

The Barnes County Commission met in regular session Tuesday, February 21, 2006, with all members present.

Kerry Johnson, Highway Superintendent, and Charlotte Brett, Barry Schuchard, and Wade Frank of Kadrmas, Lee & Jackson met with the Commission. Brett presented a decision document regarding the 4th Street Bridge project for the Commission to sign.

Chairman Opdahl then allowed discussion from members of the public present at the meeting.

Commissioner Schwehr made a motion, seconded by Commissioner Maasjo, to proceed with the 4th Street Bridge project. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Maasjo made a motion, seconded by Commissioner Berntson, to accept Alternate 4B, a false arch bridge. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Schwehr made a motion, seconded by Commissioner Triebold, to build the new bridge similar to the present structure. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Berntson made a motion, seconded by Commissioner Schwehr, to approve the February 7 minutes with corrections. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Schwehr made a motion, seconded by Commissioner Triebold, to place the Historical Society half-mill measure on the November ballot. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Schwehr made a motion, seconded by Commissioner Berntson, to set the pay for the position of Chief Correctional Officer at \$14.36 per hour, retroactive to the February payroll. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Berntson made a motion, seconded by Commissioner Maasjo, to approve a raffle permit for the Green School Community Center. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Schwehr made a motion, seconded by Commissioner Triebold, to approve the following amended resolution regarding scope of duties, presented by Brad Cruff, States Attorney. Upon a roll call vote with all members voting "yes," motion carried.

Resolution # 4

WHEREAS, the position of Barnes County State's Attorney was deemed full-time on the 6th day of March, 1990; and

WHEREAS, said resolution deeming the position of Barnes County State's Attorney also limited the scope of duties to that of attorney or counsel for any party except the State of North Dakota or the County of Barnes; and

WHEREAS, said limitations of the duties of Barnes County State's Attorney are contrary to the laws of the State of North Dakota; and

WHEREAS, the Barnes County Commission desires to amend the duties of the Barnes County State's Attorney to comply with the laws of the State of North Dakota, in addition to providing clarity and guidance regarding the duties of the office.

NOW THEREFORE, BE IT RESOLVED, that the Barnes County State's Attorney is the public prosecutor and shall:

1. Attend the district court and conduct on behalf of the state all prosecutions for public offenses.
2. Institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses when the state's attorney has information that such offenses have been committed, and for that purpose, when the state's attorney is not engaged in criminal proceedings in the district court, the state's attorney shall attend upon the magistrates in cases of arrests when required by them except in cases of assault and battery and petit larceny.
3. Attend before, and give advice to, the grand jury whenever cases are presented to it for consideration.

4. Draw all indictments and informations.

5. Be concerned as attorney or counsel for any party, other than the state or county, in any action or proceeding whatsoever except as authorized by further resolution.

The board of county commissioners may adopt or rescind a resolution under this subsection in any year. However, in the general election year in which the state's attorney is to be elected, such action must be taken prior to June first. Such adoption or rescission shall not be effective during the state's attorney's current term of office unless agreed upon between the board and the state's attorney.

The Barnes County Commission, in cases of public importance and with the advice and consent of the state's attorney, may employ additional counsel to assist the state's attorney. Such counsel shall receive such compensation as may be agreed upon between the parties.

Date: 2/21/06 /s/ Harlan Opdahl, Its Chairman of the Board

Attest: /s/ Edward R. McGough, Auditor

BRADLEY A. CRUFF, Barnes County State's Attorney, hereby consents and agrees to the duties set forth in the above entitled resolution.

/s/ Bradley A. Cruff, Barnes County State's Attorney

Adam Powers, representing Nick of Time, met with the Commission on critical infrastructure protection. Powers discussed the pipelines through Barnes County and Baldhill Dam.

Bids were reviewed for asphalt and reclamite road materials.

Commissioner Berntson made a motion, seconded by Commissioner Maasjo, to open two bids to determine whether bond information was inside the envelopes. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Maasjo made a motion, seconded by Commissioner Berntson, to reject the bid from Northland Asphalt because the bond was not in a separate envelope outside the bid as required in the bid specifications. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Triebold made a motion, seconded by Commissioner Berntson, to accept an asphalt bid from Flint Hills of West Fargo, for \$1.46 per gallon. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Maasjo made a motion, seconded by Commissioner Schwehr, to accept the bid from Johnson Fargo Culvert Co. for metal culverts. Upon a roll call vote with all members voting "yes," motion carried.

Jason Thiel, Chairman of the Employee Policy Committee, presented proposed changes to the current employee policy.

The Committee made the following recommendation to the Commission: "Part-time employees who work at least 20 hours per week year round shall be paid holiday pay on a pro-rated basis, regardless if the employee was regularly scheduled to work on that day," to replace the current policy on page 5: "Part-time employees receive no holiday pay."

Commissioner Triebold made a motion, seconded by Commissioner Maasjo, to approve the recommended change to the Employee Policy. Upon a roll call vote with all members voting "yes," except Commissioner Opdahl, who voted "no," motion carried.

Commissioner Schwehr made a motion, seconded by Commissioner Triebold, to change the current policy regarding the Friday after Thanksgiving, requiring that all offices remain open that day. Upon a roll call vote with all members voting "yes" motion carried.

Commissioner Triebold made a motion, seconded by Commissioner Maasjo, to change the current policy regarding Courthouse closing due to inclement weather, to delete the following sentence (page 9): "As a general rule, if the Valley City schools close due to a winter storm, the Barnes County Courthouse will also be closed." Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Schwehr made a motion, seconded by Commissioner Triebold, to allow no solicitation by County employees to other businesses for the benefit of any County parties. Upon a roll call vote with all members voting "yes," motion carried.

The Committee made the following recommendation to the Commission: "If a part-time employee who works 20 hours per week or more and is scheduled year round is regularly scheduled to work on a day where the Barnes County Courthouse closes due to inclement weather, that employee shall be paid for the hours they were scheduled to work that day." The line "However, part-time employees will not be paid for hours not worked" would be changed to state: "However, part-time employees who work fewer than 20 hours per week or who do not work year round will not be paid for hours not worked."

Commissioner Maasjo made a motion, seconded by Commissioner Schwehr, to approve the recommended change to employee policy. Upon a roll call vote with all members voting "yes," except Commissioners Opdahl and Berntson, motion carried.

The Committee also made the following recommendation to the Commission: "The length of maternity leave, for the birth or adoption of a child(ren) is limited to eight weeks unless a longer time is recommended in writing by a physician and with the approval of the Department Head, sick and / or vacation time will be used before leave without compensation will be given. If there is a pregnancy disability, this would qualify for Family and Medical Leave Act. (Current policy is on page 12).

The Committee also made the following recommended addition to the Family and Medical Leave Act (page 12): "Barnes Count follows the mandates of the Family and Medical Leave Act. And eligible employee can take up to 12 weeks of leave in a 12-month period with sick and / or vacation time being used for . . ."

Commissioner Berntson made a motion, seconded by Commissioner Triebold, to approve the recommendations for maternity leave and FMLA. Upon a roll call vote with all members voting "yes," motion carried.

The Committee also made the following recommendation to the Commission: "If the County Commission requires specific employees or departments to work more hours in a day during a specified period, those employee shall receive holiday pay for the number of hours the county commission required them to work that day. If the holiday falls on the day they are not required to work, then that holiday shall be moved to the nearest required working day and holiday pay shall be given for the number of hours the were required to work that day. For example, if the Commission requires a department to work for 10-hour days during July, that department would receive 10 hours for holiday pay on the Fourth of July."

No motion was made, so the policy manual will remain as it was.

There was also discussion on sick and vacation for part-time employees, but no motion was made.

Terry Didier met with the Commission to present his Evergreen Subdivision for approval, with a do pass recommendation from the Planning and Zoning Board.

Commissioner Schwehr made a motion, seconded by Commissioner Triebold, to approve and sign the plat for Evergreen Subdivision. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Berntson made a motion, seconded by Commissioner Triebold, to accept the resignation of Jim Verwey as Barnes County Emergency Manager. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Berntson made a motion, seconded by Commissioner Triebold, to rescind the motion approved February 7 for a salary increase for Jim Verwey. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Berntson made a motion, seconded by Commissioner Maasjo, to open the position of Emergency Manager through Job Service, at a salary of \$12.00 per hour. Upon a roll call vote with all members voting "yes," motion carried.

There being no further business to come before the Board, Commissioner Triebold made a motion, seconded by Commissioner Schwehr, to adjourn. Motion carried.

Edward R. McGough
Barnes County Auditor

Harlan Opdahl, Chairman
Barnes County Commission