

**REGULAR MEETING OF CASS COUNTY BOARD OF COMMISSIONERS
MARCH 6, 2006**

1. MEETING CALLED TO ORDER

Chairman Vern Bennett called the meeting to order at 3:30 PM with all members present as follows: Vern Bennett, Ken Pawluk, Darrell Vanyo and Robyn Sorum. Scott Wagner participated via speaker phone.

2. PLEDGE OF ALLEGIANCE

Robyn Sorum led the Pledge of Allegiance.

3. MINUTES APPROVED

MOTION, passed

Mr. Vanyo moved and Mrs. Sorum seconded that the minutes of the previous meeting be approved as written. Motion carried.

4. AGENDA, Order approved

MOTION, passed

Mr. Pawluk moved and Mr. Vanyo seconded to approve the order of the agenda with the following changes: 1) omit award of election supply bids because no bids were received; 2) add special event permit for Plains Art Museum/Café Muse; 3) add Emergency Management Program Grant award; and 4) add application for 2006 Edward Byrne Memorial Justice Assistance Grant and related Interlocal Agreement with the City of Fargo for sharing these funds. Motion carried.

5. CONSENT AGENDA APPROVED

MOTION, passed

Mr. Vanyo moved and Mrs. Sorum seconded to approve the consent agenda as follows: On roll call vote, the motion carried unanimously.

- a. Amend Commission Policy Manual Section 4.00, Advisory Boards, to appoint Marvin Leidal to fill a vacancy on the Cass County Tuition Appeals Board for a term to expire July 1, 2008.
- b. Authorize the chairman to sign a purchase order in the amount of \$16,863.65 to North American Communications Resource for telephone system call accounting software.
- c. Contracts:
 - City of Fargo—intergovernmental agreement for animal control services;
 - Airborne Custom Spraying—retainer for aerial spraying for the 2006 mosquito control season.
- d. Approve a special event permit for alcoholic beverage sales by the Plains Art Museum/Café Muse for a Microsoft event at Doug Burgum's property located at 10 Tallgrass Trail, Horace, North Dakota, during the hours of 5:00-11:00 PM on March 6, 2006.
- e. Accept and authorize the chairman to sign the Emergency Management Program Grant (EMPG) award letter for the amount of \$64,072 to pay for a share of the operating costs of the Cass Fargo Emergency Management's 2006 budget.

6. **SHERIFF'S DEPARTMENT, Lifesaving award presented to Deputy Craig Danielson**
 Sheriff Don Rudnick thanked the board for this opportunity to present a North Dakota Peace Officers Association lifesaving award at a public meeting to Cass County Sheriff's Deputy, Craig Danielson, for responding to a medical call and successfully administering CPR until an ambulance arrived. The call for help was received on January 27, 2006, at an address east of Harwood, a few miles into Clay County, Minnesota. Sergeant Bruce Jorgensen, Cass County Sheriff's Department, provided information received from the Clay County Sheriff, Bill Bergquist, indicating Deputy Danielson was close to the residence and the first to respond to the call for help. The nearest Clay County Deputy was 25 miles away.

In receiving the award, Deputy Danielson said he felt he was doing his job that day. Chairman Bennett congratulated him, saying the commission would consider it extraordinary duty.

7. **VETERANS SERVICE, High school diploma presented to World War II veteran**
 Jim Brent, Veterans Service Officer, was present with Charles Rustvold and friends for a presentation to the decorated veteran of World War II, who now resides in Fargo. Chairman Bennett presented a high school diploma to Mr. Rustvold from the Grygla, Minnesota, High School where he attended classes before military service from 1944-1946. Mr. Rustvold expressed his appreciation for the presentation.

8. **ORDINANCE #2006-1, Second reading and adoption of county subdivision ordinance**
 Mike Zimney, County Planner, provided copies for each commissioner of changes made to the subdivision ordinance from the previous draft. He explained the changes, saying the majority of them are of a legal nature to be sure the ordinance is consistent with the North Dakota Century Code and Cass County's Home Rule Charter. The fee schedule in Appendix 20 was changed to make the fee for large subdivisions more consistent with current fees in the City of Fargo. He felt the original fee schedule would have resulted in excessive fees for the larger subdivisions.

State's Attorney Birch Burdick said he assigned Assistant State's Attorney Jonathan Anderson to work with Mr. Zimney on the ordinance draft. Mr. Anderson was present and said the changes include sections on density and deed restrictions, and an introduction to the ordinance. The introduction explains the county's responsibility to regulate subdivisions within the zoning authority of organized townships and the responsibility of organized townships to regulate zoning. Mr. Burdick prepared a letter to Mr. Zimney dated today, with a copy for commissioners, on the authority to enact the lot density restriction in Section 307.

Mr. Zimney indicated the lot density restriction is an attempt to promote smaller-type development in the rural areas to fit more easily with agricultural land and activities while encouraging larger subdivision growth on the urban fringe and in other areas with supportive infrastructure.

Mr. Pawluk asked if people are aware of the proposed ordinance and if there have been any comments since the first draft. Mr. Zimney said information on the ordinance has been provided to other entities including townships, cities and engineering firms; and he has not received any negative comments.

Mr. Vanyo inquired whether the subdivision ordinance would be in conflict with the townships' zoning authority, and Mr. Zimney said the county's ordinance would basically work independently of a township's zoning authority. He said the new county ordinance would not remove any power from the township; and developers will need to comply with the new subdivision regulations as well as the townships' zoning requirements.

The chairman called for any comments from the public in the audience, and no one asked to address the board on the subdivision ordinance.

MOTION, passed

Mr. Pawluk moved and Mr. Wagner seconded to adopt Ordinance #2006-1, Cass County Subdivision Ordinance, regulating subdivisions in Cass County within the county limits but outside the corporate or extra-territorial limits of any city; and to have the state's attorney publish this ordinance with all other county ordinances into a handbook for Cass County law enforcement officials. On roll call vote, the motion carried unanimously.

9. ROAD DEPARTMENT, Resolution #2006-2 Highland Park property acquisition

Mr. Zimney said the commission approved the sponsorship of a pre-disaster mitigation grant application at the February 21, 2006 meeting for the acquisition of a private residence in Highland Park Subdivision north of Fargo. For today's meeting, he provided an updated letter addressed to the North Dakota Department of Emergency Services Office and a resolution for the local funding commitment. The letter and resolution indicate the landowner has agreed to commit the matching fund requirement in the amount of \$103,750. Mr. Zimney explained the process that would follow if grant funding is approved.

Mr. Burdick reviewed the grant documents and said he provided editorial-type comments to Mr. Zimney. The grant application does not commit county government money, according to Mr. Burdick.

Genevieve Thompson, from the Greenway on the Red Program, said a letter of support for the local funds will be forthcoming from the landowners, Lars and June Moller.

MOTION, passed

Mr. Pawluk moved and Mr. Vanyo seconded to authorize the chairman to sign the updated funds commitment letter and resolution indicating the property owners, Lars and June Moller, have committed the local matching fund requirements in the application for Landslide Acquisition Pre-Disaster Mitigation Grant funds and no county funds will be used for the Highland Park property acquisition. On roll call vote, the motion carried unanimously.

10. JAIL/JUVENILE DETENTION, Inmate daily rates established

Glenn Ellingsberg, Jail Administrator, was present to discuss the daily rate charged to other jurisdictions for housing inmates in the Cass County jail, including the federal government. He said Cass County's cost per inmate is \$68.81; however, the current daily rate is \$60 because all of the costs are not reimbursable. He said the federal government does not allow reimbursement for costs that are not directly beneficial to the inmate. The cost of hospitalization, medication and transportation to court are already billed separately to the respective jurisdiction having authority over an inmate.

Concerning the daily rate for the juvenile detention center, Mr. Ellingsberg said the current rate is \$120 per day and he recommends increasing that amount to \$155 per day.

