer and to discuss the particulars of the recent communication between County Engineer Hall and the potential purchaser of the property regarding the removal of Apple Creek Road between Lots 1 & 3, Block 1 and the building of a cul-de-sac at the north end of Apple Creek Road.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to recess and immediately reconvene an executive session of the Burleigh County Commission pursuant to NDCC44-04-19.1(9) for the purpose of discussing the purchase offer and negotiation strategy related to the sale of real property at the "fairgrounds" to the Central Dakota Humane Society. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to recess and immediately reconvene an executive session of the Burleigh County Commission pursuant to NDCC44-04-19.1(9) for the purpose of discussing the purchase offer and negotiation strategy related to the sale of real property at the "fairgrounds" and to discuss the particulars of the recent communication between County Engineer Hall and the potential purchaser of the property regarding the removal of Apple Creek Road between Lots 1 & 3, Block 1 and the building of a cul-de-sac at the north end of Apple Creek Road. All members voted "AYE." Motion carried

7:45PM

The Burleigh County Commission reconvened with all members present.

Chairman Bitner explained that the Commission has agreed to selling terms with the Central Dakota Humane Society and by motion directed the State's Attorney to further negotiate the specific terms of the agreement for the sale of Lots 1 & 3, Block 1.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to accept the offer of the Central Dakota Human Society in the amount of \$133,000 net proceeds to the county. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Mark Armstrong, Chairman

BURLEIGH COUNTY COMMISSION
MEETING MINUTES
December 19, 2011

5:00 P.M.

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

Comm. Armstrong stated that he reviewed the bills and recommended approval of the same.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve payment of the bills as presented. All members voted "AYE." Motion carried.

Scott Wegner, Arntson, Stewart & Wegner, appeared regarding the approval of the Financing Resolution and Refunding Resolution related to the sale of bonds to finance Special Assessment District 52 Prairie Pines Subdivision, and approval of a resolution regarding the Marillac Manor Bond repayment (lease termination and property deed back).

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the Special Assessment District 52 Prairie Pines Subdivision Financing Resolution. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the Special Assessment District 52 Prairie Pines Subdivision Refunding Resolution. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the resolution regarding the Marillac Manor Bond Series 2011 MIDA Bond repayment (lease termination and property deed back). All members voted "AYE." Motion carried.

This was the hour and date set for a Public Hearing to receive input regarding the proposal for construction of permanent and temporary flood protection projects.

Engineer Hall appeared and stated the summer flooding of 2011 exposed many residents of the Burleigh County area to extensive flood damage. Hall continued in order to mitigate this damage in the future; Burleigh County Staff and the Burleigh County Water Resource District (BCWRD) have been working on developing this Master Plan for flood protection for the area. Hall noted the Plan includes the construction of levees, the raising of road grades, and the installation of control structures throughout the area to protect and provide access to area residents. Hall continued the plan is not intended to represent the full extent of our flood protection efforts, but to provide a guide to staff and residents on projects and efforts that the County is willing to take to protect our residents and will allow the County staff to focus our efforts on defined projects as funding and resources become available. Hall explained one important aspect of the plan that needs to be determined is the level of protection and at this time he is proposing that we build all permanent protection measures in non-sensitive areas to a gauge reading of 20 feet (as recorded at the Bismarck gauging station and adjusted up and down stream). Hall added that in sensitive areas, it is proposed that construction of levees to 16 feet with right of way and access in place in order that we can build temporary protection to 20 feet in short order. Hall noted since the November 21st Commission meeting project #39 on the north end of Hoge Island has been added along with the extension of the levee through General Sibley Park (project #26).

Chairman Bitner then opened the public hearing and called for any public testimony.

Kathleen Jones, Sandy River Drive area resident, appeared and stated this plan would provide safe accessibility to homes should something like this happen again. Jones continued the plan would improve our road infrastructure and hopefully Sandy River Drive would act as a dike in the future. Jones stated every tool they need should be used to complete the plan.

LeRoy Bollinger questioned what the definition of temporary means in this plan. Engineer Hall noted temporary measures would not be constructed if not needed.

Al Geisen, Hay Creek Township resident, appeared and stated he supports the plan as Burleigh County needs a flood protection plan as it will provide citizens in flood prone areas the knowledge of what protection will be provided by the county. Geisen added the beauty of this plan is its simplicity by using a common sense approach to flood protection.

