

The Barnes County Commission met in regular session on Tuesday, January 21, 2014, with Phil Leitner, Cindy Schwehr, Eldred Knutson, John Froelich, and Rodger Bertson present. Chairman Knutson called the meeting to order at 8:00 a.m., the Pledge of Allegiance was recited, and the Agenda was reviewed.

Airport Authority – Funding for Future Projects

Shawn Anderson, Tim Logan, and Jamie Bryn, representatives from the Barnes County Municipal Airport Authority board, requested a loan of \$300,000 to cover construction project expenses until grant monies are received. Cindy Schwehr made a motion to honor the request up to \$300,000 to be paid out “as needed”; Rodger Bertson seconded the motion and asked for a roll call vote. Motion carried, with John Froelich and Phil Leitner voting “no” in a roll call vote.

Executive Session: Settlement of Extradition Transport of America Lawsuit

Rodger Bertson moved to go into Executive Session; John Froelich seconded the motion. Motion carried. Cindy Schwehr made a motion to close the Executive Session; John Froelich seconded the motion. Motion carried. Phil Leitner moved to have the State’s Attorney settle the Extradition Transport of America lawsuit with the parties involved; Rodger Bertson seconded the motion. Motion carried.

Treasurer – Pledge of Securities

Vicki Zinck, Treasurer, presented the Pledge of Securities. Phil Leitner moved to accept the report; John Froelich seconded the motion. Motion carried.

Recorder – Document & Fee Processing

Jody Pfaff, Recorder, answered questions regarding the process of depositing fees and recording documents. The Commission requested that she follow up with the banks involved to determine what process would best meet their needs.

Planning & Zoning – 2013 Residential Sales & CUP/Variance Requests

Betty Koslofsky, Tax Director, presented the 2013 Residential Sales report. Phil Leitner moved to set the Residential and Commercial valuations at 9.5% below market, allowing ½% local assessor discretion; John Froelich seconded the motion. Motion carried. Ms. Koslofsky presented an application for a Conditional Use Permit (CUP) from Jon A. Wagar (Green Township, NW ¼ 17-139-59). John Froelich moved to approve the application; Phil Leitner seconded the motion. Motion carried. Ms. Koslofsky presented an application for a Variance (Setback) from Mitchell E. Tingley (Thordenskjold Township, SW ¼ 24-137-57). Phil Leitner moved to approve the application; John Froelich seconded the motion. Motion carried.

Auditor – Minutes/Miscellaneous

Phil Leitner moved to approve the January 7, 2014 minutes; John Froelich seconded the motion. Motion carried. The Commission instructed the Auditor to publish a notice informing the public of County positions that will be up for election in 2014, along with petition information and deadlines.

2013 Budget Amendments

Harold Rotunda, CPA, appeared to discuss 2013 year-end figures and answer questions the Commission had regarding budget strategies. No amendments to the year-end figures were deemed necessary.

Highway Department – Project Completion/Software & NACE Requests

Shawn Mayfield, Kadmas, Lee & Jackson, requested approval of the Completion & Final Acceptance documents for the Meadow Lake projects CER 02-07-(058) Grade Raise and CER 02-32-(060) Re-alignment. Cindy Schwehr moved to approve the request; John Froelich seconded the motion. Motion carried. Kerry Johnson, Highway Superintendent, requested approval to purchase a sign inventory management software system from Aquisign at a cost of \$2,000 plus approximately \$250 per year for maintenance fees, depending on the number of signs in inventory. An I-Pad will also be needed, as well as rental of a GPS unit from Walsh County to do the initial inventory at a cost of \$500. Cindy Schwehr moved to approve the request; John Froelich seconded the motion. Motion carried. Eldred Knutson requested that they look at a program to gather and store information on the culverts, as well. Mr. Johnson requested permission to attend the National Association of County Engineers convention. Rodger Bertson moved to pay Mr. Johnson’s airfare and hotel expenses; Phil Leitner seconded the motion. Motion carried, with Eldred Knutson voting “no”.

BC Employee Policy Manual Updates

The Barnes County Employee Policy committee, represented by Lisa Bayley Neurauter, presented the following recommended changes to the Policy manual for 2014. All changes recommended were approved as presented, unless otherwise noted:

- Page 1 – Update committee membership
- Page 3 – Add Appendix D: Family and Medical Leave Act and Appendix E: Veteran’s sample letter(s)
- Page 4 – Add “Violation of Policy: Violations of policy will be considered by the employee’s supervisor(s) on a case by case basis. An employee may lose work privileges, surrender annual leave, face other sanctions, or be terminated for violating policy.”
- Page 4 – Under Work Schedule, change wording and add “The work week for Social Services has been defined as Friday at 6:00 P.M. to Friday at 5:59 P.M. It is the expectation that county departments be open at all times during their standard office hours. Barnes County Dispatch works a 14-day cycle of 76 hours with the work week running from Saturday through Friday. Changes to any department’s standard office hours on a permanent basis must be approved by the Board of County Commissioners.”
- Page 5 – Under Employee Classification, add “Full-time exempt employees are paid on a salaried basis. Full-time exempt employees are required to maintain standard office hours according to their department standards and may, at times, be expected to perform additional duties beyond their standard work schedule to satisfy job requirements. Exempt employees generally do not receive overtime compensation, compensatory time off, or additional compensation beyond the established salary for the position. However, exempt employees are allowed to flex additional hours worked over 40 hours, as long as those hours are flexed within the same work week.” Rodger Berntson moved to leave this language as is; Cindy Schwehr seconded the motion. Motion carried, with Phil Leitner and John Froelich voting “no”.
- Page 5 – Under Employee Classification, add “Elected Officials are paid on a salaried basis. Elected officials are highly encouraged to maintain standard office hours according to their department standards and, at times, are highly encouraged to perform additional duties beyond their standard work schedule to satisfy job requirements. Elected officials do not receive overtime compensation, compensatory time off, or additional compensation beyond the established salary for the position. It is the expectation of the Board of Commissioners that elected officials follow Barnes County policy.”
- Page 5 – Under Employee Classification, Rodger Berntson made a motion to add 911 Coordinator under Exempt, Dispatch under Non-Exempt, County Weed Officer under Exempt, and Seasonal under Non-Exempt; Cindy Schwehr seconded the motion. Motion carried, with Phil Leitner voting “no”.
- Page 6 – Removed a paragraph, and added “Removed due to the policy being covered with all county non-exempt employees on Page 12 under Overtime.”
- Page 7 – Under Trial Period, add “If the trial period is for an appointed Department Head, the portfolio holder(s) will conduct the review and present it to the Board of County Commissioners in order to determine if the department head will graduate from the trial-period status.” Rodger Berntson moved to add the following language: “Failure to graduate from trial period status will result in termination from employment or an extended trial of six months.”; Cindy Schwehr seconded the motion. Motion carried.
- Page 8 – Under Employment and Termination, revised paragraph to read as follows: “When a position becomes available, Department Heads are required to notify the Auditor’s Office of the open position, and all information pertaining to that position. It is the responsibility of each Department Head to know and follow the hiring policies of their individual department. The Auditor’s Office will then contact Job Service, ... It is the policy of Barnes County to comply with all Title VI requirements and the mandates of Veteran Preference law, including written notification. (See Appendix E for sample letter(s)).”
- Page 9 – Under Termination without Cause, added “Appointed Department Heads may be terminated at any time without cause by the Board of Commissioners after consultation with the State’s Attorney.”
- Page 13 – Under Time Clock, revised paragraph to read as follows: “If the auditor’s office or portfolio holder(s) is/are not satisfied with the explanation given, they may take the issue to the commission. Employees found to have submitted incorrect time sheets will be asked to make corrections and account for absences.”
- Page 13 – Under Overtime, revise paragraph to read as follows: “All non-exempt employees eligible for benefits must be compensated ...”
- Page 14 – under Vacation, added “Department Heads, as a courtesy, should notify the Commission of any leave that is greater than one full working day.” John Froelich made a motion to change the word “should” to “will”; Phil Leitner seconded the motion. Motion failed, with Rodger Berntson, Cindy Schwehr and Eldred Knutson voting “no”.
- Page 15 - under Sick Leave, all references to North Dakota Workers Compensation Bureau were replaced with Workforce Safety and Insurance (WSI).
- Page 17 – under Family Medical Leave Act, added “See Appendix D for Employee Rights and Responsibilities under the Family and Medical Leave Act.” and removed sections that are covered in the appendix.
- Page 22 – under Meetings and Schools, revised paragraph to read as follows: “When traveling in state, personal vehicle mileage, meals, and lodging will be reimbursed. Barnes County will reimburse at the current rates set by the state of North Dakota. Quarter-day reimbursement time periods for meals and lodging are as follows: 1st

Quarter (6 a.m. to noon if travel begins before 7 a.m.); 2nd Quarter (noon to 6 p.m.); 3rd Quarter (6 p.m. to midnight); 4th Quarter (midnight to 6 a.m.). An employee must be away from normal place of employment a minimum of six hours to receive any reimbursement (NDCC 44-08-04). Please contact the Barnes County Auditor's office for information on the current rates."

- Page 23 – under Retirement Benefits, replaced rate and contribution information with the following statement: "Retirement rates are per each legislative session requirements. See Barnes County Auditor's office for specific contribution amounts."
- Page 23 – under Physical Examinations and Immunizations, add "Smoking Cessation assistance" to the benefits provided through the City-County Health District.

Department Head Meeting

Phil Leitner invited all County employees to the Commissioner's Day luncheon at the VFW on March 6, 2014. Eldred Knutson updated the group on steps being taken to improve the safety of the sidewalks and parking lots this winter. Rodger Berntson shared a proposal for updating the parking spaces next summer when the paving of the lot is completed. Angie Martin, City-County Health District representative, informed the group of activities of their department.

Commission Discussion

The Water Board wants to turn over the responsibility for securing easements for Sanborn Lake outlet to the County. Erosion problems at the Kathryn Dam and possible solutions were discussed. Cindy Schwehr moved that the Commission send two letters and one complaint to the Water Board requesting action; John Froelich seconded the motion. Motion carried. Other discussion included zoning permits and variances for the one-mile extraterritorial area.

With no further business, Phil Leitner made a motion, seconded by John Froelich, to adjourn the meeting. Motion carried unanimously.

Beth M Didier
Barnes County Auditor

Eldred Knutson, Chairman
Barnes County Commission