

The Barnes County Commission met in regular session Tuesday, March 17, 2009, with all members present.

Kerry Johnson, Highway Superintendent, presented pictures from the last snow event.

Mr. Johnson stated that the 2009 county road restrictions will be effective as of March 23.

Discussion was held concerning the accrual of Highway Department employees' vacation time and the difficulty in using it before their anniversary dates as required.

Commissioner Schwehr made a motion, seconded by Froelich, to allow Duwayne Riedesel a 30-day extension from April 28 to use his vacation time over 200 hours. Motion carried.

Mark Anderson of Kadmas, Lee and Jackson discussed a letter of support from KLJ for the Governor's \$120 million addition to the Highway Distribution funds.

Commissioner Schwehr made a motion, seconded by Froelich, to approve the minutes of February 17 and March 3 as presented. Upon a roll call vote with all voting "yes," motion carried.

Commissioner Schwehr made a motion, seconded by Froelich, to cancel the taxes of \$240.00 on the Pillsbury parcel PCL:57-001-1810. Upon a roll call vote with all voting "yes," motion carried.

Commissioner Froelich made a motion, seconded by Weber, to appoint Liz Johnson to the Library Board, to fill the unexpired term of Judy Legge. Upon a roll call vote with all voting "yes," motion carried.

The Board discussed a request from the City of Valley City for the County to re-plat irregular metes and bounds descriptions in the southwest area of the city.

Stan Horst, Buildings and Grounds supervisor, discussed Courthouse heating problems. Also, the Commission instructed Mr. Horst to locate a company to increase the size of the sewer pipe from the Courthouse to the street.

Brad Cruff, States Attorney, met with the Commission to discuss the installation of air conditioning in his office, at a cost of approximately \$10,000.00.

Commissioner Froelich made a motion, seconded by Schwehr, to allow installation of air conditioning to the State's Attorney's office, and to amend the Buildings and Grounds budget for \$10,000.00 to cover the cost. Upon a roll call vote with all voting "yes," motion carried.

Mr. Cruff and Cori Lang, Correctional Officer, discussed the Community Service program.

Commissioner Schwehr made a motion, seconded by Opdahl, to allow Chairman Berntson sign the annual agreement with the Historical Society on the mills they receive from the County. Upon a roll call vote with all voting "yes," motion carried.

Commissioner Schwehr made a motion, seconded by Weber, to approve the following recommended changes to the Barnes County Employee Policy Manual as presented, to be effective in March of 2009, with the exception of Recommendation 5. Upon a roll call vote with all voting "yes," motion carried.

Barnes County Policy Review Committee  
2009 Recommendations to Commission

1. Recommendation: To adopt a new job application based on the generic Job Service application (see example).
2. Recommendation: To add *Paternity* to the current Maternity Leave policy. **Maternity/Paternity** Leave - The length of maternity/**paternity** leave 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

leave and/or vacation leave will be used before leave without compensation will be given. If there is a pregnancy disability, this would qualify for the Family and Medical Leave Act (FMLA).

3. Recommendation: Clarification to current FMLA policy. **Current:** For each employee, the County will use a “rolling” 12-month period that will be measured backward from the date the employee uses any FMLA leave. Under this method, each time the employee takes FMLA leave, the remaining leave entitlement for the employee is the balance of the 12 weeks that has not been used during the immediately preceding 12 months.

**Clarification:** For each employee, the County will use a “rolling” 12-month period and not the calendar year or a year based on the employee’s employment anniversary date. The twelve month period commences when the employee first uses Family Medical Leave. In the event the employee does not use the full twelve weeks of leave in one block, any subsequent leave that will be measured backward from the date the employee uses any remaining FMLA leave. Under this method, each time the employee takes FMLA leave, the remaining leave entitlement for the employee is the balance of the 12 weeks that has not been used during the immediately preceding 12 months.

4. Recommendation: Clarify definition of “designated time period” under *Overtime* section by adding the sentence *Compensatory time shall be used before vacation time*. “If the employee desires to receive compensatory hours instead of overtime compensation for overtime work, then that employee shall sign, and file with the County Auditor, a “waiver” (see Appendix F, p. 37) of his/her right to overtime compensation, and agree that he/she shall receive compensatory hours instead. Waiver shall remain in effect until revoked by the employee in writing. Compensatory hours shall only be allowed for the repayment of overtime work if agreed to by the Department Head, and must be taken in the designated time period. **Compensatory time shall be used before vacation time.**”

5. Recommendation: Addition of the following policy designating rules for cell phone use while driving: **The County requires the safe use of its cellular telephones by employees while conducting business. The County does not permit employees to operate a County vehicle while using a handheld cellular telephone because of safety concerns. Any calls (incoming or outgoing calls) while an employee is traveling need to be made after the vehicle has pulled off the road and come to a complete stop. Use of cell phones while driving a County vehicle during emergency situations is allowed.**

6. Recommendation: A comprehensive policy under the heading *Use of Personal Vehicles for County Business*, with a new inclusion covering the requirement of personal insurance to cover personal vehicles used for County business.

**While it is recognized there are occasions when people have to use their personal vehicles to conduct County business, including but not limited to transporting clients and attending conferences, it is the policy of Barnes County that employees and department heads, elected or appointed, use County vehicles if available. Commuting to and from work is not County business unless such commuting is required by a Department Head. All persons traveling in a personal vehicle on County business must be properly restrained with seat belts and/or child restraints. No personal vehicle shall be used for County business that is not properly licensed and insured with at least the mandatory minimum liability insurance required by law. The County shall not be responsible for any damage to the employee’s personal vehicle in the event of a crash, regardless of fault, as insurance expense is presumed and is included in all mileage reimbursement.**

7. Recommendation: Addition of Employee Assistance Program information to the Manual, as follows: **An Employee Assistance Program (EAP) is available to all full-time employees. This program provides access to a full range of confidential counseling programs, including workplace issues, personal counseling, drug and alcohol issues, financial and legal counseling, relationship issues, and emotional health at no cost to employees. Terminated employees will be covered for 90 days after termination. Employees interested in further information may call the provider, The Village Business Institute, at 1-800-627-8220.**

8. Recommendation: Clarification of the Corrections work week definition in the Manual, for the purpose of overtime calculation: “The work schedule for all Barnes County employees will be five days a week consisting of eight hour days, except where duties and functions consistent with efficient maintenance operations require different scheduling. County Offices: Work week is Monday through Sunday, with standard office hours being Monday through Friday 8 a.m. - 5 p.m. Correctional Facility work week is Sunday 7 a.m. - Saturday 6:59 a.m. The Sheriff’s Department and Corrections work a 28-day cycle of 160 hours.”

Commissioner Opdahl made a motion, seconded by Schwehr, to adopt Recommendation 5 as presented. With all other members voting “yes,” and Froelich and Berntson voting “no,” motion carried.

Commissioner Froelich made a motion to amend the previous motion by adding “for personal reasons” to the sentence as follows: “The County does not permit employees to operate a County vehicle while using a handheld cellular telephone, *for personal reasons*, because of safety concerns.” Motion failed for lack of second.

Bruce Lovell, Highway Department employee, met with the Commission to request a raise for his position of heavy equipment mechanic.

The Commission referred the matter back to the Compensation Committee for further review.

Deb Kantrud, South Central Dakota Regional Council Director, met with the Commission to introduce herself and update them on the programs they work with.

Betty Koslofsky, Tax Director, presented an abatement application for Greg and Ruth Quick, Dazey, PCL #50-0010260, Lots 20 & 21, Block 13, Original Dazey.

Commissioner Froelich made a motion to lower the valuation in dollars to \$10,000.00. Motion failed for lack of a second.

Commissioner Weber made a motion, seconded by Opdahl, to deny the abatement as recommended by the City of Dazey and Tax Director. With all other members voting “yes,” and Froelich voting “no,” motion carried.

Commissioner Opdahl discussed the schedule for informing residents of tax valuation increases, and suggested that the County should send notices as needed, by certified mail.

Kim Franklin, EMA, met with the Commission to discuss spring flooding preparations and needed supplies.

Commissioner Weber made a motion, seconded by Froelich, to allow Ms. Franklin to order 30,000 sandbags, and amend the Emergency Management budget by \$10,000.00, for the cost of the bags. Upon a roll call vote with all voting “yes,” motion carried.

Commissioner Opdahl made a motion, seconded by Froelich, which any seasonal Parks employee shall not work more than 17 hours per week, for 6 months. Upon a roll call vote with all voting “yes,” motion carried.

Commissioner Opdahl made a motion, seconded by Froelich to recommend that the local township and city assessors send out notices of valuation increases, and bill the County for reimbursement for the cost of certified mail. Upon a roll call vote with all other members voting “yes,” and Commissioner Berntson voting “no,” motion carried.

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

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Edward R. McGough  
Barnes County Auditor

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Rodger Berntson, Chairman  
Barnes County Commission