



Lincoln, Fort Rice, Riverview, Florence Lake, Burnt Creek, Canfield, Lyman, & Phoenix
Unorganized Townships



Burleigh County Commission Meeting Agenda

Tom Baker Meeting Room, City/County Office Building, 221 N 5th St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |
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March 2nd, 2026

5:00 P.M.

Invocation and Pledge of Allegiance presented by Chaplain.

COUNTY COMMISSION

1. Meeting called to order.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration of February 17th, 2026, meeting minutes and bills. (Pg. 3-6)
5. **PUBLIC COMMENT.** *Restricted to Burleigh County residents and landowners.*
6. Consent Agenda:
 - a. Abatements. (Pg. 7-8)
 - b. Special event permits. (Pg. 9-19)
 - c. 2nd approach permits. (Pg. 20-21)
7. University of Mary Bond issue preliminary resolution. (Pg. 23-25)
8. Northern Plains Heritage Foundation:
 - a. 2026 4th of July Celebration.
9. Sheriff Leben:
 - a. Salary variance request. (Pg. 27)
10. County Planning Director Flanagan:
 - a. Kummer Ranch Final Subdivision. (Pg. 29-31)
11. County Engineer Schriock:
 - a. SAD #78 Ponderosa Riverside Village screening Committee request. (Pg. 33-45)
12. County Auditor Splonskowski:
 - a. 2026 election Poll worker recruitment update. (Pg. 47)
13. Chairman Bitner:
 - a. Review Draft Amended Public Comment Policy. (Pg. 49)
 - b. Update on the County Administrator Position.

14. Commission Continued items:

a. OHV Ordinance Discussion. (*Pg. 51-57*)

15. Other Business.

Adjourn.

The next regularly scheduled Commission meeting will be on March 16th, 2026.

Mark Splonskowski

Burleigh County Auditor

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
FEBRUARY 17th, 2026**

5:18 PM

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

Roll call of the members: Commissioners Steve Bakken, Wayne Munson, Steve Schwab, Jerry Woodcox, and Chairman Brian Bitner present.

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the agenda. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. ***Motion carried.***

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the January 29th, 2026 special meeting minutes, the February 2nd, 2026 meeting minutes with the correction of removing the last sentence on the first page and the bills. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. ***Motion carried.***

Chairman Bitner opened the meeting to public comment.

- County Residents Travis Jensen, Jim Cook, Curtis Jundt, Faron Kastner, David Fischer, and Ken Preskey.

Chairman Bitner closed the public comment segment.

Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the Travis & Kylie Ktytor, Jean Jasper, Val & Jeanette Frank, Pete Kopp, Lenora Woehl, Caroline Ternes, Terry Howe, Kathryn Gentz, Wesley Becker, Curtis & Beverly Goehring, Tom & Lola Tomek, Donald & Faye Pavlicek, Norman Tibke, Tracy Smith, Margaret Mertz, Jeffery Lowe, and Elizabeth Swanson abatements and the rest of the consent agenda in its entirety. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. ***Motion carried.***

Funatix Events Owner/CEO John Bollinger presented an opportunity for the County to invest in the 250th Anniversary 4th of July celebration at the Community Bowl. He requested the County's participation and donation of \$40,000 for this year's event. The Commission requested more information and that the topic be added to the agenda for the March 2nd, 2026 meeting.

County Engineer Dan Schriock presented a request for authorization to purchase two new pickups. Motion by Comm. Schwab, 2nd by Comm. Bakken to allow the proper County officials to accept and sign the vehicle quotes from Nelson Auto Center for a 2026 Ford F150 \$47,272.96 Purchase Quote FW31 and a 2026 Dodge Ram 2500 \$44,520.00 Purchase Quote DJ7L92 for a total purchase price of \$91,792.96 and make necessary

payments. Commissioners Bakken, Munson, Schwab, and Woodcox voted 'AYE'. Chairman Bitner voted 'NAY'. **Motion carried.**

Engineer Schriock presented a list of used surplus equipment which the Highway Department would like to sell. Motion by Comm. Bakken, 2nd by Comm. Woodcox to authorize County officials to work with Public Surplus in selling the used surplus equipment less a vehicle/equipment for the County parks maintenance. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.**

Engineer Schriock presented a request for authorization to advertise for bids for two new tractors. Motion by Comm. Schwab, 2nd by Comm. Bakken to authorize the County Auditor and the County Engineer to advertise for bids for two new mower tractors. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.**

Engineer Schriock presented a request for authorization to accept the Quote with Acme Equipment for one new Kubota Skid Steer and make proper payment arrangements. Motion by Comm. Munson, 2nd by Comm. Bakken to authorize the proper County officials to accept and sign the invoice from Acme Equipment for a 2026 Kubota Model SVL97-3HFCC Skid Steer Order Number 27067333 for a total purchase price of \$81,259.22 and make the necessary payments. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.**

Engineer Schriock presented a request for approval of the 2026 Burleigh County Construction Program. Motion by Comm. Munson, 2nd by Comm. Bakken to adopt the 2026 Burleigh County Construction Program and authorize the Highway Department to allocate resources to design, acquire right of way, and construct the projects under the North Dakota Century Code and Burleigh County Policies. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.**

Engineer Schriock presented a request to authorize the Ponderosa Riverside Village Subdivision special assessment district. County Resident Susan Gerenz and Dan Stephenson spoke on the subject. Motion by Comm. Schwab, 2nd by Comm. Munson to require the proper County Officials to create, number the Ponderosa Riverside Village Subdivision's special assessment district, and direct the County Special Assessment Screening Committee to meet and review the petition. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.**

Engineer Schriock presented a request to authorize the proper County officials to advertise bids for County projects. Motion by Comm. Munson, 2nd by Comm. Bakken to authorize the County Auditor and the County Engineer to advertise for bids for Project SFP-0001(26) Apple Creek Road Phase II, Project 0188 Mill & Overlay 71st Ave NE Centennial to Aleutian & Microsurface of 71st Ave NE & Centennial Road, Project 0189 Morton Township Graveling, Subgrade Repair, & Culverts, Project 0191 SAD: 77 Northridge Estates-Microsurface & Patching, and Project 0192 Microsurface of North Washington and 84th Ave NE. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.**

County Human Resources Director Pam Binder discussed the Finance/Treasurer Department Structure. Motion by Comm. Bakken, 2nd by Comm. Munson to appoint Deputy Finance Director/Interim-Treasurer

Taylor Schmidt as Interim-Finance Director. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.** Motion by Comm. Munson, 2nd by Comm. Bakken to advertise the Treasurer position internally for a week. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.** Motion by Comm. Bakken, 2nd by Comm. Munson to approve the advertising of an Accountant I or Accountant II position. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.** Motion by Comm. Bakken, 2nd by Comm. Schwab to approve both the accounting assistance and policies & procedures scopes for the accounting firm that will be assisting the Finance/Treasurer's Office to be completed this year. Commissioners Bakken, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. Commissioner Munson voted 'NAY'. **Motion carried.**

Director Binder provided a follow up on the Highway Department.

County Auditor Mark Splonskowski presented two applications for the remaining auxiliary boards for appointment. Motion by Comm. Woodcox, 2nd by Comm. Bakken to approve Linda MacDonald and Randy Strom for appointment to the School Redistricting Committee. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.**

Commissioner Munson presented a discussion on the ability of the Missouri Valley Complex Committee to request assistance from County staff. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the use of County staff in assisting the Missouri Valley Complex. Commissioners Munson and Woodcox voted 'AYE'. Commissioners Bakken, Schwab, and Chairman Bitner voted 'NAY'. **Motion denied.** Motion by Comm. Bakken, 2nd by Comm. Munson to allow Munson to request help from County staff for Missouri Valley Complex Committee business. Commissioners Bakken, Munson, and Woodcox voted 'AYE'. Commissioner Schwab and Chairman Bitner voted 'NAY'. **Motion carried.**

7:23 PM Chairman Bitner called a brief recess.

7:31 PM Chairman Bitner called the meeting back to order.

Chairman Bitner started a discussion on the Off Highway Vehicle Ordinance and opened the floor to public comment. County residents David Fischer, Josh Vallely, Sheila Zacher, Lori Reis, Annette Behm-Caldwell, Travis Jensen, Rick Fischer, Earl Steidler, Kolton Reis, Steve Smith, Jack Getz, Faron Kastner, Curtis Jundt, Jeremy Huizenga, Dan Reis, Myron Anton, and non-County resident Steve Pletan spoke on the subject. Chairman Bitner requested no action on the Off Highway Vehicle Ordinance tonight and requested it be placed on the next agenda for the March 2nd, 2026 meeting.

In other Business:

- Commissioner Schwab reminded the residents of the County to sign up for the Primary Residence Credit for next year.
- Commissioner Schwab inquired as to other Commissioners attending the Garrison Diversion Conservancy District's public hearing on the County's petition to be removed from the district.

Meeting Adjourned.

9:15 PM

Mark Splonskowski,
County Auditor

Brian Bitner,
Chairman

DRAFT

The following list of abatements and settlement of taxes is forwarded for action to the Burleigh County Commission:

Abate #	Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
26-040	Nichols & Alexis Faber	2025	Blk 2 Lot 7 Country Club First	Error in property description	\$462,400	\$246,900
26-041	Thomas & Krystle Hansen	2025	L16-17, Blk 2, Eastbluff Village	100% Disabled Veteran	\$505,200	\$425,200
26-054	ND Long Term Care Assoc	2025	L16, Blk 15, Replat Tibesar's 1st Subdiv	Property exempt from taxation	\$544,000	\$0
26-059	Jared & Alison Sherven	2024	L23, Blk 2, Horizon Heights 4th 1st Replat	100% Disabled Veteran	\$241,700	\$169,700
26-060	Jared & Alison Sherven	2025	L23, Blk 2, Horizon Heights 4th 1st Replat	100% Disabled Veteran	\$262,400	\$182,400
26-066	Dorothy & Roger Thomas	2025	L12, Blk 1, Cottonwood Lake 4th & undiv interest in L32 Blk 1	Error in property description	\$714,400	\$637,800
26-067	Ryan Fettig	2025	L1, Blk 5, Horizon Heights 3rd	60% Disabled Veteran	\$487,300	\$367,300
26-073	Thomas & Lori Leier	2024	L10, Blk 13, Elk Ridge 2nd Add	Error in property description	\$788,300	\$725,900
26-074	Thomas & Lori Leier	2025	L10, Blk 13, Elk Ridge 2nd Add	Error in property description	\$846,300	\$735,900
26-075	Central Station LLC	2025	L5-6, Blk 48, Original Plat	Error in property description	\$1,624,500	\$1,055,900
26-080	Bavendick Properties & Harley Swenson	2025	L13-C, Blk 4, Eastdale	Error in property description	\$777,300	\$720,800
26-081	Jeffrey Andahl	2025	L2, Blk 5, North Hills 3rd	Error in property description	\$355,600	\$340,600
26-082	Christopher & Destiny Smith	2025	L2, Blk 7, Replaty of Lounsberry's Outlots 17-19 & 26-27	100% Disabled Veteran	\$192,800	\$92,800
26-083	Lavetta Fox	2024	1977 Dickman 48 x 24, VIN # 6772201AB	Mobile home removed	\$11,508	\$0
26-084	Lavetta Fox	2025	1977 Dickman 48 x 24, VIN # 6772201AB	Mobile home removed	\$11,508	\$0
26-085	Lavetta Fox	2026	1977 Dickman 48 x 24, VIN # 6772201AB	Mobile home removed	\$11,508	\$0

