

Burleigh County Commission 2010 Meeting Minutes

January 6
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 2010.

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

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

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

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

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

The Board by consensus agreed to keep the 2010 portfolio assignments the same as 2009.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to approve the December 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, journal vouchers, and filing fee reports as recommended. 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 presented a draft 2010 Road Project Priority List for the Board to review prior to the January 20th meeting.

Engineer Hall requested authorization to advertise for bids for gravel crushing and concrete & metal culverts.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to authorize the advertisement of bids for gravel crushing and furnishing concrete & metal culverts. All members voted "AYE." Motion carried.

Deputy Auditor\Tax Director Lang-Benjamin 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. Schonert, 2nd by Comm. Peluso, to approve the Wooten, Buchholz, Wheeler, Zaun, Claymore, Hornbacher, Weisbeck, Mass, and Nelson abatements as requested and recommended by the Deputy Auditor\Tax Director. All members voted "AYE." Motion carried.

Stacy Tschider appeared and stated he is in concurrence with the recommendation of the Deputy Auditor\Tax Director.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the Tschider abatement as requested and recommended by the Deputy Auditor\Tax Director. All members voted "AYE." Motion carried.

HR Director Gall appeared regarding consideration of reclassification of an employee from a PST III to Administrative Assistant in the Sheriff's Department. Gall noted that Fox Lawson & Associates has reviewed the position and duties and recommends the reclassification.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the reclassification of Kelly Schauer from a PST III to an Administrative Asst. in the Sheriff's Dept. All members voted "AYE." Motion carried.

Burleigh County Commission 2010 Meeting Minutes

Sheriff Heinert appeared and briefly explained the Jail Nursing Services contract. Heinert noted we are presently considering reducing from two (2) nurses to one (1) nurse and one (1) Certified Nursing Assistant in an attempt to reduce costs. Heinert recommended approval of the contract noting we will be billed accordingly based upon the staff providing the services.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the designation of the public depositories and approval of the security pledges; 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; to name and designate the National Wild Turkey Federation (NWTF) as an other public spirited organization and to approve a raffle permit for the NWTF; and, to approve the Jail Nursing Services Contract with Bismarck\Burleigh Public Health. 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. Bitner, to appoint Gregory Bailey to a four (4) year term on the Burleigh County Weed Board. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to appoint Kenneth Selzer to a five (5) year term on the Bismarck City Planning Commission. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to adopt a resolution of consent to reactivate the Burleigh\Morton\Mandan\Bismarck (BMMB) Joint Service Network. All members voted "AYE." Motion carried.

By consensus the Board agreed that Comm. Woodcox would be the County Commission representative to the BMMB Joint Service Network.

County Emergency Manager Senger appeared and requested the Board convene an Executive Session pursuant to NDCC44-04-19.1(9) for the purpose of discussing contract terms for providing Emergency Management Services to Emmons County.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to convene an Executive Session pursuant to NDCC44-04-19.1(9) for the purpose of discussing contract terms for providing Emergency Management Services to Emmons County. All members voted "AYE." Motion carried.

The Board then convened an Executive Session.

The County Commission reconvened.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve a contract with Emmons County for providing Emergency Management Services effective 1/7/10 for \$1,361 per month and terminating on 6/30/10. All members voted "AYE." Motion carried.

On a motion made, seconded, and carried, the Board recessed until January 20, 2010.

Kevin J. Glatt, Auditor/Treasurer

Mark Armstrong
Chairman

Burleigh County Commission 2010 Meeting Minutes

January 20
5:00 P.M.

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

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

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

Carl Hokenstad, Director Bismarck\Burleigh Community Development, appeared and updated the Commission on the Apple Creek Township extraterritorial zoning agreement. Hokenstad reported the City of Bismarck by agreement has returned zoning authority for the area outside 2 miles of Bismarck City limits to Apple Creek Township. Hokenstad added the agreement provides that the city retain administration of all flood plain regulations within the township.

Deputy Auditor\Tax Director Lang-Benjamin 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. Schonert, 2nd by Comm. Peluso, to approve the Keeler, Vogel, Klinger, Bitner, McCallum, Dosch, Dirk, and Boehm abatements as requested and recommended by the Deputy Auditor\Tax Director. All members voted "AYE" except Comm. Bitner who abstained. Motion carried.

Harley Rath appeared and stated that he cannot close the mortgage on this home as the City\County Inspections Dept. did not do adequate inspections and thus there are numerous code violations that do not allow this home to be sold. Rath questioned how a Certificate of Occupancy could be issued on this home with existing building code violations.

City\County Building Inspector Ziegler appeared and stated that a Certificate of Occupancy is issued once all life safety issues (plumbing, heating, egress, stairway) comply with code. Ziegler added that the violations Rath refers to deal with insulation and landscaping. Ziegler stated his department does not inspect insulation and/or landscaping. Ziegler continued that at least sixteen (16) inspections were done on this home and further the issues with the drain field are due to improper landscaping.

Rath stated he paid for a building permit and therefore expected that these items would be correct prior to the Building Inspection Dept issuing the Certificate of Occupancy. Rath stated he cannot close the loan on this property or sell the property.

Ed Daniels, Gibbs Township Assessor, appeared and stated he inspected the property in December of 2009 and feels the value is fair and just. Daniels noted the Gibbs Township Board of Supervisors acted on this abatement on December 29, 2009 and recommended a reduction of \$19,000 to reflect the cost of a new septic system. Daniels stated this home would be valued at \$350,000 if it was not located in an older subdivision.

Upon question Rath requested the Certificate of Occupancy be rescinded.

Ziegler stated that by policy a Certificate of Occupancy can be rescinded if there is a 50% devaluation of the property. Ziegler added that he believes the issues with this home could have been corrected in early 2009 at a cost of no more than \$20,000.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the Rath abatement as requested for the tax year 2009. "AYE" votes: Bitner, Peluso, Woodcox, Schonert, Armstrong. "NAY" votes: none. Motion carried.

County Engineer Hall appeared and presented the proposed 2010 Road Project Priority List for the Board's consideration.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the 2010 Burleigh County Road Project Priority List and authorize the Highway Department to allocate resources to design, acquire right of way and construct the prioritized projects under the North Dakota Century Code and Burleigh County policies. All members voted "AYE." Motion carried.

Burleigh County Commission 2010 Meeting Minutes

County Engineer Hall then introduced a request from the City of Wing for pavement resurfacing of the city streets. Hall explained the City of Wing requests this work be completed prior to their Centennial in July. Hall noted the state will have a hot mix (bituminous) pavement plant operating nearby and this would be an opportune time to complete this project should the plant be running before the Wing event. Hall reported that the estimated total cost of a paving overlay of City of Wing streets is \$358,000 with \$107,000 for 2nd Ave, which is a county roadway. Hall noted the remaining \$251,000 would be the City of Wing's share.

By consensus the Board directed Hall to further refine his estimates for this project and to further discuss cost share participation for this project with the City of Wing.

Hall then explained the next agenda item regarding the road exchange with Ecklund Township. Hall stated all townships have agreed to this plan except Ecklund Township. Hall stated a separate compromise agreement has been executed between Burleigh County and Ecklund Township whereby the county assumed ownership of only four (4) miles of township roadway and the township agreed the county can decide what road work is needed and the township will pay for it. Hall added a person driving will not see a difference. Hall stated there is some confusion whether the intent was to return these four (4) miles to Ecklund once the agreement was executed. Hall stated he believes it makes no sense to turn these miles back to Ecklund Township.

Ecklund Township Board Supervisor Spitzer appeared and stated the township will comply with the county wishes – and pay the associated costs of maintaining the roads.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to return the four (4) miles of county roadway to Ecklund Township subject to the execution of a maintenance agreement authorizing the county to make all road maintenance and construction decisions with the township responsible for payment of all associated costs. All members voted "AYE." Motion carried.

Sheriff Heinert appeared and introduced Kelly Leben as the new chief deputy in charge of the Operations Division. Sheriff Heinert then briefly explained that new state law requires the county coroner to be appointed for a five (5) year term rather than an annual term.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to appoint Dr. Boyd Addy as county coroner and Dr. Jeanette Viney as deputy county coroner for five (5) year terms effective 1/1/10. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to authorize the call for bids for Election Supplies and Printing. All members present voted "AYE." Motion carried.

Comm. Bitner then presented progress reports related to the "fairgrounds" property. Bitner stated the NRCS will be doing some tree plantings at an estimated cost of \$2,500. Bitner continued that a Burleigh County Powers Sports Advisory Committee has been established to explore solutions, plans and funding to create a space where ATV's, motor cycles and snowmobiles can recreate. Bitner stated a request will be made to the Metropolitan Planning Organization for support of grant funding for these plans. Comm. Schonert stated he would take the request for a letter of support to the MPO.

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

Kevin J. Glatt, Auditor/Treasurer

Mark Armstrong
Chairman

Burleigh County Commission

2010 Meeting Minutes

February 1, 2010
5:00 P.M.

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

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the January 2010 meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

Deputy Auditor/Tax Director Lang-Benjamin appeared and presented the following abatements for the Board's consideration, a complete copy of which is on file and available for inspection in the office of the County Auditor/Treasurer:

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the Rants, Boger, Broxmeyer, Carlson, Schumacher, Seiler, and Landsberger abatements as requested and recommended by the Tax Equalization Director. All members voted "AYE." Motion carried.

Comm. Schonert stated that he thinks the Commission may have made a mistake last meeting in approving the Rath abatement. Schonert stated perhaps the Commission should have taken more time to review all information before making a decision.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to reconsider the action taken on January 20, 2010 approving the Harley & Lisa Rath 2009 real estate abatement. "AYE" votes: Bitner, Peluso, Schonert, Armstrong. "NAY" votes: none. Absent: Woodcox. 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.

Social Service Director Doe appeared regarding a request for increased spending authority associated with the Aging and Disability Resource Center proposal. Doe explained that the Burleigh County Social Service Board has approved a three-year pilot program intended to help people network to long-term health services. Doe requested approval of the project by the Commission and increased spending authority in the amount of \$77,000 for fiscal year 2010 to hire two (2) counselors. Doe stated Burleigh County would be a part of a three-year pilot Aging & Disability Resource Center program and the first such project in the state of ND. Doe explained the program supports the state's "one-stop shop" for long-term care services regardless of income. Doe informed the Commission she expects the two (2) new employees will be hired in March and that they will be housed at the West Central Human Service Center. Burleigh County will provide supervision and received a 5% administration fee. Burleigh County is not required to provide matching funds for the grant.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the ADRC project and authorize the Social Service Dept increased spending authority in the amount of \$77,000 for fiscal year 2010 to hire two (2) counselors. All members present voted "AYE." Motion carried.

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

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the Contract Addendum to Simplifile Electronic Recording Agreement as reviewed and approved by State's Attorney Riha. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the Memorandum of Understanding and approval of JAG Grant application to fund Mentoring for Youth Program at T Jamerson Elementary School at UTTC subject to review and approval of the State's Attorney. All members present voted "AYE." Motion carried.

On a motion made, seconded, and carried, the Board recessed until February 17, 2010.

Burleigh County Commission 2010 Meeting Minutes

JOINT MEETING W/ BISMARCK CITY COMMISSION

February 9, 2010

3:30PM

The Burleigh County Commission and Bismarck City Commission convened a joint meeting with all members present. The purpose of the meeting was to receive a report on the Burleigh County Detention Center.

The special meeting opened with Sheriff Heinert presenting the Detention Center Report. Heinert presented a short history of the current facility and explained the current average inmate population is 129 per day with maximum capacity of 138. Heinert continued if the current pattern continues the estimated daily average inmate numbers are expected to climb to 229 by the year 2025.

Heinert presented information related to historical average daily inmate population and possible explanations for the increases. Heinert noted the methods being used to relieve the number of inmate days including early release for good behavior and electronic monitoring. Heinert explained that Bismarck Transition Center has also been highly utilized for housing inmates.

Heinert continued that in 2009 an architectural review and plan was completed for a five (5) story expansion of the existing facility at an estimated cost of \$20.7 Million.

Bismarck Police Chief Witt appeared and stated if adequate jail space is not provided his department will have to transport prisoners to other facilities thereby taking officers off the street.

At the conclusion of a long and detailed discussion that included financing options (sales tax and bond issue) and location, both Commissions agreed by consensus that a definite present need exists for more jail space. Both Commissions also agreed that a consultant should be selected to develop a thorough study of projected needs, the feasibility of a regional Detention Center, whether to build an addition to the existing facility or build a new facility in another location, and financing options. By further consensus it was agreed that the County Commission Chairman and the Mayor shall formulate in a timely manner a Request for Proposals for a consultant and the method and means of funding such a study.

As there was no further business the Burleigh County Commission recessed until February 17, 2010.

Kevin J. Glatt, Auditor/Treasurer

Mark Armstrong, Chairman

Burleigh County Commission

2010 Meeting Minutes

February 17, 2010
5:00 P.M.

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

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

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

Deputy Auditor/Tax Director Lang-Benjamin 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 Michelson, Remmick, Eichhorst, Omafray, Stroh, and Albrecht abatements as presented. All members voted "AYE." Motion carried

The Board then reconsidered the abatement request of Harley & Lisa Rath for the 2009 market value on Lot 2, Block 7, Skyline Estates Subdivision, Gibbs Township be reduced from \$294,000MV to \$174,000MV as the property is in violation of building codes.

Chairman Armstrong noted this abatement was heard and approved at the January 20, 2010 meeting with a subsequent motion to reconsider the abatement made and carried at the February 1, 2010 meeting.

Comm. Schonert stated that he visited and inspected the property at the request of the owner. Schonert stated he viewed the same things shown by picture at the last meeting. Schonert continued that he has visited with the general contractor and several of the subcontractors. Schonert reported that the excavating contractor noted they do not do the final landscaping as this is done as part of the yard work. Schonert noted drainage was not proper as the final landscaping around the building perimeter was not done by the homeowner. Schonert reported the plumber noted some mistakes were made but they were corrected. Schonert concluded that it appears Rath had issues with most everyone who worked on this home and that basically he finds homeowner negligence.

Harley Rath appeared and stated that since the last meeting the Building Inspector has been trying to cover up his mistakes. Rath noted contractors who worked on the house are all involved in litigation and thus are trying to protect themselves.

Rath questioned at what point does the Building Inspector do his job and require the existing building code violations be fixed?

Comm. Peluso questioned Rath if he ever had another contractor inspect the problems and provide a repair estimate. Rath stated no contractor will give him a bid.

Comm. Schonert questioned Rath if he would be willing to have an independent appraiser value his property at county expense. Rath stated he would agree to this and again asked that the Building Inspector do his job and enforce the Certificate of Occupancy.

Building Official Ziegler appeared and stated that he does not wish to discuss the accusations made by Rath as the issue is in litigation.

Upon question Gibbs Township Assessor Daniels stated he inspected the property and recommends a reduction of \$19,000 to reflect the cost of the repairs as of February 1, 2009, the assessment date for the abatement requested.

Motion by Comm. Schonert to provide Rath with the names of three (3) independent appraisers for Rath to choose from to perform an appraisal of his property at county expense. Motion died for lack of second.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to deny the Rath abatement and set the 2009 market value at \$275,000 as the value as of February 1, 2009 to reflect the value less the dollar amount deemed adequate to fix any deficiencies in the property as recommended by the Township Board, Township Assessor, and Deputy Auditor/Tax Equalization Director Lang-Benjamin. "AYE" votes: Schonert, Woodcox, Peluso, Bitner, Armstrong. Motion carried.

Ben Ehreth, Bismarck Mandan Metropolitan Planning Organization, and Bill Troe of URS appeared regarding consideration of Resolution of Adoption approving the 2010-2035 Long Range Transportation Plan.

Burleigh County Commission 2010 Meeting Minutes

Comm. Peluso requested the final paragraph of the Resolution of Adoption be struck as it states that "county staffs are directed to implement the 2010-2035 Long Range Transportation Plan and use it as a tool in their everyday planning and engineering activities." Peluso questioned if the Resolution directed the staff to implement the plan or use it as a tool.

Ehreth stated the last paragraph could be removed with no real effect. Troe stated the Long Range Plan is intended to be a "hopper" of projects that the county can pull items from this "hopper" as time and funding allows. Troe reminded the Board that it is required that the Long Range Plan be reviewed and amended every five (5) years.

Comm. Bitner mentioned there may need to be amendments to the plan to add new motorized recreational trails. Ehreth stated that he is aware of the recreational trails and added the Plan must be updated every five years and it allows for amendments as needed.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the Resolution of Adoption approving the 2010-2035 Long Range Transportation Plan with the removal of the final paragraph which stated that "county staff are directed to implement the 2010-2035 Long Range Transportation Plan and use it as a tool in their everyday planning and engineering activities. All members voted "AYE." Motion carried.

County Engineer Hall appeared regarding the following items for the Board's consideration: authorize Co Engineer to seek changes to the existing Highway Functional Classification Map, authorization to enter into a design agreement for the reconstruction of the intersection of 43rd Avenue NE and Centennial Road, and consideration and award of bids for Crushing of Gravel, and Concrete & Metal Culverts.

Motion by Comm. Peluso, 2nd by Comm. Bitner, that Burleigh County request that the previously detailed changes be made to the Federal-Aid Highway Functional Classification Map, and authorize the County Engineer to work with the North Dakota Department of Transportation and the Federal Highway authorities to implement said changes. All members voted "AYE." Motion carried

Hall reported that the County Commission authorized the Road and Bridge Department to seek design service proposals for the reconstruction of the intersection of 43rd Avenue NE and Centennial Road. Hall continued that on January 20, 2010 proposals were opened for this project. Hall stated that three (3) consulting firms submitted proposals, and after thoroughly reviewing the proposals, a selection committee ranked Ulteig Engineers as the most qualified firm to perform this project. Hall recommended a contract be authorized with Ulteig Engineers to perform design services for the reconstruction of the intersection of 43rd Avenue NE and Centennial Road

Motion by Comm. Schonert, 2nd by Comm. Woodcox, that the proper county officials are hereby authorized to enter into an agreement with Ulteig Engineers for \$76,200 to perform design services for the reconstruction of the intersection of 43rd Avenue NE and Centennial Road. All members voted "AYE." Motion carried

Engineer Hall reported that bids for Crushing of Gravel, and Furnishing Concrete & Metal Culverts were opened on Wednesday, February 10, 2010 at 4:00 P.M. with the following bids received:

Crushing of Gravel:

Sundre Sand & Gravel	\$2.59\Cubic Yard for crushing of gravel surfacing
Fisher Sand & Gravel	\$2.85\Cubic Yard for crushing of gravel surfacing
Gravel Products Inc.	\$3.20\Cubic Yard for crushing of gravel surfacing
Aggregate Construction Inc.	\$3.29\Cubic Yard for crushing of gravel surfacing

Furnishing Concrete Culverts:

Cretex Concrete Products West

Furnishing Metal Culverts

Johnston Fargo Culvert

Motion by Comm. Peluso, 2nd by Comm. Bitner, to award bids for Crushing of Gravel to the low bidder Sundre Sand & Gravel of Minot and authorize the proper county officials to enter into contracts with said bidders. All members voted "AYE." Motion carried

Motion by Comm. Schonert, 2nd by Comm. Bitner, to accept the low bids from Cretex Concrete Products West for Furnishing Concrete Culverts and Johnston Fargo Culvert for Furnishing Metal Culverts and authorize the proper County officials to enter into contracts with said bidders. All members voted "AYE." Motion carried

County Sheriff Heinert appeared regarding the following items for the Board's consideration: Consideration of a NDDOT Grant for a new radar unit (\$1,500), Consider contract options with Accurate Controls for Detention Center electronics system and authorization to fund such contract out of Jail Maintenance & Construction Fund, and Presentation of 2009 Sheriff's/Detention Annual Report.

Burleigh County Commission 2010 Meeting Minutes

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve a NDDOT Grant PHSP4021007 SP 02 PH 05 for a 75% grant for a new radar unit in an amount not to exceed \$1,500. All members voted "AYE." Motion carried.

Sheriff Heinert then presented information regarding a maintenance and service agreement for the Detention Center automated security system. Heinert reported the warranty is expiring on the security system and recommends the Board approve a three (3) year Maintenance and Service Contract with Accurate Controls, Inc. providing 24/7 phone support and reduced rates for on-site visits at a cost of \$19,198.08 spread over three (3) years (45% 1st year, 35% 2nd year and 20% 3rd year).

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the three (3) year Maintenance and Service Contract with Accurate Controls, Inc. – Bronze Plan - at a cost of \$19,198.08 spread over three (3) years with funds expended from the Jail Maintenance & Construction Fund. "AYE" votes: Bitner, Peluso, Woodcox, Schonert, Armstrong. Motion carried.

Sheriff Heinert then presented the 2009 Sheriff's/Detention Annual Report for the Commission/s review.

HR Director Gall appeared regarding a variance to starting salary and annual leave policies for candidate for Sheriff's Dept PSO\Office Manager Position.

Comm. Peluso stated that he understands the need to be competitive to attract and hire good employees. Peluso stated people with experience need to be paid a competitive starting wage. Peluso continued that the county should have a formula or method for determining competitive starting pay. Peluso added he can agree with the starting salary request but not the request for annual leave. Peluso concluded that nothing hurts moral in a department more than someone starting out at a pay grade similar or just under current employees.

Gall reported current policy allows the hiring of a new employee up to step 5 of a pay grade. Gall stated the request is to offer employment at step 6 and further to offer employment at with annual leave accruing at ten (10) hours per month rather than eight (8) hours per month.

Comm. Woodcox noted that other employees have been granted more than the normal eight (8) hours per month of annual leave, but these have been at the department head levels.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve a variance to the starting salary policy and allow the offer of employment to Cynthia Arnold at a pay grade 5, step 6, with no variance to the starting annual leave accrual. All members voted "AYE." Motion carried

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the Lost Instrument Surety Bond to replace check #78490 (\$404.87). All members voted "AYE." Motion carried.

6:13PM

Recessed to immediately sit as the respective unorganized township boards of unorganized townships of Lincoln, Ft Rice, Burnt Creek, Riverview, Lyman and Phoenix.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve payment of the 2010 Burleigh County Township Officers Association for unorganized townships of Burnt Creek, Lincoln, Ft Rice, Riverview, Lyman and Phoenix (\$150 each). All members voted "AYE." Motion carried.

On a motion made, seconded, and carried the individual township unorganized township boards recessed.

6:15PM

The Burleigh County Commission reconvened with all members present.

Comm. Bitner then explained that he had received an offer to purchase "fairgrounds" used aluminum bleachers.

Asst. State's Attorney Feland advised that any sale of county property over \$1,000 must be done by public bid. No action was taken.

Auditor\Treasurer Glatt reported that the City of Bismarck is planning a 16" water main project along the northwest and north boundary of the "fairgrounds" property. Glatt continued that the estimated cost of the assessment to the county for this project is \$237,000. Glatt noted that there is no protest procedure for this type of special assessment district. No action was taken.

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

Burleigh County Commission

2010 Meeting Minutes

March 1, 2010

5:16 P.M.

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

Chairman Armstrong 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 February 2010 meeting minutes as corrected. All members present voted "AYE." Motion carried.

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

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

Russ Staiger, Bismarck Mandan Development Association, appeared and presented the highlights of 2009 BMDA annual report. No action was taken.

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\Treasurer.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the Anderson, Binder, Mosbrucker, Nelson, Gaab, Skelton, Stiefel, Roe, and Freidt abatements as requested and recommended by the Deputy Auditor\Tax Equalization Director. All members present 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.

The Commission then considered the establishment of roadway load limits in conjunction with NDDOT.

Motion by Comm. Bitner, 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.

Hall then explained that in 2003, a Feeder Road Improvement Policy was developed in order to help townships cover the cost of paving roads that function more as collectors than local streets. Hall continued the Policy was revised in 2004 to clear up the cost participation rates. Hall stated over the years the implementation of the Policy has expanded beyond what the highway department believes was the original intent of the Board. Hall suggested minor changes be made to the original Policy to clearly lay out the process that needs to be followed by anyone (township or developer) seeking reimbursement. Hall suggested that the Board review the policy for discussion at the March 15, 2010 County Commission meeting. No action was taken.

Community Development Director Hokenstad appeared regarding acceptance of the right-of-way dedication for final plat of WDH Subdivision.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the acceptance of right-of-way dedication for final plat of WDH Subdivision. All members present voted "AYE." Motion carried.

Jeff Collier, 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 subject to State's Attorney Riha reviewing and approving the formal contract.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the \$5,000 funding request for the 4th of July Celebration and to approve the formal contract subject to State's Attorney review 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 present voted "AYE." Motion carried.

Emergency Manager Senger appeared regarding the formal declaration of a Flood Emergency. Senger noted that Vice-Chairman Bitner signed an emergency declaration on February 22, 2010 and pursuant to statute the County Commission needs to formalize the declaration within seven (7) days. Senger continued the Emergency Declaration allows for the expenditure of emergency funds to plan and prepare for expected spring flooding. Senger and County Engineer Hall then briefed the Commission on preparations for floods expected along Apple Creek and from overland runoff. Senger noted that preparations have been made to pre-fill sand bags utilizing indoor sites until the outdoor sandbagging areas can be opened when temperatures warm above freezing. Senger reported the sandbags will be free.

Engineer Hall stated an on-line road closure map will be available with the county utilizing 13 gauging systems installed throughout the county to monitor water levels.

Burleigh County Commission 2010 Meeting Minutes

Motion by Comm. Schonert, 2nd by Comm. Bitner, to formally declare a Flood Emergency for Burleigh County thereby ordering the continued activation and utilization of the Burleigh County Emergency Operations Plan to limit the impact of this emergency upon the citizens of Burleigh County. All members present voted "AYE." Motion carried.

Commissioner Bitner then presented the following "fairgrounds" items for the Board's consideration: authorization to apply for the Recreational Trails Program Grant, and request of Rock 30 to conduct paintball games and tournaments on the "fairgrounds" property.

Comm. Bitner introduced Annette Behm-Caldwell and several other members of the Burleigh County Power Sports Advisory Committee who presented information related to a grant application to provide an ATV/Snowmobile "play area" on the fairgrounds property. Bitner stated the project would be developed in phases to create a play area at the fairgrounds and provide some interconnecting trails that would pick up the ATV traffic in areas of concern in an effort to reduce the damage rider's cause to ditches, roads and culverts. Bitner added education would be part of the program to teach young riders to be responsible riders.

Comm. Bitner requested the Commission formally authorize the application for a Recreational Trails Program Grant in the amount of \$150,000 to create a play area for off-highway vehicles and snowmobiles at the Missouri Valley Fairgrounds with a 25% local match from the county which may include in-kind donations.

Comm. Bitner explained that since his company performs this type of work (construction of trails) he would abstain for voting on any motion.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to formally authorize the application for a Recreational Trails Program Grant in the amount of \$150,000 to create a play area for off-highway vehicles and snowmobiles at the Missouri Valley Fairgrounds with a 25% local match from the county. All members present voted "AYE." Motion carried.

Rena Melhoff, Rock30 Games, appeared regarding the request of Rock30 Games to conduct paintball games and tournaments on the fairgrounds. By consensus the Board agreed that if Rock30 Games fulfills the requirements of the facility rental agreement, they may utilize the property as other user groups.

Finance Director Thompson appeared and presented the following 2009 budget amendments for the Board's consideration:

<u>FUND</u>	<u>BUDGET</u>	<u>BUDGET</u>	<u>CHANGE</u>
BURNT CREEK UNORG TOWNSHIP	50,000	105,000	55,000
ROAD WORK EXCEEDED BUDGET			
HIGHWAY GAS TAX	4,606,000	4,720,000	114,000
STATE GAS TAX RECEIPTS EXCEEDED BUDGET			
WATER RESOURCE DISTRICT	521,648	982,000	460,352
BURNT CREEK REHAB PROJECT			
CELLULAR PHONE TAX	570,000	660,000	90,000
EXCISE TAX COLLECTIONS EXCEEDED BUDGET			
STECKEL BOAT RAMP	9,750	29,000	19,250
BOAT RAMP REPLACEMENT			
KIMBALL BOTTOMS BOAT RAMP	15,800	54,000	38,200
BOAT RAMP REPLACEMENT			
COUNTY FAIR	131,000	678,000	547,000
SPECIAL ASSESSMENT PROJECT			
PRESERVATION FUND	30,000	32,000	2,000
DATA CONVERSION FOR COUNTY RECORDER			
SOBRIETY 24/7 PROGRAM	0	1,000	1,000
NEW PROGRAM FOR COUNTY			
SPECIAL ASSESSMENTS	27,000	29,000	2,000
ASSESSMENTS ON COUNTY PROPERTY			
149TH AVE NW -SAD	0	71,000	71,000
NEW RURAL SPECIAL ASSESSMENT DISTRICT			
PRAIRIEWOOD ESTATES 2ND -SAD	0	20,000	20,000
NEW RURAL SPECIAL ASSESSMENT DISTRICT			
4 K'S CHIP SEAL -SAD	0	18,000	18,000

Burleigh County Commission 2010 Meeting Minutes

	NEW RURAL SPECIAL ASSESSMENT DISTRICT			
CRESCENT RIDGE -SAD		0	3,000	3,000
	NEW RURAL SPECIAL ASSESSMENT DISTRICT			
149TH AVE/LANDFILL -SAD		0	55,000	55,000
	NEW RURAL SPECIAL ASSESSMENT DISTRICT			
EAST RIDGE 1ST -SAD		0	22,000	22,000
	NEW RURAL SPECIAL ASSESSMENT DISTRICT			
PRAIRE PLACE -SAD		0	174,000	174,000
	NEW RURAL SPECIAL ASSESSMENT DISTRICT			
BROOKFIELD DRAIN -SAD		0	3,000	3,000
	NEW RURAL SPECIAL ASSESSMENT DISTRICT			

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the 2009 budget amendments as presented and recommended by Finance Director Thompson. All members present voted "AYE." Motion carried.

Auditor\Treasurer Glatt then presented the results of the bid opening for election supplies\ballot printing. Glatt reported that bids were opened at 4:00pm today with three (3) bids received. Glatt noted that it appeared two (2) bids did not meet the bid specifications and deferred to the State's Attorney for his opinion.

State's Attorney Riha confirmed that upon review of the bids specifications and bids received that the bids submitted by United Printing \ Spit'n Image and Election Systems & Software did not meet bid specifications as they did not bid the Primary Election as required.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to reject the bids of United Printing \ Spit'n Image and Election Systems & Software and to award bids to The Printers for election supplies\ballot printing for 2010 & 2011. All members present voted "AYE." Motion carried.

6:48PM

County Engineer Hall and State's Attorney Riha appeared regarding negotiations for possible purchase of property for a Wilton\Wing county shop site. State's Attorney Riha suggested the Board convene an Executive Session pursuant to NDCC44-04-19.1(9).

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

7:12PM

The Burleigh County Commission reconvened with all members present except Comm. Peluso.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to authorize the Road Dept to extend an offer on a 40 acre piece of property for a future county Road Dept shop location in the Wilton area and further to authorize the County Engineer to establish an earnest money offer and subject to conditions determined by the Engineer Hall, Comm. Schonert and State's Attorney Riha. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the Contract and Contract Bond for NDDOT Project STM-TEO-0008(027) United Tribes Technical College Shared Use Path project with Northern Improvement Co. All members present voted "AYE." Motion carried.

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

Kevin J. Glatt,
Auditor\Treasurer

Mark Armstrong
Chairman

Burleigh County Commission

2010 Meeting Minutes

March 15, 2010

5:00 P.M.

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

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

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

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

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\Treasurer.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the McCabe, Gladem, Kelsch, Lingert, Zins, Woodworth, Fischer, Vetter, and Trauger abatements as requested and recommended by the Deputy Auditor\Tax Equalization Director. All members voted "AYE." Motion carried.

Scott D. Wegner, Cook Wegner PC, appeared regarding a resolution authorizing the issuance of the final draw for the Streamline Foundation MIDA Bonds in the amount of \$1,225,000 for the Bismarck State College Aquatics & Wellness Center. Wegner noted the previous Board actions approving \$5.5M in September of 2008 and \$2,675,000 in December 2009.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the Bond Issuance Resolution authorizing the issuance of MIDA bonds in an amount not to exceed \$1,225,000 on behalf of Streamline Foundation. All members voted "AYE." Motion carried.

Building Inspector Ziegler appeared and presented information related to building inspections. Ziegler explained the procedures, terminology, and definitions of the building code used during inspections; how permits are issued and to whom; what penalties and infractions can be applied; and, when a certificate of occupancy is issued. Ziegler noted the building code is available for inspection in his department and at the Veteran's Memorial Library.

Harley Rath appeared with questions about code violations that have not been addressed. Rath further questioned how and why certain building permits have been closed and subsequent certificates of occupancy issued.

Ziegler explained that if life-safety issues are found, an investigation is completed to determine code compliance and what action needs to be taken. Ziegler continued if a non life-safety issue is found no further investigation is done and the issue is handled between contractor and homeowner. Ziegler reiterated that a Certificate of Occupancy is issued when no life-safety issues are found. No action was taken.

County Engineer Hall appeared and updated the Board on flood preparations. Hall stated the county is in good shape with only one road closed due to water topping the road surface.

Hall then presented the following items for the Board's consideration: Internet Auction for surplus equipment and Feeder Road Improvement Policy.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to authorize the proper county officials to work with Public Surplus in setting up an online auction site, which meets all State and County rules and regulations, to dispose of County Highway Department surplus equipment. All members voted "AYE." Motion carried.

Hall then explained that in 2003, a Feeder Road Improvement Policy was developed in order to help townships cover the cost of paving roads that function more as collectors than local streets. Hall continued the Policy was revised in 2004 to clear up the cost participation rates. Hall stated over the years the implementation of the Policy has expanded beyond what the highway department believes was the original intent of the Board. Hall suggested minor changes be made to the original Policy to clearly lay out the process that needs to be followed by anyone (township or developer) seeking reimbursement.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve the Burleigh County Feeder Road Improvement Policy to expand the reimbursement for feeder road improvements to include developers (working through a township) and clearly lay out the process that needs to be followed by anyone seeking reimbursement. All members voted "AYE." Motion carried.

County Extension Agent Haadem appeared and presented information regarding County Extension Agent Family Economics June Kraft's retirement and the subsequent replacement process. Haadem informed the Commission that the county share of the salary for this position will increase from 36% to 50% upon replacement. Haadem recommended authorization to proceed with advertising and filling the position with salary to be determined at a later date.

Burleigh County Commission 2010 Meeting Minutes

Gerald Stern, District Director of NDSU Extension in central and southwest North Dakota appeared and stated several years ago the Association of Counties and Extension Service worked together to get the cost share increased with no change to the counties share until the position is vacated.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to authorize the County Extension Agent to advertise for the replacement of the Family & Consumer Science Extension Agent position in the Burleigh County Extension office. All members voted "AYE." Motion carried.

Communications Manager Dannenfelzer appeared with the following items for the Board's consideration: authorization for a direct purchase \ sole source provider purchase of AP-Navigator GPS units for Bismarck Police Dept with expenditures from the Enhancement Fund, and approval of a resolution proclaiming National Public Safety Telecommunications Week.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the purchase of eighteen (18) AP-Navigator GPS antennas from Portable Computer Systems (PCS) with the expenditure from the Enhancement Fund. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to proclaim April 11-17, 2010 as National Public Safety Telecommunications Week. All members voted "AYE." Motion carried.

Lori Steele, Victim Witness Coordinator, appeared regarding amending the 2010 Victim/Witness Advocate Budget for a temporary employee to cover the caseload during her medical leave absence from June through August.

Comm. Woodcox recommended the approval of a budget amendment as the workload for one person would be excessive.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve a budget amendment to the 2010 Victim/Witness Advocate Budget for a temporary employee salaries to cover case load June – August, 2010 in an amount not to exceed \$7,800. All members voted "AYE." Motion carried.

HR Director Gall appeared and requested Board approval of the Employee Recognition Ceremony to be held on April 27, 2010.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to designate the Employee Recognition Ceremony to be held on April 27, 2010 from 11:30am to 1:30pm. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the raffle permit application of the University of Mary. All members voted "AYE." Motion carried.

Chairman Armstrong then recommended that the County Commission conduct a public hearing regarding the proposed Wind Turbine Ordinance at the next meeting. Armstrong stated that the Planning Commission made several significant changes to the proposed ordinance after their public hearing held last week.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to hold a public hearing on the proposed Wind Turbine Ordinance to be held on April 5, 2010 at 5:30PM. All members voted "AYE." Motion carried.

By consensus the Board agreed that the purpose of the public hearing would be to focus on the ordinance and not whether wind towers should be allowed.

Comm. Woodcox requested approval of the final payment to City of Bismarck for the water and sewer lines on the fairgrounds. Woodcox noted the final cost is less than the engineer's estimate.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve payment of \$221,768.34 to the city of Bismarck as final payment for the water and sewer improvements on the Missouri Valley Complex 1st Replat. All members voted "AYE." Motion carried.

