

**BURLEIGH COUNTY COMMISSION**  
**SPECIAL MEETING MINUTES**  
**January 4, 2008**

**12:00 Noon**

The Burleigh County Commission convened a special joint meeting with the Bismarck City Commission. All members were present except Comm. Armstrong.

The purpose of the Special Meeting was to receive the results of the 2007 Calltaker Study as presented by Tom Pavek of Elert & Associates. Pavek presented three (3) recommendations for consideration: 1) do nothing, 2) create a new call center to handle all the non-emergency calls for the police and sheriff with an estimated capital cost of \$250,000 adding seven (7) full-time equivalent employees, and 3) expand the Combined Communication Center, adding four (4) full-time employees to handle the increased call load at an estimated cost of \$230,000.

No action was taken.

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 7, 2008**

**5:20 P.M.**

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

County Auditor\Treasurer Glatt called the meeting to order and immediately called for nominations for chairman for 2008.

Comm. Peluso nominated Comm. Woodcox for the chairmanship with Comm. Armstrong seconding the nomination. Auditor\Treasurer Glatt called for further nominations. As there were no further nominations the following motion was made:

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

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

Comm. Schonert nominated Comm. Peluso as Vice-Chairman with Comm. Armstrong seconding the nomination.

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

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

The Board then reviewed portfolio assignments for 2008.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to approve the portfolio assignments for 2008. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson, to approve the December 2007 meeting minutes as presented. All members voted "AYE." Motion carried.

Chairman Woodcox reported that he has reviewed the monthly vouchers and recommends approval.

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

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

Chairman Woodcox excused himself from the Chair and from discussion on the Booth abatement as he sold the property Booth.

Vice-Chairman Peluso assumed the chair for the discussion and consideration of the Booth abatements.

Tax Director Finneman recommended denial of the Booth abatements as the requested values are based upon assessed values for 2005, 2006 and 2007. Finneman stated the recommended values are based upon documented appraisals and market conditions existing in 2005, 2006 and 2007.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to deny the Booth abatements based upon documented appraisals and market conditions existing in 2005, 2006 and 2007 and to set the market values at \$160,000MV(2005), \$172,800 MV(2006), and \$190,000 MV(2007) as recommended by Tax Director Finneman. All members voted "AYE." Motion carried.

Comm. Woodcox reassumed the chairmanship.

Steve Windish & Steve Graybill, Ulteig Engineers, Inc., appeared, updated, and provided early feedback to the Commission on the Regional North-South Beltway Corridor Study. 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. Armstrong, 2nd by Comm. Schonert, 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 4, 2008. All members voted "AYE." Motion carried.

Engineer Mill then presented the Preliminary Engineer's Report and recommendation of the Special Assessment Screening Committee recommendation regarding the proposed Special Assessment District #47 - 4K's & 4K's Replat Chip Seal project.

Motion by Comm. Haakenson, 2nd by Comm. Peluso, to accept the Preliminary Engineers report, to create Special Assessment District #47, and to declare a Resolution of Necessity for Special Assessment District #47 4K's & 4K's Replat Subdivisions Chip Seal project and to call for a public hearing for February 20, 2008 at 5:00pm regarding the same. All members voted "AYE." Motion carried.

The Board then continued discussion on the method of sale and sales options for the "fairgrounds" property. Auditor\Treasurer Glatt and Comm. Schonert presented recommendations regarding the sale of the "fairgrounds" property.

Motion by Comm. Haakenson, 2nd by Comm. Armstrong, to authorize the sale of Lots 1 & 2, Block 1; Lots 1, 2, & 3, Block 2, Missouri Valley Complex First Replat to the City of Bismarck, Burleigh County ND, by public auction conducted by the County Auditor\Treasurer or his designee at 2:00PM on February 4, 2008 in the Tom Baker Meeting Room of the City\County Building with minimum sales prices as follows:

Lot 1, Block 1	(335,357sqft) minimum bid	\$ 350,000
Lot 2, Block 1	(352,069sqft) minimum bid	\$ 175,000
Lot 1, Block 2	(536,623sqft) minimum bid	\$1,875,000
Lot 2, Block 2	(726,042sqft) minimum bid	\$1,500,000
Lot 3, Block 2	(220,755sqft) minimum bid	\$ 250,000.

All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2nd by Comm. Peluso, to approve the designation of the public depositories and approval of the security pledges. All members voted "AYE." Motion carried.

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

The Board then reviewed applications for appointments to the Burleigh County Weed Board and the Bismarck City Planning Commission.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to appoint Brian Bittner to a five (5) year term on the Bismarck City Planning Commission. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to appoint Dallan Buchmann to a four (4) year term on the Burleigh County Weed Board. All members voted "AYE." Motion carried.

On a motion made, seconded, and carried, the Board recessed until January 11, 2008.

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION  
SPECIAL MEETING MINUTES  
January 11, 2008**

11:00A.M

The Burleigh County Commission convened a special joint meeting with the Bismarck City Commission. All members were present except Comms. Armstrong & Peluso.

The purpose of the Special Meeting was to meet with US Senator Byron Dorgan to review the 2008 Congressional Session and to discuss the needs of Bismarck and Burleigh County from this session.

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 23, 2008**

**5:00 P.M.**

The Burleigh County Commission convened at the Burleigh County Road Dept. Office Building with all members present except Comm. Armstrong.

Chairman Woodcox opened the meeting and noted that the primary purpose of the meeting is to discuss 2008 road construction priorities.

Chairman Woodcox stated he has reviewed the vouchers and recommends approval of the same.

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

HR Director Gall appeared with the following items for the Board's consideration:  
a) request of Emergency Manager Senger for additional sick leave balance; b) request of Auditor\Treasurer Glatt for authorization to replace part-time staff member transferring to HR Dept with full-time equivalent.

Gall presented the request of Emergency Manager Senger to allow the sick leave balance of 536.6 hours which were not paid out nor transferred from the City of Bismarck to Burleigh County to be added to Senger's sick leave balance. Gall explained that Emergency Manager Contract between the City of Bismarck and Burleigh County was terminated on January 1, 2006, and Burleigh County was reimbursed by the City for 10% of Senger's sick leave balance. Gall stated that Burleigh County assumed 10% of the sick leave hours but Senger lost the balance of her sick leave when she became a full-time Burleigh County employee.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to approve the addition of 536.6 hours of sick leave for Emergency Manager Senger. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to authorize the Auditor\Treasurer\Tax Equalization Dept to replace a part-time staff member who is transferring to the HR Dept with a full-time equivalent position. All members present voted "AYE." Motion carried.

Auditor\Treasurer Glatt presented the abatements for the Board's consideration copies of which are on file and available for inspection in the office of the County Auditor\Treasurer.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson, to approve the Bohne, Dockter, Senechal, Titus, Smith, Herdebu, Dobler, Koeller, Huft, Bernhardt, Magilke, Ebertz, Seland, Thompson, Watterud, and Misty Waters LLC abatements as requested and corrected. All members voted "AYE." Motion carried.

Comm. Armstrong appeared.

County Engineer Mill presented the proposed 2008 county road construction priorities. Mill noted the projects on the 2007 list which have been completed. Mill noted the proposed list of projects totals just under \$8Million, with \$4.7Million available funds.

The Commission then discussed the following 2008 Priority List as presented by Engineer Mill accepting input from those in attendance:

- 1) Replacement of the McKenzie Haul Road Bridge (est. county cost \$450,000)
- 2) Burleigh County Highway 10 Chip Seal from Bismarck Expressway east approximately 16.2 miles east (est. county cost \$103,000),
- 3) 149th Avenue NW paving 2.5 miles from U.S. Highway 83 to 34th Street NW. Total cost \$720,000 with Burleigh County providing \$600,000 and the adjacent landowners participating in cost through a special assessment district,
- 4) Yegen Road intersection "softening" at Airway Avenue (est. county cost \$200,000),
- 5) Widening of the Menoken Access Road - one mile stretch of 158th Street NE from Burleigh Highway 10 and Interstate 94 (est. county cost \$300,000),
- 6) Magnesium chloride application to McKenzie Haul Road (est. county cost \$25,000),
- 7 & 8) Chip seal of 9.5 miles of Baldwin Road (est. county cost \$238,000) and a four-Township seal package (est. county cost \$31,500),
- 9) Regrading intersection at 353rd Street NE & ND 36 east of Wing (est. county cost \$10,000)
- 10) Ash Coulee right-of-way acquisition for a connection from River Road to Washington Street.  
(est. county cost \$400,000),
- 11) Township paving participation program (est. county cost \$200,000),
- 12) Half-mile overlay of Burleigh Avenue west of Washington Street (est. county cost \$35,000),
- 13) Graphic Information System (est. county cost \$50,000),
- 14) Replacement of the culvert in the Tavis Road Causeway (est. county cost \$50,000),
- 15) Grade raise & paving of Apple Creek Road from Yegen Road to 52nd Street (est. county cost \$300,000),
- 16) Widening, overlay and turn lanes for 71st Avenue from Centennial to 80th Street. Burleigh (est. county cost \$900,000),
- 17) Replacement of the bridge on 136th Avenue NE (est. county cost \$400,000),
- 18) Paving of the McKenzie Haul Road (est. county cost \$2.4 million),
- 19) Widen & and overlay of 71st Avenue NE from 80th Street to 106th Street est. county cost \$600,000),
- 20) Replacement of bridge on 275th Street (est. county cost \$400,000),

21) Widen & overlay of the 405th Street NE, aka Driscoll Road (est. county cost \$500,000),

Commissioner Mark Armstrong noted that the budget would take the county through the top 17 projects. Mill said that realistically he hoped to complete the top 12 projects in 2008.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve the 2008 Burleigh County Road Project Priority List as presented. All members voted "AYE." Motion carried.

Auditor\Treasurer Glatt presented the Preliminary Engineer's Report and recommendations of the Special Assessment Screening Committee regarding proposed Special Assessment District #48 Crescent Ridge Subdivision and Special Assessment District #49 - Crescent Ridge 2<sup>nd</sup> \ Golden Hills Subdivisions for the Board's consideration. Glatt noted both projects are for pavement of subdivision roads.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to accept the Preliminary Engineers report, to create Special Assessment District #48, and to declare a Resolution of Necessity for Special Assessment District #48 Crescent Ridge Subdivision project and to accept the Preliminary Engineers report, to create Special Assessment District #49, and to declare a Resolution of Necessity for Special Assessment District #49 - Crescent Ridge 2<sup>nd</sup> \ Golden Hills Subdivisions and to call for public hearings for March 3 or 17, 2008 at 5:00pm. All members voted "AYE." Motion carried.

Auditor\Treasurer Glatt requested authorization to appoint a Special Deputy County Auditor to assist with the sale of the of the "fairgrounds" project. Glatt stated that should several bidders qualify for the auction he requests authorization to appoint a qualified auctioneer as a special deputy to assist with the sale in order to obtain the best sale prices possible and further to amend the budget as necessary.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to authorize the Auditor\Treasurer to appoint a qualified auctioneer as a special deputy to assist with the sale of the "fairgrounds" property and further to amend the budget as necessary to cover the salary\fees. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson to appoint Commissioners Schonert and Woodcox to the City\County Liaison Committee. All members voted "AYE." Motion carried.

On a motion made, seconded, and carried, the Board recessed until February 4, 2008.

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Kevin J. Glatt, Auditor\Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 4, 2008**

**5:20 P.M.**

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

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to approve the January 2008 meeting minutes as presented. All members voted "AYE." Motion carried.

Chairman Woodcox reported that he has reviewed the monthly vouchers and recommends approval.

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

Jaclin M. Wike, Cook Wegner & Wike, appeared regarding approval of the Bond Issuance Resolution for Missouri Valley Family YMCA MIDA Bonds. Wike reported that the Commission approved the issuance of \$1.8M in MIDA Bonds for this project in 2007 and is requesting the issuance of an additional \$3.5M to complete the project.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve the Bond Issuance Resolution related to the sale of \$3.5M in MIDA Bonds on behalf of the Missouri Valley Family YMCA. All members voted "AYE." Motion carried.

Recorder Kroshus appeared and requested authorization to call for bids for new Recorder software system. Kroshus reported that she has \$80,000 in the 2008 Recorder's budget for this project.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to authorize the call for bids for a new County Recorder software system. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and requested approval of the NDDOT Traffic Safety Contract\Grant (PHSP4020802SP02PH07) in the amount of \$1,500 to purchase a RADAR unit.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to approve the NDDOT Traffic Safety Contract\Grant application for the purpose of purchasing a RADAR unit. All members voted "AYE." Motion carried.

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve the Berg, Deg, Wangler, Egli, Trom, Estes, Pleines, Hochhalter, Saefke, Schneider, Carlson, Baumgartner, and Kumerow abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

City\County Planning Director Hokenstad appeared regarding the acceptance of the right-of-way dedication within the final plat of Lunday Subdivision.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to approve the acceptance of the right-of-way dedication within the final plat of Lunday Subdivision. All members voted "AYE." Motion carried.

Hokenstad also presented a Progress Report from the consultant working on the Burleigh County Comprehensive Plan update project. Hokenstad noted the upcoming dates under the "Projected Activity Next Period" section of the report. Hokenstad stated this Progress Report will be posted on the county website.

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.

Chairman Woodcox noted that bids for the following Road Dept. items were opened at 4:00PM: Furnish Road Const. Equipment @ hourly rates, Gravel Crushing, Liquid Bitumen, Asphalt Paving & Related items, Concrete and Metal Culverts. Engineer Mill presented a detailed review of the bids and recommendations.

Engineer Mill recommended acceptance of all bids for the furnishing of road construction equipment at hourly rates and to file them for future reference as needed.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to accept all bids for the furnishing of road construction equipment at hourly rates and to file them for future reference as needed. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to award the bid for aggregate crushing to the low bidder Sundre Sand & Gravel, Inc. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to award bids for liquid bitumen to the low bidders Flint Hills (MC-70) and Cenex Harvest States Cooperative (HFMS-2 & AC). All members voted "AYE." Motion carried.

Engineer Mill then reported no valid bids were received for the asphalt paving & related items.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to authorize the Road Dept. to use the "spot" market for asphalt paving & related items as needed. All members voted "AYE." Motion carried.

The Board then considered and reviewed the bids for metal and concrete culverts. Mill recommended award to Johnson Fargo Culvert Co (metal) and Cretex Concrete Products, Inc (concrete).

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to accept and award bids for metal culverts to Johnson Fargo Culvert Co., the low bidder. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong to accept and award bids for concrete culverts to Cretex Concrete Products, Inc. the low bidder. All members voted "AYE." Motion carried.

Auditor\Treasurer Glatt reported on the results of public auction for the sale of "fairgrounds" property held earlier today. Glatt reported that only one (1) bidder qualified for the public auction and that no bids were received.

Comm. Peluso questioned whether the Commission should pursue other options for sale of the property or do nothing.

Auditor\Treasurer Glatt suggested nonexclusive real estate listing with the minimum sales prices for the properties which have already been set as the asking prices. Glatt stated this would provide an avenue for anyone interested to make an offer.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to authorize the sale of the "fairgrounds" property through nonexclusive real estate listings with the minimum sales prices as established as the asking prices subject to review and approval by the State's Attorney. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to declare the Dakota Strutter's an other public spirited organization and to approve the raffle permit application for Dakota Strutter's (National Wild Turkey Foundation) and to authorization to call for bids for Election Supplies and Printing. All members voted "AYE." Motion carried.

On a motion made, seconded, and carried, the Board recessed until February 20, 2008.

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 20, 2008**

**5:30 P.M.**

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

Comm. Haakenson reported that he has reviewed the monthly vouchers and recommends approval.

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

This was the hour and date set to conduct a PUBLIC HEARING regarding the Resolution of Necessity for Special Assessment District #47 - 4K's Estates & 4K's Replat Subdivisions Chip Seal Project.

Chairman Woodcox called for any testimony from those in attendance.

Dave Schmitz, the Special Assessment District project sponsor, appeared in support of the project. Schmitz noted the circulated petition had 100% support of the benefited property owners.

No one else appeared.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to close the public hearing regarding the proposed 4K's Estates & 4K's Replat Subdivisions SAD#47 Chip Seal Project and to adopt a resolution determining insufficiency of protests and to direct the Engineer to prepare detailed plans and specifications for the project. All members voted "AYE." Motion carried.

Engineer Mill appeared and presented the detailed plans and specs for the countywide chip seal project including SAD#47 and requested authorization to advertise bids for the same.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the detailed plans and specs for the countywide chip seal project including SAD#47 and to authorize the advertisement of bids for the same. All members voted "AYE." Motion carried.

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

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to approve the Hoiby, Albrecht, Smith, Holzer, Meza, Axtman, Lindelow, Mees, Martel, Hoffer, Wetzel, and Hinkel abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

The County Commission recessed to immediately sit as the Township Board of Supervisors for Burnt Creek, Ft. Rice, Lincoln, Lyman, Phoenix, and Riverview unorganized townships to consider the annual road maintenance agreements with unorganized townships.

Sitting as the individual Township Board of Supervisors the following motion was made for each township:

Motion by Comm. Schonert, 2<sup>nd</sup> Armstrong, to approve the annual road maintenance agreements with Burleigh County Road Dept. All members present voted "AYE."  
Motion carried.

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

The Board then discussed the maximum rate of compensation for sale of the "fairgrounds" property through nonexclusive listings.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to authorize the sale of Lots 1 & 2, Block 1; Lots 1, 2, & 3, Block 2, Missouri Valley Complex First Replat to the City of Bismarck, Burleigh County ND, through nonexclusive real estate listings with the following previously established minimum sales prices as the asking prices and with the maximum rate of compensation set at 3% with the county reserving the right to reject any and all offers as insufficient:

Lot 1, Block 1	(335,357sqft) minimum bid	\$ 350,000
Lot 2, Block 1	(352,069sqft) minimum bid	\$ 175,000
Lot 1, Block 2	(536,623sqft) minimum bid	\$1,875,000
Lot 2, Block 2	(726,042sqft) minimum bid	\$1,500,000
Lot 3, Block 2	(220,755sqft) minimum bid	\$ 250,000.