26-088	Arthur & Karla Whittey	2024	W1/2 L10 & all L11-13, Blk 13, McKenzie's	50% Homestead Credit	\$332,500	\$232,500
26-089	Joyce Borgelt	2024	L23, Blk 1, Calgary Court	50% Homestead Credit	\$316,000	\$216,000
26-090	Joel & Arlene Melarvie	2025	Unit 3 & garage unit 3 3708 Koch Dr Condo Assoc, L2, Blk 1, Koch Addn	50% Homestead Credit	\$262,900	\$162,900
26-094	Bernie Walery	2024	L1-3 & L6-7 Commons on central unit 5B, Blk 18, Replat B18 Tibesar's Sub	50% Homestead Credit	\$257,300	\$157,300
26-095	Bernie Walery	2025	L1-3 & L6-7 Commons on central unit 5B, Blk 18, Replat B18 Tibesar's Sub	100% Homestead Credit	\$282,900	\$82,900
26-096	Cary & Lori Allen	2024	Pt L1 beg @ NE cor L1 S along E bndry 765' S89' 59' W476.5'; N765' N 89'59' along N bndry line L1	50% Homestead Credit	\$367,700	\$267,700
26-097	Cary & Lori Allen	2025	Pt L1 beg @ NE cor L1 S along E bndry 765' S89' 59' W476.5'; N765' N 89'59' along N bndry line L1	50% Homestead Credit	\$392,800	\$292,800
26-098	Viki Renken	2024	L5-6, Blk 24, Fisher	100% Homestead Credit	\$184,800	\$0
26-099	Viki Renken	2025	L5-6, Blk 24, Fisher	100% Homestead Credit	\$191,100	\$0
26-100	Loann Fettig	2025	W50' of L29-32, Blk 67, McKenzie & Coffin's	100% Homestead Credit	\$204,700	\$4,700
26-101	Cynthia Welk	2025	L11, Blk 9, Meadow Valley 2nd	50% Homestead Credit	\$272,400	\$172,400



LOCAL PERMIT OR RESTRICTED EVENT PERMIT
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
 SFN 17926 (8-2025)

Permit Number
26-006

Permit Type (check one)
 Local Permit Restricted Event Permit*

Games Authorized Raffle by a Political or Legislative District Party

Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.
LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group Rick Schuchard Cancer Benefit		Dates Authorized (Read Instruction 2) May 8, 2026	
Organization or Group Contact Person [REDACTED]	E-mail [REDACTED]	Telephone Number [REDACTED]	
Mailing Address [REDACTED]	City [REDACTED]	State ND	ZIP Code 58004

SITE INFO

Site Name [REDACTED]	County Burleigh		
Site Address [REDACTED]	City [REDACTED]	State ND	ZIP Code 58004

If the city or county is placing restrictions on the permit, please explain

Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)
Selling raffle tickets from 3/5/2026-05/08/26, Drawing on May 8th, 2026

Permits must be issued prior to the 1st event date.

Local governing bodies please see the instructions on the backside of this form on how to complete the permit. Be certain to provide the organization or group with the "Information Required to be Preprinted on a Standard Raffle Ticket" found on the backside of this forms if a raffle is being conducted. If a "Restricted Event Permit" is being issued, either provide organization or group with SFN 52880 "Report on a Restricted Event Permit" or make them aware that the report must be filed with the city or county and the Office of Attorney General within 30 days after the event. Before approving a site location, ensure compliance with the gaming law below

Before approving a local permit or restricted event permit the local governing body should review North Dakota Century Code 53-06.1-03(3)(a) which states:

3. A licensed organization or organization that has a permit shall conduct games as follows:
- a. Only one licensed organization or organization that has a permit may conduct games at an authorized site on a day, except that a raffle may be conducted for a special occasion by another licensed organization or organization that has a permit when one of these conditions is met:
 - (1) When the area for the raffle is physically separated from the area where games are conducted by the regular organization.
 - (2) Upon request of the regular organization and with the approval of the alcoholic beverage establishment, the regular organization's license or permit is suspended for that specific time of day by the Attorney General.

Local governing bodies should also review North Dakota Administrative Code 99-01.3-01-05 (Permits) for the administrative rules governing permits. These rules may be viewed on the North Dakota Attorney General's website at <https://attorneygeneral.nd.gov/licensing-and-gaming/gaming/gaming-laws-rules-and-publications>

CITY OR COUNTY CONTACT PERSON

Printed Name of City or County Official Mark Splonskowski	Title of City or County Official Burleigh County Auditor	Telephone Number 701-712-2887	E-mail Address msplonskowski@nd.gov
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input type="checkbox"/> County

City or County must submit a copy of the permit above to the Office of Attorney General within 14 days of issuance.



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 GAMING DIVISION
 SFN 9338 (8-2025)

Applying for (check one)
 Local Permit Restricted Event Permit*

Games to be conducted Raffle by a Political or Legislative District Party

Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.
LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group Rick Schuchard cancer benefit		Dates of Activity (Does not include dates for the sales of tickets) May 8, 2026	
Organization or Group Contact Person [REDACTED]	E-mail [REDACTED]	Telephone Number [REDACTED]	
Business Address	City	State	ZIP Code
Mailing Address (if different) [REDACTED]	City [REDACTED]	State ND	ZIP Code [REDACTED]

SITE INFO

Site Name Residence	County Burleigh
Site Physical Address [REDACTED]	City [REDACTED]
	State ND
	ZIP Code [REDACTED]

Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)
One time raffle, May 8th, 2026 at 5:00 pm CST

PRIZE / AWARD INFO (if More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
Raffle	GLFA 223 Wyld Rifle	859.00
Raffle	Beowulf 4 Person Golf w/gift card	600.00
Raffle	Scheels Gift Card	250.00
Total (limit \$50,000 per year)		\$ 1,709.00

ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds
Medical expenses for cancer treatments

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)
 Yes No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit)
 Yes No

Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded)
 No Yes - Total Retail Value: [REDACTED] (This amount is part of the total prize limit for \$50,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)
 Yes No

Printed Name of Organization Group's Permit Organizer [REDACTED]	Telephone Number [REDACTED]	E-mail Address [REDACTED]
Signature of Organization Group's Permit Organizer [REDACTED]	Title	Date Feb 17, 2026

<u>Prizes</u>	<u>Retail Value</u>
Beer and Fish Company Gift Card	\$100.00
Bubba Electric Fillet Knife	&189.95
Littles Bar and Grill Gift Card	\$100.00
Scheels Gift Card	\$100.00
Total	\$\$489.95
Total from front page	\$1,709.00
Total of all prizes	\$2,198.95

All Items required for this Permit have been met.

These Items are on file and can be seen upon request.



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

GAMING DIVISION

SFN 9338 (8-2025)

Applying for (check one)

Local Permit Restricted Event Permit*

Games to be conducted Raffle by a Political or Legislative District Party

Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.

LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group United Tribes Technical College		Dates of Activity (Does not include dates for the sales of tickets) 3/12/2026	
Organization or Group Contact Person [REDACTED]	E-mail [REDACTED]	Telephone Number [REDACTED]	
Business Address 3315 University Drive	City Bismarck	State ND	ZIP Code 58501
Mailing Address (if different)	City	State	ZIP Code

SITE INFO

Site Name United Tribes Technical College	County Burleigh		
Site Physical Address 3315 University Drive	City Bismarck	State ND	ZIP Code 58504
Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)			
Leprechaun Raffle and Floats			

PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
50/50	Cash Prize	150.00
Total (limit \$50,000 per year)		\$ 150.00

ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds
Efforts including purchasing self help literature for students, club memorabilia and marketing items, etc.

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)
 Yes No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit)
 Yes No

Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded)
 No Yes - Total Retail Value: [REDACTED] (This amount is part of the total prize limit for \$50,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)
 Yes No

Printed Name of Organization Group's Permit Organizer [REDACTED]	Telephone Number [REDACTED]	E-mail Address [REDACTED]
Signature of Organization Group's Permit Organizer [REDACTED]	Title SWK Instructor	Date 2/26/2026

All Items required for this Permit have been met.

These Items are on file and can be seen upon request.



LOCAL PERMIT OR RESTRICTED EVENT PERMIT
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
 SFN 17926 (8-2025)

Permit Number

Permit Type (check one)
 Local Permit Restricted Event Permit*

Games Authorized Raffle by a Political or Legislative District Party

Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.
LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group United Tribes Technical College		Dates Authorized (Read Instruction 2) 03/12/2026	
Organization or Group Contact Person [REDACTED]	E-mail [REDACTED]	Telephone Number [REDACTED]	
Mailing Address 3315 University Drive	City Bismarck	State ND	ZIP Code 58504

SITE INFO

Site Name United Tribes Technical College		County Burleigh	
Site Address 3315 University Drive	City Bismarck	State ND	ZIP Code 58504
If the city or county is placing restrictions on the permit, please explain			
Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)			
03/12/2026- one time event			

Permits must be issued prior to the 1st event date.

Local governing bodies please see the instructions on the backside of this form on how to complete the permit. Be certain to provide the organization or group with the "Information Required to be Preprinted on a Standard Raffle Ticket" found on the backside of this forms if a raffle is being conducted. If a "Restricted Event Permit" is being issued, either provide organization or group with SFN 52880 "Report on a Restricted Event Permit" or make them aware that the report must be filed with the city or county and the Office of Attorney General within 30 days after the event. Before approving a site location, ensure compliance with the gaming law below

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 - (1) When the area for the raffle is physically separated from the area where games are conducted by the regular organization.
 - (2) Upon request of the regular organization and with the approval of the alcoholic beverage establishment, the regular organization's license or permit is suspended for that specific time of day by the Attorney General.

Local governing bodies should also review North Dakota Administrative Code 99-01.3-01-05 (Permits) for the administrative rules governing permits. These rules may be viewed on the North Dakota Attorney General's website at <https://attorneygeneral.nd.gov/licensing-and-gaming/gaming/gaming-laws-rules-and-publications>

CITY OR COUNTY CONTACT PERSON

Printed Name of City or County Official Mark Splonskowski	Title of City or County Official Burleigh County Auditor	Telephone Number 701-712-2887	E-mail Address msplonskowski@nd.gov
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input type="checkbox"/> County

City or County must submit a copy of the permit above to the Office of Attorney General within 14 days of issuance.



LOCAL PERMIT OR RESTRICTED EVENT PERMIT
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
 SFN 17926 (8-2025)

Permit Number
26-007

Permit Type (check one)
 Local Permit Restricted Event Permit*

Games Authorized
 Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.
LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group Missouri River Clay Target League		Dates Authorized (Read Instruction 2) March 1st- May	
Organization or Group Contact Person [REDACTED]	E-mail [REDACTED]	Telephone Number [REDACTED]	
Mailing Address [REDACTED]	City Bismarck	State ND	ZIP Code 58503

SITE INFO

Site Name Capital City Gun Club		County Burleigh	
Site Address 8401 US-83	City Bismarck	State ND	ZIP Code 58503

If the city or county is placing restrictions on the permit, please explain

Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)
Drawing on 5/19/26 at 5-7pm

Permits must be issued prior to the 1st event date.