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

Kevin J. Glatt,
Auditor\Treasurer

Mark Armstrong
Chairman

Burleigh County Commission

2010 Meeting Minutes

April 5, 2010

5:00 P.M.

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

Chairman Armstrong 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 2010 meeting minutes as submitted. All members voted "AYE." Motion carried.

Comm. Schonert stated he had reviewed the monthly 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.

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\Treasurer.

Deputy Auditor\Tax Director Lang-Benjamin recommended approval of the Schaff, Helbing, Meter, Voegelé, Welk, Herr, Bismarck Cancer Center, and Tetzloff abatements as requested.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the Schaff, Helbing, Meter, Voegelé, Welk, Herr, Bismarck Cancer Center, and Tetzloff abatements as requested and recommended by the Deputy Auditor\Tax Equalization Director. All members voted "AYE." Motion carried.

Deputy Auditor\Tax Director Lang-Benjamin recommended denial of the Kautzman abatement and further recommended the market value be set at \$149,800 based upon the City Assessor's review and City Commission's approval of the cost estimates and actual repair expenses to cure the water problems.

Scott Kautzman appeared and stated he is in concurrence with the recommendation of the City Assessor and Deputy Auditor\Tax Director.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to deny the Kautzman abatement as requested and to set the 2009 market value at \$149,800 as recommended by the City Assessor and City Commission based upon cost estimates and actual repair expenses to cure the water problems. All members voted "AYE." Motion carried.

Deputy Auditor\Tax Director Lang-Benjamin recommended denial of the Werle abatement and further recommended the market value be set at \$179,600 based upon the City Assessor's review of several comparable sales.

Shaun Werle appeared and stated that City Assessor does not consider this a normal sale and he cannot understand why his purchase is not considered an arms-length transaction. Werle stated he just wants the value for tax purposes to be the same amount as the purchase price.

City Assessor Goodsell appeared and stated that the State Tax Dept does not consider this to be an arms-length transaction. Goodsell stated that after review of all sales of comparable properties she recommends a value of \$179,600, noting the requested value of \$174,000 is below the market.

Motion by Comm. Peluso to approve the Werle abatement as requested. Motion died for lack of second.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to deny the Werle abatement as requested and to set the 2009 market value at \$179,600 as recommended by the City Assessor based upon a review of all sales of comparable properties. "AYE" votes: Bitner, Woodcox, Schonert, Armstrong. "NAY" vote: Peluso. Motion carried.

5:18pm

On a motion made seconded and carried the Board recessed to immediately sit as the Burleigh County Park Board.

5:31pm

The Burleigh County Commission reconvened with all members present.

County Engineer Hall appeared and presented the monthly County Engineer's report along with the following items for the Board's consideration: authorization to advertise for bids for 2010 painted pavement marking, purchase agreement for proposed Wilton\Regan combined shop property, Township Road Mileage Certification, and the City of Wing street paving project.

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

Burleigh County Commission 2010 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to certify the biennial township road mileage certification and to authorize the Chairman to sign the same. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the purchase of the NE ¼NE ¼, Section 11, Ecklund Township (40 acres +/-) from Dale and Kathy Vollan in the amount of \$44,000 for the proposed combined Wilton\Regan County Highway Dept shop. All members voted "AYE." Motion carried.

Hall then presented information regarding the City of Wing street paving project. Hall presented a breakdown of cost of the nine (9) streets within Wing.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the expenditure of \$234,000 for the City of Wing street project. "AYE" votes: Schonert, Woodcox, Peluso, Bitner, Armstrong. "NAY" votes: None.

By consensus the Board approved the expenditure of \$2,000 for gravel and labor to complete the interior fairground roads that were rebuilt last fall.

HR Director Gall appeared regarding an update to the County Personnel Policy related to Chapter 4, Section 5: Annual Leave.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the Personnel Policy change related to Chapter 4, Section 5, Annual Leave as recommended by HR Director Gall. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to authorize the County Auditor\Treasurer to appoint the Election Inspectors & Clerks and to set election worker pay at \$8.00 per hour and \$10.00 per hour if the worker attends an election training session. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the Plat Ratification for the Bismarck Airport Addition. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the raffle permit application of Junior Achievement of Upper Midwest. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to authorize the cancellation of the 2006 delinquent special assessment within the City of Regan (property #CR-142-78-03-02-411). All members voted "AYE." Motion carried.

5:30pm This was the hour and date scheduled for a public hearing regarding a county-initiated zoning ordinance text amendment relative to Special Uses/Wind Turbine Facilities (ordinance would establish standards for wind farms). Planning Director Hokenstad and Planner Greenquist introduced the ordinance and the background of the process to date.

Dave Andahl, Chairman Burleigh County Planning Commission, appeared and stated that the Planning Commission spent many hours working on this ordinance. Andahl stated that he stands behind the County Planning Commission's work. Upon question Andahl noted the split votes by the County Planning Commission on sound levels and setback distances.

Bill Delmore, Attorney at Law, representing several landowners in Crofte Township, requested that the setbacks for non-participating landowners be ½ mile. Delmore stated although he recognizes the health and safety issues, he is here today in regards to property values and the effect wind towers and the related setbacks have on property values.

Marc Laurie, Baldwin resident, appeared and expressed his concern regarding the potential devaluation of his property in relation to the proposed wind towers.

Jim Thur appeared stating he lives one (1) mile north of the existing Wilton turbines and has experienced problems with turbine noise. Thur stated the turbine noise affects his family and animals. Thur stated he would like to see a 1-2 mile setback for the turbines, but could accept a ½ mile setback.

Tom Bray, a Bismarck resident, appeared and stated that towers ruin the landscape and are inefficient sources of energy.

Rebecca Ternes appeared stating her family lives south of Baldwin and opposes decreasing setbacks and increasing noise levels. Ternes advocated protecting the Missouri River corridor. Ternes stated wind towers present real and serious health risks from noise and "flicker" especially when placed within one (1) mile of homes. Ternes requested the acceptable noise level be set at 35dba with a one (1) mile setback. Ternes asked the Commission to consider the long-term effects on the health, safety, and welfare of our county.

Burleigh County Commission 2010 Meeting Minutes

James Meier, Baldwin area resident, appeared and questioned if there are any logged complaints with the Public Service Commission (PSC) against NextEra, and if not then are we trying to fix something that is not broken?

Dennis Meier, Baldwin area resident, appeared and stated NextEra Energy is an honest and forthright company, and he supports the project.

Scott Scovill, NextEra Energy, appeared and stated the original draft of the Wind Turbine Facility ordinance is anti-wind and anti-business. Scovill presented suggested changes to the ordinance noting the section on Decommissioning. Scovill suggested this section be removed and that the ordinance should follow NDCC 49-02-27 and the ND Administrative Code 69-09-09 similar to PSC requirements. Scovill stated the ordinance in its present form will prevent further development of wind power in Burleigh County.

Tom Factor, NextEra Energy scientist, appeared and presented several more suggested changes to the ordinance.

Jamie Crane, Baldwin area resident, appeared and expressed her concern the effects the wind turbines may have on the health, safety, and welfare of her family.

Ray Wald, Crofte Township resident, appeared and requested that a ½ mile setback be implemented.

Allen Schumacher, Bismarck resident and Baldwin area landowner, stated he sees both positive and negative aspects of the wind farm.

MaryAnn Meyer appeared and stated she is a staunch supporter of wind energy and as a landowner agrees with the NextEra Energy recommendations, and further believes property values will increase.

Jeff Bitz, an outdoor enthusiast, appeared and asked the Commission to not allow the ruination of the Missouri River Corridor landscape.

Comm. Peluso and Woodcox agreed that the Missouri River Corridor should not be ruined.

Dave Meyer, Crofte Township resident, appeared and disputed attorney Delmore's claim that values will decrease.

Dean Goetz, Crofte Township landowner, appeared in support of the wind turbines.

Olive Fricke, Crofte Township landowner, appeared in support of the wind turbines.

Gene Hilken, area resident and landowner, appeared and stated NextEra Energy is a good honest company.

John Spitzer, Ecklund Township resident, appeared and stated he has worked with NextEra for the last five or six years and NextEra has always complied with anything the Township Board requested.

Gerald Waltos, Baldwin area resident, appeared in support of a 1400' setback.

Jen Meyer, area property owner, appeared and stated she has towers on her land and further that NextEra has been a very good company to work with.

Mae Klein, area property owner, appeared in favor of the wind turbines and the progress they bring.

Joyce & Mike Wald, area property owner, appeared and stated she does want more than a 1400' setback and feels the setback should be at least ½ mile.

Planner Greenquist appeared and noted that the ordinance presented to the County Planning Commission and subsequently to the County Commission was developed by a committee. Greenquist stated the Planning Dept is neither anti-wind nor anti-business – the Planning Dept is pro-compatibility. Greenquist continued the Planning Dept is very cognizant of one thing-compatibility with existing uses.

Upon request of Comm. Peluso, Asst. State's Attorney Feland and Attorney Brian Bjella responded to questions regarding county liability related to setbacks.

8:40pm

Chairman Armstrong closed the public hearing and the Board agreed by consensus to take a short recess before resuming work on the proposed ordinance.

Burleigh County Commission

2010 Meeting Minutes

8:50pm

The Burleigh County Commission reconvened with all members present.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve an ordinance on wind towers. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to amend Section 1, Page 1, Number 7, as follows: Participating Parcel: A parcel of real estate on which any turbine of the wind turbine facility will be constructed, or for which a participation agreement has been executed. All members voted "AYE." Motion carried.

Motion by Woodcox, 2nd by Comm. Peluso, to approve Section 1 as amended. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Bitner, approve Section 21, Page 2, Number 2, as follows: Height (of turbine): The vertical distance from the construction grade of the property to the highest point of a turbine rotor blade when in the upright position. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve Pages 2 & 3. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to approve Page 4, Item 5a as follows: Access roads shall be low profile roads with inslopes and backslopes of 10:1 or flatter so that farming equipment can cross them and roadway surfacing shall be Class 5 gravel or similar material unless otherwise negotiated with the landowner. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to approve Page 4 through Item #11, Page 5. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to approve Page 5, Item #12 as follows: Tree Removal. The applicant shall minimize the removal of trees and shall not remove groves of trees or shelter belts without the written approval of the affected landowner. Trimming or removal of trees within the public right-of-way to allow for safe construction of power lines shall be allowed. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to approve Page 5 and Page 6 through item #21. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to approve Page 6, Item #22 as follows: Collector Lines: The applicant shall place electrical lines, known as collectors, and communication cables underground when located on private property unless otherwise negotiated with the affected landowner. Collectors and cables shall also be placed within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve Pages 6, 7 & 8 through Item #26. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to replace Planner with Auditor/Treasurer in all instances on Page 8, Item #27. All members voted "AYE." Motion carried.

After a discussion regarding Page 8, Item #28 concerning whooping and sandhill cranes and trained wildlife observer the following motion was made:

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to adopt Page 8, Section 28 per review and approval by the States Attorney's Office. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve Page 8 through #28 at top of Page 9. All members voted "AYE." Motion carried.

By consensus the Board skipped Page 9 Item #29 until later.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to approve Items 31 through 33, Page 9. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to adopt the Page 10 Item 34 as follows: A shadow flicker analysis, assuming typical meteorological conditions, shall be submitted for all occupied residences of non-participants within one-mile of a wind turbine. The maximum acceptable level of shadow-flicker exposure for homes in the study shall be 30 hours per year. The applicant shall provide commercially reasonable efforts to remedy shadow-flicker complaints from any non-participating

Burleigh County Commission 2010 Meeting Minutes

owners of an occupied residence with a window view of a wind turbine on a case-by-case basis by undertaking measures such as trees or vegetation plantings, awning installations, or providing light-blocking curtains or shades. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to approve Page 10, Item #36 as follows: As-Built Plans and Specifications. Within one hundred eighty (180) calendar days after completion of construction, the applicant shall submit to the County Building Official, a copy of the as-built plans and specifications in both hard copy and in electronic digital format as specified by the County Planner. All members voted "AYE." Motion carried.

The Board then spent considerable time discussion Item 37, Page 10 related to Decommissioning and Bonding requirements. Chairman Armstrong stated this is a strong plan that provides up-front assurance that non-operating towers will be removed and the land reclaimed. Armstrong stated he strongly recommends this section remain as is.

