

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**December 17, 2012**

**5:00 P.M.**

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

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

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

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

Deputy Auditor\Tax Director Vietmeier 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.

County Engineer Hall appeared regarding approval of contracts with the ND State Water Commission for the Bismarck Flood Control Channel Project and consideration of the 2013 Burleigh County Proposed Project Priority List.

Hall stated the Commission previously approved by motion these projects and cost share with the ND State Water Commission and these contracts formalize the agreements and cost share.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the agreements for cost share reimbursement with the ND State Water Commission for the Bismarck Flood Control Project (Dredging \$140,460 and Tavis Road Storm Water Pump Station \$1,469,900). All members voted "AYE." Motion carried.

County Engineer Hall then presented for preliminary review the 2013 construction program priorities. Hall stated he will ask for approval of the 2013 construction program priorities at the January 7, 2013 Commission meeting. No action was taken.

Asst. Community Development Director Lee appeared regarding consideration of the request of Karl Rakow for approval of a Land Use Plan amendment from the Agricultural and Parks/Open Space/Greenways land use classifications to the Rural Residential land use classification and a zoning change from the A-Agriculture zoning district to the R1-Country Homes Residential zoning district on part of the NE¼ of Section 16, Burnt Creek Township. Lee reported that the Burleigh County Planning Commission held public hearings on these requests and recommended approval on November 14, 2012.

Karl Rakow appeared and stated he had letters of support from his neighbors who were initially in opposition to his request.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve the Land Use Plan amendment and zoning change from AG and Parks/Open Space/Greenway to R1 for part of the NE¼, Section 16, Burnt Creek Township lying east of US Highway 83. All members voted "AYE." Motion carried.

County Agent Palczewski appeared and requested authorization to use 2012 budget surplus monies to fund carpet replacement in the 4-H Building. Palczewski stated she estimates \$28,000 of the 2012 County Agent budget will not be expended. Palczewski reported she has received price quotes between \$9,000 and \$13,500.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to authorize the use of 2012 budget surplus monies to fund carpet replacement in the 4-H Building. All members voted "AYE." Motion carried.

HR Director Gall appeared regarding consideration of updates to Chapter 12, Section 12: Vehicle Use of the County Personnel Policies.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve the updates to the Burleigh County Personnel Policies: Chapter 12, Section 12: Vehicle Use as presented. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and requested authorization to purchase vehicles (from the 2013 budget) as follows: two (2) Chevy Impala police package vehicles (from state bid - Puklich Chevrolet); one (1) 4X4 SUV (local low bid - Puklich Chevrolet); one (1) 4X4 crew cab truck, diesel powered for Dive Team (low local bid - Puklich Chevrolet); and, one (1) AWD transport van (local low bid - Puklich Chevrolet).

Heinert stated the bids include the trade-in of three (3) 2010 Dodge Chargers; one (1) 2008 Dodge Magnum; one (1) 2008 Chevrolet Uplander; and, one (1) 2005 Ford Expedition. Heinert noted a 2011 Ford Expedition will be moved to Emergency Management from the Sheriff's Dept. fleet to replace the 2005 Ford Expedition.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to authorize the purchase and trade of the above vehicles as requested by Sheriff Heinert for a total cost of \$134,689 less trade allowance of \$20,300. All members voted "AYE." Motion carried. The Commission then discussed Home Rule Charter. Chairman Schonert noted the budgets drafted by Auditor/Treasurer Glatt for a Charter Commission and Special Election. Comm. Woodcox questioned if the expenses of the Charter and Special Election could be paid out of the Jail Maintenance & Construction Fund? Glatt noted state law directs that expenses of the Charter Commission be paid from the General Fund.

Chairman Schonert recommended the Board take the necessary action to cause a Home Rule Charter to be drafted. Upon question, Auditor/Treasurer Glatt noted if a motion is made to cause a charter to be drafted the County Commission needs to appoint members to a Charter Commission within 60 days. Schonert recommended this process be started.

Comm. Armstrong stated he feels that there are still a lot of unanswered questions, such as whether the home rule charter and jail would be shared with Morton County.

Comm. Woodcox stated he has visited with Morton County Commission Chair Strinden and he is not sure if a multi-county Home Rule Charter Commission is the method that should be used. Woodcox stated he prefers separate charters that are simple and only provide for jail funding. Woodcox thinks we should get this started as soon as possible.

Comm. Bitner stated that the general public feels a new jail is needed. Bitner stated we need to get the process started and we need to get the funding in place and that may very well start with the levy of ten (10) mills and replacing the ten (10) mills with a sales tax at a later date.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to cause a home rule charter to be drafted for purposes of funding the jail.

Comm. Woodcox requested to withdraw his 2<sup>nd</sup> to the motion as he feels it may be an invalid motion.

Sheriff Heinert appeared and stated he planned to make a Detention Center presentation at the first meeting in January, which will include data about how much the county could raise if ten (10) mills was levied.

Comm. Bitner withdrew his motion. The Commission by consensus agreed to discuss this item further at the January meeting.

The Commission then considered appointments to the following auxiliary boards: Bismarck Planning Commission, Burleigh County Park Board, Region VII Human Service Council, and Burleigh County Water Resource District.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to reappoint Vernon Laning to a five (5) year term on the Bismarck Planning Commission. All members voted "AYE." Motion carried.

Errol Behm, a candidate for the Burleigh County Park Board, appeared and highlighted his qualifications and desire to serve on the Burleigh County Park Board.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to appoint Doug Prchal to a three (3) year term on the Burleigh County Park Board. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to reappoint Georgia Schulz to a two (2) year term on the Region VII Human Service Council. All members voted "AYE." Motion carried.

Mike Donahue and Kathleen Jones candidates for appointment to the Burleigh County Water Resource District appeared and highlighted their qualifications and desire to serve on the Water Resource District.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to appoint Kathleen Jones to a three (3) year term on the Burleigh County Water Resource District. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to reappoint Terry Fleck to a three (3) year term on the Burleigh County Water Resource District. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to reappoint Helen Schatz to a one (1) year term as the Burleigh County Commission representative on the Dakota Prairies Regional Development Council. All members voted "AYE." Motion carried.

District Court Administrator Wunderlich appeared and presented for the Board's consideration a Court Facilities Grant application in the amount of \$27,576.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve and authorize the Court Facility Improvement Grant application. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to approve the bingo permit application of the Sterling Lions Club. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
December 3, 2012**

**5:00 P.M.**

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

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

Comm. Peluso stated that he reviewed the vouchers and recommended approval of the same with the exception of the food bills from the legislative breakfast held on November 20, 2012.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve the vouchers, journal vouchers, and filing fee reports as presented with the exception of the food bills from the legislative breakfast held on November 20, 2012. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to approve the food bill from the legislative breakfast on November 20, 2012.

Comm. Armstrong expressed his concern over approving these bills indicating he was confused as to how it was illegal for another agency to pay for food at a public meeting with taxpayer funds. Armstrong stated he cannot support approval of these bills.

"AYE" votes: Peluso, Woodcox, Schonert. "NAY" vote: Armstrong. Absent: Bitner. Motion carried.

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

Deputy Auditor\Tax Equalization Director Vietmeier 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. Peluso, 2<sup>nd</sup> by Comm. Schonert, to approve the abatements as requested and recommended by the Deputy Auditor\Tax Director. All members present voted "AYE." Motion carried.

Finance Director Thompson appeared and presented the following proposed 2013 budget amendments for the Board's consideration:

<u>FUND</u>	<u>BUDGET</u>	<u>AMENDED BUDGET</u>	<u>CHANGE</u>
COMMUNICATIONS CENTER	1,653,000	2,198,929	545,929
COMBINE 911 FUNDS IN ONE BUDGET			
CELLULAR PHONE TAX	719,000	0	(719,000)
COMBINE 911 FUNDS IN ONE BUDGET			

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to approve the 2013 budget amendments as presented and recommended by Finance Director Thompson. All members present voted "AYE." Motion carried.

Asst. Community Development Director Lee appeared regarding consideration of a negotiated resolution regarding the special use permit for a group day care facility as an accessory use in a single-family residence being constructed on Lot 8, Block 2, Welle Subdivision. Lee noted that the Bismarck Planning & Zoning Commission approved the special use permit on Sept 26, 2012, and the Burleigh County Commission requested negotiation on Oct 15, 2012. Lee continued that a negotiated settlement was reached with Comm. Peluso representing Burleigh County and Comm. Grossman representing the City of Bismarck.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to approve the special use permit for a group daycare in a single-family residence presented and recommended by Asst. Community Development Director Lee limiting the daycare to no more than eight (8) children including the property owner's children. All members present voted "AYE". Motion carried.

County Engineer Hall appeared regarding approval of the annual township road maintenance agreements.

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, 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 present voted "AYE." Motion carried.

The Unorganized Township Boards of Supervisors adjourned and the County Commission immediately reconvened.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve and authorize the proper county officials to enter into agreements with the County's Townships, assigning the roles and responsibility for maintaining township roads within Burleigh County. All members present voted "AYE." Motion carried.

HR Director Gall appeared regarding consideration of updates to the following Personnel Policies: Chapter 12, Section 7: No Smoking Policy (Initiated Statutory Measure #4), and Chapter 12, Section 12: Vehicle Use. Gall requested action on the No Smoking Policy as state law will change on December 6<sup>th</sup>. Gall stated the Vehicle Use policy will be considered again at the next meeting.

HR Director Gall proposed banning smoking on all county-owned property to comply with the new statewide smoking ban. Gall stated this is the recommendation of the county department heads.

Chairman Schonert questioned if the proposed No Smoking Policy is more restrictive than state law. Gall responded yes, as this proposed policy would ban smoking on all county-owned property.

Comm. Peluso stated it would be confusing if county policy varied from the new state law. Peluso added he doubted if a stricter smoking ban on Burleigh County property could be enforced.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to approve changes to the Burleigh County Personnel Policy Manual: Chapter 12, Section 7: No Smoking Policy, that follow the new state law based upon Initiated Statutory Measure #4 approved by voters on November 6, 2012. All members present voted "AYE." Motion carried.

Sheriff Heinert appeared and presented a Detention Center update and to request authorization to initiate a Request for Proposals for an architect to provide design services for a new Detention Center. Heinert stated he believes the next steps should be to authorize a contract with Kimme & Associates to complete pre-design work for a future jail under the original jail planning study completed earlier this year. Heinert stated this pre-design work will be turned over to the selected architect and should reduce the time and costs of the architectural design. Heinert stated the cost of the pre-design services to be \$57,500 plus reimbursable costs (travel, printing, etc.).

Upon question, Asst. State's Attorney Suhr stated authorization of these additional services is legal per the original contract with Kimme & Associates, Inc.

Motion by Comm Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve the addition to the original contract with Kimme & Associates, Inc., to complete pre-design work in the amount of \$57,500 plus reimbursable costs (travel, printing, etc.).

Comm. Armstrong expressed his concern that we are doing pre-design work before selecting a site, determining how many beds are actually needed, having a firm agreement with Morton County, and developing a budget and finance plan, among other things. Armstrong noted it would take years to complete construction if approved and questioned what will be done in the meantime. Armstrong suggested this item be advertised to allow others the opportunity to complete the pre-design work.

Vote on Motion: All members present voted "AYE" except Armstrong "NAY." Motion carried.

Heinert then requested authorization to initiate a Request for Proposals for an architect to provide design services for a new Detention Center. Heinert stated this would include land use and site selection services. Heinert stated he would bring back the RFP for final approval prior to it being sent out for solicitations.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to authorize the Sheriff to develop a detailed Request for Proposals for an architect to provide design services for a new Detention Center including site selection, including renovation of existing facilities, and court holding renovations for final approval by the County Commission prior to solicitation. All members present voted "AYE" except Armstrong "NAY." Motion carried.

Chairman Schonert then initiated a discussion on Home Rule. Schonert stated that Representative Klemin contacted him and stated he will be introducing legislation to allow county home rule charters to be decided in special elections along with Primary and General Elections. Schonert noted the proposed legislation includes an emergency clause so it becomes effective immediately after it is signed by the governor. Schonert added this could help us speed up the process. Schonert continued that we should proceed with trying to establish a Home Rule Charter Commission for the specific purpose of raising funds to build a new jail.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to support legislation to allow county home rule charters to be decided in special elections along with Primary and General Elections. All members present voted "AYE." Motion carried.

Comm. Armstrong questioned what Plan B will be if this legislation is not passed.

Sheriff Heinert stated he has requested a State's Attorney's Opinion regarding financing options for a new Detention Center.

Chairman Schonert asked Auditor\Treasurer Glatt what he thinks should be the first steps in the Home Rule Charter process.

Glatt responded as follows:  
Rule Charter Commission budget, should be determined.

- a) Home
- b) Special Election budget, and
- c) Commission guidelines & expectations of Home Rule

Chairman Schonert directed Commissioners Peluso and Woodcox to work with Auditor\Treasurer Glatt on these items for future consideration.

The Board then considered appointment to the following auxiliary boards and appointment to the Dakota Prairie RDC:

- Bismarck Planning Commission (1) - 5 year term,
- Burleigh County Planning Commission (2) - 4 year terms,
- Burleigh County Park Board (1) – 3 year term,
- Region VII Human Service Council (1) – 2 year term,
- Burleigh County Water Resource District (2) – 3 year terms.

Chairman Schonert expressed his concern whether or not Board Members understand the expectations of serving on these Boards. Schonert also indicated additional review should be done regarding compensation for service on and the expectations of the auxiliary boards.

Comm. Peluso stated he is aware of people who are interested in appointment to several of the auxiliary boards and suggested waiting until the next meeting.

After discussion, the consensus of the Board was to consider these appointments at the next meeting and to further review compensation at the first meeting in January 2013.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve changes to the 2013 County Commission meeting schedule. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to reappoint the following County Department Heads: Veterans Service Officer, Mark Landis; County Engineer, Marcus J. Hall; County Road Superintendent, David H. Ohnstad; County Agent, Cathy Palczewski; Safety/Risk Management Director/Human Resource Director, Renae Gall; Disaster Preparedness Director, Mary Senger; Jail Administrator, Pat Heinert; and Social Service Director Shari Doe. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES**

**November 19, 2012  
5:00 P.M.**

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

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

Comm. Bitner stated that he reviewed the vouchers and recommends approval of the same.

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

County Engineer Hall appeared with the following items for the Board's consideration: road approach permit\drainage item related to 3300 Link Drive; and, authorize the proper County officials to advertise for bids for the construction of the Burleigh County garage (Bismarck Shop).

Hall explained that this approach permit issue was tabled at the last meeting. Hall explained that in April the owner received an approach permit that stated "no culvert is needed at this time. If future drainage problems arise, the required pipe size is given below." Hall continued that the wording on the permit may not be the best; however at the time the permit was granted it was not known if future landscaping may require a culvert(s). Hall stated at the present time he feels the need for a culvert is minimal however a neighbor and the Hay Creek Township Board feel a culvert is needed. Hall noted that the owner has installed a concrete driveway and the concrete would have to be removed to install a culvert. Hall requested that if the County Commission orders something be done that the order be done by formal motion.

Chairman Schonert questioned if there might be other alternatives to the installation of a culvert.

Hall stated a "dry-hole" could be installed and should work for now. Hall continued that as the adjacent properties are developed and culverts are installed in their driveways the "dry-hole" may not work.

Comm. Peluso stated if we are now going to require a culvert than the county should pay for it.

Comm. Armstrong stated if we are unsure of the drainage effects in the area perhaps we should wait until after the spring thaw and rains.

Upon question, Hall stated if the Commission is to order the work to be done, he feels the work should be completed "in-house" by county forces.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to table this item until spring 2013 to determine if a culvert is in fact needed, with the intent that if a culvert is needed it will be installed at county expense. All members voted "AYE." Motion carried.

Motion by Comm Woodcox, 2<sup>nd</sup> by Comm. Peluso, to authorize the County Auditor\Treasurer and County Engineer to advertise for bids for the construction of the Burleigh County garage (Bismarck shop). All members voted "AYE." Motion carried.

Sheriff Heinert appeared regarding an agreement with Cascade County, MT., for funding of an inmate medical bill for a Burleigh County inmate held in the Cascade County jail. Heinert stated the final amount is the result of several months of negotiation by the State's Attorney's Office. Heinert recommended payment.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the agreement with Cascade County, MT., for funding of an inmate medical bill in the amount of \$9,220.18 for a Burleigh County inmate held by Cascade County, MT. All members voted "AYE." Motion carried.

Asst. Community Development Director Lee appeared regarding the request of Felton Developing, Inc. & Bismarck Park & Rec District to accept right-of-way dedication within the final plat of Harvest Ridge Subdivision. Lee noted this item was tabled at the last meeting to allow staff time to develop alternatives. Lee continued that she met with Engineer Hall and the developer and his engineer and determined the original proposal is still the best option. Lee recommended that the developer provide the necessary right-of-way and construct N Washington St to the end of Watercress Ave, and further the developer not be required to build N Washington to the end of the plat.

The Commission again discussed current policy requiring the adjacent roads to be built to the end of the plat and the fact that if the developer is not required to build N Washington St to the end of the plat it would become a county expense. Chairman Schonert noted construction of N Washington St in this area will require extensive work due to the large ravine.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve acceptance of the right-of-way dedication within final plat of Harvest Ridge Subdivision and to require the developer to construct N Washington St to the end of Watercress Ave. "AYE" votes: Armstrong, Peluso, Woodcox. "NAY" votes: Bitner, Schonert. Motion carried.

Comm. Bitner then initiated a discussion on the existing Burleigh County Comprehensive Plan. Bitner stated that he has thoroughly reviewed the existing Comprehensive Plan and with the exception of some minor changes, he does not see a need for wholesale modifications. Bitner continued that there seems to be a concern with the existing plan based on age; however he thinks the principles of the existing plan are still sound.

The Commission then proceeded to review the existing Comprehensive Plan line-by-line with comments and suggested changes made. Comm. Bitner stated he would forward the comments and suggestions to the County Planning Commission with the intent that the Planning Commission review the comments and changes and provide guidance to the Community Development Dept. for drafting of formal changes to the Comprehensive Plan.

Comm. Armstrong expressed his dissatisfaction with this process noting that we are presently in a completely different time than when the current Comp Plan was envisioned.

No action was taken with the Commission agreeing by consensus to continue reviewing the current Comprehensive Plan.

Chairman Schonert then reminded the Board of tomorrow's (November 20) scheduled breakfast with local legislators and Morton County officials regarding the upcoming legislative session and in particular about jail-related issues.

Auditor/Treasurer Glatt then informed the Commission that the following Auxiliary Board terms will expire as of 12/31/12:

- Bismarck Planning Commission (1) - 5 year term,
- Burleigh County Planning Commission (2) - 4 year terms,
- Burleigh County Park Board (1) – 3 year term
- Region VII Human Service Council (1) – 2 year term,
- Burleigh County Water Resource District (2) – 3 year terms.

along with appointment of the Commission's representative to the Dakota Prairie RDC. No action was taken.

The Board then considered the 2013 meeting schedule.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the 2013 meeting schedule as presented. All members voted "AYE." Motion carried.

Comm. Bitner then informed the Commission that he has approved the expenditure of \$16,226.08 for improvements to the Missouri Valley Complex Rodeo Arena.

HR Director Gall appeared and requested the Commission approve a variance to Chapter 2, Section 10: Starting Salary Policy of the County Personnel Policy Manual & Handbook to allow the Social Service Dept. to hire an Administrative Staff Officer I at a Step 9. Gall stated a candidate with many years of experience in Stark County has been selected.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve a variance to Chapter 2, Section 10: Starting Salary Policy of the County Personnel Policy Manual & Handbook to allow the Social Service Dept. to hire an Administrative Staff Officer I at a Step 9 starting salary. "AYE" votes: Bitner, Woodcox, Schonert. "NAY" votes: Armstrong, Peluso. Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

**November 8, 2012  
12:10 P.M.**

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

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

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

Comm. Bitner stated that he reviewed the vouchers and recommends approval of the same.

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

Deputy Auditor/Tax Director Vietmeier 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. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the Smith abatement as requested and recommended by the Deputy Auditor/Tax Director. All members present voted "AYE." Motion carried.

County Engineer Hall appeared with the following items for the Board's consideration: Rocky Thompson, Missouri Basin Materials, Inc., re: road approach permit\drainage item; consideration of new Winter Roadway Operations Policy; consideration of new Dust Control Policy; and review of Burleigh County Flood Control measures.

Rocky Thompson, Missouri Basin Materials, Inc., appeared and stated he has an issue with the handling of a road approach permit. Thompson stated that in April he received an approach permit that states "no culvert is needed at this time. If future drainage problems arise, the required pipe size is given below." Thompson continued that before he poured his concrete driveway he was aware that his neighbor had raised concerns about the drainage. Thompson noted he had several independent people review the drainage and had the Highway Dept. come back. Thompson stated the Highway Dept. reported no concerns and the concrete driveway was poured this fall. Thompson stated now the Highway Dept. wants a culvert installed.

Engineer Hall appeared and stated Hay Creek Township has expressed concerns over future drainage problems if this situation is not addressed. Hall continued that Burleigh County believes something needs to be done and it would appear that the only solution is to install a culvert. Hall proposed that Burleigh County supply the culvert with Thompson responsible for the installation costs.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to table this item until the next meeting. All members present voted "AYE." Motion carried.

Hall then presented the proposed Winter Roadway Operations Policy. Hall stated that over the years the Burleigh County Highway Department has developed various methods, policies and procedures to deal with winter snow events. Hall continued that in order to collect all of the information into one location for easy access by the Public, County Commissioners, and the staff, this Winter Roadway Operations Policy has been drafted. Hall reiterated this policy represents the current state of our operations with minimal changes.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to adopt the Winter Roadway Operations Policy as presented. All members present voted "AYE." Motion carried.

Hall next presented the Dust Control Policy for the Board's consideration. Hall stated that as the area around the City of Bismarck grows, residents on the township and county roadway system have experienced increases in traffic. Hall continued with the increase in traffic, the Highway Department is receiving more calls requesting some type of dust control on the gravel roadways. Hall stated the loss of the fines (dust) from gravel roads is not only a nuisance to residents, but it can also be a health hazard to individuals with emphysema or asthma and decreases the effectiveness of our gravel by creating greater segregation within our roadway surfacing. Hall explained a chemical treatment of gravel roads with either Calcium Chloride or Magnesium Chloride has been proven to reduce the loss of fines from gravel roadways.

Hall then presented several detailed guidelines for administering the application of dust control chemicals for both township and county roadways and recommended the following Dust Control Policy be adopted:

#### County Roadways

- 1) Roadways with Average Daily Traffic (ADT) counts of 200 or greater will receive solid application.
- 2) Roadways with ADT counts between 50 and 200 will receive application in front of homes and buildings.
- 3) Roadways with ADT counts less than 50 will receive application in front of homes if the resident of the home has health (breathing) issues, and provides us documentation of such.
- 4) Application in front of homes will only be done if the home is within 1,000 feet of the roadway. The application distance in front of homes will be for a maximum of 1,500 feet.

#### Township Roadways

- 1) The township must request dust control application, and
- 2) The township agrees to pay all costs associated with application, and
- 3) The township agrees with the same application criteria as laid out for county roads.
- 4) The County Highway Department will determine the application rates and the type of dust control chemical used on an annual basis.

Hall noted there will be some complaints during the initial period dust control measures are implemented. Hall stated the Highway Dept. will monitor, revise, and review the policy as we receive customer comments.

Comm. Bitner stated the benefits of this policy will far outweigh any shortcomings.

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

Hall then presented a brief update on flood protection projects that are under way or planned. Hall stated most projects will be completed in 2013 and 2014.

Asst. Community Development Director Lee appeared with the following items for the Board's consideration: request of Felton Developing, Inc. & Bismarck Park & Rec District to accept right-of-way dedication within final plat of Harvest Ridge Subdivision; appeal of Yvonne Klein to reconsider zoning change and final plat for Yvonne's Industrial Park; appointment of a representative to meet with representative of the City Commission to discuss a special use permit for a group day care facility located on Lot 2, Block 8, Welle Subdivision (County Commission requested negotiation on 10/15/12 in area of joint jurisdiction).

Lee noted the right-of-way issues with the plat as N Washington St on the west side of the plat has some very difficult terrain. The Commission discussed current policy requiring the adjacent roads to be built to the end of the plat and the fact that if the developer is not required to build N Washington St to the end of the plat it would become a county expense. Chairman Schonert noted construction N Washington St in this area will require extensive work due to the large ravine.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to table discussion on the acceptance of the right-of-way dedication within final plat of Harvest Ridge Subdivision to allow staff time to develop alternatives. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to approve the zoning change and final plat for Yvonne's Industrial Park subject to the Conditional I-Industrial Zoning District written to prohibit activities relating to concrete productions, rock crushing, concrete crushing, and asphalt production. All members present voted "AYE." Motion carried.