All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson, to approve the Lost Instrument Surety Bond to replace check #65721 (\$67.05). All members voted "AYE." Motion carried.

On a motion made, seconded, and carried, the Board recessed until March 3, 2008.

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
March 3, 2008**

**5:00 P.M.**

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

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve the February 2008 meeting minutes as presented. All members present voted "AYE." Motion carried.

Comm. Haakenson stated he had reviewed the monthly vouchers and recommended approval.

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

Auditor\Treasurer Glatt presented for the Board's consideration amendments to the 2007 budget.

FUND	2007 BUDGET	AMENDED BUDGET
Highway Gas Tax	\$4,275,000	\$4,515,000
State gas tax receipts exceeded budget estimate		
Regional Child Support	\$1,286,503	\$1,275,000
Compensated leave payout		
Victim \ Witness Advocate	\$120,154	\$121,000
Funds remitted to Abused Adult Resource Center exceeded budget		
Cell Phone Tax	\$478,000	\$577,000
Excise Tax collections exceeded budget estimate		
Kniefel Boat Landing	\$33,900	\$59,000
Capital expenses exceeded budget estimate		
County Fair	\$8,000	\$35,000
Capital expenses exceeded budget estimate		
County Preservation Fund	\$24,000	\$73,000
Document Conversion exceeded budget		
UCC Maintenance	\$6,000	\$7,000
Closed fund in 2007		
Sheriff Drug Asset Forfeiture	\$50,000	\$133,000
Asset forfeitures exceeded budget		
State's Attorney Asset Forfeiture	\$5,000	\$6,000
Asset forfeitures exceeded budget		

Green Acres SAD#42	\$0	\$17,400
New special assessment district		
Three Bears SAD#43	\$0	\$1,600
New special assessment district		
Spruce Hill\Creek SAD#44	\$0	\$8,600
New special assessment district		

Motion by Comm. Schonert, 2nd by Comm. Haakenson, to amend the 2007 budgets as presented. All members present voted "AYE." Motion carried.

Social Service Director Doe appeared and presented the results of the Social Service Dept Client Satisfaction Survey.

HR Director Gall appeared with the following items for the Board's consideration: a) Employee Recognition Ceremony - April 10, 2008, b) authorization to direct Provident Building vending commissions\profits to the Employee Relations Fund.

By consensus the Commission agreed to April 10, 2008 as the date for the Employee Service Award Ceremony.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to direct the deposit of the Provident Building vending profits\commissions to Employee Relations Fund effective immediately. All members present voted "AYE." Motion carried.

Tax Director Finneman appeared and presented the monthly 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.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve the Baumgartner, Martin, Stenerson, Massad, and Schepper abatements as requested and recommended by the Tax Equalization Director. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to deny the Cook abatement and set the value at \$84,300 as this is the correct value based upon her homestead credit qualifications. All members present voted "AYE." Motion carried.

The Board then reviewed the Frerking abatement request with Tax Director Finneman stating the recommended value is just, equitable, and based upon the recent reassessment of Hay Creek Township.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to deny the Frerking abatement and set the 2007 market value at \$199,900 which is just, equitable, and equal to the value established by the independent reassessment of Hay Creek Township which utilized sales and values of comparable properties. All members present voted "AYE." Motion carried.

Karen daSilva, Operations Manager for The Bismarck-Mandan Symphony Orchestra, appeared and requested \$5,000 in funding for the 4<sup>th</sup> of July Celebration held at the State Capital grounds. daSilva presented a report on the sources and uses of funds related to the 2007 Celebration.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve the \$5,000 funding request for the 4<sup>th</sup> of July Celebration subject to approval of a formal contract describing how the funds will be expended along with proof that the Symphony is a qualified non-profit organization recognized by the ND Council on the Arts. "AYE" votes: Schonert, Armstrong, Peluso. "NAY" vote: Haakenson. Absent: Woodcox. Motion carried. 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.

Wade Bachmeier appeared and requested a variance for a 2<sup>nd</sup> approach from Lot 9, Block 1, Mauch Subdivision onto 28<sup>th</sup> Ave SE.

Mill recommended denial of the 2<sup>nd</sup> approach request as 28<sup>th</sup> Ave SE is designated a fringe road and as the requested approach will be very close to the intersection of 28<sup>th</sup> Ave and 66<sup>th</sup> St. Mill noted that 66<sup>th</sup> St is designated as a corridor roadway and is anticipated that both 28<sup>th</sup> Ave and 66<sup>th</sup> St will be very busy roadways. Mill added that as there are no buildings on the lot it should not be a hardship to plan the building site(s) and traffic circulation within the lot.

Comm. Schonert stated he has inspected the site and agrees with Engineer Mill. Schonert added the townships should have more input on the process.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to deny the Bachmeier \Wendenburg request for 2<sup>nd</sup> approach permit from Lot 9, Block 1, Mauch Subdivision onto 28<sup>th</sup> Ave SE. "AYE" votes: Haakenson, Schonert, Armstrong, Peluso. "NAY" vote: none. Absent: Woodcox. Motion carried.

Mill then presented the report of the Special Assessment Screening Committee regarding the proposed Special Assessment District #46 – Prairiewood Estates 2<sup>nd</sup> Subdivision paving project. Mill continued that after careful consideration it was determined the recommendation of the Screening Committee to the County Commission shall be that this proposed SAD not be approved based upon the fact that the petition to create the special assessment district does not include paving of the entire length of 66<sup>th</sup> St SE to 48<sup>th</sup> Ave.

Mill explained 66<sup>th</sup> St SE is an Apple Creek Township roadway and that the traffic volume on 66<sup>th</sup> St SE is at a level where gravel cannot provide a suitable driving surface. Mill continued that Apple Creek Township is aware of the roadway conditions and that Burleigh County is willing to participate in the funding of the improvement to 66<sup>th</sup> St.

Comm. Schonert noted approving of the SAD without the paving of the entire length of 66<sup>th</sup> St SE would not be fair to other subdivision SADs which have been required to pave adjacent roadways and further would set bad precedent for the future.

Tom Kary, project engineer from Kadrmas Lee & Jackson, appeared and stated paving of the entire length of 66<sup>th</sup> St SE to 48<sup>th</sup> Ave was not a direct benefit to the residents of Prairiewood 2<sup>nd</sup> and thus not a part of the special assessment district petition.

Comm. Schonert stated that dust control is a direct benefit and reiterated that approving this special assessment district without requiring the paving of the entire length of 66<sup>th</sup> St SE to 48<sup>th</sup> Ave. would not be fair. Schonert added that he hoped Apple Creek Township would step forward and provide funding assistance for this project.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to accept the recommendation of the Special Assessment Screening Committee and to deny the creation of Special Assessment District #46 for Prairiewood Estates 2<sup>nd</sup> Subdivision. All members present voted "AYE." Motion carried.

Mill then recommended approval of the consulting engineering contract(s) for SADs #48 & 49 with MBN Engineering. Auditor/Treasurer Glatt noted the contract has been reviewed and approved by the State's Attorney.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to approve the consulting engineering contract(s) with MBN Engineering for Special Assessment Districts #48 & 49 with MBN Engineering. All members present voted "AYE." Motion carried.

The Commission then considered the establishment of roadway load limits in conjunction with NDDOT with the following motion made:

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to establish the annual road weight limit/load restrictions on Burleigh County paved roadways per the ND DOT and to request the ND State Highway Patrol to enforce the same on the county highway system. All members present voted "AYE." Motion carried.

The Commission then considered the annual road maintenance agreements with townships.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to approve the annual road maintenance agreements with unorganized townships. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve the Raffle Permit Application of the Driscoll Wildlife Club and to recognize the Driscoll Wildlife Club as a Public Spirited Organization. All members present voted "AYE." Motion carried.

Comm. Haakenson stated he expects the county will be in a position to hire a park ranger by mid-April and requested that a 1993 Chevrolet pickup owned by the Road Dept be transferred to the Park Board and thus removed from the spring auction. The Commission agreed by consensus.

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

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Kevin J. Glatt,  
Auditor\Treasurer

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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
March 17, 2008**

**5:00 P.M.**

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

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

Comm. Armstrong stated he had reviewed the monthly vouchers and recommended approval.

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

This was the hour and date set to conduct a PUBLIC HEARING regarding the Resolution of Necessity for Special Assessment District #48 Crescent Ridge Subdivision.

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to close the public hearing regarding the proposed Crescent Ridge Subdivision, SAD#48, and to adopt a resolution determining insufficiency of protests and direct the engineer to prepare detailed plans and specifications. All members present voted "AYE." Motion carried.

This was the hour and date set to conduct a PUBLIC HEARING regarding the Resolution of Necessity for Special Assessment District #49 Crescent Ridge 2<sup>nd</sup> & Golden Hills Subdivisions.

Chairman Woodcox opened the public hearing and called for public testimony. Auditor\Treasurer Glatt noted written protests have been filed by a small number of residents including one (1) protest by someone who initially signed the petition to create the special assessment district. Glatt continued if the signature from this protestor is removed from the original petition the percentage of approval is 60.6% with 60% required.

Doug Pearson, project sponsor, appeared in support of the special assessment district and stated the project would make the subdivision nicer and increase property values.

Pat Thompson appeared and requested more research be done before this project is approved.

John Doll appeared in opposition noting his concern over whether he can afford the special assessments noting the recent township reassessment that will more than likely increase his taxes along with increase in fuel costs.

Justin Morrison, Andre Krebs, and Lowell Johnson appeared in opposition to the project with additional protest letters being submitted from other landowners who initially signed the petition to create the special assessment district. Auditor\Treasurer Glatt noted that with these additional protestors being removed from the original petition the percentage of approval is 55% with 60% required.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to close the public hearing regarding the proposed Crescent Ridge 2<sup>nd</sup> & Golden Hills Subdivisions, SAD#49, and to terminate the resolution of necessity as the protests for this Special Assessment District are sufficient to stop the project. All members present voted "AYE." Motion carried.

Bill Troe, URS, appeared and presented the DRAFT MPO 71<sup>st</sup> St – Centennial Road Corridor Study. Troe noted the final report is expected to be completed within a month. No action was taken.

Burleigh County Housing Authority Director Zainhofsky appeared and presented the results of A Comprehensive 10-Year Plan to End Long-Term Homelessness in the Bismarck-Mandan Area. No action was taken.

Zainhofsky also presented the Commission with a check in the amount of \$4,880.68 stating that Burleigh County Housing Authority and the Terrace voluntarily elect to pay in lieu of taxes to political subdivisions within the area served by the Housing Authority.

County Engineer Mill appeared and presented the results of the bid opening for the county-wide chip seal project including the 4-K's Subdivision Chip Seal Special Assessment District #47.

Mill recommended award of bids to Astech Corp. the low bidder in the amount of \$410,647.17.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to award bids for the county-wide chip seal project including the 4-K's Subdivision Chip Seal Special Assessment District #47 to Astech Corp. the low bidder in the amount of \$410,647.17. All members present voted "AYE." Motion carried.

Mill then presented the report of the Special Assessment Screening Committee regarding the proposed Special Assessment District #46 – Prairiewood Estates 2<sup>nd</sup> Subdivision paving project. Mill continued that after careful consideration the recommendation of the Screening Committee to the County Commission is to approve the Prairiewood Estates 2<sup>nd</sup> Subdivision SAD as the petition to create the special assessment district includes paving of the entire length of 66<sup>th</sup> St SE to 48<sup>th</sup> Ave.

Comm. Peluso questioned Mill regarding other development in the area especially east of 66<sup>th</sup> St. Mill noted there are other residences in the immediate area who utilize 66<sup>th</sup> St for access. Comm. Peluso questioned if there was a method for assessing these properties for a portion of 66<sup>th</sup> St. Engineer Mill stated the petition to create the district could have included these properties.

Sean Johnson appeared in support of the creation of the special assessment district. Johnson noted there are others who use the road and who benefit from this project who will not participate in the cost. Johnson stated that the residents of Prairiewood 2<sup>nd</sup> recognize this but also want to get the paving project completed before costs increase.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to accept the Preliminary Engineers report, to create Special Assessment District #46, and to declare a Resolution of Necessity for Special Assessment District #46 Prairiewood 2<sup>nd</sup> Subdivision project and to call for a public hearing for April 21, 2008 at 5:00pm. All members present voted "AYE." Motion carried.

County Recorder Kroshus appeared with the results of the bid opening for the Recorder Document System. Kroshus noted that two (2) bids were received and opened. Kroshus requested an extension on the award of bids until the April 7th, 2008 Commission meeting in order to do more research and reference checking of both companies so an informed decision can be made.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to accept the bids of Tyler Technology and Computer Software Associates (CSA) for the Recorder Document System and to extend the award of bids until the April 7th, 2008 Commission meeting. All members present voted "AYE." Motion carried.

Sheriff Heinert appeared and presented the results of price quote solicitation for a new boat and requesting approval of a NDDOT Seat Belt Enforcement Grant.

Heinert reported that four (4) price quotes were received with the low quote from Moritz Sport & Marine for a 2008 Ranger 1850, 150 Yamaha Motor and trailer in the amount of \$22,586 including trade-in of a 1997 Crestliner. Heinert noted this is approximately \$1300 less than the next lowest bid. Heinert stated he will be applying for a \$5,000 grant from the ND Game & Fish Dept to help offset the cost.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to authorize the purchase of a 2008 - 1850 Ranger from Moritz Sport & Marine in the amount of \$22,586 including trade-in. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve Traffic Safety Grant\Contract PHSP4000805-06-03 with the ND Dept of Transportation for Seat Belt Enforcement. All members present voted "AYE." Motion carried.

The Board then considered support for the expansion of the City of Bismarck Renaissance Zone. Jason Tomanek, City of Bismarck Planning Dept, appeared and explained the Renaissance Zone and the requirement of ND statute for County Commission support of the expansion of the Zone.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert to authorize and approve a letter of support for the expansion of the City of Bismarck Renaissance Zone. "AYE" votes: Armstrong, Schonert, Woodcox. "NAY" vote: Peluso. Absent: Haakenson. Motion carried.

Chuck Huber, Bismarck Realty, representing Hay Creek LLP appeared and presented a purchase agreement for the purchase of Lots 1 & 2, Block 1, Missouri Valley Complex First Replat. Huber explained that the purchase agreement is contingent upon the property being rezoned by the purchaser, and the seller bringing city water and sewer to the property line.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve and accept the purchase agreement with Hay Creek LLP for the purchase of Lots 1 & 2, Block 1, Missouri Valley Complex First Replat in the amount of \$525,000 contingent upon the purchaser getting property rezoned from CG to MA and subject to this Commission approving any seller assumed costs associated with bringing city water and sewer to the property line. All members present voted "AYE." Motion carried.

Auditor\Treasurer Glatt then presented the results of the bid opening for ballot printing\election supplies. Glatt noted two (2) bids were received and opened at 4:00PM this afternoon. Glatt stated Election Systems & Software, Inc. of Omaha NE and The Printers of Bismarck ND submitted bids. Glatt recommended award to the low bidder, The Printers.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to award the bid for ballot printing\election supplies to the low bidder The Printers of Bismarck ND. All members present voted "AYE." Motion carried.

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

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Kevin J. Glatt,  
Auditor\Treasurer

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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
April 7, 2008**

**5:42 P.M.**

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

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

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to approve the March 2008 meeting minutes as presented. All members present voted "AYE." Motion carried.

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

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

Emergency Management Director Senger appeared and requested an extension of the temporary burn ban. Senger explained Chairman Woodcox signed a burn ban last week, which could only be authorized for seven days unless extended by the full County Commission. Senger stated the Chairman has the authority to lift the ban when deemed appropriate.

Motions by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to declare a fire emergency and extend the burn ban until conditions improve. All members present voted "AYE." Motion carried.

Recorder Kroshus appeared and presented the results of the bid opening for the Recorder Document System. Kroshus recommended awarding the bids for purchase of a new recording software system to Computer Software Associates (CSA) of Billings, Montana. Kroshus stated the estimated cost to be \$59,000 including all necessary equipment with the annual service contract estimated at \$9,370. Kroshus continued the CSA bid is approximately \$16,000 less than the other received bid.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to award the bids for purchase of a new Recorder Document System to Computer Software Associates (CSA) of Billings, Montana. All members present voted "AYE." Motion carried.

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson, to approve the Anderson, Albers, Nemec, Misty Waters LLC, Hopfauf, Olive Branch Estates LLC, Mandan Properties LLC, Beckert, Nagel, Lamontagne, Simmons, Bernhardt, Smith, and Noon abatements as requested and recommended by the Tax Equalization Director. All members present voted "AYE." Motion carried.

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/Treasurer.

Engineer Mill presented information regarding proposed adjustments to township & private hourly equipment rates.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to approve the township and private hourly equipment rates for 2008 as presented. All members present voted "AYE." Motion carried.

Erv Nodland appeared on behalf of Kathleen Jones and requested a 2<sup>nd</sup> approach permit from Lot 3, Block 4, Westwood on the River (4380 Wildwood St) on to Crestwood St. Nodland stated the purpose of the 2<sup>nd</sup> approach is to provide more convenient access & egress to the garage, septic, and propane tanks.

Neil Modin, Chairman of the Hay Creek Township Board of Supervisors, appeared to confirm Hay Creek Township's opposition to the request. Modin stated current policy is one approach per lot unless hardship, and in this case there is no hardship.

Comm. Schonert stated that since this is a township road, he feels the Board of Township Supervisors should have jurisdiction even though the law does not provide them the jurisdiction.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson to approve the request of Kathleen Jones for a 2<sup>nd</sup> approach from Lot 3, Block 4, Westwood on the River (4380 Wildwood St.). "AYE" votes: Peluso, Haakenson, Woodcox. "NAY" vote: Schonert. Absent: Armstrong.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the Construction & Maintenance Agreement, right of way certification, and utility certification letter with the ND Dept of Transportation for the Co.Rd. #10 Chip Seal project. All members present voted "AYE." Motion carried.