Mr. Wagner said he is aware of some new services being facilitated through the National Association of Counties at the legislative conference he is attending in Washington, D.C. this week. He will bring back information when he returns. On inmate costs, he inquired about medical insurance, and Mr. Ellingsberg said a medical facility would first seek reimbursement from the individual's health insurance carrier, if they have insurance.

Mr. Vanyo asked what the biggest reason is for the size of the recommended increase in the juvenile daily rate. Mr. Ellingsberg said the rate has not been changed for the past 5-7 years, and the increase would more accurately reflect actual costs.

Mr. Bennett asked if the jail daily rates could be a different amount for jurisdictions other than the federal government, since it does not allow certain reimbursement. Mr. Ellingsberg said that is allowable and he may need to implement such a fee structure in the future. He will review the costs again in 2007, and Mr. Bennett asked him to report back to the board.

If the commission agrees with a juvenile detention rate increase, Mr. Ellingsberg suggested a motion to that effect. He said no motion is needed on the jail daily rate at this time.

MOTION, passed

Mr. Vanyo moved and Mrs. Sorum seconded to approve an increase in the juvenile detention rate to \$155 per day for 2007. On roll call vote, the motion carried unanimously.

11. SHERIFF'S DEPARTMENT, Grant application and interlocal agreement with Fargo

Mr. Ellingsberg requested the addition of an agenda item to submit an electronic application for the 2006 Edward Byrne Justice Assistant Grant funds in the amount of \$70,259, which will be shared with the City of Fargo. He said the money will be used to help fund positions and expenses of the Cass County drug task force and equipment for the Fargo Police Department. He also requested approval of an interlocal agreement with the City of Fargo in relation to the grant funds.

MOTION, passed

Mr. Pawluk moved and Mrs. Sorum seconded to approve the electronic application for the 2006 Edward Byrne Memorial Justice Assistance Grant on behalf of Cass County submitted by Glenn Ellingsberg, Sheriff's Office, and authorize Mr. Ellingsberg to file subsequent electronic filings which may be required during the grant period; and, further, to approve the Interlocal Agreement with the City of Fargo for the sharing of these funds. On roll call vote, the motion carried unanimously.

12. CASS COUNTY YOUTH COMMISSION, Authorize chairman to sign event contract

Terry Schmaltz and Kathy Ziegelmann were present, as well as Devany Schulz, Chairman of the Cass County Youth Commission, to request board approval of a contract with Bitzer Agency for an event to promote alternatives to teen drinking. The event, which is scheduled for May 12, 2006, at the Red River Valley Fairgrounds, is being planned by the Youth Commission and will include live entertainment by a band called Holiday. Donations from area sponsors will be used to pay for the event.

MOTION, passed

Mrs. Sorum moved and Mr. Vanyo seconded to authorize the chairman to sign a contract with Bitzer Agency, as revised by the state's attorney, in the amount of \$1,500 for entertainment at an event being hosted by the Cass County Youth Commission. On roll call vote, the motion carried unanimously. Mr. Bennett said no county funds are included in this motion. Mr. Schmaltz said Cass County funds for the Youth Commission are used to cover educational materials used during the school year for youth commission members.

13. EMERGENCY MANAGEMENT, Radio systems coordination

Dave Rogness, Cass Fargo Emergency Manager, provided information from the Red River Regional Dispatch Center Board (RRRDC) and discussed the radio systems coordination proposal. He said the interoperable VHF digital radio system will become operational during this year. The cost of the system is \$8 million, funded from several sources including three years of North Dakota Homeland Security grants, two United States Justice Department grants, and money from Minnesota, Moorhead, Clay County, Fargo and Cass County.

A committee representing the agencies participating in the Red River Regional Dispatch Center held meetings to evaluate the future governance of the new system; and, because of its technical nature, have recommended hiring a radio systems coordinator to maintain the communications system. Information was provided on the position description and budget information, as well as several options for a cost sharing formula.

Mr. Wagner applauded the committee on their work and asked about the pay range for the position. Because it is a new and unique position, Mr. Rogness said the group set the pay range from \$40-\$60,000, with the starting salary being dependent upon qualifications of the person selected for the position.

Because the City of West Fargo has not been part of the Red River Regional Dispatch Center, Mr. Vanyo asked about their receptiveness to sharing in the cost of the coordinator. Mr. Rogness said West Fargo made the proposal to pay up to 15% of the cost of this project. He said there is disagreement among some members of the regional dispatch center board about West Fargo being included in this part of the project since they did not join the regional dispatch center. He felt that discussion will be ongoing.

MOTION, passed

Mr. Pawluk moved and Mr. Vanyo seconded to adopt the current RRRDC joint financial plan and hiring of an employee for the interoperable radio system. Discussion: Mr. Bennett asked if Mike Montplaisir, County Auditor, is satisfied with this plan; and Mr. Montplaisir said he is in agreement. On roll call vote, the motion carried unanimously.

14. VOUCHERS, Approved***MOTION, passed***

Mrs. Sorum moved and Mr. Wagner seconded to approve Voucher No. 205,192 through Voucher No. 205,426. On roll call vote, the motion carried unanimously.

15. MEETING UPDATES; RED RIVER VALLEY FAIR MANAGER; ELECTION UPDATE; COURTHOUSE SPACE COMMITTEE; EAST CENTRAL COMMISSIONERS MEETING; COUNTY GOVERNMENT WEEK; WORKFORCE SAFETY; RETIREMENT PARTY FOR THE COMMISSION'S ADMINISTRATIVE ASSISTANT, Committee reports

Commissioners and staff reported on meetings they have attended in the past two weeks, as well as upcoming meetings.

Mrs. Sorum participated in the hiring process for a new manager at the Red River Valley Fairgrounds, and John Pitz has been hired to begin in early April.

Mr. Montplaisir said his office is busy with the election process, and he will be in Bismarck on Friday attending a meeting on election procedures.

Mr. Wagner reported that the first meeting of the courthouse space and planning committee was held last week, and a space needs survey is being developed. Bonnie Johnson, County Coordinator, said a draft survey was distributed to committee members and she is seeking their input by March 10th.

Mr. Pawluk reminded commissioners of the East Central Commissioners Association meeting Thursday, March 9th, at 9:30 AM at the Valley City VFW Club.

Mr. Bennett said National County Government Week is scheduled for the week of April 10th, and Mrs. Johnson said the theme this year is public safety awareness.

Mrs. Johnson met with Steve Dixon, a Workforce Safety representative, last week about county accident statistics. Mr. Dixon suggested that commissioners become more involved with safety issues and work with their portfolio departments to minimize accidents.

Mrs. Johnson took this opportunity to thank Joyce Schepp, Cass County Administrative Assistant, for being a loyal and true county government employee for the past 37 years. A retirement party is planned for March 30th in the commission room at the courthouse.

16. CORRESPONDENCE, Received and filed

MOTION, passed

Mrs. Sorum moved and Mr. Wagner seconded to receive and file correspondence outlined by the secretary as follows: Motion carried.

- Notice of East Central Commissioners Association meeting at 9:30 AM on March 9, 2006, at the Valley City VFW Club, 138 East Main Street, hosted by Barnes County in conjunction with the North Dakota Winter Show.
- Letter from Fargo-Moorhead Area Association of Realtors concerning public input on elected versus appointed county positions, which was studied by the Local Governance Advisory Committee;
- Letter drafted by Rich Sieg, County Road Superintendent, to the North Dakota Department of Transportation in response to their request for a preliminary list of Cass County's Federal Aid projects through 2010;
- Information and request for comments from Houston Engineering, Inc. on North Dakota Department of Transportation project for Interstate 94 bridge improvements at 45th Street in Fargo.

17. ADJOURNMENT

MOTION, passed

On motion by Mr. Vanyo, seconded by Mrs. Sorum and all in favor, the meeting was adjourned at 4:50 PM.

ATTEST:

APPROVED:

Michael Montplaisir – Auditor
Cass County, North Dakota

Vern Bennett, Chairman
Cass County Board of Commissioners