The Commission by consensus authorized Chairman Schonert to appoint Comm. Peluso to represent Burleigh County to meet with representative(s) of the City Commission to discuss the special use permit for a group day care facility on Lot 2, Block 8, Welle Subdivision (County Commission requested negotiation on 10/15/12 in area of joint jurisdiction).

Comm. Bitner then initiated a discussion on the existing Comprehensive Plan. Bitner stated that he has thoroughly reviewed the existing Comprehensive Plan and noted with the exception of some minor changes he does not see a need for any wholesale changes. Bitner continued that there seems to be a concern with the existing plan based on age and he thinks the principals of the existing plan are still sound today.

Comm. Armstrong expressed his disagreement noting that we are in a whole different time than when this was envisioned in the 1970s. Armstrong continued the existing Comprehensive Plan is so far out of date and not relating to the type of growth we are experiencing today.

No action was taken and the Commission agreed by consensus to continue the review at the November 19th meeting.

Chairman Schonert then reported that he has scheduled a November 20th meeting with local legislators and Morton County officials regarding the upcoming legislative session and in particular about jail-related issues. Schonert noted he wants to encourage lawmakers to speed up the home rule charter vote process to allow a home rule charter vote to be decided at special election and not just during a Primary or General Election.

Auditor\Treasurer Glatt then presented a brief report on the recent General Election. Glatt reported Burleigh County had a record number of voters for the 2012 General Election with 43,441 votes cast. Glatt noted early and absentee votes equaled 39% of the total vote cast.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY PARK BOARD  
MEETING MINUTES**

**November 8, 2012  
12:00PM**

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

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

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

Comm. Bitner reported that he has reviewed the monthly vouchers and recommends approval of the same.

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

Scott Schneider, Apex Engineering, appeared and briefed the County Park Board on the work at the Kniefel and Kimball Bottoms ramp areas. Schneider stated the Kniefel project is closed out and submissions being finalized to FEMA for reimbursement.

Schneider continued that all FEMA eligible work has been completed at Kimball Bottoms. Schneider stated that the concrete boat ramp project has been put on hold as the river is silting in at the location of the ramp. Schneider reported that the first pour of concrete has been made but the river has again changed. Schneider stated the situation will be reevaluated this spring, noting the existing ramp is still operational.

The Board then received brief reports on the county boat ramp facilities with Comm. Bitner stating all remaining boat docks will be pulled out of the water in the near future.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

OCTOBER 15, 2012  
5:00 P.M.

The Burleigh County Commission convened with all members present.

Chairman Schonert called the meeting to order with the first item of business the approval of bills. Comm. Armstrong reported that he has 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.

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 20, 2012. Chairman Schonert opened the public hearing and called for any public testimony. No one present appeared and the following motion was made:

Motion by Comm. Peluso, 2nd by Comm. Bitner, to close the public hearing and confirm the minimum sale prices for the annual tax sale as previously adopted. All members voted "AYE." Motion carried.

Tax 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. Woodcox, 2nd by Comm. Armstrong, to approve the Brosseau, Haveman, and Geiger abatements as requested and as recommended by the Deputy Auditor/Tax Director. All members voted "AYE." Motion carried.

County Engineer Hall appeared with the following items for the Board's consideration: results of bid opening for Tavis Road Flood Control Project - Part B, results of bid opening for Levinson/Goodin Bank Stabilization, 2013 Highway Department fee schedule, new Winter Roadway Operations Policy, and new Dust Control Policy.

Hall then presented the results of the October 10, 2012 bid opening for the Tavis Road Flood Control Project - Part B. Hall stated the Engineer's Estimate for the project was \$220,875. Hall recommended award to the low bidder Bohlman Trenching, Inc., in the amount of \$140,460. Hall stated the project will be funded 75% by the State Water Commission, 12.5% City of Bismarck and 12.5% Burleigh County.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to award the bid for the Tavis Road Flood Control Project - Part B to the low bidder, Bohlman Trenching Inc., in the amount of \$140,460, and authorize the proper County officials to enter into a contract with said bidder. All members voted "AYE." Motion carried.

Hall then presented the results of the October 11, 2012 bid opening for the Levinson/Goodin Bank Stabilization project. Hall stated the engineer's estimate for the project was \$158,483. Hall noted that the low bidder, Weisz & Sons, Inc., submitted last year's contractor's license. Hall continued that he believes this is a technicality that the Board can waive as Weisz & Sons is presently working on three (3) other Burleigh County projects as the successful bidder and has previously submitted a current valid contractor's license. Hall stated he has discussed this with the State's Attorney who agrees this is a technicality the County Commission can waive. Hall recommended award to the low bidder Weisz & Sons, Inc., in the amount of \$97,082. Hall noted Levinson/Goodin will assume \$28,125 of the cost with the county responsible for \$68,957 of the cost.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, that the Burleigh County Commission has determined that the omission of a current contractor's license by Weisz & Sons Inc. is a technicality and that it is in the best interest of Burleigh County to award the bid for the Levinson/Goodin Bank Stabilization project to the low bidder, Weisz & Sons Inc., in the amount of \$97,082, and authorize the proper County officials to enter into a contract with said bidder. All members voted "AYE." Motion carried.

Hall then presented information related to the proposed 2013 Highway Department fee schedule. Hall continued the Highway Dept. is requesting the following changes to the fee schedule for the Board's approval:

1. A 20% increase to the annual fees charged in the Township Road Maintenance Agreement (township fees still only covering between 10% to 20% of the cost of services),
2. Increase Road Approach Permit fee from \$25 to \$50,
3. Charge townships for both royalty AND crushing costs,
4. Eliminate all private gravel hauling,
5. Minor increases\decreases in equipment rates to bring the Highway Dept. in compliance with ND Century Code.

Hall stated a letter detailing the changes was sent to all townships on September 26, 2012.

Chairman Schonert then asked if any township representatives would like to speak on this matter.

Wayne Ruzicka, Painted Woods Township Clerk-Treasurer, appeared and read a letter from Township Chairman Dave Peterson about the substandard gravel road quality in Burleigh County. Ruzicka stated Painted Woods Township is levying the maximum and requested that if rates are increased the service must be improved.

Terry Thomsen, Crofte Township Supervisor, appeared and stated with the increase in the maintenance and crushing costs there is no way for townships to raise the needed funds.

Garry Vennie, Ecklund Township Supervisor, appeared and stated the townships are not getting value for the services provided and thus the rates should not be increased. Vennie stated little or no maintenance has been done the last three (3) years. Vennie added that because so little has been done the roads should be fixed under the current arrangement before making changes. Vennie stated these rural roads are the backbone of the state's economy.

Jim Heisler, McKenzie Township Supervisor, appeared and stated the increase will be hard for townships with little taxable value to fund these increases. Heisler noted modern farming practices utilizing semis and large equipment is putting an increased burden on the roads.

Comm. Bitner stated the issue might not be so much the cost of the maintenance fees as the service level expectancy for those dollars.

Chairman Schonert noted that two (2) years ago the townships agreed to turn over maintenance responsibility for over 150 miles of township roads to the county. Schonert continued that many counties do not provide any road maintenance service to townships. Schonert stated that the county's cost to maintain roads has increased and that the townships are only providing about 25% of the maintenance costs with the county subsidizing the remaining 75%.

By consensus the Board directed the Highway Dept. to explore other options and fee schedules for the annual township maintenance charges including frequency of service needed, especially when township roads are near Bismarck, vehicle traffic and whether townships utilize their maximum mill levy authority for consideration next year.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to adopt the 2013 Highway Department fee schedule as follows: a 20% increase to the annual fees charged in the Township Road Maintenance Agreement (township fees still only covering between 10% to 20% of the cost of services), increase the Road Approach Permit fee from \$25 to \$50, charge townships for both royalty AND crushing costs, eliminate all private gravel hauling, minor increases\decreases in equipment rates to bring the Highway Dept. in compliance with ND Century Code.

Amended motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to amend the annual fee increase from 20% to 10%.

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

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

Hall then presented new policies related to Winter Roadway Operations and Dust Control Policy. Hall requested the Commission review these policies for further discussion and action at the November 8, 2012 meeting.

Mike Dannenfelzer, Communications Manager, appeared and requested authorization to use Enhancement Funding to replace

an AS400 Server.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to authorize the expenditure of \$39,820 from the E-9-1-1 Enhancement Fund for the replacement of an AS400 server for the efficient operation of the computer aided dispatch system (CAD), mobile data, and automatic vehicle location services. All members voted "AYE." Motion carried.

State's Attorney Riha appeared regarding consideration of a market step adjustment for the assistant state's attorneys. Riha stated a market survey was conducted by HR Director Gall which shows that similarly situated attorneys in other SA offices around the state are paid more.

Jeff Ubben, Asst. State's Attorney, appeared and requested favorable approval of the request. Ubben noted a rookie public defender makes more than an experienced prosecutor.

Chairman Schonert stated if these increases are approved we will see similar requests for all employees.

Comm. Woodcox stated he supports this for public safety reasons as we need experienced prosecutors and based upon the fact that the public defender's office is advertising for more money than we pay.

Comm. Peluso stated he would support the request if there are adequate funds in the budget.

Riha and Gall stated adequate funds exist in the 2012 and 2013 budgets for these increases.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve a three (3) step increase for the two (2) Attorney II positions and a two (2) step increase for the two (2) Attorney I positions. All members voted "AYE" except Comm. Armstrong who voted "NAY." Motion carried.

Chairman Schonert then initiated a discussion on Home Rule. Schonert stated he wants to meet with local legislators about amending state law to allow home rule charters to be voted on at special elections. Schonert stated current law only allows home rule charters to be voted on at Primary or General Elections. Schonert continued he also wants our local legislators to push for energy impact money for Burleigh County because of the impact oil development is having on Burleigh County especially the jail population. Schonert concluded that he believes a charter for Burleigh County should be limited to a sales tax option for funding a new jail.

Comm. Peluso stated we should keep all options open including calling for a special election in April 2013 to ask for bonding authority for a new jail. Peluso added the bond issue could be retired if a sales tax was approved later.

Comm. Armstrong stated he still is not convinced a new jail is needed. Armstrong continued that it may be less expensive to house prisoners in other facilities.

No action was taken with Chairman Schonert agreeing to schedule a meeting with local legislators prior to the 2013 session.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to notify the City of Bismarck that Burleigh County requests negotiation on the Special Use Permit for a group day care facility located at Lot 8, Block 2, Welle Subdivision (area of joint jurisdiction) based upon the concerns of the neighbors regarding the number of children and the increased traffic in the area. All members voted "AYE" except Comm. Armstrong who voted "NAY." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to reappoint Wayne Boekes to a five (5) year term on the Burleigh County Housing Authority. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to reappoint Dave Bement to a three (3) year term on the Burleigh County Park Board. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve the bingo permit application of the Sterling School Parent Teachers Association, to approve the D & S Liquor License application for Flash's Place (Sterling Township), to approve the 2<sup>nd</sup> approach permit request of Tim Wetch from Lot 1, Block 1, Wetch Acres, and to authorize the cancellation of outstanding checks written prior to July 2011 with funds sent to State Land Dept Unclaimed Property Division. All members voted "AYE." Motion

carried.

On a motion made seconded and carried the Board adjourned.

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Kevin J. Glatt  
Burleigh County Auditor\Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

OCTOBER 1, 2012  
5:06 P.M.

The Burleigh County Commission convened with all members present.

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

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

Comm. Armstrong reported 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 and journal vouchers as presented. 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. Bitner, 2nd by Comm. Peluso, to approve the Zent, Bruning, Jahner, and Geiger abatements as requested and as recommended by the Deputy Auditor\Tax Director. All members voted "AYE." Motion carried.

Vietmeier then presented the recommended minimum sales prices for the annual delinquent property tax sale. Vietmeier explained the recommended minimum sales prices are based upon the amount of delinquency, the market value as assessed by the local assessor, the location and condition, among other factors.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to establish the minimum sale prices for the annual delinquent property tax sale as presented. All members voted "AYE." Motion carried.

Community Development Dept. Planning Manager Lee appeared with the following items for consideration: acceptance of right-of-way for Whispering Ridge 1st Subdivision, and acceptance of right-of-way for Kolbo 3rd Subdivision.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve the acceptance of right-of-way for Whispering Ridge 1st Subdivision and further to notify the City of Bismarck that Burleigh County will not be requesting negotiation on this matter. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to approve the acceptance of right-of-way for Kolbo 3<sup>rd</sup> Subdivision and further to notify the City of Bismarck that Burleigh County will not be requesting negotiation on this matter. All members voted "AYE." Motion carried.

City Administrator Wocken appeared regarding consideration of the Planning Services contract with the City of Bismarck. Wocken explained this version of the contract specifies that "services will be provided in these areas using Burleigh County regulations and relying upon Burleigh County enforcement measures." Wocken stated this wording should leave no question about the county's authority and jurisdiction.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to approve the contract with the City of Bismarck for Planning & Building Inspection Services. "AYE" votes: Bitner, Armstrong, Woodcox, Peluso. "NAY" vote: Schonert. Motion carried.

County Engineer Hall appeared and presented the 2013 proposed Road Dept. fee schedule. Hall requested the Commission consider a 20% increase to the annual fee charged for Annual Township Road Maintenance Agreements; charging townships for gravel royalties AND crushing costs; eliminating all private gravel hauling; and to allow minor changes in equipment rates in

compliance with ND State Law.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to table further discussion on the proposed Road Dept. fee schedule changes until the October 15, 2012 meeting. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to approve the ratification of the Lincoln School Addition subdivision plat. All members voted "AYE." Motion carried.

Sheriff Heinert appeared regarding consideration of a NDDOT Grant in the amount of \$17,715 for Occupant Protection, Impaired Driver and Compliance Check grant.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to approve and accept the NDDOT Occupant Protection, Impaired Driver and Compliance Check grant in the amount of \$17,715. All members voted "AYE." Motion carried.

Chairman Schonert then initiated a discussion on Home Rule. Schonert noted that a Home Rule Charter authorizing a county-wide sales tax appears to be the best method for funding a new jail. Schonert continued that state law requires a proposed charter must be submitted to a vote of qualified electors at a Primary or General Election. Schonert suggested working with the legislature to change the law to allow the charter vote to be held at a special election and to push for some oil impact money from the state to help fund a new jail. Schonert added although we are not an oil producing county, we do feel the strains of the oil boom.

Comm. Woodcox noted that counties that used sales taxes through home rule charters to pay for jails have paid off the debt ahead of time. The commission agreed by consensus to start thinking of people to appoint to a home rule commission and requested this item become an on-going agenda item.

Emergency Manager Senger appeared regarding the institution of a Burn Ban for Burleigh County when the Rangeland Fire Danger Index is in the very high or extreme index and/or a Red Flag Warning has been issued for Burleigh County.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to declare a Burn Ban for Burleigh County when the Rangeland Fire Danger Index is in the very high or extreme index and/or a Red Flag Warning has been issued for Burleigh County or until further notice. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the raffle permit application of Peace Lutheran Church. All members voted "AYE". Motion carried.

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

On a motion made seconded and carried the Board adjourned.

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Kevin J. Glatt  
Burleigh County Auditor\Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

September 19, 2012  
5:00 P.M.

The Burleigh County Commission convened with all members present except Comm. Bitner who attended via phone.

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

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

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

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve the abatements as requested. All members voted "AYE." Motion carried.

Building Official Ziegler appeared and presented the results of the August 6<sup>th</sup> bid opening for the demolition of building(s) located at 4905 S. Washington Street. Ziegler stated a notice and order was issued to move, demolish or reconstruct the property with County the Commission subsequently authorizing the advertisement of bids. Ziegler continued that no permits or applications have been made to follow the order nor have any appeals been received regarding the order. Ziegler reported three (3) bids were received with the low bid from Guthmiller & Sons Dirt Works in the amount of \$36,000. Ziegler noted the project start date is set for October 1<sup>st</sup> and should be completed within ten (10) days. Ziegler recommended award to the low bidder.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to award bids for the demolition of building(s) located at 4905 Washington Street to the low bidder, Guthmiller & Sons Dirt Works, in the amount of \$36,000. All members voted "AYE." Motion carried.

Asst. Community Development Director Lee appeared regarding consideration of the Land Use Plan amendment and zoning change from AG to R1 for part of Section 4, Burnt Creek Township lying east of US Highway 83.

Lee reported the County Planning Commission after public hearings held on August 8, 2012 and continued to September 12, 2012, recommended approval of the Land Use Plan amendment to change the land use designation; and, to approve the zoning from AG to R1-Residential and CM –Commercial that part of Section 4, Burnt Creek Township lying east of US Highway 83. Lee added that on June 18, 2012 a similar zoning change was approved by the County Commission for the adjacent Section lying south of and adjoining Section 4.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to approve the Land Use Plan amendment and zoning change from AG to R1- Residential and CM - Commercial for that part of Section 4, Burnt Creek Township lying east of US Highway 83. All members voted "AYE." Motion carried.

County Engineer Hall and Michael Gunsch, Houston Engineering, appeared and recommended the Commission authorize the rebidding of the Levinson/Goodin Bank Stabilization project. Gunsch noted that at the September 5, 2012, bid opening no bids were received. Gunsch continued that the landowners are concerned about continued erosion and exposure if the project is postponed. Gunsch stated he has contacted several contractors regarding their reason for not bidding the project and most stated they could not complete the project within the timeline specified. Gunsch recommended rebidding the project with a November 30 completion deadline. Gunsch noted the timing of the project is good due to the low water levels.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to authorize the rebidding of the Levinson/Goodin Bank Stabilization project with bid opening as soon as possible. All members voted "AYE." Motion carried.

Gunsch then informed the Board that the Army Corps of Engineers continues work on the Hogue Island bank stabilization project.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve the second approach permit request of Michelle Holy for Lot 2, Block 4, The Ridge at Hawktree. All members voted "AYE." Motion carried.

5:21 P.M.

On a motion made, seconded and carried the Board recessed until 6:00 p.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, 2013.

Chairman Schonert called on Finance Director Thompson to present a summary of actions taken on the Preliminary Budget at the August 22, 2012 meeting. Thompson clarified that the proposed increase to the property tax levy (20.36% within the City of Bismarck and 19.78% outside the City of Bismarck) is for the *county portion* of the property taxes which constitutes approximately 18% of the total property tax amount. Thompson continued that the taxes on an \$182,800 home would increase \$133.69 (within the City) or \$91.46 (outside the City). Thompson reminded the Commission that pursuant to statute the budget cannot be increased after the preliminary budget has been adopted and published. Thompson added reductions however, can be made if necessary. Thompson concluded by explaining that a \$0 tax increase would require the reduction of 10.5 mills.

Comm. Peluso stated there is a definite need for additional staff and for a new jail facility due to the growth in population and the effects of the oil boom. Peluso suggested that we should not put this burden solely on the citizens of Burleigh County and that other avenues should be explored, primarily assistance from the State of ND.

Comm. Bitner agreed with Peluso and noted in a recent meeting with Governor Dalrymple's staff several options were discussed. Bitner felt a reduction in the Jail Maintenance & Construction Fund to two (2) mills was appropriate at this time as there are no definitive plans to build. Bitner also suggested reductions in the Social Service and the Superintendent of Schools budgets.

Comm. Woodcox stated that the eleven (11) new positions in the 2013 budget are necessary and a result of the oil boom. Woodcox continued that it is unrealistic for Burleigh County to provide for all the needed services without assistance from the State.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to reduce the Jail Maintenance & Construction Fund mill levy from ten (10) mills to one (1) mill. "AYE" votes: Bitner, Woodcox, Peluso, and Schonert. "NAY" vote: Armstrong. Motion carried.

Comm. Bitner stated that Morton County is in agreement with the proposed July 1, 2013 termination of the shared Supt. of Schools Dept. Bitner continued an option would be to continue the part-time Administrative Assistant position and combine this position with County Extension Office open part-time position.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to reduce the Superintendent of Schools budget from \$90,450 to \$60,450 and to terminate the Shared Services Agreement with Morton County effective, July 1, 2013. "AYE" votes: Peluso, Bitner, Woodcox, Armstrong and Schonert. Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to reduce the County Agent budget by the equivalent of one ½ time position with the plan to fill the current vacant ½ position with the Administrative Assistant presently working in the combined Supt of Schools Dept. "AYE" votes: Bitner, Woodcox. "NAY" votes: Armstrong, Peluso, Schonert. Motion failed.

Bitner then reported that he has spoken with Social Service Director Doe regarding potential areas of budget reduction.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to reduce the Social Service Dept. maintenance & repair line item by \$107,470. All members voted "AYE." Motion carried.

Social Service Director Doe appeared and stated that as a result of some number crunching she is able to reduce an additional \$71,240 from the Social Service Dept. budget.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to reduce the Social Service budget by an additional \$71,240. All members voted "AYE." Motion carried.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

The Board then recapped the effects of the previous actions noting an estimated decrease of 1.02 mills from last year with the net affect being an increase of less than \$10 on a \$190,000 home.

Chairman Schonert opened the PUBLIC HEARING and invited public testimony and comment on the 2013 budget.

Scott Kronberg appeared regarding clarification on any resolution to the jail overcrowding problem. Kronberg expressed his concern about the issue and questioned why with all the growth in the property values there are not more dollars available.

Chairman Schonert indicated that this Board has always taken a conservative approach and only asked for what is needed. Schonert continued that it has not been policy to bank taxpayers' money without specific spending plans in place.

Donovan Feist appeared and commended the Commission on the job they are doing. Feist expressed concern over future costs that he will incur as a taxpayer on a limited budget. Feist stated he favors sales taxes over property taxes.

Bob Johnson appeared and stated that Burleigh County has indeed been impacted by the oil from the western part of the state. Johnson stated Burleigh County needs to receive oil impact funds from the legislature.

Clint Fleckenstein appeared and commended the Commission on their good stewardship. Fleckenstein stated the initial 20% increase in taxes was a concern, noting it increased public interest as evident by the number of taxpayers at this hearing. As no one else present appeared the public hearing was closed.

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

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

The Burleigh County Commission immediately reconvened with all members present except Comm. Bitner who attended via phone

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve and adopt the final 2013 Burleigh County budget and appropriate mill levies as per the preliminary budget adopted, published and as amended, and to authorize the maximum mill levy allowable for the General and Senior Citizens Funds. 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. Armstrong, 2<sup>nd</sup> by Comm. Peluso, 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 2013. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve the contract with the Centre, Inc., for Community Service & Misdemeanor Probation services for calendar year 2013. All members voted "AYE." Motion carried.

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

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES**

**FINAL BUDGET OF BURLEIGH COUNTY  
NORTH DAKOTA  
CALENDAR YEAR BEGINNING JANUARY 1, 2013**

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, 2013 and ending December 31, 2013. 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, 2013 the following amounts are necessary:

FINAL BUDGET

County Board .....	\$ 266,080
County Auditor/Treasurer/Tax Equalization .....	743,196
States Attorney.....	1,114,962
Juvenile Court .....	211,000
County Recorder .....	222,182
Courthouse, Buildings & Grounds.....	439,707
Utilities.....	84,000
Printing, Publishing and Supplies.....	27,000
Elections.....	57,500
Telephone and Postage.....	102,000
Examination Fee .....	14,500
Human Resources .....	1,240,554
County Sheriff .....	3,656,174
County Detention Center.....	2,682,375
Communication Center .....	415,008
Emergency Management.....	193,177
Ambulance Services .....	1,500
Public Administrator .....	27,000
Property Insurance.....	9,000
Police Youth Bureau .....	62,305
Public Health Nurse .....	112,737
County Planning.....	120,000
Health Board .....	3,000
Superintendent of Schools.....	60,450
Technology.....	32,000
Transfer Out.....	70,000
<b>GENERAL FUND BUDGET .....</b>	<b>\$11,967,407</b>

Appropriation for General Government	\$11,967,407	
Plus: Delinquent Taxes & Interim Fund	8,016,246	
Less: Resources	<u>(13,158,653)</u>	
Balance to be levied (22.75 Mills)		\$6,825,000

Appropriation for Unorganized Townships	1,034,000	
Plus: Delinquent Taxes	19,305	
Less: Resources	<u>(667,205)</u>	
Balance to be levied		386,100

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES**

Appropriation for County Road & Bridge	20,553,006	
Plus: Delinquent Taxes & Interim Fund	10,276	
Less: Resources	<u>(20,488,282)</u>	
Balance to be levied (.25 Mill)		75,000
Appropriation for Highway Tax Distribution	6,411,000	
Less: Resources	<u>(6,411,000)</u>	
Balance to be levied		- 0 -
Appropriation for Special Road & Bridge (Unorganized Twps.)	526,000	
Less: Resources	<u>(526,000)</u>	
Balance to be levied		- 0 -
Appropriation for Social Welfare	7,284,994	
Plus: Delinquent Taxes & Interim Fund	2,435,375	
Less: Resources	<u>(4,722,832)</u>	
Balance to be levied (16.66 Mills)		4,997,537
Appropriation for County Poor	1,011,230	
Less: Resources	<u>(1,011,230)</u>	
Balance to be levied		- 0 -
Appropriation for Library	245,789	
Plus: Delinquent Taxes	9,954	
Less: Resources	<u>(56,663)</u>	
Balance to be levied (2.59 Mills)		199,080
Appropriation for Liability Insurance	190,000	
Plus: Delinquent Taxes & Interim Fund	54,774	
Less: Resources	<u>(99,288)</u>	
Balance to be levied (.49 Mill)		145,486
Appropriation for Special Assessments	15,000	
Plus: Interim Fund	19,773	
Less: Resources	<u>(34,773)</u>	
Balance to be levied		- 0 -
Appropriation for Senior Citizens	567,490	
Plus: Delinquent Taxes & Interim Fund	292,675	
Less: Resources	<u>(560,165)</u>	
Balance to be levied (1.00 Mill)		300,000
Appropriation for Detention Commissary	25,000	
Less: Resources	<u>(25,000)</u>	
Balance to be levied		- 0 -
Appropriation for Sobriety 24/7 Program	22,400	
Less: Resources	<u>(22,400)</u>	
Balance to be levied		- 0 -

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES**

Appropriation for Water Resource District	6,602,510	
Plus: Delinquent Taxes & Interim Fund	362,935	
Less: Resources	<u>(6,365,445)</u>	
Balance to be levied (2.00 Mills)		600,000
Appropriation for Communication Center	1,653,000	
Less: Resources	<u>(1,653,000)</u>	
Balance to be levied		- 0 -
Appropriation for Victim/Witness Assistance	186,794	
Less: Resources	<u>(186,794)</u>	
Balance to be levied		- 0 -
Appropriation for Emergency Fund	1,000,000	
Plus: Delinquent Taxes & Interim Fund	546,762	
Less: Resources	<u>(1,246,762)</u>	
Balance to be levied (1.00 Mills)		300,000
Appropriation for Veterans Service	273,010	
Plus: Delinquent Taxes & Interim Fund	76,907	
Less: Resources	<u>(176,823)</u>	
Balance to be levied (.58 Mill)		173,094
Appropriation for Provident Life Bldg.	524,835	
Less: Resources	<u>(524,835)</u>	
Balance to be levied		- 0 -
Appropriation for Social Security	1,365,000	
Plus: Delinquent Taxes & Interim Fund	377,596	
Less: Resources	<u>(1,015,671)</u>	
Balance to be levied (2.42 Mills)		726,925
Appropriation for Advertising	63,247	
Plus: Delinquent Taxes & Interim Fund	18,585	
Less: Resources	<u>(26,371)</u>	
Balance to be levied (.18 Mill)		55,461
Appropriation for County Agent	350,562	
Plus: Delinquent Taxes & Interim Fund	102,664	
Less: Resources	<u>(152,744)</u>	
Balance to be levied (1.00 Mill)		300,482
Appropriation for Comprehensive Health Insurance	943,000	
Plus: Delinquent Taxes & Interim Fund	275,313	
Less: Resources	<u>(427,054)</u>	
Balance to be levied (2.64 Mills)		791,259
Appropriation for Weed Board	275,814	
Plus: Delinquent Taxes & Interim Fund	215,074	
Less: Resources	<u>(298,388)</u>	
Balance to be levied (2.50 Mills)		192,500

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES**

Appropriation for County Park	314,121	
Plus: Delinquent Taxes & Interim Fund	544,172	
Less: Resources	<u>(787,293)</u>	
Balance to be levied (1.00 Mill)		71,000
Appropriation for County Fair	3,000,000	
Less: Resources	<u>(3,000,000)</u>	
Balance to be levied		- 0 -
Appropriation for County Jail Maintenance and Construction	1,884,082	
Plus: Delinquent Taxes	15,000	
Less: Resources	<u>(1,599,082)</u>	
Balance to be levied (1.00 Mills)		300,000
Appropriation for County Parks and Recreational Areas	248,467	
Plus: Delinquent Taxes	11,150	
Less: Resources	<u>(36,617)</u>	
Balance to be levied (1.00 Mill)		223,000
Appropriation for Cellular Phone Tax	719,000	
Less: Resources	<u>(719,000)</u>	
Balance to be levied		- 0 -
Appropriation for Parking	51,000	
Less: Resources	<u>(51,000)</u>	
Balance to be levied		- 0 -
Appropriation for Abandoned Cemeteries	4,000	
Less: Resources	<u>(4,000)</u>	
Balance to be levied		- 0 -
Appropriation for Preservation Fund	50,000	
Less: Resources	<u>(50,000)</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	2,000	
Less: Resources	<u>(2,000)</u>	
Balance to be levied		- 0 -

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES**

Appropriation for Rural Special Assessments	596,080	
Less: Resources	<u>(596,080)</u>	
Balance to be levied		- 0 -
 TOTAL LEVIES ALL FUNDS	 \$16,661,924	

The adopted budget is available for public inspection on weekdays at the Burleigh County Auditor's Office, 221 North 5<sup>th</sup> Street, Bismarck, North Dakota between 8:00 AM and 5:00 PM.

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Kevin J. Glatt  
Burleigh County Auditor/Treasurer

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Douglas R. Schonert, Chairman

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

September 5, 2012  
5:09 P.M.

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

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

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

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

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

This was the hour and date set for PUBLIC HEARINGS for Prairie Pines 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Subdivisions Special Assessment District #52, and Northridge Estates 1<sup>st</sup>, 2<sup>nd</sup> and Commercial Park Subdivisions (chip seal) Special Assessment District #53.

Chairman Schonert opened the public hearings for Special Assessment Districts #52 & #53 and called for any public testimony. No one present appeared and the following motions were made:

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to close the public hearing and to approve, confirm and certify the Special Assessment Lists for Prairie Pines 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Subdivisions Special Assessment District #52 as recommended by the Special Assessment Commission. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to close the public hearing and to approve, confirm and certify the Special Assessment Lists for Northridge Estates 1<sup>st</sup>, 2<sup>nd</sup> and Commercial Park (chip seal) Special Assessment District #53 as recommended by the Special Assessment Commission. All members voted "AYE." Motion carried.

The Board then considered the proposed Planning Services Contract with the City of Bismarck while Comm. Peluso was still in attendance. Auditor/Treasurer Glatt noted that based upon the decision during budget hearings to delay creation of a separate department this item was placed on the agenda.

Comm. Peluso stated that if we are not ready to create our own department this contract should be approved.

Comm. Bitner stated that this contract expands the city's authority outside the extraterritorial area and is vehemently opposed to this agreement.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve the contract with City Planning Department as submitted.

Comm. Bitner continued his opposition noting the specific wording of the contract and requested State's Attorney Riha's opinion. Riha noted that if the intention is to change the wording of the contract by amendment or deletion, the contract would need to go back to the City for approval.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to table this item until Comm. Bitner and State's Attorney Riha can review and clarify the contract verbiage. All members voted "AYE." Motion carried.

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

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

Vietmeier then presented an agreement with Ecklund Township for assessing services for a three (3) year period. Vietmeier stated the contract formalizes the work done in 2012 and is similar to the contract with the City of Lincoln.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to approve the assessing contract with Ecklund Township for the tax years 2013, 2014 and 2015. All members voted "AYE." Motion carried.

Comm. Peluso was excused.

Asst. Community Development Director Kim Lee appeared regarding consideration of a lot split of Lot 3, Block 1, Zuraff Subdivision, Menoken Township. Lee reported the Planning Commission held a public hearing on August 8, 2012 and based on the findings, recommended approval of the lot split with the understanding that a plat of irregular description be recorded as required by the Burleigh County Auditor/Treasurer.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve the lot split of Lot 3, Block 1, Zuraff Subdivision effective upon the recording of the required irregular plat(s). All members present voted "AYE." Motion carried.

Paul Rechlin, Lewis & Clark Regional Development Council (LCRDC), appeared regarding the 2013 county dues contribution. Rechlin stated the dues are the equivalent of 2/10<sup>th</sup> of a mill (.2 mills) and has remained unchanged for nearly 30 years. Rechlin explained that this \$53,000 county investment results in a \$2.5 million return as the majority of their business is in the form of loans. Rechlin continued that LCRDC is a non-profit organization whose goal isn't to recruit new businesses, offer incentives, or to give grants. Rechlin stated the LCRDC primarily helps small business through the use of loans. Rechlin noted their services and programs are not marketed and are used to fill the gaps, which in most cases mean their business usually comes from referrals from banks and other lenders. Rechlin concluded that the dues collected are necessary for these programs to continue.

Comm. Woodcox emphasized that Rechlin was asked to give an explanation of what benefits are provided by the contribution.

Comm. Bitner inquired as to the Council's annual budget, staff, and location. Rechlin responded that there are two organizations (with Community Works) and seven (7) full-time employees with offices currently located in downtown Mandan. Rechlin noted the annual budgets are \$500,000 for RDC and over \$700,000 for Community Works.

No action was taken.

County Engineer Hall appeared regarding consideration of the results from the bid opening for Fox Island Revetment Rehabilitation. Hall noted that on April 16, 2012, the Board accepted responsibility for the maintenance of this revetment and authorized the advertisement for bids for this project. Hall stated the bid opening was scheduled for September 5, 2012 with no bids received. Hall suggested this is due largely on the fact that most contractors are busy through the end of the year. Hall suggested the project be rebid in January/February. No action was taken.

HR Director Gall appeared and presented a request for approval to the amendment to Chapter 3, Section 1: Classification Review and Appeal Policy. Gall stated the change would effectively eliminate the Classification Review Committee and allow employee reclassification to be done throughout the year as needed.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve the amendment to Chapter 3, Section 1: Classification Review and Appeal Policy as requested and recommended by HR Director Gall. All members present voted "AYE." Motion carried

The Board then considered appointments to the Burleigh County Water Resource District (unexpired terms ending 12/31/12 and 12/31/13) and the Burleigh County Housing Authority.

Comm. Bitner expressed his strong support for appointment of Bruce McCollom to the Water Resource District and noted he specifically asked McCollom to apply based upon his active involvement in the flood efforts last year.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to appoint Bruce McCollom to the unexpired term on the Burleigh County Water Resource District ending 12/31/2012. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to appoint Gordon Weixel to the unexpired term on the Burleigh County Water Resource District ending 12/31/2013. All members present voted "AYE." Motion carried.

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES**

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to appoint Tamara Svihl to an unexpired term on the Burleigh County Housing Authority ending 12/31/2014. All members present voted "AYE." Motion carried.

Auditor\Treasurer Glatt then presented a request by the Dakota West Arts Council for authorization to use the Courthouse lawn the summer of 2013 for brown bag lunch performances.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve the use of the Courthouse lawn the summer of 2013 for brown bag lunch performances. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve the second approach permit requests of Allmaras, Thompson and Edwards; to approve the renewal of the Snowmobile Trail Lease Agreement with ND Park and Recreation Department; and to approve the raffle permit application for University of Mary Athletics Dept. pending receipt of all required documents. All members present voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

August 22, 2012  
8:45 A.M.

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

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

Chairman Schonert stated he was not able to review the vouchers prior to the meeting and requested approval subject to his review.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to approve the bills subject to Chairman Schonert's review. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the results of the bid openings held on August 17<sup>th</sup> for the Tavis Road Flood Control Project and the Burnt Creek Loop/Misty Waters Drive grade raise project.

Hall stated one (1) bid from Weisz & Sons Inc. in the amount of \$607,515.25 was received for the Tavis Road Flood Control Project. Hall reported the engineer's estimate for the project is \$398,760. Hall continued that while the bid exceeds the engineer's estimate, he recommended award of the bid as this is the first of 3 phases for this flood control project. Hall provided the following funding breakdown for this project:

State Water Commission	\$307,000
Lincoln Township	\$ 67,000
City of Bismarck	\$101,000
Burleigh County	\$133,000

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

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to award the bid for the Tavis Road Flood Control Project Part A to Weisz & Sons Inc., in the amount of \$607,515.25. All members voted "AYE." Motion carried.

The Burleigh County Commission reconvened with all members present.

Upon question, Hall stated the State Water Commission has accepted the bid and the City of Bismarck will consider this at their next meeting.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to award the bid for the Tavis Road Flood Control Project Part A to Weisz & Sons Inc., in the amount of \$607,515.25. All members voted "AYE." Motion carried.

Hall then reported that two (2) bids were received for the Burnt Creek Loop/Misty Waters Dr grade raise project which were significantly over the engineer's estimate. Hall suspected this is due largely to the required 2012 completion date. Hall recommended rejecting both bids and rebidding this project in early 2013.

Comm. Woodcox inquired whether there are time restrictions on the grant fund(s) associated with the project. Hall stated that the grant requires a *commitment* of funds by June 30<sup>th</sup>, 2013.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to reject all bids for the Burnt Creek Loop/Misty Waters Dr grade raise project and rebid the project in early 2013. All members voted "AYE." Motion carried.

Hall provided an update on the River Road project and anticipated an early completion and reopening of the road.

Finance Director Thompson appeared and presented an overview of submitted 2013 budgets and preliminary mill levies. Thompson noted taxable values are up approximately 7% overall in Burleigh County. Thompson added new construction accounted for about 3% of the increase. Thompson stated the budget as presented reflects a 13.6% increase in taxes and coupled with the increase in value, equates to a 3.43 mill increase. The budget as presented calls for general fund spending to outpace revenue by approximately \$1,800,000. Thompson noted the estimated county taxes on a home valued at \$150,000 in 2006 (now valued at \$190,364) would increase \$50.35.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Chairman Schonert noted that the majority of the increase is related to Public Safety (Sheriff, Detention, and State's Attorney). Schonert added that much of the current construction being seen in the community will be recognized in next year's value or the 2014 budget \ 2013 property tax collections.

Comm. Armstrong questioned why the mill levy on the Jail Maintenance & Construction Fund has not been utilized to its maximum potential to fund the increasing jail needs. Comm. Armstrong suggested that now is the time as increasing this mill levy to 10 mills would generate \$3 million per year towards meeting jail space needs.

Chairman Schonert indicated the County Commission has taken a conservative approach in the past, adding it is vital to stay abreast of public safety amidst the community growth.

Comm. Bitner agreed with Armstrong and voiced significant concerns with the budget wish lists and the importance of prioritization.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to increase the Jail Maintenance & Construction mill levy from the proposed five (5) mills to ten (10) mills. All members voted "AYE." Motion carried.

Sheriff Heinert then appeared and presented a recent development with the prisoner meal contract with CBM. Heinert reminded the Commission that at the last meeting a 3% increase was approved, however, CBM has indicated that it cannot afford to provide the meals at this cost. Heinert stated he has discussed this issue with the State's Attorney and offers the following options: 1) terminate the contract and rebid, 2) continue negotiations with CBM, or 3) approve the request for an additional \$.59 per meal increase.

Heinert estimated approval of the request would equate to a \$94,700 annual increase. Heinert noted that only two (2) bids were received when this contract was bid last November and the requested increase would still be lower than the other bid received. Heinert stated that Stutsman, Cass and Grand Forks counties also contract with CBM; however, due to inmate assistance with meals they receive a fee reduction. Heinert added the Burleigh County Detention Center is not set up to utilize inmate assistance.

Comm. Peluso indicated the request is reasonable and recommended approval of the contract amendment and further that we explore other options for prisoner meals.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to approve the \$.59 per meal increase and to approve the contract amendment with CBM effective 11/1/12 and to further increase the 2013 Detention Center budget by \$94,700 to reflect the increased costs. All members voted "AYE." Motion carried.

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

Comm. Woodcox questioned whether laptops for the Commission are included in the preliminary budget. Woodcox continued he believes computers would improve communications and noted Comms. Armstrong and Bitner already have county provided computers.

Thompson stated that these costs were not calculated into the 2013 budget.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to purchase three (3) laptop computers for Commission use from the 2012 budget. All members voted "AYE." Motion carried.

Heather Wanner, Victim Witness Program, appeared and requested one additional full-time staff member to assist with the growth in victim related cases.

Comm. Woodcox stated that 50% of the fines collected (approximately \$25,000) by the Victim Witness program has been appropriated to the Abused Adult Resource Center (AARC) on an annual basis to provide services to victims of domestic violence. Woodcox recommended that 100% of the fines collected be retained by the county to fund the requested additional staff person.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Diane Zainhofsky, AARC Executive Director, appeared and provided a resolution from the AARC Board requesting continuance of the 50/50 funding split.

Chairman Schonert expressed his support for the AARC and the services they provide. Schonert stated he would like to see the AARC receive 100% of the fines and the county fund the Victim Witness Program.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to eliminate the AARC funding and retain and allocate 100% of the fine revenue to the Victim Witness Program. "AYE" votes: Bitner, Peluso, Woodcox. "NAY" votes: Armstrong, Schonert. Motion carried.

Ken Royse, Burleigh County Water Resource District Board of Directors, appeared and reviewed the BCWRD proposed budget with no changes made.

Comm. Bitner reviewed the Superintendent of Schools budget noting this is still a combined department with Morton County. Bitner noted that based upon conversations with the various school boards work continues on developing changes to the current arrangement.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to formally notify Morton County of our intent to discontinue the current arrangement for the combined Superintendent of Schools effective subject to the terms of the agreement or upon acceptance of an earlier date by both parties. All members voted "AYE." Motion carried.

Comm. Woodcox explained the Courthouse Buildings & Grounds and Provident Building budgets. Woodcox noted a \$550,000 request for heating & air conditioning replacements for the courthouse. Woodcox stated a state grant may be available for a part of the cost. Woodcox continued that while the system needs to be upgraded, it is not an immediate need.

Auditor/Treasurer Glatt addressed the \$400,000 request in the technology budget for replacement of the property tax software and to contract or hire an individual to shepherd the property tax software installation and conversion. Glatt noted that if hired this individual upon completion of the property tax project could then evolve into a county-wide information services (technology) department. Glatt indicated as 2013 is a non-election year this is an opportune time to make the upgrade. Glatt noted the existing software was developed "in-house" in the early 1980's and that a number of other counties are considering updates to their property tax systems in 2013.

Comm. Bitner stated this is a lower priority and should be set aside due to the focus on public safety.

Comm. Armstrong inquired if maybe all counties updating could share the costs by utilizing the same system.

Glatt explained that pricing for such software is based upon the number of users and population. Glatt added that the property tax software is the basis for levying, collecting and remitting tax collections for the 80+ townships, school districts, fire districts, etc. throughout Burleigh County totaling over \$80 Million. Glatt expressed his concern that we have had issues with the system the last two (2) years and is concerned for the future.

Comm. Armstrong emphasized that technology is always necessary and increasingly expensive.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to remove the \$400,000 for property tax software conversion project from the technology budget. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to remove the \$550,000 for heating & air conditioning upgrades from the Courthouse Buildings & Grounds budget. All members voted "AYE." Motion carried.

Comm. Armstrong presented the Planning Dept. budget and noted the amount budgeted (\$267,000) reflects the establishment of a separate planning dept. Armstrong stated he does not support the establishment of the separate department and thinks a continued partnership with the City of Bismarck is the best option.

Comm. Bitner indicated that while strides have been made toward developing a separate planning department, we are not ready.

Chairman Schonert reiterated he has received township feedback in support of a county planning department.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to reduce the planning budget from \$267,000 to \$120,000. All members voted "AYE." Motion carried.

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 to the \$100,000 level.

Comm. Peluso suggested that the development is happening on its own and the funding is not necessary.

Comm. Bitner stated he would not support spending money when our taxpayers and neighbors are feeling the negative impact of the rapid growth.

Chairman Schonert and Comm. Woodcox stated funding should at least remain at the current level.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to eliminate the Jobs Development mill levy thereby reducing funding to the BMDA to \$0. "AYE" votes: Bitner, Armstrong, Peluso. "NAY" votes: Woodcox, Schonert. Motion carried.

Mary Magnusson (Director), Burleigh County Council on Aging, appeared and presented the Council on Aging budget. Comm. Bitner questioned the rationale for the increased budget. Magnusson responded the majority of the increase is for updates to the 40+ year old kitchen and restrooms. Magnusson stated the kitchen provides over 80,000 meals per year to seniors throughout the community (Meals on Wheels).

Nancy Keating, Centre Inc., appeared and presented the Centre request for continued funding for Supervised Community Service.

Judy Vetter, Guardian and Protective Services (GAPS), appeared and presented the GAPS request for funding for guardianship services.

Engineer Hall appeared and the Commission reviewed the Highway Dept. budget. Hall stated the 2013 budget is driven by the construction of a \$10 million shop building.

Social Service Director Doe appeared and the Commission reviewed the Social Service Dept. budget. Doe noted the budget request is 16.6% higher than the current budget. Doe stated program costs for foster care and the request for 2.5 new employees in the eligibility areas account for most of the increase. Comm. Bitner requested Doe find areas of the budget where cuts could be made. Doe stated the new staff and remodeling for this new staff could be cut. Doe then questioned the effects of not hiring staff. No action was taken.

Comm. Peluso was excused.

Comm. Bitner stated that he does not see the value associated with \$57,047 funding request from the Lewis & Clark Regional Development Council. No action was taken and the Commission requested the Lewis & Clark RC&D attend the next meeting.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to increase funding to Dakota Prairies RC&D from \$900 to \$1200. "AYE" votes: Armstrong, Woodcox, Schonert. "NAY" vote: Bitner. Absent: Peluso. Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to approve and adopt the Burleigh County 2013 Preliminary Budget as amended and to call for a public hearing on the budget on September 19, 2012 at 6:00PM. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve the Grace Lutheran Church Women raffle permit. All members present voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

August 6, 2012  
5:05 P.M.

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

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

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

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

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

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve the abatements as requested. All members voted "AYE." Motion carried.

Building Official Ziegler appeared requesting authorization to solicit bids for the demolition and cleanup of a vacant and dangerous structure located at 4905 S Washington St. Ziegler stated a notice and order has been made to move, demolish or reconstruct the property and as of July 23<sup>rd</sup> no permits or applications have been made to follow the order nor have any appeals been received against such measures.

Comm. Bitner requested Asst. State's Attorney Nesvig provide clarification on who has jurisdiction over enforcement. Asst. State's Attorney Nesvig responded that in this instance, regarding floodplain enforcement and cleanup within the ETA, the city has enforcement power with the county responsible for the cost.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to authorize the advertisement of bids for the demolition and cleanup of the structure(s) and property located at 4905 S Washington St. All members voted "AYE." Motion carried.

Asst. Community Development Director Lee appeared with a zoning ordinance text amendment relative to Meat Packing Facilities. Lee stated the Burleigh County Planning Commission held a public hearing and recommended approval on June 13, 2012. Lee explained the revisions to the proposed ordinance include limiting the number of animals to 100 per week, changing the setback to ¼ quarter mile and provisions on the facility design to ensure odor has a limited negative impact.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve the zoning ordinance text amendment relative to Meat Packing Facilities as proposed. All members voted "AYE." Motion carried.

The Board then discussed Planning & Zoning Services. Comm. Bitner stated that job descriptions are currently being developed for county planning positions and will be presented at the budget meetings. Comm. Woodcox indicated that the Board of Health is considering hiring a part-time health inspector and suggested looking at combining the building inspector and health inspector into one position to maintain an effective workload.

Chairman Schonert noted that certain townships and unincorporated villages have indicated a need for inspection services and may contract for these services if a separate county planning/zoning and building inspector was available. No action was taken.

Sheriff Heinert appeared and presented the following items for the Board's consideration: authorization to hire four (4) additional detention officers effective 9/1/12 and approval to amend the contract with CBM Managed Services for a 3% increase for prisoner meals.

Heinert stated due to the record inmate population and rising workload, four (4) additional detention officers are needed immediately. Heinert noted that since December of last year, inmates have been housed outside of the county facility due to full capacity. Heinert noted the jail hit a record last month of 181 inmates with current capacity at 138. Heinert stated that although inmates are housed in outside facilities Burleigh County Detention staff must provide booking, holding, transportation, and

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

logistical support which has greatly increased the workload. Heinert noted if these positions are approved they will be included in the 2013 budget.

Chairman Schonert briefly explained the results of the Jail Study finding to build a combined Burleigh\Morton Detention Center presented on August 1<sup>st</sup>, and asked for two (2) Commissioners to volunteer to reach out to the three (3) other entities and form a committee to move forward on this issue. Comm. Woodcox and Comm. Peluso agreed to take part on this committee.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the hiring of four (4) additional detention officers with full benefits at a cost of up to \$89,646 for the period of 9/1/12 thru 12/31/12. All members voted "AYE." Motion carried.

Heinert then presented the request of CBM Managed Services to amend the prisoner meal contract. Heinert recommended an increase of 3% thereby amending the contract effective 11/1/12.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to amend the prisoner meal contract with CBM Managed Services increasing prisoner meals by 3% effective 11/1/12. All members voted "AYE." Motion carried.

Neil Effertz, Missouri Valley Complex Event Center Committee, appeared regarding continued discussions on the multi-use building at the Missouri Valley Complex. Effertz noted at the July 16<sup>th</sup> meeting, it was determined that until the zoning issue was settled the project was unable to move forward. Effertz stated that the PUD zoning issue can be resolved in due time and requested the Commission makes a formal request to have the PUD ordinance changed. Effertz further requested the Commission approve the proposed lease for the property.

Chairman Schonert stated he feels the Commission needs to make a decision regarding this project. Schonert added he is still receiving feedback for indicating support to construct the facilities listed as Phase III before Phase I.

Comm. Bitner suggested the Commission move to have the ordinance changed regardless of whether Phase I or Phase III is constructed first.

Effertz reiterated that commitments for Phase I events have already been made for this first quarter of 2013 and these events will generate revenue for operations. Effertz continued that Phase III has no such commitment. Effertz stated he finds the existing PUD ordinance discriminatory. Effertz continued that he has done everything this Commission requested regarding setting up a 501(c)3 organization, drafting a lease and securing architectural renderings. Effertz requested that if this project is not going to proceed that the county authorize the payments of the professional fees incurred.

Comm. Peluso stated that he has repeatedly asked for financial information regarding the costs of operations for the facility which to date have not been provided. Peluso added he still has not seen the support from the entire community to back a project of this magnitude.

Comm. Armstrong agreed with Comm. Peluso that money has always been in question along with adequate involvement and private sector support.

Effertz stated he is extremely confident that Phase I events planned for 2013 will generate \$70,000 - \$100,000 in positive cash flow (revenue). Effertz added this will allow the building to continue operating and bring in additional events. Effertz expressed his disappointed in the lack of support by this Commission.

Chairman Schonert stated the consensus of the Commission at this time is not in support of this project.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to initiate the process to request the amendment of the PUD zoning ordinance for the Missouri Valley Complex. All members voted "AYE." Motion carried.

Effertz responded that he will forward his bills to the County Auditor\Treasurer for reimbursement of fees incurred. Chairman Schonert indicated there is no guarantee of payment.

HR Director Gall appeared and presented the following budget issues related to employee compensation & benefits for budgetary purposes for the Board's consideration: authorize a 2% Cost of Living Adjustment (COLA) increase; continued funding of the step-in-grade pay scale concept; funding both the employee and employer share (2% increase) contribution to the

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

retirement fund for fiscal year 2013; and moving the salary ranges by 2% if the COLA increase is approved to keep pace with inflation; and county assumption of the increase in health insurance premium costs at the same percentages for employer and employee.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve for budgetary purposes a 2% COLA increase, the continued funding to the step-in-grade pay scale; funding both the employee and employer share (2%) contribution to the retirement fund for fiscal year 2013, increasing salary ranges by 2% (COLA), and increased health insurance premium costs assumed at same percentages for employer and employee. All members voted "AYE." Motion carried

Auditor\Treasurer Glatt appeared and presented the following items for the Board's consideration: authorization to call for public hearings regarding Special Assessment Districts #52 & #53; approval of the engineer's report for SAD #54 Secluded Acres 2<sup>nd</sup> Replat & 3<sup>rd</sup> Subdivisions, and creation of a special assessment district by Resolution of Necessity; concurrence with the NDDOT bid award for Arena Rd Grade Raise to Foothills Contracting Inc.; and establishment of voting precincts & polling hours for the November 6, 2012 General Election.

Glatt requested authorization to call for public hearings regarding Special Assessment Districts #52 & #53. Glatt explained the Special Assessment Commission confirmed the benefits and the amounts assessed against each lot or tract of land for construction of the special assessment districts after a public hearing regarding the same.

Motion Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to authorize call for public hearings regarding Special Assessment Districts #52 & #53. All members voted "AYE." Motion carried.

Glatt stated that petitions requesting paving and creation of an assessment district for Secluded Acres 2<sup>nd</sup> Replat and 3<sup>rd</sup> Subdivisions were submitted 06/08/12 meeting the 60% requirement. Glatt reported the Special Assessment Screening Committee has met and recommended the acceptance of the engineer's report, and creation of a special assessment district by Resolution of Necessity and calling for a public hearing regarding SAD#54.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to accept the Preliminary Engineers report, to create Special Assessment District #54, and to declare a Resolution of Necessity for Special Assessment District #54 Replat of Secluded Acres 2<sup>nd</sup> and Secluded Acres 3<sup>rd</sup> Subdivisions and to authorize the call for a public hearing regarding the same. All members voted "AYE." Motion carried.

Glatt then reported that on June 18, 2012, the County Board authorized the County Engineer and the County Auditor to enter into a Construction and Maintenance agreement with the ND Department of Transportation for the grade raise of 385<sup>th</sup> Street NE near Arena. Glatt continued bids were received and opened by the ND Dept. of Transportation on July 20, 2012 with the recommendation to award the bid to the low bidder, Foothills Contracting Inc., in the amount of \$2,194,603.25.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to award the bids for the Arena Rd Grade Raise to the low bidder, Foothills Contracting Inc., in the amount of \$2,194,603.25. All members voted "AYE." Motion carried.

Auditor Glatt requested authorization to establish the same voting precincts as the Primary Election with polling hours from 7 a.m. to 7 p.m. for the General Election to be held November 6, 2012.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to authorize the establishment of voting precincts and the hours for the November 6, 2012 General Election. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve the Lost Instrument Surety Bonds to replace checks #84644 and #83211; and to authorize the publication of the Weed Cutting Notice. All members voted "AYE." Motion carried.

Chairman Schonert presented a request from the ND Association of Counties for Host County funding support of the annual conference in Bismarck October 7-10. Upon question Auditor\Treasurer Glatt reported that in previous years \$750 contributions have been approved. Chairman Schonert recommended the continuation of this contribution.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to approve a \$750 contribution as Host County for the ND Association of Counties Annual Conference. All members voted "AYE." Motion carried.

**BURLEIGH COUNTY COMMISSION  
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Attorney Tom Kelsch appeared on behalf of Terry & Jesse Heck regarding the receipt of a notice of violation. Kelsch stated the notice was dated July 23<sup>rd</sup> but not postmarked until July 30<sup>th</sup>. Kelsch stated the notice requires a response within 30 days requesting action by August 15<sup>th</sup>. Kelsch noted that due to the mailing date they have not been given proper time. Kelsch also indicated that the notice is vague in content and his clients are unclear as to the alleged violation and location of the same. Kelsch requested the notice of violation be withdrawn or withheld to allow for more time.

Comm. Bitner stated the notice is for a flood plain violation related to the dumping of materials on the flood plain. Bitner suggested the deadline issue be addressed with the Flood Plain Administrator, Ray Ziegler. Bitner added this Commission will not withdraw the notice of violation.

Terry Heck appeared and stated this issue started with his attempt to get proper permitting for the pet cemetery on his property. Heck stated the county will be given the pet cemetery as a gift.

Chairman Schonert stated the county is responsible for administration and enforcement of the flood plain and suggested that Heck contact the State Water Commission, the Corp of Engineers and Flood Plain Administrator Ziegler. No action was taken.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

August 1, 2012  
5:15 P.M.

The Burleigh County Commission convened a special meeting in the Tom Baker meeting room with the Commissions from Morton County and the Cities of Bismarck and Mandan for the purpose of receiving the Burleigh/Morton Jail Study findings.

Chairman Schonert called the meeting to order with all Burleigh County Commissioners present.

Morton County Commissioners Bruce Strinden, Andy Zachmeier, Dick Tokach, and Mark Bitz were present. Bismarck City Commission members John Warford, Josh Askvig, Parrell Grossman, Mike Seminary and Brenda Smith were present. Mandan City Commission members Arlyn Van Beek, Mike Braun and Dennis Rohr were present. Other noted elected officials in attendance were Morton County Sheriff Shipman, Burleigh County Sheriff Heinert, District Court Presiding Judge Haggerty, Burleigh State's Attorney Riha, and Burleigh County Auditor\Treasurer Glatt.

Burleigh County Sheriff Heinert welcomed those in attendance and thanked all those involved in completing the study.

Dennis Kimme, Kimme & Associates, appeared and presented the Jail Study findings. Kimme introduced architect Rick Hoganson who assisted with the project. Kimme then presented the scope of the study and the final recommendation that based on efficiency and cost-effectiveness, it is best to combine the Burleigh and Morton counties inmates into one jail facility. Kimme supported this recommendation with an overview of the study findings.

Kimme's findings showed that based on historical trends, Burleigh County will need 243 beds by 2025 and 294 beds by 2035. Kimme reported when oil boom impacts are factored in, the number of beds needed could spike to 292 in 2025 and 355 by 2035. Kimme noted the Burleigh County Detention Center currently has 138 beds, with jail populations as high as 181 this July.

Kimme noted Morton County currently has 38 beds, with trends indicating inmate housing needs at 100 beds in 2025 and 123 beds by 2035. Kimme reported with oil boom impacts, 130 beds could be needed as early as 2025 and 143 beds in 2035.

Kimme reported separate facilities would cost Burleigh County \$38.2 million and would require 12 to 15 acres while Morton County would require up to seven acres of land and cost \$18.7 million.

Kimme stated the new combined jail would need 15 to 20 acres of property to allow potential for expansion and noted the existing jail sites are limited due to their downtown locations. Kimme advised that the existing facilities be maintained as holding cells and day cells for court appearances once a new combined facility is in operation. Kimme suggested Burleigh County as the proposed location based upon inmate population and location of medical facilities. Kimme stated a combined facility would cost about \$7.1 million less than separate jails and would lower the number of inmate beds needed by 6% or 32 beds. Kimme added only seven (7) additional employees would be needed based upon current staff.

Kimme suggested that ownership and operation options might include having one county own and another lease the facility, or joint ownership of the new facility. Kimme strongly suggested the entities start working on this immediately as the need is present and growing.

Kimme then responded to questions from those attending and upon conclusion Chairman Schonert noted the four (4) entities have much to consider and extensive work to be completed for this combined facility to move forward.

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

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Kevin J. Glatt,  
Auditor\Treasurer

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Douglas R. Schonert  
Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

July 20, 2012  
11:34 A.M.

The Burleigh County Commission convened a special meeting in the ND Association of Counties meeting room for the purpose of receiving information from the various county elected and appointed department heads and discussing current department status and projected future plans, growth, and requirements.

Chairman Schonert called the meeting to order with all members present except Comm. Armstrong.

Social Services Director Doe appeared and presented information relative to caseloads, foster care, the pending retirement of six (6) key staff members, and enduring staffing vacancies. Doe noted future plans revolve around the need for office space, enhanced reliance on technology, and improved security/worker safety. Doe concluded that if the growth trends continue, funding requirements will need to increase.

Comm. Armstrong arrived.

Auditor/Treasurer Glatt presented the Veterans Service Office report noting the remodeling project is underway and recruitment of an additional employee is ongoing.

Superintendent of Schools Kautzmann appeared and presented a short report on her office.

State's Attorney Riha appeared and stated his most pressing issue is the immediate (and future) need for additional staff and space. Riha reported that since 2009, the State's Attorney's caseload has increased 30% and in most cases involves more serious crimes. Riha noted that based on national standards of one (1) prosecutor for every 6,000 residents, Burleigh County should have 14 prosecutors (current staff 9 prosecutors). Riha stated he will be requesting an additional prosecutor and one (1) additional support staffer in the 2013 budget.

Sheriff Heinert appeared and presented information related to the Sheriff's Department and Detention Center. Heinert reminded the Commission that the Jail Study results will be presented at a special meeting on August 1. Heinert noted the report will detail the most *efficient* solution; the combining of the the Morton and Burleigh County Detention Centers. Heinert continued that space is of primary concern with growing inmate populations, increasing staffing levels, and court needs within the courthouse. Heinert reported that the Burleigh County inmate population reached an all-time high of 181 inmates in July. Heinert stated he will be requesting authorization to immediately hire four (4) new detention officers at the August 6<sup>th</sup> Commission Meeting in order to properly staff the jail.

Heinert stated his goals include creating six (6) new deputy sheriff positions over the next 3 years to meet the needs of the community and to help reduce employee turnover. Heinert expressed his interest in keeping the old county shop building for storage, office space and the fleet of 27 sheriff vehicles. Heinert added he would eventually like to hire a mechanic to service and maintain these vehicles.

County Extension Agent Palczewski appeared and stated an additional part-time staff member will be requested in 2013. Palczewski noted ownership of the 4-H Building reverts back to the County within the year when the bonds are paid off. Palczewski continued web-based activity will continue to increase as will the need for administrative support with that expertise. Palczewski concluded that Burleigh County is behind other counties in the number of employees doing outreach in the community at-large and with schools.

Comm. Woodcox presented a report on the Courthouse and Provident Buildings noting potential space available for future needs. HR Director Gall noted the Parking Committee continues to struggle with employee parking and as staffs' increase this will be an ongoing problem.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

County Engineer Hall appeared and presented the new Highway Shop project completion date is 2013. Hall estimated an additional 10-20 employees will be needed over the next 5-10 years respectively with the following factors considered: population growth, expected service levels, and available funding.

Comm. Woodcox then reported that the County Board of Health is looking at hiring a part-time health officer which could be combined with building inspections if the county establishes its own planning & zoning department.

Emergency Manager Senger appeared and stated space needs are becoming more important as the airport continues to expand. Senger noted her office is currently working with HR on the recruitment phase of the 2012 budgeted full-time position. Senger presented a detailed report on the county website and social media usage noting dramatic increases.

Human Resources Director Gall then presented information relating to employee compensation. Gall summarized that the 2013 budget will include the following compensation items: 2% cost of living increase, 2.6% step-in-grade pay scale increase, NDPERS increase of 2% (1% paid by County, 1% paid by employee or all paid by County), and health insurance premium increase to be assumed by the county.

County Recorder Kroshus appeared and stated her office continues to experience increases in all services (recordings, passports, marriage licenses, etc.). Kroshus reported she will need to replace the public work stations in 2013 and continues working towards increased use of electronic/digital records.

Auditor/Treasurer/ Glatt appeared and stated Burleigh County will need more voting precincts or change the way elections are conducted. Glatt continued the "storage" room that Comm. Woodcox is eyeing for office expansion is actually an election workroom and if moved offsite additional staff would be needed to complete the extensive logistic and accuracy testing of the election equipment. Glatt continued future plans include purchasing additional e-poll books, hiring an election administrator, and replacing the current property tax system. Glatt stated he envisions hiring an IT professional to handle the integration/conversion of the property tax software and upon completion of this project retaining this individual as the manager of a county IT department. Glatt concluded that assessment work for other townships will continue to expand as townships are having difficulty finding qualified assessors.

Chairman Schonert asked for any concerns or comments from the Commissioners.

Comm. Bitner commented that most county parks are in tough shape and the potential for the Park Board budget to decrease is not likely.

Comm. Peluso stated that growth from the oil patch has affected our county with no oil impact monies to help. Peluso suggested working with our legislators on this matter. Peluso added raising taxes and prioritizing needs is inevitable. Peluso noted our conservative ways over the past many years may come to haunt us when we have to increase taxes.

Comm. Armstrong stated he is not opposed to growth in government, but also sees opportunities to reduce government and suggests we explore all options including outsourcing services to private contractors.

Comm. Woodcox suggested the county hire a lobbyist to work on the county's behalf for oil impact money from the legislature.

Comm. Bitner stated he would discuss this issue in an upcoming meeting with the Governor.

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

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Kevin J. Glatt,  
Auditor\Treasurer

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Douglas R. Schonert  
Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

July 16, 2012  
5:00 P.M.

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

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

Comm. Peluso reported that he had reviewed the bills and recommended approval of the same.

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

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

Paul Meyer and Tonya Burngard requested the 2012 market value on a 1986 24'x56' Dartmarth mobile home be reduced from \$26,608MV to \$10,640MV as the home was destroyed by fire.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the Meyer/Burngard abatement as requested. All members voted "AYE." Motion carried.

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

Comm. Woodcox inquired whether a higher deductible would reduce the premium cost.

Bain stated with the current deductible the savings related to an increase would be relatively small.

Comm. Armstrong requested the total number and value of the claims submitted for the year with Bain stating that \$91,453 was submitted in claims which represents an average loss ratio of 78.3%.

Comm. Peluso asked if the premium increase is a normal cost of doing business. Bain reported that a 6-12% increase for commercial customers is not unusual.

No action was taken.

Communications Manager Dannenfelzer appeared and presented information regarding 9-1-1 Agreement Amendments related to the implementation of the "Next Generation 9-1-1" network. Dannenfelzer requested approval of a Resolution of Acknowledgement for the Joint Powers Agreement for Purchasing to extend the existing joint powers agreement with the ND Association of Counties to include the implementation of Next Generation 9-1-1 (NG9-1-1). Dannenfelzer continued the current joint powers agreement with the 911 jurisdictions and the ND Association of Counties is for the deployment and maintenance of the wireless 911 network. Dannenfelzer explained the proposed amendment would open up the agreement for the planning and deployment of NG9-1-1 network services throughout the state and involves the transition of analog circuitry to internet protocol networks through fiber networks.

Dannenfelzer also requested approval of a modification to the agreement, changing the 9-1-1 tax remittance to include all 9-1-1 tax revenue with the net result of the change an increase in remittance to the ND Association of Counties of approximately \$27,000 per year.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to approve the amendment to the agreement for the implementation of Next Generation 9-1-1 network services and the modification to increase the yearly remittance to NDACo approximately \$27,000 contingent upon the execution of the Joint Powers Agreement for Purchasing by all 9-1-1 jurisdictions and the ND Association of

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Counties and further, if less than 100% of the 9-1-1 jurisdictions participate, Burleigh County reserves the right to cancel this amendment and maintain its current remittance. All members voted "AYE." Motion carried.

Dannenfelzer continued by recommending the approval of the amendment to the joint powers agreement with the City of Bismarck to reflect the amended allocation of the E9-1-1 collections per the NG9-1-1 agreement subject to the contingency that if unanimous support does not exist throughout the State's E9-1-1 jurisdictions, that Burleigh County reserves the right to maintain its current remittance agreement.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve the amendment to the joint powers agreement with the City of Bismarck to reflect the amended allocation of the E9-1-1 collections per the NG9-1-1 agreement and contingency. All members voted "AYE." Motion carried.

Neil Effertz, Missouri Valley Complex Event Center Committee, appeared and presented an update on behalf of the newly formed not-for-profit organization, Missouri Valley Event Center Authority. Effertz stated the purpose of this organization is to build, operate and manage the proposed Missouri Valley Complex Event Center. Effertz reminded the Commission that time is of the essence as the Event Center Authority has private funding commitments of \$250,000 for a building if built in 2012. Effertz continued to accomplish this goal the Authority needs a lease agreement with the County to build on the property (Lot 14) and funding for the building.

It was noted that at the last meeting, the Board requested a State's Attorney's opinion regarding the donation of funds, \$1.25M or otherwise, to a 501(c)3 for the purposes of funding this proposed Event Center. The formal opinion states the County has the authority to fund this project.

Effertz requested the Board approve the proposed lease and funding.

Comm. Peluso stated he is not comfortable funding Phase I without plans for Phases II, III, and IV as there is no guarantee that future phases will be built. Peluso added he has not seen support from the community for this project.

Effertz responded that testimony was presented at the last meeting from potential users. Effertz added the facility would be built to run livestock auctions four (4) months of the year and open to other venues such as commercial auctions, antique car auctions, trade shows, etc.

Comm. Woodcox noted a letter received prior to the meeting from the Community Development Dept. (Planning & Zoning) that presents a major road block for the project.

The letter states "a commercial livestock sale facility would not be allowed under PUD zoning; industrial use will require industrial zoning. In order to conduct commercial sales between the Missouri Valley Complex an amendment would be required." Woodcox added this item needs to be fixed prior to any further decisions being made.

Effertz responded that a language barrier exists - as the purpose of the Missouri Valley Event Center is not a commercial livestock facility - and livestock sales have been held every year on this property as part of the 4-H Achievement Days.

Chairman Schonert stated he has heard from many other people who are in support of the project but think Phase III should be built first.

Effertz stated that the project was designed in this specific phase order as the livestock facilities or Phase I can produce the revenues needed for operations and there is a critical need for this type of agricultural facility in the area.

Comm. Peluso agreed with Effertz about the need, however, the commitment and support of the City of Bismarck and Bismarck Park District are essential to make this happen.

Comm. Armstrong voiced his concern about committing \$1.25M and property regardless of the zoning issue.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Comm. Bitner stated that the project is not moving forward until the zoning issue is settled and therefore, there is no point in signing the lease agreement.

Marv Abraham, 4-H Building Committee, appeared and stated that he is in favor of a multi-purpose building but agrees Phase III should be built first.

Dr. Mike Booth, Treasurer of the Missouri Valley Historical Society (dba Buckstop Junction), appeared with a number of concerns in opposition to the Effertz proposal.

Chairman Schonert stated that he would discuss the zoning issue with the Community Development Dept. No action taken.

The Board then considered the Planning Service agreement with the City of Bismarck.

City Administrator Wocken appeared and stated the "special projects" wording was removed from the second page and the effective start date was changed to January 1, 2012 as requested by the County Commission on July 2<sup>nd</sup>.

Comm. Bitner stated that he initially had concerns with the "special projects" charges and was under the assumption that this contract would continue to represent how the relationship currently exists. Bitner stated that after closer review this is not the case. This agreement will expand and extend city staffs' authority outside the extraterritorial area and is a huge shift in authority and enforcement.

Comm. Woodcox argued that the City has been doing 99% of this work for the County for the last 20+ years. Woodcox continued the County does not have the resources or personnel at this time to support a separate planning department and essentially we are only delegating our authority and responsibility to them by agreement.

Comm. Armstrong stated that these changes were requested by the County and these other issues should have been brought forward earlier.

Comm. Bitner suggested waiting with this item until after the State's Attorney is back.

Comm. Woodcox suggested listing all the services provided by the Community Development Dept. and then decide if not Community Development, who will provide the service.

Comm. Bitner stated it is not a matter of who is providing the service but who does the enforcement.

Comm. Woodcox reiterated we would only be delegating the enforcement by contract and the ultimate responsibility rests with this Commission.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to approve the Planning Service contract.

Comm. Peluso stated he feels that a County Planner needs to be looked at in the near future but we should approve this contract in the interim. Peluso requested public input be allowed from those present.

Jim Small, Burleigh County Planning Commissioner, appeared and explained his frustration that he has no representation in City voting but we are giving them the authority.

Dave Andahl, Burleigh County Planning Commissioner, appeared and questioned whether the services would cease if the contract was not approved and executed.

Chairman Schonert explained that the agreement has been informal for years and that without a contract the City could cease services at any time.

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Comm. Woodcox stated that there are several big development projects coming and these services are needed now. Woodcox added the County requested a formal contract and the City has complied with the requested changes.

Comm. Bitner stated the State's Attorney is currently reviewing the issue of jurisdiction and enforcement and requested that this item be put on hold until the State's Attorney can examine these issues and the impact of this contract.

"AYE" votes: Armstrong, Woodcox. "NAY" votes: Bitner, Peluso, Schonert. Motion failed.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to sever the relationship with the City Planning Department effective 12/31/12 and provide notice of the same to the City of Bismarck.

Comm. Bitner questioned the need to go to such an extreme.

Comm. Armstrong rebutted that if you do not want to work with the City the polite thing to do is give notice and form our own department.

Comm. Bitner stated he has no problem with the overall contract.

Comm. Peluso agreed that this move is drastic and suggested we wait for the State's Attorney opinion and then discuss this item further.

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

The Commission then considered appointments to the Burleigh County Social Service Board. Comm. Woodcox stated he conducted informal interviews with the two (2) applicants and recommended their appointment.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to approve the appointment of Erica Cermak and Paul Ronningen to three (3) year terms on the Burleigh County Social Service Board. All members voted "AYE." Motion carried.

Comm. Bitner updated the Board on the need for additional equipment to maintain the surface of the rodeo arena at the Missouri Valley Complex. By consensus it was agreed that Comm. Bitner has authority to purchase or rent the needed equipment.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the Homeland Security Grant application for mobile radios and to approve the Security Pledges securing Burleigh County investments. All members voted "AYE." Motion carried.

Jason & Anita Wirtz appeared in regard to their concern over fireworks and the potential destruction of their property from fire caused by fireworks. No action was taken.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

July 2, 2012  
5:16 P.M.

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

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

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

Comm. Peluso reported that he has reviewed the monthly vouchers and recommends approval of the same.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve payment of the monthly vouchers, journal vouchers, and filing fee reports as presented. 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:

Blaine Fercho requested the 2011 market value on Lot 9, Block 2, Olive Tree Subdivision, Hay Creek Township be reduced from \$151,900MV to \$125,600MV the property was damaged by flood.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve the Fercho abatement as requested. All members voted "AYE." Motion carried.

County Engineer Hall appeared and requested authorization to advertise for bids for the Burnt Creek Lp \ Misty Waters Dr grade raise project.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to approve authorization to advertise for bids for the Burnt Creek Lp \ Misty Waters Dr grade raise project. All members voted "AYE." Motion carried.

Hall also requested authorization to advertise bids for the Tavis Rd Flood Control Structure. Hall stated project repairs include a grade raise, a gate system, a pump station and the digging out of the channel with funding shared between the State Water Commission, Lincoln Township, Burleigh County and the City of Bismarck.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to approve authorization to advertise bids for the Tavis Rd Flood Control Structure. All members voted "AYE." Motion carried.

Asst. Community Development Director Lee appeared and presented the following items for the Board's consideration: consideration of acceptance of right of way within Rock Creek Subdivision; consideration of negotiation regarding approval in area of joint jurisdiction – Rock Creek Subdivision; consideration of final plat & zoning change from AG to R1 – Country Hills Subdivision; consideration of variance to allow the construction of a 2,400 square foot accessory building prior to construction residence on Lot 10, Block 1, Missouri Forest Subdivision; and, consideration of negotiation regarding Ordinance 5887 clarifying the definition of sight triangle and how it applies to corner lots, lots at intersections.

Lee reported that the after public hearing before the City Planning Commission the Bismarck City Commission approved the final plat of Rock Creek Fourth Subdivision which is within the area of joint jurisdiction. Lee recommended acceptance of the right of way dedication.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso to approve the acceptance of the right of way dedication and further to notify the City of Bismarck that there is no intent to request negotiation on the final plat for Rock Creek Fourth Subdivision. All members voted "AYE." Motion carried.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Lee then reported that the consideration of final plat and zoning change from AG to R1 – Residential and the proposed final plat of Country Hills Subdivision was tabled at the last meeting to allow the County Engineer time to review the storm water management plan and associated water easement restrictions. Lee stated County Engineer Hall has approved the storm water management plan and is very close to approving the storm water easement language on the face of the plat. Lee continued that there are no setbacks; however, the notes are very specific regarding restricting trees, accessory buildings, grade changes and tilling within drainage areas.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve the final plat and zoning change from AG to R1 – Residential and the proposed final plat of Country Hills Subdivision subject to any further restrictions of the County Engineer. All members voted "AYE." Motion carried.

Lee reported the request for a variance to allow the construction of a 2,400 square foot accessory building prior to construction residence on Lot 10, Block 1, Missouri Forest Subdivision has been withdrawn by the applicant and therefore no action was needed.

The Commission then considered the proposed Planning Service contract with City of Bismarck as the vote at the last meeting resulted in a tie with Comm. Woodcox absent. Comm. Bitner immediately requested reference to special projects be removed from the contract.

Comm. Armstrong he sees no problem with the contract and the current proposed wording.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the contract with the City of Bismarck as presented.

Chairman Schonert questioned what the effective dates of the contract actually are.

Comm. Bitner again stated he wants reference to special projects be removed from the contract.

City Administrator Bill Wocken appeared and stated he would recommend to the City Commission that the "special projects" be removed as an oversight. Wocken continued that if the County is in agreement, he will recommend the contract be effective January 1, 2012 with total payments for 2012 based upon \$30,000.

Comm. Armstrong amended his motion with Comm. Peluso (the second) agreeing, that subject to City Commission approval the "special projects" line being removed from the contract and the effective date being January 1, 2012 for a total cost of \$30,000. "AYE" votes: Armstrong, Peluso, Woodcox. "NAY" votes: Bitner, Schonert. Motion carried.

Neil Effertz, Missouri Valley Complex Event Center Committee, appeared and presented an update on behalf of the newly formed not-for-profit organization, Missouri Valley Event Center Authority. Effertz stated the purpose of this organization is to build, operate and manage the proposed Missouri Valley Complex Event Center. Effertz emphatically stated time is of the essence as the Event Center Authority has private funding commitments of \$250,000 for a building if built in 2012. Effertz continued to accomplish this goal the Authority needs a lease agreement with the County to build on the property (Lot 14) and an agreement to allow for the funding of the building. Effertz stated currently a 501(c)3 relationship has been established with the ND Community Foundation in order to allow for immediate tax exempt contributions to the Event Center with the intention of acquiring separate 501(c)3 tax exempt status in the future.

Effertz asked the Commission to request a formal State's Attorney's opinion as to the legality of the County contributing funding to the 501(c)3 ND Community Foundation for the purpose of building this event center. Effertz reiterated that private funding is available in the amount of \$250,000 with the condition that Phase 1 be completed in 2012 for events to be held in the spring of 2013. Effertz requested that if the State's Attorney's opinion allows the County to contribute, that the County Commission allocate \$1,250,000 from the funds realized from the sale of "fairgrounds" land.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Effertz then introduced Attorney Deb Carpenter who is working with the Event Center Committee to draft bylaws and other necessary documents to establish a legal entity for the purposes of operating the proposed Event Center.

Deb Carpenter appeared and stated she is working to get the Authority operating as a going concern so they can hit the ground running. Carpenter stated she is working on a lease with the County for the land needed.

Chairman Schonert expressed concern over the proposed location of the Event Center. Effertz stated while the proposed location is not cast in stone – decisions need to be made in order to get things moving.

Jeff Essler, JLG Architects, appeared and presented site plans and architects renderings of the project.

Comm. Woodcox then asked Effertz if this would be a completely independent operation, or would the project require ongoing county funding for operations.

Effertz stated if built the Event Center would provide \$80,000 - \$100,000 in revenues from bull sales the 1<sup>st</sup> four months of 2013. Effertz stated again that Effertz that time is of the essence as the Event Center Authority has private funding commitments of \$250,000 for a building if built and ready for events in early 2013. Effertz continued to accomplish this goal the Authority needs a State's Attorney opinion allowing a county donation of \$1.25Million.

Comm. Peluso stated he is worried our commitment will turn into an annual appropriation for operations and maintenance. Peluso questioned if this is such a great business opportunity how come a private concern is not coming forward.

Al Hoesel and Bob Gregoire of the BisMan Roughrider Snowmobile Club and Will McDonald a local cattle producer appeared in support of the Event Center.

Kevin Dvorak, President of the ND Community Foundation appeared and stated his organization is ready and willing to provide assistance on this project.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to formally request a State's Attorney's opinion regarding the donation of funds, \$1.25M or otherwise, to a 501(c)3 for the purposes of funding this proposed Event Center. All members voted "AYE." Motion carried.

Effertz then stated that a lease has been drafted and requested the State's Attorney review the lease for approval at the next Commission meeting.

Comm. Bitner suggested that the lease review also include a Commissioner and after brief discussion it was agreed that Commissioners Bitner and Woodcox would work with the State's Attorney on the proposed lease. Sheriff Heinert appeared and presented the following items for the Board's consideration: consideration of request for proposal for Jail software and acceptance of final proposal including hardware and approval of contract with Stutsman County for inmate housing.

Heinert stated he received a total of eight (8) price quotes for the jail software\hardware solicitation. Heinert continued a rating system was established with staff reviewing the quotes to determine the best software for our needs. Heinert recommended approval of a contract with Interact Public Safety Systems, the best and lowest submitter in the amount of \$57,244.15 (software) and \$35,650.40 (hardware) for a total cost of \$92,894.55. Heinert noted the hardware will be purchased locally or through the State of ND procurement site.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox to approve the expenditure of up to \$92,894.55 from the Jail Maintenance Fund for the purchase of the recommended software and hardware. All members voted "AYE." Motion carried.

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Heinert then asked requested approval of an inmate housing contract with Stutsman County. Heinert noted the proposed contract has been reviewed by the State's Attorney and has a daily cost of \$60 per day. Heinert continued Burleigh County currently contracts with several other counties, however due to demand we have housed prisoners in other facilities since early January of this year.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the inmate housing contract with Stutsman County as requested. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the reappointment of Curtis Juhala to a five (5) year term on the County Board of Health. All members voted "AYE." Motion carried.

Comm. Woodcox stated he would like to interview the two (2) applicants for the Social Service Board and will report back at the next meeting. Comm. Bitner stated he would also like the opportunity to interview the applicants.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve a 2<sup>nd</sup> approach permit on to Sky Lark Ave (Replat of Metro Industrial Park Lt 5, Blk 6); to authorize Auditor\Treasurer to open a new checking account for approved CBDG; to approve amendments and changes to Indigent Mental Health Contract; and to approve the raffle permit application of the Marauder Booster's. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

June 18, 2012  
5:01 P.M.

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

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

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

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

Asst. Community Development Director Lee appeared with the following items for the Board's consideration: final plat & zoning change from AG to R1 – Country Hills Subdivision; Land Use Plan amendment and zoning change from AG to R1 and Commercial for that part of Section 9, Burnt Creek Township lying east of US Highway 83; variance to allow the construction of a 2,400 square foot accessory building prior to construction of a residence on Lot 10, Block 1, Missouri Forest Subdivision; and, consider request for negotiation regarding City approval in area of joint jurisdiction – variance – to exceed maximum allowable size for an accessory building (Welle Subdivision).

Lee reported that the Planning Commission held a public hearing on June 13, 2012, and based on their findings recommended approval of the final plat of Country Hills Subdivision, with the understanding that final action would not be taken on the plat until the storm water management plan is approved by the County Engineer and, further, the plat notation regarding water easement restrictions is modified to the County Engineer's satisfaction.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to table the zoning change from AG to R1- Residential and the proposed final plat of Country Hills Subdivision to allow the County Engineer ample time to receive and review the storm water plan and associated water easement restrictions. All members present voted "AYE." Motion carried.

Lee then reported the Planning Commission held a public hearing on June 13, 2012 and based on their findings recommended approval of the Land Use Plan amendment to change the land use designation; and, to approve the zoning from AG to R1- Residential and CM –Commercial that part of Section 9, Burnt Creek Township lying east of US Highway 83 and north of 136th Ave NE.

Chairman Schonert noted the best practice is to site commercial development along major roadways and at intersections in advance of residential development.

Comm. Bitner noted that no development is presently planned for this property and any plat would have to be reviewed and approved by the County Commission prior to any building.

Comm. Peluso questioned the findings with State's Attorney Riha stating the Planning Commission and County Commission must support the decision.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the Land Use Plan amendment and zoning change from AG to R1- Residential and CM - Commercial for that part of Section 9, Burnt Creek Township lying east of US Highway 83. "AYE" votes: Armstrong, Bitner, Peluso, Schonert. Absent: Woodcox. Motion carried.

Lee then reported the Planning Commission held a public hearing on June 13, 2012 and based on their findings recommended denial of the request for a variance to allow construction of a 2,400 square foot accessory building prior to construction of a residence on Lot 10, Block 1, Missouri Forest Subdivision.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Chairman Schonert stated the Commission could approve the variance with the condition that the foundation of the house be in place prior to issuance of the building permit for the accessory building.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to table the request for a variance to allow construction of a 2,400 square foot accessory building prior to construction of a residence on Lot 10, Block 1, Missouri Forest Subdivision, to allow the owner to be present for questions. All members present voted "AYE." Motion carried.

Lee reported that a request for a variance to exceed the maximum allowable size for an accessory building from 2,169 square feet to 2,688 square feet for the purpose of constructing a 42' x 64' accessory building at 8460 Welle Loop was approved by the Board of Adjustment on June 7, 2012. The City of Bismarck requests that the County provide notification if there is no intent to request negotiation on the city approved variance in order to speed up the process for the landowner.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to notify the City of Bismarck that the County will not be requesting negotiation on the city approved variance to exceed maximum allowable size for an accessory building (Welle Subdivision). All members present voted "AYE." Motion carried.

County Engineer Hall appeared with the following items for the Board's consideration: agreement with NDDOT regarding Construction and Maintenance Agreement for the Grade Raise of 385th St NE (Arena Rd); and, design agreement for the Burleigh County Shop Facility – Bismarck Shop.

Hall requested authorization to enter into a Construction and Maintenance agreement with the NDDOT for the Grade Raise of 385th Street NE (Arena Road). Hall stated this agreement will authorize the awarding of bids (with no additional County approval) if the low bid is less than 110% of the engineers estimate. Hall noted at 110% of the engineer's estimate the County share for the project would be \$664,012 with \$939,000 budgeted for this project. Hall noted the bid opening is scheduled for July 20, 2012.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the Construction & Management Agreement and right-of-way and utility certifications for the Grade Raise of 385th St NE aka Arena Road project. All members present voted "AYE." Motion carried.

Hall then presented an update on the County Highway Dept Bismarck Garage & Shop Project. Hall stated the architects rendering and plans for the new shop done by UBL Design Group were presented at the June 4<sup>th</sup> meeting. Hall continued the Highway Dept would like to move forward with the next phase of this project and prepare final construction plans. Hall stated he wants to let bids for the project by early 2013 and move in the fall of next year.

Hall requested authorization to enter into an agreement with Ubl Design Group for \$700,000 to perform Final Design and Construction Administration services for the new Burleigh County Shop Facility near Bismarck. Hall noted additional services as requested by the County, would be paid for hourly up to a maximum of \$10,000.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to approve the agreement with Ubl Design Group for an hourly contract not to exceed \$700,000 to perform Final Design and Construction Administration services for the new Burleigh County Shop Facility near Bismarck with additional services, as requested by the County, to be paid for hourly up to a maximum of \$10,000. All members present voted "AYE." Motion carried.

Hall stated that county staff would like to begin site preparation to save additional costs. By consensus the Commission authorized county staff to start dirt work and site preparations for the shop.

The Board then considered the proposed Planning Service contract with the City of Bismarck. It was noted the county has been utilizing planning services from Bismarck City staff since the 1970's and reimbursing the city \$40,000 per year under an informal agreement. Comm. Armstrong noted that the City of Bismarck in their latest offer to share city planning services has lowered the

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annual fee from \$40,000 to \$30,000 by deleting charges for "special projects." Armstrong noted special projects will not be completed.

Comm. Armstrong and Peluso agreed this is basically the same agreement we have been operating under for many years but only in a formal contract.

Comm. Schonert opposed the contract, indicating he wants the county to have its own planner. Schonert noted the Commission budgeted \$120,000 in anticipation of hiring its planner. Schonert has pushed for a county planner because he feels the city's planning focus has been too urban and not always met rural needs even if the city has promised that the new planner to be hired will be dedicated to county issues.

Comm. Bitner stated he wants a clearer definition of "special project."

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to adopt the proposed contract with the amendments. "AYE" votes: Armstrong, Peluso. "NAY" votes: Bitner, Schonert. Motion failed.

Auditor\Treasurer Glatt noted with a tie vote, this motion will be placed on the agenda of the next scheduled meeting.

Lowell Malard, Burleigh County 4-H Council, appeared and extended a formal invitation to the Commission to attend Burleigh County 4-H Achievement Days scheduled for July 10<sup>th</sup> -14<sup>th</sup>.

Comm. Bitner then presented price quotes for the electrical hookup of the Missouri Valley Complex Sign. Bitner explained previous quotes were significantly higher as the electrical run was quite long. Bitner stated Capital Electric will now be installing an electric meter adjacent to the sign and thus reducing hookup costs.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the expenditure of up to \$2,200 to Ennen Electric, Inc., for the electrical hookup of the Missouri Valley Complex Sign. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the second approach permit for Brad Steffes (401 Ridgeland Loop) as requested and recommended by the County Engineer. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to assign the Burleigh County voting credentials for the National Association of Counties Annual Conference to State's Attorney Riha. All members present voted "AYE." Motion carried.

Auditor\Treasurer Glatt then presented for approval a JAG Grant continuation with the City of Bismarck for law enforcement supplies. Glatt stated the grant continuation is in the amount of \$34,932 to be expended over a period of three (3) years with approval recommended by Sheriff Heinert.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve the continuation of the JAG Grant with the City of Bismarck for law enforcement supplies. All members present voted "AYE." Motion carried.

Chairman Schonert also received a call from a resident in the town of Baldwin regarding skunks that were discovered on a property with a vacant house, multiple junk vehicles and tall grass. The concern is about rabies and the children in the neighborhood. The resident had contacted the town of Baldwin with no results. The County Board of Health should also be contacted from a health standpoint.

Chairman Schonert was asked by a citizen in the Glenwood area (subdivisions south of 48<sup>th</sup> Ave) whether a fireworks ban could be put in place in this area due to the fire hazard caused by the large amount of dead trees. State's Attorney Riha stated that in the past due to emergency it has been possible to declare bans in individual areas. Comm. Peluso mentioned this is not unique

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to just this area. The Chairman will go on an inspection of these areas with Emergency Manager Senger to determine the potential hazard.

Comm. Bitner presented the out of control weed situation at the gardens at the Missouri Valley Complex. He asked for suggestions on the best way to get them under control and who is authorized to spray for them. It was determined the best solution is to not spray as the gardens would be at risk. The rented gardens are in close proximity to each other leaving the outlying areas to be controlled. The County Extension Office recommends mowing the area, bagging it, and then spreading granulate emergent. No specific action was taken. Chairman Schonert left the decision up to Comm. Bitner's discretion.

Neil Effertz, Missouri Valley Complex Event Center Committee, appeared and presented an update on the proposed multi-use building. Effertz stated JLG Architects have provided some initial consulting services and the project has been split into three phases: main event center, horse facilities and livestock facilities. Effertz stated the first phase to be completed would be the livestock sales/events building with a projected cost of \$1,381,000.

Effertz stated the Committee has approximately twenty (20) events that could be held in this facility in the spring of 2013 provided a facility is ready. Effertz added the Committee currently has private commitments of \$250,000 and is requesting a firm commitment from the County Commission.

Comm. Armstrong and Comm. Peluso would like to see a greater show of support for this project from the community and more detailed projected costs for operations and maintenance of the facility. Effertz stated more information will be provided at the next meeting. No action was taken.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

June 4, 2012  
3:00 P.M.

The Burleigh County Commission convened pursuant to law as the County Board of Equalization. Chairman Schonert called the Board of Equalization to order with Comms. Bitner, Woodcox, and Schonert present. Comms. Armstrong and Peluso absent.

Chairman Schonert reviewed the statutes and duties of the Board of Equalization and explained the state requirements related to the sales ratio statistics. Schonert 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 2012 market value has increased overall by 7.05% (including AG land values at 92% of the State Tax Dept recommendation). Vietmeier reported the main reason for the increase is due to new construction, an increase in the market for existing properties, and the increase in AG values. Vietmeier explained the increase in AG land value is related to production and the elimination of the floor on the capitalization rate. Vietmeier stated the average county AG land value as certified by the ND State Tax Dept is \$288.97 per acre. Vietmeier recommended an average \$/acre of \$266.00 to keep Burleigh County within tolerance of the state's recommended average. Vietmeier stated that these values are as of February 1, 2012.

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.

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 Vanguard Appraisals was hired to do a complete reappraisal of the commercial and industrial properties in the unorganized townships. The work was completed in September 2011 with the new values taking effect in February 1, 2012.

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

The respective Unorganized Township Boards of Equalization recessed and the County Board of Equalization immediately reconvened with all members present except Comms. Armstrong and Peluso.

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

Vietmeier stated that Menard, Inc. has sent a letter of appeal on the value of its Bismarck store. Vietmeier noted Menard, Inc. is in the process of securing an independent appraisal on the property and is not asking for a reduction at this time. Vietmeier believes Menard, Inc. intends to appeal the value in the future.

The Board then reviewed the assessments of the Organized Townships. Vietmeier stated that even though the flood affected values in certain areas of the county, it has not had a major impact on value. Vietmeier noted sale prices in the flood inundated areas are above our pre-flood values.

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

Terry Brosseau, 111 Fairway Ct, Apple Creek Country Club 2<sup>nd</sup> Addition, appeared and protested the value of his property. Brosseau stated the value has increased 10% for each of the previous three (3) years. Brosseau stated in 2011 the property

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

was inspected and reassessed by the township assessor and is now increasing \$45,000 or 16.5% for 2012. Brosseau stated he was unable to attend the Township Board of Equalization as he was out-of-state.

Vietmeier stated the Apple Creek Township Board of Equalization approved a value of \$294,400 on the Brosseau property based upon an exterior inspection. Vietmeier suggested he meet with Brosseau and conduct a formal review and inspection of the property and value.

Ron Leno, Clear Lake Twp appeared with a grievance and/or error on his 2011 tax statement. Vietmeier explained that the Township Assessor incorrectly placed the value of Leno's home on the wrong parcel and this error was corrected through the abatement and omitted property statutes resulting in no change in the tax liability.

Comm. Peluso appeared.

Robert Pulver, Apple Creek Township, appeared and protested the values on two (2) of his properties: 9731 Creekside Dr and 1500 Saber Dr. Pulver stated the property at Creekside Drive increased 16.5% in 2011 and 18% in 2010. Pulver added there have been no changes or improvements to the property in the last five (5) years. Pulver continued the 1500 Saber Dr property value is increased 24% or \$92,000 with no improvements. Pulver added there are no city services to this property.

Comm. Bitner stated that he sympathizes with the increases in valuation and taxes as he too has felt it in Apple Creek Township. Bitner noted part of the increase is due to the Apple Creek School budget.

Vietmeier noted this township has had issues with valuations over the past few years. Vietmeier recommends that a reevaluation of the entire township be completed. Vietmeier suggested he meet with Pulver and conduct formal reviews and inspections of the properties and values.

James Saeman, Wing Township Board of Supervisors, appeared and questioned why land values are determined by ND State University as they do not know our land like we do.

Vietmeier explained that NDSU is charged with this task by state law.

John Spitzer, Ecklund Township resident, appeared and expressed his disagreement with Burleigh County's assessments for Ecklund Township. Tax Director Vietmeier noted that the county completed the assessments for Ecklund Township as they did not have a qualified assessor. Vietmeier continued the Township Board is satisfied with the results.

Vietmeier then noted a written protest that was received from Steve Eberle for his property located at 1900 Calvary Dr. Vietmeier noted the value is equalized with other commercial values within the area, township and county.

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 with all members present except Comm. Armstrong for the following motion:

Motion by Comm. Woodcox, 2<sup>nd</sup> 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. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to authorize a 20.3% overall increase on AG lands to an average of \$266.00 per acre. All members present voted "AYE." Motion carried.

**BURLEIGH COUNTY COMMISSION  
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Motion by Comm. Bitner, 2<sup>nd</sup> 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.

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, 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. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to approve and accept the 2012 real property assessments as equalized, including an average AG value of \$266.00 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 sine die.

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

June 4, 2012  
5:19 P.M.

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

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

Comm. Bitner stated that he did not review the vouchers prior to the meeting.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to approve the vouchers, journal vouchers, and filing fee reports subject to Comm. Bitner's review. All members voted "AYE." Motion carried.

This was the hour and date set for a Public Hearing on a petition for the vacation of an 80-foot future access easement located between Lots 5 & 6, Block 4, Apple Creek Industrial Park.

Asst. Community Development Director Lee appeared and explained the petition for the vacation of the future access easement. Lee stated the Planning Dept has no issues with the vacation as the easement goes to the north and east towards the floodway.

Chairman Schonert called for any testimony/comments relating to the petition for vacation of the easement. No one present appeared and the following motion was made:

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to close the public hearing and approve the vacation of the 80-ft future access easement located on Lots 5 & 6, Block 4, Apple Creek Industrial Park. All members voted "AYE." Motion carried.

Deputy Auditor/Tax Equalization Director 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, 2<sup>nd</sup> by Comm. Woodcox, to approve the abatements except Rykowsky as requested. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to deny the Rykowsky abatement as there is no convincing evidence to prove a reduction in value due to smoke damage. All members voted "AYE." Motion carried.

Shirley Dykshoorn, Lutheran Social Services Disaster Response Representative, appeared regarding a Resolution of Support for a grant application for the Long Term Recovery Committee for Burleigh and Morton Counties (application made by Lutheran Social Services Disaster Response on behalf of Burleigh & Morton Counties for Housing Rehabilitation & Citizen Retention). Dykshoorn noted the Burleigh County portion of the grant is in excess of \$1Million or 77% of the total as appropriated by the State. Dykshoorn continued the funds are to be used for those citizens who fell through the cracks or whose damage was so extensive other programs were unable to meet their needs.

Comm. Armstrong inquired as to how many applicants they estimate in Burleigh County. Dykshoorn stated that the committee originally estimated 150 applicants, however, once applications are available and advertising starts a more accurate number will be obtained.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to approve and support the application of Lutheran Social Services Disaster Response on behalf of Burleigh and Morton Counties for the Housing Rehabilitation & Citizen Retention Grant as requested. All members voted "AYE." Motion carried.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

County Engineer Hall appeared with the following items for the Board's consideration: update on the status of the Burleigh County Highway Department Garage & Shop Project; consideration of the results of the bid opening for River Road Project; and, consideration of the results of the bid opening for paving markings.

Hall then presented an update on the County Highway Dept Bismarck Garage & Shop Project. Hall presented a rendering of plans for the new shop done by UBL Design Group. Hall noted the \$10 million price and stated previous estimates on the building had been about \$5 million. Hall stated the building size grew when future needs were considered along with the fact that construction costs have increased between 20% and 30% in the last year. Hall noted currently about \$6.5 million is available in the Highway Fund for this project. Hall stated the existing shop building could be sold and equipment purchases could be spread out to help fund this project. Hall stated more information will be forwarded for the next meeting.

Hall stated bids for the River Road Slide Area Repair project and painted pavement markings were opened on June 1, 2012. Hall recommended award of bids for the River Road Slide Area Repair Project to the low bidder, Weisz & Sons, in the amount of \$474,685.10.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to award bids for the River Road Slide Area Repair to the low bidder, Weisz & Sons, in the amount of \$474,685.10. All members voted "AYE." Motion carried.

Hall recommended award of bids for the painted pavement markings to the low bidder J & J Striping, in the amount of \$122,494.60. This is the company that has been used the last two years.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to award bids for the painted pavement markings to the low bidder, J & J Striping, in the amount of \$122,494.60. All members voted "AYE." Motion carried.

Social Service Director Doe appeared regarding the addition of an Information/Computer Technician position to Social Services Dept. Comm. Woodcox stated that the Social Service Board met and agreed that this position is needed. Woodcox stated funding for the position will come from federal grant monies previously designated for the paperless project and technology improvements for the first six months.

Comm. Bitner feels this position should be available to the county in general and it is a mistake to utilize this person only in the Social Service Dept. Comm. Woodcox stated that this first six months will let us know how much this person will be utilized and whether he/she would be available to other departments.

Social Service Director Doe noted the individual presently completing these tasks will be changing positions and now seems to be the best time to fill the duties with a new position.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve the request to create and add an Information/Computer Technician position to the Social Services Dept with funding for the 2012 budget year from the \$46,431 Federal eligibility bonus previously dedicated to the paperless/technology improvement projects and to further review the position during budget deliberations. "AYE" votes: Armstrong, Woodcox, Schonert. "NAY" votes: Bitner, Peluso. Motion carried.

Neil Effertz, Missouri Valley Complex Event Center Committee, appeared and presented an update on the proposed multi-use building. Effertz stated that it appears the Committee is at the point where consulting services (architect/engineer) will be needed to continue work on the details. Effertz requested help from the State's Attorney in order to establish 501(C)3 nonprofit status for the group. No action was taken.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the liquor license renewals for the Uncle Jesse's Bar (D & S), Moffit Bar (D & S), and Sterling Bar (D & S); to approve the Special Events Liquor License applications for the Sterling Bar for the Menoken Grove Bike Rally June 8-10, 2012; and to approve the raffle permit application of the St. Hildegard's Catholic Church Altar Society. All members voted "AYE." Motion carried.

**BURLEIGH COUNTY COMMISSION  
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Auditor\Treasurer Glatt then presented the Community Development Director's request for the appointment of a county representative to the interview panel for a new county planner position. Glatt recommended County Engineer Hall be appointed to the interview committee.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to approve the appointment of Marcus Hall as the county representative to the interview panel for the new county planner position and further to not request negotiation on the city approved plat The Meadows at HawkTree 2<sup>nd</sup>, in the area of joint jurisdiction. All members voted "AYE." Motion carried.

Jim Schmidt appeared and requested that the City and County get on the same page in regards to ordinances within the Extraterritorial Area (ETA). Comm. Bitner recommended the County Commission draft a letter to the City asking them to adopt the County ordinances within the ETA.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

May 21, 2012  
5:25 P.M.

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

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

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

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

This was the hour and date set for the continuation of the Public Hearing regarding the issuance of revenue bonds (MIDA Bonds) on behalf of the Baptist Home in an amount not to exceed \$7M.

Scott Wegner, Arntson Stewart & Wegner of bond counsel, appeared and noted this is a continuation of the Public Hearing opened on April 16, 2012. Wegner explained the bonds will be used for the purpose of acquiring land, constructing, equipping, and furnishing a 140-bed nursing home. Wegner stated the amount of the proposed bond issue would not exceed \$7M.

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

Auggie Pepple, Administrator of the Baptist Home, appeared and requested the County Commission's approval of the proposed MIDA bond issuance.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve the Issuance Resolution for Baptist Home, Inc. MIDA Bonds in an amount not to exceed \$7M. All members voted "AYE." Motion carried.

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to approve all the abatements except Rykowsky as requested. All members voted "AYE." Motion carried.

Motion by Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to table the Rykowsky abatement until the June 4, 2012 County Commission meeting to allow Comm. Woodcox to contact Custer Health and the County Board of Health. All members voted "AYE." Motion carried.

Assistant Community Development Director Kim Lee appeared with the following items for the Board's consideration: zoning ordinance text amendment relative to Meat Packing Facilities, and request of Steve McCormick/Gerry Rudnick to accept right of way dedication within the Meadows at HawkTree.

Comm. Bitner noted the County Planning Commissioner Neil Effertz voted against the zoning ordinance text amendment relative to Meat Packing Facilities and he would like to question Effertz regarding his no vote. Comm. Armstrong noted Effertz is scheduled to appear later in the meeting and perhaps this item should be held until Effertz appears.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to accept the right of way dedication within the final plat of The Meadows at HawkTree. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt questioned if Lot 28, the proposed private park, is set up as a separate lot and thus taxed as such.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Lee responded that Lot 28 is a common use parcel with its value split among the other lots within the subdivision and noted as such on the face of the plat, in the PUD documents, and also in the Homeowner Association documents.

County Engineer Hall appeared and presented the following items for the Board's consideration: review and consideration of award of bids for Misty Waters' bridge repairs, review and consideration of award of bids for Whisper Dr Flood Control Structure, consider design agreement with Apex Engineering for flood protection project, and authorize temporary position upgrades.

Hall then explained the bids for the Misty Waters Bridge Repair project grossly exceeded the engineers estimate. Hall stated that there are several reasons for the bid exceeding the engineers estimate including the cost to place the rip rap material under the bridge deck and the cost of the vinyl sheet piling. Hall recommended awarding the bid to the low bidder, Weisz & Sons. Hall continued that this repair still includes the portion of repair along the waterway west of the bridge. Hall stated he is concerned this area will erode the Kniefel Landing parking lot and over time will cause severe damage. Hall noted the bid amount for the repair along the waterway is \$68,585 and can be removed from the contract. Hall questioned if the Board desires he negotiate with the owner of the marina regarding this portion of the bid.

Comm. Bitner suggested Hall negotiate this item with the marina owner as repair is a benefit to both the County Park Board and the marina.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to award bids for the Misty Waters bridge repairs to the low bidder, Weisz & Son, in the amount of \$306,714.50, and to work with the marina owner for an agreeable cost share on the waterway repairs. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to award bids for the Whisper Dr Flood Control Structure to the low bidder, Weisz & Sons, in the amount of \$102,410. All members voted "AYE." Motion carried.

Hall stated that in February 2012, the Board gave authorization for county officials to enter into an agreement with Apex Engineering Group for the design of a grade raise at Tavis Road. Hall explained that they did not include in the original design for a storm water pumping station at that location or the now needed dredging of the Missouri River outlet. Hall continued he has negotiated an hourly contract with Apex Engineering at an amount not to exceed \$120,270. Hall recommended approval of an hourly contract with Apex Engineering.

Motion by Woodcox, 2<sup>nd</sup> by Peluso, to authorize an agreement with Apex Engineering Group for \$120,270 to perform the design of a storm water pumping station and an outlet dredging plan with additional services, as requested by the county billed hourly up to a maximum of \$10,000. All members voted "AYE." Motion carried.

Hall informed the Board that he has been working with the HR Dept to fill the Road Supt position. Hall stated the selected candidate for the Senior Asst Engineer's position withdrew his application after an offer was made. Hall requested filling the Road Dept position, on a temporary basis, with an internal candidate with a temporary increase in salary. Hall requested Gene Small be promoted from Maintenance Supervisor to Road Supt (Grade 8, Step 14 to a Grade 8, Step 17B), and to promote Paul Feller from Maintenance Worker to Maintenance Supervisor (Grade 5, Step 9 to a Grade 5, Step 13). Hall continued that Small would become an exempt employee and Feller would remain a non-exempt employee. Hall stated that both positions would revert back to their original salaries once the Road Supt position is filled.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve the temporary promotions of Gene Small from Maintenance Supervisor position to Road Supt (Grade 8, Step 14 to a Grade 8, Step 17B), and Paul Feller from a Maintenance Worker to Maintenance Supervisor (Grade 5, Step 9 to a Grade 5, Step 13) and necessary funds as needed to cover the changes. All members voted "AYE." Motion carried.

Sheriff Heinert appeared with the following items for the Board's consideration: update on Detention Center study; request to place a memorial to fallen Deputies Sleeper and Piepkorn as well as a tree planting for Deputy Sleeper and Bismarck Officer

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Kenner on Courthouse property; and request to utilize "Jail Maintenance" funds to upgrade the jail software "booking program" including new equipment.

Heinert stated Dennis Kimme, Kimme and Associates, was unable to attend tonight's meeting and present his report on the jail study as he could not secure hotel and rental car accommodations. Heinert then requested guidance regarding the jail study presentation. Heinert questioned if the Commission would like all four boards (Bismarck City, Mandan City, Burleigh County, Morton County) to hear the presentation together, each separately, or each county separately.

Chairman Schonert suggested that all four entities meet in joint session to receive the final jail study presentation.

By Consensus the Board directed Sheriff Heinert to contact the other entities for a joint meeting hosted by the Burleigh County Commission.

Heinert then requested permission to place a memorial for fallen deputies Bryan Sleeper and George Piepkorn on the Courthouse grounds. Heinert noted there will be no taxpayer cost as all funds will be raised through donations. Heinert also requested permission for trees to be planted on the Courthouse grounds in memory of Sleeper and Bismarck Police Officer Steve Kenner.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the placement of a memorial for fallen deputies Bryan Sleeper and George Piepkorn on the Burleigh County Courthouse grounds and for two (2) trees to be planted in memory of Bryan Sleeper and Bismarck Police Officer Steve Kenner. All members voted "AYE." Motion carried.

Heinert then requested authorization to expend funds from the Jail Maintenance Fund to upgrade the detention booking software program and supporting hardware. Heinert estimated the total project cost between \$85,000 - \$98,000, which would include installation, training, and warranty. Heinert noted the States Attorney's opinion approving the use of the Jail Maintenance Fund for these expenditures. Heinert stated a Request for Proposals will be used to solicit vendors for this project.

States Attorney Riha acknowledged that the Jail Maintenance Fund can be used to fund this project.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the Sheriff to solicit proposals and approve the use of Jail Maintenance Funds for the purchasing of a new detention booking program and supporting hardware. All members voted "AYE." Motion carried.

Neil Effertz appeared and Comm. Bitner questioned him on his reason for voting "no" on the meat packing zoning ordinance text amendment. Effertz explained that he voted against the meat packing zoning ordinance text amendment because he felt the setback requirements in the ordinance are too restrictive and make it nearly impossible for any facility to be located close to or within Bismarck. Effertz stated that the individuals from the livestock community would like to have the ability to do small scale processing in the Bismarck-Mandan area.

Comm. Bitner stated that it is very important to have such a facility where individuals can process their own beef, and if there are any references in the ordinance limiting such, it would be a mistake. Bitner suggested this item be tabled for further discussion.

Comm. Armstrong explained that the ordinance only relates to the county and does not apply to the City of Bismarck. Armstrong continued he believes the ordinance does adequately address small scale processing facilities.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to send the meat packing facility amendment back to the Burleigh County Planning and Zoning Commission for reconsideration. All members voted "AYE." Motion carried.

Effertz then appeared as a spokesperson for a group of citizens regarding the construction of a multi-purpose building on the Missouri Valley Complex. Effertz presented a draft of the proposed buildings to be constructed along with cost estimates.

**BURLEIGH COUNTY COMMISSION  
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Effertz stated a working committee has been formed with wide representation, and requested the Commissioners approve a resolution supporting a multi-use building.

The Board expressed concerns regarding the financial obligation to the taxpayers of Burleigh County and requested Effertz to come back with more definitive cost estimates along with some hard proof of financial support from the private sector.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to approve the multi-use building concept and proceed with design plans to ascertain more substantial cost estimates. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to approve the request for a 2<sup>nd</sup> approach permit from Lot 1, Block 2, Grande Prairie Estates; and to approve the Gaming Site Authorizations for the Hazelton Lions at the Sterling & Moffit Bars. All members voted "AYE." Motion carried.

Comm. Bitner then presented an update on Missouri Valley Complex Motorsports Park and requested reimbursement for his purchase of a used children's 2002 Honda XR50R motorbike for safety training.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve reimbursement to Comm. Bitner for the purchase of a used children's 2002 Honda XR50R motorbike for safety training in the amount of \$800. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

May 7, 2012  
5:25 P.M.

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

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

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the April 2012 meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the abatements as requested and recommended by the Deputy Auditor/Tax Director. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following items for Board consideration: authorization to advertise for bids for River Road Slide Area, authorize advertisement of bids for painted pavement markings, and appointment of Senior Assistant County Engineer.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to authorize the advertisement of bids for the River Road Slide Area project. All members voted "AYE" except Comm. Woodcox who voted "NAY." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to authorize the advertisement of bids for center and edge line pavement markings. All members voted "AYE." Motion carried.

Hall informed the Board that the chosen candidate for the Senior Assistant County Engineer's position has withdrawn his application. Hall noted he will continue working with the Human Resource Department to fill this position.

Hall then provided background information regarding the Master Plan for Flood Protection that was approved in December 2011. Hall presented the cost breakdown for projects to protect the Burleigh County rural areas to a river stage of 18 feet and one for 16 feet. Hall continued that constructing levees to the 18 foot level would consist of nineteen (19) projects, with estimated costs of \$9.7M and constructing levees to the 16 foot level would consist of ten (10) projects with estimated costs of \$ 6.8M. Hall stated that they have also focused on flood protection against ice jams to the 20 foot level which would protect the south leg of Burnt Creek Loop to Hogue Island and Fox Island south along the river to Dogwood Drive (Flood projects 14, 20, 22, 24, 25, 28, 34, 36, 38, and 40.) Hall stated that this plan would require the completion of ten (10) projects at an estimated cost of \$8M. Hall noted several projects could be constructed by the Burleigh County Water Resource District with potential funding from the State Water Commission and/or special assessments. Hall recommended the Board authorize the Highway Dept to proceed with the ice jam flood protection plan and further to pursue State and Federal funding to offset construction costs.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to approve the Ice Jam Permanent Flood Protection Plan and associated projects as presented and further to direct Engineer Hall to continue pursuing State and Federal funding to help offset the construction costs. All members vote "AYE." Motion carried.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to authorize the County Engineer to request the Burleigh County Water Resource District focus on coordinating and developing projects within the Ice Jam Permanent Protection Plan that are outside the jurisdiction of the Burleigh County Highway Department. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to direct the County Engineer and the Burleigh County Water Resource District to proceed with the implementation of the Ice Jam Permanent Protection Plan as quickly as possible using the all available resources in order to meet the goal of completion within three (3) years. All members voted "AYE." Motion carried.

Michael Gunsch, Houston Engineering, appeared on behalf of John Dwyer, resident of Mills 2<sup>nd</sup> Addition. Gunsch explained that Dwyer installed a small clay levee along the river bank to protect his residence from flood waters. Gunsch stated that the levee was placed within the bank stabilization easement granted to Burleigh County and Dwyer is requesting permission to utilize the easement and to leave the levee in place.

Chairman Schonert stated that Burleigh County must have access to the easement for future maintenance.

Gunsch confirmed that Dwyer understands that Burleigh County must have access to the easement for maintenance of the riprap on the river side.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to authorize John Dwyer to use the easement for the purpose of flood protection with the understanding that Burleigh County has complete access to the easement property and further that Burleigh County assumes no cost or maintenance responsibility on the Dwyer private levee. All members voted "AYE." Motion carried.

Assistant Community Development Director Kim Lee appeared with the following items for the Board's consideration: zoning ordinance text amendment relative to Accessory Buildings, zoning ordinance text amendment relative to Temporary Worker Housing, zoning ordinance text amendment relative to the Floodplain Ordinance, and request of Art Mariner to vacate 80' of future access easement (Apple Creek Industrial Park).

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to approve the zoning ordinance text amendment relative to Accessory Buildings.

Comm. Peluso expressed concern that this change does not help people with one (1) acre lots. Asst. Planning Director Lee noted there are very few one (1) acre lots as the required minimum lot size is 1.5 acres.

All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve the zoning ordinance text amendment relative to Temporary Worker Housing. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve the zoning ordinance text amendment relative to the Floodplain Ordinance. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to call for a public hearing regarding the request of Art Mariner to vacate an 80' future access easement within Apple Creek Industrial Park. All members voted "AYE." Motion carried.

Eric Thompson, Sandy River Dr resident, appeared regarding proposed Flood Protection Plans that would raise Sandy River Dr. Thompson stated the grade raise will potentially flood those on the wrong side of the road. Thompson also expressed the concern of the area residents regarding the removal of the trees in the right of way. Thompson asked that if the project is still a few years away – leave the trees until they either die, or need to be removed. Thompson stated he would rather see funds be used to build a levee instead of providing access to homes. No action was taken.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Sheriff Heinert appeared and requested authorization to adjust the Detention Center daily fees for City of Bismarck prisoners for calendar year 2013 from \$61.75 per day to \$60 per day based upon actual costs.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to set the daily inmate housing rate for the City of Bismarck at \$60 per day effective January 1, 2013. All members voted "AYE." Motion carried.

Burleigh County Recorder Kroshus appeared regarding authorization to increase the Recorder's Office staff from 3.5 full time equivalents (FTE) to 4 FTE's (additional ½ FTE.) Kroshus stated the Recorder's Office is experiencing dramatic increases to their workload due to the growing population, increases in home sales, refinances, etc. Kroshus continued this increase in recordings and ancillary services are making it difficult to process documents in a timely matter. Kroshus noted the revenue collected from recording fees has also increased proportionally.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to authorize an additional ½ FTE in the County Recorder's Office. All members voted "AYE." Motion carried.

Neil Effertz, area landowner and spokesperson for a group of concerned citizens, appeared regarding the construction of a multi-purpose building on the Missouri Valley Complex. Effertz presented a draft of the proposed buildings that they are suggesting be constructed along with cost estimates.

Comm. Bitner stated he will work with Effertz on this project.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to appoint David Riedy to an unexpired term on the Burleigh County Special Assessment Commission. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the County Auditor/Treasurer to appoint Election Inspectors for the June Primary and November General Elections as needed. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to adopt the Resolution regarding County Employee Poll Workers. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to approve the request for a 2<sup>nd</sup> approach permit on to Arrow Ave (Vista South Subdivision); to approve the cost overrun at Missouri Valley Complex for the water line at the Community Gardens; to approve the Gaming Site Authorizations for NoDak Sportsmen at Uncle Jesse's (Driscoll) and the Convention & Visitors Bureau at the Burnt Creek Club; to approve the Liquor License renewals of the Apple Creek Country Club, Burnt Creek Club, Hawk Tree Golf Course, Misty Waters Marina, and Bullets & More; to approve the new liquor license for Rolling Plains Adventures (Jeremy Doan\Driscoll Township); to approve the SE license application of Burnt Creek Club (June 2, 2012). All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

April 16, 2012  
5:00 P.M.

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

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

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

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

This was the hour and date set for a public hearing regarding the Baptist Home, Inc. MIDA Bond Issuance in an amount not to exceed \$7M.

Auggie Pepple, Administrator of the Baptist Home, appeared and stated the resolution regarding this MIDA Bond Issue is forthcoming.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to continue the public hearing regarding the Baptist Home, Inc. MIDA Bond Issuance. All members voted "AYE." Motion carried.

This was the hour and date set for a public hearing regarding a Community Block Development Grant application in the amount of \$100,000 for B&B Powerline Service, Inc., to purchase equipment.

Brent Eckstrom, Director of Commercial Lending for Lewis & Clark Regional Development Council, appeared regarding the Community Development Block Grant application. Eckstrom stated the grant, if awarded, would be used to purchase equipment for local company B & B Powerline Services. Eckstrom continued that approximately 100% of the funds will be used to benefit very low and low-income individuals through the creation of jobs. Eckstrom stated the county will assume no liability with this loan and that pursuant to a separate contract Lewis & Clark RDC will administer the grant and collect all loan payments associated with the grant (loan).

Chairman Schonert closed the public hearing and the following motion was made:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the Community Development Block Grant application in the amount of \$100,000 for B & B Powerline Service, Inc., and further to approve the contract with the Lewis & Clark Regional Development Council for the administration of the grant. All members voted "AYE." Motion carried.

Deputy Auditor/Tax Director Vietmeier appeared with the abatements. A complete copy of which are available for inspection in the office of the Auditor/Treasurer.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to approve the Schultz, Reinhardt, Grenz, Fricke, Eichhorst, City of Bismarck, Community Homes of Bismarck, Community Homes of Bismarck Inc., Community Homes of Bismarck Inc. II, Wetsch, Zink, Kastner, and Stumpf abatements as requested. All members voted "AYE." Motion carried.

County Engineer Hall then appeared and stated of all the flood recovery and protection projects approved, three (3) projects do fall under the responsibility of the Highway Dept or Water Resource District. Hall continued one of these projects relates to the maintenance and stabilization of the river bank north of the Whispering Bay channel. Hall stated this project comes under the control of the County Commission with Houston Engineering (Mike Gunsch) having been contracted to provide engineering services for this project.

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Michael Gunsch, Houston Engineering, appeared regarding consideration of Brent Levinson's request to conduct maintenance and stabilization work at his residence (2830 Langer Way). Gunsch stated the County Commission by agreement has the responsibility to maintain various bank stabilization measures constructed in the late 1960's and early 1970's. Gunsch continued Levinson has secured the necessary Corp of Engineers and State Water Commission permits to complete the project and needs County Commission approval to work within the county easements.

Brent Levinson appeared and stated he is moving forward with this project to protect his property (home). Levinson stated the Corp revetment work is falling into the river and he presented cost estimates for the needed repairs to stabilize the bank and bring it back to its original condition. Levinson requested the County Commission approve his request to work within the easement and further requested cost share assistance for his expenses. Levinson estimated the project will require \$30,000 in rock material and \$10,000 in labor to complete. Levinson stated if the county would provide the material he would pay for the labor.

Gunsch reminded the Commission that pursuant to a 1971 agreement signed by the County Commission, the county is responsible for maintaining these bank stabilization projects.

Upon question, State's Attorney Riha stated it appears maintenance is at county expense. Riha added the county could approve an agreement with the landowner for cost-sharing the expense.

Gunsch suggested that if any cost share is approved, that he and Engineer Hall approve all plans and specification prior to any work being done.

Dave Goodin, 2910 Langer Way, appeared and stated he is the adjacent landowner to the north of Levinson. Goodin continued the revetment along his property is also damaged and in need of repair. Goodin noted his condition is not as severe as Levinson's. Goodin stated he would consider a cost share agreement similar to Levinson, with the clarification that the county would be responsible for all engineering work.

Upon further question, State's Attorney Riha stated such a cost share agreement would be acceptable.

Comm. Bitner stated that if this is to be done, the county should have control of the project not the landowners.

Engineer Hall suggested that the County Commission authorize the advertisement of bids for this project with the landowners being billed for the labor.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to authorize the advertisement of bids for the repair of the Corp of Engineers bank stabilization projects in front of the Levinson (2830 Langer Way) and Goodin (2910 Langer Way) properties, restoring the bank revetments to their original condition with the county responsible for the engineering and material costs and Levinson and Goodin responsible for the placement of the material. All members voted "AYE." Motion carried.

The Commission then considered the request of the Corps of Engineers for a resolution accepting construction activities to rehabilitate several erosion control projects and allowing Corps to construct the work using the existing access and right-of-way easements in the Hogue Island area.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to accept construction activities to rehabilitate several erosion control projects and allow the Corps of Engineers to construct the work using the existing access and right-of-way easements in the Hogue Island area. All members voted "AYE." Motion Carried.

The Board then considered the acceptance of right-of-way within the final plat of Wheatland Hills 2nd Addition.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to accept the right-of-way within the final plat of Wheatland Hills 2nd Addition. All members voted "AYE." Motion carried.

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County Engineer Hall appeared and presented the following items for the Board's consideration: discussion on funding of flood protection projects and direct Highway Dept on priorities; authorization to advertise for bids for Misty Waters Bridge Repairs; and, authorization to advertise for bids for Whisper Dr Flood Control Structure Improvement.

Engineer Hall presented background information regarding the Master Plan for flood protection that was approved by the Commission in December 2011. Hall stated the Highway Department has been working to refine this Master Plan and prepare a funding proposal prior to any projects being started. Hall continued there are approximately twenty-two (22) "Highway" projects he is tracking at an estimated cost of \$16M. Hall stated the Highway Department does not have adequate funding to complete these twenty-two (22) flood related road projects. Hall noted Hay Creek, Riverview, and Lincoln Townships will also have difficulty funding their individual township flood related road projects. Hall offered that the county could waive 50% of townships' costs for as established previously and/or funding could come from other sources including but not limited to state funding, special township levies, and special assessments. Hall asked for better direction from the County Commission on prioritizing the flood related road projects, funding options, and to what level will townships be provided funding assistance.

Chairman Schonert stated his main concern with future flooding is from ice jams forcing water to back up from the south. Schonert continued that his other areas of concern are access to Fox Island, Sibley Drive, Hogue Island, and Burnt Creek Loop. Schonert stated that the main purpose of the flood related road projects would be to improve access in another flood event.

Comm. Peluso agreed that ice jams should be the main focus in the future. Peluso recommended that small flood control projects that can easily be accomplished at little cost should be the first priorities.

Comm. Armstrong stated that the solution to the problem may be to have a plan in place to deal with a potential flood. Armstrong stated that he is becoming more convinced that the plan developed in December is more than we may need.

Comm. Woodcox questioned if the 20.5' level of protection approved by the Commission previously is needed. Woodcox questioned what the costs would be if the level of protection was reduced to 16.5' and 18'. Woodcox also questioned how many projects would need to be done at 18', and if it would not be best to establish contingency plans to protect above the 18' stage.

Hall stated that at 16.5' very few projects would need to be completed. Hall commented that picking a level in between the 16.5' and 21' could be another option.

Comm. Bitner agreed that ice jam flooding may be the most immediate concern, which would then shift a majority of the work to the south side of the county.

Al Geisen, Burnt Creek Estates resident, appeared and questioned if permanent flood control projects are not constructed, will the county commit to temporary dikes and levees.

Kathleen Jones, resident of Sandy River Dr., appeared and stated that most of the flood issues in her neighborhood involved groundwater. Jones stated for this reason access to property is vitally important.

Michael Gunsch, Houston Engineering, appeared and stated that the Water Resource District is specifically looking into the effects and damage associated with the different flood stages.

Bill Townsend, Sandy River Dr. resident, appeared and requested that a sensible feasible plan be adopted. Townsend stated landowners need to know what the county will do so that each individual resident can then determine and plan for their own protection.

Neil Modin, Hay Creek Township Supervisor, appeared and stated it is important to plan now for another flood as history will repeat itself.

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Chairman Schonert questioned Modin, if Hay Creek Township would be willing to fund some of the flood related projects in Hay Creek Township or should special assessments be used to fund projects.

Modin stated he is not in favor of using special assessments to pay for flood projects, and feels the state legislature should appropriate adequate funds for these projects.

The Commission by consensus directed Engineer Hall to revise the Master Plan for Flood Protection by lowering the flood protection levels of road projects from 20.5' to 18' feet and 16'.

Hall then requested authorization to advertise for bids for the Misty Waters Bridge repair. Upon question Hall stated this bid will include repair of the bank\sheet piling along the north side of the Kniefel Landing parking area as it is the same type of work and makes sense to complete these repairs at the same time. It was noted that the County Park Board does not own the bank\sheet piling and therefore will not be eligible for FEMA reimbursement. Hall stated he will work with Comm. Peluso and the property owner to develop a plan for the payment of the costs associated with this area.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the advertisement of bids for the Misty Waters Bridge Repairs. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to authorize the advertisement of bids for the Whisper Dr Flood Control Structure Improvement. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to approve the Lost Instrument Surety Bond to replace check #87003 in the amount of \$523. All members voted "AYE." Motion carried.

The Commission then considered the confirmation of the County Supt of Schools appointment of Joyce Falkenstein to the Burleigh County School District Reorganization Committee.

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

Neil Effertz, area landowner appeared regarding the construction of a multi-purpose building on the Missouri Valley Complex.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

April 2, 2012  
5:15 P.M.

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

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve the March 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, 2<sup>nd</sup> 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 abatements. A complete copy of which are available for inspection in the office of the Auditor/Treasurer.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the Leno, Hart, Uecker, Gietzen, and Oatfield abatements as requested. All members voted "AYE." Motion carried.

Russ Staiger, Bismarck Mandan Development Association, appeared regarding highlights of the 2011 BMDA annual report. No action was taken.

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

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

Chairman Schonert stated that Ryan Topp, Topp Herefords, who was scheduled to appear, could not make it today. Schonert continued that Topp would like to explore a private-public partnership for the purpose of constructing a multi-use building at the Missouri Valley Complex. Schonert continued that it has always been the intent of the Commission that proceeds from the sale of property at the Missouri Valley Complex be used for capital improvements at the Complex.

Comm. Bitner stated he has received pressure from various user groups and the public for improvements at the Missouri Valley Complex.

Jerry Doan, Chairman Burleigh County 4-H Council, appeared and stated he supports the addition of a multi-purpose facility at the Complex. Doan continued the 4-H Council has begun discussion on an addition to the existing 4-H Building and that any plans for a new building at the Complex will have an impact on their decision. Doan suggested the Complex is in need of a restroom, concession, and first aid facility.

Chairman Schonert requested input from the community in regards to what should be done at the Missouri Valley Complex.

Sheriff Heinert appeared and updated the Commission on the Detention Center Study being conducted for Burleigh and Morton Counties by Kimme & Associates. Heinert stated the consultant hired to complete a multi-county/city detention study will give an

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

overview of the study at the April 10<sup>th</sup> Morton County Commission meeting. Heinert continued the study was about half done and he expected the final report to be given in June. Heinert stated the report will include a study on a combined county facility and inmate needs for the separate counties.

Upon question Heinert reported he has already spent 47% percent of the 2012 prisoner housing budget. Heinert noted in the past three weeks the number of prisoners housed in other facilities has averaged 12 - 15 per night.

Comm. Woodcox then presented preliminary information on tentative plans for a future parking ramp on the north side of downtown Bismarck. Woodcox stated the Downtowners Association is proposing two possible parking ramp locations: 6<sup>th</sup> St & Thayer Ave and 5<sup>th</sup> St & Avenue A. Woodcox noted the 5<sup>th</sup> & A location is currently a surface lot owned by Burleigh County. Auditor\Treasurer Glatt then presented information regarding election worker pay, Special Absentee Ballot Precinct, and an Early Voting Precinct. Glatt recommended paying election workers \$8 per hour, with those attending training receiving \$10 per hour. Glatt noted training is required with very few exceptions.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso to authorize the County

Auditor\Treasurer to appoint the Election Inspectors & Clerks for both the June Primary and November General Elections and to set election worker pay at \$8.00 per hour and \$10.00 per hour if the worker attends an election training session.

Comm. Bitner questioned if we get election workers to work for that hourly pay?

Glatt stated that it is always difficult to get election workers, and pursuant to statute the county is required to compensate election workers at least at minimum wage plus 25 percent more if they attend training. Glatt noted Cass County pays \$9.06 per hour, Ward County \$9.26 per hour, and Morton County \$10 per hour.

Chairman Schonert agreed that the pay was not sufficient, stating the election workers put in a twelve (12) to fourteen (14) hour day.

HR Director Gall appeared and stated that \$10 per hour is not adequate pay and suggested increase the hourly rate to \$12 per hour.

Glatt noted that the 2012 budget will not be adequate to include this additional expense.

Amended Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to authorize the County Auditor\Treasurer to appoint the Election Inspectors & Clerks for both the June Primary and November General Elections and to set election worker pay at \$10.00 per hour and \$12.00 per hour if the worker attends an election training session.

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

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

Glatt then recommended the Commission authorize the establishment of a Special Absentee Ballot precinct to process and count absentee ballots for both the June Primary and November General Elections.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to authorize the establishment of a Special Absentee Ballot precinct for both the June Primary and November General Elections to process and count absentee ballots. All members voted "AYE." Motion carried.

Glatt also recommended the Commission authorize an early vote precinct to facilitate early voting.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to authorize the County Auditor\Treasurer to establish as needed an early vote precinct for both the June Primary and November General Elections to facilitate early voting. All members voted "AYE." Motion carried.

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Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to approve the 2nd approach permit application for Gary Marchus, 9321 Plainview Dr., subject to all of the criteria as outlined by Engineer Hall being followed. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

March 19, 2012  
5:00 P.M.

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

Chairman Schonert called the meeting to order with the first item of business the approval of the bills. Schonert stated that he reviewed the vouchers and recommended approval of the same.

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

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve the abatements as requested. All members voted "AYE."  
Motion carried.

Vietmeier then presented for approval the renewal of the City of Lincoln assessing contract. Vietmeier stated the amount of the new contract is \$10,000 per year.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to approve the renewal of the City of Lincoln real property assessing contract for the years 2013 - 2015. All members voted "AYE." Motion carried.

Community Development Director Hokenstad appeared and presented the proposed agreement between Burleigh County & City of Bismarck for planning services.

Hokenstad stated the Morton, Burleigh, Bismarck, Mandan (MBBM) Committee adopted a motion directing that a plan and contract be developed to formalize the agreement for the provision of planning and zoning services by the City of Bismarck for Burleigh County. Hokenstad continued a plan was developed, presented, and approved by the Board of City Commissioner on February 28, 2012. Hokenstad explained the proposed contract will drop from the current \$40,000 annual fee to \$30,000 with the stipulation of charging hourly rates for County Commission approved special projects such as Comprehensive Plan updates, wind farm ordinances, etc. Hokenstad stated these large projects will be billed at an hourly rate upon approval by the County Commission. Hokenstad noted the average annual cost of providing county planning services since 2003 has been \$39,866. Hokenstad noted his staff currently has an opening and under this proposal the position would be filled with a "county planner" dedicated specifically to county issues. Hokenstad added the County Commission or their designee would be a member of the interview and selection committee to fill this position.

Comm. Armstrong stated he supports this plan and the idea of one individual to be the lead to handle county planning and zoning issues. Armstrong added the city and county should be planning as a community and this contract will advance that cooperation.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to approve the contract agreement with the City of Bismarck for the provision of county planning and zoning services.

Comm. Peluso questioned what options we have if the County does not sign the contract.

Comm. Bitner stated he sees nothing in this proposal that will improve service. Bitner added the contract is too vague and open ended in regards to special planning services and may very well cost more money. Bitner added the open ended special services provision in the contract would make it difficult for the county to budget for projects such as meat packing plants, man camps, etc.

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Comm. Woodcox stated that it is not economically feasible at this time for Burleigh County to hire its own planner. Woodcox noted this contract has a six (6) month cancellation clause and questioned what the county would do if the contract is not approved.

Comm. Peluso recommended changing the cost of \$30,000 per year for general services to \$40,000 and eliminate from the contract the special planning services billed on a case-by-case basis.

Comm. Armstrong withdrew his motion with Comm. Woodcox withdrawing his second.

Motion by Armstrong, 2<sup>nd</sup> by Peluso, to approve the contract agreement with the City of Bismarck for the provision of county planning and zoning services with the following changes: reestablish a flat rate per year for general services of \$40,000 and remove the entire paragraph relating to Special Planning Services. "AYE" votes Armstrong, Bitner, Peluso. "NAY" votes: Woodcox, Schonert. Motion carried.

Emergency Manager Senger appeared regarding affirmation of the Burn Ban Resolution approved and signed by Chairman Schonert on March 13, 2012. Senger stated the Chairman has the authority to declare a burn ban and the County Commission must affirm the burn ban within seven (7) days or the burn ban expires. Senger continued the burn ban prohibits campfires and pit fires during extreme and very high fire indexes (red flag warnings). Senger stated burning is allowed when the fire index is medium or below with violators subject to 30 days in jail and a \$1,000 fine.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to affirm the Burleigh County burn ban previously approved by Chairman Schonert. All members voted "AYE." Motion carried.

Burleigh County Sheriff Heinert appeared regarding a request to establish a special revenue fund for a Detention Center Commissary.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to authorize the establishment of a special revenue fund for a Detention Center Commissary. All members voted "AYE." Motion carried.

HR Director Gall appeared and requested the Board's consideration regarding the approval of April 24, 2012 date for the 2012 Employee Recognition Ceremony.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve and designate April 24, 2012 (11:30am – 1:30pm) for the Employee Recognition Ceremony. All members voted "AYE." Motion carried.

County Auditor/Treasurer Glatt then presented information regarding the purchase of E-Poll Books for use at voting locations with multiple precincts. Glatt stated after extensive research and negotiations he will be authorizing contracts with Election Systems & Services and Connecting Point Computer Center for the purchase of hardware & software to equip six (6) precincts. Glatt continued the purpose of the E-Poll books is to help ensure that each voter gets the correct ballot and to speed up the "check-in" process. Glatt concluded the projected cost of this project is \$63,215 using funds from the adopted 2012 budget. No action was taken with the Board approving this project by consensus.

Comm. Bitner then presented an update on the Missouri Valley Complex (fairgrounds) ATV area fencing. Bitner stated he had received three price quotes and will be hiring the lowest bidder to complete the work. Bitner added this expense will be reimbursed by the ND Parks and Recreation Dept as part of a grant for the ATV play area.

Bitner then reported that he and Chairman Schonert met with Arnie Zent regarding the Missouri Valley Complex AG land lease renewal. Bitner stated that after review of the lease and other pertinent information it was agreed that the 2012 AG lease would be in the amount of \$1,851.14 which was approved by consensus.

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The Board then considered the appointment of Jim Heisler to the unexpired four (4) year term on the Burleigh County Noxious Weed Control Board.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to appoint Jim Heisler to an unexpired four (4) year term on the Burleigh County Noxious Weed Control Board. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to recognize the Bismarck Cancer Center Foundation as a Public Spirited Organization; to approve the Raffle Permit Application of the Bismarck Cancer Center Foundation; and, to approve the National Public Safety Telecommunications Week Proclamation (April 8-14, 2012). All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

March 5, 2012  
5:22 P.M.

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

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

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

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

Motion by Comm. Bitner, 2<sup>nd</sup> 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 and presented the monthly abatements for the Board's consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to approve the abatements as requested. All members voted "AYE." Motion carried.

Dave Patience, Swenson, Hagen & Co., appeared regarding acceptance of the right-of-way dedication within JMT Subdivision.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to accept the of right-of-way dedication within the final plat of JMT Subdivision. All members voted "AYE." Motion carried.

Burleigh County Water Resource District (BCWRD) Chairman Narum appeared regarding consideration of the Voluntary Acquisition of Floodway Property Program for the Hogue Island Flood Control Project. Narum stated that at the February 23, 2012 County Commission meeting the Commission approved a resolution authorizing the BCWRD to act on behalf of Burleigh County to acquire properties for Flood Mitigation Project #39 (Hogue Island Flood Control Project). Narum stated the resolution authorized the BCWRD to apply and receive State Water Commission funding (75%) for the voluntary acquisition of four (4) homes. Narum explained the 25% local share will be paid from BCWRD reserves. Narum stated these four (4) homes need to be removed in order to repair/replace the riprap revetment that was damaged by the flood waters. Narum continued that upon repair of the revetment a levee can be constructed to protect the north end of Hogue Island. Narum continued the four (4) landowners will have the option of selling their property including buildings or selling their property and removing the buildings. Narum requested approval of a resolution adopting the Voluntary Acquisition of the Floodway Property Program for the Hogue Island Flood Control Project as presented. Narum stated the Voluntary Acquisition Program will be considered by the State Water Commission on March 7, 2012. Narum stated the Plan includes the State Water Commission paying for 75% of the acquisition costs up to a maximum of \$1.4 million, with the BCWRD funding the remaining 25% (\$475,000) from its reserves.

Comm. Armstrong stated he would like clarification on the entire cost of the project and questioned what will happen to the neighboring properties that are not included in the acquisition.

Chairman Schonert explained that the existing revetment/riprap needs to be repaired and/or replaced as it was severely damaged by the flood waters. Schonert continued if the levee is built after the home buyouts, the roadways in the area will not need to be raised, thereby saving the County as much as \$1.5 million and increasing access on the Island in future such events.

Upon question Narum stated that easements for remaining (non acquisition) properties cannot be determined until the exact location of the levee is decided.

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Comm. Bitner expressed his concern about property taxes being expended for flood control projects. Bitner stated if the acquisitions are approved without a commitment from the Corps of Engineers for the repair and/or replacement of the revetment/riprap the expenditure will be for nothing.

Narum stated it is hoped the U.S. Army Corps of Engineers would pay for all or most of the \$3 million re-embankment and riprap project. Narum stated in any event the County has a responsibility to maintain the existing revetment/riprap.

Chairman Schonert stated that based upon his conversations with the Congressional Delegation and the Governor, the Corp of Engineers will fund the repair and/or replacement of the revetment/riprap.

Comm. Peluso stated the original revetment work done in the 1970's was damaged in this area and needs to be fixed or this whole area could be in jeopardy. Peluso noted it cannot be completed without the removal of these four (4) properties.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve the Voluntary Acquisition of Floodway Property Program for the Hogue Island Flood Control Project for the voluntary acquisition of four (4) homes.

The Commission further discussed the funding of the entire project including the use of special assessments.

Craig Johnson, 9730 Island Road, appeared and stated he is concerned about how the levee project would be financed and how the costs would be allocated. Johnson stated the proposed levee would run through his back yard and he cannot support a special assessment without knowing how much it will cost. Johnson stated he might be better off constructing a temporary levee like he did this year.

Chairman Schonert stated if a permanent levee is constructed a major benefit would be to protect public infrastructure (roads, South Central Regional Water District, and the Burnt Creek Flood Control channel) and thus not all of the costs would be assessed to the homeowners.

Narum added the levee would benefit most of the homes on the north side of Hogue Island and would greatly improve access for all of Hogue Island.

Comm. Bitner stated he understands the need to move forward on this project and further understands that upon adoption of this resolution the BCWRD will move forward without asking the County Commission for further approval of the acquisitions.

Comm. Armstrong expressed his concern that there is no guarantee from the Corps of Engineers to fund the repair and replacement of the existing revetment/riprap.

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

County Engineer Hall appeared regarding the following items: consideration of bids for furnishing concrete & metal culverts; consideration of bids for gravel crushing; and, consideration of bids for a new mini-excavator. Hall presented the results of the bid openings held February 2<sup>nd</sup> for furnishing concrete & metal culverts, gravel crushing, and for a new mini-excavator with the following motions being made:

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to award bids to Cretex Concrete Products West for furnishing concrete culverts and to accept the bids from Contech Construction Products, Inc. and TrueNorth Steel, Inc. for furnishing metal culverts. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to award bids for the crushing of gravel to the low bidder, Fisher Sand & Gravel Co., in the amount of \$3.93 per cubic yd. All members voted "AYE." Motion carried.

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Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to award the bid for a new mini-excavator to the low bidder, Bobcat of Mandan Inc., in the amount of \$50,314.99. All members voted "AYE." Motion carried.

County Veterans Service Officer Landis appeared regarding an update on the remodeling \office expansion project to provide room for an additional staff member. Comm. Woodcox added this project was approved during budget deliberations and recommended moving forward with the project.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to approve the remodeling project as submitted and to authorize the hiring of an additional staff member with Comm. Woodcox to oversee the project.

Comm. Bitner questioned how many contractors were solicited for prices on this project. CVSO Landis replied only one. Comm. Peluso questioned if the project will be delayed until after the Primary Election. Comm. Woodcox and CVSO Landis stated they would work with the Auditor\Treasurer and not start the project until July 1 or later.

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

Comm. Bitner then initiated a discussion related to the reconsideration of the eligibility bonuses for Social Service Dept employees approved by Commission motion on February 6, 2012. Comm. Woodcox questioned how this item can be reconsidered. Comm. Bitner noted that a motion to reconsider was adopted on February 23, 2012 with the minutes approved earlier this meeting.

Comm. Bitner continued that upon his review of the Social Service employee performance evaluations he has some concerns with these bonuses. Bitner added he is also concerned with the employee morale throughout the county. Bitner stated if he had better information earlier he would have voted differently.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to deny the eligibility bonuses for Social Service Dept employees as recommended by the Social Service Board in the amount of \$16,793 (bonus & tax) and to dedicate the entire amount received (\$46,440) to technology and innovation improvements.

Comm. Woodcox recommended no changes to the original bonus approval. Woodcox stated this was set up to reward efficiency and accuracy and is similar to what Ward County did with their allocation. Woodcox stated the intent is to reward those who did a good job.

Social Service Director Doe stated she continues to support the bonus plan originally adopted.

Vote on Motion: "AYE" votes: Bitner, Peluso, Schonert. "NAY" votes: Armstrong, Woodcox. Motion carried.

Finance Director Thompson appeared and presented the following proposed 2011 budget amendments for the Board's consideration:

<u>FUND</u>	<u>BUDGET</u>	<u>AMENDED BUDGET</u>	<u>CHANGE</u>
RIVERVIEW UNORG TOWNSHIP	50,000	51,000	1,000
ROAD WORK EXCEEDED BUDGET			
BURNT CREEK UNORG TOWNSHIP	55,000	381,000	326,000
ROAD WORK EXCEEDED BUDGET			
LINCOLN UNORG TOWNSHIP	255,000	268,000	13,000
ROAD WORK EXCEEDED BUDGET			
HIGHWAY GAS TAX	4,920,000	5,940,000	1,020,000
STATE GAS TAX RECEIPTS EXCEEDED BUDGET			
COUNTY LIBRARY	239,209	253,900	14,691
REVENUE COLLECTED EXCEEDED BUDGET			
INSURANCE	164,000	168,000	4,000

**BURLEIGH COUNTY COMMISSION  
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	PREMIUM INCREASE EXCEEDED BUDGET			
<b>EMERGENCY FUND</b>	<b>1,017,000</b>	<b>6,220,000</b>	<b>5,203,000</b>	
	FLOOD RELATED EXPENDITURES			
<b>CELLULAR PHONE TAX</b>	<b>662,500</b>	<b>719,200</b>	<b>56,700</b>	
	EXCISE TAX COLLECTIONS EXCEEDED BUDGET			
<b>CITY RECREATIONAL AREAS</b>	<b>213,096</b>	<b>225,000</b>	<b>11,904</b>	
	REVENUE COLLECTED GREATER THAN BUDGET			
<b>ABANDONED CEMETARIES</b>	<b>3,000</b>	<b>3,200</b>	<b>200</b>	
	MAINTENANCE EXCEEDED BUDGET			
<b>FALCONER ESTATES PAVING</b>	<b>8,450</b>	<b>8,500</b>	<b>50</b>	
	ADMIN COSTS EXCEEDED BUDGET			
<b>FALCONER ESTATES II PAVING</b>	<b>7,500</b>	<b>7,600</b>	<b>100</b>	
	ADMIN COSTS EXCEEDED BUDGET			
<b>PRAIRE PINES PAVING</b>	<b>0</b>	<b>348,000</b>	<b>348,000</b>	
	NEW RURAL SPECIAL ASSESSMENT DISTRICT			
<b>NORTHRIDGE ESTATES CHIP SEAL</b>	<b>0</b>	<b>96,000</b>	<b>96,000</b>	
	NEW RURAL SPECIAL ASSESSMENT DISTRICT			

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the 2011 budget amendments as presented and recommended by Finance Director Thompson. All members voted "AYE." Motion carried.

Comm. Bitner then presented an update on the Missouri Valley Complex (Fairgrounds). Bitner stated the Commission previously accepted the low quote of Mann Signs in the amount of \$49,345 and authorized him to further evaluate Mann's alternate quote in order to determine the best alternative for a sign at the Missouri Valley Complex. Bitner stated upon further evaluation he recommends that a 12' x 18' brick sign with a 4' x 14' monochrome electronic message center be purchased in the amount of \$56,226.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to authorize the purchase of a 12' x 18' brick sign with a 4' x 14' monochrome electronic message center from Mann Signs in the amount of \$56,266 for the Missouri Valley Complex. All members voted "AYE." Motion carried.

Bitner then presented a quote in the amount of \$1,740 from Northern Plains Plumbing & Heating for exhaust fans for the restrooms located in the grandstands at the Missouri Valley Complex. By consensus the Board approved this expenditure and upgrade.

Bitner continued that the Highway Dept has been assisting in the cleanup of the Missouri Valley Complex and that work on the ATV "play & training area" will resume this year. Bitner noted the ND Parks & Rec grant for the ATV area will be extended due to the flood efforts last year. Bitner stated new bids will need to be solicited for fencing and other work.

The Board then discussed the AG land lease renewal on the Missouri Valley Complex with the following motion being made:

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to table renewal of the AG land lease renewal on the Missouri Valley Complex and to direct Commissioners Bitner and Schonert to work out details with Arnie Zent, the lessee. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to extend the closings dates of the Wilton and Regan Shop sales, and further to grant the Chairman the authority to extend these and the other scheduled closings for Lots 1 & 3, Block 2 and Lot 2, Block 1, Missouri Valley Complex as needed. All members voted "AYE." Motion carried.

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Auditor\Treasurer Glatt then presented the results of the bid opening for election supplies\ballot printing. Glatt reported that bids were opened at 4:00pm today with two (2) bids received. Glatt noted the low bid was received from The Printers at the same bid amounts as in 2010.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to award bids for election supplies\ballot printing for 2012 & 2013 to The Printers. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to accept the resignation of Valerie Timm from the Burleigh County Social Service Board and to appoint Kathy Mayer to the unexpired three (3) year term. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES**

**February 23, 2012  
5:00 P.M.**

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

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

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

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve the abatements as requested. All members present voted "AYE."  
Motion carried.

Emergency Manager Senger appeared regarding a request for review of the Missouri River Flood Categories. Senger stated the last review of the river stages for flood warning purposes was done in the mid 1970's.

Allan Schlag, National Weather Service hydrologist, appeared and stated the purpose of the review would be to revisit what constitutes flood stage at the river gauge in Bismarck. Schlag added a "local partner" is required for such a review to be completed. Schlag added the county will not be required to fund any part of the review, he only asks that Emergency Manager Senger assist in the process.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to partner with the National Weather Service revisiting and reviewing the Missouri River Flood Categories and further to authorize Emergency Manager Senger to work with the National Weather Service on the same. All members present voted "AYE." Motion carried.

County Engineer Hall appeared regarding consideration of proposals for engineering services for various flood protection projects. Hall explained in order to move forward in an expeditious manner with the flood protection efforts, the Commission approved the request to seek proposals from engineering consultant firms for flood project design services. Proposals were received and reviewed and after negotiations completed, projects assigned to the consulting firms. Hall stated at this time it is recommended that we delay implementing the grade raise of 97<sup>th</sup> Avenue NW into Hogue Island until the Burleigh County Water Resource District completes their preliminary design of the north Hogue Island levee projects as these levee projects could have a major effect on the design of the grade raise project. Hall noted about 40% of the flood protection projects will be designed by Burleigh County staff.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the proper county officials to enter into an agreement with Apex Engineering Group in the amount of \$297,440 to perform the design of flood protection projects 22, 28, 29, & 35 with additional services, as requested by the County, paid at an hourly rate up to a maximum of \$10,000. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the proper county officials to enter into an agreement with Houston Engineering Inc. in the amount of \$233,100 to perform the design of flood protection projects 1, 2, 24, & 25 with additional services, as requested by the County, paid at an hourly rate up to a maximum of \$10,000. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the proper county officials to enter into an agreement with Kadrmass Lee & Jackson in the amount of \$183,512.75 to perform the design of flood protection project 31 with additional services, as requested by the County, paid at an hourly rate up to a maximum of \$10,000. All members present voted "AYE." Motion carried.

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Motion by Comm. Bitner, 2nd by Comm. Peluso, to authorize the proper county officials to enter into an agreement with Wenck Engineers in the amount of \$83,170 to perform the design of flood protection project 17 with additional services, as requested by the County, paid at an hourly rate up to a maximum of \$10,000. All members present voted "AYE." Motion carried.

Burleigh County Water Resource District Chairman Narum appeared and updated the County Commission on BCWRD flood protection projects and to discuss a resolution to authorize the BCWRD to act on behalf of Burleigh County to acquire properties for Flood Mitigation Project #39 (Hogue Island Flood Control Project). Narum explained each of the projects, priorities, and costs.

Narum requested the Commission adopt a Resolution to authorize the BCWRD to act as the agent of the Burleigh County Commission to apply and receive State Water Commission funding (75%) for the voluntary acquisition of four (4) homes. Narum explained the 25% local share will be paid from BCWRD reserves. Narum stated these four (4) homes need to be removed in order to repair/replace the riprap revetment that was damaged by the flood waters. Narum continued that upon repair of the revetment a levee can be constructed to protect the north end of Hogue Island.

Verne Whitman, Greg Wavra, Mary Miller, and Lynn Mills appeared with questions and comments regarding this proposed project.

Comm. Bitner expressed his concern about property taxes being expended for flood control projects.

Chairman Schonert stated that if this levee is constructed 97<sup>th</sup> Ave will not have to be raised as high as previously discussed, thus saving the county over \$1Million.

Comm. Peluso stated the original revetment work done in the 1970's was damaged in this area and needs to be fixed.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to authorize the BCWRD to act as the agent of the Burleigh County Commission to apply and receive State Water Commission funding (75%) for the voluntary acquisition of four (4) homes. "AYE" votes: Armstrong, Bitner, Peluso, Schonert. "NAY" vote: none. Absent: Woodcox.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to declare March 2012 as Women Veterans Month in Burleigh County and to formally approve the Proclamation declaring the same. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve the request of the Central Dakota Humane Society to delay the closing (sale) of Lot 2, Block 1, Missouri Valley Complex Replat until March 31, 2012. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to authorize Chairman Schonert to execute all necessary documents related to the closings (sales) of the Missouri Valley Complex First Replat and Wilton and Regan Shop properties. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to reconsider the Social Service Dept bonuses approved at the February 6, 2012 meeting and direct the Auditor/Treasurer to place this item on the March 5, 2012 County Commission agenda. All members present voted "AYE." Motion carried.

Comm. Bitner stated he will be presenting an update of recent activities and plans for the fairgrounds and park property at the next meeting.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

February 6, 2012  
5:00 P.M.

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

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

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

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

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

Deputy Auditor/Tax Director Vietmeier appeared and presented the monthly 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, 2<sup>nd</sup> by Comm. Woodcox, to approve the abatements as requested. All members voted "AYE." Motion carried.

Deb Goodsell, Bismarck City Assessor, appeared and recommended denial of the North Cape Properties LLP abatement as the property is equalized with other properties of similar age, size, and condition. Goodsell stated that based upon this review the property should be valued at \$112 per square foot. Goodsell stated that based upon these factors the property should have sold for \$119,000 not \$79,000.

Comm. Bitner stated he knows the particulars of the sale of this property and believes the seller was taken advantage of.

Chairman Schonert noted the comparables used by the City Assessing Office readily show the \$119,000 value.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to deny the North Cape Properties, LLP abatement as the property is equalized with other properties of similar age, size, and condition. All members voted "AYE." Motion carried.

Deputy Auditor/Tax Director Vietmeier explained that he personally inspected the Karhoff property after the flood and an adjustment for flood damages has already been given for this property. Vietmeier stated the additional damages requested do not qualify as flood damages.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to deny the Jeanne Karhoff abatement as the property already received adjustments for flood damage and further the items for which Karhoff is requesting do not qualify as flood damage. All members voted "AYE." Motion carried.

County Engineer Hall appeared with the following items for the Board's consideration: architectural proposals for design and construction administration for the proposed new Bismarck shop building; proposals for engineering services for various flood protection projects; disposition of bids for a pre-engineered cold storage building for the Wilton\Regan Shop; 2012 Road Project Priority List; authorization to advertise bids for concrete & metal culverts; authorization to advertise bids for gravel crushing; authorization to advertise bids for a new rubber tracked mini-excavator; and, authorize and approve cost overrun for the 48th Ave & England St Berm removal project.

Hall explained that in 2011 the County purchased a 40 acre parcel at the northeast corner of 43rd Avenue NE and 80th Street NE and desires to move forward with selecting a consulting firm to help prepare construction plans for the site. Hall stated upon previous

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

authorization the Road & Bridge Department reviewed proposals from eleven (11) consulting firms and subsequently interviewed four (4) firms. Hall explained that after the interviews Ubl Design Group was selected as the most qualified firm for this project. Hall stated that since the selection he has met with Ubl Design Group on several occasions and has negotiated the scope of services and fees for this project with the total cost for design services being \$98,929.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to authorize the proper county officials to enter into an agreement with Ubl Design Group in the amount of \$98,929 to perform the design and plan preparation for the new Burleigh County Shop Facility near Bismarck with additional services, if requested, paid hourly up to a maximum of \$10,000. All members voted "AYE." Motion carried.

Hall stated that he is continuing to work with the various engineering firms to perform design services for 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 as part of the Master Plan for flood protection. Hall stated he will have more information on this matter at the next meeting.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to award bids for the pre-engineered cold storage building for Wilton\Regan Shop to Eagle Rigid Span in the amount of \$58,985. All members voted "AYE." Motion carried.

The Board then considered the 2012 Road Project Priority List. Hall noted the list is developed from past years' projects that have not been completed and new projects that have surfaced. Hall stated twenty (20) projects for 2012 construction have been identified at a total cost of over \$11.8M. Hall continued it is the intent of the Department to complete all of the projects on the 2012 list in the coming year; however with current manpower and budget constraints not all will be completed. Hall requested that in future years the discussion and approval of the annual project priority list be included in the budget deliberations to allow for a longer lead time to develop and deliver projects which require extensive permitting, right of way, and other requirements.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve and adopt the attached 2012 Burleigh County Project Priority List and authorize the Highway Dept 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.

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

Motion by Comm. Bitner, 2nd by Comm. Peluso, to authorize the advertisement of bids for gravel crushing. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to authorize the advertisement of bids for a new rubber tracked mini-excavator. All members voted "AYE." Motion carried.

Hall then briefed the Board on the 48th Avenue SW & England Street Protection Berm Removal project. Hall noted the low bidder, Phillips & Jordan, Inc., completed the project in mid-November with an overrun of \$142,075.15. Hall stated the cost overrun was due to changes in the following quantities: Clearing & Grubbing, Reshaping Ditch, Seeding-Type B-CL V, and Additional Tree Removal. Hall continued that the County Engineer and the Highway Department have reviewed the overruns and are recommending approval for the following reasons: 1) The work was required to complete the project; 2) Because of the great unknowns surrounding the project, a good quantity estimate was hard to develop; 3) Because of the un-formality of this type of work, good cost estimate was hard to develop. Hall noted even with this overrun added to the price of the contract, this contractor was still \$608,780.29 under the second low bidder and \$1,147,258.55 under the Engineer's estimate.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the cost overrun for the 48th Ave & England St Berm removal project in the amount of \$142,075.15. All members voted "AYE." Motion carried.

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

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Motion by Comm. Bitner, 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 voted "AYE." Motion carried.

Social Service Director Doe appeared regarding eligibility bonuses for Social Service Dept employees. Doe stated the Social Service Board initially reviewed and recommended the following: a \$600 bonus for those workers who carried a SNAP caseload during the time the performance bonus is based upon – October 1, 2009 through September 30, 2010 (20 workers for a total cost of \$12,000); a \$300 bonus for those workers who supported a SNAP worker during the time period October 1, 2009 through September 30, 2010 (9 workers for a total cost of \$2700); a \$100 bonus paid to the Eligibility Workers within the unit and to other workers who provided backup for SNAP workers/support staff during the time period October 1, 2009 through September 30, 2010 (9 workers for a total cost of \$900); purchase of a TV and Laptop for \$2,000; Scanners and PC \$4,000; Adobe Pro \$4,000; Conference Room Tables \$2,400; and funding for Replacement Worker(s) in the amount of \$17,238 to help cover the absences expected from at least two and most likely, three retirements. Doe stated the County Commission considered this item at their January 4, 2012 meeting and sent it back to the Social Service Board. Doe stated the Social Service Board again reviewed the proposal and recommended the original proposal be approved. Doe stated that a total of \$46,440 in bonus money was received and the total of this proposal is \$46,431.

Comm. Bitner stated he abstained from the Social Service Board meeting vote as his wife's cousin is a Social Service Dept employee on the list for a bonus.

Com. Woodcox questioned if this item was tabled by the County Commission at the January 4<sup>th</sup> meeting. Auditor/Treasurer Glatt responded yes.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to remove the request for eligibility bonuses for Social Service Dept employees from the table. All members voted "AYE." Motion carried.

Comm. Woodcox stated this should not be called a bonus. Woodcox continued that it is a reward for employees who have worked hard. Woodcox stated he was initially against the bonuses but now thinks otherwise. Woodcox stated part of the monies should go to the employees and the remainder be used for the "paperless project."

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve bonuses in the amount of \$16,793 (bonus & tax) for the Social Service Dept employees as recommended by the Social Service Board and to allocate the remaining \$29,638 to the paperless project.

Comm. Peluso stated he cannot support this motion as it is unfair to all other county employees.

State's Attorney Riha upon question stated the remainder of the County Commission would have to determine by vote if Comm. Bitner in fact has a conflict and should not vote on the matter.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, that Comm. Bitner does not have a conflict of interest on this matter. "AYE" votes: Armstrong, Peluso, Woodcox, Schonert. "NAY" votes: none. Motion carried.

Comm. Woodcox again stated that this is not really a bonus as these are not county funds but Federal funds that will be paid to the employees for their efficiency and proficiency.

Comm. Bitner stated he supports the idea of employees getting reimbursed or rewarded for efficiencies if they are quantifiable.

Vote on Motion: "AYE" votes: Armstrong, Bitner, Woodcox. "NAY" votes: Peluso, Schonert. Motion carried.

Comm. Bitner then initiated a discussion regarding signage at the "fairgrounds." Bitner stated he had previously presented information to the Commission regarding this item and noted bids (price quotes) were solicited by the "fairgrounds user groups."

**BURLEIGH COUNTY COMMISSION  
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Bitner continued that he has discussed this with the State's Attorney who advised that formal bids are not required as the cost is under \$100,000.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to accept the low quote of Mann Signs in the amount of \$49,345; and to evaluate Mann's alternate quote in order to determine the best alternative for a sign at the Missouri Valley Complex. All members voted "AYE." Motion carried.

Bitner stated he would continue to work with the user groups and Mann Sign and then bring this item back to the Commission for final review.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to approve the Lost Instrument Surety Bond to replace check #86322 in the amount of \$3,453.17 and to approve the raffle permit application of the Driscoll Centennial. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, not to request negotiation with the City of Bismarck on Ordinance 5859 (modified definitions of family and single-family) in the area of Joint Jurisdiction. All members voted "AYE." Motion carried.

6:19PM

Auditor\Treasurer Glatt stated he has several offers regarding the sale of the "old" Wilton and Regan Road Dept shops.

State's Attorney Riha suggested the Board convene an Executive Session pursuant to NDCC44-04-19.1(9).

Motion by Comm. Armstrong, 2nd by Comm. Bitner, 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 sale of the Wilton and Regan county shops.

6:42PM

The Burleigh County Commission reconvened with all members present.

Chairman Schonert explained that the Commission, after deliberations, has accepted offers for the sale of the Wilton and Regan shop properties subject the purchasers accepting minor changes. Schonert disclosed the following accepted offers:

	<u>Wilton Shop</u>		<u>Regan Shop</u>
Krush	\$81,750 (\$79,297.50 net)	Jeff Inglis	\$29,000

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

January 18, 2012  
5:00 P.M.

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

Comm. Bitner stated that he reviewed the vouchers and recommended approval of the same. Bitner noted the bills include his reimbursement request for repairs and maintenance to his personal vehicle related to driving through flood waters. Comm. Woodcox then presented an invoice for expenses for his personal vehicle in the amount of \$684.32 for repairs and maintenance related to driving thru flood waters.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve payment of the bills as submitted including the reimbursement request from Comm. Woodcox in the amount of \$684.32 for repairs and maintenance to his personal vehicle related to driving through flood waters. All members voted "AYE." Motion carried.

Wilton City Commission President Ron Peck appeared regarding the Burleigh County Shop in Wilton. Peck stated the City of Wilton desires to purchase the shop property as part of a 25 year community development plan. Peck stated the immediate use of the property would be to relocate the current city maintenance shop and then remodel the current shop which is part of city hall to provide more space for council meetings and staff offices. Peck continued that long-term the city is partnering with the school and park districts to improve recreational activities and this property fits into the long-term plan as it is adjacent to the football/baseball fields and tennis courts. Peck noted the property is zoned R-1 and is not on a truck route.

Chairman Schonert stated the county is accepting offers for the property up to the February 6, 2012 Commission Meeting and that the Commission cannot favor the city over other potential buyers. Upon question State's Attorney Riha confirmed that the Commission cannot favor one entity over another.

Peck thanked the County Commission for their time and submitted a purchase offer to County Auditor/Treasurer Glatt for consideration at the February 6, 2012 meeting.

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

Deputy Auditor/Tax Director Vietmeier appeared and presented the monthly 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.

Vietmeier then initiated a general discussion on changes to AG land values in Burleigh County. Vietmeier noted that changes made at the last regular legislative session removed the capitalization rate used in determining AG land values. Vietmeier stated this change will result in an overall average increase of 35% in Burleigh County. Vietmeier stated this increase is typical of increases throughout the state of ND. Vietmeier continued that more information will be provided during the next several months as we approach the June County Board of Equalization Meeting where values will need to be approved and adopted.

Auditor/Treasurer Glatt then requested the Commission formalize the sale of the "fairgrounds" properties as recommended by State's Attorney Riha and consider the request to delay closing on Lots 1 & 3, Block 2, Missouri Valley Complex 1<sup>st</sup> Replat.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to formalize the sales of fairgrounds properties as follows: Lots 1 & 3, Block 2, Missouri Valley Complex 1<sup>st</sup> Replat to Swanston Equipment in the amount of \$2,250,000; Lot 2, Block 1 Missouri Valley Complex 1<sup>st</sup> Replat to the Central Dakota Humane Society in the amount of \$133,000; and Lot 1, Block1, Missouri Valley Complex 1<sup>st</sup> Replat to Vom Adler LLC in the amount of \$410,000; and to approve the request of Swanston Equipment to change the closing date on the purchase of Lots 1 & 3, Block 2 from February 15, 2012 to March 30, 2012. All members voted "AYE." Motion carried.

**BURLEIGH COUNTY COMMISSION  
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Comm. Bitner then initiated a discussion on signage at the "fairgrounds." Bitner stated he had previously presented information to the Commission regarding this item and noted bids were solicited by the fairgrounds user groups. Bitner continued that one bidder provided an alternate bid and the other bidder did not. Bitner questioned if the Commission could accept the alternate bid.

State's Attorney Riha questioned if the bids were advertised. Comm. Bitner responded no. Riha then suggested he meet with Comm. Bitner before any formal action to award was made by the Commission. By consensus the Board directed this item to be placed on the next meeting agenda.

Cathy Palczewski, Burleigh County Extension Service, appeared and asked the Commission consider scheduling a February 29<sup>th</sup> County Extension Breakfast rather than the June 6 Luncheon. By consensus the Board agreed to this change and directed the Auditor\Treasurer to change the schedule accordingly.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

January 4, 2012  
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 2012.

Comm. Peluso nominated Comm. Schonert for the chairmanship with Comm. Woodcox seconding the nomination. 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. Woodcox, to cease nominations and to cast a unanimous ballot to elect Comm. Schonert as Chairman. All members voted "AYE." Motion carried.

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

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

The Board then reviewed and discussed portfolio assignments with Comm. Bitner assuming the Supt of Schools portfolio, Armstrong assuming the BMMB (Burleigh MortonMandanBismarck) portfolio, Comm. Peluso assuming the County Extension portfolio and Chairman Schonert assuming the Emergency Management\E9-1-1 portfolio.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to approve the changes to the portfolio assignments. All members voted "AYE." Motion carried.

Comm. Woodcox then expressed his appreciation and commendation to Comm. Bitner for his hard work and diligence as Chairman in 2011 with the other Commissioners expressing their agreement and appreciation.

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

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

Motion by Comm. Bitner, 2nd by Comm. Armstrong, 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 noted this is a continuation of the Public Hearing opened on December 5, 2011. Smith stated St. Alexius Medical Center is 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 noted the proceeds of the revenue bonds, when issued, would be used to advance refund the outstanding and previously issued bonds with the maximum amount of bonds proposed to be issued being \$46,000,000.

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

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve 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. All members voted "AYE." Motion carried.

County Engineer Hall appeared regarding the preliminary review of 2012 construction program priorities. Hall stated he will ask for approval of the 2012 construction program priorities at the February 6<sup>th</sup> Commission meeting.

Hall stated he has met with the City of Bismarck regarding coordination of the flood protection projects and is confident that coordination will not be an issue.

Social Service Director Doe appeared regarding eligibility bonuses for Social Service Dept employees. Doe stated the Social Service Board has reviewed and recommends the following: a \$600 bonus for those workers who carried a SNAP caseload during the time the performance bonus is based upon – October 1, 2009 through September 30, 2010 (20 workers for a total cost of \$12,000); a \$300 bonus for those workers who supported a SNAP worker during the time period October 1, 2009 through September 30, 2010 (9 workers for a total cost of \$2700); a \$100 bonus paid to the Eligibility Workers within the unit and to other workers who provided backup for SNAP workers/support staff during the time period October 1, 2009 through September 30, 2010 (9 workers for a total cost of \$900); purchase of a TV and Laptop for \$2,000; Scanners and PC \$4,000; Adobe Pro \$4,000; Conference Room Tables \$2,400; and funding for Replacement Worker(s) in the amount of \$17,238 to help cover the absences expected from at least two and most likely, three retirements. Doe stated that a total of \$46,440 in bonus money was received and the total of this proposal is \$46,431.

Comm. Bitner stated he abstained from the Social Service Board meeting vote as his wife's cousin is a Social Service Dept employee on the list for a bonus.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to table the request for eligibility bonuses for Social Service Dept employees until the February 6, 2012 Commission meeting. 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 Hanson (Recorder's Office) and denial of the Jochim (Auditor\Treasurer\Tax Equalization Office) reclassification requests.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Woodcox, to approve the Hanson (Recorder's Office) and deny the Jochim (Auditor\Treasurer\Tax Equalization Office) reclassification requests. All members voted "AYE." Motion carried.

Gall then presented a request on behalf of Auditor\Treasurer Glatt for a salary increase for Corrine Jochim to reflect her increased duties and responsibilities as suggested by the Reclassification Review Committee.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the salary increase for Corrine Jochim as requested. All members voted "AYE." Motion carried.

County Recorder Kroshus appeared regarding her request that the Deputy Recorder's reclassification salary increase be made effective 12/25/11. No action was taken.

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to approve the abatements as requested. All members voted "AYE." Motion carried.

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

Auditor\Treasurer Glatt then stated the May cell phone bill included charges for long distance and roaming for cell phones assigned to 2 Sheriff Dept employees. Glatt continued upon review of the bills it was determined that the long distance and roaming charges were of a

## BURLEIGH COUNTY COMMISSION MEETING MINUTES

personal nature. Glatt noted pursuant to established practice for many, many years a request for payment was made and subsequent bills were sent for these personal phone charges. Glatt stated to date one of the employees has reimbursed the county.

Sheriff Heinert appeared and stated that he does not agree with the bills and requested the billings be cancelled. Sheriff Heinert believes that current policy precludes payment of the bill as the policy states in part: *Employees receiving a County wireless communications device will be responsible for: Limiting personal/incidental use which will be monitored by the Department Head.*

Auditor\Treasurer Glatt requested that should the Commission determine that the amounts in question (\$74.49 and \$11.18) are limited personal/incidental use that a motion be approved to cancel the outstanding accounts receivable and to reimburse the payment received from the other employee.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to cancel the accounts receivable billing for the Sheriff Dept employee (Schaffer) in the amount of \$74.49 and further to reimburse Sheriff Dept employee (Hall) in the amount of \$11.18. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Peluso, to reappoint Helen D Schatz to the Dakota Prairie Regional Development Council. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, 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

Auditor\Treasurer Glatt noted that there is a conflict with the scheduling of the Tom Baker Room for the February 22<sup>nd</sup> meeting date. Glatt suggested moving the County Commission meeting to February 23<sup>rd</sup>. The Commission by consensus approved the change of the meeting date.

6:53pm

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) to discuss the offers for the purchase of Lot 1, Block 1.

Motion by Comm. Woodcox, 2<sup>nd</sup> 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 offers and negotiation strategy related to the sale of Lot 1, Block 1, Missouri Valley Complex 1st Replat. All members voted "AYE." Motion carried.

7:18pm

The Burleigh County Commission reconvened with all members present. Chairman Schonert announced that the Commission reviewed two (2) offers in executive session and the county will be in further negotiations with one of the potential buyers.

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

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Kevin J. Glatt, Auditor/Treasurer

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Douglas R. Schonert, Chairman