Engineer Mill then requested authorization to advertise for bids for the 149<sup>th</sup> Ave SAD paving project.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to authorize the advertisement of bids for the hard surfacing portion of the 149<sup>th</sup> Ave SAD paving project. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to approve the request of Engineer Mill to purchase the necessary software and equipment to implement a Global Positioning System (GPS) at an estimated cost of \$54,000. All members voted "AYE." Motion carried.

Mill then presented a request of MBN Engineering to terminate the consultant contract for SADs #48 & 49.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to authorize the termination of the consulting engineering contract(s) for SADs #48 & 49 with MBN Engineering as requested by the contractor. All members present voted "AYE." Motion carried.

Sheriff Heinert appeared regarding authorization to advertise for bids for the Detention Center project: control room update, video visitation, painting, carpet replacement, additional bunks, etc.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to authorize the advertisement of bids for the Detention Center project: control room update, video visitation, painting, carpet replacement, additional bunks, etc. All members present voted "AYE." Motion carried.

Auditor\Treasurer Glatt appeared regarding authorization to appoint Election Inspectors & Clerks, establish election worker pay, and establishment of Absentee Ballot Precinct for the purpose of processing absentee ballots cast at the June 10, 2008 Primary Election.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to authorize the County Auditor\Treasurer to appoint the Election Inspectors & Clerks, to set election worker pay at \$6.75 per hour and \$8.50 per hour if the worker attends an election training session, to authorize the establishment of an Absentee Ballot Precinct, and to authorize the change in polling place from Saxvik School to the Senior Center. All members present voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to proclaim April 13 -19, 2008 as National Public Safety Telecommunications Week. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the Raffle Permit Applications of the St. Hildegard's Alter Society, Junior Achievement of the Upper Midwest and the ND Golf Association and to recognize the ND Golf Association as a

Public Spirited Organization, to approve payment of membership dues for the unorganized townships to the Burleigh County Township Officers Association; and to approve the SE Liquor License Application: Uncle Jesse's Bar (Driscoll) SE for June 21<sup>st</sup> at Menoken Grove and for a July 4<sup>th</sup> Beer Garden in Driscoll. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to reappoint Betty Day to a three (3) year term on the Burleigh County Social Service Board effective 7/1/08. All members present voted "AYE." Motion carried.

By consensus the County Commission approve the request of KFYZ Radio to utilize the McLean Bottoms Boat Ramp area from approximately 9:00am until 4pm on June 13, 2008 as part of the 7<sup>th</sup> Annual Tractor Trek.

Asst. State's Attorney Suhr recommended that the Commission go into executive session pursuant to NDCC 44-04-19.1(2), (4) & (7) for the purpose of discussing employment matters.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to conduct an executive session of the Burleigh County Commission pursuant to NDCC 44-04-19.1(2), (4) & (7) for the purpose of discussing employment matters. All members present voted "AYE." Motion carried.

7:02pm

The Board then convened an Executive Session in the Commission Chambers of the Tom Baker Meeting Room.

7:16pm

The Commission reconvened in open session.

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

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Kevin J. Glatt,  
Auditor\Treasurer

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Jerry Woodcox,  
Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
April 21, 2008**

**5:00 P.M.**

The Burleigh County Commission convened with all members present.

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

Comm. Peluso reported he reviewed the bills and recommends approval.

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

This was the hour and date set to conduct a PUBLIC HEARING regarding the Resolution of Necessity for Special Assessment District #46 Prairiewood 2<sup>nd</sup> Subdivision.

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to close the public hearing regarding the proposed Prairiewood 2<sup>nd</sup> Subdivision, SAD#46, and to adopt a resolution determining the insufficiency of protests and direct the engineer to prepare detailed plans and specifications. All members voted "AYE." Motion carried.

County Engineer Mill appeared and stated the detailed plans and specifications for SAD#46 and SAD#48 have been submitted to his office for review by the consulting Engineer, KLJ. Mill recommended approval of the detailed plans and specifications subject to his final review and approval and to call for bids for the special assessment districts.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to approve the detailed plans & specifications for SAD#46 and SAD#48 subject to final approval by the County Engineer. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to authorize the call for bids for SADs #46 & #48. All members voted "AYE." Motion carried.

The Board then considered the Detention Service Agreement with ND Youth Correctional Center.

Asst. State's Attorney Feland stated that she is not ready to recommend approval of the Detention Service Agreement with ND Youth Correctional Center.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to table consideration on the Detention Service Agreement with ND Youth Correctional Center. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve the gaming site authorizations of the Hazelton Lions Club for the Sterling Bar and Moffit Bar. All members voted "AYE." Motion carried.

The Commission then discussed the format for the Burleigh County Comprehensive Plan Update public input meeting.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to direct the Planning Department to schedule the public input meeting in a facility with adequate seating for 200+ people and further that live television coverage is not necessary with the starting time to be 7pm. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson, that upon completion of the DRAFT of the Burleigh County Comprehensive Plan Update that fifty (50) copies of the DRAFT be made available for public at the Auditor\Treasurer's Office. All members voted "AYE." Motion carried.

The Burleigh County Commission recessed to immediately sit as the Burleigh County Park Board.

6:10 P.M.

The Burleigh County Commission reconvened with all members present.

The Commission considered the proposal to purchase a portion of the Missouri Valley Fairgrounds property.

Chuck Huber, Bismarck Realty, appeared and stated the proposed use of the property is for wholesale and retail sale of landscape material, aggregate and ready mix cement. Huber stated the business is well suited for the area, noting that it is surrounded by heavy industrial uses including a main-line railroad, livestock market and the Northern Plains Commerce Centre, which will eventually generate heavy truck traffic. Huber continued that the property is ideally suited for light industrial and will not be unsightly. Huber added because of the other industrial businesses in the immediate area he does not think it will be easy to attract commercial businesses to the property. Huber added that this is not a smokestack industry and will not include an asphalt hot mix plant. Huber hoped the Commission will continue to support this sale and keep things "on track."

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

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**May 5, 2008**

**5:50 P.M.**

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

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve the April 2008 meeting minutes as presented. All members voted "AYE." Motion carried.

Comm. Peluso stated that he has reviewed the vouchers and recommended approval.

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

Scott Wegner, Cook, Wegner & Wike, appeared regarding authorization to call for a public hearing regarding Streamline Foundation's request that Burleigh County issue MIDA Bonds to construct and equip an indoor aquatic center. Wegner explained Streamline is requesting \$9.5 million in bank-qualified MIDA bonds over the next two years for a project that has the approval of the Bismarck Parks and Recreation District and Bismarck State College. Wegner stated revenues generated by the aquatic center will be used to fund the bond payments.

Dennis Kemmesat, President of Streamline Foundation, appeared and upon question explained the makeup of the Board of Directors and governing structure of Streamline Foundation. Kemmesat explained the Bismarck Park & Rec District has requested Streamline build an indoor aquatic center in the City of Bismarck. Kemmesat stated the Bismarck State College student body will fund about one-third of the annual maintenance cost of the facility, and that the facility will have a \$1 million to \$1.5 million positive impact on the community.

Commissioners Schonert and Armstrong noted the several calls they have received on this issue, indicating that the park district was trying to pull an end run on the voters. Schonert stated he has no problem authorizing a public hearing and allowing citizens the opportunity to come forward and ask questions.

Comm. Haakenson questioned whether the requested Attorney General's opinion has been received regarding the legality of the process proposed to build the facility. Haakenson also questioned the lease-back proposal, asking what amount will be

required at the end of the lease and further who would own the facility upon completion of the lease.

Kemmesat responded that these issues have yet to be determined.

Comm. Peluso stated that the decision to build the indoor aquatic-wellness center has already been made and that the county is just a pass-through for the MIDA bonds. Peluso continued that the county is merely approving MIDA bonds to provide the best interest rate for a facility that is going to be built. Peluso noted that by providing the best financing available, we are passing that savings on to our constituents.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to call for a Public Hearing on June 2, 2008, at 5:30 PM regarding the issuance of MIDA Bonds for Streamline Foundation to construct and equip an indoor aquatic center. All members voted "AYE." Motion carried.

Pat Heinert, Burleigh County Sheriff, presented the results of the bid opening for the Detention Center upgrades.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson, to accept the bids for the Detention Center upgrades as presented with the award of bids scheduled for the May 19, 2008 Commission meeting to allow time to review the bids. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to confirm the reappointments of Leslie Oliver and Curt Coleman to three (3) year terms on the Burleigh County School Board Reorganization Committee. All members voted "AYE." Motion carried.

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

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to approve the Sanchez, Peightal, Harter, Blazek, Lippert, and Kuehl abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

Kim Lee, Asst. Planning Director, appeared with the following items for the Board's consideration: a) acceptance of right-of-way within Gemuenden 1<sup>st</sup> Subdivision, b) acceptance of right-of-way within Owens Estates Subdivision.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve and accept the right-of-way dedication within the final plat of Gemuenden 1<sup>st</sup> Subdivision. All members voted "AYE." Motion carried.

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

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 and Auditor/Treasurer Glatt explained that the required advertisement of bids for SADs #46 & #48 was not published by the Bismarck Tribune as directed. Glatt recommended the bid opening for SADs #46 & #48 be moved to May 22, 2008, with the award of bids to be considered at the June 2, 2008 Commission meeting.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve the rescheduling of the bid opening for SADs #46 & #48 to May 22, 2008, with the award of bids to be considered at the June 2, 2008, Commission meeting and to authorize the publication of the same. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve the consulting engineering contract for SADs #46 & #48 with Kadrmas Lee & Jackson. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve and accept the purchase agreement with Hay Creek LLP for the purchase of Lot 2, Block 2, Missouri Valley Complex First Replat in the amount of \$1,500,000, subject to the review and approval of the States Attorney; and subject to the Commission approving any costs associated with bringing city water and sewer to the property line; and further rezoning the property from CG to MA Industrial. "AYE" votes: Armstrong, Peluso, Schonert, Woodcox. "NAY" vote: Haakenson. Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to approve the Detention Service Agreement between Burleigh County and the ND Youth Correctional Center. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson, to approve the gaming site authorizations for the Bis-Man CVB (Burnt Creek Club) and the NODAK Sportsmen (Uncle Jesse's Bar – Driscoll). All members voted "AYE." Motion carried.

Comm. Schonert noted a group made up of representatives from Bismarck\Mandan local political subdivisions met on April 22, 2008 and discussed potential legislation. Schonert continued the County Commission is requested to identify three (3) legislative items of concern for consideration at the group's next meeting to be held on June 12, 2008.

By Consensus the Board agreed to bring back items of concern to the May 19, 2008, Commission meeting.

Verdeen Schlafman appeared and requested the Commission lift the county burn ban in her township to allow her to burn the windrows on her barley fields. Schlafman stated that they have had a fair amount of rain which should allow them to burn, noting the neighboring counties have lifted their burn bans to accommodate similar requests.

Burleigh County Emergency Manager Senger appeared and stated that adequate moisture has not been received to lift the burn ban and further stated that area fire chiefs continue to support the burn ban. No action was taken.

Arlene Nelson, Sterling Township resident, appeared regarding the road approach to her residence. Nelson stated she presently shares her approach with the neighboring landowner with preliminary results of a property survey indicating the approach sits on the neighbor's property. Nelson is concerned she may lose access to her property; as the neighbor will not provide her an easement. Nelson requested that the approach be moved in order to serve both properties. Nelson stated that the results of the third survey should be available in a couple of weeks. No action was taken pending final survey results.

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

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
May 19, 2008**

**5:00 P.M.**

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

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson, to approve payment of the bills subject to review by Comm. Schonert. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and presented the results of the bid opening for the Detention Center Control Room upgrade:

General Contractor	PCI	\$ 29,800.00
Mechanical	HA Thompson	\$ 18,500.00
Electrical	Bergstrom	<u>\$ 542,800.00</u>
Subtotal		\$ 591,100.00

Heinert noted that with Engineering fees and costs the total for the project is \$646,300.64 which is under the original estimate of \$ 903,300.

Heinert presented the results of the additional work proposed for the Detention Center:

Painting	Oxtenko	\$ 65,214.00
Floor Covering	Dakota Flooring	\$ 3,620.00
Floor Polishing	Ideal Concrete	\$ 32,913.25
Bunks	Deco Art	\$ 7,643.00
Stainless Steel Tables	Sheet Metal Spec	\$ 13,995.18
Stainless Seats		<u>\$ 9,781.68</u>
TOTAL		\$ 133,167.11

Heinert stated he is seeking a legal opinion from the States Attorney regarding the use of the Jail Maintenance & Construction Fund to pay for the cost of housing inmates at other facilities during the construction/remodeling.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to accept and award the bids for the Detention Center upgrades as presented, and to authorize the Chairman to execute the contracts for the same. All members voted "AYE." Motion carried.

County Engineer Mill appeared with the following items for the Board's consideration:  
a) consideration of the results of bid opening for the 149<sup>th</sup> Ave NE SAD paving project,  
b) authorization to advertise for bids on paving 52<sup>nd</sup> St NE, (71<sup>st</sup> Av NE to 57<sup>th</sup> Av NE).

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to approve and award the bid for the 149<sup>th</sup> Ave NE Special Assessment District paving project in the amount of \$771,555.35 to the low bidder Mariner Construction, Inc. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to authorization the call for bids for paving of 52<sup>nd</sup> St NE (71<sup>st</sup> Av NE to 57<sup>th</sup> Av NE) on behalf of Hay Creek Township with 40% cost share participation from the county with bid opening scheduled for June 16, 2008. All members voted "AYE." Motion carried

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to award the Federal Aid Hwy 10 (16.2 miles) chip seal project to Asphalt Surface Technologies, Inc. All members voted "AYE." Motion carried.

Tax Director Finneman appeared and presented 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.

Tax Director Finneman recommended denial of the Schafer abatement and recommended a value of \$96,936MV based upon the value of the two (2) residential structures located on the parcel.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to deny the Schafer abatement and set the 2007 market value at \$96,936 based upon the value of the two (2) residential structures located on the parcel. All members voted "AYE." Motion carried.

Chairman Woodcox then initiated a discussion on the possibility of creating an independent Tax Equalization Office.

Tax Director Finneman stated that with the phenomenal growth in rural Burleigh County greatly expanding the work load of assessing property it appears that the assessing staff needs to direct their energies towards the jobs they were hired for – assessing property. Finneman continued the assessing staff is unable to provide support for the Auditor\Treasurer's Office during the peak busy seasons - tax collections and elections.

State's Attorney Riha stated that in order to establish an independent Tax Equalization Office a "plan" must be developed for separating the Tax Equalization Office from the Auditor\Treasurer's Office. Riha noted the plan must include the reasoning for the proposed change, with public hearings to be held.

Chairman Woodcox suggested that this item be placed on the agenda for the next Commission meeting for further discussion.

Tax Director Finneman stated that she will not have time between now and the next meeting due to the extreme workload preparing for the County Board of Equalization.

Comm. Haakenson questioned Finneman if Equalization will be completed by June 2, 2008. Finneman stated hopefully everything will be completed on time for the Equalization Meeting.

Comm. Haakenson added he would like to know the additional costs associated with separation of the offices.

Comms. Peluso and Schonert commended Auditor\Treasurer Glatt for his role leading the Tax Equalization Office and putting the office in a position to move forward and succeed in the future, noting the work Glatt did with the organized townships around Bismarck and the City of Lincoln to improve the assessment and equalization process.

By consensus the Board agreed this item should be further discussed at a future meeting.

Burleigh County Emergency Manager Senger appeared and provided the Commission information regarding the modification of the existing burn ban. Senger stated under the authorization of Chairman Woodcox the county established a modified burn ban a week ago. Senger stated the modified ban allows residents the flexibility to do what burning they must when conditions warrant. Senger continued the modified ban allows open burning, such as campfires, brush, field, ditch, haystack, fireworks and garbage burning if the fire index falls into the lower categories, such as midrange and low. Senger noted all four (4) rural fire chiefs in Burleigh have been consulted and are comfortable with a modified burn ban. Senger noted the City of Bismarck wants to be excluded from the burn ban since it has permanent burn restrictions in place through their fire code. Senger stated that if any resident desires to do a controlled burn they must inform the Burleigh County Sheriffs Office.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to extend the fire emergency and continue with a modified burn ban until further notice with the notation of the exclusion of the City of Bismarck. All members voted "AYE." Motion carried.

The Commission then discussed items for consideration for a Bismarck/Mandan area legislative agenda. By consensus the Commission agreed to submit extraterritorial zoning, declining gas tax revenues, and use of state surplus monies for property tax relief as Burleigh County items; with Auditor\Treasurer Glatt and Commissioners Woodcox and Schonert representing the county.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to approve the raffle permit applications for the Capital City Gun Club and Pride Inc; and to approve the liquor license applications of the Burnt Creek Club (D&S) and Hawk Tree, Inc. (D & S); and to assign voting credentials for the National Association of Counties Annual Conference to NDACo Executive Director, Mark Johnson.

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

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
June 2, 2008**

**3:00 P.M.**

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

Chairman Woodcox reviewed the statutes and duties of the Board of Equalization and explained the state requirements related to the sales ratio statistics. Woodcox noted that the Board of Equalization must meet during the first ten (10) days in June to equalize and correct the assessment rolls. The Board shall be responsible and just to render uniform taxation.

Tax Director Finneman presented the annual report of assessments for Burleigh County. Finneman reported that the total 2008 market value has increased overall by 11.2%. Finneman stated the average county AG land value as certified by the ND State Tax Dept remains at \$188.65 per acre. Finneman recommended no change to AG properties.

**3:05 P.M.**

Tax Director Finneman suggested that the Board take a break to review the equalization report. Comm. Schonert questioned Finneman regarding the two (2) year tax exemption for new homes. Finneman responded these were mostly from the City of Lincoln which allows the two (2) year new home exemption.

Finneman stated the Board of Equalization has 10 days to review protests and complete equalization.

The Board of Equalization continued with Chairman Woodcox calling for any testimony\comments from those in attendance.

Brian Ballerud, Hay Creek Township resident, appeared regarding the assessment of his property. Ballerud stated that the revaluation of Hay Creek Township was done at a time of historically high values with a 30% - 40% increase the norm with 50% or more not uncommon. Ballerud stated he is very concerned about how the new values will equate to property taxes. Ballerud requested the County Board of Equalization consider an across-the-board value decrease throughout Hay Creek Township.

The following residents also appeared regarding their respective assessments: Albert & Birdie Fode, Richard Hammond, Don Grinsteiner, Lavern & Jolene Gross, Gary Ternes, Doug Pearson, John Hauk, Mark Eslinger, Cliff Wilson, Rod Wanner, Doug Haefner, Richard Hilt, Michael Chamberlain, Paul Bultsma, Cathryn Pearson, and Tim Anderson.

Richard Hammond questioned the process wondering if this could all be done within 10 days.

Comm. Haakenson questioned if the County Commission would in fact need to call a special meeting to reconvene as the Board of Equalization as suggested by Finneman. Haakenson suggested that the Tax Director Finneman meet with the landowners protesting their values and if a resolution cannot be found the abatement process be used for the property values in dispute.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve and accept the assessments of the organized townships, as adopted by the local Boards of Equalization and recommended by the Tax Director. All members voted "AYE." Motion carried.

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

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

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

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

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

The Board then reviewed the assessments for the Cities of Bismarck, Lincoln, Regan, South Wilton, and Wing. Tax Director Finneman recommended no changes.

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve the assessments of the Cities of South Wilton, Regan, Wing, and Lincoln as adopted and recommended by the local Board of Equalization. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to approve the assessments of the City of Bismarck as adopted and recommended by the local Board of Equalization. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve and accept the 2008 real property assessments as equalized, including an average AG value of \$188.65, and to authorize the 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 voted "AYE." Motion carried.

#### **4:15 PM**

The Burleigh County Commission immediately convened the June regular meeting with all members present.

Tax Director Finneman presented the monthly 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\Tax Equalization.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve the Moffit, Lanning, Wald, Guthmiller, Lonnberg, and Schafer abatements as requested and recommended by the Tax Director. All members voted "AYE." Motion carried.

Tax Director Finneman recommended denial of the Kautzman abatement because the market value is based on sales of comparable properties in the subdivision and area.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to deny the Kautzman abatement as the 2006 value is based on comparable sales and values of similar property (the market) in the subdivision and area. All members voted "AYE." Motion carried.

Tax Director Finneman recommended denial of the Lauer, dba North Dakota Sites LLC, abatement and recommended a value of \$4,000MV based on the salvage value of the building and depreciation.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to deny the Lauer abatement and set the 2006 and 2007 market value at \$4,000 based upon the salvage value of the building taking into account depreciation. All members voted "AYE." Motion carried.

HR Director Gall appeared and stated Fox Lawson has completed the review and evaluation of the Tax Appraiser classification in the Auditor/Treasurer/Tax Equalization Department, specifically the position formerly held by Justine Thompson. Gall continued that upon review Fox Lawson has found the position has increased in complexity thereby warranting an increase in grade and salary. Gall noted the classification will now have a series of Tax Appraiser I, grade 5; and Tax Appraiser II, grade 6.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to accept the recommendation of Fox Lawson & Associates to reclassify to establish a Tax Appraiser II, grade 6 position in the Auditor/Treasurer/Tax Equalization Office. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson, to approve the liquor license renewals for the Apple Creek Country Club ( E & S), Darnell's Restaurant (D & S), Moffit Bar (D & S), Sterling Bar (D & S; SE for Menoken Grove and wedding dance), Bullets & More (Capital City Gun Club B & S), Uncle Jesse's (Driscoll D & S), and Hawk Tree Golf Course (D & S), subject to all necessary paperwork being filed, Township Board approval(s) and review and approval by the Sheriff; and to approve the Lost Instrument Surety Bond to replace check #68220 (\$200). All members voted "AYE." Motion carried.

On a motion made, seconded and carried the Burleigh County Commission recessed.

### **5:28 PM**

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

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

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

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

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

Dave Patience, Swenson & Hagen, appeared regarding the acceptance of the right-of-way within the final plat of Joyce Subdivision (Lincoln Township).

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to accept the right of way dedication within Joyce Subdivision (Lincoln Township). All members voted "AYE." Motion carried.

This was the hour and date set for the PUBLIC HEARING regarding the issuance of MIDA BONDS to construct and equip an indoor aquatic center on behalf of Streamline Foundation.

Scott Wenger, Cook, Wegner, & Wike, appeared regarding issuance of MIDA Bonds on behalf of Streamline Foundation to construct and equip an indoor aquatic center. Wenger stated that Streamline Foundation is requesting authorization to issue \$5.5M in MIDA bonds this year and an additional \$4M in 2009 (total not to exceed \$9.5M). Wegner stated that the foundation is currently seeking its 501(C)(3) status from the Internal Revenue Service. Wegner added no bonds will be issued until the 501(C)(3) status is approved and further Streamline may seek interim bonding until such status is

declared. Wenger acknowledged that an Attorney General's opinion has been issued exempting this project from the competitive bidding requirements of state law.

Chairman Woodcox called for testimony from those in attendance.

Comm. Schonert questioned who will own the facility at the end of the bond term.

Dennis Kemmesat, Streamline Foundation President, appeared and stated that final ownership has yet to be determined. Kemmesat added the Bismarck Park & Rec District has first right to renew the agreement for another 25 years with the agreement stipulating any revenues received after the bonds are paid will go to the Park & Rec District for other capital projects. Kemmesat noted about 90 percent of the revenue raised by the aquatic center will be through user fees and from Bismarck State College. Kemmesat explained the Park & Rec District will rent the facility from Streamline, along with operating and maintaining the aquatic center with Park & Rec District subsidizing about 10 percent of the facility's annual cost.

Roswell Henke appeared and requested that the County Commission approve the MIDA Bonds thus saving taxpayer dollars by utilizing the lowest available interest rates through the MIDA Bond process.

Comm. Haakenson stated that while he knows Bismarck residents want the pool, he does not like the way this project is structured.

As no one else appeared to testify Chairman Woodcox closed the public hearing.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve the Bond Issuance Resolution and other ancillary documents related to the sale of \$5.5M in MIDA Bonds on behalf of Streamline Foundation, on the condition that Steamline Foundation receive IRS 501(C)(3) status. "AYE" votes: Armstrong, Peluso, Schonert, Woodcox. "NAY" vote: Haakenson. Motion carried.

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to accept and award the bids to the low bidder Mariner Construction, Inc., in the amount of \$582,486.48 for Special Assessment District #46 & #48 paving project. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to approve the Reimbursement Resolution for Special Assessment District's #46 & #48, with reimbursement to be made to the County Road Department upon issuance of the bonds. All members voted "AYE." Motion carried.

Mill reported that Sterling Rural Fire Dept has requested a fire truck be stationed in a portion of the Moffit shop. Mill noted there is room for the truck but the request will pose

a slight security problem. Mill stated \$200 would need to be expended for door lock retrofitting to allow firemen adequate access without compromising security of county property. The Board by consensus agreed to the request of the Sterling Rural Fire Dept.

Mill reported a developer is proposing a subdivision that will require construction and paving of 66<sup>th</sup> Street NE, from 71<sup>st</sup> Avenue NE, north. Mill stated terrain creates a serious sight distance problem for the relatively busy intersection that the proposed construction would create. Mill suggested the developer excavate a relatively small "crest" off the profile of 71<sup>st</sup> Avenue NE. as a solution for the sight distance problem and construction of 66<sup>th</sup> Street NE. Mill noted 71<sup>st</sup> Ave NE is a county road that is proposed to be regarded as a "beltway" with the 'crest" in question to be removed at some time in the future. Mill recommended that in light of these unique circumstances, the county share the cost of the excavation work with the developer. Mill estimated a rough estimate for this work at \$25,000 to \$30,000.

Comm. Schonert recommended proceeding with this project, since this will be a beltway in the future.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve and proceed with 50/50 cost share participation with the developer to repair 71<sup>st</sup> Ave NE. All members voted "AYE." Motion carried.

Comm. Armstrong then initiated a discussion regarding the 2009 budget. Armstrong expressed his concern with rising property values and property taxes and requested that County Departments Heads submit 95% budgets for 2009 in order to hold property taxes down. Armstrong continued that he is concerned that the local economy may eventually follow the national downward trend in the next few years.

Comm. Schonert stated he did not think this was a bad idea and added the county should be more conservative this year than last. Schonert stated that recommendations from the salary survey being conducted by Fox Lawson may contain significant increases and requested that salaries be excluded from the 95%.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to draft a letter to department heads requesting them to submit a budget based on 95% of their 2008 budget, excluding salaries. All members voted "AYE." Motion carried

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

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Kevin J. Glatt, Auditor\Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
June 16, 2008**

**4:00PM**

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

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

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

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

Chairman Woodcox then initiated a discussion regarding the sale of "fairgrounds" property. Woodcox summarized the cost to improve the property with sewer & water service. Woodcox and Dale Heinert, Bismarck City Engineering Dept, explained it would cost the county about \$800,000 to provide sewer & water service to the "fairgrounds." Heinert noted that this does not include the cost of curb & gutter along Apple Creek Road.

Chairman Woodcox recommended that the County absorb the \$800,000 cost as part of the \$1.5 million sale of Lot 2, Block 2.

Comm. Armstrong suggested that the County go ahead and make the improvements and recoup as much of the \$800,000 as possible on future sales. Armstrong noted even if this sale falls through, we will eventually need sewer & water to make the other lots saleable.

Chuck Huber, Bismarck Realty, appeared and requested that the due diligence period be extended an additional thirty (30) days for the offer accepted and pending for Lot 2, Block 2, Missouri Valley Complex First Replat to work on the details of the private access and curb & gutter issues related to the Apple Creek Road.

4:20 P.M.

Comm. Schonert appeared.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to extend the due diligence period on the pending offer for the purchase of Lot 2, Block 2, Missouri Valley Complex First Replat for another thirty (30) days. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to authorize the funding of the \$800,000 sewer & water service expenses contingent upon the sale of Lot 2,

Block 2, Missouri Valley Complex Replat. All members voted "AYE." Motion carried.

By consensus Comm. Schonert and Auditor\Treasurer Glatt were directed to review the minimum sales prices for the remaining parcels offered for sale at the Missouri Valley Complex taking into account the \$800,000 water and sewer investment.

Chuck Huber, Bismarck Realty, then presented an offer of \$250,000 for Lot 3, Block 2, Missouri Valley Complex Replat, subject to the review and approval of the States Attorney; and subject to a thirty (30) day due diligence period; and further rezoning the property from CG to MA Industrial.

Comm. Peluso suggested that the Commission do nothing with this offer until the values have been reviewed by Comm. Schonert and Auditor\Treasurer Glatt.

Huber then presented a counter offer of \$306,550 to the Commission which included the portion of the water & sewer costs attributed to Lot 3, Block 2.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve and accept the purchase agreement with Hay Creek LLP for the purchase of Lot 3, Block 2, Missouri Valley Complex First Replat in the amount of \$306,550, subject to the sale of Lot 2, Block 2 and review and approval of the States Attorney; and subject to a thirty (30) day due diligence period; and further rezoning the property from CG to MA Industrial. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the contract with Kadmas Lee & Jackson PC, in the amount of \$2500 for a Traffic Impact Study for Yegan Road adjacent to Lots 1 & 2, Block 1, and Lots 1 & 2, Block 2, Missouri Valley Complex First Replat. All members present voted "AYE." Motion carried.

Chuck Huber, Bismarck Realty, then presented an offer of \$175,000 for Lot 2, Block 1, Missouri Valley Complex Replat, subject to the review and approval of the States Attorney; and subject to a thirty (30) day due diligence period; rezoning the property from CG to MA Industrial; and further the county providing the water and sewer services.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to counteroffer \$358,400 for the sale of Lot 2, Block 1, which includes the portion of the water and sewer costs attributed to Lot 2, Block 1; subject to the review and approval of the States Attorney; and subject to a thirty (30) day due diligence period; rezoning the property from CG to MA Industrial; and further the county providing the water and sewer services. All members voted "AYE." Motion carried.

Chuck Huber, Bismarck Realty, then presented an offer of \$770,000 for the west seven (7) acres of Lot 1, Block 2, Missouri Valley Complex Replat, subject to the

review and approval of the States Attorney; and subject a thirty (30) day due diligence period; rezoning the property from CG to MA Industrial; and further the county providing the water and sewer services.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to reject the offer of \$770,000 for the purchase of west seven (7) acres of Lot 1, Block 2, Missouri Valley Complex Replat. All members voted "AYE." Motion carried.

4:30 P.M.

This was the hour and date set to open bids for the paving of one (1.0) mile of N 52<sup>nd</sup> St NE.

County Engineer Mill appeared and presented the results of the bid opening which were opened on behalf of Hay Creek Township. Neil Modin, Chairman of Hay Creek Township, appeared and recommended award of the low bid.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to award bids for the paving of one (1.0) mile of N 52<sup>nd</sup> St NE to the low bidder, Mariner Construction, Inc. in the amount of \$190,069.80. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson to approve the 2nd approach permit request of Brad Maier for Lot 1, Block 3, Andre Industrial Park for an additional approach up to 32' wide. All members voted "AYE." Motion carried.

The Burleigh County Commission recessed to immediately sit as the Lincoln Unorganized Township Board of Supervisors.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to approve and authorize the Chairman to sign the request for County cost participation for the paving of 2,974' of 52nd Street SE, from 62nd Avenue SE. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Schonert, that the Lincoln Township Board of Supervisors strongly recommends that the entire length of Larson Road be paved by the developer of Whispering Bay, as a condition for the approval of the referenced plat. All members voted "AYE." Motion carried.

The Lincoln Township Board of Supervisors adjourned and the Commission immediately sat as the Burnt Creek Unorganized Township Board of Supervisors.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to approve a 35 mph speed limit on a stretch of 12th Street NE from US 83 north - northeast. All members voted "AYE." Motion carried.

The Burnt Creek Township Board of Supervisors adjourned and the Commission

immediately reconvened as the Burleigh County Commission.

County Planning Director Hokenstad appeared and briefed the Commission on the Burleigh County Comprehensive Plan update. Hokenstad reported that the Burleigh County Planning and Zoning Commission on June 11 decided the Comprehensive Plan needs more work before action by the Burleigh County Commission. Hokenstad continued the Planning Commission will meet again on July 9 for further consideration of the plan with the anticipation that the County Commission will hold a public hearing on the comprehensive plan at the August 4, 2008 regular meeting.

Social Service Director Doe appeared and requested additional budgetary spending authority for the multi-county child protection program. Doe reported Burleigh County has been awarded \$65,531 for fiscal year 2009 (July 1, 2008 – June 30, 2009) from ND Dept of Human Services for an additional Child Protection Worker.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve and authorize an additional \$33,591 budgetary spending authority within the 2008 Social Service Dept budget for the multi-county child protection program. All members voted “AYE.” Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the SE liquor license application of the Burnt Creek Club. All members voted “AYE.” Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to appoint Valerie Timm to a three(3) year term on the Burleigh County Social Service Board effective 7/1/2008. All members voted “AYE.” Motion carried.

HR Director Gall appeared and requested the Commission call a special meeting on or about July 10 for the purpose of receiving the results of the Fox Lawson Job Evaluation and Compensation Study.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to call a Special Meeting for Noon on July 10<sup>th</sup>, 2008 for the purpose of meeting with Fox Lawson & Associates for the purpose of receiving the Job Evaluation and Compensation Study, utilizing the Interactive Video Network if at all possible. All members voted “AYE.” Motion carried.

Arlene Nelson, Sterling Township resident, appeared regarding the road approach to her residence. Nelson stated she presently shares her approach with the neighboring landowner. A property survey indicate the approach sits on the neighbor's property. Nelson is concerned she may lose access to her property as the neighbor will not provide her an easement. Nelson requested that the approach be moved in order to serve both properties.

Comms. Peluso and Schonert offered their services in an attempt to resolve this issue.

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

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Kevin J. Glatt, Auditor\Treasurer

\_\_\_\_\_  
Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**July 2, 2008**

**5:20pm**

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

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

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

Chairman Woodcox reported that he has reviewed the monthly vouchers and recommends approval of the same.

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

Steve Bain, Bain Agency Inc., appeared and reviewed the County Liability Insurance policy with the Commission.

Planning Director Hokenstad appeared regarding the following items for the Board's consideration: request to amend an existing Planned Unit Development to modify the uses allowed on the SW1/4 of the NW1/4 of the SW1/4 of Section 15, T140N-R80W/Burnt Creek Township, requested by Various Ventures, LLLP (Planning Commission recommended approval on June 11, 2008); request for a zoning ordinance text amendment relative to the Agricultural zoning district (Planning Commission recommended approval on June 11, 2008); and request to modify the approved plats of Copper Ridge 4<sup>th</sup>, 5<sup>th</sup> & 7<sup>th</sup> Subdivisions relating to alignment of accepted rights-of-way (changes approved by the Board of City Commission on June 24, 2008).

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve the amendment of an existing Planned Unit Development to modify the uses allowed on the SW1/4 of the NW1/4 of the SW1/4 of Section 15, T140N-R80W/Burnt Creek Township requested by Various Ventures, LLLP (Planning Commission recommended approval on June 11, 2008). All members voted "AYE." Motion carried.

Comm. Schonert questioned the need for a zoning ordinance text amendment relative to the Agricultural zoning district when we are currently in the middle of the Comprehensive Plan review. Schonert further questioned the reasoning of why a parcel split by a public roadway would not be considered contiguous.

Hokenstad explained that the purpose of the ordinance amendment is to clear confusion regarding the requirement to own 40 acres to build a home without formally platting the property. Hokenstad continued the intent of the ordinance amendment is to require people to have one 40-acre block of property, not spread out among several properties that added up to 40 acres.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to table action on this zoning ordinance text amendment relative to the Agricultural zoning district until the

Comprehensive Plan review is completed. "AYE" votes: Peluso, Schonert, Woodcox. "NAY" votes: Armstrong, Haakenson. Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to approve the request to modify the approved plats of Copper Ridge 4<sup>th</sup>, 5<sup>th</sup> & 7<sup>th</sup> Subdivisions relating to alignment of accepted rights-of-way (changes approved by the Board of City Commission on June 24, 2008). All members voted "AYE." Motion carried.

Steve Windish & Steve Grabill, Ulteig Engineers, Inc., appeared and presented an update of the MPO North-South Beltway Corridor Study including discussion on possible preliminary alignment alternatives. Windish & Grabill stated the final work product is intended to preserve a beltway corridor with no construction plans or timelines. Rationale for the selection of preliminary alignment alternatives was presented and the Commission was advised and invited to the July 17, 2008 public input forum scheduled at Century High School. No action was taken.

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.

Comm. Schonert made a public apology to Northern Improvement Co., for the mistake made at the June 16<sup>th</sup> Burleigh County Commission meeting, when bids were opened for the paving of 52<sup>nd</sup> Street NE. Schonert continued that at the time of bid opening, it appeared that the Northern Improvement bid did not include the specified contractor's license and this apparent lack of license was announced at the meeting and their bid was not read. Schonert reported that the next morning, while attending to post bid duties, it was found that the required license was, in fact, inside the required outer envelope and Northern's bid was valid.

Communications Manager Dannenfelzer appeared regarding the use of E-9-1-1 Funds to upgrade radio communications and to provide training for the communication dispatchers. Dannenfelzer stated that the COPS Interoperability Project coordinated through the Bismarck Police Department identified a significant lack of radio communications coverage in many areas of the county, affecting the Sheriff's Dept, rural fire departments, and rural emergency medical services. Dannenfelzer continued although a new two-site system for the Sheriff's Department has been installed, there remain significant areas where coverage is marginal for mobile and portable radio operations, and less than acceptable for public safety radio communications (fire, EMS, local government included).

Dannenfelzer recommended the current two-site system be expanded by adding two (2) additional sites, either by constructing new government owned towers or by leasing tower space from existing towers. Dannenfelzer stated two existing towers in Sterling and Baldwin have been identified to meet the location needs to enhance this coverage. Dannenfelzer recommended entering into lease agreements with the tower owners with the estimated lease payments of \$550.00 to \$950.00 per site per month. Dannenfelzer concluded this would be a better option than building new towers considering the cost of construction, land acquisition, environmental assessments, and soils testing over the long term.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to authorize the negotiation of lease agreements for two (2) additional communication towers subject to review and approval of the State's Attorney, contingent upon the viability of the two (2) sites after structural analysis (required by the COPS Project) and the final determination and

approval of the of the actual monthly cost of the lease with funds to be expended from the 9-1-1 Enhancement Fund.

Dannenfelzer then requested authorization to expend up to \$6,000 in 9-1-1 Enhancement Funds for training of Combined Communications Center dispatchers. Dannenfelzer noted the dispatchers are required to have 24 hours of continuing dispatch education (CDE) every two years to maintain required certification as an Emergency Medical Dispatcher (EMD). Dannenfelzer noted that due to the lack of job-specific training available locally, a number of online programs have been found to meet the required recertification. Dannenfelzer continued that the National Academy of Emergency Dispatch (NAED) Conference provides specific day-to-day operation training and covers issues, trends, training, and best practices for emergency medical issues, fire service issues, and law enforcement issues.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to approve an amount not to exceed \$6000 from the 9-1-1 Enhancement Fund annually to be used by the Combined Communications Center to implement the new training and development initiatives as requested. All members voted "AYE." Motion carried.

Tax Director Finneman appeared with the following abatements for Board consideration:

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to approve the Lippert, Kassian, Thompson, and Solseth abatements as requested and recommended by the Tax Director. All members voted "AYE." Motion carried.

Chairman Woodcox questioned where we were with the previously discussed concept of creating an independent Tax Equalization Office. Woodcox suggested the next step would be to call for a public hearing.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to proceed with a public hearing related to creating an independent Tax Equalization Office.

Auditor\Treasurer Glatt informed the Board that ND state law states the County Commission by a majority vote may adopt a preliminary resolution incorporating a proposed plan for combining or separating county offices and that the complete text of the proposed plan must be published in the official newspaper. Glatt added that a proposed plan must be based on an analysis of each affected office and may include the effectiveness and efficiency of the plan. Glatt added that he has not seen anything to date which is ready to be published or which includes an analysis of each affected office.

State's Attorney Riha concurred with Glatt's analysis.

Chairman Woodcox stated he would research this item.

Comm. Schonert withdrew his motion with Comm. Armstrong withdrawing his second.

HR Director Gall appeared regarding an update to County Personnel Policy Manual related to In and Out of State Travel, and an update on Compensation Study Information.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve the update to the In and Out of State Travel, (Chapter 12/Section 17), authorizing reimbursement for personal

vehicle mileage at the rate defined by the IRS effective July 2, 2008. All members voted "AYE." Motion carried.

Gall then presented an update on the Employee Compensation Study noting the Special Commission Meeting scheduled for July 10, 2008 called for the purpose of receiving the Job Evaluation and Compensation Study from Fox Lawson & Associates.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to approve the county investment security pledges as presented. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to approve the UND Alumni Association raffle permit application. All members voted "AYE." Motion carried.

The Board then discussed August dates for budget hearings. Auditor Glatt suggested that the Commission meet to discuss budgets on August 20 & 21, 2008. The proposed budget schedule was agreed upon by consensus.

State's Attorney Riha then presented the contract between the County of Burleigh and the Bismarck-Mandan Orchestral Association for underwriting the July 4<sup>th</sup> Celebration. Riha noted the contract is in order.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to approve the formal contract with the Bismarck-Mandan Symphony 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 and to approve the payment of the \$5,000 funding request for the 4<sup>th</sup> of July Celebration. All members voted "AYE." Motion carried

Steve Saunders, Metropolitan Planning Organization, appeared and stated that he is working on the 2010 MPO budget and questioned if the county wanted to include additional area(s) in the proposed Land Use Plan. Comm. Schonert stated he feels the area along the Missouri River from the Indian Mounds to the North boundary of Glenview Township should be included. Upon question, Saunders estimated the cost of such a survey at \$100,000 - \$150,000 with the MPO (county) responsible for 20%.

By consensus the Commission directed Saunders to include this in the 2010 budget.

Comm. Schonert reported that he and Comm. Peluso recently traveled to the Sterling area to inspect Arlene Nelson's request for help with the road approach to her residence. Schonert added that he has been contacted by the adjacent property owner and is not sure "where to go" with this issue.

Comm. Peluso added that he does not think there is a problem and suggests leaving well enough alone.

Chairman Woodcox concurred. No action was taken.

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

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
July 10, 2008**

**12:00 Noon**

The Burleigh County Commission convened a special meeting in the Conference Room of the ND Association of Counties Building with all members present.

Chairman Woodcox called the meeting to order with the only item of business to receive the Job Evaluation and Compensation Study from Fox Lawson & Associates.

James Fox, Fox Lawson & Associates, appeared from Minneapolis\St.Paul via the Interactive Video Network, and presented the results of the study.

The County Commission and Department Heads present discussed the Job Evaluation & Compensation Study completed by Fox Lawson & Associates. The discussion included how best to proceed with the Fox Lawson recommendations. Mr. Fox recommended a 3.6 salary grade adjustment to bring county salary ranges up to the existing market. Fox noted that if such action is delayed until January of 2009, further adjustment would need to be made to reflect inflationary trends. Fox stated he could assist the Commission with plan implementation, once a budgetary dollar figures were determined along with a determination of the factors (longevity, performance or both) are to be used.

Comm. Armstrong questioned our turnover rate, and added he would like input from those county departments with large turnover.

Several Dept Heads stated employee retention is a large concern, noting the time spent training new employees, only to have them change jobs. Sheriff Heinert stated that employees want to know where they will be in five, ten years.

Chairman Woodcox & Comm. Peluso suggested that the County look at the City of Bismarck salary structure, as the City salary plan attempts to provide that type of information. The Commission was asked to adopt the recommended salary structure, to bring all employees to the new minimum proposed salaries, and to approve the employee reclassifications as recommended by Fox Lawson & Associates.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to adopt the adjusted salary structure as presented and recommended by Fox, Lawson & Associates, and to bring all employees below the minimum to the newly adjusted minimum salaries as of August 1, 2008. All members voted "AYE." Motion carried.

Renaë Gall, Human Resource Director, informed the Commission that several requested reclassifications were not approved by Fox Lawson & Associates and noted an opportunity to appeal to the Commission exists.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve the reclassifications as recommended by Fox, Lawson & Associates as of August 1, 2008. All members voted "AYE." Motion carried.

The Commission requested that Dept Heads with concerns regarding salaries or position reclassifications be discussed at the July 21, 2008 meeting.

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

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Kevin J. Glatt, Auditor\Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
July 21, 2008**

**5:00pm**

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

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

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

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

Auditor\Treasurer Glatt then presented information regarding SRF Consulting Group, Inc., billings for the Comprehensive Plan Update. Glatt stated current billings exceed the contract amount of \$99,851 with \$12,633.78 in charges outstanding dating back to February 2008. Glatt requested Board action regarding payment of the outstanding charges.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to table a decision on the payment of invoices for SRF Consulting Group, for development of the Burleigh County Comprehensive Plan until the August 4<sup>th</sup> Commission meeting. All members voted "AYE." Motion carried.

The County Commission then formalized an action made by the County Park Board on July 2, 2008, related to the sale of fairgrounds property with the following motion:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to approve the proposal for the "rural segment" improvements to Apple Creek Road (adding an 8' shoulder, and improvement of the cul de sac, storm water plan), and to spread the estimated \$115,000 cost proportionately to Lots 1, 2, & 3, Block 2, Missouri Valley Complex First Replat to the city of Bismarck, and further to amend the purchase agreement to reflect the same. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to approve Larry Boeck's request for a 2<sup>nd</sup> approach onto Pin Oak Loop from Lot 1, Block 2, Pine Meadows Subdivision. All members present voted "AYE." Motion carried.

The Board then considered a resolution in support of increasing road funding for counties and townships.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to authorize the Chairman to send a letter to Governor Hoeven in support of increased road funding (Highway Tax) to offset the higher road construction and maintenance costs of counties and townships. All members voted "AYE." Motion carried.

HR Director Gall appeared to further discuss the compensation study recommendations of Fox Lawson & Associates. Gall presented requested information regarding the City of Bismarck's salary step plan and other related information.

By consensus the Board agreed to place this item on the August 4<sup>th</sup> meeting agenda to allow the Board ample time to review the information.

Gall then initiated discussion regarding health insurance premium changes effective October 1, 2008. Gall noted 13.58% - 13.93% premium increases and presented three (3) possible options for the allocation of employer/employee premium costs.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to approve the renewal of the health insurance contracts with Blue Cross/Blue Shield of ND and to authorize county funding of 75% of the premium cost increases. All members present voted "AYE." Motion carried.

Deputy Auditor/Treasurer Bettenhausen appeared on behalf of the Parking Committee and informed the Commission of the City Parking Authority \$2 per month increase for both rooftop and covered parking effective September 1, 2008. Bettenhausen stated that the Parking Committee recommends the county assume the increase in the parking rates.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to approve the increased payment of \$2 per month by the county for parking fees in the City of Bismarck Parking Ramps. All members present voted "AYE." Motion carried.

Matt Levine, East 40 Chop House & Tavern, appeared and requested approval of a Special Events Liquor License for an event this weekend at the Eagles Park in Riverview Township. Levine explained that the Eagles Park is a "city park" operated by the Bismarck Park & Rec District and was told he would not have a problem securing a license. Levine noted upon receiving his state license he was informed that he needed to get a county license - not a city license. Auditor/Treasurer Glatt stated that county Liquor License regulations only allow special events licenses for holders of county licenses.

State's Attorney Riha advised state law would allow the county to issue such a license. Riha noted this would be a variance to the adopted County Liquor License Rules & Regulations.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to allow a variance to the County Liquor License Rules & Regulations and approve a "SE" Special Events liquor license to the East 40 Chophouse & Tavern at Eagles Park July 25 & 26, 2008. All members present voted "AYE." Motion carried.

Auditor/Treasurer Glatt appeared regarding authorization to appoint Election Inspectors & Clerks, establish election worker pay, establishment of an Early Voting Precinct, an Absentee Ballot Precinct, and establishment of polling place hours for the November 4, 2008 General Election.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson, to authorization Auditor/Treasurer Glatt to appoint Election Inspectors & Clerks; to set election worker pay at the same rate as the June Primary Election; to authorize Auditor/Treasurer Glatt to establish an Early Voting Precinct should all the details be worked out; to establish an Absentee Ballot Precinct; and further to set polling place hours for the November 4, 2008 General Election from 7am to 7pm for all precincts.

Amended Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to set election worker pay at \$9.25 per hour if they do not attend training and \$11.56 per hour if they attend the training session. "AYE" vote: Comm. Schonert. "NAY" votes: Haakenson, Peluso, Woodcox. Absent: Armstrong. Motion failed.

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

Comm. Haakenson discussed the scheduling & keeping of events calendar at fairgrounds" arena by County Extension Service. Comm. Schonert requested that he and Comm. Haakenson meet with the County Agent regarding this item.

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

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Kevin J. Glatt, Auditor\Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**August 4, 2008**

**5:12 PM**

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

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

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

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

Motion by Comm. Haakenson, 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.

This was the hour and date set for the continuation of the PUBLIC HEARING regarding the *Burleigh County Comprehensive Plan Update*. Chairman Woodcox opened the public hearing requesting those appearing limit their comments to five (5) minutes.

Chuck Peterson, Chairman of the Planning and Zoning Board, appeared and gave a brief history and overview of the proposed Plan Update. Peterson stated that the plan is a living document similar to the constitution and does not take property rights.

Carl Hokenstad, County Planning Director, appeared and commented that as Burleigh County is a growth area, quality planning tools are needed, and the proposed Burleigh County Comprehensive Plan as updated provides these tools.

Niles Hushka, CEO for Kadrmas Lee & Jackson, appeared in support of the plan complimenting SRF Consulting, the volunteer Technical and Advisory Committees, and strongly recommending adoption of the Pan Update.

Dr. Paul Johnson, Superintendent of the Bismarck School District, appeared in support of the plan along with Mike Fladeland, of MDU Resources, Russ Staiger, President of Bismarck Mandan Development Association, Kelvin Hullet, President of the Bismarck-Mandan Chamber of Commerce, Mike Olson, Charles Manders, and Alexis Duxbury.

Dawn Kopp, Executive Director Downtown Business Association of Bismarck, appeared and requested consideration and monitoring of effects development may have on historic downtown Bismarck when making any decision.

Don Schonert appeared and questioned the cluster development concept and in particular how many homes would be allowed on a 40 acre tract.

Steve Schwab, Bismarck City Commissioner, speaking on behalf of the people he represents, not the City Commission, stated this plan is a living nightmare and lays the ground work for further tax subsidies for business. Schwab stated he opposes the entire Plan Update but especially opposes the Economic Development policies on page 119.

John Spitzer, Ecklund Township Supervisor and landowner, appeared in opposition to the Plan Update. Spitzer criticized the process noting no representation from rural landowners on the Technical or Advisory Committees. Spitzer added the Township Officers Association requested an addition to the preamble of the plan noting the Comprehensive Plan does not affect the townships that have retained zoning jurisdiction.

Barb Knutson, of the Burleigh County Township Officers Association, appeared and stated she has worked on updating the County Comprehensive Plan for over two (2) years and feels the present proposal is way more than what the county needs at this time.

Madonna Logoz appeared and stated the townships need assistance from the county regarding matters of zoning, planning and development.

Paul Andahl appeared and expressed his concern of limiting building of residences along the river.

Curly Haugland, ND Landowners Association, appeared and stated he opposes everything in the proposed Plan Update. Haugland stated property owner rights are being ripped from their hands. Haugland continued the county should get their money back from the consultant as the plan was not written for Burleigh County merely copied from other plans done by SRF Consulting for other jurisdictions. Haugland specifically asked that references to economic development and living wage be removed.

Wayne Granfor and Susan Doppler, rural landowners, appeared in opposition to the plan.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to close the Public Hearing and to table any action on the Burleigh County Comprehensive Plan Update until the September 3rd, 2008, Commission meeting to allow additional time for review. All members voted "AYE." Motion carried.

Comm. Schonert stated he wants a map depicting the areas that the proposed Comp Plan update will affect.

**7:51PM**

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

**7:58 PM**

The Burleigh County Commission reconvened with all members present.

The Board then discussed invoices submitted for payment by SRF Consulting for work related to the Comp Plan update. Chairman Woodcox requested Ms. Gray of SRF address the Commission on the contract amount and the additional expenses submitted for the Comp Plan.

Gray noted the original contract was \$99,851 with expenses billed to date at \$111,978.19. Gray stated she expects the total cost to be between \$115,000 and \$120,000. Gray continued that as a result of the contentiousness of the opposition, more time was needed to bring all the divergent views together. Gray noted the additional meetings and correspondence as a major reason for the additional cost.

Comm. Schonert expressed his displeasure with the progress of the plan, adding this project is almost eight (8) months behind the original schedule. Comm. Schonert stated he could support payment up to the original contract amount plus the additional meeting expense.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to authorize payment of the county share (67%) of the SRF Consulting, Inc. invoices, including the additional expenses related to the updating of the Comprehensive Plan. All members voted "AYE" except Comm. Schonert. Motion carried.

County Planning Director Hokenstad appeared with the following items for the Board's consideration: request for vacation of part of Lot 1, Block 1, Joersz Subdivision, and request for zoning change for part of Lot 1, Block 1, Joersz Subdivision.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve the vacation of part of Lot 1, Block 1, Joersz Subdivision, and request for zoning change for part of Lot 1, Block 1, Joersz Subdivision located in Section 14, Ft Rice Township. All members voted "AYE." Motion carried.

Human Resource Director Gall appeared regarding continued discussion on the Fox Lawson & Associates compensation study.

Gall recommended a five (5) percent salary increase for those employees who were reclassified and brought up to the minimum of their new salary grade as adopted by the County Commission on July 10, 2008. Gall continued that such an increase would help alleviate stacking issues when new employees are hired.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Haakenson, to approve an additional five (5) percent increase to those employees (general fund depts. -\$4,895; Social Service Dept -\$12,707; Road & Bridge Dept - \$16,697) who were brought up to minimums effective August 1, 2008, and have successfully completed the probationary period with an effective date of September 1, 2008. All members voted "AYE." Motion carried.

Gall then presented information related to the cost of living and a step-in-grade salary plan as part of the 2009 compensation plan and budget. Gall added that the county dept heads support and request a 4% cost of living increase and a step plan, with no request for merit increases.

Comm. Schonert stated the county should do everything possible to retain employees and cut other areas of the budget if necessary. Schonert added he supports a step-in-grade plan.

Comm. Armstrong noted the Commission has previously approved an increase in the county contribution to health insurance and further any increase to salaries automatically includes increases to the county retirement contribution.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve for budget purposes a four (4) percent Cost of Living increase plus an additional 1.76% (average) step plan increase with a \$200 minimum increase per year. All members voted "AYE." Motion carried

States Attorney Riha appeared and requested the Senior States Attorneys whose salaries are 7.9% below market be brought up to market.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to increase the salaries of the two (2) Senior States Attorneys up to market. **Motion withdrawn.** It was suggested that such requests be included in the budget discussions.

Rodney Ness, Road Superintendent, appeared and requested reclassification of the Highway Maintenance Worker II job classification from a Grade 4 to a Grade 5. Ness reported that Fox Lawson did not approve the reclassification and thus he is appealing their decision to the Commission. Ness stated that this particular job classification makes up 75% of their workforce and noted the Fox Lawson study shows this job classification at 12.6% below the surveyed market. Upon question Ness stated turnover has been about 10% - 15% for the county and noted that the pool of applicants for vacant positions in the Road Dept. has been very small.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve the reclassification of the Highway Maintenance Worker II job classification from a Grade 4 to a Grade 5 and to bring all employees below the minimum up to the newly adjusted minimum salaries as of September 1, 2008. All members voted "AYE." Motion carried.

Auditor\Treasurer Glatt presented the following abatements for the Commission's consideration, a complete copy of which is on file and available for inspection in the Burleigh County Auditor\Treasurer\Tax Equalization Office.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to approve the Danzl, Rose, R. Smith, Nelson, E. Smith, and Robb abatements as requested and recommended by Tax Director Finneman. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to approve a \$750 sponsorship grant for the NDACo Annual Conference to be held in Bismarck; to approve the Lost Instrument Surety Bond to replace check #69242 (election worker pay); to approve the raffle/bingo permit application for Grace Lutheran Church (Driscoll 11/1-08); to authorize the publication of the annual weed cutting notice; and to authorize the advertisement of bids for the annual pavement markings. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to approve the lease agreement with Bismarck Trail & Motocross Association. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
BUDGET MEETING MINUTES  
AUGUST 20, 2008**

8:30 A.M.

The Burleigh County Commission convened the annual budget hearing with all members present. Chairman Woodcox called the meeting to order and briefly reviewed the agenda. Comm. Armstrong reported that he has reviewed the bills since the last Commission meeting and recommends payment of the same.

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

Chairman Woodcox and the Commission then acknowledged the recent passing of former County Commissioner Robert "Bob" H. Kniefel.

Comm. Haakenson informed the Commission that his wife was in the hospital awaiting heart surgery and stated he would be leaving shortly to attend to her. Haakenson stated that in recent years there has been adequate new construction value to fund requested budget increases. Haakenson continued that Burleigh County has an impeccable record of keeping property taxes in-line with this new value. Haakenson commended the Commission directive to Department Heads to prepare 95% budgets. Haakenson concluded that now is not the time to raise property taxes noting the city, school, park district, and county all have the ability to control property taxes. Haakenson requested that careful consideration be given to all discretionary spending and was excused.

Nancy Keating, Centre Inc., appeared and requested continuation of the monthly funding for the adult supervised misdemeanor probation \ alternative sentencing options provided by the Centre Inc. Keating requested the monthly funding be increased from \$2,000 to \$2,100 per month.

Bismarck\Burleigh Public Health Director Flanders appeared and reviewed the Detention Center nursing budget\contract and the Public Health 2009 budget request. Flanders noted a new \$2,500 expense related to City Health Officer Dr. Tangedahl assuming the required position of Public Health Officer for Burleigh County. Flanders stated that this would be accomplished through added language to the public health service contract between the city and county.

Ellen Owen (Director), Burleigh County Council on Aging, appeared and presented the Council on Aging budget.

Gailen Narum, Burleigh County Water Management Board, and Michael Gunsch of Houston Engineering presented the 2009 Water Management budget. Narum presented cost estimates for several proposed Water Management District projects.

Tom Jones, Veteran's Memorial Library, appeared regarding the library budget for 2009.

Jones noted the Bookmobile accounts for 6% of the total library usage. Jones added that the budget request of \$228,000 is approximately 10% of the total library budget.

Finance Director Thompson appeared and presented an overview of submitted budgets and preliminary mill levies. Upon question Thompson noted a 9.4% increase in budget requests with salaries alone accounting for more than 6% of this increase.

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

State's Attorney Riha requested salary increases of 7.9% each for Senior Asst. State's Attorneys Cynthia Feland and Lloyd Suhr effective September 1, 2008 as these positions were found to be below the market by Fox Lawson & Associates as part of the compensation study.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve salary increases of 7.9% each for Senior Asst. State's Attorneys Cynthia Feland and Lloyd Suhr effective September 1, 2008. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to request zoning changes for Lots 1 & 2, Block 1; and Lots 1 & 3, Block 2, Missouri Valley Complex Replat from CA to MA. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the preliminary budget for discussion purposes. All members present voted "AYE." Motion carried.

10:50 A.M.

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

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Kevin J. Glatt  
Burleigh County Auditor\Treasurer

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Jerry Woodcox  
Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**September 3, 2008**

**5:07 PM**

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

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

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

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

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

Jaclin Wike, Cook Wegner & Wike, appeared and presented the Bond Issuance Resolution authorizing the issuance of MIDA Bonds on behalf of Streamline Foundation for the purpose of financing an indoor aquatics facility. Wike noted the bonds will be purchased by BlackRidgeBANK at an interest rate of 5.2% for the first five (5) years with an adjustable rate thereafter not to exceed 6.5%. Wike noted Streamline expects to request that \$4 million in additional MIDA bonds be issued in 2009 to complete the project.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to approve the Bond Issuance Resolution related to the issuance of MIDA Bonds on behalf of the Streamline Foundation. All members voted "AYE." Motion carried.

Auditor\Treasurer Glatt presented the monthly 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.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve the Reiger, Kloster, Krumm, Prochnow, Schwartz, MJ Mattis, Nelson, Voegele, H Mattis, Goetz, and Friedig abatements as requested and as recommended by the Tax Director. All members voted "AYE." Motion carried.

The Commission then continued discussions on the Burleigh County Comprehensive Plan Update.

Barb Knutson, representing the Burleigh County Township Officers Association, appeared and voiced her opposition to the Comprehensive Plan Update. Knutson stated townships want more time to get rural landowners involved in the Plan Update.

Comm. Armstrong responded that we have spent an extensive amount of time listening to a variety of viewpoints on both sides of the issues. Armstrong continued the Plan Update gives us a shared vision for the future that identifies important goals and objectives. Armstrong noted that early on in the process he stated that not many people would be entirely happy with this comprehensive plan when finished. Armstrong continued that we needed a plan that gives our Planning Dept and our Planning Commission a place to begin the next step in this process – developing ordinances and providing the tools we need for orderly growth in the future for the county. Armstrong added the Plan Update allows for development where it is appropriate and allows for our agricultural heritage to continue.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to adopt the Burleigh County Comprehensive Plan Update in its current form.

Comm. Schonert continued the discussion with a lengthy list of changes. Schonert stated there is so much that needs to be looked at before adoption of this plan. Schonert continued he thought the intent was to update the existing plan, not redraw the whole plan.

Chairman Woodcox suggested that this item be rescheduled for the October meeting allowing time to review any proposed changes. Commissioners requested Comm. Schonert provide his list of changes in written format to the Commission and public.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to table any decision on the Burleigh County Comprehensive Plan as submitted until the January 2009 Commission meeting to enable Commissioners further time to discuss and amended the plan as necessary. “AYE” votes: Peluso, Schonert, Haakenson, Woodcox. “NAY” vote: Armstrong. Motion carried.

By consensus the Commission agreed that a further review of the Plan Update will be scheduled for the first October meeting with additional public comment expected to follow for first November meeting.

County Planning Director Hokenstad appeared with the following items for the Board’s consideration: request for approval of final plat of Riskedahl Subdivision and request for zoning change from AG to R1 for Riskedahl Subdivision.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to approve the final plat for Riskedahl Subdivision as presented. All members voted “AYE.” Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to approve the zoning change for Riskedahl Subdivision as presented. All members voted “AYE.” Motion carried.

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

Mill presented the recommendations of the Special Assessment Screening Committee regarding Special Assessment Districts #50 East Ridge & #51 Prairie Pines Subdivisions.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve and proceed with SAD#50 East Ridge Subdivision subject to submission of a Preliminary Engineer's report. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve and proceed with SAD#51 Prairie Pines Subdivision subject to submission of a Preliminary Engineer's report. All members voted "AYE." Motion carried.

Engineer Mill then noted the methane gas problem at the Burleigh County Sheriff Dept. storage building adjacent to the County Shop. Mill reported MDU discovered the problem during routine inspection. Mill stated power and gas has been shut off at the building.

Sheriff Heinert appeared and reported access to the building has been restricted with most of the items stored in the building removed. Heinert stated the City of Bismarck has assumed some responsibility and is conducting further testing of the situation. Heinert requested authorization to expend emergency funds to cover the expenses of renting a storage facility. Chairman Woodcox noted the State's Attorney has approved expenditure of emergency funds for this purpose.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the use of emergency funds to cover the expense of a storage facility to house the Sheriff Dept. equipment. All members voted "AYE." Motion carried.

The Board then proceeded to review the 2009 budget. Accountant Thompson provided detailed information to the Commission regarding budgets, mill levies and property taxes.

The Board discussed several non-discretionary spending items and directed that all organizations receiving non-discretionary spending be contacted and advised to attend the final budget hearing.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to adopt the 2009 Preliminary Budget and authorization of publication and call for public hearing to be held September 25, 2008. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to approve the Lost Surety Bonds to replace check #2232(\$127.58), and to authorize the appointment and hiring of a 2<sup>nd</sup> county engineer position until the end of 2008 (training period). All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve and adopt a resolution of nomination and support for County Engineer Mill for induction into the ND Highway Hall of Honor. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
September 15, 2008**

**5:00PM**

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

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

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

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

Dennis Fuller appeared and requested a 2<sup>nd</sup> approach permit onto Lot 3, Block 11, Grande Prairie Estates 3<sup>rd</sup> from Heartland Loop.

County Engineer Mill appeared and stated the grade from the roadway to the unfinished building appears quite steep. Mill noted his concern that a steep approach onto Heartland Loop from this proposed 2<sup>nd</sup> approach may cause sliding into oncoming traffic under winter conditions. Mill recommended no more than a 5% slope from the roadway to the Fuller property boundary.

Fuller stated the 2<sup>nd</sup> approach is intended to access a concrete pad behind the unfinished building, not to enter the structure. Fuller added the entrance to the structure is on the other side and that he did not have a problem with the 5% grade recommendation.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to approve the Fuller request for 2<sup>nd</sup> approach permit onto Lot 3, Block 11, Grande Prairie Estates 3<sup>rd</sup> from Heartland Loop subject to the approach having no more than a 5% grade from the Fuller property line to the start of the roadway. All members voted "AYE." Motion carried.

Engineer Mill presented the results of the bid openings for the annual pavement markings.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Woodcox, to award bids for the annual pavement markings to the low bidder Swanston Equipment Company of Fargo in the amount of \$112,930. All members voted "AYE." Motion carried.

HR Director Gall appeared regarding the appointment and hiring of a 2<sup>nd</sup> county engineer through the end of 2008 for training purposes and to assist County Engineer Mill in the transition until Mill retires 12/31/08.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to appoint Marcus J. Hall 2<sup>nd</sup> Burleigh County Engineer effective 11/1/08 during the transition to Engineer Mill's retirement 12/31/08, and further to authorize Marcus Hall to accrue annual leave at 14 hours per month. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to authorize the cancellation of outstanding checks written prior to January 2007 with funds sent to State Land Dept Unclaimed Property Division and to approve the Sterling Teacher Parent Association bingo permit application (October 10, 2008). All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor\Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
SEPTEMBER 25, 2008**

5:15 P.M.

The Burleigh County Commission convened the final budget public hearing with all members present.

Chairman Woodcox called the meeting to order. The purpose of the meeting was to conduct a **PUBLIC HEARING** for discussion of the proposed budget as published and adoption of the final budget for the year ending December 31, 2009.

Chairman Woodcox opened the PUBLIC HEARING and invited public testimony and comment on the 2009 budget.

Comm. Peluso recommended hiring new positions in July 2009 instead of January 2009. Peluso also recommended that the two (2) new requested positions in the Communications Center remain in the budget with the salary line item reflecting the start date of April 2009.

Sheriff Heinert and Social Service Director Doe appeared and concurred the hire date of the requested new positions in their respective departments could wait be delayed until July 1, 2009 as compensating current staff takes precedent.

Comm. Haakenson requested the \$3,000 budget request for County Fair Premiums be transferred from the County Agent budget to the County Fair budget.

Comm. Armstrong recommended reducing the Commissioners budget by \$5,000 and eliminating the Bis-Man Chamber dues. Armstrong further suggested that further savings may be realized by discontinuance of participation in the NDACo Workers Compensation program.

Chairman Woodcox recommended reducing the Water Resource District budget by \$40,000 since a large project came in under their project estimate

Gailen Narum, Chairman Burleigh County Water Resource District, appeared and defended the budget request.

Bob Harms, Citizens for Responsible Government, appeared and suggested the Commission continue the public hearing on the budget and "sharpen their pencils" to find ways to reduce the property tax levy. Harms also requested the Commission give serious thought to utilizing a different budget process in an attempt to get more public input.

Chairman Woodcox called for further testimony. As no one else present appeared Chairman Woodcox closed the public hearing.

The County Commission then recessed and immediately sat as the Township Boards for each unorganized township for the following motion:

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

The Burleigh County Commission immediately reconvened with all members present.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to transfer the \$3,000 budget allocation for County Fair Premiums from the County Agent budget to the County Fair budget. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to reduce the budget requests of the Detention Center and Social Services to reflect the subject to the removal of six (6) months of salary and benefits for the new employees of the Detention Center and Social Service Dept. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve and adopt the final 2009 Burleigh County budget and appropriate mill levies as per the preliminary budget adopted and published as amended, and to authorize the maximum mill levy allowable for the General Fund and Senior Citizens Fund. All members present voted "AYE." Motion carried.

The Board then considered for approval the Agreements for the Joint Exercise of Governmental Powers with the City of Bismarck relating to contracts for Nursing Services and Police Youth Bureau.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to approve the Agreements for the Joint Exercise of Governmental Powers with the City of Bismarck relating to contracts for Public Health Nursing Services, Detention Center Nursing Service, and Police Youth Bureau. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to authorize the advertisement of bids for a new motor grader & loader for the Road Dept. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to authorize the call for a public hearing for South Central Grain Coop - *New & Expanding Business Property Tax Exemption* to be held October 20, 2008. All members voted "AYE." Motion carried.

On a motion made seconded and carried the Board adjourned.

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Kevin J. Glatt  
Burleigh County Auditor\Treasurer

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Jerry Woodcox, Chairman

FINAL BUDGET OF BURLEIGH COUNTY  
NORTH DAKOTA  
CALENDAR YEAR BEGINNING JANUARY 1, 2009

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 1 January, 2009 and ending 31 December, 2009. This budget was studied and examined by the Board of County Commissioners and changes made as deemed necessary, and 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 1 January, 2009 the following amounts are necessary:

FINAL BUDGET

County Board.....	\$ 220,337
County Auditor/Treasurer/Tax Equalization .....	610,572
States Attorney .....	862,933
Juvenile Court.....	166,000
County Recorder .....	207,159
Courthouse, Buildings & Grounds .....	390,271
Utilities .....	84,200
Printing, Publishing and Supplies .....	25,000
Elections.....	20,000
Telephone and Postage .....	97,000
Examination Fee.....	10,000
Human Resources.....	800,863
County Sheriff.....	3,098,928
County Detention Center .....	1,963,372
Communication Center.....	388,839
Emergency Management .....	137,867
Ambulance Services.....	1,500
Public Administrator.....	24,000
Property Insurance .....	11,000
Police Youth Bureau.....	54,744
Public Health Nurse .....	101,740
County Planning .....	40,000
Environmental Inspections.....	10,000
Health Board.....	3,500
Superintendent of Schools.....	78,086
Technology .....	245,000
Transfer Out .....	352,000
GENERAL FUND BUDGET.....	\$10,004,911

Appropriation for General Government	\$10,004,911	
Plus: Delinquent Taxes & Interim Fund	4,015,960	
Less: Resources	<u>(8,040,130)</u>	
Balance to be levied (24.50 Mills)		\$5,980,741
Appropriation for Unorganized Townships	1,077,000	
Plus: Delinquent Taxes	16,900	
Less: Resources	<u>(755,900)</u>	
Balance to be levied		338,000
Appropriation for County Road & Bridge	8,128,145	
Plus: Delinquent Taxes & Interim Fund	2,555,880	
Less: Resources	<u>(10,622,997)</u>	
Balance to be levied (.25 Mill)		61,028
Appropriation for Highway Tax Distribution	4,606,000	
Less: Resources	<u>(4,606,000)</u>	
Balance to be levied		- 0 -
Appropriation for Special Road & Bridge (Unorganized Twps.)	720,080	
Less: Resources	<u>(720,080)</u>	
Balance to be levied		- 0 -
Appropriation for Social Welfare	5,269,940	
Plus: Delinquent Taxes & Interim Fund	1,099,206	
Less: Resources	<u>(2,385,028)</u>	
Balance to be levied (16.32 Mills)		3,984,118
Appropriation for County Poor	737,621	
Less: Resources	<u>(737,621)</u>	
Balance to be levied		- 0 -
Appropriation for Job Development	100,000	
Plus: Delinquent Taxes	4,585	
Less: Resources	<u>(12,894)</u>	
Balance to be levied (.38 Mill)		91,691
Appropriation for Library	226,239	
Plus: Delinquent Taxes	9,568	
Less: Resources	<u>( 44,439)</u>	
Balance to be levied (3.22 Mills)		191,368
Appropriation for Liability Insurance	152,000	
Plus: Delinquent Taxes & Interim Fund	41,605	
Less: Resources	<u>(121,503)</u>	
Balance to be levied (.30 Mill)		72,102
Appropriation for Special Assessments	27,000	
Plus: Delinquent Taxes & Interim Fund	7,753	
Less: Resources	<u>(14,702)</u>	
Balance to be levied (.08 Mill)		20,051
Appropriation for Senior Citizens	345,625	
Plus: Delinquent Taxes & Interim Fund	12,300	
Less: Resources	<u>(111,925)</u>	
Balance to be levied (1.01 Mills)		246,000

Appropriation for Regional Child Support Services	12,500	
Less: Resources	<u>(12,500)</u>	- 0 -
Balance to be levied		
Appropriation for Water Resource District	521,648	
Plus: Delinquent Taxes & Interim Fund	330,354	
Less: Resources	<u>(413,252)</u>	
Balance to be levied (1.80 Mills)		438,750
Appropriation for Communication Center	1,070,000	
Less: Resources	<u>(1,070,000)</u>	
Balance to be levied		- 0 -
Appropriation for Victim/Witness Assistance	136,657	
Less: Resources	<u>(136,657)</u>	
Balance to be levied		- 0 -
Appropriation for Emergency Fund	1,055,000	
Less: Resources	<u>(1,055,000)</u>	
Balance to be levied		- 0 -
Appropriation for Veterans Service	202,018	
Plus: Delinquent Taxes & Interim Fund	60,294	
Less: Resources	<u>(66,511)</u>	
Balance to be levied (.80 Mill)		195,801
Appropriation for Provident Life Bldg.	428,844	
Less: Resources	<u>(428,844)</u>	
Balance to be levied		- 0 -
Appropriation for Social Security	690,000	
Plus: Delinquent Taxes & Interim Fund	201,618	
Less: Resources	<u>(309,253)</u>	
Balance to be levied (2.39 Mills)		582,365
Appropriation for Advertising	50,069	
Plus: Delinquent Taxes & Interim Fund	14,932	
Less: Resources	<u>(16,709)</u>	
Balance to be levied (.20 Mill)		48,292
Appropriation for County Agent	287,773	
Plus: Delinquent Taxes & Interim Fund	84,118	
Less: Resources	<u>(128,385)</u>	
Balance to be levied (1.00 Mills)		243,506
Appropriation for Comprehensive Health Insurance	669,000	
Plus: Delinquent Taxes & Interim Fund	199,499	
Less: Resources	<u>(223,523)</u>	
Balance to be levied (2.64 Mills)		644,976
Appropriation for Weed Board	270,303	
Plus: Delinquent Taxes & Interim Fund	100,767	
Less: Resources	<u>(222,320)</u>	
Balance to be levied (2.50 Mills)		148,750

Appropriation for County Park	270,300	
Plus: Delinquent Taxes & Interim Fund	160,626	
Less: Resources	<u>(375,526)</u>	
Balance to be levied (1.00 Mill)		55,400
Appropriation for County Fair	131,000	
Less: Resources	<u>(131,000)</u>	
Balance to be levied		- 0 -
Appropriation for County Jail Maintenance and Construction	820,716	
Plus: Delinquent Taxes	6,094	
Less: Resources	<u>(704,935)</u>	
Balance to be levied (.50 Mill)		121,875
Appropriation for County Parks and Recreational Areas	197,695	
Plus: Delinquent Taxes	9,217	
Less: Resources	<u>(22,562)</u>	
Balance to be levied (1.00 Mill)		184,350
Appropriation for Cellular Phone Tax	570,000	
Less: Resources	<u>(570,000)</u>	
Balance to be levied		- 0 -
Appropriation for Parking	31,000	
Less: Resources	<u>(31,000)</u>	
Balance to be levied		- 0 -
Appropriation for Abandoned Cemeteries	3,000	
Less: Resources	<u>(3,000)</u>	
Balance to be levied		- 0 -
Appropriation for Preservation Fund	30,000	
Less: Resources	<u>(30,000)</u>	
Balance to be levied		- 0 -
Appropriation for Sheriff Drug Asset Forfeiture Fund	25,000	
Less: Resources	<u>(25,000)</u>	
Balance to be levied		- 0 -
Appropriation for States Attorney Forfeiture Fund	7,000	
Less: Resources	<u>(7,000)</u>	
Balance to be levied		- 0 -
Appropriation for Hazardous Chemicals	500	
Less: Resources	<u>(500)</u>	
Balance to be levied		- 0 -
Appropriation for Rural Special Assessments	716,600	
Less: Resources	<u>(716,600)</u>	
Balance to be levied		- 0 -
<b>TOTAL LEVIES ALL FUNDS</b>		<b>\$13,649,164</b>

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.

Adopted the 25<sup>th</sup> day of September, 2008  
BY THE BURLEIGH COUNTY BOARD OF COMMISSIONERS

Kevin J. Glatt  
Burleigh County Auditor

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**October 6<sup>th</sup>, 2008**

**5:30 P.M.**

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

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

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to approve the minutes of the September meetings as presented. All members voted "AYE." Motion carried.

Comm. Peluso stated that he has reviewed the vouchers and recommends approval of the same.

Motion by Comm. Peluso, 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.

Tax Director Finneman appeared and presented the monthly 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.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to approve the Lang, Johnson, Pittman, Hertz, Hepper, Nytz, Christianson, Volesky, Hochhalter, and Barth abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

Finneman then presented the recommended minimum sales prices for the annual delinquent property tax sale. Auditor\Treasurer Glatt explained that the Commission must set the minimum sales price. Glatt continued that this is the minimum price that can be accepted at tax sale and for one (1) year thereafter. Glatt stated that if no bids are received the County must hold the property until next year when the Commission can reduce the minimum sales price.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to set the minimum sale prices for the annual delinquent property tax sale as recommended. All members voted "AYE." Motion carried.

The Board then reviewed the request of the University of Mary for a public fireworks display scheduled for November 17, 2008. Neil Kalberer, University of Mary, appeared and stated Hollywood Pyrotechnics has been hired to conduct a public fireworks display on the University of Mary campus.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, that upon review and investigation it is determined that the operator, Hollywood Pyrotechnics, is competent, it is further determined that the display will be of such character and is to be located, discharged, or fired such that it will not be hazardous to property or endanger any person, therefore the Burleigh County Commission approves a public fireworks permit application for Hollywood Pyrotechnics to conduct a public fireworks display at the University of Mary on November 17, 2008. All members voted "AYE." Motion carried.

Human Resource Director Gall appeared to request a salary adjustment for County Engineer Mill.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to increase County Engineer Mill's salary by \$73.00 a month effective November 1, 2008. All members voted "AYE." Motion carried.

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.

County Planning Director Hokenstad appeared with the following items for the Board's consideration: acceptance of right-of-way dedication within final plat of Brentwood Estates Replat and request of Doug Wonnemberg for a conditional approval of special use permit to move a doublewide manufactured house onto a site to be occupied as a single family residence on Auditor's Lot A of the NE1/4, Section 32, T139N, R78W (Menoken Township).

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve the acceptance of the right-of-way dedication within the final plat of Brentwood Estates Replat. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to approve a special use permit to move a doublewide manufactured house onto a site to be occupied as a single family residence on Auditor's Lot A of the NE1/4, Section 32, T139N, R78W (Menoken Township). All members voted "AYE." Motion carried.

The Commission then continued discussion on the Burleigh County Comprehensive Plan. Comm. Schonert presented several suggested changes to the plan. The Commission agreed by consensus that Schonert's suggested changes be put on the Comprehensive Plan website site for public review. The Board requested that the Township Officials Association also put their comments in a written format for the Web site.

Chairman Woodcox stated that the Comprehensive Plan Update will be placed on the agenda of each Commission meeting thru the January 2009 regular meeting.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to call a public hearing on December 1, 2008, to allow the public comment regarding the Comprehensive Plan Update. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to transfer \$125,750 from the General Fund (proceeds from the sale of Missouri Valley Complex property) to the

County Park Fund to fund improvements for the fairgrounds. All members voted "AYE."  
Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to invite members of the North Dakota Association of Counties (NDACo) to discuss the NDACo County Employers Group Workers Compensation Program. All members voted "AYE." Motion carried.

By Consensus the Board agreed to invite NDACo to the October 20, 2008, commission meeting.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to approve the Lost Instrument Surety Bond(s) to replace check(s): 60075 (\$730.63), 64587(\$79.48), and 2158 (\$69.86). All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**October 20<sup>th</sup>, 2008**

**5:00 P.M.**

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

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

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

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

This was the hour and date scheduled for a PUBLIC HEARING to consider the application of the South Central Grain Coop, Napoleon ND, for exemption from property tax on an expansion project used in the operation of the procurement of small grain and oil seeds to be loaded on unit trains located at 31300 5<sup>th</sup> Ave SE, Sterling ND (part of the SE1/4, Section 32, T139N, R76W).

Bill Schauer, General Manager of South Central Grain, appeared and stated the expansion will consist of three 157,800-bushel silos with four 11,500 bushel intersteric bins. Schauer added the project will increase storage capacity by 519,400 bushels, making total storage capacity 1,069,400 bushels.

Schauer estimated the total cost of the improvements at \$2.6 million. Schauer noted the facility currently has 2 full time employees with another 2 full time employees added should the expansion be approved. Upon question Schauer responded that he does not know if the project will go forward without the exemption as requested.

Gerri Feist, representing Sterling Township, and Bob Gnirk representing the Sterling School Board, were invited to join the County Commission for the negotiations and deliberations pertaining to this exemption request. Feist reported that the Sterling Township Board recommends a 50% exemption for three (3) years. Gnirk reported that the Sterling School Board supports a 100% exemption for three (3) years.

Louis Heaton, an area grain producer and member of the South Central Grain Board of Directors, appeared in support of the exemption. Heaton noted the high cost of infrastructure associated with such projects and noted the exemption would help offset these costs.

Auditor\Treasurer Glatt estimated a 100% exemption would equate to approximately \$40,000 in taxes to the school district, township, county, and rural fire district.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve a 100% property tax exemption for year one (1) and a 50% property tax exemption for years 2-3 for the South Central Grain Elevator expansion project in Sterling. All members voted "AYE." Motion carried.

Tax Director Finneman appeared and presented the monthly 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.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso, to approve the Willard, Fetzer, Pederson, Lang, Mindt, Steele, and Klein abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

Auditor\Treasurer Glatt then presented the recommended minimum sale price for the annual delinquent property tax sale. Glatt explained that the Commission must set the minimum sales price. Glatt continued that this minimum price can be accepted at tax sale and for one (1) year thereafter. Glatt stated that if no bids are received the County must hold the property until next year when the Commission can reduce the minimum sales price.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to set the minimum sale price for the Kettleon property to be sold at the annual delinquent property tax sale as recommended. All members voted "AYE." Motion carried.

County Engineer Mill appeared and presented the results of the bid openings for the sale of used equipment and the purchase of a new motor grader and loader. Mill explained the intricacies of the total cost bid method.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the sale of a used Caterpillar Front End Loader to McLean County, ND in the amount of \$120,250. All members voted "AYE." Motion carried.

Mill reported that no bids were received on the John Deere Motor Grader

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso to award the bid to Butler Machinery for a 140M Caterpillar Motor Grader at a total cost of \$113,985. All members voted "AYE." Motion carried.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Peluso to award the bid to Titan Equipment for the purchase of a new 821E Case Loader at a total cost bid amount of \$57,301. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to approve the sale of a 772CH motor grader in the amount of \$117,000 to RDO Equipment Co. All members voted "AYE." Motion carried.

The Board then considered the request of United Tribes Technical College for Burleigh County to sponsor a bike path/walking trail grant application to the NDDOT Transportation Enhancement Program.

Dave Raymo and Dennis Neumann appeared on behalf of UTTC requesting Burleigh County sponsorship of the grant application. Raymo stated Burleigh County would have no financial responsibility and is merely the sponsoring entity. Raymo explained the total project is estimated to cost \$214,250 and measure 3,900 feet long and will tie into a trail along University Drive. Raymo added the application includes a request for a 15,500-foot visitor center parking lot with construction of the project expected to occur in 2009.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to sponsor the ND Department of Transportation Enhancement grant application for UTTC for a walking/bike path on UTTC campus. All members voted "AYE." Motion carried.

The Board then considered the request from CBM (detention center food contractor) to utilize the Burleigh County Detention Center kitchen for preparation of meals for prisoners at the Morton County jail. Sheriff Heinert appeared and stated that CBM is offering \$3,500 per year to offset the extra utility costs and wear on equipment. Heinert continued that State's Attorney Riha has some considerable concerns regarding liability issues that may come into play of delivering food from one facility to another. No action was taken with Chairman Woodcox noting for \$3,500 per year it is not economically feasible.

The Commission then reviewed price solicitations for a bleacher shelter at the Missouri Valley Complex. By consensus the Board agreed to postpone the awarding of bids for the bleacher shelter until the Commission has a chance to review the bids and receive more information.

The Board then continued discussion on the Burleigh County Comprehensive Plan.

Comm. Schonert questioned if the other Commissioners have comments related to his proposed changes presented at the last meeting. Chairman Woodcox stated he has visited with the consultant and the policy and goal, protecting the river bluff, has been eliminated from the plan as a policy, but will remain as a goal.

Woodcox continued that any plan, if a good plan and a progressive plan, is going to take some property rights. Woodcox stated it is the Commission's responsibility to make the tough decisions about the plan, as he recommends approval of the plan with some changes rather than scrapping it and starting all over. Woodcox concluded stating he would submit his revisions in writing for the next meeting.

Commissioners Haakenson and Peluso stated they also would return with proposed changes.

Schonert said he looked forward to hearing the other Commissioners' lists. Schonert added the 2009 North Dakota Legislature will have impact on the county comp plan, depending upon decisions about the extra-territorial limits allowed outside a city. Commissioners stated changes to the extra-territorial area could determine if the County hires its own planner or not.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to reappoint Commissioners Peluso and Armstrong to the ND State Fair Association Annual Meeting. All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
November 6, 2008**

**5:10 P.M.**

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

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

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

Comm. Schonert stated that he reviewed the monthly vouchers and recommends approval of the same with the exception of the SRF Consulting bill. Schonert questioned the staff time charges.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve payment of the vouchers, journal vouchers, and filing fee reports as presented with the exception of the staff time associated with the SRF Consulting bill and to further request an itemization of the staff time charges from SRF. All members voted "AYE" except Comm. Haakenson "NAY". 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 18, 2008. Chairman Woodcox opened the public hearing and called for any public testimony. No one present appeared and the following motion was made:

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to close the public hearing and confirm the minimum sale price for the annual tax sale as previously adopted. All members voted "AYE." Motion carried.

Tax Director Finneman presented the monthly abatements for Commission 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. Haakenson, to approve the Hoffer, Granrud, Jessen, Walker, and Schnase abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

Damon Jorgensen, Land Development Specialist Kadrmas, Lee, & Jackson, Inc., appeared on behalf of the developers of Country Creek 5<sup>th</sup> Subdivision regarding the acceptance of the right of way dedication within final plat of Country Creek 5<sup>th</sup> Subdivision. Jorgensen requested that 84<sup>th</sup> Ave NE not be required to be paved at this time. Jorgensen stated the developer agrees to build 84<sup>th</sup> Ave NE along the north side

of the subdivision to county gravel road specs. Jorgensen continued that 84<sup>th</sup> Ave NE in this area will not serve any traffic until future development of the property to the north of Country Creek 5<sup>th</sup> Subdivision. Jorgensen recommended the paving of 84<sup>th</sup> Ave NE be a requirement of the development of property directly north of Country Creek 5<sup>th</sup>.

Engineer Mill noted the precedent of such a request to delay paving of an adjoining feeder road has been set and noted that traffic will be virtually non-existent until the property to the north of Country Creek 5<sup>th</sup> is developed.

Comm. Schonert noted there really is no traffic along 84<sup>th</sup> Ave NE and likely will be none until the property on the north side of 84<sup>th</sup> Ave is developed. Schonert added he foresees no issues with dust as long as little traffic exists and further when the property on the north side of 84<sup>th</sup> Ave is developed, the paving of 84<sup>th</sup> Ave will be a condition of plat approval.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to accept the right-of-way dedication within the final plat of Country Creek 5<sup>th</sup> Subdivision with a waiver for the paving of 84<sup>th</sup> Ave NE at this time and with the stipulation that the paving of 84<sup>th</sup> Ave NE will be a condition of approval of future plats in the area. All members voted "AYE." Motion carried.

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\Treasurer. Mill introduced County Engineer Marcus Hall who started employment on November 3rd.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Peluso, to approve an affidavit affirming Burleigh County is properly maintaining roadways that have received federal highway funding. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Haakenson, to approve the Right of Way Easement with the South Central Regional Water District across the Burleigh County Road Dept Shop site in Regan to provide water service to the facility. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and requested approval of the following grant applications: Justice Assistance Grant (JAG) in cooperation with the City of Bismarck; ND DOT Grant for Impaired Driving; NDDOT Grant for In Car Videos ; and ND DOT Grant for Compliance Server Training.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Schonert, to approve the Agreement for Use of Justice Assistance Grant Award between the City of Bismarck and the County of Burleigh for the expenditure of \$6,482. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to approve the ND DOT Grant(s) for Impaired Driving Enforcement and In Car Videos Surveillance systems. All members voted "AYE." Motion carried

Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the ND DOT Grant for Compliance Server Training. All members voted "AYE." Motion carried

Comm. Armstrong then led a discussion related to North Dakota Association of Counties (NDACo) County Employers Group (Workforce Safety & Insurance) program. Comm. Armstrong explained that he has met with the NDACo and recommends remaining with the County Employers Group (CEG) program for one more year, requesting reimbursement of our premium dividends, paying the CEG administrative fees and working harder to attain timelier reporting of claims and becoming a part of the Learning Management System Safety Program to implement a more robust safety program. Armstrong estimated the county would receive just under \$90,000 from the 2006 and 2007 dividend credits with an additional \$40,000 in six months for 2008. Armstrong continued another dividend credit of \$48,000 would follow in 18 months for 2009. Armstrong noted these funds would be coming from a reserve established by NDACo to protect counties from catastrophic events. Armstrong continued the county could buy its own catastrophic event policy for reassurance at less cost.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to remain a participant in the NDACo County Employers Group (Workforce Safety & Insurance) program for another year, to request reimbursement for the Burleigh County premium dividend credits for past and future years, to authorize payment of the NDACo CEG administrative fees and work harder to have more timely recording of claims and to implement the Learning Management System Safety Program. All members voted "AYE." Motion carried.

