

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
December 16, 2019**

5:00 P.M.

The Burleigh County Commission convened a regular meeting.

Chairman Bitner called the meeting to order.

A roll call of the members was taken and all members were in attendance.

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

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the December 2 and 9, 2019, meeting minutes as presented. All members voted "AYE." Motion carried.

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

Emergency Manager Senger appeared and requested that 2019 budget money be expended in 2020 for equipment.

Motion by Comm. Peluso, 2nd by Comm. Jones to approve the expenditure of 2019 budget funds in 2020. All members voted "AYE." Motion carried.

Social Services Director Osadchuk appeared requesting approval of the 2020 Social Services funding.

Motion by Comm. Armstrong, 2nd by Comm. Jones to approve the 2020 Social Service funding request. All members voted "AYE." Motion carried.

Sheriff Leben appeared and requested the purchase of a drone with funds from the civil asset forfeiture fund. He stated that the department has drones and officers trained to fly them. This purchase is for an additional drone with night flying capabilities. Sheriff Leben stated that they have now received the approval of the FAA to conduct these night operations and stated their current drones do not have night flight capabilities.

Motion by Comm. Peluso, 2nd by Comm. Jones to approve the purchase of a drone from the civil asset forfeiture fund. All members voted "AYE." Motion carried.

Finance Director Thompson appeared and presented a request for the application of the Courthouse Facilities Grant. Commissioner Woodcox stated this is an annual grant request and these funds are not guaranteed. The county is responsible for 25% and the grant covers the remaining 75%.

Motion by Comm. Woodcox, 2nd by Comm. Jones to approve the application for the Courthouse Facilities Grant. All members voted "AYE." Motion carried.

HR Director Terras appeared and presented an update on the Finance Director position. She stated that the applicant would like to have until after the holidays to decide and that she will bring it back at the January 6th meeting.

Next, HR Director Terras requested an interim increase for Deputy Auditor/Treasurer Grenz from grade 12 step 5 to grade 12 step 9. This increase is for the additional interim responsibilities that this position will incur.

Motion by Comm. Jones. 2nd by Comm. Armstrong to approve the interim pay increase for Deputy Auditor/Treasurer Grenz. All members voted "AYE." Motion carried.

Comm. Jones then questioned additional compensation for Finance Director Thompson. After commission discussion, it was decided to place it on the January 6, 2020 commission agenda for further discussion and consideration.

At this time Chairman Bitner opened the meeting for discussion regarding the December 9, 2019 meeting. Constituents appeared stating the cost concerns and lack of data provided. All of them expressed the desire to have this voted on by the people of Burleigh County.

After commission discussion, Chairman Bitner asked for an agenda item at the January 6, 2020 meeting relating to a ballot question regarding future refugee resettlement.

Auditor Vietmeier proposed a joint venture between the City of Bismarck and Burleigh County allowing overflow viewing of meetings in the main floor conference room. He stated that the city would do the setup and installation if Burleigh County was willing to purchase the television. Board, through consensus, authorized the purchase.

The abatements were presented for the Board's consideration; a complete copy of which are on file and available for inspection in the Office of the County Auditor/Treasurer:

Motion by Comm. Woodcox. 2nd by Comm. Armstrong to approve the Kuntz, Frankfurth, Opp, Baumesiter, and Goldade abatements as requested along with the remainder of the consent agenda. All members voted "AYE." Motion carried.

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

Allan Vietmeier, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
SPECIAL MEETING MINUTES
December 9, 2019**

6:00 P.M.

The Burleigh County Commission convened a special meeting at Horizon Middle School, with all members present including Comm. Armstrong via telephone.

Chairman Bitner called the special meeting to order for the purpose of considering the request of Lutheran Social Services of ND (LSSND) for written consent for refugee resettlement to take place within Burleigh County.

A large contingent of citizens was in attendance and many appeared and provided testimony (a complete list of those who appeared is available in the auditor/treasurer's office) for and against refugee resettlement.

After approximately four (4) hours of testimony, the following motions were made:

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve and provide written consent to the US Department of State for initial refugee resettlement in Burleigh County.

Amended Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the consent for initial refugee resettlement in Burleigh County for the year 2020, subject to a cap of twenty-five (25) refugees; and, further to request Lutheran Social Services of ND (LSSND) to provide an annual report indicating the total number of refugees placed in Burleigh County, where they have come from, and all resettlement costs. "AYE" votes: Armstrong, Jones, Woodcox. "NAY" votes: Peluso, Bitner. Motion carried.

Vote on Original Motion: "AYE" votes: Armstrong, Jones, Woodcox. "NAY" votes: Peluso, Bitner. Motion carried.

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

Allan Vietmeier, Deputy Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
December 2, 2019**

5:00 P.M.

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

Chairman Bitner called the meeting to order and moved the Lutheran Social Services of North Dakota request from the consent agenda and placed it as item 2.5 on the regular agenda, in anticipation of extensive discussion.

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

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the November 18, 2019, meeting minutes as presented. All members present voted "AYE." Motion carried.

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

This was the hour and date scheduled for a public hearing regarding the issuance of Municipal Industrial Development Act (MIDA) Bonds, in an amount not to exceed \$90,000,000, in one or more series, with the proceeds to construct and equip the Missouri Slope Lutheran Care Center North Campus located at 4916 N Washington St., Bismarck, North Dakota.

Scott Wegner, Arntson Stewart Wegner PC, appeared regarding the proposed MIDA Bond Issuance for the Missouri Slope Lutheran Care Center North Campus Project. Wegner stated Missouri Slope Lutheran Care Center is requesting the issuance of up to \$90 million in Senior Housing and Healthcare Revenue Bonds, in one or more series, to finance or reimburse the construction and equipping of a 192-unit skilled nursing facility, functionally related facilities and site improvements located at 4916 N Washington St., and refund the Burleigh County, ND, MIDA Bonds (Missouri Slope Lutheran Care Center Inc. Project), Series 2006, City of Lincoln, ND, MIDA Bonds (Missouri Slope Lutheran Care Center Inc. Project), Series 2006, a Promissory Note of Missouri Slope Lutheran Care Center, Inc. dated August 15, 2019, and fund capitalized interest and reserves, and pay costs of issuance of the Bonds.

Wegner explained that under the MIDA Bond Act, the county cannot be liable for the bonds, and by statute, can only be a conduit or pass through. Wegner continued that the repayment obligation is solely with Missouri Slope Lutheran Care Center, and adoption of the Resolution after the public hearing, would approve the issuance of the bonds and delegate authority to the Commission Chairman and the County Auditor to agree on the final amounts and sign any documents.

Reier Thompson, President and CEO of Missouri Slope Lutheran Care Center, appeared and provided an update on the current project. Thompson stated that after analysis and conducting numerous market studies, it was determined that the project is something the community needs now and in the future.

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

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the issuance of Municipal Industrial Development Missouri Slope Lutheran Care Center North Campus Bonds in an amount not to exceed \$90,000,000, in one or more series, and the use of proceeds thereof to finance the project located in the County; and provide for refinancing of previous issues. Such Bonds may be issued on such terms and conditions as the Cities, the Corporation and the purchaser of the Bonds may deem desirable and without further approval or consent of this Commission. All members present voted "AYE." Motion carried.

The Commission then considered the request of Lutheran Social Services of ND (LSSND) for written consent for refugee resettlement to take place within Burleigh County. Shirley Dykshoorn, LSSND VP of Senior & Humanitarian Services, appeared and provided background information on the refugee resettlement program, its intent, legislation, and current requirements. Dykshoorn noted the new requirements of President Trump's Executive Order requiring formal consent from state and local governments to continue refugee resettlement.

Comm. Woodcox questioned if a quota could be placed on the number of refugees resettling in Bismarck and requested clarification regarding asylum cases. Dykshoorn responded that the capacity of an area to accept refugees is considered prior to resettlement. Dykshoorn affirmed that there are no asylum cases for Burleigh County, rather only those with refugee status.

Chairman Bitner then closed the discussion on this matter per the advice of Burleigh County States Attorney Lawyer, as there were citizens who could not participate in the meeting due to room capacity. Bitner assured those present that an alternate venue will be found to continue this matter and that public notice of the meeting will be made. No action was taken.

Emergency Manager Senger appeared regarding the following items for the Board's consideration: Memorandum of Understanding (MOU) with University of Mary allowing application for grant funding through FEMA's FY17 and FY18 Pre-Disaster Mitigation (PMD) Grant Program; Memorandum of Understanding with Cass County for mutual aid between counties; Memorandum of Agreement (MOA) between the Burleigh County and Bismarck Rural Fire Department regarding Burleigh County Water Rescue/Recovery Team; and, Joint Powers Agreement with Emmons County for the provision of Emergency Management Services.

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the Memorandum of Understanding (MOU) allowing University of Mary to apply for grant funding through FEMA's FY17 and FY18 Pre-Disaster Mitigation (PMD) Grant Program. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the Memorandum of Understanding with Cass County for mutual aid between counties. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the Memorandum of Agreement (MOA) with Bismarck Rural Fire Department regarding Burleigh County Water Rescue/Recovery Team. All members present voted "AYE." Motion carried.

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

County Engineer Hall appeared with the following items for the Board's consideration: detailed plans and specifications for Special Assessment Districts #70 Sabot's Subdivision, #71 Riverside Subdivision, and #72 Grande Prairie 4th Subdivision; authorize advertisement of bids for Special Assessment Districts #70 Sabot's Subdivision, #71 Riverside Subdivision, and #72 Grande Prairie 4th Subdivision; and, authorize change order with Central Specialties, Inc. for the completion of the McKenzie Haul Road Project.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the detailed plans and specifications for Special Assessment Districts #70 Sabot's Subdivision, #71 Riverside Subdivision, and #72 Grande Prairie 4th Subdivision. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to authorize the advertisement of bids for Special Assessment Districts #70 Sabot's Subdivision, #71 Riverside Subdivision, and #72 Grande Prairie 4th Subdivision. All members present voted "AYE." Motion carried.

Marcus Hall then requested authorization for a change order and extended completion date with Central Specialties, Inc., for the completion of the McKenzie Haul Road Project. Hall noted that at the November 4, 2019, meeting the Commission authorized him to negotiate with Central Specialties, Inc. on an extension to the existing agreement for the completion of the Project. Hall recommended that the County proceed with approving the proposed Change Order with Central Specialties, Inc. with the following stipulations:

- 1) Complete 30th Ave NE & 249th Street NE paving and shouldering no later than June 15, 2020,
- 2) Complete 103rd Ave NE & 223rd St NE which includes the box culvert installation, the roadway graveling, and Base One treatment by July 15, 2020,
- 3) Complete all remaining shouldering, top soiling, seeding, erosion control, signing, and striping by August 1, 2020,
- 4) In the event that the new time lines are not met, Liquidated Damages will be assessed in accordance with the NDDOT Standard Specifications for Road and Bridge Construction.

Motion by Comm. Jones and 2nd by Comm. Peluso, to approve the proposed Change Order with Central Specialties, Inc. for the completion of the McKenzie Haul Road Project. All members present voted "AYE." Motion carried.

HR Director Terras appeared with the following items for the Board's consideration: Finance Director position interview panel and schedule, and discussion regarding compensation for the Auditor/Treasurer interim duties.

Terras recommended the establishment of an interview committee for review of applications received for the Finance Director position as follows: two (2) County Commissioners, Deputy Auditor/Treasurer, current Finance Director, a liaison from the City of Bismarck, and Sheriff Leben. By consensus the Commission agreed to the interview board make-up as recommended.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the formal written appointment of Allan Vietmeier as interim County Auditor/Treasurer effective 12/15/19 at a salary Grade 16; Step 13 through November 2020. "AYE" votes: Peluso, Bitner. "NAY" votes: Jones, Woodcox. Motion tied.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the formal written appointment of Allan Vietmeier as interim County Auditor/Treasurer effective 12/15/19 at a salary Grade 16; Step 14. All members present voted "AYE." Motion carried.

Board appointments, tabled to January 2020. Comm. Jones requested a policy manual for procedures on board appointments.

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

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the Arman, Mutzenberger, Becker/JER Remodeling, Welder, Reiser, and Fischer abatements as requested. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
November 18, 2019**

5:00 P.M.

The Burleigh County Commission convened with all members present.

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

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the November 4, 2019, meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

The abatements were presented for the Board's consideration; a complete copy of which are on file and available for inspection in the office of the county auditor/treasurer:

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the Seibel, Bruley, Hayden, Lyons, Krick, Hopfauf, Howard (2), and Andre Trust abatements as presented. All members voted "AYE". Motion carried.

The Board then considered auxiliary board appointments, with following motion made:

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to appoint Dale Patrick to an unexpired term ending 12/31/21, on the Burleigh County Planning Commission contingent upon receiving a letter of resignation from current planning commission member James Small. "AYE" votes: Armstrong, Jones, Woodcox, Bitner. "NAY" vote: Peluso. Motion carried.

Chairman Bitner presented Comm. Jones with a certificate of appreciation for five (5) years of service to Burleigh County.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
November 4, 2019**

5:09 P.M.

The Burleigh County Commission convened with all members present.

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

Comm. Jones reported she had reviewed the bills and recommended approval.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the October 21, 2019, minutes with the inclusion of recognition to Finance Director Thompson who was awarded the North Dakota Association of Counties Excellence in Government County Employee of the Year Award; and, to approve payment of the monthly vouchers, journal vouchers, and filing fee reports as presented. All members voted "AYE." Motion carried.

Brian Ritter, President Bismarck Mandan Chamber EDC, appeared and provided an update of efforts at the Chamber EDC.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to request the Bismarck Mandan Chamber EDC to address Daylight Savings Time with the ND State Legislature with the Commission submitting a letter requesting the keeping of "summertime hours". All members voted "AYE", except Commissioner Peluso, who voted "NAY." Motion carried.

Scott Wegner, Arntson Stewart Wegner PC, appeared regarding the request of the Missouri Slope Lutheran Care Center for a public hearing related to the Missouri Slope Lutheran Care Center North Campus Municipal Industrial Development Association (MIDA) Bond issuance. Wegner requested a public hearing be authorized and called for December 2, 2019.

Motion by Comm. Jones, 2nd by Comm. Peluso, to authorize the call for a public hearing on December 2, 2019, related to the proposed Missouri Slope Lutheran Care Center North Campus Municipal Industrial Development Association (MIDA) Bond issuance.

Comm. Woodcox questioned the bonding capacity of Burleigh County, noting his concern that a \$90-million-dollar commitment would max out Burleigh County's bond authority. Wenger stated there is no limit on the bonding capacity unless it is considered debt and MIDA Bonds are not considered debt.

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

Election Manager White appeared regarding designation of precincts and voting places for the 2020 election cycle; to authorize an absentee ballot precinct; and, to authorize the county auditor/treasurer to establish and operate an early vote precinct for the Primary and General Elections as necessary. White stated the auditor/treasurer's office is proposing only one (1) minor change to precincts and voting locations for the 2020 election cycle. White continued the only change proposed is combining the five (5) precincts at the Bismarck

Event Center into two (2) precincts. White stated that the District 32 Republican and Democratic Chairman have been consulted along with the District 32 Legislators. White concluded the change is endorsed by all party representatives.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the combining of the five (5) precincts at the Bismarck Event Center into two (2) precincts; to authorize an absentee ballot precinct; and, to authorize the county auditor/treasurer to establish and operate an early vote precinct for the Primary and General Elections as necessary. All members present voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following items: results of bid opening for one (1) new motor grader; results of bid opening for one (1) new 3 cubic yard loader; results of bid opening for one (1) new 4 cubic yard loader; update on 249th St NE (McKenzie Haul Road) and N Washington St/1804 projects; and, Eric Grove, Magnum Trucking, regarding road conditions within Apple Creek Industrial Park Subdivision.

Hall presented the following results of the November 1, 2019, bid opening for one (1) new motor grader:

	<u>Total Sum bid</u>	<u>Less Buy Back</u>	<u>Total Bid Cost</u>
RDO Equipment Co.	\$329,100.00	\$167,400.00	\$161,700.00
Butler Machinery Company	\$350,900.00	\$135,000.00	\$215,900.00

Motion by Comm. Armstrong, 2nd by Comm. Jones, to award the bid for the purchase of one (1) new motor grader under a five (5) year total cost bid with a guaranteed repurchase price at the end of the period to the low bidder, RDO Equipment Co., in the amount of \$329,100. All members voted "AYE". Motion carried.

Hall presented the following results of the November 1, 2019, bid opening for one (1) new 3 cubic yard loader:

	<u>Total Sum bid</u>	<u>Less Buy Back</u>	<u>Total Bid Cost</u>
Titan Machinery	\$157,985.00	\$85,000.00	\$72,985.00
RDO Equipment Co.	\$179,000.00	\$104,000.00	\$75,000.00
Butler Machinery Company	\$183,200.00	\$100,000.00	\$83,200.00
Bobcat of Mandan	\$185,900.00	\$81,796.00	\$104,104.00

Motion by Comm. Jones, 2nd by Comm. Woodcox, to award the bid for the purchase of one (1) new 3 cubic yard loader under five (5) year total cost bids with a guaranteed repurchase price at the end of the period to the low bidder, Titan Machinery, in the amount of \$157,985. All members voted "AYE." Motion carried.

Hall presented the following results of the November 1, 2019, bid opening for one (1) new 4 cubic yard loader:

	<u>Total Sum bid</u>	<u>Less Buy Back</u>	<u>Total Bid Cost</u>
RDO Equipment Co.	\$234,950.00	\$150,700.00	\$84,250.00
Bobcat of Mandan	\$200,000.00	\$88,000.00	\$112,000.00
Titan Machinery	\$214,310.00	\$100,000.00	\$114,310.00
Butler Machinery Company	\$223,000.00	\$105,000.00	\$118,000.00

Motion by Comm. Woodcox, 2nd by Comm. Jones, to award the bid for the purchase of one (1) new 4 cubic yard loader under five (5) year total cost bids with a guaranteed repurchase price at the end of the period to the low bidder, RDO Equipment Co., in the amount of \$234,950. All members voted "AYE." Motion carried.

Engineer Hall then presented an update on the McKenzie Haul Road construction project. Hall stated this large project is approximately 32% complete. Hall noted the contract with Central Specialties had a completion date of November 1, 2019. Hall presented options available according to ND Dept of Transportation standard specifications. Hall stated the Commission could extend the date of completion due to certain unforeseen circumstances; assign liquidated damages of \$2,500/day based on project costs; and in extreme cases, the county could terminate the contract. Hall stated if the contract is terminated the county would be responsible for work completed and materials on hand. Hall added if terminated, the remaining work on the project would need to be rebid. Hall continued that it would be financially responsible to retain Central Specialties, and it is typical to carry over a contract. Hall requested authorization to negotiate terms of a contract extension with Central Specialties. Hall recommended that if satisfactory extension terms cannot be reached by December 16, 2019, the Commission can pursue other legal remedies. Chairman Bitner questioned winter maintenance on the road and impact to the construction already completed. Hall stated those concerns will be included in the contract extension negotiations, with Central Specialties responsible for additional repairs. By consensus the Commission authorized Hall to negotiate a contract extension with Central Specialties and provide further information on December 16, 2019.

Hall reported that the N Washington St/Highway 1804 project is considered complete and will reopen soon.

Hall presented an update on road conditions within Apple Creek Industrial Park Subdivision. Hall stated the Highway Dept is working on plans to improve the drainage within parts of the subdivision as the lack of drainage is the primary reason for the poor road conditions.

Eric Grove, Magnum Trucking, appeared and requested the development of an action plan that will outline a timeline for repairs. Grove also requested that the roads be crowned and bladed on a regular basis. Hall agreed with Grove's requests and added that a special assessment district may be necessary to finance improvements in this area.

Building Official Ziegler appeared regarding the appointment of a County Planning Commission member to fulfill the unexpired term (12/31/21) of Jim Small. Ziegler stated the County Planning Commission recommends the appointment of Dennis Agnew to the unexpired term. Ziegler noted there are two (2) other terms on the County Planning Commission that will be expiring on 12/31/19.

Motion by Comm. Jones, 2nd by Comm. Peluso, to table the appointment(s) to the Burleigh County Planning & Zoning Commission until the November 18, 2019, meeting. All members voted "AYE." Motion carried.

HR Director Terras appeared with the following items for the Board's consideration: review of County Administrator salary classification; continued discussion regarding appointment of auditor/treasurer; and, consideration of proposed Home Rule Charter amendment.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the salary classification of the County Administrator position at a DBM Rating of E83 and salary grade 21. All members voted "AYE". Motion carried.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to appoint Allan Vietmeier as Burleigh County Auditor/Treasurer, effective December 15, 2019, and subject to a formal written appointment as required by law. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to submit to the electors of Burleigh County an amendment to Article III of the Burleigh County Home Rule Charter – Elections; thereby removing the requirement that the offices of the County Auditor/Treasurer and County Recorder remain as elected positions voted upon by the qualified electors, allowing for the appointment of these offices pursuant to NDCC 11-10.2; with such amendment to be submitted to the electors of Burleigh County on June 9, 2020; and, to become effective immediately upon approval of this amendment. All members voted "AYE". Motion carried.

The Commission then discussed potential ballot language to amend the Home Rule Charter with consensus that this item be placed on the November 18th, 2019, meeting for further discussion.

Motion by Comm. Jones, 2nd by Com. Peluso, to authorize the hiring of a part time Horticulturist (approximately 20 hours per week). All members voted "AYE." Motion carried.

Comm. Jones then reported that Burleigh County has been requested to assume fiscal agent responsibility for Nurturing Parenting Program. Comm. Jones stated with the upcoming changes in the auditor/treasurer/tax equalization office, she does not recommend Burleigh County assume these responsibilities.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to decline the request for Burleigh County to assume fiscal agent responsibility for the Nurturing Parenting Program. All members voted "AYE." Motion carried.

The abatements were presented for the Board's consideration; a complete copy of which is on file and available for inspection in the office of the county auditor/treasurer:

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the Creekside Apartments LLC, Oster, and Wiese abatements as requested. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
October 21, 2019**

5:00 P.M.

The Burleigh County Commission convened with all members present.

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

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the October 9, 2019, meeting minutes as presented. All members voted "AYE." Motion carried.

Comm. Woodcox reported that he had reviewed the bills and recommended approval.

Motion by Comm. Woodcox, 2nd by Comm. Jones, 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, 2019. Chairman Bitner opened the public hearing and called for any public testimony. As no one present appeared, the following motion was made:

Motion by Comm. Jones, 2nd by Comm. Peluso, to close the public hearing and confirm the minimum sale prices for the annual tax sale held on November 19, 2019, as previously adopted. All members voted "AYE." Motion carried.

Building Official Ziegler appeared regarding consideration of the final plat of Destiny Subdivision.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the final plat of Destiny Subdivision. All members voted "AYE." Motion carried.

Sheriff Leben appeared regarding Automated Teller Machines (ATMs) site contracts for ATMs located at the Courthouse and Detention Center.

Comm. Jones questioned the terms of the contract. Sheriff Leben responded the contracts are for five (5) year periods with a thirty (30) day termination by either party. Comm. Armstrong questioned the potential revenue from this contract. Leben replied \$1 per transaction.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the five (5) year contracts with Dakota Community Bank for the placement of Automated Teller Machines at the County Courthouse and the Burleigh/Morton Detention Center. All members voted "AYE." Motion carried.

Comm. Jones then presented information and price quotes for proposed updates to the kitchen appliances at the Joann Hetzel Memorial 4-H Building. Jones reported price quotes have been received in the amount of \$4,900 to cover the costs including venting of the stove and microwave.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the expenditure of up to of \$5,500 for the updates to the Joann Hetzel Memorial 4-H Building kitchen appliances. All members voted "AYE." Motion carried.

Human Resource Director Terras appeared with the following items for the Board's consideration: proposed Blue Cross Blue Shield of ND (BCBSND) Health Insurance renewal for 2020, continued discussion regarding a County Administrator position, and continued discussion regarding changing the auditor/treasurer and recorder positions from elected to appointed offices.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the renewal of the Blue Cross Blue Shield of ND (BCBSND) Health Insurance contract for calendar year 2020. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the proposed County Administrator job description and forward the same to Gallagher Inc. for salary classification review. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. by Jones, to direct HR Director Terras to draft language to amend the home rule charter related to the election of the county auditor/treasurer and recorder positions, to be placed on the 2020 Primary Election ballot. All members voted "AYE." Motion carried.

The Commission then reviewed information and considered the process for replacement of the county auditor/treasurer.

State's Attorney Lawyer appeared and stated the Commission needs to appoint someone until a new auditor/treasurer is elected in 2020. Lawyer recommended appointing someone who is familiar with the duties of the office.

Chairman Bitner suggested Finance Director Thompson for the appointment as he has many years of experience and is familiar with the duties of the office.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to appoint Clyde Thompson as Burleigh County Auditor/Treasurer.

Comm. Jones then withdrew her motion with Comm. Armstrong agreeing.

Terras stated that there are other internal candidates available from within Burleigh County.

Motion by Woodcox, 2nd by Comm. Peluso, to form a committee made up of HR Director Terras and Commissioners Peluso and Woodcox to seek potential candidates for appointment as auditor/treasurer.

Comm. Peluso suggested Bitner sit on this committee. Bitner stated he was busy but would try and attend the meeting(s).

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

Engineer Hall appeared and reported that each year the Burleigh County Highway Department reviews all of the federal aid highway projects to ensure that all projects are being maintained in a good and safe condition for general public use and under current state and federal rules.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve the maintenance certification for all county federal aid project(s) within Burleigh County. All members voted "AYE." Motion carried.

Hall then presented status updates on the N Washington St./Highway 1804 Roundabout and the 249th St NE (McKenzie Haul Road) projects.

Chairman Bitner then initiated a discussion regarding the County Highway Dept and Burleigh County road conditions. Bitner expressed his dissatisfaction with the conditions of Apple Creek Rd and 71st St. Bitner continued that Burleigh County has hired more engineering staff in the past and shifted priorities to creating new projects and less to maintenance of existing roads.

Hall stated Apex Engineering has been engaged to study Apple Creek Rd. and in particular the high water area through Bryan's Slough. Hall noted four (4) potential options: install a permanent pump station; construct a drainage ditch; a road grade raise; and, closure and removal of the roads in the area. Hall concluded the study will look at the cost of each option along with the constructability and environmental impacts. Upon question Hall stated he hoped to have some information on these options within one (1) month.

Bitner called upon Eric Grove of Magnum Trucking to appear regarding the condition of the roads within Apple Creek Industrial Park.

Comm. Jones noted that the Water Resource and Highway Dept. have offered options for drainage and roadway improvements within the Apple Creek Industrial Park Subdivision with no response from landowners. Bitner requested that this item be placed on the November 4 meeting agenda for further discussion.

Auditor/Treasurer Glatt reported that there were no items on the consent agenda.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the consent agenda. All members voted "AYE" except Comm. Woodcox. Motion carried.

Comm. Woodcox noted that Finance Director Thompson recently was awarded the North Dakota Association of Counties Excellence in Government County Employee of the Year Award.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
October 9, 2019**

5:09 P.M.

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

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the September 18, 2019, meeting minutes as presented. All members present voted "AYE." Motion carried.

Vice-Chairman Woodcox reported that he had reviewed the bills and recommended approval.

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

This was the hour and date set for public hearings regarding the proposed lot modification of Lots 5 & 6, Block 5, Briardale II Subdivision; and the proposed lot modification of Lot 1, C & L Estates Subdivision.

Building Official Ziegler appeared and presented information on the requested lot modifications.

Vice-Chairman Woodcox opened the public hearing for the proposed lot modification of Lots 5 & 6, Block 5, Briardale II Subdivision.

As no one present appeared the following motion was made:

Motion by Comm. Jones, 2nd by Comm. Peluso, to approve the lot modification of Lots 5 & 6, Block 5, Briardale II Subdivision. All members present voted "AYE." Motion carried.

Vice-Chairman Woodcox opened the public hearing for the proposed lot modification of Lot 1, C & L Estates Subdivision.

As no one present appeared the following motion was made:

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the lot modification of Lot 1, C & L Estates Subdivision. All members present voted "AYE." Motion carried.
Jim and Karen Bonnet, 6100 62nd St NE, appeared regarding a neighbor's burn barrels and the smoke and health hazard related to burning garbage.

Anton Sattler, Environmental Health Administrator, Bismarck/Burleigh Public Health appeared and stated he has been in contact with the State Health Dept., Sheriff's Dept., and others; and can find no enforcement authority as there are no regulations prohibiting the burning of garbage.

Upon question, State's Attorney Lawyer suggested the Bonnets file a complaint with the Sheriff's Dept. the next time the burn barrels are used. Lawyer continued that the Sheriff's Dept. could then provide a report to her office for further possible action.

Sheriff Leben appeared and stated the next time the Bonnets have a complaint they should call the Sheriff's Dept. and a deputy would respond, evaluate the situation, and file a report. Leben noted the report would then be submitted to the State's Attorney for possible further action.

Vice-Chairman Woodcox recommended that the Bonnets call the Sheriff's Dept. and report the next time the burn barrels are used as suggested by the State's Attorney and Sheriff. No further action was taken.

Sheriff Leben then requested approval of North Dakota Department of Transportation (NDDOT) Traffic Safety Grant(s) for the following programs: Click It or Ticket \$3,490; Impaired Driving \$4,130; Underage Drinking \$4,130; and Distracted Driving \$3,850.

Motion by Comm. Jones, 2nd by Comm. Peluso, to approve the NDDOT Traffic Safety Grants as follows: Click It or Ticket \$3,490; Impaired Driving \$4,130; Underage Drinking \$4,130; and Distracted Driving \$3,850. All members present voted "AYE." Motion carried.

Comm. Jones reported that Elizabeth Burdolski, Agriculture and Natural Resources Extension Agent, has resigned her position and recruitment for replacement has commenced.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to appoint Kelsey Deckert and Karri Springer as Burleigh County delegates to the ND State Fair Annual Meeting. All members present voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following items: consideration of 2020 Highway Department fee schedule; road maintenance agreements with the organized and unorganized townships; authorization to advertise bids for one (1) new motor grader; authorization to advertise bids for one (1) new 3 cubic yard loader and one (1) new 4 cubic yard loader; and, consideration of a Developers Agreement related to Whispering Ridge 2nd Subdivision.

Motion by Comm. Peluso, 2nd by Comm. Jones, to request the City of Bismarck review the speed limit along 57th Ave NW west of N Washington St. All members present voted "AYE." Motion carried.

Hall stated that in 2015 the Highway Department started a new fee schedule for Township Road Maintenance agreements with the goal at that time to collect at least 25% of the actual cost of services for the prior three-year average expense. Hall stated the Highway Dept. has been requesting increases between 30% and 40% to the annual fees charged in the Township Road Maintenance Agreement in order to bring the fees collected to at least 50% of the actual cost of services based on an average of the previous three (3) years. Hall recommended no increase for 2020 as the fee to cost ratio is getting close to the 50% level.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve and adopt the 2020 Highway Department fee schedule as presented. All members present voted "AYE." Motion carried.

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

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

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the Road Maintenance Agreements between the County of Burleigh and the organized and unorganized townships assigning the roles and responsibilities for maintaining township roads within Burleigh County. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to authorize the advertisement of bids for the purchase of one (1) new motor grader under a five (5) year total cost bid with a guaranteed repurchase price at the end of the period. All members present voted "AYE". Motion carried.

Motion by Comm. Jones, 2nd by Comm. Peluso, to authorize the advertisement of bids for the purchase of one (1) new 3 cubic yard loader and one (1) new 4 cubic yard loader under five (5) year total cost bids with a guaranteed repurchase prices at the end of the period. All members present voted "AYE". Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the Whispering Ridge 2nd Subdivision request to waive the chip seal requirement and allow the recording of the Whispering Ridge 2nd plat prior to the completion of the required roadway work (chip seal treatment) as listed and detailed in the Pavement Policy. All members present voted "AYE." Motion carried.

States Attorney Lawyer appeared and requested authorization for a variance to Personnel Policy Chapter 2, Section 10: Starting Salary.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to authorize the States Attorney's office to fill a Legal Assistant I position at Grade 4 Step 9. All members present voted "AYE". Motion carried.

Motion by Comm. Jones, 2nd by Comm. Peluso, to accept the resignation of Auditor/Treasurer Glatt as submitted. All members present voted "AYE". Motion carried.

The abatements were presented for the Board's consideration; a complete copy of which is on file and available for inspection in the office of the county auditor/treasurer:

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the Kemmet, Gustafson, Heinle, Clausnitzer, Prairie Chicken Inc., Kurtz, Paul, FirstChoice Clinic, and Delta Waterfowl (2) abatements as requested; to authorize the cancellation of the outstanding checks written prior to July 2018 with funds sent to State Land Dept. Unclaimed Property Division; to approve the second approach permit application of Ryan Sailer, Lot 8, Block 3 (8422 Outland Rd); and, to approve the

second approach permit application of Jaqueline Fakler, Gov't Lot 3, Section 4, Naughton Twp. (162nd Ave NE). All members present voted "AYE." Motion carried.

Comm. Jones then presented an update on the Weed Officer Position. No action was taken.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
SEPTEMBER 18, 2019**

5:00 P.M.

The Burleigh County Commission convened with all members present.

Chairman Bitner called the meeting to order with the first item of business the approval of the September 4, 2019, meeting minutes.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve the September 4, 2019, meeting minutes as presented. All members voted "AYE." Motion carried.

Comm. Armstrong reported that he had reviewed the bills and recommended approval. Motion by Comm. Armstrong, 2nd by Comm. Jones, 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 Resolution of Necessity for proposed Special Assessment District #70, parts of Sabot's, Eden's, and Oakland Subdivisions road improvement.

County Engineer Hall appeared and presented background information on the petition to create the Special Assessment District (SAD). Hall explained the proposed SAD is for the paving of roadways. Hall stated 70.6% of the landowners representing 69.5% of the benefited property signed the petition to create the district. Hall noted the engineer's estimate of \$211,988, to be spread equally among the seventeen (17) benefited properties per the submitted petition.

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

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to adopt a resolution determining the insufficiency of protests related to the Resolution of Necessity for Special Assessment District #70, parts of Sabot's, Eden's, and Oakland Subdivisions road improvement, and to direct the engineer to prepare detailed plans and specifications. All members voted "AYE." Motion carried.

This was the hour and date set for a public hearing regarding the Resolution of Necessity for proposed Special Assessment District #71, parts of Riverside 2nd and Valcor Subdivisions road improvement.

County Engineer Hall appeared and presented background information on the petition to create the Special Assessment District (SAD). Hall explained the proposed SAD is for the paving of roadways. Hall stated 61.5% of the landowners representing 71.4% of the benefited property signed the petition to create the district. Hall noted the

engineer's estimate of \$400,134, to be spread equally among the thirty-five (35) benefited properties per the submitted petition.

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

Karen Hogue appeared in opposition to the special assessment district. Hogue stated she owns several lots in the development and does not think it is fair to be responsible for specials on multiple lots.

Leslie Oliver, Robert Berg, and Jorge Pagan all appeared in support of the special assessment district.

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

Motion by Comm. Jones, 2nd by Comm. Peluso, to adopt a resolution determining the insufficiency of protests related to the Resolution of Necessity for Special Assessment District #71, parts of Riverside 2nd and Valcor Subdivisions road improvement, and to direct the engineer to prepare detailed plans and specifications. All members voted "AYE." Motion carried.

This was the hour and date set for a public hearing regarding the Resolution of Necessity for proposed Special Assessment District #72, part of Grande Prairie Estates 4th Subdivision road improvement.

County Engineer Hall appeared and presented background information on the petition to create the Special Assessment District (SAD). Hall explained the proposed SAD is for the paving of roadways. Hall stated 88.9% of the landowners representing 86.4% of the benefited property signed the petition to create the district. Hall noted the engineer's estimate of \$159,209, to be spread equally among the eleven (11) benefited properties per the submitted petition.

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

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

Motion by Comm. Jones, 2nd by Comm. Woodcox, to adopt a resolution determining the insufficiency of protests related to the Resolution of Necessity for Special Assessment District #72, part of Grande Prairie Estates 4th Subdivision road improvement, and to direct the engineer to prepare detailed plans and specifications. All members voted "AYE." Motion carried.

Kevin Seher, Baldwin Townsite, appeared regarding cleanup of the Evanenko property. Seher stated the property owner did the cleanup with a skid steer loader; however, there is still a giant hole on the property including the foundation and the remains of the burned structure and contents. Seher noted that no environmental health assessment

has been done. Seher requested the Commission investigate what has happened and provide a solution to this ongoing “mess”.

Building Official Ziegler appeared and stated he was in contact with the property owner on or about August 5, 2019, and the cleanup was to be complete within two weeks. Ziegler suggested a criminal nuisance complaint be filed against the property owner.

Justin Evanencko appeared and stated he has been working on the cleanup but he recently had an injury that prevented him from finishing the job.

Upon question, State’s Attorney Lawyer stated that her office only recently was provided with information regarding this situation. Lawyer added a review of the information is being conducted for a possible nuisance complaint.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to direct the State’s Attorney to proceed with legal action to the fullest extent against the property owner for the cleanup. All members voted “AYE.” Motion carried.

Seher noted that three (3) residents are still using well water in the immediate area and requested that testing be done of the well water in the area.

Chairman Bitner assured Seher that the proper attention would be given to these matters.

Building Official Ziegler then presented for consideration the final plat of Holden Acres Subdivision.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the final plat of Holden Acres Subdivision. All members voted “AYE.” Motion carried.

County Engineer Hall appeared with the following items for the Board’s consideration: County Federal Aid Form approval; update on Bitz approach onto County Highway 10; request for a developer pavement waiver related to paving 2.2 miles of roadway to reach 136th Ave NE just east of Highway 83 (Destiny Subdivision); acceptance of right-of-way dedication within and adjacent to Morton Subdivision; and application of Big River Builders for a second approach permit from Lot 36, Block 1, Misty Waters Subdivision (6334 Dream Circle).

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve the Burleigh County Federal Aid Form as presented. All members voted “AYE.” Motion carried.

Engineer Hall then updated the Commission regarding the Bitz approach on County Road 10, stating the approach is still on target for completion by November 1, 2019.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the request for a pavement waiver related to paving 2.2 miles of roadway to reach 136th Ave NE east of Highway 83 (Destiny Subdivision). All members voted “AYE.” Motion carried.

Motion by Comm. Jones, 2nd by Comm. Peluso, to approve acceptance of right-of-way dedication within and adjacent to Morton Subdivision. All members voted “AYE.” Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the application of Big River Builders for a second approach permit from Lot 36, Block 1, Misty Waters Subdivision (6334 Dream Circle) as presented. All members voted "AYE." Motion carried.

Comm. Jones then presented information regarding the proposed changes to the North Dakota Association of Counties (NDACo) Constitution related to the makeup of the NDACo Board. Jones noted the proposed changes will be considered at the NDACo Annual Conference October 6 - 8. No action was taken.

Auditor/Treasurer Glatt then presented recommendations for the minimum sale prices for the annual delinquent property tax sale.

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

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the second approach permit application of Dean Wolf from Block 5, Lot 5, Skyline Estates Sub (7604 Twilight Rd); to approve the Lost Instrument Surety Bond to replace check #109023 (\$37.88); to designate the Driscoll Betterment Organization as an Other Public Spirited Organization; and to approve raffle permit application of the Driscoll Betterment Organization. All members voted "AYE." Motion carried.

5:54 P.M.

The Burleigh County Commission recessed until 6:00 P.M.

6:00 P.M.

The Burleigh County Commission reconvened with all members present.

This was the hour and date set for the continued PUBLIC HEARING regarding the proposed budget and adoption of the final budget for the year ending December 31, 2020.

Chairman Bitner called County Finance Director Thompson to review the previous actions of the County Commission related to the 2020 budget. Thompson summarized the changes the County Commission made to the Preliminary Budget noting on average Burleigh County's share of the property taxes are up 11.5%. Upon question Thompson stated this 11.5% increase equates to an increase of 3.79 mills within the City of Bismarck and 3.4 mills outside the City of Bismarck.

John Dwyer, Don Grenz, and Jason Cherney, residents along 162nd Ave NW and 80th St NW, appeared regarding the condition of the roads in their area and requested that adequate funds be appropriated for the county road system.

Kevin Seher appeared and expressed his dissatisfaction with the property tax increase, especially when considering the lack of action (service) regarding the Baldwin Townsite cleanup situation.

Marcella Krein, former county social service employee, appeared and questioned where and how the county funds previously funded social service costs are now being spent.

Chairman Bitner briefly explained the recent legislation change providing for state funding for social service costs.

Comm. Armstrong presented a PowerPoint presentation of items that could be reduced and/or eliminated from the budget. Armstrong highlighted the County Building/Planning/Zoning Dept., employee travel, emergency management, ND Association of Counties dues, county park board, county bookmobile, and employee salary increases.

Building Official Ziegler appeared and presented a review of the income and expenses of the County Building/Planning/Zoning Dept.

Chairman Bitner stated it would be a mistake for the county to eliminate the Building/Planning/Zoning Dept. and contract with the City of Bismarck for these services.

Library Director Kujawa and Head of Burleigh County Bookmobile McDonald appeared and provided information regarding the bookmobile and its usage.

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve and adopt the final 2020 Burleigh County budget and appropriate mill levies as per the preliminary budget adopted and amended.

Comm. Woodcox then suggested removing the open and vacant position in the Auditor/Treasurers office.

Amended Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the preliminary budget with the removal of the vacant position in the Auditor/Treasurer/Tax Equalization budget (\$79,113 salaries and benefits).

Auditor/Treasurer Glatt presented information regarding the budget of the Auditor/Treasurer/Tax Equalization Dept.

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

Commissioner Bitner questioned the vacant positions in the State's Attorney Office. Human Resources Director responded and stated all open positions in the State's Attorney Office have been filled. Terras also presented information and explained the proposed county employee salary increase. Terras stated Burleigh County competes with Eastern North Dakota cities and counties in the recruitment and retention of State's Attorneys and Sheriff employees. Terras noted the following proposed increases from the other entities including but not limited to: Cass County 4.7%; City of West Fargo 6%; City of Fargo 5%; and Grand Forks County 5%.

Emergency Manager Senger appeared and provided information regarding the \$50,000 emergency fund line item within her budget.

Terry Traynor, ND Association of Counties (NDACo), appeared and provided information regarding the NDACo budget, dues, and conference and training fees.

Comm. Woodcox questioned the Garrison Diversion Conservancy District (C-District) mill levy. Traynor noted that Burleigh County requested membership in the C-District many years ago and if desired, should make a request the C-District to have the membership rescinded. Woodcox questioned the State Medical Center mill levy. Traynor responded that the levy is in support of the UND Medical School pursuant to state law.

Chairman Bitner then stated that he could not support the motion to approve the budget as it includes a 0.5 mill increase, or approximately \$250,000, for the County Highway Dept. Bitner noted the recent Commission action, to borrow money from the Bank of North Dakota to finance the reconstruction of the McKenzie Haul Road. Bitner noted at that time, the Commission was told that existing revenue would cover the loan payments.

Comm. Jones defended the 0.5 mill increase for the County Highway Dept. noting that the funding is needed to get the roads "up to par" to accommodate a growing population.

Vote on original motion as amended: "AYE" votes: Woodcox, Peluso, Jones. "NAY" votes: Armstrong, Bitner. Motion carried.

No one else present appeared, and the County Commission recessed and immediately sat as the Township Boards for each unorganized township for the following motion:

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve and authorize the maximum mill levies for the Unorganized Townships of Lincoln, Burnt Creek, Canfield, Riverview, Ft. Rice, Lyman, and Phoenix. All members voted "AYE". Motion carried. The Burleigh County Commission immediately reconvened with all members present.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve the Agreement for the Joint Exercise of Governmental Powers with the City of Bismarck relating to the contract for Police Youth Bureau services. All members voted "AYE". Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve the contract with Centre, Inc., for Community Service & Misdemeanor Probation services. All members voted "AYE". Motion carried.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the contract with Mountain Plains Youth Services (Youthworks) for the provision of Attendant Care and Emergency Shelter Care Services. 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, 2020

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

I, Kevin J. Glatt, County Auditor, do hereby respectfully submit to the Board of County Commissioners, the Final Budget for the twelve-month period beginning January 1, 2020 and ending December 31, 2020. 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, 2020 the following amounts are necessary:

FINAL BUDGET

County Board.....	\$ 513,485
Juvenile Court.....	231,000
County Auditor/Treasurer/Tax Equalization	1,169,777
States Attorney	3,045,878
County Recorder	322,643
Superintendent of Schools.....	67,000
Public Administrator.....	6,300
Courthouse, Buildings & Grounds	518,669
Elections	449,000
Utilities	94,000
Printing, Publishing and Supplies	33,000
Telephone and Postage	121,000
Technology	115,917
Audit Fees	30,000
Human Resources	386,326
Liability and Property Insurance	122,000
County Planning	338,690
County Sheriff.....	6,973,102
County Detention Center	8,890,115
Emergency Management	230,803
Ambulance Services.....	1,500
Police Youth Bureau	77,429

Public Health Nurse	198,150
Social Services	684,000
Advertising.....	76,984
Boat Ramps.....	174,813
Kimball Bottoms Boat Ramp.....	50,263
Driscoll Sibley Park and Mitchell Lake	7,800
City Recreation	266,000
Communications Center	672,782
Transfer Out	283,000
GENERAL FUND BUDGET.....	\$26,151,426

Appropriation for General Government	\$26,151,426	
Plus: Delinquent Taxes & Interim Fund	8,314,805	
Less: Resources	<u>(20,370,965)</u>	
Balance to be levied (26.89 Mills)		\$14,095,266
Appropriation for Unorganized Townships	1,271,000	
Plus: Delinquent Taxes	30,525	
Less: Resources	<u>(691,025)</u>	
Balance to be levied		610,500
Appropriation for County Road & Bridge	11,978,740	
Plus: Delinquent Taxes	65,525	
Less: Resources	<u>(10,733,765)</u>	
Balance to be levied (2.50 Mill)		1,310,500
Appropriation for Highway Tax Distribution	7,211,000	
Less: Resources	<u>(7,211,000)</u>	
Balance to be levied		- 0 -
Appropriation for Job Development	100,000	
Plus: Delinquent Taxes	4,591	
Less: Resources	<u>(12,767)</u>	
Balance to be levied (.18 Mill)		91,824
Appropriation for Library	329,247	
Plus: Delinquent Taxes	13,500	
Less: Resources	<u>(72,747)</u>	
Balance to be levied (2.07 Mills)		270,000
Appropriation for Special Assessments	28,000	
Plus: Interim Fund	7,000	
Less: Resources	<u>(35,000)</u>	
Balance to be levied		- 0 -
Appropriation for Senior Citizens	959,122	
Plus: Delinquent Taxes & Interim Fund	692,314	
Less: Resources	<u>(1,179,656)</u>	
Balance to be levied (.90 Mill)		471,780

Appropriation for Detention Commissary	138,500	
Less: Resources	<u>(138,500)</u>	- 0 -
Balance to be levied		
Appropriation for Sobriety 24/7 Program	144,700	
Less: Resources	<u>(144,700)</u>	- 0 -
Balance to be levied		
Appropriation for Communication Center	3,896,251	
Less: Resources	<u>(3,896,251)</u>	- 0 -
Balance to be levied		
Appropriation for Victim/Witness Assistance	369,699	
Less: Resources	<u>(369,699)</u>	- 0 -
Balance to be levied		
Appropriation for Emergency Fund	1,419,000	
Less: Resources	<u>(1,419,000)</u>	- 0 -
Balance to be levied		
Appropriation for Veterans Service	384,354	
Plus: Delinquent Taxes & Interim Fund	113,914	
Less: Resources	<u>(141,753)</u>	
Balance to be levied (.68 Mill)		356,515
Appropriation for Provident Life Bldg.	1,028,939	
Less: Resources	<u>(1,028,939)</u>	- 0 -
Balance to be levied		
Appropriation for Missouri Valley Complex	563,450	
Less: Resources	<u>(563,450)</u>	- 0 -
Balance to be levied		
Appropriation for County Agent	451,561	
Plus: Delinquent Taxes & Interim Fund	128,413	
Less: Resources	<u>(269,516)</u>	
Balance to be levied (.59 Mill)		310,458
Appropriation for Weed Board	436,226	
Plus: Delinquent Taxes & Interim Fund	126,925	
Less: Resources	<u>(205,799)</u>	
Balance to be levied (2.75 Mills)		357,352
Appropriation for Water Resource District	982,200	
Plus: Delinquent Taxes	44,557	
Less: Resources	<u>(135,617)</u>	
Balance to be levied (1.70 Mills)		891,140

Appropriation for County Park	2,000	
Plus: Interim Fund	525,695	
Less: Resources	<u>(527,695)</u>	- 0 -
Balance to be levied		
Appropriation for County Jail Maintenance and Construction	1,000,000	
Less: Resources	<u>(1,000,000)</u>	- 0 -
Balance to be levied		
Appropriation for K-9 Patrol Program	13,000	
Less: Resources	<u>(13,000)</u>	- 0 -
Balance to be levied		
Appropriation for Parking	65,000	
Less: Resources	<u>(65,000)</u>	- 0 -
Balance to be levied		
Appropriation for Abandoned Cemeteries	8,000	
Less: Resources	<u>(8,000)</u>	- 0 -
Balance to be levied		
Appropriation for Central Dakota Communication Center	500,000	
Less: Resources	<u>(500,000)</u>	- 0 -
Balance to be levied		
Appropriation for Preservation Fund	108,800	
Less: Resources	<u>(108,800)</u>	- 0 -
Balance to be levied		
Appropriation for Sheriff Drug Asset Forfeiture Fund	28,000	
Less: Resources	<u>(28,000)</u>	- 0 -
Balance to be levied		
Appropriation for States Attorney Forfeiture Fund	18,000	
Less: Resources	<u>(18,000)</u>	- 0 -
Balance to be levied		
Appropriation for Hazardous Chemicals	5,000	
Less: Resources	<u>(5,000)</u>	- 0 -
Balance to be levied		
Appropriation for Rural Special Assessments	442,400	
Less: Resources	<u>(442,400)</u>	- 0 -
Balance to be levied		
TOTAL LEVIES ALL FUNDS		\$18,765,335

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

Adopted the 18th day of September, 2019
BY THE BURLEIGH COUNTY BOARD OF COMMISSIONERS

Kevin J. Glatt
Burleigh County Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
September 4, 2019**

5:06 P.M.

The Burleigh County Commission convened with all members present.

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

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve the August 19, 2019, meeting minutes as presented. All members voted "AYE." Motion carried.

Comm. Armstrong reported that he had reviewed the bills and recommended approval.

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

This was the hour and date set for a public hearing regarding Special Assessment District #62 Imperial Valley Subdivision.

Auditor/Treasurer Glatt explained the process stating the purpose of the hearing is not to discuss costs but how costs are assessed. Glatt reported assessments are spread equally among the benefited properties pursuant to the submitted petition. Glatt added the average cost for Special Assessment District #62 would be \$584 per year for eleven (11) years at 3.85 percent interest.

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

Motion by Comm. Woodcox, 2nd by Comm. Jones, to close the public hearing and to approve, confirm, and certify the Special Assessment List for Imperial Valley Subdivision, S.A.D. #62, as recommended by the Special Assessment Commission. All members voted "AYE." Motion carried.

This was the hour and date set for a public hearing regarding Special Assessment District #63 Crested Butte Subdivision.

Auditor/Treasurer Glatt explained the process stating the purpose of the hearing is not to discuss costs but how costs are assessed. Glatt reported assessments are spread equally among the benefited properties pursuant to the submitted petition. Glatt added the average cost for Special Assessment District #63 would be \$1,345 per year for eleven (11) years at 3.85 percent interest.

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to close the public hearing and to approve, confirm, and certify the Special Assessment List for Crested Butte Subdivision, S.A.D. #63, as recommended by the Special Assessment Commission. All members voted "AYE." Motion carried.

This was the hour and date set for a public hearing regarding Special Assessment District #64 Imperial Valley Subdivision sanitary sewer improvement.

Auditor/Treasurer Glatt explained the process stating the purpose of the hearing is not to discuss costs but how costs are assessed. Glatt reported assessments are spread equally among the benefited properties pursuant to the submitted petition. Glatt added that the average cost for Special Assessment District #64 would be \$542 per year for eleven (11) years at 3.85 percent interest.

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to close the public hearing and to approve, confirm, and certify the Special Assessment List for the Imperial Valley Subdivision sanitary sewer improvement, S.A.D. #64, as recommended by the Special Assessment Commission. All members voted "AYE." Motion carried.

Steve Saunders, Metropolitan Planning Organization (MPO), appeared and presented the draft Transportation Improvement Program 2020 – 2023. No action was taken.

Engineer Hall appeared with the following items for the Board's consideration: developer waiver request related to paving 2.6 miles of roadways to reach State Highway 1804 or four (4) miles of roadways to reach Highway 83; and, request for Board direction related to an approach along County Highway 10.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the HFW Properties LLP, request to waive both the paving requirements and the construction requirements listed in the Pavement Policy in conjunction with the approval of the Holden Subdivision. All members voted "AYE." Motion carried.

Engineer Hall then reported that Leo Bitz has constructed an approach from his property onto County Highway 10 (just east of existing roundabout) that does not meet current requirements which are clearly presented on the approach permit. Hall suggested that a letter be sent to Bitz, and if no corrective action is taken, the county will complete the culvert and bill Bitz for the work. Hall added the culvert deficiencies create a serious traffic hazard given the high traffic count and speed limit in this area.

Leo Bitz appeared and stated that he encountered some difficulties with the County Highway Dept. in the process to secure the approach permit. Bitz stated he would complete the required work on the approach as soon as his contractor has the time.

Comm. Woodcox suggested the approach be completed no later than November 1, 2019.

Chairman Bitner requested an update on this item be presented at the next meeting.

Arnold Schieve and Kevin Schieve, 11000 Apple Creek Road, appeared regarding water on Arnold's property and on Apple Creek Road. Kevin Schieve stated that work done by the railroad on the south side of the Schieve property has altered the natural flow of the water and prevents the adjacent slough from draining.

Chairman Bitner stated he requested Engineer Hall explore multiple options for alleviating the high water. Bitner continued that a review of the options and the associated costs of each option will be a time consuming process. No action was taken.

Sheriff Leben appeared and presented the Quarterly Detention Center report and requested approval of a joint Justice Assistance Grant (JAG) grant application with the City of Bismarck.

Motion by Comm. Jones, 2nd by Comm. Peluso, to approve the Justice Assistance Grant (JAG) application with the City of Bismarck for the purchase of equipment. All members voted "AYE." Motion carried.

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the Reynolds abatement as requested; and to approve the Lost Instrument Surety Bond to replace check #109929 (\$111.63) and check #110654 (\$147.67). All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
August 19, 2019**

5:00 P.M.

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

Chairman Bitner called a duly noticed meeting of the commissioners, all elected county officials, and those county officials serving in offices which were formerly elected, with each person present casting one vote, to elect Burleigh County's delegate to the North Dakota Association of Counties for the 2019 and 2020 Annual Association meeting.

Burleigh County Sheriff, Kelly Leben nominated Debbie Kroshus. As there were no further nominations, a unanimous ballot of the elected officials in attendance was cast for Debbie Kroshus as Burleigh County's delegate to the North Dakota Association of Counties for the 2019 and 2020 NDACo Annual Association meetings.

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

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

Chairman Bitner initiated a discussion related to comments printed in The Bismarck Tribune that were incorrectly attributed to Comm. Peluso. Comm. Peluso requested that the August 5, 2019, meeting minutes reflect that Comm. Armstrong stated this year's budget increase will be approximately the same (13%) as last year's decrease and thus be a break-even. Comm. Jones read the draft minutes (included in the Commission packets) which attributed the comments to Comm. Armstrong. Deputy Auditor/Treasurer Grenz confirmed the minutes include the comments requested.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the August 5, 2019, Commission meeting minutes as presented. All members voted "AYE." Motion carried.

The County Commission then recognized the Burleigh County 4-H members who were ND State Fair competition winners. Burleigh County Extension Agent Burdolski provided Commissioners with a breakdown of Burleigh County 4-H accomplishments at the State Fair. 4-H members appeared and shared their experiences in 4-H.

This was the hour and date set for a public hearing regarding the proposed combination of Lots 1 & 2, Block 5, Country Hills Subdivision. Building Official Ziegler appeared and explained the request is to combine the lots to create a parcel large enough to accommodate a detached storage building. Ziegler stated notice has been provided to all neighbors and published in The Bismarck Tribune. Ziegler noted one (1) letter was received from a neighbor regarding the amount of things accumulating on the property. Ziegler stated the intent of the building was to take care of this concern.

Commissioner Jones questioned the access point(s) for the property. Ziegler stated the existing access is on Lot 1.

Ziegler continued there is an additional access point from Lot 2. Jones questioned the distance from the proposed shop to the existing drainage easement. Ziegler stated the proposed building location would not affect the storm water drainage easement.

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

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the combination of Lots 1 & 2, Block 5, Country Hills Subdivision as requested. All members voted "AYE." Motion carried.

The Commission then reconsidered a motion ending in a tie at the August 5, 2019, Commission meeting to reduce the budgeted Highway Dept mill levy from 3 mills to 2.5 mills.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to reduce the budgeted Highway Dept mill levy from 3 mills to 2.5 mills. All members voted "AYE", except Comm. Jones, who voted "NAY". Motion carried.

Chairman Bitner asked if there is any new information related to the 2020 budget.

Comm. Jones stated that she has reviewed the budget many times looking for areas to reduce expenditures and has not found anything of substance. Jones suggested that further discussion on the 2020 budget should be addressed at the final budget public hearing.

Motion by Comm. Jones, 2nd Comm. Peluso, to put additional changes to the budget on hold until the public hearing scheduled for September 18, 2019, at 6:00PM.

Comm. Armstrong stated he has some ideas for reductions and will bring these ideas to the final budget public hearing.

Peluso stated he has reviewed many of the department budgets and cannot find items of significance to cut.

Comm. Woodcox presented a number of ideas for reducing the budget including eliminating an unfilled position in the Auditor/Treasurer/Tax Equalization Office, and changing the current step structure. Woodcox provided comparative information on salary increases from other entities, citing the county was budgeting much higher salary increases than the other political subdivisions. Woodcox noted the proposed county employee salary increase of 5.2%; stating this high of an increase is not fair to the taxpayers when compared to the budgeted salary increases for the school, park, and City of Bismarck. Woodcox suggested limiting the proposed cost of living (COLA) increase to 1% or eliminating the COLA.

Comm. Jones pointed out that there are a number of employees above the step program and those employees should still be able to get an increase. Comm. Peluso cautioned on comparing the county salary increase to other entities as it may not be comparing apples to apples. Chairman Bitner shared that he has been receiving a number of questions regarding the effect of the proposed budget increases on the elderly on fixed incomes.

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

Upon question, Deputy Auditor/Treasurer Grenz explained that estimated property tax notices will be mailed prior to August 31st. Grenz continued that the budget as approved on August 5th, 2019, will be used to create the notices which will outline increases, if any, along with the time and date of all final budget hearings.

Chairman Bitner asked if the Preliminary Budget had been approved as he was not present at the August 5, 2019, meeting. Deputy Auditor/Treasurer Grenz affirmed that the Preliminary Budget was approved.

Social Service Director Osadchuk appeared and requested additional salary compensation for an Administrative Assistant I who has assumed supervisory duties within the Social Service Dept. Osadchuk stated funds are available in the current budget noting Social Services costs are funded by the State of North Dakota.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the request for additional compensation and adjust the employee from a Step 5 to a Step 9, Grade 3, for supervisory duties assumed by an Administrative Asst. I. All members voted "AYE." Motion carried.

HR Director Terras appeared with the following items for the Board's consideration: Building Maintenance Supervisor reclassification; Personnel Policy revision regarding Internal Candidate hiring; and, continued discussion on the proposed County Administrator job description.

Terras reported that upon review of the Building Maintenance Supervisor position by Gallagher Inc., it is recommended that the position be reclassified from a Grade 8 to a Building and Grounds Manager at Grade 11. Terras continued that if approved, the Buildings and Grounds Manager and would be an appointed position with exempt status (no overtime salary) and report to the Commission.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to reclassify the Building Maintenance Supervisor position from a Grade 8/Step 11 (\$65,124.80) to a Building and Grounds Manager Grade 11/ Step 9 (\$73,486.40) effective August 25, 2019. All members voted "AYE." Motion carried.

Terras then presented for approval a change to Chapter 2: Section 5: Internal Candidate Hiring Policy, Section 6: External Candidate Hiring Policy. Terras stated the policy revision would allow an employee in probationary status (except for Social Services) to apply for another position with the county. Terras noted county dept. heads have reviewed and approved the proposed revisions.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve the proposed revisions to the following policies: Chapter 2: Section 5: Internal Candidate Hiring Policy, Section 6: External Candidate Hiring Policy. All members voted "AYE." Motion carried.

Terras then presented additional information related to the proposed county administrator job description. Terras requested direction regarding whether the county administrator should supervise the appointed officials. Terras noted in some counties, the County Administrator serves as the Chief Financial Officer as well as the County Auditor. Terras stated this could be an option if the elected Auditor/Treasurer position is changed to an appointed position.

Chairman Bitner stated that the Auditor/Treasurer is a very important position, and if the current Auditor/Treasurer departed, it would put the county in the position of having to appoint someone or have a special election. Bitner continued that the duties of the position are very technical, especially in a county the size of Burleigh, and there is a vital need to make sure the elected or appointed person is qualified.

By consensus the Commission agreed that the proposed county administrator position job description should include supervision of the county appointed officials.

Terras stated she would incorporate the discussed changes and ideas and bring a new description back for the Commission to review.

Sheriff Leben appeared regarding the requirements of HB1286 related to asset forfeiture funds. Leben recommended the Commission create and establish a Burleigh County Asset Forfeiture Fund to receive any assets forfeited to Burleigh County as a result of the Civil Action process as outlined in ND Century Code. Leben further recommended the Commission also establish an Asset Forfeiture Board to manage the Asset Forfeiture Fund and ensure expenditures from the Asset Forfeiture Fund follow state law. Leben explained the Asset Forfeiture Board would meet periodically and review all applications and approve expenditures under \$2,500, subject to a cap of no more than \$30,000 annually. Leben stated the Asset Forfeiture Board would provide recommendations to the County Commission for authorization of all expenditures over \$2,500 for final approval.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to create and establish the Burleigh County Asset Forfeiture Fund to receive any assets forfeited to Burleigh County as a result of the Civil Action process as outlined in ND statute; and further to establish the Burleigh County Asset Forfeiture Board (Board) comprised of the Burleigh County Sheriff, Burleigh County State's Attorney, and Burleigh County Finance Director to manage the Fund and ensure the integrity of the expenditures from the Fund pursuant to statute. All members voted "AYE." Motion carried.

Building Official Ziegler appeared with the following items for the Board's consideration: final plat of Herrmann Subdivision; and, zoning change and final plat of Basaraba Subdivision.

Ziegler presented the final plat of the proposed Herrmann Subdivision noting the applicant is seeking approval for a (2) lot subdivision consisting of sixteen (16) acres described as Auditor's Lot G of the E1/2 of Section 6, less ten (10) acres in Section 6, Burnt Creek Township. Ziegler noted the subdivision pavement waiver was approved by the County Commission on March 4, 2019. Ziegler stated a developer's agreement regarding the access road has been reviewed and approved by the State's Attorney.

Upon question, County Engineer Hall affirmed the developer's agreement related to Herrmann Subdivision is in order.

Comm. Woodcox questioned what would happen if the developer (Herrmann) does not sign the developer's agreement. Chairman Bitner explained that the approval of the subdivision is contingent upon the developer's agreement being executed.

Motion by Comm. Woodcox and 2nd by Comm. Peluso, to approve the Herrmann Subdivision contingent upon the execution of the developer's agreement associated with the subdivision. All members voted "AYE." Motion carried.

Ziegler then presented the zoning change request and proposed final plat of Basaraba Subdivision. Ziegler stated Eric Basaraba is seeking final approval of a (2) lot subdivision, consisting of forty-two (42) acres more or less along with a zoning change from A-Agricultural to R1 Rural Single Family Residential located in the NW1/4SE1/4 less part of Lot G, Section 6, Burnt Creek Township. Ziegler added this item is a continuation from

a previous meeting due to concerns with the developer's agreement, which is now written the same as the Herrmann Subdivision Developer's Agreement. Ziegler stated all concerns have been addressed by reviewing entities and recommended approval of the zoning change and final plat as submitted.

Eric Basaraba appeared and expressed his extreme dissatisfaction with the proposed developer's agreement addressing the access/roads for the proposed Basaraba Subdivision. Basaraba stated he would not sign the developer's agreement as presented, as the current roadway/access situation is more than satisfactory to all of the neighboring residents/landowners.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the zoning change and final plat for Basaraba Subdivision contingent upon the execution of the Developer's Agreement associated with the subdivision. All members voted "AYE" except Comm. Peluso, who voted "NAY". Motion carried.

County Engineer Hall appeared and requested the pavement waiver for HFW Properties, LLP in the NW ¼ of Section 31, Painted Woods Township, for a one (1) lot subdivision be moved to the next meeting.

Hall presented an appeal from Jeff Simonson, for a second approach application located at 9100 Paige Dr. Hall stated the request was rejected because it did not meet Burleigh County Highway Dept standards which state "...distance between adjacent approaches and the requested approach must be larger than 100 feet (center to center)". Hall reported the application requests the 2nd approach be sixty-six (66) feet from the existing approach. Hall stated that in his opinion the second approach did not present a safety or traffic concern and recommended approval.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve a second approach permit of Jeff Simonson (9100 Paige Dr) Lot 6, Block 3, Prairie Pines 3rd Subdivision, Hay Creek Township. All members voted "AYE." Motion carried.

The abatements were presented for the Board's consideration; a complete copy of which is on file and available for inspection in the office of the county auditor/treasurer:

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the Eggers, Baltzer, Sackman, and Schue abatements; and, to approve the lost instrument surety bond to replace check #110988 (\$104.75). All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
August 5, 2019**

5:03 P.M.

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

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

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the July 15, 2019, meeting minutes as presented. All members present voted "AYE." Motion carried.

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

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

Finance Director Thompson appeared and presented an update of the submitted 2020 preliminary budgets and mill levies. Thompson noted the reduction in the County Highway mill levy of .5 mills and summarized the reductions in the County Parks, Communication Center, Emergency Management, and County Agent budgets. Thompson also noted the \$684,000 budget within the General Fund for Social Service Dept indirect costs. Thompson stated this \$684,000 will be reimbursed by the State of ND and will have no effect on taxes.

Vice-Chairman Woodcox then presented the following proposals for reducing the 2020 budget and associated mill levies:

- Reduce the Highway Dept mill levy an additional .5 mills to 2.5 mills,
- Transfer the equivalent of 1 mill (approximately \$525,000) from the Provident Fund to the General Fund,
- Transfer the equivalent of 1 mill (approximately \$525,000) from the Missouri Valley Complex Fund to the General Fund,
- Reduce the employee Cost of Living (COLA) increase from 1.7% to 1%,
- Reduce the Jail Maintenance & Construction levy from .5 mill to 0.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to reduce the Jail Maintenance & Construction levy from .5 mill to 0 mills. All members present voted "AYE." Motion carried.

Engineer Hall appeared and presented a comparison of Highway Dept mill levies between several ND counties. Hall explained the need for county funds to match federal project funding. Hall stated the Highway Dept could live with an additional .5 mill reduction noting cuts would need to be made from equipment purchases or project funding.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to reduce the Highway Dept. mill levy from 3 mill to 2.5 mill. "AYE" votes: Armstrong, Woodcox. "NAY votes: Jones, Peluso. Absent: Bitner. Motion tied.

Auditor/Treasurer Glatt stated that as the vote is tied it will need to come back for vote at the next meeting.

State's Attorney Lawyer appeared and defended her budget requests for additional staff in the Victim Witness Dept. and the State's Attorney's Office. No action was taken.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to authorize the transfer of the equivalent of 1 mill (approx. \$525,000) from the Provident Building Fund and the Missouri Valley Complex Fund to the General Fund for the purpose of reducing the 2019 General Fund mill levy by 2 mills. "AYE" votes: Armstrong, Jones, Peluso, Woodcox. "NAY votes: None. Absent: Bitner. Motion carried.

Comm. Woodcox noted the Preliminary Budget includes a 1-step salary increase for all employees and a 1.7% Cost of Living Increase (COLA). Woodcox stated he is having difficulty supporting such a large increase. Upon question Thompson responded that each 1% of salary increase equates to \$196,056 including fringe benefits.

HR Director Terras appeared and defended the salary request. No action was taken.

Finance Director Thompson then summarized the Board action noting that with the approved motions regarding the Jail Maintenance & Construction Fund and transfers from the Provident Building Fund and the Missouri Valley Complex fund, what was a 23.5% tax increase now sits at 13% or a 4.13 mill increase within the City of Bismarck.

Comm. Armstrong stated that to explain to taxpayers, if you look at the last two (2) years we broke even. Armstrong noted that last year's 13.4% decrease offsets the proposed 13% increase.

Vice-Chairman Woodcox agreed.

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve and adopt the Burleigh County 2020 Preliminary Budget (including the Burleigh County Park Board) as amended. "AYE" votes: Armstrong, Jones, Peluso, Woodcox. "NAY votes: None. Absent: Bitner. Motion carried.

Vice-Chairman Woodcox encouraged each Commissioner to continue review of the budgets in an attempt to find other areas of reduction.

Motion by Comm. Jones, 2nd by Comm. Armstrong, call for a public hearing on the 2020 budget on September 18, 2019, at 6:00 P.M. All members present voted "AYE." Motion carried.

Sheriff Leben briefly appeared regarding the requirements of HB1286 related to Asset Forfeiture funds. Leben requested this item be delayed until the next meeting as he has recently received new information.

Human Resource Director Terras reappeared regarding the following items: acknowledgement of discounts received from ND Workforce Safety and Insurance; consideration of changing the Employee Assistance Program provider and benefits; consideration of appointment of County Building Official/Director; and, discussion regarding County Administrator position.

Terras reported a total savings of \$46,322.99 in the following areas due to employee involvement: WSI Learning Management System \$8,572.94; Claims Management (Designated Medical Provider) \$8,572.94; and, NDACo County Employer Group, Premium Dividend Credit \$29,176.61, for a total savings of \$46,322.49.

Terras presented information regarding changing the Employee Assistance Program provider and benefits. Terras explained the proposal has an annual cost of \$30 per employee per year versus the current annual cost of \$15 per employee with an estimated total annual cost increase of \$5,340. Terras continued the program is full service and employees will have better provider access to in-person counseling sessions.

Motion by Comm. Jones, 2nd by Comm. Peluso, to approve the change in the Employee Assistance Program provider and benefits and to authorize the HR Director to enter into an agreement with the Village Business Institute to provide the Employer Assistance Program for the County under the Full Service Plan. All members present voted "AYE." Motion carried.

Terras requested the appointment of Mitch Flanagan as the County Building Official/Director to replace retiring Building Official/Director Ziegler. Terras stated an offer of employment has been made and Flanagan has accepted the position upon Board approval with an employment date of no later than January 1, 2020. Terras introduced Flanagan who appeared and briefly spoke to the Commission.

Motion by Comm. Jones, 2nd by Comm. Peluso, to appoint Mitch Flanagan to replace retiring Building Official/Director Ziegler at an annual starting salary of \$86,257.60 (Grade 15/Step 6) with a starting employment date no later than January 1, 2020. All members present voted "AYE" except Comm. Armstrong who voted "NAY." Motion carried.

Terras next presented a draft job description for the proposed County Administrator position for the Board's review. Terras stated the next step would be to send the job description to Gallagher Inc. for recommendation into the job classification system. Terras suggested holding action on this item until Chairman Bitner is present. No action was taken.

County Engineer Hall reappeared with the following items: Screening Committee report for proposed Special Assessment District #71 which includes parts of Riverside 2nd and Valcor Subdivisions; Screening Committee report for proposed Special Assessment District #72 which includes part of Grand Prairie Estates 4th Subdivision; and consideration of acceptance of right-of-way related to Maier Subdivision.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to accept the Preliminary Engineers Report to create Special Assessment District #71, and to declare a Resolution of Necessity for Special Assessment District #71 which includes parts of Riverside 2nd and Valcor Subdivisions and to authorize the call for a public hearing regarding the same. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to accept the Preliminary Engineers Report to create Special Assessment District #72, and to declare a Resolution of Necessity for Special Assessment District #72 which includes part of Grand Prairie 4th Subdivision and to authorize the call for a public hearing regarding the same. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve the of acceptance of right-of-way related to Maier Subdivision. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to authorize the call for public hearings related to the assessment lists for Special Assessment Districts # 62, 63, and 64 to be held on September 18, 2019; and, to approve the reimbursement resolutions for Special Assessment Districts #71 parts of Riverside 2nd and Valcor Subdivisions and #72 part of Grande Prairie Estates 4th Subdivision, authorizing the financing of improvements

in SAD#71 and #72, and to reimburse certain expenditures made by the county and paid prior to the time of the issuance of such bonds. All members present voted "AYE." Motion carried.

Building Official Ziegler appeared regarding the zoning change and final plat of Basaraba Subdivision. Ziegler stated the developer's agreement related to access to the proposed Basaraba and Herrmann subdivisions is being reviewed by the State's Attorney. Ziegler recommended that this item be held until the next meeting.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the 2020 County Commission Meeting Schedule as presented. All members present voted "AYE." Motion carried.

The abatements were presented for the Board's consideration; a complete copy of which is on file and available for inspection in the office of the county auditor/treasurer:

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the Kulackoski, Keller, and Oved abatements; to approve the lost instrument surety bonds to replace checks #108543 (\$25), #110500 (\$314.54), #111082 (\$484.12), #111353 (\$746.73), #111409 (\$140.55), and #111573 (\$382.46); and to authorize the publication of the Weed Cutting Notice. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES**

July 15, 2019

8:40 A.M.

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

Chairman Bitner called the meeting to order with the first item of business the approval of the July 1, 2019, meeting minutes.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the July 1, 2019, meeting minutes as presented. All members voted "AYE." Motion carried.

Chairman Bitner stated he reviewed the bills and recommended approval.

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

Building Official Ziegler appeared with the following items for the Board's consideration: final plat of Schramm Subdivision; zoning change and final plat of Papke Subdivision; zoning change and final plat of Basaraba Subdivision; and, final plat of Herrmann Subdivision.

Ziegler reported that Telfer Township has approved the required zoning change associated with the Schramm Subdivision plat. Ziegler continued the Burleigh County Planning Commission approved the final plat of Schramm Subdivision on July 10, 2019.

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the final plat of Schramm Subdivision. All members voted "AYE." Motion carried.

Ziegler stated the Burleigh County Planning Commission approved the requested zoning change and final plat of Papke Subdivision on July 10, 2019.

Motion by Comm. Jones, 2nd by Comm. Peluso, to approve the zoning change and final plat of Papke Subdivision. All members voted "AYE." Motion carried.

Zeigler then presented the zoning change and final plat of Basaraba Subdivision.

Comm. Woodcox questioned if all the access issues for the Basaraba and Herrmann Subdivisions have been resolved. Ziegler responded "yes", adding that staff needs to add some minor wording changes to the plat. Ziegler also added all the adjacent residents have signed a petition regarding the access.

Comm. Woodcox again asked if all the controversy has been resolved. Ziegler responded "yes".

County Engineer Hall appeared and stated the Highway Dept does not support the plats in their present condition. Hall stated there are many unresolved issues related to access in the area.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to table the zoning change and final plat of Basaraba Subdivision and the final plat of Herrmann Subdivision. All members voted "AYE." Motion carried.

Engineer Hall appeared and presented the appeal of Andy and Lynn Basaraba for a 3rd approach permit application onto Lot 1, Block 2, Shamrock Acres 2nd Subdivision (3085 Sand Hill Rd).

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve a 3rd approach permit application for Andy and Lynn Basaraba onto Lot 1, Block 2, Shamrock Acres 2nd Subdivision (3085 Sand Hill Rd). All members voted "AYE." Motion carried.

Finance Director Thompson appeared and presented an overview of the submitted 2020 budgets and preliminary mill levies. Thompson stated the estimated taxable valuation in Burleigh County for 2019 is \$524,200,000, an increase of 2.27% from 2018. Thompson noted for 2019, a mill is estimated to be worth \$524,200, compared to \$512,561 in 2018. Thompson stated the new taxable value for 2019 is \$9,198,396 which equates to approximately \$300,000 in new taxes. Thompson continued that the preliminary budget for 2020 requires a property tax levy of \$20,837,707. Thompson noted this levy request is 25.5% or \$4,227,968 above the 2019 final adopted budget of \$16,609,739. Thompson estimated the levy required to fund the 2020 preliminary budget is 42.92 mills, compared to 35.87 mills for 2018, a 7.05 mill increase for rural Burleigh County and a 7.44 increase within the City of Bismarck. Thompson explained the increase is attributable to changes in state law associated with Social Services. Thompson reminded the Commission that in 2017 Burleigh County reduced its mill levy by 11.49 mills and in 2018 transferred just under \$2.9 million to the General Fund from the Social Service fund reserves. Thompson stated this transfer reduced the General Fund mill levy by 5.57 mills. Thompson continued that at last year's budget meeting(s) the potential effect (increased levies) on the 2020 budget and 2019 mill levy and future years was noted. Thompson then presented the following assumptions and significant budget requests as noted while compiling the budget: State's Attorney requesting four (4) new employees, of which two (2) will be reimbursed from Social Service funds; Sheriff and Detention Center account for 62% of General Fund appropriations; elections budget for 2020 elections is \$449,000; and, County Road & Bridge levy increase from 2 mills to 3.5 mills. Thompson recommended that due to the uncertainty related to the changes in Social Services no action be taken on the budget until the August 5, 2019, meeting.

Social Service Director Osadchuk appeared and confirmed that she just received information from the State Dept of Human Service regarding the Social Service budget and that additional time is needed to formulate the budget.

Chairman Bitner then asked if anyone wanted to appear regarding the Preliminary Budget.

Missi Baranko, Lutheran Social Services Healthy Families Team Lead, appeared and requested \$20,000 to help fund the Healthy Families Program which is a primary child abuse prevention program designed to support families as they become parents.

Chairman Bitner noted that counties have worked hard to get the state legislature to fund social service costs. Bitner stated that although the Healthy Families Program is a worthwhile program, he cannot support county funding of social service costs, which have finally been assumed by the state. No action was taken.

Renae Kipp, Executive Director Burleigh County Senior Adults Program, appeared and explained the Senior Adults budget and levy request. County Engineer Hall appeared and recommended reducing the proposed Highway Dept mill levy from 3.5 mills to 3 mills. Library Director Kujawa and State's Attorney Lawyer appeared and presented details regarding their respective budgets. No action was taken.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to continue the 2020 budget deliberations until the August 5, 2019, meeting. All members voted "AYE." Motion carried.

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

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the Heinsohn abatements as requested; to approve the Charity Local Gaming permit application of the Bismarck Kiwanis Club; and to approve the site authorization of the Bismarck Cancer Center. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
July 1, 2019**

5:03 P.M.

The Burleigh County Commission convened with all members present.

Chairman Bitner called the meeting to order with the first item of business the approval of the June 17, 2019, meeting minutes and vouchers.

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the June 17, 2019, meeting minutes as presented. All members voted "AYE." Motion carried.

Chairman Bitner stated he reviewed the vouchers and recommended approval.

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

Scott D. Wegner, Arntson Stewart Wegner PC, appeared regarding consideration of a financing resolution authorizing the issuance of a Certificate of Indebtedness in an amount not to exceed \$7,190,000 to finance the McKenzie Haul Road. Wegner explained the resolution will authorize the issuance of a Certificate of Indebtedness to evidence the Bank of ND loan. Wegner noted the resolution and associated documents pledge the highway tax distribution fund appropriations from the state, to the extent necessary, to meet annual debt service requirements of the loan.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the issuance of a Certificate of Indebtedness pursuant to ND Century Code Chapter 21-02 pledging the highway tax distribution fund appropriations from the state to the extent necessary to meet annual Bank of ND Loan debt service requirements. All members voted "AYE." Motion carried.

Brent Ekstrom, Lewis & Clark Regional Development Council, appeared and presented a report on LCRDC activities. No action was taken.

Social Service Director Osadchuk appeared and requested authorization to hire a full time equivalent (FTE) for the In-Home Care program. Osadchuk stated the Social Services Dept has funds in the current budget to fund the position.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to authorize the hiring of an additional full-time In-Home Care worker to continue our prevention efforts with families. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to appoint Gladys Cairns, Dick Dever, and Erin Oban to the Burleigh County Human Service Zone Board. All members voted "AYE." Motion carried.

County Engineer Hall appeared and reported that the Special Assessment Screening Committee met on June 17, 2019, to consider the petition, feasibility of the project, and the predictability of solvency of the proposed Special Assessment District #70 which includes parts of Sabot's 1st, Eden's, and Oakland Subdivisions. Hall stated the Screening Committee recommended the Board of Commissioners accept the Engineering Report and Petition for Paving Improvements for the proposed Special Assessment Districts #70, and create a special assessment district by adopting a resolution of necessity.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to accept the Preliminary Engineers report to create Special Assessment District #70, and to declare a Resolution of Necessity for Special Assessment District #70 which includes parts of Sabot's 1st, Eden's and Oakland Subdivisions and to authorize the call for a public hearing regarding the same. All members voted "AYE." Motion carried.

The Board then considered the affirmation of the Erosion Emergency Declaration regarding Missouri River idle speed zone declared by Chairman Bitner on June 26, 2019.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to affirm the Erosion Emergency Declaration regarding Missouri River idle speed zone declared by Chairman Bitner on June 26, 2019.

Comm. Peluso questioned if the declaration is effective immediately or when the Missouri River stage hits 12.5 feet in Bismarck.

State's Attorney Lawyer upon question responded that pursuant to the Erosion Emergency Declaration as presented, the no idle speed zone would be effective immediately.

Comm. Woodcox withdrew his motion with Comm. Jones assenting.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to declare an Erosion Emergency effective upon the Missouri River gauge at Bismarck reaching 12.5', following the actions of the ND Game & Fish Department, thereby establishing an idle speed zone along the Missouri River within 200' from the shoreline, with idle speed defined as the slowest, safe speed to maintain steerage from the power lines, approximately 1,000' south of the Steckel (Wilton) Boat Ramp (23 miles north of Bismarck) to the McLean Bottoms Wildlife Management Area Boat Ramp, with the restriction to be removed when the Missouri River gage at Bismarck is 10.5'. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt presented the reimbursement resolution for Special Assessment District #70 parts of Sabot's 1st, Eden's, and Oakland Subdivisions.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the reimbursement resolution for Special Assessment District #70 parts of Sabot's 1st, Eden's, and Oakland Subdivisions, authorizing the financing of improvements in SAD#70, and to reimburse certain expenditures made by the county and paid prior to the time of the issuance of such bonds. All members voted "AYE." Motion carried.

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the Johnson, Bolinske, Banks, Langan, and Dullum abatements as requested; and to approve the second approach permit application of Dion Klein, Lot 4, Block 3, Country Hills Subdivision (8420 Rolling Hills Rd). All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
June 17, 2019**

5:06PM

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

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the minutes of the June 3, 2019, meeting as presented. All members present voted "AYE." Motion carried.

Comm. Jones reported that she reviewed the bills and recommended approval of the bills as presented.

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

Steve Saunders of the Bismarck-Mandan Metropolitan Planning Organization and Craig Vaughn, SRF Consulting, appeared and presented the US Highway 83 Alternatives Study.

Saunders noted the Metropolitan Planning Organization, upon completion of the presentation, is requesting approval or acceptance of the Study. Vaughn then led the Commission through findings and recommendations for improvements over five-year increments from 2025 to 2040, totaling between \$95 and \$155 million.

Motion by Comm. Peluso, 2nd by Comm. Jones, to accept the Metropolitan Planning Organization US Highway 83 Alternatives Study. All members present voted "AYE." Motion carried.

Social Service Director Osadchuk appeared regarding the Burleigh County Human Service Zone Board membership pursuant to Senate Bill 2124. Osadchuk reported that the Burleigh County Social Service Board recommended the County Commission and up to two (2) lay people be appointed as the Human Service Zone Board for Burleigh County. Osadchuk recommend that two (2) legislators also be appointed to the Human Service Zone Board.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to affirm Burleigh County as a stand-alone Human Service Zone per SB2124. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to designate the Burleigh County Commission, two (2) area legislators, and up to two (2) lay persons as the Burleigh County Human Service Zone Board, which will meet quarterly. All members present voted "AYE." Motion carried.

Jesse Kist, ND State Water Commission, appeared and presented a report on Missouri River outflows. No action was taken.

County Sheriff Leben appeared and updated the Commission on the North Dakota Department of Corrections and Rehabilitation (NDDOCR) Inmate Prioritization Plan and the impact on Burleigh County. Leben stated that a plan approved by the 2017 legislative session authorized the NDDOCR to cap prison populations, ultimately leaving excess prisoners in county jails. Leben continued that the female prisoner cap was recently reached and the NDDOCR refused a female prisoner. Leben added there was no appropriation in the 2017 bill to compensate counties for holding NDDOCR inmates. Leben concluded he will continue to bill the NDDOCR in order to track costs so the next Legislature can see the impact to the county. No action was taken.

HR Director Terras appeared regarding the following items for the Board's consideration: approval to enter into a training agreement with the EEOC (Equal Employment Opportunity Commission) Training Institute; approval of an Acting Sergeant - Detention Officer position; and, discussion regarding changing Auditor/Treasurer and Recorder from elected to appointed offices, and creating a County Administrator position.

Motion by Comm. Jones, 2nd by Comm. Peluso, to authorize the Human Resource Director to enter into a training agreement with the Equal Employment Opportunity Commission (EEOC) Training Institute for harassment/civility in workplace training. "AYE" votes: Armstrong, Jones, Woodcox. Abstain: Peluso. Absent: Bitner. Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve of an Acting Sergeant Detention Officer position in the Detention Center. All members present voted "AYE." Motion carried.

Terras then initiated a discussion regarding changing the Auditor/Treasurer and Recorder offices from elected to appointed positions, and possibly creating a County Administrator position. Terras presented a proposal to amend the county's home rule charter to move the elected auditor/treasurer and recorder to appointed positions. Terras stated the process would require Burleigh County voters' approval in the June 2020 primary, followed by adoption of a resolution and plan, a process similar to when the auditor and treasurer offices were combined in 2002. Terras also presented a preliminary proposal to create a county administrator position that would essentially help manage daily operations of departments.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to direct HR Director Terras to move forward with the process of creating a County Administrator position, including the crafting of a job description and job classification.

Recorder Kroshus appeared and stated she is in favor of changing the Recorder's Office to an appointed position and the hiring of a County Administrator.

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

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

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve the Kelpin, Liechty Homes, Kilzer, Rieger, and Wetzstein abatements as requested; to approve the Apple Creek Country Club (E) liquor license renewal; and to approve the raffle permit applications of the Sterling Lions and the U of Mary Athletics. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the renewal of the contract with State Tax Commissioner for administration of the Burleigh County's local sales, use and gross receipts taxes (2019 – 2021 biennium). All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
June 3, 2019**

3:00 P.M.

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

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

Vietmeier presented the annual report of assessments for Burleigh County. Vietmeier reported that the total 2019 market value increased overall by 2.23% (including AG land values at 90% - 100% of the State Tax Dept recommendation). Vietmeier reported the main reason for the increase is due to new construction, non-exempt remodeling and improvements, property classification changes, market changes, abatements, and reappraisals. Vietmeier stated the average county AG land value, as certified by the ND State Tax Dept., is \$469.94 per acre. Vietmeier recommended an average value per acre of \$451.14 to keep Burleigh County within tolerance of the state's recommended average. Vietmeier stated all values are as of February 1, 2019.

Vietmeier presented a detailed summary of changes in market valuations within the City of Bismarck, organized townships, unorganized townships and AG land. Vietmeier also presented a summary of mobile home valuations and the 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, Canfield, Lyman, and Phoenix.

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

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve and accept the assessments of the unorganized Townships of Burnt Creek, Ft. Rice, Lincoln, Canfield, 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 Chairman Bitner.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to authorize a 5.51% overall increase on AG lands to an average of \$451.14 per acre. All members present voted "AYE." Motion carried.

The Board then reviewed the assessments of the Cities of Bismarck, Lincoln, Regan, South Wilton, and Wing.

Vietmeier explained that Kohl's Department Store #184 is requesting an appeal of their 2019 market value. Vietmeier stated Kohl's (Lot 6, Block 1, Pinehurst Square Addition to the City of Bismarck) is requesting the market value be reduced from \$7,960,500 to \$5,250,000 due to the nationwide decline in retail demand, on-line shopping, depreciation of the store, and the sale of the vacant Gander Mountain building in Fargo.

Vietmeier stated when reviewing the information provided including sales information and based upon the value of similar properties within Bismarck and the surrounding area, the \$7,960,500 value is equitable and just. Vietmeier added the City Commission sitting as the Board of Equalization for the City of Bismarck denied the request to reduce the value.

Vice-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.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to deny the appeal of Kohl's Department Store #184 (Lot 6, Block 1, Pinehurst Square Addition to the City of Bismarck, 1129 W Century Ave) as the value is equitable and just when compared with other similar properties within Bismarck and the surrounding area. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, 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.

The Board then reviewed the assessments of the Organized Townships.

Vice-Chairman Woodcox called for any testimony/comments relating to the assessments of the organized townships.

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

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

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

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve and accept the 2019 real property assessments as equalized, including an average AG value of \$451.14 per acre, and to authorize the Deputy Auditor/Tax Equalization Director to make corrections to property values on inundated lands in Burleigh County as needed, and further to adjourn sine die. All members present voted "AYE." Motion carried.

5:13PM

The Burleigh County Commission convened with all members present.

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the May 20, 2019 meeting minutes as presented. All members voted "AYE." Motion carried.

Comm. Jones stated she reviewed the vouchers and recommended approval.

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

Social Service Director Osadchuk appeared regarding moving the Social Service Asst. State's Attorney and Admin Asst. from the Social Service Budget to the State's Attorney's budget. Osadchuk continued the State's Attorney would then bill the Social Service Dept. for the legal services (salaries and benefits).

Upon question, State's Attorney Lawyer responded that she supports the request.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the request of Social Service Director Osadchuk to move the Social Service Asst. State's Attorney and Admin Asst. from the Social Service budget to the State's Attorney's budget. All members voted "AYE." Motion carried.

The County Commission recessed to immediately sit as the Lincoln Township Board.

County Engineer Hall appeared and presented a resolution on behalf of the Burleigh County Water Resource District (BCWRD) related to Sibley Island area flood protection. Hall stated the resolution authorizes the BCWRD to act as an agent/representative on behalf of Lincoln Township for the project for permitting and financing. Hall noted Lincoln Township will retain authority over the design and construction of the roadway grade raise portion for the project on S 12th St and Oahe Bend, with the Burleigh County Water Resource District retaining authority over the design and construction of the Sibley Island Levee. Hall concluded the BCWRD will design and construct the Washington St Grade Raise as part of the Sibley Island Levee Project, with the County Engineer's approval of the plans and specifications, as well as providing construction reviews.

Auditor/Treasurer Glatt noted the estimated total cost of the project to be \$4,850,876.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the Sibley Island Flood Control Project Resolution thereby authorizing the Burleigh County Water Resource District to act as an agent/representative on behalf of Lincoln Township for the project for permitting and financing with Lincoln Township retaining authority over the design and construction of the roadway grade raise portion for the project on S 12th St and Oahe Bend, and with the Burleigh County Water Resource District retaining authority over the design and construction of the Sibley Island Levee. All members voted "AYE." Motion carried.

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

Engineer Hall then presented the following items for consideration: results of bid opening for SAD#69 Hay Creek Pines; results of bid opening for McKenzie Haul Road Project; and, acceptance of loan (\$7,190,000) from Bank of ND for funding McKenzie Haul Road Project.

Hall reported that on May 30, 2019, the following bids were opened for the Hay Creek Pines SAD #69 project:

Northern Improvement	\$757,957.85
Mariner Construction Inc.	\$771,125.75
Central Specialties, Inc.	\$1,250,354.44

Motion by Comm. Jones, 2nd by Comm. Woodcox, to award bids for the Hay Creek Pines SAD#69 project to the low bidder Northern Improvement Co. in the amount of \$757,957.85. All members voted "AYE." Motion carried.

Hall next presented the following bids were opened on May 30, 2019, for the McKenzie Haul Road project:

<u>Base Bid</u>	<u>Alternate 1</u>	<u>Total Bid</u>	
Mariner Construction	\$6,060,752.71	\$944,763.02	\$7,005,515.73
Central Specialties, Inc.	\$6,863,524.90	\$766,606.60	\$7,630,131.50
Northern Improvement	\$7,075,217.47	\$821,310.03	\$7,896,527.50

Hall continued that Mariner Construction has asked to withdraw their bid from consideration due to a bidding error. Hall stated the Highway Dept has reviewed the Mariner bid and agrees that a bidding error does exist within their bid, and pursuant to the ND Dept of Transportation – Standard Specifications for Road & Bridge Construction, a bidder may be released from their obligations to their bid if they can prove a bidding error took place. Hall recommended that the Mariner Construction bid be removed from consideration, and in addition, because of financial constraints, recommended accepting the Base Bid and rejecting Alternate 1.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to remove the Mariner Construction bid from consideration as per NDDOT - Standard Specifications for Road and Bridge Construction - Section 103.01. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to award the Base bid for the McKenzie Haul Road project to the low bidder, Central Specialties, Inc., in the amount of \$6,863,524.90; and to reject the Central Specialties, Inc. Alternate 1 bid. All members voted "AYE." Motion carried.

The Commission then discussed with Hall the poor condition of the gravel roadways throughout Burleigh County. No action was taken.

HR Director Terras appeared regarding the following items for the Board's consideration: variance to annual leave policy (carry-over hours) for Social Service Dept. employee and Finance Director; and a discussion regarding reclassifying the Building Maintenance Supervisor position.

Terras explained the variance to the annual leave policy to allow an employee to carry over a maximum of 240 hours of accrued annual leave beyond the second pay period in June of this year.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve a variance to the annual leave carry-over policy allowing Tayonne Nachatilo and Clyde Thompson to carry over a maximum of 240 hours of accrued annual leave beyond the second pay period (June 15th) to a future date not to exceed 90 days. All members voted "AYE." Motion carried.

Terras then stated that with the increase in the number of facilities and the growth in the maintenance staff she has been exploring the idea of reclassifying the Building Maintenance Supervisor position and thereby possibly creating another separate department. Terras continued she has been working with Comm. Woodcox on this matter which includes removing the supervisory duties of the maintenance staff from the Finance Director position. Terras stated she will work with Comm. Woodcox, the Finance Director, and the Building Maintenance Supervisor to draft a new/revised job description. Terras added upon completion of the new/revised job description it would be sent to Gallagher and Associates for review and to get a recommendation for a new pay grade within the county compensation plan.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to authorize the HR Director to move forward with the reclassification of the Building Maintenance Supervisor position as described. All members voted "AYE." Motion carried.

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

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the Spitzer, Gunderson, Warnke, Goecke and Hendricks abatements as requested; to approve the liquor license renewals of Hawktree, Inc. (D) and Tri-Energy Cenex Sterling (B1); to approve the gaming site authorization applications for the NoDak Sportsman (TnT Tavern - Driscoll and Flash's Place – Sterling); and to approve the raffle permit applications of the NDSU Foundation & Alumni Association, UND Foundation and Alumni Association, and the Grace Lutheran

Church Women; and to approve the Special Events liquor license application for Flash's Place – Wing Rodeo June 8 & 9, 2019. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to authorize the call for public hearings for Special Assessment Districts #62, 63 & 64. All members voted "AYE." Motion carried.

Comm. Jones reported that Burleigh County Veterans Service Officer Landis has been appointed to Senator Cramer's Veterans Advisory Board. No action was taken.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
May 20, 2019**

5:00 P.M.

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

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

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the May 6 & 10, 2019, meeting minutes as presented. All members present voted "AYE." Motion carried.

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

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

County Engineer Hall appeared with the following items for the Board's consideration: request of Crofte Township for cost share assistance for the maintenance (gravel and blading) of 93rd St NE; contract with Swenson & Hagen Co. for the update of the Missouri Valley Complex subdivision platting and zoning; approval of township road mileage certification.

Engineer Hall presented the request of Crofte Township for funding assistance for the graveling of 93rd St NE at an estimated cost of \$15,000.

Comm. Woodcox suggested that Crofte Township increase their mill levy to the allowable maximum of 18 mills and to use the \$5,000 legislative appropriation allocation they will be receiving in July (Senate Bill 2016) to fund the cost of the gravel. No action was taken.

Hall then requested authorization to enter into an agreement with Swenson, Hagen & Company P.C. to update the Missouri Valley Complex platting and zoning.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to authorize a contract with Swenson & Hagen Co., to produce an updated Missouri Valley Complex subdivision platting and zoning revision on an hourly basis at a cost not to exceed \$35,500. All members present voted "AYE." Motion carried.

Hall then presented the Township Road Mileage Certification to the State of North Dakota to certify the number of township road miles in each township. Hall reported the current total roadway mileage is as follows:

County Roadways:	583 miles
Organized Township Roadways:	754 miles
Un-Organized Township Roadways:	<u>142 miles</u>
Total:	1,479 miles

Motion by Comm. Jones, 2nd by Comm. Peluso, to approve the Biennial/Amended Township Road Mileage Certification. All members present voted "AYE." Motion carried.

Hannah Swenson appeared and provided information regarding the Dynamite Kids 4-H Club. No action was taken.

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

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the Ziegler, Feist, Eide and Gregorson abatements as requested and recommended; to recognize the Capital City Gun Club as an Other Public Spirited Organization and to approve the raffle permit for the Capital City Gun Club; to approve the liquor license applications of Misty Waters Marina (D), Moffit Bar (D), Moffit Bar (SE – Menoken Grove June 7 & 8), Flash's Place (D); and to authorize the Social Service Department to apply for funding from the Walmart foundation for grant funding. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

BURLEIGH COUNTY COMMISSION
MEETING MINUTES
May 10, 2019

12:00 P.M.

The Burleigh County Commission convened a special joint commission meeting with the Bismarck and Mandan City Commissions with the purpose of the meeting to consider a lease agreement between Central Dakota Communications Center (CenCom) and Dakota Carrier Network, LLC (DCN) for a consolidated public safety communications and emergency response center to be located at 4202 Coleman Street, Bismarck ND.

Chairman Bitner called the meeting to order with all members present.

Bismarck City Commissioner Zenker informed the commissions that the company that he works for submitted a bid for part of the project. Zenker stated he wanted to be transparent and asked if anyone would like him to abstain from the discussion and vote. No Commissioner felt he had a conflict of interest on the matter.

Communications Director Dannenfelzer appeared and provided a brief history of the department and an overview of the proposed new facility. Dannenfelzer also presented lease agreement edits which on page 6, section 3A, and a change to section 15 regarding insurance. Dannenfelzer noted the proposed lease cost for the of \$36.50 per square foot which included insurance and property taxes.

Mandan City Mayor Helbling stated that Morton County desires cost estimates should they join the project at a later date. Dannenfelzer stated that he would need call volumes, which he has not received, to determine operating cost estimates. Dannenfelzer stated if Morton County were to join it would not change the lease agreement.

Motion by Comm. Jones, 2nd by Comm. Peluso, to approve the lease agreement as amended between the Burleigh County and the Cities of Bismarck and Mandan as the Central Dakota Communications Center (CenCom) and the Dakota Carrier Network, LLC (DCN) and to direct CenCom Director Dannenfelzer and Burleigh County Emergency Manager Senger to develop a financial plan and budget for the new public safety and emergency response communications center. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
May 6, 2019**

5:21 P.M.

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

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

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the April 15, 2019, meeting minutes as presented. All members voted "AYE." Motion carried.

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

Motion by Comm. Woodcox, 2nd by Comm. Peluso, 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 scheduled for a PUBLIC HEARING regarding the Resolution of Necessity for Special Assessment District #69 Hay Creek Pines Subdivision.

Engineer Hall appeared and explained the proposed Special Assessment District is for the purpose of sub-cutting the existing road base, placing a Geotextile Grid on the subbase, backfilling with 12" of sound aggregate base, and surfacing the roadways with a 4-inch hot bituminous pavement overlay including a chip seal treatment for the following roadways: Oak Dr from 97th Ave NE to Forest Dr and Forest Dr from 97th Ave NE to Oak Dr. Hall noted the unusually high engineer's estimate of \$26,441 per lot stating that about 50% of the cost is due to the need to stabilize the subsurface prior to paving. Hall stated that even with the high estimated cost 71% of the landowners signed the petition to create the district. Hall continued that Burnt Creek Unorganized Township has approximately \$450,000 of funds available and that for every \$100,000 of township funding the individual land owner share is reduced by \$2,850.

Comm. Peluso asked Hall for his recommendation. Hall stated that if the roadway is not paved and subsequently returned to gravel, the township could expect to spend \$200,000 to grind the existing pavement and put the roadways into service as gravel roads.

Allan Klein, Hay Creek Pines resident, appeared in support of the special assessment district and township funding participation. Klein shared photos of the deteriorating road, which challenges motorists with a combination of boulders and 12-inch deep potholes. Klein noted the unsuccessful attempt to create a special assessment district by the Burleigh County Water Resource District in 2018 to address the groundwater issues creating the subsurface road bed problems.

As no one else present appeared, the public hearing was closed.

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

Motion by Comm. Jones, 2nd by Comm. Woodcox, to authorize the expenditure of \$200,000 (township funds) to defray the cost of the subsurface work associated with the Hay Creek Pines Special Assessment District #69. All members voted "AYE." Motion carried.

Comm. Peluso expressed his concern that this project with the high individual special assessment costs may create a financial burden on some landowners.

Luke Stein, one of the project sponsors, appeared and stated that during the collection of signatures he encountered only two (2) landowners who may have financial difficulty with the assessments.

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

Upon question Engineer Hall stated that it is anticipated that all work on this project will be completed in 2019 and meet Burleigh County Subdivision standards.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve the resolution determining insufficiency of protests for Special Assessment District #69, Hay Creek Pines Subdivision, and to direct the county engineer to prepare the detailed plans and specifications. All members voted "AYE." Motion carried.

Burleigh County Supt. of Schools Mike Heilman appeared and presented a short report on county schools. Heilman also requested the confirmation of the reappointment of Dawn Aberle and Linda MacDonald to the Burleigh County School District Reorganization Committee.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to confirm the reappointments of Linda MacDonald and Dawn Aberle to three (3) year terms on the Burleigh County School District Reorganization Committee effective 7/1/2019. All members voted "AYE." Motion carried.

Social Service Director Osadchuk appeared and requested authorization to hire an additional Full Time Equivalent (FTE) Adult Services position (Social Worker II) due to the increase in clients.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to authorize the Social Service Dept. to hire an additional Full Time Equivalent (FTE) Adult Services position (Social Worker II) due to the increase in clients. All members voted "AYE." Motion carried.

Engineer Hall appeared with the following items for the Board's consideration: approval of the detailed plans and specifications and authorize the advertisement of bids for SAD #69 (Hay Creek Pines); authorize the advertisement of bids for the McKenzie Haul Road project; authorize transfer of unneeded right of way along 97th Ave NE (Haul Road Project); contract for update of the Missouri Valley Complex zoning and subdivision plat; developer waiver request related to paving of 2.5 miles of 26th St NE; acceptance of right of way dedication within and adjacent to Igoe's Industrial No. 3 Subdivision; award bids for Township Seal Coat Package; award of bids for Special Assessment Districts #65-68; and, authorization to sell used surplus Highway Dept equipment.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the detailed plans and specifications and authorize the advertisement of bids for SAD #69 (Hay Creek Pines). All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to authorize the advertisement of McKenzie Haul Road project. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to authorize the transfer of unneeded right of way along 97th Ave NE associated with the McKenzie Haul Road Project. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the developer's waiver request related to the paving of 2.5 miles of 26th St NE. All members voted "AYE." Motion carried.

Hall recommended no action on the request to contract with Swenson & Hagen Co. for the update of the Missouri Valley Complex zoning and subdivision plat as more time is needed to finalize the contract.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve and accept the right of way dedication within and adjacent to Igoe's Industrial No. 3 Subdivision. All members voted "AYE." Motion carried.

Engineer Hall then presented the following results of the April 29, 2019 bid opening for the 2019 Chip Seal Package:

Asphalt Preservation Company Inc.	\$412,886.92
Asphalt Surface Technologies Corporation	\$421,049.92

Motion by Comm. Jones, 2nd by Comm. Woodcox, to award bids for the 2019 Chip Seal package (subject to Hay Creek Township acceptance of the bid) to the low bidder, Asphalt Preservation Company Inc., in the amount of \$412,886.92. All members voted "AYE." Motion carried.

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

Motion by Comm. Woodcox, 2nd by Comm. Jones, to award bids for the 2019 Chip Seal package (subject to Hay Creek Township acceptance of the bid) to the low bidder, Asphalt Preservation Company Inc., in the amount of \$412,886.92. All members voted "AYE." Motion carried.

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

Engineer Hall next presented the following results of the April 29, 2019 bid opening for Special Assessment Districts #65 – 68:

Northern Improvement Co.	\$872,748.61
Mariner Construction Inc.	\$894,884.23.

Hall presented the following additional breakdown for the low bid:

<u>Low Bid Breakdown</u>	<u>Bid Amount</u>	<u>Petition Amount</u>
SAD #65 (Raymar)	\$ 93,776.80	\$113,370
SAD #66 (Twin Buttes)	\$304,018.03	\$390,592
SAD #67 (Vista South)	\$418,488.83 (1)	\$349,235
SAD #68 (Rustic Acres)	\$56,464.95	\$ 84,492

(1) Includes the pavement of 41st Street. (Cost breakdown \$104,013.66 for 41st Street pavement and \$314,475.17 for SAD #67)

Motion by Comm. Woodcox, 2nd by Comm. Jones, to award bids for the Special Assessment Districts #65 – 68 to the low bidder, Northern Improvement Co., in the amount of \$872,748.61. All members voted "AYE." Motion carried.

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to award bids for the paving of 41st St in the amount of \$104,013.66 to the low bidder, Northern Improvement Co, adjacent to the Vista South Special Assessment District #67. All members voted "AYE." Motion carried.

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to authorize the sale of used and excess County Highway Dept. equipment through Public Surplus. All members voted "AYE." Motion carried.

Sheriff Leben appeared and stated he did not have the quarterly (January – March, 2019) detention center report completed. Leben noted the average daily prisoner count at the Burleigh/Morton Detention Center is holding at 250.

County Planner McMonagle appeared with the final plat and zoning change for Country Ridge 3rd Subdivision for the Board's consideration.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the final plat and zoning change for Country Ridge 3rd Subdivision. All members voted "AYE." Motion carried.

Building Official-Director Ziegler appeared with the following items for the Board's consideration: Service Agreement with Painted Woods Township; and, update on Evanenko property cleanup – Baldwin Townsite.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the Service Agreement with Painted Woods Township for the provision of permit issuance, building plan review, and building inspection services. All members voted "AYE." Motion carried.

Ziegler then provided an update on Evanenko property cleanup located within the Baldwin Townsite. Ziegler stated while Evanenko met the May 1 deadline set by the Burleigh County Commission to demolish the condemned and vacant house,

the owner neglected to have the lot cleared of the debris, which includes metal, nails, old cans, and partially burnt wood. Ziegler noted the Commission order included the removal of debris by May 1st. Ziegler noted he did talk to owner who stated they are working on getting everything done within the next few weeks. Ziegler continued he believes everything should be removed including the concrete foundation and backfilling the hole.

Chairman Bitner noted his patience has worn pretty thin and according to the neighbors a large mess still exists.

Upon question Ziegler stated an inspection will be done to ensure everything is removed and the property is properly backfilled. Ziegler noted the landowner could be charged for the cleanup.

Auditor/Treasurer Glatt cautioned trying to place the costs on the property as special assessments without following proper protocol.

Upon question Engineer Hall cautioned that if there are hazardous materials on the property his staff is not qualified to cleanup and remove.

Glatt also cautioned if there are hazardous materials on the property that appropriate removal and disposal protocol be utilized.

Comm. Jones suggested that the Bismarck-Burleigh Public Health Environmental Health Division be contacted along with Badlands Environmental to try and determine the extent of any contamination.

Upon question State's Attorney Lawyer stated that the county could go in, cleanup the property, and assess costs through a civil action at a later date.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to proceed with the cleanup including the testing of the site for hazardous materials. All members voted "AYE." Motion carried.

Finance Director Thompson appeared and presented for the Board's consideration a 1.7% increase to the pay grade and step structure and an employee one (1) step in grade salary increase be included in the 2020 preliminary budget. Thompson recommended no changes be made to the employee benefit package (health insurance, retirement, etc.).

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to include a 1.7% salary increase to the pay grade and step structure and a one (1) step in grade salary increase in the 2020 preliminary budget. All members voted "AYE." Motion carried.

Thompson requested authorization to recruit for his position in anticipation of his anticipated retirement in the 1st quarter of 2020.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to authorize the recruitment for the Finance Director position in anticipation of the retirement of Finance Director Thompson. All members voted "AYE." Motion carried.

Chairman Bitner initiated the continued discussion on the spraying of cankerworms in Briardale area.

Comm. Jones stated that State's Attorney Lawyer is preparing a Request for Proposals (RFP) as directed at the last meeting utilizing a map created by Building Official Ziegler of the prosed area to be sprayed. Lawyer noted she should have the RFP ready for consideration at the next meeting.

Bob Simmers, Briardale resident, appeared and stated he has contacted the area residents and they are willing to move forward with the project if the county is willing to provide monetary support. Simmers continued the area residents are prepared to handle the paper work and contracting with an aerial sprayer.

Upon question State's Attorney Lawyer stated this would be acceptable as the cost to the county would be under bid requirements and would expedite the process.

Simmers noted an aerial sprayer has already submitted a quote of \$26.50 per acre. Simmers stated that in 2009 approximately 747 acres were sprayed. Simmers added if the same acreage was sprayed this year as in 2009 the entire cost would be around \$20,000 using an organic application.

Comm. Peluso cautioned that if a cost share was approved for this area, the residents of his neighborhood may request similar consideration.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve a 40% county cost share with the residents of the Briardale area for the control of cankerworms by aerial application. All members voted "AYE" except Comm. Peluso who voted "NAY." Motion carried.

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

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve a 20% township cost share with the residents of the Briardale area for the control of cankerworms by aerial application. All members voted "AYE" except Comm. Peluso who voted "NAY." Motion carried.

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

Comm. Jones briefly discussed the idea of hiring counsel to define what happens upon the retirement of the MIDA Bonds issued to finance the Joanne Hetzel Memorial 4-H Building located on the Missouri Valley Complex property. Jones stated that after reflection she feels it would be best to allow the Burleigh County State's Attorney to review and research this item. No action was taken.

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

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve the Dakota Syndicate, LLC, and Aaseth abatements as requested and recommended; to approve the raffle permit of St. Hildegard's Catholic Church; to recognize the Dakota Woodturners as an Other Public Spirited Organization and to approve the raffle permit for the Dakota Woodturners; to recognize the Driscoll Betterment Club as an Other Public Spirited Organization and to approve the raffle permits for the Driscoll Betterment Club; to approve the Gaming Site Authorization for the Hazelton Lions Club (Moffit Bar); to approve the liquor license renewal applications of the Rolling Plains Adventure (C); TnT Tavern – Driscoll (D); U of Mary (I & B2); Bullets n' More (Capital City Gun Club (B2), Black Leg Brewery (BB); to approve the SE liquor license applications of the TnT Tavern LLC (July 4th of July Celebration & July 13 Wedding Dance); Lost instrument surety bond to replace check # 113492 (\$59.50); and to approve the second approach permit applications of Chris Bauer (5516 Centerville Ln), Ronald Maki (3001 Garnet Dr), Nick Murphy (819 Apple Ridge Rd), and Robert Stenerson (816 Sunflower Dr). All members present voted "AYE." Motion carried.

Bob Simmers reappeared and noted that the map provided by Building Official Ziegler denoting the areas to be sprayed for canker worms is incorrect. Comm. Jones directed Simmers to ignore the Ziegler map and proceed with the same basic areas as sprayed in 2009.

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

Kevin J. Glatt, Auditor\Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
April 15, 2019**

5:55 P.M.

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

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

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the April 1, 2019, meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

HR Director Terras appeared regarding approval of a variance to hire and fill the Investigator position in the State's Attorney's Office at a Grade 7, Step 9 salary.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to authorize a variance to hire and fill the Investigator position at a Grade 7, Step 9 salary. All members voted "AYE." Motion carried.

Terras next requested authorization to hire and fill an Asst. State's Attorney II position at a Grade 13, Step 9 salary.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to authorize a variance to hire and fill an Asst. State's Attorney II position at a Grade 13, Step 9, salary. All members voted "AYE." Motion carried.

Terras then requested a variance to the annual leave policy to allow an employee to carry over a maximum of 240 hours of accrued annual leave beyond the second pay period in June of this year. Terras explained the Social Services Dept. has a vacant Human Service Program Administrator II position, and that Rhonda Block, Human Service Program Administrator IV, is currently taking on those duties in interim. Terras stated Block will not be able to take annual leave before June of this year due to the additional duties.

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve a variance to the annual leave carry-over policy allowing Rhonda Block to carry over a maximum of 240 hours of accrued annual leave beyond the second pay period (June 15th) to a future date not to exceed 90 days. All members voted "AYE." Motion carried.

Chairman Bitner initiated a discussion regarding spraying of cankerworms in Briardale area. County Extension Agent Burdolski appeared and presented information on the cankerworm lifecycle and control/eradication measures that can be taken. Burdolski added she has been in contact with some of the Briardale area residents both last fall and this spring on this matter.

Bob Simmers, Briardale resident, appeared and stated in 2009 spraying was completed by the residents of the area. Simmers added that by the time spraying was done the area was nearly defoliated. Simmers continued that he is trying to be proactive should an infestation happen this spring. Simmers stated he has contacted an aerial sprayer who has submitted a quote of \$26.50 per acre. Simmers noted that in 2009 approximately 747 acres were sprayed. Simmers stated if the same acreage was sprayed the entire cost would be around \$20,000 using an organic application.

Chairman Bitner suggested that the area sprayed be quantified and a request be made by the area landowners.

Simmers stated the required applications for approval for the aerial spraying need to be made on a timely basis in order to be ready to spray when and if needed.

Chairman Bitner questioned the State's Attorney regarding bidding requirements. State's Attorney Lawyer stated she could draft a bid notice and specifications for use if needed. Chairman Bitner continued that this item will be further discussed at the next meeting as needed with clarification to be provided regarding the use of the special assessment process to assess the spraying costs to property owners.

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the Apple Creek Developers LLP, Heupel, and Vetter abatements as requested: to designate the Menoken Grove 4-H Picnic Mutual Aid Corporation as an other public spirited organization and to approve the raffle permit application of the Menoken Grove 4-H Picnic Park Mutual Aid Corporation; to approve the Gideon's Brewery (BB), South 40 Wedding Events LLC (C), and TnT Tavern LLC (D) liquor license renewals. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve payment of expenditures to the Burleigh County Highway Department for the tree removal at the Missouri Valley Complex in the amount of \$16,635.24 and \$11,502.96 (estimated). All members voted "AYE." Motion carried.

Jones briefly discussed the status of the Joanne Hetzel Memorial 4-H Building located on the Missouri Valley Complex property. Jones stated the county leases the building from the Burleigh County 4-H Council for the county extension office. Jones noted MIDA Bonds were issued to finance the construction of the building and she added that she will be contacting bond counsel to determine what exactly happens upon the retirement of the bonds. Jones added she will provide more information at the next meeting.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
April 1, 2019**

5:00 P.M.

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

Chairman Bitner called the meeting to order with the first item of business the approval of the March 18, 2019 minutes and bills.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve the March 18, 2019, meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

Mike Gardner, Executive Director of the Bismarck-Mandan Symphony Orchestra, appeared and requested \$5,000 in funding for the Annual 4th of July Celebration held at the State Capitol grounds.

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

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

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the Bauer, Sukauskas, Williams, Sabin, and Kline abatements as requested. All members voted "AYE." Motion carried.

Peterson Hospitality LLC requested the 2017 & 2018 market values on Lots 6-7, Block 1, Meadowlark Commercial 4th Addition to the City of Bismarck, be reduced from \$5,799,000MV to \$3,713,028MV (2017) and from \$4,927,700MV to \$3,387,946MV (2018) as the property is overvalued.

Vietmeier stated these abatements are for the Wingate Hotel in Bismarck. Vietmeier explained the City of Bismarck has reviewed the assessments of the property and recommends denial of the abatements with a reduction of the 2017 value from \$5,799,000 to \$5,474,500. Vietmeier stated that he conducted an independent investigation of the property and value(s), which included meeting with the principal owner of the hotel, and determined that the City of Bismarck values are valid and proper. Vietmeier recommended denial of the abatements with the 2017 value being reduced to \$5,474,500.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to deny the Peterson Hospitality LLC 2017 abatement and to set the value at \$5,474,500MV based upon values of comparable hotels in the community and taking into account the excess land this property includes; and to deny the 2018 abatement as the value is equitable and just when compared to other hotel properties in the community including the excess land. All members voted "AYE." Motion carried.

County Engineer Hall appeared with the following items for the Board's consideration: appointment of Special Eminent Domain Hearing Board for McKenzie Haul Road and update of the Missouri Valley Complex zoning and subdivision plat.

Motion by Comm. Jones, 2nd by Comm. Peluso, that the use of Eminent Domain is authorized by law for the construction of County Roadways; and, that additional right of way is required for the reconstruction of the McKenzie Haul Road; and, that

the additional right of way will be used to enhance the health, safety and welfare of the citizens of Burleigh County; and, that the Burleigh County Board shall convene a special board under NDCC 24-05-10 to fix damages for the taking of the property by eminent domain and shall begin the process under Chapters 24-01 and 24-05; and, that the Burleigh County Board hereby resolves and orders Highway Department to send a pre-condemnation notice via personal service to landowners whose land must be taken and have not yet been acquired; and, that a hearing of the special board under NDCC 24-05-10 be set and Notice of Hearing be provided to the interested parties as required under NDCC Chapter 24-5; and, that the Burleigh County Board appoints a special board consisting of the County Auditor/Treasurer, County Commissioner Jones, and County Commissioner Woodcox, as the officials of the County for the purposes of fixing the damages for the taking of each of the following properties, all as required under NDCC 24-05-10: Jill Malsam & Jackie Burke Property, Northern Improvement Co Property, and Richard & Charlotte Anderson Property. All members voted "AYE." Motion carried.

Hall next stated that the agreement for updating the Missouri Valley Complex zoning and subdivision plat will be presented at the May 6, 2019 meeting.

Finance Director Thompson appeared and requested authorization to hire additional maintenance staff for Burleigh/Morton Detention Center.

Motion by Comm. Peluso, 2nd by Comm. Jones, to authorize the hiring of an additional maintenance staff for Burleigh/Morton Detention Center effective July 1, 2019. All members voted "AYE." Motion carried.

Comm. Jones introduced County Extension Agent Beth Burdolski who is now serving as the county office coordinator for the Burleigh County Office of NDSU Extension. Burdolski appeared and made a brief presentation on the activities of the NDSU Extension Office.

The Commission then discussed commissioners' email and the purchase of computers for commissioners' use.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to authorize the purchase of four (4) iPads and one (1) laptop for the County Commissioner's use. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Peluso, to proclaim April 14 – 20, 2019, as National Public Safety Telecommunications Week in Burleigh County. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to proclaim April 5, 2019, as Wear Blue Day in Burleigh County. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Jones, to declare a flood emergency due to the impact of thaw, runoff, and creek flooding which threatens the health, well-being and public safety of residents. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
March 18, 2019**

5:25 P.M.

The Burleigh County Commission convened as the Burleigh County Board of Health with all members present except Comm. Woodcox.

Bismarck-Burleigh Public Health Director Moch appeared and presented the following items for the Board's consideration: Director's Report, Community Health Improvement Plan, Quality Improvement Plan, Bismarck/Burleigh Public Health Strategic Plan, update on the Detox Center Status, and an update on the Plan to Prevent & End Community Homelessness.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the Bismarck-Burleigh Public Health Quality Improvement Plan. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the Bismarck/Burleigh Public Health Strategic Plan. All members present voted "AYE." Motion carried.

5:38 P.M.

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

Chairman Bitner called the meeting to order with the first item of business the approval of the March 4, 2019, meeting minutes and vouchers.

Motion by Comm. Peluso, 2nd by Comm. Jones, to approve the March 4, 2019, meeting minutes as presented. All members present voted "AYE." Motion carried.

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

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

Brian Ritter, President Bismarck Mandan Chamber Economic Development Council, appeared and updated the County Commission on Chamber EDC efforts and activities. No action was taken.

County Engineer Hall appeared with the following items for the Board's consideration: review and approval of detailed plans and specifications for Special Assessment Districts (SAD) #65 - #68, including authorization to advertise for bids for the same; results of the bid opening for 2019 centerline and edge line striping, concrete and metal culverts, gravel crushing, township gravel hauling, dust control, and the Wilton Shop hay lease; and, Memorandum of Agreement between Burleigh County and the organized townships.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the detailed plans and specifications for the paving and chip sealing improvement of roadways within RayMar 3rd Subdivision SAD#65; Twin Buttes Subdivision SAD#66; Vista South and part of Southridge Subdivisions SAD#67; and, Rustic Acres Subdivision SAD#68; and, to authorize the advertisement of bids for the same. All members present voted "AYE." Motion carried.

Hall reported that on March 11, 2019, the following bids were received and opened for centerline and edge line striping:

J & J Striping	\$173,934.00
West River Striping Co.	\$179,948.10
Traffic Safety Services, Inc.	\$186,616.74

Motion by Comm. Jones, 2nd by Comm. Armstrong, to award the low bid of J & J Striping for painted pavement markings in the amount of \$173,934. All members present voted "AYE". Motion carried.

Hall reported that Forterra Concrete Products, Inc. submitted a bid for Furnishing Concrete Culverts and that TrueNorth Steel submitted a bid for Furnishing Metal Culverts.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to award the low bid of Forterra Concrete Products, Inc. for Furnishing Concrete Culverts; and to award the low bid of TrueNorth Steel for Furnishing Metal Culverts. All members present voted "AYE". Motion carried.

Hall continued that on March 11, 2019, the following bids were opened for gravel crushing:

James Valley Sand & Gravel, Inc.	\$3.35 per cubic yard
Gravel Products, Inc.	\$3.37 per cubic yard
Sundre Sand & Gravel	\$3.50 per cubic yard
Knife River Corp North Central	\$3.75 per cubic yard

Motion by Comm. Jones, 2nd by Comm. Armstrong, to award the low bid of James Valley Sand & Gravel, Inc. in the amount of \$3.35 per cubic yard for the crushing of gravel. All members present voted "AYE". Motion carried.

Hall next reported that on March 11, 2019, the following bids were opened for hauling of township gravel:

Guthmiller & Son	\$206,000
Sundre Sand & Gravel	\$208,000
Wm D Scepaniak Inc.	\$208,600
Circle C Enterprises, LLC.	\$210,000
Knife River – North Dakota	\$279,900

Motion by Comm. Jones, 2nd by Comm. Armstrong, to award the low bid of Guthmiller & Son in the amount of \$206,000 for the hauling of township gravel. All members present voted "AYE". Motion carried.

Hall next reported that on March 11, 2019, the following bid was opened for Dust Control:

Roadwork LLC	\$197,200
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Motion by Comm. Jones, 2nd by Comm. Armstrong, to award the low bid of Roadwork LLC in the amount of \$197,200 for Dust Control. All members present voted "AYE". Motion carried.

Hall then reported that on March 11, 2019, and the following bids were received for the Wilton Shop hay lease:

Marlin Schaaf	\$500.00
Joe Wetsch	\$215.52
Miles Cahoon	\$160.00

Motion by Comm. Jones, 2nd by Comm. Armstrong, to award the bid for the 2019 haying rights at the Wilton County Shop to Marlin Schaaf in the amount of \$500. All members present voted "AYE". Motion carried.

Hall then requested approval for the annual FEMA Memorandum of Agreement.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to enter into a memorandum of agreement with the county's organized townships for administering federal disaster aid grant programs. All members present voted "AYE". Motion carried.

Finance Director Thompson appeared and presented the following proposed 2018 budget amendments for the Board's consideration:

<u>FUND</u>	<u>BURLEIGH COUNTY AMENDED BUDGET</u>		<u>CHANGE</u>
	<u>2018 BUDGET</u>	<u>AMENDED BUDGET</u>	
RIVERVIEW UNORG TWP	100,000	119,000	19,000

EXPENSE EXCEEDED BUDGET

HIGHWAY GAS TAX	6,502,000	6,990,000	488,000
GAS TAX COLLECTIONS EXCEEDED BUDGET			
COUNTY LIBRARY	314,018	322,000	7,982
REVENUE COLLECTIONS EXCEEDED BUDGET			
PROVIDENT BUILDING	451,980	485,000	33,020
EXPENSE EXCEEDED BUDGET			
WEED CONTROL	409,293	442,000	32,707
CHEMICAL EXPENSE EXCEEDED BUDGET			
K-9 PATROL PROGRAM	0	5,000	5,000
NEW FUND NOT BUDGETED IN 2018			
DETENTION COMMISSARY	46,000	148,000	102,000
EXPENSE EXCEEDED BUDGET			
BROOKFIELD ESTATES RSAD	0	7,000	7,000
CLOSED OUT FUND			
WESTWOOD/BRIESE RSAD	0	100	100
CLOSED OUT FUND			
SHAMROCK ACRES RSAD	0	19,000	19,000
CLOSED OUT FUND			
HARVEST GROVE FIRST RSAD	0	18,000	18,000
CLOSED OUT FUND			
FALCONER RSAD	0	16,000	16,000
CLOSED OUT FUND			
BRENTWOOD ESTATES RSAD	0	23,000	23,000
CLOSED OUT FUND			
HIGHTOP ACRES RSAD	0	22,000	22,000
CLOSED OUT FUND			
GREEN ACRES RSAD	0	58,000	58,000
CLOSED OUT FUND			
THREE BEARS RSAD	0	8,000	8,000
CLOSED OUT FUND			
SPRUCE HILL/SPRUCE CREEK RSAD	0	35,000	35,000
CLOSED OUT FUND			
HIGH PLAINS COUNTRY ESTATES RSAD	0	8,000	8,000
NEW FUND FOR RURAL ASSESSMENT			

METRO INDUSTRIAL PARK REPLATS RSAD NEW FUND FOR RURAL ASSESSMENT	0	14,000	14,000
IMPERIAL VALLEY SUB RSAD NEW FUND FOR RURAL ASSESSMENT	0	130,000	130,000
CRESTED BUTTE RSAD NEW FUND FOR RURAL ASSESSMENT	0	623,000	623,000
IMPERIAL VALLEY RSAD NEW FUND FOR RURAL ASSESSMENT	0	27,000	27,000
RAY MAR 3RD SUB RSAD NEW FUND FOR RURAL ASSESSMENT	0	1,000	1,000

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve the 2018 budget amendments as presented and recommended by Finance Director Thompson. All members present voted "AYE." Motion carried.

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

The Commission then delayed discussion on computers and emails for County Commissioners until Comm. Woodcox was present. Chairman Bitner directed the auditor/treasurer to put this item on the agenda for the next meeting.

Motion by Comm. Jones, 2nd by Comm. Armstrong to approve a Bond Reimbursement Resolution authorizing reimbursement for expenditures made for and on behalf of the Hay Creek Pines Subdivision paving improvement district #69. All members present voted "AYE". Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
March 4, 2019**

5:00 P.M.

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

Chairman Bitner called the meeting to order with the first item of business the approval of the February 20, 2019, meeting minutes and vouchers.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve the February 20, 2019, meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

This was the hour and date set for a Public Hearing regarding the proposed lot modification of Lots 6 & 7, Block 5, Country Ridge First Subdivision.

Building Official/Director Ziegler appeared and explained the request for the lot modification. Ziegler recommended approval of the request.

Chairman Bitner opened the public hearing. As no one present appeared the following motion was made:

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the lot modification of Lots 6 & 7, Block 5, Country Ridge First Subdivision. All members voted "AYE." Motion carried.

Mike Manstrom, Dougherty & Co., and Scott Wegner, Arntson, Stewart, Wegner, appeared regarding results of the bond sale for financing of SAD#62 Imperial Valley (paving), SAD#63 Crested Butte Subdivision, and SAD#64 Imperial Valley (sewer); and, approval of bond resolutions. Manstrom presented the results of the \$815,000 bond sale held Monday 4, 2019, noting a net interest rate of 2.94%. Wegner presented the resolutions to authorize the creation of the fund for Special Assessment District #62 Imperial Valley, SAD#63 Crested Butte Subdivision, and SAD#64 Imperial Valley; and for the issuance of \$815,000 Refunding Improvement Bonds for Special Assessment Districts #62, #63, and #64.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to authorize the creation of the fund for Special Assessment Districts #62 Imperial Valley Subdivision, #63 Crested Butte Subdivision, and #64 Imperial Valley providing for and appropriating special assessments for the support and maintenance of said funds; and to authorize the issuance of improvement warrants for the same. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to authorize the issuance of \$815,000 Refunding Improvement Bonds for Special Assessment Districts #62 Imperial Valley Subdivision (paving), #63 Crested Butte Subdivision, and #64 Imperial Valley (sewer). All members voted "AYE." Motion carried.

Library Director Kujawa and Bookmobile Librarian McDonald appeared and presented the 2018 bookmobile activity report and information on bookmobile replacement activities including solicitation of bids.

Director Kujawa stated their current book mobile is starting to have mechanical issues after nineteen (19) years and over 120,000 miles. Kujawa continued the Bismarck Veterans Memorial Public Library will be soliciting Requests for Proposals for a new bookmobile that will contain approximately 3,000 items including books, tablets, and e-readers. Kujawa added the book mobile will provide free Wi-Fi for patrons. Kujawa noted the Library Foundation will be conducting a fundraiser to supplement the "bookmobile replacement fund" that was established many years ago by the County Commission. No action was taken.

Asst. County Engineer Schriock appeared and presented the following items for the Board's consideration: request of Doug Herrmann for a waiver of the Pavement Policy for a one (1) lot subdivision (Auditor's Lot G in the E½ of Section 6, Burnt Creek Township) waiving the requirement to pave approximately 2,670' of 15th St NW from 149th Ave NW to the south edge of property.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the waiver of the Pavement Policy for a one (1) lot subdivision (Auditor's Lot G in the E½ of Section 6, Burnt Creek Township) waiving the requirement to pave approximately 2,670' of 15th St NW from 149th Ave NW to the south edge of property. All members voted "AYE." Motion carried.

Schriock reported the Special Assessment Screening Committee met on March 4, 2019, to consider the petition, the feasibility of the project, and the predictability of solvency of the proposed Special Assessment District #69 Hay Creek Pines Subdivision. Schriock stated the Screening Committee recommended the Board of Commissioners accept the Engineering Report and Petition for Paving Improvements for the proposed Special Assessment Districts #69 Hay Creek Pines Subdivision, and create a special assessment district by adopting a resolution of necessity.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to accept the Preliminary Engineers report to create Special Assessment District #69, and to declare a Resolution of Necessity for Special Assessment District #69 Hay Creek Pines Subdivision and to authorize the call for a public hearing regarding the same. All members voted "AYE." Motion carried.

HR Director Terras appeared regarding the following items: consideration of the proposed State's Attorney Investigator position classification and authorization to recruit and fill the SA Investigator position; Building Official/Director retirement and authorization of recruitment for the upcoming vacancy; and a variance to Personnel Policy: Starting Salary for the Social Services Department to fill a vacant Administrative Assistant I position at Grade 3 Step 9.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the new State's Attorney Investigator position classification as recommended by the Arthur J. Gallagher & Co., at a pay Grade 7. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to authorize the HR Director to recruit and fill the new State's Attorney Investigator position. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to authorize the HR Director to recruit and fill for the upcoming Building Official/Director vacancy. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to authorize a variance to the Personnel Policy: Starting Salary for the Social Services Department to fill a vacant Administrative Assistant I position at a Grade 3 Step 9. All members voted "AYE." Motion carried.

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

Motion by Comm. Jones, 2nd by Comm. Peluso, to approve the Buechler, Schlinger, BSC Foundation Property Holdings LLC, Evans, Gilbertson, Lefor, Kappel, Schumacher, Skjersteth, Brandt, McDowall, and Cowell abatements as requested. All members voted "AYE." Motion carried.

The Commission then discussed county provided computers and emails for County Commissioners. No action was taken. Chairman Bitner directed the auditor/treasurer to put this item on the agenda for the next meeting.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
February 20, 2019**

5:00 P.M.

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

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve the February 4, 2019, meeting minutes as presented. All members present voted "AYE." Motion carried.

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

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

This was the hour and date set for a Public Hearing regarding the issuance of Benedictine Health System refunding bonds in an amount not to exceed \$16,000,000.

Mike Manstrom, Dougherty and Company, appeared and explained the bond issue, noting the county is not obligated in any manner for the repayment of the bonds, and is merely the conduit for the issuance of the Municipal Development and Industrial Bonds, with no liability to Burleigh County.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the resolution authorize the issuance of Subordinate Health Care Facilities Revenue Bonds (Municipal Development and Industrial Bonds) for the Benedictine Living Communities-Bismarck, Inc. Project, Series 2019, in an amount not to exceed \$16,000,000. All members present voted "AYE." Motion carried.

This was the hour and date set for a continuation of the Public Hearing on the Resolution of Necessity regarding Special Assessment District #66 Twin Buttes Subdivision paving.

County Engineer Hall explained the proposed Special Assessment District is for the paving of Sagebrush Dr from State Highway 1804 to 102nd Ave SE; Boulder Dr from Sagebrush Dr to State Highway 1804; and, Tumbleweed Circle from Sagebrush Dr to the southwest end of the existing cul-de-sac. Hall stated that 69% of the landowners and 64% of the benefited properties signed the petition to create the district. Hall noted the engineer's estimate of \$390,592 which is to be spread equally among the forty-five (45) benefited properties per the submitted petition. Hall reported that county policy requires 60% of the landowners and 60% of the benefited property must sign the petition. Hall continued that at the last meeting there were questions from one of the landowners regarding the county's special assessment policies and state law. Hall explained that at the request of the County Commission the State's Attorney has reviewed the special assessment policies and has found the county has followed statute.

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

Fred Wooten, 5001 Boulder Dr, (Lots 6, 7 and 8, Block 1, Twin Buttes Subdivision) appeared and stated his issues and questions regarding this special assessment district have been answered. Wooten thanked the Commission for their attention to his concerns. Wooten then noted that the Commission at the last meeting voted to remove Lot 10, Block 2, Twin Buttes Subdivision from Special Assessment District #66 as the lot did not access the interior subdivision road(s). Wooten continued that the owner of Lot 10, Block 2, can still access the interior subdivision roads and may do so in the future. Wooten stated that he has no intention of splitting Lot 7, Block 1, from Lot 6. Wooten added that Lot 7 has minimal value as a separate lot as the terrain renders it mostly unbuildable. Wooten explained the terrain is so steep that he accesses Lot 7 from Lot 8. Wooten concluded that if Lot 10, Block 2, was removed from the special assessment district due to limited access, then Lot 7 Block 1, should also be removed from the special assessment district.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to remove Lot 7 Block 1, from Special Assessment District #66. "AYE" votes: None. "NAY" votes: Armstrong, Peluso, Woodcox, Bitner. Absent: Jones. Motion failed.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to close the public hearing and to approve the resolution determining the insufficiency of protests for Special Assessment District No. 66 and further to authorize and direct the county engineer to prepare detailed plans and specifications for construction of the improvement. All members present voted "AYE." Motion carried.

This was the hour and date set for continuation of the Public Hearing on the Resolution of Necessity regarding Special Assessment District #67 Vista South and part of Southridge Subdivisions paving.

County Engineer Hall explained the proposed Special Assessment District is for the paving of Sentinel St from State Highway 1804 to the north end of the existing cul-de-sac; Arrow Ave from Sentinel St to Signal St; Scenic Dr from Arrow Ave to 41st St SE; and, Signal St from State Highway 1804 to 41st St SE. Hall stated that 63% of the landowners and 60% of the benefited properties signed the petition to create the district. Hall noted the engineer's estimate of \$349,235 which is to be spread equally among the thirty-nine (39) benefited properties per the submitted petition. Hall reported that county policy requires 60% of the landowners and 60% of the benefited property must sign the petition.

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

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to close the public hearing and to approve the resolution determining the insufficiency of protests for Special Assessment District No. 67 and further to authorize and direct the county engineer to prepare detailed plans and specifications for construction of the improvement. All members present voted "AYE." Motion carried.

This was the hour and date set for continuation of the Public Hearing on the Resolution of Necessity regarding Special Assessment District #68 Rustic Acres First Replat Subdivision paving.

County Engineer Hall explained the proposed Special Assessment District is for the paving of Clover Place from 26th St NE to the west end of the cul-de-sac; and Shamrock Place from 26th St NE to the west end of the cul-de-sac. Hall stated that 86% of the landowners and 87.5% of the benefited properties signed the petition to create the district. Hall noted the engineer's estimate of \$84,492 which is to be spread equally among the eight (8) benefited properties per the submitted petition. Hall reported that county policy requires 60% of the landowners and 60% of the benefited property must sign the petition.

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

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to close the public hearing and to approve the resolution determining the insufficiency of protests for Special Assessment District No. 68 and further to authorize and direct the county engineer to prepare detailed plans and specifications for construction of the improvement.

Chairman Bitner noted the landowner appearance at the last meeting and the discussion regarding the high water table and concern about placing pavement over an unstable roadbed.

Engineer Hall stated that he recognized that a 4" pavement overlay will not work with the existing conditions. Hall stated he has contacted a geotechnical firm to explore options for this project. Hall continued most likely a fabric or grid system will be utilized. Hall stated the final design is still in progress. Hall added county forces will be used to address the roadbed with any additional costs to the special assessment district limited to the 5% contingency built into the project.

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

County Engineer Hall appeared with the following items for the Board's consideration:
N Washington St & Highway 1804 project bid letting concurrence, and ratification of Elk Ridge Subdivision plat.
Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve a letter of concurrence regarding the N Washington St & Highway 1804 project bid letting. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the ratification of the Elk Ridge Subdivision plat. All members present voted "AYE." Motion carried.

Sheriff Leben appeared regarding consideration of an agreement with LexisNexis to provide Detention Center inmates on-line access to legal materials.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve an agreement with LexisNexis to provide Detention Center inmates on-line access to legal materials. All members present voted "AYE." Motion carried.

Leben then presented the Detention Center report including highlights from the recently completed annual jail inspection.

State's Attorney Lawyer appeared regarding authorization for a variance to the Personnel Policy Starting Salary for the Social Services Department to fill an Attorney II position at Grade 13, Step 9.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to authorize a variance to the Personnel Policy Chapter 2, Section 10: Starting Salary; to allow the candidate selected to fill the vacant State's Attorney II position at a Grade 13, Step 9. All members present voted "AYE." Motion carried.

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

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the Reis, Hart, Rueb, Lorenz, Schaible, Kiemele, Ternes, Bliss, Silbernagel, Zainhofsky, Holte, Weigel, Marsh, Dwelle, Malling, Goecke, Hart, Lefor, Greff, Holzer and Fitterer abatements as presented. All members present voted "AYE." Motion carried.

The Board then considered appointments to the Burleigh County Special Assessment Commission and the City of Bismarck/US Census Bureau Complete Count Committee.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to reappoint Lee Lunde to a six (6) year term on the Burleigh County Special Assessment Commission. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to appoint Commissioner Armstrong to the City of Bismarck/US Census Bureau Complete Count Committee. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

BURLEIGH COUNTY COMMISSION
MEETING MINUTES
February 4, 2019

5:00 P.M.

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

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the January 23, 2019, meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

Scott Wegner, Arntson, Stewart, Wegner Bond Counsel, appeared and requested authorization to call for a public hearing regarding the issuance of Benedictine Health System refunding bonds.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to authorize a call for public hearing on February 20, 2019, regarding the issuance of Subordinate Health Care Facilities Revenue Bonds (Municipal Development and Industrial Bonds) for the Benedictine Living Communities-Bismarck, Inc. Project, which proceeds of the Prior Obligations were used to finance the construction and equipping of a 72-bed skilled nursing facility located at 4580 Coleman Street, Bismarck, North Dakota, in an amount not to exceed \$16,000,000. All members voted "AYE." Motion carried.

This was the hour and date set for a Public Hearing on the Resolution of Necessity regarding Special Assessment District #66 Twin Buttes Subdivision paving.

County Engineer Hall explained the proposed Special Assessment District is for the paving of Sagebrush Dr from State Highway 1804 to 102nd Ave SE; Boulder Dr from Sagebrush Dr to State Highway 1804; Tumbleweed Circle from Sagebrush Dr to the southwest end of the existing cul-de-sac. Hall stated that 69% of the landowners and 64% of the benefited properties signed the petition to create the district. Hall noted the engineer's estimate of \$390,592 which is to be spread equally among the forty-five (45) benefited properties per the submitted petition. Hall reported that county policy requires 60% of the landowners and 60% of the benefited property must sign the petition.

Engineer Hall stated that in 2001 the County Commission approved the removal of the non-access line allowing access for Lot 10, Block 2, Twin Buttes Subdivision, onto 102nd Ave and not Sagebrush Dr. Hall continued this lot does not benefit from this special assessment district and should be removed.

Engineer Hall continued that Lots 6 & 7, Block 1, Twin Buttes Subdivision, were combined for tax purposes and have been designated for two (2) assessments as the combined lots could be split. Hall noted the same landowner also owns Lot 8, Block 1, and therefore will be assessed three (3) assessments not two (2) as requested.

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

Fred Wooten, 5001 Boulder Dr, (Lots 6, 7 and 8, Block 1, Twin Buttes Subdivision) appeared in opposition to the special assessment district. Wooten stated that he was forced many years ago to purchase an additional lot in order to get a building permit to build a large accessory structure (barn). Wooten noted that even though they were forced to purchase and combine Lot 7, he can sell it as an individual lot. Wooten continued he does not think the petition follows county policy. Wooten questioned if a husband and wife are considered one (1) landowner or two (2) landowners. Wooten also questioned the costs included in the county engineer's estimate. Wooten stated the petition is invalid. Wooten requested the State's Attorney review the county policies and statutes regarding special assessments prior to moving forward with this Special Assessment District.

Chairman Bitner requested Engineer Hall provide Wooten a copy of the engineer's estimate.

Jeffrey Simek, 4820 Sagebrush Dr, appeared and questioned the lifespan of the asphalt, and whether the special assessment district will cause the value of his house to increase for his property taxes.

Engineer Hall stated that generally the lifespan of the pavement in a situation like this should be 20-25 years with a chip seal application needed in about 15 years at township expense.

Deputy Auditor/Tax Director Vietmeier appeared and stated the county does not look at special assessment districts when determining property value.

Jim Schaff, 4620 Sagebrush Dr, appeared and stated he owns two (2) combined lots and if the other gentleman only gets one (1) assessment for his combined lots he should receive equal treatment.

Galen Nagel, 4915 Boulder Dr, appeared and stated the subdivision covenants do not allow lots to be combined and split and questioned why owners are being allowed to turn two (2) lots into one (1).

Chairman Bitner replied that the county does not enforce subdivision covenants as it is a civil matter between the subdivision owners.

As no one else present appeared the following motions were made:

Motion by Comm. Woodcox, 2nd by Comm. Jones, to remove Lot 10, Block 2, Twin Buttes Subdivision from Special Assessment District #66. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to continue the public hearing related to the Resolution of Necessity for Special Assessment District #66, Twin Buttes Subdivision, until the February 20, 2019, meeting to allow for review of the petition procedures. All members voted "AYE." Motion carried.

This was the hour and date set for a Public Hearing on the Resolution of Necessity regarding Special Assessment District #67 Vista South and part of Southridge Subdivisions paving.

County Engineer Hall explained the proposed Special Assessment District is for the paving of Sentinel St from State Highway 1804 to the north end of the existing cul-de-sac; Arrow Ave from Sentinel St to Signal St; Scenic Dr from Arrow Ave to 41st St SE; and, Signal St from State Highway 1804 to 41st St SE. Hall stated that 63% of the landowners and 60% of the benefited properties signed the petition to create the district. Hall noted the engineer's estimate of \$349,235 which is to be spread equally among the thirty-nine (39) benefited properties per the submitted petition. Hall reported that county policy requires 60% of the landowners and 60% of the benefited property must sign the petition.

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

Motion by Comm. Armstrong, 2nd by Comm. Jones, to continue the public hearing related to the Resolution of Necessity for Special Assessment District #67 Vista South and part of Southridge Subdivisions, until the February 20, 2019, meeting to allow for review of the petition procedures. All members voted "AYE." Motion carried.

This was the hour and date set for a Public Hearing on the Resolution of Necessity regarding Special Assessment District #68 Rustic Acres First Replat Subdivision paving.

County Engineer Hall explained the proposed Special Assessment District is for the paving of Clover Place from 26th St NE to the west end of the cul-de-sac; and Shamrock Place from 26th St NE to the west end of the cul-de-sac. Hall stated that 86% of the landowners and 87.5% of the benefited properties signed the petition to create the district. Hall noted the engineer's estimate of \$84,492 which is to be spread equally among the eight (8) benefited properties per the submitted petition. Hall reported that county policy requires 60% of the landowners and 60% of the benefited property must sign the petition.

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

Sandy Zimmer, 2501 Clover Place, appeared and stated the water table in the area is very high. Zimmer expressed her concern that pavement is to be placed over an unstable surface as it will not endure, and requested the county engineer explore options to stabilize the road bed prior to the 4" overlay.

Engineer Hall stated that he recognized that a 4" overlay will not work with the existing conditions. Hall stated he has contacted a geotechnical firm to explore options for this project. Hall continued most likely a fabric or grid system will be utilized. Hall stated the final design is still in progress. Hall added these costs are not included in SAD costs. Hall noted he will provide additional information at the next meeting.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to continue the public hearing related to the Resolution of Necessity for Special Assessment District #68 Rustic Acres First Replat Subdivision, until the February 20, 2019, meeting to allow for review of the petition procedures. All members voted "AYE." Motion carried.

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

Motion by Comm. Jones, 2nd by Comm. Peluso, to approve the Young, Rueb, Welk, Miller, Gladem, Bailey, Renner, and Peterson abatements as requested. All members voted "AYE." Motion carried.

Chairman Bitner then stated that he is not comfortable with "late-breaking" abatements being added to the agenda. Bitner requested that abatements not on the agenda not be considered; and placed on a future agenda for action.

Chairman Bitner also asked that documents requiring the Chairman's signature be prepared and ready for signature at the Commission meeting so he does not have to drive to town between meetings.

County Engineer Hall appeared and presented for consideration the results of the bid opening for one (1) – 3 cubic yard loader.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to award the bid for one (1) – 3 cubic yard loader to the low bidder, Titan Machinery, in the amount of \$155,500 under a five (5) year - total cost bid with a guaranteed repurchase price at the end of this period. All members voted "AYE." Motion carried.

HR Director Terras appeared regarding the following items: consideration of a variance to Personnel Policy Chapter 4, Section 5: Annual leave to allow the candidate to fill the vacant Jail Nurse Supervisor to accrue annual leave at an adjusted schedule; authorize the States Attorney's office to fill a vacant Attorney II position at Grade 13 step 9; and, authorize the States Attorney's Office to increase the salaries of two (2) current Assistant Attorney II.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to authorize a variance to Personnel Policy Chapter 4, Section 5: Annual Leave; to allow the candidate selected to fill the vacant Jail Nurse Supervisor position to accrue annual leave at an adjusted schedule to recognize previous service with a state agency. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to authorize the States Attorney's office to fill a vacant Attorney II position at Grade 13 step 9. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to authorize the States Attorney's Office to increase the salaries of two (2) current Assistant Attorney IIs. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the raffle permit application of the University of Mary Athletic Dept. All members voted "AYE." Motion carried.

The Commission then discussed procuring laptop computers for Commissioners. Emergency Manager Senger appeared and stated she will look into different options for the Commission and report back.

Chairman Bitner then reported that he was served today from PNE Wind USA Inc., appealing the denial of the special use permit applications to develop wind energy in Morton Township. No action was taken.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
January 23, 2019**

12:00 P.M.

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

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the January 7, 2019, meeting minutes as presented. All members present voted "AYE." Motion carried.

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

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

Joey Roberson-Kitzman, Transportation Planner for the Bismarck-Mandan Metropolitan Planning Organization (MPO), and Keith Bucklew, Project Engineer HDR Engineering (via phone), appeared and presented the Regional Freight Study Final Report.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve and accept the Bismarck-Mandan Metropolitan Planning Organization Regional Freight Study Final Report. All members present voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following items for the Board's consideration: 2019 road project priority list; design agreements for the 43rd Ave project; ND Dept of Transportation - N Washington St & Highway 1804 project agreement; and, appointment of Special Eminent Domain Hearing Board.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the 2019 road project priority list as submitted. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to authorize an agreement with Holly Beck Surveying/Engineering Inc. in the amount of \$25,510 to perform Platting and Registered Survey work on the 43rd Ave NE project, with additional services, as requested by the County, paid for hourly up to a maximum of \$10,000; to authorize an agreement with Beaver Creek Archaeology in the amount of \$1,500 to perform Cultural Resource Inventory work on the 43rd Ave NE project, with additional services, as requested by the County, paid for hourly up to a maximum of \$10,000; to authorize an agreement with Braun Intertec in the amount of \$6,470.50 to perform Geotechnical work on the 43rd Ave NE project, with additional services, as requested by the County, paid for hourly up to a maximum of \$10,000; to authorize an agreement with Kadrmass, Lee & Jackson, Inc. in the amount of \$60,564 to perform Right of Way Negotiation and Wetland Delineation work on the 43rd Ave NE project, with additional services, as requested by the County, paid for hourly up to a maximum of \$10,000; to authorize an agreement with Apex Engineering in the amount of \$46,757 to perform Hydraulics and Lighting Design work on the 43rd Ave NE project, with additional services, as requested by the County, paid for hourly up to a maximum of \$10,000; to authorize an agreement with Pagan Appraisal Consulting in the amount of \$28,000 to perform Appraisals work on the 43rd Ave NE project, with additional services, as requested by the County, paid for hourly up to a maximum of \$10,000; and, to authorize an agreement with Bartlett and West in the amount of \$30,514 to perform Traffic Operations work and Pavement Design work on the 43rd Ave NE project, with additional services, as requested by the County, paid for hourly up to a maximum of \$10,000.

Comm. Woodcox expressed concern with the expenditure of funds for a project that the City of Bismarck may have already committed to fund.

"AYE" votes: Armstrong, Jones, Bitner. "Abstain": Woodcox. Absent: Peluso. Motion carried.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to authorize an agreement with the North Dakota Department of Transportation for the reconstruction and cost sharing of improvements to the N Washington St (57th Ave to State Highway

1804) Project; and to authorize an agreement with the North Dakota Department of Transportation for reconstruction and cost sharing of improvements to the N Washington St / State Highway 1804 Intersection Project. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Jones, that the use of eminent domain is authorized by law for the construction of County Roadways; and, that additional right of way is required for the reconstruction of the N Washington St, from 57th Ave to (and including) the intersection with State Highway 1804; and, that the additional right of way will be used to enhance the health, safety and welfare of the citizens of Burleigh County; and, that the Burleigh County Board shall convene a special board under NDCC 24-05-10 to fix damages for the taking of the property by eminent domain and shall begin the process under Chapters 24-01 and 24-05; and, that the Burleigh County Board hereby resolves and orders the County Highway Dept to send a pre-condemnation notice via personal service to landowners whose land must be taken and have not yet been acquired, and that a hearing of the special board under NDCC 24-05-10 be set and Notice of Hearing be provided to the interested parties as required under NDCC Chapter 24-5; and, further that the Burleigh County Board appoints a special board consisting of the County Auditor, Commissioner Kathleen Jones, and Commissioner James Peluso, as the officials of the County for the purposes of fixing the damages for the taking of each of the following properties, all as required under NDCC 24-05-10: Ronald and Ruth Knutson Property, Curtis Jungling and Donald Jungling Property, Lucinda Ward Property, and the Apple Creek, LLP Property. All members present voted "AYE." Motion carried.

Sheriff Leben appeared and introduced Major Jim Hulm and presented the monthly Detention Center report.

HR Director Terras appeared and requested authorization to submit for classification a new Investigator position in the State's Attorney's Office.

Upon question State's Attorney Lawyer stated her office presently has five (5) unfilled Asst. State's Attorney positions.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve the requested authorization to submit for classification to Gallagher & Co., for a new Investigator position in the State's Attorney's Office. All members present voted "AYE." Motion carried.

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

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve the Keller, Mosolf, Demarais, South Central Rural Water District, Zimmerman, Olson, Clausnitzer, Rehling, Stewart, Hsu, Johnson, Vetter, Kuntz, Kramer, Zeilstra Properties, and Clooten abatements as requested; and to approve the second approach permit application of Jacob Wutzke for Lot 16, Block 1, Brookfield Estates Subdivision. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the Court Services Contracts with the State of North Dakota and the cities of Bismarck and Lincoln. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the 2020 budget calendar as presented. All members present voted "AYE." Motion carried.

The Commission then reviewed the 2019 portfolio assignments made at the January 7, 2019, meeting. By consensus the Commission agreed to uncertainty over who accepted the Finance portfolio as it was unclear at the meeting, and decided to discuss the item further when Comm. Peluso was present.

Comm. Armstrong then initiated a discussion on establishing governmental emails for Commissioners rather than using personal email addresses. Armstrong added each governmental email would cost \$5 per month. Comm. Armstrong also suggested that training be provided for Commissioners related to public information requests and record retention.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to authorize and direct Comm. Armstrong to establish governmental email accounts for each Commissioner. All members present voted "AYE." Motion carried.

Mark Swenson appeared and requested funding consideration from the County for a prorated share of the cost of a water and sewer connection along Lot 12, the Missouri Valley Complex.

1:17 P.M. Comm. Armstrong was excused.

Swenson stated the estimated cost of the water and sewer connection is \$70,000.

Comm. Woodcox stated that this item cannot be decided today as this is a request for funding, and therefore needs to be an agenda item.

Chairman Bitner directed that this item be placed on the agenda for the next regular meeting for further consideration.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman

BURLEIGH COUNTY COMMISSION
MEETING MINUTES
January 7, 2019

5:00 P.M.

The Burleigh County Commission convened a regular meeting with all members present including Comm. Peluso present via telephone.

County Auditor/Treasurer Glatt called the meeting to order and immediately called for nominations for Chairperson for 2019.

Comm. Woodcox nominated Comm. Bitner for the Chairmanship. Auditor/Treasurer Glatt called for further nominations. As there were no further nominations the following motion was made:

Motion by Comm. Jones, 2nd by Comm. Armstrong, to cease nominations and to cast a unanimous ballot to elect Comm. Bitner as Chairman for 2019. All members voted "AYE." Motion carried.

Chairman Bitner then assumed the Chair.

Chairman Bitner then called for nominations for Vice-Chairperson for 2019.

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

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

The Commission then reviewed portfolio assignments for 2019 with changes made and approved by consensus. Auditor/Treasurer Glatt reported he would codify the changes and present the new portfolio assignments to the Commission for review at the next regular meeting.

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

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

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

HR Director Terras appeared regarding consideration of the recommendation of the Office of Administrative Hearings/Administrative Law Judge to deny an employee grievance (termination).

Motion by Comm. Jones, 2nd by Comm. Woodcox, to accept and affirm the recommendation (OAH File No. 2018-0177) of the Administrative Law Judge and to sign the proposed Order to deny the termination grievance of Erin Peck.

Chairman Bitner noted the email from an attorney representing the grievant requesting an opportunity to appear.

State's Attorney Lawyer stated the Administrative Law Judge heard testimony on this matter and there is no need to hear additional testimony/comments from the grievant.

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

County Engineer Hall appeared regarding authorization to advertise bids for: Painted Pavement Markings, Furnishing Concrete and Metal Culverts, Crushing of Gravel, Township Gravel Hauling, Dust Control, and Chip Seal projects; authorization to advertise bids for one (1) three (3) cubic yard front-end loader; authorization to advertise bids for Haying and Grazing of County Property; consider ratification of the Elk Ridge Subdivision plat; and, consideration of the 2019 road project priority list.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to authorize the advertisement of bids for: Painted Pavement Markings, Furnishing Concrete and Metal Culverts, Crushing of Gravel, Township Gravel Hauling, Dust Control, and Chip Seal projects. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to authorize the advertisement of bids for one (1) three (3) cubic yard front-end loader and to authorize the sale of one (1) used three (3) cubic yard front-end loader. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to authorize the advertisement of bids for Haying and Grazing of County Property. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to table consideration of the ratification of the Elk Ridge Subdivision plat until February 20, 2019. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to table consideration of the 2019 road project priority list until January 23, 2019. All members voted "AYE." Motion carried.

Chairman Bitner then noted that agenda items 5 & 6 related to the PNE Wind USA Inc., special use permit applications are intricately connected and should be heard and considered together. Bitner continued that after hearing from Building Official Ziegler and the PNE Wind USA, Inc., representative he suggested the Commission consult with State's Attorney Lawyer prior to any motions being offered.

Building Official Ziegler appeared regarding PNE Wind USA, Inc., special use permit applications to develop wind energy in Morton Township. Ziegler requested the County Commission support the recommendation of the County Planning Commission and deny the PNE Wind USA, Inc., special use permit applications to develop wind energy in Morton Township. Ziegler noted pursuant to the Burleigh County Zoning Ordinances it is the duty of the Planning Commission to promote the public health, safety, peace, morals, comfort, convenience, general welfare and conservation of the value of property throughout the County; and, regulate and restrict the location, erection, construction, re-construction, alteration and use of buildings, structures and land uses for industrial, business trade, residential and other purposes, except as used for farming. Ziegler continued that a public hearing was duly noticed and held on the requested special use permit applications. Ziegler noted the following findings: 1) Criteria item #25 related to an archeological survey as requested by the Three Affiliated Tribes; 2) Criteria # 30 which calls for a one-half (½) mile setback from Public Recreation Areas; and 3) Four (4) applications are in violation of the Telfer Township Zoning Ordinances requiring a 3.0 times the turbine height setback from non-participating properties. Ziegler stated if a motion is to be made that does not support the recommendation of the Planning Commission then these three (3) items will need to be resolved. Ziegler added the above items were part of the original findings in April of 2018. Ziegler also noted tower height issues with the Federal Aviation Administration and the National Weather Service.

Chairman Bitner then stated PNE Wind USA, Inc., would be given the opportunity to appear as they requested time on the agenda for the following: a) Motion directing the Planning Commission to allow James Small to vote on the special use permit applications, b) Motion to direct the Planning Commission to grant PNE's request for reconsideration and allow PNE the opportunity to file written expert testimony and other written evidence, and c) Motion to table the matter of PNE's application until after the reconsideration by the Planning Commission.

Chairman Bitner continued that upon consultation with State's Attorney Lawyer items (a) and (b) are out of the question and will not be considered. Bitner added he is concerned with the accusations of misinformation by both sides on this matter. Bitner concluded that he is not going to allow this to turn into a free-for-all.

Courtney Timmons and Michael Cummings representing PNE Wind USA, Inc., appeared and disputed the information presented regarding the Federal Aviation Administration. Timmons stated that accepting the recommendation of the Planning Commission will have a detrimental effect on non-participating landowners' property rights. Timmons continued that the archeological survey as requested by the Three Affiliated Tribes does not apply as the County Ordinance defers to the ND Public Service Commission on this item. Timmons stated PLOTS lands cannot be applied to the public land setback as determined by the State's Attorney, and finally Burleigh County Ordinance cannot be imposed on property in Morton Township. Timmons requested the County Commission table this item to allow the Planning Commission to develop special conditions to address all concerns related to the PNE Wind USA, Inc., special use permit applications to develop wind energy in Morton Township.

Comm. Woodcox noted the tower heights in relation to the Bismarck Airport with Timmons responding minor changes to the application can be approved by the Building Official.

Comm. Peluso questioned the process if eighteen (18) of the towers are too high related to the Bismarck Airport and FAA.

Ziegler stated the entire application would need to be sent to the Planning Commission for consideration.

Michael Cummings, attorney at law, representing PNE Wind USA, Inc., appeared and stated the Building Official can make minor changes to the special use permit.

Chairman Bitner requested that an email sent from the State's Attorney be discussed as part of the record. Bitner added it would be a good idea to follow the advice of the State's Attorney on this matter.

State's Attorney Lawyer explained her email that the report should address the findings that need to be made by the Commission so the Commission can make the required findings. Comm. Woodcox questioned if every report for such application needs to address these items. State's Attorney Lawyer responded based upon the Zoning Ordinance these items should be considered for every special use permit application.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to accept the recommendation of the County Planning Commission and deny all thirty (30) of the PNE Wind USA, Inc., special use permit applications to develop wind energy in Morton Township. "AYE" votes: Armstrong, Jones, Peluso, Woodcox. "NAY" vote: Bitner. Motion carried.

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

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the Pinks, Doll, Hagen, Becker, Heidrich, Conlon, Kassian, Haase, Wagner, Babel, and Janko abatements as requested; to approve the designation of the public depositories; and 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. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to appoint Paul Levchak to a five (5) year term on the Bismarck City Planning Commission effective immediately. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to approve the reimbursement resolutions for Special Assessment Districts #66 Twin Buttes Subdivision, #67 Vista South & part of Southridge Subdivisions, and #68 Rustic Acres Subdivision. All members voted "AYE." Motion carried.

Motion Woodcox, 2nd by Comm. Jones, to move forward with an appraisal and marketing for the sale of part of the NE portion of the Missouri Valley Complex property. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Brian D. Bitner, Chairman