Comms. Bitner and Peluso stated they were comfortable with the Public Service Commission (PSC) guidelines and rules regarding Decommissioning.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve Page 10, Item 37 as follows: The wind project shall develop a Wind Turbine Decommissioning Plan in accordance with NDCC 49-02-27 and NDAC 69-09-09 as this Plan shall be submitted as part of the Building Permit application. All members voted "AYE" except Comm. Armstrong "NAY." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve Page 10 through Item 37, Page 11. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to delete Page 11, Item 38f. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve Page 10, Item #38 through Page 12, to Item #39. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd Comm. Woodcox, Page 12, Item #39; replace the reference to County Planner with County Auditor/Treasurer. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve all of Page 12 through Page 13, Item #4U. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to remove Page 13, Item #4 v,u, x, and y. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve rest of Page 13 and Page 14 thru Item #5j. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to remove Page 14, Items #5 e & f, and to change compliance to response. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve Page 14, Item #6 thru the end of Page 15. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve Page 9, Item 29 as follows:
A sound study which includes modeling of sound levels within 100-feet of every occupied residence within 1-mile of a wind turbine shall be submitted with the application. Sound levels within 100-feet of any non-participating residence shall not exceed 45dBA (leg). Construction noise or reasonable and necessary maintenance activities are allowed to exceed this sound limits except between the hours of 11 p.m. and 7 a.m. This sound standard does not apply to participating dwellings, and to add the following as Page 15, Item 13i Report of pre-existing sound levels. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to completely remove references to dB(C) on pages 1 and 2. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to amend Page 9, Item #29 as follows:
A sound study which includes modeling of sound levels of wind turbines within 100-feet of every occupied residence within 1-mile of a wind turbine shall be submitted with the application. Sound levels of wind turbines within 100-feet of any non-participating residence shall not exceed 45dBA (leg). Construction noise or reasonable and necessary maintenance activities are allowed to exceed this sound limits except between the hours of 11 p.m. and 7 a.m. This sound standard does not apply to participating dwellings. All members voted "AYE." Motion carried.

Burleigh County Commission 2010 Meeting Minutes

Motion by Comm. Peluso, 2nd by Comm. Schonert, to remove Page 1, Item #8; to remove Page 3, Item 8; and to remove Page 15, Section 13i. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve Page 9, Item 30 as follows: Wind turbines shall be setback at least 1.1 times the height of the turbine from participating residences, and at least 1750 feet from existing non-participating residences (measured from the center of the turbine monopole), and further as necessary to meet the sound level requirement in Page 9, Item 29.

Chairman Armstrong stated he does not think 1750' is an adequate setback. Armstrong stated the greater the setback the fewer the complaints and problems. Armstrong continued that all throughout this process a ½ mile setback was used and only by a recent 4 - 3 vote by Planning Commission was this changed.

Comm. Bitner stated there was no science involved when the ½ mile setback was selected for use in the drafts.

Comm. Schonert stated he would like to use a 1960' setback but can live with 1750'.

Comm. Woodcox stated that the ND Public Service Commission has done extensive research and uses a 1400' setback. Woodcox added he thinks 1750' is a reasonable compromise.

Comm. Peluso stated he is OK with a 1750' setback and understands that a ½ mile setback is a project killer.

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

Motion by Comm., Peluso to require the addition of a one-mile setback of wind towers from the Missouri River to the ordinance. Motion dies for lack of 2nd.

Comm. Woodcox agreed that there should be some restrictions adjacent to the Missouri River.

Comm. Schonert expressed his concerns with establishing any type of river corridor restrictions and added he has fought hard to defeat previous attempts to establish a river corridor.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to add a one (1) mile setback from the Missouri River from the ordinary high water mark. "AYE" votes: Woodcox, Peluso, Armstrong. "NAY" votes: Schonert, Bitner. Motion carried.

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

Kevin J. Glatt,
Auditor/Treasurer

Mark Armstrong
Chairman

Burleigh County Commission

2010 Meeting Minutes

April 19, 2010

5:00 P.M.

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

Chairman Armstrong 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 recommends approval.

Motion by Comm. Schonert, 2nd 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 issuance of MIDA Bonds on behalf of St. A's Medical Center. James H. Stewart, Arntson & Stewart, P.C., appeared representing St. A's Medical Center. Stewart explained the bonds will be used for the remodeling of the second floor of Medical Arts Plaza located at 810 E Rosser Ave, for use as a specialty clinic including laboratory and radiology services; and for the construction and equipping of a four-story administrative office building to be located at 1310 E. Main. Stewart stated the amount of the proposed bond issue is not to exceed \$25,000,000, and will be issued in one or more series pursuant to a plan of financing. Stewart noted this first issue is in an amount not to exceed \$8Million.

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

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the Bond Issuance Resolution and other ancillary documents related to the sale of \$25M in MIDA Bonds on behalf of St. Alexius Medical Center. "AYE" votes: Bitner, Peluso, Woodcox, Schonert, Armstrong. "NAY" votes: none. Motion carried

Tax Director Lang-Benjamin appeared and presented the following abatement 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. Peluso, to approve the Keel abatement as requested and recommended by the Deputy Auditor/Tax Equalization Director. All members voted "AYE." Motion carried.

Ted Weissman, NextEra Energy Resources, appeared and requested the Commission consider changes to the newly approved Wind Farm Ordinance including the building permit fees.

Weissman stated the permit fee structure as approved April 5 is very expensive when compared with other fees around the state and the Midwest. Weissman continued that as written, Burleigh County building permit fees will be between \$212,958 and \$254,000 for 35 towers depending on the calculation. Weissman stated in comparison, Ecklund Township's fee would be \$70,500 for 32 towers, Oliver County would charge \$7,000, and Morton County \$0.

The Board discussed the fees and by consensus agreed that Burleigh County should be equitable with other jurisdictions. The Board also agreed that fees should be based upon the service provided and that any ordinance change should include proration of the fees between the Building Official (inspector), county and affected township.

Upon question Asst. State's Attorney Feland advised the Board that changes to county ordinance need to be introduced at the Planning Commission. Feland stated the Planning Commission needs to hold a public hearing and make recommendations to the County Commission.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to request the Burleigh County Planning Commission at the earliest possible date address the building permit fees for wind turbines specifically and the proration of the fees between the Building Inspector (City of Bismarck), county and township. All members voted "AYE." Motion carried.

Weissman noted he would also like to discuss other "clean-up" items to the new ordinance.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to direct the Burleigh County Planning Commission to review the other "clean-up" items to the new ordinance as requested by NextEra Energy. All members voted "AYE." Motion carried.

County Engineer Hall appeared with the following items for the Board's consideration: authorization to advertise for bids for the reconstruction of Tavis Road and Causeway, and request of Kevin Niemeyer for a 2nd approach onto Carrington Dr. On a motion made, seconded and carried the Board recessed to immediately sit as the Lincoln Township Board of Supervisors for the following item:

Burleigh County Commission 2010 Meeting Minutes

Motion by Comm. Schonert, 2nd by Comm. Bitner, to formally request that Burleigh County advertise for bids for the reconstruction of Tavis Road and Causeway. All members voted "AYE." Motion carried.

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

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to authorize the advertisement of bids for the reconstruction of Tavis Road and Causeway. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the request of Kevin Niemeyer for a 2nd approach onto Carrington Dr subject to the applicant completing and receiving the necessary permit from the Road & Bridge Dept. All members voted "AYE." Motion carried.

Mel Webster, attorney at law, appeared and stated that he has does probate work which also includes guardianships. Webster stated the most difficult guardianships he encounters are those involving the mentally ill. Webster stated he has a client desperately in need of guardianship services and that finding a guardian is very difficult. Webster stated he contacted the County Public Administrator, Guardian and Protective Services (GaPS), who declines providing case management services for mentally ill. Webster stated he then turned to DKK Guardian & Conservatorship Services; however DKK has turned down this client as they are unable to provide the services without funding assistance.

Judy Vetter, GaPS, appeared and provided information regarding the services GaPS provides for Burleigh County. Vetter stated that because of funding issues GaPS declines guardianships on mentally ill to focus on helping the elderly.

Deleyte Koropatnicki, DKKS Guardian & Conservatorship Services – Jamestown, ND, appeared and stated that her company is currently proving guardianship services for 23 Burleigh County residents and has not turned anyone down. Koropatnicki stated that most of the mentally ill do not have adequate funding to provide for case management services. Koropatnicki reported that Stutsman County provides \$50 per month per non-paying client and she requested Burleigh County provide the same funding for the Burleigh County residents they provide services for or they cannot continue to take non-paying clients.

Comm. Bitner questioned why this is not handled through the Social Service Dept.

Auditor\Treasurer Glatt reported that the county General Fund is providing \$2,000 per month, two (2) phone lines, and reduced office rent (\$5,600) to GaPS for their duties as Public Administrator.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to provide \$50 per month per case to DKK Guardian & Conservatorship Services.

Several Commissioners expressed concern regarding where the funds would come from along with making such a decision without adequate information.

Motion was withdrawn.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to approve payment of \$50 per month for 90 days to DKK Guardian & Conservatorship Services for this one client of Webster's and further to bring this matter before the Social Service Board for review prior to further discussion at the May County Commission meeting. All members voted "AYE." Motion carried.

Morton\Burleigh Supt of Schools Kautzmann appeared regarding reappointment of members to County Committee for School District Reorganization.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to confirm the reappointment of Judy Krueger and Linda MacDonald to three (3) year terms on the Burleigh County School District Reorganization Committee effective 7/1/10. All members voted "AYE." Motion carried.

Comm. Bitner requested Supt. Kautzmann schedule a meeting of the Burleigh County School Board Presidents for the purpose of working on the Shared Services Agreement. Kautzmann responded she would schedule such a meeting.

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

Kevin J. Glatt,
Auditor\Treasurer

Mark Armstrong
Chairman

Burleigh County Commission

2010 Meeting Minutes

May 3, 2010

5:16 P.M.

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

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

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the April 2010 meeting minutes as presented. All members voted "AYE." Motion carried.

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

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

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/Treasurer.

Deputy Auditor/Tax Director Lang-Benjamin stated staff has inspected the property and reviewed the assessments of similar properties and recommends denial of the abatements and to set the market values at \$66,000MV (2008) and \$66,900MV(2009). Lang- Benjamin noted the recommended land value for the property is \$30,900 with a recommend value for the home at \$36,000.

Roger Lemke appeared and stated he feels the local assessor is "out to get him" and he will not allow him on the property. Lemke stated he feels the value of the home to be no more than \$12,000.

Comm. Woodcox questioned Lemke if he would sell the home for \$12,000. Lemke responded no as the well for the house is a part of the farm operation. Lemke noted several other farmsteads are not getting assessed like this one.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to deny the Lemke abatement and set the market values at \$66,000MV (2008) and \$66,900MV as recommended by the Deputy Auditor/Tax Equalization Director based upon an inspection of the property and reviews of similar properties. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the monthly County Engineer's report. Hall also presented the following item for the Board's consideration: award of bids for 2010 painted pavement marking,

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to award bids for the 2010 center and edge line pavement markings to the low bidder J & J Striping in the amount of \$106,512.38. All members voted "AYE." Motion carried.

Hall then noted the next agenda item and stated he has some concerns regarding the request to transfer right-of-way from the county to ND State Dept of Corrections in the immediate area of the State Penitentiary. Hall recommended that in the future such requests be presented to the County Engineer and/or the Planning Department for review before being placed on the Commission agenda. Hall further requested that an acceptable legal description be provided for the requested right-of-way.

Lon Romsas, Swenson Hagen Co., appeared regarding a request to transfer old highway right-of-way from the county to the ND State Dept of Corrections. Romsas stated the ND Dept of Corrections is expanding the penitentiary and would like to utilize the old ND State Highway 10 right of way that was deeded to Burleigh County in 1960. Romsas stated the right-of-way in question is from S 26th St to the Bismarck Expressway and is the main entrance to the Penitentiary. Romsas stated an accurate description will be provided.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to table further discussion on the issue of the right-of-way transfer from county to ND State Dept of Corrections and direct the County Engineer work with the City of Bismarck and the Dept of Corrections on this item. All members voted "AYE." Motion carried.

Russ Schirado, representative of the outdoor arena committee (fairground rodeo arena), appeared regarding consideration of the purchase of steel fence panels for stalling and/or temporary pens at the outdoor arena, or as needed by the fairgrounds. Schirado presented several costs proposals and noted that the stalls or temporary pens would be rented out during events with the county receiving approximately \$11 per day for the rental. Schirado estimated the annual income from this rental to the county to be \$3,500 per year which would be less than a three (3) year payback.

Comm. Peluso questioned who would be responsible for the collection of the daily rental; submit the fees to the county, and cleanup of the facilities?

Burleigh County Commission 2010 Meeting Minutes

Schirado stated the entity who is renting the facility would be the responsible party.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the purchase and funding of 152 stock panels (60 stalls) from Pahlke Pipe at a cost of \$9,880 for the Missouri Valley Complex (fairgrounds) Rodeo Arena. All members voted "AYE." Motion carried.

The Commission then briefly discussed sales prices for the remaining "fairgrounds" properties.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to review the sales prices of the remaining "fairgrounds" properties taking into account the costs of the water and sewer lines recently installed and to get an estimate of the cost of an appraisal of the property. All members voted "AYE." Motion carried.

HR Director Gall regarding appeared regarding a Committee Member Replacement for the Burleigh County Classification Review Committee.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve a change to the County Personnel Policy, Chapter 3, Section 1, 9(c), changing the membership of the Classification Review Committee from a third person from ND Central Personnel to the HR Director from the City of Bismarck or Bismarck Public School District. All members voted "AYE." Motion carried.

The Commission then continued discussion on guardianship services. Comm. Woodcox stated this item was considered by the Social Service Board at their last meeting. Woodcox called on Social Service Director Doe to provide further information.

Social Service Director Doe appeared and presented information regarding what Social Service Boards do around the state regarding guardianships. Doe stated very few Social Service Boards do much of anything related to guardianships. Doe stated guardianships are not a statutory responsibility of Social Services. Doe added there just is no state funding available for guardianship services. Doe reported the Social Service Board determined that it would be difficult to budget for these services. Doe recommended that legislation be supported in the next legislative session for state funding for guardianship services.

Comm. Woodcox noted that we already provide \$2,000 per month to GaPS along with office space and phone lines and this is more than any other county in the state. Woodcox stated we should not provide further funding for this as it is a state-wide problem.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to go on record to support legislation to provide state funding for guardianship services. All members voted "AYE." Motion carried.

Comm. Bitner noted that at the last meeting the Commission approved the expenditure of \$50 per month for three (3) months for guardianship services through DKK Guardian & Conservatorship Services Inc. Bitner questioned what happens to that person after these three (3) months.

Melvin Webster appeared and stated that in regards to this particular case questioned by Comm. Bitner, the mother has withdrawn the petition and therefore this is no longer an issue.

Deleyte Koropatnicki, DKKS Guardian & Conservatorship Services – Jamestown, ND, appeared and stated that her company is currently providing guardianship services for 18 Burleigh County residents some of whom have been forwarded by GaPS.

Comm. Woodcox stated he is concerned if the county takes over funding of these cases it will be expected to continue and thus another on-going county funded social program.

Comm. Peluso suggested raising the required funding for these cases privately.

Judy Vetter, GaPS, appeared and provided information regarding the services GaPS provides for Burleigh County. Vetter stated that because of funding issues GaPS declines guardianships on mentally ill to focus on helping the elderly.

Comm. Schonert suggested that the ND Association of Counties be contacted regarding this issue for further support at the next legislative session.

Comm. Woodcox suggested funding for guardianships should be considered as part of the 2011 county budget.

Upon further discussion the following motion was made:

Burleigh County Commission 2010 Meeting Minutes

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to authorize the expenditure of \$50 per month from the General Fund to DKK Guardian & Conservatorship Services Inc., for guardianship services for up to a maximum of thirty (30) Burleigh County residents per month for the remainder of 2010.

Auditor\Treasurer Glatt questioned if he is presented a bill for services from DKK Guardianship, who is going to verify that services billed are for Burleigh County residents.

Comm. Woodcox stated that the Social Service Dept would be responsible for verifying residency.

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

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to support a Request for Proposals to study the need for additional prisoner housing to including an intensive regional needs assessment and to support funding for the same. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to accept the resignation of Eldon Spier from the Bismarck City Planning Commission. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to appoint Duey Johnson to the Bismarck City Planning Commission subject his residence being within the extraterritorial zoning area of the City of Bismarck. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the gaming site authorizations of the Convention & Visitor Bureau (Burnt Creek Club) and the Hazelton Lions (Sterling Bar). All members voted "AYE." Motion carried.

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

Kevin J. Glatt,
Auditor\Treasurer

Mark Armstrong
Chairman

Burleigh County Commission

2010 Meeting Minutes

May 17, 2010

5:00 P.M.

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

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

Chairman Armstrong stated he had reviewed the bills and recommended approval.

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

Deputy Auditor/Tax Director Lang-Benjamin 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. Peluso, 2nd by Comm. Schonert, to deny the Shannon abatement as they do not qualify for a Homestead Credit as they do not meet the asset test and to approve the McNulty abatement as they qualify for a Homestead Credit allowance. All members voted "AYE." Motion carried.

County Engineer Hall appeared and presented the following items for the Board's consideration: Dave Patience, Swenson Hagen Co., regarding right-of-way transfer from county to ND State Dept of Corrections; Dennis Schlafmann regarding appeal of Highway Dept decision on public/private road designation and maintenance; request of Clarence Steffes for 2nd approach onto Daniel St (Spiritwood Estates); and consider bids for the Tavis Road & Causeway Project.

Dave Patience, Swenson Hagen Co., appeared regarding the request to transfer old highway right-of-way from the county to the ND State Dept of Corrections. Swenson stated the ND Dept of Corrections is expanding the penitentiary and would like to utilize the old ND State Highway 10 right of way that was deeded to Burleigh County in 1960. Patience stated the right-of-way in question is from S 26th St to the Bismarck Expressway and is the main entrance to the Penitentiary. Patience continued that in 1960, right of way along Old State Highway 10 near the North Dakota State Penitentiary was conveyed to Burleigh County. The State is currently in the planning stages for a major addition and renovation to the Penitentiary. This addition will cross the existing right of way and it is the State's wish that the right of way be conveyed or quit claimed to the State for the penitentiary project. Patience noted the right of way runs along Railroad Avenue between 26th St and the Bismarck Expressway and includes approximately 10.8 acres, is maintained by the State and serves both the State Penitentiary and other State buildings in the area. Patience concluded the County has laid no claim to this roadway and the City (at this point) is not requiring any type of easement along Railroad Avenue.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to authorize the Burleigh County Highway Department to work with the North Dakota State Penitentiary (or their designated consultant) to produce and execute a quit claim deed for right of way along Railroad Avenue between 26th St and the Bismarck Expressway. All members voted "AYE." Motion carried.

Hall then introduced the request of Dennis Schlafmann to appeal the County Road Dept decision to remove his access road from public designation and maintenance. Hall explained that the Road Dept took a hard look at all roads requested by the various townships for maintenance. Hall explained the criteria used to make their determinations: ability to maintain, dedicated right-of-way, and whether the road serves a public interest. Hall continued that the subject ½ mile is in the center of a section that does not serve any public interest with no dedicated right-of-way. Hall stated that the road is in good condition and not bad from a maintenance aspect. Hall conclude that Schlafmann requests the roadway maintenance be "grandfathered" and expressed his concern how this may affect the other 58+ miles of similar roads.

Dennis Schlafmann appeared and stated he desired the road to be "grandfathered" due to health concerns and based upon the fact that the road was built to county specs in 1974 and maintained as a township (public) road since then. Schlafmann stated he was not so concerned with gravel maintenance but desires snow removal services to continue. Schlafmann stated he can think of many farms on dead-end section lines and that he is being singled out since he is on a ¼ section line.

Comm. Bitner questioned if Schlafmann was on the Township Board, with Schlafmann responding he was.

Motion by Comm. Schonert, 2nd by Comm. Woodcox, to "grandfather" this roadway and to continue township road designation (public) for maintenance for as long as Schlafmann and/or his wife reside on the property and subject to written documentation from the Township Board of Supervisors regarding the same.

Comm. Bitner expressed his concern over the precedent this may establish.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to table the Schlafmann request to allow the State's Attorney and County Engineer time to review the request and the precedence it may set. All members voted "AYE." Motion carried.

Burleigh County Commission 2010 Meeting Minutes

Engineer Hall then introduced the request of Clarence Steffes for a 2nd approach onto Daniel St from Lot 1, Block 3, Spiritwood Estates Subdivision. Hall stated from an engineering and traffic safety point-of-view he has no problem with the request. Hall suggested the existing approach be split to provide the access Steffes is requesting, similar to other lots in the subdivision.

Clarence Steffes appeared explained his request for the 2nd approach onto Daniel St.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to approve the Clarence Steffes request for a 2nd approach from Lot 1, Block 3, Spiritwood Estates onto Daniel St. subject to the applicant completing and receiving the necessary permit from the Road & Bridge Dept. All members voted "AYE." Motion carried.

Engineer Hall then presented the results of the bid opening for the Tavis Road and Causeway project. Hall reported that bids were opened on Friday, May 14, 2010 at 4:00 P.M. and the following bids were received:

Weisz & Sons Inc	\$ 941,302.55
Northern Improvement Co	\$1,051,926.37

Hall noted the Engineers' estimate was \$1,125,633.50 with the anticipated total cost of this project to be split as follows:

Burleigh County	\$465,663.18
Lincoln Township	\$250,809.80
City of Bismarck	\$224,829.57

Hall recommended that the Burleigh County Board and the Lincoln Township Board approve the award of bids to the low bidder.

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

Motion by Comm. Woodcox, 2nd by Comm. Schonert, that the Lincoln Township Board hereby awards bids for the Tavis Road and Causeway Project to the low bidder Weisz & Sons Inc. in the amount of \$941,302.55 and to authorize the proper County officials to enter into a contract with said bidder. All members voted "AYE." Motion carried.

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

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to award bids for the Tavis Road and Causeway Project to the low bidder Weisz & Sons Inc. in the amount of \$941,302.55 and to authorize the proper County officials to enter into a contract with said bidder. All members voted "AYE." Motion carried.

Communications Manager Dannenfelzer appeared regarding authorization to advertise for bids to replace the communication shelter located at N 16th St. Dannenfelzer estimated the cost of the shelter replacement at \$75,000 with funds to be expended out of the E9-1-1 Enhancement Fund.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to authorize the advertisement of bids to replace the communication shelter located at N 16th St. with funds to be expended out of the E9-1-1 Enhancement Fund. All members voted "AYE." Motion carried.

Burleigh County Sheriff Dept. Major Witkowski appeared regarding approval of an occupational safety grant with ND DOT for 100% reimbursement of overtime for the "Click-it or Ticket" safety belt enforcement program in the amount of \$3,360.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the occupational safety grant with ND DOT for the "Click-it or Ticket" safety belt enforcement program (PHSP4021005 SP04 PH24). All members voted "AYE." Motion carried.

The Board reviewed an application for appointment to the unexpired term of Eldon Spier on the City Planning Commission. By consensus the Board requested this item be held until the next meeting.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to approve the gaming site authorization of the NoDak Sportsmen at Uncle Jesse's in Driscoll; to approve the liquor license renewal of the Capital City Gun Club; and to approve the raffle permit application of St. Hildegard's Church. All members voted "AYE." Motion carried.

Comm. Bitner presented information regarding needed repairs to certain electrical systems on the fairgrounds property. Bitner stated the rodeo arena and the race track concession building need to be brought up to code. Bitner stated he has solicited quotes from three (3) electricians. Bitner continued the estimates are in the area of \$7,800. By consensus the Board authorized Comm. Bitner to proceed with bringing the electrical systems up to code.

Burleigh County Commission 2010 Meeting Minutes

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

Kevin J. Glatt,
Auditor\Treasurer

Mark Armstrong
Chairman

BURLEIGH COUNTY COMMISSION MEETING MINUTES

June 2, 2010

3:00 P.M.

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

Chairman Armstrong reviewed the statutes and duties of the Board of Equalization and explained the state requirements related to the sales ratio statistics. Armstrong 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.

Deputy Auditor\Tax Equalization Director Lang-Benjamin presented the annual report of assessments for Burleigh County. Lang-Benjamin reported that the total 2010 market value has increased overall by 3.74% (excluding AG land values). Lang-Benjamin reported the main reason for the increase is due to new construction not an increase in the market. Lang-Benjamin stated the average county AG land value as certified by the ND State Tax Dept is \$210.82. Lang-Benjamin recommended an overall AG value increase of 5% countywide to keep Burleigh County within tolerance of the state's recommended average.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to authorize a 6% overall increase on AG lands to an average of \$206.22 per acre. "AYE" votes: Bitner, Peluso, Woodcox, Armstrong. "NAY" vote: Schonert. Motion carried.

Lang-Benjamin presented a detailed summary of changes affecting homestead credits, veteran's credits, new home exemptions, new commercial properties, remodeling exemptions, geothermal exemptions, and the reassessment completed by Painted Woods Township (3 year phase-in of new values).

The Board then reviewed the assessments for the Cities of Bismarck, Lincoln, Regan, South Wilton, and Wing. Lang-Benjamin recommended no changes.

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

The Board then reviewed the assessments for the organized townships. Lang-Benjamin recommended no changes.

Chairman Armstrong called for any testimony\comments relating to the assessments of the organized townships. No one present appeared.

Motion by Comm. Bitner, 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 Deputy Auditor\Tax Equalization Director. All members voted "AYE." Motion carried.

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

Chairman Armstrong called for any testimony from those in attendance regarding the assessment of property within the unorganized townships. No one present appeared.

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

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

BURLEIGH COUNTY COMMISSION MEETING MINUTES

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

Motion by Comm. Bitner, 2nd by Comm. Schonert, to approve the residential remodeling and commercial addition exemptions as recommended by Deputy Auditor\Tax Equalization Director Lang-Benjamin. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve and accept the 2010 real property assessments as equalized, including an average AG value of \$206.22, and to authorize the Deputy Auditor\Tax Equalization Director to make corrections to property values on inundated lands in Burleigh County as needed, and further to adjourn sine die. All members present voted "AYE." Motion carried.

4:20 PM

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

Deputy Auditor\Tax Equalization Director Lang-Benjamin appeared and presented the following abatement 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. Bitner, to approve the Schmaltz abatement as requested. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the liquor license renewals for the Misty Waters Marina LLC (D & S), Hawktree Inc (D & S), Burnt Creek Club (D & S), Uncle Jesse's Bar (D & S), Apple Creek Country Club (E & S), Moffit Bar (D & S), and Sterling Bar (D & S) subject to all necessary paperwork being filed and taxes paid, Township Board approval(s) and review and approval by the Sheriff; to approve the Special Events Liquor License applications for the Sterling Bar for the Menoken Grove Bike Rally June 11-13, 2010, and for the Burnt Creek Club for the Nagel and Colling Weddings on July 31, 2010; to recognize the Capital City Gun Club and ND Appaloosa Horse Club as other public spirited organizations and to approve the Capital City Gun Club, ND Appaloosa Horse Club and Apple Creek School PTO Raffle Permit applications; and to approve the Lost Instrument Surety Bond to replace check #79579 (\$500). All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to appoint Vernon Laning to the unexpired term on the Bismarck City Planning Commission. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to reappoint Jack Kavaney to a five (5) year term on the County Board of Health. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to reappoint Leo Voigt to a three (3) year term on the Social Service Board. All members voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to approve the Amendment for use of Justice Assistance Grant Award (JAG) GMS Application #208-F7830-ND-DJ; to approve the Grant Agreement with the City of Bismarck, City of Mandan and Morton County for the US Dept of Justice (USDOJ) COPS Interoperable Communications Technology Grant Award (Grant #2005INXW0013); and to approve the Agreement for Use of Justice Assistance Grant Award GMS Application #2010-H6616-ND-DJ. All members voted "AYE." Motion carried.

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

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

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

BURLEIGH COUNTY COMMISSION MEETING MINUTES

The Board briefly discussed and reviewed the minimum sales price values for the property offered for sale at the Missouri Valley Complex.

4:13PM

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

5:08 PM

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

Planning Director Hokenstad appeared regarding amendment(s) to the Wind Tower Farm Ordinance. Hokenstad presented recommendations from the County Planning Commission considered at the May 18, 2010 Planning Commission Public Hearing. Hokenstad noted under consideration are amendments requested by NextEra Energy and fees. Hokenstad stated the first requested amendment deals with the timing of letters received from other agencies (Section III, Subsection 6, page 13 - Special Use Permit Application Submittal Items). Hokenstad continued the Planning Commission recommends copies of letters of application to the agencies requesting review of the project be submitted with the special use permit application, and that letters of acceptance from the agencies not be required until application is made for a building permit.

Hokenstad then presented the second requested amendment which covers the transfer of ownership (Section II, Subsection 41, page 11 – Criteria, Transfer of Ownership of a Wind Turbine Facility). Hokenstad reported the Planning Commission recommends no change to the current Ordinance.

Hokenstad noted the final item under consideration is fees. Hokenstad stated that after lengthy discussion, the Planning Commission failed to reach a consensus and recommends that regardless of the fee structure, wind turbines be inspected in accordance with the building code.

Comm. Schonert initiated a discussion regarding fees. Schonert questioned whether we should charge a building permit fee as he does not believe staff has the expertise to inspect wind towers. Schonert suggested a fee in lieu of a building permit be considered.

Building Inspector Ziegler appeared and stated that staff does indeed have the expertise and qualifications to inspect the wind turbines.

Comm. Schonert then expressed concern regarding the liability the county might assume if problems arise after the inspection and the building permit is approved.

Ziegler stated the county would have no liability. Upon question Asst. State's Attorney Feland stated she would need more time to adequately research the issue.

Comm. Schonert then questioned if there is adequate staff to complete the necessary inspections. Schonert added he feels this is outside the realm of what the county should be doing. Schonert continued that the county should consider establishing its own Planning, Zoning and Building Inspection Dept(s) so we can guide them the way we want to. Schonert continued that things have not been working with the joint city\county department. Schonert stated the staff seems to be working against the County Commission. Schonert stated the county would be better to follow the Ecklund Township ordinance with a fee in lieu of a building permit with no inspection required.

Comm. Peluso stated he agrees with Schonert and likes the Ecklund Township model.

Comm. Schonert requested the County Planning Commission "weigh-in" on whether to create our own Planning and Inspection Depts.

Scott Scovil, NextEra Energy, appeared and stated to his knowledge none of their ND projects have ever been inspected by a local Building Inspector.

Comm. Woodcox noted that NextEra does its own inspections and for us to inspect the same would be redundant.

BURLEIGH COUNTY COMMISSION MEETING MINUTES

John Spitzer, Ecklund Township, appeared and stated that the towers are pre-engineered and built like an "erector set."

The Board then discussed various options for special use permit fees and building permit fees. Chairman Armstrong noted the Planning Commission considered a \$500 special use permit fee and a building permit fee of \$3,500 per tower. Armstrong stated he trusts our Planning & Inspections staff and believes they are providing needed and required services.

Comm. Bitner suggested of a fee in lieu of a building permit equal to \$200,000 per 100,000 megawatt of power.

Upon question Asst. State's Attorney Feland stated that unless further changes are made to the Burleigh County Zoning Ordinance, an inspection and building permit fee is required. Feland continued that the County Commission could today establish a new building permit fee specifically for wind towers to meet the requirements of the current ordinance. Further discussion was held including a split of the fees with the affected townships.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to amend the existing Wind Turbine Farm Ordinance, thereby establishing a Special Use Permit fee of .001 (1/10th of 1%) of the value of each wind turbine and split the fee between the County of Burleigh and the Township wherein the tower is located, 75% county and 25% township. All members voted "AYE." Motion carried.

The Board then discussed establishing a separate Building Permit Application fee which pertains to wind turbines only. Chairman Armstrong suggested 10% of the Special Use permit fee as a starting point. Comm. Peluso suggested \$500 per tower. Building Inspector Ziegler questioned that if the building permit fee is supposed to cover the cost of the inspection, what happens when the \$500 is exhausted? Comm. Schonert replied more funds could be allocated at a later date if necessary. Chairman Armstrong noted that in the present situation – 60 towers will equate to \$30,000 which should cover the inspection costs.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to amend the existing Wind Turbine Farm Ordinance, thereby establishing a separate Building Permit Application fee of \$500 per wind turbine. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to direct the Burleigh County Planning Commission to study the issue of whether the county should create a separate County Planning and Building Inspection Departments. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to amend the existing Wind Turbine Farm Ordinance, thereby requiring letters of application from the applicant to the agencies requesting review of a proposed Wind Farm be submitted at the time of application for the Special Use Permit and letter of acceptance from the agencies required at the time of the application for building permits. All members voted "AYE." Motion carried.

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 Board then discussed the request of Dennis Schlafmann to appeal the County Road Dept decision to remove his access road from public designation and maintenance that was tabled at the last meeting. Hall explained that the Road Dept took a hard look at all roads requested by the various townships for maintenance. Hall explained the criteria used to make their determinations: ability to maintain, dedicated right-of-way, and whether the road serves a public interest. Hall continued that the subject ½ mile is in the center of a section that does not serve any public interest with no dedicated right-of-way. Hall stated that the road is in good condition and not bad from a maintenance aspect. Hall noted Schlafmann requests the roadway maintenance be 'grandfathered.' Hall expressed his concern how this may affect the other 58+ miles of similar roads. Hall concluded that the roadway can still be maintained by the Road Dept on an as-call basis by the township as with other roadways not on the road maintenance list.

Upon question Asst. State's Attorney Feland stated the subject roadway is a private road and if the Commission approves this request, the county will have a long list of similar private roads desiring similar treatment.

BURLEIGH COUNTY COMMISSION MEETING MINUTES

Motion by Comm. Bitner, 2nd by Comm. Woodcox, to deny the Dennis Schlafmann appeal of the County Road Dept decision to remove his access road from public designation and maintenance. All members voted "AYE." Motion carried.

Engineer Hall then introduced the request of Brad & Jamie Hawk for a 2nd approach onto Pin Oak Loop (Pine Meadow 2nd Subdivision). Hall stated that he has inspected the site and agrees with the landowner that there is no good place on the lot to put an additional approach. Hall noted there are low speeds in this subdivision and good site distance.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the Brad & Jamie Hawk request for a 2nd approach onto Pin Oak Loop (Pine Meadow 2nd Subdivision) subject to the applicant completing and receiving the necessary permit from the Road & Bridge Dept. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to authorize the advertisement of bids for the removal of trees within the right-of-way at five (5) locations both as a safety measure and to eliminate snow traps. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to approve the addition of the construction of 41st Street NE between 84th Avenue NE and Connar Drive to the 2010 County Project Priority List to coincide with the proposed Prairie Pines Subdivisions special assessment district. All members voted "AYE." Motion carried.

Motion by Comm. Schonert, 2nd by Comm. Bitner, to authorize the proper County Officials to enter into an agreement with the North Dakota Department of Transportation assigning the responsibility for maintaining county roads within NDDOT right of way as consistent with our existing practices. All members voted "AYE." Motion carried.

HR Director Gall appeared and presented the following items for the Board's consideration: employee classification changes; resolution to restrict smoking at the main entrances of County Buildings; and updates of Chapter 12, Section 24 (Wireless Communications Device Policy) and Chapter 4, Section 4 (Sick Leave) Personnel Policies.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve and adopt the following Classification Review Committees recommendations: Re-classify Jeff Ubben, Assistant Attorney I, Grade 11, Step 4 to the classification of Assistant Attorney II, Grade 12, Step 3; Re-classify Fred Myers, Shop Maintenance Worker II, Grade 5, Step 14 to Shop Maintenance Worker III, Grade 6, Step 12.; Reclassify Katie Fiechtner, from Social Worker I, Grade 9, Step 2 classification to Social Worker II, Grade 10, Step 1 within Burleigh County's classification system upon final approval of the classification within the State of North Dakota (Human Services Dept) classification system. All members voted "AYE." Motion carried.

Gall then presented Sheriff Heinert's request for reclassifications for Deputy Sheriff Schroeder to Deputy Sheriff – Automation and Public Service Tech III Hertz to Administrative Assistant - Detention. Gall stated the Classification Review Committee recommends Sheriff Heinert request a new technology position in the 2011 budget rather than taking a sworn Deputy Sheriff position. The Committee also recommended that if Schroeder has taken on additional duties and responsibilities coupled with Schroeder's seniority, may have created a salary compression issue and therefore a salary adjustment rather than a change in the classification may be needed.

Gall reported the Classification Review Committee recommends forwarding the Public Service Technician III (Hertz) position classification information to Fox Lawson & Associates for review.

Motion by Comm. Woodcox, 2nd by Comm. Bitner, to forward the Reclassification request for PST III Hertz to Fox Lawson & Associates for further review. All members voted "AYE." Motion carried.

Comm. Peluso recommended forwarding the Schroeder request to Fox Lawson & Associates for further review with Sheriff Heinert concurring.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to forward the Reclassification request for Deputy Sheriff Schroeder to Fox Lawson & Associates for further review. All members voted "AYE." Motion carried.

BURLEIGH COUNTY COMMISSION MEETING MINUTES

Motion by Comm. Woodcox to approve a resolution to restrict smoking at the main entrances of County Buildings. Motion died for lack of second.

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to direct the HR Dept to draft a formal Personnel Policy related to restricting smoking at the main entrances of County Buildings. All members voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to approve the recommended updates to Chapter 4, Section 4 (Sick Leave) of the Personnel Policies. All members voted "AYE." Motion carried.

The Board discussed updates to Chapter 12, Section 24 Wireless Communications Device Policy and suggested additional changes be made to the proposed policy prior to further discussion by the Board. No action was taken.

The Board then discussed revisions and updates to the minimum sales prices on the remaining "fairgrounds" properties.

Motion by Comm. Schonert, 2nd by Comm. Peluso, to approve minimum sales prices for

Lot 1, Block 1, Missouri Valley Complex 1st Replat \$410,000

Lot 2, Block 1, Missouri Valley Complex 1st Replat \$235,000

with the remainder of the cost of the water and sewer pro-rated between the remaining lots as follows:

Lot 1, Block 2, Missouri Valley Complex 1st Replat \$ 2,125,000

Lot 3, Block 2, Missouri Valley Complex 1st Replat \$350,000

All members voted "AYE." Motion carried.

Comm. Woodcox presented a report from the Burleigh Morton Mandan Bismarck (BMMB) Committee regarding proposed funding allocations for a regional detention center needs assessment. Woodcox stated BMMB has set a cap on the study at \$50,000. Woodcox continued BMMB is proposing that 70% of the study cost be funded by Burleigh\Bismarck and 30% funded by Morton\Mandan. Woodcox reported that a split of 67% Burleigh County and 33% Bismarck has been approved by the City Commission. Woodcox recommended the County Commission approve the same.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the expenditure of up to \$23,450 for the proposed regional detention center needs assessment. All members voted "AYE." Motion carried.

7:19PM

County Engineer Hall and Asst. State's Attorney Feland appeared regarding negotiations for possible purchase of property for a Bismarck area county shop site. Asst. State's Attorney Feland suggested the Board convene an Executive Session pursuant to NDCC44-04-19.1(9).

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

7:34PM

The Burleigh County Commission reconvened with all members present.

Chairman Armstrong reconvened the meeting by explaining that County Engineer Hall has been directed to negotiate with one or more landowners for the purpose of purchasing property for a future county Road Dept shop location in the Bismarck area.

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

BURLEIGH COUNTY COMMISSION MEETING MINUTES

June 21, 2010

5:00 P.M.

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

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

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

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

Communications Manager Dannenfelzer appeared regarding disposition of bids to replace the communication shelter located at N 16th St. Dannenfelzer reported the following bids were received:

Sabre Communications Corp \$98,933

Thermo Bond Buildings LLC \$83,652

Dannenfelzer reported both bids meet minimum specifications and recommended award of the low bid to Thermo Bond Buildings LLC in the amount of \$83,652.

Dannenfelzer concluded that he is soliciting price quotes for electrical work and fencing to complete the project and will report back to the Commission with the results.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to award bids to replace the 16th St N communications shelter to the low bidder Thermo Bond Buildings LLC in the amount of \$83,652. All members voted "AYE." Motion carried.

Asst. County Planning Director Lee appeared regarding acceptance of right-of-way dedication within the final plat of Country View Estates.

Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve the right-of-way dedication within final plat of Country View Estates. All members voted "AYE." Motion carried.

Tom Porter, Director Bis-Man Civic Chorus, appeared and requested funding for the 2010-2011 concert season. Porter explained the use of the funds and noted that the Chorus does not request annual funding from the county so as to allow funding for other organizations.

Upon question Auditor\Treasurer Glatt reported that no monies were budgeted in 2010 for this \$3,000 request. Comm. Woodcox noted the Civic Chorus concert season spans the 2010-2011 and that funds could be budgeted and expended from the 2011 budget. Comm. Schonert suggested this request be made as part of the 2011 budget deliberations and the Commission directed Auditor\Treasurer Glatt to include this request in the preliminary budget.

Dave Peterson, Painted Woods Township appeared and requested county cost-share assistance for reappraisal work done this spring. Peterson requested \$3,000 assistance, approximately ½ of the cost of the reappraisal. Peterson asked that the outstanding bill owed the county for road work be reduced by this \$3,000. Upon question Auditor\Treasurer Glatt explained that over the years cost share assistance has been provided to townships for reappraisal work when utilizing Vanguard Appraisal Services.

Comm. Schonert suggested cost sharing for 50% of the reappraisal with funds coming from the General Fund and not the Road Fund.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve payment of \$2,727.50 to Painted Woods Township for 50% cost share for the 2010 Vanguard reappraisal. All members voted "AYE." Motion carried.

Deputy Auditor\Tax Director Lang-Benjamin appeared with the following abatements for the Board's consideration:

Lang-Benjamin recommended award of the abatements.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the Walz, McCullough, Wagner, Kreitel, and Martel abatements as requested. All members voted "AYE." Motion carried.

County Engineer Hall appeared regarding the following items for consideration as the County Commission and the Riverview Township Board of Supervisors: review of the Highway Department's decision related to proposed Prairie Pines Subdivision Special Assessment District inclusion of adjacent section line roads; authorization for the County Engineer to grant 2nd approach permits under a given set of rules; authorization for the advertisement of bids for the 149th Avenue NW construction project; and authorization to seek construction services proposals for the 149th Ave NW project.

Hall introduced the first item noting the residents of Prairie Pines Subdivision are working on establishing a special assessment district and the Road Dept has reviewed the request and proposes setting up the SAD with a portion of the adjacent section line roads included in the assessment district. Hall continued that residents within the subdivision would like the Board to review the proposal and reduce, if not eliminate, the adjacent section line roads from the SAD. Hall presented information detailing the proposal and cost sharing between the county, Burnt Creek Township, and the residents of the subdivision thru the special assessment process.

Bob Olson, subdivision resident, appeared and stated overall there is much interest in creating a special assessment district to pave the interior subdivision roads. Olson continued there is less support for the assessment district if it includes paving

BURLEIGH COUNTY COMMISSION MEETING MINUTES

of adjacent section line roads as part of the cost of the assessment district. Olson stated many residents feel the assessment district should not be responsible for paying for the southern section of 41st St due to its distance from the subdivision. Olson concluded that a majority of the residents want pavement, but a majority will not sign a petition that requires payment for the adjacent section line roads.

Upon question Hall responded that preliminary estimates indicate a \$10,000 per lot assessment including the adjacent section line roads and \$7,700 without.

Comm. Schonert explained the current policy requiring the inclusion of access roads and the roadways around a proposed special assessment district. Schonert noted the costs are split by the county, township and special assessment district. Schonert suggested the current policy be reviewed and possibly amended prior to any formal action on this request.

Julie Eikamp and Carla Gellerman, subdivision residents, appeared and suggested changes to the present proposal regarding the sharing of costs by the assessment district.

The Board by consensus agreed to table this request and direct the County Engineer to develop a policy regarding the allocation of costs for paving section line access and adjacent section lines roads when establishing special assessment districts for existing subdivisions.

Hall then presented a proposed policy as requested by the Commission allowing the County Engineer to approve 2nd approach permits. Hall noted historically, residents of Burleigh County have been required to petition the County Board for permission to build a 2nd approach to their property.

State's Attorney Riha appeared and noted his 2004 Opinion to the Board of Commissioners that under current county zoning ordinance the County Commission must approve 2nd approach permits. Riha continued that if the Commission approves a set of criteria for 2nd approaches, this criteria could be reviewed by the county engineer and approved by the Commission as a consent agenda item.

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to approve the criteria as presented by Engineer Hall for review of 2nd approach permits and further that if the criteria are met the County Engineer shall place the item on a Commission Meeting consent agenda for approval by the County Commission. All members voted "AYE." Motion carried.

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

Hall then reported that over this past year, the Highway Department, Burleigh County Water Resource District and Houston Engineering Inc. have been working on a plan for the reconstruction of 149th Avenue NW from State Highway 1804 to the Missouri River. Hall continued that the project will consist of reconstructing the drainage along 149th Avenue NW, installing adequate culverts, rebuilding the roadway and reconstructing the drainage ditch to and outfall at the Missouri River. Hall noted that after a thorough review of the situation, it was decided that a joint design project with the Burleigh County Water Resource District (BCWRD) would be beneficial to both parties. Hall reported the design project is now completed and includes a complete set of plans and specifications to accomplish the following: reconstructing the drainage along 149th Avenue NW, installing adequate culverts, rebuilding the roadway and reconstructing the drainage ditch to and outfall at the Missouri River. Hall recommended that the Riverview Township Board and the County Commission authorize the advertisement of bids for this construction project and further to authorize a request for proposals for a consulting firm to perform construction administration in order to complete this project this year. Hall estimated the consulting expenses between \$110,000 and \$130,000.

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

Motion by Comm. Peluso, 2nd by Comm. Woodcox, to authorize the advertisement of bids for the reconstruction of 149th Avenue NW from State Highway 1804 to the Missouri River and further to authorize the advertisement to seek construction service proposals for the reconstruction of the same. All members voted "AYE." Motion carried.

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

Motion by Comm. Woodcox, 2nd by Comm. Schonert, to authorize the advertisement of bids for the reconstruction of 149th Avenue NW from State Highway 1804 to the Missouri River and further to authorize the advertisement to seek construction service proposals for the same. All members voted "AYE." Motion carried.

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

Motion by Comm. Bitner, 2nd by Comm. Peluso, to authorize the increase in inmate housing rates contract with the City of Bismarck from \$55.50 per day to \$58.25 per day effective 1/1/2011. All members voted "AYE." Motion carried.

HR Director Gall appeared with the following items for the Board's consideration: appeal of decision regarding Fred Meyer's grade & step placement, and consideration of Fox Lawson Assoc review of classifications for a Deputy Sheriff and Detention Center position.

BURLEIGH COUNTY COMMISSION MEETING MINUTES

Engineer Hall appeared and requested the Commission consider a step increase for Fred Meyer. Hall continued that the Commission approved the requested reclassification of Meyer with no increase in salary on June 2nd. Hall stated the request for the step increase is to allow for a salary increase to recognize Meyer's duties, responsibilities, and value to the county.

Motion by Comm. Bitner, 2nd by Comm. Schonert, to approve a step increase for Fred Meyer from a Grade 6, Step 12 to a Grade 6, Step 14.

Comm. Peluso stated the salary increase although warranted, should be made as part of the budget process.

Vote on Motion: All members voted "AYE" except Comm. Peluso. Motion carried.

Gall then reported that the Commission at the last meeting directed the reclassification requests for Schroeder and Hertz be forward to Fox Lawson & Associates for further review. Gall continued Fox Lawson has completed the review and recommends Schroeder's position be reclassified to a Deputy Sheriff-Technology at a Grade 9, and Hertz's position be reclassified to a Accounting Specialist or Accounting Technician at a Grade 5.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to approve the recommendations of Fox Lawson & Associates reclassifying the positions held by Tom Schroeder (Deputy Sheriff-Technology) from Grade 7, Step 8 to a Grade 9, Step 3; and to reclassify the position held by Jaymie Hertz (Accounting Specialist or Accounting Technician) from a Grade 4, Step 6 to a Grade 5, Step 4, effective July 11, 2010. All members present voted "AYE." Motion carried.

Motion by Comm. Bitner, 2nd by Comm. Peluso, to endorse and approve a letter of support for grant funding for the expansion and retro-fit of the current Bis-Man Transit bus parking garage through FTA Bus Facilities Initiative Funds. All members voted "AYE." Motion carried.

Motion by Comm. Peluso, 2nd by Comm. Bitner, to approve the raffle permit of the Grace Lutheran Church Women (Driscoll), the gaming site authorization of the Rocky Mountain Elk Foundation (Capital City Gun Club) and to assign voting credentials for the National Association of Counties Annual Conference to North Dakota Association of Counties Executive Director Mark Johnson. All members voted "AYE." Motion carried.

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

Kevin J. Glatt, Auditor/Treasurer

Mark Armstrong, Chairman