

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
December 17, 2018**

**5:09PM**

The Burleigh County Commission convened with all members present.

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

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

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

This was the hour and date set for a PUBLIC HEARING regarding a Community Development Block Grant application for operational costs supporting substance abuse recovery efforts. Public Health Director Moch appeared and requested approval of the application. As no one else present appeared, the following motion was made:

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve an application for a Community Development Block Grant for operational costs supporting substance abuse recovery efforts. All members voted "AYE." Motion carried.

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Armstrong, to approve the Schalesky, Isaak, Omafray, and Klein abatements as requested. All members voted "AYE". Motion carried.

Vietmeier then presented the Menards, Inc., abatement. Vietmeier noted the Bismarck City Commission denied the abatement on November 27, 2018, and recommended the denial of the abatement as the property value is equitable and just when compared with other similar properties within Bismarck and the surrounding area.

Lane Thor, Paradigm Tax Group, appeared on behalf of Menards, Inc., and presented information related to the requested abatement, requesting the 2016 market value be reduced from \$15,747,400 to \$12,598,000.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong, to deny the 2016 Menard Inc. abatement application on Lot 1, Block 1 Menard's Addition and Lot 1 and Lot 2b of Lot 2 and Lots 2 and 3 less the N174.44' of Block 1, Menard's 2<sup>nd</sup> Addition to the City of Bismarck as the property value is equitable and just when compared with other similar properties within Bismarck and the surrounding area. All members voted "AYE." Motion carried.

District Court Administrator Wunderlich appeared and presented a court facilities grant application for the Board's consideration. Wunderlich noted the grant application station in the amount of \$143,481.80 is to update paint, carpet, lighting, jury chairs, wallpaper, window coverings, etc., and to include replacement of the scanner at the security with the county responsible for 25% (\$35,870.45) of the total cost if approved.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to authorize the application for a court facility grant in the amount up to \$143,431.80 with a 25% local share. All members voted "AYE." Motion carried.

Morton County Commissioner Schulz and Sheriff Kirchmeier appeared and presented a plaque and letter of appreciation and gratitude to the Burleigh County Sheriff's Department for their participation and leadership during the DAPL protest in 2017.

County Engineer Hall appeared and presented the Special Assessment Screening Committee reports for the proposed Special Assessment Districts #66 Twin Buttes, #67 Vista South and part of Southridge, and #68 Rustic Acres First Replat Subdivisions.

Hall stated the Screening Committee met on December 12, 2018, to consider the petitions, the feasibility of the projects, and the predictability of solvency of the districts. Hall reported the Screening Committee recommended the Board of Commissioners accept the Engineering Reports and Petitions for Paving Improvements for the proposed Special Assessment Districts #66 Twin Buttes, #67 Vista South and part of Southridge, and #68 Rustic Acres First Replat Subdivisions, and create special assessment districts by adopting resolutions of necessity.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to accept the Preliminary Engineers report to create Special Assessment District #66, and to declare a Resolution of Necessity for Special Assessment District #66 Twin Buttes Subdivision and to authorize the call for a public hearing regarding the same. All members voted "AYE". Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong, to accept the Preliminary Engineers report to create Special Assessment District #67, and to declare a Resolution of Necessity for Special Assessment District #67 Vista South and part of Southridge Subdivisions and to authorize the call for a public hearing regarding the same. All members voted "AYE". Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to accept the Preliminary Engineers report to create Special Assessment District #68, and to declare a Resolution of Necessity for Special Assessment District #68 Rustic Acres First Replat Subdivision and to authorize the call for a public hearing regarding the same. All members voted "AYE". Motion carried.

Hall then updated the Commission on the N Washington St and State Highway 1804 intersection roundabout project. Hall noted the estimated cost to acquire the needed right-of-way has increased dramatically. No action taken.

Emergency Manager Senger appeared regarding consideration of the renewal for the Emergency Management Joint Powers Agreement with Emmons County and Mutual Aid Agreements with Bis-Man Transit System, Emmons, Kidder, McLean, Morton, and Sheridan Counties.

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve the renewal of the Mutual Aid Agreement with Bis-Man Transit System, Emmons, Kidder, McLean, Morton, and Sheridan Counties. All members voted "AYE." Motion carried.

Comm. Bitner then requested the States Attorney's Office review the approved minutes from the July 2, 2018, meeting. Bitner stated he feels the approved meeting minutes do not accurately reflect what was said, including the vote related to a certain bill. Asst. State's Attorney Lawyer stated she would review the issue and report back to the Commission on the matter at a later date. No action was taken.

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

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
December 3, 2018**

5:08 P.M.

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

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

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

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

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

Renae Moch, Director, Bismarck-Burleigh Public Health, appeared and requested a call for public hearing related to Community Development Block Grant (CDBG) application for operational costs supporting substance abuse recovery efforts; and to adopt ancillary documents related to the administration of the grant.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to schedule a public hearing on December 17, 2018, related to Community Development Block Grant (CDBG) application for operational costs supporting substance abuse recovery efforts; to approve the CDBG Program administration policies related to Equal Opportunity, Displacement and Relocation, Code of Conduct, and Complaints; and to approve the Citizen Participation Plan for the CDBG Program. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following results of the November 27, 2018, bid opening for three (3) new motor graders:

<u>Bid Amount</u>	<u>Less Buy Back</u>	<u>Total Bid Cost</u>		
RDO Equipment Co (672GP)		\$324,500.00	\$165,000.00	\$159,500.00
Butler Machinery Co. (12M3)		\$309,750.00	\$135,000.00	\$174,750.00

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to accept and award the low bid from RDO Equipment Co. in the amount of \$324,500 per motor grader under a five (5) year - total cost bid with a guaranteed repurchase price at the end of the period. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to authorize the cancellation of delinquent property taxes on Lots 13-18, Block 11, City of Regan, related to the sale of the property at the annual tax sale. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones, to approve the Joint Powers Agreement with the City of Bismarck for provision of Public Health Services. All members voted "AYE." Motion carried.

The Board then considered auxiliary board appointments effective January 1, 2019, with following motions made:

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong, to reappoint ElRoy Haadem and to appoint Errol Behm to three (3) year terms on the County Park Board effective 1/1/19. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to reappoint Arlene Olson to a five (5) year term on the Burleigh County Housing Authority effective 1/1/19. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to reappoint Rodney Beck and Rick Detwiller to three (3) year terms on the Water Resource District effective 1/1/19. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to reappoint Jim Heisler to a four (4) year term on the Noxious Weed Control Board effective 1/1/19. All members voted "AYE." Motion carried.

Building Official Ziegler appeared and presented an update on the Evanko property cleanup in Baldwin. Ziegler stated the property owners removed all shingles as required. Ziegler concluded the owners plan on finishing the removal of the property by May 1, 2019.

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, 2<sup>nd</sup> by Comm. Jones, to approve the Ereth and Fogel abatements as requested; to approve the second approach permit application for Lot 15, Block 1, Apple Creek Industrial Park (4600 Rifle Range Dr); and to approve the BB Liquor License application of Black Leg Brewery. All members voted "AYE" except Comm. Woodcox "NAY." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
November 19, 2018**

**5:10PM**

The Burleigh County Commission convened with all members present.

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

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

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

Josh Helmer, Executive Director Centre, Inc., appeared and provided information about the programs and services provided by Centre Inc. No action was taken.

County Engineer Hall then presented the following items for the Board's consideration: termination of the Burleigh County Gravel Road Improvement Policy; approval of first step in acquiring property (right-of-way) for the Haul Road project; and, approval of first step in acquiring property (right-of-way) for the N Washington St. project.

Hall stated that for at least the last twenty (20) years Burleigh County has assisted townships in the paving of gravel section line roadways. Hall continued that the amount of assistance has varied over the years, but the current rules/requirements of the program are detailed in the Gravel Road Improvement Policy which was last reviewed and updated in 2013. Hall noted that in the last three (3) years the program has not been funded and therefore no cost sharing requests have been approved. Hall stated that several things have changed over the last few years and therefore continuation of the program is not necessary and it is in our best interest to terminate the existing program.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to terminate the Gravel Road Improvement Policy. All members voted "AYE." Motion carried.

Hall then reported that the County Highway Dept has been working on the development of Plans and Specifications for the reconstruction of the McKenzie Haul Road and N Washington St from 57th Ave NW to State Highway 1804. Hall noted the purpose of these projects is to improve traffic flow and to enhance the health, safety, and welfare of the citizens of Burleigh County. Hall stated the Highway Dept has determined that additional right-of-way will be needed to construct these projects and will be working with property owners to negotiate the purchase of the required right-of-way. Hall noted that we may need to use Eminent Domain to acquire the additional property needed for right-of-ways.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, that Burleigh County Board of Commissioners has determined that additional right-of-way is required for the construction of the McKenzie Haul Road, and that the requirements of N.D.C.C. 32-15-05 have been met. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, that Burleigh County Board of Commissioners has determined that additional right-of-way is required for the construction of the North Washington St from 57th Ave NW to State Highway 1804, and that the requirements of N.D.C.C. 32-15-05 have been met. All members voted "AYE." Motion carried.

Hall then thanked Comm. Schonert for his years of service to the Burleigh County Highway Dept during his tenure as a Burleigh County Commissioner.

HR Director Terras appeared regarding the salaries for the incoming elected Sheriff and State's Attorney.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to set the salary of the elected Sheriff Kelly Leben at Salary of Grade 19, Step 10; and to set the salary of elected State's Attorney Julie Lawyer at the Salary of Grade 19, Step 9, effective January 1, 2019. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt then presented a report on the 2018 General Election. No action was taken.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the 2019 Burleigh County Commission Meeting schedule as presented. All members voted "AYE." Motion carried.

The Commission briefly considered the following appointments: Bismarck Planning Commission – one (1) five (5) year term; Burleigh County Housing Authority - one (1) unexpired five (5) year term; County Park Board – two (2) three (3) year terms; Water Resource District – two (2) three (3) year terms; and, Noxious Weed Control Board – one (1) four (4) year term. No action was taken.

Comm. Bitner then presented information comparing decibel levels from wind towers to other normal sounds encountered in daily life which he documented in 2010.

Bitner also presented a listing of the most recent voter list from Morton Township based upon the March 2018 Township Board Annual Meeting and township election. Bitner stated he was considering a special election on the Pure New Energy USA, Inc. proposed wind farm in Morton Township.

Chairman Peluso commented this is a local issue and the township has jurisdiction.

Comm. Bitner noted that he has received communication from people living in Minot and Strasburg, as well as Emmons and Morton counties. Bitner added the county also recently received a letter from the Three Affiliated Tribes in regard to the project. Bitner continued the Three Affiliated Tribes have asked to delay the special use permit process so they can complete their own independent investigations. Bitner added he also has received contacts from landowners who will not provide access to their land for such independent investigations. Bitner expressed concern that this wind turbine project will become a DAPL-like situation in Burleigh County.

Comm. Woodcox then reminded the Commission that we previously ignored the advice of the Burleigh County State's Attorney and listened to the attorney from PNE USA Inc. Woodcox stated he has asked the State's Attorney's Office if the County Commission could return the responsibility for the administration and issuance of Special Use Permit(s) to Morton Township for the Burleigh Wind Project proposed by PNE USA, Inc. Woodcox reported the State's Attorney's Office has advised him that we cannot give the responsibility back.

The Commission briefly discussed setting parameters for the upcoming public hearing(s). No action was taken.

Comm. Schonert noted that the County Planning Commission will need another member from the County Commission for the 12/5/18 Public Hearing. Chairman Peluso stated the position on the County Planning Commission could be left vacant.

HR Director Terras appeared and stated her office has had many inquiries as to the timing of the appointment of Comm. Schonert's replacement on the County Planning Commission.

Auditor/Treasurer Glatt stated prior practice has been that portfolio assignments, and thus the appointment, are discussed at the first meeting in January of each year. Glatt stated if the Commission desires this can be changed to the 12/3/18 Commission Meeting.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones to appoint Comm. Woodcox to the Burleigh County Planning Commission upon the expiration of Comm. Schonert's term of office. All members voted "AYE" except Comm. Woodcox "NAY." 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. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve the Dvorak, Erbele, PBP, LLP, Opp, Wilhelm and Welch abatements as presented; to approve the 2<sup>nd</sup> approach permit application of Ken Hogue (Lot 2 Block 2 Northstar Commercial Park 3<sup>rd</sup> Subdivision); and to approve the Special Event Liquor License application of T-n-T Tavern Driscoll (12/31/18 wedding dance in Driscoll Town Hall). All members voted "AYE". Motion carried.

Chairman Peluso then read the following resolution into the record with the Board agreeing by consensus:

WHEREAS, Doug Schonert in his capacity as Commissioner of the County of Burleigh, since 2002 has served his County in a most exceptional and splendid manner, and;

WHEREAS, he has greatly assisted in the orderly growth and development of the County of Burleigh, and:

WHEREAS, he has performed his duties in accordance with the highest standards of honesty, diligence, and integrity, and;

WHEREAS, Doug Schonert because he has given freely of his time and performed his duties in accordance with the highest standards, greatly contributing to the well-being of the citizens of Burleigh County, and;

WHEREAS, it is fitting and proper that such fine public service be now recognized.

NOW, THEREFORE, BE IT RESOLVED by the Burleigh County Board of Commissioners that the Board does extend to Doug Schonert, its sincere thanks and grateful appreciation for his many contributions to Burleigh County, that service will be a guide to those who must carry on the work that he has so splendidly performed.

BE IT FURTHER RESOLVED that this resolution be spread on the records of Burleigh County as a permanent record and that a copy of the same be delivered to him.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
November 1, 2018**

**5:00 P.M.**

The Burleigh County Commission convened a regular meeting with all members present including Comm. Jones via telephone.

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

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

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

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

Communications Director Dannenfelzer appeared and presented a Letter of Intent with the Dakota Carrier Network (DCN) to continue the defined planning phase for lease space at 4202 Coleman St for the proposed Central Communications Center (CenComm) and Bismarck/Burleigh Emergency Operations Center. Dannenfelzer stated the only binding item in the lease is a commitment of up to \$150,000 for design fees; which CenComm would retain if the lease is not approved.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to approve and authorize a Letter of Intent with the Dakota Carrier Network (DCN) to continue the defined planning phase for lease space at 4202 Coleman St for the proposed CenComm and Bismarck/Burleigh Emergency Operations Center with the only binding item a commitment of up to \$150,000 for design fees. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following items for the Board's consideration: acceptance of right of way dedication within Hillcrest Acres Subdivision, and approval of loan agreement with the Bank of North Dakota to fund the construction of the McKenzie Haul Road (249<sup>th</sup> Ave NE).

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the right of way dedication within and adjacent to Hillcrest Acres Subdivision. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the agreement with the Bank of North Dakota for the acceptance of a loan from the Infrastructure Revolving Loan Fund in the amount of \$6,000,000 at two percent interest (2%) for a period of twenty (20) years to fund the reconstruction of the McKenzie Haul Road (249<sup>th</sup> Ave NE), 30<sup>th</sup> Ave NE and 103<sup>rd</sup> Ave NE. All members voted "AYE." Motion carried.

Building Official Ziegler appeared with the following items for the Board's consideration: Access Ordinance Amendment – Title 33 Subdivision Regulations, Section 6 Design Standards, Subsection o; appeal of Notice and Order by Charlene Evanencko regarding violations of county zoning ordinance on property located at 2604 Elbert Ave, Baldwin ND; and, determination of action on failure to comply with Notice and Order located at 2409 NE 201<sup>st</sup> Ave Baldwin ND.

Ziegler first presented the proposed Access Ordinance Amendment noting soft language was used in the proposed ordinance amendment. Ziegler added the County Planning Commission held a public hearing on the amendment and approved the change and recommends the County Commission approve the amendment.

Chairman Peluso stated he believed the seven (7) lot standard for requiring multiple access points in rural subdivisions is arbitrary and will result in many waivers being requested before this Board.



Comm. Schonert noted that the amendment allows for the numbers to be adjusted by county staff based on the type of zoning, topography, lot size and other variables.

Comm. Jones stated her research around the state found that if a rural subdivision has more than thirty-one (31) lots, two (2) access points are required.

Comm. Bitner stated that the current practice in Burleigh County is that all subdivisions need at least two (2) access points. Bitner added the fire safety code was used as a guide by the Planning Commission when drafting this ordinance amendment.

Bismarck Rural Fire Dept. Chief Voigt appeared and stated the thirty (30) lot standard comes from the International Fire Code and is a move in the right direction. Voigt added the proposed amendment is based upon the available equipment of the Bismarck Rural Fire Dept.

Comm. Woodcox stated he is in favor of multiple approaches but seven (7) is too restrictive.

Comm. Bitner stated the ordinance amendment is written with multiple access point requirements to protect the health and safety of our residents. Bitner added the ordinance is written to allow for adjustment.

Dot Frank, Executive Officer – BisMan Home Builders Association, appeared and stated there is no perfect conclusion for the number of access and egress points for a rural subdivision. Frank suggested removing section 3a from the proposed ordinance amendment.

Engineer Hall appeared and stated that if section 3a is removed then there will be no rules and every proposed subdivision will need to appear before the Board of County Commissioners for approval of the access points and over time precedence will determine the correct number of access points.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to change section 3a of the ordinance amendment as follows: 1 – 30 lots 1 access point  
31 – 100 lots 2 access points  
More than 100 lots 3 accesses (minimum).

Comm. Bitner stated it would be better if the ordinance had no numbers as the system would work as intended and staff can then make recommendations.

Amended Motion by Comm. Woodcox, 2nd by Comm. Jones, to remove section 3a entirely from the proposed ordinance amendment.

Vote on Amended Motion: "AYE" votes: Bitner, Jones, Schonert, Woodcox, Peluso. Motion carried.

Vote on Original Motion: "AYE" votes: None. "NAY" votes: Bitner, Jones, Schonert, Woodcox, Peluso. Motion failed.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to approve the Access Ordinance Amendment – Title 33 Subdivision Regulations, Section 6 Design Standards, Subsection o as changed. "AYE" votes: Bitner, Jones, Schonert, Woodcox, Peluso. Motion carried.

Ziegler then introduced the Appeal of Notice and Order by Charlene Evanenکو regarding violations of county zoning ordinances on property located at 2604 Elbert Ave, Baldwin ND. Ziegler reported the asphalt shingles were removed from the structure but the wood shingles (cedar shakes) still remain.

Charlene Evanenکو appeared and stated the asphalt shingles were removed as requested by the County Commission. Evanenکو continued that they did not realize the wood shingles would also have to be removed. Evanenکو requested an extension to raise the funds needed to remove the house.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to remove this item from the table so as to further discuss and consider the matter. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Woodcox, to grant a thirty (30) day extension for the removal of the wood shingles with the structure to be demolished/removed by May 1, 2019. AYE" votes: Jones, Schonert, Woodcox. "NAY" votes: Bitner, Peluso. Motion carried.

Ziegler then presented a request for a determination of action on the failure to comply with the Notice and Order located at 2409 NE 201<sup>st</sup> Ave., Baldwin ND. Ziegler reported that the property has thirty (30) some hot tubs being salvaged for parts, and at least two dozen unlicensed vehicles and numerous other items on the property. Ziegler continued the property owner has not responded to the notice and order and the deadline to comply has ended.

State's Attorney Riha appeared and recommended his office work with Ziegler to pursue civil or criminal action against the property owner for nuisance.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to direct the Building Official work with the State's Attorney to pursue a civil or criminal action against the property owner for the nuisance. All members voted "AYE." Motion carried.

Social Service Director Osadchuk appeared regarding permission to move new deputy director from a Grade 11, Step 5; to a Grade 12, step 7.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to approve the move of the Social Service Dept new deputy director from a Grade 11, Step 5; to a Grade 12, step 7. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve Contract for Juvenile Detention Services between the North Dakota Department of Corrections and Rehabilitation (YCC) and Burleigh County. 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 Burleigh County Auditor/Treasurer:

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

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
October 15, 2018**

5:12PM

The Burleigh County Commission convened with all members present.

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

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

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

This was the hour and date set for a public hearing regarding the minimum sale prices as determined for the annual tax sale on November 20, 2018. Chairman Peluso opened the public hearing and called for any public testimony. As no one present appeared, the following motion was made:

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to close the public hearing and confirm the minimum sale prices for the annual tax sale held on November 20, 2018, as previously adopted. All members voted "AYE." Motion carried.

Mike Manstrom, Dougherty & Company LLC, and Scott Wegner, Arntson, Stewart, Wegner Bond Counsel, appeared and presented the results of the bond sale for the Sales Tax Revenue Bonds to fund renovation of the old county jail. Manstrom stated Bonds in the amount of \$8,395,000 were sold at a net interest rate of 3.28%. Manstrom recommended the County Commission approve the sale of the bonds. Wegner presented the bond resolution to award the sale of the Revenue Bonds.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the resolution approving the issuance of \$8,395,000 Burleigh County Sales Tax Revenue Bonds, Series 2018 including the Bond Purchase Agreement between Burleigh County and Dougherty & Co., LLC. All members voted "AYE." Motion carried.

Rena Moch, Director, Bismarck-Burleigh Public Health, appeared regarding Community Development Block Grant Funding for operational costs supporting substance abuse recovery efforts. Moch stated in September the ND Dept of Commerce, announced an expanded community development program aimed at improving public facilities and services with more than \$2.3 million in federal funds provided through the Community Development Block Grant. Moch continued that funds will be made available to rehabilitate, reconstruct, or make other facility improvements in addition to public service funds being available to existing and new agencies supporting programs related to addiction and recovery. Moch requested the Burleigh County Commission consider sponsoring the Community Development Block Grant with Moch being willing to serve as the main point of contact.

Adele Sigl, Program Manager for the Community Development Block Grant, ND Dept of Commerce Community Services Division, appeared and stated the CDBG funds would be used to support operational costs to support substance abuse recovery. Sigl highlighted the following would need to be completed: agree to be the sponsoring entity; public notice and notice of public hearing; sign application; sign award; receive reimbursement funding; write check or checks to each agency; final notice and notice of public hearing; and, sign final closeout report completed by agency. Sigl concluded the ND Dept of Commerce along with the agency being funded will make this process as minimal as possible for Burleigh County.

Kurt Snyder, Executive Director Heartview Foundation, appeared and reported that Heartview is expanding services in the former Ruth Meiers House on 23<sup>rd</sup> St. Snyder stated sixteen (16) more beds and fifteen (15) efficiency apartments will be created for the opioid treatment program with the desire to use CDBG funds. Meier stated there is a large need for stable housing for this segment of the population.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to accept and sponsor a Community Development Block Grant with the Bismarck/Burleigh Public Health Dept serving as the lead agency and the County Commission acting as the pass-through agency. All members voted "AYE." Motion carried.

Building Official Ziegler appeared and presented a request on behalf of Morton Township and Pure New Energy USA, Inc. for the County Commission to approve the First Amendment to Special Use Service Agreement whereby Burleigh County agrees to provide administration and issuance of Special Use Permit(s) on behalf of Morton Township for the Burleigh Wind Project proposed by PNE USA, Inc. Ziegler stated if the amendment is approved the County Planning & Zoning Commission would make a recommendation to the County Commission regarding the approval of the wind farm and subsequent issuance of building permits.

Brian Dralle, Chairman of the Morton Township Board of Supervisors, appeared and stated due to the fact that all three (3) of the Morton Township Supervisors are participating landowners in the project, it would be a conflict of interest for the township board to decide whether or not to issue a special use permit(s) for the wind farm. Dralle stated the Township Board would like to approve the wind farm but due to the conflict of interest concerns the best solution is for the county to accept the transfer of the permitting authority as the county has the resources, established procedures, and an unbiased opinion.

Courtney Timmons, Director of Business Development, PNE USA, Inc., appeared and stated without the transfer of permitting authority, the project would likely be canceled. Timmons continued there is a very clear conflict of interest from a monetary standpoint as the Morton Township Supervisors will stand to make a considerable amount of money from all of the turbines in the project, not just the turbines on their own property. Timmons added without this transfer, the project for Morton Township would have no clear path forward to obtain its permit and would essentially, be in a situation where a permit would be required that the government would not be able to grant.

Comm. Jones stated this is a local issue and the township could recall and/or elect a new board of supervisors.

Timmons responded that because so many township residents are participating in the project, it would be difficult to find a group of people who would be unbiased. Timmons added the timing required to get a new board elected would cost millions of dollars in delays to the project.

Comm. Jones reiterated this is a not a county problem – but a township issue. Jones added the county would be assuming considerable liability if we accept this authority. Jones concluded if the township turned over all zoning she could agree to move forward.

Asst. State's Attorney Conner Kennelly appeared and stated that the County Commission has no legal requirement to accept this responsibility on behalf of the Township as this issue has no county-wide importance. Kennelly added the likelihood of litigation on this project is high, and if the responsibility is accepted, the county will have to assume the costs of defending any litigation.

Mike Cummings, Fredickson & Byron Attorneys at Law, representing PNE USA, appeared and stated he disagreed with Asst. SA Kennelly on a number of items and stated any liability assumed by the county would only be incremental since the county already has a contract with Morton Township for the issuance of the permits.

Upon question, Building Official Ziegler stated \$9,000 in permit fees have already been collected and another \$9,000 will be required if the Commission accepts the responsibility.

David Day, Morton Township resident, appeared in favor of the county taking over the project and asked that only Morton Township residents be allowed to provide testimony.

Scott Lang, Telfer Township farmer, appeared and stated the farmland out there isn't the best. Lang added it's marginal at best and the best crop he sees is the is the wind

turbines.

Upon question, Timmons stated PNE USA is developing a "Good Neighbor" policy to provide monies for non-participating landowners.

Comm. Jones stated she has requested information from Timmons regarding comments from the Federal Aviation Administration, National Weather Service, ND Game & Fish, and the US Fish and Wildlife Service. Jones questioned Timmons why PNE USA has not provided this information.

Timmons apologized stating it is on his "to-do" list.

Comm. Jones suggested until these items are received no action on this request should be taken.

Comm. Bitner stated these items are part of the permitting process and should not be a part of the discussion today.

Tom Dutton, Boyd Township Supervisor and Chairman of the Burleigh County Township Officers Association, appeared and stated that Boyd, Missouri, and Telfer Townships have a Joint Planning & Zoning Commission and have not received any applications for this proposed project. Dutton added that the Burleigh County Township Officers Association opposes the transfer of township zoning powers to the county.

Motion by Comm. Jones to deny the request to approve the First Amendment to the Special Use Service Agreement whereby Burleigh County agrees to provide administration and issuance of Special Use Permit(s) on behalf of Morton Township for the Burleigh Wind Project proposed by PNE USA, Inc. Motion died for lack of second.

Debra Young appeared and stated they are all here because they are at a deadlock. Young continued that towers may or may not be erected on her property and they have neighbors who are for and neighbors who are against the proposed project and the conflict has broken up friendships. Young requested the County Commission make a decision.

Traci Day, Morton Township resident, appeared in favor of the project noting the number of residents and eligible voters in Morton Township. Day requested the County Commission consider creating a level playing field for all businesses and economic development.

Chairman Peluso stated he feels the Burleigh County Commission is the "best option" when it comes to making a decision on the special use permit for the wind farm.

Comm. Bitner stated he feels a township should either relinquish its zoning authority to the county or deal with issues like this on their own and not come to the county when they get into trouble.

Morton Township Supervisor Dralle reappeared and stated Morton Township never expected to be in this situation, adding the Township Board of Supervisors wants to decide this issue, they just do not know how to, given the conflict of interest.

Upon question, Asst. SA Kennelly stated Morton Township could join the Boyd, Missouri, and Telfer Townships Joint Planning & Zoning Commission and or assign their responsibility to another township.

David Nehring appeared and stated the State's Attorney has given the County Commission and Morton Township several options and cautioned the Commission to tread carefully on this matter especially since Telfer Township and Emmons County have not acted on the project.

Tammy Ibach, representing North Dakotan's for Comprehensive Energy Solutions, appeared and stated it is normal for wind projects to get approval from one (1) county before making application with another county.

Chairman Peluso questioned if the Boyd, Missouri, and Telfer Townships Joint Planning & Zoning Commission would accept Morton Township; with several responses provided reflecting the differences between Boyd, Missouri and Telfer zoning and Morton Township zoning that would need to be resolved.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to table the consideration on the First Amendment to the Special Use Service Agreement whereby Burleigh County agrees to provide administration and issuance of Special Use Permit(s) on behalf of Morton Township for the Burleigh Wind Project proposed by PNE USA, Inc., for thirty (30) days to allow more information to be provided and questions to be answered.

Lois Mills, Morton Township landowner, appeared and requested the County Commission accept the responsibility on behalf of the Township.

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

Chairman Peluso again stated he believes it is the responsibility of the County Commission to accept the transfer of authority.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to approve the First Amendment to the Special Use Service Agreement whereby Burleigh County agrees to provide administration and issuance of Special Use Permit(s) on behalf of Morton Township for the Burleigh Wind Project proposed by PNE USA, Inc.

Julie Hornbacher, Telfer Township resident, appeared and questioned the State's Attorney opinion on their ability to handle this issue and the potential liability for litigation.

Asst. State's Attorney Kennelly again reiterated that the Morton Township Board can handle this matter.

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

County Engineer Hall then presented the following items for the Board's consideration: 2019 Highway Department fee schedule; road maintenance agreements with the organized and unorganized townships; authorize advertisement of bids for three (3) new motor graders; and, changes to current Chip Seal Special Assessment District policy.

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 with this in mind, the Highway Department is proposing 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 noted he is also proposing to add a maximum fee charge to any township of 100% of what they would collect if they levied 18 mills. Hall stated he is also proposing minor changes in equipment rates with the resultant increases/decreases bringing the Highway Department into compliance with ND state law.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve and adopt the 2019 Highway Department fee schedule as presented. All members voted "AYE." Motion carried.

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

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

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve 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 voted "AYE." Motion carried.

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

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

Hall stated in the past, if residents of a subdivision felt a need to have their subdivision roadways chip sealed, they would approach the County Engineer to develop a Special Assessment District to perform the work and cover the cost of the chip seal. Hall continued that because of the additional expense to the resident (or the lack of knowledge regarding the importance of the chip seal in maintaining the quality of the paved roadway), many times the chip seals were not done in a timely manner (or at all) resulting in a reduction in the quality of our township/county paved roadway system. Hall continued the Highway Dept. has determined the best method to correct this problem is to treat chip seals just like we treat re-graveling of a township subdivision road. Hall reported the townships have about 58 miles of paved roadways (Burnt Creek – 19.39 miles, Lincoln – 30.91 miles, Riverview – 7.47 miles) and the plan would be to rotate through the townships and subdivisions, doing around 6 miles per year (for a 10-year rotation). Hall concluded at a cost of around \$25,000 per mile, we would need to budget \$150,000 in the unorganized township budgets to cover this cost.

Comm. Jones noted that not all of the unorganized townships have funds to support this program.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve as the individual Township Boards for Burnt Creek, Riverview, Ft. Rice, Lincoln, Phoenix, and Lyman Unorganized Townships, to adopt the new Chip Seal Construction Program, and authorize the Highway Department to annually allocate resources to design, obtain permits, and prepare plans for the Township Board approvals. All members voted "AYE." Motion carried.

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

Engineer Hall 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. Woodcox, 2<sup>nd</sup> 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 reported each year the Burleigh County Highway Department reviews the current federal aid funding levels and all proposed federal aid highway projects with the North Dakota Department of Transportation Local Government Unit. Hall stated upon completion of that review, the NDDOT requires the Chair of the County Board to sign the County Federal Aid Form. Hall concluded the NDDOT estimated that the Burleigh County 2019 Rural Federal Aid allotment will be \$456,539, and that the 2019 Burleigh County Rural Federal Aid Fund Balance will be \$1,554,925.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the annual County Federal Aid Form. 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. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the Champagne, Sabot, Ranum and Munsch abatements as presented. All members voted "AYE". Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman



**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
October 1, 2018**

**5:00 P.M.**

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

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

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

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

Motion by Comm. Bitner, 2<sup>nd</sup> 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 Resolution of Necessity regarding Special Assessment District #65 RayMar 3<sup>rd</sup> Subdivision paving.

County Engineer Hall explained the proposed Special Assessment District is for the paving of Darin Dr stating that 67% of the landowners and 67% of the benefited property signed the petition to create the district. Hall noted the engineer's estimate of \$113,370 which is to be spread equally among the fifteen (15) 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 noted ten (10) of the fifteen (15) benefited properties or lots are presently vacant (no structures). Auditor/Treasurer Glatt added that each of the fifteen (15) benefited properties will get an equal assessment.

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

Christine Blowers, a resident of the subdivision appeared in support of Special Assessment District #65.

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to close the public hearing and to adopt a resolution determining the insufficiency of protests related to the Resolution of Necessity for Special Assessment District #65, RayMar 3<sup>rd</sup> Subdivision, and to direct the engineer to prepare detailed plans and specifications. All members voted "AYE." Motion carried.

Building Official Ziegler appeared and presented an Appeal of a Notice and Order by Charlene Evanko regarding violations of county zoning ordinances on property located at 2604 Elbert Ave, Baldwin ND. Ziegler stated he has met and tried to work with the landowner. Ziegler added the next step, if the structure is not removed by October 15, 2018, is to get bids for the demolition and removal of the residential structure. Ziegler concluded the owner has requested to appeal the order to the Commission.

Charlene Evanko, the property owner appeared and requested an extension on the order to demolish and remove the structure as she does not have the money to pay for the demolition. Evanko stated the estimate she received to do the work is \$14,800. Upon question Evanko stated she would have the funds by mid-April 2019. Evanko continued that she has been trying to sell the property which has been in probate until recently, as her husband passed away. Evanko stated she understands the house needs to be removed and she is working towards that goal, she just needs more time. Evanko added her husband was a procrastinator but she is not.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Woodcox, to grant Evanenko an extension of the Notice and Order until May 1, 2019.

Kevin Seher, the adjacent property owner, appeared and stated he is concerned his newly remodeled home will suffer damage from flying shingles and other debris from this structure. Seher showed the Commission a handful of tattered shingles which he stated struck his camper. Seher stated he just wants his home protected.

Comm. Bitner questioned what could be done to prevent further damage to the neighboring properties.

Justin Evanenko appeared and stated he could tarp off the roof to prevent the shingles from blowing onto the neighboring properties. Upon question Justin Evanenko stated he could have the shingles removed within one (1) month.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to table this item until the November 1, 2018, Commission Meeting. All members voted "AYE" except Comm. Schonert who voted "NAY." Motion carried.

County Engineer Hall appeared and presented the following items for the Board's consideration: authorization to sell surplus County Highway Dept equipment; authorization to execute a warranty deed for a right of way exchange along 57<sup>th</sup> Ave NW and Centennial Road; and, an update to the County Overload Weight Policy.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to authorize the on-line sale of surplus County Highway Dept equipment utilizing the services of publicsurplus.com. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to authorize the execution of a warranty deed for a right of way exchange along 57<sup>th</sup> Ave NW and Centennial Road. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the update of the County Overload Weight Policy utilizing the LoadPass Permit system and to authorize an agreement with the Western Dakota Energy Association to operate said system effective 1/1/19. All members voted "AYE." Motion carried.

HR Director Terras appeared regarding the Executive Order closing state offices on Christmas Eve December 24, 2018.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to authorize the closure of all county offices on Christmas Eve Day, December 24, 2018. All members voted "AYE." Motion carried.

The Commission then considered the contract with Centre Inc., for Community Service & Misdemeanor Probation services.

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

Sheriff Heinert appeared regarding consideration of a ND Dept of Transportation Grant covering: Click It or Ticket \$3,824; Alcohol Enforcement \$8,988; Distracted Driver \$5,388.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve the NDDOT Grant / Traffic Safety Contract No. 12181419 covering: Click It or Ticket \$3,824; Alcohol Enforcement \$8,988; and, Distracted Driver \$5,388. All members voted "AYE." Motion carried.

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve the Higgins/Jaeger, Smith, Fronk, Bohn, Baumann, Fischer and Sylte abatements as presented; to authorize the cancellation of the outstanding checks written prior to July 2017 with funds sent to State Land Dept. Unclaimed Property Division; to approve the Sterling School Teacher Parent Association raffle permit application; and, to approve the second approach permit application of Cary Platz, 7260 Russell Rd. (Lot 7F, Block 2, TJ Ranch Estates).

The Commission then considered the request of Greg Runge for additional compensation for Civil Mental Health Legal services.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the additional compensation for the Indigent Civil Commitment Contract for Greg Runge, Attorney at Law, in the amount of \$300 per month effective 1/1/19. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to appoint Amelia Doll, NDSU Extension Burleigh County 4-H Youth Development Agent as a Burleigh County delegate to the ND State Fair Annual Meeting. All members voted "AYE." Motion carried.

Comm. Jones then reported on a water main break at the County 4-H Building which will have an effect on office hours for the NDSU Extension-Burleigh County Office over the next few days due to repairs.

Comm. Jones next reported on her continued research on the contracts/agreements with the US Corps of Engineers regarding bank stabilization and Missouri River revetment maintenance. Jones stated that subsequent meetings with the State Water Commission have led to the need for a Joint Powers Agreement with the Burleigh County Water Resource District to create GIS mapping of the areas under contract/agreement with the Corp of Engineers. Jones requested funding in the amount of \$25,000 to provide for the GIS survey/mapping and attorney's fees to review the agreements.

Commissioners Bitner and Woodcox expressed their concern with committing funds at this time. No action was taken.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
SEPTEMBER 19, 2018**

**5:06 P.M.**

The Burleigh County Commission convened with all members present.

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

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

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

Building Official Ziegler appeared and presented a request on behalf of Morton Township and Pure New Energy USA, Inc. for the County Commission to approve the First Amendment to Special Use Service Agreement whereby Burleigh County agrees to provide administration and issuance of Special Use Permit(s) on behalf of Morton Township for the Burleigh Wind Project proposed by PNE USA, Inc. Ziegler noted correspondence received earlier today questioning the legality of the process used by Morton Township to authorize the transfer of zoning authority to the County. Ziegler suggested the State's Attorney address the legal issues.

Asst. State's Attorney Conner Kennelly appeared and stated that he has reviewed the correspondence and has concerns with the process used by Morton Township; noting possible violations of public meeting notice and/or public hearing requirements. Kennelly suggested the Commission table this item or decline accepting the authority. Kennelly advised the prudent thing would be to wait until the notice/public meeting issues can be resolved.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to table consideration of the request to approve the First Amendment to the Special Use Service Agreement whereby Burleigh County agrees to provide administration and issuance of Special Use Permit on behalf of Morton Township for the Burleigh Wind Project proposed by PNE USA, Inc. until the notice/public meeting issues can be resolved. "AYE" votes: Schonert, Woodcox, Bitner, Jones, Peluso. "NAY" votes: None. Motion carried.

Ziegler next presented for discussion the Draft Bismarck/Burleigh Extraterritorial Jurisdiction Agreement whereby the County of Burleigh would have zoning, platting, building permitting, and inspection authority within the Extraterritorial Area. Comm. Bitner noted the recent discussions he and Comm. Woodcox had with Mayor Bakken and City Commissioner Marquardt. No action was taken.

Comm. Jones then reported that her research has led to twelve (12) contracts/agreements with the US Corps of Engineers regarding bank stabilization and Missouri River revetment maintenance being discovered. Jones stated she will be meeting with the State Water Commission on these items and will report back to the County Commission at a later date. 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, 2<sup>nd</sup> by Comm. Woodcox, to approve and establish the minimum sale prices for the annual delinquent property tax sale as presented. All members voted "AYE." Motion carried.

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the S. Schmidt, Higgins/Jaeger, Teply, L. Schmidt, Ternes, Enzminger, Schultz and Knudson abatements as requested; to approve the amended Gaming Site Authorization for the NoDak Sportsmen's Club (Electronic Pull Tab Device) at Flash's Place; and the second approach permit application of Noel and Marla Laxdal (9040 Oak Dr – Hay Creek Pines Subdivision). All members voted "AYE." Motion carried.

Comm. Schonert then expressed his displeasure with the late arriving correspondence that led to the tabling of the Morton

Township wind tower project. Chairman Peluso noted the people who travelled to this meeting and expressed his dismay that this was not brought to the Commission's attention earlier. Comm. Woodcox stated that if and when the county accepts the authority to provide administration and issuance of Special Use Permit(s) on behalf of Morton Township for the wind tower project, he anticipates multiple public hearings prior to any decisions being made.

Engineer Hall then appeared and updated the Commission on the joint project with the ND Dept of Transportation and Burleigh County on a round-about at the intersection of N Washington St and State Highway 1804. Hall continued that some technical difficulties have been encountered with the NDDOT regarding the design of the proposed round-about. Hall explained he believes three (3) alternatives exist at this time:

1. Walk away from the project which would save the county considerable money but not address the mobility and safety issues that exist.
2. The County redesign the roundabout to a single lane (no slip lanes) with straight approach legs at an additional \$75,000 in design fees and a cost savings of \$300,000 for not having to pave the slip lanes.
3. Continue with the original slip lane design which may require involvement of the Commission, Mayor, and Governor to convince the NDDOT that this is the best alternative. Hall stated this should not cost the county more in design fees, but we will have to pay for the slip lanes (\$300,000 estimated cost). Hall stated that in his opinion, this is the best alternative to address the mobility and safety issues at that location for the future.

The Commission by consensus agreed that Option 3 is the best alternative and directed Engineer Hall to proceed with Option 3.

5:39 P.M. On a motion made, seconded, and carried the Board recessed until 6:00PM.

#### **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 as published and adoption of the final budget for the year ending December 31, 2019.

Chairman Peluso called County Finance Director Thompson to summarize the previous actions of the County Commission related to the 2019 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 down 13.4% on a \$255,000 home located in Bismarck.

Chairman Peluso then opened the PUBLIC HEARING and invited public testimony and comment on the 2019 budget.

John Spitzer, Ecklund Township resident, appeared and expressed his dissatisfaction with the county budget and the lack of service by the Highway Dept and the operating costs of the new Burleigh/Morton County Detention Center.

Nyla Kilber, Bismarck landowner, appeared and expressed her concern with the estimated increase on her property taxes located on N 35<sup>th</sup> St in Bismarck. Deputy Auditor/Tax Director Vietmeier appeared and explained the estimated increase is based entirely on the increase in value as determined by the Bismarck City Assessor.

Dallas Leno, Burleigh County rancher, appeared and stated he agreed with Spitzer.

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

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

The Burleigh County Commission immediately reconvened with all members present.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve and adopt the final 2019 Burleigh County budget and appropriate

mill levies as per the preliminary budget adopted and amended. "AYE" votes: Woodcox, Bitner, Jones, Schonert, Peluso. "NAY" votes: None. Motion carried.

The Board then considered approval of the Agreement for the Joint Exercise of Governmental Powers with the City of Bismarck relating to the contract for with the Police Youth Bureau.

Motion by Comm. Bitner, 2<sup>nd</sup> 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. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the contract with Centre, Inc., for Community Service & Misdemeanor Probation services funding.

Comm. Woodcox stated that Centre Inc. has not billed the county for services for 2018 and questioned if the \$24,000 annual contract should be approved and funds allowed in the 2019 budget.

Comm. Jones withdrew her motion with Comm. Bitner concurring.

Nancy Keating, Centre Inc., appeared and stated she cannot answer why Burleigh County has not been billed for the Community Services & Misdemeanor Probation services. Keating requested the opportunity to rectify the situation and consider the contract at a later time.

Upon question from Comm. Woodcox, Keating explained the services provided by Centre, Inc.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to keep funding for Centre, Inc. in the 2019 final budget and to consider the contract renewal at a later time. All members voted "AYE". Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to approve the contract with Mountain Plains Youth Services (Youthworks) for the provision of Attendant Care and Emergency Shelter Care Services funding. 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, 2019

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, 2019 and ending December 31, 2019. 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, 2019 the following amounts are necessary:

FINAL BUDGET

County Board .....	\$ 548,828
Juvenile Court .....	211,000
County Auditor/Treasurer/Tax Equalization .....	1,230,415
States Attorney.....	2,456,487
County Recorder .....	312,904
Superintendent of Schools .....	67,000
Public Administrator .....	6,300
Courthouse, Buildings & Grounds .....	930,244
Elections.....	122,500
Utilities.....	85,000

Printing, Publishing and Supplies.....	34,000
Telephone and Postage.....	124,000
Technology.....	106,350
Audit Fees.....	30,000
Human Resources.....	368,748
Liability and Property Insurance.....	115,000
County Planning.....	317,171
County Sheriff.....	6,664,945
County Detention Center.....	8,454,181
Emergency Management.....	209,315
Ambulance Services.....	1,500
Police Youth Bureau.....	71,316
Public Health Nurse.....	192,010
Advertising.....	76,241
Boat Ramps.....	102,719
Kimball Bottoms Boat Ramp.....	106,969
Driscoll Sibley Park and Mitchell Lake.....	5,825
City Recreation.....	260,900
Communications Center.....	555,763
Transfer Out.....	208,000
GENERAL FUND BUDGET.....	\$23,975,631

Appropriation for General Government	\$23,975,631	
Plus: Delinquent Taxes & Interim Fund	10,349,730	
Less: Resources	<u>(22,020,780)</u>	
Balance to be levied (24.00 Mills)		\$12,304,581

Appropriation for Unorganized Townships	1,746,000	
Plus: Delinquent Taxes	29,635	
Less: Resources	<u>(1,182,935)</u>	
Balance to be levied		592,700

Appropriation for County Road & Bridge	17,796,170	
Plus: Delinquent Taxes	51,275	
Less: Resources	<u>(16,821,945)</u>	
Balance to be levied (2.00 Mill)		1,025,500

Appropriation for Highway Tax Distribution	7,215,000	
Less: Resources	<u>(7,215,000)</u>	
Balance to be levied		- 0 -

Appropriation for Social Welfare	7,941,993	
Plus: Delinquent Taxes & Interim Fund	500,000	
Less: Resources	<u>(8,441,993)</u>	
Balance to be levied		- 0 -

Appropriation for Job Development	100,000	
Plus: Delinquent Taxes	4,674	
Less: Resources	<u>(11,191)</u>	
Balance to be levied (.18 Mill)		93,483

Appropriation for Library	318,747	
Plus: Delinquent Taxes	13,879	
Less: Resources	<u>(55,045)</u>	

Balance to be levied (2.19 Mills)			277,581
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		901,287	
Plus: Delinquent Taxes & Interim Fund		666,176	
Less: Resources		<u>(1,105,988)</u>	
Balance to be levied (.90 Mill)			461,475
Appropriation for Detention Commissary		48,000	
Less: Resources		<u>(48,000)</u>	
Balance to be levied			- 0 -
Appropriation for Sobriety 24/7 Program	124,500		
Less: Resources		<u>(124,500)</u>	
Balance to be levied			- 0 -
Appropriation for Communication Center		2,784,638	
Less: Resources		<u>(2,784,638)</u>	
Balance to be levied			- 0 -
Appropriation for Victim/Witness Assistance		294,456	
Less: Resources		<u>(294,456)</u>	
Balance to be levied			- 0 -
Appropriation for Emergency Fund		1,291,000	
Less: Resources		<u>(1,291,000)</u>	
Balance to be levied			- 0 -
Appropriation for Veterans Service		373,049	
Plus: Delinquent Taxes & Interim Fund	111,015		
Less: Resources		<u>(128,995)</u>	
Balance to be levied (.69 Mill)			355,069
Appropriation for Provident Life Bldg.		440,934	
Less: Resources	<u>(440,934)</u>		
Balance to be levied			- 0 -
Appropriation for Missouri Valley Complex		67,538	
Less: Resources		<u>(67,538)</u>	
Balance to be levied			- 0 -
Appropriation for County Agent		457,751	
Plus: Delinquent Taxes & Interim Fund		131,937	
Less: Resources		<u>(239,713)</u>	
Balance to be levied (.68 Mill)			349,975
Appropriation for Weed Board	436,768		



Plus:	Delinquent Taxes & Interim Fund	25,634		
Less:	Resources		<u>(82,152)</u>	
	Balance to be levied (3.00 Mills)			380,250
	Appropriation for Water Resource District	827,075		
Plus:	Delinquent Taxes	38,456		
Less:	Resources		<u>(96,406)</u>	
	Balance to be levied (1.50 Mills)			769,125
	Appropriation for County Park		2,000	
Plus:	Interim Fund		521,507	
Less:	Resources		<u>(523,507)</u>	
	Balance to be levied			- 0 -
	Appropriation for County Jail Maintenance and Construction		3,000,000	
Less:	Resources		<u>(3,000,000)</u>	
	Balance to be levied			- 0 -
	Appropriation for K-9 Patrol Program		18,000	
Less:	Resources		<u>(18,000)</u>	
	Balance to be levied			- 0 -
	Appropriation for Parking		62,000	
Less:	Resources		<u>(62,000)</u>	
	Balance to be levied			- 0 -
	Appropriation for Abandoned Cemeteries		8,000	
Less:	Resources		<u>(8,000)</u>	
	Balance to be levied			- 0 -
	Appropriation for Preservation Fund		112,000	
Less:	Resources	<u>(112,000)</u>		
	Balance to be levied			- 0 -
	Appropriation for Sheriff Drug Asset Forfeiture Fund		28,000	
Less:	Resources	<u>(28,000)</u>		
	Balance to be levied			- 0 -
	Appropriation for States Attorney Forfeiture Fund		18,000	
Less:	Resources	<u>(18,000)</u>		
	Balance to be levied			- 0 -
	Appropriation for Hazardous Chemicals	5,000		
Less:	Resources	<u>(5,000)</u>		
	Balance to be levied			- 0 -
	Appropriation for Rural Special Assessments		348,100	

Less:	Resources	(348,100)	
	Balance to be levied		- 0 -

TOTAL LEVIES ALL FUNDS	\$16,609,739
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The adopted budget is available for public inspection on weekdays at the Burleigh County Auditor's Office, 221 North 5<sup>th</sup> Street, Bismarck, North Dakota between 8:00 AM and 5:00 PM.

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Kevin J. Glatt  
Burleigh County Auditor/Treasurer

\_\_\_\_\_  
James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
September 5, 2018**

**3:00 P.M.**

The Burleigh County Commission convened a regular meeting with all members present except Comm. Woodcox. State Senator Larson and State Representatives Karls and Klemin, along with members of the NDSU–Extension Burleigh County staff were also present.

The Board then received a report on programs and activities of NDSU Extension - Burleigh County from Jim Gray, NDSU Extension District Director - West District; Amelia Doll, 4-H Youth Development Agent; Deb Johnson, EFNEP & FNP Nutrition Education Assistant; Alice Westby, Family and Community Wellness Extension Agent; and, Beth Burdolski, Agriculture and Natural Resources Agent.

Comm. Woodcox appeared.

**4:40 P.M.**

The Commission recessed until 5:00 P.M. with no action taken.

**5:00 P.M.**

The Burleigh County Commission reconvened with all members present.

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

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

This was the hour and date set for a public hearing on the final consideration (second reading) of a sales tax bond ordinance for funding the renovation of the old Burleigh Court jail.

Mike Manstrom, Dougherty & Company, appeared and presented the second reading of the sales tax bond ordinance. Manstrom explained that upon approval of this ordinance, bonds will be issued at a later date. Manstrom stated this is a formal step required to pledge the sales tax to the bond payments with specific bond issuance resolutions to be presented for Commission approval upon completion of the bond sale.

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the sales tax bond ordinance authorizing the issuance of up to \$9 million in Burleigh County Sales Tax Revenue Bonds dedicated for the renovation of the old Burleigh County Detention Center (jail). "AYE" votes: Schonert, Woodcox, Bitner, Jones, Peluso. "NAY": None. Motion carried.

This was the hour and date set for a public hearing regarding Special Assessment District #60 High Plains Country Estates & High Plains Country Estates 2<sup>nd</sup> Subdivisions.

Auditor/Treasurer Glatt explained the process stating the purpose of the hearing is not to discuss costs but how costs are assessed. Glatt reported assessments are spread equally among the benefited properties pursuant to the submitted petition. Glatt also stated the average cost for Special Assessment District #60 would be \$1,457 per year for eleven (11) years at 3.75 percent interest.

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

Comm. Woodcox questioned the process and the timing of this item. Auditor/Treasurer Glatt explained the process, noting the process and timing is no different than the preceding fifty-nine (59) Special Assessment Districts previously approved by the County Commission.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to close the public hearing and to approve, confirm, and certify the Special Assessment List for High Plains Country Estates & High Plains Country Estates 2<sup>nd</sup> Subdivision, S.A.D. #60, as recommended by the Special Assessment Commission. "AYE" votes: Bitner, Jones, Schonert, Peluso. "NAY": Woodcox. Motion carried.

This was the hour and date set for a public hearing regarding Special Assessment District #61 Metro Industrial Park Replat & Metro Industrial Park 2<sup>nd</sup> Replat 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 also stated the average cost for Special Assessment District #61 would be \$1,255 per year for eleven (11) years at 3.75 percent interest.

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to close the public hearing and to approve, confirm, and certify the Special Assessment List for Metro Industrial Park Replat & Metro Industrial Park 2<sup>nd</sup> Replat Subdivision, S.A.D. #61, as recommended by the Special Assessment Commission. "AYE": Bitner, Jones, Schonert, Peluso. "NAY": Woodcox. Motion carried.

Auditor/Treasurer Glatt presented for consideration the ratification of the Rusch Addition Subdivision plat. Glatt noted the county has an interest in the plat through a right-of-way easement dated April 1978.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the ratification of the Rusch Addition Subdivision plat. All members voted "AYE". Motion carried.

County Engineer Hall then presented for consideration as other business a request of Scott and Melanie Werre (Baldwin Greenhouse) for a second approach permit onto 201<sup>st</sup> Ave NE west of Baldwin Townsite.

Marlene Willson appeared and stated her family owns the adjacent land on which the existing shared approach currently exits. Willson stated her mother, Leona Schonert, sold the Baldwin Greenhouse property to the Werre's on a contract for deed and agreed to allow the Werre's to use the existing approach until another approach could be secured. Willson continued the Baldwin Greenhouse is also using the Schonert property for parking and that the family desires to sell the subject Schonert property and is concerned about the liability of the approach and parking on their property and the ability to sell with such a liability.

Dan Schonert appeared and stated his family agreed to the use of the approach by the Baldwin Greenhouse in 1987. Schonert continued there is no issue with Werre or the Baldwin Greenhouse, only that the family desires to sell the property without the liability of the approach and parking.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to deny the second approach permit application of Scott and Melanie Werre (Baldwin Greenhouse).

Auditor/Treasurer Glatt noted that as this item was not on the agenda, the Werre's were not notified of its consideration at this time.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to table this item until the next meeting.

Engineer Hall noted the Werre's were aware of tonight's meeting and that the item may be discussed.

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

Vote on motion to deny: "AYE": Schonert, Woodcox, Bitner, Jones, Peluso. "NAY": none. Motion carried.

Comm. Bitner then stated that he is concerned about campaign signs left up after the Primary Election and that have been placed in the right of way. Bitner continued that the County Commission should direct that political signs be removed from public property. Comm. Woodcox stated we should direct the County Highway Dept to enforce the removal of signs from right-of-ways.

Auditor/Treasurer Glatt stated the placement of signs in the public right of way is a violation of state law noting that candidate contact information is available on-line.

Sheriff Heinert appeared and stated he would work with the other county departments to enforce the law and remove signs in the right-of-ways.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to direct the Sheriff and other county departments to identify signs located within the right-of-way; notify candidates whose signs are in the public right-of-way requesting the removal of the signs; and remove the signs if not removed by the candidates. All members voted "AYE." Motion carried.

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the Endres abatement as requested; to approve the raffle permit applications for the United Tribes Technical College and Grace Lutheran Church (Driscoll); to approve the Lost Instrument Surety Bond to replace check# 111916 (\$1,854.40); and to approve the second approach permit applications of Brian Fettig (Lot 8, Block 3, Pheasant Valley Subdivision) and Terry Sonnenberg (Lot A of Lot 4, Block 2, Spiritwood Estates Subdivision). All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
August 20, 2018**

5:05 P.M.

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

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

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

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

James Landenberger, Burleigh County Water Resource District appeared and presented an update on the Fox Island flood control project. Landenberger stated full approval has been received from the Army Corps of Engineers with approval from the State Water Commission/State Engineer pending. Landenberger reported three (3) bids were received for the project with Northern Improvement Co., being the low bidder (\$3,785,000). Landenberger continued that the Water Resource District, in an attempt to reduce costs, negotiated certain bid items with the low bidder. Landenberger stated removal of grass over-seeding and some irrigation sprinklers should reduce the bid to approximately \$3,400,000. Landenberger noted bids have been awarded to Northern Improvement Co, subject to the State Engineer's approval of the project. Upon question Landenberger stated the bids can be held for up to sixty (60) days with the construction completion date anticipated to be mid-September 2019.

County Engineer Hall appeared and presented a North Dakota Dept of Transportation Rail Safety Program Agreement. Hall reported the NDDOT is requesting that Burleigh County enter into the agreement to share the cost of upgrading the existing railroad crossing over 201<sup>st</sup> Ave NE in Baldwin. Hall stated the total estimated project cost is \$75,411.85 with NDDOT proposing a 90% Federal and 10% County (\$7,541.19) funding split.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to enter into an agreement with the North Dakota Department of Transportation (NDDOT Contract No. 17180712) for upgrading and cost sharing of improvements to the existing railroad crossing over 201<sup>st</sup> Avenue NE in Baldwin. All members voted "AYE." Motion carried.

Sheriff Heinert appeared with the following items for the Board's consideration: a shared JAG Grant with Bismarck Police; acceptance of the resignation of Deputy Coroner Casteel and appointment of John Braaten as a Deputy Coroner.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve the Department of Justice, Justice Assistance Grant (JAG) application, in the amount of \$27,819 (county share \$9,737) in conjunction with the City of Bismarck Police Department for law enforcement supplies and equipment. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to accept the resignation of Deputy Coroner Casteel and to appoint John Braaten as a Deputy Coroner effective August 20, 2018, with said term ending November 30, 2022. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt presented the following items for the Board's consideration: reimbursement resolution for Special Assessment District #65 RayMar 3<sup>rd</sup> Subdivision; and, appointment of replacements to County Recount Board.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the reimbursement resolution for Special Assessment District #65 RayMar 3<sup>rd</sup> Subdivision, authorizing the financing of improvements in SAD#65, 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.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to appoint Comm. Jones, Deputy Recorder Hanson, and Assistant State's Attorney Lawyer to the Burleigh County Recount Board to replace Chairman Peluso, Recorder Kroshus, and State's Attorney Riha. All members voted "AYE." Motion carried.

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the Sammons, J4 Enterprises LLC, Norbeck, Ketterling, Deichert, Fleck and Jones abatements as requested. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
August 6, 2018**

**5:00 P.M.**

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

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

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

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

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

Jared Blackman, Bain Insurance, and Brennan Quintus, Chief Executive Officer of the North Dakota Insurance Reserve Fund, appeared regarding the renewal of the county liability insurance policy. Blackman briefly reviewed the policy coverage and deductible amounts. No action was taken.

Kevin Seher, Baldwin Townsite, appeared regarding protection for landowners from neighboring properties that are not maintained. Seher reported three (3) properties which are unkempt and vacant that attract mice and should be removed. Seher stated one of the properties was bought for the sole purpose of storing and dumping items that could not be kept in any city. Seher continued that his home has been damaged due to the neglect of a neighboring property owner who does not even reside in Baldwin, noting flying shingles have stained his siding and broken windows on his home.

Chairman Peluso and Comm. Bitner, who holds the planning and zoning portfolio, both stated they were unaware of these issues.

Seher noted prior to the meeting he contacted Burleigh County Building Official-Director Ziegler, who is working on bringing the properties into compliance.

Building Official-Director Ziegler appeared and stated his department does not have the time to go looking for violations. Ziegler continued when complaints are received his goal is to bring things into compliance.

Ken Thompsen, area resident, appeared and noted that both Crofte and Glenview Townships, in which the townsite of Baldwin is located, are under Burleigh County zoning jurisdiction. No action was taken.

HR Director Terras appeared regarding authorization to move forward with a self-funded employee health insurance plan. Terras explained that proposals were solicited for a self-funded health plan in April with a health insurance committee reviewing proposals and presentations. Terras continued an informational session was held for Commissioners and Department Heads on July 16, 2018. Terras reported historic claims and premium data show a potential savings with a self-funded health plan, noting this option could provide coverage flexibility and premium stability over the long term. Terras requested the Commission approve the change to a self-funded plan with BlueCrossBlueShield of ND effective January 1, 2019, and to authorize the transfer of \$3.2 Million from the General Fund into a Health Insurance Fund to cover claim liability and startup costs.

Comm. Schonert stated he feels we need to approach this change very cautiously. Schonert added he thinks more study and research should be done and therefore, cannot support the change at this time.

Chairman Peluso stated he strongly supports the proposal, and if it does not work we can always go back to a fully insured plan.

Comm. Woodcox stated he supports the plan noting the young demographic of our work force and our cautious approach by establishing a strong reserve fund.



Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to authorize the change in the employee health insurance plan from a fully insured plan with ND Public Employees Retirement System - Sanford Health to a self-funded plan with BCBSND effective January 1, 2019, with a \$50,000 stop loss premium; to authorize the transfer of \$3.2 Million from the General Fund into a Health Insurance Fund to cover the claims liability and associated startup costs; and to create the self-insured plan with the same design and coverage as the existing plan with new premiums (2019 budget) as follows: Single: \$ 703 (ER Portion: \$668 / EE Portion: \$35)  
Family: \$1,699 (ER Portion: \$1,614 / EE Portion: \$85)

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

County Engineer Hall appeared with the following items: acceptance of right of way associated with Kassian Subdivision; consider the addition of 103<sup>rd</sup> Ave NE (between 223<sup>rd</sup> St NE & 249<sup>th</sup> St NE) as a county road; consideration of a contract extension with HDR Engineering, Inc. to perform additional design services for the N Washington St & Highway 1804 intersection improvement; and consideration of a waiver of the existing Gravel Road Improvement Policy to not require paving of 2,300 feet of 4<sup>th</sup> Ave SE from 80<sup>th</sup> St SE to the property line.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the acceptance of right of way associated with Kassian Subdivision. All members voted "AYE". Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to remove the county roadway designation from 97<sup>th</sup> Ave NE (between 223<sup>rd</sup> St NE & 249<sup>th</sup> St NE) and to accept 103<sup>rd</sup> Ave NE (between 223<sup>rd</sup> St NE & 249<sup>th</sup> St NE) and add the same as a county road to the Burleigh County Highway System. All members voted "AYE". Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to approve the contract extension with HDR Engineering, Inc. to perform additional design services for the N Washington St & Highway 1804 intersection improvement on an hourly basis up to an additional maximum sum of \$76,070. All members voted "AYE". Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve a waiver of the Gravel Road Improvement Policy to not require paving of 2,300 feet of 4<sup>th</sup> Ave SE from 80<sup>th</sup> St SE to the property line (Auditor's Lot A of the SW 1/4 of Section 4, Apple Creek Township). All members voted "AYE". Motion carried.

Auditor/Treasurer Glatt then presented for consideration a sales tax bond ordinance authorizing the issuance of up to \$9 Million in Burleigh County Sales Tax Revenue Bonds dedicated for the renovation of the old jail.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the first reading of the sales tax bond ordinance authorizing the issuance of up to \$9 Million in Burleigh County Sales Tax Revenue Bonds dedicated to the renovation of the "old" Burleigh County Detention Center (jail), and to authorize the call for public hearing on September 5, 2018, on the same. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to authorize the Auditor/Treasurer/Tax Equalization Office to recruit and fill the retiring Office Asst III position with an Administrative Asst II position and to approve the hiring of a qualified applicant up to Step 7 within the pay grade. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to authorize the call for public hearings on September 5, 2018, related to the assessment lists for Special Assessment Districts #60 High Plains Country Estates and High Plains Country Estates 2<sup>nd</sup> Replat and #61 Metro Industrial Park Replat and Metro Industrial Park 2<sup>nd</sup> Replat. 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. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the Thompson and Ehrmantraut abatements; to approve the lost instrument surety bonds to replace check #105073 (\$300), check #106786 (\$4,25), and check #106918 (\$170); and to authorize the publication of the Weed Cutting Notice. All members voted "AYE." Motion carried

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
July 16, 2018**

**3:00 P.M.**

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

Vice-Chairman Schonert called the meeting to order with the first item of business an informational session on employee health insurance from HR Director Terras. Terras appeared and presented information for commissioners and county elected and appointed officials on options for county health insurance.

Terras presented and explained the following options for consideration: remain with the ND Public Employees Retirement System Health Insurance Plan; continue with a fully-insured plan with Blue Cross/Blue Shield or Sanford Health; or move to a self-funded health insurance plan with Blue Cross/Blue Shield or Sanford Health.

Upon conclusion of the info session the Commission requested additional information for further consideration at a later time. No action was taken.

On a motion made seconded and carried the Commission recessed until 5:00 P.M.

**5:10 P.M.**

The Burleigh County Commission convened with all members present.

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

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

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

Social Service Director Osadchuk appeared and requested a variance to county hiring policy to allow a new hire for the Human Service Program Administrator III position to start at salary Step 7.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the requested variance to hiring policy allowing a new hire for the Human Service Program Administrator III position to start at salary Step 7. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the Special Assessment Screening Committee report regarding the RayMar 3<sup>rd</sup> Subdivision SAD #65. Hall stated the Screening Committee met earlier today to consider the petition, the feasibility of the project, and the predictability of solvency of the district. Hall reported the Screening Committee recommended the Board of Commissioners accept the Engineering Report and Petition for Paving Improvements for RayMar 3<sup>rd</sup> Subdivision and create a special assessment district by adopting a resolution of necessity.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to accept the Preliminary Engineers report to create Special Assessment District #65, and to declare a Resolution of Necessity for Special Assessment District #65 RayMar 3<sup>rd</sup> Subdivision and to authorize the call for a public hearing regarding the same. All members voted "AYE". Motion carried.

Hall next explained that the construction of a roundabout in north Bismarck, at the intersection of N Washington St and Highway 1804, may be canceled after the ND Dept of Transportation (NDDOT), citing safety issues, expressed reservation on the project. Hall continued that everyone understood this project was on a tight schedule so the county had been working closely with the NDDOT on the final design to accommodate a November 2018 bid opening. Hall noted the NDDOT engineers had ample opportunity to voice concerns on the project and only very recently did he receive notice that

NDDOT is opposed to the project. Hall stated that it is too late in the game to redesign the roundabout and allow for the fall bid opening. Hall concluded there are a couple of options being considered including a February 2019 bid opening. No action was taken.

The Commission then continued discussion on the opioid class action lawsuit, which was tabled until this meeting.

Matt Daniel, Ferrer Poirot Wansbrough Law Firm, also representing the Fears Nachawati Law Firm, both of Dallas TX, appeared regarding participation by Burleigh County in the class action suit against the opioid manufacturers and distributors.

Motion by Comm. Jones, 2nd by Comm. Woodcox, to retain the Ferrer Poirot Wansbrough and the Fears Nachawati Law Firms to represent Burleigh County in the Multi-District Litigation against the opioid manufacturers and distributors on a contingency basis.

Upon question, State's Attorney Riha stated the county should move forward and retain the Ferrer Poirot Wansbrough and the Fears Nachawati Law Firms on this matter.

Vote on motion: "AYE" votes: Bitner, Jones, Schonert, Woodcox, Peluso. "NAY" votes: None. Motion carried.

The Commission next reviewed the legal analysis regarding the 1971 Missouri River revetment maintenance agreement with Army Corps of Engineers.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to direct the State's Attorney to send a letter to the Army Corps. of Engineers to terminate the 1971 Missouri River revetment maintenance agreement with Army Corps of Engineers pursuant to notice requirements. All members voted "AYE." Motion carried.

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

Motion by Comm. Jones, 2nd by Comm. Schonert, to approve the Werner and Selland abatements as requested. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

# BURLEIGH COUNTY COMMISSION MEETING MINUTES July 11, 2018

## 8:40 A.M.

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

Chairman Peluso called the meeting to order for the purpose of reviewing the 2019 Preliminary Budget. Chairman Peluso stated that this is the finest budget he has seen during his tenure as a County Commissioner. Peluso stated there are no red flags in this proposed budget and he appreciates all the hard work of the county elected officials, department heads and employees.

Finance Director Thompson appeared and presented an overview of the submitted 2019 budgets and preliminary mill levies. Thompson stated the estimated taxable valuation in Burleigh County for 2018 is \$512,750,000, an increase of 2.49% from 2017. Thompson noted for 2018, a mill is estimated to be worth \$512,750, compared to \$500,272 in 2017. Thompson stated the new taxable value for 2018 is \$8,527,724 which equates to approximately \$305,000 in new taxes. Thompson continued that the preliminary budget for 2019 (which includes the proposed salary and health insurance increases) requires a property tax levy of \$16,866,114. Thompson noted this levy request is 9.23% or \$1,715,227 below the 2018 final adopted budget of \$18,581,341. Thompson estimated the levy required to fund the 2019 preliminary budget is 35.64 mills, compared to 39.13 mills for 2017, a 3.49 mill decrease for rural Burleigh County and a 4.57 reduction within the City of Bismarck.

Thompson explained the decrease is attributable to the required transfer of Social Service fund reserves above \$500,000 to the general fund and subsequent general fund levy reduction of 5.57 mills as required by law. Thompson noted the potential effect (increased levies) this may have on the 2020 budget and 2019 mill levy and future years. Thompson then presented the following assumptions and significant budget requests as noted while compiling the budget: Courthouse Buildings & Grounds budgeted \$400,000 for HVAC renovations; County Road & Bridge levy increase from 1 mill to 2 mills; Noxious Weed Control levy increase from 2 mills to 3 mills; and, a proposed .50 levy for the Jail Maintenance & Construction Fund.

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

Sheriff Heinert appeared and suggested removing the proposed .50 levy for the Jail Maintenance & Construction Fund from the Preliminary Budget. Heinert also noted small reductions to the Sheriff and Detention Center budgets.

County Extension Agent Doll appeared regarding the Burleigh County Extension budget.

Nancy Keating, Centre Inc., appeared and affirmed the Centre Inc., will accept Sheriff Heinert's decision to keep funding for the Misdemeanor Probation program at the current level.

Comm. Woodcox noted the Preliminary Budget includes a 1-step salary increase for all employees and a 2.5% Cost of Living Increase (COLA). Woodcox stated he is having difficulty supporting such a large increase and requested the Commission address this item. Upon question Thompson responded that each 1% of salary increase equates to \$250,000 including fringe benefits.

Chairman Peluso stated he feels the 2.5% COLA increase is perhaps .5% to 1% too high.

HR Director Terras appeared and stated the budgeted 2.5% is not entirely a COLA increase but also includes monies to fund the recently completed compensation study which showed Burleigh County was 2% - 2.5% below the market. Terras reiterated that the total budgeted salary increase may seem large – but this is extraordinary due to the results of the compensation study. Terras then presented preliminary salary increases for other cities and counties in the area.

By consensus the Commission agreed to leave budgeted salaries and benefits in the 2019 Preliminary Budget as presented.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to remove the ½ mill levy request for the County Jail Maintenance & Construction Fund from the 2019 Preliminary Budget. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve and adopt the Burleigh County 2019 Preliminary Budget (including the Burleigh County Park Board) as amended and to call for a public hearing on the budget on September 19, 2018. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

# BURLEIGH COUNTY COMMISSION MEETING MINUTES

July 2, 2018

5:00 P.M.

The Burleigh County Commission convened with all members present.

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

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

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

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve the payment of the BITCO bill in the amount of \$12,390 for work done at the Burleigh/Morton Detention Center, which was held from approval at the last meeting. All members voted "AYE." Motion carried.

The Commission then considered the tied motion from the last meeting related to idle speed / no wake zone on Missouri River.

Emergency Manager Senger appeared and stated that on June 25, 2018, Chairman Peluso declared a Soil Erosion Emergency along the Missouri River due to the increased releases from the Garrison Dam to help reduce the impact of soil erosion. Senger continued the Burleigh County Flood Annex is currently being utilized, and Burleigh County resources are committed to the response actions within the plan. Senger added numerous public and private shorelines have suffered severe erosion from the Missouri River current, coupled with high winds, as well as vessels causing wakes. Senger stated the Soil Erosion Emergency includes a request of the ND Game & Fish Dept to enforce an idle speed zone within 200' from the shoreline on the Missouri River; with idle speed defined as the slowest, safe speed to maintain steerage.

Chairman Peluso requested a vote on the following motion from June 18, 2018, meeting which resulted in a tie vote:

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to join Morton County and request the ND Game & Fish Dept. institute an "idle speed only" restriction for boats on the Missouri River in an attempt to reduce erosion damage.

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

Senger then requested the County Commission affirm and extend the Soil Erosion Emergency as declared by the Chairman on June 25, 2018.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to affirm and extend the Soil Erosion Emergency as declared by the Chairman on June 25, 2018, in an effort to reduce the impact of soil erosion, requesting the ND Game and Fish Department implement the following:

- Idle speed zone within 200' from the shoreline. Idle speed defined as the slowest, safe speed to maintain steerage.
- Zone Location: 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.
- Duration: Restriction removed when the Missouri River gauge at Bismarck is 10.5'.

All members voted "AYE." Motion carried.

Elton Lassiter, Bismarck-Mandan Chamber of Commerce AG Committee Vice-Chair, appeared and updated the Board on activities of the Chamber AG Committee. No action was taken.

Jim Heisler, McKenzie Township Board Chairman, appeared regarding issues on the "haul road", also known as 249<sup>th</sup> St. NE. Heisler noted 249<sup>th</sup> St NE is used to transport sand and gravel, and provides farmers, ranchers and residents a means to travel. Heisler stated over the years, with the increase in the truck traffic, this road has become a nightmare. Heisler added the road has become a major health and safety issue with dust, some days, so bad that you literally cannot see the other vehicles on the road. Heisler concluded that our residents deserve better than this.

Barb Knutson, McKenzie Township Clerk/Treasurer, appeared and reiterated what Heisler stated, especially noting the health and safety issues created by the dust.

Jerry Zins, an area resident, appeared regarding the condition and maintenance of 249<sup>th</sup> St NE. Zins stated the condition and maintenance of 249<sup>th</sup> St NE has been an issue for many, many years and affects the health and safety of the area residents and the travelling public. Zins noted the magnesium chloride applied to the road to control dust lasts for about two (2) weeks. Zins formally requested a lower speed limit on 249<sup>th</sup> St NE near his home in an effort to reduce the dust. Zins further requested that he be notified in writing of any decision made by the County Commission regarding his request to reduce the speed limit, and if his request for a lower speed limit is denied, the reason for the denial.

Brad Ballweber, area manager for Northern Improvement Co., appeared and noted Northern Improvement has been operating a gravel plant in the area for many years. Ballweber continued that Northern Improvement is one of a couple companies operating in the area and has worked with the county to control the dust and maintain the roadway. Ballweber stated Northern Improvement Co. does not support the construction of 97<sup>th</sup> Ave NE as it will divide their operations. Ballweber noted construction of 97<sup>th</sup> Ave NE will require wetlands mitigation and will benefit their competitor. Ballweber supports the paving of 249<sup>th</sup> St NE and is willing to work with the county but opposes the construction of 97<sup>th</sup> Ave NE.

Engineer Hall appeared and noted 249<sup>th</sup> St NE is basically impossible to maintain with the current level of truck traffic. Hall stated a lower speed limit zone could be implemented upon completion of an engineering study which is required by state law.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to direct the Burleigh County Engineer to do an engineering study regarding the implementation of a lower speed limit on 249<sup>th</sup> St NE, and upon receiving the findings of the study to send a letter to Zins regarding the results. All members voted "AYE." Motion carried.

Hall then explained that there are four (4) gravel mining operations currently active along 97<sup>th</sup> Ave NE who are using 249<sup>th</sup> St NE and 30<sup>th</sup> Ave NE to transport the gravel to various locations throughout the county and region. Hall continued the large number of trucks using these roadways has created unsafe conditions for local residents and the traveling public. Hall stated the Highway Department's proposed solution is to reconstruct and hard surface the McKenzie Haul Road by widening and applying base strengthening material and paving on 30<sup>th</sup> Ave NE and 249<sup>th</sup> St NE (concrete pavement on curves and bituminous pavement on all straight segments). Hall continued in addition, to ensure that all trucks use the Haul Road, we will be constructing two (2) miles of 97<sup>th</sup> Ave NE and paving (bituminous pavement) a half mile segment in order to direct truck traffic to 97<sup>th</sup> Ave NE.

Comm. Bitner expressed concern with the mineral owners and the businesses mining and hauling the gravel not providing any of the funding for the project and requested that all funding options be explored.

Hall noted the proposed work is focused on improving the health and safety in the area and reducing the annual maintenance of these roadways. Hall concluded in order to complete this project, several steps must be completed including the use of eminent domain, if necessary.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to authorize the use of Eminent Domain to secure the needed right-of-way for the construction of the roads associated with the McKenzie Haul Road project.

Comm. Jones stated she has no concerns with 249<sup>th</sup> St NE but expressed safety concerns associated with constructing a road along 97<sup>th</sup> Ave NE thru a gravel pit area.

All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to authorize the Highway Dept to allocate resources to design and perform right of way acquisition for the McKenzie Haul Road project under the North Dakota Century Code and Burleigh County policies. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to designate (under North Dakota Century Code section 24-05-16) the addition of 97<sup>th</sup> Ave NE (between 223<sup>rd</sup> St NE and 249<sup>th</sup> St NE) as a County Roadway to the Burleigh County Highway System; with such designation effective July 3, 2018. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve an agreement with Beaver Creek Archaeology for \$3,250 to perform Cultural Resource Inventory work on the McKenzie Haul Road project; with additional services, as requested by the county, to be paid on a per hour basis up to a maximum of \$10,000. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve an agreement with Moore Engineering Inc. for \$14,955 to perform Hydraulics and Wetland related services on the McKenzie Haul Road project; with additional services, as requested by the County, to be paid on a per hour basis up to a maximum of \$10,000. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve an agreement with Pagan Appraisal Consulting for \$25,000 to perform Appraisals work on the McKenzie Haul Road project; with additional services, as requested by the County, to be paid on a per hour basis up to a maximum of \$10,000. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve an agreement with WSB for \$51,128 to perform Right of Way Negotiation work on the McKenzie Haul Road project; with additional services, as requested by the County, to be paid on a per hour basis up to a maximum of \$10,000. All members voted "AYE." Motion carried.

Comm. Bitner requested Engineer Hall continue negotiations with Beaver Creek Archaeology, Moore Engineering Inc., Pagan Appraisal Consulting, and WSB for additional cost savings on this project.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to authorize the submittal of an application to the Bank of North Dakota Infrastructure Loan Fund for the reconstruction of the McKenzie Haul Road; with the county commission reserving final approval and acceptance of the loan, and final approval of the construction project at a later date. All members voted "AYE." Motion carried.

Engineer Hall then requested the Special Assessment Screening Committee report on SAD#65 RayMar 3rd Subdivision be delayed until the next meeting.

Communications Director Dannenfelzer appeared regarding a resolution to implement the increase in the local 9-1-1 fee to \$1.50 effective September 1, 2018, as approved by voters on 6/12/18.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the resolution to implement the increase in the local 9-1-1 fee to \$1.50 effective September 1, 2018, as approved by voters on 6/12/18, to fund the purchase, lease or construction and operation of a new public safety communications center to house and maintain the Central Dakota Communications Center (CenCom) operations. All members voted "AYE." Motion carried.

The Board then considered a motion to direct payment of Burleigh County's share of the statewide implementation of Marsy's Law from victim witness fees (\$12,427).



Victim Witness Advocate Wanner appeared and explained the billing from the ND Attorney General's Office. Wanner stated some funds were budgeted in 2018 but not enough to cover the bill received. Wanner noted an additional \$12,427 will be billed in 2019 and the Victim Witness budget will need to be amended to reflect these higher amounts.

Auditor/Treasurer Glatt reminded the Board of a resolution approved July 5, 2017, authorizing district court judges to impose a fee of not more than \$25 to be collected and distributed for victim service's improvements as recommended by State's Attorney Riha. Glatt stated the total cost of the SAVIN enhancement to Burleigh County is \$24,854 which is payable in two (2) annual installments.

Motion by Comm. Bitner, 2nd by Comm. Jones, to direct payment of Burleigh County's share of the statewide implementation of Marsy's Law from victim witness fees (\$12,427). All members voted "AYE." Motion carried.

Sheriff Heinert appeared and presented the Detention report for the month of June. Heinert noted the average daily inmate count was 248 and the total booking for the month was 783. Heinert stated the total billed revenue for the month of June was \$146,385. Heinert noted there are currently 302 individuals utilizing the 24/7 testing program on a daily basis, with 93 on the drug patch, 129 on the ankle bracelet, and 54 on two-a-day breath tests with 26 individuals testing in other counties.

Heinert added his staff has provided additional patrols along 249<sup>th</sup> Ave NE (aka Haul Road) with no commercial vehicles being cited for speeding. Heinert added he does not think state law will allow for a speed limit lower than 25mph adding such a low speed limit would be difficult to enforce.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to accept the resignation of Ron Andahl from the Burleigh County Noxious Weed Control Board and to appoint Raymond Skoglund to an unexpired term to replace Andahl on the Noxious Weed Control Board effective immediately. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to appoint Bismarck City Commission President Bakken and Bismarck City Commissioner Marquardt to the Burleigh County Planning Commission. All members voted "AYE." Motion carried.

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the Seil, Trinity Evangelical Lutheran Church, and Mendoza abatements as requested; to approve the SE liquor license application of Flash's Place (Muddy River Blues Festival 8/4/18 at General Sibley Park). All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
June 18, 2018**

**5:06PM**

The Burleigh County Commission convened with all members present.

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

Comm. Schonert reported that he reviewed the bills and recommended approval of the bills with the exception of one (1) bill as he wants more information.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve the bills with the exception of one (1) bill requiring more information (BITCO invoice). All members voted "AYE." Motion carried.

Curtis Olafson, former ND State Senator, appeared and introduced Matthew Vinson, Ferrer Poirot Wansborough Law Firm, and John Kirkley, Fears Nachawatie Law Firm, Dallas TX, who appeared regarding participation by Burleigh County in the class action suit against the opioid manufacturers and distributors.

Parrell Grossman, ND Attorney General's Office, appeared and requested the Commission consider joining the ND Attorney General's suit against the opioid manufacturers and distributors.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to table any decision on joining and participating in the class action suit against the opioid manufacturers and distributors for a minimum of one month. All members voted "AYE." Motion carried.

HR Director Terras appeared regarding approval of a starting salary variance for the Social Service Dept. foster care unit supervisor position.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve a variance to allow a starting salary of Grade 9, Step 8; for the Social Service Dept foster care unit supervisor position. All members voted "AYE". Motion carried.

This was the hour and date set for a public hearing regarding a Lot Modification for Lots 6 & 7, Block 1, Spruce Hill Second Subdivision.

Building Official Ziegler appeared and introduced the lot modification request for Lots 6 & 7, Block 1, Spruce Hill Second Subdivision.

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

Joel Zeltinger, owner of Lots 6 & 7, Block 1, Spruce Hill Second Subdivision, appeared in favor of the lot modification.

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the lot modification of Spruce Hill Second Subdivision. All members voted "AYE". Motion carried.

Ziegler then presented for consideration the final plat of Schaan Subdivision, located in the SE¼ of Section 29, Township 138, Range 79.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to approve the final plat of Schaan Subdivision. All members voted "AYE" except Comm. Bitner who voted "NAY." Motion carried.

Ziegler then presented a variance request of Lance and Lori Prange to construct an oversized accessory building on Lot 6, Block 5, Island Park Estates Subdivision.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the variance to the accessory building size limitation on Lot 6, Block 5, Island Park Estates Subdivision. All members voted "AYE". Motion carried.

Ziegler next presented the variance request of Steven and Cathy Duewel to construct an accessory building within the required setback on Lot 23, Block 2, The Ranch Subdivision.

Comm. Schonert stated he approves the variance but is concerned with the precedent it may set. Comm. Bitner stated he is also concerned with the precedent but added this can be addressed through the building inspector.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve the variance to the setback restriction for an accessory building on Lot 23, Block 2, The Ranch Subdivision. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following results of the June 14, 2018, bid opening for the 66th St SE paving project:

Mariner Construction	\$280,439.02
Northern Improvement Company	\$282,879.88.

Hall noted the engineer's estimate for the project was \$404,280.72.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to award the bid for the paving of 66<sup>th</sup> St SE to the low bidder, Mariner Construction, in the amount of \$280,439.02. All members voted "AYE." Motion carried.

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the Berreth, Holzer, Herman Eggers Revocable Trust, Anderson, and Schiff abatements as requested; to approve the Apple Creek Country Club (E) and Burnt Creek Club (D) liquor license renewals; and to approve the raffle permit application of the U of Mary Athletics. All member voted "AYE." Motion carried.

Comm. Schonert was excused.

Emergency Manager Senger appeared and reported that the US Army Corp of Engineers plans to increase releases from the Garrison Dam to 52,000 cubic feet which should put the Missouri River stage around the 12' level. Senger requested the Commission consider putting an "idle speed only" restriction in effect for boats on the Missouri River to avoid damage to the river banks. Senger continued Morton County will be making an "idle speed only" request to the ND Game & Fish Dept. who will only implement an "idle speed only" zone if both counties make the request.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to join Morton County and request the ND Game & Fish Dept. institute an "idle speed only" restriction for boats on the Missouri River in an attempt to reduce erosion damage. "AYE" votes: Jones, Woodcox. "NAY" votes: Bitner, Peluso. Absent: Schonert. Motion tied.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
June 4, 2018**

**3:00 P.M.**

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

Deputy Auditor/Tax Equalization Director Vietmeier appeared and reviewed the statutes and duties of the Board of Equalization explaining the state requirements related to the sales ratio statistics. Chairman Peluso 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 2018 market value increased overall by 2.41% (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 \$448.56 per acre. Vietmeier recommended an average value per acre of \$427.20 to keep Burleigh County within tolerance of the state's recommended average. Vietmeier stated all values are as of February 1, 2018.

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, Lyman, and Phoenix.

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

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

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

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

The Board then reviewed the assessments of the Cities of Bismarck, Lincoln, Regan, South Wilton, and Wing. Chairman Peluso 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, 2<sup>nd</sup> by Comm. Woodcox, 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.

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

Dorothy Oster appeared with questions regarding the assessment of her property in Morton Township. Oster did not dispute the value. No one else present appeared.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to authorize a 4.24% overall increase on AG lands to an average of \$427.20 per acre. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, 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. Schonert, 2<sup>nd</sup> by Comm. Jones, 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. Jones, 2<sup>nd</sup> by Comm. Schonert, to approve and accept the 2018 real property assessments as equalized, including an average AG value of \$427.20 per acre, and to authorize the Deputy Auditor/Tax Equalization Director to make corrections to property values on inundated lands in Burleigh County as needed, and further to adjourn sine die. All members present voted "AYE." Motion carried.

On a motion made, seconded, and carried the County Board of Equalization adjourned sine die.

#### **5:00PM**

The Burleigh County Commission convened with all members present.

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

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

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

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

HR Director Terras appeared regarding the final compensation study report. Terras stated the Compensation Study shows Burleigh County is in line with the market when with our salary plan. Terras noted Burleigh County's benefit package is higher than the market and the HR Dept is actively using our benefit package to recruit new employees from the region.

Terras continued there are several positions that are recommended for reclassifications as job duties have significantly changed or the position are being paid under the market. Terras noted the Appraiser II and State's Attorney II positions were reviewed due to difficulty recruiting applicants. Terras noted the reclassifications (salary increases) can be absorbed into each of the current department budgets.

Comm. Bitner quested the impact of the reclassification (salary increases) on the Social Service Dept budget.

Social Service Director Osadchuk appeared and stated the Social Service Dept will be able to fund the increase in the 2019 budget as allocated by the State of ND. Osadchuk noted that the 2019 Social Service budget will require \$50,000 in county general funds plus the cost of county burials.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve the reclassification of the following positions as of July 1, 2018:

Administrative Supervisor (County Extension & State's Attorney)  
Administrative Assistant III-24/7 (Sheriff & Detention Center)  
Assistant State's Attorney II  
Building Maintenance Supervisor  
Building Maintenance Technician II

Deputy Auditor/Treasurer  
Election/Project Coordinator  
Lieutenant Deputy Sheriff  
Tax Appraiser II

All members voted "AYE." Motion carried.

Building Official Ziegler appeared with the following item for the Board's consideration: K & R Subdivision lot modification. Ziegler recommended approval of the modification of Lot 1 into two (2) lots, lots 1A and 1B in order to transfer Lot 1B to a neighboring property owner.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the lot modification of Lot 1 into two (2) lots; Lot 1A and Lot 1B, K & R Subdivision. All members voted "AYE." Motion carried.

Auditor/Treasurer Glatt noted that a public hearing is required for such action and is scheduled for this time.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to rescind the previous motion approving the lot modification of Lot 1 into two (2) lots; Lot 1A and Lot 1B, K & R Subdivision. All members voted "AYE." Motion carried.

Chairman Peluso then opened the public hearing for the lot modification of Lot 1, Block 1, K & R Subdivision.

As no one appeared the following motion was made.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to accept the lot modification of Lot 1 into two (2) lots; Lot 1A and Lot 1B, K & R Subdivision. All members voted "AYE". Motion carried.

County Engineer Hall appeared regarding consideration of acceptance of right-of-way within Whispering Ridge 2<sup>nd</sup> Subdivision.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to accept the final plat and right-of-way dedication for and within Whispering Ridge 2<sup>nd</sup> Subdivision. All members voted "AYE". Motion carried.

Sheriff Heinert appeared and stated he did not have the May Detention report ready. Heinert stated he will provide the report at a later date.

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. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve the Dobrzelecki abatement as requested; to approve the liquor license renewals of Hawktree, Inc. (D) and Tri-Energy Cenex Sterling (B1); to approve the gaming size authorization application for the North Dakota Cowboy Hall of Fame; to recognize the Menoken 4-H Picnic Park Mutual Aid Corporation as an other Public Spirited Organization and to approve the raffle permit application of the Menoken 4-H Picnic Park Mutual Aid Corp. All members voted "AYE." Motion carried.

The Commission then briefly discussed NDCCA Standing Committee appointments with Comm. Jones volunteering for a Legislative Committee appointment from the President of the ND County Commissioners Association, with no other Commissioner expressing interest.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to designate Comm. Bitner as the Burleigh County voting representative for the Capital Electric Cooperative. All members voted "AYE." Motion carried.

Chairman Peluso questioned the access via the section line in the area of the State Prison Farm that was not vacated by this Board. Peluso stated he was contacted and told the section line was gated.

State's Attorney Riha stated the gate is not locked. No action was taken.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**May 21, 2018**

5:22 P.M.

The Burleigh County Commission convened a regular meeting with all members present (Comm. Woodcox via telephone).

Chairman Peluso called the meeting to order with the first item of business the approval of the bills. Peluso stated he reviewed the vouchers and recommended approval.

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

Rita Wagner, Executive Director of the Bismarck-Mandan Symphony Orchestra, appeared and requested \$5,000 in funding for the Annual 4<sup>th</sup> of July Celebration held at the State Capitol grounds.

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

Arnold Schieve, 11000 Apple Creek Road, appeared regarding a fence on a section line. The Commission repeatedly instructed Schieve that based upon the advice of the Burleigh County State's Attorney, the jurisdiction over this issue rests with Apple Creek Township. No action was taken.

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the Angeloni, Schulz, Nicholson, Kuntz, and Dockter abatements as requested. All members present voted "AYE." Motion carried.

Vietmeier then presented information to the Board regarding the upcoming County Board of Equalization meeting on June 4<sup>th</sup> at 3:00pm. Vietmeier continued that upon completion of review of the assessment rolls, each Commissioner will receive an email with the final report. No action was taken.

Ray Ziegler, Building Official-Director, appeared regarding consideration of the zoning change and final plat of Heritage Reserve Subdivision. Ziegler presented a review of the Heritage Ridge Subdivision zoning change and plat submissions and actions by the County Planning Commission. Ziegler recommended approval of the zoning change and final plat as submitted.

Chad Moldenhauer, K & L Homes Inc. and Heritage Development, Inc., owner and developer of Heritage Reserve Subdivision, appeared and requested approval of the zoning change and final plat. Moldenhauer offered information detailing the development of the subdivision. Moldenhauer continued that he first met with county staff regarding Heritage Reserve Subdivision in January of 2017. Moldenhauer continued that in March of 2017 county staff contacted the ND Dept of Transportation regarding access onto US Highway 83, with the County Commission approving a waiver regarding the access/egress for the subdivision. Moldenhauer concluded that he has met all requirements of the County Comprehensive Plan and that other subdivisions have been approved with similar circumstances, waivers, and developer's agreements.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the zoning change from AG to R2 Residential and final plat of Heritage Reserve Subdivision, located in the north half of Section 22, T140N, R80W (Burnt Creek Township), and further to approve the developer's agreement with Heritage Development, Inc., related to Heritage Reserve Subdivision.



Comm. Bitner stated he has additional concerns and read from a text message he recently received regarding concerns about the subdivision including the proposed central sewer system, and what happens if the economy falters and adequate septic facilities are not completed.

Comm. Schonert questioned who the text message was from and Bitner stated Irv Mund who has experience in subdivision development.

Bitner continued access is his biggest concern.

Schonert noted there are two (2) proposed access to US 83. Schonert stated this is an issue of fairness – noting we approved The Ranch Subdivision which is very similar only a mile away. Schonert added the developer has met all conditions required.

Comm. Woodcox questioned if the access points have been approved by the ND Dept of Transportation.

Building Official-Director Ziegler stated that the ND Dept of Transportation has reviewed the proposal.

Engineer Hall appeared and stated ND DOT has requested a traffic study to be done of US 83 in this location and one of the likely outcomes will be a requirement to construct turn lanes on US 83. Hall continued the developer has agreed to the study and the construction of the turn lanes. Hall concluded that he will not sign any subdivision plat without the approval of the ND DOT.

Neil Effertz, Burleigh County Planning Commissioner, appeared and attempted to explain the concerns of some of the Planning Commission members regarding this subdivision.

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

County Engineer Hall then presented the following items: acceptance of right-of-way associated with RBK Subdivision, and consideration of resolutions regarding the 2018 Construction Program.

Motion by Comm. Jones, 2nd by Comm. Schonert, to accept the right of way within and adjacent to RBK Subdivision. All members voted "AYE." Motion carried.

Hall then reported that several residents in the area of 66th St SE, south of the City of Lincoln have asked for this item to be placed on the Board agenda. Hall continued the Highway Dept 2018 budget request included the partial reconstruction and paving of 66th St SE from 48th Ave SE to 62nd Ave SE. Hall noted that because of budget constraints this project was not included in the 2018 budget. Hall stated that since that time we have received many complaints about the condition of this roadway. Hall noted different types of gravel have been added to the surface and we are currently blading this roadway two times a week with limited results. Hall added the dry weather, sandy subsurface material, and relative high average daily traffic has made this roadway nearly impossible to maintain at an acceptable level. Hall then presented four (4) possible solutions for the Board to consider:

- temporary solution (lasting 4-6 years) which includes some grade correction work, subsurface strengthening and a double chip seal at an estimated cost of \$320,000,
- longer term solution (lasting 10-15 years) which would include some grade correction work and 4" of pavement at an estimated cost of \$530,000,
- long term solution (lasting 20-25 years) which would include a complete reconstruction of the roadway with 4" of pavement at an estimated cost of \$800,000,
- pave the existing roadway (4" of pavement) and not fix the existing vertical curves (solution lasting 10-15 years) at an estimated cost of \$300,000.

Hall stated with savings from less than average snowfall this past winter the Highway Dept. has about \$250,000 to \$300,000 available to use for 66th St SE should the Commission decide to add it to the 2018 construction program.

Motion by Comm. Jones, 2nd by Comm. Schonert, to authorize the paving of the existing of section 66th St SE from 48th Ave SE to 62nd Ave SE be added to the 2018 list of construction projects, to authorize the advertisement of bids for the project, and further to designate a 45MPH speed limit for this section of 66th St SE. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Jones, to approve the request of the City of Bismarck for dedication of a 6' x 6' piece of previously vacated 6th St right of way in the southwest quadrant of 6th Street and Rosser Ave for the purpose of traffic signal and sidewalk related infrastructure. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Jones, to approve the second approach permit of Dusty Hasper (Lot 8, Block 2, Andre Industrial Park); to approve the raffle permit applications of the NDSU Foundation & Alumni Association, and UND Foundation & Alumni Association; to approve the gaming site authorization of the Bismarck-Mandan CVB (Burnt Creek Club); to approve the Liquor License renewals of Misty Waters Marina (D), Moffit Bar (D), and Flash's Place (D); and to approve the Special Event Liquor License applications of the Moffit Bar (Abate Rally June 8 & 9 and the Creekside Music Festival June 15 & 16 both at Menoken Grove), and Flash's Place (June 9 & 10 Wing Rodeo Grounds). All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
May 7, 2018**

**5:00 P.M.**

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

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the April 2018 meeting minutes as presented. All members present voted "AYE." Motion carried.

Vice-Chairman Schonert reported that Chairman Peluso reviewed the bills and recommended approval.

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

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 Joyce Falkenstein to the Burleigh County School District Reorganization Committee.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to confirm the reappointment of Joyce Falkenstein to a three (3) year term on the Burleigh County School District Reorganization Committee effective 7/1/2018. All members present voted "AYE." Motion carried.

Jerry Zins, an area resident, appeared regarding the condition and maintenance of 249<sup>th</sup> St NE. Zins stated the condition and maintenance of 249<sup>th</sup> St NE has been an issue for many, many years and affects the safety of the area residents and travelling public. Zins continued that on April 7, 2018, there was a severe farm accident on his farm and the condition of this road greatly increased the ambulance travel time.

County Engineer Hall appeared and stated we have been trying to acquire the needed right of way to improve the roadway for several years. Hall added he had hoped to start work on this project in 2018 but without right of way no project will be undertaken. Comm. Woodcox questioned if we are at the point where we need to utilize eminent domain proceedings and take the right of way needed to improve the roadway. No action was taken.

Engineer Hall then presented the following results of the May 1, 2018 bid opening for the 2018 Chip Seal Package:

Asphalt Preservation Company Inc.	\$360,101.51
Asphalt Surface Technologies Corporation	\$397,932.28
Northern Improvement	\$428,700.26

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to award bids for the 2018 Chip Seal package (subject to Hay Creek Township acceptance of the bid) to the low bidder, Asphalt Preservation Company Inc., in the amount of \$360,101.51. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to accept the right of way associated with Triangle Square 3<sup>rd</sup> and 4<sup>th</sup> Subdivisions. All members present voted "AYE." Motion carried.

Hall then presented a request on behalf of Big River Builders for a second approach off of Branding Iron Drive. Hall stated the second approach permit application was denied by the Highway Dept. as it did not meet Burleigh County Highway Dept. standards which state in part "...distance between adjacent approaches and the requested approach must be larger than 100 feet (center to center)". Hall continued Big River Builders requests an appeal of the denial.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve a second approach off of 818 Branding Iron Dr (Lot 23, Block 2) The Ranch Subdivision. All members present voted "AYE." Motion carried.

Hall then presented the annual 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:	764 miles
Un-Organized Township Roadways:	<u>132 miles</u>
Total:	1,479 miles

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

Dan Walter, Project Manager Kraus-Anderson Construction Co., appeared and presented the results of the bid opening(s) for the courthouse jail renovation project. Walter stated this bid package is for the interior build-out. Walter reported sixty (60) bids for twenty-one (21) scopes of work at a guaranteed maximum price \$5,980,917. Walter stated this amount is \$1,062,000 less than the original estimates. Walter stated the total estimated cost for the project is now estimated at \$8,937,442 including design fees.

Comm. Woodcox stated that the original cost estimate was just under \$10,000,000 and the guaranteed maximum now estimated a \$8,937,442 will be entirely paid by sales tax dollars.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to accept the bid package for the interior build-out as presented with a guaranteed maximum price of \$5,980,917. All members present voted "AYE." Motion carried.

Sheriff Heinert appeared and presented the Burleigh/Morton Detention Center report for the month of April. Heinert noted the average daily inmate count was 245 and the total booking for the month was 795. Heinert stated the total billed revenue for the month of April was \$114,667. Heinert noted there are currently 287 individuals utilizing the 24/7 testing program on a daily basis, with 83 on the drug patch, 123 on the ankle bracelet, and 45 on two-a-day breath tests with 36 individuals testing in other counties.

Social Service Director Osadchuk appeared regarding a request to increase a staff member's salary due to increased responsibility in a supervisory role and to request authorization to hire additional child protection worker staff. Osadchuk also requested authorization to fill an additional child protection position noting money is available in the 2018 Social Service Dept. budget.

Woodcox reported he has reviewed the salary increase request with the Human Resource Director and recommends approval.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to approve the step increase for the lead eligibility work to recognize more supervisory duties from a Grade 6, Step 2 to a Step 7, effective immediately. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to authorize the Social Service Dept. request to fill an additional child protection position. All members present voted "AYE." Motion carried.

Recorder Kroshus appeared regarding a request to increase a staff member's salary due to increased responsibilities. Kroshus requested a one (1) step increase from pay Grade 4, Step 6 to Step 7 effective immediately.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the step increase as requested by Recorder Kroshus for a Recorder's Office employee. All members present voted "AYE." Motion carried.

HR Director Terras appeared and presented for the Board's consideration a 2.5% increase to the pay grade and step structure and an employee one (1) step in grade salary increase be included in the 2019 preliminary budget. Terras noted as part of the salary review seven (7) key positions were submitted for reclassifications. Terras stated that through the study changes were recommended for these seven (7) positions. Terras added she will bring more information on the reclassifications for the Commission to consider at the May 21, 2018 meeting.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to include a 2.5% salary increase to the pay grade and step structure and a one (1) step in grade salary increase in the 2019 preliminary budget. All members present voted "AYE." Motion carried.

Mark Zimmerman, FORB - Friends of the Rail Bridge, appeared regarding consideration of resolution of support for Friends of the Rail Bridge – Historic Bridge, a nonprofit group formed in an effort to save the historic railroad bridge across the Missouri River.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to formally support the Friends of the Rail Bridge– Historic Bridge, a nonprofit group formed in an effort to save the historic railroad bridge across the Missouri River. "AYE" votes: Jones, Woodcox, Bitner, Schonert. Absent: Peluso. Motion carried.

Comm. Bitner then initiated a discussion related to the master plan / market analysis for the Missouri Valley Complex. Comm. Bitner questioned if what the Commission requested and funded has been completed. Comm. Bitner in particular questioned if the requested Market Demand Analysis was completed since no information has been received.

Comm. Jones responded that the Market Demand Analysis is part of the master plan that was presented and approved by the County Commission and Park Board. Jones continued that it is insulting that this item was not presented to the entire County Park Board. Jones added the group previously working on the indoor arena project has decided to pursue other real estate for the project as they do not wish to work with this present County Commission in the future. 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. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the Skye, Vogel, Glaser, Sabot, Fleck and Spitzer abatements as requested and recommended; to approve the Joint Election Agreement with the City of Bismarck and Bismarck Public School Dist. #1; 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 approve the Gaming Site Authorizations for the NoDak Sportsmen's Club (Flash's Place- Sterling & TNT Tavern – Driscoll) and the Hazelton Lions Club (Moffit Bar); to approve the liquor license applications of the TnT Tavern – Driscoll (D & SE); and Compass Inc., on behalf of the University of Mary (I & B2); and to approve the second approach permit applications of Ronnie Green (Lot 1, Block 1, Bohe Acres Sub), Jerry and Candace Eldridge (Lot 2, Block 6, Grande Prairie Estates Subdivision), and Cody Burke (Lot 42, Block 1, Willow View Estates Subdivision). All members present voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**May 2, 2018**

**3:00 P.M.**

The Burleigh County Commission convened a Special Meeting via conference call for the purpose of discussing the Burleigh County Burn Ban with Bitner, Schonert, and Peluso present. Comm. Jones and Woodcox absent.

Emergency Manager Senger was also present.

Chairman Peluso called the meeting to order and requested Emergency Manager Senger explain the current Fire Emergency Declaration and Burn Ban that was declared on April 27, 2018. Senger stated the current Fire Emergency Declaration and Burn Ban

is effective for seven (7) days and includes a ban on open burning to include burning of leaves, grass clippings, garbage/pits, construction debris, fallen trees, crop residue or hay land, sloughs, and campfires/bonfires and is in effect when the North Dakota Rangeland Fire Danger Rating is "Very High", "Extreme", and/or a Red Flag Warning has been issued.

Senger stated the County Commission needs to affirm and/or amend the current Fire Emergency Declaration

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schonert, to affirm the current Fire Emergency Declaration and Burn Ban. All members present voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
April 16, 2018**

**5:00 P.M.**

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

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

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

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

This was the hour and date schedule for a public hearing regarding the issuance of Municipal Industrial Development Act Bonds, in an amount not to exceed \$34,000,000 in one or more series with the proceeds to construct and equip St. Mary's Central High School located at 5802 Ridgeland Drive, Bismarck, North Dakota.

Scott Wegner, Arntson Stewart Wegner PC, appeared regarding for the proposed MIDA Bond Issuance for Light of Christ Catholic Schools Project. Wegner stated the Cities of Linton, Hazelton, Wilton, and Lincoln have all approved issuing a total of \$34 million in bonds for the new St. Mary's High School. Wegner stated the Burleigh County Commission is being asked to approve the bond issue as the local or host jurisdiction upon conclusion of the public hearing.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the issuance of Municipal Industrial Development Light of Christ Catholic Schools of Excellence Bonds in an amount not to exceed \$34,000,000 in one or more series and the use proceeds thereof to finance the Project located in the County; 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 voted "AYE." Motion carried.

Greg Runge, Attorney at Law, appeared regarding the Indigent Civil Commitment Contract with Burleigh County. Runge presented case load statistics for the year 2017 and requested a cost of living and caseload increase of 10%.

Chairman Peluso stated it is too late to consider the request for the 2018 budget. Peluso thanked Runge for presenting this information early stating it will be considered as part of the 2019 budget. No action was taken.

Christine Kujawa, Veterans Memorial Library Director, along with Bookmobile Librarian Keli McDonald, appeared and presented the 2017 annual report and the results of the Bookmobile patrons bookmark contest. No action was taken.

Nolan Swenson, Burleigh County Soil Conservation District Technician, appeared with a brief summary of the new Urban Conservation Plan. No action was taken.

Arnold Schieve, 11000 Apple Creek Road, appeared regarding a fence on a section line. Chairman Peluso assured Schieve that the County Commission would discuss the item with the Apple Creek Township Board. No action was taken.

County Engineer Hall appeared and presented a request on behalf of Joan Mapel (Section 2, Burnt Creek Township) for a waiver of the Gravel Road Improvement Policy, requiring the paving of approximately 2.3 miles of 26<sup>th</sup> St NE from 123<sup>rd</sup> Ave NE to the south edge of her property proposed as Strand Subdivision.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the request of Joan Mapel (Section 2, Burnt Creek Township) to waive the Gravel Road Improvement Policy, requiring the paving of approximately 2.3 miles of 26<sup>th</sup> St NE from 123<sup>rd</sup> Ave NE to the south edge of her property proposed as Strand Subdivision. All members voted "AYE." Motion carried.

Building Official-Director Ziegler appeared regarding consideration of the final plats of Strand and Munsch Subdivisions.

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

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

Comm. Woodcox stated the Chairman of the Menoken Township Board of Supervisors contacted him regarding this subdivision and stated the township is opposed to the approval of this subdivision and questioned why the zoning is not being changed from AG – Agriculture to RR – Rural Residential.

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

Comm. Bitner requested that going forward roll call votes be rotated. Comm. Schonert noted that the auditor/treasurer has changed the order of roll call votes in the past.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to direct the auditor/treasurer to rotate the roll call votes. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the county auditor/treasurer's appointment of the 2018 Election Inspectors and to authorize the county auditor/treasurer to fill all vacancies as needed. All members voted "AYE." Motion carried.

Comm. Jones then reported that the auditor/treasurer received no bids for the lease of fifty-five (55) acres of farm/hay land on the Missouri Valley Complex.

Comm. Jones then presented a three (3) year hay lease with Arnie Zent for approximately 25 acres of marginal hay land adjacent to the Burleigh Morton Detention Center. Jones stated the proposed lease is for a three (3) year term at \$350 per year starting May 1, 2018.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve a three (3) year lease with Arnie Zent for haying approximately a 25-acre tract of land at the Missouri Valley Complex adjacent to the Burleigh Morton Detention Center at an annual fee of \$350. 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. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve the Pathfinder Land Company LP, Warner, Vetter, Evangelical Lutheran Good Samaritan Society, Wicks, Bohl, Vobr, Keller, and Pickell abatements as requested; to declare the Capital City Gun Club an Other Spirited Organization and to approve the raffle permit of the Capital City Gun Club; to approve the BB liquor license for Gideon's Brewing Company, Inc.; to approve the C liquor license for South 40 Wedding Events LLC; and to approve the liquor license renewals of Bullets N' More (B2) (Capitol City Gun Club) and Rolling Plains Adventures (C). All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman



**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
April 2, 2018**

**5:00 P.M.**

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

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

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

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

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

The Burleigh County Commission then recessed and immediately convened as the County Board of Health to receive the public health report from Bismarck Burleigh Public Health Director Moch.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to accept the 2017 Bismarck Burleigh Public Health Annual Report. All members voted "AYE." Motion carried.

The County Board of Health adjourned and the County Commission reconvened with all members present.

County Engineer Hall appeared and presented the results of bid openings held on March 27, 2018 for the following items: SAD#62 & SAD#64 Imperial Valley paving & sanitary sewer; SAD#63 Crested Butte paving; N Washington St paving project; paving of 119th St from Apple Creek Rd to 5th Ave NE; and paving of 15th St NW between State Highway 1804 and 57th Ave NW.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to award the bid for SAD #62 Imperial Valley paving improvement to the low bidder, Northern Improvement Co., in the amount of \$142,914. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to award the bid for SAD #64 Imperial Valley sanitary sewer improvement to the low bidder, Northern Improvement Co., in the amount of \$26,847.25. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to award the bid for the N Washington St. paving project to the low bidder, Mariner Construction, in the amount of \$297,502.55. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to award the bid for SAD #63 Crested Butte Subdivision paving improvement to the low bidder, Northern Improvement Co., in the amount of \$629,265.06. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to award the bid for the paving of between State Highway 1804 and 57th Ave NW to the low bidder, Northern Improvement Co, in the amount of \$389,660.71. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to award the bid for the paving of 119<sup>th</sup> St to the low bidder, Northern Improvement Co., in the amount of \$283,783.53. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and presented the Burleigh/Morton Detention Center report for the month of March. Heinert noted the average daily inmate count was 268 and the total booking for the month was 795. Heinert stated the total billed revenue

for the month of March was \$137,509. Heinert noted there are currently 293 individuals utilizing the 24/7 testing program on a daily basis, with 92 on the drug patch, 123 on the ankle bracelet, and 48 on two-a-day breath tests with 30 individuals testing in other counties.

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the Frohlich, Meyer, and Adams abatements. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve a contract for design services for solutions to the bank erosion in and around the areas of the courtesy docks at the Kimball (\$11,300) and McLean Bottoms (\$11,300) boat ramp areas. All members voted "AYE." Motion carried.

HR Director Terras appeared regarding a grievance filed by a former employee. Terras requested this item be discussed in an executive session.

State's Attorney Riha advised the County Commission to go into executive session noting the legal authority for closing this portion of the meeting being ND Century Code section 44-04-19.1(9), with the topic or purpose of the executive session to discuss how the Commission wishes to proceed with the grievance.

**5:21 P.M.**

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to convene an executive session of the Burleigh County Commission pursuant to ND Century Code section 44-04-19.1(9), with the topic or purpose of the executive session to discuss how the Commission wishes to proceed with the grievance of a former employee. All members voted "AYE." Motion carried.

**5:35 P.M.**

The Burleigh County Commission reconvened from executive session with all members present.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, that based upon the recommendation of HR Director Terras, the County Commission directs the grievance of a former employee be assigned and heard by an administrative hearing officer for recommendation. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
March 19, 2018**

**5:05 P.M.**

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

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

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

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

County Engineer Hall then presented the following items for the Board's consideration: results of bid openings for township gravel hauling, dust control, two (2) new motor graders, grazing rights for county property, haying rights for county property; authorization to enter into a design agreement for the N Washington St and State Highway 1804 intersection improvement project; and, acceptance of right of way within and adjacent to BK Subdivision.

Hall reported that on March 13, 2018, the following bids were opened for hauling of township gravel:

Wm D Scepaniak Inc.	\$215,200
Sundre Sand & Gravel	\$226,000
Circle C Enterprises, LLC	\$236,200
Vic Fleck Excavating	\$253,880

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to award the bid for Township Gravel Hauling to the low bidder Wm D Scepaniak Inc., in the amount of \$215,200. All members present voted "AYE". Motion carried.

Hall next reported that bids were opened on March 13, 2018, for Dust Control:

Roadworx, LLC	\$226,950
Envirotech Services, Inc.	\$228,810

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to award the bid for Dust Control (supplying and applying Magnesium Chloride) to the low bidder RoadWorx, LLC, in the amount of \$226,950. All members present voted "AYE". Motion carried.

Hall then stated that bids were opened on March 6, 2018, for two (2) new motor graders with the following bids received:

	<u>Total Sum bid</u>	<u>Less Buy Back</u>	<u>Total Bid Cost</u>
RDO Equipment Co. (672GP)	\$315,750	\$165,000	\$150,750
Butler Machinery Co. (12M3)	\$278,790	\$115,000	\$163,790

Hall continued the two (2) units will be replacing two units that will be sold on Public Surplus later this year.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to award bids for two (2) new motor graders to the low bidder, RDO Equipment Co., in the amount of \$315,750 per motor grader (Total cost \$631,500) under a five (5) year - total cost bid with a guaranteed repurchase price at the end of this period. All members present voted "AYE." Motion carried.

Hall stated that bids for the 2018 grazing rights on Section 9, T141N, R76W, were opened on March 6, 2018 with eight (8) bids received.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to accept the high bid from Todd McPeak in the amount of \$22,950 for the 2018 grazing rights on Section 9, T141N, R76W. All members present voted "AYE." Motion carried.

Hall stated that bids for the 2018 haying rights at various locations in the County were opened on March 6, 2018, with only one (1) bid received.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to accept the bid for the 2018 Haying rights from Marvin Brendel in the amount of \$50 for the Sterling Shop property. All members present voted "AYE." Motion carried.

Hall then reported that proposals were opened on February 28, 2018, for design agreement for the N Washington St and State Highway 1804 intersection improvement project. Hall continued that ten (10) consulting firms submitted proposals, and after a thorough review four (4) firms were interviewed with HDR Engineering, Inc. ranked as the most qualified firm to perform this project. Hall stated that the Highway Dept. has negotiated the scope of services and fees for this project with the total cost of design services at \$208,030. Hall stated the design services will be funded entirely by the county.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to authorize the proper county officials to enter into an agreement with HDR Engineering, Inc. for \$208,030.00 to perform design services for the N Washington St and State Highway 1804 intersection improvement project. All members present voted "AYE." Motion carried.

Upon question Hall reported that the total project cost is estimated at \$2.3Million with construction costs funded 90% federal funds, 5% state funds, and 5% county funds. Hall added construction administration costs will be funded with 50% federal and 50% state funds.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to accept the right of way within and adjacent to BK Subdivision. All members present voted "AYE." Motion carried.

Scott Wegner, Arntson Stewart Wegner PC, appeared regarding a request for a public hearing for the proposed MIDA Bond Issuance for Light of Christ Catholic Schools Project. Wegner stated the Cities of Linton, Hazelton, Wilton, and Lincoln have all approved issuing a total of \$34M in bonds for the new St. Mary's High School. Wegner stated the Burleigh County Commission will be asked to approve the bond issue as the local or host jurisdiction upon conclusion of the public hearing.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to authorize the call for public hearing for the proposed MIDA Bond Issuance for Light of Christ Catholic Schools Project. All members present voted "AYE." Motion carried.

Brian Ritter, Bis-Man Development Association, appeared and presented an update on BMDA activities and to request a formal motion of support for the Burleigh County Opportunity Zone Program application.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to support the Opportunity Zone Program application for Burleigh County. All members present voted "AYE." Motion carried.

Ray Ziegler, Building Official-Director, appeared regarding consideration of a new zoning ordinance related to Medical Marijuana. Ziegler stated the proposed ordinance will require a Special Use Permit for Medical Marijuana growing facilities and dispensaries in areas zoned Agricultural, Commercial, and Industrial.

Chairman Peluso questioned if restricting the hours of operation was appropriate and if we were "overstepping our bounds" by dictating when a business can operate.

Comm. Jones suggested tabling this matter until more information can be received and in particular how restricting the hours of operation might affect someone who needs to fill a prescription after hours.

Comm. Bitner suggested inserting a sentence in the ordinance to allow changes to be made to the hours of operation at a later date.

State's Attorney Riha stated any changes would require amending the ordinance, which requires following the entire amendment process (notice, a public hearing, etc.).

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner, to approve the zoning ordinance related to Medical Marijuana. "AYE" votes: Bitner, Woodcox, Peluso. "NAY" vote: Jones. Absent: Schonert. Motion carried.

Sheriff Heinert appeared regarding consideration of a Memorandum of Understanding (MOU) with the ND Information Technology Dept. (ITD) for use of radio frequencies as required for the statewide interoperable radio network. Heinert added the purpose of the MOU is to enter into an agreement wherein the County of Burleigh agrees to authorize the use of its radio frequencies by ITD as required for the Statewide Interoperable Radio Network (SIRN) to ITD.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the Memorandum of Understanding with ND Information Technology Dept. for the use of radio frequencies as required for the statewide interoperable radio network. All members present voted "AYE." Motion carried.

The following 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. Bitner, 2<sup>nd</sup> by Comm. Jones, to approve the Erickson, Capital RV Properties, LLP., MedCenter One Living Center/Sanford, and Palmer abatements as requested. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to authorize the advertisement of bids for the Missouri Valley Complex hay/farm land lease. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the county employee poll worker resolution. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to declare April 8-14, 2018 as National Public Safety Telecommunications Week in Burleigh County. All members present voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
March 7, 2018**

**5:00 P.M.**

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

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

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

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, 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 rescheduled for a PUBLIC HEARING regarding the Resolution of Necessity for Special Assessment District #64 Imperial Valley Subdivision.

Engineer Hall appeared and explained the proposed Special Assessment District is for the installation of a sanitary sewer improvement. Hall noted this project will be completed simultaneously with SAD#62 which is the paving improvement of the roadway. Hall stated that 100% of the landowners signed the petition to create the district, which requires a 60% minimum. Hall noted the engineer's estimate of \$52,800, which is to be spread equally among the seven (7) benefited properties per the submitted petition.

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schonert, to approve the resolution determining insufficiency of protests of sanitary sewer improvements for Special Assessment District #64, Imperial Valley Subdivision, and to direct the engineer to prepare detailed plans and specifications. All members voted "AYE." Motion carried.

The Board then considered the petition from the State of ND to close the section line beginning at the Northwest Quarter of Section 29 and the corner of the Northeast Quarter of Section 30, T138N, R80W (Lincoln Township), Burleigh County ND, and proceeding in a southerly direction along the section line, the width being thirty-three feet on each side of the section line, to the center of the Missouri River, a navigable stream.

State's Attorney Riha reminded the Board that a public hearing on this matter was held at the February 21, 2018, meeting with the motion to approve the closure of the section line ending in a tie vote. Riha stated that as the motion ended in a tie vote; the petition for closure will need to be voted on tonight as all members are present.

Mark Orth, representing Ken Pinks an adjacent landowner, appeared and asked the commission what the benefit would be to closing the section line.

Chairman Peluso stated he does not support the closure of the section line.

Comm. Schonert added he did not see a public benefit associated with the closing of the section line.

Comm. Woodcox stated he voted to close the section line at the last meeting but would like to change his vote.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to deny the closure of the section line beginning at the Northwest Quarter of Section 29 and the corner of the Northeast Quarter of Section 30, T138N, R80W (Lincoln Township), Burleigh County

ND, to the center of the Missouri River, as petitioned by the State of ND. "AYE" votes: Bitner, Jones, Schonert, Woodcox, Peluso. "NAY" votes: None. Motion carried.

County Engineer Hall reappeared and presented the following items for the Board's consideration: results of bid openings for 2018 centerline and edge line striping, concrete and metal culverts, and gravel crushing; and review and approval of detailed plans and specifications for SAD# 63 Crested Butte Subdivision paving and SAD# 64 Imperial Valley Subdivision Sanitary Sewer improvement and to authorize the advertisement of bids for the SADs # 63 and #64.

Hall reported that on February 27, 2018, the following bids were received and opened for centerline and edge line striping:

J & J Striping	\$156,990
Traffic Safety Services, Inc.	\$185,135.30

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to award the bid for painted pavement markings to the low bidder, J & J Striping, in the amount of \$156,990. All members voted "AYE". Motion carried.

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to award the low bid from Cretex Concrete Products, Inc. for Furnishing Concrete Culverts; and to accept the bids of TrueNorth Steel and Contech Engineered Solutions for Furnishing Metal Culverts. All members voted "AYE". Motion carried.

Hall continued that on February 28, 2018, the following bids were opened for gravel crushing:

Sundre Sand & Gravel	\$3.40 per cubic yard,
Gravel Products, Inc.	\$3.60 per cubic yard,
Knife River Corp North Central	\$3.78 per cubic yard,
Wm. D. Scepaniak, Inc.	\$5.23 per cubic yard,

Hall noted the 2017 gravel crushing bid was awarded at \$3.65 per cubic yard.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schonert, to accept the low bid of Sundre Sand & Gravel in the amount of \$3.40 per cubic yard for the crushing of gravel. All members voted "AYE". Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the detailed plans and specifications for the paving and chip sealing improvement of roadways within Crested Butte Subdivision Special Assessment District #63 and to authorize the advertisement of bids for the same. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve the detailed plans and specifications for the sanitary sewer improvement within Imperial Valley Subdivision Special Assessment District #64 and to authorize the advertisement of bids for the same. All members voted "AYE." Motion carried.

HR Director Terras appeared regarding authorization to solicit Requests for Proposals for a Self-Funded Health Plan.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to authorize the solicitation of Requests for Proposals for a Self-Funded Health Plan. All members voted "AYE." Motion carried.

Finance Director Thompson appeared and presented the following proposed 2017 budget amendments for the Board's consideration:

<u>FUND</u>	<b>BURLEIGH COUNTY AMENDED BUDGET</b>		
	<u>2017 BUDGET</u>	<u>AMENDED BUDGET</u>	<u>CHANGE</u>
HIGHWAY GAS TAX	6,460,000	6,891,000	431,000
GAS TAX COLLECTIONS EXCEEDED BUDGET			

<b>COUNTY LIBRARY</b> REVENUE COLLECTION EXCEEDED BUDGET	303,225	310,000	6,775
<b>WEED CONTROL</b> CHEMICAL EXPENSES EXCEEDED BUDGET	385,801	413,000	27,199
<b>K-9 PATROL PROGRAM</b> NEW FUND NOT BUDGETED IN 2017	0	31,000	31,000
<b>SHERIFF DRUG ASSET FORFEITURE</b> EXPENSE EXCEEDED BUDGET	28,000	35,000	7,000
<b>ATT DRUG ASSET FORFEITURE</b> EXPENSE EXCEEDED BUDGET	10,000	13,000	3,000
<b>CITY RECREATIONAL AREAS</b> REVENUE COLLECTION EXCEEDED BUDGET	300	4,700	4,400
<b>DETENTION COMMISSARY</b> EXPENSE EXCEEDED BUDGET	46,000	47,000	1,000
<b>NORTH STAR ACRES RSAD</b> CLOSED OUT FUND	0	16,000	16,000
<b>PRAIRIEWOOD ESTATES RSAD</b> CLOSED OUT FUND	0	33,000	33,000
<b>ASHWOOD ESTATES I-III RSAD</b> CLOSED OUT FUND	0	43,000	43,000
<b>FOXHAVEN II &amp; IV RSAD</b> CLOSED OUT FUND	0	16,000	16,000
<b>ROLLING MEADOWS RSAD</b> CLOSED OUT FUND	0	16,000	16,000
<b>ASHWOOD IV RSAD</b> CLOSED OUT FUND	0	8,000	8,000
<b>SPIRITWOOD ESTATES RSAD</b> NEW FUND FOR RURAL ASSESSMENT	0	11,000	11,000
<b>HIGH PLAINS COUNTRY EST &amp; 2<sup>ND</sup> RSAD</b> NEW FUND FOR RURAL ASSESSMENT	0	246,000	246,000
<b>METRO IND PARK 1<sup>ST</sup> &amp; 2<sup>ND</sup> RSAD</b> NEW FUND FOR RURAL ASSESSMENT	0	475,000	475,000
<b>IMPERIAL VALLEY SUB RSAD</b> NEW FUND FOR RURAL ASSESSMENT	0	1,000	1,000
<b>CRESTED BUTTE RSAD</b> NEW FUND FOR RURAL ASSESSMENT	0	1,000	1,000



Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the 2017 budget amendments as presented and recommended by Finance Director Thompson. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and presented the Burleigh/Morton Detention Center report for the month of February. Heinert noted the average daily inmate count was 264 and the total booking for the month was 763. Heinert stated the total billed revenue for the month of February was \$99,739. Heinert noted there are currently 298 individuals utilizing the 24/7 testing program on a daily basis, with 98 on the drug patch, 131 on the ankle bracelet, and 45 on two-a-day breath tests with 24 individuals testing in other counties.

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. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the Farrell, Rusch Fuller, Meidinger, Bjerke, Grafner, Sattler Homes, Inc., Wanner LLP and Fettig abatements as requested. All members present voted "AYE." Motion carried.

Auditor/Treasurer Glatt then presented a resolution authorizing the reimbursement of expenses related to Special Assessment District #64 the Imperial Valley Subdivision sanitary sewer project; and a Reimbursement Resolution for the jail renovation project,

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve and adopt a resolution authorizing the reimbursement of expenses for Special Assessment District #64. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve and adopt a resolution authorizing the reimbursement of expenses for the jail renovation project. All members present voted "AYE." Motion carried.

Building Official-Director Ziegler appeared and initiated a discussion on the drafting of a letter of response to the City of Bismarck regarding the ETA Boundary.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schonert, to authorize a letter of response to the City of Bismarck regarding the ETA Boundary suggesting two (2) commissioners from each Commission along with staff form a committee to further discuss changes to the existing negotiated ETA Boundary. All members voted "AYE." Motion carried.

Comm. Bitner and Comm. Woodcox volunteered for this proposed committee.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 21, 2018**

**5:08 P.M.**

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

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

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

This was the hour and date set for a public hearing on a petition from the State of ND to close the section line beginning at the Northwest Quarter of Section 29 and the corner of the Northeast Quarter of Section 30, T138N, R80W (Lincoln Township), Burleigh County ND, and proceeding in a southerly direction along the section line, the width being thirty-three feet on each side of the section line, to the center of the Missouri River, a navigable stream.

Ken Sorenson, Legal Counsel for the ND Department of Corrections, appeared and presented the request for the section line closure on behalf of the State of ND. Sorenson stated:

1. The section line has not been used as a road for more than ten (10) years; in fact, no road has ever been constructed along the section line and it has never been used as a road;
2. The section line has never been used or required for public travel and is not publicly traveled due to natural obstacles and difficulty of terrain;
3. The section line is not required due to readily accessible alternate routes of travel; the section line is intersected by navigable waters, namely the Missouri River, causing the section line to terminate at a dead-end in the river;
4. The section line is not required for any type of access to the Missouri River as there are readily accessible alternate routes of travel and access to the Missouri River;
5. The closing of the portion of the section line does not deprive adjacent landowners' access to their property because all adjacent property on either side of the section line is owned by the State of North Dakota under the jurisdiction of the North Dakota Department of Corrections and Rehabilitation and the North Dakota Parks and Recreation Department up to the high water mark of the Missouri River, and as sovereign lands within the high water mark of the Missouri River to the channel of the river and under the jurisdiction of the State Engineer in accordance with N.D.C.C. chapter 61-33.

Comm. Schonert questioned the public benefit of the requested closure.

Sorenson stated the closure will enhance the security to the facility and the public in the immediate area.

Chairman Peluso questioned the timing of the closure request. Sorenson stated there have been more problems recently with the use of the section line by the public.

Comm. Schonert questioned the future plans for the property. Sorenson responded they plan to continue the farming operation.

James Saylor, Warden of Transitional Facilities for the ND Department of Corrections, appeared and presented a brief history of the Missouri River Correctional Center (MRCC) noting the property in the NW¼ of Section 29 was acquired in 1927, and the property in the N½ of Section 30, was acquired as the result of accretion by the Missouri River. Saylor stated the closure of the section line will enhance public safety in the area.

Rick Gardner, Director of Rough Rider Industries, explained the farming operation on the property south of the MRCC noting the section line closure would enhance these farming operations. Gardner noted the existing center irrigation pivots cross the section line.

Gerald Heiser, Sovereign Lands Manager for the State Engineer and North Dakota State Water Commission, appeared and explained the state owns the area adjacent to the Missouri River to the ordinary high water mark (sovereign lands) which is open to the public. Heiser continued the State Water Commission wants to improve access to sovereign lands in the state and received an appropriation from the Legislature to do so. Heiser noted the area accessed by S Washington St is an amazing property with great potential.

Chairman Peluso suggested if the S Washington St (a section line) was built to county standards improving access to the Missouri River in the area, this could be traded for the public benefit for closing the requested section line.

Upon question, Sheriff Heinert appeared and stated he foresees no issue with the improvement of S Washington St and the closure of the requested section line.

Comm. Schonert stated he does not understand how the closure of the section line will increase security and questioned what would happen if, in the future, the adjacent land was developed.

Upon question, Engineer Hall appeared and stated he has looked at the improvement of S Washington St several times, and to construct a roadway to minimum standards would require extensive work and expense.

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

Motion by Comm. Schonert to deny the closure of the section line beginning at the Northwest Quarter of Section 29 and the corner of the Northeast Quarter of Section 30, T138N, R80W (Lincoln Township), Burleigh County ND, to the center of the Missouri River, as petitioned by the State of ND. Motion died for lack of second.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the closure of the section line beginning at the Northwest Quarter of Section 29 and the corner of the Northeast Quarter of Section 30, T138N, R80W (Lincoln Township), Burleigh County ND, and proceeding in a southerly direction along the section line, the width being thirty-three feet on each side of the section line, to the center of the Missouri River, a navigable stream, as petitioned by the State of ND with the public benefit defined as follows:

1. Public safety - the non-maintained section line is dangerous past the irrigated agricultural land and the section line along sections 29 and 30 leads to a dead end, which is an unstable river bank with approximately a ten-foot (10') drop-off into the Missouri River on its left bank.
2. Prevention of illegal uses of the property – the property comprises part of the Missouri River Correctional Center, formerly known as the North Dakota State Farm, and prior to that, under the jurisdiction of the North Dakota State Penitentiary since 1927, and presently under the jurisdiction of the state of North Dakota for the use and benefit of the North Dakota Department of Corrections.
3. Prevention of security and safety problems for the North Dakota Department of Corrections and Rehabilitation, specifically its Missouri River Correctional Center located at 1800 48th Ave. SW, Bismarck, ND.
4. Prevention of further disruption of revenue and agricultural use of the irrigated cropland that borders each side of the section line between sections 29 and 30.

“AYE” votes: Jones, Woodcox. “NAY” votes: Schonert, Peluso. Absent: Bitner.  
Motion tied.

State’s Attorney Riha stated that as the motion ended in a tie vote; the petition for closure will need to be placed on the next Commission meeting agenda for resolution.

Dan Walter, Project Manager Kraus Anderson Construction, appeared and updated the Commission on the courthouse jail demolition and requested authorization to advertise for bids for the renovation portion of the project.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to authorize the advertisement of bids for the renovation portion of the courthouse jail project. All members present voted “AYE.” Motion carried.

Communications Director Dannenfelzer, appeared regarding approval of final ballot language for the June 12, 2018, ballot question increasing the local 9-1-1 fee from \$1 to \$1.50. Dannenfelzer noted that after a review of options, the City of Bismarck, City of Mandan, and Burleigh County Commission workgroup all recommended leasing space from the Dakota Carrier Network and requested the placement of the question of increasing the local 9-1-1 fee from \$1 to \$1.50 on the June 12, 2018 Primary Election ballot for the purpose of funding the lease.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the following ballot language for the primary election on Tuesday, June 12, 2018 to increase the 9-1-1 fee from \$1.00 to \$1.50 in Burleigh County:

Should the current local emergency services communication (9-1-1) fee of \$1.00 per month per assessed communications service be increased to a maximum local collection of \$1.50 per month per assessed communications service for the purpose of purchasing, leasing, or constructing and operating a new public safety communications center for this County?

- YES                    A "YES" vote means you approve the increase of the local fee up to \$1.50 per month
- NO                     A "NO" vote means you do not approve the increase of the local fee and it would remain at \$1.00 per month

All members present voted "AYE." Motion carried.

County Engineer Hall then presented for consideration a waiver to the existing Gravel Road Improvement Policy for the paving of 3900' of 210th St. NE. Hall continued under the current Gravel Road Improvement Policy, developers are required to pave all internal roadways within a proposed subdivision and pave at least one roadway that connects the proposed subdivision into the existing paved highway system. Hall stated Tanner Munsch is proposing a one (1) lot subdivision (Section 25, Menoken Township), and requesting a waiver to not pave approximately 3,900 feet of 210<sup>th</sup> St NE from County Highway 10 to the south edge of their property.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the waiver request of Tanner Munsch, to not pave approximately 3,900 feet of 210th St NE from County Highway 10 to the south edge of their property for the proposed one (1) lot subdivision (Section 25, Menoken Township). All members present voted "AYE." Motion carried.

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the Meidinger, M. Fischer, Stalter, Wisecup, Hoovestol, E. Fischer, Tosseth, Auck, Jenner, Zimmerman, Ulmen, Nassif, Jochim, Gorden, Westgard, Vandervorste, Magilke, Hoffman, Johnson, Wicks, Lorenz, Frank, VCZ Inc., Berger, Kruckenberg, Koranda, Scheurer, Harsche, and Blumhagen abatements as requested; to approve the Lost Instrument Surety Bond to replace lost check #110002 (\$6250.40); and, to approve the Special Event Liquor License application of TnT Tavern (Driscoll) for an April 7, 2018 Wedding Dance at the Driscoll Township Hall. All members present voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 5, 2018**

**5:00 P.M.**

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

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

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the January vouchers, journal vouchers, and filing fee reports as presented. All members present 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, 2<sup>nd</sup> by Comm. Schonert, to approve the Oatfield, Wahl, Herman, Sorum, First International Bank, Olson, Airport Village, Zeilstra Properties, Heckelsmiller, Bergland, Adam, Smith, Swenson, Anderson, Parsons, Miller, Axt, Haluzak, Evans, Baker, Adolf, Knoll, Molzhon, Gonzalez, Hunting, Wald, and Pfliger abatements as requested. All members present voted "AYE." Motion carried.

Jim Gray, West District Director/NDSU Extension Service, appeared regarding funding for an AG Agent and/or horticulture position in Burleigh County. Gray gave a presentation on the importance of having an additional extension agent in Burleigh County.

Comm. Jones then initiated a discussion on the filling of an 80% horticulture position within the county agent's office. Jones noted that the Burleigh County Extension Office is currently without an AG Agent and a Horticulturist. Jones continued that based upon need it has been determined that the horticulturist position is the most pressing priority. Jones stated it is hoped the position can be filled with someone who has an AG Agent background.

Motion by Comm. Jones to approve the filling of an AG Agent with a horticulturist background within the Burleigh County Extension Office. Motion died for lack of second.

Chairman Peluso noted funds for this position are in the 2018 budget and therefore no motion is needed to fill the position. The Board agreed by consensus.

Comm. Bitner stated he will not support any increase in county funding for NDSU Extension - Burleigh County operations.

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

James Landenberger, Burleigh County Water Resource District (BCWRD), appeared regarding the Public Information Meeting conducted by the BCWRD pertaining to the Fox Island Flood Control Project held on January 8, 2018. No action was taken.

Engineer Hall appeared and presented for discussion and consideration a list of construction projects for 2018. Hall stated the proposed list was developed from past years' projects that have not been completed; and new projects that have surfaced due to normal wear and tear on the existing roads or developments that create new transportation needs.

Hall stated that over the past few months the Highway Dept. has been working with landowners along the McKenzie Haul Road for a major improvement to the haul road corridor. Hall continued that not all landowners are in favor of the

project. Hall stated several different options have been developed and presented. Hall concluded that since the required rights of way have not been secured he suggested this project be delayed until all landowner concerns can be resolved.

Hall continued that the North Dakota Department of Transportation (NDDOT) has advised Burleigh County that they would be able to fully fund the reconstruction and paving of North Washington (from 57<sup>th</sup> Avenue to State Highway 1804) if we move the project date from 2019 to 2018. Hall stated he supports accelerating this project with the paving of 15<sup>th</sup> St (and a small portion of 57<sup>th</sup> Ave) thereby using these roadways as the detour routes during the reconstruction of N Washington. Hall requested the use of reserve funds to cover these costs in 2018.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to add the paving of 15<sup>th</sup> St between State Highway 1804 and 57<sup>th</sup> Ave and the paving of 57<sup>th</sup> Ave from 15<sup>th</sup> St to the existing pavement be added to the 2018 construction project priority list and to authorize the advertisement of bids for the paving of said projects. All members present voted "AYE." Motion carried.

Hall next reported that NDDOT has requested Burleigh County to consider the inclusion of a round-about at the intersection of N Washington St and State Highway 1804. Hall continued NDDOT has been informed that Burleigh County would consider inclusion of the requested round-about if federal/state funding could be secured to fund the round-about. Hall stated it appears that 95% of the funds have been found for the round-about leaving a 5% county share. Hall noted that in order to deliver this project in 2019 the county will need to retain a consulting engineer to produce the construction design plans and perform the construction administration.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to authorize the advertisement of bids for design service proposals for the development of plans for the N Washington St and State Highway 1804 intersection and construction administration services for the N Washington St project from 57<sup>th</sup> Ave to State Highway 1804. All members present voted "AYE". Motion carried.

Hall then stated that in 2017 the Apple Creek Township Board of Supervisors requested the county assume responsibility for 119<sup>th</sup> St from Co Highway #10 to Apple Creek Rd and paving 119<sup>th</sup> St from Apple Creek Rd to 5<sup>th</sup> Ave NE. Hall noted Apple Creek Township has agreed to fund \$100,000 for the paving of this roadway.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to designate and add 119<sup>th</sup> St from Co Highway #10 to Apple Creek Rd to the Burleigh County Highway System pursuant to North Dakota Century Code 24-05-16 and further authorize the advertisement of bids for the paving of 119<sup>th</sup> St from Apple Creek Rd to 5<sup>th</sup> Ave NE. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to authorize the advertisement of bids for bids for the paving of N Washington St from Ridgeland Lp to 84<sup>th</sup> Ave NE. All members present voted "AYE." Motion carried.

Building Official-Director Ziegler appeared with the following items for the Board's consideration: Zoning Ordinance Amendment related to Wind Turbine Setbacks (Article 8, Section 21); consideration of final plat of K & R Subdivision; and, discussion related to industrial development of the S½ of Section 19, Menoken Twp.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to approve the amendment of Article 8, Section 21, of the Burleigh County Zoning Ordinance related to Wind Turbine Setbacks. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to approve the final plat of K & R Subdivision. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to table the discussion on the industrial development of the S½ of Section 19, Menoken Twp. (Exit 170 Industrial Subdivision) until more information is received from the Planning Commission and the entire County Commission is present to discuss and consider the matter. All members present voted "AYE." Motion carried.

Sheriff Heinert appeared and presented the Burleigh/Morton Detention Center report for the month of January. Heinert noted the average daily inmate count was 271 and the total booking for the month was 769. Heinert stated the total billed revenue for the month of January was \$123,848. Heinert noted there are currently 297 individuals utilizing the 24/7 testing program on a daily basis, with 97 on the drug patch, 129 on the ankle bracelet, and 47 on two-a-day breath tests with 24 individuals testing in other counties.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to declare the Driscoll Centennial Organization an Other Public Spirited Organization and to approve the raffle permit applications of the Driscoll Centennial Organization; and to appoint Kayla Casteel as an additional Deputy Coroner. All members present voted "AYE." Motion carried.  
On a motion made, seconded, and carried the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 17, 2018**

**6:16 P.M.**

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

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

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

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

This was the hour and date set for a PUBLIC HEARING regarding the Resolution of Necessity for Special Assessment District #63 Crested Butte Subdivision.

County Engineer Hall explained the proposed Special Assessment District is for the paving of roadways stating that 62.7% of the landowners and 60.2% of the benefited property originally signed the petition to create the district. Hall continued that subsequent to the original review of the petitions, one (1) landowner removed his signature and one (1) additional landowner added his signature. Hall stated currently 62.7% of the landowners and 59.8% of the land area (benefited property) have signed the petition. Hall noted the engineer's estimate of \$927,650 which is to be spread equally among the fifty-two (52) 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 noted that ND Statute only requires 60% of the benefited property owners must sign the petition. Hall continued that because he has put this petition together three (3) times for the subdivision residents; because we know that at some point they are going to get the required number of signatures; because we know the costs are never going to be cheaper than right now; he recommended that the Board waive the policy and approve the resolution of necessity for SAD#63.

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

Bryon Lannoye, a resident of the subdivision appeared and read a letter from another resident Justin Miller in support of creation of the special assessment district for the paving, noting this is the only long-term solution to the dust problem.

Dee Bertsch, the project sponsor, appeared in support of Special Assessment District #63 for Crested Butte Subdivision, noting the dust problem and the increase in property value the paving will bring.

Linda Axtman, a resident of the subdivision, appeared and questioned the future maintenance of the pavement.

Ken Hamel, a resident of the subdivision, appeared and expressed his concern over the excessive speed used by the travelling public in the area. Hammel stated pavement will only increase the already unsafe speeds.

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to close the public hearing and to adopt a resolution determining the insufficiency of protests related to the Resolution of Necessity for Special Assessment District #63, Crested Butte Subdivision, and to direct the engineer to prepare detailed plans and specifications. All members voted "AYE." Motion carried.

County Engineer Hall presented the following items for the Board's consideration; authorization to advertise for bids for two (2) new motor graders; acceptance of right of way within and adjacent to HR Subdivision; detailed plans and specifications and authorize advertisement of bids for SAD#62 Imperial Valley Subdivision (paving); Special Assessment Screening Committee report on SAD#64 (sanitary sewer for a part of Imperial Valley Subdivision).



Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to authorize the advertisement of bids for the purchase of two (2) new motor graders under a 5 year - total cost bid with a guaranteed repurchase price at the end of the term, and further to authorize the advertisement of bids for the sale of two (2) used motor graders. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to accept the right of way within and adjacent to HR Subdivision. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the detailed plans and specifications for the paving and chip sealing of roadways within the Imperial Valley Subdivision Special Assessment District #62 (paving) and to authorize the advertisement of bids for the same. All members voted "AYE." Motion carried.

Hall then presented the Special Assessment Screening Committee report regarding the Imperial Valley Subdivision, SAD #64 (sanitary sewer). Hall stated the Screening Committee met on January 17, 2018, and considered the petition, the feasibility of the project, and the predictability of solvency of the district. Hall reported the Screening Committee recommended the Board of Commissioners accept the Engineering Report and Petition for Sanitary Sewer Improvements for Imperial Valley Subdivision, SAD #64 (sanitary sewer) and create a special assessment district by adopting a resolution of necessity.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to accept the Preliminary Engineer's report to create Special Assessment District #64, and to declare a Resolution of Necessity for Special Assessment District #64 Imperial Valley Subdivision (sanitary sewer) and to authorize the call for a public hearing regarding the same. All members voted "AYE". Motion carried.

Social Service Director Osadchuk appeared and unveiled the new Social Service Dept. website. No action was taken.

Comm. Woodcox then initiated a discussion regarding funding for a short-term homeless shelter funding.

Jena Gullo, Executive Director, Missouri Slope Area United Way, appeared and reported on the United Way's activities related to finding shelter for the homeless this winter. Gullo reported that the United Way has been providing hotel vouchers and other forms of assistance since Ruth Meier's Hospitality House closed its men's emergency shelter last October. Gullo noted that the United Way has no intention of running a homeless shelter and is only facilitating a temporary emergency need.

Comm. Jones stated county and city officials are working with local agencies and others on a long-term solution.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Jones, to authorize the payment of \$6,000 to the Missouri Slope Area United Way from the county general fund to provide funding for emergency housing needs for the homeless. All members voted "AYE." Motion carried.

Sheriff Heinert appeared regarding consideration of a revised Joint Powers Agreement between Burleigh and Morton Counties on the Governance, Operation, and Maintenance of the Burleigh Morton County Detention Center.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the REVISED Joint Powers Agreement between Burleigh and Morton Counties on the Governance, Operation, and Maintenance of the Burleigh Morton County Detention Center. 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. Woodcox, 2<sup>nd</sup> by Comm. Jones, to approve the Fettig, City of Bismarck, Kok, Duttonhefer, Obering, HHM Properties LLP, Gabel, Klein, Elhard, Adolf, Streifel, Kottenbrock, Knopfle, Heinzen, Reule, Maenza, Rants, Gross, Hegel, Havig, Liechty Homes, Birkholz, Sanders, and Coleman abatements as requested. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to authorize the call for a public hearing regarding the petition from the State of ND to close the section line between the NW1/4 of Section 29 and the NE1/4 of Section 30, T138N, R80W. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Woodcox, to approve payment of the 2018 dues in the amount of \$2,347.50 for the State Association of County and City Health Officials. All members voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Woodcox, to approve the 2019 budget calendar as presented. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 3, 2018**

**5:00 P.M.**

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

County Auditor/Treasurer Glatt called the meeting to order and immediately called for nominations for Chairperson for 2018.

Comm. Schonert nominated Comm. Peluso for the Chairmanship with Comm. Bitner seconding the nomination. Auditor/Treasurer Glatt called for further nominations. As there were no further nominations the following motion was made:

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Bitner, to cease nominations and to cast a unanimous ballot to elect Comm. Peluso as Chairman for 2018. All members present voted "AYE." Motion carried.

Chairman Peluso then assumed the Chair and expressed his appreciation and commendation to Comm. Woodcox for his hard work and diligence as Chairman in 2017 with the other Commissioners also expressing their appreciation.

Chairman Peluso then called for nominations for Vice-Chairperson for 2018.

Comm. Bitner nominated Comm. Schonert as Vice-Chairman with Comm. Jones seconding the nomination. Chairman Peluso called for further nominations. As there were no further nominations the following motion was made:

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to cease nominations and to cast a unanimous ballot to elect Commissioner Schonert as Vice-Chairman. All members present voted "AYE." Motion carried.

The Commissioner then reviewed portfolio assignments for 2018 with the consensus that no changes be made.

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

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Jones, to approve the December bills and vouchers as presented. All members present 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, 2<sup>nd</sup> by Comm. Schonert, to approve the Shipman, Jenness/Broten, Rivinius, Glasser, Conlon, Mund, Frank, LeClerc, Bohrer, Wagner, St Peter, and Krueger abatements as requested. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to deny the 2015 Wal-Mart Real Estate Trust, Sam's Real Estate Trust, & Menards, Inc. abatements as the property value is equitable and just when compared with other similar properties within Bismarck and the surrounding area. All members present voted "AYE." Motion carried.

County Engineer Hall appeared regarding authorization to advertise for bids for: Painted Pavement Markings, Furnishing Concrete and Metal Culverts, Crushing of Gravel, Township Gravel Hauling, Dust Control, and Chip Seal projects; and authorization to advertise for bids for Haying and Grazing of County Property.

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to authorize the advertisement of bids for Haying and Grazing of County Property with the addition of a 10% deposit requirement and an option for three (3) years, all subject to State's Attorney review and approval. All members present voted "AYE." Motion carried.

Sheriff Heinert appeared and presented the Burleigh/Morton Detention Center report for the month of December. Heinert noted the average daily inmate count was 256 and the total booking for the month was 741. Heinert stated the total billed revenue for the month of December was \$123,643. Heinert noted there are currently 286 individuals utilizing the 24/7 testing program on a daily basis, with 91 on the drug patch, 130 on the ankle bracelet, and 41 on two-a-day breath tests with 24 individuals testing in other counties.

Communications Director Dannenfelzer appeared regarding authorization to purchase and finance Public Safety Software for CenCom (9-1-1 dispatch center). Dannenfelzer reported that the CenCom Executive Committee and Board of Directors have approved moving forward with a sole source upgrade of the current public safety software systems with Superior. Dannenfelzer continued the project will be funded with 9-1-1 Enhancement funding but to ensure that funds remain available to accomplish other near-term projects, the Board proposed to finance the purchase over five years. Dannenfelzer presented the proposed terms from Government Capital, a firm which provides lease/purchase financing for such public safety projects, as Government Capital regularly works with Superior customers. Dannenfelzer noted the total project cost is \$1,168,600.

Chairman Peluso noted that although the software purchase has been determined to be a sole source provider and no bids or other quotes were received that is not the case for the financing. Peluso stated no other financing proposals were solicited.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Schonert, to approve the purchase of Public Safety Software from the sole source provider, Superior; and, acquiring tax exempt lease/purchase financing through Government Capital, in the amount of \$683,150.00 (after down payment), with Burleigh County listed as the borrower on behalf of the Central Dakota Communications Center (CenCom) and to authorize the Chairman to execute the necessary documents. All members present voted "AYE." Motion carried.

Comm. Jones and NDSU Extension Agent Doll then initiated a discussion on the filling of an 80% horticulture position within the county agent's office. Jones noted that the Burleigh County Extension Office is currently without an AG Agent and a Horticulturist. Jones continued that based upon need it has been determined that the horticulturist position is the most pressing priority. Jones stated it is hoped the position can be filled with someone who has an AG Agent background. Jones added if the right mix of skills is not found the position will not be filled.

Motion by Comm. Jones to approve the filling on a .8 FTE (full time equivalent) horticulturist position within the Burleigh County Extension Office. Motion died for lack of second.

Commissioners Bitner and Schonert requested that representatives from the NDSU Extension Service be invited to the next meeting to present information on county staffing and funding related to legislative concerns, and the \$4.1 million budget cut to the Extension Service.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner, to approve the designation of the public depositories; to authorize the County Auditor/Treasurer to make payment upon demand for all invoices and claims for utility services, gas, fuel, and oil pursuant to the adopted bill payment policy; and to officially recognize January 21 – 27, 2018 as School Choice Week in Burleigh County. All members present voted "AYE." Motion carried.

The Commission then considered appointment of an unexpired term on the Burleigh County Planning Commission ending 12/31/19. Comm. Bitner explained that a current member is very ill and unable to attend meetings.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones, to appoint Jacob Carlson to an unexpired term on the Burleigh County Planning Commission ending 12/31/19. All members present voted "AYE" except Schonert "NAY." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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James Peluso, Chairman