Dennis Meyer appeared in opposition to the plan and stated we have the structures in place that we have already paid for as citizens of United States for flood control. Meyer stated if the Corps of Engineers would have increased the flow discharge earlier there would not have been a flood in Bismarck-Mandan.

Duane Ternes, Fox Island resident, appeared in support of the plan. Ternes questioned if landowners will need to provide right of way for the projects.

Hall responded that this plan will require extensive work with area landowners regarding securing the necessary right of ways for the various projects.

Neil Modin, Chairman Hay Creek Township, appeared and stated he has been included in the plans from the outset. Modin added Hay Creek Township is very happy with the protection plan as presented.

Bob Shannon, Hay Creek Township resident, appeared and stated this is a very good start adding he would be willing to donate flood easements on his property to help it along.

Mike Donahue, Fox Island resident, appeared in support of the plan. Donahue questioned if the plans for permanent protection are being coordinated with the City of Bismarck and in particular the Tavis Road\City of Bismarck storm drainage structure. Donahue further questioned if the levees will be constructed to FEMA standards.

Hall responded that all projects will be coordinated with the City of Bismarck and that the projects are intended to provide real protection not paper protections and further that he is not looking for FEMA certification.

Paul Stubbs, Oahe Bend area resident, appeared and questioned if roadways are raised, who is responsible for matching the approach\driveway grades to the raised roadway.

Hall responded the county will be responsible for matching the approach\driveway grades to the roadways.

Greg Larson, Fox Island resident, appeared and questioned if levees will be constructed off of the Corp of Engineers riprap easements.

Hall stated that most likely any levee construction would have to be done off of the Corps riprap easements, but he hopes that other agreements can be worked out with the Corps.

Gerri Chilemi, Fox Island resident, appeared and stated that levees must be built along the river bank, otherwise they will be useless.

Alexius Duxbury, City of Bismarck resident, appeared and stated some of this planning is moving too rapidly and skipping over some very important items. Duxbury added this appears to be a "Christmas tree approach" and neglected to consider the recent flood problems were due to a 500-year event.

Hall stated he will continue to move as fast as he can on these projects until he is directed otherwise by the County Commission.

Duxbury then questioned if any plans are being made regarding the operation and maintenance of the flood control structures.

Hall noted operation and maintenance of the projects is very important and he is discussing O & M plans with the Emergency Manager.

David Charles, Falconer Estates area resident, appeared in support of the plan noting he is concerned with the Corps ability to control flooding and therefore the county should take control. Charles added this plan will enhance property values in the protected areas.

Duane Ternes reappeared and stated he and his neighbors are committed to giving up their yards for easements to protect others.

Bill Townsend, Sandy River Dr area resident appeared in support of the plan.

As no one else present appeared the public hearing was closed.

Comm. Woodcox questioned when these projects would be prioritized. Hall stated all the projects would be high priorities and would all start right away. Hall added some of the projects can be quick fixes with some projects taking more time due to complexity. Hall stated he will look at which projects will deliver the most bang for the buck and which ones can we get accomplished in the short-term.

Comm. Peluso stated the Missouri River is much healthier today than it was prior to the flooding. Peluso continued that the river has made its own levees and can handle much higher flows. Peluso stated that even with this he does not trust the Corps of Engineers and approves this plan as it provides for the necessary preparations (easements, temporary levees, etc) should another flood event occur.

Upon question Hall stated approval of the plan will allow the Highway Dept the funding to start the preliminary design phase and construction of projects. Hall noted the Commission will have to approve the selection of consulting engineers and large construction project through the bid process. Hall continued approval of the plan includes requesting the Burleigh County Water Resource District to take the lead on non roadway projects. Hall estimated the highway construction projects under this plan would require \$13Million dollars spread over 3 years. Hall noted he desires to utilize consulting engineers for the design phase of the larger projects as he does not want to do all of the project "in house" at the expense of other traffic safety and capacity issues of the county transportation system. Hall stated he anticipated funding would come from a combination of State, Federal, County and private funding (special assessments).

Comm. Armstrong questioned if these projects will promote further development of flood prone areas.

Hall responded he is not promoting projects to enhance areas only to protect what already exists.

Chairman Bitner stated he believes it is prudent that the county move forward with the proposal for construction of permanent and temporary flood protection projects as presented.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the Permanent Flood Protection Plan and assorted projects as presented this date and shown on the Burleigh County website; to direct the County Engineer to request that the Burleigh County Water Resource District coordinate and develop projects within the Plan that are outside the jurisdiction of the Burleigh County Highway Department; to direct the County Highway Department and the Burleigh County Water Resource District to provide flood protection to the 16/20 foot level (in sensitive areas / in non-sensitive areas) or other levels approved by the County Engineer, and further to direct the County Engineer and the Burleigh County Water Resource District to proceed with the implementation of the Permanent Flood Protection Plan and assorted projects as quickly as possible using the available resources (including consultant services) in order to meet the goal of completing the plan within three years with the flexibility to make changes in the future as deemed necessary.

Chairman Bitner then provided an additional opportunity for those in attendance to appear on this matter. No one present appeared.

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

Engineer Hall then presented the following items for the Board's consideration: award of bids for NDDOT bid opening for Project SC-0836(066) US83 (Sterling) east pavement overlay the to county line, and authorization to offer the Wilton & Regan shop properties for sale through nonexclusive listing agreements.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to award bids for the NDDOT bid opening for Project SC-0836(066) US83 (Sterling) east to county line to Anderson Western, Inc., the low bidder, in the amount of \$2,495,712.38. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to authorize the proper County officials to list the Regan and Wilton County Shops for sale through nonexclusive listings (N.D.C.C. 11-27-03.1.) with a listed price of \$20,000 for the Regan Shop (Lots Thirteen to Eighteen (Lots 13, 14, 15, 16, 17, and 18) of Block Six (Block 6) all in the Village of Regan) and \$52,000 for the Wilton Shop (Part of the North one-half (N1/2) of lot three (3), section two (2), township one hundred forty-two (142), range eighty (80), more particularly described as follows: Beginning at the Southeast corner of lot thirteen (13), block six (6), of Macomber's Addition to South Wilton, North Dakota, thence due south to the north line of Minnie Street, thence due west along the north line of Minnie Street, a distance of three hundred (300) feet, thence due north to the South line of lot eleven (11), of Block six (6), thence due east along the South line of Lots eleven and thirteen (11 and 13), to the point of beginning) and to authorize a maximum rate of commission at 3% for both properties with the County Auditor\Treasurer accepting all offers and presenting them to the Board of County Commissioners at their February 6, 2012 meeting, with the right reserved to reject any and all offers; to waive technicalities or to accept such as may be determined to be in the best interest of the County. All members voted "AYE." Motion carried.

Emergency Manager Senger appeared regarding consideration of the following agreements: renewal of Joint Powers Agreement with Emmons County for contract emergency management services, and approval of mutual aid agreement with RSVP+ to assist with volunteers in emergencies/disasters.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the renewal of the Joint Powers Agreement with Emmons County for contract emergency management services. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the mutual aid agreement with RSVP+ to assist with volunteers in emergencies/disasters. All members voted "AYE." Motion carried.

Auditor\Treasurer Glatt presented the monthly abatements for Commission 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, 2nd by Comm. Peluso, to approve the abatements as requested and recommended by the Auditor\Treasurer. All members voted "AYE." Motion carried.

The County Commission then considered the establishment of voting precinct boundaries and voting sites. Auditor\Treasurer Glatt presented information regarding establishment of voting precincts, voting sites, and voting methods noting state law which requires the Board of County Commissioners of each county to divide the county into precincts and establish the precinct boundaries and to provide voting locations no later than December 31st of the year immediately preceding an election cycle or if legislative reapportionment occurs, within thirty-five (35) days after the effective date of the reapportionment (12/31/11). Glatt stated he has previously presented information to the Board starting in September of this year regarding voting precinct possibilities based upon population trends and shifts, maps of existing and new legislative district boundaries, maps of existing and potential future rural precincts, and information on establishing vote-by-mail precincts for less-populated rural areas. Glatt noted based upon previous Board discussions at the November 21st and December 5th Commission meetings, a resolution for the Board's consideration is included in the agenda packets. Glatt noted the resolution increases the number of voting precincts from 35 to 36 with 5 rural precincts being designated as vote-by-mail precincts.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to establish the election precinct boundaries and voting locations as recommended by Auditor\Treasurer Glatt and to further designate the Wilton, Wing, Regan, 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 that he does not agree with the establishment of vote-by-mail precincts in the rural areas as previously discussed. Woodcox stated it would disenfranchise rural voters. Woodcox added the process of receiving vote-by-mail applications, sending them and then filling out the ballots in time made voting more cumbersome and confusing. Woodcox stated he is not ready to make this change at this time and does not want to disenfranchise the rural voters.