The Commission then continued discussion regarding the Burleigh County Comprehensive Plan Update. Chairman Woodcox presented his written comments regarding the Comprehensive Plan update. The Board discussed the upcoming Public Hearing regarding the Comprehensive Plan scheduled for December 1, 2008. No action was taken.

Don Schonert appeared and expressed his concern that newly elected County Commissioners and other newly appointed or elected county officials receive training pursuant to NDCC 11-10-28. Chairman Woodcox stated he would request a formal written opinion from State's Attorney Riha regarding this issue.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to approve payment of 22.5% of YMCA warning siren expenses. All members voted "AYE." Motion carried.

The Board briefly reviewed appointments to the following auxiliary boards: Region VII Human Service Council (2) - 2yr terms; Burleigh County Housing Authority (1) - 5yr term; Bismarck City Planning Commission (1) - 5yr term; County Planning Commission (2) - 4yr terms; Water Management Board (2) - 3yr terms, along with appointment to the Dakota Prairie RDC.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to reappoint Helen Schatz as the Burleigh County Commission representative to the Dakota Prairie Regional Development Council for 2009. All members voted "AYE." Motion carried.

By consensus the Board agreed to consider the remaining appointments at a later time.  
On a motion made, seconded, and carried, the Board adjourned.

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
November 17, 2008**

**5:00 PM**

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

Chairman Woodcox called the meeting to order with the first item of business the approval of the vouchers. Woodcox reported that he has reviewed the vouchers and recommends approval of the same.

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

Social Service Director Doe appeared regarding consideration of a Memorandum of Understanding for three (3) Foster/Adopt Parent Recruitment "mini" grants.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to approve the Memorandum of Understanding between the ND Dept of Human Services, Children & Family Services Division and the Burleigh County Social Service Dept to provide funds to focus on recruiting foster parents, adoptive parents or both in Region VII. All members voted "AYE." Motion carried.

The Commission then continued discussion on the Burleigh County Comprehensive Plan Update. Chairman Woodcox asked if any Commissioner desires to add anything to the Comprehensive Plan.

Comm. Peluso stated that many of his concerns are the same as Commissioner Schonert's. *Peluso questioned where we go from here - adopt, amend or start over?*

Chairman Woodcox noted that a Public Hearing has been scheduled for December 1<sup>st</sup> for those who have not had a chance to provide testimony and to take additional input that has not previously been heard by the Commission. Woodcox continued that pursuant to a previous motion the Commission will vote on the Comprehensive Plan Update at the January 5, 2009 meeting. At that time the Commission will consider various changes and amendments to the plan as it presently exists. Woodcox continued the Commission will then vote on the entire package as amended. If nothing is approved then we would operate under the existing plan.

The Commission then discussed various items from within the Comprehensive Plan Update. No action was taken.

Motion by Comm. Haakenson, 2<sup>nd</sup> by Comm. Armstrong, to pay the remaining balance on the SRF Consulting Group, Inc. invoice (\$326.16). "AYE" votes:

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to pay no further bills submitted by SRF Consulting Group unless such work is a result of a specific request from the County Commission at a price agreed to prior to commencement of the work. All members voted "AYE." Motion carried.

Russ Staiger, Bismarck-Mandan Development Association, appeared and updated the Commission on the progress of the BMDA over the past year in relation to efforts to continue the positive economic growth which is being enjoyed by Burleigh County and the City of Bismarck. No action was taken.

The Board then considered the following Auxiliary Board appointments: Region VII Human Service Council (2) - 2yr terms; Burleigh County Housing Authority (1) – 5yr term; Bismarck City Planning Commission (1) – 5yr term; and Water Management Board (2) - 3yr terms.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Haakenson, to extend the appointment of Ken Royse to the Burleigh County Water Management Board thru 12/31/10. All members present voted "AYE." Motion carried.

By consensus the Board agreed that the remainder of the appointments would be made by 12/15/08.

HR Director Gall appeared regarding the Employee Assistance Program (EAP). Gall informed the Commission that Blue Cross Blue Shield has notified the county that it will be discontinuing EAP services effective 12/31/08. Gall noted that BCBS provided this service as part of administering our health insurance plan. Gall noted she has solicited price quotations from St. Alexius Medical Center who has been providing the service through BCBS. Gall noted the cost for the EAP program to be \$3,460 per year for up to three (3) sessions per employee or \$4,582.50 per year for up to eight (8) sessions per year. Gall requested consideration of a budget amendment to include the cost of an EAP for county employees. No action was taken as this item will be considered at a later date.

Comm. Haakenson presented plans for a grand-stand type cover for the bleachers recently relocated on the Missouri Valley Complex. Haakenson added the Commission should seize this opportunity as the price is very good. The Board by consensus agreed to consider this at the next meeting.

Chairman Woodcox then presented Comm. Haakenson with a unanimous resolution of appreciation recognizing his contributions to Burleigh County over the last sixteen (16) years. The resolution lauded Haakenson for his tireless

effort to control spending and limit property taxes in the county, and in assisting in the orderly growth of the county.

Comm. Haakenson expressed his thanks for the honor and opportunity to serve Burleigh County and the City of Bismarck.

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

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Kevin J. Glatt, Auditor\Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
December 1, 2008**

**5:00 P.M.**

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

Vice-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. Armstrong, to approve the November minutes as presented. All members present voted "AYE." Motion carried.

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

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

The Board then considered a Courthouse updating project to remodel Judge Reich's chambers and to update a jury room and courtroom. Presiding District Court Justice Hagerty appeared and explained the grant request noting the estimated cost of \$13,227.78 with 75% funding being requested from the ND Supreme Court. Judge Hagerty recommended approval of the grant application.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to authorize the application of the Court Facilities Improvement and Maintenance Fund to improve or maintain court facilities (\$9,920.84 state share \ \$3,306.95 county share). All members voted "AYE." Motion carried.

This was the hour and date set for the continuation of the PUBLIC HEARING regarding the *Burleigh County Comprehensive Plan Update*. Vice-Chairman Peluso opened the public hearing requesting those appearing to provide specifics regarding their support or opposition to the Comprehensive Plan Update.

Dave Patience, Swenson Hagen Co. consulting engineer's, appeared and stated he believes the Comprehensive Plan Update was prepared to professional standards and reflects community values. Patience continued the plan is structurally correct and the context is accurate, however the key statements in the plan preclude the Commission or future Commissions from having the authority to make choices. Patience concluded the plan does not allow enough latitude for the Commission to decide what is best for the county and recommends the plan provide "some kind of an out" that would allow the Commission to make the best decision for the county.

Neil Modin, President of the Burleigh County Township Officers Association and Carol Vondrachek of the Bismarck-Mandan Home Builders Association appeared in support of Comm. Schonert's comments regarding the Plan Update.

Jake Spitzer appeared noting there is not that much wrong with the existing plan.

Harley Swenson appeared and stated this is probably your last and best opportunity the County Commission will have to provide input on what the Planning Commission will do for the next few years and cautioned the County Commission to be careful of the direction you give the Planning Dept. Swenson added there has never been a shortage of lots in the city, and that people chose to live in the country. Swenson stated this document will severely restrict that right to choose. Swenson noted the vision statement is wrong as it takes away people's right to live really where they want to live and limits choices.

Jon Dwyer appeared and stated the plan must balance the needs of the various interests, including homeowners, agriculture, recreational, conservation, developer/business and property-rights.

Richard Hammond appeared in opposition to the plan as he feels it takes legitimate property rights away from the rural residents and gives a dangerous and unnecessary degree of power and authority to the city of Bismarck.

Neil Effertz appeared and stated his primary objection is that comprehensive plan is much too comprehensive and it was developed without any input from active, productive agricultural people who are busy farming and ranching in Burleigh County. Effertz noted it re-addresses things from five years ago, which was an effort to take away property rights.

Charles Manders appeared and stated he feels the Plan Update would be an excellent tool for controlling property taxes. Manders added that enforcing a comprehensive plan and subsequent ordinances is not infringement on property rights. Manders noted if the county is going to enforce zoning and subdivision regulations, a comprehensive plan must be in place. Manders concluded the existing plan allows anyone to develop any way they please.

Paul Andahl appeared and stated this new Comprehensive Plan Update is ill-founded and if the Commission moves forward with this, it is going to be a mistake that we wished did not happen.

Alexius Duxbury appeared and expressed her support for the Plan Update.

John Spitzer, Vice-President of the Burleigh County Township Officers Association, appeared and stated that Township Officials met with consultant Cindy Gray and specified they did not want it to affect those townships which have their own zoning. Spitzer added he does not believe this request is included and noted that a township's zoning should prevail.

By consensus the Commission agreed that the Plan Update will be reviewed at the December 15, 2008 meeting and a vote on a final document held in January 2009.

Tax Director Finneman presented the monthly abatements for Commission consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor\Treasurer.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to approve the Richards, Davis, Weichel, Johnson, Doan, Strand, and Seibel abatements as requested and recommended by the Tax Equalization Director. All members present voted "AYE." Motion carried.

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. Mill presented the Preliminary Engineer reports for SAD #50 East Ridge & SAD #51 Prairie Place Special Assessment Districts and recommended the Declaration of Resolutions of Necessity and call for public hearings for SAD's #50 & #51.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to accept the Preliminary Engineers report, to create Special Assessment District #50, and to declare a Resolution of Necessity for Special Assessment District #50 East Ridge Subdivision and to call for a public hearing for January 21, 2008 at 5:00pm regarding the same. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to accept the Preliminary Engineers report, to create Special Assessment District #51, and to declare a Resolution of Necessity for Special Assessment District #51 Prairie Place Subdivision and to call for a public hearing for January 21, 2008 at 5:00pm regarding the same. All members present voted "AYE." Motion carried.

Gailen Narum, Chairman Burleigh County Water Resource District, regarding consideration of the easement boundary established via the final plat of the Whispering Bay Subdivision, and execution of a replacement easement for the same.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve the replacement easement boundary established via the final plat of the Whispering Bay Subdivision along with the execution of the same. All members present voted "AYE." Motion carried.

HR Director Gall appeared regarding changes to the Employee Assistance Program.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve a contract with St. Alexius Medical Center for Employee Assistance Program services in the amount of \$4,582 per year for eight (8) sessions per year\per employee. All members present voted "AYE." Motion carried.

Comm. Schonert then initiated a discussion regarding expansion of the Burleigh County Detention Center. Schonert stated that we are at the point where we are going to need jail expansion, whether that means building a new jail, expanding the existing jail, or joining with the state penitentiary or other counties. Schonert explained that jail expansion was recently discussed at a joint meeting of county, school, park board and city officials. Schonert continued that the discussion involved the idea to stagger major projects between the entities to avoid a large burden on property taxpayers. Schonert noted that a positive consensus was reached from that group regarding the expansion of the Detention Center.

Sheriff Heinert appeared and stated options may include building on to the existing building or building somewhere else on other property outside the city or along the edge of the city. Heinert added that federal and state jail guidelines call for 80 percent being considered full, which is presently 110 inmates. Heinert continued we are currently averaging 126 prisoners daily, excluding inmates released for good behavior. Heinert added the number of inmates serving on the weekends has increased with between 12 and 16 inmates serving their sentences on weekends. Heinert reported to date in 2008 approximately \$34,000 has been spent housing prisoners outside the detention facility at the Bismarck Transitional Center at a rate of \$50 per day, Morton County at \$60 per day and Mercer County at \$60 per day. Heinert added he is also negotiating a contract with McLean County when their new jail opens. Heinert suggested a committee be assigned to study future prisoner housing needs. By consensus the board agreed to form a committee at the next meeting.

Comm. Armstrong questioned if electronic monitoring is being used to ease the space issues. Heinert stated electronic monitoring is being used and he is working with the judicial system to further enhance such sentencing.

The Board then discussed the sale of tax deed properties to the City of Bismarck and cancellation of delinquent taxes related to the annual tax sale.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Schonert, to authorize the sale of Lot C of Lots 7 & 8, Block 1, North Hills 6<sup>th</sup> Addition to the City of Bismarck (3011 Manitoba Lane) for \$1 and to authorize the cancellation of the delinquent taxes on the parcel offered at tax sale pursuant to NDCC 57-28-20. All members present voted "AYE." Motion carried.

The Board then considered appointment of the County Dept Heads and Appointed Officials.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to reappoint the following County Department Heads: Coroner Dr. Addy, Veterans Service Officer, Mark Landis; Tax Equalization Director/County Assessor, Sue Finneman; County Engineer, Marcus Hall; County Road Superintendent, Rodney Ness; County Agent, Elroy Haadam; Safety/Risk Management Director/Human Resource Director, Renae Gall; Disaster Preparedness Director, Mary Senger; Social Service Director, Shari Doe; and to appoint Pat Heinert Jail Administrator. All members present voted "AYE." Motion carried.

By consensus the Board agreed to the 2009 Meeting Calendar as presented by

Auditor\Treasurer Glatt.

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

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
December 15, 2008**

**5:00 P.M.**

The Burleigh County Commission convened with all members present.

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

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

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to approve payment of the vouchers. All members voted "AYE." Motion carried.

Scott D. Wegner, Cook Wegner & Wike PLLP, appeared regarding the Financing and Initial Resolutions for authorization of special assessment bonds to finance improvement district #46 (Prairiewood Estates 2nd Subdivision) and improvement district #48 (Crescent Ridge Subdivision).

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to approve the Financing and Initial Resolutions for authorization of special assessment bonds to finance improvement district #46 (Prairiewood Estates 2nd Subdivision) and improvement district #48 (Crescent Ridge Subdivision). All members voted "AYE." Motion carried.

Tax Director Finneman appeared and presented the abatements for Commission consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor\Treasurer.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to approve the Fercho, Stroh, Stevahn, Buchholz, Wasness, and Forderer abatements as requested and recommended by the Tax Director. All members voted "AYE." Motion carried.

County Recorder Kroshus appeared and requested the Board's support in establishing a Burleigh County Youth Commission similar to the Cass County Youth Commission. Kroshus explained the Youth Commission could consist of a committee of Burleigh County Department Heads or assignees; representation from NDACo; and 2 or 3 students from each high school in Burleigh County, "to empower potential leaders in County government and enable them to take an active role in their community". Kroshus concluded that with Board approval the process can get started with the goal of starting with the new school year in the fall of 2009.

Motion by Comm. Schonert, 2<sup>nd</sup> by Comm. Armstrong, to formally support the creation of a Burleigh County Youth Commission similar to the Cass County Youth Commission. All members voted "AYE." Motion carried.

The Commission then continued discussion on the Burleigh County Comprehensive Plan Update. Comm. Schonert opened the discussion questioning who will be responsible for making the changes that are anticipated and what will be the associated cost? Chairman Woodcox stated he did not think the changes will be extensive. Comm. Schonert disagreed stating he thinks there will be some very extensive changes. Schonert noted any legislative changes made to city extraterritorial jurisdiction will have an impact on the plan and an impact on the time the Planning Dept has available.

Comm. Bitner stated that making changes to the electronic format should not be very difficult. Chairman Woodcox stated he would contact the Planning Dept and the consultant to determine the best way to effect any changes.

Comm. Peluso questioned if we should take our old plan and amend it - or do we take things out of this plan? Peluso continued he believes the plan as written is a no-growth plan. Peluso added he is bothered by the restrictions on 40-acre parcels as the restrictions reduce land values.

Comm. Woodcox stated minor wording changes are needed regarding the issue of locating new development adjacent to existing development. Woodcox continued that he does not support the 160 acre minimum size requirement and thinks this should remain at 40 acres. Woodcox assured the Commission that he directed the removal of the limitations on structures near the bluff line of the Missouri River and noted that he does not intend to revisit Missouri River corridor building setbacks. Woodcox stated the proposed plan does not limit growth and/or development.

Comm. Peluso stated whatever is adopted must maintain flexibility for the Commission to make decisions in the best interest of the county.

Comm. Armstrong stated he does not believe this is a no-growth plan; rather it is a pro-growth plan. Armstrong continued a statement crafted at the beginning with the vision statement can point us in the right direction. Armstrong noted all Commissioners want growth and development, but we also want to manage & direct development in order to find the proper balance with the cost(s) of providing required service.

No action was taken and this item will be further considered at the January 5, 2009 meeting.

Motion by Comm. Peluso, 2nd by Comm. Armstrong, to approve the contract renewal for Indigent Mental Health legal services with Edwin Dyer III and Greg Runge (January 1, 2009 – December 31, 2009). All members voted "AYE." Motion carried

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Schonert, to authorize the transfer of the proceeds of the sale of real property in the amount of \$1,451,400 from the County General Fund to the Fair Fund. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner, to approve the 2009 Community Legislative Agenda including support of a 50\50 extraterritorial jurisdiction within the

entire extraterritorial area, not shared authority in the outer half of the extraterritorial area cities. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd Schonert, to approve the addendum to New World Financial Software contract. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, to declare the Dakota Strutters an other public spirited organization and to approve the raffle permit application for Dakota Strutters (National Wild Turkey Foundation). All members voted "AYE." Motion carried.

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

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Kevin J. Glatt, Auditor/Treasurer

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Jerry Woodcox, Chairman