

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**December 16, 2013**

5:00 P.M.

The Burleigh County Commission convened with all members present.

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

Chairman Woodcox reported that he reviewed the bills and recommended approval of the same.

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

This was the hour and date scheduled for a public hearing regarding the petition of the University of Mary and the Sisters of the Annunciation Monastery to vacate section lines that lie within the campus of the U of Mary and the Annunciation Monastery.

Dave Patience, Swenson & Hagen Co. and Mark Stephens from the U of Mary, appeared representing the U of Mary and the Annunciation Monastery. Patience explained the City of Bismarck (which has zoning jurisdiction) has requested that a subdivision plat be recorded pursuant to state law to continue to receive building permits for the campus. Patience stated that to file a subdivision plat the section lines must be closed by the County Commission.

Comm. Peluso noted his concern for closing access to Mark Swenson's property. Patience stated that the University has contacted with Swenson and will allow casual access to the south end of his property.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to vacate the section lines that lie within the campus of the U of Mary and the Annunciation Monastery as follows:

- The West 33 feet of the SW1/4 of Section 35, T138N, R80W,
- The South 33' of the SW1/4 of Section 35, T138N, R80W, that lies west of Highway 1804,
- The East 33' of Government Lots 14 & 15, Section 34, T138N, R80W,
- The South 33' of Government Lot 14, Section 34, T138N, R80W,
- The North 33' of Government Lot 4, Section 2, T137N, R80W,
- The West 33' of Government Lot 4 and West 33' of the SW1/4 of the NW1/4 of Section 2, T137N, R80W,
- The North 33' of Government Lot 1, Section 3, T137N, R80W,
- The East 33' of Government Lots 1 & 2, Section 3, T137N, R80W.

All in Burleigh County ND, as the sections have not been used for over ten (10) years, and are not traveled due to natural obstacles and the location of University of Mary buildings with the public benefit associated with the vacation being the religious, academic, and cultural service the University of Mary and the Annunciation Monastery provide to the people of the region and beyond. All members voted "AYE." Motion carried.

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

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve the Pittman, Claymore, and Bernhardt abatements as requested. All members voted "AYE." Motion carried.

Community Development Dept. Planning Manager Lee appeared regarding the request of Justin BueLigen for approval of a special use permit to move a home previously occupied in another location to Lot 6, Block 3, Menoken Meadows. Lee noted that Burleigh County Planning had approved the request with the following conditions: A performance bond must be posted with the County Auditor (prior to a moving permit being issued), the moving of the structure shall be performed by a bonded house mover, the location of the structure must generally comply with the submitted site plan, and all applicable regulations set forth in the Burleigh County Zoning Ordinance, and the applicant must meet all the requirements outlined by the Building Inspection Division during the inspection on December 3, 2013.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the special use permit request of Justin BueLigen to move a home previously occupied in another location to Lot 6, Block 3, Menoken Meadows subject to the above conditions including a \$5,000 performance bond being posted with the County Auditor. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented for review and approval changes to the Burleigh County Zoning Ordinance. Hall stated the changes are the culmination of many months and years of discussion and input from the Planning Commission and staff. Hall noted a public hearing was held before the Planning Commission to consider the proposed changes.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to approve and adopt the changes to the Burleigh County Zoning Ordinance as presented on November 18, 2013. All members voted "AYE." Motion carried.

Emergency Manager Senger appeared and presented the renewal of the Joint Powers Agreement for Provision of Emergency Management Services with Emmons County.

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

County Extension Agent Palczewski appeared and invited all the Commissioners to the County Extension Office Annual Commissioners Breakfast, February 28, 2014.

Sheriff Heinert appeared and requested authorization to purchase five (5) new squad cars from the state bid from Nelson Auto in Fergus Falls, MN. Heinert stated the total purchase price is \$130,248.70 and that the used vehicles will be sold at public auction.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to authorize the purchase of five (5) new squad cars utilizing the state bid from Nelson Auto, Fergus Falls, MN, in the amount of \$130,248.70. All members voted "AYE." Motion carried.

The Board then considered acceptance of the proposed Burleigh County Home Rule Charter as submitted by the Burleigh County Home Rule Charter Commission and authorize the publication and placement of charter approval on the June 10, 2014 Primary Election ballot.

Claus Lembke, Burleigh County Home Rule Charter Commission member, appeared and presented the Draft Home Rule Charter. Lembke stated the Charter Commission met on December 12, 2013, and finalized the Charter for submission to the County Commission. Lembke reported that the Charter Commission revised the proposed Charter based upon the comment received at the public hearing regarding the termination date of the tax and charter. Lembke stated a clause has been added stating that the county will notify the State Tax Department ninety (90) days before the end of the year when the sales tax will end, and includes specific language that the Charter will terminate when the jail is paid for.

Comm. Armstrong stated he could not support the Charter. Armstrong stated he favors other options instead of incarceration for non-violent offenders. Armstrong stated asking the citizens of Bismarck and Burleigh County to create a new sales tax to pay for a \$50 million jail does nothing to solve the real problem.

Sheriff Heinert appeared and stated the county uses alternatives to jail when appropriate.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to accept the proposed Burleigh County Home Rule Charter as submitted by the Burleigh County Home Rule Charter Commission and authorize the publication and placement of charter approval on the June 10, 2014 Primary Election ballot. All members voted "AYE" except Comm. Armstrong who voted "NAY." Motion carried.

The Commission then considered appointments to the following auxiliary boards: Region VII Human Service Council (one - 2 year term), Burleigh County Water Resource District (one - 3 year term), Burleigh County Weed Board (one - 4 year term), and appointment to Dakota Prairies RC&D.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to appoint Dennis Reep to a three (3) year term on the Burleigh County Water Resource District Board effective 1/1/14. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Peluso to appoint Helen Schatz to a one (1) year term on the Dakota Prairies Resource Conservation & Development Council. All members voted "AYE." Motion carried.

The Board delayed appointments to the Burleigh County Weed Board and Region VII Human Services Council.

Donna Wunderlich, South Central District Court Administrator, appeared and presented an application for a court facilities improvement grant in the amount of \$53,922. Wunderlich explained the grant funds would be used to update security alarm switches, create a card entry system, new wallpaper, carpet, blinds, and counsel chairs.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to approve the court facilities improvement grant with the county share estimated at \$13,480 or 25%. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to authorize the advertisement of bids for ballot printing/election supplies. All members voted "AYE." Motion carried.

On a motion made seconded and carried the Board adjourned.

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Kevin J. Glatt  
Burleigh County Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
December 2, 2013**

5:00 P.M.

The Burleigh County Commission convened with all members present.

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

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

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

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

This was the hour and date scheduled for a continuation of the public hearing regarding the petition of the University of Mary and the Sisters of the Annunciation Monastery to vacate section lines that lie within the campus of the U of Mary and the Annunciation Monastery.

Comm. Bitner questioned the total acreage of the area within the section lines requested to be closed and it was noted just over ten (10) acres. Bitner stated he is still not convinced of the public benefit as identified by the U of Mary and requested the U of Mary & the Sisters of the Annunciation Monastery revisit the public benefit requirement in order for the section lines to be closed.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to continue the public hearing regarding the petition of the University of Mary and the Sisters of the Annunciation Monastery to vacate section lines that lie within the campus of the U of Mary and the Annunciation Monastery until December 16, 2013. All members voted "AYE." Motion carried.

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

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the Sauer, Doerr, Dinius, Morlock, Fried, Kramer, Erickson, Stoppler/Schwarzenberger, and Gustafson abatements as requested. All members voted "AYE." Motion carried.

Community Development Dept. Planning Manager Lee appeared regarding acceptance of the right-of-way dedication within the final plat of Oakland Subdivision. Lee indicated that Hay Creek Township and the Bismarck City Commission have reviewed and approved the final plat. Lee noted a recent communication from Hay Creek Township expressing the following concerns regarding Oakland Subdivision: limited access/egress and use and abuse of Gray Fox Lane into Oakland Subdivision during development and a request that the developer provide at least two entrances into the subdivision. Lee stated there are multiple access/egress points to Oakland Subdivision just no through street.

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

Kent Orvik, KLJ, appeared regarding the acceptance of right-of-way dedication within the final plat of Bulman Subdivision.

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

Communications Director Dannenfelzer appeared regarding consideration of a CAD Services and Use Agreement with Morton County and the City of Mandan. Dannenfelzer stated the Combined Communications User Board has considered and approved the agreement. Dannenfelzer reported Morton County/City of Mandan would be charged 15% of the central maintenance costs for the systems based on the number of Morton/Mandan reportable incidents and 100% of the interface development, maintenance, and IT

support. Dannenfelzer stated the exact contract details will be worked out later.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve in concept the contractual CAD Services and Use Agreement with Morton County and the City of Mandan. All members voted "AYE." Motion carried.

County Engineer Hall appeared with the following items for the Board's consideration: results of the bid openings for a new hydraulic excavator, for three (3) new motor graders, and for a new 3 cubic yard front end loader.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to award the bid for a new hydraulic excavator to the low bidder Titan Equipment, including the free swing option, in the amount of \$147,186. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to award bids for three (3) new motor graders to the low bidder RDO Equipment in the amount of \$304,250 each. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to award the bid for a new 3 cubic yard front end loader to the low bidder Titan Equipment in the amount of \$129,580. All members voted "AYE." Motion carried.

5:30PM

This was the hour and date set for a Joint Burleigh/Morton County Commission Meeting to discuss the formal selection of an architect and approval of fees and contract for the construction of a joint Burleigh/Morton County Detention Center. Morton County Commission Chairman Strinden and Commissioners Boehm, Leingang, Schulz, and Zachmeier were present.

Chairman Woodcox opened with a review of what has transpired to date with the previous award to Klein McCarthy/Al Fitterer and subsequent reconsideration and rescinding of that contract. Woodcox continued the negotiating committee has negotiated a contract with the second ranked firm Venture Architects/Ubl Design.

Tom Poweleit, Venture Architects, appeared and explained the basis for the negotiated fees. Poweleit stated the pre-design cost for the jail would be \$330,000, which includes presenting the designs to the public. Poweleit noted if the sales tax is approved by voters, \$260,000 of the predesign costs would be credited back with the total fee being 6 percent of construction costs.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to award the contract for the architectural services for the proposed Burleigh County/Morton County Detention Center services to Venture/Ubl as follows: Pre-Election costs - \$260,000 Lump Sum (Credited back post-election) plus \$40,000 for survey of existing buildings plus Reimbursable expenses of \$20,000 (billed hourly-not-to-exceed); Post-Election costs - 6% (basic and additional services) of construction value (actual construction costs) plus Reimbursable expenses of \$190,000.00 (billed hourly not-to-exceed). "AYE" votes: Bitner, Peluso, Schonert, Woodcox. "NAY" vote: Armstrong. Motion carried.

County Engineer Hall then presented for review and approval changes to the Burleigh County Zoning Ordinance. Hall stated the changes are the culmination of many months and years of discussion and input from the Planning Commission and staff. Hall noted a public hearing was held before the Planning Commission to consider the proposed changes.

Comm. Schonert stated he would like more time to consider the changes and requested any action on this item be delayed until the December 16 meeting. No action was taken.

The Commission then considered appointments to the following auxiliary boards: Burleigh County Planning Commission (1) unexpired term ending 12/31/15; Burleigh County Planning Commission (2) 4 year terms; Burleigh County Planning Commission (1) unexpired 4 year term; Region VII Human Service Council (1) 2 year term; Burleigh County Water Resource District (1) 3 year term, Burleigh County Weed Board (1) 4 year term; and appointment to Dakota Prairies RC&D.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to appoint James Hariper to an unexpired term on the Burleigh County Planning Commission ending 12/31/15. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to reappoint Erv Mund and Neil Effertz to four (4) year terms on the Burleigh County Planning Commission effective 1/1/14. All members voted "AYE." Motion carried.

The Board delayed appointments to the Burleigh County Water Resource District Board of Directors, the Burleigh County Weed Board, Region VII Human Services Council and the Dakota Prairies RC&D.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to designate the same voting precincts, locations, voting hours for the 2014 election cycle as in 2012, and to authorize the auditor/treasurer to establish early vote and special absentee precincts. All members voted "AYE." Motion carried.

The Board then discussed the annual appointment of Appointed County Officials/Department Heads.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to discontinue the practice of annual appointment of the County Appointed Officials/Department Heads and to appoint/re-appoint the following County Officials/Department Heads effective 1/1/14: Veterans Service Officer, Tax Equalization Director/County Assessor, County Engineer, County Extension Agent, Safety/Risk Management Director/Human Resource Director, Emergency Management/Disaster Preparedness Director, Social Service Director, and County Building/Planning/Zoning Official. 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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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
November 18, 2013**

5:00 P.M.

The Burleigh County Commission convened with all members present.

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

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

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

This was the hour and date scheduled for a public hearing regarding the petition of the University of Mary and the Sisters of the Annunciation Monastery to vacate section lines that lie within the campus of the U of Mary and the Annunciation Monastery.

Dave Patience, Swenson & Hagen Co., appeared representing the U of Mary and the Annunciation Monastery. Patience explained that over the years the U of Mary has made numerous additions to the campus and building permits have been issued without the property being platted. Patience continued the City of Bismarck (which has zoning jurisdiction) has requested that a subdivision plat be recorded pursuant to state law to continue to receive building permits for the campus. Patience stated to file a subdivision plat the section lines must be closed by the County Commission. Patience noted the Commission must find a public benefit to close the section lines. Patience stated the public benefit is the educational, cultural, and recreational opportunities, programs, and facilities the University of Mary provides to the community. Patience added the subject section lines have been effectively closed by buildings that have been built over them and continued that the opening of the section lines would cause safety concerns within the campus. Patience stated approving the closure of the section lines allows the U of Mary to continue with its current plans for development and expansion.

Comm. Bitner questioned the total acreage of the area within the section lines requested to be closed. Patience noted it is just over six (6) acres.

Mark Swenson, an adjacent resident and landowner, appeared and expressed his dissatisfaction with how the City of Bismarck and the U of Mary have handled the permitting of recent building projects on the campus. Swenson continued the recent remodeling and construction of student apartments and a restaurant were done without regard for the neighbors. Swenson stated the apartments are not dormitories and lack adequate landscaping screenings as the restaurant literally overlooks his backyard. Swenson noted he has had issues with students trespassing onto his property along with other privacy issues. Swenson expressed his concern with access to the southern portion of his property (10 acres) as vacating the section line will close potential access to his property. Swenson stated he has tried working with the U of Mary on access to his property without success.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to continue the public hearing regarding the petition of the University of Mary and the Sisters of the Annunciation Monastery to vacate section lines that lie within the campus of the U of Mary and the Annunciation Monastery until December 16, 2013. All members voted "AYE." Motion carried.

Comm. Bitner requested the U of Mary and Sisters of the Annunciation Monastery study the requirement that a public benefit be found in order for the section lines to be closed.

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

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to approve the Larson, Dirk, Keller, Feist, McCarthy, Meier, Lentz, Silbernagel, Patzman, Senger, Nielsen, Henson, Gross, Almer, Weber, Goetzfried, Hegel, Jespersen, Grebner, Brunce, Schumacher, Perkins, Schnase, Baker, Patch, Leno, Fleck, Dietzler, Ryberg, Straub, Wagner, Swanson, Flink, Soma, Zimbelman, Umphrey, Ernst, Spitzer, Mueller, Stubert, Cripe, Christensen, Folmer, Adolf and Hornbacher abatements as requested. All members voted "AYE." Motion

carried.

Randy Bassette (Senior Project Manager), Michels Corporation, appeared to inform and answer questions regarding a Transmission Line in Burleigh County. Bassette indicated that the Minnkota power line will run from Grand Forks to Center with an expected completion date of March 2014.

County Engineer Hall appeared regarding the following items for the Board's consideration: approval of annual Road Maintenance Agreements with the organized and unorganized Townships; request from Burleigh County Water Resource District for funding of the Fox Island project; bid for a new vehicle for the Building/Planning/Zoning Dept., and review of proposed changes to the Burleigh County Zoning Ordinance.

Hall presented the annual township road maintenance agreements with both the unorganized and organized townships.

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

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

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve and authorize the proper county officials to enter into agreements with the Organized Townships, assigning the roles and responsibility for maintaining township roads within Burleigh County. All members voted "AYE." Motion carried.

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

Hall then explained that the 2011 flood exposed many residents of Burleigh County to extensive damage. Hall stated to mitigate future flood damage Burleigh County staff and the Burleigh County Water Resource District (BCWRD) have developed a Master Plan for Flood Protection. Hall noted the Plan includes the construction of levees, the raising of road grades, and the installation of control structures to protect and provide access.

Hall stated flood protection project # 21 includes the construction of a levee around the south edge of Fox Island and since the adoption of the Master Plan; the BCWRD has worked with the residents of the area to develop a working plan for the area residents. Hall continued this plan has resulted in the BCWRD request to Lincoln Township in which the BCWRD is requesting Lincoln Township commit \$920,456 to the project. Hall stated the extent of the project will be up to a vote of the area residents; however, this request limits the Township expenditure to the minimum required to raise both Tavis and Larson Roads to a 20' flood level protection. Hall stated it is important to note that on several occasions Burleigh County has committed to protecting the residents of south Bismarck and the Bismarck Waste Water Treatment Plant to this 20' level.

Hall stated the Lincoln Township Board also should consider the available funds and previous commitments. Hall continued the township has a current usable fund balance of \$455,000 but are already committed to over \$760,000 with the Tavis Road Pump Station and the grade raise of 48<sup>th</sup> Ave and S Washington St.

Hall recommended that the Lincoln Township Board reject any financial commitment for this project until 2017. Hall stated if residents wish to proceed they may do so by funding the project with a special assessment district and State Water Commission grants. The Township Board by consensus agreed that funding for this project will have to wait until a later date.

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

Hall then explained that on November 13, 2013, the County Planning Commission conducted a Public Hearing on the proposed changes to the Burleigh County Zoning Ordinance. Hall stated the Planning Commission approved the changes and recommends approval by the County Commission. Hall requested the Commission review the changes for further discussion and adoption at the December 2, 2013, meeting with an effective date of January 1, 2014. Hall requested the Commission pay particular attention to the proposed fee changes.

Hall then requested approval of the purchase of a new vehicle for the Building/Planning/Zoning Department.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to accept the state contract low bid from Nelson Auto Center, Fergus Falls, MN in the amount of \$21,447 for a 2014 Jeep Patriot for use by the Building Official. All members voted "AYE." Motion carried.

Chairman Woodcox then initiated a discussion regarding the reconsideration of items related to the architect services for the proposed combined Burleigh/Morton County Detention Center. Woodcox explained that the Commission has received numerous contacts from concerned citizens and architect firms regarding the architect fees and contract approved by the Burleigh County Commission at the last meeting. Woodcox continued the negotiating committee, along with the Morton & Burleigh County auditors, met and reviewed the fees and are recommending a motion to reconsider the previous action and contract award.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to hereby reconsider the motion and action of November 4, 2013, awarding the contract for architectural services for the Burleigh/Morton County Detention Facility to Klein McCarthy/Fitterer/Dewberry. "AYE" votes: Armstrong, Bitner, Peluso, Schonert, Woodcox. "NAY" vote: None. Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to rescind the motion and action of November 4, 2013, awarding the contract for architectural services for the Burleigh/Morton County Detention Facility to Klein McCarthy/Fitterer/Dewberry and terminate further negotiations with same. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to authorize the negotiating Committee including the Morton & Burleigh County auditors to enter into negotiations with the 2nd ranked firm Venture Architects/Ubl Design Group for architectural services for the Burleigh/Morton County Detention Facility. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve the transfer of the excess/unused right-of-way adjacent to the re-aligned Ottawa Street to the owners of the adjacent N1/2 of Lot 15, and Lots 16 – 18, Block 16, Wutzke's Subdivision. All members voted "AYE." Motion carried.

The Commission then considered appointments to the following auxiliary boards: Bismarck Planning Commission (1) 5 year term; Burleigh County Planning Commission (3) 4 year terms; Burleigh County Housing Authority (1) 5 year term; Region VII Human Service Council (2) 2 year terms; Burleigh County Water Resource District (2) 3 year terms, Burleigh County Weed Board (2) 4 year terms; and appointment to Dakota Prairie RDC.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to reappoint Mike Donahue to a five (5) year term on the Bismarck City Planning Commission effective 1/1/14. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to reappoint Jim Small to a four (4) year term on the Burleigh County Planning Commission effective 1/1/14. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to reappoint Arlene Olson to a five (5) year term on the Burleigh County Housing Authority effective 1/1/14. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to reappoint Brenda Sather to a two (2) year term on the Region VII Human Service Council effective 1/1/14. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to reappoint Gordon Weixel to a three (3) year term to the Burleigh County Water

Resource District Board of Directors effective 1/1/14. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to reappoint Monte Dralle to a four (4) year term to the Burleigh County Weed Board effective 1/1/14. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to approve the Second Approach permit application of Arnie Zent (48th Ave SE across from Willow Oaks Rd). All members voted "AYE." Motion carried.

Comm. Bitner stated that he checked with County Engineer Hall regarding the gravel service provided to townships for road maintenance. Bitner continued that several townships previously stated that they have not received gravel since 2011. Bitner reported that he was informed by the Highway Dept. that all requests for gravel were honored in 2012.

James Schmidt, Telfer Township Board of Supervisors, appeared and stated that may be correct; however, the timing of the placement was unsatisfactory. Schmidt noted he was contacted at the end of October and declined gravel service, as it was too late in the year to apply gravel. Schmidt explained the gravel will not stay on the road with the upcoming winter weather conditions.

Tom Dutton, Boyd Township Board of Supervisors, also appeared and expressed his concerns with regards to road maintenance.

Comm. Schonert requested a meeting be held with the Township Officers Association to discuss road maintenance responsibility issues.

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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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
November 4, 2013**

5:12 P.M.

The Burleigh County Commission convened with all members present.

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

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

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

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

Deputy Auditor/Tax Equalization Director Vietmeier appeared and presented the 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. Peluso, 2nd by Comm. Bitner, to approve the Buchholz, Huizenga, LaFramboise, Staigle, Klein, Kimball, Bauman, Fischer, Lennie, Pfeifer, Neuharth, Uttke, Walker, Pierce Family Irrevocable. Trust, Boint, Boyer, Friedig, Hulm, Lommen, Getz, Graumann, Hervey, Rudnick, Stugelmayer, Nelson, Linke, Schmitke, Albrecht, Pennington, Vetter, Arntson, Herauf, Hornbacher, Krance, Schaibley, Fairchild, Volk, Buechler, Fischer, Loeb, Oswald, Miller, Reiswig, McLean, Bitz, Schmidt, Trolliey, Nelson, Hornbacher, Serr, Zimmerman, Heinert, Soderberg, McDonald, Slag, Abfalter, Eriksmoen, Tiffany, Norma Apartments LLP, MGK Properties LLC, Heck, Bosch, Schmidt, Aichele, Schaaf, and Walsh abatements as requested. All members voted "AYE." Motion carried.

Community Development Dept. Planning Manager Lee appeared regarding acceptance of the right-of-way dedication within the final plat of Wagner's Subdivision. Lee indicated that Apple Creek Township and the Bismarck City Commission have reviewed and approved the final plat.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to accept the right-of-way dedication within the final plat of Wagner's Subdivision. All members voted "AYE." Motion carried.

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

Kathleen Jones, Burleigh County Water Resource District Manager, appeared and presented a quarterly Water Resource District report and requested consideration for a joint County Commission/Water Resource District public hearing for establishing a special assessment district to fund the completion of the existing and future maintenance needs associated with the Burnt Creek Flood Control Project.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to call for a joint public hearing with the Burleigh County Water Resource District in January 2014 for the purpose of establishing a special assessment district to fund the cost to complete the existing and future maintenance on the Burnt Creek Flood Control Project. All members voted "AYE." Motion carried.

5:30PM

This was the hour and date set for a Joint Burleigh/Morton County Commission Meeting to discuss the formal selection of an architect and approval of fees and contract for the construction of a joint Burleigh/Morton County Detention Center. Morton County Commission Chairman Strinden and Commissioners Zachmeier and Schulz were present.

Sheriff Heinert opened by noting a committee consisting of Morton County Chairman Strinden, Morton County Sheriff Shipman and himself met and negotiated fees with Klein-McCarthy/Al Fitterer for preliminary services to include, but not limited to: site review & selection, preparation of preliminary plans & building renderings, and preliminary cost estimates prior to the June 2014 Primary Election and the subsequent fee schedule to complete the design and construction of the Joint Burleigh/Morton County Detention Center.

Scott Fettig, from the Architect team of Klein-McCarthy/Al Fitterer, appeared and presented a summary of fees proposed for the “pre-election” and “post-election” design services and requested approval of a contract between Klein-McCarthy/Al Fitterer and Burleigh and Morton Counties for such services.

Fettig introduced Lon Romsaas, Swenson & Hagen Co., acting as a consulting civil engineer. Romsaas appeared and reviewed items related to the selection of a building site. Romsaas stated two (2) sites on the Missouri Valley Complex have been identified for possible building sites. Romsaas highlighted items that will need to be addressed including zoning & platting requirements, existing easements, access/egress and utilities. Romsaas concluded that pending soil testing the Apple Creek Road location is the more appealing site at this time as it appears it will be less expensive to develop.

Chairman Woodcox questioned the time lines for the site selection and soil testing. Fettig stated there is time for the site selection but would like to see it done in the next few weeks so soil testing can be done in order to move forward with plans and estimated costs.

Fettig then introduced Al Fitterer to discuss the review and survey of the existing facilities for re-use. Fitterer stated this would be done to ensure the best use of the existing facilities upon completion of a new detention facility. Fitterer added he would be directly involved in the construction administration of the project.

Scott Fettig reappeared and provided a detailed overview/explanation of the costs for pre-design services, basic design and additional design services, included optional services and costs. Fettig stated “pre-election” services are estimated at \$477,500 including \$20,000 (not to exceed) of reimbursable expenses. Fettig continued the pre-election costs will provide a more specific cost for the jail design along with detailed square footage and location of the facility “so people know what they are paying for.” Fettig stated the designs will be ready for public viewing by March 1, 2014. Fettig stated three-dimensional video, pamphlets, graphics and presentation materials will be provided so that voters will be able to see floor plans, site plans and exterior models of the jail.

Fettig then detailed the fees related to the “post-election” design and construction phase of the project. Fettig stated the basic and additional services fee will be 9.35% of the construction value with an additional estimated cost of \$280,000 for reimbursable expenses. Fettig stated the average project cost as a percentage of construction cost is estimated to be 116.49% including contingencies and all soft costs.

Comm. Armstrong questioned expending almost a half million dollar cost prior to the voters even approving a Home Rule Charter for funding of a new jail and then another \$4.7M after the election, if approved.

Morton County Commissioner Schulz requested clarification on when the site selection needs to be completed.

Sheriff Heinert stated that he originally favored the Highway 10 location but after hearing this evening from Romsaas, he now favors the Apple Creek Road location. Heinert indicated Morton County Sheriff Shipman also favors the Apple Creek Road site.

Comm. Schonert stated he thinks the Apple Creek Road site is the best choice. Peluso added he too initially felt the Highway 10 location was more favorable adding whichever site is less expensive is fine with him.

Morton County Chairman Strinden stated Sheriff Shipman is favorable to either site and if this site is less expensive, we should save money wherever we can.

Chairman Woodcox suggested the Commissions move forward and requested a motion on the site location.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to formally select the south location on the Missouri Valley Complex (Lot 1, Block 1, Missouri Valley Complex – 4000 Apple Creek Rd) for the site of the combined Burleigh/Morton Detention Center. “AYE” votes: Bitner, Peluso, Schonert, Woodcox. “NAY” vote: Armstrong. Motion carried.

Morton County Commissioner Zachmeier stated as either site is acceptable to Morton County the decision of which site should be made by Burleigh County as it is in their jurisdiction. Morton County Comm. Schulz agreed.

Comm. Bitner clarified that soil testing would determine if the Apple Creek Rd location is suitable for building and if not the site could be moved pending more analysis. Morton County Comm. Zachmeier questioned Morton County’s financial responsibility for the cost of the initial design phase. By consensus, it was agreed that the costs would be split 87% Burleigh and 13% Morton County for the pre-design phase as previously agreed.

Heinert noted this cost split could change pending final sales tax collections numbers.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to award the contract for the design of the proposed Burleigh County/Morton County Detention Center as negotiated by the committee consisting of Chairman Woodcox, Morton County Chairman Strinden, Sheriff Heinert, and Morton County Sheriff Shipman with Klein-McCarthy/Al Fitterer for preliminary services to include, but not limited to, site review and selection, preparation of preliminary plans and building renderings, and preliminary cost estimates prior to the June 2014 Primary Election (\$477,500 including \$20,000 not to exceed reimbursable expenses) and the subsequent fee schedule of 9.35% of the construction value with an additional estimated cost of \$280,000 for reimbursable expenses. All members voted “AYE.” Motion carried.

Comm. Schonert questioned if Morton County needed to vote this evening to approve the contract. Morton County Chairman Strinden stated he would like all five of its commissioners present and delayed the decision about the jail design fees until their meeting on November 12, 2013.

Sheriff Heinert noted that final approval of the contract with Klein-McCarthy/Al Fitterer will require a favorable vote of both commissions.

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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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
SPECIAL MEETING MINUTES  
OCTOBER 25, 2013**

1:30 P.M.

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

Chairman Woodcox called the meeting to order stating the purpose of the meeting was to consider requests from the developers of Harvest Ridge and The Ranch Subdivisions to record subdivision plats prior to completion of subdivision requirements (roadway paving and/or central sewer).

County Engineer Hall appeared and presented developers agreements he prepared to formalize the waiving of one of the platting requirements and allow the developers to record the subdivision plats before the second lift of bituminous (paving) and chip seal coat is completed. Hall continued that with the wet weather experienced this year the developers have been unable to complete the paving. Hall noted Harvest Ridge is within the extraterritorial jurisdiction of the City of Bismarck and therefore the county's action would be to allow county officials to sign the Harvest Ridge Subdivision plat prior to the completion of the required roadway work and allow the plat to move forward.

Hall noted a bond could be required by the County Commission to ensure the developers complete the work.

Chairman Woodcox requested that The Ranch Subdivision be considered first as the county has complete jurisdiction on this plat. Woodcox asked if any Commissioner has any questions or concerns.

Comm. Bitner noted the findings of the Planning Commission and Planning Staff mention the approval of a central sewer system in addition to completion of the paving.

Engineer Hall stated item #8 of the developer's agreement does not supersede any other stipulations that have been set forth by the Planning Commission or County Commission and therefore does not address the sewer requirements.

Chairman Woodcox requested the developer/landowner address this issue.

Ronald Andahl, the landowner, appeared and stated he is not familiar with the central sewer system and requested his contractor explain this item.

Jim Small, MMI Excavation LLC, the prime contractor, appeared and stated the design of the central sewer has been approved and the subcontractor from Idaho should be here next week and the central sewer should be completed in a week or so.

Comm. Schonert questioned Engineer Hall if we have allowed developers to record a plat prior to all the requirements completed. Hall stated he was not aware of such an instance.

Comm. Bitner noted that at a previous meeting he stated the sewer system needs to be approved and permitted by the State Health Dept. Bitner continued the approval of the system design is all that is required.

Chairman Woodcox questioned what the "down side" would be if the plat is allowed to be recorded. Hall stated lots sold, approach and building permits issued and homes constructed without the roads being completed. Hall stated the residents of the subdivision would then request the county and/or township to complete construction of the roads and/or sewer system. Hall noted that pursuant to the developer's agreement if the roads are not completed by September 1, 2014, no new approach permits or building permits will be issued, and Certificates of Occupancy will be withheld on any open building permits. Hall stated the plat should not be allowed to be recorded until the sewer system is approved and completed.

Upon question, State's Attorney Riha stated he has reviewed and approved the developer's agreements.

David Andahl appeared and questioned if county ordinance requires the central sewer system. Hall noted the sewer system is a requirement placed by the County Planning and County Commission.

Chairman Woodcox questioned the Commission if anyone desires a bond to be required to ensure the completion of the required roadwork and/or central sewer for The Ranch Subdivision.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the proposed developer's agreement with 4T Ranch Developers Inc., to allow them to record The Ranch Subdivision plat prior to the completion of the required roadway work.

Comm. Schonert stated the main reason the work has not been completed is because of the weather and the fact that it is very hard to find contractors and in a normal year these items would be completed.

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

Hall then presented the developer's agreement for Harvest Ridge Subdivision. Hall noted this plat falls within the extraterritorial jurisdiction of the City of Bismarck and action by the County Commission would be to allow the plat to move forward with the City of Bismarck having the final authority on the recording of the plat.

Wade Felton, Felton Developing Inc., appeared and stated this project was started last year with final plat approval in November, 2012. Felton stated the weather and available contractors has prevented completion of the required roadwork. Felton requested the County Commission recommend the City of Bismarck allow the plat to move forward. Felton stated he is willing to put up a bond or create an escrow account to ensure completion of the roads.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the proposed developer's agreement with Felton Developing Inc., to allow county officials to sign the Harvest Ridge Subdivision plat prior to the completion of the required roadway work.

"AYE" votes: Bitner, Schonert, Peluso, Woodcox. "NAY" vote: none. "Absent": Armstrong. Motion carried.

As there was no other business, the board adjourned.

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Kevin J. Glatt  
Burleigh County Auditor/Treasurer

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Jerry Woodcox, Chairman

## BURLEIGH COUNTY COMMISSION MEETING MINUTES OCTOBER 21, 2013

5:00 P.M.

The Burleigh County Commission convened with all members present.

Chairman Woodcox called the meeting to order with the first item of business the approval of bills. Comm. Peluso reported he reviewed the bills and recommended approval.

Motion by Comm. Peluso, 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 minimum sale prices as determined for the annual tax sale on November 19, 2013. Chairman Woodcox opened the public hearing and called for any public testimony. As no one present appeared, the following motion was made:

Motion by Comm. Armstrong, 2<sup>nd</sup> 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.

This was the hour and date set for a public hearing regarding changes to the Burleigh County Alcoholic Beverage Rules and Regulations. Auditor/Treasurer Glatt stated that he has had numerous inquiries in the past year regarding licenses for Domestic Winery, Brewery/Tap Rooms, Special Events, etc. Glatt added the Alcoholic Rules and Regulations have not been updated since 2005. Glatt noted the changes include: updated fees, and the creation of new Microbrewery/Tap Room licenses, a new F licenses for restaurants with at least 50% of sales from food, a new I license and a new Domestic Winery license, and clarification that SE licenses can only be issued to licensees of Burleigh County. Glatt noted the State's Attorney has reviewed all changes.

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

Travis Zachmann of Lady J's Catering of Bismarck asked that the Rules and Regulations allow Bismarck liquor license holders to serve alcohol at special events in the county's jurisdiction. Zachmann stated they would like to provide catering services (including the sale of alcoholic beverages) outside the corporate limits of Bismarck.

State's Attorney Riha stated ND statute prohibits the issuance of a license for events without a regular license first being issued to a business in the county.

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to close the public hearing and approve the changes and updates to the Burleigh County Alcoholic Beverage Rules and Regulations as presented. 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. Peluso, 2<sup>nd</sup> by Comm. Schonert, to approve the Knutson, Blank, and Krein abatements as requested and as recommended by the Deputy Auditor/Tax Director. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following items for the Board's consideration: consideration of 2014 Highway Department fee schedule; authorize advertisement of bids for a new excavator, 3 cubic yard loader, and multiple motor graders; and, consideration of cost overrun for the 48th Ave SW & S Washington St Engineering Services Agreement.

Hall then presented information related to the proposed 2014 Highway Department fee schedule. Hall stated that the Highway Dept. is seeking approval of the 2014 Highway Dept. fee schedule with some minor increases/decreases to bring the fees into compliance with ND Century Code. Hall continued the Highway Dept. is proposing a 0% increase in maintenance fees for the Annual Township Road Maintenance Agreements for 2014 with the intent to implement increases in 2015 based upon 25% of the average of the actual cost of services for the prior three (3) years.

Hall noted that he has heard that some townships are upset with the current maintenance and the way road projects are being handled. Hall stated this year maintenance has been reduced in areas due to the extreme wet conditions, the use of the magnesium chloride along with the former Road Supt. believing that blading had been excessive in previous years.

James Schmidt, Burleigh County Township Officers Association and Telfer Township Supervisor, appeared regarding township road maintenance. Schmidt stated that many of the townships are very concerned with level road maintenance and graveling services provided by Burleigh County. Schmidt stated it is the consensus of the Township Officers that Burleigh County should discontinue gravel hauling and contract it out. Schmidt continued that since the county started gravel hauling very little gravel has been provided for the township roads. Schmidt added graveling this time of the year is a waste of resources. Schmidt reiterated that township residents are extremely unhappy with the conditions of the roads and asked Commissioners to come out and drive the roads.

Engineer Hall responded that the Highway Dept. is doing their very best to maintain the roadway system and stay ahead of development around Bismarck. Hall agreed the level of service has decreased the last couple of years adding it is not just the county's responsibility to take care of the roads – it is also a township responsibility. Hall stated he would like to sit down with Comm. Schonert and look at ways to improve the services provided to the Townships.

Comm. Schonert suggested he meet with Schmidt and a couple other township officers to discuss these issues and then he will sit down with Engineer Hall to review the road maintenance services.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the 2014 Burleigh County Highway Department fee schedule and minor increases/decreases in equipment rates to bring the Highway Dept. in compliance with ND Century Code. All members voted "AYE." Motion carried.

County Engineer Hall then requested authorization to advertise for bids and sell certain equipment as approved in the 2014 budget.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to authorize the advertisement of bids for a new excavator and to authorize the sale of the old excavator (Unit #17-07) with a reserve of \$75,000 as requested and recommended by the County Engineer. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to authorize the advertisement of bids for a 3 cubic yard front- end loader as requested and recommended by the County Engineer. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to authorize the advertisement of bids for three (3) new motor graders under a five (5) year - total cost bid with a guaranteed repurchase price at the end of this period, and further to authorize the sale of three (3) motor patrols (unit #15-05, #15-06, and #15-07) with a minimum bid of \$100,000 per unit as requested and recommended by the County Engineer. All members voted "AYE." Motion carried.

Hall then explained the County previously entered into an agreement with Houston Engineering to produce plans and specifications for raising 48<sup>th</sup> Ave SW (from England St to S Washington St) and S Washington St (from 48<sup>th</sup> Ave SW to Sibley Park). Hall stated the contract required the consultant to provide only minor right-of-way acquisition services, however the acquisition did not proceed smoothly and additional work was required. Hall stated the additional services have resulted in an overrun of \$59,400 over the original contract amount of \$144,400. Hall continued a detailed breakdown of the additional cost is available and he recommends approval of the payment of the additional contract fees.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to accept the overrun of \$59,400.00 from Houston Engineering Inc. for the 48th Avenue SW and S Washington St Engineering Services Agreement as requested and recommended by the County Engineer. All members voted "AYE." Motion carried.

Hall then presented the Special Assessment Screening Committee report regarding Countryside Estates (1-5) SAD #56 and Sibley Island Estates/Nelson Subdivision SAD #57. Hall stated that petitions requesting paving and creation of assessments district for the Countryside Estates Subdivisions SAD #56 and Sibley Island Estates and Nelson Subdivisions were both submitted in September of 2013 meeting the 60% requirement. Hall reported the Special Assessment Screening Committee has met and recommended the acceptance of the engineer's report, creation of special assessment districts by Resolution of Necessity, and calling for public hearings regarding SAD#56 and SAD#57.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to accept the Preliminary Engineer's report, to create Special Assessment District #56, and to declare a Resolution of Necessity for Special Assessment District #56 Countryside Estates, Countryside Estates 1st, Countryside Estates 2nd, Countryside Estates 3rd, Countryside Estates 4th and Countryside Estates 5th Subdivisions and to authorize the call for a public hearing regarding the same. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to accept the Preliminary Engineer's report, to create Special Assessment District #57, and to declare a Resolution of Necessity for Special Assessment District #57 Sibley Island Estates and Nelson Subdivisions and to authorize the call for a public hearing regarding the same. All members voted "AYE." Motion carried.

Dave Patience, Swenson & Hagen Co., appeared regarding the request of the University of Mary and the Annunciation Priory to close section lines within the proposed U of Mary Subdivision.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to authorize the call for public hearing regarding closure of section lines within the proposed U of Mary Subdivision. All members voted "AYE." Motion carried.

Engineer Hall reappeared regarding two (2) proposed subdivisions that cannot be recorded as the required road construction and paving work has not been completed pursuant to the Burleigh County Gravel Road Improvement Policy due to weather delays. Hall stated the developers desire to record the plats and sell lots. Hall suggested that he draft developer's agreements to allow the recording of the plats and subsequent completion of the work at a later date, for the Board's consideration.

Auditor/Treasurer Glatt cautioned the Board on the precedent this will set and recommended any agreement allowing the recording of the plat prior to the work being completed should include either a bond or a letter of credit to ensure the remaining work will be completed. No action was taken.

Comm. Armstrong then invited Bismarck resident Jim Carter to present a letter regarding property taxes and property tax relief, a complete copy of which is available for inspection in the office of the Burleigh County Auditor/Treasurer.

James Schmidt, Burleigh County Township Officers Association, reappeared and again addressed his concerns regarding the maintenance of the rural road system.

Vern Whitman, Thelma Township resident, appeared and expressed his concern over the poor conditions of the gravel roads in Burleigh County.

As there was no other business, the board adjourned.

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Kevin J. Glatt  
Burleigh County Auditor/Treasurer

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Jerry Woodcox, Chairman

## **BURLEIGH COUNTY COMMISSION MEETING MINUTES OCTOBER 9, 2013**

5:06 P.M.

The Burleigh County Commission convened with all members present.

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

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

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

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

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. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the City of Bismarck, Diede, Geiss, Heinle, Keeler, Moltzen, Vossler, Roberts, Magstadt, Dockter, Ternes, Olson, Michaelis, Fahrni, Schiermeister, and Reis abatements as requested. All members voted "AYE." Motion carried.

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

Motion by Comm. Peluso, 2<sup>nd</sup> 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 regarding the acceptance of the right-of-way dedication within the final plat of Alexander Subdivision. Lee indicated that Gibbs Township and the Bismarck City Commission have reviewed and approved the final plat.

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

Ben Ereth, Bismarck-Mandan Metropolitan Planning Organization, appeared regarding the updated MPO 2014-2015 Long Range Transportation Plan. Ereth stated that the long-range roadway plan is updated every five (5) years. Ereth continued a management team representing all area jurisdictions and focus groups will provide input. Ereth stated open house meeting(s) will be held this winter along with opportunities for online public meetings and input. Ereth concluded the hope is to survey approximately 400 households with draft results of the plan available within one (1) year.

Sheriff Heinert appeared and presented the monthly Detention Center update. Heinert reported 604 inmate nights were spent outside the Burleigh County Jail for the month of September at a cost of \$30,017 bringing the total for the year to 4,901 nights at a cost of \$255,677 excluding transport expenses. Heinert also stated that the 2013 average daily prisoner count for Burleigh County is 168 a day compared to 155 in 2012.

Heinert then presented the results of the Request for Qualifications for Architectural services for the proposed new combined Burleigh County/Morton County Detention Center. Heinert stated eight (8) firms submitted proposals with the initial screening process narrowing that down to the following three (3) firms: UBL Group of Bismarck in cooperation with Venture Architects, REH Architects of Bismarck in cooperation with HOK, and AI Fitterer of Mandan in cooperation with Klein McCarthy.

Heinert continued that interviews were conducted by a committee represented by all four local law enforcement entities — Bismarck Police, Burleigh County Sheriff's Office, Morton County Sheriff's Office, and the Mandan Police Department to ensure an impartial selection. Heinert reported the interview committee selected and recommends negotiations be conducted with Klein-McCarthy, in cooperation with AI Fitterer of Mandan, as the architectural firm for the new combined Burleigh County/Morton County Detention Center.

Comm. Armstrong questioned the fees and upfront costs to be incurred in this process.

Heinert stated these preliminary services will include site review and selection, preparation of preliminary plans and building renderings, and preliminary cost estimates. Heinert continued the cost for the preliminary services will be negotiated separate from the percentage of construction costs normally billed for architectural services.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to establish a committee consisting of Chairman Woodcox, Morton County Chairman Strinden, Sheriff Heinert, and Morton County Sheriff Shipman to negotiate fees with Klein-McCarthy/AI Fitterer for preliminary services to include, but not limited to, site review and selection, preparation of preliminary plans and building renderings, and preliminary cost estimates prior to the June 2014 election and the subsequent fee schedule to design the Burleigh County/Morton County Detention Center. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt then requested authorization to extend special assessments on 4905 S Washington St (flood cleanup) and 2604 Elbert Ave, Baldwin Townsite (County Board of Health Nuisance abatement).

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to authorize the extension of special assessments on 4905 S Washington St (flood cleanup) and 2604 Elbert Ave within the Baldwin Townsite (County Board of Health Nuisance abatement). All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt reported there continues to be a vacancy on the County Planning Commission. Glatt noted two (2) applications were included in the agenda packet with both applicants living within the zoning jurisdiction of the City of Bismarck. Glatt continued that although both applicants are highly qualified, he suggested that the vacancy be filled by someone who resides outside the City of Bismarck extraterritorial zoning jurisdiction and within the area they will represent.

Comm. Schonert agreed and requested that the Commission solicit other applicants. No action was taken.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to approve the Second Amendment to the Joint Powers Agreement with City of Bismarck for Combined Communications to change the title of the Communications Manager to Communications Director. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to appoint Cathy Palczewski, Burleigh County Extension Agent, as the Burleigh County delegate to the ND State Fair Association's Annual Meeting. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to authorize the cancellation of all outstanding checks written prior to July 2012 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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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
SEPTEMBER 26, 2013**

**6:30 P.M.**

The Burleigh County Commission convened with all members present.

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

Comm. Bitner reported that he had reviewed the monthly vouchers 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 voted "AYE." Motion carried.

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

Motion by Comm. Peluso., 2<sup>nd</sup> by Comm. Bitner, to approve the Weichel, Eckroth, McAdoe, Sailer, Wagner, Carrier, Kessler, Magstadt, Riedlinger, Young, and Miltenberger abatements as requested. All members voted "AYE." Motion carried.

Asst. Community Development Director Lee appeared regarding consideration of the request of Stacy Tschider for a special use permit to move a previously occupied structure (single-family dwelling) from 9700 Island Road (Lot 1, Block 1, Riverview Estates) to 8500 Burnt Creek Island Road (Lot 16, Block 9, Island Park Estates). Lee stated the Burleigh County Planning Commission recommended approval of the special use with conditions on September 11, 2013.

Lee reviewed the conditions set forth by the County Planning Commission which included a performance bond posted with the County Auditor, moving of the structure performed by a bonded house mover, location of the structure must generally comply with the submitted site plan, and applicant must meet all requirements outlined by the Building Inspection Division during the August 29, 2013 inspection with any code violations being corrected prior to issuance of a certificate of occupancy.

The Board then questioned the appropriate dollar amount for the required performance bond. Comm. Peluso questioned if such bonds have been posted in the past. Auditor/Treasurer Glatt responded that bonds have been previously filed with his office for this purpose but it has been so long ago that such amounts are no longer valid. Glatt recommended a bond be posted in an amount between \$25,000 and \$50,000 to ensure compliance with all County Building Codes.

Stacy Tschider appeared and stated he has discussed this at length with Auditor/Treasurer Glatt. Tschider continued that based upon the condition of the home (no water damage), the foundation has been completed and inspected, therefore very little work remains. Tschider requested approval of a \$5,000 cashier's check in lieu of the performance bond.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve the special use permit of Stacy Tschider to move a previously occupied structure (single-family dwelling) from 9700 Island Road (Lot 1, Block 1, Riverview Estates) to 8500 Burnt Creek Island Road (Lot 16, Block 9, Island Park Estates) with the conditions as set forth by the Burleigh County Planning Commission and upon the deposit with the County Auditor/Treasurer of a \$5,000 cashier's check in place of the performance bond. All members voted "AYE." Motion carried.

Lee then presented the request of Clint Feland for a special use permit to move a previously occupied structure (single-family dwelling) from 9750 Island Road (Lot 6, Block 1, Riverview Estates) to Auditor's Lot 6, Block 2, Bates Replat of Indian Mound City (11605 Edgewood Dr). Lee stated the Burleigh County Planning Commission recommended approval with conditions on September 11, 2013.

Lee stated that there had been a late breaking request, after the planning commission meeting, from the State Historical Society with concerns regarding the identification of cultural resources and a visual effects assessment in regards to the impacts to the Double Ditch Indian Village State Historic Site.

Clint Feland appeared and stated that no foundation has been completed. Feland continued the foundation has been excavated with the State Historical Society onsite during the excavation and there are no issues regarding the cultural resources. Feland added he would plant several rows of trees to address the visual impact to the Double Ditch Indian Village Historic Site and that the Corps of Engineers has inspected and considered the bank stable.

Ron Manchester, Toman Engineering representing Feland, appeared and requested a variance be granted on the setback requirements for Auditor's Lot 6, Block 2, Bates Replat of Indian Mound City. Manchester indicated that placing the home in a location that complies with the setbacks would require the house to be located closer to the neighboring properties.

Upon question, Feland stated with the setback variance the garage would be 52 feet from the road at its closest point.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the special use permit application of Clint Feland to move a previously occupied structure (single-family dwelling) from 9750 Island Road (Lot 6, Block 1, Riverview Estates) to Auditor's Lot 6, Block 2, Bates Replat of Indian Mound City (11605 Edgewood Dr) subject to the following conditions as set forth by the Burleigh County Planning Commission: 1) if only Auditor's Lot 6, Block 2, Bates Replat of Indian Mound City is to be utilized for the special use permit, the property does not need to be platted in accordance with Article 33 (Subdivision Regulations) of the Burleigh County Zoning Ordinance. If additional land north of Auditor's Lot 6 is included, a plat in accordance with Article 33 (Subdivision Regulations) of the Burleigh County Zoning Ordinance will be required prior to any building permits being issued, 2) a building permit must be issued and the required foundation in place before a moving permit is issued, 3) a \$25,000 performance bond must be posted with the County Auditor in accordance with the provisions of Section 11(3), Article 8 (Special Uses) of the Burleigh County Zoning Ordinance to ensure compliance with all applicable County requirements, 4) the moving of the structure shall be performed by a bonded house mover in accordance with the provisions of Section 11(6), Article 8 (Special Uses) of the Burleigh County Zoning Ordinance, 5) the location of the structure must generally comply with the submitted site plan; and all applicable regulations set forth in the Burleigh County Zoning Ordinance, 6) the applicant must meet all the requirements outlined by the Building Inspection Division during the inspection on August 29, 2013. All building code violations identified during inspection must be corrected prior to the issuance of a certificate of occupancy and/or the structure being occupied, and further to approve a variance to the setback requirements allowing a 27 foot setback.

Comm. Bitner stated that the request for a setback variance should have been made prior to this meeting with a public hearing held before the Planning Commission, as not all of the interested parties were aware of such a request.

County Engineer Hall appeared and stated that he is very disappointed with how this request is being handled. Hall added we should not "short-circuit" the planning process.

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

Motion by Comm. Bitner., 2<sup>nd</sup> by Comm. Armstrong, to approve the special use permit requested by Clint Feland of a previously occupied structure (single-family dwelling) from 9750 Island Road (Lot 6, Block 1, Riverview Estates) to Auditor's Lot 6, Block 2, Bates Replat of Indian Mound City (11605 Edgewood Dr) subject to the conditions adopted by the Burleigh County Planning Commission and further to require the deposit of a \$25,000 performance bond with the County Auditor/Treasurer. All members voted "AYE." Motion carried.

Lee then presented the request of Clint Feland for a special use permit to move a previously occupied structure (single-family dwelling) from 9828 Island Road (the N½ of Lot 8, Lot 9, and the S½ of Lot 10, Block 1, Riverside Park Estates) to part of the E½ of Section 21, Riverview Township. Lee stated the Burleigh County Planning Commission recommended approval with conditions on September 11, 2013.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve the special use permit to move a previously occupied structure (single-family dwelling) from 9828 Island Road (N1/2 of Lot 8, Lot 9 and the S1/2 of Lot 10, Block 1, Riverside Park Estates) to part of the E ½ of Section 21, Riverview Township subject to the following conditions as set forth by the Burleigh County Planning Commission: 1) a moving permit may be issued to move the home on the property to be placed on blocks prior to the property being platted, 2) a performance bond in the amount of \$25,000 must be posted with the County Auditor in accordance with the provisions of Section 11(3), Article 8 (Special Uses) of the Burleigh County Zoning Ordinance to ensure compliance with all applicable County Requirements, 3) the moving of the structure shall be performed by a bonded house mover in accordance with the provisions of Section 11(6), Article 8 (Special Uses) of the Burleigh County Zoning Ordinance, 4) the property must be platted in accordance with Article 33 (Subdivision Regulations) of the Burleigh County Zoning Ordinance prior to any building permits being issued, 5) a building permit must be issued and the required foundation in place before a moving permit is issued to place the house on a permanent foundation, 6) the location of the structure must generally comply with the submitted site plan; and all applicable regulations set forth in the Burleigh County Zoning Ordinance, 7) the applicant must meet all the requirements outlined by the Building Inspection Division during the inspection on August 29, 2013. All building code violations identified during inspection must be corrected prior to the issuance of a certificate of occupancy and/or the structure being occupied. All members voted "AYE." Motion carried.

Social Service Director Osadchuk appeared regarding consideration of an Inter-County Agreement with Morton County for provision of supervision to Morton County social service staff.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve the Inter-County Agreement with Morton County for provision of supervision to Morton County social service staff. All members voted "AYE." Motion carried.

Sheriff Heinert appeared regarding consideration of grant approval from NDDOT in the amount of \$17,500 for overtime and mileage reimbursement for occupant protection and alcohol enforcement projects.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the grant application with the NDDOT in the amount of \$17,500 for overtime and mileage reimbursement for occupant protection and alcohol enforcement projects. All members voted "AYE." Motion carried.

County Engineer Hall appeared regarding consideration of the 2013 Extraterritorial Zoning Jurisdiction Agreement with the City of Bismarck. Hall stated that early this year, the Burleigh County Commission decided to move forward and establish a County Planning Department (starting in 2014) in order to better serve residents. Hall continued one of the goals the County Commission ratified was to streamline the subdivision plat approval process, thus reducing the time it

takes to get marketable building sites available for sale. Hall stated currently, within the Bismarck extraterritorial area, developers are required to obtain the approval of both the City and County Planning Commissions and both the City and County Commissions. Hall noted that by agreeing to eliminate joint jurisdiction and develop a map that clearly indicates that a piece of land is either under City or County jurisdiction, the amount of time that is required to develop a piece of property is greatly reduced. Hall stated the staffs of both the County and City have worked together to develop the attached agreement and maps. Hall recommended the Commission adopt the 2013 Extraterritorial Zoning Jurisdiction Agreement with the City of Bismarck as presented.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the 2013 Extraterritorial Zoning Jurisdiction Agreement with the City of Bismarck as presented. All members voted "AYE." Motion carried.

HR Director Terras appeared regarding the following items: consider Highway Dept. request to authorize the starting salary for the County Building Official position candidate at Step 9, and consider an annual leave accrual variance (Personnel Policy Chapter 4, Section 5 Annual Leave) for the County Building Official candidate.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to approve the request to authorize the starting salary for the County Building Official position candidate at Step 9, and approve an annual leave accrual variance (Personnel Policy Chapter 4, Section 5 Annual Leave) for the County Building Official candidate. All members voted "AYE." Motion carried.

Terras then stated that due to the recent resignation of a Tax Appraiser in the Auditor/Treasurer/Tax Equalization Office she is requesting the starting the salary for the recruitment of a Tax Appraiser II position be authorized at Step 9, along with consideration of a variance to the annual leave policy (Personnel Policy Chapter 4, Section 5 Annual Leave) for the Tax Appraiser II position.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to approve the request to authorize the starting salary for the Tax Appraiser II position at Step 9, and approve an annual leave accrual variance (Personnel Policy Chapter 4, Section 5 Annual Leave) for the Tax Appraiser II position. All members voted "AYE." Motion carried.

7:20 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, 2014.

Chairman Woodcox opened the PUBLIC HEARING and invited public testimony and comment on the 2014 budget.

Myron Atkinson appeared in support of the \$100,000 funding allocation for the Bismarck Mandan Development Association (BMDA). Atkinson stated that it is important even during the good times to support the jobs development in Burleigh County.

Chairman Woodcox called for further public comment. No one present appeared.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to reduce the Water Resource District mill levy from two (2) mills to 1.5 mills. All members voted "AYE." Motion carried.

Woodcox stated he recommends reducing the Courthouse Buildings & Grounds Budget \$618,000 by removing the HVAC system and lighting upgrades.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to reduce the Courthouse Buildings & Grounds Budget by \$618,000. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to remove the full time Park Superintendent position from the County Park budget. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and informed the Commission that the Local Law Enforcement Grant budgeted for 2014 has been denied and therefore can be removed from the budget.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to remove the Local Law Enforcement grants expenditures from the Sheriff's budget. All members voted "AYE." Motion carried.

Comm. Armstrong stated that he cannot support the BMDA allocation.

Motion by Comm. Armstrong to eliminate the \$100,000 BMDA appropriation from the 2014 budget. Motion died for lack of second.

Comm. Bitner stated he has concerns regarding the lack of development outside the City of Bismarck and noted he cannot support BMDA funding without the BMDA being more accountable and having clear goals.

Brian Ritter, President / CEO of the BMDA, appeared and stated BMDA is currently developing a strategic plan that should address the concerns regarding the goals of BMDA. Ritter requested that the County Commission appoint one of its members as voting member of the BMDA Board of Directors.

Dwight Wrangham appeared and state he thinks funding for BMDA is the wrong use of tax payers' money.

Citizen Shawn Woodbury appeared and questioned where the funds from the property tax buy-down approved by the legislature were going. Chairman Woodcox noted that in comparison to 2012 there will be a reduction of approximately 19.21% in the 2013 property taxes.

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

The Burleigh County Commission immediately reconvened with all members present.

Motion by Comm. Schonert to approve the 2014 budget as amended. Motion died for lack of second.

Chairman Woodcox relinquished the Chair and turned the meeting over to Vice-Chairman Peluso.

Motion by Comm. Armstrong to eliminate the \$100,000 BMDA appropriation from the 2014 budget. Motion died for lack of second.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schonert, to approve and adopt the final 2014 Burleigh County budget and appropriate mill levies as per the preliminary budget adopted, published and amended, and to authorize the maximum mill levy allowable for the General Fund. "AYE" votes: Schonert, Woodcox, Peluso. "NAY" votes: Armstrong, Bitner. Motion carried.

Comm. Woodcox then resumed the Chairmanship.

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. Bitner, 2<sup>nd</sup> by Comm. Schonert, 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, Police Youth Bureau, and Centre, Inc., for Community Service & Misdemeanor Probation services for calendar year 2014. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to authorize the call for a public hearing on October 21, 2013 regarding the updated Burleigh County Alcoholic Beverage Rules and Regulations. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve the Raffle/Bingo permit application for the Sterling Teacher – Parents Association, and to approve the Lost Instrument Surety Bond to replace check #88353 in the amount of \$907.40. All members voted "AYE." Motion carried.

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

**FINAL BUDGET OF BURLEIGH COUNTY  
NORTH DAKOTA  
CALENDAR YEAR BEGINNING JANUARY 1, 2014**

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

I, Kevin J. Glatt, County Auditor/Treasurer, do hereby respectfully submit to the Board of County Commissioners, the Final Budget for the twelve-month period beginning January 1, 2014 and ending December 31, 2014. 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, 2014 the following amounts are necessary:

FINAL BUDGET

County Board .....	\$ 276,635
County Auditor/Treasurer/Tax Equalization .....	760,844
States Attorney.....	1,204,172
Juvenile Court .....	211,000
County Recorder .....	238,514

Courthouse, Buildings & Grounds .....	454,577
Utilities.....	124,000
Printing, Publishing and Supplies.....	28,000
Elections.....	295,750
Telephone and Postage .....	102,000
Examination Fee .....	16,000
Human Resources .....	1,538,268
County Sheriff .....	4,080,179
County Detention Center.....	3,015,243
Communication Center .....	441,314
Emergency Management.....	200,840
Ambulance Services .....	1,500
Public Administrator .....	34,140
Property Insurance.....	9,000
Police Youth Bureau .....	54,475
Public Health Nurse .....	115,000
County Planning.....	192,892
Health Board .....	2,550
Superintendent of Schools .....	70,000
Technology.....	359,000
Transfer Out.....	80,000
GENERAL FUND BUDGET .....	\$13,905,893

Appropriation for General Government	\$13,905,893	
Plus: Delinquent Taxes & Interim Fund	8,196,870	
Less: Resources	<u>(14,335,913)</u>	
Balance to be levied (22.75 Mills)		\$7,766,850

Appropriation for Unorganized Townships	669,000	
Plus: Delinquent Taxes	21,225	
Less: Resources	<u>(265,725)</u>	
Balance to be levied		424,500

Appropriation for County Road & Bridge	23,412,393	
Plus: Delinquent Taxes & Interim Fund	105,904	
Less: Resources	<u>(23,432,947)</u>	
Balance to be levied (.25 Mill)		85,350

Appropriation for Highway Tax Distribution	7,345,000	
Less: Resources	<u>(7,345,000)</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	8,092,469	
Plus: Delinquent Taxes & Interim Fund	2,293,282	
Less: Resources	<u>(4,982,444)</u>	
Balance to be levied (15.83 Mills)		5,403,307

Appropriation for County Poor	1,130,427	
Less: Resources	<u>(1,130,427)</u>	
Balance to be levied		- 0 -

Appropriation for Job Development	100,000	
Plus: Delinquent Taxes	4,202	
Less: Resources	<u>(20,157)</u>	
Balance to be levied (.25 Mill)		84,045

Appropriation for Library	263,000	
Plus: Delinquent Taxes	10,754	
Less: Resources	<u>(58,666)</u>	
Balance to be levied (2.55 Mills)		215,088

Appropriation for Liability Insurance	191,000	
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Plus:	Delinquent Taxes & Interim Fund	54,178	
Less:	Resources	<u>(116,619)</u>	
	Balance to be levied (.38 Mill)		128,559
	Appropriation for Special Assessments	15,000	
Plus:	Delinquent Taxes & Interim Fund	20,348	
Less:	Resources	<u>(35,348)</u>	
	Balance to be levied		- 0 -
	Appropriation for Senior Citizens	570,230	
Plus:	Delinquent Taxes & Interim Fund	332,568	
Less:	Resources	<u>(561,398)</u>	
	Balance to be levied (1.00 Mill)		341,400
	Appropriation for Detention Commissary	25,000	
Less:	Resources	<u>(25,000)</u>	
	Balance to be levied		-0-
	Appropriation for Sobriety 24/7 Program	25,000	
Less:	Resources	<u>(25,000)</u>	
	Balance to be levied		- 0 -
	Appropriation for Water Resource District	3,459,799	
Plus:	Delinquent Taxes & Interim Fund	143,885	
Less:	Resources	<u>(3,091,584)</u>	
	Balance to be levied (1.50 Mills)		512,100
	Appropriation for Communication Center	2,135,000	
Less:	Resources	<u>(2,135,000)</u>	
	Balance to be levied		- 0 -
	Appropriation for Victim/Witness Assistance	195,235	
Less:	Resources	<u>(195,235)</u>	
	Balance to be levied		- 0 -
	Appropriation for Emergency Fund	1,246,000	
Less:	Resources	<u>(1,246,000)</u>	
	Balance to be levied		- 0 -
	Appropriation for Veterans Service	285,463	
Plus:	Delinquent Taxes & Interim Fund	83,707	
Less:	Resources	<u>(122,348)</u>	
	Balance to be levied (.72 Mill)		246,822
	Appropriation for Provident Life Bldg.	461,534	
Less:	Resources	<u>(461,534)</u>	
	Balance to be levied		- 0 -
	Appropriation for Social Security	1,203,000	
Plus:	Delinquent Taxes & Interim Fund	319,512	
Less:	Resources	<u>(1,147,263)</u>	
	Balance to be levied (1.10 Mills)		375,249
	Appropriation for Advertising	66,279	
Plus:	Delinquent Taxes & Interim Fund	19,628	
Less:	Resources	<u>(24,752)</u>	
	Balance to be levied (.18 Mill)		61,155
	Appropriation for County Agent	390,845	
Plus:	Delinquent Taxes & Interim Fund	111,025	
Less:	Resources	<u>(235,595)</u>	
	Balance to be levied (.78 Mill)		266,275
	Appropriation for Comprehensive Health Insurance	1,238,100	
Plus:	Delinquent Taxes & Interim Fund	364,078	
Less:	Resources	<u>(511,118)</u>	

Balance to be levied (3.20 Mills)		1,091,060
Appropriation for Weed Board	303,351	
Plus: Delinquent Taxes & Interim Fund	270,623	
Less: Resources	<u>(362,974)</u>	
Balance to be levied (2.50 Mills)		211,000
Appropriation for County Park	348,200	
Plus: Delinquent Taxes & Interim Fund	426,333	
Less: Resources	<u>(697,633)</u>	
Balance to be levied (1.00 Mill)		76,900
Appropriation for County Fair	2,961,000	
Less: Resources	<u>(2,961,000)</u>	
Balance to be levied		- 0 -
Appropriation for County Jail Maintenance and Construction	2,141,284	
Plus: Delinquent Taxes	17,070	
Less: Resources	<u>(1,816,954)</u>	
Balance to be levied (1.00 Mill)		341,400
Appropriation for County Parks and Recreational Areas	284,006	
Plus: Delinquent Taxes	12,735	
Less: Resources	<u>(42,041)</u>	
Balance to be levied (1.00 Mill)		254,700
Appropriation for Parking	48,000	
Less: Resources	<u>(48,000)</u>	
Balance to be levied		- 0 -
Appropriation for Abandoned Cemeteries	5,000	
Less: Resources	<u>(5,000)</u>	
Balance to be levied		- 0 -
Appropriation for Preservation Fund	55,000	
Less: Resources	<u>(55,000)</u>	
Balance to be levied		- 0 -
Appropriation for Sheriff Drug Asset Forfeiture Fund	20,000	
Less: Resources	<u>(20,000)</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 -
Appropriation for Rural Special Assessments	552,800	
Less: Resources	<u>(552,800)</u>	
Balance to be levied		- 0 -

TOTAL LEVIES ALL FUNDS \$17,885,760

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.

Kevin J. Glatt  
Burleigh County Auditor\Treasurer

Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
September 4, 2013**

**5:09 P.M.**

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

Chairman Woodcox 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. Peluso, to approve the August meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

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

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to approve the Will, Vettel, Malo, and Braunagel abatements as requested. All members voted "AYE." Motion carried.

Vietmeier recommended denial of the Sandal abatement as the property value is comparable with other similar vacant lots in the area and he can find no evidence of flooding. Vietmeier stated he has inspected the property and has discussed the property with the Building Inspector/Flood Plain Administrator and Planning Dept. Vietmeier stated the lot is not within any floodway or floodplain and is a buildable lot.

Chairman Woodcox and Comm. Peluso both stated they have inspected the property and find no evidence the property is overvalued due to flooding.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to deny the Sandal abatement as the property value as assessed is comparable with other similar vacant lots in the area and no evidence of flooding can be found along with the fact that the property is not within any floodway or floodplain and is a buildable lot. All members voted "AYE." Motion carried.

This was the hour and date set for the continuation of a Public Hearing regarding the request of Steve & Michele Arnold and Eric & Jennifer Grove to vacate Deadwood Dr from the north line of Silver City Ln to the south line of Plainsman Rd within Grande Prairie Estates 4th Subdivision.

Asst. Community Development Director Lee appeared and stated Deadwood Dr in this area is unimproved and the right of way sits adjacent to lots that were "ghost platted" for future development. Lee continued the subdivision is within Haycreek Township and the Township Board of Supervisors recommended approval of the vacation.

Chairman Woodcox reopened the public hearing. As no one appeared the following motion was made:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to close the public hearing and approve the vacation of Deadwood Dr from Silver City Ln to the south line of Plainsman Rd within Grande Prairie Estates 4<sup>th</sup> Subdivision. All members voted "AYE." Motion carried.

Lee then presented a request for a waiver from the Subdivision Regulations for a special use permit to allow construction of a permanent foundation prior to approval of a subdivision plat in order to proceed with the special use permit process for moving previously occupied houses from Hoge Island to Bates Replat of Indian Mound City. Lee stated that current regulations require a formal subdivision be platted and approved before permits can be issued. Lee continued the applicant is requesting to place the homes on permanent foundations prior to a formal subdivision. Lee stated the homes cannot be placed on permanent foundations without a special use permit which cannot be issued until the property is subdivided. Lee continued the subdivision requirement ensures the proper setbacks and right-of-way dedication. Lee concluded the variance would allow the applicant to place the homes on a permanent foundation prior to the subdivision being completed.

Comm. Bitner stated he wants to ensure the planning process is completed and that the setbacks and road right-of-way(s) are protected. Bitner added he understands the need to move quickly due to the limited construction season, but waiving the planning and zoning process puts the cart before the horse.

Chairman Woodcox expressed his concern about the many unanswered questions related to the setbacks and right-of-way issues. Comm. Bitner and Comm. Schonert both inquired as to whether the Water Resource Board would extend the deadline for removal of the homes?

Clint Feland, the applicant, appeared and promised he would follow through on all requirements of the special use permit. Feland stated that there are or have been homes on both of the parcels in question. Feland indicated that Toman Engineering has been hired to determine the proper locations to set the foundations for the homes.

Ron Manchester, Toman Engineering, appeared and presented survey exhibits of the proposed subdivision, foundation locations, and road right-of-way(s). Manchester stated the reason for this request is to speed up the process because to place the homes on temporary foundations and then place them on permanent foundations later would dramatically increase costs.

Upon question Lee stated this item is on the September 11 County Planning Commission Meeting agenda with the staff recommendation to approve the special use permits to allow the homes to be moved to the properties and placed on temporary blocks but not on permanent foundations until the property is formally subdivided. Lee noted the concerns regarding the rural road connected to this property which nearby property owner's use for access. Lee stated the road functions as a public access and is maintained by the county. Lee indicated the road right-of-way issues would be addressed through the formal subdivision process.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to deny the Feland request for a waiver from the Subdivision Regulations for a special use permit prior to a formal subdivision being platted and approved and send this to the Planning Commission. All members voted "AYE." Motion carried.

Comm. Schonert then initiated a discussion regarding the reconsideration of the zoning change request from A-Agricultural to I-Industrial for the S½ of Section 19, Menoken Township. Schonert indicated he requested the reconsideration at the previous Commission Meeting held on August 21, 2013, in order to put this item on tonight's agenda.

Schonert continued his biggest concern was secondary access for emergency vehicles to the property. Schonert stated the owner has presented a plan for a possible second access for emergency vehicles through the Interstate 94 Rest Area located just to the south of the property. Schonert continued he has met with the Sheriff and Fire Chief and to his surprise they are not opposed to a locked gate access. Schonert stated he would rather see two (2) actual access points rather than a gated and locked access point as the secondary route. Schonert noted he has received numerous phone calls regarding this issue and is aware of the feelings of the residents of Menoken Township. Schonert indicated the County Commission needs to consider the bigger picture and provide I-Industrial Zoning for our growing community.

Chairman Woodcox then opened the item for public testimony.

Belinda Maher, Clerk/Treasurer for Menoken Township, appeared and stated Menoken Township has taken a unanimous position against this proposed emergency access through the Menoken rest area. Maher stated this is an unacceptable proposal noting major concerns over the accessibility, maintenance, and snow removal on this secondary emergency access. Maher stated Menoken Township will not accept responsibility for this access. Maher requested the Commission follow the Comprehensive Plan and deny this zoning change. Maher concluded there is no benefit to Menoken Township regarding this proposed zoning change.

Chairman Woodcox noted the previous conditions forwarded by County Engineer Hall that were previously considered by the County Commission when the zoning was denied.

Brian Eiseman, engineering representative of the owner(s), appeared and explained the secondary access.

Lyle Kirmis, attorney for the owner(s), appeared and explained a request for the secondary access has been made to the ND Dept. of Transportation, who has forwarded the same to the Federal Highway Administration. Kirmis continued that he believes this request will be denied without at least a conditional approval of the zoning change by the county.

Pat Whalen, County Planning Commissioner, appeared and stated he believes the zoning change should be denied based upon the local residents' concerns. Whalen noted there are 1,065 acres of industrial zoned property available in Burleigh County.

Marv Abraham, Apple Creek Township resident, came forward stating he is opposed to this zoning change.

Linda Bucholz, area resident, appeared and stated she is opposed to the change and inquired as to what is allowed in an I-Industrial zoned district.

Comm. Bitner listed all the uses allowed in an industrial zoned district including, but not limited to storage units, gasoline filling station, truck terminal, railroad freight station, oil or gas well, and livestock sales.

Thane Dockter, adjacent landowner and organic farmer, appeared and stated this is spot zoning and questioned how this can be approved when there is no indication of how the property will be used.

Robert Disney appeared and asked why the recommendations of the professional planning staff are being ignored. Disney challenged the Chairman to investigate the unethical actions and conflicts of interest allegations that have surfaced related to this zoning change request.

Comm. Armstrong suggested the County Commission develop a list of acceptable uses and send this item back to the Planning Commission for further discussion on acceptable uses.

Motion by Comm. Armstrong to approve the zoning change from A-Agricultural to I-Industrial S½ of Section 19, Menoken Township including the conditions as suggested by County Engineer Hall and conditioned upon approval of the secondary access by the Federal Highway Administration.

Motion died for lack of second motion.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to approve the zoning change from A-Agricultural to I-Industrial for the S½ of Section 19, Menoken Township with the following conditions:

- 1) A Class III cultural resource survey will be conducted and the results will be reviewed and approved by the North Dakota State Historical Society,
- 2) The property will be platted (layout and size of lots will be at the developer's discretion following existing County ordinances),
- 3) The developer will provide an approved Storm Water Management Plan,
- 4) An approved site plan will be required to ensure that all screening requirements are met, 5) The rezoned property will have an approved roadway master plan,
- 6) The rezoned property will be required (like all other new subdivisions) to have access for emergency vehicles from two different public highways,
- 7) The developer will be required to follow the County Gravel Road Improvement Policy, including the reconstruction (if necessary) and paving of at least one roadway that connects into the existing paved highway system,

plus any other condition deemed relevant by the County Commission and further that no building permits or industrial activity will be allowed on the property until a formal subdivision is approved. "AYE" votes: Armstrong, Bitner, Peluso, Schonert. "NAY" vote: Woodcox. Motion carried.

Brian Ritter, Bismarck Mandan Development Association, appeared regarding the requested 2014 county funding contribution. Ritter provided a brief overview of the accomplishments they have made which included the Midwest Manufacturing Plant in McKenzie Township. Steve Hermann and Terry Brousseau also appeared and requested the Commission's support and provided examples of how the BMDA benefits Burleigh County. No action was taken.

Wade Moser, landowner south of the City of Lincoln, appeared regarding the use of hot air balloon type fireworks. Moser stated he is concerned about the memory lantern fireworks he picked up in his pasture after the 4<sup>th</sup> of July holiday. Moser stated he is concerned that his pasture land will be destroyed by fire and does not believe these so called fireworks should be sold and used in Burleigh County. Moser continued these items are very dangerous and allow people to litter and start unattended fires. Moser continued he is aware that without a home rule charter the county does not have the authority to ban fireworks but this is an issue that needs to be addressed before damage is done.

Chairman Woodcox stated the Commission has looked into this issue and the best solution is through state legislation. No action was taken.

County Engineer Hall appeared with the following items for the Board's consideration: results of bid opening for turn lane(s) project, and discussion regarding the Sibley Island Estates and Nelson Subdivision Special Assessment District proposals.

Hall stated that bids for the turn lane(s) project were to be opened on August 28, 2013. Hall reported that no bids were received. Hall recommended that the Commission reauthorize the advertisement of bids with a completion date of summer 2014.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to authorize the advertisement of bids for the county turn lane project, with a completion date of summer 2014. All members voted "AYE." Motion carried.

Hall then initiated a discussion regarding the proposed Sibley Island Estates and Nelson Subdivision Special Assessment District. Hall noted the roadways in the subdivisions are in bad condition mostly attributable to the 2011 Flood. Hall noted FEMA funding was requested for repairs after the Flood and summarily denied. Hall continued a petition has been circulated for the creation of a Special Assessment District to overlay the roads. Hall stated that the petition does not include removal of trees within the right-of-way. Hall stated that he cannot support the project without removing the trees for obvious safety reasons. Hall noted several residents were present to present their desire to keep the trees.

Dick Melchior, Sibley Island Estates resident, appeared and stated the residents are agreeable to one of the trees being removed but the other smaller tree is maintained by a resident and does not hamper the roadway.

Comms. Bitner and Comm. Schonert expressed their concern regarding the liability to the county if the trees are allowed in the right of way.

Lyle Morast, Sibley Island Estates resident, appeared and requested that asphalt patching work be done ASAP as the roads are in terrible shape. Morast stated waiting until spring of 2014 is not an option and should be done prior to any overlay.

Engineer Hall at the direction of Chairman Woodcox stated he would explore the possibility of completing the asphalt patching this fall and would work with the residents to formulate a new special assessment district proposal that includes keeping some trees.

Hall then requested the County Commission consider approval of establishing crosswalks, speed limits, and speed zones in the area around the City of Lincoln. Hall stated that although the new elementary school in Lincoln is scheduled to open in January, a kindergarten class started this fall in a rented building. Hall requested authorization to add crosswalk protection, a four-way stop, and reduce speed limits in the area.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve a 35mph speed zone on Lincoln Road from 66<sup>th</sup> St to Benteen Dr, a 45mph speed zone on 66<sup>th</sup> St from 28<sup>th</sup> Ave to Dolan Dr, and a four-way stop at the corner of Lincoln Road and 66<sup>th</sup> St. All members voted "AYE." Motion carried.

Hall then presented the proposed Extraterritorial Jurisdiction Agreement between the City of Bismarck & Burleigh County. Hall indicated the proposed agreement is similar to an agreement between the City of Bismarck and Apple Creek Township. Hall presented maps detailing the jurisdictional lines for zoning and platting described in the agreement. Hall requested the Commission review the agreement and associated maps for discussion and action at the September 26, 2013, Commission meeting.

HR Director Terras appeared regarding the following items: consider Highway Dept. request to authorize starting the salary for the Sr. Asst. Co. Engineer position candidate at Step 9, and consider an annual leave accrual variance (Personnel Policy Chapter 4, Section 5 Annual Leave) for Sr. Asst. Co. Engineer candidate.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner to approve Highway Dept. request to authorize the starting salary for the Sr. Asst. Co. Engineer position candidate at Step 9, and approve an annual leave accrual variance (Personnel Policy Chapter 4, Section 5 Annual Leave) for the Sr. Asst. Co. Engineer candidate. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and stated he will be monitoring traffic on Lincoln Road within the City of Lincoln in an effort to provide safe passage for the school children. Heinert then presented a Detention Center update. Heinert stated eight (8) firms have submitted Request for Qualifications for the new Detention Center. Heinert continued the RFQs will be reviewed and a recommendation will be forwarded to the County Commission for action in October.

