

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
January 4, 2006**

5:00 P.M.

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

County Auditor Glatt called the meeting to order and immediately called for nominations for chairman for 2006.

Comm. Haakenson nominated Comm. Schonert for the chairmanship with Comm. Lembke seconding the nomination. Auditor Glatt called for further nominations. As there were no further nominations the following motion was made:

Motion by Comm. Haakenson, 2nd by Comm. Lembke, to cease nominations and to cast a unanimous ballot to elect Comm. Schonert as Chairman. All members voted "AYE." Motion carried.

Comm. Schonert assumed the Chair and called for nominations for the Vice-Chair.

Comm. Haakenson nominated Comm. Johnson as Vice-Chairman with Comm. Woodcox seconding the nomination.

Chairman Schonert called for further nominations. As there were no further nominations the following motion was made:

Motion by Comm. Haakenson, 2nd by Comm. Woodcox, to cease nominations and to cast a unanimous ballot to elect Commissioner Johnson as Vice-Chairman. All members voted "AYE." Motion carried.

This was the hour and date set for a public hearing regarding the proposed Bismarck Cancer Center MIDA Bond Project.

Scott Wegner, Cook Wegner & Wike PLLP appeared and presented the MIDA bond request of the Bismarck Cancer Center.

Chairman Schonert opened the public hearing for the proposed Bismarck Cancer Center MIDA bond. As no one present appeared the following motion was made:

Motion by Comm. Haakenson, 2nd by Comm. Woodcox, to close the public hearing and to approve the General Authorization Resolution authorizing the issuance of MIDA Bonds on behalf of the Bismarck Cancer Center in an amount not to exceed \$400,000. All members voted "AYE." Motion carried.

Motion by Comm. Lembke, 2nd by Comm. Johnson, to approve the December 2005 meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

Amy Mossett, Executive Director Northern Plains Heritage Foundation, appeared and presented a brief overview of the proposed legislation before Congress to create a five county "Northern Plains Heritage Area." Mossett explained that the proposed heritage area would encompass parts of Burleigh, Morton, Oliver, Mercer, and McLean counties along the Missouri River. Mossett requested a letter of support from the Burleigh County Commission for the completion of a feasibility study of the proposed area to expedite the designation of the Northern Plains National Heritage Area in North Dakota.

Motion by Comm. Haakenson, 2nd by Comm. Johnson, to approve a letter of support from the Burleigh County Commission for the completion of a feasibility study of the proposed area to expedite the designation of the Northern Plains National Heritage Area in North Dakota. All members voted "AYE." Motion carried.

Veterans Memorial Library Director Jones appeared requesting funding for the Bookmobile Replacement Fund.

Motion by Comm. Woodcox, 2nd by Comm. Lembke, to approve the expenditure of \$6,000 from the 2006 County Commission budget (community involvement line-item) to the Bookmobile Replacement Fund. All members voted "AYE" except Comm. Haakenson "NAY." Motion carried.

Thomas Porter, Director Bismarck-Mandan Civic Chorus(BMCC), appeared and requested \$2,800 in funding from the Community Involvement Fund in support of the BMCC programs, provided full financial disclosure is made by the BMCC regarding the sources and uses of funds for the programs. Porter stated that the BMCC is a 501C non-profit organization recognized by the ND Council on the Arts.

Comm. Haakenson suggested that should funding be approved for the BMCC it should come from the \$5,000 budgeted in 2006 for the Bis-Man Symphony's 4th of July Spectacular. Haakenson continued that the Symphony was to provide the County

Commission with a full accounting of the revenues and expenses for the 4th of July Spectacular, which has never been received.

Upon question, State's Attorney Riha stated that the BMCC is a qualified organization.

Motion by Comm. Lembke, 2nd by Comm. Woodcox, to allocate the remaining unexpended funds from the 2005 County Involvement line item in the amount of \$2,750 to the Bismarck-Mandan Civic Chorus. All members voted "AYE." Motion carried.

The Commission agreed that the intent of the motion was for a full accounting to be provided to the County Commission which is the same requirement stipulated for The Symphony.

Tax Director Finneman appeared and presented the monthly abatements for the Commission's consideration, a complete copy of which are on file and available for inspection in the office of the Burleigh County Auditor.

Robert & Elsie Coons requested the 2005 market value on Lots 1, 2, 11, & 12, Block 21, McKenzie Townsite be reduced from \$15,310MV to \$12,258MV as they qualify for a 20% Homestead Credit allowance.

Charles & Connie Nixon requested the 2005 market value on the E1/2NW1/4, Section 7, T141N, R79W, (Crofte Township) be reduced from \$65,860MV to \$13,020MV as they qualify for an 80% Homestead Credit allowance.

Otillia Seiler requested the 2004 and 2005 market values on Lots 13-14, Block 10, Fishers Addition to the City of Bismarck be reduced from \$88,300MV to \$43,856MV (2004) and from \$92,700MV to \$25,200MV as she qualifies for a 100% Homestead Credit allowance.

Mildred & Frank Ritchey requested the 2005 market value on Lots 7-8, Block 33, Flannery & Wetherby Addition to the City of Bismarck be reduced from \$91,700MV to \$24,200MV as they qualify for a 100% Homestead Credit allowance.

The Mountain Plains Youth Service Coalition requested the 2005 market value on Lots 30-34, Block 86, Original Plat to the City of Bismarck be reduced from \$339,900MV to \$141,700MV as the property is tax exempt for that portion of year the property was owned by Mountain Plains.

Donavan & Betty Wagner requested the 2005 market value on SE1/4, Section 20, T141N, R79W, (Crofte Township) be reduced from \$204,624MV to \$184,432MV due to an assessors error.

Harley Swenson requested the 2005 market value on Lot 1, Block 2, Cottonwood Cove Subdivision, Ft. Rice Township, be reduced from \$4,400MV to \$400MV as the property was over assessed.

Motion by Comm. Lembke, 2nd by Comm. Haakenson, to approve the Coons, Nixon, Seiler, Ritchey, Mountain Plains Youth Coalition, Wagner, and Swenson abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

County Planning Director Hokenstad appeared with the following items for the Board's consideration: a) Consideration of zoning ordinance text amendment relative to Special Uses – Trap Shooting; b) Consideration of zoning change and final plat approval of South Central Rural Water Subdivision; and c) Acceptance of right of way dedication for Becker Estates Subdivision.

Hokenstad then introduced the zoning text amendment relative to Special Uses – Trap Shooting. Hokenstad stated that the County Planning Commission, upon conclusion of public hearing, recommended approval of the zoning ordinance text amendment. Upon question, Hokenstad stated there was no opposition voiced at the public hearing. Hokenstad continued that any existing shooting facility that desires to change their hours of operation would be required to apply for a new special use permit. Hokenstad reported that this would require a public hearing with notices sent to adjacent landowners. Hokenstad stated that additional restrictions can be made as a condition of any such special use permit.

Comm. Haakenson expressed his objections to any changes to the ordinance based upon the concerns of neighbors. Haakenson noted the several contacts made to the Commission in support of the ordinance change. Haakenson questioned how many of these contacts were made from people living in the area of the Capital City Sporting Clays operation.

Mark Sandness, Capital City Sporting Clays, appeared and noted that he has talked to most of the neighbors who have no issues with any noise created by his operation.

Comm. Lembke noted that Sandness has a Special Use permit under the old ordinance. Lembke continued that if this ordinance passes and Sandness desires to operate under the new ordinance, he would need to reapply for a special use permit. Lembke reiterated that this would require a public hearing, and further that additional restrictions could be required.

Motion by Comm. Woodcox, 2nd by Comm. Lembke to approve the zoning ordinance text amendment relative to Special Uses – Trap Shooting. "AYE" votes: Johnson, Lembke, Schonert, Woodcox. "NAY" vote: Haakenson. Motion carried.

Motion by Comm. Lembke, 2nd by Comm. Haakenson, to approve the zoning change and final plat for South Central Rural Water Subdivision. All members voted "AYE." Motion carried.

Motion by Comm. Johnson, 2nd by Comm. Haakenson, to approve the acceptance of right of way dedication for Becker Estates Subdivision. All members voted "AYE." Motion carried.

Roger Berg, Kadrmas, Lee and Jackson, appeared regarding a request for conditional approval of a light industrial subdivision on the east side of 66th St., just north of City of Lincoln. Berg stated that the owner of the proposed subdivision desires a waiver from the requirement that the interior subdivision roadways be paved. Berg continued that the owner is considering construction of combination office/shop type of buildings for use by businesses in the construction trade. No action was taken.

County Engineer Mill appeared and presented his monthly report, a complete copy of which is on file and available for inspection in the office of the County Auditor.

Engineer Mill requested authorization to advertise bids for furnishing road construction equipment at hourly rates, crushing, hauling & spreading of gravel, liquid bitumen, asphalt paving and related items, concrete & metal culverts.

Motion by Comm. Lembke, 2nd by Comm. Haakenson, to authorize the advertisement of bids for furnishing road construction equipment at hourly rates, crushing, hauling & spreading of gravel, liquid bitumen, asphalt paving and related, concrete & metal culverts with the bid opening scheduled for February 6, 2006. All members voted "AYE." Motion carried.

County Recorder Olson-Hill appeared regarding results of bid opening for Recorder's Office Microfilm Conversion Project. Olson-Hill reported that one (1) bid was received from High Plains Technology as follows: Phase I \$18,632.64; Phase II \$25,179.75; Phase III \$35,179.75; and Phase IV \$25,244.83.

Motion by Comm. Haakenson, 2nd by Comm. Lembke, to accept and award the bid to High Plains Technology subject to review by the portfolio holder and the State's Attorney. All members voted "AYE." Motion carried.

The Commission then reviewed the agreements with the City of Bismarck, City Park & Rec District and County Park Board related to the Missouri Valley Complex.

Motion by Comm. Lembke, 2nd by Comm. Johnson, to approve the Memorandum of Understanding Joint Exercise of Governmental Powers Concerning the Management of the Missouri Valley Com-Plex between all the parties, to approve the Agreement for Management of the Missouri Valley Com-Plex between the Missouri Valley Complex Authority and the Bismarck Park & Rec District, and to approve the Amendment to the

Agreement for the Joint Exercise of Governmental Powers Concerning Missouri Valley Com-Plex entered into in 2003 between all the parties. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2nd by Comm. Woodcox, to authorize the County Auditor\Treasurer to make payment upon demand for all invoices and claims for utility services, gas, fuel, and oil pursuant to the adopted bill payment policy. All members present voted "AYE."

Motion by Comm. Lembke, 2nd by Comm. Johnson, to approve the designation of the public depositories and approval of the security pledges, to approve the renewal of the indigent mental health legal services contracts with Edwin Dyer III and Greg Runge, and to approve the authorization to advertise for bids for election printing and supplies. All members voted "AYE." Motion carried.

Motion by Comm. Lembke, 2nd by Comm. Haakenson, to approve the changes to the letter to Corp of Engineers regarding creation of "emergent sandbar habitat" and authorize the auditor\treasurer to send the same. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Lembke, to appoint Monte Dralle to a four (4) year term on the Burleigh County Weed Board. All members voted "AYE." Motion carried.

The Board then reviewed the 2006 portfolio assignments.

Motion by Comm. Lembke, 2nd by Comm. Haakenson, to approve the portfolio assignments for 2006. All members voted "AYE." Motion carried.

Comm. Haakenson suggested that Burleigh County actively discuss with Morton County Mandan and Bismarck the issue of jail space for future planning.

On a motion made, seconded, and carried, the Board recessed until January 18, 2006.

Kevin J. Glatt, Auditor/Treasurer

Douglas R. Schonert
Chairman