

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
December 20, 2021**

**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, Bitner, Peluso, Matthews and Madam Chairman Jones, present.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the December 6, 2021, meeting minutes and bills. All members present voted "AYE"; motion carried.

The 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. Peluso, 2<sup>nd</sup> by Comm. Armstrong to approve the Pettit-Schmidt, Fox/Bartlett, Clairmont, Markovic, Jefferson, Elhard (2), Stowell, Volk (2) and Whisper Rock (2) abatements along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Madam Chairman Jones informed the commission the county has lost 3 employees at NDSU Extension in the last 6 months and gained a new 4-H Agent. With employees leaving the county has been hiring a lot of temporary help and is still looking for an Administrative Assistant staff and one position that will not be filled at this time. Also, NDSU Extension has had a massive reorganization.

Madam Chairman Jones informed the commission the county had hired a Weed Officer in January 2020, working as a Weed Officer for 7 months and the Highway for the other 5 months each year, but he was not pleased with the arrangement. The County created a contract for the Weed Officer for 8 months each year which was approved by the Weed Board at their last meeting and Madam Chairman Jones asked for approval of the contract for the Weed Officer. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to accept the contract between the Weed Officer and Burleigh County. All members present voted "AYE"; motion carried.

Burleigh County Tax Director Vietmeier discussed the abatement request of property at 2718 Gateway Ave. with the commissioners. Upon his review Vietmeier made a recommendation to concur with the City of Bismarck and deny the Abatements at 2718 Gateway Ave. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to deny the Abatements at 2718 Gateway Ave. All members present voted "AYE"; motion carried.

Burleigh County Engineer Hall went over the proposed project priority list for 2022 and the State American Rescue Plan funds allocations for Burleigh County and made a recommendation that Burleigh County Board adopts the attached 2022 Burleigh County Project Priority List, and authorizes the Highway Department to allocate resources to design, acquire right of way and construct the prioritized projects under the North Dakota Century Code and Burleigh County policies and, the Burleigh County Board adopts the proposed Highway Department's spending request for the State American Rescue Plan funds as listed in the attached board letter.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to accept the attached 2022 Burleigh County Project Priority List, and authorizes the Highway Department to allocate resources to design, acquire right of way and construct the prioritized projects under the North Dakota Century Code and Burleigh County policies and, the Burleigh County Board adopts the proposed Highway Department's spending request for the State American Rescue Plan funds as listed in the attached board letter. All members present voted "AYE"; motion carried.

Burleigh County Finance Director Grenz made a recommendation to adjust the line items within the Weed Budget to move salaries and fringe benefits into a contracted services line item. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to adjust the line items within the Weed Budget to move salaries and fringe benefits into a contracted services line item. All members present voted "AYE"; motion carried.

Burleigh County Finance Director Grenz gave an update of the Courthouse Remodel, everything is going well. Grenz asked for approval for a change for an increase of \$1,880.00 for the fire suppression contract. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to approve the change for an increase of \$1,880.00 for the fire suppression contract with the Courthouse Remodel Project. All members present voted "AYE"; motion carried.

Burleigh County Finance Director Grenz asked for approval for the 2022 Information Technology (IT) contract between the City of Bismarck and Burleigh County. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the 2022 Information Technology (IT) contract between the City of Bismarck and Burleigh County. All members present voted "AYE"; motion carried.

The Commissioners discussed the Home Rule Charter and will continue to move forward with the committee with the idea that something may be ready for the fall 2022 election.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso to accept furniture donations for Human Service Zone and have the used furniture donated to the State surplus. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to close the Burleigh County Commission Meeting and convene in executive session pursuant to N.D.C.C. § 44-04-19.1 for attorney consultation regarding the ongoing Federal Opioid Litigation.

The executive session was called to order at 5:45 p.m. with Commissioners Bitner, Matthews, Peluso, Armstrong, and Madam Chairman Jones present along with Burleigh County Auditor Leo Vetter and State's Attorney Julie Lawyer. Pursuant to N.D.C.C. § 44-04-19.1, commissioners engaged in attorney consultation with State's Attorney Julie Lawyer regarding the ongoing Federal Opioid Litigation. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to accept the recommendation from the executive session. All members present voted "AYE"; motion carried. The executive session was adjourned at 5:52 p.m.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
December 6, 2021**

**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, Bitner, Peluso, and Madam Chairman Jones, present, Commissioner Matthews absent.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve the November 15, 2021, meeting minutes and bills. All members present voted "AYE"; motion carried.

The 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:

The following Calendar Raffle Permit was 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:

Prairie Rose Elementary, Parent Teacher Club for a Calendar Raffle to be held in February of 2022.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to approve the Berger/Were, Johnson (2), Miller, Gillig, Pulley, Wiese (2), Willow, Conley, Opp, Casavant and Haluska abatements along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

County Election Manager White presented the 2022 Precincts and Polling locations. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to accept the 2022 Precincts and Polling locations as presented by County Election Manager White. All members present voted "AYE"; motion carried.

CenCom Communications Director Mike Dannenfelzer asked for approval of a Burleigh County payment of 35% of \$37,752.00 to Central Square for the completion of converting Burleigh County Sheriff's Office records management data into the new public safety software solution. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to approve the expenditure of \$13,213.20 to complete the records management conversion to close the project with Central Square. All members present voted "AYE"; motion carried.

Madam Chairman Jones mentioned at the November 15, 2021 Burleigh County Commission Meeting the board appointed Rachel Bailey to the County Housing Authority board pending written clarification from the State's Attorney Office of her allowance to be a board member since she is a county employee, and State's Attorney Lawyer stated that she is fine doing both, however, Madam Chairman Jones stated that sometime after the meeting she realized Rachel would be more beneficial on a different board and made a recommendation to remove Rachel Bailey from the newly appointed board position on the County Housing Authority and appoint Steve Sathre to the County Housing Authority in place of Rachel Bailey. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to remove Rachel Bailey from the newly appointed board position on the County Housing Authority and appoint Steve Sathre to the County Housing Authority in place of Rachel Bailey. All members present voted "AYE"; motion carried.

County Engineer Hall handed out his 5-year construction budget for the Highway Department (years 2022-2026) to the Commissioners for their review for discussion in more detail at a future meeting.

County Engineer Hall stated that the county will receive \$3 million for road and bridge projects from HB 1505 ARPA Funds.

County Chief Deputy Hulm made recommendation the proper County officials are hereby authorized to purchase a new drone for \$6,969.00 with Burleigh County Forfeiture funds. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to authorize the proper County officials to purchase a new drone for \$6,969.00 with Burleigh County Forfeiture funds. All members present voted "AYE"; motion carried.

County Chief Deputy Hulm mentioned the server that is being used in the Sheriff's department is old and ready for replacement and made recommendation the proper County officials are hereby authorized to purchase a new computer server for \$21,085.00 with Burleigh County Forfeiture funds. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to authorize the proper County officials to purchase a new computer server for \$21,085.00 with Burleigh County Forfeiture funds. All members present voted "AYE"; motion carried.

County Major Wangen gave an ARPA update stating both Burleigh and Morton County Commissioners voted unanimously in favor of allowing the use of the ARPA funds for 4 new hires for the Detention Center which they will begin looking to fill in January 2022.

County HR Director Binder made a recommendation to accept the 2022 Holiday Calendar as presented which was no change from 2021. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to accept the 2022 Holiday Calendar as presented which was no change from 2021. All members present voted "AYE"; motion carried.

County HR Director Binder gave an update on the Employee Open Enrollment and Retirement Meetings stating that they were held this past fall with a few more left and it has gone well.

Social Service Director Bailey acted on Commissioner Matthews behalf due to her absence and made a recommendation to appoint Trevor Vannett and Dick Dever to the Burleigh County Human Service Zone Board. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to appoint Trevor Vannett and Dick Dever to the Burleigh County Human Service Zone Board. All members present voted "AYE"; motion carried.

Leslie Percy, representing Evangel Church appeared before the Commission and explained the outreach program called City Reach, which is a group that helps in various ways. The program asked to deliver new furniture, toys and update the paint, including wall art, in the Burleigh County Human Service Zone visitation space. After discussion it was decided to review the material and continue the conversation at the January 3, 2022, Burleigh County Commission meeting.

State's Attorney Lawyer made a request to reclassify one of her staff from a Legal Assistant I to a Legal Assistant II effective January 1, 2022, since the person is doing work of an II. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to reclassify one of State's Attorney Lawyer's staff from a Legal Assistant I to a Legal Assistant II effective January 1, 2022, since the person is doing work of an II. All members present voted "AYE"; motion carried

State's Attorney Lawyer informed the commission that her office is looking to hire for a Paralegal position and asking for a variance in the starting salary from a step 5 to a step 9 since she has over 10 years' experience and her current position at a private firm pays about \$25,000.00 more than the salary at a step 9 but Lawyer is hoping the benefits will off set the difference and the position will be accepted by the potential new hire. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to grant the variance for a new Paralegal position in the State's Attorney's Office from a step 5 to a step 9. All members present voted "AYE"; motion carried.

Madam Chairman Jones shared a letter she received from the North Dakota Department of Environmental Quality (Department), Division of Waste Management, is proposing approval of a modification of the permit for DB Waste, LLC inert waste landfill located near Bismarck, ND. Discussion was held, no motions were made.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to create a Home Rule Charter sub-committee to address the Ordinance Authority and other issues such as whether currently elected officials should be appointed. All members present voted "AYE"; motion carried

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
November 15, 2021**

**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, Matthews, Peluso, and Madam Chairman Jones, present, Commissioner Bitner absent.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the November 1, 2021, meeting minutes and bills. All members present voted "AYE"; motion carried.

The 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. Armstrong, 2<sup>nd</sup> by Comm. Peluso to approve the Century Baptist Church, Rohrich, Opp, Sowka and Wiese abatements along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

The following motions were made for board appointments for expiring terms at 12-31-21:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to appoint Dale Patrick to a five (5) year term to the County Planning Commission. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to appoint Brian Zuroff to a five (5) year term to the County Planning Commission. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to appoint Alvie Jarratt to a five (5) year term to the County Planning Commission. All members present voted "AYE"; motion carried.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to appoint Rachel Bailey to the County Housing Authority pending written clarification from the State's Attorney Office of her allowance to be a board member since she is a county employee. All members present voted "AYE"; motion carried.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to appoint Elizabeth Flemming to the Lincoln City Planning Commission. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to appoint Errol Behm and Jeffery Herman to the County Park Board. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to appoint Roger Smith to the Water Management Board. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to appoint Randall Binegar to the Water Management Board. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to appoint Cory Palm and Larry Falkenstein to the Weed Control Board. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to approve the 2022 County Commission Meeting schedule. All members present voted "AYE"; motion carried.

County Emergency Manager Senger presented the Bis-Man Transit Mutual Aid Agreement for the annual approval. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to accept the Bis-Man Transit Mutual Aid Agreement. All members present voted "AYE"; motion carried.

County Emergency Manager Senger presented the Joint Powers Agreement for Provision on Emergency Management Services. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to accept the Joint Powers Agreement for Provision on Emergency Management Services. All members present voted "AYE"; motion carried.

Madam Chairman Jones said she does not use the nd.gov email since it does not work at her home and asked for the Commission to allow the county to discontinue the email and Wi-Fi function service for only herself. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to discontinue the nd.gov email and Wi-Fi function for Madam Chairman Jones. Commissioners Peluso, Matthews, and Madam Chairman Jones voted "AYE", Commissioner Armstrong voted "NAY", motion carried.

County Engineer Hall asked for direction for removing trees planted within the County Right of Way at 5641 Falconer Drive. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso to have the trees removed within the County Right of Way at 5641 Falconer Drive. All members present voted "AYE"; motion carried.

County Engineer Hall along with County Sheriff Leben requested Burleigh County Board approve the request from the Sheriff's Department for use of ARP funds (in the amount of \$1,037,608) to hire four full-time Detention Officers in response to the on-going COVID-19 pandemic. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the request from the Sheriff's Department for use of ARP funds (in the amount of \$1,037,608) to hire four full-time Detention Officers in response to the on-going COVID-19 pandemic. All members present voted "AYE"; motion carried.

County Engineer Hall informed the Commissioners that the State of ND awarded Burleigh County \$3,000,000 from the Federal ARPA funds for roads and repairs and will present a list of projects that may be done with the funds for the commission to review at the next meeting.

Finance Director Grenz updated the commission on the September 17, 2021, Bismarck Tribune article addressing the proposed 2022 taxes and clarified that the information was not entirely incorrect but was missing some of the information that was approved by the commission at the final budget hearing.

County Planning Director Flanagan made a recommendation to Amend the 2013 Burleigh County and the City of Bismarck Extraterritorial Area Agreement to Modify a Portion of the Existing Boundary associated with the agreement. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to Amend the 2013 Burleigh County and the City of Bismarck Extraterritorial Area Agreement to Modify a Portion of the Existing Boundary associated with the agreement. All members present voted "AYE"; motion carried.

County Planning Director Flanagan made a recommendation based on supporting documents and the findings by the planning commission, to approve the Marlys Subdivision Final Plat. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso based on supporting documents and the findings by the planning commission, to approve the Marlys Subdivision Final Plat. All members present voted "AYE"; motion carried.

County Planning Director Flanagan made a recommendation based on supporting documents and the findings by the planning commission, to approve the Rafter H Subdivision Final Plat. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso

based on supporting documents and the findings by the planning commission, to approve the Rafter H Subdivision Final Plat. All members present voted "AYE"; motion carried.

County Human Service Zone Director Bailey gave an extensive update on her plans and objectives for the rest of 2021 and the entire year of 2022 within the department.

Madam Chairman Jones informed the commissioners that a letter was included in the packet showing the economic impact the University of Mary has on the community. She also mentioned the County Book mobile has a short video available for viewing to show the impact it has on the community.

Madam Chairman Jones handed out a preliminary contract agreement for the County and Weed Officer for review for approval at a future meeting.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman



**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
November 1, 2021**

**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, Peluso, Bitner (by phone), Armstrong and Madam Chairman Jones, present.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the October 18, 2021, meeting minutes and bills. All members present voted "AYE"; motion carried.

The 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. Armstrong, 2<sup>nd</sup> by Comm. Peluso to approve the Wiedrich, Voglewede, Thompson, and Senn 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 on Vacating Roadway in Baldwin, ND.

County Engineer Hall explained all the property owners of Block 3, Baldwin Townsite have signed a petition to vacate the alley right of way within Block 3, Baldwin Townsite. Hall also stated that the property to the east of Block 3, Baldwin Townsite including Pacific Street, had been vacated in 1982, leaving lots 2 thru 5 landlocked if the alley way is vacated which is a concern.

Madam Chairman Jones closed the regular commission meeting and opened the public hearing and called for public testimony.

Baldwin residents Gail Gorden and Robert Hatcher appeared before the commission stating that they are in favor of closing the alley way.

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

County Planning Director Flanagan mentioned that if the alley way was vacated then the property should be replated so none of the lots are landlocked.

State's Attorney Lawyer stated that all the landowners are in favor of vacating the alley way and therefore recommends the commission vacate the alley way with the condition the lots get replated so none of the lots are landlocked.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve vacating the alley within Block 3, Townsite of Baldwin, Baldwin, ND with the condition the property gets replated so none of the lots are landlocked.

Commissioners Bitner, Armstrong, Peluso, and Madam Chairman Jones voted "AYE"; Commissioner Matthews voted "NAY"; motion carried.

This was the hour and date set for a public hearing to vacate the 33-foot "Reserved for Future Street Dedication" from the plat titled Lindteigen's Landing.

County Engineer Hall explained there are two portions of the vacation of the future streets, one is a future road on the back side of the east lots going from southeast to the northwest, and the extension of Earhart Lane. Hall said he is ok with vacating the back road since the current property owners would have a road on both sides of their property but has concerns with vacating the extension of Earhart Lane since it will eventually be a way to access the future development of the property to the east of the plat titled Lindteigen's Landing.

Madam Chairman Jones Closed the regular commission meeting and opened the public hearing and called for public testimony.

Area residents Darrell Holzer and Scott Stoeckel appeared before the commission and expressed their wishes to have both roads vacated.

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to vacate the future road from SE to NW on the back side of the east lots and keep the extension of Earhart Lane from the plat titled Lindteigen's Landing. All members present voted "AYE"; motion carried.

County HR Director Binder made a request to reclassify the shop maintenance worker II to a III in the Sheriff's Department. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to reclassify the shop maintenance worker II to a III in the Sheriff's Department. All members present voted "AYE"; motion carried.

County Sheriff Leben gave an update on the Quarterly Jail Report along with the Detention Center and issues attracting new hires including nurses.

County Engineer Hall presented the bids from the October 28, 2021, bid opening to the commissioners, and made a recommendation to accept the following low bid from RDO Equipment Co. of \$741,730.00 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. Armstrong, 2<sup>nd</sup> by Comm. Matthews to accept the following low bid from RDO Equipment Co. of \$741,730.00 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.

County Engineer Hall informed the commissioners that the American Rescue Plan review committee received another application for 2021 funding. The approval of this application will greatly help fill a need in the Burleigh Morton Detention Center. The Committee believes that the proposed request qualifies for ARP funding and our committee recommends approval. County Sheriff Leben expressed his wishes for approval as well and

indicated that a decision does not have to be made at this meeting since he would like to visit with the Morton County Detention Center board members. After discussion the commissioners gave Sheriff Leben support that he can visit with the Morton County Detention Center members on the ARP request.

County Finance Director Grenz presented a parking space rental agreement to the commissioners for parking spaces located at 412 N 5<sup>th</sup> Street, Bismarck ND aka the Professional lot and made a recommendation to accept the agreement as presented. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to accept the parking space rental agreement as presented for the parking spaces located at 412 N 5<sup>th</sup> Street, Bismarck ND aka the Professional lot. All members present voted "AYE"; motion carried.

Madam Chairman Jones informed the Commission, County Boards of Planning, Housing Authority, Lincoln City Planning, Park, Water Management, and Weed Control have members with terms expiring at December 31, 2021 and if anyone is interested in being a member on one of the boards they should fill out an application on the website or contact a commissioner.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
October 18, 2021**

**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, Peluso, Bitner (by phone), Armstrong and Madam Chairman Jones, present.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the October 4, 2021, meeting minutes and bills. All members present voted "AYE"; motion carried.

The abatement was 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. Peluso, 2<sup>nd</sup> by Comm. Matthews to approve the Schumacher, Forster, Aberle, Becker/Messmer, and Palmer abatement along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Comm. Matthews introduced the new Burleigh County Zone Director Rachel Bailey who appeared before the Commission and gave a brief background about herself. Comm. Matthews mentioned that once the county has a permanent Director the 5-board member would become six with Bailey, and the plan has always been to then approve a seventh member. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Bitner to approve Leslie Percy to the Burleigh County Zone Board. All members present voted "AYE"; motion carried.

This was the hour and date set for a public hearing on SAD #70, Sabot's 1<sup>st</sup>, Eden's, & Oakland Subdivisions.

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 #70 will be \$1,123/year over 11 years at 2.87 percent interest, the average cost for Special Assessment District #71 will be \$818/year over 11 years at 2.87 percent interest, and the average cost for Special Assessment District #72 will be \$1,033/year over 11 years at 2.87 percent interest.

Madam Chairman Jones 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.

This was the hour and date set for a public hearing on SAD #71, Parts of Riverside 2<sup>nd</sup> & Valcor Subdivisions.

Madam Chairman Jones 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.

This was the hour and date set for a public hearing on SAD #72, Part of Grande Prairie Estates 4<sup>th</sup> Subdivision. Madam Chairman Jones 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. Peluso to approve, confirm, and certify the Special Assessment List for; Sabot's 1<sup>st</sup>, Eden's, & Oakland Subdivisions SAD #70, Parts of Riverside 2<sup>nd</sup> & Valcor Subdivisions SAD #71, Part of Grande Prairie Estates 4<sup>th</sup> Subdivision SAD #72, as recommended by the Special Assessment Commission. All members present voted "AYE"; motion carried.

County Engineer Hall explained the Resolution relating to the Issuance of Bonds and Reimbursements for Special Assessment District #73 (SAD #73), Country Creek 1<sup>st</sup> – 5<sup>th</sup> Subdivisions, and Special Assessment District #74 (SAD #74), Olive Tree Subdivision. The projects were completed and now need to pay for the projects and Engineer Hall made a recommendation for the sale of bonds for SAD #73 and SAD #74.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the sale of bonds for SAD #73, Country Creek 1<sup>st</sup> – 5<sup>th</sup> Subdivisions, and SAD #74, Olive Tree Subdivision. All members present voted "AYE"; motion carried.

County Engineer Hall explained after receiving the Challenges and Opportunities report, County Commissioners requested the subcommittee prepare the report rank and recommend an implementation schedule for each of the various sections within the report. The subcommittee has met, and a schedule was presented to the County Commissioners. County Engineer Hall made a recommendation to accept the proposed Challenges and Opportunities Plan schedule of the various sections of the Burleigh County – Challenges and Opportunities Report.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to accept the proposed Challenges and Opportunities Plan schedule of the various sections of the Burleigh County – Challenges and Opportunities Report. 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. Peluso, 2<sup>nd</sup> by Comm. Armstrong to authorize County Officials to sign Maintenance Certification. All members present voted "AYE"; motion carried.

The County Commission continued the meeting on, OHV's riding the ditches in the northeast ETA area of Bismarck, from the prior County Commission Meeting and State's Attorney Lawyer started the discussion by informing the commissioners the city ETA extends past city limits for zoning ordinances only. The county cannot enforce city ordinances and the police cannot enforce outside city limits. She also stated the law allows the commission to adopt rules for use and regulation of OHV's, but the penalty for a violation of the rules is a \$10 fine. The county doesn't have the time or resources to enforce the rule, especially since the primary violators are juveniles. Lawyer said it would require legislative change to adopt a rule with any substance.

Burleigh County Sheriff Leben informed the commission his department has been patrolling the area in NW Bismarck, the area of concern, and working with investigation. Leben then turned it over to his employee Major Jim Hulm.

Burleigh County Major Jim Hulm said the department has ramped up patrolling the area of concern and have been having some success with catching 8 problem riders. Hulm mentioned the public complaining about OHV's riding the ditches has been an issue for his 20 plus years with the Sheriff's department.

ND State Parks & Recreation Coordinator Tony Hillig went over NDCC explaining where OHVs are allowed to ride.

Terry Rosen, Zac Platz, and Brian Fettig expressed their frustration with OHV's riding the ditches.

Dennis Fleckenstein and Earl Steidler suggested the county could pave part of the approaches to minimize the damage the OHV's do to them.

Stacey Castleman appeared before the commission and stated she is an advocate of OHV's riding the ditches. Stacey has 3 boys, and they ride the ditches wearing proper riding equipment and obey the rules/laws and property owners.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
October 4, 2021**

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, Peluso, Bitner, Armstrong and Madam Chairman Jones, present.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the September 15, 2021, meeting minutes and bills. All members present voted "AYE"; motion carried.

The abatement was 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. Peluso, 2<sup>nd</sup> by Comm. Matthews to approve the Eckroth, Hernandez, Weixel (2), Freidt, Tschackofsky and Nevland 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 a petition to vacate the following section line right-of-way in Lincoln Township: the west 33' of Section 29, Township 138N, Range 80W, and the east 33' of Section 30, Township 138N, Range 80W, Burleigh County, ND.

North Dakota Department of Corrections and Rehabilitation Director Dave Krabbenhoft was present for the public hearing along with Director of Rough Rider Industries Rick Gardner, Attorney for DOCR Molly Goebel, and Warden for Transitional Facilities Joy Joyce. Dave explained the purpose of closing the section line was for public safety. John Reese who lives in the neighborhood said he uses the section line at times and the section belongs to the people, not government and was not in favor of closing the section line. Commissioners Peluso, Armstrong and Bitner felt that there was not a public benefit tradeoff and they felt public safety was not a public benefit tradeoff to close the section line.

As no one else present appeared the public hearing was closed, and the following motion was made:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to deny approval to vacate the following section line right-of-way in Lincoln Township: the west 33' of Section 29, township 138W, and the east 33' of Section 30, Township 138N, Range 80W, Burleigh County, ND. Commissioners Bitner, Armstrong, and Peluso voted "AYE", Commissioner Matthews and Madam Chairman Jones voted "NAY", motion carried.

This was the hour and date set for a public hearing regarding the Resolution of Necessity regarding SAD #75 Towne and Country Estates and Morgan Country Estates Subdivision.

County Engineer Hall appeared before the commission to explain the Special Assessment District #75 stating the residents circulate a petition around to the property owners in the subdivision, and the original petition had 60.5% of the benefitted properties and later acquired two more signatures increasing the total to 65.8%. The total cost of the special assessment is around \$382,000.00, slightly over \$10,000.00 per lot for the 38 benefitting lots. If the board finds insufficient protests of SAD #75 it is County Engineer Hall's recommendation to approve the resolution determining insufficiency of protests for street improvement District No. 75 and further to authorize and direct the engineer to prepare detailed plans and specifications for construction of the improvement.

Resident of the subdivision John Huber appeared before the commission stating that he is in favor of the road improvement project.

Resident of the subdivision Kara Heustis appeared before the commission and stated that she and her husband had purchased five lots adjacent to the lot where they reside, to create a buffer around their home back when she and her husband were still working, and have since retired, and now are on a fixed income and stated she does not know how they will pay for their portion of the road improvement on all the lots if it is approved.

Resident of the subdivision Bob Pedigo appeared before the commission and stated that he is in support of the road improvement, but he is not in agreement if the scope of the work was changed reducing the roads that would receive improvement.

County Engineer Hall clarified that the Fort Rice Township will be paying for 89<sup>th</sup> street portion of the road improvement.

Resident of the subdivision Doug Williams appeared before the commission and stated that he is in favor of the road improvement and offered to buy one of Kara Heustis's lots for \$50,000.00 and not build on it to help her with the financial burden she would incur if the road improvement project was approved.

As no one else present appeared, the public hearing was closed, and the following motion was made:

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to approve the resolution determining insufficiency of protests for street improvement District No. 75 and further to authorize and direct the engineer to prepare detailed plans and specifications for construction of the improvement. All members present voted "AYE"; motion carried.

This was the hour and date set to hear objections to the minimum prices as established for the November 16, 2021, delinquent tax sale (NDCC 57-28-11).

As no one present appeared, the public hearing was closed, and the following motion was made:

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to approve the minimum sales prices as presented. All members present voted "AYE"; motion carried.

Commissioner Matthews mentioned the new Burleigh County Zone Director, Rachel Bailey was unable to attend and would like to introduce her at the next meeting. Commissioner Matthews also mentioned the intention of the Zone Board was to increase from 6 to 7 members once a permanent Zone Director has been selected, so with the selection of Director Rachel Bailey the Zone Board is accepting applications at this time for an additional board member.

County Engineer Hall made a recommendation the County Auditor and the County Engineer are hereby authorized to advertise for bids for two motor graders under a 5 year-total cost bid with a guaranteed repurchase price at the end of this period. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to authorize the County Auditor and the County Engineer 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.

County Engineer Hall made recommendation the proper County officials are hereby authorized to enter into an agreement with Sattler Homes, Inc. to allow them to record the Apple Meadows third Subdivision prior to the completion of required roadway work. Commissioner Bitner indicated he has purchased property in the development and will abstain from voting. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso the proper County officials is hereby authorized to enter into an agreement with Sattler Homes, Inc. to allow them to record the Apple Meadows third Subdivision prior to the



completion of required roadway work. Commissioners Armstrong, Matthews, Peluso, and Madam Chairman Jones voted "AYE"; motion carried.

County Engineer Hall made a recommendation Burleigh County hereby adopt the attached 2022 Highway Department fee schedule. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to adopt the attached 2022 Highway Department fee schedule. All members present voted "AYE"; motion carried.

County Engineer Hall made recommendation 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. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to authorize the proper County officials 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. Peluso, 2<sup>nd</sup> by Comm. Armstrong to authorize the proper County officials to enter into an agreement with the County's unorganized Townships, assigning the roles and responsibility for maintaining township roads within Burleigh County. All members present voted "AYE"; motion carried.

County Engineer Hall presented a request from Paul Rohrer for a second road approach permit, and he went on to explain that Highway Department denied his request and asked the Burleigh County Board to direct the County Highway Department on how to proceed. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to allow Paul Rohrer a second road approach permit. All members present voted "AYE"; motion carried.

The Commissioners had a brief discussion about a Burleigh County budget article written by Gary Adkisson in the September 17, 2021, issue of the Bismarck Tribune. Since the commissioners did not have sufficient financial information, they decided to continue the discussion at another meeting once Finance Director Robin Grenz has additional financial information available.

NDSU Extension Agent Shaundra Ziemann-Bolinske appeared before the Commission and recommended herself and Annette Broyles as State Fair delegates representing Burleigh County at the State Fair Association annual meeting. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to appoint Shaundra Ziemann-Bolinske and Annette Broyles as State Fair delegates representing Burleigh County at the State Fair Association annual meeting. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to apply for grants to be awarded from the Court Facility Improvement and Maintenance Fund. All members present voted "AYE"; motion carried.

The Commissioners discussed possible renovation of the Provident Building and decided to have a workshop tentatively scheduled for January 10, 2022, to define the scope of the work and other related ideas pertaining to the Provident Building.

County Sheriff Leben made recommendation 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. Bitner 2<sup>nd</sup> by Comm. Peluso to authorize 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.

Veterans Service Officer Landis informed the Commissioners that the fundraising for the authorized monument to honor active military personnel and all veterans, living or deceased, from Burleigh County has been going quite well and the monument has been ordered and he is looking for guidance/approval for placement of the monument on the County Court House property once it arrives.

State's Attorney Lawyer informed the commissioners that she was not able to have a draft ordinance for the off-road vehicle ready for review because the first thing to look at is if the commission had the authority to pass an ordinance, and to do that it has to be in the Home Rule Charter. The County does have a Home Rule Charter, but it does not give authority to pass an ordinance. So, for the commission to pass an ordinance the Home Rule Charter would have to be amended and to amend the Home Rule Charter it would have to be approved by the commissioners then put to a public vote.

Comments from the public on off-road vehicles riding the ditches jumping the road approaches in the northeast part of Bismarck were as follows:

Jerry Thomas appeared before the commission and expressed his concern of road signs getting knocked down and the timing of when they are reinstalled, and safety of the individuals and liability in the event of an accident.

Tim Oswald appeared before the commission and let the commissioners know on his way from his house to the commission meeting, he saw a young individual riding a dirt bike jumping the road approach.

Area resident Brian Fettig appeared before the commission, lives on 40 acres approximately on and a half miles NE of Bismarck, near Sunrise and Silver Ridge additions, and appeared before the commission at the September 15<sup>th</sup>, 2021, meeting for this same issue. Brian gave an update of what has happened in the last 18 days. His report included calls to the law enforcement with underage kids in side by sides with no helmets, after dark riding, wheels off the ground, taunting, and exhibition driving. More videos and photos are being reported to law enforcement, the same issue is country wide by google search. Brian and area residents are concerned and would like the county to do something about this before someone gets hurt.

State's Attorney Lawyer informed the commission the issue will have to be handled under state law since the commission does not have the authority do anything about the off-road vehicles riding the ditches and jumping the approaches.

Mark Aurit appeared before the commission and expressed his disappointment about the sheriff's department in handling the off-road vehicle issue in NE Bismarck.

County Sheriff Leben addressed the public comments directed at his department stating that the departments moto is to respond and handle all situations with the most professional standards.

After lengthy discussion the commission concluded with a recommendation to investigate state law and work with parents to address the off-road vehicle issue in NE Bismarck, and the commission will discuss this issue at another meeting.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**September 15, 2021**

**5:16 P.M.**

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

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the September 1, 2021, meeting minutes and bills. All members present voted "AYE"; motion carried.

The abatement was 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. Peluso, 2<sup>nd</sup> by Comm. Armstrong to approve the Frank, Dennis, Bechtold, Wetzstein, Sharp and Young Bird (2) abatement along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong 2<sup>nd</sup> by Comm. Bitner 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.

County Planning Director Flanagan presented a Variance Request of approximately 20' relief from Article 12 Section 6 requirements for building setbacks on a Collector Road. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the variance request of approximately 20' relief from Article 12 Section 6 requirements for building setbacks on a Collector Road. Commissioners Armstrong, and Bitner voted "AYE", Commissioners Matthews, Peluso, and Madam Chairman Jones voted "NAY", motion failed.

County Engineer Hall made a recommendation the County Board of Commissioners do hereby grant Terry James 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 Rafter H Bar Subdivision.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to accept the recommendation the County Board of Commissioners do hereby grant Terry James 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 Rafter H Bar Subdivision. All members present voted "AYE"; motion carried.

County Engineer Hall made a recommendation to apply for the Special Road Fund (SRF) projects, for two projects. First, the mill and overlay of 93<sup>rd</sup> Street NE from Highway 10 to the entrance to McDowell Dam (1.1 miles). The total cost of this project would be around \$440,000. Under the SARF program the State would cover 60% (\$264,000) of the project and the County would cover 40% (\$176,000). The second project would include the reshaping and paving of 12<sup>th</sup> Street SE from Sibley Drive south to the entrance of the Federal property adjacent to the Missouri River (0.62 miles). The total cost of this project would be around \$300,000, with the State covering 60% (\$180,000) and the County covering 40% (\$120,000).

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to apply for the Special Road Fund (SRF) projects, for two projects. First, the mill and overlay of 93<sup>rd</sup> Street NE from Highway 10 to the entrance to McDowell Dam (1.1 miles). The total cost of this project would be around \$440,000. Under the SARF program the State would cover 60% (\$264,000) of the project and the County would cover 40% (\$176,000). The second project would include the reshaping and paving of 12<sup>th</sup> Street

SE from Sibley Drive south to the entrance of the Federal property adjacent to the Missouri River (0.62 miles). The total cost of this project would be around \$300,000, with the State covering 60% (\$180,000) and the County covering 40% (\$120,000). All members present voted "AYE"; motion carried.

County Engineer Hall made a recommendation the Burleigh County Board approves the funding of a Premium Pay for essential workers program as laid out in the Board letter using funds from the American Rescue Plan. After discussion the County Commissioners agreed to add the verbiage to guideline number 2, "that the employees hours worked would be in Burleigh County".

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the funding of a Premium Pay for essential workers program as laid out in the Board letter using funds from the American Rescue Plan, including adding the verbiage to guideline number 2, "that the employees hours worked would be in Burleigh County". Commissioners Matthews, Peluso, Bitner, and Madam Chairman Jones voted "AYE", Commissioner Armstrong voted "NAY", motion carried.

County Engineer Hall made recommendation the proper County officials are hereby authorized to enter into an agreement with each of the American Rescue Plan grant recipients. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to accept the recommendation the proper County officials are hereby authorized to enter into an agreement with each of the American Rescue Plan grant recipients. All members present voted "AYE"; motion carried.

NDACo Executive Director Terry Traynor talked about the Federal Infrastructure Investment and Jobs Act, going over the contents and the status that as of this date; it is not law yet.

Area resident Brian Fettig who lives on 40 acres approximately one and a half miles NE of Bismarck, near the Sunrise and Silver Ridge additions, alone with other neighboring residents expressed their concerns/complaints with dirt bikes, ATV, and OHV usage in the ditches in their area. Brian showed photos and videos of the activity roaming in the ditches and he and his neighbors have concerns of liability and noise, etc. and asked the Commission for support to rectify the problem. after a lengthy discussion the Commission agreed to have State's Attorney Lawyer investigate the possibility of creating restrictions or a variance for the use of the ditches.

Comm. Matthews mentioned that the County has hired a new Zone Director, starting September 20, 2021, and her name is Rachel Bailey.

**6:25 P.M.**

The Burleigh County Commission recessed until 6:30 P.M.

**6:33 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, 2022.

Madam Chairman Jones call for further testimony. Hearing none the public hearing was closed.

The Burleigh County Commission immediately reconvened with all members present.

Finance director Grenz presented the commission with the preliminary budget estimates as proposed, the property owners within the city will see a 4.04 mill levy increase and those outside the city will see a 3.01 mill levy increase.

Madam Chairman Jones gave an overview of what the budget committee was able to accomplish through meeting with all the departments.

Bismarck Mandan Chamber/EDC President Brian Ritter was present in support of their budget request and spent time updating the commission on positive points the Chamber/EDC has been doing for the county.

NDACo Executive Director Terry Traynor was present in support of their membership to Burleigh County outlining how the county benefits from their services.

Library Director Christine Kujawa told the commission how the bookmobile increases quality of life, and she read excerpts of letters of support from county residents. Kujawa said that the bookmobile costs the average taxpayer about \$12 a year in taxes. Residents outside city limits pay for the bookmobile with their taxes.

Mike Fladeland, member of the Board of Trustees of the Bismarck Library spoke in favor of the bookmobile and explaining that it adds to quality of life.

John Spitzer appeared with concerns about roads and how they are neglected and stated that he is an advocate in an increase in the mill levy for the county roads.

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

Motion by Comm. Bitner 2<sup>nd</sup> by Comm. Peluso to approve and authorize the maximum mill levies for the Unorganized Townships of Lincoln, Burnt Creek, Canfield, Riverview, Fr. Rice, Lyman, Phoenix, and Florence Lake. All members present voted "AYE"; motion carried.

The Burleigh County Commission immediately reconvened with all members present.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to cut the budget as follows: the Jobs Development, \$100,000; Computer Budget, \$100,000; Provident Building, \$500,000; Bookmobile, \$100,000 for a total of \$800,000 deduction. Commissioner Armstrong voted "AYE", Commissioners Bitner, Peluso, Matthews, and Madam Chairman Jones voted "NAY", motion failed.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to transfer 1 mill from the Missouri Valley Complex to the General Fund for the purpose of buying down the mill levy. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to reduce 1 mill from the Provident Building Renovation budget. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to take 1.5 mills from the General Fund Reserves for the purpose of buying down mill levies. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to reduce .5 mill from the County Road Fund. All members present voted "AYE"; motion carried. Commissioners Peluso, Matthews, and Madam Chairman Jones voted "AYE", Commissioners Bitner and Armstrong voted "NAY", motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to approve thru 2022 final budget with the additional funding from General Fund Reserves and budget cuts as previously voted on. Commissioners Peluso, Matthews, and Madam Chairman Jones voted "AYE", Commissioners Bitner and Armstrong voted "NAY", motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to approve the contract with the Centre, Inc., for Community Service & Misdemeanor Probation services. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve the Joint Powers Agreement for Provision of Public Health Services to include adding the word vaccine following the word flu. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the Agreement for the Joint Exercise of Government Powers with the City of Bismarck relating to Police Youth Bureau Contract. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to approve the contract with the Mountain Plains Youth Services (Youthworks) for the provision of Attendant Care and Emergency Shelter Care Services. All members present voted "AYE"; motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**September 1, 2021**

**5:00 P.M.**

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

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to approve the August 16, 2021, meeting minutes, the August 17, 2021, workshop meeting minutes and bills. All members present voted "AYE"; motion carried.

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

Public Health Director Renae Moch along with Health Officer for Bismarck and Burleigh County, David Pengilly M.D., gave an update on the Covid-19 cases, number of hospitalizations, active cases in Burleigh County to date are at 451, positivity rate is at 5.32 and the 14-day revolving is at 7.10. Comm. Matthews gave an update on vaccinations ages 12 and up; Burleigh County is at 46.9%, the state of ND is at 48.4%, and the Globe is at 70%.

Lewis & Clark Executive Director Bent Ekstrom gave an update to the County what services are provided by the organization, from property management to a new loan program for struggling businesses and affordable housing, leverages public and private investment by providing loans to start-up and expanding businesses and grants to city and county governments for infrastructure and public improvements. They can be contacted at [www.lcdgroup.org](http://www.lcdgroup.org).

Architect Al Fitterer presented the Courthouse Remodel bid results as follows: General Contractor; Dakota West Contracting including alternates, \$572,950.00, Asbestos Abatement; Total Control, \$38,930.00, Fire Protection; Nova Fire Protection, \$39,315.00, Seating Supplier; Interoffice, \$28,387.00, Mechanical Contractor; Central Mechanical including alternates, \$280,700.00, and Electrical Contractor; Edling Electric including alternates except the Fixture deduct alternate of (\$642.00), \$201,565.00, for a total amount of \$1,161,847.00, and asked for approval to move forward with the bids as presented.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to accept the bids as follows: General Contractor; Dakota West Contracting including alternates, \$572,950.00, Asbestos Abatement; Total Control, \$38,930.00, Fire Protection; Nova Fire Protection, \$39,315.00, Seating Supplier; Interoffice, \$28,387.00, Mechanical Contractor; Central Mechanical including alternates, \$280,700.00, and Electrical Contractor; Edling Electric including alternates except the Fixture deduct alternate of (\$642.00), \$201,565.00, for a total amount of \$1,161,847.00. All members present voted "AYE"; motion carried.

Madam Chairman Jones presented a letter to the Commission addressed to Big Sky Passenger Rail Authority stating that the County cannot, at this time or in the future, offer any financial support or accept any financial obligations and asked for approval to sign and mail the letter to Big Sky Passenger Rail Authority. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to sign and mail the letter addressed to Big Sky Passenger Rail Authority stating that the County cannot, at this time or in the future, offer any financial support or accept any financial obligations. Commissioners Matthews, Peluso, Armstrong, and Madam Chairman Jones voted "AYE", Commissioner Bitner voted "NAY"; motion carried.

County Engineer Marcus Hall made a recommendation to accept the Challenges and Opportunities for Burleigh County report and have it included on the County website. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to accept the Challenges and Opportunities for Burleigh County report and have it included on the County website. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to have the Burleigh County employees draft a priority list for the Challenges and Opportunities for Burleigh County report. All members present voted "AYE"; motion carried.

County Engineer Marcus Hall gave an update on the American Rescue Plan, saying he has submitted a draft of an agreement with the recipients of the American Rescue Plan funds to the State's Attorney's office for review. Also, the county has received \$9,287,114.50 and to date the board has authorized \$5,382,000 in projects, but nothing was said about a maximum amount per project, and, wanted clarification if the board wanted a maximum amount authorized per projects.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner the amount an applicant is approved to receive from the American Rescue Plan funds shall be the maximum amount received per project. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to approve Burleigh County, applicant of the American Rescue Plan funds, to purchase a 2-year supply of PPE supplies for \$374,440. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to approve \$1,000,000 American Rescue Plan funds into the 66<sup>th</sup> St. overpass and Apple Creek Bridge project savings account. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve \$666,666 American Rescue Plan funds to the Wilton Street and Utility Project. All members present voted "AYE"; motion carried.

County Engineer Marcus Hall suggested the American Rescue Plan funds premium pay for essential workers be capped at \$50,000 per entity, Comm. Matthews asked for a breakdown and to return with the information at the next County Commission Meeting.

County Engineer Marcus Hall proposed a resolution that the proper County officials are hereby authorized to enter into an agreement with; Beaver Creek Archaeology for \$8,000.00 to perform Cultural Resource and Wetland Delineation Report, Braun Intertec for \$8,505.00 to perform Geotechnical Evaluation and Report, and Apex Engineering for \$78,950.00 to perform Hydraulics Analysis and Design work on the 28<sup>th</sup> Street NW project. Additional services, requested by the County, will be paid for hourly up to a maximum of \$10,000.00. Engineer Hall mentioned purchasing about \$400,000.00 to \$500,000.00 of culverts and paving of about \$500,000.00 will be future costs associated with the project.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to accept the resolution that the proper County officials are hereby authorized to enter into an agreement with, Beaver Creek Archaeology for \$8,000.00 to perform Cultural Resource and Wetland Delineation Report, Braun Intertec for \$8,505.00 to perform Geotechnical Evaluation and Report, and Apex Engineering for \$78,950.00 to perform Hydraulics Analysis and Design work on the 28<sup>th</sup> Street NW 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.

County Engineer Marcus Hall gave a summary of the Workshop held on August 17, 2021. The consensus from the Commissioners was to spend a little more time on maintenance than new construction. The County Highway Department has since been doing extensive patching on Apple Creek Road, and approximately 20 miles of gravel road adding clay to the mix for a more solid base. Commissioner Armstrong mentioned that it would be nice if there was a way to track the



costs of snow removal each season to determine the saving on a light season. Engineer Hall said he would investigate supplying such information.

HR Director Pam Binder presented the Recruitment Policy with adjustments to reflect more appropriate verbiage and asked for approval. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to accept presented the Recruitment Policy with adjustments to reflect more appropriate verbiage as presented by HR Director Binder.

HR Director Pam Binder along with Sheriff Kelly Leben presented an incentive plan giving County employees 8 hours of vacation if they get the COVID-19 vaccination. This would be retroactive to employees that have already been vaccinated, approximately 300 total. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to not accept the incentive plan giving County employees 8 hours of vacation if they get the COVID-19 vaccination. Commissioners Peluso, Bitner, and Armstrong voted "AYE", Commissioner Matthews and Madam Chairman Jones voted "NAY", motion carried.

Sr. State's Attorney Dennis Ingold sat in for State's Attorney Julie Lawyer, and he reiterated the recommendation from State's Attorney Lawyer to wave Burleigh County's right to participate in the mediation of a dispute of an annexation between a property owner, and the city of Lincoln. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to wave Burleigh County's right to participate in the mediation of a dispute of an annexation between a property owner, and the city of Lincoln. All members present voted "AYE"; motion carried.

Commissioner Armstrong gave a background of the County expenditures, the total general fund is at \$29,945,316 and salaries and fringe benefits totaling up to \$20,936,181, salary expenditures making up about 70% of the total budget. Commissioner Armstrong proposed budget cuts in areas to not cut employee salaries, and they were; to cut \$100,000.00 for jobs development, \$52,000.00 in dues to the NDACo's, and \$300,000.00 for the Book mobile. The commissioners discussed the cuts, and all agreed to take some time to think it over and continue the topic at the next County Commission Meeting.

Madam Chairman Jones gave an update from the Corps of Engineers; the Missouri River average daily releases are at 21,000 CSF, on September 9, 2021, the releases will drop to 18,000 CSF, on September 16, 2021, the releases will drop to 16,000 CSF, and by the end of September 2021 the releases will drop to 13,000 CSF.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
August 16, 2021**

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, Matthews, Peluso, Bitner, and Madam Chairman Jones, present.

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

The 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. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the Stern, Meisner Construction, Sassee Enterprises, and Rants (3) abatements, along with the remainder of the Consent Agenda. All members present voted "AYE." Motion carried.

Program Supervisor Allison Schroeder with Centre Inc. delivered a budget update for the Community Service & Adult Misdemeanor Program: Adult Community Service Cases has seen a decrease this year due to Covid; the stats for the Adult Supervised Misdemeanor Probation and 24/7 Testing Program were viewed by the Commission and there were no comments.

County Engineer Marcus Hall went over the authorization to enter into an engineering consultant agreement for the Design Engineering of Culverts on our 28<sup>th</sup> Street NW project; the Firm selected for Cultural Resource and Wetland Delineation Report was Beaver Creek Archaeology for \$8,000.00, the Firm selected for Geotechnical Evaluation and Report was Braun Intertec for \$8,505.00, and the firm selected for Hydraulics Analysis and Design was Apex Engineering for \$78,950.00. Hall said no action was needed at this time, and the commission will be discussing the county highway projects on Tuesday August 17 at 5:00pm which could include further discussion on this project. The commission agreed to carry the discussion to the September 1, 2021 regular County Commission Meeting.

County Engineer Marcus Hall informed the commission per their discussion the County Auditor, County Finance Director, County Engineer, and County Highway Accountant shall prioritize the American Rescue Plan projects. The list was submitted for 15 applicants with projects. The County has received \$9,287,114.50 so far and will receive the same amount in June 2022.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve the American Rescue Plan first group of projects as follows: Burleigh County Courthouse Renovation for \$603,501, Morton Township First Responder for \$1,900, Morton Township Standby Generator for \$5,800, Bryan Slough Project for \$1,000,000, Provident Building Renovation for \$2,000,000, Joan Hentzel Memorial 4-H Building Broadband Access for \$12,750, Wing, ND Water Main Replacement for \$1,000,000, and Burleigh County WTP Improvements for \$758,151.

Commissioners Peluso, Bitner, and Armstrong, voted "AYE", Commissioners Matthews and Madam Chairman Jones voted "NAY"; motion carried.

County Engineer Marcus Hall made a recommendation to move forward with developing contracts with the following American Rescue Plan projects; Burleigh County Courthouse Renovation for \$603,501, Morton Township First Responder for \$1,900, Morton Township Standby Generator for \$5,800, Bryan Slough Project for \$1,000,000, Provident Building Renovation for \$2,000,000, Joan Hentzel Memorial 4-H Building Broadband Access for \$12,750, Wing, ND Water Main Replacement for \$1,000,000, and Burleigh County WTP Improvements for \$758,151.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to accept the recommendation to move forward with developing contracts with the following American Rescue Plan projects; Burleigh County Courthouse Renovation for \$603,501, Morton Township First Responder for \$1,900, Morton Township Standby Generator for \$5,800, Bryan Slough Project for \$1,000,000, Provident Building Renovation for \$2,000,000, Joan Hentzel Memorial 4-H Building Broadband Access for \$12,750, Wing, ND Water Main Replacement for \$1,000,000, and Burleigh County WTP Improvements for \$758,151. Commissioners Peluso, Bitner, Matthews, and Armstrong, voted "AYE", Commissioner Madam Chairman Jones voted "NAY"; motion carried.

County Engineer Marcus 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 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 William Miller 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 MH Subdivision.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso 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 William Miller 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 MH Subdivision. All members present voted "AYE"; motion carried.

Planning Director Mitch Flanagan made a recommendation the Burleigh County Commission approve the MH Subdivision Final Plat conditioned on approval of a paving waiver and an amendment to the Master Road Plan. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve the MH Subdivision Final Plat conditioned on approval of a paving waiver and an amendment to the Master Road Plan. All members present voted "AYE"; motion carried.

Planning Director Mitch Flanagan made a recommendation the Burleigh County Commission waive the \$300.00 fee for a variance petition to the planning commission for Josey Milbradt, 8000 Cordgrass Dr. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to waive the \$300.00 fee for a variance petition to the planning commission for Josey Milbradt, 8000 Cordgrass Dr. All members present voted "AYE"; motion carried.

Finance Director Grenz gave an update on the estimated mill levies for Burleigh County. After receiving all of the county budgets, the portion of the county within city limits will be seeing an increase of 4.04 mills over last year. The portion outside of the city limits will be seeing an increase of 3.01 mills. This increase is due to the Soil Conservations budget increasing. This budget has historically been under 1 mill, this year they are requesting 1.23 mills. An increase of .45 mills over last year. This equates to \$46.35 on a 255k house inside city limits or \$1.81 per 10k of value. For those outside of city limits this equates to \$34.54 on a 255k house, or \$1.35 per 10k of value.

Other Business:

Comm. Matthews update: Senior Center is closed for any in house business, they've had some Covid cases and will still be doing foot care by appointment with their drive through and meal delivery. Also, Burleigh County Health has indicated that the active Covid cases are at 171 with 5.2 – 14 day rolling average.

Madam Chairman Jones asked the commission if they would be interested in sending a letter of support to the Big Sky Passenger Rail Authority to reestablish passenger rail service along the North Coast Hiawatha route.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to send a letter of support to the Big Sky Passenger Rail Authority to reestablish passenger rail service along the North Coast Hiawatha route, drafted by the State's Attorney, to include but not limited to; 1) That passenger rail service in no way inhibit the Burlington Northern Santa Fe's ability to move commodities such as grain, coal or oil in and out of North Dakota, 2) That there be a passenger stop along the North Coast Hiawatha somewhere in Bismarck-Mandan, Burleigh or Morton Counties, 3) That the reestablishment of passenger rail service result in no financial obligations to our local or state political subdivisions. Commissioners: Armstrong, Matthews, and Madam Chairman Jones, voted "AYE", Commissioners Bitner and Peluso voted "NAY"; motion carried.

Meeting adjourned at 6:10 p.m.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
August 2, 2021**

**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, Peluso, Bitner, Armstrong and Madam Chairman Jones, present.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve the July 21, 2021 meeting minutes and bills. All members present voted "AYE"; motion carried.

There were not any abatements or special use permits for approval.

Veterans Service Officer Mark Landis discussed a Military and Veterans Monument to be privately funded and wishes for it to be located on the Court House property someplace, to be determined later, and asking for the Auditor to establish a fund to receive the donations. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to allow the privately funded Military and Veterans Monument to be placed on the Court House Property someplace and to allow the Auditor to establish a fund to receive the donations. All members present voted "AYE"; motion carried.

Black Rhino Airsoft, LLC requested usage of the land at the Complex in the area where the car race track once was. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to deny allowing Black Rhino Airsoft, LLC the use of the land. All members present voted "AYE"; motion carried.

Engineer Marcus Hall made a recommendation Burleigh County accepts the Engineering Report and Petition for Paving Improvements and declares a Resolution of Necessity for the Towne and Country Estates and Morgan Country Estates Subdivisions special assessment district (SAD #75), and to authorize the call for a Public Hearing regarding the same.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to accept the Engineering Report and Petition for Paving Improvements and declares a Resolution of Necessity for the Towne and Country Estates and Morgan Country Estates Subdivisions special assessment district (SAD #75), and to authorize the call for a Public Hearing regarding the same. All members present voted "AYE"; motion carried.

Sheriff Kelly Leben made a recommendation to approve the 2021 Justice Assistance Grant between Burleigh County and the City of Bismarck.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the 2021 Justice Assistance Grant between Burleigh County and the City of Bismarck. All members present voted "AYE"; motion carried.

Commissioner Armstrong indicated he didn't have any budget discussion at this time.

Motion by Comm. Bitner 2<sup>nd</sup> by Comm. Armstrong for a Public Hearing to close the section line on the property surrounding the Missouri River Correctional Center to which the DOCR has received quiet title. All members present voted "AYE"; motion carried.

The commissioners did not have any updates of concerns with their portfolios.

Other Business; Madam Chairman Jones mentioned the Big Sky Rail is interested in starting up passenger rail transportation from Spokane Washington to Minneapolis Minnesota, to include the topic on the next meeting for discussion.

The Bismarck Police will be conducting dog training on August 5<sup>th</sup> and August 6<sup>th</sup> at the Missouri Valley Complex.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**July 21, 2021**

**8:30 A.M.**

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

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to approve the July 7, 2021 meeting minutes and bills. All members present voted "AYE"; motion carried.

The abatement was 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. Armstrong, 2<sup>nd</sup> by Comm. Matthews to approve the Rood abatement as requested and recommended; to approve the Gaming Site Authorization, Driscoll Betterment Club. All members present voted "AYE"; motion carried.

Madam Chairman Jones closed the Burleigh County Commission Meeting and opened the Public Hearing on Proposal that Burleigh County issue MIDA Bonds for the Light of Christ Catholic Schools project. Scott Wegner with Arstson Stewart Wegner PC explained the Light of Christ Catholic Schools of Excellence, a North Dakota nonprofit corporation has requested the cities of Linton, ND, Hazelton, ND, Wilton, ND, and Lincoln, ND, to issue revenue bonds for the benefit of the Corporation in the aggregate principal amount not to exceed \$34,000,000. No one from the public was present, Madam Chairman Jones closed the the Public Hearing and reopened the Burleigh County Commission Meeting.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to accept the Resolution Approving the Issuance of Bonds under the Municipal Industrial Development Act. All members present voted "AYE"; motion carried.

Madam Chairman Jones closed the Burleigh County Commission Meeting and opened the Public Hearing on the Issuance of MIDA Bonds by the Cities of Linton, Hazelton, Wilton, and Lincoln for a project in Burleigh County. Scott Wegner with Arstson Stewart Wegner PC explained the Light of Christ Catholic Schools of Excellence, a North Dakota nonprofit corporation has requested the Issuer to issue its School Facilities Revenue Refunding Bonds in an amount not exceeding \$7,000,000 for the proposed of (a) refunding in part the City of Linton, School Facilities Revenue Bond Series 2018A. No one from the public was present, Madam Chairman Jones closed the Public Hearing and reopened the Burleigh County Commission Meeting.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to accept the Bond Resolution. All members present voted "AYE"; motion carried.

Election Manager Erika White submitted a list of 14 candidates to be considered for the ad hoc election committee. Election Manager White included a list of the candidates to include: 2 Legislators, 2 District Party Chairs, one County Commissioner, one each of City; School, Park, Township representatives, Election Manager White and Auditor Vetter. A total of 12 members.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to accept Mike Nathe and Nicole Poolman as the ad hoc "Legislative" committee members. Comm. Peluso, Bitner, and Armstrong voted "AYE"; Comm. Matthews and Jones voted "NAY"; motion carried.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso to accept Karl Lembke and Mary Rennich as the ad hoc "District Party Chairs" committee members. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to accept Becky Matthews as the ad hoc "County Commissioner" committee member. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to accept Keith Hunke/Jason Tomanek at the ad hoc "City Representative" committee member. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to accept Darin Scherr as the ad hoc "School Representative", Kevin Klipfel, "Park Representative", James Small "Township Representative" committee members. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to accept Donnell Preskey Hushka as the ad hoc "Election Worker" committee member. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to accept Election Manager White and Auditor/Treasurer Vetter as the ad hoc committee members. All members present voted "AYE"; motion carried.

Sheriff Kelly Leben made a request for Authorization to Hire Temporary, Part-Time Certified Medication Assistants at \$16.00 per hour and no benefits. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso to approve for Authorization to Hire Temporary, Part-Time Certified Medication Assistants at \$16.00 per hour and no benefits. All members present voted "AYE"; motion carried.

Finance Director Grenz presented the preliminary budget to the Board along with a recommendation to raise the Sheriff and Detention Salary and Fringe Benefit line items due to an extra holiday's overtime pay. Finance Director Grenz also recommended lowering the utilities budget due to not needing to budget for certain expenses. The net effect of these changes was a decrease of \$84,861. Finance Director Grenz stated that the preliminary budget as presented with the changes would amount to an increase of \$41.54 to a residence inside the city limits valued at \$255,000, and an increase of \$29.95 for the same valued residence outside of city limits. Those numbers break down to \$1.63 increase per \$10,000 of property value inside the city limits and \$1.17 increase per \$10,000 outside city limits. The majority of the increase in the budget from last year is salaries due to the adjustment to the pay scale, along with a proposed 3% cost of living increase. The Road Department is also proposing a 2 mill increase over last year to help fund the matching fund account and add to the dollars available for road projects above what they receive in gas tax funds.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to adopt the preliminary budget with the changes recommended by Finance Director Grenz and call for final budget hearing September 15, 2021. Comm. Armstrong, Matthews, Peluso, and Jones voted "AYE"; Comm. Bitner voted "NAY"; motion carried.

Each Commissioner gave updates on their portfolios as felt needed.

Commissioner Armstrong requested continued budget discussion be included on the agendas for each meeting until the final budget meeting.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman



**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
July 7, 2021**

**5:00 P.M.**

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

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve the June 21, 2021 meeting minutes and bills. All members present voted "AYE"; motion carried.

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the Weigel & Stolz Abatements as requested and recommended; to approve the SE liquor license application of Flash's Place (July 9<sup>th</sup> & 10<sup>th</sup> Wing Rodeo beer garden). All members present voted "AYE"; motion carried.

Other Business: Madam Chairman Jones complimented the county on a near perfect Audit Report, adding that the one little oversight has been corrected.

There was some confusion with the Driscoll Betterment Club and the use of fireworks, they had contacted the Media stating they are having a display even after Burleigh County banned all fireworks at the last County Commission Meeting. The display was moved to Kidder County where it was permitted.

The rural Fire Chief noted there were fireworks being discharged at the "Desert" but the persons shooting the fireworks had left before law enforcement arrived.

One small fire had started by a tractor plowing a field.

The County Landfill, owned by DB Waste LLC, on North 34<sup>th</sup> Street, has had some issues and the community is working with the Environmental Quality, State of ND. Madam Chairman Jones opened the meeting to the floor to anyone from the public to ask questions of the Commissioners, no comments or questions were brought forward.

Scott Wegner with Arntson Stewart Wegner PC made a recommendation to have a public hearing on July 21 regarding issuance of MIDA Bonds by the Cities of Linton, Hazelton, Wilton, and Lincoln for a project in Burleigh County, and, regarding proposal that the Burleigh County issue MIDA Bonds for the Light of Christ Catholic Schools project.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to accept Scott Wegner recommendation to have a public hearing on July 21 regarding issuance of MIDA Bonds by the Cities of Linton, Hazelton, Wilton, and Lincoln for a project in Burleigh County, and, regarding proposal that the Burleigh County issue MIDA Bonds for the Light of Christ Catholic Schools project. All members present voted "AYE"; motion carried.

Election Manager Erika White presented applications for an ad hoc election committee. The committee would consist of two legislators, two district party chairs, (preferably one from each party) one city, one school, one park, and one township representative, one election worker, one County Commissioner, Election Manager Erika White, and Auditor Vetter. The committee would consist of 12 members. After reviewing the list Commissioners Bitner and Armstrong indicated that they will not support Erin Oban. After discussion the commission asked Election Manager Erika White to seek out more

applicants and return to the July 21, 2021 Burleigh County Commission Meeting to continue discussion and approval of the committee.

Finance Director Robin Grenz made a recommendation to create an I.T. (Information Technology) and Provident Renovation Accounts, and to move the Abandoned Cemeteries and Victim Witness from their Special Revenue Funds to the General Fund.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to create an I.T. (information Technology) and Provident Renovation Accounts, and to move the Abandoned Cemeteries and Victim Witness from their Special Revenue Funds to the General Fund. All members present voted "AYE"; motion carried.

Finance Director Robin Grenz informed the Commissioners that the cost for I.T. (Information Technology) is ever increasing in cost outsourcing, and, that we will want to eventually have our own I.T. Dept. at the county. Robin and the commission discussed the idea, and no action was taken.

Engineer Marcus Hall explained to the commission that we are close, maybe the end of July to knowing how the county will be able to use the American Rescue Plan money, and made a recommendation to approve; That the Burleigh County Board approves of the attached American Rescue Plan Project Application form and directs staff to solicit projects from eligible agencies/partners; and review, rank and present the complete list of projects to the County Board for final selection.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to approve That the Burleigh County Board approves of the attached American Rescue Plan Project Application form and directs staff to solicit projects from eligible agencies/partners; and review, rank and present the complete list of projects to the County Board for final selection. All members present voted "AYE"; motion carried.

Engineer Marcus Hall went over the Challenges and Opportunities for Burleigh County Plan stating that a few months ago the County Board asked the department heads to start putting together a Strategic Plan for Burleigh County. No action was necessary at this time nor was taken.

Engineer Marcus Hall made a recommendation Authorizing to enter into an engineering consultant agreement with HDR for \$415,994.00 to perform design engineering services for the construction/reconstruction of Bridges on our 66<sup>th</sup> Street SE Railroad Overpass project.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner Authorizing to enter into an engineering consultant agreement with HDR for \$415,994.00 to perform design engineering services for the construction/reconstruction of Bridges on our 66<sup>th</sup> Street SE Railroad Overpass project. All members present voted "AYE"; motion carried.

Sheriff Kelly Leben gave an update on the Quarterly Jail Report along with the Detention Center and issues attracting new hires including nurses.

HR Director Pam Binder has updated the HR Policies, so the language is consistent with current practices at the county departments.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to accept the Code of Conduct changes as presented. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to accept the Harassment Policy changes as presented. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to accept the General Human Resource Policies changes as presented. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Bitner to accept the Holiday Policy changes as presented. Comm. Armstrong, Matthews, and Madam Chairman Jones voted "AYE", Comm. Peluso and Bitner voted "NAY"; motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
June 21, 2021**

**5:00 P.M.**

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

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

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso to approve the June 7, 2021 meeting minutes and bills. All members present voted "AYE"; motion carried.

The following applications for licenses & permits were presented for the Board's consideration; complete copies which are on file and available for inspection in the Office of the County Auditor/Treasurer: Flash's Place, LLC, Class D, Apple Creek Country Club, Class E, Crossroads Tavern, Class D, Black Leg Brewery, LLC, Class BB, Nicholson Enterprises, LLC, Class D, Bismarck Lions – raffle permit.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the Consent Agenda. All members present voted "AYE"; motion carried.

In Other Business, Emergency Manager Senger informed the Commission that all the Fire Chiefs support and request a ban on fireworks and that is why the Chairperson issued a temporary ban on fireworks on June 6 2021, and NDCC allows for the ban by the Chairperson to be in effect for 7 days or the next County Commission meeting to organize and discuss a full Fireworks ban.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to extend the fireworks ban including the lanterns till July 5, 2021. All members present voted "AYE"; motion carried.

Also, in Other Business, Madam Chairman Jones informed the Commission that she attended the Governors drought meeting in Washburn the prior week, and Human Services Department has set up a 211 number for anyone going through stress of any kind, and, the best information available is through the local Extension Agent or the Department of Agriculture.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to accept the Land Lease for Haying between Arnie Zent and Burleigh County, ND at the Missouri Valley Complex. All members present voted "AYE"; motion carried.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso to accept the Ground Lease and the Extension Lease between the Park District of the City of Bismarck and Burleigh County, ND at the Missouri Valley Complex. All members present voted "AYE"; motion carried.

Engineer Hall made a recommendation Authorization to seek various design services from several consultant engineering firms on the 28<sup>th</sup> Street NW Project.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to Authorization to seek various design services from several consultant engineering firms on the 28<sup>th</sup> Street NW Project. All members present voted "AYE"; motion carried.

Taylor Kindseth with Black Rhino Airsoft LLC. was present and said he had sent in the information to the city planning for approval and the city said there would have to be a zoning change in order to be allowed at the area presented at the Missouri Valley Fairgrounds. the city will have this on their meeting on June 22, 2021 agenda.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**June 7, 2021**

3:00 P.M.

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

Tax Equalization Director 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 2021 market value increased overall by 3.70% from February 1, 2020 to February 1, 2021 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 \$503.98 per acre. Vietmeier recommended an average value per acre of \$468.07 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.

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.

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

Ron Kraft of 6601 Apple Creek Dr appeared to contest the value of his property. After discussion it was decided that Tax Director Vietmeier will visit Mr. Kraft's property and if any adjustments are needed, we will employ the abatement process:

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong, 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 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. Armstrong, 2<sup>nd</sup> by Comm. Peluso, to accept the Tax Equalization Director's recommendation of an average of \$468.07 per acre on Ag land values. All members present voted "AYE." Motion carried.

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

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

The Wingate and Holliday Inn properties in the City of Bismarck appealed. After reviewing the provided information and at the direction of Tax equalization Director Vietmeier Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to deny the appeals for Wingate and Holliday Inn properties and to concur with the City of Bismarck 2021 assessment. All members present voted "AYE." Motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong, 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.

Madam Chairman Jones 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, 2<sup>nd</sup> by Comm. Peluso, 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. Peluso, 2<sup>nd</sup> by Comm. Armstrong, 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. Peluso, 2<sup>nd</sup> by Comm. Matthews, to approve and accept the 2021 real property assessments as equalized, including an average AG value of \$468.07 per acre, and to authorize the Tax Equalization Director Vietmeier to make corrections to property values on inundated lands in Burleigh County as needed, and further to adjourn sine die. All members present voted "AYE." Motion carried.

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

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

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

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the May 17, 2021 meeting minutes and bills. All members present voted "AYE." Motion carried.

The 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. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the Vincent, Schweigert, Quale, Bradford, Gonzales, Shook, Knudsen, Wuori, Blaeser and Peightal abatements along with the remainder of the Consent Agenda. All members present voted "AYE." Motion carried.

Other Business, Madam Chairman Jones updates:

Madam Chairman Jones thanked Comm. Armstrong for finding a donor for the Symphony fireworks display. Comm. Armstrong mentioned that he contacted Ron Knutson of Memory Fireworks and asked if he would donate \$5,000.00 for the Symphony fireworks display and Ron said he would.

Madam Chairman stated that State's Attorney Julie Lawyer informed her that there was a change in the law allowing approval of donations by the County Commission for events where the community could not afford on their own.

Madam Chairman Jones talked about the American Rescue Plan, ARP, (Federal money for Covid-19) and mentioned that there is little guidance at this time as how the money can be used, so she said whenever other entities call and ask about the use of the money let them know that it is unknown how the money can be used at the present time.

Madam Chairman Jones made a recommendation to create a committee made up of Auditor Vetter, Finance Director Grenz, Engineer Hall, Madam Chairman Jones, and Highway Account Manager Schulz, to propose projects/ideas for the use of the ARP monies once it is known what the monies can be used for, and bring the proposals to the commission for final approval.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to create a committee made up of Auditor Vetter, Finance Director Grenz, Engineer Hall, Madam Chairman Jones and Highway Account Manager Schulz, to propose projects/ideas for the use of the ARP monies once it is known what the monies can be used for and bring the proposals to the commission for final approval. All members present voted "AYE." Motion carried.

Comm. Matthews had a brief update on the Zone Board.

Election Manager White requested approval and appointment of ad hoc election committee.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Bitner to approve the formation of an ad hoc election committee to review and submit a recommendation(s) to conduct future elections; grants approval to the Election Manager to solicit applications to fill vacancies on the committee; and, the Commission will review applications at a later date to appoint members. All members present voted "AYE." Motion carried.

State's Attorney Julie Lawyer explained to the Commission in order to vacate a roadway a petition must be filed with all landowners adjoining the roadway to be vacated before the Commission can vote to vacate the roadway. Julie made a recommended that the Commission take no action on the vacating roadway in Baldwin, ND since there was not a petition filed with all adjoining landowners signatures.

State's Attorney Julie Lawyer reiterated the law with regards to donations, stating that the County Commission does have the ability to make donations within certain guidelines.

Planning and Zoning Director Flanagan requested approval for a new software program that would incur an annual expenditure of \$18,580.00. The Commissioners indicated that the money would be available through the General Fund since they cannot approve and expenditure for 2022 before the budget for 2022 has been approved.

HR Director Pam Binder explained various compensation plan structure options.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to approve the Arc Structure Plan. All members present voted "AYE." Motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman



**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**May 17, 2021**

**5:15 P.M.**

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

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

Motion by Comm. Armstrong 2<sup>nd</sup> by Comm. Bitner to approve the May 3, 2021 meeting minutes and bills. All members present voted "AYE"; motion carried.

The 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. Peluso, 2<sup>nd</sup> by Comm. Matthews to approve the Krick, Loy, and Burnt Creek Group LLC abatements along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Other Business, Madam Chairman Jones updates:

Bismarck Parks and Recreation Director Randy Bina is retiring effective October 1, 2021.

The County received a letter from the NDDOT, they will be doing bridge work along I-94, to be completed sometime within the construction season of 2022.

Jeff Heintz submitted a letter regarding a water permit in the ETA that has been approved.

City of Bismarck submitted a letter stating a planning meeting is coming up at the Public Works Building, Room 600, requesting someone from the County to be present. Comm. Peluso said he'll try to make the meeting.

Commissioner Matthews update for the Zone Board is as follows; Burleigh County Zone Board will be keeping Tayonne as Interim Director. The offer to Mr. Nygard was rescinded due to inability to meet an agreement on wage. A survey of Zone Employees and staff will take place. With the outcome of the survey determination will be made about the needs for an RFP for support and growth of the Zone. Assessed will also be the need for a new structure to a supervisor of child welfare programs.

HR Director Binder mentioned the Health Insurance Committee members as follows; Commissioner Becky Matthews, Auditor/Treasurer Leo Vetter, Deputy Auditor/Treasurer Brandi Caya, Finance Director Robin Grenz, County Engineer Marcus Hall, HR Director Pam Binder, HR Assistant II Megan Martin, County Extension Supervisor Jerry Fisher, and Human Service Zone Director Tayonne Nachatilo. HR Director Binder explained that the Health Insurance Committee held a meeting to discuss the Health Insurance rates for Burleigh County employees for the following year and indicated that the Committee agreed to a 3% rate increase for employees. HR Director Binder made a recommendation to accept the Health Insurance Plan of 3% rate increase for employees for the following year. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso to accept the Health Insurance Plan of 3% rate increase for county employees for the following year. All members present voted "AYE." Motion carried.

HR Director Binder went over pay chart change options and raise options and after a discussion amongst the Commissioners Madam Chairman Jones decided to continue the discussion at a future meeting.

Madam Chairman Jones closed the Burleigh County Commission Meeting and opened the Public Hearing on Block 1, Lot 2, Briardale Subdivision Replat. One person from the public was present, and spoke against the minor lot modification.

Madam Chairman Jones closed the Public Hearing and reopened the Burleigh County Commission Meeting.

County Building/Zoning Director Flanagan made a recommendation to accept the minor lot modification to Block 1, Lot 2, Briardale Subdivision Replat. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to accept a minor lot modification to Block 1, Lot 2, Briardale Subdivision Replat.

County Building/Zoning Director Flanagan made a recommendation to approve of a final plat and zoning change of Roehrich Subdivision Plat. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve of a final plat and zoning change of Roehrich Subdivision Plat. All members present voted "AYE." Motion carried.

County Engineer Hall made a recommendation to accept the Chip Seal Project low bid from Asphalt Surface Technologies for \$506,959.19 for the Hay Creek Township, County Roadway Projects and SAD #73. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to accept the Chip Seal Project low bid from Asphalt Surface Technologies for \$506,959.19 for the Hay Creek Township, County Roadway Projects and SAD #73. All members present voted "AYE." Motion carried.

County Engineer Hall made a recommendation to accept the low bid from Northern Improvement for \$166,928.97 for the SAD #74. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to accept the low bid from Northern Improvement for \$166,928.97 for the SAD #74. All members present voted "AYE." Motion carried.

County Engineer Hall explained that 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 County Highway Department has reviewed the County/Township roadway system and has 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; 744 miles, Un-Organized Township Roadways; 153 miles, for a total of 1,483 miles. County Engineer Hall recommended that Burleigh County certifies the township road mileage breakdown and authorizes the Board Chairman to sign the required forms. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso and Armstrong, to certify the township road mileage breakdown and authorize the Board Chairman to sign the required forms. All members present voted "AYE." Motion carried.

County Emergency Manager Senger talked about the concern with fireworks since it is so dry in the area of Burleigh County and was wondering the wishes of the Commission on a Fireworks ban. After discussion, the Commissioners decided not to enforce a fire ban at this time and will revisit the idea as it gets closer to the 4<sup>th</sup> of July.

Veterans Service Officer Landis gave a background history and current update on the Disabled Veterans Credits.

Tax Equalization Director Vietmeier Explained the Homestead Credits, the process of filing, and the different sources where it is advertised along with how an individual qualifies for the credit.

Finance Director Grenz mentioned that Burleigh County will be receiving money through the American Rescue Plan and stated that the County may not be able to keep all the money, so she made a recommendation to open a separate fund to put the monies once they are received for better accountability. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to open a separate fund for the American Rescue Plan monies received. All members present voted "AYE." Motion carried.

Mark Gartner with the Bismarck-Mandan Symphony Orchestra had asked for a donation of \$5,000.00 for a Fireworks display near the city Capital building. Commissioner Armstrong asked States' Attorney Julie Lawyer if the Commission was allowed to donate to the Symphony Orchestra for such an event and she said it is not permissible per the NDCC. After a discussion amongst the Commissioners Madam Chairman Jones asked State's Attorney to further research the

NDCC with regards to a Burleigh County donation of \$5,000.00 for a Fireworks display, and inform the Commission of her research at the June 7, 2021 meeting.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
May 3, 2021**

**5:15 P.M.**

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

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

Motion by Comm. Armstrong 2<sup>nd</sup> by Comm. Peluso to approve the April 19, 2021 meeting minutes and bills. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve the Consent Agenda. All members present voted "AYE"; motion carried.

County Finance Director, Robin Grenz requested guidance from the commission regarding the upcoming budget cycle. Madam Chairman Jones requested each department submit a 3 to 5-year plan along with their budget request for future planning. County Finance Director Grenz made some suggestions and recommendations in regards to the starting point of the budgeting process for this cycle. Comm. Armstrong asked if the Budget Committee was going to be used in the process again this year. Madam Chairman Jones confirmed it would be used again and the members would consist of herself, Comm. Matthews, County Finance Director Grenz, and County Auditor/Treasurer Vetter.

The abatements were presented for the Board's consideration for approval by County Tax Director, Al Veitmeier; a complete copy of which are on file and available for inspection in the Office of the County Auditor/Treasurer:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the abatements of Carl Reis, Donna Belisle, Dennis Schlag, and Sattler Family LLLP. All members present voted "AYE"; motion carried.

County Tax Director, Al Veitmeier made a recommendation to deny the request from property owner John Hruby to refund his penalty on late payment of his taxes. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to deny the request from property owner John Hruby to refund his penalty on late payment on his taxes. All members present voted "AYE"; motion carried.

Madam Chairman Jones closed the Burleigh County Commission Meeting and continued with the Public Hearing on Vacating Roadway in Baldwin, ND. County Engineer Hall explained vacating the roadway would landlock some property owners, and made a recommendation to not vacate the roadway. Those present from the public were given the opportunity to speak for or against vacating the roadway. Once those from the public were through speaking Madam Chairman Jones closed the Public Hearing and reopened the Burleigh County Commission Meeting. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong Vacating Roadway in Baldwin, ND. Comm. Peluso and Armstrong voted "AYE", Comm. Bitner, Matthews, and Madam Chairman Jones voted "NAY", motion denied.

County Engineer Hall made a recommendation to accepting platted right of way as shown on the attached Plat at, The Ridge at Hawktree Second Replat Subdivision. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to accepting platted right of way as shown on the attached Plat at, The Ridge at Hawktree Second Replat Subdivision. All members present voted "AYE"; motion carried.

County Engineer Hall made a recommendation to accepting platted right of way as shown on the attached Plat at, Missouri Meadows Subdivision. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to accepting platted right of way as shown on the attached Plat at, Missouri Meadows Subdivision. All members present voted "AYE"; motion carried.

Sheriff Leben said they will be retiring old radios in the near future and asked the Comm. for permission to gift them to other departments, volunteers, Fire, Highway, and Ambulance, since they would still work for their purposes. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong allowing disposal of the old radios at the appropriate time at Sheriff Leben's discretion. All members present voted "AYE"; motion carried.

Sheriff Leben mentioned two deputies killed in the line of duty. One of those more recent was Deputy Sleeper and the other was Deputy George Piepkorn. Deputy Piepkorn died from his injuries on November 19, 1930. Deputy Peipkorn's Headstone has deuterated and is in disrepair. A donation was received for a new Headstone that is more fitting for his service and sacrifice. A ceremony will be held on May 14, 2021 to dedicate the new Headstone. Sheriff Leben asked if the offices can be closed, except Emergency Services, so that members of the department can attend the ceremony. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to allow Sheriff Leben to close the offices, except Emergency Services, so that members of the department can attend the ceremony. All members present voted "AYE"; motion carried.

Downtown Business Association Chief Officer, Kate Herzog gave an update, including a slide show, on what has been going on with the downtown area with construction and business ideas and what is being planned for the future.

Bismarck Mandan Chamber EDC President, Brian Ritter gave a semiannual update on community happenings.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
April 19, 2021**

5:15 P.M.

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

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

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to approve the April 1, 2021 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. Armstrong, 2<sup>nd</sup> by Comm. Peluso to approve the Consent Agenda. All members present voted "AYE"; motion carried.

County Superintendent of Schools Heilman made a recommendation to approve Kim Birkland and Brenda Blazer each to 3-year terms to the County School Reorganization Committee. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong, to approve Kim Birkland and Brenda Blazer each to 3-year terms to the County School Reorganization Committee. All members present voted "AYE"; motion carried.

County Superintendent of Schools Heilman gave an update on the County Schools, including enrollment is increasing throughout the county, to a level some schools are considering expansion.

Erika White, Burleigh County Election Manager, appeared to deliver an election presentation. This presentation included the topics of ballot setup, logic & accuracy testing and election results reporting.

5:34 P.M., Comm. Peluso dismissed himself from the meeting.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to accept A.R. Audit Services, Inc. and Schweigert Klemin & McBride PC Collections Division for Collections of Outstanding Judgements. All members present voted "AYE"; motion carried.

NDSU Extension Agent, Kelsey Decker handed out a Newsletter that she does monthly during the growing season, which is used to communicate with the public about concerns. They are available at the beginning of each month and can be obtained by contacting the Burleigh County Extension Office.

HR Director, Binder made a recommendation to reclassify the two HR Assistant I (Megan Martin & Desiree Hilborn), to Assistant II, since they are doing work as an Assistant II. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to reclassify the two HR Assistant I, to Assistant II. All members present voted "AYE"; motion carried.

HR Director, Binder made a recommendation to reclassify the description of the HR Director to a more up to date description. Motion by Comm. Armstrong 2<sup>nd</sup> by Comm. Matthews to reclassify the description of the HR Director to a more up to date description. All members present voted "AYE"; motion carried.

HR Director, Binder made a recommendation to appoint Brandi Chaput as the Interim Deputy Recorder. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to appoint Brandi Chaput as the Interim Deputy Recorder. All members present voted "AYE"; motion carried.

HR Director, Binder made a recommendation to a Salary Variance for a new hire in the State's Attorney's Office from; Grade 4, step 5 to Grade 4, step 9. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to approve a Salary Variance for a new hire in the State's Attorney's Office from; Grade 4, step 5 to Grade 4, step 9. All members present voted "AYE"; motion carried.

Building/Zoning Director Flanagan was unable to attend the meeting, Associate Planner McMonagle presented the material for him. McMonagle made a recommendation to change the following property, Section 31, Lot E of the NE 1/4, Burnt Creek Township, from A-Agriculture to R1-Rural Single Family Residential. Motion by Comm. Matthews, 2<sup>nd</sup>, by Armstrong to change the following property, Section 31, Lot E of the NE 1/4, Burnt Creek Township, from A-Agriculture to R1-Rural Single Family Residential. All members present voted "AYE"; motion carried.

McMonagle presented information about the Abandoned Auto Fund (AAF). the AAF has money available for the removal of various items, such as motor vehicles, automobiles, implement equipment, scrap metal, trailers, campers, RV's, stockpiles of appliances and other machinery. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to accept the Abandoned Auto Fund for the removal of various items, such as motor vehicles, automobiles, implement equipment, scrap metal, trailers, campers, RV's, stockpiles of appliances and other machinery. All members present voted "AYE"; motion carried.

County Sheriff Leben presented the Detention Report for April, 2021, indicating that everything is going fine.

County Sheriff Leben made a recommendation to rent an aircraft charter for prisoner transport from the Burleigh County Forfeiture Fund. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to rent an aircraft charter for prisoner transport from the Burleigh County Forfeiture Fund. All members present voted "AYE"; motion carried.

Madam Chairman Jones closed the Burleigh County Commission Meeting and opened the Public Hearing on Vacating Roadway in Baldwin, ND. The Commissioners listened to comments both, for and against Vacating the Roadway in Baldwin, ND, and decided to continue the hearing at the May 3, 2021 Burleigh County Commission Meeting.

County Engineer Hall made a recommendation to approve a 2<sup>nd</sup> Approach Permit to Jason and Jolene Rieck to their property Block 4, lot 1, Country Creek 5<sup>th</sup> Subdivision (6505 Country Ridge Road). Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to approve a 2<sup>nd</sup> Approach Permit to Jason and Jolene Rieck to their property Block 4, lot 1, Country Creek 5<sup>th</sup> Subdivision (6505 Country Ridge Road). All members present voted "AYE"; motion carried.

County Engineer Hall made a recommendation to approve a 2<sup>nd</sup> Approach Permit to Cody Martin to his property Block 1, Lot 7, Ashwood Second Subdivision (7430 Keystone Drive). Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve a 2<sup>nd</sup> Approach Permit to Cody Martin to his property Block 1, Lot 7, Ashwood Second Subdivision (7430 Keystone Drive). All members present voted "AYE"; motion carried.

County Engineer Hall made a recommendation to approve a 2<sup>nd</sup> Approach Permit to Greg Schettler to his property Block 2, Lot 3, Apple Creek Ridge Subdivision (Creek top Road). Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to approve a 2<sup>nd</sup> Approach Permit to Greg Schettler to his property Block 2, Lot 3, Apple Creek Ridge Subdivision (Creek top Road). All members present voted "AYE"; motion carried.

Other Business; Comm. Matthews mentioned the Zone Board meeting scheduled for April 20, 2021 was canceled.

On a motion made, seconded, and carried, the Board adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman



**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**April 5, 2021**

**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, Matthews, Peluso, Bitner and Madam Chairman Jones present.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to approve the March 15, 2021 meeting minutes. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the 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. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the Fisher, Morris, Kuntz, Lawler, Capital Christian Center, Lincoln Park District (5), Kruckenberg, Shelkey, Gienger, Feist, Schmitt (2), Rivinius and Havenpark Capital Partners abatement along with the remainder of the consent agenda. All members present voted "AYE"; motion carried.

Other Business:

Comm. Matthews gave an update on the Human Service Zone Board, Allan Nygaard was named Interim Director.

Comm. Matthews also gave an update for Renae Moch, Public Health Director, and stated a proposed resolution that the County Board of Commissioners appoints David J. Pengilly, MD as Health Officer for Burleigh County. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to appoint David J. Pengilly, MD as Health Officer for Burleigh County. All members present voted "AYE"; motion carried.

County Engineer Hall presented an email he had received from U.S. House Representative Kelly Armstrong for Congressional funding consideration. County Engineer Hall included a list of projects to submit to U. S. House Representative Kelly Armstrong and he was asking the Commissioners for approval to submit the projects list. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to allow County Engineer Hall to submit his projects list to U.S. House Representative Kelly Armstrong for Congressional funding consideration. All members present voted "AYE"; motion carried.

Commissioner Armstrong discussed the idea of entertaining future media options for Commission meetings. Comm. Matthews made a motion that the media options shall first be vetted to the Intergovernmental Affairs before it is brought to the County Commission. The motion died for lack of a second.

Mike Manstrom, Vice President, Colliers Securities LLC, introduced the new funding source for Special Assessment Districts #70, #71, and #72, funded by the new bond issue, and made a recommendation for approval for creating funds of Improvement Districts and authorizing the issuance of Warrants. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve Colliers Securities LLC create funds of Improvement Districts and authorizing the issuance of Warrants. All members present voted "AYE"; motion carried.

Mike Manstrom made a recommendation to issue \$650,000.00 Refunding Improvement Bonds of Series 2021. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to issue \$650,000.00 Refunding Improvement Bonds of Series 2021. All members present voted "AYE"; motion carried.

Madam Chairman Jones closed the Commission Meeting and opened the public hearing on Special Assessment District #73, Country Creek 1<sup>st</sup> – 5<sup>th</sup> Subdivision. Curtis Jundt, resident of the subdivision, spoke in favor of the project. No other resident(s) from the public spoke and the public hearing was closed. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to authorize and direct the engineer to prepare detailed plans and specifications for the construction of the improvement of Special Assessment District #73. All members present voted "AYE"; motion carried.

Madam Chairman Jones closed the Commission Meeting and opened the public hearing on Special Assessment District #74, Olive Tree Subdivision. Vern Dosch, resident of the subdivision, spoke in favor of the project. No other resident(s) from the public spoke and the public hearing was closed. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to authorize and direct the engineer to prepare detailed plans and specifications for the construction of the improvement of Special Assessment District #74. All members present voted "AYE"; motion carried.

County Engineer Hall made a recommendation the County Commission approve the plans and specifications and authorize the County Auditor and the County Engineer to advertise for bids for the Special Assessment District #73 (Country Creek Subdivisions 1<sup>st</sup> – 5<sup>th</sup>). Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to approve the plans and specifications and authorize the County Auditor and the County Engineer to advertise for bids for the Special Assessment District #73 (Country Creek Subdivisions 1<sup>st</sup> – 5<sup>th</sup>). All members present voted "AYE"; motion carried.

County Engineer Hall made a recommendation the County Commission approve the plans and specifications and authorize the County Auditor and the County Engineer to advertise for bids for the Special Assessment District #74 (Olive Tree Subdivision). Motion by Comm. Bitner, 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 the Special Assessment District #74 (Olive Tree Subdivision). All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso that the Highway Department shall add the following amounts from (their 2020 carryover balance) to their 2021 Expense Budget Account: \$150,000 to County Work line item for Chip Seal projects, \$100,000 to Gravel/Crushing line item, \$30,000 to Dust Control line item, and \$100,000 to County Work line item for a Lighting Project. All members present voted "AYE"; motion carried.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong that the Highway Department shall add \$375,000 to County Work line item (from their 2020 carryover balance) to cover additional nonparticipating Drainage Structure cost for the 43<sup>rd</sup> Avenue Project. All members present voted "AYE"; motion carried.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong in order to take advantage of additional Federal Funding, that the Highway Department shall add \$100,000 to County Work line item (from their 2020 carryover balance) to cover local share of hiring a consultant engineering firm to perform Construction Engineering Services for the 43<sup>rd</sup> Avenue Project. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews in order to stay on schedule for the construction of the 66<sup>th</sup> Street Railroad Overpass Project, that the Highway Department shall add \$400,000 to County Work line item (from their 2020 carryover balance) to cover local share of hiring a consultant engineering firm to perform Bridge Design Services for the 66<sup>th</sup> Street Railroad Overpass Project, and that the County Auditor and the County Engineer are hereby authorized to advertise to seek construction engineering services proposals for said project. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews to approve of the selection of Bartlett & West to perform construction engineering services for the 43<sup>rd</sup> Avenue NE Project. All members present voted "AYE"; motion carried.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to authorize County officials to enter into an agreement with the North Dakota Department of Transportation, City of Bismarck and Bartlett & West for the reconstruction and cost sharing of improvements to the 43<sup>rd</sup> Avenue NE Project (North 26<sup>th</sup> Street to Roosevelt Drive). All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso that the County Board of Commissioners do hereby recognize that the waiving of the Pavement 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 Pius and Esther Roehrich 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 Roehrich Subdivision. All members present voted "AYE"; motion carried.

State's Attorney Julie Lawyer informed the Commissioners that when the motion was made and carried, at the March 15, 2021 Burleigh County Commission meeting which stated; form a Public/Private partnership with the Friends of the Rail Bridge to allow Friends of the Rail Bridge access to the North Dakota Insurance Reserve Fund, the intention from the Friends of the Rail Bridge was to create a Public/Private partnership to satisfy the USCG timeline. Julie made a recommendation to rescind the motion made on March 15, 2021. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to rescind the motion made at the March 15, 2021 Burleigh County Commission meeting; to form a Public/Private partnership with the Friends of the Rail Bridge to allow Friends of the Rail Bridge access to the North Dakota Insurance Reserve Fund. All members present voted "AYE"; motion carried.

North Dakota Insurance Reserve Fund, Chief Executive Officer, Brennen Quintus, informed the Commission that NDIRF would not be the appropriate liability coverage provider for the Friends of the Rail Bridge as they do not insure nongovernment entities.

Discussion was held on the rail bridge with the Commissioners, and representatives of the Captain's Landing Township, stating their disapproval of the west end of the bridge ending up in their Township, BNSF Railway, indicating a lease agreement was be needed since it would remain on railroad property, and Friends of the Rail Bridge, the organization trying to preserve the bridge.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso that Burleigh County continues as a Public Partner to allow continued discussions to go forward with the caveat that the county can pull out at any time and that there would not be any cost to the taxpayer or the staff. Commissioners Peluso and Armstrong voted "AYE", Commissioners Matthews, Bitner, and Madam Chairman Jones voted "NAY", motion failed.

On a motion made, seconded, and carried, the Board adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
March 15, 2021**

**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, Peluso, Matthews, Bitner and Madam Chairman Jones present.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Peluso to approve the March 1, 2021 meeting minutes and bills. All members present voted "AYE"; motion carried.

The 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. Armstrong, 2<sup>nd</sup> by Comm. Bitner to approve the Lengenfelder, Smith, Loeppke, Benson/Vigil and Grenz abatements along with the remainder of the consent agenda. All members present voted "AYE"; motion carried.

Kevin Anhalt, resident at the Ponderosa Village housing development asked for a stop sign to be moved closer to the intersection. County Engineer Hall said he would check it out and move the sign closer to the intersection if possible.

Madam Chairman Jones mentioned that April 1<sup>st</sup> is "Blue Day" for Burleigh County, wear blue for abused children.

Madam Chairman Jones gave an update on Covid-19 for the county.

Madam Chairman Jones awarded Recorder Debbie Krochus with a plaque for her 20 years of service to the County of Burleigh.

Erika White, Burleigh County Election Manager, appeared to deliver an election presentation. This presentation included the topics of voter ID and absentee voting in Burleigh County.

County Engineer Hall made a recommendation to approve bids:

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to accept the low bidder, J & J Striping in the amount of \$221,774.24 for painted pavement markings. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to accept the low bidders, Forterra Concrete Products, Inc. for concrete culverts, and Contech Engineered Solutions for metal culverts. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to accept the low bidder, Circle C Enterprises, LLC in the amount of \$258,750.00 for Township gravel hauling. All members present voted "AYE"; motion carried.

Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Peluso to enter into a contract with the low bidder, Sundre Sand and Gravel at \$3.50 per cubic yard for crushing of gravel. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to enter into a contract with the low bidder, Envirotech Services in the amount of \$96,150.00 for dust control. All members present voted "AYE"; motion carried.

