

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
January 18, 2023**

5:00 P.M.

Chairperson Matthews called the regular meeting of the Burleigh County Commission to order.

Roll call of the members; Commissioners, Munson, Schwab, Bitner, and Chairperson Matthews present, Commissioner Woodcox absent.

Motion by Comm. Munson, 2nd by Comm. Bitner to approve the January 4, 2023, meeting minutes, January 13, 2023, special meeting, and bills. All members present voted "AYE"; motion carried.

The following abatements 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. Munson, 2nd by Comm. Schwab to approve Getz, Haugen, Legenfelter, Cargle, Kumerow, Johnson (2), Soule, Brown, Yanez, Rothacker, Lindsey, Czczok, Fetzer, Beyer, Feland, Stolt, Vogel, Collins, Lechner, Volk, Davison, Kraft, Howe (2), Haider (2) and Anderson abatements; along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Dana Brandenburg requested permission to pile snow on county property near the Detention Center, and after discussion with the commission and Sheriff Leben a motion was made by Comm. Schwab, 2nd by Comm. Bitner to not approve Dana Brandenburg to pile snow on county property near the Detention Center. All members present voted "AYE"; motion carried.

County Engineer Hall presented a request for approval to advertise for bids for the Apple Creek Roadway mill and overlay project (from City Limits to the west limit of the 66th Street SE Railroad Overpass project) which was included in the approved (during the budget process) 2023 project list. The Highway Department has been working on a plan for this project and is now ready to advertise for bids. We will be using 100% local funds for the construction of this project. Hall recommended the Board adopt the proposed resolution: Therefore, be it Resolved: That the County Auditor and the County Engineer are hereby authorized to advertise for bids for the Apple Creek Roadway mill and overlay project.

Motion by Comm. Schwab, 2nd by Comm. Munson to approve the proposed resolution: Therefore, be it Resolved: That the County Auditor and the County Engineer are hereby authorized to advertise for bids for the Apple Creek Roadway mill and overlay project. All members present voted "AYE"; motion carried.

County Engineer Hall stated the Highway Department decided to pull agenda item (6.b.) pertaining to the use of emergency funds for snow removal since they are still gathering information and would like to review everything with Commissioner Schwab before bringing it back to the board.

County Engineer Hall presented the Highway Department request for Authorization to seek a consultant engineering firm to design the reconstruction of 08-115-37.0, 08-126-40.0 and 08-117-43.0. Hall recommended approval by the Burleigh County Board of the proposed resolution; Therefore, be it Resolved: That the County Auditor and the County Engineer are hereby authorized to advertise to seek engineering design service proposals for the reconstruction of Bridges 08-115-37.0, 08-126-40.0 and 08-117-43.0 and the removal of Bridges 08-118-34.0 and 08-133-44.0.

Motion by Comm. Munson, 2nd by Comm. Schwab to approve the Burleigh County Board of the proposed resolution; Therefore, be it Resolved: That the County Auditor and the County Engineer are hereby authorized to advertise to seek engineering design service proposals for the reconstruction of Bridges 08-115-37.0, 08-126-40.0 and 08-117-43.0 and the removal of Bridges 08-118-34.0 and 08-133-44.0. All members present voted "AYE"; motion carried.

County Engineer Hall presented the Highway Department request for Authorization to seek a consultant engineering firm to perform construction engineering services for the reconstruction of Bridges 08-117-05.0. Hall recommended approval by the Burleigh County Board of the proposed resolution; Therefore, be it Resolved: that the County Auditor and the County Engineer are hereby authorized to advertise to seek construction engineering services proposals for the reconstruction of Bridges 08-117-05.0.

Motion by Comm. Bitner 2nd by Comm. Schwab to approve the Burleigh County Board of the proposed resolution; Therefore, be it Resolved: that the County Auditor and the County Engineer are hereby authorized to advertise to seek construction engineering services proposals for the reconstruction of Bridges 08-117-05.0. All members present voted "AYE"; motion carried.

