

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING BY THE BOARD OF CITY COMMISSIONERS CITY OF BISMARCK NORTH DAKOTA

Notice is hereby given that the Bismarck City Commission will conduct a public hearing on Tuesday, December 27, 2011, at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota, on the following:

- Ordinance 5854 relating to Disaster Emergency Declarations.
Ordinance 5855 relating to Use of an Electronic Communication Device by a Minor While Operating a Motor Vehicle Prohibited.

Notice is further given that the Bismarck City Commission will consider said matter and hear testimony and evidence to persons interested therein. BOARD OF CITY COMMISSIONERS Bismarck, North Dakota

Attest: Keith J. Hunke Assistant City Administrator

Dated this 14th day of December, 2011 12/17 - 607477

STATE OF NORTH DAKOTA IN DISTRICT COURT COUNTY OF BURLEIGH SOUTH CENTRAL JUDICIAL DISTRICT Bismarck Air Medical LLC, Plaintiff, vs. Thomas L. Tollefson, Defendant. CIVIL NO. SUMMONS

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to appear and defend against the Complaint in this action, which is herewith served upon you, by serving upon the undersigned an answer or other proper response within twenty-one (21) days after the service of this Summons upon you, exclusive of the day of service.

Dated this 23rd day of November, 2011. /s/Thomas D. Kelsch

THOMAS D. KELSCH State Bar ID No. 03918 KELSCH, KELSCH, RUFF & KRANDA Attorneys for Plaintiff

103 Collins Avenue, P.O. Box 1266 Mandan, North Dakota 58554-7266 (701) 663-9818 12/17, 24 & 31 - 607479

NOTICE OF SALE Civil No. 08-10-C-03091

Notice is hereby given that by virtue of a judgment of foreclosure by the District Court of the South Central Judicial District in and for the County of Burleigh and State of North Dakota, and entered and docketed in the Office of the Clerk of said Court on November 10, 2011, in an action wherein HSBC Bank USA, National Association, as Trustee for WFASC Home Equity Asset-Backed Certificates, Series 2007-1 was Plaintiff and Thomas Rhoades; Candida Rhoades; Collection Center Inc.; Money Lenders; Amerish; Credit Bureau of Bismarck Inc.; United Accounts, Inc.; and any person in possession were Defendants, in favor of Plaintiff and against the Defendants for the sum of \$139,502.03, which judgment and decree, among other things, direct the sale by me of the real property hereinafter described, to satisfy the amount of said judgment, with interest thereon and the costs and expenses of such sale, or so much thereof as the proceeds of said sale will satisfy; and by virtue of a writ issued to me out of the office of the Clerk of said Court, I, Pat D. Heinert, Sheriff of Burleigh County, North Dakota, will sell the property described in the Judgment to the highest bidder for cash at public auction at the front door of the Courthouse in the City of Bismarck in the County of Burleigh and State of North Dakota, on January 19, 2012, at the hour of 1:15 PM (CT), to satisfy the amount due, with interest thereon, and the costs and expenses of such sale, or so much thereof as the proceeds of such sale will satisfy. The property to be sold is situated in the County of Burleigh and State of North Dakota, and described as follows:

Lots 27 and 28, Block 69, McKenzie and Coffin's Addition to the City of Bismarck, Burleigh County, North Dakota, and The West 51 Feet of Lots 4, 5 and 6, Block 69, McKenzie and Coffin's Addition to the City of Bismarck, Burleigh County, North Dakota, aka 823 North 11th Street, Bismarck, North Dakota 58501.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 6th day of December, 2011.

/s/Pat D. Heinert Pat D. Heinert Sheriff of Burleigh County, North Dakota By: /s/ Sharlene Schuh Deputy

STATE OF NORTH DAKOTA) ss.

COUNTY OF BURLEIGH)

On this 6th day of December, 2011, before me, a Notary Public in and for said County and State, personally appeared Sharlene Schuh, known to me to be the person who is described in, and whose name is subscribed to this instrument. /s/ Norma J. Braddock Notary Public Burleigh County, North Dakota My Commission expires: 2/20/13 (Seal)

MACKOFF KELLOGG LAW FIRM 38 Second Avenue East Dickinson, ND 58601 Attorneys for Plaintiff (Published: 12/17/11; 12/24/11; 12/31/11) 12/17, 24 & 31 - 607467

BURLEIGH COUNTY COMMISSION MEETING MINUTES November 7, 2011

5:10 PM.

The Burleigh County Commission convened a regular meeting with all members present. Chairman Bitner called the meeting to order with the first item of business the approval of the October minutes and vouchers.

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

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

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

Sheriff Heinert appeared regarding an update on the Jail Needs Assessment Study and recommendation from the Selection Committee. Heinert reported that the Morton Burleigh Bismarck Mandan (MBBM) Committee, after review of the proposals received from EAPC of Bismarck, CRS of Minneapolis, and Kimme & Associates Inc. of Champaign, IL, recommended the contract be awarded to Kimme & Associates Inc. of Champaign, IL in the amount of \$49,500. Heinert stated that at the Commission's request at the last meeting he contacted Kimme regarding the role of Architect Hoganson on this project and was assured the architect would not be involved in recommending space needs for the study, and would only help in technical aspects of the existing jails and potential sites for future growth.

Motion by Comm. Peluso, 2nd by Comm. Schonert, to authorize the Sheriff to enter into a detention center needs assessment contract with Kimme & Associates in the amount of \$49,500. All members voted

"AYE." Motion carried. County Engineer Hall appeared and presented an update to the flood protection plan he presented at the last meeting. Hall also requested the Board's consideration of an offer from City of Bismarck to join their Missouri River Flood Study RFP/RFO; authorization to seek an architectural consultant firm to design a new Bismarck Shop; consideration of consulting proposals for repair of a River Road slide area; and consideration of Maintenance Agreements between the County and both the organized and unorganized Townships. Hall started by informing the Commission that since the last meeting he has visited with several groups and individuals regarding the initial flood protection plan. Hall continued that he has received many good suggestions that have been incorporated into the initial plan. Hall stated he believes he will have a final plan ready for discussion at the November 21st County Commission meeting. Hall noted the refinements to the plan now include 38 separate projects at an estimated cost of \$25 million. Hall stated the Commission will have to determine at what river stage should the plan provide protection. Hall stated the initial plan protects to a 20' river stage at the gauge in Bismarck. Hall noted sensitive areas will be protected by a 16' levee constructed wide enough to accommodate the addition of 4' trap bags. Hall then recommended that the county does not participate in the City of Bismarck Missouri River flood study. Hall stated his recommendation is based upon the fact that the county has already developed a plan and is well ahead of the city. Hall continued the city's Request for Proposals was developed without input from the county and furthermore the March 1, 2012 city deadline is not timely. Hall stated there are better ways to develop plans than through a RFP. Hall noted with Commissioners agreeing that we have the needed expertise in-house to develop flood protection plans. Hall reminded commissioners that the Burleigh County Water Resource District has requested the city join them on a local task force involving the city, county and the water district. Hall concluded that regardless of how plans are developed the county and city will have to work together where flood protection plans meet. Comm. Schonert noted that 95% of the flood issues are located outside of city limits and that we have all the experts in place, and with the lead of the Burleigh County Water Resource District we are able to move forward on a timely basis. Schonert reiterated the open invitation to the City of Bismarck to join the Burleigh County Water Resource District sponsored joint flood task force. Hall then requested Board authorization for the Highway Department's Property Team to seek an architectural consultant firm to design the new Burleigh County - Bismarck Shop. Hall noted the county has purchased a 40 acre parcel on the Northeast corner of the intersection of 80th Street NE and 43rd Ave NE and it is the Highway Department's opinion that we should move forward with the design and construction of a new facility at the new site to move existing operations. Motion by Comm. Woodcox, 2nd by Comm. Schonert, to authorize the County Auditor/Treasurer and the County Engineer to advertise for an architectural consultant firm to design and perform construction administration for the new Burleigh County - Bismarck shop. All members voted "AYE." Motion carried. Hall next requested authorization to enter into a design agreement contract with Kadmas, Lee & Jackson, Inc. in an amount not to exceed \$289,088 to perform design services for the repair of the River Road slide area just north of Wilderness Cove Road. Hall continued the project would include (but not be limited to) developing a geotechnical report, final plans and specifications to repair the existing road along with administration services during any construction. Motion by Comm. Schonert, 2nd by Comm. Armstrong, to authorize the County Engineer to enter into an agreement with Kadmas, Lee & Jackson, Inc. for \$289,088 to perform design and construction administration services for the repair of the River Road slide area just north of Wilderness Cove Road. All members voted "AYE." Motion carried. Comm. Woodcox who voted "NAY." Motion carried. The County Commission recessed to immediately sit as the respective Burnt Creek, Riverview, Ft. Rice, Lincoln, Phoenix, and Lyman Unorganized Township Board of Supervisors for the following motion: Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve as the individual Township Boards for Burnt Creek, Riverview, Ft. Rice, Lincoln, Phoenix, and Lyman Unorganized Townships, the road maintenance agreements with the County, assigning the roles and responsibility for maintaining township roads within each respective township. All members voted "AYE." Motion carried. The Unorganized Township Boards of Supervisors adjourned and the County Commission immediately reconvened. Motion by Comm. Armstrong, 2nd by Comm. Schonert, to approve and authorize the proper county officials to enter into an agreement with the County's Townships, assigning the roles and responsibility for maintaining township roads within Burleigh County. All members voted "AYE." Motion carried. Motion by Comm. Schonert, 2nd by Comm. Peluso, to formally request FEMA to continue with the Digital Flood Insurance Rate Map Update. All members voted "AYE." Motion carried. Comm. Schonert then led a discussion regarding the appointment of Cathy Palczewski as "office chair" of the Burleigh County Extension Service Office. Motion by Comm. Schonert, 2nd by Comm. Armstrong, to appoint Cathy Palczewski as office chairwoman for the Burleigh County Extension Service. All members voted "AYE." Motion carried. The Board then considered improvements to the Missouri Valley Complex (digital signage and expansion of community gardens) and discussed marketing and sale of Missouri Valley Complex Property. Chairman Bitner initiated the discussion concerning the location, appearance and design of a digital sign to announce events at the "fairgrounds." Bitner noted the price quotes submitted range from \$49,000 to \$76,000. Bitner reported that the 4-H Council and Buckstop Junction have tentatively committed \$15,000 towards the purchase of a sign. By consensus the Board agreed to ask the user groups at the "fairgrounds" to develop bid specs for this project. Cathy Palczewski, NDSU Extension Service, appeared and stated the community garden currently has thirty (30) plots with requests for another twenty (20) on a waiting list. Chairman Bitner explained that in order to expand the community garden a new water line needs to be added for irrigation. Bitner presented a price quote from Northern Plains Drilling & Excavating in the amount of \$17,742 for a 3-inch water line. Motion by Comm. Schonert, 2nd by Comm. Woodcox, to approve the expenditure of up to \$17,742 for the construction of a new 3-inch water line from the fairgrounds' old racetrack to a new community gardens area. All members voted "AYE." Motion carried. Chairman Bitner reported the county has been awarded a ND Parks & Rec Dept Off-Highway Vehicle Recreation (OHVR) grant in the amount of \$14,883.20 for the Missouri Valley Motorsports Park on the "fairgrounds." Bitner reminded the

Commission this grant is for the development of an off-road vehicle play and training area and trails within the "fairgrounds" property. Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to accept the OHVR grant from the ND Parks & Rec Dept. All members voted "AYE." Motion carried. The Commission then considered options for the marketing and sale of property. Auditor/Treasurer Glatt recommended the Board consider following NDCCC11-27-03.1 and marketing the property through nonexclusive listing agreements (realtors). Anne Green, Central Dakota Humane Society, appeared and stated the Humane Society is still very interested in Lot 2, Block 1. Green reminded the Commission it had voted to put the land up for a public auction in May. Auditor/Treasurer Glatt stated the motion in May included setting new minimum sales prices. Glatt added the Commission to date has not established new minimum sales prices. Comm. Woodcox stated the Commission is interested in leasing the desired parcel to the Humane Society. Green stated she would take the long-term lease proposal back to her board for re-evaluation. Woodcox added he wanted to see the Humane Society get this property as it appears to be a perfect spot for them. Motion by Comm. Schonert, 2nd by Comm. Armstrong, to utilize NDCC 11-27-03.1 as an alternative to a public auction and thereby listing the following "fairgrounds" property by engaging licensed real estate brokers to attempt to sell the described property by way of nonexclusive listing agreements and to provide a 3% maximum rate of fee, compensation, or commission; and provided that the county reserves the right to hold all offers for a period of twenty-one (21) days to permit the County Commission sufficient time to review all offers prior to acceptance or rejection and may reject any and all offers determined to be insufficient subject to review and approval by the State's Attorney.

Table with 2 columns: Lot/Block, Asking Price. Lot 1, Block 1 asking price \$410,000 (335,357sqft); Lot 2, Block 1 asking price \$235,000 (352,069sqft); Lot 1, Block 2 asking price \$2,125,000 (536,623sqft); Lot 1, Block 3 asking price \$350,000 (220,755sqft); Missouri Valley Complex First Replat to the City of Bismarck, Burleigh County ND. All members voted "AYE." Motion carried.

Comm. Woodcox then initiated a discussion to initiate the process for assignment of Supt of Schools duties. Woodcox reported that with the decrease in rural schools and decreasing enrollments in the existing rural schools the position may no longer be needed. Woodcox added Morton County will be considering a similar motion. Woodcox continued the Supt of Schools position is a shared position and jointly funded with Morton County. Comm. Woodcox offered the following motion for discussion: Motion by Comm. Woodcox, 2nd by Comm. Peluso, to proceed in the interest of elimination of the position of county superintendent of schools in accordance with the provisions of Chapter 15.1-11-02 of the North Dakota Century Code. This motion, if approved, will necessitate a majority consent vote in favor of elimination of the position by the school board presidents in each of the school districts having their administrative headquarters in Burleigh County. If such approval is granted, Burleigh County will move forward in compliance with the additional provisions of sub-section 1 of 15.1-11-02 of the North Dakota Century Code. If all necessary approvals are granted, this elimination of the position of county superintendent of schools will become effective on January 1, 2013. Woodcox stated he has been working on this proposal with Morton County Commission Chairman Strinden and they believe this move would save over \$190,000 in tax dollars. Woodcox continued that if the motion is approved he will go out and visit with the School Boards for their comments. Woodcox stated the ND Dept of Public Instruction must approve the plan for the assignment of duties and a majority of the school board presidents must approve. Woodcox concluded the county superintendent of schools presently oversees five (5) rural school districts in Burleigh County - Apple Creek, Sterling, Menoken, Naughton and Manning - with enrollments of 141 students. Will McDonald of the Manning School Board and Tim Hagen of the Apple Creek School Board appeared and expressed their concerns with eliminating the Supt of Schools position. Ron Leingang of the Little Heart School District in Morton County also appeared noting the rural school districts do utilize the services of the county superintendent of schools. Vote on motion: All members voted "AYE." Motion carried. Auditor/Treasurer Glatt presented the monthly abatements for Commission consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer. Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the Seerup, Dunn, Roller, Swenson, Rasmussen, Davis, and Daniels abatements as requested. All members voted "AYE." Motion carried. The Board then considered the designation as "Project Sponsor" for the United Tribes Technical College application for Transportation Enhancement (TE) Funds for the second phase of multi-use bike path walking trail system on the UTTC campus. Auditor/Treasurer Glatt stated that should the grant be awarded a companion agreement will be executed to "hold Burleigh County" harmless for all liability associated with the grant and trail, with the county acting only as the grant sponsor and a pass through agency for the grant funds. UTTC Facilities Manager Curtis Maynard appeared and stated the grant application specifies that UTTC is responsible for all maintenance of the trail(s). Motion by Comm. Woodcox, 2nd by Comm. Armstrong, to approve Burleigh County's designation as "Project Sponsor" for the United Tribes Technical College application for Transportation Enhancement (TE) Funds for the second phase of multi-use bike path walking trail system on the UTTC campus. All members voted "AYE." Motion carried. On a motion made, seconded, and carried, the Board adjourned. Kevin J. Glatt, Auditor/Treasurer Brian Bitner, Chairman

BURLEIGH COUNTY PARK BOARD MEETING MINUTES November 7, 2011

5:00PM

The Burleigh County Park Board convened with all members present. Chairman Bitner called the meeting to order with the first item of business the approval of the October minutes. Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the October meeting minutes as presented. All members voted "AYE." Motion carried. Chairman Bitner reported that the county has been awarded a ND Parks & Rec Dept Off-Highway Vehicle Recreation (OHVR) grant in the amount of \$14,883.20 for the Missouri Valley Motorsports Park on the "fairgrounds." Bitner reminded the

for Public Assistance from FEMA for damages at the county park facilities. Glatt stated he continues to work with FEMA on site visits and assembling documentation and price estimates for repairs at Kniefel, McLean and Kimball Bottoms boat ramps for future reimbursement. Glatt noted debris, sand and silt cleanup at Kniefel is estimated at \$450,000 due to the volume of silt in that location. Glatt recommended that the County Park Board authorize solicitation of proposals for design and reconstruction administration for the work needed to bring the McLean, Kimball, and Kniefel facilities up to pre-flood condition. Glatt stated the work would involve developing bid specifications for restoring and stabilizing river banks, riprap replacement, removal of silt and sand and replacing boat ramps. Glatt hoped a private firm could work on the project specifications and study repair needs over the winter with bid openings scheduled for early spring. Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to authorize the county auditor/treasurer and county engineer to advertise for a consulting firm to develop bid specifications and construction administration for the Kniefel Landing, Kimball Bottoms and McLean Bottoms recreation areas. All members voted "AYE." Motion carried. On a motion made, seconded, and carried, the Board adjourned. Kevin J. Glatt, Auditor/Treasurer Brian Bitner, Chairman

MEETING MINUTES November 21, 2011

5:00 PM.

The Burleigh County Commission convened a regular meeting with all members present. Comm. Woodcox stated that he reviewed the bills and recommended approval of the same. Motion by Comm. Woodcox, 2nd by Comm. Peluso, to approve payment of the bills as presented. All members voted "AYE." Motion carried.

Sheriff Heinert appeared regarding consideration of the 2012 vehicle purchases for the Sheriff's Department utilizing the state bids and price quotes from local dealers for the replacement of three (3) Dodge Chargers, one (1) Ford Expedition, and one (1) all wheel drive transport van. Heinert continued that the state bids were not from local dealers and he would prefer to purchase locally. Heinert stated that the state bid for patrol cruisers is from Nelson Auto Center in Fergus Falls, MN in the amount of \$24,443 each. Heinert stated he solicited quotes from the local vendor, Ryan Dodge in the amount of \$25,358 a difference of \$2,745 for three (3). Heinert recommended the purchase of three (3) Dodge Chargers from Ryan Dodge. Chairman Bitner questioned the States Attorney if there is an obligation to accept a local bid over a state bid. States Attorney Riha stated that the Commission can reject any and all bids and can purchase locally. Riha stated there is a preference in the statutes for local businesses. Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to authorize the purchase of three (3) patrol cruisers from Ryan Dodge (\$25,358 each). All members voted "AYE." Motion carried. Heinert then stated the state bid for the 4X4 SUV was from Hattson Ford of Hattson ND in the amount of \$29,153 for a Ford Explorer. Heinert continued he received a price quote from Eide Ford in the amount of \$31,103 for the same vehicle and from Puklich Chevrolet in the amount of \$29,900 for a similarly equipped Chevy Tahoe. Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to authorize the purchase of one (1) 2012 Chevrolet Tahoe 4X4 SUV from Puklich Chevrolet (\$29,900). All members voted "AYE." Motion carried. Heinert then presented information regarding the purchase of a 2012 Chevrolet full size van from Puklich Chevrolet for \$27,027 less a \$5,500 trade-in for the current transport van (2008 Chevy). Heinert stated that Social Services may be interested in purchasing the 2008 Chevy van, if they can purchase it directly from Puklich Chevrolet for \$5,500. Motion by Comm. Schonert, 2nd by Comm. Armstrong, to authorize the purchase of one (1) 2012 Chevrolet full size van from Puklich Chevrolet for \$27,027 less \$5,500 for the trade-in. All members voted "AYE." Motion carried. Communications Manager Dannenfelzer appeared regarding a request from the Combined Communications Center User Board to upgrade the current Looking Glass mapping suite to GeoBlade (server and software upgrade) as well as ArcGIS Enterprise Licensing Agreement. Motion by Comm. Peluso, 2nd by Comm. Armstrong, to authorize the User board to contract with SunGard Public Sector to upgrade to GeoBlade and add the required hardware and license software to upgrade to ArcGIS Server-Enterprise Edition, with funding for this project to come from the E911 Enhancement Account. All members voted "AYE." Motion carried. County Engineer Hall appeared and presented an updated flood protection projects master plan for the Board's consideration. Hall stated that although there has been no public hearing on the flood protection projects master plan he has visited with several groups and individuals regarding this flood protection plan. Hall requested the Commission approve the plan and direct staff to move forward with spending monies and resources on the design phase on the flood protection measures. Hall asked that the Commission also make a determination as to what level of protection the projects should be built. Hall stated the Commission will have to determine at what river stage the plan should provide protection. Hall stated the initial plan protects to a 20' river stage at the gauge in Bismarck. Hall noted sensitive areas will be protected by a 16' levee constructed wide enough to accommodate the addition of 4' trap bags. Hall then explained the project sponsorship at this point in time appear to be 1/3 County Highway Dept projects, 1/3 Burleigh County Water Resource District (BCVRD) projects and 1/3 a combination County Highway Dept and BCVRD projects. Hall continued that if all the County Highway Dept projects are designed "in-house" it could take up to 5-6 years to complete the design phase. Hall emphasized this time could be reduced to 2-3 years by hiring a consultant to complete the design and construction administration. Hall stated that to lessen the cost of consultants the construction administration could be done "in-house." Hall also requested the Commission consider a process for adding projects that are not included in the initially adopted plan. Comm. Woodcox questioned how these projects will be funded. Hall responded that after the design phase, projects would be formally bid, and would then need approval from the Commission. Comm. Armstrong noted the estimated \$25 million cost for all 38 projects to protect 700 or so properties (homes). Hall stated he anticipated funding would come from a combination of State, Federal, County and private funding (special assessments). Chairman Bitner then provided an opportunity for those in the audience to appear on this matter. Jonathan Bry, Glenwood Subdivision area resident, appeared and stated that if assessed for any costs of flood protection he wants to be assured his neighborhood will be protected. Bry expressed his

concern that there will be no gap in the levee in the Sibley Park area. Engineer Hall responded that levees will not be built with gaps, noting there is a natural "high spot" in the Sibley Park area that will tie the proposed levees together. John Dwyer, 156th Ave NW area resident, appeared and thanked the Commission and county staff for all their work during the flood event. Dwyer expressed his concern about the level of protection that was proposed for this area. Engineer Hall responded the initial plan calls for modification to the control structure in the area to allow water out - but not back in, and to completely shut the flow of water if needed. Hall stated more study can be done with final design of this control structure. Susan Weiland, Glenwood area resident, appeared and questioned the start and completion dates of these projects. Engineer Hall noted some of the projects are temporary measures and would not be constructed if not needed. Hall added more specifics would be known later in the spring. Alexis Duxbury, appeared and stated she is concerned how this plan is being formulated as it appears it is being driven by not only those affected but by all residents of Burleigh County who must bear the cost. Duxbury questioned if building to the 500 year event is prudent noting the small likelihood of a recurrence of such a large flood event. Duxbury suggested that a moratorium be placed on any new construction in the affected areas. Duxbury noted previous actions of the County Commission regarding building setbacks from the river and flood plain zoning ordinances. Duxbury asked that the Commission not move so fast with this flood protection projects master plan. The Commission noted Duxbury's prior criticism of the county for lack of planning and now she opposes the planning the county is proposing. Engineer Hall suggested that perhaps an opportunity for formal public input should be given and suggested December 19, 2011, as a potential date for a public hearing on this matter. Neil Modin, Chairman Hay Creek Township, appeared and stated he has been included in the plans from the outset. Modin added Hay Creek Township is very happy with the protection plans to date. Rod Eckroth, England St. resident, appeared and expressed his support for the flood protection projects master plan as presented. Engineer Hall again suggested conducting a public hearing on this matter and asked that the Commission provide direction on what level to protect and what kind of timeline the Commission desires for the design of projects. Hall stated if the design of projects is done "in-house" it will delay most other road projects. Comm. Peluso stated we should start today on the design and do what we can, if a project warrants we can bring in design consultant on a case-by-case basis. Chairman Bitner added he would like to avoid spending extra monies for consultants if at all possible. Motion by Comm. Armstrong, 2nd by Comm. Woodcox, to call for a public hearing on December 19, 2011, to accept public comment on the flood protection projects master plan and whether to direct staff to move forward with spending monies and resources on the design phase on the flood protection measures; to determine what level of protection the projects should be built; to determine whether design consultants should be engaged for the design phase or the work should be done "in-house" by county engineering staff; and to determine the process for adding projects that are not included in the initially adopted plan. All members voted "AYE." Motion carried. Hall then presented the results of the recent bid opening for the purchase of four (4) new motor graders. Hall informed the Commission that two (2) bids were received for the purchase of four (4) new motor graders. Motion by Comm. Peluso, 2nd by Comm. Armstrong, to award the bid for the purchase of four (4) new motor graders to the low bidder, RDO Equipment Co in the amount of \$247,000 for each of the four (4) new motor graders under a 5 year-total cost bid with a guaranteed repurchase price at the end of this period. All members voted "AYE." Motion carried. HR Director Gall appeared regarding the update of the following Personnel Policies: Chapter 4, Section 4: Sick Leave, Chapter 5, Section 1: Family and Medical Leave, Chapter 7, Section 8: Current Employee Criminal Record and Drivers License Suspension, and Chapter 10: Inclement Weather and Emergency Closing. By consensus the Board agreed to table this item until the December 5th meeting to further review the policies. Social Service Director Doe appeared regarding an Economic Assistance award received through USDA's Food and Nutrition Services for the Supplemental Nutrition Assistance Program (SNAP) recognizing the work of county social service employees and the ND Economic Assistance Policy Division staff. Doe stated that North Dakota received two (2) of the four (4) bonuses awarded this year. Doe stated that Burleigh County received \$46,440 for our share of the performance bonuses. Comm. Woodcox stated the Social Service Board has authorized the purchase of the used 2008 Sheriff's Dept transport van for \$5,500 from Puklich Chevrolet. Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize the purchase of a used 2008 full size Chevy Van from Puklich Chevrolet in the amount of \$5,500. All members voted "AYE." Motion carried. Commissioner Schonert then initiated a discussion regarding establishment of a County Planning Department and hiring of a county planner. Schonert continued that this item has been on the back burner for long enough and noted the Commission budgeted \$120,000 to create a separate county planning office in 2012 and collect its own fees outside of city zoning jurisdiction. Schonert noted the county contracts for these services from the City of Bismarck for \$40,000 per year for the rural planning work. Schonert stated he wants the county planner to be overseen by the county engineer and to function independently. Schonert stated he believes development in rural Burleigh County will happen rapidly in the next five years outside city zoning borders from the impact of the energy industry. Schonert added the proposed flood protection projects and a new look at the county's comprehensive plan are added reasons for a separate county planner. Schonert stated the county's own planner could help with the 38 flood protection projects outlined by Engineer Hall. Schonert concluded while the city planning staff is professional, they are "over-urbanized", and do not understand some of the rural problems and rural feelings. The Board by consensus agreed to take this item under consideration for further discussion at the December 5, 2011 meeting. No action was taken. Auditor/Treasurer Glatt presented the monthly abatements for Commission consideration, a complete copy of which is on file and available for inspection in the office of the Burleigh County Auditor/Treasurer. Motion by Comm. Schonert, 2nd by Comm. Armstrong, to approve the Glasser, Heringer, Lang, Schmidt, England, Zacher, and Lipp abatements as requested and recommended by the Auditor/Treasurer. All members voted "AYE." Motion carried. The Commission then considered

appointments to the various auxiliary boards with the following motion made: Motion by Comm. Peluso, 2nd by Comm. Schonert, to reappoint Nils Pearson to a five (5) year term on the Burleigh County Housing Authority; to reappoint Mike Ulmen to a five (5) year term on the Lincoln City Planning Commission; to reappoint Brenda Sather to a two (2) year term on the Region VII Human Service Council; and to reappoint Dallen Buchmann to a four (4) year term on the Burleigh County Weed Board. All members voted "AYE." Motion carried. Auditor/Treasurer Glatt noted the remaining appointments will be placed on the agenda as applications are received. Motion by Comm. Armstrong, 2nd by Comm. Peluso, to approve the 2012 meeting schedule as presented. All members voted "AYE." Motion carried. Motion by Comm. Schonert, 2nd by Comm. Woodcox, to authorize the call for public hearing on behalf of St. Alexius Med Center MIDA Bonds in an amount not to exceed \$46 Million for December 5, 2011. All members voted "AYE." Motion carried. Auditor/Treasurer Glatt then requested authorization to cancel delinquent taxes related to parcels acquired and sold through tax deed. Glatt explained that six (6) parcels went to delinquent tax sale and were sold at the minimum established prices set by the County Commission. Glatt continued the minimum sales prices on three (3) of the parcels did not cover the delinquencies. Motion by Comm. Schonert, 2nd by Comm. Armstrong, to authorize the cancellation of delinquent taxes on the following parcels pursuant to NDCC 57-28-20: 010-022-030; CR-143-78-00-11-180 & -181; 39-138-79-75-02-160; 34-139-77-62-26-121; and 33-139-78-61-02-011. All members voted "AYE." Motion carried. Auditor/Treasurer Glatt then presented information regarding establishment of voting precincts, voting sites, and voting methods. Glatt started preliminary discussion about voting precinct possibilities using population trends and shifts, maps of existing and new legislative district boundaries, maps of existing and potential future rural precincts, and information on establishing vote-by-mail precincts for less-populated rural areas. Glatt also presented information highlighting potential changes in voting precincts in and around the cities of Bismarck and Lincoln. Glatt stated he will forward more information to the Commission at the next meeting noting new precincts will need to be set at the December 19, 2011 County Commission meeting. Pat Whalen, a new Bismarck resident and former oil field worker, appeared and questioned if any preparations are being considered regarding the impact of the oil boom on our community. Whalen stated his goal is to alert the community and make suggestions on how to prepare for the expected oil boom. Whalen made several suggestions for the Commission's consideration which included the use of impact fees, and zoning ordinances, in an effort to protect and enhance the future of our community and our children and grandchildren. 7:40PM

County Auditor/Treasurer Glatt and State's Attorney Riha briefed the Board regarding purchase offers received for the possible sale of "fairgrounds" property. 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. 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 the purchase offers and negotiation strategy related to the sale of real property at the "fairgrounds." All members voted "AYE." Motion carried. 8:09PM

The Burleigh County Commission reconvened with all members present. Chairman Bitner explained that the Commission by motion rejected one (1) of the purchase offers and authorized the county auditor/treasurer and state's attorney to negotiate with the prospective purchaser for the sale of a parcel of land at the "fairgrounds." On a motion made, seconded, and carried, the Board adjourned. Kevin J. Glatt, Auditor/Treasurer Brian Bitner, Chairman

Summary of Expenses

The following amounts were approved for the various county funds and a complete list is available for review in the office of the Burleigh County Auditor:

Table with 2 columns: Fund, Nov 2011. 1001 GENERAL FUND..... 473,346.24; 2140 COUNTY ROAD & BRIDGE..... 2,597,789.19; 2210 SOCIAL SERVICES..... 100,319.93; 2230 COUNTY POOR..... 133,023.83; 2902 COUNTY LIBRARY 13,982.22; 2903 INSURANCE..... 1,114.00; 2905 SENIOR CITIZENS..... 54,387.50; 2907 WATER RESOURCE DISTRICT..... 112,884.27; 2908 COMMUNICATIONS CENTER..... 59,020.64; 2909 VICTIM/WITNESS ADVOCATE..... 2,120.29; 2910 EMERGENCY FUND ... 794,938.57; 2911 CELLULAR PHONE TAX..... 362,065.74; 2913 PROVIDENT BUILDING..... 34,766.56; 2920 VETERAN SERVICE 2,671.87; 2930 SOCIAL SECURITY..... 102,422.30; 2960 COUNTY AGENT 24,970.38; 2970 WEED CONTROL 79,741.00; 2980 COUNTY PARK 7,956.98; 2982 COUNTY FAIR 13,394.72; 2986 COUNTY PRESERVATION FUND 4,116.81; 2989 ST ATT DRUG ASSET FORFEIT 1,131.20; 2992 SOBRIETY 24/7 PROGRAM..... 162.00; Payroll - October; 1001 GENERAL FUND Total..... 429,249.75; 2140 COUNTY ROAD & BRIDGE Total..... 141,198.85; 2210 SOCIAL SERVICES Total..... 278,631.45; 2907 WATER RESOURCE DISTRICT 4,995.00; 2909 VICTIM/WITNESS ADVOCATE Total..... 8,371.20; 2913 PROVIDENT BUILDING Total..... 3,577.94; 2920 VETERAN SERVICE Total 9,845.92; 2960 COUNTY AGENT Total 5,454.41; 2970 WEED CONTROL Total 2,325.08; 2980 COUNTY PARK Total..... 863.72; Grand Total..... 5,860,839.56 12/17 - 607474

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