County Engineer Hall made a recommendation for Burleigh County hereby accepts the petition to vacate said roadway, and set April 19, 2021 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. Peluso, 2<sup>nd</sup> by Comm. Matthews to accept the recommendation. All members present voted "AYE"; motion carried.

Madam Chairman Jones gave an update on the services provided by Dakota Media Access.

Mandy Persson, Secretary of the Friends of the Rail Bridge asked for Burleigh County to enter into a Public/Private partnership with the Friends of the Rail Bridge to allow Friends of the Rail Bridge access to the North Dakota Insurance Reserve Fund (NDIRF). Commissioner Jones asked if BNSF had given Friends of the Rail Bridge a commitment that they will transfer the ownership of the bridge to them. Mandy Persson stated that they have to seek this part of the approval before they can proceed further. States Attorney Lawyer asked if all of the involved other entities have to agree to move forward. Persson stated that they would all have to agree and that currently none of the others have committed to this. Commissioner Peluso asked for clarification from Persson of exactly what they are asking for. Persson stated they need this partnership to gain access NDIRF for liability insurance. Commissioner Peluso asked if there would be additional costs to Burleigh County. Persson stated there would be costs associated with the insurance but the costs would be paid by Friends of the Rail Bridge. Commissioner Matthews stated that Burleigh County is acting as the fiscal agent in order for Friends of the Rail Bridge to receive access to NDIRF. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to form a Public/Private partnership with the Friends of the Rail Bridge to allow Friends of the Rail Bridge access to the North Dakota Insurance Reserve Fund. Commissioners Peluso, Armstrong, and Matthews voted "AYE", Commissioner Bitner and Madam Chairman Jones voted "NAY"; motion carried.

Finance Director Grenz presented 2020 Budget Adjustments. Motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Matthews accept the 2020 Budget Adjustments. All members present voted "AYE"; motion carried.

Court Facilities Improvement Advisory Committee Member Judge Romanick made a recommendation for Burleigh County hereby authorize to enter into an architectural services agreement with AI Fitterer Architect PC to perform design services for the Annex Ground Floor Remodel for District Courtroom. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to accept the recommendation. All members present voted "AYE"; motion carried.

Burleigh County Senior Adults Program Executive Director Renee Kipp gave an update on the program.

Burleigh County Emergency Management Manager made a recommendation to approve Affirm "Fire Emergency and Burn Ban Tied to Daily Fire Danger Rating" previously declared in March 10, 2021. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Armstrong to approve the recommendation. All members present voted "AYE"; motion carried.

On a motion made, seconded, and carried, the Board adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**March 1, 2021**

**5:00 P.M.**

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

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to approve the February 17, 2021 meeting minutes and bills. All members present voted "AYE"; motion carried.

Brian Balerud with Schweigert, Klemin, & McBride/AR Audit Services, explained that their firm is interested in entering into an agreement to collect outstanding judgements related to court costs, fees, and fines, excluding restitution, according to NDCC § 29-26-22.2. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to advertise for bids for to collect outstanding judgments related to court costs, fees, and fines, excluding restitution, according to NDCC § 29-26-22.2. All members present voted "AYE"; motion carried.

County Sheriff Leben made a recommendation to approve the 2020/2021 North Dakota Department of Transportation Traffic Safety Grant-Equipment Addendum. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the 2020/2021 North Dakota Department of Transportation Traffic Safety Grant-Equipment Addendum. All members present voted "AYE"; motion carried.

County Engineer Hall made a recommendation to approve the Engineering Report and Petition for Paving Improvements and declares a Resolution of Necessity for the Olive Tree Subdivision's special assessment district (SAD #74), and to authorize the call for a Public Hearing regarding the same. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the Engineering Report and Petition for Paving Improvements and declares a Resolution of Necessity for the Olive Tree Subdivision's special assessment district (SAD #74), and to authorize the call for a Public Hearing regarding the same. All members present voted "AYE"; motion carried.

Renae Moch, Director of the Bismarck/Burleigh Public Health updated the Commission on Covid-19 response for the last year.

The 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. Peluso, 2<sup>nd</sup> by Comm. Matthews to approve the Hunt, Dikoff, Fleck (2), Alstad, Stevahn, O'Berry, Creed, Hatley, Horning, Wagendorf, Baumgartner, Havenpark Capital Partners, Gregerson, Nelson and Walsh abatements along with the remainder of the consent agenda.

Other Business; Commissioner Matthews gave an update of the Human Service Zone Board, and, Madam Chairman Jones gave an update of the Weed Board.

On a motion made, seconded, and carried, the Board adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 17, 2021**

**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, Peluso, Matthews, Bitner, and Madam Chairman Jones present.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to approve the February 1, 2021 meeting minutes and bills. All members present voted "AYE"; motion carried.

Auditor Vetter made a recommendation to amend the January 20, 2021 County Commission Meeting motion to remove deducting \$13,800.00 from the \$50,000.00 additional renovation incentive upon the renewal of the lease, to reflect the correct language in the minutes. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso to amend the January 20, 2021 motion to remove deducting the \$13,800.00 from the \$50,000.00 additional renovation incentive upon the renewal of the lease. All members present voted "AYE"; motion carried.

Burleigh County Water Resource District Chairman, Dennis Reep, gave the Commission a project and legislative update.

Vision Zero Regional Coordinator, Theresa Liebsch, introduced the program to the Commission, which is promoting traffic safety and to reduce the overall amount of serious injuries and deaths resulting from traffic crashes in our state.

Engineer Hall made a recommendation to approve the NDDOT 43<sup>rd</sup> Avenue NE Agreement. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to approve the NDDOT 43<sup>rd</sup> Avenue NE Agreement. All members present voted "AYE"; motion carried.

The 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. Armstrong, 2<sup>nd</sup> by Comm. Peluso to approve the Greicar, Reef (2), Weber, Flinck, Hoffman, McClelland, Nagel, Murray, Tosseth, Pfeiler, Backmiller (2), Liechty Homes (2), Biegler, Paasch, Oster, Grenz,(2), Wagner, Nissen, Paul-Berge, Duchsherer, Morgan, Harper, Sturn (2), Mehring, Burgum (2), and Wagner abatements along with the remainder of the Consent Agenda.

Commissioner Armstrong spoke to his fellow commissioners about the need for more virtual accessibility.

Other Business; Commissioner Matthews gave an update of the Human Service Zone Board.

On a motion made, seconded, and carried, the Board adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 1, 2021**

5:00 P.M.

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

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

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

Lawrence King, Managing Partner with Zuger, Kirmis and Smith PLP, gave an update about their recently renovated office in the Provident Building. He mentioned that during the process they ended up installing new CAT-6 cables and other, at a cost of \$13,800.00 and he felt that it should be an expenditure of the County, asking for reimbursement for the \$13,800.00 now and, that the law firm would split the amount as a compromise upon the renewal of the lease in 2023 by subtracting \$6,900.00 from the \$50,000.00 additional renovation incentive upon the renewal of the lease. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso to subtract the \$6,900.00 from the \$50,000.00 additional renovation incentive upon the renewal of the lease. All members present voted "AYE"; motion carried.

Madam Chairman Jones informed the Commissioners of a lengthy letter Comm. Armstrong sent in regarding Covid-19 requirements from his employer WSI, and, the county supplies Comm. Armstrong with a call-in phone number. Madam Chairman Jones also informed the Commissioners that the County does not have any other obligations to supply more options to include Comm. Armstrong in the meetings.

Building/Zoning Director Flanagan made a recommendation to approve Mike and Billi Jo Wolf variance request. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve Mike and Billi Jo Wolf variance request. All members present voted "AYE"; motion carried.

Engineer Hall made a recommendation to enter into an Engineering Consultant Agreement for the Construction Engineering of the 43<sup>rd</sup> Avenue project. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso to accept the recommendation to enter into an Engineering Consultant Agreement for the Construction Engineering of the 43<sup>rd</sup> Avenue project. All members present voted "AYE"; motion carried.

The Court Facilities Improvement Advisory Committee recently approved a grant to the county in the amount of \$596,499.21, contingent upon the county's acceptance of the grant award. The award for the portion of the project for remodeling and repurposing the current courthouse space on the ground floor on the annex. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso to accept the grant and move forward with the project. All members present voted "AYE"; motion carried.

The 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. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the Houle, Richter, Berger, Brovold, Rothacker, Sage, Haegele, Leno, Hauff, Horning, Fowler, Boyle, Aden, Stewart, Mertens (2), Havenpark, Frank, Snider, Renden, Schneider (2), Behrendt abatements and the remainder of the consent agenda. All members present voted "AYE"; motion carried.

Other Business; Madam Chairman Jones mentioned she had received an email from the NDACo. The official academy registration will be opening soon, and is required for all commissioners.

On a motion made, seconded, and carried, the Board adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 20, 2021**

**5:00 P.M.**

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

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

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Peluso to approve January 4, 2021 meeting minutes and bills. All members present voted "AYE"; motion carried.

Comm. Bitner explained at some point in the past there was a lease with a Law Firm on an upper floor in the Provident Building, with an agreement to spend a certain amount of money by the County, (\$200,000.00), as an incentive to lease the space, it had to do with remodeling within the place, the logic for the dollars spent by the county was if the law firm moved out the improvements would remain with the building. Also, in addition to the \$200,000.00 incentive, an additional \$50,000.00 would go towards an incentive to renew the lease down the road. In the course of the remodeling the Law Firm decided to add some additional cables for internet and other, CAT-6, in the amount of around an additional \$13,000.00 which would not be included in the \$200,000.00 agreed on, so he felt the county did not have any further obligation with the initial agreement. He also had asked State's Attorney Julie Lawyer and Finance Director Robin Grenz for an opinion on how the additional money would be handled and the opinion was, if the county pays the amount the recommendation would be that it comes off the incentive down the road. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to pay the additional amount for the cables (to use the exact amount) and deduct it from the future incentive upon the lease renewal. All members present voted "AYE"; motion carried.

County Recorder Kroshus announced that she is retiring effective March 20, 2021, and made a recommendation to appoint the current deputy, Melissa Hanson, to fill the vacancy. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to accept the recommendation. All members present voted "AYE"; motion carried.

Engineer Hall made a recommendation to enter into an Engineering Consultant Agreement for the Construction Engineering of the Bridge 08-110-21.1 and 08-123-18.0. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to accept the recommendation. All members present voted "AYE"; motion carried.

County Sheriff Leben gave a quarterly jail report, no concerns at this time.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to accept the Burleigh County Fair Grounds lease update, transfer the Burleigh County Joann Hetzel Building to the Burleigh County 4-H, and include a 10-year lease between the 4-H and Burleigh County to lease the office space. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to approve the Health Emergency Declaration. All members present voted "AYE"; motion carried.

The 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. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the Data/Rutten, Grothier, Schweitzer, Erickson, Boger, Nelson, Munsch, Aune, Stein, Bonagofsky, Schneider, Glass, Parrish and Umphrey abatements and the remainder of the consent agenda. All members present voted "AYE"; motion carried.

Other Business, Comm. Bitner mentioned Gary Riley has been servicing the abandoned Cemetery's and would like to continue.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to retain Gary Riley's services for abandoned Cemetery's. All members present voted "AYE"; motion carried.

On a motion made, seconded, and carried, the Board adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**January 4, 2021**

**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, Peluso, and Jones present in person, Commissioner Armstrong in attendance by phone.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve payment of the bills as presented. All members present voted "AYE"; motion carried.

Madam Chairman Jones explained that Erin Oban was appointed to the Zone Board a year ago and does not need to be reappointed at this time, therefore the December 21, 2020 minutes should be corrected. Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Bitner for approval of the December 21, 2020 minutes with the noted correction. All members present voted "AYE"; motion carried.

Engineer Hall made a recommendation to authorize the proper County officials 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. Peluso, 2<sup>nd</sup> by Comm. Bitner to accept the recommendation. All members present voted "AYE"; motion carried.

Engineer Hall made a recommendation for approval of the 2021 Burleigh County Project Priority List. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to accept the recommendation. All members present voted "AYE"; motion carried.

Comm. Matthews gave an update on the Burleigh County Human Service Zone Board Meeting held on December 29, 2020 at 5:00 p.m.

Madam Chairman Jones and Comm. Bitner gave a courthouse remodel update. A Court Facilities Improvement Grant Funds for \$937,500.00 was submitted on December 29, 2020.

Madam Chairman Jones made a recommendation to organize a committee to include the following department heads: Marcus Hall, Kelly Lean, Julie Lawyer, Pam Binder, Robin Grenz, Leo Vetter, and Mary Senger; to create a three (3) to five (5) year plan for future employment and equipment needs, and report back to the Board on a quarterly basis. Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Matthews to accept the recommendation. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to approve the Consent Agenda. All members present voted "AYE"; motion carried.

Motion by Comm. Peluso, 2<sup>nd</sup> by Comm. Bitner to appoint Lois Sundquist to one (1) five (5) year term to the Burleigh County Housing Authority. All members present voted "AYE"; motion carried.

Madam Chairman Jones submitted a list of the portfolios and Commissioner assigned to each portfolio. After discussion, agreement was made for acceptance of the list with a few changes. No motion was made.

County Auditor/Treasurer Vetter asked for nominations for the chairman for the year 2021. Motion by Comm. Peluso, 2nd by Comm. Bitner to nominate Comm. Jones for the Chairmanship. Members Peluso, Bitner, and Matthews voted "AYE"; members Jones and Armstrong voted "NAY"; motion carried.

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

On a motion made, seconded, and carried, the Board adjourned.

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Leo Vetter, Auditor/Treasurer

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Kathleen Jones, Madam Chairman