

**BURLEIGH COUNTY COMMISSION
MEETING**

MARCH 18TH, 2024

5:08 PM *Invocation by Chaplain and Pledge of Allegiance*

Chairman Bitner called the regular meeting of the Burleigh County Commission to order.

Roll Call of members: Commissioners Bakken, Schwab, Woodcox, Munson, and Chairman Bitner present.

Chairman Bitner requested to add two items to the agenda. A request for a resolution for an ordinance public Hearing for the Planning Commission, and an item from the States Attorney for a salary variance request for an applicant for a senior attorney position. Motion by Comm. Bakken, 2nd by Comm. Woodcox to approve agenda with proposed changes. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bakken to approve minutes and bills, all members present voted "AYE." Motion carried.

County Planning Director Flanagan presented the request for a resolution for an ordinance in reference to the flood plain ordinances that needs to go into effect in June. It requires two public hearings since it is a change to ordinance the 1st one to be at the Planning Commission at the April 10th meeting. Motion by Comm. Munson, 2nd by Comm. Bakken to approve the resolution, all members present voted, "AYE." Motion carried.

States Attorney Lawyer presented the request for a salary variance request for a senior attorney position applicant. She wanted to adjust the offered salary from step 5 to step 9 based on the applicant's experience. Lawyer stated this is a very difficult position to fill and the applicant is qualified. She stated that she reached out to the HR Director, and she agreed with the variance. Motion by Comm. Schwab 2nd by Comm. Munson to approve the variance. All members present voted, "AYE," motion carried. Comm. Bakken asked how many positions will be open after this one is hired. Lawyer stated that all the senior positions would be filled but they would still have 5 assistant States Attorney positions open.

The following abatements were presented for the Board's consideration; a complete copy of which are on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the LaSalle Shopping Center LLC (4), Meyer (2), Coleman (2), Brost, Lawler, Clairmont, Knutson (2), Korsmo, Kilen, Reisenauer, Wahl, Walbert, Vetter, Elhard, Hanson, Lammert, Frantz, Trusty, Krieger, Donaldson, Julson, Lauinger, Goldade, Laduke, Reidy, Black, Behrens, Berger, Hochhalter (2), Wald, Heidrich, Super, Branson, and Vandal (2) abatements and the rest of the consent agenda in its entirety. All members present voted, "AYE." Motion carried.

County Engineer Hall presented a request to award the bid for grazing rights on a section of property owned by the County for a gravel source, part of which is rented out for grazing. He recommended that the bid be awarded to Fettig Cattle Company for \$21,000. Motion by Comm. Woodcox, 2nd by Comm. Bakken to accept the high bid for Fettig Cattle Company for \$21,000 for the 2024 grazing rights on Section 9, T 141N, R76W, and authorize the proper County officials to enter into a contract with said bidder. All

members present voted, "AYE." Motion carried. Engineer Hall then presented a request to award a bid for Township Gravel Hauling, he recommended awarding the contract to Scepaniak Inc. Motion by Comm. Woodcox, 2nd by Comm. Munson to award bid as recommended. All members present voted, "AYE." Motion carried. Engineer Hall then presented a request to award a bid for painting pavement markers. Motion by Comm. Munson 2nd by Comm. Bakken to award the bid to Traffic Safety Services INC. All members present voted, "AYE." Motion carried. Engineer Hall Then presented a request to award the bid for Magnesium Chloride used for Dust Control. He recommended awarding the bid to Dust busters. Motion by Comm. Munson 2nd by Comm. Bakken to award the bid to Dustbusters Enterprises INC. All members present voted, "AYE." Motion carried. Engineer Hall presented a request to award the bid for the crushing of gravel, he recommended awarding it to Central Specialties Inc. He stated the bid was higher than expected but it was not unexpected due to a change in the way they are doing gravel crushing this year in an effort to get better gravel, but they did have enough money to cover the added costs. Motion by Comm. Schwab, 2nd by Comm. Bakken to award the bid to Central Specialties Inc. All members present voted "AYE." Motion Carried.

County Finance Director Leigh Jacobs presented an update to the Commission on the status of the Burleigh Morton Detention Center sales tax collections. He explained that the outstanding principle is approximately \$44,000,000.00. The total amount needed to stop the collection of the sales tax is \$4.2 million and it can be invested, and the interest can be used against the payoff. The earliest payoff date is November 2025. Burleigh County currently had \$29,900,000 in the Bank of North Dakota and needs another \$1.1 million to collect the amount due to Bureigh County on the bond. Morton County has about \$4.7 million in the Bank of North Dakota and needs an additional \$1.5 million to pay off their amount due. The sales tax cannot be stopped until the total amount due to pay off the entire bond is in the account at the Bank of North Dakota. Option 1 would be for Burleigh County to transfer approximately \$200,000 into the Bank of North Dakota from the General fund and Morton County to transfer approximately \$1.3-1.4 million. In order to shut down collections early. Jacobs stated that shutting off collection at the end of the 2nd Quarter is almost impossible at this point because of the time it would take to verify everything. Option 2 is for Burleigh County to wait until the end of the 2nd quarter to notify the State to shut off the sales tax collection. Burleigh County would by then have enough money to pay off the entirety of the bond. Burleigh County could then pay the balance of Morton County's share and acquire a higher percentage of ownership of the detention Center. He did not see any benefits to Burleigh County to acquire more ownership of the Detention Center. Option 3 is to wait until Morton County has collected the full amount due for their portion, which they should have by November, in which case both Counties would continue collecting the sales tax until the end of the 1st quarter of 2025. Any excess collections are available to the Commission the use at their discretion. The Commission chose to table the discussion until the April 1st Commission Meeting.

Comm. Munson presented the discussion for the changed to the Home Rule Charter ballot language. He shared concerns of having language stating collections from July 1 through June 30. States Attorney Lawyer informed the Commission that if they were to change the language, they would have to redo the Public Hearings and the process to get the measure in the ballot. Considering that information the Commission chose to leave the ballot language as approved. Comm. Munson presented the applications for the Missouri Valley Complex Committee. Motion by Comm. Munson, 2nd by Comm. Bakken to appoint Wayne Martineson to a 2-year term, Kay Laco to a 3-year term, and Dustin Gawrylow for a 4-year term.

Comm. Woodcox and Schwab, "NAY." Comm. Bakken, Comm. Munson, and Chairman Bitner "AYE."
Motion carried.

County Elections Coordinator Hart presented a proposed resolution to approve the list of election inspectors and give the Auditor/Treasurer and Elections Coordinator permission to fill any vacancies that may exist for the 2024 Primary and General elections. Motion by Comm. Munson, 2nd by Comm Bakken to approve the resolution. All members present voted, "AYE." Motion carried. Hart then presented a County Employee workers resolution. This helps recruit election workers if needed for the 2024 Primary and General elections. Motion by Comm. Bakken, 2nd by Comm. Woodcox to approve the resolution, all members present voted, "AYE." Motion carried.

County Auditor/ Treasurer Splonskowski presented the applications for the Bismarck planning Commission. Splonskowski informed the board that at the March 5th meeting the commission appointed two individuals for the position but there was only one position available. So, he placed the two approved individuals in the packet for their consideration. Motion by Comm. Bakken 2nd by Comm. Munson to appoint Sheldon Sivak to the position. All members present voted, "AYE." Motion carried.

Under other business Chairman Bitner presented an update to the Commission on the Environmental impact study for the CO2 Pipeline project. He stated that the Army Corps of Engineers has classified the project as a minor project although claims have been made that the project is the largest of its kind in the world. This classification would not include an environmental impact study. Bitner stated they are going to submit an open records request in reference to this and further action may be necessary on this classification. Comm. Woodcox encouraged the Commission to continue to fight the project. Bitner stated that the Public Service Commission heard Burleigh County's appeal of their decision and denied the appeal.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING
MARCH 4TH, 2024**

5:00 PM *Invocation by Chaplain and Pledge of Allegiance*

The Chaplain invited everyone to the Mayor's Prayer Breakfast on May 16th at the Radisson in Bismarck starting with breakfast at 7:15am. The speaker is Vern Dosch. Tickets can be purchased on Eventbrite.

Chairman Bitner called the regular meeting of the Burleigh County Commission to order.

Roll call of the members: Commissioners Woodcox, Schwab, Bakken, and Chairman Bitner were present. Absent was Comm. Munson.

Motion by Comm. Bakken, 2nd by Comm. Schwab to approve the meeting agenda. All members present voted "AYE". Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bakken to approve the February 21st, 2024, meeting minutes and bills. All members present voted, "AYE". Motion carried.

The following abatements were presented for the Board's consideration; a complete copy of which are on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Bakken, 2nd by Comm. Woodcox to approve the Melina Rios Rivera & Kiara Aponte, Melinda K. Teske (3), Thomas Jenö, Jesse Weber, Chuck & Mary Vetter, Gerald Goldade (2), Carole Koester, Delaney McCormick (3), Donna A. Schmidt, Marlinda Bender, Toni J. Daede, Daniel Taszarek, Alicia Ann Fischer, Marcia Schuler (2), Julie Taylor, Philip Axt, Lucy Dahner, Linda Brunner, Paul A. & Helen M. Senger, Marilyn J. Miller, Scott A. & Brenda L. Kilber, Anna Vogel, Ronald Fischer Etal -Mathilda Fischer, Claudette A. Doppler, Leeila M. Bina, Rebecca Christensen, Deborah Dobler, Diane Haan, Ralph J. Halter, Michael R. & Carol L. Heyd, Doris E. Nordgaard, David & Wanda Schnase, Albert & Kathryn Mettler, Dallus L. Hochhalter, Carol Thompson, Susan Wagner, Herbert & Charlotte Ebel, Jacob Scheett, Lynn Mosher (2), Fred Hanson, Bernice Schuh, Clifford & Bonnie Stone, and the Greg & Tracey Runyon abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

County Planning Director, Mitch Flanagan presented a request for a Special Use Permit for a Retail Exempt Meat Market in Baldwin based on a Feb. 14th Public Hearing that was held for owners, Leon & Susan Bauer. Mr. Flanagan stated there was no opposition from anyone in regard to this permit. All the oversight on this business would be from the State with quarterly inspections. Planning & Zoning will be responsible to issue the building permits for the building, the septic system, and mechanical/electrical. There was no one present who wished to speak on this item. Motion by Comm. Bakken, 2nd by Comm. Schwab to approve this request. All members present voted "AYE". Motion carried.

County Human Resources Director Pam Binder presented a discussion on the County Travel Reimbursement Policy which was updated and combined our Mileage Reimbursement Policy, Travel Reimbursement Policy, Travel Expense Account Policy, and Travel Voucher Policy. Motion by Comm. Bakken, 2nd by Comm. Schwab to approve. All members present voted "AYE". Motion carried. Ms. Binder then presented an update on the County Communication Devices & Internet Usage Policy. This was also updated and combined from the Computer Usage Policy, Wireless Communication Device Policy, and Social Media Policy and given a new name with updated language. Motion by Comm. Bakken, 2nd by Comm. Schwab to approve with a few typographical changes. All members present voted "AYE". Motion carried. Ms. Binder then shared the Weed Control Officer Job Description and Update. The county did employ a Weed Control Officer for one week, but he got another job offer and resigned. The position was reposted with an updated job description, and a new Weed Control Officer was hired with the tentative start date being Mar. 25th.

Deputy Auditor/Treasurer Brandi Caya presented four applications that were received for the Bismarck Planning and Zoning Commission. Chairman Bitner stated that two of the applicants and one current member of the board live very close to him and in an effort to have the members of the board more dispersed within the ETA suggested choosing from the other two applicants for better representation. Motion by Comm. Bakken, 2nd by Comm. Woodcox to appoint Lora Wilson and Sheldon Sivak to the Bismarck Planning and Zoning Commission. All members present voted "AYE". Motion carried.

County Engineer Marcus Hall presented a petition to vacate a section line on the Common Line of 11 and 14 in the Peaceful Valley Subdivision. The County Commission began a Public Hearing to determine the public benefit of vacating this section line and ascertain any damages that are caused by discontinuing this roadway. Mark Isaacs with Independent Land Surveying & Engineering provided the commissioners with the original survey plat map of the area and shared that they would be providing an access easement to be used by the owner of an irrigation pump down by the river. The pump is permitted by the Corps of Engineers who uses the trail to inspect the pump. Mr. Isaacs stated that the access easement would be to the benefit of the Corps and owners of the land that it goes through as well as the owners to the north that have the pump. The public benefit according to Mr. Isaacs would be that it would be a way to preserve the historic value of buildings on the land and would give better access to the river. Attorney, Arlen Ruff stated that this would also give some finality to the Small's who have lived there for four generations and would keep their property marketable and on the tax rolls. The Public Hearing was then closed. Motion by Comm. Woodcox, 2nd by Comm. Bakken to approve the request to vacate this section line and move it down the trail. Commissioners Woodcox, Bakken, and Chairman Bitner voted "AYE". Comm. Schwab voted "NAY". Motion carried.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING**

FEBRUARY 21ST, 2024

5:00 PM *Invocation by Chaplain and Pledge of Allegiance*

Chairman Bitner called the regular meeting of the Burleigh County Commission to order.

Roll call of the members: Commissioners Woodcox, Munson, Schwab, Bakken, and Chairman Bitner were present.

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the meeting agenda. All members present voted "AYE". Motion carried.

Motion by Comm. Schwab, 2nd by Comm. Bakken to approve the February 5th, 2024 meeting minutes and bills. All members present voted, "AYE". Motion carried.

The following abatements were presented for the Board's consideration; a complete copy of which are on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Motion by Comm. Bakken, 2nd by Comm. Munson to approve the Harbor Properties LLC, Ronald D. Wahl, Barb Knutson (6), Joyann Holsten, Dennis W. & Donte Adams, Tomi & Scott Collins, Timarra & Jordan Kenner (2), Vicki Knopp (2), Allen R. & Nancy G. Bittner, Todd Perman, Todd & Terry Perman, Herbert Klaus Davis II & Ashten M. Bristow, Adam & Shiela Mae Otteson, Kohl & Andrea Stewart, James W. & Peggy A. Rudick, Kimberly A. Speidel, Gale & Beverly Taverna, Michael & Laurel Ahneman, Terrence R. & Lori J. Droll, Elroy F. Nelson, Debra K. Kramer, Arlen Seeberg, David & Connie Friez, Noreen A. Olson, Edward R. & Madonna L. Buth, Patricia M. Jergenson, Norman & Genevieve Meidinger, Larry & Karen L. Jahnke, Brett & Amy Ruff, Real Estate Bel LLC, Jon J. Rykowski Et Al, Sean G. & Lisa J. Lund, Lyla Kaseman, Larry Aichele, Lynn M. & Cathy A. Anwiler, Deborah Arnold, Mary & Reede Benning, Lowell & Terri Camp (2), Gerald A. Carman, James R. & Linda F. Faber, Jerry & Sharon Franklin, Chester Haux, Roger A. Kolling, Michael J. & Ardyth Renden, Kevin Soule, Patricia K. Splonskowski, Anna Vogel, Orlyn & Darlene Wanstrom, Wayne Helm, Barbara & Steve Conley, John A. & Janelle H. Bitz, Elva A. Blumhagen, Mavis Buchholz, Shirley Ann Christenson, Kathy Hammerel, Leona O. Hartman Trust, Connie Hodge, Mabel J. Keller, Gloria Olson, David Pederson Et Al -Benai A. Pederson, Daniel Taszarek, Douglas A. Weiland, Debbie A. Opp, Dean & Donella Johnson, Ruby Unrath, Jason Bankston (2), Corinne J. Lee Living Trust, Paula Mann, Diane Bauer, Paul & Mary Patera, Leory & Carol Humann, Dan & Pam Bauer, Frank E. & Margot C. Kohl, Thomas S. & Joyce M. Walker, Anna Vogel, Roberta Hoff, James H. Ell, Janet Frohlich, Ethen Roemmich, Willard C. Brunsoman Jr., Merle Bennett, Duane Schuh, Ludwina Faller, John & Patricia Reinert, Barbara Brotten, Grant I. & Lois E. Kalbfleisch, Gale McHenry, Jeffery Conlon, Sylvia Giesinger, Alvin J. & Rosemary Glaser, Laura Hirvela, Harmon & Ruby Jackson, Matt & Virginia Kraft (2), Debra K. Orley, Deloris Page, Regina Roehrich, James L. Schmidt, Francis & Brenda Elwood, Claude Richter, Kathleen Meckler, Joshua Jenkins, Charles E. & Maxine M. Walby, Norman J. & Carol M. Swindling, Brandon Schmitcke (2), Eugene O. & Eileen A. Berg, Jerry & Margaret Zimmerman, Schwindt Family Trust, Carl Vandetti, Cleone & Sharon Jensen, Andrew & Terry Leingang, Brian Hanna (2), Cynthia M. Welk, Rita Albrecht, Daniel & Pauline Baker Family Revocable Trust, Floyd & Janice M. Gillenberg, Nancy Cerkony, Gerald R. & Shirley A. Kroh, Steve Sharkey, Jack & Merilynn Starck, Betty J Teske, Irene

M. Rankin, Marian & Marvin Hochhalter, Grant .I & Lois E Kalbfleisch, Darlene Boustead, and the Rebecca Hermanson abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

County Tax Director Al Vietmeier presented a discussion on the State Tax Credit. He reminded everyone of the Mar. 31st deadline and encouraged everyone to apply. He also reminded everyone of the Homestead Property Tax Credit and said that there were some changes this year with income and value on homes, and people can apply in person, online, or call the office for help. There is also a Disabled Veterans Property Tax Credit that people can apply for if they are a disabled veteran as a thank you for their service. The office will receive the last two applications after the Mar. 31st deadline.

County Engineer Marcus Hall presented a Developer Waiver Request for Dorothy Baker who wanted a three-lot subdivision (Baker Subdivision) and requested a waiver of the Pavement Policy. Motion by Comm. Bakken, 2nd by Comm. Woodcox to grant Dorothy Baker's request to waive the construction and paving requirements "paving of all internal roadways and adjacent section line roads" listed in the Pavement Policy and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways that benefit this property in the future. All members present voted "AYE". Motion carried.

State's Attorney Julie Lawyer presented a Public Service Commission Order regarding Summit Carbon Solutions and hazardous liquid pipelines. The order states that North Dakota Century Code 49.22.1-13 automatically supersedes and preempts any local land use or zoning regulations for a gas or liquid transmission facility route permit. She stated the commission has three options: Accept the order, file a reconsideration by Feb. 27th, or appeal that order to the District Court by Mar. 11th. She stated we would have to file the reconsideration first and then if that is denied, file an appeal. She felt the PSC was cutting corners and blurring lines on this process. Motion by Comm. Munson, 2nd by Comm. Bakken to file a reconsideration back to the PSC by Feb. 27th and hire outside counsel to do that as the State's Attorney's Office has lost two more attorneys. All members present voted "AYE". Motion carried.

Auditor/Treasurer Mark Splonskowski presented a funds transfer request to transfer all the 2024 budgeted money and any necessary 2023 available funds from the account to the special assessments account to pay off the balance of specials and refund the Auditor's Office budget for the paid installments. Also requested was to eliminate the account associated with the 4th street parking lot. Motion by Comm. Munson, 2nd by Comm. Bakken to approve this request. All members present voted "AYE". Motion carried.

Comm. Munson stated that they have received some applications for the Missouri Valley Complex Committee and people were wondering how to apply. He then stated that they can go to the county website and the Auxiliary Board Application form can be printed out from there and sent to the auditor. Chair Bitner then added that they are taking applications for the City Planning Commission as well. They must be from the ETA area.

Finally, there was a discussion on the Home Rule Charter Committee. Comm. Munson stated that they are working on finalizing the language for the ballot and they are meeting with Morton County next week to work on this as to the dollars involved. The goal is to approve a one cent sales tax to help with property tax reform. From collecting this tax \$22 million of Burleigh County's portion of the property tax will be received which could eliminate possibly two-thirds or people's property taxes.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING**

FEBRUARY 5TH, 2024

5:00 PM *Invocation by Chaplain and Pledge of Allegiance*

Chairman Bitner called the regular meeting of the Burleigh County Commission to order.

Roll call of the members: Commissioners Woodcox, Munson, Schwab, Bakken, and Chairman Bitner were present.

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the meeting agenda. All members present voted "AYE". Motion carried.

Motion by Comm. Schwab, 2nd by Comm. Munson to approve the January 17th, 2024 meeting minutes and bills. All members present voted, "AYE". Motion carried.

The following abatements were presented for the Board's consideration; a complete copy of which are on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Comm. Munson asked Marcus Hall for clarification on item D of the consent agenda which was the second access permit for Mark Unterseher. Mr. Hall stated it met all the standards and was part of their platting process. Motion by Comm. Munson, 2nd by Comm. Bakken to approve the John Cain (3), Kelly L. Cargle, Kurt Holzer, Joseph Rogers, Michael P. Baron, Joseph & Shannon Callaway, Wanda Lamontagne, Pam Christianson, Emily Vesta Rapkoch & Joshua Bakken, Lynette Namanny, Gary D. Hoffin, Lila Teunissen, Shelley Selzler, Blanche Barnhart, Cheryl Kienzle, Roxanne Geurts, Robert H. & Dianne S. Krogen, John T. & Anita M. Mattson, Gerald D. & Suzanne R. Olson, Carol Thompson, Virginia Ulrich, Sadie Schilling (2), Alvin Jans (3), Gladys Stamaris, Gerald L. & Susan M. Tschider, Ronald R. Hopfauf, Michael J. Neigum, Randall J. Schmidt, Trent O. & Louella M. Aronson, Karen J. Anders, NTD Properties Inc., Richard E. & Pearl A. Jorgenson, Kenneth Rebel, Donna M. Remboldt, Linda M. Patzner, Diana Niess, Judith A. Chamberlain, Linda Heger, Barbara T. Neameyer, Charles E. & Cynthia C. Russell, Charles E. Russell, Raymond & Cathern Edenholm, Carol Lee Isaak, Carol J. Sundquist, Linda F. Reller, Earl R. & Irene M. Wentz, Robert & Charlene Urlacher, Sharon Litton, Wesley C. Wessner, Armion & Ethel Schuler, Randy Samuelson, Dennis C. & Lorna H. Olson, Bruce R. & Lyla R. Lovdal, Russel J. Schlecht, Leo & Johanna Heier, James & Jane Morgan, Robert & Shirley Schumacher, Ronald & Carol Bodine, Holly Carlson, Robin Brousseau, Luella V. K. Anderson, Carma Branch, Albert Meidinger, WM & Betty Sprynczynatyk, Clara & Robert Sheldon, Bradley & Cindy Dagenais, Alice M. Wahl, Leon & Darlene Thiel, Dave & Nancy Solem, Jerome & Betty Volk, Dean Berg, Alleyn M. & Bonnie L. Glasser, Duane & Sandra Ziegler, Ramona Hendricks, Barry Holm, Connie Mikkelsen, Lee & Vicki Roath, Cynthia D. Stumpf, Deborah J. Igoe, Anthony & Alvina Splonskowski, Randal & Catherine Robinson (2), Margaret Elkin, Dennis L. Bauer, Jose Richard, James & Marlene Lindquist, Richard C. & Carol J. Oehlerking, George R. Simek, Larry R. & Dorothy D. Zabrocki, Leonard Benfiet, Michael Frykman, Robert & Jayme Holmberg, Esther Fandrich (2), Sandy Karna, Delbert Unruh, John M. Kinney, Patricia L. Smith, Gregory A. Lorenz, Jacob Denning, Marilyn Fibiger, Sharon Symington, Charlotte K. Hagel, Olive Fricke, David & Jolene Stuber, James Collins & Agnes Collins, Linda M. Feist, Jacob R. Hagel, Samuel L. & Penny L. Saylor, Patrice M. Thomas, Susan Mizera, Charles J. Miska, Dennis Boknecht, Edna B. Gartner, Jeffrey E. & Robin R. Aamot, Marcella J.

Haman, Leslie Landenberger & Ruby, Blaine R. & Rebeka J. Olsen, Barbara L. Pfeifer, Armion & Ethel Schuler, Mark E. Sandoval, Sherwin & Cathy Nelson, Leo L. & Luella H. Nagel, Owen & Alice Subart, RJR Maintenance & Management, Robert Chapa, Jamie K. Dokken, Gregory L. Feist, Bradley & Desiree Hendrickson, James J. & Rosella Splonskowski, Sheila Steckler, Delores Shimek, Dorothea & David Gray, Joan M. Brown, Barbara Zins, Mark Costain, Darlene Frieze, Marie Gilchrist (2), Bennie E. & Lundina F. Haux, Kristene E. Jespersen, Douglas B. Morris, Bruce & Autumn Roth, Roy Schock, Franklin J. & Jean Marr Wolf (2), Thomas Hammerel, Sharee Y. Nelson, Kim & Debbie Sabot, Jerry & June Fischer, Bernadine Miller, Barbara Myhre (3), Kenneth & Susan Peterson, Sanferd J. & Corrine Mees, Jerome & Helen Werlinger, Kathleen Henriksen, Deborah Masad, Douglas & Debra Striefel, and Wesley & Deborah Woehl abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

County Engineer Marcus Hall presented a public hearing on a petition to vacate a section line. Chair Bitner opened the public hearing and there was no one who commented. Public hearing was then closed. Motion by Comm. Bakken, 2nd by Comm. Woodcox to approve the vacation of the section line. Comm. Bakken shared a declaration of public benefit which was to clean things up to match what was there from a property perspective. He stated there is no burden on the county or the public but to make it more uniform on what was an error of the past. All members present voted "AYE". Motion carried. Mr. Hall then presented an authorization to advertise for bids for Special Assessment District #76 (Falconer Estates Subdivision). Motion by Comm. Munson, 2nd by Comm. Bakken to approve the plans and specifications for SAD #76 and authorize the County Auditor and the County Engineer to advertise for bids. All members present voted "AYE". Motion carried. Mr. Hall then presented another petition to vacate a section line as part of the Peaceful Valley Subdivision and requested setting Mar. 4th, 2024 at 5pm as the date and time for a public hearing. Motion by Comm. Munson, 2nd by Comm. Bakken to approve. Commissioners Munson, Bakken, and Schwab voted "AYE". Comm. Woodcox voted "NAY". Motion carried. Mr. Hall then presented a request to approve the award of bids for the County Highway 10 roadway mill and overlay project to low bidder, Mayo Construction Company for \$1,167,516.77 and enter into contract with the bidder. Motion by Comm. Munson, 2nd by Comm. Woodcox/Bakken. All members present voted "AYE". Motion carried.

County Planning Director Mitch Flanagan presented a request to deny, approve or table the appeal request for reconsideration by the Planning Commission. The application was for Dave Lehman's Special Use Permit for Burnt Creek Farms to stage weddings, family and corporate events all relating to Farm tours and Agritourism was denied on Jan. 10th, 2024 by a vote of 8-1 for the reasons of dust, traffic, noise, concerns for fire, and vehicle safety plus the overuse of land. Chair Bitner invited the applicant and the public to speak on this issue. The first person to speak was Dave Lehman who is the owner of Burnt Creek Farm. He shared the historical aspects of the farm and stated he would like to go from 200 people per event to 150 people per week from May 15th to Oct. 15th. He also offered to pay for dust control, road repairs, and shared some other possible solutions to the reasons for denial. Amanda Parent, Melissa Miller, Bea Streifel, and Kurt Fleck came forward to share some concerns. Chair Bitner stated there was some money in the Burnt Creek Township fund balance that could possibly pay for roads, dust control, maintenance, etc. Mr. Hall suggested some additional options. One was to keep it as an unorganized township road and use the monies in the unorganized township fund to cover costs. The next one was to establish a special assessments district and divide the cost among the benefitting properties. Another one was to apply for funds with the state. The final suggestion was if the county takes over the section line and designates it as a county road, it could be paid for with county funds. He stated that dust control would cost roughly \$10,000 a mile. He added that since there are steep ditches out there it could be a reasonable cost, or it could be a big project and it would just depend on weather and traffic. Section line specs would be millions of dollars.

Kathy Tweeten came forward and spoke to Dave Lehman's character and shared that when he says he will do something, he will do it. Comm. Munson was the lone descending vote on this at the Planning and Zoning meeting and wanted to explain why. He thought it needed to have a special use permit so guidelines could be in place. He also felt this issue needed to go back to Planning and Zoning to deal with. Motion by Comm. Woodcox, 2nd by Comm. Munson to hand this back to Planning and Zoning. Chair Bitner stated that the applicant needs to work with the neighbors out there to resolve the issues. All members present voted "AYE". Motion carried. Mr. Flanagan suggested offering the county's meeting rooms for the applicant and his neighbors to discuss these issues. Chair Bitner gave his approval to that. Mr. Flanagan then presented a discussion on a FEMA letter of final determination concerning the new Flood Insurance Rate Maps. He stated the updated risk maps are effective June 6th, 2024. It will be necessary for Burleigh County to adopt any amendments within Article 21 prior to that date to remain a part of the National Flood Insurance Program (NFIP). No action was necessary as this was informational only.

County Finance Director Leigh Jacobs presented an update on the Detention Center sales tax. He requested an authorization to seek a meeting with Burleigh County and Morton County Commissions as well as Burleigh and Morton County finance teams and/or County Auditors, and legal counsel to determine what amount of Morton County's deposit at Bank of North Dakota is allocable to the sales tax bond vs. renovation bond; and to discuss any other matters related to the sales tax bond payoff that may be relevant especially as it relates to notifying the Tax Commissioner to discontinue sales tax collections. Mr. Jacobs stated the earliest we could pay off the bond is Nov. 1st, 2025. Chair Bitner stated to go ahead and schedule those meetings as soon as possible and bring an update back to the commission as we want to make sure we are not over-collecting on the sales tax of the project.

Comm. Munson then presented a discussion on the Home Rule Charter ballot language, but considering the findings from Mr. Jacobs, wanted to table it until the next meeting until more information was provided from the Finance Director. Comm. Munson then presented a discussion/request for Easement across the Missouri Valley Complex for city sewer. He invited Mike Berg with Apex Engineering to share. Chair Bitner verified that there would be no cost to Burleigh County. Mr. Berg stated that we are not vacating the existing easements or taking ownership of the pipe. The pipe stays city property. Motion by Comm. Munson, 2nd by Comm. Bakken to approve the easement for the Missouri Vally Complex sewer project. All members present voted "AYE". Motion carried. Comm. Munson then had Steve Neu share on the Missouri Valley Complex Committee. He stated it would be a non-compensated, 11-member committee including three residents from Burleigh County and eight members appointed by the stakeholder group. The stakeholders are Buckstop Junction, Motor Cross, Burleigh County Equestrian/Ag Center, 4H Council, Jr. High/High School Rodeo, Stock Car Club, Extension Service, and Park District. He added that they would also like to have the Burleigh County Portfolio holder and the Bismarck Park Commission as non-voting members. He then shared a graphic of an organizational chart. They are requested appointing Comm. Munson as Burleigh County Commission Liaison since he holds the portfolio. Their goal is to be fully operational with the committee by March. All meetings will be public. Motion by Comm. Munson, 2nd by Comm. Bakken to approve this committee structure with one change: that the At Large Membership be a four-year term instead of two years. Chair Bitner recommended using the current application for appointment from the county website to take interested applicants. Commissioners Woodcox, Munson, and Bakken voted "AYE". Comm. Schwab and Chair Bitner voted "NAY". Motion carried. Comm. Munson wanted to clarify based on an accusation at the last meeting that this was his pet project that he only wants to take care of his portfolio. He has no horses, stockcars, motorcycles and has nothing to benefit personally from this project. Chair Bitner then forwarded Comm. Munson an email for further discussion.

Chair Bitner discussed the Provident Building RFP award for architects. He requested that Burleigh County enter into an agreement with HTG Architects for the remodel project. Motion by Comm. Schwab, 2nd by Comm. Bakken to approve the request. All members present voted "AYE". Motion carried. Dan Shaff with HTG Architects shared that they propose doing a pre-design first, and then a cost estimate to speed up the process which will save the county money in the long run. Chair Bitner also clarified that the work the architect will be doing for the county will become the property of Burleigh County.

Election Coordinator Lisa Hart came before the commission with a brief answer to a question from the last meeting as to whether a student who wanted to be a poll worker could get community service hours. She stated that since the county is required by law to pay all our poll workers, the answer to that would be no.

Comm. Woodcox reminded the public that the deadline to apply for the property tax credit of up to \$500 is Mar. 31st, 2024.

Comm. Schwab expressed concerns with the bridge down south of McKenzie that desperately needs replacing. He stated it is number one on the county's list and the DOT has pushed it back another year and he would like it looked at.

Chair Bakken encouraged everyone to look at the Elections page of the Burleigh County website especially if anyone is interested in being a poll worker.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING**

JANUARY 17TH, 2024

5:00 PM *Invocation by Chaplain and Pledge of Allegiance*

Chairman Bitner called the regular meeting of the Burleigh County Commission to order.

Roll call of the members: Commissioners Woodcox, Munson, Schwab, Bakken, and Chairman Bitner were present.

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the meeting agenda. All members present voted "AYE". Motion carried.

Chairman Bitner opened the meeting for public comment and there was none.

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the January 3rd, 2024 meeting minutes and bills. All members present voted, "AYE". Motion carried.

The following abatements were presented for the Board's consideration; a complete copy of which are on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion by Comm. Bakken, 2nd by Comm. Munson to approve the Stephens Property Apartments LLC (5), CD Gemini Properties LLC, Theresa A. Simon, Brian Nelson, Joshua & Alison Ternes, Shirley M. Buchholz, Park District of the City of Bismarck (7), Adam J. Koch, Jolene Stewart, Wayne & Gladys Trottier, Wallace & Diane Mertz, Jenell Loftesnes, Lawrence & Alice Duchscherer, Cynthia Jacquart, John W. Kelsch, Elayne M. Lindquist Revocable Trust, Eileen P. Krumm, David J. & Agnes Volk, James G. & Cynthia A. Vollmer, Jefferie Ehman, Debra Mills, Kevin Brennan, Kenneth F. & Alvinia Buchholz, Daniel & Sharon Clausnitzer, Jenette Leblang, Jolene Stewart, Ralph & Naida Feland, Kelly & Candice Bouche, Gary & Alvina Allmendinger, Jean Ellefson, Richard & Julene Wasness, Richard Braun & Patricia Erling, Dan Ensz, Redginald & Susan Finck, Rhonda & Steven Haegele, Sylvia J. Brown, Jerome & Barbara Frison, Gary W. & Dorene E. Gaasland, Carol A. Hattel, Carmen Husebye, Patricia Kennedy c/o Patricia Hanson, Beverly Larson, Robert P. Jr. & Leighann Gregoire, Michael L. Miller, Robert L. Wetsch, Ronnie J. & Kathy A. Blegler, Gary T. Nagel, Viola Anderson, Susan Beth Elliot, Thomas & Cynthia Anderst, Gregory & Deborah Hanson, Dean A. & Wanda L. Meland, Jimmy & Denise Brorby, Jeff & Charlotte Kurtz, Alan Houn, Sandra A. Schell, Margaret E. Bahn, Larry & Carol Crabbe, Larry & Neva Lang, Kenn Jay Pedersen, and Joseph G. & Meredith L. Gross abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried. Comm. Woodcox asked about a check from Advanced Business Methods in Fargo that hadn't been cashed for \$2400 and wondered if someone could contact this company. Auditor Splonskowski stated that we don't know the reason why they didn't cash it but to reconcile accounts the check had to be canceled.

There was then a discussion on the assignment of portfolios. Chairman Bitner stated that no changes were requested but wanted to add the Renaissance Zone portfolio. Comm. Munson stated that he had been appointed as a private citizen by the city as a member of the Renaissance Zone Board and requested to

take this portfolio. Chairman Bitner felt it was more appropriate to have Comm. Bakken take that as it fell under Government Coordination & Community Involvement Intergovernmental Committee. Comm. Munson stated he was willing to take the Public Health portfolio from Comm. Bakken and Comm. Bakken agreed to give that over to him.

County Engineer Hall presented a public hearing on a petition to vacate a section line. Mr. Hall stated he did not have any conversation with the NDDOT however they do have a highway right next to it and made a decision a long time ago to get off that section line, so he assumed their position hadn't changed. Diana Koppinger and her brother Dan Baker who are the daughter and son of Dorothy Baker, the landowner. Diana is the 5th generation to reside there, and the section line runs through a small portion of Dorothy's property. They proposed to close the section line for estate preparation. The public benefit would be that it wouldn't have to be maintained. Mark Isaacs with Independent Land Surveying and Engineering then shared that they did some platting to help the Baker's with estate planning and stated that the benefit would be that there would be no need for maintenance with that roadway. He added that if the section line wasn't vacated there would have to be 150 feet of right of way dedicated to the county, but if it was vacated it would retain ownership and the individuals would pay taxes on it. Public hearing was then closed. Motion by Comm. Bakken, 2nd by Comm. Woodcox to vacate the section line. Comm. Munson asked if we could list the benefit in the motion, but per State's Attorney Lawyer it didn't need to be in the motion but should be discussed. Comm. Bakken stated that there was public benefit for tax reasons and the public access point would remain intact. Comm. Munson stated that to vacate it would save money. Comm. Bakken then reaffirmed his motion. All members present voted "AYE". Motion carried. Mr. Hall then presented a request to approve the 2024 Burleigh County Project Priority List. Comm. Bakken wondered if the springtime concerns with aggregate were applied to this list to which Mr. Hall stated that it was being applied to the maintenance portion of the list. Motion by Comm. Bakken, 2nd by Comm. Munson to approve. All members present voted "AYE". Motion carried.

Comm. Schwab presented a discussion on the State Property Tax Credit. He wanted everyone to know that they can apply by going to the county website and there was a green bar at the very top of the page to apply. He wanted everyone to know it was available until Mar. 31st to do so. Chairman Bitner added that people can apply for the Homestead Tax credit as well if eligible plus if they ran into any problems with the process the County Tax Department could help. Comm. Munson noted that you don't automatically get the credit, but you must apply.

Emergency Management Director Mary Senger came forward to present a Memorandum of Understanding (MOU) between Burleigh County and the University of Mary which gave them the opportunity to apply for a grant. Burleigh County is just the pass-through and is not responsible for any monies, audits, or quarterly reports. Motion by Comm. Munson, 2nd by Comm. Bakken to approve. All members present voted "AYE". Motion carried.

Sheriff Leben told the commission that Auditor Splonskowski was recognized recently at the Sheriff Department's award ceremony for saving a young child's life in a near drowning incident and wanted to congratulate and thank him. Sheriff Leben then presented his quarterly report for January 2024. The average daily population was 241 and total bookings were 512 which is 17 per day on average. He shared a breakdown of inmate days and the total billed for the month was \$135,566 which is \$1,973,428 for the year. He noted that more staff was needed. 217 people participated in the Alternatives to Jail Program. He

added they were in a continuous hiring process, and they got a lot of applicants when a hiring bonus was offered but that unfortunately didn't translate into employees in the door. They are going through a lot of cost backgrounding applicants that never get hired. He gave a snapshot of one day in the facility during the Jan. 5th-8th period where they booked 47 and released 12. People with drug and alcohol withdrawals, severe mental health issues, and suicidal people are what they are mainly dealing with which goes on weekly. Comm. Woodcox shared that Sheriff Leben was on KFYZ and shared a lot of this information with the public and wished to thank him for doing so and told him he was doing an excellent job.

Chairman Bitner then discussed the official appointment of Leigh Jacobs as the new Burleigh County Finance Director. Motion by Comm. Bakken, 2nd by Comm. Woodcox to approve his appointment. All members present voted "AYE". Motion carried. Chairman Bitner then discussed the Provident Building RFP for a fan coil piping replacement. He stated they are looking for mechanical contractors to address piping problems the Provident Building has had for quite some time. Election Coordinator Lisa Hart brought an election status update saying that the County needs approximately 200 poll workers per election and she currently has 93 that have expressed an interest at this point. She added that she is in the process of contacting former workers to see if they would be willing to serve again for the June 11th and/or Nov. 5th elections. She encouraged any former workers or new ones to contact her by calling 701-222-6697 or by emailing her at hartlisa@nd.gov or by clicking the Elections link on our county website and selecting "Be a Poll Worker". She stated that the whole Auditor/Treasurer/Tax Equalization Department helps as it gets closer to election time, and they also hire a few temp workers to assist the office during that time period as well. She and Auditor/Treasurer Mark Splonskowski reached out to some high schools in the county to see if there would be an interest for 16-18 years olds working on election day. Comm. Munson asked if that age group can get Community Service hours for working in an election and Mrs. Hart said she will be checking into that.

Comm. Munson presented a request to establish a Fair Board as a management, complex operation, and development oversight committee responsible to the Burleigh County Commission for the Missouri Valley Complex. He stated that they were not trying to be an agricultural fair association. Comm. Bakken shared that right now they have several stakeholders at the Complex, and if there were to be a fair, they would be another stakeholder. Alan Heim came forward to share that this would be a committee to represent all the groups out there yet remain under the County Commission for approval to oversee projects, the development of the property, scheduling, etc. and take the burden off the commission. He added this would be a 9- or 11-person (including 2-4 citizens) committee. Steve Neu then shared the tasks of the Fair Board and stated that they would like to meet at least bimonthly or at the call of the Chairman in the Tom Baker Room and be recorded to be transparent. Comm. Schwab asked what resources this Fair Board was asking for and Mr. Neu suggested a staff member, and possibly money, etc. Comm. Munson stated that Comm. Schwab was reading off a list as if this was an Agricultural Fair Association and that was not their goal, and they were not a non-profit. There was disagreement between Comm. Munson and Chairman Bitner as to whether the Missouri Valley Complex had a budget or a fund to which Comm. Munson will bring the budget to the next meeting for Chairman Bitner to see. Comm. Munson asked State's Attorney Julie Lawyer if it should be called a Fair Board or a Committee. She stated that since it doesn't fall under Century Code for a County Fair Association, they can call it whatever fits their plan, but recommended it would be more descriptive to call it the Missouri Valley Complex Committee for how it is being operated. Comm. Bakken stated that this was about addressing the complex as a whole and helping to facilitate the

stakeholders to start generating revenue for the county. He felt the savings account was good to use as leverage but would not recommend using it to fund a project out there. Motion by Comm. Schwab to table this decision as there were questions he still wanted answered. Comm. Woodcox stated that the fund is to promote the facility and if we are afraid of that then he didn't know why there was a fund. There was no 2nd. Motion failed. Comm. Bakken shared that there was an economic development piece that was missing with all of this and would like to see a calendar of events again. Chair Bitner felt it was important for Burleigh County to enhance that facility and work together as long as they aren't working together for one single purpose. Chair Bitner added that he thought this was a money grab for Comm. Munson's pet project and that concerns him. Motion by Comm. Munson, 2nd by Comm. Woodcox to create the Missouri Valley Complex Committee as the management, complex operation, and development oversight committee responsible to the Burleigh County Commission. Comm. Munson suggested citizens apply to be on the committee and send to the Auditor's Office and he preferred it to be volunteer and not compensated but let the committee decide and the commission will either approve or deny. Commissioners Woodcox, Munson, and Bakken voted "AYE". Commissioners Schwab and Chairman Bitner voted "NAY". Motion carried.

Comm. Schwab brought up timecards and stated that the county needs new software to manage how employee time is being reported. HR Director Pam Binder stated that each department has been doing their own time sheets in their own ways as there was no centralized time keeping system. There have been issues with this system and to be accurate for 343 employees there needs to be an upgrade. Comm. Bakken asked Ms. Binder if she could ask each department how much time they were spending on everyone's time sheets and bring it back to the commission. Chair Bitner stated that since the 2024 budget is already done, we would have to budget this for 2025, but once year end expenses are reconciled for 2023 we can see what is available. He agreed it was clear that the software was needed. Ms. Binder stated that one of her HR assistants is being assigned to look at software options and will begin that in February.

Meeting Adjourned.

Mark Splonskowski, Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING**

JANUARY 3RD, 2024

5:00 PM

Chairman Bakken (via Zoom) called the regular meeting of the Burleigh County Commission to order.

Auditor/Treasurer Splonskowski called for nominations for Chairman for the year 2024. Comm. Schwab nominated Comm. Bitner. Comm. Munson nominated Chairman Bakken. There were no other nominations. Commissioners Schwab, Woodcox, Bitner, and Chairman Bakken voted "AYE" for Comm. Bitner. Comm. Munson voted "NAY". Chairman Bitner then called for nominations for Vice Chairman. Comm. Woodcox nominated Comm. Munson and Chairman Bitner nominated Comm. Bakken. Commissioners Munson and Woodcox voted "AYE" for Comm. Munson with Commissioners Schwab, Bakken, and Chair Bitner voting "NAY". All members both present and via zoom then voted "AYE" on Comm. Bakken as Vice Chairman.

Chairman Bitner then discussed the assignment of portfolios. Comm. Woodcox wanted to see a list of who was currently holding what portfolio which was not in the packet. Auditor/Treasurer Splonskowski stated he will provide this list to the board in preparation for the next meeting. Comm. Bakken suggested holding the portfolios in status quo until Chairman Bitner had an opportunity to visit with department heads and the commissioners to make sure everything is a good fit. Chairman Bitner then asked that this be tabled until the next meeting so he can visit with department heads but noted that he will not discuss this with the commissioners. The commissioners can submit their opinions to the Auditor's Office.

Roll call of the members: Commissioners Woodcox, Munson, Schwab, Bakken (via Zoom), and Chairman Bitner were present.

There was then an Invocation by the Chaplain and the Pledge of Allegiance.

Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the meeting agenda. All members present voted "AYE". Motion carried.

Chairman Bitner opened the meeting for public comment and there was none.

Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the December 18th, 2023 meeting minutes and bills. All members present voted, "AYE". Motion carried.

The following abatements were presented for the Board's consideration; a complete copy of which are on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Motion by Comm. Munson, 2nd by Commissioner Woodcox to approve the Larry & Kathlyn Wall (3), Jason & Danielle Levey (2), Zachariah D. & Ashley M. Hay, Justin Paul Williams, Ryan Hoerner, Kohl's Illinois, Inc., Rainmaker Properties LLC, Ralph Messer (4), Ryan Sabin (2), Troy & Jennifer Marchus, Neil & Heather Leier, Wade & Kayla Teneyck, Joseph J. & Carol T. Kuntz, 100 West Main Limited Partnership, Gladys & Greg R. Grube, Greg Schlosser & Lauri Hanson, John Karolewics & Caren Stewart, Kaye Anderson, Michael & Pamela Smith, Joseph E. Sr. & Kathryn Tibor, Judith A. Schneider, Joanne Monson, Charles W. & Laura M. Gitter, David Breeding, Andrew W. & Darlene Weigel, Shirley & Cleon Hoggarth,

Alma Nelson, Adam M. & Jenene K. Leintz, Diordan T. McLean, Aaron & Devonne Schantz, Craig D. & Lynn A. Grassel, Michael K. & Sarah M. Sayler, Karen Stolt, Bill Heckelsmiller, James J. & Cynthia A. Bechtold, Irene Miller, Ronald S. Perry, James & Dorothy Kratovil, Diane & Allen Dockter, James A. & Violet S. Ryckman, Ella Peightal Family Trust, Victoria L. Carvell, William R. & Kerry A. Horton, Florence Baelser, Elizabeth Walth, Ila K. Allison, Marilyn Kelsch, Donald & Judy Miller, Sandra L. Tabor, Marian Scheck, Sydney Seidel, Duane C. & Agnes P. Aman, Eugene Masse, Judy D. Plummer, Elbert & Bertha Wilson, Edward & Brigeta Wuitschick, Allen & Joann Blotske, Richard & Rita Roller, Kenneth & Diane Gebhardt, Randy Bowman (2), Rick & Janice Roll, Wesley & Georgia Uttke, Gwyneth Binder, Lloyd A. & Brenda L. Bosch, Josiah Smith, Shirley M. Buchholz, Alice Gramlow, Lawrence C. & Sharon K. Zacher, Jerome R. & Valerie J. Delzer, Eugenia Eckert, Ileen Enzminger, Leo E. & Audre G. Goll, Charles Gullicks, and Shanon L. Senne abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

County Planner Mitch Flanagan presented a request to approve the Braunagel Final Subdivision Plat. The plat went through seven plat revisions to meet Article 33 subdivision regulations. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve. All members present voted "AYE". Motion carried. Mr. Flanagan then presented a request to approve the Joint Powers Agreement between Apple Creek Township and Burleigh County. This agreement now included specific standards for floodplain regulations. Three townships were not interested in this agreement. Chairman Bitner stated that this was significant because it left residents in these townships outside of flood insurance and local assistance that is related to floods. Chair Bitner suggested townships contact Mr. Flanagan regarding flood plain management issues because it could have a significant impact on township residents. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the Joint Powers Agreement between Apple Creek Township and Burleigh County. All members present voted "AYE". Motion carried.

County Engineer Marcus Hall presented a petition to vacate a section line in Riverside Subdivision and hold a public hearing. Motion by Comm. Munson, 2nd by Comm. Schwab to set the public hearing date for February 5th, 2024, at 5pm to review discontinuing the section line and ascertain any damages that are caused by this action. All members present voted "AYE". Motion carried. Mr. Hall then presented a request to advertise for bids for painted pavement markings, crushing of gravel, township gravel hauling, dust control, chip seal projects and a grazing lease. Motion by Comm. Munson, 2nd by Comm. Schwab to approve this request. All members present voted "AYE". Motion carried. Mr. Hall presented a request to advertise for bids for the County Highway 10 roadway mill and overlay project (from 197th Street NE to 236th Street NE). Mr. Hall estimated this would cost \$1.2 million and stated that 100% of American Rescue Plan money (allocated for 66th St. overlay project) would be used for the construction of this project. Motion by Comm. Woodcox, 2nd by Comm. Munson to approve this request. All members present voted "AYE". Motion carried. Mr. Hall then presented a request for authorization to seek construction engineering service proposals for the mill and overlay of County Highway 10 project. Motion by Comm. Schwab, 2nd by Comm. Munson to approve. All members present voted "AYE". Motion carried. Mr. Hall then presented a request to approve the 2024 Burleigh County Project Priority List and authorize the department to move forward with those projects. Chairman Bitner requested to table this item until the next meeting, so the board had time to look at the list. Mr. Hall presented a two-part Developer Waiver request from Duane Small to waive the pavement policy to allow the proposed plat to be approved and to waive the paving requirements "paving of all internal roadways and adjacent section line roads" listed in the pavement policy in conjunction with the approval of the Peaceful View Subdivision. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve. All members present voted "AYE". Motion carried.

Comm. Munson presented a discussion on the Equine and Ag Center. He apologized to the commission regarding some language that was incorrect in a document that he previously sent to the commissioners and wished to thank Chair Bitner for pointing that out to him. The information was discussed but was never in a motion. In looking through several meetings and motions that were previously approved, he saw nothing that needed to be adjusted in any motion or in the minutes.

Elections Coordinator Lisa Hart presented a discussion regarding a precinct split. She stated that since the last election there was an annexation to the City of Bismarck in District 30 with the Paradise Valley Subdivision. In consultation with the Secretary of State's Office, it doesn't affect any precinct boundaries but does create a precinct split within precinct 3001. She added that this action required no commission approval but wanted the commission to be aware that the split was created so that when homes are built in this area, the correct ballot style will be reflected on their ballot.

Auditor/Treasurer Splonskowski brought an update on interest earnings and unused department funds that the commission requested from the last meeting. The interest earned on the Missouri Valley Complex funds was \$184,735; interest earned on ARPA funds was \$409,218; and interest earned on the General Fund was \$1,454,458. Comm. Bitner then stated that this provided the answer for how to pay for the gravel request that Mr. Hall had at the last meeting. Motion by Comm. Munson, 2nd by Schwab/Bakken to approve 1/3 of the interest earned from each of those funds to pay for the Highway Department's gravel (request totaling \$347,000) contingent on the results of Mr. Hall verifying whether interest on the ARPA Fund can be used for that. Commissioners Munson, Bakken and Chair Bitner voted "AYE". Commissioners Woodcox and Schwab voted "NAY". Motion carried. Mr. Splonskowski gave updates on the balance of unused salaries and fringe benefits. He stated that in 2019 the unused amount was \$1,036,765, \$1,663,000 in 2020, \$1,849,900 in 2021, \$2,573,318 in 2022, and in 2023 the balance remaining was \$4,108,965. Since these were not in the packets Mr. Splonskowski will send it to the commissioners in an email. Chairman Bitner requested that he like to see all the totals in the whole county in addition to the salaries and fringe benefits that are remaining which Mr. Splonskowski stated he will also send by email. Mr. Splonskowski then presented more auxiliary board applications. He stated that since Human Services Zone Director Chelsea Flory lives in Morton County, she is not eligible to be on the Housing Authority. Arlene Olson is now the only applicant for Housing Authority. Motion by Comm. Munson, 2nd by Comm. Schwab to rescind the appointment of Chelsea Flory. All members present voted "AYE". Motion carried. Motion by Comm. Munson, 2nd by Comm. Woodcox to appoint Arlene Olson to the Housing Authority. All members present voted "AYE". Motion carried. Comm. Schwab requested that the commission acting as the Weed Board meet for the next meeting and he will add that to the agenda. He expressed concerns with the recent editorial on the Weed Board in the Bismarck Tribune regarding not being transparent. Comm. Schwab stated that he has done everything he can to be as transparent as possible. He added he has full confidence in the Weed Officer they plan to hire, and Chairman Bitner stated that the Weed Officer's contact information will be made public once he is officially hired. There was consensus on the board to wait on the appointment of applicants to the Weed Board. Auditor Splonskowski presented the Rod Backman Weed bill that has been outstanding for some time. Mr. Backman wondered how much he should be paying. Motion by Comm. Schwab, 2nd by Comm. Munson to accept the cost sharing price of \$135.02. Per the advice of State's Attorney Julie Lawyer, there needed to be notice of a Weed Board meeting with the commission acting as the Weed Board on the agenda to do this, so recommended this happen at the next meeting to make a motion on this bill.

The commission concluded by wishing Comm. Schwab a very happy birthday.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman