

The Barnes County Commission met in regular session Tuesday, March 16, 2010, with all members present.

Commissioner Froelich made a motion, seconded by Weber, to approve the minutes of March 2 and March 9, with a clarification. Upon a roll call vote with all voting "yes," motion carried.

Commissioner Froelich made a motion, seconded by Opdahl, to request the North Dakota Highway Patrol to help enforce County road restrictions for the 2010 year. Upon a roll call vote with all voting "yes," motion carried.

Kim Franklin, EMA, presented a Memorandum of Understanding for Emergency Assistance between Barnes County and Valley City State University.

Commissioner Froelich made a motion, seconded by Opdahl, to have the Chairwoman sign the document entering into the above agreement. Upon a roll call vote with all voting "yes," motion carried.

Ms. Franklin updated the Commission on flood preparations currently underway. She stated that Sandbag Central will again be located at the Winter Show building, with sandbags available only for infrastructure and not residential use. The Emergency Operations Center will open at 8 a.m. at the Highway Department. She also provided numbers from Baldhill Dam, whose current output of 1600 cfs was slated to be lowered the following day.

Discussion was held regarding FEMA approval of the hazard mitigation plan that will enable the buyout process.

Brad Cruff, States Attorney, met with the Commission to discuss volunteer liability and exempt employee overtime in connection with a flood event. He also discussed who carries responsibility for a Kathryn evacuation in case of a compromised situation at Clausen Springs Dam.

It was the consensus of the Board that the responsibility of evacuation falls to the mayor of Kathryn with information from Emergency Management.

Commissioner Froelich made a motion, seconded by Opdahl, to adopt the following policy on exempt employee overtime as presented by Mr. Cruff. Upon a roll call vote with all voting "yes," motion carried.

REGULAR OVERTIME - For purposes of determining overtime compensation, all employees shall be designated as either exempt or non-exempt.

EXEMPT - Employees in the exempt classifications are executive, administrative, or professional and are exempt from receiving overtime. A requirement for application or the executive, administrative or professional exemptions is the requirement that the employee be paid on a salary basis. The Fair Labor Standards Act recognizes that exempt employees may perform non-exempt work and are thus entitled to overtime in emergencies. FEMA regulations also similarly recognize the payment of overtime for exempt employees. During an emergency declared by the Board of County Commissioners, exempt employees may be paid at time and one-half or receive compensatory hours at the rate of one and one-half hours (same rate as for actual compensation), for hours worked in excess of forty (40) hours during the applicable regularly defined work week for each respective exempt employee, if the employee is specifically authorized to receive the additional compensation as a part of the emergency declaration. The additional compensation will continue until the declared emergency is terminated or when authorization for the additional compensation is terminated by action of the Board of County Commissioners, whichever first occurs.

NON-EXEMPT - All full-time or part-time employees whose classification is defined as non-exempt under the Federal Wage/Hour Law, such as trade or clerical classifications paid on an hourly basis. Exempt employees include the auditor, clerk of court, maintenance supervisor, emergency manager, recorder, road superintendent, shop foreperson, MIS director, park manager, sheriff, chief deputy sheriff, social services director, commissioners, county agent, states attorney, tax director, treasurer, and veterans service officer. Non-exempt employees include the staff of each office.

Commissioner Weber made a motion, seconded by Froelich, to also allow overtime during an emergency at the discretion of the portfolio holder or the Commission. Upon a roll call vote with all voting "yes," motion carried.

Sally Holewa, State Court Administrator; Rod Olson, Trial Court Administrator for Administrative Unit II; and Chris Iverson, Court Administrator, Wanda Auka, Clerk of Court, and Brad Cruff, States Attorney, met with the Commission and Judge John Paulson via telephone, to discuss the options available for Clerk of Court funding, which included: 1. State-funded; 2. A funding agreement stipulating reimbursement from the state office to the County; and 3. County-funded.

Judge Paulson recommended that the Clerk of Court keep at least three employees, and operate under Option 2, as in the past, with reimbursement for 2.10 employees.

Ms. Holewa stated that their study for the number of necessary employees does include vacation, sick leave, and education.

Commissioner Froelich made a motion, seconded by Weber, to continue with Option 2, contracting with the State for reimbursement of 2.10 employees, from July 1, 2011 through 2013. Upon a roll call vote with all voting "yes," motion carried.

Mr. Cruff conducted the bid-letting for asphalt and culverts. One bid was received for each.

Commissioner Opdahl made a motion, seconded by Berntson, to waive the requirement of having the bond attached outside the bid envelope for Flint Hills for the asphalt bid, because their bond was inside the bid envelope. Upon a roll call vote with all voting "yes," motion carried.

Commissioner Berntson made a motion, seconded by Froelich, to accept the bid from Flint Hills Resources, Fargo, at \$500.96 per ton of MC3000, and \$553.00 per ton for CRS2P. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Opdahl made a motion, seconded by Froelich, to accept the bid for culverts from Johnson Culvert Company, Fargo, for a 24-inch spiral pipe, 16 gauge, \$15.50 per ft; and 18-inch spiral pipe, 18 gauge, at \$24.36 per foot. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Froelich made a motion, seconded by Berntson to adopt the following the Minimum Design Standards for Highway and Structures as Resolution 10.3, as presented by Kerry Johnson. Upon a roll call vote with all voting "yes," motion carried.

Mr. Johnson presented a township billing spreadsheet for County billing purposes.

Discussion took place on the status of Clausen Springs Dam flooding and what trigger points would necessitate evacuation in Kathryn.

There being no further business to come before the board, Commissioner Opdahl made a motion, seconded by Weber, to adjourn. Motion carried.

Edward R. McGough
Barnes County Auditor

Cindy Schwehr, Chairperson
Barnes County Commission