Local governing bodies please see the instructions on the backside of this form on how to complete the permit. Be certain to provide the organization or group with the "Information Required to be Preprinted on a Standard Raffle Ticket" found on the backside of this forms if a raffle is being conducted. If a "Restricted Event Permit" is being issued, either provide organization or group with SFN 52880 "Report on a Restricted Event Permit" or make them aware that the report must be filed with the city or county and the Office of Attorney General within 30 days after the event. Before approving a site location, ensure compliance with the gaming law below

Before approving a local permit or restricted event permit the local governing body should review North Dakota Century Code 53-06.1-03(3)(a) which states:

3. A licensed organization or organization that has a permit shall conduct games as follows:
- a. Only one licensed organization or organization that has a permit may conduct games at an authorized site on a day, except that a raffle may be conducted for a special occasion by another licensed organization or organization that has a permit when one of these conditions is met:
 - (1) When the area for the raffle is physically separated from the area where games are conducted by the regular organization.
 - (2) Upon request of the regular organization and with the approval of the alcoholic beverage establishment, the regular organization's license or permit is suspended for that specific time of day by the Attorney General.

Local governing bodies should also review North Dakota Administrative Code 99-01.3-01-05 (Permits) for the administrative rules governing permits. These rules may be viewed on the North Dakota Attorney General's website at <https://attorneygeneral.nd.gov/licensing-and-gaming/gaming/gaming-laws-rules-and-publications>

CITY OR COUNTY CONTACT PERSON

Printed Name of City or County Official Mark Splonskowski	Title of City or County Official Burleigh County Auditor	Telephone Number 701-712-2887	E-mail Address msplonskowski@nd.gov
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input type="checkbox"/> County

City or County must submit a copy of the permit above to the Office of Attorney General within 14 days of issuance.



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 GAMING DIVISION
 SFN 9338 (8-2025)

Applying for (check one)

Local Permit Restricted Event Permit*

Games to be conducted

Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.
LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group Missouri River Clay Target League		Dates of Activity (Does not include dates for the sales of tickets) March 1st - May	
Organization or Group Contact Person [REDACTED]	E-mail [REDACTED]	Telephone Number [REDACTED]	
Business Address [REDACTED]	City Bismarck	State ND	ZIP Code 58503
Mailing Address (if different)	City	State	ZIP Code

SITE INFO

Site Name Capital City Gun Club	County Burleigh
Site Physical Address 8401 US-83	City Bismarck
	State ND
	ZIP Code 58503

Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)
Drawing will be held on May 19th, 5-7pm

PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
Raffle	Optics, Guns, Gift Cards, Gun Safes, Pork and Beef (see attached)	\$12,360.00
Total (limit \$50,000 per year)		\$ 12,360.00

ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds
Offset cost associated with MRCTL leagues to keep participants costs affordable. - League membership dues

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)
 Yes No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit)
 Yes No

Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded)
 No Yes - Total Retail Value: [REDACTED] (This amount is part of the total prize limit for \$50,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)
 Yes No

Printed Name of Organization Group's Permit Organizer [REDACTED]	Telephone Number [REDACTED]	E-mail Address [REDACTED]
Signature of Organization Group's Permit Organizer [REDACTED]	Title Treasurer	Date 2/10/26

Prize #	Prize Description	MSRP
1	1/2 Beef	\$1,700.00
2	Scheels Gift Card	\$500.00
3	Ruger 10/22 75th Anniversary .22LR	\$349.99
4	LRF-250 Vortex Laser Range Finder	\$729.99
5	Scheels Gift Card	\$250.00
6	Yuma 58 Gun Safe	\$1,199.99
7	Tri Star Cypher Trap 12 Gauge	\$959.99
8	Scheels Gift Card	\$250.00
9	V-500 Vortex Spotting Scope	\$1,049.99
10	Winchester XPR Combo 30-06	\$799.99
11	Scheels Gift Card	\$250.00
12	V-203 Vortex Binocular	\$819.99
13	Winchester SXP Black 12 Gauge	\$369.99
14	Scheels Gift Card	\$250.00
15	1/2 Hog	\$400.00
16	V-201 Vortex Binocular	\$729.99
17	Scheels Gift Card	\$250.00
18	Field and Stream 33 Gun Safe	\$899.99
19	Fizzily Gift Card	\$100.00
20	Scheels Gift Card	\$500.00
		\$12,359.90

All Items required for this Permit have been met.

These Items are on file and can be seen upon request.



BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43RD AVE NE
BISMARCK, ND 58503
701-204-7748
FAX 701-204-7749
www.burleigh.gov

Memo

Date: February 24, 2026
To: Mark Splonskoski
County Auditor
From: Daniel Schriock P.E.
County Engineer
RE: Second access permit for Kitzan

Justin and Megan Kitzan from Country Meadows Subdivision, Lot 9 Block 2 (501 Nature View Dr.) have asked for a second access permit for their lot. Currently they have a driveway off of Nature View Drive near the southern portion of their lot. They wish to add a second approach on the northern side of their lot on also off Nature View Drive as shown in the map. We have reviewed the proposed access and have determined that the access meets our requirements.

Please place the approval of a 2nd approach for Justin and Megan Kitzan on the March 2, 2026 County Board Consent Agenda.

2nd Approach Permit Requirements

A second approach permit shall be granted by the County Engineer unless the application does not meet one of the following criteria:

- 1) The distance between adjacent approaches and the requested approach must be larger than 100 feet (center to center distance).
- 2) The requested approach provides adequate sight distance for the given speed zone (as set forth in "A Policy on Geometric Design of Highways and Street" by AASHTO).
- 3) The second approach meets standards set out in the existing Burleigh County Zoning Ordinance.



PARCEL ID: 32-139-79-09-02-090 OWNER: KITZAN, JUSTON ACRES: 1.492
SITE ADDRESS: 501 NATURE VIEW DR
MAIL ADDRESS: 501 NATURE VIEW DR, MENOKEN, ND 58558
LEGAL: COUNTRY MEADOWS Block 02 LOT 9 814777

ITEM

7

**RESOLUTION RELATING TO A PROJECT UNDER THE
MUNICIPAL INDUSTRIAL DEVELOPMENT ACT, GIVING THE PROJECT
PRELIMINARY APPROVAL, SUBJECT TO A PUBLIC HEARING
(UNIVERSITY OF MARY PROJECT)**

BE IT RESOLVED by the Board of County Commissioners of Burleigh County, North Dakota (the “County”), as follows:

Section 1. Policy and Purpose.

1.01. For the purpose of promoting, attracting, encouraging, and developing an economically sound commerce and encouraging employment opportunities for the citizens of the County, the County is authorized by Chapter 40-57, North Dakota Century Code (“N.D.C.C.”), to issue its revenue bonds and loan the proceeds thereof to nonprofit corporations to provide financing for the acquisition and construction of revenue producing facilities.

1.02. University of Mary, a North Dakota nonprofit corporation (the “University”), desires to undertake a project in the County for the following purposes (collectively, the “Project”):

- (1) to currently refund and refinance the outstanding principal balance of the County’s Education Facilities Revenue Bonds (University of Mary Project) Series 2016 (the “Refunding Project”), the proceeds of which were previously used to finance certain capital projects at the University of Mary campus, located at 7500 University Drive, Bismarck, North Dakota (the “Campus”); and
- (2) to finance certain costs of planning, permitting, constructing, improving, furnishing and/or equipping additional capital projects located on the Campus (the “Improvement Project”), including but not limited to (a) a new athletics complex and related master landscaping, (b) a new campus welcome center, (c) a new residence hall, (d) various functionally related and subordinate facilities, and (e) reimbursement of the University for certain costs previously incurred by the University with respect to the Improvement Project.

1.03. The University has requested the County to finance up to \$50,000,000 of the cost of the Project through the issuance of a new series of revenue bonds under N.D.C.C. Chapter 40-57 (the “Bonds”).

Section 2. Findings.

2.01. Subject to the holding of a public hearing according to law, it appears the issuance of the Bonds is in the public interest and any competitive nature, impact and effect of the issue upon existing industry and business will not result in an unfair advantage for the proposed Project to the substantial detriment of existing enterprises.

Section 3. Approval and Authorization.

3.01. Subject to the holding of a public hearing according to law and subject to the mutual agreement of the County, the University, and the purchaser of the Bonds as to the details of a Bond

Resolution, Financing Agreement, and other documents necessary to evidence and effect the financing of the Project and the issuance of the Bonds, the issuance of revenue bonds of the County, in one or more series, in an amount not to exceed \$50,000,000, is hereby approved.

3.02. If final approval and authorization is given after public hearing, the University shall not be required to advertise for public bids on any part of the Project as the County hereby waives the requirements of Chapter 48-01.2, N.D.C.C., as authorized by Section 40-57-03(12), N.D.C.C.

3.03. Neither this preliminary commitment nor any actions, agreements, or legal matters related hereto or executed in pursuance hereof, shall in any manner or form create an indebtedness or liability of the County.

Section 4. Public Hearing.

4.01. Since a public hearing, after notice according to law, is required for final approval of such bond issue, a public hearing on the issuance of the Bonds shall be held in the Tom Baker Meeting Room in the City/County Office Building, Bismarck, North Dakota, on April 6, 2026, at 5:00 p.m. and the County Auditor is hereby instructed to give notice of such public hearing according to law.

4.02. The form of Notice of Public Hearing attached as Exhibit A to this Resolution is hereby approved.

Dated: March 2, 2026.

BURLEIGH COUNTY, NORTH DAKOTA

Attest:

Chair, Board of County Commissioners

County Auditor

The governing body of the County acted on the foregoing resolution at a properly noticed meeting held in Bismarck, North Dakota, on March 2, 2026, with the motion for adoption made by _____ and seconded by _____, and the roll call vote on the motion was as follows:

"Aye" _____

"Nay" _____

Absent _____

NOTICE OF PUBLIC HEARING ON THE ISSUANCE
OF EDUCATION FACILITIES REVENUE BONDS UNDER THE MUNICIPAL
INDUSTRIAL DEVELOPMENT ACT
(UNIVERSITY OF MARY PROJECT)

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Burleigh County, North Dakota, will meet on April 6, 2026, beginning at 5:00 p.m. in the Tom Baker Meeting Room located in the City/County Building, 221 North 5th Street, Bismarck, North Dakota, for the purpose of holding a public hearing on a proposal that the County issue revenue bonds, in one or more series, under the Municipal Industrial Development Act, Chapter 40-57, N.D.C.C., in an aggregate principal amount not to exceed \$50,000,000 (the "Bonds"), in order to finance the Project described below.

The proceeds of the Bonds will be loaned by the County to the University of Mary, a North Dakota nonprofit corporation (the "University") for the following purposes:

- (1) to currently refund and refinance the outstanding principal balance of the County's Education Facilities Revenue Bonds (University of Mary Project) Series 2016 (the "Refunding Project"), the proceeds of which were previously used to finance certain capital projects at the University's campus, located at 7500 University Drive, Bismarck, North Dakota (the "Campus"); and
- (2) to finance certain costs of planning, permitting, constructing, improving, furnishing and/or equipping additional capital projects located on the Campus (the "Improvement Project"), including but not limited to (a) a new athletics complex and related master landscaping, (b) a new campus welcome center, (c) a new residence hall, (d) various functionally related and subordinate facilities, and (e) reimbursement of the University for certain costs previously incurred by the University with respect to the Improvement Project (the Refunding Project and the Improvement Project being collectively the "Project"); and
- (3) to pay the costs of issuing the Bonds.

The Project being financed, refinanced, or reimbursed from the proceeds of the Bonds will be owned and operated by the University and used in an integrated operation of the University. The Bonds will be issued as qualified 501(c)(3) bonds under Section 145 of the Internal Revenue Code of 1986, as amended.

The bonds shall be limited obligations of the County payable solely from the revenue provided by the University and pledged to the payment thereof. No holder of any such bonds shall ever have the right to compel any exercise of the taxing power of the County to pay the bonds, or the interest thereon, nor to enforce payment against any property of the County.

The University is an institution of higher education with facilities in Bismarck, North Dakota, and competitors are hereby notified of that fact pursuant to Chapter 40-57, N.D.C.C. All persons interested may appear and be heard at the time and place set forth above or may submit their views in writing prior to the time specified for the public hearing.

ITEM

9



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Request for County Commission Action

Date: February 18, 2026

To: Mark Splonskowski
Burleigh County Auditor

From: Kelly Leben *Kelly Leben*
Burleigh County Sheriff

Re: Variance to Burleigh County Policy- Chapter 2 SECTION 10: STARTING SALARY

Please place the following item on the next Burleigh County Commission agenda.

Action Requested:

Approve a variance to the starting salary for Jail Nurse-RN Position.

Background:

BMDC is in the process of hiring a Jail Nurse-RN position. The top applicant has over 24 years of experience in various aspects of nursing. The negotiated step is outside of the allowable steps by Burleigh County policy without County Commission approval. Market analysis shows negotiated salary is comparable with local job market.

Recommendation:

It is recommended that the County Commission approve the variance to the starting salary for the Jail Nurse-RN position at a Grade 9 Step 13.

Proposed Resolution:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to authorize the variance to Burleigh County Policy Chapter 2 Section 10-Starting Salary.

COURTHOUSE

514 E. Thayer • PO Box 1416

Bismarck, ND 58502-1416

P 701-222-6651 • F 701-221-6899

www.facebook.com/BurleighCountySheriffsDepartment

**BURLEIGH MORTON
DETENTION CENTER**

4000 Apple Creek Road • PO Box 2499

Bismarck, ND 58502-2499

P 701-255-3113 • F 701-258-5319

027

ITEM

10



Burleigh County Building, Planning & Zoning
PO Box 5518
Bismarck ND 58506

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Commission.
Re: Recommendations from the February 11, 2026 meeting of County Planning Commission
Date: 2-24-2026
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Kummer Ranch Subdivision Final

Legal Description: Lot C, Block 00, C and L Estates Subdivision Part of the N ½ of Section 28, Township 138 N, Range 79W

Property Address: 8305 Pleasantview Road Apple Creek Township

In Burleigh County Planning and Building Staff met with Moore Engineering to create a single lot, five (5) acre subdivision on his property containing 40 acres more or less. Patrick & Gail Lengfelder intend keep it residential.

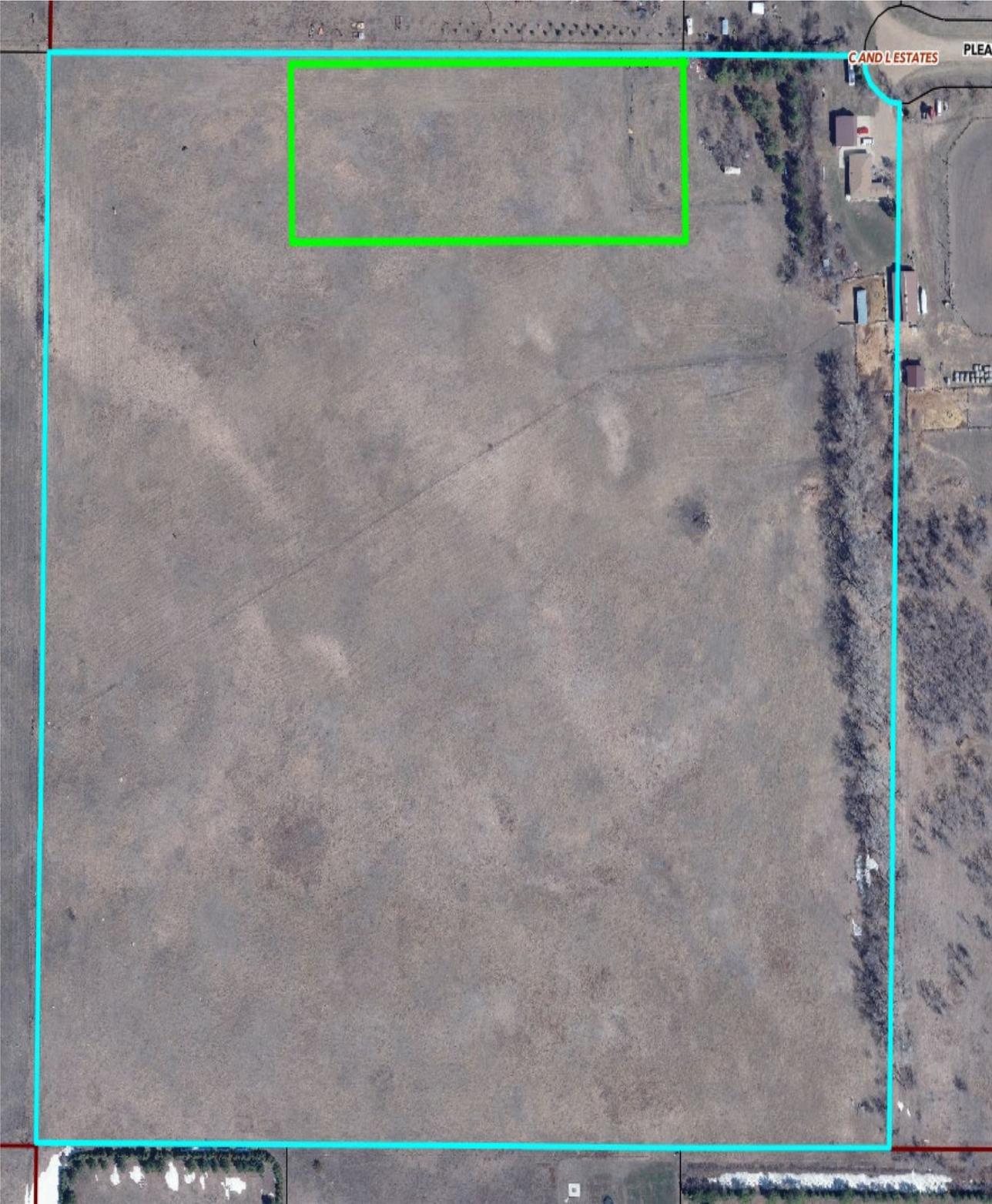
- The SWMP Waiver was approved on February 16th
- The paving waiver was approved on 1-26-2026
- The Planning Commission recommended approval by 8-0 vote

ACTION REQUESTED

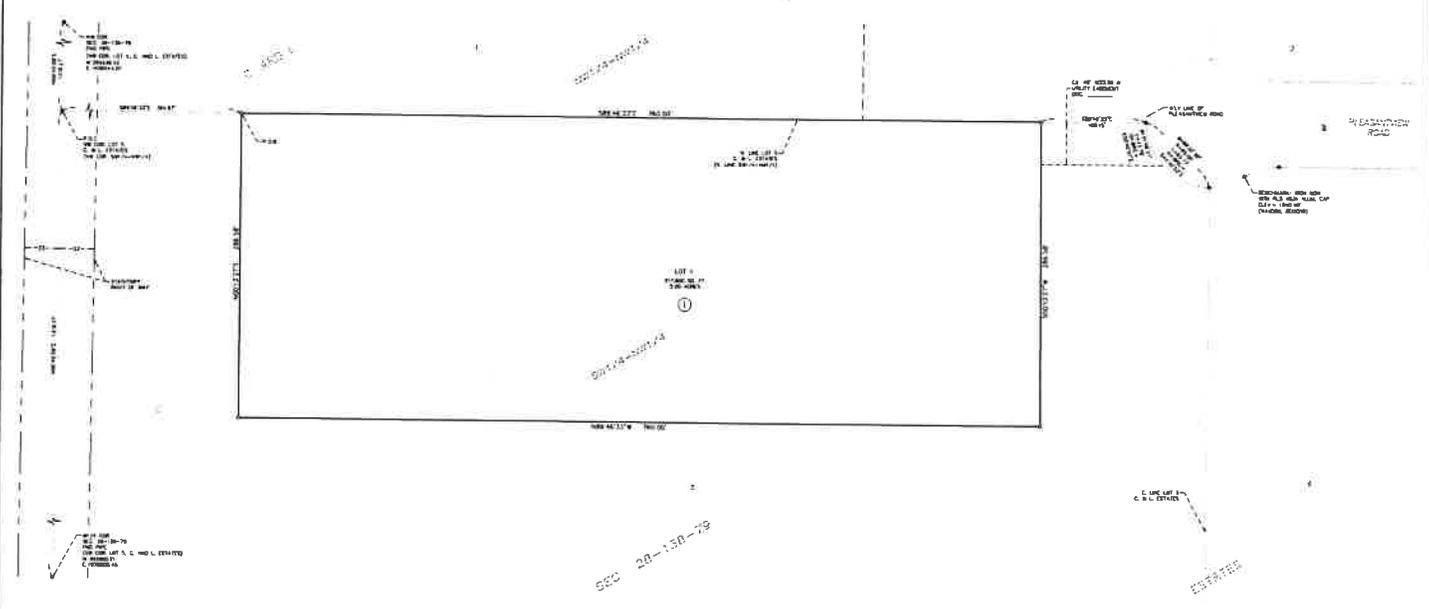
Based on supporting documents and findings of the Planning Commission, it is recommended to approve the Kummer Ranch Subdivision Final Plat.

Attachments: Ex. 1 Site Location 8305 Pleasantview Road.
Ex. 2 Kummer Ranch Subdivision Final Plat.

Ex. 1 Site Location 8305 Pleasantview Road



**PLAT OF
KUMMER RANCH SUBDIVISION
A PLAT OF PART OF LOT 5, C. AND L. ESTATES,
IN THE NW1/4 OF SECTION 28, TOWNSHIP 138 NORTH,
RANGE 79 WEST, BURLEIGH COUNTY, NORTH DAKOTA**



OWNER'S DECLARATION
We, the undersigned, being the sole owners of the land depicted herein, do hereby voluntarily consent to the execution of said plat.

Alicia B. Langhammer
Lot 1, Block 1

Carl A. Langhammer
Lot 1, Block 1

State of North Dakota
County of Burleigh

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Alicia B. Langhammer and Carl A. Langhammer, known to me to be the persons mentioned in said voluntary declaration and acknowledged to me that they executed the same as their free will and deed.

Alicia B. Langhammer, Burleigh County, North Dakota

DESCRIPTION
That part of Lot 5, C. and L. Estates, in the NW1/4 of Section 28, Township 138 North, Range 79 West, according to the recorded plat thereof, on file and of record in the office of the Register, Burleigh County, North Dakota, described as follows:

Commencing at the northwest corner of said Lot 5, thence South 89 degrees 15 minutes 00 seconds East on an unadvised bearing along the north line of said Lot 5 for a distance of 326.81 feet to the point of beginning, thence southerly South 89 degrees 15 minutes 00 seconds East along said north line for a distance of 763.00 feet; thence South 00 degrees 00 minutes 00 seconds West for a distance of 126.50 feet; thence North 89 degrees 15 minutes 00 seconds West along said north line for a distance of 763.00 feet; thence North 00 degrees 00 minutes 00 seconds East for a distance of 126.50 feet to the point of beginning.

Said tract contains 3.00 acres, more or less, and is subject to all easements, reservations, and rights of way of record, if any.

APPROVAL OF THE REGISTER
I, Carol Johnson, P.E., County Engineer of the County of Burleigh, North Dakota, hereby approve this plat of Kummer Ranch Subdivision, as shown on this plat, dated this _____ day of _____, 20____.

Carol Johnson, P.E., County Engineer

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION
The County Planning and Zoning Commission of the County of Burleigh, North Dakota, hereby approve this Kummer Ranch Subdivision, as shown on this plat.

The Planning and Zoning Commission of the County of Burleigh, North Dakota, has approved this plat of Kummer Ranch Subdivision, as shown on this plat, dated this _____ day of _____, 20____.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS
The Board of County Commissioners of the County of Burleigh, North Dakota, has approved Kummer Ranch Subdivision as shown on this plat, and does hereby waive any street parking within the boundaries of this plat.

This plat was done in accordance with the laws of the State of North Dakota in accordance with the authority of the County of Burleigh.

The foregoing record for the Board of County Commissioners of Burleigh County, North Dakota, was read by resolution adopted on the _____ day of _____, 20____.

Don Stone, Chairman

Jillene Math, Board Member
County Auditor

Dennis Spiese, Chairman

Tinae MUD, Planning Secretary

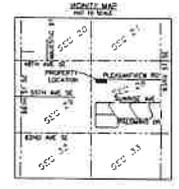
NOTARIAL CERTIFICATE
Steven B. Hart, being duly sworn, deposes and says that he is the Professional Land Surveyor who prepared and made the attached plat of "Kummer Ranch Subdivision", a part of part of Lot 5, C. and L. Estates, in the northwest quarter of Section 28, Township 138 North, Range 79 West of the 7th Principal Meridian, Burleigh County, North Dakota, that said plat is a true and correct representation of said survey, that all distances are correctly shown on said plat, that measurements were made thereon in the field as indicated for the guidance of future surveys, and dimensions are correctly shown as correct.

Steven B. Hart
Professional Land Surveyor
Reg. No. 15-4571

State of North Dakota
County of Cass

Notary Public, Cass County, North Dakota

Notary Public, Cass County, North Dakota



THIS SURVEY WAS PERFORMED, AND THE SURVEY MAP PREPARED, WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT OR AN ATTORNEY'S TITLE OPINION. THE RECORD BOUNDARY INFORMATION SHOWN HEREON IS BASED ON INFORMATION RECEIVED BY THE SURVEYOR FROM A REVIEW OF RECORDS IN CONNECTION WITH THIS SURVEY. PROPERTY OWNERS AND INTERESTED PARTIES ARE RECOMMENDED THAT ALL TITLE MATTERS AFFECTING THIS PROPERTY AND SURVEY BE REVIEWED BY AN ATTORNEY OR OTHER TITLE PROFESSIONAL.

moore
SURVEYING & CONSULTING, INC.
1111 13th Street, SW
Bismarck, ND 58501-4273

PROPERTY CHECKED BY: PATRICK & SARA SCHNEITZER
DATE: 11/14/2018
BISMARCK, ND 58501-4273

HORIZONTAL DATUM:
 BURLEIGH COUNTY GRID COORDINATES
 NORTH DAKOTA STATE PLANE SOUTH ZONE (NAD83/2011)
 1/27 1 000=406.271
 VERTICAL DATUM:
 NAD 83, GDS05
 BARS OF BEARINGS:
 BURLEIGH COUNTY GRID COORDINATES
 Scale in Feet



ITEM

11



BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43RD AVENUE NE
BISMARCK, ND 58503
701-204-7748
FAX 701-204-7749
www.burleigh.gov

Request for County Board Action

DATE: March 2, 2026

TO: Mark Splonskowski
County Auditor

FROM: Daniel Schriock
County Engineer

RE: Ponderosa Riverside Village Subdivision

Please place the following item on the next Burleigh County Board agenda.

ACTION REQUESTED:

Declare a Resolution of Necessity for the Ponderosa Riverside Village Subdivision's special assessment district (SAD #78) and call for a Public Hearing.

BACKGROUND:

The residents of Ponderosa Riverside Village Subdivision have presented Burleigh County with a Petition for Paving Improvements (See attachments). The County Auditor and County Engineer have reviewed the petition and have determined that the petition contained signatures of 28 landowners or 62.2% of the property owners.

The County Special Assessment Screening Committee met on February 26, 2026 for the purpose of considering the petition and predicting the feasibility of the project, the solvency of the project, and to make a recommendation to the County Board.

After careful consideration, it was determined that this proposal should be forwarded to the Burleigh County Commission with a recommendation that the project be approved and that a resolution of necessity be adopted.

RECOMMENDATION:

It is recommended that the Burleigh County Board adopt the attached proposed resolution.

PROPOSED RESOLUTION:

THEREFORE BE IT RESOLVED: That Burleigh County accepts the Engineering Report and Petition for Paving Improvements and declares a Resolution of Necessity for the Ponderosa Riverside Village Subdivision's special assessment district (SAD #78), and to authorize the call for a Public Hearing regarding the same.



BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43RD AVENUE NE
BISMARCK, ND 58503
701-204-7748
FAX 701-204-7749
www.burleighco.com

Engineering Report Ponderosa Riverside Village Subdivisions

Property owners in Ponderosa Riverside Village Subdivisions have asked the Burleigh County Highway Department to review the suitability of paving their roadway within the Ponderosa Riverside Village Subdivisions. (See attached map for location)

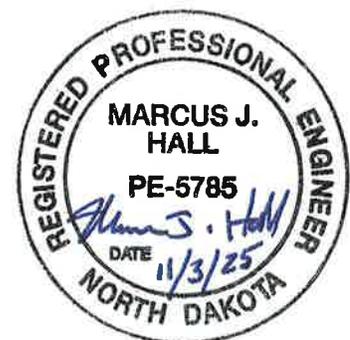
Existing Condition: The Ponderosa Riverside Village Subdivisions special assessment district (SAD) contains 46 lots which access the roadways within the SAD/Subdivisions. The SAD/Subdivisions contain approximately 5,955 ft. of gravel roadway that varies in width but averages about 18 feet wide. The roadway base is in ok condition but will require some minor graveling and grading before receiving asphalt paving. In addition, there will need to be some tree/branch/bush trimming along the SAD roadways in order to get paving equipment into the area. We propose keeping the trimming to a minimum in order to maintain the general character of the roadways/subdivisions. It is the Highway Department's opinion that this subdivision is suitable for paving.

Proposal: Under the Burleigh County Pavement Policy, residents of the SAD/subdivisions will be required to "...pave all internal roadways and at least one roadway that connects into the existing paved highway system." In this case, property owners will be required to pave the following roadway: Pave Magnolia Drive from the intersection with Ponderosa Ave to the intersection with Lariat Lane. Pave Sunshine Lane from Magnolia Drive north to the end of the cul-de-sac. Pave Cottonwood Lane from Magnolia Drive north to Ponderosa Ave. Pave Pine Lane from Cottonwood Lane to the west edge of Ponderosa Riverside Village First Subdivision Block 7, Lot 3. Pave Lariat Lane from Magnolia Drive north to the existing pavement. The cost estimate for this Special Assessment District (SAD) will be based on an 18 feet wide pavement top. Paving for this project will include 4 inches (as required in the Burleigh County subdivision standard) of hot bituminous and a chip seal treatment. All work will take place in 2026 and will meet Burleigh County Subdivision standards.

Cost Estimate: Cost estimate includes both asphalt paving of the roads and a chip seal. The total cost of this project to the residents is estimated at \$619,502 (\$13,467 per lot).

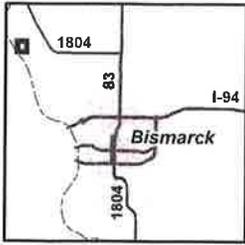
Marcus J. Hall P.E.
Burleigh County Highway Engineer

Attachments:
Map of benefited properties
Ponderosa Riverside Village Subdivisions Petition for Paving



BURLEIGH COUNTY, NORTH DAKOTA BENEFITED PROPERTIES

N
11/03/2025



- Benefited Properties
- Participating Roadway
- Existing Paved Road
- Subdivision Boundary
- Lot Boundary

Ponderosa Riverside Village Subdivision Petition for Paving Improvements

We, the undersigned, being the landowners of record of benefited property, do hereby petition the Burleigh County Commission to create a special assessment district for the following improvements.

We understand that the entire final cost will be apportioned equally among the 46 adjoining property owners by the special assessment commission as follows:

The following lots within Ponderosa Riverside Village First subdivision are to be included:

Block 4, Lots 1 & 2	Block 6, Lots 8 & 9
Block 4, Lots 3 & part of 4	Block 6, Lot 10 & 11
Block 4, Lot 5 & part of 4	Block 6, Lots 12 & 13
Block 4, Lot 6	
Block 4, Lots 7 & 8	
Block 4, Lots 9 & 10	Block 7, Lot 1
Block 4, Lots 11 & 12	Block 7, Lot 2 & 3
Block 4, Lots 13 & 14	Block 7, Lots 4 & 5
Block 4, Lots 15 & 16	Block 7, Lots 6 & 7
	Block 7, Lot 8

Block 5, Lot 3	
Block 5, Lots 4 & 5	
Block 5, Lot 6	Block 8, Part of Lot 1
Block 5, Lots 7 & 8	Block 8, Lots 2, 3 & part of 1
Block 5, Lots 9 & 10	Block 8, Lots 4, 5, & part of 6
Block 5, Lots 11 & 12	Block 8, Lot 7 & part of 6
Block 5, Lots 13 & 14	
Block 5, Lots 15 & 16	

The following lots within Ponderosa Riverside Village Second subdivision are to be included:

Block 17, Lot 1
Block 17, Lot 3
Block 17, Lot 4
Block 17, Lot 5
Block 17, Lot 19
Block 17, Lot 20

The following lots within Ponderosa Riverside Village Third subdivision are to be included:

Block 1, Lots 1 & 2

The following lots within Ponderosa Riverside Village Fourth subdivision are to be included:

Block 1, Lot 4
Block 1, Lot 5

The following lots within Ponderosa Riverside Village Sixth subdivision are to be included:

Block 1, Lot 21
Block 1, Lot 22

The following lots within Murry Estates Second subdivision are to be included:

Block 1, Lot 1 & part of 2

Block 1, Lot 3 & part of 2

Block 1, Lot 4

Block 1, Lot 5

The following individual lots are to be included:

5731 Magnolia Drive, Parcel # 31-139-81-00-03-810

5815 Magnolia Drive, Parcel # 31-139-81-00-03-835

A) Location: All or part of Ponderosa Riverside Village First, Second, Third, Fourth and Sixth Subdivision and Murry Estates Second Subdivision

B) Type of Improvement: Asphalt paving of roads with chip seal. (25 year lifespan)

C) Improvement Extent: Pave Magnolia Drive from the intersection with Ponderosa Avenue to the intersection with Lariat Lane. Pave Sunshine Lane from Magnolia Drive north to the end of the cul-de-sac. Pave Cottonwood Lane from Magnolia Drive north to Ponderosa Avenue. Pave Pine Lane from Cottonwood Lane to the west edge of Ponderosa Riverside Village First subdivision Block 7, Lot 3. Pave Lariat Lane from Magnolia Drive north to the existing pavement.

These areas are shown in the attached map.

Total length of improvement is approximately 5,955 feet. (1.128 miles)

D) Estimated Total Cost: \$619,502.81 (\$13,467 per lot). If actual costs are found to be significantly different, property owners reserve the right to stop the petition.

Assessment Period: 10 to 15 Years or payoff sooner without penalty.

E) Desired Improvement Completion Date: Summer of 2026 or A.S.A.P.

F) Contact Persons: Kathy Weisz

BURLEIGH COUNTY, NORTH DAKOTA BENEFITED PROPERTIES



- Benefited Properties
- Participating Roadway
- Existing Paved Road
- Subdivision Boundary
- Lot Boundary

PONDEROSA RIVERSIDE VILLAGE SUBDIVISION PETITION FOR PAVING IMPROVEMENTS

PRINTED NAME	SIGNATURE	MAILING ADDRESS	EMAIL ADDRESS	PHONE	SUBDIVISION	LEGAL DESC.		DATE
						LOT	BLK	
Stokoe Eric		7315 Carat Ln			Murray Estate 2nd	322	1	11-30-2025
Beth Thune		7312 Jewel Lane Bismarck, ND 58504			First Subdivision	6	4	11-30-2025
Lynnea Rita Koehler		6007 Magnolia Dr Bismarck, ND 58503			First Subdivision	722	8	11-30-2025
Synthia Lee Feist		7504 Sunshine Ln Bismarck, ND 58503			Second Subdivision	5	17	11-30-2025
Investours, Inc. by Chad Walker		PO Box 1437, Bismarck ND 58502			First Subdivision	819	6	12-19-2025
Gene Walker		6040 MANOLIA DR. Bismarck, ND 58503			Fourth Subdivision	5	1	12-19-2025
Robert Meland		7940 GARRET Lane Bismarck ND 58503			First Subdivision	142	4	12-19-2025
Clark Twardowski		7500 Lariat Rd Bismarck, ND 58503			Second Subdivision	1	17	12-20-2025
Andrea Brist		4015 Ponderosa Ave Bismarck ND 58503			First Subdivision	12	6	12-20-2025
Bruce Fetting		5913 Magnolia Dr Bismarck ND 58503			First Subdivision	23	8	12-30-2025
Bob Sydlu		7404 Skowhegan Lane Bismarck ND 58503			First Subdivision	3	5	12-30-2025
Nathan Wolf		7308 Lariat Ln Bismarck, ND 58502			First Subdivision	728	4	11/6/2025
Timothy Faller		7415 Sunshine Bismarck ND 58503			First Subdivision	154	4	11/9/2025
Clayton Kohler		6007 Magnolia Bismarck, ND			First Subdivision	746	8	11/14/2025

PONDEROSA RIVERSIDE VILLAGE SUBDIVISION PETITION FOR PAVING IMPROVEMENTS

PRINTED NAME	SIGNATURE	MAILING ADDRESS	EMAIL ADDRESS	PHONE	SUBDIVISION	LEGAL DESC		DATE
						LOT	BLK	
GLENN KROH	<i>Glenn Kroh</i>	7525 Sunshine Ln			Second	3	17	11-22-25
Jeff Satter	<i>Jeff Satter</i>	6025 Magnolia Dr			Third	12	1	11-22-25
Wanda Bond <i>Wanda Bond</i>	<i>Wanda Bond</i>	7534 Lariat Lane			First	19	17	11-22-25
Lynn Oby	<i>Lynn Oby</i>	122 Telsa Dr			First	20	17	11-23-25
Mark Reilly	<i>Mark Reilly</i>	7320 Cottonwood Ln			First	1	7	11-25-25
Dan Stephenson	<i>Dan Stephenson</i>	7521 Lariat Ln			Sixth	22	1	11-23-25
Jeffrey M. Schmidt	<i>Jeffrey M. Schmidt</i>	6029 Pine Ave			First	10	6	11/25/25
Kathleen Wilson	<i>Kathleen Wilson</i>	6006 Magnolia Dr			First	6	7	11/25/25
Kathleen Weisz	<i>Kathleen Weisz</i>	6006 Magnolia Dr			First	3	7	11-25-2025
Rick Todd	<i>Rick Todd</i>	7533 Lariat Ln			Sixth	21	1	11-29-2025
Travis Johnson	<i>Travis Johnson</i>	5731 Magnolia Dr			Parcel # 31-139			11-29-2025
Daniel Olson	<i>Daniel Olson</i>	5815 Magnolia Dr			Parcel 31-139			11-29-2025
Ryan Albin	<i>Ryan Albin</i>	7335 Cottonwood Ln			First	13	5	11-29-2025
Jeff M. Hill	<i>Jeff M. Hill</i>	7323 Sunshine Ln			First	11	4	11-29-2025
MEGANIE HEITKAMP	<i>Meganie Heitkamp</i>	7400 Lariat Ln			First	3	4	11-30-2025

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE ASPHALT PROJECT FOR PONDEROSA VILLAGE, ON THE SAD PETITION FOR SAID GRAVEL ROADS, AND HEREBY RECOMMEND THAT SAID PLANNED PROJECT BE APPROVED.

APPROVED? YES

SINCERELY,

BOARD OF HAY CREEK TOWNSHIP
BURLEIGH COUNTY, NORTH DAKOTA

FEBRUARY 4, 2026

Mary L. Bennick 2/4/26
chair
Hay Creek Township

February 26, 2026
8:00 AM
1st Floor Conference Room
City County Building

Screening Committee

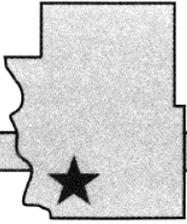
1. Committee call to order
8:00 AM
2. Members Present:
Mark Splonskowski – Auditor
Daniel Schriock – County Engineer
Steve Schwab – County Commissioner – Highway Portfolio
3. Discussion of Special Assessment District #78 Ponderosa Riverside Village
 - a. Feasibility
Screening Committee determined that the project is feasible and has a valid chance of success.
 - b. Predictability and Solvency
The screening committee does not see any issues with the predictability or solvency of the SAD.
 - c. Verification of Signatures
Signatures Confirmed 28 for and 18 Nay or not asked
Discussion of Susan Gerenz letter of protest. We confirmed that Susan has 3 lots counting for 3 votes in opposition to the SAD.
 - d. Recommendation
Motion to move petition forward to the March 2nd Commission Meeting and call for April 6th Public Hearing Mark, Second Dan.
3-Yay, 0-Nay
4. Adjourn
8:19 AM

ITEM

12

County of Burleigh

221 NORTH 5TH STREET • P.O. BOX 5518 • BISMARCK, NORTH DAKOTA 58506-5518



Date: March 2nd, 2026

To: Burleigh County Commission

From: Mark Splonskowski
County Auditor

RE: 2026 Primary Election Poll Worker Update

The purpose of this item is to update the Commission on the status of the Poll Worker hiring process for the upcoming 2026 Primary Election. Also, to reach out to the Citizens of Burleigh County who are interested in volunteering their time to serve as an Election Hero.

The County is in need of roughly 230 Poll Workers to serve on Election Day as well as Early Vote and the Absentee Ballot Precinct. 30 to 50 Stand-By Poll Workers are also needed to ensure coverage at the polling locations if vacancies arise.

As of February 26th, 2026, the County has 164 confirmed Poll Workers. Of those, 146 have previously worked as Poll Workers for the County and 19 are new volunteers.

If any Citizens are interested in being a Poll Worker, please reach out the Auditor, Mark Splonskowski or the Election Coordinator Thomas Larson.

Thank You,

Mark Splonskowski
Burleigh County Auditor

ITEM

13

Public Comment Policy ([NDCC 44-04-10.1](#))

Burleigh County welcomes public comment at our regularly scheduled meetings. A “Public Comment” period will be provided before the consent agenda and regular agenda.

Public Comment:

- Individual providing comment must provide their name and address on the form provided
- Restricted to Burleigh County residents and landowners
- Should not repeat items already presented during public comment period
- Public may sign form provided and signify if agree or disagree on a specific item rather than speaking if their comments do not add to the conversation
- ~~Presenter must sign in with name and address on form provided~~
- Time limit and appropriateness at discretion of the Chair
- **Limited to current agenda items or agenda items from the previous meeting.**
- May be available during each agenda item at the discretion of the Chair
- Must be pertinent to Burleigh County
- May not interfere with the orderly conduct of the regular meeting
- May not be defamatory, abusive, harassing, or unlawful
- May be prohibited if an alternative procedure exists to bring that particular type of public comment before the entity, the public comment includes confidential or exempt information, or the public comment is otherwise prohibited by law.
- Misinformation presented may be corrected by the Chair or other Board Member.
- Speakers may be guided back to the topic as needed.

44-04-20.1. Public comment - Regular meetings of a public entity.

1. Every regular meeting of a governing body of a city, county, township, school district, park district, or water resource district must include an opportunity for an individual to provide public comment.
2. An individual providing comment at a meeting shall provide to the governing body in writing the individual's name and address. The individual's address is an exempt record.
3. A governing body of a city, county, township, school district, park district, or water resource district:
 - a. May limit a public comment only as follows, except as provided in subdivision b:
 - (1) By time per speaker, total time for public comment, or both.
 - (2) By agenda topic, to the agendas of the current and at least one preceding meeting.
 - b. Shall develop a policy regarding public comment rules for regular meetings. The policy may provide a public comment:
 - (1) Must be pertinent to the public entity.
 - (2) May not interfere with the orderly conduct of the regular meeting.
 - (3) May not be defamatory, abusive, harassing, or unlawful.
 - (4) May be prohibited if an alternative procedure exists to bring that particular type of public comment before the public entity, the public comment includes confidential or exempt information, or the public comment is otherwise prohibited by law.

ITEM

14

BURLEIGH COUNTY STATE'S ATTORNEY

STATE'S ATTORNEY
JULIE LAWYER

MEMORANDUM

To: Burleigh County Commissioners
From: Julie Lawyer, State's Attorney 
CC: Mark Splonskowski, Auditor
RE: Off-Highway Vehicle Ordinance
Date: March 2, 2026

A number of questions have arisen regarding an off-highway vehicle (OHV) ordinance. As previously discussed, the County Commission now has the authority under N.D.C.C. § 39-29-08(4) to adopt an ordinance to “regulate, restrict, and prohibit the use of off-highway vehicles operated ... within the county in areas under the exclusive jurisdiction of the ... county.” I have attached a copy of N.D.C.C. Ch. 39-29 which is the state law regarding OHVs. Below is a brief overview of the law regarding registration and licensing of OHVs and operators, roadway rights-of way, and permissible restrictions that can be enacted under the law.

Registration and Licensing

Pursuant to state law, all OHVs that are operated in the state must be registered unless owned and used by a governmental agency, are registered in another state or country, are used exclusively on private lands, or used exclusively in organized track racing events. N.D.C.C. §§ 39-29-02 and 39-29-04. Registered OHVs must affix and display the decal or plate in a position that provides “clear legibility for identification”. N.D.C.C. § 39-29-03.

OHV operators must possess a valid driver's license or permit. N.D.C.C. § 39-29-09(6). OHV operators between the ages of 12-16, who do not have a valid driver's license or permit, must complete an OHV safety training course and receive an OHV safety certificate issued by the director of the parks and recreation department. N.D.C.C. § 39-29-10. Anyone under the age of 12 can only operate on OHV if they are a participant in an organized sporting event involving use of OHVs or they are operating the OHV on their parent/guardian's property. N.D.C.C. § 39-29-10. An operator 12-16 years old without the safety certificate or an operator 16 and older without a license or permit may also operate an OHV only in an organized sporting event or on their own or their parent/guardian's property.

The County does not have the authority to require licensing or registration. N.D.C.C. § 39-29-07.

Rights-of-way / Easements on Roadways

There is no express “right” to use a roadway as governmental authorities can put restrictions on their use. For example, governmental agencies have the authority to close roads during adverse winter conditions. When a road is closed, there is no “right” in the motoring public to use that roadway and there are generally penalties that are associated with violating that closure.

However, roadways are open to the public for lawful vehicular use. Likewise, there is no express “right” to ride snowmobile or OHVs in roadway easements either, however, lawful use of those vehicles in roadway rights-of-way is a permissible use of the right-of-way.

There are several different categories of roadway rights-of-way. The county may own the roadway and the ditches, there may be a statutory right-of-way, or there may be an easement on the private property adjacent to the roadway.

Fee title: The governmental authority may have fee title in the land meaning the government owns the land encompassing the road and ditches and there is no private ownership in any of the land. These would be filed with the County Recorder.

Section lines: Section lines are considered public roads open for public travel to the width of thirty-three feet on each side of the section lines. N.D.C.C. § 24-07-03.

Easements: An easement is an agreement between the landowner and another person or entity allowing rights to use the land for a special or limited purpose. Easements are generally reduced to writing and filed with the County Recorder.

There are generally no private property implications for fee title or section lines. If the county owns the roadway and the ditch, there are no private property implications regarding OHVs lawfully operating in the ditch. Section lines are, by statute, open for travel to a width of thirty-three feet on each side of the section line and there are no private property implications regarding OHVs lawfully operating in those areas.

Easements by the landowner to the County for use of a road would be specific to that easement and the language of the easement and whether that particular use of the easement falls within the parameters of the special purpose for which it was granted. If the easement was granted for “use as a public highway” which is typical for roadways, then vehicular use, including lawful operation of an OHV, is an allowable use of the easement. *See Becker v. Burleigh County*, 2019 ND 68, 924 N.W.2d 393 (stating “the proposed use of the easement need only be ‘consistent’ with the purpose of the original dedication for street or highway purposes” and raising the street grade as a means to build a levee for flood control was within the use of the original grant).

Restrictions on OHV use

Because the county can, by ordinance, restrict the use of OHVs in areas under the county’s exclusive control, you may enact an ordinance that does any of the following:

- prohibits all use of OHVs
- prohibits use of OHVs during specific dates
- prohibits use of OHVs under specific conditions

CHAPTER 39-29 OFF-HIGHWAY VEHICLES

39-29-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Dealer" means any person engaged in the business of buying, selling, or exchanging off-highway vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of off-highway vehicles, or who engages in the buying of off-highway vehicles for resale.
2. "Off-highway vehicle" means any motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. The term includes a motorized vehicle converted to operate on snow. The term does not include an electric bicycle. An off-highway vehicle must be classified into one of the following categories:
 - a. Class I off-highway vehicle is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
 - b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width, weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels on three or more nonhighway tires; or is sixty-five inches [1651 millimeters] or less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels on four or more nonhighway tires.
 - c. Class III off-highway vehicle weighs less than eight thousand pounds [3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires; has a seat; has a wheel, handlebars, or steering for steering control; and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, but does not include a vehicle registered by the department under chapter 39-04 or 39-24.
3. "Operate" means to ride in or on and control the operation of an off-highway vehicle.
4. "Operator" means an individual who operates or is in actual physical control of an off-highway vehicle.
5. "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle and entitled to its use or possession.
6. "Peace officer" means a public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations of violations of the law.
7. "Register" means the act of assigning a registration number to an off-highway vehicle.

39-29-01.1. Safety fee - Imposition - Collection by dealer - Payment to department - Use of fee.

Upon the sale of a new or used off-highway vehicle, a dealer shall collect a five dollar safety fee from the buyer. By the end of each calendar quarter, the dealer shall file a report with the parks and recreation department which discloses the number of off-highway vehicles sold the previous months and includes the fees collected from the buyer. Fees imposed under this section must be deposited in the off-highway vehicle fund established under section 39-29-05. The fees may be used only by the parks and recreation department and only for off-highway vehicle safety education and promotion. The parks and recreation department shall report to the director within thirty days of the end of each calendar quarter the motor-powered recreational vehicle dealers that submitted a safety fee report and the number of vehicles sold, and shall identify every dealer not collecting or transmitting the safety fee.

39-29-02. Off-highway vehicle registration.

Except as provided in this chapter, an individual may not operate an off-highway vehicle unless it has been registered under this chapter.

39-29-03. Registration - Application - Issuance - Fees - Renewal.

1. Application for registration must be made to the department of transportation in the form the department prescribes and furnishes. The registration must state the name and address of every owner of the off-highway vehicle and be signed by at least one owner. A copy of the application is evidence of registration for the first thirty days after the date of application.
2. On receipt of an application and the appropriate fee, the department shall register the off-highway vehicle and assign a registration number and a certificate of registration. In addition, the department shall issue a decal made of reflectorized material which contains the registration number or the department shall issue one distinctive number plate upon the request of the owner. The operator of an off-highway vehicle shall securely affix and display the decal or the plate in a position as to provide clear legibility for identification. The certificate of registration must include information regarding the make, year, serial number, and name and address of the owner.
3. The fee for registration of each off-highway vehicle is five dollars for a registration period of two years. For a duplicate or replacement registration number or registration card which is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars. For each off-highway vehicle registered under this chapter, there is an off-highway vehicle trail tax of fifteen dollars.
4. The owner of an off-highway vehicle shall renew the registration in the manner the department prescribes and pay the registration fees and applicable tax provided in subsection 3.
5. On application for registration as prescribed in subsection 2, and on payment of the amounts prescribed in subsection 3, an off-highway vehicle dealer is entitled to be issued registration numbers distinctively marked as dealer's registration numbers. The dealer's registration numbers may be used only on off-highway vehicles owned by the dealership.

39-29-04. Exemption from registration - Exemption from fees.

1. Registration and payment of fees is not required of:
 - a. Off-highway vehicles owned and used by the United States or any state or its political subdivisions.
 - b. Off-highway vehicles registered in a foreign country and temporarily used in this state.
 - c. Off-highway vehicles validly licensed in another state and which have not been within this state for more than thirty consecutive days.
 - d. Off-highway vehicles used exclusively on private lands.
 - e. Off-highway vehicles used exclusively in organized track racing events.
2. If an off-highway vehicle is exempt from registration under subdivision b or c of subsection 1, the owner shall purchase an out-of-state public trails and lands access permit received upon payment of a ten dollar per-year fee. Dealers or other agents authorized by the director of the parks and recreation department who sell out-of-state public trails and lands access permits may retain one dollar of the ten dollar per-year fee. The remainder of the fees collected under this subsection must be deposited in the off-highway vehicle fund.

39-29-05. Disposition of registration fees and trail tax.

1. Fees from registration of off-highway vehicles must be deposited with the state treasurer and credited to the highway tax distribution fund.
2. The off-highway vehicle trail tax must be deposited in the off-highway vehicle fund in the state treasury. The parks and recreation department may, on appropriation by the legislative assembly, expend from that fund moneys for establishing off-highway vehicle facilities, use areas, and safety and education programs, and on enforcement of this chapter. The department may also use the fund to make grants to political subdivisions, governmental agencies, and nonprofit organizations for the purpose of developing and improving off-highway vehicle facilities and use areas and on

promoting off-highway vehicle safety and education. The department may also use the fund to make grants to law enforcement agencies for the purpose of enforcing laws applicable to off-highway vehicles and to the use of off-highway vehicle facilities and use areas.

39-29-06. Transfer or termination of off-highway vehicle ownership - Change of address of owner.

Within fifteen days after the transfer of any ownership interest in an off-highway vehicle, other than a security interest, or the destruction or abandonment of any off-highway vehicle, or a change of address of the owner as listed with the application for registration, written notice of the fact must be given by the new owner to the director in the form the director requires.

39-29-07. Licensing by political subdivisions.

Political subdivisions of this state may not require licensing or registration of off-highway vehicles.

39-29-08. Rules.

1. The department shall adopt rules for the registration of off-highway vehicles and display of registration numbers.
2. The director, in the interest of public health, welfare, and safety, may regulate, by rule, the operation of off-highway vehicles on state highways. The director's authority to prohibit the use of off-highway vehicles is limited to the roadways, shoulders, inslopes, and medians within the right of way, except where such action is necessary to avoid an obstacle. Notwithstanding the racing prohibitions in section 39-08-03.1, the director may, on a case-by-case basis, permit organized and bona fide off-highway vehicle races on the ditch bottoms, backslopes, and the top of the backslopes of the state highway rights of way. The planning, organization, route selection, and safety precautions of any race are the sole responsibility of the person obtaining the permit. The director, the department, and the department's employees do not incur any liability for permitting races.
3. The director of the parks and recreation department shall adopt rules to regulate use of off-highway vehicles in state parks and other state-owned land under the supervision of the director of the parks and recreation department.
4. The governing bodies of political subdivisions may adopt rules to regulate use of off-highway vehicles in areas under their jurisdiction. The governing body of a city or county may, by ordinance, regulate, restrict, and prohibit the use of off-highway vehicles operated in the city limits or within the county in areas under the exclusive jurisdiction of the city or county.

39-29-09. Operation of off-highway vehicles.

1. An individual may not operate an off-highway vehicle on the roadway, shoulder, or inside bank or slope of any road, street, or highway except as provided in this chapter. Except in emergencies, an individual may not operate an off-highway vehicle within the right of way of any controlled-access highway. An individual may operate a registered off-highway vehicle on a gravel, dirt, or loose surface roadway. An individual may operate a registered off-highway vehicle on a paved highway designated and posted at a speed not exceeding fifty-five miles [88.51 kilometers] per hour. A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour. An individual may not operate an off-highway vehicle on a paved highway if the vehicle is unable to attain a speed, on a paved level surface, of at least thirty miles [48.28 kilometers] per hour.
2. The operator of an off-highway vehicle may make a direct crossing of a street or highway only if:

- a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The off-highway vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - c. The operator yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
 - d. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.
3. Unless an individual is operating a class I off-highway vehicle, an individual may not operate an off-highway vehicle unless it is equipped with at least one headlamp, one taillamp, and brakes, all in working order, which conform to standards prescribed by rule of the director, except when under the direct supervision of an off-highway vehicle instructor teaching a certified off-highway vehicle safety training course, the requirement for a headlamp and taillamp may be waived.
 4. The emergency conditions under which an off-highway vehicle may be operated other than as provided by this chapter are only those that render the use of an automobile impractical under the conditions and at the time and location in question.
 5. An individual may not operate an off-highway vehicle in the following ways, which are declared to be unsafe and a public nuisance:
 - a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to another person or the property of another person.
 - c. While under the influence of intoxicating liquor or a controlled substance.
 - d. Without a lighted headlamp and taillamp except when used by an off-highway vehicle instructor during a certified off-highway vehicle safety training course.
 - e. In any tree nursery or planting in a manner that damages growing stock.
 - f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system.
 - g. On any private land where the private land is posted prohibiting trespassing. The name and address of the person posting the land and the date of posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of not more than eight hundred eighty yards [804.68 meters] apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of these signs at or on all gates through the fence or enclosure.
 6. Except as provided in section 39-29-10, an individual may not operate an off-highway vehicle without having in possession a valid driver's license or permit.
 7. When an off-highway vehicle is operated within the right of way of any road, street, or highway, during times or conditions that warrant the use of lights by other motor vehicles, the off-highway vehicle must be operated in the same direction as the direction of other motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the off-highway vehicle.
 8. An individual may not operate an off-highway vehicle within the right of way of any highway while towing a sled, skid, or other vehicle, unless the object towed is connected to the off-highway vehicle by a hinged swivel and secure hitch.
 9. An individual under the age of eighteen years may not operate, ride, or otherwise be propelled on an off-highway vehicle unless the person wears a safety helmet meeting United States department of transportation standards.
 10. An operator of an off-highway vehicle may not carry a passenger while operating the vehicle unless the off-highway vehicle is equipped and recommended by the manufacturer to carry a passenger and the passenger is carried as recommended by the manufacturer.

11. Unless otherwise provided by law, an off-highway vehicle may be operated on an aggregate road surface only when designated as part of an active off-highway vehicle trail by the managing entity.
12. A person who is performing pest control or survey work for a political subdivision may operate an all-terrain vehicle on the bottom, backslope, inside slope, and shoulder of a highway other than a controlled-access highway.

39-29-09.1. Equipment.

To operate an off-highway vehicle on a paved highway or gravel, dirt, or loose surface roadway under subsection 1 of section 39-29-09, the off-highway vehicle must be equipped with a mirror in compliance with section 39-27-09, a horn in compliance with section 39-27-15, a speedometer and odometer in compliance with section 39-27-16, a brake light, a lighted headlamp in compliance with section 39-27-17.1, and a motor of at least three hundred fifty cubic centimeters.

39-29-10. Operation by persons under age sixteen.

Except as otherwise provided in this section, an individual under sixteen years of age who is not in possession of a valid operator's license or permit to operate an off-highway vehicle may not, except upon the lands of the individual's parent or guardian or as a participant in an organized sporting event that involves the use of off-highway vehicles, operate an off-highway vehicle. An individual at least twelve years of age may operate an off-highway vehicle if the individual has completed an off-highway vehicle safety training course prescribed by the director of the parks and recreation department and has received the appropriate off-highway vehicle safety certificate issued by the director of the parks and recreation department. The failure of an operator to exhibit an off-highway vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold a certificate. Fees collected from each individual receiving certification must be deposited in the off-highway vehicle trail tax fund for off-highway vehicle safety education and training programs.

39-29-11. Enforcement.

Only peace officers of this state and their respective duly authorized representatives may enforce this chapter.

39-29-12. Penalties.

Violation of subdivision b, c, or g of subsection 5 of section 39-29-09 is a class B misdemeanor. Violation of any other provision of section 39-29-09 is an infraction for which a fee of fifty dollars must be assessed. Violation of section 39-29-02 or subsection 2 of section 39-29-04 is an infraction, for which a fee of fifty dollars must be assessed. If the individual provides proof of registration since the violation, the fee may be reduced by one-half. Violation of any other provision of this chapter is an infraction, for which a fee of twenty dollars must be assessed.

AN ORDINANCE TO AMEND AND RE-ENACT ORDINANCE 23-1 AMENDED ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO OPERATION OF ALL-TERRAIN OR OFF HIGHWAY VEHICLES IN A PUBLIC RIGHTS OF WAYS.

NOW THEREFORE , BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA.

SECTION 1. General Provisions

1. Burleigh County Home Rule Charter allows for the creation of an ordinance which provides for the safe operation of all-terrain or off highway vehicles while traveling on all rights of ways of public roads.

SECTION 2. Purpose.

1. The purpose of this Ordinance is to control and regulate the use of registered off-highway vehicle in the road right-of-way within Burleigh County, to ensure the integrity of, and appropriate use of, said right-of-ways, and to promote the general health, safety, and welfare of the citizens of Burleigh County.

SECTION 3. Definitions.

1. *"Exhibition driving"* means: driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking; or driving and executing or attempting one or a series of unnecessarily abrupt turns; or jumping of ditches.
2. *"Jumping of ditches"* means: accelerating a vehicle at such speeds as to cause one or more of the vehicle's tires to leave the ground.
3. *"Off-highway vehicle"* means: Any motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. The term includes a motorized vehicle converted to operate on snow. The term does not include an electric bicycle. An off-highway vehicle must be classified into one of the following categories:
 - a. Class I off-highway vehicle is a vehicle that does not qualify as road capable Under NDCC Chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
 - b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width, weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels on three or more nonhighway tires; or is sixty-five inches [1651

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millimeters] or less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels on four or more nonhighway tires.

- c. Class III off-highway vehicle weighs less than eight thousand pounds [3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires; has a seat; has a wheel, handlebars, or steering for steering control; and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, but does not include a vehicle registered by the North Dakota DMV under chapter 39-04 or 39-24.
- d. Only an OHV with a minimum width of 50 inches meeting the requirements of this Section may be operated on Burleigh County Roads. No other class of OHV's are allowed to operate upon any road, street or highway in this County kept open for vehicular traffic.

4. "Road Right-of-Way" means: land, property, or any interest therein, acquired by a governing entity for or devoted to road purposes and includes approaches or driveways into private property.

SECTION 4. Operation of Off Highway Vehicles in Right of Way

1. No person may engage in exhibition driving of any vehicle in the road right-of-way.
2. Exceptions are granted for OHVs operated by government employees when in the performance of official government business, including:
 - a. in normal operations of a property owner, business or agricultural activity would be exempt
3. An individual may not operate an OHV on the shoulder, bottom of ditch or slope of any road, street, or highway.
4. Licensed driver over 16 years of age may operate a registered OHV on a paved highway designated and posted at a speed not exceeding 65, miles per hour. An individual may not operate an OHV on a paved highway if the OHV is unable to attain a speed, on a paved level surface, of at least 25 miles per hour.
5. The operator of an OHV may make a direct crossing of a street or road only if:
 - a. The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
 - b. The OHV is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
 - c. The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
6. An individual may not operate an OHV in the following ways, which

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are declared to be unsafe and a public nuisance:

- a. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to another person or the property of another person.
- b. While under the influence of intoxicating liquor or a controlled substance.
- c. Without a manufacturer-installed or equivalent muffler in good working order and connected to the OHV's exhaust system.
- d. On any private land where the private land is posted prohibiting trespassing. The name and address of the person posting the land and the date of posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of not more than 880 yards apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of these signs at or on all gates through the fence or enclosure.
- b. An individual may not operate an OHV without having in possession a valid driver's license.
- c. When an OHV is operated within the right-of-way of any road, street, or highway, headlamps and tail lamps must always be on.
- d. An individual may not operate an OHV within the right-of-way of any highway while towing a trailer, unless the trailer being towed is connected to the OHV by a secure hitch.
- e. An individual under the age of 18 years may not operate, ride, or otherwise be propelled on an OHV unless the person wears a safety helmet meeting United States Department of Transportation standards.
- f. An operator of an OHV may not carry a passenger while operating the vehicle unless the OHV is equipped and recommended by the manufacturer to carry a passenger and the passenger is carried as recommended by the manufacturer.
- g. Any occupant must, while wearing the safety belt, be able to set their feet flat on the floor of the OHV and be able to simultaneously touch the grab bar attached to the roll cage, or in the alternative the occupant who weighs at least 40 pounds may wear a 4- or 5-point harness installed according to manufacturer's instructions.

7. Only peace officers of this state and their respective duly authorized representatives may enforce this chapter.
8. A person who violates subsection a, b or d of paragraph 6 of this section is guilty of an offense. Any person who violates any other provision of this section shall be assessed a fee of fifty dollars.

Section 5. OHV Equipment

1. To operate a Class III OHV on County roads or streets, the OHV must be equipped with all of the following.
 - a. one mirror on the driver side and one mirror on the passenger side.
 - b. a horn.
 - c. a speedometer.
 - d. two tail/brake lights.
 - e. two headlights.
 - f. a motor of at least 550 cubic centimeters.
 - g. a factory installed roll cage.
 - h. turn signals on the front and rear of the vehicle.
 - i. factory installed suspension.
 - j. a metal license plate centered on the rear of the vehicle, with a license plate light; and
 - k. safety belts for the driver and all occupants that are properly adjusted and fastened while in motion.
2. To operate a Class II OHV on County roads or streets, the OHV must be equipped with all of the following.
 - a. one mirror on the driver side
 - b. a horn.
 - c. a speedometer.
 - d. single tail/single brake lights.
 - e. single headlight.
 - f. a motor of at least 550 cubic centimeters.
 - g. factory installed suspension.
 - h. license plate sticker or hard plate centered on the rear of the vehicle,
 - i. safety belts for the driver and all occupants that are properly adjusted and fastened while in motion.
3. ~~Both~~ headlights and taillights must be on at all times while the vehicle is in operation. No auxiliary lights may be turned on while the vehicle is in Operation.

4. If the vehicle is being operated with tracks, they must be made of rubber or similar material. No metal can come in contact with the street surface while the vehicle is in motion.

Section 6. Operation by Persons Under Age 16.

1. An individual must be aged 16 or over and have in their possession a valid driver's license to operate an OHV on or in any County right-of-way.

Section 7. Electric Personal Assistive Mobility Device.

“Electric personal assistive mobility device” means a self-balancing device with two non-tandem wheels designed to transport not more than one person and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less. Electric personal assistive mobility devices are not classified as motor vehicles for the purposes of this section.

1. A person may operate an electric personal assistive mobility device on public sidewalks.
2. An electric personal assistive mobility device may not be operated on the trail system except for devices operated by the mobility impaired or operated by peace officers, emergency personnel, maintenance personnel or special event personnel in the performance of their official duties.
3. An electric personal assistive mobility device may be operated on a roadway only:
 - a. while making a direct crossing of a roadway in a marked or unmarked crosswalk.
 - b. where no sidewalk is available, and the posted speed on the roadway is 25 mph or less.
 - c. where the sidewalk is so obstructed as to prevent safe use.
 - d. when directed by a traffic control device or by a peace officer.
 - e. temporarily in order to gain access to a motor vehicle; or
 - f. when operated by an on-duty peace officer in an emergency situation.
4. An electric personal assistive mobility device may not be operated at any time while carrying more than one person.
5. A person operating an electrical personal assistive mobility device on a sidewalk must yield the right-of-way to pedestrians at all times.
6. Every electric personal assistive mobility device when in use at nighttime must be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear. A lamp emitting a red light visible from a distance of five

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hundred feet to the rear may be used in addition to the red reflector. This section may be satisfied if the operator of the electric personal assistive mobility device wears a headlight and reflectors on their person.

- 7. An electric personal assistive mobility device must be equipped with a braking system that when employed will enable the operator to bring the device to a controlled stop.
- 8. A person under 18 years of age must wear a helmet when operating an electric personal assistive mobility device.
- 9. Every person operating an electric personal assistive mobility device must be aware of existing conditions and potential hazards on the sidewalk and must exercise due care in operating the device.
- 10. A violation of this section is an infraction.

SECTION 8. Penalty for Offenses While Operating in Right of Way.

- 1. Any person who violates this ordinance must be assessed a fee of fifty dollars.

SECTION 9. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. Severability Clause. If any section provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 11. When Effective. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

First Reading Passed: _____

Second Reading Passed: _____

Passed and adopted this _____ day of _____ 2026.

Brian Bitner , Chairperson

ATTEST:

Mark Splonskowski, County Auditor

DRAFT