

Burleigh County Commission 2009 Meeting Minutes

January 5
5:00 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 2009.

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

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

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

Comm. Schonert nominated Comm. Armstrong as Vice-Chairman. Chairman Peluso called for further nominations. As there were no further nominations the following motion was made:

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

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the December 2009 meeting minutes as presented. All members voted "AYE." Motion carried.

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

Motion by Comm. Woodcox, 2nd by Comm. Schonert, 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:

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the Fisher and Vasquez abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

Steve Windish, Ulteig Engineers, Inc. appeared and updated the Commission on the Regional North-South Beltway Corridor Study. No action was taken.

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

Comm. Woodcox questioned if enough right-of-way has been set aside especially since this subdivision is located along 71st Ave which is part of the proposed "beltway" and adjacent to a railroad crossing.

Hokenstad stated that although the Regional North-South Beltway Corridor Study does identify the potential need for additional right-of-way, the landowner\developer is not interested in dedicating any additional right-of-way.

Mark Swenson, Houston Engineering, appeared on behalf of the developer of Hay Creek Industrial Subdivision and stated that requiring additional right-of-way from the landowner\developer at this time is not warranted. Swenson stated further study needs to be done before such a burden be placed on the landowner. Swenson stated he did not believe an earthen railroad structure as proposed was practical.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to table the right-of-way dedication within final plat of Hay Creek Industrial Subdivision until the January 21, 2009 meeting to allow further discussions with the landowner. All members voted "AYE." Motion carried.

County Engineer Hall 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.

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Engineer Hall requested authorization to advertise for bids for furnishing road construction equipment at hourly rates, crushing, hauling & spreading of gravel, and concrete & metal culverts.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to authorize the advertisement of bids for furnishing road construction equipment at hourly rates, crushing, hauling & spreading of gravel, and concrete & metal culverts with the bid openings scheduled for February 2, 2009. All members voted "AYE." Motion carried.

HR Director Gall appeared and requested authorization to participate on a North Dakota Association of Counties sponsored HR Committee and consideration of an exception to the Annual Leave Policy (Chapter 4 Section 5) to allow carry-over of more than 240 hours of unused annual leave forward to a new calendar year as the record snowfall has precluded certain employees from using their annual leave. Gall stated this would not be a permanent change to the policy.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to authorize HR Director Gall to participate on a North Dakota Association of Counties sponsored HR Committee. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve an exception to the Annual Leave Policy (Chapter 4 Section 5) to allow the carry-over of more than 240 hours of annual leave for five (5) Road & Bridge Dept employees with a total of 52 hours thru 6/30/09, as the record December snowfall precluded employees from using annual leave before 12/31/08. All members voted "AYE." Motion carried.

The Commission then continued discussion on the Comprehensive Plan Update. Chairman Peluso opened the discussion noting the several options available.

Comm. Armstrong presented a draft amendment that he proposed be made a part of the "Opening Vision Statement." Armstrong stated the amendment will provide a clear guiding statement denoting that the County Commission supports property rights, economic development and growth. Armstrong stressed the comprehensive plan would be used as a tool to help guide future growth and is a flexible document expected to be changed. Armstrong added when opportunities arise for economic development and prosperity that will enhance the tax base, we will support these projects moving forward along with supporting the rights of property owners to develop their property within the outlines adopted through the planning process.

Motion by Comm. Armstrong 2nd by Comm. Woodcox, to approve the Comprehensive Plan Update with the following amendment added: The comprehensive plan will be utilized as a tool to help guide the decision-making process. It is a flexible document that can be amended as necessary to respond to changing conditions, opportunities and challenges. When adopted it is the vision of the current Board of County Commissioners, that, notwithstanding anything contained in this document, the commissioners support the continued economic development and prosperity of Burleigh County. When opportunities arise for economic development that will enhance the tax base, we support those projects moving forward. We also support the rights of property owners to develop their property within the outlines adopted through the planning process and have the right as a County Commission to permit flexibility when there is a clear economic advantage to do so. Further, the comprehensive plan may be amended because public values and priorities related to growth and development may change over time, or new proposals are made for better developments or more appropriate uses never contemplated in the original comprehensive plan. Occasional amendments to this comprehensive plan should not be viewed as uncommon and should occur through a public process. Amendments can be initiated by the county, property owners, developers, residents and other interested parties.

Comm. Schonert noted that he proposed an amendment to the Vision Statement several meetings ago and questioned why this amendment was any better. Schonert further questioned if adopted, where will all the ordinances come from?

Planning Director Hokenstad stated that his staff will be able to get the process started.

Comm. Armstrong stated that the existing ordinances remain in effect until changed and noted amendments and ordinances can be initiated by the county, property owners, developers, residents and other interested parties.

State's Attorney Riha confirmed that existing ordinances remain in effect until changed.

Comm. Schonert then presented an amendment requiring a five-member board assist the County Commission by doing an economic impact study to analyze whether the Comprehensive Plan would enhance value or devalue property.

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Amended Motion by Comm. Schonert, 2nd by Comm. Bitner, to amend the motion to approve the Comprehensive Plan Update with the following addition: Prior to the adoption of the Burleigh County Comprehensive Plan (Plan), an economic impact analysis shall be conducted by the Board of County Commissioners to determine the potential economic impact on political subdivisions in Burleigh County, and the potential economic impact on property values that may be enhanced or devalued due to the implementation of the Plan. The Board of County Commissions shall appoint a five-member advisory board to assist in the development and implementation of the economic impact analysis that includes representation from the County Tax Equalization office, Bismarck Board of Realtors, developers and private property owners from rural Burleigh County. The economic analysis shall be reviewed and considered prior to the formal adoption of the Plan by the Board of County Commissioners.

Comm. Schonert added he cannot be in favor of this plan because it is way too detailed, way too comprehensive and is non-growth. Schonert stated he is in favor of taking the old plan and using some of the new plan.

Comm. Bitner stated his biggest concern is what affect the Comprehensive Plan will have on property taxes and property rights. Bitner stated he is concerned about the long-term unintended effects on the cost of home ownership including property taxes.

Vote on amended motion (by Comm. Schonert): AYE votes: Schonert. NAY votes: Bitner, Armstrong, Woodcox, Peluso. Motion failed.

Vote on original motion to approve the Comprehensive Plan Update: AYE votes: Armstrong, Woodcox. NAY votes: Bitner, Schonert, Peluso. Motion failed.

Comm. Schonert stated that he hoped the good points of this Updated Plan would be incorporated into our existing plan. No further action was taken.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the designation of the public depositories and approval of the security pledges and to authorize the County Auditor/Treasurer to make payment upon demand for all invoices and claims for utility services, gas, fuel, and oil pursuant to the adopted bill payment policy. All members voted "AYE." Motion carried.

The Board then reviewed applications for appointments to the Burleigh County Auxiliary Boards.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to reappoint Ray Napierkowski to a two (2) year term on the Region VII Human Service Council. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to make an exception to the term limit policy and reappoint Georgia Schultz to a two (2) year term on the Region VII Human Service Council. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to reappoint Arlene Olson to a five (5) year term on the Burleigh County Housing Authority. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to reappoint Curtis Juhala to a five (5) year term on the Bismarck City Planning Commission. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Armstrong, to appoint Eldon Spier the unexpired five (5) year term of Brian Bitner on the Bismarck City Planning Commission. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to appoint Cary Backstrand to a three (3) year term on the Burleigh County Water Management Board. All members voted "AYE." Motion carried.

The Board by consensus agreed to the 2009 portfolio assignments with Commissioners Armstrong and Bitner serving as County Commission appointments to the Burleigh County Planning Commission.

On a motion made, seconded, and carried, the Board recessed until January 21, 2009.

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January 21
5:12 P.M.

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

Chairman Peluso opened the meeting with the first item of business the approval of the bills.

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

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve payment of the bills. 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 #50 East Ridge Subdivision.

Auditor\Treasurer Glatt briefly explained the proposed Special Assessment District for the chip sealing of the roadways noting that the required 60% of the landowners signed the petition to create the district.

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

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to close the public hearing regarding the proposed East Ridge Subdivision, SAD#50, and to adopt a resolution determining insufficiency of protests and direct 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 #51 Prairie Place Subdivision.

Auditor\Treasurer Glatt briefly explained the proposed Special Assessment District noting that the required 60% of the landowners signed the petition to create the district.

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

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to close the public hearing regarding the proposed Prairie Place Subdivision, SAD#51, 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.

Tax Director Finneman presented the following 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. Woodcox, 2nd by Comm. Armstrong, to approve the Ponderosa Homeowners Association abatement as requested and corrected. All members present voted "AYE", except Chairman Peluso who abstained. Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to deny the David & Jane M Knoll abatement and to approve an abated value of \$135,800MV. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the Alber, Erdman, Ponderosa Homeowners Association, Tschider, Haar, Stephina Knoll, Kessel, Poeckes, Williston Basin Interstate Pipeline Co, and Murphy abatements as requested and corrected. All members present voted "AYE." Motion carried.

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

Chairman Peluso noted this item was tabled at the last meeting to allow time to discuss the dedication of additional right-of-way with the developer\owner. Comm. Schonert stated he has discussed this item with County Engineer Hall with the determination that the proposed plat dedicates adequate right of way.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to accept and approve the right-of-way dedication within final

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plat of Hay Creek Industrial Subdivision. All members present voted "AYE." Motion carried.

County Engineer Hall and Emergency Management Director Senger appeared and requested the declaration of a snow emergency. Engineer Hall noted the snow emergency declaration would allow the county to hire private contractors without going through the formal bid process. Hall continued that contractors need to be hired as soon as possible to help with snow removal to avoid major problems for county residents. Emergency Manager Senger noted other area counties who have declared snow emergencies and added the declaration will allow the use of county and possibly state emergency funds.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to declare a Snow Emergency within Burleigh County. All members present voted "AYE." Motion carried.

County Engineer Hall presented the proposed 2009 county road construction priorities. Hall noted the projects on the 2008 list which have been completed. Hall noted the proposed 2009 list of projects totals just over \$14Million, with \$5.8Million available funding.

The Commission then discussed the following 2009 Priority List as presented by Engineer Hall accepting input from those in attendance: est. county cost

1	Replace culvert in Tavis Road Causeway	\$180,000
2	Reconstruction of 158th St NE (Menoken Access Road) from CR 10 to I-94	\$750,000
3	2009 Chip Seal Package	\$70,000
4	Replace Box Culvert on 145th Street SE - 1/3 mile north of 76th Ave SE	\$10,000
5	Replace Bridge 117-43 on 89th Ave SE - 1/4 mile east of 106th Street SE	\$125,000
6	Overlay of County #10 from State Highway #83 in Sterling east to County Line	\$433,000
7	Construction of 52nd Street NE from 43rd Ave NE to 57th Ave NE	\$0
8	Mag and water on 249th Street NE (McKenzie Haul Road)	\$35,000
9	Improve alignment of Yegen Rd @ Anderson Western Corner	\$200,000
10	Township Paving Participation	\$200,000
11	Regrade Intersection 353 rd St NE & ND 36, E of Wing	\$10,000
12	Replace Box Culvert on 184th Street NE - 1/2 mile north of 136th Ave NE	\$10,000
13	Replace Box Culvert on 26th Street NE - 1/2 mile north of 136th Ave NE	\$10,000
14	Ash Coulee Intersection on River Road - Right of Way	\$400,000
15	Geographic Systems - GIS	\$50,000
16	Replace bridge 109-26 on 136 th Ave NE, 8 miles N of Bismarck (Jim Marti Kennel)	\$300,000
17	Replace bridge #129-39 on 275 th St SE, 5 miles SE of McKenzie (Monte Burke, Jr.)	\$150,000
18	Expansion to the existing county garage in Bismarck	\$1,500,000
19	Combine the existing Wilton and Regan garages into a new garage in the greater Wilton area	\$750,000
20	Widen, Overlay & turn lanes on 71 st Ave NE from State Highway #83 to Centennial Road	\$900,000
21	Widen, Overlay & turn lanes on 71 st Ave NE from Centennial Road to 80th Street NE	\$1,500,000
22	Turn lanes and improvements to sight distance on 66th Street SE at intersections with East Main.	\$150,000
23	Turn lanes and improvements to sight distance on 66th Street SE at intersections with Apple Creek Road.	\$150,000
24	Turn lanes and improvements to sight distance on 66th Street SE at intersections with Lincoln Road.	\$150,000
25	Grade Raise & Paving of Apple Creek Road from Yegen Road to 52 nd St	\$1,100,000
26	Widen & Overlay of 405th St NE (Driscoll Road)	\$2,500,000
27	Paving of 249th St NE (McKenzie Haul Road)	\$2,400,000

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the 2009 Burleigh County Road Project Priority List as presented. All members present voted "AYE." Motion carried.

The Commission then discussed the expenditure of funds from the Jail Maintenance & Construction Fund to develop plans for Detention Center construction/expansion. Comm. Woodcox recommended the approval of a \$10,000 contract with EAPC Architects & Engineers with Don Barsness as designated design architect for the provision of

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preliminary schematic drawings and cost estimates for an addition to the existing facility in the area of the existing parking lot located directly west of the current Detention Center.

Chairman Peluso stated it is a good idea to have some expansion plans in place in case any federal stimulus money becomes available. Peluso added that the plans will still be very useful for future work if no federal funds are available.

Sheriff Heinert noted Mr. Barsness was the architect involved in building the existing detention center and stated the study should give answers about how expansion could occur and estimated costs to build onto the current facility.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve a contract with EAPC Architects & Engineers for a preliminary design and cost estimate study in the amount of \$10,000 and further to authorize the expenditure of funds from the Jail Maintenance & Construction Fund for the same. All members present voted "AYE." Motion carried.

Comm. Schonert then initiated a discussion on spraying rural Burleigh County for canker worms. After a brief discussion Comm. Schonert stated he would request input from County Agent Haadem among others and report back to the Commission.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to designate the Sterling Lions Club as an other spirited organization and to approve the raffle permit application of the Sterling Lions Club. All members present voted "AYE" except Comm. Woodcox who voted "NAY." Motion carried.

On a motion made, seconded, and carried, the Board recessed until February 2, 2009.

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

February 2
5:00 P.M.

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

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the January 2009 meeting minutes as presented. All members voted "AYE." Motion carried.

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

Motion by Comm. Bitner, 2nd by Comm. Schonert, 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:

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the Graff, Andrews, Hunt, and Senger abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

Planning Director Hokenstad appeared with the following items for the Board's consideration: request to vacate a portion of County Rd #10 right-of-way as part of Highway Subdivision – Highway Motel site; and request to reconsider plat & zoning change for Yvonne's Subdivision (tabled December 3, 2007).

Hokenstad stated for unknown reasons there exist different widths of right-of-way along County Rd #10. Hokenstad continued the developer of Highway Subdivision proposes a 100' right-of-way dedication as the original irregular plat(s) for this area show 100' although the Highway Right-of-Way plat shows 135'. Hokenstad informed the Commission that no documents related to the prior vacation of the 35' have been found.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to authorize the call for public hearing related to the request to vacate a portion of County Rd #10 right-of-way as part of Highway Subdivision – Highway Motel site. All members voted "AYE." Motion carried.

The Board then considered a request to reconsider the final plat and zoning change for Yvonne's Subdivision which was tabled December 3, 2007. Hokenstad explained this is a proposed industrial park seven miles east of Bismarck and a half mile south of the Menoken interchange on Interstate 94. Hokenstad continued the County Planning Commission denied the plat on 11/14/07 based upon input from Menoken Township regarding improvements to 158th Street, the north-south road that connects the I-94 interchange to County Road 10. Hokenstad continued the county has wanted to widen and repave 158th for a number of years, but has run into problems obtaining right of way from out-of-state property owners.

Comm. Woodcox noted improvement of 158th St is a high priority on the 2009 Road Dept priority list and offered the following motion:

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to direct the County Engineer to move forward with the acquisition of the needed right-of-way to complete the reconstruction of 158th St NE (Menoken Access Road) from County Rd #10 to I-94. All members voted "AYE." Motion carried.

Comm. Woodcox then requested a discussion be held regarding the Comprehensive Plan. Woodcox stated he considered bringing some plan revisions to the table, but felt it was too much work for one person. Woodcox reminded the Board that two (2) years and \$115,000 have been spent studying and hearing testimony on the draft. Woodcox added he wants to move forward with something positive.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to direct the Chairman to appoint two (2) Commissioners to work with SRF Consulting to review and propose possible amendments to the Comprehensive Plan no later than March 2, 2009 to allow the Comprehensive Plan to move forward.

Comm. Schonert protested the motion stating the draft was rejected and only those on the majority could legally move for reconsideration.

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Upon question State's Attorney Riha stated that although the Commission rejected the plan, discussion at that time included taking some of the ideas from the proposed plan and putting them into the current plan, and therefore the Commission can proceed.

Comm. Schonert stated he did not want SRF involved in any new plans or revisions to the rejected plan. Schonert added we only need to improve the existing Comprehensive plan that has served us well.

Comm. Armstrong reminded the Commission that several parts of the SRF draft were liked and could have been approved. Armstrong continued that Woodcox is offering a process that can integrate portions of the draft plan that are palatable into the existing plan.

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

Chairman Peluso stated he would still like to appoint two (2) members from this Commission to study and bring back information about how we can and should proceed. By consensus Chairman Peluso appointed Commissioners Bitner and Woodcox to review the legalities of further consideration of the SRF Draft along with suggestions on how to proceed.

County Engineer Hall 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 commended the Road & Bridge Dept. for the great job they have been doing this winter season. Engineer Hall noted that eight (8) dozers have been working to move snow. Hall continued that the five (5) year average January snow removal costs have been \$37,000 per month. Hall stated that in January 2009 we expended at least \$550,000.

Hall then presented detailed results of the bid openings for the following Road Dept. items that were opened on January 29, 2008: Furnish Road Const. Equipment @ hourly rates, Gravel Crushing, and Concrete and Metal Culverts. Engineer Hall 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. Woodcox, 2nd by Comm. Schonert, to accept the bids from Zircon Construction Inc., Industrial Builders Inc., Mariner Construction Inc., Northern Improvement Co. and Guthmiller & Son Dirtworks Inc. for Truck & Equipment Rental with and without operator and to file them for future reference as needed. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to award the bid for aggregate crushing to the low bidder Sundre Sand & Gravel, Inc. (\$2.45 per cubic yard). All members voted "AYE." Motion carried.

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

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to accept and award bids for metal culverts to Johnson Fargo Culvert Co., the low bidder; and to accept and award bids for concrete culverts to Cretex Concrete Products, Inc. the low bidder. All members voted "AYE." Motion carried.

Hall then requested authorization to seek design service proposals for the Tavis Road Causeway project. Hall noted the Burleigh County Road & Bridge Dept. and the County Commission recently ranked this project as the #1 project for 2009. Hall continued although the Tavis Road Causeway project is not a large project, it is a complicated project and would require a great deal of time in order to complete. Hall stated after reviewing the proposed Road Dept's work load for the coming year, contracting for the design of this project would allow for a more efficient use of resources in an effort to completing as many projects as possible on the priority list.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to authorize the advertisement of bids\requests for proposals seeking design service proposals for the Tavis Road Causeway project. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the annual road maintenance agreements with the unorganized townships of Burnt Creek, Ft. Rice, Lincoln, Lyman, Phoenix, and Riverview. All members voted "AYE." Motion carried.

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

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

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to declare the Driscoll Centennial Organization as another public spirited organization and to approve the raffle permit application for the Driscoll Centennial Organization. All members voted "AYE." Motion carried.

On a motion made, seconded, and carried, the Board recessed until February 18, 2009.

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

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2009 Meeting Minutes

February 18
5:30 P.M.

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

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

Motion by Comm. Bitner, 2nd by Comm. Schonert, to approve payment of the vouchers 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:

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the Ketterling, Speidel, Gilbert N Nelson Post, Duane Nelson, Holmen, Nemec, Harvey Nelson, Meranda, Lincoln Christian Center, Berry, Avery, and Stuhmiller abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

Marcus J. Hall, County Engineer, 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 Hall requested authorization to purchase computer software to replace the existing fifteen (15) year old software. Hall recommended the purchase of a set of software programs (OneOffice, e/Gram, e/Timecard, and Road and Bridge Management) from RTVision, Inc. Hall stated RTVision is a fully encompassing project management tool for the construction industry that will allow the Road & Bridge Dept to track all project costs and manage existing inventories.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize the Road & Bridge Dept to purchase the RTVision, Inc. computer software package for \$29,490. All members voted "AYE." Motion carried.

