

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
August 1, 2022**

5:15 P.M.

Chairman Peluso called the regular meeting of the Burleigh County Commission to order.

Roll call of the members; Commissioners, Bitner, Matthews, Jones, Armstrong, and Chairman Peluso present.

Motion by Comm. Armstrong, 2nd by Comm. Bitner to approve the July 20, 2022, meeting minutes and bills. All members present voted "AYE"; motion carried.

The following abatement were presented for the Board's consideration; a complete copy of which are on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion by Comm. Jones, 2nd by Comm. Armstrong to approve the Welch abatement, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

This was the hour and date set for a public hearing on modification to Goehring Subdivision.

Commissioner Bitner asked for clarification why it is at the commission meeting rather than the planning commission and County Associate Planner McMonagle explained that it is a Plat modification not a Lot modification and per article 33 section 22 the public hearing goes straight to the county commission.

County Associate Planner McMonagle explained that Burleigh County was approached by Mark Isaac, Independent Land Surveyor regarding the Goehring Subdivision. His request was to add acreage to Lot 3, Block 1 of Goehring Subdivision from 19 acres, more or less, to 29 acres, more or less. They held a staff review for questions regarding the Goehring Plat. The 10 acres decrease from Lot 2, Block 1, Goehring Subdivision (11300 15th Street NW) will change the 18 acres more or less to 8 acres more or less. Both lots are currently zoned R1 which does allow for less than 10 acres sized parcels. Donald Sabo intends to change the R1 zoning to AG to raise cattle on the parcel.

There were no concerns to be addressed since only 2 lots are involved in the land transfer, without changing the boundaries of the original subdivision, it was determined this modification qualifies for Title 33, Section 12 of the Burleigh County Zoning Ordinances. Based on supporting documents and the findings by the planning department, it is recommended to approve the lot modification to be recorded against the final Goehring Subdivision Plat.

Chairman Peluso closed the regular commission meeting and opened the public hearing and called for public testimony. As no one present appeared, the public hearing was closed, and the Burleigh County Commission immediately reconvened with all members present and made the following motion:

Motion by Comm. Bitner, 2nd by Comm. Matthews to approve the lot modification to be recorded against the final Goehring Subdivision Plat. All members present voted "AYE"; motion carried.

City of Bismarck Community Development Director Ben Ehreth appeared before the commission and presented the City of Bismarck's draft Together 2045 Comprehensive Plan, which is an update to the City of Bismarck Comprehensive Plan. They are seeking public comment until September 9, 2022, would consider any feedback received from the County before the final draft is presented to the City Planning and Zoning Commission and City Commission in the Fall of 2022, with anticipated completion by December 31, 2022.

County Engineer Hall requested the authorization to seek various design services from several consultant engineering firms on the 66th Street NE I94 Interchange.

Hall stated that recently, Burleigh County in partnership with City of Lincoln, City of Bismarck and the North Dakota Department of Transportation has applied for a "Rural Surface Transportation Grant", from the Federal Government, for the construction/reconstruction of 66th Street NE from County Highway 10 to 43rd Avenue NE (including an interchange with I-94). This grant totaled over \$33 million and included design and construction of this segment of roadway. the grant requires the project to under construction within 18 months of the awarding of the grant. The only way meets the timeline is to begin the design process prior to knowing if we have been awarded the grant.

Hall recommended that the County Auditor and the County Engineer are hereby authorized to advertise to seek design service proposals for the 66th Street NE I-94 Interchange Project.

Motion by Comm. Jones, 2nd by Comm. Matthews to approve that the County Auditor and the County Engineer are hereby authorized to advertise to seek design service proposals for the 66th Street NE I-94 Interchange Project. All members present voted "AYE"; motion carried.

With absence of County Superintendent of Schools Brandt Dick Auditor Vetter presented the nominations of Linda MacDonald and Dawn Aberle to the Commission for the expired terms of the County School Reorganization Committee. Motion by Comm. Bitner, 2nd by Comm. Jones to approve Linda MacDonald and Dawn Aberle each to a (3) year terms to the County School Reorganization Committee. All members present voted "AYE"; motion carried.

County Sheriff Leben presented the 2022 Justice Assistance Grant to the Commission. The Justice Assistance Grant (JAG) is an annual grant awarded to the City of Bismarck with Burleigh County as a Sub-Grantee. The Grant is used to aid in equipment purchases. Leben recommended that the proper County officials are hereby authorized to authorize the JAG Agreement between Burleigh County and the City of Bismarck. Motion by Comm. Jones, 2nd by Comm. Armstrong to approve that the proper County officials are hereby authorized to authorize the JAG Agreement between Burleigh County and the City of Bismarck. All members present voted "AYE"; motion carried.

County HR Director Binder presented the Annual Leave, Sick Leave, Other Leave and Family Medical Leave Act policy revisions to the Commission indicating that minor changes were made to the verbiage for better clarification to the existing policies.

Motion by Comm. Armstrong, 2nd by Comm. Jones to approve the revisions to the Sick Leave Policy. All members present voted "AYE"; motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong to approve the revisions to the Family Medical Leave Act. All members present voted "AYE"; motion carried.

No changes/revisions were made with Other Leave; therefore, no action was taken.

Motion by Comm. Matthews, 2nd by Comm. Jones to approve the revisions to the Annual Leave Policy. All members present voted "AYE"; motion carried.

County Finance Director Grenz presented the County Superintendent of Schools contract agreement from July 1, 2022, through June 30, 2023, for approval. Motion by Comm. Jones, 2nd by Comm. Bitner to approve the County Superintendent of Schools contract agreement from July 1, 2022, through June 30, 2023.

County Finance Director Grenz presented an update on the Verizon Tower Lease amendment. Verizon presented a new amendment that raised the proposed annual amount, escalator, and added a rent guarantee. Motion by Comm. Jones, 2nd by Comm. Matthews to accept the update Verizon Tower Lease amendment rent amount of; \$34,000.00 annually,

commencing on (October 1, 2022); new rent escalator of 15% every 5 years, (next increase on October 1, 2027); eight (8) additional five (5) renewal terms; rent guarantee of \$170,000.00 for the next 60 months. Commissioners Jones, Armstrong and Matthews voted "AYE"; Commissioners Bitner and Peluso voted "NAY"; motion carried.

County Finance Director Grenz presented discussion on the 2023 budget. Grenz mentioned that salaries were miscalculated and that approximately \$5,200.00 needs to be added to the Extension Budget. Situations were presented to the Commission showing options for the portion of the Public Health building and a 3% COLA and the effects on the mill levy. Commissioner Bitner prompted discussion regarding Bismarck Burleigh Public Health contract.

Motion by Comm. Bitner, 2nd by Comm. Armstrong to add \$5,200.00 to the Extension budget, amend Public Health budget to lower those line items from 20% as proposed to 5%, remove the facility maintenance fee, and remove the \$2,100,000.00 General Fund transfer.

City of Bismarck Administrator Keith Hunke appeared and expressed his concern with the cuts to the Public Health budget and possible reduction in services to County residents. Hunke asked the Commission to have discussions on this budget before making any cuts.

Commissioner Matthews also expressed concern to the cuts to the Public Health budget.

Chairman Peluso agreed to the cut to the \$2,100,000.00 General Fund transfer. Peluso also mentioned not cutting the line items that increased from 5% to 20% as those cannot be added back in after approving a preliminary budget.

Bismarck Burleigh Public Health Director Moch appeared and spoke to the Commission regarding prior Commission comments and questions as did City of Bismarck Finance Director Dmitriy Chernyak. Moch and Hunke appeared again to attempt to answer questions of the Commission.

Commissioner Armstrong indicated that the County should negotiate with the City of Bismarck on the Public Health budget.

Comm. Bitner amended his motion, 2nd by Comm. Armstrong to include the \$5,200.00 for Extension, negotiate with the City of Bismarck on the Public Health line items that are proposed to go from 5% to 20%, cut the facility maintenance fee and cutting the \$2,100,000.00 General Fund transfer. Commissioners Jones, Armstrong, Bitner and Peluso voted "AYE"; Commissioner Matthews voted "NAY"; motion carried.

Motion by Comm. Bitner, 2nd by Comm. Jones to adopt preliminary budget. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2nd by Comm. Bitner to call for the budget Public Hearing September 21, 2022. All members present voted "AYE"; motion carried.

Commissioner Jones shared the email from David Nehring stating that he has accepted a position with Summit Carbon Solutions and wishes to avoid any potential issues of conflict of interest and therefore wishes to resign his position as Burleigh County Weed Board member, effective immediately. Jones also stated that Nehring had called her earlier in the day to ask to hold his resignation. Commissioner Bitner said he had received a similar call from Nehring stating that he had a chance to think about his position and would like to remain on the Burleigh County Weed Board. The commission had a discussion on whether it is a conflict. Chairman Peluso asked State's Attorney Lawyer's opinion of it being a conflict of interest and she stated that you won't know until a situation arises.

Motion by Comm. Bitner, 2nd by Comm. Armstrong to not accept the resignation of David Nehring from the Burleigh County Weed Board. Commissioners Armstrong, Bitner, Matthews, and Peluso voted "AYE"; Commissioner Jones voted "NAY"; motion carried.

Commissioner Jones stated that she discovered some things being done with the Weed Board that she feels needs to be addressed and asked State's Attorney Lawyer to explain. Lawyer stated that this topic came up in Other Business in a prior meeting and suggested at that time to have it as an agenda item but was dropped and suggested that the Weed Board should be on the agenda for another meeting to address the situation. Commissioner Bitner asked if it needs to be an executive session and Lawyer stated that she will check which way it needs to be discussed.

Meeting adjourned.

Leo Vetter, Auditor/Treasurer

Jim Peluso, Chairman