County Engineer Hall presented the McLean County Cost Share Project and stated that the Burleigh County Highway Department has been approached with a proposed cost sharing project. McLean County is planning on milling, overlaying and sliver widening several roadways in the Wilton area. To complete all their roadways in the area they would like to perform work on several roadways that are jointly owned with Burleigh County. Historically, Burleigh County has worked with McLean County on maintenance to these roadways. This work is proposed to take place in 2023 and Burleigh County's share would be around \$137,000. The work would be 100% local funded.

Hall recommended the County Board approve the proposed resolution; Therefore, be it Resolved: That the Highway Department is hereby authorized to use local funds to pay our share of the McLean County milling, overlaying and sliver widening project (of Burleigh County Roadways) in the City of Wilton area.

Motion by Comm. Bitner, 2nd by Schwab to approve the County Board of the proposed resolution; Therefore, be it Resolved: That the Highway Department is hereby authorized to use local funds to pay our share of the McLean County milling, overlaying and sliver widening project (of Burleigh County Roadways) in the City of Wilton area, adding to include "only" the roads in Burleigh County. All members present voted "AYE"; motion carried.

County Engineer Hall shared with the commission that during the development of the 2023 Highway Department Budget, they set aside \$270,000 to replace two of their existing 2006 International single axle dump trucks (Unit #11-67 and Unit #11-65) (including chassis and all new required components). Hall intended to sell both of the older units on Public Surplus auction; however, since the development of the budget they have decided that placing on of the old units in the Wilton Shop would help our operations in the north half of the county.

Hall continued to explain to achieve this (and stay reasonably close to our 2023 Equipment Budget line item) they will need to do the following items: Instead of purchasing the trucks off the North Dakota State Bid, they will need to purchase them off the Minnesota State Bid (saving approximately \$32,266 per truck chassis). (they will still be working and buying the trucks from a local vender however, using the reciprocal agreement in order to use the Minnesota State Bid.) The Highway Department will need to reuse some of the existing attachments (such as the existing plows and wings) and assemble the trucks using their staff, this saving additional money. Hall felt that they would be able to purchase the required new components (box/hydraulics, etc.) for around \$50,000. In addition to the money set aside within the 2023 budget, the Highway Department is also receiving a grant for 50% of the cost of replacing Unit #11-65 chassis. Any additional money needed to complete the units will come out of their existing equipment budget.

The Minnesota State Bid is listed as follows:

Istate Truck Center of Bismarck \$102,734.00 per truck.

Hall made a recommendation to approve the proposed resolution; Therefore, be it Resolved: That the County Board hereby accepts the Minnesota State Contract low bid from Istate Truck Center of Bismarck of \$205,468 for two (2) – 2024 Freightliner 114SD single axle dump truck and authorize the proper County officials to enter a contract with said bidder.

Motion by Comm. Schwab, 2nd by Comm. Bitner to approve the proposed resolution; Therefore, be it Resolved: That the County Board hereby accepts the Minnesota State Contract low bid from Istate Truck Center of Bismarck of \$205,468 for two (2) – 2024 Freightliner 114SD single axle dump truck and authorize the proper County officials to enter a contract with said bidder.

Bismarck Parks and Recreation District Operations Director Mayer appeared before the commission and explained the award of the Transportation Alternatives (TA) funds for the Bismarck South Washington Street Trail Extension – Meridian Drive to Sibley Park Project for construction in 2025. Mayer stated the Park District would need a sponsor, asking Burleigh County, as a pass through to receive the grant from the NDDOT, also stating that it would not be a cost to the County. Motion by Comm. Bitner, 2nd by Comm. Munson that Burleigh County would act as the pass through for the Transportation Alternatives (TA) funds for the Bismarck South Washington Street Trail Extension – Meridian Drive to Sibley Park Project for construction in 2025. All members present voted "AYE"; motion carried.

County Sheriff Leben presented an overview of the quarterly jail report to the commission going over the average daily population, including the breakdown of the inmate days for Bismarck, Mandan, U.S. Marshall/Bureau of Prisons, Counties and Cities, and the Burleigh/Morton average per night. Leben covered the 24/7 Program which is an alternative to jail time. Leben also mentioned that they are in the process of hiring for detention officers, stating that the turnover rate is about 14%, and overall inspections went well.

County HR Director Binder explained to the commission that Burleigh County has an established Job Classification Plan and process in place for the addition and reclassification of all jobs within Burleigh County. The Decision Band Method "DMB Method" is the method used for classifying every job in Burleigh County. Binder stated that she is working on revising the Classification Review and Appeal Policy into an inhouse process.

The commission visited about the possibility of adding an additional accountant in the Auditor/Treasurer's Office. County HR Director Binder explained that the accountant position would be a Grade 9, approximately \$60,000 annually. The discussion also included that the budget would have to be amended. Motion by Comm. Bitner, 2nd by Comm. Schwab to move forward with the process of hiring an accountant for the Auditor/Treasurers Office. All members present voted "AYE"; motion carried.

Commissioner Matthews requested to create the City of Bismarck-Burleigh County special committee made up of Mayor Schmitz and Keith Hunke, City Administrator representing the city of Bismarck, and Burleigh County Commissioner Chair Becky Matthews and Burleigh County Auditor Leo Vetter. Commissioner Bitner indicated that he felt that the portfolio of Government Coordination & Community Involvement: Intergovernmental Committee which Commissioner Matthews is assigned to is essentially the same and did not feel a need for the new committee. A motion was made by Comm. Munson for the approval of the requested committee but died for lack of a second.

Commissioner Matthews suggested some meeting changes, one being the idea of the board adopting Robert's Rule of Order which Commissioner Bitner stated that the board has always followed Robert's Rule of Order in a gentlemanly fashion allowing flexibility since it is not a formal adoption. Another idea was to add public comment to the agenda separate from Public Hearings and Commissioner Bitner commented that the board has always allowed someone from

the public to speak if they wanted indicating no need to add it to the agenda. Also, to have the chair repeat the motions that are being made before a second for clarification.

State's Attorney Lawyer informed the commission that they cannot pass a moratorium on pipelines where permits have been issued. Lawyer also stated that she recommended to refer to the verbiage in the ordinance referencing the CO2 pipeline as hazardous liquid pipeline to cover all situations in the future. Lawyer said the ordinance is in draft form and she would have it available for review at the next meeting.

County Planning Director Flanagan presented a Proposed Resolution that Burleigh County hereby accepts the petition to create a local ordinance for CO2 pipelines, and sets February 6, 2023, at 5:00 p.m. as the time and date for a Public Hearings to review the proposed ordinance due to public discourse and concerns brought to the Burleigh County Commission. Motion by Comm. Bitner, 2nd by Comm. Munson to approve the Proposed Resolution that Burleigh County hereby accepts the petition to create a local ordinance for CO2 pipelines, and sets February 6, 2023, at 5:00 p.m. as the time and date for a Public Hearings to review the proposed ordinance. Commissioners Bitner, Schwab, and Munson voted "AYE", Chairperson Matthews voted "NAY"; motion carried.

Motion by Comm. Bitner, 2nd by Comm. Munson to approve the Proposed Resolution that Burleigh County hereby accepts the petition to create a local ordinance for Hazardous Liquid pipelines, and sets February 6, 2023, at 5:00 p.m. as the time and date for a Public Hearings to review the proposed ordinance. All members present voted "AYE"; motion carried.

The commission discussed whether to proceed to the next phase of creating construction documents and advertise for bids for the Provident Building renovation for the county offices and agreed to put the entire project on hold at this point without any timeline on when it will be revisited.

Meeting adjourned.

Leo Vetter, Auditor/Treasurer

Becky Matthews, Chairperson