Hall stated that in order to construct some roadway projects the Road & Bridge Dept will need to acquire some additional right-of-way from adjacent properties. Hall continued that under state and federal law, the local unit of government may offer the following three options to the property owner/designated representative concerning a voluntary acquisition: donation, waiver of appraisal in exchange for minimum payment, or request appraisal as basis for just compensation.

Hall noted in order to offer the waiver of appraisal in exchange for minimum payment the local unit of government must first establish a minimum payment policy.

Hall continued that after consulting with the North Dakota Department of Transportation (NDDOT), federal and state rules and other local officials he recommended the following:

- a. The minimum payment for Temporary Construction Easement rights will be \$200 per landowner.
- b. The minimum payment for Permanent Easement or Right-of Way will be \$500 per landowner.
- c. The maximum amount to be paid to a single owner on a project will be \$500 regardless of the number, variety, or size of parcels acquired.

In addition, the landowner may receive a fencing payment of up to \$0.75 per linear foot of existing maintained and usable fence.

Hall stated this minimum payment policy is fair and equitable from one property owner to the next.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to establish the following minimum right-of-way payment policy for temporary and permanent easements and replacement of fencing:

- The minimum payment for Temporary Construction Easement rights will be \$200 per landowner,
- The minimum payment for Permanent Easement or Right-of Way will be \$500 per landowner,
- The maximum amount to be paid to a single owner on a project will be \$500 regardless of the number, variety, or size of parcels acquired, and

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- In addition, the landowner may receive a fencing payment of up to \$0.75 per linear foot of existing maintained and usable fence.

All members voted "AYE." Motion carried.

Hall then presented a contract agreement with Ulteig Engineers for engineering services for Prairie Place Subdivision Special Assessment District paving project.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the contract with Ulteig Engineers for engineering services for Prairie Place Subdivision Special Assessment District paving project. All members voted "AYE" except Comm. Woodcox "NAY." Motion carried.

The Commission then heard a report from Commissioners Bitner & Woodcox regarding the legality of reconsideration of the Comprehensive Plan update. Comm. Woodcox noted the recent State's Attorney's opinion that stated as the Commission has not adopted any rules of parliamentary procedure, then general rules apply, and if general rules prohibit reconsideration then the plan cannot be reconsidered. Woodcox added the opinion does not preclude the consideration of suggestions from the proposed plan and adding those suggestions to the exiting plan.

Motion by Comm. Woodcox to adopt Roberts Rules of Order for conducting County Commission meetings and to appoint a Parliamentarian.

Comm. Woodcox withdrew his motion and requested this item be placed on the March 2nd Commission Meeting agenda.

Comm. Armstrong requested each Commissioner put together a list of what they like and dislike from the Comprehensive Plan update. After a lengthy discussion regarding how to continue the following motion was made:

Motion by Comm. Schonert, 2nd by Comm. Bitner, to reject the Comprehensive Plan Update as prepared by SRF Consulting Group, Inc., and to start with the existing plan integrating acceptable parts of the SRF Plan Update into the existing plan. "AYE" votes: Bitner, Schonert, Peluso. "NAY" votes: Armstrong, Woodcox. Motion carried.

Accountant Thompson appeared and presented the following amendments to the 2008 budget for the Board's consideration:

<u>FUND</u>	<u>2008 BUDGET</u>	<u>AMENDED BUDGET</u>	<u>CHANGE</u>
BURNT CREEK UNORG TOWNSHIP	50,000	70,000	20,000
ROAD WORK EXCEEDED BUDGET			
HIGHWAY GAS TAX	4,219,000	5,050,000	831,000
STATE GAS TAX RECEIPTS EXCEEDED BUDGET			
COUNTY POOR	580,701	662,000	81,299
STATE MANDATED EXPENSES EXCEEDED BUDGET			
VICTIM/WITNESS ADVOCATE	123,831	125,000	1,169
FUNDS REMITTED TO ADULT RESOURCE EXCEEDED BUDGET			
CELLULAR PHONE TAX	541,666	618,000	76,334
EXCISE TAX COLLECTIONS EXCEEDED BUDGET			
COUNTY FAIR	45,000	47,000	2,000
CAPITAL OUTLAY EXCEEDED BUDGET			
GREEN ACRES -SAD	63,300	63,400	100
NEW RURAL SPECIAL ASSESSMENT DISTRICT			
PRAIRIEWOOD ESTATES 2ND -SAD	0	502,000	502,000
NEW RURAL SPECIAL ASSESSMENT DISTRICT			
CRESCENT RIDGE -SAD	0	49,000	49,000
NEW RURAL SPECIAL ASSESSMENT DISTRICT			

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to amend the 2008 budgets as presented. All members voted "AYE." Motion carried.

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Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the expenditure of 25% (\$3,940) of the cost of the Tom Baker Meeting Room equipment upgrade. All members voted "AYE." Motion carried.

Asst. State's Attorney Feland recommended that the Commission go into executive session pursuant to NDCC 44-04-19.1(2), (4), & (7) for the purpose of discussing legal strategies concerning pending legal litigation regarding a bankruptcy filing.

Motion by Comm. Armstrong, 2nd 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 legal strategies regarding delinquent taxes on a bankruptcy filing. All members voted "AYE." Motion carried.

6:25PM

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

6:35PM

The Commission reconvened in open session with all members present. Chairman Peluso publicly stated that while in Executive Session the Commission reached a decision and has instructed the States Attorney's Office to proceed as instructed.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to close the executive session of the Burleigh County Commission and to adjourn the Commission meeting. All members voted "AYE." Motion carried.

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

March 2
5:00 P.M.

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

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

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the February 2009 meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

Steve Neu, Bismarck Park & Rec Director, appeared regarding County sponsorship of the Lewis & Clark Legacy Trail – Burnt Creek Diversion to Double Ditch Rec Area. Neu reported this is Phase II of the trail and would complete the section from Sandy River Drive to Double Ditch. Neu stated this is a 100% grant application with no cost to the county. Neu added maintenance of the trail will be entirely the responsibility of the Bismarck Park & Rec District.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to authorize sponsorship of the ND Department of Transportation - Transportation Enhancement Grant for the Lewis & Clark Legacy Trail – Burnt Creek Diversion to Double Ditch Rec Area. All members voted "AYE." Motion carried.

Russ Staiger, Bismarck Mandan Development Association, appeared and presented the highlights of 2008 BMDA annual report. No action was taken.

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. Woodcox, 2nd by Comm. Armstrong, to approve the Kaiser, Anderson, Reinhardt, and Hoefs abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to deny the Stromme abatement based upon the recommendation of the City Assessor and County Tax Equalization Director that the value as assessed is correct and just when compared to other similar properties in the area. All members voted "AYE." Motion carried.

County Planning Director Hokenstad appeared with the following items for the Board's consideration: Public Hearing on the vacation of part of County Highway 10 related to the proposed Highway Subdivision, and consideration of the vacation of a future street easement between Lots 9 and 10, Block 1, Brookfield Estates.

Chairman Peluso opened the public hearing regarding the vacation of a part of County Highway 10. Hokenstad explained the developer has requested vacation of 35' of the original 135 feet of right-of-way in this 1/4 section. Hokenstad added the developer believes some time ago 35' was vacated and the right-of-way became 100' from here west, which is typical along County Highway 10. Hokenstad noted all evidence from this point west indicates the existing right-of-way at 100' not 135'.

Craig Feser, Swenson Hagen & Co., appeared and requested the public hearing be continued until the next meeting to allow Dave Patience of his firm to appear on this item as he has been working on this issue with the developer.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to continue the public hearing on the vacation of a part of County Highway 10 until the March 16, 2009 meeting. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to authorize the call for public hearing regarding the vacation of a future street easement between Lots 9 and 10, Block 1, Brookfield Estates. All members voted "AYE." Motion carried.

County Engineer Hall 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.

Burleigh County Commission 2009 Meeting Minutes

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize the county auditor and County Engineer to solicit proposals for a feasibility study for the possible expansion of the Bismarck County Shop facility. All members voted "AYE." Motion carried.

Comm. Bitner noted that he is a contractor and may bid on this project at a later date.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize the Road & Bridge Dept to locate suitable property, and negotiate a purchase price for a combined Wilton/Regan shop location with recommendations presented to the Commission for final approval. All members voted "AYE." Motion carried.

Chairman Peluso then appointed Commissioners Bitner and Schonert along with County Engineer Hall, County Road Supt Ness and Finance Director Thompson to a site selection committee.

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

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

HR Director Gall appeared with the following items for the Board's consideration: designating; and consideration of the proposed Ethics & Fraud policies.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to designate County Government Week May 3 – 9th, 2009 with the Employee Recognition Ceremony to be held on May 7, 2009 from 11:30am to 1:30pm. All members voted "AYE." Motion carried.

The Board by consensus agreed to further consider the proposed Ethics & Fraud policies at the March 16, 2009 meeting.

Muriel J. Lippert, Executive Director for The Bismarck-Mandan Symphony Orchestra, appeared and requested \$5,000 in funding for the 4th of July Celebration held at the State Capital grounds. Lippert presented a formal contract for the Board's consideration with State's Attorney Riha reviewing and approving the formal contact

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

Sheriff Heinert appeared and updated the Commission on the Jail Renovation Project and presented the Burleigh County Sheriff's Dept 2008 Annual Report. Heinert reported the final cost for electronic upgrades at the Detention Center came to \$566,000, nearly \$23,000 less than originally estimated.

The Commission briefly discussed adoption of formal rules of parliamentary procedure for conducting Commission meetings. By consensus the Board agreed to place this item on the April 6, 2009 meeting for further discussion. On a motion made, seconded, and carried, the Board recessed.

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

March 16
5:00 P.M.

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

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

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

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

This was the hour and date set to continue a public hearing regarding the vacation of a part of County Highway 10 along Auditor's Lot C of the NE1/4, Section 6, 138N, R79W (Apple Creek Township) as part of the platting process for Highway Subdivision. Chairman Peluso reopened the public hearing and called for public testimony.

Dave Patience, Swenson Hagen & Co., appeared on behalf of the landowner and requested vacation of 35' of the original 135' of right-of-way. Patience stated the landowner has documents (deeds) showing the right of way along County Road #10 at 100'. Patience continued that in 1967 the County was granted 135' of right of way with no documentation recorded showing a vacation of 35'. Patience reported that the request is based upon the deeds showing the right of way at 100', and that the area is occupied by drain fields, tree rows, fences, etc.

Comm. Schonert stated he is not in favor of vacating this right of way adding there is no record of it being vacated and therefore it is still county owned right of way.

Upon question County Engineer Hall appeared and stated 100' would be the *minimum* desired right of way. Hall explained increased traffic may lead to extra turning lanes requiring adequate right of way.

Chairman Peluso questioned if this 35' of non-vacated right of way is placing a burden on the property owners. Patience answered there is no burden as long as the current owner(s) have permission to continue use of this 35' with the understanding that no future changes can be made.

Comm. Bitner expressed concern of increased traffic in the area and with that the need to widen County Road #10 and 66th St.

Comm. Woodcox questioned State's Attorney Riha regarding allowing the current use of the right of way. Riha recommended that a written agreement be executed detailing any such use.

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

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to deny the request for vacation of the 35' of right of way with the understanding that current land owner(s) may continue the current use of the 35' of County Road #10 right of way adjacent to Auditor's Lot C of the NE1/4, Section 6, 168N, R79W (Apple Creek Township) until such time as it may be needed for future use. All members present voted "AYE." Motion carried.

Connie Couch, Jillian's Haven Animal Rescue, appeared and presented information to the Commission related to the services provided by Jillian's Haven Animal Rescue. No action was taken.

Comm. Bitner then initiated a discussion on formation of a regional planning and zoning commission pursuant to NDCC 11-35. Bitner informed the Commission that state law allows for the formation of regional planning commissions, but he is unaware if any such commissions exist. Bitner continued that he would envision this applying to smaller jurisdictions like Wing, Wilton and Regan that have city zoning within the city and township zoning around the city to help standardize ordinances in a local area. Bitner noted this is for discussion purposes only.

John Spitzer, President of the Burleigh Township Officers Association, appeared and stated he preferred keeping planning and zoning commissions in its present format.

Neil Fahlsing appeared regarding ATV & snowmobile use of the road right-of- ways. Fahlsing stated he is a landowner who has provided an easement for the purpose of road construction and maintenance and opposes the County

Burleigh County Commission 2009 Meeting Minutes

Commission allowing motor vehicles use of his ditch (easement) for recreational purposes. Fahlsing presented info from the ND Parks & Rec Dept Snowmobile Safety & Operation Guidelines noting the operating code, which states riders may use recreational vehicles on private property only with owners' permission. Upon question and conferring with State's Attorney Riha and Sheriff Heinert the Commission determined recreational use of the road right of ways (easements) Fahlsing was referring to is authorized by state law and riding codes set by the North Dakota Parks and Recreation Department.

Bob Gregoire, Roughrider Snowmobile Association, appeared and stated his group along with the Missouri Valley Snowmobile Association maintains 152 miles of marked and groomed snowmobile trails within the county. Gregoire stated their aim is for users to follow the rules and work closely with government agencies to adhere to the law and established guidelines.

Erik Dietrich, Motorized Recreation Coordinator for the North Dakota Parks & Rec Dept, appeared and stated a 53-county survey shows there are no local rules, regulations or ordinances prohibiting use of the right of way in the state. Dietrich stated the ND Parks & Rec Dept is willing to meet with the parties involved to help remedy problems.

Comm. Bitner suggested that a meeting between rural county landowners, user groups, county officials and State Parks & Recreation officials be held to discuss options related to ATV & snowmobile use.

County Engineer Hall appeared with the following items for the Board's consideration: results of bid opening for engineering services for Tavis Road Causeway; approval of detailed plans & specifications related to SAD#50 (chip seal); authorization to call for bids for centerline/edge line striping of paved roads; and update of County Road project priority list.

Hall reported the Road Dept received ten (10) proposals for engineering services for the Tavis Road Causeway project and due to the high volume of submittals he is not ready to make a recommendation at this time. Hall also recommended approval of detailed plans & specifications related to SAD#50 (chip seal); authorization to call for bids for centerline/edge line striping of paved roads; and the addition of bridge repairs to the 2009 County Road project priority list.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the detailed plans and specifications for Special Assessment District #50 (East Ridge First Subdivision) and to authorize the advertisement of bids for the same. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to authorize the advertisement of bids for the annual center and edge line pavement markings. All members present voted "AYE." Motion carried.

Engineer Hall reported that on March 5th some distress was found on a bridge one mile north of I-94 on 158th Street NE. Hall continued the bridge consists of eight - 69 foot single span prestressed-concrete multi box beams and it appeared that the exterior beam on the east side of the bridge was beginning to deteriorate. Upon further review with the NDDOT Bridge office, it was decided that the north bound lane should be closed to traffic and that the eastern most beam of the bridge be replaced as soon as it could be fit into the county's work program. Hall estimated the repairs done by county forces to be \$50,000.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to add the repair of Bridge 121-33.0 to the 2009 County Project Priority List. All members present voted "AYE." Motion carried.

HR Director Gall appeared and presented the proposed Ethics and Fraud policies for the Board's consideration.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the Ethics & Fraud policies as presented by HR Director Gall. All members present voted "AYE." Motion carried.

Communications Manager Dannenfelzer appeared and requested authorization to utilize E-9-1-1 Enhancement Funds to upgrade, replace and maintain work stations and server hardware for the Communications Center.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the purchase and installation of items listed on the "Vesta Pallas Hardware & Software Refresh" quote and to authorize payment be made from the 9-1-1 Enhancement Fund. All members present voted "AYE." Motion carried.

Burleigh County Commission 2009 Meeting Minutes

County Agent Haadem appeared and presented information related to canker worm control. Haadem reported that March/April is when the reproductive stage starts with full infestation appearing in June/July. Haadem noted by June/July the damage is done. Haadem stated he has been in contact with a spraying company that is willing to spray for \$18-\$20 per acre (minimum 300 acres) should the county be interested. Haadem noted property owners and townships are presently responsible for control. No action was taken.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the SE Liquor License application of Uncle Jesse's Bar (Driscoll - May 2nd Wedding Dance). All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor\Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

March 30
12:00 Noon

The Burleigh County Commission convened a special meeting for the purpose of extending the Burleigh County Snow & Flood Emergency.

Chairman Peluso called the meeting to order with Commissioners Bitner and Woodcox present with Commissioners Armstrong and Schonert present via telephone conference. Emergency Manager Senger, County Engineer Hall, Road Supt. Ness, Sheriff Heinert, Social Service Director Doe, and Building Official\Flood Plain Administrator Ziegler were also present.

Emergency Manager Senger reported that the Emergency Declaration made on March 23 is effective for seven (7) days and in order to extend the emergency the full Commission needs to approve a resolution authorizing the extension.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to reaffirm the state of emergency existing in Burleigh County and to extend the previously declared a flood emergency of March 23, 2009. "AYE" votes: Armstrong, Bitner, Schonert, Woodcox, Peluso. Motion carried.

Chairman Peluso stated the current blizzard will create additional runoff. Peluso continued the only thing that can be controlled is the releases from Garrison Dam. Peluso recommended the County Commission appeal to the state and Federal governments that this be done.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to request the State of ND and the Army Corps of Engineers to stop releases from the Garrison Dam (zero cfs.) if possible and if not then releases be reduced to no higher that 3,000 cfs. to reduce potential flooding downstream. All members voted "AYE." Motion carried.

By consensus the County Commission closed county offices at 1:00pm.

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

April 6
5:32 P.M.

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

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

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the March 2008 meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

This was the hour and date set for a PUBLIC HEARING regarding the issuance of MIDA Bonds on behalf of Easter Seals Goodwill, ND, Inc. (\$1.2M)

James H. Stewart, Arntson & Stewart, P.C., appeared representing the Easter Seals Goodwill Inc. Stewart explained the bond will be issued to acquire and renovate a 10,240-square-foot building into office space, thrift store and training facility at 421 S. 3rd St, Bismarck.

Chairman Peluso called for testimony from those in attendance. As no one present appeared the following motion was made.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the Bond Issuance Resolution and other ancillary documents related to the sale of \$1.2M in MIDA Bonds on behalf of Easter Seals Goodwill, ND, Inc. All members voted "AYE." Motion carried

This was the hour and date set for a PUBLIC HEARING regarding the issuance of MIDA Bonds on behalf of St. A's Medical Center (\$9M).

James H. Stewart, Arntson & Stewart, P.C., appeared representing St. A's Medical Center. Stewart explained the bonds will be issued for remodeling, renovation and expansion with work to include construction of a new patient parking lot and renovation of office facilities.

Chairman Peluso called for testimony from those in attendance. As no one present appeared the following motion was made.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the Bond Issuance Resolution and other ancillary documents related to the sale of \$9M in MIDA Bonds on behalf of St. Alexius Medical Center. All members voted "AYE." Motion carried

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

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the Geiger, Patience, Rhone, Dingus, Edgerly, Morrison Ave Storage LLP, Teamsters Building Inc., Professional Building LTD, Dusek, Schulz, Zuck, Jungling, Bieber, Ternes and Blotske abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

County Planning Director Hokenstad appeared and presented the following items for the Boards consideration: request to reconsider zoning change & final plat of Yvonne's Industrial Park; and ratification of the county easement within the Whispering Bay Plat.

Chairman Peluso noted the ratification of the county easement within the Whispering Bay Plat will be removed from the agenda.

The Board then considered the request to reconsider the final plat and zoning change for Yvonne's Subdivision which was tabled December 3, 2007, and further discussed on February 2, 2009. Hokenstad explained the proposed

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industrial park is located seven miles east of Bismarck and a half mile south of the Menoken interchange on Interstate 94. Hokenstad continued the County Planning Commission denied the request on 11/14/07 based upon input from Menoken Township regarding improvements to 158th Street, the north-south road that connects the I-94 interchange to County Road 10. Hokenstad continued the county has wanted to improve 158th St for a number of years, but has run into problems obtaining right of way from adjacent land owners.

Comm. Schonert noted the importance of improving 158th St prior to approving the zoning change or final plat.

County Engineer Hall reported that the Road Dept has started the process for the acquisition of the needed right-of-way and is developing plans for the improvement of the road way.

Chairman Peluso noted the issue is whether the Commission approves the zoning change and allows rock crushing on this property as the neighboring landowners oppose this use.