Gary Vennie, Ecklund Township Board of Supervisors, appeared and stated he is in opposition to the vote-by-mail proposal. Vennie stated vote-by-mail takes away our grass roots government and takes away our contact.

Comm. Peluso stated that vote-by-mail is inevitable for rural precincts and is used and accepted by many counties in ND. Peluso noted he is on the ND Association of Counties Board of Directors and has discussed this with many other county commissioners who utilize and like vote-by-mail. Peluso noted we are in 2012 and much has changed since 1955.

Comm. Armstrong stated that vote-by-mail is an option and does not disenfranchise any voter.

Barb Knutson, McKenzie Township Clerk/Treasurer, appeared and stated that she is adamantly opposed to this vote-by-mail precinct in the rural areas. Knutson added rural people would no longer have the right to physically cast a ballot without driving 40 miles or more. Knutson continued vote-by-mail will further drive a wedge between rural and city residents. Knutson concluded that voting is one of our rights and we ought to preserve and protect it. Knutson stated she has had many people tell her they would be happy to work the polls on Election Day. Knutson stated vote-by-mail will take away from rural residents representation and will disenfranchise voters and increases possibility for voter fraud.

John Spitzer, Ecklund Township resident, appeared in opposition to the vote-by-mail plan as it will kill grass-roots democracy. Spitzer stated vote by mail will increase chances for ballot stuffing. Spitzer stated this was more than a matter of cost, but a principle of having our own polling place.

Glatt noted with the potential sale of the county shop in Wilton, it will be difficult to find a voting location in the Burleigh County side of Wilton. Glatt reminded the Board of their action earlier this evening to receive bids on the Wilton Shop building by the February 6th meeting, meaning the Wilton shop in all likelihood will not be available for future elections.

Monte Burke, McKenzie area resident, appeared in opposition to vote-by-mail.

Bill Goldhammer, Wing area resident, appeared and stated the people of Wing enjoy Election Day as a way to get together and visit with their neighbors.

Jackie Burke, McKenzie area resident, appeared and stated she is opposed to vote-by-mail as it will take away rural residents rights and further drive a wedge between rural and city residents.

Auditor/Treasurer Glatt stated the plan set out before the Commission is based upon logical, recognizable and discernable boundaries taking into consideration using the best facilities available. Glatt stated he tried to make as few changes as possible and considered driving distances and driving patterns. Glatt reiterated that population and population trends along with voter history and election worker availability were carefully measured in this plan. Glatt reiterated that the intent of this proposal is not to slight the rural voters but to utilize the convenience of vote-by-mail. Glatt noted over 30% of the voting population in Burleigh County already votes by absentee ballot or utilizing the early vote precinct and this number is growing at each election. Glatt stated the vote-by-mail process is easier than the absentee process which is widely used and accepted. Glatt explained that voters in the vote by mail precincts can still physically cast their ballots at the City/County Building in Bismarck on Election Day, or in the early vote precinct. Glatt noted vote-by-mail is used by other jurisdictions with success (25 of 53 counties in ND) and has been widely accepted for rural precincts in Minnesota since 1987.

Comm. Armstrong noted vote-by-mail may increase the voter numbers especially in the rural precincts which have experienced low turnouts for Primary Elections. Armstrong stated vote-by-mail is widely accepted and has been found in other states to be more convenient for the voter.

Chairman Bitner stated the plan as presented was made for all the right reasons. Bitner concluded he would however side with the township residents on this issue.

Vote on Motion: "AYE" vote: Armstrong. "NAY" votes: Peluso, Woodcox, Schonert, Bitner. Motion failed.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to establish the election precinct boundaries and voting locations as recommended by Auditor/Treasurer Glatt with Wilton, Wing, Regan, Sterling, and Menoken having local voting sites (precincts) pursuant to NDCC 16.1-04-01 and 16.1-04-02, and to further approve the combining of the Wilton and Regan precinct voting

sites at the new Wilton\Regan Shop location. "AYE" votes: Peluso, Woodcox, Schonert, Bitner. "NAY" vote: Armstrong Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman