

Burleigh Morton County Jail Committee Meeting

Meeting Minutes from March 21, 2024 prepared by Major Wangen

Committee members attending in person: Burleigh County Commissioner Wayne Munson, Burleigh County Commissioner Jerry Woodcox, Morton County Commissioner Ron Leingang, Morton County Commissioner Raymond Morrell, Morton County Sheriff Kyle Kirchmeier, Burleigh County Sheriff Kelly Leben.

Also attending in person: Burleigh County Finance Director Leigh Jacobs, Burleigh County Maintenance Supervisor Kevin Quinn, Burleigh County Auditor Mark Splonskowski, Captain Lisa Wicks, Lieutenant Jeff Olson, Attorney Lawrence King, Brad Nygaard, and Major Trent Wangen.

1400 hrs. Sheriff Leben called the meeting to order. Roll call completed by Major Wangen.

Call for approval of previous meeting minutes. Motion to approve by Commissioner Munson, second by Commissioner Morrell, all in favor, motion passed.

1402 hrs. Sheriff Leben requested an Executive Session to discuss jail paint issue under the authority of NDCC 44-04-19.2. Motion by Commissioner Munson to enter into an Executive Session, second by Commissioner Woodcox. Roll call vote, all in favor, motion passed.

1414 hrs. The scheduled Burleigh Morton County Jail Committee continued.

Motion by Commissioner Munson for Attorney Lawrence King to file legal action against the parties involved in the jail paint issue and appoint a subcommittee of Commissioner Munson, Commissioner Morrell, Sheriff Kirchmeier, and Sheriff Leben to consult with Attorney Lawrence King. Second by Commissioner Morrell. Roll call vote, all in favor, motion passed.

Sheriff Leben provided jail updates.

Staffing:

Sheriff Leben explained the challenges with filling the open nursing position and the possible need to make salary and schedule adjustments to match the local market conditions.

Commissioner Munson inquired about utilizing part time positions for nursing. Sheriff Leben advised that the detention center is already utilizing one part time position.

Currently four open detention officer positions. Sheriff Leben explained that the position is currently advertised and Human Resources is accepting applications. Sheriff Leben advised that during this hiring cycle one or two backfill positions may be hired.

2024 Jail Inspection Report:

Sheriff Leben advised the 2024 annual jail inspection had been completed. The detention center is in compliance with the standards.

2023 Budget Overview:

Sheriff Leben provided an update on the 2023 Budget including increased safety glass and increased maintenance costs.

2024 Budget Discussion:

Sheriff Leben discussed two maintenance projects, cooling tower repairs and glass block replacement. Sheriff Leben explained the expense for the projects. Both projects were not planned or budgeted. Sheriff Leben explained that there is an increase of maintenance needs and cost as the building ages. Sheriff Leben suggested multiple options to the committee to fund both projects and the increased maintenance costs.

- Defer purchasing a new riding mower and utilize the budgeted \$45,000 towards the increased maintenance costs.

- Make a lump sum transfer from the capital improvement fund to the maintenance line item.

- Authorize the use of \$26,000 from the capital improvement fund to pay for the two projects.

- Do nothing and attempted to handle the cost increases in the current budget.

Motion by Commissioner Morrell to not purchase the riding mower in 2024 and utilize needed funds from the capital improvement fund to cover the increased maintenance costs. Second by Commissioner Woodcox. Roll call vote, all in favor, motion passed.

Sheriff Leben advised that the Workforce Safety Insurance premium had increased \$55,000 for 2024. Sheriff Leben explained that the increase was due to the average years of experience had decreased for the detention staff.

Sheriff Leben explained the updated withdrawal protocol implemented at the detention center.

2025 Budget Discussion:

Sheriff Leben explained that the 2025 budget process had begun. Sheriff Leben advised that the four detention officer positions that have been funded from January 2022 until December 2024 with ARPA funding will be included in the 2025 budget.

Sheriff Leben provided an update to the operational cost percentage allocation. The current rate is 70.5% for Burleigh County and 29.5% for Morton County. The current projection is for the rate to change to 77% for Burleigh County and 23% for Morton County at the end of the two year period. Commissioner Munson requested what a five year lookback would be compared to the 2 year lookback for comparison purposes.

Old Business:

Body Scanner:

Sheriff Leben advised that after additional research a body scanner would not meet the current needs of the detention center and would not need to be purchased.

Jail Daily Rates:

Sheriff Leben advised that the updated daily rates went into effect for local and state agencies on January 1, 2024, and the new U.S. Marshal rate became effective October 1, 2023.

New Business:

Documentation of the Jail Committee meetings:

Sheriff Leben explained the current practice for documentation of the Jail Committee meetings. Commissioner Woodcox discussed other documentation options and advised to continue with the current practice, meeting minutes and audio recordings of all executive sessions.

Motion by Commissioner Woodcox to adjourn. Second by Commissioner Munson, all in favor, motion passed.

Meeting adjourned at 1554 hrs.

XXX

Burleigh Morton County Jail Committee Meeting

Meeting Minutes from June 8, 2023, prepared by Major Trent Wangen

Committee members attending in person: Burleigh County Commissioner Wayne Munson, Burleigh County Commissioner Jerry Woodcox, Morton County Commissioner Raymond Morrell, Morton County Sheriff Kyle Kirchmeier, Burleigh County Sheriff Kelly Leben.

Also attending in person: Burleigh County State's Attorney Julie Lawyer, Burleigh County Deputy Finance Director Justin Schulz, Burleigh County Human Resource Director Pam Binder, Burleigh County Auditor Mark Splonskowski, Burleigh County Maintenance Supervisor Kevin Quinn, Major Trent Wangen, Captain Lisa Wicks, and Dustin Gawrylow.

0902 hrs. Sheriff Leben called the meeting to order. Roll call completed by Major Wangen.

Call for approval of previous meeting minutes. Motion to approve by Commissioner Munson, second by Commissioner Woodcox, all in favor, motion passed.

Sheriff Leben provided jail updates.

Staffing:

10 open detention officer positions and 1 open nurse position. One detention officer is scheduled to start employment on June 19. Detention officer position is currently open with 5 completed application submitted to Human Resources. Sheriff Leben explained the recruiting challenges and lack of applicants.

2023 Budget:

The overall the budget is on schedule but there has been increased costs for inmate medical and inmate supplies.

Jail Daily Rate:

Contracting agencies have been notified of the rate increase effective January 1, 2024. Contract rates of \$125.00 for the Marshal Service, \$100.00 for state and other agencies, \$75.00 for Bismarck, Mandan and Lincoln. Negotiations are continuing with the Marshal Service to attempt to reach a daily rate of \$125.00.

ARPA Funded Positions:

The four ARPA funded positions may need to be included in the general budget in 2025 or 2026.

Old Business

Jail Paint Issue:

Sheriff Leben provided an update on the scheduling progress for mediation.

New Business

Certificate of Completion:

Deputy Finance Director Schulz advised \$95,000 is left over from a bond for the jail construction and requested if any action should be taken with the funds at this time. The committee decided to table the topic for a future meeting.

Opioid Litigation Funds:

Sheriff Leben advised a body scanner for the detention center may be able to be funded with opioid litigation funds that Burleigh County and Morton County receive. The need of a body scanner was discussed along with the potential benefits of a body scanner.

Motion by Commissioner Munson to research body scanners and discuss the possible purchase with public health officials. Second by Commissioner Woodcox. Roll call vote, all in favor, motion passed.

2024 Budget Discussion:

Sheriff Leben presented the proposed 2024 budget for the detention center. Sheriff Leben provided an analysis of required increases and budget priorities. Sheriff Kirchmeier discussed the need to move the employees to the public safety retirement plan.

Motion by Commissioner Munson to approve the 2024 budget. Second by Commissioner Morrell. Roll call vote, all in favor, motion passed.

Meeting adjourned at 1110 hrs.

XXX

Burleigh Morton County Jail Committee Meeting

Meeting Minutes from February 1, 2023, prepared by Major Trent Wangen

Committee members attending in person: Burleigh County Commissioner Wayne Munson, Burleigh County Commissioner Jerry Woodcox, Morton County Commissioner Ron Leingang, Morton County Commissioner Raymond Morrell, Morton County Kyle Kirchmeier, Burleigh County Sheriff Kelly Leben.

Also attending in person: Burleigh County Assistant Finance Director Justin Schulz, Burleigh County State's Attorney Julie Lawyer, Attorney Lawrence King, Captain Lisa Wicks, Lieutenant Jeff Olson, and Major Trent Wangen.

1500 hrs. Sheriff Leben called the meeting to order. Roll call completed by Major Wangen.

Introduction of members and guests was completed.

Call for approval of previous meeting minutes. Motion to approve by Commissioner Woodcox, second by Sheriff Kirchmeier, all in favor, motion passed.

1503 hrs. Sheriff Leben requested an Executive Session to discuss jail paint issue under the authority of NDCC 44-04-19.2. Motion by Commissioner Morrell to enter into an Executive Session, second by Commissioner Munson. Roll call vote, all in favor, motion passed.

1542 hrs. The scheduled Burleigh Morton County Jail Committee meeting continued.

Sheriff Leben provided jail updates.

Staffing:

9 open detention officer positions with 4 conditional offers pending. Sheriff explained that during the last 3 hiring cycles not all open positions had been filled. Sheriff Leben is working with Burleigh County Human Resources Director Binder to look at options to improve hiring.

Budget:

Sheriff Leben explained historical budget information and the effect that inflation had during the 2022 budget cycle and the current budget cycle.

Sheriff Leben advised the 2024 budget process would begin soon and requested guidance. Sheriff Leben advised maintenance, fuel, and inmate meals would need increases for the 2024 budget. Sheriff Leben explained possible legislative changes and effects on the budget.

Sheriff Kirchmeier and Sheriff Leben discussed possible legislative changes to the North Dakota Public Employees Retirement System and effects on the budget.

Sheriff Leben discussed the need to make operational changes at the detention center due to the effects of fentanyl in the community. Sheriff Leben advised the detention center would begin to issue undergarments to lower risk and liability of controlled substance entering the detention center. Sheriff Leben discussed the purchase of a body scanner to also deter and identify contraband before it would enter the detention center. Discussion continued on possible funding options of the body scanner.

Sheriff Leben provided an update on the ARPA funded positions.

Old Business: None

New Business:

Assist Finance Director Schulz provided an update on the sales tax collection to pay off the bond for the detention center construction. Schulz advised the sales tax collection for Burleigh County should be completed in late 2024 and that the bond cannot be paid off until November 2025. Discussion was held on the sales tax end date.

Sheriff Leben requested authorization to transfer a 2019 Ford Interceptor to the Burleigh County Sheriff's Department for \$13,000. Sheriff Leben explained the vehicle purchasing history at the detention center and explained the vehicle was no longer needed.

Motion by Commissioner Woodcox to transfer the vehicle. Second by Commissioner Munson, all in favor, motion passed.

Motion by Sheriff Kirchmeier to adjourn. Second by Commissioner Munson, all in favor, motion passed. Meeting adjourned.

XXX

Burleigh Morton County Jail Committee Meeting

Meeting Minutes from August 25, 2022, prepared by Major Trent Wangen

Committee members attending in person: Burleigh County Commissioner Kathleen Jones, Morton County Sheriff Kyle Kirchmeier, Burleigh County Sheriff Kelly Leben.

Committee member attending via phone: Morton County Commissioner Ray Morrell.

Also attending in person: Burleigh County State's Attorney Julie Lawyer, Burleigh County Finance Director Robin Grenz, Burleigh County Maintenance Supervisor Kevin Quinn, Attorney Lawrence King, Alyssa Lovas, and Major Trent Wangen.

1314 hrs. Sheriff Leben called the meeting to order. Roll call completed by Major Wangen.

Call for approval of previous meeting minutes. Motion to approve by Commissioner Jones, second by Sheriff Kirchmeier, all in favor, motion passed.

1317 hrs. Sheriff Leben requested an Executive Session to discuss jail paint issue under the authority of NDCC 44-04-19.2. Motion by Commissioner Jones to enter into an Executive Session, second by Commissioner Morrell. Roll call vote, all in favor, motion passed.

1344 hrs. The scheduled Burleigh Morton County Jail Committee continued.

Maintenance Supervisor Quinn explained the mechanical issues related to the boilers at the detention center.

Sheriff Leben explained the estimates for repair options. Sheriff Leben explained the repairs may be paid from the capital improvement funds and that each county maintains a capital improvement fund for the detention center.

Finance Director explained the Burleigh County capital improvement fund for the detention center and the fund balance.

Committee members discussed to split the cost based off the ownership formula of the detention center between Burleigh and Morton Counties.

Motion by Commissioner Jones to replace the electronics for the boilers and air intake at a cost of \$120,000.00 for the electronics replacement and \$43,500.00 for the air intake replacement, to be paid from the capital improvement funds. Sheriff Kirchmeier second, all in favor, motion passed.

Sheriff Leben provided Jail updates:

6 open detention officer positions with 4 new detention officers starting September 12th. A conditional offer had been made to fill 1 open nursing position.

2022 budget is looking good overall. Inflation is effecting some specific line items.

1404 hrs. Sheriff Kirchmeier made a motion to adjourn. Second by Commissioner Jones, all in favor, motion passed. Meeting adjourned.

Burleigh Morton County Jail Committee Meeting

Meeting Minutes from May 31 2022 prepared by Major Trent Wangen

Committee members attending in person: Burleigh County Commissioner Kathleen Jones, Burleigh County Commissioner Jim Peluso, Morton County Sheriff Kyle Kirchmeier, Burleigh County Sheriff Kelly Leben.

Also attending in person: Burleigh County State's Attorney Julie Lawyer, Burleigh County Finance Director Robin Grenz, Major Trent Wangen, Captain Lisa Wicks, and Lieutenant Jeff Olson.

1033 hrs. Sheriff Leben called the meeting to order. Roll call completed by Major Wangen.

Call for approval of previous meeting minutes. Motion to approve by Commissioner Jones, second by Commissioner Peluso, all in favor, motion passed.

Sheriff Leben provided Jail updates:

Staffing: 7 open detention officer positions with 4 new detention officers starting June 6th. 3 detention officers transferring to deputy sheriff positions on June 6. Interviewing for the maintenance position next week. 1 nurse position open.

Budget: 2022 budget on track for the year.

Cost Share Percentage Calculation: The cost share based on inmate housing from June 2020 to May 31, 2022 will be effective for 2023 and 2024.

Commissioner Peluso commented that a major cause for staff turnover is officers moving to law enforcement positions.

Old Business: None

New Business:

2023 Budget: Sheriff Leben explained the historical income/revenue split between Burleigh County and Morton County. Sheriff Leben explained line item increases and decreases. 7 line items increased, 1 line item decreased. The proposed salary increase included a 4% cost of living increase plus a step increase. Inmate board/meals had a large increase for the proposed 2023 budget but the detention center is looking at options to mitigate costs. Sheriff Leben discussed historical overtime costs and the increased overtime budget request for the proposed 2023 budget.

Sheriff Leben explained possible changes to the Covid-19 mitigation measures at the detention center.

Commissioner Jones questioned if increasing inmate workers in the kitchen would increase security costs. Commissioner Peluso agreed that increasing inmate workers in the kitchen was not worth the savings with the increased risk.

1136 hrs. Sheriff Kyle Kirchmeier left the meeting.

1140 hrs. Meeting adjourned.

Burleigh Morton County Jail Committee Meeting

Meeting Minutes from March 29 2022, prepared by Major Trent Wangen

Committee members attending in person: Morton County Commissioner Ray Morrell, Morton County Commissioner Ron Leingang, Burleigh County Commissioner Kathleen Jones, Burleigh County Commissioner Jim Peluso, Morton County Sheriff Kyle Kirchmeier, Burleigh County Sheriff Kelly Leben.

Also attending in person: Burleigh County State's Attorney Julie Lawyer, Burleigh County Finance Director Robin Grenz, Major Trent Wangen, and Captain Lisa Wicks.

1300 hrs. Sheriff Leben called the meeting to order. Roll call completed by Major Wangen.

Call for approval of previous meeting minutes. Motion to approve by Commissioner Jones, second by Commissioner Morrell, all in favor, motion passed.

Sheriff Leben provided Jail updates:

Staffing: 6 open detention officer positions and currently advertising the open position. June 6 planned start date for new detention officers.

Statistics: Inmate population remaining consistent. Billing for inmate housing down from last year.

Budget: 2022 budget on track for the year. Utility costs over budget in 2021.

2022 Jail Inspection: The detention passed all 108 standards for the annual DOCR inspection.

Old Business: - None

New Business: Home Rule Charter: Sheriff Leben explained that sales tax is utilized to pay for the construction of the detention Center and discussed the possibility of utilizing the sales tax to pay for operational costs after the construction was paid for. Committee members discussed the option and possible benefits after the jail construction is paid off in approximately 10 years. Sheriff Leben suggested reviewing the topic 5 years prior to the current home rule charter expiring.

2023 Budget preparation: Sheriff Leben explained the cost share percentage calculation between Morton and Burleigh County. The cost share is determined by a two year look back at the inmate numbers for both Morton County and Burleigh County. Current percentages utilized 24.5% Morton County and 75.5% Burleigh County. The new review period is June 2020 thru May 2022. Current projections would change the cost share percentages to 29.5% Morton County and 70.5% Burleigh County. Sheriff Leben explained that a possible cause for the change was due to Covid-19 response. During the current review period Burleigh County inmate numbers decreased and Morton County inmate numbers remained constant. Sheriff Kirchmeier discussed the difference in inmate numbers and arrests with covid restrictions. Sheriff Leben explained that a five year review had been previously discussed but the committee had decided on a two year review.

Sheriff Leben explained the 2023 budget process has started. Sheriff Leben stated that inflation is effecting the current budget and the proposed 2023 budget. Several original service contracts had been paid with construction funds are now shifting to the general fund. The inmate food contract is projected to increase 45% or \$.86 a meal. Committee members discussed the food service contract and inmate food service providers. Major Wangen was directed to research additional options for the food service contract.

Inmate Housing Contract rate: Sheriff Leben explained the current rate of \$75.00 per day to house inmates for outside agencies and a rate of \$66 per day for the cities of Mandan and Bismarck. Finance Director Grenz had conducted a review of per day inmate housing costs and calculated the current cost at \$129.09 per inmate day. Sheriff Leben explained the inmate housing rates from other regional facilities. Committee members discussed inmate housing rates. Committee members suggested an inmate housing rate change to \$125.00 for the federal contract, \$100.00 for state on local agencies, and \$75.00 for the cities of Mandan and Bismarck. Commissioner Morrell had questions on housing costs and depreciation costs. Finance Director Grenz explained the depreciation costs. Committee members suggested to start with updating the U.S. Marshall contract then adjusting the state and local agencies rates effective January 1, 2023.

Sheriff Leben discussed the renewal of the Reliance inmate phone service contract and the Summit Commissary contract.

Other Business: Sheriff Leben provided an update on the paint lawsuit and the problems with the boilers at the detention center caused by a work order change during construction.

Sheriff Leben called for motion to adjourn at 1444hrs. Motion made by Sheriff Kirchmeier, second by commissioner Morrell. All in favor, motion passed. Meeting adjourned.

XXX