Heinert reported that 603 prisoner nights were spent outside the Burleigh County facility in August bringing the total to date this year at 4,279 nights for a total outside prisoner housing cost of \$200,953 excluding transport costs.

Chairman Woodcox then stated a public hearing on the proposed Home Rule Charter will be held on Thursday, September 26, 2013 at 5:00 p.m.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the 2014 County Commission Meeting schedule as presented. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the request of Creative Construction, LLC, for a second approach permit off of Lot 6, Block 6, Replat of Metro Industrial Park, Lincoln Township. 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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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
August 21, 2013**

**8:30 A.M.**

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

Chairman Woodcox called the meeting to order with the first item of business the approval of the bills. Comm. Armstrong stated he had reviewed the bills and recommended approval.

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

This was the hour and date scheduled for a public hearing regarding the request of Steve & Michele Arnold and Eric & Jennifer Grove to vacate Deadwood Dr from the north line of Silver City Ln to the south line of Plainsman Rd within Grande Prairie Estates 4th Subdivision.

Asst. Community Development Director Lee appeared and stated Deadwood Dr in this area is unimproved and the right of way sits adjacent to lots that were platted with sublots for potential future development. Lee continued the subdivision is within Haycreek Township and to date the township has made no recommendation on the requested vacation. Lee recommended that the Commission accept public testimony and continue the public hearing until September 4 to allow more time for Haycreek Township to provide a recommendation.

Chairman Woodcox opened the public hearing.

Greg Luptak, Redford Signature Homes, appeared on behalf of the Arnold's. Luptak stated the Arnold's have sold their home and are awaiting approval of this request to move forward in the building process. Luptak continued the adjacent property is mostly undevelopable except for the location on which the Arnold's wish to build their home. Luptak concluded the Arnold's and Grove's own all of the adjacent lots within the subdivision and have no intention of further developing or selling the property.

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

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to continue the public hearing regarding the vacation of Deadwood Dr until the September 4, 2013, Commission meeting. All members voted "AYE." Motion carried.

Comm. Schonert then requested the Board consider a Motion to Reconsider the August 5, 2013, action to deny the zoning change request from A-AG to I-Industrial on the S½ of Section 19, Menoken Township and to place this item on the September 4, 2013, County Commission agenda for further discussion. Schonert noted a motion to reconsider needs to be made at the next meeting (after a decision), and for that reason he requested this item be placed on the agenda. Schonert indicated that the property owners had contacted him indicating that he has found a potential 2<sup>nd</sup> access to the property from I-94. Schonert continued there are many unanswered questions and he wants time to get answers and meet with emergency personnel. Schonert noted he has been contacted by numerous individuals and is very much aware of the opposition of the residents of Menoken Township and the Burleigh County Township Officers Association.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to reconsider the August 5, 2013 action to the deny zoning change from A-AG to I-Industrial S1/2 of Sec. 19, Menoken Township and to place item on the September 4, 2013, County Commission Agenda for further discussion and consideration. "AYE" votes: Armstrong, Bitner, Peluso, Schonert. "NAY" vote: Woodcox. Motion carried.

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the Kessel, Couch, Palaniuk, Bullinger, VCZ, Inc., and Kent abatements as requested. All members voted "AYE." Motion carried.

Vietmeier recommended denial of the Sandal abatement as the property value is comparable with other similar vacant lots in the area and he can find no evidence of flooding. Vietmeier stated he has inspected the property and has discussed the property with the Building Inspector\Flood Plain Administrator and Planning Dept. Vietmeier stated the lot is not within any floodway or floodplain and is a buildable lot. Vietmeier noted the value has been discounted 40% as are all vacant lots.

Mike Sandal appeared and stated the property is low with most of the adjacent lots draining into this lot. Sandal stated extensive fill and grade work (including culverts) would be needed to build on this lot and these costs would dramatically reduce the value of the lot. Sandal added such work would impact the adjacent lots including his home site. Sandal indicated he would not sell the property as it would be too costly to improve. Sandal concluded he would like the 33% increase removed from the assessment. Upon question Sandal stated he would be satisfied with an increase of no more than the Consumer Price Index.

Comm. Schonert indicated he would like to visit the site with a representative of the Burleigh County Water Resource District.

Motion by Comm. Schonert, 2nd by Comm. Bitner to table the Sandal abatement until the September 4, 2013, County Commission Meeting. All members voted "AYE." Motion carried.

The Board then commenced review of the 2014 budget requests.

Ken Royse, Burleigh County Water Resource District Board of Directors, appeared and presented the BCWRD proposed budget. Royse noted the Water Resource District is requesting a levy of two (2) mills.

Finance Director Thompson appeared and presented an overview of the submitted 2014 budgets and preliminary mill levies. Thompson stated that at the request of Chairman Woodcox he added \$100,000 to the preliminary budget for a contribution to the Bismarck Mandan Development Association (BMDA). Chairman Woodcox stated BMDA could not be present but would make a presentation at the September 4 meeting.

Thompson explained taxable values are up approximately 13.6% overall in Burleigh County. Thompson added new construction accounted for about 4% of the increase. Thompson stated the budget reflects a 9.3% increase in taxes and coupled with the increase in value, equates to a 2.52 mill decrease. Thompson noted the budget as presented calls for general fund spending to outpace revenue by approximately \$1,600,000. Thompson noted the estimated county taxes on a home valued at \$150,000 in 2006 (now valued at \$208,449) would increase \$27.02.

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

Auditor\Treasurer Glatt addressed the \$320,000 request in the technology budget for replacement of the property tax and financial software. Glatt noted a similar request was removed from the 2013 budget. Glatt noted the existing property tax system was developed "in-house" in the early 1980's and needs to be updated. Glatt noted letters of support for a change in the payroll/financial software from other departments who utilize the system. 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. Glatt expressed his concern that there have been issues with the system the last two (2) years and is concerned for the future. Comm. Schonert noted the importance of leaving this item in the budget.

County Engineer Hall appeared and briefly explained the proposed Planning Dept. budget.

Sheriff Heinert appeared and explained the Sheriff and Detention Center budgets. Heinert stated he is requesting two (2) new deputy positions in the patrol division of the Sheriff's Dept. budget. Heinert continued he wants to implement four (4) patrol shifts of six (6) officers each to provide 24/7 coverage 365 days a year. Heinert added with the addition of these two (2) new deputy positions he will create three (3) new sergeant and two (2) new corporal positions. Heinert noted Federal COPS grant funding has been eliminated.

Heinert then reviewed the Detention Center budget noting his request to hire a new Chief Deputy in the Detention Center effective 7/1/14 to start the transition to a new facility if approved by the voters. Heinert continued he proposes to cancel the nursing contract

with Bismarck\Burleigh Public Health and hire a RN and a LPN at an estimated savings of \$25,000. Heinert noted he has increased the outside prisoner housing line item by \$219,000.

Heinert stated that a Request for Qualifications for architect\engineering firms closes on September 4, 2013, and he hopes to have a selection recommendation for the Board in late September.

Thompson noted the Preliminary Budget calls for a one (1) mill levy for the Jail Maintenance and Construction fund with the fund having a current balance of \$1,800,000.

The Board discussed whether there are adequate funds to move forward and maintain the existing facility for the next 4-5 years until a new facility could be occupied.

Heinert stated he has discussed the anticipated expenses for architectural services with several local firms and he intends to negotiate the fees after selection of a firm. Heinert noted he has explained to the firms he has been in contact with, that only limited funds will be available until after a successful election. Heinert noted he will negotiate the costs of the site selection process. Heinert stated he believes the funds available will be adequate for architectural services. Heinert noted the Jail Maintenance & Construction fund will be needed to maintain the current facility.

Chairman Woodcox noted that architect fees should not exceed \$500,000 before the June 2014 Election and further we have adequate funds to reduce the one mill levy to zero.

Comm. Armstrong stated since we have no back-up plan should the sales tax election fail, we should levy 10 mills for the Jail Construction. Armstrong added if we had been levying 10 mills for the past several years we could almost meet our jail space needs.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to increase the Jail Maintenance & Construction mill levy from the proposed one (1) mill to ten (10) mills.

Comm. Schonert stated he cannot support 10 mills but could support 2 mills.

Comm. Armstrong explained we will have expenditures for the architect, land, etc. prior to the election.

Comm. Peluso stated 10 mills is too much with the other budget needs at this time and that adequate funds exist to hire and pay an architect.

Comm. Bitner stated he is looking for ways to decrease taxes and therefore cannot support 10 mills.

Chairman Woodcox stated an increase in the Jail Maintenance & Construction fund is not needed and suggested reducing the levy to zero.

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to increase the Jail Maintenance & Construction mill levy from the proposed one (1) mill to two (2) mills. "AYE" votes: Peluso, Schonert. "NAY" votes: Armstrong, Bitner, Woodcox. Motion failed.

Social Service Director Osadchuk appeared and the Commission reviewed the Social Service Dept. budget. Comm. Armstrong noted the budget request for new hires related to the Medicaid Expansion and the Affordable Care Act (Obama Care). Armstrong questioned the need to hire with all the uncertainty surrounding Obama Care. Osadchuk stated the new hires will not be made if not needed, but would like the positions in the budget as a "safety net".

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to remove the two (2) Eligibility Work I and one (1) Social Worker I positions from the Social Service Dept. budget. All members voted "AYE." Motion carried.

Heather Wanner, Victim Witness Program, appeared and reported that the VOCA grant funding for 2014 has been approved to help fund the Victim Witness budget.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to approve and adopt the Burleigh County 2014 Preliminary Budget as amended and to call for a public hearing on the budget on September 26, 2013, after 6:00PM.

Comm. Armstrong stated he cannot support this Preliminary Budget as it is inflated and provides no relief to taxpayers. Armstrong noted the Preliminary Budget calls for a 20% increase in spending and includes several new hires.

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the 2<sup>nd</sup> approach permit request of Troy & Dawn Gullickson on to 48th Ave SE from Auditor's Lot C of Gov't Lot 1, Section 30, T139N, R79W as requested. All members voted "AYE." Motion carried.

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the request of The Downtown Business Association for permission to host a family movie night on the Courthouse Lawn, Friday September 13, 2013 in celebration of the 40th Annual Street Fair. 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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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
August 5, 2013**

**5:30 P.M.**

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

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

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

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

Motion by Comm. Armstrong, 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:

Vietmeier recommended approval of the abatements noting there may be someone present to speak on the Evangel Assembly of God abatement.

Roger Will, Associate Pastor of the Evangel Assembly of God, appeared and provided a brief background regarding the taxation of these properties. Will continued that new legislation had been passed allowing for the exemption of excess church property. Will stated none of the property owned by the Evangel Assembly of God is excess church property as it is used exclusively for church purposes (services). Will noted the ND Constitution exempts all church property from taxation. Will concluded the Evangel Assembly of God was the only church property in Bismarck that is taxed.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the Evangel Assembly of God, Kulish, Hammond, and Ereth abatements as requested. All members voted "AYE." Motion carried.

Asst. Community Development Director Lee appeared with the following items for the Board's consideration: zoning change from the A-Agricultural zoning district to the R1-Country Homes Residential zoning district and final plat for Country Hills 2nd Subdivision; zoning change from the A-Agricultural zoning district to the I-Industrial zoning district for the S ½ of Section 19, Menoken Township; and, vacation of Deadwood Drive from the north line of Silver City Lane to the south line of Plainsman Road within Grande Prairie Estates 4<sup>th</sup> Subdivision.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to approve the zoning change and final plat of Country Hills 2<sup>nd</sup> Subdivision. All members voted "AYE." Motion carried.

Lee then presented the request for a zoning change for the S ½ of Section 19, Menoken Township, from A-Agricultural to I-Industrial. Lee explained the Burleigh County Planning Committee reviewed this request and upon the conclusion of a public hearing recommended approval of the zoning change with stipulations. Lee noted the opposition to the zoning change from the Menoken Township Board of Supervisors and several citizens. Lee stated the Planning Dept. staff recommends denial of the zoning change.

Chairman Woodcox noted this was not a public hearing but that the Commission would allow comments if kept to a minimum.

Comm. Armstrong questioned if the developer is agreeable to the Planning Commission and County Engineer recommended stipulations.

Brian Eiseman appeared representing the owners of the property and stated the recommended stipulations were standard requirements other than the cultural resource survey. Eiseman stated all stipulations would be followed if the zoning change is approved.

Chairman Woodcox inquired as to the exact use of the property or what industry type is planned. Eiseman responded that a steel company has expressed interest in the property.

Comm. Schonert expressed his concern about the ability to provide two (2) access/egress points to this property. Schonert noted county policy requiring at least two (2) access/egress points noting the secondary access (30<sup>th</sup> Ave NE) to this property is marginal and will be very expensive to improve to meet minimum county standards.

Chairman Woodcox invited anyone in opposition to this request to come forward.

Belinda Maher (Menoken Township Clerk) and Scott Salter (Chairman of the Menoken Township Board of Supervisors) appeared and read a letter from the Township Board and a petition from township residents in opposition to this zoning change request. Maher stated "Menoken Township is a small community and has four existing industrial sites. We would prefer to develop the land located adjacent to the existing sites until the time they are completed." Maher stated approval of this request would be spot zoning and "would defy state law."

Kelly Savage, Morton County resident, appeared regarding his concern for the neighboring organic farm of which he is a consumer.

Michael Mulloy, Bliss & Stebbins Law Firm, appeared representing Thane Dockter who operates an organic farm on the property adjacent to the subject 300+ acres for which the zoning change is requested. Mulloy and Thane Dockter, who also appeared, expressed their concern over losing the organic certification from industrial uses that would be permitted with the zoning change.

Bonnie Palachek, an adjacent landowner stated she has the same concerns as Dockter as she also operates an organic farm.

Kerry Wilkens, Stephanie Ladue, and Jamie Nauman also appeared and expressed their opposition to the zoning change noting their concerns regarding access, truck traffic and road conditions noting the condition of 30th Ave NE and questioned who would be responsible for road improvements.

Jay Pahlke, the property owner, appeared stating he would like to move his steel business to the property. Pahlke added one of his suppliers has also contacted him with interest in moving to the Bismarck area. Pahlke stated he estimated two (2) twenty (20) acre parcels would be needed for his operation and the other interested party. Pahlke indicated the two businesses would only bring in a couple of trucks a day.

Brian Eiseman reappeared and stated if the zoning is approved a development plan would be created to address all of these issues including the secondary access.

Brian Ritter, BisMan Development Association, appeared and stated BMDA is in support of this type of industrial development as there is very little I-Industrial zoned land readily available.

Area residents Gary Maher and Keith Salter appeared noting that Pahlke already owns 40 acres in Menoken Township along an I-94 Interchange with far better access than this property.

Asst. Community Development Director Lee confirmed Pahlke owns 32 commercially zoned acres in Menoken Township.

Chairman Woodcox stated that this property is just too far away and should remain as agricultural.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to deny the zoning change request for the S ½ of Section 19, Menoken Township, from A-Agricultural to I-Industrial.

Comm. Peluso noted that if we approve this request than we have no zoning.

Comm. Armstrong noted the list of stipulations for the zoning change and stated that no building permits could be issued until road access issues are addressed.

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

Motion by Comm. Schonert, 2nd by Comm. Peluso, to call for a Public Hearing on the request to vacate Deadwood Drive from the north line of Silver City Lane to the south line of Plainsman Road adjacent to Lots 1 & 3, Block 6 and Lots 1-3, Block 7, Grande Prairie Estates 4th Subdivision. All members voted "AYE." Motion carried. .

HR Director Terras appeared and presented for consideration a contract with the Bismarck Public School District for the provision of Supt. of Schools for the Burleigh County rural school districts without their own Supt. Terras stated that under the agreement the county will pay the Bismarck Public School District \$67,000 per year.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to approve the contract with the Bismarck Public School District for the provision of Supt. of Schools for Burleigh County rural school districts. All members voted "Aye". Motion carried.

Comm. Bitner noted that if this arrangement does not work the contract can be modified or terminated.

County Engineer Hall appeared with the following items for the Boards' consideration: consider letter of support for the replacement of the 80th St NE Bridge over I-94, authorize advertisement of bids for a county turn lane project and review of the results of the Traffic Engineering Investigation on roads surrounding the Dakota Landfill.

Engineer Hall stated that in planning for the 2014 construction projects, the Highway Department has reviewed the existing road system and looked for areas of improvement. Hall noted one of the proposed 2014 projects will be the paving of 80th St from Apple Creek Rd to 71st Ave NE. Hall continued this roadway is in generally good condition but will need minor improvements before it can

be paved (reconstruction of some vertical curves to improve sight distance). Hall noted his major concern is the existing bridge over I-94 as the existing bridge is narrow and could create a traffic hazard. Hall stated as this bridge is functionally substandard and has been hit by I-94 traffic at least two times in the past four (4) years it should be replaced. Hall recommended that the Burleigh County Commission send a letter to the NDDOT requesting that this bridge be replaced with one that meets the present day and future needs of the area (wider and have a higher clearance).

Motion by Comm. Bitner, 2nd by Comm. Schonert, to authorize the County Engineer to send a letter, on behalf of the Burleigh County Commission, supporting the replacement of the 80th Street NE Bridge over I-94 including the provision of on & off-ramps . All members voted "AYE." Motion carried.

Hall explained that over the past few years, the Highway Department has been reviewing traffic flow at several intersections in the County. Hall stated that the conclusion of the traffic flow review is that in order to deal with existing traffic concerns in the area and plan for future growth, turn lanes need to be added at several locations. Hall continued these turn lanes will help improve traffic flow through the intersections and improve safety. Hall explained the proposed changes include a right turn lane on Lincoln Rd at Yegen Rd, a right turn lane on westbound County Highway 10 at Bismarck Expressway, a left turn lane on northbound State Highway #83 on to 57th Ave NE, and a right turn lane on southbound State Highway #83 on to 57th Ave NE. Hall stated the County has been working with both the North Dakota Department of Transportation and the City of Bismarck on the development of this project.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to authorize the advertisement of bids for the county turn lane project as recommended by County Engineer Hall. All members voted "AYE." Motion carried.

Hall then presented the results of a Traffic Engineering Investigation on roadways in the vicinity of the Dakota Landfill. Hall recommended that a "45 mph for Trucks" speed limit be imposed on 104th Ave NW, 110th Ave NW & NE, and 41st St NW; and a "45 mph speed limit" for all vehicles be imposed on 123rd Ave NW, 28th St NW, and 34th St NW. Hall indicated that he has spent considerable time studying the traffic issues in the area since the June Commission meeting and that the study found most truck drivers are using 149th Ave NW and turning south to reach the landfill. Hall stated the study determined that the 45 mph speed limit is appropriate and continued the 25mph truck traffic speed limits are too low. Hall continued a major complaint continues to be punctured tires from the trucks hauling to the landfill. Hall stated the landfill operator informed him that the magnet has not been used to clear debris from 149th Ave NW since it was paved in 2007. Hall stated the Highway Dept. utilized their own magnet and found that the residents' concerns about punctured vehicle tires are legitimate. Hall stated he will contact the landfill operator and request that he reinstate the use of the magnet to clean the roadway of debris and that the Highway Dept. will continue to monitor the situation.

James Heidrich, who lives south of the landfill, appeared and stated that since the June meeting he has had four tires repaired. Heidrich added the truck traffic diminished as soon as the traffic monitors were installed and resumed as soon as they were removed. Heidrich asked that speed limit signs be placed on 123rd Ave NW and 34th St NW.

Cheryl Stockert, 123rd Avenue resident, requested that 149th Ave NW be designated a truck route and require the landfill haulers to use this route. Stockert added she has had six (6) tire repairs in the past 18 months.

Paul Fornshell and Michelle Vetter, residents of 110th Ave NW, appeared and stated they have both witnessed that the landfill hours of operation are not being followed as they have noticed truck traffic in the very early morning hours when the landfill is not supposed to be in operation.

Engineer Hall stated that he has looked at the idea of establishing a truck route, but without a home rule charter does not believe it can be enforced. Hall stated he will continue to monitor the situation and review more closely the first day the traffic monitors were installed. Hall suggested that letters be written to the landfill operator and haulers to reiterate the previous commitments to use 149th Ave NW as the haul road and to continue using magnets to clear the roadway of debris.

Chairman Woodcox stated he would write these letters.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to direct the County Engineer to post a "45 mph for Trucks" speed limit on 104th Ave NW, 110th Ave NW & NE, and 41st St NW; and post a "45 mph speed limit" (all vehicles) on 123rd Ave NW, 28th St NW, and 34th St NW. All members voted "AYE." Motion carried.

Engineer Hall then provided an update on the creation of a County Planning/Zoning Department. Hall stated that a review of the salary grade has been completed based on the approved job description. Hall continued the position of County Building Official is currently being advertised and is open until August 23, 2013. Hall stated he hopes to have the position filled by the end of September. Hall also indicated that office space will be available in the Provident Building later this fall for occupancy by the Human Resources Dept. Hall added that he has initiated a discussion with the City of Bismarck regarding establishing zoning jurisdiction lines. Hall stated a budget has been submitted and believes the new department will be fully functional by January 1, 2014. Hall noted that revenues from fees generated by this new department will fall short of expenses by an estimated \$120,000 per year.

Sheriff Heinert appeared and presented a Detention Center update. Heinert noted the RFQ for architect services has received some local interest. Heinert reported that 396 prisoner nights have been spent outside the Burleigh County facility in July bringing the total to date this year to 3,096 nights at a total outside prisoner housing cost of \$167,862 excluding transport costs.

Heinert then requested approval for the application and acceptance of a JAG Equipment Grant in cooperation with the City of Bismarck. Heinert stated the grant is limited to equipment in the amount of \$31,888 and will be split 65% city and 35% county with the county share equaling \$11,161.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to authorize the approval of the application and acceptance of a JAG Equipment Grant in cooperation with the City of Bismarck in the amount of \$31,888 with the county share equaling \$11,161. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to approve the Lost Instrument Surety Bonds to replace checks #85997 (\$207.43), 88332 (\$126.36); and to authorize the publication of the Weed Cutting Notice. All members voted "AYE." Motion carried.

The Board then considered the approval of a Joint Powers Agreement with the North Dakota Association of Counties for the provision of Public Administrator Support Services. Terry Traynor, NDACo Asst. Director, appeared and explained the new legislation appropriating state funds for the purpose of providing grants to counties for public or private guardianship services. Traynor explained the legislation directs counties to provide matching funds to support these services during the current biennium. Traynor stated the Joint Powers Agreement will allow counties to pool their contribution with the state appropriation. Traynor added the joint powers agreement is for a two-year period with the county providing funding in the amount of one-tenth of one mill (\$31,500) to help pay for supervision of adults with limitations who live below the poverty level and who have no family supervision.

Judy Vetter, Guardian and Protective Services, Inc. (GaPS), appeared and thanked the county for its support over the past several years. Vetter stated the current \$27,000 annual subsidy provided by Burleigh County to GaPS will be terminated effective 8/1/13 if the county approves the joint powers agreement. Vetter stated GaPS requests that the county continue the small rent subsidy in the Provident Building for their offices.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the Joint Powers Agreement with North Dakota Association of Counties for the provision of Public Administrator Support Services thereby allocating 1/10 of a mill for each of the two years of the current biennium. 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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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
July 15, 2013**

**5:00PM**

The Burleigh County Commission convened with all members present.

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

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

Comm. Armstrong introduced Renae Moch, the new Director of Bismarck-Burleigh Public Health.

Steve Bain, Bain Insurance, appeared regarding the renewal of the county liability insurance policy. Bain briefly reviewed the policy coverage and deductible amounts. Bain indicated the total cost has increased approximately 1.5% from the previous year. Chairman Woodcox inquired as to whether personal vehicles are covered when used for county business. Bain responded no, but he can provide additional coverage if desired. No action was taken.

Building Official Ziegler appeared regarding a request for a flood plain variance in the area of joint jurisdiction. Ziegler explained the property lies along the west side of 12<sup>th</sup> St SE, approximately 600 feet south of 89<sup>th</sup> Ave SE. Ziegler stated the owner, Thomas Brown, is requesting a variance to the ordinance (flood hazard/accessory building) to reduce the elevation requirement for an accessory building being constructed in the Special Flood Hazard area, or 100-year Floodplain, from two (2) feet above the Base Flood Elevation to one (1) foot above the Base Flood Elevation.

Ziegler explained that Brown built his home above the flood plain and added an addition that matched the minimum elevation level. Ziegler continued that the proposed storage building would be 25 feet from the home and if built to current elevation standards the space between the buildings would be unusable as water would drain directly towards the home. Ziegler stated Brown is requesting the storage building be allowed to be built at or up to six (6) inches below the house elevation.

Motion by Comm. Peluso, second by Comm. Armstrong, to notify the City of Bismarck that Burleigh County does not request negotiation on the variance (Floodplain\Accessory Building) located at 8900 12<sup>th</sup> St. SE, to reduce the elevation requirement for an accessory building being constructed in the Special Flood Hazard area, or 100-year Floodplain, from two (2) feet above the Base Flood Elevation to one (1) foot above the Base Flood Elevation. 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, 2<sup>nd</sup> by Comm. Armstrong, to approve the Kiefer and Wagner abatements as requested. All members voted "AYE." Motion carried.

Comm. Armstrong then initiated a discussion regarding the public health nuisance in Baldwin Townsite located at 2604 Elbert Ave. Armstrong noted the County Board of Health, working with an environmental health practitioner, has determined the property to be a public health nuisance as the property contained varmint-infested trash and vehicles. Armstrong continued that two (2) notices and orders to abate the nuisance have been sent and received by the property owner and since the property has not been abated the county must clean-up the property and assess the costs to the property. Armstrong concluded that the cleanup must meet all requirements in order to be completed and all rubbish/refuse must be disposed of into a licensed landfill or recycler.

The Commission noted an email was received earlier today from the property owner stating he is attempting to comply with the cleanup notice and is requesting more time to comply.

Kevin Seher, an adjacent landowner, appeared and stated the property has been in poor condition for at least seventeen (17) years. Seher stated he has tried to reason with his neighbor numerous times regarding the clean-up of the property. Seher reported that in the last year he has taken out eleven (11) feral cats, and in the last couple of months five (5) skunks have been shot. Seher expressed his concern with the fact that there are children ranging in age from 4 to 13 years of age that play near the property. Seher continued that the owner had indicated that he has shut the water off to the home located on the property. Seher noted his concern over what this property is doing to the surrounding area.

Comm. Armstrong noted that three (3) of the vehicles had been removed as of this afternoon but was doubtful any further action would be occurring on the property today.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to proceed with the abatement process as per the notice and order and to apply all costs to the property taxes. All members voted "AYE." Motion carried.

Claus Lembke, Home Rule Charter Commission (HRCC) member, appeared and provided an update on the home rule process. Lembke stated the HRCC had met in March, April, May, and June, and in that time frame reviewed Home Rule Charters from Williams, Ward, Cass, and Ramsey County, MN. Lembke continued that the proposed draft charter will not add any additional power to the county other than levying a sales tax to fund the construction of a new jail and for the demolition and renovation of the current jail. Lembke indicated the sales tax will end when the project is completed. Lembke continued the proposed draft is a "simple and clean" one-page document. Lembke stated a public hearing has been tentatively scheduled for Sept. 26, 2013, to present the Charter to the community. Lembke provided a brief overview of the Charter noting that after the public hearing it is hoped the Charter will go before the voters in June 2014.

Comm. Schonert praised the Charter Commission for their work.

Chairman Woodcox indicated the draft will be advertised before the September 26th public hearing; and if necessary, more public hearings can be scheduled.

Sheriff Heinert appeared and requested authorization to solicit and advertise Requests for Qualifications (RFQ) for architects/engineers for the design of a new Detention Center. Heinert indicated he wants all proposals to be submitted by September 4, 2013, and upon submission will be reviewed by the jail committee and presented to the County Commission on September 26.

Comm. Armstrong questioned why we are seeking an architect/engineer for design of a new Detention Center when approval has not been granted by the voters. Heinert responded that design plans and costs are needed for the voters to make an informed decision.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to authorize the solicitation of Requests for Qualifications for architects/engineers for design of a new Detention Center. All members voted "AYE" except Comm. Armstrong who voted "NAY.". Motion carried.

HR Director Terras appeared regarding updates to the following personnel policies: Policy Revisions on Chapter 12, Section 15: Travel Expense Voucher, Policy Update on Chapter 12, Section 16: Expense Account, and Policy Update: Chapter 12, Section 17 regarding In and Out of State Travel. Terras indicated the update regarding travel brings the Burleigh County Policy up to date with the North Dakota Century Code that goes into effect on August 1, 2013.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the recommended personnel policy changes to Chapter 12, Section 15: Travel Expense Voucher; Chapter 12, Section 16: Expense Account; and Chapter 12, Section 17: In and Out of State Travel. All members voted "AYE". Motion carried.

Terras then provided an update regarding the proposal to contract the Superintendent of Schools position with the Bismarck Public School District. Terras indicated that the Sterling, Menoken, and Wing School Districts have signed the resolution accepting the Bismarck Public School District as the county superintendent. Terras stated she is still waiting for responses from the Naughton, Apple Creek and McKenzie School Boards. No action was taken.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve the Special Events Liquor License application for Uncle Jesse's for a Wing Horse Club Event on July 20, 2013; Gaming Site Authorization for Marauder Boosters at the Apple Creek Country Club; and the raffle permit applications for the Grace Lutheran Church Driscoll, the American Suicide Association, and the UND Alumni Association. All members voted "AYE." Motion carried.

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Kevin J. Glatt, Auditor\Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
July 1, 2013**

**5:16 P.M.**

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

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

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

Chairman Woodcox reported he reviewed the monthly vouchers and recommended approval of the same.

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

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the First Evangelical Free Church, River of Hope Church, Glasser, Klein, and Wald abatements as requested. All members present voted "AYE." Motion carried.

Deputy Auditor/Tax Director Vietmeier then presented an update on the reassessment of Apple Creek Township. Vietmeier stated that he and Auditor/Treasurer Glatt recently met with Apple Creek Township to discuss the reassessment request. Vietmeier continued Apple Creek Township would like the opportunity to select an assessor to do the reappraisal. Vietmeier noted that Auditor/Treasurer Glatt has provided a Request for Proposals to Apple Creek Township for the Complete Reassessment of All Residential and Commercial Property within Apple Creek Township with submissions due by 12:00 noon on July 22, 2013. Vietmeier indicated that Vanguard Appraisals, Inc. has been contacted and is available to complete the reassessment in 2014 if notified no later than August 1, 2013. Vietmeier noted a special County Commission meeting may be necessary if Apple Creek cannot find a qualified assessor or negotiate a contract prior to the August 1<sup>st</sup> deadline.

Apple Creek Township Supervisor Olson appeared and stated the township requests the opportunity to find and hire an assessment official as the Vanguard estimate is expensive. Olson noted the Township hopes to find someone locally who is capable of doing the project at a lesser expense. Olson added the township would like to find someone who may be able to continue as the township assessor after the reassessment is completed. Olson continued that the RFP will be published twice in the Bismarck Tribune with all proposals to be submitted to Apple Creek Township.

Auditor/Treasurer Glatt reiterated that if a qualified person or firm is not found through the RFP process by Apple Creek a special meeting of the County Commission will be needed for the County to take action.

Social Service Director Osadchuk appeared requesting authorization to hire two (2) new Eligibility Workers due to the impact of the Expanded Medicaid and Affordable Care Act.

Osadchuk explained with these new programs taking effect on January 1, 2014, she anticipates an additional 2,000 to 3,000 new Burleigh County applicants, and thus the request for increased staff. Osadchuk stated that she would like to have these two (2) new individuals hired by September 1, 2013, in order to provide ample time for training.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to authorize the Social Service Dept. to hire two (2) additional eligibility workers due to the expanded Medicaid and Affordable Care Act as requested subject to funds being available in the 2013 Social Service Dept. budget. All members present voted "AYE." Motion carried.

HR Director Terras appeared with the following items for the Board's consideration: authorization to fill the current Social Service Eligibility Worker I opening at step 6 of the salary grade; adjustment to annual leave accruals for the recent Sr. Asst. State's Attorney position hire at fourteen (14) hours per month and the Social Service Dept. candidate at ten (10) hours per month to reflect previous Burleigh County service; and, to reconsider the previous action (June 17, 2013) to reclassify Engineer II position to Sr. Asst. County Engineer position.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to authorize the Social Service Dept. to fill the current Eligibility Worker I position opening at step 6 of the salary grade. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the variances to Personnel Policy Chapter 4, Section 5: Annual Leave, to allow Julie Lawyer to accrue annual leave at fourteen (14) hours per month and Suzanne Frank to accrue annual leave at ten (10) hours per month to reflect previous county service. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to rescind the action taken at the June 17, 2013 meeting regarding the reclassification and salary adjustment for the Engineer II position to Senior Assistant County Engineer position within the Highway Dept.; and further to authorize the reclassification and salary adjustment for the Engineer II position to Senior Assistant County Engineer position when the employee meets the minimum job requirements. All members present voted "AYE." Motion carried.

County Engineer Hall then appeared and stated the waiver of the Gravel Road Improvement Policy for the Apple Creek Ridge Subdivision is not needed as the developer has withdrawn the waiver request.

Hall then initiated a discussion on the creation of a separate County Planning/Zoning and building inspection department. Hall noted he has a good working relationship with the current combined Community Development/Building Inspection Dept. and hopes this will continue. Hall stated that although he has agreed to lead the initial startup of the new county department he wants it to become a stand-alone department as soon as possible.

Hall then requested direction from the Board on several items in order to keep the process moving forward. Hall stated he has developed a job description for a building official with the next step to approve the position and forward the same to the county human resources consultant to determine the appropriate job classification and salary. Hall continued that the new department should be located in the City/County Building to provide convenience for the public. Hall suggested the Human Resource Dept. be moved to the Provident Life Building when space becomes available in April of 2014. Hall noted there is some space available in the HR Dept. for temporary setup until the HR Dept. moves.

By consensus, the Board agreed to the building official job description and to forward the same to Fox Lawson & Associates, the county human resources consultant, to complete the classification and salary recommendation along with the idea that the new department be located in the City/County Building.

Hall then presented for Board consideration a 2013 and 2014 budget for the new department. Hall indicated the current 2013 budget would need to be revised noting funds are available to hire a building official in 2013. Hall continued a second position will be needed in the near future to keep the office open for walk-in traffic.

Hall then discussed the need to work with the City of Bismarck and surrounding townships on joint jurisdiction items. Comm. Schonert suggested that Comm. Bitner be included in any joint jurisdiction negotiations. The Board by consensus directed Engineer Hall to move forward with joint jurisdiction negotiations.

Hall next indicated that the fee structure for the new department should be reviewed in order to set appropriate fees for services. Comm. Bitner stated fees should remain the same or decrease.

Hall concluded by stating he feels a complete review of all existing ordinances, a Land Use Plan and a new Comprehensive Plan should be priorities of a new County Planning/Zoning & Building Inspection Dept.

Sheriff Heinert appeared and presented a jail update. Heinert indicated that for the month of June there were a total of 527 prisoner nights spent outside the Burleigh County Detention Center bringing the total to 3,300 nights so far in 2013. Heinert continued that the Burleigh\Morton County Jail Committee met last week for the purpose of responding to the questions Morton County had posed regarding ownership and operations costs. Heinert reported the key items discussed included the establishment of a joint operating group, ownership interests and contributions related to sales tax collections, and maintenance and operations cost allocations. Heinert stated the Committee is recommending the July 1 deadline for Morton County to decide if they want to pursue a joint facility be changed to July 15, 2013.

Heinert stated Morton County would like to see a joint operating group that would meet quarterly and would be updated on budgets and other major operation decisions.

The Board, by consensus, agreed that a small advisory committee be formed with the Sheriff and the County Commissioner who holds the portfolio to represent Burleigh County on an operations committee to provide input regarding operations and budget planning.

Heinert then discussed Morton County's concern regarding sales tax revenue in Morton County being much lower than in Burleigh County. Heinert noted at the current projected ownership interest of 73% Burleigh County and 27% Morton County; a ½ cent sales tax would take six (6) years in Burleigh County and eleven (11) years in Morton County to fund the construction of a new jail. Heinert continued Morton County prefers an 87% Burleigh County and 13% Morton County ownership split allowing both counties to end the sales tax collections in six (6) years based upon current projections. The Board noted that Morton County residents spend a good share of their income in Burleigh County and is valid rational for Burleigh County contributing more to build a joint jail.

Heinert next discussed the allocation of maintenance and operation expenses. Heinert stated maintenance and operation costs would be based upon inmate counts. Heinert continued that based upon current inmate counts operation & maintenance costs would be allocated 73% Burleigh County and 27% Morton County. Heinert suggested inmate populations be calculated on an annual basis to determine the appropriate operations and maintenance allocations.

Heinert noted Morton County has requested concurrence on these items prior to their July 9, 2013 meeting.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to agree in principal to the allocation of the joint Burleigh\Morton Detention Center ownership based upon sales tax collections (currently 87/13) and to further agree that operations and maintenance costs be split based upon inmate counts. All members present voted "AYE." Motion carried.

Chairman Woodcox provided a brief update regarding the Home Rule Charter. Woodcox reported that the Home Rule Charter Commission has completed "a rough draft of a home rule charter" which will be presented to the County Commission on July 15. Woodcox noted that a public hearing has been scheduled for Sept. 26, 2013, with more public hearings to be scheduled depending on public interest. No action was taken.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to reappoint Mary Tello-Poole to a five (5) year term on the County Board of Health. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the 2014 Budget Calendar as presented by Auditor\Treasurer Glatt. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the security pledges and designation of depositories; to approve the second approach permit request of Alan Lerberg on to North Star Acres Road from Lot 13B of North Star Acres Subdivision; and to designate the Minot Area Youth Sportsman's Club as an "other spirited" organization and approve the Minot Area Youth Sportsman's Club the local charity gaming permit application at Capital City Gun Club for the ND State Trap Shoot. 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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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**June 26, 2013**

**8:30 A.M.**

The Burleigh County Commission convened a special meeting in the ND Association of Counties meeting room for the purpose of discussing the hiring and retaining of employees and receiving information from the various county elected and appointed department heads on projected 2014 and 2015 budget requests.

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

Engineer Hall, on behalf of the county elected and appointed department heads, initiated the discussion regarding the hiring and retaining employees. Hall noted the recent difficulties experienced hiring and retaining employees in the Sheriff's Dept. (deputies & detention officers), States Attorney's Office (assistant attorneys) and Highway Department (engineers & temporary highway maintenance workers). Hall continued that a subcommittee of the county department heads reviewed possible changes in the county salary structure for implementation in 2014. Hall stated the recommendation of the county department heads is that each employee move up three (3) steps in the salary step plan with three (3) new steps added and no Cost of Living Adjustment in 2014. Hall noted the three (3) step increase amounts to an average increase of 8.25%.

Upon question Accountant Thompson noted that at the current mill levy (2012) new construction provide an additional \$500,000 in tax revenue.

Several of the county elected and appointed department heads present presented information related to their respective staffing and budget needs for 2014 and beyond.

By consensus the Commissioners present directed staff to start the budget process utilizing the three (3) new step plan as recommended by the County Dept. Heads.

9:37am

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

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Kevin J. Glatt,  
Auditor\Treasurer

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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
June 17, 2013**

**5:00PM**

The Burleigh County Commission convened with all members present.

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to approve the bills 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. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the Berger, Bruning, Holzer, Bechhold, Kramer, and Sandwick abatements as requested. All members present voted "AYE." Motion carried.

Vietmeier then presented an update on the Apple Creek Township assessing issues. Vietmeier stated Vanguard Appraisals has provided an estimate of cost for a reappraisal. Vietmeier continued he has contacted Apple Creek Township to set up a meeting regarding the reappraisal and has not received a response to date. Vietmeier concluded he is requesting the meeting with the Apple Creek Township Board of Supervisors prior to the July 1, 2013 County Commission Meeting where he will request a full reappraisal of the township.

County Planning Manager Lee appeared regarding the acceptance of right-of-way dedication for the final plat of Country North Estates Fourth Subdivision.

Comm. Armstrong questioned whether the township has approved the request. Lee responded that the township has approved with the condition that Endicott Dr. from Aleutian Dr. to the south line of the plat be constructed to minimum county specifications, paved and chip sealed with a cul de sac on the south end.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to accept the right-of-way dedication within the final plat of Country North Estates Fourth Subdivision. All members voted "AYE." Motion carried.

County Engineer Hall appeared with the following items for the Board's consideration: discussion regarding speed limits around the Dakota Landfill (DB Waste, LLC) just south of 149th Ave. NW; and consideration for a reclassification and salary adjustment for the Engineer II position to Senior Assistant County Engineer within the Highway Dept.

Hall stated he was initially concerned with the deteriorated condition of the speed limit signs in the vicinity of the Dakota Landfill. Hall continued this inquiry led to research regarding the proper speed limit(s) for the area. Hall stated his research concluded there are issues with the current speed limit (25mph). Hall suggested a study be done over the next few weeks regarding traffic patterns in the area to determine the appropriate speed limit.

Comm. Schonert stated he has received several phone calls and it appears to be an issue with the truck traffic to the landfill and specifically the routes (roadways) these trucks take. Schonert noted he would like time to speak with the landfill owner/operator requesting the haulers utilize the paved route - 149th Ave. NW to the landfill.

Cheryl Stockert, 2904 123rd Ave. NW, appeared stating she lives south of the landfill. Stockert noted she recently sent the Commissioners information from 2006 related to the same safety issues the residents are experiencing today. Stockert stated safety is even more of a concern today as there are more people living in the area and more trucks travelling to the landfill. Stockert noted the current 25mph speed limit was adopted for safety purposes. Stockert reminded the Commission that taxpayer funds were used to pave 149<sup>th</sup> Ave. NW in 2006 to improve safety in the area. Stockert requested the trucks using the landfill be required to use the paved 149th Ave route.

Chairman Woodcox agreed and indicated they would look into the possibilities of restricting the truck traffic.

Tim Kellar, 1323 134th St. NW, appeared expressing his concerns regarding the truck traffic. Kellar noted his safety concerns, the hours of operation, the debris in the ditch and flying around and the unsafe speeds of the trucks. Kellar noted he has had several flat tires from the debris left by the garbage hauling trucks.

James Heidrich, 12629 34th St. NW, appeared and stated he lives one mile south of the landfill. Heidrich continued that 25mph is an appropriate speed limit especially when meeting the oncoming truck traffic.

Engineer Hall stated he will follow up on these issues but noted his main focus would be the roadway speed limit and appropriate signage.

Hall continued with his request to reclassify Dan Schriock from Engineer II, Grade 12, Step 10, to a Senior Assistant County Engineer Grade 14, Step 8 and to allocate the necessary funds for the change.

Comm. Schonert stated that he had talked to Engineer Hall regarding this request and agreed that it was justified. Schonert continued that there are hiring issues throughout the county and there is a great need to retain staff.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to approve the request to direct the Human Resource Director to make the required changes to the existing payroll system to change Mr. Schriock's position from the Engineer II, Grade 12, Step 10, to a Senior Assistant County Engineer position Grade 14, Step 8 and to allocate funding from the Road and Bridge Fund to cover such change. All members present voted "AYE." Motion carried.

Auditor/ Treasurer Glatt presented for consideration of the request of the Bismarck Park & Rec District to convey Burleigh County's interest in the property immediately north and adjacent to the Municipal Ballpark. Glatt stated that it appears the county may have an interest in this property in the form of excess right of way connected to "old" US Highway 10 (Memorial Highway). Glatt indicated that a quick title search at the County Recorder's Office did not reflect any Burleigh County ownership interest in the property. Glatt recommended that Burleigh County's interest in the property be transferred to the Park District to allow them to continue with the proposed improvements to the ballpark.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to authorize the transfer of any county interest in the property described as City Lands 138-80, Block 5, part of the NW1/4 of Section 5 to the Bismarck Park & Recreation District by Quit Claim Deed. All members voted "AYE." Motion carried.

HR Director Terras appeared and requested authorization for the hiring of the Senior Asst. State's Attorney & Tax Appraiser II positions at a salary higher than Step 5 of the respective pay grades. Terras stated interviews for the two (2) positions have recently concluded or will be conducted in the next week. Terras added that although there are good candidates for these positions, Step 5 of the pay grades may not be adequate to secure the top candidate(s) for the positions.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the hiring of the Senior Asst. State's Attorney & Tax Appraiser II positions at a salary higher than Step 5 of the respective pay grades as needed. All members voted "AYE." Motion carried.

Terras then requested a variance to the personnel policy regarding annual leave carryover. Terras stated the request is to extend the deadline for using and carrying over annual leave for three (3) employees of the Social Service Dept. who have been unable to take leave as they have been handling duties related to the vacant Social Service Director position. Terras continued the variance would expire 90 days after the current second pay period in June deadline.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to authorize a variance in the personnel policy for using and carrying over annual leave to grant a 90 day extension for Chris Kasper, Jackie Vetter, and Sandra Smith of the Social Service Dept. All members voted "AYE." Motion carried.

Comm. Bitner then initiated a discussion regarding renewal of the contract for Planning & Building Inspection Services with the City of Bismarck. Bitner stated that the current contract requires a six (6) month notice of non-renewal. Bitner stated he thinks the county should consider creating its own professional planning department to better handle the issues such as storm water management, and to ensure that elevations are properly set and that no one builds at the wrong elevation. Bitner stated it could be a combined position initially under the supervision of the County Engineer. Bitner suggested we start out small.

Comm. Schonert stated that he has discussed this with Engineer Hall who is willing to help create and supervise this position.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to notify the City of Bismarck that Burleigh County will not renew the contract for Planning & Building Inspection Services with the City of Bismarck.

Comm. Armstrong stated that he cannot support this motion. Armstrong stated this will increase taxes and will create an inconvenience for those needing such services. Armstrong continued that the county tax payers are getting a good deal with the \$30,000 a year contract. Armstrong stated creating a separate county department will cost between \$250,000 and \$500,000. Comm. Armstrong noted a separate department would only have jurisdiction in the area outside the four (4) mile extraterritorial area.

Comm. Schonert indicated that the dollar figures Comm. Armstrong is using are completely inaccurate. Schonert stated it is costing far more in other costs (correcting storm water runoff problems, road repairs, engineering, etc.) for all the issues that have come up due to the county not having its own department. Schonert added the current staff at the Highway Dept. will provide the administrative support for a separate planning and building inspections department.

Comm. Bitner indicated that he has done research and these costs are phenomenal. Bitner continued that the county is "dropping the ball" by not having its own department to provide for such things as storm water management.

Comm. Armstrong requested Comm. Bitner or Comm. Schonert to provide him with an example of actual costs for these "errors" of the combined city\county dept.

Comm. Schonert stated that he did not have an example at his fingertips, but added the permit fees that would be collected by the county should offset the costs of a new department. Schonert noted several townships are looking for these types of services and would contract with the county if a separate county planning department was created.

Chairman Woodcox indicated that initially he was against creating a separate department, but has now changed his mind. Woodcox stated this should not be viewed as a city\county split but as an improvement to county services at a time where we are experiencing rapid growth and the challenges related to this growth.

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

Chairman Woodcox stated there is much work to do in the next six (6) months to get this new department up and running.

Comm. Schonert initiated a discussion relating to compensation of members of political subdivision boards and committees (HB 1177). Comm. Schonert stated some changes need to be made regarding payment for serving on committees and boards. Chairman Woodcox stated this should be discussed during budget deliberations. No action was taken.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the liquor license renewal of the Apple Creek Country Club (E & S); to approve the Special Events Liquor License application for Uncle Jesse's for the Wing Rodeo June 22 - 23, 2013 subject to the necessary paperwork being filed; and to approve the assignment of the voting credentials for the NACo Annual Conference to NDACo Executive Director Mark Johnson. All members voted "AYE." Motion carried.

Comm. Bitner then initiated a discussion regarding the questions Morton County has raised regarding a joint detention center. Comm. Peluso added he has been working on the questions noting the difficulty in providing answers without more specifics.

Sheriff Heinert appeared and indicated he has some answers but others cannot be provided until construction bids have been let. Heinert stated he will be scheduling a Jail Committee meeting to work on answers to some of the questions.

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

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
June 3, 2013**

**3:00 P.M.**

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

Chairman Woodcox reviewed the statutes and duties of the Board of Equalization and explained the state requirements related to the sales ratio statistics. Woodcox 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 2013 market value has increased overall by 14% (including AG land values at 94% 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. Vietmeier stated the average county AG land value as certified by the ND State Tax Dept. is \$318.95 per acre. Vietmeier recommended an average \$/acre of \$300 to keep Burleigh County within tolerance of the state's recommended average. Vietmeier stated that these values are as of February 1, 2013.

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

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

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

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

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

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

The Board then reviewed the assessments of the Organized Townships.

Chairman Woodcox called for any testimony\comments relating to the assessments of the organized townships. No one appeared.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to authorize a 12.9% overall increase on AG lands to an average of \$300 per acre. All members present voted "AYE." Motion carried.

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. Bitner, 2<sup>nd</sup> by Comm. Schonert, 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. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve and accept the 2013 real property assessments as equalized, including an average AG value of \$300 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.

**5:15PM**

The Burleigh County Commission convened with all members present.

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

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

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

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

This was the hour and date set to conduct a PUBLIC HEARING regarding the Resolution of Necessity for Special Assessment District #55 Secluded Acres West Subdivision.

County Engineer Hall appeared and briefly explained the proposed Special Assessment District for the paving of roadways within Secluded Acres West Subdivision noting that the required 60% of the landowners signed the petition to create the district. Hall noted the estimated assessment for each of the 12 lots to be \$12,521 per lot with a total cost of \$150,256. Hall stated the intent is to tie this special assessment district into the S Washington St & 48<sup>th</sup> Ave paving project in the immediate area.

Chairman Woodcox opened the public hearing and called for public testimony.

Michael Muehler, 4501 Huber Drive, appeared and stated the request for the paving improvement has been approved by petition of a majority of the residents. Muehler added only two (2) of the affected property owners refused to sign the petition.

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

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to close the public hearing regarding the proposed Secluded Acres West Subdivision SAD#55, and to adopt a resolution determining insufficiency of protests to authorize the paving improvement and to approve the detailed plans and specifications for construction of the improvement, and further to approve the change order to the contract for Project No. 0047, 0048 & 0075 Grade Raise of 48<sup>th</sup> Ave SE, S Washington St, & SAD #54 paving and chip seal to include SAD #55 paving and chip seal. 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. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the Olson, Salzer, Holden, Mosset and Johnson abatements as requested. All members present voted "AYE." Motion carried.

Burleigh County Water Resource District (BCWRD) Vice-Chairman Backstrand and Michael Gunsch of Houston Engineering appeared and provided an update and overview of the BCWRD projects. Backstrand highlighted the following projects: Apple Creek Industrial Park Flood Control Levee, Apple Valley Lagoon Rehabilitation, Burnt Creek Floodway Damage Repairs, Burnt Creek Loop and Sandy River Drive Flood Mitigation, Fox Island Flood Control, Hay Creek Sediment Study, Missouri River Correctional Center Flood Control, Missouri River Snagging & Clearing Project, Sibley Island Flood Control, and Sunny-view Subdivision Flood Control. Backstrand noted the BCWRD continues to receive and review various drainage complaints, to provide reviews of subdivision plats and Storm Water Management Plans, and to operate the McDowell Dam Recreation Area. Backstrand concluded with an update of the Hoge Island Flood Control project. Backstrand indicated the Hoge Island buyouts are nearing completion and upon purchase of the properties the lots will be cleared and the structures put up for sale.

Comm. Peluso questioned how the BCWRD determined where on the Missouri River snagging & clearing will take place. Backstrand responded a site south of the University of Mary was selected as it poses potential issues with ice jams and currently there appears to be no navigable route through that area. Engineer Gunsch added the ND Game & Fish Dept. will be involved in the exact project site locations.

Comm. Schonert noted he attends most of the BCWRD Board meetings and expressed his appreciation for the work this Board does. Schonert invited anyone with questions to attend a BCWRD meeting. Gunsch added the BCWRD website has a number of resources available.

Engineer Hall then presented the request from North Forty Estates and Forrest Park Subdivisions for 100% funding of the paving cost on 66<sup>th</sup> St. Hall noted this item was tabled at the last meeting and provided a brief overview of the request and previous discussions. Hall continued current policy is 60% county funding and noted a major reason for the request is that 66<sup>th</sup> St is labeled as a Metropolitan Planning Organization traffic corridor or beltway. Hall indicated that it is approximately a half-mile stretch of roadway needing to be paved at an estimated cost differential of \$3,000 per landowner in the special assessment district. Hall continued this is a special situation and presented the various options available to the Commission.

Comm. Bitner questioned the difference in road specifications for the present road and the proposed beltway. Hall stated a beltway road would be much wider and look very different from the current road. Hall stated it is very difficult to pinpoint when and if the actual beltway will be built. Hall added discussion is ongoing as to whether the proposed beltway will be 66<sup>th</sup> St or 80<sup>th</sup> St. Hall concluded his best guess for beltway construction would be no sooner than 10 to 15 years from now.

Chairman Woodcox stated he supports the request.

Dallas Eckholm, resident of Forrest Park Subdivision, appeared and again requested 100% county funding on behalf of the North Forty Estates & Forrest Park Subdivisions landowners.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to provide 80% county funding of the paving cost on 66<sup>th</sup> St. as this is a proposed beltway.

Comm. Bitner stated he cannot support this motion. Bitner stated this is presently a dead end road with little or no present benefit to the county and expressed his concern with the precedent approval would set.

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

Woodcox inquired whether other funding is available to aid in this project. Hall stated that he is investigating that possibility.

Hall then briefly mentioned the issues with employee recruitment and retention. Hall stated the county department heads would like to hold a workshop with the Commission to discuss this item and added he would be in contact with the Commissioners to schedule a time.

Sheriff Heinert appeared and presented a jail update. Heinert indicated that Kimme & Associates has completed their work to provide an assessment (instructions & guidelines) for an architect to follow in the design of a new facility with delivery of the final product expected next week.

Heinert reported that he will exceed his prisoner housing costs budget for 2013.

Sheriff Heinert stated that with the assistance of Finance Director Thompson he has calculated the average daily inmate cost for 2012 at \$61.50 per day. Heinert noted this amount is used to determine the rates charged to the City of Bismarck and other entities who utilize our facility. Heinert requested approval of the following rates prisoner housing rates: City of Bismarck \$61.50 per day, US Marshall Service \$65 per day, all other entities \$75 per day.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to approve the following prisoner housing rates: City of Bismarck \$61.50 per day, US Marshall Service \$65 per day, all other entities \$75 per day. All members voted "AYE." Motion carried.

Heinert then presented a timeline for selecting an architect and developing plans and specs for a new Detention Center. Heinert reported he will be requesting the approval of a Request for Qualifications for architectural/ engineering services at the July 1, 2013 Commission meeting.

Chairman Woodcox stated that based upon this timeline, an answer will be needed from Morton County as to whether or not they will participate in a joint detention center prior to the July 1<sup>st</sup> meeting.

Woodcox then updated the Board on the activities of the Home Rule Charter Commission. Woodcox noted currently there are two options on the table one being a very limited charter and another which allows for the ordinances.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the lost instrument surety bond to replace check # 92108 (\$525); to approve the liquor license renewals for Flash's Place, Hawktree, Inc., the Moffit Bar, and Sterling Bar; to approve the Special Events Liquor License applications for the Sterling Bar for the Menoken Grove Bike Rally June 7- 9, 2013. All members voted "AYE." Motion carried.

The Commission then considered appointments the County Board of Health (1 unexpired term) and the County Social Service Board.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to appoint Jennifer Davis to the Burleigh County Board of Health. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to appoint Gladys Cairns to the Burleigh County Social Service Board. All members present 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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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
May 20, 2013**

5:00 P.M.

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

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

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

Motion by Comm. Peluso, 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 on the application for property tax incentives/exemption of Midwest Manufacturing, a Division of Menard, Inc., for a manufacturing and distribution facility located on the NE1/4 of Section 33, McKenzie Township. The County Commission was joined at the table by McKenzie Township Supervisor Jim Heisler who was included as a nonvoting ex officio member pursuant to state law during deliberations on the property tax exemption request.

Scott Nuttelman, representing Midwest Manufacturing, appeared and presented the request for a 100% exemption for two (2) years and a 50% exemption for three (3) years with direct payments of \$25,000 per year to the Sterling School District and \$5,000 per year to McKenzie Township for each of the five (5) years of the exemption.

Nuttelman explained the Bismarck Menard's location currently receives its landscaping blocks, building trusses, and treated wood from facilities in Omaha, NE or Eau Claire, WI. Nuttelman stated building a distribution facility near Bismarck would allow such products to be obtained more efficiently and allow for lower retail prices. Nuttelman reported the total investment for the proposed facility would be approximately \$22 million.

Russ Staiger, BisMan Development Association President, appeared and explained the concerns over competition with the local providers are unfounded as there would not be competition as this manufacturing facility would be a direct provider to only Menard's. Staiger continued that if the plant is not built here it will be built out-of-state and Burleigh County would lose jobs and future tax revenues. Staiger noted the land is not tax exempt; tax money would still be collected from Menard's. Staiger highlighted the uniqueness of the direct payments of \$25,000 to Sterling School and \$5,000 to McKenzie Township during the exemption period and the estimated 120 jobs would be brought to the area.

Comm. Peluso expressed his concern regarding the competitive advantage Menard's pricing would have and how this may create unfair competition with other local business.

Comm. Bitner expressed his concerns regarding the unfair competition as well as the concern of employees being lost from local companies to the new manufacturing facility. Bitner questioned if we would put existing businesses at risk by giving Menard's a competitive advantage.

McKenzie Township Supervisor Jim Heisler stated the township has held several meetings regarding this project. Heisler continued the McKenzie Township Board of Supervisors feels Midwest Manufacturing would be an asset to the community and the Township Board recommended approval of the exemption as requested.

Comm. Peluso questioned the amount of the tax exemption and the allocation of the taxes to the school, township, county, etc.

Deputy Auditor/Tax Director Vietmeier appeared and explained the amount and allocation of the requested exemption.

Chairman Woodcox called for any further testimony. As no one came forward Chairman Woodcox closed the public hearing.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve the requested Midwest Manufacturing, a Division of Menard, Inc., property tax exemption of 100% for two (2) years and 50% for three (3) years with direct payments of

\$25,000 per year to the Sterling School District and \$5,000 per year to McKenzie Township for each of the five (5) years of the exemption.

Comm. Bitner and Comm. Peluso again expressed their concerns regarding approval of this exemption. Comm. Armstrong questioned if denial of the exemption would be a "deal breaker" for Menard's.

Scott Nuttelman stated that he could not speak on behalf of Menard's as to whether or not it was a "deal-breaker"; but stated Menard's has always received some type of exemption when constructing similar facilities.

Comm. Schonert reiterated his support of the project and tax exemption noting the jobs and how many times the salaries will be "turned over" in the community.

Chairman Woodcox reminded the Board of the recent celebration of the upcoming Bobcat expansion which will bring more jobs and more people to the area. Woodcox questioned what type of message this Commission intends to send regarding future growth of the county. Woodcox stated we need to support growth adding the schools and roads require support of growth.

Supervisor Heisler stated that the township needs all the funding help that they can get. Heisler questioned if the length of the exemption that was the issue.

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

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve a property tax exemption of 50% for three (3) years with direct payments of \$25,000 per year to the Sterling School District and \$5,000 per year to McKenzie Township for each of the three (3) years of the exemption for Midwest Manufacturing, a Division of Menard, Inc. Vote on Motion: "AYE" votes: Armstrong, Schonert, Woodcox. "NAY" votes: Bitner, Peluso. Motion carried.

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to table the Kiefer abatement for further review and until the 2011 abatement request is received from Apple Creek Township. All members voted "AYE." Motion carried.

Vietmeier then presented information to the Board regarding the upcoming County Board of Equalization meeting on June 3<sup>rd</sup> at 3:00pm. Vietmeier continued that upon review of the assessment rolls many properties have been omitted from the Apple Creek and Gibbs Township assessments. Vietmeier stated representatives from Gibbs and Apple Creek Townships have been contacted in an attempt to get the omitted properties on the tax rolls prior to the County Board of Equalization. Vietmeier explained that Gibbs Township has directed the county to complete the necessary assessment work. Vietmeier stated Apple Creek has been less than cooperative. Vietmeier stated several attempts have been made to meet with representatives from the Apple Creek Township Board to no avail. Vietmeier reported as many of the omitted properties as possible have been assessed by county staff prior to the required notice of increase deadline. Vietmeier concluded more information will be made available at the equalization meeting.

Asst. County Engineer Schriock appeared and presented the following items for the Board's consideration: authorization to enter into a design agreement for construction administration of the Tavis Flood Control Project - Part C; authorization to enter into a Wastewater agreement with the City of Bismarck; and, consideration of NDDOT Maintenance Agreement for County/Township Roadways within NDOT Right of Way.

Schriock stated that at the December 19, 2011 Commission Meeting, the Board approved a resolution stating "*That the County Engineer ... should proceed with the implementation of the Plan (Flood Protection Plan) as quickly as possible using the available resources (including consultant services) in order to meet the goal of completing the plan within three years.*" Schriock continued that on January 23, 2012, proposals for flood control projects were opened and after reviewing the qualifications of the various consultant firms, the selection committee ranked Apex Engineering Group Inc. as the most qualified firm to perform the design of the Tavis Flood Control Project - Part C. Schriock stated it was the Highway Dept. intent that the construction administration work for this project be performed in-house. Schriock continued that due to the current workload, the Highway Dept. is unable to perform this work and requested that Apex Engineering Group present a proposal to us for engineering construction administration services. Schriock stated he has met with Apex Engineering on several occasions and has negotiated the scope of services and fees for this project and recommended a contract with Apex for construction administration services at a cost not to exceed \$49,708.00.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the agreement with Apex Engineering Group Inc. in an amount not to exceed \$49,708.00 to perform construction administration services for the Tavis Flood Control Project – Part C. All members voted “AYE.” Motion carried.

Schriock then reported that Burleigh County will be required to enter into an agreement with the City of Bismarck for the acceptance of wastewater from the new Burleigh County Shop Facility. Schriock noted the Highway Department and States Attorney's office have reviewed the agreement and recommend approval.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to authorize an agreement with the City of Bismarck for the acceptance of wastewater from the new Burleigh County Shop Facility. All members voted “AYE.” Motion carried.

Schriock then presented the NDDOT Maintenance Agreement for County/Township Roadways within the NDDOT Right of Way. Schriock explained that this is a yearly agreement which is standard procedure.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to approve the NDDOT Maintenance Agreement for County/Township Roadways within NDDOT Right of Way. All members voted “AYE.” Motion carried.

Dallas Eckholm, resident of Forrest Park Subdivision, appeared and presented a request from the North Forty Estates & Forrest Park Subdivisions landowners for 100% county funding of the 66<sup>th</sup> St N paving costs.

Asst. County Engineer Schriock indicated that the request is associated with a proposed special assessment district in the immediate area. Schriock continued current policy is 60% county funding and noted a major reason for the request is that 66<sup>th</sup> St is labeled as a Metropolitan Planning Organization traffic corridor or beltway. Schriock indicated that it is approximately a half-mile stretch of roadway needing to be paved at an estimated cost differential of \$3,000 per landowner in the special assessment district.

Comm. Schonert stated that he understands the request as 66<sup>th</sup> is considered to be part of the beltway. Schonert continued he is not sure when the actual beltway will be put into place and estimates it will be several years before that occurs. Schonert noted if this request is approved many others will come forward with the similar requests. Comm. Schonert stated we need to follow the current policy.

Chairman Woodcox stated he supports the request. Woodcox reminded the Board that additional road funding was approved by the legislature to use in situations such as this.

Robert Gibbons, area resident, appeared in support of the request due to the high traffic volume and terrible dust problem along this stretch of 66<sup>th</sup> St.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to deny the request for 100% county funding in regards to the paving request from North Forty Estates and Forrest Park Subdivision.

Comm. Peluso suggested allowing more time to review the request to which Auditor/Treasurer Glatt responded that no petition to create a special assessment district has been received to date.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to table the request for 100% county funding in regards to the paving request from North Forty Estates and Forrest Park Subdivision.

Kent Orvik, KLJ Engineers, appeared regarding a waiver of the Gravel Road Improvement Policy for 22<sup>nd</sup> Ave SW accessing Bulman Subdivision. Orvik stated that this is a section line road that has always been maintained by the landowners.

Schonert stated that he met with Engineer Marcus Hall on this request and felt there was no issue with granting the request.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve a request for a waiver of the Gravel Road Improvement Policy for 22<sup>nd</sup> Ave SW accessing Bulman Subdivision. All members voted “AYE.” Motion carried.

HR Director Gall appeared with the following items for the Board's consideration: appointment of HR Director; NDPERS Health Insurance rate changes; and update on the County Supt. of Schools position.

Gall recommended the appointment of Tammy Terras as the new Human Resource Director for Burleigh County with a starting salary of \$62,504. Gall indicated that her last day is May 24, 2013 and upon Board approval Terras will start June 10, 2013.

Comm. Peluso thanked HR Director Gall for her hard work and wished her the best.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to appoint Tammy Terras, Burleigh County HR Director effective 6/10/13 at a starting salary of \$62,504. All members voted "AYE." Motion carried.

Gall then presented the health insurance premium increases effective July 1, 2013. Gall recommended the Commission fund the premium increases and consider funding 90% of the single policy and 85% of the family policy premium costs.

Comm. Bitner noted the employee turnover in Burleigh County is partially related to the benefit package.

Comm. Peluso questioned why 90% could not be done across the board?

HR Director Gall indicated funds exist in the 2013 budget but cautioned the effect such a change may have on future budgets.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to fund 90% of the health insurance premium costs for both the single and family plans. All members voted "AYE." Motion carried.

Gall then reported on the plan to contract with the Bismarck Public School District for the provision of County Superintendent of Schools duties.

Comm. Bitner indicated the Bismarck Public Schools contract appears to be the most efficient and effective way to proceed. Bitner noted a contract is currently being developed with the Bismarck School Board agreeing in principal to the agreement. No action was taken.

Comm. Schonert then initiated a discussion on fireworks. Schonert indicated that part of his concern had been alleviated due to the recent rains. Schonert continued he has received calls regarding fireworks being used just outside of Bismarck city limits and questioned statute and policy regarding fireworks.

Sheriff Heinert appeared and explained retail sales permits for fireworks are issued by the Sheriff's Dept. Heinert added a packet explaining the rules and regulations regarding fireworks is provided to all interested retailers. Heinert added fireworks can only be purchased between June 27 and July 5. No action was taken.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the Gaming Site Authorizations for NoDak Sportsmen at Uncle Jesse's (Driscoll) and Flash's Place (Sterling); to approve the Liquor License renewals of Uncle Jesse's, Bullets N More and Burnt Creek Club, and the Special Event license application of Uncle Jesse's for the Driscoll Memorial Hall (June 6, 2013). All members voted "AYE." Motion carried.

The Board then considered appointments to the Burleigh County Board of Health and Social Service Board. Comm. Armstrong requested additional time to contact the interested applicants. Comm. Schonert requested additional time to contact the applicants for the Social Service Board appointment. No action was taken.

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

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Kevin J. Glatt,  
Auditor/Treasurer

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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
May 6, 2013**

**5:25 P.M.**

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

Chairman Woodcox 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. Schonert, to approve the April 2013 meeting minutes as presented. All members present voted "AYE." Motion carried.

Comm. Armstrong reported that Comm. Peluso had reviewed the bills and recommends approval.

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

This was the hour and date set for a public hearing regarding the St. Alexius Medical Center, a North Dakota nonprofit corporation, MIDA Bond Issuance in an amount not to exceed \$55Million.

Sean Smith, bond counsel for St. Alexius, appeared and explained the bonds will be used for the acquisition of real property; the acquisition and installation of equipment and other personal property; the renovation, remodeling and improvement of real property associated with the St. Alexius Hospital and other medical facilities; to refund the outstanding Health Care Revenue Bonds, Series 1998A (St. Alexius Medical Center) issued by the City of Bismarck; if required to market the bonds, to make a deposit to the debt service reserve fund for the bonds; and to pay certain costs of issuance of the bonds. Smith stated the amount of the proposed bond issue would not exceed \$55M. Smith requested the County Commission's approval of the proposed MIDA bond issuance.

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

Madeline Herr, 1421 N 14th St, appeared and expressed her concern over St. Alexius continuing to purchase property and removing the property from the tax rolls.

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

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve the issuance of MIDA Bond Issuance in an amount not to exceed \$55Million on behalf of St. Alexius Medical Center with the condition that St. Alexius will compensate the County for the rate difference between non-qualified and qualified tax-exempt obligations. All members present voted "AYE." Motion carried.

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve the Backman, Mund, Wagner, Reigel, and Aichele abatements as requested and recommended by the Deputy Auditor\Tax Director. All members present voted "AYE." Motion carried.

Asst. County Engineer Schriock appeared and presented the results of the bid opening for gravel hauling for the access roads within the McLean Bottoms and Apple Creek Wildlife Management areas.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to award bids for the gravel hauling for the access roads within the McLean Bottoms and Apple Creek Wildlife Management areas to Knife River Corporation in the amount of \$362,574.54. All members present voted "AYE." Motion carried.

Gerald Sturn, NDSU Extension Service District Director, appeared regarding Burleigh County Extension staff updates. No action was taken.

Sheriff Heinert appeared and presented a Detention Center update and requested approval of a NDDOT grant for the purchase of a radar unit (75/25 match up to \$1500).

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the Amendment to Contract No. 12121739 with the ND Dept. of Transportation increasing the contract by \$1,500 for the purchase of radar equipment on a 75/25 match. All members present voted "AYE." Motion carried.

Sheriff Heinert then presented a jail update. Heinert stated the average daily prisoner count continues to increase with the first three (3) months of this year at 167 per day, compared to 155 per day last year. Heinert stated that Kimme & Assoc. was here on April 24 and 25 and continues their work to provide an assessment (instructions & guidelines) for an architect to follow in the design of a new facility. Heinert added Morton County has contracted with Kimme and this will reduce our costs. Upon question, Heinert stated Morton County has not decided if they will join Burleigh County in an actual jail structure and that he estimates we will need to know by October 1<sup>st</sup> if they want to join us in a combined facility in order to allow an architect time to develop plans and specifications for a June 2014 election. No action was taken.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the raffle permit application of St. Hildegard's Church; the Gaming Site Authorizations of the BisMan Convention & Visitors Bureau (Burnt Creek Club) and Hazelton Lions Club (Sterling & Moffit Bars); to approve the Liquor License renewals of Misty Waters & Rolling Plains Adventures; and to approve the Lost Instrument Surety Bond to replace check #91868 in the amount of \$748.85. All members present voted "AYE." Motion carried.

Emergency Manager Senger appeared and requested that the Commission approve a fire emergency and burn ban when the rangeland fire index is at the very high or extreme level and/or when a red flag warning has been instituted.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to declare a fire emergency and burn ban when the rangeland fire index is at the very high or extreme level and/or when a red flag warning has been instituted. All members present 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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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
April 18, 2013**

5:00 P.M.

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

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

Comm. Bitner reported that he reviewed the bills and recommended approval of the same with some concerns.

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

Comm. Bitner reiterated his previous concern regarding the expenses paid for engineering fees by the Water Resource District. Bitner also noted the amounts expended for legal services by the Water Resource District when we have several attorneys in the State's Attorney's Office.

This was the hour and date set for a public hearing regarding the Pride, Inc. MIDA Bond Issuance in an amount not to exceed \$5Million.

Scott Wegner, Arntson Stewart Wegner PC, appeared and explained Pride, Inc. is requesting the issuance of MIDA Bonds by the City of Lincoln on behalf of Pride, Inc.

Wegner stated approval is required by Burleigh County as the project is located within the county. Wegner continued the project consists of purchasing land and constructing and equipping new apartment buildings and administrative offices, shop, garages and development of an adjacent parking lot and refinancing outstanding debt for land and a 15,000 square foot building located at and adjacent to 3901 North 19<sup>th</sup> St in Bismarck. Wegner continued the Project will be owned and operated by Pride, Inc., a ND nonprofit corporation with the amount of the proposed bond issue not to exceed \$5Million. Wegner added the bonds shall be limited obligations of the City of Lincoln payable solely from the revenue pledged to the payment thereof, and may be secured by a mortgage or other encumbrances on the project with no holder of any such bonds shall ever have the right to compel any exercise of the taxing power of Burleigh County or the City of Lincoln to pay such bonds, or the interest thereon, nor to enforce payment against any property of Burleigh County.

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve and authorize the issuance of the Bonds by the City of Lincoln under the MIDA Bond Act, in one or more series and the use of the proceeds thereof to finance the Project and pay the costs of issuance; such Bonds may be issued on such terms and conditions as the City of Lincoln, Pride Inc., and the bond purchasers may deem desirable and without further approval or consent of the Burleigh County Commission. 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 available for inspection in the office of the Auditor/Treasurer.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the Backman, Wanner, Schneider, Burry, Haas, Brilz, Huwe, Baumgartner, Milner, Silvernagel, and Bismarck Park & Recreation District abatements as requested. All members voted "AYE." Motion carried.

Jenny Wollmuth presented the request to accept the right-of-way dedication in the final plat of England Acres Subdivision which was tabled at the April 3, 2013, County Commission meeting. Wollmuth reported an agreement has been reached by the County Engineer and the landowners regarding the right-of-way.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to accept the right-of-way dedication within the final plat of England Acres Subdivision. All members voted "AYE." Motion carried.

Wollmuth then presented the request for approval of the final plat for Steinle Subdivision.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the final plat of Steinle Subdivision. All members voted "AYE." Motion carried.

Wollmuth next presented the following requests related to The Ranch Subdivision: Land Use Plan amendment for extension of the commercial land use classification along the southern edge of the plat approximately 1,800 feet east to the eastern section line of Section 9, T140N-R80W/Burnt Creek Township; zoning change from the A-Agricultural, R1-Residential and CM-Commercial zoning districts to the R1-Residential, R2-Residential and CM-Commercial zoning districts; and approval of the final plat of The Ranch Subdivision.

Wollmuth noted the County Planning & Zoning Commission conducted a special meeting prior to this meeting and approved the items related to The Ranch Subdivision.

Chairman Woodcox questioned the proposed central sanitary sewer system. Comm. Bitner explained the central sewer system would need to be approved and permitted by the ND State Health Dept. and is similar to what is currently being utilized by "man camps" in the western part of the state.

Woodcox then expressed concern regarding a buffer being provided between the commercial and residential properties. Woodcox noted buffers have been required in other subdivisions and questioned the plan for this plat. Woodcox stated he wanted language requiring a buffer as part of the final plat approval with the developer, Dave Andahl, acknowledging agreement to this stipulation.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the Land Use Plan amendment for the extension of the commercial land use classification along the southern edge of the plat approximately 1,800 feet east to the eastern section line of Section 9, T140N-R80W (Burnt Creek Township); to approve the zoning change from the A-Agricultural, R1-Residential and CM-Commercial to R1-Residential, R2-Residential and CM-Commercial zoning for The Ranch Subdivision; and to approve the final plat for The Ranch Subdivision with the stipulation that the appropriate landscape buffer be placed between the CM-Commercial and R1 and R2 Residential zoning districts. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following items for the Board's consideration: award of bids for the Tavis Road Flood Control Structure – Part C; award of bids for the 48th Ave SW and S Washington St grade raise project including Special Assessment District #54; award of bids for the 52nd Ave NE paving & chip seal project; and consider the engineer's report as to general nature, purpose, feasibility, and estimate of probable cost for SAD #55 Secluded Acres West Subdivision, and creation of the Special Assessment District by Resolution of Necessity.

Hall presented the results of the bid openings held on April 11, 2013, and recommended award to the low bidders.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to award bids for the Tavis Road Flood Control Structure – Part C project to the low bidder, Weisz & Sons in the amount of \$1,079,238. All members voted "AYE." Motion carried.  
Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to award bids for the 48th Avenue SW and South Washington Street grade raise project to the low bidder, Weisz & Sons in the amount of \$2,151,172.85. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to award bids for the 52nd Street paving project to the low bidder, Northern Improvement Co., in the amount of \$379,912.60. All members voted "AYE." Motion carried.

Hall then reported the required petitions requesting the creation of an assessment district for paving Secluded Acres West Subdivision have been submitted. Hall reported the Special Assessment Screening Committee met and recommended the creation of a special assessment district by Resolution of Necessity and call for a public hearing regarding SAD#55.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to accept the Preliminary Engineer's report, to create Special Assessment District #55, and to declare a Resolution of Necessity for Special Assessment District #55 Secluded Acres West Subdivision and to authorize the call for a public hearing regarding the same. All members voted "AYE." Motion carried.

Hall then informed the Board that a number of change orders have been offered in connection with the construction of the new Highway Dept. Shop. Hall continued he has rejected several of the change items and requested direction on the method to be used to review and approve such change orders. Hall suggested the Board give the Highway Dept. and Comm. Schonert authority to approve change orders up to a certain dollar amount, with higher amounts to be approved by the Commission. Hall suggested larger dollar amount change orders be reviewed by two (2) Commissioners.

Comm. Armstrong noted two (2) Commissioners meeting and making decisions requires notice under open meetings statutes.

The Board agreed by consensus that Chairman Woodcox and Comm. Schonert, after proper public notice, meet as needed to act on change orders for the new County Highway Dept. Shop.

Hall then reported that in December of 2011 the County Commission approved a resolution stating the county should proceed with the implementation of the Flood Protection Plan as quickly as possible using available resources (including consultant services) in order to meet the goal of completing the plan within three years. Hall continued the intent is for the Highway Dept. to provide all construction administration services for the flood projects. Hall stated that the Highway Dept. is experiencing difficulty in hiring the needed summer interns to help with this construction administration. Hall questioned if he has the authority to hire a consultant to provide the construction administration services as needed. Hall stated he would rather utilize summer interns, but wants the option to contract with consultants for these services should he not be able to find interns. Hall noted he will finalize these plans for consideration at a later date if necessary.

By consensus the Board directed Hall to proceed as requested pursuant to the December 2011 resolution.

Comm. Schonert opened a discussion regarding the use of natural gas in vehicles. Schonert expressed his interest noting the projected savings of approximately a \$1 per gallon. Schonert noted the ND Natural Gas Vehicle Seminar being held at the State Capital on April 24, 2013. No action was taken.

Comm. Armstrong then presented for consideration a Resolution re-affirming the County Board of Health. Armstrong stated that upon extensive research it has been determined that the Burleigh County Board of Health continues to have jurisdiction on many health related items.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to reaffirm the commitment of the Burleigh County Commission to the Burleigh County Board of Health. All members voted "AYE." Motion carried.

Comm. Bitner then provided a brief update on events planned for the Missouri Valley Complex. Bitner noted an upcoming Bull Riding event, motocross races, and the Medieval Rush event. Bitner further explained that the agreement for Medieval Rush was signed for three (3) years and the promoter would like to allow some of the required dirt work (berms, pits, etc.) to remain throughout the contract period. Bitner stated that as this will be a reoccurring event he felt that some of the dirt work could be left in place if it poses no safety issues. No action was taken.

Bitner then explained previous Commission action regarding the change in the PUD zoning to allow for auctions should encompass the entire Complex property.

Auditor/Treasurer Glatt then presented the applicants for the City Planning Commission appointment noting this item had been tabled at the previous meeting to allow Comm. Bitner time to review and speak with the candidates.

Comm. Bitner stated he had spoken with each of the candidates and offered the following motion:

Motion by Comm. Bitner, 2nd by Comm. Peluso, to appoint Mike Donahue to the unexpired term on the Bismarck City Planning Commission ending 12/31/2013. All members voted "AYE." Motion carried.

HR Director Gall appeared regarding a Social Services employee who is in the hospital and may be in need of donated leave. Gall stated that because of her illness and absences, her six-month probationary status was extended and therefore current policy does not allow her to qualify for donated leave. Gall requested that the Commission approve a variance to Chapter 5, Section 2: Leave Sharing policy to allow this employee to be eligible for donated leave.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve a variance to Chapter 5, Section 2: Leave Sharing policy to allow this Social Service employee to be eligible for donated leave. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to approve the second approach permit request of Ray Heidt (7840 Arcata Dr) onto Arcata Dr from Lot 3, Block 4, Sabots 1<sup>st</sup> Subdivision. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
April 3, 2013**

**5:00 P.M.**

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

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

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

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

Comm. Bitner expressed his concern regarding the excessive engineering service bill(s) paid by the Burleigh County Water Resource District. Bitner noted the amounts paid to the Water Resource District contract engineer could be utilized to hire additional engineering staff in the Highway Dept. Comm. Schonert agreed and indicated this should be addressed at budget time.

Motion by Comm. Bitner, 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.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve extending township road construction rates to the Burleigh County Park Board for the road access improvement project(s) within the Mclean Bottoms and Apple Creek Wildlife areas and to authorize the advertisement of bids for the graveling of the subject roadways. All members voted "AYE." Motion carried.

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the Abraham, Mikkelsen, Moser, Klinger, Becker, Schoepp, Clark Equipment, Rants, Rath, and Hagel abatements as requested. All members voted "AYE." Motion carried.

Deputy Auditor\Tax Director Vietmeier recommended denial of the Reno abatements as the values as assessed are comparable and equalized with other similar commercial properties in the area and within the City of Bismarck. Vietmeier added the Bismarck City Commission denied the abatements and recommended concurrence from the County Commission.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to deny the Reno abatements as the property values as assessed are comparable and equalized with other similar commercial properties in the area and within the City of Bismarck. All members voted "AYE." Motion carried.

Bhavin Shah, 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. Shah presented a formal contract for the Board's consideration.

Comm. Peluso expressed his concern about approving the funding as he feels that there is enough private funding available to support this event.

Comm. Schonert disagreed indicating that he attends the event regularly and believes this event should be supported. Chairman Woodcox also expressed his support for the request.

Comm. Armstrong stated he cannot support the request, noting funding cuts for other programs such as the Abused Adult Resource Center. Armstrong continued the Commission needs to keep a better eye on where funds are being spent.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, 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. "AYE" votes: Bitner, Schonert, Woodcox. "NAY" votes: Armstrong, Peluso. Motion carried.

Supt. of Schools Kautzmann appeared regarding confirmation of the reappointments of Linda MacDonald & Judy Krueger to the School District Reorganization Committee.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to confirm the reappointments of Linda MacDonald and Judy Krueger to three (3) year terms on the Burleigh County School District Reorganization Committee effective 7/1/13. All members voted "AYE." Motion carried.

Jack Forslund, WSB and Associates, Inc., appeared and presented the Draft Executive Summary for the 43<sup>rd</sup> Ave Corridor Study. Forslund noted the study anticipates the future growth of the study area (Butte Dr on the west end to 80<sup>th</sup> St on the east) from today thru the year 2040. Forslund stated population in the area is expected to grow from approximately 17,000 to 50,000 within the study area. Forslund noted this population growth will require improvements to the 43<sup>rd</sup> Ave traffic corridor. Forslund indicated the report is an assortment of multi-modal transportation improvements to address the existing and projected travel needs within the 43<sup>rd</sup> Ave Corridor with the outcome of the study being the identification of an array of alternatives to address travel needs.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to accept the 43<sup>rd</sup> Ave Corridor Draft Executive Summary as presented. All members voted "AYE." Motion carried.

County Planning Manager Lee appeared with the following items for the Board's consideration: request of Dennis & Tamara Miller and Rodney & Luwanna Eckroth to accept right-of-way dedication in the final plat of England Acres Subdivision, request of Elroy Haadem for a waiver from the County's Gravel Road Improvement Policy for 15<sup>th</sup> Street NW in conjunction with the final plat of Haadem Subdivision, request of Elroy Haadem for approval of the final plat of Haadem Subdivision, and request of 4T Andahl for a waiver from the County's Gravel Road Improvement Policy for the section line road between Section 9 and 10, Burnt Creek Township (12<sup>th</sup> Street NE) prior to Planning Commission action on the final plat of The Ranch Subdivision.

Lee explained that the right-of-way acceptance within the final plat of the England Acres Subdivision would be for 33' on one side and 75' on the other side. Lee stated this difference is due to an existing accessory building that is approximately 60' from the section line.

Comm. Bitner expressed his concern that the 33' is not adequate future right-of-way. Bitner stated he is extremely uncomfortable accepting this narrow right-of-way.

Dave Patience, Swenson & Hagen, appeared representing Eckroth and stated England St was never expected to be a through street and for that reason the property owner received a county building permit to build at the present location. Patience stated he believes 33' of right-of-way is adequate in this area due to the flat, level terrain.

Comm. Bitner questioned whether the landowner would be willing to enter into an agreement that would provide additional right-of-way for future needs even though the county has no current need or interest in moving the accessory building.

Upon question, County Engineer Hall stated he could live with 33' and indicated there may be other options.

Comm. Bitner stated he was not comfortable with the County accepting only 33' of right-of-way.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to table this item until further review can be done. All members voted "AYE." Motion carried.

Hall then presented the request of Elroy Haadem for a waiver from the County's Gravel Road Improvement Policy for 15<sup>th</sup> St NW in conjunction with the final plat of Haadem Subdivision. Hall stated he looks at each of these waiver requests on a case-by-case basis and strives to make the best recommendation for the County. Hall continued he believes this request will create minimal impact, as Haadem Subdivision is only a two (2) lot subdivision. Hall recommended approval of the variance request.

Motion by Comm Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the request of Elroy Haadem for a waiver from the County's Gravel Road Improvement Policy for 15<sup>th</sup> St NW in conjunction with the final plat of Haadem Subdivision. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to approve the final plat of Haadem Subdivision. All members voted "AYE." Motion carried.

Hall next presented the request of 4T Andahl for a waiver from the County's Gravel Road Improvement Policy for the section line road between Sections 9 & 10, Burnt Creek Township (12<sup>th</sup> St NE) prior to Burleigh County Planning Commission action on the final plat of The Ranch Subdivision.

Hall reiterated that he does not like exceptions to county policy but feels it makes little sense to require the building of a road in this area. Hall stated there are other options to provide adequate access for the future development of the area. Hall stated the other options will provide the best way to address the transportation needs of the area and therefore recommended approval of the requested variance.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the request of 4T Andahl for a waiver from the County's Gravel Road Improvement Policy for the section line road between Sections 9 & 10, Burnt Creek Township (12<sup>th</sup> St NE). All members voted "AYE." Motion carried.

County Engineer Hall then requested the approval of the designation and selection of new roadways that will be added to the Burleigh County Highway System. Hall stated the roadways included are 80<sup>th</sup> St NE from Apple Creek R to 71<sup>st</sup> Ave NE, and 43<sup>rd</sup> Ave NE from Centennial Rd to 106<sup>th</sup> St NE. Hall noted all three (3) affected townships have agreed to the transfer of these roadways.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to approve the designation and selection of 80<sup>th</sup> St NE from Apple Creek Rd to 71<sup>st</sup> Ave NE, and 43<sup>rd</sup> Ave NE from Centennial Rd to 106<sup>th</sup> St NE as County Roads thereby adding them to the Burleigh County Highway System. All members voted "AYE." Motion carried.

Ray Ziegler, Building Official - Zoning & Floodplain Administrator, appeared and provided an update on the flood damaged properties in Burleigh County. Ziegler stated that he has contacted all of the property owners and presented an overview of what is being done to complete flood damage repairs. Ziegler acknowledged he has received some negative comments regarding to the Certified Mail process used to contact landowners. Ziegler explained this is the most effective way to contact landowners.

Comm. Peluso apologized if anyone felt this method was inappropriate. Peluso noted this method did provide positive results.

Emergency Manager Senger appeared and presented the updated Flood Annex. No action was taken.

Sheriff Heinert appeared and presented a jail update. Heinert reported that HB1156, approved by both the House and Senate, has been vetoed by the Governor. Heinert stated Governor Dalrymple expressed concerns regarding low voter turnout at special elections and this was the primary reason for his veto. Heinert stated HB1156 would now go back to the House and require a two-thirds majority vote to override the veto.

Comm. Schonert expressed his disappointment in the veto but stated we need to continue moving forward with building the jail. Schonert requested Chairman Woodcox contact Morton County regarding their intentions for a combined facility.

Schonert also suggested that the Commission consider touring other detention facilities (Cass County, Good Earth County MN, or Oshkosh WI) for reference as we consider jail design plans.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve the reappointment of Lee Lunde to a six (6) year term on the Special Assessment Commission. All members voted "AYE." Motion carried.

The Board then considered appointment to the unexpired term on the Bismarck City Planning Committee. Comm. Bitner stated he would like more time to contact the candidates prior to making a decision and specifically wanted to ensure the candidates all resided within the extraterritorial area. Auditor/Treasurer Glatt noted he had verified all candidates resided within the extraterritorial area of the City of Bismarck. No action was taken.

Motion by Comm. Bitner, 2nd by Comm. Armstrong to approve the lost instrument surety bond to replace check #91607 (\$1,583.62), to approve the raffle permit for the Capital City Gun Club and approve the National Public Safety Telecommunications Week Proclamation (April 14-20, 2013). 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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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
March 18, 2013**

**5:00 P.M.**

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

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

Comm. Armstrong stated he reviewed the bills and recommended approval of the same noting he has questions regarding travel reimbursement from Kimme & Associates (an independent contractor) that he will address with the State's Attorney.

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

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to approve the Seibel, Stewart, Martel, Keller, Bergo, Walth, Feist, Highley, and Jones abatements as requested. All members voted "AYE." Motion carried.

Comm. Bitner then initiated a discussion regarding filling the Burleigh County Supt of Schools position\duties. Bitner stated at his request HR Director Gall has drafted a job description for the Supt of Schools position. Bitner noted the agreement for the shared Supt of Schools with Morton County expires June 30, 2013. HR Director Gall appeared and stated the draft job description was forwarded to the rural elementary school districts for review with no suggested changes. Comm. Bitner explained the cost would be approximately \$100,000 to hire a part-time Supt and a full-time administrative staff. Bitner continued he has approached the Bismarck Public School District regarding having school district employees provide the needed School Supt services. Bitner suggested that the County HR Director and County Auditor/Treasurer work with the Bismarck Public Schools staff to develop a plan for the provision of Supt of Schools services for the rural elementary schools for consideration by the School Board and County Commission. Comm. Bitner indicated there may be office space available at the County Extension Office and/or the Burleigh County Special Education Unit should a separate department be established.

Comm. Schonert expressed support for contracting with Bismarck Public Schools for the provision of the required services.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to direct staff to work with the Bismarck Public School District to develop a plan for the provision of Supt of Schools services for the rural elementary schools for consideration by the School Board and County Commission. All members voted "AYE." Motion carried.

County Engineer Hall appeared regarding the following items: consideration of revised Special Assessment Procedures, consideration of revised Gravel Road Improvement Policy, consideration of the detailed plans and specifications for Special Assessment District #54, authorize advertisement of bids for the 48th Ave SW and S Washington St grade raise project, authorize advertisement of bids for the Tavis Road Flood Control Structure – Part C, and authorize advertisement of bids for the 52nd Street paving project.

Hall also presented the results of the bid openings held March 14, 2013 for the 2013 chip seal package and painted pavement markings.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the revised Special Assessment Procedure as recommended. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to approve the revised Gravel Road Improvement Policy as recommended. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to accept the detailed plans and specifications for the Special Assessment District #54 (Replat of Secluded Acres Second and Secluded Acres Third Subdivision). 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 48<sup>th</sup> Avenue SW and S Washington St grade raise project. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to authorize the advertisement of bids for the Tavis Road Flood Control Structure-Part C. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert to authorize the advertisement of bids for the 52<sup>nd</sup> Street paving project. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to award the bid to Bituminous Paving, Inc. for the 2013 Chip Seal Package in the amount of \$443,832.40. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to award the bid for the painted pavement markings to the low bidder, J & J Striping, in the amount of \$141,757.30. All members voted "AYE." Motion carried.

HR Director Gall appeared and requested approval for the 2013 Employee Recognition Ceremony to be held April 23, 2013 from 11:30 am to 1:30 pm in the Tom Baker Room, City/County Building.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the 2013 Employee Recognition Ceremony April 23, 2013 (11:30 am to 1:30 pm). All members voted "AYE." Motion carried.

Chairman Woodcox noted the first Home Rule Charter Commission meeting would be held on March 21, 2013 and is open to the public.

Comm. Bitner stated that Curtis Juhala had submitted his letter of resignation to the Bismarck City Planning Commission. Auditor/Treasurer Glatt stated he has contacted prior applicants who were interested in this position and is expecting to receive applications prior to 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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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
March 4, 2013**

**5:00 P.M.**

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

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

Comm. Armstrong stated he reviewed the vouchers and recommended approval of the same except for Commissioner Schonert's travel reimbursement requests.

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 except for the travel reimbursement requests of Comm. Schonert. All members voted "AYE." Motion carried.

Comm. Armstrong indicated he thinks it is wrong for County Commissioners to be reimbursed for mileage as that is part of the position salary and not something to be submitted for reimbursement.

Comm. Schonert stated that he has always submitted mileage and keeps detailed records of the same.

Chairman Woodcox stated he has been reimbursed for travel expenses\mileage in the past.

Comm. Peluso indicated that he does not request reimbursement as he claims the mileage on his income taxes.

Comm. Armstrong voiced his concern that there is not a standard policy when submitting mileage. Chairman Woodcox agreed and stated that item should be discussed at budget time.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve Comm. Schonert's travel reimbursement requests as presented. All members voted "AYE" except Comm. Armstrong who voted "NAY." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the February meeting minutes 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:

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the Salzer, Lakoduk, Engel, Farrell, Stein, Jaeger, Bertsch, Steiner, Headrick, Harsche, Feist, Mund, and Murray abatements as requested. All members voted "AYE." Motion carried.

County Engineer Hall presented the following items for the Board's consideration:  
Revisions to the Special Assessment Procedures, and update of Chapter 12, Section 22 of the Personnel Policy Manual related to Clothing Allowance.

Hall requested the Commission review the policy changes regarding the revisions to the Special Assessment Procedures for action at the next Commission meeting.

County Engineer Hall then presented the Chapter 12, Section 22 of the Personnel Policy Manual related to Clothing Allowance. Hall stated the changes include a clothing allowance for seasonal and part-time employees upon completion of six (6) weeks of service. Hall also indicated that references to OSHA and other such related standards would be removed from the policy and would be referenced on separate departmental documents. Hall requested the Commission approve the requested changes to Chapter 12, Section 22 of the Personnel Policy Manual.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to approve the changes to Chapter 12, Section 22 of the Personnel Policy related to the clothing allowance as requested. All members voted "AYE." Motion carried.

Finance Director Thompson appeared and presented the following proposed 2012 budget amendments for the Board's consideration:

<u>FUND</u>	<u>BUDGET</u>	<u>AMENDED BUDGET</u>	<u>CHANGE</u>
HIGHWAY GAS TAX	\$5,814,000	\$6,882,000	\$1,068,000
COUNTY POOR	813,877	894,000	80,123
COUNTY LIBRARY	254,414	256,000	1,586
INSURANCE	179,000	180,000	1,000
MCLEAN BOAT RAMP	64,000	1,625,000	1,561,000
CITY RECREATIONAL AREAS	224,707	261,000	36,293
SOBRIETY 24/7 PROGRAM	12,000	23,000	11,000
ABANDONED CEMETARIES	3,000	4,100	1,100
HOGUE ISLAND/ISLAND PK PAVING	39,300	39,400	100
PRAIRIE PINES PAVING	0	6,100	6,100
NORTHRIDGE ESTATES CHIP SEAL	0	700	700
SECLUDED ACRES 2 <sup>ND</sup> & 3 <sup>RD</sup>	0	600	600

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve the 2012 budget amendments as presented and recommended by Finance Director Thompson. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and presented a jail update. Sheriff Heinert stated that Kimme & Assoc. are one-third (1/3) of the way done in the process of providing an assessment (instructions & guidelines) for the architect to follow in the design of a new facility. Heinert continued the second phase is expected to start later this week. Heinert then presented a bar chart showing average inmate daily population from 1999 - 2012. Heinert noted in the months of January and February of 2013 a total of 1,050 nights had been spent by inmates outside of the Burleigh County facility compared to only 128 during this same time frame in 2012.

Comm. Peluso asked how the new proposed DUI bill would affect the jail population. Heinert stated that although there would be an increase he does not feel it will cause a dramatic increase in jail population.

The Board then considered appointment to the Home Rule Charter Commission. Chairman Woodcox noted the following eight (8) applications have been received for appointment to the Charter Commission: Dustin Gawrylow, Claus Lembke, Brant P. Malsam, Richard Peck, Duane B. Pool, Jerry M. Saude, Trent Wangen, and Dwight Wrangham.

Comm. Armstrong suggested the County Commission appoint itself as the Home Rule Charter Commission. Armstrong noted that the County Commission agrees that a Home Rule Charter should be limited to authorization for a sales tax to build a new jail. Armstrong continued that in an effort to save time and money, the County Commission should appoint itself, hold public hearings and move forward with an election to authorize a sales tax to fund the jail. Armstrong noted that Chairman Woodcox has already been appointed as the Chairman of the Home Rule Charter Commission.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to appoint the Burleigh County Commission to the Burleigh County Home Rule Charter Commission.

Comm. Peluso stated that at first he thought this proposal was reasonable. However, the feedback he has been receiving has caused him to rethink the idea and thus he cannot support the motion.

Comm. Bitner stated he could not support this motion.

Comm. Schonert stated he could not support the motion and believes the public needs to be involved in the drafting of the charter.

Comm. Armstrong then suggested the five (5) County Commissioner plus some citizens be appointed.

Vote on motion: All members voted "NAY" except Comm. Armstrong who voted "AYE." Motion failed.

Chairman Woodcox suggested Comm. Peluso be appointed to the Home Rule Charter Commission along with five (5) citizen members. Comm. Schonert recommended no more than five (5) total members make up the Charter Commission. Comm. Armstrong suggested three (3) County Commissioners and two (2) citizen members. Comm. Schonert suggested two (2) County Commissioners and three (3) citizens.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to appoint Comm. Peluso and three (3) citizens to the Home Rule Charter Commission along with Chairman Woodcox. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to appoint Jerry Saude to the Home Rule Charter Commission. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to appoint Dwight Wrangham to the Home Rule Charter Commission. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to appoint Claus Lembke to the Home Rule Charter Commission. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 27, 2013**

**7:30 A.M.**

The Burleigh County Commission convened a special meeting at the Burleigh County 4-H Building with all members present. The purpose of the meeting was to hear programming updates from the Burleigh County Extension Service.

No action was taken.

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

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Kevin J. Glatt,  
Auditor\Treasurer

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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 20, 2013**

**5:00 P.M.**

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

Vice-Chairman Peluso called the meeting to order with the first item of business the approval of the bills. Vice-Chairman Peluso reported that Chairman Woodcox had reviewed the bills and recommended approval of the same.

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

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

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve the Kelly Vetter 2012 abatement request for Lot 10, Block 1, City View Heights, and to approve the Nicholson Haveman, Schwartz, Abraham, Schaeffer, Tollefson, Kramer, McGuyvr, Richards, Gunsch, Clooten, Koch, and Ruggles abatements as requested. All members present voted "AYE." Motion carried.

Tax Director Vietmeier recommended denial of the Vetter abatement request on Lot 1, Block 1, Vetter First Subdivision, Apple Creek Township as the 2012 value is equalized with other similar commercial properties within the township and county.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to deny the Kelly Vetter 2012 abatement request on Lot 1, Block 1, Vetter First Subdivision, Apple Creek Township as the 2012 value is equalized with other similar commercial properties within the township and county. All members present voted "AYE." Motion carried.

County Planning Manager Lee appeared with the following items for the Board's consideration: request of Nicholas Lees III for waiver from the County Gravel Road Improvement Policy for 97th Ave NW from 15th St NW west to the quarter-section line, and to obtain concurrence for an amendment to the Fringe Area Road Master Plan to move the arterial roadway from the section line (97th Ave NW) north to a location that follows the contours of Burnt Creek; and request of Landcore, LLC for waiver from the County Gravel Road Improvement Policy for 66th St SE from 52nd Ave SE to 76th Ave SE and for 76th Ave SE from 66th St SE to the quarter-section line (Derek Drive).

Lee noted that the Lees request was tabled at the last meeting in order to allow staff time to further review the waiver request. Lee continued that the consensus of staff is to deny the waiver request thereby leaving 97th Ave NW on or as close to the section line as possible. Lee stated staff believes it is acceptable to modify and move collector roads but not arterial roads (97th Ave NW).

Donavan Meuchel, partner \ developer, appeared and stated that the road as required by the County Road Improvement Policy is "unbuildable". Meuchel continued that building 97th Ave NW on the section line would create an undue financial hardship on the developers. Meuchel continued a normal section line road costs \$1Million per mile to construct and that constructing 97th Ave NW on the section line would cost considerably more due to the terrain around Burnt Creek. Meuchel continued he has received verbal permission from the property owner to the north to move the roadway, reducing the cost. Meuchel stated if the roadway were moved too far to the south, the loss of lot sales would not make the project feasible. Meuchel concluded he wants to proceed with 97th Ave NW without incurring an undue hardship.

Vice-Chairman Peluso questioned Meuchel if he had researched this prior to the purchase. Peluso stated Meuchel should have addressed this issue prior to purchase and recommended Meuchel continue working with staff to devise an acceptable plan for the proposed subdivision access.

Comm. Schonert stated he does not agree with Meuchel's claim of an undue hardship.

Upon question, County Engineer Hall stated he believes it is the developer's responsibility to construct the roadway as straight and along or as close the section line as possible.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to deny the waiver from the County Gravel Road Improvement Policy for 97th Ave NW from 15th St NW west to the quarter-section line, and to deny amendment to the Fringe Area Road Master Plan to move the arterial roadway from the section line (97th Ave NW) north to a location that follows the contours of Burnt Creek. All members present voted "AYE." Motion carried.

Hall then introduced the request of Landcore, LLC for waiver from the County Gravel Road Improvement Policy for 66th St SE from 52nd Ave SE to 76th Ave SE and for 76th Ave SE from 66th St SE to the quarter-section line (Derek Drive). Hall noted this item was also tabled at the last meeting. Hall stated that as the developer will pave all the internal roads and as the developer has constructed and paved at least one (1) roadway that connects into the existing paved highway system he recommends the following: construct and pave 62nd Ave SE from Derek Dr to 66th St SE, construct and pave 66th St SE from 62nd Ave SE to Woodrow Dr, construct 66th St SE from Woodrow Dr to 76th Ave SE, construct 76th Ave SE from 66th St SE to Derek Dr.

Brad Krogstad, KLJ Engineers, appeared representing Landcore, LLC and stated Landcore agrees with the recommendation of County Engineer Hall.

Motion by Comm. Armstrong, 2nd Comm. Bitner, to approve the request of Landcore, LLC for waiver from the County Gravel Road Improvement Policy with the developer responsible for the construction and paving of the following roadways: construct and pave 62nd Ave SE from Derek Dr to 66th St SE, construct and pave 66th St SE from 62nd Ave SE to Woodrow Dr, construct (gravel) 66th St SE from Woodrow Dr to 76th Ave SE, construct (gravel) 76th Ave SE from 66th St SE to Derek Dr. All members present voted "AYE." Motion carried.

County Engineer Hall appeared regarding the following items: consideration of bids for furnishing concrete & metal culverts; consideration of bids for dust control; consideration of bids for gravel crushing; consideration of bids for the Burnt Creek Loop & Misty Waters Dr grade raise; and authorization to advertise for bids for painted pavement markings.

Hall presented the results of the bid openings held February 12 for furnishing concrete & metal culverts, dust control, gravel crushing, and for the Burnt Creek Loop & Misty Waters Dr grade raise.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to award bids to Cretex Concrete Products West for furnishing concrete culverts and to accept the bid from TrueNorth Steel, Inc. for furnishing metal culverts. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to award the bid for supplying and applying Magnesium Chloride (dust control) to the low bidder Z & S Dust Control in the amount of \$116,248.20. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to reject the Sundre Sand & Gravel Inc. bid as irregular and to award bids for the crushing of gravel to the low bidder, Fisher Sand & Gravel Co., in the amount of \$4.45 per cubic yd. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to award the bids for the Burnt Creek Loop & Misty Waters Dr grade raise to the low bidder Northern Improvement in the amount of \$1,254,684.30. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to authorize the advertisement of bids for painted pavement markings. All members present voted "AYE." Motion carried.

Comm. Schonert noted HB 1358, which provided highway funding for counties levying at least ten (10) mills for roads. Schonert stated potential funding under HB 1358 for Burleigh County is estimated at \$5Million. Schonert noted that as the bill is presently written Burleigh County would be excluded as we only levy .25 mills for county roads. Schonert suggested that each Commissioner lobby their legislators to get the bill amended to allow Burleigh County to participate in the funding. By consensus, the Board agreed unanimously to support an amendment to HB 1358 thereby allowing Burleigh County participation in the funding.

Grass Lake Township Supervisor Watson Johnson appeared regarding preservation of trees along 370th Ave NE in Grass Lake Township. Johnson presented pictures and noted some of the trees marked for removal are more than 33' from the center of the roadway and thus on private property and should not be removed. Johnson asked that trees be trimmed but not removed.

Comm. Schonert explained the removal of trees from the right of way is for safety purposes.

Hall stated the Highway Dept would recheck the distance of the trees from the center of the road to ensure that any trees removed are within the 33' right of way.

Building Official and Floodplain Administrator Ziegler appeared regarding residences damaged by the 2011 flood that have not been repaired or demolished. Ziegler indicated that there are twelve (12) residential structures remaining that need to be repaired or demolished. Ziegler stated if the property owners do not indicate their plans to his office; the county may order the structures be demolished. Ziegler stated he intends to send a notice of violation giving the owners thirty (30) days to obtain a permit to bring the property in compliance with code or confirm the demolition of the property. Ziegler continued that if no response is received within thirty (30) days, a fifteen (15) day order will be issued and if the notices are still ignored after this forty-five (45) day period, the county will have the property demolished with the owner responsible for the cost. Ziegler expressed his sympathy for the property loss from the flood, but indicated that these conditions cannot continue as such conditions attract rodents and skunks and affect neighboring property values. The Commission by consensus agreed to allow Ziegler to follow this process and requested timely updates.

HR Director Gall appeared with the following items for the Board's consideration: update of Chapter 3, Section 4 of the Personnel Policy Manual related to Overtime Pay, and update of Chapter 12, Section 22 of the Personnel Policy Manual related to Clothing Allowance. Gall indicated that the first policy (Overtime Pay) was being pulled and no longer being considered for a change with the second policy (Clothing Allowance) to be held until the next Commission meeting.

Sheriff Heinert appeared regarding authorization to expend funds from the Jail Maintenance & Construction Fund to replace flooring, and to purchase lockers and counter tops for the Detention Center staff room.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to authorize the Sheriff to expend up to \$9,000 from the Jail Maintenance & Construction Fund to replace flooring, and purchase lockers and counter tops for the Detention Center staff room. All members present voted "AYE." Motion carried.

The Board then considered appointments to the Home Rule Charter Commission. Comm. Armstrong suggested the County Commission appoint itself as the Home Rule Charter Commission. Armstrong stated that the County Commission agrees that a Home Rule Charter should be limited to authorization for a sales tax to build a new jail. Armstrong continued that in an effort to save time and money, the County Commission should appoint itself, hold the required public hearing and move forward with an election for a sales tax to fund the jail. Armstrong noted that Chairman Woodcox has already been appointed as the Chairman of the Home Rule Charter Commission.

Upon question, State's Attorney Riha confirmed that the County Commission could legally appoint themselves as the Home Rule Charter Commission.

Comm. Schonert warned that the public perception might be negative to appointing themselves. Vice-Chairman Peluso suggested this item be tabled until we have a full Commission present.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner, to table appointment of the Home Rule Charter Commission until the March 4, 2013 meeting. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong, to accept the resignation of Jack Kavaney from the County Board of Health effective immediately. All members present voted "AYE." Motion carried.

Vice-Chairman Peluso recognized former Social Service Director Doe for her service. On a motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 4, 2013**

**5:00 P.M.**

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

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

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

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

Motion by Comm. Bitner, 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 following abatements for the Board's consideration a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve the Hegwood, Stolz, Biel, Staples, Makelky, Bernard, Hegel, Bauman, and Mcguivr abatements as requested. All members voted "AYE." Motion carried.

County Planning Manager Lee appeared with the following items for the Board's consideration: acceptance of right-of-way within Pine Meadows Subdivision, final plat, zoning change & right-of-way acceptance for Apple Creek Ridge Subdivision, zoning ordinance amendment related to use groups/utility use group, request of Landcore, LLC for waiver from the County Gravel Road Improvement Policy for 66th St SE from 52nd Ave SE to 76th Ave SE and for 76th Ave SE from 66th St SE to the quarter-section line (Derek Drive), request of Nicholas Lees III for waiver from the County Gravel Road Improvement Policy for 97th Ave NW from 15th St NW west to the quarter-section line, and to obtain concurrence for an amendment to the Fringe Area Road Master Plan to move the arterial roadway from the section line (97th Ave NW) north to a location that follows the contours of Burnt Creek.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to approve the acceptance of right-of-way within Pine Meadows Subdivision. All members voted "AYE." Motion carried.

The Board then considered the final plat, zoning change & right-of-way acceptance for Apple Creek Ridge Subdivision. Planning Manager Lee noted the letter from Apple Creek Township recommending denial of the plat until 119th St was paved south to Apple Creek Road.

Comm. Bitner noted that there is no policy requiring the developer to pave 119<sup>th</sup> St. County Engineer Hall appeared and confirmed no policy requires the developer to pave 119<sup>th</sup> St. Hall also noted he has no issues with the storm water management plan for the subdivision.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the acceptance of right-of-way within Apple Creek Ridge Subdivision and to forego negotiation with the City of Bismarck thus approving the final plat, zoning change for Apple Creek Ridge Subdivision. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to accept the zoning ordinance amendment related to use groups/utility use group within the extraterritorial area and therefore not request negotiation on this matter with the City of Bismarck. All members voted "AYE." Motion carried.

The Commission then considered the request of Landcore, LLC for a waiver from the County Gravel Road Improvement Policy for 66th St SE from 52nd Ave SE to 76th Ave SE and for 76th Ave SE from 66th St SE to the quarter-section line (Derek Drive).

Brad Krogstad, KLJ Engineers, appeared representing Landcore, LLC and stated Landcore will construct the gravel roads on 66th St SE from 52nd Ave SE to 76th Ave SE and for 76th Ave SE from 66th St SE to the quarter-section line (Derek Drive) and requested a waiver from the paving requirement.

Comm. Bitner expressed his concern about the fairness of obligating one developer to incur all the costs for constructing and paving roadway used by more than one development. Comm. Schonert suggested the County Gravel Road Improvement Policy be reviewed for possible changes. Comm. Bitner proposed the Planning Staff, County Planning Commission members, the Township Board and the County Engineer work together to review the County Gravel Road Improvement Policy and formulate alternatives.

Chad Wachter, Landcore LLC, appeared and stated he is seeking relief from the requirement to pave the roadways. Wachter stated he has already provided paved road access at two (2) entrances to the subdivision as required.

Motion by Comm. Schonert, 2<sup>nd</sup> Comm. Bitner, to table this item until the next meeting to allow staff and others to review the County's Gravel Road Improvement Policy and formulate alternatives. All members voted "AYE." Motion carried.

The Commission then considered the request of Nicholas Lees III for waiver from the County Gravel Road Improvement Policy for 97th Ave NW from 15th St NW west to the quarter-section line, and to obtain concurrence for an amendment to the Fringe Area Road Master Plan to move the arterial roadway from the section line (97th Ave NW) north to a location that follows the contours of Burnt Creek.

Dave Patience, Swenson & Hagen Co., appeared representing Nicholas Lees III and stated due to the difficult terrain and the meandering of Burnt Creek the developer is requesting the amendment to the Fringe Area Road Master Plan to move 97th Ave 400' south of the section line.

Comm. Schonert expressed concern if the roadway is not built on the section line.

Motion by Comm. Bitner, 2<sup>nd</sup> Comm. Schonert, to table this item until the next meeting to allow staff and the Township, County Engineer, County Planning Commission representatives and the developer to review the request and formulate alternatives. All members voted "AYE." Motion carried.

County Engineer Hall presented the following items for the Board's consideration: award of bids for construction of the new Burleigh County (Bismarck) Shop, authorize the advertisement of bids for the 2013 Chip Seal Package, review and approval of the Biennial/Amended Township Road Mileage Certification, and review and provide direction to then County Engineer regarding involvement with Bismarck Growth Mgmt. Plan Update.

Hall detailed the results of the January 24, 2013 bid opening for the construction of the new Burleigh County (Bismarck) Shop noting with the selection of Alternatives #4 & #5 the combined low bid is \$10,795,250 as follows:

General Construction	Capital City Construction	\$6,398,000
Electrical	Bergstrom Electric	\$1,197,750
Mechanical	City Air Mechanical	\$3,199,500.

Hall stated that the work on the new shop would start this spring with a projected completion date of June 2014.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to accept the following bids for the construction of the new Burleigh County (Bismarck) Shop: General Construction - Capital City Construction in the amount of \$6,398,000; Electrical Construction - Bergstrom Electric in the amount of \$1,197,750; and Mechanical Construction - City Air Mechanical in the amount of \$3,199,500. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to authorize the advertisement of bids for the 2013 Chip Seal Package. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to approve the Biennial/Amended Township Road Mileage Certification as presented. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to authorize the county engineer's participation in the City of Bismarck Growth Management Plan Update. All members voted "AYE." Motion carried.

Emergency Manager Senger and County Engineer Hall then presented the Burleigh County Flood Plan Update. Senger indicated the draft flood action plan is available for review on the county website and details actions for different flood stages on the Missouri River, Apple Creek and overland snowmelt throughout the county. Senger stated the plan details flood response strategies including plugging culverts, closing gate structures, constructing levees, pumping, road closures, evacuations, etc.

Senger requested that the public review the draft and provide comments and or questions to either herself or County Engineer Hall. Senger continued that any public input will be considered and suggested the Commission adopt the plan at the last meeting in March.

Sheriff Heinert appeared and presented a jail update. Heinert indicated he has had follow up discussions with the US Marshal Service and has established dates with Kimme & Assoc. for the detailed space design study. Heinert informed the Commission that three (3) individuals who expressed interest in participating on the Jail Committee have been asked to join the Committee. Heinert continued that he and Comm. Schonert have toured the two (2) possible jail sites on the Missouri Valley Complex noting there are pros and cons with each location. Comm. Schonert indicated he favored the southern location. Heinert noted he testified on HB1298 which provides state grant money for jails and requested an amendment to allow Burleigh County access to the grant funds.

By consensus, the Board authorized Heinert to carry the County Commission's desire to be included in HB1298.

HR Director Gall appeared with the following items for the Board's consideration: update of Chapter 3, Section 4 of the Personnel Policy Manual related to Overtime Pay, update of Chapter 12, Section 22 of the Personnel Policy Manual related to Clothing Allowance, and an update on the replacement of the Social Service Director. Gall requested the Commission review the policy changes for action at the next Commission Meeting.

Gall then reported that application for the vacant Social Service Director position will be accepted through March 22nd with a committee conducting interviews of the top candidates.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve the Lost Instrument Surety Bond to replace check #91136 (\$258.08). All members voted "AYE." Motion carried.

Comm. Armstrong then invited State's Attorney Riha to address the question of whether the Commission violated the state open meeting laws. State's Attorney Riha stated that on January 24, 2013, four (4) Commissioners attended a Legislative Committee hearing on HB1156. Riha noted that two (2) emails followed, signed by three (3) Commissioners representing Burleigh County. Riha stated that he has consulted with the Attorney General's Office about the situation and collectively they have reached the conclusion that the appearance at the Legislature was a meeting that should have been noticed and further that the two (2) emails that followed also likely constituted open meeting violation(s). Riha continued the Attorney General's Office recommended an after-the-fact notice be issued by the auditor as follows: A quorum of the Burleigh County Board of Commissioners met at 9:00 a.m. on Thursday, January 24, 2013, before the ND House of Representatives Political Subdivisions Committee at the State Capitol in Bismarck and offered testimony concerning HB 1156. A majority of the commissioners caused an email in support of HB 1156 to be issued later that day at 5:33pm. The same majority issued another email on January 28, 2013 at 3:20 p.m. to members of the House of Representatives representing Burleigh County again stating their support of HB 1156.

The Commission, by consensus, agreed to issue the notice retroactively.

Comm. Armstrong stated he contacted State's Attorney Riha on this matter.

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

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 24, 2013**

**5:00 P.M.**

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

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

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

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the Jacobsen, Rieger, Mills, Reimann, Marquart, Hoffer, Kostelecky, Klinger, Carlson, Hinkel, Baumgartner, Klukow and Howes abatements as requested. All members voted "AYE." Motion carried.

The Board then discussed Home Rule for Burleigh County. Comm. Schonert stated it was time to move forward and start the process to draft a Home Rule Charter. Schonert asked Auditor/Treasurer Glatt to explain the steps needed to create a Home Rule Charter.

Auditor/Treasurer Glatt explained that upon a motion adopted to cause a charter to be drafted, the County Commission shall appoint a Home Rule Charter Commission within sixty (60) days. Auditor/Treasurer Glatt recommended the Auxiliary Board Application Form be utilized by all applicants for the Home Rule Charter Commission for review by the County Commission. Glatt stated deadlines should be established for submission of applications with the March 18, 2013 Commission meeting the last meeting prior to the sixty (60) day deadline. Glatt requested that the County Commission approve the proposed budget for the Home Rule Charter Commission and recommended that the State's Attorney make legal staff available to the Charter Commission.

State's Attorney Riha reported that Asst. State's Attorney Justin Schwartz has been assigned to the Home Rule Charter Commission.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to cause a Home Rule Charter be drafted and approve the proposed home rule charter budget (\$18,000) with a deadline of February 13, 2013 submission of applicants for appointment to the Charter Commission. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to authorize the Auditor/Treasurer to employ contract clerical staff to support the Home Rule Charter Commission. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> Comm. Bitner, to appoint the Chairman of the County Commission as the Chairman of the Home Rule Charter Commission. All members voted "AYE." Motion carried.

Motions by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso, to declare the Driscoll Centennial Organization as an Other Public Spirited Organization and to approve the raffle permit application of the Driscoll Centennial Organization and the Gaming Site Authorization of the Marauder Boosters. 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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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
JAIL STUDY FINDINGS  
MEETING MINUTES  
January 15, 2013**

**5:15 P.M.**

The Burleigh County Commission convened a special meeting in the Tom Baker meeting room with the Morton County Commission for the purpose of further discussion regarding a joint detention center.

Chairman Woodcox called the meeting to order with all Burleigh County Commissioners present and Morton County Commissioners Bruce Strinden, Andy Zachmeier, Jim Boehm, Ron Leingang, and Cody Schulz also present.

Other noted officials in attendance were Morton County Sheriff Shipman, Burleigh County Sheriff Heinert, District Court Administrator Donna Wunderlich, Burleigh State's Attorney Riha, and Burleigh County Auditor/Treasurer Glatt.

Sheriff Heinert appeared and provided statistics for the Burleigh County jail for 2012. Heinert stated the number of inmates booked in Burleigh County increased from 4,919 in 2011 to 5,529 in 2012. Heinert stated Burleigh County had inmates in other facilities every day in 2012 and estimated it cost \$349,000 to house and transport inmates in other jails in 2012. Heinert noted the average daily inmate population in 2012 was 155 compared to 131 in 2011 with the highest daily count 181 and the lowest daily count 128.

Morton County Sheriff Shipman appeared and provided the statistics for the Morton County Jail for 2012. Shipman stated that Morton County housed 2,624 inmates in 2012 with an average daily inmate population of 44.8 in 2012 compared to an average of 40.8 inmates per day in 2011. Shipman noted the Morton County jail was built to hold a maximum of 31 inmates and, with double-bunking can hold 41 inmates. Shipman stated Morton County expended \$82,800 to house inmates in other facilities. Heinert & Shipman both indicated that housing inmates outside of Burleigh & Morton Counties is becoming an issue as the other jails are becoming full. Sheriff Heinert indicated that a jail is considered "full" at 85% of capacity with safety issues more prevalent at higher occupancy levels. Heinert noted that additional staff has been added in Burleigh County in order to ensure staff and inmate safety.

Chairman Woodcox then asked Morton County to address any questions or items of concern they might have regarding a combined facility.

Morton County Commission Chairman Strinden noted Morton County is concerned about the increased operating costs of a combined facility. Strinden continued that safety and cost of transport is a major for Morton County. Strinden noted that the most recent estimate of cost for a combined facility would require a \$14 – \$16 Million investment from Morton County and that an addition to the existing facility would cost \$7Million. Strinden indicated the Morton County Commission has been discussing a Home Rule Charter and seems to favor using sales taxes to finance a combined facility.

Comm. Armstrong indicated that Burleigh County had discussed general obligation bonds, limited general obligation bonds, and sales tax as financing options.

Comms. Peluso and Schonert both noted they favor the sales tax option through a Home Rule Charter. Comm. Schonert noted he has received strong opposition from the general public for any increase in property taxes.

Chairman Woodcox indicated his desire for the Burleigh County Commission to make some decisions at the January 24, 2013 meeting.

Morton County Chairman Strinden asked when Burleigh County would like a decision from Morton County regarding pursuing a joint facility. Woodcox indicated that within sixty (60) days would be reasonable.

Comm. Armstrong then brought forth questions regarding ownership and operation\ management of a joint facility.

Morton County Comm. Zachmeier stated he was confident that if a joint facility were built it would be located in Burleigh County. Zachmeier continued that location, design, and cost need to be determined before financing. Zachmeier stated if Morton County were to have an ownership interest, Morton County would be in a better position for the future. Zachmeier noted that Burleigh County could buy Morton County's share of the jail if there was a payment dispute or if Burleigh County needed more jail space. Zachmeier asked the state's attorneys to study whether one county could own property in another.

Strinden again noted he is concerned with the on-going operation and maintenance costs of the facility. Strinden noted that if Morton County relinquishes control of operations then it also loses control of costs and he is not comfortable with such an arrangement.

Sheriff Heinert noted two (2) proposed preliminary locations on the Missouri Valley Complex: along County Road 10 near Midwest Motors and the other location along Apple Creek Road near the former Farmers Livestock.

The Commissioners agreed by consensus that the sales tax is the most appropriate finance option and agreed that each Commission should meet separately to determine the best option(s) for each county. It was further agreed that home rule and sales tax votes should be done separately.

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

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Kevin J. Glatt,  
Auditor\Treasurer

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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 7, 2013**

**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 2013.

Comm. Peluso nominated Comm. Woodcox for the chairmanship with Comm. Armstrong 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. Armstrong, to cease nominations and to cast a unanimous ballot to elect Comm. Woodcox as Chairman. All members voted "AYE." Motion carried.

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

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

Chairman Woodcox then expressed his appreciation and commendation to Comm. Schonert for his hard work and diligence as Chairman in 2012 with the other Commissioners expressing their appreciation.

The Board then reviewed and discussed portfolio assignments with Comm. Bitner assuming the Housing Authority portfolio, Comm. Armstrong assuming the Public Health portfolio, Comm. Schonert assuming the Social Services and Veterans' Services portfolios and Comm. Peluso assuming the Council on Aging and Emergency Management\E9-1-1 portfolios. Chairman Woodcox assumed the Government Coordination, Chamber of Commerce, BisMan Development Association, and The Chamber of Commerce portfolios. By consensus, the Board agreed to drop the Community Action Program and Lewis & Clark Regional Development as portfolios due to lack of activity.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to approve the changes to the portfolio assignments. All members voted "AYE." Motion carried.

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

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

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

This was the hour and date set to conduct a PUBLIC HEARING regarding the Resolution of Necessity for Special Assessment District #54 Secluded Acres 2nd Replat and Secluded Acres 3rd Subdivisions.

County Engineer Hall appeared and briefly explained the proposed Special Assessment District for the paving of roadways noting that the required 60% of the landowners signed the petition to create the district. Hall noted the estimated assessment for each of the 18 lots to be \$10,258.00 per lot with a total cost of \$184,644. Hall stated the intent is to tie this special assessment district into the S Washington St & 48th Ave paving project in the immediate area.

Chairman Woodcox opened the public hearing and called for public testimony.

Wayne Mueller, Secluded Acres resident and project sponsor, appeared in support of the proposed Special Assessment District. As no one else appeared, the following motion was made:

Motion by Comm. Schonert, 2nd by Comm. Peluso, to close the public hearing regarding the proposed Secluded Acres 2nd Replat and Secluded Acres 3rd Subdivisions SAD#54, and to adopt a resolution determining insufficiency of protests and to direct the engineer to prepare detailed plans and specifications. All members voted "AYE." Motion carried.

Deputy Auditor/Tax Director Vietmeier appeared with the following abatements for the Board's consideration; 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 Schultz, Schmidt, Himmelspach, Miller, and Klein abatements as requested. All members voted "AYE." Motion carried.

County Extension Agent Palczewski appeared and presented an Extension Service staff update. Palczewski reported that the AG Extension Agent 'KaSondra Staiger has recently resigned. Palczewski requested authorization to hire a replacement.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to authorize the Extension Office to hire a replacement for the AG Extension Agent who recently resigned. All members voted "AYE." Motion carried.

County Engineer Hall presented the following items for the Board's consideration: authorize acceptance of the low bid for 2014 International 7600 tandem axle dump truck, authorize advertisement of bids for the furnishing of concrete & metal culverts, authorize advertisement of bids for crushing of gravel, authorize advertisement of bids for dust control, authorize establishment of Seasonal Load Restrictions (SLR) on county roads in conjunction with NDDOT, and, review of 2013 construction program priorities.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the state contract low bid from Nelson International of Bismarck of \$112,890.00 for a 2014 International 7600 SFA 6x4, and authorize the proper County officials to enter into a contract with said bidder. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to authorize the advertisement of bids for the furnishing of concrete and metal culverts. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to authorize the advertisement of bids for the crushing of gravel at various locations throughout the County. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to authorize the advertisement of bids for supplying and applying Magnesium Chloride to various roadways throughout the county for dust control purposes. All members voted "AYE." Motion carried.

Hall then reported that in regions of the United States where pavements are constructed in freeze-thaw environments, spring load restrictions are typically used as a preservation strategy. Hall continued that during the spring, pavement layers are generally in a saturated, weakened state due to partial thaw conditions and trapped water and the critical time for SLR is when the pavement first thaws and the stiffness of the base layer is low. Hall continued proper measurement and prediction of freeze-thaw events is crucial to a successful load restriction strategy, and the NDDOT has the proper equipment and personnel to correctly determine when SLR should go into effect.

Motion by Comm. Schonert, 2nd by Comm. Bitner for the County Engineer to establish the annual Spring Load Restriction on Burleigh County paved roadways at the same time the NDDOT establishes them on state highways, and to request the ND State Highway Patrol to enforce SLR on the county highway system in 2013 and future years. All members voted "AYE." Motion carried.

County Engineer Hall then presented the 2013 construction program priorities noting this year we have identified 13 projects for 2013 at a total cost of over \$12.9 million to the county. Hall stated the largest project is the new county shop facility with

an estimated cost of \$10M. Hall continued the following flood control projects are also included in the priority list: 48th Ave SE grade raise, Washington St S grade raise, Burnt Creek Lp grade raise, and a flood control structure on Tavis Rd. Hall stated all projects will utilize some combination of federal, state, township and county funding. Hall noted after a complete review of our budget, it appears that we have the following revenues for construction projects in the coming year:

Burleigh County	\$11,394,862
Burnt Creek Township	(\$144,580)
Fort Rice Township	\$232,679
Lincoln Township	\$521,724
Lyman Township	\$60,048
Phoenix Township	\$49,462
Riverview Township	(\$417,282)

Motion by Schonert, 2nd by Comm. Peluso, to adopt the 2013 Burleigh County Project Priority List and authorizes the Highway Department to allocate resources to design, acquire right of way and construct the prioritized projects under the North Dakota Century Code and Burleigh County policies. All members voted "AYE." Motion carried.

County Engineer Hall and Sheriff Heinert then presented a County Safety Initiative to improve the safety of county-run roads. Hall stated the purpose of the initiative is to find low-cost solutions to improve traffic safety. Hall noted attention will be focused on heavy traffic roadways adjacent to the cities of Bismarck and Lincoln. Hall continued that sheriff's deputies, road department employees and members of the travelling public will be formed into committees to look at ways to improve safety. Hall noted that the NDDOT is creating a county traffic safety pilot program and has included Burleigh County. Hall stated the NDDOT will provide funding and a consultant to look at several intersections in the county that have experienced a high number of accidents. Hall stated he hopes to meld these two (2) efforts together.

Sheriff Heinert then presented for the Board's consideration a contract with Central Dakota Forensic Nurse Examiners to perform blood draws on alcohol violations.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the contract with Central Dakota Forensic Nurse Examiners to perform blood draws on alcohol violations. All members voted "AYE." Motion carried.

Sheriff Heinert then presented a jail update. Heinert reported that two (2) architectural firms have contacted him recently regarding the planned request for proposals for architect services related to a new detention center. Heinert informed the Commission that the U.S. Marshal's Office has contacted him about securing thirty (30) beds at a new jail facility and possibly providing upfront funding for construction. Heinert continued the contract with Kimme & Associates to complete pre-design work has been executed. Heinert noted Kimme will prepare a "booklet for the architect" which should provide a good starting point for architectural plans. Heinert stated he is hopeful Morton County will sign a similar contract with Kimme. Heinert then presented a proposed agenda for a Joint Burleigh\Morton County Commission meeting on January 15 to further discuss options for a combined facility.

Heinert then introduced Asst. State's Attorney Suhr who appeared to answer questions related to his recently issued opinion on jail funding.

Comm. Armstrong noted that based upon the immediate need for more jail space, a lease purchase agreement would be the quickest way to expedite construction. Asst. State's Attorney Suhr confirmed that a lease purchase would be the quickest way and would not require a public vote.

Auditor\Treasurer Glatt then presented a formal presentation on financing options for a new jail. Glatt noted a memo sent to the Commission in June 2009 that listed various finance options. Glatt highlighted and explained the details of three (3) methods for financing a new jail: General Obligation Bonds, Limited General Obligation Bonds, and, Sales Tax. Glatt noted a \$40,000,000 bond issue amortized over twenty (20) years would require \$2.5M per year to service the debt. Glatt continued that the 10 mill authorization for the Jail Maintenance & Construction Fund would raise \$3M per year. Glatt cautioned that the General Fund cannot support the operations and maintenance of a new facility and/or remodeling of the existing jail if vacated. Glatt suggested if the Commission desires to move forward, the Jail Maintenance & Construction levy should be increased from the current one (1) mill to provide funds for architect services, site acquisition and site preparations.

Comm. Schonert stated he favors a sales tax as he does not believe the public would support the increased property taxes needed to fund GO or Limited GO Bonds.

Comm. Armstrong stated he believes a lease-purchase plan is the best option.

Comms. Bitner and Peluso favored blending limited general obligation bonds and a sales tax to pay for the jail. Comm. Peluso stated he did not oppose a sales tax, but there was a risk voters would not pass a sales tax and that would further delay building a new jail.

Chairman Woodcox stated he feels a project of this magnitude needs to be put to a vote of the public.

Upon question, Sheriff Heinert noted it could take until year-end to have bid ready plans and specifications ready for a new jail. Heinert stated he was uncertain about the timeline for a lease arrangement adding he has received inquiries from firms in Fargo and Minneapolis about building a facility and leasing it back to the county. No formal action was taken.

The Commission then reviewed the compensation\per diem paid to the several Auxiliary Board members. By consensus, the Commission agreed to discuss this further during budget deliberations.

Emergency Manager Senger appeared regarding consideration of renewal of the Burleigh/Emmons Joint Powers Agreement for Emergency Management Services.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso to approve the renewal of the Burleigh/Emmons Joint Powers Agreement for Emergency Management Services.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the designation of the public depositories and approval of the security pledges; to authorize the County Auditor\Treasurer to make payment upon demand for all invoices and claims for utility services, gas, fuel, and oil pursuant to the adopted bill payment policy; to approve the Lost Instrument Surety Bond to replace lost check 90571 (\$199); and to approve the Gaming Site Authorization of the NoDak Sportsman at Flash's Place (Sterling). 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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Jerry Woodcox, Chairman