Damon Jorgensen, Kadmas Lee & Jackson, appeared on behalf of the developer and stated that rock crushing is an allowable use in an AG district (which the property currently is zoned) and within an Industrial district which is what the property directly to the north is zoned. Jorgensen stated this request for the zoning change and final plat has been in limbo for almost two (2) years and the developer wants to move forward. Jorgensen recognizes the neighborhood opposition, however he reiterated that rock crushing is an allowable use under current zoning of the property and within Andre Industrial Park just across the street. Jorgenson added the developer has provided the necessary right-of-way to widen and improve the north portion of the road from the subdivision to the I-94 interchange.

Comm. Woodcox stated the improvement of 158th St is a high priority on the 2009 Road Dept project list and noted the Commission by motion directed the County Engineer to move forward with the acquisition of the needed right-of-way to complete the reconstruction of 158th St NE (Menoken Access Road) from County Rd #10 to I-94.

Comm. Bitner stated the neighbors are not opposed to Industrial zoning, just extreme uses like rock crushing. Bitner added he has heard that one (1) adjacent landowner has offered 100 acres in trade for this property.

Malcolm Brown, attorney at law, appeared representing Aberle Farms and stated his clients own the neighboring property and live adjacent to this proposed new subdivision. Brown continued that the Aberle's oppose the noise, dust, and aggravation a sand & gravel processing plant would cause. Brown suggested the County Commission send this item back to the Planning Commission for further review and conditions.

Ron Aberle appeared and stated his farm is 400' from the proposed subdivision. Aberle continued he is not opposed to Industrial zoning, just this proposal as it has such large lots and no provisions for subdivision roads.

Bob Aberle appeared and stated he opposes this proposed subdivision as it will kill his RV Park (campground) just to the east. Aberle continued he would not be opposed to smaller lots without rock cursing.

Comm. Woodcox suggested the parties involved get together to resolve the issues and come to an agreement.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to table the zoning change and final plat of Yvonne's Subdivision until the parties involved can get together and work out the issues. All members voted "AYE." Motion carried.

County Engineer Hall 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. Hall presented the following items for the Board's consideration: award of contract for engineering services for the Tavis Road Causeway project; consideration of an update to County Highway System; authorization to advertise for bids for 2009 Chip Seal Package; authorization to advertise for bids for Apple Creek Road improvements; and approval of detailed plans & specs for SAD #51 Prairie Place Subdivision and authorization to call for bids for same.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the contract for design services with Houston Engineering, Inc., in the amount of \$36,300 for the Tavis Road Causeway project. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to direct the Road & Bridge Dept to meet with township officials to explore the possibility of exchanging roadways in order to create a more appropriate county highway grid system. All members voted "AYE." Motion carried.

Burleigh County Commission 2009 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to authorize the advertisement of bids for the 2009 chip seal package. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to authorize the advertisement of bids for improvements to the Apple Creek Road. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the detailed plans & specs for SAD #51 Prairie Place Subdivision as submitted by Ulteig Engineers and to authorize the call for bids for same. All members voted "AYE." Motion carried.

HR Director Gall appeared and presented an amendment to the Personnel Policy Manual Inclement Weather section (Chapter 12, Section 11) regarding compensation for employees who worked on the storm day (3/30/09).

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the amendment to Chapter 12, Section 11 of the Personnel Policy Manual allowing employees who work and perform essential duties for the County when the offices are deemed closed due to inclement weather, to receive the number of hours the offices are closed as annual leave hours credited to the employee's annual leave balance. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to proclaim April 12 -18, 2009 as National Public Safety Telecommunications Week. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the Raffle Permit Application of the Junior Achievement of the Upper Midwest. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

April 20
5:00 P.M.

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

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

Chairman Peluso reported he reviewed the vouchers and recommended approval.

Motion by Comm. Schonert, 2nd Comm. Bitner, to approve payment of the vouchers. All members voted "AYE."
Motion carried.

This was the hour and date set for a PUBLIC HEARING regarding the issuance of MIDA Bonds on behalf of the Benedictine Living Communities – Bismarck ND.

Kevin Greff, President of Benedictine Living Communities, appeared and explained the bonds will be issued to finance the acquisition, construction and equipping of a 72 bed skilled nursing facility in an amount not to exceed \$15.5M.

Chairman Peluso called for testimony from those in attendance. As no one present appeared the following motion was made:

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the Bond Issuance Resolution and other ancillary documents related to the sale of \$15.5M in MIDA Bonds on behalf of the Benedictine Living Communities – Bismarck ND. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following items for the Board's consideration: results of bid opening for centerline/edge line striping of paved roads; consider proposals for the Bismarck Shop/Office expansion study; and request of John Windsor for 2nd approach from Lot 2, Block 4, Briardale 2nd Subdivision (8100 Briardale Lp).

Engineer Hall presented the results of the bid opening for painted pavement markings. Hall noted that the low bidder Traffic Safety Services, Inc (\$88,796.20) has requested to retract their bid as they made a significant error in calculation. Hall continued that the Board has at least three (3) options: accept bid and award contract to TSS, Inc. and if TSS does not accept the contract proceed in collection of the bid bond; reject all bids; or reject the TSS bid and award to next low bid. Hall stated TSS is a local company with a good working relationship with the county and further the error was an obvious oversight. Hall recommended rejecting the TSS bid and awarding bids to J & J Striping the next lowest bid.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to reject the bid of Traffic Safety Services, Inc., and to award bids for the painted pavement markings to J & J Striping in the amount of \$95,566.92. All members voted "AYE."
Motion carried.

Engineer Hall then reported that a qualified company has been selected to complete the Road Dept Shop/Office expansion study for the Bismarck shop site. Hall added that details are still in the negotiation stage. No action was taken.

Hall then presented a request on behalf of John Windsor for a 2nd approach from Lot 2, Block 4, Briardale 2nd Subdivision (8100 Briardale Lp). Hall noted this roadway has very low traffic volume as it serves only the local area. Hall recommended denial of the 2nd approach permit. Hall continued should the Board approve the request, he recommends approval subject to the following conditions: a formal application be completed and the requested approach be located directly across from Shady View Place.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the 2nd approach from Lot 2, Block 4, Briardale 2nd Subdivision onto Briardale Loop subject to a formal application be completed and the requested approach be located directly across from Shady View Place. All members voted "AYE." Motion carried.

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

Burleigh County Commission 2009 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the Mertz abatement as requested and recommended by the Tax Equalization Director as the property was over assessed as the basement is not finished. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to deny the R Vinje, T Vinje, Moch, Person and Holmquist abatements as recommended by the Tax Equalization Director and local assessors as the properties are valued comparable to similar properties. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve a three (3) year agreement with the City of Lincoln for the provision of real property assessment services in the amount of \$6,500 per year for the years 2010-2012. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and requested authorization to enter into a contract with the ND Dept of Transportation to participate in the National Click It or Ticket high-visibility seatbelt enforcement campaign. Heinert noted the contract includes a grant for 100% State & Federal reimbursement for enforcement.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to approve Traffic Safety Contract –PHSP4020905-05-07 between the County of Burleigh and the ND Dept of Transportation in the amount of \$4,000 for safety belt enforcement. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the Site Authorizations for the Hazelton Lions Club. All members voted "AYE." Motion carried.

County Extension Agent Haadem introduced the new county horticulturist Tom Kalb. Kalb appeared at the request of Comm. Woodcox and reported that ideal property has been located for a community garden near Buckstop Junction and the 4-H Building on the Burleigh County Complex site. Kalb stated that if work starts soon he can have the community garden ready by May 15. Kalb continued that the community garden would be 120' x 280', which would allow for 50 garden plots. Kalb recommended each 20' x 20' plot be leased for \$20 for the growing season. Kalb stated the property will need fencing to keep wildlife away, 12 inches of top soil and access to a water source 200 feet away. Kalb added that most of the costs are one-time improvements and that the plot fees would help cover the costs. Kalb also presented information regarding establishing a display garden adjacent to the 4-H Building\County Extension Office.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the establishment of community and display gardens (estimated cost \$7,755) and to authorize the expenditure of up to an additional \$6,000 for moving top soil at Comm. Bitner's discretion. All members voted "AYE." Motion carried.

The Board then discussed HB1425 regarding Foster Care expenditures and funding.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to pledge support for HB1425 and to commit to reduce the Burleigh County Social Service Dept budget by an amount equal to the cost of providing Foster Care. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor\Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

May 4
5:50 P.M.

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

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

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the April 2009 meeting minutes as presented. All members voted "AYE." Motion carried.

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

Motion by Comm. Schonert, 2nd Comm. Bitner, 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 following abatements for the Board's consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the Gerving, Miller, Beckler, and Kostlecky abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

Asst. County Planning Director Lee appeared with the following items for the Board's consideration: Public Hearing – request to vacate future street easement located between Lots 9 & 10, Block 1, Brookfield Estates Sub; zoning ordinance text amendment relative to Building Official references; zoning ordinance text amendment relative to building construction requirements; zoning ordinance text amendment relative to mechanical construction requirements.

This was the hour and date set for a public hearing regarding the request of Francis & Paulette Muth and Brian & Tammy Lardy to vacate the future street easement located between Lots 9 & 10, Block 1, Brookfield Estates Subdivision. Chairman Peluso opened the public hearing. Asst. Planning Director Lee noted that the Gibbs Township Board, the Burleigh County Water Management District and the Planning Dept all support the requested vacation. Michael Gunsch, Burleigh County Water Management District engineer appeared recommending approval. Paulette Muth appeared and stated they desired to build a shop building in the area of the unused easement.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the vacation of future street easement located between Lots 9 & 10, Block 1, Brookfield Estates Subdivision. All members voted "AYE." Motion carried.

City County Building Official Ray Ziegler appeared and recommended approval of the zoning ordinance text amendments relative to Building Official references, building construction requirements, and mechanical construction requirements.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the zoning ordinance text amendment relative to Building Official references as presented and recommended by the County Planning Commission. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the zoning ordinance text amendment relative to building construction requirements as presented and recommended by the County Planning Commission. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the zoning ordinance text amendment relative to mechanical construction requirements as presented and recommended by the County Planning Commission. All members voted "AYE." Motion carried.

County Engineer Hall 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. Hall reported that on April 2, 2009, proposals for the expansion of the Burleigh County Shop (Bismarck) were received and opened from nine (9) consulting firms and upon thorough review and ranking by the Highway Dept's Property Team, EAPC was selected as the most qualified firm. Hall continued that he has met with EAPC on several occasions and has negotiated the scope of services and fees for this project. Hall recommended approval of a contract with EAPC in the amount of \$18,500 for this project.

Burleigh County Commission 2009 Meeting Minutes

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve a contract with EAPC to perform a feasibility study for the expansion of the Burleigh County Shop in the amount of \$18,500. All members voted "AYE." Motion carried.

Ryan Riehl appeared and requested a 2nd approach from the SW1/4SW1/4 Sec 12, Apple Creek Township onto 22nd Ave SE. Engineer Hall reported that Riehl has a permitted approach onto 119th St and a non-permitted approach onto 22nd Ave SE. Hall stated another approach would be within the standard of no more than two (2) approaches per ¼ mile. Hall continued that there is good sight distance in the area with 22nd Ave having low average day traffic in that area. Hall concluded that should a 2nd approach permit be granted, removal of the non-permitted approach should be required.

Riehl stated the non-permitted approach existed when he purchased the property and that he intends to remove it and use the material for the 2nd approach being requested.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the 2nd approach from SW1/4SW1/4 Sec 12, Apple Creek Township onto 22nd Ave SE subject to removal of the non-permitted approach from the property. All members voted "AYE." Motion carried.

Sam Arndorfer appeared and requested a 2nd approach from S1/2S1/2SW1/4 Sec 2, Burnt Creek Township onto 26th St NE. Engineer Hall reported upon inspection he recommends denial of the request as the sight distance in the area of the requested 2nd approach is very poor. Hall continued, if allowed, this approach would exceed the standard of no more than two (2) approaches per ¼ mile.

Chairman Peluso and Comm. Schonert stated they have also inspected the site and agree the sight distance is marginal and noted the area is already congested with traffic and approaches.

Arndorfer stated he is requesting the 2nd approach for the purpose of getting large/heavy equipment in and out without damaging his asphalt driveway. Arndorfer stated the approach will not get much use – mainly for hay and other farm supplies.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to deny the 2nd approach from S1/2S1/2SW1/4 Sec 2, Burnt Creek Township onto 26th St NE. All members voted "AYE." Motion carried.

Engineer Hall then presented the results of the bid opening for SAD#51 Prairie Place Subdivision. Hall stated the only bid received was from Northern Improvement Co in the amount of \$153,934.84 which is 5.6% higher than the engineer's estimate. Hall recommended award of the bid to Northern Improvement Co.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to award bids and approve the contract for SAD#51 Prairie Place Subdivision paving project to Northern Improvement Co., in the amount of \$153,934.84. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to approve the Adopt-A-Highway agreement with Papa's Pumpkin Patch for Fernwood Dr. All members voted "AYE." Motion carried.

John Graves, Minnkota Power Cooperative, Inc. appeared and presented information regarding a proposed transmission line project through Burleigh County. Graves stated the \$280 million project will stretch 225 miles between Center and Grand Forks with alternate routes mapped for the corridors. Graves highlighted possible corridors for the transmission line project including part of a line that may run through Burleigh County. Graves concluded the work is scheduled to begin in the late fall of 2010 and finish in 2013. No action was taken.

Comm. Woodcox was excused.

The Commission then considered a request from landowners for Canker Worm control of the wooded areas south of Oahe Bend along the river and extending through the Briardale region. Comm. Schonert suggested a cost share agreement with the landowners for control as follows: landowners 40%, county 40% and township 20%. Auditor/Treasurer Glatt noted that each township board would have to approve such an agreement. Glatt noted this particular area is within Lincoln and/or Ft. Rice unorganized townships.

County Extension Agent Haadem appeared and stated that about 90 Briardale area residents have met and signed a petition requesting aerial spraying. Haadem continued that residents have contacted a sprayer who is willing to spray

Burleigh County Commission 2009 Meeting Minutes

a minimum of 100 acres at a cost of \$23 per acre. Haadem stated there is a two-week window, which is closing fast, when the spraying is most effective.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve a 40% county cost share reimbursement (up to \$920) for Canker Worm control with the residents \ landowners of the wooded areas south of Oahe Bend along the river and extending through the Briardale region upon completion of spraying. All members present voted "AYE." Motion carried.

The Commission by consensus authorized Comm. Schonert to work with the County Agent regarding the expansion of the spraying for control of Canker Worm infestations.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the consent agenda as follows: gaming site authorizations for the Bis-Man CVB (Burnt Creek Club) and the NODAK Sportsmen (Uncle Jesse's Bar – Driscoll), to proclaim May 3-9, 2009 as Building Safety Week, to approve the Sanitary Sewer Easement Missouri Valley Complex, and to approve the raffle permit application of the St. Hildegard's Alter Society. All members present voted "AYE." Motion carried.

Comm. Bitner then presented a power point presentation showing the serious damage recreational vehicles have caused and are causing the ditches and private property. Bitner noted he has been meeting with user groups in recent weeks, working towards designating trails and locations for the vehicles. No action was taken.

Emergency Manager Mary Senger appeared and presented a report regarding spring flooding with statistical information regarding resources used in Burleigh County. The Commission commended Senger on her work on behalf of the county.

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso Chairman

Burleigh County Commission 2009 Meeting Minutes

May 18
5:00 P.M.

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

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

Comm. Schonert stated he had reviewed the bills and recommended payment of the same.

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

This was the hour and date set for a PUBLIC HEARING regarding the issuance of MIDA Bonds on behalf of the Benedictine Living Communities – Bismarck ND.

Chairman Peluso called for testimony from those in attendance. As no one present appeared the following motion was made:

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the Bond Issuance Resolution and other ancillary documents related to the sale of \$15.5M in MIDA Bonds on behalf of the Benedictine Living Communities – Bismarck ND. All members voted "AYE." Motion carried.

This was the hour and date set for a PUBLIC HEARING regarding final comments and adoption of the North-South Beltway Corridor Study. Chairman Peluso called for testimony from those in attendance.

Steve Grabill and Steve Windish, Ulteig Engineers, Inc., appeared and presented the results of the Bismarck-Mandan Regional North-South Beltway Corridor Study. Grabill reported that the study has been approved by the City of Mandan, the City of Bismarck, the City of Lincoln and Morton County. Grabill explained the beltway study is intended to create a loop around the Bismarck-Mandan metro area that will ease traffic congestion for the next 25 years. Grabill reported data has been compiled for nearly two years by Ulteig Engineers Inc., for the Bismarck-Mandan Metropolitan Planning Organization. Grabill noted that a majority of the roads within the designated area would not be transformed into five-lane, high-speed roads. Grabill continued most of the roads would continue as two lanes with a third lane for turning with most speeds ranging between 35 mph and 55 mph. Grabill added five lanes would be designated if and when traffic needs merit it. Grabill requested County Commission action on the five (5) following project decisions:

1. Should the 71st Ave N, 66th St and 48th Ave S corridors be preserved as part of a beltway type facility?;
2. Should the beltway designation be eliminated in reference to these corridors?;
3. Should City of Bismarck and Burleigh County work with landowners and developers to implement a diagonal connection between 66th St and 71st Ave N?;
4. Should right-of-way be preserved for an I-94 Interchange at 66th St?; and,
5. Should right-of-way be preserved for an interchange a US Highway 83 and 71st Ave N?

Bill Delmore, Kelsch Kelsch Ruff & Kranda, appeared on behalf of approximately 40 families from Prairiewood Subdivisions South of Lincoln, regarding the North-South Beltway Corridor Study. Delmore stated these residents settled in this area on the premise they would enjoy rural living. Delmore continued that the residents were told the developments were zoned rural residential and do not oppose a connection between the city of Lincoln and Interstate 94 on 66th St, but do oppose a five-lane, fully phased beltway. Delmore stated the residents' biggest concern is the health and safety of children and other residents there. Delmore requested the term "beltway" not be used and that arterial street is preferred.

Comm. Armstrong noted the Burleigh County Planning Commission decided not to eliminate the beltway designation as the terms beltway and arterial are interchangeable.

Glenn Christman, Mayor City of Lincoln, appeared and expressed his concern regarding a 55mph speed limit on 66th St in and around the City of Lincoln. Christman reported he has not received nor heard any negative comments regarding the North-South Beltway Corridor Study.

Sean Johnson, Tonya Schmitt, and John Schmitt appeared and expressed their concern about truck traffic moving through their residential areas at 55 mph or faster.

Burleigh County Commission 2009 Meeting Minutes

Tim Staloch, a resident\landowner near the proposed 71st Av and 66th St diagonal crossing, questioned how such changes will be funded. Staloch stated he would like to see this in writing prior to it happening.

Upon question from the Commission, Engineer Hall stated that needed right-of-way for the diagonal or intersection would be acquired either through purchase process or through platting process where it is dedicated to the county. Hall stated to his knowledge the county has never assessed land owners for the construction of a roadway through their property, and saw no reason to change.

Comm. Schonert reasoned most of the expansion discussed in the plan may not happen for 25 years and is an attempt to set aside and preserve a corridor that future development will not infringe on – no matter what it is called.

Upon question County Engineer Hall stated he supports the continued use of the beltway designation for the reason that changing the name now will make it more confusing and people may get upset and contend that we are trying to sneak something through. Hall added changing the name will not change the way roadway improvements will be designed.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to vote affirmatively on all five (5) of the project decisions. All members voted "AYE." Motion carried.

Jack Knutson, Knutson Homes, appeared to appeal the assessment of omitted value on property located at 901 Ash Coulee Dr. (#1800-001-001). Knutson stated he believes the original tax statement he received in December 2008 was fair and acceptable, adding no improvements were made on the property until after February 2008. Knutson continued that he has sold some of the property in question based upon the December 2008 tax statement and will not be able to recover the additional expense of the omitted tax. Comm. Schonert questioned if this property is equally assessed with other like properties.

Bob Aller, City of Bismarck Assessing Dept., appeared and stated the value presented is comparable in value to other similar properties.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to reduce the taxes for 901 Ash Coulee Dr., (#1800-001-001), by \$750 thereby reducing the market value as assessed to reflect the reduction of taxes by \$750. 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.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the Bloomquist, Fleming, & Wald abatements as recommended by the Tax Director. All members voted "AYE." Motion carried.

Burleigh\Morton County Supt of Schools Kautzmann appeared regarding confirmation of appointment to Burleigh County School Reorganization Committee.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to confirm the appointment of Joyce Falkenstein to a three (3) year term on the Burleigh County School Board Reorganization Committee. All members voted "AYE." Motion carried.

Engineer Hall appeared with the results of the bid opening for county-wide chip seal including SAD #50.

Comm. Schonert, 2nd by Comm. Armstrong, to accept the low bid for seal coat treatment of various roadways in Burleigh County from Asphalt Surface Technologies Corporation for \$170,247.83, and authorize execution of a contract for the same. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to accept the low bid for seal coat treatment for SAD #50 from Asphalt Surface Technologies Corporation for \$26,143.39, and to authorize execution of a contract for the same. All members voted "AYE." Motion carried.

Engineer Hall then requested the County Commission consider scheduling a *joint working meeting* with Burleigh County Water Management Board to discuss Fox Island drainage \ proposed Whispering Bay Subdivision. By consensus the Commission directed Engineer Hall to develop an agenda and schedule a meeting with the Water Management Board to discuss these issues.

Burleigh County Commission 2009 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the three-way agreement (County\Klein, City, contractor) for improvements to Apple Creek Roadway adjacent to Lots 1-3, Block 2, Missouri Valley Complex First Replat. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the Reimbursement Resolutions for Special Assessment District's #50 & #51. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the raffle permit application of the Grace Lutheran Church; to approve the Liquor License Renewals of Misty Waters Marina LLC (D & S) and HawkTree Inc.(D & S) ; to approve the Recovery Act – Energy Efficiency Grant: assurance and authorization of Clyde S. Thompson as the contact & recipient of funds; to reappoint Marlowe Kro and David Zentner to three (3) year terms on the Burleigh County Social Service Board; and to approve and adopt a Resolution of Appreciation for Sue Alexander for her service on the Burleigh County Special Assessment Commission. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission

2009 Meeting Minutes

June 1
3:00 P.M.

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

Chairman Peluso reviewed the statutes and duties of the Board of Equalization and explained the state requirements related to the sales ratio statistics. Peluso 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 2009 market value has increased overall by 5.83%. Finneman stated the average county AG land value as certified by the ND State Tax Dept is \$193.86. Finneman recommended an overall AG value increase of 3% countywide to keep Burleigh County at the state's recommended average.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize a 3% overall increase on AG lands to an average of \$194.52 per acre. All members present voted "AYE." Motion carried.

Finneman presented a detailed summary of recent legislative changes affecting homestead credits, veteran's credits, new home exemptions, and changes to AG land values.

Comm. Schonert stated that he thinks it is time to consider exemption for all new home construction not just first-time buyers and to include the home builder. Auditor/Treasurer Glatt stated that such consideration should include specific qualification to limit exemptions to those who need the exemption to purchase a new home and thus spur economic development.

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

Robert Pulver, 1500 Sabre Dr., appeared and protested the value of his commercial property in Apple Creek Industrial Park. Pulver stated that due to the lack of water utilities and adequate road access he is unable to lease the building and thus generate income. Pulver noted the value of the property has increased by over \$280,000 in the last two (2) years while he has only expended \$130,000 in improvements. Pulver stated the increase would be justifiable if he was able to lease the property, but due to lack of services it can only be used for cold storage. Pulver stated he believes the fair value of the property to be about \$100,000 less than the 2009 market value, or \$276,000.

Upon question from the Board, Tax Director Finneman stated the property value in question (including land value) is equalized with other similar properties in the area. Finneman suggested the value as presented be approved today and that Pulver file an abatement which will cause further review and inspection along with another appearance before the Commission. Pulver agreed and was provided with the necessary abatement forms.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, 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 present 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 Peluso called for any testimony from those in attendance regarding the assessment of property within the unorganized townships.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, 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 present voted "AYE." Motion carried.

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

Burleigh County Commission 2009 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, 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 present 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 Peluso called for any testimony\comments relating to the assessments of the Cities of Regan, Wing, Lincoln, Bismarck, and South Wilton. No one present appeared.

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

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve and accept the 2009 real property assessments as equalized, including an average AG value of \$194.52, 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 present voted "AYE." Motion carried.

4:20 P.M.

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

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

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the Hilber abatement as requested. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve nine (9) residential remodeling and commercial addition exemptions as recommended by Tax Director Finneman. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the May meeting minutes as presented. All members present voted "AYE." Motion carried.

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

Motion by Comm. Woodcox, 2nd Comm. Schonert, to approve the vouchers, journal vouchers, and filing fee reports. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, 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), and Uncle Jesse's (Driscoll D & S) subject to all necessary paperwork being filed, Township Board approval(s) and review and approval by the Sheriff; and to recognize the Bismarck Arts & Galleries Association (BAGA) as an other public spirited organization and to approve the BAGA Raffle Permit application. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to reappoint Karen Macdonald to a five (5) year term on the County Board of Health. All members present voted "AYE." Motion carried.

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

5:28 P.M.

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

Burleigh County Veteran Service Officer Mark Landis appeared and presented information regarding the Community Military Covenant.

Burleigh County Commission 2009 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to adopt a resolution of support for the Community Military Covenant. All members present voted "AYE." Motion carried.

Planning Director Hokenstad appeared regarding the acceptance of the road right-of-way dedication within the final plat of Wilhelm's Subdivision (Apple Creek Township).

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the acceptance of the road right-of-way dedication within the final plat of Wilhelm's Subdivision. All members present voted "AYE." Motion carried.

Hokenstad then presented a short summary of the extraterritorial zoning legislation recently passed into law.

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

The Burleigh County Commission recessed and immediately reconvened as the Riverview Township Board of Supervisors for the following item: Authorization to proceed with a joint design project with BC Water Resource District for improvements to the drainage and roadway along 149th Ave NW. Hall reported that work will involve reconstructing the drainage along the 149th Avenue N.W., installing adequate culverts and rebuilding the roadway and rebuilding the drainage ditch to an outfall at the Missouri River. Hall continued the objective of the project is to improve the drainage through an archaeologically sensitive area with expected funding to be covered through a blend of township, water district and county funds. Hall recommended the Burleigh County Board (sitting as the Riverview Township Board) adopt the following resolution:

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to authorize the County Auditor\Treasurer and the County Engineer to enter into a joint design project with the Burleigh County Water Resource District for the reconstruction of the drainage and roadway along 149th Avenue NW. All members present voted "AYE." Motion carried.

The Riverview Township Board of Supervisors adjourned and the Board immediately reconvened as the Burleigh County Commission.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to formally add the reconstruction of the drainage and roadway along 149th Ave NW to the 2009 Road Dept Project Priority List. All members present voted "AYE." Motion carried.

Sheriff Heinert appeared and requested authorization to increase Detention Center inmate housing rates.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize the increase in inmate housing rates contract with the City of Bismarck from \$54 per day to \$55.50 per day effective 1/1/2010; and to authorize the increase in contract rates for inmate housing for all other entities from \$60 per day to \$65 per day effective 1/1/2010. All members present voted "AYE." Motion carried.

HR Director Gall appeared and presented information regarding changing the payroll pay period(s). Gall recommended approval of a bi-weekly pay cycle to streamline the payroll process to provide efficiencies and cost savings for Burleigh County.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve changing to a bi-weekly pay cycle effective January 1, 2010 in order to streamline the payroll process to provide efficiencies and cost savings. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor\Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

June 3
1:30 P.M.

The Burleigh County Commission convened a Joint Meeting in the Tom Baker Room, City\County Building with the Burleigh County Water Resource District with all members present except Comm. Schonert. It was noted that this was intended to be a "working meeting" and not intended to be a public forum for input or comment. It was further noted that no action would be taken on any issue, only discussion.

The purpose of the meeting was to inform, educate and update the County Commission and Water Resource District Board regarding issues related to the 2009 Fox Island Flood Event in order to increase awareness so flood issues can be addressed efficiently and effectively.

County Engineer Hall and Michael Gunsch, PE, Houston Engineering, Inc. provided general presentations to aid in the discussion regarding the issues surrounding the flooding events.

No action was taken.

Kevin J. Glatt, Auditor\Treasurer

James Peluso, Chairman

Burleigh County Commission

2009 Meeting Minutes

June 15
5:35 PM

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

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

Auditor/Treasurer Glatt reported that Comm. Woodcox had reviewed the bills and recommended payment of the same.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve payment of the bills. All members present voted "AYE." Motion carried.

Engineer Hall appeared regarding the following items for consideration as the County Commission and the Lincoln Unorganized Township Board of Supervisors: a) authorization to enter into a design agreement for the Larson Road project, and b) authorization to extend the design services agreement for the Tavis Road project.

The County Commission recessed and immediately convened as the Lincoln Unorganized Township Board of Supervisors.

Hall recommended the Lincoln Township Board authorize a design agreement for the Larson Road project, and to extend the design services agreement for the Tavis Road project.

Motion by Comm. Schonert, 2nd by Comm. Bitner, that the Lincoln Township Board request that Burleigh County enter into a design service contract for the Larson Road project with Kadrmas Lee & Jackson to include the design and plan preparation for raising the grade of Larson Road, and further to authorize the payment of \$18,000 to KLJ for design services related to this project. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, that the Lincoln Township Board request that Burleigh County extends the design service contract for the Tavis Road Causeway project with Houston Engineering Inc. to include the design and plan preparation for raising the grade of Tavis Road, Smokey Lane and Far West Drive, and further to authorize the payment of \$34,300 to Houston Engineering Inc. for design services related to the project. All members present voted "AYE." Motion carried.

The Lincoln Township Board of Supervisors adjourned and the Board immediately reconvened as the Burleigh County Commission.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to authorize the County Engineer and/or County Auditor to enter into a design service contract for the Larson Road project with Kadrmas Lee & Jackson to include the design and plan preparation for raising the grade of Larson Road in the amount of \$18,000 and further to add this project to the 2009 Burleigh County Project Priority List. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to authorize the County Engineer and/or County Auditor to enter into a design service contract for the Larson Road project for the Tavis Road Causeway project with Houston Engineering Inc. to include the design and plan preparation for raising the grade of Tavis Road, Smokey Lane and Far West Drive in the amount of \$34,300 and further to add this project to the 2009 Burleigh County Project Priority List. All members present voted "AYE." Motion carried.

Joe Schwingler, appeared regarding damage to road ditches caused by ATV's. Schwingler stated that he cuts several miles of ditches for haying and there is a considerable amount of damage to the ditches and the approaches caused by ATV's. Schwingler stated something must be done.

Comm. Bitner reaffirmed that extensive damage has been done to the ditches and is concerned that an individual may get injured. Bitner stated that they are still working on an ATV use area.

States Attorney Riha stated that his office is reviewing County options regarding ATV use within the road right of ways and will provide the Commission with this information as soon as possible.

Duane Wahl, Burleigh County resident, suggested Burleigh County consider establishing trails in those areas widely used by ATV's. Wahl suggested these established trails (including approaches and ditches) be maintained in a similar manner to county roads. No action was taken.

Burleigh County Commission 2009 Meeting Minutes

The Board then considered approval of a Joint Powers Agreement with the City of Bismarck for Public Health Services.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to approve the updated Joint Powers Agreement with the City of Bismarck for Public Health Services. All members present voted "AYE." Motion carried.

HR Director Gall appeared with the following items for the Board's consideration: a) Classification change for Assistant States Attorney positions, b) Direct Deposit for Burleigh County employees and board members, and c) Bi-Weekly pay schedule for Burleigh County employees.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the recommendations of Fox Lawson & Associates reclassifying the positions held by Julie Lawyer, Pamela Nesvig, Justin Schwartz, and Tyrone Turner to Assistant State's Attorney II, Grade 12, effective July 1, 2009. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to require direct deposit of payroll for all employees (including Commissioners and board members) effective January 1, 2010. All members present voted "AYE." Motion carried.

Gall then opened discussion regarding the Board action of June 1, 2009 adopting a bi-weekly payroll cycle effective January 1, 2010. Gall continued that some employees are not happy with this change. Gall stated the major concern is that the January 15, 2010, payroll would lack a full eighty (80) hours of pay due to the timing of the payroll cut-off date. Gall noted this change is needed to ensure payment for actual hours worked. Gall noted a suggestion has been forwarded by Chairman Peluso to advance thirty-two (32) hours of pay from the July 30, 2010 payroll to the January 15, 2010 payroll. Gall explained that there will be three (3) pay periods in July, making the third payroll in July forty-eight (48) hours instead of 80 hours.

Comm. Bitner stated that although he is sympathetic to employees he is very concerned with advancing pay. Bitner continued he is not aware of any business or governmental entity that advances employee pay. Bitner added there would certainly be an issue with the taxpayers if such a proposal was approved.

Comm. Armstrong stated he was interested in the option of not withholding the employee portion of Health Insurance from first check in January and capturing this deduction from the third pay check in July.

Comm. Schonert stated he favors the postponing the pay period change until 2/1/2010.

Mark Ahlgren, Burleigh County Sheriff's Dept., appeared regarding the change to a Bi-Weekly pay schedule. Ahlgren stated this issue was addressed in 2002 by the Human Resource Director and the employees strongly opposed the switch then and therefore was not implemented. Ahlgren continued the biggest issue going from a bimonthly to biweekly pay is the loss of monthly revenue for employees, who depending on pay grade, could lose anywhere from \$60 to \$105 per pay period. Ahlgren continued switching the number of pay periods from 24 to 26 reduces the amount of money earned each month. Ahlgren agreed that eventually the salaries will be made up; with employees having to wait until the end of the year to make up the "shortage."

HR Director Gall stated the current twice-a-month pay period creates confusion as employees are paid prior to the end of the pay period making it very cumbersome for Department Heads to make corrections. Gall continued the biweekly system is more precise and will streamline the process for employees, Department Heads and the HR Dept.

Motion by Comm. Schonert, to delay the implementation date for bi-weekly payroll to February 1, 2010. Motion died for a lack of 2nd.

The Commission by consensus agreed to discuss this further at the next meeting.

The Commission then considered a preliminary site location and Entry & Testing Agreement between County and Alltel Communications for a cell tower to be located on the Missouri Valley Complex.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the Entry and Testing Agreement with Alltel Communications, LLC. All members present voted "AYE." Motion carried.

Burleigh County Water Management District Board Member Backstrand and District Engineer Gunsch presented a Fox Island & South Bismarck Flood Hazard Mitigation Resolution for the Commission's consideration.

Burleigh County Commission 2009 Meeting Minutes

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the Fox Island & South Bismarck Flood Hazard Mitigation Resolution. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to assign voting credentials for the National Association of Counties Annual Conference to North Dakota Association of Counties Executive Director Mark Johnson. All members present voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to authorize the expenditure of \$5,000 for the 4th of July Spectacular. "AYE" votes: Armstrong, Bitner, Schonert. "NAY" vote: Peluso. Absent: Woodcox. Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to appoint Ed Daniels to a six (6) year term on the Burleigh County Special Assessment Commission. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission

2009 Meeting Minutes

July 1

5:35 P.M.

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

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

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

Auditor/Treasurer Glatt presented an abatement 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. Woodcox, 2nd by Comm. Bitner, to approve the Billman abatement as requested and recommended by the Auditor/Treasurer. All members voted "AYE." Motion carried.

Engineer Hall appeared and presented the monthly Road & Bridge Dept report, a complete copy of which is on file and available for inspection in the office of the County Auditor.

Engineer Hall reported that a part of Apple Creek Road (½ to ¾ miles) remains under 1.5 ft water, just east of 93rd St in the area known as Brian's Slough. Hall noted that in 1999 this same area was under less water, and the county expended approximately \$30,000 pumping water 35 days using one (1) pump. Hall anticipates pumping efforts will start next week for at least 30 days utilizing two (2) pumps. Hall noted this project may qualify for FEMA reimbursement funding. Hall stated a long-term drainage solution will need to be considered for this area.

Hall then expressed concern regarding gravel operations for township and private projects. Hall stated the winter/spring and recent weather events have delayed gravel hauling. Hall reported to date only 20% of the gravel hauling has been completed. Hall noted that an additional belly dump has been put into service, but conceded he is worried that we will not complete all the required gravel projects on public infrastructure. Hall continued that current policy allows for private individuals to request three loads of gravel for their rural driveways. Hall continued this private work takes additional time and resources and requested a temporary one-year suspension of private work in order to get all the main line roads completed. By consensus the Board authorized Comm. Schonert and the Road Dept to suspend private gravel operations for the remainder of 2009.

HR Director Gall appeared with the following items for the Board's consideration: a) Bi-Weekly Payroll Cycle-Alternative Solutions, b) Health Insurance Rates for 2009-2010, and c) Life Insurance Benefit Options.

Gall then opened discussion regarding Board action of June 1, 2009 adopting a bi-weekly payroll effective January 1, 2010. Gall reported some county employees are unhappy with the change. Gall stated the major concern being the January 15, 2010 payroll will lack a full eighty (80) hours of pay due to the timing of the payroll cut-off date. Gall stated the change is needed to ensure payment for actual hours worked. Gall noted the suggestion of Chairman Peluso to advance thirty-two (32) hours of pay from the July 30, 2010 payroll to the January 15, 2010 payroll.

Chairman Peluso stated he hoped a decision would be made and encouraged a 32-hour advance from the July 30 payroll check onto the Jan. 15 check. Peluso added this is the cleanest and easiest way to accommodate employee concerns. Peluso noted there are problems with advancing pay and problems if we do not.

Comm. Schonert stated he has reviewed the various options and favors postponing the implementation date until 3/1/2010.

Sheriff Heinert appeared and stated the major concern of his employees is only having one (1) pay check in a month, which may create a financial burden.

Burleigh County Commission 2009 Meeting Minutes

Social Service Director Doe appeared and stated she feels employees will be satisfied with a March 1 implementation date.

Recorder Kroshus appeared in support of the January 1 implementation date as supported by the County Department Heads.

Motion by Comm. Schonert, to delay the implementation date for bi-weekly payroll to March 1, 2010. Motion died for a lack of 2nd.

Chairman Peluso again stated he supports the advance of 32 hours of pay and asked Sheriff Heinert if the 32-hour advance would ease employees' concerns.

Sheriff Heinert stated he was concerned with employees taking a "big hit" in January and that an advance in pay would alleviate the concerns.

Upon question Auditor/Treasurer Glatt stated that advancing wages is bad fiscal policy and bad public policy.

Motion by Comm. Woodcox, to advance the employees thirty-two (32) hours of pay from the July 30, 2010 pay cycle to the January 15, 2010 pay cycle, to help make it a full pay cycle of 80 hours. Motion died for a lack of 2nd.

Gall then initiated a discussion regarding health insurance premium increases effective October 1, 2009. Gall noted an 8% premium increase and presented three (3) possible options for the allocation of premium costs. Gall also presented information on four (4) different life insurance plans. Gall requested the Commission review the health and life insurance options for consideration at the next meeting.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve August 19 & 20 (if needed) dates for budget hearings with the public hearing and consideration of the final budget on September 16, 2009; and to approve the security pledges as presented. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to appoint Mary Tello-Pool to an unexpired five (5) year term on the County Board of Health. All members present voted "AYE." Motion carried.

Kimberly Levine, East 40 Chop House & Tavern, appeared and requested approval of two (2) Special Events Liquor Permits for events to be held July 17-18, and July 24-25, at Eagles Park, Riverview Township. Levine explained that the Eagles Park is a "city park" operated by the Bismarck Park & Rec District, but she cannot use her city liquor license for the events as the events are located outside city limits. Levine stated that in July of 2008 the County Commission approved a Special Events Liquor permit for an event held at the Eagles Park.

Auditor/Treasurer Glatt noted county liquor ordinance does not allow for city liquor license holders to obtain special events permits for events held in the county. Glatt added policy is that the county issues special event licenses only to county liquor license holders. Glatt noted other city liquor license holders have inquired about getting special events permits with the response that the county cannot issue special events permits to city liquor licensees for events held in the county. Glatt added that the permit issued to Levine last year was approved by the Commission at the very last possible date with no time for any other licensee to obtain the required permit. Glatt continued the rationale for only issuing such permits to county licensees is that if the license holder does something improper, the county has no recourse. Glatt added the county can impose sanctions on county license holders should they sell to minors or violate other provisions of the law.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to allow a variance to the County Liquor License Rules & Regulations and approve a "SE" Special Events liquor permit to the East 40 Chophouse & Tavern for July 17 & 18, and July 14 & 25, 2009, at Eagles Park. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to petition for the closure of the section line between the Burnt Boat park area and the Kniefel Landing park area to allow for improvement of the area and authorize the call for public hearing regarding the closure. All members voted "AYE." Motion carried.

County Agent Haadem appeared regarding the acquisition and installation of a deer fence from the ND Game & Fish Dept. for use protecting the Community Gardens. Haadem stated this deer fence will only be a temporary fix and suggested a better solution would be to install a 6ft high "horse fence" at an estimated cost of \$6,000-\$7,000 with

Burleigh County Commission 2009 Meeting Minutes

gates. By consensus the Commission authorized the expenditure of up to \$7,000 for the acquisition and installation of a fence around the Community Gardens at the Missouri Valley Complex.

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

July 15
5:30 PM

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

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

Comm. Armstrong reported he has reviewed the bills and recommends approval of the same.

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

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

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.

Deputy Auditor/Tax Director Finneman recommended denial of the Pulver abatement based upon a thorough review of comparable commercial property sales and assessments of comparable property in the immediate area.

Comm. Schonert stated that he has inspected the area as requested by the owner, and explained that the owner's request to lower the market value is primarily due to the poor road conditions and access. Schonert stated he does not believe the road conditions are a reason to lower property value(s).

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to deny the Pulver abatement as requested, based upon comparable commercial property sales and assessment values of comparable properties as recommended by Deputy Auditor/Tax Director Finneman. All members voted "AYE." Motion carried.

Finneman then presented information regarding legislative changes regarding new residential building exemptions. Finneman explained the county presently allows an exemption of up to \$75,000 in value for new construction for first-time home buyers who qualify under the ND Housing Finance Agency First Home program. Finneman continued new legislation allows exemption of the first \$150,000 for up to 2 years for new construction along with an exemption of all value of new residential construction for builders for up to 3 years. Finneman noted the legislative changes are not automatic and require authorization by the local jurisdiction. Finneman stated the City of Lincoln allows the exemption for all new construction and is considering changes to their present authorization. Finneman stated the City of Bismarck presently does not allow such exemptions and is presently not considering any changes. Finneman noted the number of existing exemptions and possible impacts of increasing the exemption(s) authorization.

Comm. Schonert expressed his support for expanding the exemption for all new residential construction and to builders. Schonert noted the exemption would help the building industry and give homeowners money to spend in the community.

Chairman Peluso expressed his reluctance to expanding the program noting whenever there are tax exemptions; somebody else is paying the bill and cautioned the Commission of the unintended consequences of the exemption(s).

The Board agreed by consensus this issue needs further study and discussion.

HR Director Gall appeared to further discuss health insurance premium increases effective October 1, 2009. Gall noted premium increases of 7.88% - 8.01% and presented options for the allocation of employer/employee premium costs.

Gall noted that past practice has been for the county to assume 75 percent of the increase and the employees 25 percent of the increase.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, 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. "AYE" votes: None. "NAY" votes: Armstrong, Bitner, Schonert, Woodcox, Peluso. Motion failed.

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Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the renewal of the health insurance contracts with Blue Cross/Blue Shield of ND and to authorize county funding of 100% of the premium cost increases. All members voted "AYE." Motion carried.

Gall then presented information on four (4) different life insurance plans.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to accept the life insurance quote from Mutual of Omaha Insurance Co. providing \$25,000 of coverage per employee. All members voted "AYE." Motion carried.

The Board briefly discussed the county liquor license ordinance with regard to special events permits/licenses. No action was taken.

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission

2009 Meeting Minutes

August 3
5:15 PM

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

Chairman Peluso and the County Commissioners expressed their "Heartfelt Thank You" to the entire Burleigh County staff for their dedicated service during the spring flooding. Chairman Peluso presented awards to recognize the following employees for their distinguished service during the Flood Disaster:

County Road Department: Jeffrey Brown, Kevin Erhardt, Gerard Feist, Nichole Jacobs, Carmen Kary, Wayne Klein, Sidney Miller, Fred Myers, Rodney Ness, Gene Small, and Wayne Uffelman; Emergency Manager Mary Senger; Sheriff's Department: Roy Bailey, Norma Braddock, Troy Fleck, Kevin Glovich, Jennifer Heinert, Sheriff Patrick Heinert, Kelly Hermanson, Michael MacDonald, Stephanie Mehrer, Lonny Quam, Jennifer Rewald, Collin Rixen, Thomas Schroeder, Sharlene Schuh, Michael Stoltz, Jamie Van Inwagen, Daniel Wentz, and Les Witkowski.

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

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

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

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

Jaclin Wike, Cook Wegner & Wike, appeared and presented information regarding the American Recovery and Reinvestment Act of 2009 (ARRA). Wike explained ARRA authorizes the county to issue bonds for public projects (Recovery Zone Economic Development Bonds) and private projects (Recovery Zone Facility Bonds). Wike noted Burleigh County was allocated \$3,774,000 in RZEBs and \$5,661,000 in RZFBs. Wike stated the RZFBs are similar to MIDA bonds that can be issued for private projects offering the advantage of low interest financing.

Wike stated a Bismarck businessman is interested in an allocation for a building project and requested the Commission to designate the entire county as a recovery zone to qualify. Wike noted Cass and Grand Forks counties have recently designated their entire counties as a recovery zones.

Chairman Peluso noted that to qualify the Commission would have to designate the county or an area of the county (1) as having significant poverty, unemployment, rate of home foreclosures, or general distress; (2) any area designated as economically distressed by reason of the closure or realignment of a military installation; and (3) any area for which designation as an empowerment zone or renewal community. Peluso question if Burleigh County has significant poverty, a high unemployment rate, home foreclosures or general distress.

Wike responded that she believes this has already been indicated by the allocation of the bonding authority by the IRS. Wike stated if the Commission rejects the funding; the bond allocation would go to another entity in North Dakota.

Comm. Schonert requested statistics to support the designation.

Comm. Woodcox suggested and the Commission agreed by consensus that this item be tabled and contact be made with Cass and Grand Forks counties regarding the designation of having significant poverty, unemployment, rate of home foreclosures, or general distress.

This was the hour and date set for a PUBLIC HEARING regarding the petition of Burleigh County to vacate (close) section line between Kniefel Landing and Burnt Boat park areas.

State's Attorney Riha advised the Commission that statute requires a finding of public benefit in order to close a section line.

Chairman Peluso opened the public hearing and called for testimony. No one present appeared and the public hearing was closed.

Burleigh County Commission 2009 Meeting Minutes

Comm. Woodcox stated the public benefit is the future development of the two (2) park areas and the ability to use the property (section line) and make the two (2) parks one larger area. Woodcox concluded adequate alternative access exists and the closure will enhance future public access and facilities.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to vacate a tract of land being 66 feet wide and part of the S1/2 of Section 11 and the N1/2 of Section 14, being 33 feet on either side of the following described centerline: that part of the section line between Sections 11 & 14 (T139N R81W) beginning where the section line intersects with the centerline of the west end of Misty Waters Drive and runs west at a 90 degree angle approximately 870 feet to the east bank of the Missouri River. Said tract of land containing 1.32 acres, more or less, all of which lies in Township 139 North, Range 81 West of the Fifth Principal Meridian, in Burleigh County, North Dakota, with public benefit identified as the future development of the two (2) park areas and the ability to use the property (section line) and make the two (2) parks one larger area thereby enhancing future public access and public facilities. All members present voted "AYE." Motion carried.

Comm. Bitner then introduced the next agenda item by disclosing that he has recently accepted a position on the Northern Plains Heritage Foundation Board of Directors for the purpose of representing Burleigh County and its citizens.

Tracy Potter, Past-President of the Northern Plains Heritage Foundation, appeared to explain what the Northern Plains National Heritage Area is and to give a timeline for the process of creating a management plan. Potter stated the Heritage Foundation has put together a plan to gather public input, which will be used to write the management plan for the area. Potter noted the designation as a National Heritage Area is not a land-grab and will confer no regulatory authority to the Foundation.

Comm. Schonert questioned Potter if the Foundation would be lobbying for view sheds or other similar regulations. Potter stated no. Schonert then stated the Foundation has lost credibility with him, as it has been portrayed that the Burleigh County Commission has approved the Heritage Area designation when in fact the County Commission only approved support for a feasibility study. No action was taken.

County Engineer Hall appeared and presented the monthly Road & Bridge Dept report.

On a motion made, seconded and carried the County Commission recessed to immediately sit as the Riverview Township Board of Supervisors for the following item:

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize the County Auditor\Treasurer and the County Engineer to enter into a joint design project with the Burleigh County Water Resource District for the reconstruction of the drainage and roadway along 149th Avenue NW for \$100,414. All members present voted "AYE." Motion carried.

On a motion made, seconded and carried the Riverview Township Board of Supervisors adjourned and the Board immediately reconvened as the Burleigh County Commission with all members present except Comm. Armstrong.

Engineer Hall then reported that 35 of 47 townships have responded with resolutions supporting the exchange of roadways in order to create a more appropriate and efficient county highway grid system. Hall continued that with such a positive response he requests the Commission call for a public hearing to consider public input on the proposal.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to call for public hearing on October 5, 2009 at 5:00 P.M. to receive public input regarding the proposed new Burleigh County Highway Grid System. All members present voted "AYE." Motion carried.

Hall then presented the request of Rik Savenko for 2nd approach permit from Lot 3, Block 1, Countryside Estates 3rd Subdivision (1303 Countryside Dr). Hall stated he has reviewed the request and from an engineering point of view there are no concerns. Hall requested that should the request be approved, the motion approving the 2nd approach should require the Highway Dept to issue the permit rather than a grant of a permit. Hall stated this will provide the Road Dept the authority to direct the correct construction type and location for the approach.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to authorize the Highway Dept to issue a 2nd approach permit to Rik Savenko from Lot 3, Block 1, Countryside Estates 3rd Subdivision subject to review and approval by County Engineer Hall or his designee. All members present voted "AYE." Motion carried.

Burleigh County Commission 2009 Meeting Minutes

Engineer Hall then reported that the Highway Department's Property Team has thoroughly reviewed expansion of the existing Bismarck office/shop to the north and connecting it with the existing sign shop building. Hall continued the architect engaged by the Property Team met with many of the Highway Department staff, worked very hard to meet the stated goals and objectives, but unfortunately, in their professional opinion the drainage and elevation constraints make it unpractical to connect the two buildings. Hall stated the two (2) concept plans developed meet many of the requests but do not connect the buildings and do not provide adequate equipment storage or the ability for future expansion thus do not meet the long-term needs of the county.

Hall requested authorization for The Highway Department's Property Team to locate suitable property, and negotiate the purchase price for the possible future site of a Burleigh County - Bismarck shop. Comm. Woodcox requested the architect appear and present the results of the findings. No action was taken

John Spitzer, President of Burleigh County Township Officers Association, appeared regarding the proposal to create a more efficient highway grid system. Spitzer stated he has several questions and concerns regarding this proposal and to date has not seen enough specifics. Spitzer stated he will not be available on October 5th, and as the President of the Burleigh County Township Officers Association, he should be offered the courtesy of a date change. Engineer Hall and Comm. Schonert urged Spitzer to meet with them to further discuss the issue and to provide answers to his questions prior to the public hearing.

Michael Gunsch, Houston Engineering & Burleigh County Water Resource District, appeared regarding the Whispering Bay Bank Stabilization Easement, the request of Brent Levinson to encroach on the bank stabilization easement (ground level patio), and ratification of the Whispering Bay subdivision plat. Gunsch reported that the Whispering Bay Bank Stabilization (replacement) Easement was approved by the County Commission on December 1, 2008 but to date has not been executed or recorded. Gunsch recommended the Chairman execute and record the easement. Gunsch continued that the Water Resource District has no issue with the requested Levinson encroachment for the patio. Gunsch added that Levinson understands that he is under risk of removal of anything he places on the easement. Gunsch stated that since the Bank Stabilization Easement has not been recorded, the encroachment agreement could be attached and duly recorded.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the Levinson encroachment onto the Whispering Bay Bank Stabilization Easement on the bank stabilization easement subject to review by the State's Attorney and to direct the recording of the encroachment agreement with the Bank Stabilization Easement. All members present voted "AYE." Motion carried.

Comm. Bitner then initiated a discussion on filling low areas along Yegan Road within Missouri Valley Complex (Lots 1 & 2, Block 1, Missouri Valley Complex Replat). Comm. Bitner noted that a component of the water & sewer line construction at the Complex included removal of a dirt berm. Bitner continued that initially the soil from the berm was to be used to fill the low lying areas on Lots 1 & 2, Block 2. Bitner reported that due to flood way restrictions filling these lots will require some surveying and engineering expense. The Commission by consensus authorized Comm. Bitner to direct the removal of the berm and subsequent disposal of the fill as he determines in the best interest of the county.

HR Director Gall appeared with the following items for the Board's consideration: a) request for FY 2010 Employee Compensation, b) update personnel policy, chapter 5: Family and Medical Leave.

Gall stated that Department Heads had met and requested that the Board of Commissioners consider a zero cost-of-living adjustment and approves a one step-in grade employee salary increase for FY 2010 for workers who qualify. Gall continued that employees will receive anywhere from 2.15 percent increase to a 3.35 percent increase depending on where the employee is within their step-in-grade, the average increase will be 2.75 percent.

Motion by Woodcox, 2nd Comm. Schonert, to approve for budget purposes a step-in-grade increase for employees for FY2010 for workers who qualify. All members present voted "AYE." Motion carried.

Gall then suggested a 3 percent increase for the commissioners since they are not part of the County employee step-in-grade plan.

Chairman Peluso requested that Gall work towards including the Commission in the county salary step plan.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve a 2.75 percent increase for the Board of Commissioners for FY2010. All members present voted "AYE." Motion carried.

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Gall also recommended no changes be made to the county salary plan (salary ranges) for the year 2010.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, that no changes be made to the county salary plan (salary ranges) for the year 2010 as recommended by HR Director Gall. All members present voted "AYE." Motion carried.

By consensus, the Board agreed to table discussion on the Family and Medical Leave policy to allow time for further review.

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. Woodcox, 2nd by Comm. Bitner, to approve the Holden and Wahl abatements as requested and recommended by Auditor\Treasurer Glatt. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve a \$750 sponsorship grant for the NDACo Annual Conference to be held in Bismarck; to authorize the call for public hearings related to Special Assessment Districts #45 - #48; to approve the Special Events liquor license application of the Burnt Creek Club (8/15/09); to authorize the publication of the annual weed cutting notice; and to approve the Certification of Significant Community Support for the Napoleon Municipal Airport Authority grant application with the USDA Rural Development and the ND Aeronautics Commission. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to authorize the purchase of a 16' dump trailer from D & S Trailer Sales in the amount of \$6044 with the expense to be split 50/50 between the county park fund and road & bridge fund. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt
Burleigh County Auditor\Treasurer

James Peluso
Chairman

Burleigh County Commission 2009 Meeting Minutes

August 19
8:30 A.M.

Chairman Peluso called a duly noticed meeting of the commissioners, all elected county officials, and those county officials serving in offices which were formerly elected, with each person present casting one vote, to elect Burleigh County's delegate to the North Dakota Association of Counties for the 2009 & 2010 annual Association meetings.

Auditor Glatt nominated Recorder Kroshus. As there were no further nominations a unanimous ballot of the elected officials in attendance was cast for Recorder Kroshus as Burleigh County's delegate to the North Dakota Association of Counties for the 2009 & 2010 annual Association meetings.

The Burleigh County Commission then convened the budget review meeting with all members present except Comm. Armstrong. Chairman Peluso called the meeting to order and briefly reviewed the agenda.

Comm. Bitner reported that he has reviewed the bills and recommends payment of the same.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to approve payment of the bills. All members present voted "AYE." Motion carried.

Finance Director Thompson appeared and presented an overview of submitted budgets and preliminary mill levies.

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

Sheriff Heinert presented the Sheriff and Detention budgets. Heinert introduced Nancy Keating, Center Inc., regarding the funding request for Community Service & Misdemeanor Probation services (part of Detention Center budget). Keating requested continuation of the monthly funding for the adult supervised misdemeanor probation \ alternative sentencing options provided by the Centre Inc., at the same rate as 2009 (\$2,000 per month). Tom Jones, Veteran's Memorial Library, appeared regarding the library budget for 2010. Jones noted \$10,000 of the budget request would be allocated for the Bookmobile replacement fund.

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

The County Commission then discussed the Jail Maintenance & Construction mill levy. Comm. Schonert stated the proposed three (3) mill levy will do little in the way of financing any new jail addition. Schonert continued that any financing for a jail will require a public vote on a bond issue or use of sales tax monies. Comm. Schonert suggested reducing the 3 mill levy to 1 mill.

Comm. Woodcox noted that within the last year the Detention Center has been totally updated and therefore suggests reducing the 3 mills to ½ mill.

Sheriff Heinert agreed that the Jail Maintenance & Construction Levy is not the vehicle for financing a new jail or addition. Heinert stated however, the Jail Maintenance & Construction Levy could be used to fund architectural plans and specifications.

Sheriff Heinert also noted he is requesting another full-time deputy, but only if he receives a National COPS grant to fund the position.

Social Service Director Doe appeared and briefly presented the Social Service Dept 2010 budget. Doe noted the Social Service budget increased approximately \$150,000 which is primarily related to salary and fringe benefit increases previously approved.

Ken Royse, Chairman Burleigh County Water Management Board, and Michael Gunsch of Houston Engineering presented the 2010 Water Management budget. Gunsch presented information and cost estimates for several proposed Water Management District studies and projects. Comm. Woodcox expressed his concern over the amount of monies spent on studies. Comm. Schonert noted he will work with the Water Management District on their budget prior to the final budget hearing.

Burleigh County Commission 2009 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve and adopt the Burleigh County 2010 Preliminary Budget as presented with a levy of ½ mill for the Jail Maintenance & Construction Fund and to call for a public hearing on the budget on September 16, 2009. All members present voted "AYE." Motion carried.

County Recorder Kroshus appeared regarding approval of a contract with Simplifile for electronic recording of documents.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the contract with Simplifile subject to review and approval of the State's Attorney. All members present voted "AYE." Motion carried.

HR Director Gall appeared regarding the update of the Personnel Policy, Chapter 5: Family and Medical Leave.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the update of the Personnel Policy, Chapter 5: Family and Medical Leave as presented and recommended by the HR Director. All members present voted "AYE." Motion carried.

Auditor\Treasurer Glatt presented the following abatements for the Board'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. Woodcox, 2nd by Comm. Schonert, to approve the Schauer, Schock, Lonnborg, Wilhelm, Mills, Bush, Spotted Bear, and Slagh abatements as requested. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the Lost Instrument Surety Bonds to replace lost check #65400(\$18.90), #68429(\$387) and #76922(\$102.51). All members present voted "AYE." Motion carried.

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

Kevin J. Glatt
Burleigh County Auditor\Treasurer

James Peluso
Chairman

Burleigh County Commission 2009 Meeting Minutes

August 26
12:00 Noon

The Burleigh County Commission convened a special meeting (workshop) in the Conference Room of the ND Association of Counties Building with all members present. City of Lincoln Mayor Christmann, Kim Lee of Bismarck\Burleigh Community Development, County Engineer Hall, Road Supt Ness, Asst. County Engineer Dan Schriok, and Steve Grabill, Matt Kinsella, and Steve Windisch of Ulteig Engineers were also present.

Chairman Peluso called the workshop meeting to order stating the purpose of this workshop is to build a better understanding of how Modern Roundabouts can accommodate our growing traffic control needs. Peluso noted this will be the only item of business and there will be no action taken on this issue, only discussion.

County Engineer Hall presented some introductory comments and introduced Steve Grabill and Matt Kinsella of Ulteig Engineers, who presented information describing modern roundabouts, detailed current misperceptions of Roundabouts, and discussed how, when & why Roundabouts should be considered.

Upon the conclusion of the presentation by Grabill and Kinsella an open question and answer session was conducted.

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

Kevin J. Glatt, Auditor\Treasurer

James Peluso, Chairman

Burleigh County Commission

2009 Meeting Minutes

September 2
5:07pm

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

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

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

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

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

This was the hour and date set for PUBLIC HEARINGS for the 149th NW Ave Special Assessment District #45, Prairiewood 2nd Estates Subdivision Special Assessment District #46, 4K's & 4K's Replat Subdivisions Special Assessment District #47 and Crescent Ridge Subdivision Special Assessment District #48.

Chairman Peluso opened the public hearings for Special Assessment Districts #46 - #48 and called for any public testimony. No one present appeared and the following motions were made:

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to close the public hearing and to approve, confirm, and certify the Special Assessment Lists for the Prairiewood Estates 2nd Subdivision Special Assessment District #46 as recommended by the Special Assessment Commission. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to close the public hearing and to approve, confirm, and certify the Special Assessment Lists for the 4K's & 4K's Replat Subdivisions Special Assessment District #47 as recommended by the Special Assessment Commission. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to close the public hearing and to approve, confirm, and certify the Special Assessment Lists for the Crescent Ridge Subdivision Special Assessment District #48 as recommended by the Special Assessment Commission. All members voted "AYE." Motion carried.

This was the hour and date set for the continuation of the PUBLIC HEARING regarding the Special Assessment District (SAD) #45 paving improvement of 149th Ave NW.

Chairman Peluso opened the public hearing for Special Assessment District #45 and called for public testimony.

Bob Lasater appeared on behalf of himself and three (3) neighbors stating they do not use 149th and therefore should not be included in the special assessment district. Lasater stated he is not adjacent to the paved roadway and drives gravel to get to any pavement and therefore has no more benefit than those landowners west of him who are not included in the assessment district.

Chairman Peluso noted the cost of the improvement was paid from the Road & Bridge Fund without the issuance of bonds and therefore suggested terminating the special assessment district. Peluso noted the pavement benefits many, many residents of the county including the City of Bismarck who utilize the area landfill.

Bob Evans appeared in support of Lasater's comments.

Comm. Woodcox questioned State's Attorney Riha regarding the removal of certain properties from the assessment district.

State's Attorney Riha responded the County Commission has wide latitude in this matter and the Courts would look at the fairness of any action of the Commission.

Comm. Schonert questioned if the Commission could terminate the entire special assessment district. Riha responded in the affirmative.

Burleigh County Commission 2009 Meeting Minutes

Motion by Comm. Schonert, to terminate SAD #45 – 149th Ave NW with the county assuming the special assessments on behalf of the landowners. Motion died for lack of 2nd.

Upon question Auditor/Treasurer Glatt stated that action could be delayed as no bonds were sold to finance this project with all costs paid from the Road & Bridge Fund. Glatt noted that to get the assessments on the 2009 tax statements certification will need to be complete by November 1.

Comm. Woodcox questioned what good delaying the decision would do? Woodcox noted that to delay will only make the decision more difficult later.

Comm. Armstrong noted that to date we have heard protests from four (4) of 61 landowners with over 61% of those affected signing the petition to create the special assessment district and therefore he cannot support termination of the district.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to close the public hearing and to approve, confirm, and certify the Special Assessment Lists for the 149th Ave NW Special Assessment District #45 as recommended by the Special Assessment Commission. "AYE" votes: Armstrong, Bitner, Woodcox. "NAY" votes: Schonert, Peluso. Motion carried.

County Engineer Hall 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.

Hall presented further information regarding the preliminary budget proposal to increase fees charged townships and private entities. Hall explained his main concern is covering the cost of the service(s) provided. Hall noted in 2008 expenses for township work exceeded revenues by over \$630,000. Hall stated that a survey of the largest counties in ND found all generally cover costs when working for townships. Hall reported the fee schedule has not increased for several years and continued ND State Law requires counties to charge equipment rates at least equal to NDDOT established rates. Hall added the County Commission could provide discounts from the NDDOT rate to other governmental entities. Hall stated the proposal includes a 50% equipment rate discount for townships. Hall explained the largest increase will be in labor costs, which in the past have been heavily subsidized. Hall concluded by saying he expects the proposed Road Exchange program with the townships to have an effect as certain township roads have the potential to become county roads thereby reducing township road maintenance. Upon question Hall stated he did not anticipate the proposed fee increase would have a dramatic effect on the budget and suggested removing the fee increase from the 2010 Road & Bridge Dept budget. By consensus the Commission ordered the fee increases to be pulled from the 2010 budget and directed Engineer Hall and Comm. Schonert to notify the townships of the proposed rate increases and to schedule this item for further discussion at the October 19th meeting.

Hall next presented the request of Marlys Ward for a 2nd approach onto Fernwood Dr (5550 Fernwood Dr). Hall noted he did not have any issue with the request from an engineering point-of-view. Comm. Schonert stated he has been a neighbor and has represented Ward in real estate dealings and for this reason will abstain from voting.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the request of Marlys Ward for a 2nd approach onto Fernwood Dr (5550 Fernwood Dr) from part of the NE1/4, Section 14 Hay Creek Township (T139N R81W) subject to review and approval by County Engineer Hall or his designee. "AYE" votes: Armstrong, Bitner, Woodcox, Peluso. Abstain: Schonert. Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the Adopt-A-Highway Agreement with Sundown Drive families. All members voted "AYE." Motion carried.

Hall then introduced Jim Tyler and Paul Breiner with EAPC (architects) to review the status of the Burleigh County Shop & Office Expansion – Feasibility Study. Hall noted the Commission tabled the request to authorize the Highway Dept Property Team to explore relocation of Bismarck Shop at the August 3, 2009 meeting in order to receive a report from the architects. Tyler and Breiner presented a detailed explanation of the issues related to the expansion of the shop at the existing site. Tyler and Breiner explained that it is estimated that the county needs an additional 11,000 square feet of shop space and connecting the two shop buildings into one larger building was not a viable option because of elevation differences, drainage problems between buildings, vehicle parking circulation, and that construction near the landfill and nearby utilities could prove difficult. Tyler stated that while it is feasible to add onto the existing facility, he does not believe it is practical. Tyler added expansion now at the current site would not allow for future expansion.

Burleigh County Commission 2009 Meeting Minutes

County Engineer Hall added that the heavy traffic near the shop at the intersections of Divide & Centennial Road and 52nd St. & County Road #10 makes it difficult for Road Dept crews to get maintenance vehicles in and out of the area. Hall continued the Highway Dept Property Team upon review of all pertinent information has determined a \$2 million expenditure will be needed to expand at the present site. The Property Team is concerned about such a large investment at a location that has only a 10 - 15 year useful life. The Property Team recommends looking for another site – farther outside city limits where we can expand if needed in the future. Hall envisioned moving to a different facility in stages, and ultimately, consolidating the Road Dept in to one facility.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize the Burleigh County Highway Dept Property Team to locate suitable property, and negotiate the purchase price for a possible future site of a Burleigh County – Bismarck Shop. All members voted "AYE." Motion carried.

Sheriff Heinert appeared with the following items for the Board's consideration: authorize renewal of the contract with CMB Food Services for prisoner meals, authorization to expend funds from Jail Maintenance & Const Fund to replace ceiling tiles in the Detention Center cell blocks; and authorization for Sheriff & Detention Departments to participate in Battle of the Badges blood drive, a United Blood Services function at Kirkwood Mall; and approval of seat belt grant\ contract \$3,000 PHSP 4021005 04 03 with NDDOT for reimbursement of all overtime wages and mileage for the statewide "Clickit or Ticket" seatbelt enforcement campaign.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to authorize the renewal of the contract with CMB Food Services for prisoner meals for a two (2) year period effective 11/1/09 at the same rates as the current contract. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to approve the spending of \$6,995 for ceiling tile replacement in the Detention Center with funds expended from the Jail Maintenance and Construction Fund. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner to authorize the Sheriff and Detention Center employees to participate in the Battle of the Badges blood drive at Kirkwood Mall. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve seat belt grant\ contract PHSP 4021005 04 03 in the amount of \$3,000 with the NDDOT for reimbursement of all overtime wages and mileage during the statewide "Clickit or Ticket" seatbelt enforcement campaign (October 4 – 17, 2009). All members voted "AYE." Motion carried.

The Board then briefly reviewed the 2010 Preliminary Budget noting the 2.5 mill increase. Several Commissioners noted they have gone back to their respective Departments requesting further review for potential reductions with the goal of no more than a two (2) mill increase.

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. Schonert, 2nd by Comm. Armstrong, to approve the Pearson, Holden, Kuntz, Carns, Fischer, John, Toussiant, Lockrem, Bakke, Grensteiner, and Zoller abatements as requested and as recommended by the Auditor\Treasurer. All members voted "AYE." Motion carried.

The Board then discussed new-home & builder property tax exemptions. Auditor\Treasurer Glatt presented information regarding legislative changes related to the exemptions. Glatt explained the former county approved exemption expired August 1, 2009 and allowed an exemption of up to \$75,000 in value for new construction for first-time home buyers who participate in the ND Housing Finance Agency First Home program. Glatt continued new legislation allows exemption of the first \$150,000 for up to 2 years for new construction along with an exemption of all value of new residential construction for builders for up to 3 years. Glatt noted the legislative changes are not automatic and require authorization by the local jurisdiction. Glatt continued the new legislation changes the timing of the exemption, as the exemption now starts the taxable year after a new home is owned and occupied, whereas the previous law provided tax exemption upon construction of the home.

Comm. Schonert expressed his support for expanding the exemption for all new residential construction and to home builders. Schonert noted the exemption would help the building industry and give homeowners money to spend in the community. Schonert noted that exemptions are granted to new businesses that relocate here all the time and stated this tax exemption is going to the average citizen who purchases goods and services locally getting money rolling in the community. Schonert added he does not think it is fair that home builders have to pay taxes on vacant homes.

Burleigh County Commission 2009 Meeting Minutes

Schonert added the City of Lincoln allows the exemption on all new homes and noted the effect it has had on new construction in Lincoln.

Chairman Peluso expressed his reluctance to expand the program noting whenever there are tax exemptions somebody else pays the bill and cautioned the Commission of the unintended consequences of exemption(s). Peluso noted he supports extending the \$75,000 exemption to those who participate in the First Home Program.

Comm. Armstrong stated he supports extending the previous program and opposes the exemption for builders.

Doreen Riedman, Executive Director of the ND Association of Builders, appeared and stated the Legislature updated the law to coincide with the increased home values as the original legislation matched home values of the early 1980s. Riedman encouraged extending the exemption for home builders. Riedman added the exemptions will spur building in the four-mile area outside Bismarck city limits and will energize the economy creating more jobs.

Mike Hopfauf, Hopfauf Custom Builders, appeared and stated data collected shows 28 percent of home buyers would not have built without the exemption.

Chairman Peluso respectfully disagreed; stating people will build and buy homes regardless of the exemption, adding new home construction will not dry up if this exemption is not approved.

Comm. Bitner stated he does not see how the county can increase exemptions at a time when we are trying to keep budgets and property taxes down.

Riedman countered that the tax exemptions are temporary and upon expiration pay for themselves.

Chairman Peluso noted that the county could revisit the exemptions at a later time if needed.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve and adopt a RESOLUTION ESTABLISHING TAX EXEMPTION pursuant to NDCC§57-02-08 (35) providing up to one hundred fifty thousand dollars (\$150,000) of the true and full value of all new single-family and condominium and townhouse residential property, exclusive of the land on which it is situated, is exempt from taxation for the first two taxable years after the taxable year in which construction is completed and the residence is owned and occupied for the first time effective August 1, 2009, if all of the following conditions are met:

1. Taxes and special assessments on the property upon which the residence is situated are not delinquent.
2. Residence must be owned and occupied for first time.
3. Applicant must participate in the ND Housing Finance Agency FirstHome Program.

All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the Lost Surety Bonds to replace check #2386(\$50.76) and check #2404 (\$108.01), to approve the U of Mary 50\50 Raffle Permit Application and to authorize use of courthouse grounds or events on 9/11/09 (Awaken America) and 9/17 & 9/18/09 (Downtown Street Fair). All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to confirm the appointment of Cynthia Lang-Benjamin as Deputy Auditor/Tax Director at a starting salary equivalent Step 3, Grade 11, and to authorize accrual of annual leave at ten (10) hours per month or credit for three (3) years of service effective 9/08/09. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission

2009 Meeting Minutes

SEPTEMBER 16
5:15 P.M.

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

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

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

This was the hour and date set for a PUBLIC HEARING regarding the proposed budget as published and adoption of the final budget for the year ending December 31, 2010.

Chairman Peluso opened the PUBLIC HEARING and invited public testimony and comment on the 2010 budget.

Finance Director Thompson appeared and presented an overview of submitted budgets and mill levies. Thompson noted the 2010 Preliminary Budget as published included a 2.5 mill increase. Thompson continued that several Commissioners and Dept. Heads found areas where expenditures can be reduced, and based upon these reductions, the mill levy increase is 1.71 mills.

Chairman Peluso noted the first budget considered required a 4.94 mill increase. Peluso continued with hard work county department heads and employees trimmed the increase to 1.71 mills.

Chairman Peluso called for further testimony. As no one else present appeared Chairman Peluso 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. Woodcox, 2nd by Comm. Armstrong, 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 except Comm. Schonert.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve and adopt the final 2010 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. Woodcox, 2nd by Comm. Bitner, 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 present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the contract with the Centre, Inc., for Community Service & Misdemeanor Probation services for calendar year 2010. All members present voted "AYE." Motion carried.

Jaclin Wike, Cook Wegner & Wike, appeared regarding the American Recovery and Reinvestment Act of 2009 (Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds). Wike requested the Commission adopt a resolution designating the entire county a recovery zone and to appoint a committee to establish criteria for the allocation of the bonds. Wike informed the Commission that to date the Cass, Grand Forks, Stutsman, Dickey, Trail, and Mercer County Commissions have designated their respective counties as recovery zones.

Comm. Woodcox stated much has changed since we considered this designation last month. Woodcox continued that we have other information showing that we are starting to see the effects of the recession.

Burleigh County Commission 2009 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve and adopt a resolution designating the entire county a recovery zone and to appoint a committee to establish criteria for the allocation of the bonds.

Chairman Peluso stated he did not think it would be fair if taxpayer money is used to support a private business in direct competition with other existing businesses in the community.

Vote on motion: "AYE" votes: Armstrong, Woodcox. "NAY" votes: Bitner, Peluso.

Absent: Schonert. Motion failed.

State's Attorney Riha informed the Commission that pursuant to ND State Law a tie vote must be reconsidered at the next meeting.

HR Director Gall appeared and presented updates to the County Personnel Policy Manual, Chapter 4, Section 2 relating to Group Life Insurance. Gall stated the update is necessary due to Commission approved changes to the group life insurance benefit.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the changes to the County Personnel Policy Manual, Chapter 4, Section 2 relating to Group Life Insurance as recommended by HR Director Gall. All members present 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\Treasurer.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the Rohrich, Toepke\City of Bismarck, Bitz, Brigl, Glasser Family Trust, Tschida, and Schneider abatements as requested and as recommended by the Auditor\Treasurer. All members present voted "AYE." Motion carried.

Auditor\Treasurer Glatt then introduced Deputy Auditor\Tax Director Lang-Benjamin who briefly addressed the Commission.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to authorize the cancellation of outstanding checks written prior to January 2007 with funds sent to State Land Dept Unclaimed Property Division. All members present voted "AYE." Motion carried.

On a motion made seconded and carried the Board adjourned.

Kevin J. Glatt, Auditor\Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

FINAL BUDGET OF BURLEIGH COUNTY
NORTH DAKOTA
CALENDAR YEAR BEGINNING JANUARY 1, 2010

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

I, Kevin J. Glatt, County Auditor, do hereby respectfully submit to the Board of County Commissioners, the Final Budget for the twelve month period beginning January 1, 2010 and ending December 31, 2010. This budget was studied and examined by the Board of County Commissioners and changes made as deemed necessary. Upon a motion made, seconded and carried, the budget was ordered published after the recommended changes were made.

TO THE TAXPAYERS OF BURLEIGH COUNTY, NORTH DAKOTA

We, the Board of County Commissioners of Burleigh County, North Dakota, hereby give notice that we have examined into the several budget estimates filed by the several officers, institutions or undertakings, supported wholly or in part by Burleigh County, and from such examination in our opinion for the calendar year beginning January 1, 2010 the following amounts are necessary:

FINAL BUDGET

County Board	229,128
County Auditor/Treasurer/Tax Equalization	614,812
States Attorney.....	923,819
Juvenile Court	166,000
County Recorder	195,677
Courthouse, Buildings & Grounds	431,269
Utilities.....	84,200
Printing, Publishing and Supplies.....	26,000
Elections.....	222,700
Telephone and Postage	102,000
Examination Fee	10,250
Human Resources	801,621
County Sheriff	3,134,374
County Detention Center.....	2,101,094
Communication Center	387,008
Emergency Management	139,411
Ambulance Services	1,500
Public Administrator	24,000
Property Insurance.....	12,000
Police Youth Bureau	56,156
Public Health Nurse	101,740
County Planning.....	40,000
Health Board	3,500
Superintendent of Schools	80,563
Technology.....	56,000
Transfer Out.....	242,000
GENERAL FUND BUDGET	\$10,186,822

Appropriation for General Government	\$10,186,822
Plus: Delinquent Taxes & Interim Fund	4,011,684
Less: Resources	<u>(8,013,181)</u>
Balance to be levied (23.91 Mills)	\$6,185,325

Appropriation for Unorganized Townships	889,000
Plus: Delinquent Taxes	17,655
Less: Resources	<u>(553,555)</u>
Balance to be levied	\$353,100

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Appropriation for County Road & Bridge	15,172,783	
Plus: Delinquent Taxes & Interim Fund	501,226	
Less: Resources	<u>(15,609,349)</u>	
Balance to be levied (.25 Mill)		\$64,660
Appropriation for Highway Tax Distribution	5,032,000	
Less: Resources	<u>(5,032,000)</u>	
Balance to be levied		- 0 -
Appropriation for Special Road & Bridge (Unorganized Twps.)	716,080	
Less: Resources	<u>(716,080)</u>	
Balance to be levied		- 0 -
Appropriation for Social Welfare	5,675,363	
Plus: Delinquent Taxes & Interim Fund	1,478,699	
Less: Resources	<u>(2,956,897)</u>	
Balance to be levied (16.23 Mills)		\$4,197,165
Appropriation for County Poor	696,000	
Less: Resources	<u>(696,000)</u>	
Balance to be levied		- 0 -
Appropriation for Job Development	100,000	
Plus: Delinquent Taxes	4,628	
Less: Resources	<u>(12,075)</u>	
Balance to be levied (.36 Mill)		\$92,553
Appropriation for Library	239,783	
Plus: Delinquent Taxes	10,270	
Less: Resources	<u>(44,653)</u>	
Balance to be levied (3.22 Mills)		\$205,400
Appropriation for Liability Insurance	154,000	
Plus: Delinquent Taxes & Interim Fund	45,977	
Less: Resources	<u>(50,444)</u>	
Balance to be levied (.58 Mill)		\$149,533
Appropriation for Special Assessments	22,000	
Plus: Delinquent Taxes & Interim Fund	6,559	
Less: Resources	<u>(7,378)</u>	
Balance to be levied (.08 Mill)		\$21,181
Appropriation for Senior Citizens	360,190	
Plus: Delinquent Taxes & Interim Fund	167,268	
Less: Resources	<u>(268,818)</u>	
Balance to be levied (1.00 Mills)		\$258,640
Appropriation for Sobriety 24/7 Program	20,000	
Less: Resources	<u>(20,000)</u>	
Balance to be levied		- 0 -
Appropriation for Water Resource District	779,350	
Plus: Delinquent Taxes & Interim Fund	200,596	
Less: Resources	<u>(423,870)</u>	
Balance to be levied (2.15 Mills)		\$556,076

Burleigh County Commission 2009 Meeting Minutes

Appropriation for Communication Center	1,288,000	
Less: Resources	<u>(1,288,000)</u>	
Balance to be levied		- 0 -
Appropriation for Victim/Witness Assistance	143,802	
Less: Resources	<u>(143,802)</u>	
Balance to be levied		- 0 -
Appropriation for Emergency Fund	1,014,000	
Less: Resources	<u>(1,014,000)</u>	
Balance to be levied		- 0 -
Appropriation for Veterans Service	205,483	
Plus: Delinquent Taxes & Interim Fund	59,984	
Less: Resources	<u>(93,207)</u>	
Balance to be levied (.67 Mill)		\$172,260
Appropriation for Provident Life Bldg.	540,496	
Less: Resources	<u>(540,496)</u>	
Balance to be levied		- 0 -
Appropriation for Social Security	1,141,000	
Plus: Delinquent Taxes & Interim Fund	232,683	
Less: Resources	<u>(300,032)</u>	
Balance to be levied (4.15 Mills)		\$1,073,651
Appropriation for Advertising	55,025	
Plus: Delinquent Taxes & Interim Fund	16,388	
Less: Resources	<u>(18,777)</u>	
Balance to be levied (.20 Mill)		\$52,636
Appropriation for County Agent	291,803	
Plus: Delinquent Taxes & Interim Fund	86,424	
Less: Resources	<u>(108,772)</u>	
Balance to be levied (1.04 Mills)		\$269,455
Appropriation for Comprehensive Health Insurance	738,000	
Plus: Delinquent Taxes & Interim Fund	217,018	
Less: Resources	<u>(304,664)</u>	
Balance to be levied (2.52 Mills)		\$650,354
Appropriation for Weed Board	270,303	
Plus: Delinquent Taxes & Interim Fund	119,510	
Less: Resources	<u>(230,338)</u>	
Balance to be levied (2.50 Mills)		\$159,475
Appropriation for County Park	159,000	
Plus: Delinquent Taxes & Interim Fund	311,180	
Less: Resources	<u>(411,030)</u>	
Balance to be levied (1.00 Mill)		\$59,150
Appropriation for County Fair	380,000	
Less: Resources	<u>(380,000)</u>	
Balance to be levied		- 0 -

Burleigh County Commission 2009 Meeting Minutes

Appropriation for County Jail Maintenance & Construction	955,031	
Plus: Delinquent Taxes	6,466	
Less: Resources	<u>(832,177)</u>	
Balance to be levied (.50 Mill)		\$129,320
Appropriation for County Parks & Recreational Areas	208,812	
Plus: Delinquent Taxes	9,743	
Less: Resources	<u>(23,705)</u>	
Balance to be levied (1.00 Mill)		\$194,850
Appropriation for Cellular Phone Tax	614,600	
Less: Resources	<u>(614,600)</u>	
Balance to be levied		- 0 -
Appropriation for Parking	32,000	
Less: Resources	<u>(32,000)</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	30,500	
Less: Resources	<u>(30,500)</u>	
Balance to be levied		- 0 -
Appropriation for Sheriff Drug Asset Forfeiture Fund	15,000	
Less: Resources	<u>(15,000)</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	5,000	
Less: Resources	<u>(5,000)</u>	
Balance to be levied		- 0 -
Appropriation for Rural Special Assessments	766,300	
Less: Resources	<u>(766,300)</u>	
Balance to be levied		- 0 -
TOTAL LEVIES ALL FUNDS		\$14,844,784

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

Adopted the 16th day of September, 2009
BY THE BURLEIGH COUNTY BOARD OF COMMISSIONERS

Kevin J. Glatt
Burleigh County Auditor/Treasurer

Burleigh County Commission

2009 Meeting Minutes

October 5
5:10 P.M.

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

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, 2nd by Comm. Bitner, to approve the minutes of the September meetings as presented. All members present voted "AYE." Motion carried.

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

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

This was the hour and date set for a **PUBLIC HEARING** regarding the proposed County\Township Road Exchange Program. County Engineer Hall appeared and presented background information regarding the proposed Road Exchange Program.

Hall explained that the Road Department has met with the Burleigh County Township Officers Board of Directors and gained their support for the possibility of exchanging roads in order to create a more appropriate county highway grid system. Hall continued that the Road Department has communicated with each individual township and has received resolutions of support from the vast majority supporting the exchange.

Hall stated a county system should be set up to span between the local roads (city or township) and the state highway system in order to provide a grid system that allows the residents to get to a county road without traveling an extended distance. Hall continued as part of working with the townships we have also included recreational roads or destination roads, where the vast majority of the traffic using these roads comes from outside of the township. Hall reported that under the proposed plan 204 miles of roadway would be moving from the township system to a county roadway system, and 11 miles would be moving from the county system to the township system. Hall noted certain townships have made additional suggestions on roadways that should be accepted by the county including:

- 1) Hay Creek Township wishes to add Burnt Creek Loop
- 2) Long Lake Township wishes to add 129th Ave SE, 340th Street SE, and 141st Ave SE
- 3) Wild Rose Township wishes to add 141st Ave SE
- 4) Ecklund Township wishes to add 26th Street NE.

Chairman Peluso opened the public hearing regarding the County\Township Road Exchange Program and invited testimony for those in attendance.

Neil Modin, Hay Creek Township Chairman, requested Burnt Creek Loop be added as a recreational road.

John Spitzer, President of the Burleigh County Township Officers Association, appeared and expressed his concerns. Spitzer stated Ecklund Township has ample money from the taxes generated by wind turbines and therefore does not see a need to relinquish control of their roads to Burleigh County. Spitzer also requested that 26th Street NE be considered rather than 93rd Street NE.

Comm. Schonert requested Spitzer present a formal letter from Ecklund Township explaining their position.

Darrell Glovich appeared and requested adding 141st Ave SE to the county grid system as it is a higher volume roadway.

Barb Knutson, McKenzie Township Clerk, appeared and stated a written resolution should be obtained from each township. Knutson also requested that 141st Ave SE be included in the county grid system.

Chairman Peluso closed the public hearing and the Board agreed by consensus to include the additional suggested roadways into the county grid system with final action to designate and select roads on the county road system scheduled for the November 2, 2009 meeting.

Burleigh County Commission 2009 Meeting Minutes

Deputy Auditor/Tax Director Lang-Benjamin 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. Armstrong, 2nd by Comm. Schonert, to approve the Martin, Riedinger, Halstead, Lindell, Nelson, Sorenson, Dorrheim, and Koppang abatements as requested and recommended by the Deputy Auditor/Tax Director. All members present voted "AYE." Motion carried.

Lang-Benjamin then presented the recommended minimum sales prices for the annual delinquent property tax sale. Lang-Benjamin explained the recommended values were determined by Auditor/Treasurer Glatt and noted the memo sent by Glatt explaining the process and ND State Law.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to set the minimum sale prices for the annual delinquent property tax sale as presented. All members present voted "AYE." Motion carried.

Engineer Hall reappeared 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.

Hall reported an estimate was received from the contractor performing work on the Whispering Bay project for the repair and paving of Larson Rd. Hall stated the estimate is much higher than anticipated and therefore recommends the Larson Road project be formally bid.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to authorize the advertisement of bids for improvements to Larson Road. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to authorize the Road & Bridge Dept to advertise bids for the sale and purchase of a front end loader. All members present voted "AYE." Motion carried.

The Board then continued discussion regarding the American Recovery and Reinvestment Act of (2009) (Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds).

Asst. State's Attorney Feland advised the Commission needs to consider this item because of the tie vote at the September 16, 2009 Commission meeting. Feland suggested a resolution to decline the recovery zone designation.

Upon discussion no action was taken as the Board by consensus agreed this item should be discussed when all members are present.

Sheriff Heinert appeared requesting authorization to hire a Deputy Sheriff on a temporary basis to replace a Deputy who is on military deployment.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to authorize the temporary hiring of a Deputy Sheriff to replace a Deputy who is on military deployment. All members present voted "AYE." Motion carried.

HR Director Gall appeared and presented updates to the County Personnel Policy Manual.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve changes to the County Personnel Policy Manual: Chapter 2, Section 10, Starting Salary; Chapter 2, Section 11, Probationary Period; Chapter 2, Section 12, Relative Policy; and Chapter 4, Section 5, Annual Leave. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Armstrong to approve the raffle permit applications for the Sterling Teacher-Parent Organization & the U of M, PACS(Psychology, Pastoral, Ministry, Addiction Counseling, Criminal Justice, Social Work, Social Behavioral Sciences) and to approve the Lost Instrument Surety Bonds to replace lost check(s) #64015(\$54) and #2655(\$59.05). All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the lease agreement with the City of Bismarck for Municipal Court space located in the Courthouse. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to approve the Special Use Permit to move a house on to part of the NW1/4 of Section 35, Gibbs Township. All members present voted "AYE." Motion carried.

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

Burleigh County Commission 2009 Meeting Minutes

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission

2009 Meeting Minutes

October 19
5:00 P.M.

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

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

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

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve payment of the bills as presented. 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 office of the Burleigh County Auditor\Treasurer:

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the Kaufman, Hill, Senger, Klein, Schulz, Vallarano, Merritt, Lipp, and Ehrmantraut abatements as requested. All members voted "AYE." Motion carried.

Steve Grabill, Ulteig Engineers, appeared and presented an update on the Northwest Bismarck Sub-area Study. Grabill reported the study is looking at future transportation corridors and land use plans for the area. Grabill noted the Public Hearing held in June of this year found the area of most concern is the Ash Coulee \ Horizon Middle School area. Grabill continued the study will look closely at this area noting concerns of increased traffic along River Road associated with increased development pressure. Grabill stated the study committee is working with the major landowners, developers, county, city, school, and park representatives to develop plans for land use and access in the area. Grabill added a detailed traffic analysis will be completed for the area.

County Engineer Hall appeared and informed the Commission that he has put the Ash Coulee right of way acquisition project on hold until more information is acquired through the study. No action was taken.

County Recorder Kroshus appeared and updated the Board on the proposed Burleigh County Youth Commission and eRecording. Kroshus reported that after a valiant effort the Youth Commission will not be formed at the present time due to lack of interest from students. Kroshus then informed the Commission that Burleigh County received the first electronically recorded document ever in the state. Kroshus expressed her gratitude to the staffs of both the Recorder's Office and the Auditor\Treasurer's Office for their work and cooperation.

Sheriff Heinert appeared regarding approval of two (2) grants for the 2010 calendar year from the ND Dept of Transportation for compliance checks & server training (\$3,000) and for Saturation Patrols - alcohol violations (\$5,450).

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the calendar year 2010 grant application with the ND Dept of Transportation in the amount of \$3,000 for alcohol compliance checks and server training. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the calendar year 2010 grant application with the ND Dept of Transportation in the amount of \$5,450 for Saturation Patrols – alcohol violations. All members voted "AYE." Motion carried.

The Commission then continued discussion on a Resolution Designating Burleigh County as a Recovery Zone pursuant to the American Recovery & Reinvestment Act of 2009 – for the purpose of authorizing Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds. Chairman Peluso noted that a motion regarding this issue ended in a tie vote at the September 16, 2009 meeting. Peluso continued that State's Attorney Riha advised at that time that pursuant to ND State Law a tie vote must be reconsidered at the next meeting. Peluso stated that at the next meeting held (October 5, 2009), Comm. Woodcox was absent and no vote was held.

Comm. Armstrong noted that he made the motion to approve the Resolution in order to form a committee to provide the opportunity to keep the process open should a request be made for this bonding authority. Armstrong continued he does not view Burleigh County as a disaster area and sees the Resolution as an opportunity to save taxpayer money.

Chairman Peluso stated that this is not a cash grant, it is bonding authority, requiring repayment of the funds.

Burleigh County Commission 2009 Meeting Minutes

Comm. Woodcox noted these bonds are at lower interest rates that are intended to stimulate the economy. Woodcox continued much has changed since we first considered this Resolution, noting we have new information showing that we are starting to see the effects of the recession.

Comm. Armstrong added adopting the Resolution keeps our options open and would allow us to stay competitive with other parts of the state and nation.

Chairman Peluso stated he did not think it would be fair if taxpayer money were used to support a private business in direct competition with other existing businesses in the community.

Comm. Bitner stated he has done considerable research and found that historical information leads him to believe we do not have a crisis in Burleigh County. Bitner continued he does not see how in good conscience we can designate Burleigh County a recovery zone.

Comm. Schonert added that after all the positive economic publicity the area has been receiving he has a problem declaring Burleigh County a distressed area.

Auditor\Treasurer Glatt read the following motion made September 16, 2009:

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve and adopt a resolution designating the entire county a recovery zone and to appoint a committee to establish criteria for the allocation of the bonds.

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

The Board then considered reimbursement for expenses related to the camera equipment upgrade in the Tom Baker Meeting Room.

Comm. Woodcox noted that the County Commission by motion approved the expenditure of \$3,940 (25%) on February 18, 2009. Woodcox questioned how the estimate increased 25%.

Motion by Comm. Schonert, to approve the expenditure of \$4,937.28 for expenses related to the update of the camera equipment in the Tom Baker Meeting Room. Motion died for lack of a second.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to reconfirm the expenditure of \$3,940 as approved by this Commission on February 18, 2009 for the Tom Baker Meeting Room camera equipment upgrade. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the raffle permit application of the United Way and to approve the Silver Star Banner Day proclamation. All members voted "AYE." Motion carried.

Cheryl Underhill, Bismarck\Burleigh Public Health Emergency Preparedness Coordinator, appeared and presented a H1N1 flu update.

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

County Engineer Hall and Asst. State's Attorney Schwarz, appeared regarding negotiations for possible purchase of property for county shop site(s). Hall and Schwarz recommended the Board recess and immediately convene an executive session to discuss negotiation strategy related to the purchase of property for a Road Dept. shop facility pursuant to NDCC44-04-19.1(9).

6:15PM

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to recess and immediately reconvene an executive session of the Burleigh County Commission pursuant to NDCC44-04-19.1(9) for the purpose of discussing negotiation strategy related to the purchase of real property for a County Road Dept facility. All members voted "AYE." Motion carried.

Burleigh County Commission 2009 Meeting Minutes

6:25 P.M.

The Burleigh County Commission reconvened with all members present. Chairman Peluso reported that the County Commission while in executive session authorized the Road Dept by motion to extend an offer on a piece of property for a future county Road Dept shop location.

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission

2009 Meeting Minutes

November 2
5:10 P.M.

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

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

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

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

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

This was the hour and date set for a public hearing regarding the minimum sale prices as determined for the annual tax sale on November 17, 2009. Chairman Peluso opened the public hearing and called for any public testimony. No one present appeared and the following motion was made:

Motion by Comm. Schonert, 2nd by Comm. Bitner, 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.

Deputy Auditor/Tax Director Lang-Benjamin 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.

Jolene Vidal, Tax Appraiser appeared and presented information regarding comparable sales and assessment values in relation to the Lipp property.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to deny the Lipp abatement as the property value is equalized with similar properties based upon sales and assessment records. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the monthly engineers report. Hall also presented the results of this morning's bid openings for the sale of and purchase of a front-end loader. Hall informed the Commission that one (1) bid was received for the sale of the used loader and five (5) bids were received for the purchase of a new loader.

Randy Hoovestol, RDO Equipment Co., appeared and requested the Commission consider historically the sales prices of John Deere equipment has always exceeded the minimum buy back amount, thereby reducing the actual cost of the equipment. Hoovestol noted the price difference between the Titan bid and the RDO bid is only \$2,700 and based upon history the John Deere product will be less expensive.

Comm. Schonert noted that the bid was advertised as a total cost bid, and thus it should be honored.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to award the bid for the purchase of a 3 cubic yard front-end loader to the low bidder Titan Equipment at a total cost bid of \$44,025. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to approve the sale of Unit #17-02 in the amount of \$86,150 to RDO Equipment Co. All members voted "AYE." Motion carried.

Hall then presented the results of the bid opening held October 30, 2009 for the Larson Road Improvements. Hall informed the Commission that three (3) bids were received with the low bidder being Northern Improvement Co., in the amount of \$ 179,291.36. Hall stated the engineer's estimate for the project was \$181,535. Hall recommended award of the bid to Northern Improvement Co. at the next Lincoln Township Board meeting.

Hall then requested authorization to advertise for bids for the purchase of a new loader mounted snow blower and a new or used asphalt roller.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, authorization to advertise for bids for the purchase of one (1) new loader mounted self-contained two-stage snow blower unit. All members voted "AYE." Motion carried.

Burleigh County Commission 2009 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Schonert, authorization to advertise for bids for the purchase of one (1) new or used drum asphalt roller. All members voted "AYE." Motion carried.

Engineer Hall then presented information regarding the proposed Road Exchange Program. Hall explained that 46 of the 47 Organized Burleigh County Townships approve exchanging roads to create a more appropriate county highway grid system. Hall explained the proposed exchange plan would move 204 miles of roadway from the township system to a county roadway system, and 11 miles would be moved from the county system to the township system. Hall expressed his concern that if the Ecklund Township roads remained township roads, it would result in a "dead end" for the flow of nearby township roads that joined the county road system.

Hall presented mapping information that included the following options:

- Option #1) No change;
- Option #2) Remove Ecklund Township and adjacent Townships that come into connect) with Ecklund Township roads thereby removing ten (10) miles of Ecklund and eleven (11) miles of adjacent township roads from the proposed county grid; and
- Option #3) Remove six (6) miles of Ecklund Township roads from the proposed grid system leaving all adjacent roadways in the proposed grid.

Comm. Bitner questioned if any formal response has been received from Ecklund Township. Comm. Schonert referred to a brief letter from Ecklund Township that refers to a lack of information.

John Spitzer, Ecklund Township, appeared and stated Ecklund Township has ample money from the taxes generated by wind turbines and therefore does not see a need to relinquish control of their roads to Burleigh County. Spitzer requested that Ecklund Township roadways be removed from the proposal. Spitzer stated that if the county wants to improve a roadway within Ecklund Township his township will agree with whatever improvement the county deems necessary, and pay their share of the cost.

Engineer Hall stated he has concerns with this statement as the other Board members could overrule Spitzer's commitment(s) and the county would have no authority to improve a township road.

Comm. Armstrong noted that a separate agreement could be developed with Ecklund Township regarding services and charges to be provided by Burleigh County.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to designate and approve the Burleigh County Highway System as proposed with Option #3 the removal of six (6) miles of Ecklund Township roads from the proposed grid system thereby leaving all adjacent and connecting township roadways in the grid system. All members voted "AYE." Motion carried.

The Board by consensus suggested that all three (3) Ecklund Township Officers appear at the November 16, 2009 County Commission meeting to discuss this matter further.

Hall then presented information regarding the proposed fee increase for work performed for charged townships and private entities. Hall explained his main concern is covering the cost of the service(s) provided. Hall noted in 2008 expenses for township work exceeded revenues by over \$630,000. Hall noted information regarding the increases was sent to all townships with little to no feedback received. Hall suggested that the rate for engineering services be reduced from 10% to 8%.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the 2010 Highway Department fees as recommended.

Amended Motion by Comm. Schonert, 2nd by Comm. Woodcox, to reduce the engineering fees from 10% to 8% within the 2010 Highway Department fees schedule.

All members voted "AYE." Motion carried.

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

HR Director Gall appeared with the following items for the Board's consideration: update of Personnel Policy related to the annual leave policy, update of Burleigh County's Payroll System, and approval of contract assignment from Fox Lawson & Assoc to Gallagher Benefit Service for human resource consulting services.

Burleigh County Commission 2009 Meeting Minutes

Gall explained that certain Department Heads have requested a change in the cutoff date for the annual leave carryover from April 30 to June 30 effective in 2010. No action was taken.

Gall then updated the Commission on the progress of the payroll software conversion.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the assignment of the contract with Fox Lawson & Assoc to Gallagher Benefit Service for Human Resource services. All members voted "AYE." Motion carried.

The Board then reconsidered reimbursement for expenses related to the camera equipment upgrade in the Tom Baker Meeting Room.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the expenditure of \$4,937.28 (25%) for expenses related to the update of the camera equipment in the Tom Baker Meeting Room. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the renewal of Detention Service Agreement with ND Dept of Corrections for juvenile detention services provided by Youth Correctional Center. All members voted "AYE." Motion carried.

The Board reviewed appointments to the following auxiliary boards:

- Bismarck City Planning Commission (1) – 5yr term
- County Planning Commission (2) – 4yr terms
- Burleigh County Housing Authority (1) – 5yr term
- County Park Board (2) – 3yr terms
- Region VII Human Service Council (1) - 2yr terms
- Water Management Board - (2) - 3yr terms
- County Weed Board (2) - 4yr terms

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to reappoint Linda Hill to a five (5) year term on the Burleigh Housing Authority. All members voted "AYE." Motion carried.

By consensus the Board agreed to consider the remaining appointments at a later time.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the 2010 County Commissioners meeting schedule. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

LINCOLN TOWNSHIP BOARD OF SUPERVISORS SPECIAL MEETING AGENDA

November 9

The Burleigh County Commission sitting as the Lincoln Township Board of Supervisors convened a special meeting with all members present.

Chairman Peluso called the only item of business consideration of the bid opening for the Larson Road Improvements.

County Engineer Hall presented the results of the bid opening held October 30, 2009 for the Larson Road Improvements. Hall informed the Commission that three (3) bids were received with the low bidder being Northern Improvement Co., in the amount of \$179,291.36. Hall stated the engineer's estimate for the project was \$181,535. Hall recommended award of the bid to Northern Improvement Co.,

Hall requested that the Board convene as the Lincoln Township Board.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to award bids for the Larson Road improvement project to the low bidder Northern Improvement Co., in the amount of \$171,291.36. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission

2009 Meeting Minutes

November 16
5:00 P.M.

The Burleigh County Commission convened with all members present.

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

Comm. Woodcox stated that he reviewed the bills and recommended approval of the same.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve payment of the bills as presented. 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. Staiger highlighted the efforts to continue the positive economic growth currently enjoyed by Burleigh County and the City of Bismarck. No action was taken.

Auditor/Treasurer Glatt presented the following 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, 2nd by Comm. Woodcox, to approve the Erdle, Muhlbradt, Mahoney, Waliser, and Trail abatements as requested. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented background information regarding the proposed Road Exchange Program. Hall explained that the Road Department has received support from all Burleigh County Townships except Ecklund for the exchange of roads in order to create a more appropriate county highway grid system. Hall noted the county accepted certain townships roads as requested by the various Township Boards of Supervisors. Hall stated this county system is set up to span between the local roads (city or township) and the state highway system in order to provide a grid system that allows the residents to get to a county road without traveling an extended distance. Hall continued the county grid system includes recreational roads or destination roads, where the vast majority of the traffic using these roads comes from outside of the township. Hall reported that under the adopted plan 198 miles of roadway moved from the township system to a county roadway system, and 11 miles moved from the county system to the township system. Hall noted the Commission at the last meeting approved the Burleigh County Highway System (Option #3) which removed six (6) miles of Ecklund Township roads from the proposed grid system while leaving all adjacent and connecting township roadways in the grid system. Hall noted four (4) miles of Ecklund Township Roadway would change from township to county roads. Hall added the Commission consensus suggested that all three (3) Ecklund Township Officers appear at tonight's meeting to discuss this matter further.

John Spitzer, Ecklund Township Board of Supervisors, appeared and stated that Ecklund Township has ample money from taxes generated by wind turbines and therefore does not see a need to relinquish control of any Ecklund Township roads to Burleigh County. Spitzer stated that if the county wants to improve a roadway within Ecklund Township, the township would agree with whatever improvement the county deems necessary, and pay their share of the cost.

Randy Schafer, Ecklund Township Board of Supervisors, appeared and stated the Township Board was in agreement on this matter.

Comm. Schonert expressed his concern about taking township roads without concurrence from the township board.

Motion by Comm. Schonert, to rescind the action from the previous meeting related to the County Highway Grid System and to remove all Ecklund Township roads and adjacent Townships roads that come into (connect with) Ecklund Township roads thereby removing ten (10) miles of Ecklund and eleven (11) miles of adjacent township roads from the proposed county grid. Motion died for lack of 2nd.

Comm. Bitner stated he did not want to place a hardship on the surrounding townships.

Comm. Armstrong suggested that a separate agreement be developed with Ecklund Township regarding services and charges to be provided by Burleigh County. By consensus the Commission agreed if such an agreement is approved the transfer of roads in Ecklund will be reconsidered.

Burleigh County Commission 2009 Meeting Minutes

The Board reviewed appointments to the following auxiliary boards:

Bismarck City Planning Commission (1) – 5yr term

County Planning Commission (2) – 4yr terms

Burleigh County Housing Authority (1) – 5yr term

County Park Board (2) – 3yr terms

Region VII Human Service Council (1) - 2yr terms

Water Management Board (2) - 3yr terms

County Weed Board (2) - 4yr terms.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to reappoint Terry Fleck and Reinhold Kellar to three (3) year terms on the Burleigh County Water Management Board. All members voted "AYE." Motion carried.

By consensus, the Board agreed to consider the remaining appointments at a later time.

Comm. Bitner then briefed the Commission on work being done drafting ordinances related to wind towers for townships that have relinquished their zoning rights to Burleigh County.

Comm. Armstrong added that an ad hoc committee has been formed to develop wind tower ordinances and by consensus, the Commission directed the Community Development Department to provide adequate notice to the public of any meetings of this ad hoc committee.

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

December 7
5:00 P.M.

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

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

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

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

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

Emergency Manager Senger appeared regarding the following items for the Board's consideration: Burleigh County website upgrade with request to expend funds from the Technology Account; and adoption of the Burleigh County Multi-Hazard Mitigation Plan Resolution.

Senger explained the county web site is in need of updating. Senger stated the company that originally designed and hosts the county web site has submitted a proposal for \$15,525 which the technology committee recommends as the best option for the upgrade.

Comm. Armstrong questioned if formal bids or request for proposals were solicited. Senger stated that due to the on-line property tax system presently in place it would be very, very expensive to change to a new web designer. Senger noted for this reason Odney Advertising is recommended as the best option.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the county website upgrade proposal from Odney, and subsequent contract with funds expended from the Technology Account. All members voted "AYE" except Comm. Armstrong "NAY." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve and adopt the Burleigh County Multi-Hazard Mitigation Plan Resolution. All members voted "AYE." Motion carried.

Mike Manstrom, Dougherty & Co. and Scott Wegner, Cook Wegner & Wike, appeared regarding approval of the Financing Resolution & Initial Resolution for Refunding for the sale of bonds for Special Assessment District #51 Prairie Place Subdivision.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the Financing and Initial Resolutions for authorization of special assessment bonds to finance improvement district #51 (Prairie Place Subdivision). All members voted "AYE." Motion carried.

District Court Administrator Donna Wunderlich appeared and requested Burleigh County sponsor a court facilities grant application with the ND Supreme Court in the amount of \$12,333. Wunderlich stated the grant would be for combination door locks for judges and court staff to reenter chambers from the courtrooms; adding electricity to counsel tables in the jury courtrooms; adding a window between Judge Romanick's and Lisa Soma's offices; and adding a barrier to courtroom 304. Wunderlich stated the county would be responsible for 25% of the cost with 75% funding being requested from the ND Supreme Court.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to authorize the application of the Court Facilities Improvement and Maintenance Fund to improve or maintain court facilities (\$9,249.75 state share \ \$3,083.25 county share). All members voted "AYE." Motion carried.

Deputy Auditor\Tax Director Lang-Benjamin presented the following 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, 2nd by Comm. Schonert, to approve the Hammerel, Lyon, Tschider, Schuller, Ehli, Speidel, Babel, Martin, Mitzel Builders, Heidt, Bismarck Mandan Rifle & Pistol Association, and Brilz abatements as requested and recommended by the Tax Equalization Director. All members present voted "AYE." Motion carried.

Burleigh County Commission 2009 Meeting Minutes

County Engineer Hall 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.

Hall presented background information regarding setting a new speed limit on Burleigh Avenue. Hall reported there is some confusion regarding the speed limit on the segment of Burleigh Avenue between State Highway 1804 and South Washington Street. Hall noted a portion of the road lies within the Bismarck City limits and parts of the roadway could be defined as in a residential district or in a public park, whereas other parts are clearly in a rural setting. Hall continued engineering and traffic investigation of the area was conducted and recommended that the Burleigh County Commission set the speed limit of Burleigh Avenue between State Highway 1804 and South Washington Street at 45 MPH.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the speed limit reduction to 45MPH on Burleigh Ave between ND Highway 1804 and South Washington St. All members voted "AYE." Motion carried.

Wayne Unruh appeared and requested a 2nd approach permit from Lot 4, Block 4, Metro Industrial Park Subdivision in Lincoln Township on to Skylark Ave.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the request of Wayne Unruh for a 2nd approach permit from Lot 4, Block 4, Metro Industrial Park Subdivision, Lincoln Township, on to Skylark Ave. All members present voted "AYE." Motion carried.

Hall then presented the results of the bid openings for a new loader mounted snow blower, and a new or used asphalt roller. Hall reported some technical issues with the bids received for the loader mounted snow blower. After consultation with the State's Attorney and in the best interest of the County, Hall recommended awarding to the low bidder - Swanston Equipment Co.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to award the bid for a new loader mounted snow blower to Swanston Equipment Co., in the amount of \$102,440. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to award the bid for a slightly used asphalt roller to the low bidder Swanston Equipment Co., in the amount of \$101,111. All members voted "AYE." Motion carried.

The County Commission then recessed to sit as each individual Township Board (Lincoln, Ft. Rice, Burnt Creek, Riverview, Phoenix, and Lyman) to consider the annual (2010) road maintenance agreements with Burleigh County.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve annual (2010) road maintenance agreements with Burleigh County. All members voted "AYE." Motion carried.

On a motion made, seconded and carried the individual Township Boards adjourned and the County Commission immediately reconvened.

Ecklund Township Board of Supervisors Chairman John Spitzer appeared regarding the proposed agreement language related to the maintenance and control of roads in Ecklund Township.

Chairman Peluso stated the review of the previous Commission meeting minutes state Ecklund Township would agree with whatever improvement the county deems necessary, and pay their share of the cost as stated by Spitzer. No further action was taken.

HR Director Gall appeared with an update of the Personnel Policy related to the annual leave policy for the Board's consideration. Gall explained the proposal changes the cutoff date for the annual leave carryover from April 30 to June 30 effective in 2010.

Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve the change to the Personnel Policy related to the annual leave changing the cutoff date for the annual leave carryover from April 30 to June 30 effective in 2010. All members voted "AYE." Motion carried.

E-9-1-1 Communications Director Dannenfelzer appeared regarding the purchase of a Mobile Data System and Automatic Vehicle Location Upgrades. Dannenfelzer stated the proposed funding (\$309,402) for these upgrades would come from the E-9-1-1 Enhancement Fund. Dannenfelzer explained the Communications Center is using SunGard's computer aided dispatch and records management software and requested the County Commission waive

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all bidding requirements and authorize a contract addendum with SunGard for the new software upgrades. Dannenfelzer stated the enhancements would include Mobile Data Browsers in officers' laptops, the Looking Glass Mapping System, and the Automated Vehicle Locator system.

Dannenfelzer introduced representatives from SunGard Public Sector who presented a demonstration of the enhanced services.

Comm. Armstrong expressed his concern over waiving bidding requirements and questioned if this was legal. Comm. Schonert added that if we moved to accept the contract addendum without bidding, could the State's Attorney defend the action.

Asst. State's Attorney Feland stated she would need more information to ensure it was legal to forego bidding requirements.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to table further discussion on this item until the next meeting to allow the State's Attorney to research the bidding requirements. "AYE" votes: Bitner, Armstrong, Woodcox, Schonert. "NAY" vote: Peluso. Motion carried.

Sheriff Heinert briefed the Commission regarding the purchase of patrol cars from state bid. No action was taken.

The Board then discussed a moratorium on wind tower development while county develops wind turbine ordinance(s). Comm. Armstrong suggested a moratorium due to concerns regarding setbacks, noise, flickering, etc.

Asst. State's Attorney Feland stated a moratorium is not needed since existing county ordinances do not allow wind farms. Feland continued a draft ordinance could be easily modeled after ordinances adopted by other jurisdictions.

Comm. Schonert stated there is plenty of information and ordinances available for us to utilize and therefore, we should be able to keep this moving at a decent pace.

No action was taken.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to establish the 2010 precinct boundaries, voting locations, and polling hours as the 2008 General Election, and to authorize the County Auditor/Treasurer to establish an early vote precinct(s) and Special Absentee Precinct(s) as needed. All members voted: "AYE." Motion carried.

The Board then considered the forgiveness of penalty and interest on delinquent real estate taxes related to HB1332 passed in 2007.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve a waiver of interest and penalty on delinquent real estate taxes related to the tax years 2005 & 2006 under the provisions of House Bill 1332. "AYE" votes: Armstrong, Schonert. "NAY" votes: Bitner, Woodcox, Peluso. Motion failed.

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

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to authorize the sale of Lot 1, Block 2, Eastside Heights Addition to the City of Bismarck (980-002-001) and the W50' of Lots 4-6, Block 53, Northern Pacific 2nd Addition to the City of Bismarck (020-053-030) for \$1 and to authorize the cancellation of the delinquent taxes on all parcels offered at tax sale pursuant to NDCC 57-28-20. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to authorize the County Auditor/Treasurer to negotiate a settlement to the outstanding bill related to the City of Bismarck's share of the Comprehensive Plan Update. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Schonert to reappoint Dwayne Wahl and Dave Bement to three (3) year terms on the Burleigh County Park Board; to reappoint Brenda Christianson to a two (2) year term on the Region VII Human Service Council; and to reappoint Monte Dralle to a four (4) year term on the County Noxious Weed Board. All members voted "AYE." Motion carried.

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Motion by Comm. Woodcox, 2nd by Comm. Schonert, to reappoint Helen D. Schatz to a one (1) year term on the Dakota Prairie Regional Development Council. All members voted "AYE." Motion carried.

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

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to reappoint the following County Department Heads: Coroner Dr. Addy, Veterans Service Officer, Mark Landis; Tax Equalization Director/County Assessor, Cindy Lang-Benjamin; 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; and Social Service Director, Shari Doe. All members voted "AYE." Motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to approve the contract renewal for Indigent Mental Health legal services with Edwin Dyer III and Greg Runge (January 1, 2010 – December 31, 2010). All members voted "AYE." Motion carried

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

Kevin J. Glatt, Auditor/Treasurer

James Peluso, Chairman

Burleigh County Commission 2009 Meeting Minutes

December 21
5:00 P.M.

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

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

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

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

This was the hour and date set for a public hearing regarding the issuance of MIDA Bonds on behalf of Pride, Inc. Jaclin Wike, Cook Wegner & Wike PLLP, appeared in regards to the proposed MIDA Bond Issuance for Pride, Inc. in an amount not to exceed \$714,000.

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

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the Bond Issuance Resolution, Bond Purchase Agreement, and Loan Agreement authorizing the issuance of MIDA bonds in an amount not to exceed \$714,000 on behalf of Pride Inc. All members present voted "AYE." Motion carried.

Wike then requested the Board consider approval of a second MIDA Bond for Streamline Foundation in the amount of \$2,675,000 for continued financing of the Bismarck State College Aquatics & Wellness Center. Wike reminded the Board of their previous approval of \$5.5 million in MIDA Bonds for the \$9.4 million project in September of 2008. Wike noted the balance of the funding will be requested in early 2010.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the Bond Issuance Resolution, Bond Purchase Agreement, and Loan Agreement authorizing the issuance of MIDA bonds in an amount not to exceed \$2,675,000 on behalf of Streamline Foundation. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to formally waive Burleigh County's Recovery Zone Bond allocations to the state of ND. All members present voted "AYE" except Comm. Armstrong. Motion carried.

County Engineer Hall appeared with the following items for the Board's consideration: sitting as Lincoln Township - consideration of speed limit change on Burleigh Ave; consideration of Construction & Maintenance Agreement with NDDOT for a shared use path project at United Tribes Technical College (UTTC) as project sponsor and companion pass through agreement with UTTC assigning all responsibility to UTTC; authorize the County Engineer to seek changes to the existing Highway Functional Classification Map; and authorize the proper County officials to advertise for bids to perform design services for the reconstruction of the intersection of 43rd Avenue NE and Centennial Road.

On a motion made, seconded, and carried the County Commission recessed to immediately sit as the Lincoln Township Board of Supervisors.

Hall reported engineering and traffic investigation of the area was conducted and recommended that the Lincoln Township Board of Supervisors set the speed limit of Burleigh Avenue between State Highway 1804 and South Washington Street at 45 MPH.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the speed limit reduction to 45MPH on Burleigh Ave between ND Highway 1804 and South Washington St. All members present voted "AYE." Motion carried.

On a motion made, seconded, and carried the Lincoln Township Board of Supervisors recessed and the County Commission immediately reconvened.

The Board then considered approval of the Construction & Maintenance Agreement with NDDOT for a shared use path project at United Tribes Technical College (UTTC) as project sponsor and companion pass through agreement with UTTC assigning all responsibility to UTTC. The agreement accepts \$174,876 in Transportation Enhancement funds on behalf of United Tribes Technical College with UTTC agreeing to assume all responsibility and maintenance for the proposed shared use path.

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Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the Construction & Maintenance Agreement with NDDOT for a shared use path project at United Tribes Technical College (UTTC) as project sponsor and companion pass through agreement with UTTC assigning all responsibility to UTTC. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to authorize the County Engineer to seek changes to the existing Highway Functional Classification Map. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to authorize the proper County officials to advertise for Requests for Proposals to perform design services for the reconstruction of the intersection of 43rd Avenue NE and Centennial Road. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to add the reconstruction of the intersection of 43rd Avenue NE and Centennial Road to the 2009 project priority list. All members present voted "AYE." Motion carried.

E-9-1-1 Communications Director Dannenfelzer appeared regarding the purchase of a Mobile Data System and Automatic Vehicle Location Upgrade to the existing Communications Center software. Dannenfelzer noted this includes a request of \$263,915 from the E-9-1-1 Enhancement Fund to fund the purchase and upgrade with the annual maintenance fees being paid from the respective department budgets. Dannenfelzer reminded the Commission that this item was tabled earlier this month to allow the State's Attorney time to determine if SunGard Public Sector was in fact deemed a sole source provider and thus legal to suspend normal the bidding process.

State's Attorney Riha stated his research showed nobody else could provide the technical service to match the existing technology in place thus authorizing the suspension of the normal bid process.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to designate SunGard Public Sector as a sole source provider for the Mobile Data System and Automatic Vehicle Location Upgrade and to authorize the purchase and upgrade of the software with funds expended from the E-9-1-1 Enhancement Fund not to exceed \$263,915. All members present voted "AYE." Motion carried.

Deputy Auditor\Tax Director Lang-Benjamin 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.

Clarence Steffes appeared and stated he purchased the property for \$275,000 in October 2009. Steffes noted the big difference in the purchase price and the value as assessed. Steffes requested the value be reduced to the purchase price for tax purposes.

Tax Appraiser Vidal appeared and presented comparable sales data showing the value of the Steffes property is valued comparably with other similar properties. Vidal noted the square foot value of the Steffes property and stated this is on par with recent sales data. Vidal added the value of \$325,600 is as of the assessment date 2/1/09 and the value will be reviewed for the 2010 assessment based upon sales occurring in 2009. Vidal stated she visited with the builder who stated he sold the property at a loss.

Comm. Bitner noted he did not believe this home could be built for the \$90\sqft value Steffes is requesting through the abatement and added he is concerned about reducing values based upon a distress sale.

Motion by Comm. Schonert, 2nd by Comm. Armstrong, to deny the Steffes abatement as the property value is equitable and just when compared to other similar properties. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the Liechty Homes, Inc., Lengenfelder, Eldridge, Schantz, Hoffman and Olson abatements as requested and recommended by the Deputy Auditor\Tax Director. All members present voted "AYE." Motion carried.

HR Director Gall appeared regarding an update of County Personnel Policies related to the effective date of new and terminating employees terminating health insurance coverage. Gall stated the proposed changes would remove the thirty (30) day waiting period for new employees and would stop health insurance coverage through the month of the termination date.

Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve the Personnel Policy change related to Group Health Insurance coverage as recommended by HR Director Gall. All members present voted "AYE." Motion carried.

Burleigh County Commission 2009 Meeting Minutes

Sheriff Heinert appeared and presented information related to a 2005 Interoperability Radio Communications Grant awarded Bismarck, Mandan, Morton & Burleigh. Heinert stated that since the grant was awarded in 2005, the grant has evolved from an equipment grant to an infrastructure grant due to many local governments purchasing radio equipment without a solid plan. Heinert reported we now have an infrastructure plan in place and all entities are ready to move forward. Heinert requested authorization to participate in the grant. Heinert noted Burleigh County's share (25%) of the grant is \$98,163 and that although not budgeted in 2009 or 2010, he has funds available in his 2009 budget from fuel savings.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to authorize the expenditure of \$98,163 from the Sheriff's 2009 and 2010 budgets for the county's 25% matching share of the Interoperability Radio Communications Grant. All members present voted "AYE." Motion carried.

Sheriff Heinert then briefed the Commission regarding the purchase of patrol cars from state bid. Heinert reported that no local or ND automobile dealer was awarded the state bid for police cruisers. Heinert informed the Board that buying from the state bid (out-of-state dealer) will result in a savings of \$3,000 per car. Heinert stated he wants to purchase locally but not at an additional cost of \$3,000 per vehicle. No action was taken.

Vonette Mehlhoff, appeared regarding her concerns about the future of the Missouri Valley Fairgrounds. No action was taken.

Comm. Bitner then presented information covering topics to be discussed related to a Wind Tower Ordinance. Bitner requested the Commissioners review the information and provide input in an attempt to get closer to a Draft Ordinance. No action was taken.

By consensus the Board agreed to delay action on appointments to the Bismarck City Planning Commission and the County Weed Board.

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to appoint Neil Effertz, Ervin Mund, and James Small to three (3) year terms on the Burleigh County Planning Commission. All members present voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the Bingo Permit Application of the Sterling Lions Club. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Jim Peluso, Chairman