

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
December 19, 2022**

**5:05 P.M.**

Chairperson Matthews called the regular meeting of the Burleigh County Commission to order.

Roll call of the members; Commissioners, Woodcox, Munson, Schwab, Bitner, and Chairperson Matthews present.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to approve the December 5, 2022, meeting minutes, and bills. All members present voted "AYE"; motion carried.

The following abatement 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, 2<sup>nd</sup> by Comm. Schwab to approve the City of Bismarck (4), Leben, Dean/Vetter, Steckler (2), Joann Hetzel 4H Building, Almer, Finck, Schumacher, Zahn and Daniels abatements; along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

County Engineer Hall presented a petition to vacate section line and set a time and date for a Public Hearing. Hall went on to explain under North Dakota Century Code (NDCC 24-07-03), the Board of County Commissioners may close a section line (if petitioned by a person having an interest in the adjoining land and after a public hearing) if the request meets certain criteria. A property owner, as part of Dakota Bluffs, LLC, has filed a petition with the County (Under NDCC 24-07) to vacate a portion of a section line on their property. To vacate this section line, the County/Township must conduct a Public Hearing and ascertain any damages that are caused by discontinuing this roadway.

Hall recommended that the Board adopt the proposed resolution; therefore, be it resolved: That Burleigh County hereby accepts the petition to vacate said section line, and sets February 6, 2023, at 5:00 p.m. as the time and date for a Public Hearing to review discontinuing this section line and ascertain any damages that are caused by this action.

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox accepting the petition to vacate said section line, and sets February 6, 2023, at 5:00 p.m. as the time and date for a Public Hearing to review discontinuing this section line and ascertain any damages that are caused by this action. All members present voted "AYE"; motion carried.

County Engineer Hall presented a platted right of way to be accepted, stating that Burleigh County is required to accept (on their own behalf or on the behalf of one of our Townships) Right of Way shown on Plats that are approved by the City of Bismarck, City of Lincoln, or Burleigh County. Brunskill Subdivision has been approved by the City of Bismarck and they are requesting that the County Board accept the Right of Way that is shown on the plat. Seventy-five feet along 66<sup>th</sup> Street and 75' along 55<sup>th</sup> Avenue SE.

Hall recommended that the County Board adopt the attached proposed resolution: therefore, be it resolved: that the Burleigh County Board of Commissioners do hereby accept the Right of Way shown on the Brunskill Subdivision. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to accept the Right of Way shown on the Brunskill Subdivision. All members present voted "AYE"; motion carried.

Bismarck Mandan Chamber/EDC President Brian Ritter appeared before the commission and presented an update of what has been happening community with work force, ideas to work with the delegation, along with infrastructure funding.

County HR Director Binder presented the 2023 Holiday Policy to the commission and recommended approval. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to approve the 2023 Holiday Policy. All members present voted "AYE"; motion carried.

The commissioners discussed the idea of adding an additional accountant to the County Auditor/Treasurer's office. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox to review and perform an operations audit to align current duties and determine the need and job assignment of an additional employee in the County Auditor/Treasurer's office. All members present voted "AYE"; motion carried.

Discussion was held about the recent appointment of the County representative to the Bismarck Planning Commission mentioning that the person selected resides within the city of Bismarck and the City ordinance states that the person must reside in the ETA. Commissioner Bitner stated that he would like to seek more applicants before voting on a replacement.

Commissioner Munson indicated that he has a conflict with being the portfolio holder of the NDSU Extension and asked if another commissioner would be willing to handle that portfolio. Commissioner Schwab said he would take the portfolio of NDSU Extension.

The commission had a discussion of a possible conflict of interest with Commissioner Schwab being the portfolio holder for the County Highway department since a family member is employed with the department. State's Attorney Lawyer indicated at this time nothing prohibits the arrangement and stated that the concern could be addressed in the future if there appears to be a conflict.

Commissioner Munson stated that he thought the County Parks and Missouri Valley Complex usually are together with the same portfolio holder and yet at the prior meeting the two were split up. Commissioner Schwab stated that Commissioner Munson could take the County Parks as a portfolio.

Commissioner Munson brought up the Home Rule Charter and asked State's Attorney Lawyer work on an outline for the public and the commission for better understanding with the possible creation of an ordinance. Lawyer indicated that she would work on having something ready for the January meeting.

Chairperson Matthews mentioned that if the week of December 5<sup>th</sup> is declared as a snow emergency the county may receive some reimbursement.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Becky Matthews, Chairperson

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
December 5, 2022**

**5:00 P.M.**

The Burleigh County Commission Convened a regular meeting with all members present.

County Auditor/Treasurer Vetter called the meeting to order and immediately called for nominations for the Chairperson for the remainder of the year 2022.

Comm. Munson nominated Comm. Matthews for the Chairmanship. Auditor/Treasurer Vetter called for further nominations and Comm. Schwab nominated Comm. Bitner for the Chairmanship. Again, Auditor/Treasurer Vetter called for further nominations. As there were no further nominations the following motions were made:

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to elect Comm. Matthews as chairperson, motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner to elect Comm. Bitner as chairperson, to cease nominations and to cast a 3 vote for Comm. Matthews and 2 vote for Comm. Bitner ballot, Motion carried nominating Comm. Matthews as chairperson for the remainder of the year 2022.

The Commission the reviewed portfolio assignments for the remainder of the 2022 year with changes made and approved by consensus and by the following motions:

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to assign Comm. Munson to the County Parks and County Extension portfolio. All members present voted "AYE"; motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to assign Comm. Woodcox to the Law Enforcement, Detention Governance Board, and State's Attorney portfolios. All members present voted "AYE"; motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to assign Comm. Munson to the Detention Governance Board portfolio. All members present voted "AYE"; motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to assign Comm. Munson to the Home Rule Charter portfolio. All members present voted "AYE"; motion carried.

Chairperson Matthews called the regular meeting of the Burleigh County Commission to order.

Roll call of the members; Commissioners, Schwab, Munson, Woodcox, Bitner and Chairperson Matthews present.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to approve the November 21, 2022, meeting minutes, and bills. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the Restricted Event Permit to Prairie Rose Elementary – Parent Teacher Club to host a Calendar Raffle, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Swenson, Hagen & Company P.C. Land Development Technician Landon Niemiller presented the Aster Ridge Subdivision for the acceptance of the 66<sup>th</sup> St. NE right-of-way and recommended approval. Motion by Comm. Woodcox,

2<sup>nd</sup> by Comm. Bitner to approve the Aster Ridge Subdivision 66<sup>th</sup> St. NE right-of-way. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to appoint Darwin Reinhardt to the Bismarck Planning Commission. All members present voted "AYE"; motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to appoint Sister Kathleen Atkinson to the Burleigh County Housing Authority. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to appoint Gaylynn Becker to the Human Service Zone Board. All members present voted "AYE"; motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to appoint Dennis Reep and James Landenberger to the Water Resource District. All members present voted "AYE"; motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to appoint Cole Anderson to the Noxious Weed Control Board. All members present voted "AYE"; motion carried.

County Engineer Hall stated that at the July 7, 2021, County Board Meeting, the Board approved an engineering service agreement with HDR for \$415,994 to perform design engineering services for the construction/reconstruction of Bridges on our 66<sup>th</sup> Street SE Railroad Overpass project. Since that time, work has proceeded on this project. However, numerous changes to our original assumptions have required the consultant to perform additional engineering services outside the scope of the original agreement.

Hall and the Highway Department have reviewed HDR's request and recommend approving an increase in their contract of \$66,710.00 and it is their opinion that the requested additional funds are not a result of HDR's work but of additional requirements that have been placed on them by the County and third parties.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox that the proper County officials are hereby authorized to accept the overrun of \$66,710.00 to the engineering consultant agreement with HDR for the construction/reconstruction of Bridges on our 66<sup>th</sup> Street SE Railroad Overpass project. All members present voted "AYE"; motion carried.

Commissioner Bitner talked about the County Sales Tax Bond with the commissioners and stated that it may be in the best interest of the county residents if the county would continue to collect revenues from sales taxes once the bonds are paid off.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Becky Matthews, Chairperson

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
November 21, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Armstrong, Matthews, Jones, Bitner and Chairman Peluso present.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones to approve the November 2, 2022, meeting minutes, and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Bitner, 2<sup>nd</sup> by Comm. Jones to approve the Atlantic Financial Group (6), Heavens Helpers Ministry and Missouri Valley Rentals abatements; along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

State's Attorney Lawyer explained the Home Rule Charter (HRC) process to the commission. Lawyer stated that the newly passed HRC does not go into effect until January 1, 2023, and there is a process for someone, or an organization interested in creating an ordinance. Following Lawyer's explanation Brain Fettig, John Warford, Gaylen Dewing, Larry Smith, Greg Johnson and Neil Effertz appeared to explain their needs and or concerns for an ordinance.

This was the hour and date set for the PUBLIC HEARING regarding the Resolution of a Subdivision Modification.

Chairman Peluso closed the regular commission meeting and opened the public hearing and called for public testimony. As no one present appeared, the public hearing was closed, and the Burleigh County Commission immediately reconvened with all members present and made the following motion:

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to approve the proposed resolution 22-02 Country Hills 2<sup>nd</sup> Subdivision, therefore, be it resolved: That the Burleigh County Board of Commissioners do hereby accept the Resolution of Plat Modification as shown on Exhibit 1.2. All members present voted "AYE"; motion carried.

County Planning Director Flanagan informed the commission that his department was approached by Steven Krentz of Glenview Township in a request to reacquire zoning authority for Glenview Township. On March 7, 1971, Glenview Township relinquished their zoning rights to Burleigh County.

Steven Krentz was present and visited with the commissioners about his wishes to meet with the planning commission first and then revisit the County Commission. The Commission advised Krentz to gather his information and return to the county commission rather than the planning commission.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to proceed with a site survey at a cost of \$5,000.00 so the civil engineer can properly design/document the new utility connection as required for the city plan review/permitting. All members present voted "AYE"; motion carried.

NDSU Extension Burleigh County Agents Annette Broyles, along with Horticulture Kelsey Deckert, and Ag & Natural Resources Tyler Kralicek appeared before the commission and gave an update of the 4-H, ANR, Family and Community Wellness, and Horticulture happenings with NDSU Extension throughout the year.

County Engineer Hall recommended the 2<sup>nd</sup> and 3<sup>rd</sup> approach permits requests from Pe Ben USA, Inc. (aka Summit Carbon Solution – JTP LLP property) be tabled to another date. The commission agreed, no motions were made.

At the November 2, 2022, Burleigh County Commission meeting the commission approved the 2023 meeting schedule, and thereafter it was noticed that the January 2<sup>nd</sup> date for the first meeting in January will not work since the county recognizes that date as a holiday (New Year's Day), therefore it was requested that the date be changed to Wednesday January 4<sup>th</sup>. All commissioners agreed of the correction/change.

With the resignation of the County Finance Director the commission discussed options for filling the position along with the idea of adding a Deputy Finance Director position since they felt the Auditor/Treasurer office could use some additional staff at time throughout the year. County HR Director Binder went over a job description for the new position.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the Deputy Finance position as drafted by HR Director Binder. All members present voted "AYE"; motion carried.

County Highway Department Accountant Schulz went over the ARPA Funds Audit Report indicating that he has been working with the State Auditor's Office to correct the findings along with a procurement policy.

Commissioner Jones went over the 2022 general election data with the commission stating that the voter turnout for Burleigh County was 49% and the State was 42%. She also stated that this was down from the previous two general elections. Jones mentioned that the express voting machines were well received.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
November 2, 2022**

**5:14 P.M.**

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

Roll call of the members; Commissioners, Armstrong, Matthews, Bitner and Chairman Peluso present, Commissioner Jones absent.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve the October 17, 2022, meeting minutes, and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Bitner, 2<sup>nd</sup> by Comm. Matthews to approve the Bismarck Skyline Hotel Partnership, Lepp, Brockel, Carlson (2), Cuperus, Ness and Cleveland (2) abatements; the gaming permit of the IM Exclusive Events along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

County Highway Engineer Hall stated that he would like approval to apply for a Highway Safety Improvement Program (HSIP) Grant. Hall mentioned a few projects that were supported by HSIP monies. The County Highway Department would like to apply for construction funds under the HSIP grant for the construction of a roundabout (or other intersection improvements) at the intersection of 71<sup>st</sup> Avenue NE and 26<sup>th</sup> Street NE. This project has been identified in multiple planning studies done by Metropolitan Planning Organization (MPO) and Burleigh County. In addition, the project has been included in the MPO's long-range project list. The Highway Department is still working out details for the application and cost estimate, but currently estimating the project at around \$4 million. The grant application would be funded 90% federally and 10% locally. The local match dollars would come from Burleigh County. Hall recommended the Board adopt the proposed resolution.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong that the proper County officials are hereby authorized to apply for a 2027 Highway Safety Improvement Program (HSIP) grant for the construction/reconstruction of a roundabout (or other intersection improvements) at the intersection of 71<sup>st</sup> Avenue NE and 26<sup>th</sup> Street NE. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to appoint City Mayor Mike Schmitz to the County Planning Commission. All members present voted "AYE"; motion carried.

County Planning Director Flanagan stated that Jason Malsam purchased Lot 4, Block 1 of the Goehring Subdivision in 2017, the Subdivision was platted and zoned R1 in 2015 as a four (4) lot subdivision. The R1 Country Homes Residential District was established as a district in which the predominant use of land is for low density residential with limited agricultural use.

The owner's intentions are to change the zoning on Block 1, Lot 4 to raise and sell sheep, goats, trees, and pumpkins. Because R1 zoning allows limited agricultural use with no onsite commercial sales, he would need to reverse the existing zoning back to "A" Agricultural. Flanagan recommended deny the zoning change for Lot 4, Block 1, Gorhring Second Subdivision from R1 to "A" Agricultural.

Jason Malsam was present and appeared before the commission and stated that if he is denied he would like his \$500.00 that he had to pay for the request refunded. Upon the discussion the commission stated that the money is used to cover costs incurred by the county for the process, no refund was granted.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to deny the zoning change for Lot 4, Block 1, Gorhring Second Subdivision from R1 to "A" Agricultural. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to approve the 2023 Joint Powers Agreement for Provision of Public Health Services between the City of Bismarck and Burleigh County. All members present voted "AYE"; motion carried.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the 2023 Burleigh County Commission Meeting Schedule as presented. All members present voted "AYE"; motion carried.

USMC Veteran Raymond Morrell with Operation #LightToUnite requested Burleigh County to embrace their project by signing the resolution and to light up appropriate structures/facilities in red, white, and blue or purple through the night of November 11, 2022. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the resolution to keep it as simple as department's wish, to light up an appropriate structure/facility in red, white, and blue or purple through the night of November 11, 2022. Commissioners Armstrong, Bitner, and Peluso voted "AYE"; Commissioner Matthews voted "NAY"; motion carried.

County HR Director Binder informed the commissioners that an employee is transferring from a ND State agency into the Burleigh County Human Service Zone. The Burleigh County Human Service Zone employees are on the ND State merit system and as such would qualify for the transfer of accrued sick leave hours under the NDCC4-07-13-12. No motion is requested, just informed the commission for clarification.

Commissioner Bitner shared with the commissioners that the Law Firm of Zuger Kirmis & Smith PLLP has decided not to renew their lease at the Provident Building. Bitner also mentioned that Lawrence King stated in letter form that Bitner had agreed to purchase the furniture/office equipment in their offices in lieu of rent for November and December (a total of \$19,261.76) with a balance owed to ZKS of \$30,000. Bitner then went on to say that he did not agree and simply said he would have to think about it. Bitner said after thinking it over he feels that the county does not have any use for the furniture/office equipment and that the county should forgo the offer and have ZKS pay November and December rent. The commissioners agreed with Bitner, and the county will inform ZKS of the decision.

Eric Hoffer with JLG Architects appeared before the commission to give an update on the design at the Provident Building going over the layout of the offices for each department and stating that the design is going well. Hoffer also stated that a Flow Test costing \$600.00, which is done to test water pressure and flow rate in the building, was approved at the building committee meeting by Comm. Bitner. The importance of the test is to determine if a fire pump needs to be added. Hoffer went over the revised budget of about 11.7 million dollars for the complete renovation of the Provident Building stating that the increase from the prior budget is pricing of products that seem to continue to climb and other factors of items and expenditures that were not originally included.

Hoffer stated that the building will need a new sprinkler line into the building and was suggested to install the new line when the road is dug up, which is expected to happen soon. The consensus of the commission is to have that done when the road is open.

Hoffer asked for a motion to approve the schematic design package and for the design team to proceed into the next phase. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the schematic design package and for the design team to proceed into the next phase. All members present voted "AYE"; motion carried.



Commissioner Armstrong noted that today is North Dakota's 133<sup>rd</sup> birthday.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION SPECIAL  
MEETING MINUTES  
November 2, 2022**

**4:00 P.M.**

Chairman Peluso called the special meeting of the Burleigh County Commission to order.

Roll call of the members; Commissioners, Matthews, Armstrong, Bitner, Chairman Peluso present, Commissioner Jones present by phone.

Commissioner Bitner went over the Employee Warning and Performance Improvement Plan for County Finance Director Robin Grenz with the commissioners. He stressed his concern of her ability to perform the duties of Finance Director. A lengthy discussion was held among the commissioners of their thoughts of the issue along with different options to rectify the situation.

After a lengthy discussion a motion was made by Comm. Matthews, 2<sup>nd</sup> by Comm. Bitner to terminate County Finance Director Grenz. All members present voted "AYE"; motion carried.

Immediately following another motion was made by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to allow County Finance Director Grenz to resign in lieu of termination. All members present voted "AYE"; motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
October 17, 2022**

5:12 P.M.

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

Roll call of the members; Commissioners, Armstrong, Jones, Matthews, and Bitner present, Chairman Peluso absent.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the October 3, 2022, meeting minutes, and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the Schuh/Meland, Silbernagel/Johnson, Kuntz, Pine Properties, Broadway Centre, Andahl, Carlson (2) and Kindseth (2) abatements; the raffle permit of the Bismarck Hockey Boosters Inc. along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

County Election Manager White went over the changes and additions to the Home Rule Charter measure that is on the Election Ballot with the Commission to help clarify questions that are being asked by the public. White also gave an Election update stating that everything is going smoothly, and the county has received the additional express voting machines that were approved by the commission.

Every year the County Commission appoints delegates to the North Dakota State Fair. At the October 3, 2022, this was discussed, and Commissioner Armstrong volunteered to be a delegate which the commission had agreed to. Commissioner Jones mentioned for the ND State Fair Delegates NDSU traditionally sends their two main agents. That said Comm. Jones made a motion, 2<sup>nd</sup> by Comm. Armstrong to appoint Shandra Ziemann-Bolinske and Tyler Kralicek as the Burleigh County ND State Fair Delegates. All members present voted "AYE"; motion carried.

County Finance Director Grenz appeared and confirmed that the 2021 tax collections contained a small error. The 2020 tax collections contained no errors. The City Library requested 2,522,934 for the 2021 tax collections, the error made on the maximum mill levy worksheets equated to 2,480,539, a \$42,395 difference. This \$42,395 was never taxed to the citizens of Bismarck and therefore never collected by Burleigh County. The \$108,000 difference as quoted by the City of Bismarck was incorrect as they did not consider the Homestead Credit and Disabled Veteran Credit monies, they did in fact receive.

Acting Commissioner Bitner invited City Commissioner Marquart to speak to the Board. City Commissioner Marquart spoke to the communication between the city and the County and the City Library tax error. City Commissioner Marquart confirmed the error is only \$42,395, not the \$108,000 as previously stated. Acting Commissioner Bitner stated that he has had great communication with City Commissioner Marquart throughout the years. Bitner reiterated that the County has not collected those funds as they were never taxed. Bitner questioned States Attorney Julie Lawyer as to the legality of providing funds from the County general funds. Her advice is not to reimburse the funds to the City as the funds were not collected or taxed to the citizens. Finance Director Grenz appeared and confirmed that going forward there is process in place for future confirmation of funds by all entities.

County Engineer Hall explained that every year the Burleigh County Highway Department enters into an annual Township Road Maintenance Agreement with each township. The agreement clarifies the roles and responsibilities of each party in the maintenance of township roads. The County Board must approve the agreement and direct the proper County/Township officials to sign the agreement.

Hall made a recommendation to adopt the attached proposed resolutions; that the proper County officials are hereby authorized to enter into an agreement with the County's Townships, assigning the roles and responsibility for maintaining township roads within Burleigh County, and that the proper Township officials are hereby authorized to enter into an agreement with the County, assigning the roles and responsibility for maintaining township roads within the township.

Tom Dutton, Chairman of the Boyd Township and Burleigh County Township Association appeared from the public to express his opinion that the roads are not being taken care of as he feels they should. Commissioner Bitner explained that the equipment has printout capabilities for the daily routes and that paying additional money for better roads by the property owners is an option.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve that the proper County officials are hereby authorized to enter into an agreement with the County's Townships, assigning the roles and responsibility for maintaining township roads within Burleigh County. All members present voted "AYE"; motion carried.

The County Commission recessed and immediately sat as the Township Boards for each unorganized township for the following motion:

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve that the proper Township officials are hereby authorized to enter into an agreement with the County, assigning the roles and responsibility for maintaining township roads within the township. All members present voted "AYE"; motion carried.

The Burleigh County Commission immediately reconvened with all members present except Chairman Peluso.

County Engineer Hall explained that Burleigh County Highway Department staff will be performing various functions during the Design and Construction of the 66<sup>th</sup> Street NE and I94 Interchange Project. However, some tasks need to be performed by engineering personnel that have been certified by FHWA and the North Dakota Department of Transportation. Hall recommended that the Board adopt the attached proposed resolutions.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the following:

that the proper County officials are hereby authorized to enter into an agreement with Apex Engineering Group for \$42,046.00 to perform Hydrologic Analysis and Design work on the 66<sup>th</sup> Street NE and I94 Interchange Project. Additional services, requested by the County, will be paid for hourly up to a maximum of \$15,000;

that the proper County officials are hereby authorized to enter into an agreement with Bartlett & West for \$125,700.80 to perform Registered Ground Survey and Control Work on the 66<sup>th</sup> Street NE and I94 Interchange Project. Additional services, requested by the County, will be paid for hourly up to a maximum of \$15,000;

that the proper County officials are hereby authorized to enter into an agreement with HDR for \$239,475.97 to perform Traffic Operations Report work and Interchange Justification Report work on the 66<sup>th</sup> Street NE and I94 Interchange Project. Additional services, requested by the County, will be paid for hourly up to a maximum of \$15,000;

that the proper County officials are hereby authorized to enter into an agreement with Houston Engineering Inc. for \$9,600.00 to perform Wetland Delineation Report work on the 66th Street NE and I94 Interchange Project. Additional services, requested by the County, will be paid for hourly up to a maximum of \$15,000;

that the proper County officials are hereby authorized to enter into an agreement with Kadrmaz, Lee & Jackson, Inc. for \$130,707.00 to perform Pavement Design work, Geotechnical Evaluation work, Cultural Review and Report work and Noise Analysis work on the 66th Street NE and I94 Interchange Project. Additional services, requested by the County, will be paid for hourly up to a maximum of \$15,000. All members present voted "AYE"; motion carried.

Acting Chairman Bitner mentioned that the owner of the Professional Building adjacent to the County parking lot at north of Rosser Ave. and west of 5<sup>th</sup> Street would like to rent a space for a dumpster for his building. Bitner did not see a problem with this since there is ample space for the county needs for employee parking. After discussion Bitner asked Finance Director Grenz to draft an agreement and when ready have it available for review.

Acting Chairman Bitner informed the Commission that a very large branch fell from a tree at the Court House lawn recently which is cause for concern from a safety aspect. After discussion of the cottonwood trees that probably need to be taken down Bitner was granted permission by the commissioners to allow Buildings and Grounds Manager Quinn to contact tree trimmers and get some pricing to remove some of the cottonwood trees around the Court House.

County Planning Director Flanagan presented the Old Ten Subdivision Plat and explained that in April of 2021 Swenson, Hagen Engineers representing Ron Aberle met with County Staff. Mr. Aberle intends to combine all his owned lots into a two (2) lot subdivision containing 125 Acres more or less. Issues concerning stormwater management, access easements and road vacations were discussed and resolved. At the March 9, 2022, Planning Commission meeting, the preliminary plat was approved for a public hearing. McKenzie Township also sent approval. A public hearing was held on June 8, 2022, with a recommendation of final plat approval with conditions by an 8-0 vote. Flanagan then made a recommendation to approve the Old Ten Final Subdivision Plat. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to approve the Old Ten Final Subdivision Plat. All members present voted "AYE"; motion carried.

County Planning Director Flanagan presented the St. Hildegard Subdivision Final Plat and explained that Burleigh County Planning Department was approached by MSGR Gene Lindemann about building a 6,000 sq./aft. Education building on the St. Hildegard Catholic Church property. After a review of the lot which contained four (4) acres, (Auditor's Lot A) Mr. Lindemann was advised the property needed to be platted. It was also decided to include Auditor's Lot B, which surrounds Auditor's Lot A on two sides, to the final subdivision plat. The combined lot contains 8.43 acres. The property is zoned C-Commercial, no zoning change is needed. Commission votes to recommend approval was 7-0. Flanagan then made a recommendation to approve the St. Hildegard Final Subdivision Plat. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the St. Hildegard Final Subdivision Plat. All members present voted "AYE"; motion carried.

County HR Director Binder went over the BCBSND 2023 Renewal and Stop Loss Premium plan. Binder explained the Stop Loss we currently have is a deductible of \$50,000.00. What that means is that the first \$50,000.00 of any claim will be paid by the Plan. Any amount over the \$50,000.00 will be reimbursed back to the Plan by our Stop Loss reinsurance. The recommendation from the Health Insurance Committee is to change the stop loss specific premiums from the \$50,000 deductible to the \$60,000 deductible. The Plan would take on an extra cost of \$10,000 more for each high dollar claim incurred, however assuming a similar high dollar claims trend going into the future, the Plan would still experience a cost savings. Binder then made a recommendation to approve increasing the Stop Loss specific deductible to \$60,000 for the Burleigh County Health Insurance Plan effective for January 1, 2023. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve increasing the Stop Loss specific deductible to \$60,000 for the Burleigh County Health Insurance Plan effective for January 1, 2023. All members present voted "AYE"; motion carried.

County HR Director Binder went over the Open Enrollment, it is from October 7, 2022, thru November 11, 2022. Information packets will be sent out the week of October 7<sup>th</sup> and all employees will be required to complete a new Life Insurance form this year, as Metlife will be the new vendor.

County Sheriff Leben gave an update on the Jail report at the Detention Center, average daily population is down, Covid cases are down, a new nurse has been hired allowing weekend support. Overall picture is that everything is running smoothly.

County Sheriff Leben mentioned the boiler system at BMDC has begun to experience problems due to excessive moisture in the system. The cause of this issue is exhaust air being drawn back into the boiler system. The repairs include work to the air handling process to prevent additional problems in the future and work to the boilers to correct the existing deficiencies. This work project has been approved by the BMDC Governance Board with a cost share between Burleigh and Morton Counties based on the ownership percentages of 85/15. Leben recommended that the County Commission approve the project and expenditure for repairs to the BMDC boiler system, that the proper County officials are hereby authorized to coordinate repairs to the BMDC Boiler System with funds allocated from the BMDC Capital Improvement Fund.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the project and expenditure for repairs to the BMDC boiler system, that the proper County officials are hereby authorized to coordinate repairs to the BMDC Boiler System with funds allocated from the BMDC Capital Improvement Fund. All members present voted "AYE"; motion carried.

County Finance Director Grenz explained that some of the unorganized townships are exceeding the 75% cash reserve rule. Two proposals were presented as remedies to be able to levy 18 mills as approved at the final budget hearing. Acting Chairman Bitner expressed his concerns with the proposals and the legalities of the proposals. County Highway Engineer Hall explained how the Highway Department treats unorganized townships. Grenz will be in contact with State's Attorney Lawyer on the legality of the options and will bring the topic back to the commission.

County Finance Director Grenz asked to make a change to the County Extension 2023 budget line items. There will be a new line item added to the 2023 budget for NDSU salaries to separate those from regular salaries. After discussion the commission agreed to the line item as requested, no motion was made.

A brief discussion was held amongst the commissioners about the wants and needs for audio/visual for the future Commission Room at the Provident Building, stating that more discussions will follow with Emergency Manager Senger as a lead person to do some research and have discussions with the Architects and others, no decisions were made.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
October 3, 2022**

**5:12 P.M.**

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

Roll call of the members; Commissioners, Armstrong, Jones, Matthews, Bitner, and Chairman Peluso present.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the September 21, 2022, meeting minutes, and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the Bosch, Kroshus, Hinricksen (2), Miller, Lalonde and Conlon abatements, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

This was the hour and date set for a public hearing concerning objections to the minimum sales prices as determined for the annual tax sale (November 15, 2022).

Chairman Peluso closed the regular commission meeting and opened the public hearing and called for public testimony. As no one present appeared, the public hearing was closed, and the Burleigh County Commission immediately reconvened with all members present and made the following motion:

Motion by Comm. Armstrong 2<sup>nd</sup> by Comm. Jones to accept the minimum sales prices as presented by Auditor/Treasurer Vetter for the properties that are 3 years' delinquent. All members present voted "AYE"; motion carried.

Every year the County Commission appoints delegates to the North Dakota State Fair, and Commissioner Armstrong volunteered to be the delegate. After a short discussion the Commission agreed to appoint Commissioner Armstrong as the Burleigh County delegate.

Commissioner Bitner briefed the Commission of the Lease with Zuger Kirmis & Smith PLLP at the Provident Building stating their lease came due on October 1<sup>st</sup> and was asking if it could be extended till November 1<sup>st</sup> to make a final decision on their future. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to allow Zuger Kirmis & Smith PLLP until November 1<sup>st</sup> to decide their future lease plans. All members present voted "AYE"; motion carried.

Eric Hoffer with JLG Architects was present and gave an update on the design of the Provident Building for the County offices, along with a recent concern from Human Services requesting and hoping they can maintain their presence on the first floor. The Commission had an open discussion, and the consensus was that they felt the first floor should have a county office other than or along with Human Services. The Commission concluded giving Hoffer direction to continue design with the County as the primary presence on first floor.

State's Attorney Lawyer requested a File Clerk/Legal secretary position revamping the job description and reclassify it as it has changed over the years in the State's Attorney office. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the request of a File Clerk/Legal secretary position revamping the job description and reclassify it as it has changed over the years in the State's Attorney office. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve of contract with the Centre, Inc. for Community Service & Misdemeanor Probation services for the period effective January 1, 2023 and shall expire December 31, 2023. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve of Agreements for the Joint Exercise of Government Powers with the City of Bismarck relating to Police Youth Bureau Contract for twelve months beginning January 1, 2023 and ending December 31, 2023. All members present voted "AYE"; motion carried.

County Sheriff Leben presented the 2022/2023 North Dakota Department of Transportation Traffic Safety Grant to the commission and recommended approval of the grant agreement; that the proper County officials are hereby authorized to authorize the NDDOT Traffic Safety Grant between Burleigh County and the State of North Dakota. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to approve of the grant agreement; that the proper County officials are hereby authorized to authorize the NDDOT Traffic Safety Grant between Burleigh County and the State of North Dakota. All members present voted "AYE"; motion carried.

County Emergency Manager Senger presented proposal for New Burleigh County Website from GHD Services, Inc. for \$29,790 and recommended approval. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the proposal for New Burleigh County Website from AGHD Services, Inc. for \$29,790. All members present voted "AYE"; motion carried.

Chairman Peluso explained to the commission he wanted the Equestrian Center to be placed on the agenda again to further discuss and clarify some unanswered questions. County Engineer Hall explained some of the wishes of the project along with an overview of what it may entail. Julie Kuennen and Steve Neu were representatives from the Equestrian group and expressed their wishes and hopes for a study and eventual building. A motion was made by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to authorize the proper officials to seek an Architectural Consultant Firm to design/assist in the planning of an Equestrian Center at the Missouri Valley Complex. All members present voted "AYE"; motion carried.

County Engineer Hall explained every year the Burleigh County Highway Department reviews all federal aid highway projects and certifies that they are being maintained in a good and safe condition for public use, and that maintenance is being done in accordance with the North Dakota Department of Transportation "Construction and Maintenance Agreements". Under current State and Federal rules, the County Board must approve the certification and direct the proper County officials to sign the certification.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to authorize County Officials to sign Maintenance Certification. All members present voted "AYE"; motion carried.

County Engineer Hall made a recommendation Burleigh County hereby adopt the attached 2023 Highway Department fee schedule. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to adopt the attached 2023 Highway Department fee schedule. All members present voted "AYE"; motion carried.

On September 7, 2022, the County Board authorized the County Auditor and the County Engineer to advertise for bids for 2 (two) new motor graders under a 5 year – total cost bid with a guaranteed repurchase price at the end of this period. County Engineer Hall made a recommendation the Board adopt the proposed resolution; that the County Board hereby accepts the following low bid from RDO Equipment Co. for 2 (two) motor graders of \$878,890.00 under a 5 year – total cost bid with a guaranteed repurchase price at the end of this period and authorize the proper County officials to enter a contract with said bidder.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews that the County Board hereby accepts the following low bid from RDO Equipment Co. for 2 (two) motor graders of \$878,890.00 under a 5 year – total cost bid with a guaranteed repurchase



price at the end of this period and authorize the proper County officials to enter a contract with said bidder. All members present voted "AYE"; motion carried.

County Finance Director Grenz presented an update of the American Rescue Plan Projects, listing the project name, entity name amount approved amount spent. Also included was a list of projects with the entity name and amount requested of those not allocated.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
September 21, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Armstrong, Jones, Matthews, Bitner, and Chairman Peluso present.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Jones to approve the September 7, 2022, meeting minutes, and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the Rohrich, Bismarck Public School District, Wojtalewicz/Smith, Not AlwayL8 LLC, Berg (2) and Gaugler (2) abatements; stop payment on lost check numbers 120047 and 120136 and reissue payment, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

County Engineer Hall presented a Tom and Kim Fettig requesting a pavement waiver for a one (1) lot subdivision proposal. Under the Pavement Policy, the platting of this property would require them to pave a minimum of 1,975 feet of County/Township roadways to reach the pavement on 71<sup>st</sup> Avenue NE.

Waiving the Pavement Policy allows the County Board to approve the proposed plat without the developer paving the required roadways currently. It does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways in the future.

County Engineer Hall recommended that the County Board of Commissioners do hereby recognize that waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways in the future, and that the County Board of Commissioners do hereby grant Tom and Kim Fettig request 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 TNK Ranch Subdivision.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the County Board of Commissioners do hereby recognize that waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways in the future, and that the County Board of Commissioners do hereby grant Tom and Kim Fettig request 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 TNK Ranch Subdivision.

Motion by Comm. Jones 2<sup>nd</sup> by Comm. Matthews to accept the minimum sales prices as presented by Auditor/Treasurer Vetter for the properties that are 3 years' delinquent. All members present voted "AYE"; motion carried.

Commissioner Bitner did a brief overview of the ongoing issue between the City of Bismarck and Burleigh County with the Public Health budgeting and expressed his thoughts with the commission.

**5:18 P.M.**

The Burleigh County Commission recessed until 6:00 P.M.

**6:00 P.M.**

The Burleigh County Commission reconvened with all members present.

This was the hour and date set for the PUBLIC HEARING regarding the proposed budget and adoption of the final budget for the year ending December 31, 2023.

Chairman Peluso call for further testimony.

County Finance Director Grenz appeared before the commission and gave an overview of the budget indicating there are no changes since the last discussion.

Mike Hammerschmidt appeared before the Commission and stated his concern about the value of his property at 4701 Bottom Road. Chairman Peluso told Mike the County Tax Director will get in touch with him to discuss the concern.

Kevin Nagel appeared before the Commission and expressed his situation with the revised flood elevation and his concerns of future development on his property.

As no one else present appeared before the Commission Chairman Peluso closed the public hearing and the Burleigh County Commission immediately reconvened with all members present.

Commissioner Jones stated that she was supportive of the budget as presented. Chairman Peluso stated that he agreed with Commissioner Jones except for the COLA (cost of living adjustment) increase of 4% for employees be reduced to 3% since the county employees received a significant raise last year.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to reduce the COLA from 4% to 3%. Commissioners Bitner, Jones, and Chairman Peluso voted "AYE", Commissioner Matthews voted "NAY"; motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to Adopt the 2023 Final budget & appropriate 2022 mill levies. Commissioner Jones and Chairman Peluso voted "AYE", Commissioners Armstrong, Bitner, and Matthews voted "NAY"; motion failed.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to reduce the County Highway Department requested mill levy from 5 mills to 4 mills. Commissioners Armstrong, Bitner, and Chairman Peluso voted "AYE", Commissioners Matthews and Jones voted "NAY"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to approve appropriate (maximum) levies for the Unorganized Townships. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to Adopt the 2023 Final budget & appropriate 2022 mill levies. Commissioners Armstrong, Bitner, and Chairman Peluso voted "AYE", Commissioners Jones and Matthews voted "NAY"; motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
September 7, 2022**

**5:10 P.M.**

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

Roll call of the members; Commissioners, Armstrong, Jones, Matthews, Bitner, and Chairman Peluso present.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the August 15, 2022, meeting minutes; August 29, 2022, Special meeting minutes, and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Jones, 2<sup>nd</sup> by Comm. Bitner to approve the Martens (2), Unruh, Graff, Silbernagel/Johnson and Pfennig (2) abatements; the raffle permits of Bismarck Cancer Center Foundation and Flash's Place LLC, stop payment on lost check number 117754 and reissue payment, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

This was the hour and date set for a public hearing on the minor plat modification for Heritage Reserve Subdivision, lot 4, block 5, addressed as 12009 Acadia Drive.

County Building Official Director Flanagan mentioned that he was approached by Chad Moldenhauer regarding access points to a lot in the Heritage Reserve Subdivision. His request was to reduce the distance of the access points on the north lot line of 100' to 40' and the east lot line of 100' to 60'. Staff determined there were no concerns from this request. Because only 1 lot is petitioning the access line distances without changing the interior or exterior boundaries of the original subdivision, it was determined this modification qualifies for Title 33, Section 12 Minor Plat Modification of the Burleigh County Zoning Ordinances. Flanagan then made a recommendation to approve the minor plat modification to be recorded against the final Heritage Reserve Subdivision Plat.

Chairman Peluso closed the regular commission meeting and opened the public hearing and called for public testimony. As no one present appeared, the public hearing was closed, and the Burleigh County Commission immediately reconvened with all members present and made the following motion:

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to approve the minor plat modification to be recorded against the final Heritage Reserve Subdivision Plat. All members present voted "AYE"; motion carried.

Two applicants for the replacement of the Burleigh County Weed Board member that was removed from the position at the August 15, 2022, County Commission meeting, were presented. After discussion a motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to appoint Denise Brown to fill the vacancy position on the Burleigh County Weed Board All members present voted "AYE"; motion carried.

A lease agreement between the Burleigh County Highway Department and the Burleigh County Weed Board was presented and discussed and a motion was made by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to accept the lease agreement for the use by the Burleigh County Weed Board of approximately 1000 square feet of office space and access to common areas, located at 8100 43<sup>rd</sup> Ave. All members present voted "AYE"; motion carried.

County Engineer Hall presented the proposal for the Equestrian and Ag Center predesign from JLG Architects and recommended that the proper County officials are hereby authorized to enter into an AIA agreement with JLG Architects for \$38,000.00 to perform predesign services for a County Equestrian and Ag Center at the Missouri Valley Complex, and to clarify that the money would come out of the Missouri Valley Complex fund. After discussion the commission felt that it is too early to commit to the project and felt that it should be something that the next commission should decide, therefore no motions were made.

County Engineer Hall mentioned that the 2023 annual budget has not been approved yet. As part of this budget, the Highway Department has requested the purchase of two new motor graders. They wish to purchase the motor graders under a 5-year total cost bid with a guaranteed repurchase agreement. The new units will replace unit #15-21 and #15-22. The existing units will be returned to the dealer under the 5-year guaranteed repurchase agreement. Hall felt to get the new motor graders in place before they need to return the existing one to the dealer, the process must get started sooner than normal. At this time, they would like to start the advertising process. They are not asking for approval of the purchase until the 2023 Budget is approved and will not receive or pay for the new motor graders until next year.

County Engineer Hall recommended that the County Auditor and the County Engineer are hereby authorized to advertise for bids for two new motor graders under a 5 year -total cost bid with a guaranteed repurchase price at the end of this period. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the County Auditor and the County Engineer are hereby authorized to advertise for bids for two new motor graders under a 5 year -total cost bid with a guaranteed repurchase price at the end of this period. All members present voted "AYE"; motion carried.

Stuart Rifas requested a second approach permit to his property, Block 08, Lot 03, Copper Ridge Second (5221 Woodrow Drive). Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the second approach permit to the Stuart Rifas property, Block 08, Lot 03, Copper Ridge Second (5221 Woodrow Drive). All members present voted "AYE"; motion carried.

Brad Fettig requested a second approach permit to his property on 80<sup>th</sup> Street NE (6260 80<sup>th</sup> Street NE). The second approach has already been constructed without County permission. The approach meets all the county standards. Fettig was present and appeared before the commission and apologized for not getting a permit. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve a second approach permit to his property on 80<sup>th</sup> Street NE (6260 80<sup>th</sup> Street NE). All members present voted "AYE"; motion carried.

County Sheriff Leben asked for approval of an agreement between Lt Jeff Olson and the Burleigh County Sheriff's Department to allow Lt Jeff Olson to take ownership of his law enforcement K-9 upon retirement of the dog and asked that the proper County officials are hereby authorized to enter into an agreement with Lt Jeff Olson to take ownership of his Burleigh County Law Enforcement K-9. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner that the proper County officials are hereby authorized to enter into an agreement with Lt Jeff Olson to take ownership of his Burleigh County Law Enforcement K-9. All members present voted "AYE"; motion carried.

County Sheriff Leben explained to the commission the North Dakota Department of Transportation along with NDACo coordinates a Vision Zero Traffic Safety Program for the state with the goal of reducing traffic safety deaths. The program is designed with a coordinator in each zone with Burleigh County being part of the southwest zone. The NDACo has requested Burleigh County be the host agency for the coordinator that is currently placed in Morton County. This coordinator position would be an employee of Burleigh County in accordance with the fully reimbursable contract. This coordinator position would work throughout the southwest zone in furtherance of the Vision Zero mission. The services of the coordinator would continue to work with the BCSD and Burleigh County Highway Department in addition to the other counties in the zone.

County Sheriff Leben recommended that the proper County officials are hereby authorized to enter into an agreement with NDACo for a Vision Zero Coordinator position in Burleigh County to take effect on October 1, 2022. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve that the proper County officials are hereby authorized to enter into an agreement with NDACo for a Vision Zero Coordinator position in Burleigh County to take effect on October 1, 2022. All members present voted "AYE"; motion carried.

Lon Klusmann, a property owner of land where the Summit Carbon Solutions plans to pass through shared is situation and issues, he is dealing with trying to stop Summit Carbon Solutions from trespassing on his property.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION SPECIAL  
MEETING MINUTES  
August 29, 2022**

**12:00 P.M. (NOON)**

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

Roll call of the members; Commissioners, Matthews, Armstrong, Bitner, and Chairman Peluso present Commissioner Jones absent.

Election Manager White gave an overview of the Home Rule Charter Draft. After discussion amongst the commissioners a motion was made by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the Ballot Language; to be placed on the 2022 General Election Ballot; and approve Home Rule Charter Draft as presented. All members present voted "AYE"; motion carried.

Before the vote was cast for the motion, Chairman Peluso allowed members from the audience to speak. Ken Preskey stated that he did not feel that the Home Rule Charter was the best method to address issues in the County. Daymon Mills expressed his concerns that the County may not have enough voting power to help with issues. Wayne Martineson appeared and asked if it would change the way things are done with townships and Chairman Peluso assured him it would not.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
August 15, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Bitner, Matthews, Jones, Armstrong, and Chairman Peluso present.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the August 1, 2022, meeting minutes and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the Moe, Skager and Wagner abatements; the raffle permit of Grace Lutheran Church Women, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Based on the information presented in the agenda packet and further clarification from State's Attorney Lawyer of a member of the Burleigh County Weed Board a motion was made by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones to remove the individual from the Burleigh County Weed Board. Comm. Jones then asked to amend the motion to be effective immediately, Comm. Bitner agreed. Per Lawyers recommendation a roll call vote was taken for the amendment to the motion to be effective immediately and Commissioners Armstrong, Jones, Bitner, and Matthews voted "AYE"; Commissioner Peluso voted "NAY"; motion carried. Next a roll call vote was taken for the amended motion to remove the individual from the Burleigh County Weed Board effective immediately and Commissioners Jones, Matthews, Armstrong, and Bitner voted "AYE"; Commissioner Peluso voted "NAY"; motion carried.

With the removal of the Burleigh County Weed Board Member Commissioner Jones recommended to appoint Seth Hanson, the current Weed Officer, to the board since he had applied to be on the board. Commissioner Bitner expressed his concern with an employee being on the board and was not in favor of the idea. State's Attorney Lawyer stated that the commission could wait and appoint a replacement at the next County Commission Meeting. After discussion the commission agreed to take applications until August 25, 2022 and make a decision at the next meeting.

Assistant County Engineer Schriock stated that Burleigh County is required to accept (on their behalf or on the behalf on one of our Townships) Right of Way shown on Plats that are approved by the City of Bismarck, City of Lincoln, or Burleigh County. The George Subdivision has been approved by the City of Bismarck and we are requesting that the County Board accept the Right of Way that is shown on the attached plat. Schriock recommended that the Burleigh County Board of Commissioners do hereby accept the Right of Way shown on the George Subdivision. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to accept the Right of Way shown on the George Subdivision. All members present voted "AYE"; motion carried.

The County Commission recessed to immediately sit as the Board for the Unorganized Township of Fort Rice.

Assistant County Engineer Schriock stated that because of their success in placing a Double Chip Seal on a gravel roadway (15<sup>th</sup> Street NW from 57<sup>th</sup> Ave NW to Cogburn Road), the Highway Department has been looking for other areas in which this application may be useful. After reviewing several locations, they have decided to request placing a Double Chip Seal in a Subdivision. The location selected is the West Heart Estates Subdivision. They have tried several times to



develop a SAD for paving but have not been able to obtain enough signatures. We have had numerous problems over the years maintaining the gravel roadway in this subdivision and feel that a Double Chip Seal may be the solution. West Heart Estates Subdivision is in Fort Rice Township and is a mature subdivision with very low truck volume. Fort Rice Township currently has a balance of around \$300,000.00 which is more than adequate to cover the cost of this project. The Highway Department would like to treat this project as a test case to see if Double Chip Seals are a solution to some of our Gravel Subdivisions. This project would require County Forces to do some prep work to ensure that the gravel roadway surface is suitable for a chip Seal. We have contacted their existing Chip Seal contractor and he is willing to add this project to our existing contract using our 2022 contract rates. We estimate that the project will cost Fort Rice Township around \$115,000.00.

Schriock then recommended that the Burleigh County Board hereby authorize the proper County officials to proceed with a Double Chip Seal project for the West Heart Estates Subdivision. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to authorize the proper County officials to proceed with a Double Chip Seal project for the West Heart Estates Subdivision. All members present voted "AYE"; motion carried.

The respective Unorganized Township Board of Fort Rice adjourned, and the County Commission immediately reconvened with all members present.

County Finance Director Grenz appeared before the commission and recapped the preliminary budget beginning with the new budget figures since cuts were made at the prior meeting. Grenz handed out scenario options and the commission discussed the options; no action was needed at this time nor taken. Grenz also brought up for discussion the Bismarck/Burleigh Public Health budget and five items that have been increased for the current budget from 5% to 20% along with the \$2.1 million County share request for the new building for Public Health. Grenz stated that the meeting between the City and County did not change anything since the city does not plan to make any concessions on the five items that have been increased from 5% to 20% and requesting the \$2.1million for County share of the cost of the new building. Also discussed was the amount requested for maintenance. Public Health Director Moch shared some financial information with the commission which entailed a lengthy discussion including City Commissioner Cleary and City Finance Director Chernyak. Commissioner Matthews discussed the idea of possibly stepping into the increase over time. Matthews made a motion to increase the Public Health items from 5% to 15% for budget year 2023 and 20% for Budget year 2024. Chairman Peluso indicated that the budget for 2024 would have to be decided with the next year commissioners. Commissioner Matthews then rescinded her motion and made another motion to increase the Public Health items from 5% to 15% for budget year 2023. Chairman Peluso suggested that County Finance Director Grenz and Commissioner Matthews work out a possible compromise for the Public Health budget and return at the next meeting with any suggestions. Commissioner Matthews motion died for lack of a second.

Each year the commission selects a delegate to represent the County at the State Council. Chairman Peluso suggested Commissioner Matthews to be the representative. Commissioner Matthews said that would be fine. After discussion the commission agreed to have Commissioner Matthews represent Burleigh County at the State Council, no motion was made.

Commissioner Matthews submitted a sample of a letter of support by Burleigh County for the Economic Development Administration (EDA) Statewide Public Space Initiative Placemaking Planning Grant application submitted by the City of Bismarck. Matthews encouraged the commission to allow the letter to be completed and submitted. After discussion the commission agreed to allow Matthews to complete and submit the letter of support.

Commissioner Armstrong gave an update on the County Home Rule Charter stating that a Public Hearing is Scheduled on August 25, 2022; a draft of the charter has been approved by the Home Rule Charter Committee; State's Attorney Lawyer is working on the ballot language; at a County Commission Special Meeting the draft would be finalized and

approve the ballot language; Ballot Language certified to the County Auditor's Office by 4:00 pm on September 6, 2022, to be on the November 8, 2022 Election Ballot.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the County Commission Special Meeting to be held on August 29, 2022, at noon in the Tom Baker room at the City/County building, 221 N 5<sup>th</sup> Street. All members present voted "AYE"; motion carried.

Vision Zero Regional Coordinator Theresa Liebsch presented an overview of North Dakotas traffic safety initiative, working with schools around the state utilizing interactive tools, and sharing comparative stats in recent years, and much more.

County Planning Director Flanagan reminded the commission and everyone that a Flood Risk Public Open House is scheduled for Tuesday, August 16<sup>th</sup> from 4 – 7 p.m. at the Bismarck Event Center, Hall C. Commissioner Armstrong reminded the commission and everyone that the new Military and Veterans Monument dedication will begin at 10 a.m. on Thursday, August 18<sup>th</sup> on the Courthouse grounds.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
August 1, 2022**

**5:15 P.M.**

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

Roll call of the members; Commissioners, Bitner, Matthews, Jones, Armstrong, and Chairman Peluso present.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the July 20, 2022, meeting minutes and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the Welch abatement, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

This was the hour and date set for a public hearing on modification to Goehring Subdivision.

Commissioner Bitner asked for clarification why it is at the commission meeting rather than the planning commission and County Associate Planner McMonagle explained that it is a Plat modification not a Lot modification and per article 33 section 22 the public hearing goes straight to the county commission.

County Associate Planner McMonagle explained that Burleigh County was approached by Mark Isaac, Independent Land Surveyor regarding the Goehring Subdivision. His request was to add acreage to Lot 3, Block 1 of Goehring Subdivision from 19 acres, more or less, to 29 acres, more or less. They held a staff review for questions regarding the Goehring Plat. The 10 acres decrease from Lot 2, Block 1, Goehring Subdivision (11300 15<sup>th</sup> Street NW) will change the 18 acres more or less to 8 acres more or less. Both lots are currently zoned R1 which does allow for less than 10 acres sized parcels. Donald Sabo intends to change the R1 zoning to AG to raise cattle on the parcel.

There were no concerns to be addressed since only 2 lots are involved in the land transfer, without changing the boundaries of the original subdivision, it was determined this modification qualifies for Title 33, Section 12 of the Burleigh County Zoning Ordinances. Based on supporting documents and the findings by the planning department, it is recommended to approve the lot modification to be recorded against the final Goehring Subdivision Plat.

Chairman Peluso closed the regular commission meeting and opened the public hearing and called for public testimony. As no one present appeared, the public hearing was closed, and the Burleigh County Commission immediately reconvened with all members present and made the following motion:

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to approve the lot modification to be recorded against the final Goehring Subdivision Plat. All members present voted "AYE"; motion carried.

City of Bismarck Community Development Director Ben Ehreth appeared before the commission and presented the City of Bismarck's draft Together 2045 Comprehensive Plan, which is an update to the City of Bismarck Comprehensive Plan. They are seeking public comment until September 9, 2022, would consider any feedback received from the County before the final draft is presented to the City Planning and Zoning Commission and City Commission in the Fall of 2022, with anticipated completion by December 31, 2022.

County Engineer Hall requested the authorization to seek various design services from several consultant engineering firms on the 66<sup>th</sup> Street NE I94 Interchange.

Hall stated that recently, Burleigh County in partnership with City of Lincoln, City of Bismarck and the North Dakota Department of Transportation has applied for a "Rural Surface Transportation Grant", from the Federal Government, for the construction/reconstruction of 66<sup>th</sup> Street NE from County Highway 10 to 43<sup>rd</sup> Avenue NE (including an interchange with I-94). This grant totaled over \$33 million and included design and construction of this segment of roadway. The grant requires the project to under construction within 18 months of the awarding of the grant. The only way meets the timeline is to begin the design process prior to knowing if we have been awarded the grant.

Hall recommended that the County Auditor and the County Engineer are hereby authorized to advertise to seek design service proposals for the 66<sup>th</sup> Street NE I-94 Interchange Project.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve that the County Auditor and the County Engineer are hereby authorized to advertise to seek design service proposals for the 66<sup>th</sup> Street NE I-94 Interchange Project. All members present voted "AYE"; motion carried.

With absence of County Superintendent of Schools Brandt Dick Auditor Vetter presented the nominations of Linda Mac Donald and Dawn Aberle to the Commission for the expired terms of the County School Reorganization Committee. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones to approve Linda MacDonald and Dawn Aberle each to a (3) year terms to the County School Reorganization Committee. All members present voted "AYE"; motion carried.

County Sheriff Leben presented the 2022 Justice Assistance Grant to the Commission. The Justice Assistance Grant (JAG) is an annual grant awarded to the City of Bismarck with Burleigh County as a Sub-Grantee. The Grant is used to aid in equipment purchases. Leben recommended that the proper County officials are hereby authorized to authorize the JAG Agreement between Burleigh County and the City of Bismarck. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve that the proper County officials are hereby authorized to authorize the JAG Agreement between Burleigh County and the City of Bismarck. All members present voted "AYE"; motion carried.

County HR Director Binder presented the Annual Leave, Sick Leave, Other Leave and Family Medical Leave Act policy revisions to the Commission indicating that minor changes were made to the verbiage for better clarification to the existing policies.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the revisions to the Sick Leave Policy. All members present voted "AYE"; motion carried.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the revisions to the Family Medical Leave Act. All members present voted "AYE"; motion carried.

No changes/revisions were made with Other Leave; therefore, no action was taken.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Jones to approve the revisions to the Annual Leave Policy. All members present voted "AYE"; motion carried.

County Finance Director Grenz presented the County Superintendent of Schools contract agreement from July 1, 2022, through June 30, 2023, for approval. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to approve the County Superintendent of Schools contract agreement from July 1, 2022, through June 30, 2023.

County Finance Director Grenz presented an update on the Verizon Tower Lease amendment. Verizon presented a new amendment that raised the proposed annual amount, escalator, and added a rent guarantee. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to accept the update Verizon Tower Lease amendment rent amount of; \$34,000.00 annually,

commencing on (October 1, 2022); new rent escalator of 15% every 5 years, (next increase on October 1, 2027); eight (8) additional five (5) renewal terms; rent guarantee of \$170,000.00 for the next 60 months. Commissioners Jones, Armstrong and Matthews voted "AYE"; Commissioners Bitner and Peluso voted "NAY"; motion carried.

County Finance Director Grenz presented discussion on the 2023 budget. Grenz mentioned that salaries were miscalculated and that approximately \$5,200.00 needs to be added to the Extension Budget. Situations were presented to the Commission showing options for the portion of the Public Health building and a 3% COLA and the effects on the mill levy. Commissioner Bitner prompted discussion regarding Bismarck Burleigh Public Health contract.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to add \$5,200.00 to the Extension budget, amend Public Health budget to lower those line items from 20% as proposed to 5%, remove the facility maintenance fee, and remove the \$2,100,000.00 General Fund transfer.

City of Bismarck Administrator Keith Hunke appeared and expressed his concern with the cuts to the Public Health budget and possible reduction in services to County residents. Hunke asked the Commission to have discussions on this budget before making any cuts.

Commissioner Matthews also expressed concern to the cuts to the Public Health budget.

Chairman Peluso agreed to the cut to the \$2,100,000.00 General Fund transfer. Peluso also mentioned not cutting the line items that increased from 5% to 20% as those cannot be added back in after approving a preliminary budget.

Bismarck Burleigh Public Health Director Moch appeared and spoke to the Commission regarding prior Commission comments and questions as did City of Bismarck Finance Director Dmitriy Chernyak. Moch and Hunke appeared again to attempt to answer questions of the Commission.

Commissioner Armstrong indicated that the County should negotiate with the City of Bismarck on the Public Health budget.

Comm. Bitner amended his motion, 2<sup>nd</sup> by Comm. Armstrong to include the \$5,200.00 for Extension, negotiate with the City of Bismarck on the Public Health line items that are proposed to go from 5% to 20%, cut the facility maintenance fee and cutting the \$2,100,000.00 General Fund transfer. Commissioners Jones, Armstrong, Bitner and Peluso voted "AYE"; Commissioner Matthews voted "NAY"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones to adopt preliminary budget. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to call for the budget Public Hearing September 21, 2022. All members present voted "AYE"; motion carried.

Commissioner Jones shared the email from David Nehring stating that he has accepted a position with Summit Carbon Solutions and wishes to avoid any potential issues of conflict of interest and therefore wishes to resign his position as Burleigh County Weed Board member, effective immediately. Jones also stated that Nehring had called her earlier in the day to ask to hold his resignation. Commissioner Bitner said he had received a similar call from Nehring stating that he had a chance to think about his position and would like to remain on the Burleigh County Weed Board. The commission had a discussion on whether it is a conflict. Chairman Peluso asked State's Attorney Lawyer's opinion of it being a conflict of interest and she stated that you won't know until a situation arises.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to not accept the resignation of David Nehring from the Burleigh County Weed Board. Commissioners Armstrong, Bitner, Matthews, and Peluso voted "AYE"; Commissioner Jones voted "NAY"; motion carried.

Commissioner Jones stated that she discovered some things being done with the Weed Board that she feels needs to be addressed and asked State's Attorney Lawyer to explain. Lawyer stated that this topic came up in Other Business in a prior meeting and suggested at that time to have it as an agenda item but was dropped and suggested that the Weed Board should be on the agenda for another meeting to address the situation. Commissioner Bitner asked if it needs to be an executive session and Lawyer stated that she will check which way it needs to be discussed.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
July 20, 2022**

**8:30 A.M.**

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

Roll call of the members; Commissioners, Jones, Matthews, Bitner, and Chairman Peluso present, Commissioner Armstrong present via telephone.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones to approve the July 6, 2022, meeting minutes and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Bitner, 2<sup>nd</sup> by Comm. Jones to approve the Lincoln Park District, Sadness/Thomas, Stradinger, Petron, TLM, LLP and Riveland (2) abatements; the Special Events License of University of Mary Athletic Department, and Sanford Health Foundation; along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Lewis and Clark Development Group Executive Director Brent Ekstrom presented an annual update giving a brief overview of the programs that are offered including the newer property management services.

County Sheriff Leben gave a monthly jail report update and indicated that they are currently looking to hire 12 more detention officers.

County Sheriff Leben mentioned that North Dakota Association of Counties has requested re-locating the Vision Zero Coordinator from Morton County to Burleigh County and Leben asked for permission from the commission to further research the idea and return with information in about a month. No motion was made, the commission agreed to further research the idea.

County Sheriff Leben presented a new agreement between the North Dakota Department of Corrections and Rehabilitation and its Division of Juvenile Services, the North Dakota Association of Counties, city, and county jurisdictions as listed in the attachment stating that is costs the county approximately \$52,000 annually and this will remain the same for the new agreement and asked for the commission to approve the agreement. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to approve the new Youthworks agreement. All members present voted "AYE"; motion carried.

County Planning Director Flanagan provided information on the FEMA Risk Map update stating that they are in partnership with the North Dakota State Department of Water Quality and is in the process of developing an updated flood risk map for Burleigh County and presently, a preliminary map has been developed identifying the proposed floodways and floodplains. Flanagan made a recommendation to allow staff to reference the existing and preliminary FIRM data as regulatory documents. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to allow staff to reference the existing and preliminary FIRM data as regulatory documents. All members present voted "AYE"; motion carried.

County Finance Director Grenz presented to the Commission a proposed amendment to the Verizon Tower Lease. The amendment lowers the annual payment to \$26,400 per year on a 5-year lease. Each renewed 5-year lease would have a

10% escalator built in. Finance Director Grenz stated the County is in year 2 of the current 5-year lease and that reason for the amendment is that Verizon is reviewing their leases for sustainability reasons.

Commissioner Bitner questioned the timing of the amendment since we are still early in the current lease. He also questioned the impact of the tower on any of the County's 911 needs.

The Commission decided to table this item with Finance Director Grenz contacting Verizon for additional written information or justification to bring to a future meeting.

County Engineer Hall presented a Developer Waiver Request from Tim and Deb Staloch stating that they are requesting waiving the paving as required by the current Pavement Policy.

Hall recommended that the County Board of Commissioners do hereby recognize that waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved 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, and that the County Board of Commissioners do hereby grant Tim and Deb Staloch request 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 Aster Ridge Subdivision.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to approve that the County Board of Commissioners do hereby recognize that waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved 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, and that the County Board of Commissioners do hereby grant Tim and Deb Staloch request 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 Aster Ridge Subdivision. All members present voted "AYE"; motion carried.

County Election Manager White appeared requesting approval of a purchase agreement with Election Systems & Software for fifty (50) ExpressVote machines. The purchase agreement includes payment of fifty percent (50%) with the 2022 election budget and the remaining fifty per cent (50%) to be budgeted and paid with the 2023 election budget.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to approve of a purchase agreement with Election Systems & Software for fifty (50) ExpressVote machines. The purchase agreement includes payment of fifty percent (50%) with the 2022 election budget and the remaining fifty per cent (50%) to be budgeted and paid with the 2023 election budget. All members present voted "AYE"; motion carried.

County Election Manager White continued with an update regarding the Home Rule Charter Commission. White stated the Home Rule Charter Commission will hold a public hearing on Monday, August 8th for public feedback. The draft home rule charter will then be presented to the Burleigh County Commission at their regularly scheduled August 15th meeting. The ballot language will be certified to the Auditor/Treasurer by 4:00pm on Tuesday, September 6th with the measure being placed on the November 8th General Election ballot.

The New County Human Service Zone Director Chelsey Flory was present and introduced herself to the commission and stated that there isn't anything to update since she just started and getting acclimated to the new job.

County Finance Director Grenz began the budget discussion by saying that the budget committee has reviewed all the budgets that were presented to the Commission. She noted the main increases to the budgets were salaries that include a one-step increase and a 4% COLA adjustment, the County Nursing budget, the City/County Building rental rate increase, and a \$2.1M budgeted transfer from the general fund for the County's portion of the new Public Health Facility.



County Finance Director Grenz also stated that the \$2.1M budgeted for the new Public Health Facility could be financed in other ways so as not to affect the general fund entirely by allocating some of the ARPA funds that are still available.

The overall budget is approximately \$73M. The general fund budget is approximately \$35M. The increase in the general fund budget from 2022 is approximately \$6M. Of this \$6M, \$3M is the salary change from the 2022 budget. \$2M is the budgeted transfer for the County portion of the new Public Health Facility. Another roughly 500k are the increases to the rental rate, the County nursing budget, and a 200k transfer for special assessments that are to be billed to County properties. That leaves approximately 500k of other miscellaneous increases throughout the budgets. Most of those increases are normal increases to contracts or fuel.

Commissioner Bitner asked for review of the Municipal Court Lease with the City of Bismarck to adjust the rental rate and/or square footage.

The 2023 budget as presented would increase the mill levy for properties within City limits by 4.85 mills, or 5.16 mills for properties outside City limits. Based on a \$300,000 home, this equates to \$65.48 increase for a home in town and \$69.66 for a home out of town.

The proposed mill levy increases include a 1 mill increase for the Road Dept, a .3 mill increase to the Weed Dept, a .5 mill increase to the Water Resource District, and a 3.3 mill increase to the general fund.

The mill levy computed for the 2023 budget includes a reserve amount of \$9M which is 32.6%.

County Finance Director Grenz also noted from the prior agenda item regarding the election budget, that the election budget can be lowered by \$100k due to the approval of the commission on that item. The Water Resource District agreed to lower their mill levy from the proposed 2 mills to 1.5 mills based on prior Commission action as well.

Commissioner Peluso asked to see what effect lowering the proposed salary increase from a step and 4% COLA to a step and 3% COLA would have.

The Board would like to see different options for the \$2.1M budgeted transfer to lower the mill levy and yet sustain adequate reserves.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to decrease \$100,000 from the Election budget for the "Express Vote" voting machines and decrease the Water Resource District from 2 mills to 1.5 mills. All members present voted "AYE"; motion carried.

Chairman Peluso awarded a plaque to County Emergency Manager Mary Senger for 30 years of service to Burleigh County.

Commissioner Matthews asked for permission from the commission to attend future meetings with the Chamber/EDC, and the commission agreed to allow her to attend Chamber/EDC future meetings.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
July 6, 2022**

**5:04 P.M.**

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

Roll call of the members; Commissioners, Jones, Armstrong, and Chairman Peluso present, Commissioner Bitner and Matthews absent.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the June 20, 2022, meeting minutes and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the Hagen and Schmitcke abatements; the Special Events License of Flash's Place LLC; along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

This was the hour and date set for a public hearing on SAD #74, Olive Tree Subdivision.

County Engineer Hall explained the process stating the purpose of the hearing is not to discuss costs but how costs are assessed. Hall reported assessments are spread equally among the benefitted properties pursuant to the submitted petition. Hall stated the average cost for Special Assessment District #74 will be \$787/year over 11 years at 4.33 percent interest.

Chairman Peluso closed the regular commission meeting and opened the public hearing and called for public testimony. As no one present appeared, the public hearing was closed, and the Burleigh County Commission immediately reconvened with all members present and made the following motion:

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve, confirm, and certify the Special Assessment List for; Olive Tree Subdivision SAD #74, as recommended by the Special Assessment Commission. All members present voted "AYE"; motion carried.

Bismarck Parks and Recreation District (BPRD) Operations Director Mayer appeared before the commission and mentioned that they are proposing to submit a Transportation Alternatives (TA) grant application to the ND DOT for fiscal year 2025 and is seeking support and sponsorship from Burleigh County. The grant program requires a local sponsor for the project, and BPRD requests that Burleigh County sponsor the project since the trail is mostly outside of City of Bismarck limits. The proposed project is an extension of the South Washington Trail from South Meadows Park to General Sibley Park & Campground. The trail would be a 10' shared use asphalt trail that will begin at Meridian Drive and continue south to Sibley Park for approximately 4,568 linear feet, or .86 miles.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to support and sponsor the Bismarck Parks and Recreation District with the submission of a Transportation Alternatives (TA) grant application to the ND DOT for fiscal year 2025. All members present voted "AYE"; motion carried.

County HR Director Binder presented the Emergency Management Director job summary, duties, and qualifications and asked for approval to reclassify the position from a Grade 11 to a Grade 14. Motion by Comm. Jones 2<sup>nd</sup> by Comm. Armstrong to approve the reclassification of the Emergency Management Director from a Grade 11 to a Grade 14. All members present voted "AYE"; motion carried.

County Finance Director Grenz brought to the County Commissions attention that after the budget committee hearings were complete, she received the revenue estimates from NDACo for the Highway Gas Tax and that this amount will be adjusted to reflect the new estimate in the budget binders that the Commission will receive next week.

County Finance Director Grenz also re-capped a budgeted item from the 2017 budget cycle that approved a \$100K transfer from the general fund to Lincoln Township to then be distributed to the Water Resource District for the Fox Island Project over 9 years for a total of \$920K. The 2017 to 2020 transfers were never completed, so Finance Director Grenz will complete those in 2022 along with 2022's transfer. This will total \$600K to be distributed to the Water Resource District in 2022. The remaining funds will be transferred each year as prescribed.

County Finance Director Grenz informed the commission the City of Bismarck is building a new Public Health Facility and will be charging the County for a portion of the building expenses. This expense was not included in the budget committee discussions. The approximate amount is \$2.1 million. The city did provide financing options should the County choose not to pay in a lump sum. ARPA funds could also be used for this purpose. If ARPA funds are not used, this amount should be budgeted for in 2023. Grenz will reflect this in the budget binders.

Chairman Peluso asked County Engineer Hall what the process is to change the speed limit on roads and Hall mentioned that a traffic study needs to be done which entails about 10 factors and then a recommendation is made based on the study. Peluso then asked if a study could be done on Burnt Creek Loop, Hall said he would need a request to do so at which time Peluso made a request to do a study on Burnt Creek Loop.

Commissioner Armstrong shared with the commission that everyone should start locking up their bikes since he had his stolen earlier in the day.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
June 20, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Jones, Bitner, Armstrong, and Chairman Peluso present, Commissioner Matthews absent.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve the June 6, 2022, meeting minutes and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the Holsten, Kralicek, Lees (2), Jesser (2) and Bellerud abatements; the Special Events License of Hawktree Inc, Apple Creek Country Club; the liquor license for Nicholson Enterprises LLC – Moffit Bar, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Assistant County Engineer Schriock gave an update on the mud slide on the east side of River Road that happened over the weekend and as a result the County closed access passing through on River Road. Schriock stated that the County Engineers had met with a local specialist earlier in the day and felt that everything was safe, and the road was reopened at 2:00 pm earlier in the day. He also stated that the County Highway Engineers will meet in a couple weeks and discuss further options for the issue. Schriock mentioned there may be some Emergency Relief Funds available for the repairs. Commissioner Peluso stated that the County does not own the property where the mud slide is occurring which creates a problem with rectifying the issue.

Burleigh County Veterans Service Officer Landis mentioned to the commissioners that the monument to honor active military personnel and all veterans, living or deceased that was funded with private donations is complete setting in Fargo and will be placed on the Burleigh County Courthouse property July 7, 2022, and a dedication will be on August 10, 2022.

Eric Hoffer with JLG Architects presented an update to their space studies and budget with options for renovation at the Provident Building if the County decides to move the offices of Auditor/Treasurer/Tax Equalization, Finance, Recorder, Building and Planning, Veterans Service, and the new IT departments into the building. Hoffer outlined a potential project schedule including design, bidding, and construction and stated that he would need approval to continue with the next phase of design.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to approve JLG Architects and Consultants to move into the next phase of design with the Provident Building renovation for County Offices. All members present voted "AYE"; motion carried.

Burleigh County Building and Planning Director Flanagan presented the Ranch Final Subdivision Replat, Hohbein Zoning Change, and the Hohbein Final Subdivision Plat to the commission and stated based on supporting documents and the findings by the planning commission he recommended approval of all three.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the Ranch Final Subdivision Replat, Hohbein Zoning Change, and the Hohbein Final Subdivision Plat. All members present voted "AYE"; motion carried.

Commissioner Jones discussed the Hay Lease agreement for around the Detention Building with the commission and stated that the money received by the county ends up with the Detention Center and therefore recommended that the agreement

should be with the Detention Center rather than the county. No one had a problem with that so Comm. Jones will contact Trent Wangen for agreements going forward.

Commissioner Jones informed the Commission that the County Weed Chairman has been contracting some of the weed spraying to his company when the workload is overflowing and felt that this was a conflict of interest and then turned it over to State's Attorney Lawyer for better clarification, and she visited with the Commission a bit about the issue and stated that she will get it on the agenda for the next meeting for further discussion.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**June 6, 2022**

**3:00 P.M.**

The Burleigh County Commission convened pursuant to law as the County Board of Equalization. Chairman Peluso called the Board of Equalization to order with Commissioners, Armstrong, Jones, Bitner, and Chairman Peluso present, Commissioner Matthews virtual presence.

Tax Equalization Director Allan Vietmeier appeared and reviewed the statutes and duties of the Board of Equalization explaining the state requirements related to the sales ratio statistics. Vietmeier noted that the Board of Equalization must meet during the first ten (10) days in June to equalize and correct the assessment rolls and that the Board of Equalization is responsible for rendering uniform and just taxation.

Vietmeier presented the annual report of assessments for Burleigh County. Vietmeier reported that the total 2022 market value increased overall by 9.05% from February 1, 2021, to February 1, 2022, due to new construction, non-exempt remodeling and improvements, property classification changes, market changes, abatements, and reappraisals. Vietmeier stated the average count AG land value, as certified by the ND State Tax Dept., is \$501.60 per acre. Vietmeier recommended an average value per acre of \$468.06 to keep Burleigh County within tolerance of the state's recommended average.

Vietmeier presented a detailed summary of changes in market valuations within the City of Bismarck, organized townships, unorganized Townships and AG land. Vietmeier also presented a summary of mobile home valuations and the rural properties qualifying for homestead credits, veteran's credits, new home exemptions, new commercial properties, remodeling exemptions and geothermal exemptions.

Chairman Peluso called for any testimony from those in attendance regarding the assessment of property within the unorganized townships.

Vietmeier presented the appeal of Kevin and Tamara Solie (1401 High Creek Pl), Herbert and Carol DeForest (326 W Ingals Ave), and Dale Luithle (3214 Jordan St) to the Burleigh County Commission. Vietmeier stated that he reviewed the properties in question and determined that the City of Bismarck had assessed these properties in a fair and equitable manner and that no change was recommended.

Herbert DeForest, Steve Eckert, Lance Prebble, and Steve Petron appeared before the Commission with concerns to their current increased values for their property asking for a reevaluation to their property and Tax Director Vietmeier explained to the Commission that the current market has been moving the values upward and feels the valuations for properties done by the City of Bismarck and Burleigh County are correct.

The County Board of Equalization recessed to immediately sit as the Township Boards of Equalization for the unorganized townships of Lincoln, Riverview, Florence Lake, Ft. Rice, Burnt Creek, Canfield, Lyman, and Phoenix.

Motion by Comm. Armstrong, 2nd by Comm. Jones, to approve and accept the assessments of the unorganized Townships of Lincoln, Riverview, Florence Lake, Ft. Rice, Burnt Creek, Canfield, Lyman, and Phoenix as recommended by the Tax Equalization Director Allan Vietmeier. All members present voted "AYE." Motion carried.

The respective Unorganized Township Boards of Equalization adjourned, and the County Board of Equalization immediately reconvened with all members present.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve Agricultural Land values to implement North Dakota State Tax Department recommendation on the average value per acre. All members present voted "AYE." Motion carried.

The Board then reviewed the assessments of the Cities of Bismarck, Lincoln, Regan, South Wilton, and Wing.

Chairman Peluso called for any testimony/comments relating to the assessments of the Cities of Regan, Wing, Lincoln, Bismarck, and South Wilton.

As no one present appeared, the following motion was made:

Motion by Comm. Jones, 2nd by Comm. Bitner, to approve the assessments of the Cities of Bismarck, Lincoln, Regan, South Wilton, and Wing as adopted and recommended by the local Boards of Equalization. All members present voted "AYE." Motion carried.

The Board then reviewed the assessments of the Organized Townships.

Chairman Peluso called for any testimony/comments relating to the assessments of the organized townships.

As no one present appeared, the following motion was made:

Motion by Comm. Armstrong, 2nd by Comm. Bitner, to approve and accept the assessments of the organized and unorganized townships as adopted by the local Boards of Equalization and recommended by the Tax Equalization Director Allan Vietmeier. All members present voted "AYE." Motion carried.

Motion by Comm. Jones, 2nd by Comm. Bitner, to approve the Application for Property Tax Exemption for improvements to Commercial and Residential Buildings N.D.C.C 57-02.2 as recommended by Tax Equalization Director. All members present voted "AYE". Motion carried.

Motion by Comm. Jones, 2nd by Comm. Armstrong, to approve and accept the 2022 real property assessments as equalized, to authorize the Tax Equalization Director make corrections to property values in Burleigh County as needed. All members present voted "AYE." Motion carried.

Tax Director Vietmeier made a recommendation, therefore, be it resolved that the Burleigh County Commission on September 16, 2020, approved the budget and recreated the Burleigh County Tax Equalization Department as a separate Burleigh County Department. Motion by Comm. Jones, 2nd by Comm. Armstrong to approve the recommendation, therefore, be it resolved that the Burleigh County Commission on September 16, 2020, approved the budget and recreated the Burleigh County Tax Equalization Department as a separate Burleigh County Department, and further to adjourn sine die. All members present voted "AYE." Motion carried.

#### **5:00PM**

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

A roll call of the members; Commissioners, Jones, Bitner, Armstrong, and Chairman Peluso present, Commissioner Matthews virtual presence.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones to approve the May 16, 2022, 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 County Auditor/Treasurer:

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the Lees and Keigley abatements with the following 2022 Liquor Licenses: Hawktree Golf, Inc., Apple Creek Country Club, Flash's Place, LLC, Rolling Plains Adventures, LLC, Crossroads Tavern, Tri-Energy Cenex – Sterling, Fireworks Permits: Kerry Berg/Driscoll Betterment Club, along with the remainder of the Consent Agenda. All members present voted "AYE." Motion carried.

This was the hour and date set for a public hearing on SAD #73, County Creek 1<sup>st</sup> – 5<sup>th</sup> Subdivision.

Assistant County Engineer Schriock explained the process stating the purpose of the hearing is not to discuss costs but how costs are assessed. Schriock reported assessments are spread equally among the benefitted properties pursuant to the submitted petition.

Schriock stated the average cost for Special Assessment District #73 will be \$144/year over 11 years at 4.33 percent interest, he also stated that there was an error in the advertisement of SAD #74 and therefore the proper corrections need to be made and return for approval within the next couple months.

Chairman Peluso closed the regular commission meeting and opened the public hearing and called for public testimony. As no one present appeared, the public hearing was closed, and the Burleigh County Commission immediately reconvened with all members present and made the following motion:

Motion by Comm. Jones, 2nd by Comm. Bitner to approve, confirm, and certify the Special Assessment List for; County Creek 1<sup>st</sup> – 5<sup>th</sup> Subdivision SAD #73, as recommended by the Special Assessment Commission. All members present voted "AYE"; motion carried.

Burleigh County Election Manager White gave a Primary Election update stating that there is still time to vote absentee for anyone that would like to do that, election day is June 14<sup>th</sup>, and early voting is beginning on Wednesday June 8<sup>th</sup> starting at noon, Thursday June 9<sup>th</sup>, Friday June 10<sup>th</sup> from 10:00am till 5:30pm, and Monday June 13<sup>th</sup> from 10:00am till 5:00pm. Anyone wondering where to vote can go to [vote.nd.gov](http://vote.nd.gov) and click "where do I vote".

Bismarck Mandan Symphony Orchestra executive director Mike Gardner appeared before the Commission to request a financial support of \$5,000.00 from Burleigh County for our 4<sup>th</sup> of July Symphony Spectacular, specifically to offset some of the enormous costs of the show, which is free and open to the public. After discussion the Commission felt that a financial support would not be in the best interest of Burleigh County at this time with anticipated increases in the upcoming budget season.

City of Bismarck Community Development Director Ben Ehreth appeared before the Commission to formally request a letter of support for the extension of the Renaissance Zone program sharing information supporting their reasons for continuing the program. Ben was followed with support by Jim Christensen, Shawn Kessel, Rikki Roehrich, Kate Herzog, and Brian Ritter. Ron Knutson and Terry Fleck spoke against supporting the program stating that it is time to move on and level the playing field for everyone. No action was taken nor needed.

Burleigh County Weed Board Chairman Palm introduced Seth Hansen who is the new weed officer and mentioned their board member Raymond Skoglund has passed away. Palm gave an update on the spraying they've been doing and the 50/50 cost share program. Palm mentioned that anyone interested in more information can contact Seth at 701-934-0088.

Commissioner Jones presented an application from Greg Anderson to fill the open position on the Weed Board due to the passing of Raymond Skoglund. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to appoint Greg Anderson to fill the open position on the Weed Board due to the passing of Raymond Skoglund. All members present voted "AYE." Motion carried.

One hour and thirty minutes into the meeting Commissioner Matthews excused herself from the meeting.

Burleigh County Sheriff Leben explained to the Commission his Department utilizes Mobile Data Terminals for the Patrol Section in each of the squad cars. Four terminals need replacement in accordance with the rotation based on usage and life expectancy and recommended that the County Commission concur with the Burleigh County Asset Forfeiture Board for authorization of the Sheriff's Department to purchase this equipment with Asset Forfeiture dollars, therefore be it resolved: that the proper County officials are hereby authorized to use asset forfeiture funds for this expenditure.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones to approve the recommendation that the County Commission concur with the Burleigh County Asset Forfeiture Board for authorization of the Sheriff's Department to purchase this equipment with Asset Forfeiture dollars, therefore be it resolved: that the proper County officials are hereby authorized to use asset forfeiture funds for this expenditure. All members present voted "AYE." Motion carried.

Summit Carbon Solutions Executive Vice President Wade Boeshans gave the Commission an overview of what their pipeline project will entail passing through North Dakota and Burleigh County. More information is available by accessing their website [summitcarbonsolutions.com](http://summitcarbonsolutions.com). North Dakota resident Mary Jo Herman appeared before the Commission and expressed her disapproval of the project.



Assistant County Engineer Schriock presented the bids for 93<sup>rd</sup> Street project with Northern Improvement being low bid in the amount of \$756,530.67 (\$257,368 SRF Grant Funds, \$499,162.67 County) and the budget amount was \$428,946 (\$257,368 SRF Grant Funds, \$171,578 County) indicating that recent high oil prices has (bituminous and trucking of material cost) has caused project cost to rise abnormally high and recommended that the County Board rejects all bids for the mill and overlay of 93<sup>rd</sup> Street NE project.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to accept the recommendation that the County Board rejects all bids for the mill and overlay of 93<sup>rd</sup> Street NE project. All members present voted "AYE." Motion carried.

Assistant County Engineer Schriock explained to the Commission every year the County Board of Commissioners are required by the State of North Dakota to certify the number of township road miles in each township. The Highway Department has reviewed the County/Township roadway system and prepared the required forms for the County Commissioner Chair's signature. The total roadway mileage is as follows: County Roadways; 586 miles, Organized Township Roadways; 745 miles, Un-Organized Township Roadways; 153 miles, with a total of 1,483 miles, and recommended that Burleigh County certifies the township road mileage breakdown and authorized the Board Chairman to sign the required state forms.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to approve that Burleigh County certifies the township road mileage breakdown and authorized the Board Chairman to sign the required state forms. All members present voted "AYE." Motion carried.

Assistant County Engineer Schriock stated as per the County Board's direction on July 7, 2021, the County Auditor, County Finance Director, County Engineer, and County highway Accountant have been working on the American Rescue Plan project. On August 16, 2021, the County Board approved the first set of projects. Subsequently, additional action from the County Board has allocated additional money to various projects. The second allotment of funds from the Federal Government is due sometime this summer. It is anticipated that Burleigh County will have around \$9,766,385 (the remainder of the unallocated first-round funds and the total second round of funds) to allocate at this time. Schriock presented a list of projects that have been received and ranked to date for the second-round funding and recommended that the County Board approves the funding of projects 1 thru 5 and directs staff to establish agreements with each of the grantees.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones to approve the funding of projects: #1 (Burleigh County – Provident Building Renovation, \$5,000,000), #2 (Burleigh County – Phase II – 66<sup>th</sup> Street RR Overpass, \$1,094,507), #3 (Burleigh County – Sheriff Dept Shop Repairs, \$324,312), and #5 (Bismarck Rural Fire Dept – New Station \$2,000,000) and directs staff to establish agreements with each of the grantees. All members present voted "AYE." Motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
May 16, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Jones, Bitner, Armstrong, and Chairman Peluso present, Commissioner Matthews absent.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the April 18, 2022, meeting minutes and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the Schuh/Meland, Wells, Anderson, Dreiske and Thorp abatements; the raffle permit of the Menoken 4-H Picnic Park; the Special Events License of the TNT Tavern LLC – ND Abate Bike Rally, TNT Tavern LLC – Driscoll Street Dance, JJ Miller Holdings – Menoken Grove; the liquor license for Black Leg Brewery LLC, Compass ND LLC, Capital City Gun Club, TNT Tavern LLC, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall appeared before the Commission to explain the Vacating Roadway in Burleigh, ND. Hall stated the vacation is an undeveloped road within the New Sterling Township site and indicated that he did not see an issue with vacating the roadway.

Chairman Peluso closed the regular County Commission Meeting and opened the Public Hearing Vacating Roadway in Burleigh, ND and called for public testimony.

Michelle Mint appeared before the commission and explained that adjacent lots to the proposed vacating Roadway belong to her aunt who recently passed away and they oversee her estate, and they felt it would be better to have the land connected to the lots for ease of selling. Commissioner Bitner asked if it would make the property more valuable and Michelle's Realtor Mary Ohlhauser appeared before the commission to explain that she did not feel it would make the property more valuable.

As no one else present appeared for or against Vacating Roadway in Burleigh, ND Chairman Peluso closed the Public Hearing and the Burleigh County Commission immediately reconvened with all members present except Matthews.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve Vacating Roadway in Burleigh, ND. All members present voted "AYE"; motion carried.

Burleigh County Auditor Vetter informed the commission two bids were received and opened Tuesday, May 3<sup>rd</sup>, 2022, for the Provident Building Chiller replacement, all bids were in proper order and a bid tab was presented in the packet. Vetter also stated that Blake Wagner with Prairie Engineering recommended awarding the contract to Lindtech Services, Inc. in the amount of \$379,850.00.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to award the Provident Building Chiller replacement contract to Lindtech Services, Inc. in the amount of \$379,850.00. All members present voted "AYE"; motion carried.

Burleigh County HR Director Binder presented and went over a revised Discipline Policy with the commissioners and made a recommendation for approval. Motion By Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to approve the revised Discipline Policy. All members present voted "AYE"; motion carried.

Burleigh County HR Director Binder shared with the commissioners the RFP Response Policy for Life, Dental, and Vision Insurance and made a recommendation to select Bravera Insurance which would be effective January 1, 2023. All members present voted "AYE"; motion carried.

Burleigh County HR Director Binder provided information including a spreadsheet that contained the Burleigh County Health Insurance Plan Report (The Plan). Binder went over different scenarios and mentioned the Health Insurance Committee went over the same at a prior meeting and voted on an 8% premium increase for the Budget for 2023 and made a recommendation for approval. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve an 8% premium increase for the Burleigh County Health Insurance Plan for the Budget year 2023. All members present voted "AYE"; motion carried.

Burleigh County State's Attorney Lawyer informed the commission that as of June 1<sup>st</sup>, the Burleigh County State's Attorney office will have 11 full-time attorneys and 1 contract attorney, leaving 4 attorney positions open. Lawyer stated that she is losing employees and not attracting new potential hires because Burleigh County is not competitive with salaries and went over various data supporting her position and proposed a Pay Grade change for the following: States Attorney from a 19 to 20, Senior States Attorney from a 14 to an 18, States Attorney II from a 13 to a 16, and a States Attorney I from a 13 to a 14 effective immediately.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the following Pay Grade changes for the State's Attorney office; States Attorney from a 19 to 20, Senior States Attorney from a 14 to an 18, States Attorney II from a 13 to a 16, and a States Attorney I from a 13 to a 14 effective immediately. All members present voted "AYE"; motion carried.

Burleigh County Finance Director Grenz appeared before the commission and informed them that preparation for the 2023 upcoming budget hearings has begun and would like some guidance of what she should figure for salaries. Grenz stated that at the last Department Heads meeting it was agreed to request a Grade Step and 2% COLA for the year 2023 employee salaries. After discussion the commission informed Grenz to figure a Grade Step and 4% COLA for the year 2023 employee salaries since they can always cut but not increase the amounts.

Burleigh County Planning and Zoning Director Flanagan presented Deyle Subdivision Final Plat, Patten Subdivision Final Plat, Benitez-Solis Subdivision Zoning Change, and Benitez-Solis Subdivision Final Plat for approval stating that at the Planning and Zoning Commission Public Hearing and nobody from the public appeared and the vote for approval was unanimous. Flanagan stated that they could be voted on together or individually.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the Deyle Subdivision Final Plat, Patten Subdivision Final Plat, Benitez-Solis Subdivision Zoning Change, and Benitez-Solis Subdivision Final Plat. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall explained to the commission that during the development of Challenges and Opportunities for Burleigh County Report, it was recognized that the Missouri Valley Complex was by and large an untapped resource for Burleigh County. The report also established a general outline of a process on how to proceed with improving the function of the Missouri Valley Complex. Considering the recent request from the North Dakota Equestrian and Ag Center Development Committee, they feel that the county should take a harder look at truly developing the Missouri Valley Complex. Hall recommended the NE corner to do a revised master plan and recommended that the County Engineer is hereby appointed to serve as Project Lead for the current Missouri Valley Complex – North Dakota Equestrian and Ag Center Development project, and that the County Auditor and the County Engineer are hereby authorized to advertise to seek consulting service proposals for the revised Missouri Valley Complex master plan, and preliminary review of an Equestrian and Ag Center Development Project.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong that the County Engineer is hereby appointed to serve as Project Lead for the current Missouri Valley Complex – North Dakota Equestrian and Ag Center Development project, and that the County Auditor and the County Engineer are hereby authorized to advertise to seek consulting service proposals for the revised Missouri Valley Complex master plan, and preliminary review of an Equestrian and Ag Center Development Project. All members present voted “AYE”; motion carried.

Burleigh County Sheriff Leben informed the commission that 2023 is Burleigh County 150<sup>th</sup> Anniversary, the Sheriff's department is planning on commemorative actions for next year in celebration of the Anniversary and to let him know if there is anything the commission wants to have included in the planning.

Auditor Vetter explained to the Commission that State's Attorney Lawyer informed him the State's Attorney Office is currently understaffed making it difficult to respond to questions needing timely responses. Vetter asked Lawyer if the County Departments could utilize a private attorney for situations when a quick response is needed, and she was not only in favor but encouraged the idea. Vetter asked the Commission to allow the County Departments to utilize a private attorney with State's Attorney Lawyers approval for civil questions when a quick response is needed.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to allow the County Departments to utilize a private attorney with State's Attorney Lawyers approval for civil questions when a quick response is needed. All members present voted “AYE”; motion carried.

Commissioner Bitner informed the commission that he was contacted by County Schools Superintended Mike Heilman and was informed that something is going on at the Apple Creek School where teacher and board member resignations may be happening and hopes to get more information in the future.

Commissioner Matthews informed the commission that the position of Zone Board Director has been filled and her name is Chelsea Flory, and she is starting on June 13<sup>th</sup>, 2022.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
May 2, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Jones, Bitner, Armstrong, and Chairman Peluso present, Commissioner Matthews absent.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the April 18, 2022, meeting minutes and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Jones, 2<sup>nd</sup> by Comm. Bitner to approve the Sattler Family LLLP, Rusch Homes LLC, Wehri (2), Hawk and Aull (2) abatements; the raffle permit of the St. Hildegard Catholic Church; the Gaming Site Authorization for the Hazelton Lions Club Inc.; the liquor license for Misty Waters Marina and Compass ND, LLC, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Chairman Peluso closed the regular County Commission Meeting and opened the Public Hearing and called for public testimony.

As no one present appeared for or against Vacating Roadway (Section 29, T142 N, R76W) in Burleigh, ND Chairman Peluso closed the Public Hearing and the Burleigh County Commission immediately reconvened with all members present except Matthews.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve Vacating Roadway (Section 29, T142 N, R76W) in Burleigh, ND. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall stated that bids were opened on April 19, 2022, for Hay Creek Township, Gibbs Township, Lincoln Township and County Roadway Chip Seal Projects and recommended the County Board hereby accepts the Chip Seal Project low bid from Asphalt Preservation Company for \$1,696,042.07 and authorize the proper County officials to enter contracts with said bidder.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the County Board hereby accepts the Chip Seal Project low bid from Asphalt Preservation Company for \$1,696,042.07 and authorize the proper County officials to enter contracts with said bidder. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall reminded the commissioners that bids were opened on March 14, 2022, for Hauling of Gravel and the low bidder was missing their Contractor's License and that the County Board requested that the Highway Department re-bid this project. Bids were advertised and reopened on April 19, 2022, and he recommended that the County Board accepts the low bid from Wm D Scepaniak Inc. of \$261,600.00 for Township Gravel Hauling and authorize the proper County officials to enter a contract with said bidder.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to accept the low bid from Wm D Scepaniak Inc. of \$261,600.00 for Township Gravel Hauling and authorize the proper County officials to enter a contract with said bidder. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall presented the bids for the widening and paving of 71<sup>st</sup> Avenue NE from Aleutian Drive to 80<sup>th</sup> Street. The Budget amount was \$1,800,402.00, the Engineers estimate was \$2,686,068.43 and the low bid was \$4,695,832.47 after review Hall stated that the County does not have enough budgeted to approve the project and recommended that the County Board rejects all bids for the widening and paving of 71<sup>st</sup> Avenue NE from Aleutian Drive to 80<sup>th</sup> Street. Other options were mentioned, only do one (1) mile this year, do nothing at all, or review other projects for the season and possibly make some other adjustments.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to reject rejects all bids for the widening and paving of 71<sup>st</sup> Avenue NE from Aleutian Drive to 80<sup>th</sup> Street currently. All members present voted "AYE"; motion carried.

Eric Hoffer with JLG Architects presented their proposal for Phase I Scope of Services for space study and approximate cost for County Offices relocation into the Provident Building. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to accept JLG Architects proposal for Phase I Scope of Services for space study and approximate cost for County Offices relocation into the Provident Building. All members present voted "AYE"; motion carried.

Commissioner Jones informed the Commission that she has visited with County Engineer Hall about the Weed Board using the County Shop as their Base for operation and he agreed that would be fine. Also, the Weed Board hired a Weed Officer effective today (May 2, 2022) starting May 31, 2022, and Fertilawn is gearing up for the summer spraying season.

Burleigh County Finance Director Grenz said she will be visiting with the Department Heads soon about the upcoming budget and was looking for some guidance or thoughts to share with the Department Heads and Chairman Peluso indicated the County is experiencing increased costs such as fuel for equipment and food for the Detention, so his advice is to be frugal with their budgets. Grenz also informed the commission the ARPA Committee will be meeting on May 19, 2022, to review the applicants and rate them and bring them before the commission later.

Commissioner Jones went over the Red River Valley fact sheet with the Commissioners and that everyone should expect to hear more about this in the future.

Landowner Todd McMichael presented a slide presentation about the Summit Carbon Solutions Pipeline including a brief description of the project, Eminent Domain concerns, liability concerns, tiled property concerns, and compensation for land. Once he covered the material, he asked the commission to make a motion Be It Resolved, the Burleigh County Commission is opposed to eminent domain for the Summit Carbon Solutions Pipeline Project.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong Be It Resolved, the Burleigh County Commission is opposed to eminent domain for the Summit Carbon Solutions Pipeline Project. All members present voted "AYE"; motion carried.

Commissioner Armstrong shared with the commission that Burleigh County was recently voted the best county to live in in North Dakota.

Commissioner Bitner emphasized the importance of the Home Rule Charter since it is the only way to address citizens concerns, and Commissioner Armstrong said the Home Rule Charter will schedule their next meeting after the election.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
April 18, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Matthews, Jones, Bitner, Armstrong, and Chairman Peluso present.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the April 4, 2022, meeting minutes as presented at the meeting. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the bills pending review after the meeting. All members present voted "AYE"; motion carried.

The following abatement 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. Jones, 2<sup>nd</sup> by Comm. Bitner to approve the Todd, Zeeb, Kautzman and Smith abatements; the raffle permit of the Dakota Woodturners; to approve the Gaming Site Authorization for the Matpac Wrestling Club, Inc. along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Burleigh County Elections Manager Erika White briefed the Commission on the Election Security Plan Burleigh County has in place, which is the same as in the past, and that it is in writing and available in the County Auditor's Office.

Manager White indicated that the County is actively seeking individuals to fill the twenty (20) needed inspector positions and have vacancies in the following precincts: Lincoln Elementary School and Bismarck Event Center, and recommended approval of the Election Manager's appointment of the 2022 Election Inspectors and to authorize the Election Manager to fill all vacancies as needed. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve of the Election Manager's appointment of the 2022 Election Inspectors and to authorize the Election Manager to fill all vacancies as needed. All members present voted "AYE"; motion carried.

Bismarck Mandan Chamber EDC President Brian Ritter updated the Commission of past and current employment along with the needs of today and the future, ideas and plans to attract new hires including data of school's enrollment and what can and is being done to attract their interest to remain in the area for employment. Bismarck and the surrounding area are growing and as a result different issues arise, and the intent is to address them in ways to resolve the concerns.

City of Bismarck Senior Planner Daniel Nairn informed the Commission that the Bismarck's Renaissance Zone program is set to expire o July 31, 2022, although the Department of Commerce can extend the program for five years upon request from our community. Nairn stated that the City Commission voted unanimously to approve an extension on March 22, 2022, formally supported by Bismarck Mandan Chamber-EDC and Downtowners, and it must be approved by other political subdivisions.

Terry Fleck came before the commission and expressed his opinion to vote no for the Extension and Expansion of the Renaissance Zone program.

The Downtowners Association Chief Operating Officer Kate Herzog shared with the Commission reasons the extension and expansion of the Renaissance Zone program should continue.

After discussion a Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to pause the Renaissance Zone program at this time. Commissioners Armstrong, Jones Bitner, Chairman Peluso voted "AYE"; Commissioner Matthews voted "NAY"; motion carried.

Bismarck Veteran's Memorial Public Library and Burleigh County Library Bookmobile Director Christine Kujawa presented information to the Commission for the purpose of informing them to give the Bookmobile some direction for funding for the 2023 cycle. Library associate Kelly McDonald added more information in support of library bookmobile funding. After lengthy discussion the commission indicated they cannot make any decisions before the budget hearing cycle.

Burleigh County Sheriff Leben shared the April 2022 Jail report with the Commission making comparisons from a year ago, along with rising cost concerns.

Burleigh County Assistant Engineer Schriock recommended the proper County officials are hereby authorized to apply for Rural Surface Transportation Grant (Rural) under the Bipartisan Infrastructure Law of 2021 for the construction/reconstruction of 66<sup>th</sup> Street NE from County Highway 10 to 43<sup>rd</sup> Avenue NE including an interchange at Interstate 94.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones to approve the proper County officials are hereby authorized to apply for Rural Surface Transportation Grant (Rural) under the Bipartisan Infrastructure Law of 2021 for the construction/reconstruction of 66<sup>th</sup> Street NE from County Highway 10 to 43<sup>rd</sup> Avenue NE including an interchange at Interstate 94. All members present voted "AYE"; motion carried.

Burleigh County Assistant Engineer Schriock explained to the Commission those residents in Sterling Townsite would like to have a portion of Adams Street vacated. The property is in the SE ¼ of Section 32, Township 139N, Range 76W, Sterling Township – Burleigh County and is part of the New Sterling Townsite.

Burleigh County Assistant Engineer Schriock recommended that Burleigh County hereby accepts the petition to vacate said roadway and sets May 16, 2022, at 5:00 p.m. as the time and date for a Public Hearing to review discontinuing this roadway and ascertain any damages that are caused by this action. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to accept the petition to vacate said roadway and sets May 16, 2022, at 5:00 p.m. as the time and date for a Public Hearing to review discontinuing this roadway and ascertain any damages that are caused by this action. All members present voted "AYE"; motion carried.

Bismarck-Burleigh Public Health Director Renae Moch went over the 2021 Annual report which reflects public health services from January 1 – December 31, 2021, with the Commission. Director Moch also shared their 2022-2024 Strategic Plan with the Commission.

Nutrition Services Coordinator Katie Johnke went over updates including educational opportunities for Burleigh County Residents with the Commission.

Burleigh County Planning Director Flanagan presented the idea of the Provident Building be registered as a Historic Preservation building if it is to be renovated because there would be benefits/cost savings associated with being registered since the building codes would not be as restrictive. Flanagan said it would cost approximately \$12,000-\$15,000 and recommended the proper County officials are hereby authorized to seek a Consultant Firm to assist with the Registering of the Provident Building as a National Historic Place. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Jones to authorize the proper County officials are hereby authorized to seek a Consultant Firm to assist with the Registering of the Provident Building as a National Historic Place. All members present voted "AYE"; motion carried.



The Provident Building Renovation Committee made a recommendation to accept JLG Architects as the Firm for any consulting and/or renovation design for the Provident Building. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to accept JLG Architects as the Firm for any consulting and/or renovation design for the Provident Building. All members present voted "AYE"; motion carried.

Burleigh County Finance Director Grenz informed the Commission that Mr. Gregory Runge, Contracted Attorney to represent individuals deemed to be indigent by the Court, Mental Health Cases, passed away and she is currently working on a replacement and will bring the information to the Commission.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
April 4, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Matthews, Jones, Bitner, Armstrong, and Chairman Peluso present.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the March 21, 2022, meeting minutes as presented at the meeting. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the bills pending review after the meeting. All members present voted "AYE"; motion carried.

The following abatement 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. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the McCormick (2), WM E Clairmont Rev, Bakke, Ennen, Sattler Family LLLP, Thomas (2), Fried, Pride Inc (2), Bullinger, Mehlhoff and Renke abatements along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Colliers Securities LLC Vice President Mike Manstrom presented and went over the resolution creating the funds of Improvement Districts and authorizing the issuance of Improvement Warrants and the issuance of \$510,000 Refunding Improvement Bonds, Series 2022 for the repayment of Special Assessment District #73 and #74.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve a resolution creating the funds of Improvement Districts and authorizing the issuance of Improvement Warrants for Special Assessment District #73 and #74. All members present voted "AYE"; motion carried.

Motion by Comm. Jones 2<sup>nd</sup> by Comm. Armstrong to approve a resolution authorizing the issuance of \$510,000 Refunding Improvement Bonds, Series 2022 for the repayment of Special Assessment District #73 and #74. All members present voted "AYE"; motion carried.

Burleigh County Finance Director Grenz recommended that Luke Schaefer from CREA take over the Superintendent of Schools contract due to Mike Heilman's retirement. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones to accept Luke Schaefer from CREA to take over the Superintendent of Schools contract due to Mike Heilman's retirement. All members present voted "AYE"; motion carried.

Burleigh County Finance Director Grenz presented cleaning contracts to the commissioners for cleaning the first-floor offices of the City/County building. Grenz made a recommendation to contract with the City of Bismarck for the cleaning services. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to contract with the City of Bismarck for cleaning the first-floor offices of the City/County building. All members present voted "AYE"; motion carried.

Burleigh County Finance Director Grenz informed the commissioners Capital Electric Cooperative will retire the services located in Missouri (137) Township, Section 22, and Range 79, also known as Mclean Bottom Boat Loading Lights.

Burleigh County Engineer Hall informed the commissioners that on December 6, 2021, the County Board added the sliver widening and overlay of 71<sup>st</sup> Avenue NE from Aleutian Drive to 80<sup>th</sup> Street NE to the 2022 Burleigh County Project Priority list. The Highway Department has been working on a plan for this project and are now ready to advertise for bids. 1/3 will be local funds and 2/3 will be American Rescue funds (State Funds) for the construction of this project. Hall recommended the County Auditor, and the County Engineer are hereby authorized to advertise for bids for the 71<sup>st</sup> Avenue NE sliver widening and overlay project. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to approve the County Auditor, and the County Engineer are hereby authorized to advertise for bids for the 71<sup>st</sup> Avenue NE sliver widening and overlay project. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall informed the commissioners that on September 15, 2021, the County Board authorized the Highway Department to apply for Special Road Funds (SRF) through the ND Department of Transportation. On March 14, 2022, they were informed that they have received funds for the 93<sup>rd</sup> Street NE mill and overlay project. The project will include the milling and overlay (with some minor full depth asphalt repairs) of 93<sup>rd</sup> Street NE from Highway 10 to the McDowell Dam Entrance. The Highway Department has been working on a plan for this project and are now ready to advertise for bids using 60% SRF funds (\$257,368 maximum) and 40% Local funds for the construction of this project. Hall recommended the County Auditor, and the County Engineer are hereby authorized to advertise for bids for the 93<sup>rd</sup> Street NE mill overlay project. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the County Auditor, and the County Engineer are hereby authorized to advertise for bids for the 93<sup>rd</sup> Street NE mill overlay project. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall informed the commissioners that Capital Electric Cooperative Inc. has requested a second and third approach permit to their property, Block 01, Lot 03, State Street Office Park (7401 Yukon Drive). The second approach could be approved and placed on the County Board Consent Agenda; however, the third approach was rejected because we do not approve third approaches. Hall recommended the Burleigh County Board discuss and direct the County Highway Department on how to proceed. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to approve the second and third approach permit to their property, Block 01, Lot 03, State Street Office Park (7401 Yukon Drive) also that Engineer Hall discusses with Capital Electric Cooperative Inc. to move the 2<sup>nd</sup> and 3<sup>rd</sup> approaches to line up with the opposing streets. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall recommended the proper County officials are hereby authorized to enter into an agreement with Bartlett & West for \$57,277.00 to perform Preliminary Design and Right-of-Way layout for a Roundabout on River Road and Burnt Creek Loop. Additional services, requested by the County, will be paid for hourly up to a maximum of \$10,000. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve an agreement with Bartlett & West for \$57,277.00 to perform Preliminary Design and Right-of-Way layout for a Roundabout on River Road and Burnt Creek Loop. Additional services, requested by the County, will be paid for hourly up to a maximum of \$10,000. All members present voted "AYE"; motion carried.

Burleigh County HR Director Binder requested to advertise for RFP's for, Broker Services for Life, Dental, and Vision Insurances. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve to advertise for RFP's for, Broker Services for Life, Dental, and Vision Insurances. All members present voted "AYE"; motion carried.

Burleigh County Emergency Manager Senger informed the commissioners that Burleigh County has no formal "Fireworks Permit" form. The current draft has been reviewed by Emergency Management, Fire Department, Sheriff's Department, and State's Attorney, and recommended approval of the Fireworks Permit form to be utilized for future fireworks displays. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve of the Fireworks Permit form to be utilized for future fireworks displays. All members present voted "AYE"; motion carried.

Chairman Peluso reviewed the Request for Qualifications (RFQ) received by the Architectural Firms interested in the Provident Building renovating discussions. Peluso felt a committee should be formed to further review the RFQ's and

select a Firm. After discussion the Commissioners agreed on committee members as follows; Kevin Quinn, Robin Grenz, Mitch Flanagan, Brian Bitner, and Leo Vetter.

Dave Meyer with Bismarck Parks and Rec presented the results of the Access Audit Proposal to review the County Parks Handicap accessibility at Kimball Bottoms, Missouri Valley Complex, Swenson Park, Kneifel Boat Landing, and Steckel Boat Landing. The total amount for the study is \$6,217.50. Commissioner Jones noted there is money in the budget for this review. Motion by Comm. Jones 2<sup>nd</sup> by Comm. Matthews to accept the Access Audit. All members present voted "AYE"; motion carried.

Commissioner Jones gave an update of the Weed Boards latest meeting, they plan to lease a building east of the city, and they have received two applicants for the Weed Officer position. Jones indicated that she is not in favor of the Weed Board leasing another facility stating that they can utilize the Highway Building for their needs. After discussion the commissioners agreed to discuss further at another meeting.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the National Public Safety Telecommunications Week. All members present voted "AYE"; motion carried.

Commissioner Matthews informed the commission that Michelle Masset will be acting as interim Zone Director for Child Welfare Services and Rachel Bailey will continue to maintain an oversight role for the Economic Assistance Unit until a permanent director is in place, and applications are due April 6, 2022.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**March 21, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Jones, Bitner, Armstrong, Matthews, and Chairman Peluso present.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the March 7, 2022, meeting minutes and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Jones, 2<sup>nd</sup> by Comm. Bitner to approve the Pickell, Dewall, Anderson (2) abatements along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Burleigh County Planning Director Flanagan presented the PUD Zoning Change and Final Plat for Summit Pt. 1<sup>st</sup> Subdivision to the Commissioners which had been approved by the Planning Commission on March 9, 2022. Flanagan made a recommendation to approve the PUD and Final Plat for Summit Pt. 1<sup>st</sup> Subdivision with conditions of approval of both the issuance of the SWMP plan and the Wastewater Treatment NDDEQ Permit. After discussion Comm. Jones made a Motion, 2<sup>nd</sup> by Comm. Bitner to approve the PUD and Final Plat for Summit Pt. 1<sup>st</sup> Subdivision with conditions of approval of both the issuance of the SWMP Plan and the Wastewater Treatment NDDEQ Permit with no effluent flowing on the surface. Commissioners Bitner, Jones, Matthews and Peluso voted "AYE"; Commissioner Armstrong voted "NAY"; motion carried.

Burleigh County Housing Authority Executive Director Dwight Barden was presented an annual update about the housing units being demolished and reconstructed along with the voucher system program, fire damaging one building requiring additional funding for repairs.

Burleigh County Finance Director Grenz presented a Contract for Services to the commissioners for mowing abandoned cemeteries. Gary Reile agreed to the Contract. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to accept Gary Reile for mowing the abandoned cemeteries for the 2022 season. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall made recommendation the proper County officials are hereby authorized to enter into an agreement with Kadrmass, Lee & Jackson, Inc. for \$160,753.00 to perform a FHWA required Noise Analysis and Phase 2 – Right of Way acquisition work on the 66<sup>th</sup> Street SE Railroad Overpass Project. Additional services, requested by the County, will be paid for hourly up to a maximum of \$10,000.00. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to accept the recommendation the proper County officials are hereby authorized to enter into an agreement with Kadrmass, Lee & Jackson, Inc. for \$160,753.00 to perform a FHWA required Noise Analysis and Phase 2 – Right of Way acquisition work on the 66<sup>th</sup> Street SE Railroad Overpass Project. Additional services, requested by the County, will be paid for hourly up to a maximum of \$10,000.00. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall made recommendation the proper County officials are hereby authorized to enter into an engineering consultant agreement with KLJ for \$105,962.00 to perform design services for the reconstruction of Bridge 08-117.05.0. Additional services, requested by the County, will be paid for hourly up to a maximum of \$15,000.00. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones the accept the recommendation the proper County officials are hereby

authorized to enter into an engineering consultant agreement with KLJ for \$105,962.00 to perform design services for the reconstruction of Bridge 08-117.05.0. Additional services, requested by the County, will be paid for hourly up to a maximum of \$15,000.00. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall recommended the County Board hereby accept the painted pavement markings low bid from J & J Striping for \$244,117.63 and authorize the proper County officials to enter contracts with said bidder. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to accept the painted pavement markings low bid from J & J Striping for \$244,117.63 and authorize the proper County officials to enter contracts with said bidder. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall recommended the County Board accepts the low bid from James Valley Sand & Gravel, Inc. of \$291,750.00 for Crushing Gravel and authorize the proper County officials to enter a contract with said bidder. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to accept the low bid from James Valley Sand & Gravel, Inc. of \$291,750.00 for Crushing Gravel and authorize the proper County officials to enter a contract with said bidder. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall informed the commissioners no bids were received for furnishing concrete culverts and one bid for metal culverts, but the bidder stated that they will not honor their unit price commitment for one year therefore recommended that the County Board hereby authorize the proper County officials to purchase culverts as needed while staying under the approved budgeted amount (\$35,000.00). Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to hereby authorize the proper County officials to purchase culverts as needed while staying under the approved budgeted amount (\$35,000.00). All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall recommended that the County Board hereby accepts the supplying and applying Magnesium Chloride low bid from Envirotech Services for \$114,000.00 and authorize the proper County officials to enter contracts with said bidder. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to accept the supplying and applying Magnesium Chloride low bid from Envirotech Services for \$114,000.00 and authorize the proper County officials to enter contracts with said bidder. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall informed the commissioners the low bidder for Township Gravel Hauling did not include a copy of their Contractor's License and the second bidder was considerably higher. After discussion a Motion was made by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to rebid for Township Gravel Hauling. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall recommended that the County Board hereby accepts the low bid from Northern Improvement for \$779,752.40 for the SAD #75 and 89<sup>th</sup> Ave project and authorize the proper County officials to enter a contract with said bidder. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to accept the low bid from Northern Improvement for \$779,752.40 for the SAD #75 and 89<sup>th</sup> Ave project and authorize the proper County officials to enter a contract with said bidder. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall recommended that Burleigh County hereby accepts the petition to vacate said roadway, and sets May 2, 2022, at 5:00 p.m. as the time and date for a Public Hearing to review discontinuing this roadway and ascertain any damages that are caused by this action. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to accept the petition to vacate said roadway, and sets May 2, 2022, at 5:00 p.m. as the time and date for a Public Hearing to review discontinuing this roadway and ascertain any damages that are caused by this action. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall recommended that the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved 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, and that the County Board of Commissioners do hereby grant Daniel Brunskill request 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 his Subdivision.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to accept the recommendation that the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved 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, and that the County Board of Commissioners do hereby grant Daniel Brunskill request 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 his Subdivision. All members present voted "AYE"; motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
March 7, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Jones, Bitner, Armstrong, Matthews, and Chairman Peluso present.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the February 24, 2022, meeting minutes and bills. All members present voted "AYE"; motion carried.

The following abatement 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. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the Brend (2), Mitzel, Fuglie/Crook, Kaseman (2), Zerr (2), Jundt (2), Frazier, Nelson and Dewall abatements; to approve the raffle permit of the Bismarck Lions Club; to approve the Gaming Site Authorization for the Driscoll Betterment (TNT Tavern – Driscoll) along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Burleigh County Tax Assessor Vietmeier discussed the abatement request of property at 230 E. Wachter Ave. with the commissioners. Upon his review Vietmeier made a recommendation to concur with the City of Bismarck and deny the Abatements at 230 E. Wachter Ave. Property owner Aaron Richter was present and stated his reasons for requesting the reduction in value. After discussion Comm. Jones made a motion, 2<sup>nd</sup> by Comm. Armstrong to deny the Tax Abatements. All members present voted "AYE"; motion carried.

Burleigh County Election Manager White presented a County Employee Poll Workers Resolution to the commissioners and recommended a motion for approval for the upcoming election year. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the County Employee Poll Workers Resolution. All members present voted "AYE"; motion carried.

Burleigh County HR Director Binder updated the commissioners on the annual turnover for the county and indicated that after removing Human Service Zone the rate of turnover is flat.

Burleigh County Sheriff Leben explained to the commissioners that his department has an opportunity to send senior staff to an executive level leadership academy and recommended that the County Commission approve the tuition and lodging expenses for an Executive Leadership Academy from the Burleigh County Asset Forfeiture Fund. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the tuition and lodging expenses for an Executive Leadership Academy from the Burleigh County Asset Forfeiture Fund. All members present voted "AYE"; motion carried.

Burleigh County Superintendent of Schools Michael Heilman appeared before the commissioners and announced his retirement with June 30, 2022, being his last day.

Burleigh County Finance Director Grenz presented 2021 Budget Amendments and made a recommendation to accept the list presented. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Jones to accept the 2021 Budget Amendments as presented by Burleigh County Finance Director Grenz. All members present voted "AYE"; motion carried.

Commissioner Armstrong informed the Commissioners that he had asked Burleigh County Election Manager Erika White if she would like to be a member of the Home Rule Charter Commission and she had accepted. Motion by Comm.



Armstrong, 2<sup>nd</sup> by Comm. Jones to accept Erika White as the final member of the Home Rule Charter Commission. All members present voted "AYE"; motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 24, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Armstrong, Jones, Bitner, Matthews and Chairman Peluso present.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the February 7, 2022, bills. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the February 7, 2022, meeting minutes and correcting the first line stating, "Madam Chairman Jones" to "Chairman Peluso". All members present voted "AYE"; motion carried.

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the Friez (2), J & A Properties, Meisner, Herrmann, Carpenter, Fuglie & Crook, Schlaht, Martin, Klein, Mehring, Schue, Mayer, Kuntz (2), Helm, Dockter and Kilzer (2) abatements along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Chairman Peluso closed the regular commission meeting and opened the public hearing pertaining to the vacation of a section line right-of-way and called for public testimony.

Burleigh County Engineer Hall appeared before the commission to give them a little background information on the vacating section line right-of-way before anyone from the public would speak. He also stated that if a motion was to be made it should be contingent to the plat being approved or wait till the plat is approved and then make the desired motion.

Harvey Schneider with Toman Engineering representing Ron Knutson and RBK Ventures appeared before the commission and explained the proposed development and made a recommendation to vacate the section line right-of-way.

As no one else appeared before the commission Chairman Peluso closed the public hearing and the Burleigh County Commission immediately reconvened with all members present.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve vacating the section line right-of-way contingent to the Plat being approved. All members present voted "AYE"; motion carried.

Kelsey Deckert, Horticulture Agent for Burleigh, and Morton Counties gave an extensive update on what has been happening and what is in store for the 2022 season.

Burleigh County Weed Board Chairman Palm went over the position for a weed officer with Commissioners and recommended that the Burleigh County Commissioners either move forward and let the Weed Board know that we will be recruiting based on the current Weed Control Officer Job Description (Exhibit #1) or approve the Weed Control Officer Job Description (Exhibit #2) that has been created for a full-time Weed Control Officer position.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the Weed Control Officer Job Description (Exhibit #2) that has been created for a full-time Weed Control Officer position. All members present voted "AYE"; motion carried.

Commissioner Armstrong presented the four applicants for the Home Rule Charter Commission, including Rachel Bailey who withdrew her application. Commissioner Armstrong said he would be the fourth member and would like to find one more applicant. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to select the three applicants. All members present voted "AYE"; motion carried.

Commissioner Armstrong also set out a timeline for the Home Rule Charter as follows; 1) Between March and June, the Home Rule Charter Commission will hold at least one public hearing to gather input, 2) By the end of July, the Home Rule Charter Commission shall prepare and submit the new charter to the Board, 3) By September 1<sup>st</sup>, the Charter is published once in the official newspaper and submitted to the Auditor to be placed on the ballot, 4) November 8<sup>th</sup> election day, 5) January 1, 2023, the new charter takes effect.

Burleigh County Engineer Hall recommended the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved 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 and that the County Board of Commissioners do hereby grant Craig Smith request 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 Deyle Subdivision.

Motion by Com. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the recommendation the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved 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 and that the County Board of Commissioners do hereby grant Craig Smith request 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 Deyle Subdivision. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall recommended the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved 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 and that the County Board of Commissioners do hereby grant Jerome Hobein request 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 Deyle Subdivision.

Motion by Com. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the recommendation the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved 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 and that the County Board of Commissioners do hereby grant Jerome Hohbein request 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 Deyle Subdivision. All members present voted "AYE"; motion carried.

County Engineer Hall made a recommendation the Burleigh County Board adopt the attached proposed resolution that the proper County officials are hereby directed to approve and employ the attached "Permit to Perform Work Within the County Right-of-Way" with Brian Fettig. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the recommendation the Burleigh County Board adopt the attached proposed resolution that the proper County officials are

hereby directed to approve and employ the attached "Permit to Perform Work Within the County Right-of-Way" with Brian Fettig. All members present voted "AYE"; motion carried.

County Engineer Hall recommended that the County Board hereby accepts the Minnesota State contract low bid from Istate Truck Center of Bismarck of \$223,842 for two (2) – 2022 Freightliner 114SD tandem axle dump trucks and authorize the proper County officials to enter a contract with said bidder. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the recommendation that the County Board hereby accepts the Minnesota State contract low bid from Istate Truck Center of Bismarck of \$223,842 for two (2) – 2022 Freightliner 114SD tandem axle dump trucks and authorize the proper County officials to enter a contract with said bidder. All members present voted "AYE"; motion carried.

County Engineer Hall presented a list of used surplus equipment since these units have been replaced with other units and are no longer needed in the department and recommended that the proper County officials are hereby authorized to work with Public Surplus in selling the attached list of used surplus. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to approve the recommendation that the proper County officials are hereby authorized to work with Public Surplus in selling the attached list of used surplus. All members present voted "AYE"; motion carried.

Burleigh County Sheriff Leben recommended that the County Commission authorize the Burleigh County Sheriff's Department to enter into an agreement with MuniPay for credit card services. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the recommendation that the County Commission authorize the Burleigh County Sheriff's Department to enter into an agreement with MuniPay for credit card services. All members present voted "AYE"; motion carried.

Burleigh County Zone Director Bailey presented a complete list of updates to Social Services plan which is required annually. She also informed the commissioners that she will be leaving her position as Burleigh County Zone Director effective March 31, 2022.

Commissioner Bitner informed the commission that the Burleigh County Superintendent of Schools will be retiring and would like the topic to be on the agenda for the next meeting.

Commissioner Jones shared with the Commission she feels that the Burleigh County Auxiliary Boards per diem should be changed from \$65.00 to \$85.00. The commissioners discussed the idea. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the Burleigh County Auxiliary Boards per diem to \$85.00 effective March 1, 2022. All members present voted "AYE"; motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 7, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Armstrong, Jones, Bitner, Matthews and Chairman Peluso present.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to approve the January 19, 2022, meeting minutes and bills. All members present voted "AYE"; motion carried.

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the Knopp, Welch, Ripplinger, Capsco Properties (2), Carpenter, Felch, Creek, Hatzenbuhler, Denhaven (2), Hofland, Mussatti & Salo, Quale, Missouri Slope, Seidel, Roe, Schmidt, Wiedmeier, Pulley, Ell (2), Heckelsmiller, Sutton, Olson, Liechty Homes, Kottsick, Filibeck-Weishaar (2), Tetzloff, Hegel, and Molzhon abatements along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Burleigh County Tax Director Vietmeier discussed the abatement request of property at 1300 E. Capitol Avenue, DBA Days Inn, with the commissioners. Upon his review Vietmeier made a recommendation to concur with the City of Bismarck and deny the Abatements at 1300 E. Capitol Avenue, DBA Days Inn. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to deny the Abatements at 1300 E. Capitol Avenue, DBA Days Inn. All members present voted "AYE"; motion carried.

Burleigh County Tax Director Vietmeier discussed the abatement request of property at 2640 Centennial Road, DBA My Place Hotel, with the commissioners. Upon his review Vietmeier made a recommendation to concur with the City of Bismarck and deny the Abatements at 2640 Centennial Road, DBA My Place Hotel. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to deny the Abatements at 2640 Centennial Road, DBA My Place Hotel. All members present voted "AYE"; motion carried.

David Tibbals, Associate with Fredrikson & Byron P.A., was present representing the properties of Peterson Hospitality, LLC, and BHI Hospitality, LLC. David discussed the properties values with the commission.

Burleigh County Tax Director Vietmeier discussed the abatement request of property at 1421 Skyline Boulevard, DBA Wingate by Windham, with the commissioners. Upon his review Vietmeier made a recommendation to concur with the City of Bismarck and deny the Abatements at 1421 Skyline Boulevard, DBA Wingate by Windham. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to deny the Abatements at 1421 Skyline Boulevard, DBA Wingate by Windham. All members present voted "AYE"; motion carried.

Burleigh County Tax Director Vietmeier discussed the abatement request of property at 3903 State Street, DBA Holiday Inn, with the commissioners. Upon his review Vietmeier made a recommendation to concur with the City of Bismarck's recommendation with the Abatements at 3903 State Street, DBA Holiday Inn. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the City of Bismarck's recommendation with the Abatements at 3903 State Street, DBA Holiday Inn. All members present voted "AYE"; motion carried.

Burleigh County Council on Aging/Senior Adults Program Executive Director Renee Kipp gave an update on the Senior Adults Program indicating the meals are up 31% increase since pre pandemic, they are very busy and still using drive-up and home delivery meals. They are constantly looking for volunteers and are fully open.

Burleigh County Engineer Hall made a recommendation that the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed pat to be approved 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, and the County Board of Commissioners do hereby grant Michael Lawlar request 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 future Subdivision.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to accept the recommendation that the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed pat to be approved 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, and the County Board of Commissioners do hereby grant Michael Lawlar request 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 future Subdivision. All members present voted "AYE"; motion carried.

Garrett Ludwig partner at the Kelsch Ruff Kranda Nagle & Ludwig Law Firm presented exhibits and information for the request to construct a fence on an easement to the Brian Fettig's property. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the concept of a fence to be constructed on the easement to the Brian Fettig's property and present a plan outlining the information of the fence at a later meeting. All members present voted "AYE"; motion carried.

Commissioner Armstrong briefed the commission on the Home Rule Charter progress stating that the wishes are to have at least a five-member board that will be selected at the February 24, 2022, Burleigh County Commission meeting. The board will meet between February and June having at least one public hearing on the issue, and have a new Charter prepared and submitted to the board for approval, and in September it will be officially published and be on the ballot for the November 8<sup>th</sup> election and take effect on January 1, 2023. The objective of the Home Rule Charter is to allow the commission ability to act on an ordinance like eleven other counties.

Finance Director Grenz presented the information from the January 19, 2022, County Commission Workshop and the commission continued the discussion of possibly utilizing the County owned Provident Building for the county offices of Auditor/Treasurer, Recorder, Building and Planning, Veterans Administration, Human Resources, Tax Equalization, and a soon to be added Information Technology department. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to authorize the proper officials to seek an Architectural Consultant Firm to design the renovation of the Provident Building. All members present voted "AYE"; motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 19, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Armstrong, Jones, Bitner, and Chairman Peluso, present, Commissioner Matthews absent.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to approve the January 3, 2022, meeting minutes and bills. All members present voted "AYE"; motion carried.

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the Neary, Sheets (2), Kurtz (2), Hensel (2), Singer, Privratsky/Grenz, Kraft, Schulz, Geiger, Silvernagel, Park District City of Bismarck, Walther (2), Hanna, Olson (2), Westermeyer (2), Havenpark (3), Lawrence, Helm, Murray, Jochim and Schlinger abatements along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Burleigh County Building and Planning Director Flanagan presented the review of a proposed permit modifications to NDDEQ concerning a Special Use Permit for: David Barth, DB Waste LLC, 14108 NW 34<sup>th</sup> St. Bismarck, ND 58503 with the Burleigh County Commissioners. After discussion the commissioners agreed to wait on any decisions until after NDDEQ's response in February 2022 after they conduct a review from the public comments. No action was taken.

Burleigh County Engineer Hall made a recommendation the County Auditor and the County Engineer are hereby authorized to advertise to seek engineering design service proposals for the reconstruction of Bridge #08-117-05.0. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the County Auditor and the County Engineer are hereby authorized to advertise to seek engineering design service proposals for the reconstruction of Bridge #08-117-05.0. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall recommended that Burleigh County hereby accepts the petition to vacate said section line, and sets February 24, 2022, at 5:00 p.m. as the time and date for a Public Hearing to review discontinuing this section line and ascertain any damages that are caused by this action. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to accept the petition to vacate said section line, and sets February 24, 2022, at 5:00 p.m. as the time and date for a Public Hearing to review discontinuing this section line and ascertain any damages that are caused by this action. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall recommended that the County board hereby accepts the following low bid from RDO Equipment Co. of \$254,805.00, for a patching paver, and authorize the proper County officials to enter a contract with said bidder. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve that the County board hereby accepts the following low bid from RDO Equipment Co. of \$254,805.00, for a patching paver, and authorize the proper County officials to enter a contract with said bidder. All members present voted "AYE"; motion carried.

Burleigh County Finance Director Grenz gave an update on the ARPA funding. She stated that the Final Rule was issued on January 6<sup>th</sup> with further guidance in some areas. The major change was the calculation of revenue loss. The recipient can either choose to use the revenue loss as calculated per the rule's equation, or they can elect to take a standard

allowance of \$10 million dollars. In Burleigh County's case, the standard allowance election is in our best interest. Finance Director Grenz then asked for a motion to elect the standard allowance as it will need to be reported to the US Treasury as well. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to accept the standard allowance as it will need to be reported to the US Treasury as well. All members present voted "AYE"; motion carried.

Baldwin, ND resident Kevin Seher appeared before the Commission and explained that Arlen Gorden, also a Baldwin, ND resident, has moved snow for the area residents this season and has other seasons as well and was asking the Commission to do something for his generosity, maybe a monetary gift or simply a letter from the County expressing their thanks for his time moving snow for residents in the Baldwin, ND community. The commissioners expressed their appreciation for Arlen's time and equipment moving snow for the residents in the Baldwin, ND community.

Burleigh County Sheriff Leben gave a Detention report update going over the average daily population, breakdown of inmate days, and everything is going smooth as can considering the Covid situation.

Burleigh County HR Director Binder informed the Commission the life insurance rates with the current broker are getting quite high and recommended that the County perform a Referral for Proposal for a different Life Insurance Plan and a different Broker for 2023 along with the current Dental and Vision Insurance plans. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong that the County perform a Referral for Proposal for a different Life Insurance Plan and a different Broker for 2023 along with the current Dental and Vision Insurance plans. All members present voted "AYE"; motion carried.

Parks and Recreation Operations Director Mayer explained that the Bismarck Parks and Recreation District (BPRD) completed Phase I of an Access Audit and Transition Plan as required under section 35.105 of the US DOJ Title II regulations for all state and local governments. They are planning Phase II for 2022 which includes remaining parks and outdoor facilities. Operations Director Mayer requested Burleigh County Commission's consideration to include the Burleigh County Parks and facilities that are managed by BPRD in the request proposals for determining the amount of funding that would be requested from Burleigh County once the request results were given to the Commission for consideration. Parks and Recreation Commissioner Wayne Monson shared with the commission that his daughter is in a wheelchair and stressed the importance of the audit.

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to include the Burleigh County Parks and facilities that are managed by BPRD in the Access Audit and Transition Plan Phase II for 2022 request proposals for determining the amount of funding that would be requested from Burleigh County once the request results were given to the Commission for consideration. All members present voted "AYE"; motion carried.

Commissioner Armstrong shared a timeline for the Home Rule Charter to go before the voters on November 2, 2022, with the other commissioners and announcing that anyone that may be interested in being on the committee should contact the Auditors Office, and the second meeting in February (Thursday Feb. 24<sup>th</sup>) the Board will establish the membership of the Home Rule Charter Commission.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman



**BURLEIGH COUNTY COMMISSIONERS WORKSHOP  
MEETING MINUTES  
January 19, 2022**

6:05 P.M.

Chairman Peluso called the Workshop meeting of the Burleigh County Commission to order.

Members present; Commissioners, Armstrong, Jones, Bitner, and Chairman Peluso.  
Members absent, Commissioner Matthews.

Chairman Peluso turned the meeting over to Burleigh County Auditor/Treasurer Leo Vetter.

Auditor/Treasurer Vetter gave a presentation of the Provident Building stating that a decision should be made to either remodel and occupy the Provident Building with the County offices of Auditor/Treasurer, Recorder, Veteran's Administration, Building and Planning, Human Resources, the new IT Department along with additional space for storing election equipment and a commission room, or sell the building.

Vetter stated that he and Finance Director Robin Grenz, Maintenance Manager Kevin Quinn, and Building and Planning Director Mitch Flanagan have had discussions on which way to go and all agree that with a growing population and need for future office expansion the county should remodel and occupy the building for county offices. Auditor/Treasurer Vetter also brought up the idea that the building remodel could be paid for with the second wave of ARPA Funds.

The Commissioners exchanged ideas and decided to further their discussion at the next Burleigh County Commission Meeting.

Meeting adjourned at 6:25 p.m.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**January 3, 2022**

**5:00 P.M.**

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

Roll call of the members; Commissioners, Matthews, Bitner, Armstrong, Peluso, and Madam Chairman Jones, present.

County Auditor/Treasurer Vetter asked for nominations for the Chairman for the year 2022. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to nominate Comm. Peluso for the Chairmanship. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to nominate Comm. Bitner as Vice-Chairman. All members present voted "AYE"; motion carried.

Portfolios were discussed, Comm. Armstrong brought up the Home Rule Charter committee for discussion. State's Attorney Lawyer recommended a new Home Rule Charter rather than amending the existing Home Rule Charter, no motions were made since Comm. Armstrong will present more information at the next meeting. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to keep the portfolio assignments same as year 2021. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the December 20, 2021, meeting minutes and bills. All members present voted "AYE"; motion carried.

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

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the Huff, Kuklok, Backman (2), Rhoads, Schmidt (2), Renner, Wald, Hanson, Kulish and Lowe (2) abatements along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Discussion was held about the Burleigh County Human Service Zone volunteer request to update the visitation room. Comm. Matthews asked for some guidance as to what is and is not allowed. Portfolio holder Comm. Bitner informed Comm. Matthews to communicate with Burleigh County Building and Grounds Manager Kevin Quinn for approval to update the visitation room.

Burleigh County Building and Grounds Manager Quinn presented a proposal regarding replacement of the chiller and the chilled water pumps. Based on Prairie Engineering, P.C.'s detailed breakdown to date, the project's expected opinion of probable cost is in the range of \$279,000 to \$300,000. Finance Director Grenz mentioned the project would qualify for ARPA Funds. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to use ARPA Funds to proceed with making the repairs to the chiller and chilled water pumps. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall recommended that the County Auditor and the County Engineer are hereby authorized to advertise for bids for: Painted Pavement Markings, Furnishing Concrete and Metal Culverts, Crushing of Gravel, Township Gravel Hauling, Dust Control, and Chip Seal projects. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to authorize County Auditor and the County Engineer to advertise for bids for: Painted Pavement Markings, Furnishing Concrete and Metal Culverts, Crushing of Gravel, Township Gravel Hauling, Dust Control, and Chip Seal projects. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall made a recommendation the County Board approves the plans and specifications and authorize the County Auditor and the County Engineer to advertise for bids for Special Assessment District #75 (Towne and Country Estates and Morgan Country Estates Subdivision). Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the plans and specifications and authorize the County Auditor and the County Engineer to advertise for bids for Special Assessment District #75 (Towne and Country Estates and Morgan Country Estates Subdivision). All members present voted "AYE"; motion carried.

Comm. Jones mentioned 4-H is running out of storage space at their current location and suggested possibly using the old concession building for the overflow. After discussion the commissioners agreed to arrange for more shelving at the current location.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman