



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 5<sup>th</sup> St, Bismarck

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**April 3, 2023**

**5:00 PM** *Invocation by Chaplain*

### **COUNTY PARK BOARD**

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Consideration and approval of the March 6, 2023, meeting minutes and bills.
4. Other Business:
5. Adjourn.

### **COUNTY COMMISSION**

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration and approval of the March 20, 2023, meeting minutes and bills.
5. Consent Agenda:
  - a. Abatements.
  - b. Appoint Mike Heim to a 6-year term for the Special Assessment Commission.
  - c. Applications for licenses, raffles, and special events permits.
6. CenCom Communications Director Dannenfelzer:
  - a. National Public Safety Telecommunications Week.
7. Essentia Health Preliminary Resolution requesting a Public Hearing.
8. County Deputy Finance Director Schulz:
  - a. Introduce Finance Manual.
9. County Sheriff Leben:
  - a. 2022/2023 North Dakota Department of Transportation Traffic Safety Grant.
10. County Engineer Hall:

a. Award of Bids – Re-Bid.

11. County Planning Director Flannigan:

a. Resolution of Moratorium for Hazardous Liquid Pipelines within Burleigh County.

12. Other Business:

13. Adjourn.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax

**COUNTY**

**PARK**

**BOARD**

**ITEM**

**# 3**

**BURLEIGH COUNTY PARK BOARD  
MEETING MINUTES  
March 6, 2023**

**5:00 p.m.**

Chairperson Matthews called the Burleigh County Park Board meeting to order.

A roll call of members; Commissioners, Herman, Woodcox, Munson, Bitner, Schwab, Behm, and Chairperson Matthews present.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Herman to approve the December 19, 2022, meeting minutes and bills as presented. All members present voted "AYE." Motion carried.

Bismarck Parks and Recreation District Operation Director Mayer revisited the ADA Audit prepared by ACT Services including repairs needed and costs associated with them. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Behm to authorize the Bismarck Parks and Recreation District to apply for the 2032 AARP Community Grant to make modifications to Steckel Boat Landing as presented. All members present voted "AYE." Motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to authorize the Bismarck Parks and Rec staff to address repairs number 3 and 4 listed on the audit to complete within the next 24 months. All members present voted "AYE." Motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Becky Matthews, Chairperson

**COUNTY**

**COMMISSION**

**ITEM**

**# 4**

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
March 20, 2023**

**5:00 P.M.**

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

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

Motion by Comm. Munson 2<sup>nd</sup> by Comm. Schwab to approve the agenda pulling item 10.e. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the March 6, 2023, meeting minutes, and bills; March 3, 2023, County Highway Department Workshop meeting minutes; March 8, 2023, Special Meeting minutes. All members present voted "AYE"; motion carried.

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

<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
Gaylen & Wanda Dewing	2021	N1/2NW1/4 15-138-79	Farm Exemption	\$650,000	\$78,700
Gaylen & Wanda Dewing	2022	N1/2NW1/4 15-138-79	Farm Exemption	\$681,300	\$78,700
Duane & Leona Friedig	2022	Center 60" of South 1/2 of West 1/2 less North 30', Block 5, Lincoln	Error in Property Description	\$312,100	\$293,900
Robert & Bonnie Johnson	2022	Lot 11, Block 30, Homan Acres 3rd	Error in Property Description	\$312,500	\$279,600
Brian & Laci Moritz	2022	East 12' of Lot 13 & all of Lot 14, Block 5, Homan Acres 1st	60% Disabled Vet	\$266,200	\$158,200
Keith & Diane Grotewold	2022	Lot 4, Block 1, Country West II	Error in Property Description	\$579,200	\$485,000
Ellen Klinger	2021	Lot 3, Block 22, Morning Heights Replat	100% Homestead	\$195,800	\$70,800
Ellen Klinger	2022	Lot 3, Block 22, Morning Heights Replat	100% Homestead	\$212,600	\$87,600
Bryce Keigley	2022	Lot 4, Block 2, Glenwood Estates	30% Add'l Disabled Vet	\$147,400	\$93,400
Janice McCormick	2023	1988 Schult 28' x 60' Ser# 233154AB	100% Homestead	\$37,699	\$0
Theodore & Sharon Steiger	2021	Lot 2, Block 17, Casey's 3rd	10% Homestead	\$176,400	\$163,889
Theodore & Sharon Steiger	2022	Lot 2, Block 17, Casey's 3rd	10% Homestead	\$189,200	\$176,689

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the Dewing (2), Friedig, Johnson, Moritz, Grotewold, Klinger (2), Keigley, McCormick and Steiger abatements, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

County Tax Director Vietmeier went over the abatement request from Weishan Jin, at 800 S. 3<sup>rd</sup> Street, Bismarck, ND with the commissioners. Upon his review Vietmeier made a recommendation to concur with the City of Bismarck and deny the Abatements at 800 S. 3<sup>rd</sup> Street, Bismarck, ND. After discussion Comm. Munson made a motion, 2<sup>nd</sup> by Comm. Schwab to deny the Tax Abatements at 800 S. 3<sup>rd</sup> Street, Bismarck, ND. All members present voted "AYE"; motion carried.

Colliers Securities LLC Vice President Mike Manstrom presented and went over the resolution creating the funds of Improvement Districts and authorizing the issuance of Improvement Warrants and the issuance of \$425,000 Refunding Improvement Bonds, Series 2023 for the repayment of Special Assessment District #75.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve a resolution creating the funds of Improvement Districts and authorizing the issuance of Improvement Warrants for Special Assessment District #75. All members present voted "AYE"; motion carried.

Motion by Comm. Munson 2<sup>nd</sup> by Comm. Bitner to approve a resolution authorizing the issuance of \$425,000 Refunding Improvement Bonds, Series 2023 for the repayment of Special Assessment District #75. All members present voted "AYE"; motion carried.

County Deputy Finance Director Schulz presented the 2022-year end budget adjustments and recommended approval. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the 2022-year end budget adjustments. All members present voted "AYE"; motion carried.

Deputy Finance Director Schulz provided an update on the estimated ending fund balance for 2022 and 2023. Along with that he presented Revenue Projections for 2023.

Chairperson Matthews informed the commission that she and Deputy Finance Director Schulz had been visiting about the idea of having a workshop meeting to discuss the properties owned by Burleigh County and thoughts of future plans for each of them, all commissioners agreed to setup a meeting in April.

After Deputy Finance Director Schulz completed his update Dustin Gavrylow appeared from the public and asked for additional information and Auditor Vetter welcomed Dustin to the Auditor's office for assistance to any additional information he is seeking.

Bismarck-Burleigh Public Health Director Moch presented an update on their strategic plan, services, Nurse family partnership program, health maintenance, substance abuse prevention, 2022 Narcan Administration, and nutrition services with the commission.

County Engineer Hall presented the request for TNK Ranch Subdivision right of way. Hall stated that Burleigh County is required to accept (on their own behalf or on the behalf of one of our Townships) Right of Way shown on Plats that are approved by the City of Bismarck. TNK Ranch Subdivision has been approved by the City of Bismarck and we are requesting that the County Board accept the Right of Way that is shown on the Plat.

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to approve the resolution: THEREFORE, BE IT RESOLVED: That the Burleigh County Board of Commissioners do hereby accept the Right of Way shown on the TNK Ranch Subdivision. All members present voted "AYE"; motion carried.

County Engineer Hall stated that proposals for engineering services for the Bridge #08-117-05.0 were opened on February 22<sup>nd</sup> and the selection committee ranked Moore Engineering Inc. as the most qualified firm to perform services for this project and recommended approval of the selection. Motion By Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner to approve the Resolution: THEREFORE, BE IT RESOLVED: That the County Board of Commissioners approves of the selection of Moore Engineering Inc. to perform construction engineering services for the Bridge #08-117-05.0 Project. All members present voted "AYE"; motion carried.

County Engineer Hall recommended approval the low bidder for Bridge 08-117-05.0 Project of Central Specialties Inc. of \$832,747.20. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner to approve the Resolution: THEREFORE, BE IT RESOLVED: That the County Board accepts the following low bid from Central Specialties Inc. of \$832,747.20 for the replacement of a bridge under the Federal Bridge replacement program and authorize the proper County officials to sign the attached RESOLUTION and to enter a contract with said bidder. All members present voted "AYE"; motion carried.

County Engineer Hall recommended the proper County officials to accept an engineering consultant agreement overrun with BARR Engineering Co for the geotechnical design of the Bridges/Roadway on the 66th Street SE Railroad Overpass project.

#### BACKGROUND:

At the September 2, 2020, County Board Meeting, the Board approved an engineering service agreement with BARR Engineering for \$121,800 to perform geotechnical engineering services for the construction/reconstruction of bridges (and roadway) on our 66th Street SE Railroad Overpass project. Since that time, work has proceeded on this project. However, numerous design iterations were required to deal with the complex hydraulics and weak soils found on the site, resulting in additional engineering services outside the scope of the original agreement.

The County Engineer and the Highway Department have reviewed BARR's request and recommend approving an increase in their contract of \$66,900.00 for the following reasons:

- 1) The size and complexity of the Apple Creek Structure has changed dramatically. We originally anticipated the structure would be 106' long, but because of numerous changes, we are now anticipating the structure to be 465' long with a 30-degree skew. Because of the large increase in length of bridge we were required to perform additional borings at the new abutment location. Since most of the expansion occurred to the south, the southern abutment required additional fill (to accommodate the railroad overpass), and therefore an additional settlement analysis needed to be done.
- 2) During the initial borings it was determined that a very fatty clay layer exists beneath the proposed project area. If not addressed this layer would cause long term settlement problems. The recommended solution is a series of wick drains to provide a path for water to leave the embankment and allow settlement to take place faster. Unfortunately, the preliminary recommendation required an estimated 7,875,430 linear feet of wick drains. The Highway Department felt that the expense associated with this estimate was a budget buster, and we required a more precise analysis to target the area most critical for structural stability which reduced this number to 1,839,690 linear feet of wick drains. This reduction will result in a savings of around \$3.0 million and was well worth the additional design cost.

It is the Highway Department's opinion that the requested additional funds are not a result of BARR's work but of additional requirements that have been placed on them by the County and third parties.

RECOMMENDATION:

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

PROPOSED RESOLUTION:

THEREFORE, BE IT RESOLVED: That the proper County officials are hereby authorized to accept the overrun of \$66,900.00 to the engineering consultant agreement with BARR Engineering for the geotechnical engineering services of Bridges on our 66th Street SE Railroad Overpass project.

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to approve the Resolution: THEREFORE, BE IT RESOLVED: That the proper County officials are hereby authorized to accept the overrun of \$66,900.00 to the engineering consultant agreement with BARR Engineering for the geotechnical engineering services of Bridges on our 66th Street SE Railroad Overpass project. All members present voted "AYE"; motion carried.

County Engineer Hall explained to the commission that historically, Burleigh County has had a Utility Permit and permit process for the placement of utilities within the County/Township Right-of-Way. Up to this point we have not charged any fee for these permits; however, due to the increase in workload in reviewing these permits (and field inspection), we are requesting the approval of a new permit and fee schedule.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to approve the Resolution: THEREFORE, BE IT RESOLVED: That the County Board approves the use of the attached permit fee schedule when dealing with the installation or maintenance of utilities within County Right-of-Way. All members present voted "AYE"; motion carried.

County Planning Director Flanagan presented an Ordinance Amending Article 8 Section 27 of the Burleigh County Zoning Ordinance for the Regulation of Land use when transporting Hazardous Liquid through a Hazardous Liquid Pipeline to the commissioners for their review/approval.

Upon review of an Ordinance the following motions were made:

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to remove, in paragraph VII.5., the line; valves located at 26,400 lineal feet, with fracture arrestors approximately half-way between each shutoff valves. Chairperson Matthews voted "AYE"; Commissioners Schwab, Bitner, and Munson voted "NAY"; motion failed.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to change paragraph XII.2.a) to XII.2. a.1. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to change paragraph VII.1 third word in the sentence "required" to "needed" and fourteen word in the sentence "or" to "of". All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to change the heading "ORDINANCE NO.-----" to "ORDINANCE". All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to include in the definition section between numbers 13 and 14; "Level of Cultivation: Depth of pipe 4.5 feet minimum unless the landowner and Company agrees on a greater depth. All members present voted "AYE"; motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to include in the definition section between numbers 11 and 12; "A High Consequence Area is any area within the Hazard Zone, or the Blast Zone where a single rupture would have the potential

to adversely affect 10 or more persons or a facility with 100 or more livestock". All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to remove in paragraph XII.2.j the 2). All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson insert in the definition section the following: "NDDNR" means North Dakota Department of Natural Resources; "USGS" means United States Geological Survey; "SHPO" means State Historical Preservation Office. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to change in paragraph XII.2.j the letter "j" to the letter "i". All members present voted "AYE"; motion carried.

Before making a final decision on the ordinance Commissioner Bitner felt it would be a good idea to allow public input to the ordinance, at which point Chairperson Matthews opened the meeting up to anyone from the public to share their thoughts or opinions of any changes to the ordinance only and the following people appeared; Kurtis Jundt, Tim Keller, Gaylynn Becker, Mike Conley, and Jeff Marram and shared ideas and comments.

After the commission felt they had made all necessary adjustments of the content for correctness motion was made by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the ordinance with the changes. All members present voted "AYE"; motion carried.

County HR Director Binder recommended the commission approve a Resolution for support of SB 2239 & opposition of HB 1040. Motion by Comm. Munson, 2<sup>nd</sup> By Comm. Bitner to approve a resolution for support of SB 2239 & opposition of HB 1040. All members present voted "AYE"; motion carried.

County Sheriff Leben presented the Covid Mitigation Grant between Burleigh County and the State of North Dakota for the Burleigh Morton Detention Center and recommended approval.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the Resolution: THEREFORE, BE IT RESOLVED: That the proper County officials are hereby authorized to authorize the Covid Mitigation Grant between Burleigh County and the Sate of North Dakota. All members present voted "AYE"; motion carried.

Commissioner Bitner mentioned that he has been visiting with Bill Daniel, Leasing agent, about leasing open space at the Provident Building and suggested including floors 5 and 6. Bitner also stated that County Buildings and Grounds Manager Kevin Quinn mentioned that some maintenance needs should be addressed to the building.

Chairperson Matthews stated that the workshop that will be scheduled soon to discuss the county property owned by Burleigh County could include items needing addressing at the Provident Building.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Becky Matthews, Chairperson

**ITEM**

**# 5**

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: Mike Heim

Address: 602 E. Calgary Ave. Bismarck, ND 58503

Home Phone: 222-3019 Work: — Cell: 471-7187

Email: mlheim@hotmail.com

Board or Commission on which you prefer to serve:

Special Assessment Commission

List below the skills or qualifications you could bring to this Board or Commission:

If you have any special interest or reason for serving on this Board or Commission, please explain below.

Principal Occupation/Source of Income (check one)

- |                                     |                                    |   |  |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input checked="" type="checkbox"/> Clerical & Sales |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input type="checkbox"/> Professional                |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            |  |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest: NONE

List below the associations or institutions with which you are closely associated, or serve as a director or officer: NONE

Signature: Mike Heim Date: 3-21-23

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

Oath Returned \_\_\_\_\_

**ITEM**

**# 6**

## Vetter, Leo

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**From:** Mike Dannenfelzer <mdannenfelzer@bismarcknd.gov>  
**Sent:** Tuesday, March 14, 2023 10:19 AM  
**To:** Vetter, Leo  
**Subject:** NSPTW Commission Resolution  
**Attachments:** NPSTW Burleigh 2023.docx

**\*\*\*\*\* CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\***

Leo,

Please place this Resolution on the Burleigh County Commission Agenda for the April 3, 2023 meeting.

Thank you.

Mike

**Michael Dannenfelzer**

Communications Director



Central Dakota Communications Center (CenCom)

4200 Coleman St | Bismarck | ND | 58503

T: 701.255.5200

Website: [bismarcknd.gov/24/](http://bismarcknd.gov/24/)

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# National Public Safety Telecommunications Week

April 9 – 15, 2023

**Whereas**, emergencies can occur at any time that require law enforcement, fire, or emergency medical services; and

**Whereas**, when an emergency occurs, the prompt response of law enforcement officers, firefighters, and emergency medical personnel is critical to the protection of life and preservation of property; and

**Whereas**, the safety of our law enforcement officers, firefighters, and emergency medical personnel is dependent upon the quality and accuracy of information obtained from citizens who call the Central Dakota Communications Center; and

**Whereas**, Public Safety Communications Specialists are the first, first responders, delivering essential pre-arrival instructions, and providing the most critical link that our citizens have with emergency services; and

**Whereas**, Public Safety Communications Specialists are the single vital link for our law enforcement officers, firefighters, and emergency medical personnel by monitoring their activities by radio, providing them information and insuring their safety; and

**Whereas**, Public Safety Communications Specialists of the Central Dakota Communications Center have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

**Whereas**, each Communications Specialist has exhibited compassion, understanding and professionalism during the performance of their duties in the past year;

**Whereas**, the Central Dakota Communications Center Board of Directors has declared April 9<sup>th</sup> – 15<sup>th</sup>, 2023 as National Public Safety Telecommunications to honor the men and women of the Central Dakota Communications Center who dedicate themselves to helping keep our communities and our citizens safe;

**Therefore, Be it Resolved** that the Board of Commissioners for Burleigh County joins the Central Dakota Communications Center Board of Directors and declares April 9<sup>th</sup> – 15<sup>th</sup>, 2023 as National Public Safety Telecommunications Week in Burleigh County.

Signed this \_\_\_\_\_ day of April, 2023.

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Chair  
Burleigh County Commission  
Burleigh County, ND

**ITEM**

**# 7**

**Vetter, Leo**

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**From:** Scott Wegner <swegner@aswbondlaw.com>  
**Sent:** Monday, March 27, 2023 3:38 PM  
**To:** Vetter, Leo  
**Cc:** Splonskowski, Mark D.  
**Subject:** RE: Essentia 2023 - Burleigh County Resolution and TEFRA Notice

\*\*\*\*\* **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

Mark and Leo,

These documents look fine to me.

I asked the States Attorney about representing Burleigh County for purposes of the proposed Essentia bonds. I will hold off on attending next Monday's meeting until I hear back.

In any event, at this point they are only asking that a public hearing be scheduled for the May 1 meeting. On May 1 they will have another resolution and request approval for the MIDA Bonds.

Prior to the meeting, please let me know if you would like to discuss. Thanks.

Scott D. Wegner  
*Arntson Stewart Wegner PC*  
701.255.1008

**From:** Vetter, Leo <levetter@nd.gov>  
**Sent:** Wednesday, March 22, 2023 8:55 AM  
**To:** Scott Wegner <swegner@aswbondlaw.com>  
**Cc:** Splonskowski, Mark D. <msplonskowski@nd.gov>  
**Subject:** FW: Essentia 2023 - Burleigh County Resolution and TEFRA Notice

Scott,

I and Mark will need guidance with this, will you need to be present?

**Leo Vetter**  
Burleigh County Auditor/Treasurer  
221 N 5<sup>th</sup> St | PO Box 5518  
Bismarck ND 58501  
701-222-6695  
[levetter@nd.gov](mailto:levetter@nd.gov)

**From:** Amy Cobb Curran <[curran@chapman.com](mailto:curran@chapman.com)>  
**Sent:** Tuesday, March 21, 2023 2:52 PM  
**To:** Vetter, Leo <[levetter@nd.gov](mailto:levetter@nd.gov)>  
**Cc:** John Pirrmann <[John.Pirrmann@RaymondJames.com](mailto:John.Pirrmann@RaymondJames.com)>; Splonskowski, Mark D. <[msplonskowski@nd.gov](mailto:msplonskowski@nd.gov)>; Vinton Rollins <[Vinton.Rollins@RaymondJames.com](mailto:Vinton.Rollins@RaymondJames.com)>; Traci Morris (<[Traci.Morris@EssentiaHealth.org](mailto:Traci.Morris@EssentiaHealth.org)>)

<[traci.morris@essentiahealth.org](mailto:traci.morris@essentiahealth.org)>; Lusignan, Sara <[Sara.Lusignan@essentiahealth.org](mailto:Sara.Lusignan@essentiahealth.org)>; Braun, Kristen <[Kristen.Braun@essentiahealth.org](mailto:Kristen.Braun@essentiahealth.org)>; Watters, Michael <[Michael.Watters@EssentiaHealth.org](mailto:Michael.Watters@EssentiaHealth.org)>; [Joshua.Muro@EssentiaHealth.org](mailto:Joshua.Muro@EssentiaHealth.org); Richard K. Tomei <[rtomei@chapman.com](mailto:rtomei@chapman.com)>; Ronni A. Martin <[rmartin@chapman.com](mailto:rmartin@chapman.com)>

**Subject:** Essentia 2023 - Burleigh County Resolution and TEFRA Notice

**\*\*\*\*\* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. **\*\*\*\*\***

Hi Leo –

Kristen Braun (Essentia) and I will both plan to attend via phone or zoom. Please send us the dial-in information.

Attached are clean and blacklined versions of revised drafts of the resolution and TEFRA notice. Please let me know if you have any final questions or comments.

Amy Cobb Curran | Partner  
**Chapman and Cutler LLP**  
320 South Canal Street | Chicago, IL 60606  
D 312.845.3842  
C 312.399.8807  
[curran@chapman.com](mailto:curran@chapman.com)  
\* Admitted in Illinois and Minnesota only

---

**From:** Vetter, Leo <[levetter@nd.gov](mailto:levetter@nd.gov)>  
**Date:** Tuesday, March 21, 2023 at 10:37 AM  
**To:** Amy Cobb Curran <[curran@chapman.com](mailto:curran@chapman.com)>  
**Cc:** John Pirrmann <[John.Pirrmann@RaymondJames.com](mailto:John.Pirrmann@RaymondJames.com)>, Splonskowski, Mark D. <[msplonskowski@nd.gov](mailto:msplonskowski@nd.gov)>, Vinton Rollins <[Vinton.Rollins@RaymondJames.com](mailto:Vinton.Rollins@RaymondJames.com)>, Traci Morris ([Traci.Morris@EssentiaHealth.org](mailto:Traci.Morris@EssentiaHealth.org)) <[traci.morris@essentiahealth.org](mailto:traci.morris@essentiahealth.org)>, Lusignan, Sara <[Sara.Lusignan@essentiahealth.org](mailto:Sara.Lusignan@essentiahealth.org)>, Braun, Kristen <[Kristen.Braun@essentiahealth.org](mailto:Kristen.Braun@essentiahealth.org)>, Watters, Michael <[Michael.Watters@EssentiaHealth.org](mailto:Michael.Watters@EssentiaHealth.org)>, [Joshua.Muro@EssentiaHealth.org](mailto:Joshua.Muro@EssentiaHealth.org) <[Joshua.Muro@EssentiaHealth.org](mailto:Joshua.Muro@EssentiaHealth.org)>, Richard K. Tomei <[rtomei@chapman.com](mailto:rtomei@chapman.com)>, Ronni A. Martin <[rmartin@chapman.com](mailto:rmartin@chapman.com)>  
**Subject:** RE: Essentia 2023 - Burleigh County Resolution and TEFRA Notice

**\*\*EXTERNAL SENDER\*\***

Amy,

All three options are available, in person, by phone, or zoom.

**Leo Vetter**  
Burleigh County Auditor/Treasurer  
221 N 5<sup>th</sup> St | PO Box 5518  
Bismarck ND 58501  
701-222-6695  
[levetter@nd.gov](mailto:levetter@nd.gov)

**From:** Amy Cobb Curran <[curran@chapman.com](mailto:curran@chapman.com)>  
**Sent:** Tuesday, March 21, 2023 7:11 AM  
**To:** Vetter, Leo <[levetter@nd.gov](mailto:levetter@nd.gov)>  
**Cc:** John Pirrmann <[John.Pirrmann@RaymondJames.com](mailto:John.Pirrmann@RaymondJames.com)>; Splonskowski, Mark D. <[msplonskowski@nd.gov](mailto:msplonskowski@nd.gov)>; Vinton Rollins <[Vinton.Rollins@RaymondJames.com](mailto:Vinton.Rollins@RaymondJames.com)>; Traci Morris ([Traci.Morris@EssentiaHealth.org](mailto:Traci.Morris@EssentiaHealth.org)) <[traci.morris@essentiahealth.org](mailto:traci.morris@essentiahealth.org)>; Lusignan, Sara <[Sara.Lusignan@essentiahealth.org](mailto:Sara.Lusignan@essentiahealth.org)>; Braun, Kristen <[Kristen.Braun@essentiahealth.org](mailto:Kristen.Braun@essentiahealth.org)>; Watters, Michael <[Michael.Watters@EssentiaHealth.org](mailto:Michael.Watters@EssentiaHealth.org)>; [Joshua.Muro@EssentiaHealth.org](mailto:Joshua.Muro@EssentiaHealth.org); Richard K. Tomei <[rtomei@chapman.com](mailto:rtomei@chapman.com)>; Ronni A. Martin <[rmartin@chapman.com](mailto:rmartin@chapman.com)>  
**Subject:** Re: Essentia 2023 - Burleigh County Resolution and TEFRA Notice

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Good morning, Leo. Following up on this email – will attendees to the meeting need to attend in person or is a phone/zoom option available?

Amy Cobb Curran | Partner  
**Chapman and Cutler LLP**  
320 South Canal Street | Chicago, IL 60606  
D 312.845.3842  
C 312.399.8807  
[curran@chapman.com](mailto:curran@chapman.com)  
\* Admitted in Illinois and Minnesota only

---

**From:** Vetter, Leo <[levetter@nd.gov](mailto:levetter@nd.gov)>  
**Date:** Friday, March 17, 2023 at 11:28 AM  
**To:** Amy Cobb Curran <[curran@chapman.com](mailto:curran@chapman.com)>  
**Cc:** John Pirrmann <[John.Pirrmann@RaymondJames.com](mailto:John.Pirrmann@RaymondJames.com)>, Splonskowski, Mark D. <[msplonskowski@nd.gov](mailto:msplonskowski@nd.gov)>, Vinton Rollins <[Vinton.Rollins@RaymondJames.com](mailto:Vinton.Rollins@RaymondJames.com)>, Traci Morris ([Traci.Morris@EssentiaHealth.org](mailto:Traci.Morris@EssentiaHealth.org)) <[traci.morris@essentiahealth.org](mailto:traci.morris@essentiahealth.org)>, Lusignan, Sara <[Sara.Lusignan@essentiahealth.org](mailto:Sara.Lusignan@essentiahealth.org)>, Braun, Kristen <[Kristen.Braun@essentiahealth.org](mailto:Kristen.Braun@essentiahealth.org)>, Watters, Michael <[Michael.Watters@EssentiaHealth.org](mailto:Michael.Watters@EssentiaHealth.org)>, [Joshua.Muro@EssentiaHealth.org](mailto:Joshua.Muro@EssentiaHealth.org) <[Joshua.Muro@EssentiaHealth.org](mailto:Joshua.Muro@EssentiaHealth.org)>, Richard K. Tomei <[rtomei@chapman.com](mailto:rtomei@chapman.com)>, Ronni A. Martin <[rmartin@chapman.com](mailto:rmartin@chapman.com)>, [william.hamilton@huntington.com](mailto:william.hamilton@huntington.com) <[William.Hamilton@huntington.com](mailto:William.Hamilton@huntington.com)>, Lauren DeLong <[lauren.a.delong@huntington.com](mailto:lauren.a.delong@huntington.com)>, Jamie Lynch <[jamie.r.lynch@huntington.com](mailto:jamie.r.lynch@huntington.com)>, Lee, Lori E. <[Lori.Lee@essentiahealth.org](mailto:Lori.Lee@essentiahealth.org)>, jkseymour <[jkseymour@nixonpeabody.com](mailto:jkseymour@nixonpeabody.com)>  
**Subject:** RE: Essentia 2023 - Burleigh County Resolution and TEFRA Notice

**\*\*EXTERNAL SENDER\*\***

Amy,

The preliminary resolution is scheduled of April 3, 2023 Burleigh County Commission meeting, at the City/County Building, 221 N 5<sup>th</sup> St., in the Tom Baker room, at 5:00pm.

Will you have a representative present for presentation at the meeting?

Leo Vetter

Burleigh County Auditor/Treasurer  
221 N 5<sup>th</sup> St | PO Box 5518  
Bismarck ND 58501  
701-222-6695  
[levetter@nd.gov](mailto:levetter@nd.gov)

**From:** Amy Cobb Curran <[curran@chapman.com](mailto:curran@chapman.com)>

**Sent:** Friday, March 17, 2023 8:54 AM

**To:** Vetter, Leo <[levetter@nd.gov](mailto:levetter@nd.gov)>

**Cc:** John Pirrmann <[John.Pirrmann@RaymondJames.com](mailto:John.Pirrmann@RaymondJames.com)>; Vinton Rollins <[Vinton.Rollins@RaymondJames.com](mailto:Vinton.Rollins@RaymondJames.com)>; Traci Morris (<[Traci.Morris@EssentiaHealth.org](mailto:Traci.Morris@EssentiaHealth.org)> <[traci.morris@essentiahealth.org](mailto:traci.morris@essentiahealth.org)>; Lusignan, Sara <[Sara.Lusignan@essentiahealth.org](mailto:Sara.Lusignan@essentiahealth.org)>; Braun, Kristen <[Kristen.Braun@essentiahealth.org](mailto:Kristen.Braun@essentiahealth.org)>; Watters, Michael <[Michael.Watters@EssentiaHealth.org](mailto:Michael.Watters@EssentiaHealth.org)>; Joshua.Muro@EssentiaHealth.org; Richard K. Tomei <[rtomei@chapman.com](mailto:rtomei@chapman.com)>; Ronni A. Martin <[rmartin@chapman.com](mailto:rmartin@chapman.com)>; [william.hamilton@huntington.com](mailto:william.hamilton@huntington.com); Lauren DeLong <[lauren.a.delong@huntington.com](mailto:lauren.a.delong@huntington.com)>; Jamie Lynch <[jamie.r.lynch@huntington.com](mailto:jamie.r.lynch@huntington.com)>; Lee, Lori E. <[Lori.Lee@essentiahealth.org](mailto:Lori.Lee@essentiahealth.org)>; jkseymour <[jkseymour@nixonpeabody.com](mailto:jkseymour@nixonpeabody.com)>

**Subject:** Re: Essentia 2023 - Burleigh County Resolution and TEFRA Notice

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Good morning, Leo.

Happy St. Patrick's Day!

Just following up to see if you have any questions or comments on the resolution and/or notice sent on Monday. In addition, we need the following information from you:

1. Date of meeting to consider preliminary resolution
2. Date of meeting for TEFRA hearing/final resolution
3. Location and time of TEFRA hearing

Thanks!

Amy Cobb Curran | Partner  
**Chapman and Cutler LLP**  
320 South Canal Street | Chicago, IL 60606  
D 312.845.3842  
C 312.399.8807  
[curran@chapman.com](mailto:curran@chapman.com)  
\* Admitted in Illinois and Minnesota only

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**From:** Amy Cobb Curran <[curran@chapman.com](mailto:curran@chapman.com)>

**Date:** Monday, March 13, 2023 at 10:41 AM

**To:** Vetter, Leo <[levetter@nd.gov](mailto:levetter@nd.gov)>

**Cc:** John Pirrmann <[John.Pirrmann@RaymondJames.com](mailto:John.Pirrmann@RaymondJames.com)>, Vinton Rollins <[Vinton.Rollins@RaymondJames.com](mailto:Vinton.Rollins@RaymondJames.com)>, Traci Morris (<[Traci.Morris@EssentiaHealth.org](mailto:Traci.Morris@EssentiaHealth.org)> <[traci.morris@essentiahealth.org](mailto:traci.morris@essentiahealth.org)>, Lusignan, Sara <[Sara.Lusignan@essentiahealth.org](mailto:Sara.Lusignan@essentiahealth.org)>, Braun, Kristen <[Kristen.Braun@essentiahealth.org](mailto:Kristen.Braun@essentiahealth.org)>, Watters, Michael <[Michael.Watters@EssentiaHealth.org](mailto:Michael.Watters@EssentiaHealth.org)>,

[Joshua.Muro@EssentiaHealth.org](mailto:Joshua.Muro@EssentiaHealth.org) <[Joshua.Muro@EssentiaHealth.org](mailto:Joshua.Muro@EssentiaHealth.org)>, Richard K. Tomei <[rtomei@chapman.com](mailto:rtomei@chapman.com)>, Ronni A. Martin <[rmartin@chapman.com](mailto:rmartin@chapman.com)>, [william.hamilton@huntington.com](mailto:william.hamilton@huntington.com) <[William.Hamilton@huntington.com](mailto:William.Hamilton@huntington.com)>, Lauren DeLong <[lauren.a.delong@huntington.com](mailto:lauren.a.delong@huntington.com)>, Jamie Lynch <[jamie.r.lynch@huntington.com](mailto:jamie.r.lynch@huntington.com)>, Lee, Lori E. <[Lori.Lee@essentiahealth.org](mailto:Lori.Lee@essentiahealth.org)>, jkseymour <[jkseymour@nixonpeabody.com](mailto:jkseymour@nixonpeabody.com)>

**Subject:** Essentia 2023 - Burleigh County Resolution and TEFRA Notice

Good morning, Leo.

As requested, attached are initial drafts of the Preliminary Resolution and the Notice of Public Hearing. Please let us know if you have any questions or comments. In particular, we'll need confirmation of the following:

1. Date of meeting to consider preliminary resolution
2. Date of meeting for TEFRA hearing/final resolution
3. Location and time of TEFRA hearing

Please let me know if you need any additional information.

Amy Cobb Curran | Partner  
**Chapman and Cutler LLP**  
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D 312.845.3842  
C 312.399.8807  
[curran@chapman.com](mailto:curran@chapman.com)  
\* Admitted in Illinois and Minnesota only

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**From:** Vetter, Leo <[levetter@nd.gov](mailto:levetter@nd.gov)>  
**Date:** Wednesday, February 22, 2023 at 12:56 PM  
**To:** Vinton Rollins <[Vinton.Rollins@RaymondJames.com](mailto:Vinton.Rollins@RaymondJames.com)>  
**Cc:** Amy Cobb Curran <[curran@chapman.com](mailto:curran@chapman.com)>, John Pirrmann <[John.Pirrmann@RaymondJames.com](mailto:John.Pirrmann@RaymondJames.com)>  
**Subject:** RE: Good afternoon/Thank you Mr. Vetter, re RJ Inquiring about the potential for Burleigh County serving as Issuer of Tax-exempt Debt for RJ client Essentia Health (Mid-Dakota Clinic)

**\*\*EXTERNAL SENDER\*\***

Vinton,

When you are ready, the county requests a preliminary resolution requesting the scheduling of a public hearing. That would start the process and get the item in front of the Commissioners.

Also, if the county decides to have its own bond counsel review any documents, that cost will be passed on to the you the borrower.

Finally, this could have an impact on the interest rate for the county's bonds for district #75. So, the county requires compensation for loss of BQ status, (we are checking into this).

**Leo Vetter**  
Burleigh County Auditor/Treasurer  
221 N 5<sup>th</sup> St | PO Box 5518  
Bismarck ND 58501  
701-222-6695

[levetter@nd.gov](mailto:levetter@nd.gov)

**From:** Vinton Rollins <[Vinton.Rollins@RaymondJames.com](mailto:Vinton.Rollins@RaymondJames.com)>

**Sent:** Friday, February 17, 2023 4:54 PM

**To:** Vetter, Leo <[levetter@nd.gov](mailto:levetter@nd.gov)>

**Cc:** Amy Cobb Curran <[curran@chapman.com](mailto:curran@chapman.com)>; John Pirrmann <[John.Pirrmann@RaymondJames.com](mailto:John.Pirrmann@RaymondJames.com)>

**Subject:** Good afternoon/Thank you Mr. Vetter, re RJ Inquiring about the potential for Burleigh County serving as Issuer of Tax-exempt Debt for RJ client Essentia Health (Mid-Dakota Clinic)

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Good afternoon Mr. Vetter and thank you both for your prompt reply and direction for continuing the conversation with you/Burleigh County about potentially serving as tax-exempt bond issuer for the Mid-Dakota Clinic acquisition financing by Essentia Health (a 501(c)3 healthcare organization).

Pursuant to your direction, Amy Curran (of bond counsel firm Chapman and Cutler) in consultation with Essentia Health legal department has drafted the attached memo. **Ms. Curran and I would welcome an opportunity of talking with you on the Project at your convenience.** Thank you.

Thanks again for your response. We look forward to working with you/Burleigh County and Essentia Health on this tax-exempt revenue bond financing for Mid-Dakota Clinic.

Best regards and have a great weekend,  
vinton

Amy Cobb Curran | Partner  
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Vinton L. Rollins  
Managing Director, Healthcare Finance  
T 212.314.0326 // F 212.314.0444  
535 Madison Avenue, 9th Floor  
New York, NY 10022

**RAYMOND JAMES®**

**From:** Vetter, Leo <[levetter@nd.gov](mailto:levetter@nd.gov)>

**Sent:** Thursday, February 16, 2023 4:25 PM

**To:** Vinton Rollins <[Vinton.Rollins@RaymondJames.com](mailto:Vinton.Rollins@RaymondJames.com)>

**Cc:** John Pirrmann <[John.Pirrmann@RaymondJames.com](mailto:John.Pirrmann@RaymondJames.com)>

**Subject:** RE: Good afternoon Mr. Vetter, Help please: Inquiring about potential Local Burleigh County Issuer of Tax-exempt Debt for RJ client Essentia Health

Vinton,

Could you send me a memo asking your request? Is a bond council involved, send an official resolution?

Leo Vetter

Burleigh County Auditor/Treasurer  
221 N 5<sup>th</sup> St | PO Box 5518  
Bismarck ND 58501  
701-222-6695  
[levetter@nd.gov](mailto:levetter@nd.gov)

**From:** Vinton Rollins <[Vinton.Rollins@RaymondJames.com](mailto:Vinton.Rollins@RaymondJames.com)>

**Sent:** Tuesday, February 14, 2023 2:56 PM

**To:** Vetter, Leo <[levetter@nd.gov](mailto:levetter@nd.gov)>

**Cc:** John Pirrmann <[John.Pirrmann@RaymondJames.com](mailto:John.Pirrmann@RaymondJames.com)>

**Subject:** Good afternoon Mr. Vetter, Help please: Inquiring about potential Local Burleigh County Issuer of Tax-exempt Debt for RJ client Essentia Health

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Good afternoon Mr. Vetter, Help please: Inquiring about potential Local Burleigh County Issuer of Tax-exempt Debt for RJ client Essentia Health.

Raymond James ("RJ") serves a Municipal Advisor to our non-profit health system client, Essentia Health <https://www.essentiahealth.org/>. Essentia has requested that RJ identify the appropriate tax-exempt debt Issuing Authority in Burleigh County for purposes of a tax-exempt debt refunding of debt incurred by Essentia to purchase the Mid-Dakota Clinic on October 1 of last year. We understand that Burleigh County has done tax-exempt healthcare financings for Benedictine and for Missouri Slope Lutheran Care Center.

Essentia and RJ would appreciate any help that you could provide (OR direct us to others you know within Burleigh County) for RJ to make the appropriate connection with potential tax-exempt debt Issuing Authority(s) in Burleigh County. Thank you.

I would be happy to set up a zoom call at your convenience to discuss with you or other appropriate officials Essentia's Plan of Finance. Please reply to this e-mail or call me at 212-314-0326.

Thank you.  
vinton

Vinton L. Rollins  
Managing Director, Healthcare Finance  
T 212.314.0326 // F 212.314.0444  
535 Madison Avenue, 9th Floor  
New York, NY 10022

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participants should not rely upon this information in making their investment/financing decisions. The information set forth herein was gathered from sources which we believe, but do not guarantee, to be accurate.

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Member \_\_\_\_\_ offered the following resolution and moved its adoption:

RESOLUTION RELATING TO A PROJECT UNDER THE MUNICIPAL INDUSTRIAL DEVELOPMENT ACT, GIVING THE PROJECT PRELIMINARY APPROVAL SUBJECT TO A PUBLIC HEARING

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

*Section 1. Policy and Purpose.*

1.01. For the purpose of providing hospital, nursing home and other health care facilities and services, the County is authorized by Chapter 40-57, North Dakota Century Code, as amended (the “Act”), to enter into a loan agreement with a contracting party providing for a loan to the contracting party by the County of proceeds derived from the issuance of revenue bonds, which loan must be used to pay the costs of a project as defined in Section 40-57-02 of the Act and providing for the repayment of the loan by the contracting party. The County is further authorized to issue its revenue bonds with respect to any hospital, nursing home or other health care facilities comprising a project, to refund, in whole or in part, bonds previously issued under the Act to finance any hospital, nursing home or other health care facilities comprising a project and in furtherance of the public health or welfare.

1.02. Essentia Health, a Minnesota nonprofit corporation (the “Borrower”), has requested that the County issue its revenue bonds or notes, whether taxable or tax-exempt, in one or more series (the “Bonds”) for the benefit of Innovis Health, LLC (“Innovis”), a Delaware limited liability company the sole member of which is the Borrower, in the aggregate principal amount not to exceed \$35,000,000 under the provisions of the Act to (i) finance or refinance the costs of, or reimburse the Borrower or Innovis for the costs of, acquiring certain assets (including real property, buildings and equipment) of Mid Dakota Clinic, a physician practice operating outpatient clinics throughout Bismarck, North Dakota, and the business enterprise value thereof (collectively, the “Project”), and (ii) finance costs of issuance of the Bonds. The Project includes the following acquired assets (i) an approximately 101,138 square foot building and equipment located therein used as the main clinic by Mid Dakota Clinic, and the real property and land improvements upon which such building is situated, all located at 401 N. 9th Street, Bismarck, North Dakota, (ii) an approximately 22,350 square foot building and equipment located therein used as a center for women by the Mid Dakota Clinic, and the real property and land improvements upon which such building is situated, all located at 1000 E. Rosser Avenue, Bismarck, North Dakota, (iii) an approximately 6,000 square foot building/warehouse used for storage and the real property upon such building is situated all located at 2323 East Rosser Avenue, Bismarck, North Dakota, (iv) the leasehold improvements including construction, renovation, remodeling, updating signage and equipping of the existing facility all located at 727 Kirkwood Mall, Bismarck, North Dakota, and (v) the leasehold improvements including construction, renovation, remodeling, updating signage and equipping of the existing facility all located at 2700 State Street, Unit A2, Bismarck, North Dakota.

1.03 The financing of the Project would assist in making available high quality healthcare services to the residents of the County and surrounding area.

1.04. The County is advised by representatives of the Borrower that with the aid of municipal financing, and the resulting lower borrowing cost, the Project would be significantly more feasible.

*Section 2. Findings.*

2.01. Subject to the holding of a public hearing according to law, it appears the issuance of the Bonds will be in the public interest and any competitive nature and impact and effect of the issue upon existing industry and business will not result in an unfair advantage for the 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 Borrower, the initial purchaser of the Bonds and other parties to the proposed transaction as to the details of an indenture, loan agreement and/or 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, whether taxable or tax-exempt, in one or more series, in an amount not to exceed \$35,000,000, is hereby preliminarily approved and authorized.

3.02. 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.

3.03. The passage of this resolution does not finally commit the County to issue the Bonds nor, if applicable, establish priority for purposes of staying within the limitations (if any) established by federal law for the amount of private activity bonds that may be issued by the County or the State of North Dakota.

*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 of the City/County Office Building located at 221 North 5th Street, Bismarck, North Dakota, 58501]**, on the \_\_\_\_ day of \_\_\_\_\_, 2023 at **[5:00 p.m.]** and the **[County Auditor]** is hereby instructed to give notice of such public hearing according to law.

4.02. Public notice in substantially the form attached to this Resolution as Exhibit A, together with such additions and deletions as the County Auditor shall approve after consultation with bond counsel, shall be published in the County's official newspaper as required by law. The form of public notice attached to this Resolution is hereby approved.

Dated this \_\_\_ day of \_\_\_\_\_, 2023.

Approved: \_\_\_\_\_  
Burleigh County Commissioner

Attest: \_\_\_\_\_  
Burleigh County Auditor

Member \_\_\_\_\_ seconded the above resolution and upon vote  
being taken thereon the following voted in favor:

\_\_\_\_\_ and the following voted against the same: \_\_\_\_\_  
the following were absent and not voting: \_\_\_\_\_  
whereupon the resolution was declared duly passed and adopted.

Member \_\_\_\_\_ offered the following resolution and moved its adoption:

RESOLUTION RELATING TO A PROJECT UNDER THE MUNICIPAL INDUSTRIAL DEVELOPMENT ACT, GIVING THE PROJECT PRELIMINARY APPROVAL SUBJECT TO A PUBLIC HEARING

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

*Section 1. Policy and Purpose.*

1.01. For the purpose of providing hospital, nursing home and other health care facilities and services, the County is authorized by Chapter 40-57, North Dakota Century Code, as amended (the “Act”), to enter into a loan agreement with a contracting party providing for a loan to the contracting party by the County of proceeds derived from the issuance of revenue bonds, which loan must be used to pay the costs of a project as defined in Section 40-57-02 of the Act and providing for the repayment of the loan by the contracting party. The County is further authorized to issue its revenue bonds with respect to any hospital, nursing home or other health care facilities comprising a project, to refund, in whole or in part, bonds previously issued under the Act to finance any hospital, nursing home or other health care facilities comprising a project and in furtherance of the public health or welfare.

1.02. Essentia Health, a Minnesota nonprofit corporation (the “Borrower”), has requested that the County issue its revenue bonds or notes, whether taxable or tax-exempt, in one or more series (the “Bonds”) for the benefit of Innovis Health, LLC (“Innovis”), a Delaware limited liability company the sole member of which is the Borrower, in the aggregate principal amount not to exceed \$35,000,000 under the provisions of the Act to (i) finance or refinance the costs of, or reimburse the Borrower or Innovis for the costs of, acquiring certain assets (including real property, buildings and equipment) of Mid Dakota Clinic, a physician practice operating outpatient clinics throughout Bismarck, North Dakota, and the business enterprise value thereof (collectively, the “Project”), (ii) finance capitalized interest, if any, on the Bonds, if deemed necessary or desirable by the Borrower and (iii) finance costs of issuance of the Bonds. The Project includes the following acquired assets (i) an approximately 101,138 square foot building and equipment located therein used as the main clinic by Mid Dakota Clinic, and the real property and land improvements upon which such building is situated, all located at 401 N. 9th Street, Bismarck, North Dakota, (ii) an approximately 22,350 square foot building and equipment located therein used as a center for women by the Mid Dakota Clinic, and the real property and land improvements upon which such building is situated, all located at 1000 E. Rosser Avenue, Bismarck, North Dakota, (iii) an approximately 6,000 square foot building/warehouse used for storage and the real property upon such building is situated all located at 2323 East Rosser Avenue, Bismarck, North Dakota, (iv) the leasehold improvements including construction, renovation, remodeling, updating signage and equipping of the existing facility all located at 727 Kirkwood Mall, Bismarck, North Dakota, and (v) the leasehold improvements including construction, renovation, remodeling,

updating signage and equipping of the existing facility all located at 2700 State Street, Unit A2, Bismarck, North Dakota.

1.03 The financing of the Project would assist in making available high quality healthcare services to the residents of the County and surrounding area.

1.04. The County is advised by representatives of the Borrower that with the aid of municipal financing, and the resulting lower borrowing cost, the Project would be significantly more feasible.

*Section 2. Findings.*

2.01. Subject to the holding of a public hearing according to law, it appears the issuance of the Bonds will be in the public interest and any competitive nature and impact and effect of the issue upon existing industry and business will not result in an unfair advantage for the 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 Borrower, the initial purchaser of the Bonds and other parties to the proposed transaction as to the details of an indenture, loan agreement and/or 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, whether taxable or tax-exempt, in one or more series, in an amount not to exceed \$35,000,000, is hereby preliminarily approved and authorized.

3.02. 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.

3.03. The passage of this resolution does not finally commit the County to issue the Bonds nor, if applicable, establish priority for purposes of staying within the limitations (if any) established by federal law for the amount of private activity bonds that may be issued by the County or the State of North Dakota.

*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 of the City/County Office Building located at 221 North 5th Street, Bismarck, North Dakota, 58501, on the 1st day of May, 2023 at 5:00 p.m. and the County Auditor is hereby instructed to give notice of such public hearing according to law.

4.02. Public notice in substantially the form attached to this Resolution as Exhibit A, together with such additions and deletions as the County Auditor shall approve after consultation

with bond counsel, shall be published in the County's official newspaper as required by law. The form of public notice attached to this Resolution is hereby approved.

Dated this 3rd day of April, 2023.

Approved: \_\_\_\_\_  
Burleigh County Commissioner

Attest: \_\_\_\_\_  
Burleigh County Auditor

Member \_\_\_\_\_ seconded the above resolution and upon vote  
being taken thereon the following voted in favor:

\_\_\_\_\_

and the following voted against the same: \_\_\_\_\_

the following were absent and not voting: \_\_\_\_\_

whereupon the resolution was declared duly passed and adopted.

Member \_\_\_\_\_ offered the following resolution and moved its adoption:

RESOLUTION RELATING TO A PROJECT UNDER THE MUNICIPAL INDUSTRIAL DEVELOPMENT ACT, GIVING THE PROJECT PRELIMINARY APPROVAL SUBJECT TO A PUBLIC HEARING

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

*Section 1. Policy and Purpose.*

1.01. For the purpose of providing hospital, nursing home and other health care facilities and services, the County is authorized by Chapter 40-57, North Dakota Century Code, as amended (the “Act”), to enter into a loan agreement with a contracting party providing for a loan to the contracting party by the County of proceeds derived from the issuance of revenue bonds, which loan must be used to pay the costs of a project as defined in Section 40-57-02 of the Act and providing for the repayment of the loan by the contracting party. The County is further authorized to issue its revenue bonds with respect to any hospital, nursing home or other health care facilities comprising a project, to refund, in whole or in part, bonds previously issued under the Act to finance any hospital, nursing home or other health care facilities comprising a project and in furtherance of the public health or welfare.

1.02. Essentia Health, a Minnesota nonprofit corporation (the “Borrower”), has requested that the County issue its revenue bonds or notes, whether taxable or tax-exempt, in one or more series (the “Bonds”) for the benefit of Innovis Health, LLC (“Innovis”), a Delaware limited liability company the sole member of which is the Borrower, in the aggregate principal amount not to exceed \$35,000,000 under the provisions of the Act to (i) finance or refinance the costs of, or reimburse the Borrower or Innovis for the costs of, acquiring certain assets (including real property, buildings and equipment) of Mid Dakota Clinic, a physician practice operating outpatient clinics throughout Bismarck, North Dakota, and the business enterprise value thereof (collectively, the “Project”), (ii) finance capitalized interest, if any, on the Bonds, if deemed necessary or desirable by the Borrower and ~~(iii)~~ finance costs of issuance of the Bonds. The Project includes the following acquired assets (i) an approximately 101,138 square foot building and equipment located therein used as the main clinic by Mid Dakota Clinic, and the real property and land improvements upon which such building is situated, all located at 401 N. 9th Street, Bismarck, North Dakota, (ii) an approximately 22,350 square foot building and equipment located therein used as a center for women by the Mid Dakota Clinic, and the real property and land improvements upon which such building is situated, all located at 1000 E. Rosser Avenue, Bismarck, North Dakota, (iii) an approximately 6,000 square foot building/warehouse used for storage and the real property upon such building is situated all located at 2323 East Rosser Avenue, Bismarck, North Dakota, (iv) the leasehold improvements including construction, renovation, remodeling, updating signage and equipping of the existing facility all located at 727 Kirkwood Mall, Bismarck, North Dakota, and (v) the leasehold improvements including construction, renovation, remodeling, updating signage and equipping of the existing facility all

located at 2700 State Street, Unit A2, Bismarck, North Dakota.

1.03 The financing of the Project would assist in making available high quality healthcare services to the residents of the County and surrounding area.

1.04. The County is advised by representatives of the Borrower that with the aid of municipal financing, and the resulting lower borrowing cost, the Project would be significantly more feasible.

*Section 2. Findings.*

2.01. Subject to the holding of a public hearing according to law, it appears the issuance of the Bonds will be in the public interest and any competitive nature and impact and effect of the issue upon existing industry and business will not result in an unfair advantage for the 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 Borrower, the initial purchaser of the Bonds and other parties to the proposed transaction as to the details of an indenture, loan agreement and/or 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, whether taxable or tax-exempt, in one or more series, in an amount not to exceed \$35,000,000, is hereby preliminarily approved and authorized.

3.02. 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.

3.03. The passage of this resolution does not finally commit the County to issue the Bonds nor, if applicable, establish priority for purposes of staying within the limitations (if any) established by federal law for the amount of private activity bonds that may be issued by the County or the State of North Dakota.

*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 of the City/County Office Building located at 221 North 5th Street, Bismarck, North Dakota, 58501}, on the     1st day of     May, 2023 at {5:00 p.m.} and the {County Auditor} is hereby instructed to give notice of such public hearing according to law.

4.02. Public notice in substantially the form attached to this Resolution as Exhibit A, together with such additions and deletions as the County Auditor shall approve after consultation with bond counsel, shall be published in the County's official newspaper as required by law. The form of public notice attached to this Resolution is hereby approved.

Dated this 3rd day of April, 2023.

Approved: \_\_\_\_\_  
Burleigh County Commissioner

Attest: \_\_\_\_\_  
Burleigh County Auditor

Member \_\_\_\_\_ seconded the above resolution and upon vote  
being taken thereon the following voted in favor:

\_\_\_\_\_ and the following voted against the same: \_\_\_\_\_  
the following were absent and not voting: \_\_\_\_\_  
whereupon the resolution was declared duly passed and adopted.

NOTICE OF PUBLIC HEARING ON A PROPOSED PROJECT AND THE  
ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS UNDER  
THE MUNICIPAL INDUSTRIAL DEVELOPMENT ACT OF 1955, NORTH  
DAKOTA CENTURY CODE CHAPTER 40-57

Notice is hereby given pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), and Sections 40-57-04 and 40-57-04.1 of the Municipal Industrial Development Act of 1955, Chapter 40-57 North Dakota Century Code, as amended (the “Act”), that the Board of County Commissioners of Burleigh County, North Dakota (the “County”) will meet on the 1st day of May, 2023, at 5:00 p.m. in the Tom Baker Meeting Room of the City/County Office Building located at 221 North 5th Street, Bismarck, North Dakota, 58501, for the purpose of holding a public hearing on a proposal that the County issue revenue bonds, in one or more tax-exempt or taxable series (the “Bonds”), under the Act and Sections 103 and 145 of the Code, for the benefit of Essentia Health, a Minnesota nonprofit corporation (the “Borrower”), and Innovis Health, LLC (“Innovis”), a Delaware limited liability company the sole member of which is the Borrower, in order to (i) finance or refinance the costs of, or reimburse the Borrower or Innovis for the costs of, acquiring certain assets (including real property, buildings and equipment) of Mid Dakota Clinic, a physician practice operating outpatient clinics throughout Bismarck, North Dakota, and the business enterprise value thereof, (ii) finance capitalized interest, if any, on the Bonds, if deemed necessary or desirable by the Borrower and (iii) finance costs of issuance of the Bonds. Such acquired assets include (i) an approximately 101,138 square foot building and equipment located therein used as the main clinic by Mid Dakota Clinic, and the real property and land improvements upon which such building is situated, all located at 401 N. 9th Street, Bismarck, North Dakota, (not to exceed \$27,000,000 in aggregate principal amount of the Bonds), (ii) an approximately 22,350 square foot building and equipment located therein used as a center for women by the Mid Dakota Clinic, and the real property and land improvements upon which such building is situated, all located at 1000 E. Rosser Avenue, Bismarck, North Dakota, (not to exceed \$7,500,000 in aggregate principal amount of the Bonds), (iii) an approximately 6,000 square foot building/warehouse used for storage and the real property upon such building is situated all located at 2323 East Rosser Avenue, Bismarck, North Dakota (not to exceed \$1,000,000 in aggregate principal amount of the Bonds), (iv) the leasehold improvements including construction, renovation, remodeling, updating signage and equipping of the existing facility all located at 727 Kirkwood Mall, Bismarck, North Dakota (not to exceed \$1,500,000 in aggregate principal amount of the Bonds), and (v) the leasehold improvements including construction, renovation, remodeling, updating signage and equipping of the existing facility all located at 2700 State Street, Unit A2, Bismarck, North Dakota (not to exceed \$1,000,000 in aggregate principal amount of the Bonds).

The maximum aggregate principal amount of the Bonds to be issued is not expected to exceed \$35,000,000. The assets to be financed with proceeds of the Bonds are owned or leased and operated by Innovis.

The Bonds or other evidence of indebtedness issued by the County to finance the Project shall be limited obligations of the County payable solely from the revenue pledge to the payment thereof and may be secured by a mortgage or other encumbrance on the assets financed with proceeds of the Bonds. No holder of any such evidence of indebtedness shall ever have the right

to compel any exercise of the taxing power of the County to pay such evidence of indebtedness, or the interest thereon, nor to enforce payment against any property of the County.

All persons interested may appear and be heard at the time and place set forth above.

Dated this [17th] [24th] day of April, 2023, by order of the Board of County Commissioners.

NOTICE OF PUBLIC HEARING ON A PROPOSED PROJECT AND THE  
ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS UNDER  
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to compel any exercise of the taxing power of the County to pay such evidence of indebtedness, or the interest thereon, nor to enforce payment against any property of the County.

All persons interested may appear and be heard at the time and place set forth above.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023, by order of the Board of County Commissioners.

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compel any exercise of the taxing power of the County to pay such evidence of indebtedness, or the interest thereon, nor to enforce payment against any property of the County.

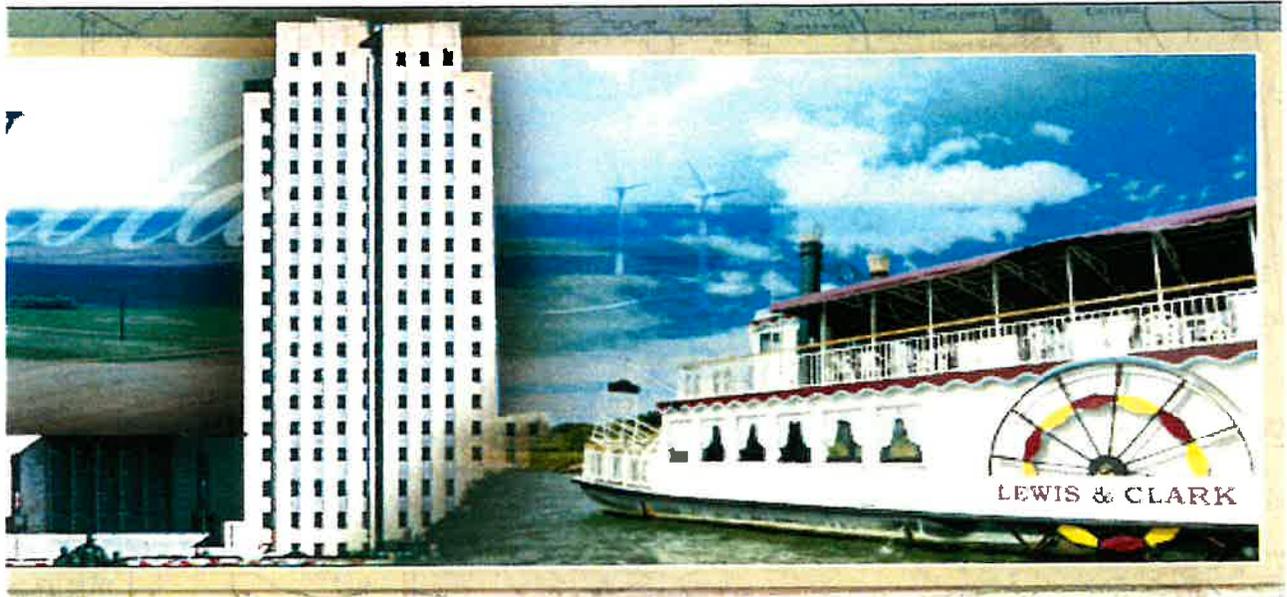
All persons interested may appear and be heard at the time and place set forth above.

Dated this ~~—~~ [17th] [24th] day of ~~—~~ April, 2023, by order of the Board of County Commissioners.

**ITEM**

**# 8**

# Burleigh County Finance Manual





## **Table of Contents**

<b>Chapter 1</b>	<b>Procurement Policy</b>
<b>Chapter 2</b>	<b>Request for Proposal Form for Selecting Engineering Firms</b>
<b>Chapter 3</b>	<b>Risk Assessment and Monitoring Activities Checklist</b>
<b>Chapter 4</b>	<b>Capital Assets Policy</b>
<b>Chapter 5</b>	<b>Credit Card Policy</b>
<b>Chapter 6</b>	<b>Fraud Policy</b>
<b>Chapter 7</b>	<b>Bill Payment Policy</b>
<b>Chapter 8</b>	<b>Fund Balance Policy</b>
<b>Chapter 9</b>	<b>Investment Policy</b>



## PROCUREMENT POLICY

### GENERAL

- A. It shall be the policy of the Burleigh County Commissioners to:
  - a. Require departments of Burleigh County to comply with all statutes regarding purchase or dispositions of equipment and hiring of services
- B. Inventory items are defined as any item with the value of \$500 or more.
- C. For GASB purposes, any item over \$5,000 value will be depreciated over the life of the item. See Burleigh County's Capital Asset Policy for a full description.
- D. This policy shall be in effect for all departments receiving an annual appropriation from the county commission.

### NEW EQUIPMENT, SUPPLIES, CONTRACTS

- A. Unless purchasing equipment, supplies or contracts through a State bid, competitive bids, proposals, or price quotes shall be obtained for any single item over \$5,000.
- B. The cost of the new equipment shall be appropriated in the commissioner approved budget of the department for the year in which the acquisition is to occur.
- C. Any deviations from the approved budget such as an emergency issue shall be presented to the commissioners for approval prior to purchasing new equipment, supplies or contracts.

### MAINTENANCE

- A. Maintenance of equipment, computer software, software upgrades and licenses shall be the responsibility of each department.
- B. The cost of maintenance shall be appropriated in the commissioner approved budget of the department.
- C. Any unforeseen maintenance costs, not in the department's budget, shall be presented to the commissioners for approval.

### REPLACEMENT

- A. Replacement of equipment shall be appropriated in the commission approved budget of the department.
- B. Unless the replacement is through State bid, competitive bids, proposals, or price quotes shall be obtained for any single item over \$5,000.
- C. Unexpected replacement costs, not in the current budget, shall be presented to the commissioners for approval.
- D. Replacement of large items such as elevators, boilers, software upgrades, etc. may be budgeted over multiple years in order to avoid a major increase in one year budget cycle with the approval of the commissioners.

DISPOSITION OF EQUIPMENT

- A. Notice of all inventory items with a county item number that is disposed of or replaced shall be made to the county Auditor/Treasurer's office.
- B. Computer equipment and copiers shall be cleared of all data by IT prior to disposal.
- C. Vehicles shall be traded in, auctioned or sold on bids at the discretion of the department head with approval of the commissioners.
- D. Transfer of property from one office to another shall be noticed to the Auditor/Treasurer's office for inventory purposes using the Inventory Transfer Record form.

Suspended and Debarred Parties

- A. For all Federal Funded awards, it is required that the county verifies that the party is not Suspended or Debarred from completing work related to Federal Funds. This can be searched using the following website: <https://sam.gov/content/entity-information>. In the Search dropdown select "Exclusions" and then to the right type in the name you are searching. Printing the results page will fulfill the documentation requirement.

Approved this \_\_\_ of \_\_\_\_\_, 2022

\_\_\_\_\_  
Commission Chairman

Proposal and Interview Review  
66<sup>th</sup> Street NE and I94 Interchange  
9/22/2022

Firm: \_\_\_\_\_

Proposal Score:

1      2      3      4      5      6      7      8      9      10

Recent, current, and projected workloads of firm's staff:

1      2      3      4      5      6      7      8      9      10

Staff experience and technical capabilities:

1      2      3      4      5      6      7      8      9      10

Related experience and performance on similar projects:

1      2      3      4      5      6      7      8      9      10

Willingness to meet time and budgetary requirements:

1      2      3      4      5      6      7      8      9      10

Total Score from Proposal and Interview: \_\_\_\_\_

**Proposing firm is interested in the following areas:**

Hydrologic Analysis and Design  
Registered Ground Survey and Control Work  
Traffic Operations Report  
Wetland Delineation Report  
Pavement Design  
Geotechnical Evaluation  
Cultural Review and Reports  
Noise Analysis  
Interchange Justification Report  
All

**Proposing firm is qualified to do work in the following areas:**

Hydrologic Analysis and Design  
Registered Ground Survey and Control Work  
Traffic Operations Report  
Wetland Delineation Report  
Pavement Design  
Geotechnical Evaluation  
Cultural Review and Reports  
Noise Analysis  
Interchange Justification Report  
All

## SUBRECIPIENT MONITORING CHECKLIST

A subrecipient is a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal award. As the prime recipient the pass-through entity is ultimately responsible for the subrecipient's performance and compliance with federal and state regulations and requirements. As a consequence, the pass-through entity must monitor the activities of the subrecipient.

Name of Subrecipient(s):			
<b>SUBRECIPIENT INFORMATION:</b>	YES	NO	N/A
Is there a written Subaward document with the agency?			
Date of Award:			
Does the Subaward document describe the type of work or product that will be performed or delivered by the subrecipient?			
If no, explain:			
Does the Subaward document specify a deadline for each major service or product identified in the subaward?			
If no, explain:			
Does the Subaward document contain a detail budget to compare budgeted costs with actual costs?			
If no, explain:			
<b>SUBRECIPIENT MONITORING (Post Review Activities):</b>	YES	NO	N/A
Do monitoring reports document areas monitored, conclusions reached, and necessary corrective action(s)?			
Is sufficient time given to subrecipients to respond to recommendations?			
Are monitoring results communicated on a timely basis to subrecipients?			
Do results include expected corrective actions and dates for resolution?			
<b>SUBRECIPIENT MONITORING (Financial Management System):</b>	YES	NO	N/A
What type of financial management system does the subrecipient utilize?			
How are Federal funds identified and tracked in the accounting system?			
Are sources of non-Federal funds identified and tracked separately in the accounting system?			
Does the subrecipient use a Chart of Accounts and Accounting Manual?			
Does the accounting manual describe the criteria for an obligation?			
Are accounting records supported by source documentation?			
Does the system provide for prompt and timely recording and reporting of all financial transactions?			
<b>SUBRECIPIENT MONITORING (Policy and Procedures):</b>	YES	NO	N/A
Does the subrecipient have written policy and procedures to adequately administer Federal grant programs (Travel, Procurement, etc.)?			
Does the subrecipient have a written conflict of interest policy for their employees?			
Are there sufficient internal controls in place to protect against waste, fraud, and abuse of Federal funds (segregation of duties, etc.)?			
Does the organization use the same policy and procedures for accounting and expending Federal funds as it does for other agency funds?			

What procedures does the subrecipient use to identify and account for federal property purchased with grant funds?			
Does the subrecipient have adequate safeguards for preventing loss, damage, or theft of property held (inventory control, etc.)?			
<b>SUBRECIPIENT MONITORING (Cash Management):</b>	YES	NO	N/A
Is the cash receipts function performed by someone other than the person who is responsible for signing checks, reconciling bank accounts, or maintaining non-cash accounting records (i.e. ledgers or journals)?			
Are payment vouchers or supporting documents identified by grant number, date(s) and expense classification?			
Are all disbursements controlled by check registers?			
Do supporting documents accompany checks when they are submitted for signature?			
Are supporting documents canceled to prevent reuse?			
Are invoices or vouchers approved in advance by authorized officials?			
Are the requests for reimbursement from the pass-through entity based on supporting documentation from the accounting system?			
What is the process for paying project invoices?			
How is the amount of award funds to draw down determined?			
<b>SUBRECIPIENT MONITORING (Record Retention &amp; Access):</b>	YES	NO	N/A
At a minimum, are the subrecipient's record retention practices in compliance with the federal requirements?			
Do the entity's policies meet or exceed the Federal retention requirements?			
Has the subrecipient retained all records related to pending litigations, claims negotiations, audits or other actions involving records beyond the regular record retention requirements?			
<b>SUBRECIPIENT MONITORING (Audit Requirements):</b>	YES	NO	N/A
Is the subrecipient required to obtain an audit under Subpart F for its most recently completed fiscal year?			
If yes, did the subrecipient submit the required audit report?			
Did the audit report contain any findings or questioned costs?			
If yes, has the subrecipient assigned someone the responsibility for resolving the findings or questioned costs?			
Did the subrecipient submit a timely response to the audit, including a plan for correcting any conditions reported in sustained findings?			
<b>SUBRECIPIENT MONITORING (Miscellaneous):</b>	YES	NO	N/A
If program income will be generated by the subrecipient, have provisions been made to ensure that it is used in accordance with federal agency rules?			
Was technical assistance/training provided to the subrecipients during the project period?			
Are financial and progress reports submitted timely by the subrecipient?			
How is the amount to be charged to the award for an employee's salary and fringe benefit cost, including those employees whose hours may be allocated to more than one cost center, determined?			

If the subrecipient expended over \$750,000 in funds within a year have they had a Federal Single Audit completed.			
<b>SUBRECIPIENT MONITORING (continued)</b>			
<b>COMMENTS:</b>			



## County of Burleigh

### Capital Asset Policy

Assets that have a useful life of more than one fiscal year are considered capital assets. The term capital assets will be identified through the capital improvements planning process. The objectives of capital asset planning are to enhance the accuracy and reliability of Burleigh County's financial statements, amortize the cost of long-term assets over their useful lives and allow a systematic replacement of capital investments. Capital asset accounting is required under compliance with GASB Statement 34. Application of this capital asset policy must adhere to GASB, North Dakota Century Code, and the policies of the County of Burleigh.

**Capital Asset Process:** The capital improvements planning process will provide the necessary information to identify long-term capital assets.

**Designation as a Capital Asset:** The acquisition of an independent asset with an estimated useful life of not less than one fiscal year and an estimated capitalized value of \$5,000.00 or greater will be designated through the capital improvements process and capitalized as a capital asset. Capitalized value will include interest, administrative, professional and or engineering costs, transportation charges, and site preparation. Donated items will be valued at their estimated fair market value at the time of acquisition. Historical items already under the ownership of the County will be valued at a historical value.

**Asset Classification and Estimated Useful Lives:**

CLASSIFICATION	ESTIMATED USEFULL LIFE
Land	Indefinite
Land Improvements	15 – 40 years
Buildings	40 years
Building Improvements	15 – 20 years
Machinery & Equipment	3 – 15 years
Infrastructure	40 – 50 years
Vehicles	3 – 10 years
Office Equipment & Furniture	3 – 10 years

Land and land improvements will be recorded at actual or estimated historical cost in the case of purchased land and recorded at fair market value on the date donated to Burleigh County. Land will not be subject to annual depreciation expense. Annual review of additions and deletions may warrant changes in estimated useful life.

**Asset Acquisition:**

Asset acquisitions will be capitalized at cost and effective on the first day of the month that they are put into use.

### Asset Disposition:

The disposition of capital assets will be determined by the department head responsible for assigned assets. Asset dispositions must be reported to the Auditor/Treasurer with the explanation for disposition: obsolescence, trade, sale, destruction, or theft. In the event an asset is disposed of prior to fulfilling the term of its estimated useful life, a loss on disposal will be calculated. Gain or loss on the disposal is calculated as follows:

Cost – accumulated depreciation = Net Value

Net Value – reimbursement received (if any) = Loss or Gain on Disposal

Dispositions resulting from insured perils will reflect subsequent reimbursements in the disposal transaction. Asset disposals are effective on the date the asset is removed from service. Assets may be transferred from one department to another without disposition as long as both departments agree.

### Implementation of Capital Assets Program:

The capital asset program, in compliance with the recommendation of the ND State Auditor's and GASB Statement 34, was implemented in 2002 and reflected in financial statements for the fiscal year ended 12/31/2002. Asset inventory records will be created by the Auditor's office. Actual acquisition costs will be used when available, assessed or consistently applied values will be used as necessary. Accumulated depreciation will be factored life-to-date of the asset beginning with the month after the asset is put into service as calculated by our financial software.

### Specific Topics of Capital Assets Program:

**Demolition Costs:** Demolition costs of an existing asset are not incorporated into the capitalized cost of the new asset.

**Donated Assets:** Donation of tangible assets will be valued at their estimated fair market value at the time of acquisition plus any eligible costs incurred. In-kind donations cannot be capitalized or depreciated.

**Improvements and Replacements:** Improvement is the substitution of a better asset. Replacement is substitution of a similar asset. The capitalization of a cost incurred is determined when the improvement or replacement increases the future service level as opposed to merely maintaining the existing level of service (estimated useful life).

## **Burleigh County Credit Card Employee Agreement**

Employee Name: \_\_\_\_\_

Position: \_\_\_\_\_

I have received a corporate credit card to be used in connection with my employment with Burleigh County.

- I. I understand that I bear ultimate responsibility for the credit card.
- II. I understand that I will not use the corporate credit card for cash withdrawals.
- III. I understand that I will not use the corporate credit card for personal expenses and will use it only for official business on behalf of Burleigh County.
- IV. I understand that if the corporate credit card is lost or stolen, I will report it immediately to the credit card company and the Burleigh County Auditor's Office.
- V. I understand that the credit card is the property of Burleigh County. If I resign from Burleigh County, or at any time upon request of Burleigh County, I will return the card with a final reconciliation of all expenditures prior to departure or upon return of the card.
- VI. I understand that any misuse or noncompliance with the credit card procedures may result in :
  - 1) Termination of all credit card privileges.
  - 2) Disciplinary actions, up to and including termination.
  - 3) Repayment of all transactions resulting in personal or other improper use of the credit card may be deducted from my payroll check.
  - 4) The Burleigh County Auditor/Treasurer has the authority to revoke my credit card at any time.
- VII. I understand that if Burleigh County does not make payroll deductions as set forth in this policy, I am still responsible for payment of any sums due and owing to Burleigh County based upon my misuse of the credit card issued to me or my violation of the Burleigh County policy. Nothing in this Employee Agreement waives Burleigh County's right to collect such sums from me.
- VIII. I understand that this Employee Agreement does not create any contract for employment of any employee benefit. Employment at Burleigh County is at-will. Thus, either Burleigh County or I may terminate the employment relationship at any time without notice or cause.
- IX. I authorize Burleigh County to maintain a copy of the Burleigh County Credit Card Employee Agreement in my personnel file.

**PLEASE READ CAREFULLY – Execution of this form evidences your consent to deductions from your wages or other payments to you.**

### **Acknowledged and Agreed to:**

\_\_\_\_\_  
Signature of Cardholder

\_\_\_\_\_  
Date

Burleigh County employees may be eligible for a credit card at the discretion of the County Auditor and must complete the Credit Card Employee Agreement. Eligibility requirements to become a credit card holder are as follows, but not limited to, frequent travel, purchasing supplies for use by the County, or other low-dollar, high-volume purchases of goods and services that are repetitive in nature.

Each card's limit will be set on a case-by-case basis. Increases to the maximum may be made also on a case-by-case basis and must go through the approval of the Department Head and County Auditor.

The credit card is only to be used for official business on behalf of Burleigh County. The credit card may not be used to obtain cash advances, bank checks, traveler's checks or electronic cash transfers for either business or personal expenses. If the card is used for an employee's personal expenses, the County reserves the right to recover these monies from the employee. Employees who become cardholders will be required to sign a declaration authorizing the County to recover, from their salary, any amount incorrectly claimed as a business expense or not reconciled within 30 days. Any misuse of the credit card may result in cancellation of the card, withdrawal of corporate credit card privileges, and disciplinary action up to and including termination.

All credit card expenditures must include a receipt showing proper description, quantity and price. Invoices without proper documentation will not be accepted for payment and will be the responsibility of the cardholder. All receipts along with proper documentation must be turned in within billing cycles. Turn the credit card invoices into the department's credit card coordinator on a monthly basis. All invoices/receipts must be reconciled to the monthly statement and then turned into the County Auditor's office for payment. Continued or repeated non-conformance to this policy may result in cancellation of the card, payroll deduction for un-reconciled amounts, and such other actions as appropriate, up to and including termination of employment.

Lost or stolen cards must be reported immediately to the County Auditors Office.

# **BURLEIGH COUNTY**

## **CREDIT CARD MANUAL**

- I. PURPOSE:** The purpose of using the credit card program is to purchase low-dollar, high-volume goods and services that are repetitive in nature. Any transactions made with the credit card are the liability of the County of Burleigh. Credit cards should be treated with the same level of care that you would your own personal credit card. Cardholder's are responsible for the use of their cards. Each department should designate a person to be the department's purchasing card coordinator.
- II. CARDHOLDERS:** Cards should only be issued to purchasing staff that routinely make purchases of supplies and materials. Whenever possible the personnel with the authorization to approve expenditure and the purchasing card coordinator should not have access to the credit card. The only person authorized to use the card is the person whose name appears on the card. The card number should never be placed on file at any place of business and should be secured at all times.
- III. OBTAINING A COUNTY CREDIT CARD:**
- 1) Contact the Auditor/Treasurer's office for applications
  - 2) Complete and sign application for approval from Auditor/Treasurer
  - 3) Sign a written acknowledgement of employee/cardholder responsibilities
  - 4) Sign a blanket authorization for sales tax and unapproved expenditures to be deducted from the cardholder's paycheck.
  - 5) Attend a training/regulation session
- IV. GUIDELINES FOR CREDIT CARDS:** Credit cards are authorized for purchasing county transactions and credit limits will vary (for guidelines on how limits are set contact Auditor/Treasurer). Any increase in credit limits needs approval of the Auditor/Treasurer and any increase in the transaction limit needs approval of the department head.
- A.** Gasoline/Fuel for Burleigh County vehicles, lodging, airline tickets and meals (if the employee is staying overnight and elects to charge meals rather than seek the per diem) will be acceptable charges. If cardholder elects to charge the meals then the cardholder will be responsible for the difference between the meals charged and the maximum per diem allowed. Overages will be handled through payroll deductions.
- B.** Other purchases that are STRICTLY forbidden:
- 1) Cash Advances (ATM or other)
  - 2) Alcoholic Beverages
  - 3) Flowers/Gifts
  - 4) Ammunition/Weapons
  - 5) Gasoline/Fuel for personal vehicles
  - 6) Entertainment/hospitality
  - 7) Sheriff uniforms or street clothes (IRS regulation that this is taxable income and will be paid thru payroll)

- 8) Meals purchased for single day travel (if no overnight stay) (IRS regulation that this is taxable income and will be paid thru payroll)
- 9) This list is not all inclusive

V. **PURCHASING PROCEDURE:**

**A) Cardholder Responsibilities**

- 1) Responsible for notifying vendor of tax exemption. Each cardholder will receive a tax exemption form to carry along with them for proof. **Any ND tax that is charged to the card will be the sole responsibility of the cardholder.** Exception: When the county credit card is denied and the business expense is assumed through personal means, then the actual receipt amount will be reimbursed, as long as it does not exceed per diem rates.
- 2) All invoices must include proper description, quantity, and price. Invoices without proper documentation will not be accepted for payment and will be the responsibility of the cardholder.
- 3) Responsible for Returns, Credits & Disputed Items. **See Section VI, page 3.**
- 4) If the goods are shipped, inform the vendor to ship the invoice with the purchase. Upon receipt of item(s), compare order to invoice to ensure accurate billing and delivery.
- 5) If the goods are picked up, obtain itemized invoice indicating description, quantity, and price.
- 6) Do not give your credit card to anyone else to use. **See Section VII, page 3**
- 7) Do not leave your card number or any writing with the credit card number in any location that is accessible to others.
- 8) Use only secure web sites when purchasing items over the internet.
- 9) **ALL RECEIPTS AND PROPER DOCUMENTATION MUST BE TURNED INTO YOUR DEPARTMENT CREDIT CARD COORDINATOR WITHIN BILLING CYCLES, WHICH WILL BE DETERMINED BY AUDITOR/TREASURER OFFICE.**
- 10) Maintain record of the purchases on the purchasing card record that is located on the outside of the purchase card envelope and secure the invoice(s) inside.

**B) Card Coordinator Responsibilities**

- 1) Write the account numbers on the purchase card envelope.
- 2) Reconcile invoices and purchase card records to the monthly credit card statement.
- 3) Responsible for getting the Department Head to authorize expenditures by signing the purchase card envelope.
- 4) Responsible for tracking per diem for overages charged on the Credit Card and attaching travel voucher with expenditures for deduction from payroll.

5) Sending the purchase card envelope with original invoices to the Auditor/Treasurer's office by dates that are set up by the Auditor/Treasurer's office.

**VI. RETURNS, CREDITS, & DISPUTED ITEMS:** The cardholder is responsible to follow up on any returns, credits, or items in dispute. If there is a dispute, the cardholder should try to research and resolve the conflict directly with the supplier. A majority of the problems will be resolved at this level. Maintain all returns, credits, and disputed items in a file. Following are procedures to handle returns, credits, and disputed items:

- A) RETURNS: Any item returned to the vendor must be returned for credit on the credit card. Cardholder must ask for a credit receipt. **DO NOT ACCEPT CASH, CHECK, OR CREDIT ON AN IN-HOUSE ACCOUNT** for any items that were purchased with the credit card.
- B) CREDITS: Record the credit on the purchase card envelope and make reference to the invoice that pertains to the credit. Use the same account number for the credit that was assigned to the original invoice.
- C) DISPUTED ITEMS: If the cardholder cannot resolve the problem directly with the vendor, contact the department head and fill out a disputed credit card transaction report. Immediately send the original disputed credit card transaction report to the Auditor/Treasurers office to prevent payment on disputed items. Record the disputed item on the purchase card envelope and attach a copy of the disputed invoice to the purchase card envelope.

**VII. CREDIT CARD SECURITY:** Cardholders should treat the credit card with the same level of care as they would their own personal credit card.

- A) Do not give your credit card to anyone else to use. The only one authorized to use the credit card is the cardholder whose name appears on the credit card. The cardholder is responsible for any transactions resulting from the use of the credit card.
- B) Do not leave your card number or any writing with the credit card number in any location that is accessible to others.
- C) Use only secure web sites when purchasing items over the internet.

**VIII. LOST OR STOLEN CREDIT CARDS:** Report any lost or stolen credit cards immediately to the credit card company for cancellation and then contact your supervisor. If it is the weekend there will be a main contact

office to call for getting your card information and the phone number to call to cancel. Notify the Auditor/Treasurer's office as soon as possible after the incident.

- IX. FAILURE TO COMPLY WITH PROCEDURES:*** Any misuse or noncompliance with the procedures may result in the following:
- A) Termination of all credit card privileges.
  - B) Disciplinary actions, up to and including employee termination.
  - C) Repayment of all transactions resulting in personal or other improper use of the credit card will be deducted from the cardholder's payroll check.
  - D) The Auditor/Treasurer has the authority to revoke a credit card at any time.
- X. TERMINATION OF EMPLOYMENT OR TRANSFER TO OTHER DIVISION:*** Upon an employee's termination or transfer to another department, the terminating or transferring cardholder must return the credit card to his/her supervisor. The supervisor should cut the credit card in half and return the card to the Auditor/Treasurers office. **Do not assign the card to any other personnel for use.**
- XI. The Auditor/Treasurer's office will conduct random audits of the Credit Cards throughout all Burleigh County entities that have been issued a Credit Card.***



## **CHAPTER 14**

### **FRAUD**

#### Section 1: Fraud Policy

##### **BACKGROUND**

This Burleigh County fraud policy is established to facilitate the development of controls which will aid in the detection and prevention of fraud against the County of Burleigh. It is the intent of the County of Burleigh to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

##### **SCOPE OF POLICY**

This policy applies to any fraud, or suspected fraud, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with The County of Burleigh (also called the County). Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the County.

##### **POLICY**

Management is responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each county department head will be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported immediately to the Burleigh County States Attorney, who coordinates all investigations with the Burleigh County Sheriff and other affected areas, both internal and external.

##### **ACTIONS CONSTITUTING FRAUD**

The terms misappropriation, and other fiscal wrongdoings refer to, but are not limited to:

- Dishonest or fraudulent acts relating to or affecting County operations
- Forgery or alteration of any document or account belonging to the County
- Forgery or alteration of a check, bank draft, or any other financial document relating to County business
- Misappropriation of funds, securities, supplies, or other assets owned, leased, or related to County business
- Improperly handling or reporting of money or financial transactions involving County business
- Disclosing confidential and proprietary information to outside parties

- Accepting or seeking anything of value from contractors, vendors, or persons providing services/materials to the County. Exception: Gifts less than \$50 in value
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment
- Other acts that may have a negative impact on the County

## **OTHER INAPPROPRIATE CONDUCT**

Suspected improprieties concerning an employee's moral, ethical, or behavioral conduct, should be resolved by the County department head. If there is any question as to whether an action constitutes fraud, contact the Burleigh County States Attorney for guidance.

## **REVIEW RESPONSIBILITIES**

Department Heads or their designees have the responsibility to review suspected fraudulent acts as defined in this policy. A Department Head or designee shall consult with the Human Resources Department to determine if further investigation is needed.

The Sheriff's Department's purpose is to conduct criminal investigations and in the event the Sheriff's Department becomes involved in suspected fraudulent acts involving Burleigh County employees or officials, the primary focus will be on the criminal aspects of the allegation. The Sheriff's Department may solicit the assistance of other entities if a conflict of interest or potential conflict of interest exists or if special expertise is needed to assist in the investigation.

The results and findings of the investigations will be provided to the Burleigh County State's Attorney for review. The State's Attorney will issue reports to appropriate personnel and/or the Burleigh County Commission. Decisions to prosecute or refer the results/findings to other entities for review will be made by the State's Attorney or other designated legal counsel.

## **CONFIDENTIALITY**

The County treats all information received confidentially to the extent possible within the constraints of the law. Any employee who suspects dishonest or fraudulent activity will notify the department head immediately, or in certain situations, the County Commissioner who holds the department's portfolio and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act (see **REPORTING PROCEDURE** section below). Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the County from potential civil liability.

## **AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD**

The Burleigh County Sheriff's Department and State's Attorney's office will have :

- Free and unrestricted access to all County records and premises, whether owned or rented; AND
- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

## **REPORTING PROCEDURES**

Precautions must be taken in the investigation of suspected improprieties or wrongdoings so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way. An employee who discovers or suspects fraudulent activity will contact the department head immediately. All inquiries concerning the activity under investigation should be directed to the States Attorney.

The reporting individual should be informed of the following:

- Do not contact the suspected individual.
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the State's Attorney or Sheriff's Department.

## **TERMINATION**

If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed for approval by the designated representatives from Burleigh County's Human Resources Department and the Burleigh County State's Attorney, and, if necessary, by outside counsel, before any such action is taken.



# Burleigh County Bill Payment Policy

## **I. Governing Authority**

The Burleigh County Bill Payment Policy shall be operated in conformance with federal, state, and other legal requirements, including NDCC 11-06-07 and Generally Accepted Accounting Principles.

## **II. Scope**

This policy applies to the payment of all vouchers, bills, invoices, charges, debts, warrants, encumbrances, and specifically excludes obligations of the Burleigh County Weed Board, Burleigh County Water Management Board, and apportionment payments, which may be covered by a separate policy.

## **III. General Objectives**

The primary objective of this policy is the accurate and timely payment of obligations of the County of Burleigh.

## **IV. Standard of Care**

The standard of prudence to be used by the Accounts Payable staff shall be the "prudent person" standard and shall be applied in the context of auditing bills submitted by the various departments and functions of Burleigh County.

## **V. Policy Considerations**

All vouchers for payment shall be submitted no later than noon on the Wednesday prior to the Commission meeting (see Attachment #1). All vouchers submitted shall be approved by signature of the official or officials in charge of the office or undertaking before being allowed by the board of county commissioners.

Pursuant to NDCC 11-11-14(4) the Burleigh County Commission shall review and formally approve payment of all bills at the semi-monthly meetings. A County commissioner will be assigned to review the vouchers, for recommendation to the full Commission for approval pursuant to NDCC 11-25-01 (see Attachment #2).

**VI. Exceptions**

1. County Payroll,
2. Obligations arising out of contractual and/or lease agreements previously approved by the Burleigh County Board of Commissioners,
3. The Burleigh County Commission on August 1, 2005 and annually at its first meeting of each year thereafter, shall by resolution authorize the County auditor/Treasurer to make payment upon demand all invoices and claims for utility services, gas, fuel and oil,
4. Witness fees,
5. Other obligations expressly exempted by this policy as per attachment #3 to this policy.

**VII. Amendments**

This policy will be reviewed on an annual basis. Any changes must be approved by the County Auditor/Treasurer and the Board of County Commissioners.

**VIII. List of Attachments**

1. Bill payment schedule,
2. Commission review schedule,
3. List of type of obligations exempt from policy.

## ATTACHMENT #3 – LIST OF EXEMPT OBLIGATIONS

1. Public Administrator retainer
2. All obligations associated with Special Assessment Districts
3. Witness Fees
4. Contract Obligations
5. Equipment/Property Leases
6. Rental Agreements



## **333Burleigh County**

### **Fund Balance Policy in Accordance with GASB Statement No. 54**

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**Purpose:** The following policy has been adopted by the Board of Burleigh County Commission in order to address the implications of Governmental Accounting Standards Board ("GASB") Statement No. 54, Fund Balance Reporting and Governmental Fund Definitions. The policy is created in consideration of unanticipated events that could adversely affect the financial condition of the County and jeopardize the continuation of necessary public services. This policy will ensure that Burleigh County maintains adequate fund balances and reserves in order to:

- a. Provide sufficient cash flow for daily financial needs,**
- b. Secure and maintain investment grade bond ratings,**
- c. Offset significant economic downturns or revenue shortfalls, and**
- d. Provide funds for unforeseen expenditures related to emergencies.**

This policy and the procedures promulgated under it supersede all previous regulations regarding the County's fund balance and reserve policies.

**Fund type definitions:** The following definitions will be used in reporting activity in governmental funds across the County. The County may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

The **general fund** is used to account for all financial resources not accounted for and reported in another fund.

**Special revenue funds** are used to account and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt service or capital projects.

**Debt service funds** are used to account for all financial resources restricted, committed or assigned to expenditure for principal and interest.

**Capital projects funds** are used to account for all financial resources restricted, committed or assigned to expenditure for the acquisition or construction of capital assets.

**Permanent funds** are used to account for resources restricted to the extent that only earnings, and not principal, may be used for purposes that support the County's purposes.

#### **FUND BALANCE REPORTING IN GOVERNMENTAL FUNDS:**

**Classification:** Fund balance classification shall be recorded in accordance with governmental accounting standards as promulgated by the Governmental Accounting Standards Board.

**Spending:** The order of spending and availability of the fund balance shall be to reduce funds from the listed areas in the following order: restricted, committed, assigned, and unassigned. Negative amounts shall not be reported for restricted, committed, or assigned funds.

**Definition Fund Balance:** shall mean the gross difference between governmental fund assets and liabilities reflected on the balance sheet. Governmental fund assets are those of the General Fund, Special Revenue Funds, Debt Service Funds, and Capital Project Funds.

**General Fund:** The fund balance of the general fund, one of the governmental fund types, is of primary significance because the general fund is the primary fund, which finances most functions in the County. The fund balance of the general fund shall mean the gross difference between general fund assets and liabilities reflected on the balance sheet.

**Fund balance will be reported in governmental funds under the following categories using the definitions provided by GASB Statement No. 54:**

The five classifications of fund balance of the governmental types are as follows:

1. **Non-spendable fund balance** shall mean the portion of the gross fund balance that is not expendable (such as inventories) or is legally earmarked for a specific use (such as the self-funded reserves program).

Examples of non-spendable fund balance reserves for which fund balance shall not be available for financing general operating expenditures include:

- Inventories;
- Prepaid items;
- Deferred expenditures;
- Long-term receivables; and
- Outstanding encumbrances.

2. **Restricted fund balance** shall include amounts constrained to a specific purpose by the provider, such as a grantor, by restricted tax levies or by bond indenture.

Examples of restricted fund balances include:

- Tax levy funds;
- Construction programs (including related debt service funds restricted); and
- Resources from other granting agencies – restricted state and federal grants/reimbursements.

3. **Committed fund balance** shall mean that portion of the fund balance that is constrained to a specific purpose by the Board. Authority to Commit – Commitments will only be used for specific purposes pursuant to a formal action of the Board. A majority vote is required to approve a commitment and a two-thirds majority vote is required to remove a commitment.

Examples include:

- Potential litigation, claims, and judgments; and
- Board induced county approved projects
- Legislation induced restrictions

4. **Assigned fund balance** shall mean that portion of the fund balance that is spendable or available for appropriation but has been tentatively earmarked for some specific purpose by the Board. In current practice, such plans or intent may change and may never be budgeted, or may result in expenditures in future periods of time.

Examples include:

- Insurance deductibles;
- Program start-up costs; and
- Other legal uses.

5. ***Unassigned fund balance*** shall include amounts available for any legal purpose. This portion of the total fund balance in the **general fund** is available to finance operating expenditures.

The unassigned fund balance shall be the difference between the total fund balance and the total of the non-spendable fund balance, restricted fund balance, committed fund balance, and assigned fund balance.

**Minimum Fund Balance** – The County will maintain a minimum unassigned fund balance in its General Fund ranging from **[15]** percent to **[25]** percent of **the subsequent year's budgeted expenditures and outgoing transfers**. This minimum fund balance is to protect against cash flow shortfalls related to timing of projected revenue receipts and to maintain a budget stabilization commitment.

**Replenishing deficiencies** – when fund balance falls below the minimum **[25]** percent range, the County will replenish shortages/deficiencies using the budget strategies and time frames described below.

The following budgetary strategies shall be utilized by the County to replenish funding deficiencies:

- The County will reduce recurring expenditures to eliminate any structural deficit or,
- The County will increase revenues or pursue other funding sources, or,
- Some combination of the two options above.

**Minimum fund balance deficiencies** shall be replenished within the following time periods:

- Deficiency resulting in a minimum fund balance between **[15]** percent and **[25]** percent shall be replenished over a period not to exceed one year.
- Deficiency resulting in a minimum fund balance between **[10]** percent and **[15]** percent shall be replenished over a period not to exceed three years
- Deficiency resulting in a minimum fund balance of less than **[10]** percent shall be replenished over a period not to exceed five years



G. Compensated Absences

Vested or accumulated vacation leave is reported in the government-wide statement of net position. Compensation for unused vacation leave will be granted to all full-time employees upon termination of employment with the county. The employees may carry forward unused leave not to exceed 240 hours.

Compensation for unused sick leave will be granted to all full time employees upon termination of employment of 5 or more years. Employees may carry forward unlimited unused sick leave. The severance payment will be based on 25% of accumulated sick leave for employees hired prior to January 1, 1991 and 10% of accumulated sick leave for those hired on or after January 1, 1991.

H. Long-Term Obligations

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the governmental activities statement of net position. Bond premiums, discounts and issuance costs are recognized in the current period since the amounts are not material.

In the fund financial statements, governmental fund types recognize bond premiums, discounts and issuance costs in the current period. The face amount of the debt is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs are reported as debt service expenditures.

I. Fund Balances/Net Position

***Fund Balance Spending Policy.***

It is the policy of Burleigh County to spend restricted resources first, followed by unrestricted resources. It is also the policy of the Board to spend unrestricted resources of funds in the following order: committed, assigned and then unassigned.

***Minimum Fund Balance Policy:***

**Minimum Fund Balance** – The County will maintain a minimum unassigned fund balance in its General Fund ranging from **[15]** percent to **[25]** percent of **the subsequent year's budgeted expenditures and outgoing transfers**. This minimum fund balance is to protect against cash flow shortfalls related to timing of projected revenue receipts and to maintain a budget stabilization commitment.

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- Some combination of the two options above.

**Minimum fund balance deficiencies** shall be replenished within the following time periods:

- Deficiency resulting in a minimum fund balance between **[15]** percent and **[25]** percent shall be replenished over a period not to exceed one year;
- Deficiency resulting in a minimum fund balance between **[10]** percent and **[15]** percent shall be replenished over a period not to exceed three years;
- Deficiency resulting in a minimum fund balance of less than **[10]** percent shall be replenished over a period not to exceed five years;



**21-06-07. Political subdivisions may invest funds.**

1. Counties, cities, school districts, park districts, and townships in this state may invest moneys in their general fund, or balances in any special or temporary fund, in:
  - a. Bonds, treasury bills and notes, or other securities that are a direct obligation of, or an obligation insured or guaranteed by, the treasury of the United States, or its agencies, instrumentalities, or organizations created by an act of Congress.
  - b. Securities sold under agreements to repurchase written by a financial institution in which the underlying securities for the agreement to repurchase are of a type listed above.
  - c. Certificates of deposit fully insured by the federal deposit insurance corporation or by the state.
  - d. Certificates of deposit, savings deposits, or other deposits fully insured or guaranteed by the federal deposit insurance corporation and placed for the benefit of the public depositor by a public depository through an appropriate deposit placement service as determined by the commissioner of financial institutions.
  - e. State and local securities:
    - 1) Any security that is a general obligation of any state or local government with taxing powers and is rated in the highest three categories by a nationally recognized rating agency.
    - 2) An obligation of the state housing finance agency that is rated in the highest two categories by a nationally recognized rating agency.
    - 3) Any security that is a general obligation of a school district and is rated in the highest two categories by a nationally recognized rating agency.
    - 4) Obligations of this state and general obligations of its political subdivisions.
  - f. Commercial paper issued by a United States corporation rated in the highest quality category by at least two nationally recognized rating agencies and matures in two hundred seventy days or less.
2. Bonds, treasury bills and notes, or other securities so purchased must be taken into consideration in making levies for the ensuing year, and when funds are needed for current expenses, the governing board and authorities of such municipalities may convert those obligations into cash.

**21-04-03. Funds of public corporations to be deposited in designated depository.**

Public funds belonging to or in the custody of any public corporation must be deposited in the Bank of North Dakota or in financial institutions which have been duly designated as depositories in the manner prescribed in this chapter.

**21-04-04. Money deposited promptly - Withdrawal - Penalty.**

The treasurer of a public corporation and every other person legally charged with the custody of public funds, which, according to the provisions of this chapter, must be deposited in the Bank of North Dakota or in a depository duly designated as provided in this chapter, promptly upon receipt of such funds, shall deposit the same in such depository. All such public funds must be deposited in the name of the state, state institution, or public corporation to which the same belong. Checks or drafts on funds deposited as herein provided must be drawn by the legal custodian thereof in the legal custodian's official capacity only, and no checks or drafts on such deposits may be paid or honored by such depository unless so drawn.

**21-04-05. Financial institution - Designation as depository.**

Any financial institution duly incorporated in this state under and pursuant to the laws governing the incorporation of financial institutions, and any financial institution situated and

doing business within this state, and the Bank of North Dakota, may be designated a depository of public funds by the proper board as herein defined. The board may select two or more financial institutions in the same county as depositories, but if more than one financial institution is designated, the board shall deal with the financial institutions selected and designated impartially, both as to the deposit of funds and the withdrawal of funds and the requirement as to bonds. The board shall take into consideration, in selecting and designating the depository or depositories, the condition of each financial institution and the capital, surplus, and general credit thereof.

**21-04-06. Designating public depositories where there is only one financial institution or no financial institution.**

In a county where only one financial institution is located or functioning, the board may designate such financial institution as a depository, or it may designate another financial institution or financial institutions, within the state, or the Bank of North Dakota, as depository in the manner and upon the conditions provided in this chapter. In a county where no financial institution is in existence or functioning, the board may designate the Bank of North Dakota, or any financial institution, outside of such county and within the state, as depository in the manner and upon the conditions provided in this chapter for the selection of depositories of public funds. In case there is no financial institution within any city, township, or school district, the governing board thereof, if it deems it more advantageous and for the best public interest and convenience, may select as a depository a conveniently located financial institution in an adjoining county, which thereupon shall qualify as a depository by giving such bond as is required from a financial institution within said county. Said bond must be approved by such governing board as to sufficiency and by the state's attorney of the county in which such city, township, or school district is located as to form and must be deposited in the office of the county auditor of such county.

**21-04-07. Limitation on county deposit in financial institution.**

In no case may the amount of county funds deposited by the board of county commissioners in any one financial institution exceed the combined capital and surplus of such financial institution. In a county where the deposits to be made by the board of county commissioners of county funds exceed the combined capital and surplus of all the financial institutions in the county, qualified as depositories, the board of county commissioners nevertheless may deposit such county funds within the county upon the condition that such financial institutions furnish sufficient bonds as required in this chapter.

**21-04-08. Bond of depository - Approval or disapproval - Term.**

Except as is otherwise provided in sections 21-04-16 and 21-04-17, and before any deposit is made in any depository other than the Bank of North Dakota, by or in behalf of any public corporation, such depository shall furnish a bond payable to the public corporation making such deposit in an amount that at least equals the largest deposit that at any time may be in such depository. Such bond must be approved as to form by the state's attorney and as to amount and sufficiency by the board. If the board fails or refuses to approve any such bond, the same may be presented to the judge of the district court, upon three days' notice to the clerk of the public corporation to which such bond was submitted, and the judge shall proceed forthwith to hear and determine the sufficiency of such bond and may approve or disapprove the same as the facts warrant. If the judge approves such bond, the said financial institution must be declared a depository of the funds of such public corporation. The sureties on all bonds required by public corporations according to the provisions of this chapter shall justify as required by chapter 32-02. In lieu of such personal bond, the governing board of the public corporation involved may require the financial institution designated as a depository to file a surety bond for

a sum equal to the amount of funds such financial institution may receive according to the provisions of this chapter. Such bond, when approved, must be deposited with the county auditor. Such bond must be a continuing bond and must be binding until the proper board of the public corporation shall require a new or different bond, but in no case involving the deposit of funds of public corporations may such bond be continued without a renewal thereof for a longer period than four years

**21-04-09. Pledge of security in place of depository bond.**

The board of any public corporation may accept from any financial institution, as security for repayment of deposits, a pledge of securities in lieu of a personal or surety bond. When securities are so pledged to the board of any public corporation, the board shall require security in the amount of one hundred ten dollars for every one hundred dollars of public deposits. Securities that are eligible for the pledge are bills, notes, or bonds issued by the United States government, its agencies or instrumentalities, all bonds and notes guaranteed by the United States government, irrevocable standby letters of credit issued by federal home loan banks of a rating of AA or better by Moody's Investors Service, Inc. or Standard & Poor's Corporation, federal land bank bonds, bonds, notes, warrants, certificates of indebtedness, insured certificates of deposit, shares of investment companies registered under the Investment Companies Act of 1940, letters of credit issued by the Bank of North Dakota, and all other forms of securities issued by the state of North Dakota, its boards, agencies, or instrumentalities, or by any county, city, township, school district, park district, or other political subdivision of the state of North Dakota, whether payable from special revenues or supported by the full faith and credit of the issuing body, and bonds issued by any other state of the United States or such other securities approved by the banking board. The securities and securities sold under agreements to repurchase as described in section 21-06-07 must be delivered to and held for safekeeping by any financial institution, other than the depository, which the depository and the public corporation may agree upon. Whenever any securities are so deposited for safekeeping with any custodian, the custodian shall issue a receipt therefor jointly to the depository and the public corporation.

Any financial institution pledging securities, at any time it deems it advisable or desirable, and without the consent of the board of the public corporation, may substitute other eligible securities for all or any part of the securities pledged. The securities substituted must, at the time of the substitution, have a market value at least equal to the market value of the securities released and delivered to the depository.

In the event of the substitution the holder or custodian of the pledged securities shall, on the same day, forward by mail or electronic transmission to the public corporation and the depository financial institution a receipt specifically describing and identifying both the securities substituted and those released and returned to the depository financial institution.

A depository financial institution may fulfill the pledge of securities requirements of this section by maintaining a security pledge schedule that establishes the following:

1. The names of all public bodies maintaining deposits with the financial institution.
2. The amount of each deposit maintained by each public body.
3. The amount of federal deposit insurance corporation insurance applied to each account.
4. The net deposits exceeding federal deposit insurance corporation coverage for each account.
5. The amount of net deposit exceeding federal deposit insurance corporation deposit insurance multiplied by one hundred ten percent for each account.
6. The amount of securities needed to be pledged to fulfill the requirements of this section.

7. The total number of qualified securities pledged by the financial institution under the requirements of this section.

A financial institution is in compliance with this section as long as the security pledge schedule discloses the total qualified securities pledged in excess of the total pledges needed for a total amount of deposits maintained by all the public bodies with the financial institution as verified by the custodian of the securities every three months and copies thereof are provided to the custodian of the securities and to each of the public corporations maintaining deposits with the financial institution.

No pledge of security or bond may be required for any funds deposited with a financial institution directly or by a financial institution's participation as a member of a deposit placement service to the extent that the deposits are insured or guaranteed by the federal deposit insurance corporation or the national credit union administration as determined by the commissioner of financial institutions or an insurance company that is qualified to offer excess deposit insurance in this state and which has a rating of A- or better by A.M. Best Company Inc., or the equivalent rating by another recognized rating organization as determined by the insurance commissioner.

**21-04-09.1. Letters of credit for public deposits - Security interest - Priority – Written agreement.**

Letters of credit issued by the Bank of North Dakota in connection with section 21-04-09 must be secured by collateral. A security interest is created and attaches when the Bank issues a letter of credit in connection with section 21-04-09. Filing is not required for perfection of the security interest created and it is entitled to priority as to all creditors. The board of directors of a financial institution seeking a letter of credit from the Bank shall execute a written agreement with the Bank, reflect approval of the agreement in the board of director's minutes and, as of the date of execution of the agreement, keep a copy of the agreement as an official record.

**21-04-10. Interest payable to financial institution - Sale of pledged securities on default.**

All interest which becomes due and is paid on securities pledged to secure public deposits must be paid over to the depository financial institution until such time as it defaults in the repayment of the funds of the public corporation deposited as provided herein. After thirty days from such default, upon demand in writing made by the public corporation involved, the custodian shall deliver the securities to the public corporation with which pledged, and such securities may be sold as in the case of other pledges, and the proceeds thereof, or so much thereof as may be necessary, must be applied to the repayment of the public deposit.

**21-04-11. Record of securities - Reapproval semiannually.**

The board of the public corporation, upon the acceptance of any securities as a pledge for repayment of deposits, shall make a complete and detailed record of such acceptance and approval and shall preserve the same with its other records. Such securities must be reapproved by the board at least semiannually.

**21-04-12. Termination of depository relationship.**

Whenever any depository financial institution desires to terminate the liability for any deposits of any public corporation for which such depository has given a bond or pledged assets for the repayment, it shall notify the board of the public corporation affected of such desire. Thereupon such public corporation immediately shall withdraw such funds from such depository and upon withdrawal, immediately shall release and surrender to such depository financial institution, the bonds or securities which are pledged for the repayment of such deposit.

**21-04-13. Board meetings - Designating depositories.**

The governing board of any public corporation, except the board of supervisors of any township and the school board of any common school district, at its regular meeting in January of each even-numbered year, shall assemble and examine all outstanding bonds and require new bonds whenever necessary in order to comply with the provisions of this chapter. If no regular meeting of the board in January is required by any other law, the board shall assemble for said purpose not later than the third Tuesday in January. At such meeting, the board shall designate depositories of public funds in accordance with the provisions of this chapter.

**21-04-14. Proposals for deposit.**

A proposal for deposit must be sealed and delivered to the clerk and must have attached to it a statement showing the financial condition of the financial institution at that time and as disclosed in the several statements of financial condition made during the last preceding twelve months. The clerk shall lay the proposals before the board at the January meeting. Such proposals must be opened by the clerk in the presence of the board and the board, thereupon, shall proceed to designate a depository of public funds under its control.

**21-04-15. Townships and public school districts - Selection of depositories at any time.**

The board of supervisors of any township and the school board of any public school district may designate depositories at any meeting of such board and no notice to financial institutions need be given and no formal proposals need be received.

**21-04-16. When no bonds are required.**

Whenever it appears that a bank designated by a public corporation as depository of its funds has complied with the provisions of the act of Congress relating to the guaranty of deposits in state and national banks, no bond may be required of said bank to secure the deposits of any part of said public funds up to the amount the deposit is secured in said bank under said federal act.

**21-04-17. When bonds are required.**

If at any time it appears that the benefit of the federal act guarantying deposits in financial institutions has been withdrawn or is about to be withdrawn from the financial institution in which any public funds are deposited, the board having control of or supervision over such public funds immediately shall withdraw the full amount thereof from said financial institution, or forthwith shall require the usual bond required to secure the deposits of such public funds, and it is unlawful to continue any financial institution as a depository of public funds unless and until said bonds have been furnished.

**21-04-18. Interest or dividend rates.**

Depositories of public funds in this state shall pay substantially the same rate of interest or dividend thereon as such financial institutions pay upon individual deposits.

**21-04-19. Itemized statements.**

Each depository shall:

1. Furnish on the first day of each month to the public corporation, the state, or state institution, to the credit of which the deposit is held, an itemized statement of the amount in such deposit subject to check. Such statement must be verified whenever required by the state treasurer as to funds of the state institutions or by the treasurer of any public corporation as to funds of such corporation. All sums of interest accruing on funds so

deposited must be credited to said deposit on the first day of each month for the preceding month.

2. On July first of each year, furnish to the business manager of each school district, and to the county superintendent of schools of the county in which the school district is located, a statement showing the amount of deposits to the credit of each school district at the close of business on June thirtieth.

**21-04-20. Report of the treasurer.**

Repealed by S.L. 1967, ch. 193, § 1.

**21-04-21. Public corporations with less than five hundred dollars.**

This chapter does not apply to a public corporation unless the amount in the treasury of such corporation equals or exceeds the sum of five hundred dollars. The board of a public corporation having on hand less than five hundred dollars, and therefore not within the provisions of this chapter, shall deposit all the funds of such public corporation nevertheless in some financial institution selected by the board thereof under such conditions and restrictions as seem adequate to such board to protect the public interest.

**21-04-22. Funds deposited - Custodian exonerated.**

To the extent that public funds are deposited as provided in this chapter, the legal custodian thereof, and the sureties on the legal custodian's bond, are exempt from all liability by reason of loss of any such funds from failure or other act of any such depository.

**21-04-23. Penalty.**

Any person violating any of the provisions of this chapter is guilty of a class A misdemeanor.

**21-04-24. All public funds are governed by provisions of chapter.**

Any board, commission, bureau, or individual having the legal custody of any public funds that do not expressly or by name come within the provisions of the preceding sections of this chapter, nevertheless must be governed by the provisions of this chapter. They shall deposit such funds only in legal depositories and shall comply with the other provisions hereof as nearly as may be. They are subject to the penalties herein provided.

# BURLEIGH COUNTY INVESTMENT POLICY

## I. Governing Authority

### *Legality*

The Burleigh County investment program shall be operated in conformance with federal, state, and other legal requirements, including NDCC 21-06-07.

## II. Scope

This policy applies to the investment of all funds. Proceeds from certain bond issues may be covered by a separate policy.

### 1. *Pooling of Funds*

Except for cash in certain restricted and special funds, the County of Burleigh will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

## III. General Objectives

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield:

### 1. *Safety*

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

#### a. Credit Risk

The County of Burleigh will minimize credit risk, which is the risk of loss due to the failure of the security issuer or backer, by:

- Limiting investments to the types of securities listed in Section VII of this Investment Policy
- Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the County of Burleigh will do business in accordance with Section V
- Diversifying the investment portfolio so that the impact of potential losses from any one type of security or from any one individual issuer will be minimized.

#### b. Interest Rate Risk

The County of Burleigh will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity
- Investing operating funds primarily in shorter-term securities or similar investment pools and limiting the average maturity of the portfolio in accordance with this policy (see section VIII).

### 2. *Liquidity*

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). Alternatively, a portion of the portfolio may be placed in local government investment pools which offer same-day liquidity for short-term funds.

### 3. *Yield*

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. **Return on investment is of secondary importance compared to the safety and liquidity objectives described above.** The core investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall generally be held until maturity with the following exceptions:

- A security swap would improve the quality, yield, or target duration in the portfolio.
- Liquidity needs of the portfolio require that the security be sold.

### 4. *Local Considerations*

The County of Burleigh seeks to promote local economic development through various programs and activities. Where possible, funds may be invested for the betterment of the local economy. The County of Burleigh may accept a proposal from an eligible institution which provides for a reduced rate of interest for community development projects. The Board of County Commissioner's recognizes that such investments might diminish investment yields in exchange for potential expansion of the tax base.

## IV. Standards of Care

### 1. *Prudence*

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

The "prudent person" standard states that, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

### 2. *Ethics and Conflicts of Interest*

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the County of Burleigh.

### 3. *Delegation of Authority*

Authority to manage the investment program is granted to the County Auditor\Treasurer, hereinafter referred to as investment officer and derived from the following: NDCC 11-14-06 & 21-04-04. Responsibility for the operation of the investment program is hereby delegated to the investment officer, who shall act in accordance with established written procedures and internal controls for the operation of the County of Burleigh investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officer. The investment officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

## **V. Designated Depositories, Authorized Financial Institutions and Broker/Dealers**

### *1. Designated Depositories, Authorized Financial Institutions, and Broker/Dealers*

Pursuant to ND Century Code 21-04 public funds belonging to the County of Burleigh must be deposited in the Bank of North Dakota or in financial institutions which have been duly designated as depositories. The Board of Burleigh County Commissioners shall at its regular meeting in January of each even-numbered year, shall designate depositories of public funds and semiannually shall approve the acceptance of any securities as pledge for repayment of deposits.

In addition, a list will be maintained of approved security broker/dealers selected by creditworthiness (e.g., a minimum capital requirement of \$10,000,000 and at least five years of operation). These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- Audited financial statements demonstrating compliance with state and federal capital adequacy guidelines.
- Proof of National Association of Securities Dealers (NASD) certification (not applicable to Certificate of Deposit counterparties).
- Proof of state registration.
- Completed broker/dealer questionnaire (not applicable to Certificate of Deposit counterparties).
- Certification of having read and understood and agreeing to comply with the County of Burleigh investment policy.
- Evidence of adequate insurance coverage.

An annual review of the financial condition and registration of all qualified financial institutions and broker/dealers will be conducted by the investment officer (or designee).

### *2. Minority and Community Financial Institutions*

From time to time, the investment officer may choose to invest in instruments offered by minority and community financial institutions. In such situations, a waiver to certain parts of the criteria under Paragraph 1 may be granted. All terms and relationships will be fully disclosed prior to purchase and will be reported to and approved by the Board of Burleigh County Commissioners on a consistent basis in advance and shall be consistent with state law.

## **VI. Safekeeping and Custody**

### *1. Delivery vs. Payment*

All trades of marketable securities will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds.

### *2. Safekeeping*

Securities may be held by an independent third-party custodian selected by the Burleigh County as evidenced by safekeeping receipts in the County of Burleigh's name. The safekeeping institution shall annually provide a copy of their most recent report on internal controls (Statement of Auditing Standards No. 70, or SAS 70).

### *3. Internal Controls*

The investment officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the County of Burleigh are protected from loss, theft or misuse. Details of the internal control system shall be documented and shall be reviewed and updated annually. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

The internal controls shall be designed to prevent the loss of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the County of Burleigh.

Internal control compliance should be assured through the Burleigh County annual independent audit.

## **VII. Suitable and Authorized Investments**

### *1. Investment Types*

Pursuant to North Dakota Century Code Chapter 21-06-07, the County of Burleigh may invest moneys in its general fund, or balances in any special or temporary fund, in:

- Bonds, treasury bills and notes, or other securities that are a direct obligation of, or an obligation insured or guaranteed by, the treasury of the United States, or its agencies, instrumentalities, or organization created by an act of Congress.
- Securities sold under agreements to repurchase written by a financial institution in which the underlying securities for the agreement to repurchase are of a type listed above. Repurchase agreements shall be consistent with GFOA Recommended Practices on Repurchase Agreements. (See GFOA Recommended Practices in Appendix.)
- Certificates of deposit fully insured by the federal deposit insurance corporation or by the state.
- Obligations of the state.
- Local government investment pools either state-administered or developed through joint powers statutes and other intergovernmental agreement legislation.
- State and local securities:
  - (1) Any security that is a general obligation of any state or local government with taxing powers and is rated in the highest three categories by a nationally recognized rating agency.
  - (2) An obligation of the state housing finance agency that is rated in the highest two categories by a nationally recognized rating agency.
  - (3) Any security that is a general obligation of a school district and is rated in the highest

two categories by a nationally recognized rating agency.

(4) Obligations of this state and general obligations of its political subdivisions.

- Commercial paper issued by a United States corporation rated in the highest quality category by at least two nationally recognized rating agencies and matures in two hundred seventy days or less.

Investment in derivatives of the above instruments shall require authorization by the Board of Burleigh County Commissioners.

## *2. Collateralization*

Except as is otherwise provided in NDCC sections 21-04-16 and 21-04-17, and before any deposit is made in any depository other than the Bank of North Dakota, such depository shall furnish a bond payable to the County of Burleigh in an amount that at least equals the largest deposit that at any time may be in such depository.

The Board of Burleigh County Commissioners may accept from any financial institution, as security for repayment of deposits, a pledge of securities in lieu of a personal or surety bond. When securities are so pledged to the County of Burleigh, the Board of Burleigh County Commissioners shall require security in the amount of one hundred ten dollars for every one hundred dollars of deposits. Securities that are eligible for the pledge are bills, notes, or bonds issued by the United States government, its agencies or instrumentalities, all bonds and notes guaranteed by the United States government, irrevocable standby letters of credit issued by federal home loan banks of a rating of AA or better by Moody's Investor Service, Inc. or Standard & Poor's Corporation, federal land bank bonds, bonds, notes, warrants, certificates of indebtedness, insured certificates of deposit, shares of investment companies registered under the Investment Companies Act of 1940, letters of credit issued by the Bank of North Dakota, and all other forms of securities issued by the state of North Dakota, its boards, agencies or instrumentalities, or by any county, city township, school district, park district or other political subdivision of the state of North Dakota, whether payable from special revenues or supported by the full faith and credit of the issuing body, and bonds issued by any other state of the United States or such other securities approved by the banking board.

The Board of Burleigh County Commissioners semiannually shall approve the acceptance of any securities as pledge for repayment of deposits.

Where allowed by state law and in accordance with the GFOA Recommended Practices on the Collateralization of Public Deposits, full collateralization will be required on all demand deposit accounts, including checking accounts and non-negotiable certificates of deposit. (See GFOA Recommended Practices in Appendix.)

## **VIII. Investment Parameters**

### *1. Diversification*

It is the policy of the County of Burleigh to diversify its investment portfolios. To eliminate risk of loss resulting from the over-concentration of assets in a specific maturity, issuer, or class of securities, all cash and cash equivalent assets in all Burleigh County funds shall be diversified by maturity, issuer, and class of security. Diversification strategies shall be determined and revised periodically by the investment committee/investment officer for all funds except for the employee retirement fund.

In establishing specific diversification strategies, the following general policies and constraints

shall apply: Portfolio maturities shall be staggered to avoid undue concentration of assets in a specific maturity sector. Maturities selected shall provide for stability of income and reasonable liquidity.

For cash management funds:

- Liquidity shall be assured through practices ensuring that the next disbursement date and payroll date are covered through maturing investments or marketable U.S. Treasury bills.
- Risks of market price volatility shall be controlled through maturity diversification such that aggregate price losses on instruments with maturities exceeding one year shall not be greater than coupon interest and investment income received from the balance of the portfolio.
- The investment committee/investment officer shall establish strategies and guidelines for the percentage of the total portfolio that may be invested in securities other than repurchase agreements, Treasury bills or collateralized certificates of deposit. The committee shall conduct a quarterly review of these guidelines and evaluate the probability of market and default risk in various investment sectors as part of its considerations.

## 2. *Maximum Maturities*

To the extent possible, the County of Burleigh shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the County of Burleigh will not directly invest in securities maturing more than five (5) years from the date of purchase or in accordance with state statutes. The County of Burleigh shall adopt weighted average maturity limitations (which often range from 90 days to 3 years), consistent with the investment objectives.

Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding five (5) years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of funds. The intent to invest in securities with longer maturities shall be disclosed in writing to the Board of County Commissioners. (See the GFOA Recommended Practice on "Maturities of Investments in a Portfolio" in Appendix.)

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as local government investment pools, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

## 3. *Competitive Bids*

The investment officer shall obtain competitive bids from at least two brokers or financial institutions on all purchases of investment instruments purchased on the secondary market.

# IX. Reporting

## 1. *Methods*

The investment officer shall submit quarterly an investment report that summarizes the quarter's total investment return. The report shall disclose all transactions during the past quarter. The report shall be in compliance with state law (if any) and shall be distributed to the Board of Burleigh County Commissioners and others as may be required by law.

Each quarterly report may indicate any areas of policy concern and suggested or planned revision of investment strategies.

Within 60 days of the end of the fiscal year, the investment officer shall present a comprehensive annual report on the investment program and investment activity. The annual report shall include 12-month and separate quarterly comparisons of return and suggest policies and improvements that might be made in the investment program. Alternatively, this report may be included within the County of Burleigh annual Comprehensive Annual Financial Report.

#### *2. Performance Standards*

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks should be established against which portfolio performance shall be compared on a regular basis. The benchmarks should be reflective of the actual investments being purchased.

#### *3. Marking to Market*

The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed. In defining market value, considerations should be given to the GASB Statement 31 pronouncement.

### **X. Policy Considerations**

#### *1. Exemption*

Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

#### *2. Amendments*

This policy will be reviewed on an annual basis. Any changes must be approved by the Board of County Commissioners in consultation with the investment officer and the individuals charged with maintaining internal controls.

### **VII. Approval of Investment Policy**

The investment policy shall be formally approved and adopted by the Board of Burleigh County Commissioners and reviewed annually.

### **VIII. List of Attachments**

The following documents, as applicable, are attached to this policy:

- North Dakota century code
- Listing of authorized personnel
- Listing of authorized broker/dealers and financial institutions
- Internal Controls

### **XIII. Other Documentation**

- Master Repurchase Agreement, other repurchase agreements and tri-party agreements,

- Broker/Dealer Questionnaire,
- Credit studies for securities purchased and financial institutions used,
- Safekeeping agreements,
- Wire transfer agreements,
- GFOA Recommended Policies.

## **AUTHORIZED PERSONNEL**

Burleigh County Auditor/Treasurer  
Leo Vetter

Deputy Auditor/Treasurer  
Brandi Caya

Deputy Finance Director  
Justin Schulz

-CERTIFICATION-

I hereby certify that I have personally read the investment policies of the County of Burleigh and have implemented reasonable procedures and controls designed to prohibit investment transactions inconsistent with your policies. Whenever we are notified in writing, we will inform our sales personnel of your investment objectives, outlook, strategy and risk constraints. We will notify you immediately by telephone and in writing in the event of a material adverse change in our financial condition. We pledge to exercise due diligence in informing you of fundamental risks associated with financial transactions conducted with our firm. Price markup will be consistent with prevailing institutional pricing at the time of each transaction. I attest to the accuracy of our responses to your questionnaire.

Signed: \_\_\_\_\_

(Countersigned by corporate officer responsible for compliance.)

\_\_\_\_\_

## COUNTY OF BURLEIGH INVESTMENT PROCEDURES and INTERNAL CONTROLS

### **A. Introduction:**

The Burleigh County Auditor\Treasurer has the responsibility of conducting cash and investment transactions for all funds held by or for the benefit of the County of Burleigh. The responsibility for the management of the investments here and after in this document will be referred to as the investment officer. The investment program has been delegated to the investment officer who shall implement the investment policy by following the investment procedures and internal controls herein delineated.

### **B. Objective:**

The Investment Procedures and Internal Controls Manual provides an outline for investment management. This manual shall be reviewed annually.

### **C. Internal Control:**

The system of internal controls is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

### **D. Investment Decisions:**

The investment officer shall adhere to the guidelines of the government's investment policy regarding all investment purchases or any other cash and investment transactions.

### **F. Delegation of Authority:**

As established by the investment policy, certain specified individuals (i.e., the Deputy Auditor\Treasurer, Accountant) have authority to transact investments. In case of an absence of officer, procedures and specific alternate personnel should be delineated.

### **G. Segregation of Duties and Compensating Controls:**

The government shall establish written internal controls, which should include:

1. Control of Collusion:

Collusion is a situation where two or more employees are working in conjunction to defraud their employer. Employee duties will be shifted periodically to reduce the opportunity for collusion.

2. Segregation of duties:

By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a good separation of duties is achieved.

3. Custodial safekeeping:  
Securities purchased from any bank or dealer, including appropriate collateral, should be placed into an independent third-party institution for custodial safekeeping.
4. Avoidance of physical deliver securities:  
Book entry securities are much easier to transfer and account for since actual delivery is never taken. Physical delivery securities must be properly safeguarded as are any valuable documents. The potential of fraud and loss increases with physical delivery securities.  
Bearer form securities are much easier to convert to personal use than securities that are registered in the name of the government.
5. Clear delegation of authority to subordinate staff members:  
Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid any improper actions. Clear delegation of authority also preserves the internal control structure that is built around the various staff positions and their respective responsibilities.
6. Written confirmation of all transactions (transfer, fax, Internet) for investments and wire transfers:  
Due to the potential for errors and improprieties arising from telephone/electronic transactions, all such transactions will be documented in writing and approved by the auditor\treasurer.
7. Development of an electronic funds transfer agreement with banks:  
This agreement should outline the various controls and security provisions for making and receiving electronic funds transfers.
  - a) Dual authorization and signatures of the County Auditor\Treasurer and Deputy Auditor\Treasurer shall be required shall be required for all transfers.
  - b) Financial institutions will have written instructions regarding government authorizations for wire transfers, restrictions on accounts where funds can be wired, and other procedures that will mitigate unauthorized movement of funds (e.g., call-back to independent person, written confirmations, etc.)
8. All personnel will be required to take minimum planned vacations thereby requiring other personnel to temporarily assume their duties.
9. Insurance shall be secured at appropriate levels to bond employees charged with investment and cash handling responsibilities shall be acquired from the ND State Bond Fund.

#### **H. Operations:**

Procedures and duties recommended include:

##### **1. Investment Procedures:**

The following is a basic outline of routine daily procedures necessary to maintain proper documentation on cash and investment transactions;

Each morning, the daily bank balance report shall be obtained from the depository bank(s).

Overnight (sweep) repurchase agreements and/or money market accounts interest shall be verified and recorded. All incoming and maturing investments shall be verified with the custodial bank. All earned interest, maturing investments, and incoming funds should be verified and recorded.

Daily information regarding the cash requirements and required maturity dates shall be provided by the Deputy Auditor\Treasurer. All security purchases or sells must be recorded on a confirmation form.

On a daily basis, it is necessary to conduct cash and investment activity within specific

bank accounts, and all transactions within each account shall be recorded on a daily investment worksheet. All worksheets shall be maintained by the Deputy Auditor\Treasurer, and the worksheets shall be available for review upon request.

Proper documentation and authorization shall be required before any cash or investment transaction is executed. All investment documentation shall require the signature of the Auditor\Treasurer or the Deputy Auditor\Treasurer.

**2. Authorized Wires:**

Only the Auditor\Treasurer or Deputy Auditor\Treasurer shall be authorized to wire funds according to the approved wire transfer agreement for investment. Wire instructions and personal identification numbers (PIN's) shall be safeguarded. All bank transfer requests shall be in writing and require a second confirmation by another Burleigh County employee. The purpose of the bank transfer must be stated as part of the transfer information. ACH procedures shall also be delineated.

**3. Securities Confirmations:**

The processing of securities' confirmations, including filing and reconciling, shall be conducted by an individual not permitted to purchase and sell investments.

**4. Safekeeping Procedures:**

All securities purchased shall be received by "delivery vs. payment" (per the investment policy) to the custodian for safekeeping.

Certificates of deposit are permitted to be held at the issuing bank.

Collateral for certificates of deposit and purchased securities in connection with repurchase agreements may be delivered to the governments' designated custodian. Additional requirements and procedures should be outlined in a third-party custodial safekeeping agreement regarding safekeeping procedures.

**ITEM**

**# 9**



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

**KELLY LEBEN**  
SHERIFF

## Request for County Commission Action

**Date:** March 22, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben *Kelly Leben*  
Burleigh County Sheriff

**Re:** 2022/2023 North Dakota Department Of Transportation Traffic Safety Grant

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

### Action Requested:

Approve the Amendment to the 2022/2023 ND DOT Traffic Safety Grant. The grant is available for review in the Burleigh County Auditor's Office.

### Background:

The ND DOT Traffic Safety Grant is an annual grant awarded to Burleigh County. The grant award is used to fund additional traffic safety enforcement and equipment in high risk areas such as Impaired Driving, Distracted Driving, Occupant Protection, and Speed Enforcement.

### Recommendation:

It is recommended that the County Commission approve the grant agreement amendment.

### Proposed Resolution:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to authorize the ND DOT Traffic Safety Grant Amendment between Burleigh County and the State of North Dakota.

#### COURTHOUSE

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

[www.facebook.com/BurleighCountySheriffsDepartment](https://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

**ITEM**

**# 10**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:**            ~~February 23, 2023~~            April 3, 2023

**TO:**                Leo Vetter  
                         County Auditor

**FROM:**            Marcus J. Hall  
                         County Engineer

**RE:**                Award of Bids – Re-Bid

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

### ACTION REQUESTED:

Authorize the proper County officials to enter into a contract with the low bidder for Township Gravel Hauling.

### BACKGROUND:

On February 23, 2023 the following information was presented to the County Board:

On January 4, 2023 the County Board authorized the County Auditor and the County Engineer to advertise for bids for Township Gravel Hauling. Bids were opened on February 15, 2023 and the following bids were received:

#### Hauling of Gravel:

Circle C Enterprises	\$344,500.00 *
Knife River	\$396,650.00
Sundre Sand & Gravel	\$487,000.00

\* Contractor did not follow ad: "Bid packets shall consist of two separate envelopes (plainly marked as Gravel Hauling for Township Roads bid on the outside), the outside envelope containing a current copy of Contractor's License with the second envelope containing the bid on the County's bid form." They included the outside envelope in the second envelope.

Engineers Estimate:	\$305,000.00
Budgeted Amount:	\$275,000.00

The County Board rejected all bids and directed the Highway Department to re-bid the project with new language to instruct contractors on how to present their bids. The following wording was included in the ad for bid:

“Bid packets shall consist of two separate envelopes – a large envelope and a small envelope (plainly marked as Gravel Hauling for Township Roads bid on the outside of each), the small envelope shall contain a current copy of Contractor’s License and be secured to the outside of the large envelope. The large envelope shall contain the bid on the County’s bid form.”

Bids were opened on March 23, 2023 and the following bids were received:

<b>Hauling of Gravel:</b>	
Circle C Enterprises	\$355,730.00 **
Sundre Sand & Gravel	\$508,250.00

\*\* However, Circle C Enterprises did not follow the instruction presented in the ad.

County Engineer Hall will present the Bid packages and the County Board can decide if Circle C Enterprises presented a valid bid.

**RECOMMENDATION:**

It is recommended the Board review the bids and decide which bid to accept.

**ITEM**

**# 11**



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission  
Re: Resolution of Moratorium for Hazardous Liquid Pipelines within Burleigh County.  
Date: 3-29-2023  
From: Mitch Flanagan, Burleigh County Planning Director. III'

ITEM 1

Moratorium

Due concerns brought to the Burleigh County Commission, it has been requested to create a resolution of moratorium to temporarily withhold the issuance of any special use permits for Hazardous Liquid Pipelines within Burleigh County's jurisdiction.

**ACTION REQUESTED**

Review for adoption of proposed resolution.

**Attachments:**

- 1) Burleigh County Moratorium\_04032023\_final

*State of North Dakota*

# County of Burleigh



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

STATEMENT TO THE NORTH DAKOTA PUBLIC SERVICE COMMISSION  
FROM THE BOARD OF COUNTY COMMISSIONERS,  
COUNTY OF BURLEIGH, NORTH DAKOTA

In order to protect the health, welfare, and safety of the people of Burleigh County, the Board of County Commissioners unanimously adopted local zoning ordinances for the purpose of establishing certain regulations within the unincorporated areas of its jurisdiction, specific to the issuance of a special use permit for Hazardous Liquid Pipelines.

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) announced on May 26, 2022, that it is taking steps to implement new measures to strengthen its safety oversight of carbon dioxide (CO<sub>2</sub>) pipelines around the country and protect communities from dangerous pipeline failures. The new measures, as well as enforcement actions taken against pipeline companies, are a result of PHMSA's investigation into a CO<sub>2</sub> pipeline failure in Satartia, Mississippi in 2020. These measures include “initiating a new rulemaking to update standards for CO<sub>2</sub> pipelines, including requirements related to emergency preparedness, and response”. These updated standards have not yet been released.

Therefore, Burleigh County has determined that its newly passed zoning ordinance may need to be revised when PHMSA releases its updated standards for CO<sub>2</sub> pipelines.

We, the Burleigh County Board of Commissioners, request the North Dakota Public Service Commission postpone any final determination relating to the issuance of a permit for any CO<sub>2</sub> pipeline under consideration until PHMSA updates its standards for CO<sub>2</sub> pipelines.

**RESOLUTION #23-0---**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,  
COUNTY OF BURLEIGH, NORTH DAKOTA  
A Temporary Moratorium**

WHEREAS, to promote the health, welfare and life safety for the people of Burleigh County, the Board of County Commissioners have adopted County Zoning Ordinances for the purpose of establishing zoning regulations upon all land within the unincorporated areas of its jurisdiction, and

WHEREAS, the Burleigh County Zoning Ordinance, categorizes all land within the unincorporated areas of Burleigh County into Districts with each District having its own unique set of permitted uses, special uses and prohibited uses, and has enacted an ordinance establishing siting, or performance standards necessary for the granting of a Hazardous Liquid Pipeline special use permit,

WHEREAS, the Burleigh County Zoning Ordinance defines a special use as a use which would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, welfare and life safety, and

WHEREAS, Burleigh County Zoning Ordinance states a “Hazardous Liquid Pipeline”, means a Pipeline intended to transport Hazardous Liquids, as defined by 49 C.F.R. § 173.120, et seq., with any portion proposed to be located within the County, and

WHEREAS, Burleigh County has determined that this ordinance may need to be revised due to new safety measures and oversight from the Pipeline and Hazardous Materials Safety Administration, PHMSA, that it believes are necessary to safeguard the health and life safety of the public prior to the issuance of a transmission pipeline special use permit.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Burleigh County Commissioners does hereby impose a temporary moratorium on the issuance of any and all permits, licenses, or approvals for the construction, installation, or use of any transmission pipeline that requires the approval of the North Dakota Public Service Commission, traversing those lands contained within the unincorporated areas of Burleigh County, including the construction of any transmission pipeline related infrastructure, with said moratorium running for such a length of time to allow Pipeline and Hazardous Materials Safety Administration, PHMSA, to complete their review process and enforce any new performance standards.

## Burleigh County Board Appointments

<i>Bismarck Planning Commission – 5 year term</i>		
<b>Paul Levchak</b> <i>(County Appointed)</i>	(2019)	12/31/2023
<b>Trent Wangan</b> <i>(County Appointed)</i>	(2020)	12/31/2024
<b>Vacant</b> <i>(County Appointed)</i>	(2023)	12/31/2027
<b>Brian Bitner</b> <i>(County Appointed)</i>		
<b>Brian Eiseman</b>		
<b>Kevin Martin</b>		
<b>Gabe Schell</b>		
<b>Mike Schmitz</b>		
<b>Wendy VanDuyne</b>		
<b>Tom Atkinson</b>		
<b>Mike Schwartz</b>		
<i>County Planning Commission – 4 year term</i>		
<b>Bea Streifel</b>	(2020)	12/31/2023
<b>Dennis Agnew</b>	(2020)	12/31/2023
<b>Dale Patrick</b>	(2019)	12/31/2025
<b>Alvie Jarratt</b>	(2021)	12/31/2025
<b>Brian Zuroff</b>	(2020)	12/31/2025
<b>Steve Marquart</b>		
<b>Mike Schmitz</b>		
<b>Brian Bitner</b>		
<b>Wayne Munson</b>		
<i>County Housing Authority – 5 year term</i>		
<b>Arlene Olson</b>	(2003)	12/31/2023
<b>Cynthia Chavez</b>	(2020)	12/31/2024
<b>Lois Sundquist</b>	(2020)	12/31/2025
<b>Steven Sathre</b>	(2017)	12/31/2026
<b>Sister Kathleen Atkinson</b>	(2015)	12/31/2027
<i>Human Service Zone Board – 3 year term</i>		
<b>Tracy Famias</b>	(2020)	11/30/2023
<b>James Hulm</b>	(2020)	11/30/2023
<b>Leslie Percy</b>	(2021)	11/30/2024
<b>Dick Dever</b>	(2021)	11/30/2024
<b>Trevor Vannett</b>	(2021)	11/30/2024
<b>Gaylynn Becker</b>	(2020)	11/30/2025
<b>Chelsea Flory</b>		
<b>Becky Matthews</b>		
<i>Lincoln City Planning Commission – 5 year term</i>		
<b>Elizabeth Flemming</b>	(2017)	12/31/2026
<i>County Park Board – 3 year term</i>		
<b>Jeffery Herman</b>	(2021)	12/31/2024
<b>Errol Behm</b>	(2019)	12/31/2024
<i>School District Reorganization – 3 year term</i>		
<b>Kim Birkeland</b>	(2011)	6/30/2024
<b>Brenda Blazer</b>	(2011)	6/30/2024
<b>Joyce Falkenstein</b>	(1995)	6/30/2024
<b>Dawn Aberle</b>	(2016)	6/30/2025
<b>Linda MacDonald</b>	(2007)	6/30/2025

## Burleigh County Board Appointments

### *Special Assessment Commission – 6 year term*

<b>Mike Heim</b>	(2005)	3/31/2023
<b>Lee Lunde</b>	(2007)	3/31/2025
<b>Jeff Eslinger</b>	(2015)	3/31/2027

### *Water Management Board – 3 year term*

<b>Cory Palm</b>	(2020)	12/31/2023
<b>Randall Binegar</b>	(2021)	12/31/2024
<b>Roger Smith</b>	(2021)	12/31/2024
<b>Dennis Reep</b>	(2014)	12/31/2025
<b>James Landenberger</b>	(2017)	12/31/2025

### *Weed Control Board – 4 year term*

<b>David Nehring</b>	(2020)	12/31/2023
<b>Greg Anderson</b>	(2022)	12/31/2023
<b>Larry Falkenstein</b>	(2021)	12/31/2025
<b>Denise Brown</b>	(2022)	12/31/2025
<b>Cole Anderson</b>	(2012)	12/31/2025

### *Officials Appointed to Serve at the Pleasure of the Board*

<b>Joshua Seil</b>	County Coroner	11/30/2022
<b>Mary Senger</b>	Emergency Manager/Disaster Preparedness Director	
<b>Marcus J Hall</b>	Engineer	
<b>Kelly Leben</b>	Jail Administrator	
<b>Pamela Binder</b>	Safety/Risk Management Director & Human Resource Director	
<b>Chelsea Flory</b>	Human Service Director	
<b>Al Vietmeier</b>	Tax Equalization Director/County Assessor	
<b>Mark Landis</b>	Veterans Service Officer	
<b>Tyler Kralicek</b>	County Agent	
<b>Mitch Flanagan</b>	Building Official/Director	

Review  
Bills

BURLEIGH COUNTY COMMISSION AND PARK BOARD  
2023 MEETING SCHEDULE  
TOM BAKER MEETING ROOM - CITY\COUNTY BUILDING

	<u>DATE</u>	<u>AGENDA</u>
Munson	Jan. 4 (Weds) 18 (Weds)	Regular Meeting – Reorganize/Assign Portfolios 2 <sup>nd</sup> Meeting
Schwab	Feb. 6 23 (Thurs)	Regular Meeting 2 <sup>nd</sup> Meeting
Woodcox	Mar. 6 20	Regular Meeting 2 <sup>nd</sup> Meeting
Bitner	Apr. 3 17	Regular Meeting 2 <sup>nd</sup> Meeting
Matthews	May 1 15	Regular Meeting 2 <sup>nd</sup> Meeting
Munson	June 5 19	Regular Meeting/Equalization 2 <sup>nd</sup> Meeting
Schwab	July 5 (Weds) 19 & 20	Regular Meeting 2 <sup>nd</sup> Meeting & Preliminary Budget Introduction (8:30AM)
Woodcox	Aug. 7 21	Regular Meeting 2 <sup>nd</sup> Meeting
Bitner	Sept. 6 (Weds) 20 (Weds)	Regular Meeting 2 <sup>nd</sup> Meeting/Final Budget Hearing
Matthews	Oct. 2 1-3 16	Regular Meeting Hearing to establish minimum sales prices for tax sale NDACo Convention – Bismarck 2 <sup>nd</sup> Meeting
Munson	Nov. 1 (Weds) 20 21	Regular Meeting 2 <sup>nd</sup> Meeting Annual Tax Sale (10:00 AM)
Schwab	Dec. 4 18	Regular Meeting 2 <sup>nd</sup> Meeting

11-11-05. Meetings of board - Time and place.

The board of county commissioners shall meet and hold regular meetings for the transaction of business at a time and place to be designated by the commission on a date certain established by resolution or ordinance of the commission. The county auditor shall have power to call special meetings when the interests of the county demand it. The chairman of the board, or a majority of the members thereof, may call special meetings that must be noticed in accordance with section 44-04-20.

## Burleigh County Commission - 2023 Portfolios

Each Commissioner shall periodically submit recommendations to the Board on policies and decisions relative to their portfolios assignments for final approval by the full Board of County Commissioners.

Becky Matthews Chair	Brian Bitner Vice Chair	Wayne Munson	Steve Schwab	Jerry Woodcox
Bismarck-Burleigh Joint Committee	Auditor	Building/Planning/Zoning	Extension	Burleigh/Morton Detention Center Board
Central Dakota Communications Center (911)	Building/Planning/Zoning	Burleigh/Morton Detention Center Board	Highway Department	Recorder
Council on Aging/Senior Adults Program	Buildings, Grounds & Abandoned Cemeteries	County Parks	Metropolitan Planning Organization	Sheriff's Office
County Library	Emergency Management	Government Coordination & Community Involvement: Bismarck Mandan Chamber EDC	Weed Board	State's Attorney
Government Coordination & Community Involvement:	Finance	Home Rule Charter		Superintendent of Schools
Intergovernment Committee		Missouri Valley Complex		Water Resource Board
Human Resources		Veterans Services		
Human Service Zone (Social Services)				
Public Health				

# 2023 Calendar

January						
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February						
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March						
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May						
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August						
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November						
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December						
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31						

## Federal Holidays 2023

Jan 1	New Year's Day	Jun 19	Juneteenth	Nov 11	Veterans Day
Jan 2	New Year's Day (observed)	Jul 4	Independence Day	Nov 23	Thanksgiving Day
Jan 16	Martin Luther King Day	Sep 4	Labor Day	Dec 25	Christmas Day
Feb 20	Presidents' Day	Oct 9	Columbus Day		
May 29	Memorial Day	Nov 10	Veterans Day (observed)		



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

**April 17, 2023**

**5:00 PM** *Invocation by Chaplain*

### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration and approval of the April 3, 2023, meeting minutes and bills.
5. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
6. HR Director Pam Binder:
  - a. Job Classification process policy
  - b. Auditor/Treasurer/Tax Equalization Department job analysis and Department Review Project.
7. County Planning Director Flannigan:
  - a. Public hearing on proposed lot modification.
  - b. Consideration of Ordinance and official statement letter to the Public Service Commission.
8. Major Gary Schaffer:
  - a. Approval to re-classify one 24/7 Coordinator position from grade 6- 24/7 Coordinator to grade 7-Deputy Sherrif.
9. PUBLIC HEARING –  
SAD # 75 – Towne and Country Estates and Morgan Country Estates Subdivision
  - o *Motion to confirm and certify special assessments (with amendments as needed)*
10. County Deputy Finance Director Schulz:
  - a. Approval of Burleigh County Finance Manual.

11. Chair Matthews:

- a. Approval of 2024 lease of the first floor of the City/County Building.
- b. Update on the Bismarck/Burleigh County meetings.
- c. Discussion on a timeline for a potential off-road vehicle ordinance.

12. Other Business:

13. Adjourn.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax

**ITEM**

**# 4**

# Burleigh County Commission

## Meeting Minutes

April 3, 2023

5:04 P.M

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

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

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox to approve the March 20<sup>th</sup> minutes, bills, and the agenda adding discussion of an official statement letter to the Public Service Commission regarding the County's position on hazardous pipelines, special use permit fees for hazardous pipelines, and the ordinance for the CO2 pipeline. All members present voted "AYE," motion carried.

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

Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
Bradley Rose	2022	Lot 19, Block 3, North Hills 17th	50% Disabled Vet	\$427,500	\$337,500
		1995 Schult 28' x 66' Ser#			
Rodney Unruh	2021	R272015ABC	40% Homestead	\$55,007	\$33,005
		1995 Schult 28' x 66' Ser#			
Rodney Unruh	2022	R272015ABC	10% Homestead	\$55,007	\$49,507
		1995 Schult 28' x 66' Ser#			
Rodney Unruh	2023	R272015ABC	40% Homestead	\$58,998	\$35,399

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to approve Rose and Unruh (3) abatements and appoint Mike Heim to a 6-year term for the Special Assessment Commission. All members present voted "AYE," motion carried.

GenCom Communications Director Dannenfelzer delivered a request for the County's recognition of National Public Safety Telecommunications Week April 9-15, 2023. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the request. All members present voted "AYE," motion carried.

Essentia Health requested preliminary approval and a resolution for a Public Hearing in May. Amy Curran presented before the Commission via Zoom asking that Burleigh County be the conduit issuer for two series of revenue bonds for the benefit of Essentia to pay the purchase price of the acquisition of Mid Dakota Clinic by Essentia Health. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schwab to approve request and schedule a public hearing for Essentia health preliminary resolution. All members present vote "AYE," motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to appoint Scott Wegner to represent Burleigh County in the bond issuance to Essentia Health. All members present voted "AYE," motion carried.

County Deputy Finance Director Schulz introduced an updated Finance Manual asking that it be approved or amended at the next County Commission meeting. The Commission accepted his presentation and asked that it be placed on the next meeting's agenda.

County Sheriff Leben presented a request to amend the application for the 2022/2023 North Dakota Department of Transportation Traffic Safety Grant. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox to approve the amendment to the application. All members present voted "AYE," motion carried.

County Engineer Hall presented bids received on the re-bid for Township Gravel Hauling. He stated that there was an irregularity with Circle C's bid which did not fulfill the requirements detailing how the bids are to be received. He asked for direction on how to proceed with the bids. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to award the bid to Sundry Sand and Gravel. Comm. Munson "YES," Comm. Bitner "NO," Comm. Schwab "YES," Comm. Woodcox "NO." Motion made by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to rebid the project. Comm. Schwab "NO," Comm. Woodcox "YES," Comm. Munson "YES," Comm. Bitner "YES," motion carried.

County Planning Director Flanagan presented the change from a resolution of moratorium to an official statement letter to the Public Service Commission. He said that he was informed that the County is not justified in stopping a permit that was issued by the state, so they decided to send a letter to the Public Service Commission instead. States Attorney Lawyer clarified that the County is not allowed to pass a resolution that regulates an industry, so passing a resolution of moratorium would be unlawful and unenforceable. She discussed possible concerns the Public Service Commission had with the ordinance. She also discussed the special use permit fees and the letter written to the Public Service Commission. She recommended that if the Commission were to consider any changes, they should do so at the next Commission meeting so that it can be properly noticed for the public to attend. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schwab to reconsider the ordinance and place it on the April 17<sup>th</sup>, 2023, Commission meeting. All members present voted "AYE," motion carried.

Comm. Bitner then asked for a consensus to approve moving the review of the official statement letter to the Public Service Commission to the April 17<sup>th</sup> meeting as well. Consensus was that all members present agreed.

Meeting adjourned.

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Mark Splonskowski, Auditor/ Treasurer

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Becky Matthews, Chair

**ITEM**

**# 5**

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
23-116	Robert Vandal	2022	Lot 18, Block 7, Casey's 2nd Unit 302 Brandon Heights Condominium, Auditors Lot A of Lots 2-3, Block 1, Brandon Heights	Blind Exemption (5 months)	\$250,200	\$183,500
23-117	Robert Vandal	2022	South 1/2 of Lot 4, Block 5, Pebble Creek Addition	Blind Exemption (7 months)	\$197,500	\$104,200
23-120	Barbara Oates	2021	South 1/2 of Lot 4, Block 5, Pebble Creek Addition	80% Homestead (1/2 interest)	\$260,800	\$210,800
23-121	Barbara Oates	2022	South 1/2 of Lot 4, Block 5, Pebble Creek Addition	100% Homestead (1/2 interest)	\$314,600	\$252,100
23-122	Janise Myers	2021	Unit 9, Phase 2 Hollister Hills, Lots 24-25, Block 26, Sonnet Heights Subdivision Replat	10% Homestead	\$152,800	\$140,289
23-123	Janise Myers	2022	Unit 9, Phase 2 Hollister Hills, Lots 24-25, Block 26, Sonnet Heights Subdivision Replat	40% Homestead 80% Homestead	\$153,200	\$103,200
23-124	Darlene Schaper	2022	West 75' of Lots 13-16, Block 14, Fisher	(1/2 interest)	\$237,300	\$187,300
23-125	Orvin Engelhard	2021	Lot 14, Block 2, Northridge	10% Homestead	\$144,700	\$132,189
23-126	Orvin Engelhard	2022	Lot 14, Block 2, Northridge	40% Homestead	\$157,400	\$107,400
23-129	Alvina Mehlhoff	2022	Lot 14, Block 1, Weston Village 1st	10% Homestead 80% Homestead	\$224,600	\$212,089
23-132	Darlene Schaper	2021	West 75' of Lots 13-16, Block 14, Fisher	(1/2 interest)	\$237,300	\$187,300
23-133	Open Mgmt	2023	1968 New Moon 12' x 40' Ser#21964	MH went to dump	\$3,686	\$0

**ITEM**

**# 6**

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# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

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PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN  
LINDSAY BROWER

### Memorandum

To: Chairman Becky Matthews  
Commissioner Brian Bitner  
Commissioner Wayne Munson  
Commissioner Steve Schwab  
Commissioner Jerry Woodcox

From: Pam Binder, SPHR, SHRM-SCP  
HR Director/Risk Manager

Date: April 11, 2023

Re: Human Resource's Agenda items for April 17, 2023, Commission Meeting

**Subject:** Job Classification Process Policy

#### **BACKGROUND:**

In the January 18, 2023 Burleigh County Commission meeting, I had given a general overview of the current Job Classification Policy and the process that the County uses in order to have a position reclassified. I had discussed the need to bring this reclassification process in-house instead of sending the job reclassifications to Gallagher, who is our consultant for the DBM Ranking Method that we use to reclassify our positions.

I have developed the process that will be used internally for the job reclassification process. I have tested the process and it seems to be valid.

I have revised the Job Classification Process Policy to include the Banding, Grading and Sub grading process that will be used going forward for Burleigh County Job Reclassifications. The third step which is the Sub grading process, uses a points-based system in order to differentiate the job duties into a finite level to apply the correct Burleigh County Pay Grade.

#### **RECOMMENDATION:**

I, recommend that the Burleigh County Commission approve the revisions made to the Job Classification Process Policy and allow the Human Resources Department to perform all Job Classifications and Job Reclassifications internally instead of sending the Job

# BURLEIGH COUNTY

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Reclassifications to a consultant for review and paying a fee for each position that is sent to the consultant. We cannot afford to wait up to six months and pay a fee for job reclassifications to be completed by an HR consultant. The quality of those job reclassifications from the HR Consultant is also in question as the job reclassifications were coming back from the HR Consultant with little to no revisions and were assigned the same pay grade as the recommended pay grade sent from the HR Director.

The approval of the Job Classification and Review Policy will allow the HR Department to use an internal variation of the DBM Ranking Method to provide internal and external equity within our Job classifications. There is also a built-in validation component to this process to ensure continued quality control.

**Subject:** Auditor/ Treasurer/Tax Equalization Department Job Analysis and Department Review Project

**BACKGROUND:**

In the December 19, 2022 Burleigh County Commission meeting, the commission decided to have the Human Resource Director perform a Job Analysis and Department Review for all of the positions within the combined Auditor/Treasurer/Tax Equalization department.

An initial meeting with the Deputy Finance Director, Incoming Auditor/Treasurer/Tax, Current Auditor/Treasurer/Tax, Deputy Auditor/Treasurer and Deputy Auditor/Tax Equalization Director (Job Review Team) were held on February 15, 2023, the scope of the Job Analysis and Department Review project was discussed and the existing job descriptions for each employee in the department was sent out to the members of the Job Review Team.

Individual meetings were setup for the Job review Team with each individual employee in the department. Each employee was given instructions to review their current job description and make any changes or revisions based on what duties the employee was actually performing even if the duty was not reflected on their current job description.

During the individual employee meetings the Job Review Team asked questions that came up regarding the job descriptions or any other duties that the employee mentioned they were performing.

HR Director Binder then performed the job analysis process where each of the existing job descriptions; as well as; the employee's comments made in their individual meetings were placed in the Job Analysis Spreadsheet that had been created specifically for the Job

# BURLEIGH COUNTY

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Reclassification process using the internal variation of the DBM Ranking method. This process also let the Job Review team see how the work flowed through the department.

The job descriptions were revised based on the findings both in the individual employee meetings and the follow-up meetings of the Job review Team and the analysis of duties using the Job Analysis Spreadsheet and the workflow analysis.

It became very apparent that there were really two sets of workflows in the Auditor/Treasurer/Tax Equalization Department. These workflows split by division for the most part.

The first division was the Auditor/Treasurer functions within the department. This function interacts with the Finance Department and as such some position end up being shared positions.

This workflow falls under both the Deputy Auditor/Treasurer and the Deputy Finance Director. These Deputy positions fall under the Auditor/Treasurer/Tax and the Finance Director respectively.

Under this workflow area is where all of the payments are taken in and the accounting and general ledger process takes place. This is the financial area of the Auditor/Treasurer/Tax Equalization Department.

The other workflow falls under the Tax Equalization Division. The Deputy Auditor/Tax Equalization Director oversees this division. The Deputy Auditor/Tax Equalization Director reports to the Auditor/Treasurer/Tax within the department. It is important to note that the Deputy Tax Equalization Director is appointed by the Board of County Commissioners. It is the division itself that reports to the Auditor/Treasurer/Tax.

That leaves the other duties within the Auditor/Treasurer/Tax Equalization Department. These workflows did not fit in naturally with the other two workflows. This includes election administration, auditor department project management, auxiliary boards advisement and administration, and assistance for the County Commission.

For illustration purposes, I have included an Organizational Chart (Exhibit A) that shows the department prior to the Job Analysis and Department Review Project. This is the Organizational Chart that shows the department as it looked on February 15, 2023. Looking at the workflows, you can see that there is not a clear workflow under the Deputy Auditor/Treasurer. There are employees that are doing one piece of a process and it is not

# BURLEIGH COUNTY

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efficient because the process has to go back and forth between employees and it gets bottlenecked.

After the Job Analysis and Department Review Project was completed, Exhibit B was created. This is the updated Organizational Chart that shows the divisions and the positions within each division. It is actually quite similar to how the department operated five to six years ago.

Looking at this Organizational Chart, you can see within the Auditor/Treasurer/Tax Equalization Department has three different divisions.

Mark Splonskowski – Auditor/Treasurer/Tax, as the department head, is responsible for all of the job duties within the department.

Erika White – Office Elections Manager position, which is now vacant has been reclassified based on duties and will now be the Executive Assistant – Elections Coordinator. This will go from a Grade 10 job classification to a Grade 9 job classification which is a better representation of the level of duties that this job will be performing. This position will not have any direct reports.

Erin Buchwitz – Administrative Assistant II – Real Estate position, which is now vacant has been reclassified to a grade 4. After the Job Analysis Spreadsheet with the internal variation of the DBM Ranking Method was used to evaluate the level of decision making in the duties within his position. This was also done to align this position with the Administrative Assistant II – Accounts Receivable position as the level of duties being performed are very similar.

Brandi Caya – Deputy Auditor/Treasurer position will be responsible for the overall payments and accounting functions of the department. This position will have four (4) direct reports. The Accountant I, the Accounting Technician (formerly the Accounts Payable Technician), the Administrative Assistant II- Real Estate and the Administrative Assistant II – Accounts Receivable position. There is succession and cross training built into this workflow model. The goal in this area is to provide customer service and complete the accounting processes as efficiently as possible.

Allan Vietmeier – Deputy Auditor/ Tax Equalization Director position oversees the tax assessment duties for the county. It was discovered in the job analysis and department review process that Tessa Knudson who was working in one of the Appraiser II positions was also completing extra duties that at one time belonged to the Real Estate Technician. The

# BURLEIGH COUNTY

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combination of these duties made this position more valuable to the department. There is a Senior Appraiser position that was created to encompass the combined duties being performed. This position came up as a grade 9 position using the internal variation of the DBM Ranking Method. The Appraiser II is a grade 7.

Trudy Jackson – Administrative Assistant II – Mobile Home position is now vacant and through the Job Analysis and Department Review process this position will be absorbed into the Tax Appraiser I position. This reclassification makes sense because the level of duties done for the manufactured home tax assessment should be done at the Tax Appraiser level. Tax Appraiser I can be promoted to Tax Appraiser II when they become certified by the North Dakota State Supervisor of Assessment within two (2) years. This deepens the experience within the division and allows for succession and cross training opportunities for the division.

The Finance Department, although a separate department from the Auditor/Treasurer/Tax Equalization Department, works very closely with the Auditor/Treasurer/Tax Equalization Department and because of this was reviewed for workflow. Currently, the Finance Director position is vacant, and we have contracted with the former Finance Director to act as an advisor for the department. The Deputy Finance Director is performing the finance function. After the Job Analysis and Department Review process was done the new Accountant position was placed under the Deputy Finance Director with an indirect reporting line to the Deputy Auditor/Treasurer. This Accountant position will be performing a higher level of Accounting duties than the Accountant position in the Auditor/Treasurer/Tax Equalization department. This will be classified as an Accountant II position. This will be a grade 10.

All of the positions within the Auditor/Treasurer/Tax Equalization and Finance departments have gone through the job reclassification process using the internal variation of the DBM Ranking Method that was developed by Burleigh County Human Resources Director Pam Binder.

### **RECOMMENDATION:**

I, along with the Job Review Team, that assisted in the Job Analysis and Department Review project, recommend the Burleigh County Commission approve the Job Analysis and Department Review Project results, the revised Job Descriptions, and the Job Classifications as they appear on Exhibit B the Organizational Chart created after the Job Analysis and Department Review Project was completed.

	<b>Job Classification Process And Review Policy</b>	<b>BCHR - 15 Policy Created: 04/03/2023  Board Approved:</b>
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**Purpose:**

To provide guidance for the classification of jobs within Burleigh County using an internal variation of the Decision Band Method (DBM) Ranking for Job Classification.

**Objectives:**

Burleigh County uses an internal variation of the DBM Ranking Method of Job Classification in order to rank the various jobs within Burleigh County. The Objective of this policy is to create a uniform set of guidelines that can be used to classify all the jobs within Burleigh County. The job classification process is performed in order to ensure there is internal and external pay equity for each job that is held by a Burleigh County employee.

**Procedure:**

The Decision Band Method (DBM) Ranking Method of job classification is a highly effective method of objectively evaluating the worth of a job to an organization. A sound theoretical framework serves as the basis of the method that provides a consistent and valid approach to comparing and contrasting jobs.

The basic premise of the DBM Ranking Method is that the value of a job to an organization is based on its level of responsibility. Responsibility is reflected, and therefore measured, by the decision-making requirements of the job. Because all jobs require incumbents to make decisions in order to perform their jobs, decision-making is a logical and equitable basis on which to compare jobs within an organization.

DBM Ranking method of job classification involves three basic steps. First, jobs are classified into one of six different "Decision Bands" based on the characteristics of the decisions that a job requires. This classification process reflects the level of responsibility of the job within the organization.

**Decision Banding**

The first step in evaluating jobs using the DBM Ranking Method involves Banding each decision-making duty according to the kind of decision required. All jobs in an organization's, job descriptions formally describe these duties. In order to perform all its requirements each duty requires the incumbent to make different kinds of decisions, some of which may be of a

higher level of greater difficulty than others. Each decision-making duty is assigned a Band and a job is classified according to the highest level of decision making required.

The Decision Bands are defined as follows from greatest to least:

**BAND F - POLICY MAKING DECISIONS**

These are decisions that determine the scope, the direction, and the overall goals of the whole organization. Decisions are subject to few constraints other than those imposed by law and/or economic conditions, and they take into consideration all the major divisions or departments, the limits of funds available to each, and the scope of their programs. Band F decisions are the kind typically made by a Board, Council, CEO, or Administrator.

**BAND E - PROGRAMMING DECISIONS**

Band E decisions deal with the means of achieving the goals established at BAND F. These decisions are concerned with formulating or adjusting programs for the major functions/divisions/departments, and allocating resources (facilities, people, money, materials) among these groups. The executives at BAND E are typically in charge of, or responsible for, advising line executives, heading up such major functions as marketing, administration, production, and finance in private sector organizations and major departments in public sector organizations.

**BAND D-INTERPRETIVE DECISIONS**

At Band D, the incumbents are required to interpret and carry out the programs or objectives developed at BAND E. these decisions specify what is to be done in lower Bands, and how the resources allocated by Band E are to be deployed. If circumstances change, or if there is uncertainty about how resources are to be deployed. A Band D decision is required to establish what is to be done in similar circumstances in the future. Band D decisions are typically made by middle managers in various functions or minor departments in public sector organizations.

**BAND C - PROCESS DECISIONS**

Decisions in Band C involve determining the means or process of achieving the objectives, standards or guidelines established by Band D Decisions. They are subject to the limits imposed by the available technology and resources and to the constraints set by E and D. Selecting the process is a decision that must precede carrying out the operations that make up the process. A process decision specifies what is to be done at Band B. These are typically decisions made by supervisory personnel, professional (as defined in the Fair Labor Standards Act) and/or senior technical specialist positions. Accordingly, C Band jobs are generally exempt from the overtime requirement of the Fair Labor Standards Act.

**BAND B - OPERATIONAL DECISIONS**

These decisions focus on how to carry out the operations of the process specified by a D and C decision. There is, within the limits set by the specific process, a choice as to how and when the operations are carried out, but not as to what operations constitute the process. Jobs at this level generally do not meet the requirements for exemption for the overtime requirements of the Fair Labor Standards Act.

## **BAND A - DEFINED DECISIONS**

Band A decisions are confined to the manner and speed of performing the elements of an operation. There is, within the limits set by the prescribed operation. Jobs at this level generally do not meet the requirements for exemption for the overtime requirements of the Fair Labor Standards Act.

These Decision Bands form a continuum of responsibility within an organization. Thus, the higher the level of decision-making required, the greater the level of responsibility.

Step 1: Determine the appropriate Band:

- **Band F: Policy** – Organization scope, direction, and goals
- **Band E: Programming** - Plans Strategies, programs, and allocates resources to meet goals
- **Band D: - Interpretive** - Interprets programs into operational plans and deploys resources
- **Band C: Process** – Develops and Selects appropriate process to accomplish operations of programs
- **Band B: Operational** – Determines how and when to perform steps of processes
- **Band A: Defined** – Determine manner and speed to perform defined steps of an operation

## **Grading**

The next step in the job classification process is to classify the jobs according to the difficulty and effort involved in the supervisory responsibilities, if any. Jobs that require the incumbent to supervise or monitor other jobs assigned to the same Band (except A and B jobs) are assigned to the higher (Coordinating) of the two Grades within the Band to which his/her job has been assigned. Jobs that do not supervise or monitor other jobs in the same band but may supervise or monitor jobs at the next lower band are assigned to the lower of the two grades (except A and B jobs). For example, a job that is assigned responsibility at the D7 level is responsible for supervising or monitoring jobs assigned to the D6 level. The D6 job may or may not supervise or monitor jobs at the C5 or lower Bands/Grades in the organization. Within each Band, there are, therefore, two Grades of jobs Coordinating and Non-Coordinating.

Step 2: Establishing the Grade level (Coordinating vs. Non-coordinating)

The DBM Ranking method considers two types of authority, structural authority and sapiential (expert) authority; both types may have coordinating and non-coordinating grades as outlined below:

### 1. Structural Authority

#### a. Coordinating

- i. The responsibility of coordinating others at the same grade level impacts the grade of the position itself when the position has full responsibility for direct supervision over subordinate positions of the same level, placing it at the coordinating grade within the band (B3, C5, D7).

- b. Non-Coordinating
    - i. If a position has limited responsibility while coordinating the work of others, however, not full supervision of staff; or supervision of staff is at lower grade levels, the grade level of the position does not increase.
2. Sapiential Authority (Expert Authority)- Sapiential authority refers to highly specialized expert knowledge and wisdom available within the organization, in order to make the best possible decisions. In special situations, positions are created and filled by knowledgeable or expert persons whose duties are not only to carry out specified activities, but also to support others who need help relating to their areas of expertise. Sapiential authority can be exercised in two ways, coordinating (advisability) and non-coordinating (informability).

- a. Coordinating (advising) is defined as the giving of advice in support of a decision which impacts the overall organization, and as a result must be followed. The accountability of the decision is shared between both the advisor and the advisee.

In situations where the position provides advice that is based on specialized expert knowledge, and the advice has overall organizational impact, and must be followed, the “advisor” is allocated the coordinating grade within the band (B3, C5, D7).

- b. Non-coordinating (informing) involves the provision of counsel from one party to another where there is no obligation on the part of the recipient to act on the counsel given; recommendations in this case are limited in scope. The grade level of the position is not impacted.

<b>Coordinating (advising)</b>	<b>Non-coordinating (informing)</b>
<ul style="list-style-type: none"> <li>• Scope is county wide</li> </ul>	<ul style="list-style-type: none"> <li>• Scope is limited to department function</li> </ul>
<ul style="list-style-type: none"> <li>• Highly specialized/expert knowledge</li> </ul>	<ul style="list-style-type: none"> <li>• Specialized knowledge to the department or function</li> </ul>
<ul style="list-style-type: none"> <li>• Shared Accountability</li> </ul>	<ul style="list-style-type: none"> <li>• Person receiving the advice is accountable</li> </ul>
<ul style="list-style-type: none"> <li>• Grade impact, position placed at Coordinating grade level</li> </ul>	<ul style="list-style-type: none"> <li>• No grade impact, position placed at Non-Coordinating level</li> </ul>

**Banding and Grading**

The whole job is assigned to the same Band and Grade as the highest-Banded and Graded level of the duties that make up the job.

- When a relation of responsibility (full control) exists, the controlling duties of the superior job are in the Band above the junior job.
- When a relation of accountability (actual control) exists, the coordinating duties of the senior job are normally in the Grade above the junior job. In isolated instances, a job

with partial control may only be placed in a higher sub-grade than the sub-grade of the subordinate.

- When a relation of advisability exists, the duty of advising belongs to the same Grade as the decision to which the advice pertains.
- When a relation of advisability (advice) exists, the duty of counseling usually belongs to the band below that of the "ends" decision to which the counsel pertains.

### **Sub-grading**

#### The Sub-grading principle:

The greater the difficulty of the decision-making requirements of the job within a grade, the more valuable the contribution of the job to the organization and, therefore, the higher the Sub-grade of the job.

#### The Sub-grading Criteria:

Job Difficulty is the Primary Sub-grading criteria, and it is affected by the following:

- Job Complexity, indicated by the number of highest-graded duties and the complexity and diversity of those duties.
- Task Occurrence, indicated by duty frequency (how often it occurs) and the percentage of time devoted to carrying out those highest Sub -graded duties.

If a determination cannot be made using the Sub-grading primary criteria The following secondary criteria may be used to determine the Sub-grade.

- Time Pressure: as judged by the time constraints within which a duty must be completed.
- Need for Alertness: as judged by whether a duty involves monitoring many (and possibly rapidly changing) variables or "Cues".
- Need for Special Care and Precision: as judged by the need to work to fine tolerances; and
- Skills and Experience: as judged by special skills and/or experience needed to perform the job duties.

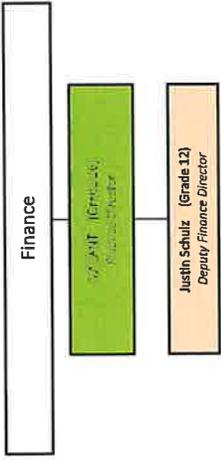
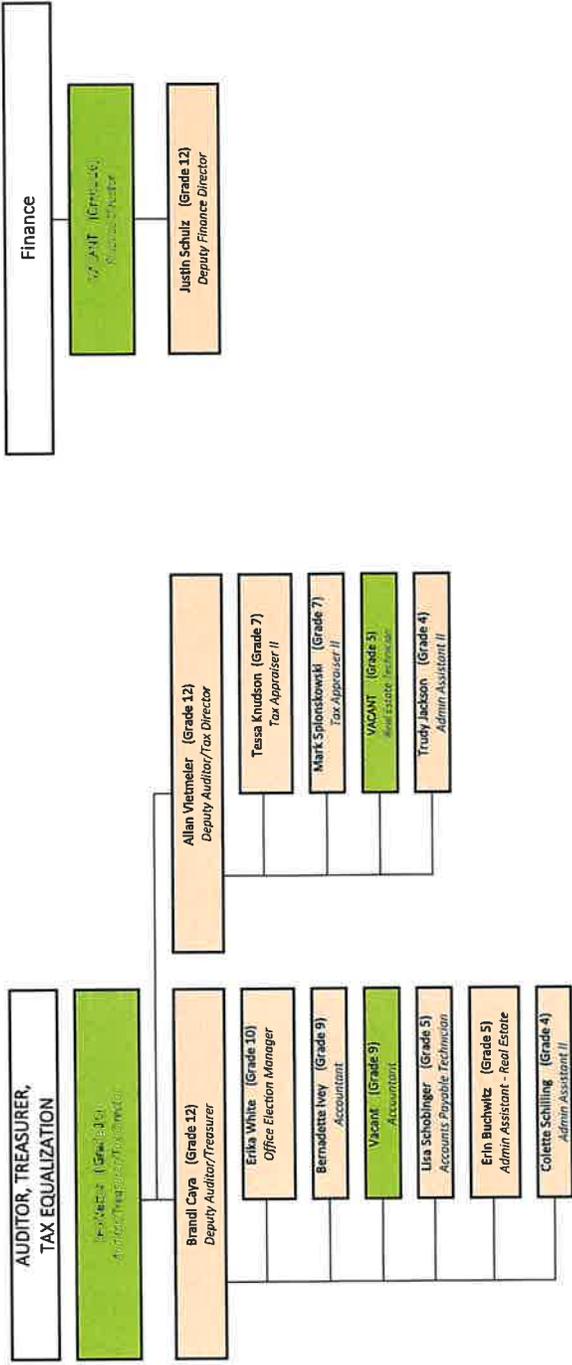
Part of the Sub grading process is to assign points to the decision-making level for each duty. The following points table will be used to differentiate the level of the duties. This will help us assign a Burleigh County Pay Grade number to the job by evaluating the job duties. The table is listed below:

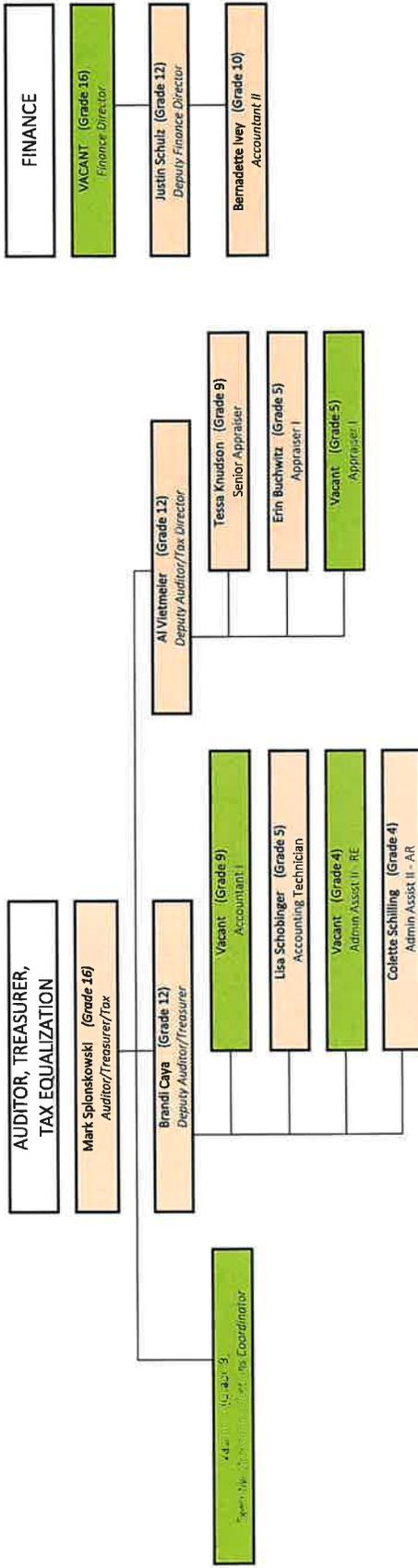
<b>BAND</b>	<b>BAND BASE POINTS</b>	<b>COORDINATING</b>	<b>NON-COORDINATING</b>	<b>POINT TOTALS RANGE</b>
<b>F</b>	600	+300	+75	7,000+
<b>E</b>	500	+200	+50	6,000 – 6,999
<b>D</b>	400	+100	+25	5,000 – 5,999
<b>C</b>	300	+75	+0	3,000 – 4,999

<b>B</b>	200	+50	+0	2,000 - 2,999
<b>A</b>	100	+25	+0	1,000 - 1,999

The total points will fall within the range and that helps differentiate the Burleigh County Pay Grade. As part of the Job Analysis and the DBM Ranking Method process, the job is cross referenced with similar jobs on the federal government ONE NET Career Cluster program, as well as, compared to similar Burleigh County jobs that are currently in the same Job Classification as the job being analyzed. There will also be a salary market data section in the Job Analysis Spreadsheet that will provide a validation component for the job classification. The market salary data will help with the pricing for the job being reviewed for classification.

The Job Analysis Spreadsheets will be reviewed with the Department Head and any job classification changes will be presented at a County Commission meeting for approval.





	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 08-41410-530
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**Employee:** \_\_\_\_\_  
**Job Title:** Administrative Assistant II – Accounts Receivable  
**Job Status:** Non-Exempt  
**Salary Grade:** 4

**Location:** Bismarck  
**Department:** Auditor/Treasurer/Tax  
**Reports to:** Deputy Auditor/Treasurer  
**DBM Rating:** B21

**Job Summary:** Under the supervision of the Deputy Auditor/Treasurer, perform general clerical and bookkeeping duties. Assist the public, answer telephones, collect and tabulate data, prepare original correspondence and reports, balance books, and maintain files.

**Responsibilities:**

- 40 % time      Perform receptionist and general clerical duties including answering telephones, filing, and word processing, assists the public, assists with elections, and maintain accurate records.
- 40 % time      Compile and maintain information to substantiate transactions, balance, and reconcile accounts, search records at appropriate time.
- 20 % time      Responsible for interpreting information and preparing reports from records, and properly disposing of records at appropriate time.

**Essential Job Duties:**

1. Receive and refer telephone calls, assist members of the public, receive payments, complete and process various applications and documents, assist with elections, and other general clerical duties.
2. Responsible for assisting with the scanning and transferring of paper invoices and documents to digital format for online storage.
3. Collect money, issues receipts, balance and reconcile accounts, maintain, and disburse funds.
4. Maintain accurate records with respect to real estate and chattel properties, tax assessments and collections, and accounts receivable.
5. Complete and process applications, requests, and permits for Burleigh County.
6. Maintain stock of office supplies, equipment, and forms by ordering and receiving goods, issue goods to staff, and perform physical inventory.
7. Proficient in the use of the MS Office Suite of products, specifically, Excel, Word, and Outlook to complete the daily tasks associated with this position.
8. Assist in the development, implementation, and maintenance of office procedures for the unit.
9. File, retrieve, interpret information, and prepare reports from records. Distribute reports to appropriate people.
10. Research issues with documents, applications, and permits to provide follow-up as needed to retrieve missing information.
11. Perform other duties as required or assigned.

**Job Qualifications, Experience and Education**

1. Associate degree with major coursework in legal, business, or applied Science, and two (2) years of work experience in high-level administrative and/or a combination of education and experience. Work experience must reflect an ability to conduct research, provide analysis, and interpretation of information, and prepare formal reports.
2. Preference will be given to applicants with experience involving a combination of banking, bookkeeping, or accounts receivable duties.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 08-41410-530
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3. Requires knowledge of administrative processes, procedures, or methods, and attention to detail. Must have considerable knowledge, skill, and ability in duties similar in type and complexity to those performed at this position level.
4. Requires a high degree of written and verbal communication skills, dealing with the general public and other employees.
5. Proficiency in the MS Office Suite or products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to this position.
6. Ability to handle multiple duties and priorities under limited supervision.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment, repetitive motion, sitting, standing, lifting, and completing a variety of recurring activities independently.
2. Requires operation of specialized equipment such as a computer, typewriter, adding machine, business machines, copiers, etc.
3. Mental demands require the ability to interpret and choose the appropriate work procedure from available choices and judgment to select the appropriate guidelines.

**Clarification Clause:**

This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Administrative Assistant type positions. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Administrative Assistant II - Accounts Receivable		Job Description #: 08-41410-530 B21 O*NET Position #: 43-3011.00 DBM Ranking					
Responsibilities:		Percentage of Time (Annualized)					
1	Perform receptionist and general clerical duties including answering telephones, filing, and word processing, assist the public, assist with elections, and maintain accurate records.	40%	1				
2	Compile and maintain documents to substantiate transactions, balance and reconcile accounts, search records at appropriate time.	40%	1				
3	Responsible for interpreting information and preparing reports from records, and properly disposing of records at appropriate time.	20%	1				
<b>Essential Duties:</b>		<b>Decisions Required (Programming, Interpretive, Process, Operational, Defined)</b>	<b>Frequency (Daily, Weekly, Monthly, Quarterly, Annually)</b>	<b>Percentage of time</b>	<b>BAND</b>	<b>GRADE</b>	<b>SUB GRADE CALCULATION</b>
1	Receive and refer telephone calls, assist members of the public, receive payments, complete and process various applications and documents, assist with elections, and other general clerical duties.	Operational	Daily	*	B	2	200
2	Responsible for assisting with the scanning and transferring of paper invoices and documents to digital format for online storage.	Operational	Daily	*	B	2	200
3	Collect money, issues receipts, balance and reconcile accounts, maintain and disburse funds.	Operational	Daily	*	B	1	250
4	Maintain accurate records with respect to real estate and chattel properties, tax assessments and collections, and accounts receivable.	Operational	Daily	*	B	2	200
5	Complete and process applications, requests and permits for Burleigh County.	Defined	Daily	*	A	2	125
6	Maintain stock of office supplies, equipment, and forms by ordering and receiving goods, issue goods to staff, and perform physical inventory.	Defined	Monthly	*	A	2	125
7	Proficient use of the MS Office Suite of products, specifically, Excel, Word, and Outlook, to complete the daily tasks associated with this position.	Operational	Daily	*	B	2	200
8	Assist in the development, implementation, and maintenance of office procedures for the unit.	Operational	As Needed	*	B	2	200
9	File, retrieve, interpret information, and prepare reports from records. Distribute reports to appropriate people.	Defined	As Needed	*	A	2	125
10	Research issues with, documents, applications and permits to provide follow-up as needed to retrieve missing information.	Operational	As Needed	*	B	1	250
11	Perform other duties as required or assigned.	Defined	As Needed	*	A	2	125
<b>Job Qualifications, Experience and Education</b>				<b>Totals</b>			
Associate degree with major coursework in legal, business, or applied science, and two (2) years of work experience in high-level administrative and/or a combination of education and experience. Work experience must reflect an ability to conduct research, provide analysis and interpretation of information, and prepare formal reports.							
1	Preference will be given to applicants with experience involving a combination of banking, bookkeeping, or accounts receivable duties.						
2	Requires knowledge of administrative processes, procedures, or methods, and attention to detail. Must have considerable knowledge, skill, and ability in duties similar in type and complexity to those performed at this position level.						
3	Requires a high degree of written and/or verbal communication skills dealing with the general public and other employees.						
4	Proficiency in the MS Office Suite of products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to his position.						
5	Ability to handle multiple duties and priorities under limited supervision.						

Wage Analysis						
43-3011.00	Minimum	25%	Market	75%	Maximum	
<b>Bill and Account Collectors</b>						
O-NET Research	\$ 34,020.00	\$ 37,510.00	\$ 42,030.00	\$ 47,830.00	\$ 54,050.00	
O-NET Research	\$ 29,280.00	\$ 36,400.00	\$ 37,920.00	\$ 46,960.00	\$ 50,190.00	
O-NET Research	\$ 28,820.00	\$ 30,420.00	\$ 37,700.00	\$ 46,970.00	\$ 59,360.00	

Burleigh County Similar Jobs In Pay Grade 4	Step 1	Step 5	Step 9	Step 13	Step 17
Administrative Assistant II - RE	\$ 37,398.40	\$ 41,516.80	\$ 46,675.20	\$ 52,312.00	\$ 57,907.20
Administrative Assistant II - 4-H	\$ 41,142.40	\$ 45,656.00	\$ 51,334.40	\$ 57,532.80	\$ 63,689.60
Administrative Assistant II - Sheriff	\$ 45,260.80	\$ 50,232.00	\$ 56,472.00	\$ 63,294.40	\$ 70,075.20

Administrative Support - Auditor	Budget Low	Budget High	Budget Average
<b>NDASco Salary Survey Reports</b>			
Burleigh County	\$ 49,858.00	\$ 51,646.00	\$ 50,752.00
Cass County	\$ 40,991.00	\$ 53,017.00	\$ 47,004.00
Grand Forks County	\$ 55,444.00	\$ 55,444.00	\$ 55,444.00
Morton County	\$ 55,848.00	\$ 55,848.00	\$ 55,848.00
Stutsman County	\$ 42,355.00	\$ 43,202.00	\$ 42,779.00
Ward County	\$ 39,302.00	\$ 39,302.00	\$ 39,302.00
Williams County	\$ 13,984.00	\$ 43,493.00	\$ 33,303.00
Averages	\$ 42,540.29	\$ 48,850.29	\$ 46,347.43



## Burleigh County, North Dakota

**Last Date Revised:**

04/17/2023

**Job Description #**

07-41410-033

### Job Description

**Employee:** \_\_\_\_\_

**Job Title:** Administrative Assistant – Real Estate

**Job Status:** Non-Exempt

**Salary Grade:** 4

**Location:** Bismarck

**Department:** Auditor/Treasurer/Tax  
Equalization

**Reports to:** Deputy Auditor/Treasurer

**DBM Rating:** B21

**Job Summary:** Under the supervision of the Deputy Auditor/Treasurer, perform general clerical and bookkeeping duties. Assist the public, answer telephones, collect and tabulate data, prepare original correspondence and reports, balance accounts, and maintain files. Perform duties for deed transfers and the three-year delinquent tax process. Assist with property taxes and elections

#### Responsibilities:

- 40 % time      1. Perform receptionist and general clerical duties including answering telephones, filing, and word processing, assist the public, assist with elections, and maintain accurate records.
- 40 % time      2. Prepare formal reports, letters, and other documentation on matters concerning elections, real estate assessments, real estate taxation and general government administration.
- 20 % time      3. Assist the Auditor/Treasurer/Tax and Executive Assistant – Elections Coordinator with administrative support for the Burleigh County Commission and various county auxiliary boards including preparation and dissemination of agendas, minutes, and correspondence, calendars, and meeting schedules.

#### Essential Job Duties:

1. Receive and refer telephone calls, assist members of the public, receive payments, complete and process various applications and documents, assist with elections, and other general clerical duties.
2. Transfer information from source documents such as deeds, plats, billings, invoices, reports, and statements to permanent records such as assessment rolls, and annual reports.
3. Perform deed transfers and abatement recording. Reconciles abatements.
4. Maintain accurate records, with respect to real estate and chattel properties, tax assessments and vouchers for payment as part of the abatement process.
5. Responsible for the coordination of the three-year delinquent tax process.
6. Serve as one of the contact people for all website content and updates to the website for the department and the county commission.
7. Provide monthly expenses to the media as directed by the Auditor/Treasurer Tax.
8. Process legal publications as directed by the Auditor/Treasurer/Tax.
9. Process the multiple parcel maintenance and redaction of property records.
10. Compile township packets annually.
11. Assist the Auditor/Treasurer/Tax and Executive Assistant – Elections Coordinator in providing confidential administrative support for the Burleigh County Commission by preparing and coordinating various meetings, meeting arrangements, materials, agendas, and minutes.
12. Perform other duties as required or assigned.



**Burleigh County, North  
Dakota**

**Last Date Revised:**  
04/17/2023  
**Job Description #**  
07-41410-033

**Job Description**

**Job Qualifications, Experience and Education**

1. Associate degree with major coursework in legal, business, or applied science, and two (2) years of work experience in high-level administrative and/or a combination of education and experience. Work experience must reflect an ability to conduct research, provide analysis and interpretation of information, and prepare formal reports.
2. Requires knowledge of administrative processes, procedures, or methods, and attention to detail. Must have considerable knowledge, skill, and ability in duties similar in type and complexity to those performed at this position level.
3. Requires a high degree of written and/or verbal communication skills dealing with general public and other employees.
4. Proficiency in the MS Office Suite of products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to this position.
5. Ability to handle multiple duties and priorities under limited supervision.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment, repetitive motion, sitting and standing.
2. Mental demands require the ability to analyze circumstances and interpret guidelines to select appropriate procedures, which provide analysis, recommendation, or advice used by others in making decisions.
3. Frequent use of PC Keyboard and monitor. Will include physical motions of finger dexterity for use of keyboard, and other office equipment.

**Clarification Clause:**

This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Administrative Assistant type positions. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

Administrative Assistant II - Real Estate		Job Description #: 07-41410-033 821 O*NET Position #: 43-6014.00 DBM Ranking	
Percentage of Time (Annualized)		DBM Ranking	
Responsibilities:	Percentage of Time	BAND	GRADE
Essential Duties:	Percentage of Time	BAND	GRADE
Decisions Required (Programming, Interpretive, Process, Operational, Defined)	Frequency (Daily, Weekly, Monthly, Quarterly, Annually)	Percentage of time	SUB GRADE CALCULATION
Perform receptionist and general clerical duties including answering telephones, filing, and word processing, assist the public, assist with elections, and maintain accurate records.	40%	B	2
1 Prepare formal reports, letters, and other documentation on matters concerning elections, real estate assessments, real estate taxation and general government administration.	40%	B	2
2 Assist the Auditor/Treasurer and Executive Assistant with administrative support for the Burleigh County Commission and various county auxiliary boards including preparation and dissemination of agendas, minutes, and correspondence, calendars and meeting schedules.	20%	B	2
3			1
<b>Essential Duties:</b>			
Receive and refer telephone calls; assist members of the public, receive payments, complete and process various applications and documents, assist with elections, and other general clerical duties.		A	2
1 Transfer information from source documents such as deeds, plats, billings, invoices, reports and statements to permanent records such as assessment rolls, and annual reports.		A	1
2		B	2
3 Perform deed transfers and abatement recording. Reconcile abatements.		B	2
Maintain accurate records, with respect to real estate and chattel properties, tax assessments and vouchers for payment as part of the abatements process		B	1
4		B	1
5 Responsible for the coordination of the three-year delinquent tax process. Serve as one of the contact people for all website content and updates to the website for the department and the county commission.		A	2
6		A	2
7 Provide monthly expenses to the media as directed by the Auditor/Treasurer.		B	2
8 Process legal publications as directed by the Auditor/ Treasurer.		B	2
9 Process the multiple parcel maintenance and redaction of property records. Compile township packets annually.		B	2
10 Assist the Auditor/Treasurer and Executive Assistant in providing confidential administrative support for the Burleigh County Commission by preparing and coordinating various meetings, meeting arrangements, materials, agendas and minutes.		B	1
11 Perform other duties as required or assigned.		A	2
12		Totals	2075
<b>Job Qualifications, Experience and Education</b>			
Associate degree with major coursework in legal, business, or applied science, and two (2) years of work experience in high-level administrative and/or a combination of education and experience. Work experience must reflect an ability to conduct research, provide analysis and interpretation of information, and prepare formal reports.			
2 Requires knowledge of administrative processes, procedures, or methods, and attention to detail. Must have considerable knowledge, skill, and ability in duties similar in type			
3 Requires a high degree of written and/or verbal communication skills dealing with the general public and other employees.			
4 Proficiency in the MS Office Suite of products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to his position.			
5 Ability to handle multiple duties and priorities under limited supervision.			

Wage Analysis

		43-6014.00	Minimum	25%	Market	75%	Maximum
<b>Secretaries and Administrative Assistants, Except Legal, Medical, and Exec.</b>		Bismarck-Mandan Area	\$ 29,900.00	\$ 36,160.00	\$ 38,430.00	\$ 47,360.00	\$ 54,590.00
O-NET Research		North Dakota	\$ 29,310.00	\$ 36,330.00	\$ 37,810.00	\$ 46,980.00	\$ 53,390.00
O-NET Research		United States	\$ 28,200.00	\$ 30,210.00	\$ 37,880.00	\$ 47,570.00	\$ 59,500.00

		Step 1	Step 5	Step 9	Step 13	Step 17
<b>Burleigh County Similar Jobs in Pay Grade 4</b>						
Administrative Assistant II - AR		\$ 37,398.40	\$ 41,516.80	\$ 46,675.20	\$ 52,312.00	\$ 57,907.20
Administrative Assistant II - 4-H		\$ 41,142.40	\$ 45,656.00	\$ 51,334.40	\$ 57,532.80	\$ 63,689.60
Administrative Assistant II - Sheriff		\$ 45,260.80	\$ 50,232.00	\$ 56,472.00	\$ 63,294.40	\$ 70,075.20

		Budget Low	Budget High	Budget Average
<b>Administrative Support - Auditor</b>				
<b>NDASCO Salary Survey Reports</b>				
Burleigh County		\$ 49,858.00	\$ 51,646.00	\$ 50,752.00
Cass County		\$ 40,991.00	\$ 53,017.00	\$ 47,004.00
Grand Forks County		\$ 55,444.00	\$ 55,444.00	\$ 55,444.00
Morton County		\$ 55,848.00	\$ 55,848.00	\$ 55,848.00
Stutsman County		\$ 42,355.00	\$ 43,202.00	\$ 42,779.00
Ward County		\$ 39,302.00	\$ 39,302.00	\$ 39,302.00
Williams County		\$ 13,984.00	\$ 43,493.00	\$ 33,303.00
Averages		\$ 42,540.29	\$ 48,850.29	\$ 46,347.43



**Burleigh County, North  
Dakota**

**Job Description**

**Last Date Revised:**  
04/17/2023

**Job Description #**  
06-41410-014

**Employee:** \_\_\_\_\_  
**Job Title:** Accounting Technician  
**Job Status:** Non-Exempt  
**Salary Grade:** 5

**Location:** Bismarck  
**Department:** Auditor/Treasurer/Tax  
**Reports to:** Deputy Auditor/Treasurer  
**DBM Rating:** B22

**Job Summary:** Under the supervision of the Deputy Auditor/Treasurer, performs accounting duties in the administration and maintenance of accounts payables and credit card processing procedures.

**Responsibilities:**

- 40 % time Responsible for administering and maintaining all functions of the county's accounts payable processing system.
- 30 % time Compile and maintain information to substantiate transactions, balance, and reconcile accounts relating to the county's credit card system.
- 20 % time Responsible for processing the general ledger posting function for the Burleigh County biweekly employee payroll.
- 10 % time Assist the public and coworkers, assist with elections, and maintain accurate records.

**Essential Job Duties:**

1. Responsible for administering and maintaining all functions of the county's accounts payable processing system.
2. Conduct internal audits of all invoices, and credit card charges to provide credit card controls for all departments to assure accuracy for the payment process.
3. Process applications, requests, and claims for individuals seeking information or help regarding the county's credit card system, transfer information from the credit card system to the county's accounting system.
4. Monitor authorized credit card usage in all departments to assure activities are performed in accordance with credit card usage policies, and procedures.
5. Apportion invoices as needed; print and distribute checks for payment; and assist with gathering data for budget development.
6. Responsible for scanning and transferring paper invoices and documents to digital format for online storage.
7. Receive and refer telephone calls, assist members of the public, verify deeds, collect tax payments, assist with elections, complete and process various applications and documents, and other general clerical duties.
8. Collect money, issue receipts, balance and reconcile accounts, maintain, and disburse funds.
9. Proficient in the use of the MS Office Suite of products, specifically, Excel, Word, and Outlook to complete the daily tasks associated with this position.
10. File, retrieve, interpret information, and prepare reports from records. Distribute reports to appropriate people.
11. Post payroll entries to include ACH transfers and other general ledger entries relating to employee deductions and employee benefit payments.
12. Perform other duties as required or assigned.

**Job Qualifications, Experience and Education**

1. Associates degree with coursework in accounting, finance, or business, and four (4) years of accounting, bookkeeping, or budgeting experience; or an equivalent combination of education and experience.
2. Preference will be given to applicants with prior experience in accounts payable.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 06-41410-014
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3. Proficiency in the MS Office Suite or products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to this position.
4. Requires knowledge of administrative processes, procedures, or methods, and work experience with considerable knowledge, skill, and attention to detail.
5. Requires a high degree of written and verbal communication skills and great customer service skills.
6. Ability to handle multiple duties and priorities under limited supervision.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment, repetitive motion, sitting, standing, lifting, and completing a variety of recurring activities independently.
2. Requires operation of specialized equipment such as a computer, typewriter, adding machine, business machines, copiers, etc.
3. Mental demands require the ability to interpret and choose the appropriate work procedure from available choices and judgment to select the appropriate guidelines.

**Clarification Clause:**

This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Accounting Technician position. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date



- 1 Associates degree with coursework in accounting, finance, or business, and four (4) years of accounting, bookkeeping, or budgeting experience, or an equivalent combination of education and experience.
- 2 Preference will be given to applicants with prior experience in accounts payable.
- 3 Proficiency in the MS Office Suite of products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to this position.
- 4 Requires knowledge of administrative processes, procedures, or methods, and work experience with considerable knowledge, skill, and attention to detail.
- 5 Requires a high degree of written and verbal communication skills and great customer service skills.
- 6 Ability to handle multiple duties and priorities under limited supervision.

Wage Analysis						
	43-3031.00	Minimum	25%	Market	75%	Maximum
<b>Bookkeeping, Accounting, and Auditing Clerks</b>						
O-NET Research	Bismarck-Mandan Area	\$ 30,180.00	\$ 37,500.00	\$ 46,540.00	\$ 49,020.00	\$ 61,570.00
O-NET Research	North Dakota	\$ 29,780.00	\$ 36,910.00	\$ 38,370.00	\$ 48,310.00	\$ 59,770.00
O-NET Research	United States	\$ 29,120.00	\$ 36,750.00	\$ 45,560.00	\$ 49,760.00	\$ 61,980.00

Burleigh County Pay Grade						
	Step 1	Step 5	Step 9	Step 13	Step 17	
<b>Burleigh County Similar Jobs in Pay Grade 5</b>						
Accounting Specialist	\$ 41,142.40	\$ 45,656.00	\$ 51,334.40	\$ 57,532.80	\$ 63,689.60	
Human Resources Assistant I	\$ 45,260.80	\$ 50,232.00	\$ 56,472.00	\$ 63,294.40	\$ 70,075.20	
Veteran Benefits Specialist	\$ 48,880.00	\$ 54,246.40	\$ 61,006.40	\$ 68,348.80	\$ 75,670.40	

Accounting Technician /Accountant						
	Budget Low	Budget High	Budget Average	Budget Low	Budget Average	Budget High
<b>NDASco Salary Survey Reports</b>						
Burleigh County	\$ 48,776.00	\$ 63,378.00	\$ 56,077.00	\$ 48,776.00	\$ 63,378.00	\$ 56,077.00
Cass County	\$ 42,494.00	\$ 81,578.00	\$ 62,838.00	\$ 42,494.00	\$ 81,578.00	\$ 62,838.00
Grand Forks County	\$ 41,221.00	\$ 88,370.00	\$ 54,292.00	\$ 41,221.00	\$ 88,370.00	\$ 54,292.00
Morton County	\$ 63,170.00	\$ 63,170.00	\$ 63,170.00	\$ 63,170.00	\$ 63,170.00	\$ 63,170.00
Stark County	\$ 56,514.00	\$ 61,568.00	\$ 59,211.00	\$ 56,514.00	\$ 61,568.00	\$ 59,211.00
Ward County	\$ 42,101.00	\$ 52,427.00	\$ 45,245.00	\$ 42,101.00	\$ 52,427.00	\$ 45,245.00
Williams County	\$ 54,218.00	\$ 68,203.00	\$ 62,266.00	\$ 54,218.00	\$ 68,203.00	\$ 62,266.00
Averages	\$ 49,784.86	\$ 68,384.86	\$ 57,585.57	\$ 49,784.86	\$ 68,384.86	\$ 57,585.57

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 04-41410-019
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**Employee:** \_\_\_\_\_  
**Job Title:** Accountant I  
**Job Status:** Exempt

**Location:** Bismarck  
**Department:** Auditor/Treasurer/Tax  
**Reports to:** Deputy Auditor/Treasurer &  
Deputy Finance Director  
**DBM Rating:** C41

**Salary Grade:** 9

**Job Summary:** Under the supervision of the Deputy Auditor\Treasurer performs professional level accounting duties, financial analysis, and reporting activities in support of the county's integrated financial system in accordance with federal and state guidelines, rules, policies, and procedures. Assists in compiling and preparing complex fund statements and financial statements in compliance with Generally Accepted Accounting Principles (GAAP). Assists in the implementation and maintenance of new financial applications as well as training and assisting users in order to obtain a variety of financial information.

**Responsibilities:**

- 80 % time      Perform routine and specialized accounting and financial activities in support of the countywide financial management system including functions of accounts receivable, accounts payable, cash receipts, capital assets, inventory management, investments, and long-term debt.
  
- 10 % time      Assist in general administrative functions including budgeting, expenditure analysis, purchasing, and related areas.
  
- 10 % time      Assist in the preparation of the comprehensive annual financial audit; close year-end financial statements, compile information and prepare statistical and note sections of the report. Assist in the review and update of all supporting processes, policies, and procedures needed to ensure compliance with Generally Accepted Accounting Principles (GAAP), conformance with applicable laws and policies, and an effective internal control system.

**Essential Job Duties:**

1. Maintain and assist in developing financial reports to accurately reflect the financial status of the county.
2. Perform reconciliations within the accounting system. Provide accounting interpretation and analyses to support the financial decisions of the county.
3. Responsible for the recording of deeds and the escrow accounting process.
4. Prepare monthly apportioning to allocate correct amount of collected funds to various taxing districts.
5. Responsible for general ledger reconciliations, corrections, and any needed journal entries.
6. Responsible for assisting with the scanning and transferring of paper invoices and documents to digital format for online storage.
7. Work with the Deputy Auditor/Treasurer to train and coordinate the work of clerical and technical employees, engaged in accounting activities.
8. Answer questions from other departments regarding coding, past records, reports, and payment of bills.
9. Advise county employees on proper accounting procedures as established by the County.
10. Recommend process improvements to current accounting procedures as established by the County.
11. Allocate and verify the recording of revenue and expenditures to the correct funds according to county policies, and procedures. Check invoices and billing statements for coding and validity
12. Assist in the preparation, processing, and verification of the year-end fixed assets and inventory.
13. Responsible for filing unclaimed property, preparing annual school financial reports, and processing abatements.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 04-41410-019
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14. Receipt, count, and balance money, and prepare deposits.
15. Perform the annual 1099 tax reporting process.
16. Provide backup as needed for telephone calls, assist members of the public, collect tax payments, assist with elections, and other general clerical duties.
17. Perform other duties as required or assigned.

**Job Qualifications, Experience and Education**

1. Bachelor’s degree in Accounting and minimum of two (2) years of experience in computer-based accounting functions with an emphasis in fund accounting and financial software applications.
2. Knowledge of fund and cost accounting practices and procedures.
3. Knowledge of automated financial systems and software applications.
4. Knowledge of application of accounting principles to the financial statements with the ability to analyze financial information and other related documents.
5. Knowledge of the Generally Accepted Accounting Principles (GAAP), and Government Accounting Standards Board statements and interpretations (GASB)
6. Ability to perform day-to-day accounting operations, technical computer skills sufficient in the implementation of an integrated financial management system, and problem solving and analytical skills sufficient to identify problem areas.
7. Ability to communicate verbally and in writing to establish and maintain effective working relationships with employees, other agencies, and the public.
8. Ability to apply knowledge in developing and implementing countywide policy and procedures.
9. Ability to analyze and explain the impacts of authoritative standards and work with staff within the department and other departments to establish guidelines and implement policies, procedures, and processes to assure compliance.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment, repetitive motion, sitting, standing, lifting, and completing a variety of recurring activities independently.
2. Requires operation of specialized equipment such as a computer, conferencing online meeting tools, adding machine, business machines, copiers, etc.
3. Mental demands require the ability to interpret and choose the appropriate work procedure from available choices and judgment to select the appropriate guidelines.

**Clarification Clause:**

This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Accountant position. The job description is not a contract. The County reserves the right to modify this or any other job description at any time.

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**Employee Signature**

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**Date**

Job Title: Salary Grade: DBM Rating:		9 Job Description #: 04-41410-019 C41 O*NET Position #: 13-2011.00		DBM Ranking		
Responsibilities:		Percentage of Time (Annualized)				
1	2	3	4	5	6	
Percentage of Time	Frequency (Daily, Weekly, Monthly, Quarterly, Annually)	Decisions Required (Programming, Interpretive, Process, Operational, Defined)	Percentage of time	BAND	GRADE	
80%						
10%						
10%						
Essential Duties:		Decisions Required (Programming, Interpretive, Process, Operational, Defined)	Frequency (Daily, Weekly, Monthly, Quarterly, Annually)	Percentage of time	SUB GRADE CALCULATION	
Perform routine and specialized accounting and financial activities in support of the countywide financial management system including functions of accounts receivable, accounts payable, cash receipts, capital assets, inventory management, investments, and long-term debt.		Operational	Daily	*	1	175
1	Assist in general administrative functions including budgeting, expenditure analysis, purchasing, and related areas.	Operational	Daily	*	1	175
2	Assist in the preparation of the comprehensive annual financial audit; close year-end financial statements, compile information and prepare statistical and note sections of the report. Assist in the review and update of all supporting processes, policies, and procedures needed to ensure compliance with Generally Accepted Accounting Principles (GAAP), conformance with applicable laws and policies and an effective internal control system.	Operational	As Needed	*	2	175
3	Maintain and assist in developing financial reports to accurately reflect the financial status of the county.	Operational	As Needed	*	1	200
4	Perform reconciliations within the accounting system. Provide accounting interpretation and analyses to support the financial decisions of the county.	Operational	As Needed	*	1	300
5	Responsible for the recording of deeds.	Process	Daily	*	1	300
6	Responsible for the Escrow accounting process.	Process	Daily	*	1	300
7	Prepare the Apportioning of invoices to allocate correct amount of expenses to various departments as needed.	Operational	As Needed	*	2	175
8	Responsible for general ledger reconciliation, correction, and any needed journal entries.	Operational	As Needed	*	2	175
9	Provide backup as needed for telephone calls, assist members of the public, collect tax payments, assist with elections, and other general clerical duties.	Operational	As Needed	*	1	300
10	Responsible for assisting with the scanning and transferring of paper invoices and documents to digital format for online storage.	Operational	As Needed	*	1	300
11	Work with the Deputy Auditor/Treasurer to train and coordinate the work of clerical and technical employees engaged in accounting activities.	Process	As Needed	*	1	300
12	Answer questions from other departments regarding coding, past records, reports, and payment of bills.	Process	As Needed	*	1	300
13	Advise county employees on proper accounting procedures as established by the County.	Process	As Needed	*	1	300
14	Recommend process improvements to current accounting procedures and related financial software applications.	Process	As Needed	*	1	300
15	Allocate and verify the recording of revenue and expenditures to the correct funds according to county policies and procedures.	Process	Daily	*	1	300
16	Prepare, process, and verify the year-end fixed assets and inventory.	Process	Annually	*	1	300
17	Prepare the abatements, unclaimed property, and annual school financial reports.	Operational	As Needed	*	2	100

16	Receipt, count, and balance money, prepare deposits. Check invoices and billings for coding and validity.	Operational	As Needed	*	B	2	100
17	Perform the annual 1099 tax reporting process.	Operational	Annually	*	B	2	100
18	Perform other duties as required or assigned.	Defined	As Needed	*	A	2	100

**Job Qualifications, Experience and Education**

- 1 Bachelor's degree in Accounting and minimum of two (2) years of experience in computer based accounting functions with an emphasis in fund accounting and financial software applications.
- 2 Knowledge of fund and cost accounting practices and procedures.
- 3 Knowledge of automated financial systems and software applications.
- 4 Knowledge of application of accounting principles to the financial statements with the ability to analyze financial information and other related documents.
- 5 Knowledge of the Generally Accepted Accounting Principles (GAAP), and Governmental Accounting Standards Board statements and interpretations (GASB). Ability to perform day-to-day accounting operations, technical computer skills sufficient in the implementation of an integrated financial management system, and problem solving and analytical skills sufficient to identify problem areas.
- 7 Ability to communicate verbally and in writing to establish and maintain effective working relationships with employees, other agencies, and the public.
- 8 Ability to apply knowledge in developing and implementing countywide policy and procedures.
- 9 Ability to analyze and explain the impacts of authoritative standards and work with staff within the department and other departments to establish guidelines and implement policies, procedures and processes to assure compliance.

Wage Analysis							
Accountants and Auditors	13-2011.00	Minimum	25%	Market	75%	Maximum	
O-NET Research	\$	47,420.00	\$ 52,010.00	\$ 63,790.00	\$ 79,910.00	\$ 101,760.00	
O-NET Research	\$	38,610.00	\$ 48,870.00	\$ 63,320.00	\$ 78,890.00	\$ 101,270.00	
O-NET Research	\$	47,970.00	\$ 60,760.00	\$ 77,250.00	\$ 99,800.00	\$ 128,970.00	

Burleigh County Similar Jobs in Pay Grade 9	Step 1	Step 5	Step 9	Step 13	Step 17	
Account Manager	\$	57,012.80	\$ 63,273.60	\$ 71,156.80	\$ 79,726.40	\$ 88,254.40
Investigator	\$	60,444.80	\$ 67,080.00	\$ 75,420.80	\$ 84,510.40	\$ 93,558.40
Engineer I	\$	64,064.00	\$ 71,094.40	\$ 79,934.40	\$ 89,934.40	\$ 99,174.40

Accounting Technician /Accountant	Budget Low	Budget High	Budget Average
NDASCo Salary Survey Reports			
Burleigh County	\$ 48,776.00	\$ 63,378.00	\$ 56,077.00
Cass County	\$ 42,494.00	\$ 81,578.00	\$ 62,838.00
Grand Forks County	\$ 41,221.00	\$ 88,370.00	\$ 54,292.00
Morton County	\$ 63,170.00	\$ 63,170.00	\$ 63,170.00
Stark County	\$ 56,514.00	\$ 61,568.00	\$ 59,211.00
Ward County	\$ 42,101.00	\$ 52,427.00	\$ 45,245.00
Williams County	\$ 54,218.00	\$ 68,203.00	\$ 62,266.00
Averages	\$ 49,784.86	\$ 68,384.86	\$ 57,585.57



**Burleigh County, North  
Dakota**

**Last Date Revised:**  
04/17/2023

**Job Description**

**Job Description #**  
03-41410-000

**Employee:** \_\_\_\_\_  
**Job Title:** Accountant II  
**Job Status:** Exempt  
**Salary Grade:** 10

**Location:** Bismarck  
**Department:** Finance  
**Reports to:** Deputy Finance Director  
**DBM Rating:** C42

**Job Summary:** Under the supervision of the Deputy Finance Director Performs professional level accounting duties, financial analysis, and reporting activities in support of the county's integrated financial system in accordance with federal and state guidelines, rules, policies, and procedures. Assists in compiling and preparing complex fund statements and financial statements in compliance with Generally Accepted Accounting Principles (GAAP). Assists in the implementation and maintenance of new financial applications as well as training and assisting users in order to obtain a variety of financial information. Serve as a member of the Investment Committee. Provide data and analysis for the budget process.

**Responsibilities:**

- 50 % time      Assist in the preparation of the comprehensive annual financial audit; close year-end financial statements, compile information and prepare statistical and note sections of the report. Assist in the review and update of all supporting processes, policies, and procedures needed to ensure compliance with Generally Accepted Accounting Principles (GAAP), conformance with applicable laws and policies, and an effective internal control system.
- 20 % time      Check and review invoicing, requisitions, contracts, and other financial items requiring independent judgment as to content, accuracy, and completeness.
- 20 % time      Assist in general administrative functions including budgeting, expenditure analysis, purchasing, and related areas.
- 10 % time      Perform routine and specialized accounting and financial activities in support of the countywide financial management system including functions of accounts receivable, accounts payable, cash receipt, capital assets, inventory, investments, and long-term debt.

**Essential Job Duties:**

1. Record the county's investment status monthly and work with the Deputy Finance Director to continuously review the investment portfolios to ensure the county is receiving the maximum return on investments.
2. Perform daily bank reconciliations and balance all bank accounts. Prepare journal entries as needed.
3. Serve as an active member of the Burleigh County Investment Committee.
4. Serve as backup for the Deputy Finance Director and the Deputy Auditor/Treasurer
5. Monitor the general ledger reconciliation process, review corrections made, and review corrective journal entries.
6. Review and serve as backup for month-end processing.
7. Maintain and assist in developing financial reports to accurately reflect financial status of the county.
8. Perform reconciliations within the accounting system. Provide accounting interpretation and analyses to support the financial decisions of the county.
9. Work with the Deputy Auditor/Treasurer to train and coordinate the work of clerical and technical employees engaged in accounting activities.
10. Assist in budget preparation including estimates of expenditures, capital improvement projects, analyze projected cash balances and projects to ensure proper allocation of budget.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 03-41410-000
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11. Assist with the calculation of mill levies.
12. Allocate and verify the recording of revenue and expenditures to the correct funds according to county policies and procedures. Such as Burleigh County Payroll, BCBS entries, and other miscellaneous EFT files.
13. Responsible for the preparation and verification of the year-end fixed assets and inventory process.
14. Receipt, count, and balance money, prepare deposits. Check invoices and billings for coding and validity.
15. Review and prepare financial statements, cost reports, cash balances and other information and make recommendations concerning the financial standing of the county. Assist department heads using accounting information to arrive at policy decisions based on professional interpretation of the data.
16. Responsible for any bankruptcy documentation that comes into the Auditor/Treasurer's office.
17. Perform other duties as required or assigned.

**Job Qualifications, Experience and Education**

1. Bachelor's degree in Accounting and minimum of six (6) years of experience in computer-based accounting functions with an emphasis in fund accounting and financial software applications.
2. Knowledge of fund and cost accounting practices and procedures.
3. Knowledge of automated financial systems and software applications.
4. Knowledge of application of accounting principles to the financial statements with the ability to analyze financial information and other related documents.
5. Knowledge of the Generally Accepted Accounting Principles (GAAP), and Government Accounting Standards Board statements and interpretations (GASB)
6. Ability to perform day-to-day accounting operations, technical computer skills sufficient in the implementation of an integrated financial management system, and problem solving and analytical skills sufficient to identify problem areas.
7. Ability to communicate verbally and in writing to establish and maintain effective working relationships with employees, other agencies, and the public.
8. Ability to apply knowledge in developing and implementing countywide policy and procedures.
9. Ability to analyze and explain the impacts of authoritative standards and work with staff within the department and other departments to establish guidelines and implement policies, procedures, and processes to assure compliance.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment, repetitive motion, sitting, standing, lifting, and completing a variety of recurring activities independently.
2. Requires operation of specialized equipment such as a computer, typewriter, adding machine, business machines, copiers, etc.
3. Mental demands require the ability to interpret and choose the appropriate work procedure from available choices and judgment to select the appropriate guidelines.

**Clarification Clause:**

This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Accountant position. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Accountant II		Job Description #: 03-41410-000		
Reports to Deputy Finance Director		O*NET Position #: 13-2011.00		
Percentage of Time (Annualized)		DBM Ranking		
Job Title:	10	CAT 1	CAT 2	
Salary Grade:	C42			
DBM Rating:				
Responsibilities:			CAT 3	
1 Assist in the preparation of the comprehensive annual financial audit; close year-end financial statements, compile information and prepare statistical and note sections of the report. Assist in the review and update of all supporting processes, policies, and procedures needed to ensure compliance with Generally Accepted Accounting Principles (GAAP), conformance with applicable laws and policies and an effective internal control system.	50%	C	4	2
2 Check and review invoices, requisitions, contracts, and other financial items requiring independent judgement as to content, accuracy, and completeness. Assist in general administrative functions including budgeting, expenditure analysis, purchasing, and related areas. Active member of Burleigh County Investment Committee.	20%	C	4	2
3 Perform routine and specialized accounting and financial activities in support of the countywide financial management system including functions of accounts receivable, accounts payable, cash receipts, capital assets, inventory, investments, and long-term debt.	20%	C	4	2
4	10%	C	4	2
<b>Essential Duties:</b>				
Record the county's investment status monthly and work with the Deputy Finance Director to continuously review the investment portfolios to ensure the county is receiving the maximum return on investments.	*			250
1 Perform daily bank reconciliations and balance all bank accounts. Prepare journal entries as needed.	*			175
2 Serve as an active member of the Burleigh County Investment Committee. Serve as backup for the Deputy Finance Director and the Deputy Auditor/Treasurer.	*			200
3 Monitor the general ledger reconciliation process, review corrections made, and review corrective journal entries.	*			200
4 Maintain and serve as backup for month-end processing status of the county.	*			200
5 Perform reconciliations within the accounting system. Provide accounting interpretation and analyses to support the financial decisions of the county.	*			200
6 Work with the Deputy Auditor/Treasurer to train and coordinate the work of clerical and technical employees engaged in accounting activities.	*			200
7 Answer questions from other departments regarding coding, past records, reports, and the payment of bills.	*			200
8 Advise county employees on proper accounting procedures as established by the County.	*			200
9 Recommend process improvements in current accounting procedures and related financial software applications.	*			200
10 Assist in budget preparation including estimates of expenditures, capital improvement projects, analyze projected cash balances and projects to ensure proper allocation of budgets.	*			200
11 Assist with the calculation of mill levies.	*			175



	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 02-41410-533
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**Employee:** \_\_\_\_\_  
**Job Title:** Deputy Auditor/Treasurer  
**Job Status:** Exempt  
**Salary Grade:** 12

**Location:** Bismarck  
**Department:** Auditor/Treasurer/Tax  
**Reports to:** Auditor/Treasurer  
**DBM Rating:** C44/C51

**Job Summary:** Under the supervision of the Auditor/Treasurer/Tax, is responsible for supervision of clerical staff, tax collection function, accounting functions, preparing, balancing, and making daily bank deposits, and reconciling periodic statements of the County's bank accounts.

**Responsibilities:**

- 60 % time      Supervise, schedule, train, and evaluate staff in the Auditor/Treasurer area of the department, and prepare and mail tax statements, entry of tax collections, and issuance of receipts.
- 25 % time      Manage and perform fund investment activities and monitors cash flow requirements of county including preparation of required reports and apportioning various funds to proper districts and custodial accounts.
- 15 % time      Maintain periodic financial reports related to general ledger, accounting for special funds, tax collections, and investment of funds, assist with the budget and mill levy processes.

**Essential Job Duties:**

1. Oversee the collection and recording of all county revenues; prepare and balance daily receipts and deposits of funds, prepare listing of all checks and cash, and reconciliation checking account(s) and periodic statements of bank accounts.
2. Prepare needed data for annual audit, internal report requests, maintain pledged securities.
3. Serve as an active member of the Burleigh County Investment Committee.
4. Assist in the annual budget preparation including calculation of tax levies, preparing assessment list/abstract, special assessment districts.
5. Assist in review of warrants and orders for payments issued by the county to determine whether they are legal obligations of the County, have been properly budgeted, and do not represent over payment to any payee or from any fund.
6. Assist County Auditor/Treasurer in the official record keeping process including taking minutes of County Commission and other meetings.
7. Serve as contact (liaison) for Banks, all Auditor/Treasurer software systems, online (web-based) programs.
8. Responsible for research, troubleshooting, and problem-solving processes for the technical programs and the overall Auditor/Treasurer's department.
9. Create property tax statements, courtesy notices (two time a year), estimate statements, taxation notices, in lieu of taxes, public utilities (electrical and transmission) distribution lines – verifying, reporting, and billing.
10. Process year-end entries, perform rollover and annual closing processes for connection groups.
11. Supervise, train, process timekeeping, monitor workload, evaluate performance, and provide assistance to staff in the department.
12. Assist with elections as directly by the Auditor/Treasurer.
13. Provide backup for telephone calls and assist the public.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 02-41410-533
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14. Perform other duties as required or assigned.

**Job Qualifications, Experience and Education**

1. Bachelor’s degree in finance, accounting, or business administration, five(5) years’ experience in accounting including banking and investing funds, and two (2) or more years supervisory experience, and/or an equivalent combination of education and experience.
2. Knowledge of state and local laws governing the assessment and collection of real estate taxes.
3. Knowledge of legal property descriptions and common property instruments such as warranty and quit claim deeds, death certificates, and plats.
4. Must possess excellent written and communication skills with eh ability to prepare clear, concise, and accurate reports, and maintain effective working relationships with the public and other employees.
5. Ability to perform day-to-day accounting operations, technical computer skills, sufficient in the implementation of an integrated financial management system, and problem solving and analytical skills, sufficient to identify problem areas.
6. Must have valid North Dakota drivers license with clean driving record.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment, repetitive motion, sitting, standing, lifting, and completing a variety of recurring activities independently.
2. Requires operation of specialized equipment such as a computer, adding machine, business machines, copiers, etc.
3. Mental demands require the ability to interpret and choose the appropriate work procedure from available choices and judgment to select the appropriate guidelines.

**Clarification Clause:**

This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Deputy Auditor/Treasurer position. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

Deputy Auditor/Treasurer		12 Job Description #: 02-41410-533 C44 O*NET Position #: 11-3031.01		DBM Ranking					
Percentage of Time (Annualized)		Percentage of Time (Annualized)		DBM Ranking					
Job Title:	Salary Grade:	DBM Rating:	Responsibilities:	Decisions Required (Programming, Interpretive, Process, Operational, Defined)	Frequency (Daily, Weekly, Monthly, Quarterly, Annually)	Percentage of time	BAND	GRADE	SUB GRADE CALCULATION
1	Supervise, schedule, train and evaluate staff in the Auditor/Treasurer area of the department and prepare and mail tax statements, entry of tax collections, and issuance of receipts.	60%				*	C	4	4
2	Manage and perform fund investment activities and monitor cash flow requirements of county including preparation of required reports, and apportioning various funds as proper districts and custodial accounts.	25%				*	C	4	4
3	Maintain periodic financial reports related to general ledger, accounting for special funds, tax collections, and investment of funds, assist with budget and mill levies.	15%				*	C	4	4
<b>Essential Duties:</b>									
1	Oversee the collection and recording of all county revenues; prepare and balance daily receipts and deposits of funds, prepare listing of all checks and cash, and reconciliation checking account(s) and periodic statements of bank accounts.			Process	Daily	*	C	1	375
2	Prepare needed data for annual audit, internal reports requests, maintain pledged securities.			Process	Annually	*	C	2	300
3	Serve as an active member of the Burleigh County Investment Committee.			Process	Monthly	*	C	2	300
4	Assist in the annual budget preparation including calculation of tax levels, preparing assessment list/abstract, special assessment districts.			Process	Annually	*	C	1	375
5	Assist in review of warrants and orders for payment issued by the county to determine whether they are legal obligations of the County, have been properly budgeted, and do not represent over payment to any payee or from any fund.			Process	As Needed	*	C	1	300
6	Assist County Auditor/Treasurer in the official record keeping process including taking minutes of County Commission and other meetings.			Process	As Needed	*	C	2	300
7	Serve as contact (liaison) for Banks, all Auditor-Treasurer software systems, online (web-based) programs.			Process	As Needed	*	C	1	300
8	Responsible for research and troubleshooting and problem solving processes for the technical programs and the overall department.			Process	As Needed	*	C	1	300
9	Create property tax statements, courtesy notices (two times a year), estimate statements, taxation notices, in lieu of taxes, public utilities (electrical and transmission) distribution lines - verifying, reporting, and billing.			Process	As Needed	*	C	1	300
10	Process year end entries, perform rollover and annual closing processes for connection groups.			Process	Annually	*	C	2	275
11	Supervise, train, process timekeeping, monitor workload, evaluate performance, and provide assistance to staff in the department.			Process	Daily	*	C	1	300
12	Assist with elections as directed by the Auditor/Treasurer.			Operational	As Needed	*	B	2	175
13	Provide backup for telephone calls and assist the public.			Defined	As Needed	*	A	2	100
14	Perform other duties as required or assigned.			Defined	As Needed	*	A	2	100
								Totals	3800
<b>Job Qualifications, Experience and Education</b>									
1	Bachelor's degree in Accounting and minimum of six (6) years of experience in computer based accounting functions with an emphasis in fund accounting and financial software applications.								
2	Knowledge of fund and cost accounting practices and procedures.								

- 3 Knowledge of automated financial systems and software applications.
- 4 Knowledge of application of accounting principles to the financial statements with the ability to analyze financial information and other related documents.
- 5 Knowledge of the Generally Accepted Accounting Principles (GAAP), and Governmental Accounting Standards Board statements and interpretations (GASB).
- 6 Ability to perform day-to-day accounting operations, technical computer skills sufficient in the implementation of an integrated financial management system, and problem solving and analytical skills sufficient to identify problem areas.
- 7 Ability to communicate verbally and in writing to establish and maintain effective working relationships with employees, other agencies and the public.
- 8 Ability to apply knowledge in developing and implementing countywide policy and procedures.
- 9 Ability to analyze and explain the impacts of authoritative standards and work with staff within the department and other departments to establish guidelines and implement policies, procedures and processes to assure compliance.

Wage Analysis						
Treasurers and Controllers	11-3031.01	Minimum	25%	Market	75%	Maximum
O-NET Research	Bismarck-Mandan Area	\$ 78,810.00	\$ 98,980.00	\$ 124,990.00	\$ 152,350.00	\$ 208,000.00
O-NET Research	North Dakota	\$ 76,350.00	\$ 95,990.00	\$ 125,730.00	\$ 162,110.00	\$ 206,590.00
O-NET Research	United States	\$ 77,040.00	\$ 99,620.00	\$ 131,710.00	\$ 191,860.00	\$ 208,000.00
Burleigh County Similar Jobs in Pay Grade 12						
County Recorder	Grade 11	\$ 67,912.00	\$ 75,358.40	\$ 84,739.20	\$ 94,952.00	\$ 105,123.20
Deputy Finance Director	Grade 12	\$ 71,988.80	\$ 79,892.80	\$ 89,814.40	\$ 100,651.20	\$ 111,425.60
Deputy Auditor/Tax Equalization Director	Grade 13	\$ 75,587.20	\$ 83,886.40	\$ 94,307.20	\$ 105,684.80	\$ 117,000.00

Chief Deputy- Auditors Office			
	Budget Low	Budget High	Budget Average
Burleigh County	\$ 77,563.00	\$ 77,563.00	\$ 77,563.00
Cass County	\$ -	\$ -	\$ -
Grand Forks County	\$ 62,192.00	\$ 62,192.00	\$ 62,192.00
Morton County	\$ -	\$ -	\$ -
Stark County	\$ 62,400.00	\$ 62,400.00	\$ 62,400.00
Ward County	\$ 70,548.00	\$ 70,548.00	\$ 70,548.00
Williams County	\$ 51,979.00	\$ 51,979.00	\$ 51,979.00
Averages	\$ 46,383.14	\$ 46,383.14	\$ 46,383.14

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023 <b>Job Description #</b> 05-41410-502
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**Employee:** \_\_\_\_\_  
**Job Title:** Executive Assistant – Elections Coordinator

**Location:** Bismarck  
**Department:** Auditor/Treasurer/Tax Equalization  
**Reports to:** Auditor/Treasurer/Tax  
**DBM Rating:** C41

**Job Status:** Exempt  
**Salary Grade:** 9

**Job Summary:** Under the supervision of the Auditor/Treasurer, is responsible for the high-level administrative duties for the Auditor/Treasurer and the Burleigh County Commission. Assist the Auditor/Treasurer in all aspects of the election process. Perform other projects required by the Auditor/Treasurer/Tax Equalization department.

**Responsibilities:**

- 50 % time      1. Assist the Auditor/Treasurer with complex administrative tasks for administration of elections and real property taxation.
- 30 % time      2. Assist the Auditor/Treasurer/Tax Equalization Department with high-level administrative duties and project coordination for both the office and the Burleigh County Commission.
- 20 % time      3. Provide administrative support for Burleigh County Commission and various county auxiliary boards including preparation and dissemination of agendas, minutes, and correspondence, calendar, and meeting schedules.

**Essential Job Duties:**

1. Under the guidance of the Auditor/Treasurer; research develop and provide recommendations and resolutions for the election administration process and other processes for the Auditor/Treasurer/Tax Equalization Department and the Burleigh County Commission.
2. Responsible for the development and coordination of Requests for Proposal (RFP) and coordinating bulk mailings with the USPS according to federal regulations and guidelines and with mailing house operations in data transfer for tax statements and elections.
3. Responsible for coordinating the Auditor/Treasurer/Tax Equalization Department internal calendar of duties and projects to be completed by the department.
4. Coordinate maintenance and repair/replacement of office equipment (copy machine, communication devices). Coordinate with IT on repair/replacement of computer equipment and new user setup (authorities, email, passwords) for the Auditor/Treasurer/Tax Department.
5. Provide confidential administrative support for the Auditor/Treasurer and Burleigh County Commission by preparing and coordinating various meetings, meeting arrangements, materials, agendas, and minutes.
6. Serve as one of the contact people for all website content and updates to the website for the department and the county commission.
7. In coordination with the Auditor/Treasurer; administer the election process and all policies and procedures that fall under the election process.
8. Assist the Auditor/Treasurer with the development of an annual election budget and monitor the election administration to the media, public, and other government agencies.
9. Assist the Auditor/Treasurer with any outreach and education regarding voting, voting processes, and election administration to the media, public, and other government agencies.
10. In coordination with the Auditor/Treasurer review all appropriate correspondence issued by the Secretary of State's office and act as required.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023 <b>Job Description #</b> 05-41410-502
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11. In coordination with the Auditor/Treasurer, develop the test programs and test procedures to verify the logic and accuracy of each ballot style used prior to each election.
12. In coordination with the Auditor/Treasurer; is responsible for the recruitment and training of election workers.
13. Provide backup as needed for telephone calls, assist members of the public, collect tax payments, issue receipts, and perform other general clerical duties.
14. Perform other duties as required or assigned.

**Job Qualifications, Experience and Education**

1. Associate degree required with coursework in office support, business, or education and five (5) years of experience in high-level administrative support duties that include participation in the development, or modification, of major projects or procedures; or an equivalent combination of education and experience such as a Bachelor degree and three (3) years of.
2. Requires knowledge of administrative processes, procedures, or methods, and work experience with considerable knowledge, skill, and ability in duties similar in type and complexity to those performed at this level.
3. Ability to handle multiple duties and priorities under limited supervision along with the ability to direct and motivate other employees.
4. Proficiency in the MS Office Suite of products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to this position.
5. Requires a high degree of written and/or verbal communication skills dealing with employees, clients, or the general public.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment, repetitive motion, sitting and standing.
2. Mental demands require the ability to analyze circumstances and interpret guidelines to select appropriate procedures, which provide analysis, recommendation, or advice used by others in making decisions.
3. Frequent use of PC Keyboard and monitor. Will include physical motions of finger dexterity for use of keyboard, and other office equipment.

**Clarification Clause:**

This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Executive Assistant related positions. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

Executive Assistant - Election Coordinator		DBM Ranking				
Job Title:	9 Job Description #: 05-41410-502					
Salary Grade:	C411 D*NET Position #: 43-6011.00					
DBM Rating:						
Responsibilities:	Percentage of Time (Annualized)					
1	Assist the Auditor/Treasurer with complex administrative tasks for administration of elections and real property taxation.			50%	C 4 1	
2	Assist the Auditor/Treasurer/Tax Equalization Department with high-level administrative duties and project coordination for both the office and the Burleigh County Commission.			30%	C 4 1	
3	Provide administrative support for Burleigh County Commission and various county auxiliary boards including preparation and dissemination of agendas, minutes, and correspondence, calendars, and meeting schedules.			20%	C 4 1	
Essential Duties:	Decisions Required (Programming, Interpretive, Process, Operational, Defined)	Frequency (Daily, Weekly, Monthly, Quarterly, Annually)	Percentage of time	BAND	GRADE	SUB GRADE CALCULATION
1	Under the guidance of the Auditor/Treasurer; research develop, and provide recommendations and resolutions for the election administration process and other processes for the Auditor/Treasurer/Tax Equalization Department and the Burleigh County Commission.	Process	*	C	2	300
2	Responsible for the development and coordination of Requests for Proposals (RFP), and coordinating bulk mailings with the USPS according to federal regulations and guidelines and with mailing house operations in data transfer for tax statements and elections.	Weekly	*	C	1	375
3	Responsible for coordinating the Auditor/Treasurer/Tax Equalization Department internal calendar of duties and projects to be completed by the department.	As Needed	*	B	2	200
4	Coordinate maintenance and repair/replacement of office equipment (copy machine, communication devices) Coordinate with IT on repair/replacement of computer equipment and new user setup (authorities, email, passwords) for the Auditor/Treasurer/Tax Department.	Operational	*	B	2	200
5	Provide confidential administrative support for the Auditor/Treasurer and Burleigh County Commission by preparing and coordinating various meetings, meeting arrangements, materials, agenda's and minutes.	Operational	*	B	2	200
6	Serve as one of the contact people for all website content and updates to the website for the department and the county commission.	Daily	*	B	2	200
7	In coordination with the Auditor/Treasurer; administrate the election process and all policies and procedures that fall under the election process.	Operational	*	C	1	375
8	Assist the Auditor/Treasurer with the development of an annual election budget and monitor the election budget for variances.	Biannually	*	C	1	375
9	Assist the Auditor/Treasurer with any outreach and education regarding voting, voting processes, and election administration to the media, public, and other government agencies.	Annully	*	C	1	375
10	In coordination with the Auditor/Treasurer review all appropriate correspondence issued by the Secretary of State's office and take action as required.	Operational	*	B	2	200

11	In coordination with the Auditor/Treasurer, develop the test programs and test procedures to verify the logic and accuracy of each voting system and the accuracy of each ballot style used prior to each election.	Process	*	C	2	300
12	In coordination with the Auditor/Treasurer; is responsible for the recruitment and training of election workers.	Operational	*	B	1	200
13	Provide backup as needed for telephone calls, assist members of the public, collect tax payments, issue receipts, and other perform other general clerical duties.	Defined	*	A	2	125
14	Perform other duties as required or assigned.	As Needed	*	A	2	125
		As Needed				3550

**Job Qualifications, Experience and Education**

- 1 Associates Degree with major coursework in office support, business or office education, five (5) years of work experience in high-level administrative support duties that includes participation in the development, or modification, of major projects or procedures; or an equivalent combination of education and experience. Work experience must reflect an ability to conduct research, provide analysis and interpretation, and prepare formal reports. Bachelor's Degree and (3) years experience would work as well.
- 2 Requires knowledge of administrative processes, procedures, or methods, and work experience with considerable knowledge, skills, and abilities in duties similar in type and complexity to those performed at this level.
- 3 Ability to handle multiple duties and priorities under limited supervision along with the ability to direct and motivate other employees.
- 4 Proficiency in the MS Office Suite of products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to this position.
- 5 Requires a high degree of written and verbal communication skills, dealing with the general public and other employees.

Wage Analysis						
Executive Secretaries & Executive Administrative Assistants	43-6011.00	Minimum	25%	Market	75%	Maximum
O-NET Research	Bismarck-Mandan Area	\$ 47,040.00	\$ 48,830.00	\$ 61,190.00	\$ 62,570.00	\$ 77,170.00
O-NET Research	North Dakota	\$ 38,150.00	\$ 48,200.00	\$ 60,360.00	\$ 62,800.00	\$ 78,020.00
O-NET Research	United States	\$ 38,620.00	\$ 48,720.00	\$ 62,060.00	\$ 78,110.00	\$ 98,280.00

Burling County Similar Jobs In Pay Grade 9	Step 1	Step 5	Step 9	Step 13	Step 17
Accountant I	\$ 60,444.80	\$ 67,080.00	\$ 75,420.80	\$ 84,510.40	\$ 93,558.40
Account Manager	\$ 57,012.80	\$ 63,273.60	\$ 71,156.80	\$ 79,726.40	\$ 88,254.40
Investigator	\$ 52,790.40	\$ 58,593.60	\$ 65,873.60	\$ 73,819.20	\$ 81,723.20

Election Coordinator	Budget Low	Budget High	Budget Average
	\$ 70,990.00	\$ 70,990.00	\$ 70,990.00
Burling County	\$ 71,816.00	\$ 71,816.00	\$ 71,816.00
Cass County	\$ 49,483.00	\$ 49,483.00	\$ 49,483.00
Morton County	\$ 49,483.00	\$ 49,483.00	\$ 49,483.00

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description Number:</b> 01-41410-016
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**Employee:** \_\_\_\_\_  
**Job Title:** Auditor/Treasurer/Tax

**Location:** Bismarck  
**Department:** Auditor/Treasurer/Tax  
Equalization  
**Reports to:** Electorate  
**DBM Rating:** D63

**Job Status:** Elected  
**Salary Grade:** 16

**Job Summary:** As a duly elected official, is responsible for duties as Auditor and Treasurer outlined in North Dakota Century Code, Chapter 11-13 and 11-14, and oversee duties of the Tax Equalization division outlined in N.D.C.C., Chapter 11-10, and provide complete, concise, accurate, and timely information and comprehensive services to the citizens of Burleigh County as requested, and to provide information and support services to elected officials and staff so they may perform their identified duties and responsibilities.

**Responsibilities:**

- 40 % time      1. Responsible for the management of the offices of Auditor, Treasurer and Tax Equalization.
- 30 % time      2. Act as Chief Financial Officer, in cooperation with the County Finance Director, responsible for providing accurate financial information and comprehensive services to Elected Officials, County staff, and the public.
- 10 % time      3. Responsible for serving as Chief Election officer for the County, managing all aspects of an election, to make out and deliver notices of general and special elections.
- 10 % time      4. Responsible for managing meetings and coordinating with other agencies, act as clerk of the Board of County Commissioners and keep an accurate record of official proceedings of the Board.
- 10 % time      5. Preserve and keep all documents, books, records, maps, and other papers necessary to transact County Business.

**Essential Job Duties:**

1. Perform all responsibilities of Auditor and Treasurer outlined in North Dakota Century Code Chapters 11-13 and 11-14 and oversee certain responsibilities of the Tax Equalization office in accordance with North Dakota Century code, Chapter 11-10.
2. Act as clerk of the Board of County Commissioners and keep an accurate record of the official proceedings of the board.
3. Act as Chief Financial Officer for the County and in cooperation with the Finance Director, and Deputy Finance Director, keep complete and detailed records of all financial transactions, and prepare the annual financial statement of the County.
4. File and preserve all accounts, documents, books, records, maps, vouchers, and other papers pertaining to the settlement of all accounts to which the County is a party, and such copies under the hand and seal of the Auditor shall be admitted as evidence in all courts in the state.
5. As Chief Election Officer for the County, perform all acts required of the auditor relative to the making out and delivering of notices of general and special elections, making abstracts of and canvassing votes cast at election, issues certificates of election and forward the abstracts of and canvassing votes cast as election, issue certificates of election and forward the abstract of votes cast to the Secretary of State.
6. Prepare operating budget for combined department, and annual budget for the county, including calculation of tax mill levies, and prepare assessment list/abstract and tax abstract.



**Burleigh County, North  
Dakota**

**Last Date Revised:**  
04/17/2023

**Job Description Number:**  
01-41410-016

**Job Description**

7. Manage the combined offices of Auditor/Treasurer/Tax and hire, train, supervise, and evaluate the performance of Deputy Auditor/Treasurer, Executive Assistant – Elections Coordinator, and Deputy Auditor/Tax Equalization Director. And in conjunction with the Finance Director, the Deputy Finance Director.
8. Act as advisor for other County governing boards such as County Planning Commission, County Board of Health, Water Management Board, Weed Control Board, Park Board, Special Assessment Commission, etc., and keep the community informed of the direction of the County by communicating with the media, community officials, and the general public.
9. Act as the custodian for the unorganized township records.
10. Perform other duties as required or assigned.

**Job Qualifications, Experience and Education**

1. Must be duly elected by the citizens of Burleigh County. Bachelor’s or Master’s Degree in Public Administration, Business Administration or Accounting would be beneficial.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment. Will include physical motions of finger dexterity for frequent use of PC keyboard and monitor, sitting and standing motions.
2. Often works in high-stress situations. Often works irregular schedules. Must be able to work through stressful times with high customer counts.

**Clarification Clause:**

This is an elected position and as such, is subject to election rules. This position is subject to the North Dakota Century Code, Chapter 11-13 and 11-14 rules and regulations. This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in performing the duties related to the Auditor/Treasurer/Tax position. The job description is not a contract. The County reserves the right to change the job description as long as it follows N.D.C.C. 11-13 and 11-14.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

Auditor/Treasurer/Tax						
Job Title:	16 Job Description #: 01-41410-016					
Salary Grade:	D63 O*NET Position #: 11-3031.01					
DBM Rating:	DBM Ranking					
Responsibilities:	Percentage of Time (Annualized)					
	Decisions Required (Programming, Interpretive, Process, Operational, Defined)	Frequency (Daily, Weekly, Monthly, Quarterly, Annually)	Percentage of time	BAND	GRADE	SUB GRADE CALCULATION
1 Responsible for the management of the offices of Auditor, Treasurer, and Tax Equalization.			40%	D	6	3
2 Act as Chief Financial Officer, in cooperation with the County Finance Director, responsible for providing accurate financial information and comprehensive services to Elected Officials, County staff, and the public.			30%	D	6	3
3 Responsible for serving as Chief Election Officer for the County, managing all aspects of an election, to make out and deliver notices of general and special elections.			10%	D	6	3
4 Responsible for managing meetings and coordinating with other agencies, act as clerk of the Board of County Commissioners and keep an accurate record of official proceedings of the Board.			10%	D	6	3
5 Preserve and keep all documents, books, records, maps, and other papers necessary to transact County Business.			10%	D	6	3
<b>Essential Duties:</b>						
1 Perform all responsibilities of Auditor and Treasurer outlined in North Dakota Century Code (NDCC) Chapters 11-13 and 11-14, and oversee certain responsibilities of the Tax Equalization office in accordance with NDCC, Chapter 11-10.	Interpretive	Daily	*	D	1	500
2 Act as clerk of the Board of County Commissioners and keep an accurate record of the official proceedings of the board.	Process	Bi-weekly	*	C	2	300
3 Act as Chief Financial Officer for the County and in cooperation with the Finance Director, keep complete and detailed records of all financial transactions, and prepare the annual financial statement of the County.	Interpretive	Daily	*	D	1	500
4 File and preserve all accounts, documents, books, records, maps, vouchers, and other papers pertaining to the settlement of all accounts, to which the County is a party, and such copies under the hand and seal of the Auditor shall be admitted as evidence in all courts in the state.	Interpretive	Daily	*	D	1	500
5 As Chief Election Officer for the County, perform all acts required of the auditor relative to the making out and delivering of notices of general and special elections, making abstracts of and canvassing votes cast at election, issues certificates of election and forward the abstract of votes to the Secretary of State.	Interpretive	As needed	*	D	1	500
6 Prepare operating budget for combined department, and annual budget for the county, including calculation of tax mill levies, and prepare assessment list/abstract and tax abstract.	Interpretive	Quarterly & Annually	*	D	1	500
7 Manage the combined offices of Auditor and Treasurer and Tax equalization, and hire, train, supervise, and evaluate the performance of Deputy Auditor/Treasurer, Executive Assistant - Elections Coordinator, and Deputy Auditor/Tax Equalization Director. And in conjunction with the Finance Director, the Deputy Finance Director.	Interpretive	As needed	*	D	1	500



	<p align="center"><b>Burleigh County, North Dakota</b></p> <p align="center"><b>Job Description</b></p>	<p><b>Last Date Revised:</b> 11/17/2022</p> <p><b>Job Description #</b> 04-41110-680</p>
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**Employee:** \_\_\_\_\_  
**Job Title:** Deputy Finance Director  
**Job Status:** Exempt (Appointed)

**Salary Grade:** 12

**Location:** Bismarck  
**Department:** Finance  
**Reports to:** Commission &  
Auditor/Treasurer/Tax  
**DBM Rating:** C44/C51

**Job Summary:** Under the supervision of the Finance Director, is responsible for assisting in the completion of complex administrative duties coordinating the accounting and budgetary operations of the County. Assists the Finance Director with comptroller responsibilities and financial inquiries from department heads and the general public.

**Responsibilities:**

- 55 % time      1. Manage and perform complex administrative duties and professional work in coordinating the accounting and budgetary operations of the County, acting as assistant comptroller, overseeing all revenue and expenditures for the County.
- 20 % time      2. Responsible for computing mill levies for all taxing districts in the County in accordance with state statute, prepare tax abstracts for the state and prepare financial data/information for the State Legislature.
- 25 % time      3. Responsible for assisting department heads in preparation and review of annual budgets, review purchase orders, and journal entries, maintain procedures for accounting processes, internal audits, and internal controls.

**Essential Job Duties:**

1. Assist the Finance Director with the County budget preparation including reviewing preliminary department budgets and compiling combined budget. Works with the Finance Director and Auditor/Treasurer in conducting budgetary hearings. Assists with final budget preparation and communication.
2. Prepare County Budget variance reports on a monthly basis and distribute to appropriate elected officials, department heads, and general public.
3. Prepare and monitor journal entries, purchase orders, tax abstracts for the state, and review bank statement reconciliations as directed.
4. Assist in the annual budget preparation including calculation of tax levies and preparing assessment list/abstract and tax abstract.
5. Responsible for the administration of the County's liability insurance policies to include claims filing and monitoring.
6. Prepare and process end-of-year adjusting entries and schedule for annual audit; assist in the preparation of annual financial statements; assist with audit preparation and implementation of necessary recommendations for internal controls and/or other needed revisions.
7. Assist with the administration and monitoring for federal grant programs. This includes the research and interpretation of federal and state regulations.
8. Preparation of presentations, records, and reports such as flow charts/diagrams, statistical analyses, tax reports, budget reports, federal and state reports.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 11/17/2022  <b>Job Description #</b> 04-41110-680
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9. Serve as backup to the Financial Director in the preparation of finance items for the Commissioner meetings.
10. Perform responsibilities in a manner that clearly shows effective communication and cooperation and that promotes open exchange of information, respect, high ethical standards, and professionalism.
11. Perform other duties as required and/or assigned.

**Job Qualifications, Experience and Education**

1. Bachelor's Degree with major coursework in accounting or business administration or related field and three years related experience in tax or appraisal work, and/or an equivalent combination of education and experience.
2. Knowledge of state and local laws governing the assessment and collection of real estate taxes.
3. Must have the ability to design, prepare and present complex budget and computerized accounting systems.
4. Must possess excellent communication skills to establish and maintain effective working relationships with County officials and employees, and the general public.
5. Must possess computer skills with proficiency in MS Excel. Must have the ability to plan, organize and supervise the work of others, and analyze, interpret, and prepare reports and records.
6. Must have valid North Dakota drivers license with clean driving record.
7. Applicants will be subject to a standard post offer background and criminal records check.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment. Will include physical motions of finger dexterity for use of keyboard, sitting and standing motions.
2. May endure high levels of stress while preparing budget, establishing mill levies, working with tenants, and ensuring expenditures do not exceed budget.
3. May travel and be exposed to extremes of weather when going on location to attend meetings or attend finance duties.

**Clarification Clause:**

This is an appointed position and is subject to reappointment by the Board of County Commissioners on an annual basis. This job description is not intended and should not be construed to be a complete list of all skills, duties, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Deputy Finance Director position. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

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**Employee Signature**

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**Date**

Deputy Finance Director		12 Job Description #: 04-41110-680	DBM Ranking		
Salary Grade: C44		O*NET Position #: 11-3031.01			
Responsibilities:		Percentage of Time (Annualized)	BAND	GRADE	SUB GRADE CALCULATION
1	Manage and perform complex administrative duties and professional work in coordinating the accounting and budgetary operations of the County.	55%	C	4	4
2	Responsible for assisting department heads in preparation and review of annual budgets, review purchase orders, and journal entries, maintain procedures for accounting processes, internal audits, and internal controls.	20%	C	4	4
3	Responsible for computing mill levies for all taxing districts in the County in accordance with state statute, prepare tax abstracts for the state and prepare financial data/information for the State Legislature.	25%	C	4	4
	<b>Essential Duties:</b>				
1	Assist the Finance Director with the County budget preparation including reviewing preliminary department budgets and compiling combined budget. Works with Finance Director and Auditor/Treasurer in conducting budgetary hearings. Assist with final budget preparation and communication.		C	1	375
2	Prepare County Budget variance reports on a monthly basis and distribute to appropriate elected officials, department heads, and general public.		C	1	375
3	Prepare and monitor journal entries, purchase orders, abstracts for the state, and review bank statement reconciliations as directed.		C	1	375
4	Assist in annual budget preparation including calculation of tax levies and preparing assessment list/abstract and tax abstract.		C	1	375
5	Responsible for the administration of the County's liability insurance policies to include claims filing and monitoring.		B	2	250
6	Prepare and process end-of-year adjusting entries and schedule for annual audit; assist in the preparation of annual financial statements; assist with audit preparation and implementation of necessary recommendations for internal controls and/or other needed revisions.		B	2	250
7	Assist with the administration and monitoring for federal grant programs. This includes the research and interpretation of federal and state regulations.		C	1	375
8	Preparation of presentations, records, and reports such as flow charts/diagrams, statistical analysis, tax reports, budget reports, federal and state reports.		C	1	375
9	Serve as backup to the Finance Director in the preparation of finance items for the County Commission meetings.		C	1	375
10	Perform responsibilities in a manner that clearly shows effective communication and cooperation and that promotes open exchange of information, respect, high ethical standards, and professionalism.		C	1	375
11	Perform other duties as required and/or assigned.		A	2	100
<b>Job Qualifications, Experience and Education</b>			Totals		3600
1	Bachelor's Degree with major coursework in accounting or business administration or related field and three years related experience in tax or appraisal work, and/or an equivalent combination of education and experience.				
2	Knowledge of state and local laws governing the assessment and collection of real estate taxes.				

- 3 Must have the ability to design, prepare and present complex budget and computerized accounting systems.
- 4 Must possess excellent communication skills to establish and maintain effective working relationships with County officials and employees, and the general public.
- 5 Ability to perform day-to-day accounting operations, technical computer skills sufficient in the implementation of an integrated financial management system, and problem solving and analytical skills sufficient to identify problem areas.

Wage Analysis						
Treasurers and Controllers	11-9031.01	Minimum	25%	Market	75%	Maximum
O-NET Research	Bismarck-Mandan Area	\$ 78,810.00	\$ 98,980.00	\$ 124,990.00	\$ 152,350.00	\$ 208,000.00
O-NET Research	North Dakota	\$ 76,350.00	\$ 95,990.00	\$ 125,730.00	\$ 162,110.00	\$ 206,590.00
O-NET Research	United States	\$ 77,040.00	\$ 99,620.00	\$ 131,710.00	\$ 191,860.00	\$ 208,000.00

Burleigh County Similar Jobs in Pay Grade 12						
	Step 1	Step 5	Step 9	Step 13	Step 17	
County Recorder	\$ 67,912.00	\$ 75,358.40	\$ 84,739.20	\$ 94,952.00	\$ 105,123.20	
Deputy Auditor/Treasurer	\$ 71,988.80	\$ 79,892.80	\$ 89,814.40	\$ 100,651.20	\$ 111,425.60	
Deputy Auditor/Tax Equalization Director	\$ 75,587.20	\$ 83,886.40	\$ 94,307.20	\$ 105,684.80	\$ 117,000.00	

Chief Deputy- Auditor's Office			
	Budget Low	Budget High	Budget Average
Burleigh County	\$ 77,563.00	\$ 77,563.00	\$ 77,563.00
Cass County	\$ -	\$ -	\$ -
Grand Forks County	\$ 62,192.00	\$ 62,192.00	\$ 62,192.00
Morton County	\$ -	\$ -	\$ -
Stark County	\$ 62,400.00	\$ 62,400.00	\$ 62,400.00
Ward County	\$ 70,548.00	\$ 70,548.00	\$ 70,548.00
Williams County	\$ 51,979.00	\$ 51,979.00	\$ 51,979.00
Averages	\$ 46,383.14	\$ 46,383.14	\$ 46,383.14

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 03-41110-061
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**Employee:** \_\_\_\_\_  
**Job Title:** Finance Director  
**Job Status:** Exempt (Appointed)  
**Salary Grade:** 16

**Location:** Bismarck  
**Department:** Finance  
**Reports to:** Board of Commissioners  
**DBM Rating:** D63

**Job Summary:** Under supervision of the Board of County Commissioners, performs complex administrative duties directing the accounting and budgetary operations of the County acting as comptroller in charge of revenue and expenditures.

**Responsibilities:**

- 40 % time      1. Responsible for performing complex administrative duties and professional work in directing the accounting and budgetary operations of the County, acting as comptroller overseeing all revenue and expenditures for the County.
- 20 % time      2. Responsible for computing mill levies for all taxing districts in the County in accordance with state statute, prepare tax abstracts for the state and prepare financial data/information for the State Legislature.
- 25 % time      3. Responsible for assisting department heads in preparation and review of annual budgets, review purchase orders, and journal entries, develop and implement accounting techniques, internal auditing, and internal controls.
- 10 % time      4. Responsible for creating, implementing, monitoring for effectiveness, policies and procedures that pertain to the County's finances. Auditing the polices and procedures to ensure continued relevancy, compliance, and internal control systems are in place.
- 5 % time        5. Responsible for ensuring the Board of County Commissioners have timely updates on all financial activities including the annual audit, final budget communication and budget variance reporting. Provide Supervision for staffs in the finance department.

**Essential Job Duties:**

1. Oversee County budget preparation including reviewing preliminary department budgets and compiling combined budget. Works with Auditor/Treasurer in conducting budgetary hearings. Prepare final budget allocation. Review and monitor adherence to budget.
2. Advise County Commissioners and Department Heads on financial issues and assist with reviewing budgets and financial audits; attend Commission meetings.
3. Prepare and review journal entries, purchase orders, tax abstracts for the state, and review bank statement reconciliations.
4. Oversee the computation of mill levies for all taxing districts in the County in accordance with state statutes.
5. Prepare financial data and information for State Legislators, compile data for County Auditor's Certificate of Indebtedness, and administer the County's liability insurance policies.
6. Prepare, review end-of-year adjusting entries and schedule for annual audit; prepare annual financial statements; schedule audit and work with auditors; draft the annual financial report including footnotes for audit; review audit results and implement necessary recommended internal controls and/or other revisions.
7. Administer federal grants adhering to all regulations, research, and ensure compliance with policies and practices that pertain to the different types of grants.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 03-41110-061
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8. Advise the Board of Commissioners on financial condition of the County, prepare a wide variety of presentations, records, and reports such as flow charts/diagrams, statistical analyses, tax reports, budget reports, federal and state financial reports, payment requests, year-end report schedules, user fees, etc.
9. Develop and recommend financial policies and procedures; prepares financial agenda items for Commissioner meetings.
10. Perform responsibilities in a manner that clearly shows effective communication and cooperation and that promotes open exchange of information, respect, high ethical standards, and professionalism.
11. Provide general supervision for staff in the finance department.
12. Perform other related duties as required or assigned.

**Job Qualifications, Experience and Education**

1. Bachelor’s Degree in Accounting, Business Administration, or related field; must be a Certified Public Accountant and have 3-5 years’ experience in a similar position with general knowledge of accounting techniques, laws, and regulations pertaining to governmental accounting practice.
2. Must have the ability to design, prepare and present complex budget and computerized accounting systems.
3. Must possess excellent communication skills to establish and maintain effective working relationships with County officials and employees, and the general public.
4. Must possess computer skills with proficiency in MS Excel.
5. Must have the ability to plan, organize and supervise the work of others, and analyze, interpret, and prepare reports and records.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment. Will include physical motions of finger dexterity for use of keyboard, sitting and standing motions.
2. May endure high levels of stress while preparing budget, establishing mill levies, working with tenants, and ensuring expenditures do not exceed budget.

**Clarification Clause:**

This is an appointed position and is subject to reappointment by the Board of County Commissioners on an annual basis. This job description is not intended and should not be construed to be a complete list of all skills, duties, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Finance Director position. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Job Title: Salary Grade: DBM Rating:		Finance Director Exempt (Appointed)		Vacant		16 Job Description #: 03-41110-061 D63 O*NET Position #: 11-3031.01		DBM/Ranking	
Responsibilities:		Percentage of Time (Annualized)		Frequency (Daily, Weekly, Monthly, Quarterly, Annually)		Percentage of time		BAND GRADE SUB GRADE CALCULATION	
Responsible for performing complex administrative duties and professional work in directing the accounting and budgetary operations of the County, acting as comptroller overseeing all revenue and expenditures for the County.		40%				*		D 6 3	
1 Responsible for computing mill levies for all taxing districts in the County in accordance with state statute, prepare tax abstracts for the state and prepare financial data/infoarmiton for the State legislature.		20%						D 6 3	
2 Responsible for assisting departemnt heads in preparation and review of annual budgets, review purchase orders, and journal entries, develop and implement accounting techniques, internal auditing, and internal controls.		25%						D 6 3	
3 Responsible for creating, implementing, monitoring for effectiveness, policies and procedures that pertain to the Ocuty's finances. Auditing the policies and procedures to ensure continues relevancy, compliance, and internal control systems are in place.		10%						D 6 3	
4 Responsible for ensuring the Board of County Commissioners have timely updates on all financial activities including the annual audit, final budget communication and budget variance reporting. Provide supervision for staff in the finance department.		5%						D 6 3	
5									
<b>Essential Duties:</b>		Decisions Required (Programming, Interpretive, Process, Operational, Defined)		Frequency (Daily, Weekly, Monthly, Quarterly, Annually)		Percentage of time		BAND GRADE SUB GRADE CALCULATION	
Oversee County budget preparation including reviewing preliminary department budgets and compiling combined budget. Works with Auditor/Treasurer in conducting budgetary hearings. Prepare final budget allocation. Review and monitor adherence to budget.		Interpretive		Daily		*		D 1 500	
1 Advise County Commissioners and Department Heads on financial issues and assist with reviewing budgets and financial audits; attend Commission meetings.		Interpretive		Daily		*		D 1 500	
2 Prepare and review journal entries, purchase orders, tax abstracts for the state, and review bank statement reconciliations.		Operational		Daily		*		C 2 300	
3 Oversee the computation of mill levies for all taxing districts in the County in accordance with state statutes.		Interpretive		Annually		*		D 1 500	
4 Prepare financial data and information for State Legislators, compile data for County Auditor's Certificate of Indebtedness, and administer the County's liability insurance policies.		Interpretive		Annually		*		D 1 500	
5 Prepare, review end-of-year adjusting entries and schedule for audit; prepare annual financial statements; schedule audit and work with auditor; draft the annual financial report including footnotes for audit; review audit results and implement necessary recommended internal controls and/or other revisions.		Operational		Annually		*		C 2 300	
6 Administer federal grants adhering to all regulations, research, and ensure compliance with policies and practices that pertain to the different types of grants.		Interpretive		As needed		*		D 1 500	
7 Advise the Board of Commissioners on financial condition of the County, prepare a wide variety of presentations, records, and reports such a flow charts/diagrams, statistical analyses, tax reports, budget reports, federal and state financial reports, payment requests, year-end report, schedules, user fees, etc.		Interpretive		Quarterly, Annually		*		D 1 500	
8									

9	Develop and recommend financial policies and procedures; prepares financial agenda items for Commission meetings.	Interpretive	As Needed	*	D	1	500	
10	Perform responsibilities in a manner that clearly shows effective communication and cooperation and that promotes open exchange of information, respect, high ethical standards, and professionalism.	Interpretive	Daily	*	D	2	400	
11	Provide general supervision for staff in the finance department. Perform other related duties as required and/or assigned.	Operational	Daily	*	C	2	300	
12		Defined	As needed	*	A	1	100	
							Totals	4900

**Job Qualifications, Experience and Education**  
Bachelor's Degree in Accounting, Business Administration, or related field; must be a Certified Public Accountant and have three (3) to five(5) years' experience in a similar position with general knowledge of accounting techniques, laws, and regulations pertaining to governmental accounting practice.

1 Must have the ability to design, prepare, and present complex budget and computerized accounting systems.

2 Must possess excellent communication skills to establish and maintain effective working relationships with County officials and employees, and the general public.

3 Must possess computer skills with proficiency in MS Office Suite, especially MS Excel and MS Word.

4 Must have the ability to plan, organize, and supervise the work of others, and analyze, interpret, and prepare reports and records.

Wage Analysis		Minimum	25%	Market	75%	Maximum
<b>Finance Managers</b>	<b>11-3031.00</b>					
O-NET Research	Bismarck-Mandan Area	\$ 78,810.00	\$ 98,980.00	\$ 124,990.00	\$ 152,350.00	\$ 208,000.00
O-NET Research	North Dakota	\$ 76,350.00	\$ 95,990.00	\$ 125,730.00	\$ 162,110.00	\$ 206,590.00
O-NET Research	United States	\$ 77,040.00	\$ 99,620.00	\$ 131,710.00	\$ 191,860.00	\$ 208,000.00

Burling County Similar Jobs in Pay Grade 16		Step 1	Step 5	Step 9	Step 13	Step 17
Auditor/Treasurer/Tax						
	Burling County Pay Grade	\$ 83,324.80	\$ 92,476.80	\$ 103,979.20	\$ 116,521.60	\$ 129,001.60
	Grade 15	\$ 87,505.60	\$ 97,094.40	\$ 109,179.20	\$ 122,345.60	\$ 135,449.60
	Grade 16	\$ 91,873.60	\$ 101,961.60	\$ 114,628.80	\$ 128,460.80	\$ 142,209.60
	Grade 17					

Finance Director	NDASCO Salary Survey Reports	Budget Low	Budget High	Budget Average
	Burling County	\$ 89,378.00	\$ 89,378.00	\$ 89,378.00
	Cass County	\$ 117,268.00	\$ 117,268.00	\$ 117,268.00
	Grand Forks County	\$ 125,354.00	\$ 125,354.00	\$ 125,354.00
	Morton County	\$ 97,698.00	\$ 97,698.00	\$ 97,698.00
	Stark County	\$ 85,000.00	\$ 85,000.00	\$ 85,000.00
	Ward County	\$ 106,581.00	\$ 106,581.00	\$ 106,581.00
	Williams County	\$ 111,852.00	\$ 111,852.00	\$ 111,852.00
	Averages	\$ 104,733.00	\$ 104,733.00	\$ 104,733.00

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 03-41420-431
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**Employee:** \_\_\_\_\_  
**Job Title:** Appraiser I  
**Job Status:** Non-Exempt  
**Salary Grade:** 5

**Location:** Bismarck  
**Department:** Auditor/Treasurer/Tax  
**Reports to:** Deputy Auditor/Tax Equalization Director  
**DBM Rating:** B22

**Job Summary:** Under supervision of the Deputy Auditor/Tax Equalization Director, is responsible for performing routine technical appraisals of commercial, residential, manufactured, and agricultural property to determine value for tax assessment purposes.

**Responsibilities:**

- 50 % time     1. Provide technical support documenting tax findings, property assessments, preparing reports from records, inputting data for preparation of manufactured home tax statements, and performing other clerical duties including customer service.
- 20 % time     2. Provide assistance to the Deputy Auditor/Tax Equalization Director with building appraisal and assessment.
- 15 % time     3. Compile and maintain documentation to substantiate transactions, balance, and reconcile accounts, search records, complete and process applications, prepare other documentation.
- 15 % time     4. Provide assistance by inspecting properties and recording statistical information on such properties.

**Essential Job Duties:**

1. Receive and refer telephone calls, assist members of the public, create tax estimates for County properties and mobile homes, receive payments, complete and process various applications and documents, assist with elections, and other general clerical duties.
2. Participate in building appraisal and assessment work by inspecting and measuring buildings to determine the proper classification of the structure; sketch an outline of the structure.
3. Participate in land appraisal and assessment work by inspecting properties to record the type of property, improvements, area measurements and related information necessary for value determination.
4. Transfer information from source documents such as reports and statements to permanent records such as real and manufactured home records, deeds, property assessment roles, etc.
5. Track and maintain records on all sales, deed transfers, building permits, and two-year tax exemptions on systems that can be used by county employees as well as other appraisers, and the general public looking for general sales information.
6. Calculate taxes on new construction and prepare tax estimates for abstractors, lenders, realtors, and owners.
7. Maintain manufactured homes master files, audits of each mobile home court at last twice a year in person to ensure each park follows North Dakota Century Code (NDCC), create mobile home tax bills, prepare abatements as necessary for County properties and mobile homes, create and maintain the three (3) year delinquent tax list for the Sheriff's Department, and assist with the collection of taxes on manufactured homes.
8. Assist with real property and mobile home tax inquiries, senior citizen exemptions, moving permits, and name changes.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 03-41420-431
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9. Assist the public with locating information needed for tax assessment, sales, and other documentation needed for real estate transactions.
10. Perform clerical duties such as answering phones, documenting information, maintaining files, assist in elections, and assist with the public.
11. Assist citizens of the county and mobile homeowners with Homestead Credit Applications and Disabled Veteran Credits (either in the office or in their home), maintain database for Homestead Credits and Disabled Veteran Credits for the County, and enter all City Homestead and Disabled Veteran Credits in taxwise.
12. Perform other duties as required or assigned.

**Job Qualifications, Experience and Education**

1. Associate Degree or two (2) years of technical trade school with course work in accounting, cost estimating, construction trades, architectural drafting, or related, field, and one (1) to three (3) years related tax or appraisal work experience. And/or an equivalent combination of education and experience.
2. Must have knowledge of modern building methods and/or appraisal techniques for tax assessment purposes; the ability to read land descriptions and to locate a property from a map; ability to understand and work from building plans and blueprints.
3. Must have knowledge of the laws, regulations, policies, rules, and procedures governing the conduct of the Department of Tax Equalization and counties.
4. Requires the ability to establish and maintain effective working relationships with the public and other employees.
5. Proficiency in the MS Office Suite of products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to this position.
6. Must obtain a current assessor’s certificate issued by the North Dakota State Supervisor of Assessment within two (2) years of hiring.
7. Must have a valid North Dakota driver’s license with a clean driving record.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment. Will include physical motions of finger dexterity for frequent use of PC keyboard, Sitting and standing motions.
2. Some travel may be required. Exposure to elements of varied weather conditions may be encountered when responding to emergencies.
3. Frequent use of PC keyboard and monitor.

**Clarification Clause:**

This is an appointed position and is subject to reappointment by the Board of County Commissioners on an annual basis. This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining Tax Appraiser I related position. The job description is not a contract. Burleigh County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

Tax Appraiser I				5 Job Description #: 03-41420-432		DBM Ranking			
				B22 O*NET Position #: 13-2023.00					
				Percentage of Time (Annualized)					
Job Title:	Salary Grade:	DBM Rating:	Responsibilities:	Decisions Required (Programming, Interpretive, Process, Operational, Defined)	Frequency (Daily, Weekly, Monthly, Quarterly, Annually)	Percentage of time	CAT 1	CAT 2	CAT 3
1			Provide technical support documenting tax findings, property assessments, preparing reports from records, inputting data for preparation of manufactured home tax statements and performing other clerical duties including customer service.	Operational	Daily	50%	B	2	2
2			Provide assistance to the Deputy Auditor/Tax Equalization Director with building appraisal and assessment.	Operational	Annually	20%	B	2	2
3			Compile and maintain documentation to substantiate transactions, balance, and reconcile accounts, search records, complete and process applications, prepare other documentation.	Operational	As Needed	15%	B	2	2
4			Provide assistance by inspecting properties and recording statistical information on such properties.	Operational	Daily	15%	B	2	2
			<b>Essential Duties:</b>				CAT 1	CAT 2	CAT 3
1			Receive and refer telephone calls, assist members of the public, create tax estimates for County properties and mobile homes, receive payments, complete and process various applications and documents, assist with elections, and other general clerical duties.	Defined	Daily	*	A	1	100
2			Participate in building appraisal and assessment work by inspecting and measuring buildings to determine the proper classification of the structure; sketch an outline of the structure.	Operational	Annually	*	B	1	250
3			Participate in land appraisal and assessment work by inspecting properties to record the type of property, improvements, area measurements and related information necessary for value determination.	Operational	As Needed	*	B	1	200
4			Transfer information from source documents such as reports and statements to permanent records such as real and manufactured home records, deeds, property assessment roles, etc.	Operational	Daily	*	B	2	250
5			Track and maintain records on all sales, deed transfers, building permits, and two-year exemptions on systems that can be used by county employees as well as other appraisers, and the general public looking for general sales information.	Operational	Daily	*	B	2	250
6			Calculate taxes on new construction and prepare tax estimates for abstractors, lenders, realtors, and owners.	Operational	As Needed	*	B	2	250
7			Maintain manufactured home master files, audits of each mobile home court at least twice a year in person to ensure each park is in compliance with North Dakota Century Code (NDCC), create mobile home tax bills, prepare abatements as necessary for County properties and mobile homes, create and maintain the three (3) year delinquent tax list for the Sheriff's Department, and assist with the collection of taxes on manufactured homes.	Operational	Daily	*	B	2	250
8			Assists with real property and mobile home tax inquiries, senior citizen exemptions, moving permits, and name changes.	Operational	Daily	*	B	2	250
9			Assists the public with locating information needed for tax assessment, sales and other documentation needed for real estate transactions.	Defined	As Needed	*	A	1	125
10			Performs clerical duties such as answering phones, documenting information, maintaining files, assist in elections, and assist with the public.	Defined	Daily	*	A	1	125



	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 03-41420-432
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**Employee:** \_\_\_\_\_  
**Job Title:** Appraiser II  
**Job Status:** Non-Exempt  
**Salary Grade:** 7

**Location:** Bismarck  
**Department:** Auditor/Treasurer/Tax  
**Reports to:** Deputy Auditor/Tax Equalization Director  
**DBM Rating:** B31

**Job Summary:** Under the supervision of the Deputy Auditor/Tax Equalization Director, is responsible for performing technical work involving the review and appraisal of commercial, residential, manufactured, and agricultural property to determine proper valuation for tax assessment purposes. The employee may be required to provide guidance and assistance to other less experienced staff members.

**Responsibilities:**

- 55 % time      1. Provide technical support documenting tax findings, property assessments, and performing other clerical duties including customer service.
- 25 % time      2. Independently inspect and list property; compile and record statistical information on property.
- 20 % time      3. Assist the Deputy Auditor/Tax Equalization Director with building appraisals, assessments, and equalization.

**Essential Job Duties:**

1. Review properties by the type of construction, interior systems, and other details; take measurements of buildings or additions to determine the total amount of square footage; prepare field sketches and/or take photographs of property as needed.
2. Participate in land appraisal and assessment work by inspecting properties to record the type of property, improvements, area measurements and related information necessary for value determination.
3. Compile sales data information of property through deed transfers and conduct sales ratio studies to validate assessed values. Track new home exemptions.
4. Calculate taxes on new construction and prepare tax estimates for abstractors, lenders, realtors, and homeowners.
5. Track and maintain records on all sales, deed transfers, building permits, and two-year exemptions on systems that can be used by county employees, appraisers, and the general public. Maintain and balance all assessment books.
6. Assist with real property and mobile home tax processes and questions, senior citizen exemptions, moving permits, name changes, processes, and other exemptions.
7. Assist the public with locating information needed for tax assessments, sales, and other documentation needed for real estate transactions.
8. Willing and able to listen and communicate critical, detailed information pertaining to assessments.
9. Perform other duties such as answering telephones, documenting information, maintaining files, assist with elections and assist with the public.
10. Perform other duties as required or assigned.

**Job Qualifications, Experience and Education**

1. Associate Degree or two (2) years of technical trade school with course work in accounting, cost estimating, construction trades, architectural drafting, or appraising.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 03-41420-432
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2. Must have knowledge of modern building methods and/or appraisal techniques for tax assessment purposes; the ability to read land descriptions and to locate a property from a map; ability to understand and work from building plans and blueprints.
3. Two (2) years of related tax appraisal work experience.
4. Knowledge of appraisal techniques for tax assessment purposes, the ability to read land descriptions and to locate a property from a map and be able to use a digital camera and associated software.
5. Knowledge of the laws, regulations, policies, rules, and procedures governing the conduct of the Department of Tax Equalization and counties.
6. The ability to establish and maintain effective working relationships with the public and other employees.
7. Proficiency in the MS Office Suite of products, specifically, excel and Word in order to efficiently perform the administrative tasks assigned to this position.
8. Obtain a Class I Assessor's certificate issued by the North Dakota State Supervisor of Assessment within two (2) years of hiring.
9. Possess excellent interpersonal, organization, communication (written and verbal) and decision making skills.
10. Have a valid North Dakota class D driver's license with a clean driving record.
11. Must be a self-starter who is willing to take initiative to setup and complete appraisals.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment. Will include physical motions of finger dexterity for frequent use of PC keyboard, Sitting and standing motions.
2. May travel and be exposed to extremes of weather when going on location to do assessments.
3. Ability to climb steps, stepladder, slope, or hill, carry fifteen (15) pounds.
4. Frequent use of PC keyboard and monitor.

**Clarification Clause:**

This is an appointed position and is subject to reappointment by the Board of County Commissioners on an annual basis. This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining Tax Appraiser II related position. The job description is not a contract. Burleigh County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**



- 8 Obtain a Class I Assessor's certificate issued by the North Dakota State Supervisor of Assessment within three (3) years of being hired.
- 9 Possess excellent interpersonal, organizational, and communication (written and verbal) and decision making skills.
- 10 Have a valid North Dakota class D driver's license with a clean driving record.
- 11 Must be a self-starter who is willing to take initiative to setup and complete appraisals.

Wage Analysis						
	13-2023.00	Minimum	25%	Market	75%	Maximum
<b>Appraisers and Assessors of Real Estate</b>						
O-NET Research	Bismarck-Mandan Area	\$ 46,490.00	\$ 48,560.00	\$ 62,060.00	\$ 76,430.00	\$ 100,620.00
O-NET Research	North Dakota	\$ 39,270.00	\$ 48,400.00	\$ 60,510.00	\$ 75,210.00	\$ 98,670.00
O-NET Research	United States	\$ 35,520.00	\$ 47,040.00	\$ 61,340.00	\$ 81,050.00	\$ 120,790.00

	Step 1	Step 5	Step 9	Step 13	Step 17
<b>Burleigh County Similar Jobs in Pay Grade 7</b>					
Code Enforcement Officer	\$ 48,880.00	\$ 54,246.40	\$ 61,006.40	\$ 68,348.80	\$ 75,670.40
Program Assistant Classification	\$ 52,790.40	\$ 58,593.60	\$ 65,783.60	\$ 73,819.20	\$ 81,723.20
Investigator - States Attorney	\$ 57,012.80	\$ 53,273.60	\$ 71,156.80	\$ 79,726.40	\$ 88,254.40

	Budget Low	Budget High	Budget Average
<b>NDASco Salary Survey Reports</b>			
Burleigh County	\$ 56,888.00	\$ 62,046.00	\$ 59,467.00
Cass County	\$ 61,196.00	\$ 67,454.00	\$ 63,977.00
Grand Forks County	\$ 42,494.00	\$ 45,081.00	\$ 43,788.00
Morton County	\$ 57,491.00	\$ 57,491.00	\$ 57,491.00
Stutsman County	\$ 50,453.00	\$ 52,491.00	\$ 51,472.00
Ward County	\$ 50,003.00	\$ 62,696.00	\$ 57,335.00
Williams County	\$ 49,733.00	\$ 61,318.00	\$ 55,390.00
Averages	\$ 52,608.29	\$ 58,368.14	\$ 55,560.00

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 03-41420-432
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**Employee:** \_\_\_\_\_  
**Job Title:** Senior Appraiser  
**Job Status:** Exempt  
**Salary Grade:** 9

**Location:** Bismarck  
**Department:** Auditor/Treasurer/Tax Equalization  
**Reports to:** Deputy Auditor/Tax Equalization Director  
**DBM Rating:** C41

**Job Summary:** Under the supervision of the Deputy Auditor/Tax Equalization Director, perform professional level appraisal duties, parcel database maintenance, sales analysis, and required reporting in support of the county's integrated taxing and CAMA systems in accordance with state guidelines, rules, policies, and procedures. Assist in compiling and preparing complex statistical reports in compliance with State Tax Commissioner Office requirements and Taxpayer Assistance Portal (TAP). Assist in the implementation and maintenance of taxing and assessing systems as well as training and assisting local and office appraisers to obtain the needed information.

**Responsibilities:**

- 40 % time      1. Perform routine and specialized appraisal activities in support of the countywide property tax and assessment system including functions of parcel creation, commercial and residential appraisals, mapping, exemptions, state required reporting, value reconciliations, and sales analysis.
- 25 % time      2. Check and Review appraisals, reports, uniformity of assessments, and other valuation items requiring independent judgment as to content, accuracy, and completeness.
- 25 % time      3. Assist in general administrative functions, including equalization, sales analysis, parcel database, and related areas.
- 10 % time      4. Assist in the preparation of the comprehensive annual assessment reports, compile information and prepare statistical reports. Assist in the review and update of all supporting policies, processes, and procedures needed to ensure compliance with State of ND Tax Commissioner's Office, conformance with applicable laws and policies as set by the North Dakota Century Code (NDCC).

**Essential Job Duties:**

1. Conduct field investigations and gathers pertinent information to determine appraised value of property within Burleigh County.
2. Assist with technical advice and recommendations to local assessors and to the County Commission regarding assessment, parcel records, and property tax matters.
3. Conduct special study projects related to the types of assessments and total assessed value of properties, assist with completion of the Assessment Abstracts, and is responsible for the submission of the Abstracts to the ND State Tax Department.
4. Defend property valuations to city, township, and county boards of Equalization.
5. Provide general administration of the property tax master system for the Auditor/Treasurer/Tax Equalization Department.
6. Coordinate with local Auditors, Finance Directors, and other agencies to maintain accurate special assessment databases and billing information.
7. Assists Finance Director and Auditor/Treasurer with entry of Mill Levies, centrally assessed values, fire levies.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 03-41420-432
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8. Research historical documents for possible ownership discrepancies or disputes.
9. Review subdivision plats and survey prior to being recorded.
10. Assist the Tax Equalization Director with appraisals of property owned by or being purchased by the County or other government agencies.
11. Spot-check all property assessments within the County for compliance with state statutes.
12. Train, assign duties, evaluate performance, and aid office staff as directed by the Tax Equalization Director.
13. Prepare tax exemption and credit forms and enter pertinent data appropriately into the computer for proper taxation and filing to the ND State Tax Department.
14. Assist with elections, specifically the absentee voting process.
15. Perform other duties as required or assigned.

**Job Qualifications, Experience and Education**

1. Associate Degree with major course work in accounting or business administration or related field and five (5) years related experience in tax and appraisal work, and/or an equivalent combination of education and experience.
2. Must hold a current Class I Assessor Certificate.
3. Must have knowledge of principles and practices of real property appraisal and assessment including knowledge of surveyor/land measurements and real property descriptions.
4. Must have knowledge of building materials, practices, terminology, and state and local laws governing the assessment and collection of real estate taxes.
5. Must possess excellent communication and people skills to establish and maintain effective working relationships with the public and other employees.
6. Proficiency in the MS Office Suite of products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to this position.
7. Must have a valid North Dakota driver's license with a clean driving record.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment. Will include physical motions of finger dexterity for frequent use of PC keyboard, sitting and standing motions, walking for extended periods of time, maneuvering in tight spaces, and climbing ladders and stairs.
2. Often works alone, in high-stress situations, and with irregular schedules.
3. May travel and be exposed to extremes of weather when going on location to do assessments.
- 4.

**Clarification Clause:**

This is an appointed position and is subject to reappointment by the Board of County Commissioners on an annual basis. This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining Senior Tax appraiser position. The job description is not a contract. Burleigh County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

Senior Appraiser				9 Job Description #: 02-41420-000 C41 O*NET Position #: 13-2023.00		DBM/ Ranking	
Job Title:	Salary Grade:	DBM Rating:	Percentage of Time (Annualized)	CAT 1	CAT 2	CAT 3	
Responsibilities:							
1	Perform routine and specialized appraisal activities in support of the countywide property tax and assessment system including the functions of parcel creation, commercial and residential appraisals, mapping, exemptions, state required reporting value reconciliations, and sales analysis.		40%	C	4	1	
2	Check and review appraisals, reports, for uniformity of assessments, and other valuation items requiring independent judgment as to content, accuracy, and completeness.		25%	C	4	1	
3	Assist in general administrative functions, including equalization, sales analysis, parcel database, and related areas.		25%	C	4	1	
4	Assist in the preparation of the comprehensive annual assessment reports, compile information and prepare statistical reports. Assist in the review and update of all supporting processes, policies, and procedures needed to ensure compliance with State of North Dakota Tax Commissioners Office, conformance with applicable laws and policies as set by North Dakota Century Code (NDCC)		10%	C	4	1	
	<b>Essential Duties:</b>						
1	Conducts field investigations and gathers pertinent information to determine appraised value of property within Burleigh County.	Process		C	1	275	
2	Assist with technical advice and recommendations to local assessors and to the County Commission regarding assessment, parcel records, and property tax matters.	Operational		C	2	300	
3	Conduct special study projects related to the types of assessments and total assessed value of properties, assist with completion of the Assessment Abstracts, and is responsible for the submission of the Abstracts to the ND State Tax Department.	Process		C	1	275	
4	Defend property valuations to city, township, and county boards of Equalization.	Process		C	1	275	
5	Provide general administration of the property tax master system for the Auditor/Treasurer/Tax Equalization office.	Operational		B	2	200	
6	Coordinate with local Auditors/Finance Directors/Agencies to maintain accurate Special Assessment databases and billing information.	Operational		B	1	200	
7	Assist the Finance Director and Auditor/Treasurer/Tax with entry of mill levies, centrally assessed values, and fire levies.	Operational		B	2	250	
8	Research historical documents for possible ownership discrepancies or disputes.	Process		C	2	300	
9	Review subdivision plats and surveys prior to being recorded.	Operational		B	2	175	
10	Assist the Tax Equalization Director with appraisals of property owned by or being purchased by the County or other government agencies.	Process		C	2	300	
11	Spot-check all property assessments within the County for compliance with state statutes	Process		C	2	300	
12	Train, assign duties, evaluate performance, and aid office staff as directed by the Tax Equalization Director.	Process		C	1	275	
13	Prepare tax exemption and credit forms and enters pertinent data appropriately into the computer for proper taxation and filings to the ND State Tax Department.	Operational		B	2	200	

14	Assist with elections and perform other special projects as assigned by the Deputy Auditor/Tax Equalization Director.	Operational	Daily	*	B	2	200
15	Perform other duties as required or assigned.	Defined	As Needed	*	A	2	100
						Totals	3650

**Job Qualifications, Experience and Education**  
 Bachelor's Degree with major course work in accounting or business administration or related field and three (3) years related experience in tax or appraisal work, and/or an equivalent combination of education and experience.

- Must hold a current Class I Assessor Certificate
- Must have knowledge or principles and practices of real property appraisal and assessment including knowledge of surveyor/land measurements and real property descriptions.
- Must have knowledge of building materials, practices, terminology, and state and local laws governing the assessment and collection of real estate taxes.
- Must possess excellent communication and people skills to establish and maintain effective working relationships with the public and other employees.
- Proficiency in the MS Office Suite of products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to this position.
- Must have a valid North Dakota driver's license with clean driving record.

Wage Analysis							
Appraisers and Assessors of Real Estate	13-2023.00	Minimum	25%	Market	75%	Maximum	
O-NET Research	Bismarck-Mandan Area	\$ 46,490.00	\$ 48,560.00	\$ 62,060.00	\$ 76,430.00	\$ 100,620.00	
O-NET Research	North Dakota	\$ 39,270.00	\$ 48,400.00	\$ 60,510.00	\$ 75,210.00	\$ 98,670.00	
O-NET Research	United States	\$ 35,520.00	\$ 47,040.00	\$ 61,340.00	\$ 81,050.00	\$ 120,790.00	

Burleigh County Similar Jobs in Pay Grade 9	Step 1	Step 5	Step 9	Step 13	Step 17
Account Manager	\$ 57,012.80	\$ 63,273.60	\$ 71,156.80	\$ 79,726.40	\$ 88,254.40
Investigator	\$ 60,444.80	\$ 67,080.00	\$ 75,420.80	\$ 84,510.40	\$ 93,558.40
Engineer I	\$ 64,064.00	\$ 71,094.40	\$ 79,934.40	\$ 89,934.40	\$ 99,174.40

Assistant Tax Director	Budget Low	Budget High	Budget Average
Burleigh County	\$ 60,444.80	\$ 93,558.40	\$ 71,156.80
Cass County	\$ -	\$ -	\$ -
Grand Forks County	\$ 62,192.00	\$ 62,192.00	\$ 62,192.00
Morton County	\$ -	\$ -	\$ -
Stutsman County	\$ -	\$ -	\$ -
Ward County	\$ 68,148.00	\$ 68,148.00	\$ 68,148.00
Williams County	\$ -	\$ -	\$ -
Averages	\$ 27,254.97	\$ 31,985.49	\$ 28,785.26



**Burleigh County, North  
Dakota**

**Last Date Revised:**

04/17/2023

**Job Description #**

01-41420-031

**Job Description**

**Employee:** \_\_\_\_\_

**Job Title:** Deputy Auditor/Tax Equalization Director

**Job Status:** Exempt

**Salary Grade:** 12

**Location:** Bismarck

**Department:** Auditor/Treasurer/Tax  
Equalization

**Reports to:** Auditor/Treasurer/Tax &  
Commission

**DBM Rating:** C44

**Job Summary:** Under supervision of the Auditor/Treasurer/Tax, and appointed by the Burleigh County Commission, is responsible for carrying out the duties associated with the Tax Equalization Division outlined in the North Dakota Century code (NDCC) in Chapter 11-10.1. Those duties include assessment of land and buildings to determine correct valuations and collecting appropriate taxes and supervising and evaluating the employees in the Tax Equalization Division.

**Responsibilities:**

- 50 % time 1. Perform appraisal and assessment work of agriculture, commercial, and residential properties, including mobile homes for taxation purposes and completion of statistical reports on behalf of the Tax Equalization Division.
- 25 % time 2. Provide advice, recommendations, and statistics to the County Commissioners on property tax matters, act as a resource from the County on real property assessment and attend local boards of equalization meetings.
- 25 % time 3. Responsible for the supervision, scheduling, and evaluation of employees in the Tax Equalization Division of the Auditor/Treasurer/ Tax Equalization Department.

**Essential Job Duties:**

1. Conduct field investigations and gather pertinent information to determine appraisal value of property within Burleigh County.
2. Provide training and assistance to local assessors, and technical advice and recommendations to the County Commission and local assessors regarding assessment and property tax matters.
3. Conduct and supervise special study projects related to the types of assessments and total assessed value of properties, completion of the Assessment Abstracts, and is responsible for the submission of the Abstracts to the ND State Tax Department.
4. Organize the annual meeting of the County Board of Equalization and attend the annual state Equalization meeting.
5. Defend property valuations in owner abatement cases to city, township, county, and state boards and make recommendations to County Commission.
6. Provide general administration of the mobile home tax, develop valuation tables, and collect the tax.
7. Conduct appraisals of property owned by or being purchased by the County for compliance with state statutes.
8. Spot-Check all property assessments within the County for compliance with state statutes.
9. Train, supervise, assign duties, evaluate performance, and provide assistance to office staff.
10. Prepare tax exemption and credit forms and enter pertinent data appropriately into the computer for proper taxation.
11. Assist Auditor/Treasurer/Tax with elections and any other special projects the Auditor/Treasurer/Tax Department may need assistance with completing.
12. Perform other duties as required or assigned.



**Burleigh County, North  
Dakota**

**Last Date Revised:**

04/17/2023

**Job Description #**

01-41420-031

**Job Description**

**Job Qualifications, Experience and Education**

1. Bachelor's degree with major coursework in accounting or business administration or related field and three years related experience in tax or appraisal work, and/or an equivalent combination of education and experience.
2. Requires knowledge of administrative processes, procedures, or methods, and work experience with considerable knowledge, skill, and ability in duties similar in type and complexity to those performed at this level.
3. Must have knowledge of principles and practices of real estate property appraisal and assessment including knowledge of principles and practices of real property appraisal and assessment including knowledge of surveyor/land measurements and real property descriptions.
4. Must have knowledge of building materials, practices, terminology, and state and local laws governing the assessment and collection of real estate taxes.
5. Must possess excellent communication and people skills to establish and maintain effective working relationships with the public and other employees.
6. Must be proficient in the use of word processing and spreadsheet PC software, MS Word and Excel preferred, to prepare clear, concise, and accurate appraisal reports.
7. Must have a valid North Dakota driver's license with a clean driving record.
8. Applicants will be subject to a standard post offer background and criminal records check.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment. Will include physical motions of finger dexterity for frequent use of PC keyboard, sitting and standing motions, walking for extended periods of time, maneuvering in tight spaces, and climbing ladders and stairs.
2. Often works alone, in high-stress situations, and with irregular schedules.
3. May travel and be exposed to extremes of weather when going on location to do assessments.

**Clarification Clause:**

This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Deputy Auditor/Tax Equalization Director position. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

Deputy Auditor/ Tax Equalization Director		12 Job Description #: 01-41420-031 C44 O*NET Position #: 13-2023.00 DBM/ Ranking					
Responsibilities:		Percentage of Time (Annualized)					
1	Perform appraisal and assessment work of agriculture, commercial, and residential properties, including mobile homes for taxation purposes and completion of statistical reports on behalf of the Tax Equalization division.	50%					
2	Provide advice, recommendations, and statistics to the County Commissioners on property tax matters, acts as a resource from the County on real property assessment and attend local boards of equalization meetings.	25%					
3	Responsible for the supervision, scheduling, and evaluation of employees in the Tax Equalization division of the Auditor/Treasurer/Tax department.	25%					
Essential Duties:		Decisions Required (Programming, Interpretive, Process, Operational, Defined)	Frequency (Daily, Weekly, Monthly, Quarterly, Annually)	Percentage of time	BAND	GRADE	SUB GRADE CALCULATION
1	Conduct field investigations and gather pertinent information to determine appraisal value of property within Burleigh County.	Process	Annually	*	C	1	375
2	Provide training and assistance to local assessors, and technical advice and recommendations to the County Commission and local assessors regarding assessment and property tax matters.	Process	As Needed	*	C	1	375
3	Conduct and supervise special study projects related to the types of assessments and total assessed value of properties, completion of the Assessment Abstracts, and is responsible for the submission of the Abstracts to the ND State Tax Department.	Process	Annually	*	C	1	375
4	Organize the annual meeting of the County Board of Equalization and attend the annual state equalization meeting.	Operational	Annually	*	B	1	200
5	Defend property valuations in owner abatement cases to city, township, county, and state boards and make recommendations to County Commission.	Process	As Needed	*	C	1	375
6	Provide general administration of the mobile home tax, develop valuation tables, and collect the tax.	Operational	Monthly	*	B	2	200
7	Conduct appraisals of property owned by or being purchased by the County for compliance with state statutes.	Process	As Needed	*	C	1	375
8	Spot-Check all property assessments within the County for compliance with state statutes.	Process	As Needed	*	C	1	375
9	Train, supervise, assign duties, evaluate performance, and provide assistance to office staff.	Process	Monthly	*	C	2	300
10	Prepare tax exemption and credit forms and enter pertinent data appropriately into the computer for proper taxation.	Process	Annually	*	C	2	300
11	Assist Auditor/Treasurer/Tax with elections and any other special projects the Auditor/Treasurer/Tax Department may need assistance with completing.	Process	As Needed	*	C	1	375
12	Perform other duties as required or assigned.	Defined	As Needed	*	A	2	100
						Totals	3725

Job Qualifications, Experience and Education	
1	Bachelor's Degree with major course work in accounting or business administration of related field and three (3) years related experience in tax or appraisal work, and/or equivalent combination of education and experience.
2	Must hold a current Tax Equalization Certificate or complete the Tax Equalization Certification program with the North Dakota State Supervisor of Assessments within two (2) years of appointment.

- 3 Must have knowledge of principles and practices of real property appraisal and assessment including knowledge of surveyor/ land measurements and real property descriptions.
- 4 Must have knowledge of building materials, practices, terminology, and state and local laws governing the assessment and collection of real estate taxes.
- 5 Must possess excellent communication and people skills to establish and maintain effective working relationships with the public and other employees.
- 6 Proficiency in the MS Office Suite of products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to this position.
- 7 Must have valid North Dakota drivers license with clean driving record.

Wage Analysis						
	13-2023-00	Minimum	25%	Market	75%	Maximum
<b>Appraisers and Assessors of Real Estate</b>						
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O-NET Research	North Dakota	\$ 39,270.00	\$ 48,400.00	\$ 60,510.00	\$ 75,210.00	\$ 98,670.00
O-NET Research	United States	\$ 35,520.00	\$ 47,040.00	\$ 61,340.00	\$ 81,050.00	\$ 120,790.00

	Step 1	Step 5	Step 9	Step 13	Step 17
<b>Burleigh County Similar Jobs in Pay Grade 12</b>					
Deputy Auditor/Treasurer	\$ 67,912.00	\$ 75,358.40	\$ 84,729.20	\$ 94,952.00	\$ 105,123.20
Deputy Finance Director	\$ 71,988.80	\$ 79,892.80	\$ 89,814.40	\$ 100,651.20	\$ 111,425.60
County Recorder	\$ 75,587.20	\$ 83,886.40	\$ 94,307.20	\$ 105,684.80	\$ 117,000.00

	Budget Low	Budget High	Budget Average
<b>Tax Director</b>			
<b>NDASco Salary Survey Reports</b>			
Burleigh County	\$ 102,918.00	\$ 102,918.00	\$ 102,918.00
Cass County	\$ 100,932.00	\$ 100,932.00	\$ 100,932.00
Grand Forks County	\$ 99,292.00	\$ 99,292.00	\$ 99,292.00
Morton County	\$ 82,722.00	\$ 82,722.00	\$ 82,722.00
Stutsman County	\$ 81,419.00	\$ 81,419.00	\$ 81,419.00
Ward County	\$ 80,939.00	\$ 80,939.00	\$ 80,939.00
Williams County	\$ 93,995.00	\$ 93,995.00	\$ 93,995.00
Averages	\$ 91,745.29	\$ 91,745.29	\$ 91,745.29

**ITEM**

**# 7**

# **PUBLIC HEARING**

**PUBLIC HEARING ON PROPOSED LOT MODIFICATION**

Notice is hereby given that the Board of Burleigh County Commissioners will conduct a public hearing during their scheduled meeting on Monday, April 17th at 5:00 p.m. local time in the Tom Baker Meeting Room, City/County Building, 221 North 5<sup>th</sup> Street, Bismarck, ND. The Board of Burleigh County Commissioners will at this time hear all interested persons regarding a modification of a non-access line located on a lot described as Lot 21, Block 3, Twin Buttes Subdivision, addressed as 4400 Sagebrush Drive. The petitioners would like to vacate a portion of the non-access line on the south side of the property, along 102<sup>nd</sup> Ave SE.

If you are not able to attend this public hearing, you may submit your comments in writing to Burleigh County Building, Planning, Zoning, PO Box 5518, Bismarck, ND 58506-5518, fax 701-221-3726, or email at burleighcobuilding@nd.gov

By Mitch Flanagan, Planning Director

For the Board of Burleigh County Commissioners

Dated this 30th day of March, 2023

Run on April 5 and April 12, 2023

DUPLICATE CERTIFIED COPIES REQUESTED

BILL TO: BURLEIGH COUNTY AUDITOR (CUSTOMER No. 60022551)  
PO BOX 5518  
BISMARCK, ND 58506-5518

Cc: Burleigh County Auditor Office



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission  
Re: Lot Modification for 4400 Sagebrush Drive.  
Date: 4-17-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *ill*

ITEM 1

Public Hearing for a Lot Modification

LEGAL: Lot 21, Block 3, Twin Buttes Subdivision  
Current Address: 4400 Sagebrush Drive.  
Bismarck, ND 58504

Thomas Simillion is requesting access to 102<sup>nd</sup> Ave SE due to certain elevations making access from Sagebrush Dr. difficult. Because only 1 lot is petitioning the access without changing the interior or exterior boundaries of the original subdivision, this modification qualifies for Title 33, Section 12 Minor Plat Modification of our Zoning Ordinances. The Highway Department stated they do not have any major concerns with the request.

If the modification is approved- a new 911 address will be assigned: 4800 102<sup>nd</sup> Ave SE.

Suggested Motion:

Based on supporting documents and the findings by County Staff, it is recommended to approve the minor plat modification to be recorded against the final Twin Buttes Subdivision Plat.

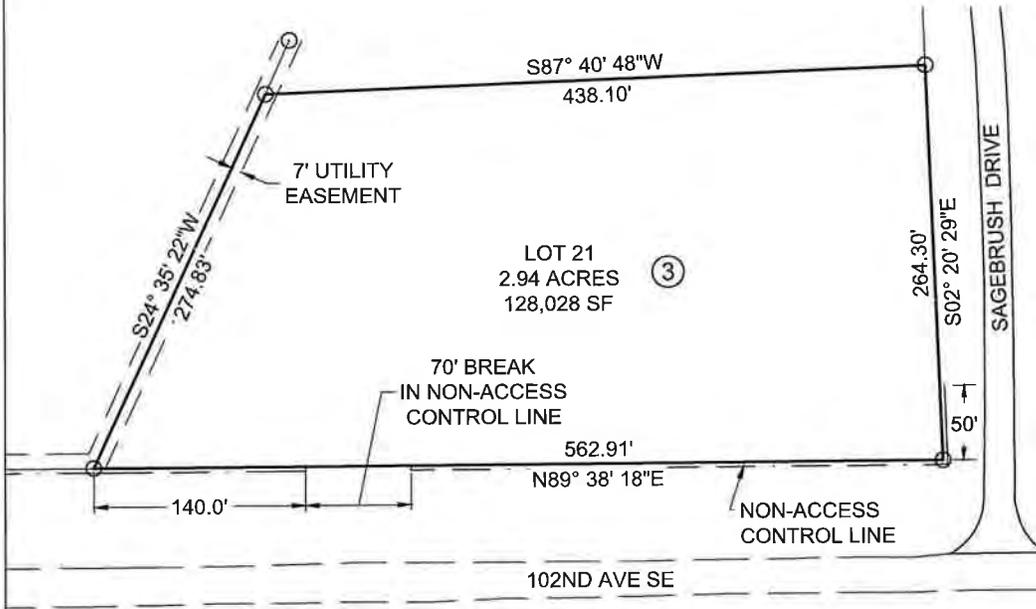
Exhibits: 1.1 Ex. Twin Buttes Lot Modification page 1  
1.2 Ex. Twin Buttes Lot Modification page 2  
1.3.Ex. 4400\_site map  
1.4.Ex. Twin Buttes Subdivision\_Final

**MODIFICATION OF SUBDIVISION PLAT**  
 A MODIFICATION OF TWIN BUTTES SUBDIVISION DOCUMENT #402665  
 LOTS 21, BLOCK 3  
 BURLEIGH COUNTY, NORTH DAKOTA  
 SECTION 12, TOWNSHIP 137 NORTH, RANGE 80 WEST

DESCRIPTION

THE NON-ACCESS CONTROL LINE ALONG THE SOUTH LINE OF LOT 21, BLOCK 3 IN TWIN BUTTES SUBDIVISION IN BURLEIGH COUNTY, NORTH DAKOTA IN SECTION 12, TOWNSHIP 137 NORTH, RANGE 80 WEST SHALL HAVE A BREAK IN SAID CONTROL LINE FOR ACCESS OF A RESIDENTIAL DRIVE AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTH 89° 38' 18" EAST ON THE SOUTH LINE OF SAID LOT A DISTANCE OF 140.00 FEET TO THE BEGINING OF THE BREAK IN THE CONTROL LINE; THENCE CONTINUING NORTH 89° 38' 18" EAST ON SAID SOUTH LINE A DISTANCE OF 70.00 FEET TO THE END OF THE BREAK IN THE CONTROL LINE.



○ FOUND SURVEY MONUMENT

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCE INDICATED HEREON ARE IN FEET AND HUNDREDTHS OF FEET THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK R. ISAACS, RLS 9628



SCALE: 1" = 100'  
 0 50 100  
 DATE: MARCH 31ST, 2023

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET. MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK AND ARE REPORTED IN GRID.

**Independent Land Surveying & Engineering Inc.**

4215 OLD RED TRAIL NW, Mandan, ND 58554  
 Phone: 701-663-5184 PROJ # 23021





# TWIN BUTTES SUBDIVISION

SE 1/4 SECTION 12, T. 137 N., R. 80 W.  
BURLEIGH COUNTY, NORTH DAKOTA

Curve Data

Station	Chord	Angle	Radius	Chord	Angle	Radius
1+00.00	100.00	90° 00'	70.71	100.00	90° 00'	70.71
1+50.00	150.00	135° 00'	106.07	150.00	135° 00'	106.07
2+00.00	200.00	180° 00'	141.42	200.00	180° 00'	141.42
2+50.00	250.00	225° 00'	176.78	250.00	225° 00'	176.78
3+00.00	300.00	270° 00'	212.13	300.00	270° 00'	212.13
3+50.00	350.00	315° 00'	247.49	350.00	315° 00'	247.49
4+00.00	400.00	360° 00'	282.84	400.00	360° 00'	282.84



SCALE: 1" = 100'

SEPTEMBER 25, 1978

THE STATE OF NORTH DAKOTA, BURLEIGH COUNTY, SE 1/4 SECTION 12, T. 137 N., R. 80 W., BURLEIGH COUNTY, NORTH DAKOTA. THE UNDERSIGNED AND I, THE ENGINEER, HEREBY CERTIFY THAT WE HAVE EXAMINED THE RECORDS OF THE COUNTY ENGINEER AND THE RECORDS OF THE COUNTY COMMISSIONERS AND HAVE FOUND THAT THE SAME ARE CORRECT AND COMPLETE AND THAT THE SAME ARE IN ACCORDANCE WITH THE LAWS AND ORDINANCES OF THE STATE OF NORTH DAKOTA AND THE COUNTY OF BURLEIGH COUNTY, NORTH DAKOTA. WE HAVE ALSO EXAMINED THE PLANS AND SPECIFICATIONS AND HAVE FOUND THAT THE SAME ARE IN ACCORDANCE WITH THE LAWS AND ORDINANCES OF THE STATE OF NORTH DAKOTA AND THE COUNTY OF BURLEIGH COUNTY, NORTH DAKOTA. WE HAVE ALSO EXAMINED THE RECORDS OF THE COUNTY ENGINEER AND THE RECORDS OF THE COUNTY COMMISSIONERS AND HAVE FOUND THAT THE SAME ARE CORRECT AND COMPLETE AND THAT THE SAME ARE IN ACCORDANCE WITH THE LAWS AND ORDINANCES OF THE STATE OF NORTH DAKOTA AND THE COUNTY OF BURLEIGH COUNTY, NORTH DAKOTA. WE HAVE ALSO EXAMINED THE PLANS AND SPECIFICATIONS AND HAVE FOUND THAT THE SAME ARE IN ACCORDANCE WITH THE LAWS AND ORDINANCES OF THE STATE OF NORTH DAKOTA AND THE COUNTY OF BURLEIGH COUNTY, NORTH DAKOTA.

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

ON THIS 25th DAY OF SEPTEMBER, 1978, WE, THE ENGINEER, HEREBY CERTIFY THAT WE HAVE EXAMINED THE RECORDS OF THE COUNTY ENGINEER AND THE RECORDS OF THE COUNTY COMMISSIONERS AND HAVE FOUND THAT THE SAME ARE CORRECT AND COMPLETE AND THAT THE SAME ARE IN ACCORDANCE WITH THE LAWS AND ORDINANCES OF THE STATE OF NORTH DAKOTA AND THE COUNTY OF BURLEIGH COUNTY, NORTH DAKOTA. WE HAVE ALSO EXAMINED THE PLANS AND SPECIFICATIONS AND HAVE FOUND THAT THE SAME ARE IN ACCORDANCE WITH THE LAWS AND ORDINANCES OF THE STATE OF NORTH DAKOTA AND THE COUNTY OF BURLEIGH COUNTY, NORTH DAKOTA.

THOMAS J. HENNING, ENGINEER

REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR

NO. 1000

STATE OF NORTH DAKOTA

BURLEIGH COUNTY, NORTH DAKOTA

MY COMMISSION EXPIRES July 2, 1981

SEPT 25 1978

STATE OF NORTH DAKOTA

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SEP 25 1978

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THOMAS J. HENNING, ENGINEER

REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR

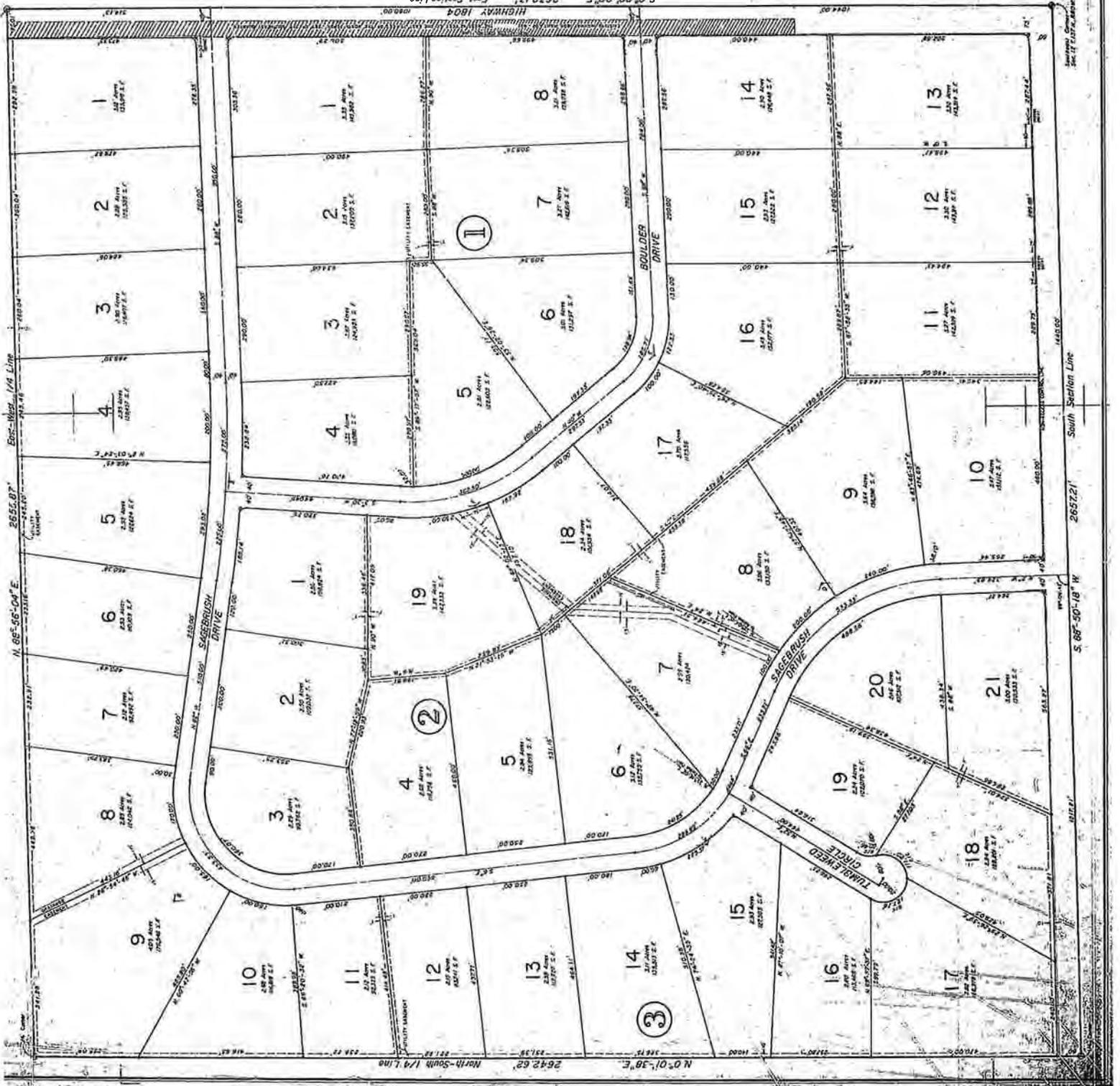
NO. 1000

STATE OF NORTH DAKOTA

BURLEIGH COUNTY, NORTH DAKOTA

MY COMMISSION EXPIRES July 2, 1981

SEP 25 1978



2655.07' N. 68° 46' 04" E  
2655.07' East-West 1/4 Line  
2655.07' East-Section Line

2655.21' South-Section Line  
S. 68° 50' 18" W

2642.62' N 0° 01' 36" E  
2642.62' North-South 1/4 Line

2655.07' East-Section Line

2655.21' South-Section Line

2642.62' North-South 1/4 Line

2642.62' North-South 1/4 Line



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

[burleighcobuilding.nd.gov](http://burleighcobuilding.nd.gov)  
701-221-3727

To: Burleigh County Commission  
Re: Minor Amendments to Zoning Ordinance Article 8 Section 27- HLP Pipelines.  
Date: 4-17-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *ill'*

**ITEM 1**      **Amendments to HLP Ordinance**

It has been requested to propose minor amendments to the recently approved Article 8 Section 27 of the Burleigh County zoning ordinance for transporting Hazardous Liquid Through a Hazardous Liquid Pipeline. They are as follows:

1. Remove and add to Section VI. Item 6:  
6. From an electric power generating facility with a nameplate capacity of 5MW or more, an electric transmission line operating at 69kV or higher, an electric transmission substation, a ~~public drinking water treatment plant,~~ or a public wastewater treatment plant, not less than ~~10~~ miles 1,000' (feet).
2. Add to Section VI. - Item 8:  
8. From a public drinking water treatment plant, not less than 10 miles.
3. Amend Section VII- Item 5:  
5. A set of plans and specifications showing the dimensions and locations of the Pipeline, including plans and specifications for all related facilities, and above-ground structures, such as pumps, valve sites and shutoff valves located ~~at~~ approximately 26,400 lineal feet or as determined by access from a public ROW, with fracture arrestors approximately half-way between each shutoff valves.
4. Amend Section VIII.1. – Item a.:  
a. An application fee in the amount of ~~\$300.00~~ \$1,406 per mile of pipeline for the special use permit.

**ACTION REQUESTED**

Review for approval or denial of the suggested amendments to HLP Ordinance.

Attachments: 1. Highlighted Amendments to Ordinance

## ORDINANCE

### AN ORDINANCE AMENDING ARTICLE 8 SECTION 27 OF THE BURLEIGH COUNTY ZONING ORDINANCE FOR THE REGULATION OF LAND USE WHEN TRANSPORTING HAZARDOUS LIQUID THROUGH A HAZARDOUS LIQUID PIPELINE

NOW THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA:

SECTION 1. - TEXT AMENDMENT - Article 8: Title and Purpose, Section 27, of the Zoning Regulation, is amended by adding this section with the following:

1.1 Hazardous Liquid Pipelines — No person or property owner shall use land in any area or district in this jurisdiction for purposes of transporting hazardous liquid through a hazardous liquid pipeline except under the conditions and restrictions provided hereinafter in Article 8 Section 27 Hazardous Liquid Pipelines. For purposes this Zoning Regulation, "hazardous liquid" and "hazardous liquid pipeline" shall have the meanings as defined in Article 8.

SECTION 2. - TEXT AMENDMENT - Article 8: Hazardous Liquid Pipelines, of the Zoning Regulation, is amended by inserting the following new Section 27:

#### **SECTION 27: Hazardous Liquid Pipelines**

A Hazardous Liquid Pipeline may be permitted in an Agricultural District upon approval as a special use, provided the criteria and submittal requirements are met.

##### I. Definitions

1. "Affected person" means any Person with a legal right or interest in the property, including but not limited to a landowner, a contract purchaser of record, a Person possessing the property under a lease, a record lienholder, and a record encumbrancer of the property.
2. "Applicant" means a Pipeline Company or a Property Owner who applies for a Special Use Permit for a Hazardous Liquid Pipeline pursuant to this Article.
3. "Application" means the documents and information an Applicant submits to the County for purposes of obtaining a Special Use Permit as well as the related process and procedures for considering the application pursuant to this Article.
4. "Blast Zone" means the geographic area in the County that would be subject to a shock wave from rupture of a Hazardous Liquid Pipeline, including of a Carbon Dioxide Pipeline, that could harm or kill persons or animals due solely to physical trauma, for example from flying debris or the physical impact of a pressure wave resulting from a rupture.
5. "Special Use Permit" means a use or use of limitation authorized and approved by the Board of Burleigh County Commissioners, in the manner and according to the standards provided in Article 8 of County Zoning Ordinance.

6. "County" or "the County" means Burleigh County, North Dakota.
7. "Emergency" means a condition involving clear and immediate danger to life, health, or essential services, or a risk of a potentially significant loss of property.
8. "Facility" is any structure incidental or related to the Hazardous Liquid Pipeline and any space, resource, or equipment necessary for the transport, conveyance, or pumping of a Hazardous Liquid through a Hazardous Liquid Pipeline located in the County, including all related substations.
9. "Fatality Zone" means the geographic area in the County in which residents of the County would face a significant risk of loss of life due to a rupture of a Hazardous Liquid Pipeline, "Hazard Zone" means, in the case of a Hazardous Liquid Pipeline, the geographic area in the County in which residents of the County would likely become intoxicated or otherwise suffer significant adverse health impacts.
10. "Hazardous Liquid" means the same as crude oil, refined petroleum products, liquefied petroleum gases, anhydrous ammonia, liquid fertilizers, liquefied carbon dioxide, alcohols, coal slurries, and or other products that may be considered quantifiable as a hazardous liquid.
11. "Hazardous Liquid Pipeline," means a Pipeline intended to transport Hazardous Liquids, and also includes Class 3, Class 6, Class 8, or Class 9 hazardous materials, as defined by 49 C.F.R. §173.120, et seq., with any portion proposed to be located within the County.
12. "High Consequence Area" is any area within the Hazard Zone, the Fatality Zone, or the Blast Zone where a single rupture would have the potential to adversely affect 10 or more persons or a facility with 100 or more livestock.
13. "In-service date" is the date any Hazardous Liquid is first transported through any portion of a Pipeline located in the County.
14. "Landowner" means a Person listed on the tax assessment rolls as responsible for the payment of real estate taxes imposed on the property and includes a farm tenant.
15. "Level of Cultivation" means depth of pipe 4.5' (four and a half) feet minimum unless the landowner and Pipeline Company agrees on a greater depth.
16. "Line Location" means the location or proposed location or route of a Pipeline on a Landowner's property.
17. "NDCC" means North Dakota Century Code.
18. "NDDNR" means North Dakota Department of Mineral Resources.
19. "Occupied Structure" means a Building or Structure that has been inhabited or used for residential, commercial, industrial, at any time during the twelve (12) months preceding an application for a Special Use Permit pursuant to Article 8.
20. "PSC" means the North Dakota Public Service Commission.

21. "PHMSA" means Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation.
22. "Person" means an individual, a corporation, a limited liability company, a government or governmental subdivision or agency, a business trust, an estate, a trust, a partnership or association, or any other legal entity.
23. "Pipeline" means an intrastate pipe or pipeline and necessary appurtenances with pressures greater than 1,000 PSIA and greater than 16" in diameter used for the transportation or transmission of hazardous liquids.
24. "Pipeline Company" means any Person engaged in or organized for the purpose of owning, operating, or controlling Pipelines for the transportation or transmission of any Hazardous Liquid or underground storage facilities for the underground storage of any Hazardous Liquid.
25. "Pipeline Construction" means activity associated with installation, relocation, replacement, removal, or operation or maintenance of a pipeline that disturbs agricultural land, but shall not include work performed during an emergency, tree clearing, or topsoil surveying completed on land under easement with written approval from the landowner.
26. "Property Owner" means the owner or owners, together with his, her, it's or their heirs, successors and/or assigns, of the land or property over, under, on, or through which, a Pipeline, or any part of it, including any related facilities, may be located and which is subject to the regulations and restriction of Burleigh County Zoning Ordinance. Property Owner includes a Landowner and also includes a Person with whom a Pipeline Company negotiates or offers to execute an Independent Agreement with respect to a Pipeline.
27. "Reclamation" means the restoration and repair of damaged real property, personal property, land or other areas through which a Pipeline is constructed or from where it is removed as close as reasonably practicable to the condition, contour, and vegetation that existed prior to the construction or prior to the removal of the Pipeline, as applicable.
28. "Reclamation Cost" means the cost of Reclamation and includes the cost to restore or repair roads, bridges, or county property as well as the cost to restore or repair all real and personal property of Property Owners and Affected Persons.
29. "SHPO" means State Historical Preservation Office.
30. "USGS" means United States Geological Survey.
31. "Zoning Ordinance" or "the Zoning Regulation" means the collection of land use and zoning regulations known as the Burleigh County Zoning Ordinance, as provided and made effective in Article I of the ordinance known as the Burleigh County Zoning Ordinance.

## II. Purposes

The purposes of this ordinance are:

1. To lawfully regulate the use of land in the County for the transport of Hazardous Liquid through a Hazardous Liquid Pipeline in a manner that is in accordance with the County's current comprehensive plan and that is designed to (1) to secure safety from fire, flood, panic, and other dangers; (2) to protect health and the general welfare; (3) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirement.
2. To implement Section 27 with regard to the County's legal obligation to engage in emergency response and hazard mitigation planning, including furthering the comprehensive plan's goals and objectives for assessing ongoing mitigation, evaluating mitigation alternatives, and ensuring there is a strategy for implementation and including the need to protect the health and welfare of both residents and emergency response personnel.
3. To implement Section 27 in a manner that is not inconsistent with federal or state law, including the United States Constitution, the federal Pipeline Safety Act in 49 U.S.C. 60101 et seq., NDCC Chapters 38-22, 49-02. 49-19 and 49-22.1-13 or applicable provisions within NDCC.
4. To implement Section 27 in a manner that treats all Hazardous Liquid Pipelines in a similar manner, to the extent they are similarly situated, and to utilize to the greatest extent feasible the land use and zoning regulations and processes already utilized in the County.

### 111. Special Use Class Created and Use Limitations Imposed on Hazardous Liquid Pipelines

1. As provided in Article I Section I of this Zoning Ordinance, all land within the jurisdiction of Burleigh County must be used in accordance with this Zoning Ordinance. As provided in Article 8 Section I of this Zoning Regulation, the County may create a class of uses that have conditions or other special use limitations attached to approval. Such conditions are established in order to protect the health, safety, and welfare of the public and to preserve property values.
2. The County hereby establishes a class of use for Hazardous Liquid Pipelines, and no land or property interest in this County, regardless of the zone or area, shall be used for purposes of a Hazardous Liquid Pipeline except in conformity with this Article.

## IV. Special Use Permits Required

1. A Pipeline Company that has filed a verified petition with the PSC asking for a permit to construct, maintain, and operate a new Pipeline along, over, or across land in the jurisdiction of this County shall apply to the Burleigh County Planning and Zoning Department for a Special Use Permit. The Pipeline Company shall submit the application for a Special Use Permit within seven (7) days of filing the petition with the PSC, unless the petition was filed with the PSC prior to the effective date of this Article in which case the Pipeline Company shall apply and make application for a Special Use Permit under this Article within seven (7) days of the effective date of this Article.

2. Upon receiving an Application for a Special Use Permit from a Pipeline Company or from a Property Owner, the Planning Director and Burleigh County Board of Commissioners shall consider the Application according to the process and standards set forth in this Article.

V. Separation Requirements

The use of land for purposes of transporting Hazardous Liquids through Pipelines poses a threat to the public health, safety and welfare, to the productivity of agricultural lands, and to the property values of residential, commercial, and industrial property in the County. The separation requirements of this section are designed to further the goals and objectives of the County's comprehensive zoning plan, including to protect public health and welfare, to preserve existing infrastructure and future development, and to maintain property values.

A Hazardous Liquid Pipeline shall not be constructed, used, sited, or located, in violation of the separation requirements listed below. All distances shall be measured from the centerline of the proposed Hazardous Liquid Pipeline to the portion of the existing use nearest the centerline of the proposed Hazardous Liquid Pipeline.

VI. The minimum separation distances for a Hazardous Liquid Pipeline are:

1. From the extra-territorial line of an incorporated city, not less than 10 miles.
2. From a church, school, nursing home, long-term care facility, or hospital, not less than 4 miles.
3. From a public park or public recreation area, not less than 2 miles.
4. From any Occupied Structure, not less than 2 miles.
5. From a confined animal feeding operation or facility, not less than 1 mile.
6. From an electric power generating facility with a nameplate capacity of 5MW or more, an electric transmission line operating at 69kV or higher, an electric transmission substation, a public drinking water treatment plant, or a public wastewater treatment plant, not less than 10 miles 1,000' (feet).
7. Setback from Missouri River: Pipeline shall be set back not less than one (1) mile parallel to the ordinary high-water mark, unless a non-development flood plain permit is required.
8. From a public drinking water treatment plant, not less than 10 miles.

VII. Permit Application Requirements for Pipeline Companies

A Pipeline Company applying for a Special Use Permit for a Hazardous Liquid Pipeline pursuant to this Article shall submit the following documents and information to the Burleigh County Planning Department.

1. The information needed for a Special Use Permit as described in Article 8 of this Zoning Ordinance, including all required forms prescribed by the County Planning Director, in addition to any easements prepared by a licensed professional land surveyor of North Dakota.

2. A complete copy of the application for a permit filed with the PSC pursuant to or within applicable provisions in NDCC, and as the application for the PSC permit is amended or changed, the Pipeline Company shall provide updated information and documents to the County, including USGS Hazard Inventory, Class 3 Cultural Resource Study, NDDNR Reports and SHPO Archeology Reports.
3. A map identifying each proposed crossing of a County road or other County property.
4. A map and a list containing the names and addresses of all Affected Persons in the County. The map and list shall include all Property Owners who have executed an Independent Agreement or who have been or will be contacted about the execution of an Independent Agreement.
5. A set of plans and specifications showing the dimensions and locations of the Pipeline, including plans and specifications for all related facilities, and above-ground structures, such as pumps, valve sites and shutoff valves located at approximately 26,400 lineal feet or as determined by access from a public ROW, with fracture arrestors approximately half-way between each shutoff valves.
6. An Emergency Response and Hazard Mitigation Plan as required pursuant to Section VII of this Article.
7. All applicable fees required pursuant to Section VIII of this Article.
8. A statement identifying any Confidential Information in the Application and a request, if any, to withhold such information from public examination or disclosure as provided in, and to the extent permitted pursuant to or within applicable code in NDCC. A failure to identify Confidential Information in the Application may result in the County treating such information as a public record.
9. Insurance Requirement. The owner/operator of a pipeline or pipeline facility must provide proof of liability insurance at the time of application. Burleigh County shall be listed as a certificate holder. Certificates shall provide not less than thirty (30) calendar days' notification to the certificate holder prior to cancellation or material change in coverage. Throughout the duration of this special use permit, the owner/operator of a pipeline or facility agrees to provide evidence of insurance coverages not less than the types and amounts specified below:

a. Workers' Compensation: Statutory	
b. Employer's Liability Each Accident:	\$1,000,000
Disease, Policy Limit:	\$1,000,000
Disease, Each Employee:	\$1,000,000
c. General Liability	
General Aggregate:	\$2,000,000
Each Occurrence	
Bodily Injury and Property Damage):	\$1,000,000
Excess Umbrella Liability	
Each Occurrence:	\$5,000,000
General Aggregate:	\$5,000,000

d. Automobile Liability

1) Combined Single Limit (Bodily Injury and Property Damage):  
Each Accident \$1,000,000

f. Construction Bonding

1) Provide a Surety Bond for the protection against disruptions or financial loss due to a contractor's failure to complete a project or failure to meet project specifications.

g. Other Conditions (specify):

- 1) A Commercial General Liability policy shall be endorsed to add Burleigh County, its employees, officers, agents and contractors as additional insured.
- 2) Excess umbrella liability shall follow form of underlying insurance.
- 3) Certificates evidencing required insurance shall be provided to Burleigh County upon approval of the special use permit and prior to commencement of construction.
- 4) Escalation: A fee and assessment escalation provision to largely offset the rising costs of insurance coverage.

10. Contact Information. The applicant must provide a local contact authorized by the applicant to receive service and respond to all notices, demands, complaints, concerns or other requests. Local contact information must include the name of the local representation, local phone number and physical address. Said contact information must be filed with the County Auditor\Treasurer prior to commencement of construction of the pipeline facility.

VIII. Fees and Assessments

The following fees and assessments apply to a Special Use Permit for a Hazardous Liquid Pipeline pursuant to this Article:

I. A Pipeline Company seeking a Special Use Permit shall pay the following fees and assessments:

- a. An application fee in the amount of ~~\$300.00~~ \$1,406 per mile of pipeline for the special use permit.
- b. An annual assessment fee in the amount of \$116.92 per mile of Pipeline constructed, operated, and maintained in the County, or an amount equal to the most current user fee assessed to the operators of Hazardous Liquid Pipelines by PHMSA, whichever is greater. This assessment shall be due each year on the anniversary of the Pipeline's In-Service Date, and the County shall apply this assessment towards its emergency planning and hazard mitigation costs, including expenses for law enforcement and emergency response personnel.
- c. All other applicable user or permit fees required for crossing Burleigh County roads or using the public right-of-way in the County.

IX. Public Hearing Requirements and Permit Approval

Upon receipt of an application for a Special Use Permit by a Pipeline Company, the County Planning Director shall verify that the Pipeline Company permit application requirements of this

Article are met and shall complete staff reports to the Planning Commission recommending approval, denial, or amendments of the permit application. Upon the verification and report of the County Planning Director, a date shall be set of one or more public hearings in the County on the question of granting a Special Use Permit to the Pipeline Company. Once the public hearing dates have been set, Burleigh County Planning and Zoning Department shall publish notice in a local newspaper pursuant to the applicable provisions of NDCC, and shall send notice of each scheduled public hearing to all affected person within a minimum 1,250 ft. of proposed pipeline including each person identified in the Application by United States Mail.

1. Once the application, public hearing, and other requirements of this Article are met, the Planning Commission shall consider each application for a Special Use Permit according to the standards set forth in Article 8 regarding the powers of the County Commission and in Section 27 of this Zoning Regulation regarding the standards and findings required of Special Use permits. The Burleigh County Board of Commissioners shall issue a permit if the Board finds that all applicable standards are met. The burden of establishing that all applicable standards are met shall be on the Applicant prior to the issuance of the Special Use Permit.
2. A Special Use Permit granted to a Pipeline Company pursuant to this Article is not transferrable to any Person. A Pipeline Company, or its successors in interest, shall apply for a new Special Use Permit whenever the Hazardous Liquid Pipeline is transferred or its use is materially or substantially changed or altered.
3. Access Roads and Protection of Agricultural Operations. The location and construction of access roads and other infrastructure shall, to the extent reasonably possible, not disrupt farming, agricultural operations, or the landscape within Burleigh County. In order to preserve the integrity of fields and capacity for efficient tilling, planting, and harvesting, the applicant shall work with the landowner to determine the most appropriate routing of access road locations.
  - a. Access roads shall be low profile roads with in-slopes and backslopes of 1 or flatter so that farming equipment can cross them and roadway surfacing shall be Class 5 gravel or similar material, unless otherwise negotiated with the landowner.
  - b. A plan outlining the location and design of all access roads shall be provided to the County Planner for determination as to whether the plan conforms to the other terms of this section.
  - c. If the applicant wishes to build an access road on a section line, in accordance with North Dakota Century Code (NDCC) Section 24- 07-05, the applicant shall first petition the township board or the Board of County Commissioners (in unorganized townships). If the petition is granted, the applicant must build the road to township or county standards under the supervision of the township district roadway overseer.
  - d. The applicant must protect and segregate topsoil from subsoil on all lands unless otherwise negotiated with the affected landowner. The applicant must minimize soil compaction of all agricultural lands during all phases and confine soil compaction to as small of an area as possible.
  - e. The applicant shall, during all phases of construction, abide by the approved soil erosion control plan in accordance with Section I I of Article 33 of the Burleigh County Zoning Ordinance.

- f. Fence and Gate Repair. The applicant shall promptly repair or replace all fences and gates removed or damaged during all phases of the pipelines life unless otherwise negotiated with the affected landowner.
- g. Drainage Tile Repair. The applicant shall consider, avoid, promptly repair or replace all drainage tiles broken or damaged during all phases of project life unless otherwise negotiated with the affected landowner.
- h. Road Repair (Private Roads). The applicant shall promptly repair any damaged private roads, driveways or lanes to a condition at least equal to the condition prior to construction of the installing pipe, unless otherwise negotiated with the affected landowner.
- i. Hazardous Waste. The applicant shall be responsible for compliance with all federal, state and local laws applicable to the generation, storage, transportation, clean up and disposal of hazardous wastes generated during any phase of the project's life.
- j. Chemicals. The use of chemicals is limited to those herbicides and methods approved by the North Dakota Department of Agriculture and the North Dakota Department of Health. The applicant must contact the affected landowners prior to application.
- k. Temporary Staging Areas. The applicant shall negotiate with landowners to locate sites for temporary equipment staging or lay down areas.
- l. Tree Removal. The applicant shall minimize the removal of trees and shall not remove groves of trees or shelter belts without the written approval of the affected landowner. Trimming or removal of trees within the public right-of-way to allow for safe construction of power lines shall be allowed.
- m. Waste Removal. The applicant shall remove all waste and scrap that is the product of construction, operation, restoration and maintenance from the site and properly dispose of it upon completion of each task. Personal litter, bottles, and paper deposited by site personnel shall be removed on a daily basis.
- n. Land Restoration. The applicant shall, as soon as practical following construction of the pipeline, considering the weather and preferences of the affected landowner, restore the area affected by any construction activities to the condition that existed immediately before construction began. The time period may be no longer than eight (8) months after completion of construction of the pipeline. Restoration shall be compatible with the safe operation, maintenance, and inspection of the pipeline and or pipeline facility.
- o. Complaints. Prior to the start of construction, the applicant shall submit to the County Planner the company's procedures to be used to receive and respond to complaints.
- p. Public Safety Plan. The applicant is to provide educational materials to landowners within the site boundaries and, upon request, to interested persons, about the project and any restrictions or dangers associated with the project. The applicant is encouraged to also provide any necessary safety measures, such as warning signs and gates for traffic

control or to restrict public access to pipeline access roads. The applicant shall comply with provisions outlined in their public safety plan.

- q. Road Use Arrangements. Prior to construction, the applicant shall make satisfactory arrangements (including obtaining permits) for road use, access road intersections, maintenance and repair of damages with governmental jurisdiction with authority over each road. The applicant shall notify the County Planner of such arrangements upon request.
- r. Overweight Load Permits. The applicant is responsible for abiding by the state and local overweight load permitting processes in accordance with NDCC Chapter 39-12 .A special use permit issued under this ordinance to install a hazardous material pipeline does not negate a hauler's obligation to obtain overweight load permits prior to hauling.
- s. Approach Permits. The applicant is responsible for obtaining an approach permit from the County Engineer or the affected township for any new or reconstructed approach.
- t. Road Repair (Public Roads). Any road damage caused by the applicant, its independent contractor, employee, agent, contractor, or subcontractor shall be promptly repaired at the applicant's expense to current standards set out in the North Dakota Department of Transportation's (NDDOT) Standard Specifications for Road and Bridge Construction. If it is reasonably foreseeable that continued trips will make prompt repair to this standard unreasonable, intermediary measures must be taken by the applicant, if approved by the political subdivision in charge of the road, to ensure the public road remains passable and useable as has been the tradition in the community. Final repairs to these standards must be made promptly after the completion of the construction of the pipeline.

#### X. Appeals and Variances

A Pipeline Company or a Property Owner may appeal an adverse determination on a Special Use Permit, or may seek a special exception or variance from the Board of County Commissioner, as provided in Article I Section 7 and Article 26 Section I of this Zoning Ordinance.

#### XI Applicability and Compliance

1. The permit requirement in section 8.3 and the separation requirements in section 8.4 of this Article shall not apply to (1) a Hazardous Liquid Pipeline that is already permitted, constructed, and placed in-service on or before the effective date of this Article.
2. If a Property Owner has executed an Independent Agreement prior to the effective date of this Article and the Independent Agreement does not meet the separation requirements of this Article, then notwithstanding the Independent Agreement, the Pipeline Company shall comply with the separation requirements of this Article.
3. If a Property Owner has executed an Independent Agreement prior to the effective date of this Article and the Independent Agreement provides for separation requirements that are greater than

the separation requirements this Article, then the Pipeline Company shall comply with the terms of the Independent Agreement with the Property Owner.

XII. Emergency Response and Hazard Mitigation Plans for Hazardous Liquid Pipelines

The County requires Hazardous Liquid Pipelines Companies to provide information to assist in emergency response and hazard mitigation planning pursuant to this section.

1. If PHMSA has adopted regulations specifically related to emergency preparedness, emergency response, and hazard mitigation planning for the Hazardous Liquid Pipeline, then the Pipeline Company operating the Hazardous Liquid Pipeline shall submit a copy of the emergency response and hazard mitigation plan to Burleigh County Emergency Management.
2. If PHMSA has not adopted regulations specifically related to emergency preparedness, emergency response, and hazard mitigation planning for Hazardous Liquid Pipelines, then the Pipeline Company operating the Hazardous Liquid Pipeline shall submit a plan that meets the requirements of this section. A plan submitted in compliance with this section shall include the following:
  - a. A map and legal description of the proposed route for a Hazardous Liquid Pipeline showing all human occupied structures and animal husbandry facilities, by type, within two miles of the centerline of the proposed route including addresses.
    - 2.a.1 An estimate of the worst-case discharge of hazardous liquid released in metric tons and standard cubic feet from a rupture of a pipeline considering the interior volume of the pipeline, the location of emergency valves that limit release of hazardous liquid, the location of crack arrestors, operating pressures, operating temperatures, and other relevant factors.
    - 2.a.2 A rupture dispersion modeling report containing the results of computational fluid dynamic computer model estimates of the maximum geographic ranges of the Fatality Zone and Hazard Zone for the Hazardous Liquid Pipeline in the event of its rupture in a range of weather conditions and representative topography in County, as well as in low elevation areas of the County where released hazardous liquid may settle.
    - 2.a.3 A computer model report showing the Blast Zone for the Hazardous Liquid Pipeline.
    - 2.a.4 A list of structures and facilities within the Hazard Zone, Fatality Zone, and Blast Zone for the proposed route of a Hazardous Liquid Pipeline that in the preceding year have contained humans or livestock, and an estimate of the numbers of persons and livestock in each structure and facility.
    - 2.a.5 A list of High Consequence Areas. A High Consequence Area is any area within the Hazard Zone, the Fatality Zone, or the Blast Zone where a single rupture would have the potential to adversely affect 10 or more persons or a facility with 100 or more livestock.
    - 2.a.6 A description of the potential adverse impacts of a rupture of a Hazardous Liquid

Pipeline on the humans, livestock, and other real and personal property within the Hazard Zone, the Fatality Zone, and the Blast Zone for the route of a Carbon Dioxide Pipeline.

- 2.a.7 Identification of alternative routes through the County designed to minimize risks to humans and animals from a rupture of the Hazardous Liquid Pipeline with County, and an analysis of the risks of these alternative routes relative to the proposed route.
- 2.a.8 All information needed by county first responders, emergency response personnel, and law enforcement personnel in order to engage in local emergency management and hazard mitigation planning, equipment, and training needs. Such information includes but is not limited to:
  - 1) a material data safety sheet for the materials transported in the Hazardous Liquid Pipeline;
  - 2) agency-specific response plans for law enforcement, emergency medical responders, and other response agencies;
  - 3) gas detectors and evacuation plan for each human occupied structure; response equipment needs for emergency response personnel, such as chemical detectors; respirators; personal protective equipment; communications equipment; road barriers and traffic warning signs; and noninternal combustion engine evacuation vehicles;
  - 4) Hazardous Liquid Pipeline rupture emergency response training program to ensure safe and effective response by county and municipal law enforcement, emergency medical services, and other responders during the operational life of the Hazardous Liquid Pipeline.
3. Identification of residential and business emergency response needs, including but not limited to:
  - a. a Mass Notification and Emergency Messaging System; evacuation plans; evacuation equipment needs especially for mobility impaired individuals; gas detectors, and respirators.

### XIII. Abandonment, Discontinuance, and Removal of Hazardous Liquid Pipelines

1. In addition to the requirements set by NDCC, a Hazardous Liquids Pipeline in the County that is abandoned shall comply with the requirements of this section. A Hazardous Liquid Pipeline shall be deemed abandoned for purposes of this section whenever the use of the Hazardous Liquid Pipeline has been discontinued such that there is no longer regulatory oversight of the Pipeline by PHMSA.
2. A Pipeline Company granted a Special Use Permit pursuant to this Article shall by certified mail notify the County and all Affected Persons in the County of the Pipeline Company's intent to discontinue the use of the Pipeline. The notification shall state the proposed date of the discontinuance of use.
3. Upon abandonment or discontinuance of use, the Pipeline Owner shall offer to each Property Owner the option to have the Pipeline and all related facilities physically wholly or partially dismantled and removed, or otherwise mitigated through filling, segmenting, or other forms of mitigation, including both the below and above ground facilities or to permanently fill the below ground pipeline with suitable flowable fill material. The removal or permanently filling Pipeline and the related

Reclamation and Reclamation Costs shall be the Pipeline Company's responsibility and shall be completed within one-hundred eighty (180) days from the date of abandonment or discontinuation of use unless a Property Owner agrees to extend the date of removal. Such an extension must be by written agreement between the Pipeline Company and the Property Owner, and the agreement shall be filed at the Burleigh County Recorder's office and a copy delivered to the County by the Pipeline Owner.

4. A Property Owner shall not be required to have the Pipeline removed, but if the Property Owner agrees to the removal and Reclamation, the Property Owner shall allow the Pipeline Company reasonable access to the property.
5. Upon the removal of the Pipeline and the Reclamation, the Pipeline Owner shall restore the land pursuant to or within applicable code in NDCC to the requirements and the rules adopted thereunder including all amendments thereto.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

First Reading Passed: March 8, 2023

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Becky Matthews                      Chairperson

\_\_\_\_\_  
Mark Splonskowski                      County Auditor

*State of North Dakota*

# County of Burleigh

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

LETTER TO THE NORTH DAKOTA PUBLIC SERVICE COMMISSION  
FROM THE BOARD OF COUNTY COMMISSIONERS,  
COUNTY OF BURLEIGH, NORTH DAKOTA

In order to protect the health, welfare and safety of the people of Burleigh County, the Board of County Commissioners unanimously adopted local zoning ordinances for the purpose of establishing certain regulations within the unincorporated areas of its jurisdiction, specific to the issuance of a special use permit for Hazardous Liquid Pipelines.

The commission has determined that this ordinance may need to be revised due to a review of current federal safety measures and oversight. The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) announced on May 26, 2022, that it is taking steps to implement new measures to strengthen its safety oversight of carbon dioxide (CO<sub>2</sub>) pipelines around the country and protect communities from dangerous pipeline failures. The new measures, as well as enforcement actions taken against pipeline companies, are a result of PHMSA's investigation into a CO<sub>2</sub> pipeline failure in Satartia, Mississippi in 2020.

Therefore, Burleigh County has determined that this ordinance may be revised due to future PHMSA oversight and potential new measures. We believe these new measures could indeed be vital to safeguard the health and life safety of the public prior to the issuance of a transmission pipeline special use permit.

We ask, in turn, that the NDPSC examine not only the timeliness of the proposed PHMSA safety measures for their consideration but also that they deny the site corridor application currently under consideration, it is simply too close to existing and future developed areas in Burleigh County.

**ITEM**

**# 8**



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

A  
**KELLY LEBEN**  
SHERIFF

## Request for County Commission Action

**Date:** April 6, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben   
Burleigh County Sheriff

**Re:** Re-Classification of One (1) 24/7 Coordinator Position

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

### Action Requested:

Approval to re-classify one (1) 24/7 Coordinator position from Grade 6- 24/7 Coordinator to Grade 7- Deputy Sheriff with underfill option.

### Background:

The Burleigh County Sheriff's Department provides pre-trial and post-conviction drug and alcohol testing as part of the 24/7 Drug & Alcohol Sobriety Testing Program. In an effort to streamline operations and enhance the effectiveness of this position, our goal is to staff one of the two 24/7 Coordinator positions with a sworn law enforcement officer.

### Recommendation:

It is recommended that the County Commission approve the re-classification of one (1) 24/7 Coordinator Grade 6 position to Deputy Sheriff Grade 7, but retain the underfill option due to potential difficulty hiring.

### Proposed Resolution:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to re-classify one (1) 24/7 Coordinator position from Grade 6 to 24/7 Coordinator to Grade 7 Deputy Sheriff with an underfill option.

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#### COURTHOUSE

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

 [www.facebook.com/BurleighCountySheriffsDepartment](https://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

**ITEM**

**# 9**

# **PUBLIC HEARING**

## NOTICE OF HEARING ON ASSESSMENT LIST

Notice is hereby given that the special assessment list of the lots and tracts assessed and the amount each lot or tract of land is benefited by, and the amount assessed against each lot or tract for the cost of construction of the following special assessment districts:

### **Towne and Country Estates and Morgan Country Estates Subdivision SAD # 75**

Paving of the following roads: Sycamore Lane from 89<sup>th</sup> Ave SE to Maplewood Drive. Maplewood drive from the east end of Lot 7 to the west end of lot 8. 33<sup>rd</sup> Street Se from 89<sup>th</sup> Ave SE to the south end of Morgan Country Estates. At the same time as this project (but not as part of the Special Assessment District) Burleigh County/Fort Rice Township will pave 89<sup>th</sup> Ave SE from Desert Road to the east end of Armans 2nd Subdivision Replat, paving will include 4 inches of hot bituminous and a chip seal treatment:

of the County of Burleigh, North Dakota, and which is to be paid by special assessments, has been confirmed by the Special Assessment Commission of the said County of Burleigh and I certify that it is true and correct and filed in the office of the County Auditor/Treasurer of the said county and is now open for public inspection.

And notice is further given that at the regular meeting of the Board of County Commissioners to be held at 5:00 pm on the 17<sup>th</sup> day of April 2023, any person who appealed from the action of such Special Assessment Commission prior to such time, may appear before the Board of County Commissioners and present why the action of the Special Assessment Commission should not be confirmed and that the Board of County Commissioners will then hear and determine all such appeals, if any, and take final action thereon and upon the whole assessment list. Written statements will be considered if received by County Auditor/Treasurer prior to the hearing date.

By order of the Burleigh County Commission this 17<sup>th</sup> day of April 2023.

---

Mark Splonskowski  
Burleigh County Auditor/Treasurer/Tax  
Run 3/22 & 29,23

**BURLEIGH COUNTY  
SPECIAL ASSESSMENT COMMISSION  
MEETING\PUBLIC HEARING AGENDA**

**April 6, 2023**

**5:15PM**

City/County Building  
First Floor Conference Room

Towne and Country Estates and Morgan Country Estates Subdivision S.A.D. #75

- 1) CALL to ORDER – Jeff Eslinger, Chair
- 2) Auditor Splonskowski to explain process. Purpose of hearing is not to discuss costs but how costs are assessed. Assessments for the most part are spread equally among the benefited property and based upon the petitions. Each buildable lot is assessed and equal assessment.

Estimated costs:

S.A.D. #75 \$ 1,016.75\yr – 11yrs plus interest @ 5.54%

- 3) OPEN PUBLIC HEARING for S.A.D. #75 – call for public testimony.
- 4) CLOSE PUBLIC HEARING - Motion to confirm special assessment list for Towne and Country Estates and Morgan Country Estates Subdivision S.A.D. #75 and forward the same to the Burleigh County Board of Commissioners.

- 5) Adjourn.

**BURLEIGH COUNTY  
SPECIAL ASSESSMENT COMMISSION  
MEETING MINUTES  
April 6, 2023**

**5:15 PM**

The Burleigh County Special Assessment Commission convened with all Commissioners Heim, Lunde, and Chairman Eslinger present.

The purpose of the meeting was to conduct public hearings regarding the assessment of cost\benefit to properties within the SAD #75 – Towne and Country Estates and Morgan Country Estates Subdivision. Chairman Eslinger called the meeting to order with County Auditor/Treasurer/Tax Splonskowski briefly explaining the process.

Chairman Eslinger opened the Public Hearing for Special Assessment **District #75 – Towne and Country Estates and Morgan Country Estates Subdivision.**

No one present appeared and the following motion was made:

Motion by Comm. Heim, 2<sup>nd</sup> by Comm. Lunde, to close the public hearing for S.A.D. #75 Towne and Country Estates and Morgan Country Estates Subdivision and to confirm the special assessment list as published and to forward the same onto the Board of County Commissioners. All members present voted "AYE." Motion carried

Meeting adjourned

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Mark Splonskowski  
Burleigh County Auditor/Treasurer/Tax

**NOTICE OF PUBLIC HEARING  
SPECIAL ASSESSMENTS  
STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH**

The undersigned, Jeff Eslinger, Mike Heim and Lee Lunde constituting the Special Assessment Commission of Burleigh County, North Dakota, do hereby certify that the foregoing is a complete list of the particular lots and tracts of land in which, in the opinion of the Commission, are especially benefited by the construction of street paving and related work in Street Improvement District #75 of said County, setting for the amount each lot or tract of land is benefited by such improvement and the amount assessed against each and the same is a true and correct assessment of the property therein described according to the best judgment of the Members of such Commission and that the several items of expense in such assessments are as follows to wit:

Construction Expense	\$ 382,323.66
Engineering Expense	\$ 18,321.73
Administrative Expense	\$ 10,000.00
Bond Cost	<u>\$ 14,354.61</u>
	<u>\$ 425,000.00</u>

Notice of the Special Assessment for the cost of construction of street paving and related work in Street Improvement District #75 of Burleigh County North Dakota.

**NOTICE IS HEREBY GIVEN** that a Special Assessment for the cost of construction and related work in Street Improvement District #75 has been levied against the lots and tracts of land especially benefited by such improvement in the sums set opposite the respective descriptions of such lots and tracts of land, to wit: **Towne and Country Estates and Morgan Country Estates Subdivisions**, paving of the following roads: Sycamore Lane from 89<sup>th</sup> Ave SE to Maplewood Drive. Maplewood Drive from the east end of Lot 7 to the west end of lot 8. 33<sup>rd</sup> Street SE from 89<sup>th</sup> Ave SE to the south end of Morgan Country Estates. At the same time as this project (but not as part of the Special Assessment District) Burleigh County/Fort Rice Township will pave 89<sup>th</sup> Ave SE from Desert Road to the east end of Armans 2<sup>nd</sup> Subdivision Replat, paving will include 4 inches of hot bituminous and a chip seal treatment.

<b>Property ID #</b>	<b>Legal Description</b>	<b>Amount</b>
<b>Towne and Country Estates and Morgan Country Estates Subdivisions</b>		
51-137-80-63-01-010	Block 1 Lot 1	\$11,184.22
51-137-80-63-01-020	Block 1 Lot 2	\$11,184.22
51-137-80-63-01-030	Block 1 Lot 3	\$11,184.22
51-137-80-63-01-040	Block 1 Lot 4	\$11,184.22
51-137-80-63-01-050	Block 1 Lot 5	\$11,184.22
51-137-80-63-01-060	Block 1 Lot 6	\$11,184.22
51-137-80-63-01-070	Block 1 Lot 7	\$11,184.22
51-137-80-63-01-080	Block 1 Lot 8	\$11,184.22
51-137-80-63-01-090	Block 1 Lot 9	\$11,184.22
51-137-80-63-01-100	Block 1 Lot 10	\$11,184.22
51-137-80-63-01-110	Block 1 Lot 11	\$11,184.22
51-137-80-63-01-120	Block 1 Lot 12	\$11,184.22
51-137-80-63-02-010	Block 2 Lot 1	\$11,184.22
51-137-80-63-02-020	Block 2 Lot 2	\$11,184.22
51-137-80-63-02-030	Block 2 Lot 3	\$11,184.22
51-137-80-63-02-040	Block 2 Lot 4	\$11,184.22
51-137-80-63-02-050	Block 2 Lot 5	\$11,184.22
51-137-80-63-02-060	Block 2 Lot 6	\$11,184.22

51-137-80-63-02-070	Block 2 Lot 7	\$11,184.22
51-137-80-63-02-080	Block 2 Lot 8	\$11,184.22
51-137-80-63-02-090	Block 2 Lot 9	\$11,184.22
51-137-80-63-02-100	Block 2 Lot 10	\$11,184.22
51-137-80-63-02-110	Block 2 Lot 11	\$11,184.22
51-137-80-00-11-220	Section 11 Lot A of N1/2 Irr Plat 11-137-80	\$11,184.22
51-137-80-84-00-010	Block 00 Lot 1	\$11,184.22
51-137-80-84-00-020	Block 00 Lot 2	\$11,184.22
51-137-80-84-00-030	Block 00 Lot 3	\$11,184.22
51-137-80-84-00-040	Block 00 Lot 4	\$11,184.22
51-137-80-84-00-050	Block 00 Lot 5	\$11,184.22
51-137-80-84-00-060	Block 00 Lot 6	\$11,184.22
51-137-80-84-00-070	Block 00 Lot 7	\$11,184.22
51-137-80-84-00-080	Block 00 Lot 8	\$11,184.22
51-137-80-84-00-090	Block 00 Lot 9	\$11,184.22
51-137-80-84-00-100	Block 00 Lot 10	\$11,184.22
51-137-80-84-00-110	Block 00 Lot 11	\$11,184.22
51-137-80-84-00-120	Block 00 Lot 12	\$11,184.22
51-137-80-84-00-130	Block 00 Lot 13	\$11,184.22
51-137-80-84-00-140	Block 00 Lot 14	\$11,184.22

**AMOUNT TO BE**

**ASSESSED**

Construction

Engineering

Admin Cost

Bond Cost

**TOTAL COST**

\$	425,000.00
\$	382,323.66
\$	18,321.73
\$	10,000.00
\$	14,354.61
\$	425,000.00

**NOTICE IS HEREBY GIVEN** that on the 6<sup>th</sup> day of April 2023, at 5:15 P.M. the Special Assessment Commission of Burleigh County, North Dakota, will meet in Main Floor Conference Room in the City/County Building, 221 N 5th Street, Bismarck, ND to hear any testimony both for and against which may be made to any assessment shown in the foregoing list by any person interested therein or by his agent or attorney.

Jeff Eslinger  
Chairperson

Mike Heim  
Member

Lee Lunde  
Member

Publish: 3/22 & 3/29, 2023

**ITEM**

**# 10**



**Request for County Board Action**

**DATE:** April 17, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Justin Schulz  
Deputy Finance Director

**RE:** Approval of Burleigh County Finance Manual

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

**ACTION REQUESTED:**  
Approval of Burleigh County Finance Manual

**BACKGROUND:**  
On April 3, 2023 the County Board was provided a copy of the proposed Burleigh County Finance Manual for review. This manual arose from recommendations from the 2021 County Audit.

**RECOMMENDATION:**  
It is recommended the Board adopt the attached proposed resolution.

**PROPOSED RESOLUTION:**  
**THEREFORE, BE IT RESOLVED:** That the County Board approve the Burleigh County Finance Manual.

**ITEM**

**# 11**

Item: 2024 Lease of first floor of City/County Building

**Request:**

Approval of the 2024 lease from the City of Bismarck to Burleigh County for the first floor of the City/County Building.

**Background:**

The Bismarck City and Burleigh County subcommittee came to agreement on the current terms and conditions for the 2024 rent of the first floor of the city/county building.



## City Attorney

**DATE:** March 21, 2023  
**FROM:** Jannelle Combs, City Attorney  
**ITEM:** City/County building lease for first floor

**REQUEST:**

Consider approving the attached lease from the City to the County for the first floor of the City/County building.

Please place this item on the March 28, 2023, City Commission meeting agenda.

**BACKGROUND INFORMATION:**

The City/County subcommittee has recommended approval of their first contract from their meetings. The attached proposed contract is for the rent to remain the same for 2024 for the County's lease of first floor of the City/County meeting. The subcommittee unanimously recommended the contract for approval by their boards.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve 2024 lease of Burleigh County for the first floor of the City/County building.

**STAFF CONTACT INFORMATION:**

Jannelle Combs | City Attorney | 701-355-1340 | [jcombs@bismarcknd.gov](mailto:jcombs@bismarcknd.gov)

## **LEASE AGREEMENT**

This lease agreement is made and entered into by and between the City of Bismarck, hereinafter referred to as "**Landlord**," and the county of Burleigh, hereinafter referred to as "**Tenant**."

1. **Lease of Premises.** The **Landlord**, in consideration of the rent to be paid and the covenants to be performed by the **Tenant**, does hereby lease to the **Tenant** the following-described premises situated in the City of Bismarck, Burleigh County, North Dakota:

First floor and one storage space in the basement of the building known as the City/County Building, located at 221 North 5<sup>th</sup> Street, Bismarck, North Dakota, and consisting of approximately 14,967.75 square feet, including only the area shown on Exhibit "A," attached hereto and made a part of this lease.

2. **Term of Lease.** The term of this lease shall be for a period of one year, commencing on the first day of January 1, 2024, and terminating on the last day of December, 2024. This Lease Agreement shall automatically renew for additional one-year periods, on the same terms and conditions, upon the expiration of the original or renewed term.

During the initial or renewed term of this Lease Agreement, the **Tenant** shall have the unilateral right to terminate the lease by giving 180 days' notice of its intent to cancel the lease and vacate the premises. This lease will not allow month-to-month tenancy and shall terminate at the end of the term. The parties can execute a new lease or vacate the premises.

Failure to pay the Rental Payments below on the dates indicated, which if it continues for a period of ten (10) days after written demand by the **Landlord** for payment, shall be a considered a default and result in termination of the lease.

3. **Rental Payments.** The **Tenant** agrees to pay as rental for the premises \$15.00 per square foot for a total of \$224,516.25 (14,967.75 square feet x \$15.00 per square foot) on an annual basis during the term of this lease. Rental payments are payable monthly on the 1<sup>st</sup> of each month in advance of occupancy or in installments as the parties hereto may agree in writing.

4. **Improvements and Remodeling.** The **Tenant** agrees to assume the cost of improvements or remodeling necessary or desired in those

areas leased by the **Tenant**. All proposed improvements shall be subject to prior written approval by the **Landlord**.

5. **The Landlord's Obligations.** The **Landlord** agrees as follows:

a. To provide commercially reasonable utility service to the leased premises, excluding telephone and internet.

b. To comply with the requirements of applicable building and housing codes materially affecting health and safety and to comply with all applicable laws of this state and ordinances of the City of Bismarck in force from time to time relating to the leased premises and **Landlord's** obligations thereto.

c. To keep all common areas of the premises in a clean and safe condition.

d. To furnish janitorial services.

6. **The Tenant's Obligations.** The **Tenant** agrees as follows:

a. To use commercially reasonable amounts of utilities for its operations and **Tenant's** uses only.

b. To pay the rental when due.

c. To keep the leased premises in a clean, safe, and healthful condition, and to maintain the leased premises in such repair as the same is at the time of initial occupancy during the term of the lease, save and except only reasonable use and wear, and damage by fire and unavoidable casualty.

d. Not to make or suffer any unlawful, improper, or offensive use of the premises, and to keep and observe all of the laws of this state and the ordinances of the City of Bismarck in force from time to time relating to the leased premises or the use thereof.

e. To permit the **Landlord** at all reasonable times to enter upon and examine the premises and to make such repairs as may be thought necessary by the County for the protection of the premises.

f. To surrender the leased premises to the **Landlord** at the expiration of the Lease Agreement in as good condition and repair as the same were in when the premises were occupied,

reasonable wear and tear and damage by fire or other unavoidable casualty only excepted. Also, in default of the payment of any rents due or failure to perform any of the terms or conditions of this lease, then to surrender premises upon demand made by the **Landlord**. Upon expiration of the Lease Agreement, the **Tenant** grants to the **Landlord** the right of reentry to such premises, should the option to extend the lease not be exercised.

g. To pay for its share of janitorial services. The **Tenant's** share of the janitorial services shall be computed based upon the total square footage leased by the **Tenant** as a percentage of the total usable square footage in the building. The **Tenant** agrees to pay its share of the cost of janitorial services promptly when due.

h. **TENANT** shall permit no signs to be placed outside the Leased Premises unless approved in writing by the Renaissance Zone Authority Board acting as the Downtown Design Review Committee, except what is presently on the building.

7. **Termination of Lease in the Event of Destruction of Premises.** It is agreed that in the event the leased premises are destroyed or damaged by fire or the elements to the extent they should be un-tenantable, then this lease shall immediately terminate, unless the **Landlord**, within 20 days of the happening of such event, gives notice of intention to restore the building and restore possession of the leased premises to the **Tenant**, and shall fully restore such premises within a reasonable time thereafter, provided, that during the term between destruction and restoration the payment of such rent shall be suspended.

8. **Assignment.** This lease may not be assigned or sublet by the **Tenant** without the prior written consent of the **Landlord**. This lease shall not terminate by reason of any sale of the premises by the **Landlord** to third parties, but shall continue throughout the entire term.



**Item: Discussion of possible Off Road Vehicle Ordinance**

**Request:**

To discuss interest in a potential ordinance of offroad vehicles in Burleigh county. If commission is in agreement to move forward with ordinance discuss timeline and persons responsible for ordinance creation.

**Background:**

A group of concerned Burleigh county citizens have presented and shared concerns of off road vehicles in the ditches Burleigh county. Concerns of health and safety. They have requested ordinances to address these concerns.

## Burleigh County Board Appointments

### *Bismarek Planning Commission – 5 year term*

<b>Paul Levchak</b> (County Appointed)	(2019)	12/31/2023
<b>Trent Wangan</b> (County Appointed)	(2020)	12/31/2024
<b>Vacant</b> (County Appointed)	(2023)	12/31/2027
<b>Brian Bitner</b> (County Appointed)		
<b>Brian Eiseman</b>		
<b>Kevin Martin</b>		
<b>Gabe Schell</b>		
<b>Mike Schmitz</b>		
<b>Wendy VanDuyne</b>		
<b>Tom Atkinson</b>		
<b>Mike Schwartz</b>		

### *County Planning Commission – 4 year term*

<b>Bea Streifel</b>	(2020)	12/31/2023
<b>Dennis Agnew</b>	(2020)	12/31/2023
<b>Dale Patrick</b>	(2019)	12/31/2025
<b>Alvie Jarratt</b>	(2021)	12/31/2025
<b>Brian Zuroff</b>	(2020)	12/31/2025
<b>Steve Marquart</b>		
<b>Mike Schmitz</b>		
<b>Brian Bitner</b>		
<b>Wayne Munson</b>		

### *County Housing Authority – 5 year term*

<b>Arlene Olson</b>	(2003)	12/31/2023
<b>Cynthia Chavez</b>	(2020)	12/31/2024
<b>Lois Sundquist</b>	(2020)	12/31/2025
<b>Steven Sathre</b>	(2017)	12/31/2026
<b>Sister Kathleen Atkinson</b>	(2015)	12/31/2027

### *Human Service Zone Board – 3 year term*

<b>Tracy Famias</b>	(2020)	11/30/2023
<b>James Hulm</b>	(2020)	11/30/2023
<b>Leslie Percy</b>	(2021)	11/30/2024
<b>Dick Dever</b>	(2021)	11/30/2024
<b>Trevor Vannett</b>	(2021)	11/30/2024
<b>Gaylynn Becker</b>	(2020)	11/30/2025
<b>Chelsea Flory</b>		
<b>Becky Matthews</b>		

### *Lincoln City Planning Commission – 5 year term*

<b>Elizabeth Flemming</b>	(2017)	12/31/2026
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### *County Park Board – 3 year term*

<b>Jeffery Herman</b>	(2021)	12/31/2024
<b>Errol Behm</b>	(2019)	12/31/2024

### *School District Reorganization – 3 year term*

<b>Kim Birkeland</b>	(2011)	6/30/2024
<b>Brenda Blazer</b>	(2011)	6/30/2024
<b>Joyce Falkenstein</b>	(1995)	6/30/2024
<b>Dawn Aberle</b>	(2016)	6/30/2025
<b>Linda MacDonald</b>	(2007)	6/30/2025

## Burleigh County Board Appointments

<i>Special Assessment Commission – 6 year term</i>		
<b>Lee Lunde</b>	(2007)	3/31/2025
<b>Jeff Eslinger</b>	(2015)	3/31/2027
<b>Mike Heim</b>	(2005)	3/31/2029
<i>Water Management Board – 3 year term</i>		
<b>Cory Palm</b>	(2020)	12/31/2023
<b>Randall Binegar</b>	(2021)	12/31/2024
<b>Roger Smith</b>	(2021)	12/31/2024
<b>Dennis Reep</b>	(2014)	12/31/2025
<b>James Landenberger</b>	(2017)	12/31/2025
<i>Weed Control Board – 4 year term</i>		
<b>David Nehring</b>	(2020)	12/31/2023
<b>Greg Anderson</b>	(2022)	12/31/2023
<b>Larry Falkenstein</b>	(2021)	12/31/2025
<b>Denise Brown</b>	(2022)	12/31/2025
<b>Cole Anderson</b>	(2012)	12/31/2025

### ***Officials Appointed to Serve at the Pleasure of the Board***

<b>Joshua Seil</b>	County Coroner	11/30/2022
<b>Mary Senger</b>	Emergency Manager/Disaster Preparedness Director	
<b>Marcus J Hall</b>	Engineer	
<b>Kelly Leben</b>	Jail Administrator	
<b>Pamela Binder</b>	Safety/Risk Management Director & Human Resource Director	
<b>Chelsea Flory</b>	Human Service Director	
<b>Al Vietmeier</b>	Tax Equalization Director/County Assessor	
<b>Mark Landis</b>	Veterans Service Officer	
<b>Tyler Kralicek</b>	County Agent	
<b>Mitch Flanagan</b>	Building Official/Director	

Review  
Bills

BURLEIGH COUNTY COMMISSION AND PARK BOARD  
2023 MEETING SCHEDULE  
TOM BAKER MEETING ROOM - CITY\COUNTY BUILDING

	<u>DATE</u>	<u>AGENDA</u>
Munson	Jan. 4 (Weds) 18 (Weds)	Regular Meeting – Reorganize/Assign Portfolios 2 <sup>nd</sup> Meeting
Schwab	Feb. 6 23 (Thurs)	Regular Meeting 2 <sup>nd</sup> Meeting
Woodcox	Mar. 6 20	Regular Meeting 2 <sup>nd</sup> Meeting
Bitner	Apr. 3 17	Regular Meeting 2 <sup>nd</sup> Meeting
Matthews	May 1 15	Regular Meeting 2 <sup>nd</sup> Meeting
Munson	June 5 19	Regular Meeting/Equalization 2 <sup>nd</sup> Meeting
Schwab	July 5 (Weds) 19 & 20	Regular Meeting 2 <sup>nd</sup> Meeting & Preliminary Budget Introduction (8:30AM)
Woodcox	Aug. 7 21	Regular Meeting 2 <sup>nd</sup> Meeting
Bitner	Sept. 6 (Weds) 20 (Weds)	Regular Meeting 2 <sup>nd</sup> Meeting/Final Budget Hearing
Matthews	Oct. 2 1- 3 16	Regular Meeting Hearing to establish minimum sales prices for tax sale NDACo Convention – Bismarck 2 <sup>nd</sup> Meeting
Munson	Nov. 1 (Weds) 20 21	Regular Meeting 2 <sup>nd</sup> Meeting Annual Tax Sale (10:00 AM)
Schwab	Dec. 4 18	Regular Meeting 2 <sup>nd</sup> Meeting

11-11-05. Meetings of board - Time and place.

The board of county commissioners shall meet and hold regular meetings for the transaction of business at a time and place to be designated by the commission on a date certain established by resolution or ordinance of the commission. The county auditor shall have power to call special meetings when the interests of the county demand it. The chairman of the board, or a majority of the members thereof, may call special meetings that must be noticed in accordance with section 44-04-20.

## Burleigh County Commission - 2023 Portfolios

Each Commissioner shall periodically submit recommendations to the Board on policies and decisions relative to their portfolios assignments for final approval by the full Board of County Commissioners.

Becky Matthews Chair	Brian Bitner Vice Chair	Wayne Munson	Steve Schwab	Jerry Woodcox
Bismarck-Burleigh Joint Committee	Auditor	Building/Planning/Zoning	Extension	Burleigh/Morton Detention Center Board
Central Dakota Communications Center (911)	Building/Planning/Zoning	Burleigh/Morton Detention Center Board	Highway Department	Recorder
Council on Aging/Senior Adults Program	Buildings, Grounds & Abandoned Cemeteries	County Parks	Metropolitan Planning Organization	Sheriff's Office
County Library	Emergency Management	Government Coordination & Community Involvement: Bismarck Mandan Chamber EDC	Weed Board	State's Attorney
Government Coordination & Community Involvement:	Finance	Home Rule Charter		Superintendent of Schools
Intergovernment Committee		Missouri Valley Complex		Water Resource Board
Human Resources		Veterans Services		
Human Service Zone (Social Services)				
Public Health				

2/6/2023

# 2023 Calendar

January						
Su	Mo	Tu	We	Th	Fr	Sa
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November						
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December						
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31						

## Federal Holidays 2023

Jan 1	New Year's Day	Jun 19	Juneteenth	Nov 11	Veterans Day
Jan 2	New Year's Day (observed)	Jul 4	Independence Day	Nov 23	Thanksgiving Day
Jan 16	Martin Luther King Day	Sep 4	Labor Day	Dec 25	Christmas Day
Feb 20	Presidents' Day	Oct 9	Columbus Day		
May 29	Memorial Day	Nov 10	Veterans Day (observed)		



# Burleigh County Commission Special Meeting Agenda



First Floor Meeting Room, City/County Office Building, 221 N 5<sup>th</sup> St, Bismarck

April 24, 2023

## 3:00 PM

1. Meeting called to order by Chair Matthews.
2. Roll call of members.
3. County Deputy Finance Director Schulz will conduct a County Finance Workshop
  - a. Buildings/Properties discussion

Property	Estimated Value	Fund Balance
Missouri Valley Complex	\$10,000,000	\$5,397,025
Provident Building	\$3,000,000	\$1,512,800
Professional Building Parking Lot	\$250,000	\$69,128
Bismarck Tire Parking Lot	\$100,000	\$0.00
Sheriff's Dept Shop (Old Hwy Dept)		
	<b>\$13,350,000</b>	<b>\$6,978,953</b>

- b. New Building General Plan and Budget
  - c. Contracts and Leases: Obtain and review for Burleigh County, Departments, Boards and Committees
    - Long-Term Commitment from State on Human Service Zone Lease
  - d. Wells Fargo lot
  - e. Sales Tax \$.05
  - f. Investment Review
  - g. \$7M ARPA fund allocation
    - \$400,000 ARPA Interest Income – transfer to General Fund?
4. County Administrator
5. Public Information Officer
6. Challenges and Opportunities: Review and discuss transforming to a strategic plan.
7. 2024 Budget Priorities
8. Adjourn

*Mark Splonskowski*  
Burleigh County Auditor/Treasurer



# Burleigh County

½ CENT SALES TAX

# When was it put into place?

- ▶ June 10, 2014 – Home Rule Charter passed by public vote.
- ▶ Effective date of the charter was October 1, 2014

# What is the reason for the Sales Tax

- ▶ The tax is used to pay the bond payments for the construction of the Burleigh-Morton Detention Center.

# When will it end?

- ▶ The sales tax, per the Home Rule Charter, is to cease upon collecting a sufficient amount to pay off the bond.
- ▶ Currently the expected end of the tax will be the end of 2024.

# Annual Sales Tax Collection

Burleigh County Sales Tax Collections 2016	\$ 9,169,491.56
Burleigh County Sales Tax Collections 2017	\$ 8,534,122.88
Burleigh County Sales Tax Collections 2018	\$ 8,486,944.27
Burleigh County Sales Tax Collections 2019	\$ 8,789,797.60
Burleigh County Sales Tax Collections 2020	\$ 8,940,720.14
Burleigh County Sales Tax Collections 2021	\$ 10,742,570.19
Burleigh County Sales Tax Collections 2022	\$ 10,876,345.54

# 5-year average property tax collections

▶ \$19,243,457

# 2023 Budget

- ▶ Total Dollars to be Levied - \$22,779,559
- ▶ 2022 County Sales Tax collections - \$10,876,345.54 or 48% of 2023 budget
- ▶ Historically 40% of Sales Taxes collected in Burleigh County come from non-residents

# City of Bismarck

- ▶ 1% City Sales Tax – went into effect in 1986 and has no end date
- ▶ .5% City Sales Tax – This was approved in 2018 and went into effect in 2019. It can only be used for the defined project list of arterial roadways and will expire 10 years from the date of first collection or upon completion of the project list.

# Future Options





### 2023 Investment Income Estimate

Entity	Amount	Rate	Interest Earned	Investment Type	Fund
Wells Fargo	\$2,000,000.00	4%	\$80,000.00	Money Market	see breakdown starting on line 28
Wells Fargo	\$2,000,000.00	4% for 6months	\$40,000.00	Money Market	see breakdown starting on line 28
Wells Fargo	\$6,021,931.76	2%	\$120,438.64	Fixed Income Securities Maturing in 2024	see breakdown starting on line 28
Wells Fargo	\$150,000.00		\$150,000.00	2023 Market adjustment of 2023 Maturities	General Fund
Wells Fargo	\$570,000.00		\$570,000.00	Sweep Account	General Fund
Choice Bank	\$1,000,000.00	3.25%	\$32,500.00	Money Market	50% R&B/50%Fairgrounds
Bravera Bank	\$680,000.00	2.10%	\$14,280.00	CD	General Fund
Bank of the West	\$1,162,000.00	4.00%	\$46,480.00	Money Market	General Fund 70%/Fairgrounds 30%
BNC National Bank	\$2,300,000.00	4%	\$92,000.00	Money Market	General Fund
First International Bank	\$14,997,060.82	4%	\$599,882.43	Fixed Income Securities	see breakdown starting on line 33
First International Bank	\$10,000,000.00	4%	\$400,000.00	Money Market	ARPA
Bremer Bank	\$2,500,000.00	4%	\$100,000.00	Fixed Income Securities	1M General/1.5M Fairgrounds
Road and Bridge 2160	\$6,000,000.00	4%	\$240,000.00	Money Market or CD?	2160
	<u>\$49,380,992.58</u>		<u>\$2,485,581.07</u>	<b>Rounded Number</b>	

\$15,808,461.23	\$1,310,618.45	General Fund 1001
\$500,000.00	\$16,250.00	Road and Bridge 2140
\$6,000,000.00	\$240,000.00	Road and Bridge Special 2160
\$10,000,000.00	\$400,000.00	ARPA 2021
\$813,013.38	\$32,520.54	Senio Citizens 2905
\$600,268.46	\$24,010.74	Communications Center 2908
\$1,283,647.47	\$51,345.90	Emergency Fund 2910
\$1,406,589.75	\$56,263.59	Provident Building 2913
\$150,966.06	\$6,038.64	Veteran Service 2920
\$250,554.22	\$10,022.17	County Agent 2960
\$101,715.07	\$4,068.60	Weed Control 2970
\$383,222.83	\$15,328.91	County Park 2980
\$5,316,980.44	\$208,929.22	Fairgrounds 2982
\$1,048,678.13	\$41,947.13	Detention Center 2985
\$350,775.70	\$14,031.03	Preservation Fund 2986
\$250,837.30	\$10,033.49	St Atty Drug Forfeiture
\$2,700,679.05	\$108,027.16	BCBS Health Ins
\$104,867.83	\$4,194.71	Burnt Creek Township 2124
\$104,867.83	\$4,194.71	Lincoln Township 2138
\$104,867.83	\$4,194.71	Fort Rice Township 2151
<u>\$47,280,992.58</u>	<u>\$2,375,396.76</u>	<b>Actual Number to Use</b>

\$900K deducted from investment total for a transfer to cash to offset the negative 2022 ending balance

\$1,200,000 deducted from investment total for a transfer to cash to offset the negative 2022 ending balance

Entity	1001	2124	2138	2140	2151	2905	2908	2910	2913	2920	2960	2970	2980	2982
	General	Burnt Creek Township	Lincoln Township	Highway Dept	Fort Rice Township	Senior Citizens	Communications Center	Emergency Fund	Provident Building	Veteran Service	County Agent	Weed Control	County Park	County Fair
<b>Wells Fargo Bank</b>	4,235,836.41	-	-	-	-	602,125.15	-	-	-	150,966.06	250,554.22	48,704.87	173,487.22	3,958,644.83
<b>First International Bank</b>	\$6,059,224.82	\$104,867.83	\$104,867.83	\$0.00	\$104,867.83	\$210,888.23	\$1,500,268.46	\$1,283,647.47	\$1,406,589.75	\$0.00	\$0.00	\$53,010.20	\$209,735.61	\$209,735.61



2985	2986	2989	6001	TOTAL
Detention Center	Preservation Fund	St Atty Drug Forfeiture	BCBS Health Ins	
-	350,775.70	250,837.30	-	\$10,021,931.76
\$1,048,678.13	\$0.00	\$0.00	\$2,700,679.05	\$14,997,060.82

# Challenges and Opportunities for Burleigh County



Revised September 1, 2021



## Table of Contents



- I. Introduction
- II. County Organization
- III. County Operations
- IV. Infrastructure
- V. Public Interaction

## I. Introduction



Burleigh County was organized in 1873 and in 1889 when North Dakota became a state and Bismarck was named the capital, Burleigh County became the hub of growth and development for western North Dakota. The population has grown to over 95,000 people. In addition to the City of Bismarck growth, the County has experienced an explosion of rural subdivisions in the past few decades, which have created a host of challenges

for rural residents and local officials.

The County is currently governed by a County Board of Commissioners. This five-member board is tasked with major responsibilities to guide (and direct) the County's operations. This is accomplished by assigning each Commissioner a Portfolio of Departments in which to oversee and guide. Each Commissioner brings their own strengths to this endeavor; however, this has created inconsistencies in how departments are managed and how (and what) items are discussed and decided by the Board as a whole.

Due to ever changing times, our county government needs to periodically review our internal management structure and decide *if it still meets the needs of our community*. From time to time the structure of government needs to change in order to better serve the public's needs. This change does not always mean that the existing structure is poor or inadequate; it is more a function of a future prediction of where we as a society are headed. Changes can be small, or occasionally major changes in the structure need to be considered.



This plan is intended to lay out some of the more complicated issues that have been discussed over the years and to give the Commissioners and public some possible solutions. It is not intended to create a list of items that need to be addressed all at once, but a list of items that we (County Board of Commissioners, Department Heads and citizens) can work on in the coming years to improve the function of County Government.

## II. County Organization

### A. County Administrator

One way in which Burleigh County could improve their operations is to reorganize the county structure under a County Administrator form of government. Many counties in the United States (43%) have appointed administrators to help with the increasing complexity of county activities. Most often, county administrators implement the board's policy, run the daily operations of the county and prepare the annual budget.



Administrators are responsible for the day-to-day operations of their counties. It is their responsibility to bring coordination to the implementation of county services.



They work to build a county team of department heads and other employees. They establish and enforce policies in the areas of personnel, purchasing, cash management, risk management, planning, and employee development in order to provide more efficient and effective government. They monitor the State and Federal Legislative process serving as a liaison between the County Board and our representatives in the State Capitol and Federal Government. The Administrator will testify on bills and represent the County's position on current issues. Having an administrator provides

more direct accountability to the Commission for the proper operation of county services.

The Commission benefits in several ways from an administrator:

- They now can spend more of their valuable time focusing on policy issues, community goals, and major projects rather than on administrative details.
- They get better and more comprehensive information and analysis from the administrator in a staff role to enable them to make more informed decisions.
- The administrator can provide continuity when new persons are elected as officials.

However, as with all major changes to the existing County structure, there will be some disadvantages to adding a County Administrator:

- In addition to the County Administrator position, we will need to add various administrative and support staff. This increase in personnel, as well as additional equipment and office space, will cost the County a significant amount of money.
- The public may perceive this addition as a move by the Commissioners to reduce their involvement with running the County government.
- Department heads and other county employees may view this addition as creating a separation between the decision makers (Commissioners) and the line employees.



If the County Board wishes to move forward with developing this form of government, it is recommended that they appoint a Commissioner to work with a small group of Department Heads in developing an Organizational Chart and Budget to be presented to the County Board for their approval and authorization to move forward.

**B. IT Department**

Burleigh County has struggled with adequate Information Technology (IT) support for over ten years. IT service is contracted with the City of Bismarck. Inefficient service has led to outside contracts for the Human Service Zone (Social Services) and the Highway Department. The Sheriff’s Department has a staff employee providing direct IT service for their three facilities. The combination of IT support services for Burleigh County is disparate and inefficient. Burleigh County did increase their 2021 allocation for City of Bismarck IT services to include minimal equipment (servers) owned by Burleigh County.



In North Dakota, all the large counties (Cass, Grand Forks, Ward) have their own IT Department. It should also be noted that many mid-sized counties also have their own IT Department.

It is time for Burleigh County to start merging toward their own IT Department via one of the following methods:

- Full-time employees (4-5)
- Contract with outside service (NRG, Armor Interactive, etc.) and full-time employees (2).



Burleigh County has several departments that should have access to 24-hour emergency services: Emergency Management, Highway Department, Sheriff’s Department. The Auditor’s Office should also have ready access during tax season and elections. We have experienced several emergency/disaster situations and elections where service was not timely. In order to move forward, the County Board should direct a small committee of Department Heads to develop an implementation plan and budget to be presented to the County Board for their approval and authorization to proceed.

**C. County Board Agenda Items**

The County Board Agenda and Packet has always been a bit inconsistent on how it is put together and what type of information is included in the public packet. It is recommended that the County Board work with the Department Heads to establish requirements and a process for items to be placed on the agenda.

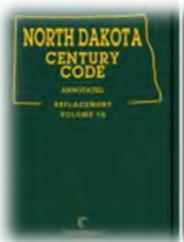
If the County Board wishes to move forward with establishing a consistent process and a standardized packet, it is recommended that they appoint a Commissioner to work with a small group of Department Heads in developing a plan to move forward.



### III. County Operations

#### A. Budgeting

The County Budgeting process is regulated by standard accounting principles and North Dakota Century Code, in addition to guidelines from various branches of the North Dakota State government. Beyond these requirements the County should have a formal policy and procedure for developing the Annual Budget that is transparent, goal based, and consistent between Departments. The general outline of a process is as follows:



1. Annually the County Board sets general goals and desires for the coming year's budget (this includes FTE increases, space changes, and other goals and guidelines that the County Board feels appropriate).
2. The Department Heads take these goals, along with other information, and develop recommendations for salary raises, health insurances changes and other recommendations.
3. The County Board reviews recommendations and sets final budget guidelines for salary changes, FTE's and other items.
4. The County Board appoints a Budget Review Team (Board Chair, Board Vice Chair, County Auditor, and County Finance Director) to meet with each Department and Department's portfolio holder.
5. Each Department develops their Budget using the County Board's guidelines.
6. The Budget Review Team and each Department meets to review proposed budget and to establish an approved Department Preliminary Budget.
7. The Budget Review Team then establishes a County Preliminary Budget by combining all of the Departments' Budgets into one packet. The County Preliminary Budget should also include overall Budget Summary for easy review by the Public.
8. The County Finance Director presents the Preliminary Budget to the County Board for review and initial changes. Department Heads, at this point, are allowed to appeal any Budget Review Team decisions that they feel should be corrected by the County Board.
9. County Board Approves Preliminary Budget and sets Final Budget Hearing.



**10. County Board conducts Public Hearing on Final Budget and makes final changes to the Annual Budget.**

By establishing a defined process and procedures for the development of the annual budget, the Board creates a transparent process that is consistent across Departments and is clearly understood by the Public.

**B. Employees (Attraction, Retention, Promotion)**



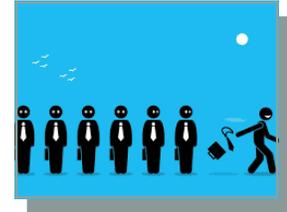
Burleigh County is the second most populated county in the state of North Dakota. The County employs 347 employees. On average, over the last five years, the turnover rate has been 14.08%. In order to provide the services, the County must attract and retain talented and motivated employees. In order to do this, the County must be competitive in a market where there are several other government entities competing for the same workforce.

1. Employee Attraction – In order to attract talented employees, the County must have an Applicant Tracking System that allows applicants to apply for our County positions using their preferred technology, such as a mobile device. Our current application process only allows for the use of a Windows Personal Computer and does not allow application processing on either a mobile device or any Apple devices such as iPhone. We are losing applicants because of this process as they are not able to apply for any of our positions if they do not have access to a personal computer. Applicants are not able to upload their transcripts or resumes into the application software and have to email them or mail them separate from this process. An Applicant Tracking system can automate this process and the communication that is needed between the applicants, hiring managers and the human resources department.



2. Employee Engagement – In order to measure employee engagement there must be a formal employee engagement program implemented that is used consistently and provides measurement in the appropriate areas of employee engagement. The different components of a formal Employee Engagement Program are listed below:

- a. Implementation of a formal employee Onboarding Program with reviews at 30, 60, and 90-day increments.
- b. Implement an annual Employee Engagement Survey that asks the same questions each year and the analysis is measured in year-over-year responses.
- c. Continue employee exit interviews to gather data on turnover.
- d. Implement stay interviews to gather data on retention.
- e. Implement Quarterly Pulse Surveys to gather feedback on policy issues and benefit programs.



3. Compensation System – With the tight labor market that we have in Burleigh County, we must compensate our employees fairly. The current Pay Grade and Pay Step Program was implemented in 2009.



Over the years the percentages both between the grades and between the Pay Steps have become eroded and this has caused pay compression. We need to work on restoring the Pay Grade and Pay Step Program so that it is competitive in the marketplace. This will help us both attract and retain talented employees for the County.

4. Employee Growth and Development – In order to retain employees, there must be growth and development opportunities for them. The County needs to provide training for frontline supervisors across the county departments. This will ensure that policy is being implemented correctly. To a degree, Succession planning and career ladders can be implemented to ensure employees are ready for advancement prior to the opportunity becoming available.

### C. Facility/Space Needs (Renovate, Expand, Buildings)

In order to maintain needed facilities for the processing of County Government, the County needs to develop a comprehensive Facility/Space Needs study. Historically, the County addresses space needs on an ad hoc basis dealing with problems as they arrive. In order to better plan for the long-term needs of the County, a global plan needs to be developed considering County growth, future employee levels, condition of existing facilities as well as other factors that affect our space needs.



The process will require the County Board members as well as Department Heads to work together in peering into the future of Burleigh County. The general outline of a process to be followed in developing a comprehensive Facility/Space Needs Plan is as follows:



1. County Board sets guidelines (anticipated County growth levels, etc.) in which the Department Heads can use in predicting space needs.
2. Department Heads use guidelines to product staffing levels for the next 5, 10, 15, and 20 years. Staffing levels and other space requirements will dictate future needs.
3. The proposed needs will be collected (by one of the Board Members or by one of the Department Heads) from each Department and compared to the existing facilities in order to determine what changes and additions to the existing structures will be needed in the next 5, 10, 15, and 20 years.
4. A proposed build-out plan (with budget) will be developed and approved by the County Board. This plan will be used to prioritize future projects and help the County Budget for required expansion.

#### D. Maintenance of Existing Facilities

Currently, the County addresses maintenance of existing facilities differently for each building. Some buildings have County staff that maintain and clean the building and other buildings use contracted staff for this purpose. In order to better plan for the long term needs of the County, a plan needs to be developed on how best to maintain and clean our existing facilities.



The plan will require the County Board members as well as Department Heads working together in developing a comprehensive Facility Maintenance Plan.

The Plan could be developed as follows:



1. The County Board should appoint someone (recommend an existing staff member) to act as a lead team member for this project.
2. The Project Lead meets with County Commissioners, and Department Heads to collect existing facilities' maintenance information and to develop an agreement on how the County should move forward.
3. The Project Lead presents a plan to the County Board for their approval.
4. The details of the plan are then implemented.

## IV. Infrastructure

### A. Roadways and Bridges

The major problem with funding of the County Highway System is that we have assumed that either gas tax revenues would keep up with inflation or that the State would follow through with additional funding to help County Highway Departments (such as the Prairie Dog Funding). Unfortunately, this has not taken place and the Highway Department has fallen behind in meeting the needs of the community. Currently, virtually all of our resources are being spent on the maintenance of our existing roadway system, including subsidizing townships for the maintenance of their roadways. The few remaining dollars are being used to pay back a Bank of North Dakota loan and matching federally funded projects. This leaves no money left to construct any locally funded projects.



In order to continue much needed area construction projects and to stabilize the Department's revenues against fluctuation in other funding sources, we need to establish a higher levy support level for the Highway Department. Since 2016 we have increased the mill levy from 0.25 mills to 2.5 mills in 2021. However, since we have not been able to keep up with current demand, we feel that it is time to take bold steps and provide the needed funds for the Highway Department and increase the Road and Bridge mill levy.

As we have suggested over the past few years, we believe it is time that Burleigh County raise additional funds for the Highway Department through a mill levy increase. We believe that it is time to be bold and increase the Road and Bridge mill levy to 10 mills. The additional money would be set aside equally to the following areas: to match federally funded projects, to upgrade the existing system, and to expand the existing system through the Gravel Road Construction Program. We realize that this will place a stress on some residents and the Community; however, we believe that the increase in the capacity and safety to our existing roadway system will outweigh the cost.



**B. Growth Plan**

Growth in Burleigh County has always been a struggle between two different factors. First, the desire of local officials to keep property taxes down by not allowing unbridled expansion to take place, and forcing the County to provide services across a large area; and second, the strong desire to allow property owners to develop their land as they see fit. Over the years both the Planning Commission and the County Board have tried different ways of balancing these competing ideals. Unfortunately, the inconstant treatment of this issue has left us with numerous sets of competing guiding precedents, which has led to confusion for staff, developers and the public.



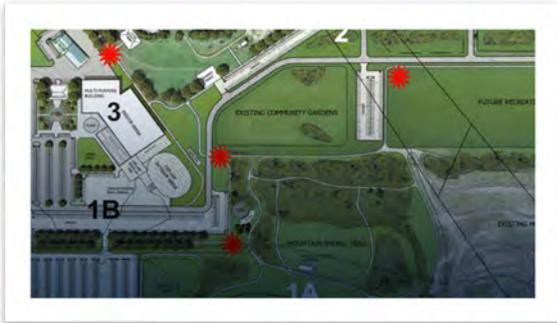
At this point, the County Board working through the County Planning Department and the Planning Commission, need to reset the guiding principal on development within Burleigh County. The process should start with the Planning Department meeting with the County Board and setting some high-level goals, which will then be refined at the Planning Commission.

The ultimate goal of this effort should be to clearly define Burleigh County’s growth plan for the next 20 years.

**C. Missouri Valley Complex**

The Missouri Valley Complex has long been an untapped resource for Burleigh County. Over the years the grounds have been host to many different functions and events. However, the implementation of Master Plans for this area has been met with minimal success. It is time to review the latest Master Plan and start the implementation. The general outline of a process, in order to improve the function of the Missouri Valley Complex is as follows:





1. The County Board sets general goals and desires for the Missouri Valley Complex and appoint someone (recommend an existing staff member) to act as a lead team member for this project.
2. The Project Lead meets with County Commissioners, Department Heads and interested citizens in developing a plan to move this project forward.

3. The Project Lead presents a plan (that includes details on implementation of the Master Plan under fiscally constrained budget) to the County Board for their approval.
4. The details of the plan are then implemented.

**D. Parks and Public Access to the Missouri River**

As with the Missouri Valley Complex, the Missouri River is an untapped resource and is one of our greatest assets in this area. Burleigh County needs to consider developing additional Public Access to the River and also creating parks, both large and small. The County Board needs to decide if this is a priority, and if so start a process similar to the Missouri Valley Complex process to develop an implementation plan.



## V. Public Interaction

Our website and social media accounts represent Burleigh County’s online brand. The County needs to foster and enhance our on-line presence by implementing the following items:



### A. Website

A powerful digital presence that should convey Burleigh County and services:

- Online Identity
- Obtain Services: Areas that can be accomplished quickly (hours of service, pay bills, apply for permits, fillable forms).
- Notification Services (digital subscribers): Subscriptions to agendas, minutes, event news.
- Search Engine: User-friendly and intuitive without knowing government structure.
- Mobile Access: Accessible from any device by automatically scaling and reformatting web pages to accommodate various screen sizes.
- Human Resources Interface: User-friendly job application process for the person applying and employees tracking applications.
- Emergency Situations: Promote calm and control by providing information regarding the situation, what Burleigh County is doing, as well as what the community should be doing.
- Employee Portal: Employee access to online information (forms, policy, benefit information, etc.)



Our current website was last updated in 2010, and minimally provides some of the services listed above.



# 2024 Budget Priorities

1. Address Mill Levy for the General Fund to keep a General Fund Reserve Target of 40% - 50%.
  - a. Estimated 2023-year end percentages.
    - i.  $\$13,500,000/\$35,000,000 = 39\%$
  - b.  $\$5,500,000$  2023 revenue budget shortfall covered by reserve funds.
  - c. 24.88 - 2023 Mills for the General Fund
    - i. Estimated Mill Value increase of  $\$40,000$  for 2024
      1.  $\$40,000 * 24.88 \text{ mills} = \$995,200$
  - d. Estimated increase of  $\$2,000,000$  2024 Expenses
    - i.  $\$2,000,000 - \$995,200 = \$1,004,800$  additional funds needed for 2024
  - e.  $\$6,504,800$  – 2024 additional Revenue funds needed
  - f. Estimate of Mill Value of  $\$650,000$
  - g.  $\$6,504,800 / \$650,000 = 10.01$  Mill Shortage estimated – Mill increase plan?
    - i. Raise Mills by 10 for 2024
    - ii. Reallocate  $\$3,250,000$  from  $\$7M$  ARPA allocation and raise Mills by 5 for 2024.  
With this a potential 5 Mill increase will also be needed for 2025.
2. Salary Increase
  - a. Step + 1%?  $\$21M * 4\% = \$840K * 1.3$  for Fringes =  $\$1.1M$
  - b. NDPERS – Employer 1% and Employee 1% Increase?  $\$21M * 2\% = \$420K$
  - c.  $\$1.1M + \$420K = \$1,520,000$  Salary Increase – This is part of the  $\$2,000,000$  estimated increase; the remainder is primarily Election related.
3. New County Building Financial Plan
  - a.  $\$7,000,000$  ARPA fund allocation?
  - b. Sell existing county property or buildings?
  - c. Timeline – Must have ARPA funds allocated by 12/31/2024 and expended by 12/31/2026.
4. Transfer the estimated  $\$400,000$  Interest Earnings from the 2021 ARPA fund to the General Fund.
  - a. We are allowed to use the earnings for anything we choose.



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

**May 1, 2023**

**5:00 PM** *Invocation by Chaplain*

### **COUNTY PARK BOARD**

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Consideration and approval of the April 3, 2023, meeting minutes and bills.
4. Update on access audit.
5. Other Business:
6. Adjourn.

### **COUNTY COMMISSION**

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration and approval of the April 17, 2023, meeting minutes and bills.
5. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
6. Public hearing on Essentia Health Bond request.
7. County Engineer Marcus Hall:
  - a. Accept platted right of way shown on Norb's Subdivision.
  - b. Authorize the proper County Officials to enter into a contract with the low bidder for Township Gravel Hauling.

- c. Authorize the proper County officials to submit application for reimbursement from the State Snow Removal Assistance Program.
  - d. City of Wilton ARPA funds request
  - e. Authorize the proper County Officials to enter into contract with low bidder for Hay Creek, Gibbs, Riverview Townships, and County roadway chip seal contracts.
8. Review of Bismarck Planning and Zoning board member applicants.
9. Re-appointment of County Coroner and Deputy Coroners.
10. Deputy County Finance Director Just Schulz:
  - a. Update the approval of ARPA Funds for the Provident Building.
  - b. Department Head recommendations
11. Commissioner Munson
  - a. Evaluating lease rates with Bismarck
  - b. Create a home rule charter Committee to work on possible Increase/swap of sales tax revenue.
12. Other Business:
13. Adjourn.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax

**COUNTY**

**PARK**

**BOARD**

**BURLEIGH COUNTY PARK BOARD**

**MEETING MINUTES**

**APRIL 3, 2023**

**5:00 P.M**

Commissioner Bitner called the Burleigh County Park Board meeting to order.

A roll call of members; Commissioners Woodcox, Munson, Bitner, Schwab, and Behm present. Commissioner Herman and Chair Matthews absent.

Motion by Comm. Behm 2<sup>nd</sup> Comm. Schwab to approve the March 6, 2023, meeting minutes and bills. All members present voted "AYE," motion carried.

Comm. Munson discussed a letter received a letter from APEX Engineering requesting an easement through the Missouri Valley Fairgrounds property for a sewer line. He also spoke with the Bismarck Park Board and said they do not yet have an answer on the 2023 AARP grant, but should have an answer in the next week or so. He also met with a private group that is looking at requesting an Ag and equestrian center to be placed on the fairgrounds. Comm. Bitner asked if there was already a sewer line going through the easement, Comm. Woodcox said there is an easement already going through the Fairgrounds.

Meeting adjourned.

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Mark Splonskowski, Auditor/Treasurer

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Becky Matthews, Chair

**COUNTY**

**COMMISSION**

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
APRIL 17, 2023**

**5:00 P.M**

Chair Matthews call the regular meeting of the Burleigh County Commission to order.

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to approve the agenda, with the adjustment of moving agenda item 7 before agenda item 6, April 3, 2023, minutes, and bills. All members present voted "AYE"; motion carried.

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

Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
Lincoln Park District	2022	Lot 15, Block 5, Wheatland Hills 2nd	Exempt from taxation	274500	0
Robert Vandal	2022	Lot 18, Block 7, Casey's 2nd	Blind Exemption (5 months)	\$250,200	\$183,500
Robert Vandal	2022	Unit 302 Brandon Heights Condominium, Auditors Lot A of Lots 2-3, Block 1, Brandon Heights	Blind Exemption (7 months)	\$197,500	\$104,200
Susan & Leon Bauer	2022	Lot B of Govt Lots 1 & 2 18-141-79	Ag property value overvalued	\$19,400	\$3,100
Barbara Oates	2021	South 1/2 of Lot 4, Block 5, Pebble Creek Addition	80% Homestead (1/2 interest)	\$260,800	\$210,800
Barbara Oates	2022	South 1/2 of Lot 4, Block 5, Pebble Creek Addition	100% Homestead (1/2 interest)	\$314,600	\$252,100
Janise Myers	2021	Unit 9, Phase 2 Hollister Hills, Lots 24-25, Block 26, Sonnet Heights Subdivision Replat	10% Homestead	\$152,800	\$140,289
Janise Myers	2022	Unit 9, Phase 2 Hollister Hills, Lots 24-25, Block 26, Sonnet Heights Subdivision Replat	40% Homestead	\$153,200	\$103,200
Darlene Schaper	2022	West 75' of Lots 13-16, Block 14, Fisher	80% Homestead (1/2 interest)	\$237,300	\$187,300
Orvin Engelhard	2021	Lot 14, Block 2, Northridge	10% Homestead	\$144,700	\$132,189
Orvin Engelhard	2022	Lot 14, Block 2, Northridge	40% Homestead	\$157,400	\$107,400
Alvina Mehlhoff	2022	Lot 14, Block 1, Weston Village 1st	10% Homestead	\$224,600	\$212,089
Darlene Schaper	2021	West 75' of Lots 13-16, Block 14, Fisher	80% Homestead (1/2 interest)	\$220,100	\$170,000

1968 New Moon 12' x 40'						
Open Mgmt.	2023	Ser#21964	MH went to dump	\$3,686	\$0	
Richardt & Sandra Schock	2021	Lot 16, Block 7, Sattler's Sunrise 5th	10% Homestead	\$289,700	\$277,189	
Richardt & Sandra Schock	2022	Lot 16, Block 7, Sattler's Sunrise 5th	40% Homestead	\$309,400	\$259,400	

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner. To approve Lincoln Park District, Vandal (2), Bauer, Oates (2), Myers (2), Schaper (2), Engelhard (2), Mehlhoff, Open Mgmt., and Schock (2) abatements, along with remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

County Planning Director Mitch Flanagan requested that item 7. A. be pulled for a future meeting for further review by the States Attorney. He then presented the amended ordinance for the CO2 pipeline. Director Flanagan explained the reasons for the changes pertaining to the setbacks from public drinking water treatment plants, high powered transmission lines, valve access from public rights of way, and application fees for the special use permit. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner, to approve amendments to the ordinance. All members present voted "AYE"; motion carried.

Director Flanagan presented the official statement letter to the Public Service Commission for the Commission's consideration. The intent of the letter is to ask the PSC not to approve the building permit for the CO2 pipeline until the U.S Department of Transportation's Pipeline and Hazardous Materials Safety Administration can update their safety measures and design standards. It also asks the PSC to not approve the current site corridor currently under consideration. Comm. Bitner discussed communications he has had with the City of Bismarck Fire Department about a potential plume model that may be able to estimate the effects of a pipeline burst. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox, to approve letter, and submit it to the North Dakota Public Service Commission. All members present voted "AYE"; motion carried.

HR Director Pam Binder presented the new job classification and review policy. She stated that she came up with a new rating system that the County will be able to do in house. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to approve the new job classification and review policy. All members present voted "AYE", motion carried. Director Binder then presented the Auditor/Treasurer/ Tax Equalization job analysis and Department review project. She presented the proposed changes to the office structure and job descriptions and explained the reasons for the changes. She stated that the Accountant I position had been offered to an applicant and was accepted and suggested moving Bernadette Ivey to the Accountant II position. Director Binder explained the changes of positions in the Tax Equalization department of changing the job description of the current Appraiser II to Senior Appraiser. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab. All members present voted "AYE"; motion carried.

Major Gary Schaffer presented a request to approval to re-classify one 24/7 Coordinator position from grade 6-24/7 Coordinator to grade 7-Deputy, with option of an underfill. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner. All members present voted "AYE", motion carried.

Public Hearing for SAD #75 Towne and Country Estates, and Morgan Country Estates Subdivision. No one came to speak on the item, public hearing closed. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to approve SAD #75. All member present voted "AYE"; motion carried.

County Deputy Finance Director Schulz addressed the Burleigh County Finance Manual brought before the Commission at the April 3<sup>rd</sup> Commission meeting. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to approve the Finance Manual. All members present voted "AYE"; motion carried.

Chair Matthews presented the 2024 lease of the City/County Building. Comm. Bitner expressed concerns about the rate and the possibilities of moving out of the City/County building. He then recommended that the County do research on current lease rates for commercial property and go to the City with a new negotiated price. The rates for the Courthouse were also discussed. Chair Matthews had discussed the increase of the Detention Center's daily rate, the Burleigh County Senior Center has been updated and will be working on Bismarck/Burleigh Public Health. Chair Matthews will present rate information and any other information submitted to present and be discussed at the Bismarck/Burleigh Joint Committee.

Chair Matthews brought forward the discussion about a potential ordinance for off road vehicles, Brian Fettig spoke to the Commission about the history of the issue and asked them to do something to solve the issue. Commissioners Woodcox, Bitner, and Chair Matthews expressed desires for an ordinance to be drafted and reviewed at future meetings.

Comm. Schwab expressed issues he has with the provided iPad and requested a laptop; the same issue and request was shared with Comm. Woodcox and Bitner. Chair Matthews requested that the review applications to the Bismarck Planning and Zoning Commission be added to the next Commission meeting agenda.

Meeting adjourned.

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Mark Splonskowski, Auditor/ Treasurer

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Becky Matthews, Chair

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
23-127	Bitz Energy & Land Services LLC	2021	Unit 204 Wimbleton Condos, Part of Lot 1 & all of Lot 3, Block 1, Grandview Heights	Error in property description	\$87,800	\$83,700
23-128	Bitz Energy & Land Services LLC	2022	Unit 204 Wimbleton Condos, Part of Lot 1 & all of Lot 3, Block 1, Grandview Heights	Error in property description	\$89,800	\$85,700
23-130	David & Jessica Sorenson	2021	Lot 24, Block 4, Southbay 5th	Error in property description	\$640,100	\$636,200
23-131	David & Jessica Sorenson	2022	Lot 24, Block 4, Southbay 5th	Error in property description	\$752,900	\$749,000



# LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

GAMING DIVISION

SFN 17926 (2-2023)

Permit Number  
**23-002**

Permit Type (check one)							
<input checked="" type="checkbox"/> Local Permit	<input type="checkbox"/> Restricted Event Permit*						
Games Authorized		<input type="checkbox"/> Raffle by a Political or Legislative District Party					
<input type="checkbox"/> Bingo	<input checked="" type="checkbox"/> Raffle	<input type="checkbox"/> Raffle Board	<input type="checkbox"/> Calendar Raffle	<input type="checkbox"/> Sports Pool	<input type="checkbox"/> Poker*	<input type="checkbox"/> Twenty-One	<input type="checkbox"/> 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 <b>Church of St. Hildegard</b>		Dates Authorized (Read Instruction 2) <b>09/10/2023</b>	
Organization or Group Contact Person <b>Msgr. Gene Lindemann</b>		E-mail	
Mailing Address <b>17200 Highway 10</b>		City <b>Menoken</b>	State <b>ND</b>
		Telephone Number	ZIP Code <b>58558</b>

### SITE INFO

Site Name <b>Church of St. Hildegard</b>		County <b>Burleigh</b>	
Site Address <b>17200 Highway 10</b>		City <b>Menoken</b>	State <b>ND</b>
		ZIP Code <b>58558</b>	
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.)			
<b>Raffle drawing will be held on Saturday, September 10, 2023 at 4:00 pm at the Church of St. Hildegard</b>			

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

Name <b>Mark Splonskowski</b>	Title <b>Burleigh County Auditor</b>	Telephone Number <b>701-222-6695</b>	E-mail Address <b>msplonskowski@nd.gov</b>
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input checked="" 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 (4-2023)

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: **Church of St. Hildegard**      Dates of Activity (Does not include dates for the sales of tickets): **September 10, 2023**

Organization or Group Contact Person: **Msgr. Gene Lindemann**      E-mail: \_\_\_\_\_      Telephone Number: \_\_\_\_\_

Business Address: **17200 Highway 10**      City: **Menoken**      State: **ND**      ZIP Code: **58558**

Mailing Address (if different): \_\_\_\_\_      City: \_\_\_\_\_      State: \_\_\_\_\_      ZIP Code: \_\_\_\_\_

**SITE INFO**

Site Name: **Church of St. Hildegard**      County: **Burleigh**

Site Physical Address: **17200 Hghway 10**      City: **Menoken**      State: **ND**      ZIP Code: **58558**

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.)  
**Raffle drawing will be held on Sunday, September 10, 2023 at 4:00 pm at the Church of St. Hildegard.**

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

Game Type	Description of Prize	Exact Retail Value of Prize
Raffle	See attached list for detailed prizes & values.	\$9371.00
Total (limit \$40,000 per year)		\$

**Intended Uses of Gaming Proceeds**  
**Proceeds will be used for the needs of the Church throughout the year.**

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 any 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: \_\_\_\_\_ (This amount is part of the total prize limit for \$40,000 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

Name <b>Msgr. Gene Lindemann</b>	Title <b>Pastor</b>	Telephone Number	E-mail Address
Signature of Organization or Group's Top Official <i>Msgr. Gene Lindemann</i>		Title <i>Pastor</i>	Date <b>4/23/2023</b>

**Information required to be preprinted on a standard raffle ticket:**

1. Name of Organization;
2. Ticket Number;
3. Price of the ticket, including any discounted price;
4. Prize, description of an optional prize selectable by a winning player or option to convert a **merchandise** prize to a cash prize that is limited to the lesser of the value of the merchandise prize or six thousand dollars. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty-five dollars, an organization may state the total number of minor prizes and their total retail price;
5. Print the authorizing city or county and permit number
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time of the drawing or drawings and, if the winning player is to be announced later, date and time of that announcement. For a calendar raffle, if the drawings are on the same day of the week or month, print the day and time of the drawing;
8. Location and street address of the drawing;
9. If a merchandise prize requires a title transfer involving the Department of Transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of ticket or winning prize is restricted to a person of a minimum age, a statement that a person must be at least "-" years of age to buy a ticket or win a prize;
11. A statement that a purchase of the ticket is not a charitable donation;
12. If a secondary prize is a non-guaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep, or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or six thousand dollars.

North Dakota Administrative Code 99-01.3-05-02(4) states that an employee may not sell a ticket on a site where another organization is licensed or has a permit unless the employee is granted permission by the lessor and other organization.

North Dakota Administrative Code 99-01.3-05-01 through 99-01.3-05-05 (Raffles) in its entirety can be reviewed on the North Dakota Attorney General's website at <https://attorneygeneral.nd.gov/licensing-and-gaming/gaming/gaming-laws-rules-and-publications>

**INSTRUCTIONS:**

After a city or county governing board has authorized an organization to receive a local permit or restricted event permit, the city or county must complete the form.

1. Enter the city or county assigned "Permit Number".
2. Enter the beginning and ending date(s) for which the permit is authorized. **Note: Unexact blanket dates will not be accepted**
  - a. A permit must be on a fiscal year basis from July first to June thirtieth or on a calendar year basis.
  - b. A local permit can be issued for one or more events per fiscal year.
  - c. The "Dates Authorized" must only be the actual dates of the event(s) and does not include the dates the organization is selling tickets.
  - d. For a "one time" event permit, the beginning and ending date for "Dates Authorized" is the date of the event date.
  - e. If a local permit is issued for more than one event, enter the date of the first event as the beginning date and the date of the last event as the ending date.
  - f. A permit may not be issued more than twelve months prior to the first raffle drawing date.
  - g. A restricted event permit may be issued for only one event per year. If the organization has received a local permit during a fiscal year, it may not receive a restricted event permit. If the organization received a restricted event permit during the fiscal year, it may not receive a local permit.
3. Permits must provide the specific dates of event(s), site name, and site physical address. If there are multiple event dates that do not fit on the permit, a separate sheet must be submitted with the permit that provides a list of all event dates.
4. Enter any restriction place on the organization or group, such as days of the week or designation of an area at a site where games may be conducted.
5. When a restricted event permit is issued, provide a "Report on a Restricted Event Permit (SFN 52880)" form to the organization or be sure they know the form is available at <https://attorneygeneral.nd.gov/licensing-and-gaming/licensing/charitable-gaming> by scrolling to the bottom of the page.
6. Give the organization or group the completed permit form, keep a copy for your records, and **send a copy within 14 days** by email to [nibehm@nd.gov](mailto:nibehm@nd.gov), fax to (701) 328-3535 or by mail to:

Office of Attorney General  
Gaming Division  
600 E Blvd Ave, Dept. 125  
Bismarck, ND 58505-0040

If you have questions on the local permit or restricted event permit process, please call: 1-800-326-9240

**Church of St. Hildegard Altar Society**

**2023 Raffle Prize List**

Drawing to be held on Sunday, September 10, 2023, 4:00 pm

Item	Donor	Value
Roughrider Medora Package	Altar Society	\$525
Badlands Medora Package	Altar Society	\$454
Badlands Medora Package	Altar Society	\$454
Benelli Nova 12 gauge	ChrEasters	\$499
Ruger American 30-06 SPR	ChrEasters	\$499
Ruger American 270 WIN	ChrEasters	\$499
Ruger American 308 WIN	ChrEasters	\$499
Ruger American 243 WIN	ChrEasters	\$499
Ruger American Predator 6.5 Creedmoor	ChrEasters	\$499
Ruger Security 9 mm Handgun	ChrEasters	\$399
Ruger American 17 HMR	ChrEasters	\$379
Ruger American 22 MAG	ChrEasters	\$379
Ruger American 22 LR	ChrEasters	\$379
Ruger 380 Auto Handgun	ChrEasters	\$379
Ruger Wrangler 22 Revolver	ChrEasters	\$219
\$200 3Be Meats Gift Card	Josey & Megan Milbradt	\$200
\$200 Cash Prize	Ryberg Ranch	\$200
\$125 Schweitzer Meats Gift Card	Travis & Trina Schweitzer	\$125
\$100 Cash Prize	Roger & Kim Aberle	\$100
\$100 Scheels Gift Card	Marv & Arlene Abraham	\$100
\$100 Cash Prize	Bud Anderson	\$100
\$100 The Tavern Grill Gift Card	Jon & Renae Craven	\$100
Handmade Quilt	Jon & Renae Craven	\$100
\$100 Cash Prize	Mike & Corrine Heaton	\$100
\$100 Cash Prize	Jim & Kathy Heisler	\$100
\$100 Cenex Gift Card	Nathan & Valerie Kuntz	\$100
\$100 Cash Prize	Wes & Carol Meidinger	\$100
\$100 Cash Prize	A Prairie Breeze RV Park	\$100
\$100 Cash Prize	Marlyn & Sue Richter	\$100
\$100 Cash Prize	Gary & Coreen Richter	\$100
\$100 Cash Prize	Russ & Holly Schirado	\$100
\$100 Cash Prize	Russ & Holly Schirado	\$100
\$100 Cash Prize	David & Linda Schmitz	\$100
\$100 Cash Prize	David & Linda Schmitz	\$100
\$100 Tint-Pro & Accessories Gift Card	Leo & Bev Selzler	\$100
\$100 Tint-Pro & Accessories Gift Card	Leo & Bev Selzler	\$100
\$100 Texas Road House Gift Card	Robert Sjostrum & Wilma Dunuford	\$100
\$100 HuHot Gift Card	Robert Sjostrum & Wilma Dunuford	\$100
\$100 3Be Meats Gift Card	Ike & Georgene Willer	\$100
Embroidered Dish Towel Set	Linda Schmitz	\$60
\$50 Cash Prize	Quirina Schmidt	\$50
Hand Crafted Rug	Margaret Feist	\$25
Hand Crafted Rug	Margaret Feist	\$25
\$25 Cash Prize	Elvira Rogstad	\$25

**Total Value = \$9,371**

**April 18, 2023**  
**Altar Society Minutes**

**Due to winter storm closures, NO meetings were held in Feb. or March, 2023.**

Meeting was called to order by President Megan Milbradt who led us in The Altar Society Prayer. Also present: Kristi Vetter, Valerie Kuntz, Trina Schweitzer, Kathy Heisler, Sue Richter, Sharon Renfrow, Corrine Heaton, Megan Milbradt and Renae Craven.

**Secretary's Report:** Renae C. read the minutes from the Jan. 17, 2023 meeting. With no changes being made, Sue R. made a motion to approve the minutes. Corrine H. seconded. Motion carried.

**Treasurer's Report:** Corrine H. presented the Treasurer's Report with all expenditures and deposits made for the months of Feb., Mar., and Apr. 2023. Sharon R. made a motion to approve the report. Kristi V. seconded. Motion carried.

\*It was discussed that Trina Schweitzer will step in as temporary Treasurer until election of officers in July. Corrine H. will help Trina get all set up with the work that is involved. Sue R. made a motion to have Trina S. as temporary Treasurer. Sharon R. seconded the motion. Motion carried.

\*No new bills to be paid.

**Old Business:**

\*Phyllis Rogstad's funeral luncheon- St. Hildegard Parish members provided plenty of desserts and bars for luncheon at Eagle's Club.

\*March Meet & Greet- approximately 60 people attended.

\*Palm Sunday Bake Sale- parish members supplied plenty of baked goods. Many were left unsold. Unsold goods were given to the Worrel family who were hosting a fellowship after a new member to the Catholic Church, Kallon Dockter was baptized, confirmed and received 1st Communion after Saturday evening's Easter Vigil.

\*Altar Society made a donation to St. Mary's Parish for the vestments they so generously gave to St. Hildegard Parish.

\*Revisited Annie Schweitzer's request for a donation to her service trip to Peru in July. Kristi V. made a motion to donate a specified amount per year to such service request, extenuating circumstances and health condition requests. Kathy H. seconded. Motion carried.

\*Sue R. made a motion to donate a specified amount to Annie Schweitzer's Peru trip. Sharon R. seconded. Motion carried.

\*Kitchen Rada knives and peelers were ordered and paid for by Shirley Ryberg. (\$156.02). Corrine H. and Coreen R. will be going through the kitchen and discarding and reorganizing kitchenware.

**New Business:**

\*Raffle Ticket Prizes:

-12 guns have been donated by The Chreasters

-Altar Society is donating (1)Medora Roughrider Pkg and (2)Badland Pkgs. Sharon R. made a motion to approve the purchase. Sue R seconded. Motion carried.

\*County Commission Meeting for approval for the raffle is May 1<sup>st</sup>. Megan will call this week to be put on the meeting agenda.

Sue R. made a motion to approve all donations received. Valerie K. seconded. Motion carried.

\*1<sup>st</sup> Communion reception- there will be 11 First Communicants May 7, 2023. Msgr. Gene has planned for a separate Mass at 2:00pm May 7<sup>th</sup>, 2023 because of the number of people who will be attending. Since the reception will be in the afternoon, Altar Society will provide cake (1&1/2 sheet cake), ice cream, coffee and punch. Megan M. and Sue R. will coordinate setup and will serve that afternoon along with Valerie K. Megan will ordering and will plan for 140 people.

\*Altar and Church supplies- no items needed at this time.

\*Cards for sick/other- none

\*Meet and Greets- will resume in the fall after Fall Dinner and Raffle.

\*Fall Dinner- canned corn and mashed potatoes have already been purchases. 4 cases of gravy have been ordered through Menoken School's food service account. Shirley Ryberg has donated for the purchase of the gravy.

-Raffle ticket letter has been made by Tedi and Megan.

-We will be looking into Image Printing or Flash Printing to do the printing of the raffle tickets this year. 11,000 tickets will be printed.

-Eric Bailey will be cooking the roast beef again this year. Approx. 450lbs

\*Cleaning lists- updates to cleaning lists are nearing completion.

\*Msgr. Gene's 40 year anniversary- Megan will ask Msgr. Gene if he would like us to host a celebration June 25, 2023 in the afternoon. Corrine H. will be asking Shirley Ryberg about renting Menoken Grove for the celebration.

\*Corrine H. made a motion to adjourn the meeting. Sharon R. seconded. Motion carried. Megan M. led us in closing prayer-The Hail Mary.

Next Meeting:

May 16, 2023@7pm

Respectfully submitted,

Renae Craven, Secretary



**LOCAL PERMIT OR RESTRICTED EVENT PERMIT**  
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL  
 GAMING DIVISION  
 SFN 17926 (2-2023)

Permit Number  
**23-003**

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 <b>North Dakota Mounted Shooters Association</b>		Dates Authorized (Read Instruction 2) <b>09/03/2023</b>	
Organization or Group Contact Person <b>Keith Benz</b>	E-mail	Telephone Number	
Mailing Address <b>PO Box 7415</b>	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58507</b>

**SITE INFO**

Site Name <b>Flying D Areal</b>	County <b>Burleigh</b>		
Site Address <b>5302 123rd Ave NE</b>	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58503</b>
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.)			
<b>Raffle - 9/3/2023</b>			

**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**

Name <b>Mark Splonskowski</b>	Title <b>Burleigh County Auditor</b>	Telephone Number <b>701-222-6695</b>	E-mail Address <b>msplonskowski@nd.gov</b>
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input checked="" 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 (4-2023)

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 <b>North Dakota Mounted Shooters Association</b>		Dates of Activity (Does not include dates for the sales of tickets) <b>9/3/2023</b>	
Organization or Group Contact Person <b>Keith Benz</b>	E-mail	Telephone Number	
Business Address	City	State	ZIP Code
Mailing Address (if different) <b>PO Box 7415</b>	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58507</b>

### SITE INFO

Site Name <b>Flying D Arena</b>	County <b>Burleigh</b>
Site Physical Address <b>5302 123rd Ave NE</b>	City <b>Bismarck</b>
	State <b>ND</b>
	ZIP Code <b>58503</b>

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.)

**Raffle - 9/3/2023**

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

Game Type	Description of Prize	Exact Retail Value of Prize
	<b>See Attached Sheet</b>	
Total (limit \$40,000 per year)		\$

Intended Uses of Gaming Proceeds  
**See Attached Sheet**

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:  (This amount is part of the total prize limit for \$40,000 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

Name <b>Miles Cahoon</b>	Title	Telephone Number	E-mail Address
Signature of Organization or Group's Top Official <b>Miles Cahoon</b>	Title <b>NDMSA president</b>	Date <b>9/26/23</b>	

**Information required to be preprinted on a standard raffle ticket:**

1. Name of Organization;
2. Ticket Number;
3. Price of the ticket, including any discounted price;
4. Prize, description of an optional prize selectable by a winning player or option to convert a **merchandise** prize to a cash prize that is limited to the lesser of the value of the merchandise prize or six thousand dollars. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty-five dollars, an organization may state the total number of minor prizes and their total retail price;
5. Print the authorizing city or county and permit number
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time of the drawing or drawings and, if the winning player is to be announced later, date and time of that announcement. For a calendar raffle, if the drawings are on the same day of the week or month, print the day and time of the drawing;
8. Location and street address of the drawing;
9. If a merchandise prize requires a title transfer involving the Department of Transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of ticket or winning prize is restricted to a person of a minimum age, a statement that a person must be at least "-" years of age to buy a ticket or win a prize;
11. A statement that a purchase of the ticket is not a charitable donation;
12. If a secondary prize is a non-guaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep, or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or six thousand dollars.

North Dakota Administrative Code 99-01.3-05-02(4) states that an employee may not sell a ticket on a site where another organization is licensed or has a permit unless the employee is granted permission by the lessor and other organization.

North Dakota Administrative Code 99-01.3-05-01 through 99-01.3-05-05 (Raffles) in its entirety can be reviewed on the North Dakota Attorney General's website at <https://attorneygeneral.nd.gov/licensing-and-gaming/gaming/gaming-laws-rules-and-publications>

**INSTRUCTIONS:**

After a city or county governing board has authorized an organization to receive a local permit or restricted event permit, the city or county must complete the form.

1. Enter the city or county assigned "Permit Number".
2. Enter the beginning and ending date(s) for which the permit is authorized. **Note: Unexact blanket dates will not be accepted**
  - a. A permit must be on a fiscal year basis from July first to June thirtieth or on a calendar year basis.
  - b. A local permit can be issued for one or more events per fiscal year.
  - c. The "Dates Authorized" must only be the actual dates of the event(s) and does not include the dates the organization is selling tickets.
  - d. For a "one time" event permit, the beginning and ending date for "Dates Authorized" is the date of the event date.
  - e. If a local permit is issued for more than one event, enter the date of the first event as the beginning date and the date of the last event as the ending date.
  - f. A permit may not be issued more than twelve months prior to the first raffle drawing date.
  - g. A restricted event permit may be issued for only one event per year. If the organization has received a local permit during a fiscal year, it may not receive a restricted event permit. If the organization received a restricted event permit during the fiscal year, it may not receive a local permit.
3. Permits must provide the specific dates of event(s), site name, and site physical address. If there are multiple event dates that do not fit on the permit, a separate sheet must be submitted with the permit that provides a list of all event dates.
4. Enter any restriction place on the organization or group, such as days of the week or designation of an area at a site where games may be conducted.
5. When a restricted event permit is issued, provide a "Report on a Restricted Event Permit (SFN 52880)" form to the organization or be sure they know the form is available at <https://attorneygeneral.nd.gov/licensing-and-gaming/licensing/charitable-gaming> by scrolling to the bottom of the page.
6. Give the organization or group the completed permit form, keep a copy for your records, and **send a copy within 14 days** by email to [nibehm@nd.gov](mailto:nibehm@nd.gov), fax to (701) 328-3535 or by mail to:

Office of Attorney General  
Gaming Division  
600 E Blvd Ave, Dept. 125  
Bismarck, ND 58505-0040

If you have questions on the local permit or restricted event permit process, please call: 1-800-326-9240

**Information required to be preprinted on a standard raffle ticket:**

1. Name of organization;
2. Ticket number;
3. Price of the ticket, including any discounted price;
4. Prize, description of an optional prize selectable by a winning player, or option to convert a merchandise prize to a cash prize that is limited to the lesser of the value of the merchandise prize or eight thousand dollars. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty-five dollars, an organization may state the total number of minor prizes and their total retail price;
5. For an organization that has a permit, print the authorizing city or county and permit number;
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time for each drawing and, if the winning player is to be announced later, date and time of that announcement. For a calendar raffle, if the drawings are on the same day of the week or month, print the day and time of the drawing;
8. Location and physical street address of the drawing;
9. If a merchandise prize requires a title transfer involving the Department of Transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of a ticket or winning prize is restricted to a person of a minimum age, a statement that a person must be at least "-" years of age to buy a ticket or win a prize;
11. A statement that a purchase of the ticket is not a charitable donation;
12. If a secondary prize is an unguaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep, or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or six thousand dollars.

**PRIZE RESTRICTIONS:**

A single cash prize cannot exceed \$8,000

The retail value of a merchandise prize cannot exceed \$8,000.

The **total** of all cash prizes and retail value of all merchandise prizes for all games cannot exceed \$40,000 per year.

If the value of the planned cash and merchandise prizes exceed \$40,000, the organization or group must reduce the prizes to this limit or a nonprofit corporation may apply for a state gaming license with the Office of Attorney General.

**LOCAL PERMIT AND RESTRICTED EVENT PERMIT DIFFERENCES:**

	<u>Local Permit</u>	<u>Restricted Event Permit</u>
Number of events per year	Limited by prizes	One
Must file an information report	Yes, if political party	Yes
May pay employees compensation	Yes	No
Must use chips as wagers	No	Yes
Use of net income	Unrestricted	Restricted
Games allowed	Bingo Raffles Sports Pools	Bingo Raffles Sports Pools Poker Twenty-One Paddlewheels

Compared to a "Local Permit," an organization or group with a "Restricted Event Permit" may conduct three more game types, but is restricted to one event per year, must file a "Report on a Restricted Event Permit" with the city or county and Office of Attorney General, and disburse net income to eligible uses. These uses are described by North Dakota Century Code 53-06.1-11.1(2) and North Dakota Administrative Code 99-01.3-14-02. Refer to the backside of the "Report on a Restricted Event Permit" form for a general list of eligible uses.

For a Restricted Event Permit, one method to ensure that the total of all cash prizes and retail value of all merchandise prizes do not exceed \$40,000 is to charge each player a standard amount at the start of the event for a certain number or value of chips. If a player loses all of the player's chips, the player may re-buy chips. The player would play games and, at the end of the event, the organization would auction merchandise prizes to the players. The player who bid the highest number or value of chips for a prize would win that prize. For those players who have chips but did not successfully bid on a prize, the organization may redeem the chips for a predetermined cash value per chip. For this method, the value of the players' chips redeemed for cash is no a prize.

## Keith Benz

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**From:** Keith Benz  
**Sent:** Friday, April 21, 2023 2:02 PM  
**To:** Keith Benz  
**Subject:** Raffle

NDMSA Raffle -2023

### Raffle site

Flying D arena  
5302 123<sup>rd</sup> Ave NE,  
Bismarck N.D. 58503

### Raffle drawing date

September 3<sup>rd</sup>, 2023

### Raffle Prizes

Prize #1-"Knee high to a Cowboy" Painting #264 of 450 by Robert "Shoofly" Shufelt-Value \$1100.00. Donated by Chuck and Kim Ledger

Prize #2-"Rossi" Model 92 Carbine 44 Magnum 44- Special rifle co-donators H&H Guns and NDMSA

Prize #3-Milwaukee Cordless High Impact wrench w\friction ring with rapid charge charger and M18 red lithium high demand battery donated by Northern States Supply

Prize #4-3Be Meats \$400.00 meat bundle

Prize #5-Leanin' Pole Arena \$300.00 gift card. Co-donors Leanin' Pole Arena and NDMSA

Prize #6-Scheels Gift Cards \$300.00. Donated by Keith Benz

Prize #7-Landers Shell Inc gift cards-\$200.00 value

Prize #8-Landers Shell Inc. \$100.00 gift card

Prize #9-Scheels gift cards \$100.00 Donated by Keith Benz

Prize #10-Scheels gift cards \$100.00 Donated by Keith Benz

### Use of proceeds

Will support introducing the sport of mounted shooting to the local youth and the youth in the surrounding communities through mailers, website and social media outlets.

Will support our club in hosting multiple NDMSA events throughout the seasonal year.

Will support our club in hosting World champion clinicians and jackpots to introduce the sport to the community and new shooters.

Will support our club hiring the local youth to provide us with balloon setters to allow us to host a professional shooting competition.

Will support us to provide office materials, laptops, sound equipment, sand for the arena, hydration equipment, fuel to operate equipment and many more expenditures.

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## **North Dakota Mounted Shooting Association By-Laws**



### **ARTICLE I - STATEMENT OF PURPOSE**

The purpose of this club shall be to participate in the sport of cowboy mounted shooting, to provide an outlet for those persons wishing to compete in this sport, encourage safe handling of firearms and to help educate all individuals in all aspects of this sport including good horsemanship. All members shall abide by the rules set forth in the Cowboy Mounted Shooting Rule book. The Club will promote family participation and the preservation of old west values and period clothing, good sportsmanship, and patriotism. The club officers and directors shall follow the guidelines set forth in the following articles and shall administer the affairs of this club.

### **ARTICLE II- NAME**

The name of this club shall be North Dakota Mounted Shooting Association. Also referred to as "NDMSA", also referred to as "the club".

### **ARTICLE III - MEMBERSHIP**

There will be two classes of membership in the North Dakota Mounted Shooting Association:

- A. Single memberships: Single membership is open to all persons 18 years of age and above. Single members will be eligible to vote and have one vote per membership.
- B. Family memberships: Family membership will be consistent with the CMSA definition of a family membership. Family members 18 years of age and above will be eligible to vote and have one vote per person. Family members under 18 years of age will not be eligible to vote.
- C. Annual dues will be collected at the start of each calendar year.

#### **Applying for Membership:**

To apply for a new membership, applicants must submit a written application along with the designated entry fee to the treasurer of NDMSA. No one under 18 years of age will be admitted as a member unless accompanied by a parent member or legal guardian member.

#### **Delinquent Dues:**

If an individual's membership dues have not been paid any points accumulated at competitions will not count towards NDMSA year-end awards.

### **SUSPENSION AND/OR EXPULSION OF MEMBERS**

Club officers may put any member on suspension that has through his or her actions:

- 1) Caused or has the potential to cause personal injury to themselves, another person, property or livestock

- 2) Has projected their actions to appear to be of undesirable character.
- 3) Has conducted themselves in a manner unbecoming of a Club member.
- 4) Has been abusive or treated their horse in any otherwise inhumane fashion.
- 5) Has acted in an unsafe manner in the handling of firearms.

A member will be expelled from the North Dakota Mounted Shooting Association for total disregard for the welfare of the club, members, and/or the public for his or her actions of blatant disregard of safety, or multiple suspensions, by majority vote of members that are in attendance at a meeting called by club officers. Such a meeting called by the officers shall be convenient to the majority of club membership, with a minimum of 14 day's notice.

#### **RESIGNATION OF MEMBERS**

A member in good standing may tender a resignation to any member of the Board of Directors. A member's resignation will not be cause for a refund of membership dues.

#### **REINSTATEMENT:**

Any member suspended or expelled from NDMSA may, after 90 days, appear before the Board of Directors to seek a reversal of the Board of Directors decision regarding their membership status. The Board of Directors may choose to reply to such actions by mail or electronic mail.

#### **ARTICLE IV - DUES**

Membership dues for NDMSA are to be paid annually. Membership dues for all classes of membership shall be determined by the Board of Directors. Resignation of a club member will not constitute the return of club dues.

#### **ARTICLE V - OFFICERS AND DIRECTORS**

An eight (8) person Board will govern the NDMSA, and they will be known as the Board of Directors. The Board will consist of the club officers: President, Past-President, Vice-President, Secretary and Treasurer. The remaining Board members are Primary Range Master and two Directors at large elected by the membership. The President shall chair the board. It is the responsibility of the Board of Directors to determine club policy and procedure. In the event of a vacancy in the Board, a membership meeting will be called to elect a new board member. If a conflict of interest where a board member may be a party or in the event that more than 1 board member is involved as party to a conflict of interest needing to be settled by a board vote, that member/members shall relinquish their voting rights to the remaining board members. There must be a quorum of board members to render a decision. A quorum of board members shall consist of 5 regular members. If a quorum of board members cannot be met, the dispute shall be voted on by a quorum of the general membership (10% of the members or more). The NDMSA will have five officers consisting of:

**President** - The President will preside over and prepare agenda for all meetings. He/She may appoint committee chairs for all committees to carry out the programs of the Club. Committee chairs may select their own committee members and determine the correct number to conduct the task set forth. The President shall be the representative of the Club and have the authority to sign all papers required for ongoing business. The President shall cast the deciding vote in the event of a tie. In the

case of the President's inability to act, the Vice President shall be the immediate successor. The President shall have check writing authority and be responsible for approving any and all club expenditures over \$50.

**Past President** - The Immediate Past President provides advice and leadership to the Board of Directors regarding past practices and other matters to assist the Board in governing the Association. The Immediate Past President supports the president on an as-needed basis. The Past President performs the duties of the President in the absence or disability of the President and Vice President.

**Vice President** - The Vice President shall perform all the duties of the President in his/her absence. Upon permanent absence of the President, the Vice President shall assume the duties of President for the duration of the term, declare the Vice President's office vacant, and call for election to fill the Vice President's office. The Vice President shall have check writing authority and must approval of the President prior to writing any checks over \$50.

**Secretary** - The Secretary shall record the minutes of all board meetings. The Secretary shall be responsible for all correspondence. The Secretary will work with the Treasurer to maintain membership records and contact information. The Secretary will also have authority, with board approval, to sign all papers required for ongoing business. The Secretary shall have check writing authority and must have the approval of President prior to writing any checks over \$50.

**Treasurer** - The Treasurer shall record all gifts, donations, and financial transactions of the Board in an accepted bookkeeping method. The Treasurer shall also be responsible for keeping all membership records in order including the collection of all dues and entry fees. The Treasurer shall provide current financial reports at each regularly scheduled meeting and a yearly financial statement. All financial records will be available to the Board upon request. The Treasurer shall deposit all funds of the Club in such bank or banks as designated by the Board and will have check writing authority to conduct ongoing business and must have the approval of the President prior to writing any checks over \$50.

In addition to the NDMSA Officers there will be 3 additional Board Member positions:

**Primary Range Master**-The Primary Range Master will monitor safety measures and educate club members regarding safety during practices and club events. He/She will answer any safety issues or questions posed by the members.

**Directors** - The Directors will attend Board of Directors meetings when called and assist the officers in making decisions and setting club policies whenever asked by the President. Their responsibilities will be agreed on the Board of Directors at the annual meeting.

**Officers and Board Members** - No officer, board member, or members shall be compensated for his/her services with the exception of office personnel.

### **REMOVAL OF A BOARD MEMBER**

A Board of Director of the NDMSA may be removed, for just cause, which is to be determined by the remaining Board Members. After just cause has been established, a hearing will be held with the general membership during a special meeting of the membership or any other meeting of the general membership. A majority 2/3rds vote of the eligible voting members present is required for removal of any Board Member.

## **VACANCY OR RESIGNATION**

Any Director may resign at any time by giving written notice via regular mail or email to the Secretary. The Board of Directors at any meeting thereof may fill any vacancy of the Board resulting from resignation or death. A Director appointed to fill a vacancy shall be appointed for the unexpired term of his/her predecessor

## **ARTICLE VI- ELECTION AND TENURE**

**ELECTIONS** -The election of officers/directors shall take place in November each year.

**TERM OF OFFICE** - The term of office shall begin at the December meeting and end at the following December meeting as follows:  
Officers/Directors will be on an alternating two (2) year Term of Office.

- a. Term of office for President, Vice President, Range Master and one Director will be in odd numbered years.
- b. Term of office for Secretary, Treasurer and one Director will be in even numbered years, to allow for alternating terms of officers.

**METHOD OF ELECTIONS/VOTING** - Nominations for officers will come from the general membership at the November meeting. Election of the Board of Directors and Officers shall be by the majority vote of the club membership.

**QUORUM** — A quorum of the membership is defined as a minimum of 10% of the members in good standing, physically in attendance at a meeting.

**MAJORITY VOTE** — A majority vote of the membership, at any club meeting, is considered to be the combined majority of the votes of members in attendance (in person or remote) at an official meeting and the proxy ballot(s) of members unable to attend said meeting.

**VACANCIES** - Should the office of the President become vacant, the Vice President shall assume the duties of President and declare the office of Vice President vacant and call for election of a Vice President. Upon vacancy of any other office, the President shall declare the office vacant and call for an election for that office. When a Board Member has four (4) unexcused absences, the seat will be assumed as vacated.

## **ARTICLE VII- QUALIFICATIONS OF OFFICERS**

Club officers shall be elected from the general membership who are in good standing.

## **ARTICLE VIII-EMERGENCY CLAUSE**

**Emergency Clause**-These By-Laws may be temporarily suspended in full or in part when the Board of Directors decide an emergency exists and provided that the action is a temporary expedient to best serve the interest of all the members of NDMSA.

Rules of Order shall govern the conduct of any business of NDMSA, which is not otherwise listed in these by-laws. All NDMSA's rules, guidelines and procedures approved by the Board shall constitute rules utilizing these by laws.

**ARTICLE VIII-MEETINGS**

The Board of Directors will decide when and where meeting will be held and schedule them as needed. Any member of the Board may notify the membership of these meetings via email or social media. Communication from the Board regarding any meeting will include date, time and location. A general meeting will be held quarterly and the membership will be notified at least 20 days in advance. The annual meeting will be held before December 31 in each year. At this meeting where will be elections for officers and directors as noted above.

**ARTICLE IX- INSURANCE**

All NDMSA competitions or events are covered under the CMSA insurance policy. A copy of this insurance certificate may be obtained if requested.

**ARTICLE X - AMMENDING OF THE BYLAWS**

- 1) Board shall meet and draft a change and/or addition.
- 2) President shall call a general membership meeting to ratify the bylaw change and/or addition.
- 3) A quorum, (10% of the members), must be present to ratify a bylaw change.

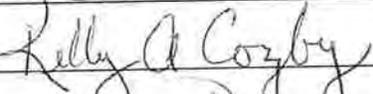
**ARTICLE XI - DISSOLUTION**

The NDMSA can be dissolved by majority vote of the members or by default in the event of continued vacancies (less than 5 active people) in the positions of the officers and/or the Board of Directors.

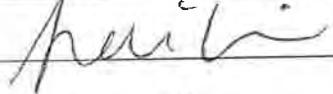
- 1) In the event of Dissolution, the last seated President, or Vice President, or Treasurer (in that order) will liquidate the club assets by declared sale with a minimum of a 30-day advance notice. The membership will have the right of first refusal to purchase club assets by open bid.
- 2) Upon the liquidation of the physical assets of the club, the last seated President, or Vice President, or Treasurer (in that order) will issue a check for the liquidated assets to a non-profit disabled children's organization.

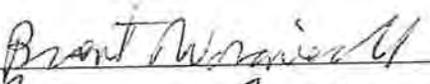
**SIGNED BY THE BOARD OF DIRECTORS OF THE NORTH DAKOTA MOUNTED SHOOTING ASSOCIATION ON March 3, 2020,**

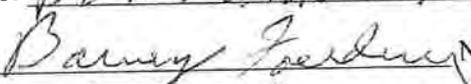
PRESIDENT: Signature:  Name: JASON ERHARDT

VICE PRESIDENT: Signature:  Name: KELLY COZBY

SECETARY: Signature:  Name: BONNIE BENZ

TREASURER: Signature:  Name: LORI KLEIN

PRIMARY RANGE MASTER: Signature:  Name: BRENT WORONIECKI

DIRECTOR: Signature:  Name: BARNEY FOERDERER

DIRECTOR: Signature:  Name: KEITH BENZ

January NDMSA meeting minutes:  
January 3, 2023 @ Lignite Energy Council

Members Present: Kay, Jason, Tanya, Alexandra, Barney, Miles, Natalie, Kim,  
Brent, Keith

Via Zoom: Dale

- Secretary's report received : Kay made a motion to approve it- Keith 2<sup>nd</sup> the motion
- Treasurer's report received: Miles made a motion to approve, Keith 2<sup>nd</sup> the motion

#### Old Business:

- Clinician will be Tammy Billingsley
- Clinic Dates will be June 1<sup>st</sup>- 3<sup>rd</sup> at the Flying D in Bismarck, ND
  - Tammy will be coming in on Thursday through Saturday, there will be a max of 12 riders a day, she will also entertain private lessons as well.
  - Cost will be \$175 a rider per day, if you ride 2 days it will cost you \$300 for both. We will be offering the spots to the club members first then they will go out to other clubs. The deposit is \$100 which is non-refundable. You may Venmo the club at NDMSA or send a check payable to NDMSA, as the club will write one check to Tammy. You may send in your deposit and the date you prefer as soon as possible, once a day fills up Kay will let us know, she will also be handling all of the schedules per day of the riders for Tammy.
- Club Raffle:
  - Keith is handling this and is looking into a rifle and having it engraved, more to come on this at the next meeting.

➤ Shoots for 2023:

- They will be June 17-18<sup>th</sup> at the Flying D in Bismarck, ND
- July 15-16<sup>th</sup> at Dickinson, ND- this shoot will run like last years, shoot starting on Saturday afternoon for the 15<sup>th</sup> and Sunday morning start time for the 16<sup>th</sup>
- August 19<sup>th</sup>-20<sup>th</sup>- Glendive, MT
- September 2-4<sup>th</sup>- at the Flying D in Bismarck, ND. This will be run the same as last year with an Eliminator match on Monday.
- All specific shoot details, pay outs etc will be posted in the description on the CMSA website

➤ Match Directors for 2023:

- June 17-18- Keith Benz and Beth Brown
- July 15-16- Brent
- August 19-20- Don Evans and Jason Erhardt
- September 2-4<sup>th</sup>- Miles and Kay
- It will be discretionary to the match director if they so choose to do prizes as it is not mandatory. Club will be moving the previous \$250 earmarked for prizes at the club shoots to be removed. Kay made the motion and Tanya 2<sup>nd</sup> it
- Club will cover balloon setters expenses
- Prizes may still be donated as a prize only and no cash awards will be used

➤ Dickinson Shoot:

- Wetsch's will bring all the needed equipment from the Flying D to Dickinson to help facilitate the shoot
- Tanya will be in charge of collecting all the money for the pens and electric hookups for the entire weekend.
- Pens will be \$10 a horse per night
- Electric hookups will be \$20 per night
- Please send checks to Tanya Wetsch- 911 Corvette Circle- Bismarck, ND, 58503 ahead of time. You may send them in as soon as possible as she needs all paid prior to the shooting event.

- There are many changes in the electric pedestals per the fairground committee along with some of the horse pens as well since last July. Tanya will be given a map of both and assign these to each of you before you arrive, making it easier for everyone. This will be a 1<sup>st</sup> come, 1<sup>st</sup> serve basis so if you are wanting a specific spot/pen please let her know when you mail in the fees. She will try to her best to accommodate all requests, however the large pens will be reserved for those with 2 or more horses to be penned together.
- Please make checks payable to Stark County Fairgrounds
- If you have any questions at all you may contact Tanya Wetsch at 701-226-0749

#### New Business:

- Sponsorship Google Doc form:
  - Kay resent this form to all members along with updated sponsorship forms, if you have any questions about either of these please contact Kay.
- Yearly Dues:
  - Please send in your 2023 dues, which are \$25 for a member or \$40 for a family membership.
  - You may send this via Venmo to the NDMSA, you will see our logo and then you will know it is the correct Venmo, or you can send a check made payable to NDMSA- PO Box 7415, Bismarck, ND 58507
- Bank Signatures:
  - We will need to add and delete previous authorized Bank signatures.
  - Bonnie and Kelly will be deleted as authorized signatures
  - Kim and Jason will remain authorized signatures
  - Miles will be added as an authorized signature

The following will be authorized signatures for the North Dakota Mounted Shooting Association at Dakota Community Bank will be Miles Cahoon, Jason Erhardt, Kim Ledger

- Ammunition purchase:
  - Jason will look into purchasing some more Ammunition for the club especially Rifle, as our previous supplier of Whitehouse will not be supplying them or running at all for 2023, they are uncertain of the foreseeable future.
  
- The next meeting will be held on February 7<sup>th</sup>, 2023 at 7:00 pm at Lignite Energy Council in Bismarck, ND

Meeting Adjourned: Barney made the motion and Alexandra 2<sup>nd</sup> it

- ❖ Keith will continue to hold practices for all whom wish to attend at Beards arena in Menoken, ND. These will be held on Sundays, weather permitting. The next practice will be held on January 8<sup>th</sup> from 2-5 pm with a cost of \$20 per horse and rider. Contact Keith with any questions in regards to this, please bring cash as well



CE COMFORT PRODUCTS  
 200 S Petro Ave.  
 Sioux Falls, SD 57107  
 (P) (605) 334-7777

## Proposal

**Project Name:** Keith **Bid Date:** 04/21/2023  
**Location:** Bismarck, ND **Expiration Date:** 05/21/2023  
**Attention:** NORTHERN PLAINS HTG & A/C **Proposal Number:** 0423MSTE2056

We at Carrier Enterprise are pleased to quote the following equipment for the above-referenced project in accordance with the attached terms and conditions.

Mark For	Qty	Model Number	Description
1	3	48FCFM24A2M5-6F0A0	Gas Heat Packaged Rooftop Unit <ul style="list-style-type: none"> <li>• 208-230/3/60</li> <li>• High Gas Heat</li> <li>• 20 Tons</li> <li>• Two-Stage Cooling single circuit</li> <li>• Low Leak EconoMi\$er X</li> <li>• Standard/Medium Static Option - Vertical Models</li> <li>• Louvered Hail Guard"</li> <li>• Electro-Mechanical</li> </ul>
1	3	CRRFCURB048A00	24IN FULL PERMIT ROOF CURB 20

### Pricing

Total Price for items as listed above (excluding taxes) ..... \$84,300.00

### Please note the following clarifications in this proposal:

- **Add 2% for inflation surcharge to the total price shown on the quote, this will apply to each invoice unless otherwise noted.**
- Carrier Enterprise, LLC is implementing a cancellation policy. The policy differs for each type of equipment and/or order. **For example, made-to-order commercial equipment has up to 3 days to cancel the order without cancellation charges.** Please contact CE for further information on the policy or your order.
- The above price is firm and will remain in effect for 30 days.
- No taxes, permits, start-up, and or service are included in above proposal unless otherwise noted.
- All orders subject to credit acceptance.
- Compliance with local codes neither guaranteed nor implied.
- Carrier Enterprise, LLC does not accept and will not be held liable for any flow down requirements from the owner or any higher tier contractor unless specifically agreed to in writing.
- Any work or material furnished at Carrier Enterprise's expense must have written authorization and approval from Carrier Enterprise prior to furnishing such service or materials. Immediately upon completion of such work, the approved price shall be invoiced for immediate processing of a credit memo and applied to your account. Deductions from our invoices or back charges for unauthorized work or materials will not be accepted.

### Additional Notes, Exclusions, and Clarifications:

- Filters, disconnects, convenience outlets, drain pans, equipment pads, controls, refrigerant specialties, and anything not included in the above bill of materials is **EXCLUDED** from this proposal. Price is subject to change if additional accessories and/or equipment are needed.

## NDMSA meeting minutes -April 11, 2023

Members Present: Kay, Alexandra, Brent, Jason, Kim, Natalie, Miles, Jo, Barney

Secretary Minutes- Kay made a motion, Jason 2<sup>nd</sup> the motion

Treasurer's Report: Barney made a motion, Brent 2<sup>nd</sup> the motion

New Business:

Clinician:

- 17 people currently registered
- The clinic at Christian Stables will be cancelling Tammy's beginner clinic the end of April, 2023

Dickinson Shoot:

- \$1200 from the Stark County Fair Board, which will cover the arena fees, balloon setter for Dickinson shoot
- They asked that their logo be added to the flyer
- Create a sheet of paper that also explains what cowboy mounted shooting is and information about NDMSA- Kay will work on this
- We need to create a banner for them
- They will get the club a check that weekend
- \$400 that came from Chris Filler's donation from West Dakota Oil wants it to go toward wranglers
- Could cover entry fees
- Remaining money for the wrangler prizes
- Wranglers would also love to have a cash prize, depending on the extra money
- Current wrangler prizes- gift cards, \$5 TSC, \$5 Runnings

- Discussed previously- \$5 for participants for each day of the shoot, \$10 for unlimited and open overall winner, \$50 for end of year overall
- Kay made a motion to purchase gift cards for wranglers and for all shoots it will be \$5 for entry per shoot, \$10 per shoot to limited and open winner- Alexandra 2<sup>nd</sup> the motion
- Plan to purchase \$250 of \$5 gift cards from TSC,

#### Multi Horse Jackpot:

- Base fee \$30 for a 3 stage shoot- which includes ammo, balloons, balloon setters
- 4 stage would be \$40
- Enter clean shooter for \$5
- Can enter one or both options
- Exhibition runs- \$15
- Base fee is just to run the stages without winning anything back
- Main match horse runs first
- Other horses run after
- For jackpot entries, office will only keep track of first run, second run, etc not individual horses, runs are associated with the rider
- Main match will run in entirety then the extra horses will run
- We will revisit how many extra riders we'll have after the June shoot and determine if we need to cap extra entries or how things go at that point

### Mandan Rodeo Grounds:

- Arena rent is \$500 per day including tractor use
- Panels are available
- 20 electrical hook ups
- Unsure of the fee for electrical hook ups
- Money charged for pen use would go towards arena fee
- Current status is to look into it more and discuss at future meetings, via consensus at meeting
- Possibility of needing clearance for gunfire noise, will discuss with the city
- No need for security as we do not charge admission
- Looking at the contract, need to know how bathroom usage works as well
- Possibility of talking with rodeo about having a shooting demonstration at the 4<sup>th</sup> of July rodeo
- Select few 5-10 on one patterns with a decent pay out

### Raffle Update:

- Everything is set up and ready to send out
- For the permit- must explain the use of the proceeds
- Keith has written up a list

## By laws- last updated 2020

- Currently listed that treasurer cannot write a check over \$50 without approval of the president.
- Needs to be updated to say this is regarding purchases, not payouts
- There are several other things as well
- Miles, Jason, Kim and Kay will go over the by-laws and bring discussion details to the next meeting

## Treasurer:

- Is currently using quickbooks but we are unable to do updates anymore as it has been a personal account
  - Do we want to continue to use quickbooks? As its very expensive to purchase
  - Kim has her own ledger that she uses in addition to quickbooks
  - She is fine to not use quickbooks
  - All programs like that are a monthly fee
  - For taxes, you can print a 1099 form and all needed information is in her ledger,
  - Plan to use ledger and not QuickBooks
- 
- Can a flyer be created that has all shoots listed on one page?
  - Kay has all this information and is finalizing a few things
  - Discussion of having a small photo book that can be taken to sponsors to show what we do

CMOSA meeting last week:

- Patterns with specific "first" or "last" balloons- if you shoot them out of order a 15 second penalty will occur with each occurrence.

Next meeting: May 9<sup>th</sup>

Meeting adjourned- Natalie made the motion and Kim 2<sup>nd</sup> it



**APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT**  
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL  
 GAMING DIVISION  
 SFN 9338 (4-2023)

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 <b>Dakota Woodturners</b>		Dates of Activity (Does not include dates for the sales of tickets) <b>5/11/2023 to 8/11/2023 - drawing 8/11/23 8/11/23</b>	
Organization or Group Contact Person <b>Denise Johnson</b>	E-mail	Telephone Number	
Business Address	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58502</b>
Mailing Address (if different)	City <b>Mandan</b>	State <b>ND</b>	ZIP Code <b>58554</b>

**SITE INFO**

Site Name <b>Pat Schweitzer home</b>	County <b>Burleigh</b>
Site Physical Address	City <b>Bismarck</b>
	State <b>ND</b>
	ZIP Code <b>58503</b>

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.)  
**starting 5/11/2023 to 8/11/23 - drawing to be held 8/11/23 8/11/23**

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

Game Type	Description of Prize	Exact Retail Value of Prize
<b>raffle</b>	<b>see attached list</b>	<b>\$2,555.00</b>
Total (limit \$40,000 per year)		\$

**Intended Uses of Gaming Proceeds**

**bring in professional clinicians to demonstrate for club members and to teach turning and provide materials to students**

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:  (This amount is part of the total prize limit for \$40,000 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

Name <b>Denise J Johnson</b>	Title <b>Raffle Chair</b>	Telephone Number	E-mail Address
Signature of Organization or Group's Top Official <i>Denise Johnson</i>		Title <b>Raffle Chair</b>	Date <b>4/18/23</b>

**Information required to be preprinted on a standard raffle ticket:**

1. Name of organization;
2. Ticket number;
3. Price of the ticket, including any discounted price;
4. Prize, description of an optional prize selectable by a winning player, or option to convert a merchandise prize to a cash prize that is limited to the lesser of the value of the merchandise prize or eight thousand dollars. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty-five dollars, an organization may state the total number of minor prizes and their total retail price;
5. For an organization that has a permit, print the authorizing city or county and permit number;
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time for each drawing and, if the winning player is to be announced later, date and time of that announcement. For a calendar raffle, if the drawings are on the same day of the week or month, print the day and time of the drawing;
8. Location and physical street address of the drawing;
9. If a merchandise prize requires a title transfer involving the Department of Transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of a ticket or winning prize is restricted to a person of a minimum age, a statement that a person must be at least "-" years of age to buy a ticket or win a prize;
11. A statement that a purchase of the ticket is not a charitable donation;
12. If a secondary prize is an unguaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep, or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or six thousand dollars.

**PRIZE RESTRICTIONS:**

A single cash prize cannot exceed \$8,000

The retail value of a merchandise prize cannot exceed \$8,000.

The **total** of all cash prizes and retail value of all merchandise prizes for all games cannot exceed \$40,000 per year.

If the value of the planned cash and merchandise prizes exceed \$40,000, the organization or group must reduce the prizes to this limit or a nonprofit corporation may apply for a state gaming license with the Office of Attorney General.

**LOCAL PERMIT AND RESTRICTED EVENT PERMIT DIFFERENCES:**

	<u>Local Permit</u>	<u>Restricted Event Permit</u>
Number of events per year	Limited by prizes	One
Must file an information report	Yes, if political party	Yes
May pay employees compensation	Yes	No
Must use chips as wagers	No	Yes
Use of net income	Unrestricted	Restricted
Games allowed	Bingo Raffles Sports Pools	Bingo Raffles Sports Pools Poker Twenty-One Paddlewheels

Compared to a "Local Permit," an organization or group with a "Restricted Event Permit" may conduct three more game types, but is restricted to one event per year, must file a "Report on a Restricted Event Permit" with the city or county and Office of Attorney General, and disburse net income to eligible uses. These uses are described by North Dakota Century Code 53-06.1-11.1(2) and North Dakota Administrative Code 99-01.3-14-02. Refer to the backside of the "Report on a Restricted Event Permit" form for a general list of eligible uses.

For a Restricted Event Permit, one method to ensure that the total of all cash prizes and retail value of all merchandise prizes do not exceed \$40,000 is to charge each player a standard amount at the start of the event for a certain number or value of chips. If a player loses all of the player's chips, the player may re-buy chips. The player would play games and, at the end of the event, the organization would auction merchandise prizes to the players. The player who bid the highest number or value of chips for a prize would win that prize. For those players who have chips but did not successfully bid on a prize, the organization may redeem the chips for a predetermined cash value per chip. For this method, the value of the players' chips redeemed for cash is no a prize.

1 Large Painted Platter	\$200
2 Maple Hollow Form	\$145
3 Bowl from a board	\$125
4 Ornamental Lidded Box	\$100
5 Dyed Vase	\$100
6 Ornamental Lidded Box	\$100
7 Viking Sunset Bowl	\$100
8 Singapore Ball	\$85
9 Bowl with dye embellishment	\$80
10 Large Elm Bowl	\$75
11 Segmented Bowl	\$75
12 Rolling Pin & Holder	\$75
13 Bowl	\$70
14 Hollow Form - Big Leaf Maple	\$70
15 Acorn Box	\$65
16 Dessert Spoons Set of 4	\$60
17 Woodburned Platter	\$60
18 Rimmed Bowl	\$60
19 Kitchen utensils set -Ash	\$55
20 Elm Platter	\$50
21 Vase	\$50
22 Wood Flowers & Vase	\$50
23 Vase	\$50
24 Compote Dish	\$50
25 Cedar Bowl from ND Capital	\$50
26 \$50 Gift Card to Menards	\$50
27 Deer Head Bolt Action Pen	\$50
28 8 inch pepper grinder - walnut	\$45
29 Set of 3 pens	\$45
30 Dish - Ash, Live Edge	\$40
31 Wooden Eggs (4)	\$40
32 Pierced Egg	\$40
33 Pen	\$35
34 Spinner Top	\$30
35 Walnut Bowl	\$30
36 Lidded box - small - Cedar	\$30
37 Ring Holder	\$25
38 Christmas Ornament	\$20
39 Wine Bottle Stopper	\$20
40 Seam Ripper	\$20
41 Wine stopper - Walnut	\$20
42 Christmas Ornament	\$15
	<hr/>
	\$2,555

DAKOTA WOODTURNERS CHAPTER  
OF THE AMERICAN ASSOCIATION  
OF WOODTURNERS, INC.  
CORPORATION  
A NONPROFIT CORPORATION  
BY-LAWS

Article I - The Dakota Woodturners, a 501 C-3 non-profit organization, is a chapter of the American Association of Woodturners, Inc. (AAW). The chapter's taxpayer identification number: 20-0754460

The chapter was organized by Duncan R. Warren.

The administrative office of the Dakota Woodturners chapter is in Bismarck-Mandan, ND.

The chapter mailing address is:

Dakota Woodturners  
PO Box 243  
Bismarck, ND 58502- 0243

E-mail address: [info@dakotawoodturners.com](mailto:info@dakotawoodturners.com)

All interested parties are welcome to become active members of the Dakota Woodturners.

Article II - The mission of the Dakota Woodturners is to:

1. Provide a meeting place for woodturners.
2. Share ideas and techniques regarding this discipline.
3. Provide for training and growth in woodturning.
4. Educate the public about the art of woodturning including public demonstrations and showings.
5. Encourage all members to become full members of AAW.
6. Support the general purposes of the AAW.

Article III - Officers

1. Election of officers - The Dakota Woodturners shall elect members to the office of President, Vice-President, Secretary, Treasurer, and two (2) members-at-large. Elections will be held annually at the December meeting. Elections shall be held on a staggered basis for President, Vice President, and one at-large member on odd numbered years; and Secretary, Treasurer, and one at-large member on even numbered years. The term of each office shall be two years.
2. Notice of election of officers will be announced at the two meetings

- preceding any election.
3. The sitting president shall appoint a nominating committee of at least three members at the September meeting each year. The nominating committee will submit a list of suggested nominees to the general membership at the November meeting. Candidates may also be nominated from the floor of that, or the December meeting, by the membership.
  4. The election shall be by secret ballot by a majority of a quorum of the members at the December meeting, unless a motion to elect is unanimously approved by the members at the meeting. The votes shall be counted by three members not associated with the nominating process, appointed by the president. The election results will be announced at the close of the December meeting.
  5. Newly elected officers will take office at the January meeting. Assistant officers or additional positions may be elected by the membership or appointed by the President as needed. There is no limitation on the number of terms a member can serve in a particular position.
  6. Removal - Any officer elected or appointed, may be removed from office when it is deemed in the best interest of the chapter. This shall be accomplished by a majority vote 50% of the total chapter membership.
  7. Vacancies - A term vacancy in any office shall be completed by a member selected by the Executive Board.

#### Article IV - Duties of the elected officers

- A. President - The President shall be the principal executive officer of the chapter, with duties including, but not limited to:
  1. Presiding over all business meeting of the chapter
  2. Supervision and control of all business affairs of the chapter
  3. Making decisions as necessary to ensure smooth operation of the chapter for the benefit of the membership
- B. Vice-president - In the absence of the President, or in the event of the President's inability to carry out the duties of the office or refusal to act, the Vice-president shall perform the duties of the President, and when so acting, shall have all the power and authority of the office, and shall also be subject to all the restrictions upon the President. The Vice-president shall serve as chair of the chapter's program committee. The Vice-President shall also perform such duties as from time to time may be assigned by the President.
- C. Secretary - The Secretary shall record the significant meeting activities of the Dakota Woodturners chapter, and keep these records in a permanent file. The Secretary must also see that all notices are duly given in accordance with the provisions of the By-Laws or as required. The secretary may request an assistant as needed, and that assistant shall be appointed by the President.
- D. Treasurer - The Treasurer shall ensure that all dues and other fees are collected and properly recorded, and that any chapter bills are paid in a

timely manner. An annual fiscal report shall be provided, in writing, to the members of the chapter during the second meeting following the end of the fiscal year. The outgoing Treasurer shall be assisted by the incoming Treasurer in compiling the annual fiscal report. The Treasurer shall serve as chair of the finance committee, which has the responsibility to develop an annual budget for the ensuing chapter year. The members of the finance committee shall be appointed by the President.

The fiscal year shall be defined as January through December.

- E. The Members-at-large are to perform auxiliary duties as needed and agreed upon by the Executive Board, or assigned by the President.

#### Article V - Executive Board of the Dakota Woodturners chapter

The Executive Board of the Dakota Woodturners chapter shall be made up of the chapter president, vice-president, secretary, treasurer, immediate past president, and two members-at-large. The Executive Board is the administrative body of the chapter. The Executive Board shall meet at the call of, and at a place determined by, the President.

Such meetings are open to any member of the chapter; however, only the members of the Board have voting privileges. The newsletter editor, the librarian, and the chapter website master are encouraged to attend Board Meetings.

Executive board members absent three consecutive board meetings without a valid reason may be considered inactive and replaced in accordance with Article III, Section 6.

The duties of the Executive Board are as follows:

1. Authorize the Treasurer to pay all bills for materials, workshops, etc. that are included in the annual budget. Expenses greater than \$100 not included in the budget must be submitted to the membership for their approval.
2. Prepare applications for and administer all grant funds according to the intended purpose.
3. Act as the core committee responsible for planning monthly meetings, special events, symposiums, guest demonstrations, public showings, etc.

#### Article VI - Membership Dues

Calendar year membership dues, based on the recommendation of the Executive Board, will be determined by membership discussion and vote by

the November meeting. Annual dues are to be paid by the January meeting.

The Dakota Woodturners Executive Board, at its discretion, may confer HONORARY LIFETIME MEMBERSHIP to persons who, in its judgment, have made extraordinary contributions to the Dakota Woodturners. Such honorary lifetime members shall receive an award and be exempt from future chapter dues. Members may make recommendations for award consideration by the Executive Board.

#### Article VII - Meetings

The Dakota Woodturners chapter will meet each month at a time and location arranged by the Executive Board, and approved by the membership. Minutes of the previous meeting and announcement of the upcoming meeting and program will be published in the chapter newsletter, which will be distributed, by approved methods, seven to ten days prior to the meeting.

Meeting format shall follow Robert's Rules of Order.

#### Article VIII - Quorum Defined

A quorum of members required to vote on chapter business is defined as 25% of the total membership. This number may be increased, on a case-by-case basis by the members then present comprising a quorum as defined. After such vote, the definition of a quorum will revert to that above.

##### Exception:

If an urgent business matter requiring chapter vote develops and must be resolved between monthly meetings, the President can resort to and act on the results of a telephone or e-mail poll of at least 25% of the qualified voting members. This procedure must be reported at the next meeting and included in that month's minutes.

#### Article IX - Public Demonstrations of Woodturning

The President or, in his absence, one or more elected members of the Executive Board shall ensure that every public demonstration undertaken in the name of the Dakota Woodturners is sanctioned and recorded by membership vote. All chapter members demonstrating in the name of the chapter at public, chapter sanctioned events must be current in local dues.

Demonstrations, while part of the normal activities, are to be conducted solely at the discretion of chapter officers and all safety and instruction is to be under their explicit direction and control.

The national office strongly recommends placing a sign or notice on or around any lathe used for demonstration that safety eye protection is mandatory, and

a full-face shield must be worn when needed. Use of a dust mask and hearing protection are recommended. The lathe is a potentially dangerous machine to be used at demonstrations only with chapter approved supervision.

#### Article X - Relationship to the national organization

All elected officers and board members of the Dakota Woodturners chapter of the AAW shall be members in good standing of the American Association of Woodturners, Inc..

While it is understood that the parent organization will provide advice and counsel, as requested, the Dakota Woodturners are advised that the nature and extent of their activities are left to their discretion.

#### Article XI - Indebtedness

If the Dakota Woodturners chapter needs to incur any debt for, or in the name of, the AAW, it must have written authorization of expenditure specifications from AAW'S national office.

#### Article XII - American Association of Woodturners Disclaimers - Fiscal and Legal:

The American Association of Woodturners, Inc., specifically disassociates itself from any debts, obligations or encumbrances of the local chapter. The corporate board of directors of AAW is not responsible for the debts, nor shares in the profits of the local chapters. The AAW does not shoulder any legal liability for accidents that occur during events of any kind by a local chapter. The Dakota Woodturners chapter specifically disassociates itself from any debts, obligations or encumbrances of the American Association of Woodturners. The Dakota Woodturners is not responsible for the debts nor shares in the profits of the American Association of Woodturners. The Dakota Woodturners does not shoulder any legal liability for accidents that occur during events of any kind sponsored or not sponsored by the National Organization.

#### Article XIII - Amendments

These By-Laws may be altered, amended, or replaced and new By-Laws may be adopted by a majority of the qualified members of the chapter casting ballots. Amendments must be proposed with a minimum of one meetings notice before a vote can be cast. Copies of all modifications to these By-Laws must be filed with the national office of AAW.

#### Article XIV -Acceptance

These By-Laws have been drawn up, agreed upon, and adopted by the Dakota Woodturners chapter.

The original version Dakota Woodturners By-Laws was accepted by the chapter on January 10, 1998. The officers signing the By-Laws at that time were:

- Duncan R. Warren - President - 10-Jan-1998
- Leonard J. Ressler - Vice-president - 16-Jan-1998
- Art Tokash - Secretary - 17-Jan-1998
- Pat Schweitzer - Treasurer - 17-Jan-1998

The current update of the Dakota Woodturner By-Laws are accepted by vote of the membership on 11-14-15

The accepting vote is affirmed by signatures of the current officers below.

President - *Alan W. Erickson* Date 11/14/15  
Vice-president - *pp. to do Pat - Mark Gilbertson* Date 11/14/15  
Secretary *Joely Erickson* Date 11/14/15  
Treasurer - *Mark K. Quinlan* Date 11/14/15

# DWT Meeting Minutes

2/11/2023

Recorded by Todd Richardson

9:04 Meeting called to order.

One guest was present – Rich Conley from Wilton is interested in the craft.

Peggy Rask motioned for approval of January minutes as published in newsletter. Seconded by Stan Zalumskis. Motion passed.

A treasurer's report was given by Steve Wolff. Ron Day made a motion to accept the report as given.

Peggy Rask seconded. Motion passed.

Band Blast collection forms were passed out by Becky Warren.

Career Academy Mentor dates were discussed by John Warren. The dates are March 6-12 and March 20-24. Approximately 8-12 mentors are needed per day. Contact Mr. Warren for more information and to volunteer.

A report was given on the display and demonstrations at the capital. Many visitors stopped by and great discussions were had with legislators about the arts and what we do. A news crew decided to put Pat Schweitzer's lovely face on TV. He did a fine job.

There was one applicant reported for the educational incentive. Stan reported that the committee recommends awarding the applicant with the grant. 2023 Spring Symposium – Ron Day discussed the spring symposium and brochures were available.

The event will take place April 21-23, 2023. It will include a silent auction, three hands on instructors, as well as additional demos. It is recommended to practice bowl turning ahead of the symposium. An anonymous donor will sponsor two youth entries. All are encouraged to attend.

The annual raffle was discussed by Mark Kielpinski. The raffle is our primary source of funding for the club and all are encouraged to participate. Please bring in a pledge for an item to contribute to the raffle to the upcoming meeting. *\*Note – It does not*

*need to be completed at this time, only pledged\*.*  
An item description and market value are required. A motion to approve raffle was made by Becky Warren and seconded by Stan Zalumskis. Motion passed.

Mark Kielpinski reported the group order from Woodturners Wonders has shipped. Mark will coordinate with those who placed an order for delivery.

WIT will meet on Thursday.

Kleber Hadsell prepared a list of items for the trailer repair.

President's Challenge is to create captive rings.

A reminder was made that dues are required for 2023 if not yet paid.

A 25<sup>th</sup> Anniversary shirt order will be made soon.

Becky Warren will have more information and a sign up at an upcoming meeting. All are encouraged to pick up a shirt.

Thirteen people brought in items for show and share.

Doug Alm brought in a mesquite bowl, a mortar & pestle set, and spinning tops.

Jon Schuck brought in 2 pens and a birdhouse.

Larry Nelson brought in a bowl made from ND walnut and a quilted maple airbrushed dyed bowl with a medallion center.

Pat Schweitzer brought in some small flower pots with wooden poppies. He explained the process to create the pieces. He reeved out wood to create the leaves, steam bent maple for the stems, and used birch shavings for the flowers. All of it was colored and well done.

Mike Orgaard brought in a boxelder vase and a collection of miniature goblets. Some included captured rings.

Jim Papacek brought in the Grain Elevator Display that he made from the Peavey Elevator Piling. He explained his process in creating the display and spoke to both the history of the elevator and his family history with the Elevator. His father-in-law worked there for many years.

Wayne Peterson brought in colored tops.

Dolly Erickson brought in two baby rattles made from applewood.

George Scholl brought in a hollow-form with a large natural edge inclusion. Multiple people wondered how it held together on the lathe. He also brought in over 100 spinning tops.

John Warren brought in a two-part acorn box.

Steve Wolff brought in a dizzy bowl which was sent to the traveling exhibit. He had an open segmented vase with over 450 pieces that he sent to Band Blast. Additionally, he had a bag of 50 colored spinning tops.

Kleber Hadsell brought in 50 tops.

Ralph Feland brought in 12 tops.

Ralph Feland won the president's challenge and Mike Orgaard won the mystery prize.

John Warren invited all for a romantic getaway to the Louisville Woodturning Symposium.

Meeting adjourned at 10:13

Meeting was followed by a bowl turning demonstration by Ron Day.

### *W.I.T. Women In Turning*

Next meeting is scheduled for Thursday, March 16. The group will be finishing the bowls they started at the last meeting.

Career Academy Turner, Feb 2023





**GAMING SITE AUTHORIZATION**  
**OFFICE OF ATTORNEY GENERAL**  
 SFN 17996 (02/2018)

G - \_\_\_\_\_ ( \_\_\_\_\_ ) \_\_\_\_\_  
 Site License Number  
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization **Hazelton Lions Club, Inc.**

The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location <b>Moffit Bar</b>			
Street <b>102 Mains St. N</b>	City <b>Moffit</b>	ZIP Code <b>58560</b>	County <b>Burleigh</b>
Beginning Date(s) Authorized <b>7/1/23</b>	Ending Date(s) Authorized <b>6/30/24</b>	Number of twenty-one tables if zero, enter "0":	
Specific location where games of chance will be conducted and played at the site (required) <b>Placement of Machine: North wall at east end; Play Area of Game: Entire bar area, exc</b>			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

**RESTRICTIONS (City/County Use Only)**

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input checked="" type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input checked="" type="checkbox"/> ELECTRONIC Pull Tab Device		

**APPROVALS**

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above <b>Mark Splonskowski, Burleigh County Auditor</b>	

**INSTRUCTIONS:**

1. City/County-Retain a **copy** of the Site Authorization for your files.
2. City/County-Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

**RETURN ALL DOCUMENTS TO:**

Office of Attorney General  
 Licensing Section  
 600 E Boulevard Ave, Dept. 125  
 Bismarck, ND 58505-0040  
 Telephone: 701-328-2329 OR 800-326-9240



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 ♦FN 11:1 (Rev. CR-2019)

Licenses Number (Office Use Only)  
**0-310(003)-A**

Site Name Moffit Bar		Site Phone Number (701) 387-9415
Site Address: 102 Main Street N	City Moffit	County Burleigh
State ND	Zip Code 58560	
Lessee Hazelton Lions Club, Inc.	Rental Period 7/1/2022 to 6/30/2023	Monthly Rent Amount
1. Is Bingo going to be conducted at this site? a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2-7 but do not enter any other amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes \$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes \$ \$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes \$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes \$ 200.00
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____		\$ 100.00
Total Monthly Rent		\$ co. 00 -2DD-DD-
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. <input type="checkbox"/>		President: Initial _____ Date _____
<b>TERMS OF RENTAL AGREEMENT:</b> This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance. The LESSOR agrees that no game will be directly operated as part of the lessor's business. The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee or the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors, members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization. The LESSOR agrees that the lessor or call temporary or permanent employee will not directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed. If the LESSEE provides the Lessor with a temporary loan of funds redeeming pull tabs or prize boards, or both, the Lessor agrees to continue using the device at the site. The LESSOR agrees not to interfere with or attempt to influence the lessee's sale of games, determination or prize, including bingo jackpot prize... The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee. The LESSOR agrees not to allow advertising by the lessor that includes the name of the gaming organization's name. At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee is not in compliance with the license business at this site for more than fourteen days or revoked.		
Signature of Lessor <i>Darrell Nicholson</i>	Title Owner Of Moffit Bar (lessor)	Date 6-3-22
Signature of Lessee <i>John Johnson</i>	Title Lions Club President (lessee)	Date 6-9-22

Initial  
+ Date

JUN 16 2022

12-28-22  
 Owner date  
 12-27-22  
 President date

(over)

25-001

# APPLICATION FOR LIQUOR LICENSE

For 6 months (April 1 to September 30)

Name of Applicant Capital City Gun Club, Inc. d/b/a Bullets & More Classification of License B2

Primary Contact William Woodworth Phone \_\_\_\_\_

Address 8401 HWY 83 PO Box 7, Bismarck, ND 58502 Date of Birth/Incorporation 2/20/1967

Is this a renewal of liquor license? Yes  No \_\_\_\_\_

If yes, give date of original application June 1987

Check one of the following to indicate who is applying for the license:

- 1. A physical resident and citizen of the State of North Dakota; or
- 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------

Not applicable-Organized as Nonprofit Corporation under N.D.C.C. ch. 10-33.  
 List of Officers and Directors is Attached.

3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------

4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name	Residence	P. O. Address
------	-----------	---------------

Not Applicable--Organized as a Nonprofit Corporation under N.D.C.C. ch. 10-33.

Date and type of any prior or present liquor business:

Class B2 (previously listed on applications as B2-5) beer on and off sale License for 6 months (April 1 to Sept. 30).

Exact legal description of proposed enterprise: 24-140-80-00-34-611

Does building meet all state and local sanitation and safety requirements? Yes  No

Have you ever had a liquor license revoked or rejected by any authority? Yes  No   
If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor:  
Yes  No   
If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes  No   
If yes, give date and details:

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

1. BNC National Bank-Club's Bank
2. The Printer's Inc.-Print Programs, Flyers, etc.
3. Double H Gun Shop-Supplies

The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

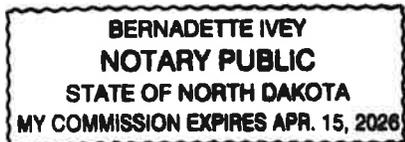
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

William O. Menden, President  
Signature of Applicant

Subscribed and sworn to before me this 26<sup>th</sup> day of Apr. 1, 2026



[Signature]  
Notary Public

Recommend application be approved \_\_\_\_\_ denied \_\_\_\_\_

Reasons for negative recommendation

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
County Auditor



**GAMING SITE AUTHORIZATION**  
 ND OFFICE OF ATTORNEY GENERAL  
 SFN 17996 (4-2023)

G - \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
 Site License Number  
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization  
Driscoll Betterment Club

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location  
TNT Tavern

Street <u>31 Main St</u>	City <u>Driscoll</u>	ZIP Code <u>ND</u>	County <u>Burleigh</u>
-----------------------------	-------------------------	-----------------------	---------------------------

Beginning Date(s) Authorized <u>07-01-2023</u>	Ending Date(s) Authorized <u>06-30-2024</u>	Number of Twenty-One tables, if zero, enter "0" <u>0</u>
---	--	--

Specific location where games of chance will be conducted and played at the site (required)  
bar area - excluding restrooms

If conducting Raffle or Poker activity provide date(s) or month(s) of the event(s) if known

**RESTRICTIONS FOR CITY/COUNTY USE ONLY**

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bingo                                 | <input type="checkbox"/> Club Special                  | <input type="checkbox"/> Sports Pools             |
| <input type="checkbox"/> ELECTRONIC Quick Shot Bingo           | <input type="checkbox"/> Tip Board                     | <input type="checkbox"/> Twenty-One               |
| <input checked="" type="checkbox"/> Raffles                    | <input type="checkbox"/> Seal Board                    | <input type="checkbox"/> Poker                    |
| <input type="checkbox"/> ELECTRONIC 50/50 Raffle               | <input type="checkbox"/> Punchboard                    | <input type="checkbox"/> Calcuttas                |
| <input type="checkbox"/> Pull Tab Jar                          | <input type="checkbox"/> Prize Board                   | <input type="checkbox"/> Paddlewheel with Tickets |
| <input checked="" type="checkbox"/> Pull Tab Dispensing Device | <input type="checkbox"/> Prize Board Dispensing Device | <input type="checkbox"/> Paddlewheel Table        |
| <input type="checkbox"/> ELECTRONIC Pull Tab Device            |  |   |

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

**APPROVALS**

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

**INSTRUCTIONS:**

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

**RETURN ALL DOCUMENTS TO:**

Office of Attorney General  
 Licensing Section  
 600 E Boulevard Ave, Dept. 125  
 Bismarck, ND 58505-0040  
 Telephone: 701-328-2329 OR 800-326-9240



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) <i>Tomás Kocourek</i>		Site Name <i>TNT Tavern</i>		Site Phone Number <i>701-387-9425</i>	
Site Address <i>31 Main St S</i>		City <i>Driscoll</i>	State <i>ND</i>	Zip Code <i>58532</i>	County <i>Burleigh</i>
Organization (Lessee) <i>Driscoll Betterment Club</i>		Rental Period <i>07-01-2023 to 06-30-2024</i>		Monthly Rent Amount	
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the <b>primary</b> game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
				<input type="checkbox"/> No	<input type="checkbox"/> Yes
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____				<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device				<input type="checkbox"/> No	<input type="checkbox"/> Yes
				\$ <i>150.00</i>	
				\$ _____	
Total Monthly Rent				\$ <i>150.00</i>	
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.				<input type="checkbox"/>	

**TERMS OF RENTAL AGREEMENT:**

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>Tom Kocourek</i>	Title <i>Bar Owner</i>	Date <i>4/17/23</i>
Signature of Lessee <i>Kate Whitman</i>	Title <i>Club President</i>	Date <i>4-19/23</i>

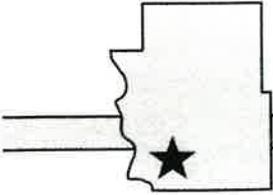
(over)

**ITEM**

**# 6**

# **PUBLIC HEARING**

# County of Burleigh



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

**Request:**

Review MIDA Bond request Submitted for Essentia Health.

**Background information:**

This request is submitted by Essentia Health asking that Burleigh County be the conduit issuer for two series of revenue bonds for the benefit of Essentia to pay the purchase price of the acquisition of Mid Dakota Clinic by Essentia Health.

**Recommendation:**

Perform Public Hearing and consider MIDA Bond Request.

**BURLEIGH COUNTY, NORTH DAKOTA**

**RESOLUTION APPROVING THE ISSUANCE AND SALE OF  
HEALTH CARE FACILITIES REVENUE BONDS, SERIES 2023A  
(ESSENTIA HEALTH OBLIGATED GROUP) AND  
HEALTH CARE FACILITIES TAXABLE REVENUE BONDS, SERIES 2023B  
(ESSENTIA HEALTH OBLIGATED GROUP), AND  
AUTHORIZING THE EXECUTION OF DOCUMENTS RELATING THERETO**

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

- Section 1. Definitions. The terms used herein, unless the context hereof requires otherwise, have the following meanings, and any other terms defined in the Loan Agreements or the Bond Indentures (both as hereinafter defined) have the same meanings when used herein as assigned to them in the Loan Agreements or the Bond Indentures unless the context or use thereof indicates another or differing meaning or intent:
- a. Act: Chapter 40-57, North Dakota Century Code, as amended.
  - b. Authorized Officers: the Chair of the Board of County Commissioners and the County Auditor/Treasurer.
  - c. Board: the Board of County Commissioners, the governing body of the County.
  - d. Bond Counsel: the law firm of Chapman and Cutler LLP.
  - e. Bond Indentures: collectively, the Series 2023A Bond Indenture and the Series 2023B Bond Indenture.
  - f. Bond Trustee: U.S. Bank Trust Company, National Association, a national banking association with an office located in St. Paul, Minnesota, its successors and assigns.
  - g. Bonds: collectively, the Series 2023A Bonds and the Series 2023B Bonds.
  - h. Borrower: Essentia Health, a Minnesota nonprofit corporation and organization described in Section 501(c)(3) of the Code, the corporate offices of which are located at 502 East Second Street, in Duluth, Minnesota.
  - i. Borrower Documents: collectively, the Loan Agreements, the Continuing Covenant Agreements, the Tax Agreement, the Obligated Group Notes, the Master Indenture and the Supplemental Indenture.
  - j. Code: the Internal Revenue Code of 1986, as amended.

- k. Continuing Covenant Agreements: collectively, the Series 2023A Continuing Covenant Agreement and the Series 2023B Continuing Covenant Agreement
- l. County: Burleigh County, North Dakota, a body corporate and political subdivision of the State.
- m. County Documents: collectively, the endorsement to the Tax Agreement, the Loan Agreements and the Bond Indentures.
- n. Documents: the County Documents, the Borrower Documents and other documents required for the issuance of the Bonds.
- o. Loan Agreements: collectively, the Series 2023A Loan Agreement and the Series 2023B Loan Agreement.
- p. Master Indenture: the Second Amended and Restated Master Trust Indenture dated as of November 1, 2018 by and between the Borrower, on behalf of itself and as Obligated Group Agent on behalf of the other Members of the Obligated Group, and U.S. Bank Trust Company, National Association, as supplemented and amended.
- q. Members of the Obligated Group: a group composed of the Borrower and certain of its affiliates, each of which has agreed in writing to be bound by the provisions of the Master Indenture and to be jointly and severally obligated to make payments on the notes issued thereunder.
- r. Obligated Group Agent: Essentia Health, as Obligated Group Agent under the Master Indenture.
- s. Obligated Group Notes: collectively, the Series 2023A Obligated Group Note and the Series 2023B Obligated Group Note.
- t. Project: the financing and refinancing of the acquisition of certain assets of (including real property, buildings and equipment) of Mid Dakota Clinic, a physician practice operating outpatient clinics throughout Bismarck, North Dakota, and the business enterprise value thereof, including (i) an approximately 101,138 square foot building and equipment located therein used as the main clinic by Mid Dakota Clinic, and the real property and land improvements upon which such building is situated, all located at 401 N. 9th Street, Bismarck, North Dakota (not to exceed \$27,000,000 in aggregate principal amount of the Bonds), (ii) an approximately 22,350 square foot building and equipment located therein used as a center for women by the Mid Dakota Clinic, and the real property and land improvements upon which such building is situated, all located at 1000 E. Rosser Avenue, Bismarck, North Dakota (not to exceed \$7,500,000 in aggregate principal amount of the Bonds), (iii) an approximately 6,000 square foot building/warehouse used for storage and the real property upon such building is situated all located at

2323 East Rosser Avenue, Bismarck, North Dakota (not to exceed \$1,000,000 in aggregate principal amount of the Bonds), (iv) the leasehold improvements including construction, renovation, remodeling, updating signage and equipping of the existing facility all located at 727 Kirkwood Mall, Bismarck, North Dakota (not to exceed \$1,500,000 in aggregate principal amount of the Bonds), and (v) the leasehold improvements including construction, renovation, remodeling, updating signage and equipping of the existing facility all located at 2700 State Street, Unit A2, Bismarck, North Dakota (not to exceed \$1,000,000 in aggregate principal amount of the Bonds).

- u. Resolution: this resolution of the County, adopted May 1, 2023, authorizing the issuance of the Bonds.
- v. Series 2023A Bond Indenture: the Bond Trust Indenture to be entered into between the County and the Bond Trustee, pursuant to which the County pledges and grants a security interest in all of its rights, title, and interest in the Series 2023A Loan Agreement (except for certain rights of the County to payment, indemnification and enforcement) and the Series 2023A Obligated Group Note to the Bond Trustee.
- w. Series 2023A Bonds: Burleigh County, North Dakota Health Care Facilities Revenue Bonds, Series 2023A (Essentia Health Obligated Group).
- x. Series 2023A Continuing Covenant Agreement: means the Continuing Covenant Agreement to be entered into by and between the Borrower (on behalf of itself and as Obligated Group Agent on behalf of the Members of the Obligated Group) and the Series 2023A Purchaser with respect to the Series 2023A Bonds.
- y. Series 2023A Loan Agreement: the Loan Agreement to be entered into between the County and the Borrower, pursuant to which the Borrower agrees to repay the loan made thereunder in specified amounts and at specified times sufficient to pay in full when due the principal of, premium, if any, and interest on the Series 2023A Bonds. In addition, the Series 2023A Loan Agreement contains provisions relating to the payment by the Borrower of certain administrative and legal costs of the County and indemnification, insurance, and other agreements and covenants which are required or permitted by the Act and which the County and the Borrower deem necessary or desirable for the issuance of the Series 2023A Bonds.
- z. Series 2023A Obligated Group Note: the promissory note of the Obligated Group Agent issued under the Master Indenture to the County (and assigned to the Bond Trustee) in a stated principal amount equal to the stated principal amount of the Series 2023A Bonds to secure Borrower's payment obligations under the Series 2023A Loan Agreement.
- aa. Series 2023A Purchaser: Huntington Public Capital Corporation, as purchaser of the Series 2023A Bonds.

- bb. Series 2023B Bond Indenture: the Bond Trust Indenture to be entered into between the County and the Bond Trustee, pursuant to which the County pledges and grants a security interest in all of its rights, title, and interest in the Series 2023B Loan Agreement (except for certain rights of the County to payment, indemnification and enforcement) and the Series 2023B Obligated Group Note to the Bond Trustee.
- cc. Series 2023B Bonds: Burleigh County, North Dakota Health Care Facilities Taxable Revenue Bonds, Series 2023B (Essentia Health Obligated Group).
- dd. Series 2023B Continuing Covenant Agreement: means the Continuing Covenant Agreement to be entered into by and between the Borrower (on behalf of itself and as Obligated Group Agent on behalf of the Members of the Obligated Group) and the Series 2023B Purchaser with respect to the Series 2023B Bonds.
- ee. Series 2023B Loan Agreement: the Loan Agreement to be entered into between the County and the Borrower, pursuant to which the Borrower agrees to repay the loan made thereunder in specified amounts and at specified times sufficient to pay in full when due the principal of, premium, if any, and interest on the Series 2023B Bonds. In addition, the Series 2023B Loan Agreement contains provisions relating to the payment by the Borrower of certain administrative and legal costs of the County and indemnification, insurance, and other agreements and covenants which are required or permitted by the Act and which the County and the Borrower deem necessary or desirable for the issuance of the Series 2023B Bonds.
- ff. Series 2023B Obligated Group Note: the promissory note of the Obligated Group Agent issued under the Master Indenture to the County (and assigned to the Bond Trustee) in a stated principal amount equal to the stated principal amount of the Series 2023B Bonds to secure Borrower's payment obligations under the Series 2023B Loan Agreement.
- gg. Series 2023B Purchaser: The Huntington National Bank, as purchaser of the Series 2023B Bonds.
- hh. State: the State of North Dakota.
- ii. Supplemental Indenture: Supplemental Indenture Number Six to the Master Indenture, which authorizes the issuance and delivery of the Obligated Group Notes.
- jj. Tax Agreement: the agreement of the Borrower and the Bond Trustee (endorsed by the County), in customary form approved by Bond Counsel, to demonstrate compliance with the conditions of the Code for interest on the Series 2023A Bonds to be excludable from the gross income of the owners of the Series 2023A Bonds for federal income tax purposes.

Section 2. Recitals.

- a. The County is a body corporate and political subdivision of the State.
- b. An initial resolution was adopted by the Board on April 3, 2023, scheduling a public hearing on the issuance by the County of bonds, in one or more series, in an amount not to exceed \$35,000,000.
- c. A notice of public hearing was published in the *Bismarck Tribune*, the County's official newspaper and a newspaper of general circulation, calling a public hearing on the proposed issuance of the Bonds and the proposal to undertake and finance the Project.
- d. The Board has on May 1, 2023, held a public hearing on the issuance of the Bonds and the financing of the Project, and persons in attendance wishing to speak on the issuance of the Bonds, and the financing of the Project, if any, were given an opportunity to do so at the hearing.
- e. Drafts of the forms of the County Documents have been made available to this Board and are on file in the office of the County Auditor/Treasurer.

Section 3. Recital of Representations Made by the Borrower.

- a. The Borrower has agreed to pay any and all costs incurred by the County in connection with the issuance of the Bonds, whether or not such issuance is carried to completion.
- b. The Borrower has represented to the County that no public official of the County has either a direct or indirect financial interest in the transaction described herein nor will any such public official either directly or indirectly benefit financially from the transaction described herein.

Section 4. Findings.

- a. The issuance of the Bonds and the financing of the Project are in the public interest of the County and are necessary and desirable and in furtherance of the public health and welfare by the provision of necessary health care facilities so that adequate health care services are available to residents of the State of North Dakota at reasonable cost.
- b. The financing of the Project, the issuance and sale of the Bonds, the execution and delivery of the County Documents and the performance of all covenants and agreements of the County contained therein and of all other acts and things required under the Constitution and laws of the State of North Dakota to make the Bonds and the County Documents valid and binding obligations of the County enforceable in accordance with their terms are authorized by the Act.

- c. It is desirable that the Bonds in the amount of up to \$35,000,000 be issued by the County upon the terms set forth herein, and that the County assign its interest in the Loan Agreements, except for certain retained rights, to the Bond Trustee by the Bond Indentures and grant a security interest therein for the payment of the principal of, interest on and premium, if any, on the Bonds.

Section 5. The Bonds.

- a. The Borrower has requested that the County issue the Bonds for the benefit of the Borrower or its affiliates in the aggregate principal amount not to exceed \$35,000,000 under the provisions of the Act to (i) finance the Project and (ii) finance costs of issuance of the Bonds.
- b. In order to provide for the financing of a portion of the Project, the County authorizes the sale of the Series 2023A Bonds to the Series 2023A Purchaser; the issuance of the Series 2023A Bonds in an original aggregate principal amount of not to exceed \$35,000,000; and the following terms of the Series 2023A Bonds:
  - i. the Series 2023A Bonds shall bear interest at variable interest rates, with the initial interest rate not to exceed 7% per annum;
  - ii. the Series 2023A Bonds shall be dated their date of issuance and shall mature no later than February 15, 2063;
  - iii. the Series 2023A Bonds shall be payable in United States dollars;
  - iv. the Series 2023A Bonds shall be payable at the office of the Bond Trustee or as otherwise directed in writing by the Series 2023A Purchaser;
  - v. the Series 2023A Bonds will be subject to transfer and exchange as provided in the Series 2023A Bond Indenture;
  - vi. the Series 2023A Bonds are subject to optional redemption, extraordinary optional redemption and scheduled sinking fund redemption as provided in the Series 2023A Bond Indenture;
  - vii. the Series 2023A Bonds shall be executed as provided in Section 8 hereof;
  - viii. the terms, covenants and conditions which the Series 2023A Bonds shall contain are set forth in the Series 2023A Bond Indenture; and
  - ix. the Series 2023A Bonds shall be fully registered as to principal and interest, without coupons.
- c. In order to provide for the financing of a portion of the Project, the County authorizes the sale of the Series 2023B Bonds to the Series 2023B Purchaser; the

issuance of the Series 2023B Bonds in an original aggregate principal amount of not to exceed \$35,000,000; and the following terms of the Series 2023B Bonds:

- i. the Series 2023B Bonds shall bear interest at variable interest rates, with the initial interest rate not to exceed 7% per annum;
  - ii. the Series 2023B Bonds shall be dated their date of issuance and shall mature no later than February 15, 2063;
  - iii. the Series 2023B Bonds shall be payable in United States dollars;
  - iv. the Series 2023B Bonds shall be payable at the office of the Bond Trustee or as otherwise directed in writing by the Series 2023B Purchaser;
  - v. the Series 2023B Bonds will be subject to transfer and exchange as provided in the Series 2023B Bond Indenture;
  - vi. the Series 2023B Bonds are subject to optional redemption, extraordinary optional redemption and scheduled sinking fund redemption as provided in the Series 2023B Bond Indenture;
  - vii. the Series 2023B Bonds shall be executed as provided in Section 8 hereof;
  - viii. the terms, covenants and conditions which the Series 2023B Bonds shall contain are set forth in the Series 2023B Bond Indenture; and
  - ix. the Series 2023B Bonds shall be fully registered as to principal and interest, without coupons.
- d. The purchase price of the Series 2023A Bonds must equal or exceed 95% of the stated principal amount of the Series 2023A Bonds, and the purchase price of the Series 2023B Bonds must equal or exceed 95% of the stated principal amount of the Series 2023B Bonds.
- e. The Bonds, when executed and delivered, shall contain recitals that (i) they are issued pursuant to the Act; (ii) all acts, conditions and things required by the laws of the State relating to the passage of this Resolution, to the issuance of the Bonds and to the execution of the County Documents, to happen, exist and be performed precedent to and in the enactment of this Resolution and precedent to the issuance of the Bonds and precedent to the execution of the County Documents have happened, exist and have been performed as so required by law; and (iii) the Bonds and the interest thereon are special limited obligations of the County payable solely from the revenue pledged to payment thereof under the Bond Indentures and shall not constitute or give rise to a pecuniary liability of the County, the State, any instrumentality or political subdivision thereof or a charge against their general credit or taxing powers.

Section 6. Authorization. The County is authorized by the Act to issue the Bonds, to loan the proceeds thereof to the Borrower to finance the Project and to make all contracts, execute all instruments and do all things necessary or convenient in the exercise of such authority.

Section 7. Sale of Bonds to Purchasers. The sale of the Series 2023A Bonds to the Series 2023A Purchaser and the sale of the Series 2023B Bonds to the Series 2023B Purchaser are hereby approved. The County Auditor/Treasurer is hereby authorized to approve the purchase price of the Bonds, provided that the terms related to the Bonds under Section 5 above are satisfied. Such approval shall be conclusively evidenced by the execution of the Loan Agreements as provided herein by the County Auditor/Treasurer.

Section 8. Approval and Execution of Bonds, Documents and Certificates.

- a. The County Documents and the Bonds are made a part of this Resolution as though fully set forth herein and are approved in substantially the forms on file with the County. The Authorized Officers are authorized and directed to execute, acknowledge, and deliver the County Documents and the Bonds on behalf of the County with such changes, insertions, and omissions therein as the County's attorney or Bond Counsel may hereafter deem appropriate, such execution by the Authorized Officers to be conclusive evidence of approval of such documents in accordance with the terms hereof.
- b. The Authorized Officers and other County officers and members of the Board (individually or with one or more other officers and members of the Board) are authorized and directed to execute and deliver all other documents that may be required under the terms of the County Documents, the Bonds or by Bond Counsel, and to take such other action as may be required or deemed appropriate for the performance of the duties imposed thereby to carry out the purposes thereof or hereof.
- c. The Authorized Officers and other County officers and members of the Board (individually or with one or more other officers and members of the Board) are authorized to furnish certified copies of this Resolution and all proceedings and records of the County relating to the Bonds, and such other affidavits and certificates as may be required to show the facts relating to the County respecting the Bonds, as such facts appear from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates, and affidavits, including any heretofore furnished, shall constitute representations of the County as to the truth of all statements contained therein.
- d. If for any reason the Authorized Officers or any other County officer, member of the Board, employee, or agent of the County authorized to execute certificates, instruments, or other written documents on behalf of the County shall for any reason cease to be an officer, employee, or agent of the County after the execution

by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document.

- e. If for any reason the Authorized Officers or any other County officer, member of the Board, employee, or agent of the County authorized to execute certificates, instruments, or other written documents on behalf of the County shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant to such officer, or by such other officer of the County as in the opinion of the County's attorney is authorized to sign such document and do all things and execute all instruments and documents required to be done or executed by such officers, with full force and effect, which executions or acts shall be valid and binding on the County.

Section 9. Trustee; Bond Registrar. The Board appoints the Bond Trustee as trustee and registrar for the Bonds.

Section 10. Authority of County Auditor/Treasurer. The County Auditor/Treasurer is designated for all purposes of the County Documents as the County official authorized to execute on behalf of the County certificates, requests or consents as provided in or required by the County Documents.

Section 11. Public Improvement Bids relating to the Project. The County hereby authorizes the Borrower, in accordance with the provisions of the Act and subject to the terms and conditions set forth in the Loan Agreements, to provide for the acquisition, construction and equipping of the Project by such means as shall be available to the Borrower and in the manner determined by the Borrower and without advertisement for bids as may be required for the construction and acquisition of municipal facilities; and the County hereby ratifies, affirms, and approves all actions heretofore taken by the Borrower consistent with and in anticipation of such authority.

Section 12. General Covenants; Limitations.

- a. Limitation of Liability. No agreement, covenant, or obligation contained in this Resolution or in the County Documents shall be deemed to be an agreement, covenant, or obligation of any member of the Board, or of any officer, employee, or agent of the County in that person's individual capacity. Neither the members of the Board, nor any officer executing the Bonds, shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds. In making the agreements, provisions, covenants and representations set forth in the County Documents, the County has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Obligated Group Notes, the Master Indenture and the Loan Agreements

which are to be applied to the payment of the Bonds as further provided in the Bond Indentures.

b. Nature of Security.

- i. The Bonds will be special limited obligations of the County, the proceeds of which shall be disbursed pursuant to the Bond Indentures and the Loan Agreements, and the principal, premium, if any, and interest on the Bonds shall be payable solely from the proceeds of the Bonds and revenues derived from the Loan Agreements, the Master Indenture, the Obligated Group Notes and the other sources set forth in the Bond Indentures and the Loan Agreements.
- ii. Notwithstanding anything contained in the Bonds or the Documents or any other document referred to herein to the contrary, under the provisions of the Act, the Bonds may not be payable from or be a charge upon any funds of the County or the State other than the revenues and proceeds pledged to the payment thereof, nor shall the County or the State be subject to any liability thereon, nor shall the Bonds otherwise contribute or give rise to a pecuniary liability of the County or the State or any of their officers, employees and agents. Accordingly, the Bonds shall not be payable from or charged upon any funds other than the revenues pledged to the payment thereof, nor shall the County or the State be subject to any liability thereon.
- iii. No holder of the Bonds shall ever have the right to compel any exercise of the taxing power of the County or the State to pay the Bonds or the interest thereon, or to enforce payment thereof against any property of the County or the State, other than the revenues pledged under the Bond Indentures; and the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any funds, assets or property of the County or the State, other than revenues under the Loan Agreements and the County's interest in the Obligated Group Notes and payments thereon under the Master Indenture; and the Bonds shall not constitute a debt of the County or the State within the meaning of any constitutional or statutory limitation of indebtedness. The Bonds will not constitute an indebtedness, a pecuniary liability, a moral or general obligation or a loan of the credit of the County or the State or a charge, lien or encumbrance, legal or equitable, against the County's or the State's property (other than revenues under the Loan Agreements and the County's interest in the Obligated Group Notes and payments thereon under the Master Indenture), general credit or taxing powers.

Section 13. Related Financings. The Bonds are expected to be issued in conjunction with bonds to be issued by the Minnesota Agricultural and Economic Development Board to finance facilities of the Borrower and other affiliates of the Borrower located in Minnesota.

Section 14. Severability. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions or in all cases because it conflicts with any provisions of any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses or paragraphs in this Resolution contained shall not affect the remaining portions of this Resolution or any part thereof.

Section 15. Effective Date. This Resolution shall take effect immediately.

Dated: May 1, 2023

\_\_\_\_\_  
Chair of the Board of County Commissioners

Attest: \_\_\_\_\_  
County Auditor/Treasurer

**ITEM**

**# 7**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## **Request for County Board Action**

**DATE:** May 1, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Accepting Platted Right of Way

Please include this item on the next Burleigh County Board agenda.

### **ACTION REQUESTED:**

Accept platted right of way shown on the attached Plat.

### **BACKGROUND:**

Burleigh County is required to accept (on their own behalf or on the behalf of one of our Townships) Right of Way shown on Plats that are approved by the City of Bismarck, City of Lincoln or Burleigh County.

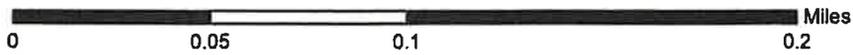
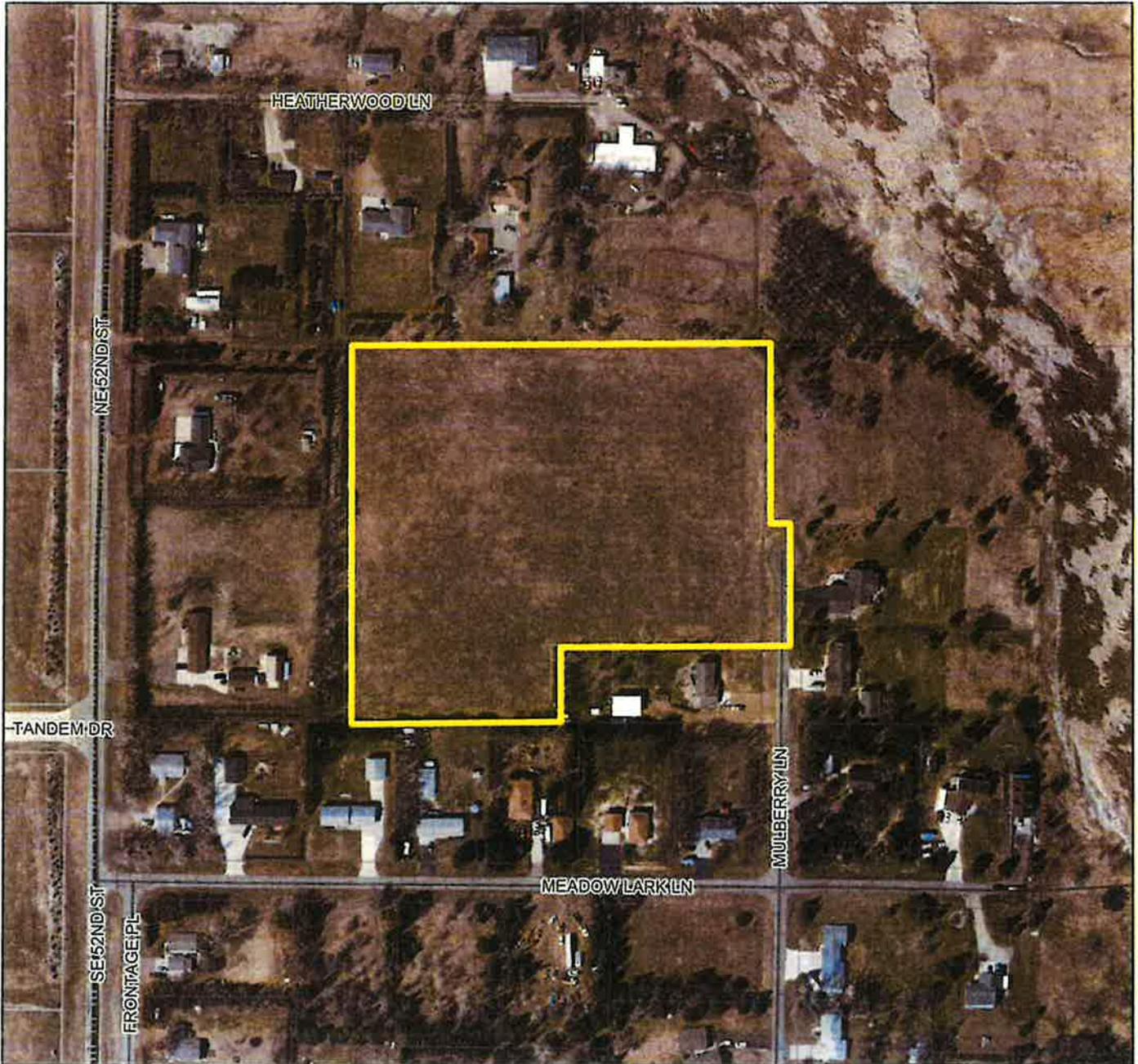
Norbs Subdivision has been approved by the City of Bismarck and we are requesting that the County Board accept the Right of Way that is shown on the attached plat.

### **RECOMMENDATION:**

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

### **PROPOSED RESOLUTION:**

**THEREFORE, BE IT RESOLVED:** That the Burleigh County Board of Commissioners do hereby accept the Right of Way shown on the Norbs Subdivision.

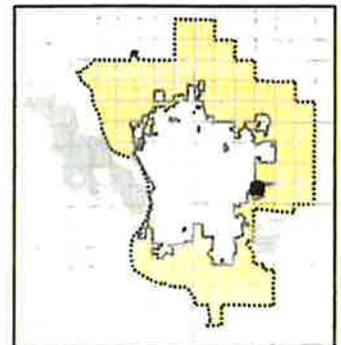


City Limits    Bismarck ETA Jurisdiction

City of Bismarck  
Community Development Dept.  
Planning Division  
November 8, 2022

Aerial Imagery from April 2020

*This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.*







# BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

## Request for County Board Action

DATE: ~~February 23, 2023~~      ~~April 3, 2023~~      May 1, 2023

TO:            Mark Splonskowski  
                 County Auditor

FROM:        Marcus J. Hall  
                 County Engineer

RE:            Award of Bids – Re-Bid

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

### ACTION REQUESTED:

Authorize the proper County officials to enter into a contract with the low bidder for Township Gravel Hauling.

### BACKGROUND:

On February 23, 2023 the following information was presented to the County Board:

On January 4, 2023 the County Board authorized the County Auditor and the County Engineer to advertise for bids for Township Gravel Hauling. Bids were opened on February 15, 2023 and the following bids were received:

<b>Hauling of Gravel:</b>	
Circle C Enterprises	\$344,500.00 *
Knife River	\$396,650.00
Sundre Sand & Gravel	\$487,000.00

\* Contractor did not follow ad: "Bid packets shall consist of two separate envelopes (plainly marked as Gravel Hauling for Township Roads bid on the outside), the outside envelope containing a current copy of Contractor's License with the second envelope containing the bid on the County's bid form." They included the outside envelope in the second envelope.

Engineers Estimate:    \$305,000.00  
Budgeted Amount:      \$275,000.00

The County Board rejected all bids and directed the Highway Department to re-bid the project with new language to instruct contractors on how to present their bids. The following wording was included in the ad for bid:

"Bid packets shall consist of two separate envelopes – a large envelope and a small envelope (plainly marked as Gravel Hauling for Township Roads bid on the outside of each), the small envelope shall contain a current copy of Contractor's License and be secured to the outside of the large envelope. The large envelope shall contain the bid on the County's bid form."

Bids were opened on March 23, 2023 and the following bids were received:

<b>Hauling of Gravel:</b>	
Circle C Enterprises	\$355,730.00 **
Sundre Sand & Gravel	\$508,250.00

\*\* However, Circle C Enterprises did not follow the instruction presented in the ad.

County Engineer Hall will present the Bid packages and the County Board can decide if Circle C Enterprises presented a valid bid.

The County Board rejected all bids and directed the Highway Department to re-bid the project.

Bids were opened on April 26, 2023 and the following bids were received:

<b>Hauling of Gravel:</b>	
Circle C Enterprises	\$382,000.00
Knife River	\$475,750.00
Sundre Sand & Gravel	\$530,500.00

**RECOMMENDATION:**

It is recommended the Board adopt the attached proposed resolution.

**PROPOSED RESOLUTION:**

THEREFORE BE IT RESOLVED: That the County Board hereby accepts the Township Gravel Hauling low bid from Circle C Enterprises for \$382,000.00 and authorize the proper County officials to enter into contracts with said bidder.



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** May 1, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Update on the Snow Removal Assistance Program

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

### ACTION REQUESTED:

Authorize the proper County officials to submit application for reimbursement from the State Snow Removal Assistance Program.

### BACKGROUND:

See attached Power Point presentation for details. Highlights include:

The Program appropriated \$20 million for snow removal assistance.

\$15 million is earmarked for snow removal between Oct 1, 2022 and Dec 31, 2022

\$5 million is earmarked for snow removal between Oct 1, 2022 and April 30, 2023

Any unused funds from the first earmark can be rolled over to the second earmark.

Burleigh County and our townships are eligible to receive reimbursement funding.

Townships will be included under Burleigh County application.

To qualify for reimbursement, an applicant must exceed 150% of their average snow removal cost for the early snow removal months or for the season wide snow removal months, with their average based on their 4 lowest costing years between 2017 and 2021.

If you exceed 150% of your 4-year average, then the cost in excess of 150% can be reimbursed up to 60%.

If there are more eligible costs than available funding, the reimbursement will be prorated.

Since Burleigh County has all of the required information we will be putting together the application.

The main problem that the Townships have is that under the current Burleigh County Maintenance Agreement they do not qualify for any reimbursement because they did not actually pay any additional cost for snow removal this past year. However, the County did incur additional cost for maintaining township roadways this past winter. The only increase in cost that the Townships would experience is in future years because their three years average – Maintenance Fee/Cost ratio would go up and the additional dozing cost that they incurred in January 2023.

Commissioner Schwab and County Staff met with the Burleigh County Township Officials and agreed to present the following to the County Board.

- ▣ County does a County wide request (including both county and township roadways – all paid for by the County).
  
- ▣ County keeps all funds and in return we do the following:
  - The County is requesting \$462,675.67 (both County and Township reimbursement) for the first phase and about \$1,409,823.30 for the second phase of reimbursement.
  
  - The County does not increase township fees for three years. This will allow 2022 year to clear their 3-year average - Maintenance Fee/Cost ratio.
  
  - County covers 100% of Township Dozing cost for the 2022/23 winter season. This will be around \$68,611.25.

**RECOMMENDATION:**

It is recommended the Board adopt the attached proposed resolution.

**PROPOSED RESOLUTION:**

**THEREFORE, BE IT RESOLVED:** That the County Board agrees to the following terms for the State Snow Removal Assistance Program:

- ▣ County keeps all funds and in return we do the following:
  - The County is requesting \$462,675.67 (both County and Township reimbursement) for the first phase and about \$1,409,823.30 for the second phase of reimbursement.
  
  - The County does not increase township fees for three years. This will allow 2022 year to clear townships' 3-year average - Maintenance Fee/Cost ratio.
  
  - County covers 100% of Township Dozing cost for the 2022/23 winter season. This will be around \$68,611.25.

# BURLEIGH COUNTY AND TOWNSHIP OFFICIALS MEETING

Snow Removal Assistance Program  
April 25, 2023

## Program Details

- ▣ SB 2183 was signed into law on April 3<sup>rd</sup>, 2023
- ▣ The Bill appropriated \$20 million for snow removal assistance.
  - \$15 million is earmarked for snow removal between Oct 1, 2022 and Dec 31, 2022
  - \$5 million is earmarked for snow removal between Oct 1, 2022 and April 30, 2023
  - Any unused funds from the first earmark can be rolled over to the second earmark.
  - Burleigh County and our townships are eligible to receive reimbursement funding.
  - Townships will be included under Burleigh County application.

## Program Details

- To qualify for reimbursement, an applicant must exceed 150% of their average snow removal cost for the early snow removal months or for the season wide snow removal months, with their average based on their 4 lowest costing years between 2017 and 2021.
- If you exceed 150% of your 4 year average, then the cost in excess of 150% can be reimbursed up to 60%.
- If there are more eligible costs than available funding, the reimbursement will be prorated.
- Since Burleigh County has all of the required information we will be putting together the application.

## Program Details

- Eligible cost
  - Labor
  - Equipment
  - Rented Equipment and Operator
  - Contractor Services
  - Materials
  - Pushback and Hauling

## Deadlines

- Registration for Program by April 30, 2023 – Done
- Part one Documentation by April 30, 2023
- Part two Documentation by May 31, 2023
- Payments will be made by June 30, 2023

## Problem?

October 1 thru December 31, 2022

- Since the township did not pay any more for snowplowing in 2022 than any other year, they would not qualify for the state program.

Apple Creek Township  
Yearly Fee

	2017	2018	2019	2020	2021
	\$22,383.69	\$31,337.17	\$43,872.04	\$43,872.04	\$50,452.85

2022 Yearly Fee = \$50,452.85

Four year Average  $(\$22,383.69 + \$31,337.17 + \$43,872.04 + \$43,872.04) / 4 = \$35,366.24$

150 % of Four year Average =  $(\$35,366.24) * 1.5 = \$53,049.36$  Since,

Since, 150% of the Four year Average is > 2022 Yearly Fee, Apple Creek Township

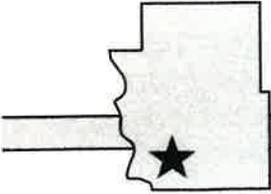
Does not qualify for any reimbursement

## Recommendation to County Board

### Possible Solution

- ❑ County does a County wide request (including both county and township roadways - all paid for by the County).
- ❑ County keeps all funds and in return we do the following:
  - The County does not increase township fees for three years. This will allow 2022 year to clear your 3-year average - Maintenance Fee/Cost ratio .
  - County covers 100% of Township Dozing cost for the 2022/23 winter season.

# County of Burleigh



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

## City of Wilton

The City of Wilton contacted Auditor Splonskowski, Deputy Finance Director Schulz, and Engineer Hall on April 21, 2023, to request an additional \$900,000 in ARPA funds related to the application that was submitted July 21, 2021. An agreement was signed September 16, 2021, awarding \$666,666 to the City of Wing for water and sewer main upgrades.

The City's bid for phase two of the project came in \$1.2 million over the project estimate. Per the email received, the city is able to cover \$300,000 of the increase and requested \$900,000 from the county in ARPA funds.

## American Rescue Plan Agreement

THIS AGREEMENT, made and entered into this 16<sup>th</sup> day of September, 2021 by and between **Burleigh County**, hereinafter called the County, and **City of Wilton**, hereinafter called the Applicant.

WHEREAS, the Applicant wishes to receive funds from the County under the American Rescue Plan for the project entitled "**2022 Street and Utility Improvements**", and

WHEREAS, the County wishes to safeguard the public interest in assuring that said work will meet the requirements of the American Rescue Plan.

NOW THEREFORE, the Applicant has agreed to the following conditions:

1. The Applicant confirms that the purchase/work/project will meet the general requirements for projects wishing to be funded under the American Rescue Plan.
2. That the maximum amount of money requested for reimbursement will be limited to the budget presented in the American Rescue Plan Project Application form and as approved by the County during their August 16, 2021 Burleigh County Commission meeting.
3. That reimbursement will not take place until the County has received all required invoices and other documentation that the County deems necessary.
4. The Applicant shall indemnify and hold harmless the County from all actions, claims, accounts, demands, losses, injuries, and expenses, including reasonable attorney's fees and other costs of litigation, which may arise out of the failure to perform any of its obligations under the contract.
5. The Applicant agrees to reimburse the County for any funds that are declared ineligible by Federal or State government at a future date.
6. This Agreement represents the entire and integrated Agreement between the Applicant and the County, and supersedes all prior negotiations, representation, or agreements, either written or oral. This agreement may be amended only by written instrument signed by both the Applicant and the County. This Agreement shall be governed by the laws of the State of North Dakota.
7. The decision of the Burleigh County Commission upon any question connected with the execution of this agreement by the Applicant shall be final and conclusive.

NOW THEREFORE, the County has agreed to the following conditions:

1. To reimburse the Applicant for funds spent under this purchase/work/project once required invoices are received by the County and the purchase/work/project is inspected to ensure that it meets current guidelines. The maximum reimbursement under this agreement shall be **\$666,666** as presented in the Applicant application form.

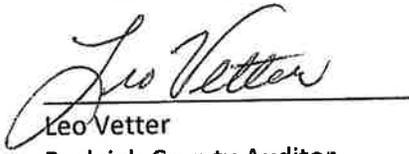
The County and Applicant each bind themselves, their partners, associates, successors, assignees, and legal representatives to the other party to this Agreement and to the partners, associates, successors, assignees, and legal representatives of such other party with respect to all covenants of this Agreement without the written consent of the other.

**BURLEIGH COUNTY:**



Kathleen Jones

Burleigh County Board of County Commissioners, Chairperson



Leo Vetter

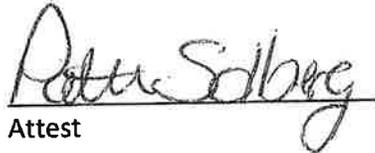
Burleigh County Auditor

**APPLICANT**



Leann Domonoske-Kellar

Mayor



Attest

# American Rescue Plan Project Application

PROJECT NAME: 2022 Street and Utility Improvements

DATE SUBMITTED: 7/21/2021

APPLICANT: City of Wilton, North Dakota

SUBMITTED BY: AJ Tuck, PE

ADDRESS: 121 Dakota Avenue

PHONE NUMBER: 7017346707

## PROJECT DESCRIPTION

Project entails replacement of water main, sewer main, and services on various city streets including Burleigh Avenue, Railway Avenue, Minnesota Avenue, Whitman Avenue, 7th Street, Dakota Avenue, and isolated areas of other areas of the City. The Project also replaces the sewer main to the city lagoons from Burleigh Avenue. These areas have been identified as "Most Critical" areas of repair due to water main breaks, lead water service lines, and fractured sewer main. Much the infrastructure being replaced was installed between 1919 and 1935. A grant from USACE was awarded to Wilton in the amount of \$2.1 million, however with the inflated material prices due to the covid-19 pandemic, the project bids came back significantly higher than what was planned in 2019. We are searching for additional funding to complete our project, such as these funds from the American Rescue Plan Act. We've also applied for a grant through the US DOT RAISE program for the purpose of street work on these corridors. If the RAISE grant is not awarded, we will only repair the street directly above the water and sewer mains as needed.

Place an (X) next to the category below that matches this project:

Water:  Sewer:  Broadband:  Other: (Explain below how this meets ARPA)

Sections 602(c) (1) and 603(c)(1) provide that the funds may be used :

Item "d)" : "to make necessary investments in water, sewer or broadband infrastructure."

## GOALS & BENEFITS TO BURLEIGH COUNTY

Wilton sits in both Burleigh and McLean County. It is estimated that more than half of Wilton Residents commute to the Bismarck/Mandan area for work, and support the many businesses within Burleigh County. Though about half of this project lies in McLean County, we are confident that replacing this critical infrastructure will benefit all of Wilton making our overall system more reliable, both in McLean County and in Burleigh County.



**APPENDIX**

FILE NAME	DESCRIPTION	LOCATION attachment / link
Draft EA - Wilton	Environmental As	attached.
Cost Estimate Wilton Updated	Cost Estimate	attached.
Project Limits Exhibit	Project Limits Exhik	attached.

**SUBMIT TO:** Robin Grenz

221 N 5th St, PO Box 5518

Bismarck, ND 58508

The applicant is willing to enter into an Agreement with Burleigh County in relation to the project noted above.

Signature: Date: 7/23/2021



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

## Request for County Board Action

**DATE:** May 1, 2023  
**TO:** Mark Splonskowski  
County Auditor  
**FROM:** Marcus J. Hall  
County Engineer  
**RE:** Award of Bids

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

### ACTION REQUESTED:

Authorize the proper County officials to enter into a contract with the low bidder for Hay Creek Township, Gibbs Township, Riverview Township and County Roadway Chip Seal Projects.

### BACKGROUND:

On January 4, 2023, the County Board authorized the County Auditor and the County Engineer to advertise for bids for Chip Seal Projects. Bids were opened on April 26, 2023 and the following bids were received:

Asphalt Preservation Company	\$770,730.87 (County Project \$262,143.34)
Asphalt Surface Technologies	\$878,957.90 (County Project \$297,067.52)
Engineers Estimate:	\$907,412.10 (County Project \$308,489.56)
Budget Amount (County only)	\$200,000

### RECOMMENDATION:

It is recommended the Board adopt the attached proposed resolution.

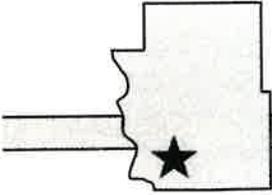
### PROPOSED RESOLUTION:

**THEREFORE BE IT RESOLVED:** That the County Board hereby accepts the Chip Seal Project low bid from Asphalt Preservation Company for \$770,730.87 and authorize the proper County officials to enter into contracts with said bidder.

**ITEM**

**# 8**

# County of Burleigh



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

**Request:**

Review Applications for Bismarck Planning and Zoning board.

**History:**

The Bismarck Planning and Zoning board has an open position and must be filled with a resident of Burleigh County, living in the City of Bismarck's ETA. It has been verified that both applicants by the addresses provided live within the specified jurisdiction.

**Recommendation:**

Consider the applications submitted.

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: ROBERT FIELD

Address: 6951 APPLE CREEK RD BISMARCK ND 58504

Home Phone: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Board or Commission on which you prefer to serve:

PLANNING AND ZONING

List below the skills or qualifications you could bring to this Board or Commission:

RETIRED BUSINESS OWNER

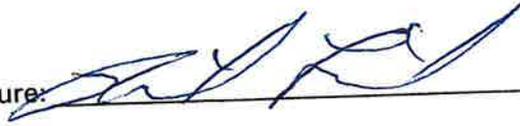
If you have any special interest or reason for serving on this Board or Commission, please explain below.

Principal Occupation/Source of Income (check one)

- |                                     |                                    |  |   |
|-------------------------------------|------------------------------------|--|---|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input checked="" type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner              | <input type="checkbox"/> Professional     |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other                       |   |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

Signature:  Date: 4-18-2023

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

Oath Returned \_\_\_\_\_

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: Brian Fettig

Address: 6200 52nd St. NE Bismarck, ND 58503

Home Phone: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Board or Commission on which you prefer to serve:

Bismarck Planning Commission - ETA Seat

List below the skills or qualifications you could bring to this Board or Commission:

Please see attached.

If you have any special interest or reason for serving on this Board or Commission, please explain below.

None

Principal Occupation/Source of Income (check one)

- |                                     |                                    |   |  |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales        |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input checked="" type="checkbox"/> Professional |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            |  |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest: None

List below the associations or institutions with which you are closely associated, or serve as a director or officer: None

Signature:  Date: 4-18-23

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

Oath Returned \_\_\_\_\_

To: Burleigh County Commission

Re: Bismarck Planning and Zoning Application (vacant ETA) seat

Date: 4-18-23

From: Brian Fettig

I am writing to express my interest in Burleigh County's (vacant ETA) seat on the Bismarck Planning and Zoning advisory board. During the past 31 years I have lived in NE Bismarck on either a 2-acre rural residential property or a 40-acre agriculture property within the ETA. I have a tremendous amount of knowledge and history in this area.

I graduated from NDSU in 2007 with a Bachelor of Science degree in Electrical Engineering. I graduated from U of Mary in 2009 with a Master of Business Administration degree. I am a graduate of the 2010 Bismarck/Mandan leadership program. In 2012 I obtained my professional engineering license from the state of North Dakota.

I have been employed with Montana-Dakota Utilities for the past 16 years. I am currently the Engineering Services Manager for the electric transmission department.

I served as the past chair for our local IEEE (Institute of Electrical and Electronics Engineers) section. I have volunteered for various United Way fundraising activities. Recently I volunteered to serve on the Home Rule Charter committee.

Getting involved and making a difference is what motivates me. I thoroughly enjoy working with people on problems and finding solutions.

I look forward to this opportunity where I can utilize my education, training, and knowledge to best serve the residents of Burleigh County.

Sincerely,



Brian Fettig, P.E.

**ITEM**

**# 9**



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

**KELLY LEBEN**  
SHERIFF

## Request for County Commission Action

**Date:** April 25, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben   
Burleigh County Sheriff

**Re:** County Coroner and Deputy Coroner Re-Appointments

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

**Action Requested:**

Re-appoint Josh Seil as County Coroner and John Braaten, Tracy Vearrier, John Smetana as Deputy Coroners to a five year term.

**Background:**

The Burleigh County Sheriff's Department contracts with Missouri River Coroners for coroner duties in Burleigh County. Missouri River Coroners is the business of current coroner Josh Seil and deputy coroners John Braaten, Tracy Vearrier, and John Smetana.

**Recommendation:**

It is recommended that the County Commission approve the re-appointment of the current coroner and deputy coroners to another five year term.

**Proposed Resolution:**

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to Re-appoint the current coroner and deputy coroners to another five year term.

**COURTHOUSE**

514 E. Thayer • PO Box 1416

Bismarck, ND 58502-1416

P 701-222-6651 • F 701-221-6899

 [www.facebook.com/BurleighCountySheriffsDepartment](https://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

**ITEM**

**# 10**

# County of Burleigh

221 NORTH 5TH STREET • P.O. BOX 6518 • BISMARCK, NORTH DAKOTA 58506-5518



## Request for County Board Action

**DATE:** April 24, 2023  
**TO:** Mark Splonskowski  
County Auditor  
**FROM:** Justin Schulz  
Deputy Finance Director  
**RE:** Provident Building HVAC

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

### **ACTION REQUESTED:**

Update the approval of ARPA funds for the Provident Building – HVAC Replacement from \$300,000 to \$379,850 to match the Commission approved quotation.

### **BACKGROUND:**

On May 16, 2022 the County Board authorized the award of the Provident Building HVAC replacement to Lindtech Services for \$379,850. The previously approved amount of ARPA funds for this project was \$300,000.

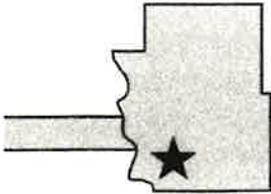
### **RECOMMENDATION:**

It is recommended the Board adopt the attached proposed resolution.

### **PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the County Board amend the approved use of ARPA funds from \$300,000 to \$379,850 for the HVAC replacement to match the approved proposal.

# County of Burleigh



221 NORTH 5TH STREET • P.O. BOX 6518 • BISMARCK, NORTH DAKOTA 58506-5518

## Request for County Board Action

**DATE:** April 26, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Justin Schulz  
Deputy Finance Director

**RE:** Department Head Budget Recommendations

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

**ACTION REQUESTED:**

To give guidance on the following budget recommendations.

**BACKGROUND:**

On April 26, 2023, the Burleigh County Department Heads met to discuss recommendations to the County Commission on the 2024 Salary Increase and Budget Subcommittee.

**RECOMMENDATION:**

It is recommended the Board adopt the attached proposed resolution.

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the County Board guide the Deputy Finance Director to use a Step + 3% COLA when preparing the 2024 Preliminary Budget. Also, to conduct Budget Subcommittee Meetings the week of June 19, 2024.

**ITEM**

**# 11**

Agenda item for May 1<sup>st</sup>, 2023 Meeting

Action Requested

Evaluating lease rates in Bismarck

Description:

We currently are in discussions with the City of Bismarck on extending the lease agreements at both the City County Building and the County Court House.

I have reached out to a 3<sup>rd</sup> party independent realtor. On their staff, they have a Commercial Realtor that is a Certified Appraiser and can give us an independent market analysis of commercial real estate lease rates based on the sizes that are leased in the City County Building and the County Court House as well as the Provident Building.

Action needed:

Move to approve hiring of the appraiser for the analysis

Agenda item for May 1<sup>st</sup>, 2023, Meeting

Action Requested

Create a Home Rule Charter committee to work on the possible increase/swap of sales tax revenue.

Description:

At our Finance Workshop last week we discussed options of asking the citizens to consider utilizing a sales tax to replace a portion of all citizens real estate tax.

We need to determine:

What is the right policy – how to use the tax?

How much of a sales tax is correct to request?

Develop language for a 2024 ballot measure

Action needed:

Requesting volunteers

## Burleigh County Board Appointments

### Bismarck Planning Commission (5-year term)

Name	Appointed	Term Ends
Paul Levchak (County Appointed)	2019	12/31/2023
Trent Wangan (County Appointed)	2020	12/31/2024
Vacant (County Appointed)	2023	12/31/2027
Mike Schmitz, Bismarck Mayor		
Gabe Schell, Bismarck Engineer		
Brian Bitner, Burleigh County Commissioner (County Appointed)		
Tom Atkinson		
Brian Eiseman		
Kevin Martin		
Mike Schwartz		
Wendy VanDuyne		

### Burleigh County Housing Authority (5-year term)

Name	Appointed	Term Ends
Arlene Olson	2003	12/31/2023
Sister Kathleen Atkinson	2015	12/31/2027
Steven Sathre	2017	12/31/2026
Cynthia Chavez	2020	12/31/2024
Lois Sundquist	2020	12/31/2025

### Burleigh County Human Service Zone Board (3-year term)

Name	Appointed	Term Ends
Gaylynn Becker	2020	11/30/2025
Tracy Famias	2020	11/30/2023
Jim Hulm, Major, Burleigh County Sheriff's Department	2020	11/30/2023
Dick Dever	2021	11/30/2024
Leslie Peracy	2021	11/30/2024
Trevor Vannett	2021	11/30/2024
Becky Matthews, Burleigh County Commission Chair		
Chelsey Flory, Burleigh County Human Service Zone Director		

### Burleigh County Park Board (3-year term)

Name	Appointed	Term Ends
Errol Behm	2019	12/31/2024
Jeffrey Herman	2021	12/31/2024

### Burleigh County Planning Commission (4-year term)

Name	Appointed	Term Ends
Dale Patrick	2019	12/31/2025
Dennis Agnew	2020	12/31/2023
Bea Streifel	2020	12/31/2023
Brian Zuroff	2020	12/31/2025
Alvie Jarratt	2021	12/31/2025
Brian Bitner, Burleigh County Commissioner		
Wayne Munson, Burleigh County Commissioner		
Mike Schmitz, Bismarck Mayor		
Steve Marquart, Bismarck Commissioner		

## Burleigh County Board Appointments

### Burleigh County School District Reorganization (3-year term)

Name	Appointed	Term Ends
Kim Birkeland	2011	6/30/2024
Brenda Blazer	2011	6/30/2024
Joyce Falkenstein	1995	6/30/2024
Dawn Aberle	2016	6/30/2025
Linda MacDonald	2007	6/30/2025

### Burleigh County Special Assessment Commission (6-year term)

Name	Appointed	Term Ends
Lee Lunde	2007	3/31/2025
Jeff Eslinger	2015	3/31/2027
Mike Heim	2005	3/31/2029

### Burleigh County Water Resource Board (3-year term)

Name	Appointed	Term Ends
Cory Palm	2020	12/31/2023
Randall Binegar	2021	12/31/2024
Roger Smith	2021	12/31/2024
James Landenberger	2017	12/31/2025
Dennis Reep	2014	12/31/2025

### Burleigh County Weed Board (4-year term)

Name	Appointed	Term Ends
Greg Anderson	2022	12/31/2023
David Nehring	2020	12/31/2023
Cole Anderson	2012	12/31/2025
Denise Brown	2022	12/31/2025
Larry Falkenstein	2021	12/31/2025

### Lincoln City Planning Commission (5-year term)

Name	Appointed	Term Ends
Elizabeth Flemming	2017	12/31/2026

### Burleigh County Officials Appointed by the Burleigh County Commission

Mitch Flanagan	Building/Planning/Zoning Director	11/30/2022
Joshua Seil	Coroner	
Mary Senger	Emergency Management Director	
Marcus Hall	Engineer	
Tyler Kralicek	Extension Agent	
Pamela Binder	Human Resource Director & Safety/Risk Management Director	
Chelsea Flory	Human Service Zone Director	
Kelly Leben	Jail Administrator	
Al Vietmeier	Tax Equalization Director/county Assessor	
Mark Landis	Veterans Service Officer	

Review  
Bills

BURLEIGH COUNTY COMMISSION AND PARK BOARD  
2023 MEETING SCHEDULE  
TOM BAKER MEETING ROOM - CITY\COUNTY BUILDING

	<u>DATE</u>	<u>AGENDA</u>
Munson	Jan. 4 (Weds) 18 (Weds)	Regular Meeting – Reorganize/Assign Portfolios 2 <sup>nd</sup> Meeting
Schwab	Feb. 6 23 (Thurs)	Regular Meeting 2 <sup>nd</sup> Meeting
Woodcox	Mar. 6 20	Regular Meeting 2 <sup>nd</sup> Meeting
Bitner	Apr. 3 17	Regular Meeting 2 <sup>nd</sup> Meeting
Matthews	May 1 15	Regular Meeting 2 <sup>nd</sup> Meeting
Munson	June 5 19	Regular Meeting/Equalization 2 <sup>nd</sup> Meeting
Schwab	July 5 (Weds) 19 & 20	Regular Meeting 2 <sup>nd</sup> Meeting & Preliminary Budget Introduction (8:30AM)
Woodcox	Aug. 7 21	Regular Meeting 2 <sup>nd</sup> Meeting
Bitner	Sept. 6 (Weds) 20 (Weds)	Regular Meeting 2 <sup>nd</sup> Meeting/Final Budget Hearing
Matthews	Oct. 2 1- 3 16	Regular Meeting Hearing to establish minimum sales prices for tax sale NDACo Convention – Bismarck 2 <sup>nd</sup> Meeting
Munson	Nov. 1 (Weds) 20 21	Regular Meeting 2 <sup>nd</sup> Meeting Annual Tax Sale (10:00 AM)
Schwab	Dec. 4 18	Regular Meeting 2 <sup>nd</sup> Meeting

11-11-05. Meetings of board - Time and place.

The board of county commissioners shall meet and hold regular meetings for the transaction of business at a time and place to be designated by the commission on a date certain established by resolution or ordinance of the commission. The county auditor shall have power to call special meetings when the interests of the county demand it. The chairman of the board, or a majority of the members thereof, may call special meetings that must be noticed in accordance with section 44-04-20.

## Burleigh County Commission - 2023 Portfolios

Each Commissioner shall periodically submit recommendations to the Board on policies and decisions relative to their portfolios assignments for final approval by the full Board of County Commissioners.

Becky Matthews Chair	Brian Bitner Vice Chair	Wayne Munson	Steve Schwab	Jerry Woodcox
Bismarck-Burleigh Joint Committee Central Dakota Communications Center (911) Council on Aging/Senior Adults Program County Library Government Coordination & Community Involvement: Intergovernment Committee Human Resources Human Service Zone (Social Services) Public Health	Auditor Building/Planning/Zoning Buildings, Grounds & Abandoned Cemeteries Emergency Management Finance	Building/Planning/Zoning Burleigh/Morton Detention Center Board County Parks Government Coordination & Community Involvement: Bismarck Mandan Chamber EDC Home Rule Charter Missouri Valley Complex Veterans Services	Extension Highway Department Metropolitan Planning Organization Weed Board	Burleigh/Morton Detention Center Board Recorder Sheriff's Office State's Attorney Superintendent of Schools Water Resource Board

# 2023 Calendar

January						
Su	Mo	Tu	We	Th	Fr	Sa
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December						
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## Federal Holidays 2023

Jan 1	New Year's Day	Jun 19	Juneteenth	Nov 11	Veterans Day
Jan 2	New Year's Day (observed)	Jul 4	Independence Day	Nov 23	Thanksgiving Day
Jan 16	Martin Luther King Day	Sep 4	Labor Day	Dec 25	Christmas Day
Feb 20	Presidents' Day	Oct 9	Columbus Day		
May 29	Memorial Day	Nov 10	Veterans Day (observed)		



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

**May 15, 2023**

**5:00 PM** *Invocation by Chaplain*

### **COUNTY COMMISSION**

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration and approval of the April 24<sup>th</sup> Special meeting minutes, May 1, 2023, meeting minutes and bills.
5. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
6. Aquatic Nuisance resolution.
7. Request premium money for 4-H Achievement Days
8. Request of support for the 4<sup>th</sup> of July Symphony Spectacular.
9. Marcus Hall:
  - a. Approve the selection of an engineering consultant firm for the Preliminary and Design Engineering of Bridge #08-115-37.0.0 Project, and the removal of Bridge #08-133-44.0
  - b. Review the City of Wilton's request for additional American Rescue Plan Funds
  - c. Accept platted right of way.
10. H.R. Director Pam Binder:
  - a. Closure of the NDPERS Plan to future employees.
  - b. County Administrator job description.
  - c. Commission meeting memo.

11. Comm. Woodcox:

a. Missouri Valley Complex discussion.

12. Chair Matthews:

a. Bismarck Tire parking lot discussion.

b. Bismarck- Burleigh Public Health Discussion.

13. Comm. Munson:

a. Lease rate evaluation.

14. Other Business:

15. Adjourn.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax

**BURLEIGH COUNTY COMMISSION SPECIAL  
MEETING MINUTES  
April 24<sup>th</sup>, 2023**

**3:00 P.M.**

Chair Matthews called the special meeting of the Burleigh County Commission to order.

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

Deputy Finance Director Schulz presented values for the Missouri Caley Complex, Provident Building, Professional Building Parking lot, Bismarck Tire Lot, and Sherriff's Dept. Shop (Old Hwy Dept.) Chair Matthews expressed a desire for lease agreements on the Bismarck Tire Parking Lot, parking maps, and the possibility of selling the Bismarck Tire parking lot. The Commission discussed options for moving into the Provident Building, Comm. Bitner showed interest in making a plan for priorities in the Provident Building remodel, and continuing discussions on possible ways of paying for the remodel. They discussed leaving the \$7,000,000 ARPA funds for the remodel in place at this time. Comm. Bitner said he would get a walkthrough of the Building with City Inspectors and get a list of required improvements before making the priorities list.

The Commissioners discussed contracts and leases the County has and asked that a full list of all Contracts and leases throughout the County. The Wells Fargo Lot was discussed as a possible option to replace lost parking in the case of a new build on the Current Professional Building Parking lot. Chair Matthews requested a full list of available parking spots and currently leased parking spots.

The Commission then discussed the possibility of using the sunseting half cent sales tax from the Detention Center bond to use it to buy down property taxes, and possibly adjusting it to three quarter or one cent. The Commission expressed an interest in further information and a possible ballot measure.

Deputy Finance Director Schulz presented a current County Investment review, he stated that the interest rates are looking good, and are on target for what he was anticipating. The Commission discussed using the ARPA funds for the Provident Building remodel, the limitations on the ARPA funds, and how to use those funds. Deputy Finance Director Schulz asked the Commission if they wanted the unrestricted interest received from the ARPA funds placed into the General Fund, the Commissioners said to reinvest the funds at this time.

Emergency Manager Mary Senger explained the opportunities for grants for generators for public buildings.

The challenges and opportunities for the County were reviewed, Deputy Finance Director Schulz presented the discussions about a County Administrator, he told the history of the position and asked if it should be considered in the 2024 budget. Commissioner Schwab shared concerns he had with the position and said that definite guidelines need to be set prior to filling it. HR Director Pam Binder said that the position has been define and a salary appointed to it, Commissioner Bitner said the duties for a County Administrator have been define in North Dakota Century Code. Commissioner Munson asked how much an administrator would cost and determined to budget based on \$250,000 considering wage and benefits. Commissioner Woodcox said he's for an administrator, but the County will need a place for his office. Chair Matthews stated that she shared Comm. Schwab's concerns but would like to keep it in the discussion. Chair Matthews and Comm. Munson asked that it be added to the 2024 preliminary budget discussions.

The public information officer position was discussed, Chair Matthews said its not a priority for her and Comm. Bitner said that the Emergency Manager Mary Senger is currently fulfilling that need.

Chair Matthews asked if the current strategic plan should be further developed or amended, Comm. Schwab said that the current Challenges and opportunities fills the current need for a strategic plan. Deputy Finance Director Schulz asked if anyone should be assigned to maintain and administer the strategic plan. Chair Matthews requested that those discussions be revisited after the budget discussions have been completed.

The 2024 budget priorities were discussed and asked that the Commission share their main priorities and asked that they also make a recommendation on a fund balance percentage. He explained that considering the increase in values and the 2023 budget 5.5-million-dollar shortfall, the County has a 6.5-million-dollar shortfall to adjust for in the 2024 budget if all items remain the same. He gave the potential options to manage the shortfall, the County may raise Mil rates or could use ARPA funds to offset the current costs. If the Mil rate were to cover the total 6.5 million the estimated raise needed would be approximately 10-12 mils and would average to approximately \$135.00 raise per house per year. The Commission expressed interest in using a 1% sales tax to buy down property taxes, however that cannot be used at this time in the 2024 budget process since it is not yet approved by the voters.

Comm. Bitner discussed the importance of the 2024 Budget and introduced the possibility of having the whole commission involved in every budget hearing rather than having the budget subcommittee. Comm. Munson agreed with Comm. Bitner and Comm. Woodcox stated he was in favor of keeping with the Subcommittee. Chair Matthews proposed the subject be brought before the next County Commission meeting and be decided then. Deputy Finance Director Schulz said he would bring back recommendations from the department heads on salary increases and the Budget Committee at the next Commission meeting.

No votes were taken.

Meeting adjourned.

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Mark Splonskowski, Auditor/Treasurer

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Becky Matthews, Chairperson

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
MAY 1, 2023**

**5:09 P.M**

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

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

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to approve the agenda. All members present voted "AYE"; motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the April 17, 2023, meeting minutes, and bills. All members present voted "AYE"; motion carried.

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

<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
Bitz Energy & Land Services LLC	2021	Unit 204 Wimbledon Condos, Part of Lot 1 & all of Lot 3, Block 1, Grandview Heights	Error in property description	\$87,800	\$83,700
Bitz Energy & Land Services LLC	2022	Unit 204 Wimbledon Condos, Part of Lot 1 & all of Lot 3, Block 1, Grandview Heights	Error in property description	\$89,800	\$85,700
David & Jessica Sorenson	2021	Lot 24, Block 4, Southbay 5th	Error in property description	\$640,100	\$636,200
David & Jessica Sorenson	2022	Lot 24, Block 4, Southbay 5th	Error in property description	\$752,900	\$749,000

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the Bitz Energy & Land Services (2) and Sorenson (2) abatements along with the remainder of the consent agenda. All members present voted "AYE"; motion carried.

Chair Matthews opened the public hearing for the Essentia Health Bond request. Amy Cobb Curran presented via Zoom that the purpose of the bonds is to pay for the purchase of Mid Dakota Clinic. Aggregate not to exceed the principal amount of \$35,000,000. The terms are not to exceed initial interest rate of 7% and not to exceed final maturity of 40 years. Final offer for public comment was offered and no one being present, the public hearing was closed. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to approve the bond request. Comm. Munson, Bitner, Schwab, and Chair Matthews voted "AYE." Comm. Woodcox voted "NO". Motion carried.

County Engineer Marcus Hall presented the request for acceptance of platted right of way in Norb's Subdivision. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to approve the platted right of way. All members present voted "AYE"; motion carried. Engineer Hall presented the bids submitted for Township Road gravel hauling. Comm. Munson expressed concerns with the process ending up in a higher price for

gravel hauling, Comm. Schwab reassured them that if there is an error on a bid in the future it will simply be thrown out and the next lower bid will be accepted. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox to award bid to Circle C Enterprises. Comm. Munson and Comm. Bitner voted "NO," Comm. Woodcox, Comm. Schwab, and Chair Matthews voted, "AYE." Motion carried. Engineer Hall presented the reimbursement from the State Snow Removal Assistance Program. The program allows a reimbursement of up to 60% of funds used for snow removal that exceeded 150% of average snow removal cost in the four lowest of the previous five years. The County's average snow removal cost is \$652,000, the winter of 2022-23 cost over \$3,300,000. Engineer Hall met with the Township officers and agreed to apply for the program and receive the funds, in exchange the County will not increase the annual maintenance fee charged to the Townships for the next three years and pick up the dozing costs incurred for snow removal. The eligible costs in the first phase of the program are \$462,000. The eligible costs in the second phase are approximately \$1.4 million. Engineer Hall stated that the intent is to freeze the costs for three years, if the costs need to be renegotiated before then, those rates can be discussed with the Townships at that time. Motion made by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to approve the application for the grant, three-year freeze in Township rates, and picking up the dozing costs. All members present voted "AYE". Motion carried. Engineer Hall presented the request from the City of Wilton for an additional \$400,000 of ARPA funds for phase II of their street improvement project. Comm. Schwab stated that he wanted to ensure that any funds Wilton received from Burleigh County would be used exclusively in Burleigh County. Comm. Bitner stated that they had approved the portion requested for phase I but had never discussed phase II. The Commission requested further information before making a final decision. Engineer Hall Presented the request for acceptance of the lower bid for Township and County chip seal contract. Comm. Bitner asked if the costs of the work done on Township roads were shared with the County, Engineer Hall said that all chip sealing done on Township roads would be paid exclusively by the Townships. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to award the contract to Asphalt Preservation Company. All members present voted "AYE." Motion carried.

The Commission then reviewed the applications for Bismarck Planning and Zoning board. Motion by Comm. Bitner 2<sup>nd</sup> by Comm. Schwab to appoint Robert Field to the open position. All members present voted "AYE." Motion carried.

Burleigh County Sheriff Leben presented a request for the renewal of appointment of County Coroner since it had expired. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to reappoint the County Coroner and Deputy Coroners, all members present voted "AYE." Motion carried. Sherriff Leben asked if the Commission would prefer a monthly or quarterly jail update, the Commission stated that they would prefer a quarterly update.

Deputy Finance Director Schulz presented the request to update the cost of the HVAC project for the Provident building. The original approved amount of the project was \$300,000, however the updated cost of the project is \$379,850 to be used from ARPA funds. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to approve updated amount. All members present voted, "AYE." Motion carried. Comm. Bitner then gave an update on what ARPA funds were allocated to projects in the Provident building, and the discussions he had with the City Inspectors. He stated that inspectors cannot give recommendations on necessary work, that would have to be done by architects and engineers. Deputy Finance Director Schulz presented the recommendations from Department Heads that the Commission consider a step plus a 3% COLA in salaries when preparing the preliminary 2024 budget, and to conduct the preliminary budget meetings the week of June 19<sup>th</sup>, 2023. Comm. Woodcox asked how much a step would cost the County, HR Director Pam Binder stated that a step costs approximately \$1,000,000, and a ½ % COLA increase costs \$110,000-

\$111,000. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to consider the 1 step and 3% COLA increase in salaries in the preliminary budget. All members present voted, "AYE." Motion carried. The Commission then discussed the budget Subcommittee. Deputy Finance Director Schulz said that the hope is to have the budget hearings the week of June 19<sup>th</sup>. Comm. Munson volunteered to be on the committee and was accepted along with Chair Matthews to be on the subcommittee. Chair Matthews encouraged the portfolio holders to attend the meetings of their perspective departments, and it be open to the public.

Comm Munson presented the issue of finding a value for rental rates on commercial properties. He suggested that the County hire the CRA realty group to have their certified appraiser inspect the rental value of the 1<sup>st</sup> floor of the City/County Building, the Courthouse, and the Provident building. The cost for the project would be \$1,200.00. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to hire the CRA group to do an appraisal of the properties so we can finalize our negotiations with the City on rental rates, at the agreed cost of \$1,200.00. All members present voted, "AYE." Motion carried. Comm. Munson then presented a request to form a committee to discuss a potential ballot measure on sales tax. Comm. Bitner showed interest in opening applications to citizens county wide. The Commission chose to open applications to the committee and will accept two to be on it.

Meeting adjourned.

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Mark Splonskowski, Auditor/ Treasurer

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Becky Matthews, Chair

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

<b>Abate #</b>	<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
23-136	Keith & Diane Grotewold	2021	Lot 4, Block 1, Country West II	Error in property description	\$537,900	\$473,400



## BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

### Memo

Date: May 15, 2023  
To: Mark Splonskowski  
County Auditor  
From: Marcus J. Hall P.E.  
County Engineer  
RE: Second access permit for Russ Hendricks

Russ Hendricks from Country Hills Second Subdivision, Block 01, Lot 06 (8010 Country Hills Drive) has requested a second access permit to his lot. The first access approach is off of Country Hills Drive. He wishes to have a second approach off of Tophill Drive in order to have better access to the south side of his lot. We have reviewed the location of the new proposed access off of Tophill Drive and have determined that it will meet our requirements.

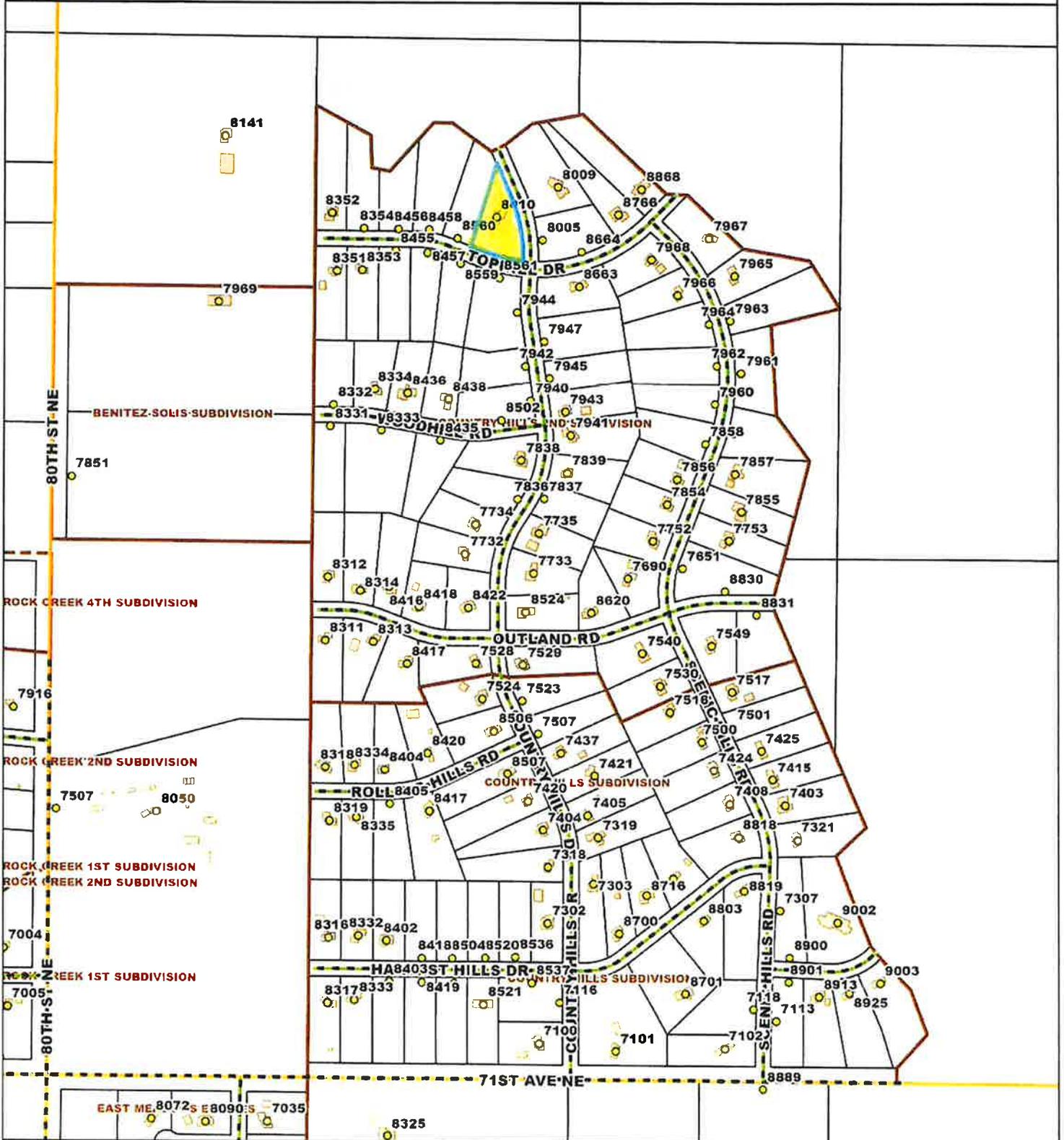
Please place the approval of a 2<sup>nd</sup> approach for Russ Hendricks on the May 15, 2023 County Board Consent Agenda.

### 2<sup>nd</sup> Approach Permits Requirements

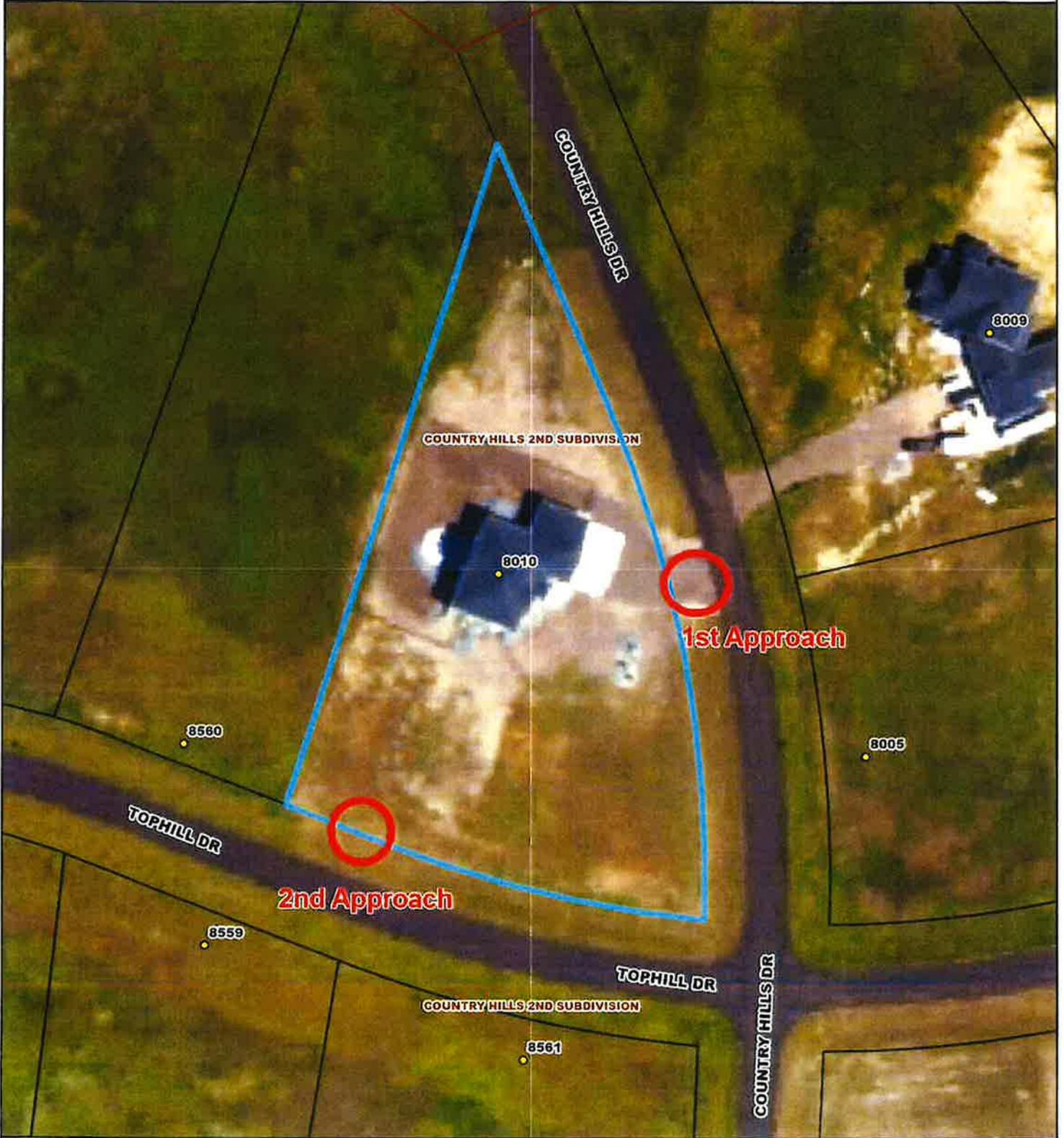
A second approach permit shall be granted by the County Engineer unless the application does not meet one of the following criteria:

- 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.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



PARCEL ID: 32-139-79-39-01-060    OWNER: EDWARDS, SPARKY D & NIKKI A    ACRES: 1.53  
SITE ADDRESS: 8010 COUNTRY HILLS DR  
MAIL ADDRESS: 8010 COUNTRY HILLS DR, BISMARCK, ND 58503  
LEGAL: COUNTRY HILLS SECOND Block 01 LOT 6



PARCEL ID: 32-139-79-39-01-060    OWNER: EDWARDS, SPARKY D & NIKKI A    ACRES: 1.53  
SITE ADDRESS: 8010 COUNTRY HILLS DR  
MAIL ADDRESS: 8010 COUNTRY HILLS DR, BISMARCK, ND 58503  
LEGAL: COUNTRY HILLS SECOND Block 01 LOT 6



**Information required to be preprinted on a standard raffle ticket:**

1. Name of organization;
2. Ticket number;
3. Price of the ticket, including any discounted price;
4. Prize, description of an optional prize selectable by a winning player, or option to convert a merchandise prize to a cash prize that is limited to the lesser of the value of the merchandise prize or eight thousand dollars. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty-five dollars, an organization may state the total number of minor prizes and their total retail price;
5. For an organization that has a permit, print the authorizing city or county and permit number;
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time for each drawing and, if the winning player is to be announced later, date and time of that announcement. For a calendar raffle, if the drawings are on the same day of the week or month, print the day and time of the drawing;
8. Location and physical street address of the drawing;
9. If a merchandise prize requires a title transfer involving the Department of Transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of a ticket or winning prize is restricted to a person of a minimum age, a statement that a person must be at least "-" years of age to buy a ticket or win a prize;
11. A statement that a purchase of the ticket is not a charitable donation;
12. If a secondary prize is an unguaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep, or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or six thousand dollars.

**PRIZE RESTRICTIONS:**

A single cash prize cannot exceed \$8,000

The retail value of a merchandise prize cannot exceed \$8,000.

The total of all cash prizes and retail value of all merchandise prizes for all games cannot exceed \$40,000 per year.

If the value of the planned cash and merchandise prizes exceed \$40,000, the organization or group must reduce the prizes to this limit or a nonprofit corporation may apply for a state gaming license with the Office of Attorney General.

**LOCAL PERMIT AND RESTRICTED EVENT PERMIT DIFFERENCES:**

	<u>Local Permit</u>	<u>Restricted Event Permit</u>
Number of events per year	Limited by prizes	One
Must file an information report	Yes, if political party	Yes
May pay employees compensation	Yes	No
Must use chips as wagers	No	Yes
Use of net income	Unrestricted	Restricted
Games allowed	Bingo Raffles Sports Pools	Bingo Raffles Sports Pools Poker Twenty-One Paddlewheels

Compared to a "Local Permit," an organization or group with a "Restricted Event Permit" may conduct three more game types, but is restricted to one event per year, must file a "Report on a Restricted Event Permit" with the city or county and Office of Attorney General, and disburse net income to eligible uses. These uses are described by North Dakota Century Code 53-06.1-11.1(2) and North Dakota Administrative Code 99-01.3-14-02. Refer to the backside of the "Report on a Restricted Event Permit" form for a general list of eligible uses.

For a Restricted Event Permit, one method to ensure that the total of all cash prizes and retail value of all merchandise prizes do not exceed \$40,000 is to charge each player a standard amount at the start of the event for a certain number or value of chips. If a player loses all of the player's chips, the player may re-buy chips. The player would play games and, at the end of the event, the organization would auction merchandise prizes to the players. The player who bid the highest number or value of chips for a prize would win that prize. For those players who have chips but did not successfully bid on a prize, the organization may redeem the chips for a predetermined cash value per chip. For this method, the value of the players' chips redeemed for cash is no a prize.

<u>AMOUNT</u>	<u>RAFFLE PRIZES</u>
\$300	MAHER RANCH
\$100	SALTER FARMS
\$100	LAWN SERVICE
\$100	METAL FLAG - ABATE
\$100	SCHEELS GIFT CARD
\$100	CK AUTO - AUTO REPAIR
\$100	NITRO GREEN - CHEST COOLER
\$200	SHIRLEY RYBERG
\$200	RYBERG RANCH
\$100	BUTLER - COOLER
\$350	MENOKEN GROVE - RIFLE
\$50	TUMBLEWEED - GIFT CARD
\$100	DUTTON PORTABLE WELDING
\$200	3BE MEATS GIFT CARD - ABERLE FARMS
\$100	A PRAIRIE BREEZE RV PARK
\$200	RIVERDALE LODGE - 2 NIGHTS
\$100	DAKOTA COMMUNITY BANK
\$100	BOBCAT ITEMS
\$200	QUALITY ASPHALT - 22 RIFLE
\$100	PURE COUNTRY - GRIDDLE
\$100	SCHWEITZERS (BUTCHERING OR SAUSAGE)
\$100	PURE COUNTRY - HAT
\$350	AGNEW & BLOTSKY RANCHES - GUN
\$650	DVORAK MOTORS - CAR STARTER
\$100	SCHMITZ ANGUS RANCH
\$100	J & R SALVAGE
\$350	MENOKEN GROVE - RIFLE
\$350	WOOD FAMILY
<b>\$5,400</b>	<b>TOTAL OF RAFFLE PRIZES</b>

MENOKEN GROVE PICNIC PARK  
BOARD MEETING MINUTES  
February 7, 2023  
5:30 PM

The meeting was called to order by President Margaret Wood at 5:30 p.m. Margaret Wood, Bob Blotsky, Sean Agnew, Shirley Ryberg were present. Karen Kershaw was absent

Financial Report December 31, 2022, balance \$9,071.43. Sean Agnew made a motion, seconded by Bob Blotsky to accept the Treasurer's Report. Motion carried.

**DISCUSSION ITEMS**

- Capital Electric has sent a letter to the board saying we have 3 meters but are currently paying for 2.
- 2022 Raffle Receipts, \$6,230.00
- Sean Agnew made a motion, seconded by Bob Blotsky, to proceed with the 2023 Raffle. Motion carried.
- Drawing for the Raffle will be held on September 9, 2023 at 7:00pm.
- Raffle application permit to be submitted no later than May 9, 2023.
- May 6, 2023 – Clean-up day following a meeting to be held at 1:00 pm.
- Lilac trees need trimming
- Discussed tables and the shirt shack
- Reviewed Rental Schedule
- 

Shirley Ryberg made a motion, seconded by Bob Blotsky, to adjourn the meeting. Motion carried.

Respectfully submitted,

Margaret Wood

Jacob Salter deeded the Menoken Grove property to the Menoken 4-H Picnic Park Mutual Aid Corporation on November 7, 1951.

Menoken Grove is cleverly hidden in a bowl of trees just north of Menoken on 171<sup>st</sup> Street NE and is one of the most beautiful 4-H picnic parks in the state. Some of the amenities are camper hookups, stage for band performances, shelter with a concrete slab, many picnic tables, playground, rural water and electricity. The Grove is within walking distance of an Indian village.

Menoken Grove is a great place for weddings, anniversaries, birthday parties, reunions, etc., and can also host major events that consist of multiple days.

**Menoken 4-H Picnic Park Mutual Aid Corporation**  
**Property Use Agreement**

**Property & Use:** The Menoken 4-H Picnic Park Mutual Aid Corporation (Corporation) agrees to allow use of the Menoken 4-H Picnic Park for the purpose of \_\_\_\_\_ to \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Any and all use of the Park shall be in compliance with the Corporation Rules and in compliance with all local/city/county ordinances. Specifically:

- **All garbage must be removed from the Park to include bottles, cans, and trash.**
- **All picnic tables must be returned to the concrete area and not scattered around the park.**
- **No fires or digging of holes without the permission of the Corporation. No fires during a burn ban. All fires must be burned in the fire pit.**
- **It is the responsibility of the renters to rent portable toilets, if necessary. Two portable toilets will be available on the premises beginning the second week of June for your use and primitive outdoor toilets are available, however, the Corporation is not responsible for the condition of the outdoor toilets.**
- **Upon departure, make sure that the water and all lights are turned off.**
- **DJ's or any live music must be approved by the Corporation prior to the event, and no entrance fees may be charged.**
- **You must check with the Burleigh County Sheriff's Department to inform them of what the event is and if you need any permits or other requirements by the county. Invitational public events require a security officer for every 100 individuals.**
- **GROVE FEES:**
  1. One day/night event (family camping/picnic event) = \$50 per day plus \$15/camper/day
  2. Multiple Day Events –Weekend Rate (Friday-Sunday) (\$1,000,000 Personal Liability Insurance required for the following events)
    - fewer than 200 people three-day weekend event = \$200 plus \$15/camper/day.
    - 200-500 people three-day event = \$500 plus \$200 maintenance fee.
    - 500+ people three-day event = \$750 plus \$200 maintenance fee.
  3. Overnight stays require 3 pm checkout on last day of rental
  4. Mail Insurance requirements to: Shirley Ryberg, 11600 123<sup>rd</sup> Ave NE Bismarck ND 58503.

**Rates:** The Park use donation is \_\_\_\_\_. **Any clean-up labor required will be billed at a rate of \$20 per man hour.**

**Liability Insurance:** \_\_\_\_\_ agrees to indemnify and hold the Corporation, and its officers, harmless from any and all liability, damages, actions, claims, demands, expenses, judgments, fees and costs of whatever kind or character, arising from, by reason of, or in connection with the use of the facility described herein. It is the intention of the parties that the Corporation and its officers shall not be liable or in any way responsible for injury, damage, liability, loss or expense resulting to the user and those it brings onto the premises due to accidents, mishaps, misconduct, negligence or injuries, either in person or property.

The user shall maintain occurrence based commercial general liability insurance or equivalent form with a limit of not less than \$1,000,000 each occurrence. If such insurance contains a general aggregate limit it shall apply separately to this agreement or be no less than two times the occurrence limit. Such insurance shall include the Corporation and its officers as additional insured, shall contain no special limitations on the scope of its protection afforded to the Corporation, and shall be primary with respect to any insurance or self-insurance programs covering the Corporation. Thirty (30) days prior to commencement of this agreement, the user shall furnish the Corporation with properly executed Certificate of Insurance which shall clearly evidence all insurance required in this agreement and provide that such insurance shall not be canceled.

**Property Damage:** The user expressly assumes full responsibility for any and all damages or injuries which may result to any person or property by reason or in connection with the use of the facilities pursuant to this

agreement and agrees to pay the Corporation for all damages caused to the facilities resulting from user's activities hereunder. Any tampering or disruption of the facility that results in repair costs or other charges will require that these costs be deducted from user's deposit fee. A \$100.00 damage and cleaning deposit is required upon booking. The deposit will be refunded after the event and after a check of the facilities has been completed for damage and clean-up requirements.

**Non-Discrimination Policy:** The Menoken 4-H Park Mutual Aid Corporation shall not exclude anyone from participating in, deny anyone the benefits of, or otherwise subject anyone to discrimination on the basis of race, sex, color, national origin, age, or disability.

**Cancellation:** The contract may be terminated by either party upon thirty (30) days written notice to the other party and may be terminated for cause by the Corporation at any time with or without notice. If the user cancels in advance of the event by ninety (90) days or more, a full refund will be issued. The Corporation reserves the right to accept or reject any or all use requests.

Special requests may be made to the Park Management:  
 Menoken 4-H Picnic Park Mutual Aid Corporation  
 Bob Blotsky – 701-226-3267  
 Shirley Ryberg – 701-391-0166

**Acceptance:** I have read and agree to the basic conditions listed above.

\_\_\_\_\_  
 User Signature Date

\_\_\_\_\_  
 Menoken 4-H Picnic Park Mutual Aid Corporation Date

Payment:		Deposit:		Proof of Insurance:		Deposit Return Date:	
----------	--	----------	--	---------------------	--	----------------------	--

DEED RECORD NO. 275

Deed No.

155206

This Indenture, Made this 7th day of November in the year of our Lord, one thousand nine hundred and Fifty-one between Jacob B. Seltzer, a single man,

whose postoffice address is Menoken, North Dakota part y of the first part, and Menoken N.Y. Picnic Park Mutual Aid Corporation whose postoffice address is Bismarck State of North Dakota

part of the second part; WITNESSETH, that the said part y of the first part, for and in consideration of the sum of One Dollar and other good and valuable consideration DOLLARS,

to him in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, do as by these presents, GRANT, BARGAIN, SELL AND CONVEY, unto the said part y of the second part, its successors and assigns, FOREVER, all that tract or parcel of land lying and being in the County of Burleigh and State of North Dakota, and described as follows, to-wit:

That tract or parcel of land lying in and being a part of the southeast quarter (SE 1/4) of Section twenty-one (21) in Township one hundred and thirty-nine (139) north, of Range seventy-eight (78) west of the fifth principal meridian in said Burleigh County, North Dakota, and described and bounded as follows: Beginning at a point 910 feet due north and north 6 degrees 20 minutes West 210 feet, and South 83 degrees 40 minutes West 60 feet from the southeast corner of said Section 21, thence north 6 degrees 20 minutes West 672 feet, thence South 83 degrees 40 minutes West 266 feet, thence South 8 degrees 50 minutes West 268 feet, thence South 30 degrees 50 minutes West 177 feet, thence South 3 degrees 40 minutes West 293 feet, thence North 78 degrees 40 minutes East 180 feet, thence North 83 degrees 40 minutes East 275 feet to the point of beginning. Said tract of land containing 5.282 acres, more or less. \$55 in revenue stamps cancelled.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances therunto belonging or in anywise appertaining to the said part y of the second part, its successors and assigns, FOREVER. And the said Jacob B. Seltzer, a single man, said part y of the first part, for his self, his heirs, executors and administrators, do covenant with the said part y of the second part, its successors and assigns that he is well seized in fee of the land and premises aforesaid, and has a good right to sell and convey the same in manner and form aforesaid; that the same are free from all incumbrances

and the above bargained and granted land and premises in the quiet and peaceable possession of said part y of the second part its successors, heirs and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, the said part y of the first part will warrant and defend.

IN WITNESS WHEREOF, The said part y of the first part hereunto set his hand the day and year first above written.

Signed, Sealed and Delivered in Presence of } Jacob B. Seltzer

STATE OF NORTH DAKOTA, County of Burleigh On this 7th day of November A. D. 1951, before me personally appeared Jacob B. Seltzer, a single man,

known to me to be the same person described in, and who executed the within and foregoing instrument and solemnly acknowledged to me that he executed the same. My commission expires Aug. 9 1952. Notary Public Burleigh County State of North Dakota

Delinquent taxes and special assessments or installments of special assessments paid for and transfer entered this 8th day of NOV 19 51. Malph Schleyer Auditor of Burleigh County. By S. V. Robertson Deputy.

Filed for record this 8th day of November A. D. 1951 at 10 o'clock A. M. and recorded in Book 276, Page 584. Register of Deeds. Deputy.

Articles of Incorporation

Of

Menoken 4-H Picnic Park Mutual Aid Corporation

KNOW ALL MEN BY THESE PRESENTS:

That we, the following named persons:

Mrs. Vesta Guest	Albert Johnson
Ralph Fricke	Howard Goehring
Mrs. Richard Day	Mrs. Henry Larson
Mrs. Lester Bunker	

Residents of the State of North Dakota do hereby associate ourselves together for the purpose of forming and becoming a non-profit corporation under the provisions of Chapter 109 of the Session Laws of North Dakota for the year 1935, as amended, assuming all the powers, rights, and privileges granted therein, and for that purpose do hereby adopt the following Articles of Incorporation.

ARTICLE I

Name

The name of this Corporation shall be called the Menoken 4-H Picnic Park Mutual Aid Corporation.

ARTICLE II

Purpose

The purpose for which this Corporation is formed is to acquire by purchase from Jacob Salter, the land area containing 5.42 acres more or less and lying in the SE  $\frac{1}{4}$  of Section 21 Township 139, Range 78 and described as follows:

Beginned at a point 910 feet due North and North 6 degrees 20 minutes West 210 feet and South 83 degrees 4- minutes West 40 feet from the SE corner of Section 21.

Thence: North 6 degrees 20 minutes West 672 feet, thence: South 83 degrees 40 minutes west 246 fet, thence: South 4 degrees 40 minutes West 268 feet, thence: South 30 degrees 40 minutes West 177 feet, thence: South 3 degrees 40 minutes West 293 feet, thence: North 74 degrees 40 minutes East 180 feet, thence: North 83 degrees 40 minutes East 275 feet to the point of beginning, in Burleigh County North Dakota.

To develop and to furnish, provide, maintain and operate recreational equipment and services on such area as herein described.

### ARTICLE III

#### Location and Place of Business

The place where the principal business of this Corporation shall be transacted is at Bismarck, in the County of Burleigh.

### ARTICLE IV

#### Territory to be Served

The territory to be served by this corporation shall be the county of Burleigh and other areas that may desire the use of the park facilities.

### ARTICLE V

#### Existence of Corporation

The time for which this corporation is to exist is not limited but it shall exist perpetually unless dissolved according to law.

### ARTICLE VI

#### Membership

(1) 4-H Club Leaders and Associate Leaders of Burleigh County having an active status and acting in such capacity in Burleigh County, the signers of the articles, all of whom meet the above requirements, shall be members immediately upon the formation of this Corporation.

(2) Other persons meeting the requirements provided for herein may be admitted to membership in accordance with the provisions of the By-Laws. Whenever any member ceases to hold a position by which he is qualified for membership in accordance herewith the membership of such person shall be automatically terminated in accordance with the provisions of the By-Laws.

### ARTICLE VII

#### Powers

The Corporation shall have the following powers:

- (1) To acquire by purchase the above description of property: to operate, maintain, and develop the same; to perform such other functions in connection with said recreational area as may be necessary or desirable in the operation and maintenance of such recreational area, and to operate and maintain incidental services and facilities in connection with the same; to cooperate with the Federal Government and the State of North Dakota, and any agency thereof, in respect thereto.

- (2) To hold, own, and exercise all privileges of ownership over such real or personal property as may be purchased, or otherwise acquired, by the Corporation; to borrow money to an amount not exceeding \$100.00. One Hundred Dollars.
- (3) To do each and everything necessary, suitable and proper for the accomplishment of any one or more objects herein enumerated, or conducive to, or expedient for the interest or benefit of the corporation and to contract accordingly; to exercise and possess all powers, rights and privileges necessary or incidental to the purpose for which the corporation is organized, or to the activities in which it is engaged; to exercise any other rights, powers and privileges granted by this State or ordinary Corporation except such as are inconsistent with the express provisions of Chapter 109 of the Session Laws of North Dakota for the year 1935, and acts amendatory thereto.

#### ARTICLE VIII

##### Rights and Interest of Members

This Corporation is organized as a non-profit Corporation without capital stock. No dividends or distributions of the assets or earnings of the Corporation shall at any time be made, but the property of the Corporation and all surplus accumulated from the earnings shall be usefully employed in the improvement and enlargement of the recreational facilities operated and maintained by the Corporation.

#### ARTICLE IX

##### Directors

The business and property of this Corporation shall be exercised, conducted and controlled by a board of five directors, to be elected from the members. The term, for which such directors shall be elected, and the manner for the election will be subscribed by the By-Laws. The following persons shall serve as directors until the first annual meeting or until their successors are elected and qualified.

Mrs. Vesta Guest	Menoken, North Dakota
Ralph Fricke	Baldwin, North Dakota
Mrs. Richard Day	Moffit, North Dakota
Albert Johnson	Wilton, North Dakota
Mrs. Henry Larson	McKenzie, North Dakota

#### ARTICLE X

##### Amendments

These Articles of Incorporation may be amended at any regular meeting of the members upon being first approved by two-thirds of the members and then adopted by a vote representing a majority of all the members of the Corporation, provided that no amendment will be considered without having first

given written notification to each member of the Corporation at least thirty days in advance, stating the time and place of such meeting and the proposed amendment or amendments to such Articles of Incorporation.

IN WITNESS WHEREOF, the undersigned incorporators have hereunto set their hands and seals this 14<sup>th</sup> day of October, 1949.

/s/Mrs. Vesta Guest

/s/Albert Johnson

/s/Ralph H. Fricke

/s/ Howard Goehring

/s/Mrs. Richard Day

/s/Mrs. Henry Larson

/s/Mrs. Lester Bunker

ACKNOWLEDGMENT

STATE OF NORTH DAKOTA     )  
  )  
COUNTY OF BURLEIGH     )

SS (Duly executed in the presence of a Notary Public)

On this 14<sup>th</sup> day of October, A.D. 1949, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named incorporators, Mrs. Vesta Guest, Albert Johnson, Ralph H. Fricke, Howard Goehring, Mrs. Richard Day, Mrs. Henry Larson, and Mrs. Lester Bunker.

ALL PARTIES TO THE foregoing Articles of Incorporation and to me well and personally known to be such, and severally acknowledged that they executed the above and foregoing Articles of Incorporation, and that the same is the act and deed of the signers respectively.

Given under my hand and seal this 14<sup>th</sup> day of October A.D. 1949.

**RESOLUTION OF BURLEIGH COUNTY COMMISSION RECOGNIZING MENOKEN 4-H PICNIC PARK (MENOKEN GROVE) AS A PUBLIC SPIRITED ORGANIZATION**

- (a) Menoken 4-H Picnic Park is not a veteran's charitable, educational, religious or fraternal organization, or a civic or service club.
- (b) The primary purpose of Menoken 4-H Picnic Park is provide a camping and recreational facility for the public to access which has been achieved in the past as follows:
- Renting the facility for birthdays, anniversaries, weddings, graduations, reunions, etc.
- (c) The primary purpose of the organization is consistent with one of the following:
1. Uses benefiting an indefinite number of persons either by bringing them under the influence of education, culture or religion or relieving them of disease, suffering or constraint.
  2. Uses increasing comprehension of and devotions to the principals upon which the nation was founded, not of direct benefit to the eligible organization or any member thereof.
  3. The erection or maintenance of public buildings or works
  4. Uses otherwise lessening the burden of government.
  5. Uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm and the losses uncompensated by insurance.
  6. Uses benefiting a definite number of persons suffering from a seriously disabling disease or injury causing severe loss of income or incurring extraordinary medical expense which is uncompensated by insurance.
- (d) The net proceeds generated by the gambling will be used for upkeep and maintenance of the park and buildings which is consistent with eligible uses under NDCC Section 53-06.1-11.1 and will achieve the stated purpose of the organization.
- (e) Menoken 4-H Picnic Park has been in existence since October 14, 1949, and has actively existed in North Dakota for the last two previous years.
- (f) The Burleigh County Commission hereby recognizes Menoken 4-H Picnic Park as a PUBLIC SPIRITED ORGANIZATION and is eligible to conduct games of chance under Chapter 53-06.1.

**APPLICATION FOR LIQUOR LICENSE**

Name of Applicant Travis Kocourek Classification of License D

Primary Contact Travis Kocourek Phone \_\_\_\_\_

Address 212 John Street Date of Birth/Incorporation 10/1/15

Is this a renewal of liquor license? Yes X No \_\_\_\_\_

If yes, give date of original application 10/1/15

Check one of the following to indicate who is applying for the license:

- X 1. A physical resident and citizen of the State of North Dakota; or
- \_\_\_\_\_ 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- \_\_\_\_\_ 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant TNT Tavern, LLC

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------

3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------

4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name	Residence	P. O. Address
------	-----------	---------------

Date and type of any prior or present liquor business:

Exact legal description of proposed enterprise: TnT Tavern, LLC  
31 South Main, Driscoll, ND 58532

Does building meet all state and local sanitation and safety requirements? Yes  No

Have you ever had a liquor license revoked or rejected by any authority? Yes  No

If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor:

Yes  No

If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes  No

If yes, give date and details:

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

1. First Community credit union

member

2. Sams Club

member

3. Stifel

stock holder

The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

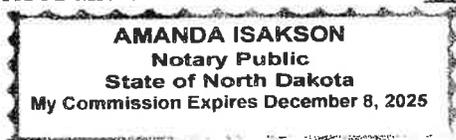
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

Tom Kerk  
Signature of Applicant

Subscribed and sworn to before me this 26<sup>th</sup> day of April, 2023



Amanda Isakson  
Notary Public

Recommend application be approved \_\_\_\_\_ denied \_\_\_\_\_

Reasons for negative recommendation

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
County Auditor

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Driscoll approve the  
(Name of Township)

application for a Type D Retail Liquor License for

TnT Tavern, LLC  
(Name of Establishment)

owned by Travis Kocourek 31 Main St South  
(Licensee) (Address)

Scott Whitman  
Chairman

Shawn Hays  
Member

Loren M. Long  
Member

ATTEST

Ashley Peyer  
(Township Clerk)

APPLICATION FOR SPECIAL PERMIT TO SELL ALCOHOLIC BEVERAGES  
AT A SPECIAL EVENT AT DESIGNATED PREMISES  
"SE"

Local Fee: \$25.00

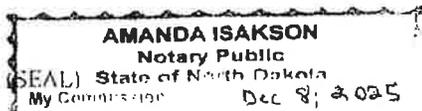
- Applicant (must have county license) Tnt Tavern, LLC
- Name of Licensee Travis Kocourek
  - Name of Business Tnt Tavern, LLC
  - Mailing Address 31 Main Street
  - State Alcoholic Beverage License Number AA-01836 5. Local License Number(s) 21-001
  - Date(s) and Time of Special Event July 4th annual event
  - Describe Special Event Fully street dance
8. Indicate Premises to be Used on Reverse Side of this Application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Travis Kocourek  
(Licensee)

BY \_\_\_\_\_  
(Name and title if Corporate Officer or Manager)

Subscribed and sworn to before me this 26<sup>th</sup> day of April, 2023



Amanda Isakson

\*\*\*\*\*  
Recommendation  Approved \_\_\_\_\_ Denied \_\_\_\_\_ If denied, reason for denial: \_\_\_\_\_

Tully PL 5-2-23  
(Burleigh County Sheriff) (Date)

\*\*\*\*\*  
PERMIT

The above named licensee is hereby authorized to sell alcoholic beverages in accordance with law and ordinances at the premises and on the date(s) set forth in this application, subject to such rules and regulations as have been established.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(County Auditor)

DESCRIPTION OF PREMISES

1. Are premises located within the County of Burleigh?  Yes  No

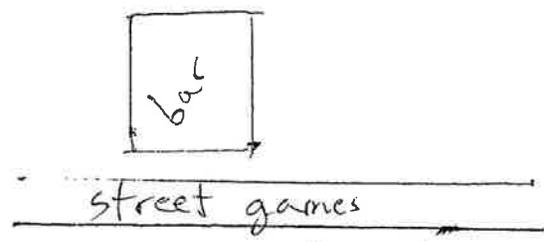
2. Address of premises:

Menoken 4th picnic grounds Menoken, 58558  
(Street Address) (City) (Zip Code)

3. Name of building where event will be held: outside (no building)

4. Do premises meet local and state requirements regarding sanitation and safety?  Yes  No

5. Draw a clear and understandable floor plan of the premises. Show all exits, bars, dining areas (if any), beverage coolers and beverage storage areas. Indicate which are solid walls, half walls, dividers, and moveable partitions. If any area is enclosed by fences or the like, explain type and height.



6. What part of the building will be used for the alcoholic beverage business (sale of beverages and consumption of beverages sold)?  All  Less than all. If less than all, fully explain and clearly indicate on the floor plan (outline with a different color):

outside event

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Menoken approve the  
(Name of Township)

application for a Type SE Retail Liquor License for

TnT Tavern, LLC  
(Name of Establishment)

owned by Travis Kocourek  
(Licensee)

31 Main St South  
(Address) Driscoll, ND

Scott Salby  
Chairman  
[Signature]  
Member  
[Signature]  
Member

ATTEST

Belinda Moran  
(Township Clerk)

APPLICATION FOR SPECIAL PERMIT TO SELL ALCOHOLIC BEVERAGES  
AT A SPECIAL EVENT AT DESIGNATED PREMISES  
"SE"

Local Fee: \$25.00

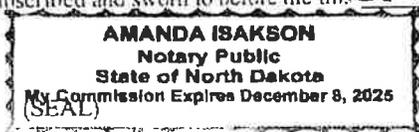
- Applicant (must have county license) TNT Tavern, LLC
- Name of Licensee Travis Kocourak
  - Name of Business TNT Tavern, LLC
  - Mailing Address 31 Main Street
  - State Alcoholic Beverage License Number AA-01836 5. Local License Number(s) 21-001
  - Date(s) and Time of Special Event June 9-10, 10am-1am
  - Describe Special Event Fully Menoken 4-H picnic grounds, Abate Annual Bike Rally
  - Indicate Premises to be Used on Reverse Side of this Application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Travis Kocourak  
(Licensee)

BY \_\_\_\_\_  
(Name and title if Corporate Officer or Manager)

Subscribed and sworn to before me this 26<sup>th</sup> day of April, 2023



Amanda Isakson

\*\*\*\*\*  
Recommendation  Approved \_\_\_\_\_ Denied \_\_\_\_\_ If denied, reason for denial: \_\_\_\_\_

Jully L 5-2-23  
(Burleigh County Sheriff) (Date)

\*\*\*\*\*  
PERMIT

The above named licensee is hereby authorized to sell alcoholic beverages in accordance with law and ordinances at the premises and on the date(s) set forth in this application, subject to such rules and regulations as have been established.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(County Auditor)

DESCRIPTION OF PREMISES

1. Are premises located within the County of Burleigh?  Yes  No

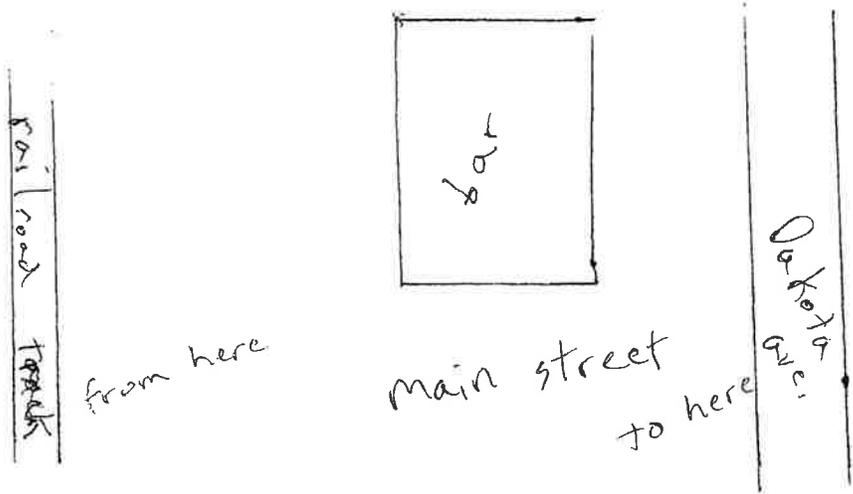
2. Address of premises:

31 Main Street Driscoll 58532  
(Street Address) (City) (Zip Code)

3. Name of building where event will be held: TNT Tavern, LLC

4. Do premises meet local and state requirements regarding sanitation and safety?  Yes  No

5. Draw a clear and understandable floor plan of the premises. Show all exits, bars, dining areas (if any), beverage coolers and beverage storage areas. Indicate which are solid walls, half walls, dividers, and moveable partitions. If any area is enclosed by fences or the like, explain type and height.



6. What part of the building will be used for the alcoholic beverage business (sale of beverages and consumption of beverages sold)?  All  Less than all. If less than all, fully explain and clearly indicate on the floor plan (outline with a different color):

basically from tracks to Dakota ave. for  
street dance

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Driscoll approve the  
(Name of Township)

application for a Type SE Retail Liquor License for

TnT Tavern, LLC  
(Name of Establishment)

owned by Travis Kocourek 31 Main St South  
(Licensee) (Address)

Scott Whitman  
Chairman

Shawn Harjok  
Member

Loen M. Lang  
Member

ATTEST

Ashley Peyer  
(Township Clerk)

Bisman Security  
8 pm. to 1 a.m.  
July 4 2023

<b>RECEIPT</b>		DATE <u>05/01/2023</u>	No. <u>207475</u>
RECEIVED FROM <u>TT Tavern</u>		No. <u>250</u> DOLLARS	
<u>Two hundred FIFTY dollars</u>		DOLLARS	
<input type="radio"/> FOR RENT			
<input type="radio"/> CASH	<input type="radio"/> CHECK	FROM	TO
<input type="radio"/> MONEY ORDER	<input type="radio"/> CREDIT CARD	<u>John Jensen</u>	
ACCOUNT			
PAYMENT			
BAL. DUE			



**GAMING SITE AUTHORIZATION**  
 ND OFFICE OF ATTORNEY GENERAL  
 SFN 17996 (4-2023)

23-003

G - \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
 Site License Number  
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization  
**James K McAleer AMVETS Post 20**

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location  
**Flash's Place**

Street <b>1401 Highway 83 NE</b>	City <b>Sterling</b>	ZIP Code <b>58572</b>	County <b>Burleigh</b>
-------------------------------------	-------------------------	--------------------------	---------------------------

Beginning Date(s) Authorized <b>7/1/2023</b>	Ending Date(s) Authorized <b>6/30/2024</b>	Number of Twenty-One tables, if zero, enter "0" <b>0</b>
---	---	---

Specific location where games of chance will be conducted and played at the site (required)  
**pull tabs will be conducted in bar area not to include bathrooms**

If conducting Raffle or Poker activity provide date(s) or month(s) of the event(s) if known

**RESTRICTIONS FOR CITY/COUNTY USE ONLY**

The organization must provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

<input checked="" type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input checked="" type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheel with Tickets
<input checked="" type="checkbox"/> Pull Tab Dispensing Device	<input checked="" type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input checked="" type="checkbox"/> ELECTRONIC Pull Tab Device		

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

**APPROVALS**

Attorney General	Date
Signature of City/County Official	Date

PRINT Name and official position of person signing on behalf of city/county above

**INSTRUCTIONS:**

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

**RETURN ALL DOCUMENTS TO:**

Office of Attorney General  
 Licensing Section  
 600 E Boulevard Ave, Dept. 125  
 Bismarck, ND 58505-0040  
 Telephone: 701-328-2329 OR 800-326-9240



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Wendelyn Krous		Site Name Flash's Place Llc		Site Phone Number (701) 387-5817
Site Address 1401 Highway 83 N E		City Sterling	State ND	Zip Code 58572
County Burleigh		Rental Period 7/1/2023 to 6/30/2024		Monthly Rent Amount
Organization (Lessee) James K McAleer Amvets Post 20				
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the <b>primary</b> game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers <b>up to</b> \$5 _____ <input checked="" type="checkbox"/> Rent per Table \$ _____ Number of Tables with wagers <b>over</b> \$5 _____ <input checked="" type="checkbox"/> Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ <input checked="" type="checkbox"/> Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 400.00
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____ 8				\$ 650.00
<b>Total Monthly Rent</b>				\$ 1,050.00

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.

**TERMS OF RENTAL AGREEMENT:**  
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.  
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.  
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.  
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.  
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, **the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.**  
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.  
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.  
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.  
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>[Signature]</i>	Title Commander	Date 4-28-23
Signature of Lessee <i>[Signature]</i>	Title Owner	Date 5-7-23

(over)



**GAMING SITE AUTHORIZATION**  
 ND OFFICE OF ATTORNEY GENERAL  
 SFN 17996 (4-2023)

23-064

G - \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
 Site License Number  
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization  
**Dakota Junior Golf Association**

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location  
**Apple Creek Country Club**

Street <b>8921 East Highway 10</b>	City <b>Bismarck</b>	ZIP Code <b>58501</b>	County <b>Burleigh</b>
---------------------------------------	-------------------------	--------------------------	---------------------------

Beginning Date(s) Authorized <b>7/1/2023</b>	Ending Date(s) Authorized <b>6/30/2024</b>	Number of Twenty-One tables, if zero, enter "0" <b>2</b>
---	---	---

Specific location where games of chance will be conducted and played at the site (required)  
**South location of bar area. Excludes restrooms.**

If conducting Raffle or Poker activity provide date(s) or month(s) of the event(s) if known

**RESTRICTIONS FOR CITY/COUNTY USE ONLY**

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bingo                       | <input type="checkbox"/> Club Special                  | <input type="checkbox"/> Sports Pools             |
| <input type="checkbox"/> ELECTRONIC Quick Shot Bingo | <input type="checkbox"/> Tip Board                     | <input type="checkbox"/> Twenty-One               |
| <input type="checkbox"/> Raffles                     | <input type="checkbox"/> Seal Board                    | <input type="checkbox"/> Poker                    |
| <input type="checkbox"/> ELECTRONIC 50/50 Raffle     | <input type="checkbox"/> Punchboard                    | <input type="checkbox"/> Calcuttas                |
| <input type="checkbox"/> Pull Tab Jar                | <input type="checkbox"/> Prize Board                   | <input type="checkbox"/> Paddlewheel with Tickets |
| <input type="checkbox"/> Pull Tab Dispensing Device  | <input type="checkbox"/> Prize Board Dispensing Device | <input type="checkbox"/> Paddlewheel Table        |
| <input type="checkbox"/> ELECTRONIC Pull Tab Device  |  |   |

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

**APPROVALS**

Attorney General	Date
Signature of City/County Official	Date

PRINT Name and official position of person signing on behalf of city/county above

**INSTRUCTIONS:**

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

**RETURN ALL DOCUMENTS TO:**

Office of Attorney General  
 Licensing Section  
 600 E Boulevard Ave, Dept. 125  
 Bismarck, ND 58505-0040  
 Telephone: 701-328-2329 OR 800-326-9240

## GAME TYPES CONDUCTED

Types of games listed in Internal Control Manual:

- BINGO ✓
- CALCUTTA
- CLUB SPECIAL
- ELECTRONIC 50/50 RAFFLE
- ELECTRONIC PULL TAB DEVICES ✓
- ELECTRONIC QUICK SHOT BINGO
- PADDLEWHEEL TABLE ✓
- PADDLEWHEEL TICKETS
- PAPER PULL TAB JAR ✓
- POKER ✓
- PRIZE BOARD
- PRIZE BOARD DISPENSING DEVICE
- PULL TAB DISPENSING DEVICE ✓
- PUNCH BOARD
- RAFFLE
- SEAL BOARD
- SPORTS POOL
- TIP BOARD
- TWENTY-ONE ✓

  
Signature of Gaming Manager

5/1/2023  
Date



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Apple Creek Country Club		Site Name Applecreekcountryclub		Site Phone Number (701) 258-5234
Site Address 8921 East Highway 10	City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization (Lessee) Dakota Junior Golf Association		Rental Period 7/1/2023 to 6/30/2024		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the <b>primary</b> game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>2</u> X Rent per Table \$ _____		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>5</u>				\$ 875.00
Total Monthly Rent				\$ 875.00

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.

**TERMS OF RENTAL AGREEMENT:**

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

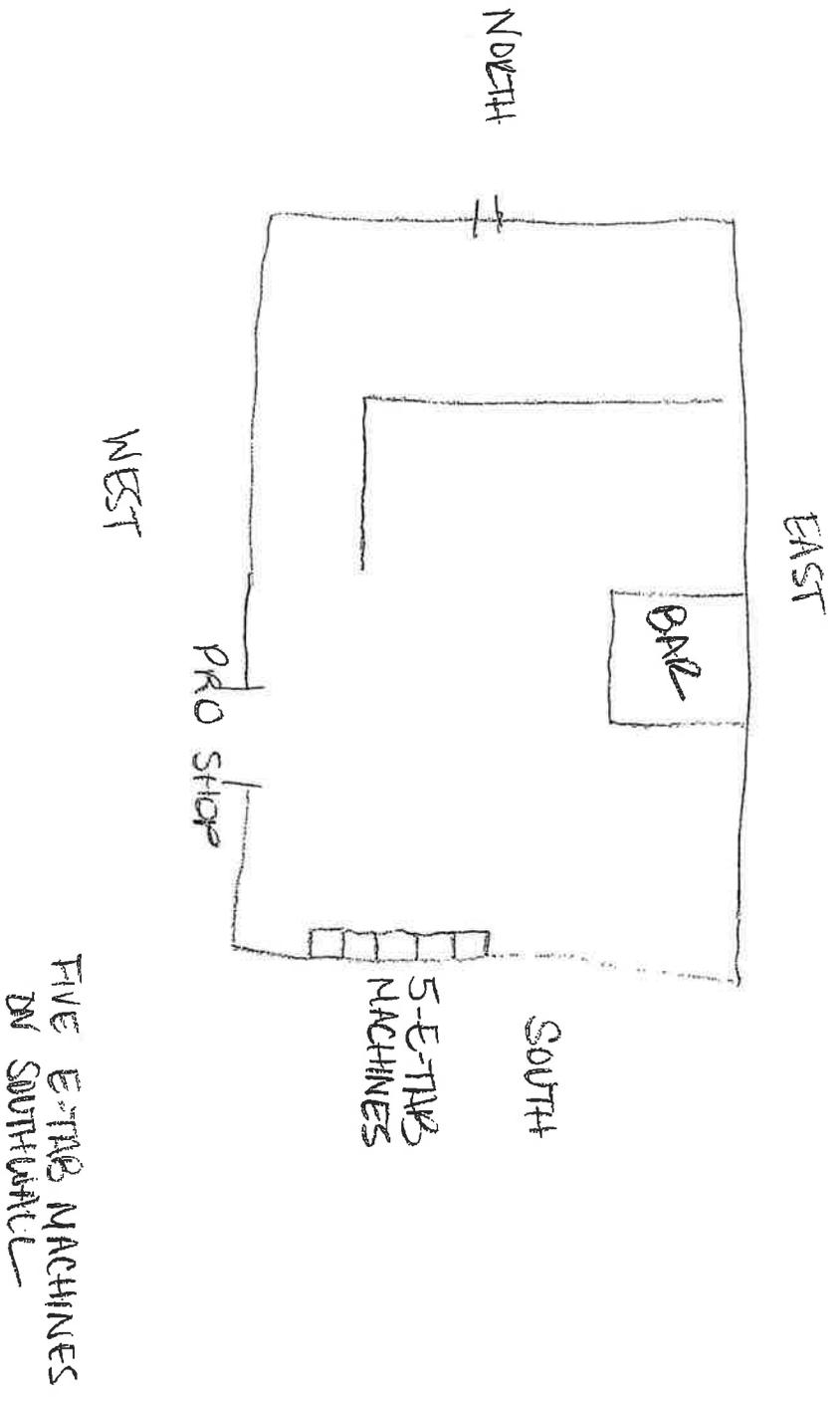
The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>[Signature]</i>	Title Owner	Date 5-1-23
Signature of Lessee <i>[Signature]</i>	Title Treasurer	Date 5-1-23

(over)

# APPLECREEK COUNTRY CLUB



FIVE 5-STAR MACHINES  
ON SOUTHWALL



**GAMING SITE AUTHORIZATION**  
 ND OFFICE OF ATTORNEY GENERAL  
 SFN 17996 (2-2023)

23-005

G - \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
 Site License Number  
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization  
**Dakota Junior Golf Association**

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location  
**Hawktree, Inc.**

Street <b>3400 Burnt Boat Drive</b>	City <b>Bismarck</b>	ZIP Code <b>58503</b>	County <b>Burleigh</b>
--	-------------------------	--------------------------	---------------------------

Beginning Date(s) Authorized <b>7/1/2023</b>	Ending Date(s) Authorized <b>6/30/2025</b>	Number of Twenty-One tables, if zero, enter "0" <b>2</b>
---	---	---

Specific location where games of chance will be conducted and played at the site (required)  
**East side of bar. Excludes restrooms.**

If conducting Raffle or Poker activity provide date(s) or month(s) of the event(s) if known

**RESTRICTIONS FOR CITY/COUNTY USE ONLY**

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bingo                       | <input type="checkbox"/> Club Special                  | <input type="checkbox"/> Sports Pools             |
| <input type="checkbox"/> ELECTRONIC Quick Shot Bingo | <input type="checkbox"/> Tip Board                     | <input type="checkbox"/> Twenty-One               |
| <input type="checkbox"/> Raffles                     | <input type="checkbox"/> Seal Board                    | <input type="checkbox"/> Poker                    |
| <input type="checkbox"/> ELECTRONIC 50/50 Raffle     | <input type="checkbox"/> Punchboard                    | <input type="checkbox"/> Calcuttas                |
| <input type="checkbox"/> Pull Tab Jar                | <input type="checkbox"/> Prize Board                   | <input type="checkbox"/> Paddlewheel with Tickets |
| <input type="checkbox"/> Pull Tab Dispensing Device  | <input type="checkbox"/> Prize Board Dispensing Device | <input type="checkbox"/> Paddlewheel Table        |
| <input type="checkbox"/> ELECTRONIC Pull Tab Device  |  |   |

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

**APPROVALS**

Attorney General	Date
Signature of City/County Official	Date

PRINT Name and official position of person signing on behalf of city/county above

**INSTRUCTIONS:**

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

**RETURN ALL DOCUMENTS TO:**

Office of Attorney General  
 Licensing Section  
 600 E Boulevard Ave, Dept. 125  
 Bismarck, ND 58505-0040  
 Telephone: 701-328-2329 OR 800-326-9240

## GAME TYPES CONDUCTED

Types of games listed in Internal Control Manual:

- BINGO ✓
- CALCUTTA
- CLUB SPECIAL
- ELECTRONIC 50/50 RAFFLE
- ELECTRONIC PULL TAB DEVICES ✓
- ELECTRONIC QUICK SHOT BINGO
- PADDLEWHEEL TABLE ✓
- PADDLEWHEEL TICKETS
- PAPER PULL TAB JAR ✓
- POKER ✓
- PRIZE BOARD
- PRIZE BOARD DISPENSING DEVICE
- PULL TAB DISPENSING DEVICE ✓
- PUNCH BOARD
- RAFFLE
- SEAL BOARD
- SPORTS POOL
- TIP BOARD
- TWENTY-ONE ✓

  
Signature of Gaming Manager

5/1/2023  
Date



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Hawktree, Inc.		Site Name Hawktree		Site Phone Number (701) 355-0995
Site Address 3400 Burnt Creek Loop		City Bismarck	State ND	Zip Code 58503
County Burleigh				
Organization (Lessee) Dakota Junior Golf Association		Rental Period 7/1/2023 to 6/30/2025		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the <b>primary</b> game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>2</u> X Rent per Table \$ _____		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 200.00
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>3</u>				\$ 300.00
<b>Total Monthly Rent</b>				\$ 500.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.		<input type="checkbox"/>		

**TERMS OF RENTAL AGREEMENT:**

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

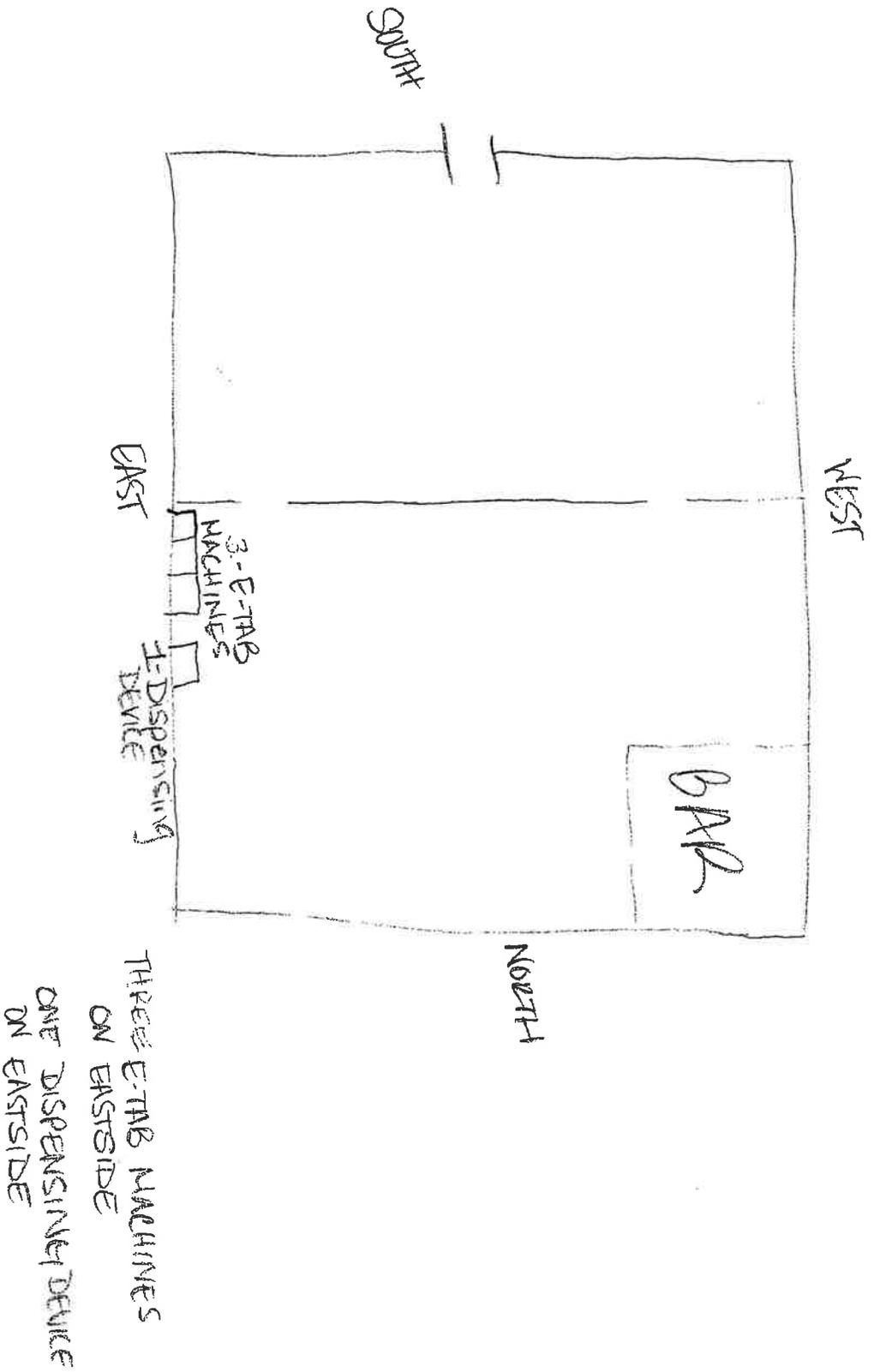
The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title GM / HEADPRO	Date 4/13/2023
Signature of Lessee 	Title Treasurer	Date 3/24/2023

(over)

# HAWKTREE GOLF CLUB





**APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT**  
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9338 (09-2021)

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\*

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

Name of Organization or Group of People permit is issued to UND Alumni Association & Foundation	Dates of Activity 6/15/2023	If raffle, provide drawing date 6/15/2023	
Organization or Group Contact Person Ellie Johnson	Title or Position Associate Director of Events	Telephone Number	
Business Address 3501 University Avenue Stop 8157	City Grand Forks	State ND	ZIP Code 58202
Mailing Address (if different)	City	State	ZIP Code
Site Name (where gaming will be conducted) Hawktree Golf Club			
Site Address 3400 Burnt Creek Loop	City Bismarck	ZIP Code 58501	County Burleigh

Description and Retail Value of Prizes to be Awarded		
Game Type	Description of Prize	Retail Value of Prize
Raffle	Clothing - Shirts (4) Long sleeves (6) Sweatpants (1) Shorts (3) Jacket (1)	440
Raffle	Accessories - Hats (10) Beanie (1)	220
Raffle	Hockey Stick (1)	50
Raffle	Golf Balls (2 sleeves)	30
Total (limit \$40,000 per year)		740

Intended Uses of Gaming Proceeds  
 To benefit Athletic Scholarships at the University of North Dakota

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 any 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: 1,607 (This amount is part of the total prize limit of \$40,000 per 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 used for political purposes.)  
 Yes     No

Organization or Group Contact Person			
Name Kristie Hunt	Title Controller	Telephone Number	E-mail Address
Signature of Organization or Group's Top Official <i>Kristie Hunt</i>		Title VP of Finance	Date 5-10-23

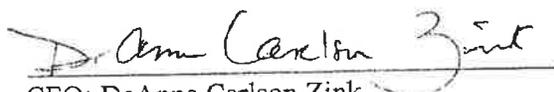
# UND ALUMNI ASSOCIATION FOUNDATION

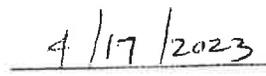
## Management Meeting

April 17, 2023

### Action Items:

- Discuss moving forward in order to attain raffle permit for events.
- Added to agenda: Discuss support of Champions Club Golf Tour through organizing and conducting raffles. The purpose of this is to support the mission of our organization (including student scholarships).
- April 17, 2023 Management agrees to continue to supporting events through attaining raffle permits.

  
CEO: DeAnna Carlson Zink

  
Date:



**BY-LAWS  
OF  
UND ALUMNI ASSOCIATION AND FOUNDATION**

**Adopted by Resolution**

**of the**

**Board of Directors**

**on**

**May 9, 2014**

**Effective July 1, 2014**

Last amended May 5, 2016

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BY-LAWS  
OF  
UNIVERSITY OF NORTH DAKOTA ALUMNI ASSOCIATION AND FOUNDATION

**ARTICLE ONE**

***DEFINITIONS***

Section 1. For the purpose of these By-Laws:

- a. "Articles" shall mean the Articles of Incorporation of the Corporation.
- b. "Board" shall mean the Board of Directors of the Corporation.
- c. "Corporation" shall mean the UND Alumni Association and Foundation, a non-profit corporation organized under the laws of the State of North Dakota.
- d. "Director" shall mean an individual who serves on the Board.
- e. "Remote communication" shall mean communication via electronic communication, conference telephone, video conference, the internet, or such other means by which individuals not physically present at the same location may communicate with each other on a substantially simultaneous basis.
- f. "University" shall mean the University of North Dakota in Grand Forks, North Dakota.

**ARTICLE TWO**

***OFFICES***

Section 1. ***Principal Executive Office.*** The principal executive office of the Corporation shall be located at the Gorecki Alumni Center, 3501 University Avenue, Grand Forks, North Dakota.

Section 2. ***Registered Office.*** The Corporation shall have and continuously maintain in the State of North Dakota a registered office and a registered agent whose business address is identical to the registered office. The registered office may, but need not, be identical to the principal executive office of the Corporation. The address of the registered office may be changed from time to time by resolution of the Board.

Section 3. **Other Offices.** The Corporation may establish and maintain such other offices, within or without the State of North Dakota, as are from time to time authorized by the Board.

### ARTICLE THREE

#### MEMBERS

Section 1. The Corporation shall have no members.

Section 2. The Board of Directors may, from time to time, establish classes of persons affiliated with the Corporation. Such persons may be referred to as "members" and may receive "membership benefits" but shall not be considered members of the Corporation within the meaning of North Dakota Century Code Chapter 10-33 for any purpose. The Board may establish annual dues payable by persons associated or affiliated with the Corporation and such other rules pertaining to such persons as the Board may from time to time determine.

### ARTICLE FOUR

#### BOARD OF DIRECTORS

Section 1. **Board to Govern.** The affairs of the Corporation shall be governed by the Board.

Section 2. **Number and Composition.** The Board shall consist of a minimum of twenty-seven (27), and a maximum of thirty-one (31), Directors, which shall include the following:

- a. At least nineteen (19) and not more than twenty-one (21) shall be voting Directors who are graduates or attendees of the University;
- b. As many as two (2) may be voting Directors who are not graduates or

attendees of the University; and

- c. Eight (8) shall be non-voting *ex-officio* Directors. The non-voting *ex-officio* Directors shall be the Chief Executive Officer and the Chief Financial Officer of the Corporation, and the following officers of the University: its President, its Vice President for Finance and Operations, its Vice President for Academic Affairs and Provost, its Vice President for Student Affairs, its Vice President for Health Affairs, and its Vice President for University & Public Affairs.

Section 3. **Residency Qualifications.** The Directors need not be residents of the State of North Dakota.

Section 4. **Nomination and Election.**

- a. Prior to the annual meeting of the Board, the Board Recruitment Committee, in consultation with the CEO, shall identify at least one candidate for each Board position that is vacant or has an expiring term.
- b. At the annual meeting of the Board, the voting Directors:
- (1) Shall elect a graduate or attendee of the University to fill any vacancy or expiring term on the Board for which such a person is eligible; and
  - (2) May, but need not, elect a person who is not a graduate or attendee of the University to fill any vacancy or expiring term on the Board for which such a person is eligible.

Section 5. **Terms.**

- a. **Commencement.** The terms of voting Directors shall begin on the July 1 immediately after their election.
- b. **Term Length.** The length of each term is three (3) years. The terms of Directors may be staggered at the discretion of the Board of Directors.
- c. **Term Limit.** A voting Director may serve a maximum of three (3) consecutive full terms, in addition to any partial term served prior to election to a full term.
- d. **Duration.** With respect to the duration of Director terms of office:
- (1) A voting Director:
    - (a) Who is a graduate or attendee of the University holds office until a successor is elected and has qualified, or until the earlier death, resignation, removal or disqualification of the Director.

(b) Who is not a graduate or attendee of the University holds office until the expiration of the term to which the Director was elected or until the earlier death, resignation, removal or disqualification of the Director.

(2) An ex-officio Director holds office only while holding the position that creates the ex-officio status.

Section 6. **Compensation.** Directors shall serve without compensation.

Section 7. **Resignation.** A voting Director may resign at any time by giving written notice to the Corporation. The resignation is effective without acceptance when the notice is given to the Corporation, unless a later effective time is stated in the notice.

Section 8. **Removal of Directors.** An ex-officio Director will automatically cease to serve on the Board if his or her employer removes such officer from the position that creates the ex-officio status. Voting Directors may be removed at any time, with or without cause, if a majority of the remaining voting Directors present vote affirmatively to remove the Director.

Section 9. **Vacancies.** Vacancies on the Board resulting from the death, resignation, removal or disqualification of a voting Director may be filled by the affirmative vote of a majority of the remaining voting Directors, even though less than a quorum, or the Board may choose to leave such position vacant so long as the number of Directors does not fall below the minimum number set forth in Article Four, Section 2 of these Bylaws. Vacancies may be filled at any Board meeting, by written action, or even at the same meeting at which a voting Director is removed.

Section 10. **Board Meetings.**

a. **Regular Meetings.** A regular annual meeting of the Board shall be held in Grand Forks, North Dakota. The Board may provide by resolution the time and place, either within or without the State of North Dakota, for the holding

of additional regular meetings of the Board. Unless otherwise provided, all regular meetings of the Board shall be held on the University campus at a location to be determined by the Board.

- b. **Special Meetings.** Special meetings of the Board may be called by the Board Chair or by a petition signed by no fewer than eight (8) voting Directors. The individual(s) authorized to call special meetings of the Board may fix any place, either within or without the State of North Dakota, as the place for holding any special meeting of the Board called by them. Unless otherwise provided, all special meetings of the Board shall be held on the University campus at a location to be determined by the Board.
- c. **Remote Communications.** Meetings of the Board may utilize remote communication subject to the following:
- (1) **Conditions for Meetings by Telephone or other Electronic Means.** The Board or a committee may conduct a meeting by telephone or other electronic means, in whole or in part, so long as the following conditions are met:
    - (a) All members of the Board or committee who wish to participate in the meeting can hear one another and can hear all discussion;
    - (b) Members of the public present at the regular meeting location of the entity can hear all discussion and all votes;
    - (c) At least one member of the Board or committee is physically present at the regular meeting location;
    - (d) All votes are conducted by roll call, so each director's or member's vote on each issue can be identified and recorded;
    - (e) Notice of the meeting is given as is otherwise required in these By-Laws; and,
    - (f) The number of voting Directors or committee members participating in the meeting is sufficient to constitute a quorum.
  - (2) **Public Participation.** If a telephone or other electronic means is used to conduct a meeting, the Corporation, to the extent practical, shall allow a person to monitor the meeting electronically by appearing at the Corporation's principal executive office or other place of the meeting given in the Notice and using the communications equipment provided there. The Corporation may require members of the public monitoring the meeting to pay for documented marginal costs that the Corporation incurs as a result of the additional connection. The Corporation may

institute such other reasonable actions as necessary to assure that the public is disconnected or otherwise removed from any executive session of the meeting.

- (3) Participation in a meeting by means of remote communication constitutes presence in person at the meeting.
- d. **Notice.** Public notice of all meetings of the Board must be given as provided in North Dakota Century Code § 44-04-20. With respect to notice to Directors:
- (1) **Regular Meetings.** At least sixty (60) days notice of any regular meeting of the Board shall be given.
  - (2) **Special Meetings.** At least three (3) days notice of any special meeting of the Board shall be given to each Director. The notice shall contain the date, time and place of the meeting but need not state the purpose of the meeting.
  - (3) **If Previously Announced or Scheduled.** If the date, time and place of a Board meeting has been announced at a previous meeting of the Board, no notice is required.
  - (4) **Adjourned Meetings.** Notice of an adjourned meeting need not be given other than by announcement at the meeting at which adjournment is taken.
  - (5) **Waiver of Notice.** Any Director may waive notice of any meeting of the Board of Directors before, at or after a meeting and whether given in writing, by authenticated electronic communication, or by attendance. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, unless he or she objects at the beginning of the meeting to the transaction of business because the meeting is not lawfully called or convened and does not participate in the meeting after the objection.
- e. **Attendance Requirement.** Directors shall regularly and faithfully attend the meetings of the Board. To be eligible for a consecutive successive term, a voting Director shall attend at least fifty (50%) percent of regularly scheduled Board meetings and at least fifty (50%) percent of any special Board meetings, during the current term of office of the Director.
- f. **Quorum.** A majority of the voting Directors currently holding office present at the time a meeting is convened constitutes a quorum for the transaction of business. In the absence of a quorum, a majority of the voting Directors present may adjourn a meeting from time to time until a quorum is present. If a quorum is present when a duly called or held meeting is convened, then the

voting Directors present may continue to transact business until adjournment, even though the withdrawal of a number of voting Directors originally present leaves less than the proportion or number otherwise required for a quorum.

- g. **Act of the Board.** The Board shall take action by the affirmative vote of a majority of the voting Directors present and qualified to vote at a duly held meeting at the time the action was taken.
- h. **Action Without Meeting.** The Board may take action without a meeting as follows:
  - (1) **Method.** Any action may be taken by written action signed, or consented to by authenticated electronic communication, by the number of voting Directors that would be required to take the same action at a meeting of the Board at which all voting Directors were present.
  - (2) **Effective Time.** The written action is effective upon being signed, or consented to by authenticated electronic communication, by the required number of Directors, unless a different effective time is provided in the written action.
  - (3) **Notice and Liability.** When written action is taken by less than all voting Directors, all Directors shall be notified immediately of its text and effective date. Failure to provide the notice does not invalidate the written action. A Director who does not sign or consent to the written action has no liability for the action or actions taken thereby.
- i. **Proxy Voting.** Voting by proxy shall not be permitted at any meeting of the Board.
- j. **Executive Session.** All meetings of the Board or any decision-making committee must convene in open session. The Board or decision-making committee may pass a motion to hold an executive session, subject to the following requirements:
  - (1) The Board or committee must announce, during the open portion of the meeting, the topics to be discussed or considered in executive session, and the legal authority for holding an executive session on those topics.
  - (2) The executive session must be recorded electronically or on audiotape or videotape, in accordance with North Dakota Century Code § 44-04-19.2(5).
  - (3) The topics discussed or considered during the executive session must be limited to those for which an executive session is authorized by law and that have been previously announced.

- (4) Unless the motion to hold an executive session provides otherwise, attendance during an executive session is limited to voting Directors.
- (5) Final action concerning the topics discussed or considered during the executive session must be taken in open session, unless final action is otherwise required by law to be taken during a closed or confidential meeting. ("Final action" does not include guidance given by Directors to legal counsel or another negotiator in a closed attorney consultation or negotiation preparation session.)
- (6) The minutes of the meeting must indicate the names of the directors attending the executive session, the date and time that the executive session was called to order and adjourned, a summary of the general topics that were discussed or considered (not disclosing any closed or confidential information), and the legal authority for holding the executive session.

Section 11. **Standards of Conduct.** The following standards shall govern the conduct of Directors:

- a. **Standard and Liability.** A Director shall discharge the duties of the position of Director in good faith, in a manner the Director reasonably believes to be in the best interest of the Corporation, and with the care an ordinarily prudent person in a like position would exercise under similar circumstances. An individual who so performs those duties is not liable by reason of being or having been a Director.
- b. **Reliance.** A Director is entitled to rely on information, opinions, reports, or statements, including financial statements, and other financial data, in each case prepared or presented by:
  - (1) One or more officers or employees of the Corporation whom the Director reasonably believes to be reliable and competent in the matters presented;
  - (2) Counsel, public accountants or other individuals as to matters that the Director reasonably believes are within the professional or expert competence of the individual; or
  - (3) A committee of the Board upon which the Director does not serve, duly established in accordance with these By-Laws as to matters within its designated authority, if the Director reasonably believes the committee to merit confidence.

This subsection does not apply if the Director has knowledge regarding the matter in question that makes unwarranted the reliance otherwise permitted by this subsection.

c. ***Presumption of Assent.*** A Director who is present at a meeting of the Board when an action is approved by the affirmative vote of a majority of the Directors present is presumed to have assented to the action approved, unless the Director:

- (1) Objects at the beginning of the meeting to the transaction of business because the meeting was not lawfully called or convened and does not participate thereafter in the meeting, in which case the Director shall not be considered to be present at the meeting for any purpose;
- (2) Votes against the action at the meeting; or,
- (3) Abstains from voting—for example, if a conflict of interest requires the Director to recuse himself or herself, or if the Director is prohibited from voting on the action by the Articles of Incorporation or By-Laws.

## ARTICLE FIVE

### OFFICERS

Section 1. ***Designation of Officers.*** The general officers of the Corporation shall consist of its Board Chair, its Chief Executive Officer, its Board Vice Chair, its Treasurer, its Secretary and such other officers as the Board deems advisable.

Section 2. ***Appointed Officers.*** The Chief Executive Officer and the Treasurer shall be appointed by the Board. The Chief Executive Officer shall serve ex-officio as the Secretary of the Corporation. The Chief Executive Officer, Treasurer, and Secretary are Appointed Officers. The terms of Appointed Officers as officers of the Corporation shall be coextensive with their employment by the Corporation.

Section 3. ***Qualifications of Elected Officers.*** The Board Chair, Vice Chair, and such other officers as the Board may designate are Elected Officers. Elected Officers must be voting Directors who are graduates or attendees of the University.

Section 4. **Election of Elected Officers.** The Nominating Committee shall collaborate with the Chief Executive Officer in recommending a nomination for each elected office. Other nominations may be made by a Director at the meeting at which officers are elected, provided that the nominating Director shall first have secured the consent of the person so nominated.

- a. **Duration of Terms.** The Elected Officers shall be elected for terms of two (2) years at the annual meeting of the Board.
- b. **Assumption of Duties.** The Elected Officers shall assume the duties of their respective offices on the July 1 immediately after their election.
- c. **Term Limits.** In addition to any partial term served prior to election to a full term, an Elected Officer shall serve a single term (but may serve a non-consecutive subsequent term).

Section 5. **Duties of Officers.** The officers of the Corporation shall have the following duties:

- a. **Board Chair.** The Board Chair shall:
  - (1) When present, preside at all meetings of the Board;
  - (2) Serve as chair of the Executive Committee;
  - (3) Serve as a voting ex-officio member of all Board committees;
  - (4) When available, represent the Corporation and the Board at various alumni and University events; and,
  - (5) Perform such other duties as may from time to time be prescribed by the Board.
- b. **Chief Executive Officer.** The Chief Executive Officer shall:
  - (1) Carry out the policies of the Board;
  - (2) Act as the general manager of the Corporation subject to oversight by the Board;
  - (3) Serve as a non-voting ex-officio member of all committees;

- (4) See that all orders and resolutions of the Board are carried into effect;
- (5) Sign and deliver in the name of the Corporation any deeds, mortgages, bonds, contracts or other instruments pertaining to the business of the Corporation, except in cases in which the authority to sign and deliver is required by law to be exercised by another individual, or is expressly delegated by the Board to some other officer or agent of the Corporation;
- (6) Maintain records of and, whenever necessary, certify all proceedings of the Board; and,
- (7) Perform other duties as may from time to time be prescribed by the Board.

c. **Board Vice Chair.** The Board Vice Chair shall:

- (1) In the absence or disability of the Board Chair:
  - (a) Serve as a voting ex-officio member and chair of the Executive Committee; and,
  - (b) Perform the duties and exercise the powers of the Board Chair; and,
- (2) Have such other powers and responsibilities as may be delegated by the Board Chair or as the Board may from time to time prescribe.

d. **Treasurer.** The staff member identified as the Chief Financial Officer of the Corporation shall serve as Treasurer, subject to the approval of the Board, and shall:

- (1) Keep accurate financial records for the Corporation;
- (2) Deposit all money, drafts, and checks in the name of and to the credit of the Corporation in the banks and depositories designated by the Board;
- (3) Endorse for deposit all notes, checks, and drafts received by the Corporation as ordered by the Board, making proper vouchers therefore;
- (4) Disburse corporate funds and issue checks and drafts in the name of the Corporation as ordered by the Board;
- (5) Render to the Board Chair, the Chief Executive Officer and the Board, whenever requested, an account of all transactions by and the financial

condition of the Corporation; and

(6) Perform other duties prescribed by the Board or by the Board Chair.

e. **Secretary.** The Secretary shall:

(1) Attend all meetings of the Board and all meetings of standing committees;

(2) Serve as a non-voting ex-officio member of all committees;

(3) Keep a complete and permanent record of all proceedings of the meetings;

(4) Give notice of all meetings of the Board; and

(5) In general, perform all duties incident to the office of Secretary; and,

(6) Perform other duties prescribed by the Board or by the Board Chair.

f. **Compensation.** With respect to compensation, the Chief Executive Officer and the Chief Financial Officer shall serve at the pleasure of the Board, shall receive appropriate compensation as determined by the Board upon the recommendation of the Compensation Committee, and shall receive reimbursement for reasonable expenses incurred in the discharge of their official duties. All other officers shall serve without compensation.

g. **Resignation.** Any officer may resign at any time by giving written notice to the Corporation. The resignation is effective without acceptance when notice is given to the Corporation, unless a later effective date is specified in the notice.

h. **Removal.** An officer may be removed at any time, with or without cause, by resolution approved by the affirmative vote of a majority of the Directors present. The removal of any individual as an officer of the Corporation shall not automatically affect such individual's employee status with the Corporation.

i. **Vacancy.** A vacancy in an office because of death, resignation, removal, disqualification, or other cause may be filled for the unexpired portion of the term in the manner determined by the Board.

Section 6. **Delegation.** Unless prohibited by a resolution approved by an affirmative vote of a majority of the Directors present, an officer elected or appointed by the Board may, without the approval of the Board, delegate some or all of the duties and powers

of an office to other individuals. An officer who delegates the duties or powers of an office remains subject to the standard of conduct for an officer with respect to the discharge of all duties and powers to be delegated.

Section 7. ***Standards of Conduct.*** An officer shall discharge the duties of an office in good faith, in a manner the officer reasonably believes to be in the best interests of the Corporation, and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

Section 8. ***Conflicts of Interest.*** As either Directors or employees of the Corporation, all officers shall be subject to the Conflict of Interest Policy of the Corporation.

## ARTICLE SIX

### ***BOARD COMMITTEES***

Section 1. ***Standing and Ad Hoc Committees.*** The Board shall establish such standing and ad hoc committees as it deems appropriate to discharge responsibilities. Standing committees may include but not be limited to the following:

- a. Executive Committee;
- b. Alumni Relations and Development Committee;
- c. Audit Committee;
- d. Finance Committee;
- e. Governance Committee;
- f. Nominating Committee;
- g. Board Recruitment Committee;
- h. Compensation Committee; and
- i. Investment Committee.

Section 2. ***Committee Charters.*** Subject to the power of the Board to amend, revoke and ratify, each Standing Committee may adopt a charter to define its membership, roles and responsibilities and such other issues as it deems appropriate.

Section 3. ***Committee Members.*** Committee members shall be selected as follows:

- a. With respect to the selection of committee members by the Nominating Committee:
  - (1) The Nominating Committee shall consist of:
    - (a) The Governance Committee chair;
    - (b) The Board Chair; and,
    - (c) The Board Vice Chair.
  - (2) Prior to the regular annual meeting of the Board, the Nominating Committee shall collaborate with the Chief Executive Officer in recommending the committee chairs and other committee members for the next fiscal year to the Board for its consideration.
  - (3) With respect to officers serving on committees:
    - (a) The Board Chair shall serve as a voting ex-officio member of each committee.
    - (b) The Chief Executive Officer shall serve as a non-voting ex-officio member of each committee, unless otherwise specifically provided.
    - (c) The Board Vice Chair may serve as the chair of one of the Standing Committees.
    - (d) The Secretary shall serve as the Secretary of each committee.
- b. With respect to representation of UND-affiliated entities on the Investment Committee and/or the Alumni Relations and Development Committee by their affiliated entity representatives:
  - (1) For the purpose of this Section 2b, it is recognized by the University and acknowledged by the Corporation that:
    - (a) "UND-affiliated entity" shall mean the University and its schools, colleges and other components as well as any foundation or other non-profit organization which is recognized

by the University to be a supporting organization of the University.

- (b) "Affiliated entity representative" shall mean the individual who serves as a non-voting member of the Investment Committee on behalf of a UND affiliated entity.
- (2) With respect to each affiliated entity representative:
- (a) Each UND-affiliated entity may nominate one or two individuals to serve as its affiliated entity representative on the Investment Committee and/or the Alumni Relations and Development Committee.
  - (b) Each affiliated entity representative nominee shall be subject to confirmation by the Executive Committee.
  - (c) Each affiliated entity representative shall serve at the mutual pleasure of its UND-affiliated entity and the Corporation.
- (3) Each affiliated entity representative shall participate as a non-voting member of the Investment Committee and/or Alumni Relations and Development Committee and as such:
- (a) May attend meetings of the respective Committee;
  - (b) May receive meeting materials and information pertaining to the Committee;
  - (c) Must comply with all policies of the Corporation which are applicable to the other members of the Investment Committee and the Alumni Relations and Development Committee, including, but not limited to:
    - i Confidentiality;
    - ii Conflict of interest; and,
    - iii Anti-fraud;
  - (d) May *not* participate in the affairs of the Corporation that are not related to the respective Committee; and,
  - (e) May *not*, except with the express permission of the Chief Executive Officer, receive access to materials or information of the Corporation that are not related to the respective Committee.

Section 4. ***Committee Procedures.*** The provisions of these By-Laws shall apply to committees and members thereof to the same extent they apply to the Board and Directors, including, without limitation, the provisions with respect to meetings and notice thereof, absent members, written actions and valid acts. Each committee shall keep regular minutes of its proceedings and report the same to the Board.

## **ARTICLE SEVEN**

### ***ADVISORY BOARDS***

The Board may appoint one or more Advisory Boards consisting of two or more persons to provide advice and assistance to the Board. Members of the Advisory Board may be invited to meetings of the Board, but shall not be entitled to vote or exercise other powers of a director of the Corporation; provided, however, to the extent permitted by law, members of the Advisory Boards shall be entitled to the same limitations on liability and rights to indemnification as directors of the Corporation. The Board may determine by separate resolution the operational rules that govern the Advisory Boards. Advisory Board members may be removed at any time, with or without cause, by the Board in its sole discretion.

## **ARTICLE EIGHT**

### ***GENERAL PROVISIONS***

Section 1. ***Fiscal Year.*** The fiscal year of the Corporation shall be fixed by resolution of the Board.

Section 2. **Contracts.** The Board may authorize such officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be either general or confined to specific instances. Contracts and other instruments entered into in the ordinary course of business may be executed by the Chief Executive Officer or, in the absence of the Chief Executive Officer or pursuant to a delegation by the Chief Executive Officer, by such officer designated to act in the place of or in the absence of the Chief Executive Officer, without specific Board authorization.

Section 3. **Loans.** No loans shall be contracted on behalf of the Corporation, and no evidence of indebtedness other than checks, drafts or other orders for payment of money issued in the ordinary course of business shall be issued in its name unless authorized by the Board. Such authorization and approval may be general or confined to specific instances.

Section 4. **Checks, Drafts, Etc.** All checks, drafts or other orders for the payment of money issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall be determined by resolution of the Board or by the Chief Executive Officer or Treasurer upon delegation by the Board.

Section 5. **Deposits.** All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board or the Chief Executive Officer or Treasurer upon delegation by the Board may select.

Section 6. **Conflict of Interest Policy.** It is the policy of the Corporation to conduct business in a fair, just and proper manner and to avoid actual or potential conflicts of interest or the appearance of conflicts of interest. Directors and officers shall adhere to every

ethics policy adopted by the Board of Directors, including but without limitation the policy regarding conflicts of interest, and shall provide any periodic affirmation or disclosure statement required by such policy.

Section 7. ***Restricted Use of Name and Records.*** Except as established by policy of the Board:

- a. Funds shall not be solicited in the name of the Corporation; and,
- b. The records of the Corporation shall not be used for fund raising or any other purpose by any entity other than the Corporation and the University.

Section 8. ***Books and Records.*** The Corporation shall keep at its principal executive office correct and complete copies of its:

- a. Articles and these By-Laws;
- b. Accounting records; and,
- c. Minutes of meetings of the Board and committees having any of the authority of the Board for the last six (6) years.

Section 9. ***Parliamentary Procedure.*** Except as otherwise provided in the Articles or these By-Laws, the most current edition of Robert's Rules of Order shall govern all meetings of the Board and all authorized committees;

Section 10. ***Indemnification.*** The Corporation shall indemnify its officers, Directors, committee members, and employees against judgments, penalties, fines, including without limitation, excise taxes assessed against the person with respect to an employee benefit plan, settlements, and reasonable expenses, including attorneys' fees, and disbursements incurred by such persons in connection with a proceeding in which they are or are threatened to be made a party by reason of their former or present official capacity with respect to the Corporation, to the fullest extent permitted by North Dakota Century Code

Chapter 10-33. In order to avail himself or herself of this indemnification provision, however, a person must: (1) not already be indemnified by another organization in connection to the same proceeding and the same acts or omissions; (2) have acted in good faith with respect to the acts or omissions complained of; (3) have received no improper personal benefit and, if applicable, followed appropriate procedures for an actual or potential conflict of interest; (4) in the case of a criminal proceeding, have had no reasonable cause to believe his or her conduct was unlawful; (5) in the case of a civil proceeding, have met the requirements of North Dakota Century Code Section 10-33-84 with respect to having reasonably believed that the conduct was in the best interests of the corporation, or having reasonably believed that the conduct was not opposed to the best interests of the corporation, as applicable.

Section 11. *Amendment.* The power to adopt, amend or repeal the Articles of Incorporation and these By-Laws is vested in the Board at any regular meeting or any special meeting of the Board or by action in writing upon due notice of the proposed amendment, repeal or proposed new Articles of Incorporation or By-Laws to each Director.

CERTIFICATION

I, Jody H. Peragen, as Chair of the UND Alumni Association and Foundation, do hereby certify that the foregoing Amended and Restated Bylaws of the Corporation were approved by the Board of Directors at a meeting held on the on the 5th day of May, 2016, at which a quorum did respond.

I, DeAnna Carlson Zink, as CEO of the UND Alumni Association and Foundation, do hereby certify that the foregoing Amended and Restated Bylaws of the Corporation were approved by the Board of Directors at a meeting held on the on the 5th day of May, 2016, at which a quorum did respond.

  
\_\_\_\_\_  
Jody H. Peragen,  
Chair, UND Alumni Association and Foundation

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
DeAnna Carlson Zink,  
CEO, UND Alumni Association and Foundation

  
\_\_\_\_\_  
Date

# *State of North Dakota*

## SECRETARY OF STATE



### RESTATED CERTIFICATE OF INCORPORATION OF UNIVERSITY OF NORTH DAKOTA FOUNDATION

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that Restated Articles of Incorporation of

UNIVERSITY OF NORTH DAKOTA FOUNDATION

duly signed and verified pursuant to the North Dakota statutes governing a North Dakota NONPROFIT CORPORATION, have been received in this office and are found to conform to law.

**ACCORDINGLY** the undersigned, as such Secretary of State and by virtue of the authority vested in him by law, hereby issues this Restated Certificate of Incorporation to

UND ALUMNI ASSOCIATION AND FOUNDATION.

Effective Date: September 15, 2014

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

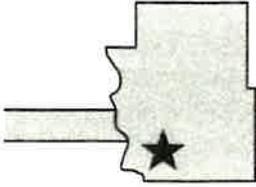
Alvin A. Jaeger  
Secretary of State

**ITEM**

**# 6**

# County of Burleigh

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



**BURLEIGH COUNTY COMMISSION  
RESOLUTION IN SUPPORT OF  
AQUATIC NUISANCE SPECIES AWARENESS WEEK  
MAY 14-20, 2023**

WHEREAS, the Burleigh County Commission recognizes that Aquatic Nuisance Species (ANS) in North Dakota may threaten the environment, public health, property and the economy; and

WHEREAS, Aquatic Nuisance Species in North Dakota have experienced an increase in distribution over the last 10 years; and

WHEREAS, public health concerns, harm to recreational fisheries, negative impacts on communities, and adverse effects on water supplies can be greatly reduced if appropriate preventative measures are taken by water recreationists, pet owners, municipalities, private contractors, and waterfront property owners; and

WHEREAS, residents, tourists, and contractors utilizing watercraft are encouraged to clean, drain and dry all equipment, every time to ensure best practices are exhibited; and

WHEREAS, docks, lifts and other water-based equipment should be thoroughly inspected for ANS and dried before transport between waterbodies; and

WHEREAS, further information and guidance regarding ANS is provided by the North Dakota Game and Fish Department and

WHEREAS, we applaud the collaboration between the North Dakota Game & Fish and the various individuals, local, state, and federal partners that comprise the Aquatic Invasive Species Task Force in the planning, organizational, and educational efforts and

WHEREAS, Aquatic Nuisance Species Awareness Week is intended to further educate North Dakotans on the potential risk to public health, property, and the economy from the negative impacts associated with ANS, to encourage the public to implement preventative measures to control the spread of invasive species, and to empower communities to demonstrate best practices among all citizens of North Dakota to protect our water resources.

NOW, THEREFORE, the Burleigh County Board of Commissioners, in communion with Ramsey County, hereby fully supports May 14-20, 2023, as AQUATIC NUISANCE SPECIES AWARENESS WEEK in the State of North Dakota.

Dated the 15th day of May, 2023.

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Burleigh County Chairman

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Burleigh County Auditor

**ITEM**

**# 7**

May 1, 2023

Burleigh County  
221 N 5<sup>th</sup> Street, PO 5518  
Bismarck, ND 58506-5518

Dear Burleigh County,

I am writing this letter to request premium money for the upcoming Burleigh County 4-H Achievement Days, July 11-13, in order to provide premiums for the 4-H members exhibits. In the past I was told that we have received \$3,000 from the county. The money will go to members exhibiting static, horse, small animal and livestock projects. Premiums for each member is awarded based on the number of points they earn for each of their entries.

I would also like to invite you to attend some of the events during Burleigh County Achievement Days. Attached is a schedule of 4-H events poster. If you have any questions, please do not hesitate to contact our office.

We really appreciate your assistance.

Thank you,

Annette Broyles  
4-H Youth Development Agent  
Burleigh County/NDSU Extension

Attachment: Schedule of 4-H Events Poster

# 2023 BURLEIGH COUNTY 4-H ACHIEVEMENT DAYS

## Schedule of 4-H Events



### Small Animal & Static Exhibit Day- Tuesday July 11

#### Small Animal Start Time

- 8:30 a.m. Small Animal Registration
- 9:00 a.m. Small Animal Judging (Public Welcome)

#### Static Exhibit

- 2:30 - 5:00 p.m. Static Exhibit Registration
- 2:30 - 3:00 p.m. Judges Orientation
- 3:00 p.m. Session 1 Interview Judging
- 4:00 p.m. Session 2 Interview Judging
- 5:00 p.m. Session 3 Interview Judging
- 5:30 - 6:30 p.m. 4-H Supper
- 6:30 p.m. Static Exhibit Judging Ends
- 6:30 p.m. Group Photo
- 7:00-8:00 p.m. Static Exhibit Public Viewing

### Horse Day - Wednesday July 12

- 8:30 a.m. Horse Registration
- 9:00 a.m. Horse Show English Events (Public Welcome)
- 10:00 p.m. Horse Show Western Events (Public Welcome)
- 1:00 p.m. Stick Horse Racing
- 9:00 a.m. - 5:00 p.m. Static Exhibit Public Viewing

### Livestock Day - Thursday July 13

- 9:00 a.m. - 2:00 pm Static Exhibit Public Viewing
- 9:00 a.m. Livestock Weigh-in
- 10:00 a.m. Group 4 - H Photo
- 10:30 a.m. Livestock Show Judging (Public Welcome)
- 2:00 - 6:00 p.m. Pick Up Non-State Fair Projects
- 3:30 p.m. Round Robin
- 4:00 p.m. Kiddie Lead
- 4:00 p.m. Social for Livestock Buyers and 4-H families
- 5:00 p.m. Livestock Premium Sale

NDSU

EXTENSION  
BURLEIGH COUNTY



**ITEM**

**# 8**

**2023 4th of July Concert Finalized Budget**  
**Bismarck-Mandan Symphony Orchestra**  
*North Dakota State Capitol*

	<u>Projected 2023</u>	
	<u>Budget</u>	<u>Actual 2022</u>
<b>INCOME</b>		
Essentia Health / HA Thompson & Sons	\$ 3,375	\$ 3,375
Audience collection	\$ 3,500	\$ 5,133
City of Bismarck	\$ 12,000	\$ 12,000
Burleigh County	\$ 5,000	\$ -
For profit concessionaires fees	\$ 600	\$ 750
Dickson Law Office	\$ -	\$ 1,500
Petro-Hunt, LLC	\$ -	\$ 5,000
Estimated corporate sponsor, unsecured	\$ 5,000	\$ -
<b>Total Income</b>	<b>\$ 29,475.00</b>	<b>\$ 27,758.00</b>
<b>EXPENSES</b>		
Musician Stipends	\$ 8,000	\$ 8,965
Musician Mileage/Lodging	\$ 1,500	\$ 4,057
Guest Artist(s) Fees	\$ 3,000	\$ 3,000
Production Personnel	\$ 750	\$ 615
Sound/Lighting (Technicians & Equip.)	\$ 6,000	\$ 5,950
Spiffy Biffs	\$ 1,200	\$ 1,184
Marketing-Related Expenses	\$ 300	\$ -
Pyrotechnics	\$ 12,000	\$ 12,000
Security (Police officers)	\$ 500	\$ 464
Miscellaneous expenses	\$ 500	\$ -
<b>Total Expenses</b>	<b>\$ 33,750</b>	<b>\$ 36,235</b>
<b>PROFIT (LOSS)</b>	<b>\$ (4,275.00)</b>	<b>\$ (8,477.40)</b>



**B I S M A R C K - M A N D A N  
S Y M P H O N Y O R C H E S T R A**

May 8, 2023

Burleigh County Commissioners  
Burleigh County Courthouse  
221 N 5<sup>th</sup> Street  
Bismarck, ND 58502

Dear Commissioners,

For over 25 years, the Bismarck Mandan Symphony Orchestra (BMSO) has been providing a family friendly Fourth of July concert on the North Dakota Capitol grounds. Along with major musical numbers and a full orchestral performance, the event features traditional fireworks and local food vendors. Including nationally recognized musicians like Aaron Meyer and King's Cadence, to local performers like Clay Jenkinson, Chuck Suchy, Brandon Box-Higdem and Emily Walter, the BMSO has produced patriotic celebrations with a variety of themes specifically designed for the people of North Dakota and especially for those who live in the Bismarck-Mandan area.

In return, the community has shown its wholehearted support for these celebrations. The concert in 2022 drew a crowd of more than 5,000 people. The increased attendance over the last many years indicates the value of this event to residents of Burleigh County and the surrounding vicinity. Celebrating July 4<sup>th</sup> at the Capitol has become a tradition for many families; the enthusiastic response to these concerts illustrates the important place they hold in the hearts of residents and visitors alike. The concerts also allow public figures from US Senators to the governor to local leaders to speak with the public in an informal and celebratory setting. The sense of community at these events is palpable for performers, speakers, and attendees.

Under the direction of Dr. Beverly Everett, the BMSO continues to grow, including outreach efforts in Bismarck and outlying communities. Although we enjoy great public support, securing funding for events like the Fourth of July celebration continues to be a struggle for our organization. We are proud of the quality of our performances, and that is because we have professional musicians who work diligently to deliver the best music possible for this event. The generosity of patrons and local government groups like the Burleigh County Commission helps us to maintain that quality. The Commission's past contributions have been instrumental in the success of the July 4<sup>th</sup> concerts. This year we ask that you again help us provide this important local cultural event for residents of your county and the nearby communities we call neighbors. We are asking for a contribution of \$5,000, the same as the last several years prior to 2021.

Included with this letter you will find a proposed Contract for Expenditure of County Funds for Public Purpose, a planned budget for 2023 and actuals from 2022, and a letter of recognition from the North Dakota Council on the Arts. Please know how grateful we are for the support we have received from Burleigh County and how much we appreciate your consideration for another contribution as we plan for 2023.

Sincerely,



Mike Gardner  
Executive Director

**CONTRACT FOR EXPENDITURE OF COUNTY FUNDS FOR PUBLIC PURPOSES**

Comes now the Bismarck-Mandan Symphony Orchestra, being incorporated as designated local organization that assists the arts, hereby agrees and contracts with the County of Burleigh, State of North Dakota, to expend funds authorized and committed to the Symphony by Burleigh County for expenditures to assist in conducting the 2023 July 4<sup>th</sup> celebration on the North Dakota Capitol Grounds, as further described in the letter dated May 8, 2023, submitted by the Bismarck-Mandan Symphony Orchestra to Burleigh County, the funds to be applied to the expenditures included in the budget for the event, both documents attached to this document regarding the reference made herein.

Burleigh County recognizes this function to be an event conducted for public purposes in accordance with § 11-11-67 N.D.C.C., and to be conducted by the Bismarck-Mandan Symphony Orchestra with the usual safeguards for security and insurance as required by governmental authorities.

Dated this May 8, 2023

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Mike Gardner, *Executive Director*  
Bismarck-Mandan Symphony Orchestra

Dated this June , 2022

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County of Burleigh  
State of North Dakota

May 5, 2023

Hello,

I am happy to once again supply a letter of recommendation for the Bismarck Mandan Symphony Orchestra. The organization remains in good standing as a Federal and State nonprofit, as one of our Institutional Support grantees, the category that funds the state's largest organizations.

BMSO is regularly reviewed and always receive high scores in relation to the Council's criteria in their role as a premiere arts organization in the communities of Bismarck and Mandan. These include the quality of artistic product and services, meeting the community needs, planning and organizational management, and financial management.

BMSO offers several excellent programs to the community and good relationships with local partners are evident. The impact on our community is highly commendable.

One of the most wonderful events is the Fourth of July Symphony Spectacular, which I have been lucky to attend over the last few summers. It is a highly anticipated favorite of the summer season, and I certainly plan on attending!

If additional information is required, please do not hesitate to contact me.

Sincerely,

*Kim S. Konikow*

Kim Konikow  
Executive Director

**ITEM**

**# 9**

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## BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

### **Request for County Board Action**

**DATE:** May 15, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Approve the selection of an engineering consultant firm for the Preliminary and Design Engineering of Bridge #08-115-37.0 and #08-126-40.0 Project, also the removal of Bridge #08-133-44.0.

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

#### **ACTION REQUESTED:**

Approve the selection of KLJ to perform preliminary and design engineering services for Bridge #08-115-37.0, 08-126-40.0, and 08-133-44.0.

#### **BACKGROUND:**

At the January 18, 2023 County Board Meeting, the Board approved the Highway Department's request to seek design engineering service proposals for Bridge #08-115-37.0 and 08-126-40.0. On April 25<sup>th</sup>, we opened proposals for this project. Three consulting firms submitted proposals, and after a thorough review of their proposals and interviews conducted on May 5<sup>th</sup>, the selection committee ranked KLJ as the most qualified firm to perform services for this project.

The project would include providing the preliminary and design engineering services for the reconstruction of Bridge #08-115-37.0 located on Apple Creek Road – ½ mile east of 80<sup>th</sup> Street SE, Bridge #08-126-40.0 located on 236<sup>th</sup> Street SE – ½ mile south of Lincoln Road, and Bridge (removal) 08-133.44.0 located on 102<sup>nd</sup> Avenue SE – ½ mile east of US Highway 83. The preliminary and design engineering services will be 100% federal funds.

The negotiation of services and fees for this project will be done between the North Dakota Department of Transportation, Burleigh County Highway Department, and KLJ.

It is estimated that the total cost of design services for this project will be around \$200,000.

**RECOMMENDATION:**

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

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the County Board of Commissioners approves of the selection of KLJ to perform the preliminary and design engineering services for the Bridge #08-115-37.0, 08-126-40.0, and 08-133-44.0.



## BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

### Request for County Board Action

**DATE:** May 15, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** American Rescue Plan

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

**ACTION REQUESTED:**

Review the City of Wilton's request for additional American Rescue Plan Funds.

**BACKGROUND:**

Summary of Burleigh County Action

- On July 7, 2021 the County Board approved the ARP application form and directed the staff to solicit projects, review rank and present a proposed list to the County Board.
- On August 16, 2021 the County Board reviewed the City of Wilton's application for a Street and Utility Improvement project for \$2,000,000. The County approved granting the City of Wilton \$666,666 of their request.
- On September 15, 2021 the County Board approved an American Rescue Plan Agreement with the City of Wilton.
- On June 6, 2022 the County Board approved a second round of applications. This round did not include a request from the City of Wilton.
- In April of 2023 the City of Wilton requested additional funds from the ARP program. The request was presented to the County Board on May 1, 2023 at which time the County Board requested additional information regarding the project.

The following information was received regarding this project:

- Phase 1 is referencing the project that is underway, which is the larger of the two projects.
- Phase 2 is referencing the new project, which is solely in McLean County, on Bismarck Avenue and Dakota Avenue.

Project Breakdown		Burleigh County	McLean County
Phase 1 Project Cost	\$ 7,740,883.00	\$ 1,623,260.74	\$ 6,117,622.26
Phase 2 Project Cost	\$ 3,460,600.00		\$ 3,460,600.00
<b>Total:</b>	<b>\$11,201,483.00</b>	<b>\$1,623,260.74</b>	<b>\$9,578,222.26</b>

Phase 1 Funding Breakdown		Burleigh County	McLean County
Burleigh County ARPA Grant	\$ 666,667.00	\$ 666,667.00	\$ -
DWR Grant	\$ 2,150,000.00	\$ -	\$ 2,150,000.00
USACE Grant	\$ 865,000.00	\$ -	\$ 865,000.00
CWSRF Loan	\$ 1,895,108.00	\$ 648,296.87	\$ 1,246,811.13
DWSRF Loan	\$ 2,164,108.00	\$ 308,296.87	\$ 1,855,811.13
<b>Total Funding:</b>	<b>\$ 7,740,883.00</b>	<b>\$ 1,623,260.74</b>	<b>\$ 6,117,622.26</b>
<b>Rate Increase:</b>	<b>\$ 48.56</b>	<b>\$ 11.44</b>	<b>\$ 37.12</b>

Phase 2 Funding Breakdown (All McLean County)	
DWR Grant	\$ 986,000.00
USACE Grant	\$ 2,100,000.00
CWSRF Loan	\$ 200,000.00
DWSRF Loan	\$ 174,600.00
<b>Total Funding:</b>	<b>\$ 3,460,600.00</b>
<b>Rate Increase:</b>	<b>\$ 4.48</b>

All residents within Wilton will be paying the same fee for services \$53.04 (\$11.44 + \$37.44 + \$4.48) at the completion of this project. In order to reduce that fee, the City of Wilton is requesting that Burleigh County allocate \$956,593.74 (\$648,296.87 + \$308,296.87) of our remaining ARP funds to reduce the cost of work done within Burleigh County. If all \$956,593.74 is allocated to this project the cost for each of the residents within the City of Wilton would be reduced to \$41.60 (\$0.00 + \$37.44 + \$4.48).

Staff recommends that the County Board reviews the request and direct staff on how to proceed with this request.

**RECOMMENDATION:**

It is recommended that the Board reviews the request and direct staff on how to proceed.



## BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

### **Request for County Board Action**

**DATE:** May 15, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Accepting Platted Right of Way

Please include this item on the next Burleigh County Board agenda.

**ACTION REQUESTED:**

Accept platted right of way shown on the attached Plat.

**BACKGROUND:**

Burleigh County is required to accept (on their own behalf or on the behalf of one of our Townships) Right of Way shown on Plats that are approved by the City of Bismarck, City of Lincoln or Burleigh County.

Tall Pines Subdivision has been approved by the City of Bismarck and we are requesting that the County Board accept the Right of Way that is shown on the attached plat.

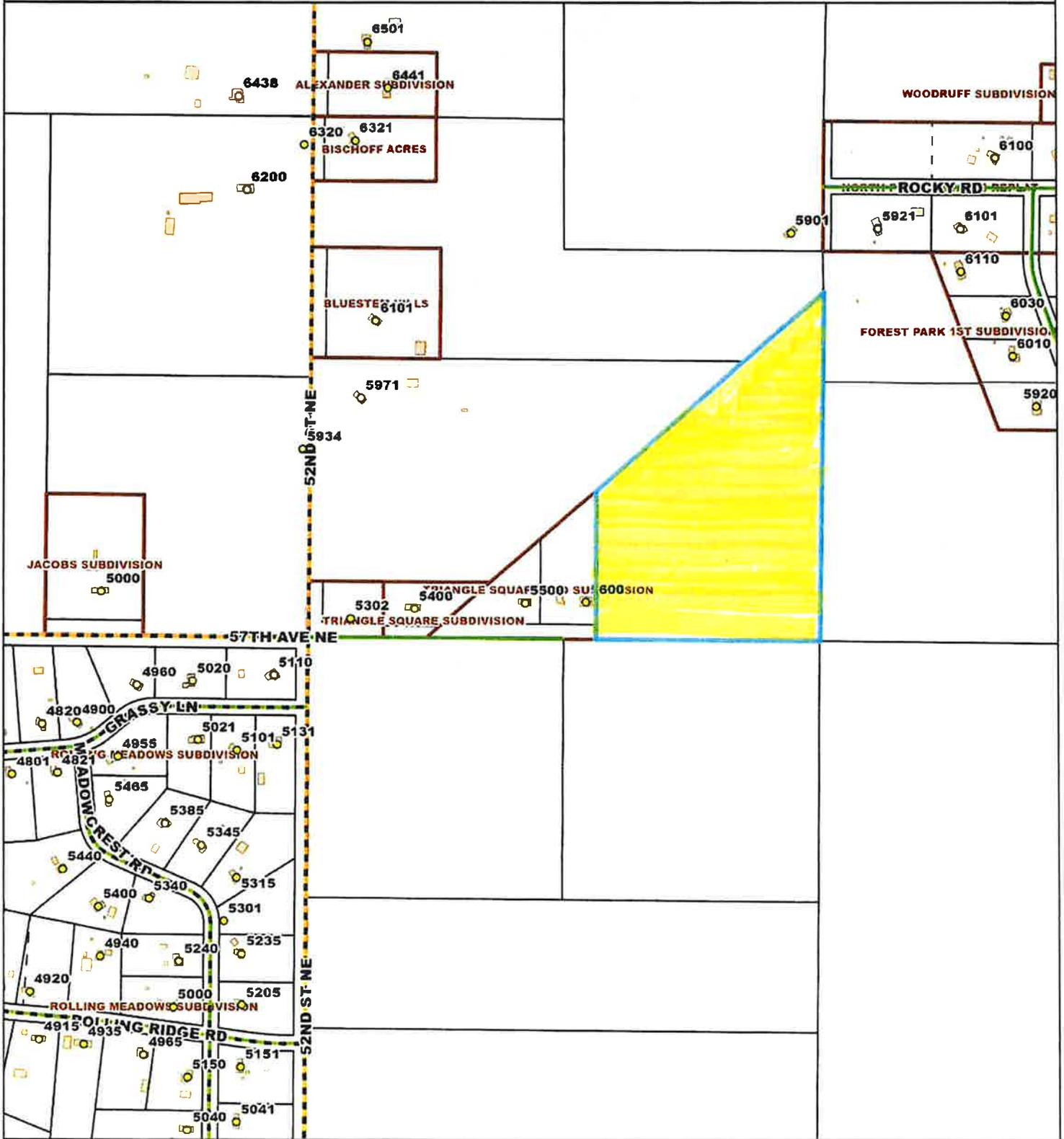
**RECOMMENDATION:**

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

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the Burleigh County Board of Commissioners do hereby accept the Right of Way shown on the Tall Pines Subdivision.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



PARCEL ID: 32-139-79-00-07-620      OWNER: WAGNER, ERIC & MELANIE      ACRES: 33.07  
SITE ADDRESS:  
MAIL ADDRESS: 31128 MCARTHUR RD, UNDERWOOD, MN 56586  
LEGAL: GIBBS TOWNSHIP Section 07 AUDITOR'S LOT B OF THE SW1/4 07-139-79



**ITEM**

**# 10**

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Subscribe to updates from North Dakota Public Retirement System



Email Address  
Subscribe

e.g. name@example

Share Bulletin



## Closure of the NDPERS Main Plan to Future Employees

North Dakota Public Employees Retirement System sent this bulletin at 05/03/2023 10:04 AM EDT

Please forward this information to your employees. If you are unable to do so, please contact us at 701.222.2222. If you have any questions, please contact us at 701.222.2222.



## Closure of the NDPERS Main Plan to Future Employees

The passage of House Bill (HB) 1040 will close the Main Plan to new employees and will require them to join a newly-created Defined Contribution (DC) plan.

**Members currently enrolled in the Main Plan are not impacted by the future closure of this Plan.**

### EFFECTIVE DATE FOR HB 1040 IS TO BE DETERMINED

The effective date of HB 1040 is dependent on how quickly the North Dakota Public Employees Retirement System (NDPERS) and its vendors can implement the changes necessary to administer the new DC plan. If those changes can be accomplished by December 31, 2023, then the effective date of the Main Plan closure and the beginning of the new DC plan will be January 1, 2024. If those changes cannot be accomplished by then, the effective date will be January 1, 2025.

### HB 1040 ENSURES FUNDING OF THE MAIN PLAN

The Legislative Assembly and the Governor are committed to protecting the existing responsibility to Main Plan members. HB 1040 guarantees the funding of the Main Plan by injecting \$200 million into the fund and increases the employer contribution rates by one percent starting January 1, 2024. In addition, the State will pay the Actuarially Determined Employer Contribution (ADEC) rate for both state and participating political subdivisions effective January 1, 2026.

### HB 1040 CLOSES THE MAIN PLAN ONLY

Employees eligible to participate in other retirement plans administered by NDPERS, such as the Public Safety Plan, Judges Plan, Highway Patrol Plan, Job Service Plan, Teachers' Fund for Retirement, and TIAA Plan for university system employees, are excluded from HB 1040 and will not be impacted.

NDPERS will provide additional updates, as available, in the future.

Contact us

If you have questions or require additional information, send us an online message through the *Contact us* option on your NDPEPS Member Self Service (MSS) or call us at 701 328 0900 or toll free at 800 803 7377



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	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 05/08/2023 <b>Job Description #</b>
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**Employee:** \_\_\_\_\_  
**Job Title:** County Administrator  
**Job Status:** Exempt  
**Salary Grade:** 21

**Location:** Bismarck  
**Department:** County Administration  
**Reports to:** Board of Commissioners  
**DBM Rating:** E83

**Job Summary:** Under supervision of the Board of County Commissioners, is responsible for the oversight of all County operations. Duties of the job involve research, planning and advising the County Board regarding county-wide policies and objectives and recommendations for action; implementing Board actions and resolutions; County budget development and capital improvement plans; providing supervision and evaluation of County non-elected Directors/Department Heads.

**Responsibilities:**

- 50 % time      1. Plan, direct, coordinate, and supervise the overall activities, direction, and organizational structure of county departments not headed by an elected official to ensure accountability and the county short- and long-range goals are achieved.
- 25 % time      2. Coordinate the annual budget. Bring critical budget issues to the Board of County Commissioners for discussion. Ensure budget is managed properly.
- 25 % time      3. Provide research regarding agenda items, citizen concerns, legislative actions, employee concerns, and county government issues.

**Essential Job Duties:**

1. Coordinate all County activities and committees not specifically assigned by statute to County elected officials.
2. Serve as a liaison between general public and county board to remedy complaints, discuss expected solutions, and serve proper notification to department heads and commission to discuss concerns.
3. Manage and supervise non-elected directors/department heads and serve as a liaison to the County Board to determine solutions for concerns ensuring proper accountability in each department.
4. Solicit, prepare, and oversee contracts for the Board.
5. Attend County Board meetings, participate in discussions, and formulate special studies and reports as requested and on own initiative; adhere to orders and policies of the Board of County Commissioners in the operation of County government.
6. Administer all of the affairs of the county which the County Board has authority to control and delegate.
7. Coordinate and work closely with the Finance Director in reviewing budget results with department heads to monitor performance against budget and present fiscal status to the County Board.
8. Assist in the hiring process of directors/department heads and give recommendation to the County Board of the most qualified candidate to hire. Manage, supervise and support the work of county departments and non-elected department heads. This includes informal conflict resolution as well as leadership guidance and support.
9. Receive requests and complaints from the public concerning administrative actions of the various departments, and County Board, channels the requests to the appropriate departments and commissioners, follows up on the corrective action, and replies to inquiries to resolve all issues in a positive manner.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 05/08/2023 <b>Job Description #</b>
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10. Serve as the Public Information Officer (PIO) to provide public and news media with information regarding county business and act as liaison between County Board, county employees, and public.
11. Monitor department goals and objectives against accomplishments and stated timetables. Responsible for evaluating non-elected directors/department heads job performance and maintaining accountability in all areas of responsibilities in each department.
12. Attend professional meetings and keeps informed of new developments in county government operation and management. Follow legislation that affects county government. Work with the Board of County Commissioners to develop responses to legislative proposals. Testifies during the legislative sessions on behalf of the County on issues affecting county governance.
13. Assist with new commissioner orientation. Perform other work-related duties as assigned/required by the County Board.

**Job Qualifications, Experience and Education:**

1. Bachelor's Degree in Public Administration, Business Administration, or related field; At least 5 years related city or county administrative experience; CEO, COO, or other corporate or executive level management or administration experience in public or private sector, or an equivalent combination of education and experience may be acceptable. Master's Degree in Public Administration, Business Administration, or related field is preferred.
2. Must possess excellent communication skills to establish and maintain effective working relationships with County officials and employees, and the general public.
3. Proficiency in the MS Office Suite of products, specifically, Excel and Word in order to efficiently perform the administrative tasks assigned to this position.

**Working Conditions/Physical and Mental Demands:**

1. Work is performed primarily in an office environment. Physical demands include sitting, walking, standing, bending, stooping, climbing stairs, lifting, moving, and carrying up to 40 pounds, and operating standard office equipment.

**Clarification Clause:**

This is an appointed position and is subject to reappointment by the Board of County Commissioners on an annual basis. This job description is not intended and should not be construed to be a complete list of all skills, duties, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the County Administrator position. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

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PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

### Memorandum

To: Chairman Becky Matthews  
Commissioner Brian Bitner  
Commissioner Wayne Munson  
Commissioner Steve Schwab  
Commissioner Jerry Woodcox

From: Pam Binder, SPHR, SHRM-SCP  
HR Director

Date: May 9, 2023

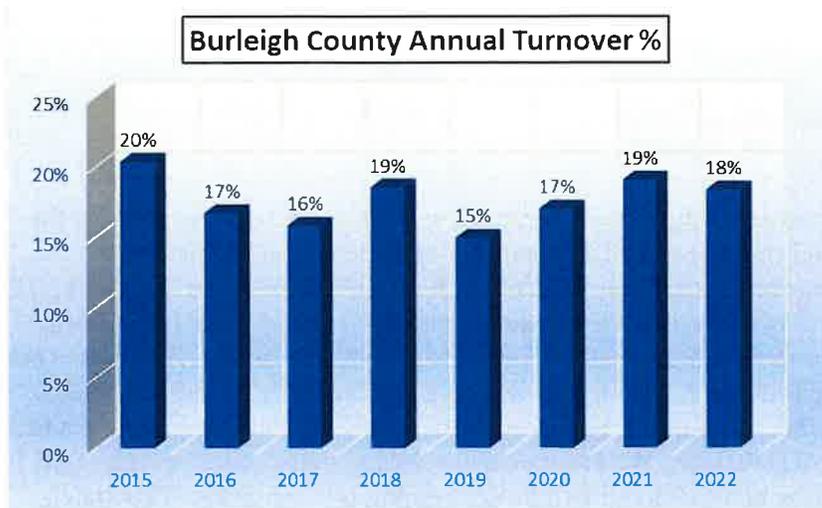
Re: Human Resource's Agenda item for May 15, 2023, Commission Meeting

**Subject:** 2022 Burleigh County Human Resources Report (Turnover Analysis)

#### **BACKGROUND:**

The turnover report has been manually calculated and the summary is listed below:

The chart below provides a year-over-year review of the annual turnover percentage for Burleigh County. This is all departments together:



# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

PAM BINDER, SPHR, SHRM-SCP  
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In the year-over-year turnover analysis, we can see that Burleigh County's turnover percentages show a cyclical pattern. With years 2015, 2017 and 2021 being the higher turnover percentages for the county.

Below is a breakdown of the departments that experienced turnover in 2019, 2020 and 2021:

Department	2019	%
Auditor/Treasurer	2	18.18%
Detention Center	18	23.53%
Extension	1	0.00%
Highway	1	2.29%
Sheriff	3	4.96%
Human Service Zone	21	25.30%
States Attorney	7	23.34%
	54	14.93%

Department	2020	%
Auditor/Treasurer	1	9.52%
Detention Center	22	29.73%
Highway	3	6.98%
Sheriff	3	4.91%
Human Service Zone	13	17.11%
States Attorney	6	19.35%
	52	17.00%

Department	2021	%
Detention Center	22	28.57%
Extension	4	100.00%
Highway	1	2.33%
Sheriff	6	9.92%
Human Service Zone	17	22.52%
States Attorney	6	18.18%
	58	19.06%

Department	2022	%
Auditor/Treasurer	3	42.86%
Detention Center	16	19.51%
Highway	3	7.31%
Sheriff	5	7.69%
Human Service Zone	21	30.00%
States Attorney	6	19.35%
	52	18.35%

When we review the turnover analysis by department, we can see several reasons for the turnover percentages, and they are not all the same for each department. The Auditor/Treasurer's department experienced turnover through retirement in 2019 and 2020. In 2021 and 2022 there was some turnover, however, nothing concerning. The Highway department had some turnover mainly due to retirement and other reasons. This is also not concerning. The County Extension department was restructured in 2021 and had some turnover that was expected. The Sheriff's department had turnover due to retirement and other turnover from various reasons. We are starting to see tenured employees leave law enforcement as their career and that trend will be concerning if it continues. The State's Attorney has been challenging to recruit and retain employees. The majority of these

# BURLEIGH COUNTY

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positions are the Attorneys themselves. The marketplace is so competitive for Attorneys and Paralegals that we need to constantly perform research into whether we are competitive in our salary structure for these positions. We are working with States Attorney Lawyer to create an advertising plan to help her reach out to new and more applicable job boards so we can try and fill her Attorney positions. The Human Service Zone had experienced turnover in the last three years. Some of this turnover was due to county employees being transferred to the state of North Dakota. Some of the turnover was due to attrition, which means that when an employee leaves a position the position is absorbed into other positions and not filled. There is a pattern of cultural issues within the Human Service Zone. It is important to note the Human Service Zone employees have been in transition to their own policies and procedures and have been under the State of North Dakota's Merit Pay Policy for the three years shown above. The Human Service Zone has also been in a leadership transition over some of this timeframe as well. This uncertainty will cause a certain amount of turnover. The Detention Center has been a challenge as well for staffing. As this is a 24/7 facility, the detention officer's working shift work can get burned out and the turnover has caused the remaining detention officers to work overtime, as well as some of the sheriff deputy's picking up overtime shifts at the Detention Center over the timeframe shown above.

Retention is a key factor in controlling costs for Burleigh County. Turnover costs money not just in employee salaries. There are also training costs to consider and other employee's morale when working excessive overtime shifts that need to go into the equation. Retention of our good employees is needed to operate Burleigh County efficiently.

Currently, we have thirty-two (32) open positions. This number does not include any temporary or seasonal vacancies that we are recruiting to fill for the 2023 summer season. We also have fewer applicants for our job postings. For example: we are currently in the recruitment and selection process for Detention Officers at the Burleigh-Morton Detention Center. I show that we have eight (8) vacant Detention Officer positions. We received eleven (11) completed applications. We had three (3) applicants withdraw prior to the interview process. We had two (2) applicants that did not come to their scheduled interviews. Six (6) applicants were interviewed and at this time four (4) applicants are in the process of being hired if they can make it through the rest of the hiring process. If all four (4) applicants, make it through the hiring process that will give us a 36.36% hiring success rate.

Unfortunately, the above Detention Officer recruitment and selection example has become the normal situation in recruitment and not the exception. We are not getting number of applications that we have received in past years. Often times, applicants are applying for several job postings at one time and they accept the one that offers the most in compensation and benefits.

# BURLEIGH COUNTY

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**Subject:** 2022 Recruitment Activities

### **BACKGROUND:**

Our geographical location is a factor in recruiting. Our main government competitors are: The State of North Dakota, The City of Bismarck, Morton County, and City of Mandan. Being located in Bismarck, which is the capital city of North Dakota, means we are in a location that is saturated with government jobs. There are more opportunities for our employees to go elsewhere and become employed.

Our weather conditions have also been a deterrent to recruitment from other states. We have had several prospective Attorney applicants withdraw their applications after visiting North Dakota this past winter. This is a challenge that we can do nothing about, yet it still needs to be mentioned as an obstacle to recruitment.

The tight labor market has forced Burleigh County to take on a more proactive role with our recruiting process. We can no longer just post a job vacancy on Job Service and our Burleigh County website and wait for applicants to apply. We had to post our job vacancies on job boards such as Monster, Indeed, Zip Recruiter, and career specific job posting boards. Some of these job posting boards have an advertising cost associated with them.

The Human Resources department has continued to attend career fairs and try to proactively advertise and recruit for our open positions within Burleigh County.

In 2022, we implemented a new Applicant Tracking System called Breezy/HR. This system allows us to manage our applicant tracking for our open job postings. With Breezy/HR we are able to reach Job Boards that we could not spider out our job postings to with our old system. The process is automated.

We have received positive feedback from the Hiring Managers regarding the Breezy/HR Applicant Tracking System (ATS).

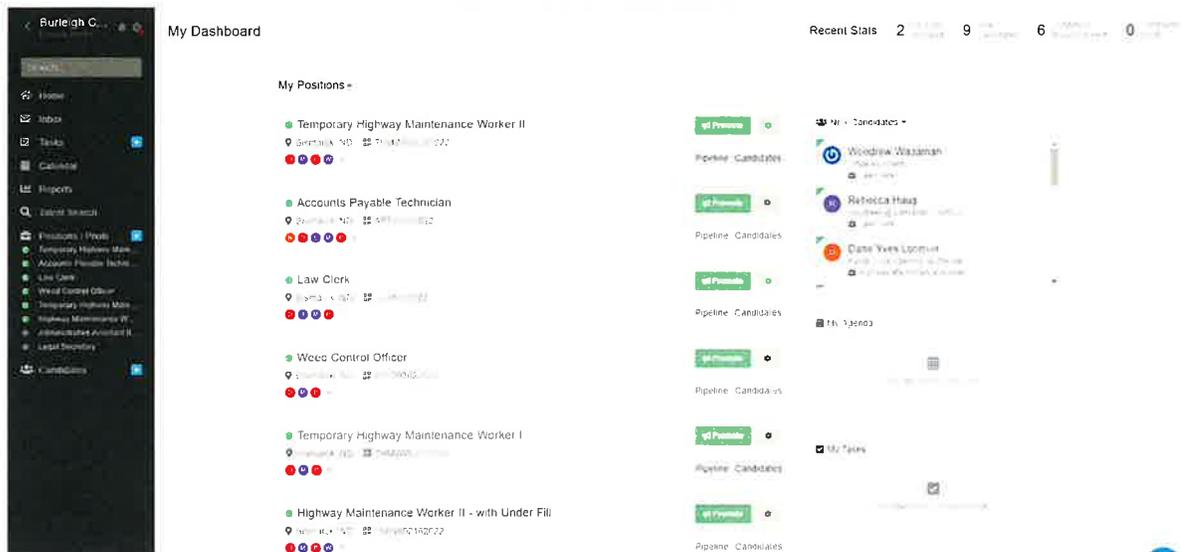
Switching to Breezy/HR has increased our application completion percent to approximately 87% completion rate. In today's tight labor market that is a very positive result for our recruitment process.

# BURLEIGH COUNTY HUMAN RESOURCES DEPARTMENT

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Below is a screen shot of the Breezy/HR System:



### Advantages of Breezy/HR:

- It is easier for applicants to apply for any Burleigh County open position from their cell phone, any tablet or computer.
- We can give the Hiring Managers access to Breezy/HR so they can see the status of their open position as it goes through the various steps in the recruitment process.
- Breezy/HR automates most of the steps in the recruitment process.

In conclusion, I would like to summarize our turnover overall has decreased in 2022 to 18% from the 19% in 2021. Turnover is cyclical and the market for hiring employees is becoming more of a challenge. We have made progress in changing the culture of some of the departments within the county. Recruiting has become more interactive and time consuming within the Human Resources department as the labor market continues to be very tight for talent. Having the right tools helps Burleigh County become more efficient. We will continue to review our salary and benefits to ensure they stay competitive in the marketplace. We will also work on retention strategies so we can keep our good employees.

**ITEM**

**# 11**



**Request for County Board Action**

**DATE:** May 15, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Jerry Woodcox  
County Commissioner

**RE:** Missouri Valley Complex

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

**ACTION REQUESTED:**

Discuss the Missouri Valley Complex Property and potential sale and use of the current fund of \$5,491,738.99.

**BACKGROUND:**

In relation to the 2024 budget discussion, it has been discussed if some of the property owned by Burleigh County should be sold and utilized to spread out the need for property tax increases over a longer period than one year.

**RECOMMENDATION:**

It is recommended the Board adopt the attached proposed resolution.

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the County Board give guidance to the appropriate staff members on whether or not to market the Missouri Valley Complex property and if some of the \$5,491,738.99 of Fund Balance should be used in the 2024 budget preparation.

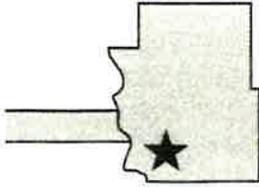
**ITEM**

**# 12**

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STATE OF NORTH DAKOTA

# County of Burleigh



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

## **Request for County Board Action**

**Date: May 15<sup>th</sup>**

**To Mark Splonskowski**

**From: Chair Becky Matthews**

**Request: Discuss the desires of the Commission concerning the Bismarck Tire parking lot.**

**Agenda item for May 15, 2023: discussion of BBPH Board of health**

**Background:** In the last year with increased financial responsibility for the BBPH budget discussion of county involvement in the overall budget of public health services along with the services provided. A single Board of Health with a city and county commissioner. In addition, three at large positions would be for individuals with backgrounds in public health, infectious disease, and/or behavioral health. These appointments would be confirmed by both city and county commissions.

**Attached is the following:**

- **Century Code regarding Public Health**
- **Examples of other counties Board of health, and operations with the city and county commissions**
- **Visual graph of what we have now**
- **Core Functions of a Public Health Unit**

**Action needed:** Permission to enter discussion with City of Bismarck and Bismarck Burleigh Public Health to create a single board of health to steer the BBPH unit in their services and budgeting process.

## **CHAPTER 23-35 PUBLIC HEALTH UNITS**

### **23-35-01. Definitions.**

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

1. "Board of health" means a district, county, city, or tribal board of health.
2. "Department" means the department of health and human services.
3. "Governing body" means, as applicable, a city commission, city council, board of county commissioners, joint board of county commissioners, or tribal council.
4. "Health district" means an entity formed under section 23-35-04 or 23-35-05.
5. "Joint board of county commissioners" means the boards of county commissioners of two or more counties acting together in joint session.
6. "Local health officer" means the health officer of a public health unit.
7. "Public health department" means a city, county, or tribal health department formed under this chapter.
8. "Public health unit" means the local organization formed under this chapter to provide public health services in a city, county, or designated multicounty or city-county area, or Indian reservation. The term includes a city public health department, county public health department, tribal health department, and a health district.

### **23-35-02. Public health units.**

All land in the state must be in a public health unit before January 1, 2001. The department of health and human services may issue rules defining the core functions a public health unit shall undertake.

#### **23-35-02.1. Tribal health units.**

An Indian nation that occupies a reservation the external boundaries of which border more than four counties may form a health district or public health department as provided in this chapter. A tribal public health unit and bordering public health units shall collaborate regarding the provision of public health services. If an individual who is not an enrolled member of an Indian tribe of the Indian reservation that forms a tribal public health unit is a party to a civil action in which the tribal public health unit is also a party, that individual may bring the action in or move the action to tribal court or district court.

#### **23-35-02.2. Public health units to adopt onsite wastewater recycling treatment guide.**

Each public health unit shall adopt the statewide technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies established by the onsite wastewater recycling technical committee.

#### **23-35-02.3. Onsite wastewater recycling technical committee - Appointment - Duties.**

1. The onsite wastewater recycling technical committee consists of:
  - a. Three representatives from local public health units appointed by the governor from a list of names forwarded by local public health units;
  - b. Four individuals who must be installers appointed by the governor. The governor shall appoint the individuals from a list of names forwarded by a professional onsite wastewater recycling association. For purposes of this section, an installer means an individual licensed by a local public health unit to install onsite wastewater sewage treatment systems; and
  - c. One individual who must be a licensed environmental health practitioner appointed by the governor from a list of names forwarded by a professional onsite wastewater recycling association.
2. The director of the department of environmental quality or the director's designee shall provide input at the request of the committee.
3. The terms of the committee members are for four years, and members may be reappointed.

4. The committee shall:
  - a. Meet at the call of at least three of the members.
  - b. Create a statewide technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies.
  - c. Recommend standards and procedures for issuing an installer license.
  - d. Recommend continuing education requirements for installer license renewal.
  - e. Recommend reasonable fees for issuing or renewing an installer license.

**23-35-03. Boards of health.**

1. The department shall advise boards of health.
2. A city's, county's, or tribe's governing body may establish a public health unit by creating and appointing a board of health, which in the case of a city, may be composed of the city's governing body, or in the case of a tribe, may be composed of the tribal council or governing body. A board of health must have at least five members.
  - a. In the case of a board of health created by a joint board of county commissioners, each county in the health district must have at least one representative on the board; each county of over fifteen thousand population must have an additional representative for each fifteen thousand population or major fraction of that number; and in a health district of fewer than five counties, each county must have at least one representative on the district board of health, and the additional representatives selected to constitute the minimum five-member board must be equitably apportioned among the counties on a population basis.
  - b. In the case of a joint city-county health district composed of only one county and having at least one city over fifteen thousand population, each city having a population over fifteen thousand must have a representative on the district board of health for each fifteen thousand population or major fraction of that number, and the remaining population of the county, exclusive of the populations of cities with more than fifteen thousand each, must have a representative on the district board of health for each fifteen thousand population or major fraction of that number, or at least one member if the remaining population is less than fifteen thousand.
3. The initial members of any board of health appointed by a governing body must be appointed for terms as follows: at least one for one year, one for two years, one for three years, one for four years, and one for five years. If a board has more than five members, the members must be appointed for staggered terms. All subsequent appointments are for five-year terms. Each board member shall serve until a successor is appointed and qualified. If a vacancy occurs, the appointing government authority shall appoint a member for the remainder of the unexpired term. Each appointee shall qualify by filing the oath of office. A board of health may not be all male or all female. If the members of a governing body serve on a board of health or if an employee of a governing body serves on a board of health, this subsection does not apply to those governing body members and that employee.
4. A board of health shall meet at least quarterly. Special meetings may be held at any time at the call of the president.
5. Except if the governing body serves as the board of health, at the first meeting after appointment, and annually, the members of a board of health shall organize by electing a president, a vice president, and other officers the board considers necessary. If there is a treasurer and the treasurer is not a public employee, the treasurer must be bonded in an amount fixed by the board. If the health officer is not appointed to the board, the health officer does not have a vote in matters of the board. The office of secretary and treasurer may be combined.
6. The appointing authority shall establish the rate of compensation for board members and actual expenses incurred by board members may be reimbursed at the official reimbursement rates of the appointing authority.

**23-35-04. Health districts - Formation - Contracting for services.**

1. Upon the adoption of a resolution, the governing body may form a single county, multicounty, city-county, or tribal health district.
2. Notwithstanding this chapter, in a county without a countywide public health unit, the board of county commissioners, upon adoption of a resolution, may contract with a city that has a public health department to provide health services to the county and in the cities throughout the county which do not have a public health unit. The contract must comply with chapter 54-40.3. When a contract is executed, any provision of this chapter relating to organizing district boards of health does not apply, and the city public health department shall exercise all the necessary powers and duties of a public health unit under this chapter. The department shall treat a county with a contract under this subsection as a public health unit.

**23-35-05. Health districts - Expansion - Merger.**

1. Upon adoption of a resolution, a county that is not included in any public health unit may request inclusion as a part of an existing health district. Upon receipt of a request to become part of an existing health district, the district board of health shall consider the request and, if the board approves the request by a majority vote, shall submit the matter to each county in the health district. If a majority of the counties approve the request by a majority vote, the requesting county becomes a part of the health district.
2. Upon expansion of a health district under this section, the number of board of health members must be adjusted to allow the added county the same proportion of members allowed to member cities and counties of the existing health district as determined under this chapter.
3. Any two or more health districts may merge into a single health district upon a majority vote of the respective boards of health and a majority vote of the governing body of each county. The assets of each merging health district become the property of the newly created health district. Board of health membership of a new health district must be determined under section 23-35-03, unless otherwise decided by the board. The new health district maintains the same authority and powers of the previous health districts. The mill levy of the newly created health district is not limited by the old mill levy but may not exceed the amount allowed under section 23-35-07, unless one or more of the combining entities was previously levying more than five mills, in which case the mill levy for property within the former entity that was levying more than five mills may not exceed the cap, expressed in mills, as previously authorized for that entity.
4. Upon adoption of a health district plan by two or more counties, the joint board of county commissioners shall appoint a district board of health.

**23-35-06. Health districts - Dissolution - Withdrawal.**

1. Except for a tribal health district, if a health district has been in operation for two years, the district may be dissolved as provided for under this section. If a petition is filed with the county auditor of each county of a health district which is signed by qualified electors of that county equal to ten percent or more of the votes cast in that county at the last general election, an election on the question of dissolution must be presented to the qualified electors in each county in the district at the next election held in each county in the district. If a majority of the votes cast on the question in a majority of the counties favor dissolution, the health district is dissolved on the second January first following the election. If a majority of the votes cast on the question in a majority of the counties are against dissolution, no other election on this issue may be held for two years.
2. If a health district has been in operation for two years, any county may withdraw from the district as provided under this section. If a petition is filed with the withdrawing county's auditor which is signed by qualified electors of the county equal to ten percent or more of the votes cast in that county at the last general election, an election on the question of withdrawal must be presented to the qualified electors in the county at the

next election in the county. If a majority of the votes cast on the question favor withdrawing from the district, the county is withdrawn from the district on the second January first following the election. If a majority of the votes cast on the question are against withdrawal, no other election on this issue may be held for two years.

3. A tribal health district may be dissolved by the tribal council or governing body at any time.

**23-35-07. Health district funds - Financial report.**

1. Except for a tribal health district, a district board of health shall prepare a budget for the next fiscal year at the time at which and in the manner in which a county budget is adopted and shall submit this budget to the joint board of county commissioners for approval. In the year for which the levy is sought, a district board of health, except for a tribal health district, seeking approval of a property tax levy under this chapter must file with the county auditor of each county within the health district, at a time and in a format prescribed by the county auditors, a financial report for the preceding calendar year showing the ending balances of each fund held by the health district during that year. The amount budgeted and approved must be prorated in health districts composed of more than one county among the various counties in the health district according to the taxable valuation of the respective counties in the health district. For the purpose of this section, "prorated" means that each member county's contribution must be based on an equalized mill levy throughout the district, except as otherwise permitted under subsection 3 of section 23-35-05. Within ten days after approval by the joint board of county commissioners, the district board of health shall certify the budget to the respective county auditors and the budget must be included in the levies of the counties. The budget, not including gifts, grants, donations, and contributions, may not exceed the amount that can be raised by a levy of five mills on the taxable valuation, subject to public hearing in each county in the health district at least fifteen days before an action taken by the joint board of county commissioners. Action taken by the joint board of county commissioners must be based on the record, including comments received at the public hearing. A levy under this section is not subject to the limitation on the county tax levy for general and special county purposes. The amount derived by a levy under this section must be placed in the health district fund. The health district fund must be deposited with and disbursed by the treasurer of the district board of health. Each county in a health district quarterly shall remit and make settlements with the treasurer. Any funds remaining in the fund at the end of any fiscal year may be carried over to the next fiscal year.
2. Except for a tribal health district, the district board of health, or the president and secretary of the board when authorized or delegated by the board, shall audit all claims against the health district fund. The treasurer shall pay all claims from the health district fund. The district board of health shall approve or ratify all claims at the board's quarterly meetings.

**23-35-08. Boards of health - Powers and duties.**

Except when in conflict with a local ordinance or a civil service rule within a board of health's jurisdiction, or a tribal code, ordinance, or policy, each board of health:

1. Shall keep records and make reports required by the department.
2. Shall prepare and submit a public health unit budget.
3. Shall audit, allow, and certify for payment expenses incurred by a board of health in carrying into effect this chapter.
4. May accept and expend any gift, grant, donation, or other contribution offered to aid in the work of the board of health or public health unit.
5. May make rules regarding any nuisance, source of filth, and any cause of sickness which are necessary for public health and safety.
6. May establish by rule a schedule of reasonable fees that may be charged for services rendered. Services may not be withheld due to an inability to pay any fees established under this subsection. If a tribal board of health establishes fees for services rendered,

- the fees may not exceed the highest corresponding fee of any of the public health units that border the tribal public health unit.
7. May make rules in a health district or county public health department, as the case may be, and in the case of a city public health department may recommend to the city's governing body ordinances for the protection of public health and safety.
  8. May adopt confinement, decontamination, and sanitary measures in compliance with chapter 23-07.6 which are necessary when an infectious or contagious disease exists.
  9. May make and enforce an order in a local matter if an emergency exists.
  10. May inquire into any nuisance, source of filth, or cause of sickness.
  11. Except in the case of an emergency, may conduct a search or seize material located on private property to ascertain the condition of the property as the condition relates to public health and safety as authorized by an administrative search warrant issued under chapter 29-29.1.
  12. May abate or remove any nuisance, source of filth, or cause of sickness when necessary to protect the public health and safety.
  13. May supervise any matter relating to preservation of life and health of individuals, including the supervision of any water supply and sewage system.
  14. May isolate, kill, or remove any animal affected with a contagious or infectious disease if the animal poses a material risk to human health and safety.
  15. Shall appoint a local health officer.
  16. May employ any person necessary to effectuate board rules and this chapter.
  17. If a public health unit is served by a part-time local health officer, the board of health may appoint an executive director. An executive director is subject to removal for cause by the board of health. The board of health may assign to the executive director the duties of the local health officer, and the executive director shall perform these duties under the direction of the local health officer.
  18. May contract with any person to provide the services necessary to carry out the purposes of the board of health.
  19. Shall designate the location of a local health officer's office and shall furnish the office with necessary equipment.
  20. May provide for personnel the board of health considers necessary.
  21. Shall set the salary of the local health officer, the executive director, and any assistant local health officer and shall set the compensation of any other public health unit personnel.
  22. Shall pay for necessary travel of the local health officer, the local health officer's assistants, and other personnel in the manner and to the extent determined by the board.

**23-35-09. Abatement and removal of nuisance, source of filth, and cause of sickness.**

1. If necessary for the protection of public health to abate or remove any nuisance, source of filth, or cause of sickness, the board of health shall serve notice on the owner or occupant of the property requiring the owner or occupant, at the owner's or occupant's expense, to remove or abate the nuisance, source of filth, or cause of sickness within a time specified by the board, not exceeding thirty days. If the owner or occupant fails to comply with the notice to remove or abate or if the nuisance, source of filth, or cause of sickness exists on property of nonresident owners or on property the owners of which cannot be found, the board of health may remove or destroy the nuisance, source of filth, or cause of sickness at the expense of the appropriate city or county, which shall charge the expense against the lot, piece, or parcel of land on which the work is done.
2. The governing body of the city or county may levy and assess against the property the cost of the removal or destruction of a nuisance, source of filth, or cause of sickness, and the member of the governing body who is responsible for streets shall return and file the assessment in the office of the auditor of the city or county. The auditor shall publish, in the same manner as provided under section 40-22-06, the amount of the assessment together with a notice of the time and location the governing body will

meet to consider the approval of the assessment. Each assessment must be recorded, collected, and paid as other taxes are recorded, collected, and paid.

3. If a board of health determines it necessary for the preservation of public health to enter any building within the board's jurisdiction to examine, destroy, remove, or prevent any nuisance, source of filth, or cause of sickness and is refused entrance into the building, the local health officer, or a designated agent of the local health officer, may make a complaint under oath to a district judge within the jurisdiction of the board of health stating the facts in the case which the local health officer, or a designated agent of the local health officer, has knowledge. If a warrant is issued and if requested by a board of health, a county sheriff or city police department shall provide assistance to that public health unit in any action to search or seize material in or on any private property to destroy, remove, or prevent the nuisance, source of filth, or cause of sickness, if there is probable cause to believe a public health hazard or public health nuisance exists on or in that property, and shall carry out any other preventive measures the public health unit requests. For purposes of this subsection, a request from a public health unit means a request for assistance which is specific to a public health nuisance and is not a continuous request for assistance.

**23-35-10. District boards of health - Acquiring and disposing of property.**

1. A district board of health may acquire by lease, purchase, construction, or gift for district health office use and control property for all purposes authorized by law or necessary to the exercise of the powers granted in this chapter. The district board of health may finance the purchase, construction, or equipping of a building on owned or leased property for the use and purpose for which the health district is formed and carry out the functions of the health district in either of the following ways:
  - a. The district board of health may issue and sell bonds in an aggregate amount not exceeding two times the authorized tax revenues of the district for the year in which the bonds are to be issued and sold; or
  - b. The district board of health may mortgage or otherwise encumber the building constructed in an amount not exceeding two times the authorized tax revenue of the district for the year in which the construction is to be commenced.
2. Bonds issued under this section and income under this section are exempt from any taxes except inheritance, estate, and transfer taxes. The indebtedness for which the bonds are issued, or for which a mortgage may be given as under this section, is neither an obligation or an indebtedness of this state nor of the counties or cities comprising the district board of health. Any indebtedness under this section may be foreclosed in any manner provided by law. The district board of health may convey or transfer property acquired as provided under this section. If, upon dissolution of a health district, any balance remains in the health district fund after all obligations have been paid, the balance must be transferred to the general fund of the counties comprising the health district in proportion to the assessed valuation most recently used in preparing the health district budget under this chapter. If any county in the district withdraws from a health district, any assets and inventory of supplies and equipment located in the county for use in health district programs and services remain the property of the district for use elsewhere in the district.

**23-35-11. Budget.**

A city, county, or health district, as the case may be, shall prepare a county public health unit budget for the next fiscal year at the time and in the manner a county budget is adopted and submit the budget to the board of county commissioners for approval, shall prepare a city public health unit budget for the next fiscal year and submit the budget to the governing body of the city for approval, or shall prepare a district budget as provided under this chapter. In the case of a city board of health, the board shall certify the expenses to the governing body for payment out of the general fund of the city. The governing body or auditor shall audit any expenses incurred in quarantining or disinfecting any property outside an incorporated city and shall pay for any expenses out of the general fund of the county.

**23-35-12. Local health officers.**

1. A local health officer shall serve a term of five years, subject to removal for cause by the governing body or the district board of health. The health officer must be a physician licensed to practice medicine in this state and need not be a resident of the public health unit. The appointee shall qualify by filing the constitutional oath of office in the manner provided for the members of the board of health. If the state health officer finds a local health officer is failing to perform the duties of the position, the state health officer may report the case to the governing body of the appropriate city, county, or district board of health. At the next meeting of the city's or county's governing body or district board of health, the governing body or district board of health shall declare the office vacant and may appoint another physician to fill the unexpired term, or shall report the matter to the board of health, and the board shall declare the office vacant and promptly shall appoint another physician to fill the unexpired term.
2. Within the jurisdiction of the board of health, a local health officer:
  - a. Shall keep a record of the official acts of the local health officer.
  - b. Shall enforce every law and rule relating to preservation of life and health of individuals.
  - c. May exercise the powers and duties of the board of health under the supervision of the board of health.
  - d. May make sanitary inspections of any place within the jurisdiction in which the local health officer finds a probability a health-threatening condition exists.
  - e. May investigate public water and ice supplies suspected of contamination and initiate necessary condemnation proceedings.
  - f. May enforce school cleanliness; inspect any school that may be overcrowded, poorly ventilated, or unsanitary; and, when necessary, report cases of any unsanitary or unsafe school building to the board of health for investigation.
  - g. May take any action necessary for the protection of public health and safety.
  - h. May determine when confinement and decontamination is necessary for the safety of the public. The local health officer may establish confinements consistent with procedures provided under chapter 23-07.6 and perform any acts required for decontamination when necessary.
  - i. Shall maintain an office within the jurisdiction of the public health unit consistent with any terms of appointment.
  - j. May select and discharge any assistant health officer in the public health unit, consistent with any terms of appointment.
3. A local health officer may request the assistance of a county sheriff or city health department in the same manner as provided under subsection 3 of section 23-35-09.

**23-35-13. Penalty.**

A person who violates any order, ordinance, or rule prescribed by any board of health or health officer or any rule adopted under this chapter is guilty of a class B misdemeanor.

## **Board of Health Background Information**

### **Grand Forks Public Health**

Our city code as it pertains to the [Board of Health is located here](#). Specifically:

The board of health shall consist of five (5) members:

One (1) member of the Grand Forks City Council;

one (1) member of the Grand Forks County Board of Commissioners;

two (2) members of the public; and the public health officer.

Each member shall be appointed by the mayor and confirmed by the Grand Forks City Council. The board shall have and exercise the power conferred upon it by law. We currently have the Health Officer, a dentist, a PhD, a county commission member, and city council member on our board of health. They are appointed at the mayor and council's discretion.

The city retains the ability to levy taxes and we have some of our staff paid out of the city general fund, the board of health doesn't have their own taxing authority. The County provides the city a negotiated level of funding from their general funds as well as provides a rent free space in the County Office Building. We keep both the Council and Commission apprised of our work as it pertains to their policies and jurisdiction. Since the city has home rule and the county didn't until recently, it made much more sense for us to be a City department.

### **Fargo Cass Public Health**

We went through a restructure of the Board at the end of this past year and had everyone reapply. It is then we implemented the health background component and increased at large membership with less appointed officials. We align with the little that we need to for state statute, but also have flexibility to increase or decrease based on qualified candidates. We were fortunate to have many qualified apply.

Here is our paragraph from our bylaws regarding membership if this is helpful to anyone.

#### **II. MEMBERSHIP (13-0204)**

- A. The Board of Health shall consist of a minimum of five and a maximum of nine members, to be determined by the Board of City Commissioners based on the availability of qualified applicants.
- B. One of these members shall be a current member of the board of city commissioners.
- C. One of these members shall be a current member of the board of West Fargo City Commissioners.
- D. One of these members shall be a current member of the Cass County Commissioners.
- E. Two to six at-large members comprised of at least one healthcare provider, at least one with behavioral health experience, and those with extensive background in public health, environmental health, health education, or the healthcare industry.

- F. All of these members shall be appointed and approved by the board of city commissioners, Fargo.

In no instance may the board be either all male or all female. Each appointee shall serve until a successor is appointed or qualified, and if a vacancy occurs, the vacancy shall be filled by appointment for the remainder of the unexpired term in the same manner as the initial appointment. Each appointee shall qualify by filing the constitutional oath of office in the office of the city auditor.

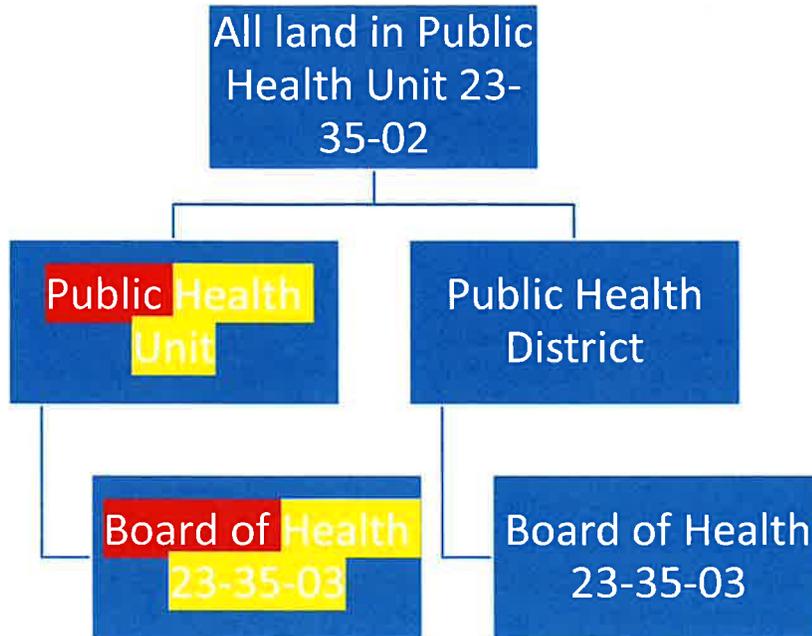
<https://fargond.gov/city-government/boards-commissions/board-of-health>

## **Board of Health**

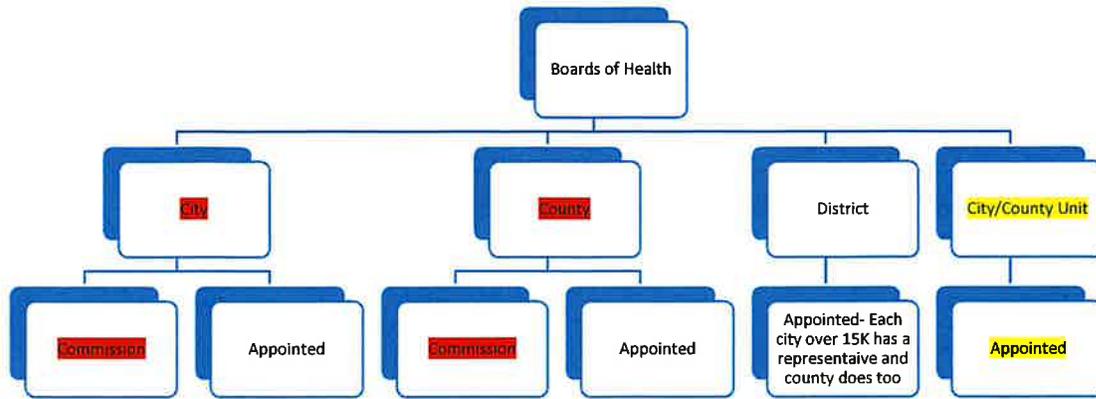
The Fargo Cass Public Health Board of Health is an advisory board appointed by the Fargo City Commission. Beginning in 2023, the Board of Health will meet quarterly at a minimum. Board responsibilities:

- Be a community advocate for public health.
- Make recommendations to the Board of City Commissioners and Cass County Commission regarding public health issues ensuring policy and legislation is based on the most rigorous and current scientific evidence based on expert recommendation or evidence-based or promising practices.
- Provide feedback on the public health department's strategic plan and provide guidance on goals and objectives and ensure alignment with the health department's mission.
- Assist in providing feedback in identifying and prioritizing programs using data highlighting community needs.
- Review the annual budget and fiscal reports and provide a recommendation to support or revise.
- Review and make recommendations regarding the public health department's policies and procedures involving significant changes.
- Provide feedback on performance evaluations on the Health Officer and the Director of Public Health positions if requested by City Administration.

Omitting multi-county and tribal health units/districts for this exercise.



Red is what we are now. Yellow is what I believe everyone would like to move to. We are a city/county public health unit under NDCC 23-35-04(2). Governing body may form a single county or city-county health district. NDCC 23-35-04(1). Single county or city-county district can only go county for budget approval for any mill levy. County can levy up to 5 mills.



Services can be provided by contract with any qualified entity (i.e. Sanford, City, spherion, etc.) or by the unit employing individuals in its own capacity.

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2153  
(Senators Lee, Hogan, K. Roers)  
(Representatives Dobervich, Rohr, Weisz)

AN ACT to amend and reenact section 23-35-02 of the North Dakota Century Code, relating to the core functions of public health units.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 23-35-02 of the North Dakota Century Code is amended and reenacted as follows:

**23-35-02. Public health units - Core functions.**

1. ~~All land in the state must be in a public health unit before January 1, 2001. The department of health and human services may issue rules defining the core functions a public health unit shall undertake.~~
2. At a minimum, a public health unit shall provide the following core functions:
  - a. Communicable disease control, which must include:
    - (1) Conducting of disease surveillance for the purpose of preventing and controlling communicable disease, with assistance from the department.
    - (2) Assurance of the availability of community-based programs to provide communicable disease prevention and control services.
    - (3) Recognition, identification, and response to a communicable disease event, in collaboration with the department.
  - b. Chronic disease and injury prevention, which must include conducting programs to reduce the burden of chronic disease and injury through policy, system, and environmental change approach; prevention screening; and education.
  - c. Environmental public health, which must include:
    - (1) Prevention of environmental hazards by the provision of information and education to facility operators and managers and to community members.
    - (2) Assurance of the availability of environmental health services to prevent and respond to community and residential environmental hazards.
  - d. Maternal, child, and family health, which must include:
    - (1) Assessment and monitoring of maternal and child health status to identify and address problems.
    - (2) Implementation of programs to promote the health of women, children, and youth, and their families, through policy, system, and environmental change approaches; prevention screenings; and education.
  - e. Access to clinical care, which must include:
    - (1) Collaboration with health care system partners to foster access to clinical care.

- (2) Facilitation of linkages and referrals for appropriate clinical care, services, and resources.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2153.

Senate Vote:    Yeas 34            Nays 12            Absent 1

House Vote:    Yeas 75            Nays 17            Absent 2

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

**ITEM**

**# 13**

Addenda item for May 15th, 2023 Meeting

Action Requested

Evaluating lease rates in Bismarck

Description:

We currently are in discussions with the City of Bismarck on extending the lease agreements at both the City County Building and the County Court House.

With further consideration The CRA Group will not be able to take on the assignment for a lease rate valuation for the County. With lease listings throughout the market members of the city or county may look at this valuation as a biased opinion.

Currently we are paying the city \$15 per sq foot and the city is paying the county \$4 per square foot for the areas that are currently under contract. At the end of the day, this additional lease payment is a direct cost to the residents of Burleigh County and I would rather see the \$4 rate plus utilities and cleaning costs be used by both entities.

Evaluating the current available commercial lease spaces that were provided by staff, I would recommend using those leases to come up with an appropriate rate for our negotiations. For the building sizes smaller than our requirements, the average is \$14 per square foot which includes utilities. For the spaces that are close to our requirements, the average is \$23 per square foot which includes utilities and cleaning.

Action needed:

There are two possible actions:

I move to allow the chair to negotiate a fair rental rate for both the City County Building and the Municipal Court.

I move to accept the city's request of a lease rate of \$15 per square foot plus utilities and janitorial services. Furthermore, I move that we request the same plus a fee for providing armed security for the Municipal Court Lease agreement.

## Burleigh County Board Appointments

<i>Bismarck Planning Commission – 5 year term</i>		
<b>Paul Levchak</b> (County Appointed)	(2019)	12/31/2023
<b>Trent Wangan</b> (County Appointed)	(2020)	12/31/2024
<b>Robert Field</b> (County Appointed)	(2023)	12/31/2027
<b>Brian Bitner</b> (County Appointed)		
<b>Brian Eiseman</b>		
<b>Kevin Martin</b>		
<b>Gabe Schell</b>		
<b>Mike Schmitz</b>		
<b>Wendy VanDuyne</b>		
<b>Tom Atkinson</b>		
<b>Mike Schwartz</b>		
<i>County Planning Commission – 4 year term</i>		
<b>Bea Streifel</b>	(2020)	12/31/2023
<b>Dennis Agnew</b>	(2020)	12/31/2023
<b>Dale Patrick</b>	(2019)	12/31/2025
<b>Alvie Jarratt</b>	(2021)	12/31/2025
<b>Brian Zuroff</b>	(2020)	12/31/2025
<b>Steve Marquart</b>		
<b>Mike Schmitz</b>		
<b>Brian Bitner</b>		
<b>Wayne Munson</b>		
<i>County Housing Authority – 5 year term</i>		
<b>Arlene Olson</b>	(2003)	12/31/2023
<b>Cynthia Chavez</b>	(2020)	12/31/2024
<b>Lois Sundquist</b>	(2020)	12/31/2025
<b>Steven Sathre</b>	(2017)	12/31/2026
<b>Sister Kathleen Atkinson</b>	(2015)	12/31/2027
<i>Human Service Zone Board – 3 year term</i>		
<b>Tracy Famias</b>	(2020)	11/30/2023
<b>James Hulm</b>	(2020)	11/30/2023
<b>Leslie Pearcy</b>	(2021)	11/30/2024
<b>Dick Dever</b>	(2021)	11/30/2024
<b>Trevor Vannett</b>	(2021)	11/30/2024
<b>Gaylynn Becker</b>	(2020)	11/30/2025
<b>Chelsea Flory</b>		
<b>Becky Matthews</b>		
<i>Lincoln City Planning Commission – 5 year term</i>		
<b>Elizabeth Flemming</b>	(2017)	12/31/2026
<i>County Park Board – 3 year term</i>		
<b>Jeffery Herman</b>	(2021)	12/31/2024
<b>Errol Behm</b>	(2019)	12/31/2024
<i>School District Reorganization – 3 year term</i>		
<b>Kim Birkeland</b>	(2011)	6/30/2024
<b>Brenda Blazer</b>	(2011)	6/30/2024
<b>Joyce Falkenstein</b>	(1995)	6/30/2024
<b>Dawn Aberle</b>	(2016)	6/30/2025
<b>Linda MacDonald</b>	(2007)	6/30/2025

## Burleigh County Board Appointments

<i>Spectral Assessment Commission – 6 year term</i>		
<b>Lee Lunde</b>	(2007)	3/31/2025
<b>Jeff Eslinger</b>	(2015)	3/31/2027
<b>Mike Heim</b>	(2005)	3/31/2029
<i>Water Management Board – 3 year term</i>		
<b>Cory Palm</b>	(2020)	12/31/2023
<b>Randall Binegar</b>	(2021)	12/31/2024
<b>Roger Smith</b>	(2021)	12/31/2024
<b>Dennis Reep</b>	(2014)	12/31/2025
<b>James Landenberger</b>	(2017)	12/31/2025
<i>Weed Control Board – 4 year term</i>		
<b>David Nehring</b>	(2020)	12/31/2023
<b>Greg Anderson</b>	(2022)	12/31/2023
<b>Larry Falkenstein</b>	(2021)	12/31/2025
<b>Denise Brown</b>	(2022)	12/31/2025
<b>Cole Anderson</b>	(2012)	12/31/2025

### *Officials Appointed to Serve at the Pleasure of the Board*

11/30/2022

<b>Joshua Seil</b>	County Coroner
<b>Mary Senger</b>	Emergency Manager/Disaster Preparedness Director
<b>Marcus J Hall</b>	Engineer
<b>Kelly Leben</b>	Jail Administrator
<b>Pamela Binder</b>	Safety/Risk Management Director & Human Resource Director
<b>Chelsea Flory</b>	Human Service Director
<b>Al Vietmeier</b>	Tax Equalization Director/County Assessor
<b>Mark Landis</b>	Veterans Service Officer
<b>Tyler Kralicek</b>	County Agent
<b>Mitch Flanagan</b>	Building Official/Director

BURLEIGH COUNTY COMMISSION AND PARK BOARD  
2023 MEETING SCHEDULE  
TOM BAKER MEETING ROOM - CITY\COUNTY BUILDING

Review  
Bills

	<u>DATE</u>	<u>AGENDA</u>
Munson	Jan. 4 (Weds) 18 (Weds)	Regular Meeting – Reorganize/Assign Portfolios 2 <sup>nd</sup> Meeting
Schwab	Feb. 6 23 (Thurs)	Regular Meeting 2 <sup>nd</sup> Meeting
Woodcox	Mar. 6 20	Regular Meeting 2 <sup>nd</sup> Meeting
Bitner	Apr. 3 17	Regular Meeting 2 <sup>nd</sup> Meeting
Matthews	May 1 15	Regular Meeting 2 <sup>nd</sup> Meeting
Munson	June 5 19	Regular Meeting/Equalization 2 <sup>nd</sup> Meeting
Schwab	July 5 (Weds) 19 & 20	Regular Meeting 2 <sup>nd</sup> Meeting & Preliminary Budget Introduction (8:30AM)
Woodcox	Aug. 7 21	Regular Meeting 2 <sup>nd</sup> Meeting
Bitner	Sept. 6 (Weds) 20 (Weds)	Regular Meeting 2 <sup>nd</sup> Meeting/Final Budget Hearing
Matthews	Oct. 2 1- 3 16	Regular Meeting Hearing to establish minimum sales prices for tax sale NDACo Convention – Bismarck 2 <sup>nd</sup> Meeting
Munson	Nov. 1 (Weds) 20 21	Regular Meeting 2 <sup>nd</sup> Meeting Annual Tax Sale (10:00 AM)
Schwab	Dec. 4 18	Regular Meeting 2 <sup>nd</sup> Meeting

11-11-05. Meetings of board - Time and place.

The board of county commissioners shall meet and hold regular meetings for the transaction of business at a time and place to be designated by the commission on a date certain established by resolution or ordinance of the commission. The county auditor shall have power to call special meetings when the interests of the county demand it. The chairman of the board, or a majority of the members thereof, may call special meetings that must be noticed in accordance with section 44-04-20.

## Burleigh County Commission - 2023 Portfolios

Each Commissioner shall periodically submit recommendations to the Board on policies and decisions relative to their portfolios assignments for final approval by the full Board of County Commissioners.

Becky Matthews Chair	Brian Bitner Vice Chair	Wayne Munson	Steve Schwab	Jerry Woodcox
Bismarck-Burleigh Joint Committee Central Dakota Communications Center (911) Council on Aging/Senior Adults Program County Library Government Coordination & Community Involvement: Intergovernment Committee Human Resources Human Service Zone (Social Services) Public Health	Auditor Building/Planning/Zoning Buildings, Grounds & Abandoned Cemeteries Emergency Management Finance	Building/Planning/Zoning Burleigh/Morton Detention Center Board County Parks Government Coordination & Community Involvement: Bismarck Mandan Chamber EDC Home Rule Charter Missouri Valley Complex Veterans Services	Extension Highway Department Metropolitan Planning Organization Weed Board	Burleigh/Morton Detention Center Board Recorder Sheriff's Office State's Attorney Superintendent of Schools Water Resource Board

# 2023 Calendar

January						
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## Federal Holidays 2023

Jan 1	New Year's Day	Jun 19	Juneteenth	Nov 11	Veterans Day
Jan 2	New Year's Day (observed)	Jul 4	Independence Day	Nov 23	Thanksgiving Day
Jan 16	Martin Luther King Day	Sep 4	Labor Day	Dec 25	Christmas Day
Feb 20	Presidents' Day	Oct 9	Columbus Day		
May 29	Memorial Day	Nov 10	Veterans Day (observed)		





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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

June 5, 2023

### 3:00 PM

#### COUNTY BOARD OF EQUALIZATION

The Board shall meet during the first ten (10) days in June to equalize and correct the assessment rolls. The Board of Equalization may change the valuation and assessments of any real property upon the rolls, by increasing or diminishing the assessed value of thereof. The Board shall be responsible and just to render uniform taxation.

- A. The Board shall sit as the Township Board of Equalization for the Unorganized Townships.
- B. The Board shall then review the assessments of the cities of Bismarck, Lincoln, Regan, South Wilton, and Wing.
- C. The Board shall then review the assessments of all Organized and Unorganized Townships.
- D. Other Business.
- E. Adjourn.

### 5:00 PM *Invocation by Chaplain*

#### COUNTY PARK BOARD

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Consideration and approval of the May 1, 2023, meeting minutes and bills.
4. Update on County boat ramps.
5. Other Business:
6. Adjourn.

#### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.

2. Roll call of members.
3. Approval of Agenda.
4. Consideration and approval of the May 15, 2023, meeting minutes and bills.
5. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
  - c. Request for 2<sup>nd</sup> access permit
6. County Engineer Marcus Hall:
  - a. Developer Waiver Request
  - b. Parker Kilde 3<sup>rd</sup> Approach Permits.
  - c. Public Hearing for Vacation of Easement for Public Road
7. County Sherrif Kelly Leben:
  - a. Asset Forfeiture Funding Request.
    - a.1 Mobile Data Terminals
    - a.2 Video/Audio Redaction Software and Equipment
  - b. Burleigh County Asset Forfeiture Fund and Procedure
  - c. Country Financial Donation
  - d. Quarterly Jail report
8. County Planning Director Mitch Flanagan:
  - a. Appeal of Permit Denial.
  - b. Resolution to Amend Article 12 and 33.
9. Commissioner Munson:
  - a. Consideration of Applicants for the Home Rule Charter Committee.
  - b. Missouri Valley Complex Committee
  - c. Ag and Equestrian Center
10. Commissioner Bitner:
  - a. Provident Building update.
11. County Auditor/ Treasurer Mark Splonskowski:
  - a. Update on potential sale of Bismarck Tire Parking Lot.
12. Deputy Finance Director Justin Schulz:
  - a. County Involvement Budget.
13. Chair Matthews:

- a. Appointment of a Commissioner to the Lewis and Clark Regional Development Council.

14. County HR Director Pam Binder:

- a. Burleigh County Health Insurance Plan.

15. Other Business:

16. Adjourn.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax

**COUNTY  
BOARD  
OF  
EQUALIZATION**

**BURLEIGH COUNTY**  
**EQUALIZATION REPORT**



**June 5th, 2023**



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## **Burleigh County Tax Equalization Meeting**

**Monday, June 5<sup>th</sup>, 2023**

**Tom Baker Room**

1. MOTION to approve assessments of the Unorganized Townships (the Board sits as the Township Boards of Equalization for each Unorganized Townships).
2. MOTION to approve Agricultural Land values to implement North Dakota State Tax Department recommendation on the average value per acre.
3. MOTION to approve the assessment of the Cities of Bismarck, Wing, Regan, South Wilton and Lincoln.
4. MOTION to approve assessments of the Organized and Unorganized Townships.
5. MOTION to approve Application for Property Tax Exemption for Improvements to Commercial and Residential Buildings N.D.C.C. §57-02.2 as recommended by Tax Equalization Director Allan Vietmeier.
6. MOTION to approve and accept the 2023 real property assessments as equalized, to authorize the County Tax Director to make corrections to property values in Burleigh County as needed, and further to adjourn sine die.

STATE OF NORTH DAKOTA  
*County of Burleigh*  
 221 N 5<sup>th</sup> St Bismarck ND 58501

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Becky Matthews, Chairman  
 Burleigh County Board of Commissioners

This report is respectfully submitted as an overview of local property tax assessments in Burleigh County. Based on this summary, the county valuation increased 9.05 percent from February 1, 2022, to February 1, 2023, due to new construction, non-exemption remodeling and improvements, property classification changes, market changes, abatements and reappraisals.

I recommend the County Board of Equalization increase agricultural land 5.7 percent to remain between 90% and 100% of the state recommended value for 2023.

Procedures for assessment and appraisal are conducted under guidance from the North Dakota Tax Commissioner's Office, North Dakota Century Code, and nationally recognized standards of mass appraisal of real property. The Burleigh County Tax Director respectfully recommends that the assessment roll be approved as submitted. Should anyone appear before the Board to protest an assessment in the 2022 report, and if the protest cannot be resolved today, I request that this office be given the opportunity to review the valuation in question. Should an inequity be noted, the abatement process as outlined in N.D.C.C. § 57-23 will be employed to rectify the discrepancy.

**TRUE AND FULL VALUE FOR BURLEIGH COUNTY**

<b>Classification</b>	<b>2022*</b>	<b>2023</b>	<b>Difference</b>
Agricultural Land	\$ 435,396,800	\$ 459,480,000	5.53%
Commercial Land	\$ 988,921,000	\$ 1,025,501,200	3.70%
Residential Land	\$ 1,594,593,500	\$ 1,652,694,800	3.64%
Commercial Building	\$ 2,707,018,200	\$ 3,066,325,500	13.3%
Residential Building	<u>\$ 7,172,723,850</u>	<u>\$ 7,866,054,300</u>	<u>9.67%</u>
<b>TOTAL</b>	<b>\$ 12,898,653,350</b>	<b>\$14,070,055,800</b>	<b>9.08%</b>

**TRUE AND FULL VALUE FOR BURLEIGH COUNTY (EXCLUDING THE CITY OF BISMARCK)**

<b>Classification</b>	<b>2022*</b>	<b>2023</b>	<b>Difference</b>
Agricultural Land	\$ 434,565,900	\$ 458,707,100	5.56%
Commercial Land & Building	\$ 213,853,500	\$ 232,346,400	8.65%
Residential Land & Building	<u>\$ 2,531,560,950</u>	<u>\$ 2,790,476,000</u>	<u>10.2%</u>
<b>TOTAL</b>	<b>\$ 3,179,980,350</b>	<b>\$ 3,481,529,500</b>	<b>9.48%</b>

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**TRUE AND FULL VALUE FOR CITY OF BISMARCK**

<b>Classification</b>	<b>2022*</b>	<b>2023</b>	<b>Difference</b>
Agricultural Land	\$ 830,900	\$ 772,900	-6.98%
Commercial Land & Building	\$ 3,482,085,700	\$ 3,859,480,300	10.8%
Residential Land & Building	<u>\$ 6,235,756,400</u>	<u>\$ 6,728,273,100</u>	<u>7.90%</u>
<b>TOTAL</b>	<b>\$ 9,718,673,000</b>	<b>\$10,588,526,300</b>	<b>8.95%</b>

\*2022 ASSESSMENT ROLL REFLECTS VALUES THAT WERE CERTIFIED TO THE STATE TAX DEPARTMENT. THESE VALUES HAVE CHANGED DURING THE 2020 YEAR DUE TO ABATEMENTS AND PRORATION'S.

## **Agricultural Land**

Each year, the State Tax Department provides Burleigh County with an estimate of average value per acre of agricultural land, cropland, and non-cropland.

The original 2023 estimate from the State was authorized December of 2022 and was **\$504.46** per acre (county average), **\$782.31** per acre (cropland average) and **\$170.05** per acre (non-cropland average). These values are derived from agricultural statistics compiled over the past ten years and are used to capitalize the average annual gross return of an acre of land to a landowner.

The capitalization rate used in the valuation formula is calculated annually by the Agribusiness and Applied Economics Department of the North Dakota State University and provided to the State Tax Department. It is calculated by taking the twelve most recent years' gross federal land bank (AgriBank, FCB) mortgage rate of interest for North Dakota, eliminating the highest and lowest years, and averaging the remaining ten years.

I recommend that the County Board of Equalization raise all agricultural land outside the City of Bismarck 5.7% on average to remain in compliance with both the soils and the productivity model supplied to us by the ND Tax Department. This maintains a county average to \$495.46 per acre and keeps agricultural land within the state's recommendation. The range of tolerance is 10 percent. This puts Burleigh County at 98% of the production model for 2023.

## **Burleigh County Assessment Sales Ratio Study**

The purpose of the Burleigh County Assessment Sales Ratio Study is to advise local assessment officials and to recommend to the Tax Commissioner changes to be made by the State Board of Equalization in the performance of the equalization duties prescribed by law. The current study includes sales of property occurring between January 1, 2022 and December 31, 2022.

STATE OF NORTH DAKOTA  
*County of Burleigh*

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A current study of the county, which does not include the City of Bismarck, indicates Market adjustments needed for Residential property.

Based on a review of 2023 assessments and the 2022 sales ratio study, the county will be within the tolerances allowed by the State Board of Equalization for residential and commercial values when the assessment rolls are approved.

The Sales Ratio Study for 2022 is based on the following data:

	<b>Residential</b>	<b>Commercial</b>
<b>2022 Sales and Appraisals</b>	113	30
<b>Total Sales/Appraisal Value</b>	\$ 41,690,516	\$ 14,984,039
<b>Total Assessment Value</b>	\$ 36,077,200	\$ 12,204,900
<b>Arithmetic Mean</b>	86.9%	90.1%
<b>Aggregate Mean</b>	86.5%	81.5%
<b>Median</b>	85.4%	93.4%
<b>Price Related Differential</b>	1.00	1.11
<b>Coefficient of Dispersion</b>	7.49	12.42
<b>Indicated Adjustment to be at 100%</b>	14.6%	6.6%

**Arithmetic Mean Ratio:** Sum of the ratios divided by the number of ratios. This measure of central tendency is affected by extreme ratios.

**Aggregate Mean:** Sum of true and full values divided by the sum of the sales or appraisal prices. This number is affected by extremely large values (sales/appraisal price or true and full value).

**Median:** Ratios are arrayed from high to low and the median is the middle ratio in the array. This is not affected by extreme values and the goal is to have a median ratio between 0.90 and 1.00. This is the primary measure used by the North Dakota State Tax Department.

**Price Related Differential (PRD):** Measures regressivity or progressivity of assessor's estimates of true and full value. The goal is to have the PRD between .98 and 1.03.

**Coefficient of Dispersion (COD):** Measures uniformity of true and full values estimate as an average deviation from the median. A COD of 10 percent or less is excellent, 10 to 20 percent is good and 20 to 30 percent is acceptable.

STATE OF NORTH DAKOTA  
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## Conclusion

The 2023 assessment roll in Burleigh County has experienced rapid upward growth in the residential and commercial sector. This condition is caused by the stable yet growing economy in Burleigh County and the state. The real estate market that has remained steady for years with sales numbers consistently good throughout the county. This is now beginning to explode. With these current conditions we will begin to see market trends that can begin a period of instability.

Some of the value changes that we are experiencing are due to the City of Bismarck finishing a much-needed reassessment projects throughout the city. These are being done to bring a level of uniformity to the assessments that makes up the majority of Burleigh County's tax base. Burleigh County is also on an ongoing reassessment cycle that has caused values to increase to stay current with the market trends of 2022.

The state of North Dakota and Burleigh County continue to lead national trends in low unemployment and new construction. We have a market that is exploding which from the equalization standpoint causes some volatility that we will have to closely monitor to remain within the allowed tolerances put forth by the State Board of Equalization.

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Tax Appraiser Tessa Knudson



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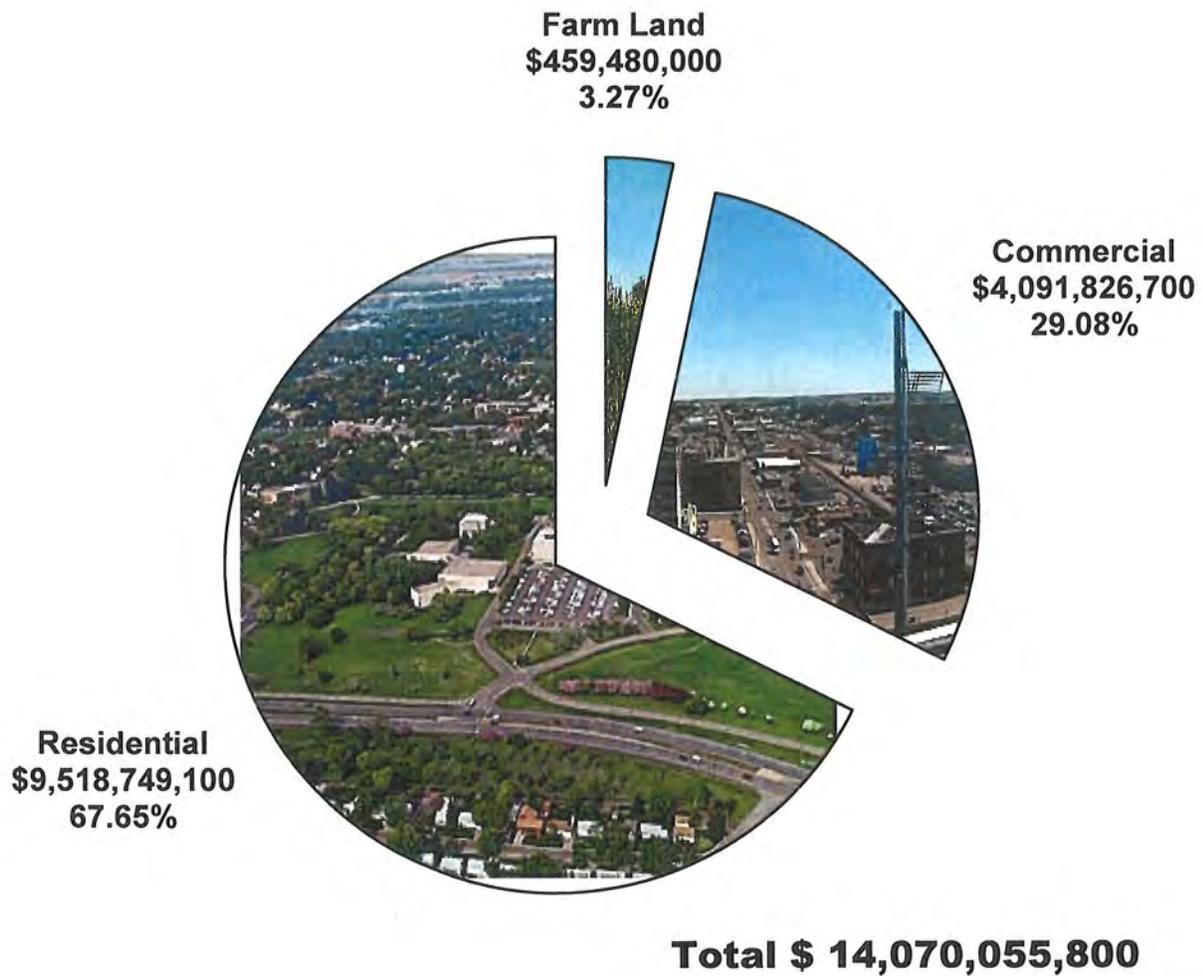
Tax Equalization Director Allan Vietmeier



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Tax Appraiser Erin Buchwitz

# 2023 Market Values By Class Rural and Bismarck

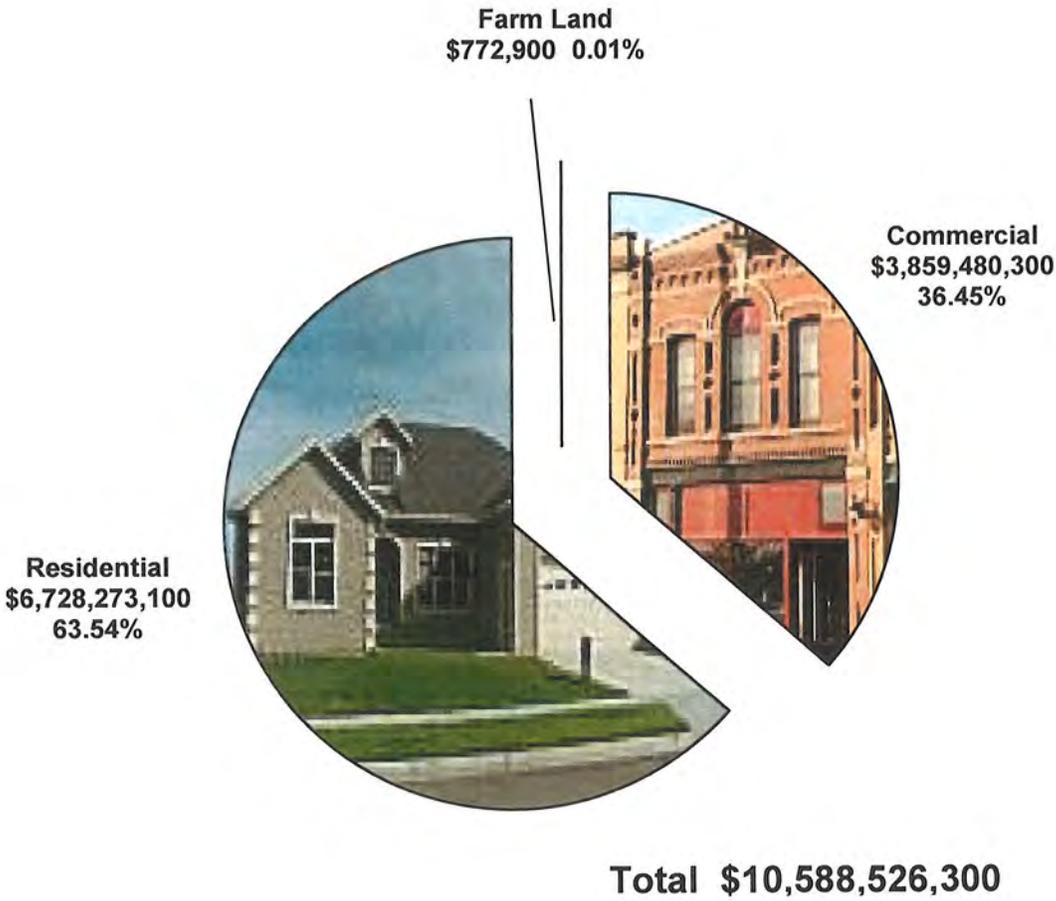


Homestead credits & Disabled Veteran credits  
not included in values

# Market Valuation Totals by Classification

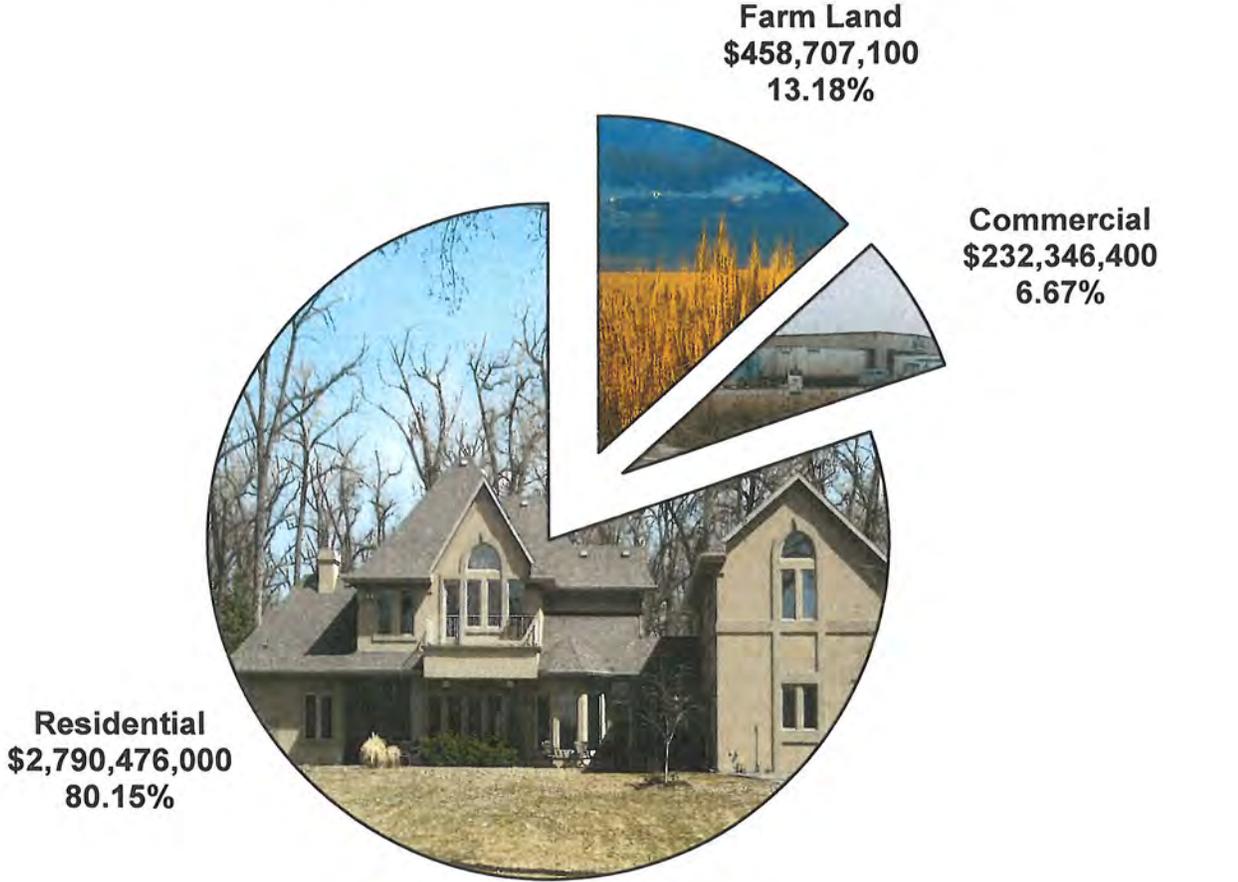
City/Township	Farm Land	% + or -	Commercial Land & Bldg	% + or -	Residential Land & Bldg	% + or -	Total	Total % + or -
<b>Burleigh County &amp; Small Cities</b>								
2022	\$ 434,565,900		\$ 213,853,500		\$ 2,531,560,950		\$ 3,179,980,350	
2023	\$ 458,707,100		\$ 232,346,400		\$ 2,790,476,000		\$ 3,481,529,500	
<b>Amount of Change</b>	\$ 24,141,200	5.56%	\$ 18,492,900	8.65%	\$ 258,915,050	10.23%	\$ 301,549,150	9.48%
<b>City of Bismarck</b>								
2022	\$ 830,900		\$ 3,482,085,700		\$ 6,235,756,400		\$ 9,718,673,000	
2023	\$ 772,900		\$ 3,859,480,300		\$ 6,728,273,100		\$ 10,588,526,300	
<b>Amount of Change</b>	\$ (58,000)	-6.98%	\$ 377,394,600	10.838%	\$ 492,516,700	7.898%	\$ 869,853,300	8.950%
<b>2022 Sub Total</b>	\$ 435,396,800		\$ 3,695,939,200		\$ 8,767,317,350		\$ 12,898,653,350	
<b>2023 Sub Total</b>	\$ 459,480,000	5.53%	\$ 4,091,826,700	10.71%	\$ 9,518,749,100	8.57%	\$ 14,070,055,800	9.08%

# 2023 Market Values by Class City of Bismarck



Homestead and Disabled Veteran credits not included  
in values

# 2023 Market Values Rural & Small Cities (Excluding Bismarck)



**Totals \$ 3,481,529,500**

Homestead and Disabled Veteran credits not included in values

# Market Valuations Cities

City/Township	Farm Land	Commercial Land & Bldg	Residential Land & Bldg	Total	% Increase Decrease
<b>City of Bismarck</b>					
2022	\$830,900	\$3,482,085,700	\$6,235,756,400	\$9,718,673,000	
2023	\$772,900	\$3,859,480,300	\$6,728,273,100	\$10,588,526,300	
Amount of Change	-\$58,000	\$377,394,600	\$492,516,700	\$869,853,300	8.95%
<b>City of Lincoln</b>					
2022	\$33,700	\$22,880,000	\$305,935,600	\$328,849,300	
2023	\$15,200	\$23,466,900	\$339,904,500	\$363,386,600	
Amount of Change	-\$18,500	\$586,900	\$33,968,900	\$34,537,300	10.50%
<b>City of Regan</b>					
2022	\$363,100	\$445,100	\$436,300	\$1,244,500	
2023	\$383,200	\$437,400	\$436,400	\$1,257,000	
Amount of Change	\$20,100	-\$7,700	\$100	\$12,500	1.00%
<b>City of Wing</b>					
2022	\$0	\$1,083,000	\$3,739,000	\$4,822,000	
2023	\$0	\$1,105,000	\$3,822,700	\$4,927,700	
Amount of Change		\$22,000	\$83,700	\$105,700	2.19%
<b>City of Wilton (South)</b>					
2022	\$0	\$2,054,800	\$8,280,500	\$10,335,300	
2023	\$0	\$2,194,700	\$8,930,200	\$11,124,900	
Amount of Change		\$139,900	\$649,700	\$789,600	7.64%

## Market Valuations Unorganized Townships

City/Township	Farm Land	Commercial Land & Bldg	Residential Land & Bldg	Total	% Increase Decrease
<b>Burnt Creek</b>					
2022	\$8,554,100	\$10,600,500	\$263,860,900	\$283,015,500	
2023	\$9,407,900	\$11,999,600	\$301,605,700	\$323,013,200	
<b>Amount of Change</b>	\$853,800	\$1,399,100	\$37,744,800	\$39,997,700	14.13%
<b>Canfield</b>					
2022	\$9,950,700	\$1,000	\$124,100	\$10,075,800	
2023	\$10,502,900	\$1,000	\$124,100	\$10,628,000	
<b>Amount of Change</b>	\$552,200	\$0	\$0	\$552,200	5.48%
<b>Florence Lake</b>					
2022	\$6,893,300	\$0	\$22,100	\$6,915,400	
2023	\$7,257,600	\$1,000	\$22,900	\$7,281,500	
<b>Amount of Change</b>	\$364,300	\$1,000	\$800	\$366,100	5.29%
<b>Fort Rice</b>					
2022	\$1,192,600	\$1,928,700	\$49,293,300	\$52,414,600	
2023	\$1,259,100	\$1,996,400	\$52,562,500	\$55,818,000	
<b>Amount of Change</b>	\$66,500	\$67,700	\$3,269,200	\$3,403,400	6.49%
<b>Lincoln</b>					
2022	\$2,122,800	\$45,626,500	\$357,884,950	\$405,634,250	
2023	\$2,244,100	\$50,043,700	\$395,725,900	\$448,013,700	
<b>Amount of Change</b>	\$121,300	\$4,417,200	\$37,840,950	\$42,379,450	10.45%
<b>Lyman</b>					
2022	\$9,299,700	\$1,000	\$76,200	\$9,376,900	
2023	\$9,825,600	\$1,000	\$79,200	\$9,905,800	
<b>Amount of Change</b>	\$525,900	\$0	\$3,000	\$528,900	5.64%
<b>Phoenix</b>					
2022	\$7,281,700	\$0	\$0	\$7,281,700	
2023	\$7,699,000	\$0	\$0	\$7,699,000	
<b>Amount of Change</b>	\$417,300	\$0	\$0	\$417,300	5.73%
<b>Riverview</b>					
2022	\$4,589,700	\$6,637,100	\$89,817,900	\$101,044,700	
2023	\$4,848,300	\$7,030,100	\$104,058,900	\$115,937,300	
<b>Amount of Change</b>	\$258,600	\$393,000	\$14,241,000	\$14,892,600	14.74%

## Market Valuations (Townships)

City/Township	Farm Land	Commercial Land & Bldg	Residential Land & Bldg	Total	% Increase Decrease
<b>Apple Creek</b>					
2022	\$6,417,500	\$23,308,000	\$387,248,000	\$416,973,500	
2023	\$6,633,200	\$24,419,300	\$418,768,800	\$449,821,300	
<b>Amount of Change</b>	\$215,700	\$1,111,300	\$31,520,800	\$32,847,800	7.88%

<b>Boyd</b>					
2022	\$9,563,900	\$1,154,100	\$10,150,900	\$20,868,900	
2023	\$10,114,900	\$520,200	\$10,941,100	\$21,576,200	
<b>Amount of Change</b>	\$551,000	-\$633,900	\$790,200	\$707,300	3.39%

<b>Christiania</b>					
2022	\$11,677,200	\$2,000	\$341,600	\$12,020,800	
2023	\$12,332,000	\$2,000	\$341,600	\$12,675,600	
<b>Amount of Change</b>	\$654,800	\$0	\$0	\$654,800	5.45%

<b>Clear Lake</b>					
2022	\$12,018,800	\$0	\$708,600	\$12,727,400	
2023	\$12,692,000	\$0	\$713,100	\$13,405,100	
<b>Amount of Change</b>	\$673,200	\$0	\$4,500	\$677,700	5.32%

<b>Crofte</b>					
2022	\$11,634,400	\$733,000	\$7,020,700	\$19,388,100	
2023	\$12,270,500	\$739,000	\$7,020,700	\$20,030,200	
<b>Amount of Change</b>	\$636,100	\$6,000	\$0	\$642,100	3.31%

<b>Cromwell</b>					
2022	\$10,374,100	\$24,400	\$1,100,200	\$11,498,700	
2023	\$10,959,100	\$24,400	\$1,075,400	\$12,058,900	
<b>Amount of Change</b>	\$585,000	\$0	-\$24,800	\$560,200	4.87%

<b>Driscoll</b>					
2022	\$11,648,600	\$471,900	\$4,139,400	\$16,259,900	
2023	\$12,278,200	\$471,900	\$3,947,400	\$16,697,500	
<b>Amount of Change</b>	\$629,600	\$0	-\$192,000	\$437,600	2.69%

## Market Valuations (Townships)

City/Township	Farm Land	Commercial Land & Bldg	Residential Land & Bldg	Total	% Increase Decrease
<b>Ecklund</b>					
2022	\$19,300,300	\$827,000	\$3,189,700	\$23,317,000	
2023	\$20,377,800	\$1,006,300	\$3,602,900	\$24,987,000	
<b>Amount of Change</b>	\$1,077,500	\$179,300	\$413,200	\$1,670,000	7.16%
<b>Estherville</b>					
2022	\$12,385,800	\$4,000	\$320,000	\$12,709,800	
2023	\$13,080,200	\$2,500	\$355,100	\$13,437,800	
<b>Amount of Change</b>	\$694,400	-\$1,500	\$35,100	\$728,000	5.73%
<b>Frances</b>					
2022	\$9,613,100	\$6,500	\$244,000	\$9,863,600	
2023	\$10,158,200	\$6,500	\$244,000	\$10,408,700	
<b>Amount of Change</b>	\$545,100	\$0	\$0	\$545,100	5.53%
<b>Ghylin</b>					
2022	\$12,086,100	\$58,600	\$607,500	\$12,752,200	
2023	\$12,761,500	\$58,600	\$607,500	\$13,427,600	
<b>Amount of Change</b>	\$675,400	\$0	\$0	\$675,400	5.30%
<b>Gibbs</b>					
2022	\$10,446,100	\$9,906,500	\$326,436,100	\$346,788,700	
2023	\$10,394,700	\$9,861,200	\$359,747,400	\$380,003,300	
<b>Amount of Change</b>	-\$51,400	-\$45,300	\$33,311,300	\$33,214,600	9.58%
<b>Glenview</b>					
2022	\$9,111,200	\$898,600	\$12,993,800	\$23,003,600	
2023	\$9,633,700	\$898,600	\$12,993,900	\$23,526,200	
<b>Amount of Change</b>	\$522,500	\$0	\$100	\$522,600	2.27%
<b>Grass Lake</b>					
2022	\$12,982,000	\$142,000	\$683,300	\$13,807,300	
2023	\$13,707,800	\$142,000	\$864,800	\$14,714,600	
<b>Amount of Change</b>	\$725,800	\$0	\$181,500	\$907,300	6.57%

## Market Valuations (Townships)

City/Township	Farm Land	Commercial Land & Bldg	Residential Land & Bldg	Total	% Increase Decrease
<b>Harriet</b>					
2022	\$7,380,800	\$23,200	\$122,900	\$7,526,900	
2023	\$7,799,500	\$22,200	\$181,100	\$8,002,800	
<b>Amount of Change</b>	\$418,700	-\$1,000	\$58,200	\$475,900	6.32%

<b>Hay Creek</b>					
2022	\$4,328,300	\$49,142,300	\$638,206,800	\$691,677,400	
2023	\$4,578,200	\$59,127,200	\$699,884,800	\$763,590,200	
2015	\$249,900	\$9,984,900	\$61,678,000	\$71,912,800	10.40%

<b>Hazel Grove</b>					
2022	\$9,564,200	\$1,000	\$55,900	\$9,621,100	
2023	\$10,108,700	\$1,000	\$58,100	\$10,167,800	
<b>Amount of Change</b>	\$544,500	\$0	\$2,200	\$546,700	5.68%

<b>Lein</b>					
2022	\$10,078,400	\$3,600	\$587,600	\$10,669,600	
2023	\$10,651,500	\$3,600	\$795,200	\$11,450,300	
<b>Amount of Change</b>	\$573,100	\$0	\$207,600	\$780,700	7.32%

<b>Logan</b>					
2022	\$10,133,200	\$161,100	\$419,700	\$10,714,000	
2023	\$10,702,300	\$165,600	\$325,100	\$11,193,000	
<b>Amount of Change</b>	\$569,100	\$4,500	-\$94,600	\$479,000	4.47%

<b>Long Lake</b>					
2022	\$6,629,300	\$408,700	\$2,011,100	\$9,049,100	
2023	\$7,004,000	\$296,100	\$2,390,600	\$9,690,700	
<b>Amount of Change</b>	\$374,700	-\$112,600	\$379,500	\$641,600	7.09%

<b>McKenzie</b>					
2022	\$10,522,800	\$16,468,400	\$5,524,300	\$32,515,500	
2023	\$11,127,700	\$16,723,300	\$5,704,300	\$33,555,300	
<b>Amount of Change</b>	\$604,900	\$254,900	\$180,000	\$1,039,800	3.20%

<b>Menoken</b>					
2022	\$10,772,600	\$6,963,600	\$10,496,600	\$28,232,800	
2023	\$11,380,000	\$7,550,600	\$10,907,900	\$29,838,500	
<b>Amount of Change</b>	\$607,400	\$587,000	\$411,300	\$1,605,700	5.69%

## Market Valuations (Townships)

City/Township	Farm Land	Commercial Land & Bldg	Residential Land & Bldg	Total	% Increase Decrease
<b>Missouri</b>					
2022	\$3,555,800	\$357,700	\$7,225,900	\$11,139,400	
2023	\$3,751,800	\$278,700	\$7,766,200	\$11,796,700	
<b>Amount of Change</b>	\$196,000	-\$79,000	\$540,300	\$657,300	5.90%

<b>Morton</b>					
2022	\$6,890,800	\$357,700	\$2,417,400	\$9,665,900	
2023	\$7,285,200	\$358,900	\$2,403,900	\$10,048,000	
<b>Amount of Change</b>	\$394,400	\$1,200	-\$13,500	\$382,100	3.95%

<b>Naughton</b>					
2022	\$10,540,600	\$661,800	\$9,406,000	\$20,608,400	
2023	\$11,110,500	\$693,800	\$9,628,700	\$21,433,000	
<b>Amount of Change</b>	\$569,900	\$32,000	\$222,700	\$824,600	4.00%

<b>Painted Woods</b>					
2022	\$8,635,600	\$154,900	\$10,216,100	\$19,006,600	
2023	\$9,263,300	\$158,100	\$11,069,700	\$20,491,100	
<b>Amount of Change</b>	\$627,700	\$3,200	\$853,600	\$1,484,500	7.81%

<b>Richmond</b>					
2022	\$9,470,700	\$4,000	\$220,600	\$9,695,300	
2023	\$10,007,500	\$4,000	\$287,200	\$10,298,700	
<b>Amount of Change</b>	\$536,800	\$0	\$66,600	\$603,400	6.22%

<b>Rock Hill</b>					
2022	\$9,751,500	\$0	\$160,700	\$9,912,200	
2023	\$10,305,400	\$0	\$197,900	\$10,503,300	
<b>Amount of Change</b>	\$553,900	\$0	\$37,200	\$591,100	5.96%

<b>Schrunk</b>					
2022	\$9,901,800	\$5,800	\$202,600	\$10,110,200	
2023	\$10,460,400	\$6,000	\$207,900	\$10,674,300	
<b>Amount of Change</b>	\$558,600	\$200	\$5,300	\$564,100	5.58%

<b>Sibley Butte</b>					
2022	\$9,487,600	\$50,000	\$147,600	\$9,685,200	
2023	\$10,025,600	\$50,000	\$147,600	\$10,223,200	
<b>Amount of Change</b>	\$538,000	\$0	\$0	\$538,000	5.55%

<b>Steiber</b>					
2022	\$10,155,200	\$0	\$177,300	\$10,332,500	
2023	\$10,723,900	\$0	\$199,100	\$10,923,000	
<b>Amount of Change</b>	\$568,700	\$0	\$21,800	\$590,500	5.71%

## Market Valuations (Townships)

City/Township	Farm Land	Commercial Land & Bldg	Residential Land & Bldg	Total	% Increase Decrease
<b>Sterling</b>					
2022	\$12,927,600	\$8,654,000	\$4,975,800	\$26,557,400	
2023	\$13,655,200	\$9,058,700	\$5,142,300	\$27,856,200	
<b>Amount of Change</b>	\$727,600	\$404,700	\$166,500	\$1,298,800	4.89%
<b>Taft</b>					
2022	\$11,725,000	\$1,173,100	\$935,200	\$13,833,300	
2023	\$12,382,500	\$1,196,600	\$935,200	\$14,514,300	
<b>Amount of Change</b>	\$657,500	\$23,500	\$0	\$681,000	4.92%
<b>Telfer</b>					
2022	\$6,785,800	\$340,300	\$2,133,100	\$9,259,200	
2023	\$7,172,100	\$90,300	\$2,383,100	\$9,645,500	
<b>Amount of Change</b>	\$386,300	-\$250,000	\$250,000	\$386,300	4.17%
<b>Thelma</b>					
2022	\$9,106,100	\$30,200	\$82,500	\$9,218,800	
2023	\$9,620,500	\$31,200	\$85,300	\$9,737,000	
<b>Amount of Change</b>	\$514,400	\$1,000	\$2,800	\$518,200	5.62%
<b>Trygg</b>					
2022	\$10,859,600	\$0	\$216,800	\$11,076,400	
2023	\$11,470,300	\$0	\$309,700	\$11,780,000	
<b>Amount of Change</b>	\$610,700	\$0	\$92,900	\$703,600	6.35%
<b>Wild Rose</b>					
2022	\$6,581,100	\$94,300	\$133,700	\$6,809,100	
2023	\$6,953,300	\$97,700	\$138,300	\$7,189,300	
<b>Amount of Change</b>	\$372,200	\$3,400	\$4,600	\$380,200	5.58%
<b>Wilson</b>					
2022	\$10,143,600	\$0	\$447,000	\$10,590,600	
2023	\$10,714,800	\$0	\$775,700	\$11,490,500	
<b>Amount of Change</b>	\$571,200	\$0	\$328,700	\$899,900	8.50%
<b>Wing</b>					
2022	\$9,097,400	\$3,500	\$54,400	\$9,155,300	
2023	\$9,616,200	\$3,500	\$54,400	\$9,674,100	
<b>Amount of Change</b>	\$518,800	\$0	\$0	\$518,800	5.67%

2022

Increase Due to New Construction vs. Valuation Increase on Existing Properties

Township	Commercial		Residential	Total
	Farm Land*	Land & Bldg	Land & Bldg	
<b>Apple Creek</b>				
Valuation 2022	\$6,633,200	\$24,419,300	\$418,768,800	\$449,821,300
2022 New Construction	-\$118,500	-\$55,600	\$1,596,300	\$ 1,422,200.00
2023 Adjusted Value	\$6,751,700	\$24,474,900	\$417,172,500	\$448,399,100
Valuation 2021	\$6,417,500	\$23,308,000	\$387,248,000	\$416,973,500
Increase to Existing Property	5.21%	5.01%	7.73%	7.54%
Increase Due to New Construction	-1.85%	-0.24%	0.41%	0.34%
<b>Gibbs</b>				
Valuation 2022	\$ 10,394,700	\$ 9,861,200	\$ 359,747,400	\$ 380,003,300
2022 New Construction	-\$495,600	-\$467,600	\$2,815,800	\$ 1,852,600
2023 Adjusted Value	\$10,890,300	\$10,328,800	\$356,931,600	\$378,150,700
Valuation 2021	\$10,446,100	\$9,906,500	\$326,436,100	\$346,788,700
Increase to Existing Property	4.25%	4.26%	9.34%	9.04%
Increase Due to New Construction	-4.74%	-4.72%	0.86%	0.53%
<b>Hay Creek</b>				
Valuation 2022	\$4,578,200	\$59,127,200	\$699,884,800	\$763,590,200
2022 New Construction	\$13,700	\$8,040,100	\$14,947,000	\$23,000,800.00
2023 Adjusted Value	\$4,564,500	\$51,087,100	\$684,937,800	\$740,589,400
Valuation 2021	\$4,328,300	\$49,142,300	\$638,206,800	\$691,677,400
Increase to Existing Property	5.46%	3.96%	7.32%	7.07%
Increase Due to New Construction	0.32%	16.36%	2.34%	3.33%
<b>Fort Rice</b>				
Valuation 2022	\$1,259,100	\$1,996,400	\$52,562,500	\$55,818,000
2022 New Construction	\$0	\$0	\$0	\$0
2023 Adjusted Value	\$1,259,100	\$1,996,400	\$52,562,500	\$55,818,000
Valuation 2021	\$1,192,600	\$1,928,700	\$49,293,300	\$52,414,600
Increase to Existing Property	5.58%	3.51%	6.63%	6.49%
Increase Due to New Construction	0.00%	0.00%	0.00%	0.00%
<b>City of Lincoln</b>				
Valuation 2022	\$15,200	\$23,466,900	\$339,904,500	\$363,386,600
2022 New Construction	\$0	\$140,900	\$8,833,000	\$8,973,900
2023 Adjusted Value	\$15,200	\$23,326,000	\$331,071,500	\$354,412,700
Valuation 2021	\$33,700	\$22,880,000	\$305,935,600	\$328,849,300
Increase to Existing Property	-54.90%	1.95%	8.22%	7.77%
Increase Due to New Construction	0.00%	0.62%	2.89%	2.73%

2022

Increase Due to New Construction vs. Valuation Increase on Existing Properties

Township	Commercial		Residential		Total
	Farm Land*	Land & Bldg	Land & Bldg		
<b>Lincoln</b>					
Valuation 2022	\$2,244,100	\$50,043,700	\$395,725,900		\$448,013,700
2022 New Construction	\$10,900	\$1,890,600	\$11,541,000		\$13,442,500
2023 Adjusted Value	\$2,233,200	\$48,153,100	\$384,184,900		\$434,571,200
Valuation 2021	\$2,122,800	\$45,626,500	\$357,884,950		\$405,634,250
Increase to Existing Property	5.20%	5.54%	7.35%		7.13%
Increase Due to New Construction	0.51%	4.14%	3.22%		3.31%
<b>Burnt Creek</b>					
Valuation 2022	\$9,407,900	\$11,999,600	\$301,605,700		\$323,013,200
2022 New Construction	\$18,400	\$1,359,400	\$16,543,000		\$17,920,800
2023 Adjusted Value	\$9,389,500	\$10,640,200	\$285,062,700		\$305,092,400
Valuation 2021	\$8,554,100	\$10,600,500	\$263,860,900		\$283,015,500
Increase to Existing Property	9.77%	0.37%	8.04%		7.80%
Increase Due to New Construction	0.22%	12.82%	6.27%		6.33%
<b>Riverview</b>					
Valuation 2022	\$4,848,300	\$7,030,100	\$104,058,900		\$115,937,300
2022 New Construction	\$8,000	\$347,800	\$6,944,300		\$7,300,100
2023 Adjusted Value	\$4,840,300	\$6,682,300	\$97,114,600		\$108,637,200
Valuation 2021	\$4,589,700	\$6,637,100	\$89,817,900		\$101,044,700
Increase to Existing Property	5.46%	0.68%	8.12%		7.51%
Increase Due to New Construction	0.17%	5.24%	7.73%		7.22%
<b>County &amp; Small Cities (Excluding The City of Bismarck)</b>					
Valuation 2022	\$458,707,100	\$232,346,400	\$2,790,476,000		\$3,481,529,500
2022 New Construction	-\$593,100	\$10,985,200	\$63,220,400		\$73,612,500
2023 Adjusted Value	\$459,300,200	\$221,361,200	\$2,727,255,600		\$3,407,917,000
Valuation 2021	\$434,565,900	\$213,853,500	\$2,531,560,950		\$3,179,980,350
Increase to Existing Property	5.69%	3.51%	7.73%		7.17%
Increase Due to New Construction	-0.14%	5.14%	2.50%		2.31%

**BURLEIGH COUNTY**  
**2023 EXEMPTIONS**  
Wheelchair, Blind, New Home, 5 Year Remodel, & Geothermal

Property #	Exemption	Wheelchr/Blind	2 Yr New Home	5 YR Remodel	Geothermal	Total
<b>APPLE CREEK</b>						
39-138-79-00-19-200		\$100,000				\$100,000
39-138-79-12-00-040		\$40,600				\$40,600
39-138-79-11-03-010		\$100,000				\$100,000
	<b>SUBTOTAL</b>	<b>\$240,600</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$240,600</b>
<b>BURNT CREEK</b>						
24-140-80-00-31-600		\$100,000				\$100,000
24-140-80-73-01-030		\$100,000				\$100,000
24-140-80-50-02-040		\$160,000				\$160,000
24-140-80-92-02-080		\$160,000				\$160,000
	<b>SUBTOTAL</b>	<b>\$520,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$520,000</b>
<b>GIBBS</b>						
32-139-79-06-01-190		\$100,000				\$100,000
	<b>SUBTOTAL</b>	<b>\$100,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$100,000</b>
<b>HAY CREEK</b>						
31-139-81-72-05-150		\$100,000				\$100,000
31-139-80-17-01-050		\$100,000				\$100,000
31-139-81-00-24-810		\$100,000				\$100,000
31-139-81-60-01-300		\$100,000				\$100,000
	<b>SUBTOTAL</b>	<b>\$400,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$400,000</b>
<b>LINCOLN</b>						
38-138-80-48-05-040		\$160,000				\$160,000
38-138-80-48-03-010		\$100,000				\$100,000
38-138-80-48-04-121		\$100,000				\$100,000
38-137-80-61-01-010		\$100,000				\$100,000
	<b>SUBTOTAL</b>	<b>\$460,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$360,000</b>
<b>CITY OF LINCOLN</b>						
CL-138-79-76-02-120			\$75,000			\$75,000
CL-138-79-19-05-040			\$75,000			\$75,000
CL-138-79-20-01-110			\$75,000			\$75,000
CL-138-79-75-04-300			\$75,000			\$75,000
CL-138-79-02-02-100		\$ 100,000				\$100,000
CL-138-79-21-01-020		\$ 100,000				\$100,000
CL-138-79-22-01-040		\$ 100,000				\$100,000
CL-138-79-23-01-050		\$ 100,000				\$100,000
CL-138-79-34-03-030		\$ 100,000				\$100,000
CL-138-79-35-01-050		\$ 160,000				\$160,000
	<b>SUBTOTAL</b>	<b>\$660,000</b>	<b>\$300,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$960,000</b>
<b>MOBILE HOME</b>						
01-035-00-00-01-590		\$8,199.00				\$8,199
01-095-00-00-02-544		\$18,938.00				\$18,938
01-025-00-00-04-708		\$49,388.00				\$49,388
01-125-00-00-05-780		\$85,344.00				\$85,344
01-125-00-00-05-096		\$81,090.00				\$81,090
	<b>SUBTOTAL</b>	<b>\$242,959</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$242,959</b>
		Wheelchair/Blind	2 Year New Home	5 Year Remodel	Geothermal	Total
	<b>GRAND TOTAL</b>	<b>\$2,623,559</b>	<b>\$300,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,823,559</b>

**COUNTY  
PARK  
BOARD**

# BURLEIGH COUNTY PARK BOARD

## MEETING MINUTES

May 1, 2023

### 5:00 P.M

Chair Matthews called the Burleigh County Park Board meeting to order.

A roll call of members; Commissioners Herman, Woodcox, Munson, Bitner, Behm, Schwab, and Chair Matthews present.

Motion by Comm. Munson, 2<sup>nd</sup> Comm. Bitner to approve the April 3, 2023, meeting minutes and bills. All members present voted "AYE," motion carried.

Dave Mayer presented an update from the access audit being done in the county parks, he said the lower priority items are being completed quickly and they have spent less than \$350.00 on the project so far. He gave an update on the boat ramps. All county ramps are open, and docks are in. The Kniefle ramp had to have a dock removed temporarily because the river will be low due to the Corps of Engineers reducing output. The Corps of Engineers requested that the asphalt from the old Kimball bottoms boat ramp be removed, due to parts of it breaking off into the river. The request will be further discussed at future meetings. There was a request for new topsoil to be added to the community gardens. The total amount needed is 690 cubic yards, the suggestion was that this would be planned out and completed in fall after the garden season is done.

Meeting adjourned.

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Mark Splonskowski, Auditor/Treasurer

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Becky Matthews, Chair

**COUNTY**

**COMMISSION**

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
MAY 15, 2023**

**5:09 P.M**

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

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

Motion by Comm. Munson to approve agenda, 2<sup>nd</sup> by Comm. Woodcox. All members present voted "AYE."  
Motion carried.

Motion by Comm. Munson 2<sup>nd</sup> by Comm. Bitner to approve the April 24<sup>th</sup> special meeting minutes, May 1<sup>st</sup> meeting minutes and bills. All members present voted, "AYE." Motion carried.

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

<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
Keith & Diane Grotewold	2021	Lot 4, Block 1, Country West II	Error in property description	\$537,900	\$473,400

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the Grotewold abatement along with the remainder of the consent agenda. All members present voted, "AYE." Motion carried.

Comm. Munson read the Aquatic Nuisance Resolution recognizing May 14-20, 2023 as Aquatic Nuisance Species Awareness Week. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox to approve resolution. All members present voted, "AYE." Motion carried.

Annette Broyles presented the request from Burleigh County 4-H Achievement Days, requesting \$3,000.00 to be used for 4-H Achievement Days on July 11-13. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox, to approve request. All members present voted, "AYE." Motion carried. Chair Mathews asked if it was possible to build that contribution into the annual budget since the County has historically given to the fund in the past, Comm. Schwab agreed.

Mike Gardner presented the request from the Bismarck Symphony Orchestra asking for a contribution of \$5,000.00 to help fund the Fourth of July Symphony Spectacular. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve request. All members present voted, "AYE." Motion carried. Comm. Munson asked if there is a fund for these contributions and asked if a fund could be started for future years.

County Engineer Marcus Hall presented the request for approval of the selection of KLJ Engineering to perform preliminary and design engineering services for bridges #08-115-37.0, 08-126-40.0, and 08-133-144.0. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the selection. Comm. Schwab, Woodcox, Munson, and Chair Matthews voted, "AYE." Comm. Bitner voted, "NO." Motion carried. Engineer Hall presented the request from the City of Wilton asking for additional ARPA funds. Engineer Hall gave a

history of the project and explained the percentage of the project that's occurring in Burleigh County. He explained that if Burleigh County approved the amount requested, all the citizens of Wilton would get a reduction in their payments to the project. Comm. Woodcox and Comm. Bitner expressed concerns that Burleigh County funds would reduce the payment amounts for citizens of McLean County. Motion by Comm. Woodcox 2<sup>nd</sup> by Comm. Bitner to approve a payment of one third (1/3) of the requested \$956,593.00. Comm. Schwab, Woodcox, Munson, and Bitner voted, "AYE," Chair Matthews voted, "NAY." Motion carried. Engineer Hall presented the request the accept platted right of way in Tall Pines Subdivision. Comm. Munson, 2<sup>nd</sup> by Comm. Schwab, all members present voted, "AYE." Motion carried.

County H.R Director Pam Binder presented the closure of NDPERS plan. She explained that HB 1040, when it came back from appropriations committee states that it wants to close the plan to new hires effective January 1<sup>st</sup> of 2024 instead of January 1<sup>st</sup>, 2025, if administratively possible. It is also increasing the employer contribution from 15.26% to 16.26%. She said the public safety plan, which is available for law enforcement, has a contribution of 16.45%, which will not change. She then discussed the job description for the County Administration. She said that it looks good and has been graded at a salary grade 21. The position would cost the County \$183,000 including benefits and FICA. Director Binder presented the turnover report. She said that the turnover from 2015 to current has reduced by 1%, however that is an insignificant change. The departments with the highest turnover are the Detention Center, Sherriff's Department, Human service zone, and States Attorney. She said they have recently purchased Breezy HR, which has streamlined the application process and increased the completed applications from 42% to 87%. They are also going to job fairs and events however it is still difficult to fill positions. The County currently has 29 vacancies. Comm. Woodcox asked if the pay grades are in the ballpark for the market, Director Binder said we are however we have a compression issue due to hiring difficulties.

Comm. Woodcox presented the discussion about the Missouri Valley Complex and the possibility of selling all, or part of the land. He said he's in favor of doing that, however a group that desires to build a horse facility on the land have been working on a project and wanted to speak before the Commission. Steve Nule came forward and presented the projected building of a dirt floor facility meant for agricultural events. The facility would potentially be able to hold up to one thousand people. He said the project could take 5 to 8 years to complete. Comm. Munson encouraged the Commission to keep the land. Comm. Woodcox is open the to project if the County's contribution is minimal but expressed concerns about the 2024 budget and what the County can do to defray the issues the County is currently facing. Chair Matthews said she desires that the land is either used for something that can generate tax revenue or that it be sold.

Chair Mattews brought forward the discussion on the Bismack Tire parking lot and possibly selling it. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to investigate the process of determining a value for the property and come before the commission with a value and the recommended process for selling it. All members present voted, "AYE." Motion carried.

Chair Mathews presented the possibility of establishing a joint Board of Health in cooperation with the City of Bismarck. There would be members from the City and County Commissions and other members would have to be approved by both commissions. This was not to pass the approval of a joint board, but simply to see if the County Commission is open to possibility of establishing that board. Comm. Bitner shared concerns with the board stating that he disagreed with members of the board who live in the City of Bismarck enforcing rules on citizens outside the city limits. Motion by Comm. Munson, 2<sup>nd</sup> by Comm.

Woodcox to create a joint Board of Health. Comm. Bitner and Schwab, "NAY," Comm. Woodcox, Munson, and Chair Matthews, "AYE." Motion carried.

Comm. Munson presented the negotiations between the City and County for the lease rates for the City/County Building and the Courthouse. The CRA group decided not to take on the project of appraising the rental value of the buildings so as not to get between the City and County in this discussion. He suggested allowing Chair Matthews to negotiate the rate for the year, charging the City the same rate and then include the cost of the security provided by the County for the Courts. Chair Matthews requested adding Auditor Splonskowski to the negotiation discussions as well. County Deputy Finance Director Schulz said that based on the request of the Bismarck-Burleigh joint meeting, Auditor Splonskowski and himself had met with the City Finance Director and City Administrator and came to the possible changes of adding janitorial services to both agreements and changing the lease rates to thirteen dollars (\$13) per square foot. The utilities would continue to be paid by the renters. Motion by Comm. Munson 2<sup>nd</sup> by Comm. Woodcox to continue the conversation with the City negotiations at thirteen dollars (\$13) a square foot for both facilities and adding the cost of security provided by the County determined by Sheriff Leben. Comm. Bitner, "NAY," Comm. Schwab, Woodcox, Munson, and Chair Matthews, "AYE." Motion carried.

Chair Matthews asked County Planning Director Mitch Flanagan to update the Commission on the status of the off-road vehicles' ordinance. Director Flanagan said that he has a rough draft put together, however many of the ordinances may be difficult to enforce, and appropriate signage would be required in any speed limits were to be implemented. Chair Matthews asked to add the appointment of a commissioner to the Lewis and Clark Regional Development Council to the next meeting. She also said that the Burleigh County Council on Aging is looking for a citizen from Sterling to join the board.

Meeting Adjourned.

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Mark Splonskowski, Auditor/Treasurer

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Becky Matthews, Chairman

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

<b>Abate #</b>	<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
23-140	Dwight & Sandra Crimmins	2021	Lot 2, Block 2, Country Creek 1st	100% Disabled Vet	\$381,200	\$201,200
23-141	Dwight & Sandra Crimmins	2022	Lot 2, Block 2, Country Creek 1st	100% Disabled Vet	\$396,400	\$216,400
23-142	Judith Jesser	2023	2012 Schult 16' x 76' Ser#RED363690MN	80% Homestead	\$67,853	\$13,571
23-143	Frank & Betty Picard	2022	Unit 3, Sleepy Hollow Heights Condo !!, Lots 2-3, Block 3, Replat Part of Sleepy Hollow Heights	40% Homestead	\$255,300	\$205,300

APPLICATION FOR LIQUOR LICENSE

Name of Applicant MISTY WATERS MARINA Classification of License D

Primary Contact GERRY VAN BEEK Phone \_\_\_\_\_

Address 5800 BURNT CREEK LOOP Date of Birth/Incorporation 9/1999

Is this a renewal of liquor license? Yes X No \_\_\_\_\_

If yes, give date of original application 2007

Check one of the following to indicate who is applying for the license:

- 1. A physical resident and citizen of the State of North Dakota; or
- 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
JEFF WOOD	6133 MISTY WATERS DR BISMARCK, ND 58503		91.25
GERRY VAN BEEK	3823 SANTA MARIA LANE BISMARCK, ND 58504		8.75

3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent

4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name	Residence	P. O. Address
------	-----------	---------------

Date and type of any prior or present liquor business:

Exact legal description of proposed enterprise: **MISTY WATERS TOWN:139 RANG:81 BLK:01**

**MISTY WATERS BLOCK 01 LOT 2**

Does building meet all state and local sanitation and safety requirements? Yes  No

Have you ever had a liquor license revoked or rejected by any authority? Yes  No

If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor:

Yes  No

If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes  No

If yes, give date and details:

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

1. **SECURITY FIRST BANK - BANKING**
2. **KRAMER AGENCY - INSURANCE CO.**
3. **RED CARPET PETROLEUM - FUEL SUPPLIER**

The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

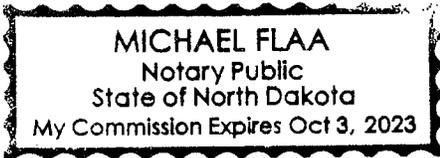
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

*Glenn Van Der*  
Signature of Applicant

Subscribed and sworn to before me this 12<sup>TH</sup> day of MAY, 2023



*Michael Flaa*  
Notary Public

Recommend application be approved \_\_\_\_\_ denied \_\_\_\_\_

Reasons for negative recommendation  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
County Auditor

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Hay Creek approve the  
(Name of Township)

application for a Type D Retail Liquor License for

River City Sports Inc. dba Misty Waters Marina  
~~Misty Waters~~  
(Name of Establishment)

owned by Gerry Van Beek 3751 East Rossen Ave. Bismarck, ND 5850  
(Licensee) (Address)

Mary L Renniech  
Chairman  
Larry Husby  
Member  
Jarvis C Martel  
Member

ATTEST

[Signature]  
(Township Clerk)

APPLICATION FOR LIQUOR LICENSE

Name of Applicant Tri-Energy Cenex - Sterling Classification of License B1

Primary Contact Sarah Tschider Phone \_\_\_\_\_

Address 31346 27th Ave NE Date of Birth/Incorporation 1989

Is this a renewal of liquor license? Yes  No \_\_\_\_\_  
STERLING, ND 58572

If yes, give date of original application March 2017

Check one of the following to indicate who is applying for the license:

- 1. A physical resident and citizen of the State of North Dakota; or
- 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
<u>We are a member-owned cooperative. I have attached a list of our Board of Directors.</u>			

3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------

4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name	Residence	P. O. Address
------	-----------	---------------

Date and type of any prior or present liquor business:

Off-sale beer at three of our other c-stores . . .  
- Lincoln, ND      - Memorial Hwy. Mandan, ND  
- Centennial Rd. Bismarck, ND

Exact legal description of proposed enterprise:

C-CORP COOPERATIVE

Does building meet all state and local sanitation and safety requirements? Yes  No

Have you ever had a liquor license revoked or rejected by any authority? Yes  No

If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor:

Yes  No

If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes  No

If yes, give date and details:

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

1. Kirkwood Bank & Trust 701-355-5342  
- All of our banking is done here.
2. Papsico 701-663-0431  
- vendor for beverages
3. Amcon 701-258-3118  
- Primary vendor of all our supplies and retail items.

The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

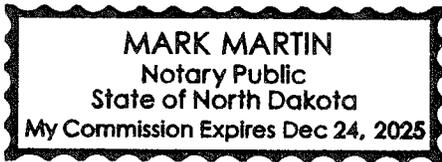
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

*Jarah Schneider*  
 Signature of Applicant

Subscribed and sworn to before me this 8th day of May, 2023



*Mark Martin*  
 Notary Public

Recommend application be approved \_\_\_\_\_ denied \_\_\_\_\_

Reasons for negative recommendation

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
County Auditor

Board of Directors

Dan Belohlavek

Elwood Barth

Mandan, ND 58554

Solen, ND 58570

George Ferderer

James Schmidt

Mandan, ND 58554

Menoken, ND 58558

Kevin Schmidt

Mandan, ND 58554

Jeff Perkins

Bismarck, ND 58503

Doug Boehm

Bismarck, ND 58501

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Sterling approve the  
(Name of Township)

application for a Type B.1 Retail Liquor License for

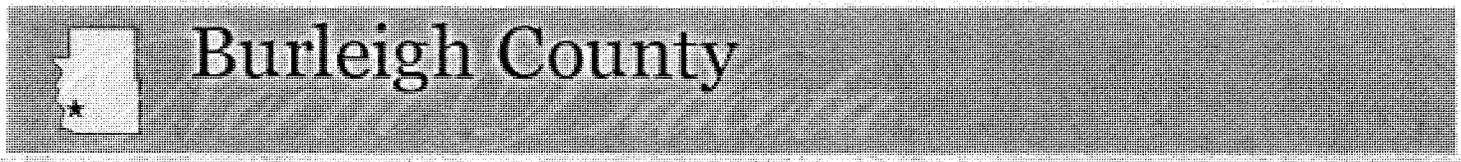
Sterling Trienergy Cooperative  
(Name of Establishment)

owned by Tri-Energy Cenex P.O. Box 2317 Bismarck, ND  
(Licensee) (Address) 58502-2317

Wendy A. Thors  
Chairman  
[Signature]  
Member  
[Signature]  
Member

ATTEST

[Signature] 3/21/23  
(Township Clerk)



Shopping Cart: 0 Items [\$0.00]

[New Search](#)
[Detail](#)
[Payoff](#)
[Help](#)

**Parcel #:** 35-139-76-00-29-230

**Status:** Current

**Type:** RE

**Owner:** FARMERS UNION OIL COMPANY OF

**History:**

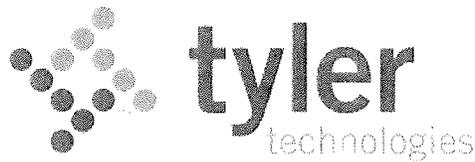
Year	Parcel Number	Due Date	Bill Amount	Due Date	Paid Amount	Notes
2022	39745	12/09/2022	\$3,195.82	1/31/2023	\$1,597.91	
				1/31/2023	\$1,438.12	
2021	39439	11/29/2021	\$3,147.21	2/4/2022	\$1,573.61	
				2/4/2022	\$1,416.24	
2020	38942	12/07/2020	\$3,177.46	2/16/2021	\$1,588.73	
				2/16/2021	\$1,429.86	
2019	38968	12/02/2019	\$3,296.57	2/18/2020	\$1,648.29	
				2/18/2020	\$1,483.45	
2018	38382	12/04/2018	\$2,999.19	2/15/2019	\$1,499.60	
				2/15/2019	\$1,349.63	

**\*\* Paid Amount may include penalty, interest, & discounts**

**Note:** The accuracy of this data is not guaranteed.  
Web data was last updated 05/08/2023 11:00 AM.

**Send Payments To:**

Burleigh County Treasurer  
PO Box 5518  
Bismarck, ND 58506-5518



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APPLICATION FOR LIQUOR LICENSE

Name of Applicant FLASH'S PLACE LLC Classification of License D

Primary Contact Wendelya Krows Phone \_\_\_\_\_

Address 1401 Hwy 83 Sterling ND Date of Birth/Incorporation 6-2012

Is this a renewal of liquor license? Yes X No \_\_\_\_\_

If yes, give date of original application 6-2012

Check one of the following to indicate who is applying for the license:

- X 1. A physical resident and citizen of the State of North Dakota; or
- X 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- \_\_\_\_\_ 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant Wendelya Krows

Residence [REDACTED]

Post Office Address \_\_\_\_\_

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
Wendelya Krows	[REDACTED]	Sterling ND	100%

3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------

4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name	Residence	P. O. Address
------	-----------	---------------

Date and type of any prior or present liquor business:

Exact legal description of proposed enterprise:

Does building meet all state and local sanitation and safety requirements? Yes  No

Have you ever had a liquor license revoked or rejected by any authority? Yes  No   
If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor:  
Yes  No   
If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes  No   
If yes, give date and details:

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

1. Bravera Bank Bismarck ND Business Bank
2. Johnson Bros Fargo ND Liquor vendor
3. McQuades Bismarck ND Beer vendor

The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

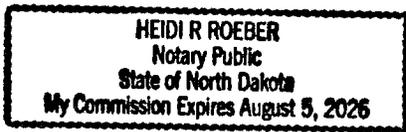
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

*Wendy Hester*  
 Signature of Applicant

Subscribed and sworn to before me this 22 day of May, 2023



*Heidi Roerber*  
 Notary Public Heidi Roerber

Recommend application be approved \_\_\_\_\_ denied \_\_\_\_\_

Reasons for negative recommendation  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 County Auditor

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of sterling approve the  
(Name of Township)

application for a Type D Retail Liquor License for

FLASH'S PLACE  
(Name of Establishment)

owned by Wendelyn Krous 1501 Hwy 83 NE Sterling ND  
(Licensee) (Address)

Wendelyn Krous  
Chairman  
[Signature]  
Member  
[Signature]  
Member

ATTEST

Alisa Wils 3/21/23  
(Township Clerk)



**GAMING SITE AUTHORIZATION** 23-004  
 OFFICE OF ATTORNEY GENERAL  
 SFN 17996 (02/2018)

G - \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
 Site License Number  
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization **Matpac Wrestling Club, Inc.**

The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location <b>Crossroads Tavern</b>			
Street <b>1205 Northstar Drive</b>	City <b>Bismarck</b>	ZIP Code <b>58503</b>	County <b>Burleigh</b>
Beginning Date(s) Authorized <b>7/1/23</b>	Ending Date(s) Authorized <b>6/30/24</b>	Number of twenty-one tables if zero, enter "0": <b>2</b>	
Specific location where games of chance will be conducted and played at the site (required) <b>Games will be conducted in bar area, excluding the restrooms.</b>			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

**RESTRICTIONS (City/County Use Only)**

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

<input checked="" type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input checked="" type="checkbox"/> Twenty-One
<input checked="" type="checkbox"/> Raffles	<input checked="" type="checkbox"/> Seal Board	<input checked="" type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input checked="" type="checkbox"/> Calcuttas
<input checked="" type="checkbox"/> Pull Tab Jar	<input checked="" type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input checked="" type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input checked="" type="checkbox"/> Paddlewheel Table
<input checked="" type="checkbox"/> ELECTRONIC Pull Tab Device		

**APPROVALS**

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

**INSTRUCTIONS:**

1. City/County-Retain a **copy** of the Site Authorization for your files.
2. City/County-Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

**RETURN ALL DOCUMENTS TO:**

Office of Attorney General  
 Licensing Section  
 600 E Boulevard Ave, Dept. 125  
 Bismarck, ND 58505-0040  
 Telephone: 701-328-2329 **OR** 800-326-9240



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) J J Miller, Llc		Site Name Crossroads Tavern		Site Phone Number (404) 405-0997	
Site Address 1205 Northstar Drive		City Bismarck		State Zip Code ND 58503	
Organization (Lessee) Matpac Wrestling Club, Inc.		Rental Period 7/1/2023 to 6/30/2024		Monthly Rent Amount	
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>2</u> X Rent per Table \$ <u>300.00</u>		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$	
3. Is Paddlewheels conducted at this site? Number of Tables <u>1</u> X Rent per Table \$ <u>200.00</u>		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 200.00	
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 325.00	
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>10</u>				\$ 750.00	
<b>Total Monthly Rent</b>				<b>\$ 1,875.00</b>	

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.

**TERMS OF RENTAL AGREEMENT:**  
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.  
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.  
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.  
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.  
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.  
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.  
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.  
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.  
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor	Title Owner	Date 1/21/23
Signature of Lessee	Title President	Date 1/28/23

(over)



**GAMING SITE AUTHORIZATION**  
 OFFICE OF ATTORNEY GENERAL  
 SFN 17996 (02/2018)

G-0766( )  
 Site License Number  
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization  
 ARATE OF ND

The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location MENDOKEN GROVE 4-H Picnic Park			
Street 171 ST STREET	City MENDOKEN	ZIP Code 58558	County BURLEIGH
Beginning Date(s) Authorized JUNE 9, 2023	Ending Date(s) Authorized JUNE 11th 2023	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted and played at the site (required) MAIN STAGE / PAVILION			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known JUNE 9 - 11 - 2023			

**RESTRICTIONS (City/County Use Only)**

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input type="checkbox"/> Twenty-One
<input checked="" type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input type="checkbox"/> ELECTRONIC Pull Tab Device		

**APPROVALS**

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

- INSTRUCTIONS:**
1. City/County-Retain a **copy** of the Site Authorization for your files.
  2. City/County-Return the **original** Site Authorization form to the Organization.
  3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

**RETURN ALL DOCUMENTS TO:**  
 Office of Attorney General  
 Licensing Section  
 600 E Boulevard Ave, Dept. 125  
 Bismarck, ND 58505-0040  
 Telephone: 701-328-2329 OR 800-326-9240



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) <b>MENOKEN GROVE CH PICNIC PARK</b>		Site Name		Site Phone Number
Site Address <b>171 ST STREET</b>	City <b>MENOKEN</b>	State <b>ND</b>	Zip Code <b>58558</b>	County <b>BURLEIGH</b>
Organization (Lessee) <b>ABATE OF ND</b>		Rental Period <b>6/9/23 to 6/11/23</b>		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$ <b>0</b>
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$ <b>0</b>
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$ <b>0</b>
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$ <b>0</b>
<input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____				\$ <b>0</b>
Total Monthly Rent <b>0</b>				\$ <b>0</b>

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.

**TERMS OF RENTAL AGREEMENT:**  
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.  
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.  
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.  
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.  
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.  
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.  
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.  
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.  
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>Margaret Wood</i>	Title <i>President</i>	Date <i>5/22/2023</i>
Signature of Lessee <i>Jan But</i>	Title <i>Executive Director</i>	Date <i>5/22/2023</i> (over)



**ABATE of North Dakota Board of Directors Meeting  
Tuesday, April 25th, 2023**

Attendance: Tom W, Tom B., Shirley C., Larry S., Alice G., Rick J., Kelly M., Roy T., Lonnie B., Kim D., Jordan M.  
Guest: Chris H.

Meeting called to order 6:00pm

Minutes from March 2023, Motion to approve Shirley C.  
2nd - Rick J.

**Membership Report:** Membership running around 1,500 as before. Kim is still working hard on sending out renewal notices. Thank you for your efforts. Motion to approve by Larry S. - 2nd Tom B.

**Gaming Report:** Gaming still doing well at The Hideaway Bar in Mandan. Thank you to The Hideaway and patrons. Raffle ticket sales are going well. If you would like to purchase or sell tickets, see any BOD officer or call the ABATE office in Bismarck.

We are planing to hold the 50/50 and Custom Raffle once again at our State Rally at Menokne Grove. This of course is pending county/state approval.  
Motion to approve Kelly M. - 2nd Larry S.

**Financial Report:** Reviewed, Motion to accept Larry S.  
2nd - Rick J.

**Education Report:** Currently, classes are filling up quickly. We do have some openings in Jamestown check the ndmsp.com website for up-to-date class schedules.

Please remember, as the season rolls on, we will be posting more classes for Bismarck, West Fargo, and Williston. Keep an eye on the website. You can also like ABATE of North Dakota Facebook page for event information and a heads up for when new classes are being scheduled. Motion to approve Kelly M. - 2nd Tom B.

**Marketing Report:** The MRF Heartland STEAM was a great success. The event was very informative, and a good time was had by all. We heard many good comments by the attendees. Thank you to Janet for all of your hard work putting this together. Thank you to all who helped to make things run smoothly during the weekend as well.

Please attend our ABATE State Rally at Menoken Grove on June 9th and 10th! This is our yearly membership drive and fundraiser. We need your help to get the word out. Tell all your fellow riders, friends and invite everyone to join us. We would like to see lots of new faces this year. There are 2 great local bands, biker games, ax throwing, venders and more. We need volunteers for the weekend. Set up on Thursday and for different things on Friday and Saturday. If interested, please contact Janet at the ABATE office. Motion to approve Kelly M. - 2nd Larry S.

**Old Business and New Business:** Our new truck for education is scheduled to land by mid-May. Let's hope the delivery date doesn't get pushed back again.

We worked with Midco to create a new Don't Drink and Ride Commercial. It will be airing in all markets this summer. We hope you like it.

Just a reminder; elections for BOD take place during the State Rally. If you are interested in getting on the BOD, please call the ABATE office for details. Motion to approve Kelly M. - 2nd Alice G.

**MRF:** House bill 1435 With the Biden Administration rolling out plans to shift the country to electric vehicles in the next 10 year. HR1435 "Preserving Choice in Vehicle Purchase Act. This would amend the Clean Air Act to prevent a ban on the sale of internal combustion engines. House Resolution 366 is focused on the profiling of bikers and needs public support from members of Congress.

Motion to adjourn: Kelly M - 2nd Rick J.

Meeting adjourned 6:37pm

Respectfully Submitted -

**Shirley Curt**



**701-663-4023**

The Dakota's best selection of helmets, gloves, jackets and riding gear.

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**BYLAWS OF ABATE OF NORTH DAKOTA**  
**American Bikers Aiming Toward Education**

**ARTICLE ONE – OFFICES**

The principal office of the corporation shall be located at 1001 South 22<sup>nd</sup> Street, Bismarck, North Dakota. The corporation may have such other offices as the Board of Directors may determine from time to time.

**ARTICLE TWO – MEMBERS**

**Section 1. Members**

The qualification for membership shall be payment of annual membership fee.

**Section 2. Expulsion** (Effective January 2017)

Any member may be expelled from the ABATE of ND for the following reasons:

1. Nonpayment of dues.
2. Conviction of a felony committed at the organization's activities or functions.
3. Failure to follow any reasonable rules and regulations set forth by the organization for any of the activities promoted by the organization.

4. For conduct unbecoming a member of ABATE of North Dakota.\*

5. Any member accused of violation subsections 2,3, or 4 above shall

Step 1. Receive a verbal warning.

Step 2. Be notified by mail and shall be entitled to a hearing before the Board of Directors within 30 days of notification upon, request a majority vote of quorum of the Board of Directors meeting shall be necessary to confirm the expulsion.

\* (Conduct unbecoming a member) – An act of violence or extreme disruption of ABATE of ND standards could lead directly to Step 2 if majority (51%) of the organization officers vote to present it to the board.

Any member who has been terminated, expelled, or suspended may be liable to the corporation for dues, assessments, or fees because of obligations incurred or commitments made prior to the termination, expulsion, or suspension. (Effective January 2017)

**ARTICLE THREE – MEETINGS OF MEMBERS**

**Section 1. Annual Meeting.**

An annual meeting of the members shall be held at a time and place as announced by the Board of Directors.

**Section 2. Special Meetings.**

Special meetings of the members may be called by the President of the Board of Directors.

**Section 3. Notice of Meetings.**

Written or printed notice stating the place, day, and hour of any meetings of members shall be delivered either personally or by mail, to each member. In case of a special meeting or when required by statute or by these bylaws, the purpose for which the meeting is called shall be stated in the notice.

**Section 4. Quorum.**

A quorum shall constitute the members present at the annual meeting.

**ARTICLE FOUR – BOARD OF DIRECTORS**

**Section 1. General Powers.**

The affairs of the corporation shall be managed by its Board of Directors.

**Section 2 Number, Tenure, and Qualifications.**

The number of directors shall be (11) eleven. Directors shall be elected at the annual meeting of members, and the term of office of each director (with exception to officers as described in Article Five, Section 2) shall be until the next annual meeting of members and the election and qualification of his/her successor. If a director misses three (3) consecutive meetings without notice, a letter will be sent out asking for the intent of that director. “The question is whether you wish to continue as an active Board Member of ABATE of ND. If so, what steps are being taken to ensure your active involvement on the Board.” If the Director chooses to step down, the Board of Directors may appoint a new director. (Effective January 2017)

No full-time employee will be allowed to serve on the Board of Directors. (Effective June 1993)

All Directors shall be Legal residents of the State of North Dakota. (Effective April 1997)

~~The number of directors shall be (7) seven. (Effective June 30, 1999) (Rescinded January 2017)~~

The number of directors shall be a maximum of (11) eleven members. (Effective January, 2017)

There shall be no more than two ( 2 ) members of a single Motorcycle Club. (Effective January 2017), Affiliate Club or Riding Club. This Includes Prospect/Probate Club Members, family members, Retired Members, or members of Associate Club(s). (Effective March 2021). A prospective Board of Director Member shall be a member in good standing for a minimum of one ( 1 ) year prior to elections at the ABATE State Meeting. (Effective January 2017)

**Section 3 Regular Meetings.**

A regular meeting of the Board of Directors shall be held without any other notice than this bylaw immediately after, and at the same place as, the annual meeting of members. The Board of Directors may provide, by resolution, the time and place for holding additional regular meetings without other notice than such resolution.

**Section 4. Special Meetings.**

Special meetings of the Board of Directors may be called by or at the request of the President or any two Directors, and shall be held at the principal office of the corporation or at such other place as the Directors may determine.

**Section 5. Notice.**

Notice of any special meeting of the Board of Directors shall be given prior to such meeting. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The

business to be transacted at the meeting need not be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these bylaws.

**Section 6. Quorum.**

A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board: but if less than a majority of the Directors are present at any meeting. A quorum of the Executive Committee (Article FOUR – A Section 5), three (3) of the Executive Committee, and two (2) other Board members may conduct business.

**Section 7. Board Decisions.**

The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these bylaws.

**Section 8. Vacancies.**

Any vacancy occurring in the Board of Directors and any Directorship to be filled by reason of an increase in the number of Directors, shall be filled by the Board of Directors. A Director appointed to fill a vacancy shall serve for the unexpired term of his/her predecessor in office.

**Section 9. Compensation.**

Directors shall not receive any stated salaries for their services, but by resolution of the Board of Directors, a fixed sum and expenses of attendance, if any, may be allowed for attendance at any regular or special meeting of the Board. Nothing herein contained shall be construed to preclude any Director from serving the corporation in the capacity as a member of the Executive Committee or as an officer.

**ARTICLE FIVE – EXECUTIVE COMMITTEE**

**Section 1. General Powers.**

The Executive Committee of the corporation shall direct the officers of the corporation on matters regarding the affairs of the corporation between meetings of the Board of Directors of the corporation. Any action of the Executive Committee of the corporation may be overruled or changed by the Board of Directors of the corporation.

**Section 2. Number, Tenure, and Qualifications.**

The members of the Executive Committee of the corporation shall consist of the four elected officers and one other Director selected by the President of the corporation subject to the approval of the Board of Directors of the corporation. Members of the Executive Committee of the corporation need not have any specific qualification. Members of the Executive Committee of the corporation will serve at the will or the President of the corporation and may be removed at the direction of the President of the corporation. The Board of Directors of the corporation shall approve any and all appointments to the Executive Committee of the corporation, but shall not make appointments directly thereto.

**Section 3. Regular and Special Meetings.**

The Executive Committee of the corporation shall have no scheduled regular meetings. All meetings of the Executive Committee of the corporation shall be considered special meetings and be held at the call

of the President of the corporation upon notice as described herein after. The time and place for holding such meetings shall be determined by the President of the corporation.

**Section 4. Notice.**

Notice of any special meeting of the Executive Committee of the corporation shall be given at least twenty-four (24) hours prior to such meeting. Any member may waive notice of any meeting. The attendance of a member at any meeting shall constitute a waiver of notice of such meeting, except where a member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at any meeting of the Executive Committee of the corporation need not be specified in the waiver of notice of such meeting.

**Section 5. Quorum.**

A majority of the Executive Committee of the corporation shall constitute a quorum for the transaction of business at any meeting of the Executive Committee of the corporation; but if less than a majority of the Directors are present at any meeting (a quorum of the Executive Committee ( 3 ) three and ( 2 ) two other Board Members) may conduct business. (Effective April 1997)

**Section 6. Executive Committee Decisions.**

The act of the majority of the members present at a meeting at which a quorum is present shall be the act of the Executive Committee of the corporation, unless the act of a greater number is required by law or by these bylaws.

**Section 7. Vacancies.**

Any vacancy occurring in the Executive Committee of the corporation shall be filled in the same manner as regular appointed thereto and shall be subject to the same qualifications and provision therefor.

**Section 8. Compensation.**

Members of the Executive Committee of the corporation shall not receive any compensation for their services except by resolution of the Board of Directors who shall be allowed to fix compensation therefor as it deems proper.

**ARTICLE SIX – OFFICERS**

**Section 1. Officers.**

The officers of the corporation shall be President, one or more Vice-Presidents (the number thereof to be determined by the Board of Directors), a Secretary, a Treasurer, and such other officers as may be elected in accordance with the provisions of this article. Presidential nominees must have one year of prior experience on the Board of Directors. The Board of Directors may elect or appoint such other officers, including one or more Assistant Secretaries and one or more Assistant Treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person, except the President and Secretary.

**Section 2. Election and Term of Office.**

The officers of the corporation shall be elected by the Board of Directors at the next regular meeting of the Board of Directors following elections. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as is convenient. New offices may be created and filled at any meeting of the Board of Directors.

The President and Treasurer shall be elected every odd year; the Vice-President and Executive Secretary shall be elected every even year. (Effective June 2013)

These officers shall hold a two-year term. Each officer shall hold office until his successor has been duly elected and qualifies.

The Executive Officers shall be limited to three ( 3 ) consecutive terms per Executive Position. (Effective January 2017)

**Section 3. Removal.**

Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgement is in the best interest of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed.

**Section 4. Vacancies.**

A vacancy in any office, because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

**Section 5. Powers and Duties.**

The several officers shall have such powers and shall perform such duties as may from time to time be specified in resolutions or other directives of the Board of Directors. In the absence of such specifications, each officer shall have the powers and authority and shall perform and discharge the duties of officers of the same title serving in non-profit corporation having the same or similar general purposes and objectives and this corporation.

**ARTICLE SEVEN – CONTRACTS, CHECKS, DEPOSITS, and FUNDS****Section 1. Contracts.**

The Board of Directors may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these bylaws, to enter any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or may be confined to specific instructions.

**Section 2. Check, Drafts, or Orders.**

All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation, and in such manner, as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer and countersigned by the President.

**Section 3. Deposits.**

All funds of the corporations, shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

**Section 4. Gifts.**

The Board of Directors may accept on behalf of the corporation any contribution, gift, bequest, or devise for any purpose of the corporation.

**ARTICLE EIGHT – CERTIFICATES OF MEMBERSHIP**

**Section 1. Certificates of Membership.**

The Board of Directors shall provide for the issuance of certificates evidencing membership in the corporation, which certificates shall be in such form as maybe determined by the Board of Directors. If any certificate is lost, mutilated, or destroyed, a new certificate may be issued therefor as such terms and conditions as the Board of Directors may determine.

**Section 2. Issuance of Certificates.**

When a member has been elected to membership and has paid any initiation fee and dues that may then be required, a certificate of membership shall be issued in his/her name and delivered to him/her.

**ARTICLE NINE – BOOKS and RECORDS**

**Section 1.**

The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, Committees having and exercising any of the authority of the Board of Directors, and the Membership Committee, and shall keep the principal office a record giving the names and addresses of the members entitled to vote. All books and records of the corporation may be inspected by any member, or his agent or attorney for any proper purpose and any reasonable time.

**ARTICLE TEN – BUSINESS CALENDAR**

The fiscal year of the corporation shall be the calendar year.

**ARTICLE ELEVEN – DUES**

**Section 1. Annual Dues.**

The Board of Directors shall determine from time to time the amount of initiation fee, if any, and annual dues payable to the corporation by members of each class, and shall give appropriate notice to the members.

**Section 2. Payment of Dues.**

Dues shall be payable in advance.

All Dues are non-refundable. (Effective January 2017)

## **ARTICLE TWELVE – AMENDMENT OF BYLAWS**

These bylaws may be altered, amended, or repealed, and new bylaws may be adopted by a majority of the directors present at any regular meeting or at any special meeting, if written notice is given of intention to alter, amend, or repeal or to adopt new bylaws at such meeting, or vote of the members at any regular or special meeting.

## **ARTICLE THIRTEEN – EXECUTIVE DIRECTOR and EMPLOYEES**

### **Section 1. Employees.**

The board of Directors may appoint and employ an Executive Director and such other employees as the Board of Directors may deem proper and necessary. Employees may be allowed a stated salary for services rendered and for vouchered expenses, pursuant to resolution of the Board.

### **Section 2. Executive Director.**

The Executive Director shall serve at the pleasure of the Board of Directors. The Executive Director shall be the corporation's principal executive and shall exercise general supervision and control over all business and affairs of the corporation and the employees thereof. The Executive Director shall be authorized to exercise all powers, duties, and authority as may be required from time to time to carry out the purpose of corporation, and shall be authorized to exercise the powers as set forth by Article Six herein.

## **ARTICLE FOURTEEN – DISSOLUTION**

### **Section 1. Dissolution.**

The assets of ABATE of North Dakota are irrevocably dedicated to education purpose for the prevention and reduction of motorcycle accidents and in the event of liquidation, dissolution, or abandonment of ABATE, will not insure to the benefit of any private person but shall be distributed to a fund, foundation, council, corporation, or association; organized and operated exclusively for the educational purpose; and which meets the requirements of Section 501 ( C ) ( 3 ) of the Internal Revenue Code of 1954 and corresponding sections of subsequent revenue acts.

## **AMENDMENT TO THE BYLAWS**

### Article Four – Section 2

No full-time employee will be allowed to serve on the Board of Directors. (Effective June 1993)

### Article Four – Section 2

All Directors shall be Legal residents of the State of North Dakota. (Effective April 1997)

### Article Four – Section 2

The number of directors shall be (7) seven. (Effective June 30, 1999)

Article Six -Section 5

If less than a majority of the Directors are present at any meeting (a quorum of the Executive Committee ( 3 ) and two other Board members) may conduct business. (Effective April 1997)

Article Six – Section 2

The President and Treasurer shall be elected every odd year; the Vice-President and Executive Secretary shall be elected every even year. (Effective June 2013)

Article Two Section 2. Expulsion

Any member may be expelled from the ABATE of ND for the following reasons:

1. Nonpayment of dues.
2. Conviction of a felony committed during the organization’s activities.
3. Failure to follow any reasonable rules and regulations set forth by the organization for any of the activities promoted by the organization.
4. For conduct unbecoming a member of ABATE of North Dakota.\*
5. Any member accused of violation subsections 2,3, or 4 above shall

Step 1. Receive a verbal warning.

Step 2. Be notified by mail and shall be entitled to a hearing before the Board of Directors within 30 days of notification upon, request a majority vote of quorum of the Board of Directors meeting shall be necessary to confirm the expulsion.

\* (Conduct unbecoming a member) – An act of violence or extreme disruption of ABATE of ND standards could lead directly to Step 2 if majority (51%) of the organization officers vote to preset it to the board.

Any member who has been terminated, expelled, or suspended may be liable to the corporation for dues, assessments, or fees because of obligations incurred or commitments made prior to the termination, expulsion, or suspension. (Effective January 2017)

Article Four – Section 2

“The question is whether you wish to continue as an active Board Member of ABATE of ND. If so, what steps are being taken to ensure your active involvement in the Board.” If the Director chooses to step down, the Board of Directors may appoint a new director. (Effective January 2017)

Article Four – Section 2

The number of directors shall be a maximum of (11) eleven members. (Effective January 2017)

Article Four – Section 2

, Affiliate Club or Riding Club. This Includes Prospect/Probate Club Members, family members, Retired Members, or members of Associate Club(s). (Effective March 2021)

Article Six – Section 1

There shall be no more than two ( 2 ) members of a single Motorcycle Club. (Effective January 2017)

Article Six – Section 1

A prospective Board of Director Member shall be a member in good standing for a minimum of one ( 1 ) year prior to elections at the ABATE State Meeting. (Effective January 2017)

**Article Six – Section 2**

The Executive Officers shall be limited to three ( 3 ) consecutive terms per Executive Position. (Effective January 2017)

**Article Eleven – Section 2**

All Dues are non-refundable. (Effective January 2017)

# Fireworks Display Permit Application (cont.)

Description of Event/Display	Driscoll 4th of July Celebration		
Job Value	2,500.00	Display Date	7-4-2023
Display Address	39th Ave SE Driscoll, ND 58532		
Name of Pyrotechnics Contractor	Jerry Keller		

## Applicant, Owner, Contractor, and Pyrotechnic Information

**NOTE:** The applicant's email address will be the primary contact during application, review, and inspection processes.

### Applicant Information

Name Driscoll Betterment Club / Scott Whitman  
Address 36742 Hwy 10 Driscoll, ND 58532  
City Driscoll State ND Zip 58532  
Phone \_\_\_\_\_ Email N/A

### Owner Information

Name Alvin Fried  
Address 107 3rd Ave SW  
City Driscoll State ND Zip 58532  
Phone \_\_\_\_\_ Email N/A

### Contractor Information

Name Driscoll Betterment Club / Scott Whitman / President  
Address 36742 Hwy 10  
City Driscoll State ND Zip 58532  
Phone \_\_\_\_\_ Email N/A

# Fireworks Display Permit Application (cont.)

## Pyrotechnician Information

Name Jerry Keller  
Address 723 N 9th St.  
City Bismarck State ND Zip 58501  
Phone \_\_\_\_\_ Email \_\_\_\_\_

## Pyrotechnician Business Information

Name J&J Fireworks  
Address 3408 Thunderbird Lane  
City Bismarck State ND Zip 58503  
Phone \_\_\_\_\_ Email \_\_\_\_\_

### Submittal

Scott Whitman 5/24/2023  
Applicant Name Date Submitted  
  
\_\_\_\_\_  
Burleigh County Auditor Date Received  
  
Fee Received  Yes  No Date Received 5/24/23

### Approval

\_\_\_\_\_  
ND Fire Marshal Date  
  
\_\_\_\_\_  
Burleigh County Chairperson Date



STATE OF NORTH DAKOTA  
OFFICE OF ATTORNEY GENERAL

www.attorneygeneral.nd.gov  
(701) 328-2210

Drew H. Wrigley  
ATTORNEY GENERAL

State Fire Marshal  
1720 Burlington Dr., Ste. B  
Bismarck, ND 58504  
(701) 328-5555

June 29, 2022

J&J Fireworks  
ATTN: Jerry Keller  
3408 Thunderbird Lane  
Bismarck ND 58503  
Via email only: .

**RE:** Driscoll Betterment Club – Fireworks Display – 39<sup>th</sup> Ave SE, Driscoll ND – July 4, 2022

Mr. Keller,

We have reviewed the fireworks/pyrotechnic plans for code compliance for the above noted event. The fireworks/pyrotechnic plans appear to meet the minimum requirements required by the North Dakota State Fire Marshal's Office.

NOTE:

- 1) The operator shall have primary responsibility for safety during transport, set up, display and post event.
- 2) Operators and operating assistants must meet the minimum qualifications as outlined by Chapter 10 of NFPA 1123 (2018 Edition).
- 3) Set up and operation of the display must meet the minimum code standards of the International Fire Code (2018 Edition) and NFPA 1123 (2018 Edition).
- 4) Cancellation procedures may be implemented by the local authority having jurisdiction (Sterling Rural Fire Protection District) for any but not limited to one of the following:
  - a. Fire danger is 'extreme' or 'red flag' level according to the ND Fire Danger Guide
  - b. If the potential wind speeds, inclusive of gusts, meet or exceed 20 MPH
  - c. Wind direction endangers person(s) or property
  - d. Thunderstorm or tornado warnings
  - e. Practices or conditions identified that do not meet minimum code requirements or would present an imminent fire and/or life safety hazard.

Please feel free to contact my office with any questions or concerns.  
Have a happy and safe 4<sup>th</sup> of July Celebration!

Respectfully,

Kimberly L. Ersland  
Chief Deputy State Fire Marshal

cc: Fire Chief Melissa Meland, Sterling Rural Fire Protection District  
Emergency Manager Mary Senger, Burleigh County Emergency Management  
Kerry Berg, Driscoll Betterment Club

**Federal Explosives License/Permit**  
(18 U.S.C. Chapter 40)

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

**3-ND-015-53-4H-00125**

**August 1, 2024**

*Mama Hartzel*  
Mama Hartzel

**3408 THUNDERBIRG LANE  
BISMARCK ND 58503**

**52 DEWEY ST. EAGLE GROUNDS**

**J & J FIREWORKS, LLC  
J & J FIREWORKS  
3408 THUNDERBIRG LANE  
BISMARCK, ND 58503**

*James Hill*  
James Hill  
*James Hill*  
James Hill

Federal Explosives License (FEL) Information  
License Number: 3-ND-015-53-4H-00125  
Effective Date: 08/01/2024

**Change of Address:** 27 CFR 55.110 (b)(2) - Licensees must notify the Bureau of any change of address within 30 days of the change. The licensee must provide the Bureau with the new address and the licensee must provide the Bureau with the license number. The licensee must provide the Bureau with the license number and the licensee must provide the Bureau with the license number. The licensee must provide the Bureau with the license number and the licensee must provide the Bureau with the license number.

**Right of Suspension:** 27 CFR 55.110 (b)(3) - The Bureau may suspend a license if the licensee fails to comply with the terms and conditions of the license. The Bureau may suspend a license if the licensee fails to comply with the terms and conditions of the license. The Bureau may suspend a license if the licensee fails to comply with the terms and conditions of the license.

**Federal Explosives License/Permit (FEL) Information Card**

License Number: **3-ND-015-53-4H-00125**

Licensee Name: **J & J FIREWORKS**

Licensee Address: **3408 THUNDERBIRG LANE, BISMARCK, ND 58503**

Expiration Date: **August 1, 2024**

License Type: **DEALER OF EXPLOSIVES**



U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
Federal Explosives Licensing Center (FELC)  
www.atf.gov

Federal Explosives Licensing Center  
244 Needy Road  
Martinsburg, West Virginia 25495  
telephone: (877)283-3332 fax: (304)725-4447

## NOTICE OF CLEARANCE

**for individuals transporting, shipping, receiving, or possessing explosive materials.**

ISSUED TO: J & J FIREWORKS LLP

Federal Explosives License/permit no: 3-ND-015-53-49-00125

NOTICE DATE: 08/05/2024

Expiration Date: August 1, 2024

EXPIRATION DATE: This Notice expires when superseded by a newer Notice which will list all current responsible persons and employee possessors, or when the license or permit expires - whichever comes first.

Explosives License/Permit Type: DEALER OF EXPLOSIVES

- 1 **WARNING.** Only those individuals listed below as RESPONSIBLE PERSONS and EMPLOYEE POSSESSORS with a background clearance status of "CLEARED" or "PENDING" are authorized to transport, ship, receive, or possess explosive materials in the course of employment with you.
- 2 **"DENIED" STATUS.** If an employee possessor has a background clearance status of "DENIED", you MUST take immediate steps to remove the employee from a position requiring the transporting, shipping, receiving, or possessing of explosive materials. Also, if the employee has been listed as a person authorized to accept delivery of explosive materials, you MUST remove the employee from such list and immediately, and at no event later than the second business day after such change, notify distributors of such change, as stated in 27 CFR 555.13-15.
- 3 **CHANGE IN RESPONSIBLE PERSONS.** You MUST report any change in responsible persons to the Chief, Federal Explosives Licensing Center, within 30 days of the change and new responsible persons MUST include "appropriate identifying information" as defined in 27 CFR 555.11. Fingerprints and photos are NOT required, however they will be required upon renewal of the license or permit.
- 4 **CHANGE OF EMPLOYEES.** You MUST report any change of employee possessors to the Chief, FELC, within 30 days. Reports relating to newly hired employees must be submitted on ATF Form 5400.24 for EACH employee.

<b>Premises Address:</b>	148 THUNDERBIRD LANE BISMARCK, ND 58503
<b>Mailing Address:</b>	J & J FIREWORKS LLP J & J FIREWORKS 3408 THUNDERBIRD LANE BISMARCK, ND 58503

This 'Notice of Clearance' is provided to you as required by 18 U.S.C. 843(h) and MUST be retained as part of your permanent records and be made available for examination or inspection by ATF officers as required by 27 CFR 555.121. If you receive a Notice subsequent to this Notice, this Notice will no longer be valid.

In accordance with 27 CFR 555.33, Background Checks and Clearances, and 27 CFR 555.57, Change of Control, Change in Responsible Persons, and Change of Employees, ATF's Federal Explosives Licensing Center (FELC) has conducted background checks on the individual(s) you identified as a responsible person(s) and an employee possessor(s) on your application, or reported after the issuance of your license/permit.

The following is a SUMMARY of the results of the background checks conducted on the individuals you reported as responsible persons and employee/possessors. ATF will be notifying ALL individuals listed on this document of their respective status by separate letter mailed to their residence address.

**PLEASE BE ADVISED THAT IT IS UNLAWFUL FOR ANY PERSON REFLECTING A STATUS OF "DENIED" TO TRANSPORT, SHIP, RECEIVE, OR POSSESS EXPLOSIVE MATERIALS.**

Please carefully review this Notice to ensure that all the information is accurate. If this Notice is incorrect, please return the Notice to the Chief, FELC, with a statement showing the nature of the error(s). The Chief, FELC, shall correct the error, and return a corrected Notice.

<b>Number of RESPONSIBLE PERSON(S) : 2</b>	
<b>Number of EMPLOYEE POSSESSOR(S): 0</b>	
<b>RESPONSIBLE PERSONS:</b>	<b>2</b>
(OO) KELLER, JAMES ALLAN	Cleared
(OO) KELLER, JERRY MICHAEL	Cleared
<b>EMPLOYEE POSSESSORS:</b>	<b>0</b>

<b>continued</b>	
<b>LAST NAME, First Name, Middle Name</b>	<b>Clearance Status</b>
<b>LAST NAME, First Name, Middle Name</b>	<b>Clearance Status</b>
<b>LAST NAME, First Name, Middle Name</b>	<b>Clearance Status</b>
<b>LAST NAME, First Name, Middle Name</b>	<b>Clearance Status</b>

# *Premier Pyrotechnics, Inc.*

certifies to all that

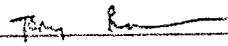
## *Jerry Keller*

*Has successfully completed a course in NFPA -1123  
and has fulfilled the requirements to be qualified as*

## *Pyrotechnician*

*April 24, 2004 under the Training Board seal.*

  
\_\_\_\_\_  
*Matt Sutcliffe - Lead Instructor*

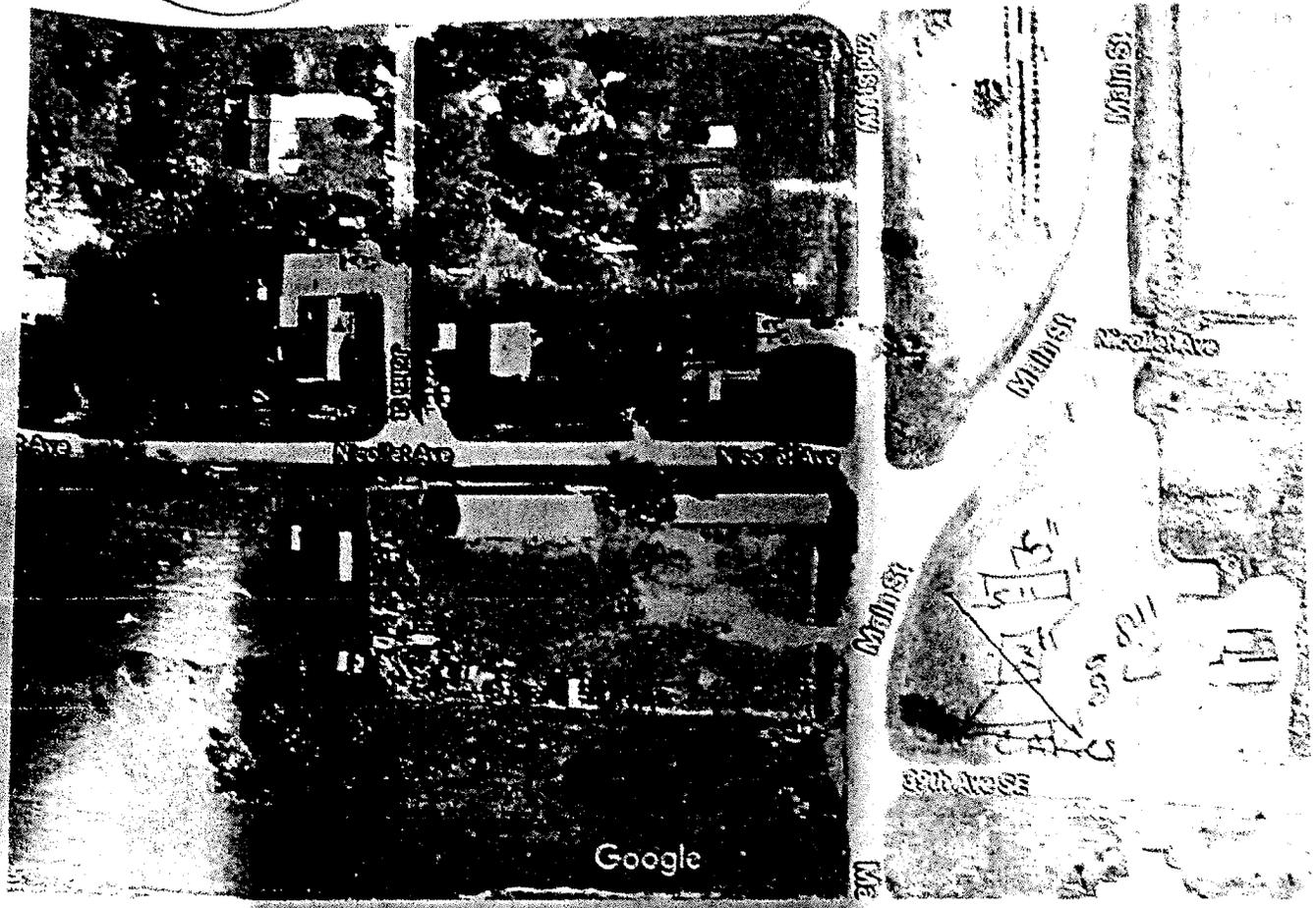
  
\_\_\_\_\_  
*Tony Ramberg - Area Coordinator*



50000 3.55 N

Google Maps

#3



Imagery ©2022 Maxar Technologies, USA/EPAC/Geo, Map data ©2022 100%

#1

Contact: Jerry Kellee

#4

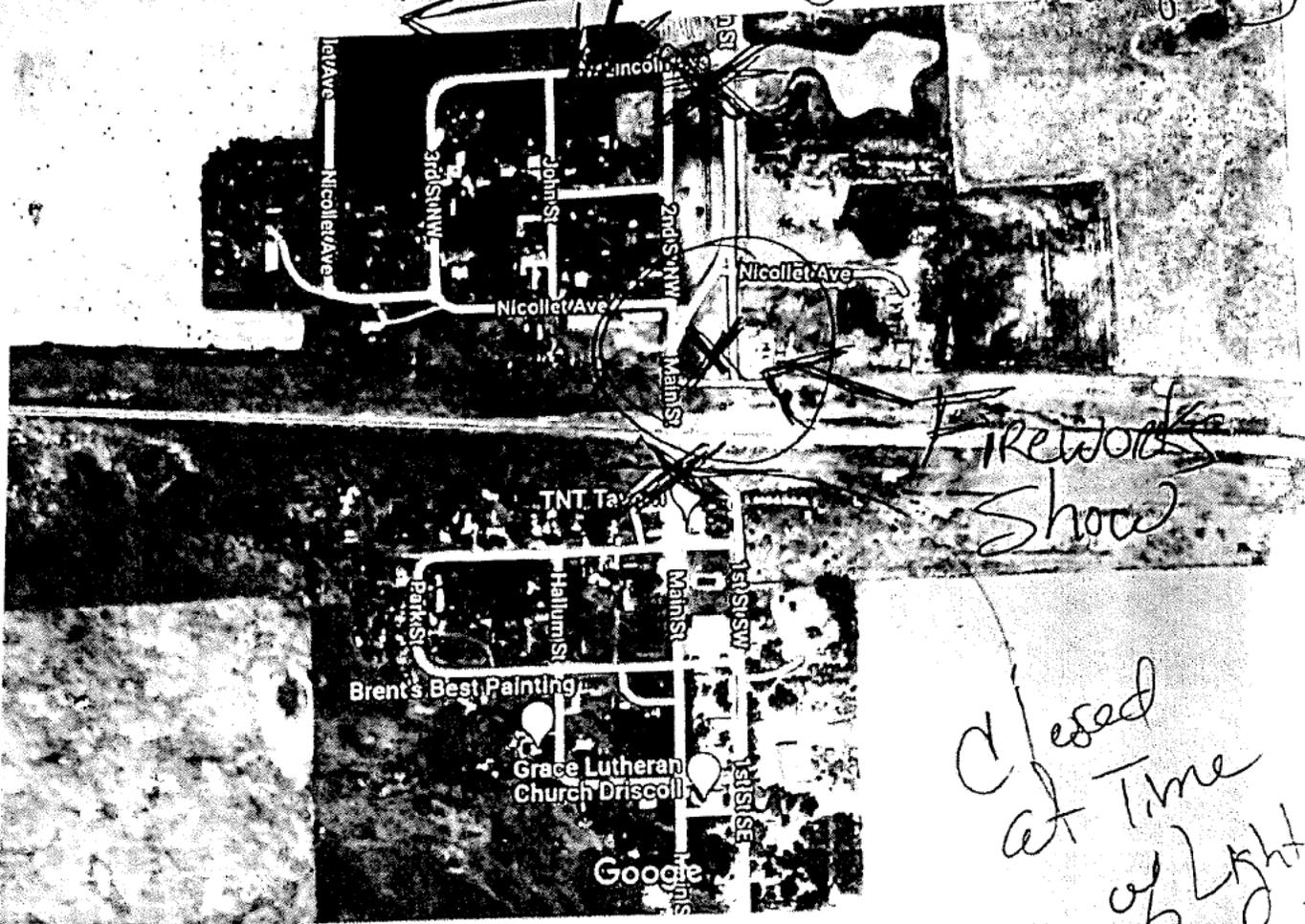
Fireworks are stored in an Inspected location that certified by the BATF. They will be transported in a trailer Inspected by the BATF.

5/30/22, 8:57 PM

Google Maps

*petova*

*closed at time of lighting*



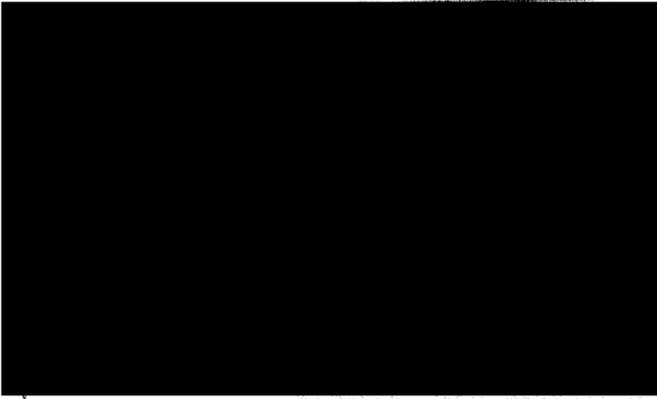
**Fireworks Show**

*closed at time of lighting*

Imagery ©2022 CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2022 500 ft

*cakes*

- 3" shells*
- 5" shells*
- 6" shells*
- 8" shells*





APPLICATION FOR LIQUOR LICENSE

Name of Applicant Jim Ladouceur Inc. dbs Apple Creek Country Club Classification of License E

Primary Contact Ty Hauglie Phone \_\_\_\_\_

Address 8921 E Hwy 10 Po Box 1611 Date of Birth/Incorporation 1/1/08

Is this a renewal of liquor license? Yes X No \_\_\_\_\_

If yes, give date of original application 2-6-08

Check one of the following to indicate who is applying for the license:

- 1. A physical resident and citizen of the State of North Dakota; or
- 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
Jim Ladouceur	4616 Furhart Lane	Bismarck, ND 58504	100%

3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------



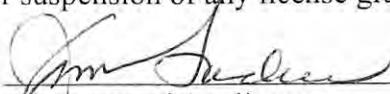
The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

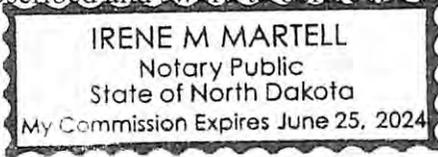
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

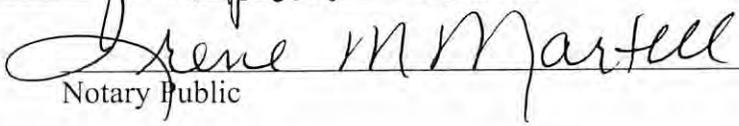
I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

  
\_\_\_\_\_  
Signature of Applicant

Subscribed and sworn to before me this 10th day of April, 2023



  
\_\_\_\_\_  
Notary Public

Recommend application be approved \_\_\_\_\_ denied \_\_\_\_\_

Reasons for negative recommendation

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
County Auditor

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Apple Creek approve the  
(Name of Township)

application for a Type E Retail Liquor License for

Jim Laducer Inc. d/b/a Apple Creek Country Club  
(Name of Establishment)

owned by Jim Laducer 8921 E Hwy 10  
(Licensee) (Address)

Mont Sull

Chairman

Joseph E. DeWitt

Member

David Ford

Member

ATTEST

Stephen Dehnbach  
(Township Clerk)

**APPLICATION FOR LIQUOR LICENSE**

Name of Applicant Black Leg Brewery Classification of License B1B

Primary Contact Jay Doan Phone [REDACTED]

Address 24750 62nd AVE SE McKenzie Date of Birth/Incorporation 2018

Is this a renewal of liquor license? Yes X No \_\_\_\_\_

If yes, give date of original application 2018

Check one of the following to indicate who is applying for the license:

- \_\_\_\_\_ 1. A physical resident and citizen of the State of North Dakota; or
- X 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- \_\_\_\_\_ 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant Black Leg Brewery, LLC X  
 Residence 24750 62nd AVE SE McKenzie, ND 58572  
 Post Office Address \_\_\_\_\_

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
Jay Doan	<del>24750 62nd AVE SE</del> 24750 62nd AVE SE	McKenzie, ND 58572	100

3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent

4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name

Residence

P. O. Address

Date and type of any prior or present liquor business:

2015, Malt Beverage

Exact legal description of proposed enterprise:

Malt beverage manufacturer

Does building meet all state and local sanitation and safety requirements? Yes  No

Have you ever had a liquor license revoked or rejected by any authority? Yes  No   
If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor? Yes  No

If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes  No

If yes, give date and details:

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

1. 1st International Bank - Business operating Loan - 701-751-0500
2. American Beer Equipment - Equip Manufacturing - 402-475-2337
3. McQuinn Distributing - Beer Distributor - 701-223-6050

The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

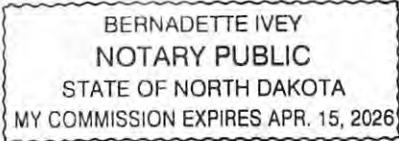
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

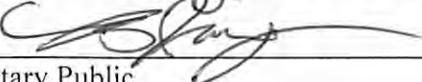
I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

  
 \_\_\_\_\_  
 Signature of Applicant

Subscribed and sworn to before me this 31<sup>st</sup> day of May, 2023



  
 \_\_\_\_\_  
 Notary Public

Recommend application be approved \_\_\_\_\_ denied \_\_\_\_\_

Reasons for negative recommendation

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
 County Auditor

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Logan approve the  
(Name of Township)

application for a Type BB Retail Liquor License for

Black Leg Brewery  
(Name of Establishment)

owned by Black Leg Brewery LLC 24750 62nd Ave SE, McKenzie!  
(Licensee) (Address) ND, 58572

[Signature]  
Chairman  
[Signature]  
Member  
Patrick R. Heaton  
Member

ATTEST

Corrine Heaton  
(Township Clerk)



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Memo

Date: June 5, 2023

To: Mark Splonskowski  
County Auditor

From: Marcus J. Hall P.E.  
County Engineer *MSH*

RE: Second access permit for Kenton Well

Kenton Well from 901 NW 110<sup>th</sup> Ave NW has requested a second access permit to his property. The first access approach is off of 110<sup>th</sup> Ave NW. He wishes to have a second approach off of 110<sup>th</sup> Ave NW in order to have better access to the west side of his property. We have reviewed the location of the new proposed access off of 110<sup>th</sup> Ave NW and have determined that it will meet our requirements.

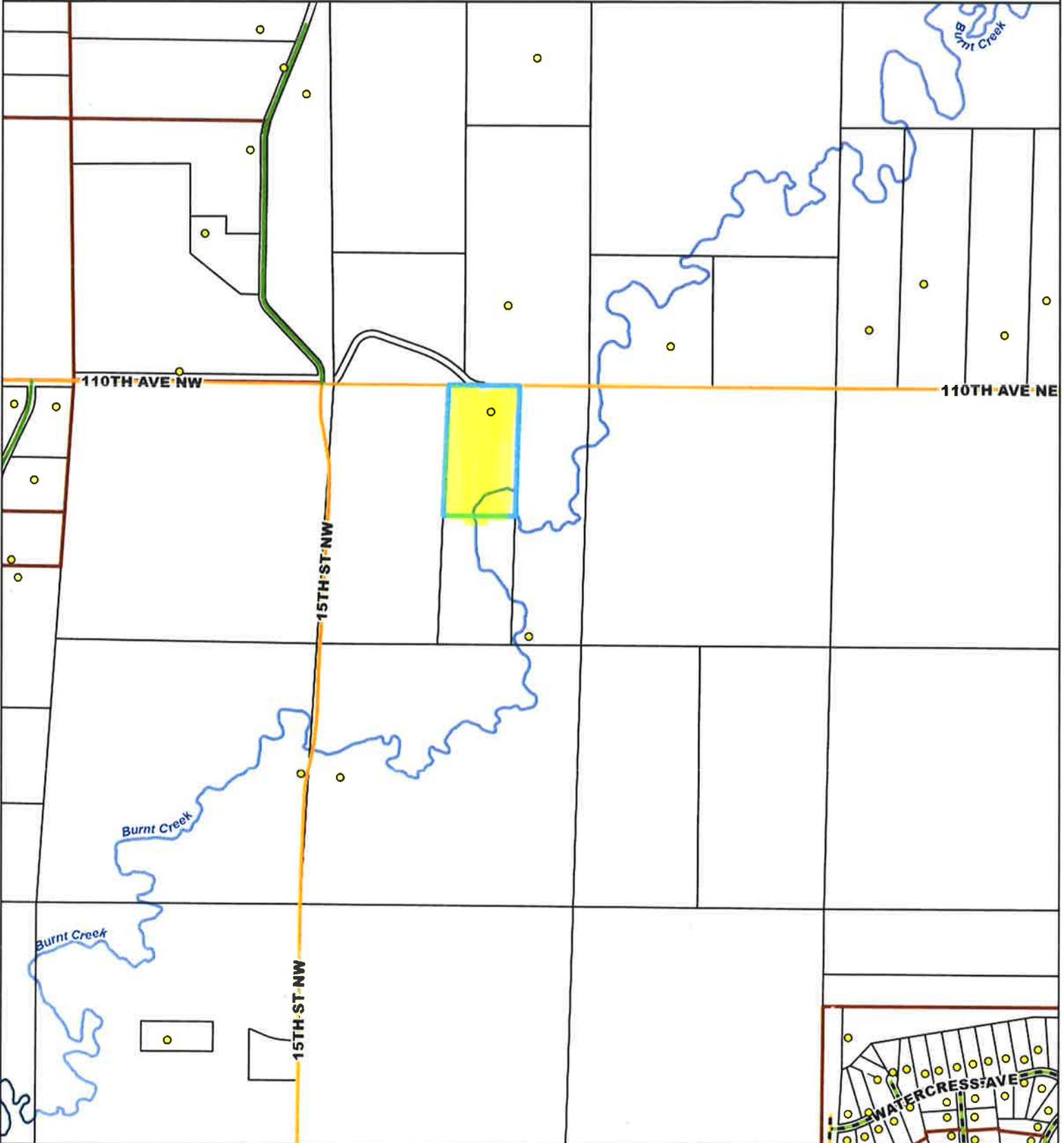
Please place the approval of a 2<sup>nd</sup> approach for Kenton Well on the June 5, 2023 County Board Consent Agenda.

### 2<sup>nd</sup> Approach Permits 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.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



PARCEL ID: 24-140-80-00-29-430      OWNER: WELL, KENTON H      ACRES: 20  
SITE ADDRESS: 901 NW 110TH AVE  
MAIL ADDRESS: WELL, HARVEY LE PO BOX 1634, BISMARCK, ND 58502-1634  
LEGAL: BURNT CREEK TOWNSHIP Section 29 W1/2NE1/4NW1/4 787472 29-140-80



PARCEL ID: 24-140-80-00-29-430      OWNER: WELL, KENTON H      ACRES: 20  
SITE ADDRESS: 901 NW 110TH AVE  
MAIL ADDRESS: WELL, HARVEY LE PO BOX 1634, BISMARCK, ND 58502-1634  
LEGAL: BURNT CREEK TOWNSHIP Section 29 W1/2NE1/4NW1/4 787472 29-140-80

**ITEM**

**# 6**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## **Request for County Board Action**

**DATE:** June 5, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Developer Waiver Request

Please include this item on the next Burleigh County Board agenda.

### **ACTION REQUESTED:**

Review and Direct the County Highway Department on how to proceed with the Developer's request.

### **BACKGROUND:**

Under the current Pavement Policy, developers (owners of property that is being platted) are required to: "Proposed platted subdivisions will include the construction and paving of all internal roadways and adjacent section line roads, and the construction and paving of at least one roadway that connects into the existing paved highway system."

Rocky Ridge Limited Partnership, in the S ½ of the NE ¼ of Section 14, Riverview Township (see attached map), is proposing a two (2) lot subdivision (CLH Acres Subdivision), and is requesting a waiver of the Pavement Policy. Under the Pavement Policy, the platting of this property would require them to pave a minimum of 1.87 miles of County/Township roadways to reach the pavement on 149<sup>th</sup> Avenue NW. In addition the Developer would be required to construct and pave roadways along the east, south and west edges of their property because it is presently identified as a collector roadway under the current Roadway Master Plan.

Waiving the Pavement Policy allows the County Board to approve the proposed plat without the developer paving the required roadways at this time. It does not preclude

the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future.

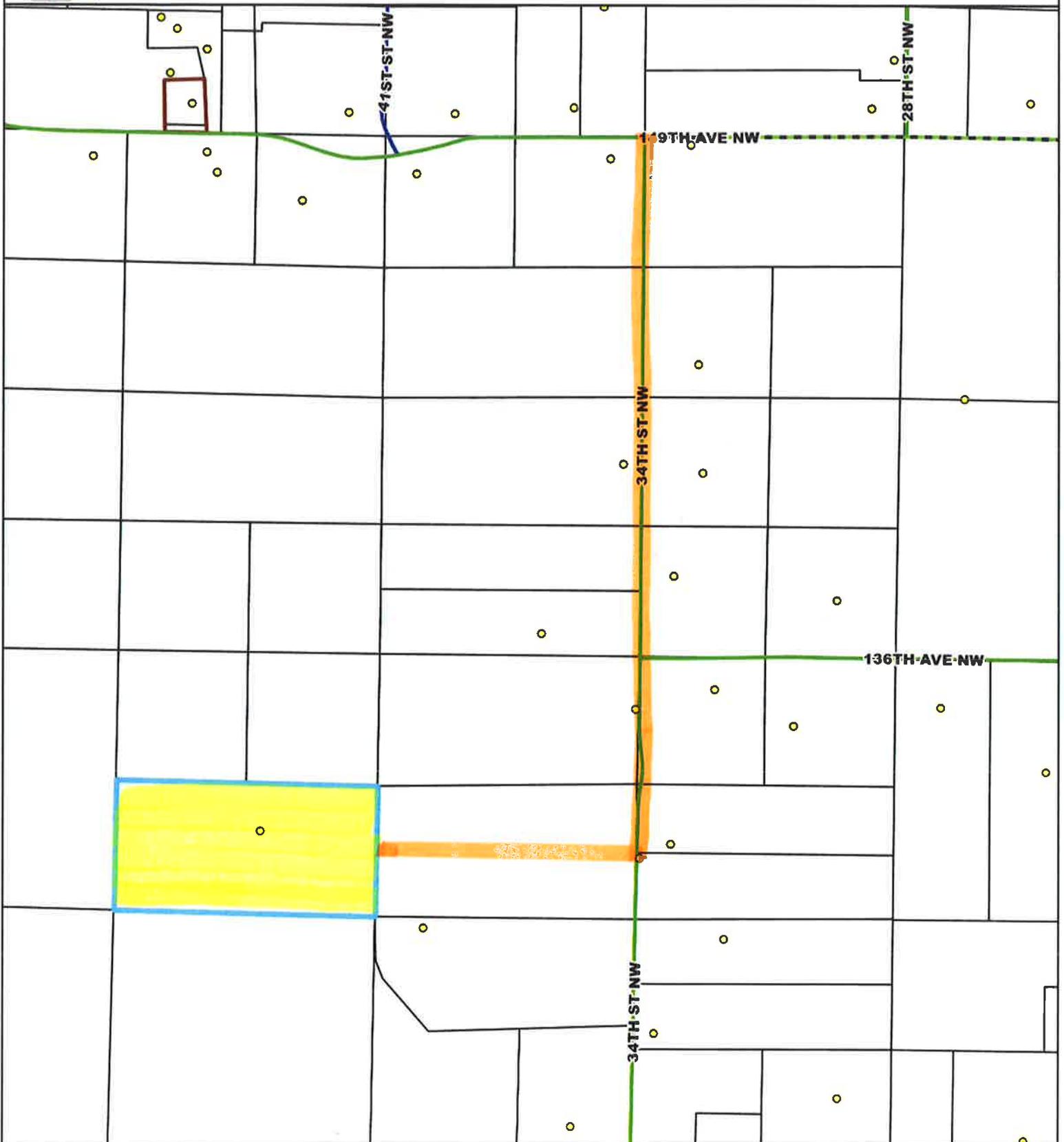
**RECOMMENDATION:**

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

**PROPOSED RESOLUTION:**

THEREFORE BE IT RESOLVED: That the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future, and

THEREFORE, BE IT FURTHER RESOLVED: That the County Board of Commissioners do hereby grant Rocky Ridge Limited's request to waive the paving requirements "*paving of all internal roadways and adjacent section line roads*" listed in the Pavement Policy, in conjunction with the approval of the CLH Acres Subdivision.



FARCEL ID: 23-140-81-00-14-210

OWNER: ROCKY RIDGE LIMITED PTNRSHP

ACRES: 80

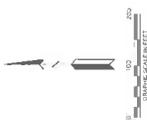
SITE ADDRESS: 13250 NW 34TH ST

MAIL ADDRESS: 13250 34TH ST NW, BISMARCK, ND 58503-8420

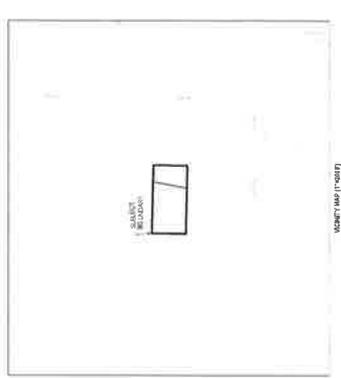
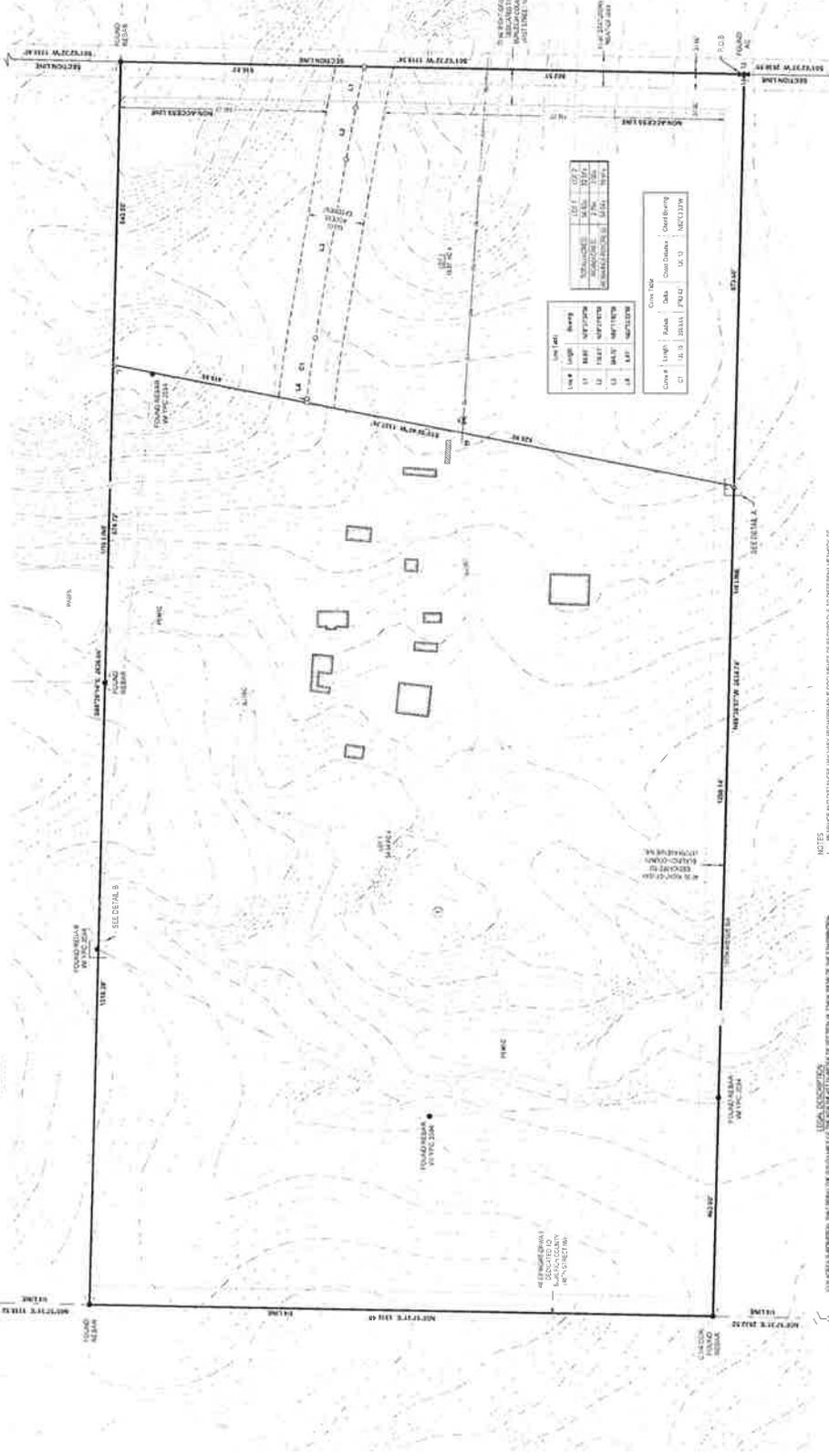
LEGAL: RIVERVIEW TOWNSHIP Section 14 S1/2NE1/4 INCLUDING OUTLOT A 526331 640023 640743 641140 14-140-81

# PRELIMINARY PLAT OF CLH ACRES SUBDIVISION S 1/2 NE 1/4 OF SECTION 14, T140N, R81W, OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

DATE OF FIELD SURVEY: 11/06/2022  
DATE OF PLAT PREPARATION: 11/06/2022



- LEGEND**
- BOUNDARY POINT
  - BOUNDARY POINT
  - ✕ BOUNDARY POINT
  - BOUNDARY POINT
- BOUNDARY POINT  
○ BOUNDARY POINT  
✕ BOUNDARY POINT  
□ BOUNDARY POINT



**NOTES**

1. BOUNDARY POINTS MAY VARY FROM THE RECORD DUE TO DIFFERENCES IN METHODS OF SURVEY.
2. SURVEY TO BE RECORDED IN BURLEIGH COUNTY, NORTH DAKOTA.
3. TOTAL AREA: 13.50 ACRES.
4. THIS PLAT IS SUBJECT TO ALL RECORDS ON FILE IN THE PUBLIC RECORDS OFFICE OF BURLEIGH COUNTY, NORTH DAKOTA.

**CLIENT**  
MOUNTAIN PLAINS LLC  
1800 W. 10TH ST. SUITE 100  
BISMARCK, ND 58102

**SURVEYOR**  
DALE MUELLER, REGISTERED PROFESSIONAL SURVEYOR  
1800 W. 10TH ST. SUITE 100  
BISMARCK, ND 58102

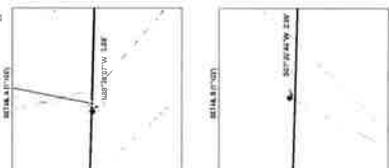
**WARRANTY**  
MOUNTAIN PLAINS LLC AND DALE MUELLER, REGISTERED PROFESSIONAL SURVEYOR, WARRANT THAT THE SURVEY HAS BEEN MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE NORTH DAKOTA SURVEYING ACT AND THE INFORMATION PROVIDED ON THIS MAP IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE.

**MONITORING**  
MOUNTAIN PLAINS LLC  
1800 W. 10TH ST. SUITE 100  
BISMARCK, ND 58102

**LEGAL DESCRIPTION**  
S 1/2 NE 1/4 OF SECTION 14, T140N, R81W, OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, CONTAINING 13.50 ACRES, MORE OR LESS, AS SHOWN ON THE ATTACHED SURVEY MAP.

**OWNER CERTIFICATE AND DECLARATION**  
I, DALE MUELLER, REGISTERED PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT THE SURVEY HAS BEEN MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE NORTH DAKOTA SURVEYING ACT AND THE INFORMATION PROVIDED ON THIS MAP IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE.

**PREPARED AND SUBMITTED AS A NEUTRAL PUBLIC TRUST**  
DATE: 11/06/2022  
BY: DALE MUELLER, REGISTERED PROFESSIONAL SURVEYOR





# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## **Request for County Board Action**

**DATE:** June 5, 2023  
**TO:** Mark Splonskowski  
County Auditor  
**FROM:** Marcus J. Hall  
County Engineer  
**RE:** 3<sup>rd</sup> Approach Permits

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

### **ACTION REQUESTED:**

Review and Direct the County Highway Department on how to proceed with Parker Kilde request.

### **BACKGROUND:**

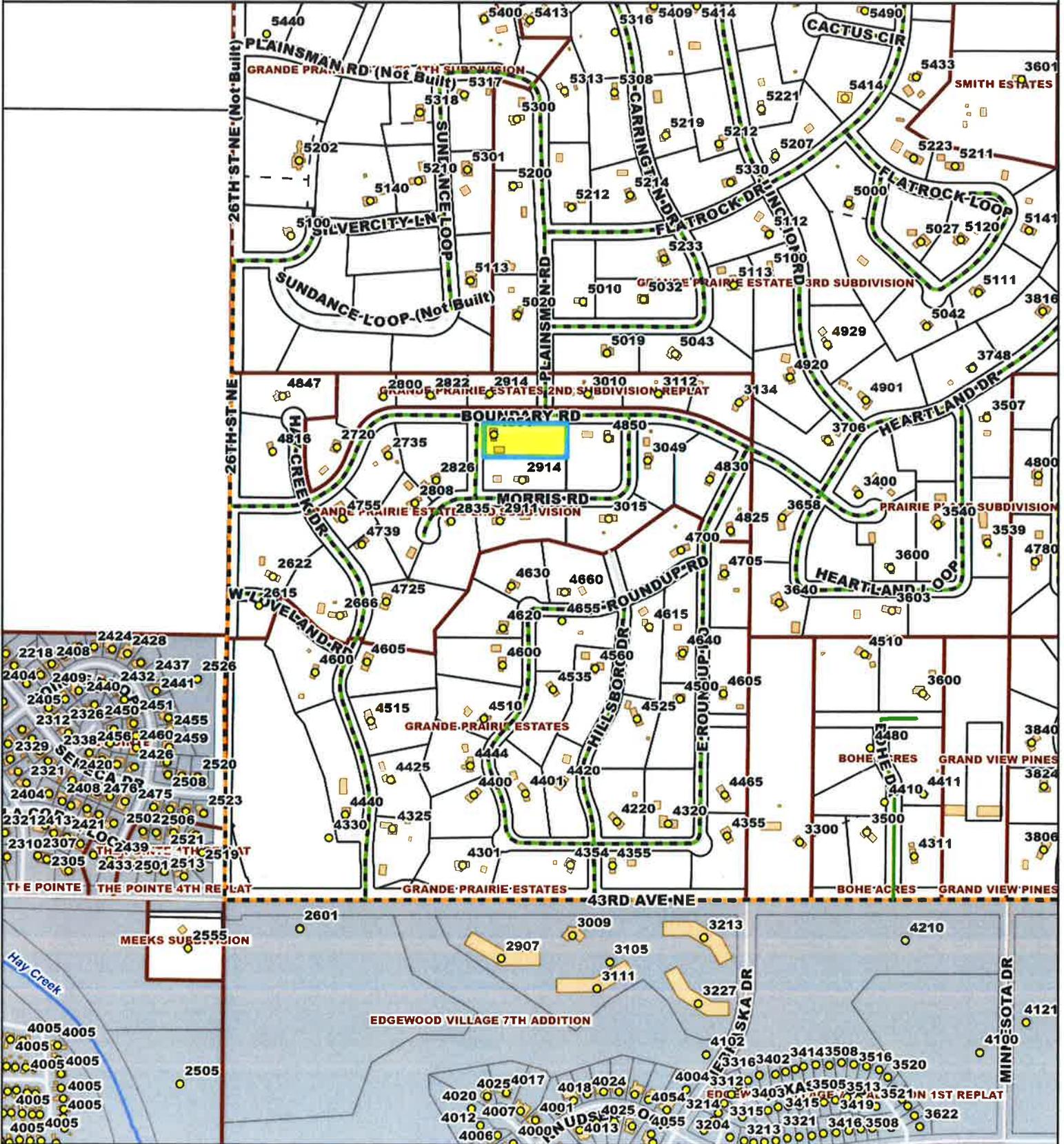
Parker Kilde has requested a third approach permit to a property described as Block 11, Lot 2, of Grande Prairie Estates Second Subdivision (4851 Morris Road). The first and second approaches currently enter the property from Morris Road. The third approach will enter the property from Boundary Road. The third approach was rejected because we do not approve third approaches.

Parker Kilde has requested an appeal of the Highway Department's denial to the County Board.

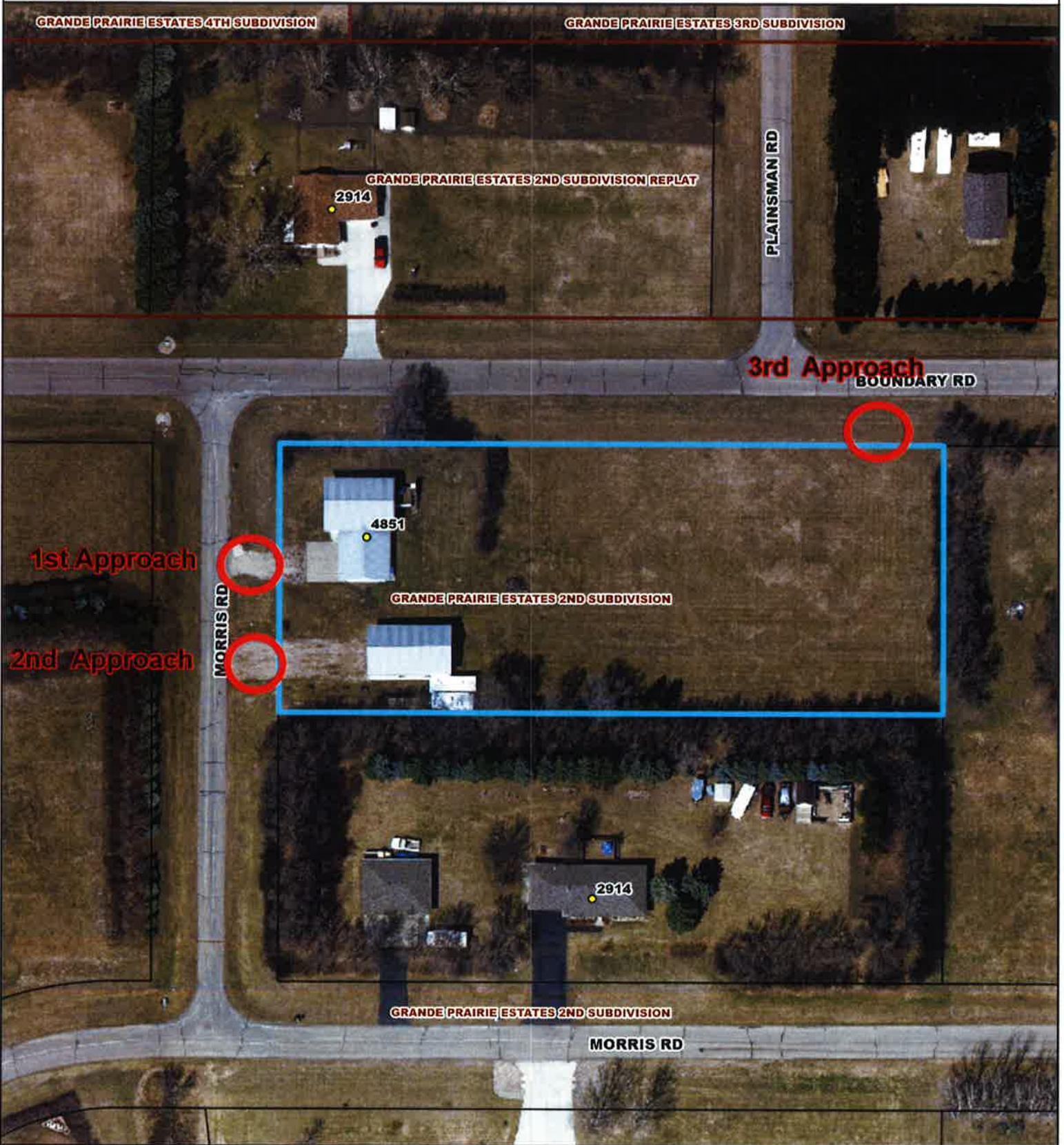
### **RECOMMENDATION:**

It is recommended that the Burleigh County Board discuss the above item and direct the County Highway Department on how to proceed.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



PARCEL ID: 31-139-80-42-11-020      OWNER: KILDE, PARKER ROSS      ACRES: 1.64  
SITE ADDRESS: 4851 MORRIS RD  
MAIL ADDRESS: 4851 MORRIS RD, BISMARCK, ND 58503  
LEGAL: GRANDE PRAIRIE EST SECOND Block 11 LOT 2 785062



**PARCEL ID:** 31-139-80-42-11-020      **OWNER:** KILDE, PARKER ROSS      **ACRES:** 1.64  
**SITE ADDRESS:** 4851 MORRIS RD  
**MAIL ADDRESS:** 4851 MORRIS RD, BISMARCK, ND 58503  
**LEGAL:** GRANDE PRAIRIE EST SECOND Block 11 LOT 2 785062

# **PUBLIC HEARING**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** June 5, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Public Hearing for the Vacate of Easement for Public Road

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

**ACTION REQUESTED:**

Conduct Public Hearing for the Vacation of Easement for Public Road.

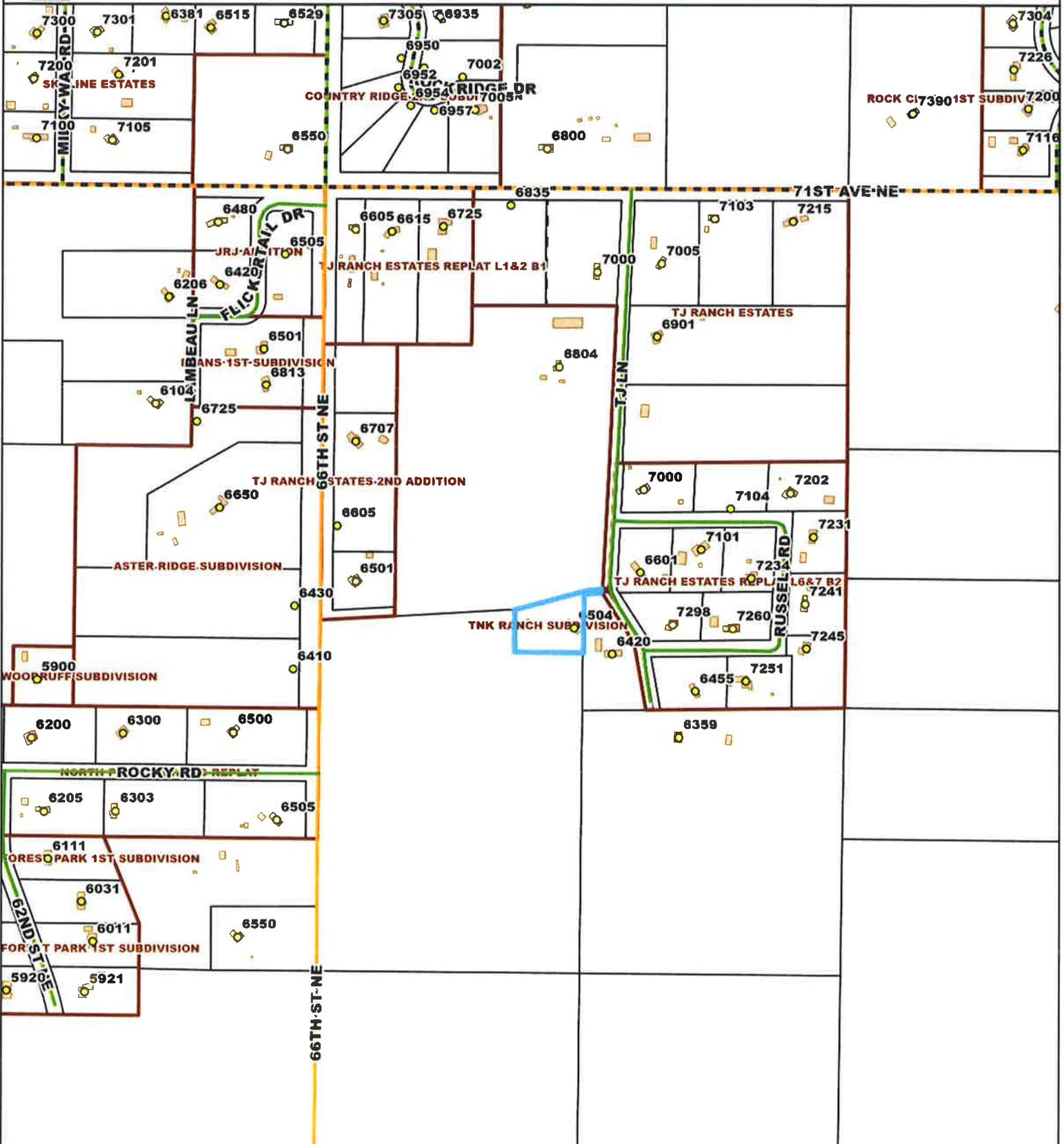
**BACKGROUND:**

A local resident would like to have an Easement for Public Road removed from their property. The property is located in the NW ¼ of Section 8, Township 139N, Range 79W, Gibbs Township - Burleigh County (see attached map). The resident has filed a petition (see attached Application) to vacate this roadway. In order to vacate this roadway, the County/Township must conduct a Public Hearing and ascertain any damages that are caused by discontinuing this Easement for Public Road.

**RECOMMENDATION:**

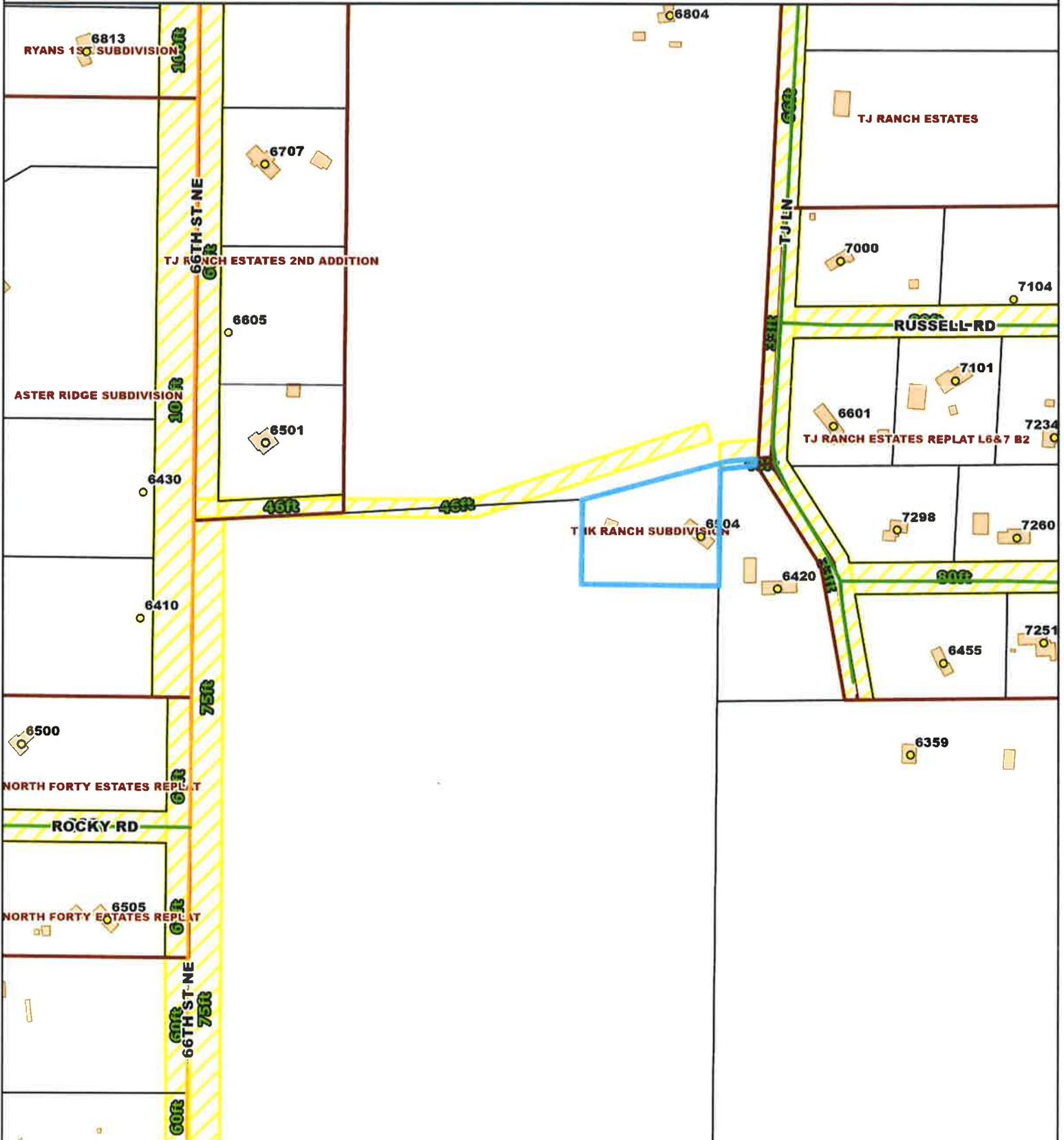
It is recommended that the Board conduct the Public Hearing and direct staff on how to proceed.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

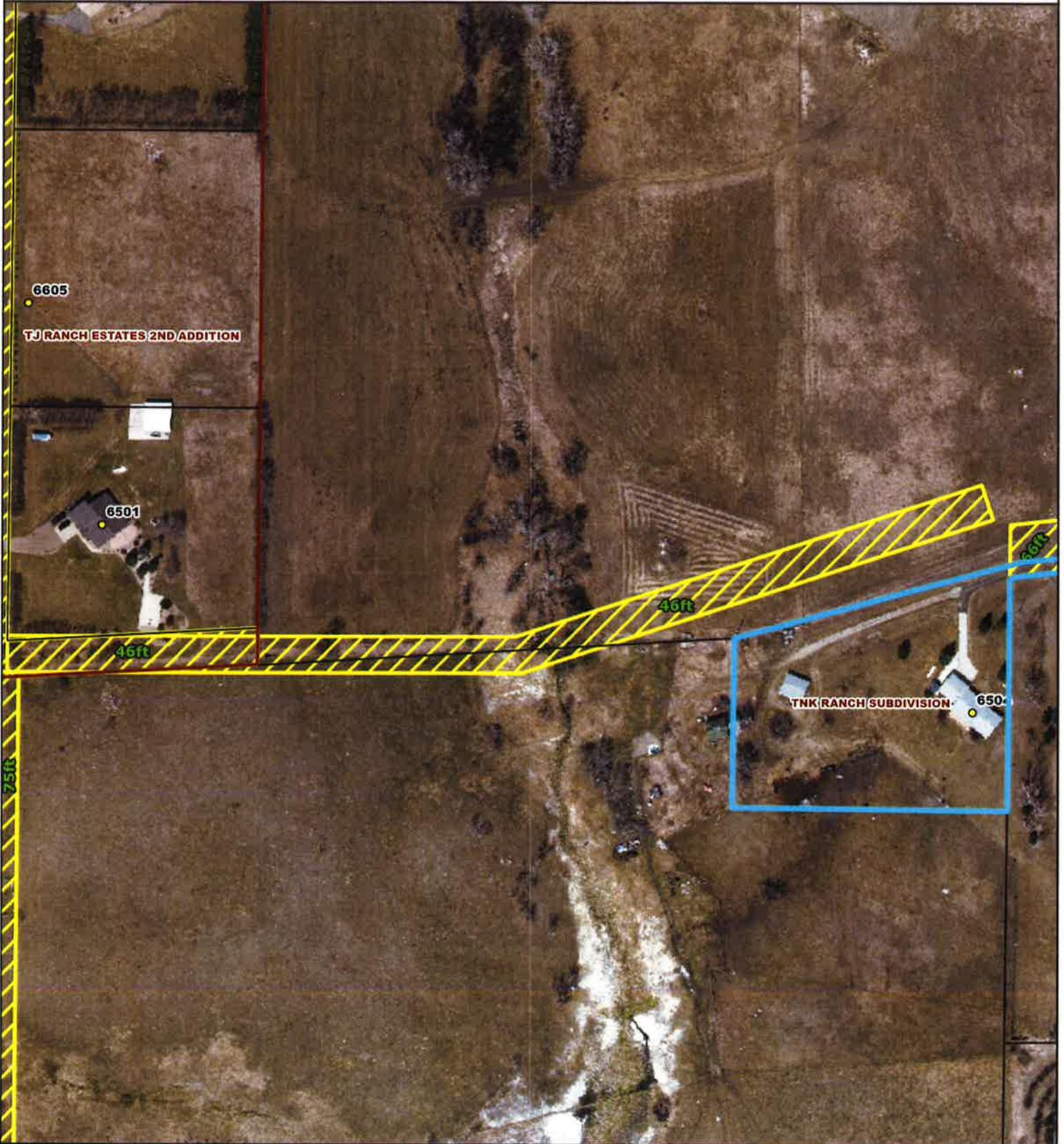


PARCEL ID: 32-139-79-80-01-010      OWNER: FETTIG, THOMAS L & KIM R      ACRES: 2.15  
SITE ADDRESS: 6504 TJ LN  
MAIL ADDRESS: 6504 TJ LANE, BISMARCK, ND 58503-6725  
LEGAL: TNK RANCH BLOCK 1 LOT 1

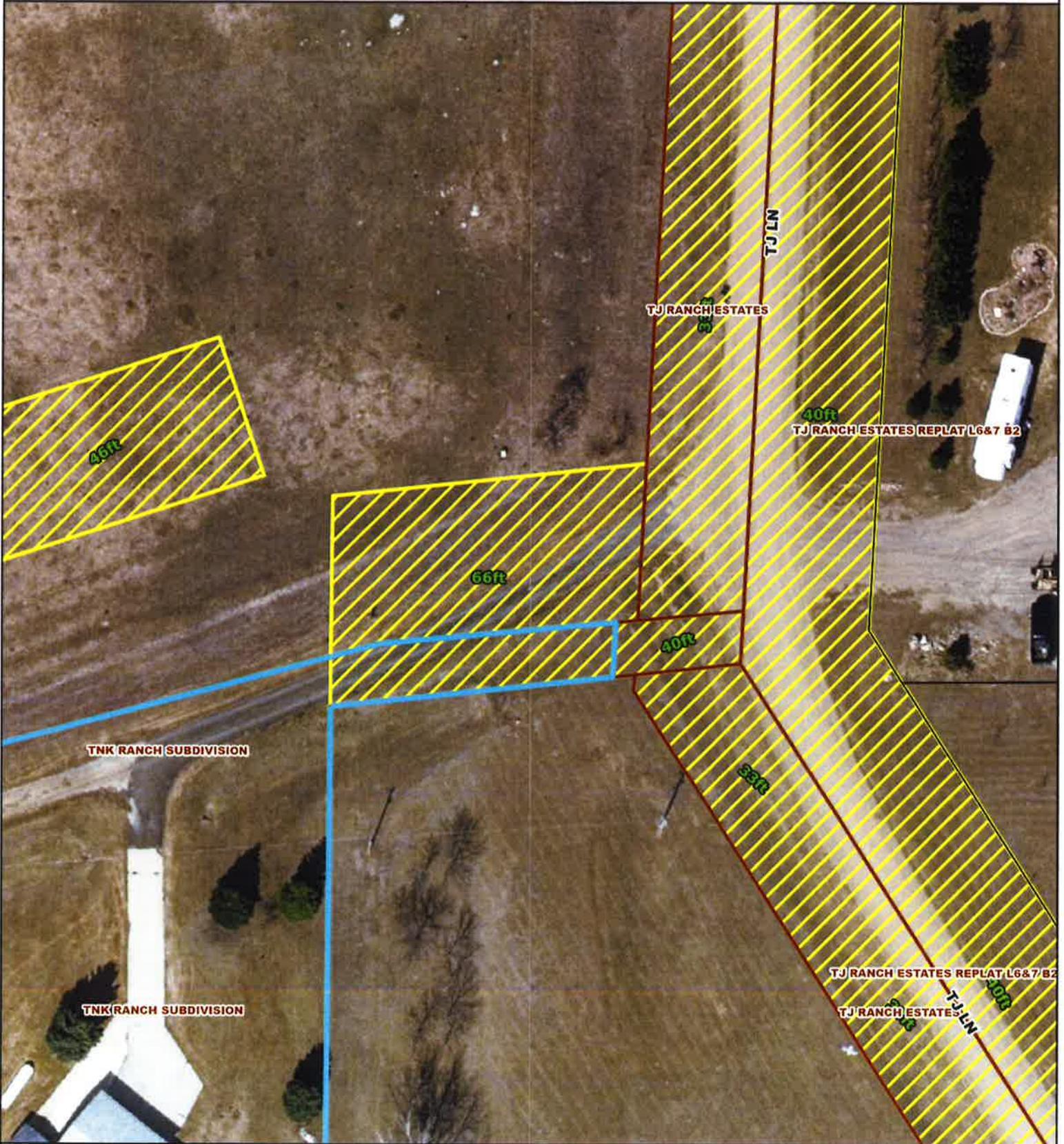
# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



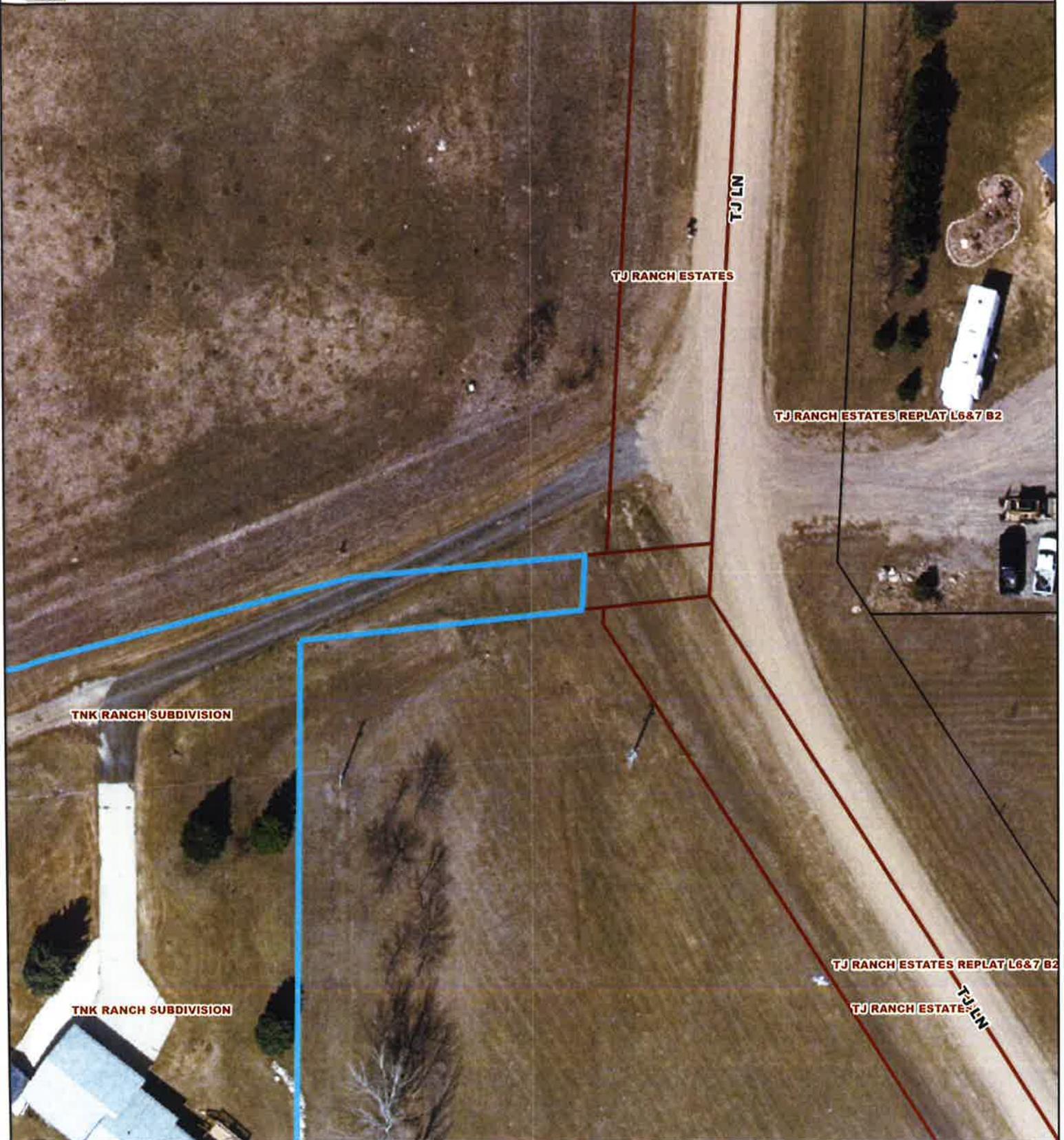
PARCEL ID: 32-139-79-80-01-010      OWNER: FETTIG, THOMAS L & KIM R      ACRES: 2.15  
SITE ADDRESS: 6504 TJ LN  
MAIL ADDRESS: 6504 TJ LANE, BISMARCK, ND 58503-6725  
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PARCEL ID: 32-139-79-80-01-010      OWNER: FETTIG, THOMAS L & KIM R      ACRES: 2.15  
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PARCEL ID: 32-139-79-80-01-010      OWNER: FETIG, THOMAS L & KIM R      ACRES: 2.15  
SITE ADDRESS: 6504 TJ LN  
MAIL ADDRESS: 6504 TJ LANE, BISMARCK, ND 58503-6725  
LEGAL: TNK RANCH BLOCK 1 LOT 1



# BURLEIGH COUNTY UNIFIED DEVELOPMENT APPLICATION

**RECEIVED**  
MAY 16 2023  
BY: \_\_\_\_\_

**Application submitted for (check all that apply):**

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat    | <input type="checkbox"/> Minor Plat Modification | <input checked="" type="checkbox"/> Plat Vacation |
| <input type="checkbox"/> Road Vacation    | <input type="checkbox"/> Zoning Change | <input type="checkbox"/> Development Permit      | <input type="checkbox"/> Special Use Permit       |

<b>PROPERTY INFORMATION:</b>			
Name of plat: <b>PLAT DOCUMENT 315986</b>			
Legal description of property (lot, block, addition): <b>GIBBS TOWNSHIP SECTION 8 LOT 2 NW 1/4 09-139-79</b>			
Street address of property: <b>6804 TJ LANE</b>			
Existing Zoning: <b>AG</b>		Proposed zoning: <b>N/A</b>	
Acreage: <b>35.598</b>		Number of lots: <b>1</b>	
Description of development proposal, including reason(s) for the request: <b>VACATE EASEMENT FOR PUBLIC ROAD</b>			
<b>APPLICANT/DEVELOPER:</b>			
Name: <b>Bruce &amp; Heidi Schirado</b>		Mailing address: <b>6804 TJ Lane, Bismarck 58503</b>	
Daytime telephone number: <b>701-391-3615</b>	FAX number:	E-mail address: <b>hschirado@gmail.com</b>	
<b>PROPERTY OWNER (IF DIFFERENT THAN APPLICANT/DEVELOPER):</b>			
Name: <b>Darrell Lawer</b>		Mailing address: <b>800 E. Wichter Ave, Bismarck 58504</b>	
Daytime telephone number: <b>701-220-7555</b>	FAX number:	E-mail address:	
<b>CONTACT PERSON/AGENT:</b>			
Name/Firm:		Mailing address:	
Daytime telephone number:	FAX number:	E-mail address:	

**NOTE: APPLICATIONS ARE NOT COMPLETE UNTIL ALL REQUIRED SUBMITTALS HAVE BEEN RECEIVED**

This application is filed complete with the required information as outlined in the attached submission checklist. I understand the regulations of the Burleigh County Zoning Ordinance as they pertain to this request(s). I certify that all property owners have signed or ratified this application. I hereby request favorable consideration of the above described development application.

[Signature] \_\_\_\_\_ 5/15/2023  
(Applicant's Signature) (Date)

[Signature] \_\_\_\_\_ 5/15/2023  
(Owner's Signature, if different) (Date)

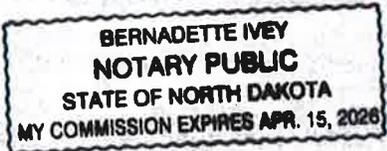
\_\_\_\_\_  
(Additional Owner's Signature, if applicable) (Date)

**VERIFICATION FOR ROADWAY VACATION REQUESTS:**

**The oath of at least one petitioner is required for road vacations only.**

STATE OF NORTH DAKOTA )  
 ) SS  
COUNTY OF BURLEIGH )

On this 15<sup>th</sup> day of May, 2023, before me, a notary public in and for said county and state, appeared Bruce Wayne, Heidi Schirado, & Darrell Lauer, known to be personally to be the same person described in and whom executed the above instrument, and severally acknowledged that he/she executed the same.



[Signature]  
Notary Public  
Burleigh County, State of North Dakota  
My Commission Expires: 4/15/26

**Submission Deadlines:**

The County Planning and Zoning Commission regularly meets on the second Wednesday of each month. All development applications are due at 5:00 p.m., 21 calendar days prior to the meeting.

The following checklist must be completed and submitted with the application form.

COUNTY SUBMISSION CHECKLIST			
Applying for:		Submitted	N/A
<input type="checkbox"/> Preliminary Plat	Required pre-application meeting	Date:	
	5 prints of plat, including all items listed in preliminary plat checklist		
	Preliminary plat checklist, completed by applicant		
	Fee determined by lot number: 1 – 2 lots \$200.00    3 – 10 lots \$300    11 – 20 lots \$400    21 or more lots \$900		
	8½" x 11" reduction of plat		
	Digital copy of plat		
	Road master plan & adjacent owner's consent (if required)		
	For subdivisions proposed in areas not under the zoning jurisdiction of Burleigh County, documentation that the subdivision complies with the zoning requirements of the township		
	Written request for amendment to Fringe Area Road Master Plan (if applicable)		
<input type="checkbox"/> Final Plat	Final plat fee \$250.00		
	Stormwater Management Plan Review Fee \$200 (includes permit if approved)		
	6 prints of plat, including all items listed in final plat check list		
	Final plat checklist, completed by applicant		
	8½" x 11" reduction of plat		
	Digital copy of plat, if requested		
	Attorney's opinion of ownership, including all easement owners		
<input type="checkbox"/> Development Application Review	Fee determined by number of lots: 1 – 2 lots \$25    3 to 10 lots \$100    11 to 20 lots \$200    21 or more \$600		
	Site plan, drawn to scale (no larger than 11" x 17")		
	Completed Development Application and all exhibits		
<input type="checkbox"/> Development Permit & Field Review	Fee determined by number of lots: 1 – 2 lots \$200    3 to 10 lots \$400.00    11 – 20 lots \$1,500    21 or more lots \$2,500.		
	Review and Approval of Development Application		
<input type="checkbox"/> Plat Vacation	Map of property to be vacated		
	Fee of \$300.00		
	Legal description of property to be vacated		
<input checked="" type="checkbox"/> Road Vacation	Map of property to be vacated		
	Fee of \$250.00		
	Legal description of property to be vacated		
	Letters of consent from utilities (street/alley vacation & easement release)		
<input type="checkbox"/> Zoning Change	Fee of \$500.00 (zoning change)		
	Description of zoning change by legal description if multiple districts requested		
	Architectural drawings (PUD only)		
	One (1) print of site plan, at 1"=100' scale (PUD only)		
	8½" x 11" reduction of site plan (PUD only)		
<input type="checkbox"/> Special Use	Written statement (PUD only)		
	Fee of \$300.00		
	3 prints of site plan, at 1"=20' or larger scale		
	8½" x 11" reduction of site plan		
	Photograph of building (moving building only)		
Adjacent property owner petition (required for moving of a building, trap or skeet shooting range, vehicular racetrack, rodeo or rodeo event and solid waste disposal facility only)			

Variance	Fee of \$300.00		
	Site plan, drawn to scale (no larger than 11" x 17"), with dimensions		
	Elevations of proposed structure (s), if required		
	Written statement of hardship (separate form that must be completed for variances)		
	Adjacent property owner petition (required for accessory building prior to residence)		
Minor Plat/Lot Modification	Fee of \$200.00 (Only applies to 3 lots or less)		
	Sketch of survey, showing how the lot is proposed to be split		
	Legal description of lot(s), both existing & proposed with square footage/acreage		

# 2022 Burleigh County Real Estate Tax Statement

Statement No: 37751

**Parcel Number**  
32-139-79-00-08-430

**Jurisdiction**  
3201B1

**Owner**  
LAUER, DARRELL

**Physical Location**  
6804 TJ LN  
BISMARCK, ND 58504

**Legal Description**  
Addition Name: GIBBS TOWNSHIP  
SCT:08 TWN:139 RNG:79  
GIBBS TOWNSHIP Section 08 LOT 2 IN NW 1/4 08-139-79

**Legislative tax relief  
(3-year comparison)**  
Legislative tax relief

	2020	2021	2022
Legislative tax relief	1,585.03	1,630.87	1,683.53

**Tax distribution (3-year comparison):**

	2020	2021	2022
True and Full Value	253,400	261,000	270,400
Taxable Value	11,445	11,788	12,211
Less: Homestead credit	0	0	0
Disabled Veterans credit	0	0	0

Net Taxable Value 11,445 11,788 12,211

Total mill levy 177.440 168.450 162.650

**Taxes By District (in dollars):**

County	437.78	439.19	457.42
Fire/ambulance	148.78	153.24	158.74
School (after State Reduction)	1,226.80	1,263.60	1,308.90
State	11.44	11.78	12.22
Township	206.00	117.88	48.84

**Consolidated tax** 2,030.80 1,985.69 1,986.12

**Net effective tax rate** 0.80% 0.76% 0.73%

## 2022 TAX BREAKDOWN

Net consolidated tax 1,986.12  
Plus: Special Assessments 0.00  
Total tax due 1,986.12

Less: 5% discount,  
if paid by February 15, 2023 99.31

**Amount due by February 15, 2023** 1,886.81

Or pay in two installments (with no discount):

Payment 1: Pay by March 1, 2023 993.06  
Payment 2: Pay by October 16, 2023 993.06

*PO CK # 4760  
12/29/22*

**\*See Important Information On Back\***

Please keep this portion for your records.  
No receipt will be sent unless requested.

## FOR ASSISTANCE CONTACT:

Office: Burleigh County Treasurer  
221 N 5th Street  
Bismarck, ND 58501

Phone: 701.222.6694

Website: [www.burleighco.com](http://www.burleighco.com)





**ITEM**

**# 7**



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN  
SHERIFF

## Request for County Commission Action

**Date:** May 15, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben *Kelly Leben*  
Burleigh County Sheriff

**Re:** Mobile Data Terminals from Burleigh County Asset Forfeiture Fund

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

### Action Requested:

Approve the purchase of two Mobile Data Terminals from the Burleigh County Asset Forfeiture Fund.

### Background:

The Burleigh County Sheriff's Department utilizes Mobile Data Terminals for the Patrol Section in each of the squad cars. Two terminals are in need of replacement in accordance with our rotation based on usage and life expectancy. This request will allow for those replacements from Asset Forfeiture dollars instead of budgeted dollars in our Patrol Car Equipment line item of the budget.

### Recommendation:

It is recommended that the County Commission concur with the Burleigh County Asset Forfeiture Board for authorization of the Sheriff's Department to purchase this equipment with Asset Forfeiture dollars.

### Proposed Resolution:

**THEREFORE BE IT RESOLVED:** That the proper County officials are hereby authorized to use asset forfeiture funds for this expense.

#### COURTHOUSE

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

[www.facebook.com/BurleighCountySheriffsDepartment](https://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



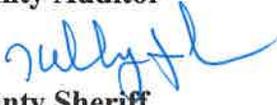
# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN  
SHERIFF

## Request for County Commission Action

**Date:** May 16, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben   
Burleigh County Sheriff

**Re:** Video/Audio Redaction Software Program and Equipment from Burleigh County  
Asset Forfeiture Fund

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

**Action Requested:**

Approve the purchase of a Video/Audio Software Program and Equipment from the Burleigh County Asset Forfeiture Fund.

**Background:**

The Burleigh County Sheriff's Department routinely receives Open Records requests for video and audio captured during law enforcement related events. Prior to releasing this media, restricted information must be redacted. This request will allow for a more thorough and faster process.

**Recommendation:**

It is recommended that the County Commission concur with the Burleigh County Asset Forfeiture Board for authorization of the Sheriff's Department to purchase this equipment with Asset Forfeiture dollars.

**Proposed Resolution:**

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to use asset forfeiture funds for this expense.

---

**COURTHOUSE**

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

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**BURLEIGH MORTON  
DETENTION CENTER**

4000 Apple Creek Road • PO Box 2499  
Bismarck, ND 58502-2499  
P 701-255-3113 • F 701-258-5319

## Burleigh County Asset Forfeiture Fund and Procedure

The Burleigh County Commission (Commission) hereby creates and establishes the Burleigh County Asset Forfeiture Fund (Fund) to receive any assets forfeited to Burleigh County as a result of a Civil Action process as outlined in ND Century Code 19-03.1-36.2. The Commission hereby also establishes the Burleigh County Asset Forfeiture Board (Board) to manage the Fund and ensure the integrity of the expenditures from the account and ensure the procedures found in *ND Century Code 19-03.1-36.2, 19-03.1-36.6, 19-03.1-36.7 and 19-03.1-36.8* are followed.

The Board shall be comprised of the following offices:

**Burleigh County Sheriff**  
**Burleigh County States Attorney**  
**Burleigh County Finance Director**

It is the policy intention of the Commission to utilize such forfeited funds to offset and/ or assist with the investigation and case work of drug related offenses or other criminal justice matters.

The Board shall review all applications and submit recommendations to the Commission for authorization of all expenditures over \$10,000 for final approval. The Commission hereby provides the Board authorization to award grant requests under \$10,000, subject to cap of no more than what has been budgeted for fund expenditures that particular calendar year. Any requests that exceed the amount budgeted for fund expenditures must be approved by the Commission. A simple majority of the Commission or Board is needed for funding approval.

All grant requests must be submitted to the Board on the approved form and must be complete and timely. Any agency making a request must have directly contributed to the Fund or have a significant impact within the criminal justice system of Burleigh County as determined by the Board.

If the request is approved, the Board or Commission will notify the requestor and provide the approved funds and ensure the funds will be utilized in the requested manner. Approved funds by the Board or Commission will follow the established procedure for County General expenditures.

If a request is denied by the Board, the Board must provide adequate documentation as to the reason for the denial and provide its reasoning to the applicant. The Commission may hear any appeals of denied grants by the Board and may override the Board's decision.



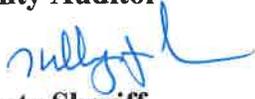
# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN  
SHERIFF

## Request for County Commission Action

**Date:** March 15, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben   
Burleigh County Sheriff

**Re:** Country Financial Cash Donation

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

**Action Requested:**

Authorize the Burleigh County Sheriff's Department to accept a cash donation from Country Financial on behalf of the Burleigh Morton Detention Center.

**Background:**

Country Financial has a donation program that can be used for betterment projects. Country Financial has accepted a water fountain upgrade at the Burleigh Morton Detention Center for one of their donations.

**Recommendation:**

It is recommended that the County Commission authorize proper county officials to receive the donation.

**Proposed Resolution:**

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to accept the donation between Burleigh County and Country Financial.

---

**COURTHOUSE**

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

 [www.facebook.com/BurleighCountySheriffsDepartment](http://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

**ITEM**

**# 8**



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission.  
Re: Appeal of Permit Denial.  
Date: 5-30-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Appeal Closing of Permit

On October 16, 2020 a permit was issued to Robert Messmer at 8714 Hogue Rd. for a 2,400 sq./ft. accessory building. Since beginning the project, the work proposed has been sporadic and incomplete, as follows:

1. No foundation, framing, mechanical or insulation inspections have been scheduled or approved.
2. Except for exterior siding- all 4 sides of exterior walls and roof are completed.
3. No mechanical permit was issued for onsite heating equipment installed.
4. Since this permit was issued in 2020:
  - a) 2021 ICC Building Codes have been adopted replacing the 2018 ICC code cycle referenced for this permit.
  - b) 2024 Flood Plain SHFA Mapping for this subdivision have been adopted and replaced the 2014 FEMA Maps, referenced for this permit.
5. Permits are allowed 180 days of no activity, at some point where no work has started, or there is a lengthy delay, the permit is no longer valid—the point chosen is 6 months. If there is a legitimate reason for the delay, we can grant extensions, there has been no reason provided that can justify an extension.
6. There have also been numerous complaints about completing this building from several neighbors, prompting this department to send a notice and order to the owner on 10-26-2022.

**ACTION REQUESTED:**

Deny the request to continue use of existing permit #2020-0176

Attachments: Ex.1. 8714 Hogue Rd. Accessory Permit  
Ex.2 CF.108 8714 Hogue Rd. H. Code 10262022  
Ex.3 7614 2014 Flood Plain Hogue Island  
Ex.4 7614 2024 Flood Plain Hogue Island



# BURLEIGH COUNTY

## BUILDING/PLANNING/ZONING

### BUILDING PERMIT APPLICATION

**MUST INCLUDE:**  
 \_\_\_ Truss Plans  
 \_\_\_ Floor Plans  
 \_\_\_ Wall Section  
 \_\_\_ Site Plan

DATE: 10-8-20  
 SITE ADDRESS: 8714 Hogue Rd Bismarck ND 58503 OWNER: Robert Messmer  
 CONTRACTOR: \_\_\_\_\_ CONTRACTOR STATE ID # \_\_\_\_\_  
 BILLING ADDRESS: 8714 Hogue Rd Bismarck ND 58503 CONTACT: \_\_\_\_\_  
 CONTACT NUMBER: 701-202-1952

CONTRACTOR/CONTACT E-MAIL: Valerie and Rob @ Hot Mail .com

(Please circle your answer)

IS PROPERTY LOCATED IN THE FLOOD PLAIN? NO  YES ELEVATION 500 year  
 DESCRIPTION OF BUILDING: ADDITION GARAGE  SHOP OTHER \_\_\_\_\_  
 TYPE OF CONSTRUCTION:  WOOD STEEL POST OTHER \_\_\_\_\_  
 CLASS OF WORK:  NEW ADDITION ALTERATION REPLACEMENT

DESCRIPTION OF PROJECT: <u>Building Shop Menardes Shop Kit 80x40</u> <u>14' sidewall - 2x6 sidewall</u> 	TOTAL SQ. FT. <u>2400</u> PROJECT COST: <u>20,000</u>
---	--

OTHER INSTALLATIONS NEEDED: (PLB, HTG, ELEC, GAS)  YES  NO

IF YES, SEPARATE APPLICATIONS ARE REQUIRED, ELECTRICAL INSPECTIONS ARE TO BE DONE BY THE STATE OF NORTH DAKOTA BOARD OF INSPECTIONS: ELECTRICAL 701-328-9522

FEE SCHEDULE: BUILDING PERMIT FEES ARE BASED ON TOTAL VALUE OF: NEW CONSTRUCTIONS, ADDITIONS, ALTERATIONS & REPLACEMENT INCLUDING BASEMENT AND ATTACHED GARAGES,

**HOME OWNER MUST COMPLY WITH SUBDIVISION COVENANTS**

221 N. 5<sup>TH</sup> ST. PO BOX 5518 BISMARCK, ND 58506-5518  
 PHONE 701-221-3727 FAX 701-221-3726 E-MAIL BURLEIGHCOBUILDING@ND.GOV  
 WWW.BURLEIGHCO.COM

CERTIFICATE OF OCCUPANCY IS NOT REQUIRED FOR ADDITIONS, ALTERATIONS, GARAGES OR SHOPS

**THE UNDERSIGNED HEREBY MAKES APPLICATION FOR A PERMIT FOR THE CONSTRUCTION, INSTALLATION, REPLACEMENT, ALTERATION OF A BUILDING AS HEREIN SPECIFIED, AGREEING THAT ALL SUCH CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH APPLICABLE COUNTY AND/OR STATE REGULATIONS AND/OR ORDINANCES AND TO HOLD BURLEIGH COUNTY HARMLESS FROM ANY AND ALL DAMAGES. THIS PERMIT IS NULL & VOID IF CONSTRUCTION AS AUTHORIZED IS NOT STARTED WITHIN 180 DAYS OR IF CONSTRUCTION IS SUSPENDED FOR A PERIOD OF 180 DAYS AFTER CONSTRUCTION IS STARTED.**

SIGNATURE: *Robert Messmer*

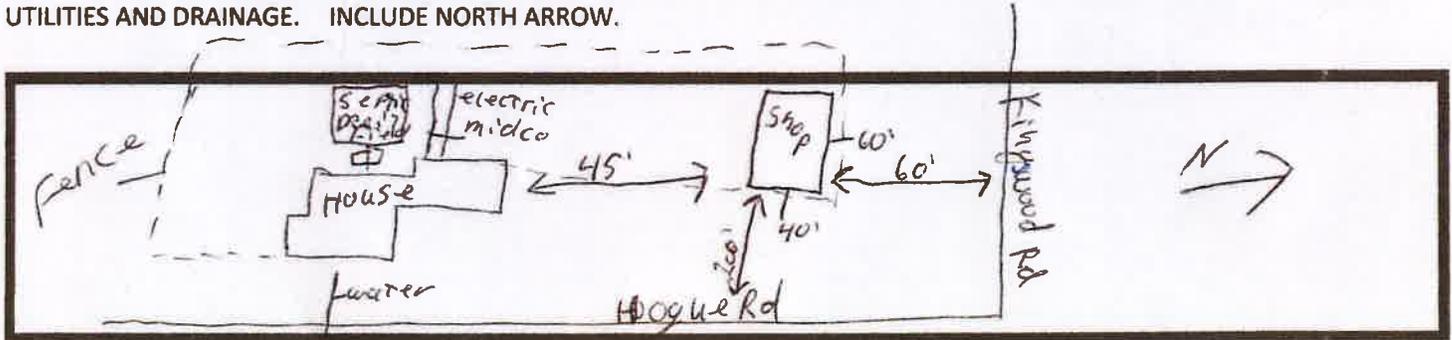
DATE: 10-8-20

**SITE PLAN**

SITE ADDRESS: 8714 Hogue Rd Bismarck, ND 58503

**INSTRUCTIONS**

IN THE BOX BELOW, DRAW YOUR LOT AND SHOW WHERE THE NEW BUILDINGS AS WELL AS ANY EXISTING BUILDINGS ARE LOCATED. SHOW DISTANCES TO THE PROPERTY LINES, AND DISTANCES BETWEEN BUILDINGS. SHOW WHERE THE WATERLINES, GAS LINES, ELECTRIC LINES, SEPTIC TANKS AND DRAIN FIELD ARE LOCATED. ALSO SHOW ANY EASEMENTS FOR UTILITIES AND DRAINAGE. INCLUDE NORTH ARROW.



WE CERTIFY THE PROPOSED CONSTRUCTION WILL CONFORM TO THE DIMENSIONS AND USES SHOWN ABOVE AND NO CHANGES WILL BE MADE WITHOUT FIRST OBTAINING APPROVAL.

Robert Messmer  
NAME(S) OF OWNER(S) OF SITE/STRUCTURE  
(PLEASE PRINT)

*Robert Messmer*  
SIGNATURE OF OWNER(S) OR AUTHORIZED AGENT

OFFICE USE: Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_

NOTES:

PHONE 701-221-3727 FAX 701-221-3726 E-MAIL BURLEIGHCOBUILDING@ND.GOV  
WWW.BURLEIGHCO.COM

## ORDINANCE 23-04

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 33 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO SECTION 12 – MINOR CHANGES TO EXISTING PLATS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA:

**Section 1. Amendment** Article 33, Section 12 of the Zoning Ordinance is here by amended and re-enacted as follows:

### **~~Section 12. Minor Changes to Existing Plats~~**

~~All proposed changes to existing plats shall be submitted to the Planning and Zoning Department for review. Changes that affect more than three (3) lots shall proceed through the platting process described in Article 33. Changes within an existing plat that affect three (3) lots or less (and are ruled as minor changes by the Planning Department) may be made by meeting the following requirements: 1. The subdivider shall apply in writing on the required form to the Planning Department for approval of a minor plat modification at least thirty (30) days prior to the Board of County Commissioner's meeting at which it is to be acted upon.~~

- ~~2. The Planning Department will review the proposed changes with the County Planner, County Auditor and County Engineer and will compile their comments into a recommendation to the Board of County Commissioners.~~
- ~~3. After receipt of all items required for the application for approval of a minor plat modification, the Planning Department shall give notice of a public hearing on the proposed minor plat modification by advertising the time and place of the hearing in a newspaper of general circulation in the County of Burleigh once a week for two (2) weeks prior to the date of such hearing. The public hearing shall be conducted at a regular scheduled Board of County Commissioners meeting.~~
- ~~4. Not less than ten (10) days prior to the scheduled public hearing all known adjacent property owners within 1,320 feet shall be notified by letter of the hearing.~~
- ~~5. Following the public hearing, the Board of County Commissioners may approve, approve subject to certain stated conditions being met, or deny the application. If approved, changes will be recorded against all affected lots.~~

## **Section 12. ~~Short Form Subdivisions~~ Subdivision Plat (short form)**

It is the duty of the Planning Commission to discourage the subdividing of lands that conflict with existing Burleigh County ordinances and or NDCC.

### **1. Approval Criteria**

During the acceptance for review of a short form subdivision plat, the Planning and Zoning Department and County staff shall take the following considerations:

- a) No new public street is necessary for each lot to have access on to a public or private street.
- b) The plat does not include vacating a public street rights-of-way or easements, but may include a change to an existing non-access line.
- c) Proposed lots are contiguous with at least one other lot in the subdivision for a minimum distance of fifty (50') feet.
- d) No off-site improvements are necessary for utility service or drainage.
- e) No more than three (3) lots are involved
- f) The subject property must be zoned appropriately for the intended uses.
- g) Designs standards contained within Section 13. Storm Water Management or other sections of Article 33 as deemed necessary, shall be met by the proposed subdivision.

### **2. Application**

All changes to existing plats shall be submitted to the Planning and Zoning Department for review. Changes that affect more than three (3) lots shall proceed through the full platting process described in Article 33. Minor changes within an existing plat that affect three (3) lots or less shall proceed through the short form platting process, and be completed by meeting the following requirements:

- a) The applicant shall submit a completed Uniform Development Application to the Planning Department at least twenty-one (21) days prior to the meeting of the Planning and Zoning Commission at which time the final plat is to be considered. The application shall be submitted with:

- 1. The required fee, set in Article 25, Section 2

2. A checklist of final plat specifications as deemed necessary by the Planning Department to facilitate the plat review process.
  3. An attorney's opinion of title or similar document showing proof of ownership.
  4. An electronic copy of the final plat, in a PDF format and the number of physical copies, if any, requested by the Planning Department. The final plat shall meet all requirements in Article 33, Section 3, Item J and any additional technical specifications required in NDCC Section 40-50.1-01.
- b) An application is not considered complete until the application is signed by all property owners and representatives, fees are paid, and all required attachments are included

### 3. Final Plat Review

- a) After receipt of all items as required in Article 33 Section 5.3 for final approval, the Planning Department shall give notice of a public hearing on the proposed subdivision by advertising the time and place of the hearing in the official newspaper of Burleigh County once a week for two (2) consecutive weeks prior to the date of such hearing. Not less than ten (10) days prior to the date of such hearing, all known adjacent property owners within a minimum of 1,320 feet of the proposed subdivision shall be notified of the public hearing by letter.
- b) After the public hearing, the Planning and Zoning Commission will act upon the request for final approval. If the Planning and Zoning Commission approves the subdivision plat, such approval will be entered upon the tracing and will be signed by the Secretary and the Chairman of the Planning Commission. If the Planning Commission disapproves the subdivision plat, such action, together with the findings of facts therefore will be entered in the official records of the Planning and Zoning Commission and a copy of such record will be sent to the sub divider.
- c) A final plat that is approved by the Planning and Zoning Commission will be recommended for approval to the Board of County Commissioners. A final plat that is denied by the Planning and Zoning Commission will not be forwarded to the Board of County Commissioners; however, the sub divider has the right to appeal the decision of the Planning and Zoning Commission to the Board of County Commissioners in accordance with Article 2, Section 7.

#### 4. Final Approval

- a) If the Planning and Zoning Commission recommends approval with conditions of the final plat, the applicant shall then be given the opportunity to submit a revised final plat to address statements made by the Planning and Zoning Commission, within one hundred eighty (180) days of recommended approval and at least ten (10) days prior to the Board of County Commissioners meeting in which the final plat will be considered.
- b) After the Planning and Zoning Commission has made a recommendation, the Board of County Commissioners shall consider the final plat at the next regularly scheduled meeting, unless the applicant and Planning Director agree to defer to a later meeting. The Board of County Commissioners may make, one of the following decisions:
  1. Approve the final plat.
  2. Refer the final plat back to the Planning and Zoning Commission for the purpose of hearing additional testimony and gathering additional information. The Board of County Commissioners shall only exercise this option if there is found to be substantial additional information relating to the subdivision, which was not presented to the Planning and Zoning Commission.
  3. Disapprove the final plat, stating the reason for the disapproval.
- c) The decision and all supporting statements shall be recorded in the official records of the Board of County Commissioners. The decision of the Board of County Commissioners shall also be communicated in writing to the applicant.

#### 5. Plat Recordation

- a) Following final approval by the Board of County Commissioners, a final plat in recordable form shall be furnished to the County Planner within one hundred eighty (180) days. Extensions of up to one hundred eighty (180) days may be granted by the County Planner for good cause shown in writing. Upon review and obtaining required signatures, the final plat shall be returned to the sub divider for making copies and recording. The sub divider shall file and record the original signed final plat with the Burleigh County Recorder within one hundred eighty (180) days of receiving the signed final plat. Failure to file the signed original of the

approved final plat within said one hundred eight days (180) days shall constitute avoidance of approval of the final plat, with reinstatement only possible by final plat re-consideration by the Planning Commission and Board of County Commissioners. Extensions of one hundred eighty (180) days may be granted by the County Planner for good cause shown in writing. All final plats shall also be provided in digital format to Burleigh County's current computer aided drafting and geographic system software and policy, including coordinate system ties as defined within this zoning ordinance.

**Section 3. REPEAL** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. 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 5. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Final passage and adoption: \_\_\_\_\_

\_\_\_\_\_  
Becky Matthews  
Chair, Burleigh County Board of Commissioners

I, Mark Splonskowski, do hereby certify that I am the duly elected auditor of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting of \_\_\_\_\_

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh County this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Mark Splonskowski  
Burleigh County Auditor/Treasurer



# NOTICE AND ORDER

DATE: 10-26-2022

TO: Robert Messmer

RE: IN THE MATTER OF A BUILDING CODE VIOLATION,

LOCATION: 8714 HOGUE ROAD BISMARCK, ND. 58503

LEGAL DESCRIPTION: ISLAND PARK ESTATES Block 03 LOT 1

Dear Property Owner:

It has been brought to our attention, through a complaint, that your property is in violation of Article 34.

FINDINGS: Article 34 MINIMUM HOUSING STANDARDS SECTION 3 AND 8

## **ART. 34**

### **Section 3. Minimum Requirements for Dwelling Units**

*No person shall occupy as an owner, occupant, or let to another for occupancy any dwelling unit for the purpose of living, sleeping, or eating therein, which does not comply with the following requirements:*

1. *Dwelling Unit for Human Habitation, Item a. Construction and Maintenance:*

*Section 10. Buildings in which the exterior walls are not covered with an approved type of sheathing, stucco, brick or other recognized material in good repair.*

### **Section 8. Substandard Building or Dwelling Units, Nuisances**

*Any buildings or dwelling units which violate the terms of Sections 3, 4, 5 and 6 of this Ordinance are hereby declared a public nuisance and dangerous to public health and shall be repaired, vacated, demolished or said violations discontinued as hereinbefore and hereinafter provided.*

You have been sent a certified **Notice of the Violation** on October 26, 2022 delivered by certified mail, see attached copy.

If you desire to appeal this notice and order you must file a written request within (15) days of receipt of this order to the office of Building Inspections, 221 N.5<sup>th</sup> St, PO Box 5518, Bismarck ND. 58506. a hearing will then be scheduled before the Burleigh County Commission. If a hearing is not requested, you must comply with the order in the time allowed.

Dated this 26<sup>TH</sup> day of October, 2022

Mitch Flanagan  
Building Official

**ORDINANCE 23 --**  
**AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 12 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO SECTION 5**

**ARTICLE 12**

**R1 COUNTRY HOMES RESIDENTIAL DISTRICT REGULATIONS**

**Section 5. Front Yard**

Each lot shall have a front yard not less than forty (40) feet in depth on interior subdivision streets or local roads. Except when fronting a highway or collector road then the setbacks shall not be less than the following distance outlined below from the centerline of such roadways fronting the property:

<b>Primary Highway</b>	<b>Secondary Highway</b>	<b>Collector Road</b>
250 feet	200 feet	<del>125</del> 115 feet

**Section 3. REPEAL.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. 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.

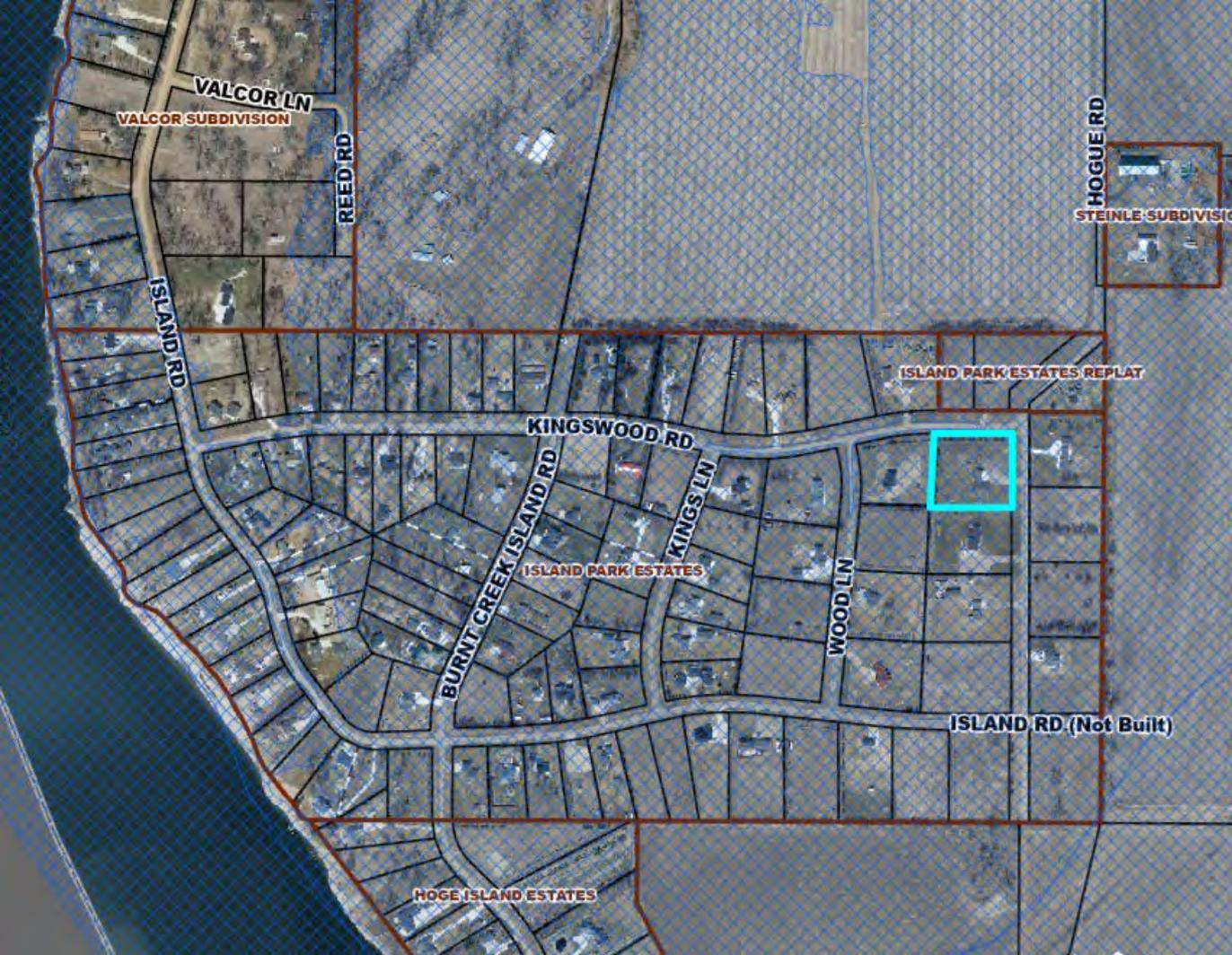
**SECTION 5. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Final passage and adoption:

I, Mark Splonskowski, do hereby certify that I am the duly elected auditor of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting of \_\_\_\_\_

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh County this \_\_\_\_\_ day of \_\_\_\_\_, 2023

Mark Splonskowski      Burleigh County Auditor/Treasurer



VALCOR LN

VALCOR SUBDIVISION

REED RD

ISLAND RD

HOGUE RD

STEINLE SUBDIVISION

ISLAND PARK ESTATES REPLAT

KINGSWOOD RD



BURNT CREEK ISLAND RD

ISLAND PARK ESTATES

KINGS LN

WOOD LN

ISLAND RD (Not Built)

HOGE ISLAND ESTATES



**VALCOR LN**  
VALCOR SUBDIVISION

REED RD

ISLAND RD

HOGUE RD  
STEINLE SUBDIVISION

ISLAND PARK ESTATES REPLAT

KINGSWOOD RD



BURNT CREEK ISLAND RD

ISLAND PARK ESTATES

KINGS LN

WOOD LN

ISLAND RD (Not Built)



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission.  
Re: Amendments to Article 12 and Article 33 Burleigh County Zoning Ordinance.  
Date: 5-30-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

ORDINANCE 23-

Due to requests for relief from front yard setbacks associated with Collector Roads in Burleigh County it has been determined to amend Article 12 Section 5, by reducing the current 125' front yard setbacks to 115 feet to the center of ROW.

ITEM 2

ORDINANCE 23-

Because of problems associated with recordation of replats using the minor plat modification process, it has become necessary to amend Article 33 Section 12, by removing the current process and replacing it with a short form subdivision procedure.

**ACTION REQUESTED:**

The 2 ordinance amendments were presented to the Burleigh County Planning Commission with recommendation to move them to a public hearing, it is recommended that the County Board adopt the proposed resolution.

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That Burleigh County hereby accepts the petition to amend ordinances Article 33 Section 12 and Article 12 Section 5 of the Burleigh County Zoning Ordinances and sets June 19, 2023, at 5:00 pm as the date and time for a Public Hearing to consider those amendments.

Attachments: Ex.1 Art. 12 Section 5\_draft 03  
Ex.2 Art. 33 Section 12\_draft 13

**ITEM**

**# 9**

Addenda item for June 5th, 2023 Meeting

Action Requested

Review and approve the two community members that will join the Home Rule Charter committee.

Staff

Julie Lawyer

Mary Senger

Justin Schulz

Commissioner Steve Schwab

Commissioner Wayne Munson

Description:

The Home Rule Committee will be discussing the possibility of requesting the voters to approve a sales tax that will replace the current sales tax that is being collected to pay for the County Jail.

The committee will discuss subjects such as how much is appropriate, what it will be used for, and how long will the tax be collected.

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: PAT HEINERT

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Board or Commission on which you prefer to serve:  
SPECIAL HOME ROLE CHARTER FOR 1/2% SALES TAX

List below the skills or qualifications you could bring to this Board or Commission:

RETIRED SHERIFF OF BURLEIGH COUNTY  
CURRENT STATE REPRESENTATIVE, DISTRICT 32

If you have any special interest or reason for serving on this Board or Commission, please explain below.

I WAS PART OF JAIL CONSTRUCTION PROJECT AND IMPLEMENTATION  
OF CURRENT HOME ROLE CHARTER FOR 1/2% SALES TAX

Principal Occupation/Source of Income (check one)

- |                                     |                                    |  |   |
|-------------------------------------|------------------------------------|--|---|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input checked="" type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner              | <input type="checkbox"/> Professional     |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other                       |   |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

Signature: P. HEINERT Date: 5-17-23

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_  
Term Start Date \_\_\_\_\_  
Term End Date \_\_\_\_\_  
Oath Returned \_\_\_\_\_

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: Dustin Gawrylow

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Board or Commission on which you prefer to serve: **Home Rule Charter Commission**

List below the skills or qualifications you could bring to this Board or Commission:  
**Served on the 2022 Burleigh Home Rule Commission, serve on the Bismarck Special Assessment Taskforce, and the Bismarck Renaissance Zone Authority.**

If you have any special interest or reason for serving on this Board or Commission, please explain below.  
*Only a general interest to ensure that the potential tax changes benefit the citizens of Burleigh County and Bismarck.*

Principal Occupation/Source of Income (check one)

- |                                     |                                    |   |  |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales        |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input checked="" type="checkbox"/> Professional |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            |  |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

**Policy Matters, LLC**

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

**Managing Director - North Dakota Watchdog Network**

Signature: 

Date: May 2nd, 2023

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

Oath Returned \_\_\_\_\_

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: Josey Milbradt

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Board or Commission on which you prefer to serve:

Home Rule Charter Committee

List below the skills or qualifications you could bring to this Board or Commission:

Licensed Professional Engineer, Leadership, Budgeting experience,  
Served on multiple boards in the past

If you have any special interest or reason for serving on this Board or Commission, please explain below.

I'd like to serve our county in any capacity I can. Not many people step up anymore.

Principal Occupation/Source of Income (check one)

- |                                     |                                    |   |  |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales        |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input checked="" type="checkbox"/> Professional |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            |  |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest: None

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

District 8 Republican Party - Vice Chair

Signature: Josey J. Milbradt Date: 5/4/2023

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

Oath Returned \_\_\_\_\_

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: Kay LaCoe

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Board or Commission on which you prefer to serve:

Home Rule Charter Committee

List below the skills or qualifications you could bring to this Board or Commission:

Excellent communication skills, certified meeting facilitator, Masters degree in Organizational Leadership, pragmatic, and level-headed.

If you have any special interest or reason for serving on this Board or Commission, please explain below.

I have long been wanting to get involved in Burleigh County and I am finally at a place in my career and personal life which affords me the time to become involved. Additionally, I have a personal passion for common-sense ordinance development.

Principal Occupation/Source of Income (check one)

- |                                     |                                    |   |  |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales        |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input checked="" type="checkbox"/> Professional |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            |  |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

Vice President of North Dakota Mounted Shooters, Vice President Lignite Energy Foundation

Signature: Kay LaCoe Digitally signed by Kay LaCoe  
Date: 2023.05.05 12:47:55 -05'00' Date: 05/05/2023



Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

Oath Returned \_\_\_\_\_

Addenda item for June 5th, 2023 Meeting

Action Requested

Consider forming a user group for the entities that are currently utilizing the Missouri Valley Complex

4H

Extension

Buckstop Junction

Bismarck Motor Cross

ND Cutting Horse Association

Central Dakota Rodeo Club

Bismarck Parks & Recreation

Description:

The group would meet to organize and plan for the uses of the facility.

Action needed:

Approve the concept of the organization which would allow us to bring back to the commission a more formal proposal.

Addenda item for June 5th, 2023 Meeting

**Action Requested**

Hear a proposal regarding a proposed Equestrian and Ag center from Steve Nue and others

**Description:**

This group has meeting for over a year to create this plan. In the last version that was presented to me, they considered the financial operating costs as well as the income from a small group of events that can be scheduled at this facility.

**Action needed:**

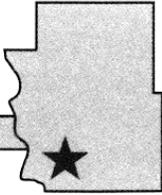
Approve the expense to hire Priefert to confirm the groups operating and income budgets.

**ITEM**

**# 10**

STATE OF NORTH DAKOTA

# County of Burleigh



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

## Request for County Board Action

**Date: May 30<sup>th</sup>**

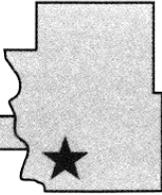
**To: Mark Splonskowski**

**From: Commissioner Bitner**

**Request: Presentation of status of Provident Building update.**

**ITEM**

**# 11**



Request for County Board Action

**DATE:** June 5, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Mark Splonskowski  
County Auditor

**RE:** Sale of Bismarck Tire Parking Lot

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

**ACTION REQUESTED:**

Hear proposed action on the potential sale of the Bismarck Tire Parking Lot.

**BACKGROUND:**

The County Commission requested County staff to prepare steps and propose sales price for the potential sale of the Bismarck Tire Parking Lot.

**RECOMMENDATION:**

It is recommended the Board give direction to County staff on further steps.

June 5, 2023

## NOTICE OF SALE OF PUBLIC LAND

The Burleigh County Commission offers for sale the following described DF zoned real property in Bismarck ND:

**DESCRIPTION of PROPERTY**

Lot 9, Block 13	(7,100 sqft)	Minimum Bid	\$ 78,100.00
-----------------	--------------	-------------	--------------

Northern Pacific Addition Less the E 8' thereof for alley possessory, City of Bismarck, Burleigh County, ND.

Pursuant to statute NDCC 11-27, Burleigh County will attempt to sell the property by engaging licensed real estate brokers to sell the property by way of nonexclusive listing agreements and to provide a 3% maximum rate of fee, compensation, or commission.

The Burleigh County Commission reserves the right to reject any and all offers; to waive technicalities or to accept such as may be determined to be in the best interest of the County. The Burleigh County Commission reserves the right to hold all offers for a period of twenty-one (21) days to permit the Burleigh County Commission sufficient time to review all offers prior to acceptance or rejection.

All offers should be submitted in the form of a sealed bid to Mark Splonskowski, Burleigh County Auditor\Treasurer, 221 N 5th St, PO Box 5518, Bismarck ND 58506. All bids are due by 12:00 Noon Tuesday July 11<sup>th</sup>, 2023, with the bid opening to be held Tuesday July 11<sup>th</sup>, 2023 at 1:00 P.M, in the 1<sup>st</sup> floor conference room at 221 N 5<sup>th</sup> Street, Bismarck, ND.

**EASEMENTS**

To the best of the County's knowledge, all utility easements have been filed with the Burleigh County Recorder.

**TITLE and CONDITION of the PROPERTY**

It is the bidder's responsibility to conduct due diligence in preparation for this purchase, and to research the records of the local jurisdiction and public agencies regarding this property.

An environmental survey has not been conducted. The County Commission is not aware of any environmental hazards or any past use of the property which would create an environmental hazard.

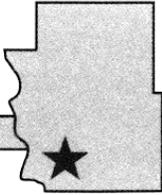
Abstracts have not been prepared for this property.

**TAXES**

Purchaser shall be responsible for all property taxes due for calendar year 2023 and beyond.

**ITEM**

**# 12**



## Request for County Board Action

**DATE:** June 5, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Justin Schulz  
Deputy Finance Director

**RE:** County Involvement Budget

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

**ACTION REQUESTED:**

Establish a budget under the County Involvement GL to aid in tracking and decision making related to Community requests for funds to support events.

**BACKGROUND:**

Historically as the County Commission has voted to approve expenditures related to events in the community, we have not consistently coded those expenses to track and aid in our budget process.

**RECOMMENDATION:**

It is recommended the Board adopt the attached proposed resolution.

**PROPOSED RESOLUTION:**

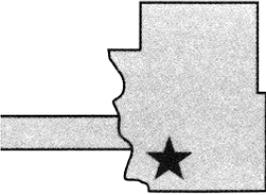
THEREFORE, BE IT RESOLVED: That the County Board utilize the GL for County Involvement to budget for and code items approved by the Commission. Also, establish the guidelines for involvement to exclude any religious or political groups or events.

**ITEM**

**# 13**

STATE OF NORTH DAKOTA

# County of Burleigh



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

## Request for County Board Action

**Date: May 30<sup>th</sup>**

**To Mark Splonskowski**

**From: Chair Becky Matthews**

**Request: Appoint County Commissioner to the Lewis and Clark Regional Development Council**

**ITEM**

**# 14**

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

---

PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

### Memorandum

To: Chairman Becky Matthews  
Commissioner Brian Bitner  
Commissioner Wayne Munson  
Commissioner Steve Schwab  
Commissioner Jerry Woodcox

From: Pam Binder, SPHR, SHRM-SCP  
HR Director/Risk Manager

Date: May 30, 2023

Re: Human Resource's Agenda item for June 5, 2023, Commission Meeting

**Subject:** Burleigh County Health Insurance Plan

#### **BACKGROUND:**

Burleigh County established a self-insured health insurance plan effective for January 1, 2019. The Burleigh County Health Insurance Plan (The Plan) has been in place since that time. Blue Cross Blue Shield North Dakota (BCBSND) was contracted as the Third-Party Claims Administrator for The Plan.

The Health Insurance Committee was formed to help administer The Plan and to make recommendations to the Burleigh County Commission for the ongoing administration of The Plan. The Health Insurance Committee consists of the following members:

- Mark Splonskowski – Auditor/Treasurer
- Brandi Caya – Deputy Auditor/Treasurer
- Justin Schulz – Deputy Finance Director
- Marcus Hall – County Engineer
- Pam Binder – HR Director
- Megan Martin – HR Assistant II
- Tayonne Nachatilo – Business Manager
- Melissa Hanson - Recorder

When The Plan was implemented, the Burleigh County Commission approved a \$3.2 million dollar loan for The Plan. This was done as a safeguard in case the claims for the first few years were more than the contributions into The Plan. There has been two \$500,000.00 payments made

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

from the Health Insurance Loan back into the General Fund. These transfers were made in 2022 and 2023. The balance of that loan is currently at \$2.2 million dollars.

I have enclosed the Burleigh County Health Insurance Plan (The Plan) Report. This report gives us a year-over-year analysis of how The Plan has operated since its implementation on January 1, 2019. This report reflects all of the costs associated with operating The Plan and it subtracts the income that is coming in from the contributions and other payment reimbursement arrangements for The Plan. Theoretically, what is left is either the Profit (which builds the reserves for The Plan), or the Loss (which reduces the reserve levels for The Plan).

The Plan has managed to stand on its own even with the COVID pandemic in the first years of The Plan's existence. That means that thus far, we have not had to access the Health Insurance Loan Funds.

The goal of any self-insured health insurance plan is to have a reserve built up for the years when claims costs may be higher than contributions and other reimbursements that are deposited into The Plan. The only way to build up that reserve is to raise the contributions that come into The Plan.

With this goal in mind the Health Insurance Committee proposes the following recommendation to the Burleigh County Commission for the 2024 Plan year:

### RECOMMENDATION:

The Health Insurance Committee approved the motion to increase the Health Insurance Premiums for 2024 to the monthly premium amounts listed in the below table:

Premiums	2023 Employee	2023 Employer	2023 Total Monthly	2024 Employee	2024 Employer	2024 Total Monthly
Single	\$44.00	\$821.00	\$865.00	\$46.80	\$887.50	\$934.30
Family	\$102.00	\$1,953.00	\$2,055.00	\$111.00	\$2,108.40	\$2,219.40

Burleigh County pays 95% of the premium and the employee pays 5% of the premium for the Burleigh County Health Insurance Plan. This is approximately an 8% increase.

Along with the increase in health insurance premiums that Health Insurance Committee also approved the recommendation to pay back another \$500,000.00 from the Health Insurance Loan.

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

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**PAM BINDER, SPHR, SHRM-SCP**  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
**MEGAN MARTIN**  
**DESIREE HILBORN**

This will transfer another \$500,000.00 into the General Fund in 2024. The remaining balance for the Health Insurance Plan Loan would be \$1.7 million dollars.

On behalf of the Health Insurance Committee, we recommend that the Burleigh County Commission approve the 2024 Health Insurance Plan premiums listed above for 2024 and also approve the loan payment transfer of the \$500,000.00 in 2024 to the General Fund.

Burleigh County Health Insurance Plan Report

	01/01/2019 - 12/31/2019	01/01/2020 - 12/31/2020	01/01/2021 - 12/31/2021	01/01/2022 - 12/31/2022
<b>Section 1:</b>				
Total Average Subscribers	289	292	305	302
Total Average Members	819	830	858	837
Health Payments	\$ 3,498,895.34	\$ 3,355,813.50	\$ 4,453,494.41	\$ 4,384,107.00
Rx Payments	\$ 797,373.25	\$ 1,052,902.00	\$ 1,489,106.17	\$ 1,344,960.00
Blue Alliance Care Management	\$ 1,249.07	\$ 16,328.14	\$ 28,159.10	\$ 23,448.00
Blue Alliance Shared Savings	\$ 19,744.20	\$ 54,723.95	\$ 55,079.65	\$ 26,815.00
Total Group Paid	\$ 4,317,261.86	\$ 4,479,767.59	\$ 6,025,839.33	\$ 5,779,330.00
Stop Loss Credits	\$ (926,416.15)	\$ (1,186,961.38)	\$ (1,951,838.47)	\$ (1,996,008.00)
Rx Pharmacy Rebates	\$ -	\$ (151,788.53)	\$ (220,605.32)	\$ (499,198.54)
Adjusted Group Liability	\$ 3,390,845.71	\$ 3,141,017.68	\$ 3,853,395.54	\$ 3,284,123.46
		-7%	23%	-15%
<b>Section 2:</b>				
Stop Loss Premium Totals	\$ 804,030.50	\$ 1,055,283.93	\$ 1,400,979.40	\$ 1,778,812.00
BCBS ND Administrative Fees	\$ 159,250.00	\$ 175,450.00	\$ 193,813.34	\$ 199,593.00
Blue Card Administrative Fees	\$ 1,042.00	\$ 1,487.00	\$ 1,735.00	\$ 1,462.00
PQORI Fees	\$ -	\$ 2,077.72	\$ 2,210.46	\$ 2,393.82
Total Plan Premiums and Fees	\$ 964,322.50	\$ 1,234,298.65	\$ 1,598,738.20	\$ 1,982,260.82
		28%	30%	24%
TOTAL PLAN COSTS	\$ 4,355,168.21	\$ 4,375,316.33	\$ 5,452,133.74	\$ 5,266,384.28
<b>Section 3:</b>				
<b>Health Insurance Contributions:</b>				
Employer	\$ 4,677,699.00	\$ 4,720,862.00	\$ 4,857,917.50	\$ 5,069,254.00
Employee	\$ 246,175.00	\$ 248,445.00	\$ 255,646.00	\$ 266,704.00
COBRA	\$ 7,030.00	\$ 27,008.00	\$ 28,883.00	\$ -
Total Premiums Collected	\$ 4,930,904.00	\$ 4,996,315.00	\$ 5,142,446.50	\$ 5,335,958.00
		1%	3%	4%
PROFIT/(LOSS)	\$ 575,735.79	\$ 620,998.67	\$ (309,687.24)	\$ 69,573.72
		\$ 1,196,734.46	\$ 887,047.22	\$ 956,620.94

\* The amounts above do not include the \$2.2 million loan or any payments made on this loan.

**ITEM**

**# 15**

## Burleigh County Board Appointments

<b><i>Bismarck Planning Commission – 5 year term</i></b>		
<b><i>Paul Levchak</i></b> (County Appointed)	(2019)	12/31/2023
<b><i>Trent Wangen</i></b> (County Appointed)	(2020)	12/31/2024
<b><i>Robert Field</i></b> (County Appointed)	(2023)	12/31/2027
<b><i>Brian Bitner</i></b> (County Appointed)		
<b><i>Cole Johnson</i></b>		
<b><i>Daniel Lukens</i></b>		
<b><i>Gabe Schell</i></b>		
<b><i>Mike Schmitz</i></b>		
<b><i>Wendy VanDuyne</i></b>		
<b><i>Paul Zent</i></b>		
<b><i>Mike Schwartz</i></b>		
<b><i>County Planning Commission – 4 year term</i></b>		
<b><i>Bea Streifel</i></b>	(2020)	12/31/2023
<b><i>Dennis Agnew</i></b>	(2020)	12/31/2023
<b><i>Dale Patrick</i></b>	(2019)	12/31/2025
<b><i>Alvie Jarratt</i></b>	(2021)	12/31/2025
<b><i>Brian Zuroff</i></b>	(2020)	12/31/2025
<b><i>Steve Marquart</i></b>		
<b><i>Mike Schmitz</i></b>		
<b><i>Brian Bitner</i></b>		
<b><i>Wayne Munson</i></b>		
<b><i>County Housing Authority – 5 year term</i></b>		
<b><i>Arlene Olson</i></b>	(2003)	12/31/2023
<b><i>Cynthia Chavez</i></b>	(2020)	12/31/2024
<b><i>Lois Sundquist</i></b>	(2020)	12/31/2025
<b><i>Steven Sathre</i></b>	(2017)	12/31/2026
<b><i>Sister Kathleen Atkinson</i></b>	(2015)	12/31/2027
<b><i>Human Service Zone Board – 3 year term</i></b>		
<b><i>Tracy Famias</i></b>	(2020)	11/30/2023
<b><i>James Hulm</i></b>	(2020)	11/30/2023
<b><i>Leslie Percy</i></b>	(2021)	11/30/2024
<b><i>Dick Dever</i></b>	(2021)	11/30/2024
<b><i>Trevor Vannett</i></b>	(2021)	11/30/2024
<b><i>Gaylynn Becker</i></b>	(2020)	11/30/2025
<b><i>Chelsea Flory</i></b>		
<b><i>Becky Matthews</i></b>		
<b><i>Lincoln City Planning Commission – 5 year term</i></b>		
<b><i>Elizabeth Flemming</i></b>	(2017)	12/31/2026
<b><i>County Park Board – 3 year term</i></b>		
<b><i>Jeffery Herman</i></b>	(2021)	12/31/2024
<b><i>Errol Behm</i></b>	(2019)	12/31/2024
<b><i>School District Reorganization – 3 year term</i></b>		
<b><i>Kim Birkeland</i></b>	(2011)	6/30/2024
<b><i>Brenda Blazer</i></b>	(2011)	6/30/2024
<b><i>Joyce Falkenstein</i></b>	(1995)	6/30/2024
<b><i>Dawn Aberle</i></b>	(2016)	6/30/2025
<b><i>Linda MacDonald</i></b>	(2007)	6/30/2025

## Burleigh County Board Appointments

<i>Special Assessment Commission – 6 year term</i>		
<b>Lee Lunde</b>	(2007)	3/31/2025
<b>Jeff Eslinger</b>	(2015)	3/31/2027
<b>Mike Heim</b>	(2005)	3/31/2029
<i>Water Management Board – 3 year term</i>		
<b>Cory Palm</b>	(2020)	12/31/2023
<b>Randall Binegar</b>	(2021)	12/31/2024
<b>Roger Smith</b>	(2021)	12/31/2024
<b>Dennis Reep</b>	(2014)	12/31/2025
<b>James Landenberger</b>	(2017)	12/31/2025
<i>Weed Control Board – 4 year term</i>		
<b>David Nehring</b>	(2020)	12/31/2023
<b>Greg Anderson</b>	(2022)	12/31/2023
<b>Larry Falkenstein</b>	(2021)	12/31/2025
<b>Denise Brown</b>	(2022)	12/31/2025
<b>Cole Anderson</b>	(2012)	12/31/2025

### *Officials Appointed to Serve at the Pleasure of the Board*

<b>Joshua Seil</b>	County Coroner	11/30/2022
<b>Mary Senger</b>	Emergency Manager/Disaster Preparedness Director	
<b>Marcus J Hall</b>	Engineer	
<b>Kelly Leben</b>	Jail Administrator	
<b>Pamela Binder</b>	Safety/Risk Management Director & Human Resource Director	
<b>Chelsea Flory</b>	Human Service Director	
<b>Al Vietmeier</b>	Tax Equalization Director/County Assessor	
<b>Mark Landis</b>	Veterans Service Officer	
<b>Tyler Kralicek</b>	County Agent	
<b>Mitch Flanagan</b>	Building Official/Director	

Review  
Bills

BURLEIGH COUNTY COMMISSION AND PARK BOARD  
2023 MEETING SCHEDULE  
TOM BAKER MEETING ROOM - CITY/COUNTY BUILDING

	<u>DATE</u>	<u>AGENDA</u>
Munson	Jan. 4 (Weds) 18 (Weds)	Regular Meeting – Reorganize/Assign Portfolios 2 <sup>nd</sup> Meeting
Schwab	Feb. 6 23 (Thurs)	Regular Meeting 2 <sup>nd</sup> Meeting
Woodcox	Mar. 6 20	Regular Meeting 2 <sup>nd</sup> Meeting
Bitner	Apr. 3 17	Regular Meeting 2 <sup>nd</sup> Meeting
Matthews	May 1 15	Regular Meeting 2 <sup>nd</sup> Meeting
Munson	June 5 19	Regular Meeting/Equalization 2 <sup>nd</sup> Meeting
Schwab	July 5 (Weds) 19 & 20	Regular Meeting 2 <sup>nd</sup> Meeting & Preliminary Budget Introduction (8:30AM)
Woodcox	Aug. 7 21	Regular Meeting 2 <sup>nd</sup> Meeting
Bitner	Sept. 6 (Weds) 20 (Weds)	Regular Meeting 2 <sup>nd</sup> Meeting/Final Budget Hearing
Matthews	Oct. 2 1- 3 16	Regular Meeting Hearing to establish minimum sales prices for tax sale NDACo Convention – Bismarck 2 <sup>nd</sup> Meeting
Munson	Nov. 1 (Weds) 20 21	Regular Meeting 2 <sup>nd</sup> Meeting Annual Tax Sale (10:00 AM)
Schwab	Dec. 4 18	Regular Meeting 2 <sup>nd</sup> Meeting

11-11-05. Meetings of board - Time and place.

The board of county commissioners shall meet and hold regular meetings for the transaction of business at a time and place to be designated by the commission on a date certain established by resolution or ordinance of the commission. The county auditor shall have power to call special meetings when the interests of the county demand it. The chairman of the board, or a majority of the members thereof, may call special meetings that must be noticed in accordance with section 44-04-20.

## Burleigh County Commission - 2023 Portfolios

Each Commissioner shall periodically submit recommendations to the Board on policies and decisions relative to their portfolios assignments for final approval by the full Board of County Commissioners.

Becky Matthews Chair	Brian Bitner Vice Chair	Wayne Munson	Steve Schwab	Jerry Woodcox
Bismarck-Burleigh Joint Committee	Auditor	Building/Planning/Zoning	Extension	Burleigh/Morton Detention Center Board
Central Dakota Communications Center (911)	Building/Planning/Zoning	Burleigh/Morton Detention Center Board	Highway Department	Recorder
Council on Aging/Senior Adults Program	Buildings, Grounds & Abandoned Cemeteries	County Parks	Metropolitan Planning Organization	Sheriff's Office
County Library	Emergency Management	Government Coordination & Community Involvement: Bismarck Mandan Chamber EDC	Weed Board	State's Attorney
Government Coordination & Community Involvement:	Finance	Home Rule Charter		Superintendent of Schools
Intergovernment Committee		Missouri Valley Complex		Water Resource Board
Human Resources		Veterans Services		
Human Service Zone (Social Services)				
Public Health				

2/6/2023

# 2023 Calendar

January						
Su	Mo	Tu	We	Th	Fr	Sa
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29	30	31				

February						
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March						
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May						
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June						
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July						
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August						
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September						
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October						
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29	30	31				

November						
Su	Mo	Tu	We	Th	Fr	Sa
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December						
Su	Mo	Tu	We	Th	Fr	Sa
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24	25	26	27	28	29	30
31						

## Federal Holidays 2023

Jan 1	New Year's Day	Jun 19	Juneteenth	Nov 11	Veterans Day
Jan 2	New Year's Day (observed)	Jul 4	Independence Day	Nov 23	Thanksgiving Day
Jan 16	Martin Luther King Day	Sep 4	Labor Day	Dec 25	Christmas Day
Feb 20	Presidents' Day	Oct 9	Columbus Day		
May 29	Memorial Day	Nov 10	Veterans Day (observed)		



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

June 19, 2023

**5:00 PM** *Invocation by Chaplain*

### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration and approval of the June 5, 2023, meeting minutes and bills.
5. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
6. Chair Matthews:
  - a. Provident Building Remodel.
  - b. Burleigh County Board of Health Schools update.
  - c. Haven Hills Community.
7. Comm. Schwab:
  - a. Update on CO2 pipeline.
8. Comm. Bitner
  - b. Reconsideration of 3<sup>rd</sup> access permit.
9. Marcus Hall:
  - a. 2<sup>nd</sup> approach permit.
  - b. 71<sup>st</sup> roundabout.
  - c. Request to relinquish unused platted right of way.
  - d. Selection of Houston Engineering for Hydrology and Hydraulics design.
10. Julie Lawyer:
  - a. Vacation of Easement for a Public Road.

11. HR Director Pam Binder:

- a. County Finance Director Position.
- b. Highway Maintenance Worker II Additional FTE.

12. County Planning Director Mitch Flanagan:

- a. Proposed Resolution.

13. Sherrif Kelly Leben:

- a. Crossroads Tavern Liquor License.
- b. Request to accept Donation from Fraternal Order of Eagles #2237.

14. Brian Ritter:

- a. Chamber EDC Update.

15. County Auditor/Treasurer Mark Splonskowski:

- a. City/County Building 1<sup>st</sup> floor lease.

16. Other Business:

17. Adjourn.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax

**BURLEIGH COUNTY COMMISSION**  
**MEETING MINUTES**  
**June 5, 2023**

**3:00 P.M.**

The Burleigh County Commission convened pursuant to law as the County Board of Equalization. Chair Matthews called the Board of Equalization to order with Commissioners, Woodcox, Munson, Bitner, and Chair Matthews present, Commissioner Schwab absent.

Tax Equalization Director Allan Vietmeier reviewed the statutes and duties of the Board of Equalization explaining the process of the meeting and that they would review all appeals received after the report was given.

Director Vietmeier presented the annual report of assessments for Burleigh County. Agricultural Land was up 5.53% from 435,396,800 to 459,480,000. Commercial Land was up 3.7% from 988,921,000 to 1,025,501,200. Residential Land was up 3.64% from 1,594,593,500 to 1,652,694,800. Commercial buildings saw an increase of 13.3% from 2,707,018,200 to 3,066,325,500. Residential buildings saw an increase of 9.67% from 7,172,723,850 to 7,866,054,300. Total increase of all of Burleigh County was 9.08% from 12,898,653,350 to 14,070,055,800.

Outside of the City of Bismarck Burleigh saw an increase of 9.48% The City of Bismarck raised an additional 8.95%.

Agricultural Land values for Burleigh County went to \$495.46 on average per acre to be within tolerance set by the State.

Burleigh County had 113 useable sales. Based on this, the County came to a median ratio of 85.4%, and raised values by 9% to be in tolerance for the County's values. The Commercial sales came in at 93.4% and will end up near 100% of market value.

New construction made up 2.31% of total value increase.

Director Vietmeier stated that all adjustments to value would be done through the abatement process and would not hinder the acceptance of the 2023 tax equalization report.

Chair Matthews then opened the meeting to public comment, Jon Leet and Chad Johnson brought forward concerns with their values. Director Vietmeier stated that he would investigate their values and make any necessary adjustments. Director Vietmeier then brought forward appeals from the Holiday Gas stations in Bismarck, he recommended denial of the appeals based on the City's equality among gas stations. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to deny appeals. All members present voted "AYE." Motion carried. Director Vietmeier presented appeals from the Wingate and Candlewood hotels, he said they did not appeal to the City Equalization meeting so the County's decision would be final. Director Vietmeier recommended denial of the appeals. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to deny the appeals. All members present voted "AYE." Motion carried. Director Vietmeier presented the appeal on the Dakota (Wells Fargo) building; they did not appeal to the City and after reviewing the information received recommended denial. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to deny the appeal. All members present voted, "AYE." Motion

carried. Appeals were received from 915 N 10<sup>th</sup> St, 1320 N 4<sup>th</sup> St, 3824 Princeton Ave E, and 1436 Coronado Drive. No changes were made to the assessments.

Chair Matthews then recessed the County Board of Equalization and convened as the Board of Equalization for the unorganized Townships.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the assessments of the unorganized townships. All members present voted "AYE." Motion carried.

Chair Matthews adjourned as the Board of Equalization for the unorganized Townships and reconvened as the County Board of Equalization. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve Agricultural Land Values to implement North Dakota State Tax Department recommendation on the average value per acre. All members present voted, "AYE." Motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner, to approve the assessment of the cities of Bismarck, Wing, Regan, South Wilton, and Lincoln. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve assessments of the Organized and Unorganized Townships. All members present voted "AYE." Motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve Application for Property Tax Exemption for Improvements to Commercial and Residential Buildings N.D.C.C 57-02.2 as recommended by Tax Equalization Director Allan Vietmeier. All members present voted "AYE." Motion carried.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve and accept the 2023 real property assessments as equalized, to authorize the County Tax Director to make corrections to property values in Burleigh County as needed, and further to adjourn sine die. All members present voted "AYE." Motion carried.

Meeting Adjourned.

## **5:14 P.M**

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

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve agenda, all members present voted, "AYE." Motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the May 15<sup>th</sup> minutes and bills, all members present voted, "AYE". Motion carried.

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

Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
Dwight & Sandra Crimmins	2021	Lot 2, Block 2, Country Creek 1st	100% Disabled Vet	\$381,200	\$201,200
Dwight & Sandra Crimmins	2022	Lot 2, Block 2, Country Creek 1st	100% Disabled Vet	\$396,400	\$216,400
Judith Jesser	2023	2012 Schult 16' x 76' Ser#RED363690MN	80% Homestead	\$67,853	\$13,571
Frank & Betty Picard	2022	Unit 3, Sleepy Hollow Heights Condo II, Lots 2-3, Block 3, Replat Part of Sleepy Hollow Heights	40% Homestead	\$255,300	\$205,300

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to approve the Crimmins (2), Jesser and Picard abatements along with the remainder of the consent agenda, Comm. Woodcox, Munson, Bitner, and Chair Matthews voted "AYE," Comm. Schwab voted, "NO." Motion carried.

County Engineer Marcus Hall presented the request to approve a Developer Waiver Request submitted for CLH Acres Subdivision. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab. All members present voted, "AYE." Motion carried. Engineer Hall presented the request for a third approach for the property located at 4851 Morris Rd. Hall stated he typically is against third approaches, however since the owner is unable to access the rear portion of his lot and the requested access is on a slow speed, low use street, he would recommend approval. The concern of the access to being in line with Plainsman Rd was brought up and a Motion by Comm. Woodcox was made to approve the access with the recommendation that the access be moved to line up with Plainsman Rd. The motion did not receive a second. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to approve access with the condition that it is moved to line up with Plainsman Rd. Comm. Schwab, Munson, and Chair Matthews, "AYE," Comm. Bitner and Woodcox, "NO." Motion carried. Engineer Hall presented a request for a Public Hearing for the Vacation of Easement for a Public Road. Concerns about the correct process for the vacation of the easement were brought forward. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner to table the Public Hearing to the June 19<sup>th</sup> Commission meeting. All members present voted, "AYE." Motion carried.

Sheriff Kelly Leben presented the request to purchase mobile data terminals from the Burleigh County Asset Forfeiture Fund. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the request. All members present voted, "AYE." Motion carried. Sheriff Leben presented a request to purchase video Audio Redaction software. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve request. All members present voted, "AYE." Motion Carried. Sherrif Leben presented the asset forfeiture fund procedure. He requested to change the limit from \$2,500 to \$10,000 before requiring County Commission approval and increasing the departments total budget from \$30,000 to \$40,000. Motion by Comm. Munson 2<sup>nd</sup> by Comm. Woodcox to approve requested changes with the added change from the Finance Director being on the Committee to the Finance Office being on the Committee. All members present voted, "AYE." Motion carried. Sheriff Leben requested the approval of a donation by Country Financial for \$1,500 to be used for a water fountain. Motion by Comm. Schwab, 2<sup>nd</sup> by

Comm. Bitner to approve the acceptance of the donation. All members present voted, "AYE." Motion carried. Sheriff Leben then gave a report on the jail. The average daily population of the jail is 249. He said they are doing well on the billing at this time, and the bookings have remained steady. The jail has ten positions open and has received five applications. The current staff is stepping up very well, but they will be looking into closing a pod in order to relieve workload. Sheriff Leben has been working to update current contracts with other agencies and is hoping those new rates will go into effect in 2024. He said that expenses have gone up, but he is not foreseeing going over budgeting 2023.

County Planning Director Flanagan presented an appeal for a permit denial for the property located at 8714 Hogue Rd. The permit was for a 40x60 shop, and after two years of inactivity, and only partial completion, the office decided to close the permit. He said there have been several complaints from neighbors about the appearance of the incomplete building. The owner requested a renewal of the permit so he can finish the project. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to extend the permit with the condition that the exterior be completed with siding and roof in thirty (30) days. Comm. Woodcox, Bitner, Schwab, and Chair Matthews, "AYE," Comm. Munson, "NO." Motion carried. Director Flanagan presented an appeal to amend article 12 and 33, one reducing the setback from collector roads from one hundred twenty-five (125) feet to one hundred fifteen (115) feet and remove the preliminary hearing at the Planning Commission and have the Public Hearing at the County Commission only. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the petition to have a Public Hearing on June 19, 2023, for proposed amendments to Articles 12 and 33. Comm. Woodcox, Munson, Bitner and Chair Matthews, "AYE," Comm. Schwab, "NO." Motion carried.

Comm. Munson presented the applications for the Home Rule Charter Commission Committee. He asked if there should be seven (7) or nine (9) members on the committee. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to appoint Pat Heinert to the committee. All members present voted, "AYE." Motion carried. Motion by Comm. Munson 2<sup>nd</sup> by Comm. Schwab to appoint Dustin Gawyrlow to the committee, Comm. Munson, Bitner, Schwab and Chair Matthews, "AYE," Comm. Woodcox, "NO." Motion carried. The Commission agreed that seven (7) members on the board was sufficient. Comm. Munson then presented a request to form a user group for the Missouri Valley Complex. Comm. Schwab and Comm. Bitner shared concerns with the group and doubted the need for such a group. No action was taken. Comm. Munson presented a proposal to approve the expenditure of \$9,000 to hire Preifert to confirm operating and income budgets presented for a potential Equestrian and AG center. A presentation was given by Julie Kuennen about the projected vision for the Ag Center. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to pay \$9,000 to Preifert to confirm the numbers that the committee has put together. Comm. Schwab questioned if the County should do a Request for Proposals before committing to it and Comm. Munson confirmed that and RFP had been done when selecting an architectural firm. Comm. Woodcox, Munson, and Chair Matthews, "AYE," Comm. Bitner and Schwab, "NO." Motion carried.

Comm. Bitner presented current projects being done on the Provident Building. He said that windows on the first floor are being replaced, they have received quotes back from engineers for replacement of heating pipes and are waiting on information from engineers for necessary electrical improvements. He said they will start looking at the potential layout of the building if the County offices were to be moved to the Provident Building. He also said that they are checking to see if a sprinkler system is necessary for the building. Comm. Munson asked if an official motion should be made to renovate the Provident Building and set an end date. Comm. Bitner agreed. Comm. Woodcox asked what funds should be used and Comm. Bitner stated that he would like to use ARPA funds that have been allocated to the project. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to

remodel the Provident Building, and move County staff to the building with a goal end date of December 1<sup>st</sup>, 2024. All members present voted, "AYE," Motion carried.

Auditor/ Treasurer Mark Splonskowski presented an update on the potential sale of the Bismarck Tire parking lot. He proposed that it be offered to be sold under a sealed bid process with a minimum bid of \$78,100.00, based on the recommended eleven dollars (\$11.00) a square foot, and the County be willing to pay 3% of relator fees. Comm. Bitner and Comm. Munson shared concerns with selling property but that it cannot be used for anything more than what it currently is. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to move forward with the sale of the property under sealed bid with the minimum of eleven dollars (\$11) a square foot, reserving the right to refuse any and all bids. Comm. Woodcox, Munson, and Chair Matthews, "YES," Comm. Bitner and Schwab, "NO." Motion carried.

Deputy Finance Director Justin Schulz presented the request to establish a budget under the County Involvement General Ledger to aid tracking support of local events. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the establishment of the budget under County Involvement General Ledger, Comm. Munson, Bitner and Chair Matthews, "AYE," Comm. Schwab and Woodcox, "NO." Motion carried.

Chair Matthews presented the appointment of a commissioner to the Lewis and Clark Regional Development Council. Comm. Woodcox volunteered to be part of the Council.

County HR Director Pam Binder presented proposed adjustments to the County Health Insurance Plan. She stated that in order to continue to remain stable and make payments back to the County on the initial loan to implement the plan that employee premiums and the County contributions. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to make the recommended adjustments. All members present voted, "AYE." Motion carried.

Senator Jeff Magrum presented concerns to the County Commission about the ownership of the proposed Summit Carbon Solutions CO2 pipeline. Two bills passed into law that prohibits foreign countries to own land in North Dakota except for Canada, and one that prohibits foreign adversaries from owning real property in North Dakota. He requested that the Commission request Attorney Drew Wrigley, ND Attorney General to investigate the ownership of the pipeline. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to request the Attorney General to investigate the ownership of the Summit Carbin Solutions pipeline. All members present voted, "AYE." Motion carried.

Meeting adjourned.

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Mark Splonskowski, Auditor/Treasurer

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Becky Matthews, Chairman

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

<b>Abate #</b>	<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
23-137	Dale & Liliia Johnson	2021	Lot 10B, Block 1, Boulder Ridge 1st	Wheel Chair	\$394,400	\$294,400
23-138	Dale & Liliia Johnson	2022	Lot 10B, Block 1, Boulder Ridge 1st	Wheel Chair	\$386,100	\$286,100
23-139	Dale & Liliia Johnson	2023	Lot 10B, Block 1, Boulder Ridge 1st	Wheel Chair	\$426,100	\$326,100
23-144	David & Heidi Aichele	2021	Lot 4 less the S 10', Block 1, Country West XVII	Error in property description	\$447,000	\$379,200
23-145	David & Heidi Aichele	2022	Lot 4 less the S 10', Block 1, Country West XVII	Error in property description	\$484,400	\$416,600
23-146	William & Mary Sharff	2022	Lot 23, Block 1, Edgewood Village 2nd	80% Disabled Vet (10 Months)	\$347,000	\$227,000
23-147	Frederick & Ella Mae Aune	2022	Lot 4, Block 6, Ponderosa Riverside Vlg	60% Homestead	\$240,600	\$165,600
23-148	Patrick Jahner	2021	Unit 1, Shannon Valley Condominiums, Lots 1-7, Block 2, Shannon Valley 3rd	10% Homestead	\$160,200	\$147,689
23-149	Patrick Jahner	2022	Unit 1, Shannon Valley Condominiums, Lots 1-7, Block 2, Shannon Valley 3rd	10% Homestead	\$150,600	\$138,089
23-152	Corey & Joann Jesser	2023	Lot 2, Block 1, Brentwood Estates Replat	T/F Value exceeds M/V	\$497,500	\$473,400
23-153	Terrance Stevenson	2021	1998 Champion 28' x 64' Ser# 2193AB	80% Disabled Veteran	\$60,785	\$12,157
23-154	Terrance Stevenson	2022	1998 Champion 28' x 64' Ser# 2193AB	80% Disabled Veteran	\$55,086	\$11,017
23-155	Terrance Stevenson	2023	1998 Champion 28' x 64' Ser# 2193AB	80% Disabled Veteran	\$59,244	\$11,849

23-015

APPLICATION FOR LIQUOR LICENSE

DBA Crossroads Tavern

Name of Applicant JJ Miller Holdings Classification of License D

Primary Contact Jake Miller Phone \_\_\_\_\_

Address 205 Northstar Dr. Bismarck 58503 Date of Birth/Incorporation 6-01-2020

Is this a renewal of liquor license? Yes  No \_\_\_\_\_

If yes, give date of original application 05/2020

Check one of the following to indicate who is applying for the license:

- 1. A physical resident and citizen of the State of North Dakota; or
- 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant Jake Miller

Residence 2632 Big Sky Cir. Bismarck ND 58503

Post Office Address 2632 Big Sky Cir. Bismarck ND 58503

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
Jocelyn Miller	2632 Big Sky Cir. Bismarck ND	58503	50%

3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
Jake Miller	2632 Big Sky Cir Bismarck ND	58503	50%

4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name	Residence	P. O. Address
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Date and type of any prior or present liquor business:

Class D - 2020

Class D - 2021

Class D - 2022

Exact legal description of proposed enterprise:

Bar serving food / drink, +21 years of age

Does building meet all state and local sanitation and safety requirements? Yes  No

Have you ever had a liquor license revoked or rejected by any authority? Yes  No

If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor:

Yes  No

If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes  No

If yes, give date and details: Mike was charged w/that that was dropped as soon as judge saw info of case as there was no evidence of it.

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

1. MEK Bank Services, accountant last 3 years  
Millie Kaufman,
2. BNC Bank, Bank we utilize for our business
3. Nate Palczewski,  
Jerome Dist., - beverage Rep. past 3 years  
Jay Mock, 701-258-6330

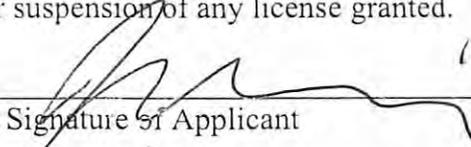
The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

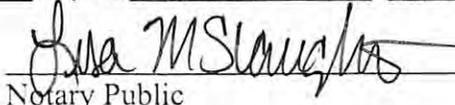
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

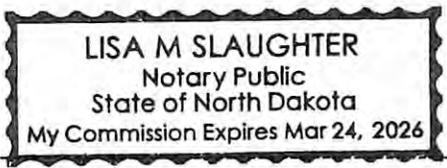
I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

  
\_\_\_\_\_  
Signature of Applicant

Subscribed and sworn to before me this 6<sup>th</sup> day of June, 2023

  
\_\_\_\_\_  
Notary Public



\_\_\_\_\_  
State of North Dakota  
County of Burleigh

Recommend application be approved \_\_\_\_\_ denied \_\_\_\_\_

Reasons for negative recommendation  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
County Auditor

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Itasca Creek approve the  
(Name of Township)

application for a Type D Retail Liquor License for

Crossroads Tavern  
(Name of Establishment)

owned by JJ Miller Holdings LLC 2632 Big Sky Cir  
(Licensee) (Address)

Mary L. Rennick  
Chairman

James C. Mentis  
Member

Ray Haulcy  
Member

ATTEST

[Signature]  
(Township Clerk)

APPLICATION FOR LIQUOR LICENSE

Name of Applicant Moffitt Bar  
Nicholson Enterprises LLC Classification of License D

Primary Contact Darnell Nicholson Phone \_\_\_\_\_

Address 31350 27<sup>th</sup> Ave NE Sterling, ND 58572 Date of Birth/Incorporation ~~20~~

Is this a renewal of liquor license? Yes  No 22-017

If yes, give date of original application June 7<sup>th</sup> 2000

Check one of the following to indicate who is applying for the license:

- 1. A physical resident and citizen of the State of North Dakota; or
- 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant Darnell Nicholson  
 Residence Sterling, ND  
 Post Office Address 31350 27<sup>th</sup> Ave NE Sterling, ND 58572

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
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3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
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4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name	Residence	P. O. Address
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Date and type of any prior or present liquor business:  
Darnell's Restaurant Aug. 2002  
Sterling Bar June 2003  
Nicholson Tavern Hazelton, MD Jan. 2006

Exact legal description of proposed enterprise:

Moffit Townsite Block 14 Lot 17

Does building meet all state and local sanitation and safety requirements? Yes  No

Have you ever had a liquor license revoked or rejected by any authority? Yes  No   
If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor:  
Yes  No

If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes  No

If yes, give date and details:

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

1. McQuade Distributing - Purchasing
2. Jerome Distributing - Purchasing
3. Bank of Hazelton - Checking & Loan

The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

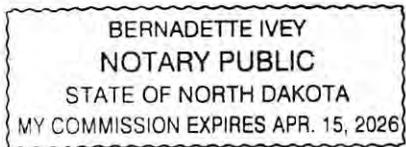
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

Darnell Nicholson  
 Signature of Applicant

Subscribed and sworn to before me this 6th day of June, 2023



[Signature]  
 Notary Public

Recommend application be approved \_\_\_\_\_ denied \_\_\_\_\_

Reasons for negative recommendation

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 County Auditor

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Long Lake approve the  
(Name of Township)

application for a Type D Retail Liquor License for

Moffitt Bar  
(Name of Establishment)

owned by Nicholson Enterprises LLC  
(Licensee) (Address) 31350 27th Ave NE  
Sterling ND  
58572

[Signature]  
Chairman

[Signature]  
Member

[Signature]  
Member

ATTEST

Pam Towne  
(Township Clerk)

APPLICATION FOR LIQUOR LICENSE

Name of Applicant Rolling Plains Adventures LLC Classification of License C

Primary Contact Jeremy Doan Phone \_\_\_\_\_

Address 24750 42nd Ave SE, McKenzie, ND 58522 Date of Birth/Incorporation ~~09/20/2000~~ 2000

Is this a renewal of liquor license? Yes X No \_\_\_\_\_

If yes, give date of original application 6-30-2012

Check one of the following to indicate who is applying for the license:

- X 1. A physical resident and citizen of the State of North Dakota; or
- \_\_\_\_\_ 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- \_\_\_\_\_ 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant Jeremy Doan  
 Residence 4607 Granite Dr, Bismarck, ND 58503  
 Post Office Address \_\_\_\_\_

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
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3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
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4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name	Residence	P. O. Address
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Date and type of any prior or present liquor business:

2012 - Current Type C license

Exact legal description of proposed enterprise:

24750 62nd Ave SE, McKenzie, ND 58572

Does building meet all state and local sanitation and safety requirements? Yes  No

Have you ever had a liquor license revoked or rejected by any authority? Yes  No   
If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor:

Yes  No   
If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes  No

If yes, give date and details:

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

1. Dakota Community Bank - Business account
2. Farm Credit Services - Ranch / Business loan
3. Starion Financial - Business loan

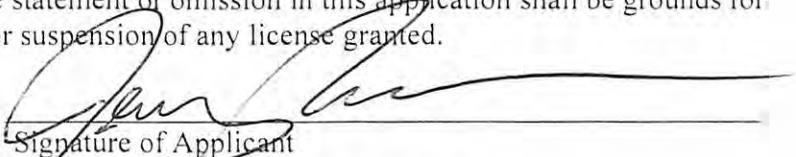
The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

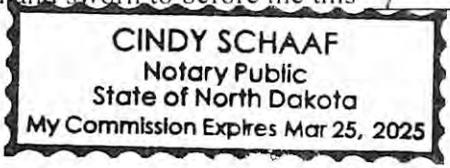
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

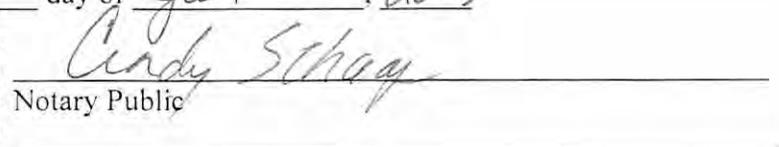
I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

  
 \_\_\_\_\_  
 Signature of Applicant

Subscribed and sworn to before me this 1<sup>st</sup> day of June, 2023



  
 \_\_\_\_\_  
 Notary Public

Recommend application be approved \_\_\_\_\_ denied \_\_\_\_\_

Reasons for negative recommendation  
 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
 County Auditor

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Logan approve the  
(Name of Township)

application for a Type C Retail Liquor License for

Rolling Plains Adventures LLC  
(Name of Establishment)

owned by Jeremy Down 4607 Granite Dr, Bismarck, ND 58503  
(Licensee) (Address)

Patrick R Heaton  
Chairman

[Signature]  
Member

[Signature]  
Member

ATTEST

Corrine M. Heaton  
(Township Clerk)

APPLICATION FOR LIQUOR LICENSE

Name of Applicant Hawktree, Inc. Classification of License Type D

Primary Contact Matthew Nadeau Phone \_\_\_\_\_

Address 3400 Burnt Creek Loop, Bismarck, ND 58503 Date of Birth/Incorporation 9/5/1996

Is this a renewal of liquor license? Yes  No \_\_\_\_\_

If yes, give date of original application 7/20/1997

Check one of the following to indicate who is applying for the license:

- 1. A physical resident and citizen of the State of North Dakota; or
- 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant \_\_\_\_\_  
 Residence \_\_\_\_\_  
 Post Office Address \_\_\_\_\_

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
see attached list			

3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
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4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name	Residence	P. O. Address
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see attached list

Date and type of any prior or present liquor business:

Current type D license held 7/1/2022- 6/30/2023.

Exact legal description of proposed enterprise:

Addition Name: The Ridge at Hawktree; TWN:139; RNG:81; BLK:01; LOT 17 & 44; Burleigh Co.  
Addition Name: The Ridge at Hawktree; TWN:140; RNG:81; BLK:01; LOT 45; Burleigh Co.

Does building meet all state and local sanitation and safety requirements? Yes  No

Have you ever had a liquor license revoked or rejected by any authority? Yes  No

If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor:

Yes  No

If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes  No

If yes, give date and details:

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

1. Bremer Bank - lender 701-258-8005
2. Acushnet Co. - vendor of golf merchandise 800-225-8500
3. Callaway - vendor of golf merchandise 760-931-1771

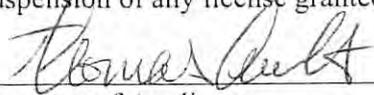
The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

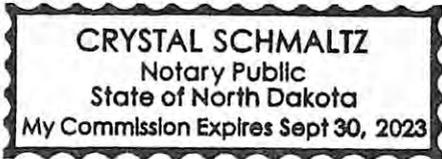
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

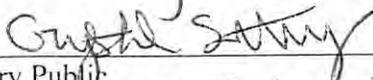
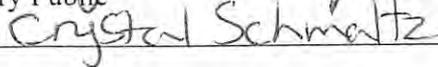
I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

  
 \_\_\_\_\_  
 Signature of Applicant

Subscribed and sworn to before me this 22 day of May, 2023



  
 \_\_\_\_\_  
 Notary Public  
  
 \_\_\_\_\_

Recommend application be approved \_\_\_\_\_ denied \_\_\_\_\_

Reasons for negative recommendation

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
 County Auditor

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Hay Creek approve the  
(Name of Township)

application for a Type D Retail Liquor License for

Hawktree Golf Club

(Name of Establishment)

owned by Hawktree, Inc.  
(Licensee)

3400 Burnt Creek Loop, Bismarck, ND 58503  
(Address)

Mary L. Bennick  
Chairman

James C. Martel  
Member

Larry Hasby  
Member

ATTEST

Cliff Kuback  
(Township Clerk)

Hawktree, Inc.  
 Attachment to Application for Liquor License  
 Ownership Information

Name	Home Address	City	State	Zip	Ownership
Parties holding one or more percent:					
Steve McCormick		Bismarck	ND	58503	44.75%
Karen McCormick		Bismarck	ND	58503	44.75%
Dan Waldoch		Bismarck	ND	58503	2.00%
Robb Sattler		Bismarck	ND	58501	1.00%
All other parties having a financial interest:					
Terrance Deeter		Bismarck	ND	58503	0.50%
Matthew Deeter		Bismarck	ND	58504	0.50%
William Fleck		Bismarck	ND	58503	0.50%
Thomas Ault		Bismarck	ND	58503	0.50%
Mike Halpern Estate c/o Deb Wagner, PR		Oxford	MS	38655	0.50%
Gary Johnson		Bismarck	ND	58504	0.50%
Fred Schmidt		Bismarck	ND	58503	0.50%
Tracy Scott		Bismarck	ND	58504	0.50%
Chatree Wongjirad		Las Vegas	NV	89138	0.50%
Tim Herrmann		Bismarck	ND	58503	0.50%
Craig Johnson		Bismarck	ND	58503	0.50%
Dave Andrisen		Bismarck	ND	58503	0.50%
Albert Frank		Bismarck	ND	58503	0.50%
Steven Bietz		Bismarck	ND	58503	0.50%
Treasury stock					0.50%
					<u>100.00%</u>



Shopping Cart: 0 items [\$0.00]

[New Search](#)

[Detail](#)

[Payoff](#)

[Help](#)

**Parcel #:** 23-140-81-35-01-450

**Status:** Current

**Type:** RE

**Owner:** HAWKTREE INC

**History:**

Year	Statement #	Due Date	Bill Amount	Date Paid	Paid Amount	Notes
<a href="#">2022</a>	<a href="#">32899</a>	12/09/2022	\$12,394.64	3/23/2023	\$6,383.24	
				3/23/2023	\$6,197.32	
<a href="#">2021</a>	<a href="#">32642</a>	11/29/2021	\$12,041.83	1/26/2022	\$6,020.92	
				1/26/2022	\$5,418.82	
<a href="#">2020</a>	<a href="#">32335</a>	12/07/2020	\$11,721.69	1/28/2021	\$5,860.85	
				1/28/2021	\$5,274.76	
<a href="#">2019</a>	<a href="#">32613</a>	12/02/2019	\$11,845.88	1/8/2020	\$5,922.94	
				1/8/2020	\$5,330.65	
<a href="#">2018</a>	<a href="#">32038</a>	12/04/2018	\$11,413.84	1/14/2019	\$5,706.92	
				1/14/2019	\$5,136.23	

**\*\* Paid Amount may include penalty, interest, & discounts**

**Note:** The accuracy of this data is not guaranteed.  
Web data was last updated 05/22/2023 10:00 AM.

Send Payments To:

Burleigh County Treasurer  
PO Box 5518  
Bismarck, ND 58506-5518





Shopping Cart: 0 items [\$0.00]

[New Search](#)

[Detail](#)

[Payoff](#)

[Help](#)

**Parcel #:** 31-139-81-80-01-170

**Status:** Current

**Type:** RE

**Owner:** HAWKTREE INC

**History:**

Tax Year	Statement #	Bill Date	Bill Amount	Date Paid	** Paid Amount	Notes
<a href="#">2022</a>	<a href="#">37452</a>	12/09/2022	\$394.65	3/23/2023	\$203.25	
				3/23/2023	\$197.32	
<a href="#">2021</a>	<a href="#">37157</a>	11/29/2021	\$392.32	1/26/2022	\$196.16	
				1/26/2022	\$176.54	
<a href="#">2020</a>	<a href="#">36639</a>	12/07/2020	\$394.62	1/28/2021	\$197.31	
				1/28/2021	\$177.58	
<a href="#">2019</a>	<a href="#">36700</a>	12/02/2019	\$399.41	1/8/2020	\$199.71	
				1/8/2020	\$179.73	
<a href="#">2018</a>	<a href="#">36124</a>	12/04/2018	\$384.67	1/14/2019	\$192.34	
				1/14/2019	\$173.10	

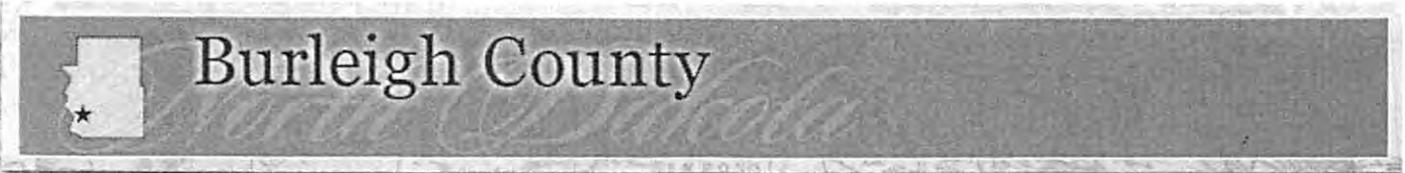
**\*\* Paid Amount may include penalty, interest, & discounts**

**Note:** The accuracy of this data is not guaranteed.  
Web data was last updated 05/22/2023 10:00 AM.

Send Payments To:

Burleigh County Treasurer  
PO Box 5518  
Bismarck, ND 58506-5518





Shopping Cart: 0 items [\$0.00] 🛒

[New Search](#)

[Detail](#)

[Payoff](#)

[Help](#)

**Parcel #:** 31-139-81-80-01-440

**Status:** Current

**Type:** RE

**Owner:** HAWKTREE INC

**History:**

Year	Statement #	Bill Date	Bill Amount	Date Paid	** Paid Amount	Notes
<a href="#">2022</a>	<a href="#">37467</a>	12/09/2022	\$8,419.85	3/23/2023	\$4,336.23	
				3/23/2023	\$4,209.92	
<a href="#">2021</a>	<a href="#">37172</a>	11/29/2021	\$8,134.03	1/26/2022	\$4,067.02	
				1/26/2022	\$3,660.31	
<a href="#">2020</a>	<a href="#">36654</a>	12/07/2020	\$7,913.44	1/28/2021	\$3,956.72	
				1/28/2021	\$3,561.05	
<a href="#">2019</a>	<a href="#">36715</a>	12/02/2019	\$8,009.63	1/8/2020	\$4,004.82	
				1/8/2020	\$3,604.33	
<a href="#">2018</a>	<a href="#">36139</a>	12/04/2018	\$7,714.01	1/14/2019	\$3,857.01	
				1/14/2019	\$3,471.30	

\*\* Paid Amount may include penalty, interest, & discounts

**Note:** The accuracy of this data is not guaranteed.  
Web data was last updated 05/22/2023 10:00 AM.

Send Payments To:

Burleigh County Treasurer  
PO Box 5518  
Bismarck, ND 58506-5518



23-010  
Chartwells

APPLICATION FOR LIQUOR LICENSE

Name of Applicant Compass ND LLC Classification of License F-1

Primary Contact Scott Wilmath Phone \_\_\_\_\_

Address 7500 University Dr. Date of Birth/Incorporation 8/17/2017

Is this a renewal of liquor license? Yes X No \_\_\_\_\_

If yes, give date of original application 10/13/2017

Check one of the following to indicate who is applying for the license:

- 1. A physical resident and citizen of the State of North Dakota; or
- X   2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant Compass ND LLC

Residence 2400 Yorkmont Road, Charlotte, NC 28217

Post Office Address \_\_\_\_\_

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------

Please see attached

3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------

Please see attached

4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name	Residence	P. O. Address
------	-----------	---------------

N/A

Date and type of any prior or present liquor business:

Exact legal description of proposed enterprise:

Does building meet all state and local sanitation and safety requirements? Yes  No

Have you ever had a liquor license revoked or rejected by any authority? Yes  No

If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor:

Yes  No

If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes  No

If yes, give date and details:

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

1.

2.

3.



Compass Group ND LLC

Name	Address	Title	%
McConnell, Jennifer	Charlotte NC 28211	Executive Vice President, General Counsel & Secretary	0%
Meredith, Adrian L.	Waxhaw, NC 28173	Director & Chief Financial Officer	0%
Rossitch, Richard James	, Charlotte, NC 28210	Assistant Secretary	0%
Compass Group USA, Inc	Charlotte NC 28217		100%

23-009  
Chesterons

APPLICATION FOR LIQUOR LICENSE

Name of Applicant Compass ND, LLC Classification of License I

Primary Contact Scott Wilmarth Phone 

Address 7500 University Drive Date of Birth/Incorporation 8/17/2017

Is this a renewal of liquor license? Yes  No

If yes, give date of original application 10/13/2017

Check one of the following to indicate who is applying for the license:

- 1. A physical resident and citizen of the State of North Dakota; or
- 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant \_\_\_\_\_  
 Residence \_\_\_\_\_  
 Post Office Address \_\_\_\_\_

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------

Please see attached.

3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------

N/A

4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name	Residence	P. O. Address
------	-----------	---------------

N/A

Date and type of any prior or present liquor business:

Exact legal description of proposed enterprise:

Does building meet all state and local sanitation and safety requirements? Yes  No

Have you ever had a liquor license revoked or rejected by any authority? Yes  No   
If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor:  
Yes  No   
If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes  No   
If yes, give date and details:

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

- 1.
- 2.
- 3.

The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

[Signature]  
Signature of Applicant

Subscribed and sworn to before me this 25<sup>th</sup> day of May, 2023



[Signature]  
Notary Public  
North Carolina; Iredell County Exp: 4/4/2024

Recommend application be approved \_\_\_\_\_ denied \_\_\_\_\_

Reasons for negative recommendation  
\_\_\_\_\_

\_\_\_\_\_  
County Auditor

Compass Group ND LLC

Name	Address	Title	%
McConnell, Jennifer		Executive Vice President, General Counsel & Secretary	0%
Meredith, Adrian L.		Director & Chief Financial Officer	0%
Rossitch, Richard James		Assistant Secretary	0%
Compass Group USA, Inc		100%	



**LOCAL PERMIT OR RESTRICTED EVENT PERMIT**  
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL  
 GAMING DIVISION  
 SFN 17926 (2-2023)

Permit Number  
**23-006**

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 <b>Sanford Health Foundation</b>		Dates Authorized (Read Instruction 2) <b>6/21/2023</b>	
Organization or Group Contact Person <b>Devin Reinbold</b>	E-mail	Telephone Number	
Mailing Address <b>1601 N 12th St</b>	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58501</b>

**SITE INFO**

Site Name <b>University of Mary</b>		County <b>Burleigh</b>	
Site Address <b>7500 University Dr</b>	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58504</b>
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.) <b>6/21/2023</b>			

**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**

Name <b>Mark Splonskowski</b>	Title <b>Burleigh County Auditor</b>	Telephone Number	E-mail Address
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input checked="" 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 (4-2023)

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 <b>Sanford Health Found</b>		Dates of Activity (Does not include dates for the sales of tickets) <b>6/21/2023</b>	
Organization or Group Contact Person <b>Devin Reinbold</b>	E-mail	Telephone Number	
Business Address <b>1601 N. 12th St.</b>	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58501</b>
Mailing Address (if different)	City	State	ZIP Code

### SITE INFO

Site Name <b>University of Mary</b>	County <b>Burleigh</b>
Site Physical Address <b>7500 University Drive</b>	City <b>Bismarck</b>
	State <b>ND</b>
	ZIP Code <b>58504</b>
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.) <b>6/21/2023 - One occurrence</b>	

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

Game Type	Description of Prize	Exact Retail Value of Prize
<b>Spirit Raffle</b>	<b>Gift baskets of different spirits</b>	<b>1000</b>
<b>Diamond Raffle</b>	<b>Diamond</b>	<b>1000</b>
		Total (limit \$40,000 per year) \$

### Intended Uses of Gaming Proceeds

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 any 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: \_\_\_\_\_ (This amount is part of the total prize limit for \$40,000 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

Name <b>Devin Reinbold</b>	Title <b>Development Officer</b>	Telephone Number	E-mail Address
Signature of Organization or Group's Top Official 		Title <b>Development Officer</b>	Date <b>6/5/2023</b>

RECEIVED

JUL 03 2012

Sec. of State

4,020,200 NP

916362

Exhibit 2.2.4.1

MCO Foundation Amended and Restated Articles of Incorporation

AMENDED AND RESTATED ARTICLES OF INCORPORATION  
OF  
MEDCENTER ONE FOUNDATION  
(to be renamed SANFORD WEST FOUNDATION)

Medcenter One Foundation adopts the following Amended and Restated Articles of Incorporation pursuant to the provisions of NDCC Chapter 10-33, which shall supersede in their entirety the original Articles of Incorporation of this corporation and all amendments thereto. These Amended and Restated Articles of Incorporation were duly adopted on June 28, 2012, pursuant to NDCC Chapter 10-33. These Amended and Restated Articles of Incorporation shall be effective on July 3 2012.

ARTICLE I

The name of this corporation shall be: Sanford West Foundation.

ARTICLE II

This corporation, formed under the North Dakota Nonprofit Corporation Act, is organized and shall be operated exclusively for charitable, scientific and educational purposes, specifically to be organized and operated exclusively for the benefit of, to support the functions of, and to assist in carrying out the purposes of Sanford West, Sanford Bismarck, Sanford Living Centers and all other Section 501(c)(3) organizations other than private foundations now or hereafter operated, supervised or controlled by, or supervised or controlled in connection with, such organizations. All the powers of this corporation shall be exercised only so that this corporation's operations shall be exclusively within the contemplation of Section 501(c)(3) and Section 509(a)(3) of the Internal Revenue Code. All references in these Articles of Incorporation to sections of the Internal Revenue Code are to the Internal Revenue Code of 1986 and include any provisions thereof adopted by future amendments thereto and any cognate provisions in future Internal Revenue Codes to the extent such provisions are applicable to this corporation.

NORTH DAKOTA

Filed 7-03 2012

*Alvin J. Jensen*  
Secretary of State



### ARTICLE III

This corporation shall not afford pecuniary gain, incidentally or otherwise, to its members, if any, other than to members described in Section 501(c)(3) of the Internal Revenue Code or subdivisions, units, or agencies of the United States or a state or local government. No part of the net income or net earnings of this corporation shall inure to the benefit of any private shareholder or individual.

### ARTICLE IV

No substantial part of the activities of this corporation shall consist of carrying on propaganda or otherwise attempting to influence legislation. This corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office.

### ARTICLE V

The period of duration of this corporation's existence shall be perpetual.

### ARTICLE VI

The registered office of this corporation shall be located at 300 North Seventh Street, Bismarck North Dakota, 58506. The registered agent of this corporation shall be John M. Olson.

### ARTICLE VII

The sole voting member of this corporation shall be Sanford Bismarck, a North Dakota nonprofit corporation.

### ARTICLE VIII

The management and direction of the business of this corporation shall be vested in a Board of Trustees. The number, term of office, powers, authority and duties of members of the Board of Trustees, the time and place of their meetings, and such other regulations with respect to them as are not inconsistent with the express provisions of these Articles of Incorporation shall be as specified from time to time in the Bylaws of this corporation. Any action, other than an action requiring member approval, required or permitted to be taken at a meeting of the Board of Trustees may be taken by written action signed by the number of trustees that would be required to take the same action at a meeting of the Board of Trustees at

which all trustees were present. All trustees shall be notified immediately of the text and effective date of any such written action that is duly taken.

ARTICLE IX

This corporation shall have no capital stock.

ARTICLE X

The trustees, directors, officers and members of this corporation shall not be personally liable for the debts or obligations of this corporation of any nature whatsoever, nor shall any of the property of the trustees, directors, officers or members be subject to the payment of the debts or obligations of this corporation to any extent whatsoever.

ARTICLE XI

These Articles of Incorporation and the Bylaws of this corporation may be amended as provided in the Bylaws of this corporation.

ARTICLE XII

This corporation may be dissolved in accordance with the laws of the State of North Dakota. In the event of the dissolution of this corporation, any surplus property remaining after the payment of its debts shall be transferred to one or more corporations, associations, institutions, trusts, or foundations organized and operated for one or more of the purposes of this corporation, and described in Section 501(c)(3) of the Internal Revenue Code of 1986, in such proportions as the Board of Trustees of this corporation shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this corporation upon trust or other condition, or subject to any executory or special limitation, and such property, upon dissolution of this corporation, shall be transferred in accordance with the trust, condition or limitation imposed with respect to it.

Dated this 29<sup>A</sup> day of JUNE, 2012.

MEDCENTER ONE FOUNDATION

By: [Signature]

Title: [Signature]



# *State of North Dakota*

## SECRETARY OF STATE



### RESTATED CERTIFICATE OF INCORPORATION OF MEDCENTER ONE FOUNDATION

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that Restated Articles of Incorporation of

MEDCENTER ONE FOUNDATION

duly signed and verified pursuant to the North Dakota statutes governing a North Dakota NONPROFIT CORPORATION, have been received in this office and are found to conform to law.

**ACCORDINGLY** the undersigned, as such Secretary of State and by virtue of the authority vested in him by law, hereby issues this Restated Certificate of Incorporation to

SANFORD WEST FOUNDATION.

Effective Date: July 3, 2012

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger  
Secretary of State

4,020,200NP  
916362

July 3, 2012

RECEIVED

JUL 03 2012

Sec. of State

Business Registration Division  
State of North Dakota  
600 E. Boulevard Ave., Dept. 108, 1<sup>st</sup> floor  
Bismarck, ND 58505-0500

RE: Consent to Use of Name

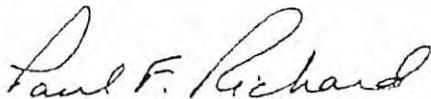
Desired Name: Sanford West Foundation

Conflicting Names: Sanford, Sanford Clinic, Sanford Clinic North, Sanford Medical Center Fargo, Sanford North, Sanford Health Foundation North, Sanford Health Network, Sanford Health Network North, Sanford Health Plan, Sanford Healthcare Accessories, L.L.C., and Sanford Medical Center Mayville

Dear Sir or Madam:

The undersigned, an authorized representative of Sanford, Sanford Clinic, Sanford Clinic North, Sanford Medical Center Fargo, Sanford North, Sanford Health Foundation North, Sanford Health Network, Sanford Health Network North, Sanford Health Plan, Sanford Healthcare Accessories, L.L.C. and Sanford Medical Center Mayville, do hereby consent to the use of the desired name unconditionally.

Sincerely,



Paul Richard  
Chief Legal Officer

NORTH DAKOTA  
Filed 7-03 2012  
  
Secretary of State



Ord # 7838

COMPLETE, PRINT, SIGN, AND MAIL OR FAX (If paying with credit card, complete Credit Card Payment Authorization)



**NONPROFIT CORPORATION  
ARTICLES OF AMENDMENT**  
SECRETARY OF STATE  
SFN 13012 (2-2013)

FOR OFFICE USE ONLY

ID Number	402020	
Work Order Number	1096122	
Filed	1-22-14	By TY

**RECEIVED** [Barcode]

1. FILING FEE \$20.00

JAN 16 2014

SEC. OF STATE

TYPE OR PRINT LEGIBLY

SEE INSTRUCTIONS FOR FEES, FILING AND MAILING INFORMATION

2. Name of the Corporation as Reflected in the Articles of Incorporation or Last Amendment Filed with the Secretary of State  
Sanford West Foundation

3. Federal ID Number 45-0397196	4. Telephone Number (701) 323-8450	5. Toll-free Telephone Number
------------------------------------	---------------------------------------	-------------------------------

6. Complete Mailing Address of the Corporation's Principal Executive Office (Street/RR, PO Box, City, State, ZIP+4) May not be only a post office box.  
300 N. 7th Street PO Box 5525, Bismarck, North Dakota 58506-5525

7. The following amendment has been adopted pursuant to the provisions of the North Dakota Nonprofit Corporation Act, N.D.C.C. Chapter 10-33

Article I - The name of this corporation shall be: Sanford Health Foundation West

8. The amendment shall be effective (check one)  
 When filed with the Secretary of State     Later on \_\_\_\_\_ (month, day, year) (must be within 90 days after filing with Secretary of State)

9. The amendment was adopted on by one of the following methods: (check the appropriate method and complete the statement as necessary)  
 Voting members adopted the amendment:  
 At a meeting held on 12/12/2013 at which a quorum was present and the amendment received at least two thirds of the votes cast by members present at the meeting and entitled to vote, or by proxy; OR  
 By a consent in writing signed by all members entitled to vote

OR  
 There being no voting members, a majority of directors in office adopted the amendment at a meeting held on \_\_\_\_\_ (month, day, year)

10. "The undersigned, a person authorized by the corporation to sign this amendment:  
• Has read the foregoing Articles of Amendment, knows the contents thereof, and believes the statements made thereon to be true.  
• Authorizes the Secretary of State to correct numbers 2 and 7 if not correctly reflected as explained in the instructions.  
• Understands that if I make a false statement in this document, I may be subject to criminal penalties."

Signature 	Date 1/16/14
11. Name of Person to Contact About This Document Kelly Kirby	E-mail Address Daytime Telephone Number and Extension, if any

old # 7838 002/004



**CONSENT TO USE BUSINESS NAME**  
SECRETARY OF STATE  
SFN 59250 (03-2012)



RECEIVED  
JAN 21 2014

STATE  
24. 499,300

FOR OFFICE USE ONLY	
ID Number:	4020200 NP
WO Number:	1096122
Filed:	1-22-14
By:	TT

FILING FEE: \$10.00

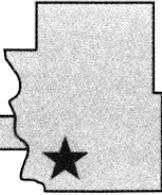
173590

1A. Name of the business or organization currently registered with the North Dakota Secretary of State that is granting consent to use a business name that is the same or is deceptively similar: <b>Sanford Health Foundation, Sanford Health Foundation North, Sanford Health Foundation Hillsboro - 390700</b>		
1B. Principal executive office address: <b>801 Broadway N. Fargo, ND 58122 /12 3rd St SE PO Box 609 Hillsboro ND 58045</b>		
2A. The proposed business name to whom consent is being granted: <b>Sanford Health Foundation West</b>		
2B. Principal executive office address: <b>300 N. 7th Street PO Box 5525, Bismarck, North Dakota 58506-5525</b>		
3. "I, the owner, or the person authorized to sign on behalf of the business named in number 1, hereby grant consent to the business name defined in number 2 and accept responsibility to monitor or enforce any restrictions or limitations agreed to by the business named in number 2. I understand that if I make a false statement in this document, I may be subject to criminal penalties."		
Signature:	Title: <b>Chief legal officer</b>	Date: <b>1/20/14</b>
4. Name of person to contact about this document: <b>Kelly Kirby</b>	E-mail address: <b>CB</b>	Daytime telephone number and extension:

TT

**ITEM**

**# 6**



Request for County Board Action

**DATE:** June 19, 2023

**TO:** Mark Splonskowski  
County Auditor/ Treasurer

**FROM:** Becky Matthews  
County Commission Chair

**RE:** Provident Building Remodel

**History:** The County Commission approved the remodel of the Provident building with the goal of completion to be December 1, 2024.

**Recommendation:** Discuss any planned steps for the completion of the project.



**Public Health**  
Prevent. Promote. Protect.

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**Bismarck-Burleigh Public Health**

# Burleigh County Board of Health

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COUNTY SCHOOLS UPDATE

JUNE 19, 2023

# BBPH Staff Roles

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## Transition of staff roles

- Point of contact: Nutrition Services Coordinator
- Two nurses available for education delivery

# Summary of 2022-2023

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Visits occurred Tuesday/Wednesday;  
usually, 2<sup>nd</sup> week of month

Monthly reminders sent to schools

Survey given

*Topics/Visits included:*

Health Plans/Health Records

Flu/Immunizations

Hearing/Vision

Handwashing

Nutrition/Dental

Child Passenger Safety

Tobacco

Physical Activity

Adolescent Changes

Farm and Animal Safety

◦ Offered by Burleigh County Extension

What do our county's schools think of

# PUBLIC HEALTH?

We received feedback through surveying six schools to see what we do best, and what we can do better.

## WHAT ARE THE BENEFITS OF BBPH VISITS?

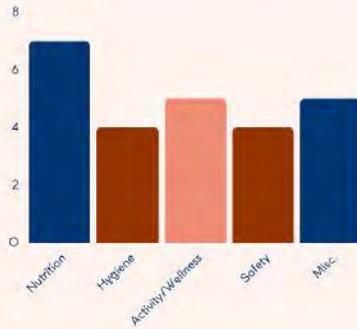
Responses included explaining that students benefit from time with experts, a change of pace in the classroom, the ability to ask questions about health, and more!

## HOW CAN WE IMPROVE?

A majority of responses explained wanting new activities each year to keep it fresh and engaging for students. Some ideas provided were small groups, coloring sheets, movement games, and experiments.

What would the schools like to see more of next year?

Popular responses included learning more about nutrition! Other responses voiced an interest in topics such as physical activity, bike safety, first aid, and mental health.



Quote from survey:

"Thanks for the flexibility & providing opportunities for all to learn!"



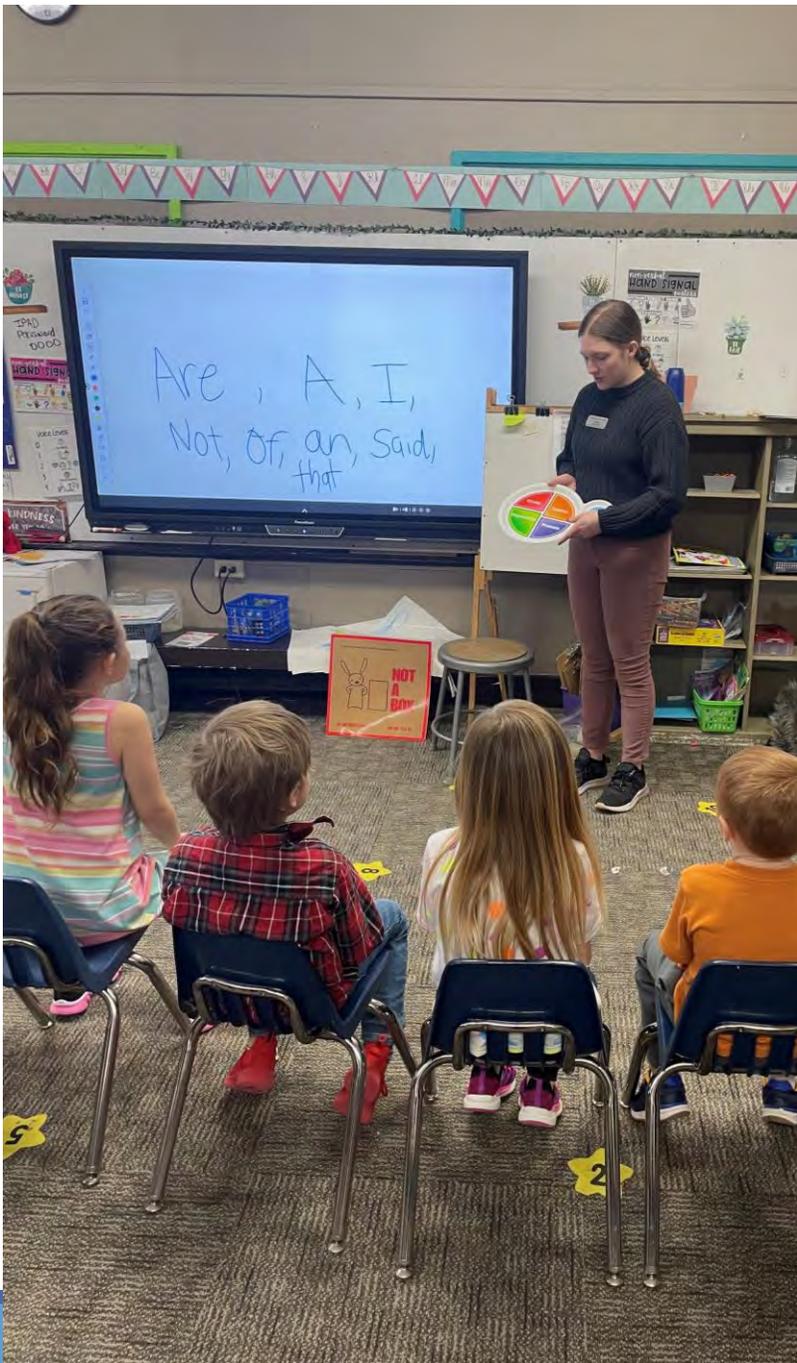
Public Health  
Hennepin County Public Health



Public Health  
Hennepin County Public Health

# Survey Feedback

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# Looking Ahead to 2023-2024

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Health Plans/Health Records

Germs/Bacteria

Flu/Immunizations

Hearing/Vision

Screen Time and Sleep

Mental Health and Breathing Techniques

Heart Health

Physical Activity

Tobacco

Nutrition

Adolescent Changes and Hygiene

Summer Safety

- *Partnership with Burleigh County Extension*

# Questions?

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KATIE JOHNKE, NUTRITION SERVICES COORDINATOR

KJOHNKE@BISMARCKND.GOV

What do our county's schools think of

# PUBLIC HEALTH?

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## WHAT ARE THE BENEFITS OF BBPH VISITS?

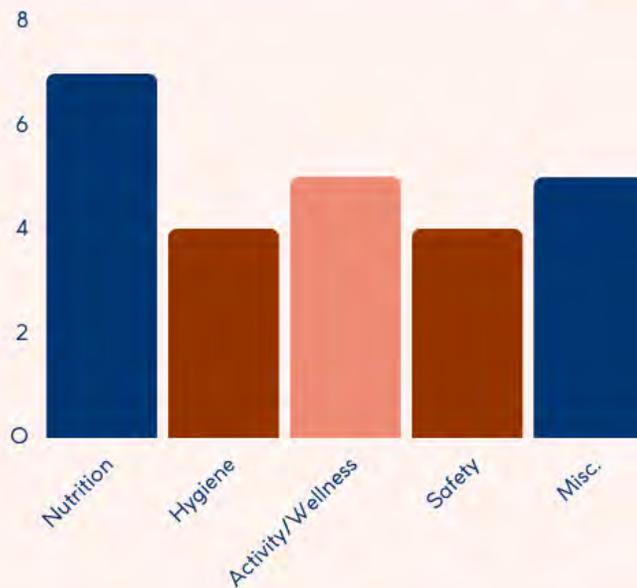
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Public Health  
Prevent. Promote. Protect.

Bismarck-Burleigh Public Health



Public Health  
Prevent. Promote. Protect.

Bismarck-Burleigh Public Health

Memo

June 19<sup>th</sup>, 2023 Burleigh county Agenda Item: Haven Hills Community

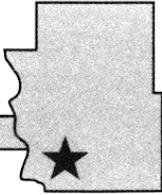
Presenter: Amber Bohl

Information on this project at [havenhillscommunity.org](http://havenhillscommunity.org). Fact sheet will be presented to Commissioners at the meeting.

No action requested.

**ITEM**

**# 7**



Request for County Board Action

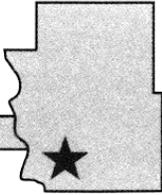
**DATE:** June 19, 2023  
**TO:** Mark Splonskowski  
County Auditor/ Treasurer  
**FROM:** Steve Schwab  
County Commissioner  
**RE:** Update on Co2 Pipeline

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

Update on Co2 Pipeline

**ITEM**

**# 8**



Request for County Board Action

**DATE:** June 19, 2023

**TO:** Mark Splonskowski  
County Auditor/Treasurer

**FROM:** Brian Bitner  
County Commissioner

**RE:** Reconsideration of 3<sup>rd</sup> access Permit

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

**ACTION REQUESTED:**

Reconsider the 3<sup>rd</sup> approach Permit granted to the property located at 4851 Morris Road.

**ITEM**

**# 9**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## **Request for County Board Action**

**DATE:** June 19, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** 2<sup>nd</sup> Approach Permit

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

### **ACTION REQUESTED:**

Review and Direct the County Highway Department on how to proceed with the Emilee Lachenmeier & Ryan Novak request.

### **BACKGROUND:**

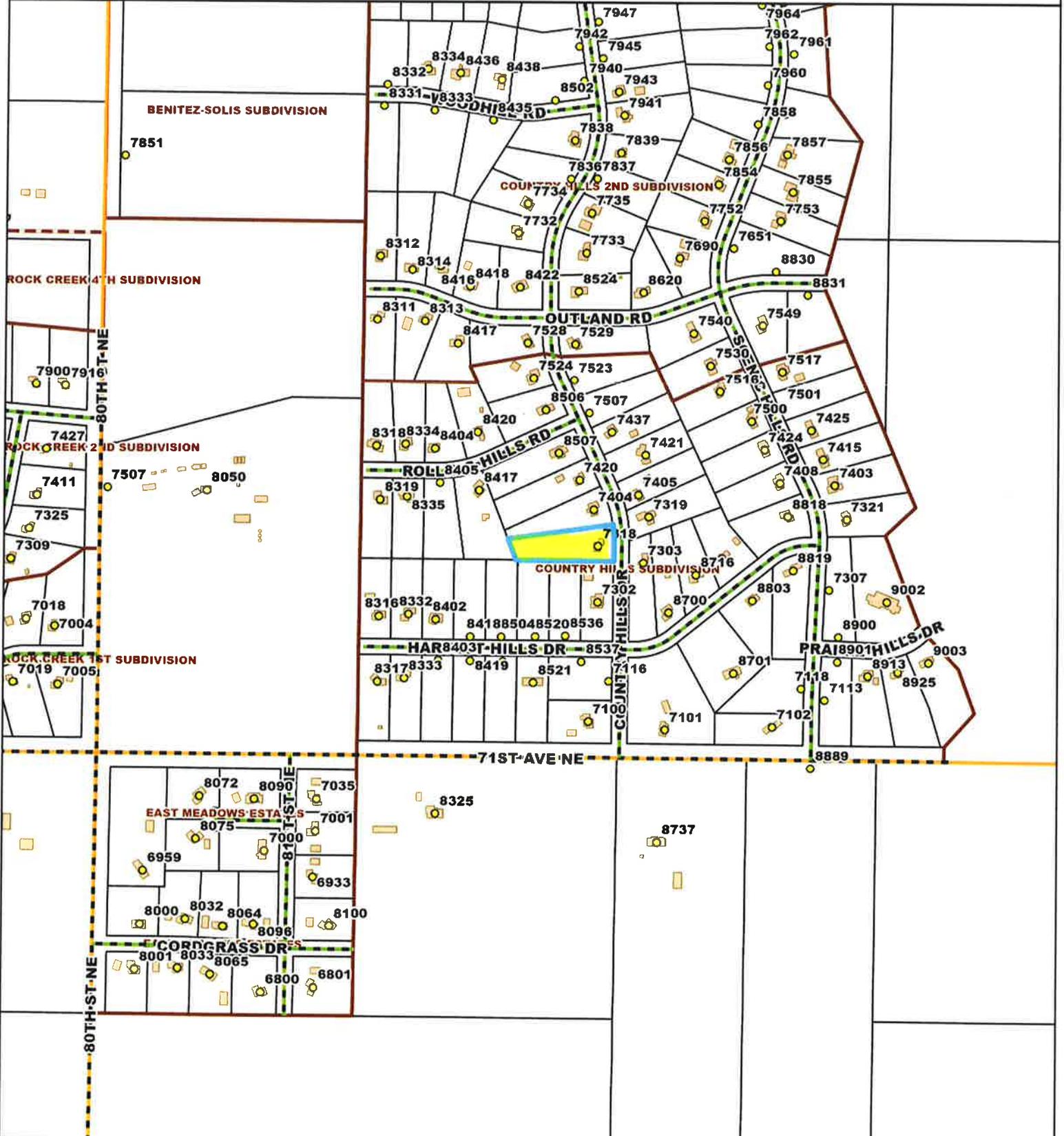
Emilee Lachenmeier & Ryan Novak requested a second approach permit to their property at Block 02, Lot 9, Country Hills Subdivision (7318 Country Hills Drive). Their request was rejected because it did not meet our minimum approach spacing. (100' center to center)

Emilee Lachenmeier & Ryan Novak have requested an appeal of the Highway Department's denial to the County Board.

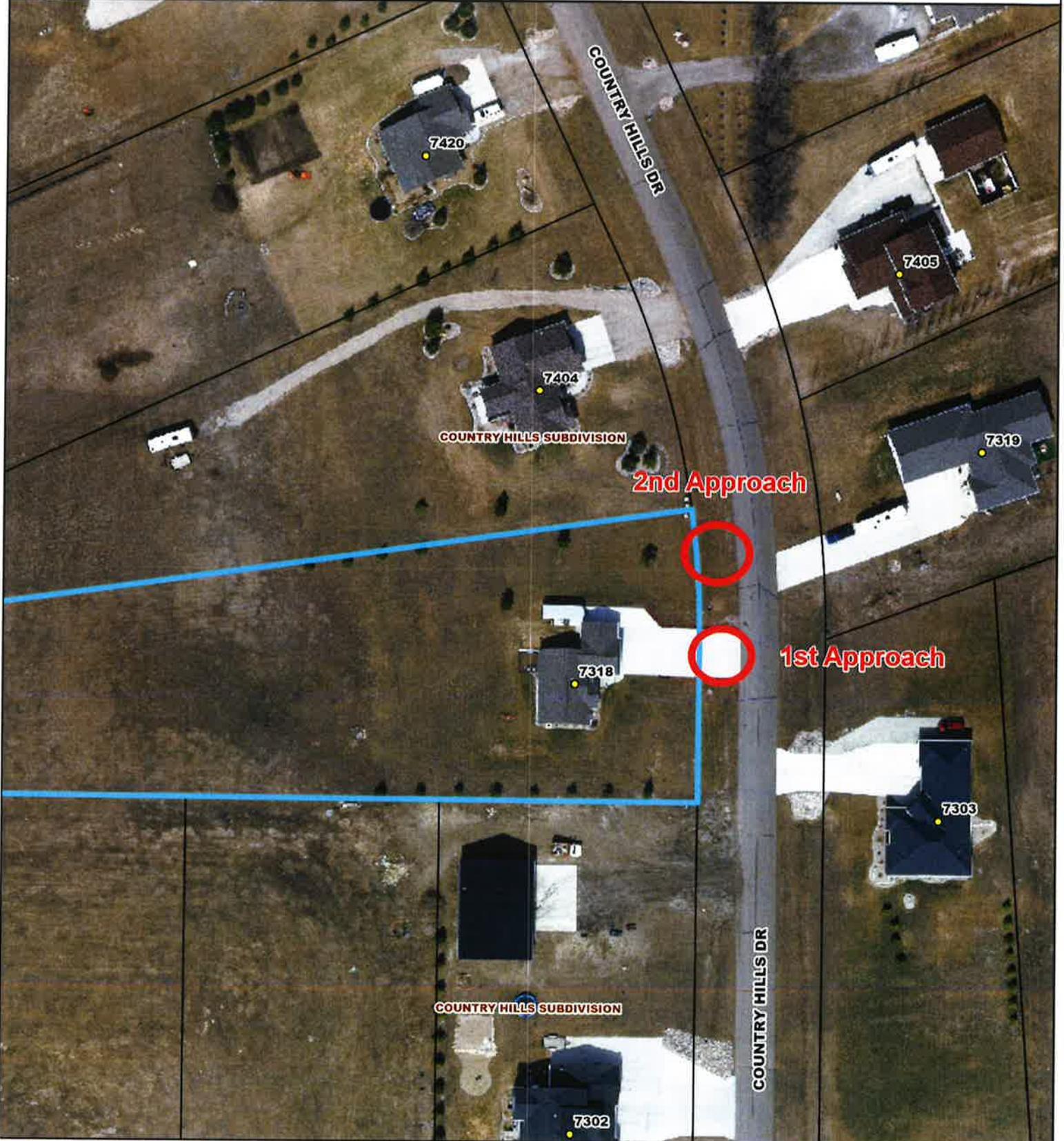
### **RECOMMENDATION:**

It is recommended that the Burleigh County Board discuss the above item and direct the County Highway Department on how to proceed.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

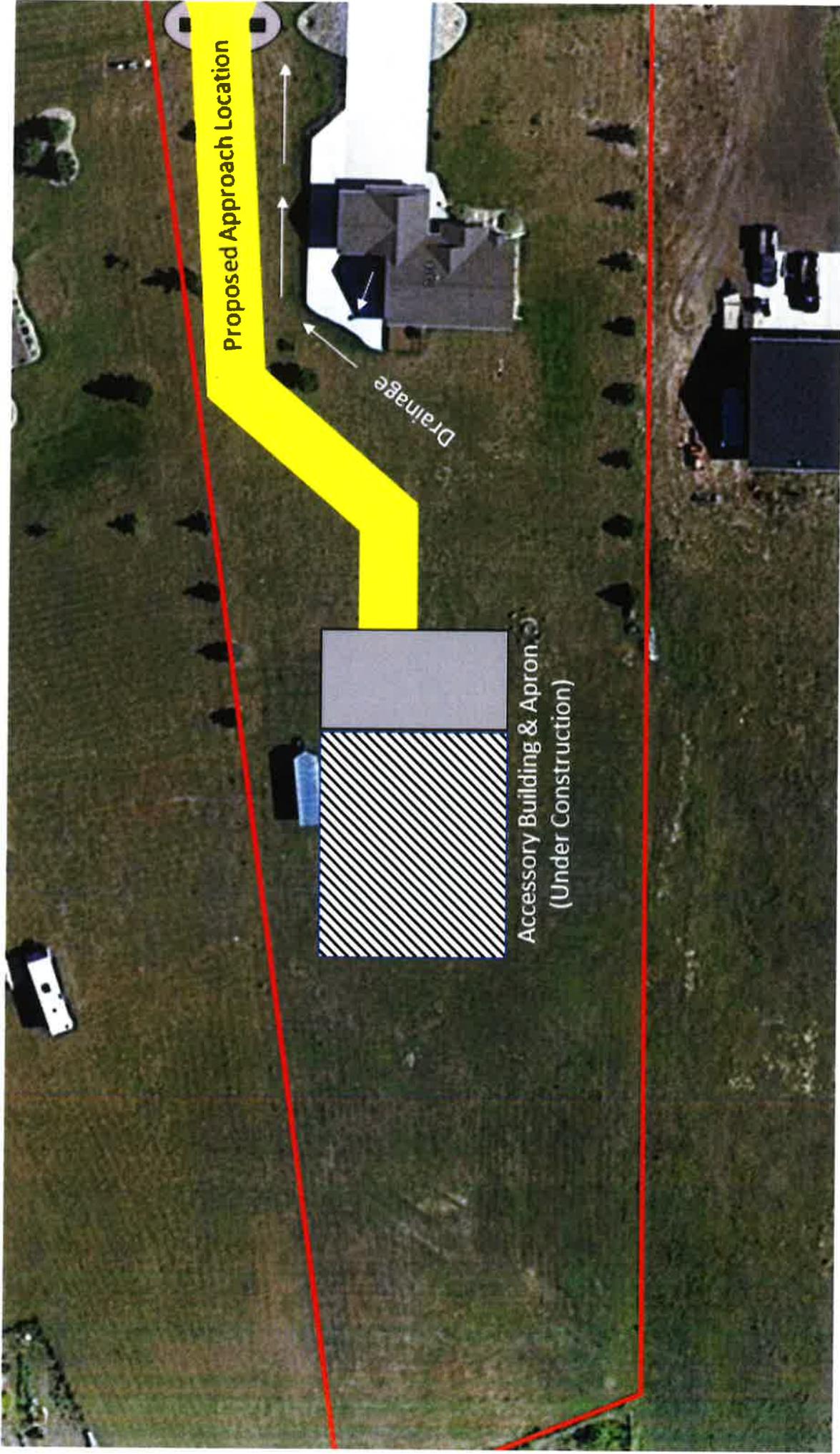


PARCEL ID: 32-139-79-04-02-090      OWNER: NOVAK, RYAN D & LACHENMEIER, EMILEE J      ACRES: 1.75  
SITE ADDRESS: 7318 COUNTRY HILLS DR  
MAIL ADDRESS: 7318 COUNTRY HILLS DR, BISMARCK, ND 58503  
LEGAL: COUNTRY HILLS Block 02 LOT 9



PARCEL ID: 32-139-79-04-02-090      OWNER: NOVAK, RYAN D & LACHENMEIER, EMILEE J      ACRES: 1.75  
SITE ADDRESS: 7318 COUNTRY HILLS DR  
MAIL ADDRESS: 7318 COUNTRY HILLS DR, BISMARCK, ND 58503  
LEGAL: COUNTRY HILLS Block 02 LOT 9

cond Approach Request – 7318 Country Hills Drive, Bismarck, ND



HILLS Block 02 LOT 9; Section 04 T139N R79W

20 ft Approach



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## **Request for County Board Action**

**DATE:** June 19, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Authorization to seek design services from a consultant engineering firm on the 71<sup>st</sup> Ave NE roundabout projects

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

### **ACTION REQUESTED:**

Authorize the proper County officials to seek engineering services.

### **BACKGROUND:**

In the Fall of 2021, the North Dakota Department of Transportation (NDDOT) awarded Burleigh County \$3,300,000 of Highway Safety Improvement Program (HSIP) funds for the construction of a roundabout at the intersection of 71<sup>st</sup> Avenue NE and Centennial Road (Rooster Road and 41<sup>st</sup> Street NE will also be included in this roundabout). The money is currently programmed for 2026. In addition, just recently, the North Dakota Department of Transportation (NDDOT) has awarded Burleigh County \$3,600,000 of Highway Safety Improvement Program (HSIP) funds for the construction of a roundabout at the intersection of 71<sup>st</sup> Avenue NE and 26<sup>th</sup> Street NE. The money for this project is currently programmed for 2027. The Highway Department would like to hire a design consultant firm to complete the design of these projects. We feel that combining the two projects will save us money in design fees. The design work would include the following:

- 1) Hydrologic Analysis and Design
- 2) Registered Ground Survey and Control Work
- 3) Traffic Operations Report
- 4) Roundabout Design

- 5) Wetland Delineation Report
- 6) Pavement Design
- 7) Geotechnical Evaluation
- 8) Cultural Review and Reports
- 9) Noise Analysis
- 10) The Documented Catex

The use of design consultants can be beneficial in completing projects that require certain capabilities that we do not have in-house or require faster action than our current staffing can provide (without dropping other important projects). We propose that any interested engineering consultant firms submit a written proposal addressing: staff experience and technical capabilities, current workload, understanding of project scope, fee schedule, etc. After a review of the proposals, we will select the most qualified consultant and work with them to develop the scope and timeline for the services. Once the details of the project have been worked out, we will apply their fee schedule and come up with a total cost. This will then be brought back to the County Board for approval. The design services will be 100% local funds; however, the construction of the project will be done at a 90% federal, 10% local split.

**RECOMMENDATION:**

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

**PROPOSED RESOLUTION:**

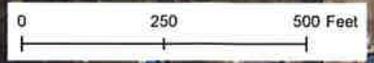
THEREFORE, BE IT RESOLVED: That the County Auditor and the County Engineer are hereby authorized to advertise to seek design service proposals for the 71<sup>st</sup> Avenue NE roundabout projects.

**BURLEIGH COUNTY, NORTH DAKOTA  
ESTIMATED PROJECT LIMITS**

N  
11/25/2020



 Project Extent



Map produced by Burleigh County GIS. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

**BURLEIGH COUNTY, NORTH DAKOTA  
ESTIMATED PROJECT LIMITS**

N  
11/03/2022



 Project Extent

0 250 500 Feet

Map produced by Burleigh County GIS. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** June 19, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Request to relinquish unused Platted Right of Way

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

### **ACTION REQUESTED:**

Discuss request and direct staff on how to proceed.

### **BACKGROUND:**

In June of 2005, the Burleigh County Board approved and accepted all roadway right of way in the Misty Waters Subdivision. During the platting process the Developer was required to set aside 109.5' of Right of Way along Burnt Creek Loop. The County Highway Department has never used (and currently has no plans of using) this amount of Right of Way along Burnt Creek Loop and feels that our normal 75' of Right of Way would meet our needs. The owner of Lot 2, Block 01 Misty Waters Subdivision is planning on re-platting this lot and has requested that the Burnt Creek Loop Right of Way be reduced to 75'. Since the County currently owns this property we would be required to be part of the platting process (the property is within the ETA and will therefore be going through the City of Bismarck platting process). Before the current owner starts the process, they would like to know if Burleigh County is amenable to giving up some of the unused Right of Way and being part of the Platting process.

### **RECOMMENDATION:**

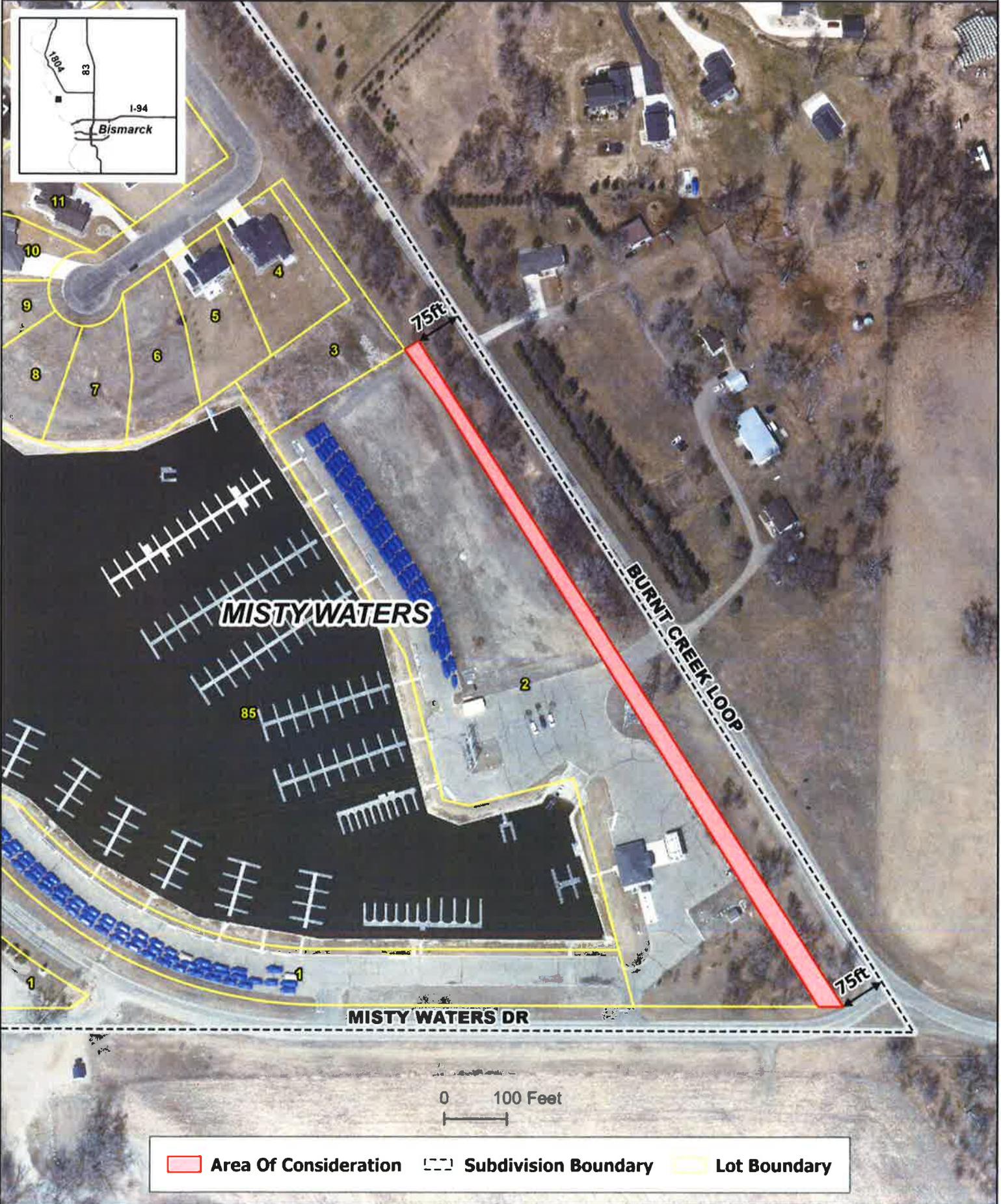
It is recommended that the Board adopt the attached proposed resolution.

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That Burleigh County is willing to give up unused Right of Way along Burnt Creek Loop adjacent to Lot 2, Block 01 Misty Waters Subdivision and to be part of the new re-plat of this property. All cost associated with this replat shall be paid for by the current owner of Lot 2, Block 01 Misty Waters Subdivision.

BURLEIGH COUNTY, NORTH DAKOTA  
AREA OF CONSIDERATION IN MISTY WATERS

N  
06/09/2023





# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## **Request for County Board Action**

**DATE:** June 19, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Approve the selection of an engineering consultant firm for the Hydrology and Hydraulics design for the 26<sup>th</sup> Street NE and 57<sup>th</sup> Avenue NE Project.

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

### **ACTION REQUESTED:**

Approve the selection of Houston Engineering to perform Hydrology and Hydraulics design for the 26<sup>th</sup> Street NE and 57<sup>th</sup> Avenue NE Project.

### **BACKGROUND:**

During the establishment of the Gravel Road Construction Program the County Board authorized the Highway Department to allocate resources to design, acquire right of way, obtain permits and construct various projects throughout the county. One of these projects included the construction of 26<sup>th</sup> Street NE (from Moonstone Ln to 43<sup>rd</sup> Ave NE) and 57<sup>th</sup> Ave NE (from 26<sup>th</sup> Street NE to Flatrock Drive). In order to complete this project, the Highway Department needs the assistance of an area engineering firm to perform Hydrology and Hydraulics design in order to size pipes, determine wetland impacts, to complete cultural resources review and to obtain USACE permits.

The Highway Department has reviewed area engineering firm capabilities and current work load with the County and has determined that Houston Engineering is the most qualified firm to perform services for this project.

We have met with Houston Engineering and have negotiated the scope of services and fees for these projects. The contract shall be an hourly contract with a not to exceed limit.

**RECOMMENDATION:**

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

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the proper County officials are hereby authorized to enter into an agreement with Houston Engineering Inc. for \$31,900 to perform Hydrology and Hydraulics work on the 26<sup>th</sup> Street NE and 57<sup>th</sup> Avenue NE Project. Additional services, requested by the County, will be paid for hourly up to a maximum of \$10,000.

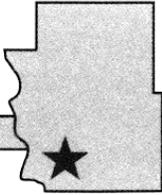


**ITEM**

**# 10**

STATE OF NORTH DAKOTA

# County of Burleigh



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

## Request for County Board Action

**DATE:** June 19, 2023

**TO:** Mark Splonskowski  
County Auditor/Treasurer

**FROM:** Julie Lawyer  
County States Attorney

**RE:** Update on Vacation of Easement for a Public Road

**ITEM**

**# 11**

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 11/17/2022  <b>Job Description #</b> 04-41110-680
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**Employee:** \_\_\_\_\_  
**Job Title:** Deputy Finance Director  
**Job Status:** Exempt (Appointed)  
  
**Salary Grade:** 12

**Location:** Bismarck  
**Department:** Finance  
**Reports to:** Commission &  
Auditor/Treasurer/Tax  
**DBM Rating:** C44/C51

**Job Summary:** Under the supervision of the Finance Director, is responsible for assisting in the completion of complex administrative duties coordinating the accounting and budgetary operations of the County. Assists the Finance Director with comptroller responsibilities and financial inquiries from department heads and the general public.

**Responsibilities:**

- 55 % time      1. Manage and perform complex administrative duties and professional work in coordinating the accounting and budgetary operations of the County, acting as assistant comptroller, overseeing all revenue and expenditures for the County.
- 20 % time      2. Responsible for computing mill levies for all taxing districts in the County in accordance with state statute, prepare tax abstracts for the state and prepare financial data/information for the State Legislature.
- 25 % time      3. Responsible for assisting department heads in preparation and review of annual budgets, review purchase orders, and journal entries, maintain procedures for accounting processes, internal audits, and internal controls.

**Essential Job Duties:**

1. Assist the Finance Director with the County budget preparation including reviewing preliminary department budgets and compiling combined budget. Works with the Finance Director and Auditor/Treasurer in conducting budgetary hearings. Assists with final budget preparation and communication.
2. Prepare County Budget variance reports on a monthly basis and distribute to appropriate elected officials, department heads, and general public.
3. Prepare and monitor journal entries, purchase orders, tax abstracts for the state, and review bank statement reconciliations as directed.
4. Assist in the annual budget preparation including calculation of tax levies and preparing assessment list/abstract and tax abstract.
5. Responsible for the administration of the County's liability insurance policies to include claims filing and monitoring.
6. Prepare and process end-of-year adjusting entries and schedule for annual audit; assist in the preparation of annual financial statements; assist with audit preparation and implementation of necessary recommendations for internal controls and/or other needed revisions.
7. Assist with the administration and monitoring for federal grant programs. This includes the research and interpretation of federal and state regulations.
8. Preparation of presentations, records, and reports such as flow charts/diagrams, statistical analyses, tax reports, budget reports, federal and state reports.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 11/17/2022  <b>Job Description #</b> 04-41110-680
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9. Serve as backup to the Financial Director in the preparation of finance items for the Commissioner meetings.
10. Perform responsibilities in a manner that clearly shows effective communication and cooperation and that promotes open exchange of information, respect, high ethical standards, and professionalism.
11. Perform other duties as required and/or assigned.

**Job Qualifications, Experience and Education**

1. Bachelor's Degree with major coursework in accounting or business administration or related field and three years related experience in tax or appraisal work, and/or an equivalent combination of education and experience.
2. Knowledge of state and local laws governing the assessment and collection of real estate taxes.
3. Must have the ability to design, prepare and present complex budget and computerized accounting systems.
4. Must possess excellent communication skills to establish and maintain effective working relationships with County officials and employees, and the general public.
5. Must possess computer skills with proficiency in MS Excel. Must have the ability to plan, organize and supervise the work of others, and analyze, interpret, and prepare reports and records.
6. Must have valid North Dakota drivers license with clean driving record.
7. Applicants will be subject to a standard post offer background and criminal records check.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment. Will include physical motions of finger dexterity for use of keyboard, sitting and standing motions.
2. May endure high levels of stress while preparing budget, establishing mill levies, working with tenants, and ensuring expenditures do not exceed budget.
3. May travel and be exposed to extremes of weather when going on location to attend meetings or attend finance duties.

**Clarification Clause:**

This is an appointed position and is subject to reappointment by the Board of County Commissioners on an annual basis. This job description is not intended and should not be construed to be a complete list of all skills, duties, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Deputy Finance Director position. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

Job Title: Deputy Finance Director				Job Description #: 04-41110-680			
Salary Grade: 12				O*NET Position #: 11-3031.01			
DBM Rating: C44							
Responsibilities:		Percentage of Time (Annualized)		DBM Ranking			
1	Manage and perform complex administrative duties and professional work in coordinating the accounting and budgetary operations of the County.	55%		C	4	4	
2	Responsible for assisting department heads in preparation and review of annual budgets, review purchase orders, and journal entries, maintain procedures for accounting processes, internal audits, and internal controls.	20%		C	4	4	
3	Responsible for computing mill levies for all taxing districts in the County in accordance with state statute, prepare tax abstracts for the state and prepare financial data/information for the State Legislature.	25%		C	4	4	
Essential Duties:		Decisions Required (Programming, Interpretive, Process, Operational, Defined)	Frequency (Daily, Weekly, Monthly, Quarterly, Annually)	Percentage of time	BAND	GRADE	SUB GRADE CALCULATION
1	Assist the Finance Director with the County budget preparation including reviewing preliminary department budgets and compiling combined budget. Works with Finance Director and Auditor/Treasurer in conducting budgetary hearings. Assist with final budget preparation and communication.	Process	Annually	*	C	1	375
2	Prepare County Budget variance reports on a monthly basis and distribute to appropriate elected officials, department heads, and general public.	Process	Monthly	*	C	1	375
3	Prepare and monitor journal entries, purchase orders, abstracts for the state, and review bank statement reconciliations as directed.	Process	Daily	*	C	1	375
4	Assist in annual budget preparation including calculation of tax levies and preparing assessment list/abstract and tax abstract.	Process	Annually	*	C	1	375
5	Responsible for the administration of the County's liability insurance policies to include claims filing and monitoring.	Operational	As Needed	*	B	2	250
6	Prepare and process end-of-year adjusting entries and schedule for annual audit; assist in the preparation of annual financial statements; assist with audit preparation and implementation of necessary recommendations for internal controls and/or other needed revisions.	Operational	Annually	*	B	2	250
7	Assist with the administration and monitoring for federal grant programs. This includes the research and interpretation of federal and state regulations.	Process	As Needed	*	C	1	375
8	Preparation of presentations, records, and reports such as flow charts/diagrams, statistical analysis, tax reports, budget reports, federal and state reports.	Process	As Needed	*	C	1	375
9	Serve as backup to the Finance Director in the preparation of finance items for the County Commission meetings.	Process	As Needed	*	C	1	375
10	Perform responsibilities in a manner that clearly shows effective communication and cooperation and that promotes open exchange of information, respect, high ethical standards, and professionalism.	Process	Daily	*	C	1	375
11	Perform other duties as required and/or assigned.	Defined	As Needed	*	A	2	100
<b>Job Qualifications, Experience and Education</b>				<b>Totals</b>			<b>3600</b>
1	Bachelor's Degree with major coursework in accounting or business administration or related field and three years related experience in tax or appraisal work, and/or an equivalent combination of education and experience.						
2	Knowledge of state and local laws governing the assessment and collection of real estate taxes.						

3	Must have the ability to design, prepare and present complex budget and computerized accounting systems.
4	Must possess excellent communication skills to establish and maintain effective working relationships with County officials and employees, and the general public.
5	Ability to perform day-to-day accounting operations, technical computer skills sufficient in the implementation of an integrated financial management system, and problem solving and analytical skills sufficient to identify problem areas.

Wage Analysis						
Treasurers and Controllers	11-3031.01	Minimum	25%	Market	75%	Maximum
O-NET Research	Bismarck-Mandan Area	\$ 78,810.00	\$ 98,980.00	\$ 124,990.00	\$ 152,350.00	\$ 208,000.00
O-NET Research	North Dakota	\$ 76,350.00	\$ 95,990.00	\$ 125,730.00	\$ 162,110.00	\$ 206,590.00
O-NET Research	United States	\$ 77,040.00	\$ 99,620.00	\$ 131,710.00	\$ 191,860.00	\$ 208,000.00

Burleigh County Similar Jobs in Pay Grade 12	Burleigh County Pay Grade	Step 1	Step 5	Step 9	Step 13	Step 17
County Recorder	Grade 11	\$ 67,912.00	\$ 75,358.40	\$ 84,739.20	\$ 94,952.00	\$ 105,123.20
Deputy Auditor/Treasurer	Grade 12	\$ 71,988.80	\$ 79,892.80	\$ 89,814.40	\$ 100,651.20	\$ 111,425.60
Deputy Auditor/Tax Equalization Director	Grade 13	\$ 75,587.20	\$ 83,886.40	\$ 94,307.20	\$ 105,684.80	\$ 117,000.00

Chief Deputy- Auditors Office	NDACo Salary Survey Reports	Budget Low	Budget High	Budget Average
	Burleigh County	\$ 77,563.00	\$ 77,563.00	\$ 77,563.00
	Cass County	\$ -	\$ -	\$ -
	Grand Forks County	\$ 62,192.00	\$ 62,192.00	\$ 62,192.00
	Morton County	\$ -	\$ -	\$ -
	Stark County	\$ 62,400.00	\$ 62,400.00	\$ 62,400.00
	Ward County	\$ 70,548.00	\$ 70,548.00	\$ 70,548.00
	Williams County	\$ 51,979.00	\$ 51,979.00	\$ 51,979.00
	Averages	\$ 46,383.14	\$ 46,383.14	\$ 46,383.14

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 03-41110-061
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**Employee:** \_\_\_\_\_  
**Job Title:** Finance Director  
**Job Status:** Exempt (Appointed)  
**Salary Grade:** 16

**Location:** Bismarck  
**Department:** Finance  
**Reports to:** Board of Commissioners  
**DBM Rating:** D63

**Job Summary:** Under supervision of the Board of County Commissioners, performs complex administrative duties directing the accounting and budgetary operations of the County acting as comptroller in charge of revenue and expenditures.

**Responsibilities:**

- 40 % time      1. Responsible for performing complex administrative duties and professional work in directing the accounting and budgetary operations of the County, acting as comptroller overseeing all revenue and expenditures for the County.
- 20 % time      2. Responsible for computing mill levies for all taxing districts in the County in accordance with state statute, prepare tax abstracts for the state and prepare financial data/information for the State Legislature.
- 25 % time      3. Responsible for assisting department heads in preparation and review of annual budgets, review purchase orders, and journal entries, develop and implement accounting techniques, internal auditing, and internal controls.
- 10 % time      4. Responsible for creating, implementing, monitoring for effectiveness, policies and procedures that pertain to the County’s finances. Auditing the policies and procedures to ensure continued relevancy, compliance, and internal control systems are in place.
- 5 % time        5. Responsible for ensuring the Board of County Commissioners have timely updates on all financial activities including the annual audit, final budget communication and budget variance reporting. Provide Supervision for staffs in the finance department.

**Essential Job Duties:**

1. Oversee County budget preparation including reviewing preliminary department budgets and compiling combined budget. Works with Auditor/Treasurer in conducting budgetary hearings. Prepare final budget allocation. Review and monitor adherence to budget.
2. Advise County Commissioners and Department Heads on financial issues and assist with reviewing budgets and financial audits; attend Commission meetings.
3. Prepare and review journal entries, purchase orders, tax abstracts for the state, and review bank statement reconciliations.
4. Oversee the computation of mill levies for all taxing districts in the County in accordance with state statutes.
5. Prepare financial data and information for State Legislators, compile data for County Auditor’s Certificate of Indebtedness, and administer the County’s liability insurance policies.
6. Prepare, review end-of-year adjusting entries and schedule for annual audit; prepare annual financial statements; schedule audit and work with auditors; draft the annual financial report including footnotes for audit; review audit results and implement necessary recommended internal controls and/or other revisions.
7. Administer federal grants adhering to all regulations, research, and ensure compliance with policies and practices that pertain to the different types of grants.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 04/17/2023  <b>Job Description #</b> 03-41110-061
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8. Advise the Board of Commissioners on financial condition of the County, prepare a wide variety of presentations, records, and reports such as flow charts/diagrams, statistical analyses, tax reports, budget reports, federal and state financial reports, payment requests, year-end report schedules, user fees, etc.
9. Develop and recommend financial policies and procedures; prepares financial agenda items for Commissioner meetings.
10. Perform responsibilities in a manner that clearly shows effective communication and cooperation and that promotes open exchange of information, respect, high ethical standards, and professionalism.
11. Provide general supervision for staff in the finance department.
12. Perform other related duties as required or assigned.

**Job Qualifications, Experience and Education**

1. Bachelor’s Degree in Accounting, Business Administration, or related field; must be a Certified Public Accountant and have 3-5 years’ experience in a similar position with general knowledge of accounting techniques, laws, and regulations pertaining to governmental accounting practice.
2. Must have the ability to design, prepare and present complex budget and computerized accounting systems.
3. Must possess excellent communication skills to establish and maintain effective working relationships with County officials and employees, and the general public.
4. Must possess computer skills with proficiency in MS Excel.
5. Must have the ability to plan, organize and supervise the work of others, and analyze, interpret, and prepare reports and records.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment. Will include physical motions of finger dexterity for use of keyboard, sitting and standing motions.
2. May endure high levels of stress while preparing budget, establishing mill levies, working with tenants, and ensuring expenditures do not exceed budget.

**Clarification Clause:**

This is an appointed position and is subject to reappointment by the Board of County Commissioners on an annual basis. This job description is not intended and should not be construed to be a complete list of all skills, duties, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Finance Director position. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

<b>Job Title:</b> Finance Director		Vacant		16 Job Description #: 03-41110-061			
<b>Salary Grade:</b> Exempt (Appointed)				D63 O*NET Position #: 11-3031.01			
<b>DBM Rating:</b>							
<b>Responsibilities:</b>		<b>Percentage of Time (Annualized)</b>		<b>DBM Ranking</b>			
1	Responsible for performing complex administrative duties and professional work in directing the accounting and budgetary operations of the County, acting as comptroller overseeing all revenue and expenditures for the County.	40%		D	6	3	
2	Responsible for computing mill levies for all taxing districts in the County in accordance with state statute, prepare tax abstracts for the state and prepare financial data/information for the State legislature.	20%		D	6	3	
3	Responsible for assisting department heads in preparation and review of annual budgets, review purchase orders, and journal entries, develop and implement accounting techniques, internal auditing, and internal controls.	25%		D	6	3	
4	Responsible for creating, implementing, monitoring for effectiveness, policies and procedures that pertain to the County's finances. Auditing the policies and procedures to ensure continuous relevancy, compliance, and internal control systems are in place.	10%		D	6	3	
5	Responsible for ensuring the Board of County Commissioners have timely updates on all financial activities including the annual audit, final budget communication and budget variance reporting. Provide supervision for staff in the finance department.	5%		D	6	3	
<b>Essential Duties:</b>		<b>Decisions Required (Programming, Interpretive, Process, Operational, Defined)</b>	<b>Frequency (Daily, Weekly, Monthly, Quarterly, Annually)</b>	<b>Percentage of time</b>	<b>BAND</b>	<b>GRADE</b>	<b>SUB GRADE CALCULATION</b>
1	Oversee County budget preparation including reviewing preliminary department budgets and compiling combined budget. Works with Auditor/Treasurer in conducting budgetary hearings. Prepare final budget allocation. Review and monitor adherence to budget.	Interpretive	Daily	*	D	1	500
2	Advise County Commissioners and Department Heads on financial issues and assist with reviewing budgets and financial audits; attend Commission meetings.	Interpretive	Daily	*	D	1	500
3	Prepare and review journal entries, purchase orders, tax abstracts for the state, and review bank statement reconciliations.	Operational	Daily	*	C	2	300
4	Oversee the computation of mill levies for all taxing districts in the County in accordance with state statutes.	Interpretive	Annually	*	D	1	500
5	Prepare financial data and information for State Legislators, compile data for County Auditor's Certificate of Indebtedness, and administer the County's liability insurance policies.	Interpretive	Annually	*	D	1	500
6	Prepare, review end-of-year adjusting entries and schedule for audit; prepare annual financial statements; schedule audit and work with auditor; draft the annual financial report including footnotes for audit; review audit results and implement necessary recommended internal controls and/or other revisions.	Operational	Annually	*	C	2	300
7	Administer federal grants adhering to all regulations, research, and ensure compliance with policies and practices that pertain to the different types of grants.	Interpretive	As needed	*	D	1	500
8	Advise the Board of Commissioners on financial condition of the County, prepare a wide variety of presentations, records, and reports such as flow charts/diagrams, statistical analyses, tax reports, budget reports, federal and state financial reports, payment requests, year-end report, schedules, user fees, etc.	Interpretive	Quarterly, Annually	*	D	1	500

9	Develop and recommend financial policies and procedures; prepares financial agenda items for Commission meetings.	Interpretive	As Needed	*	D	1	500
10	Perform responsibilities in a manner that clearly shows effective communication and cooperation and that promotes open exchange of information, respect, high ethical standards, and professionalism.	Interpretive	Daily	*	D	2	400
11	Provide general supervision for staff in the finance department.	Operational	Daily	*	C	2	300
12	Perform other related duties as required and/or assigned.	Defined	As needed	*	A	1	100
<b>Job Qualifications, Experience and Education</b>						Totals	4900
1	Bachelor's Degree in Accounting, Business Administration, or related field; must be a Certified Public Accountant and have three (3) to five(5) years' experience in a similar position with general knowledge of accounting techniques, laws, and regulations pertaining to governmental accounting practice.						
2	Must have the ability to design, prepare, and present complex budget and computerized accounting systems.						
3	Must possess excellent communication skills to establish and maintain effective working relationships with County officials and employees, and the general public.						
4	Must possess computer skills with proficiency in MS Office Suite, especially MS Excel and MS Word.						
5	Must have the ability to plan, organize, and supervise the work of others, and analyze, interpret, and prepare reports and records.						

Wage Analysis						
Finance Managers	11-3031.00	Minimum	25%	Market	75%	Maximum
O-NET Research	Bismarck-Mandan Area	\$ 78,810.00	\$ 98,980.00	\$ 124,990.00	\$ 152,350.00	\$ 208,000.00
O-NET Research	North Dakota	\$ 76,350.00	\$ 95,990.00	\$ 125,730.00	\$ 162,110.00	\$ 206,590.00
O-NET Research	United States	\$ 77,040.00	\$ 99,620.00	\$ 131,710.00	\$ 191,860.00	\$ 208,000.00

Burleigh County Similar Jobs in Pay Grade 16	Burleigh County Pay Grade	Step 1	Step 5	Step 9	Step 13	Step 17
Auditor/Treasurer/Tax	Grade 15	\$ 83,324.80	\$ 92,476.80	\$ 103,979.20	\$ 116,521.60	\$ 129,001.60
	Grade 16	\$ 87,505.60	\$ 97,094.40	\$ 109,179.20	\$ 122,345.60	\$ 135,449.60
	Grade 17	\$ 91,873.60	\$ 101,961.60	\$ 114,628.80	\$ 128,460.80	\$ 142,209.60

Finance Director	NDASCo Salary Survey Reports	Budget Low	Budget High	Budget Average
	Burleigh County	\$ 89,378.00	\$ 89,378.00	\$ 89,378.00
	Cass County	\$ 117,268.00	\$ 117,268.00	\$ 117,268.00
	Grand Forks County	\$ 125,354.00	\$ 125,354.00	\$ 125,354.00
	Morton County	\$ 97,698.00	\$ 97,698.00	\$ 97,698.00
	Stark County	\$ 85,000.00	\$ 85,000.00	\$ 85,000.00
	Ward County	\$ 106,581.00	\$ 106,581.00	\$ 106,581.00
	Williams County	\$ 111,852.00	\$ 111,852.00	\$ 111,852.00
	Averages	\$ 104,733.00	\$ 104,733.00	\$ 104,733.00

**ITEM**

**# 12**



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission.  
Re: Proposed Resolution.  
Date: 6-14-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Proposed Resolution

Due to current investigations by the North Dakota Attorney General's office into companies that have possible improper investments and or ownership from foreign adversaries, it has been suggested to temporarily withhold the recording of all easements within Burleigh County's jurisdiction to those companies under investigation, until such time as is prudent, that would allow the continuation of the recording of those easements.

**ACTION REQUESTED:**

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

**PROPOSED RESOLUTION:**

**THEREFORE, BE IT RESOLVED:** That Burleigh County will hereby temporarily cease the recordation of any easements made by companies that are under current investigation by the ND Attorney General of ownership by a foreign adversary until such time as is prudent, that would allow the recording of those easements.

**ITEM**

**# 13**



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN  
SHERIFF

## Request for County Commission Action

**Date:** June 7, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben   
Burleigh County Sheriff

**Re:** Discussion on Crossroads Tavern Liquor License

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

**Action Requested:**

Discussion on Crossroads Tavern Liquor License before Re-Issuance

**Background:**

In accordance with Burleigh County Alcoholic Beverage Rules and Regulations, the Burleigh County Sheriff is responsible for the Investigation of Fitness for license applications in Burleigh County. The Burleigh County Sheriff has been monitoring and addressing the criminal activity being reported and investigated at the Crossroads Tavern by the Burleigh County Sheriff's Department. In consultation with Burleigh County Commissioner Jerry Woodcox, Sheriff Leben has been requested to appear before the Burleigh County Commission to brief the board on the incidents and corrective action to date before action is taken on the license renewal.

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**COURTHOUSE**

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

 [www.facebook.com/BurleighCountySheriffsDepartment](https://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

**CrossRoads Tavern**  
**1205 Northstar Dr**  
**Bismarck, ND**

1<sup>st</sup> License obtained approximately June 2020 with renewals by June 30<sup>th</sup> of each year.

**2021**

- 3/20/2021 Medical Assist-Drunk patron fell off of stool.
- 7/18/2021 Fight Call- Aggravated Assault/Simple Assault
- 7/21/2021 Fight Call- Aggravated Assault
- 9/05/2021 Fight Call- Aggravated Assault
- 10/09/2021 Fight Call- Fight occurred earlier.

**2022**

- 1/16/2022 Fight Call-Simple Assault
- 1/23/2022 Shots Fired Call-Terrorizing/Reckless Endangerment.
- 4/10/2022 Fight Call
- 6/02/2022 Welfare Check-Intoxicated Female
- 6/12/2022 Intoxicated Male
- 6/14/2022 Fight Call-Simple Assault
- 9/12/2022 Fight Call

**2023**

- 1/08/2023 Medical Call-Intoxicated Male
- 1/21/2023 Fight Call-Simple Assault/Disorderly Conduct
- 1/22/2023 Fight Call
- 2/05/2023 Fight Call-Assault

2/26/2023 Fight Call-Aggravated Assault/False Information  
2/26/2023 Fight Call-Domestic Violence  
3/12/2023 Fight Call-Terrorizing/Simple Assault  
3/26/2023 Fight Call  
4/02/2023 Fight Call-Simple Assault  
4/29/2023 Intoxicated Male  
5/07/2023 Fight Call-Simple Assault/Terrorizing/Disorderly Conduct  
6/03/2023 Injured Male-Potential Assault or Intoxication



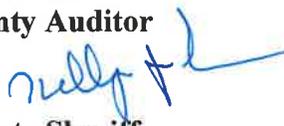
# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN  
SHERIFF

## Request for County Commission Action

**Date:** June 9, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben   
Burleigh County Sheriff

**Re:** Bismarck Fraternal Order of Eagles #2237 Cash Donation

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

### Action Requested:

Authorize the Burleigh County Sheriff's Department to accept a cash donation from Bismarck Fraternal Order of Eagles #2237 on behalf of the Burleigh County Water Rescue Team.

### Background:

The Burleigh County Water Rescue Team has a Remote Operated Vehicle (ROV) that is used in search & rescue operations conducted by the team. This is a very critical piece of equipment to the team's safety and success. This ROV was purchased with grant dollars and is nearing the end of its life cycle. Unfortunately, grant dollars are no longer available to replace the ROV and it is a very expensive purchase. The Burleigh County Water Rescue Team Executive Board has been closely monitoring the status of the ROV in consideration of funding availability. Through recent efforts of department leadership, the above mentioned fraternal organization has agreed to a one-time donation of charitable gaming funds for the replacement of the ROV.

### Recommendation:

It is recommended that the County Commission authorize proper county officials to receive the donation.

### Proposed Resolution:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to accept the donation between Burleigh County and Bismarck Fraternal Order of Eagles #2237.

#### COURTHOUSE

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

 [www.facebook.com/BurleighCountySheriffsDepartment](http://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

# BISMARCK AERIE NO. 2237

FRATERNAL ORDER OF EAGLES



**June 13, 2023**

**The Bismarck Eagles #2237 is donating \$125,000 to the Burleigh County Water Rescue Team for use of funds to purchase Remote Operated Vehicle. Donation was approved on June 6, 2023 at the Aerie Meeting.**

  
**Jerry Brown**

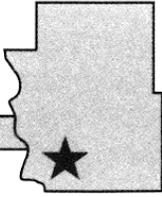
**Aerie Secretary**

**ITEM**

**# 14**

STATE OF NORTH DAKOTA

# County of Burleigh



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

## Request for County Board Action

**DATE:** June 19, 2023

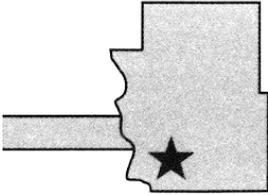
**TO:** Mark Splonskowski  
County Auditor/Treasurer

**FROM:** Brian Ritter  
Bismarck Mandan Chamber EDC

**RE:** Chamber EDC update to the Commission

**ITEM**

**# 15**



Request for County Board Action

**DATE:** June 19, 2023  
**TO:** Burleigh County Commission  
**FROM:** Mark Splonskowski  
County Auditor/Treasurer  
**RE:** City/County Building Lease with Burleigh County

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

**REQUEST:**

Consider approval of the City/County Building lease with Burleigh County.

**BACKGROUND INFORMATION:**

Burleigh County has requested a rate adjustment from \$15.00/sq.ft. to \$13.00/sq.ft. for the space we lease in the City/County Building. The Bismarck Burleigh Commissions Committee has been discussing the proposed change to the current City/County Building lease over the course of several meetings. The Committee has reached a consensus on the new rate of \$13.00/sq.ft. The Committee recommended the new rate of \$13/sq.ft. be considered for approval by the City Commission and Burleigh County. The City Commission approved the adjustment at their June 13, 2023, meeting.

**RECOMMENDED ACTION:**

Approve City/County Building lease with Burleigh County.

## LEASE AGREEMENT

This lease agreement is made and entered into by and between the City of Bismarck, hereinafter referred to as "**Landlord**," and the county of Burleigh, hereinafter referred to as "**Tenant**."

1. **Lease of Premises.** The **Landlord**, in consideration of the rent to be paid and the covenants to be performed by the **Tenant**, does hereby lease to the **Tenant** the following-described premises situated in the City of Bismarck, Burleigh County, North Dakota:

First floor and one storage space in the basement of the building known as the City/County Building, located at 221 North 5<sup>th</sup> Street, Bismarck, North Dakota, and consisting of approximately 14,967.75 square feet, including only the area shown on Exhibit "A," attached hereto and made a part of this lease.

2. **Term of Lease.** The term of this lease shall be for a period of one year, commencing on the first day of January 1, 2024, and terminating on the last day of December, 2024. This Lease Agreement shall automatically renew for additional one-year periods, on the same terms and conditions, upon the expiration of the original or renewed term.

During the initial or renewed term of this Lease Agreement, the **Tenant** shall have the unilateral right to terminate the lease by giving 180 days' notice of its intent to cancel the lease and vacate the premises. This lease will not allow month-to-month tenancy and shall terminate at the end of the term. The parties can execute a new lease or vacate the premises.

Failure to pay the Rental Payments below on the dates indicated, which if it continues for a period of ten (10) days after written demand by the **Landlord** for payment, shall be a considered a default and result in termination of the lease.

3. **Rental Payments.** The **Tenant** agrees to pay as rental for the premises \$13.00 per square foot for a total of \$194,580.75 (14,967.75 square feet x \$13.00 per square foot) on an annual basis during the term of this lease. Rental payments are payable monthly on the 1<sup>st</sup> of each month in advance of occupancy or in installments as the parties hereto may agree in writing.

4. **Improvements and Remodeling.** The **Tenant** agrees to assume the cost of improvements or remodeling necessary or desired in those

areas leased by the **Tenant**. All proposed improvements shall be subject to prior written approval by the **Landlord**.

5. **The Landlord's Obligations.** The **Landlord** agrees as follows:

a. To provide commercially reasonable utility service to the leased premises, excluding telephone and internet.

b. To comply with the requirements of applicable building and housing codes materially affecting health and safety and to comply with all applicable laws of this state and ordinances of the City of Bismarck in force from time to time relating to the leased premises and **Landlord's** obligations thereto.

c. To keep all common areas of the premises in a clean and safe condition.

d. To furnish janitorial services.

6. **The Tenant's Obligations.** The **Tenant** agrees as follows:

a. To use commercially reasonable amounts of utilities for its operations and **Tenant's** uses only.

b. To pay the rental when due.

c. To keep the leased premises in a clean, safe, and healthful condition, and to maintain the leased premises in such repair as the same is at the time of initial occupancy during the term of the lease, save and except only reasonable use and wear, and damage by fire and unavoidable casualty.

d. Not to make or suffer any unlawful, improper, or offensive use of the premises, and to keep and observe all of the laws of this state and the ordinances of the City of Bismarck in force from time to time relating to the leased premises or the use thereof.

e. To permit the **Landlord** at all reasonable times to enter upon and examine the premises and to make such repairs as may be thought necessary by the County for the protection of the premises.

f. To surrender the leased premises to the **Landlord** at the expiration of the Lease Agreement in as good condition and repair as the same were in when the premises were occupied,

reasonable wear and tear and damage by fire or other unavoidable casualty only excepted. Also, in default of the payment of any rents due or failure to perform any of the terms or conditions of this lease, then to surrender premises upon demand made by the **Landlord**. Upon expiration of the Lease Agreement, the **Tenant** grants to the **Landlord** the right of reentry to such premises, should the option to extend the lease not be exercised.

g. To pay for its share of janitorial services. The **Tenant's** share of the janitorial services shall be computed based upon the total square footage leased by the **Tenant** as a percentage of the total usable square footage in the building. The **Tenant** agrees to pay its share of the cost of janitorial services promptly when due.

h. **TENANT** shall permit no signs to be placed outside the Leased Premises unless approved in writing by the Renaissance Zone Authority Board acting as the Downtown Design Review Committee, except what is presently on the building.

7. **Termination of Lease in the Event of Destruction of Premises.** It is agreed that in the event the leased premises are destroyed or damaged by fire or the elements to the extent they should be un-tenantable, then this lease shall immediately terminate, unless the **Landlord**, within 20 days of the happening of such event, gives notice of intention to restore the building and restore possession of the leased premises to the **Tenant**, and shall fully restore such premises within a reasonable time thereafter, provided, that during the term between destruction and restoration the payment of such rent shall be suspended.

8. **Assignment.** This lease may not be assigned or sublet by the **Tenant** without the prior written consent of the **Landlord**. This lease shall not terminate by reason of any sale of the premises by the **Landlord** to third parties, but shall continue throughout the entire term.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

CITY OF BISMARCK, NORTH DAKOTA

\_\_\_\_\_  
Keith Hunke  
City Administrator

\_\_\_\_\_  
Micheal T. Schmitz, President  
Board of City Commissioners

STATE OF NORTH DAKOTA     )  
  ) SS.  
COUNTY OF BURLEIGH        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared Michael T. Schmitz, President of Board of City Commissioners, and Keith Hunke, City Administrator, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary Public

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

BURLEIGH COUNTY, NORTH DAKOTA

\_\_\_\_\_  
Mark Splonskowski  
County Auditor/Treasurer

\_\_\_\_\_  
Becky Matthews, Chair  
Board of County Commissioners

STATE OF NORTH DAKOTA     )  
  ) SS.  
COUNTY OF BURLEIGH        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared Becky Matthews, Chair of Board of County Commissioners, and Mark Splonskowski, County Auditor/Treasurer, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary Public



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

July 5, 2023

**5:00 PM** *Invocation by Chaplain*

### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Public comment (restricted to items on the agenda excluding public hearing items.)
5. Consideration and approval of the June 19, 2023, meeting minutes and bills.
6. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, special events permits, and fireworks permit.
  - c. Applications for access permits.
7. Mitch Flanagan:
  - a. Public Hearing on Proposed Resolution to amend Articles 12 and 33.
  - b. Public Service Commission Resolution.
8. Marcus Hall:
  - a. Request to relinquish right of way.
  - b. Developer Waiver request.
  - c. American Rescue Plan.
9. Comm. Schwab:
  - a. Discussion on KX news report about Commissioner Schwab regarding Summit Carbon Solutions.
  - b. Letter to Public Service Commission on Plume models.
  - c. Resubmittal of letter to the Attorney General.
10. Justin Schulz
  - a. Burleigh County Bidding Policy.

11. Mark Splonskowski:

a. Courthouse and City /County Building Leases.

12. Other Business:

13. Adjourn.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
JUNE 19, 2023**

**5:00 P.M**

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

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the agenda, with the addition of a presentation by Burleigh County Human Services Zone Director Chelsea Florey, and the moving of consent agenda application for Liquor License by Crossroads Tavern to Agenda Item # 13 A. All members present voted, "AYE." Motion carried. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve June 5<sup>th</sup>, 2023, minutes and bills. All members present voted, "AYE." Motion carried.

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

Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
Dale & Liliia Johnson	2021	Lot 10B, Block 1, Boulder Ridge 1st	Wheel Chair	\$394,400	\$294,400
Dale & Liliia Johnson	2022	Lot 10B, Block 1, Boulder Ridge 1st	Wheel Chair	\$386,100	\$286,100
Dale & Liliia Johnson	2023	Lot 10B, Block 1, Boulder Ridge 1st	Wheel Chair	\$426,100	\$326,100
David & Heidi Aichele	2021	Lot 4 less the S 10', Block 1, Country West XVII	Error in property description	\$447,000	\$379,200
David & Heidi Aichele	2022	Lot 4 less the S 10', Block 1, Country West XVII	Error in property description	\$484,400	\$416,600
William & Mary Sharff	2022	Lot 23, Block 1, Edgewood Village 2nd	80% Disabled Vet (10 Months)	\$347,000	\$227,000
Frederick & Ella Mae Aune	2022	Lot 4, Block 6, Ponderosa Riverside Vlg	60% Homestead	\$240,600	\$165,600
Patrick Jahner	2021	Unit 1, Shannon Valley Condominiums, Lots 1-7, Block 2, Shannon Valley 3rd	10% Homestead	\$160,200	\$147,689
Patrick Jahner	2022	Unit 1, Shannon Valley Condominiums, Lots 1-7, Block 2, Shannon Valley 3rd	10% Homestead	\$150,600	\$138,089
Corey & Joann Jesser	2023	Lot 2, Block 1, Brentwood Estates Replat	T/F Value exceeds M/V	\$497,500	\$473,400
Terrance Stevenson	2021	1998 Champion 28' x 64' Ser# 2193AB	80% Disabled Veteran	\$60,785	\$12,157
Terrance Stevenson	2022	1998 Champion 28' x 64' Ser# 2193AB	80% Disabled Veteran	\$55,086	\$11,017
Terrance Stevenson	2023	1998 Champion 28' x 64' Ser# 2193AB	80% Disabled Veteran	\$59,244	\$11,849

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the Johnson (3), Aichele (2), Sharff, Aune, Jahner (2), Jesser and Stevenson (3) abatements along with remainder of the amended Consent Agenda. All members present voted, "AYE." Motion carried.

Burleigh County Human Services Zone Director Chelsea Florey presented a request for the adjustment of the compensation cycle for permanent State employees from January to December to July to June in order to align with Senate bill # 2015. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the proposed adjustment. All members present voted "AYE." Motion carried.

Chair Matthews presented the discussion of the planned Provident Building remodel. She asked if a committee should be formed in order to support the planned remodel. Comm. Bitner stated that he did not think the committee would be necessary. Chair Matthews asked if any new office equipment used for the Provident Building should be paid for by ARPA funds or if the individual departments need to include that in their budgets. Comm. Bitner stated that he would like any new equipment to be included in ARPA funds, but his hope is that the County can move and continue to use their current equipment. Comm. Munson stated that some electrical components are out 16 months at this time. Comm. Bitner stated that engineers are currently working on the necessary plans for the electrical components so that they can be ordered as soon as possible. Comm. Woodcox stated he would like to receive a monthly report on the status of the remodel. Comm. Bitner stated that once the engineer bids are received then all those items would come before the Board for consideration. Chair Matthews then introduced Renee Moch and Katie Johnke for the Burleigh County Board of Health school's update. Nutrition Services Coordinator Katie Johnke presented the current programs and services being provided to county schools. Chair Matthews introduced Amber Bohl, the founder of Haven Hills. Amber Bohl presented an event being held on July 12<sup>th</sup> as a fundraiser for a proposed foster care community. She highlighted the need for the community and wanted to inform the Commission of the project before she formally enters the process with Planning and Zoning. Comm. Bitner stated that he'd received calls with concerns about the community. Chair Matthews ensured that the project would go through the standard procedure with Planning and Zoning. Don Schonert, John Sullivan, and Robin Kress expressed concerns about the proposed community in the current location.

Comm. Bitner updated the Commission on latest steps in the process for the proposed CO2 pipeline. Comm. Bitner stated that he met with an attorney to discuss actions by Summit Carbon Solutions. They claimed that Burleigh County's ordinances would prevent them from building the pipeline through Burleigh County. Bitner said that those statements are not accurate because there are several townships that are not under the County's zoning ordinances. Comm. Schwab shared his opinions against the pipeline, and that he appreciated the County Commission's actions against it. Comm. Bitner stated that he'd received calls from citizens claiming that they had seen vehicles driving around with blacked out windows. Chair Matthews indicate that Comm. Woodcox had received concerns from schools about the pipeline as well.

Comm. Bitner asked for a motion to reconsider the approval of the third access located at 4851 Morris Rd. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to reconsider. All members present voted, "AYE." Motion carried. County Engineer Marcus Hall explained the rationale behind the approval of 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> approach permits for lots. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to deny 3<sup>rd</sup> access permit. All members present voted, "AYE." Motion carried.

County Engineer Marcus Hall presented an update on the State funds received to defray the extra costs in snow removal. For the application portion from October 2022-December 2022, the County received

\$462,675.67. The portion from October 1<sup>st</sup>, 2022-April 30<sup>th</sup>, 2023, has not yet been determined from the State. Hall then presented a 2<sup>nd</sup> approach permit request for the property located at 7318 Country Hills Dr. The permit was initially denied because it was not at least 100 feet from the other driveway. The owner requested to appeal the denial at the Commission. The owners of the property appeared before the Commission and stated that they would be willing to move the driveway over as far as possible to the north and that they would like to have the second access in order to have a driveway with less slope than their current access. Motion by Comm Bitner, 2<sup>nd</sup> by Comm. Woodcox to approve access permit. All members present voted, "AYE." Motion carried. Hall presented a request to authorize the proper county officials to seek engineering services for the 71<sup>st</sup> Ave NE roundabout projects. He stated that currently all design costs would be paid by the County, but 90% of the construction costs would be paid by Federal funds. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve. All members present voted, "AYE." Motion carried. Hall then presented a request to relinquish an unused platted right of way. The location of the platted right of way is located along Burnt Creek Loop in the Misty Waters Subdivision. The Commission directed Engineer Hall that they would prefer to see the start of the process of the development of the property and receive feedback from the citizens before approving or denying the request. Hall then presented the request to approve the selection of Houston Engineering to perform Hydrology and Hydraulics design for the 26<sup>th</sup> ST NE and 57<sup>th</sup> Ave NE project. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to approve. All members present voted, "AYE." Hall presented the continued discussion on the possible vacation of easements in Gibbs Township. The three main questions to answer this are: 1. Was a road ever built on the easement granted in 1975. 2. Has any portion of the property within the easement been used by the public as a roadway for twenty consecutive years. 3. Will the County ever build a public roadway on the easement. It was determined that the driveway located in the easement was established before the establishment of the easement. Kim Fettig presented before the Commission, stating that the portion of the easement on which her access is located is in fact a public road. Dave Tschider presented before the Commission as a representative for the Fettigs. He questioned if the proper steps for the termination of a roadway had been followed. He stated his position was that the driveway was in fact a public roadway. Comm. Bitner replied that it had not yet been determine that there was in fact an established roadway in either of those easements. States Attorney Lawyer presented that a question trying to determine if the access in the easement is public roadway and if the County is maintaining that roadway. Comm. Bitner stated that there was no evidence that the County accepted the easement. County Engineer Hall verified that the County does not maintain that portion of roadway. Heidi Schirado presented before the Commission, she gave a brief history of the property, stating that there were several errors in the platting process and that the contested easement was on her land and the access is a private driveway, not a public roadway, and that the driveway should be moved onto the correct property. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schwab that the Commission finds that there is no roadway in the contested location, that the Commission never accepted the easement, and authorizes the States Attorney to submit paperwork to the County Recorder stating the Commission declines the easement submitted in 1975. Comm. Munson, "NO." Rest of the members present, "AYE." Motion carried.

County HR Director Pam Binder presented a proposed change to the Deputy Finance Director position. She stated that the Deputy Finance Director Justin Schulz has effectively been doing the duties of the Finance Director. She stated that the desire of the Commission was to fill the Finance Director's position with a CPA, however, no applications were received when it was advertised originally. She asked if the Commission desired to readvertise the Finance Director position or had another recommendation. Binder said that the CPA requirement is not strictly necessary since the County is annually audited by the State Auditor's Office, who have CPAs. Binder's recommendation to the Commission was that if the Finance Director's position were not filled or readvertised that the current Deputy Finance Director be temporarily

reclassified to a Grade 14, Step 7 and as part of the career path to the Finance Director's position for Justin Schulz to attain the Certified Public Finance Officers designation. This designation would take approximately 24 months. When that certification was attained, Mr. Schulz would be promoted to the Finance Director position at a Grade 16. Mr. Schulz ensured the Commission that he intends to get his CPA, however he did not feel comfortable making any unrealistic agreement to have that done in a certain amount of time. He would feel comfortable and be happy to get the Certified Public Finance Officers designation. The Commission discussed if the current Finance Director's position should be readvertised, or if it should be postponed until the 36-month time period had passed. Several commissioners expressed the desire to readvertise the position. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to have the current Deputy Finance Director temporarily reclassified to a Grade 14, step 7 and as part of the career path to the Finance Director's position for Justin Schulz to attain the Certified Public Finance Officers designation with the timeline adjustment of 36 months. When that certification were to be attained, then Mr. Schulz would be promoted to the Finance Directors position at a Grade 16. All members present voted, "AYE." Motion carried. The Commission clarified that both the Deputy Finance Director, and the Finance Director positions should be budgeted in the 2024 budget. Director Binder then presented the request the early hiring of one Highway Maintenance Worker II position. Motion by Comm. Munson, 2<sup>nd</sup> by Comm Schwab to approve. All members present voted, "AYE." Motion carried.

County Planning Director Mitch Flanagan presented a proposed resolution to temporarily withhold easements from any applicants who may be being investigated by the Attorney General for being a foreign adversary. He requested the Commission to table the discussion until legal council could review the proposed resolution. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox. All members present voted, "AYE." Motion carried.

County Sheriff Kelly Leben presented an opinion on the issuing of a Liquor License to Crossroads Tavern, He stated that there has been an abundance of calls to the facility for violence and disturbances. He stated that many of the issues may be due to their closing time of 2:00 A.M. He has had discussions with the owner and he is making changes to address the issue. Jake Miller, the owner of Crossroads Tavern presented that there was a significant increase in issues since the closing of Borrowed Bucks, but they are doing all they can to correct the issues. The Commission asked if there were options to rescind licenses before a year is up and States Attorney Julie Lawyer stated there are mechanisms in place if problems persist. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schwab to issue the license with oversight to ensure the problems do not persist. Comm. Munson and Bitner, "NO." Comm. Schwab, Woodcox, Chair Matthews, "AYE." Motion carried. Sheriff Leben presented the request to accept donation from Bismarck Eagles #2237 of \$125,000 to the Bureigh County Water Rescue Team. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to approve. All members present voted, "AYE." Motion carried. Comm. Bitner asked the Sheriff about blacked out windows, Leben stated that if anyone sees issues to please call into their office.

President of the Bismarck Mandan Chamber EDC Brian Ritter presented an update to the Commission. Mr. Ritter brought the idea to the Chamber from Comm. Bitner about what an appropriate use of the expiring ½ cent sales tax used for the County Jail might be. They reached out to the Burleigh County Township Officers Association to let them know they are an available source for them. They also met with the Mayor of Wing to be a possible support in finding them possible alternative funding opportunities. On June 28<sup>th</sup> the Chamber will be hosting a Bismarck-Mandan, Burleigh-Morton County Legislative delegation meeting to recap the 2023 session, and plan for the following session.

County Auditor/Treasurer Mark Splonskowski presented the renewed contract for the City/County building with the adjustment from \$15.00 a square foot to \$13.00 a square foot. The amended contract was approved at the June 13<sup>th</sup> City Commission meeting. The commission expressed a desire to approve both leases together and requested to table its approval until the next meeting when both the City/County Building and the Courthouse leases could be heard together. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to table until the July 5<sup>th</sup> meeting. Comm. Schwab and Woodcox, "NO." Comm. Bitner, Munson and Chair Matthews, "AYE." Motion carried.

Meeting Adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Becky Matthews, Chairman

DRAFT

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

<b>Abate #</b>	<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
23-150	Ryan Mitzel	2021	Lot 20, Block 4, Sonnet Heights Subdivision	Error in property description	\$295,500	\$250,400
23-151	Ryan Mitzel	2022	Lot 20, Block 4, Sonnet Heights Subdivision	Error in property description	\$312,200	\$267,100
23-156	Daniel & Jamie Kinsella	2022	Lot 35, Block 2, Wachter's 6th	Error in property description	\$397,300	\$371,000
23-157	Aja Baker	2023	2002 Highland 28'x76' Ser #HQ10576AD	Fire	\$84,907	\$35,378
23-158	Brittney Meyer	2023	Lot 19A, Block 2, South Meadows Addition	Error in property description	\$342,000	\$310,100
23-159	Durwood & Sandy Geier	2023	Unit 1810, Grandview Heights Condominium, Lots 17-20, Block 3, Grandview Heights	Error in property description	\$283,300	\$245,800
23-160	Rocky Ridge Limited Partnership	2021	S1/2NE1/4 including Outlot A 14-140-81	Farm Exemption	\$62,900	\$22,700
23-161	Rocky Ridge Limited Partnership	2022	S1/2NE1/4 including Outlot A 14-140-81	Farm Exemption	\$62,900	\$22,700
23-164	Pamela Kiemele	2021	Unit 1, Calgary Condominiums, Lot 3, Block 1, North Hills 7th	60% Homestead	\$173,900	\$98,900
23-165	Pamela Kiemele	2022	Unit 1, Calgary Condominiums, Lot 3, Block 1, North Hills 7th	60% Homestead	\$184,700	\$109,700

23-014

APPLICATION FOR SPECIAL PERMIT TO SELL ALCOHOLIC BEVERAGES  
AT A SPECIAL EVENT AT DESIGNATED PREMISES  
"SE"

Local Fee: \$25.00

- Applicant (must have county license) Yes 23-007
- 1. Name of Licensee Wendelyn Brown
- 2. Name of Business FLASH'S PLACE LLC
- 3. Mailing Address 1401 Hwy 83 NE Sterling ND
- 4. State Alcoholic Beverage License Number AA 2648 5. Local License Number(s) 23-007
- 6. Date(s) and Time of Special Event Wing Rodeo Fri 7-14 & Sat 7-15-2023
- 7. Describe Special Event Fully Beer Garden at Rodeo Grounds

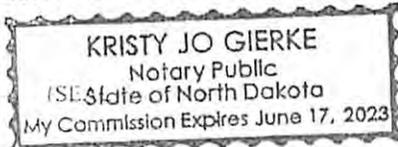
8. Indicate Premises to be Used on Reverse Side of this Application.

Dated this 14 day of June, 2023

FLASH'S PLACE  
(Licensee)

BY Wendelyn Brown  
(Name and title if Corporate Officer or Manager)

Subscribed and sworn to before me this 14<sup>th</sup> day of June, 2023



Kristy Jo Gierke

Recommendation  Approved  Denied  If denied, reason for denial: \_\_\_\_\_

Tom Harkin 6-15-23  
(Barleigh County Sheriff) (Date)

PERMIT

The above named licensee is hereby authorized to sell alcoholic beverages in accordance with law and ordinances at the premises and on the date(s) set forth in this application, subject to such rules and regulations as have been established.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(County Auditor)

APPLICATION FOR SPECIAL PERMIT TO SELL ALCOHOLIC BEVERAGES AT A SPECIAL EVENT AT DESIGNATED PREMISES "SE"

Local Fee: \$25.00

Applicant (must have county license) yes 23-007

1. Name of Licensee Wendelyn Krous

2. Name of Business FLASH'S PLACE LLC

3. Mailing Address 1401 Hwy 83 NE Sterling ND

4. State Alcoholic Beverage License Number AA 2648 5. Local License Number(s) 23-007

6. Date(s) and Time of Special Event Wing Rodeo Fri 7-14 & Sat 7-15 - 2023

7. Describe Special Event Fully Beer Garden at Rodeo Grounds

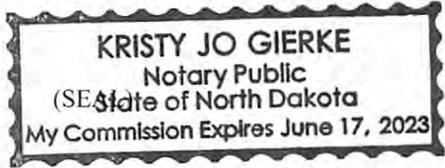
8. Indicate Premises to be Used on Reverse Side of this Application.

Dated this 14 day of June, 20 23

FLASH'S PLACE  
(Licensee)

BY Wendelyn Krous  
(Name and title if Corporate Officer or Manager)

Subscribed and sworn to before me this 14th day of June, 20 23



Kristy Jo Gierke

\*\*\*\*\*

Recommendation  Approved  Denied  If denied, reason for denial: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Burleigh County Sheriff) (Date)

\*\*\*\*\*

PERMIT

The above named licensee is hereby authorized to sell alcoholic beverages in accordance with law and ordinances at the premises and on the date(s) set forth in this application, subject to such rules and regulations as have been established.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
(County Auditor)

DESCRIPTION OF PREMISES

1. Are premises located within the County of Burleigh?  Yes  No

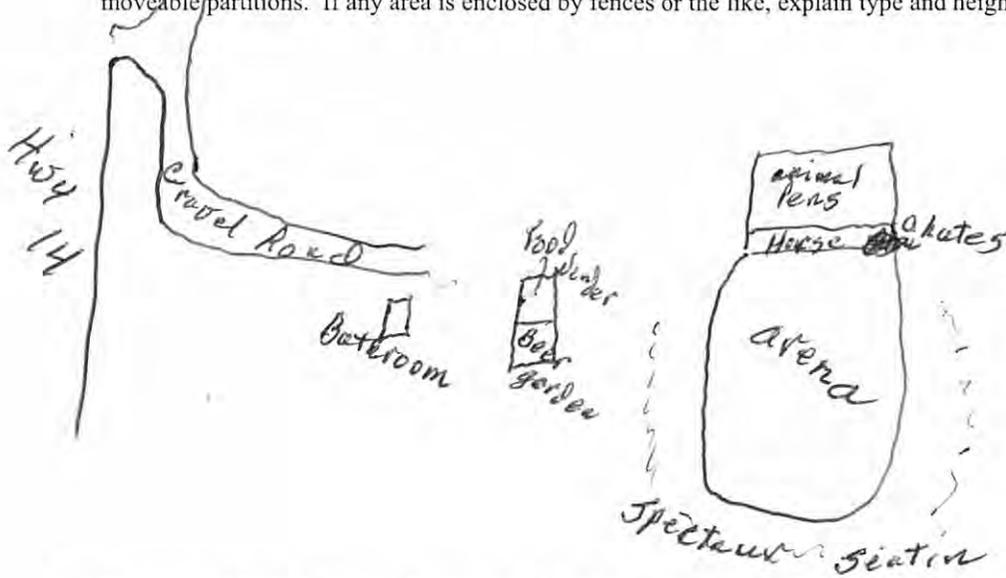
2. Address of premises:

45800 Hwy 14 Wing ND 58494  
(Street Address) (City) (Zip Code)

3. Name of building where event will be held: Wing Rodeo Grounds

4. Do premises meet local and state requirements regarding sanitation and safety?  Yes  No

5. Draw a clear and understandable floor plan of the premises. Show all exits, bars, dining areas (if any), beverage coolers and beverage storage areas. Indicate which are solid walls, half walls, dividers, and moveable partitions. If any area is enclosed by fences or the like, explain type and height.



6. What part of the building will be used for the alcoholic beverage business (sale of beverages and consumption of beverages sold)?  All  Less than all. If less than all, fully explain and clearly indicate on the floor plan (outline with a different color):

---

---

APPLICATION FOR LIQUOR LICENSE  
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Wing approve the  
(Name of Township)

application for a Type SE Retail Liquor License for

FLASH'S PLACE  
(Name of Establishment)

owned by Wendelva Krowis 1401 Hwy 83 NE Sterling ND  
(Licensee) (Address)

Nolan Swenson  
Chairman

Danny Bergquist  
Member

Daniel Oswald  
Member

ATTEST

Ella Swenson  
(Township Clerk)

**Schilling, Colette K.**

---

**From:** [REDACTED]  
**Sent:** Thursday, June 15, 2023 11:10 AM  
**To:** Schilling, Colette K.  
**Subject:** Special Event Permit / Wing  
**Attachments:** 0754\_001.pdf

\*\*\*\*\* CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

Hey Colette,

Attached is a signed copy of the special event permit for the Wing Rodeo.

Leben is out, so I just took care of it.

If you need anything else, let me know.

Jim



***MAJOR JIM HULM***  
Burleigh County Sheriff's Department  
514 E. Thayer Ave.  
Bismarck, ND. 58501  
701-222-6651  
jhulm@burleighsd.com



**LOCAL PERMIT OR RESTRICTED EVENT PERMIT**  
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL  
 GAMING DIVISION  
 SFN 17926 (2-2023)

Permit Number  
**23-007**

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 <b>Northern Lights Council, Boy Scouts of America</b>		Dates Authorized (Read Instruction 2) <b>7/27/2023</b>	
Organization or Group Contact Person <b>Richard E. McCartney</b>	E-mail [REDACTED]	Telephone Number [REDACTED]	
Mailing Address <b>4200 19th Ave S</b>	City <b>Fargo</b>	State <b>ND</b>	ZIP Code <b>58103</b>

**SITE INFO**

Site Name <b>Capital City Sporting Clays</b>		County <b>Burleigh</b>	
Site Address <b>12945 71st Ave NE</b>	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58503</b>
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.) <b>1 time event on July 27, 2023 at Sporting Clays Fun Shoot Foundation</b>			

**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**

Name <b>Mark Splonskowski</b>	Title <b>Burleigh County Auditor</b>	Telephone Number <b>701-222-6695</b>	E-mail Address <b>msplonskowski@nd.gov</b>
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input checked="" 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 (4-2023)

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 Northern Lights Council, Boy Scouts of America		Dates of Activity (Does not include dates for the sales of tickets) July 27 <sup>th</sup> , 2023	
Organization or Group Contact Person Richard E. McCadney	E-mail	Telephone Number	
Business Address 4200 19 <sup>th</sup> Avenue S.	City FARGO	State ND	ZIP Code 58103
Mailing Address (if different)	City	State	ZIP Code

**SITE INFO**

Site Name 12945 71 <sup>st</sup> Avenue NE	County Burleigh
Site Physical Address Capital City Sporting Clays	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.)  
 1 Time Event. on July 27, 2023 at our Sporting Clays Fun Shoot Fundraiser

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

Game Type	Description of Prize	Exact Retail Value of Prize
RAFFLE	Remington Element Upland 20 GA	\$679.99
RAFFLE	Escort Optima 12 GA	\$499.99 + 69.30 TAX
Total (limit \$40,000 per year)		\$ 1059.29

**Intended Uses of Gaming Proceeds**

Support The Youth Development Programs of the Boy Scouts Northern Lights Council

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 \_\_\_\_\_ (This amount is part of the total prize limit for \$40,000 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

Name Richard McCadney	Title Scout Executive / CEO	Telephone Number	E-mail Address
Signature of Organization or Group's Top Official 		Title Scout Executive / CEO	Date 6-20-23



701 South Washington  
 Bismarck, ND 58504  
 701-223-9582

PROD ID	QTY	UM	PRICE	TOTAL
166210006	1	EA	679.990	
			Price Correction	589.99
				589.99 t
81230365	1	EA	499.990	
			Price Correction	400.00
				400.00 t
SUBTOTAL				989.99
Tax				69.30
TOTAL				1059.29

06/20/23 14:09:30 016 74760446016  
 7012935011 NORTHERN LIGHTS COUNCIL BSA  
 ATB:  
 INVOICE #: 6413874 WSID: RSIWS1948  
 42CCC625-0DC4-4398-BEFB-4762DE835623  
 0417FE 5.1.23.531 TILL ID: 06  
 Original Tran: 42ccc625-0dc4-4398-befb-4762de835623  
 74760446016 06/20/2023 02:09:30

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QUOTE  
 016 - Bismarck

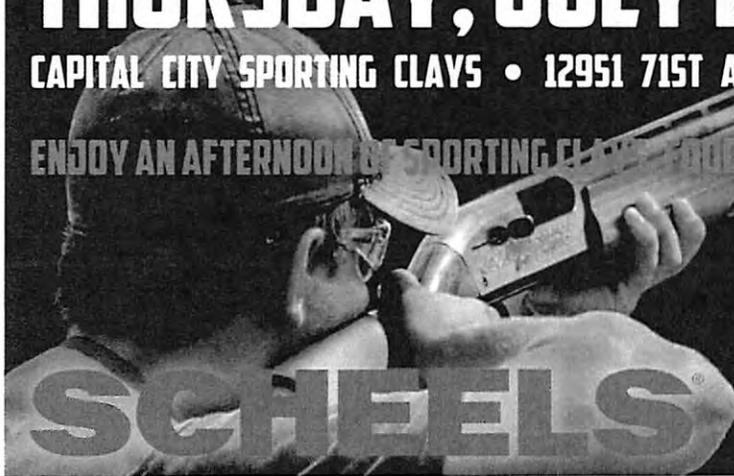
# SPORTING CLAYS FUN SHOOT



**THURSDAY, JULY 27, 2023**

CAPITAL CITY SPORTING CLAYS • 12951 71ST AVE N, BISMARCK, ND

ENJOY AN AFTERNOON OF SPORTING CLAYS, FOOD, FUN, AND EXCITEMENT!



Proceeds to support the programs of the Northern Lights Council, Boy Scouts of America  
For questions, contact Richard McCartney at 701.415.2100 or email at [richard.mccartney@scouting.org](mailto:richard.mccartney@scouting.org)

**REGISTRATION CARD • PLEASE RETURN BY JULY 19**

NAME BISMARCK-MANDAN ELKS 1199  
 ADDRESS PO Box 1596  
 CITY / STATE / ZIP BISMARCK, ND 58502

- Please select one
- ENCLOSING A CHECK TO NORTHERN LIGHTS COUNCIL
  - PLEASE SEND ME A BILL
  - WILL REGISTER ONLINE AT [NLCBSA.ORG/SPORTINGCLAYS](http://NLCBSA.ORG/SPORTINGCLAYS)
  - PLEASE CHARGE CREDIT CARD BELOW:

CARD # \_\_\_\_\_ EXPIRES \_\_\_ / \_\_\_  
 CVV \_\_\_\_\_ ZIP \_\_\_\_\_ SIGNATURE \_\_\_\_\_

- Please select one
- TITLE SPONSOR \$2,500
  - PRESENTING SPONSOR \$1,500
  - STATION SPONSOR \$1,000
  - EVENT SPONSOR \$500
  - TEAM SPONSOR \$625
  - INDIVIDUAL SHOOTER \$150

TEAM CAPTAIN Jim Martin  
 SHOOTER 2 \_\_\_\_\_  
 SHOOTER 3 \_\_\_\_\_  
 SHOOTER 4 \_\_\_\_\_  
 SHOOTER 5 \_\_\_\_\_

## WHAT | Sporting Clays Fun Shoot

Supporting the Northern Lights Council, Boy Scouts of America

- One round (80 targets - ammunition not provided)
- One team flurry (25 clays)
- Two "mystery stations"

Shooters must provide:

- Personal eye & hearing protection
- Shotgun shells (target rounds #71/2 or #8 shot only)
- Shotgun, 12 or 20 gauge (limited rentals)
- Carts or ATVs, if needed (limited rentals)

## WHEN | Thursday, July 27, 2023

12:30 PM • Registration

1:00 PM • Safety briefing, shooting to begin immediately afterward

4:15 PM • Barbeque dinner, adult refreshments, and silent auction

6:00 PM • Departure



## WHERE | Capital City Sporting Clays

12951 71st Avenue North, Bismarck, ND

Capital City Sporting Clays is North Dakota's premier sporting clays facility located outside of the Bismarck-Mandan area. Participants can expect a great day of shooting, fellowship, excellent facilities, awesome food, and refreshments! At Capital City Sporting Clays, safety is paramount. Shooters must wear eye and ear protection while on the course (**NOT INCLUDED**). Shooters must provide their own ammunition and shotgun (12 or 20 gauge). Ammunition will be available to purchase and shotguns are available for rent from the shop. Shooters must sign a liability waiver, which is available at the gun club or can be signed online at [ccsclays.com/rules-liability-form](https://ccsclays.com/rules-liability-form).



## WHY

All proceeds go to support the mission of the BSA. Northern Lights Council serves nearly 5,000 youth and over 2,000 volunteers annually across all of North Dakota, 18 counties in Minnesota, and two counties each in South Dakota and Montana. An investment in Scouting helps today's youth become tomorrow's leaders. By participating in this fun shoot, you help children develop strong personal values, learn to set goals, create a desire to learn, build self-worth, build strong peer and adult relationships, and develop social skills.

**THANK YOU FOR YOUR PARTICIPATION!**

## TEAMS AND SPONSORSHIPS:

### TITLE SPONSOR • \$2,500

- Includes team of 5
- "Welcome" Sign at event
- Recognition on course & all promo materials
- Recognition on NLC website
- Shells included (12 or 20 gauge available)

### STATION SPONSOR • \$1,000

- Includes team of 5
- Recognition on course at a station
- Recognition on NLC website
- Shells included (12 or 20 gauge available)

### PRESENTING SPONSOR • \$1,500

- Includes team of 5
- Recognition on course & all promo materials
- Recognition on NLC website
- Shells included (12 or 20 gauge available)

### TEAM SPONSOR • \$625

- Includes team of 5
- Shells not included

INDIVIDUAL SHOOTER  
\$150

### EVENT SPONSOR • \$500

- Non-shooting
- Recognition at event

• Shells not included

Please complete your registration form and return by July 19 to:

Northern Lights Council  
4200 19th Avenue South  
Fargo, ND 58103

**Minutes of the Executive Board Meeting  
Friday, May 19, 2023**

---

The Meeting was called to order at 8:30am by Tim Tello, President. A quorum was present with of 37 of 50 Board Members (74%) in attendance.

**Attendance:**

**Present at the Fargo Service Center:** Jim Blotsky, Tom Hall, Kathryn Hinds, Richard McCartney, Steve Shark, Joel Vettel, Shaun Grover (Staff). **Present at the Bismarck Service Center:** Brad Ballweber, Dick Espeland, Thomas Huether (Staff), Larry Maslowski, Tamie Schmidt, Tim Tello. **Present via Teleconference:** : David Beito, Mike Briggs, Cameron Carlson, Pat Darras, Al Dohrmann, Mike Dunn, Ryan Eagle, Kathryn Hinds, Jennifer Hoffarth, David Johnson, Shawn Johnston Kevin Jordre, Ralph Llewellyn, Julie Lawyer, Joan McCusker, Richard Olson, Ty Pritchard, Kent Reierson, Doug Restemayer, Tim Sayler, Dale Sandstrom, Ed Schafer, Ron Schneider, Steve Smith, David Sprynczynatyk, Leland Tong, Darrell Utke (Staff), Scott Zainhofsky.

**Excused:** John Boulger, Jay Feil, Steve Gander, Thomas Jefferson, Jon Jensen, David Kent, Mike Lepine, Mark Malmberg, Todd Medd, Lisa Meier, Nicholas Paulsen, Jonathan Rosenthal, Todd Simison, Barry Wilfahrt.

**Summary of Action**

1. *Motion to approve Executive Board Meeting Minutes 23-03-24. Motioned by Brad Ballweber. **Motion carried.***
2. *Motion to Certify the Executive Committee Meeting Minutes 23-04-21. Motioned by Larry Maslowski. **Motion Carried***
3. *Motion to approve the resolution to acquire and operate Camp Neche from The Girl Scouts-Dakota Horizons. Motioned by Jim Blotsky. **Motion Carried.***
4. *Motion to accept April 2023 Statement of Financial Position. Motioned by Kevin Jordre. **Motion carried.***
5. *Motion to accept April 2023 Statement of Operations. Motioned by Joel Vettel. **Motion carried.***
6. *Motion to approve a Gun Raffle at the 2023 Sporting Clays Fun Shoot. Motioned by Jay Feil. **Seconded by Brad Ballweber. Motion carried.***

**April 2023 Progress Report:**

Tim Tello covered various highlights in the April 2023 Progress Report. Despite expected recharter losses, the council continues to track ahead in membership. Tim recognized the camping operation for great progress on camping attendance and communicated that we are looking forward to a great summer season. Tim highlighted the work being done on the upcoming special events and reported that FOS is tracking in a good direction. Jay Feil made a motion to approve a small gun raffle at the 2023 Sporting clays fun shoot. The motion was approved. Tim reiterated the need to make our FOS efforts extremely successful in 2023 and reverse the 10-year downward trend. Joel Vettel reported that Northern Sky District FOS Luncheon scheduled for Thursday, July 13 will feature Easton Stick, NFL Quarterback and NDSU Alumni, as the keynote speaker. This should help drive attendance and be a great PR asset for the council.

**Camp Neche Acquisition Discussion:**

Tom Hall, Chairman of the properties committee reported that the Camp Neche Ad Hoc Committee had visited the property back on Tuesday, April 25, 2023. They found the camp to be in relatively good condition. It will require some work but all in all, it is in good shape. Tom also reported that we have had our COPE Inspector, Reed Burland, look over the course. His report was positive as well. There are some necessary repairs; however, nothing excessive. Jim Blotsky reported that he had also toured the facility and found it to generally be in good shape. It will require a little work and clean up; however, it is a nice property. Scott Zainhofsky recommend that the council request a written commitment

that the Army Corps of Engineers will extend the long-term lease in 2027 for an additional 25 years. Kathryn Hinds recommended that perhaps we should renegotiate and sign a long-term lease immediately. Rich McCartney said that he would speak with the Army Corps of Engineers. Tim Tello asked General Al Dohrmann about the possibility of the National Guard assisting with improvements to the property. Al said that the Guard might be able to assist, but it would be a longer-term project with planning and discussions that would be 12-18 months out. Joan McCusker asked about insurance and whether a special rider might be needed for this property due to the high ropes course. Rich McCartney indicated that he would research what is required and or prudent. Jim Blotsky also said that he is in favor of acquiring the property; however, he does not think the council should begin using the high ropes course until there is a management plan and operating procedures in place for the course. However, we could begin using it for camping almost immediately. After Discussion, Jim Blotsky made a resolution to acquire Camp Neche from the Girls Scouts Dakota Horizons. It was seconded by Larry Maslowski. The motion carried.

#### **Commissioners Report:**

Steve Shark gave an abbreviated Commissioners report highlighting the recent Spring weekend at Camp Wilderness that had over 300+ attendees. He encouraged all Board members to take advantage of the Day Camps and Summer camps this summer to go and see the program in action.

#### **Major Gifts Committee Report:**

Tim Saylor reported that the major gifts committee has made meaningful progress since the beginning of the year. Great marketing collateral has been developed. A working prospect list has been finalized. Since January 1 we have added \$1,002,000 in cash and or pledges to fund 3. \$947,000 was the Camp Wilderness Easement. The remaining \$55,000 has come through the Wings of Eagles initiative. The next phase of committee work will entail a "Listening Tour" throughout the council to help build support, engage potential donors, and measure people's attitudes about the council and scouting in general. Tim encouraged any Board members with a interest in helping on this committee to let him or rich McCartney know. They could be added to the committee.

#### **2022 Audit Committee Report:**

Ralph Llewellyn, Audit Committee Chairman, reported that the Audit Committee had met with Widmer-Roel on May 12, 2023, to receive the 2022 Audit report. The Auditors gave an unmodified Opinion on the 2022 statements. The Audit Committee voted to accept the 2022 Audit report with one revision. The auditors had recorded the Victims fund contribution contrary to the BSA Guide to the 2022 Audit Instructions. The committee requested that change and the auditors agreed. That revision has been made in the final audited statements. Ralph also reported that there were two areas of discussion. The first was regarding the timeliness of payroll review. This has been addressed already. The second had to do with pre-approval and oversight of online banking. Management is looking at potential procedures to properly address this need. That will be forthcoming. Dale Sandstrom asked if Widmer-Roel has sent a management Letter. Ralph reported that they had not. Rich McCartney indicated that he would forward both the letter and the final revised audited statements as soon as they were received.

#### **Treasurer's Report:**

John Huettl took a few minutes and presented the April 2023 Financial statements.

#### **Fund #1 – Operating Fund (Statement of Budgeted Operations)**

**Total Support and Revenue** YTD of \$663,733 is \$9,080 favorable to budget and \$115,627 favorable to prior year due to increase in Oil Revenues and Other Income (Council Fees.) **(Line 19)**

- **FOS (net)** YTD \$185,913 is (\$39,407) unfavorable to budget and (\$22,384) unfavorable to prior year. **(Line 2)**

- Product Sales YTD \$21,123 is \$7,373 favorable to budget and \$6,901 favorable to prior year. This does not include the First Aid Kit sales. **(Line 13)**
- Investment Income YTD \$221,644 is \$101,644 favorable to budget and \$41,615 favorable to prior year due to increase in payments. **(Line 14)**
- Other Revenue YTD \$137,323 is (\$52,877) unfavorable to budget and \$84,903 favorable to prior year due Change in Family FOS and adding a Council Fee. **(Line 18)**

**Expense** YTD of \$768,794 is \$26,752 favorable to budget and (\$72,742) unfavorable to prior year. **(Line 37)**

1. Total Employee Compensation YTD \$478,614 is (\$9,829) unfavorable to budget and (\$70,637) unfavorable to prior year due to an increase in salaries and reorganization of staff. **(Line 20)**
2. Professional Fees YTD \$29,165 is \$12,710 favorable to budget and \$33,393 favorable to last year due to ERTC Fees incurred in 2022 and timing of Audit invoicing in 2023. **(Line 21)**
3. Occupancy YTD \$79,648 is (\$2,732) unfavorable to budget and (\$16,254) unfavorable to last year due to the timing of the snow removal company invoicing in 2022. **(Line 25)**

### Statement of Financial Position

#### **Assets and Liabilities**

- Cash-General Operating \$212,742 **(Line 1)**
- Accounts and Notes Receivable \$241,836. \$208,159 is receivable for ERTC funds, \$32,324 is Spring Product Sales Receivables. **(Line 3)**
- Contributions Receivable \$53,789 compared to \$105,005 in 2022 **(Line 4)**
- Inventory \$104,044 includes \$82,933 in camp trading posts, and \$21,111 in the Service Center Trading Posts. **(Line 5)**
- Accounts Payable \$45,351. Everything is current. **(Line 18)**

#### **Fund #2 – Capital Fund**

Cash of \$461,622. Depreciation Expense of \$131,133.

#### **Fund #3 – Endowment Fund**

Total Net Assets are \$5,721,298 includes \$3,424,366 without Donor restrictions and \$2,296,932 with Donor restrictions.

#### **Total All Funds**

Cash \$680,473

#### **Total Short-term Investments**

\$1,306,510

#### **Total Net Assets**

\$15,390,805

**President's Remarks**

Tim Tello thanked everyone for their continued support of the council. He reiterated the importance of Executive Board Support for all fundraising activities – major Gifts, Special events, District FOS Breakfasts, ETC. Tim Reminded everyone of the Presidents Challenge and indicate that we would be recognizing Board members sometime this summer in an appropriate setting. Tim also reported that there would be summer Board retreat in Bismarck in August or September, David Johnson was working on the details and we will communicate as soon as we have a definite date, time, place and plan.

**Scout Executive's Minute**

Rich McCartney thanked everyone for the great work they do in support of the youth in our many programs and he repeated Steve Sharks encouragement to take advantage of the summer programs to go out and see the youth in camp or day camp as it is inspiring to see Scouting in action.

**Closing:**

The meeting adjourned at 9:05am

Respectfully Submitted,

---

Richard E. McCartney  
Scout Executive

Approved,

---

Tim Tello  
Council President

(APPLICABLE TO BOTH DOMESTIC AND FOREIGN CORPORATIONS)

FEE \$5.00

STATEMENT OF CHANGE OF REGISTERED OFFICE  
OR REGISTERED AGENT, OR BOTH  
OF

NORTHERN LIGHTS COUNCIL OF  
SCOUTS OF AMERICA, INC.



To the Secretary of State  
of the State of North Dakota:

Pursuant to the provisions of Sections 10-19-10 or 10-22-09 of the North Dakota Century Code, the under-  
signed corporation, organized under the laws of the State of North Dakota, submits the following statement for the  
purpose of changing its registered office or its registered agent, or both, in the State of North Dakota:

First: The name of the corporation is Northern Lights Council of Boy Scouts of  
America, Inc.

Second: The address of its present registered office is 301 South Seventh Street, Fargo,  
North Dakota 58102

Third: The address to which its registered office is to be changed is 301 South Seventh Street,  
Fargo, North Dakota 58103

Fourth: The name of its present registered agent is Robert E. Pile

Fifth: The name of successor registered agent is Terrence F. Pointer

Sixth: The address of its registered office and the address of the business office of its registered agent as changed  
will be identical.

Seventh: Such change was authorized by resolution duly adopted by its board of directors.

Dated October 25 1980

NORTHERN LIGHTS COUNCIL OF BOY  
SCOUTS OF AMERICA, INC.

(Exact Corporate Name)

By Lowell Jensen  
(Signature of President ~~XXXXXXXXXXXX~~)

Lowell Jensen being first duly sworn says that he is the  
President and that he has read the foregoing application and  
knows the contents thereof, and verily believes the statements made therein to be true.

By Lowell Jensen  
(Signature of Executing Officer) (Same As Above)

Subscribed and sworn to before me this 25th day of October 1980

Pringle  
Notary Public  
K. G. Pringle  
State of North Dakota

My Commission Expires May 1 1982

NOTARIAL SEAL

Filing Date November 6 1980  
Ben Miller  
Secretary of State

Deputy

ARTICLES OF CONSOLIDATION OF  
DOMESTIC NON-PROFIT CORPORATIONS

INTO

Northern Lights Council of Boy Scouts of America, Inc.

Pursuant to the provisions of Section 10-25-04 of the North Dakota Century Code, the undersigned corporations adopt the following Articles of Consolidation for the purpose of consolidating them into a new corporation:

First: The following Plan of Consolidation was approved by each of the undersigned corporations:

PLAN OF CONSOLIDATION

The following Plan is for consolidation of Lake Agassiz Council, Inc., Boy Scouts of America, Missouri Valley Council, Inc. of Boy Scouts of America, Red River Valley Council of Boy Scouts of America, and The Great Plains Area Council, Boy Scouts of America, all corporations duly organized under the laws of the State of North Dakota, into a new North Dakota non-profit corporation to be known as Northern Lights Council of Boy Scouts of America, Inc.

1. The names and present addresses of the corporations proposing to consolidate are as follows:

Lake Agassiz Council, Inc., Boy Scouts of America,  
Grand Forks, North Dakota;

Missouri Valley Council, Inc. of Boy Scouts of America,  
Bismarck, North Dakota;

Red River Valley Council of Boy Scouts of America,  
Fargo, North Dakota

The Great Plains Area Council, Boy Scouts of America,  
Minot, North Dakota.

2. The name of the new corporation shall be Northern Lights Council of Boy Scouts of America, Inc.

3. Upon January 1, 1974, the effective date of the consolidation, and approval of all four corporations and the National Council, Boy Scouts of America, each corporation shall transfer

1 to the new corporation all of its assets, and the new corporation  
2 shall assume all of the obligations and liabilities of each  
3 of the four existing corporations. No right of any creditors  
4 of the existing corporations shall be affected by this consol-  
5 idation.

6 4. Prior to the effective date of the new corporation,  
7 each council by vote of its members shall authorize the National  
8 Council of the Boy Scouts of America to terminate its current  
9 council charter upon the formation and chartering of the new  
10 council corporation.

11 5. Each council shall name five members to a joint  
12 organizing committee to set up the new council organization,  
13 to propose bylaws to be adopted by the new corporation member-  
14 ship, and to serve as a nominating committee to nominate  
15 officers and executive committee members for the new corporation.

16 6. The Articles of Incorporation of the new corporation  
17 shall be substantially as set forth on Exhibit "A" which is  
18 hereto attached and by reference incorporated herein.

19 7. The executive board members of the existing four  
20 councils shall constitute the initial executive board (Board  
21 of Directors) of the new corporation and shall hold office  
22 until their respective successors are chosen and qualified,  
23 as provided by law and the bylaws of the new corporation. Said  
24 Board of Directors shall elect such temporary officers and  
25 executive committee members as may be needed until the permanent  
26 council organization can be completed.

27 8. Upon approval of this Plan of Consolidation by the  
28 members of each of the four corporations, the President and  
29 Secretary of each corporation shall execute the statement of  
30 approval set forth below and forward such executed copy to  
31 K. G. Pringle, Box 1000, Minot, North Dakota.

32 9. Upon written approval of all four councils of this  
33 Plan, Articles of Consolidation shall be executed by the  
34 President and Secretary of each corporation for filing with  
35 the Secretary of State.

EXHIBIT "A"

ARTICLES OF INCORPORATION

ARTICLE ONE. NAME

The name of the corporation is Northern Lights, Council of Boy Scouts of America, Inc.

ARTICLE TWO. DURATION

The Corporation shall have perpetual existence but shall take such action as may be necessary to dissolve in the event of the revocation or termination of its charter from the Boy Scouts of America, a corporation organized under Act of Congress.

ARTICLE THREE. PURPOSES

The Corporation shall promote, within the territory covered by the charter from time to time granted it by the Boy Scouts of America and in accordance with the Congressional Charter, Bylaws, policies and regulations of the Boy Scouts of America, the Scout program of promoting the ability of boys to do things for themselves and others, training them in Scoutcraft, and teaching them patriotism, courage, self-reliance, and kindred virtues, using the methods which are now in common use by the Boy Scouts of America.

ARTICLE FOUR. PRINCIPLES AND POLICIES

The Corporation shall be operated as a nonprofit corporation exclusively for charitable and educational purposes within the meaning of Section 501 of the Internal Revenue Code of 1954, as from time to time amended.

The Corporation shall at all times maintain the principles and policies of the Boy Scouts of America, as set forth in detail in the Bylaws of the Boy Scouts of America and its regulations, as set forth in official handbooks or as may be announced by the Boy Scouts of America from time to time, specifically restricting the leadership to those persons

1 who are willing to subscribe to the declarations of principles  
2 therein set forth and to the Scout Oath and Law and who other-  
3 wise are qualified to receive certificates of leadership.

4 ARTICLE FIVE. POWERS

5 The Corporation shall have and may exercise (in a manner  
6 consistent with the Congressional Charter, Bylaws, policies  
7 and regulations of the Boy Scouts of America) all powers  
8 given to nonprofit corporations under the provision of the  
9 nonprofit corporation laws of the State of North Dakota.

10 ARTICLE SIX. MEMBERS

11 The Corporation shall have one or more classes of members,  
12 as provided in the Bylaws of the Corporation, and may have  
13 honorary members.

14 Each active, associate, or honorary member of the Corpora-  
15 tion shall be a citizen of the United States of America or have  
16 taken the preliminary steps to becoming a citizen of the United  
17 States of America, (a) has subscribed to the Scout Oath and  
18 Law and the Bylaws of the Boy Scouts of America, (b) has been  
19 registered by the Boy Scouts of America in accordance with  
20 its Bylaws, and (c) otherwise meets all qualifications for  
21 membership from time to time established by the Boy Scouts of  
22 America.

23 ARTICLE SEVEN. EXECUTIVE BOARD

The Executive Board of the Corporation shall be composed  
of such number of persons, in no event fewer than thirty-six  
(36) nor more than sixty (60), who shall be elected in such  
manner, as prescribed in the Bylaws of the Corporation. The  
initial Executive Board shall be composed of approximately  
one hundred seventy-eight (178) members. The names and ad-  
dresses of the persons who are to serve as the initial Execu-  
tive Board of the Corporation until the first annual meeting  
of the Corporation, or until their successors are elected and  
qualify are:

1 The Scouters and their addresses as listed on the attached  
2 Schedule 1, which is hereto attached and incorporated herein  
by reference.

3 ARTICLE EIGHT. ADDRESS

4 The address of the initial registered office of the Cor-  
5 poration is 301 South Seventh Street, Fargo, North Dakota  
6 58102, and the name of its initial registered agent at such  
address is Robert E. Pyle.

7 ARTICLE NINE. INCORPORATORS

8 The name and address of each incorporator is:

9	<u>Name</u>	<u>Address</u>
10		
11	Douglas L. Anderson	2104 11th Avenue N.W. Minot, North Dakota 58701
12		
13	Richard Gormley	414 University Avenue Grand Forks, North Dakota 58201
14		
15	James O. Kyser	1402 North 21st Bismarck, North Dakota 58501
16		
17	Robert E. Pile	401 3rd Avenue North Fargo, North Dakota 58102
18		

19 ARTICLE TEN. DISSOLUTION

20 The property and assets of the Corporation are irrevocably  
21 dedicated to the charitable and educational purposes of carry-  
22 ing out the program of the Boy Scouts of America. In the  
23 event of the dissolution or final liquidation of the Corpora-  
tion or upon the revocation or termination of its charter  
from the Boy Scouts of America, none of such property or

1 assets or the proceeds therefrom shall inure to the benefit  
2 of any individual but shall, after all liabilities and obli-  
3 gations of the Corporation have been paid or satisfied or  
4 provision otherwise made therefor, be distributed (a) to  
5 another local council of the Boy Scouts of America as spec-  
6 ified by the Boy Scouts of America to be used for charitable  
and educational purposes, or (b) in the absence of such spec-  
ification, to the Boy Scouts of America itself to be used for  
charitable and educational purposes, it being contemplated  
that in either instance such property and assets shall con-  
tinue to be devoted to the furtherance of Scouting in North  
Dakota, Minnesota, South Dakota and Montana.

7 ARTICLE ELEVEN. AMENDMENT

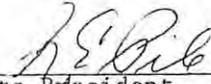
8 These Articles of Incorporation may be amended by the  
9 majority vote of the members having the right to vote present  
10 at a duly called meeting of the members of the Corporation at  
11 which a quorum is present and of which at least twenty days  
12 written notice has been given, the notice for which has been  
13 accompanied by the text of the proposed amendment or amend-  
14 ments, provided, however, that no amendment to these Articles  
15 of Incorporation shall be effective unless first presented  
16 to and approved by (a) the Executive Board of the Corporation  
17 and (b) an authorized official at the national office of the  
18 Boy Scouts of America.  
19  
20  
21  
22  
23

Second: As to each of the undersigned corporations, the Plan of Consolidation was adopted in the following manner:

- 1 (a) The Plan of Consolidation was adopted by the  
2 Red River Valley Council of Boy Scouts of Amer-  
3 ica at a special meeting of its members held on  
4 October 8, 1973, at which a quorum was present,  
5 and the Plan of Consolidation received at least  
6 two-thirds (2/3rds) of the votes which members  
7 present or represented by proxy at such meeting  
8 were entitled to cast.
- 9 (b) The Plan of Consolidation was adopted by the  
10 Missouri Valley Council, Inc. of Boy Scouts of  
11 America at a special meeting of its members  
12 held on October 14, 1973, at which a quorum was  
13 present, and the Plan of Consolidation received  
14 at least two-third (2/3rds) of the votes which  
15 members present or represented by proxy at such  
16 meeting were entitled to cast.
- 17 (c) The Plan of Consolidation was adopted by The  
18 Great Plains Area Council, Boy Scouts of Amer-  
19 ica at a special meeting of its members held on  
20 October 20, 1973, at which a quorum was present,  
21 and the Plan of Consolidation received at least  
22 two-thirds (2/3rds) of the votes which members  
23 present or represented by proxy at such meeting  
were entitled to cast.
- (d) The Plan of Consolidation was adopted by the  
Lake Agassiz Council, Inc. Boy Scouts of America  
at a special meeting of its members held on Octo-  
ber 28, 1973, at which a quorum was present, and  
the Plan of Consolidation received at least two-  
thirds (2/3rds) of the votes which members present  
or represented by proxy at such meeting were en-  
titled to cast.

Dated November 13, 1973.

RED RIVER VALLEY COUNCIL OF  
BOY SCOUTS OF AMERICA

By   
Its President

And   
Its Secretary

MISSOURI VALLEY COUNCIL, INC. OF  
BOY SCOUTS OF AMERICA

By James O. Kysor  
Its President

And W. Pete Knapp  
Its Secretary

GREAT PLAINS AREA COUNCIL,  
BOY SCOUTS OF AMERICA

By A. L. Anderson  
Its President

And Auth C. Booth  
Its Secretary

LAKE AGASSIZ COUNCIL, INC.  
BOY SCOUTS OF AMERICA

By Paul D. Sandy  
Its President

And Roger D. Pely  
Its Secretary

STATE OF NORTH DAKOTA )  
                                  ) ss.  
COUNTY OF FOSTER )

I, K. G. Pringle, a notary public, do certify that on this 13th day of November, 1973, personally appeared before me HARRISON W. OEHLER, who, being by me first duly sworn, declared that he is the Secretary of the Red River Valley Council of Boy Scouts of America, that he signed the foregoing document as Secretary of said corporation and that the statements therein contained are true.

K. G. Pringle  
K. G. Pringle, Notary Public  
Ward County, North Dakota  
My commission expires: 5-1-76

# **BYLAWS NORTHERN LIGHTS COUNCIL**

## **ARTICLE I. NAME**

The name of the corporation is Northern Lights Council, Inc., Boy Scouts of America, sometimes referred to in these bylaws as the "corporation" Or "the local council."

## **ARTICLE II. PURPOSE AND RESPONSIBILITIES**

### **PURPOSE**

#### **SECTION 1.**

The corporation shall promote, within the territory covered by the charter from time to time granted it by the Boy Scouts of America and in accordance with the Congressional Charter, Bylaws, and Rules and Regulations of the Boy Scouts of America, and the local council charter granted by the Boy Scouts of America, the Scouting program of promoting the ability of boys and young men and women to do things for themselves and others, training them in Scoutcraft, and teaching them patriotism, courage, self-reliance, and kindred virtues, using the methods which are now in common use by the Boy Scouts of America. In achieving this purpose, emphasis shall be placed upon the educational program of the Boy Scouts of America and the oath, promise, and code of the Scouting program for character development, citizenship training, leadership and mental and physical fitness.

The corporation shall fulfill the basic purpose of the Scouting movement within its territory, making Scouting training available to all boys and young men and women and serving organizations and community groups using the Scouting program while maintaining standards and policies, protecting official badges and insignia, and reviewing and making recommendations regarding unit leadership and finances.

However, no church or religious organization holding a valid charter shall be required to accept as adult leaders any person whose espoused personal beliefs are in conflict with the chartered organization's religious principles.

### **RESPONSIBILITIES**

#### **SECTION 2.**

As a council chartered by the Boy Scouts of America, the responsibilities of the corporation within its assigned territory and in accordance with its charter and in accordance with the applicable Bylaws, Rules and Regulations, policies, publications and interpretations of the National Council of the Boy Scouts of America shall be as follows:

*Clause 1.* It shall be the general duty of the corporation to promote and carry out the Scouting program and to operate in a sustainable fashion so as to maximize the efficient use of its resources for current and future Scouting programs.

*Clause 2.* The corporation shall guard against the use of the official uniform and insignia by persons not officially registered with the Boy Scouts of America and shall bring to the attention of the Boy Scouts of America any violation of regulations not within its power to prevent or any attempt to commercialize the Scouting movement.

*Clause 3.* The corporation shall, through its Scout Executive and other representatives, make the benefits of the Scouting program known to all organizations or community groups having contact with youth and cooperate in the organization of units so that qualified youth may have the benefit of the Scouting program.

*Clause 4.* The corporation shall provide means for assisting chartered organizations in securing and training qualified persons to serve as unit leaders and assistants, unit committee members, and chartered organization representatives. The corporation shall provide facilities and leadership in order that members and adult program participants may have experiences consistent with the applicable Scouting program with adequate facilities and supervision.

*Clause 5.* The corporation shall endeavor to recruit, train and provide qualified and trained leaders to administer and provide a quality Scouting program within its territory.

*Clause 6.* The corporation shall cooperate with the Boy Scouts of America in the selection of stores, located within the local council's territory, for appointment as authorized and licensed distributors of official uniforms, literature, and equipment. A sufficient number of stores shall be authorized by the Boy Scouts of America to provide adequate service to the youth and adult members in the territory served by the local council.

*Clause 7.* The corporation shall cooperate with the regional executive committee in the implementation of programs and plans to enhance the Scouting program.

## **ARTICLE III. MEMBERS OF THE LOCAL COUNCIL**

### **NUMBER, CLASSES, AND QUALIFICATIONS**

#### **SECTION 1.**

The corporate membership of the corporation shall be composed of active members and may also include associate members and honorary members; the corporate membership shall be known and designated collectively as the Northern Lights Council of the Boy Scouts of America. All active, associate, and honorary members of the corporation must be registered as adult leaders as established by the Boy Scouts of America. The corporation also may enroll Friends of Scouting pursuant to clause 3 of this section. Friends of Scouting shall not be part of the corporate membership of the corporation unless elected as associate members pursuant to Clause 2.

## **Active Members**

*Clause 1.* The active membership of the local council shall consist of chartered organization representatives and members at large. Chartered organization representatives shall represent organizations or community groups operating units. Each organization or community group to which a charter is granted by the Boy Scouts of America to operate one or more recognized Scouting units shall elect or appoint a chartered organization representative, who shall be other than the unit leader or assistant unit leader, as a member of the local council.

Members at large of the local council shall include persons chosen from the various business, civic, educational, labor, professional, social, and religious interests of the communities in the corporation's territory.

The local council shall have not fewer than 100 active members. At all times chartered organization representatives shall constitute a majority of the active membership of the local council. All members of the local council must be registered with the Boy Scouts of America.

## **Associate Members**

*Clause 2.* The local council may elect as associate members of the local council persons desiring to maintain an active Scouter membership without assignment to active service. Associate members are not elected as members at large and shall have no vote but may wear the uniform and insignia. Associate members must be registered with the Boy Scouts of America.

## **Friends of Scouting**

*Clause 3.* The local council may enroll as Friends of Scouting persons desiring to be identified through their financial support and influence in expansion of the corporation's program. Friends of Scouting who satisfy the eligibility requirements may be elected as associate members pursuant to clause 2 of this section. Friends of Scouting shall have no vote.

## **Honorary Members**

*Clause 4.* The local council may elect as honorary members of the local council persons whose election may further the Scouting program. Honorary members are not elected as members at large and shall have no vote.

## **Registration of Members and Leaders.**

*Clause 5.* The local council shall comply with the Bylaws, Rules and Regulations and published policies of the Boy Scouts of America in accepting, processing and approving member, adult program participant and adult leader applications for registration in the Boy Scouts of America.

## **ELECTION AND TERM; VACANCIES**

## SECTION 2.

### **Active Members**

*Clause 1.* Chartered organization representatives shall become active members of the local council upon their selection or appointment by the chartered organization or community group and upon their being registered by the Boy Scouts of America as chartered organization representatives. Chartered organization representatives shall continue to be active members for such period as such organization or community group shall desire but in any event only during such time as such organization or community group shall continue to hold a charter from the Boy Scouts of America to operate a unit.

All other officers, chairs of committees of the board, district chairs, and Executive Board members must be registered leaders of the Boy Scouts of America and *must* first be elected as council members at large, if they are not chartered organization representatives.

Each member at large shall be elected at the annual meeting of the local council by the active members then in office, shall take office immediately following such meeting, and shall hold office until the conclusion of the next succeeding annual meeting of the local council.

### **Associate and Honorary Members**

*Clause 2.* Associate members and honorary members of the local council may be elected at the annual meeting of the local council by the active members then in office, shall take office immediately following such meeting, and shall hold office until the conclusion of the next succeeding annual meeting of the local council.

## MEETINGS; QUORUM; VOTING

### SECTION 3.

#### **Annual Meeting**

*Clause 1.* The annual meeting of the local council shall be held at such place within the corporation's territory or on property that is owned or leased by the corporation that is not located within the corporation's territory, and at such time as the Executive Board of the corporation may determine. The annual meeting of the local council shall be for the purpose of (a) receiving annual reports of the Executive Board, officers, and various committees, (b) electing members at large, associate and honorary members of the local council, local council representatives to the National Council, and regular members of the Executive Board, (c) receiving and approving financial statements showing the financial position of the corporation as of the close of its most recent fiscal year and the results of operations during such year, and (d) transacting such other business as may come before the meeting.

#### **Other Regular Meetings**

*Clause 2.* In addition to the annual meeting, the local council may have such other regular meetings as may be established by resolution of the Executive Board of the corporation. Each regular meeting shall be held at such place within the corporation's territory, or on property that is owned or leased by the corporation that is not located within the corporation's territory, as the President or the Executive Board may specify.

#### **Special Meetings**

*Clause 3.* Special meetings of the local council may be called by the President or the Executive Board at any time and shall be called within 60 days upon the request in writing of at least one-fifth of the active members of the local council (such request specifying the object of the special meeting). Special meetings shall be held at such place within the corporation's territory, or on property that is owned or leased by the corporation that is not located within the corporation's territory, as the President or Executive Board may specify except that a special meeting called to consider a proposal to merge or consolidate with one or more corporations which are chartered local councils of the Boy Scouts of America may, to the extent permitted by law, be held in the territory of one of such other corporations if the President or the Executive Board shall specify.

#### **Notice**

*Clause 4.* A written notice of any meeting of the local council, regular or special, shall be provided to each member of the local council who is entitled to attend the meeting at least 20 days in advance or earlier in the case of the annual meeting (see section 4) and shall indicate the time and place of and the business to be transacted at the meeting. No business may be transacted that is not the subject of prior notice.

## **Quorum**

*Clause 5.* A quorum for the local council shall be 5% of the active members of the council.

## **Attendance at Meetings; Voting**

*Clause 6.* All active, honorary, and associate members of the local council shall be entitled to attend any meeting of the local council. The local council may invite other persons to attend local council meetings but such persons shall have no vote. Each active member of the local council at a local council meeting shall be entitled to one vote and voting by proxy shall not be permitted. Nominations for elective offices shall only be made by the nominating committee, and nominations from the floor shall not be permitted. Except in the case of elections where voting shall be by ballot, voting at a meeting of the local council may be by ballot, voice, or show of hands as the chair of the meeting may rule unless otherwise determined by the members entitled to vote. Unless otherwise required by law, the articles of incorporation or these bylaws, any question presented to a meeting of the local council at which a quorum is present shall be determined by a majority of those actually voting.

## **NOMINATING COMMITTEE OF THE LOCAL COUNCIL**

### **SECTION 4.**

At least 90 days prior to the annual meeting of the local council, the President shall appoint, with the approval of the Executive Board, not fewer than three active members of the local council to serve as a nominating committee with the majority not being officers. The immediate past council president shall not be considered an officer for the purposes of the majority, and the inclusion of one or two persons of the highest community stature who are not active members of the local council is encouraged. Nominations for all council elective offices shall be made by the nominating committee. The nominating committee shall nominate persons to be elected as members at large of the local council, associate and honorary members of the local council, regular members of the Executive Board, officers of the corporation and local council representatives to the National Council. The notice of the annual meeting should be provided between 45 and 60 days prior to the meeting, announcing the membership of the nominating committee so that members of the local council may make recommendations of possible nominees to the committee for its consideration. Recommendations to the committee shall be made in writing at least 30 days prior to the meeting.

In addition to other officer positions, the Nominating Committee should select an executive vice-president who shall be elected annually and who shall perform such functions as may be assigned by the President or Executive Board. The President may designate the executive vice-president to serve as the President during the President's absence or inability to serve. In the case of the President's inability or failure to make such a designation, the Executive Board may do so. The executive vice-president shall perform other functions as may be assigned by the President and the Executive Board. In order to later become Council President, the executive vice-president must still be nominated and elected by the Executive Board, as set forth in Article VI, Section 1.

In the case of any council elective office becoming vacant between the annual meetings of the local council, the nominating committee may make recommendations to the Executive Board of possible nominees to fill such vacant offices. The nominating committee is to maintain lists of potential candidates and to meet throughout the year to assess those candidates and make nominations when needed.

#### SECTION 5.

The local council election procedure appears in the appendix. (These may be adopted for use by Executive Board resolution.)

### **COMMITTEE ON PROGRAM AND RESOLUTIONS**

#### SECTION 6.

At least 60 days prior to each regular meeting of the local council including the annual meeting, the President may appoint, with the approval of the Executive Board, not fewer than three nor more than five active members of the local council to serve as a committee on program and resolutions for the next regular local council meeting. The notice of such meeting provided to members of the local council shall announce the membership of this committee and shall invite suggestions from each active member of the local council for the arrangement of the program and resolutions to be considered at the meeting. All suggestions to the committee shall be in writing. The committee shall consider and present to the meeting of the local council or to the appropriate committee of the Executive Board with recommendations, all suggestions made to it at least 5 days prior to the meeting or which it itself proposes for consideration and action. If a committee on program and resolutions is appointed, no resolution shall be considered at any regular meeting of the local council unless it has first been presented to or proposed by the committee in accordance with this section.

## **ARTICLE IV. THE EXECUTIVE BOARD**

### **POWERS AND FUNCTIONS**

#### SECTION 1.

The Executive Board shall be the governing body of the corporation and shall be responsible for its operations and its assets in accordance with the Council Charter. The Executive Board shall be the local reviewing authority with respect to matters within the Scouting movement which arise in the territory of the corporation. It is the duty of the Executive Board to govern the corporation and its assets for the delivery of the current and future Scouting program of the corporation. The Executive Board may delegate by resolution such authority as may be allowed by law to a committee of the Executive Board composed of members of the Executive Board subject to any restrictions as may be contained therein.

## **MEMBERSHIP**

### **SECTION 2.**

The Executive Board shall consist of (a) not fewer than 25 nor more than 50 members elected by the local council from among its active members plus, (b) the officers of the corporation, including the Scout Executive who shall have no vote, (c) the chairs of the committees of the Executive Board, (d) the chairs of the several district committees, upon their being approved by the Executive Board, and (e) not more than two youth or adult program participants appointed by the President with the approval of the Executive Board to serve for a term of 1 year.

## **ELECTION AND TERM; VACANCIES**

### **SECTION 3.**

Regular members of the Executive Board shall be elected at the annual meeting of the local council, shall take office immediately following such meeting, and shall continue in office until the conclusion of the next succeeding annual meeting and until their respective successors are elected and qualify.

Any vacancy on the Executive Board may be filled by the Executive Board, and the person so elected shall hold office for the unexpired period of the term of office. Nominations to fill vacancies shall be made by the nominating committee.

A member of the Executive Board may be removed upon 30 days' written notice to the members of the Executive Board and by an affirmative vote of two-thirds of the Executive Board. Provided, however, that a member of the Executive Board who is no longer a registered leader in the Boy Scouts of America or whose registration as an adult leader has been revoked in accordance with the Bylaws or Rules and Regulations of the Boy Scouts of America shall be deemed to have voluntarily resigned from the Executive Board immediately upon such event, provided the member has been given ten days advanced notice of the impending deficiency and it has not been corrected.

## **MEETINGS; QUORUM; VOTING**

### **SECTION 4.**

The Executive Board shall meet at such time and place as the Executive Board may direct and in any event at least four times annually including an organizational meeting as soon as practicable following the annual meeting of the local council. Special meetings of the Executive Board may be called by the Executive Committee of the Executive Board or by the President and shall be called within 30 days upon the written request of at least one-fifth of the members of the Executive Board (which request shall specify the purpose of such special meeting). A notice of each meeting of the Executive Board shall be provided to each member at least 5 days in advance of the meeting. No business may be transacted that is not the subject of prior notice.

A quorum of the Executive Board shall be one-third.

Unless otherwise required by law, changes to the articles of incorporation or these bylaws and all questions presented to a meeting of the Executive Board at which a quorum is present shall be decided by a majority of those actually voting.

Notwithstanding any provision to the contrary contained herein, any meeting, regular or special, may be held by telephone / speaker phone / video conference / internet conferencing or similar electronic communication equipment so long as all directors can hear one another, and those participating in the meeting receive and vote on the same information. All such executive board members participating electronically shall be deemed to be present, in person, at such meeting.

Any regular member of the Executive Board who fails to attend a minimum of two meetings of the Executive Board in any one year shall not be eligible for re-election as a regular member of the Executive Board for the ensuing term, provided, however, that the Executive Board may excuse absences and any absence so excused shall be counted as a meeting attended.

## **ADVISORY COUNCIL**

### **SECTION 5.**

There may be an advisory council to the Executive Board composed of (a) former members of the Executive Board who have served on the Executive Board not less than 5 years and who can no longer attend regular meetings of the board but wish to continue their relationship with the corporation in an advisory or consulting capacity; (b) such other persons who, being unable to devote time to Scouting on a regular basis, wish to serve Scouting upon special assignment.

Members of the advisory council shall be entitled to receive notice of and to attend all meetings of the Executive Board, but shall have no vote.

## **ARTICLE V. COMMITTEES OF THE EXECUTIVE BOARD**

### **COMMITTEES; APPOINTMENT**

#### **SECTION 1.**

There shall be an Executive Committee consisting of the persons and having the powers specified in section 2 of this article.

In addition, subject to the provisions of section 3 of this article, the Executive Board shall have committees, each of which shall have such authority and responsibilities as may be specified by resolution of the Executive Board. The committees of the Executive Board shall be appointed annually by the President with the advice and approval of the Executive Board, from members of the local council or from persons satisfying the qualifications set forth in Article III, Sections 1 and 2, at any regular meeting of the Executive Board. In the event a person, other than the chair of a committee in the district, who is not a member of the local council is appointed to such a

committee, that person may be elected as a member at large of the local council and must be qualified and register as a leader of the Boy Scouts of America before beginning service. As provided in section 2 of article IV of these bylaws, the chairs of the committees shall, by reason of their positions, be members of the Executive Board if they are not already members.

All actions of the committees shall be subject to the approval of the Executive Board unless authority to act is delegated by resolution.

## **EXECUTIVE COMMITTEE**

### **SECTION 2.**

The Executive Committee shall be composed of those persons who are the officers of the corporation and the Scout Executive.

The Executive Committee of the Executive Board shall have and may exercise all the necessary powers of the Executive Board in the management of the corporation during the intervals between the meetings of the Executive Board, but in no event shall the Executive Committee act contrary to action theretofore taken by the Executive Board. Minutes shall be kept of all Executive Committee action and reported at the ensuing meeting of the Executive Board for its approval.

Meetings of the Executive Committee may be called at any time by the President and shall be called by the President within 30 days upon the request of three or more members of the Executive Committee. It shall be the general practice of the Executive Committee to meet in those months in which the Executive Board does not meet. All meetings of the Executive Committee shall be held on at least 3 day's written notice. No business may be transacted that is not the subject of prior notice. A majority of the voting members of the Executive Committee shall constitute a quorum.

## **COMMITTEES**

### **SECTION 3.**

The committees of the Executive Board shall be responsible for the development and effectiveness of programs and policies of the corporation in accordance with the requirements established by the Boy Scouts of America. The corporation may have committees of the Executive Board as described by the Boy Scouts of America operations manual published for local councils.

The committees of the Executive Board shall be so organized as to provide for the coordination of their work throughout the entire territory of the corporation. The Executive Board's committees shall be concerned with the development of policy, program, and procedures as approved by the Executive Board in the interest of the uniform development and extension of Scouting throughout the territory of the corporation.

The committees shall function throughout the year, meeting as often as may be necessary in the judgment of the committee chair, President, or Scout Executive.

Committees shall be guided by the program material and manuals made available by the National Council of the Boy Scouts of America and shall make recommendations in light of their experience and knowledge of local conditions.

The committees shall perform the tasks required for functions involving: membership/relationships, fund development, program, and unit service. Other committees may be formed to handle additional functions.

## **ARTICLE VI. OFFICERS AND LOCAL COUNCIL REPRESENTATIVES TO THE NATIONAL COUNCIL**

### **OFFICERS; ELECTIONS AND APPOINTMENT**

#### **SECTION 1.**

The officers of the corporation shall be a President, vice-presidents, a treasurer, a council commissioner, and a Scout Executive who shall serve as the Secretary. The officers, with the exception of the Scout Executive, shall be elected annually from the active membership of the local council by the Executive Board to serve for one year or until their successors have been elected and qualified.

Any vacancies that exist in these offices may be filled by the Executive Board. Nominations to fill vacancies shall be made by the nominating committee. The Scout Executive shall be appointed by and shall serve at the pleasure of the Executive Board.

The local council may, upon the nomination of the Executive Board, create positions of honorary officers and elect persons to fill the offices so created. Honorary officers are not elected as members at large and shall have no duties or vote.

### **PRESIDENT**

#### **SECTION 2.**

The President shall serve as chair of meetings of the local council, the Executive Board, and the Executive Committee and shall be a member ex officio of all committees of the Executive Board, except for the Nominating Committee, and shall perform such other functions as required or as are assigned by the Executive Board. The President serves as a local council representative to the National Council of the Boy Scouts of America during the term of office.

## **VICE-PRESIDENTS**

### **SECTION 3.**

The vice-presidents shall perform such functions as may be assigned to them by the President. In case of the president's inability or failure to make such designation, the Executive Vice-President will serve in the President's place, or the Board or Executive Committee may designate one of the vice-presidents to serve during the President's absence or inability to serve.

## **TREASURER**

### **SECTION 4.**

The Treasurer shall be responsible to review established methods of internal control, and monitor the recording and deposit of all receipts of the corporation, for the proper disbursement of its cash, and accounting for all property of the corporation, whether real or personal, tangible or intangible, however acquired. The Treasurer shall present annually to the Executive Board a statement of all income and expenses during the prior year, together with a statement of all assets, liabilities, and net assets of the corporation as of the end of that year, these statements first having been duly audited and certified in accordance with generally accepted auditing standards by certified public accountants or other recognized independent public accountants approved by the Executive Board or Executive Committee. A copy of such audited annual statements shall be kept available at the office of the corporation for inspection by members of the corporation, and a copy shall be filed with the National Council of the Boy Scouts of America. The Treasurer shall also present interim period reports as required by the Executive Board.

No more than two assistant treasurers may be appointed by and shall act during the pleasure of the Executive Board or Executive Committee.

The Treasurer and any assistant treasurers shall be covered by either a crime policy or fidelity bond.

## **COUNCIL COMMISSIONER**

### **SECTION 5.**

The council commissioner is responsible for seeing that the unit-service function is performed.

The council commissioner shall:

- (a) Supervise the activities of the commissioner staff and preside at regular meetings of district commissioners.
- (b) Lead efforts to recruit an adequate commissioner staff to provide continuing and effective commissioner service for each unit.

- (c) Provide a year-round training program for commissioners in all districts. Conduct an annual commissioner conference.
- (d) Assist district nominating committees in selecting district commissioners as needed.
- (e) Maintain the standards of the Boy Scouts of America, uphold national policies, promote good uniforming, and lead efforts to hold regular roundtable programs in the district.
- (f) Be concerned with proper recognition of unit leaders. Maintain their morale, periodically reporting unit conditions to the Executive Board.
- (g) Help the district commissioners maintain a good working relationship with their respective district executives.
- (h) Maintain procedures to assure maximum on-time unit charter renewal by district commissioner staffs.
- (i) Work with the President to secure the help of committees in meeting unit needs.

The Council Commissioner must be at least 21 years of age and election is subject to approval and issuance of a commission as Council Commissioner by the Boy Scouts of America.

The Council Commissioner serves as a local council representative to the National Council of the Boy Scouts of America during the term of office.

## **SCOUT EXECUTIVE**

### SECTION 6.

- (a) The Scout Executive shall be the chief executive officer of the corporation and shall have general direction over the administrative work of the corporation, subject to the authority and direction of the Executive Board. The Scout Executive shall serve as the Secretary of the corporation, the Executive Board, and the Executive Committee. The Scout Executive shall be an ex officio non-voting member of all committees of the Executive Board.

The Scout Executive may designate one or more representatives to serve as secretary of any committee of the Executive Board.

- (b) The Scout Executive shall be responsible for the administration of the Scouting program within the territory of the corporation and for delivery of the Scouting program consistent with the policies and publications of the Boy Scouts of America. The Scout Executive shall report to the officers and the Executive Board compliance deficiencies requiring their resolution.
- (c) The Scout Executive may execute, on behalf of the corporation, all documents, deeds, or notes duly authorized to be executed and shall be the custodian of the seal of the corporation and may affix the same duly attested to such documents, deeds, or notes as may require it.

As to notes and deeds, such countersignatures shall include the signature of the Scout Executive and the signature of either the Council President or another Executive Committee member as the Executive Board directs.

- (d) The Scout Executive shall assist the Treasurer in maintaining the accounting records and the budget system, and shall be responsible for preparing monthly detailed statements of all financial operations including the budget report for the information of the treasurer and the finance committee.
- (e) The Scout Executive may, with the prior approval of the Executive Board, delegate to any staff officer or employee authority in writing to execute leases, contracts, and other instruments as may be deemed desirable. Subject to the provisions of these bylaws and the direction of the Executive Board, the Scout Executive shall have the power to appoint and remove all employees of the corporation and to direct their work.
- (f) The Scout Executive shall see that notices are sent to those elected as members of the local council and the Executive Board and as officers of the corporation and to those appointed as members of committees; and shall cause notices to be sent out of all meetings for which provision is made and be responsible for the minutes of all meetings of the local council, Executive Board, and committees of which the Scout Executive is secretary.
- (g) The Scout Executive shall be responsible for the preparation and keeping of such records as will make possible the corporation's application for renewal of its charter. The Scout Executive shall submit a report at each meeting of the Executive Board relative to the work of the corporation and to the status of the Scouting movement throughout the territory of the corporation, inviting attention to matters of particular interest and informing the Executive Board concerning any problems of which the Executive Board should be advised, together with recommendations and suggestions for the good of the movement requiring action by the Executive Board.
- (h) The Scout Executive shall prepare an annual report covering the activities and achievements of the corporation which, with the approval of the Executive Board, shall be presented to the annual meeting of the local council, and made public to the communities within the territory of the corporation.
- (i) The Scout Executive appointed by the Executive Board must be one recommended by the Boy Scouts of America, hold a commission as a professional Scouter and be certified as eligible to serve as a council Scout Executive by the Chief Scout Executive of the Boy Scouts of America throughout their tenure.

## **LOCAL COUNCIL REPRESENTATIVES TO THE NATIONAL COUNCIL**

### **SECTION 7.**

In addition to the President and Council Commissioner each local council may elect one of its members as a local council representative to the National Council for every 5,000 traditional

program youth members (Cub Scouts, Boy Scouts, Varsity Scouts, Venturers, and Sea Scouts), or major portion (2,501 or more) enrolled as of December 31 of the preceding year.

At its annual meeting, the local council shall elect from its active membership such number of local council representatives to the National Council as the corporation is entitled to under the Bylaws of the Boy Scouts of America to hold office until the conclusion of the next annual meeting of the local council and until their successors are elected and qualify. Local council representatives to the National Council shall attend the annual meeting, and any special meetings, of the National Council of the Boy Scouts of America and shall participate in its proceedings and perform such other duties as may be assigned to them by the Executive Board of the corporation or the National Council of the Boy Scouts of America. As liaison officers between this corporation and the National Council they shall:

- (a) Present the point of view of the corporation to the National Council with respect to matters of national policy and procedure, and
- (b) Interpret to the corporation decisions and policies of the National Council and assist the corporation in its responsibility to make effective and bring about an understanding among local Scouters of decisions and policies of the National Council.

Where matters are to be voted upon by the National Council, the corporation may by resolution direct the local council representatives of the corporation on how to cast their votes, otherwise the representatives may vote as they determine to be in the best interests of the corporation and National Council.

Local council representatives to the National Council shall serve as members of the regional committee and may attend regional committee meetings and participate in the proceedings.

## **ARTICLE VII. COMMISSIONER STAFF AND PROFESSIONAL STAFF**

### **COMMISSIONER STAFF**

#### **SECTION 1.**

The commissioner staff may be composed of the local council commissioner, one or more assistant council commissioners, district commissioners, assistant district commissioners, roundtable commissioners, and unit commissioners. All individuals selected to serve as commissioners shall be approved by the Council Commissioner and Scout Executive. Each such Scouter shall be 21 years of age or over and upon appointment be approved for and hold through their tenure a commission for such position issued by the Boy Scouts of America.

The council/district commissioner staff shall be selected as required and in such a manner as is in the commissioner manuals of the Boy Scouts of America for the local council's adopted plan of council and district organization, the Rules and Regulations of the Boy Scouts of America, and these bylaws.

Each member of the commissioner staff shall carry out the mission of the position for which commissioned in cooperation with the council's plan for the delivery of its programs to chartered organizations and community groups and in accord with these bylaws, policies, procedures, and the Rules and Regulations of the Boy Scouts of America.

## **PROFESSIONAL STAFF**

### **SECTION 2.**

The corporation may employ individuals in professional positions who have been recommended by and are commissioned by the Boy Scouts of America. Such positions of the professional staff shall be authorized by the Executive Board upon the recommendation of the Scout Executive and shall serve, under the direction and supervision of the Scout Executive, at the pleasure of the Executive Board and the Scout Executive.

Duties of members of the professional staff shall be as defined by the Scout Executive with the approval of the Executive Board. They may be designated so as to indicate their respective functions, but all professional titles first shall be approved by the Boy Scouts of America.

## **ARTICLE VIII. DISTRICT ORGANIZATION**

### **DISTRICTS**

#### **SECTION 1.**

For the purpose of area service and administration, the corporation's territory may be divided geographically into districts as the Executive Board from time to time determines, subject to the Rules and Regulations of the Boy Scouts of America. The corporation shall supervise Scouting in each district through the active members of the local council residing within the district and such additional district members as may be elected.

### **DISTRICT COMMITTEE**

#### **SECTION 2.**

The district committee shall be elected annually by the district members to administer the Scouting program within the territory of the district. The district committee and the committees of the district have no legislative authority, their purpose being to make effective within the district policies and programs adopted by the corporation. The district committee consists of chartered organization representatives and council members at large within the district territory plus duly elected district members at large.

## **DISTRICT COMMITTEE OFFICERS**

### **SECTION 3.**

Each district committee shall elect a chair and vicechairs, as may be required, and in such a manner as set forth in the official operations manual of the Boy Scouts of America and election procedures approved by the Executive Board. The district chair shall be nominated for election to the Executive Board in accordance with Article IV, Section 2 of these bylaws and must be approved by the Executive Board.

## **MEETINGS OF THE DISTRICT COMMITTEE**

### **SECTION 4.**

The district committee shall meet at such time and place, preferably within the district, as may be fixed by the committee or its chair. The business transacted at each meeting shall address the four functions of operation (membership/relationships, fund development, program, and unit service) and shall be concerned with service to chartered organizations and to units within the district and shall include the receiving of reports from the chairs of various district operating committees, the Scout Executive or designee (as secretary of the district committee), and the district commissioner, and such other business as the chair and officers and Scout Executive may indicate.

The district committee meeting immediately preceding the annual meeting of the local council should be the annual meeting of the district. At least 90 days prior, three to five names of a potential district nominating committee shall be submitted to the President for approval. The President has the discretion to add or delete names for the nominating committee from the Executive Board or the community at large. When approved, the nominating committee shall submit nominations for district officers and members at large for election at the annual meeting of the district. At this meeting the officers and district committees shall present reports of the year's activities.

### **SECTION 5.**

The district election procedure appears in the appendix.

## **VACANCIES**

### **SECTION 6.**

Any vacancy in district committee officers or district members at large may be filled by the district committee and the person elected shall hold office until the conclusion of the next succeeding annual meeting of the district. Nominations to fill vacancies shall be made by the district nominating committee.

## **DISTRICT OPERATING COMMITTEES**

### **SECTION 7.**

Each district may have committees as approved by the Executive Board and as authorized by the Boy Scouts of America operations manuals. Each district shall be responsible for cooperating in making effective the policies and programs adopted by the Executive Board and for the performance of the four functions.

The chairs of committees of the district shall be appointed by the district chair with the approval of the district committee. The members of these committees shall be appointed by the district committee, upon the recommendation of the respective committee chair and the district chair.

## **DISTRICT COMMISSIONER STAFF**

### **SECTION 8.**

Each district shall have a commissioner staff as set forth in article VII, section 1 of these bylaws and in the commissioner manuals of the Boy Scouts of America. The district commissioner shall be selected in accordance with article VIII, section 3, clause 6 of the Rules and Regulations of the Boy Scouts of America and the District Election Procedures of the bylaws.

The commissioner staff shall be responsible for advising and coaching unit personnel, on-time unit charter renewals, and monthly roundtables in the district.

## **ARTICLE IX. LOCAL UNITS**

### **APPROVAL OF UNIT CHARTERS**

#### **SECTION 1.**

The Scout Executive shall review all applications for new unit charters or renewals within the corporation's territory. The review shall be based upon the Rules and Regulations of the Boy Scouts of America and a recommendation with respect to each such application shall be forwarded to the National Service Center of the Boy Scouts of America. The review shall include an investigation as to the general objectives, purpose, character, intent, and programs of the prospective chartered organization or community group and its compatibility with the aims and purposes of the Boy Scouts of America. The history, length of service, and general reputation of the organization or community group are also factors that should be considered.

### **UNIT DESIGNATION**

#### **SECTION 2.**

All units within the corporation's territory shall be designated by the name of the community in which the unit is located, by the name of the chartered organization or community group operating the unit, and a unit number approved by the corporation.

## ARTICLE X. FINANCES AND PROPERTY

### RAISING FUNDS

#### SECTION 1.

*Clause 1.* All money raised by or received for the benefit of the corporation or a unit under its jurisdiction and all property acquired by the corporation or a unit shall be deemed to be received or acquired for the benefit of Scouting as interpreted and promoted by the Boy Scouts of America, in accordance with the Bylaws, Rules and Regulations and procedures from time to time adopted by the Boy Scouts of America.

*Clause 2.* Subject to the Bylaws, Rules and Regulations and fundraising guidelines of the Boy Scouts of America, the corporation shall control the raising and expenditure of all funds for local Scouting work within the territory of the corporation. The necessary expenses of the corporation shall be met by funds secured by solicitation or otherwise in accordance with the Bylaws, Rules and Regulations and publications of the Boy Scouts of America pertaining to the raising of funds for Scouting purposes.

*Clause 3.* Neither the corporation nor any unit under its jurisdiction shall have any authority to bind the Boy Scouts of America to any financial obligation whatsoever.

### CONTROL OF FUNDS AND PROPERTY

#### SECTION 2.

##### **Budget**

*Clause 1.* The Executive Board shall, preceding the commencement of each fiscal year, consider and adopt a budget of estimated expenditures by the corporation for such fiscal year. No funds shall be expended by the corporation during a fiscal year without the authorization of the Executive Board or the Executive Committee for any item not covered by, or in excess of the amount authorized by the budget for such year.

##### **General Funds**

*Clause 2.* All funds of this corporation or funds handled on behalf of this corporation or the Boy Scouts of America, from whatever source and for whatever purpose received, shall be deposited to the credit of the corporation in depositories as shall be approved by the Executive Board or Executive Committee. The funds shall be disbursed only upon the authority of the Executive Board, Executive Committee or upon the order of officers of the corporation duly authorized by

the Executive Board or Executive Committee; in any event the signatures of at least two authorized persons shall be required for the disbursement of funds except in the case of checks made payable to the Boy Scouts of America where a single signature will be accepted provided authorization has been accorded by the Executive Board.

All receipts from registration fees, Boys' Life subscriptions, and any other funds of the Boy Scouts of America which are received by this corporation for transmission to the Boy Scouts of America shall be carefully segregated, through bookkeeping and accounting procedures, as established by the Boy Scouts of America.

All persons having access to any funds (general or special) of the corporation shall be covered by either a crime policy or fidelity bond.

### **Ownership, Use and Disposition of Funds and Real Property upon Dissolution of Unit or Council**

*Clause 3.* In accordance with the wishes of the donors, permanently restricted funds received by a unit or local council, shall in all cases be held (i) in trust by either a corporate trustee for a bank or trust company, the National Boy Scouts of America Foundation or the Boy Scouts of America Endowment Master Trust; or (ii) the Boy Scouts of America Commingled Endowment Fund, LP for the use of the unit or the local council, with the provision in the statement of the conditions governing the administering of the funds that in the event of the dissolution of the unit or council or revocation or lapse of its charter the funds will, after any claims against the funds are satisfied, be distributed for the benefit of Scouting in such locality and for the specific purposes for which the fund was granted. If there is no suitable opportunity for the use of the funds in such locality, it may be used elsewhere. Except as hereafter provided in this clause, the title to all real estate acquired for a unit or local council shall be vested in a bank or trust company, in trust for the use of the unit or local council in accordance with the wishes of the donors, with a provision in such locality or elsewhere if there is not suitable opportunity to use said property or funds in such locality.

The corporation may hold title to real property in its own name provided it is stated in the deed that in the event of the dissolution of the council or the revocation or lapse of its charter the trustee or trustees will, after satisfying any claims against such unit or council to which such real estate may be subject, convey the property or, if sold, pay the net proceeds of such sale in accordance with the Bylaws and Rules and Regulations of the Boy Scouts of America.

The corporation may hold title to real property and maintain accounts wherein securities or funds are deposited in the corporation's name provided, however, in accordance with the Bylaws and Rules and Regulations of the Boy Scouts of America, such assets are deemed to have been raised or obtained for the benefit of Scouting and are subject to a constructive trust for the benefit of Scouting. Either the Articles of Incorporation or the Bylaws shall be filed with the applicable state agency maintaining corporate records to provide public notice of such constructive trust and notice that the assets, real property or net proceeds from the conveyance of real property are subject to such a restriction in the event of the dissolution of the local council or the revocation or lapse of its charter.

Notwithstanding any other provision herein, the corporation may exercise its business judgment in the management and use of all of the assets of the corporation so as to maximize their use for the benefit of Scouting in accordance with the charter. The corporation shall have the right to hold such properties in any form or through such other entity or agreement that does not in effect or purpose defeat the restrictions and obligations set forth herein.

## **Securities**

*Clause 4.* The securities of the corporation shall be deposited in any deposit vault or vaults or with such bank or banks, trust company or trust companies, or other depositories as may from time to time be designated by the Executive Board, Executive Committee, or finance committee. Access to the securities may be had as provided by resolutions of the Executive Board or Executive Committee and not otherwise.

## **Audit**

*Clause 5.* A statement of all income and expenses of the corporation during the fiscal year and a statement of all assets, liabilities, and fund balances of the corporation as at the end of such year shall be audited and certified annually in accordance with generally accepted auditing standards, by certified public accountants or other recognized independent public accountants approved by the Executive Board or Executive Committee. The corporation shall comply with all applicable legal requirements relating to credits, financial controls, and accounting procedures.

The National Council shall have the right to audit all records of local councils for compliance with national rules, regulations, and policies. Any report made following an audit shall be shared with the council President, Commissioner, and Scout Executive. The corporation shall give due regard to the recommendations of the regional executive committee following any such audit to correct any deficiencies or violations of any national rules, regulations, policies or charter agreement.

## **Financial and Asset Management**

*Clause 6.* The corporation shall manage its finances and assets in accordance with the Council Charter, Bylaws, Rules and Regulations and published guidelines of the Boy Scouts of America. Any action which could have a significant or material impact on the council's obligations or assets must be vetted and authorized by the Executive Board for consideration and decision pursuant to notice as required by these Bylaws.

## **ADMINISTRATION OF UNIT FUNDS**

### **SECTION 3.**

*Clause 1.* At the request of the unit committee of any unit under the jurisdiction of the corporation, the Treasurer may hold for such committee funds for the unit. Such funds shall be

transferred, in whole or in part, to the custody of the unit or a treasurer of the chartered organization upon authority for such transfer.

*Clause 2.* In the event of the dissolution of a unit or the revocation or lapse of its charter, and in accordance with the Bylaws and Rules and Regulations of the Boy Scouts of America, the unit committee shall apply unit funds and property to the payment of unit obligations and shall turn over the surplus, if any, to the corporation. In the case of an organization unit, any funds or equipment which may have been secured as property of the unit shall be held in trust by the organization or the corporation, as may be agreed upon, pending reorganization of the unit or if this does not occur, such funds and property, by the agreement of those involved, shall be used elsewhere for the promotion of the program of the Boy Scouts of America.

## **ARTICLE XI. ADDITIONAL ADMINISTRATIVE MATTERS**

### **INDEMNIFICATION**

#### **SECTION 1.**

The Corporation shall indemnify any person to the fullest extent allowed by the laws of the state of incorporation. If consistent with those laws, the corporation shall indemnify whoever was, is, or is threatened to be made a named defendant or respondent in any action, suit, or proceeding, civil or criminal (a "Proceeding"), because such person, or a person of whom such person is the legal representative, (i) is or was a member of the local council Executive Board, a committee of the local council Executive Board, a subcommittee of a committee of the local council Executive Board, or an officer of the corporation; or (ii) while a member of the local council Executive Board, a committee of the local council Executive Board, a subcommittee of the local council Executive Board, or an officer of the corporation, is or was serving at the request of the corporation as a director, officer, agent, or employee of another corporation or organization, to the fullest extent that a nonprofit corporation may grant indemnification to such a person under applicable law, without subjecting the corporation to any income or excise tax under the Internal Revenue Code of 1986, as amended, or the corresponding provision or provisions of any subsequent United States Internal Revenue law or laws; provided, however, that any right to indemnification from the corporation under this provision shall not extend to any matter as to which such person shall have engaged in wanton or willful misconduct in the performance or neglect of a duty owed to the corporation. Any right to indemnification under this provision shall be a contract right and shall include the right to be paid by the corporation expenses incurred in defending such proceeding in advance of its final disposition to the maximum extent permitted under applicable law. Any person who has requested an advancement of expenses under this provision and has not received such advance within 30 days of such request, may thereafter bring suit against the corporation to recover the unpaid amount of such claim and, if successful in whole or in part, shall be entitled to be paid also the expense of prosecuting such claim. In any such action, the burden of proof shall be on the corporation to prove the claimant is not entitled to such payment. The rights conferred herein shall not be exclusive of any other right which any person may have or hereafter acquire under any statute, bylaw, vote of the local council Executive Board or a committee or subcommittee thereof, agreement or otherwise. This provision shall not be deemed to limit any power or exclude any right of the corporation to provide any additional or other indemnity or right, or to maintain

insurance or a similar arrangement for or on behalf of any person. If this provision should be invalid or ineffective in any respect, the validity and effect of this provision in any other respect shall not be affected.

## **CONTRACTS, CHECKS, DRAFTS, ETC.**

### **SECTION 2.**

Except as otherwise provided by law or in these bylaws, such officer or officers, employee or employees, or agent or agents of the corporation specified by the Executive Board or Executive Committee shall sign, in the name and on behalf of the corporation, all deeds, bonds, contracts, mortgages, and other instruments or documents, the execution of which shall be authorized by the Executive Board or Executive Committee; and such authority may be general or confined to specific instances.

Except as otherwise provided by law or in these bylaws, all checks, drafts, notes, bonds, bills of exchange, or other orders, instruments, or obligations for the payment of money shall be signed by such officer or officers, employee or employees, or agent or agents of the corporation as shall be specified by the Executive Board or Executive Committee.

## **NOTICES AND WAIVERS**

### **SECTION 3.**

Whenever any notice is required by these bylaws or by any law to be given to any member of the local council, member of the Executive Board, or any committee or any officer, such notice except as otherwise provided by these bylaws or by any law may be given personally or by fax, or electronic mail addressed to such person at his/her place of business, if any, or (to the extent applicable) at such address as has been given to the corporation as the home address of the person; or the notice may be given in writing by mail, in a sealed wrapper, postage prepaid, addressed to such person at such address. Any notice given by fax or electronic mail shall be deemed to have been given when it shall have been delivered for transmission and any notice given by mail shall be deemed to have been given when it shall have been deposited in a post office, in a regularly maintained letter box, or with a postal carrier. A waiver of any such notice, signed by the person entitled to such notice in writing, as required, shall be deemed the equivalent thereof; and the presence at any meeting of any person entitled to notice thereof shall be deemed a waiver of such notice as to such person.

## **ELECTRONIC SIGNATURES**

### **SECTION 4.**

Electronic communications, records, and signatures may be used in connection with all matters contemplated by the Bylaws except to the extent prohibited by applicable law. Except as may be specifically set forth herein, the parties may use and rely upon electronic communications, records,

and signatures for all notices, waivers, consents, undertakings, and other documents, communications, or information of any type sent or received in connection with the matters contemplated by these Bylaws. An electronically transmitted (but not oral) document will be deemed to satisfy any requirement under these Bylaws or applicable law that such document be "written", "in writing" or the like. An electronic signature or electronically transmitted signature by any person on any document (properly authenticated) will be deemed to satisfy any requirement under these Bylaws or applicable law that such document be "signed" or "executed" by such person. An electronic transmittal or communication (but not oral) of a document will constitute delivery of such document. Neither the Corporation nor any member, Executive Board member, or any committee thereof may contest the authorization for, or validity or enforceability of, electronic records and electronic signatures, or the admissibility of copies thereof, under any applicable law relating to whether certain agreements, files, or electronic records are to be in writing or signed by the party to be bound thereby.

## **FISCAL YEAR**

### **SECTION 5.**

The fiscal year of the corporation shall be the calendar year.

## **SEAL**

### **SECTION 6.**

The seal of the corporation shall be in the form of a circle the words "Corporate Seal, North Dakota" and include the words "Northern Lights Council, Inc., Boy Scouts of America," around the circle and shall be used only as authorized.

## **AMENDMENT**

### **SECTION 7.**

These bylaws may be amended at any meeting of the Executive Board, upon the recommendation of the Executive Committee of the Executive Board, or when the proposed amendment has been sent to members of the Executive Board at least 15 days in advance of the meeting. All amendments to these bylaws must first be approved by the National Council of the Boy Scouts of America before being submitted to the Executive Board for adoption.

Adopted this 17<sup>th</sup> day of February, 2017.

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**Roger B. Hoyt**  
**Scout Executive**

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**Bradley A. Ballweber**  
**Council President**

## **EXECUTIVE BOARD RESOLUTIONS**

RESOLUTION 1. This resolution implements article V, section 3.

### **COMMITTEES OF THE EXECUTIVE BOARD**

RESOLVED. That the following committees of the Executive Board shall be appointed: Membership, Finance, Program, District Operations, Marketing, Endowment & Administration.

Their duties and responsibilities shall be as in the operations manuals and applicable literature of the Boy Scouts of America and the chairs of these committees will automatically become members of the Executive Board by virtue of their appointment.

RESOLUTION 2. This resolution implements article VI, section 6 (c) and (e).

### **AUTHORITY OF SCOUT EXECUTIVE AND MEMBERS OF PROFESSIONAL STAFF**

RESOLVED, That subject to any limitation imposed by law, the bylaws, or any resolution of the Executive Board or Executive Committee, the Scout Executive, be and hereby is authorized and empowered, for and on behalf of the corporation and in its name, to deliver, enter into, acknowledge, cancel, and revoke any and all agreements, conveyances, mortgages, powers of attorney, or other instruments which are incident to the carrying on, in the normal course, of the regular affairs of the corporation; and be it further

RESOLVED, That subject to any limitation imposed by law, the bylaws, or any resolution of the Executive Board or Executive Committee, the Scout Executive, and the Treasurer, be and hereby are and each of them hereby is authorized and empowered, for and on behalf of the corporation and in its name, to deliver, execute, acknowledge, and pay any fees connected with any and all applications, reports, returns, or other instruments required by any governmental authority, which are incident to the carrying on, in the normal course, of the regular affairs of the corporation.

RESOLUTION 3. This resolution complements article XI.

### **CONFLICT OF INTEREST POLICY FOR EXECUTIVE BOARD MEMBERS**

RESOLVED, that it is the basic policy of the corporation that all Executive Board members or members of any committee thereof, or officers or employees of the corporation, have a duty to be free from the influence of any conflicting interest when they act on behalf of the corporation, represent it in negotiations, or advise others in the corporation with respect to dealing with third parties. They are expected to deal with suppliers, customers, contractors, and others having dealings with the corporation on the sole basis of what is in the best interest of the corporation without favor or preference to third parties based on personal considerations. To this end, the following rules shall be observed:

1. No member of the Executive Board or member of any committee thereof, or officer or employee of the corporation, shall accept from any person, directly or indirectly, whether by themselves or through their spouse or a member of their family or through any partner or business or professional associate, any gift, favor, service, employment or offer of employment, or any other thing of value which they know or have reason to believe is made or offered to them with the intent to influence them in the performance of their duties as a member of the executive board or member of any committee thereof, or officer or employee of the corporation.
2. No member of the Executive Board or member of any committee thereof, or officer or employee of the corporation, who is a partner, officer, or employee of a partnership, firm, or corporation, or who owns or controls more than 10 percent of the stock of such corporation, shall represent, appear for, or negotiate on behalf of the corporation in connection with the acquisition or sale by the corporation of any interest in real or tangible or intangible personal property to such partnership, firm, or corporation.
3. No member of the Executive Board or member of any committee thereof shall participate by discussion, voting, or by any other action taken by the executive board, or any committee thereof, in the enactment of or defeat of a motion which relates to any transaction with any party referred to in paragraph 2 above. In case any such matter is discussed at any meeting where any executive board or committee member who has such an interest is present, they shall promptly disclose their interest in the matter to be voted on to the chairman of the meeting. They shall not vote on the matter and, at the discretion of the disinterested members present, may be required to leave the meeting during the discussion and the voting on the matter.
4. Contracts, transactions, or arrangements of the corporation in which an executive board member or member of any committee has a direct or indirect financial, competing, or other material interest shall not be prohibited, but they must be disclosed and they shall be subject to scrutiny. Any such proposed contract, transaction, or arrangement is to be reviewed to determine that it is in the best interest of the corporation.
5. Each member of the Executive Board or member of any committee thereof shall promptly disclose any material interest that he or she has or reasonably expects to have in any proposed or existing arrangement with the corporation prior to the start of any negotiations with respect

to such matter. An interest required to be disclosed under this policy shall be disclosed in writing to the President of the corporation. Such disclosure shall include all material facts and supply any reasons why the arrangement might be or not be in the best interest of the corporation. The President of the corporation shall refer the issue to the full Executive Board, the Executive Committee, or other board committee having decision-making authority over the substantive matter in question.

6. The names of the Executive Board members or members of any committees thereof who disclosed or otherwise were found to have a material interest in a proposed or existing arrangement of the corporation, the nature of the interest, and the extent of the Executive Board member's or members of committees thereof participation in the relevant Executive Board or committee meeting on matters related to the material interest shall be recorded in the minutes of the Executive Board or committee involved. The minutes also shall include a record of any determination as to whether the arrangement was in the best interest of and fair and reasonable to the corporation, notwithstanding the interest, and the specific reasons supporting the determination, including any alternatives to the proposed or existing arrangement, the names of the persons who were present for discussions and votes relating to the proposed or existing arrangement, and a record of any votes taken in connection therewith.
7. Each Executive Board member and member of any committee thereof has a duty to place the interest of the corporation foremost in any dealing with the corporation and has a continuing responsibility to comply with the requirements of this policy. At least once each year, each Executive Board member, and new board members, prior to their initial election, shall acknowledge his or her familiarity with this policy and shall disclose in writing to the President of the corporation any existing material interest or subject to this policy by completing a conflict-of-interest disclosure statement. The conflict-of-interest disclosure statements shall be reviewed by the President of the corporation. Any issues not previously disclosed shall be referred by him or her to the Executive Board or appropriate committee. The conflict-of-interest disclosure statements shall be retained in the confidential files of the corporation.

### **Conflict of Interest Disclosure Statement**

The conflict of interest policy of the corporation requires any Executive Board member or member of any committee thereof to disclose any direct or indirect financial, competing or other material interest that he or she has or reasonably expects to have in any proposed or existing contract, transaction, or arrangement with the corporation, or in any other matter under consideration or to be considered by the Executive Board, the Executive Committee, or any other board committee.

Please initial each statement that applies to you:

\_\_\_\_\_ I have read and am familiar with the conflict of interest policy.

\_\_\_\_\_ I am not aware of any direct or indirect financial, competing or other material interest that is required to be disclosed under the conflict of interest policy.

\_\_\_\_\_ I have described in the attached letter every direct or indirect financial, competing or other material interest that is required to be disclosed under the conflict of interest policy. (Please attach a letter providing complete details of any direct or indirect financial, competing or other material interest subject to the policy.)

During the time I am an Executive Board member or member of any committee thereof, I agree to report promptly any future direct or indirect financial, competing or other material interest that is required to be disclosed under the policy.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return this statement in the enclosed envelope not later than \_\_\_\_\_.**

RESOLUTION 4. This resolution complements article XI.

### **CONFLICT OF INTEREST POLICY FOR COUNCIL EMPLOYEES**

RESOLVED, that the following conflict of interest policy become the policy of this corporation and be applied to all council employees. It is imperative that employees of the Boy Scouts of America conduct themselves with a degree of honesty and integrity which is beyond reproach or even suspicion.

While it is not possible to anticipate every situation and prescribe a precise rule for each, it is possible to set forth certain basic, general principles to be observed by employees at all times. The essence of this policy is that employees shall always deal with others doing, or seeking to do, business with the Boy Scouts of America or any local council thereof in a manner that excludes all consideration of personal advantage. Accordingly, every employee of the Northern Lights Council is subject to the following policy:

#### **1. Interest in Other Business Organization**

Employees of the Boy Scouts of America or any local council thereof or members of their immediate families shall not have any interest, direct or indirect, in any other business which in any degree conflicts with the employee's primary obligations to the Boy Scouts of America or any local council thereof. In this regard, employees or members of their immediate families should not possess a significant financial interest in any business that does, or seeks to do, business with the Boy Scouts of America or any local council thereof. In addition, employees should not conduct business on behalf of the Boy Scouts of America or any local council thereof with members of their immediate family, or a business organization with which the employees or members of their immediate families have any association which could be construed as significant in terms of potential conflict of interest.

#### **2. Gifts, Favors, Entertainment and Payments to Employees**

Employees shall not seek or accept any gifts, payments, fees, services, valuable privileges, vacations or pleasure trips, loans (other than conventional loans from lending institutions) or other favors from any person or business organization that does, or seeks to do, business with the Boy Scouts of America or any local council thereof. No employee shall accept anything of value in exchange for referral of parties to any person or business organization that does, or seeks to do, business with the Boy Scouts of America or any local council thereof. In the application of this policy:

- (a) Employees may accept common courtesies of nominal value usually associated with accepted business practices for themselves and members of their families.
- (b) An especially strict standard is expected with respect to gifts, services or considerations of any kind from suppliers. Entertainment at the expense of suppliers beyond that contemplated by (a) above should not be accepted under any circumstance.

- (c) It is never permissible to accept a gift in cash or cash equivalents of any amount.
- (d) This policy does not preclude the acceptance of benefits to the local council or the Boy Scouts of America as compared to benefits to an individual employee.
- (e) This policy does not preclude the acceptance of courtesies extended to employees of the Boy Scouts of America or any local council thereof in their official capacities, such as gratis hotel rooms for business (but not personal use) in connection with meetings.
- (f) This policy will be communicated to persons and organizations doing, or seeking to do, business with the Boy Scouts of America or any local council thereof.

### **3. Confidential Information**

Employees shall not, without proper authority, give or release to anyone not an employee, or to another employee who has no need for the information, data or information of a confidential nature concerning the Boy Scouts of America or any local council thereof.

### **4. Gifts, Favors, Entertainment, and Payments by the Boy Scouts of America or Any Local Council Thereof**

Gifts, favors, and entertainment may be given others at the expense of the Boy Scouts of America or any local council thereof only if they meet all of the following criteria:

- (a) They are consistent with accepted business practices.
- (b) They are of sufficiently limited value, and in a form that will not be construed as improper.
- (c) They are not in contravention of applicable law and generally accepted ethical standards.
- (d) Public disclosure of the facts will not embarrass the Boy Scouts of America or any local council thereof.

### **5. Obligation to Disclose**

Any employee who believes that his or her personal actions or interests, or the actions of others, may violate this policy must discuss the matter with the Scout Executive. Additional interpretations of this policy and definitions of words and phrases used herein will be made upon request to the Scout Executive.

### **6. Sanctions**

Any employee whose actions or interests violate this policy is subject to termination on that account alone, if such is determined to be in the best interests of the movement.

It is the responsibility of every employee of the Boy Scouts of America or any local council thereof to be aware of and to observe these standards. Accordingly, each employee is asked to sign and

return the accompanying Employee Statement relating to these standards. Employee Statements will be held in complete confidence. The employee statement will be re-executed on a regular basis.

### EMPLOYEE STATEMENT

I certify that I have received a copy of the Council Conflict of Interest Policy, dated \_\_\_\_\_, and that neither I nor any member of my immediate family have any personal economic interest that could be construed as opposed to the best interests of the Boy Scouts of America or any local council thereof or in violation of the stated conflict of interest policy, other than any exceptions listed below.

(Give full details below or on a separate sheet, if appropriate, concerning any outside interests that you believe require or may require the approval of the Scout Executive. If none, please so state).

Signature of Employee: \_\_\_\_\_ Date:

## THE LOCAL COUNCIL ANNUAL MEETING

The annual meeting of the local council shall be held at such place and at such time as the Executive Board of the corporation may determine. The annual meeting of the local council shall be for the purpose of:

- a. Receiving annual reports of the Executive Board, officers, and various committees,
- b. Electing members at large, associate and honorary members of the local council, regular members of the Executive Board, and local council representatives to the National Council.
- c. Receiving and approving financial statements showing the financial position of the corporation as of the close of its most recent complete fiscal year and the results of operations during such year, and
- d. Transacting such other business as may come before the meeting.

The following guidelines shall be observed:

1. The proposed agenda, notice, and election procedures should be reviewed in conference by the President, Scout Executive, and area director well in advance of the meeting (i.e. prior to the board meeting which is 3 months before the annual meeting).
2. The President must give careful attention to the appointment of both the nominating committee and the committee on program and resolutions within the time specified in the bylaws. It would be well for the President to appoint a volunteer Scouter knowledgeable in the BSA election procedures, as well as the applicable nonprofit corporation state law requirements, to serve as parliamentarian and also election judge(s). These appointments should be published with sufficient advance notice to give voting members the opportunity to send in written recommendations.
3. Notice of the annual meeting must be given in writing a minimum number of days in advance of the meeting, as specified in the bylaws of the council.
4. A list of the names of presently registered chartered organization representatives in the council and the name of the organization which each represents shall be developed. The list should indicate anticipated attendance at the annual meeting. Chartered organization representatives must constitute a majority of the active membership of the local council at all times.
5. Local council bylaws should stipulate the quorum requirements. The National Council recommends that a quorum for the local council conform to the laws of the state in which the council is incorporated. When this is not stated, 5 percent or 10 percent of the total voting membership shall be required.

6. Voting delegates and nonvoting delegates should be properly identified at the annual meeting with easily recognizable and distinctive name tags. All voting delegates should register as they arrive.
7. The President may desire to call upon the parliamentarian to explain the election procedures before turning the meeting over to the nominating committee chair to present the nominating committee report and conduct the elections. Copies of the election procedures and council bylaws should be on hand for ready reference. The election procedure should be dignified and be carried out in a businesslike manner. Nominations from the floor are not permitted.
8. It is strongly recommended that all members of the Executive Board be contacted personally (and proposed members at large of the council written to) informing them of the intention of the nominating committee to place their name in nomination for election at the council's annual meeting unless they inform the chair of the nominating committee otherwise. This is not only a courtesy, but strengthens the position of the nominating committee's final recommendations.
9. A strategy meeting should be held no more than 10 days (preferably within 24 hours) in advance of the annual meeting, at which the President, Scout Executive, parliamentarian, nominating committee chair (and where possible the regional and/or area representative) are present to review the agenda and to discuss the possibility of problems arising.
10. In the event that problems or divisive matters are anticipated at the meeting, it is appropriate to determine whether or not it is proper to raise such items at the meeting under the council's bylaws. If so, it will be necessary to devise strategy to cope with each matter. It may be appropriate to contact all voting members to give them additional information and to assess the voting position of each.
11. Efforts should be taken to ensure that all volunteer Scouters, especially those from the districts, are well informed. It may be useful to suggest to district Scouters that they have direct representation on the Executive Board through their district chair and thus may have their views represented in this manner.
12. The National Council of the Boy Scouts of America may be called upon by the Executive Board of a local council for assistance in these matters; such as conducting special audits in such areas as personnel, membership, or fiscal stewardship.

# COUNCIL ELECTION PROCEDURES

## **Purpose**

To elect council members at large, associate and honorary members of the local council, regular members of the Executive Board, and local council representatives to the National Council.

## **Those eligible to vote**

1. Registered chartered organization representatives currently officially representing chartered organizations within the council's geographical boundaries.
2. Registered, duly elected council members at large.

## **Time of elections**

The date, time, and place of the annual business meeting of the local council is specified by the Executive Board of the corporation as prescribed by the council's bylaws.

## **Process**

1. At least 90 days prior to the date set for the annual business meeting of the local council the President shall appoint a nominating committee, subject to board approval, of not fewer than three active council members with the majority not being officers. Consideration may be given to adding the immediate past council president even if an officer, and the inclusion of one or two persons of the highest community stature who are not active members of the local council.
2. The members of the nominating committee will be identified to members of the council between 45 and 60 days prior to the annual council business meeting so that names may be given to them for consideration.
3. Suggested nominees from registered members of the local council are to be considered if they are received in writing no less than 30 days prior to the annual business meeting. Those who offer names to the nominating committee should supply some background information but should not have secured the permission of the person to be nominated or whether they will serve if elected.
4. The nominating committee will meet with the Scout Executive, serving as the secretary and having no vote, for the purpose of selecting a slate of nominees for election.

5. Nominations received in writing within the allowable time from members of the local council not on the nominating committee are given serious consideration. Each such nomination should be acknowledged with a brief letter of thanks and the assurance that the candidate will be considered.
6. To provide a fair and orderly nominating process, nominations will not be accepted from the floor at the time of election. This procedure also permits sufficient time to consider in advance all aspects of a nominee's suitability to serve.
7. The nominating committee will select a slate consisting of a single candidate for each council officer position and no more than the legally allowable number of persons for each of the following categories: council members at large, Executive Board members, associate and honorary members, local council representatives to the National Council; however, the committee may elect not to completely fill the associate and honorary member categories.

The nominating committee will then ensure that sufficient copies of the ballot are printed and that one is provided to each official voting member present at the local council annual business meeting. The order of listing on the ballot is as follows:

**Members at large, Voting**

- Council members at large
- Executive Board members
- Advisory Board members
- Council officers (except Scout Executive) elected by the Executive Board
- Local council representatives to the National Council

**Not members at large - Non-Voting**

- Associate members
- Honorary members

8. Following the elections it is important to notify those elected, to congratulate each, and to register those not already registered as active members of the Boy Scouts of America.

**Details and Contingencies**

1. Newly elected officers, Executive Board members and local council members at large take office immediately following the meeting where they are elected.
2. Should any portion of the nominating committee's report be rejected, another slate must be presented at a subsequent meeting. The new slate may or may not reflect different candidates and is once again based upon the nominating committee's recommendations. Whenever a slate is rejected, a meeting to consider the new slate must be held no more than 60 days after the annual business meeting. During that period the nominating committee should review any write-in nominations and comments from the meeting where the slate was rejected and to address the concerns leading to the rejection of the original slate.

Formal notice of the rescheduled meeting, stating the purpose, etc., should be sent to eligible voters. The nominating committee should, at the rescheduled meeting, be called upon by the President to proceed with that portion (or portions) of the election that was not completed.

3. In the event that a resolution is still not obtained, the process described in "2" above will be followed once more. Failing resolution the second time, the President may (a) elect to entertain a motion to follow the process in "2" above once again, or (b) dismiss the present nominating committee and appoint a new one which will meet and draw up a slate to be presented according to the guidelines above.
4. Because regular members of the Executive Board and council members at large take office immediately following the local council annual business meeting (local council Bylaws, Article III, Section 2, Clause 1 and Article IV, Section 3) they assume office as soon as the local council annual business meeting is adjourned.
5. Voting should be done by ballot. The nominating committee's slate, having been printed and distributed to eligible voters at the meeting, may be used as an official ballot should there be the need.

The chair of the nominating committee may "move the acceptance of the category under consideration and instruct the secretary to cast a unanimous ballot for the proposed nominees." If this motion is carried, there is no need to collect the printed ballots.

If the "unanimous ballot" motion is defeated then the President immediately will appoint tellers from among the active, registered members present to collect and tally the ballots. It may be helpful to have eligible voters sign their names so that their eligibility can be checked.

# DISTRICT ELECTION PROCEDURES

## **Purpose**

To elect district officers and district members at large.

## **Those eligible to vote**

1. Chartered organization representatives registered and currently representing chartered organizations within the district's geographical boundaries. (see "chartered organization representative" below.)
2. Registered district members at large duly elected at the last annual district committee meeting or during the interim at a regular, duly called district committee meeting.
3. Registered council members at large residing in the district.

## **Time**

The district committee meeting immediately preceding the council annual meeting should be the district annual meeting.

## **Process**

1. Ninety days prior to the district annual meeting, the district chair will submit suggestions for members of the nominating committee to the President for approval. This committee should consist of three to five members. The President has the discretion to add or delete names for the nominating committee from the council Executive Board or the community at large. It is recommended that the President appoint a member of the council Executive Board to serve on this committee. In the event of a vacancy in the office of district commissioner, the President may ask the Council Commissioner to serve on the nominating committee.
2. When approval is received from the President the nominating committee will meet with the district executive as adviser to form the slate composed of nominees for district chair, one or more vicechairs, and district members at large, plus a nominee to be submitted by the district chair for council Executive Board approval to serve as district commissioner.
3. The nominating committee not only will agree on the slate but also will secure the nominees' permission to stand for election and to serve if elected.
4. The members of the nominating committee will be identified to the district members of the local council between 30 and 60 days prior to the annual district committee meeting so that suggestions may be given to them for consideration. (This information may be included in one formal notice of the annual meeting.)
5. Suggestions may be made in writing to the nominating committee for inclusion in its report providing the nominees thus entered are received by the nominating committee at least 2 weeks prior to the annual meeting of the district. If accepted by the nominating committee,

the candidate will be contacted by the nominating committee and permission received from the person to stand for election and to serve.

6. To provide a fair and orderly nominating process, nominations will not be accepted from the floor at the time of election. This procedure also permits sufficient time to consider in advance all aspects of a nominee's suitability to serve.
7. At the district annual meeting the district chair will call upon the chair of the nominating committee for the committee's report and "turn over the chair to conduct the elections."
  - a. The chair of the nominating committee will present first the committee's nominees for district members at large; call for a motion, second, and vote.
  - b. The chair of the nominating committee then will present the committee's nominees for district chair and vice-chairs; call for a motion, second, and vote.
  - c. The district commissioner is to be an elected member at large but is offered for appointment and approval as district commissioner by the council Executive Board through the report of the district nominating committee and with the concurrence of the Scout Executive. The district commissioner is not elected at the district annual meeting.
  - d. Vote of the majority of the members present at the district meeting is required for election.

### **Details and Contingencies**

1. Newly elected officers and members at large take office immediately following the district business meeting.
2. If any portion of the nominating committee's report is rejected, this portion must be reintroduced at a special or adjourned or recessed meeting of the district committee to be held within 30 days of the present meeting. Formal notice of this meeting must be sent to eligible voters immediately so that it is received at least 2 weeks prior to the meeting. Additional names may be submitted to the nominating committee during that period. The nominating committee will, at the next meeting, proceed with the portion of the election that failed passage. It is hoped that the nominating committee members will discover the reasons for the failure of acceptance and attempt to deal with them.
3. In the event that a resolution is still not obtained, then the matter will be referred to the President and/or Executive Board for final resolution.
4. Because members at large take office immediately following the district business meeting, they and the chartered organization representatives are eligible to vote at postponed elections if they were elected and the officers' slate was not accepted.
5. Voting may be done by ballot but voice or hand votes are acceptable since a district is a non-policy-making body. If ballots are used, the secretary should be instructed to collect ballots

only from those eligible to vote, marked with the name of eligible voters and counted by clerks appointed by the chair of the nominating committee. A motion to cast a unanimous ballot for the proposed candidates is acceptable.

### **Chartered Organization Representative**

1. The chartered organization representative is automatically a voting member of the council and the district upon the selection or appointment by the community organization and when registered as a member of the Boy Scouts of America. The individual is to be registered during the time that the chartered organization designates this person as chartered organization representative and shall have one vote.
2. Primary responsibilities are (1) help units to be successful and (2) serve as liaison between the chartered organization and Scouting.
3. The chartered organization representative is encouraged to become an active, participating member of one of the district's committees.

# Memo

**To:** Council Executive Board

**From:** Richard McCartney

**cc:** Jay Feil. 2023 Sporting Clays Fun Shoot Chairman

**Date:** May 19, 2023

**Re:** Planned Gun Raffle at the 2023 Sporting Clays Fun Shoot

---

This is to inform the Council Executive Board that the 2023 Sporting Clays Fun Shoot committee is recommending that we do a gun Raffle as part of the 2203 Sporting Clays Fun Shoot Fundraiser that is scheduled for July 27, 2023 at Capital City Sporting Clays in Bismarck. The committee plans to purchase two shot guns with an expected cost of less than \$1100.

The committee will sell \$20 raffle tickets to Shoot participants who attend the day of the event. They expect to sell roughly one hundred \$20 raffle tickets. This should allow the event to recoup the dollars spent to purchase the guns and raise an additional \$1000+ to be added to the final bottom line excess revenue from the event. 100% of the net proceeds will be directed in support of local Scouting programs in the Northern Lights Council.

# Fireworks Display Permit Application (cont.)

Description of Event/Display	<u>Mid Summer Festival Haven Hills</u>		
Job Value	<u>\$250 - \$500</u>	Display Date	<u>July 12<sup>th</sup> 2023</u>
Display Address	<u>14065 34<sup>th</sup> St. NW Bismarck ND</u>		
Name of Pyrotechnics Contractor	<u>James Keller</u>		

## Applicant, Owner, Contractor, and Pyrotechnic Information

**NOTE:** The applicant's email address will be the primary contact during application, review, and inspection processes.

### Applicant Information

Name Amber Bohl  
Address 14065 34<sup>th</sup> St. NW  
City Bismarck State ND Zip 58503  
Phone [REDACTED] Email [REDACTED]

### Owner Information

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

### Contractor Information

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

# Fireworks Display Permit Application (cont.)

## Pyrotechnician Information

Name James Keller  
Address 3408 Thunderbird Lane  
City Bismarck State ND Zip 58503  
Phone [REDACTED] Email \_\_\_\_\_

## Pyrotechnician Business Information

Name J & J Fireworks  
Address 3408 Thunderbird Lane / 4100 Fuller Ave  
City Bismarck State ND Zip 58503  
Phone [REDACTED] Email \_\_\_\_\_

## Submittal

Applicant Name \_\_\_\_\_ Date Submitted \_\_\_\_\_  
Burleigh County Auditor \_\_\_\_\_ Date Received \_\_\_\_\_  
Fee Received  Yes  No Date Received \_\_\_\_\_

## Approval

ND Fire Marshal \_\_\_\_\_ Date \_\_\_\_\_  
Burleigh County Chairperson \_\_\_\_\_ Date \_\_\_\_\_

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

# Federal Explosives License/Permit

(18 U.S.C. Chapter 40)

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct A/E Correspondence To 244 Needy Road Martinsburg, WV 25405-9431	License/Permit Number <b>3-ND-015-53-4H-00125</b>
Chief, Federal Explosives Licensing Center (FELC) <i>Mama Howard</i>	Expiration Date <b>August 1, 2024</b>
Name J & J FIREWORKS	

Premises Address (Changes? Notify the FELC at least 10 days before the move.)

**3408 THUNDERBIRD LANE  
BISMARCK, ND 58503-**

Type of License or Permit

**53-DEALER OF EXPLOSIVES**

### Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

J & J FIREWORKS LLP  
J & J FIREWORKS  
3408 THUNDERBIRD LANE  
BISMARCK, ND 58503-

*James Keller*  
Licensee/Permittee Responsible Person Signature

*Owner*  
Position Title

*James Keller*  
Printed Name

*8/5/21*  
Date

Previous Edition is Obsolete J & J FIREWORKS (LP) 3408 THUNDERBIRD LANE 58503-ND-015-53-4H-00125 August 1, 2024 53-DEALER OF EXPLOSIVES

ATF Form 5400.14-5400.15 Part I  
Revised September 2011

### Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)  
244 Needy Road  
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352  
Fax Number: (304) 616-4401  
E-mail: FELC@atf.gov

ATF Homepage: [www.atf.gov](http://www.atf.gov)

**Change of Address (27 CFR 555.54(a)(1)).** Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

**Right of Succession (27 CFR 555.59).** (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

Cut Here ✂

(Continued on reverse side)

### Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: **J & J FIREWORKS LLP**

Business Name: **J & J FIREWORKS**

License/Permit Number: **3-ND-015-53-4H-00125**

License/Permit Type: **53-DEALER OF EXPLOSIVES**

Expiration: **August 1, 2024**

Please Note: Not Valid for the Sale or Other Disposition of Explosives.



U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
Federal Explosives Licensing Center (FELC)  
www.atf.gov

Federal Explosives Licensing Center  
244 Needy Road  
Martinsburg, West Virginia 25405  
telephone: (877)283-3352 fax: (304)616-4401

## NOTICE OF CLEARANCE

### for individuals transporting, shipping, receiving, or possessing explosive materials.

ISSUED TO: J & J FIREWORKS LLP

Federal Explosives license/permit no: 3-ND-015-53-4H-00125

NOTICE DATE: 08/05/2021

Expiration Date: August 1, 2024

Explosives License/Permit Type: 53-DEALER OF EXPLOSIVES

EXPIRATION DATE: This Notice expires when superseded by a newer Notice which will list all current responsible persons and employee possessors, or when the license or permit expires - whichever comes first.

- 1 **WARNING.** Only those individuals listed below as RESPONSIBLE PERSONS and EMPLOYEE POSSESSORS with a background clearance status of "CLEARED" or "PENDING" are authorized to transport, ship, receive, or possess explosive materials in the course of employment with you.
- 2 **"DENIED" STATUS.** If an employee possessor has a background clearance status of "DENIED", you MUST take immediate steps to remove the employee from a position requiring the transporting, shipping, receiving, or possessing of explosive materials. Also, if the employee has been listed as a person authorized to accept delivery of explosive materials, you MUST remove the employee from such list and immediately, and in no event later than the second business day after such change, notify distributors of such change, as stated in 27 CFR 555.33(a).
- 3 **CHANGE IN RESPONSIBLE PERSONS.** You MUST report any change in responsible persons to the Chief, Federal Explosives Licensing Center, within 30 days of the change and new responsible persons MUST include "appropriate identifying information" as defined in 27 CFR 555.11. Fingerprints and photos are NOT required, however they will be required upon renewal of the license or permit.
- 4 **CHANGE OF EMPLOYEES.** You MUST report any change of employee/possessors to the Chief, FELC, within 30 days. Reports relating to newly hired employees must be submitted on ATF Form 5400.28 for EACH employee.

**Premises Address:** 3408 THUNDERBIRD LANE  
BISMARCK, ND 58503

**Mailing Address:**  
J & J FIREWORKS LLP  
J & J FIREWORKS  
3408 THUNDERBIRD LANE  
BISMARCK, ND 58503

This 'Notice of Clearance' is provided to you as required by 18 U.S.C. 843(h) and MUST be retained as part of your permanent records and be made available for examination or inspection by ATF officers as required by 27 CFR 555.121. If you receive a Notice subsequent to this Notice, this Notice will no longer be valid.

In accordance with 27 CFR 555.33, Background Checks and Clearances, and 27 CFR 555.57, Change of Control, Change in Responsible Persons, and Change of Employees, ATF's Federal Explosives Licensing Center (FELC) has conducted background checks on the individual(s) you identified as a responsible person(s) and an employee/possessor(s) on your application, or reported after the issuance of your license/permit.

The following is a SUMMARY of the results of the background checks conducted on the individuals you reported as responsible persons and employee/possessors. ATF will be notifying ALL individuals listed on this document of their respective status by separate letter mailed to their residence address.

**PLEASE BE ADVISED THAT IT IS UNLAWFUL FOR ANY PERSON REFLECTING A STATUS OF "DENIED" TO TRANSPORT, SHIP, RECEIVE, OR POSSESS EXPLOSIVE MATERIALS.**

Please carefully review this Notice to ensure that all the information is accurate. If this Notice is incorrect, please return the Notice to the Chief, FELC, with a statement showing the nature of the error(s). The Chief, FELC, shall correct the error, and return a corrected Notice.

Number of RESPONSIBLE PERSON(S) : 2  
Number of EMPLOYEE POSSESSOR(S): 0

LAST NAME, First Name, Middle Name	Clearance Status
<b>RESPONSIBLE PERSONS:</b>	
0001 KELLER, JAMES ALLAN	Cleared
0002 KELLER, JERRY MICHAEL	Cleared

**EMPLOYEE POSSESSORS:** 0

continued

LAST NAME, First Name, Middle Name	Clearance Status
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DECLARATIONS

PYROTECHNICS LIABILITY CLAIMS MADE AND REPORTED INSURANCE

THIS IS A CLAIMS MADE AND REPORTED POLICY. SUBJECT TO ITS TERMS, THIS POLICY APPLIES ONLY TO ANY CLAIM FIRST MADE AGAINST THE INSURED AND REPORTED IN WRITING TO THE UNDERWRITERS DURING THE POLICY PERIOD OR EXTENDED REPORTING PERIOD, IF APPLICABLE. DAMAGES AND CLAIMS EXPENSES SHALL BE APPLIED AGAINST THE DEDUCTIBLE. CLAIMS EXPENSES ARE WITHIN AND REDUCE THE LIMIT OF LIABILITY UNDER THIS POLICY. THE UNDERWRITERS SHALL NOT BE LIABLE FOR ANY CLAIMS EXPENSES OR FOR ANY JUDGEMENT OR SETTLEMENT AFTER THE LIMIT OF LIABILITY HAVE BEEN EXHAUSTED. PLEASE READ THIS POLICY CAREFULLY.

These Declarations along with the completed and signed **Application** and the Policy with endorsements shall constitute the contract between the **Named Insured** and the Underwriters.

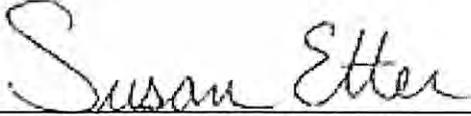
Underwriters: CERTAIN UNDERWRITERS AT LLOYD'S, LONDON - Percentage: 100%

Item 1 Named Insured:  
J & J Fireworks LLP  
3408 Thunderbird Lane  
Bismarck, ND 58503

Item 2 Policy Period:  
From: 5/12/2023 To: 5/12/2024 (both Dates AT 12:01 a.m. local standard time at the address shown in Item 1. above)

Item 3 Limit of Liability:  
A. Other than for Display or Special Effects Liability:  
i. Limit of Liability each Accident or/and offense includes Claims Expenses \$1,000,000  
ii. Products-Completed Operations Hazard includes Claims Expenses INCLUDED  
iii. Aggregate Limit of Liability includes Claims Expenses \$2,000,000

Date: 5/15/2023

  
\_\_\_\_\_  
(Authorized Signature)

  
\_\_\_\_\_  
(Surplus Lines Agent)

<b>B.</b>	<b>For Display and Special Effects Liability</b>	
i.	Limit of Liability each Accident or/and offense includes Claims Expenses	\$1,000,000
ii.	Limit of Liability for all Accidents or/and offense arising out of any one Display or Special Effects includes Claims Expenses	\$1,000,000
iii.	Aggregate Limit of Liability includes Claims Expenses	\$2,000,000
<b>C.</b>	Fire Legal Liability from any one fire includes Claims Expenses	\$50,000
<b>D.</b>	Employee Benefits Liability includes Claims Expenses	\$1,000,000
<b>E.</b>	Policy Aggregate Limit of Liability includes Claims Expenses	\$2,000,000

Supplementary payments are included and NOT in addition to these limits.

**Item 4** Each Accident /offense Deductible includes Claims Expenses: **\$5,000**

<b>Item 5</b>	<b>Premium:</b>	<b>Limit of Liability</b>
	Liability Premium	\$3,660.00
	Total Premium:	<u>\$3,660.00</u>
	State Tax	\$67.99
	Broker Fee	\$225.00
	Total:	<u>\$3,952.99</u>

**Item 6** Retroactive Date: 5/12/2023

**Item 7** Extended Reporting Period:

a) Premium for Extended Reporting Period	
i. Other than for Display or Special Effects Liability	Minimum 100% of the expiring premium
ii. Display or Special Effects Liability	N/A
b) Length for Extended Reporting Period	12 MONTHS

**Item 8** Notification under this Policy:

**1. Notices**

Professional Program Insurance Brokerage  
Division of SPG Insurance Solutions, LLC  
1304 Southpoint Blvd., #101  
Petaluma, CA 94954  
(415) 475-4300

**2. Notice of Claims**

Professional Program Insurance Brokerage  
Division of SPG Insurance Solutions, LLC  
1304 Southpoint Blvd., #101  
Petaluma, CA 94954  
(415) 475-4300

**Item 9** Description of Operations: Class B (1.3g) Display, Class C (1.4g) Sales

Estimated Gross Receipts: \$102,000

**Item 10 Service of Suit:**

Lloyd's America Inc., Attn: Legal Department  
280 Park Avenue, East Tower 25th Floor  
New York, NY 10017

**Item 11 Choice of Law: ND**

**Item 12 Business Location(s):**

1. 4100 Fuller Avenue, Bismarck ND 58504

**Item 13 Endorsements Effective At Inception:**

SLC-3 (USA)	Lloyd's Certificate Jacket
PYRO DEC 2020	Declarations Page
PYRO 2020	Pyrotechnics Liability Claims Made and Reported Insurance
SYNDPYRO 1-23	Schedule of Participating Lloyd's Underwriters Syndicate
LMA 5062	Fraudulent Claim Clause
PPIB ND 2020	North Dakota Surplus Lines Notice
J5-GL-003 (01-13)	Minimum Earned Premium Endorsement
LMA 3100	Sanction Limitation and Exclusion Clause
LMA 5390	TRIA: Not Purchased
PY RE 019 1-14	Retroactive Date Exclusion
PY CDX 4-20	Communicable Disease, Epidemic and Pandemic Exclusion
AFB CE 01 21	Cyber Exclusion Endorsement

**Schilling, Colette K.**

---

**From:** [REDACTED]  
**Sent:** Tuesday, June 27, 2023 4:06 PM  
**To:** Schilling, Colette K.  
**Subject:** Weather Forecast & Live Radar

[REDACTED]

\*\*\*\*\* CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

The event will be held at 14065 34th St NW

The yellow mark.

The fireworks will be displayed at the other end of the property on the driveway marked with the yellow mark and black X

4:02

LTE

AA

satellite-map.gosur.com



Live



34th St. Northwest



Lat: 46.95761° Lng: -100.83994°



Direction	Speed
42° (NW)	21 km/h



Winds

Precipitations

Clouds

Earthquakes

Head for the Hills




*Haven Hills*  
MID SUMMER  
**FESTIVAL**

WEDNESDAY  
**12 JULY**



Music performed by **BRAVEHEART**

Event Entry  
**FREE**

Gates Open  
**5 PM**

**FIREWORKS**  
9:30 PM



Event at  
**HAVEN HILLS**  
14065 34th St NW, Bismarck

**LIVE MUSIC | FOOD TRUCKS | GAMES**

FOMO 10/40 Creamery ➤ The Firepit ➤ The Dairy Barn Creations  
Lemonade Stand • Drink Tent • Popcorn

➤➤➤ Bring a lawn chair or blanket! ◀◀◀



**Dunk Tank Targets:**

- Mayor Mike Schmitz
- City Commr
- BCHSZ Director
- DHHS CFS Dir.
- Deputy Sheriffs
- More!

**DUNK PROMINENT COMMUNITY MEMBERS FOR A CAUSE!**

For Questions Call: **701-200-7681** // More Information Visit: [havenhillscommunity.org](http://havenhillscommunity.org)



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Memo

Date: July 5, 2023

To: Mark Splonskowski  
County Auditor

From: Marcus J. Hall P.E.  
County Engineer

RE: Second access permit for Holly Davidson

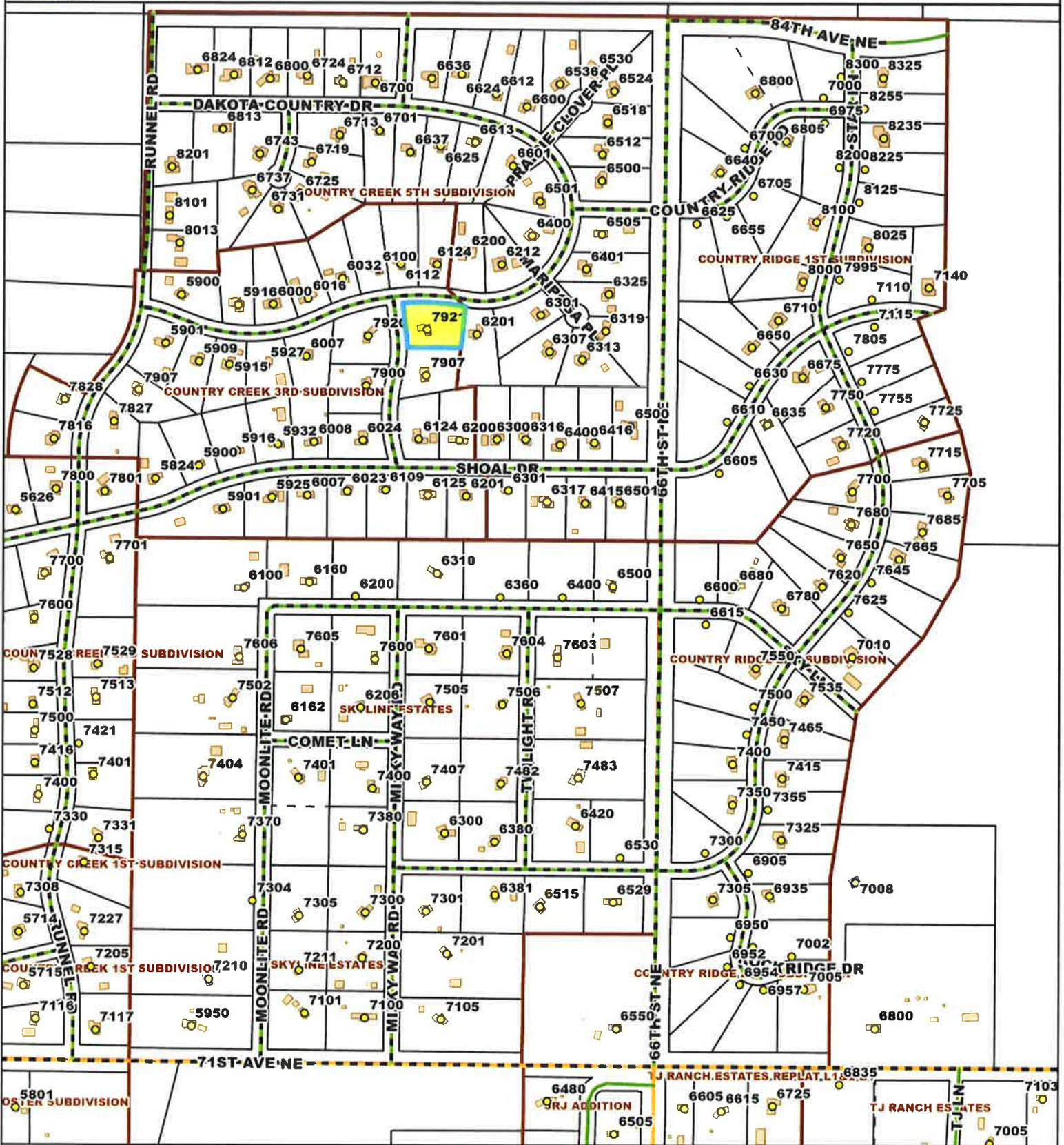
Holly Davidson from Block 05, Lot 1 Country Creek Third (7921 Country Brook Road) has requested a second access permit to her property. The first access approach is off of Country Brook Road. She wishes to have a second approach off of Dakota Country Drive in order to have better access to the east side of her property. We have reviewed the location of the new proposed access off of Dakota Country Drive and have determined that it will meet our requirements.

Please place the approval of a 2<sup>nd</sup> approach for Holly Davidson on the July 5, 2023 County Board Consent Agenda.

### 2<sup>nd</sup> Approach Permits 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: 32-139-79-07-05-010      OWNER: WHEELER, HOLLY      ACRES: 1.492  
SITE ADDRESS: 7921 COUNTRY BROOK RD  
MAIL ADDRESS: 7921 COUNTRY BROOK RD, BISMARCK, ND 58503-1538  
LEGAL: COUNTRY CREEK THIRD Block 05 LOT 1 811187



PARCEL ID: 32-139-79-07-05-010      OWNER: WHEELER, HOLLY      ACRES: 1.492  
SITE ADDRESS: 7921 COUNTRY BROOK RD  
MAIL ADDRESS: 7921 COUNTRY BROOK RD, BISMARCK, ND 58503-1538  
LEGAL: COUNTRY CREEK THIRD Block 05 LOT 1 811187



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Memo

Date: July 5, 2023

To: Mark Splonskowski  
County Auditor

From: Marcus J. Hall P.E.  
County Engineer

RE: Second access permit for Joel Peterson

Joel Peterson from Block 03, Lot 10 Green Acres Estates (6300 N. Washington St) has requested a second access permit to his property. The first access approach is off of North Washington Street. He wishes to have a second approach off of 64<sup>th</sup> Avenue NW in order to have better access to the north side of his property. We have reviewed the location of the new proposed access off of 64<sup>th</sup> Avenue NW and have determined that it will meet our requirements.

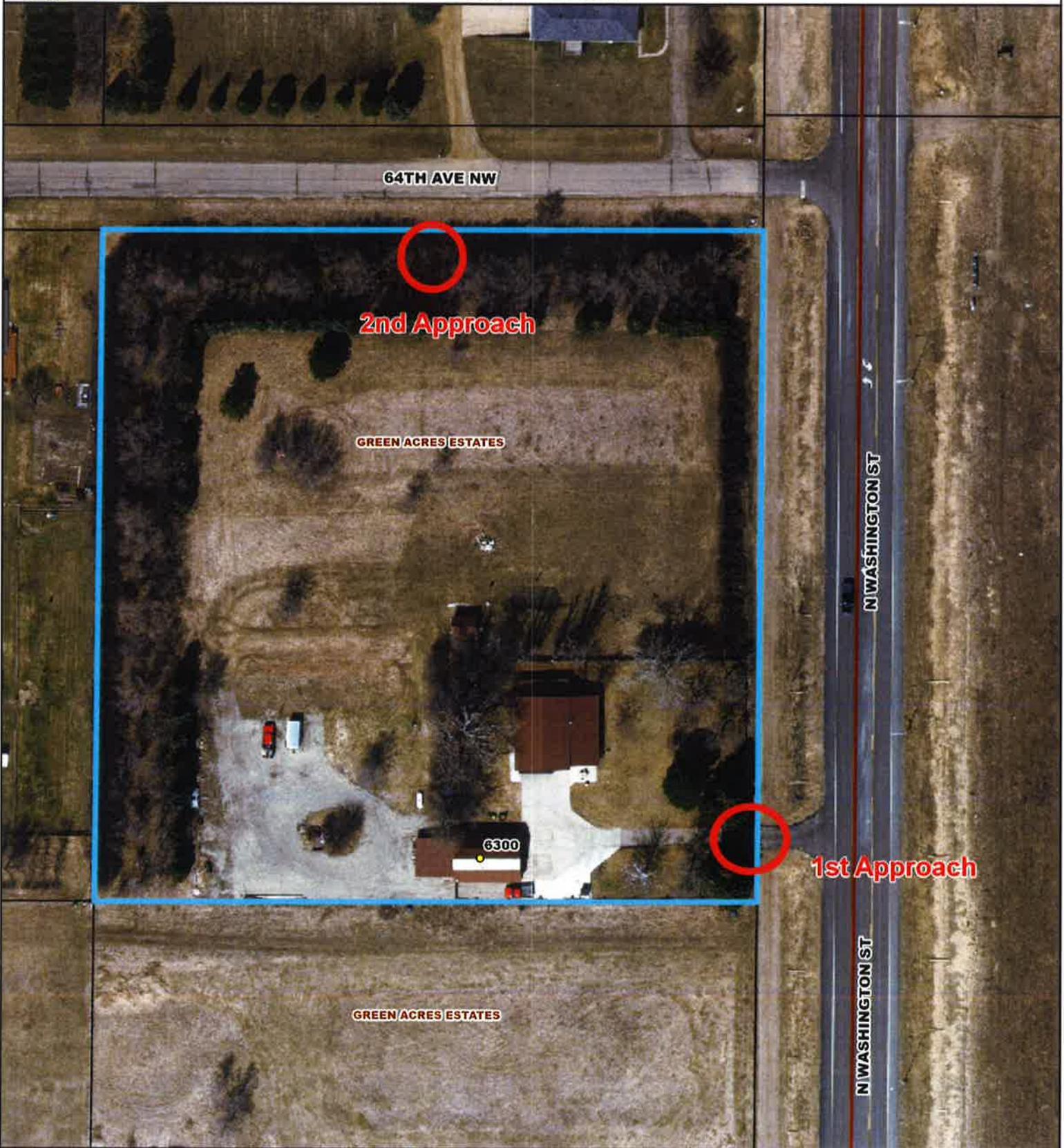
Please place the approval of a 2<sup>nd</sup> approach for Joel Peterson on the July 5, 2023 County Board Consent Agenda.

### 2<sup>nd</sup> Approach Permits 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: 31-139-80-45-03-100    OWNER: PETERSON, JOEL & SHAWN M    ACRES: 4.049  
SITE ADDRESS: 6300 N WASHINGTON ST  
MAIL ADDRESS: 6300 N WASHINGTON ST, BISMARCK, ND 58503  
LEGAL: GREEN ACRES ESTATES Block 03 L10

**ITEM**

**# 7**

# PUBLIC HEARING



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission.  
Re: Amendments to Article 12 and Article 33 Burleigh County Zoning Ordinance.  
Date: 6-26-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

ORDINANCE 23-

Due to requests for relief from front yard setbacks associated with Collector Roads in Burleigh County it has been determined to amend Article 12 Section 5, by reducing the current 125' front yard setbacks to 115 feet to the center of ROW.

ITEM 2

ORDINANCE 23-

Because of problems associated with recordation of replats using the minor plat modification process, it has become necessary to amend Article 33 Section 12, by removing the current process and replacing it with a short form subdivision procedure.

**ACTION REQUESTED:**

The 2 ordinance amendments were presented to the Burleigh County Planning Commission with review of approval to a public hearing. It is recommended that the County Board adopt the proposed ordinances and move them to the final hearing on July 19<sup>th</sup> for formal adoption.

Attachments: Ex.1 Art. 12 Section 5\_draft 03  
Ex.2 Art. 33 Section 12\_draft 13

**ORDINANCE 23 --**  
**AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 12 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO SECTION 5**

**ARTICLE 12**

**R1 COUNTRY HOMES RESIDENTIAL DISTRICT REGULATIONS**

**Section 5. Front Yard**

Each lot shall have a front yard not less than forty (40) feet in depth on interior subdivision streets or local roads. Except when fronting a highway or collector road then the setbacks shall not be less than the following distance outlined below from the centerline of such roadways fronting the property:

<b>Primary Highway</b>	<b>Secondary Highway</b>	<b>Collector Road</b>
250 feet	200 feet	<del>125</del> 115 feet

**Section 3. REPEAL.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. 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 5. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Final passage and adoption:

I, Mark Splonskowski, do hereby certify that I am the duly elected auditor of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting of \_\_\_\_\_

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh County this \_\_\_\_\_ day of \_\_\_\_\_, 2023

Mark Splonskowski      Burleigh County Auditor/Treasurer

## ORDINANCE 23-04

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 33 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO SECTION 12 – MINOR CHANGES TO EXISTING PLATS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA:

**Section 1. Amendment** Article 33, Section 12 of the Zoning Ordinance is here by amended and re-enacted as follows:

### **~~Section 12. Minor Changes to Existing Plats~~**

~~All proposed changes to existing plats shall be submitted to the Planning and Zoning Department for review. Changes that affect more than three (3) lots shall proceed through the platting process described in Article 33. Changes within an existing plat that affect three (3) lots or less (and are ruled as minor changes by the Planning Department) may be made by meeting the following requirements: 1. The subdivider shall apply in writing on the required form to the Planning Department for approval of a minor plat modification at least thirty (30) days prior to the Board of County Commissioner's meeting at which it is to be acted upon.~~

- ~~2. The Planning Department will review the proposed changes with the County Planner, County Auditor and County Engineer and will compile their comments into a recommendation to the Board of County Commissioners.~~
- ~~3. After receipt of all items required for the application for approval of a minor plat modification, the Planning Department shall give notice of a public hearing on the proposed minor plat modification by advertising the time and place of the hearing in a newspaper of general circulation in the County of Burleigh once a week for two (2) weeks prior to the date of such hearing. The public hearing shall be conducted at a regular scheduled Board of County Commissioners meeting.~~
- ~~4. Not less than ten (10) days prior to the scheduled public hearing all known adjacent property owners within 1,320 feet shall be notified by letter of the hearing.~~
- ~~5. Following the public hearing, the Board of County Commissioners may approve, approve subject to certain stated conditions being met, or deny the application. If approved, changes will be recorded against all affected lots.~~

## **Section 12. ~~Short Form Subdivisions~~ Subdivision Plat (short form)**

It is the duty of the Planning Commission to discourage the subdividing of lands that conflict with existing Burleigh County ordinances and or NDCC.

### **1. Approval Criteria**

During the acceptance for review of a short form subdivision plat, the Planning and Zoning Department and County staff shall take the following considerations:

- a) No new public street is necessary for each lot to have access on to a public or private street.
- b) The plat does not include vacating a public street rights-of-way or easements, but may include a change to an existing non-access line.
- c) Proposed lots are contiguous with at least one other lot in the subdivision for a minimum distance of fifty (50') feet.
- d) No off-site improvements are necessary for utility service or drainage.
- e) No more than three (3) lots are involved
- f) The subject property must be zoned appropriately for the intended uses.
- g) Designs standards contained within Section 13. Storm Water Management or other sections of Article 33 as deemed necessary, shall be met by the proposed subdivision.

### **2. Application**

All changes to existing plats shall be submitted to the Planning and Zoning Department for review. Changes that affect more than three (3) lots shall proceed through the full platting process described in Article 33. Minor changes within an existing plat that affect three (3) lots or less shall proceed through the short form platting process, and be completed by meeting the following requirements:

- a) The applicant shall submit a completed Uniform Development Application to the Planning Department at least twenty-one (21) days prior to the meeting of the Planning and Zoning Commission at which time the final plat is to be considered. The application shall be submitted with:

- 1. The required fee, set in Article 25, Section 2

2. A checklist of final plat specifications as deemed necessary by the Planning Department to facilitate the plat review process.
  3. An attorney's opinion of title or similar document showing proof of ownership.
  4. An electronic copy of the final plat, in a PDF format and the number of physical copies, if any, requested by the Planning Department. The final plat shall meet all requirements in Article 33, Section 3, Item J and any additional technical specifications required in NDCC Section 40-50.1-01.
- b) An application is not considered complete until the application is signed by all property owners and representatives, fees are paid, and all required attachments are included

### 3. Final Plat Review

- a) After receipt of all items as required in Article 33 Section 5.3 for final approval, the Planning Department shall give notice of a public hearing on the proposed subdivision by advertising the time and place of the hearing in the official newspaper of Burleigh County once a week for two (2) consecutive weeks prior to the date of such hearing. Not less than ten (10) days prior to the date of such hearing, all known adjacent property owners within a minimum of 1,320 feet of the proposed subdivision shall be notified of the public hearing by letter.
- b) After the public hearing, the Planning and Zoning Commission will act upon the request for final approval. If the Planning and Zoning Commission approves the subdivision plat, such approval will be entered upon the tracing and will be signed by the Secretary and the Chairman of the Planning Commission. If the Planning Commission disapproves the subdivision plat, such action, together with the findings of facts therefore will be entered in the official records of the Planning and Zoning Commission and a copy of such record will be sent to the sub divider.
- c) A final plat that is approved by the Planning and Zoning Commission will be recommended for approval to the Board of County Commissioners. A final plat that is denied by the Planning and Zoning Commission will not be forwarded to the Board of County Commissioners; however, the sub divider has the right to appeal the decision of the Planning and Zoning Commission to the Board of County Commissioners in accordance with Article 2, Section 7.

#### 4. Final Approval

- a) If the Planning and Zoning Commission recommends approval with conditions of the final plat, the applicant shall then be given the opportunity to submit a revised final plat to address statements made by the Planning and Zoning Commission, within one hundred eighty (180) days of recommended approval and at least ten (10) days prior to the Board of County Commissioners meeting in which the final plat will be considered.
- b) After the Planning and Zoning Commission has made a recommendation, the Board of County Commissioners shall consider the final plat at the next regularly scheduled meeting, unless the applicant and Planning Director agree to defer to a later meeting. The Board of County Commissioners may make, one of the following decisions:
  1. Approve the final plat.
  2. Refer the final plat back to the Planning and Zoning Commission for the purpose of hearing additional testimony and gathering additional information. The Board of County Commissioners shall only exercise this option if there is found to be substantial additional information relating to the subdivision, which was not presented to the Planning and Zoning Commission.
  3. Disapprove the final plat, stating the reason for the disapproval.
- c) The decision and all supporting statements shall be recorded in the official records of the Board of County Commissioners. The decision of the Board of County Commissioners shall also be communicated in writing to the applicant.

#### 5. Plat Recordation

- a) Following final approval by the Board of County Commissioners, a final plat in recordable form shall be furnished to the County Planner within one hundred eighty (180) days. Extensions of up to one hundred eighty (180) days may be granted by the County Planner for good cause shown in writing. Upon review and obtaining required signatures, the final plat shall be returned to the sub divider for making copies and recording. The sub divider shall file and record the original signed final plat with the Burleigh County Recorder within one hundred eighty (180) days of receiving the signed final plat. Failure to file the signed original of the

approved final plat within said one hundred eight days (180) days shall constitute avoidance of approval of the final plat, with reinstatement only possible by final plat re-consideration by the Planning Commission and Board of County Commissioners. Extensions of one hundred eighty (180) days may be granted by the County Planner for good cause shown in writing. All final plats shall also be provided in digital format to Burleigh County's current computer aided drafting and geographic system software and policy, including coordinate system ties as defined within this zoning ordinance.

**Section 3. REPEAL** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. 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 5. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Final passage and adoption: \_\_\_\_\_

\_\_\_\_\_  
Becky Matthews  
Chair, Burleigh County Board of Commissioners

I, Mark Splonskowski, do hereby certify that I am the duly elected auditor of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting of \_\_\_\_\_

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh County this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Mark Splonskowski  
Burleigh County Auditor/Treasurer



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission.

Re: Resolution Against the Superseding of a Local Ordinance and Retainage of Legal Counsel

Date: 6-28-2023

From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Resolution 23-06

Because Summit Carbon Solutions considers our ordinance “overly restrictive”, SCS has petitioned the State of North Dakota Public Service Commission to supersede Burleigh County Zoning Ordinance Article 8 Section 27 requiring a Special Use Permit for Hazardous Liquid Pipelines.

SUGGESTED MOTION:

It is recommended that the County Board adopt the proposed resolution. Please see Attachment:  
Exhibit 1: RESOLUTION 23-06

ITEM 2

Legal Counsel

Due to meetings and communications with Randall Bakke and Bradley N. Wiederholt from the Law office of Bakke Grinolds Wiederholt, it has been suggested that Burleigh County retain the Law office of Bakke Grinolds Wiederholt to assist the States Attorney Julie Lawyer concerning Hazardous Liquid Pipelines.

SUGGESTED MOTION:

Retain the Law office of Bakke Grinolds Wiederholt concerning Hazardous Liquid Pipelines and the superseding of Burleigh County Ordinances.

**RESOLUTION 23-06**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
COUNTY OF BURLEIGH, NORTH DAKOTA  
Petition to the ND Public Service Commission**

**Whereas**, the Board of Burleigh County Commissioners is committed to ensuring the health and safety of Burleigh County's residents and

**Whereas**, the Board of Burleigh County Commissioners have amended the Burleigh County Zoning Ordinance to require certain conditions for the placement of HLP pipelines within its jurisdiction

**Now therefore be it resolved** that the Board of Burleigh County Commission are opposed to the superseding of our local zoning ordinance concerning the placement of HLP Pipelines, within our jurisdiction, by the ND Public Service Commission.

**Be it further resolved** the County Auditor is hereby authorized to file this resolution for record in the office of the County Recorder, Burleigh County, North Dakota.

Adopted this 5th day of July 2023

**CERTIFICATE**

I, Mark Splonskowski, do hereby certify that I am the duly elected, qualified, and acting County Auditor of the County of Burleigh, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted by the Board of County Commissioners at its regular meeting of July 5th, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the County of  
Burleigh, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 2023

---

Mark Splonskowski, County Auditor  
Burleigh County, North Dakota

**ITEM**

**# 8**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** ~~June 19, 2023~~ July 5, 2023 (Revised)

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Request to relinquish unused Platted Right of Way

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

**ACTION REQUESTED:**

Discuss request and direct staff on how to proceed.

**BACKGROUND:**

*In June of 2005, the Burleigh County Board approved and accepted all roadway right of way in the Misty Waters Subdivision. During the platting process the Developer was required to set aside 109.5' of Right of Way along Burnt Creek Loop. The County Highway Department has never used (and currently has no plans of using) this amount of Right of Way along Burnt Creek Loop and feels that our normal 75' of Right of Way would meet our needs. The owner of Lot 2, Block 01 Misty Waters Subdivision is planning on re-platting this lot and has requested that the Burnt Creek Loop Right of Way be reduced to 75'. Since the County currently owns this property we would be required to be part of the platting process (the property is within the ETA and will therefore be going through the City of Bismarck platting process). Before the current owner starts the process, they would like to know if Burleigh County is amenable to giving up some of the unused Right of Way and being part of the Platting process.*

OR

Would the County be willing to allow a vegetated buffer easement to be placed in our existing Right of Way (somewhere between 75' and 109.5' from our existing centerline) in order to allow the existing property to be used right up to our Right of Way line. The owner of Lot 2, Block 01 Misty Waters Subdivision would be responsible for all cost associated with the establishment and the maintenance of the proposed vegetated buffer.

**RECOMMENDATION:**

It is recommended that the Board direct staff on how to proceed.

**PROPOSED RESOLUTION:**

~~THEREFORE, BE IT RESOLVED: That Burleigh County is willing to give up unused Right of Way along Burnt Creek Loop adjacent to Lot 2, Block 01 Misty Waters Subdivision and to be part of the new re-plat of this property. All cost associated with this replat shall be paid for by the current owner of Lot 2, Block 01 Misty Waters Subdivision.~~

BURLEIGH COUNTY, NORTH DAKOTA  
AREA OF CONSIDERATION IN MISTY WATERS

N  
06/09/2023





# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## **Request for County Board Action**

**DATE:** July 5, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Developer Waiver Request

Please include this item on the next Burleigh County Board agenda.

### **ACTION REQUESTED:**

Review and Direct the County Highway Department on how to proceed with the Developer's request.

### **BACKGROUND:**

Under the current Pavement Policy, developers (owners of property that is being platted) are required to: "Proposed platted subdivisions will include the construction and paving of all internal roadways and adjacent section line roads, and the construction and paving of at least one roadway that connects into the existing paved highway system."

Marlin Kling, in the SE ¼ of Section 5, Rock Hill Township (see attached map), is proposing a two (2) lot subdivision (Klings Subdivision), and is requesting a waiver of the Pavement Policy. Under the Pavement Policy, the platting of this property would require them to pave a minimum of 0.5 miles of County/Township roadways within the Subdivision to reach the pavement on State Highway #36.

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

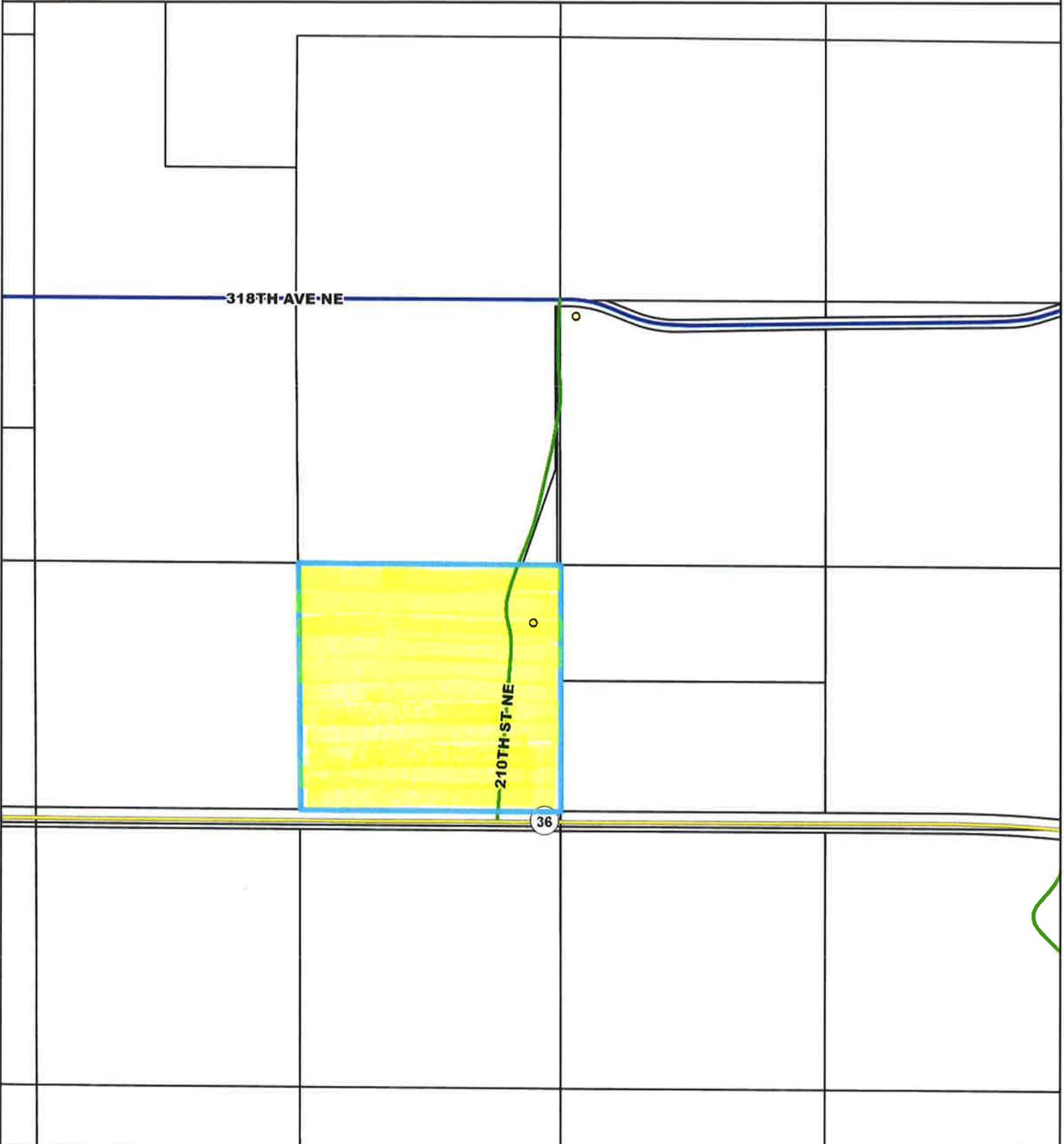
**RECOMMENDATION:**

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

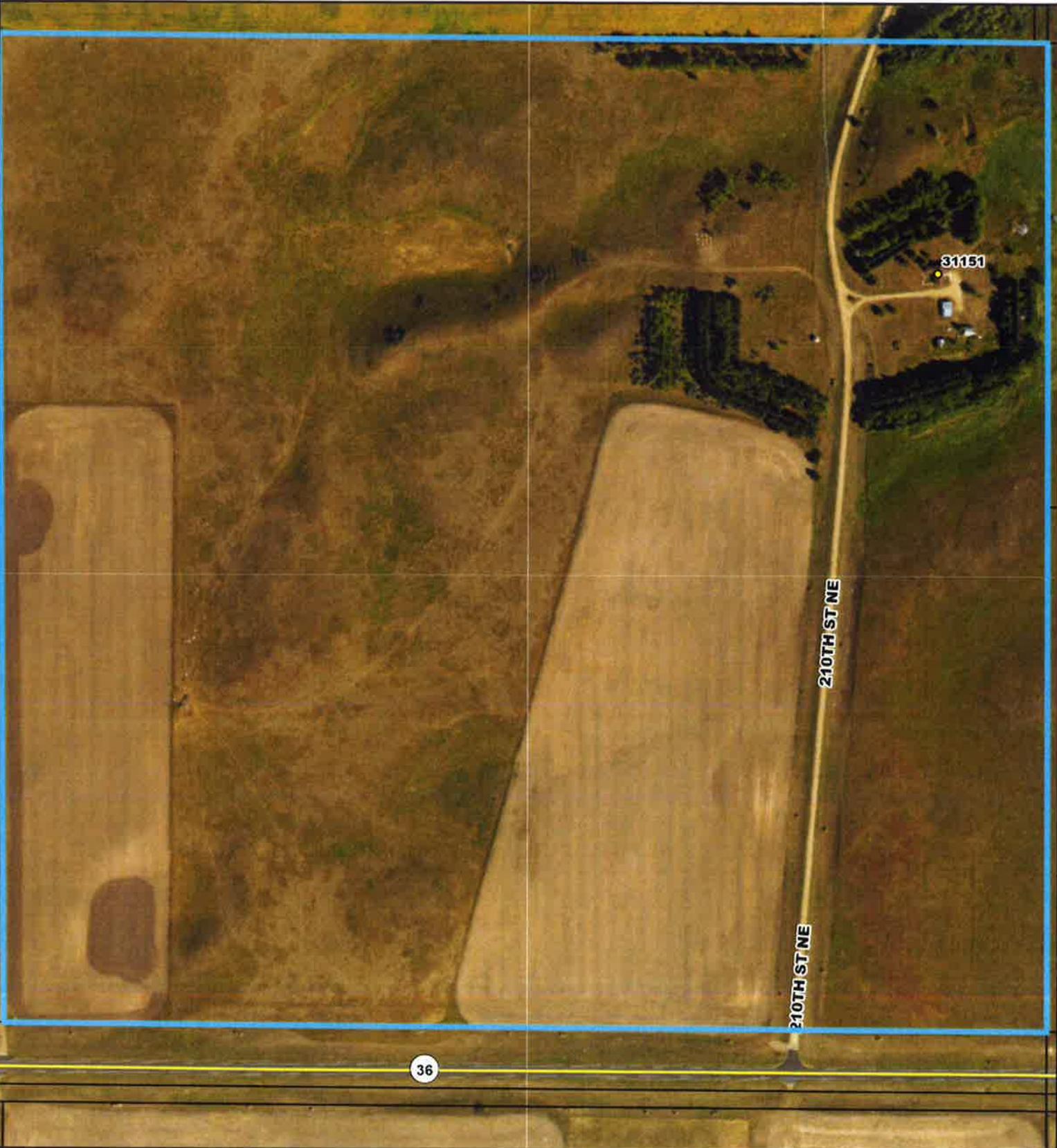
**PROPOSED RESOLUTION:**

THEREFORE BE IT RESOLVED: That the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future, and

THEREFORE, BE IT FURTHER RESOLVED: That the County Board of Commissioners do hereby grant Marlin Kling's request to waive the paving requirements "*paving of all internal roadways and adjacent section line roads*" listed in the Pavement Policy, in conjunction with the approval of the Klings Subdivision.



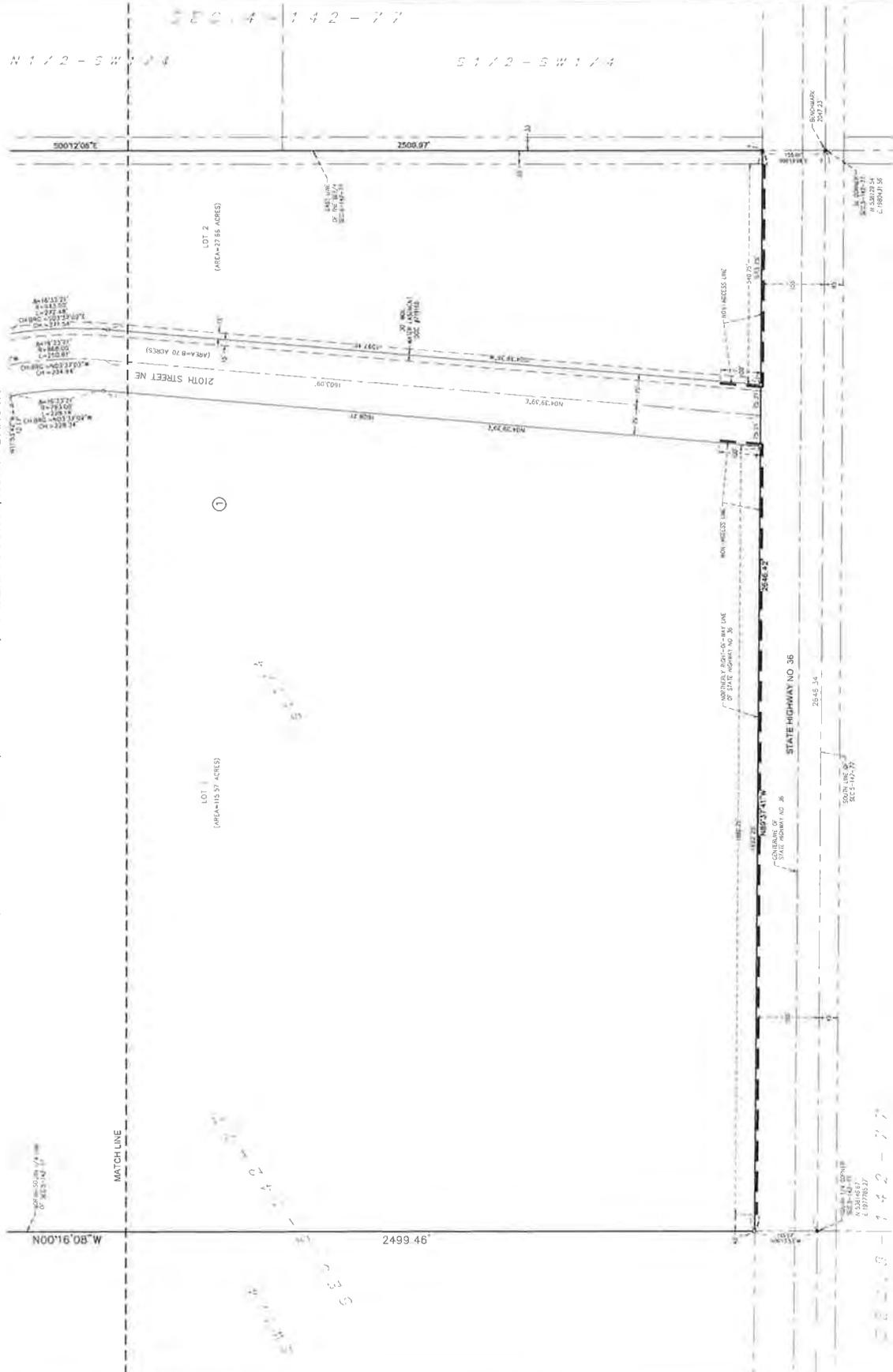
PARCEL ID: 27-142-77-00-05-800      OWNER: KLING, MARLIN      ACRES: 152.68  
SITE ADDRESS: 31151 NE 210TH ST  
MAIL ADDRESS: 930 SOUTHPORT LOOP, BISMARCK, ND 58504-7089  
LEGAL: ROCK HILL TOWNSHIP Section 05 SE1/4 LESS 7.32 ACRES R/W 599367 05-142-77



**PARCEL ID:** 27-142-77-00-05-800      **OWNER:** KLING, MARLIN      **ACRES:** 152.68  
**SITE ADDRESS:** 31151 NE 210TH ST  
**MAIL ADDRESS:** 930 SOUTHPORT LOOP, BISMARCK, ND 58504-7089  
**LEGAL:** ROCK HILL TOWNSHIP Section 05 SE1/4 LESS 7.32 ACRES R/W 599367 05-142-77



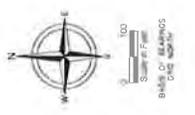
PLAT OF  
**KLINGS SUBDIVISION**  
 A PART OF THE SOUTHEAST 1/4 OF  
 SECTION 5, TOWNSHIP 142 NORTH, RANGE 77 WEST, BURLEIGH COUNTY, NORTH DAKOTA



**LEGEND**

- IRON MONUMENT FOUND
- ALUMINUM CAP (S-10871)

HORIZONTAL DATUM: BURLEIGH COUNTY GROUND COORDINATES  
 NAD 83  
 NAD 83 COORDINATE SYSTEM OF 1983 (NAD83(2011))  
 NO. SOUTH ZONE INTERNATIONAL FOOT DEFINITION  
 CONVERSION FACTOR: 0.999995



PROPERTY OWNER  
 930 250TH STREET LOOP  
 BISMARCK, ND 58504-7099  
 701.782.2377  
 3101 N.E. 203RD ST  
 BISMARCK, ND 58504-7099

FINAL PLAT DATE: 05-02-2023







# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** July 5, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** American Rescue Plan

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

**ACTION REQUESTED:**

Review request and direct staff on how to proceed.

**BACKGROUND:**

The City of Wing is requesting additional ARP funds for a wastewater treatment system project. See attached letter.

**RECOMMENDATION:**

It is recommended that the Board review the City of Wings requests and direct staff on how to proceed.

June 13, 2023

Marcus J. Hall  
County Engineer  
Burleigh County Highway Department  
8100 43<sup>rd</sup> Ave NE  
Bismarck, ND 58503

Dear Mr. Hall,

The City of Wing is respectfully requesting financial assistance from Burleigh County for dire improvements to the City's Infrastructure. The City has been proactive over the years replacing infrastructure and making improvements.

In 2019, the City completed a \$635,000 City-Wide Sanitary Sewer Rehabilitation Project. The project consisted of relining the sanitary sewer collection system with a Cured-In-Place-Pipe, and rehabilitated half of the sanitary sewer manholes in town.

In 2022, the City started a City-Wide Water Main Replacement project. The project is going well and will be completed this summer. The project consists of replacing all the water mains, water services, and the chemical feed building in the City. The City received \$1,000,000 of the \$3,444,000 total project budget from Burleigh County to complete this project. The City is very grateful for the funding and would not have been able to complete the work without the County's assistance.

After completion of the two projects, the City's water distribution system and wastewater collection system will be in excellent condition to serve the City for many years, but the cost of the projects has been a significant burden for the residents to take on.

The next major project for the City to undertake is their wastewater treatment system. The City is need of significant repairs to their wastewater treatment facility to sustainably serve the residents and prevent any environmental and health violations with their system.



Figure 2: Control Panel

### **Lift Station**

The existing city lift station is near the end of its useful life. The lift station was originally installed in 1958 and needs significant improvements and repairs. The controls and pumps and appurtenances are 20 years or older and need replacing.



Figure 1: Lift Station Structure



Figure 3: Wastewater Lagoon

### **Wastewater Lagoons**

The city wastewater lagoons need rehabilitation including berm repair and rip rap replacement for berm protection. The City is having capacity issues and had to emergency discharge their lagoons, so they did not overflow in the spring of 2023. The gate valves on the crossover pipes do not operate, so instead of operating in a 3-cell series like intended, the City's lagoons essentially operate as one large cell.

### **Sewer Collection**

Within town, there is a storm sewer inlet that was connected to the city's sewer system. This is against today's codes for the city sewer system. We also believe this is a contributing factor to why the City has capacity issues with the lagoons. The City has already had multiple lagoon discharges related to this issue.

### **Conclusion**

The City's requests \$1.2 million in financial assistance from the County to address these issues. Any further direction and consideration from the County on this matter is greatly appreciated by the City of Wing.

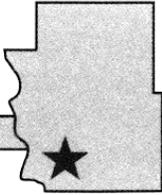
Sincerely,

A handwritten signature in black ink that reads "Julie Hein".

Julie Hein,  
Mayor  
City of Wing

**ITEM**

**# 9**



Request for County Board Action

**DATE:** July 5th, 2023

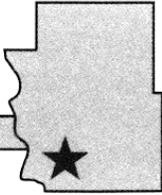
**TO:** Mark Splonskowski  
County Auditor/ Treasurer

**FROM:** Steve Schwab  
County Commissioner

**RE:** Discussion on KX news report about Commissioner Schwab regarding Summit Carbon Solutions.

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

**KX News television report on Commissioner Schwab's remarks regarding Summit Carbon Solutions Pipeline contain several concerning statements that need to be corrected. Actions from the Commission regarding this news cast will be discussed.**



Request for County Board Action

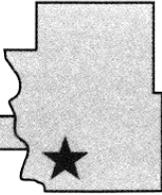
**DATE:** July 5th, 2023

**TO:** Mark Splonskowski  
County Auditor/ Treasurer

**FROM:** Steve Schwab  
County Commissioner

**RE:** Discussion on submitting a letter to the Public Service Commission.

**Request:** Discuss drafting and submitting a letter to the Public Service Commission requesting the release of Plume models for emergency preparedness planning.



Request for County Board Action

**DATE:** July 5th, 2023

**TO:** Mark Splonskowski  
County Auditor/ Treasurer

**FROM:** Steve Schwab  
County Commissioner

**RE:** Discussion on the letter requesting the investigation of the owners of the Summit Carbon Solutions Pipeline to State's Attorney General.

**History:** Senator Jeff Magrum presented a letter to the Commission on June 5<sup>th</sup> to be sent to the States Attorney General requesting the investigation into the ownership of the Summit Carbon Solutions Pipeline in accordance with HB 1135 and SB 2371. The Attorney General did not enforce this request because HB 1135 and SB2371 do not take effect until August 1, 2023.

**Request:** Discuss resubmitting the letter of request on August 1, 2023.

Honorable Drew Wrigley  
Attorney General  
ND State Capitol

Dear Attorney General Wrigley:

Recently, two bills were passed by the North Dakota Legislature and signed by the Governor to protect North Dakota agricultural land and real property from foreign ownership and development by foreign adversaries. HB1135 was passed with a vote of 90-1 in the ND House of Representatives and a unanimous vote of 47-0 in the ND Senate and signed by the Governor. SB2371 was passed with a vote of 83-8 in the ND House of Representatives and a unanimous vote of 47-0 in the ND Senate and signed by the Governor.

A proposed Carbon Dioxide Pipeline in the state of North Dakota is requested to be built by Summit Carbon Solutions (SCS) and is under review by the ND Public Service Commission. Questions have been asked at the PSC public hearings about who the investors are in the proposed carbon pipeline. The PSC at the hearings requested that Summit provide information on the investors but Summit has provided minimal information about its investors, disclosing the names only of five investors. But its Chief Operating Officer, James Powell, admits there are many more investors. A copy of the documents provided to the PSC disclosing just five investors is attached. One of the investors Summit disclosed is TPG Rise. TPG Rise, according to various articles, has a major investor in it known as the China Silk Road Fund. The China Silk Road Fund is directly owned by the Chinese government. This appears to be a direct violation of both HB1135 and SB2371, and we request you to investigate this. Another investor in TPG Rise is Saudi Arabia's Public Investment Fund, which would be in violation of HB1135. Another investor identified by Summit to the PSC is SK Group, which appears to be South Korean company, or at least affiliated with a South Korean company. This appears to be a violation of HB1135. A letter filed with the Iowa Utilities Board outlining further concerning details about SK Group or its affiliated companies, which we request you to investigate, is attached. Although Summit has not disclosed the amount of SK Group's investment in the Summit pipeline, word is that the investment is \$110 million. And we understand that TPG has invested \$300 million, making it the largest investor in the Summit pipeline. All told there is said to be 464 investors in the Summit pipeline, but Summit has only disclosed five investors to the PSC.

Realizing the new laws referred to will not be enacted until August 1, the legislative intent is clear as well as the Governor's intention. We respectfully ask for an Attorney General investigation into the investors of the proposed SCS carbon pipeline.

Sincerely,

***Senators***

Jeffery J. Magrum  
Doug Larsen  
Robert Paulson  
Kent Weston  
Jeff Barta

***Representatives***

SuAnn Olson  
Brandon Prichard  
Karen Anderson  
Cole Christensen  
Dan Ruby

Michael Dwyer

Judy Estenson

Shawn Vedaa

Tim Mathern

Dave Clemens

Nico Rios

Kelby Timmons

Matthew Heilman

Lori VanWinkle

Jeff Hoverson

Larry Bellew

Scott Dyk

Ben Koppleman

Donna Henderson

Kathy Frelich

Bill Tveit

Jorin Johnson

Mike Motschenbacher

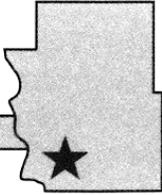
Lisa Meier

Andrew Marschall

Dawson Holle

**ITEM**

**# 10**



## Request for County Board Action

**DATE:** July 5, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Justin Schulz  
Deputy Finance Director

**RE:** Approval of Burleigh County Bidding Policy

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

**ACTION REQUESTED:**

Approval of Burleigh County Bidding Policy to be added to the Burleigh County Finance Manual.

**BACKGROUND:**

Burleigh County Department Heads have asked for a Bidding Policy that consolidates the “major” bid related items.

**RECOMMENDATION:**

It is recommended the Board adopt the attached proposed resolution.

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the County Board approve the Burleigh County Bidding Policy to be placed in the Burleigh County Finance Manual.

## BIDDING POLICY

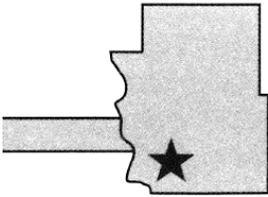
### GENERAL

- A. It shall be the policy of the Burleigh County Commissioners to:
  - a. Require departments of Burleigh County to comply with all statutes regarding bidding of equipment and hiring of services.
    - i. A graph below outlines the “major” items noted in North Dakota Century Code.
- B. This policy shall be in effect for all departments receiving an annual appropriation from the county commission.

Bid Item	Bid Threshold	North Dakota Century Code	Newspaper Advertisement
Highway Road Construction Projects	\$50,000 - \$200,000	N/A	Informal - seek at least 2 bids unless emergency then no bid required
Highway Road Construction Projects	\$200,000	<a href="#">24-05-04(1)</a>	2 consecutive weeks; at least 15 days prior to bid opening
Public Improvement Architect and Engineering	\$200,000	<a href="#">48-01.2-04</a>	3 consecutive weeks; at least 21 days prior to bid opening
Public Improvement Construction (Building)	\$200,000	<a href="#">48-01.2-02.1 &amp; 48-01.2-02.04</a>	3 consecutive weeks; at least 21 days prior to bid opening
New County Road Machinery	\$100,000	<a href="#">24-05-04(2)</a>	2 consecutive weeks; at least 15 days prior to bid opening
Machinery Lease	Limited to 7 years	<a href="#">24-05-04(3)</a>	2 consecutive weeks; at least 15 days prior to bid opening
Bridges	\$200,000	<a href="#">24-08-03.2 &amp; 24-08-01</a>	2 consecutive weeks; at least 15 days prior to bid opening
Bidding of Fuel	\$4,000	<a href="#">11-11-26</a>	2 consecutive weeks OR at least 2 by telephone
Bid Bond requirement	N/A	<a href="#">11-11-28 &amp; 48-01.2-05</a>	Separate envelope: sum of 5% or a cashier's check

**ITEM**

**# 11**



Request for County Board Action

**DATE:** July 5, 2023  
**TO:** Burleigh County Commission  
**FROM:** Mark Splonskowski  
County Auditor/Treasurer  
**RE:** City/County Building and Courthouse Leases with Burleigh County

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

**REQUEST:**

Consider approval of the City/County Building and Courthouse leases with Burleigh County.

**BACKGROUND INFORMATION:**

Burleigh County has requested a rate adjustment from \$15.00/sq.ft. to \$13.00/sq.ft. for the space we lease in the City/County Building. At the May 15<sup>th</sup>, 2023, Commission meeting, the County Commission approved presenting the proposed lease rate of \$13.00/ sq. ft. for both the City/County Building and the County Courthouse to the combined Commissions Committee. The Bismarck Burleigh Commissions Committee has been discussing the proposed change to the current City/County Building lease over the course of several meetings. The Committee has reached a consensus on the new rate of \$13.00/sq.ft. The Committee recommended the new rate of \$13.00/sq.ft. be considered for approval by the City Commission and Burleigh County Commission. The City Commission approved the adjustment to the City/County building lease at their June 13<sup>th</sup> meeting and approved the adjustment to Courthouse lease at their June 27<sup>th</sup> meeting.

**RECOMMENDED ACTION:**

Approve the amended City/County Building and Courthouse leases.

## LEASE AGREEMENT

This lease agreement is made and entered into by and between the City of Bismarck, hereinafter referred to as "**Landlord**," and the county of Burleigh, hereinafter referred to as "**Tenant**."

1. **Lease of Premises.** The **Landlord**, in consideration of the rent to be paid and the covenants to be performed by the **Tenant**, does hereby lease to the **Tenant** the following-described premises situated in the City of Bismarck, Burleigh County, North Dakota:

First floor and one storage space in the basement of the building known as the City/County Building, located at 221 North 5<sup>th</sup> Street, Bismarck, North Dakota, and consisting of approximately 14,967.75 square feet, including only the area shown on Exhibit "A," attached hereto and made a part of this lease.

2. **Term of Lease.** The term of this lease shall be for a period of one year, commencing on the first day of January 1, 2024, and terminating on the last day of December, 2024. This Lease Agreement shall automatically renew for additional one-year periods, on the same terms and conditions, upon the expiration of the original or renewed term.

During the initial or renewed term of this Lease Agreement, the **Tenant** shall have the unilateral right to terminate the lease by giving 180 days' notice of its intent to cancel the lease and vacate the premises. This lease will not allow month-to-month tenancy and shall terminate at the end of the term. The parties can execute a new lease or vacate the premises.

Failure to pay the Rental Payments below on the dates indicated, which if it continues for a period of ten (10) days after written demand by the **Landlord** for payment, shall be a considered a default and result in termination of the lease.

3. **Rental Payments.** The **Tenant** agrees to pay as rental for the premises \$13.00 per square foot for a total of \$194,580.75 (14,967.75 square feet x \$13.00 per square foot) on an annual basis during the term of this lease. Rental payments are payable monthly on the 1<sup>st</sup> of each month in advance of occupancy or in installments as the parties hereto may agree in writing.

4. **Improvements and Remodeling.** The **Tenant** agrees to assume the cost of improvements or remodeling necessary or desired in those

areas leased by the **Tenant**. All proposed improvements shall be subject to prior written approval by the **Landlord**.

5. **The Landlord's Obligations.** The **Landlord** agrees as follows:

a. To provide commercially reasonable utility service to the leased premises, excluding telephone and internet.

b. To comply with the requirements of applicable building and housing codes materially affecting health and safety and to comply with all applicable laws of this state and ordinances of the City of Bismarck in force from time to time relating to the leased premises and **Landlord's** obligations thereto.

c. To keep all common areas of the premises in a clean and safe condition.

d. To furnish janitorial services.

6. **The Tenant's Obligations.** The **Tenant** agrees as follows:

a. To use commercially reasonable amounts of utilities for its operations and **Tenant's** uses only.

b. To pay the rental when due.

c. To keep the leased premises in a clean, safe, and healthful condition, and to maintain the leased premises in such repair as the same is at the time of initial occupancy during the term of the lease, save and except only reasonable use and wear, and damage by fire and unavoidable casualty.

d. Not to make or suffer any unlawful, improper, or offensive use of the premises, and to keep and observe all of the laws of this state and the ordinances of the City of Bismarck in force from time to time relating to the leased premises or the use thereof.

e. To permit the **Landlord** at all reasonable times to enter upon and examine the premises and to make such repairs as may be thought necessary by the County for the protection of the premises.

f. To surrender the leased premises to the **Landlord** at the expiration of the Lease Agreement in as good condition and repair as the same were in when the premises were occupied,

reasonable wear and tear and damage by fire or other unavoidable casualty only excepted. Also, in default of the payment of any rents due or failure to perform any of the terms or conditions of this lease, then to surrender premises upon demand made by the **Landlord**. Upon expiration of the Lease Agreement, the **Tenant** grants to the **Landlord** the right of reentry to such premises, should the option to extend the lease not be exercised.

g. To pay for its share of janitorial services. The **Tenant's** share of the janitorial services shall be computed based upon the total square footage leased by the **Tenant** as a percentage of the total usable square footage in the building. The **Tenant** agrees to pay its share of the cost of janitorial services promptly when due.

h. **TENANT** shall permit no signs to be placed outside the Leased Premises unless approved in writing by the Renaissance Zone Authority Board acting as the Downtown Design Review Committee, except what is presently on the building.

7. **Termination of Lease in the Event of Destruction of Premises.** It is agreed that in the event the leased premises are destroyed or damaged by fire or the elements to the extent they should be un-tenantable, then this lease shall immediately terminate, unless the **Landlord**, within 20 days of the happening of such event, gives notice of intention to restore the building and restore possession of the leased premises to the **Tenant**, and shall fully restore such premises within a reasonable time thereafter, provided, that during the term between destruction and restoration the payment of such rent shall be suspended.

8. **Assignment.** This lease may not be assigned or sublet by the **Tenant** without the prior written consent of the **Landlord**. This lease shall not terminate by reason of any sale of the premises by the **Landlord** to third parties, but shall continue throughout the entire term.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

CITY OF BISMARCK, NORTH DAKOTA

\_\_\_\_\_  
Keith Hunke  
City Administrator

\_\_\_\_\_  
Micheal T. Schmitz, President  
Board of City Commissioners

STATE OF NORTH DAKOTA     )  
  ) SS.  
COUNTY OF BURLEIGH        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared Michael T. Schmitz, President of Board of City Commissioners, and Keith Hunke, City Administrator, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary Public

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

BURLEIGH COUNTY, NORTH DAKOTA

\_\_\_\_\_  
Mark Splonskowski  
County Auditor/Treasurer

\_\_\_\_\_  
Becky Matthews, Chair  
Board of County Commissioners

STATE OF NORTH DAKOTA     )  
  ) SS.  
COUNTY OF BURLEIGH        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared Becky Matthews, Chair of Board of County Commissioners, and Mark Splonskowski, County Auditor/Treasurer, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary Public

## LEASE AGREEMENT

This lease agreement is made and entered into by and between the City of Bismarck, hereinafter referred to as "**City**," and the county of Burleigh, hereinafter referred to as "**County**."

1. **Lease of Premises.** The **County**, in consideration of the rent to be paid and the covenants to be performed by the **City**, does hereby lease to the **City** the following-described premises situated in the City of Bismarck, Burleigh County, North Dakota:

First floor of the building known as the Burleigh County Courthouse, more specifically known as Bismarck Municipal Court, located at 514 East Thayer Avenue, and consisting of approximately 2712 square feet, including only the area shown on Exhibit "A," attached hereto and made a part of this lease.

2. **Term of Lease.** The term of this lease shall be for a period of one year, commencing on the first day of ~~January~~June, 20~~24~~09, and terminating on the last day of ~~May~~December, 20~~24~~10. This Lease Agreement shall automatically renew for additional one-year periods, on the same terms and conditions, upon the expiration of the original or renewed term.

During the initial or renewed term of this Lease Agreement, the **City** shall have the unilateral right to terminate the lease by giving 30 days' notice of its intent to cancel the lease and vacate the premises.

3. **Rental Payments.** The **City** agrees to pay as rental for the premises ~~\$134.00~~ per square foot for a total of ~~\$10,848.00~~35,256.00 (2712 square feet x ~~\$134.00~~ per square foot) on an annual basis during the term of this lease. Rental payments are payable annually or in installments as the parties hereto may verbally agree.

4. **Improvements and Remodeling.** The **City** agrees to assume the cost of improvements or remodeling necessary or desired in those areas leased by the **City**. All proposed improvements shall be subject to prior approval by the **County**.

5. **The County's Obligations.** The **County** agrees as follows:

a. To provide utility service to the leased premises, excluding telephone.

b. To comply with the requirements of applicable building and housing codes materially affecting health and safety and to comply with all applicable laws of this state and ordinances of the **City** in force from time to time relating to the leased premises and landlord's obligations thereto.

c. To keep all common areas of the premises in a clean and safe condition.

d. To furnish janitorial services.

6. **The City's Obligations.** The **City** agrees as follows:

a. To pay for its share of the utilities. The **City's** share of the utilities shall be computed based upon the total square footage leased by the **City** as a percentage of the total usable square footage in the building.

b. To pay the rental when due.

c. To keep the leased premises in a clean, safe, and healthful condition, and to maintain the leased premises in such repair as the same is at the time of initial occupancy during the term of the lease, save and except only reasonable use and wear, and damage by fire and unavoidable casualty.

d. Not to make or suffer any unlawful, improper, or offensive use of the premises, and to keep and observe all of the laws of this state and the ordinances of the City of Bismarck in force from time to time relating to the leased premises or the use thereof.

e. To permit the **County** at all reasonable times to enter upon and examine the premises and to make such repairs as may be thought necessary by the County for the protection of the premises.

f. To surrender the leased premises to the **County** at the expiration of the Lease Agreement in as good condition and repair as the same were in when the premises were occupied, reasonable wear and tear and damage by fire or other unavoidable casualty only excepted. Also, in default of the payment of any rents due or failure to perform any of the terms or conditions of this lease, then to surrender premises upon demand made by the **County**. Upon expiration of the Lease Agreement, the **City** grants to the **County** the right of reentry to such premises, should the option to extend the lease not be exercised.

~~g. To pay for its share of janitorial services. The City's share of the janitorial services shall be computed based upon the total square footage leased by the City as a percentage of the total usable square footage in the building. The City agrees to pay its share of the cost of janitorial services promptly when due.~~

7. **Termination of Lease in the Event of Destruction of Premises.** It is agreed that in the event the leased premises are destroyed or damaged by fire or the elements to the extent they should be untenable, then this lease shall immediately terminate, unless the **County**, within 20 days of the happening of such event, gives notice of intention to restore the building and restore possession of the leased premises to the **City**, and shall fully restore such premises within a reasonable time thereafter, provided, that during the term between destruction and restoration the payment of such rent shall be suspended.

8. **Assignment.** This lease may not be assigned or sublet by the **City** without the prior written consent of the **County**. This lease shall not terminate by reason of any sale of the premises by the **County** to third parties, but shall continue throughout the entire term.

Dated this \_\_\_\_ day of \_\_\_\_\_, 202309.

ATTEST:

CITY OF BISMARCK, NORTH DAKOTA

~~William C. Wocken~~ Keith Hunke  
T. Schmitz, President  
City Administrator

~~John Warford~~ Michael  
Board of City Commissioners

Dated this \_\_\_\_ day of \_\_\_\_\_, 202309.

ATTEST:

BURLEIGH COUNTY, NORTH DAKOTA

~~Kevin J. Glatt~~ Mark Splonskowski  
~~Peluse~~ Becky Matthews, Chairman  
County Auditor/Treasurer

~~James~~  
Board of County Commissioners



## Burleigh County Board Appointments

<i>Bismarck Planning Commission – 5 year term</i>		
<b>Paul Levchak</b> (County Appointed)	(2019)	12/31/2023
<b>Trent Wangen</b> (County Appointed)	(2020)	12/31/2024
<b>Robert Field</b> (County Appointed)	(2023)	12/31/2027
<b>Brian Bitner</b> (County Appointed)		
<b>Cole Johnson</b>		
<b>Daniel Lukens</b>		
<b>Gabe Schell</b>		
<b>Mike Schmitz</b>		
<b>Wendy VanDuyne</b>		
<b>Paul Zent</b>		
<b>Mike Schwartz</b>		
<i>County Planning Commission – 4 year term</i>		
<b>Bea Streifel</b>	(2020)	12/31/2023
<b>Dennis Agnew</b>	(2020)	12/31/2023
<b>Dale Patrick</b>	(2019)	12/31/2025
<b>Alvie Jarratt</b>	(2021)	12/31/2025
<b>Brian Zuroff</b>	(2020)	12/31/2025
<b>Steve Marquart</b>		
<b>Mike Schmitz</b>		
<b>Brian Bitner</b>		
<b>Wayne Munson</b>		
<i>County Housing Authority – 5 year term</i>		
<b>Arlene Olson</b>	(2003)	12/31/2023
<b>Cynthia Chavez</b>	(2020)	12/31/2024
<b>Lois Sundquist</b>	(2020)	12/31/2025
<b>Steven Sathre</b>	(2017)	12/31/2026
<b>Sister Kathleen Atkinson</b>	(2015)	12/31/2027
<i>Human Service Zone Board – 3 year term</i>		
<b>Tracy Famias</b>	(2020)	11/30/2023
<b>James Hulm</b>	(2020)	11/30/2023
<b>Leslie Percy</b>	(2021)	11/30/2024
<b>Dick Dever</b>	(2021)	11/30/2024
<b>Trevor Vannett</b>	(2021)	11/30/2024
<b>Gaylynn Becker</b>	(2020)	11/30/2025
<b>Chelsea Flory</b>		
<b>Becky Matthews</b>		
<i>Lincoln City Planning Commission – 5 year term</i>		
<b>Elizabeth Flemming</b>	(2017)	12/31/2026
<i>County Park Board – 3 year term</i>		
<b>Jeffery Herman</b>	(2021)	12/31/2024
<b>Errol Behm</b>	(2019)	12/31/2024
<i>School District Reorganization – 3 year term</i>		
<b>Kim Birkeland</b>	(2011)	6/30/2024
<b>Brenda Blazer</b>	(2011)	6/30/2024
<b>Joyce Falkenstein</b>	(1995)	6/30/2024
<b>Dawn Aberle</b>	(2016)	6/30/2025
<b>Linda MacDonald</b>	(2007)	6/30/2025

## Burleigh County Board Appointments

<i>Special Assessment Commission – 6 year term</i>		
<b>Lee Lunde</b>	(2007)	3/31/2025
<b>Jeff Eslinger</b>	(2015)	3/31/2027
<b>Mike Heim</b>	(2005)	3/31/2029
<i>Water Management Board – 3 year term</i>		
<b>Cory Palm</b>	(2020)	12/31/2023
<b>Randall Binegar</b>	(2021)	12/31/2024
<b>Roger Smith</b>	(2021)	12/31/2024
<b>Dennis Reep</b>	(2014)	12/31/2025
<b>James Landenberger</b>	(2017)	12/31/2025
<i>Weed Control Board – 4 year term</i>		
<b>David Nehring</b>	(2020)	12/31/2023
<b>Greg Anderson</b>	(2022)	12/31/2023
<b>Larry Falkenstein</b>	(2021)	12/31/2025
<b>Denise Brown</b>	(2022)	12/31/2025
<b>Cole Anderson</b>	(2012)	12/31/2025

### ***Officials Appointed to Serve at the Pleasure of the Board***

<b>Joshua Seil</b>	County Coroner	11/30/2027
<b>Mary Senger</b>	Emergency Manager/Disaster Preparedness Director	
<b>Marcus J Hall</b>	Engineer	
<b>Kelly Leben</b>	Jail Administrator	
<b>Pamela Binder</b>	Safety/Risk Management Director & Human Resource Director	
<b>Chelsea Flory</b>	Human Service Director	
<b>Al Vietmeier</b>	Tax Equalization Director/County Assessor	
<b>Mark Landis</b>	Veterans Service Officer	
<b>Tyler Kralicek</b>	County Agent	
<b>Mitch Flanagan</b>	Building Official/Director	



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

July 19, 2023

**8:30 A.M** *Invocation by Chaplain*

### COUNTY PARK BOARD

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Consideration and approval of the June 5<sup>th</sup>, 2023, meeting minutes and bills.
4. Update on Steckel Landing grant application.
5. Other Business:
6. Adjourn.

### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Public Comment. (Restricted to items on the agenda not including public hearing items.)
5. Consideration and approval of the July 5, 2023, meeting minutes and bills.
6. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
  - c. Access permits.
7. Daniel Nairn.
  - a. Update on Renaissance Zone Program
8. County Planning Director Mitch Flanagan:
  - a. Zoning authority for Glenview Township.

- b. Aberle Park Subdivision.
- c. OHV Ordinance.

9. Chair Matthews:

- a. Update on OHV ordinance.

10. Commissioner Munson

- a. Consideration of remaining applicants for the Home Rule Charter Committee.

11. Human Resources Director Pam Binder

- a. County Finance Director Position.

12. Marcus Hall.

- a. American Rescue Plan

13. County Deputy Finance Director Justin Schulz.

- a. County bidding policy.

14. County Auditor/Treasurer Mark Splonskowski

- a. Lawsuit update.
- b. Bismarck Tire parking lot sale review.
- c. City/County leases.

15. Deputy Finance Director Justin Schulz:

- a. Preliminary budget review.
- b. Motion to adopt preliminary budget and call for final budget hearing September 20, 2023.

16. Julie Lawyer.

- a. Letter to the Public Service Commission regarding Plume models.

17. Other Business:

18. Adjourn.

**Meeting will begin at 8:30 AM July 19, 2023 and will run until adjourned or 2:50 PM at the**



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 5<sup>th</sup> St, Bismarck

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**latest. If needed the Commission will recess and reconvene at 8:30 AM July 20, 2023**

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax

**COUNTY  
PARK  
BOARD**

BURLEIGH COUNTY PARK BOARD

MEETING MINUTES

June 5, 2023

5:00 P.M

Chair Matthews called the Burleigh County Park Board meeting to order.

A roll call of members; Commissioners Woodcox, Munson, Bitner, Behm, Schwab, and Chair Matthews present, Comm. Herman absent.

Motion by Comm. Munson, 2<sup>nd</sup> Comm. Woodcox to approve the May 1<sup>st</sup>, 2023, meeting minutes and bills. All members present voted "AYE," motion carried.

Bismarck Parks and Recreation Operations Director Dave Mayer presented an update on the boat ramps. All county ramps are open, and docks are in and adjusted. The Steckel ramp had to have a dock repaired. The application to the Corps of Engineers for a permit to dredge the area around Kimball bottoms ramp has been submitted. Dave Mayer also updated the Commission on the status on the ND Game and Fish request that the asphalt from the old Kimball bottoms boat ramp be removed, due to parts of it breaking off into the river, as well as causing the silt build up on the new ramp. He also informed that the AARP grant for the Steckel boat ramp was not awarded to Burleigh County.

Meeting adjourned.

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Mark Splonskowski, Auditor/Treasurer

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Becky Matthews, Chairman

**COUNTY**

**COMMISSION**

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
JULY 5, 2023**

**5:00 P.M**

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

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to approve the agenda. All members present voted, "AYE." Motion carried. Chair Matthews opened the meeting for public comment, no one appeared for public comment. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner to approve June 19<sup>th</sup>, 2023, minutes and bills. All members present voted, "AYE." Motion carried.

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

<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
Ryan Mitzel	2021	Lot 20, Block 4, Sonnet Heights Subdivision	Error in property description	\$295,500	\$250,400
Ryan Mitzel	2022	Lot 20, Block 4, Sonnet Heights Subdivision	Error in property description	\$312,200	\$267,100
Daniel & Jamie Kinsella	2023	Lot 35, Block 2, Wachter's 6th	Error in property description	\$397,300	\$371,000
Aja Baker	2023	2002 Highland 28'x76' Ser #HQ10576AD	Fire	\$84,907	\$35,378
Brittney Meyer	2023	Lot 19A, Block 2, South Meadows Addition	Error in property description	\$342,000	\$310,100
Durwood & Sandy Geier	2023	Unit 1810, Grandview Heights Condominium, Lots 17-20, Block 3, Grandview Heights	Error in property description	\$283,300	\$245,800
Rocky Ridge Limited Partnership	2021	S1/2NE1/4 including Outlot A 14-140-81	Farm Exemption	\$62,900	\$22,700
Rocky Ridge Limited Partnership	2022	S1/2NE1/4 including Outlot A 14-140-81	Farm Exemption	\$62,900	\$22,700
Pamela Kiemele	2021	Unit 1, Calgary Condominiums, Lot 3, Block 1, North Hills 7th	60% Homestead	\$173,900	\$98,900
Pamela Kiemele	2022	Unit 1, Calgary Condominiums, Lot 3, Block 1, North Hills 7th	60% Homestead	\$184,700	\$109,700

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schwab to approve the Mitzel (2), Kinsell, Baker, Meyer, Geier, Rocky Ridge Limited Partnership (2), and Kiemele abatements along with the remainder of the Consent Agenda. All members present voted, "AYE." Motion carried.

Burleigh County Planning Director Mitch Flanagan presented a public hearing on the proposed resolution to amend Articles 12 and 33. Chair Matthews opened the public hearing, no one came forward to address the Commission and Chair Matthews closed the public hearing. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to close the public hearing and approve the proposed resolutions. All members present voted, "AYE." Motion carried. Director Flanagan presented a request to adopt a resolution that the Board of County Commission is opposed to the superseding of our local zoning ordinances concerning the placement of HLP pipelines, within our jurisdiction, by the ND Public Service Commission. He also presented the suggested motion that the County retain the legal office of Bakke Grinolds Wiederholt concerning Hazardous Liquid Pipelines and the superseding of Burleigh County Ordinances. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to table both items. All members present voted, "AYE." Motion carried.

County Engineer Marcus Hall presented a request to allow the owners of the property next to the right of way in Misty Waters subdivision to plant a vegetative buffer outside the 75 foot right of way with the conditions that the owners pay to plant and maintain it. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to approve the request. All members present voted, "AYE." Motion carried. Engineer Hall presented a Developer Waiver request in Rock Hill Township. Motion by Comm. Bitner 2<sup>nd</sup> by Comm. Woodcox to approve the resolutions. All members present voted, "AYE." Motion carried. Engineer Hall presented a request from the City of Wing for the use of 1.2 million dollars of ARPA funds to be used for their wastewater treatment system. The Commission requested to table the item and receive more information on the project.

Comm. Schwab presented concerns about a newscast by KX News that had errors in it about the statements made by Comm. Schwab during the June 19<sup>th</sup> commission meeting. KX news Director Joe Renaldi came before the Commission and explained the errors in the news articles. He apologized for the errors and stated that a redaction had been posted as well as a correction in a newscast. Comm. Bitner and Schwab thanked Mr. Renaldi for the clarification. Comm. Schwab presented a request for the resending of a request to the States Attorney General to investigate the ownership of the Summit Carbon Solutions Pipeline, to be sent August 1<sup>st</sup>, 2023. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner to approve the resending of the letter. All members present voted, "AYE." Motion carried. Comm Schwab presented a request to draft a letter to the Public Service Commission requesting the release of Plume model information for emergency preparedness planning. Motion by Comm. Schwab 2<sup>nd</sup> by Comm. Bitner to direct States Attorney Julie Lawyer to draft a letter requesting the PSC to release PLUME models for emergency preparedness planning. All members present voted, "AYE." Motion carried.

County Deputy Finance Director Justin Schulz presented a request to adopt an updated bidding policy based on updates set down from state statute. Deputy Director Schulz clarified that this would not affect the procurement of items, just the requirements on the bidding process of the County. Comm. Bitner and Schwab requested to table the item for clarification on the policy and a definition of emergency.

County Auditor/Treasurer Mark Splonskowski presented the updated lease agreements with the City of Bismarck for the City/County Building and Courthouse. Comm. Woodcox moved to approve the updated leases, motion failed to receive a second. Comm. Bitner and Schwab expressed concerns with the rationale behind the adjusted rates. Comm. Woodcox requested the item be placed on the next agenda to be viewed before the entire Commission. No further action was taken.

Meeting adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Becky Matthews, Chairman

DRAFT

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

<b>Abate #</b>	<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
23-162	Cheryl Mikkelsen	2023	Lot 7, Block 2, Southbay 2nd	Error in property description	\$746,300	\$675,800
23-163	Paul & Shanelle Wald	2023	Lot 19, Block 7, Southbay 1st	Error in property description	\$719,700	\$696,700
23-166	Timothy & Tabetha Rabenberg	2023	Lot 13, Block 1, Promontory Point IV 2nd	Error in property description	\$653,900	\$576,900
23-167	Kelly & Justin Jahner	2023	Lot 13, Block 2, Southbay 2nd	Error in property description	\$711,700	\$652,400



**LOCAL PERMIT OR RESTRICTED EVENT PERMIT**  
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL  
 GAMING DIVISION  
 SFN 17926 (2-2023)

Permit Number <b>23-008</b>
--------------------------------

Permit Type (check one)	
<input checked="" type="checkbox"/> Local Permit	<input type="checkbox"/> Restricted Event Permit*
Games Authorized	
<input type="checkbox"/> Bingo	<input checked="" type="checkbox"/> Raffle
<input type="checkbox"/> Raffle Board	<input type="checkbox"/> Calendar Raffle
<input type="checkbox"/> Sports Pool	<input type="checkbox"/> Poker*
<input type="checkbox"/> Twenty-One	<input type="checkbox"/> 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 <b>Kiwanis Club of Bismarck</b>		Dates Authorized (Read Instruction 2) <b>August 20, 2023</b>	
Organization or Group Contact Person <b>Steven Delpa</b>	E-mail [REDACTED]	Telephone Number [REDACTED]	
Mailing Address [REDACTED]	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58501</b>

**SITE INFO**

Site Name <b>Capital City Sporting Clays</b>		County <b>Burleigh</b>	
Site Address <b>12945 71st Ave NE</b>	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58501</b>
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.) <b>Raffle Drawing - August 20, 2023</b>			

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**

Name <b>Mark Splonskowski</b>	Title <b>Burleigh County Auditor</b>	Telephone Number <b>701-222-6695</b>	E-mail Address <b>msplonskowski@nd.gov</b>
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input checked="" 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 (4-2023)

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 <i>Kiwanis Club of Bismarck</i>		Dates of Activity (Does not include dates for the sales of tickets) <i>July 12<sup>th</sup> - August 20<sup>th</sup>, 2023</i>	
Organization or Group Contact Person <i>Steven Delap</i>		E-mail [REDACTED]	Telephone Number [REDACTED]
Business Address [REDACTED]	City <i>Bismarck</i>	State <i>ND</i>	ZIP Code <i>58501</i>
Mailing Address (if different) [REDACTED]	City <i>Bismarck</i>	State <i>ND</i>	ZIP Code <i>58502-1631</i>

### SITE INFO

Site Name <i>Capital City Sporting Clays</i>		County <i>Burleigh</i>	
Site Physical Address <i>12945 71<sup>st</sup> Ave NE</i>		City <i>Bismarck</i>	State <i>ND</i>
		ZIP Code <i>58501</i>	
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.) <i>Raffle Drawing - August 20<sup>th</sup> - Raffle Entry open July 12<sup>th</sup>, 2023</i>			

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

Game Type	Description of Prize	Exact Retail Value of Prize
<i>Raffle</i>	<i>Cooler - Keti 65</i>	<i>375-</i>
Total (limit \$40,000 per year)		\$ <i>375-</i>

Intended Uses of Gaming Proceeds  
*Kiwanis General Fund*

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: [ ] (This amount is part of the total prize limit for \$40,000 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

Name <i>Steven Delap</i>	Title <i>Board member</i>	Telephone Number [REDACTED]	E-mail Address [REDACTED]
Signature of Organization or Group's Top Official <i>Mark Thompson</i>		Title <i>President</i>	Date <i>7-10-2023</i>

All Items required for this Permit have been meet.

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



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Memo

Date: July 19, 2023  
To: Mark Splonskowski  
County Auditor  
From: Marcus J. Hall P.E.  
County Engineer  
RE: Second access permit for Drew Kirschenman

Drew Kirschenman from Country Creek 5th Subdivision, Block 01, Lot 04 (6813 Dakota Country Drive) has requested a second access permit to his lot. The first access approach is off of Dakota Country Drive. He wishes to have a second approach off of Dakota Country Drive in order to have better access to the west side of his lot. We have reviewed the location of the new proposed access off of Dakota Country Drive and have determined that it will meet our requirements.

Please place the approval of a 2<sup>nd</sup> approach for Drew Kirschenman on the July 19, 2023 County Board Consent Agenda.

### 2<sup>nd</sup> Approach Permits 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.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



**PARCEL ID:** 32-139-79-06-01-040      **OWNER:** KIRSCHENMAN, DREW & SWIFT, KRISTEN R      **ACRES:** 1.672  
**SITE ADDRESS:** 6813 DAKOTA COUNTRY DR  
**MAIL ADDRESS:** 6813 DAKOTA COUNTRY DR, BISMARCK, ND 58503  
**LEGAL:** COUNTRY CREEK 5TH Block 01 LOT 4



**FARCEL ID:** 32-139-79-06-01-040      **OWNER:** KIRSCHENMAN, DREW & SWIFT, KRISTEN R      **ACRES:** 1.672  
**SITE ADDRESS:** 6813 DAKOTA COUNTRY DR  
**MAIL ADDRESS:** 6813 DAKOTA COUNTRY DR, BISMARCK, ND 58503  
**LEGAL:** COUNTRY CREEK 5TH Block 01 LOT 4



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Memo

Date: July 19, 2023

To: Mark Splonskowski  
County Auditor

From: Marcus J. Hall P.E.  
County Engineer

RE: Second access permit for Tom Dietz

Tom Dietz from Vista South Subdivision, Block 04, Lot 05 (3521 Scenic Drive) has requested a second access permit to his lot. The first access approach is off of Scenic Drive. He wishes to have a second approach off of Scenic Drive in order to have better access to the east side of his lot. We have reviewed the location of the new proposed access off of Scenic Drive and have determined that it will meet our requirements.

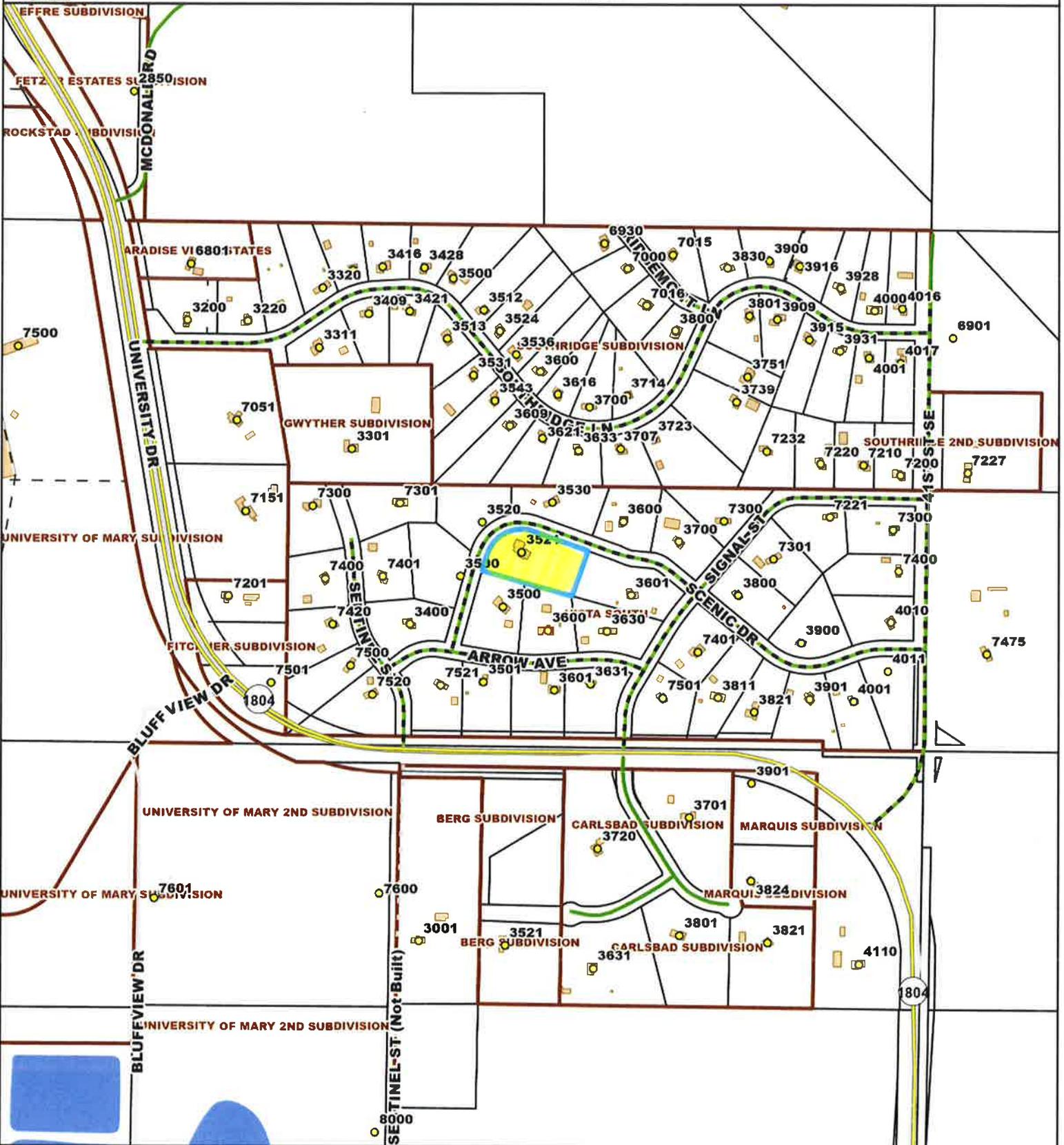
Please place the approval of a 2<sup>nd</sup> approach for Tom Dietz on the July 19, 2023 County Board Consent Agenda.

### 2<sup>nd</sup> Approach Permits Requirements

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

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- 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.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



PARCEL ID: 38-138-80-92-04-050      OWNER: DIETZ, THOMAS M & NANCY J      ACRES: 2.65  
SITE ADDRESS: 3521 SCENIC DR  
MAIL ADDRESS: 3521 SCENIC DR, BISMARCK, ND 58504  
LEGAL: VISTA SOUTH Block 04 LOT 5 701761

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



PARCEL ID: 38-138-80-92-04-050    OWNER: DIETZ, THOMAS M & NANCY J    ACRES: 2.65  
SITE ADDRESS: 3521 SCENIC DR  
MAIL ADDRESS: 3521 SCENIC DR, BISMARCK, ND 58504  
LEGAL: VISTA SOUTH Block 04 LOT 5 701761



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Memo

Date: July 19, 2023

To: Mark Splonskowski  
County Auditor

From: Marcus J. Hall P.E.  
County Engineer

RE: Second access permit for Eric Kilzer

Eric Kilzer from Country North Estates 3<sup>rd</sup> Subdivision, Block 04, Lot 01 (4601 Aleutian Drive) has requested a second access permit to his lot. The first access approach is off of Aleutian Drive. He wishes to have a second approach off of Endicott Drive in order to have better access to the south side of his lot. We have reviewed the location of the new proposed access off of Endicott Drive and have determined that it will meet our requirements.

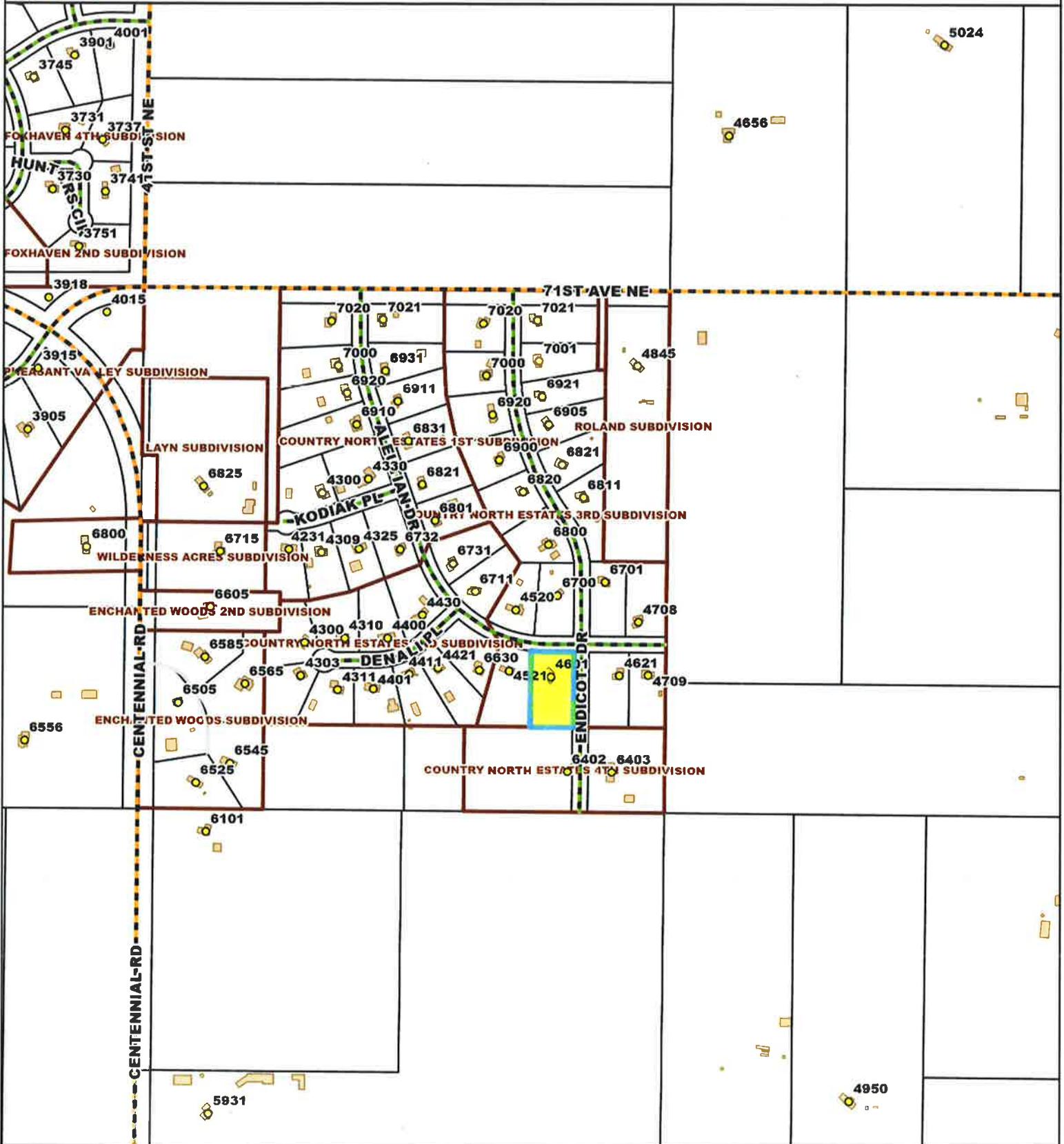
Please place the approval of a 2<sup>nd</sup> approach for Eric Kilzer on the July 19, 2023 County Board Consent Agenda.

### 2<sup>nd</sup> Approach Permits Requirements

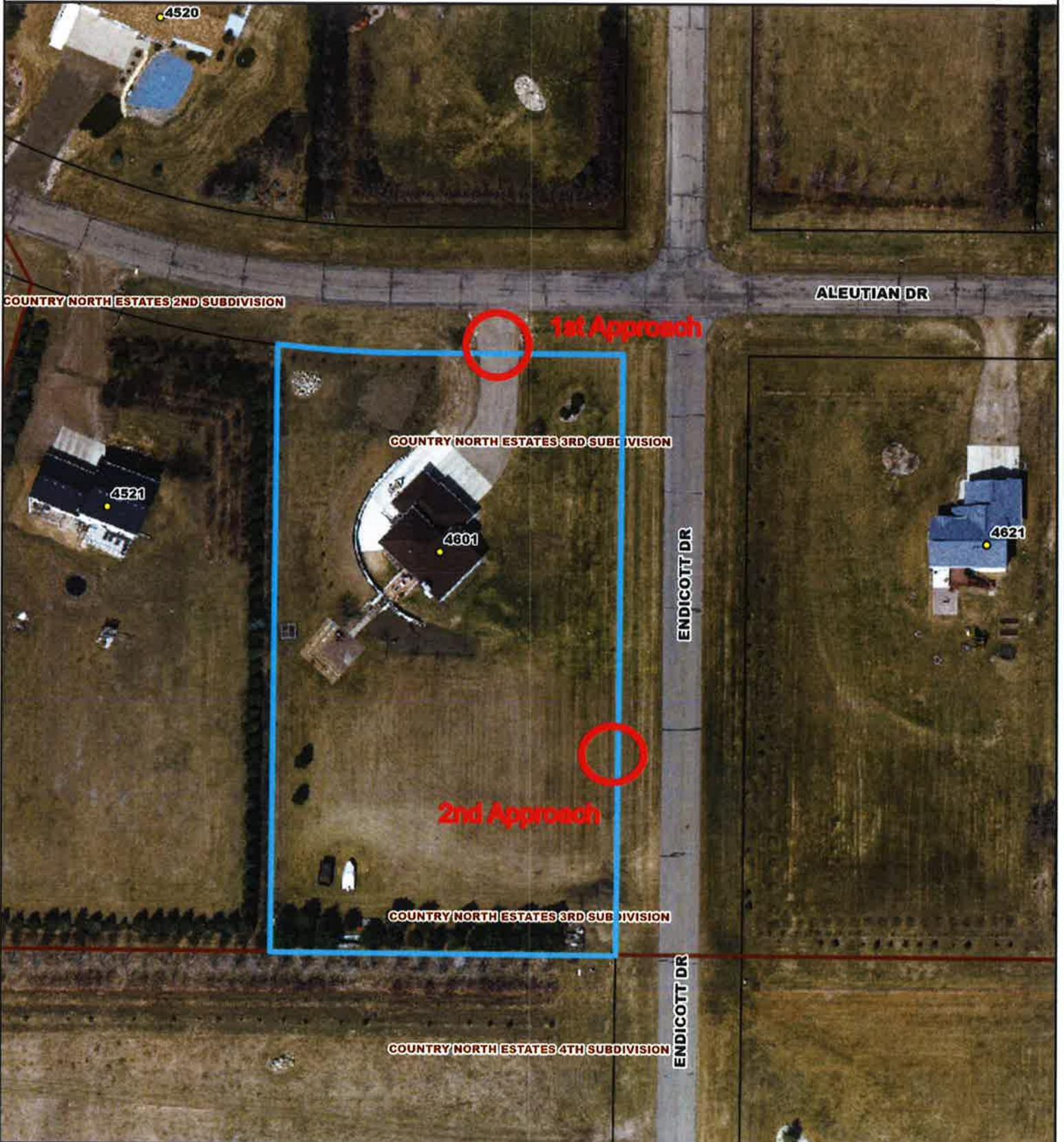
A second approach permit shall be granted by the County Engineer unless the application does not meet one of the following criteria:

- 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.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



PARCEL ID: 31-139-80-09-04-010      OWNER: KILZER, ERIC J      ACRES: 1.908  
SITE ADDRESS: 4601 ALEUTIAN DR  
MAIL ADDRESS: 4601 ALEUTIAN DR, BISMARCK, ND 58503  
LEGAL: COUNTRY NORTH ESTATES 3RD Block 04 LOT 1 610682 773498



PARCEL ID: 31-139-80-09-04-010      OWNER: KILZER, ERIC J      ACRES: 1.908  
SITE ADDRESS: 4601 ALEUTIAN DR  
MAIL ADDRESS: 4601 ALEUTIAN DR, BISMARCK, ND 58503  
LEGAL: COUNTRY NORTH ESTATES 3RD Block 04 LOT 1 610682 773498

**ITEM**

**# 7**



## MEMORANDUM

### RENEWAL OF BISMARCK RENAISSANCE ZONE PROGRAM

TO: Chairman Mathews and Burleigh County Commission

FROM: Daniel Nairn, AICP, Planning Manager

DATE: July 11, 2023

The City of Bismarck is seeking renewal of Bismarck's Renaissance Zone Program. We are requesting the opportunity to share information about the program with you and hear any questions you may have for us at the July 19, 2023 meeting. We would appreciate the opportunity to come back, after the initial presentation, and ask for support of a 5-year renewal of Bismarck's Renaissance Zone program.

The City of Bismarck's Renaissance Zone program ended in July of 2022. In the Spring of 2023, the North Dakota Legislature adopted HB1266 to allow Bismarck, and potentially other cities, to renew a Renaissance Zone program. The Bismarck City Commission voted on April 25, 2023 to direct staff to seek renewal of Bismarck's Renaissance Zone program. Support is required from Burleigh County, Bismarck Public Schools, and Bismarck Parks and Recreation District.

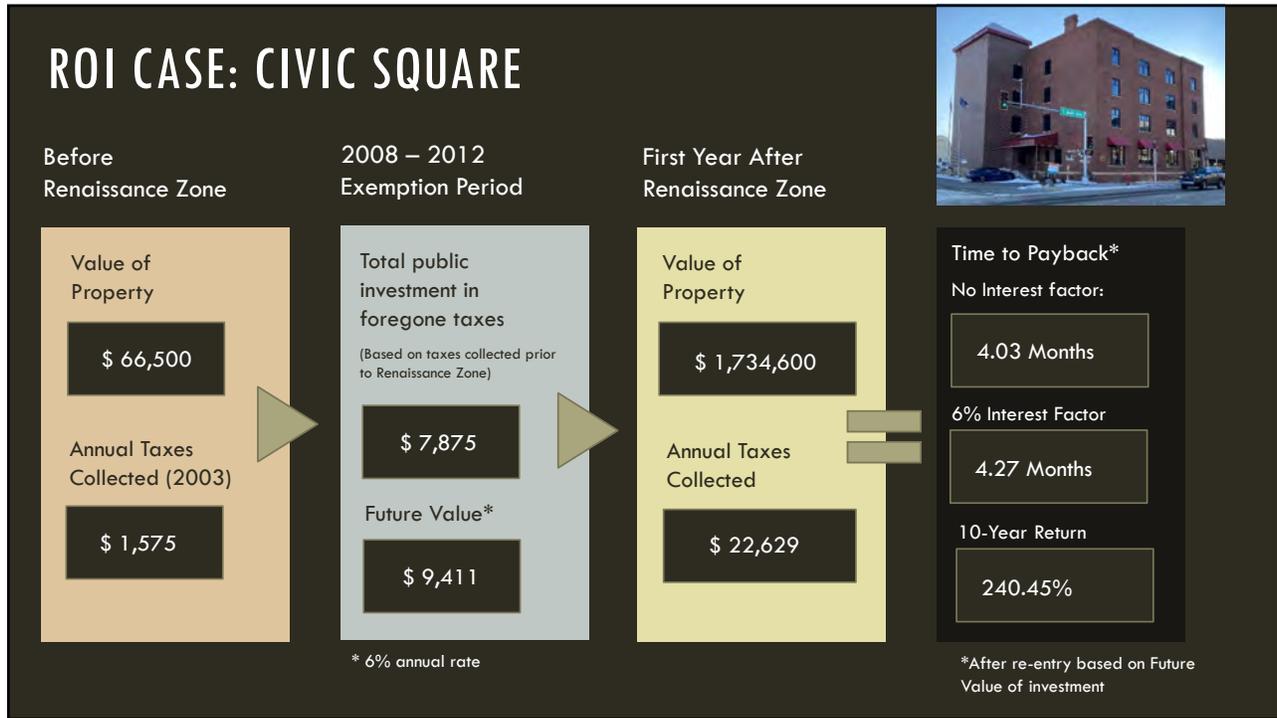
The North Dakota Department of Commerce affirms that the renewal of an expired Renaissance Zone Program should be reinstated as it was prior to expiration. The [Bismarck Renaissance Zone Development Plan](#) was last amended on May 12, 2022, and this is the version of the plan and program boundaries that would be effective if the program is reinstated. No changes to this plan are being sought at this time. Although the state legislature also passed a bill expanding the Renaissance Zone program in various ways, Bismarck is not seeking to exercise any of these options.

The Development Plan commits the Renaissance Zone Authority to provide at least annual updates on the program to each of the local taxing entities. As a critical stakeholder in the success of your downtown, we want to make sure you are fully aware and involved in the implementation of this program.

The Renaissance Zone Program has already contributed significantly to the growth of downtown Bismarck, growing that tax base for all political subdivisions. Over \$94 Million in capital investment has been verified through Renaissance Zone projects. After the five-year tax exemption on building value is completed, the properties generate positive returns for taxpayers into the indefinite future. In 2022, Burleigh County collected an estimated \$98 Thousand in revenue from these projects that have re-entered the tax rolls. Attached is an analysis of return on investment for four specific projects, which shows very attract investment prospects.

The Renaissance Zone program is popular throughout the state. As of now, 54 cities have active programs, including all of the top ten most populous with the exception of Bismarck. The program was locally popular as well. Attached are letters of support for this economic development tool from a variety of local sources.

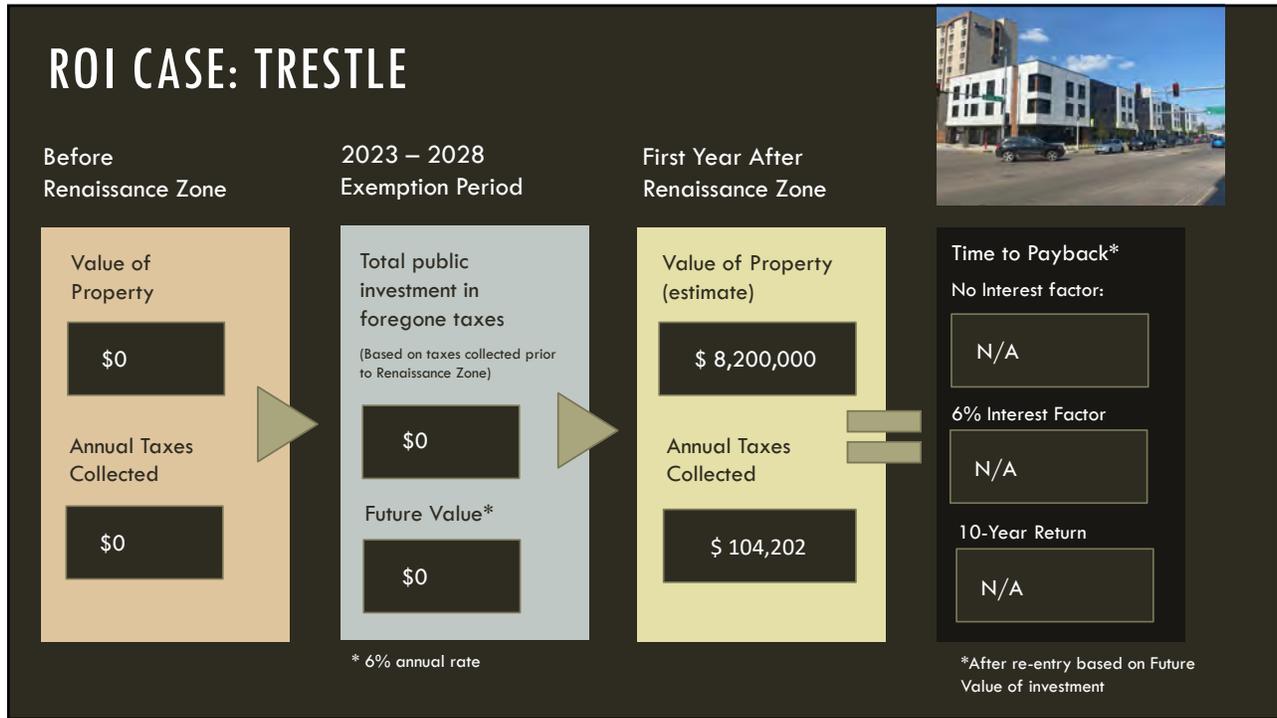
We appreciate your careful consideration of this decision, and please feel free to ask any questions or let the Renaissance Zone Authority know what needs to be done to earn your support.



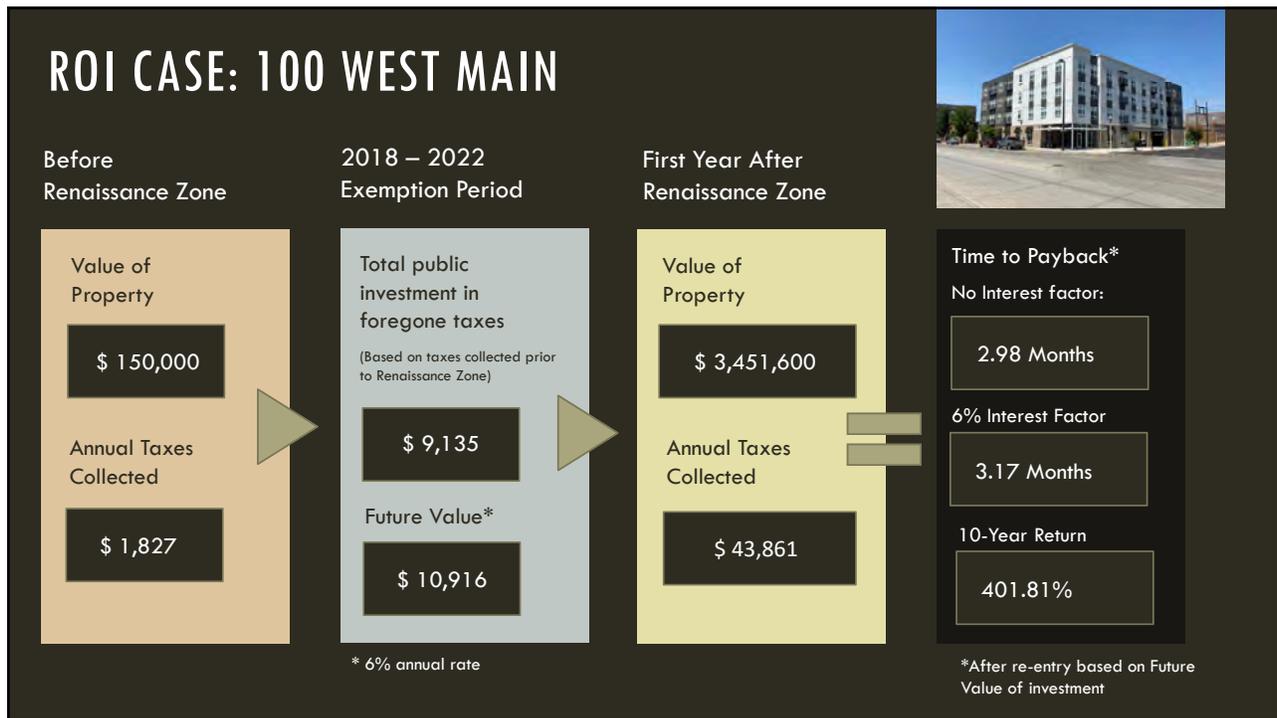
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**BISMARCK  
MANDAN**  
CHAMBER | EDC

Mr. Ben Ehreth, AICP  
City of Bismarck – Community Development  
PO Box 5503  
Bismarck, ND 58506-5503

Dear Mr. Ehreth,

Please accept this letter on behalf of the Bismarck Mandan Chamber EDC and our more than 1,200 members in support of the proposed reauthorization of the Bismarck Renaissance Zone

The Renaissance Zone Program was initially created as a statewide tax incentive program designed to spur revitalization in North Dakota's downtowns. Since the establishment of Bismarck's Renaissance Zone in 2001, the Program has led to many quantifiable successes including:

- \$83 million in documented private investment within downtown Bismarck
- 72 new business have opened within buildings built or rehabilitated as RZ projects
- 604 new full-time jobs have been created by those new or expanding businesses
- 250 housing units, of which approximately 40% are currently under construction

What's more is that by 2020, the Renaissance Zone had essentially 'paid for itself.' By that I mean that in 2020, the sum of those taxes paid since exempted properties reentered the tax rolls exceeded the value of the exemptions they received originally.

Given this overwhelming evidence of the Renaissance Zone's success here in Bismarck, the Chamber EDC's Board of Directors recently voted to formally support reauthorization and I'm pleased to forward that support today. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Ritter". The signature is fluid and cursive, with a large initial "B" and "R".

Brian Ritter, President & CEO  
Bismarck Mandan Chamber EDC



Support: Bismarck's Renaissance Zone Renewal 2022

The Downtown Business Association of Bismarck represents over 200 members with 9,000 employees, and along with our Downtown Bismarck Community Foundation, we are again supporting the Bismarck Renaissance Zone Program and we ask for your continued support.

Bismarck's Renaissance Zone Program is still very much needed to achieve the financial and programmatic goals set out in the RZ Development Plan and Infill & Redevelopment Plan. This program can make the difference between financing a project and getting it accomplished, or not having a project move forward. Our Downtown is just kicking off the goal of adding new housing mixed use projects that are sorely needed. Having residents creates an 18 hour Downtown that benefits the businesses and property owners in Bismarck and Burleigh County. There are a few takeaways we think everyone should know about the program:

- 1: The zone has now "paid" for itself. Like any other investment there is a front loaded time period of contribution, that contribution then over time gains critical and exponential momentum. We've always likened the zone to an IRA and not a savings account. Each taxing entity is now reaping the benefits of these Renaissance Zone investments and will continue to in perpetuity.
- 2: We are already at a bit of a competitive disadvantage in Bismarck by not using other incentives like Fargo, Grand Forks and other midwestern competitors. To lose our only infill incentive would be a hard deficit to overcome for Bismarck.
3. The program is still needed for future infill and redevelopment. Particularly infill of surface parking lots, which creates the most ROI for the taxing entities due to the lack of a taxable structure and the benefit of existing infrastructure.
4. Infill isn't a fast investment, but it's a long lasting one for the taxing entities.

We ask that you continue your support of this program for the benefit of Bismarck and Burleigh County.

Thank you for your consideration,

Kate Herzog, COO  
Chief Operating Officer  
Downtown Business Association of Bismarck

President,  
Downtown Bismarck Community Foundation



107 W. Main Ave., Suite 125 | Bismarck, ND 58501  
866-554-5383 | Fax: 701-255-2242 | TTY: 877-434-7598  
aarp.org/nd | ndaarp@aarp.org | twitter: @aarp\_nd  
facebook.com/aarpnd

June 3, 2022

Dear Burleigh County Commissioners,

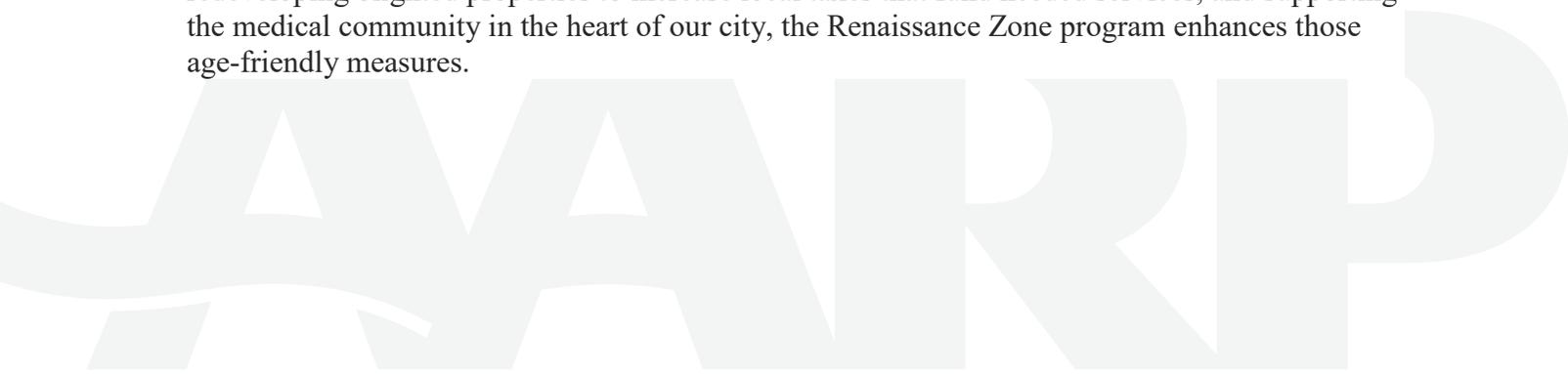
AARP North Dakota appreciates your service to the county and the communities within it. A non-profit, non-partisan membership organization with approximately 82,000 members in North Dakota, we know that the vast majority of people age 50 and older in our communities want to stay in their homes for as long as possible. That's why AARP promotes and supports policies and programs that benefit all residents and foster economic growth.

One of the main ways we do this is by supporting the efforts of neighborhoods, towns, cities and rural areas to be great places for people of all ages. Communities with safe, walkable streets; age-friendly housing and transportation options and access to needed services are communities where residents of every age are able to participate in community life. The Bismarck Renaissance Zone program is one such effort.

It's our understanding that the Bismarck Renaissance Zone program is set to expire on July 31, 2022, unless the plan is updated and renewed. We also understand that the County Commission voted to pause the program. AARP North Dakota asks that you reconsider that action and vote to renew the Bismarck Renaissance Zone (RZ) program.

Over the past five years, the RZ program has provided tax exemptions and credits to both residents and businesses for revitalization and redevelopment activities within the downtown Bismarck zone. The RZ encourages reinvestment in downtown properties, which in turn strengthens the core of the Bismarck community. The RZ provides both property tax and income tax incentives to property and business owners who invest in qualified projects. And we've seen many of these projects benefit older Bismarck residents.

Last year, AARP North Dakota urged the City of Bismarck to become the first North Dakota community to join the AARP Network of Age-Friendly States and Communities. The common thread among the 400 enrolled communities and states is the belief that the places we live are more livable and better able to support people of all ages when local leaders commit to improving the quality of life of all residents -- ensuring communities remain walkable, accessible, and provide services to all residents, including older adults. By promoting infill, redeveloping blighted properties to increase local taxes that fund needed services, and supporting the medical community in the heart of our city, the Renaissance Zone program enhances those age-friendly measures.



As you know, when done well, community planning spurs economic development that helps all members of a community and its surrounding region thrive. Redevelopment reuses previously developed land to catalyze new economic growth. It can provide new housing options and community amenities that encourage growth and improve quality of life. In areas experiencing disinvestment and declining property values, effective redevelopment planning and land use can help reverse those trends.

AARP ND strongly supports the Renaissance Zone program and encourages you to reconsider your vote to pause the program. For the health and wellbeing of the citizens in Bismarck and Burleigh County we ask that you authorize the program for another 5-year period.

Thank you again for your service. AARP North Dakota is committed to working with you to ensure that this is a place where everyone thrives. If you have questions or wish to discuss these items further, please contact me at [jaskvig@aarp.org](mailto:jaskvig@aarp.org) or 701.355.3642

Sincerely,

A handwritten signature in blue ink, appearing to read "Josh Askvig". The signature is stylized and written in a cursive-like font.

Josh Askvig  
State Director  
AARP North Dakota

Mr. Jim Peluso, Chairman  
Burleigh County Commission  
221 N 5<sup>th</sup> St  
Bismarck, ND 58501

Dear Chairman Peluso,

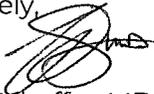
Please accept this letter on behalf of Sanford Health in support of the proposed reauthorization of the Bismarck Renaissance Zone.

As the largest private employer in Burleigh County, Sanford Health understands the importance of maintaining a high quality of life in our community to attract and retain workforce. A vibrant downtown plays a key role in that effort. The Renaissance Zone Program, a statewide tax incentive program designed to spur revitalization of North Dakota's downtown, has helped elevate Bismarck's downtown and the entire community since the establishment of the city's Renaissance Zone in 2001.

In that time, the program has led to \$83 million in private investment in downtown Bismarck, 72 new businesses within buildings built or rehabilitated as Renaissance Zone projects and 250 housing units in the downtown area. These projects have helped enhance Bismarck and help make the community a destination of choice for employees, including physicians, nurses and other in-demand healthcare professionals.

Given the success of Bismarck's Renaissance Zone to date and the importance of a thriving downtown to the community, Sanford Health encourages the Burleigh County Commission to support extending the program.

Sincerely,



Todd Schaffer, MD  
President/CEO  
Sanford Health, Bismarck Region



To: Downtowners/City and County Commissions/School Board and Bismarck-Mandan Chamber EDC

From: Dr. Karel Sovak, Dean, Gary Tharaldson School of Business

May 20, 2022

Re: Renaissance Zone renewal

To Whom It May Concern,

I am writing to encourage the support to extend the Renaissance Zone (RZ) program which is up for renewal. This program has provided an incredible revival of our downtown area and has enhanced the entire community. As it has been noted, when a community's downtown is vibrant, the quality of life is increased throughout the entire community.

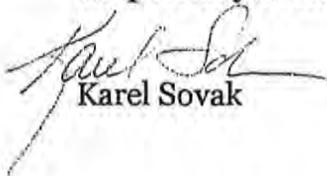
Bismarck is no different.

From my understanding, the RZ program has paid for itself through the fiscal impact to the city, county, schools, and parks. Those businesses on the exemption list have now entered the tax rolls and the values on those properties have increased significantly. This has resulted in an estimated \$688,091 revenue generated from building construction and/or rehabilitation. This success helps to pave the way for future investments in this RZ area, with a proposed over \$23 million investment underway. The overall value of property in the RZ has risen from \$91 million to \$241 million since 2001. The program not only makes it attractive for investors, but it has also not detracted developers from investing in our community in other areas. This rising tide has helped to lift all boats.

If the RZ program were to go away, Bismarck would be at a significant disadvantage with the communities who have opted to keep the program intact. Investment dollars that could otherwise be considered for Bismarck would seek to develop in those areas where such programs are still in place. Additionally, once this program is removed, it would take a considerable effort to get it back in place. Even if that could be secured, Bismarck would experience a deficit in any additional new building and/or rehabilitation until the program could be put back into place.

Every developer makes a decision on where they desire to locate and what is an incentive for them to choose a community. Some use the growth of an area or heavily populated traffic counts, perhaps even existing competition. Others utilize incentive programs like the RZ. This is just one of the factors used; however, it is a critical factor for many who wish to see a certain part of the community made more whole – whether that is proper in-fill, new building or rehabilitation of existing buildings. The growth in our community comes from everyone pulling together. There is a need and a place for the RZ to exist in Bismarck. Please consider supporting the renewal of this program.

Respectfully submitted,



Karel Sovak

June 3, 2022

Mr. Ben Ehreth, AICP  
City of Bismarck – Community Development  
PO Box 5503  
Bismarck, ND 58506-5503

Dear Mr. Ehreth:

Please accept this letter on behalf of CHI St. Alexius Health in support of the proposed reauthorization of the Bismarck Renaissance Zone.

The Renaissance Zone Program was initially created as a statewide tax incentive program designed to spur revitalization in North Dakota's downtowns. Since the establishment of Bismarck's Renaissance Zone in 2001, the Program has led to many quantifiable successes including:

- \$83 million in documented private investment within downtown Bismarck
- 72 new business have opened within buildings built or rehabilitated as RZ projects
- 604 new full-time jobs have been created by those new or expanding businesses
- 250 housing units, of which approximately 40% are currently under construction

Due to this success, CHI St. Alexius Health is in support of the reauthorization.

Thank you for your consideration and please feel free to contact me if you would like to discuss this further.

Sincerely,



**Deb Molesky, MBA, MS, ACPEC, BCC, FACHE**  
**Market President/CEO**  
900 East Broadway Ave.  
Bismarck, ND 58501  
[debra.molesky@commonspirit.org](mailto:debra.molesky@commonspirit.org)



May 24, 2022

Burleigh County Commissioners,

I am writing on behalf of Bravera Bank to voice our support for the renewal of the Renaissance Zone in Bismarck. We believe that the Renaissance Zone is vitally important for continued development and growth in downtown Bismarck, and that this growth benefits the entire Bismarck/Mandan community with quality of life enhancements that maintain our competitiveness. In particular, we believe a healthy and vibrant downtown core increases our attractiveness to the skilled talent we need to grow our local and regional economy.

In addition to providing quality of life enhancements, the Renaissance Zone has proven to fiscally contribute to the City of Bismarck, Bismarck Public Schools, Bismarck Parks District and Burleigh County through additional net tax revenue (after factoring in exemptions) driven by the over \$83 million of capital investment in Renaissance Zone projects. This investment also created jobs and economic activity both during and subsequent to the investment period.

Because of this and many other factors, our company fully supports the renewal of the Renaissance Zone as vital to our future growth, development, and competitiveness as a City.

Thank you,

David Ehlis  
President & CEO  
Bravera Bank



**FIRST WESTERN**  
BANK & TRUST

*You can bank on us*

P.O. Box 1090 • Minot, ND 58702-1090 • 701-852-3711

June 2, 2022

Burleigh County Commission  
221 N 5<sup>th</sup> St  
Bismarck, ND 58501

Dear Commissioners,

I am writing this letter in support of the renewal of the Bismarck Renaissance Zone on behalf of First Western Bank & Trust and myself as a 40 year resident of Bismarck who grew up near downtown Bismarck.

I feel strongly for the continued need for the renewal of the Bismarck Renaissance Zone. We are approaching \$100 Million in new investment in our downtown. The large investment driven strongly by the existing Renaissance Zone has brought a stronger tax base, additional employment, revitalization, and better quality of life for the residents of Bismarck and Burleigh County.

The renewal of the Renaissance Zone will continue to bring investment into our city and county, further increasing our tax base and making Bismarck a welcomed destination for tourism, local entertainment, housing, and continued business expansion. The renewal will continue to revitalize our downtown economy which in turn creates a vibrant economy for Bismarck and Mandan as a whole.

Please accept this letter of support from myself and First Western Bank & Trust for the renewal of the Bismarck Renaissance Zone.

Sincerely,

Joel Kostelecky  
Market President  
First Western Bank & Trust

400 North Fourth Street  
Bismarck, ND 58501  
(701) 222-7900

June 1, 2022

Burleigh County Commission  
221 N 5<sup>th</sup> Street  
Bismarck, ND 58501

Dear Burleigh County Commissioners,

Please accept this letter on behalf of Montana-Dakota Utilities Co. (Montana-Dakota) in support of the proposed reauthorization of the Bismarck Renaissance Zone.

The Renaissance Zone Program was created as a statewide tax incentive program designed to spur revitalization in North Dakota's downtowns. Bismarck's Renaissance Zone was established in 2001 and has led to many quantifiable successes including:

- Over \$83 Million in verified private investment in 136 completed Renaissance Zone projects
- Another, \$23 Million of investment proposed in six approved projects that are currently under construction.
- Over 600 new full-time jobs have been created from approved Renaissance Zone projects since inception of the program
- In 2020, the sum of taxes paid since exempted properties reentered the tax rolls exceeded the value of the exemptions they originally received.

Montana-Dakota is an electric and natural gas service provider. We make investments in infrastructure to provide those services to our customers across our service territory, which includes Bismarck and other parts of Burleigh County. Reinvestment within downtown Bismarck provides benefits to the broader community and the region by allowing for cost-effective utilization of existing infrastructure like electricity, natural gas, and many other public services.

Montana-Dakota believes there is overwhelming evidence of the success of the Bismarck Renaissance Zone and supports its reauthorization.

Sincerely,



Nicole Kivisto  
President and CEO  
Montana-Dakota Utilities Co.

May 24th, 2022

To Whom It May Concern:

We'd like express our appreciation and support for the Renaissance Zone program. In 2016 our group of 5 friends saw an opportunity to invest in a nearly 100 year old property on East Main Street. This was an ambitious undertaking for us from a time, capital and resources standpoint. Our group successfully applied for the renaissance zone incentive which took effect officially in 2018.

The benefit we have received from being part of the renaissance zone has helped us to directly reinvest into the property. Since taking ownership of the property we have invested over 250,000.00 into the building including facade improvements, safety improvements, plumbing, mechanical and electrical updates and extensive renovations and restorations throughout the building.

The building features mixed uses with 3 residential units in addition to the main level and basement office space. The impact to the businesses within have been notable, all demonstrating growth and adding full time employees since 2018.

The property tax deferment helped us reinvest into the structure and subsequently create a more valuable property as part of the tax base. In the time since we purchased the property, the entire block has become increasingly vibrant with food, nightlife and assorted retail and services—many of which have utilized this program to bolster their respective business. This is a visible and tangible testament to the success of the renaissance zone and its continued impact on our community, our local businesses, and Bismarck residents.

Thank you,

**David Diebel**

Co-Founder | D&N Cinematics LLC  
Partner | River Road Partners LLC  
212 E Main Ave, Bismarck, ND 58501



May 31, 2022

Burleigh County  
221 N 5th St  
Bismarck, ND 58501

RE: Bismarck Renaissance Zone Support

To whom it may concern:

EagleRidge Development is in full support of renewing Bismarck's Renaissance Zone. The Renaissance Zone program allowed our project, First Street Lofts, in Downtown Bismarck to be financially feasible. First Street Lofts brought 56 modern apartments to the neighborhood. Without this program, the project would not have been constructed.

We are very happy to be a part of the Downtown Bismarck community.

Thank you for your consideration.

Sincerely,



Jon Youness, PE  
EagleRidge Development  
3280 Veterans Blvd, Suite 300  
Fargo, ND 58104



16 Broadway, Suite 208  
PO Box 2043  
Fargo, ND 58107-2043  
Phone: 701-237-5151 • Fax 701-237-3189

May 31<sup>st</sup>, 2022

Burleigh County Commissioners,

I'm writing to you on behalf of our businesses - JL Beers & Borrowed Bucks Roadhouse – that are in the heart of Downtown Bismarck. We have been members of the downtown community for nearly 30 years and we want to voice our support for renewing the Renaissance Zone in Downtown. Many great improvements have been made with the assistance of the Renaissance Zone over the years, but there is still more work to be done to continue the development & growth of Downtown Bismarck.

Thank you for your consideration!

Sincerely,

A handwritten signature in blue ink that reads "Lance Thorson". The signature is fluid and cursive, with a large loop at the end.

Lance Thorson  
JL Beers  
Borrowed Bucks Roadhouse



200 N 4th Street, Bismarck, ND 58501 | YOURNEWSLEADER.COM | (701) 255-5757

To: Burleigh County Commissioners  
From: Barry Schumaier, General Manager, KFYR TV  
Re: Renaissance Zone vote, April 18, 2022 meeting

I would respectfully ask that you reconsider your recent vote of non-support for Bismarck's Renaissance Zone program. I've lived here in Bismarck since 1999. My desire is to retire here one day, and I desperately want a thriving community for my kids and grandkids to live and work in. I work in downtown Bismarck, for KFYR TV. When I moved here in 1999, I would get off work at 5pm on a Friday, I could walk outside our station and not see a single person or vehicle engaged in any commerce, I believe there only two restaurants within four blocks. Now, when I leave the station, almost any evening, I can see crowded restaurants and shops and no parking spaces available. Surely not all that progress is due to the RZ, but if 118 structures and buildings have received funding, we have to recognize an impact. The single most important metric of any growing or thriving community, like Bismarck, is the health of the downtown sector. If you think of Sioux Falls, Fargo and Madison, their growth is very linked to their improved downtown economy.

I know questions of "fairness" came up at the council meeting. I did watch the meeting in its entirety. Fairness is a nearly impossible term to quantify, we have no choice but to look at the entire picture. If downtown thrives, all areas within, and adjacent to city limits, will also thrive. We could bring fairness into questions about almost all city and county funding or expense items. We could question the fairness of special assessments, what about churches not paying real estate taxes, what about any incentive that rewards a new business, but doesn't reward the 100-yr old existing business? The business owners I know, that have established business', are all in favor of the RZ as they see the big picture of "If downtown wins, everybody wins". They know that for every multifamily house unit, every restaurant, and every new bakery that opens we will all be better off due to the increased economic footprint that a vibrant downtown provides.

Thank you to anyone that took the time to read this, and please reconsider extending the Renaissance Zone funding, so Bismarck and Burleigh County can continue to thrive and win against other communities we will surely be in competition with.

Sincerely,

Barry Schumaier  
General Manager & V.P.  
KFYR TV

We're in this Together.

Dear Burleigh County Commissioners/Bismarck Leaders -

We are writing in strong support of renewing the Renaissance Zone tax deferral program in downtown Bismarck. In full disclosure, we are recipients of the 5 year tax increase deferral benefit in the Renaissance Zone for our Renaissance Lofts and Grove housing projects on Avenue A on the north edge of downtown. There is a visible new market prompting new investment in downtown. More existing and new residents and businesses are seeking 'walkable' neighborhoods. Downtown provides that alternative. We are excited to bring new housing options to downtown Bismarck.

A strong downtown is vital to the economic success of the region. The downtown works together with well planned transportation and new development areas to create a 'complete', forward thinking community. It's not 'either/or'. We're in this together.

Critics argue they want a 'level playing field'. Land economics experts recognize there is **not a level playing field**. Each type of development has different needs. Urban redevelopment and greenfield development are different. It's complicated. There are many variables, but it's more expensive to build in the downtown. Land costs are much higher - greenfield sites don't require demolition and cleaning up environmental sins of the past. And building costs are higher in the core.

There are significant federal, state, and local public investments made to provide infrastructure and services to greenfield development. Most are 'less visible' than the Renaissance Zone program. Tax policy and government spending have long been used to direct private investment to support community goals. Locally, think of the farm and energy programs employed to support business delivering community goals. In real estate, the low income housing tax credit has helped 'level the playing field' to produce much needed affordable housing. Many Bismarck residents benefit from the mortgage interest deduction and Federal loan programs, both significant public investments to support home ownership. I'm sure the Renaissance Zone critics take full advantage of the tremendous - and costly - federal tax benefits afforded real estate investors. But it's not either/or - it's both/and.

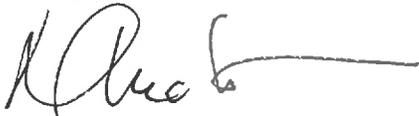
The benefits of the Renaissance Zone are a small step in 'leveling the playing field'. The value of our tax deferral represents 2% of our total project budget - 98% of the funding is private. Yet our project will produce almost 10x the previous real estate taxes on the site. Using public tools, like the RZ tax deferral, has proven to be a very good investment in smart towns and cities all over the country. There is no City money paid out. The only

'subsidy' is the City deferring collecting the new higher taxes for 5 years. For the rest of time the taxes will be almost 10x the previous level and contribute to the 'cost of running Bismarck'. It's a fact that downtown development pays much more tax per acre than lower density development. Done properly (very important), investment in downtown is economic development.

In addition to the economic benefits, the social and environmental benefits of downtown create value for the whole community. Downtown celebrates history and provides identity for the community - important for residents and for recruitment. It's a place for all people to gather and celebrate. And it's green. Beginning with reuse and cleanup of land, higher density, compact, walkable development has proven to have less environmental cost than low density development.

We encourage the Bismarck leaders to renew the Renaissance Zone and look at **all ways to support high quality development from center to edge.**

Sincerely,



Michael Lander



Tony Kriha

May 29<sup>th</sup>, 2022

Dear Burleigh County Commissioners:

My name is Rolf Eggers and I have used Renaissance Zone Program money to rehab a few downtown Bismarck buildings. These buildings include 216 E. Main, now occupied by Stella's Décor; 112 N 4<sup>th</sup>, now occupied by the Brick Oven Bakery; and 114 N 3<sup>rd</sup> St., formerly the Sunrise Apartments/Prince Hotel, now in the final stages of rehab. I am very appreciative of the assistance that I have received from the Renaissance Zone Program for these projects and I thank the board for their assistance.

When you rehab an old downtown building, you have the major expenses related to the rehab itself, but in addition to that, you typically have lead paint, asbestos, and all sorts of onerous code compliance issues which make these projects not wise investments financially. In addition to that, the City of Bismarck Design Review Board creates extra costs by requiring building esthetics and features that they desire.

When you look around downtown, there are many, many vacant storefronts. Much less noticeable is the severe downtown office space vacancy problem. Kyle Holwagner told me Bismarck has over five years of vacant office inventory to absorb and the number is increasing daily. I have also heard the State of North Dakota will be vacating much more Bismarck office space soon as well. I own one downtown retail space that has been vacant for six years. I have several others vacant currently as well.

In order for Bismarck businesses to attract qualified workers, Bismarck needs to be an attractive and vibrant place to live. It is already hard enough to attract workers to Bismarck with our isolation and cold weather. As a city, what do we have to offer potential new transplants? If they

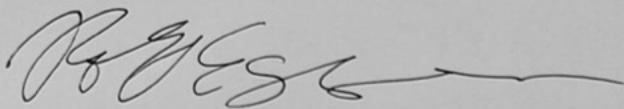
seek out nightlife, where do they go? Do they drive from one strip mall to another? Probably not. More than likely, they want a walkable entertainment district like they have in Fargo and Rapid City. A vibrant downtown would help us try to regain conventions that we have lost to those towns as well. In addition to Fargo's many advantages, they have a renaissance zone program. I don't know about Rapid City but their downtown looks great and is very vibrant. They probably have some program. Why do we lose so many conventions to Fargo and Rapid City?

One of the big benefits of the renaissance zone for the county is that over the years, the program has dramatically increased the tax base downtown. This was all done with existing city infrastructure. During the last county commission meeting, I was impressed with Daniel Nairn's presentation about the huge financial benefit that the Renaissance Zone has been for the county. Daniel laid out all the facts and it clearly shows the economic benefit to the county. The Renaissance Zone is a financial benefit for the county instead of a financial burden. Daniel laid it all out brilliantly for everyone to see. There was no ambiguity. Please ask yourself, are you voting based on finances or other reasons?

It has always been difficult to make downtown buildings worthwhile financially but now we have new headwinds such as huge price spikes in materials and labor. To make matters worse, in addition to the high prices, we have lots of material/labor delays which are incredibly costly as well. We do not need to take away one tool that has been very successful in raising the downtown tax base.

If Bismarck loses its Renaissance Zone program, it will just make downtown projects less and less viable and we will continue to lose business and employees to competing cities. It is already hard enough to make money downtown. We do not need to remove the one tool that has shown

great results in raising the tax base in addition to improving the downtown. I respectfully request that you vote to continue the Renaissance Zone Program. Thank you.

A handwritten signature in black ink, appearing to read 'Rolf Eggers', with a long horizontal flourish extending to the right.

Rolf Eggers

Mr. Jim Peluso, Chairman  
Burleigh County Commission  
221 N 5<sup>th</sup> St  
Bismarck, ND 58501

Dear Chairman Peluso,

Please accept this letter on behalf of Sanford Health in support of the proposed reauthorization of the Bismarck Renaissance Zone.

As the largest private employer in Burleigh County, Sanford Health understands the importance of maintaining a high quality of life in our community to attract and retain workforce. A vibrant downtown plays a key role in that effort. The Renaissance Zone Program, a statewide tax incentive program designed to spur revitalization of North Dakota's downtown, has helped elevate Bismarck's downtown and the entire community since the establishment of the city's Renaissance Zone in 2001.

In that time, the program has led to \$83 million in private investment in downtown Bismarck, 72 new businesses within buildings built or rehabilitated as Renaissance Zone projects and 250 housing units in the downtown area. These projects have helped enhance Bismarck and help make the community a destination of choice for employees, including physicians, nurses and other in-demand healthcare professionals.

Given the success of Bismarck's Renaissance Zone to date and the importance of a thriving downtown to the community, Sanford Health encourages the Burleigh County Commission to support extending the program.

Sincerely,



Todd Schaffer, MD  
President/CEO  
Sanford Health, Bismarck Region

**STEPH SMITH**

Architect

BISMARCK . ND

701.590.1732

Chair Peluso and Commissioners,

After watching the replay of the April 18<sup>th</sup> County Commission meeting, I felt the need to reach out.

I'm extremely disheartened at the vote to 'pause' the Renaissance Zone Program. It's my understanding that if the program expires, state law does not allow it to be renewed and our city would lose a vital economic development tool. Therefore, without County support it would not be 'paused' it would be cancelled, without any clear path for our city to gain access to those funds again.

I do understand the need for economic incentives benefiting the whole community, but as stated, the city's core is generating more taxes, that are then benefiting the community as a whole. Perhaps we look at options to add other programs/incentives for city wide new development versus cutting what's already available. The Renaissance Zone Program is a necessary tool to remain competitive in attracting new developers and to revitalize property which may sit vacant for years and years.

It's my belief that we need more initiatives to revitalize existing infrastructure, versus spending obscene amounts on expanding utilities which are just creating in urban sprawl situation.

I am asking you to please support the extension of the Renaissance Zone Program.

Sincerely,

A handwritten signature in black ink that reads "Steph Smith". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.



Pine Properties, LLC  
P.O. Box 6151 • Bismarck, ND 58506-6151  
(701) 751-2325

I believe most of you are familiar with our project, Broadway Centre, located at 100 West Broadway Avenue. The building is a multi-use project with 17 luxury condos on the third floor, the second floor and first floor are for retail and professional tenants. The building also holds the Broadway Grill & Tavern (also owned by me and my wife, Carla), and provides underground parking for the condo owners and a number of commercial tenants. The building, including the parking, is approximately 155,000 sq. ft. Prior to the construction of our building the land was previously occupied by the Wilhelm car dealership.

I have been fortunate in my oil companies endeavors and through numerous speculative ventures in the Williston Basin we achieved a certain modicum of success. My wife and I enjoy the Bismarck area and wanted to do something in downtown Bismarck that would benefit the community. This probably will sound backwards, but it was only after we were successful in purchasing the property that we developed a business plan, that is now the Broadway Centre. We would not have considered a project of this magnitude without the tax incentives provided by the Renaissance Zone, the risk is to great. And, there is now a substantial future tax base for downtown that was not there before. We have been at this for 10-years now, we have one finished condo (model available for sale) and two unfinished units to sell and approximately 16,000 sq. ft. of commercial space on the second floor available to lease. It does not take a mathematician to realize the project is not making money at this time. Our property tax exemption has expired and we now are paying approximately \$150,000 annually in real estate taxes. My speculation, because the city of Bismarck is over built for commercial space and more people are working from home it will take a number of years to lease the remaining commercial space. I remain optimistic we may sell the remaining 3-condos in the next couple of years. We certainly could have made more money if we would have invested in other businesses or the stock market, but we chose to do this project instead.

If the city wants to see future growth and development downtown, it needs to keep the Renaissance Zone benefits in place. We removed a dilapidated building and replaced it with a beautiful three story structure, provided Class A commercial space, downtown housing and a great restaurant. All of the things we did are needed to revitalize downtown Bismarck and more projects like ours are also necessary to help the city grow.

Sincerely,

Stephen Pine  
Pine Properties, LLC

**ITEM**

**# 8**



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission  
Re: Consider Amending Burleigh County Zoning Ordinance.  
Date: 11-16-2022  
From: Mitch Flanagan, Burleigh County Planning Director. *llk.*

ITEM 1

Article 5 General Provisions: Zoning Authority for Glenview Township

On November 9th, the Burleigh County Planning Department was approached by Steven Krentz of Glenview Township in a request to reacquire zoning authority for Glenview Township. On March 7, 1971 Glenview Township relinquished their zoning rights to Burleigh County.

**NDCC. 54-40.5-04. Revocation of transfer states:**

*A township or city that unilaterally transferred its zoning authority to the county may reacquire that zoning authority by mutual agreement between the board of county commissioners and the board of township supervisors or city governing body.*

In 1999, an Attorney General's opinion 99-f 07 by Richard J. Riha, Burleigh County State's Attorney opinion stated:

"If the township unilaterally relinquished its zoning powers pursuant to N.D.C.C. § 11-33-20 prior to the adoption of Article VII, Section 10 of the North Dakota Constitution and N.D.C.C. Ch. 54-40.5-04 *"the township may not reacquire the independent right to exercise those powers. However, such a township may acquire some ability to exercise those zoning powers if it enters into a joint power's agreement with the county"*.

In 1982, the North Dakota Constitution was amended to include Article VII, Section 10. On March 7, 1971 GLENVIEW Township officially relinquished their zoning rights to Burleigh County.

Suggested Motion:

- 1) Deny the request for Glenview Township to reacquire zoning authority according to the 1999 AG's opinion.
- 2) Enter into a joint powers agreement with Glenview Township allowing zoning authority according to the 1999 AG's opinion.

Exhibits: 1.1 Glenview Site Location\_partial  
1.2 NDCC Chapter 54-40.5-04  
1.3 Twnshp Reclaim of Jurisdiction SA opinion 05171999  
1.4 ART. 5 Gen. Provisions and Guidelines



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission

Re: Recommendations from the July 12, 2023 meeting of Burleigh County Planning Commission.

Date: 7-13-2023

From: Mitch Flanagan, Burleigh County Planning Director. *lll*

ITEM 1

Recommendation of Zoning Change for Aberle Park 3<sup>rd</sup> Subdivision

Legal Description: Part of Auditor's Lots 2 & 3 & Lot 1 Block 2 Aberle Park 2<sup>nd</sup> Subdivision.  
Property Address: 16165 Industrial Park Drive, Menoken, ND.

Burleigh County was approached in March regarding the platting of a 25-acre parcel into a 5-lot subdivision. Part of the plat approval zone change is from AG to Industrial. The requested zoning of I-Industrial is consistent with the surrounding properties.

ITEM 2

Recommendation of Approval of Aberle Park 3<sup>rd</sup> Subdivision Final Plat

Legal Description: Part of Auditor's Lots 2 & 3 & Lot 1 Block 2 Aberle Park 2<sup>nd</sup> Subdivision.  
Property Address: 16165 Industrial Park Drive, Menoken, ND.

This Plat is the third phase of the master plan for this area. A Stormwater Management Plan was submitted and approved. Industrial Park Drive has also been completed per county standards. Staff presented the zoning change and the subdivision at the July 12, 2023 Planning Commission meeting:

- a) Motion to approve the zone change and final plat was 8-0 vote in favor of approval.

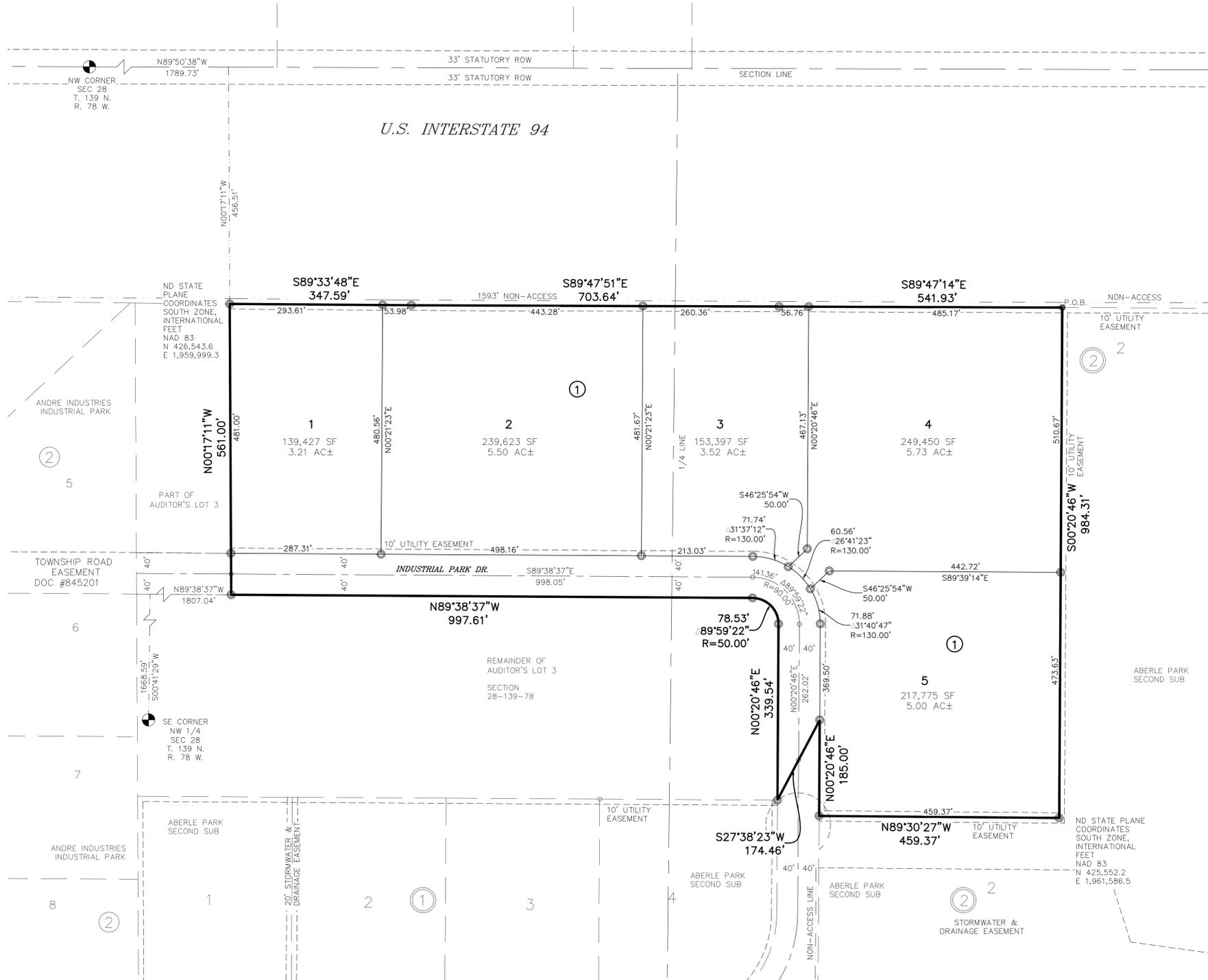
Suggested Motion:

Based on supporting documents and the findings by the planning commission, it is recommended to approve the zone change from AG to I and approve Aberle Park 3<sup>rd</sup> Subdivision Final Plat.

Attachments: 1.1 Current Zoning of Aberle Park Subdivision.  
1.2 Aberle Park 3<sup>rd</sup> Subdivision Final Plat

# ABERLE PARK THIRD SUBDIVISION

PART OF AUDITOR'S LOTS 2 & 3, AND ALL OF LOT 1 BLOCK 2 ABERLE PARK SECOND SUBDIVISION OF THE NORTH 1/2 OF SECTION 28, TOWNSHIP 139 NORTH, RANGE 78 WEST OF THE FIFTH PRINCIPAL MERIDIAN  
BURLEIGH COUNTY, NORTH DAKOTA



### NOTES

**BASIS OF BEARING:**  
NORTH DAKOTA STATE PLANE, SOUTH ZONE  
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

**COORDINATE DATUM:**  
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM  
NAD 83 SOUTH ZONE  
ADJUSTMENT OF 1986  
UNITS ARE INTERNATIONAL FEET  
NAVD 88 VERTICAL DATUM

**BENCHMARK:**  
NE CORNER ABERLE PARK THIRD SUBDIVISION  
ELEV = 1725.3 (NAVD 1988)

### AREA DATA

LOTS	999,670 S.F.	22.95 ACRES
STREETS	112,115 S.F.	2.57 ACRES
TOTAL	1,111,785 S.F.	25.52 ACRES
NW 1/4	475,504 S.F.	10.92 ACRES
NE 1/4	636,282 S.F.	14.60 ACRES

**SWENSON, HAGEN & COMPANY P.C.**  
909 Basin Avenue  
Bismarck, North Dakota 58504  
sheng@swensonhagen.com  
Phone (701) 223-2600  
Fax (701) 223-2606

Surveying  
Hydrology  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission  
Re: Consider OHV Ordinance.  
Date: 7-12-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *lll*

ITEM 1

Proposed Ordinance

Due to the public discourse and concerns brought to the Burleigh County Commission, it has been requested to create a local ordinance for Burleigh County residents when operating Off Highway Vehicles in a Public Right of Way.

**ACTION REQUESTED**  
Resolution for Public Hearing to Consider Ordinance.

**Attachments:**

- 1) Draft OHV Ordinance

## Ordinance or Resolution Procedure under Home Rule Charter

### Through Board of County Commissioners

- 1) Proposed ordinance or resolution provided to the Board of County Commissioners. 1<sup>st</sup> reading at a public meeting consisting of an announcement of the title. Full copies of the proposed ordinance or resolution are available to the public through the Burleigh County Auditor's Office.
- 2) Publication of the summary of the enactment in the official newspaper of the county at least 20 days before the 2<sup>nd</sup> reading.
- 3) A 2<sup>nd</sup> reading consisting of an announcement by title at the next Commission meeting after 20 days have passed since publication. Public comment can be taken and amendments may be made.
- 4) Commission vote on final passage of the ordinance or resolution can be done after the 2<sup>nd</sup> reading by roll call vote. A majority must concur for passage of the ordinance or resolution.
- 5) Upon final passage, the ordinance or resolution takes effect on the date stated in the enactment. If no enactment date is stated, the ordinance or resolution becomes effective on the first day of the month following the date of enactment.

### Through Initiative

- 1) A proposed ordinance may be submitted to the Board of County Commissioners by petition.
- 2) The petition containing the proposed ordinance must be signed by at least 15% of the number of electors voting in the county for the office of governor in the preceding general election.
- 3) The petition must contain a request that the proposed ordinance be submitted to a vote of the qualified electors if it is not passed by the Board of County Commissioners.
- 4) The petition must be filed with the Burleigh County Auditor's Office.
- 5) Within 10 days after filing the petition, the Burleigh County Auditor will verify the petition was signed by the required number of qualified electors. The County Auditor shall certify the results of the verification and, if the petition is insufficient, shall state the reasons for that determination.
- 6) If the petition is verified as sufficient, the Burleigh County Auditor shall include the proposed ordinance on the agenda of the next meeting of the Board of County Commissioners. The meeting must take place within 20 days after the petition is verified by the Auditor.
- 7) If the petition is deemed insufficient, amendments may be made within 10 days. If the amendments are also deemed insufficient, a new petition may be initiated. If the amendments are sufficient, the Burleigh County Auditor shall include the proposed ordinance on the agenda of the next meeting of the Board of County Commissioners.

- 8) The Board of County Commissioners can either adopt the proposed ordinance without changes or submit the proposed ordinance to the next election if it will be held within 90 days. If there is no election scheduled within 90 days, a special election must be called.

**Through Referendum (Protest of an Ordinance Adopted by Board of County Commissioners)**

- 1) A petition protesting an adopted ordinance may be presented to the Board of County Commissioners no later than 4 p.m. on the 10<sup>th</sup> day after the ordinance takes effect. The petition may be filed with the Burleigh County Auditor.
- 2) The petition of protest must signed by at least 10% of the number of electors voting in the county for the office of governor in the preceding general election.
- 3) Within 10 days after filing the petition, the Burleigh County Auditor will verify the petition was signed by the required number of qualified electors. The County Auditor shall certify the results of the verification and, if the petition is insufficient, shall state the reasons for that determination.
- 4) In most cases, the ordinance will be suspended upon the filing of the petition.
- 5) The Board of County Commissioners shall reconsider the ordinance at their next meeting and the Commission can either repeal the entire ordinance or submit the ordinance to the next election if it will be held within 90 days. If there is no election scheduled within 90 days, a special election must be called.

## ORDINANCE NO. \_\_\_\_\_

### A BURLEIGH COUNTY ORDINANCE FOR THE SAFETY REGULATIONS OF OFF-HIGHWAY VEHICLES WHEN OPERATING WITHIN PUBLIC RIGHT OF WAYS

NOW THEREFORE, BE IT ENACTED BY THE 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: No person may engage in exhibition driving of an OHV vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area, nor may any person engage in a race, a speed competition, drag race or acceleration contest, jumping of ditches, roadways or private driveways, endurance, or exhibition of speed or acceleration.
2. "Jumping of areas within the road right-of-way or private drives" means: accelerating vehicle at such speeds as to cause the vehicle 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

- 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.
4. "Operate" means: To ride in or on and control the operation of an off-highway vehicle.
  5. "Operator" means: An individual who operates or is in actual physical control of an off-highway vehicle.
  6. "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.
  7. "Private Drive" means: A Private Drive is privately owned and maintained property which is for the sole purpose of vehicular access or egress onto a property, but is not open or normally used by the public.
  8. "Register" means: The act of assigning a registration number to an off-highway vehicle.
  9. "Roadway" means: A road, especially the part over which vehicles travel.
  10. "Road Right-of-Way" means: A right-of-way that is a line that bounds usually both sides of a roadway and that represents an area of land that is reserved by a governing entity for the maintenance of the road and for the potential future expansion of that road.

#### **SECTION 4. Operation of Off Highway Vehicles in Right Of Way**

1. Except for the roadway, an off-highway vehicle that is operated within the road 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.
2. Operators of an off-highway vehicle must travel in the extreme right-hand side of the road right of way and make left turns across the roadway only if it is safe to do so under prevailing conditions.
3. Except for roadway, operators shall operate an off-highway vehicle in the road right of way on County roads at a maximum speed of 25 miles per hour, including a speed

~~limit not to exceed 5 MPH when crossing perpendicular to a private access or an approach to private property.~~

4. An operator may not operate an off-highway vehicle in the road right of way on County roads in the following manner:
  - a) In a careless, reckless, or negligent manner so as to endanger the person or to cause injury or damage to another person.
  - b) In a careless, reckless, or negligent manner so as to cause damage to the property of another.
  - c) In a manner so as to cause exhibition driving, jumping of ditches, roadway right of ways or private drives, excessive engine noise, skids or slides upon acceleration or stopping.
  - d) In a manner as to simulate a race or temporary race, or to cause the vehicle to unnecessarily sway or turn abruptly, or to impede traffic.
  - e) While under the influence of intoxicating liquor or a controlled substance.
  - f) Without a lighted headlamp and taillamp from ½ hour before sunset and ½ hour after sunrise.
  - g) On any agricultural land, unless permission from the landowner is granted. ~~In any tree nursery or plantings in a manner that damages growing stock.~~
  - h) Without a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system.
  - i) 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.
  - j) Land entirely enclosed by a fence or other enclosure unless permission is granted from landowner.
5. Exceptions are granted for:
  - a) OHV's operated by ~~emergency responders as employed by~~ an employee of Burleigh County.

**SECTION 4. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions

of this ordinance are hereby repealed.

**SECTION 5. 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 6. 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 \_\_\_\_\_ 2023.

\_\_\_\_\_  
Becky Matthews, Chairperson

ATTEST:

\_\_\_\_\_  
Mark Splonskowski, County Auditor

**ITEM**

**# 9**

## Ordinance or Resolution Procedure under Home Rule Charter

### Through Board of County Commissioners

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- 2) Publication of the summary of the enactment in the official newspaper of the county at least 20 days before the 2<sup>nd</sup> reading.
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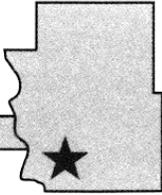
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- 5) The Board of County Commissioners shall reconsider the ordinance at their next meeting and the Commission can either repeal the entire ordinance or submit the ordinance to the next election if it will be held within 90 days. If there is no election scheduled within 90 days, a special election must be called.

**ITEM**

**# 10**



Request for County Board Action

**DATE:** July 19, 2023

**TO:** Burleigh County Commission

**FROM:** Mark Splonskowski  
County Auditor/Treasurer

**RE:** Consideration of remaining applicant of the Home Rule Charter Committee.

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

**REQUEST:**

Fill remaining seat on the Home Rule Charter Committee.

With further consideration County staff realized that all voting members of the board need to reside within Burleigh County. Deputy Finance Director Schulz, who was requested to be part of the committee does not reside within Burleigh County.

**RECOMMENDED ACTION:**

Fill remaining seat on the Home Rule Charter Committee.

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: Josey Milbradt

Address: 1111 1st St Bismarck ND

Home Phone: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: milbradtj@bismarcknd.gov

Board or Commission on which you prefer to serve:

Home Rule Charter Committee

List below the skills or qualifications you could bring to this Board or Commission:

Licensed Professional Engineer, Leadership, Budgeting experience,  
Served on multiple boards in the past

If you have any special interest or reason for serving on this Board or Commission, please explain below.

I'd like to serve our county in any capacity I can. Not many people step up again

Principal Occupation/Source of Income (check one)

- |                                     |                                    |   |  |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales        |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input checked="" type="checkbox"/> Professional |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            |  |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest: None

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

District 8 Republican Party - Vice Chair

Signature: Josey J. Milbradt Date: 5/4/2023

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

Oath Returned \_\_\_\_\_

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: Kay LaCoe

Address: Bismarck, ND

Home Phone: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Board or Commission on which you prefer to serve:

Home Rule Charter Committee

List below the skills or qualifications you could bring to this Board or Commission:

Excellent communication skills, certified meeting facilitator, Masters degree in Organizational Leadership, pragmatic, and level-headed.

If you have any special interest or reason for serving on this Board or Commission, please explain below.

I have long been wanting to get involved in Burleigh County and I am finally at a place in my career and personal life which affords me the time to become involved. Additionally, I have a personal passion for common-sense ordinance development.

Principal Occupation/Source of Income (check one)

- |                                     |                                    |   |  |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales        |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input checked="" type="checkbox"/> Professional |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            |  |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

Vice President of North Dakota Mounted Shooters, Vice President Lignite Energy Foundation

Signature: Kay LaCoe Digitally signed by Kay LaCoe  
Date: 05/05/2023  
DATE: 2023.05.05 12:47:33 -03'00'



Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

Oath Returned \_\_\_\_\_

**ITEM**

**# 11**

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

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PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

### Memorandum

To: Chairman Becky Matthews  
Commissioner Brian Bitner  
Commissioner Wayne Munson  
Commissioner Steve Schwab  
Commissioner Jerry Woodcox

From: Pam Binder, SPHR, SHRM-SCP  
HR Director/Risk Manager

Date: July 12, 2023

Re: Human Resource's Agenda item for July 19, 2023, Commission Meeting

#### **SUBJECT:**

Clarification needed for the motion made and the discussion that followed during the June 19<sup>th</sup>, 2023 Commission meeting regarding the Deputy Finance Director and the Finance Director positions.

#### **BACKGROUND:**

During the June 19, 2023 Commission meeting, I provided a couple of options to move forward with the open Finance Director position and the current Deputy Finance Director position. I had presented the following recommendation:

- As Justin Schulz is performing the majority of the Finance Director job duties as the Deputy Finance Director, my recommendation would be to allow for a temporary reclassification of the Deputy Finance Director position to a Grade 14, Step 7. Currently Justin is a Grade 12, Step 6 with a probationary increase to a Step 7. As part of the career path to the Finance Director position, I would make the recommendation for Justin Schulz to attain the Certified Public Finance Officer (CPFO) designation. This would fulfill the requirements for the Finance Director job duties and provide a strong foundation for a career in government finance. The CPFO is about a two-year process with seven exams. This certification makes sense as it covers all the areas of the Finance Director's job duties. Upon the attainment of the CPFO certification I would recommend that Justin Schulz be promoted to the Finance Director position at a Grade 16

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

---

PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

- The above recommendation was approved by the Commission with the revision of the CPFO designation being attained in a 36-month timeframe rather than the two-year time frame originally proposed.

Prior to giving the recommendation for the Career Pathing option for the current Deputy Finance Director to become the Finance Director, another option was discussed regarding opening the recruitment process and posting the job for the Finance Director.

After the Commission approved the Career Pathing option for the Deputy Finance Director with the temporary job classification and CPFO designation obtainment, in order to be promoted to the Finance Director position, the conversation reverted back to the recruitment of the Finance Director. The Commissioners were in agreement to move forward with posting the Finance Director position.

The options were presented as an either /or option and cannot be performed simultaneously, both the Career Pathing option for the Deputy Finance Director and the option to open the recruitment process for the Finance Director position serve to fill the Finance Director position. We do not need two Finance Directors. However, all of the Commissioners agreed to open the recruitment process for the Finance Director although no formal vote and approval was made for this option.

### **RECOMMENDATION:**

Clarification is needed on which option the Commission wishes to move forward with for the Finance Director position.

We are currently recruiting for the open Accountant position for the Auditor/Treasurer department. We received three applicants for the Accountant position. Of the three applicants received, one applicant withdrew prior to the interview process, and another internal applicant does not meet the minimum qualifications and as such, if chosen would have to be hired as an underfill. Using this Accountant recruitment process as a gauge, I am doubtful that we will receive any qualified applicants for the Finance Director position if we were to post the job again.

I would recommend not to choose the recruitment (job posting) for the Finance Director position option and instead reaffirm the Career Pathing option for the Deputy Finance Director position and give Justin the 36 months to complete the CPFO designation and if the CPFO designation has been obtained promote Justin to the Finance Director position as approved in the June 19, 2023 commission meeting.

**ITEM**

**# 12**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** ~~July 5, 2023~~ July 19, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** American Rescue Plan

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

**ACTION REQUESTED:**

Review request and direct staff on how to proceed.

**BACKGROUND:**

*The City of Wing is requesting additional ARP funds for a wastewater treatment system project. See attached letter.*

At the July 5<sup>th</sup> meeting the County Board requested additional information.

We have requested answers to the following questions, as of 7/12/23 we have not yet received answers to our questions.

Total cost of Project?

Amount requesting from the County?

Are you planning on requesting funds from any other grant program?

Will you do the project if you don't get the full request from the County?

In addition, the Board requested information on the types of projects we have already funded:

Project Name	Entity Name	Amount Approved	Amount Spent
Burleigh County Courthouse Renovation	Burleigh County	\$603,501	\$603,501.00
Morton Township First Responder AED	Morton Township	\$1,900	\$1,677.20
2022 Street and Utility Improvements	Wilton	\$666,666	\$562,594.05
2023 Street and Utility Improvements	Wilton	\$318,865	
Morton Township Standby Generator	Morton Township	\$5,800	\$5,800.00
66th Street Grade Separation and Apple Creek Crossing	Burleigh County	\$1,000,000	\$860,679.93
66th Street RR Overpass #2	Burleigh County	\$1,094,507.00	
Bryan Slough Project	Burleigh County	\$1,000,000	\$1,328.00
Burleigh County WTP Improvements	SCRWD	\$758,151	\$629,252.10
Wing, ND Water Main Replacement	Wing	\$1,000,000	\$992,323.19
Joan Hetzel Memorial 4-H Building Broadban Access	Bismarck Parks	\$12,750	\$12,750.00
Wilton Ambulance Premium Pay for Essential Workers	Wilton Ambulance	\$50,000	\$41,509.00
Provident Building Renovation	Burleigh County	\$2,000,000	\$372,545.73
Provident Building Renovation Phase 2	Burleigh County	\$5,000,000.00	
Burleigh County PPE	Burleigh County	\$374,440	\$231,674.52
Wing Ambulance Premium Pay for Essential Workers	Wing Ambulance	\$50,000	\$27,040.00
BMDC 4 Full-Time Employees for Covid-19 Mitigation	Burleigh County	\$1,037,608	\$341,911.65
Reimbursement from Morton County for BMDC	Morton County	-\$254,214	
Wilton Fire Protection District Premium Pay	Wilton Fire	\$50,000.00	\$1,776.89
Provident Building - HVAC Replacement	Burleigh County	\$379,850.00	\$349,488.78
Sheriff Dept Shop Repairs	Burleigh County	\$324,312.00	\$182,005.33
Bismarck Rural Fire Department - New Station	Bismarck Rural Fire	\$2,000,000.00	\$0.00
Kidder Ambulance Premium Pay	Kidder County	\$50,000	\$0.00
McClusky Ambulance Premium Pay	Sheridan County	\$50,000	\$0.00
Wing Rural Fire Premium Pay	Wing Fire	\$50,000	\$0.00
Sterling Rural Fire Premium Pay	Sterling Fire	\$50,000	\$0.00
Braddock Rural Fire Premium Pay	Kidder County	\$50,000	\$0.00
		\$17,724,136	\$5,217,857.37
	Funds Allocated	\$17,724,136	\$5,217,857.37
	Funds Received	\$18,574,229	
	Unallocated Funds	\$850,093	

**RECOMMENDATION:**

It is recommended that the Board review the City of Wings requests and direct staff on how to proceed.

June 13, 2023

Marcus J. Hall  
County Engineer  
Burleigh County Highway Department  
8100 43<sup>rd</sup> Ave NE  
Bismarck, ND 58503

Dear Mr. Hall,

The City of Wing is respectfully requesting financial assistance from Burleigh County for dire improvements to the City's Infrastructure. The City has been proactive over the years replacing infrastructure and making improvements.

In 2019, the City completed a \$635,000 City-Wide Sanitary Sewer Rehabilitation Project. The project consisted of relining the sanitary sewer collection system with a Cured-In-Place-Pipe, and rehabilitated half of the sanitary sewer manholes in town.

In 2022, the City started a City-Wide Water Main Replacement project. The project is going well and will be completed this summer. The project consists of replacing all the water mains, water services, and the chemical feed building in the City. The City received \$1,000,000 of the \$3,444,000 total project budget from Burleigh County to complete this project. The City is very grateful for the funding and would not have been able to complete the work without the County's assistance.

After completion of the two projects, the City's water distribution system and wastewater collection system will be in excellent condition to serve the City for many years, but the cost of the projects has been a significant burden for the residents to take on.

The next major project for the City to undertake is their wastewater treatment system. The City is need of significant repairs to their wastewater treatment facility to sustainably serve the residents and prevent any environmental and health violations with their system.



Figure 2: Control Panel

### **Lift Station**

The existing city lift station is near the end of its useful life. The lift station was originally installed in 1958 and needs significant improvements and repairs. The controls and pumps and appurtenances are 20 years or older and need replacing.



Figure 1: Lift Station Structure



Figure 3: Wastewater Lagoon

### **Wastewater Lagoons**

The city wastewater lagoons need rehabilitation including berm repair and rip rap replacement for berm protection. The City is having capacity issues and had to emergency discharge their lagoons, so they did not overflow in the spring of 2023. The gate valves on the crossover pipes do not operate, so instead of operating in a 3-cell series like intended, the City's lagoons essentially operate as one large cell.

### **Sewer Collection**

Within town, there is a storm sewer inlet that was connected to the city's sewer system. This is against today's codes for the city sewer system. We also believe this is a contributing factor to why the City has capacity issues with the lagoons. The City has already had multiple lagoon discharges related to this issue.

### **Conclusion**

The City's requests \$1.2 million in financial assistance from the County to address these issues. Any further direction and consideration from the County on this matter is greatly appreciated by the City of Wing.

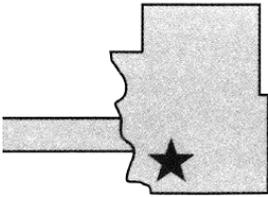
Sincerely,

A handwritten signature in cursive script that reads "Julie Hein".

Julie Hein,  
Mayor  
City of Wing

**ITEM**

**# 13**



Request for County Board Action

**DATE:** July 19, 2023  
**TO:** Mark Splonskowski  
County Auditor  
**FROM:** Justin Schulz  
Deputy Finance Director  
**RE:** Approval of Burleigh County Bidding Policy

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

**ACTION REQUESTED:**

Approval of Burleigh County Bidding Policy to be added to the Burleigh County Finance Manual.

**BACKGROUND:**

Burleigh County Department Heads have asked for a Bidding Policy that consolidates the “major” bid related items. During the July 5, 2023 Commission Meeting, the commission asked for clarification on the term “emergency” noted on the first item under newspaper advertisement. Mary Senger provided that information and it has been added to the attached Policy. A second paragraph has also been added that references the Procurement Policy, passed by the Commission on April 17, 2023, for specific internal requirements and approvals needed.

**RECOMMENDATION:**

It is recommended the Board adopt the attached proposed resolution.

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the County Board approve the Burleigh County Bidding Policy to be placed in the Burleigh County Finance Manual.

## BIDDING POLICY

### GENERAL

- A. It shall be the policy of the Burleigh County Commissioners to:
  - a. Require departments of Burleigh County to comply with all statutes regarding bidding of equipment and hiring of services.
    - i. A graph below outlines the “major” items noted in North Dakota Century Code.
- B. This policy shall be in effect for all departments receiving an annual appropriation from the county commission.

Bid Item	Bid Threshold	North Dakota Century Code	Newspaper Advertisement
Highway Road Construction Projects	\$50,000 - \$200,000	N/A	***Informal - seek at least 2 bids unless emergency then no bid required
Highway Road Construction Projects	\$200,000	<a href="#">24-05-04(1)</a>	2 consecutive weeks; at least 15 days prior to bid opening
Public Improvement Architect and Engineering	\$200,000	<a href="#">48-01.2-04</a>	3 consecutive weeks; at least 21 days prior to bid opening
Public Improvement Construction (Building)	\$200,000	<a href="#">48-01.2-02.1 &amp; 48-01.2-02.04</a>	3 consecutive weeks; at least 21 days prior to bid opening
New County Road Machinery	\$100,000	<a href="#">24-05-04(2)</a>	2 consecutive weeks; at least 15 days prior to bid opening
Machinery Lease	Limited to 7 years	<a href="#">24-05-04(3)</a>	2 consecutive weeks; at least 15 days prior to bid opening
Bridges	\$200,000	<a href="#">24-08-03.2 &amp; 24-08-01</a>	2 consecutive weeks; at least 15 days prior to bid opening
Bidding of Fuel	\$4,000	<a href="#">11-11-26</a>	2 consecutive weeks OR at least 2 by telephone
Bid Bond requirement	N/A	<a href="#">11-11-28 &amp; 48-01.2-05</a>	Separate envelope: sum of 5% or a cashier's check

\*\*\*

### **ND Office of Management and Budget (NDOMB)**

Burleigh County is able to purchase under their State Contracts and Cooperative Purchasing. NDOMB does have “Emergency Purchasing” and “Urgent Non-Emergency Purchasing” guidelines and required documentation: <https://www.omb.nd.gov/doing-business-state/procurement>

### **Procurement Policy**

Please reference Chapter 1, Procurement Policy, of the Finance Manual for specific internal requirements and approvals needed.

## PROCUREMENT POLICY

### GENERAL

- A. It shall be the policy of the Burleigh County Commissioners to:
  - a. Require departments of Burleigh County to comply with all statutes regarding purchase or dispositions of equipment and hiring of services
- B. Inventory items are defined as any item with the value of \$500 or more.
- C. For GASB purposes, any item over \$5,000 value will be depreciated over the life of the item. See Burleigh County's Capital Asset Policy for a full description.
- D. This policy shall be in effect for all departments receiving an annual appropriation from the county commission.

### NEW EQUIPMENT, SUPPLIES, CONTRACTS

- A. Unless purchasing equipment, supplies or contracts through a State bid, competitive bids, proposals, or price quotes shall be obtained for any single item over \$5,000.
- B. The cost of the new equipment shall be appropriated in the commissioner approved budget of the department for the year in which the acquisition is to occur.
- C. Any deviations from the approved budget such as an emergency issue shall be presented to the commissioners for approval prior to purchasing new equipment, supplies or contracts.

### MAINTENANCE

- A. Maintenance of equipment, computer software, software upgrades and licenses shall be the responsibility of each department.
- B. The cost of maintenance shall be appropriated in the commissioner approved budget of the department.
- C. Any unforeseen maintenance costs, not in the department's budget, shall be presented to the commissioners for approval.

### REPLACEMENT

- A. Replacement of equipment shall be appropriated in the commission approved budget of the department.
- B. Unless the replacement is through State bid, competitive bids, proposals, or price quotes shall be obtained for any single item over \$5,000.
- C. Unexpected replacement costs, not in the current budget, shall be presented to the commissioners for approval.
- D. Replacement of large items such as elevators, boilers, software upgrades, etc. may be budgeted over multiple years in order to avoid a major increase in one year budget cycle with the approval of the commissioners.

## DISPOSITION OF EQUIPMENT

- A. Notice of all inventory items with a county item number that is disposed of or replaced shall be made to the county Auditor/Treasurer's office.
- B. Computer equipment and copiers shall be cleared of all data by IT prior to disposal.
- C. Vehicles shall be traded in, auctioned or sold on bids at the discretion of the department head with approval of the commissioners.
- D. Transfer of property from one office to another shall be noticed to the Auditor/Treasurer's office for inventory purposes using the Inventory Transfer Record form.

## Suspended and Debarred Parties

- A. For all Federal Funded awards, it is required that the county verifies that the party is not Suspended or Debarred from completing work related to Federal Funds. This can be searched using the following website: <https://sam.gov/content/entity-information>. In the Search dropdown select "Exclusions" and then to the right type in the name you are searching. Printing the results page will fulfill the documentation requirement.

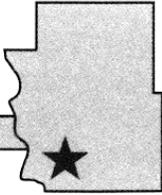
Approved this \_\_\_\_ of \_\_\_\_\_, 2023

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Commission Chairman

**ITEM**

**# 14**



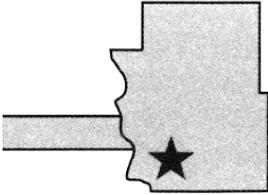
Request for County Board Action

**DATE:** July 19, 2023  
**TO:** Burleigh County Commission  
**FROM:** Mark Splonskowski  
County Auditor/Treasurer  
**RE:** Update on Lawsuit.

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

**INFO:**

Update on the Mark Splonskowski vs Erika White Lawsuit.



Request for County Board Action

**DATE:** July 19, 2023  
**TO:** Burleigh County Commission  
**FROM:** Mark Splonskowski  
County Auditor/Treasurer  
**RE:** Sale of Bismarck Tire parking lot.

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

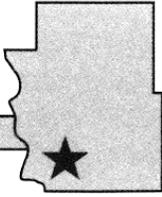
**REQUEST:**

Consider the bids received for the Bismarck Tire parking lot.

At the June 5<sup>th</sup> Commission meeting, the Commission directed me to move forward with the potential sale of the Bismarck Tire parking lot under sealed bid with the minimum of eleven dollars (\$11) a square foot, or \$78,100.00, reserving the right to refuse any and all bids. The bids were received and opened on July 11<sup>th</sup>, at 1:00 in the 1<sup>st</sup> floor conference room. Three bids were received, two of which met or exceeded the minimum bid set by the Commission. One bid was received from JJ Hageness Renovation LLC for \$78,100.00 with an escalation clause. The second was received from RJ Holdings LLP for \$90,100.00.

**RECOMMENDED ACTION:**

Direct staff on how to proceed.



## Request for County Board Action

**DATE:** July 19, 2023

**TO:** Burleigh County Commission

**FROM:** Mark Splonskowski  
County Auditor/Treasurer

**RE:** City/County Building and Courthouse Leases with Burleigh County

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

**REQUEST:**

Consider approval of the City/County Building and Courthouse leases with Burleigh County.

**BACKGROUND INFORMATION:**

Burleigh County has requested a rate adjustment from \$15.00/sq.ft. to \$13.00/sq.ft. for the space we lease in the City/County Building. At the May 15<sup>th</sup>, 2023, Commission meeting, the County Commission approved presenting the proposed lease rate of \$13.00/ sq. ft. for both the City/County Building and the County Courthouse to the combined Commissions Committee. The Bismarck Burleigh Commissions Committee has been discussing the proposed change to the current City/County Building lease over the course of several meetings. The Committee has reached a consensus on the new rate of \$13.00/sq.ft. The Committee recommended the new rate of \$13.00/sq.ft. be considered for approval by the City Commission and Burleigh County Commission. The City Commission approved the adjustment to the City/County building lease at their June 13<sup>th</sup> meeting and approved the adjustment to Courthouse lease at their June 27<sup>th</sup> meeting. These agreements were presented the County Commission on July 5<sup>th</sup>, 2023, and was not approved or denied.

**RECOMMENDED ACTION:**

Approve the amended City/County Building and Courthouse leases.

## LEASE AGREEMENT

This lease agreement is made and entered into by and between the City of Bismarck, hereinafter referred to as "**City**," and the county of Burleigh, hereinafter referred to as "**County**."

1. **Lease of Premises.** The **County**, in consideration of the rent to be paid and the covenants to be performed by the **City**, does hereby lease to the **City** the following-described premises situated in the City of Bismarck, Burleigh County, North Dakota:

First floor of the building known as the Burleigh County Courthouse, more specifically known as Bismarck Municipal Court, located at 514 East Thayer Avenue, and consisting of approximately 2712 square feet, including only the area shown on Exhibit "A," attached hereto and made a part of this lease.

2. **Term of Lease.** The term of this lease shall be for a period of one year, commencing on the first day of ~~January~~June, 20~~24~~09, and terminating on the last day of ~~May~~December, 20~~24~~10. This Lease Agreement shall automatically renew for additional one-year periods, on the same terms and conditions, upon the expiration of the original or renewed term.

During the initial or renewed term of this Lease Agreement, the **City** shall have the unilateral right to terminate the lease by giving 30 days' notice of its intent to cancel the lease and vacate the premises.

3. **Rental Payments.** The **City** agrees to pay as rental for the premises ~~\$134.00~~ per square foot for a total of ~~\$10,848.00~~35,256.00 (2712 square feet x ~~\$134.00~~ per square foot) on an annual basis during the term of this lease. Rental payments are payable annually or in installments as the parties hereto may verbally agree.

4. **Improvements and Remodeling.** The **City** agrees to assume the cost of improvements or remodeling necessary or desired in those areas leased by the **City**. All proposed improvements shall be subject to prior approval by the **County**.

5. **The County's Obligations.** The **County** agrees as follows:

a. To provide utility service to the leased premises, excluding telephone.

b. To comply with the requirements of applicable building and housing codes materially affecting health and safety and to comply with all applicable laws of this state and ordinances of the **City** in force from time to time relating to the leased premises and landlord's obligations thereto.

c. To keep all common areas of the premises in a clean and safe condition.

d. To furnish janitorial services.

6. **The City's Obligations.** The **City** agrees as follows:

a. To pay for its share of the utilities. The **City's** share of the utilities shall be computed based upon the total square footage leased by the **City** as a percentage of the total usable square footage in the building.

b. To pay the rental when due.

c. To keep the leased premises in a clean, safe, and healthful condition, and to maintain the leased premises in such repair as the same is at the time of initial occupancy during the term of the lease, save and except only reasonable use and wear, and damage by fire and unavoidable casualty.

d. Not to make or suffer any unlawful, improper, or offensive use of the premises, and to keep and observe all of the laws of this state and the ordinances of the City of Bismarck in force from time to time relating to the leased premises or the use thereof.

e. To permit the **County** at all reasonable times to enter upon and examine the premises and to make such repairs as may be thought necessary by the County for the protection of the premises.

f. To surrender the leased premises to the **County** at the expiration of the Lease Agreement in as good condition and repair as the same were in when the premises were occupied, reasonable wear and tear and damage by fire or other unavoidable casualty only excepted. Also, in default of the payment of any rents due or failure to perform any of the terms or conditions of this lease, then to surrender premises upon demand made by the **County**. Upon expiration of the Lease Agreement, the **City** grants to the **County** the right of reentry to such premises, should the option to extend the lease not be exercised.

~~g. To pay for its share of janitorial services. The City's share of the janitorial services shall be computed based upon the total square footage leased by the City as a percentage of the total usable square footage in the building. The City agrees to pay its share of the cost of janitorial services promptly when due.~~

7. **Termination of Lease in the Event of Destruction of Premises.** It is agreed that in the event the leased premises are destroyed or damaged by fire or the elements to the extent they should be untenable, then this lease shall immediately terminate, unless the **County**, within 20 days of the happening of such event, gives notice of intention to restore the building and restore possession of the leased premises to the **City**, and shall fully restore such premises within a reasonable time thereafter, provided, that during the term between destruction and restoration the payment of such rent shall be suspended.

8. **Assignment.** This lease may not be assigned or sublet by the **City** without the prior written consent of the **County**. This lease shall not terminate by reason of any sale of the premises by the **County** to third parties, but shall continue throughout the entire term.

Dated this \_\_\_\_ day of \_\_\_\_\_, 202309.

ATTEST:

CITY OF BISMARCK, NORTH DAKOTA

~~William C. Wocken~~ Keith Hunke  
T. Schmitz, President  
City Administrator

~~John Warford~~ Michael  
Board of City Commissioners

Dated this \_\_\_\_ day of \_\_\_\_\_, 202309.

ATTEST:

BURLEIGH COUNTY, NORTH DAKOTA

~~Kevin J. Glatt~~ Mark Splonskowski  
~~Peluse~~ Becky Matthews, Chairman  
County Auditor/Treasurer

~~James~~  
Board of County Commissioners



## LEASE AGREEMENT

This lease agreement is made and entered into by and between the City of Bismarck, hereinafter referred to as "**Landlord**," and the county of Burleigh, hereinafter referred to as "**Tenant**."

1. **Lease of Premises.** The **Landlord**, in consideration of the rent to be paid and the covenants to be performed by the **Tenant**, does hereby lease to the **Tenant** the following-described premises situated in the City of Bismarck, Burleigh County, North Dakota:

First floor and one storage space in the basement of the building known as the City/County Building, located at 221 North 5<sup>th</sup> Street, Bismarck, North Dakota, and consisting of approximately 14,967.75 square feet, including only the area shown on Exhibit "A," attached hereto and made a part of this lease.

2. **Term of Lease.** The term of this lease shall be for a period of one year, commencing on the first day of January 1, 2024, and terminating on the last day of December, 2024. This Lease Agreement shall automatically renew for additional one-year periods, on the same terms and conditions, upon the expiration of the original or renewed term.

During the initial or renewed term of this Lease Agreement, the **Tenant** shall have the unilateral right to terminate the lease by giving 180 days' notice of its intent to cancel the lease and vacate the premises. This lease will not allow month-to-month tenancy and shall terminate at the end of the term. The parties can execute a new lease or vacate the premises.

Failure to pay the Rental Payments below on the dates indicated, which if it continues for a period of ten (10) days after written demand by the **Landlord** for payment, shall be a considered a default and result in termination of the lease.

3. **Rental Payments.** The **Tenant** agrees to pay as rental for the premises \$13.00 per square foot for a total of \$194,580.75 (14,967.75 square feet x \$13.00 per square foot) on an annual basis during the term of this lease. Rental payments are payable monthly on the 1<sup>st</sup> of each month in advance of occupancy or in installments as the parties hereto may agree in writing.

4. **Improvements and Remodeling.** The **Tenant** agrees to assume the cost of improvements or remodeling necessary or desired in those

areas leased by the **Tenant**. All proposed improvements shall be subject to prior written approval by the **Landlord**.

5. **The Landlord's Obligations.** The **Landlord** agrees as follows:

a. To provide commercially reasonable utility service to the leased premises, excluding telephone and internet.

b. To comply with the requirements of applicable building and housing codes materially affecting health and safety and to comply with all applicable laws of this state and ordinances of the City of Bismarck in force from time to time relating to the leased premises and **Landlord's** obligations thereto.

c. To keep all common areas of the premises in a clean and safe condition.

d. To furnish janitorial services.

6. **The Tenant's Obligations.** The **Tenant** agrees as follows:

a. To use commercially reasonable amounts of utilities for its operations and **Tenant's** uses only.

b. To pay the rental when due.

c. To keep the leased premises in a clean, safe, and healthful condition, and to maintain the leased premises in such repair as the same is at the time of initial occupancy during the term of the lease, save and except only reasonable use and wear, and damage by fire and unavoidable casualty.

d. Not to make or suffer any unlawful, improper, or offensive use of the premises, and to keep and observe all of the laws of this state and the ordinances of the City of Bismarck in force from time to time relating to the leased premises or the use thereof.

e. To permit the **Landlord** at all reasonable times to enter upon and examine the premises and to make such repairs as may be thought necessary by the County for the protection of the premises.

f. To surrender the leased premises to the **Landlord** at the expiration of the Lease Agreement in as good condition and repair as the same were in when the premises were occupied,

reasonable wear and tear and damage by fire or other unavoidable casualty only excepted. Also, in default of the payment of any rents due or failure to perform any of the terms or conditions of this lease, then to surrender premises upon demand made by the **Landlord**. Upon expiration of the Lease Agreement, the **Tenant** grants to the **Landlord** the right of reentry to such premises, should the option to extend the lease not be exercised.

g. To pay for its share of janitorial services. The **Tenant's** share of the janitorial services shall be computed based upon the total square footage leased by the **Tenant** as a percentage of the total usable square footage in the building. The **Tenant** agrees to pay its share of the cost of janitorial services promptly when due.

h. **TENANT** shall permit no signs to be placed outside the Leased Premises unless approved in writing by the Renaissance Zone Authority Board acting as the Downtown Design Review Committee, except what is presently on the building.

7. **Termination of Lease in the Event of Destruction of Premises.** It is agreed that in the event the leased premises are destroyed or damaged by fire or the elements to the extent they should be un-tenantable, then this lease shall immediately terminate, unless the **Landlord**, within 20 days of the happening of such event, gives notice of intention to restore the building and restore possession of the leased premises to the **Tenant**, and shall fully restore such premises within a reasonable time thereafter, provided, that during the term between destruction and restoration the payment of such rent shall be suspended.

8. **Assignment.** This lease may not be assigned or sublet by the **Tenant** without the prior written consent of the **Landlord**. This lease shall not terminate by reason of any sale of the premises by the **Landlord** to third parties, but shall continue throughout the entire term.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

CITY OF BISMARCK, NORTH DAKOTA

\_\_\_\_\_  
Keith Hunke  
City Administrator

\_\_\_\_\_  
Micheal T. Schmitz, President  
Board of City Commissioners

STATE OF NORTH DAKOTA     )  
  ) SS.  
COUNTY OF BURLEIGH        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared Michael T. Schmitz, President of Board of City Commissioners, and Keith Hunke, City Administrator, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary Public

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

BURLEIGH COUNTY, NORTH DAKOTA

\_\_\_\_\_  
Mark Splonskowski  
County Auditor/Treasurer

\_\_\_\_\_  
Becky Matthews, Chair  
Board of County Commissioners

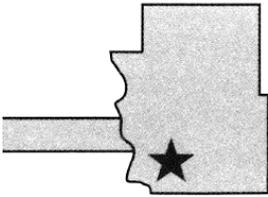
STATE OF NORTH DAKOTA     )  
  ) SS.  
COUNTY OF BURLEIGH        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared Becky Matthews, Chair of Board of County Commissioners, and Mark Splonskowski, County Auditor/Treasurer, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary Public

**ITEM**

**# 15**



## Request for County Board Action

**DATE:** July 19, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Justin Schulz  
Deputy Finance Director

**RE:** 2024 Preliminary Budget Presentation

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

**ACTION REQUESTED:**

Discuss, provide guidance, and approval of the County's 2024 preliminary budget, budget requests, and Budget Committee recommendations.

**BACKGROUND:**

The County's Budget Committee presents the 2024 preliminary budget for review and discussion to the County Commission. The Budget Committee met between June 19<sup>th</sup> and June 23<sup>rd</sup>, reviewed department requests, and determined recommendations to the County Commission. All County Commissioners received the budget request lists prior to this meeting. Deputy Finance Director Schulz, Auditor/Treasurer Splonskowski, and Commissioner Bitner will present the 2024 preliminary budget to the County Commission for review, discussion, and approval.

**RECOMMENDATION:**

Accept the 2024 preliminary budget following any discussion and adjustments determined by the County Commission.

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the County Board approve the 2024 preliminary budget.

**ITEM**

**# 16**



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

August 7, 2023

**5:00 PM** *Invocation by Chaplain*

### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration and approval of the July 19, and July 20, 2023 special meeting minutes and bills.
5. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, special events and access permits and check replacements.
6. Marcus Hall:
  - a. Public Hearing on petition to vacate section line.
  - b. Township road mileage.
  - c. Developer waiver request.
  - d. American Rescue Plan
7. Mitch Flanagan:
  - a. Klings Subdivision final plat.
  - b. Amendments to articles 12 and 33 Burleigh County Zoning Ordinance.
8. Commissioner Munson:
  - a. Missouri Valley Fairground.
9. Commissioner Woodcox:
  - a. Budget Discussions

10. Chair Matthews:

- a. Discussion on Provident building project.
- b. Designation of delegate to the Annual NDACo Conference.

11. Other Business:

12. Adjourn.

*Mark Spłonski*

Burleigh County Auditor/Treasurer/Tax

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
JULY 19, 2023**

**8:38 A.M**

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

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the agenda. All members present voted, "AYE." Motion carried. Chair Matthews opened the meeting for public comment, no one appeared for public comment. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner to approve July 5<sup>th</sup>, 2023, minutes, and bills. All members present voted, "AYE." Motion carried.

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

<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
Cheryl Mikkelsen	2023	Lot 7, Block 2, Southbay 2nd	Error in property description	\$746,300	\$675,800
Paul & Shanelle Wald	2023	Lot 19, Block 7, Southbay 1st	Error in property description	\$719,700	\$696,700
Timothy & Tabetha Rabenberg	2023	Lot 13, Block 1, Promontory Point IV 2nd	Error in property description	\$653,900	\$576,900
Kelly & Justin Jahner	2023	Lot 13, Block 2, Southbay 2nd	Error in property description	\$711,700	\$652,400

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the Mikkelsen, Wald, Rabenberg, and Jahner abatements along with the remainder of the Consent Agenda. All members present voted, "AYE." Motion carried.

City of Bismarck Planning Manager Daniel Nairn presented an update on the City of Bismarck Renaissance Zone. Bismarck's Renaissance Zone Program discontinued in July 2022; however, House Bill 1266 was signed into law, allowing Bismarck to renew the Renaissance program. The estimated results from the program was \$95,000,000 in total documented private investment, estimated \$726,000 in annual tax revenue, 250 new housing units, and 604 new full time jobs. Comm. Schwab asked if the estimated numbers included money from the former TIF district. Mr. Nairn was not completely sure to what extent they were included. The commission requested more detailed information in the formal request and asked that the letters of support included in the packet be updated.

County Planning Director Mitch Flanagan presented a request from Glenview Township to reacquire their zoning and permit authority. Flanagan suggested either denying the request or entering into a joint powers agreement with Glenview Township. Glenview Township Supervisor Steve Krants came before the Commission and stated that he would be in favor of a joint powers agreement. Comm. Bitner stated that he had concerns with the request and failed to see the benefit of a joint powers agreement. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to deny the request. Comm. Munson, Bitner, Schwab and Chair Matthews, "AYE" Comm. Woodcox, "NAY." Motion carried. Flanagan presented a zoning change and approval of Aberle Park subdivision request. Motion by Comm. Munson 2<sup>nd</sup> by Comm. Bitner to approve the requests. All members present voted, "AYE." Motion carried. Flanagan presented the new Off Highway Vehicle ordinance. Comm. Bitner and Chair Matthews shared concerns with OHV use in the ditches, safety concerns and damage to the right of way. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the ordinance to go forward to a public hearing to hear the 1<sup>st</sup> draft. Comm. Woodcox, Munson, Bitner and Chair Matthews, "AYE." Comm. Schwab, "NAY." Motion carried.

Comm. Munson presented a request to fill an open position in the Home Rule Charter Committee, Motion by Comm. Munson 2<sup>nd</sup> by Comm. Woodcox to appoint Kay Lacoë to the position. All members present voted, "AYE." Motion carried.

HR Director Pam Binder presented a request for clarification on the action taken by the Commission on June 19<sup>th</sup>. The Commission voted to place the Deputy Finance Director onto a career path but then had unanimous consensus to readvertise the position for Finance Director. The Commission can only do one or the other because the career path includes a 36 month window to allow for certification. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to continue with the career path passed by the Commission and not readvertise the Finance Director position. Comm. Woodcox, Munson, and Chair Matthews, "AYE." Comm. Bitner and Schwab, "NAY." Motion carried.

County Engineer Marcus Hall presented a request from the City of Wing for ARPA funds to be used for a wastewater treatment plant. They requested \$1,100,000. The engineer for the City of Wing, Tom Klabundy and Wing Mayor Julie Hein presented before the Commission, telling the Commission more details on the project. Comm. Munson requested that the committee to determine the uses of the ARPA funds meet and present a report back to the County Commission.

County Deputy Finance Director Jusin Schulz presented the updated bidding policy with the requested definition of emergency and a referral to the approved procurement policy currently being used by the County. Motion by Comm. Bitner 2<sup>nd</sup> by Comm. Munson to approve the updated bidding policy. Comm. Bitner, Woodcox, Munson and Chair Matthews, "AYE." Comm. Schwab, "NAY." Motion carried.

Chair Matthews called for a fifteen-minute recess.

The County Commission reconvened at 10:30.

County Auditor Treasurer Mark Splonskowski presented before the Commission a statement about the lawsuit he filed against the ND State Election Director. He clarified that it was a private lawsuit done by him as an individual, and the County was not included nor involved in it. He also gave a brief explanation of the lawsuit. Julie Lawyer verified that it was a personal lawsuit and not filed in his capacity as Burleigh County Auditor. Splonskowski presented the bids received for the sale of the Bismarck Tire parking lot. JJ Hagerness renovations LLC bid \$78,100.00 with an escalation clause and RJ Holdings LLP bid \$90,100.00.

Motion by Comm. Munson 2<sup>nd</sup> by Comm. Woodcox to approve the sale of the Bismarck Tire parking lot to RJ Holdings LLP for \$90,100.00. Comm. Woodcox, Munson, Chair Matthews, "AYE." Comm. Bitner and Schwab, "NO." Motion carried. Splonskowski presented the updated leases for the County Courthouse and the City County building with the City of Bismarck. The updates included changes of the rates to \$13.00 a square foot and the inclusion on janitorial services for both properties. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the updated leases. Comm. Woodcox, Munson and Chair Matthews, "AYE." Comm. Bitner and Schwab, "NAY." Motion carried.

Deputy Finance Director Schulz presented the 2024 preliminary budget to the Commission. Auditor Splonskowski read through the recommendations that came from the budget committee. The total general fund preliminary budget for 2024 is \$35,594,973. The total expenditure budget for 2024 is \$79,460,469 compared to 2023 at \$71,250,381, for an increase of \$8,210,088. Of that amount \$2,801,812 from the special road fund is a transfer to the highway department to pay for the 66<sup>th</sup> Street overpass project and \$2,400,000 is transferred from the same account to the Highway Department. That leaves an actual expense increase of \$3,008,276 or 4.2%. He also gave an update on the current status of the fund balance. The Commission discussed the spending of ARPA funds for the Courthouse boiler replacement, a capitol improvement plan in order to avoid large, one-time expenditures that were uncalculated in past budgets and options to cover the portion of the budget no longer covered by the fund balance. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to apply the \$189,000 from ARPA funds and the proceeds from the sale of the Bismarck Tire parking lot to a Capitol planning fund. All members present voted, "AYE." Motion carried. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to add ½ a mil to the budget to be used for the capitol improvement fund. Comm. Bitner, Woodcox, Munson and chair Matthews, "AYE." Comm. Schwab, "NAY." Motion carried. The Commission clarified that the boiler for the Courthouse would not be added to the 2024 budget. Chair Matthews brought the following items for discussion: the proposed infrastructure, salary increase, County Administrator and Public Health increase. Comm Bitner said that he disagreed that the citizens outside the City of Bismarck made up 25% of the costs of Public Health and would not support an increase in the County's portion. Comm Bitner also stated that he would not support a 1 mil. increase for the highway department. The Commission discussed options of paying for portions of the budget through different funds. Motion by Comm. Munson 2<sup>nd</sup> by Comm. Woodcox to approve the 2024 preliminary budget and call for a final budget hearing September 20<sup>th</sup>, 2023. Comm. Woodcox, Munson and Chair Matthews, "AYE." Comm. Bitner and Schwab, "NAY." Motion carried. Chair Matthews directed staff to explore options of using the Missouri Valley Complex funds to help buy down the budget and present them to the Commission.

County States Attorney Julie Lawyer presented a draft of a letter to the Public Service Commission requesting the release of results from Carbon Summit Solutions' PLUME model. She said that she would include a request for an environmental impact study in the final letter. The Commissioners approved the letter and requested that all their signatures be included on the letter.

Meeting adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Becky Matthews, Chairman

DRAFT

# County of Burleigh

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

July 19, 2023

Honorable Commissioners:

The following is the preliminary budget for Burleigh County for calendar year 2024. The document contains the budgets for the General, Special Revenue, and Debt Service Funds.

The budget process is coordinated by the Finance Department under direction of the Budget Committee, County Commissioners, Department Directors, and the Auditor/Treasurer. The Budget Committee consists of Commissioner Munson, Commissioner Matthews, Auditor/Treasurer Splonskowski, and Deputy Finance Director Schulz. Burleigh County uses best practices to prepare the annual budget by using annual revenues for ongoing operational costs and cash reserves/fund balance for one-time expenditures. These methods serve as the keys for a balanced budget.

The County's goal for the 2024 budget is to maintain services at the current level and to remain sustainable in future years while making the adjustments needed to better balance the budget.

The County is continuing to recover from the impacts of COVID-19 and the rapid inflationary period that followed. The County continues to monitor these factors to best address them.

The Budget Committee identified areas of significant need for the 2024 budget. The Budget Committee focused on:

1. Remodel of the Provident Building to consolidate our departments currently within the City/County Building into the Provident Building already owned by the County.
2. Infrastructure needs including:
  - a. Construction of 66<sup>th</sup> Street SE Railroad Overpass (\$2,801,812 for 2024).
  - b. Replacement of a bridge on 236<sup>th</sup> St SE and removal of a bridge on 102 Ave SE (\$1,500,000 total cost with Federal Funds covering all but \$150,000).
  - c. Replacement of a bridge on Apple Creek Road one half mile east of 80<sup>th</sup> Street (\$1,440,000 total cost with Federal Funds covering all but \$144,000).
3. Update the Boiler System within the Courthouse (\$1,130,000 from ARPA funds).
4. Employee retention and recruitment.
5. Addition of a County Administrator within the county to aid in county management related to both past and future growth.
6. Public Health – Discussions between the City and County have resulted in the creation of an independent Health Board that is equally represented by both entities. A proposal from the city of an expense split of 75% City and 25% County will more closely match the split in population for the given areas. This will lead to an increase of about \$285,000 to the County Public Health budget.
7. Address revenues to better match them with ongoing operational costs.

The Budget Committee approved only 4 additional positions (FTEs) requested in the 2024 budget. FTEs that were approved included: Four full-time positions within the Highway Department and a reduction of six temporary employees.

The total 2024 General Fund Expenditure Budget is \$35,594,973, with \$25,750,219 or 72% coming from Salary and Fringe Benefits.

The County used the 2023 true and full property valuation for the 2024 property tax calculations. Property values

increased on average 9.08% from the previous year.

The expenditure Budget for 2024 is \$79,460,469 compared to 2023 at \$71,250,381 for an increase of \$8,210,088. Of the \$8,210,088, \$2,801,812 is a transfer from the Special Road Fund to pay for the construction of 66<sup>th</sup> St SE Railroad Overpass and \$2,400,000 is also a transfer from the same account. That leaves an actual expense increase of \$3,008,276 or 4.2%. That increase consists of the following:

1. \$2,323,278 for Salary and Fringe Benefits.
2. \$660,000 (1 Mill) for the Highway Department.
3. \$285,246 for Public Health.
4. That leaves an actual decrease outside of numbers 1-3 of \$260,248.

In the 2024 budget, the County Commission will use a collection of \$31,165,518 in property tax revenues, which is an increase of \$8,395,966 from the previous year. New growth amounts to \$511,845 for a net difference of \$7,884,121 on existing parcels.

This equates to an increase on a \$300,000 home inside city limits of \$129.33 and outside of city limits of \$130.28 for an increase of 9.58 and 9.65 mills respectively.

As we have discussed over the last six months, the 2023 budget included a use of \$5,500,000 of reserve funds to be used to balance the budget for ongoing operational costs. This is an unsustainable activity and with our current general fund reserves below 40%, it is recommended that we cannot utilize reserve funds again this year to cover that \$5,500,000 of the \$8,395,966 increase.

Debt service funds are established to collect special assessments annually and make payments on existing debt service. These funds are budgeted based on the annual debt service needed to pay for special assessment bonds using special assessment collections.

The County Commission approved a salary increase of a step and 3% COLA. This was based on data from CPI reports and the Kiplinger Letter. Along with this data, it was identified that recruiting and retention of employees is experiencing some significant hurdles.

The Health Insurance committee recommends an 8% increase in the plan premiums this year with a \$500,000 General Fund Loan payback in 2024.

The County continues to have new construction in both residential and commercial development within the county. This creates opportunities for new growth but, also creates challenges to increase services and provide infrastructure maintenance and improvements. Many estimates were made based on the information available at the time this budget was approved. The County Commission and Budget Committee continue to monitor inflationary impacts on operations to create strategies to offset cost increases while creating minimal impact on the taxpayers as the county continues to grow and expand.

A summary of Expenditures and Revenues for the 2024 General Fund Balance is:

Revenue:	\$35,094,973
Expenditure:	\$35,594,973
Difference:	(\$500,000) This difference is made up by a \$500,000 loan payback from the Health Insurance Fund to the General Fund.

Justin Schulz  
Deputy Finance Director

Mark Splonskowski  
Burleigh County Auditor/Treasurer/Tax

## BURLEIGH COUNTY SPECIAL

### MEETING MINUTES

July 20, 2023

4:00 P.M.

Chair Matthews called the Burleigh County Board special meeting to order.

A roll call of members; Commissioners Woodcox, Munson, Bitner, Schwab, and Chair Matthews present.

County engineer Marcus Hall presented an update on the 66<sup>th</sup> street railroad overpass project. He gave a brief history of the project and explained that the construction costs had changed from the original \$9,400,000. With federal funding and consideration of extra costs it would have cost the County approximately \$6,800,000. The scope of the project gradually grew, more steps were added and with inflation, the project had a new total cost of \$26,800,000. The new total cost to the County after federal funding is \$16,200,000. The county allocated \$2,800,000 to the project but those funds could not be used as matching funds for the Federal grant. Hall spoke with local entities and raised some funds leaving \$3,500,000 left for the County to supply for the matching funds as well as a potentially added \$2,600,000 if the bids come in 10% over the estimated cost. He presented the options of moving forward with the project, reducing the size of the project, or terminating the entire project, which he recommended doing. Chair Matthews asked if the ARPA funds allocated to the project could be used on other projects, Hall stated that it could. Comm. Schwab stated that he would like to see the money put towards other highway projects. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to terminate the project. All members present voted, "AYE." Motion carried. The Commission agreed that the allocated ARPA funds should be used on other highway projects throughout the County.

Meeting adjourned.

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Mark Splonskowski, Auditor/Treasurer

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Becky Matthews, Chairman

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

<b>Abate #</b>	<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
23-168	North Dakota Dept. of Transportation	2023	Lot 3, Block 1, Butler	Exempt from taxation	\$132,800	\$66,400
23-169	Ethen & Levia Roemmich	2023	East 80' of Lots 13-16, Block 7, Fisher	Error in property description	\$266,300	\$243,000
23-170	Jon & Jennifer Leet	2023	Lot 11, Block 1, Ash Coulee Replat	Error in property description	\$616,200	\$569,200
23-173	Robert & Edwin Vetter	2022	Lot 9, Block 3, Huber Re Est Trust 1st	100% Homestead Credit (1/2 interest)	\$318,700	\$256,200
23-174	Michelle Gramling	2021	Lot 13, Block 7, Island Park Estates	60% Disabled Veterans Credit	\$237,200	\$129,200
23-175	Michelle Gramling	2022	Lot 13, Block 7, Island Park Estates	60% Disabled Veterans Credit	\$251,500	\$143,500



**LOCAL PERMIT OR RESTRICTED EVENT PERMIT**  
**NORTH DAKOTA OFFICE OF ATTORNEY GENERAL**  
**GAMING DIVISION**  
 SFN 17926 (2-2023)

Permit Number  
**23-009**

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 <b>Sanford Health Foundation</b>		Dates Authorized (Read Instruction 2) <b>09/09/2023</b>	
Organization or Group Contact Person <b>Devin Reinbold</b>	E-mail [REDACTED]	Telephone Number [REDACTED]	
Mailing Address <b>1601 N 12th St</b>	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58501</b>

**SITE INFO**

Site Name [REDACTED]		County <b>Burleigh</b>	
Site Address <b>16030 62nd Ave SE</b>	City <b>Menoken</b>	State <b>ND</b>	ZIP Code <b>58558</b>
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.)			
<b>09/09/2023</b>			

**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**

Name <b>Mark Splonskowski</b>	Title <b>Burleigh County Auditor</b>	Telephone Number [REDACTED]	E-mail Address [REDACTED]
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input checked="" 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 (5-2023)

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 <b>Sanford Health Foundation</b>		Dates of Activity (Does not include dates for the sales of tickets) <b>09/09/2023</b>	
Organization or Group Contact Person <b>Devin Reinbold</b>	E-mail [REDACTED]	Telephone Number [REDACTED]	
Business Address <b>1601 N 12th St.</b>	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58501</b>
Mailing Address (if different)	City	State	ZIP Code

### SITE INFO

Site Name [REDACTED]	County <b>Burleigh</b>
Site Physical Address <b>16030 62nd Ave SE</b>	City <b>Menoken</b>
	State <b>ND</b>
	ZIP Code <b>58558</b>

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.)  
**09/09/2023**

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

Game Type	Description of Prize	Exact Retail Value of Prize
<b>50/50 Raffle</b>	<b>Half of dollars raised</b>	
Total (limit \$40,000 per year)		\$

Intended Uses of Gaming Proceeds  
**100% of funds rasied go to support the Bismarck Edith Sanford Breast Initiative**

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:  (This amount is part of the total prize limit for \$40,000 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 <b>Devin Reinbold</b>	Telephone Number [REDACTED]	E-mail Address [REDACTED]
Signature of Organization Group's Permit Organizer 	Title <b>Development Officer</b>	Date <b>7/28/2023</b>

All Items required for this Permit have been meet.

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



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

## Memo

Date: August 7, 2023

To: Mark Splonskowski  
County Auditor

From: Marcus J. Hall P.E.  
County Engineer *MJH*

RE: Second access permit for Scott Balliet

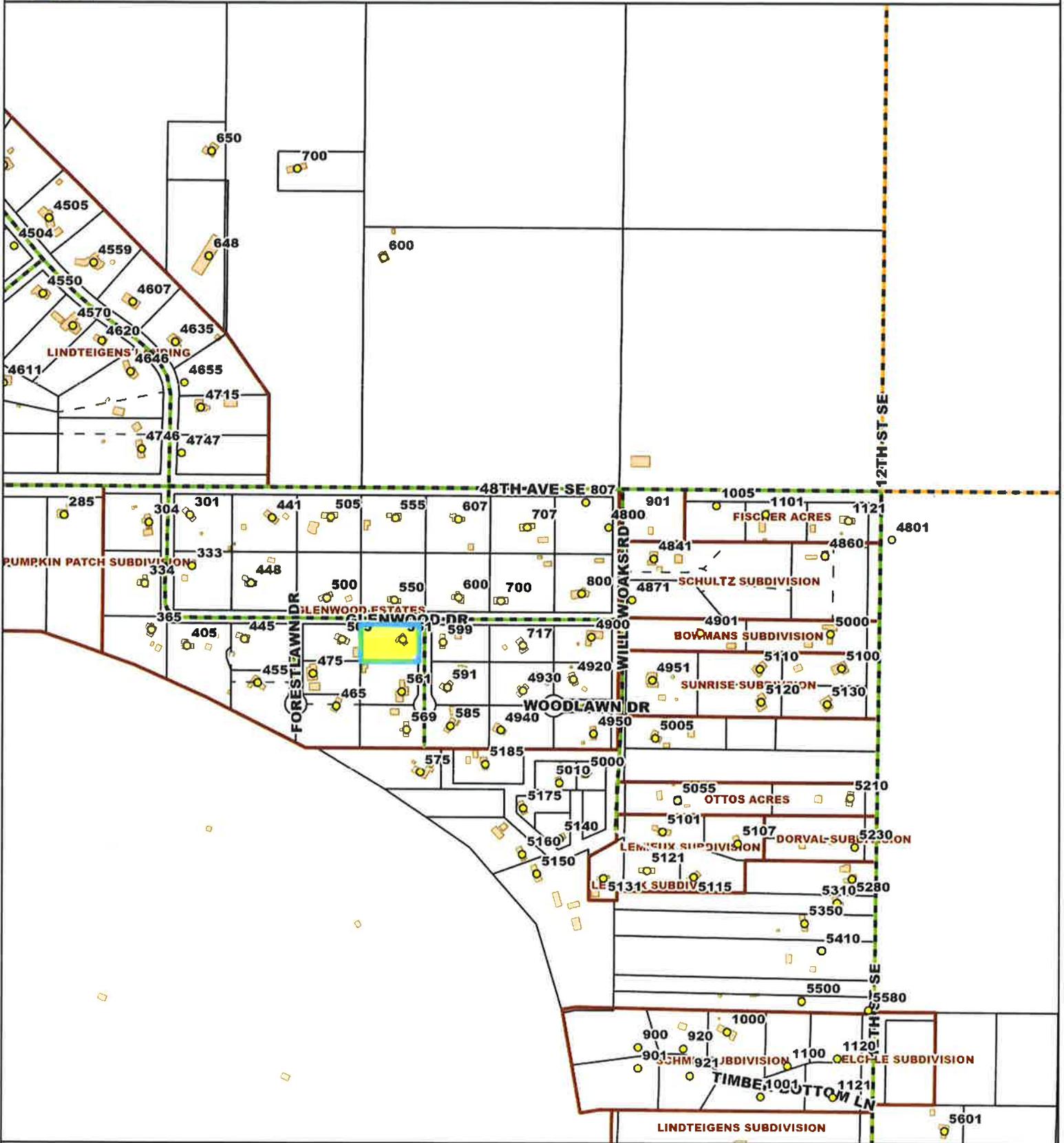
Scott Balliet from Glenwood Estates Subdivision, Block 02, Lot 10 (551 Glenwood Drive) has requested a second access permit to his lot. The first access approach is off of Meadowview Drive. He wishes to have a second approach off of Meadowview Drive in order to have better access to the south and west side of his lot. We have reviewed the location of the new proposed access off of Meadowview Drive and have determined that it will meet our requirements.

Please place the approval of a 2<sup>nd</sup> approach for Scott Balliet on the August 7, 2023 County Board Consent Agenda.

### 2<sup>nd</sup> Approach Permits Requirements

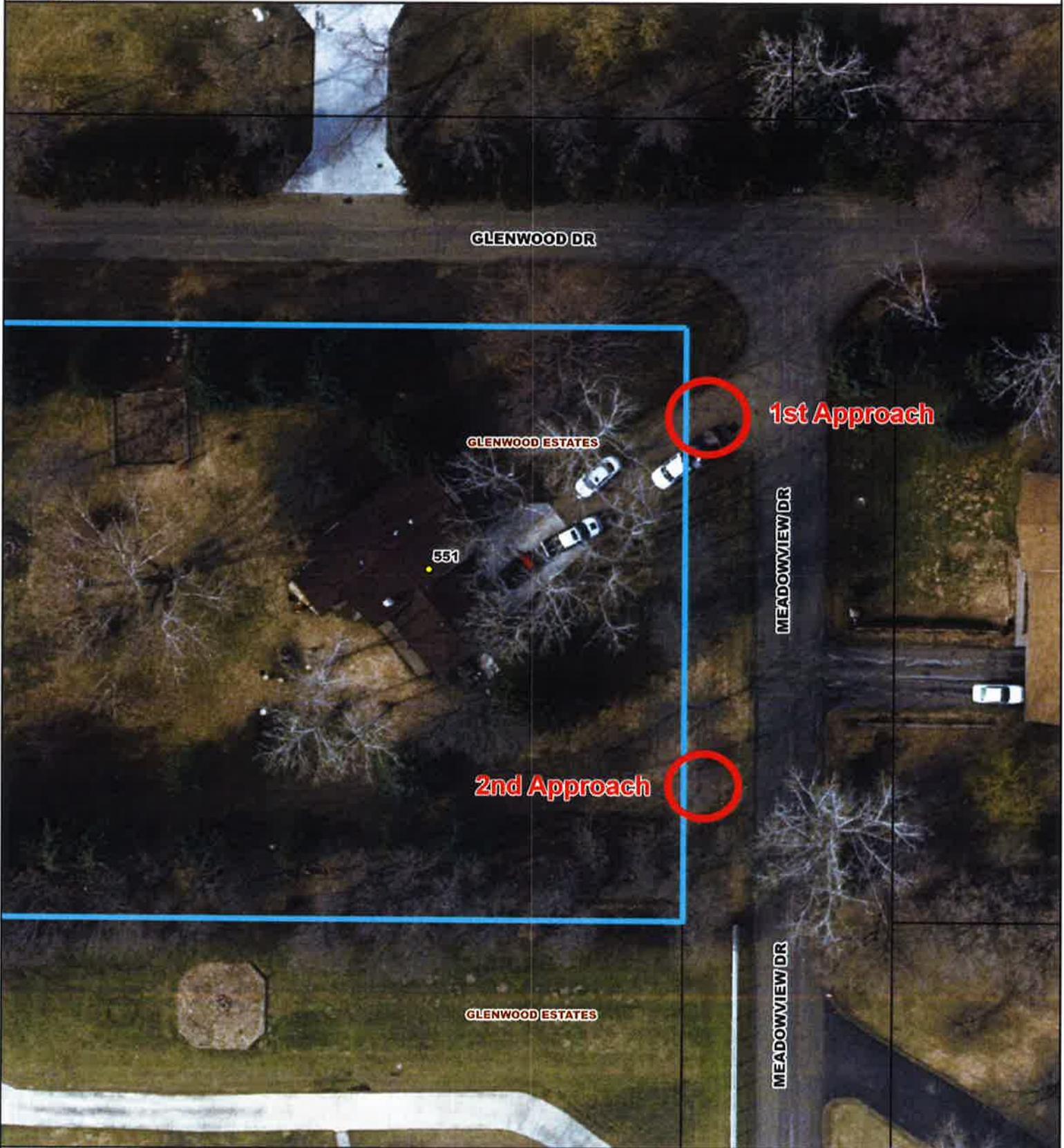
A second approach permit shall be granted by the County Engineer unless the application does not meet one of the following criteria:

- 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:** 38-138-80-42-02-100      **OWNER:** BALLIET, SCOTT      **ACRES:** 1.26  
**SITE ADDRESS:** 551 GLENWOOD DR  
**MAIL ADDRESS:** 551 GLENWOOD DR, BISMARCK, ND 58504-8029  
**LEGAL:** GLENWOOD ESTATES BLOCK 02 LOT 10

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



PARCEL ID: 38-138-80-42-02-100      OWNER: BALLIET, SCOTT      ACRES: 1.26  
SITE ADDRESS: 551 GLENWOOD DR  
MAIL ADDRESS: 551 GLENWOOD DR, BISMARCK, ND 58504-8029  
LEGAL: GLENWOOD ESTATES BLOCK 02 LOT 10

BURLEIGH COUNTY CHECK REPLACEMENT  
(4-17)

Carefully read the AFFIDAVIT AND AGREEMENT; then sign it before a Notary Public.

When we receive the signed and notarized Affidavit and Agreement a duplicate payment will be issued and forwarded to you. In the event you recover possession of the original check, DO NOT CASH IT, please advise the Burleigh County Auditor/Treasurer immediately. Our telephone number is (701) 222-6718.

MAIL THE SIGNED AND NOTARIZED AFFIDAVIT AND AGREEMENT TO:  
Burleigh County Auditor/Treasurer, P.O. Box 5518, Bismarck, ND 58506-5518.

NAME AND ADDRESS OF PAYEE:

KELSEY DECKERT  
16249 119TH ST NE  
BALDWIN, ND 58521-8002

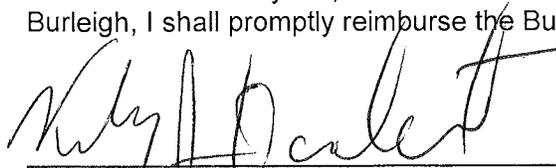
Check Date: 8/6/2021  
Original Check #: 120754  
Check Amount: \$29.62

AFFIDAVIT AND AGREEMENT

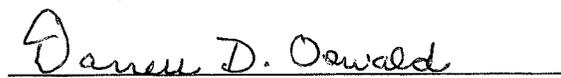
I execute this AFFIDAVIT AND AGREEMENT for the purpose of obtaining a duplicate payment from the County of Burleigh, North Dakota.

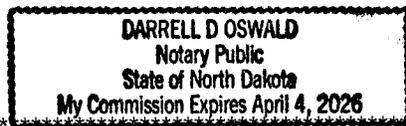
I hereby state under oath that the above-described check has never been presented to me for payment, nor transferred to any other person or persons, and the same is believed to have been lost or destroyed, and that I hereby request the County of Burleigh to issue a duplicate payment for said check.

I agree to indemnify, compensate, or make restitution to the County of Burleigh for any and all loss, damage and expense as a result of this issue of said new duplicate payment. If said original check alleged to have been lost or destroyed shall come into my possession, or under my control, I shall immediately return same to the Burleigh County Auditor, PO Box 5518, Bismarck, ND 58506-5518, for cancellation. If the aforesaid check shall at any time be cashed or presented to the Burleigh County Auditor/Treasurer by me, or transferred to another person by me and result in a loss to the County of Burleigh, I shall promptly reimburse the Burleigh County Auditor/Treasurer for any such loss.

  
\_\_\_\_\_  
Signature of Payee

Subscribed and sworn to before me on  
July 19th, 2023.

  
\_\_\_\_\_  
Notary Public - County of Burleigh  
My Commission Expires April 4, 2026



(Seal)

\*\*\*\*\*

Application approved by the Burleigh County Commission on \_\_\_\_\_, 20\_\_\_\_.

Duplicate warrant # \_\_\_\_\_ issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Burleigh County Auditor/Treasurer

\_\_\_\_\_  
Date

BURLEIGH COUNTY CHECK REPLACEMENT  
(4-17)

Carefully read the AFFIDAVIT AND AGREEMENT; then sign it before a Notary Public.

When we receive the signed and notarized Affidavit and Agreement a duplicate payment will be issued and forwarded to you. In the event you recover possession of the original check, DO NOT CASH IT, please advise the Burleigh County Auditor/Treasurer immediately. Our telephone number is (701) 222-6718.

MAIL THE SIGNED AND NOTARIZED AFFIDAVIT AND AGREEMENT TO:  
Burleigh County Auditor/Treasurer, P.O. Box 5518, Bismarck, ND 58506-5518.

NAME AND ADDRESS OF PAYEE:

KENNY FRANKLUND  
41 1ST ST S  
WILTON, ND 58579-7103

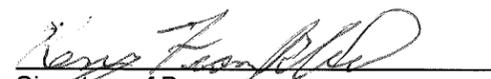
Check Date: 2/18/2022  
Original Check #: 122347  
Check Amount: \$55.88

AFFIDAVIT AND AGREEMENT

I execute this AFFIDAVIT AND AGREEMENT for the purpose of obtaining a duplicate payment from the County of Burleigh, North Dakota.

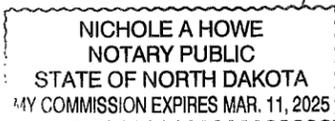
I hereby state under oath that the above-described check has never been presented to me for payment, nor transferred to any other person or persons, and the same is believed to have been lost or destroyed, and that I hereby request the County of Burleigh to issue a duplicate payment for said check.

I agree to indemnify, compensate, or make restitution to the County of Burleigh for any and all loss, damage and expense as a result of this issue of said new duplicate payment. If said original check alleged to have been lost or destroyed shall come into my possession, or under my control, I shall immediately return same to the Burleigh County Auditor, PO Box 5518, Bismarck, ND 58506-5518, for cancellation. If the aforesaid check shall at any time be cashed or presented to the Burleigh County Auditor/Treasurer by me, or transferred to another person by me and result in a loss to the County of Burleigh, I shall promptly reimburse the Burleigh County Auditor/Treasurer for any such loss.

  
\_\_\_\_\_  
Signature of Payee

Subscribed and sworn to before me on  
July 13, 2023.

  
\_\_\_\_\_  
Notary Public - County of Burleigh  
My Commission Expires March 11, 2025



(Seal)

\*\*\*\*\*

Application approved by the Burleigh County Commission on \_\_\_\_\_, 20\_\_.

Duplicate warrant # \_\_\_\_\_ issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Burleigh County Auditor/Treasurer

\_\_\_\_\_  
Date

BURLEIGH COUNTY CHECK REPLACEMENT  
(4-17)

Carefully read the AFFIDAVIT AND AGREEMENT; then sign it before a Notary Public.

When we receive the signed and notarized Affidavit and Agreement a duplicate payment will be issued and forwarded to you. In the event you recover possession of the original check, DO NOT CASH IT, please advise the Burleigh County Auditor/Treasurer immediately. Our telephone number is (701) 222-6718.

MAIL THE SIGNED AND NOTARIZED AFFIDAVIT AND AGREEMENT TO:  
Burleigh County Auditor/Treasurer, P.O. Box 5518, Bismarck, ND 58506-5518.

NAME AND ADDRESS OF PAYEE:

SHAYLA SCHULTZ  
1621 PLAINS BEND ST  
MANDAN, ND 58554-5720

Check Date: 10/15/2021  
Original Check #: 121161  
Check Amount: \$580.72

AFFIDAVIT AND AGREEMENT

I execute this AFFIDAVIT AND AGREEMENT for the purpose of obtaining a duplicate payment from the County of Burleigh, North Dakota.

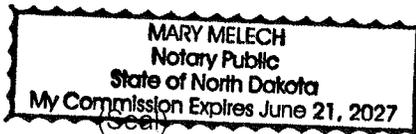
I hereby state under oath that the above-described check has never been presented to me for payment, nor transferred to any other person or persons, and the same is believed to have been lost or destroyed, and that I hereby request the County of Burleigh to issue a duplicate payment for said check.

I agree to indemnify, compensate, or make restitution to the County of Burleigh for any and all loss, damage and expense as a result of this issue of said new duplicate payment. If said original check alleged to have been lost or destroyed shall come into my possession, or under my control, I shall immediately return same to the Burleigh County Auditor, PO Box 5518, Bismarck, ND 58506-5518, for cancellation. If the aforesaid check shall at any time be cashed or presented to the Burleigh County Auditor/Treasurer by me, or transferred to another person by me and result in a loss to the County of Burleigh, I shall promptly reimburse the Burleigh County Auditor/Treasurer for any such loss.

Shayla Schultz  
Signature of Payee

Subscribed and sworn to before me on July 14, 2023

Mary Melech  
Notary Public - County of Burleigh  
My Commission Expires 6-21-27



\*\*\*\*\*

Application approved by the Burleigh County Commission on \_\_\_\_\_, 20\_\_.

Duplicate warrant # \_\_\_\_\_ issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Burleigh County Auditor/Treasurer

\_\_\_\_\_  
Date

**ITEM**

**# 6**

# **PUBLIC HEARING**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** August 7, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE: Petition to Vacate Section line – PUBLIC HEARING**

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

**ACTION REQUESTED:**

Review petition to vacate section line and direct staff on how to proceed.

**BACKGROUND:**

Under North Dakota Century Code (NDCC 24-07-03), the Board of County Commissioners may close a section line if the request meets certain criteria (if petitioned by a person having an interest in the adjoining land and after a public hearing). A property owner, as part of the Klings Subdivision, has filed a petition (see attached Application) with the County (Under NDCC 24-07) to vacate a portion of a section line on their property. In order to vacate this section line, the County/Township must conduct a Public Hearing, determine the public benefit of vacating this section line and ascertain any damages that are caused by discontinuing this roadway.

**RECOMMENDATION:**

It is recommended that the Board review the attached application, conduct the Public Hearing and direct staff on how to proceed.



# BURLEIGH COUNTY

## UNIFIED DEVELOPMENT APPLICATION

**Application submitted for (check all that apply):**

- |  |  |  |   |
|--|--|--|---|
| <input checked="" type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat    | <input type="checkbox"/> Minor Plat Modification | <input type="checkbox"/> Plat Vacation      |
| <input checked="" type="checkbox"/> Road Vacation    | <input type="checkbox"/> Zoning Change | <input type="checkbox"/> Development Permit      | <input type="checkbox"/> Special Use Permit |

<b>PROPERTY INFORMATION:</b>			
Name of plat: Klings Subdivision			
Legal description of property (lot, block, addition): East 1/2 Section 5, Township 142 N, Range 77 W			
Street address of property: 31151 210th St NE			
Existing Zoning: Rock Hill: Agricultural		Proposed zoning: No Change	
Acreage: 159 Acres		Number of lots: 2	
Description of development proposal, including reason(s) for the request: 2 Lot Subdivision to divide the property based on the current lines of occupation and to dedicate the existing roadways. Request to vacate section line easement since alternative roadway is being dedicated in the subdivision plat.			
<b>APPLICANT/DEVELOPER:</b>			
Name: Marlin Kling		Mailing address: 930 Southport Loop, Bismarck, ND 58504	
Daytime telephone number: 701.471.9949		FAX number:	E-mail address: markling@bis.midco.net
<b>PROPERTY OWNER (IF DIFFERENT THAN APPLICANT/DEVELOPER):</b>			
Name:		Mailing address:	
Daytime telephone number:		FAX number:	E-mail address:
<b>CONTACT PERSON/AGENT:</b>			
Name/Firm: Tom Weigel / Moore Engineering		Mailing address: 4503 Coleman St. Suite 105, Bismarck, ND 58503	
Daytime telephone number: 701.471.7430		FAX number:	E-mail address: thomas.weigel@mooreengineeringinc.com

**NOTE: APPLICATIONS ARE NOT COMPLETE UNTIL ALL REQUIRED SUBMITTALS HAVE BEEN RECEIVED**



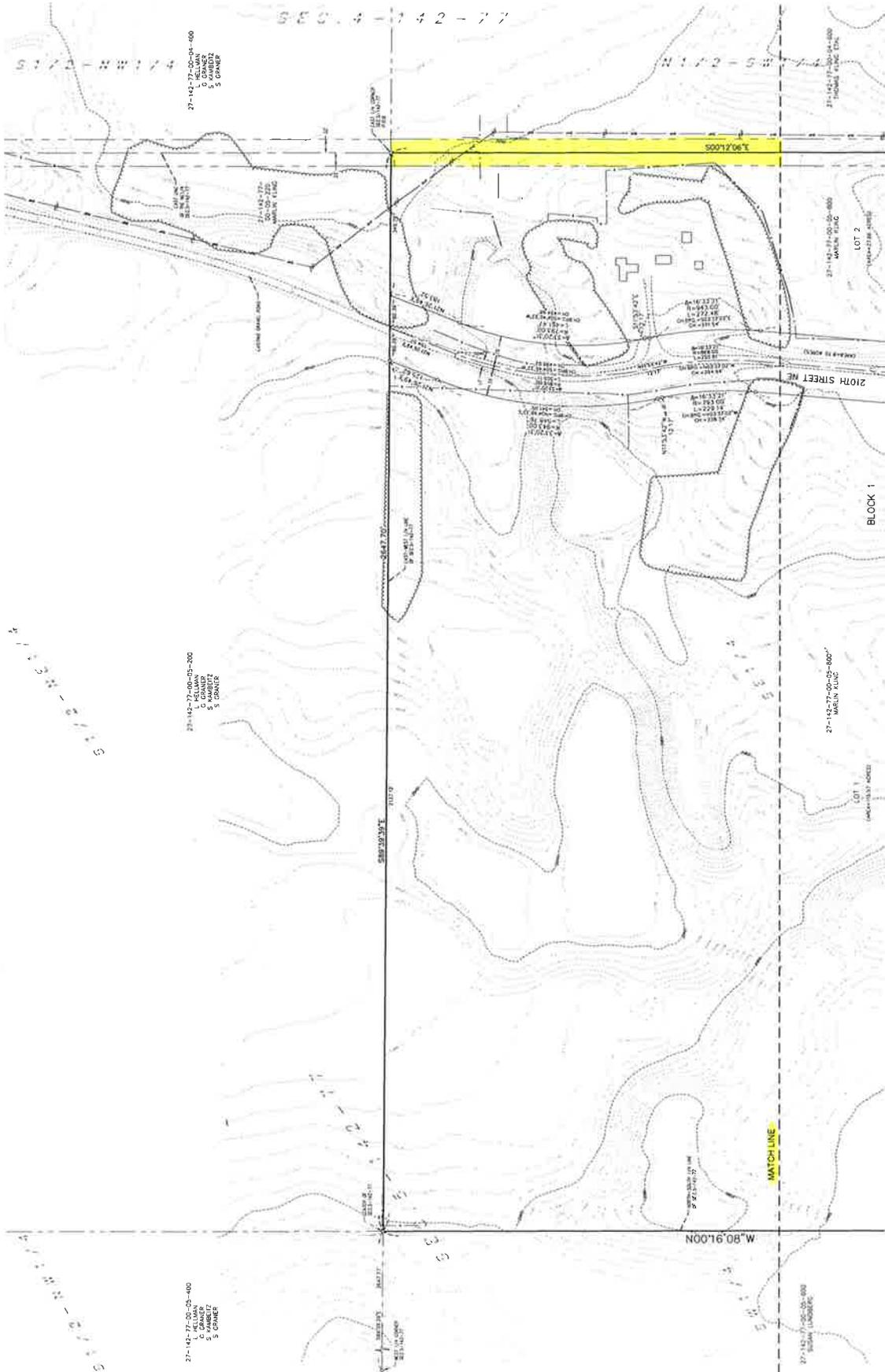
The following checklist must be completed and submitted with the application form.

COUNTY SUBMISSION CHECKLIST			
Applying for:		Submitted	N/A
<input type="checkbox"/> Preliminary Plat	Required pre-application meeting	Date:	
	5 prints of plat, including all items listed in preliminary plat checklist		
	Preliminary plat checklist, completed by applicant		
	Fee determined by lot number: 1 – 2 lots \$200.00    3 – 10 lots \$300    11 – 20 lots \$400    21 or more lots \$900		
	8½" x 11" reduction of plat		
	Digital copy of plat		
	Road master plan & adjacent owner's consent (if required)		
	For subdivisions proposed in areas not under the zoning jurisdiction of Burleigh County, documentation that the subdivision complies with the zoning requirements of the township		
	Written request for amendment to Fringe Area Road Master Plan (if applicable)		
<input type="checkbox"/> Final Plat	Final plat fee \$250.00		
	Stormwater Management Plan Review Fee \$200 (includes permit if approved)		
	6 prints of plat, including all items listed in final plat check list		
	Final plat checklist, completed by applicant		
	8½" x 11" reduction of plat		
	Digital copy of plat, if requested		
	Attorney's opinion of ownership, including all easement owners		
<input type="checkbox"/> Development Application Review	Fee determined by number of lots: 1 – 2 lots \$25    3 to 10 lots \$100    11 to 20 lots \$200    21 or more \$600		
	Site plan, drawn to scale (no larger than 11" x 17")		
	Completed Development Application and all exhibits		
<input type="checkbox"/> Development Permit & Field Review	Fee determined by number of lots: 1 – 2 lots \$200    3 to 10 lots \$400.00    11 – 20 lots \$1,500    21 or more lots \$2,500.		
	Review and Approval of Development Application		
<input type="checkbox"/> Plat Vacation	Map of property to be vacated		
	Fee of \$300.00		
	Legal description of property to be vacated		
<input checked="" type="checkbox"/> Road Vacation	Map of property to be vacated		X
	Fee of \$250.00		X
	Legal description of property to be vacated		X
	Letters of consent from utilities (street/alley vacation & easement release)		
<input type="checkbox"/> Zoning Change	Fee of \$500.00 (zoning change)		
	Description of zoning change by legal description if multiple districts requested		
	Architectural drawings (PUD only)		
	One (1) print of site plan, at 1"=100' scale (PUD only)		
	8½" x 11" reduction of site plan (PUD only)		
	Written statement (PUD only)		
<input type="checkbox"/> Special Use	Fee of \$300.00		
	3 prints of site plan, at 1"=20' or larger scale		
	8½" x 11" reduction of site plan		
	Photograph of building (moving building only)		
	Adjacent property owner petition (required for moving of a building, trap or skeet shooting range, vehicular racetrack, rodeo or rodeo event and solid waste disposal facility only)		

Variance	Fee of \$300.00		
	Site plan, drawn to scale (no larger than 11" x 17"), with dimensions		
	Elevations of proposed structure (s), if required		
	Written statement of hardship (separate form that must be completed for variances)		
	Adjacent property owner petition (required for accessory building prior to residence)		
Minor Plat/Lot Modification	Fee of \$200.00 (Only applies to 3 lots or less)		
	Sketch of survey, showing how the lot is proposed to be split		
	Legal description of lot(s), both existing & proposed with square footage/acreage		



PLAT OF  
**KLINGS SUBDIVISION**  
 A PART OF THE SOUTHEAST 1/4 OF  
 SECTION 5, TOWNSHIP 142 NORTH, RANGE 77 WEST, BURLEIGH COUNTY, NORTH DAKOTA



Scale 1" = 100'  
 0 100 200  
 Feet

- LEGEND**
- EXISTING BUILDING
  - SETBACK MEASUREMENT
  - SETBACK MEASUREMENT WITH 15' BUFFER
  - POWER POLE
  - EXISTING BUILDING
  - OVERHEAD POWER LINE
  - FENCE LINE

NOTES:  
 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
 2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

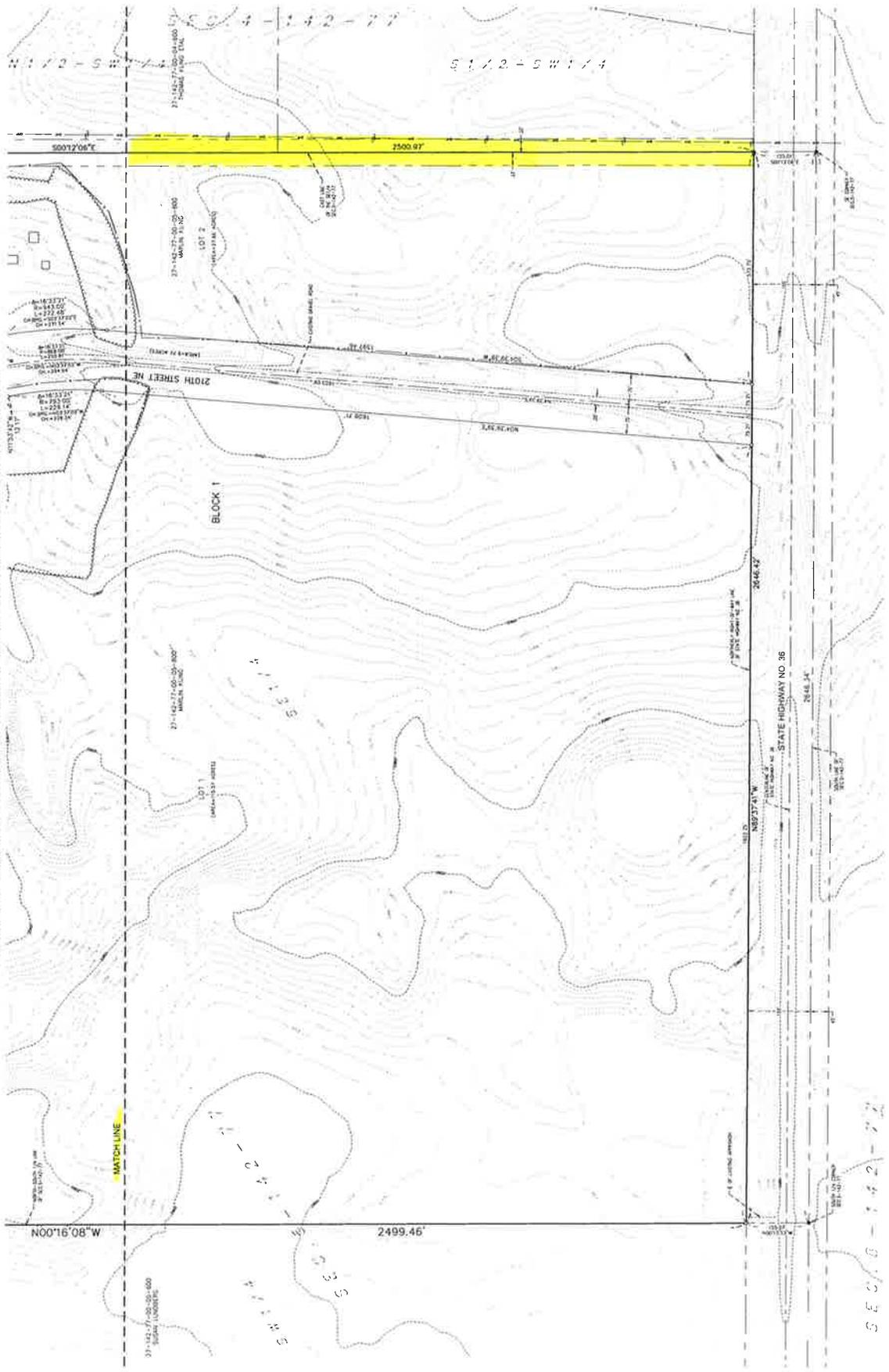
PROPERTY OWNER:  
 MOORE ENGINEERING, INC.  
 1000 14TH STREET SW  
 MINNEAPOLIS, MN 55415  
 TEL: 612.338.1111  
 WWW.MOOREENGINEERING.COM



**moore**  
 engineering, inc

DATE: 08/15/2023  
 SHEET NO. 3 OF 3

PLAT OF  
**KLINGS SUBDIVISION**  
 A PART OF THE SOUTHEAST 1/4 OF  
 SECTION 5, TOWNSHIP 142 NORTH, RANGE 77 WEST, BURLEIGH COUNTY, NORTH DAKOTA



- LEGEND**
- EXISTING COUNTY CORNER
  - SET 3/8" x 1/8" PEGS WITH ALUMINUM CAP 15-100#
  - EXISTING BUILDING
  - POWER POLE
  - OVERHEAD POWER LINE
  - FENCE LINE



NORTH DAKOTA SURVEYING AND MAPPING BOARD  
 REGISTRATION NO. 100120  
 EXPIRES 12/31/2023

PROPERTY OWNER:  
 MOORE ENGINEERING, INC.  
 1111 14TH STREET SW  
 FARGO, ND 58103-1099

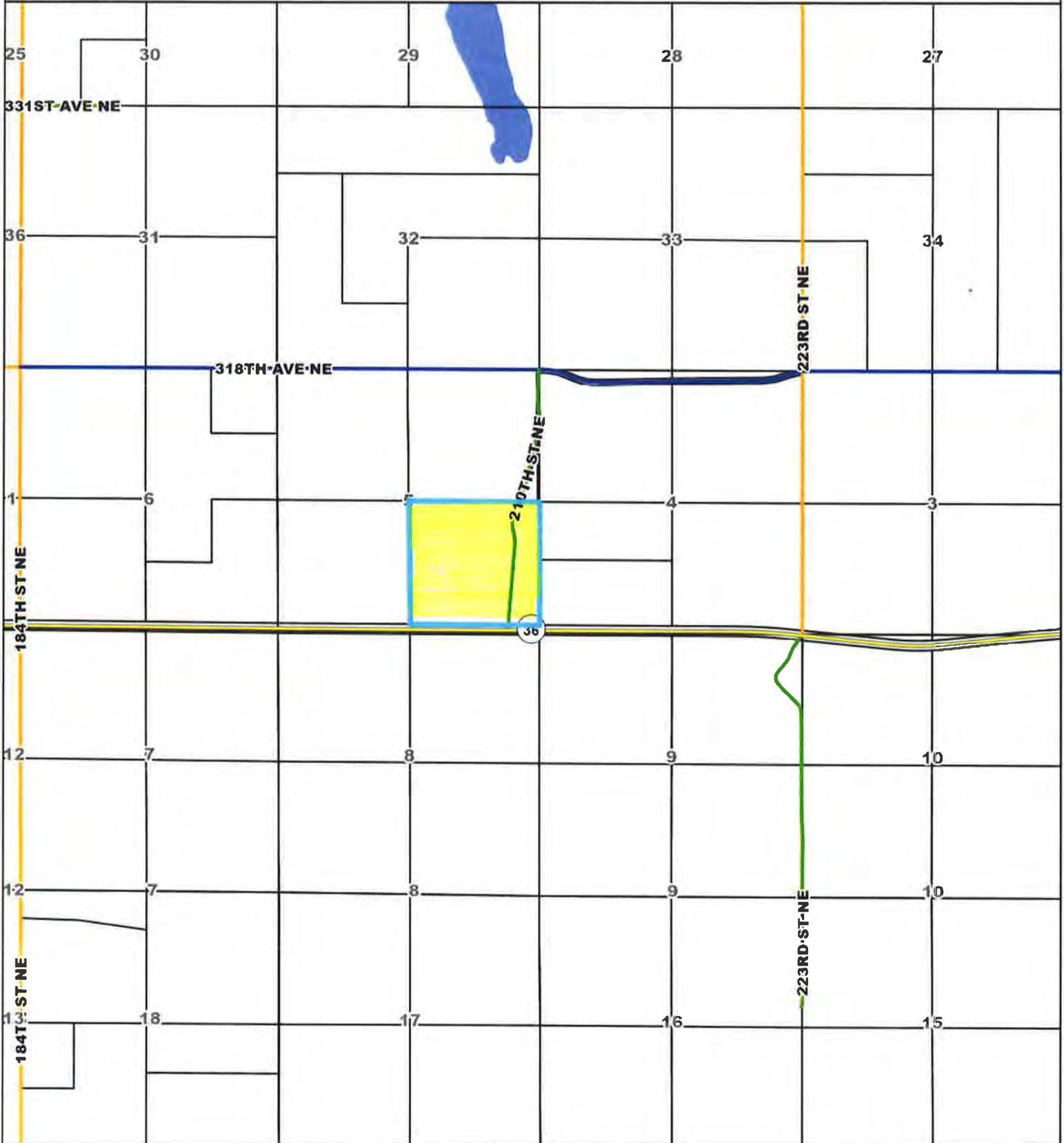


MOORE ENGINEERING, INC.  
 1111 14TH STREET SW  
 FARGO, ND 58103-1099

PROJECT NO. 2023-01  
 DATE: 08-10-2023

SECTION 5 OF 3  
 PLOT NO. 2023-01

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



PARCEL ID: 27-142-77-00-05-800      OWNER: KLING, MARLIN      ACRES: 152.68  
SITE ADDRESS: 31151 NE 210TH ST  
MAIL ADDRESS: 930 SOUTHPORT LOOP, BISMARCK, ND 58504-7089  
LEGAL: ROCK HILL TOWNSHIP Section 05 SE1/4 LESS 7.32 ACRES R/W 599367 05-142-77





PARCEL ID: 27-142-77-00-05-800      OWNER: KLING, MARLIN      ACRES: 152.68

SITE ADDRESS: 31151 NE 210TH ST

MAIL ADDRESS: 930 SOUTHPORT LOOP, BISMARCK, ND 58504-7089

LEGAL: ROCK HILL TOWNSHIP Section 05 SE1/4 LESS 7.32 ACRES R/W 599367 05-142-77



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** August 7, 2023  
**TO:** Mark Splonskowski  
County Auditor  
**FROM:** Marcus J. Hall  
County Engineer

**RE: Township Mileage Certification**

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

### **ACTION REQUESTED:**

Approve the Biennial/Amended Township Road Mileage

### **BACKGROUND:**

Every year the County Board of Commissioners are required by the State of North Dakota to certify the number of township road miles in each township. The Highway Department has reviewed the County/Township roadway system and has prepared the required forms for the County Commissioner Chair's signature. The total roadway mileage is as follows:

County Roadways:	586 miles
Organized Township Roadways:	747 miles
Un-Organized Township Roadways:	<u>153 miles</u>
Total:	1,486 miles

### **RECOMMENDATION:**

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

**PROPOSED RESOLUTION:**

THEREFORE BE IT RESOLVED: That Burleigh County certifies the township road mileage breakdown and authorizes the Board Chairman to sign the required state forms.



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

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BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** August 7, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Developer Waiver Request

Please include this item on the next Burleigh County Board agenda.

### **ACTION REQUESTED:**

Review and Direct the County Highway Department on how to proceed with the Developer's request.

### **BACKGROUND:**

Under the current Pavement Policy, developers (owners of property that is being platted) are required to: "Proposed platted subdivisions will include the construction and paving of all internal roadways and adjacent section line roads, and the construction and paving of at least one roadway that connects into the existing paved highway system."

Kenneth and Rochelle Couch, in the N ½ of Section 33, Menoken Township (see attached map), is proposing a three (3) lot subdivision (Horseshoe Flats Subdivision), and is requesting a waiver of the Pavement Policy. Under the Pavement Policy, the platting of this property would require them to pave a minimum of 0.5 miles of County/Township roadways from the Subdivision to reach the pavement on County Highway #10.

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

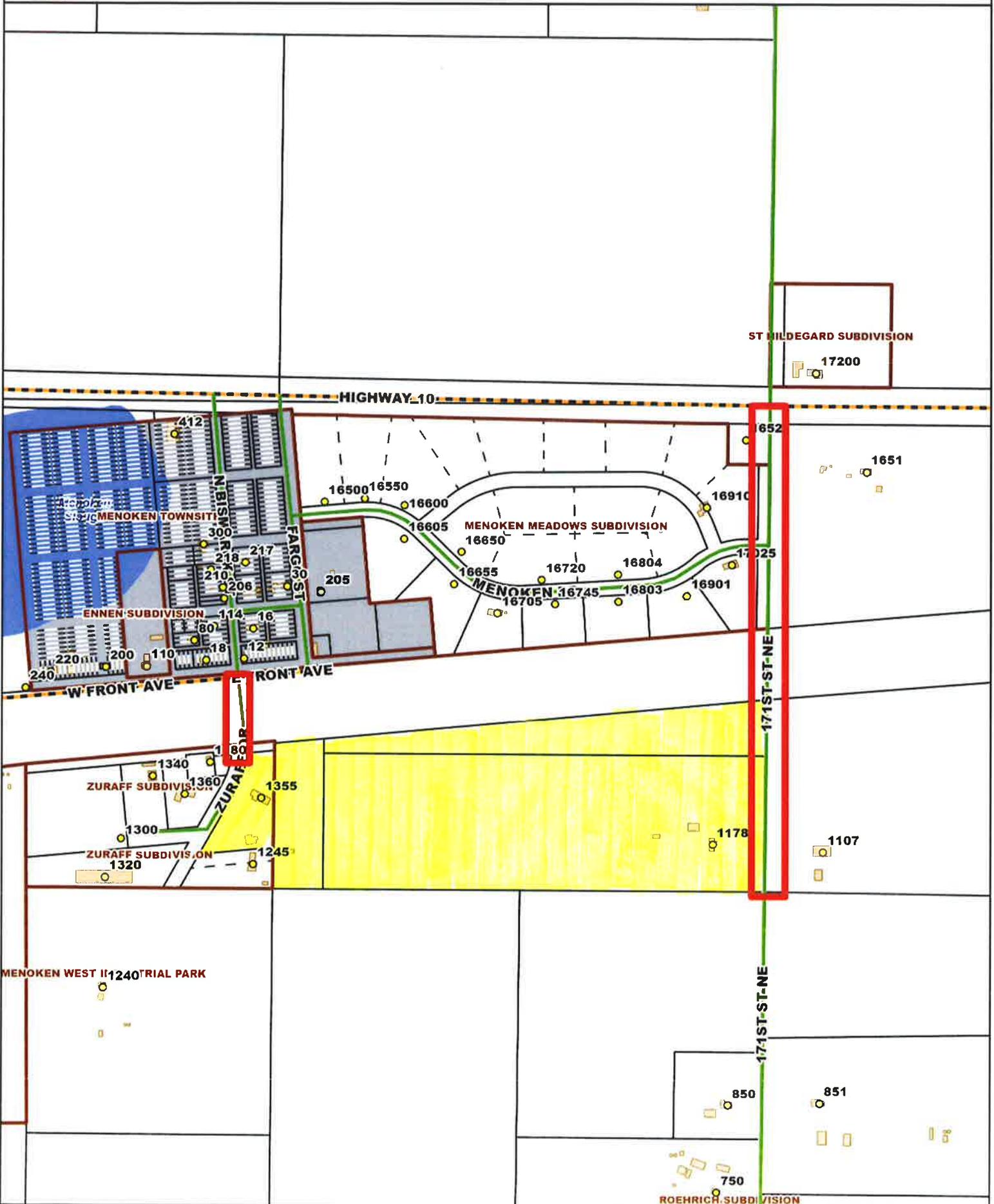
**RECOMMENDATION:**

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

**PROPOSED RESOLUTION:**

THEREFORE BE IT RESOLVED: That the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future, and

THEREFORE, BE IT FURTHER RESOLVED: That the County Board of Commissioners do hereby grant Kenneth and Rochelle Couch's request to waive the paving requirements "*paving of all internal roadways and adjacent section line roads*" listed in the Pavement Policy, in conjunction with the approval of the Horseshoe Flats Subdivision.









# BURLEIGH COUNTY HIGHWAY DEPARTMENT

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FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** ~~July 5, 2023~~      ~~July 19, 2023~~      **August 7, 2023**

**TO:**            **Mark Splonskowski**  
                    **County Auditor**

**FROM:**        **Marcus J. Hall**  
                    **County Engineer**

**RE:    American Rescue Plan**

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

### **ACTION REQUESTED:**

Review request and direct staff on how to proceed.

### **BACKGROUND:**

*The City of Wing is requesting additional ARP funds for a wastewater treatment system project. See attached letter.*

*At the July 5<sup>th</sup> meeting the County Board requested additional information.*

*We have requested answers to the following questions, as of 7/12/23 we have not yet received answers to our questions.*

*Total cost of Project?    \$2,762,100*

*Amount requesting from the County?    \$1,100,000*

*Are you planning on requesting funds from any other grant program?    Yes*

*Will you do the project if you don't get the full request from the County?    Yes*

*In addition, the Board requested information on the types of projects we have already funded:*

Project Name	Entity Name	Amount Approved	Amount Spent
Burleigh County Courthouse Renovation	Burleigh County	\$603,501	\$603,501.00
Morton Township First Responder AED	Morton Township	\$1,900	\$1,677.20
2022 Street and Utility Improvements	Wilton	\$666,666	\$562,594.05
2023 Street and Utility Improvements	Wilton	\$318,865	
Morton Township Standby Generator	Morton Township	\$5,800	\$5,800.00
66th Street Grade Separation and Apple Creek Crossing	Burleigh County	\$1,000,000	\$860,679.93
66th Street RR Overpass #2	Burleigh County	\$1,094,507.00	
Bryan Slough Project	Burleigh County	\$1,000,000	\$1,328.00
Burleigh County WTP Improvements	SCRWD	\$758,151	\$629,252.10
Wing, ND Water Main Replacement	Wing	\$1,000,000	\$992,323.19
Joan Hetzel Memorial 4-H Building Broadban Access	Bismarck Parks	\$12,750	\$12,750.00
Wilton Ambulance Premium Pay for Essential Workers	Wilton Ambulance	\$50,000	\$41,509.00
Provident Building Renovation	Burleigh County	\$2,000,000	\$372,545.73
Provident Building Renovation Phase 2	Burleigh County	\$5,000,000.00	
Burleigh County PPE	Burleigh County	\$374,440	\$231,674.52
Wing Ambulance Premium Pay for Essential Workers	Wing Ambulance	\$50,000	\$27,040.00
BMDC 4 Full-Time Employees for Covid-19 Mitigation	Burleigh County	\$1,037,608	\$341,911.65
Reimbursement from Morton County for BMDC	Morton County	-\$254,214	
Wilton Fire Protection District Premium Pay	Wilton Fire	\$50,000.00	\$1,776.89
Provident Building - HVAC Replacement	Burleigh County	\$379,850.00	\$349,488.78
Sheriff Dept Shop Repairs	Burleigh County	\$324,312.00	\$182,005.33
Bismarck Rural Fire Department - New Station	Bismarck Rural Fire	\$2,000,000.00	\$0.00
Kidder Ambulance Premium Pay	Kidder County	\$50,000	\$0.00
McClusky Ambulance Premium Pay	Sheridan County	\$50,000	\$0.00
Wing Rural Fire Premium Pay	Wing Fire	\$50,000	\$0.00
Sterling Rural Fire Premium Pay	Sterling Fire	\$50,000	\$0.00
Braddock Rural Fire Premium Pay	Kidder County	\$50,000	\$0.00
		\$17,724,136	\$5,217,857.37
	Funds Allocated	\$17,724,136	\$5,217,857.37
	Funds Received	\$18,574,229	
	Unallocated Funds	\$850,093	

**RECOMMENDATION:**

It is recommended that the Board review the City of Wings requests and direct staff on how to proceed.

**American Rescue Plan Project Ranking**

Project Name	Entity Name	Amount Approved	Amount Spent	Amount yet to spend	Status
Burleigh County Courthouse Renovation	Burleigh County	\$603,501	\$603,501.00	\$0.00	Done
Morton Township First Responder AED	Morton Township	\$1,900	\$1,677.20	\$0.00	Done
2022 Street and Utility Improvements	Wilton	\$666,666	\$562,594.05	\$104,071.95	Under construction
2023 Street and Utility Improvements	Wilton	\$318,865		\$318,865.00	Under design
Morton Township Standby Generator	Morton Township	\$5,800	\$5,800.00	\$0.00	Done
66th Street Grade Separation and Apple Creek Crossing	Burleigh County	\$1,000,000	\$860,679.93	\$139,320.07	To be moved
66th Street RR Overpass #2	Burleigh County	\$1,094,507.00		\$1,094,507.00	To be moved
Bryan Slough Project	Burleigh County	\$1,000,000	\$1,328.00	\$998,672.00	Under design
Burleigh County WTP Improvements	SCRWD	\$758,151	\$629,252.10	\$128,898.90	On going
Wing, ND Water Main Replacement	Wing	\$1,000,000	\$992,323.19	\$7,676.81	On going
Joan Hetzel Memorial 4-H Building Broadban Access	Bismarck Parks	\$12,750	\$12,750.00	\$0.00	Done
Wilton Ambulance Premium Pay for Essential Workers	Wilton Ambulance	\$50,000	\$41,509.00	\$8,491.00	On going
Provident Building Renovation	Burleigh County	\$2,000,000	\$372,545.73	\$1,627,454.27	Under design
Provident Building Renovation Phase 2	Burleigh County	\$5,000,000.00		\$5,000,000.00	Under design
Burleigh County PPE	Burleigh County	\$374,440	\$231,674.52	\$142,765.48	On going
Wing Ambulance Premium Pay for Essential Workers	Wing Ambulance	\$50,000	\$27,040.00	\$0.00	Done
BMDC 4 Full-Time Employees for Covid-19 Mitigation	Burleigh County	\$1,037,608	\$341,911.65	\$695,696.35	On going
Reimbursement from Morton County for BMDC	Morton County	-\$254,214		-\$254,214.00	On going
Wilton Fire Protection District Premium Pay	Wilton Fire	\$50,000.00	\$1,776.89	\$0.00	Done
Provident Building - HVAC Replacement	Burleigh County	\$379,850.00	\$349,488.78	\$30,361.22	On going
Sheriff Dept Shop Repairs	Burleigh County	\$324,312.00	\$182,005.33	\$142,306.67	On going
Bismarck Rural Fire Department - New Station	Bismarck Rural Fire	\$2,000,000.00	\$0.00	\$2,000,000.00	Under design
Amount allocated by the Commission to CIP	Burleigh County	\$188,581.00	\$0.00	\$188,581.00	On going
Kidder Ambulance Premium Pay	Kidder County	\$50,000	\$0.00	\$0.00	Did not apply
McClusky Ambulance Premium Pay	Sheridan County	\$50,000	\$0.00	\$0.00	Did not apply
Wing Rural Fire Premium Pay	Wing Fire	\$50,000	\$0.00	\$0.00	Did not apply
Sterling Rural Fire Premium Pay	Sterling Fire	\$50,000	\$0.00	\$0.00	Did not apply
Braddock Rural Fire Premium Pay	Kidder County	\$50,000	\$0.00	\$0.00	Did not apply
		\$17,912,717	\$5,217,857.37		

Funds Allocated	\$17,912,717	\$5,217,857.37	\$12,373,453.72	\$17,591,311.09
Funds Received	\$18,574,229			\$18,574,229
<b>Unallocated Funds</b>	<b>\$661,512</b>			<b>\$982,918</b>

June 13, 2023

Marcus J. Hall  
County Engineer  
Burleigh County Highway Department  
8100 43<sup>rd</sup> Ave NE  
Bismarck, ND 58503

Dear Mr. Hall,

The City of Wing is respectfully requesting financial assistance from Burleigh County for dire improvements to the City's Infrastructure. The City has been proactive over the years replacing infrastructure and making improvements.

In 2019, the City completed a \$635,000 City-Wide Sanitary Sewer Rehabilitation Project. The project consisted of relining the sanitary sewer collection system with a Cured-In-Place-Pipe, and rehabilitated half of the sanitary sewer manholes in town.

In 2022, the City started a City-Wide Water Main Replacement project. The project is going well and will be completed this summer. The project consists of replacing all the water mains, water services, and the chemical feed building in the City. The City received \$1,000,000 of the \$3,444,000 total project budget from Burleigh County to complete this project. The City is very grateful for the funding and would not have been able to complete the work without the County's assistance.

After completion of the two projects, the City's water distribution system and wastewater collection system will be in excellent condition to serve the City for many years, but the cost of the projects has been a significant burden for the residents to take on.

The next major project for the City to undertake is their wastewater treatment system. The City is need of significant repairs to their wastewater treatment facility to sustainably serve the residents and prevent any environmental and health violations with their system.



Figure 2: Control Panel

### **Lift Station**

The existing city lift station is near the end of its useful life. The lift station was originally installed in 1958 and needs significant improvements and repairs. The controls and pumps and appurtenances are 20 years or older and need replacing.



Figure 1: Lift Station Structure



Figure 3: Wastewater Lagoon

### **Wastewater Lagoons**

The city wastewater lagoons need rehabilitation including berm repair and rip rap replacement for berm protection. The City is having capacity issues and had to emergency discharge their lagoons, so they did not overflow in the spring of 2023. The gate valves on the crossover pipes do not operate, so instead of operating in a 3-cell series like intended, the City's lagoons essentially operate as one large cell.

### **Sewer Collection**

Within town, there is a storm sewer inlet that was connected to the city's sewer system. This is against today's codes for the city sewer system. We also believe this is a contributing factor to why the City has capacity issues with the lagoons. The City has already had multiple lagoon discharges related to this issue.

### **Conclusion**

The City's requests \$1.2 million in financial assistance from the County to address these issues. Any further direction and consideration from the County on this matter is greatly appreciated by the City of Wing.

Sincerely,

A handwritten signature in black ink that reads "Julie Hein".

Julie Hein,  
Mayor  
City of Wing

**ITEM**

**# 7**



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission

Re: Recommendations from the July 12, 2023 meeting of Burleigh County Planning Commission.

Date: 8-7-2023

From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Recommendation of Final Plat for Kling's Subdivision

Legal Description: *East 1/2, Section 5, Township 142 N, Range 77W.*  
Property Address: 31151 210<sup>th</sup> St NE. Regan, ND 58477-9612.

A preliminary review for the platting of a 159-acre parcel into a 2-lot subdivision was held on February 23 with the Planning Staff, County Engineering, Rural Fire and Moore Engineering representing the owner- Marvin Kling. At the Planning Commission meeting a "Do Pass" motion with condition to vacate Section Line was recommended.

Description of Section Line:

*Rock Hill Township, Section 4 N1/2 SW1/4 and Rock Hill Township, Section 4, S1/2 SW1/4 Less 7.32 Acres R/W and the West Parcel described as: Rock Hill Township, Section 5, SE1/4 Less 7.32 Acres R/W.*

After discussion by the Planning Commission, County Engineer and the Owner, a motion of do pass recommendation with condition was approved: 8 – 0

Note: Even though the Section Line vacation was part of the motion, it is not critical for approval of the Kling's Subdivision as drawn and submitted with this memo.

SUGGESTED MOTION:

Based on supporting documents and findings by County Staff, it is recommended to approve the final plat for Klings Subdivision

Attachments: 1.1 Kling's Subdivision Final Plat  
1.2 Kling's Subdivision site map

PLAT OF  
**KLINGS SUBDIVISION**  
 A PART OF THE SOUTHEAST 1/4 OF  
 SECTION 5, TOWNSHIP 142 NORTH, RANGE 77 WEST, BURLEIGH COUNTY, NORTH DAKOTA

**PERIMETER METES & BOUNDS DESCRIPTION**

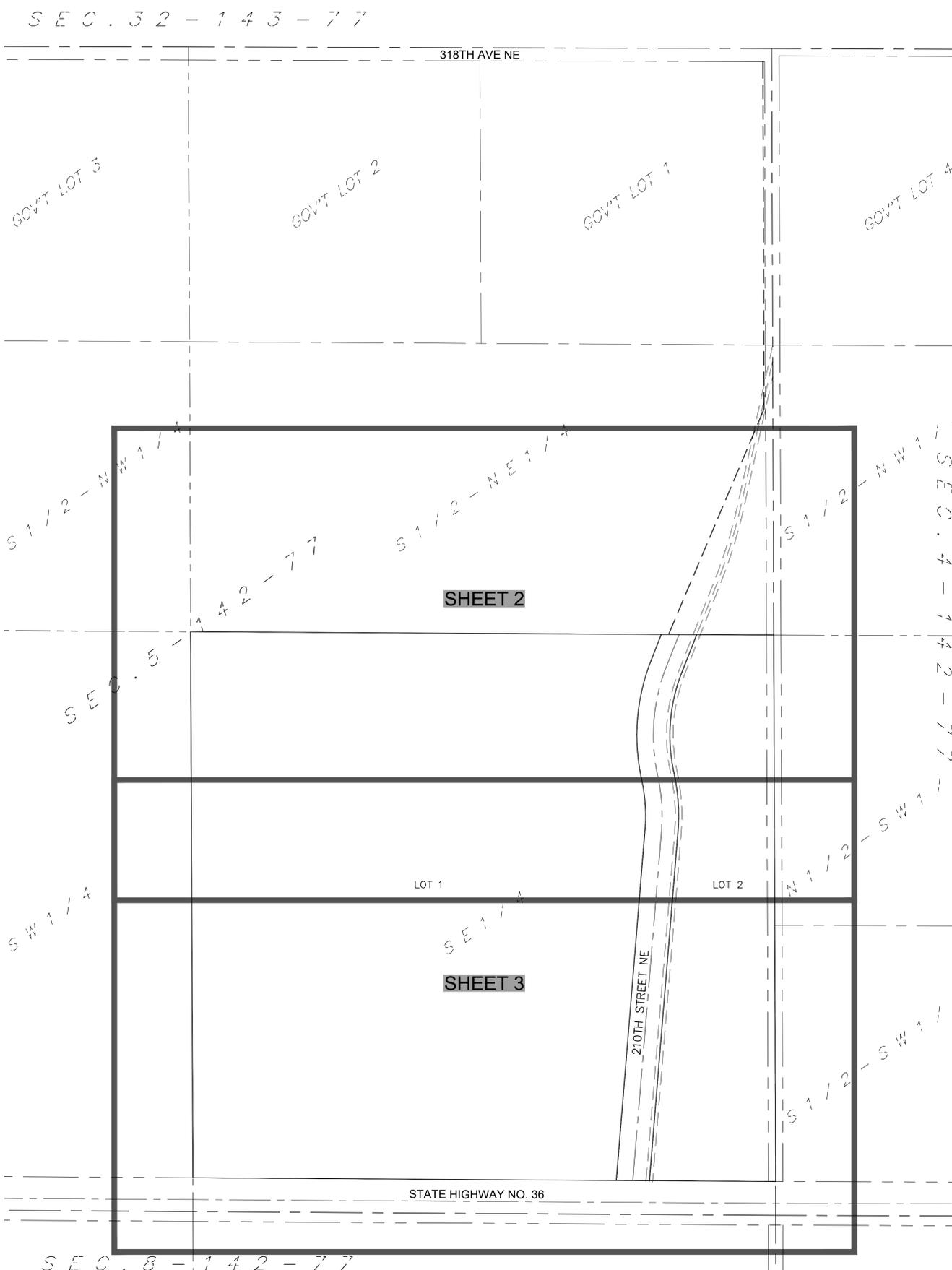
A part of the Southeast Quarter of Section 5, Township 142 North, Range 77 West of the Fifth Principal Meridian, Burleigh County, North Dakota, described as follows:

Beginning at an iron monument which designates the east quarter corner of said Section 5; thence south 00 degrees 12 minutes 06 seconds east along the east line of said Section 5 for a distance of 2500.97 feet to the northerly right of way line of State Highway No. 36; thence north 89 degrees 37 minutes 41 seconds west along the northerly right of way line of State Highway No. 36 for a distance of 2646.42 feet to the north-south quarter line of said Section 5; thence North 00 degrees 16 minutes 08 seconds West along the north-south quarter line of said Section 5 for a distance of 2499.46 feet to the center of said Section 5; thence South 89 degrees 39 minutes 39 seconds East along the east-west quarter line of said Section 5 for a distance of 2647.70 feet to the point of beginning.

Said tract contains 151.93 acres, more or less.

**AREA DATA**

LOT 1	5,034,229 S.F.	115.57 ACRES
LOT 2	1,204,870 S.F.	27.66 ACRES
STREETS	378,972 S.F.	8.70 ACRES
TOTAL	6,618,071 S.F.	151.93 ACRES



**OWNERS DEDICATION**

We, the undersigned, being the sole owners of the land platted herein, have caused the portion described herein to be surveyed and platted as "KLINGS SUBDIVISION", Burleigh County, North Dakota, and hereby dedicate all Right-of-Way and utility easements shown on said plat to Burleigh County.

Marlin Kling \_\_\_\_\_ Ann Kling \_\_\_\_\_  
 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 Marlin Kling and Ann Kling, known to me to be the persons described in and who executed the foregoing instrument and acknowledged to me that he executed the same in the name of Klings Subdivision.

Notary Public, Burleigh County, North Dakota \_\_\_\_\_

**APPROVAL OF BOARD OF COUNTY COMMISSION**

The Board of County Commissioners of the County of Burleigh, North Dakota, has approved the subdivision of land as shown on this plat, has accepted the dedication of all streets shown thereon, and does hereby vacate any previous platting within the boundary of this plat.

This plat was done in accordance with the laws of the State of North Dakota, the comprehensive plan and ordinances of the County of Burleigh.

The foregoing action on the Board of County Commission of Burleigh County, North Dakota, was taken by resolution approved on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Becky Matthews, Chair \_\_\_\_\_ Mark Splonskowski, Burleigh County  
 Auditor/Treasurer \_\_\_\_\_

**APPROVAL OF THE COUNTY ENGINEER**

I, Marcus J. Hall, County Engineer of the County of Burleigh, North Dakota, hereby approve this plat of Klings Subdivision, as shown on this plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Marcus J. Hall, County Engineer \_\_\_\_\_

**APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION**

The County Planning and Zoning Commission of the County of Burleigh, North Dakota, hereby approves the Klings Subdivision, as shown on this plat.

This plat was done in accordance with the laws of the State of North Dakota, the comprehensive plan and ordinances of the County of Burleigh and regulation adopted by said Planning and Zoning Commission.

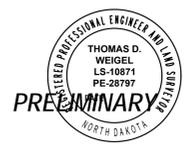
The foregoing action on the County Planning and Zoning Commission of Burleigh County, North Dakota, was taken by resolution approved on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dennis Agnew, Chairman \_\_\_\_\_ Mitch Flanagan, Secretary \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I, Thomas D. Weigel, A Professional Land Surveyor in the State of North Dakota, hereby certify that I made the within and foregoing plat which is a correct representation of the survey prepared under my direct supervision and completed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that all information shown hereon is true and correct to the best of my knowledge and belief; that all monuments shown hereon are correct, that all required monuments have been set, and that all dimensional and geodetic details are correct.

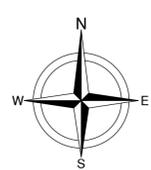
Thomas D. Weigel  
 Professional Land Surveyor  
 Reg. No. LS-10871



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 Thomas d. Weigel, registered land surveyor, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public, Burleigh County, North Dakota \_\_\_\_\_



0 250  
 Scale in Feet

BASIS OF BEARINGS:  
 GRID NORTH

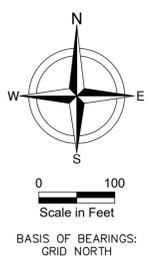
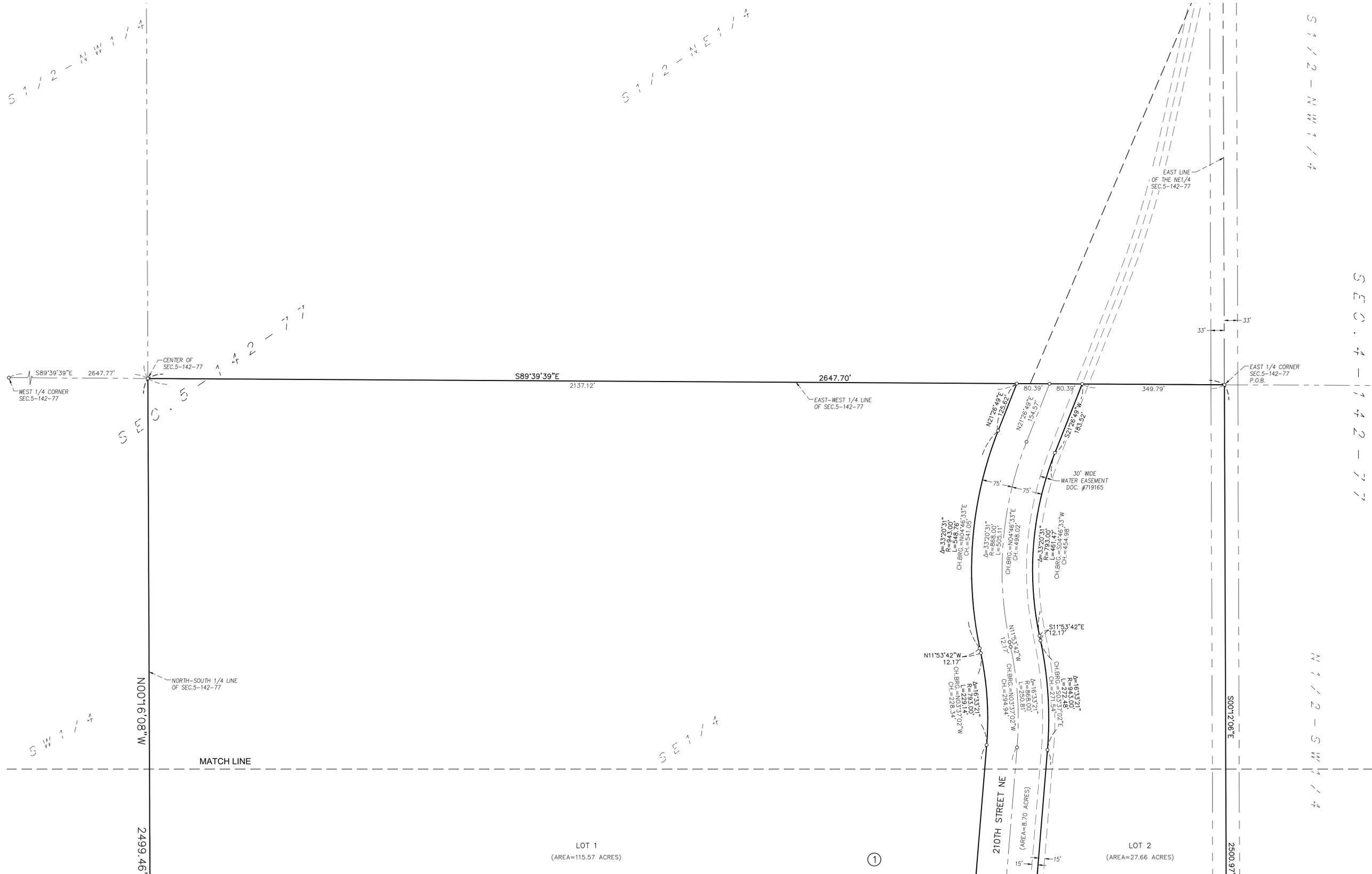
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 VERTICAL DATUM: NAVD 88  
 ND COORDINATE SYSTEM OF 1983, NAD83(2011)  
 ND SOUTH ZONE, INTERNATIONAL FOOT DEFINITION  
 COMBINATION FACTOR: 0.9998515



PROPERTY OWNER:  
 MARLIN KLING  
 930 SOUTHPORT LOOP  
 BISMARCK, ND 58504-7089

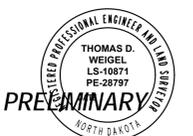
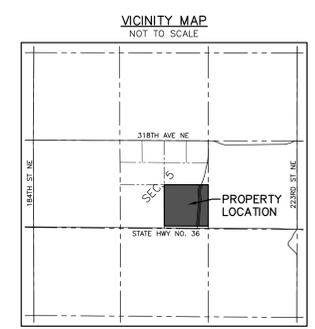
PROPERTY ADDRESS:  
 31151 210TH ST NE  
 FINAL PLAT DATE: 05-30-2023

PLAT OF  
**KLINGS SUBDIVISION**  
 A PART OF THE SOUTHEAST 1/4 OF  
 SECTION 5, TOWNSHIP 142 NORTH, RANGE 77 WEST, BURLEIGH COUNTY, NORTH DAKOTA



- LEGEND**
- IRON MONUMENT FOUND
  - SET 5/8"x18" REBAR WITH ALUMINUM CAP LS-10871

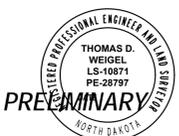
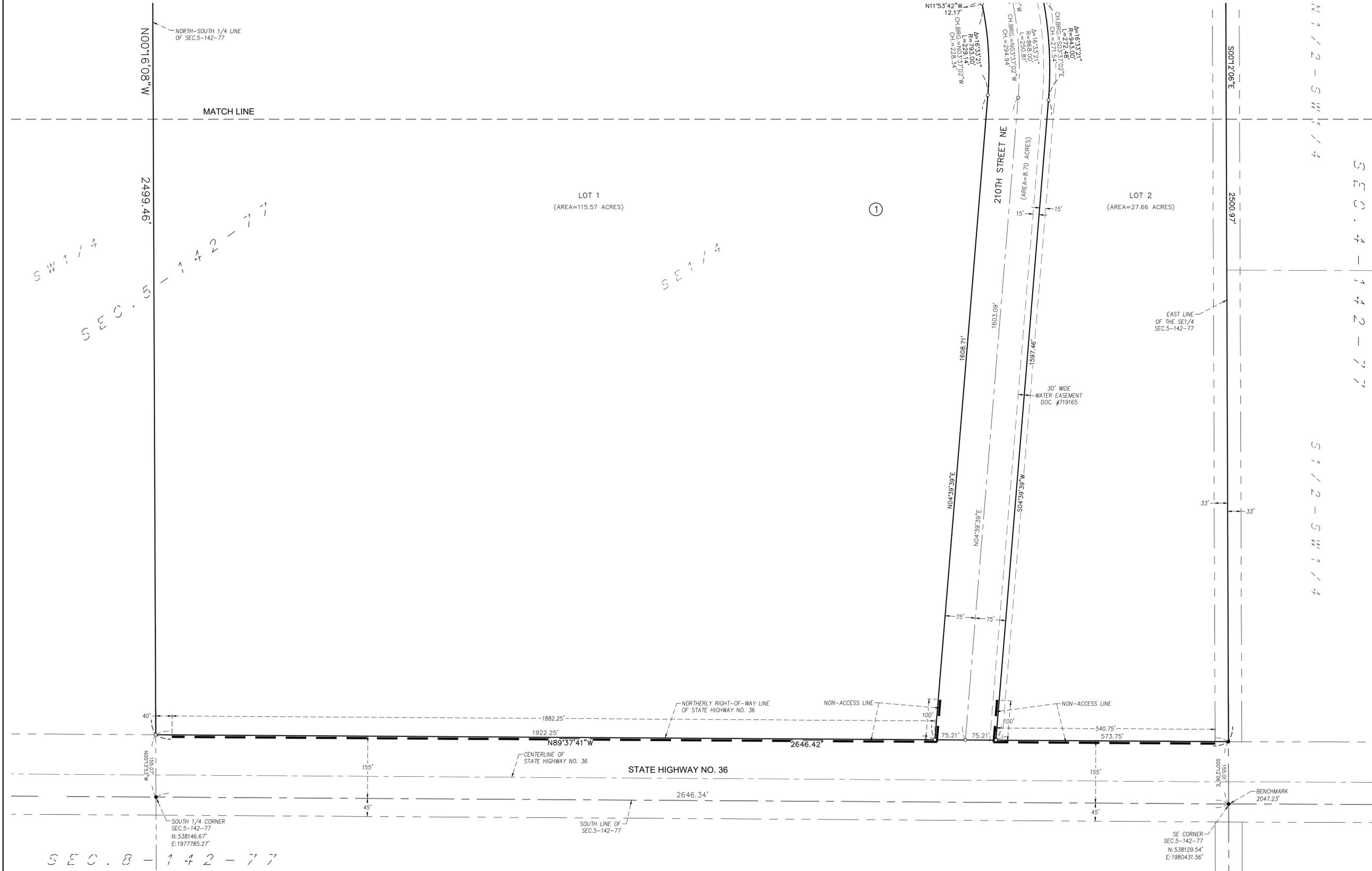
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 ND SOUTH ZONE, INTERNATIONAL FOOT DEFINITION  
 COMBINATION FACTOR: 0.9998515



PROPERTY OWNER:  
 MARLIN KLING  
 930 SOUTHPORT LOOP  
 BISMARCK, ND 58504-7089

PROPERTY ADDRESS:  
 31151 210TH ST NE  
 FINAL PLAT DATE: 05-30-2023

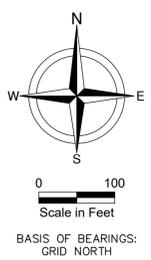
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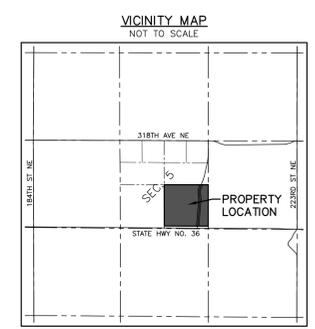
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 VERTICAL DATUM: NAVD 88  
 ND COORDINATE SYSTEM OF 1983, NAD83(2011)  
 ND SOUTH ZONE, INTERNATIONAL FOOT DEFINITION  
 COMBINATION FACTOR: 0.9998515





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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission.  
Re: Amendments to Article 12 and Article 33 Burleigh County Zoning Ordinance.  
Date: 8-7-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

ORDINANCE 23-07

Due to requests for relief from front yard setbacks associated with Collector Roads in Burleigh County it has been determined to amend Article 12 Section 5, by reducing the current 125' front yard setbacks to 115 feet to the center of ROW.

ITEM 2

ORDINANCE 23-04

Because of problems associated with recordation of replats using the minor plat modification process, it has become necessary to amend Article 33 Section 12, by removing the current process and replacing it with a short form subdivision procedure.

**ACTION REQUESTED:**

The 2 ordinance amendments were presented to the Burleigh County Board on July 5, 2023. This is the final administrative action from this Board for requirements of adoption. It is recommended that the County Board adopt the proposed ordinances.

Attachments: Ex.1 Art. 12 Section 5\_final 08072023  
Ex.2 Art. 33 Section 12\_final 08072023



of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting of \_\_\_\_\_

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh County this \_\_\_\_\_ day of \_\_\_\_\_ 2023

\_\_\_\_\_  
Mark Splonskowski      Burleigh County Auditor/Treasurer

## ORDINANCE 23-04

### AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 33 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO SECTION 12 – MINOR CHANGES TO EXISTING PLATS.

#### ARTICLE 33

#### SUBDIVISION REGULATIONS

Section 1. Amendment Article 33, Section 12 of the Zoning Ordinance is hereby amended and re-enacted as follows:

#### Section 12. Short Form Subdivision Plat

It is the duty of the Planning Commission to discourage the subdividing of lands that conflict with existing Burleigh County ordinances and or NDCC.

##### 1. Approval Criteria

During the acceptance for review of a short form subdivision plat, the Planning and Zoning Department and County staff shall take the following considerations:

- a) No new public street is necessary for each lot to have access on to a public or private street.
- b) The plat does not include vacating a public street rights-of-way or easements- but may include a change to an existing non-access line.
- c) Proposed lots are contiguous with at least one other lot in the subdivision for a minimum distance of fifty (50') feet.
- d) No off-site improvements are necessary for utility service or drainage.
- e) No more than three (3) lots are involved
- f) The subject property must be zoned appropriately for the intended uses.
- g) Designs standards contained within Section 13. Storm Water Management or other sections of Article 33 as deemed necessary, shall be met by the proposed subdivision.

##### 2. Application

All changes to existing plats shall be submitted to the Planning and Zoning Department for review. Changes that affect more than three (3) lots shall proceed through the full platting process described in Article 33. Minor changes within an existing plat that affect three (3) lots or less shall proceed through the short form platting process, and be completed by meeting the following requirements:

- a) The applicant shall submit a completed Uniform Development Application to the Planning Department at least twenty-one (21) days prior to the meeting of the Planning and Zoning Commission at which time the final plat is to be considered. The application shall be submitted with:
  - 1. The required fee, set in Article 25, Section 2
  - 2. A checklist of final plat specifications as deemed necessary by the Planning Department to facilitate the plat review process.
  - 3. An attorney's opinion of title or similar document showing proof of ownership.
  - 4. An electronic copy of the final plat, in a PDF format and the number of physical copies, if any, requested by the Planning Department. The final plat shall meet all requirements in Article 33, Section 3, Item J and any additional technical specifications required in NDCC Section 40-50.1-01.
- b) An application is not considered complete until the application is signed by all property owners and representatives, fees are paid, and all required attachments are included

### 3. Final Plat Review

- a) After receipt of all items as required in Article 33 Section 5.3 for final approval, the Planning Department shall give notice of a public hearing on the proposed subdivision by advertising the time and place of the hearing in the official newspaper of Burleigh County once a week for two (2) consecutive weeks prior to the date of such hearing. Not less than ten (10) days prior to the date of such hearing, all known adjacent property owners within a minimum of 1,320 feet of the proposed subdivision shall be notified of the public hearing by letter.
- b) After the public hearing, the Planning and Zoning Commission will act upon the request for final approval. If the Planning and Zoning Commission approves the subdivision plat, such approval will be entered upon the tracing and will be signed by the Secretary and the Chairman of the Planning Commission. If the Planning Commission disapproves the subdivision plat, such action, together with the findings of facts therefore will be entered in the official records of the Planning and Zoning Commission and a copy of such record will be sent to the sub divider.
- c) A final plat that is approved by the Planning and Zoning Commission will be recommended for approval to the Board of County Commissioners. A final plat that is denied by the Planning and Zoning Commission will not be forwarded to

the Board of County Commissioners; however, the sub divider has the right to appeal the decision of the Planning and Zoning Commission to the Board of County Commissioners in accordance with Article 2, Section 7.

#### 4. Final Approval

- a) If the Planning and Zoning Commission recommends approval with conditions of the final plat, the applicant shall then be given the opportunity to submit a revised final plat to address statements made by the Planning and Zoning Commission, within one hundred eighty (180) days of recommended approval and at least ten (10) days prior to the Board of County Commissioners meeting in which the final plat will be considered.
- b) After the Planning and Zoning Commission has made a recommendation, the Board of County Commissioners shall consider the final plat at the next regularly scheduled meeting, unless the applicant and Planning Director agree to defer to a later meeting. The Board of County Commissioners may make, one of the following decisions:
  - Approve the final plat.
  - 1. Refer the final plat back to the Planning and Zoning Commission for the purpose of hearing additional testimony and gathering additional information. The Board of County Commissioners shall only exercise this option if there is found to be substantial additional information relating to the subdivision, which was not presented to the Planning and Zoning Commission.
  - 2. Disapprove the final plat, stating the reason for the disapproval.
- c) The decision and all supporting statements shall be recorded in the official records of the Board of County Commissioners. The decision of the Board of County Commissioners shall also be communicated in writing to the applicant.

#### 5. Plat Recordation

- a) Following final approval by the Board of County Commissioners, a final plat in recordable form shall be furnished to the County Planner within one hundred eighty (180) days. Extensions of up to one hundred eighty (180) days may be granted by the County Planner for good cause shown in writing. Upon review and obtaining required signatures, the final plat shall be returned to the sub divider for making copies and recording. The sub divider shall file and record the original signed final plat with the Burleigh County Recorder within one hundred eighty (180) days of receiving the signed final plat. Failure to file the signed original of the approved final plat within said one hundred eight days (180) days shall constitute voidance of approval of the final plat, with reinstatement only possible by final plat re-consideration by the Planning

Commission and Board of County Commissioners. Extensions of one hundred eighty (180) days may be granted by the County Planner for good cause shown in writing. All final plats shall also be provided in digital format to Burleigh County's current computer aided drafting and geographic system software and policy, including coordinate system ties as defined within this zoning ordinance.

**Section 3. REPEAL.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. 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 5. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

First Reading Passed: July 5, 2023

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Becky Matthews                      Chairperson

Final passage and adoption:

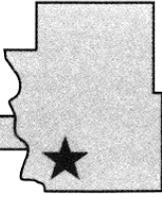
I, Mark Splonskowski, do hereby certify that I am the duly elected auditor of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting of \_\_\_\_\_

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh County this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Mark Splonskowski, Burleigh County Auditor/Treasurer

**ITEM**

**# 8**



Request for County Board Action

**DATE:** August 7<sup>th</sup> , 2023  
**TO:** Burleigh County Commission  
**FROM:** Commissioner Munson  
**RE:** Missouri Valley Fairground.

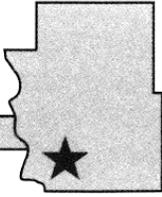
Please place the following item on the next Burleigh County Board agenda.

**INFO:** A drain inside of the racetrack that was listed as a concern.

**REQUEST:**  
Discuss.

**ITEM**

**# 9**



Request for County Board Action

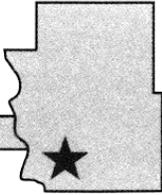
**DATE:** August 7<sup>th</sup> , 2023  
**TO:** Burleigh County Commission  
**FROM:** Commissioner Woodcox  
**RE:** Budget discussion.

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

**REQUEST:**  
Discuss the 2024 budget.

**ITEM**

**# 10**

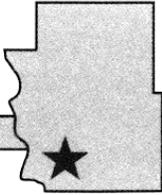


Request for County Board Action

**DATE:** August 7<sup>th</sup> , 2023  
**TO:** Burleigh County Commission  
**FROM:** Chair Matthews  
**RE:** Provident building remodel.

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

**REQUEST:**  
Discuss the Provident Building remodel project.



Request for County Board Action

**DATE:** August 7<sup>th</sup> , 2023  
**TO:** Burleigh County Commission  
**FROM:** Chair Matthews  
**RE:** Designation of delegate to the NDACo annual conference.

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

**REQUEST:**

The NDACo annual conference will be held at the Bismarck Event Center on October 8-10,2023.

**INFO:** The Commission can designate any of the following individuals to be a delegate to the annual conference. County commissioner, auditor, clerk of court, recorder, sheriff, state's attorney, treasurer, tax director, county engineer and human service zone director. This must be done before September of odd-numbered years.

**RECOMMENDED ACTION:**

Designate a delegate and alternate if necessary.

**ITEM**

**# 11**



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

August 21, 2023

**5:00 PM** *Invocation by Chaplain*

### COUNTY PARK BOARD

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Consideration of the July 19, 2023, meeting minutes and bills.
4. Discussion of City Recreation line item in budget.
5. Discussion of Equine Center.

### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Public Comment. (Restricted to items on the agenda not including public hearing items.)
5. Consideration and approval of the August 7, 2023, meeting minutes and bills.
6. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
  - c. Check replacements.
7. Justin Schulz:
  - a. 2022 audit results.
8. Mitch Flanagan:
  - a. Public Hearing on draft OHV Ordinance.

- b. Appeal of permit denial for Sherri Fisher.
- c. Appeal of permit denial for Cam Knutson

9. City of Lincoln Mayor Keli Berglund:

- a. Clarification on the 66<sup>th</sup> St Bridge project.

10. Marcus Hall:

- a. Apple Creek Speed Limit

11. Justin Schulz:

- a. Capital Improvement Plan Policy.

12. Comm. Woodcox:

- a. Budget discussion

13. Other Business.

14. Adjourn.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax

**COUNTY  
PARK  
BOARD**

# BURLEIGH COUNTY PARK BOARD

## MEETING MINUTES

July 19, 2023

### 8:30 A.M

Vice Chair Bitner called the Burleigh County Park Board meeting to order.

A roll call of members; Commissioners Woodcox, Munson, Bitner, Behm, Schwab, and Herman present. Chair Matthews absent.

Motion by Comm. Schwab, 2<sup>nd</sup> Comm. Munson to approve the June 5<sup>th</sup>, 2023, meeting minutes and bills. All members present voted "AYE," motion carried.

Commissioner Munson presented an update on the Steckel landing grant application. Munson stated that the grant from AARP was not granted however a new grant from the North Dakota Parks system had opened. Comm. Munson authorized Dave Mayer to file an application for the grant. If granted, it would be used to bring the parks into ADA compliance. Bismarck Parks and Recreation Operations Director Dave Mayer stated that ND Game and Fish received complaints about the pull out ramp on the Steckel landing, asking that the corner be curved more for easier turns when coming out of the water. ND Game and Fish told Mayer that they would be willing to pay 75% of the cost of the project. Comm. Munson stated that he met with Bismarck City engineering and stated that the city would be willing to move the projected easement for City Sewer on the Missouri Valley complex property. The City would come back before the Commission for approval to move the easement to the unbuildable portion of the property. Mayer informed the Commission that the Choir of engineers inspected Kimball bottoms. The inspection went well and they suggested the old asphalt be removed from the property. He stated that they got approval to dredge the landing and its looking good at this time. Comm. Munson stated that the Driscoll Park had some repairs that were being done.

Meeting adjourned.

---

Mark Splonskowski, Auditor/Treasurer

---

Becky Matthews, Chairman

Addenda item for August 21, 2023 Meeting

Action Requested

Discussion on City Recreation line item in the budget. Account 1001.45180.00988

Description:

In 1998 and again in 2014 Burleigh County entered into a Joint Powers Agreement for this mill levy

The 1 mill (City Mill) is collected from City of Bismarck residents only. The distribution is as follows:

35% of the mill shall be split 50/50 between the County and Park district for the benefit of Riverfront Improvements on lands under the management or ownership of the City of Bismarck, Bismarck Park District or the County.

35% of the mill shall be used for the operation and improvements of Sibley Park.

15% of the mill shall be used for the operation and improvement to county riverfront facilities.

15% of the mill shall be used for law enforcement and maintenance of riverfront facilities.

I will give copies of both of the Joint Powers Agreements as well as copies of the expenditures from this fund since 2013 to the Auditor and will be available to the public.

Action needed:

No motion is needed. This line item should stay in the budget

**COUNTY**

**COMMISSION**

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
AUGUST 7TH, 2023**

**5:00 PM Invocation by Chaplain**

Chair Matthews called the regular meeting of the Burleigh County Commission to order. Roll call of the members; Commissioners, Woodcox, Munson, Bitner, Schwab, and Chair Matthews present.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the agenda. All members present voted, "AYE." Motion carried. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the July 19<sup>th</sup> and July 20<sup>th</sup>, 2023 special meeting minutes and bills. All members present voted, "AYE". Motion carried.

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

<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
North Dakota Dept. of Transportation	2023	Lot 3, Block 1, Butler	Exempt from Taxation	\$132,800	\$66,400
Ethen & Levia Roemmich	2023	East 80' of Lots 13-16, Block 7, Fisher	Error in property description	\$266,300	\$243,000
Jon & Jennifer Leet	2023	Lot 11, Block 1, Ash Coulee Replat	Error in property description	\$616,200	\$569,200
Robert & Edwin Vetter	2022	Lot 9, Block 3, Huber Re Est Trust 1st	100% Homestead Credit (1/2 interest)	\$318,700	256,200
Michelle Gramling	2021	Lot 13, Block 7, Island Park Estates	60% Disabled Veterans Credit	\$237,200	\$129,200
Michelle Gramling	2022	Lot 13, Block 7, Island Park Estates	60% Disabled Veterans Credit	\$251,500	\$143,500

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to approve the North Dakota Dept. of Transportation, Roemmich, Leet, Vetter, and Gramling (2) abatements along with the remainder of the Consent Agenda in its entirety. All members present voted, "AYE." Motion carried.

County Engineer Marcus Hall presented a public hearing to review a petition to vacate a portion of a section line on Klings Subdivision. The property owner/petitioner, Marvin Kling stated that the section line goes through a swampy low area and would like that cleaned up. Mr. Kling also stated that survey work has already been done and there is no practical reason to keep the section line. Notices have been sent out to adjacent landowners. Burleigh County Planning Director Mitch Flanagan recommended correcting the triangular area on Kling's property to a prescriptive road. Surveyor Tom Weigel discussed the public benefits of vacating this section line are as follows: 4 acres (2 on Kling's property and 2 acres on the east side of the section line), plus providing a clear right of way along the existing roadway that could be

improved upon in the future. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the vacation of the section line, making sure that the triangular piece on Kling's property be adequately platted and taken care of. Comm. Woodcox, Munson, and Chair Matthews, "AYE". Comm. Bitner and Schwab, "NAY". Motion carried. County Engineer Marcus Hall presented a resolution requesting that Burleigh County certify the township road mileage breakdown and authorize the Board Chairman to sign the required state forms. The Highway Department reviewed the County/Township Roadway System, and the total roadway mileage is as follows:

County Roadways: 586 miles  
Organized Township Roadways: 747 miles  
Un-Organized Township Roadways: 153 miles

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to certify the township roadway mileage breakdown and for the Board Chair to sign the required state forms prepared by the Highway Department. All members present voted, "AYE". Motion carried. County Engineer Marcus Hall presented a request to grant Kenneth & Rochelle Couch a waiver of the paving requirements "*paving of all internal roadways and adjacent section line roads*" listed in the Pavement Policy, in conjunction with the approval of the Horseshoe Flats Subdivision noting that this does not preclude the County/Township from requiring the property owner from sharing the cost to construct and pave these roadways in the future to benefit this property. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the request. Comm. Woodcox, Munson, Bitner, and Chair Mathews, "AYE". Comm. Schwab, "NAY". Motion carried. County Engineer Marcus Hall also presented an updated request from the City of Wing asking for additional ARPA funds for needed repairs to their wastewater treatment system. The total cost of the project is \$2,762,100 and they are requesting \$1,100,000 from Burleigh County. It was stated from the American Rescue Plan Project Ranking spreadsheet that there is currently \$982,918 available in unallocated funds. There was discussion that Wing had already received ARPA funds from the county and Comm. Munson thought it best to table this discussion for review at the next meeting until County Engineer Marcus Hall could go back through the applications and see if there are other municipalities still interested in additional funding.

Burleigh County Planning Director Mitch Flanagan presented a request to approve the final plat for Klings Subdivision. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner. All members present voted "AYE". Motion carried. A public hearing was also presented with no comment to amend Articles 12 and 33 of the Burleigh County Zoning Ordinance by reducing the current 125' front yard setbacks to 115 feet to the center of ROW (Article 12) and replacing the process of recordation using the minor plat modification process with a short form subdivision procedure (Article 33). Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the amendments to these articles. All members present voted "AYE". Motion carried.

Comm. Munson presented an update on a drain that was a concern on the Missouri Valley Fairgrounds racetrack and how best to get the drain open and operational again. He stated that the City of Bismarck agreed to help clean out the drain when they were available. Comm. Schwab added that someone had dug a pit on the east end of the fairgrounds and people were throwing trash into it. Comm. Munson said he will look more into this concern for review at a later meeting.

Comm. Woodcox presented a discussion on the 2024 budget. Items brought for possible consideration were eliminating the County Administrator position (\$180,000), looking at the contract to see if we could cut computer services since we are getting our own IT Department, eliminating 1 mill Highway Department (\$660,000), going from 3 to 2 blades on the graters (\$3 million to \$2 million), using reserves in the Missouri Valley Fairgrounds project and Provident building, and what to do regarding the County nurse. Comm. Munson stated that he is not in favor of using any reserves from the Missouri Valley Fairgrounds and is

opposed to eliminating the Administrator position as that position could help us save money in the future while taking a load off the commissioners. Comm. Schwab shared that it would not be good policy to let our highway department equipment go below trade in value, and County Engineer Marcus Hall stated that he was also reluctant to change the process on blades/graters. It was mentioned that equipment such as this is very important to replace. There was discussion on Sibley Recreation and to look to funding from this for future riverfront projects. \$500,000 of these funds go to Park and Recreation. The budget is still being worked on and is due Sept. 21<sup>st</sup>.

Chair Matthews opened a discussion on the Provident building project. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to move forward with the Project Management RFP to return to the County Auditor by noon on August 31, 2023 with bidding to follow at 1pm. All members present voted "AYE". Motion carried. There was also a discussion on the designation of a delegate and alternate to the annual NDACo Conference. Chair Matthews stated that she would like to go and has enjoyed it in the past but would like an alternate selected as a backup. County Recorder Missy Hanson volunteered herself as an alternate as she will already be present at the conference. County Auditor Mark Splonskowski said he could be a backup alternate as well for the same reason.

Chair Matthews also shared that the news media reported that the PSC denied the permits for Summit Carbon Solutions. Chair Matthews asked if the letter to the Attorney General requesting him to investigate the investors in the Summit Carbon Solutions pipeline still needed to be sent. States Attorney Julie Lawyer said that she was not sure if it had been sent but if not, it could be done immediately. The Commission directed County Auditor Mark Splonskowski to send the letter. Comm. Schwab asked if the PSC supplied an environmental impact statement. Lawyer stated that she spoke with the PSC and they directed her to their website to find filings they have on the impact on wetlands and other protected areas but not a full environmental impact statement. Comm. Schwab expressed concern that the PSC did not have a detailed environmental impact statement and still thinks we need to have that. Comm. Bitner wished to thank the North Dakota Public Service Commission for all their work on this project and for listening to the citizens.

Meeting adjourned.

---

Mark Splonskowski, County Auditor/Treasurer

---

Becky Matthews, Chairman

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
23-172	Bismarck Public Schools District	2023	Lots 1 - 3, Block 13, Wachter's Subdivision and Replat Part Block 10, Eastdale Addition, Less Tract A	Exempt from taxation	\$562,000	\$281,000
23-173	Ryan and Tori Renner	2023	Lot 4 & NW 2' of Lot 5, Block 21, Casey's 4th	Error in property description	\$241,800	\$207,200
23-176	Beverly J Eng	2023	Lot 5, Block 4, Wachter's 7th	Error in property description	\$287,000	\$279,700
23-177	Roger W Domres	2023	Lot 9, Block 2, Southport	Error in property description	\$1,593,000	\$919,200
23-182	Diane Harsche	2021	Lot 7, Block 1, Ridgeview Acres	Property is in uninhabitable condition	\$282,500	\$95,500
23-183	Diane Harsche	2022	Lot 7, Block 1, Ridgeview Acres	Property is in uninhabitable condition	\$303,500	\$95,500
23-184	Diane Harsche	2023	Lot 7, Block 1, Ridgeview Acres	Property is in uninhabitable condition	\$263,500	\$63,300
23-188	Nicole M Eckroth	2022	Block 31, N 5' of Lot 21 All Lots 22-23 & S 5' of Lot 24	10% Disability	\$233,500	\$220,989



**LOCAL PERMIT OR RESTRICTED EVENT PERMIT**  
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL  
 GAMING DIVISION  
 SFN 17926 (2-2023)

Permit Number <b>23-010</b>
--------------------------------

Permit Type (check one)	
<input checked="" type="checkbox"/> Local Permit	<input type="checkbox"/> Restricted Event Permit*
Games Authorized	
<input type="checkbox"/> Bingo	<input checked="" type="checkbox"/> Raffle
<input type="checkbox"/> Raffle Board	<input type="checkbox"/> Calendar Raffle
<input type="checkbox"/> Sports Pool	<input type="checkbox"/> Poker*
<input type="checkbox"/> Twenty-One	<input type="checkbox"/> 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 <b>Grace Lutheran Church Woman</b>		Dates Authorized (Read Instruction 2) <b>November 4, 2023</b>	
Organization or Group Contact Person <b>Thelma Lein Whitman</b>		E-mail	Telephone Number
Mailing Address		City <b>Driscoll</b>	State <b>ND</b>
		ZIP Code <b>58532</b>	

**SITE INFO**

Site Name <b>Grace Lutheran Church</b>		County <b>Burleigh</b>	
Site Address <b>303 Main St</b>		City <b>Driscoll</b>	State <b>ND</b>
		ZIP Code <b>58532</b>	
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.)			
<b>Raffle Drawing - November 4, 2023</b>			

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**

Name <b>Mark Splonskowski</b>	Title <b>Burleigh County Auditor</b>	Telephone Number <b>701-222-6695</b>	E-mail Address <b>msplonskowski@nd.gov</b>
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input checked="" 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.



RESOLUTION OF BURLEIGH COUNTY COMMISSION  
RECOGNIZING Grace Lutheran Church Women  
AS A PUBLIC SPIRITED ORGANIZATION

- (a) GLCW is not a veteran's charitable, educational, religious or fraternal organization, or a civic or service club.
- (b) The primary purpose of GLCW is church projects which has been achieved in the past as follows: charity, propane for church
- (c) The primary purpose of the organization is consistent with one of the following:
- (1) Uses benefiting an indefinite number of persons either by bringing them under the influence of education, culture or religion or relieving them of disease, suffering or constraint.
  - (2) Uses increasing comprehension of and devotions to the principals upon which the nation was founded, not of direct benefit to the eligible organization or any member thereof.
  - (3) The erection or maintenance of public buildings or works.
  - (4) Uses otherwise lessening the burden of government.
  - (5) Uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm and the losses uncompensated by insurance.
  - (6) Uses benefiting a definite number of persons suffering from a seriously disabling disease or injury causing severe loss of income or incurring extraordinary medical expense which is uncompensated by insurance.
- (d) The net proceeds generated by the gambling will be used for \_\_\_\_\_ which is consistent with eligible uses under NDCC Section 53-06.1-11.1 and will achieve the stated purpose of the organization.
- (e) GLCW has been in existence since \_\_\_\_\_, 1950, and has actively existed in North Dakota for the last two previous years.
- (f) The Burleigh County Commission hereby recognizes GLCW as a PUBLIC SPIRITED ORGANIZATION and is eligible to conduct games of chance under Chapter 53-06.1.

All Items required for this Permit have been meet.

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

BURLEIGH COUNTY CHECK REPLACEMENT  
(4-17)

Carefully read the AFFIDAVIT AND AGREEMENT; then sign it before a Notary Public.

When we receive the signed and notarized Affidavit and Agreement a duplicate payment will be issued and forwarded to you. In the event you recover possession of the original check, DO NOT CASH IT, please advise the Burleigh County Auditor/Treasurer immediately. Our telephone number is (701) 222-6718.

MAIL THE SIGNED AND NOTARIZED AFFIDAVIT AND AGREEMENT TO:  
Burleigh County Auditor/Treasurer, P.O. Box 5518, Bismarck, ND 58506-5518.

NAME AND ADDRESS OF PAYEE:

KERRY P MCCOY OR RHONDA KOCH-MCCOY  
4010 SCENIC DR  
BISMARCK, ND 58504

Check Date: 1/7/2022  
Original Check #: 121794  
Check Amount: \$118.11

AFFIDAVIT AND AGREEMENT

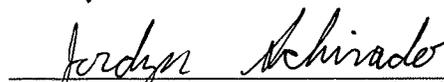
I execute this AFFIDAVIT AND AGREEMENT for the purpose of obtaining a duplicate payment from the County of Burleigh, North Dakota.

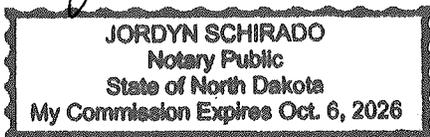
I hereby state under oath that the above-described check has never been presented to me for payment, nor transferred to any other person or persons, and the same is believed to have been lost or destroyed, and that I hereby request the County of Burleigh to issue a duplicate payment for said check.

I agree to indemnify, compensate, or make restitution to the County of Burleigh for any and all loss, damage and expense as a result of this issue of said new duplicate payment. If said original check alleged to have been lost or destroyed shall come into my possession, or under my control, I shall immediately return same to the Burleigh County Auditor, PO Box 5518, Bismarck, ND 58506-5518, for cancellation. If the aforesaid check shall at any time be cashed or presented to the Burleigh County Auditor/Treasurer by me, or transferred to another person by me and result in a loss to the County of Burleigh, I shall promptly reimburse the Burleigh County Auditor/Treasurer for any such loss.

  
\_\_\_\_\_  
Signature of Payee

Subscribed and sworn to before me on  
August 8<sup>th</sup>, 2023.

  
\_\_\_\_\_  
Notary Public - County of Burleigh  
My Commission Expires Oct 6<sup>th</sup> 2026



(Seal)

\*\*\*\*\*

Application approved by the Burleigh County Commission on \_\_\_\_\_, 20\_\_\_\_.

Duplicate warrant # \_\_\_\_\_ issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Burleigh County Auditor/Treasurer

\_\_\_\_\_  
Date

**ITEM**

**# 7**



# NORTH DAKOTA OFFICE OF THE STATE AUDITOR

State Auditor Joshua C. Gallion

## Burleigh County

Bismarck, North Dakota

Audit Report for the Year Ended December 31, 2022

*Client Code: PS8000*



Photo credit: North Dakota Tourism



Office of the  
State Auditor

# BURLEIGH COUNTY

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For the Years Ended December 31, 2022

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# BURLEIGH COUNTY

County Officials  
December 31, 2022

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## COUNTY OFFICIALS

At December 31, 2022

Jim Peluso	Commissioner - Chairman
Brian Bitner	Commissioner – Vice Chairman
Mark Armstrong	Commissioner
Kathleen Jones	Commissioner
Becky Matthews	Commissioner
Leo Vetter	Auditor/Treasurer
Justin Schulz	Deputy Finance Director
Kelly Leben	Sheriff
Melissa Hanson	Recorder
Julie Lawyer	State's Attorney

STATE AUDITOR  
Joshua C. Gallion



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STATE CAPITOL  
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Bismarck, North Dakota, 58505

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## INDEPENDENT AUDITOR'S REPORT

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Board of County Commissioners  
Burleigh County  
Bismarck, North Dakota

### Report on the Financial Statements

#### **Opinions**

We have audited the accompanying financial statements of the governmental activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of Burleigh County, North Dakota, as of and for the year ended December 31, 2022, and the related notes to the financial statements, which collectively comprise Burleigh County's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of Burleigh County, North Dakota, as of December 31, 2022, and the respective changes in financial position, and, where applicable, cash flows thereof in accordance with accounting principles generally accepted in the United States of America.

#### **Basis for Opinion**

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards (Government Auditing Standards)*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Burleigh County and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

#### **Emphasis of Matter**

As discussed in Note 2 to the financial statements, the 2021 financial statements have been restated to correct misstatements. Our opinion is not modified with respect to this matter.

#### **Responsibilities of Management for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Burleigh County's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

***Auditor's Responsibility for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing our audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Burleigh County's internal control. Accordingly, no such opinion is expressed
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Burleigh County's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the *budgetary comparison schedules, schedule of employer's share of net pension liability and employer contributions, schedule of employer's share of net OPEB liability and employer contributions, and notes to the required supplementary information*, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

***Supplementary Information***

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise Burleigh County's basic financial statements. The *schedule of expenditures of federal awards and notes to the schedule of expenditures of federal awards*, as required by Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the *schedule of expenditures of federal awards and notes to the schedule of expenditures of federal awards* is fairly stated, in all material respects, in relation to the basic financial statements as a whole

**Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated July 25, 2023 on our consideration of Burleigh County's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Burleigh County's internal control over financial reporting and compliance.

/S/

Joshua C. Gallion  
State Auditor

Bismarck, North Dakota  
July 25, 2023

**BURLEIGH COUNTY**

## Statement of Net Position

December 31, 2022

	Primary Government	Component Unit
	Governmental Activities	Water Resource District
<b>ASSETS</b>		
Cash and Investments	\$ 81,290,773	\$ 3,533,203
Accounts Receivable	543,901	-
Intergovernmental Receivable	5,275,514	9,679
Inventories	1,829,495	-
Taxes Receivable	158,696	10,297
Special Assessments Receivable	3,603,041	1,240,392
Capital Assets		
Nondepreciable	9,980,825	349,729
Depreciable, Net	140,130,476	6,936,570
Total Assets	<u>\$ 242,812,721</u>	<u>\$ 12,079,870</u>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>		
Derived from Pension and OPEB	<u>\$ 30,515,237</u>	<u>\$ -</u>
<b>LIABILITIES</b>		
Accounts Payable	\$ 2,679,623	\$ 55,770
Salaries Payable	575,488	1,025
Incurred But Not Reported Claims	443,000	-
Grants Received in Advance	14,476,329	-
Retainages Payable	6,000	-
Interest Payable	173,274	6,264
Long-Term Liabilities		
Due Within One Year		
Long Term Debt	3,582,752	113,451
Compensated Absences Payable	174,477	-
Due After One Year		
Long Term Debt	46,444,927	1,828,170
Compensated Absences Payable	1,570,291	-
Net Pension and OPEB Liability	46,532,212	-
Total Liabilities	<u>\$ 116,658,373</u>	<u>\$ 2,004,680</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>		
Taxes Received in Advance	\$ 4,086,109	\$ -
Derived from Pension and OPEB	<u>18,173,556</u>	<u>-</u>
Total Deferred Inflows of Resources	<u>\$ 22,259,665</u>	<u>\$ -</u>
<b>NET POSITION</b>		
Net Investment In Capital Assets	\$ 99,916,348	\$ 6,585,070
Restricted		
Debt Service	29,081,592	5,624
Highways and Bridges	3,875,818	-
Culture and Recreation	5,962,537	-
Conservation of Resources/Econ. Dev.	242,346	3,484,496
Other	200,083	-
Capital Projects	2,244,985	-
Unrestricted	<u>(7,115,109)</u>	<u>-</u>
Total Net Position	<u>\$ 134,409,920</u>	<u>\$ 10,075,190</u>

The notes to the financial statements are an integral part of this statement.

# BURLEIGH COUNTY

## Statement of Activities

For the Year Ended December 31, 2022

Functions/Programs	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Position	
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government	Component Unit
					Governmental Activities	Water Resource Board
<b>Primary Government</b>						
<b>Governmental Activities</b>						
General Government	\$ 10,941,303	\$ 1,820,645	\$ 3,982,618	\$ -	\$ (5,138,040)	\$ -
Public Safety	22,824,895	5,760,995	2,138	-	(17,061,762)	-
Highways and Bridges	14,846,783	5,311,091	6,592,856	1,506,750	(1,436,086)	-
Health and Welfare	8,833,788	244	7,247,606	-	(1,585,938)	-
Culture and Recreation	930,786	-	-	-	(930,786)	-
Conservation and Economic Development	913,535	121,177	-	-	(792,358)	-
Other	1,579,173	-	-	-	(1,579,173)	-
Interest on Long Term Debt	1,067,830	-	-	-	(1,067,830)	-
<b>Total Primary Government</b>	<b>\$ 61,938,093</b>	<b>\$ 13,014,152</b>	<b>\$ 17,825,218</b>	<b>\$ 1,506,750</b>	<b>\$ (29,591,973)</b>	<b>\$ -</b>
<b>Component Unit</b>						
Water Resource District	\$ 831,212	\$ -	\$ 73,926	\$ 634,876	\$ -	\$ (122,410)
<b>General Revenues</b>						
Property taxes					\$ 17,598,760	\$ 963,589
Sales taxes					10,876,346	-
Non restricted grants and contributions					5,585,213	61,214
Interest Income					(252,393)	323
Gain (Loss) on Sale of Assets					(8,385)	-
Miscellaneous revenues					756,631	36,281
<b>Total General Revenues</b>					<b>\$ 34,556,172</b>	<b>\$ 1,061,407</b>
<b>Change in Net Position</b>					<b>\$ 4,964,199</b>	<b>\$ 938,997</b>
<b>Net Position - January 1</b>					<b>\$ 129,510,098</b>	<b>\$ 9,136,193</b>
<b>Prior Period Adjustments</b>					<b>\$ (64,377)</b>	<b>\$ -</b>
<b>Net Position - January 1, as restated</b>					<b>\$ 129,445,721</b>	<b>\$ 9,136,193</b>
<b>Net Position - December 31</b>					<b>\$ 134,409,920</b>	<b>\$ 10,075,190</b>

The notes to the financial statements are an integral part of this statement.

# BURLEIGH COUNTY

Balance Sheet – Governmental Funds  
December 31, 2022

	General Fund	Special Revenue Fund	Capital Project Fund	Debt Service Fund	Total Governmental Funds
<b>ASSETS</b>					
Cash and Investments	\$ 16,865,214	\$ 35,458,455	\$ 1,333,507	\$ 23,604,706	\$ 77,261,882
Accounts Receivable	59,708	318,549	35	-	378,292
Intergovernmental Receivable	1,419,099	906,441	966,623	1,983,351	5,275,514
Interfund Loan Receivable	2,700,000	-	-	-	2,700,000
Taxes Receivable	120,462	38,234	-	-	158,696
Special Assessment Receivable	-	-	-	3,603,041	3,603,041
Inventories	-	1,829,495	-	-	1,829,495
<b>Total Assets</b>	<b>\$ 21,164,483</b>	<b>\$ 38,551,174</b>	<b>\$ 2,300,165</b>	<b>\$ 29,191,098</b>	<b>\$ 91,206,920</b>
<b>LIABILITIES AND DEFERRED INFLOWS OF RESOURCES</b>					
<b>Liabilities</b>					
Accounts Payable	\$ 1,001,353	\$ 1,623,090	\$ 55,180	\$ -	\$ 2,679,623
Salaries Payable	360,665	214,823	-	-	575,488
Retainage Payable	-	6,000	-	-	6,000
Grants Received in Advance	-	14,476,329	-	-	14,476,329
<b>Total Liabilities</b>	<b>\$ 1,362,018</b>	<b>\$ 16,320,242</b>	<b>\$ 55,180</b>	<b>\$ -</b>	<b>\$ 17,737,440</b>
<b>Deferred Inflows of Resources</b>					
Taxes Receivable	\$ 120,462	\$ 38,234	\$ -	\$ -	\$ 158,696
Special Assessment Receivable	-	-	-	3,603,041	3,603,041
Taxes Received in Advance	2,966,315	1,010,288	-	109,506	4,086,109
<b>Total Deferred Inflow Of Resources</b>	<b>\$ 3,086,777</b>	<b>\$ 1,048,522</b>	<b>\$ -</b>	<b>\$ 3,712,547</b>	<b>\$ 7,847,846</b>
<b>Total Liabilities And Deferred Inflows Of Resources</b>	<b>\$ 4,448,795</b>	<b>\$ 17,368,764</b>	<b>\$ 55,180</b>	<b>\$ 3,712,547</b>	<b>\$ 25,585,286</b>
<b>FUND BALANCE</b>					
<b>Nonspendable</b>					
Inventory	\$ -	\$ 1,829,495	\$ -	\$ -	\$ 1,829,495
Interfund Loan Receivable	2,700,000	-	-	-	2,700,000
<b>Restricted</b>					
Capital Project Funds	-	-	2,936,136	-	2,936,136
Conservation & Econ. Develop.	-	550,170	-	-	550,170
Culture and Recreation	-	5,910,701	-	-	5,910,701
Debt Service	-	-	-	25,533,867	25,533,867
General Government	-	1,007,416	-	-	1,007,416
Health and Welfare	-	712,629	-	-	712,629
Highways and Bridges	-	6,621,281	-	-	6,621,281
Other	-	590,532	-	-	590,532
Public Safety	-	2,362,948	-	-	2,362,948
<b>Committed</b>					
Jail Commissary	-	370,461	-	-	370,461
Parking Lot	-	69,128	-	-	69,128
Provident Building	-	1,471,870	-	-	1,471,870
<b>Unassigned</b>					
General Fund	14,015,688	-	-	-	14,015,688
Negative Funds	-	(314,221)	(691,151)	(55,316)	(1,060,688)
<b>Total Fund Balances</b>	<b>\$ 16,715,688</b>	<b>\$ 21,182,410</b>	<b>\$ 2,244,985</b>	<b>\$ 25,478,551</b>	<b>\$ 65,621,634</b>
<b>Total Liabilities and Fund Balances</b>	<b>\$ 21,164,483</b>	<b>\$ 38,551,174</b>	<b>\$ 2,300,165</b>	<b>\$ 29,191,098</b>	<b>\$ 91,206,920</b>

The notes to the financial statements are an integral part of this statement.

# BURLEIGH COUNTY

## Reconciliation of the Balance Sheet of Governmental Funds to the Statement of Net Position December 31, 2022

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<b>Total Fund Balances for Governmental Funds</b>		<b>\$ 65,621,634</b>
Total <i>net position</i> reported for government activities in the statement of net position is different because:		
Capital assets used in governmental activities are not financial resources and are not reported in the governmental funds.		150,111,301
An internal service fund is used by the county to charge the cost of health insurance to individual funds. The assets and liabilities of the internal service fund are included in governmental activities in the statement of net position.		1,051,500
Certain receivables will be collected after year-end, but are not available soon enough to pay for the current period's expenditures and therefore are reported as deferred revenues in the funds.		
Taxes Receivable	\$ 158,696	
Special Assessments Receivable	<u>3,603,041</u>	3,761,737
Deferred outflows and inflows of resources related to pensions are applicable to future periods and, therefore, are not reported in the governmental funds.		
Deferred Inflows of Resources	\$ (18,173,556)	
Deferred Outflows of Resources	<u>30,515,237</u>	12,341,681
Long-term liabilities are not due and payable in the current period and accordingly are not reported as fund liabilities. All liabilities, both current and long-term, are reported in the statement of net position.		
Long-Term Debt	\$ (50,027,679)	
Interest Payable	(173,274)	
Compensated Absences Payable	(1,744,768)	
Net Pension and OPEB Liability	<u>(46,532,212)</u>	<u>(98,477,933)</u>
<b>Total Net Position of Governmental Activities</b>		<b><u><u>\$ 134,409,920</u></u></b>

The notes to the financial statements are an integral part of this statement.

# BURLEIGH COUNTY

## Statement of Revenues, Expenditures and Changes in Fund Balances - Governmental Funds For the Year Ended December 31, 2022

	General Fund	Special Revenue Fund	Capital Project Fund	Debt Service Fund	Total Governmental Funds
<b>REVENUES</b>					
Property Taxes	\$ 13,146,683	\$ 4,445,600	\$ -	\$ -	\$ 17,592,283
Sales Taxes	-	-	-	10,876,346	10,876,346
Special Assessments	-	-	-	740,982	740,982
Licenses, Permits and Fines	192,067	56,851	-	-	248,918
Intergovernmental Revenue	6,120,214	20,290,218	-	-	26,410,432
Charges for Services	4,419,845	5,345,390	-	-	9,765,235
Interest Income	(85,703)	(243,957)	2,619	74,648	(252,393)
Miscellaneous	111,481	632,117	13,035	-	756,633
<b>Total Revenues</b>	<b>\$ 23,904,587</b>	<b>\$ 30,526,219</b>	<b>\$ 15,654</b>	<b>\$ 11,691,976</b>	<b>\$ 66,138,436</b>
<b>EXPENDITURES</b>					
<b>Current</b>					
General Government	\$ 7,992,248	\$ 3,696,816	\$ -	\$ -	\$ 11,689,064
Public Safety	16,707,244	2,503,978	-	-	19,211,222
Highways and Bridges	-	13,210,991	-	-	13,210,991
Health and Welfare	865,192	7,072,767	-	-	7,937,959
Culture and Recreation	340,865	423,463	-	-	764,328
Conservation and Economic Development	80,638	763,614	-	-	844,252
Other	434,162	1,087,932	-	-	1,522,094
Capital Outlay	-	-	776,287	3,536	779,823
<b>Debt Service</b>					
Principal	-	169,687	-	3,457,170	3,626,857
Interest	-	9,601	-	1,011,599	1,021,200
Fees	-	-	-	17,638	17,638
<b>Total Expenditures</b>	<b>\$ 26,420,349</b>	<b>\$ 28,938,849</b>	<b>\$ 776,287</b>	<b>\$ 4,489,943</b>	<b>\$ 60,625,428</b>
<b>Excess (Deficiency) of Revenues Over Expenditures</b>	<b>\$ (2,515,762)</b>	<b>\$ 1,587,370</b>	<b>\$ (760,633)</b>	<b>\$ 7,202,033</b>	<b>\$ 5,513,008</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Bond Proceeds	\$ -	\$ -	\$ -	\$ 510,000	\$ 510,000
Sale of Assets	-	342,339	-	-	342,339
Transfers In	1,035,646	9,124,636	-	442,625	10,602,907
Transfers Out	(550,000)	(10,052,907)	-	-	(10,602,907)
<b>Total Other Financing Sources (Uses)</b>	<b>\$ 485,646</b>	<b>\$ (585,932)</b>	<b>\$ -</b>	<b>\$ 952,625</b>	<b>\$ 852,339</b>
<b>Net Change in Fund Balances</b>	<b>\$ (2,030,116)</b>	<b>\$ 1,001,438</b>	<b>\$ (760,633)</b>	<b>\$ 8,154,658</b>	<b>\$ 6,365,347</b>
<b>Fund Balances - January 1</b>	<b>\$ 18,745,804</b>	<b>\$ 20,208,541</b>	<b>\$ 2,392,614</b>	<b>\$ 17,936,897</b>	<b>\$ 59,283,856</b>
<b>Fund Balance Classification Change</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 613,004</b>	<b>\$ (613,004)</b>	<b>\$ -</b>
<b>Prior Period Adjustment</b>	<b>\$ -</b>	<b>\$ (27,569)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (27,569)</b>
<b>Fund Balances - January 1 Restated</b>	<b>\$ 18,745,804</b>	<b>\$ 20,180,972</b>	<b>\$ 3,005,618</b>	<b>\$ 17,323,893</b>	<b>\$ 59,256,287</b>
<b>Fund Balances - December 31</b>	<b>\$ 16,715,688</b>	<b>\$ 21,182,410</b>	<b>\$ 2,244,985</b>	<b>\$ 25,478,551</b>	<b>\$ 65,621,634</b>

The notes to the financial statements are an integral part of this statement.

# BURLEIGH COUNTY

Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances – Governmental Funds to the Statement of Activities  
 For the Year Ended December 31, 2022

**Net Change in *Fund Balances* - Total Governmental Funds** \$ 6,365,347

The change in net position reported for governmental activities in the statement of activities is different because:

Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.

Current Year Capital Outlay	\$ 4,192,160	
Capital Contributions	790,355	
Current Year Depreciation Expense	<u>(4,826,630)</u>	155,885

In the statement of activities, only the gain(loss) on the sale of assets and the donation of assets is reported, whereas in the governmental funds, the proceeds from the sale increase financial resources. Thus, the change in net position differs from the change in fund balance by the book value of the assets sold and donated.

Proceeds from Sale of Asset	\$ (342,339)	
Loss on Sale of Capital Asset	<u>(8,385)</u>	(350,724)

The proceeds of debt issuances are reported as other financing sources in governmental funds and contribute to change in fund balance. In the statement of net position, issuing debt increases long-term liabilities and does not affect the statement of activities. Repayment of debt principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net position.

Debt Issuance	\$ (510,000)	
Repayment of Debt	3,626,857	
Net Amortization of Bond Discount/Premium	<u>(35,352)</u>	3,081,505

The net pension and OPEB liability and related deferred outflows of resources and deferred inflows of resources are reported in the government wide statements; however, activity related to these pension items do not involve current financial resources, and are not reported in the funds.

Increase in Net Pension and OPEB Liability	\$ (29,373,976)	
Increase in Deferred Outflows of Resources	10,568,915	
Decrease in Deferred Inflows of Resources	<u>14,332,273</u>	(4,472,788)

Some expenses reported in the statement of activities do not require the use of current financial resources and are not reported as expenditures in governmental funds.

Increase in Compensated Absences	\$ (172,738)	
Decrease in Interest Payable	<u>6,359</u>	(166,379)

Some revenues reported on the statement of activities are not reported as revenues in the governmental funds since they do not represent available resources to pay current expenditures.

Increase in Taxes Receivable	\$ 6,477	
Decrease in Special Assessments Receivable	<u>(24,588)</u>	(18,111)

An internal service fund is used by the county's management to charge the cost of health insurance to individual functions. The net operating income of certain activities of internal service funds is reported with governmental activities.

	<u>369,464</u>
<b>Change in Net Position of Governmental Activities</b>	<u><u>\$ 4,964,199</u></u>

The notes to the financial statements are an integral part of this statement.

**BURLEIGH COUNTY**

Statement of Net Position – Proprietary Fund – Health Insurance  
December 31, 2022

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	<u>Internal Service Fund</u>
<b>CURRENT ASSETS</b>	
Cash	\$ 4,028,891
Accounts Receivable	<u>165,609</u>
Total assets	<u>\$ 4,194,500</u>
<b>CURRENT LIABILITIES</b>	
Current Liabilities	
Incurred But Not Reported Claims	\$ 443,000
Interfund Loan Payable	<u>2,700,000</u>
Total Liabilities	<u>\$ 3,143,000</u>
<b>NET POSITION</b>	
Restricted	<u>\$ 1,051,500</u>

The notes to the financial statements are an integral part of this statement.

**BURLEIGH COUNTY**Statement of Revenues, Expenses and Changes in Fund Net Position – Proprietary Fund – Health Insurance  
For the Year Ended December 31, 2022

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	<u>Internal Service Fund</u>
<b>OPERATING REVENUES</b>	
Contributions to Self-Insurance	\$ 5,335,746
Miscellaneous	<u>499,198</u>
Total Operating Revenues	<u>\$ 5,834,944</u>
<b>OPERATING EXPENSES</b>	
Health Insurance Claims	\$ 3,651,061
Administrative Fees	186,662
Stop Loss Fees	<u>1,629,289</u>
Total Operating Expenses	<u>\$ 5,467,012</u>
Operating Income	<u>\$ 367,932</u>
<b>NONOPERATING REVENUES (EXPENSES)</b>	
Interest Income	\$ 9,323
Interest Expense	<u>(7,791)</u>
Total Nonoperating Revenues (Expenses)	<u>\$ 1,532</u>
Change in Net Position	<u>369,464</u>
Net Position - January 1	<u>\$ 682,036</u>
Net Position - December 31	<u><u>\$ 1,051,500</u></u>

The notes to the financial statements are an integral part of this statement.

**BURLEIGH COUNTY**Statement of Cash Flows – Proprietary Fund – Health Insurance  
For the Year Ended December 31, 2022

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	<u>Internal Service Fund</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>	
Receipts from User Charges	\$ 5,240,511
Other Receipts	499,198
Payments for Health Insurance Claims	(3,672,061)
Payments for Fees	<u>(2,375,862)</u>
 Net Decrease in Cash Provided by Operating Activities	 <u>\$ (308,214)</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>	
Interest Income	\$ 9,323
Interest Expense	<u>(7,792)</u>
 Net Increase in Cash Provided by Investing Activities	 <u>\$ 1,531</u>
 Net Decrease in Cash And Cash Equivalents	 <u>\$ (306,683)</u>
 Cash - January 1	 <u>\$ 4,335,574</u>
 Cash - December 31	 <u>\$ 4,028,891</u>
 <b>RECONCILIATION OF OPERATING LOSS TO NET DECREASE IN CASH</b>	
Operating Income	<u>\$ 367,932</u>
 Adjustments to Reconcile Operating Loss to Net Decrease in Cash	
Decrease in IBNR Claims Payable	\$ (21,000)
Decrease in Accounts Payable	(59,911)
Decrease in Loans Payable	(500,000)
Increase in Accounts Receivable	<u>(95,235)</u>
 Net Decrease in Cash	 <u>\$ (308,214)</u>

The notes to the financial statements are an integral part of this statement.

**BURLEIGH COUNTY**Statement of Fiduciary Net Position – Fiduciary Funds  
For the Year Ended December 31, 2022

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	<u>Custodial Funds</u>
<b>ASSETS</b>	
Cash and cash equivalents	\$ 27,546,502
Taxes Receivable	904,849
Special Assessments Receivable	<u>460,557</u>
Total Assets	<u>\$ 28,911,908</u>
<b>LIABILITIES &amp; DERRERED INFLOWS OF RESOURCES</b>	
Liabilities	
Funds Held for Other Governmental Units	\$ 5,183,077
Funds Held for Other Purposes	<u>(1,204)</u>
Total Liabilities	<u>\$ 5,181,873</u>
Deferred Inflows of Resources	
Taxes Received in Advance	<u>\$ 23,730,035</u>
Total Liabilities and Deferred Inflows of Resources	<u>\$ 28,911,908</u>
Total Net Position	<u><u>\$ -</u></u>

The notes to the financial statements are an integral part of this statement.

**BURLEIGH COUNTY**

Statement of Changes in Fiduciary Net Position – Fiduciary Funds  
December 31, 2022

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	<u>Custodial Funds</u>
<b>ADDITIONS</b>	
Tax Collections for Other Governments	\$ 139,180,701
Miscellaneous Collections	<u>176,630</u>
Total Additions	<u>\$ 139,357,331</u>
<b>DEDUCTIONS</b>	
Tax Disbursements to Other Governments	\$ 139,180,701
Miscellaneous Disbursements	<u>176,630</u>
Total Deductions	<u>\$ 139,357,331</u>
Net Increase (Decrease) in Fiduciary Net Position	<u>\$ -</u>
Net Position - Beginning	<u>\$ -</u>
Net Position - Ending	<u>\$ -</u>

The notes to the financial statements are an integral part of this statement.

# BURLEIGH COUNTY

Notes to the Financial Statements  
For the Year Ended December 31, 2022

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## NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of Burleigh County ("County") have been prepared in conformity with accounting principles generally accepted in the United States of America as applied to government units. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The more significant of the government's accounting policies are described below.

### Reporting Entity

The accompanying financial statements present the activities of the County. The County has considered all potential component units for which it is financially accountable and other organizations for which the nature and significance of their relationships with the County are such that exclusion would cause its financial statements to be misleading or incomplete. The Governmental Accounting Standards Board has set forth criteria in GASB Statement No. 61 to be considered in determining financial accountability. These criteria includes appointing a voting majority of an organization's governing body and (1) the ability of the County to impose its will on that organization or (2) the potential for the organization to provide specific financial benefits to, or impose specific financial burdens on the County.

Based on these criteria, the component unit discussed below is included within the County's reporting entity because of the significance of its operational or financial relationship with the County.

### Component Unit

In conformity with accounting principles generally accepted in the United States of America, the financial statements of the component unit have been included in the financial reporting entity either as a blended component unit or as a discretely presented component unit.

Discretely Presented Component Units: The component unit columns in the government wide financial statements include the financial data of the County's one component unit. This component unit is reported in a separate column to emphasize that it is legally separate from the County.

Burleigh County Water Resource District ("Water Resource District") – The governing board is appointed by the County's governing body. The County's governing body has the authority to disapprove, amend, or approve the Water Resource District budget.

Complete financial statements of the Water Resource District are included in these financial statements. Additional information may be obtained from the Burleigh County Water Resource District: 1720 Burnt Boat Drive, Ste 205; Bismarck, ND 58503.

### Basis of Presentation

*Government-wide statements.* The statement of net position and the statement of activities display information about the primary government and its component unit. These statements include the financial activities of the overall government, except for fiduciary activities. Eliminations have been made to minimize the double-counting of internal activities. Governmental activities generally are financed through taxes, intergovernmental revenues, and other non-exchange transactions.

The statement of activities presents a comparison between direct expenses and program revenues for each function of the County's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Program revenues include (a) fees and charges paid by the recipients of goods or services offered by the programs and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, interest, and non-restricted grants and contributions, are presented as general revenues.

## BURLEIGH COUNTY

### Notes to the Financial Statements – Continued

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*Fund Financial Statements.* The fund financial statements provide information about the County's funds, including its custodial funds. Separate statements for each fund category, *governmental* and *fiduciary*, are presented. The emphasis of fund financial statements is on major governmental funds, each displayed in a separate column.

The County reports the following major governmental funds:

General Fund - This is the County's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

Special Revenue Fund - This fund accounts for financial resources that exist for special purposes. The major sources of revenues are a restricted tax levy and state/federal grants and reimbursements.

Capital Projects Fund - This fund accounts for the costs associated with construction of buildings and infrastructure.

Debt Service Fund - This fund accounts for the costs associated with long-term debt obligations.

Additionally, the County reports the following fund types:

*Internal Service Fund.* This fund accounts for medical insurance and workers' compensation insurance and unemployment claims provided to other departments on a cost-reimbursement basis.

*Custodial Funds.* These funds account for assets by the County in a custodial capacity as an agent on behalf of others. The County's custodial funds are used to account for property taxes collected on behalf of other governments.

### **Measurement Focus, Basis of Accounting, and Financial Statement Presentation**

The government-wide, proprietary, and fiduciary fund financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of the timing of the related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the County considers revenues to be available if they are collected within sixty days of the end of the current period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

All revenues are considered to be susceptible to accrual and so have been recognized as revenues of the current period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. All other revenue items are considered to be measurable and available only when cash is received by the County.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the County's internal service fund is contributions to self-insurance. Operating expenses for internal service funds include the cost of services and administrative expenses. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

**BURLEIGH COUNTY**

Notes to the Financial Statements – Continued

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**Cash and Investments**

Cash includes amounts in demand deposits, money market accounts and short-term certificates of deposit. Cash includes certificates of deposit with maturities of 3 months or less.

The investments consist of an investment in an investment pool stated at market value, and certificates of deposit with maturities of greater than 3 months.

**Inventories**

Inventories are valued using the first in first out (FIFO) method. The costs of governmental fund-type inventories are recorded as expenditures when consumed rather than when purchased.

**Capital Assets**

Capital assets include plant and equipment. Assets are reported in the governmental activities column in the government-wide financial statements. Capital assets are defined by the County as assets with an initial, individual cost of \$5,000 or more. Such assets are recorded at cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase of capital assets is not capitalized.

Capital assets are depreciated using the straight-line method over the following estimated useful lives (in years):

Infrastructure	40 – 50
Land Improvements	15 – 40
Buildings	40
Building Improvements	15 – 20
Office Equipment & Furniture	3 – 10
Vehicles	3 – 10
Machinery & Equipment	3 – 15

**Compensated Absences**

Vested or accumulated vacation leave is reported in the government-wide statement of net position. Compensation for unused vacation leave will be granted to all full-time employees upon termination of employment with the County. The employees may carry forward unused leave not to exceed 240 hours.

Compensation for unused sick leave will be granted to all full-time employees upon termination of employment of 5 or more years. Employees may carry forward unlimited unused sick leave. The severance payment will be based on 25% of accumulated sick leave for employees hired prior to January 1, 1991 and 10% of accumulated sick leave for those hired on or after January 1, 1991.

**Long-Term Obligations**

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the governmental activities statement of net position.

In the fund financial statements, the face amount of the debt is reported as other financing sources. Premiums and discounts received on debt issuances are reported as other financing sources (uses). Issuance costs are reported as debt service expenditures.

## BURLEIGH COUNTY

### Notes to the Financial Statements – Continued

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#### **Pension**

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the North Dakota Public Employees Retirement System (NDPERS) and additions to/deductions from NDPERS' fiduciary net position have been determined on the same basis as they are reported by NDPERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

#### **Other Post-Employment Benefits (OPEB)**

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, OPEB expense, information about the fiduciary net position of the North Dakota Public Employees Retirement System (NDPERS), and additions to/deductions from NDPERS' fiduciary net position have been determined on the same basis as they are reported by NDPERS. For this purpose, benefit payments are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

#### **Fund Balances**

*Minimum Fund Balance Policy.* The County will maintain a minimum unassigned fund balance in its General Fund ranging from 15 percent to 25 percent of the subsequent year's budgeted expenditures and outgoing transfers. This minimum fund balance is to protect against cash flow shortfalls related to timing of projected revenue receipts and to maintain a budget stabilization commitment.

*Replenishing deficiencies* – when fund balance falls below the minimum 25 percent range, the County will replenish shortages/deficiencies using the budget strategies and time frames described below.

The following budgetary strategies shall be utilized by the County to replenish funding deficiencies:

- Reduce recurring expenditures to eliminate any structural deficit.
- Increase revenues or pursue other funding sources.
- Some combination of the two options above.

Minimum fund balance deficiencies shall be replenished within the following time periods:

- Deficiency resulting in a minimum fund balance between 15 percent and 25 percent shall be replenished over a period not to exceed one year.
- Deficiency resulting in a minimum fund balance between 10 percent and 15 percent shall be replenished over a period not to exceed three years.
- Deficiency resulting in a minimum fund balance of less than 10 percent shall be replenished over a period not to exceed five years.

*Fund Balance Spending Policy.* It is the policy of the County to spend restricted resources first, followed by unrestricted resources. It is also the policy of the Board to spend unrestricted resources of funds in the following order: committed, assigned, and then unassigned.

*Nonspendable Balances.* Nonspendable fund balance is shown for inventory in the special revenue fund.

*Restricted Fund Balances.* Restricted fund balance is shown by primary function on the balance sheet. Restricted fund balances are restricted by tax levies (enabling legislation) and by outside 3<sup>rd</sup> parties (state and federal governments for various grants & reimbursements).

*Committed Fund Balances.* Committed fund balance is committed by the highest level of decision-making authority (governing board).

*Unassigned Fund Balances.* Unassigned fund balance is reported in the general fund and for negative fund balances at year-end.

**BURLEIGH COUNTY**

Notes to the Financial Statements – Continued

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**Net Position**

When both restricted and unrestricted resources are available for use, it is the County’s policy to use restricted resources first, then unrestricted resources as they are needed.

Net investment in capital assets is reported for capital assets less accumulated depreciation, as well as net of any related debt to purchase or finance the capital assets. These assets are not available for future spending.

Restrictions of net position in the statement of net position are due to restricted tax levies and restricted federal and state grants or reimbursements.

Unrestricted net position is primarily unrestricted amounts related to the general fund and negative fund balances.

**Interfund Transactions**

In the governmental fund statements, transactions that constitute reimbursements to a fund for expenditures initially made from it that are properly applicable to another fund, are recorded as expenditures in the reimbursing fund and as reductions of expenditures in the fund that is reimbursed.

All other interfund transactions, except reimbursements, are reported as transfers.

In the government-wide financial statements, interfund transactions have been eliminated.

**NOTE 2 PRIOR PERIOD ADJUSTMENTS**

Prior period adjustments were necessary for the government wide statements to properly report the beginning balance of capital assets as shown below:

	<b>Amounts</b>
<b>Beginning Net Position, as previously reported</b>	\$ 129,510,098
Adjustments to restate the January 1, 2021 Net Position	
Capital Assets, Net	(64,377)
<b>Net Position January 1, 2021, as restated</b>	<b>\$ 129,445,721</b>

Prior period adjustments were necessary for the Capital Projects Funds balance and Debt Service Fund balance to properly report fund balances in their proper classifications. Additionally, prior period adjustments were necessary for the fund level statements to properly report the beginning balance of retainage payable for the fund level activities as shown below:

	<b>Amounts</b>
<b>Beginning Special Revenue Fund Balance, as previously reported</b>	\$ 20,208,541
Adjustments to restate the January 1, 2021 Fund Balance	
Retainage Payable	(27,569)
<b>Debt Service Fund Balance January 1, 2021, as restated</b>	<b>\$ 20,180,972</b>

	<b>Amounts</b>
<b>Beginning Capital Projects Fund Balance, as previously reported</b>	\$ 2,392,614
Adjustments to restate the January 1, 2021 Fund Balance	
Fund Classification Change	613,004
<b>Capital Projects Fund Balance January 1, 2021, as restated</b>	<b>\$ 3,005,618</b>

	<b>Amounts</b>
<b>Beginning Debt Service Fund Balance, as previously reported</b>	\$ 17,936,897
Adjustments to restate the January 1, 2021 Fund Balance	
Fund Classification Change	(613,004)
<b>Debt Service Fund Balance January 1, 2021, as restated</b>	<b>\$ 17,323,893</b>

**BURLEIGH COUNTY**

Notes to the Financial Statements – Continued

**NOTE 3 DEPOSITS**

**Custodial Credit Risk**

Custodial credit risk is the risk associated with the failure of a depository institution, such that in the event of a depository financial institution’s failure, the County would not be able to recover the deposits or collateralized securities that are in the possession of the outside parties. The County does not have a formal policy regarding deposits that limits the amount it may invest in any one issuer.

In accordance with North Dakota Statutes, deposits must either be deposited with the Bank of North Dakota or in other financial institutions situated and doing business within the state. Deposits, other than with the Bank of North Dakota, must be fully insured or bonded. In lieu of a bond, a financial institution may provide a pledge of securities equal to 110% of the deposits not covered by insurance or bonds.

Authorized collateral includes bills, notes, or bonds issued by the United States government, its agencies or instrumentalities, all bonds and notes guaranteed by the United States government, Federal land bank bonds, bonds, notes, warrants, certificates of indebtedness, insured certificates of deposit, shares of investment companies registered under the Investment Companies Act of 1940, and all other forms of securities issued by the State of North Dakota, its boards, agencies or instrumentalities or by any county, city, township, school district, park district, or other political subdivision of the state of North Dakota. Whether payable from special revenues or supported by the full faith and credit of the issuing body and bonds issued by another state of the United States or such other securities approved by the banking board.

At year ended December 31, 2022, the County’s carrying amount of deposits totaled \$109,770,935 and the bank balances totaled \$104,987,322. Of the bank balances, \$75,943,737 was covered by Federal Depository and the remaining bank balances were collateralized with securities held by the pledging financial institution’s agent in the government’s name.

At year ended December 31, 2022, the District’s carrying amount of deposits totaled \$3,533,203, and the bank balances totaled \$3,558,117. Of the bank balances, \$500,000 was covered by Federal Depository Insurance. The remaining bank balances were collateralized with securities held by the pledging financial institution’s agent in the government’s name.

**Interest Rate Risk**

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates.

The County may invest idle funds as authorized in North Dakota statutes, as follows:

- (a) Bonds, treasury bills and notes, or other securities that are a direct obligation insured or guaranteed by, the treasury of the United States, or its agencies, instrumentalities, or organizations created by an act of congress.
- (b) Securities sold under agreements to repurchase written by a financial institution in which the underlying securities for the agreement to repurchase are the type listed above.
- (c) Certificates of deposit fully insured by the federal deposit insurance corporation.
- (d) Obligations of the state.
- (e) Commercial paper issued by a United States corporation rated in the highest quality category by at least two nationally recognized rating agencies and matures in 270 days or less.

Investment Type	Total Fair Value	Less Than 1 Year	1-6 Years	6-10 Years	More Than 10 Years
Government Obligation Bonds	\$ 4,437,905	\$3,217,095	\$1,220,810	\$ -	\$ -
Municipal Bonds	5,314,372	475,641	3,478,051	793,499	567,181
Total	\$ 9,752,277	\$ 3,692,736	\$ 4,698,861	\$ 793,499	\$ 567,181

**BURLEIGH COUNTY**

Notes to the Financial Statements – Continued

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**NOTE 4 FAIR VALUE OF FINANCIAL INSTRUMENTS**

In accordance with GASB Statement No. 72, assets, deferred outflows of resources, liabilities and deferred inflows of resources are grouped at fair value in three levels, based on the markets in which the assets and liabilities are traded, and the reliability of the assumptions used to determine fair value. These levels are:

Level 1: Valuation is based upon quoted prices in active markets for identical assets or liabilities that the reporting entity has the ability to access at the measurement date.

Level 2: Valuation is based upon quoted prices for similar assets or liabilities in active markets, quoted prices for identical or similar assets or liabilities in markets that are not active, and model-based valuation techniques for which all significant assumptions are observable in the market.

Level 3: Valuation is generated from model-based techniques that use significant assumptions not observable in the market. These unobservable assumptions reflect our own estimates of assumptions that market participants would use in pricing the asset or liability. Valuation techniques include use of option pricing models, discounted cash flow models and similar techniques.

The following table below presents the balances of assets measured at fair value on a recurring basis at December 31, 2022:

<b>Asset</b>	<b>Quotes Prices in Active Markets Level 1</b>	<b>Significant Other Obervable Inputs Level 2</b>	<b>Significant Unobservable Inputs Level 3</b>	<b>Total</b>
General Obligation Bonds	\$ 4,437,905	\$ -	\$ -	\$ 4,437,905
Municipal Bonds	-	5,314,372	-	5,314,372
<b>Total</b>	<b>\$ 4,437,905</b>	<b>\$ 5,314,372</b>	<b>\$ -</b>	<b>\$ 9,752,277</b>

**NOTE 5 PROPERTY TAXES**

Property taxes are levied as of January 1. The property taxes attach as an enforceable lien on property on January 1. The tax levy may be paid in two installments: the first installment includes one-half of the real estate taxes and all the special assessments; the second installment is the balance of the real estate taxes. The first installment is due by March 1 and the second installment is due by October 15. A 5% discount is allowed if all taxes and special assessments are paid by February 15. After the due dates, the bill becomes delinquent and penalties are assessed.

**BURLEIGH COUNTY**

Notes to the Financial Statements – Continued

**NOTE 6 CAPITAL ASSETS**

**Primary Government**

The following is a summary of changes in capital assets for the year ended December 31, 2022:

<b>Primary Government</b>	<b>Bal Jan 1 Restated</b>	<b>Increases</b>	<b>Decreases</b>	<b>Transfers</b>	<b>Balance Dec 31</b>
Capital assets not being depreciated					
Land	\$ 8,033,969	\$ 33,753	\$ -	\$ -	\$ 8,067,722
Construction in Progress	6,975,936	2,386,071	-	(7,448,904)	1,913,103
<b>Total Capital Assets, Not Being Depreciated</b>	<b>\$ 15,009,905</b>	<b>\$ 2,419,824</b>	<b>\$ -</b>	<b>\$ (7,448,904)</b>	<b>\$ 9,980,825</b>
Capital assets, being depreciated					
Infrastructure	\$ 84,574,629	\$ -	\$ -	\$ 7,448,904	\$ 92,023,533
Land Improvements	6,551,879	22,666	-	-	6,574,545
Building	99,746,028	934,222	-	-	100,680,250
Machinery and Equipment	12,992,791	1,531,442	812,051	-	13,712,182
Furniture and Equipment	5,282,165	74,363	10,545	-	5,345,983
<b>Total Capital Assets, Being Depreciated</b>	<b>\$ 209,147,492</b>	<b>\$ 2,562,693</b>	<b>\$ 822,596</b>	<b>\$ 7,448,904</b>	<b>\$ 218,336,493</b>
Less accumulated depreciation					
Infrastructure	\$ 42,890,701	\$ 1,399,537	\$ -	\$ -	\$ 44,290,238
Land Improvements	2,551,226	210,382	-	-	2,761,608
Building	18,692,444	1,871,725	-	-	20,564,169
Machinery and Equipment	6,373,441	853,586	464,951	-	6,762,076
Furniture and Equipment	3,343,446	491,400	6,920	-	3,827,926
<b>Total Accumulated Depreciation</b>	<b>\$ 73,851,258</b>	<b>\$ 4,826,630</b>	<b>\$ 471,871</b>	<b>\$ -</b>	<b>\$ 78,206,017</b>
<b>Total Capital Assets Being Depreciated, Net</b>	<b>\$ 135,296,234</b>	<b>\$ (2,263,937)</b>	<b>\$ 350,725</b>	<b>\$ 7,448,904</b>	<b>\$ 140,130,476</b>
<b>Total Capital Assets, Net</b>	<b>\$ 150,306,139</b>	<b>\$ 155,887</b>	<b>\$ 350,725</b>	<b>\$ -</b>	<b>\$ 150,111,301</b>

Depreciation expense was charged to functions/programs of the County as follows:

General Government	\$ 298,948
Public Safety	1,960,097
Highways and Bridges	2,367,801
Health and Welfare	11,167
Conservation of Natural Resources	13,437
Culture and Recreation	171,265
Other	3,915
<b>Total Depreciation Expense</b>	<b>\$ 4,826,630</b>

**BURLEIGH COUNTY**

Notes to the Financial Statements – Continued

**Water Resource District**

The following is a summary of changes in capital assets for the year ended December 31, 2022:

<b>Water Resource District</b>	<b>Balance Jan 1</b>	<b>Increases</b>	<b>Decreases</b>	<b>Transfers</b>	<b>Balance Dec 31</b>
Capital assets not being depreciated					
Land	\$ 112,482	\$ -	\$ -	\$ -	\$ 112,482
Construction in Progress	165,335	71,912	-	-	237,247
<b>Total Capital Assets, Not Being Depreciated</b>	<b>\$ 277,817</b>	<b>\$ 71,912</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 349,729</b>
Capital assets, being depreciated					
Infrastructure	\$ 6,679,992	\$ -	\$ -	\$ -	\$ 6,679,992
Land Improvements	1,810,033	12,740	-	-	1,822,773
Building	187,660	-	-	-	187,660
Office Furniture & Equip.	162,207	34,876	-	-	197,083
<b>Total Capital Assets, Being Depreciated</b>	<b>\$ 8,839,892</b>	<b>\$ 47,616</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 8,887,508</b>
Less accumulated depreciation					
Infrastructure	\$ 395,467	\$ 164,679	\$ -	\$ -	\$ 560,146
Land Improvements	1,047,012	58,218	-	-	1,105,230
Building	152,429	1,411	-	-	153,840
Office Furniture & Equip.	123,726	7,996	-	-	131,722
<b>Total Accumulated Depreciation</b>	<b>\$ 1,718,634</b>	<b>\$ 232,304</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,950,938</b>
<b>Total Capital Assets Being Depreciated, Net</b>	<b>\$ 7,121,258</b>	<b>\$ (184,688)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,936,570</b>
<b>Total Capital Assets, Net</b>	<b>\$ 7,399,075</b>	<b>\$ (112,776)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 7,286,299</b>

Depreciation expense was charged to the Conservation of Natural Resources function.

**NOTE 7 LONG-TERM LIABILITIES**

**Primary Government**

During the year ended December 31, 2022, the following changes occurred in liabilities reported in long-term liabilities:

<b>Primary Government</b>	<b>Balance Jan 1</b>	<b>Increases</b>	<b>Decreases</b>	<b>Balance Dec 31</b>	<b>Due Within One Year</b>
<b>Long-Term Debt</b>					
Sales Tax Bonds	\$ 42,432,000	\$ -	\$ 2,681,750	\$ 39,750,250	\$ 2,647,750
Certificate of Indebtedness	6,618,892	-	310,419	6,308,473	325,541
Capital Lease Payable	344,108	-	169,687	174,421	174,421
Special Assessment Bonds	4,110,000	510,000	465,000	4,155,000	470,000
Bond Discount	(448,189)	-	(52,809)	(395,380)	(52,418)
Bond Premium	52,373	-	17,458	34,915	17,458
<b>Total Long-Term Debt</b>	<b>53,109,184</b>	<b>510,000</b>	<b>3,591,505</b>	<b>50,027,679</b>	<b>3,582,752</b>
Compensated Absences *	1,572,030	172,738	-	1,744,768	174,477
Net Pension & OPEB Liability	17,158,236	29,373,976	-	46,532,212	-
<b>Total Primary Government</b>	<b>\$ 71,839,450</b>	<b>\$ 30,056,714</b>	<b>\$ 3,591,505</b>	<b>\$ 98,304,659</b>	<b>\$ 3,757,229</b>

\* The change in compensated absences is shown as a net change because changes in salary prohibit exact calculations of additions and reductions.

**BURLEIGH COUNTY**

Notes to the Financial Statements – Continued

Debt Service requirement on long-term debt at December 31, 2022 are as follows:

Year Ending Dec 31	Sales Tax Bonds		Certificate of Indebtedness		Capital Lease Payable		Spec. Assmt. Bonds		Bond Discount	Bond Premium
	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest		
2023	\$ 2,647,750	\$ 777,639	\$ 325,541	\$ 124,286	\$ 174,421	\$ 4,866	\$ 470,000	\$ 88,793	\$ 52,418	\$ 17,458
2024	2,673,250	751,162	332,085	117,742	-	-	475,000	72,801	52,418	17,457
2025	3,548,750	720,420	338,760	111,067	-	-	495,000	63,486	38,427	-
2026	3,591,250	674,286	345,569	104,258	-	-	505,000	53,629	38,427	-
2027	3,646,500	620,417	352,515	97,312	-	-	495,000	43,663	36,946	-
2028 - 2032	23,642,750	1,964,235	1,871,748	377,387	-	-	1,660,000	85,028	176,744	-
2033 - 2037	-	-	2,067,574	181,560	-	-	55,000	756	-	-
2038 - 2042	-	-	674,681	14,465	-	-	-	-	-	-
Total	\$ 39,750,250	\$ 5,508,159	\$ 6,308,473	\$ 1,128,077	\$ 174,421	\$ 4,866	\$ 4,155,000	\$ 408,156	\$ 395,380	\$ 34,915

**Water Resource District**

During the year ended December 31, 2022, the following changes occurred in liabilities reported in long-term liabilities:

Water Resource District	Balance Jan 1	Increases	Decreases	Balance Dec 31	Due Within One Year
<b>Long Term Debt</b>					
Loans Payable	\$ 150,000	\$ -	\$ 10,000	\$ 140,000	\$ 10,000
Bonds Payable	1,930,000	-	105,000	1,825,000	105,000
Bond Discount	(24,928)	-	1,549	(23,379)	(1,549)
Total Long Term Debt	\$ 2,055,072	\$ -	\$ 116,549	\$ 1,941,621	\$ 113,451

Debt Service requirement on long-term debt at December 31, 2022 are as follows:

Year Ending Dec 31	Loans Payable		Bonds Payable		Bond Discount
	Principal	Interest	Principal	Interest	
2023	\$ 10,000	\$ 3,500	\$ 105,000	\$ 30,230	\$ 1,549
2024	10,000	3,250	110,000	28,930	1,549
2025	15,000	3,000	110,000	27,580	1,549
2026	15,000	2,625	110,000	26,068	1,549
2027	15,000	2,250	115,000	24,230	1,549
2028 - 2032	75,000	5,625	595,000	90,303	7,747
2033 - 2037	-	-	440,000	41,290	5,232
2038 - 2042	-	-	240,000	6,660	2,655
Total	\$ 140,000	\$ 20,250	\$ 1,825,000	\$ 275,291	\$ 23,379

**NOTE 8 PENSION PLAN**

**General Information about the NDPERS Pension Plan**

**North Dakota Public Employees Retirement System (Main System)**

The following brief description of NDPERS is provided for general information purposes only. Participants should refer to NDCC Chapter 54-52 for more complete information.

NDPERS is a cost-sharing multiple-employer defined benefit pension plan that covers substantially all employees of the State of North Dakota, its agencies and various participating political subdivisions. NDPERS provides for pension, death and disability benefits. The cost to administer the plan is financed through the contributions and investment earnings of the plan.

## **BURLEIGH COUNTY**

### Notes to the Financial Statements – Continued

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Responsibility for administration of the NDPERS defined benefit pension plan is assigned to a Board comprised of nine members. The Board consists of a Chairman, who is appointed by the Governor; one member appointed by the Attorney General; one member appointed by the State Health Officer; three members elected by the active membership of the NDPERS system, one member elected by the retired public employees and two members of the legislative assembly appointed by the chairman of the legislative management.

#### **Pension Benefits**

Benefits are set by statute. NDPERS has no provisions or policies with respect to automatic and ad hoc post-retirement benefit increases. Member of the Main System are entitled to unreduced monthly pension benefits beginning when the sum of age and years of credited service equal or exceed 85 (Rule of 85), or at normal retirement age (65). For members hired on or after January 1, 2016 the Rule of 85 was replaced with the Rule of 90 with a minimum age of 60. The monthly pension benefit is equal to 2.00% of their average monthly salary, using the highest 36 months out of the last 180 months of service, for each year of service. For members hired on or after January 1, 2020 the 2.00% multiplier was replaced with a 1.75% multiplier. The plan permits early retirement at ages 55-64 with three or more years of service.

Members may elect to receive the pension benefits in the form of a single life, joint and survivor, term-certain annuity, or partial lump sum with ongoing annuity. Members may elect to receive the value of their accumulated contributions, plus interest, as a lump sum distribution upon retirement or termination, or they may elect to receive their benefits in the form of an annuity. For each member electing an annuity, total payment will not be less than the members' accumulated contributions plus interest.

#### **Death and Disability Benefits**

Death and disability benefits are set by statute. If an active member dies with less than three years of service for the Main System, a death benefit equal to the value of the member's accumulated contributions, plus interest, is paid to the member's beneficiary. If the member has earned more than three years of credited service for the Main System, the surviving spouse will be entitled to a single payment refund, life-time monthly payments in an amount equal to 50% of the member's accrued normal retirement benefit, or monthly payments in an amount equal to the member's accrued 100% Joint and Survivor retirement benefit if the member had reached normal retirement age prior to date of death. If the surviving spouse dies before the member's accumulated pension benefits are paid, the balance will be payable to the surviving spouse's designated beneficiary.

Eligible members who become totally disabled after a minimum of 180 days of service, receive monthly disability benefits equal to 25% of their final average salary with a minimum benefit of \$100. To qualify under this section, the member has to become disabled during the period of eligible employment and apply for benefits within one year of termination. The definition for disabled is set by the NDPERS in the North Dakota Administrative Code.

#### **Refunds of Member Account Balance**

Upon termination, if a member of the Main System is not vested (is not 65 or does not have three years of service), they will receive the accumulated member contributions and vested employer contributions, plus interest, or may elect to receive this amount at a later date. If the member has vested, they have the option of applying for a refund or can remain as a terminated vested participant. If a member terminated and withdrew their accumulated member contribution and is subsequently reemployed, they have the option of repurchasing their previous service.

#### **Member and Employer Contributions**

Member and employer contributions paid to NDPERS are set by statute and are established as a percent of salaries and wages. Member contribution rates are 7% and employer contribution rates are 7.12% of covered compensation. For members hired on or after January 1, 2020 member contribution rates are 7% and employer contribution rates are 8.26% of covered compensation.

**BURLEIGH COUNTY**

## Notes to the Financial Statements – Continued

The member's account balance includes the vested employer contributions equal to the member's contributions to an eligible deferred compensation plan. The minimum member contribution is \$25 and the maximum may not exceed the following:

- 1 to 12 months of service – Greater of one percent of monthly salary or \$25
- 13 to 24 months of service – Greater of two percent of monthly salary or \$25
- 25 to 36 months of service – Greater of three percent of monthly salary or \$25
- Longer than 36 months of service – Greater of four percent of monthly salary or \$25

**Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions**

At December 31, 2022, the following net pension liabilities were reported:

	<b>Net Pension Liability</b>
Primary Government	\$ 44,838,000

The net pension liability was measured as of June 30, 2022, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The proportion of the net pension liability was based on its respective share of covered payroll in the main system pension plan relative to the covered payroll of all participating main system employers. At June 30, 2022 the entities had the following proportions, change in proportions, and pension expense:

	<b>Proportion</b>	<b>Increase (Decrease) in Proportion from June 30, 2021 Measurement</b>	<b>Pension Expense</b>
Primary Government	1.556839%	-0.014553%	\$ 5,904,826

At December 31, 2022, the County reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

<b>Primary Government</b>	<b>Deferred Outflows of Resources</b>	<b>Deferred Inflows of Resources</b>
Differences Between Expected and Actual Experience	\$ 233,888	\$ 856,483
Changes in Assumptions	26,813,784	16,623,062
Net Difference Between Projected and Actual Investment Earnings on Pension Plan Investments	1,641,061	-
Changes in Proportion and Differences Between Employer Contributions and Proportionate Share of Contributions	252,777	632,325
Employer Contributions Subsequent to the Measurement Date	751,434	-
<b>Total Primary Government</b>	<b>\$ 29,692,944</b>	<b>\$ 18,111,870</b>

The following amounts were reported as deferred outflows of resources related to pensions resulting from employer contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended December 31, 2023:

Primary Government	\$ 751,434
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**BURLEIGH COUNTY**

## Notes to the Financial Statements – Continued

Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

2023	\$	3,033,023
2024		3,508,206
2025		164,205
2026		4,124,206
2027		-

**Actuarial Assumptions**

The total pension liability in the July 1, 2022 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.25%
Salary Increases	3.5% to 17.75% including inflation
Investment Rate of Return	5.10%, Net of Investment Expenses
Cost-of-Living Adjustments	None

For active members, inactive members and healthy retirees, mortality rates were based on the Sex-distinct Pub-2010 table for General Employees, with scaling based on actual experience. Respective corresponding tables were used for healthy retirees, disabled retirees, and active members. Mortality rates are projected from 2010 using the MP-2019 scale.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the Fund's target asset allocation are summarized in the following table:

<b>Asset Class</b>	<b>Target Allocation</b>	<b>Long-Term Expected Real Rate of Return</b>
Domestic Equity	30%	6.00%
International Equity	21%	6.70%
Private Equity	7%	9.50%
Domestic Fixed Income	23%	0.73%
International Fixed Income	0%	0.00%
Global Real Assets	19%	4.77%
Cash Equivalents	0%	0.00%

**Discount Rate**

For PERS, GASB Statement No. 67 includes a specific requirement for the discount rate that is used for the purpose of the measurement of the Total Pension Liability. This rate considers the ability of the System to meet benefit obligations in the future. To make this determination, employer contributions, employee contributions, benefit payments, expenses and investment returns are projected into the future. The current employer and employee fixed rate contributions are assumed to be made in each future year. The Plan Net Position (assets) in future years can then be determined and compared to its obligation to make benefit payments in those years. In years where assets are not projected to be sufficient to meet benefit payments, which is the case for the PERS plan, the use of a municipal bond rate is required.

The Single Discount Rate (SDR) is equivalent to applying these two rates to the benefits that are projected to be paid during the different time periods. The SDR reflects (1) the long-term expected rate of return on pension plan investments (during the period in which the fiduciary net position is projected to be sufficient to pay benefits) and (2) a tax-exempt municipal bond rate based on an index of 20-year general obligation bonds with an average AA credit rating as of the measurement date (to the extent that the contributions for use with the long-term expected rate of return are not met).

**BURLEIGH COUNTY**

Notes to the Financial Statements – Continued

For the purpose of this valuation, the expected rate of return on pension plan investments is 6.50%; the municipal bond rate is 3.69%; and the resulting Single Discount Rate is 5.10%.

**Sensitivity of the Proportionate Share of the Net Pension Liability to Changes in the Discount Rate**

The following presents the proportionate share of the net pension liability calculated using the discount rate of 5.10 percent, as well as what the Employer's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (4.10 percent) or 1-percentage-point higher (6.10 percent) than the current rate:

<b>Proportionate Share of the Net Pension Liability</b>	<b>1% Decrease (4.10%)</b>	<b>Current Discount Rate (5.10%)</b>	<b>1% Increase (6.10%)</b>
Primary Government	\$ 59,183,075	\$ 44,838,000	\$ 33,061,189

**Pension Plan Fiduciary Net Position**

Detailed information about the pension plan's fiduciary net position is available in a separately issued NDPERS financial report.

**NOTE 9 OTHER POST EMPLOYMENT BENEFITS (OPEB)**

**General Information about the OPEB Plan**

***North Dakota Public Employees Retirement System***

The following brief description of NDPERS is provided for general information purposes only. Participants should refer to NDAC Chapter 71-06 for more complete information.

NDPERS OPEB plan is a cost-sharing multiple-employer defined benefit OPEB plan that covers members receiving retirement benefits from the PERS, the HPRS, and Judges retired under Chapter 27-17 of the North Dakota Century Code a credit toward their monthly health insurance premium under the state health plan based upon the member's years of credited service. Effective July 1, 2015, the credit is also available to apply towards monthly premiums under the state dental, vision and long-term care plan and any other health insurance plan. Effective August 1, 2019 the benefit may be used for any eligible health, prescription drug plan, dental, vision, or long term care plan premium expense. The Retiree Health Insurance Credit Fund is advance-funded on an actuarially determined basis.

Responsibility for administration of the NDPERS defined benefit OPEB plan is assigned to a Board comprised of nine members. The Board consists of a Chairman, who is appointed by the Governor; one member appointed by the Attorney General; one member appointed by the State Health Officer; three members elected by the active membership of the NDPERS system, one member elected by the retired public employees and two members of the legislative assembly appointed by the chairman of the legislative management.

**OPEB Benefits**

The employer contribution for the PERS, the HPRS and the Defined Contribution Plan is set by statute at 1.14% of covered compensation. The employer contribution for employees of the state board of career and technical education is 2.99% of covered compensation for a period of eight years ending October 1, 2015. Employees participating in the retirement plan as part-time/temporary members are required to contribute 1.14% of their covered compensation to the Retiree Health Insurance Credit Fund. Employees purchasing previous service credit are also required to make an employee contribution to the Fund. The benefit amount applied each year is shown as "prefunded credit applied" on the Statement of Changes in Plan Net Position for the OPEB trust funds. Beginning January 1, 2020, members first enrolled in the NDPERS Main System and the Defined Contribution Plan on or after that date will not be eligible to participate in RHIC. Therefore, RHIC will become for the most part a closed plan. There were no other benefit changes during the year.

**BURLEIGH COUNTY**

Notes to the Financial Statements – Continued

Retiree health insurance credit benefits and death and disability benefits are set by statute. There are no provisions or policies with respect to automatic and ad hoc post-retirement benefit increases. Employees who are receiving monthly retirement benefits from the PERS, the HPRS, the Defined Contribution Plan, the Chapter 27-17 judges or an employee receiving disability benefits, or the spouse of a deceased annuitant receiving a surviving spouse benefit or if the member selected a joint and survivor option are eligible to receive a credit toward their monthly health insurance premium under the state health plan.

Effective July 1, 2015, the credit is also available to apply towards monthly premiums under the state dental, vision and long-term care plan and any other health insurance plan. Effective August 1, 2019 the benefit may be used for any eligible health, prescription drug plan, dental, vision, or long term care plan premium expense. The benefits are equal to \$5.00 for each of the employee's, or deceased employee's years of credited service not to exceed the premium in effect for selected coverage. The retiree health insurance credit is also available for early retirement with reduced benefits.

**OPEB Liabilities, OPEB Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB**

At December 31, 2022, for its respective proportionate share of the net pension liability, the following net OPEB liabilities were reported:

	<b>Net OPEB Liability</b>
Primary Government	\$ 1,694,212

The net OPEB liability was measured as of June 30, 2021, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The proportion of the net OPEB liability was based on their respective share of covered payroll in the main system pension plan relative to the covered payroll of all participating main system employers. At June 30, 2021, the entities had the following proportions, change in proportions, and pension expense:

	<b>Proportion</b>	<b>Increase (Decrease) in Proportion from June 30, 2021 Measurement</b>	<b>OPEB Expense</b>
Primary Government	1.411479%	0.009741%	\$ 277,279

At December 31, 2022, the County reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

<b>Primary Government</b>	<b>Deferred Outflows of Resources</b>	<b>Deferred Inflows of Resources</b>
Differences Between Expected and Actual Experience	\$ 40,165	\$ 14,569
Changes in Assumptions	426,752	-
Net Difference Between Projected and Actual Investment Earnings on Pension Plan Investments	228,120	-
Changes in Proportion and Differences Between Employer Contributions and Proportionate Share of Contributions	35,311	47,117
Employer Contributions Subsequent to the Measurement Date	91,945	-
<b>Total Primary Government</b>	<b>\$ 822,293</b>	<b>\$ 61,686</b>

The following amounts were reported as deferred outflows of resources related to pensions resulting from employer contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended December 31, 2022:

Primary Government	\$ 91,945
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**BURLEIGH COUNTY**

## Notes to the Financial Statements – Continued

Other amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEBs will be recognized in OPEB expense as follows:

	<b>Primary Government</b>
2023	\$ 172,921
2024	160,231
2025	140,267
2026	195,243
2027	-
2028	-
Thereafter	-

**Actuarial assumptions**

The total OPEB liability in the July 1, 2022 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.25%
Salary Increases	Not applicable
Investment Rate of Return	5.75%, net of investment expenses
Cost-of-Living Adjustments	None

For active members, inactive members and healthy retirees, mortality rates were based on the MortalityPub-2010 Healthy Retiree Mortality table (for General Employees), sex-distinct, with rates multiplied by 103% for males and 101% for females. Pub-2010 Disabled Retiree Mortality table (for General Employees), sex-distinct, with rates multiplied by 117% for males and 112% for females. Pub-2010 Employee Mortality table (for General Employees), sex-distinct, with rates multiplied by 92% for both males and females. Mortality rates are projected from 2010 using the MP-2019 scale.

The long-term expected investment rate of return assumption for the RHIC fund was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of RHIC investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Estimates of arithmetic real rates of return, for each major asset class included in the RHIC's target asset allocation as of July 1, 2021 are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Real Rate of Return
Large Cap Domestic Equities	33%	5.85%
Small Cap Domestic Equities	6%	6.75%
Domestic Fixed Income	35%	0.50%
International Equities	26%	6.25%

**Discount Rate**

The discount rate used to measure the total OPEB liability was 6.50%. The projection of cash flows used to determine the discount rate assumed plan member and statutory rates described in this report. For this purpose, only employer contributions that are intended to fund benefits of current RHIC members and their beneficiaries are included. Projected employer contributions that are intended to fund the service costs of future plan members and their beneficiaries are not included. Based on those assumptions, the RHIC fiduciary net position was projected to be sufficient to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on RHIC investments was applied to all periods of projected benefit payments to determine the total OPEB liability.

**BURLEIGH COUNTY**

Notes to the Financial Statements – Continued

**Sensitivity of the Proportionate Share of the Net OPEB Liability to Changes in the Discount Rate**

The following presents the net OPEB liability of the Plans as of June 30, 2022, calculated using the discount rate of 6.50%, as well as what the RHIC net OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (4.39 percent) or 1-percentage-point higher (6.39 percent) than the current rate:

<b>Proportionate Share of the Net OPEB Liability</b>	<b>1% Decrease (4.39%)</b>	<b>Current Discount Rate (5.39%)</b>	<b>1% Increase (6.39%)</b>
Primary Government	\$ 2,162,559	\$ 1,694,212	\$ 1,301,047

**NOTE 10 TRANSFERS**

The following is reconciliation between transfers in and transfers out as reported in the basic financial statements for the year ended December 31, 2022:

	<b>Transfers In</b>	<b>Transfers Out</b>
General Fund	\$ 1,035,646	\$ 550,000
Special Revenue Fund	9,124,636	10,052,907
Debt Service Fund	442,625	-
Total Transfers	\$ 10,602,907	\$ 10,602,907

Transfers are primarily used to move funds between highway gas tax to road and bridge department and to move funds between debt service and capital project funds for construction costs. The remaining transfers are for various purposes.

**NOTE 11 CONSTRUCTION COMMITMENTS****Primary Government**

Burleigh County had multiple open constructions commitment as of December 31, 2022 as follows:

<b>Project</b>	<b>Amended Contract</b>	<b>Complete</b>	<b>Retainage</b>	<b>Balance to Finish</b>
Courthouse Remodel	\$ 1,256,610	\$ 1,256,610	\$ 6,000	\$ 6,000

**NOTE 12 RISK MANAGEMENT**

Burleigh County is exposed to various risks of loss relating to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters.

In 1986 state agencies and political subdivisions of the state of North Dakota joined together to form the North Dakota Insurance Reserve Fund (NDRF), a public entity risk pool currently operating as a common risk management and insurance program for the state and over 2,000 political subdivisions. Burleigh County pays an annual premium to NDRF for its general liability, automobile, and public assets insurance coverage. The coverage by NDRF is limited to losses of two million dollars per occurrence for general liability and automobile and \$6,274,070 for public assets (mobile equipment and portable property).

Burleigh County also participates in the North Dakota Fire and Tornado Fund and the State Bonding Fund. The County pays an annual premium to the Fire and Tornado Fund to cover property damage to buildings and personal property. Replacement cost coverage is provided by estimating replacement cost in consultation with the Fire and Tornado Fund. The Fire and Tornado Fund is reinsured by a third-party insurance carrier for losses in excess of one million dollars per occurrence during a 12-month period. The State Bonding Fund currently provides the County with blanket fidelity bond coverage in the amount of \$2,000,000 for its employees. The State Bonding Fund does not currently charge any premium for this coverage.

Burleigh County has workers compensation with the North Dakota Workforce Safety and Insurance and purchases commercial insurance for employee dental, vision, cancer, and various other types of insurance.

**BURLEIGH COUNTY**

Notes to the Financial Statements – Continued

**NOTE 13 CONDUIT DEBT**

From time to time, the County has issued Municipal Industrial Development (MIDA) Bonds and obtained community development block grant loans to provide financial assistance to private-sector entities for the acquisition and construction of industrial and commercial facilities deemed to be in the public interest. The bonds and loans are secured by the property financed and are payable solely from payments received on the underlying mortgage loans. Upon repayment of the bonds, ownership of the acquired facility transfers to the private-sector entity served by the bond issuance. Neither the County, the State, nor any political subdivision thereof is obligated in any manner for repayment of the bonds. Accordingly, the bonds are not reported as liabilities in the accompanying financial statements as Burleigh County has a limited commitment to the conduit debt.

As of December 31, 2022, there were 11 outstanding issuances with a total balance of \$135,599,095.

**NOTE 14 COST SHARE ARRANGEMENT**

Burleigh County entered into an agreement with the City of Bismarck and the City of Mandan for a combined communications center known as Central Dakota Communications Center (CenCom). The most recent agreement in effect is as of January 1, 2016. CenCom will dispatch all emergency call for law enforcement, fire and emergency medical services in Bismarck, Mandan, and Burleigh County, including Wilton. Burleigh County collects all 911 fees and 75% is remitted to the City of Bismarck for the operating expenses. The amount remitted in 2022 for operating expenses was \$1,114,717. After revenue and that portion of 911 fees allocated for the annual operating budget of CenCom, the remainder of the budget responsibility is split between the parties who entered into the agreement, with Burleigh County's share at 28%. Burleigh County incurred operating expenditures of \$675,241 related to costs of CenCom during the year ending December 31, 2022. Burleigh County also receives 911 fees from Morton County to help cover this payment. Total 911 fees from Morton County totaled \$341,398 for the year ending December 31, 2022.

**NOTE 15 CONTINGENT LIABILITIES**

The County is a plaintiff and defendant in various lawsuits incident to its operations. In the opinion of County Counsel and management, such claims against the County not covered by insurance would not materially affect the financial condition of the County.

**NOTE 16 DEFECIT FUND BALANCES**

The following funds had a deficit fund balance at December 31, 2022. The county plans to eliminate this deficit with less spending, future collections, or transfers from other funds.

	<b>Negative Fund Balance</b>	<b>Cash Balance</b>
<b>Special Revenue Funds</b>		
Riverview Unorganized Township	\$ (240,682)	\$ (220,977)
Florence Unorganized Township	(60,218)	(59,305)
Homeland Security Grant - Equipment	(1,919)	(1,919)
Vision Zero	(9,778)	(9,778)
Law Enforcement Block Grant	(1,624)	(1,624)
Total Special Revenue Funds	\$ (314,221)	\$ (293,603)
<b>Debt Service Funds</b>		
Prairie Place	\$ (7,502)	\$ (7,502)
Prairie Pines Paving	(11,179)	(5,317)
Sabot's/Eden's/Oakland	(3,480)	856
County Creek 1ST-5TH Subdivision	(33,155)	(25,814)
Total Capital Project Fund	\$ (55,316)	\$ (37,777)
<b>Capital Project Funds</b>		
Towne & Country/Morgan Country Est	\$ (691,151)	\$ (691,151)
Total Capital Project Fund	\$ (691,151)	\$ (691,151)

**BURLEIGH COUNTY**

## Budgetary Comparison Schedule - General Fund

December 31, 2022

	Original Budget	Final Budget	Actual	Variance with Final Budget
<b>REVENUES</b>				
Property Taxes	\$ 13,286,730	\$ 13,286,730	\$ 13,146,683	\$ (140,047)
Licenses, Permits and Fines	192,000	192,000	192,067	67
Intergovernmental Revenue	4,811,849	4,811,849	6,120,214	1,308,365
Charges for Services	4,793,955	4,793,955	4,419,845	(374,110)
Interest Income	350,000	350,000	(85,703)	(435,703)
Miscellaneous	20,000	20,000	111,481	91,481
<b>Total Revenues</b>	<b>\$ 23,454,534</b>	<b>\$ 23,454,534</b>	<b>\$ 23,904,587</b>	<b>\$ 450,053</b>
<b>EXPENDITURES</b>				
Current				
General Government	\$ 8,351,680	\$ 8,351,680	\$ 7,992,248	\$ 359,432
Public Safety	18,195,439	18,195,439	16,707,244	1,488,195
Health and Welfare	893,849	893,849	865,192	28,657
Culture and Recreation	406,150	406,150	340,865	65,285
Conservation and Economic Development	90,193	90,193	80,638	9,555
Other	-	-	434,162	(434,162)
<b>Total Expenditures</b>	<b>\$ 27,937,311</b>	<b>\$ 27,937,311</b>	<b>\$ 26,420,349</b>	<b>\$ 1,516,962</b>
Excess (Deficiency) of Revenues Over Expenditures	\$ (4,482,777)	\$ (4,482,777)	\$ (2,515,762)	\$ 1,967,015
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers In	\$ 1,375,646	\$ 1,375,646	\$ 1,035,646	\$ (340,000)
Sale of Assets	10,000	10,000	-	(10,000)
Transfers Out	(578,954)	(578,954)	(550,000)	28,954
<b>Total Other Financing Sources and Uses</b>	<b>\$ 806,692</b>	<b>\$ 806,692</b>	<b>\$ 485,646</b>	<b>\$ (321,046)</b>
<b>Net Change in Fund Balances</b>	<b>\$ (3,676,085)</b>	<b>\$ (3,676,085)</b>	<b>\$ (2,030,116)</b>	<b>\$ 1,645,969</b>
Fund Balance - January 1	\$ 18,745,804	\$ 18,745,804	\$ 18,745,804	\$ -
Fund Balance - December 31	\$ 15,069,719	\$ 15,069,719	\$ 16,715,688	\$ 1,645,969

The accompanying required supplementary information notes are an integral part of this schedule.

# BURLEIGH COUNTY

Budgetary Comparison Schedule - Special Revenue Fund  
December 31, 2022

	Original Budget	Final Budget	Actual	Variance with Final Budget
<b>REVENUES</b>				
Property Taxes	\$ 4,442,291	\$ 4,442,291	\$ 4,445,600	\$ 3,309
Licenses, Permits and Fines	113,000	113,000	56,851	(56,149)
Intergovernmental Revenue	7,303,075	7,303,075	20,290,218	12,987,143
Charges for Services	4,221,620	4,221,620	5,345,390	1,123,770
Interest Income	12,520	12,520	(243,957)	(256,477)
Miscellaneous	557,300	557,300	632,117	74,817
<b>Total Revenues</b>	<b>\$ 16,649,806</b>	<b>\$ 16,649,806</b>	<b>\$ 30,526,219</b>	<b>\$ 13,876,413</b>
<b>EXPENDITURES</b>				
Current				
General Government	\$ 537,419	\$ 3,733,980	\$ 3,696,816	\$ 37,164
Public Safety	6,046,663	6,100,663	2,503,978	3,596,685
Highways and Bridges	12,651,036	15,069,026	13,210,991	1,858,035
Health and Welfare	381,891	389,094	7,072,767	(6,683,673)
Culture and Recreation	968,345	990,179	423,463	566,716
Conservation and Economic Development	1,021,864	1,021,864	763,614	258,250
Other	1,087,500	1,087,500	1,087,932	(432)
Debt Service				
Principal	-	-	169,687	(169,687)
Interest	-	-	9,601	(9,601)
<b>Total Expenditures</b>	<b>\$ 22,694,718</b>	<b>\$ 28,392,306</b>	<b>\$ 28,938,849</b>	<b>\$ (546,543)</b>
Excess (Deficiency) of Revenues Over Expenditures	\$ (6,044,912)	\$ (11,742,500)	\$ 1,587,370	\$ 14,422,956
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers In	\$ 1,651,054	\$ 1,651,054	\$ 9,124,636	\$ 7,473,582
Sale of Assets	318,600	318,600	342,339	23,739
Transfers Out	(7,078,164)	(7,078,164)	(10,052,907)	(2,974,743)
<b>Total Other Financing Sources (Uses)</b>	<b>\$ (5,108,510)</b>	<b>\$ (5,108,510)</b>	<b>\$ (585,932)</b>	<b>\$ 4,522,578</b>
<b>Net Change in Fund Balances</b>	<b>\$ (11,153,422)</b>	<b>\$ (16,851,010)</b>	<b>\$ 1,001,438</b>	<b>\$ 18,945,534</b>
Fund Balance - January 1	\$ 20,208,541	\$ 20,208,541	\$ 20,208,541	\$ -
Prior Period Adjustment	\$ -	\$ -	\$ (27,569)	\$ (27,569)
Fund Balance - January 1 Restated	\$ 20,208,541	\$ 20,208,541	\$ 20,180,972	\$ (27,569)
Fund Balance - December 31	\$ 9,055,119	\$ 3,357,531	\$ 21,182,410	\$ 18,917,965

The accompanying required supplementary information notes are an integral part of this schedule.

**BURLEIGH COUNTY**

Schedule of Employer's Share of Net Pension and Employer Contributions  
 For the Year Ended December 31, 2022

**Schedule of Employer's Share of Net Pension Liability  
 ND Public Employee's Retirement System  
 Last 10 Fiscal Years**

	<b>Proportion of the Net Pension Liability (Asset)</b>	<b>Proportionate Share of the Net Pension Liability (Asset)</b>	<b>Covered-Employee Payroll</b>	<b>Proportionate Share of the Net Pension Liability (Asset) as a Percentage of its Covered-Employee Payroll</b>	<b>Plan Fiduciary Net Position as a Percentage of the Total Pension Liability</b>
<b>County</b>					
2022	1.556839%	\$ 44,838,000	\$ 18,072,350	248.10%	54.47%
2021	1.571392%	16,378,627	17,794,295	92.04%	78.26%
2020	1.562758%	49,164,701	16,803,375	292.59%	48.91%
2019	1.667743%	19,547,155	17,347,366	112.68%	71.66%
2018	1.625419%	27,430,719	16,698,206	164.27%	62.80%
2017	1.551922%	24,944,480	15,842,687	157.45%	61.98%
2016	1.480684%	14,430,709	14,921,800	96.71%	70.46%
2015	1.434633%	9,755,259	12,780,838	76.33%	77.15%
2014	1.475901%	9,367,859	12,432,688	75.35%	77.70%

	<b>Statutory Required Contribution</b>	<b>Contributions in Relation to the Statutory Required Contribution</b>	<b>Contribution Deficiency (Excess)</b>	<b>Covered-Employee Payroll</b>	<b>Contributions as a Percentage of Covered-Employee Payroll</b>
<b>County</b>					
2022	\$ 1,361,156	\$ 1,470,611	\$ (109,455)	\$ 19,321,869	7.61%
2021	1,312,251	1,314,929	(2,678)	18,993,040	6.92%
2020	1,220,679	1,282,720	(62,041)	17,794,295	7.21%
2019	1,262,986	1,256,023	6,963	17,347,366	7.24%
2018	1,229,894	1,123,082	106,812	16,698,206	6.73%
2017	1,148,788	1,210,248	(61,460)	15,842,687	7.64%
2016	1,080,314	1,057,662	22,652	14,921,800	7.09%
2015	970,807	1,010,081	(39,274)	12,780,838	7.90%
2014	885,207	885,207	-	12,432,688	7.12%

The notes to the required supplementary information are an integral part of this statement.

**BURLEIGH COUNTY**

Schedule of Employer’s Share of Net OPEB Liability and Employer Contributions  
 For the Year Ended December 31, 2022

**Schedule of Employer’s Share of Net OPEB Liability  
 ND Public Employees Retirement System  
 Last 10 Fiscal Years**

	<b>Proportion of the Net OPEB Liability (Asset)</b>	<b>Proportionate Share of the Net OPEB (Asset)</b>	<b>Covered-Employee Payroll</b>	<b>Proportionate Share of the Net OPEB (Asset) as a Percentage of its Covered-Employee Payroll</b>	<b>Plan Fiduciary Net Position as a Percentage of the Total OPEB Liability</b>
<b>County</b>					
2022	1.411479%	\$ 1,694,212	\$ 14,572,178	11.63%	56.28%
2021	1.401738%	779,609	15,282,554	5.10%	76.63%
2020	1.423433%	1,197,388	16,803,375	7.13%	63.38%
2019	1.554622%	1,248,653	17,347,366	7.20%	63.13%
2018	1.526042%	1,201,862	16,698,206	7.20%	61.89%
2017	1.464419%	1,158,371	15,842,687	7.31%	59.78%

	<b>Statutory Required Contribution</b>	<b>Contributions in Relation to the Statutory Required Contribution</b>	<b>Contribution Deficiency (Excess)</b>	<b>Covered-Employee Payroll</b>	<b>Contributions as a Percentage of Covered-Employee Payroll</b>
<b>County</b>					
2022	\$ 177,360	\$ 189,561	(12,201)	\$ 22,009,963	0.86%
2021	183,777	184,407	(630)	16,202,149	1.14%
2020	190,630	202,907	(12,277)	16,803,375	1.21%
2019	201,750	201,103	647	17,347,366	1.16%
2018	195,861	179,819	16,042	16,698,206	1.08%
2017	184,160	193,776	(9,616)	15,842,687	1.22%

The notes to the required supplementary information are an integral part of this statement.

## **BURLEIGH COUNTY**

Notes to the Required Supplementary Information  
For the Year Ended December 31, 2022

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### **NOTE 1: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY**

#### **Budgetary Information**

- The County commission adopts an “appropriated budget” on a basis consistent with accounting principles generally accepted in the United States (GAAP).
- The County auditor prepares an annual budget for the general fund and each special revenue fund of the County. NDCC 11-23-02. The budget includes proposed expenditures and means of financing them.
- The County commission holds a public hearing where any taxpayer may appear and shall be heard in favor of or against any proposed disbursements or tax levies. When the hearing shall have been concluded, the board shall adopt such estimate as finally is determined upon. All taxes shall be levied in specific amounts and shall not exceed the amount specified in the published estimates. NDCC 11-23-04
- The board of County commissioners, on or before the October meeting shall determine the amount of taxes that shall be levied for County purposes and shall levy all such taxes in specific amounts. NDCC 11-23-05
- Each budget is controlled by the County auditor at the revenue and expenditure function/object level.
- The current budget, except for property taxes, may be amended during the year for any revenues and appropriations not anticipated at the time the budget was prepared. NDCC 57-15-31.1
- All appropriations lapse at year-end.

### **NOTE 2: SCHEDULE OF EMPLOYER PENSION AND OPEB LIABILITY AND CONTRIBUTIONS**

GASB Statements No. 68 and 75 require ten years of information to be presented in these tables. However, until a full 10-year trend is compiled, the County will present information for those years for which information is available.

### **NOTE 3: CHANGES OF BENEFIT TERMS – PENSION AND OPEB**

#### **Pension**

The interest rate earned on member contributions decreased from 7.00 percent to 6.50 percent effective January 1, 2021 (based on the adopted decrease in the investment return assumption). New Main System members who are hired on or after January 1, 2020 will have a benefit multiplier of 1.75 percent (compared to the current benefit multiplier of 2.00 percent). The fixed employer contribution for new members of the Main System increased from 7.12 percent to 8.26 percent. For members who terminate after December 31, 2019, final average salary is the higher of the final average salary calculated on December 31, 2019 or the average salary earned in the three highest periods of twelve consecutive months employed during the last 180 months of employment. There have been no other changes in plan provisions since the previous actuarial valuation as of July 1, 2021.

#### **OPEB**

Beginning January 1, 2020, members first enrolled in the NDPERS Main System and the Defined Contribution Plan on or after that date will not be eligible to participate in RHIC. Therefore, RHIC will become for the most part a closed plan. There have been no other changes in plan provisions since the previous actuarial valuation as of July 1, 2021.

**BURLEIGH COUNTY**

Notes to the Required Supplementary Information - Continued

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**NOTE 4: CHANGES OF ASSUMPTIONS – PENSION AND OPEB**

**Pension**

All actuarial assumptions and the actuarial cost method are unchanged from the last actuarial valuation as of July 1, 2021.

**OPEB**

All actuarial assumptions and the actuarial cost method are unchanged from the last actuarial valuation as of July 1, 2021.

**NOTE 5: LEGAL COMPLIANCE - BUDGETS**

**Budget Amendments**

The board of County commissioners amended the County budget for 2022:

	<b>EXPENDITURES / TRANSFERS OUT</b>		
	<b>Original Budget</b>	<b>Budget Amendment</b>	<b>Amended Budget</b>
Special Revenue Funds	\$ 29,772,882	\$ 5,697,588	\$ 35,470,470
Capital Projects Funds	-	691,000	691,000
Debt Service Funds	284,731	1,154,569	1,439,300

**NOTE 6: EXCESS SPENT BUDGET TO ACTUAL/SOCIAL SERVICES BUDGET**

The Special Revenue Funds Budget to Actual Schedule had actual expenditures in excess of final budgeted expenditures by \$546,543. Part of this excess is due to the Social Services fund not being budgeted by the county. Starting in 2020, the Social Services Fund was reorganized into the Human Services Zone fund which was established in conjunction with the Department of Human Services. The Human Services Zone now handles all budgeting and reimbursements for the Social Services Fund.

**BURLEIGH COUNTY**Schedule of Expenditures of Federal Awards  
For the Year Ended December 31, 2022

Federal ALN Number	Program Title	Pass-Through Grantor's Number	Expenditures
<b><u>U.S. DEPARTMENT OF TREASURY:</u></b>			
<u>Direct Program</u>			
21.027	COVID-19 - Coronavirus State and Local Fiscal Recovery Funds	N/A	\$ 3,168,093
	Total U.S. Department of Treasury		<u>\$ 3,168,093</u>
<b><u>U.S. DEPARTMENT OF JUSTICE:</u></b>			
<u>Passed Through State Department of Corrections and Rehabilitation:</u>			
16.576	Crime Victim Compensation	AG00095	\$ 173,256
	Total U.S. Department of Justice		<u>\$ 173,256</u>
<b><u>U.S. DEPARTMENT OF HOMELAND SECURITY:</u></b>			
<u>Passed Through State Department of Emergency Services:</u>			
97.042	Emergency Management Performance Grants	EMPG2021, EMPG2020	58,499
97.067	Homeland Security Grant Program	N/A	50,381
<u>Passed Through State Department of Game and Fish:</u>			
97.012	Boating Safety Financial Assistance	GF440, GF821	\$ 3,641
	Total U.S. Department of Homeland Security		<u>\$ 112,521</u>
<b><u>U.S. DEPARTMENT OF LABOR:</u></b>			
<u>Passed Through State Department of Labor:</u>			
17.225	Unemployment Insurance	N/A	\$ 3,029
	Total U.S. Department of Labor		<u>\$ 3,029</u>
<b><u>U.S. DEPARTMENT OF TRANSPORTATION:</u></b>			
<u>Passed Through State Department of Transportation:</u>			
Highway Safety Cluster			
20.600	State and Community Highway Safety	HSPDD2111, HSPSC2107	\$ 3,856
20.616	National Priority Safety Programs	HSPID2110, HSPOP2105	8,730
	Highway Safety Cluster Total		<u>\$ 12,586</u>
	Total U.S. Department of Transportation		<u>\$ 12,586</u>
	<b>Total Expenditures of Federal Awards</b>		<b><u>\$ 3,469,485</u></b>

See notes to the Schedule of Expenditures of Federal Awards

## **BURLEIGH COUNTY**

Notes to the Schedule of Expenditures of Federal Awards  
For the Year Ended December 31, 2022

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### **NOTE 1 BASIS OF PRESENTATION / ACCOUNTING**

The accompanying schedule of expenditures of federal awards includes the federal grant activity of the County under programs of the federal government for the year ended December 31, 2022. The information in the schedule is presented in accordance with the requirements of the Office of Management and Budget (OMB) Uniform Guidance. Because the schedule presents only a selected portion of the operations of the County, it is not intended to and does not present the financial position or changes in net position of the County. Expenditures represent only the federally funded portions of the program. County records should be consulted to determine amounts expended or matched from non-federal sources.

### **NOTE 2 SIGNIFICANT ACCOUNTING POLICIES**

Governmental fund types account for the County's federal grant activity. The County's summary of significant accounting policies is presented in Note 1 in the County's basic financial statements.

### **NOTE 3 PASS-THROUGH GRANT NUMBER**

For federal programs marked "N/A", the County was unable to obtain a pass-through grant number.

### **NOTE 4 INDIRECT COST RATE**

The County does not draw for indirect administrative expenses and has not elected to use the 10% de minimis cost rate

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**REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON  
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS  
PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

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Independent Auditor's Report

Board of County Commissioners  
Burleigh County  
Bismarck, North Dakota

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of Burleigh County as of and for the year ended December 31, 2022, and the related notes to the financial statements, which collectively comprise Burleigh County's basic financial statements, and have issued our report thereon dated July 25, 2023.

**Report on Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered Burleigh County's internal control over financial reporting (internal control) as a basis for designing the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Burleigh County's internal control. Accordingly, we do not express an opinion on the effectiveness of Burleigh County's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. We identified certain deficiencies in internal control, described in the accompanying *Schedule of Audit Findings and Questioned Costs* as item, 2022-001 that we consider to be a material weakness.

**BURLEIGH COUNTY**

Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* - Continued

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**Report on Compliance and Other Matters**

As part of obtaining reasonable assurance about whether Burleigh County's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

**Burleigh County's Response to Findings**

*Government Auditing Standards* requires the auditor to perform limited procedures on Burleigh County's response to the findings identified in our audit and described in the accompanying *Schedule of Audit Findings and Questioned Costs*. Burleigh County's response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

/S/

Joshua C. Gallion  
State Auditor

Bismarck, North Dakota  
July 25, 2023

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## REPORT ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM, AND REPORT ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE

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### Independent Auditor's Report

Board of County Commissioners  
Burleigh County  
Bismarck, North Dakota

#### **Opinion on Each Major Federal Program**

We have audited Burleigh County's compliance with the types of compliance requirements identified as subject to audit in the OMB Compliance Supplement that could have a direct and material effect on each of Burleigh County's major federal programs for the year ended December 31, 2022. Burleigh County's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

In our opinion, Burleigh County complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended December 31, 2022.

#### **Basis for Opinion on Each Major Federal Program**

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States (GAS); and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of Burleigh County and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of Burleigh County's compliance with the compliance requirements referred to above.

#### ***Responsibilities of Management's Responsibility***

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules and provisions of contracts or grant agreements applicable to Burleigh County's federal programs.

## BURLEIGH COUNTY

### Report on Compliance for Each Major Federal Programs, and Report on Internal Control Over Compliance - Continued

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#### ***Auditor's Responsibilities for the Audit of Compliance***

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on Burleigh County's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material, if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about Burleigh County's compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance, we

- exercise professional judgment and maintain professional skepticism throughout the audit.
- identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding Burleigh County's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- obtain an understanding of Burleigh County's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of Burleigh County's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

#### ***Other Matters***

The results of our auditing procedures disclosed other instances of noncompliance which are required to be reported in accordance with the Uniform Guidance and which are described in the accompanying *Schedule of Audit Findings and Questioned Costs* as item 2022-002. Our opinion on each major federal program is not modified with respect to these matters.

*Government Auditing Standards* requires the auditor to perform limited procedures on Burleigh County's response to the noncompliance findings identified in our audit described in the accompanying *Schedule of Audit Findings and Questioned Costs*. Burleigh County's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response

#### **Report on Internal Control Over Compliance**

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance.

**BURLEIGH COUNTY**

Report on Compliance for Each Major Federal Programs, and Report on Internal Control Over Compliance - Continued

Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

*/S/*

Joshua C. Gallion  
State Auditor

Bismarck, North Dakota  
July 25, 2023

**BURLEIGH COUNTY**

Summary of Auditor’s Results  
For the Year Ended December 31, 2022

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**Financial Statements**

Type of Report Issued:	
Governmental Activities	Unmodified
Discretely Presented Component Unit	Unmodified
Major Funds	Unmodified
Aggregate Remaining Fund Information	Unmodified

**Internal control over financial reporting**

Material weaknesses identified?	<u>  X  </u> Yes	<u>      </u> None	Noted
Significant deficiencies identified not considered to be material weaknesses?	<u>      </u> Yes	<u>  X  </u> None	Noted
Noncompliance material to financial statements noted?	<u>      </u> Yes	<u>  X  </u> None	Noted

**Federal Awards**

Internal Control Over Major Programs

Material weaknesses identified?	<u>      </u> Yes	<u>  X  </u> None	noted
Significant deficiencies identified?	<u>      </u> Yes	<u>  X  </u> None	noted
Type of auditor’s report issued on compliance for major programs:	Unmodified		
Any audit findings disclosed that are required to be reported in accordance with CFR §200.516 (Uniform Guidance) requirements?	<u>  X  </u> Yes	<u>      </u> None	noted

**Identification of Major Programs**

ALN Number	Name of Federal Program or Cluster
ALN 21.027	Coronavirus State and Local Fiscal Recovery Funds

Dollar threshold used to distinguish between Type A and B programs:	<u>    \$ 750,000    </u>
Auditee qualified as low-risk auditee?	<u>      </u> Yes <u>  X  </u> No

# **BURLEIGH COUNTY**

Schedule of Audit Findings and Questioned Costs  
For the Year Ended December 31, 2022

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## **SECTION I – FINANCIAL STATEMENT FINDINGS**

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### **2022-001 – LACK OF SEGREGATION OF DUTIES – COMPONENT UNIT- MATERIAL WEAKNESS**

#### **Condition**

Burleigh County Water Resource District has limited personnel responsible for most accounting functions. A lack of segregation of duties exists as limited personnel are responsible to collect and deposit monies, issue checks, send checks to vendors, record receipts disbursement in journals, maintain the general ledger, create credit memos, and perform bank reconciliations.

#### **Effect**

Limited segregation of duties exposes the District to the risk of loss of assets, potential liabilities, and damage to the reputation, whether due to error or fraud.

#### **Cause**

The Burleigh County Water Resource District has no full-time staff. They outsource their secretarial bookkeeping duties to a private company, which has limited staff, making segregating of duties difficult to accomplish.

#### **Criteria**

According to the COSO framework, proper internal controls surrounding custody of assets, the recording of transactions, reconciling bank accounts and preparation of financial statements dictates that there should be sufficient accounting personnel, so duties of employees are properly segregated. The segregation of duties would provide better control over the assets of Burleigh County Water Resource District.

#### **Repeat Finding**

Yes.

#### **Recommendation**

To mitigate the risk associated with this lack of segregation of duties, we recommend the following:

- Financial statements, credit memos, and payroll registers should be reviewed, analyzed, and spot-checked by a responsible official.
- Where possible, segregate the functions of approval, posting, custody of assets, and reconciliation as they relate to any amounts which impact the financial statements.

#### **Burleigh County Water Resource District's Response**

See Corrective Action Plan

**SECTION II – FEDERAL AWARD FINDINGS AND QUESTIONED COSTS**

**2022-002 – CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – NONCOMPLIANCE WITH SUBRECIPIENT GRANT AGREEMENT REQUIREMENTS – ALN 21.027 – OTHER NONCOMPLIANCE**

**FINDING TYPE: Other Noncompliance**

Finding	2022-002
Federal Program:	Coronavirus State and Local Fiscal Recovery Funds
ALN:	21.027
Federal Award Number(s) and Year(s):	SLFRP1964, 2022
Federal Agency:	U.S. Department of Treasury
Questioned Cost:	\$0

**Condition**

Burleigh County did not communicate and document all of the elements as outlined in 2 CFR 200.332(a) for the subrecipients of the Coronavirus State and Local Fiscal Recovery Funds program. During testing, we noted the following elements were not included:

- subrecipient's unique entity identifier
- federal award identification number
- federal award date (see definition of *Federal award date* § 200.1) of award to the recipient by the Federal agency
- subaward period of performance start and end date
- name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity
- Assistance Listings number and Title
- identification of whether the award is Research and Development
- indirect cost rate for the Federal award (including if the de minimis rate is charged) per §200.414
- a requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part, and appropriate terms and conditions concerning closeout of the subaward

**Effect**

Burleigh County did not comply with all elements of 2 CFR 200.332(a). Therefore, subrecipients may not have been aware of all necessary grant information and requirements.

**Cause**

Burleigh County was not aware of the requirements set forth in 2 CFR 200.332(a) that needed to be included in the grant agreements.

**Criteria**

31 U.S.C 7502(f)(2)(A) states that each pass-through entity shall provide subrecipient the Federal requirements which govern the use of such awards.

2 CFR 200.332(a) states the required information that pass-through entities must disclose. This includes information related to federal award identification and period of performance, approved federally recognized indirect cost rate, requirement that the subrecipient allow access to records, and appropriate terms and conditions concerning closeout of the subaward.

**BURLEIGH COUNTY**

Schedule of Audit Findings and Questioned Costs - Continued

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**Repeat Finding**

Yes.

**Recommendation**

We recommend Burleigh County ensure that all elements as outlined in 2 CFR 200.332(a) are communicated and documented to the subrecipients of the Coronavirus State and Local Fiscal Recovery Funds program.

**Burleigh County's Response**

See Corrective Action Plan



## **Burleigh County Water Resource District**

PO Box 1255  
Bismarck, North Dakota 58502-1255  
(701) 354-1501  
[www.burleighbd.org](http://www.burleighbd.org)

---

**Date:** July 12, 2023  
**To:** Joshua C. Gallion, ND State Auditor  
**From:** James Landenberger, Board Chairman  
**RE:** Burleigh County WRD – FY2022 Corrective Action Plan

**Contact Person Responsible for Corrective Action Plan: James Landenberger, Board Member**

### **Section I – Financial Statement Findings:**

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#### **2022-001 – LACK OF SEGREGATION OF DUTIES – COMPONENT UNIT- MATERIAL WEAKNESS**

##### **Condition:**

Burleigh County Water Resource District has limited personnel responsible for most accounting functions. A lack of segregation of duties exists as limited personnel are responsible to collect and deposit monies, issue checks, send checks to vendors, record receipts disbursement in journals, maintain the general ledger, create credit memos, and perform bank reconciliations.

##### **Corrective Action Plan:**

Thank you for the recommendation. The Burleigh County Water Resource District has received this same material weakness recommendation in the past. A lack of resources to employ permanent staff and the use of consultants for office administration limits the ability to truly segregate these functions. The Burleigh County Water Resource District has taken steps to mitigate the situation by having the Secretary/Treasurer Board Position review monthly balance sheets, financial transactions, bank statements, invoices, etc. separate from office administration consultant. These reviews are documented via electronic edits, presented at monthly board meetings, and approved by the full board via a formal motion.

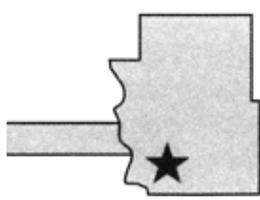
##### **Anticipated Completion Date:**

We will evaluate this next fiscal year to see if it is feasible to hire more staff.

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##### **Current Board Members:**

James Landenberger, Chairman 701-326-8439    Cory Palm, Vice Chairman 701-616-4883  
Dennis Reep, Secretary/Treasurer 701-595-2142    Roger Smith, Manager 701-490-6283  
Randy Elmiger, Manager 701-595-4947



STATE OF NORTH DAKOTA

# County of Burleigh

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

**Date:** July 13, 2023  
**To:** Joshua C. Gallion, ND State Auditor  
**From:** Justin Schulz, Deputy Finance Director  
**RE:** Burleigh County – FY2022 Corrective Action Plan

**Contact Person Responsible for Corrective Acton Plan:** Justin Schulz, Deputy Finance Director

**Section I – Financial Statement Findings:**

No matters were reported for the County.

**Section II –Federal Award Findings and Questioned Costs:**

**2022-002 – CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – NONCOMPLIANCE WITH SUBRECIPIENT GRANT AGREEMENT REQUIREMENTS – ALN 21.027 – OTHER NONCOMPLIANCE**

**Condition:**

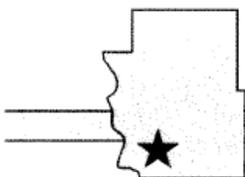
Burleigh County did not communicate and document all of the elements as outlined in 2 CFR 200.332(a) for the subrecipients of the Coronavirus State and Local Fiscal Recovery Funds program. During testing, we noted the following elements were not included:

- subrecipient's unique entity identifier
- federal award identification number
- federal award date (see definition of Federal award date § 200.1) of award to the recipient by the Federal agency
- subaward period of performance start and end date
- name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity
- Assistance Listings number and Title
- identification of whether the award is Research and Development
- indirect cost rate for the Federal award (including if the de minimis rate is charged) per §200.414
- a requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part, and appropriate terms and conditions concerning closeout of the subaward

**Corrective Action Plan:**

We agree with the recommendation. Burleigh County has implemented new policies and procedures in 2023 regarding subrecipient monitoring.

**Anticipated Completion Date:**  
FY 2023



STATE OF NORTH DAKOTA

# County of Burleigh

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

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**2021-001 – CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – IMPROPER TRANSFER OF EXPENDITURES – ALN 21.027- MATERIAL WEAKNESS AND MATERIAL NONCOMPLIANCE**

**Condition:**

Burleigh County applied costs to the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program prior to the period of performance. \$69,401 was transferred out of the American Rescue Plan fund to reimburse various fund expenditures that were incurred prior to March 3, 2021.

**Recommendation:**

We recommend Burleigh County ensure compliance with period of performance requirements as stated in 31 CFR 35.5 of the Uniform Guidance by establishing a review process to ensure transfers of expenditures are within the period of performance for the Coronavirus State and Local Fiscal Recovery Funds program.

**Current Status of Recommendation:**

Implemented.

---

**2021-002 – CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – UNALLOWABLE COST PREMIUM PAY - ALN 21.027 – MATERIAL NONCOMPLIANCE**

**Condition:**

Burleigh County disbursed premium pay through the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program directly to individuals who were volunteers at two ambulance districts for a total of \$38,688.

**Recommendation:**

We recommend Burleigh County review the Interim Final Rule, Final Rule, and any other applicable guidance from the U.S. Treasury regarding the eligible use category of premium pay under Coronavirus State and Local Fiscal Recovery Funds program to ensure expenditures meet the compliance requirements of the Activities Allowed or Unallowed and Allowable Cost/Cost Principles.

**Current Status of Recommendation:**

Implemented.

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**BURLEIGH COUNTY**

Status of Prior Year Findings - Continued

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**2021-003 – CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – LACK OF FORMAL PROCUREMENT POLICY – ALN 21.027 – MATERIAL WEAKNESS AND MATERIAL NONCOMPLIANCE**

**Condition:**

Burleigh County does not have documented formal policies and procedures for procurement for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program. The County follows the state documented procurement laws under various North Dakota Century Code, however, there are no policies and procedures for any transactions that may be subject to procurement.

**Recommendation:**

We recommend Burleigh County have documented formal policies and procedures in place regarding procurement to ensure compliance with all procurement standards identified in 2 CFR 200.317 thru 2 CFR 200.327 for the Coronavirus State and Local Fiscal Recovery Funds program.

**Current Status of Recommendation:**

Implemented

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**2021-004 – CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – INADEQUATE SUPPORTING DOCUMENTATION FOR PROCUREMENT – ALN 21.027 – MATERIAL NONCOMPLIANCE**

**Condition:**

Burleigh County did not retain adequate supporting documentation for procurement transactions for the Coronavirus State and Local Fiscal Recovery Funds program. During testing, we noted 2 of the 6 procurement transactions tested did not have adequate support. Both transactions were a part of an overall request for proposal that totaled \$397,655. However, there was no supporting documentation for how the selection committee evaluated each engineering firm based criteria noted in the request for proposal as well as how each task in the request for proposal was assigned to each engineering firm.

**Recommendation:**

We recommend Burleigh County develop formal policies and procedures, which include retaining adequate supporting documentation, for procurement transactions related to the Coronavirus State and Local Fiscal Recovery Funds program.

**Current Status of Recommendation:**

Implemented.

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**2021-005 – CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – LACK OF CONTROL SURROUNDING SUSPENSION AND DEBARMENT – ALN 21.027 – MATERIAL WEAKNESS AND OTHER NONCOMPLIANCE**

**Condition:**

Burleigh County did not have procedures in place to ensure an entity that the County enters into a covered transaction with is not suspended and debarred from receiving federal funds through Coronavirus State and Local Fiscal Recovery Funds.

**Recommendation:**

We recommend Burleigh County develop formal procedures that will provide for a documented review of entities for suspended and debarred status prior to entering into a covered transaction for Coronavirus State and Local Fiscal Recovery Funds to ensure compliance with 31 CFR 19.300.

**Current Status of Recommendation:**

Implemented.

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**2021-006 – CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – IMPROPER REPORTING OF OBLIGATIONS AND EXPENDITURES – ALN 21.027 – MATERIAL NONCOMPLIANCE**

**Condition:**

Burleigh County did not properly report total obligations and total expenditures on the December 31, 2021, Project and Expenditure Report for the Coronavirus State and Local Fiscal Recovery Funds program. Total obligations were overstated by \$4,525,853 and total expenditures were overstated by \$59,521.

**Recommendation:**

We recommend Burleigh County review and comply with all reporting requirements of the Coronavirus State and Local Fiscal Recovery Funds program by properly reporting all obligations and expenditures in the Project and Expenditure Reports.

**Current Status of Recommendation:**

Implemented.

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**2021-007 – CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – INADEQUATE SUBRECIPIENT MONITORING – ALN 21.027 – MATERIAL WEAKNESS AND MATERIAL NONCOMPLIANCE**

**Condition:**

Burleigh County did not adequately monitor the subrecipients of the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program. During testing, we noted the County received invoices for its monitoring of subrecipients, but did not review if federal procurement was followed, did not complete any site visits of the projects, and did not ensure the subrecipient was in compliance with all Federal statutes, regulations, and terms and conditions of the subaward.

**Recommendation:**

We recommend Burleigh County ensure adequate subrecipient monitoring is completed on the Coronavirus State and Local Fiscal Recovery Funds program. In addition, we recommend Burleigh County have documented policies and procedures for subrecipient monitoring to ensure the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward.

**Current Status of Recommendation:**

Implemented.

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**2021-008 – CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – LACK OF RISK ASSESSMENT FOR SUBRECIPIENT MONITORING – ALN 21.027 – MATERIAL NONCOMPLIANCE**

**Condition:**

Burleigh County is not evaluating each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining appropriate subrecipient monitoring for the Coronavirus State and Local Fiscal Recovery Funds program. During testing, we identified two subrecipients that did not have a risk assessment completed.

**Recommendation:**

We recommend Burleigh County ensure compliance with 2 CFR 200.332 (b) to evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring for the Coronavirus State and Local Fiscal Recovery Funds program.

**Current Status of Recommendation:**

Implemented.

**2021-009 – CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – INADEQUATE SUBRECIPIENT AUDIT REPORT MONITORING – ALN 21.027 – OTHER NONCOMPLIANCE**

**Condition:**

Burleigh County did not ensure that all subrecipients receiving funding from Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program were audited under 2 CFR 200 Subpart F of the Uniform Guidance, as applicable.

**Recommendation:**

We recommend Burleigh County ensure:

- all subrecipients of Coronavirus State and Local Fiscal Recovery Funds program obtain audits in accordance with 2 CFR 200 Subpart F if applicable,
- management decisions are issued on audit findings within 6 months, and
- the subrecipient takes timely and appropriate corrective action on deficiencies identified in audits.

**Current Status of Recommendation:**

Implemented.

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**2021-010 – CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – NONCOMPLIANCE WITH SUBRECIPIENT GRANT AGREEMENT REQUIREMENTS – ALN 21.027 – OTHER NONCOMPLIANCE**

**Condition:**

Burleigh County did not communicate and document all of the elements as outlined in 2 CFR 200.332(a) for the subrecipients of the Coronavirus State and Local Fiscal Recovery Funds program. During testing, we noted the following elements were not included:

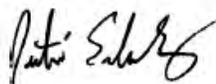
- subrecipient's unique entity identifier
- federal award identification number
- federal award date (see definition of Federal award date § 200.1) of award to the recipient by the Federal agency
- subaward period of performance start and end date
- name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity
- Assistance Listings number and Title
- identification of whether the award is Research and Development
- indirect cost rate for the Federal award (including if the de minimis rate is charged) per §200.414
- a requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part, and appropriate terms and conditions concerning closeout of the subaward

**Recommendation:**

We recommend Burleigh County ensure that all elements as outlined in 2 CFR 200.332(a) are communicated and documented to the subrecipients of the Coronavirus State and Local Fiscal Recovery Funds program.

**Current Status of Recommendation:**

Not Implemented. Due to the timing of the prior audit new policies and procedures could not be implemented. Starting in 2023 there will be new policies and procedures implemented for monitoring..



Justin Schulz  
Deputy Finance Director, Burleigh County

STATE AUDITOR  
Joshua C. Gallion



PHONE  
701-328-2241

FAX  
701-328-2345

[www.nd.gov/auditor](http://www.nd.gov/auditor)

STATE OF NORTH DAKOTA  
**OFFICE OF THE STATE AUDITOR**  
STATE CAPITOL  
600 E. Boulevard Ave. Dept. 117  
Bismarck, North Dakota, 58505

[ndsao@nd.gov](mailto:ndsao@nd.gov)

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## GOVERNANCE COMMUNICATION

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July 25, 2023

Board of County Commissioners  
Burleigh County  
Bismarck, North Dakota

We have audited the financial statements of the governmental activities, the discretely presented component unit, each major fund and the aggregate remaining fund information of Burleigh County, North Dakota, for the year ended December 31, 2022. Professional standards require that we provide you with information about our responsibilities under general accepted auditing standards (and, if applicable, *Government Auditing Standards* and the Uniform Guidance), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated April 12, 2023. Professional standards also require that we communicate to you with the following information related to our audit.

### **Qualitative Aspects of Accounting Practices**

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Burleigh County are described in Note 1 to the financial statements. No new accounting policies were adopted, and the application of existing policies was not changed during 2022. We noted no transactions entered into by Burleigh County during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements presented by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the governmental activities financial statements were:

Management's estimate of the useful lives of capital assets is based on past history of each classification of capital assets. We evaluated the key factors and assumptions used to develop the useful lives capital assets in determining that is reasonable in relation to the financial statements taken as a whole.

### **Difficulties Encountered in Performing the Audit**

We encountered no significant difficulties in dealing with management in performing and completing our audit.

**Corrected and Uncorrected Misstatements**

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and report them to the appropriate level of management. None of the misstatements detected as a result of audit procedures were material, either individually or in the aggregate, to the financial statements taken as a whole.

**Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, or reporting matter that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

**Management Representations**

We have requested certain representations from management that are included in the management representation letter dated July 25, 2023.

**Management Consultations with Other Independent Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the County's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

**Other Audit Findings or Issues**

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

**Other Matters**

We applied certain limited procedures to the *budgetary comparison information, schedule of employer's share of net pension liability and employer contributions, schedule of employer's share of net OPEB liability and employer contributions, and notes to the required supplementary information* which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the *schedule of expenditures of federal awards and notes to the schedule of expenditures of federal awards*, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

**BURLEIGH COUNTY**

Governance Communication – Continued

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**Restrictions on Use**

This information is intended solely for the use of the board of county commissioners and management of Burleigh County, and is not intended to be, and should not be, used for any other purpose. We would be happy to meet with you and any member of your staff to discuss any of the items in this letter in more detail if you so desire.

Thank you and the employees of Burleigh County for the courteous and friendly assistance we received during the course of our audit. It is a pleasure for us to be able to serve Burleigh County.

*/S/*

Joshua C. Gallion  
State Auditor

Bismarck, North Dakota  
July 25, 2023



Office of the  
State Auditor

NORTH DAKOTA STATE AUDITOR  
JOSHUA C. GALLION

**NORTH DAKOTA STATE AUDITOR'S OFFICE**

600 E. Boulevard Ave. Dept. 117 | Bismarck, North Dakota 58505

# **PUBLIC HEARING**

**ITEM**

**# 8**



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission  
Re: Consider an OHV Ordinance.  
Date: 8-14-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *11V*

ITEM 1

Proposed Ordinance

Due to the public discourse and concerns brought to the Burleigh County Commission, it has been requested to create a local ordinance for Burleigh County residents when operating Off Highway Vehicles in a Public Right of Way.

**ACTION REQUESTED**

Open a Public Hearing to Consider Creating an OHV Ordinance.

**Attachments:**

- 1) Draft OHV Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**A BURLEIGH COUNTY ORDINANCE FOR THE SAFETY REGULATIONS OF OFF-HIGHWAY VEHICLES WHEN OPERATING WITHIN PUBLIC RIGHT OF WAYS**

NOW THEREFORE, BE IT ENACTED BY THE 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: No person may engage in exhibition driving of an OHV vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area, nor may any person engage in a race, a speed competition, drag race or acceleration contest, jumping of ditches, roadways or private driveways, endurance, or exhibition of speed or acceleration.
2. "Jumping of areas within the road right-of-way or private drives" means: accelerating vehicle at such speeds as to cause the vehicle 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

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.
4. "Operate" means: To ride in or on and control the operation of an off-highway vehicle.
  5. "Operator" means: An individual who operates or is in actual physical control of an off-highway vehicle.
  6. "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.
  7. "Private Drive" means: A Private Drive is privately owned and maintained property which is for the sole purpose of vehicular access or egress onto a property, but is not open or normally used by the public.
  8. "Register" means: The act of assigning a registration number to an off-highway vehicle.
  9. "Roadway" means: A road, especially the part over which vehicles travel.
  10. "Road Right-of-Way" means: A right-of-way that is a line that bounds usually both sides of a roadway and that represents an area of land that is reserved by a governing entity for the maintenance of the road and for the potential future expansion of that road.

#### **SECTION 4. Operation of Off Highway Vehicles in Right Of Way**

1. Except for the roadway, an off-highway vehicle that is operated within the road 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.
2. Operators of an off-highway vehicle must travel in the extreme right-hand side of the road right of way and make left turns across the roadway only if it is safe to do so under prevailing conditions.
3. Except for roadway, operators shall operate an off-highway vehicle in the road right of way on County roads at a maximum speed of 25 miles per hour.

4. An operator may not operate an off-highway vehicle in the road right of way on County roads in the following manner:
  - a) In a careless, reckless, or negligent manner so as to endanger the person or to cause injury or damage to another person.
  - b) In a careless, reckless, or negligent manner so as to cause damage to the property of another.
  - c) In a manner so as to cause exhibition driving, jumping of ditches, roadway right of ways or private drives, excessive engine noise, skids or slides upon acceleration or stopping.
  - d) In a manner as to simulate a race or temporary race, or to cause the vehicle to unnecessarily sway or turn abruptly, or to impede traffic.
  - e) While under the influence of intoxicating liquor or a controlled substance.
  - f) Without a lighted headlamp and taillamp from ½ hour before sunset and ½ hour after sunrise.
  - g) On any agricultural land, unless permission from the landowner is granted.
  - h) Without a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system.
  - i) 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.
  - j) Land entirely enclosed by a fence or other enclosure unless permission is granted from landowner.
5. Exceptions are granted for:
  - a) OHV's operated by a designated government employee.

**SECTION 4. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 5. 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 6. 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 \_\_\_\_\_ 2023.

\_\_\_\_\_  
Becky Matthews, Chairperson

ATTEST:

\_\_\_\_\_  
Mark Splonskowski, County Auditor



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission.  
Re: Appeal of Permit Denial  
Date: 8-15-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Appeal Denial of Permit

On May 12<sup>th</sup> 2023, Sherri Fisher, 2604 Elbert Ave. Baldwin ND., requested to change a temporary permit for a mobile home to a permanent placement of the building. On October 4, 2021 a temporary permit was issued. The permit stated:

1. Install a 16' x 76' mobile home Includes 120' deck.
2. M. Home is to placed temporarily on property, no permanent piered foundation required.
3. M. Home is to be placed no more than 2 years from date of issuance of this permit.

The permit will expire on October 4, 2023. The request to change the permit from temporary to permanent status was denied by this office because there was no permanent foundation installed for the Mobile Home as per Burleigh County Zoning Ordinance Article 11. Thus, the appeal.

**ACTION REQUESTED:**

Consider to deny or approve the request to change the status of a temporary permit to a permanent one.

**Attachments:**

1. Ex.1-Permit Appeal\_signed 08082023
2. Ex.2- 2604 Elbert Ave Temp. Permit 10042021



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
 701-221-3727

## BUILDING CODES APPEALS APPLICATION

### CONTACT INFORMATION

NAME: <i>Sherri Fisher</i>	ADDRESS OF PROPERTY <i>20203 26th St. NE          Baldwin, ND 58521</i>
TELEPHONE NUMBER <i>701-527-0197</i>	E-MAIL <i>Sherri.fisher481@yahoo.com</i>

Please give a description of the appeal:

*additional pg.*

R112.1 General: Board of Appeals shall be the Burleigh County Board of County Commissioners.  
 R112.4 Administration: The building official shall take immediate action in accordance with the decision of the board. To avoid any undue hindrance in the progress of construction, the building official is required to act without delay based on the board's decision. An appeal can only be made by: The building owner, or someone retained by the owner under contract. Your signature acknowledges this record will be made available if requested as required by the NDCC §44-04-17.1

*Sherri Fisher*  
 Signature

*8/9/23*  
 Date

Staff Use Only:

I am writing to formally request an extension of the duration for the temporary structure currently in place under our agreement. This request is prompted by the prevailing economic conditions and the significant impact of high interest rates on our financial projections. The current economic landscape is marked by unprecedented challenges, including fluctuations in market conditions and increased borrowing costs due to elevated interest rates. These factors have substantially influenced our financial planning and have resulted in a need to reevaluate the timeline for the temporary structure's presence. Given the uncertainties surrounding the economic recovery and the enduring effects of high interest rates, it is our sincere belief that extending the duration of the temporary structure will provide us with the necessary flexibility to navigate these trying circumstances more effectively. This extension will enable us to better allocate resources, manage cash flow, and ensure the viability of the project within the bounds of the current economic constraints. We kindly request your understanding and support in granting this extension, which will enable us to adapt to the evolving economic landscape and continue contributing positively to our shared goals.

Property Address 2604 ELBERT AV

Location BURLINGHAM COUNTY

Phone 221-3727

Special Flood Hazard NO  
Deeded Owner FISHER, SHERRI RAE  
Contractor SELF/OWNER SHERRI FISHER  
Nondeeded Owner FISHER, SHERRI RAE  
Contact Person SHERRI FISHER

Elevation  
Contractor Num 0  
Phone Num 527-0197

Desc Of Work TEMPORARY PERMIT 10/4/2021 TO 10/4/2023  
INSTALL 16' X 76' MOBILE HOME NO  
PERMANENT FOUNDATION REQUIRED

Property Number 52-141-79-01-04-095  
Addition Name BALDWIN TOWNSITE  
Legal Desc 1. E1/2 L9  
3.

Township 52

Section 141 Range 79  
2. #413486

Type Of Work 5 - MISC  
Occupancy Group R - RESIDENTIAL  
Num Living Units 1  
Ownership Code 1 - PRIVATE

Census Code 0605  
Division 1  
Stories 1  
Type Const VB

Zoning Dist A - AGRICULTURAL  
Easement SEE PLAT  
Required Front Yard 40  
Required Side Yard 15.0  
Required Rear Yard 50

Area	Previous Permit(s)	Current Permit	Total	Lot Front Width	Lot Rear Width	Avg Lot Width	Max Bldg Width	Bldg Width	Lot Square Ft	Percent Occupied
Area Main Bldg	0	0	0	.00	.00	.00	.00	.00	.00	.00
Garage Size	0	0	0	.00	.00	.00	.00	.00	.00	.00
Total Finished	0	0	0	.00	.00	.00	.00	.00	.00	.00
Total Basement	0	0	0	.00	.00	.00	.00	.00	.00	.00
Area Acc Bldgs	0	0	0	.00	.00	.00	.00	.00	.00	.00
Num Off Street Parking	0	0	0	.00	.00	.00	.00	.00	.00	.00
Area Off Street Parking	0	0	0	.00	.00	.00	.00	.00	.00	.00
Total	0	0	0	.00	.00	.00	.00	.00	.00	.00

Cost Less Land .00  
Charges:  
Permit Fee 250.00  
Mobile Home .00  
TOTAL: 250.00 \*\*\*

\*\*\*\*\*NOTICE\*\*\*\*\*  
Separate permits are required for electrical, septic, plumbing and mechanical (HVAC). Work under this permit must commence within 180 days of permit issuance and once commenced, work may not be suspended for more than 60 days. Permittee must comply with all codes and ordinances applicable to work. Issuance of this permit does not grant any authority to erect, modify or use any structure in violation of any code or ordinance. All required inspections, including a final inspection, must be required by the Permittee. This permit creates no warranties with regard to construction or code compliance. The inspection under this permit are for the benefit of the public and not the Permittee and the inspections do not create a duty to the Permittee, the owner or, to a subsequent purchaser with regard to quality of construction or code compliance. Federal law may require this construction project to conform with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.

I hereby certify that I have read and examined this application and know the same to be true and correct.

MITCH FLANAGAN  
Building Official

MARLA MCMONAGLE  
Issued By

Permit Applicant



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission.  
Re: Appeal of Permit Denial.  
Date: 8-15-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Appeal Denial of Permit

On July 25<sup>th</sup>, Cam Knutson requested a permit for a service building that is part of the community septic system at Summit Pt. Subdivision. This building is 20' by 30' wood construction with 8' exterior walls. As part of the infrastructure for the septic system, the building will be used to contain equipment and data systems and will not be occupied except during times of maintenance and service to equipment.

The permit was denied because the Storm Water Management Plan has not been completed or accepted, the roads have not been completed or accepted. Typically, a building permit is not issued prior to the signing of a final plat. The final plat has not been signed yet.

**ACTION REQUESTED:**

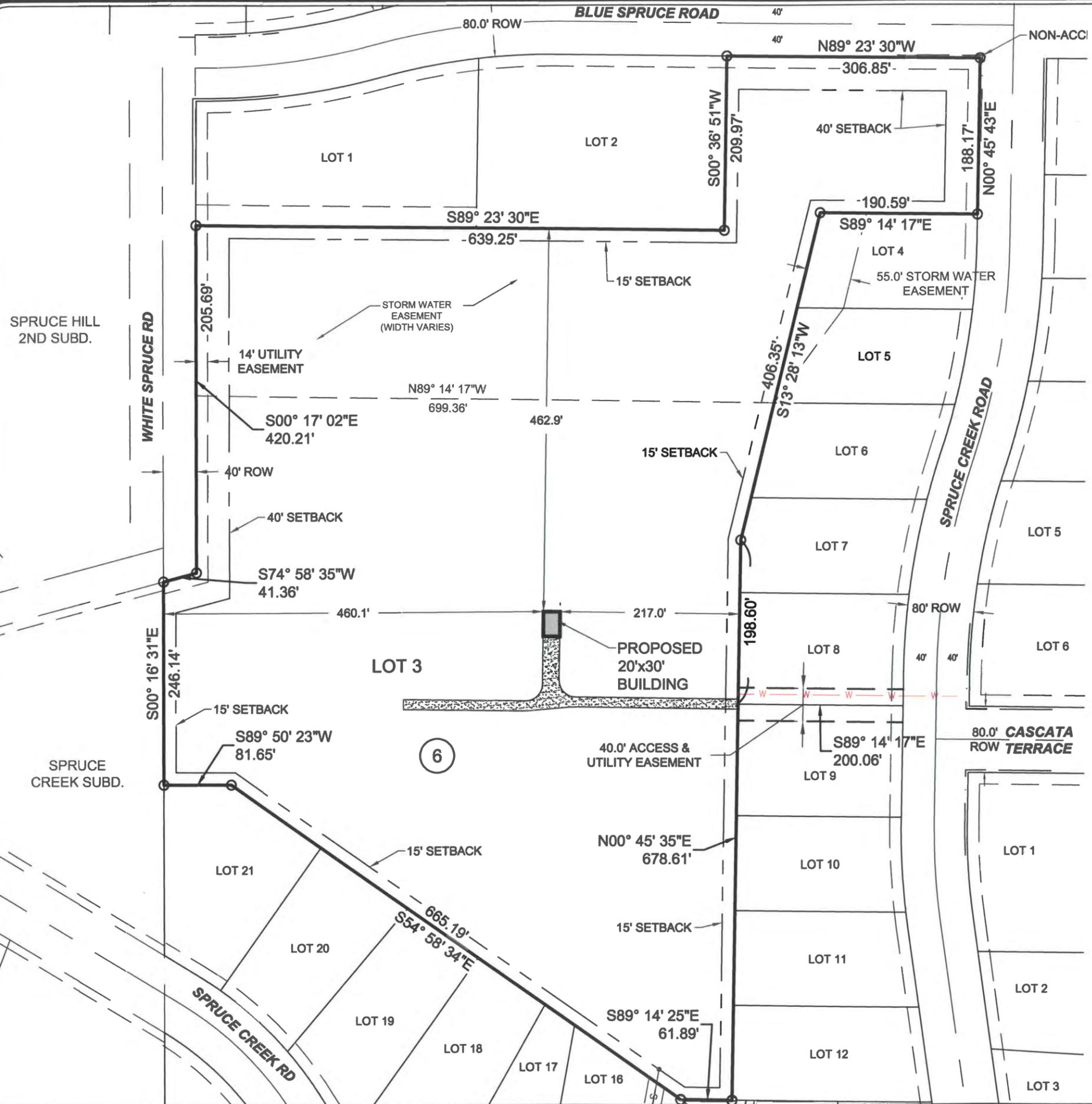
Consider to deny or approve the request for issuance of the building permit.

**Attachments:**

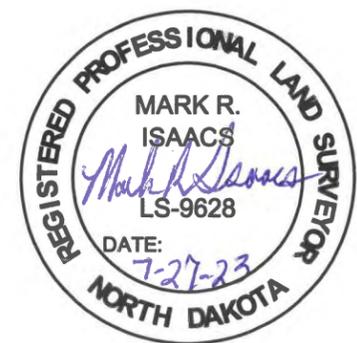
1. Ex.1- 22048 Lot Survey Exhibit- signed
2. Ex.2- Summit Point Utility Building Permit Application 8.5.2023
3. Ex.3- Permit Application Attachment 8.5.23
4. Ex.4- Permit Appeal 8.9.2023

# LOT SURVEY EXHIBIT

LOT 3 (PROPOSED) BLOCK 6  
 SUBDIVISION SUMMIT POINT 1ST ADDITION (PROPOSED)  
 ADDRESS BLUE SPRUCE ROAD, BISMARCK  
 BUILDER KNUTSON



- SYMBOL LEGEND**
- FOUND MONUMENT
  - SET MONUMENT
  - BUILDING SETBACK NAIL OR WOOD STAKE
  - LIGHT POLE
  - ⊠ UTILITY BOX
  - S— SANITARY SEWER MAIN
  - — — BACK OF CURB
  - W— WATER MAIN



Independent  
 Land  
 Surveying &  
 Engineering

4215 Old Red Trail NW  
 Mandan, ND 58554  
 Phone: 701-663-8184  
 Cell: 701-666-2079  
 mark@surveynd.com  
 JOB NUMBER: 22048



BURLEIGH COUNTY BUILDING, PLANNING, ZONING  
 221 N 5<sup>th</sup> Street,  
 PO Box 5518  
 701-221-3727

Bismarck, ND 58501  
[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)

❖ **BUILDING PERMIT APPLICATION** ❖

Use this permit for: Accessory Buildings, Basement Finish, Additions, Remodels and Decks

Site Address: Summit Point Subdivision Block 6, Lot 3 Date: 8-5-2023  
 Owner: SP Developers LLC Contractor: Self-perform with licensed sub contractors  
 Contact: Cam Knutson Contractor License#: \_\_\_\_\_  
 Billing Address: 4207 Boulder Ridge Road, Suite 220, Bismarck, ND 58503 Phone 701-220-4124  
**CONTRACTOR/CONTACT EMAIL:** cam@knutsonteam.com  
 Is property located in a flood plain Yes \_\_\_ No X (If yes, Elevation Certificate is required) Elevation: \_\_\_\_\_

\*Applications must include the following (if applicable):

X Site Plan      X Floor Plans      Truss Plans X      Wall Section \_\_\_\_\_

Description of Building				
Accessory Building Sq. Ft.	Basement Finish Sq. Ft.	Addition Sq. Ft.	Deck Sq. Ft.	Remodels Sq. Ft.
600/SF	NA	NA	NA	NA

Type of Construction: Wood X Steel \_\_\_\_\_ Post \_\_\_\_\_ Other \_\_\_\_\_

Class of Work: New X Addition \_\_\_\_\_ Alteration \_\_\_\_\_ Replacement \_\_\_\_\_

Other Installations Needed: (plumbing, heating, gas, electric) Yes X No \_\_\_\_\_

If yes, separate permits are required. Electrical permits and inspections are to be done by the ND Board Electrical Board (701) 328-9522

Project Description:	Project Cost
This utility building is a component of the Summit Point Bioclere Community Septic System as it will house the control units and electrical components that operate and power the system. The design of the system has been approved by the North Dakota Department of Environment Quality.	\$60,000 for building

- Fee Schedule: Building Permit Fees are based on the total value of new construction, additions, alterations and replacement. This includes basement finishes and attached garages.
- Home owner must comply with subdivision covenants if applicable.
- A Certificate of Occupancy is not required for new construction, additions, alterations and replacements under this permit application.

SITE PLAN

SITE ADDRESS: Summit Point Subdivision Block 6, Lot 3

INSTRUCTIONS:

In the box below, draw your lot and show where the new buildings as well as any existing buildings are located. Show distances to the property lines, and distances between buildings. Show where the waterlines, gas lines, electric lines, septic tanks and drain field are located. Also show any easements for utilities and drainage. Include north arrow.

-See separate attachments included

This permit creates no warranties with regard to construction or code compliance. Any inspections under this permit are for the benefit of the public and not the permit recipient, and any inspections do not create a duty to the permit recipient, the owner, or to a subsequent purchaser with regard to quality of construction or code compliance. This agreement applies to any such claim brought by any subsequent purchaser or owner of the property. I understand that I am responsible for the information shown hereon. I certify that I have investigated the location of my property lines, any easements or other restrictions on the property and the dimensions shown are accurate to the best of my knowledge

Cameron Knutson- President of SP Developers, LLC  
Name(s) of owner(s) or authorized agent of site/structure  
(Please Print)

*Cameron Knutson*  
Signature of owner(s) or authorized agent

SUBMITAL DOCUMENTS SHALL BE REVIEWED TO CURRENT BUILDING CODE REQUIREMENTS

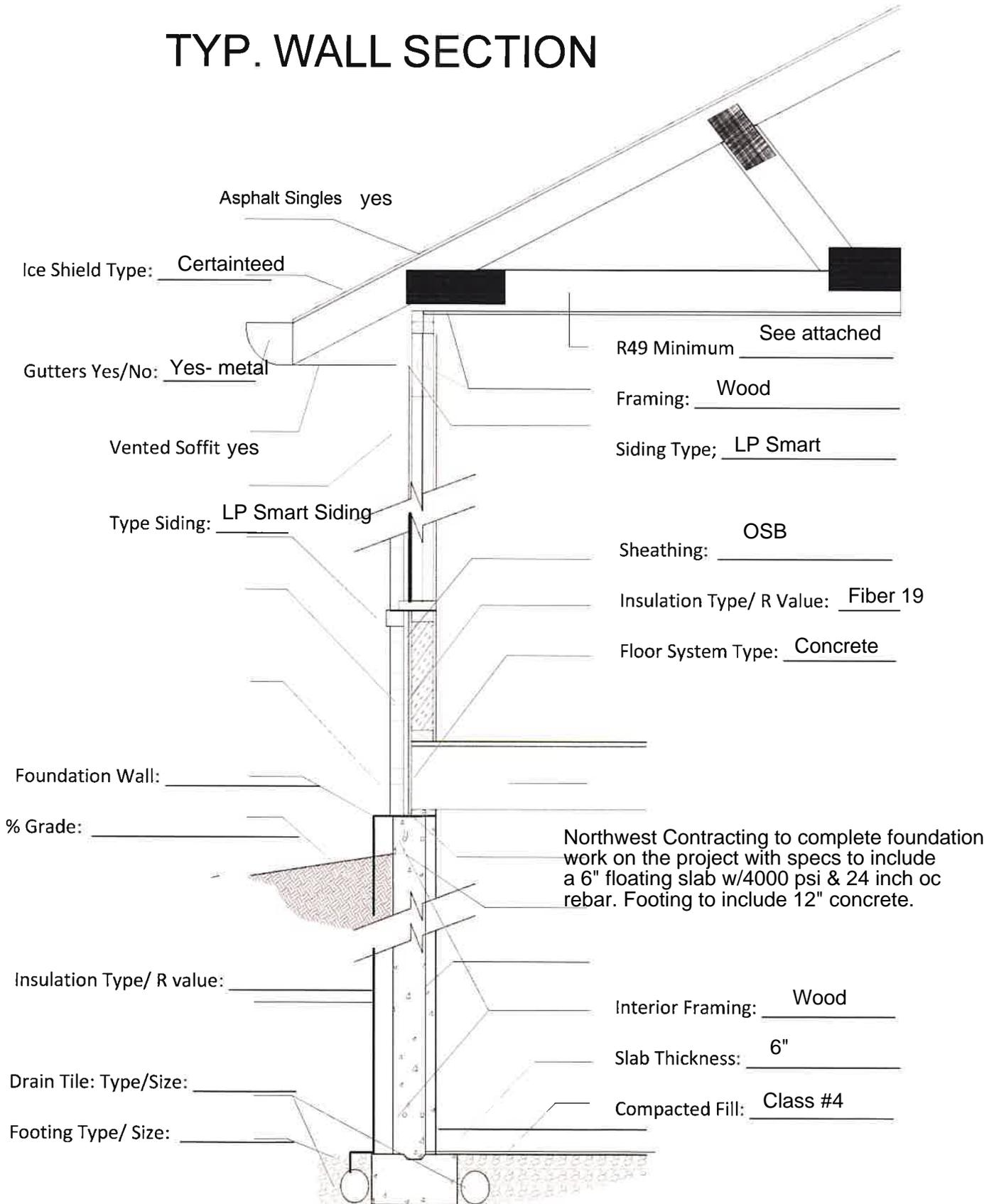
OFFICE USE:            Reviewed: \_\_\_\_\_            Approved: \_\_\_\_\_

NOTES:



ROOF VENTING

# TYP. WALL SECTION



**ATTACHMENT:**

Summit Point Utility Building Additional Details

**Additional E-mail Attachments:**

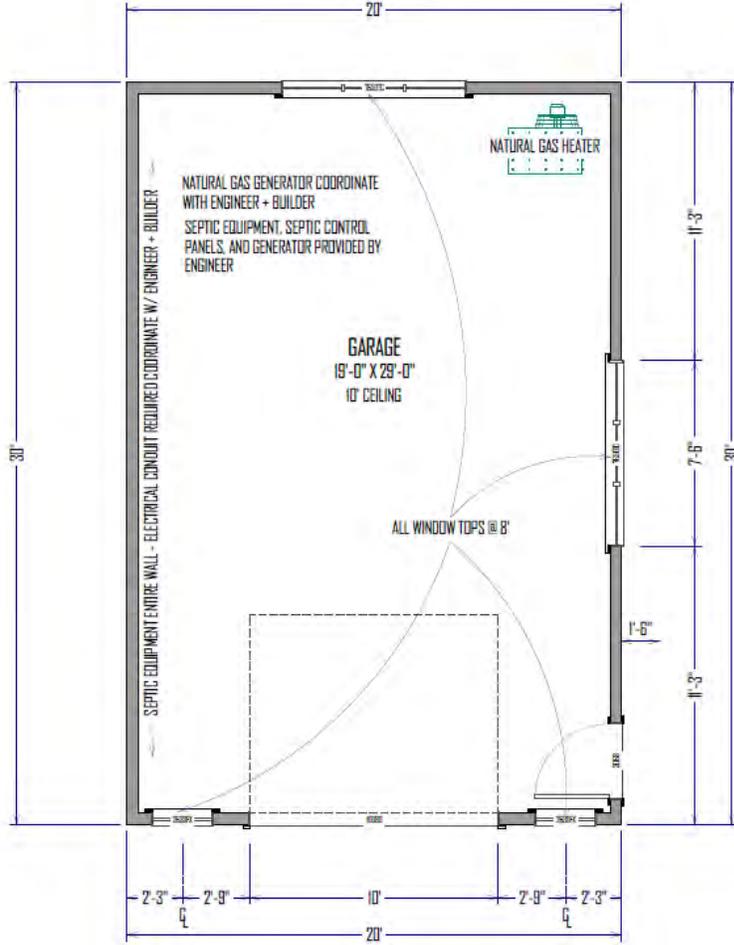
- Application
- Site-Plan

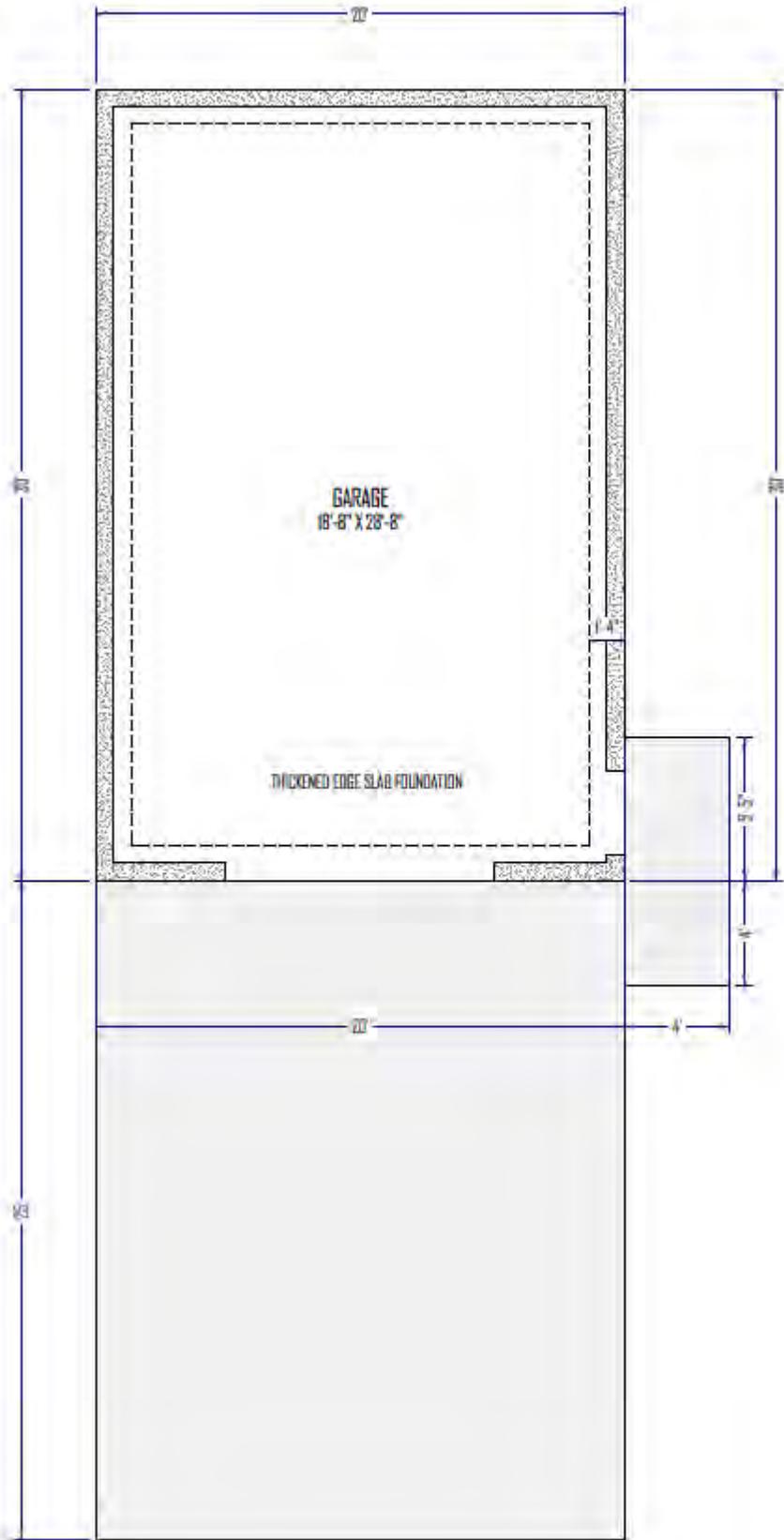
**Contractor List:**

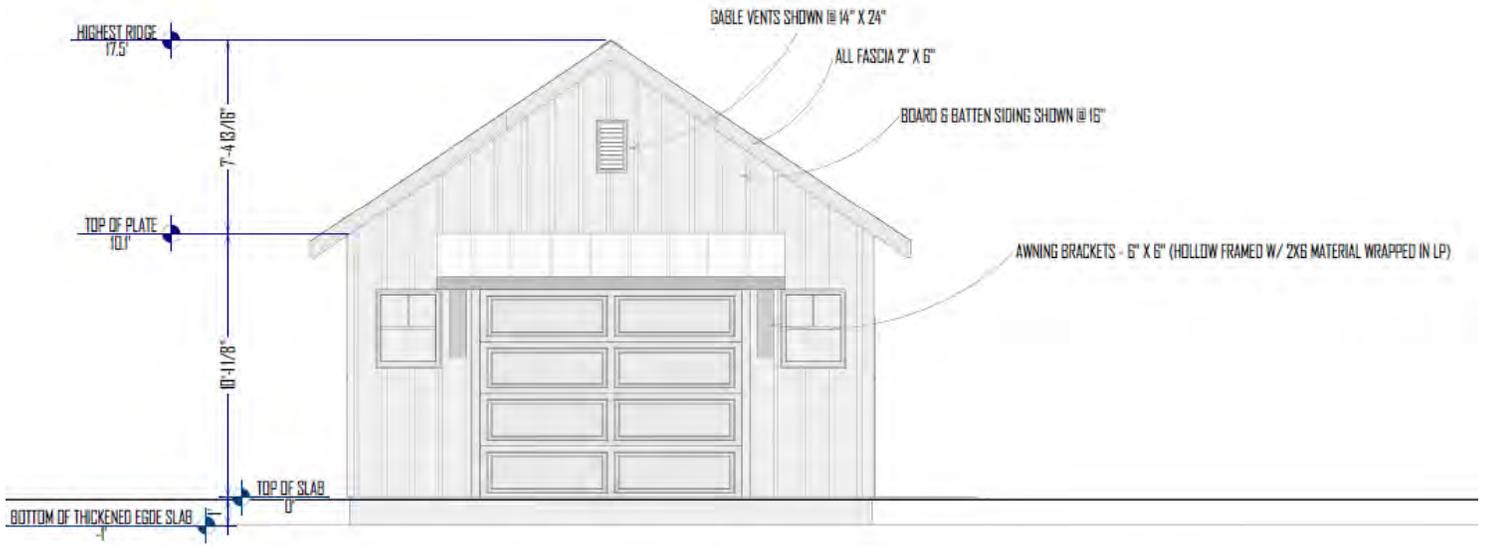
- Northwest Contracting
  - Foundation and driveway
- Electrical
  - Skeels Electric
- Civil Engineering
  - Independent Land Surveying & Engineering
- Site-Prep
  - Markwed Excavating and Sand Creek Corporation
- Framing/Roofing
  - Wilton Builders
- Landscaping
  - Prairie View Landscaping

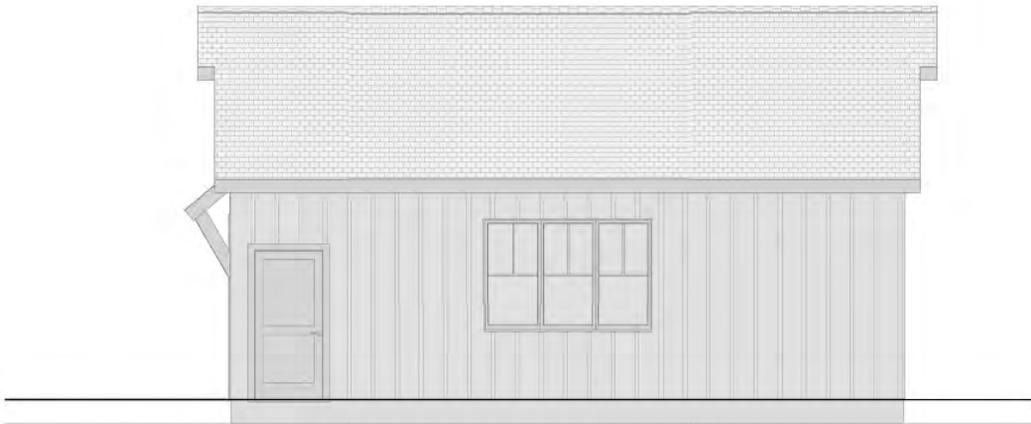
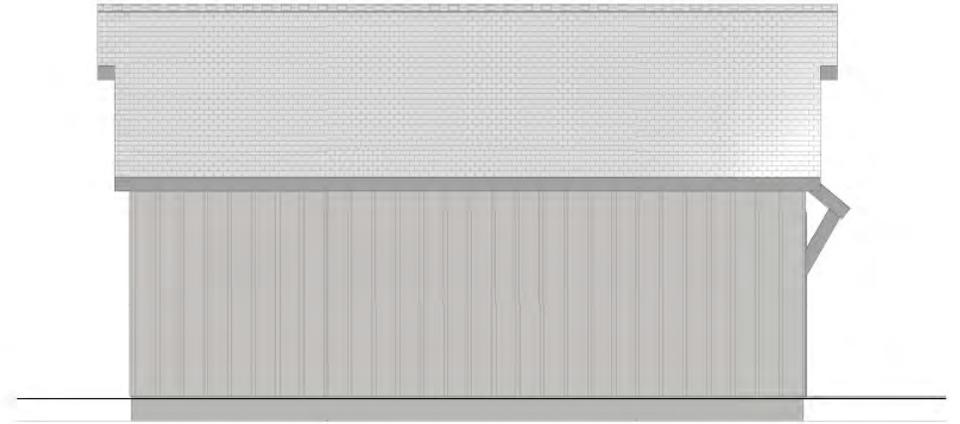
**BUILDING PLANS & ELEVATIONS:**

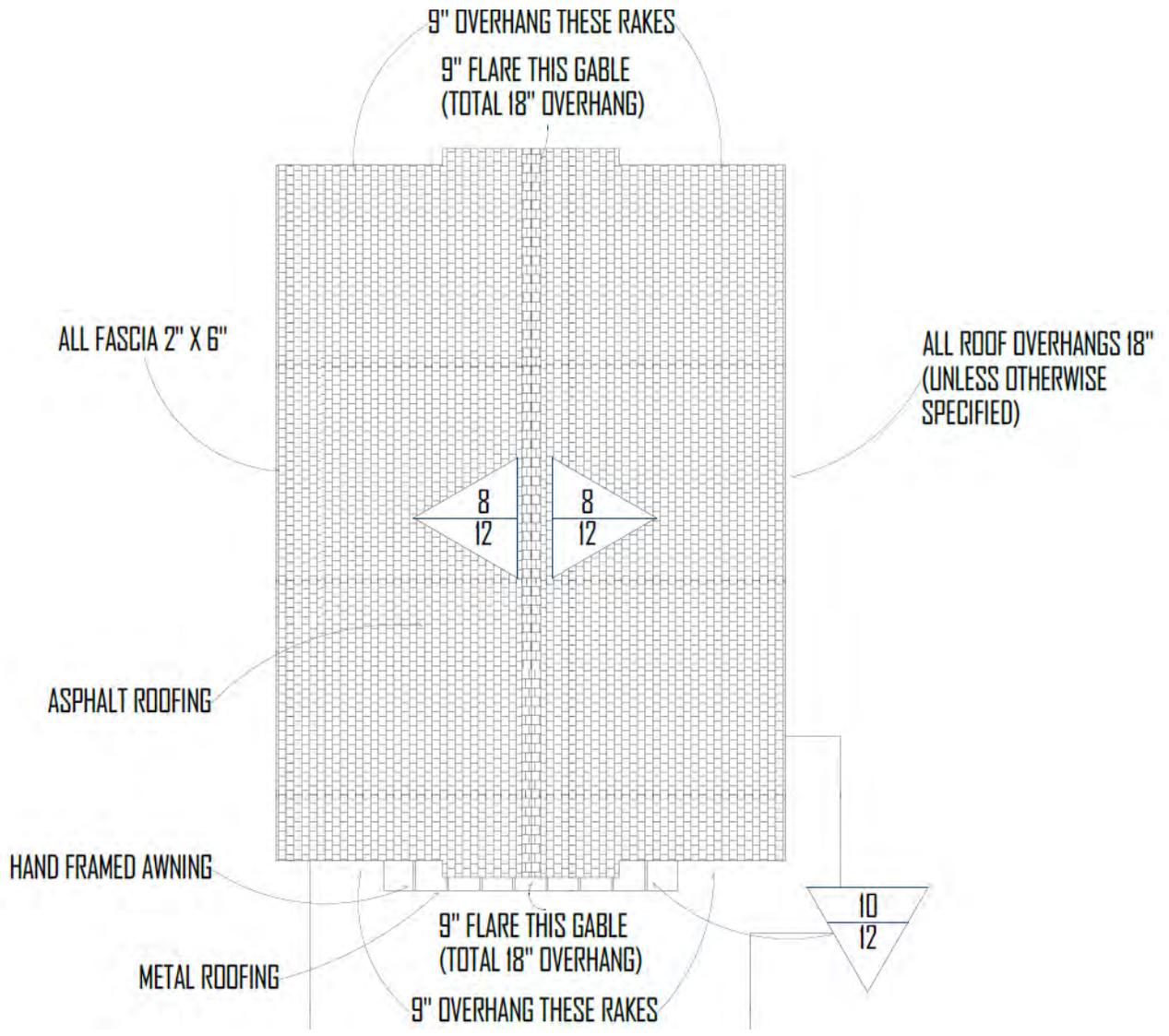
- ALL WALLS DRAWN @ 5.5"















**ROOF TRUSS INFORMATION:**

<b>Truss Systems Inc.</b> 2305 Morrison Ave. Bismarck, ND (701) 222-1353 Fax: (701) 222-1359			To: FRONT STREET MILLWORK				<b>Quotation</b>	
Project: Loren Schwab      Block No: Model: 6/12 w/ 16" OH      Lot No:							Job Number: 13447R Page: 1 Date: 04/11/23 08:33:18	
Contact:	Site:	Office:	Deliver To: Bismarck				Account No: 160740645 Designer: / Salesperson: Matt Rothenberger Quote Number: 13447R P.O. Number:	
Name:								
Phone:								
Fax:	.F.							
Profile:	Qty:	Truss Id:	Span:	Truss Type:	Slope	LOH	ROH	
	2	GE01	20-00-00	COMMON	6.00	01-04-00	01-04-00	Preliminary- Not for Construction
	14	T01	20-00-00	COMMON	6.00	01-04-00	01-04-00	

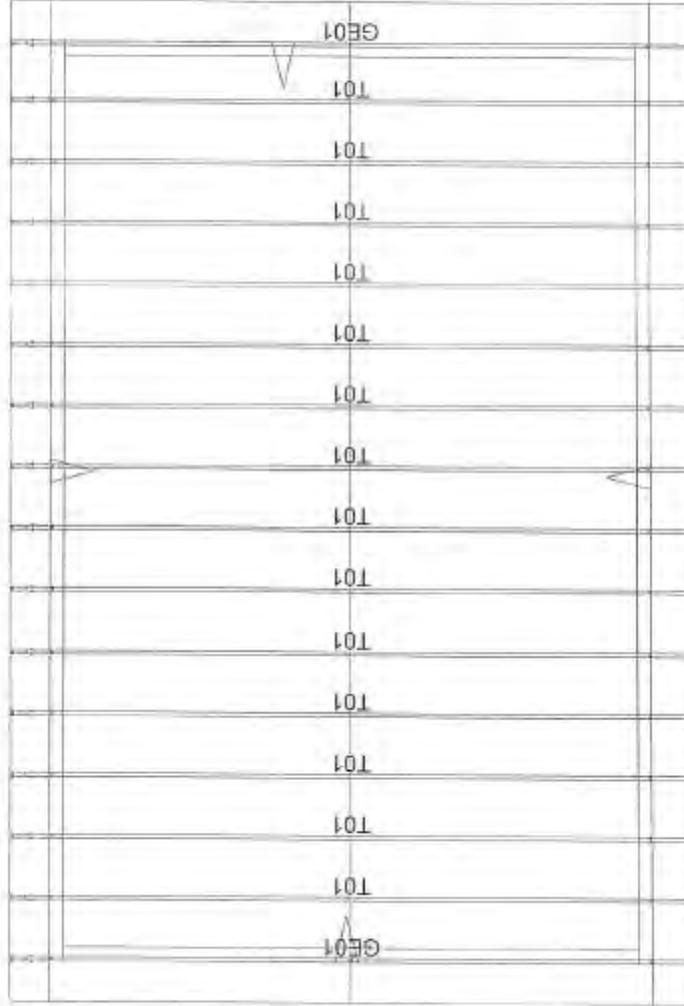
Miscellaneous Items

Quantity: Description:

28 RT-7 TRUSS TIE DOWN

Frontstreet 13447R  
 6/12 Pitch  
 2' O.C. and 16" Overhang

Preliminary-  
 Not for Construction



ROOF DATA

ROOF AREA	827.84
CEILING AREA	0
EAVES LINES	65.33
GABLE LINES	50.68
RIDGE LINES	32.67
HIP LINES	0
VALLEY LINES	0

20-00-00

30-00-00

Preliminary-  
 Not for Construction



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

## BUILDING CODES APPEALS APPLICATION

### CONTACT INFORMATION

<u>NAME:</u> Cam Knutson (SP Developers, LLC)	<u>ADDRESS OF PROPERTY</u> Summit Point Subdivision Block 6, Lot 3
<u>TELEPHONE NUMBER</u> 701-220-4124	<u>E-MAIL</u> cam@knutsonteam.com

Please give a description of the appeal:

We are requesting an appeal based on the fact that the requested permit is for a project that is fully tied to infrastructure for our Aquapoint community septic system that is part of Summit Point. The system installation begins this month with a projected completed by late fall. The utility building is required to house the system control panels, back-up generator, electrical components, etc. We request that Burleigh County considers this request as a component of required infrastructure for the project and to recognize why we are seeking the construction permit now versus upon the plat filing (estimated to occur in October) as a later start date will not allow for a completion of our community septic system in 2023. It is worth noting that the same type of utility building constructed at Whispering Ridge 2nd Subdivision was also started prior to the plat filing. This is likely also the case on other similar systems.

*R112.1 General: Board of Appeals shall be the Burleigh County Board of County Commissioners.  
R112.4 Administration: The building official shall take immediate action in accordance with the decision of the board. To avoid any undue hindrance in the progress of construction, the building official is required to act without delay based on the board's decision. An appeal can only be made by: The building owner, or someone retained by the owner under contract. Your signature acknowledges this record will be made available if requested as required by the NDCC §44-04-17.1*

*Cameron Knutson*

\_\_\_\_\_  
Signature

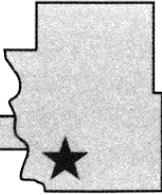
8-9-2023

\_\_\_\_\_  
Date

Staff Use Only:

**ITEM**

**# 9**



Request for County Board Action

**DATE:** August 21<sup>st</sup> , 2023  
**TO:** Burleigh County Commission  
**FROM:** Mark Splonskowski  
**RE:** 66<sup>th</sup> St bridge project.

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

**REQUEST:**

City of Lincoln mayor Keli Berglund requested to address the commission concerning statements made by the commission when deciding to terminate the 66<sup>th</sup> St Railroad bridge project.

**ITEM**

**# 10**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** August 21, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Apple Creek Speed Limit

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

### **ACTION REQUESTED:**

Set the Speed Limit on Apple Creek Roadway between 66<sup>th</sup> Street SE and Bismarck City Limits.

### **BACKGROUND:**

Questions have arisen regarding the proper speed limit on Apple Creek Roadway between 66<sup>th</sup> Street SE and Bismarck City Limits. North Dakota Century Code 39-09 allows the local road authority to alter maximum speed limits (on the basis of an engineering and traffic investigation). The attached Traffic Engineering Investigation indicates that several roadway factors may justify a reduced speed limit; however, many of the roadway factors lean to setting the speed limit at 55 mph.

### **RECOMMENDATION:**

It is recommended that the Board review the attached report and (by resolution) establish the Speed Limit on Apple Creek Roadway between 66<sup>th</sup> Street SE and Bismarck City Limits.

# Traffic Engineering Investigation

Apple Creek Road from the 66<sup>th</sup> Street SE to the Bismarck City Limit.  
8/16/2023

In order to determine the best speed limit for this area, an internal traffic engineering investigation was performed by the Burleigh County Highway Department. The study considers the following factors:

Road type and condition  
Location and type of access points (intersections, entrances, etc.)  
Existing traffic control devices (signs, signals, etc.)  
Crash history  
Traffic volume  
Sight distances (curve, hill, etc.)  
Test drive results  
Speed study

The most important part of the traffic investigation is the speed study. When choosing a speed, drivers take many roadway environment factors into consideration. Therefore, the speed that the majority of people consider prudent is an important value. Data was collected at selected locations on the roadway under ideal driving conditions. A technical analysis was done on the results to determine the 85<sup>th</sup> percentile. This is the value indicating the speed at which most drivers (85%) are traveling under. Experience has shown that a posted speed limit near this value is the maximum safe and reasonable speed. Studies have shown that traveling much faster or slower than this value can increase your chance of being in a crash.

Over the past few weeks, various aspects of the study have been taking place and the results are as follows:

## 1) Road type and condition:

The current roadway is classified as a Collector road. It consists of two 12' lanes with 1 to 2 foot shoulders and has a reasonably adequate X-section for drainage. This segment has recently been reconstructed and currently has a well-maintained bituminous surface. The reconstruction of the roadway was done to avoid filling in any adjacent wetlands, and therefore was not widened to our current Section Line/Collector Roadway standards. Guardrail was added in a few locations in order to separate the traveling public from severe drop-offs. The segment has several small vertical curves but does not have any horizontal curves that require advisory speed limits. There is no other major geometry factor that would inhibit the traveling public on this segment. The roadway condition is excellent; however, since it was not widened during the recent reconstruction project, it does not meet our current Section Line/Collector Roadway standards. Therefore, a reduced speed limit (less than 55 mph) may be justified.

The Roadway was posted for 55 mph before the reconstruction project but makes no accommodation for bikers and pedestrians, other than the driving lane. Therefore, a reduced speed limit (less than 55 mph) may be justified.

**2) Location and type of access points (intersections, entrances, etc.):**

Apple Creek Roadway has the following number of access points between the City Limit and 66<sup>th</sup> Street SE:

Six (6) access points on the north side of the road.

Five (5) access points on the south side of the road.

The access points are generally spread out along the length of the roadway. Most of them are for residents/field access points. This number (and location) of access points are within our normal limits for two miles of rural roadway, and therefore a reduced speed limit is not justified at this time.

In addition, although the traffic counts are relatively high for a rural roadway there does not appear to be any congestion problems at this time.

**3) Existing traffic control devices (signs, signals, etc.):**

In general, the current signage and pavement marking throughout this segment of roadway appears to be adequate. The existing roadway was posted for 55 mph before the construction project and all no passing zones are clearly marked. All signs appear to meet the requirements under North Dakota Century Code and it does not appear that a reduction in speed limit is justified due to the existing roadway signage or pavement markings.

**4) Crash history:**

This segment of roadway has no known major current crash history.

**5) Traffic volume:**

Traffic counts were taken at three (3) locations within the segment over a seven (7) day period. The daily volume of traffic at these locations are very consistent between the locations and appear to be between 2,082 and 2,185 vehicles per day. The majority of the traffic within this segment appears to be generated from either side of the segment and the roadway thus serves as a commuter route. It does not appear that a reduction in speed limit is justified due to the volume of traffic that this roadway segment is currently experiencing.

**6) Sight distances (curve, hill, etc.):**

Sight distance is reduced at only a few locations throughout the segment (due to existing vertical curves) however the "No Passing" zones are clearly mark. Even with proper paving markings, a reduction in speed limit (less than 55 mph) may be justified because of sight distance.

**7) Test drive results:**

On several occasions we have driven this roadway from both directions and at various speeds. The intent of this exercise is to determine what a reasonable driving speed is in this area. It is my opinion that a comfortable speed for most of this segment of roadway is between 50 and 55 miles per hour. At this speed I felt in control of the vehicle and would be able to stop if the need arose. However, I do want to point out that for a small portion of this roadway a reduced speed (45 mph) did feel more comfortable, and that in the future (when the nature of the roadway changes) a reduction in speed limit (less than 55 mph) may be justified.

**8) Speed study:**

As previously mentioned, the most important part of the traffic investigation is the speed study. Speed data was collected from August 7<sup>th</sup> to August 14<sup>th</sup> on the roadway, and the data indicates

that the 85<sup>th</sup> percentile for all three locations was between 58.05 and 58.94 miles per hour. Experience has shown that a posted speed limit near these values is the maximum safe and reasonable speed. Another important factor to keep in mind when setting speed zones is the 10-mph pace (defined as the 10-mph window during which the highest numbers of vehicles travel.) Within this segment of roadway, the pace with the largest number of vehicles is around 47 mph to 57 mph. Given this information, setting a speed limit at 55 mph seems reasonable.

After taking all of the previous factors into consideration, it is the Burleigh County Highway Department's opinion that the posted speed limit on Apple Creek Roadway between 66<sup>th</sup> Street SE and Bismarck City Limits should be 55 mph. We fully anticipate that this speed limit shall/should be reduced in the future, and we need to continue to monitor this segment for changes to the roadway and surrounding area that would require a reduced speed limit.

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



**ITEM**

**# 11**

BURLEIGH COUNTY

NORTH DAKOTA

CAPITAL IMPROVEMENT PLAN  
POLICY

## INTRODUCTION

The Five-Year Capital Improvement Plan (CIP) is a long-range study of Burleigh County's capital spending requirements, needs, desires, and policy intention. Providing necessary information for annual budget recommendations, the CIP assesses the County's anticipated capital improvements over a period of five years anticipating revenues and expenditures for analytical purposes. The Plan does not have the legal standing of the annual budget, but it is a planning tool that provides a collection of facts, trends and suggestions that outline the fiscal requirements, priorities for the preservation of the County's assets. The adoption of the CIP as policy by the County Commission is a non-binding assertion of future intent only. Project appropriations for the upcoming planning year are considered and approved as part of the annual County budget process, representing the legally appropriated expenditures which will be used to implement the approved capital improvements.

## CAPITAL PROJECTS DEFINED

Capital projects are defined as the acquisition, construction, improvement, or maintenance of assets with a cost greater than \$20,000. These include but are not limited to; land/buildings acquisitions, new construction or additions to existing public facilities, major equipment acquisitions, reconstruction or replacement of capital assets, and major remodeling/repairs.

## CAPITAL PROJECTS FUNDING AND PLANNING PROCESS

All projects included in the CIP shall be consistent with the County Policies and Procedures. Anticipated expenditures and revenues that fund the County's capital projects are derived from the typical sources; property tax levy, Federal and State aid, grants, public fees for service, departmental reserves, and the Countywide capital and general fund reserves. All capital projects will be financed to the greatest extent possible through non-property tax levy sources. The capital projects included in the CIP are based on reliable and attainable expenditure and revenue estimates. When a proposed project is expected to impact ongoing operational costs, a reasonable estimate of the applicable salaries, benefits, maintenance, and other costs is required for inclusion in the County's operating budget upon completion of the project.

The status of all appropriated capital projects will be reviewed annually as part of the Capital Planning Process. Approved capital projects, which are not encumbered or completed during the budget year, will be included in the subsequent Capital Plan.

Each Department with anticipated capital projects occurring in the next five years shall submit a Capital Improvement Plan to the Finance Department by June 1<sup>st</sup> each year on the provided Capital Project Form. The Finance Committee consisting of: Deputy Finance Director, Auditor/Treasurer, Deputy Auditor/Treasurer, and Accountant II, will annually review proposed projects, with final approval from the County Commission.

In the case of an emergency need related to qualifying uses of the funds, the County Commission can, upon majority approval, delay an approved project for the year and approve the emergency project in its place. The project that was delayed would then fall to the top of the list for the next year's consideration.

Among the factors that are considered upon the review of the projects are the following:

- The funding sources for the project, tax levy requirements, use of undesignated reserves, and debt requirements.
- The overall return on the investment and associated operational costs.
- The impact on the County's capital budget.
- The amount of interdepartmental and intergovernmental coordination.
- The impact on economic development, employment, the County tax-base and the economy.
- The impact on community, recreation, and overall quality of life.
- The impact on public health and safety.
- The impact on addressing future infrastructure and organizational needs.
- The impact on the operating budget, including expenditure and revenue levels.
- Legal requirements, mandates, and assumed liability.
- The preservation of existing County assets.
- The demonstrated need and population served by the proposed project.



**57-15-06.3. County road program of farm-to-market and federal-aid roads - Tax levy - Use of excess funds.**

Repealed by S.L. 2015, ch. 439, § 104.

**57-15-06.4. Levy authorized for county veterans' service officer's salary, traveling, and office expenses.**

The county commissioners of each county may levy annually a tax not exceeding the limitation in subsection 7 of section 57-15-06.7 to provide a fund for the payment of the salary, traveling, and office expenses of the county veterans' service officer authorized to be appointed by section 37-14-18.

**57-15-06.5. Tax levy for planning purposes.**

Repealed by S.L. 2015, ch. 439, § 104.

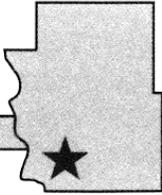
**57-15-06.6. County capital projects levy.**

1. The board of county commissioners of each county may levy an annual tax not exceeding ten mills plus any voter-approved additional levy as provided in subsection 8 of section 57-15-06.7 for the purpose of the following capital projects:
  - a. Constructing, equipping, and maintaining structural and mechanical components of regional or county corrections centers or for the purpose of contracting for corrections center space capacity from another public or private entity.
  - b. Acquiring real estate as a site for public parks and construction, equipping, and maintaining structural and mechanical components of recreational facilities under section 11-28-06.
  - c. Acquiring real estate as a site for county buildings and operations and constructing, equipping, and maintaining structural and mechanical components of county buildings and property.
  - d. Acquiring real estate as a site for county fair buildings and operations and constructing, equipping, and maintaining structural and mechanical components of county fair buildings and property as provided in section 4-02-26.
  - e. Acquiring and developing real estate, capital improvements, buildings, pavement, equipment, and debt service associated with financing for county supported airports or airport authorities.
  - f. Expenditures for the cost of leasing as an alternative means of financing for any of the purposes for which expenditures are authorized under subdivisions a through e.
  - g. Improvement of the county road system, including the acquisition of land; construction of new paved and unpaved roads, bridges, or public places; replacement of existing paved and unpaved roads, bridges, or public places; and maintenance and repair of existing paved and unpaved roads, bridges, or public places.
2. Any voter-approved levy for the purposes specified in this section approved by the electors before January 1, 2015, remains effective through 2024 or the period of time for which it was approved by the electors, whichever is less, under the provisions of law in effect at the time it was approved. After January 1, 2015, approval or reauthorization by electors of increased levy authority under this section may not be effective for more than ten taxable years.

**57-15-06.7. Additional levies - Exceptions to tax levy limitations in counties.**

The tax levy limitations specified in section 57-15-06 do not apply to the following mill levies, which are expressed in mills per dollar of taxable valuation of property in the county:

1. A county supporting an airport or airport authority may levy a tax not exceeding four mills in accordance with section 2-06-15.
2. A county levying a tax for extension work as provided in section 11-38-01 may levy a tax not exceeding two mills and if a majority of the electors of the county have



Request for County Board Action

**DATE:** August 21, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Justin Schulz  
Deputy Finance Director

**RE:** Approval of Burleigh County Capital Improvement Plan Policy

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

**ACTION REQUESTED:**

Approval of Burleigh County Capital Improvement Plan Policy to be added to the Burleigh County Finance Manual.

**BACKGROUND:**

During the Preliminary Budget Hearing on July 19, 2023, the Burleigh County Commission voted to include a 0.5 Mill Levy in 2024 for a Capital Improvement Plan. The attached draft of a Policy and Department Application Form was created.

**RECOMMENDATION:**

It is recommended the Board adopt the attached proposed resolution.

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the County Board approve the Burleigh County Capital Improvement Plan Policy to be placed in the Burleigh County Finance Manual.

**ITEM**

**# 12**



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

September 6, 2023

**5:00 PM** *Invocation by Chaplain*

### COUNTY COMMISSION

1. Meeting called to order.
2. Election of Chairman of the board and Vice Chairman of the board if applicable.
3. Roll call of members.
4. Approval of agenda.
5. Consideration and approval of the August 21, 2023, meeting minutes and bills.
6. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
7. Chelsea Flory:
  - a. Zone Board reappointment.
8. City of Bismarck Mayor Michael Schmitz:
  - a. Bismarck Burleigh Public Health.
9. Daniel Nairn:
  - a. Renaissance Zone Program
10. Marcus Hall:
  - a. Falconer Estates Subdivision
  - b. County Highway 10 load restrictions.
  - c. 2023 Highway fund balance.
  - d. ARPA funds allocations.
11. Kelly Leben:
  - a. ATV update
12. Commissioner Munson:

a. Equine Center discussion.

13. Commissioner Woodcox:

a. Budget discussion.

14. Other Business:

15. Adjourn.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
AUGUST 21ST, 2023**

**5:21 PM**

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

Roll call of the members: Commissioners Woodcox, Munson, Bitner, Schwab, and Chair Matthews present.

Chair Matthews asked if the commission could add a brief 4H Achievement Days presentation to the agenda before the other items and add the discussion of the Equine Center to the agenda following. Commissioners Bitner and Woodcox approved adding the 4H Days presentation to the agenda, but the discussion of the Equine Center would have to be tabled until States Attorney Lawyer could do some research regarding funding.

Annette Broyles with Burleigh County 4H Youth Development gave a recap of the 4H Achievement Days held in July. They had 236 members, 49 volunteers, 135 youth exhibits with over 1,000 projects, and 100 community leaders and volunteers at the Missouri Valley Fairgrounds. They are looking for more youth ages 5-18 to join 4H as well as getting more volunteers as they look ahead to starting up again on Sept. 1<sup>st</sup>, 2023. 4H members Madelyn Meckley and Cassidy Jobe gave impressive presentations on their projects and accomplishments this year and spoke passionately on what 4H has meant to them.

Chair Matthews opened the meeting for public comment. No one appeared for public comment.

Motion by Commissioner Woodcox, 2<sup>nd</sup> by Commissioner Bitner to approve the August 7<sup>th</sup>, 2023 meeting minutes and bills. All members present voted, "AYE". Motion carried.

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

<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
Bismarck Public School District	2023	Lots 1-3, Block 13, Wachter's Subdivision and Replat Part Block 10, Eastdale Addition, Less Tract A	Exempt from Taxation	\$562,000	\$281,000
Ryan & Tori Renner	2023	Lot 4 & NW 2' of Lot 5, Block 21, Casey's 4th	Error in property description	\$241,800	\$207,200
Beverly J Eng	2023	Lot 5, Block 4, Wachter's 7 <sup>th</sup>	Error in property description	\$287,000	\$279,700
Roger W Domres	2023	Lot 9, Block 2, Southport	Error in property description	\$1,593,000	\$919,200
Diane Harsche	2021	Lot 7, Block 1, Ridgeview Acres	Property is in uninhabitable condition	\$282,500	\$95,500

Diane Harsche	2022	Lot 7, Block 1, Ridgeview Acres	Property is in uninhabitable condition	\$303,500	\$93,500
Diane Harsche	2023	Lot 7, Block 1, Ridgeview Acres	Property is in uninhabitable condition	\$263,500	\$63,300
Nicole M Eckroth	2022	Block 31, N 5' of Lot 21 All Lots 22-23 & S 5' of Lot 24	10% Disability	\$233,500	\$220,989

Motion by Commissioner Bitner, 2<sup>nd</sup> by Commissioner Munson to approve the Bismarck Public School District, Ryan & Tori Renner, Beverly J. Eng, Roger W. Domres, Diane Harsche (3), and Nicole M. Eckroth abatements along with the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

County Deputy Finance Director Justin Schulz introduced State Auditor Mike Scherr who presented the results of the 2022 audit. State Auditor Scherr stated there were no financial statement findings and no financial statement concerns identified, however there was a recommendation that Burleigh County ensure that all elements as outlined in 2 CFR 200.332(a) are communicated and documented to the subrecipients of the Coronavirus State and Local Fiscal Recovery Funds program. According to Deputy Finance Director Schulz, there will be a corrective action plan implementing new policies and procedures in 2023 regarding subrecipient monitoring. It was also determined that no action is needed regarding the lack of segregation of duties due to limited personnel at the Burleigh County Water Resource District. Nonetheless, it will be evaluated next fiscal year to see if it is feasible to hire more staff.

Burleigh County Planning Director Mitch Flanagan presented a public hearing on creating an OHV Ordinance due to concerns brought to the commission when operating off highway vehicles in a public right of way. It was noted that this ordinance is not amending State Century Code but is identifying which area of the right of way should be regulated (Sect. 3 Item 10 of the ordinance draft). Several were in attendance and the following are the people who came forward to share that they were in favor of the ordinance: Gaylynn Becker, Kay LaCoe, Brian Fettig, Pat Thompson, Jerry Thomas, Robert Field, Tom Fettig, Kim Fettig, Curtis Jundt, and Don Bohl. Some of the concerns that were shared were the violation of property rights of home owners with pictures of damage to property due to multiple ruts in the ditches; concerns of safety for kids riding and the fear that it is just a matter of time before a tragic accident happens; not being in favor of the 25 mph speed limit; clarification of language needed regarding Sect. 4 Item 5 on Government employees; and a statement that people should check the county website for where government roadways actually are. The people who shared their opposition to the ordinance were: Kristen Berge owner of Action Motor Sports, Bill Lacina, Myron Anton, Angela Arntz, Jeff Sattler, David Mills, Austin Dukart, Annette Behm-Caldwell (owner of Open Road Honda), Travis Jensen, Kevin Seher, Alexander Eisenbarth, and Derek Martin. Reasons given and questions raised for opposing the ordinance were that it would effect farmers and ranchers as they do their work; residents are not in favor of a 25 mph speed limit; how can more laws fix this when State Century Code already exists; more restrictions will prevent responsible and licensed kids from using OHV's from helping family; motor sports dealerships will be effected; can dealerships and the county work together somehow to educate our children on OHV safety with the cooperation of parents; and not wanting to burden law enforcement with extra restrictions. Commissioner Bitner stated that there needs to be some changes in the language of certain sections of the ordinance especially pertaining to government employees, farmers and ranchers, and others doing business so the ordinance would not hinder them.

Sheriff Leben stated that these things are hard to enforce as you have to have an obvious violation to make a stop. He also added that this is a parental responsibility issue and that is hard to police, however the department does a lot of follow up when they receive complaints. Chair Matthews stated that there were 14 OHV complaints over the last two summers. Commissioner Munson asked Sheriff Leben if it was feasible to go into the schools to educate, and Sheriff Leben said it was very difficult to get in with all their other curriculum plans. There was mention from Chair Matthews and Commissioner Woodcox of whether we could post the speed limit and if there should be fines. According to States Attorney Julie Lawyer, there would have to be notification to the public of this and we can post what the Century Code says regarding exhibition driving and fines. Mr. Flanagan reiterated that this is the first draft and the first hearing and there were many good ideas shared with consideration to add or detract, but he emphasized that we are not trying to supersede Century Code or create more restrictions, and that this is only pertaining to OHV's in a public right of way and defining that use. Chair Matthews then ended the public hearing. Burleigh County Planning Director Mitch Flanagan presented an appeal of a permit denial for Sherri Fisher of Baldwin. Ms. Fisher requested a temporary permit for a mobile home on Oct. 4<sup>th</sup>, 2021. On May 12<sup>th</sup>, 2023 she requested to change the temporary permit to a permanent placement of the building as her permit expires Oct. 4<sup>th</sup>, 2023. The request to change the permit from temporary to permanent status was denied because there was no permanent foundation installed for the Mobile Home as per Burleigh County Zoning Ordinance Article 11. Motion by Commissioner Woodcox to extend the permit by two years, 2<sup>nd</sup> by Commissioner Munson. There was a public comment by Ms. Fisher's neighbor recommending the extension of the permit be denied and that they be required to put the mobile home on a permanent foundation as they have made no attempt to do so in the last two years. Commissioner Woodcox voted "AYE", Commissioners Bitner, Schwab, Munson, and Chair Matthews voted "NAY". Motion denied. Mr. Flanagan then presented an appeal of a permit denial for Cam Knutson. On July 25<sup>th</sup>, Mr. Knutson requested a permit for a service building that is part of the community septic system at Summit Pt. Subdivision. As part of the infrastructure for the septic system, the building will be used to contain equipment and data systems and will not be occupied except during times of maintenance and service to equipment. The permit was denied because the Storm Water Management Plan and the roads have not been completed or accepted. Typically a building permit is not issued prior to the signing of a final plat. The final plat has not been signed yet. Mr. Flanagan pointed out that the 5<sup>th</sup> revision of the Storm Water Management Plan has been submitted and is currently under review. Commissioner Bitner stated that when starting these community septic systems, the commission didn't anticipate a permit for the building to supply equipment and he would like this added into the ordinance for the future. Motion by Commissioner Munson to approve the issuance of the building permit, 2<sup>nd</sup> by Commissioner Woodcox. All members present voted "AYE". Motion carried.

County Engineer Marcus Hall gave a brief history regarding the 66<sup>th</sup> Street Bridge Project. Then Keli Berglund, Mayor of the City of Lincoln addressed the commission concerning statements made by the commission when deciding to terminate the project. Mayor Berglund shared concerns that Burleigh County Commission chose to terminate this project at a special meeting on July 20<sup>th</sup>. She stated the notice letter she received on July 10<sup>th</sup> from the Commission did not have any deadline to provide a response and no indication the Commission was planning to terminate the project, so their city council moved ahead and dedicated \$1 million dollars to it at their Aug. 3<sup>rd</sup> meeting. The mayor also stated there were comments made at the July 20<sup>th</sup> Burleigh County Special Commission meeting, indicating that it was the failure of the City of Lincoln to appropriate funding within that 10-day time frame as the cause for termination of this project. The City of Lincoln disagrees and would like the Burleigh County Commission to reconsider the funding of this project. Chair Matthews shared that this project literally tripled in cost since she was elected two years ago, and the Commission just could not afford it as funds were no longer available. Commissioner Bitner then clarified that the decision to terminate the project had nothing to with the City of

Lincoln, the Mayor's contribution, or timing, but only the information that Burleigh county had received and how we reacted to that information under the current construction environment. He added that Burleigh County has been very generous in funding several projects for the City of Lincoln in the past. Mayor Berglund responded with gratefulness for that funding, but stated the city is growing and it takes 40 minutes to get in and out of town. Commissioner Woodcox stated that since the City of Lincoln is the only city in North Dakota of that size that doesn't have a state highway running through it that Mayor Berglund should reach out to the state to request rural development funds to designate a state highway through the city. Marcus Hall clarified also that Burleigh County cannot use federal money (such as what is being used for the Provident Building) to match federal money such as on the 66<sup>th</sup> Street Bridge project.

County Engineer Marcus Hall presented a request to set a speed limit on the Apple Creek Roadway between 66<sup>th</sup> Street SE and Bismarck city limits. North Dakota Century Code 39-09 allows the local road authority to alter maximum speed limits on the basis of an engineering and traffic investigation. An investigation took place by the Burleigh County Highway Department to determine the speed at which most drivers are traveling under. Within this segment of the roadway, the pace with 85% of vehicles is around 47-57 mph. Given this information, setting a speed limit of 55 mph seems reasonable. Motion by Commissioner Bitner to establish a speed limit of 55 mph for the Apple Creek Roadway, 2<sup>nd</sup> by Commissioner Woodcox. All members present voted "AYE". Motion carried.

Burleigh County Deputy Finance Director Justin Schulz presented a request for approval of the Burleigh County Capital Improvement Plan Policy to be added to the Burleigh County Finance Manual. Motion by Commissioner Bitner to adopt the proposed resolution, 2<sup>nd</sup> by Commissioner Schwab. All members present voted "AYE". Motion carried.

Commissioner Woodcox presented a discussion of the 2024 budget. He is suggesting an 8-9 mil increase to help balance our budget and protect the county in the long run beyond 2024.

Commissioner Schwab presented a concern with the Burleigh County Weed Board and some personnel problems there as it pertains to open meeting laws. He stated that it is becoming a hostile environment on the Weed Board. Comm. Schwab is requesting that another commissioner join him at the next Weed Board meeting. Commissioner Munson volunteered to go to the next meeting with him.

Chair Matthews concluded the meeting by announcing that this will be her last meeting as Chair due to some health changes that she is going through. She will still remain in her role as commissioner but wanted to express that it has been an honor serving as Chair during this time period. In consulting with State's Attorney Julie Lawyer on protocol, there will have to be an election of Chair and Vice Chair at the next Burleigh County Commission Meeting.

Meeting adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Becky Matthews, Chairman

**ITEM**

**# 7**



# Burleigh County Human Service Zone

The Provident Building • 415 E. Rosser Ave, Suite 113 • Bismarck, ND 58501-4058

**ECONOMIC ASSISTANCE:**

Phone: 701-328-1000

Fax: 701-328-1006

**CHILD & FAMILY SERVICES:**

Phone: 701-222-6670

Fax: 701-222-6644

**ADMINISTRATION:**

Phone: 701-222-6670

Fax: 701-221-3384

## Request for Commission Action

August 30th, 2023

To: Mark Splonskowski  
County Auditor

From: Chelsea Flory  
BCHSZ Director

RE: Re appointment

Burleigh County Human Service Zone has an advisory board of 8 members, to include myself as presiding officer. Zone board members are appointed by the Burleigh County Commission, and the Commission is also responsible for re appointment of these members.

Currently there are two Zone Board members with terms expiring on 11-30-23, these are 3-year terms. I will be presenting a request to reappoint these members at the September 6<sup>th</sup> County Commission meeting and will provide additional information at that time.

Thank you,

Chelsea Flory  
BCHSZ Director

**ITEM**

**# 8**



August 30, 2023

To: Mark Splonskowski, Burleigh County Auditor

From: Keith Hunke, City Administrator

Re: Agenda Item- September 6<sup>th</sup> Burleigh County Commission meeting

Please place an item on the September 6, 2023, Burleigh County Commission meeting-  
Receive presentation from Bismarck Mayor Schmitz regarding public health funding.  
Thank you.

**ITEM**

**# 9**



## MEMORANDUM

### RENEWAL OF BISMARCK RENAISSANCE ZONE PROGRAM

TO: Chairman Mathews and Burleigh County Commission

FROM: Daniel Nairn, AICP, Planning Manager

DATE: August 30, 2023

The City of Bismarck is seeking renewal of Bismarck's Renaissance Zone Program, and we would like to formally request support for a 5-year renewal during your September 6, 2023 regular meeting.

We appreciated the opportunity to discuss this program during your July 19, 2023 meeting, and we will be able to respond to some of the questions that were raised. Attached to this memo are new or reaffirmed letters of support for a Bismarck Renaissance Zone program from organizations in our community.

The Bismarck City Commission has voted to pursue renewal of the program, and the Bismarck School Board and Bismarck Parks Board both unanimously voted to support the program in August. If the Burleigh County Commission chooses to grant support, the City of Bismarck will enter into a memorandum of agreement with the State Department of Commerce for a five-year period, at which point renewed support from Burleigh County Commission and other political subdivisions will be necessary.

We appreciate your careful consideration of this decision, and please feel free to ask any questions or let the Renaissance Zone Authority know what needs to be done to earn your support.



*Imagine better health.®*

900 East Broadway Avenue  
PO Box 5510  
Bismarck, ND 58506-5510

P 701.530.7000  
CHISTAlexiusHealth.org

August 30, 2023

Burleigh County Commission  
221 N. 5<sup>th</sup> Street  
Bismarck, ND 58501

Dear Burleigh County Commission:

Please accept this letter on behalf of CHI St. Alexius Health in support of the proposed reauthorization of the Bismarck Renaissance Zone.

The Renaissance Zone Program was initially created as a statewide tax incentive program designed to spur revitalization in North Dakota's downtowns. Since the establishment of Bismarck's Renaissance Zone in 2001, the Program has led to many quantifiable successes including:

- \$83 million in documented private investments within downtown Bismarck
- 72 new businesses have opened within buildings built or rehabilitated as RZ projects
- 604 new full-time jobs have been created by those new or expanding businesses
- 250 housing units, of which approximately 40% are currently under construction

Due to this success, CHI St. Alexius Health is in support of the reauthorization.

Thank you for your consideration and please feel free to contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read "Reed Reyman".

Reed Reyman, Ed.S.  
CEO

CHI St. Alexius Health  
900 E. Broadway  
Bismarck, ND 58501  
reed.reyman@commonspirit.org



**BISMARCK  
MANDAN**  
CHAMBER | EDC

August 18, 2023

Dear Chairman Matthews and Burleigh County Commission,

Please accept this letter on behalf of the Bismarck Mandan Chamber EDC and our more than 1,200 members in support of the proposed reauthorization of the Bismarck Renaissance Zone.

The Renaissance Zone Program was initially created as a statewide tax incentive program designed to spur revitalization in North Dakota's downtown communities. Since the establishment of Bismarck's Renaissance Zone in 2001, the Program has led to many quantifiable successes including:

- ✓ \$83 million in documented private investment within downtown Bismarck
- ✓ 72 new businesses have opened within buildings built or rehabilitated as RZ projects
- ✓ 604 new full time jobs have been created by those new or expanding businesses
- ✓ 250 housing units providing much needed housing in downtown Bismarck

By 2020, the Renaissance Zone had essentially paid for itself because in 2020 the sum of those taxes paid since exempted properties reentered the tax rolls exceeded the value of the exemptions they originally received.

Given this evidence of the success of the Renaissance Zone in the past in Bismarck, the Chamber EDC's Board of Directors continues to vote to formally support reauthorization and I am pleased to share that support.

Sincerely,

Brenda Nagel, President & CEO  
Bismarck Mandan Chamber EDC



August 25, 2023

Burleigh County Commission  
221 N 5<sup>th</sup> Street  
Bismarck, ND 58501

Dear Commissioners,

I am writing this letter in support of the renewal of the Bismarck Renaissance Zone on behalf of First International Bank & Trust. We believe that the Renaissance Zone is vitally important for continued development and growth in downtown Bismarck, and that this growth benefits the entire Bismarck/Mandan community with quality of life enhancements that maintain our competitiveness.

In addition to quality of life enhancements, we are approaching \$100 million in new investment in our downtown that has been strongly driven by the program. This investment adds to the net tax revenue (after factoring in exemptions) that the City of Bismarck, Bismarck Parks District, and Burleigh County receive. The renewal of the program will allow this to continue while adding jobs.

Please accept this letter of support from myself and First International Bank & Trust. Our company fully supports the renewal of the program as important for the further development, growth and competitiveness as a community.

Thank you,

Brad Thompson  
Bismarck President  
First International Bank & Trust





---

400 North Fourth Street  
Bismarck, ND 58501  
(701) 222-7900

July 21, 2023

Burleigh County Commission  
221 N 5<sup>th</sup> Street  
Bismarck, ND 58501

Dear Burleigh County Commissioners,

Please accept this letter on behalf of Montana-Dakota Utilities Co. (Montana-Dakota) in support of the proposed reinstatement of the Bismarck Renaissance Zone.

The Renaissance Zone Program was created as a statewide tax incentive program designed to spur revitalization in North Dakota's downtowns. Bismarck's Renaissance Zone was established in 2001 and has led to many quantifiable successes including:

- Over \$83 Million in verified private investment in 136 completed Renaissance Zone projects.
- Another, \$23 Million of investment proposed in six approved projects that are currently under construction.
- Over 600 new full-time jobs have been created from approved Renaissance Zone projects since inception of the program.
- In 2020, the sum of taxes paid since exempted properties reentered the tax rolls exceeded the value of the exemptions they originally received.

Montana-Dakota is an electric and natural gas service provider. We make investments in infrastructure to provide those services to our customers across our service territory, which includes Bismarck and other parts of Burleigh County. Reinvestment within downtown Bismarck provides benefits to the broader community and the region by allowing for cost-effective utilization of existing infrastructure like electricity, natural gas, and many other public services.

Montana-Dakota believes there is overwhelming evidence of the success of the Bismarck Renaissance Zone and supports its reinstatement.

Sincerely,

Nicole Kivisto  
President and CEO  
Montana-Dakota Utilities Co.



**FIRST WESTERN**  
BANK & TRUST

*You can bank on us*

*P.O. Box 1090 • Minot, ND 58702-1090 • 701-852-3711*

July 31, 2023

Burleigh County Commission  
221 N 5<sup>th</sup> St  
Bismarck, ND 58501

Dear Commissioners,

I am writing this letter in support of the renewal of the Bismarck Renaissance Zone on behalf of First Western Bank & Trust and myself as a 40 year resident of Bismarck who grew up near downtown Bismarck.

I feel strongly for the continued need for the renewal of the Bismarck Renaissance Zone. We are approaching \$100 Million in new investment in our downtown. The large investment driven strongly by the prior Renaissance Zone has brought a stronger tax base, additional employment, revitalization, and a better quality of life for the residents of Bismarck and Burleigh County.

The renewal of the Renaissance Zone will continue to bring investment into our city and county, further increasing our tax base and making Bismarck a welcomed destination for tourism, local entertainment, housing, and continued business expansion. The renewal will continue to revitalize our downtown economy which in turn creates a vibrant economy for Bismarck and Mandan as a whole.

Please accept this letter of support from myself and First Western Bank & Trust for the renewal of the Bismarck Renaissance Zone.

Sincerely,

Joel Kostelecky  
Market President  
First Western Bank & Trust



216 N 2<sup>nd</sup> St, Suite 100 | Bismarck, ND 58501

August 8, 2023

Burleigh County Commission

221 N 5<sup>th</sup> St

Bismarck, ND 58501

Dear Commissioners,

I am writing this letter to express support for the reinstatement of the Bismarck Renaissance Zone on behalf of The CRA Group and myself.

As a proud resident and advocate for downtown revitalization, I have witnessed the tangible and positive impact the Downtown Renaissance Zone has had. By providing incentives for businesses and investors, the program has successfully attracted new businesses, invigorated existing ones, and created employment opportunities, breathing new life into our downtown district.

The Bismarck Renaissance Zone has played an instrumental role in fostering urban renewal and the beautification of our downtown core. The program has incentivized developers to restore and repurpose historic buildings, transforming them into vibrant commercial spaces as well as spur residential growth with multifamily projects. This transformation has not only revitalized our downtown landscape but has also strengthened the sense of community and pride among our residents. In order to continue this positive growth, there are still more improvements that need to happen.

I urge you to wholeheartedly support the reinstatement of the Bismarck Renaissance Zone. Its continuation will serve as a crucial catalyst for ongoing growth and prosperity in our downtown area, attracting further investment, and creating a thriving urban center we can all be proud of.

Thank you for your dedication and tireless efforts in promoting the well-being of our city and county. Your commitment to preserving and enhancing the unique character of our city center is deeply appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kristyn Steckler', with a long horizontal line extending to the right.

Kristyn Steckler

Broker | Partner

The CRA Group, LLC



Support: Bismarck's Renaissance Zone Reinstatement

The Downtown Business Association of Bismarck represents over 200 members with 9,000 employees, and along with our Downtown Bismarck Community Foundation, we are again supporting the Bismarck Renaissance Zone Program and we ask for your support in its reinstatement.

Bismarck's Renaissance Zone Program is still very much needed to achieve the financial and programmatic goals set out in the RZ Development Plan and Infill & Redevelopment Plan. This program can make the difference between financing a project and getting it accomplished, or not having a project move forward. Rising interest rates have made the market even more difficult for development. Our Downtown goal of adding new housing mixed use projects has started. Having residents creates an 18 hour Downtown that benefits the businesses and property owners in Bismarck and Burleigh County. There are a few takeaways we think everyone should know about the program:

- 1: The zone has now "paid" for itself. Like any other investment there is a front loaded time period of contribution, that contribution then over time gains critical and exponential momentum. We've always likened the zone to an IRA and not a savings account. Each taxing entity is now reaping the benefits of these Renaissance Zone investments and will continue to in perpetuity.
- 2: We are already at a bit of a competitive disadvantage in Bismarck by not using other incentives like Fargo, Grand Forks and other midwestern competitors. To lose our only infill incentive would be a hard deficit to overcome for Bismarck.
3. The program is still needed for future infill and redevelopment. Particularly infill of surface parking lots, which creates the most ROI for the taxing entities due to the lack of a taxable structure and the benefit of existing infrastructure.
4. Infill isn't a fast investment, but it's a long lasting one for the taxing entities.

We ask that you continue your support of this program for the benefit of Bismarck and Burleigh County.

Thank you for your consideration,

Kate Herzog, COO  
 Chief Operating Officer  
 Downtown Business Association of Bismarck

President,  
 Downtown Bismarck Community Foundation

Rolf Eggers  
360 32<sup>nd</sup> Ave. W.  
West Fargo, ND 58078

July 26<sup>th</sup>, 2023

Burleigh County Commission  
221 N 5th St  
Bismarck, ND 58501

Dear Burleigh County Commissioners:

I wrote a letter to you fourteen months ago and I detailed many points in support of the Bismarck renaissance zone. Everything I said in that letter still holds true.

When we try to attract new businesses to Bismarck, the potential businesses have a list of what they want in a new community. They want to move to a community that is vibrant, progressive, and has a good quality of life. Part of having a quality of life is that we have things to do for the new worker transplants. A vibrant, livable, walkable, and busy downtown is part of what they want. For those of us who have lived in Bismarck most of our lives, we think that we have everything that we need for a good quality of life already. However, I believe that potential transplants see this differently. They view us as having a very inhospitable climate and a very isolated location with not much to do. Are they wrong?

If we do gain the interest of an employer and they come to look at our city, viewing the downtown is part of what they do. When they tour downtown Bismarck, what do they see? They see that Blarney Stone is active and that we have a couple of other better restaurants. They also see that we have many vacant storefronts and that it is pretty quiet. What they cannot see is the massive and growing amount of vacant office space but they will see that lack of vibrancy due to the lack of downtown workers. If people want to spend much time downtown, do we have enough to keep them busy? We don't. The downtown has come a long way but it has a very long way to go.

When my wife and I travel, we love going to interesting towns to enjoy the local attractions and mom and pop restaurants for special foods from the area. It usually is the downtown that has the nicer, local attractions. When people evaluate towns, the health of the downtowns pretty much sets the tone for what people expect the rest of the town to be like. You will never hear of potential employers moving to Bismarck because we have a great Cracker Barrel.

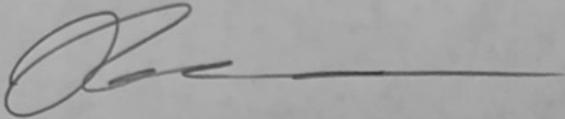
Last year and recently, Daniel Nairn did a wonderful job of explaining to you how the Bismarck renaissance zone has been a big financial benefit for our tax base. His presentations were very well presented and unambiguously show the benefits to the county taxpayers. Nobody has presented any information refuting anything that Mr. Nairn has presented. It is clear that Mr. Nairn's information is unassailable.

In the last few years we have seen the oil bubble deflate and Covid decimate many of our small businesses. In the last year, we have also seen interest rates double. We have a very hard time attracting new workers to the area and the best and brightest of our young people continue to leave the state as

soon as they graduate from high school. Do you think that we can afford to get rid of a program that is a net-gain financially for our county?

If you only look at the financial benefit to our county, the renaissance zone is a clear winner for the county taxpayers and we get a revitalized downtown and its resulting economic benefits as an added bonus. Recently I heard that that our county budget is in poor shape and that you have to raise our property taxes again. Why would any commission vote against something that would improve our downtown, our way of life, and put money in the county coffers?

I respectfully request that you do the right thing for Burleigh County taxpayers and vote for the renaissance zone.

A handwritten signature in black ink, appearing to read 'Rolf Eggers', followed by a long horizontal line extending to the right.

Rolf Eggers

We're in this Together.

Dear Burleigh County Commissioners/Bismarck Leaders -

We are writing in strong support of renewing the Renaissance Zone tax deferral program in downtown Bismarck. In full disclosure, we are recipients of the 5 year tax increase deferral benefit in the Renaissance Zone for our Fleck House, Roanoke Apartments and the Annex housing projects on Thayer and 2<sup>nd</sup> Street on the north edge of downtown. There is a visible new market prompting new investment in downtown. More existing and new residents and businesses are seeking 'walkable' neighborhoods. Downtown provides that alternative. We are excited to bring new housing options to downtown Bismarck.

A strong downtown is vital to the economic success of the region. The downtown works together with well planned transportation and new development areas to create a 'complete', forward thinking community. It's not 'either/or'. We're in this together.

Critics argue they want a 'level playing field'. Land economics experts recognize there is **not a level playing field**. Each type of development has different needs. Urban redevelopment and greenfield development are different. It's complicated. There are many variables, but it's more expensive to build in the downtown. Land costs are much higher - greenfield sites don't require demolition and cleaning up environmental sins of the past. And building costs are higher in the core.

There are significant federal, state, and local public investments made to provide infrastructure and services to greenfield development. Most are 'less visible' than the Renaissance Zone program. Tax policy and government spending have long been used to direct private investment to support community goals. Locally, think of the farm and energy programs employed to support business delivering community goals. In real estate, the low income housing tax credit has helped 'level the playing field' to produce much needed affordable housing. Many Bismarck residents benefit from the mortgage interest deduction and Federal loan programs, both significant public investments to support home ownership. I'm sure the Renaissance Zone critics take full advantage of the tremendous - and costly - federal tax benefits afforded real estate investors. But it's not either/or - it's both/and.

The benefits of the Renaissance Zone are a small step in 'leveling the playing field'. The value of our tax deferral represents 2% of our total project budget - 98% of the funding is private. Yet our project will produce almost 10x the previous real estate taxes on the site. Using public tools, like the RZ tax deferral, has proven to be a very good investment in smart towns and cities all over the country. There is no City money paid out. The only

'subsidy' is the City deferring collecting the new higher taxes for 5 years. For the rest of time the taxes will be almost 10x the previous level and contribute to the 'cost of running Bismarck'. It's a fact that downtown development pays much more tax per acre than lower density development. Done properly (very important), investment in downtown is economic development.

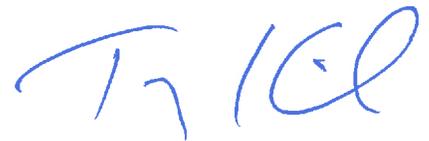
In addition to the economic benefits, the social and environmental benefits of downtown create value for the whole community. Downtown celebrates history and provides identity for the community - important for residents and for recruitment. It's a place for all people to gather and celebrate. And it's green. Beginning with reuse and cleanup of land, higher density, compact, walkable development has proven to have less environmental cost than low density development.

We encourage the Bismarck leaders to renew the Renaissance Zone and look at **all ways to support high quality development from center to edge.**

Sincerely,



Michael Lander



Tony Kriha



Pine Properties, LLC  
P.O. Box 6151 • Bismarck, ND 58506-6151  
(701) 751-2325

July 20, 2023

Dear Commissioners:

I wrote a letter two years ago in support of the Renaissance Zone tax benefits. I am now updating my previous letter in hopes this time the City and County will both approve this tax incentive.

The Broadway Centre is located at 100 West Broadway Avenue. The building is a multi-use project with 17 luxury condos on the third floor, the second floor and first floor are for retail and professional tenants, and provides underground parking for the condo owners and a number of commercial tenants. The building also holds the Broadway Grill & Tavern (also owned by my wife, Carla, and myself), The building, including the parking, is approximately 155,000 sq. ft. Prior to the construction of our building the land was previously occupied by the Wilhelm car dealership.

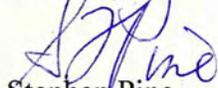
I have been fortunate in my oil companies endeavors and through numerous speculative ventures in the Williston Basin we achieved a certain modicum of success. My wife and I enjoy the Bismarck area and wanted to do something in downtown Bismarck that would benefit the community. This probably will sound backwards, but it was only after we were successful in purchasing the property that we developed a business plan, that is now the Broadway Centre. We would not have considered a project of this magnitude without the tax incentives provided by the Renaissance Zone; the risk is too great. And, there is now a substantial tax base for downtown that was not there before. We have been at this for more than 10-years now, and we still have one finished condo (model available for sale) and two unfinished units to sell and approximately 13,500 sq. ft. of commercial space on the second floor available to lease. Our property tax exemption has expired and we now are paying approximately \$150,000 annually in real estate taxes (this includes the 3-condos). As you can see from our previous letter in two years not much has changed other than leasing approximately 2,500 sq. ft. to a new tenant on space that was already built-out. My main concern is the city of Bismarck is over developed for commercial space and because more people are working from home it will take a number of years to lease the remaining commercial space. I try to remain optimistic we may sell the remaining 3-condos in the next couple of years, although nothing happened in the past two years. We certainly could have made more money if we would have invested in other businesses or the stock market, but we chose to do this project instead.

If the city wants to see future growth and development downtown, it needs to keep the Renaissance Zone tax benefits in place. We removed a dilapidated building and replaced it with a beautiful three-story structure, provided Class A commercial space, downtown housing and a great

restaurant. All of the things we did are needed to revitalize downtown Bismarck and more projects like ours are also necessary to help the city grow.

Renaissance Zone tax incentives do not compete with development in other parts of the city. It is much more expensive to revitalize downtown then to move into a new development that has new infrastructure for power, sewer and water and streets. It takes dedicated developers investing significant money, time, and energy to revive downtown Bismarck. Please do not take that incentive away again. This program has been used throughout the country with great success.

Sincerely,



Stephen Pine  
Pine Properties, LLC



To: Burleigh County Commissioners  
From: Barry Schumaier, General Manager & Vice  
President, KFYR TV  
Re: Renaissance Zone reinstatement  
August 1, 2023

I would respectfully ask you, as a commission, to vote to reinstate the Renaissance Zone program. I've lived here in Bismarck since 1999. My desire is to retire here one day, and I desperately want a thriving community for my kids and grandkids to live and work in. I work in downtown Bismarck, for KFYR TV. When I moved here in 1999, I would get off work at 5pm on a Friday, I could walk outside our station and not see a single person or vehicle engaged in any commerce, I believe there were only two restaurants within four blocks. Now, when I leave the station, almost any evening, I can see crowded restaurants and shops and no parking spaces available. Surely not all that progress is due to the RZ, but if 118 structures and buildings have received funding, we must recognize the impact. The single most important metric of any growing or thriving community, like Bismarck, is the health of the downtown sector. If you think of Sioux Falls, Fargo, Rapid City, their growth is very linked to their improved downtown economy.

Our city, like every city in the midwest is fighting for commerce. I believe in Bismarck enough to know that we can win a fair fight, but we will not win a fight that is unfairly stacked against us. When downtown districts like Minot, Fargo, Dickinson, Grand Forks, even Mandan across the river, have more incentives than Bismarck, it doesn't bode well for our future. Our great states Capital deserves more.

Thank you to anyone that took the time to read this, and I implore you to reinstate the Renaissance Zone funding, so Bismarck and Burleigh County can continue to thrive and win against other communities we will surely be in competition with.

Sincerely,

A handwritten signature in blue ink that reads 'Barry Schumaier'. The signature is fluid and cursive, with the first name 'Barry' being more prominent.

Barry Schumaier  
General Manager V.P.  
KFYR TV

Tue, Aug 22, 4:44 PM ()

**Tim Atkinson**

August 22, 2023

Kate Herzog, COO

Downtown Business Association

Bismarck, ND

Dear Kate,

I'm writing to let you know that I support the reinstatement of the Bismarck Renaissance Zone Program. Over the many years that it was in place, I observed that it supported the Program's mission of encouraging reinvestment in downtown properties, which did indeed strengthen the core of the Bismarck community. It's been a fabulous start but there is still plenty of opportunity left to harvest. I hope that the Program is renewed so that additional benefits to the community can be received from it.

Sincerely,

Timothy R. Atkinson

# Reaffirmations of Previously Submitted Letters

**Schaffer, Todd**  
<Todd.Schaffer@sanfordhealth.org>

Aug 3, 2023  
10:12 AM

to me,  
dnairn@bismarcknd.gov

Dear Interested Parties,

Please accept this message on behalf of Sanford Health in support of the proposed reauthorization of the Bismarck Renaissance Zone as noted in the attached support letter from last year.

v/r:

**Todd Schaffer, MD**

President/CEO

Sanford Health | Bismarck

Mr. Jim Peluso, Chairman  
Burleigh County Commission  
221 N 5<sup>th</sup> St  
Bismarck, ND 58501

Dear Chairman Peluso,

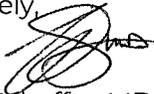
Please accept this letter on behalf of Sanford Health in support of the proposed reauthorization of the Bismarck Renaissance Zone.

As the largest private employer in Burleigh County, Sanford Health understands the importance of maintaining a high quality of life in our community to attract and retain workforce. A vibrant downtown plays a key role in that effort. The Renaissance Zone Program, a statewide tax incentive program designed to spur revitalization of North Dakota's downtown, has helped elevate Bismarck's downtown and the entire community since the establishment of the city's Renaissance Zone in 2001.

In that time, the program has led to \$83 million in private investment in downtown Bismarck, 72 new businesses within buildings built or rehabilitated as Renaissance Zone projects and 250 housing units in the downtown area. These projects have helped enhance Bismarck and help make the community a destination of choice for employees, including physicians, nurses and other in-demand healthcare professionals.

Given the success of Bismarck's Renaissance Zone to date and the importance of a thriving downtown to the community, Sanford Health encourages the Burleigh County Commission to support extending the program.

Sincerely,



Todd Schaffer, MD  
President/CEO  
Sanford Health, Bismarck Region

Fri, Aug 4, 8:51 AM

**Karel Sovak**

to me

Kate,

We are all in support of having the Renaissance Zone reinstated for Bismarck.

Thank you,

Karel



To: Downtowners/City and County Commissions/School Board and Bismarck-Mandan Chamber EDC

From: Dr. Karel Sovak, Dean, Gary Tharaldson School of Business

May 20, 2022

Re: Renaissance Zone renewal

To Whom It May Concern,

I am writing to encourage the support to extend the Renaissance Zone (RZ) program which is up for renewal. This program has provided an incredible revival of our downtown area and has enhanced the entire community. As it has been noted, when a community's downtown is vibrant, the quality of life is increased throughout the entire community.

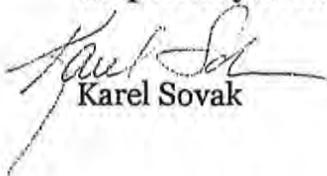
Bismarck is no different.

From my understanding, the RZ program has paid for itself through the fiscal impact to the city, county, schools, and parks. Those businesses on the exemption list have now entered the tax rolls and the values on those properties have increased significantly. This has resulted in an estimated \$688,091 revenue generated from building construction and/or rehabilitation. This success helps to pave the way for future investments in this RZ area, with a proposed over \$23 million investment underway. The overall value of property in the RZ has risen from \$91 million to \$241 million since 2001. The program not only makes it attractive for investors, but it has also not detracted developers from investing in our community in other areas. This rising tide has helped to lift all boats.

If the RZ program were to go away, Bismarck would be at a significant disadvantage with the communities who have opted to keep the program intact. Investment dollars that could otherwise be considered for Bismarck would seek to develop in those areas where such programs are still in place. Additionally, once this program is removed, it would take a considerable effort to get it back in place. Even if that could be secured, Bismarck would experience a deficit in any additional new building and/or rehabilitation until the program could be put back into place.

Every developer makes a decision on where they desire to locate and what is an incentive for them to choose a community. Some use the growth of an area or heavily populated traffic counts, perhaps even existing competition. Others utilize incentive programs like the RZ. This is just one of the factors used; however, it is a critical factor for many who wish to see a certain part of the community made more whole – whether that is proper in-fill, new building or rehabilitation of existing buildings. The growth in our community comes from everyone pulling together. There is a need and a place for the RZ to exist in Bismarck. Please consider supporting the renewal of this program.

Respectfully submitted,



Karel Sovak

**David Witham**

Mon, Aug 7, 3:03 PM

to Dawn, me

Dawn Kate,

Please see attached my original letter of support from last year. Denizen Partners remains supportive of the RZ program!

**David Witham**

Denizen Partners

David.Witham@Denizen.Partners

Main: 701-989-5943

Direct: 701-934-3277



P A R T N E R S

June 1, 2022

Dawn Kopp, CEO  
Downtown Business Association of Bismarck  
215 N. 3rd Street  
PO Box 521  
Bismarck, ND 58502-0521  
701-663-4758

Dawn,

I am writing to you in support of the Renewal of the Renaissance Zone (RZ) as the formal approval of the program is considered by the various local political subdivisions. Please forward this letter as you see fit to elected officials and others that may find my testimony of interest. As you know, I can speak from professional experience how this program affects the feasibility of development projects located within the RZ.

As a matter of introductions -- to those who may be reading this -- I am the managing partner of Denizen Partners. We are the sponsors of the development of a new mix-ed use building located at 630 E Main Ave in Bismarck, which we have branded as the "Trestle". This development included 52 market-rate apartments, and 10k sq. ft. of commercial space on the ground floor. This property will likely contribute well north of \$100k in take revenue to public revenues annually, where no taxable improvement value existed before.

We are a locally owned and operated firm, with an exclusive focus on infill development in our local market. Denizen Partners seeks out development opportunities, vets' development concept feasibility, assembled capital for the execution of the projects, and oversees the execution and long-term management of the new properties. We anticipate this to be the first among many similar projects in and around downtown Bismarck.

I am aware of two primary criticisms of the RZ program:

- Concerning its effectiveness - The growth in the tax base that it allegedly facilitates would happen even without the concessions from public taxing entities.
- Concerning Fairness - the assistance granted through the program is picking winners and losers on an arbitrary basis, with no benefit to anyone but a targeted special interest group.

Concerning the effectiveness of the RZ program:

- **The RZ delivers projects that would not occur without the program.** RZ provides a substantial degree of risk mitigation in the first few years of a new development's operation, such that it becomes an attractive-enough investment opportunity -- with regards to risk vs return vs alternative investment opportunities - to attract private equity investment. I can say definitively that we would not have been able to complete the financing of our project without the RZ factor.
- **The RZ program creates a substantial return on investment of public dollars.** The RZ stipulates a minimum 50% improvement value vs existing, coupled with the maximum 5-year deferral period, these policies ensure a minimum 10% return on investment each year. In the case of the Trestle, we are generating a 20x increase in property value. As such, we will generate 400% rate of return each year, vs the pre-existing tax.

But would that same growth occur elsewhere? With a similar (or better?) rate of return on public investment? That brings us to the issue of fairness:



P A R T N E R S

- **Infill and Edge growth serve different segments of the market**, with different value-proposition to the end-user/customer. Edge development will not necessarily address the same market demand if infill development is no longer financially feasible.
- **They require different kinds of public investment.** Where infill becomes feasible with sensible tax policies, edge development requires government to fund expansion of arterial roadways, and other facility costs. Edge development does not occur without government investment in infrastructure.
- **Bookkeeping on infill is simple and straightforward.** As demonstrated above.
- **We are not currently analyzing financial performance of public investment in the expansion of services.** Where infrastructure costs are necessary to facilitate new growth, the ratio of public to private investment must be scrutinized to ensure that revenues will exceed cost over the long term. We are not currently conducting this analysis. We should!

Concerning Fairness:

- I agree with the sentiment that “Government should not be in the business of picking winners and users, but rather should treat all development equally and fairly”
- As a way of defining fairness, Government should act in its rational best interest regarding any growth-oriented expenditures.
  - Clear and concise policies should be in place and available for public scrutiny.
  - These policies should be designed to ensure a return on investment and downward pressure on overall tax rates.
- The RZ meets these criteria.
  - The RZ Development Plan is available for all to review.
  - The accounting of the financial impact of the program on public finances are demonstrably positive, with a minimum 10% annual yield to taxing entities vs existing values.
- No other development process provides the same level of transparency nor receives this level of scrutiny, but when it comes to the question of fairness, and generating a positive long term cashflow, and downward pressure on property taxes.... Perhaps it should!

In the rational best interest of the taxpayers, please continue the RZ program. In the interest of fairness, please support the development of a comprehensive policy that will allow the same level of public, financial scrutiny of all growth-oriented government expenditures to the same standard that the RZ Development Plan currently provides for the projects that receive its support.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Witham'.

David Witham, Managing Partner  
Denizen Partners

Mon, Aug 7, 9:57 AM

**Lance Thorson**

to me

JL Beers is still in support of the Renaissance Zone in Downtown Bismarck.

Thanks!

**Lance Thorson**

**JL Beers of America, Inc.**

Phone: 701-237-5151 ext. 15

Mobile: 701-388-7000

Email: [lance@jlbeersusa.com](mailto:lance@jlbeersusa.com)

[www.jlbeers.com](http://www.jlbeers.com)



16 Broadway, Suite 208  
PO Box 2043  
Fargo, ND 58107-2043  
Phone: 701-237-5151 • Fax 701-237-3189

May 31<sup>st</sup>, 2022

Burleigh County Commissioners,

I'm writing to you on behalf of our businesses - JL Beers & Borrowed Bucks Roadhouse – that are in the heart of Downtown Bismarck. We have been members of the downtown community for nearly 30 years and we want to voice our support for renewing the Renaissance Zone in Downtown. Many great improvements have been made with the assistance of the Renaissance Zone over the years, but there is still more work to be done to continue the development & growth of Downtown Bismarck.

Thank you for your consideration!

Sincerely,

A handwritten signature in blue ink that reads "Lance Thorson". The signature is fluid and cursive, with a large loop at the end.

Lance Thorson  
JL Beers  
Borrowed Bucks Roadhouse

Aug 3, 2023

10:15 AM

**Dave Diebel**

to me

Hey Kate,

**As a partner in two businesses based in Downtown Bismarck, I would like to express our continued support for the Renaissance Zone. I firmly believe that the reinstatement of the Renaissance Zone is crucial for sustained growth and development. With its reinstatement, we can continue to build upon the successes of the past and ensure a promising future for our community.**

**David Diebel**

**D&N Cinematics LLC**

**River Road Partners LLC**

Thanks!

Dave

**David Diebel | Producer**

D&N Cinematics LLC

701.220.7724

[dncinematics.com](http://dncinematics.com)

May 24th, 2022

To Whom It May Concern:

We'd like express our appreciation and support for the Renaissance Zone program. In 2016 our group of 5 friends saw an opportunity to invest in a nearly 100 year old property on East Main Street. This was an ambitious undertaking for us from a time, capital and resources standpoint. Our group successfully applied for the renaissance zone incentive which took effect officially in 2018.

The benefit we have received from being part of the renaissance zone has helped us to directly reinvest into the property. Since taking ownership of the property we have invested over 250,000.00 into the building including facade improvements, safety improvements, plumbing, mechanical and electrical updates and extensive renovations and restorations throughout the building.

The building features mixed uses with 3 residential units in addition to the main level and basement office space. The impact to the businesses within have been notable, all demonstrating growth and adding full time employees since 2018.

The property tax deferment helped us reinvest into the structure and subsequently create a more valuable property as part of the tax base. In the time since we purchased the property, the entire block has become increasingly vibrant with food, nightlife and assorted retail and services—many of which have utilized this program to bolster their respective business. This is a visible and tangible testament to the success of the renaissance zone and its continued impact on our community, our local businesses, and Bismarck residents.

Thank you,

**David Diebel**

Co-Founder | D&N Cinematics LLC  
Partner | River Road Partners LLC  
212 E Main Ave, Bismarck, ND 58501

Mon, Aug 7, 9:30 AM

(1 day ago)

**Jon Youness**

to me

Kate,

We are in support of the Renaissance Zone reinstatement efforts. This tool is critical to continuing downtown revitalization efforts. Without the RZ, or First Street Lofts project would not have moved forward. Thanks.

Jon

Jonathan Youness, PE

Eagle Ridge Development

3280 Veterans Blvd – Suite 300

Fargo, ND 58104

(o) 701-936-8092

(c) 701-306-0799

(f) 701-281-8007

(e) [jyouness@eagleridgecompanies.com](mailto:jyouness@eagleridgecompanies.com)



May 31, 2022

Burleigh County  
221 N 5th St  
Bismarck, ND 58501

RE: Bismarck Renaissance Zone Support

To whom it may concern:

EagleRidge Development is in full support of renewing Bismarck's Renaissance Zone. The Renaissance Zone program allowed our project, First Street Lofts, in Downtown Bismarck to be financially feasible. First Street Lofts brought 56 modern apartments to the neighborhood. Without this program, the project would not have been constructed.

We are very happy to be a part of the Downtown Bismarck community.

Thank you for your consideration.

Sincerely,



Jon Youness, PE  
EagleRidge Development  
3280 Veterans Blvd, Suite 300  
Fargo, ND 58104

**Steph Smith**

Tue, Aug 1, 2023  
12:06 PM (2 days ago)

to me

Kate,

My letter is attached and I am still in support of the RZ Reinstatement.

Thank you,

**Steph Smith**

Office Manager

313 East Main Avenue

Bismarck, ND 58501

work: 701.323.0891

cell: 701.590.1732

**STEPH SMITH**

Architect

BISMARCK . ND

701.590.1732

Chair Peluso and Commissioners,

After watching the replay of the April 18<sup>th</sup> County Commission meeting, I felt the need to reach out.

I'm extremely disheartened at the vote to 'pause' the Renaissance Zone Program. It's my understanding that if the program expires, state law does not allow it to be renewed and our city would lose a vital economic development tool. Therefore, without County support it would not be 'paused' it would be cancelled, without any clear path for our city to gain access to those funds again.

I do understand the need for economic incentives benefiting the whole community, but as stated, the city's core is generating more taxes, that are then benefiting the community as a whole. Perhaps we look at options to add other programs/incentives for city wide new development versus cutting what's already available. The Renaissance Zone Program is a necessary tool to remain competitive in attracting new developers and to revitalize property which may sit vacant for years and years.

It's my belief that we need more initiatives to revitalize existing infrastructure, versus spending obscene amounts on expanding utilities which are just creating in urban sprawl situation.

I am asking you to please support the extension of the Renaissance Zone Program.

Sincerely,

A handwritten signature in black ink that reads "Steph Smith". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.



107 W. Main Ave., Suite 125 | Bismarck, ND 58501  
866-554-5383 | Fax: 701-255-2242 | TTY: 877-434-7598  
aarp.org/nd | ndaarp@aarp.org | twitter: @aarp\_nd  
facebook.com/aarpnd

August 30, 2023

Dear Burleigh County Commissioners,

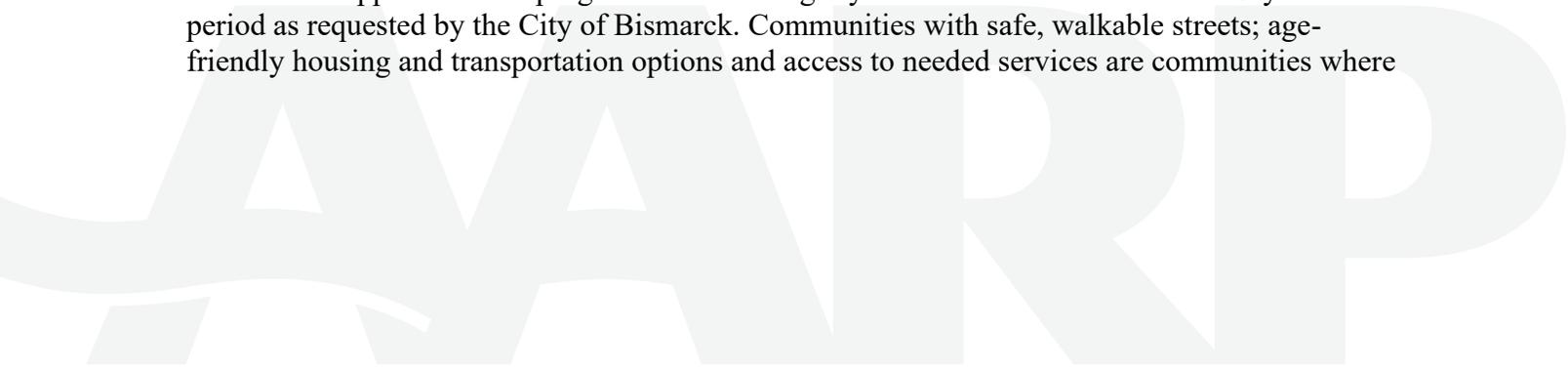
AARP North Dakota appreciates your service to the county and the communities within it. A non-profit, non-partisan membership organization with approximately 82,000 members in North Dakota, we know that the vast majority of people age 50 and older in our communities want to stay in their homes for as long as possible. That's why AARP promotes and supports policies and programs that benefit all residents and foster economic growth – programs like the Renaissance Zone.

It's our understanding that Bismarck is looking to reinstate its Renaissance Zone (RZ) program. As you may know, the RZ program has provided tax exemptions and credits to both residents and businesses for revitalization and redevelopment activities within the downtown Bismarck zone. The RZ encourages reinvestment in downtown properties which, in turn, strengthens the core of the Bismarck community. The RZ provides both property tax and income tax incentives to property and business owners who invest in qualified projects. We've seen many of these projects benefit older Bismarck residents.

Last year, AARP North Dakota urged the City of Bismarck to become the first North Dakota community to join the AARP Network of Age-Friendly States and Communities. The common thread among the 400 enrolled communities and states is the belief that the places we live are more livable and better able to support people of all ages when local leaders commit to improving the quality of life of all residents -- ensuring communities remain walkable, accessible, and provide services to all residents, including older adults. By promoting infill, redeveloping blighted properties to increase local taxes that fund needed services, and supporting the medical community in the heart of our city, the Renaissance Zone program enhances those age-friendly measures.

As you know, when done well, community planning spurs economic development that helps all members of a community and its surrounding region thrive. Redevelopment reuses previously developed land to catalyze new economic growth. It can provide new housing options and community amenities that encourage growth and improve quality of life. In areas experiencing disinvestment and declining property values, effective land use and redevelopment planning can help reverse those trends.

AARP ND supports the RZ program and encourages you to authorize it for another 5-year period as requested by the City of Bismarck. Communities with safe, walkable streets; age-friendly housing and transportation options and access to needed services are communities where



residents of every age are able to participate in community life. The Bismarck Renaissance Zone helps to ensure that Bismarck is a place where everyone thrives.

Thank you again for your service. AARP North Dakota is committed to working with you now and moving forward. If you have questions or wish to discuss these items further, please contact me at [jaskvig@aarp.org](mailto:jaskvig@aarp.org) or 701.355.3642

Sincerely,

A handwritten signature in blue ink, appearing to read "Josh Askvig". The signature is stylized and fluid.

Josh Askvig  
State Director  
AARP North Dakota

**ITEM**

**# 10**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## **Request for County Board Action**

**DATE:** September 6, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Falconer Estates Subdivision

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

### **ACTION REQUESTED:**

Authorize the proper County officials to create the Falconer Estates Subdivision special assessment district (SAD).

### **BACKGROUND:**

The residents of Falconer Estates Subdivision have requested that the Burleigh County Board create a special assessment district under NDCC 11-11-55.1 for the paving of roadways and for the application of a chip seal to the existing roadways (approximately 0.331 miles.) within their Subdivision. We have received a petition with what appears to be at least 60% of the local residents. The Highway Department is requesting that the County Special Assessment Screening Committee meet to review the petition and consider the feasibility of the project and the predictability of solvency of the district. Recommendation for approval or rejection will be brought back to the County Board.

### **RECOMMENDATION:**

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

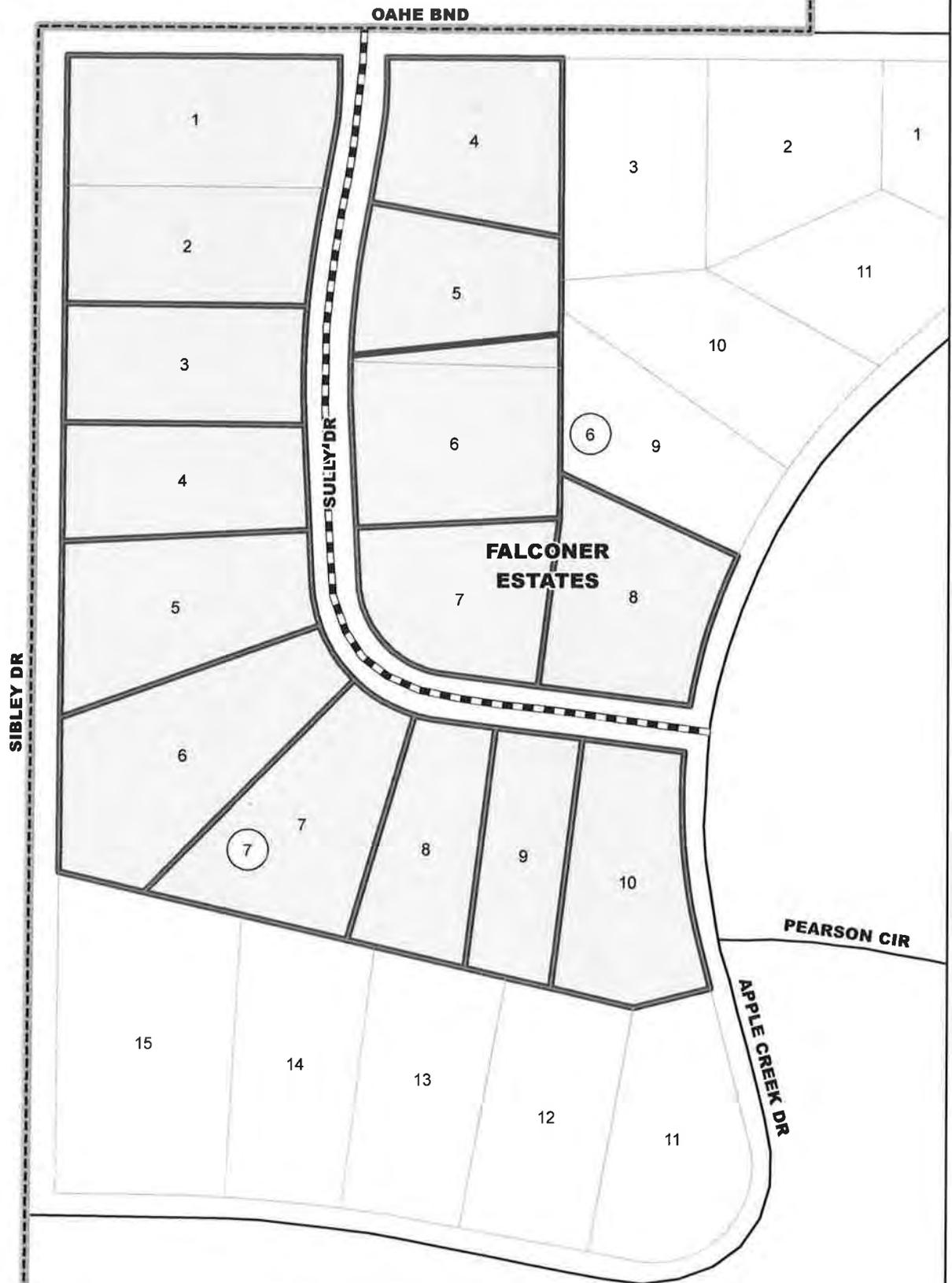
### **PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the proper County officials are hereby required to create and number the Falconer Estates Subdivisions special assessment district (SAD), and direct the County Special Assessment Screening Committee meet and review the petition.



BURLEIGH COUNTY, NORTH DAKOTA  
**BENEFITED PROPERTIES**

N  
09/27/2018



- BENEFITED PROPERTIES
- SUBDIVISION BOUNDARY
- LOT BOUNDARY
- PROPOSED PAVED ROADWAY
- PAVED ROAD



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** September 6, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** County Highway 10

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

**ACTION REQUESTED:**

Review request and direct staff on how to proceed.

**BACKGROUND:**

Up until January 1, 2016 Burleigh county operated an oversize/overweight program within the County under NDCC 39-12-01. This program caused some confusion between the State, City and adjacent Counties so on September 2, 2015 (to take effect on January 1, 2016) the County Board adopted the State of North Dakota legal load weight limitations charts, with a maximum weight limit of 105,500 pounds (maximum axle weight of 20,000 pounds). Generally speaking this policy has worked well for the County. However, recently we have experienced extensive damage to some of our roadways and the Highway Department feels that we may need to apply additional constraints on the traveling public in order to maintain the integrity of the roadway until major reconstruction work can take place.

Our current concern is County Highway 10 from Bismarck City Limit to 158<sup>th</sup> Street NE. This year we are experience a high level of truck traffic from a bituminous plant in the Aberle Park 2<sup>nd</sup> Subdivision going to City of Bismarck. We have already spent all of our 2023 Patching budget for the year; however, the roadway is continuing to break up and we would like the Board to consider applying some of the following restrictions.

Items to consider:

- 1) The Board could place a “45 mph Truck” speed limit on this segment of roadway. This would reduce the dynamic impact to the roadway and may divert some of the truck traffic to the Interstate System.
- 2) The Board could place weight restriction on this roadway. If considered, we would recommend 80,000 pounds (Max Gross Vehicle Weight) with a 6 Ton max Single Axle weight. This loading is the same that is placed on most of our paved roadways during Spring Load Restrictions and currently a year-round restriction on Apple Creek Roadway and River Roadway.
- 3) The Board could eliminate all overload permits on this segment of roadway.

These restrictions will need to stay in place until we can perform a mill and overlay project in 2024.

**RECOMMENDATION:**

It is recommended that the Board review and discuss the Highway Department’s concerns and then direct staff how to proceed.



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** September 6, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Current 2023 Highway Fund Balance.

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

### **ACTION REQUESTED:**

Authorize the proper County officials to transfer money from the Highway Department's Savings account to the Highway General Account.

### **BACKGROUND:**

As the County Board is well aware of, the 22/23 winter was extremely hard and forced the County Highway Department to spend more money on snow removal than normal. Our 5-year average (between the 17/18 to 21/22 seasons) for snow removal was \$845,735 and generally this is about what is budgeted/spent each year for snow removal. During the 22/23 season we spent \$3,380,305 on snow removal. We did receive some additional money from the State of North Dakota to help with our cost, but even with this help the Highway Department spent an additional \$1,116,360 over our average cost for snow removal. We have been able to continue operations by reducing our expenses and by using money set aside for construction projects, however, we are now reaching a point when bills for construction projects need to be paid and we are having some cash flow concerns.

Most of the Highway Department's Savings account is currently invested in CD's (\$6,000,000 in 12-month CD's at 4.5% with a mature date of 2/28/24). We are requesting that \$800,000 be transferred from our Savings account to the Highway Department's General Account to cover anticipated payments in August and September. This is roughly what we have left in our Savings account (that is not

invested in CD's). We will need to reevaluate our account balances at the end of October to see if any additional funds are needed.

**RECOMMENDATION:**

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

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That County Staff is here by directed to transfer \$800,000 from the Highway Department's Savings Account to the Highway Department's General Fund.



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** September 6, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** American Rescue Plan

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

**ACTION REQUESTED:**

Review request and direct staff on how to proceed.

**BACKGROUND:**

The Board requested additional information on the County funding of American Rescue Plan Projects. We have included a list of all projects that have been funded and a list of projects that have been unfunded or underfunded that fit into the Water, Sewer or Broadband category.

American Rescue Plan Project					
Project Name	Entity Name	Amount Approved	Amount Spent	Amount yet to spend	Status
Burleigh County Courthouse Renovation	Burleigh County	\$603,501	\$603,501.00	\$0.00	Done
Morton Township First Responder AED	Morton Township	\$1,900	\$1,677.20	\$0.00	Done
2022 Street and Utility Improvements	Wilton	\$666,666	\$562,594.05	\$104,071.95	Under construction
2023 Street and Utility Improvements	Wilton	\$318,865		\$318,865.00	Under design
Morton Township Standby Generator	Morton Township	\$5,800	\$5,800.00	\$0.00	Done
66th Street Grade Separation and Apple Creek Crossing	Burleigh County	\$1,000,000	\$860,679.93	\$139,320.07	To be moved
66th Street RR Overpass #2	Burleigh County	\$1,094,507.00		\$1,094,507.00	To be moved
Bryan Slough Project	Burleigh County	\$1,000,000	\$1,328.00	\$998,672.00	Under design
Burleigh County WTP Improvements	SCRWD	\$758,151	\$629,252.10	\$128,898.90	On going
Wing, ND Water Main Replacement	Wing	\$1,000,000	\$992,323.19	\$7,676.81	On going
Joan Hetzel Memorial 4-H Building Broadban Access	Bismarck Parks	\$12,750	\$12,750.00	\$0.00	Done
Wilton Ambulance Premium Pay for Essential Workers	Wilton Ambulance	\$50,000	\$41,509.00	\$8,491.00	On going
Provident Building Renovation	Burleigh County	\$2,000,000	\$372,545.73	\$1,627,454.27	Under design
Provident Building Renovation Phase 2	Burleigh County	\$5,000,000.00		\$5,000,000.00	Under design
Burleigh County PPE	Burleigh County	\$374,440	\$231,674.52	\$142,765.48	On going
Wing Ambulance Premium Pay for Essential Workers	Wing Ambulance	\$50,000	\$27,040.00	\$0.00	Done
BMDC 4 Full-Time Employees for Covid-19 Mitigation	Burleigh County	\$1,037,608	\$341,911.65	\$695,696.35	On going
Reimbursement from Morton County for BMDC	Morton County	-\$254,214		-\$254,214.00	On going
Wilton Fire Protection District Premium Pay	Wilton Fire	\$50,000.00	\$1,776.89	\$0.00	Done
Provident Building - HVAC Replacement	Burleigh County	\$379,850.00	\$349,488.78	\$30,361.22	On going
Sheriff Dept Shop Repairs	Burleigh County	\$324,312.00	\$182,005.33	\$142,306.67	On going
Bismarck Rural Fire Department - New Station	Bismarck Rural Fire	\$2,000,000.00	\$0.00	\$2,000,000.00	Under design
Amount allocated by the Commission to CIP	Burleigh County	\$188,581.00	\$0.00	\$188,581.00	On going
Kidder Ambulance Premium Pay	Kidder County	\$50,000	\$0.00	\$0.00	Did not apply
McClusky Ambulance Premium Pay	Sheridan County	\$50,000	\$0.00	\$0.00	Did not apply
Wing Rural Fire Premium Pay	Wing Fire	\$50,000	\$0.00	\$0.00	Did not apply
Sterling Rural Fire Premium Pay	Sterling Fire	\$50,000	\$0.00	\$0.00	Did not apply
Braddock Rural Fire Premium Pay	Kidder County	\$50,000	\$0.00	\$0.00	Did not apply
		\$17,912,717	\$5,217,857.37		
	Funds Allocated	\$17,912,717	\$5,217,857.37	\$12,373,453.72	\$17,591,311.09
	Funds Received	\$18,574,229			\$18,574,229
	<b>Unallocated Funds</b>	<b>\$661,512</b>			<b>\$982,918</b>

American Rescue Plan Project - Unfunded and Underfunded					
8/25/2023					
Project Name:	Applicant	Project Cost Request but Unfunded	Granted Funding	Amounty Spent	Balance
Water Treatment Plant Supervisory Control...	Bismarck	\$1,400,000			
Aerated Flow Equalization Basin	Bismarck	\$6,955,000			
BEK Communications Cooperative	BEK	\$958,611.00			
City of Lincoln	City of Lincoln	\$7,159,000.00			
South Central Regional Water - North Tank	SCRWD	\$2,288,000.00			
City of Wing - Wastewater treatment system project	City of Wing	\$1,100,000.00			
2023 Street and Utility Improvements	City of Wilton		\$318,865	\$0.00	\$318,865.00
Bryan Slough Project	Burleigh County		\$1,000,000	\$1,328.00	\$998,672.00
Burleigh County WTP Improvements	SCRWD		<del>\$758,151</del>	<del>\$629,252.10</del>	<del>\$128,898.90</del>
Bismarck Rural Fire Department - New Station	Bismarck Rural Fire		\$2,000,000.00	\$0.00	\$2,000,000.00

**RECOMMENDATION:**

It is recommended that the Board review the project list and direct staff on how to proceed with allocation of the remaining funds.

**ITEM**

**# 11**



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

---

**KELLY LEBEN**  
SHERIFF

To: Mark Splonskowski, Auditor  
From: Kelly Leben, Sheriff  
Re: Commission Agenda  
Date: August 29, 2023

A handwritten signature in blue ink that reads "Kelly Leben".

Please place me on the agenda for the September 6, 2023 County Commission Agenda. I will provide an update to the commission on the following item:

- Discussion w/ ND Parks and Recreation in regards to ATV Safety

This will be a verbal discussion with no presented materials. Thanks!

---

#### COURTHOUSE

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

[www.facebook.com/BurleighCountySheriffsDepartment](https://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

**ITEM**

**# 12**

Addenda item for September 6th, 2023 Meeting

Action Requested

Discuss the Proposed Burleigh County Equestrian Center that was proposed at the past Burleigh County Park Board Meeting

Description:

A third party has reviewed the proposed budget of operating costs as well as income potential from the events that the facility could host.

Based upon Johnson Consulting's high-level assessment of underlying assumptions and operating projections for the proposed Burleigh County Equestrian & Ag Center, it is our independent assessment that the level of activity is not unachievable.

The construction estimates for phase 1 is \$33,000,000

States Attorney Lawyer to confirm the legality of the project since some money will come from the county, some from the state and remaining from private donorships as well as income from selling naming rights. The project will be completed on land owned by the county, a portion of the project could be funded by the county and the building will remain as a county asset.

Action needed:

Move to approve the allowance of a grant application to be filed with the State of North Dakota requesting \$5,000,000 from ND Commerce Destination Development Grant fund. Burleigh County will match that grant with \$5,000,000 from the Missouri Valley Complex Fair Grounds fund. All additional construction funds must be pledged from private donations prior the County allocating the funds to the construction project for Phase 1 of the project.

Move to approve spending up to \$25,000 to hire ICON Architects to create a complete site plan and building elevations. This money to come from the Missouri Valley Complex Fair grounds fund.

**ITEM**

**# 13**



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

September 20, 2023

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

### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Public comment (restricted to items on the agenda excluding public hearing items.)
5. Consideration and approval of the September 6, 2023, meeting minutes and bills.
6. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
  - c. 2<sup>nd</sup> Access permit.
7. Sherriff Leben:
  - a. Traffic Safety Grant.
8. Commissioner Schwab:
  - a. Equine center discussion.
9. Bismarck/Burleigh Public Health Discussion.
10. Auditor/Treasurer Splonskowski:
  - a. Establishment of minimum sales prices for property acquired by the County through tax deed proceedings (non-payment of real estate taxes).
  - b. Approval of 2024 meeting calendar.
11. Other Business:

**6:00 PM**

**Final Budget Public Hearing**

The Burleigh County Commission will conduct a PUBLIC HEARING for the purpose of discussion on the proposed budget as published & adoption of the FINAL BUDGET for the year ending on December 31, 2024. Any taxpayer who may appear shall be heard in favor of or against any proposed expenditures or tax levies. When the hearing shall be concluded, the board shall adopt such estimate as finally is determined. All taxes shall be levied in specific amounts and shall not exceed the amount specified in the published estimates.

12. Open **PUBLIC HEARING** regarding **Final 2024 Budget**

- Motion to approve appropriate (maximum) levies for the Unorganized Townships.
- Motion to Adopt 2024 Final Budget & appropriate 2023 mill levies.

13. Adjourn.

The next regularly scheduled Commission meeting will be on October 2<sup>nd</sup>

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
SEPTEMBER 6TH, 2023**

**5:00PM** Invocation and Condolences by Chaplains Carr and Wyatt of Crisis Care Chaplaincy

Comm. Bitner called the regular meeting of the Burleigh County Commission to order. He shared a letter drafted by Mary Senger expressing Burleigh County's profound sadness at the loss of Chair Becky Matthews who passed away just two days prior. Comm. Munson also shared a tribute to Matthews and added that the flowers at the table were in her memory. She will be greatly missed.

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

Comm. Munson asked that we remove item 9 from the agenda for this meeting regarding the Renaissance Zone Program.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the August 21<sup>st</sup>, 2023 meeting minutes and bills. All members present voted, "AYE". Motion carried.

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox to approve the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

Chelsea Flory, Burleigh County Human Service Zone Director presented a request for the reappointment of two zone board members whose terms are expiring 11-30-23. The two members are Jim Holm from the Burleigh County Sheriff's Department and Tracy Famias who has a background with Bismarck Public Schools. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve this request. All members present voted "AYE". Motion carried.

Bismarck Mayor Michael Schmitz presented support for an additional increase in Burleigh County's portion of the Bismarck/Burleigh Public Health funding. During a Bismarck- Burleigh joint Commission meeting, it was discussed that Burleigh County would increase their portion of the funding to be 25% of Public Health operational costs for 2024. Mayor Schmitz stated that currently the citizens of Bismarck are paying 96% of the costs. Mayor Schmitz is suggesting that this be tax levied across all of Burleigh County going forward. There was no further discussion or questions.

County Engineer Marcus Hall presented a resolution to create a Special Assessment District (SAD) for the Falconer Estates Subdivisions and direct the County Special Assessment Screening Committee to meet and review the petition that the residents of the subdivisions have turned in. Mr. Hall stated that they are currently on step 6 of 23 in the Special Assessment District process. Motion by Comm. Munson to approve the resolution, 2<sup>nd</sup> by Comm. Schwab. All members present voted "AYE". Motion carried. Mr. Hall then presented a concern the Highway Department has regarding County Highway 10 from Bismarck City limit to 158<sup>th</sup> St. NE. He stated that stretch of road is experiencing a high level of truck traffic from a bituminous plant in the Aberle Park 2<sup>nd</sup> Subdivision going to the City of Bismarck. The patching budget for 2023 has all been spent, however the roadway continues to break up and there is a need to apply more restrictions until a mill and overlay project can be performed in 2024. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve a reduced speed limit of 45 mph for trucks only in addition to reducing the Max Gross Vehicle

Weight to 80,000 pounds with a 6-ton max single axle weight. This motion and the 2<sup>nd</sup> were then rescinded due to concerns of head on collisions. New motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve a reduced speed limit of 55 mph for all vehicles in addition to reducing the Max Gross Vehicle Weight to 80,000 pounds with a 6-ton max single axle weight, and eliminate all overload permits on this segment of the roadway. All members present voted "AYE". Motion carried. Mr. Hall then presented a request to transfer \$800,000 from the Highway Department's savings account to the Highway Department's General fund due to the beyond normal snow removal costs for 2022-2023. \$3,380,305 was spent on snow removal during the 2022-2023 season compared to an average cost of \$845,735 per year over the last 5 years. The State of North Dakota will be giving \$2 million towards these Highway Department costs but not until December 2023 and the bills are due now, hence this request. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox to transfer \$800,000 from the Highway Department's Savings Account to the Highway Department's General Fund. All members present voted "AYE". Motion carried. Finally, Mr. Hall presented a discussion on the County funding of American Rescue Plan (ARPA) projects, and included a list of all projects that have been funded in addition to a list of projects that have been unfunded or underfunded that fit into the Water, Sewer, or Broadband category. There was currently \$982,918 available to spend. Mr. Hall noted that there were 5 projects that Burleigh County chose not to fund and those were Water Treatment Plant Supervisory Control and the Aerated Flow Equalization Basin both for the City of Bismarck, BEK Communications Cooperative, the City of Lincoln, and the City of Wing for their wastewater treatment system project. The underfunded projects were the City of Wilton's 2023 Street and Utility Improvements, the Bryan Slough Project for Burleigh County, and the Bismarck Rural Fire Department's New Station. Bismarck Rural Fire Chief Dustin Theurer shared that their expenses are much higher than the \$2 million funding granted to them from Burleigh County and shared some unexpected expenses that have pushed them to possibly needing over \$2.8 million. Comm. Bitner recommended that Fire Chief Theurer continue to keep the commission informed and that no action was taken at this time.

Sheriff Leben presented an ATV update regarding the OHV Ordinance and safety discussion from the last meeting. He stated that he reached out to North Dakota Parks and Recreation's OHV division and a meeting has been scheduled for this week with their director that handles the education and safety. Two items that will be discussed at this meeting are the possibility of a \$5,000 grant that could be awarded to do enforcement throughout the county and also the chance to partner with them on safety training throughout Burleigh County. He will provide an update once things are finalized and stated that Burleigh County Planning Director Mitch Flanagan will also be in attendance at this meeting to help with the process.

Comm. Munson presented a discussion on the Burleigh County Equestrian Center. He stated that based on Johnson Consulting's assessment of underlying assumptions and operating projections for the Equestrian Center, the level of activity is achievable. The construction estimates for phase 1 would be \$33 million. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox for Burleigh County to pledge the 40 acres of land in the NE corner of the Missouri Valley Fairgrounds for the development of the Equestrian/Ag facility. Comm. Munson stated that by pledging the land, a grant can then be obtained from the state which would allow them to move forward with raising additional funding coming from private donations. State's Attorney Lawyer stated that there was no talk of pledging or donating land at any previous meetings and wanted to look into what that would entail. Julie, representing the Equestrian Center stated that this would not be a pledge or a donation as Burleigh County would retain ownership of the property. Julie added that if they were awarded grant money from the state, that grant money would go to Burleigh County. She also stated that in her research, the value of this undeveloped land is \$5-8 million. Comm. Munson and Woodcox voted "AYE". Comm. Bitner and Schwab voted "NAY". Comm. Bitner then concluded that considering the vote, the commission would have to revisit this subject at another time.

Comm. Woodcox presented a discussion on the budget and stated that he recommends delaying it until we appoint a new commissioner. Comm. Bitner then added that the next meeting is the final budget hearing (Sept. 20<sup>th</sup>) which has been published and mailed to residents. He thinks it would be advisable to have a special budget meeting prior to the final budget hearing.

Comm. Bitner then presented a discussion on the appointment of a commissioner to fill Becky Matthews' seat. This position would be until November of 2024 with the General Election. Comm. Woodcox asked if it would be possible to first determine who is chair and vice-chair prior to doing that. State's Attorney Lawyer shared that according to statute the commission would have to immediately appoint a commissioner to fill a vacancy and her recommendation was to then recommend a chair and vice chair after that commissioner is appointed. Comm. Bitner recommended that former Comm. Peluso be appointed back to the board and feels it's in the best interest of the county. Commissioners Woodcox and Munson suggested appointing whoever had the next highest votes from the previous election which was Amelia Doll. Comm. Bitner disagreed and stated he didn't want a brand-new commissioner with no experience. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to appoint Amelia Doll as commissioner. Commissioners Munson and Woodcox voted "AYE". Commissioners Schwab and Bitner voted "NAY". Comm. Bitner then stated that if the board could not agree on a candidate, we would be required to appoint the County Auditor/Treasurer, Mark Splonskowski which was confirmed by State's Attorney Lawyer. Motion by Comm. Schwab to appoint former Comm. Peluso as commissioner. There was no second to the motion, so the motion died. Auditor Splonskowski stated that he had two people contact him to say that they would be willing to be a commissioner. Those people were Gerald Miller and Josie Milbrandt. Comm. Bitner also shared he had Steve Bakken contact him expressing interest. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schwab to appoint Steve Bakken as our next county commissioner. Commissioners Schwab, Bitner, and Woodcox voted "AYE". Comm. Munson voted "NAY". Motion carried. Comm. Bitner stated that recently they did a request for proposals for Project Manager for the Provident Building remodel and there were zero responses. The plan was to develop a better package so there would be a clearer understanding of what the responsibilities and tasks are for this position so that it's better understood. It was then decided that there would be a special meeting to discuss the 2024 budget on Wednesday, Sept. 13<sup>th</sup> at 1pm in the Tom Baker room if that is available. State's Attorney Julie Lawyer reminded everyone for planning purposes that the statute states that taxes must be levied on or before the October meeting that is regularly scheduled which is Oct. 2<sup>nd</sup>. The deadline according to Deputy Finance Director Justin Schulz is Oct. 7<sup>th</sup>. So there is some room to extend past the final budget hearing if needed.

Meeting adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Brian Bitner, Chairman



# LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL  
GAMING DIVISION  
SFN 17926 (2-2023)

Permit Number  
**23-012**

Permit Type (check one)							
<input checked="" type="checkbox"/> Local Permit				<input type="checkbox"/> Restricted Event Permit*			
Games Authorized				<input type="checkbox"/> Raffle by a Political or Legislative District Party			
<input type="checkbox"/> Bingo	<input checked="" type="checkbox"/> Raffle	<input type="checkbox"/> Raffle Board	<input type="checkbox"/> Calendar Raffle	<input type="checkbox"/> Sports Pool	<input type="checkbox"/> Poker*	<input type="checkbox"/> Twenty-One	<input type="checkbox"/> 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**

<b>ORGANIZATION INFO</b>			
Name of Organization or Group			Dates Authorized (Read Instruction 2)
University of Mary Marauders Armada			09/29/2023 - 02/17/2023
Organization or Group Contact Person		E-mail	Telephone Number
Elijah Stewart		[REDACTED]	[REDACTED]
Mailing Address		City	State      ZIP Code
7500 University Dr		Bismarck	ND      58504

<b>SITE INFO</b>			
Site Name		County	
McDowell Activity Center		Burleigh	
Site Address		City	State      ZIP Code
7500 University Dr		Bismarck	ND      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.)			
50/50 Raffle - 9/29, 9/30, 10/3, 10/18, 10/20, 11/10, 11/11, 11/14, 11/15, 11/21, 12/1, 12/7, 12/12, 12/16, 12/18, 01/12, 01/13, 01/19, 01/20, 01/21, 01/26, 01/27, 02/03, 02/10, 02/15, 02/16, 02/17			

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>

<b>CITY OR COUNTY CONTACT PERSON</b>			
Name	Title	Telephone Number	E-mail Address
Mark Splonskowski	Burleigh County Auditor	701-222-6695	msplonskowski@nd.gov
Signature of City or County Official		Date	Issuing Governing Body
			<input type="checkbox"/> City <input checked="" 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 (5-2023)

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 <b>University Of Mary Marauders Armada</b>		Dates of Activity (Does not include dates for the sales of tickets) <b>9/15/23 - 02/17/2024</b>	
Organization or Group Contact Person <b>Elijah Stewart</b>	E-mail [REDACTED]	Telephone Number [REDACTED]	
Business Address <b>7500 University Dr</b>	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58504</b>
Mailing Address (if different)	City	State	ZIP Code

**SITE INFO**

Site Name <b>McDowell Activity Center</b>	County <b>Burlerigh</b>
Site Physical Address <b>7500 University Dr</b>	City <b>Bismarck</b>
	State <b>ND</b>
	ZIP Code <b>58504</b>

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.)

**Raffle - 9/15, 9/16, 9/29, 9/30, 10/3, 10/18, 10/20, 11/10, 11/11, 11/14, 11/15, 11/21, 12/1, 12/7, 12/12, 12/16, 12/18, 01/12, 01/13, 01/19, 01/20, 01/21, 01/26, 01/27, 02/03, 02/10, 02/15, 02/16, 02/17 - 50/50 Raffle**

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

Game Type	Description of Prize	Exact Retail Value of Prize
<b>Raffle</b>	<b>Cash</b>	<b>50% of Earnings</b>
Total (limit \$40,000 per year)		\$

Intended Uses of Gaming Proceeds  
**It will go towards the University of Mary Armada which helps fund scholarships for our athletes.**

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:  (This amount is part of the total prize limit for \$40,000 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 <b>University of Mary</b>	Telephone Number [REDACTED]	E-mail Address [REDACTED]
Signature of Organization Group's Permit Organizer 	Title <b>Coordinator of Athletic Development</b>	Date <b>9/5/23</b>

All Items required for this Permit have been meet.

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 (2-2023)

Permit Number  
**23-011**

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 <b>Sterling School PTA</b>		Dates Authorized (Read Instruction 2) <b>10/8/2023 and 12/14/2023</b>	
Organization or Group Contact Person <b>Tonya Bauer</b>	E-mail [REDACTED]	Telephone Number [REDACTED]	
Mailing Address [REDACTED]	City <b>Sterling</b>	State <b>ND</b>	ZIP Code <b>58572</b>

### SITE INFO

Site Name <b>Sterling Elementary School</b>	County <b>Burleigh</b>
Site Address <b>118 McKenzie St</b>	City <b>Sterling</b>
	State <b>ND</b>
	ZIP Code <b>58572</b>

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.)

**Bingo - 10/8/23 - one time**  
**Raffle - 12/14/23 - one time**

**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:
- 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:
    - When the area for the raffle is physically separated from the area where games are conducted by the regular organization.
    - 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

Name <b>Mark Splonskowski</b>	Title <b>Burleigh County Auditor</b>	Telephone Number <b>701-222-6695</b>	E-mail Address <b>msplonskowski@nd.gov</b>
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input checked="" 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 (5-2023)

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 <b>Sterling School TPA</b>		Dates of Activity (Does not include dates for the sales of tickets) <b>10/8/2023, 12/14/23</b>	
Organization or Group Contact Person <b>Tonya Bauer</b>	E-mail [REDACTED]	Telephone Number [REDACTED]	
Business Address <b>118 McKenzie St</b>	City <b>Sterling</b>	State <b>ND</b>	ZIP Code <b>58572</b>
Mailing Address (if different) [REDACTED]	City <b>Sterling</b>	State <b>ND</b>	ZIP Code <b>58572</b>

**SITE INFO**

Site Name <b>Sterling Elementary School</b>	County <b>Burleigh</b>
Site Physical Address <b>118 McKenzie St</b>	City <b>Sterling</b>
	State <b>ND</b>
	ZIP Code <b>58572</b>

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.)

**Bingo 10/8/23 - One time**  
**Raffle 12/14/23 - One time**

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

Game Type	Description of Prize	Exact Retail Value of Prize
<b>Bingo</b>	<b>Solicited Prizes</b>	<b>\$500</b>
<b>Raffle</b>	<b>Beef Bundles</b>	<b>2,500</b>
<b>Total</b> (limit \$40,000 per year)		<b>\$ 3,000<sup>00</sup></b>

Intended Uses of Gaming Proceeds  
**Directly used for extra curricular resources for the students, like field trips, art classes and library.**

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 any 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 \$40,000 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 <b>Tonya Bauer</b>	Telephone Number [REDACTED]	E-mail Address [REDACTED]
Signature of Organization Group's Permit Organizer <i>Tonya Bauer</i>	Title <b>Principal/Teacher</b>	Date <b>8/18/2023</b>

List of Solicited items used for Bingo prizes in the past.

Purse, books, \$5 gift certificates, hats, sweatshirts, coffee mugs, flashlights, Ice cream certificates, sandwich coupons, dilly bars, jumper cables, pizzas, I Tunes cards, 1 night motel stay, movie passes, water bottles, socks, coats, gloves, tools, cakes, cupcakes, food basket, candles, movie basket, basketball, football, signs, baked goods, and car washes.

Prizes for Raffle

Beef bundles - \$2,500 total in Value

Drawing for the raffle will be held on:

December, 14<sup>th</sup> 2023

At Sterling Public School

118 McKenzie St

Sterling, ND 58572

At 7:00 pm



## Sterling Public School

118 McKenzie Street  
Sterling, ND 58572  
701.387.4413

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8-18-2023

Dear Burleigh County,

The Sterling School TPA (Teacher-Parent Association) sole purpose is to support the education of the students at Sterling Public School.

Projects that the association has supported in the past are purchasing books for our school library, field trips to the pumpkin patch, gateway to science, zoo, and Buckstop Junction, and supporting our fine art program with Theo Art school. They also support our teachers by purchasing needed classroom supplies and materials the teachers request.

The civic minded, community supported group of parents and teachers do whatever they can do to support the education and lives of the students at Sterling School.

Thank you,

A handwritten signature in black ink that reads "Tonya Bauer". The signature is written in a cursive, flowing style.

Tonya Bauer, Principal/Pk-1 teacher  
Sterling School  
118 McKenzie St.

[REDACTED]  
Sterling, ND 58572  
[REDACTED]

---

[REDACTED]

All Items required for this Permit have been meet.

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

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
23-186	Jessica Knutson	2023	Lot 73, Block 3, Southbay 2nd Addition & undivided interest in common areas	Error in property description	\$990,300	\$971,500
23-187	James Shea	2023	Lot 18, Block 18, & south 10' of Lot 3	Error in property description	\$522,600	\$478,600
23-189	Gary D & Karen M Kok	2023	Lots 5-6, Block 6, Fisher	Error in property description	\$191,800	\$171,000
23-190	David A & Sharon E Fischer	2023	Lot 11, Block 2, Meadow Valley	Error in property description	\$279,500	\$229,500
23-191	Ray & Karen Daly	2023	Lot 1, Block 2, Fort Lincoln Estates #1 City of Lincoln, Burleigh County, North Dakota	Adjustment due to home condition	\$201,600	\$179,500
23-192	Thomas & Twylla Rausch	2023	W30' of S15' of Lot 7, W30' of Lots 8-12, E10' of Alley ADJ on West; E15' of Lot 42 All Lots 43-44 & W10' Alley ADJ Lot 44, Block 85, McKenzie & Coffin's	Error in property description	\$473,300	\$343,300
23-193	Shonna Auld	2023	Block 5, South 50' of Lot 4, Northern Pacific	Error in property description	\$321,400	\$267,000
23-194	Gregory & Julie Boreen	2023	Lot 10, Block 2, Wachter's 7th	Error in property description	\$334,500	\$300,600
23-195	Derrick & Amanda Levey	2021	Lot 6, Block 2, Horizon Heights 5th	60% Disabled Vet	\$387,600	\$279,600
23-196	Derrick & Amanda Levey	2022	Lot 6, Block 2, Horizon Heights 5th	60% Disabled Vet	\$453,800	\$345,800
23-197	Jason & Jennifer Glasser	2023	Lot 2, Block 1, Spiritwood Estates	Equalized with surrounding properties	\$700,600	\$547,700
23-203	John Lies	2023	Lot 1, Block 3, Timber Lane Place 2nd	True and full value exceeds market value	\$60,000	\$30,000



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Memo

Date: September 20, 2023

To: Mark Splonskowski  
County Auditor

From: Marcus J. Hall P.E.  
County Engineer

RE: Second access permit for Stephane Blanchard

Stephane Blanchard from Hay Creek Pines Subdivision, Block 04, Lot 14 (9440 Oak Drive) has requested a second access permit to his lot. The first access approach is off of Oak Drive. He wishes to have a second approach off of Oak Drive in order to have better access to the north side of his lot. We have reviewed the location of the new proposed access off of Oak Drive and have determined that it will meet our requirements.

Please place the approval of a 2<sup>nd</sup> approach for Stephane Blanchard on the September 20, 2023 County Board Consent Agenda.

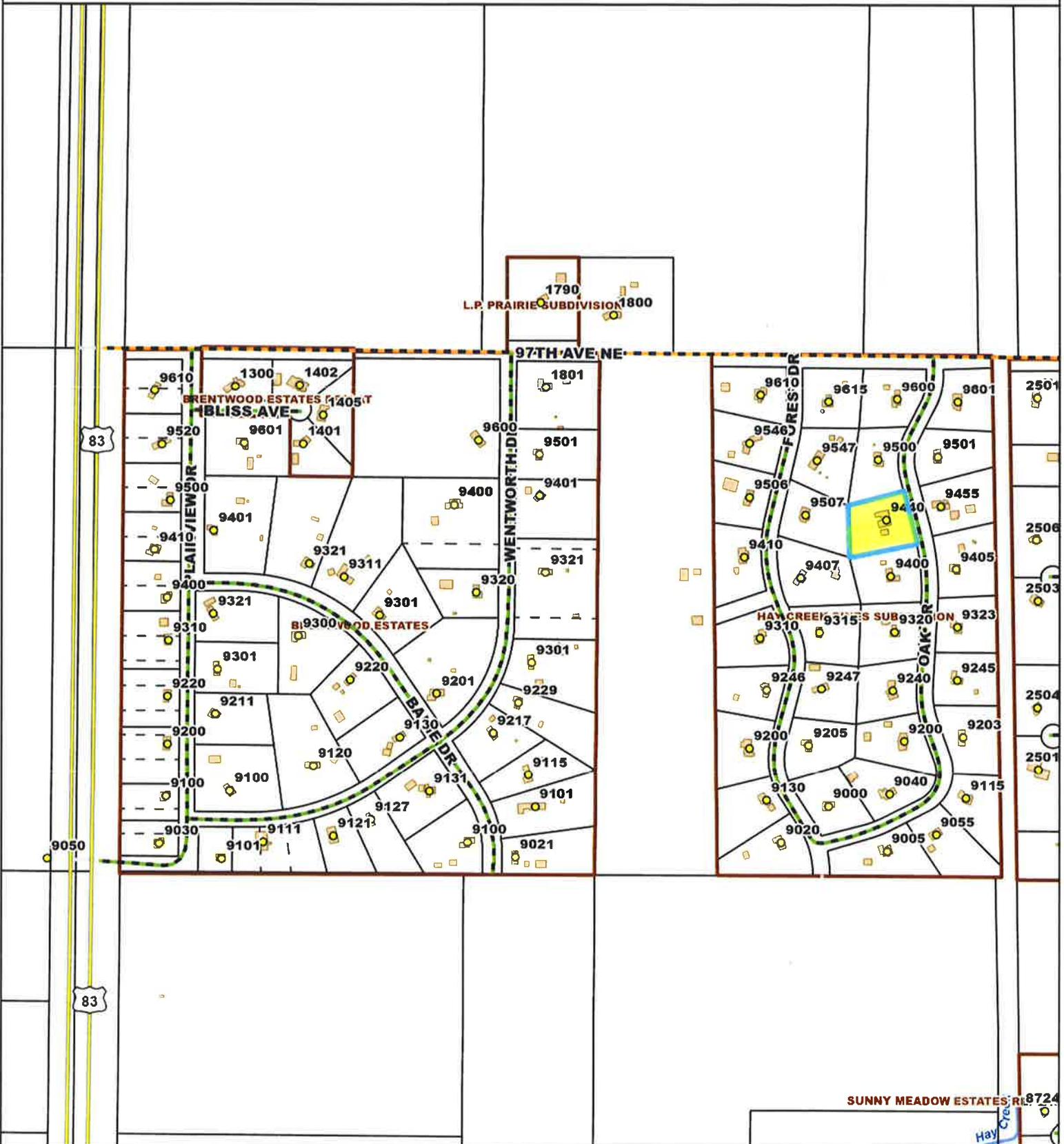
### 2<sup>nd</sup> Approach Permits Requirements

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.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

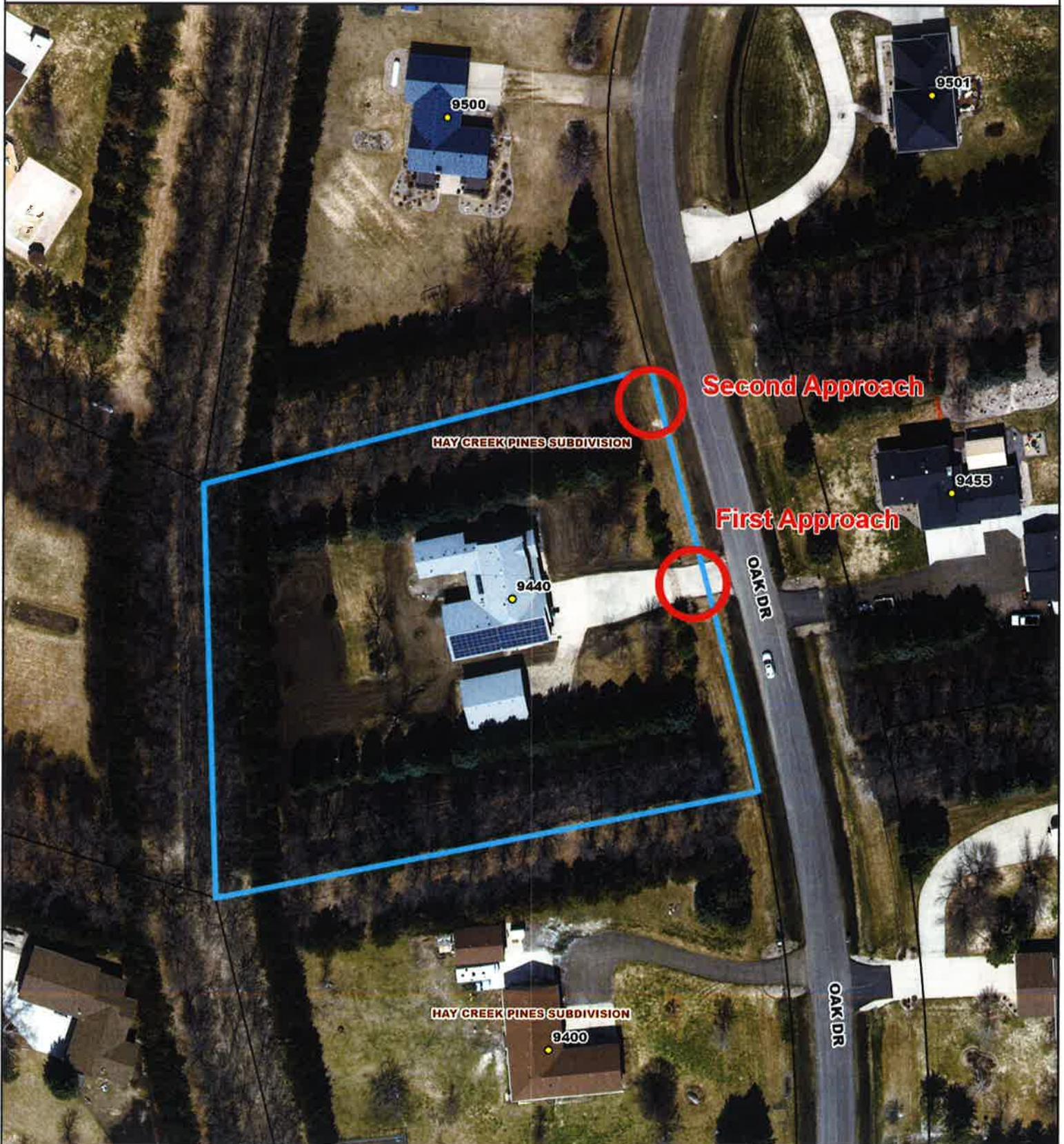
N  
9/8/2023



PARCEL ID: 24-140-80-50-04-140      OWNER: BLANCHARD, STEPHANE R & AMANDA L      ACRES: 1.97  
SITE ADDRESS: 9440 OAK DR  
MAIL ADDRESS: 9440 OAK DR, BISMARCK, ND 58503  
LEGAL: HAY CREEK PINES Block 04 L14 #460480

BURLEIGH COUNTY, NORTH DAKOTA  
LOCATION MAP

N  
9/8/2023



PARCEL ID: 24-140-80-50-04-140      OWNER: BLANCHARD, STEPHANE R & AMANDA L      ACRES: 1.97  
SITE ADDRESS: 9440 OAK DR  
MAIL ADDRESS: 9440 OAK DR, BISMARCK, ND 58503  
LEGAL: HAY CREEK PINES Block 04 L14 #460480

**ITEM**

**# 7**



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN  
SHERIFF

## Request for County Commission Action

**Date:** September 13, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben *Kelly Leben*  
Burleigh County Sheriff

**Re:** 2023/2024 North Dakota Department Of Transportation Traffic Safety Grant

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

**Action Requested:**

Approve the 2023/2024 ND DOT Traffic Safety Grant. The grant is available for review in the Burleigh County Auditor's Office.

**Background:**

The ND DOT Traffic Safety Grant is an annual grant awarded to Burleigh County. The grant award is used to fund additional traffic safety enforcement in high risk areas such as Impaired Driving, Distracted Driving, Occupant Protection, and Speed Enforcement.

**Recommendation:**

It is recommended that the County Commission approve the grant agreement.

**Proposed Resolution:**

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to authorize the ND DOT Traffic Safety Grant between Burleigh County and the State of North Dakota.

---

**COURTHOUSE**

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

[www.facebook.com/BurleighCountySheriffsDepartment](https://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

**MEMO:** Ronald J. Henke  
Director

**FROM:** Sheila Kitzan  
Highway Safety Division

**DATE:** August 28, 2023

**SUBJECT:** Contract Explanation

The purpose of this contract is to provide funding to the Burleigh County Sheriff's Department to participate in the NHTSA funded statewide law enforcement overtime programs.

The total contract budget is \$17,850.

The contact person is Sheila Kitzan (328-2402).

12/slk  
Attachment

NDDOT Contract No. 12231129  
Project No. PHSPOP2405-05-00,  
PHSPSC2407-04-00, PHSPID2410-02-00, &  
PHSPDD2411-02-00

**North Dakota Department of Transportation  
TRAFFIC SAFETY CONTRACT**

**Federal Award and Subrecipient Information**

**Subrecipient Name:** Burleigh County  
**Subrecipient UEI No.:** GERJXYLAHGN1  
**Applicant Agency:** Burleigh County Sheriff's  
Department

**NDDOT Program Manager:** Kelly Aberle  
**NDDOT PM Telephone:** 701-328-2658  
**NDDOT PM Email:** kaberle@nd.gov

**ALN No.:** 20.600 and 20.608

**ALN Title:** State and Community Highway Safety and Minimum Penalties  
for Repeat Offenders for Driving While Intoxicated

**Federal Agency Telephone:** 720-963-3100  
**Federal Agency Email:** NHTSA.region8@dot.gov

**Awarding Federal Agency:** National Highway Traffic Safety Administration  
**Federal Agency Contact Information:** Gina Espinosa-Salcedo

**AWARD NAME:** Click It or Ticket, Speed and  
Distracted Driving Enforcement  
**FAIN No.:** 69A37523300004020NDO

**Federal Award Date:** November 30, 2022  
**Total Federal Award Amount:** \$2,891,141.25

**AWARD NAME:** Alcohol Enforcement  
**FAIN No.:** 69A37523300001640NDA

**Federal Award Date:** February 14, 2023  
**Total Federal Award Amount:** \$905,069.00

**Budget Start Date:** October 1, 2023  
**Performance Start Date:** October 1, 2023  
**Indirect Cost Rate:** N/A

**Budget End Date:** September 30, 2024  
**Performance End Date:** September 30, 2024  
**Research & Development Award:** No

**Notice to Subrecipients:** Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.

This contract is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and Burleigh County Sheriff's Department, hereinafter referred to as the Contractor, whose address is 514 East Thayer Avenue, Bismarck North Dakota 58502-1416.

WHEREAS, NDDOT has been delegated the responsibility to administer the state's Annual Highway Safety Plan as authorized in Section 54-07-05 of the North Dakota Century Code; and

WHEREAS, the Contractor requests participation in the state's Annual Highway Safety Plan;

THEREFORE, in consideration of the mutual promises herein set forth, NDDOT and the Contractor agree:

**Section 1:** The Contractor shall perform the project(s) set forth in Appendix A, a copy of which is attached hereto and made a part hereof.

The Contractor shall comply with the provisions of Appendix B, a copy of which is attached hereto and made a part hereof.

**Section 2:** The term of this contract shall begin October 1, 2023, and shall end September 30, 2024.



**Section 3 - Reimbursement:**

NDDOT shall reimburse the Contractor for costs incurred under the terms of this contract, not to exceed \$17,850. Reimbursement of all costs under this contract is contingent on federal participation. Expenses incurred by the Contractor for travel, meals, and lodging, shall be reimbursed according to applicable state rates. Allowable costs are covered under 2 CFR Part 200. All requests for reimbursement must be submitted to NDDOT within 45 days of the termination date of this contract.

**Section 4:** Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the Contractor; or the Contractor, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes. (Reference: 23 CFR 1200.31 and 2 CFR Part 200)

**Section 5:** Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.

**Section 6:** The Contractor agrees to cooperate with NDDOT in meeting its commitments and goals with regard to the maximum utilization of disadvantaged business enterprises and will use its best efforts to ensure that disadvantaged business enterprises shall have the maximum practicable opportunity to compete for subcontract work under this agreement. The Contractor shall comply with requirements of 49 CFR Part 26.

**Section 7:** The Contractor shall ensure that no qualified individual with a disability, as defined in 29 USC 794 and 49 CFR Part 27 shall, solely by reason of this disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives benefits from the assistance under this agreement.

**Section 8:** Grants or services that generate revenues as a result of funding through the National Highway Traffic Safety Administration (NHTSA) must be reported. Written notification of the source and amount of such income must be made to the NDDOT at the earliest opportunity. A separate account must be maintained for the collection, expenditure, and disposition of program income. Program income generated shall be used to further the objectives of the grant or service or reduce current grant or service costs. Records shall be maintained in accordance with state and federal guidelines.

**Section 9:** The Contractor certifies that it will comply with the retention and access requirements for records established by 2 CFR Part 200. The required records and documentation relating to the grant and/or subcontract shall be retained for a minimum of three years after the starting date of the retention period as defined in 2 CFR Part 200. The NDDOT or their authorized representative shall have the right of access to any books, documents, papers, or other records of grantees, contractors, or subcontractors which are pertinent to the grant and/or contract, in order to make audits, examinations, excerpts and transcripts. The right of access is not limited by the required retention period and shall last as long as the records are retained.

The Contractor will comply with all applicable state, local, and federal procurement procedures and will maintain a financial management system that complies with the minimum requirements of 2 CFR Part 200.

**Section 10:** The Contractor must have a seat belt use policy, a drug and alcohol driving policy, a distracted driving/texting policy, and a payroll and compensation policy in place before requesting reimbursement for any work completed under this agreement. The NDDOT's Highway Safety Division's program managers will locate and review the policies during scheduled on-site monitoring visits, if applicable. Absence of any policy may result in the NDDOT withholding payment until said policy is in place.

All contracted personnel are required to wear seat belts and obey traffic laws while on official business of this project.



**Section 11 - Termination:**

- a. This contract may be terminated by mutual consent of both parties, or by either party, upon 30 days' notice in writing or delivered by certified mail or in person.
- b. In addition, NDDOT may terminate this contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by NDDOT, under any of the following conditions:
  - i. NDDOT funding from federal, state, or other sources is not obtained and continued at levels sufficient to allow for purchase of the indicated quantity of services. The contract may be modified by agreement of the parties in writing to accommodate a reduction in funds.
  - ii. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this contract or are no longer eligible for the funding proposed for payments authorized by this contract.
  - iii. If any license or certificate required by law or regulation to be held by the Contractor to provide the services required by the contract is for any reason denied, revoked, or not renewed.

Any such termination of this contract under (i), (ii), or (iii) above shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

- c. NDDOT, by written notice to the Contractor, may terminate the whole or any part of this agreement:
  - i. If the Contractor fails to provide services called for by this contract within the time specified herein or any extension thereof; or
  - ii. If the Contractor fails to perform any of the other provisions of this contract, or so fails to pursue the work as to endanger performance of this contract in accordance with its terms, and after receipt of written notice from NDDOT, fails to correct such failures within ten days or such longer period as NDDOT may authorize.

**Section 12:** Contractor may not assign or otherwise transfer or delegate any right or duty without NDDOT's express written consent, provided, however, that Contractor may assign its rights and obligations hereunder in the event of a change of control or sale of all or substantially all of its assets related to this Contract, whether by merger, reorganization, operation of law, or otherwise. Should Assignee be a business or entity with whom NDDOT is prohibited from conducting business, NDDOT shall have the right to terminate in accordance with the Termination for Cause section of this Contract.

Contractor may enter subcontracts provided that any subcontract acknowledges the binding nature of this Contract and incorporates this Contract, including any attachments. Contractor is solely responsible for the performance of any subcontractor with whom Contractor contracts. Contractor does not have authority to contract for or incur obligations on behalf of NDDOT.

**Section 13:** The Contractor agrees that NDDOT and NHTSA, or their designated representative(s), shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this agreement. The Contractor agrees to maintain such records for possible audit for a minimum of three years after final payment, unless a longer period of records retention is stipulated. The Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interview of any employees who might reasonably have information related to such records. Further, the Contractor agrees to include a similar right of the state to audit records and interview staff in any subcontract related to the performance of this agreement.



Audits must be in accordance with 2 CFR Part 200, Subpart F. The Contractor shall submit copies of audits covering the term of this agreement to NDDOT. This requirement is applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and nonprofit businesses.

Entities that spend less than \$750,000 of federal funds from all sources may be subject to reviews by NDDOT at its discretion. These requirements are applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non-profit businesses.

- All entities receiving federal funds through NDDOT shall certify whether a Single Audit has been completed as part of the annual Federal award process.
- All entities must complete the Single Audit Certification Form
- All entities must provide a Schedule of Expenditures of Federal Awards (SEFA).

**Section 14:** Federal agencies and NDDOT shall review and approve the negotiated indirect cost rate, unless there is a federal statute that states otherwise, or a federal agency head has made other approved provisions. Any rate approved by a federal agency, or a cognizant agency must be approved by NDDOT.

If the Contractor does not have a federally negotiated indirect cost rate, the NDDOT can either:

- negotiate an indirect rate with the Contractor
- allow the de minimis 10% flat rate (the de minimis rate, is not applicable in certain cases (200.414(f); Appendix VII.D.1.B).) This rate may be used indefinitely, until the Contractor seeks to formally negotiate a rate. If the de minimis rate is used, the NDDOT does not need to review and approve.

**Section 15:** The NDDOT shall conduct pre-award risk assessments of applicants prior to issuing a contract. The Contractor shall conduct risk assessments of their subawardees either before or after making the award to determine the appropriate level of monitoring. The Contractor shall document its procedures for assessing risk and have them available upon NDDOT request.

**Section 16:** The NDDOT shall conduct a risk assessment on the Contractor and the following specific conditions shall be met and/or maintained throughout this agreement.

1. Annual Compliance Review.
2. Submit Receipts/Invoices with each voucher submission.
3. Review audit reports and determine how material any audit findings are in the audit reports and where they pose an increased risk to subrecipients abilities to comply and carry out their Statements of Work.
4. Provide ongoing training and technical assistance on program related areas.

The NDDOT reserves the right to increase the monitoring during the agreement period based on periodical review of audit reports, audit findings, compliance review findings, federal reports, and reimbursement requests.

**Section 17:** The Federal awarding agency or pass-through entity and Contractor will comply with CFR §200.344 closeout requirements. The NDDOT is responsible for closing out the agreement when it determines that all application administrative actions and all required work have been completed and the agreement has reached its period of performance end date. The Contractor shall submit, no later than 90 calendar days after the period of performance end date of this agreement, all financial, performance and other reports as required by the terms and conditions of this agreement.

**Section 18:** Under the North Dakota public records law and subject to the Confidentiality clause of this Contract, certain records may be open to the public upon request.

Public records may include: (a) records NDDOT receives from Contractor under this Contract, (b) records obtained by either Party under this Contract, and (c) records generated by either Party under this Contract.



Contractor agrees to contact NDDOT immediately upon receiving a request for information under the public records law and to comply with NDDOT's instructions on how to respond to such request.

**Section 19:** No official or employee of a state or any other governmental instrumentality who is authorized in his official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract. No engineer, attorney, appraiser, inspector, or other person performing services for a state or a governmental instrumentality in connection with a project shall have, directly or indirectly, a financial or other personal interest, other than his employment or retention by a state or other governmental instrumentality, in any contract or subcontract in connection with such project. No officer or employee of such person retained by a state or other governmental instrumentality shall have, directly or indirectly, any financial or other personal interest in any real property acquired for a project unless such interest openly disclosed upon the public records of NDDOT and of such other governmental instrumentality, and such officer, employee, or person has not participated in such acquisition for and in behalf of the state.

**Section 20:** All work products, and copyrights of the contract which result from this contract are the exclusive property of NDDOT, with an unlimited license for use by the federal government and its assignees without charge.

**Section 21:** The Risk Management Appendix, attached, is hereby incorporated into and made a part of this agreement.

**Section 22:** All notices, certificates, or other communications shall be sufficiently given when delivered or mailed, postage prepaid, to the parties at their respective places of business as previously set forth.

**Section 23:** The provisions of this agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and assigns.

**Section 24:** The failure of the state to enforce any provisions of this contract shall not constitute a waiver by the state of that or any other provision.

**Section 25:** This agreement constitutes the entire agreement between the parties. No waiver, consent, modification, or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The Contractor, by the signature below of its authorized representative, hereby acknowledges that the Contractor has read this agreement, understands it, and agrees to be bound by its terms and conditions.

**Section 26:** The Contractor is advised that his or her signature on this contract certifies that the company or any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.



EXECUTED the date last below signed.

WITNESS:

CONTRACTOR:

NAME (TYPE OR PRINT)

NAME (TYPE OR PRINT)

SIGNATURE

SIGNATURE

TITLE

DATE

To be signed by **Owner; Partner; Corp. Pres., Vice Pres., or other authorized Corp. Officer.** (If signed by other authorized Corp. Officer, please attach copy of Power of Attorney or other documentation showing authority to sign.)

WITNESS:

NORTH DAKOTA  
DEPARTMENT OF TRANSPORTATION

Laureen M. Martin

NAME (TYPE OR PRINT)

For the

Robin R. Rehborg

DIRECTOR (TYPE OR PRINT)

SIGNATURE

SIGNATURE

SS

DATE

ATTORNEY GENERAL

APPROVED as to

APPROVED as to substance by:

Special Asst Attorney General

Karin Mongeon

SAFETY DIVISION DIRECTOR (TYPE OR PRINT)

SIGNATURE

DATE

CLA 16870 (Div. 12)  
L.D. Approved 7-17-89; 8-23



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
  
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
  
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
  
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
  
5. Sanctions for Noncompliance: In the event of a Contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
  
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX E OF THE TITLE VI ASSURANCES**

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

**Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and Contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



## Risk Management Appendix

### **Routine\* Service Agreements with Sovereign Entities and Political Subdivisions of the State of North Dakota:**

**Parties: State** – State of North Dakota, its agencies, officers and employees

**Governmental Entity** – The Governmental Entity executing the attached document, its agencies, officers and employees

**Governments** – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability** insurance – minimum limits of liability required of the Governmental Entity are **\$500,000 per person and \$2,000,000 per occurrence**. The minimum limits of liability required of the State are **\$500,000 per person and \$2,000,000 per occurrence**.
- 2) **Workers compensation** insurance meeting all statutory limits.
- 3) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

**The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.**

Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$500,000 per person and \$2,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. The Governments shall have all the benefits, rights and coverages of an additional insured under these policies that shall not be limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of the Contractor. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

\*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007  
Revised 07-23



# AGREEMENT FOR PARTICIPATION IN THE NORTH DAKOTA HIGHWAY SAFETY PLAN

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Attachment 1 – Enforcement Overtime Calendar for FFY 2024

## BACKGROUND

The North Dakota Department of Transportation’s (NDDOT) Highway Safety Division administers the North Dakota Vision Zero initiative to reduce motor vehicle crash fatalities and serious injuries to zero. The Highway Safety Division receives and provides state and federal funding to local entities to assist the NDDOT to achieve the traffic safety goals identified in the Vision Zero Plan and the annual Highway Safety Plan. This contract will assist in achieving the following plan goals to:

- Decrease the number of alcohol and/or drug related crashes.
- Decrease the number of speed related crashes.
- Decrease the number of distracted driving related crashes.
- Increase seat belt use to decrease the severity of injuries and trauma sustained in crashes.
- Increase the public’s knowledge and understanding of roadway safety and strategies.

The purpose of this contract is to provide funding to the **Burleigh County Sheriff's Department** (hereinafter referred to as the Contractor) to participate in the statewide enforcement programs listed below:

## OCCUPANT PROTECTION (OP) ENFORCEMENT SCOPE OF WORK

### PROJECT NO. PHSPOP2405-05-00

The *Click It or Ticket (CIOT)* enforcement campaign exists to increase occupant protection (OP) use for both adults and children through heightened enforcement of laws in the state. The campaign's success is built upon the strategy that education, along with highly visible and consistent enforcement, is an effective means to change driver behavior and increase OP use.

Participating law enforcement agencies are required to work overtime during scheduled CIOT campaigns to achieve high visibility within their jurisdictions to deter motorists from driving or riding in a motor vehicle without the appropriate use of an OP device (i.e., seat belt or child passenger safety seat).

The Contractor may **only** work during the scheduled CIOT enforcement periods as identified in Attachment 1. The Contractor may not work outside the scheduled periods.

During each identified enforcement period, the Contractor must:

- Conduct a minimum of two shifts (no minimum number of hours per shift) per high visibility enforcement period within corridors and at times (including nighttime) where the occurrence of unbelted serious injury and fatal crashes is greatest. When possible, the Highway Safety Division will coordinate with the Contractor to determine these locations based on North Dakota (ND) crash data.
- Issue Citations – **not warnings** – for failure or improper use of an OP device. This is to assure the integrity of the *CIOT* message to the public. Each stop is an opportunity to educate the public on taking personal responsibility on driving behaviors and safety measures.
- Ensure that all officers working the overtime grant funding for OP have completed the Traffic Occupant Protection Strategies (TOPS) training. The Contractor must provide verification of the completed training upon request by the Highway Safety Division for each officer conducting overtime enforcement through the grant.
- Coordinate with the Highway Safety Division to complete earned media requirements (pre- and post-news releases).
- Submit an electronic enforcement log sheet for participating officers by the date indicated in the schedule, "Enforcement Log Due Date." *The report will include: (1) number of enforcement hours, (2) dates and times of enforcement, (3) number and type of citations issued, and (4) number of enforcement contacts/stops made.*
- Submit a reimbursement voucher by the date indicated in the schedule, "Reimbursement Voucher Due Date."
- Work with other area law enforcement within the region to conduct multi-agency enforcement efforts to maximize the visibility of law enforcement during the *CIOT* enforcement period.

## IMPAIRED DRIVING (ID) ENFORCEMENT SCOPE OF WORK

### PROJECT NO. PHSPID2410-02-00

The *Drive Sober or Get Pulled Over (DSOGPO)* enforcement campaign exists to deter impaired driving (ID) through heightened enforcement of ID laws in the state. The campaign's success is built upon the strategy that education, along with highly visible and consistent enforcement, is an effective means to change driver behavior.

The Contractor is required to work during the scheduled ID enforcement periods as outlined in Attachment 1. The Contractor may conduct additional enforcement activity beyond the required regional calendar events within their jurisdiction, if the budget allows, and if the Contractor can justify the purpose of additional enforcement. The Contractor must notify the Highway Safety Division of the additional enforcement activity prior to conducting the additional enforcement activity.

During each identified enforcement period of the contract period, the Contractor must:

- Conduct a minimum of two shifts (no minimum number of hours per shift) per enforcement period, except for the National Labor Day *Drive Sober or Get Pulled Over* campaign.
- Conduct a minimum of four shifts (no minimum number of hours per shift) during the dates identified as the National Labor Day *Drive Sober or Get Pulled Over* campaign.
- Ensure that officers working the ID grant have been SFST (Standardized Field Sobriety Testing) certified and have attended a SFST refresher or ARIDE course at least once every three years. The Contractor must provide verification of the completed training upon request by the Highway Safety Division for each officer conducting overtime enforcement through the grant.
- Determine the best enforcement strategy (e.g., sobriety checkpoints vs. saturation patrols, time of day, locations, etc.) that will most effectively deter ID within the Contractor's jurisdiction. Data indicates this would typically be at night on weekends and holidays, or during special community events justifying the need for additional traffic enforcement. Some jurisdictions may have varying times based on demographics (e.g., college communities).
- Conduct high visibility enforcement within corridors and times where the occurrence of injury and death from ID is greatest. When possible, the Highway Safety Division will coordinate with the Contractor to determine these locations based on ND crash data.
- Coordinate with the Highway Safety Division to complete earned media requirements (pre- and post-news releases).
- Submit an electronic enforcement log sheet for participating officers by the date indicated in the schedule, "Enforcement Log Due Date." *The report will include: (1) number of enforcement hours, (2) dates and times of enforcement, (3) number and type of citations issued, and (4) number of enforcement contacts/stops made.*

- Submit a reimbursement voucher by the date indicated in the schedule, "Reimbursement Voucher Due Date."
- Work with other area law enforcement within the region to conduct multi-agency enforcement efforts to maximize the visibility of law enforcement during the ID enforcement period.

## DISTRACTED DRIVING (DD) ENFORCEMENT OF WORK

### PROJECT NO. PHSPDD2411-02-00

The distracted driving (DD) enforcement campaign exists to decrease the use of handheld electronic devices and other activities that are a distraction or cause inattentiveness by the driver through heightened enforcement of DD laws in the state. The campaign's success is built upon the strategy that education, along with heightened and consistent enforcement, is an effective means to change driver behavior and decrease crashes caused by driver distraction.

Participating law enforcement agencies are required to work overtime during scheduled DD campaigns to achieve heightened enforcement within their jurisdictions by enforcing the ban on all cell phone use by minors (under the age of 18) and activities by all drivers which cause inattentiveness resulting in traffic violations.

The Contractor is required to work during the scheduled DD enforcement periods as identified in Attachment 1. The Contractor may conduct additional enforcement activity beyond the required events within their jurisdiction, if the budget allows, and if the Contractor can justify the purpose of additional enforcement. The Contractor must notify the Highway Safety Division of the additional enforcement activity prior to conducting the additional enforcement activity.

During each identified enforcement period, the Contractor must:

- Conduct a minimum of two shifts (no minimum number of hours per shift) per DD enforcement period.
- Determine the best enforcement strategy that will efficiently use available resources and conduct heightened enforcement within corridors and at times where the occurrence of DD and electronic device usage is most prevalent.
- Issue Citations – **not warnings** – when observing a driver violating North Dakota's DD law. This is to assure the integrity of the *UDrive*. *UText*. *UPay*. message to the public. Each stop is an opportunity to educate the public on taking personal responsibility for their driving behaviors.
- Coordinate with the Highway Safety Division to complete earned media requirements (pre- and post-news releases).
- Submit an electronic enforcement log sheet for participating officers by the date indicated in the schedule, "Enforcement Log Due Date." *The report will include: (1) number of enforcement hours, (2) dates and times of enforcement, (3) number and type of citations issued, and (4) number of enforcement contacts/stops made.*

- Submit a reimbursement voucher by the date indicated in the schedule, “Reimbursement Voucher Due Date.”
- Work with other area law enforcement within the region to conduct multi-agency enforcement efforts to maximize the heightened enforcement of DD laws during the enforcement period.

## SPEED (SC) ENFORCEMENT SCOPE OF WORK

### PROJECT NO. PHSPSC2407-04-00

The speed (SC) enforcement campaign exists to decrease speed violations through heightened enforcement of speeding laws in the state. The campaign’s success is built upon the strategy that education, along with highly visible and consistent enforcement, is an effective means to change driver behavior and decrease excessive speed.

Participating law enforcement agencies are required to work overtime during scheduled Speed campaigns to achieve high visibility within their jurisdictions to deter motorists from driving above the posted speed limits.

The Contractor may **only** work during the scheduled Speed enforcement periods as identified in Attachment 1. The Contractor may not work outside the scheduled period.

During each identified enforcement period, the Contractor must:

- Conduct a minimum of two shifts (no minimum number of hours per shift) per high visibility enforcement period within corridors and at times (including nighttime) where the occurrence of highest number of speed-related serious injury and fatal crashes is greatest. When possible, the Highway Safety Division will coordinate with the Contractor to determine these locations based on North Dakota (ND) crash data.
- Issue Citations – **not warnings** – for driving above the posted speed limits. This is to assure the integrity of the *Speeding Slows You Down* message to the public. Each stop is an opportunity to educate the public on taking personal responsibility in driving behaviors and safety measures.
- Coordinate with the Highway Safety Division to complete earned media requirements (pre- and post-news releases).
- Submit an electronic enforcement log sheet for participating officers by the date indicated in the schedule, “Enforcement Log Due Date.” *The report will include: (1) number of enforcement hours, (2) dates and times of enforcement, (3) number and type of citations issued, and (4) number of enforcement contacts/stops made.*
- Submit a reimbursement voucher by the date indicated in the schedule, “Reimbursement Voucher Due Date.”
- Work with other area law enforcement within the region to conduct multi-agency enforcement efforts to maximize the heightened enforcement of speeding laws during the enforcement period.

## REPORTING AND AUDIT REPORTING/ALL PROJECTS

### **Reporting**

The Contractor must submit the enforcement logs and reimbursement voucher(s) to the Highway Safety Division per the schedule referenced in the previous enforcement sections. Late reports may result in a delay in processing or a reduction in payment.

The Contractor must retain for a minimum of three years, copies of timesheets, payroll, agency work schedules, and any other supporting documentation.

*An enforcement contact is defined as one traffic stop, which may include multiple enforcement actions with the occupants of a motor vehicle while conducting overtime enforcement under contract with NDDOT.*

Because the law enforcement overtime programs are statewide efforts, participation by each contracted entity is critical to the success of the campaigns. If the Contractor is unable to fulfill any portion of the contractual scope of work, they must contact the Highway Safety Division immediately.

### **Audit Reporting**

A non-federal entity that expends \$750,000 or more during the non-federal entity's fiscal year in federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR 200, Subpart F.

Entities that spend less than \$750,000 of federal funds from all sources may be subject to reviews by NDDOT at its discretion. These requirements are applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non-profit businesses.

- All entities receiving federal funds through NDDOT shall certify whether a Single Audit has been completed as part of the annual Federal award process.
- All entities must complete the Single Audit Certification Form.
- All entities must provide a Schedule of Expenditures of Federal Awards (SEFA).

## NDDOT RESPONSIBILITIES, REIMBURSEMENT, AND OTHER REQUIREMENTS/ALL PROJECTS

### ***NDDOT Responsibilities***

This Scope of Work will be monitored by the NDDOT's Program Manager. Oversight will include, but will not be limited to, desktop and on-site monitoring of program finances, operations, and performance. This will include identification and written notification of issues and/or concerns that could significantly affect the program's performance and outcomes to agents of the contracting agency in the community.

Based on federal grant requirements, NDDOT may revise the enforcement dates shown in Attachment 1. The Contractor will be notified by email and will receive a revised Attachment 1 that will identify the revised enforcement dates and due dates of enforcement logs and reimbursement vouchers.

### ***Reimbursement***

This contract will reimburse allowable expenses up to each project's total budget for costs incurred through completion of the scope of work and/or at the direction of the program manager. The Highway Safety Division reserves the right to deny payment for unallowable expenses identified in the applicable cost principles.

Overtime wages will be reimbursed at the agency-approved overtime rate and mileage, if applicable, will be reimbursed at the state-approved rate.

***At the close of the state fiscal year, which is June 30, enforcement logs and reimbursement vouchers must be submitted no later than July 15 for any services or purchases that took place on or before June 30. Vouchers received after July 15 may not be reimbursed. Please note: only equipment that has been received by June 30 is affected by this due date.***

The final reports/vouchers for all projects are due no later than November 14, 2024. ***Vouchers received after November 14, 2024, will not be reimbursed.***

### ***Other Requirements***

In accordance with 23 CFR Part 1300 Appendix C, the Contractor, as a representative of its political subdivision, requests the benefit of the NDDOT Highway Safety Division coordination of paid media and marketing to capitalize on the high visibility enforcement and education model necessary to change driver behavior. The NDDOT Highway Safety Division will coordinate paid and earned media statewide to complement the enforcement initiative outlined in this project agreement. The outreach may include the following: TV spots, radio spots, online ads, billboards, print ads, press releases, posters, flyers, and/or outreach events. These efforts will include local jurisdictions and will be coordinated statewide. By signing the contract, the Contractor signifies his/her understanding of the outreach component of the mobilization and approves the use of these educational techniques within his/her jurisdiction.

The Contractor is encouraged to follow the guidelines for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect.

The Contractor shall not use the funds for supplanting also known as general costs of government. *Funds for programs and services provided through this grant are intended to supplement, not supplant, other state or local funding sources.* Supplanting is defined as replacing routine and/or existing state or local expenditures with the use of federal grant funds and/or using federal grant funds for costs of activities that constitute general expenses required to carry out the overall responsibilities of state, local, or federally-recognized Indian tribal governments.

Written and verbal warnings are not encouraged under any of the grant programs.

The Contractor is encouraged to use the E-Citation module within TraCS Web while conducting overtime enforcement activities through NDDOT grant funded programs. The Highway Safety Division will monitor enforcement activities in TraCS. Upon request, those issuing paper citations or electronic citations in another program will be required to submit copies of citations to the Highway Safety Division.

## BUDGETS

### *OCCUPANT PROTECTION (OP) ENFORCEMENT BUDGET*

#### **PROJECT NO. PHSPOP2405-05-00 / ALN NO. 20.600**

**DIRECT COSTS**

Overtime wages		\$ 4,400
Mileage		<u>\$ 300</u>
<b>PROJECT TOTAL</b>		<u><b>\$ 4,700</b></u>

**Participation**

Federal	100%	
State	-	\$ 4,700
Local	-	

### *IMPAIRED DRIVING (ID) ENFORCEMENT BUDGET*

#### **PROJECT NO. PHSPID2410-02-00 / ALN NO. 20.608**

**DIRECT COSTS**

Overtime wages		\$ 5,500
Mileage		<u>\$ 400</u>
<b>PROJECT TOTAL</b>		<u><b>\$ 5,900</b></u>

**Participation**

Federal	100%	
State	-	\$ 5,900
Local	-	

*DISTRACTED DRIVING (DD) ENFORCEMENT BUDGET*

**PROJECT NO. PHSPDD2411-02-00 / ALN NO. 20.600**

**DIRECT COSTS**

Overtime wages		\$ 2,250
Mileage		\$ 300
<b>PROJECT TOTAL</b>		<u>\$ 2,550</u>

**Participation**

Federal	100%	\$ 2,550
State	-	
Local	-	

*SPEED (SC) ENFORCEMENT BUDGET*

**PROJECT NO. PHSPSC2407-04-00 / ALN NO. 20.600**

**DIRECT COSTS**

Overtime wages		\$ 4,400
Mileage		\$ 300
<b>PROJECT TOTAL</b>		<u>\$ 4,700</u>

**Participation**

Federal	100%	\$ 4,700
State	-	
Local	-	

## OCCUPANT PROTECTION (OP) ENFORCEMENT DATES

Enforcement Dates	Enforcement Log Due Date	Reimbursement Voucher Due Date
November 1 – December 14, 2023	12/19/2023	1/31/2024
*May 1 - June 2, 2024	6/7/2024	6/30/2024

\*May 20 – June 2, 2024, is the National “Click It or Ticket” (CIOT) Enforcement Campaign

Participating agencies are required to conduct a minimum of two (2) shifts per enforcement period.

Contractor may not work any other dates for the occupant protection campaign.

Please refer to the Contract for the full Scope of Work.

### IMPAIRED DRIVING (ID) ENFORCEMENT DATES

Enforcement Dates	Enforcement Log Due Date	Reimbursement Voucher Due Date
*December 15, 2023 – January 31, 2024	2/5/2024	3/15/2024
March 1 – March 31, 2024	4/5/2024	5/15/2024
<b>**August 16 – September 2, 2024</b>	9/7/2024	10/15/2024

\*December 15, 2023 – January 1, 2024, is the National “Drive Sober or Get Pulled Over” (DSOGPO) Campaign. ND extends the enforcement campaign until January 31, 2024.

\*\*August 16– September 2, 2024, is the National “Drive Sober or Get Pulled Over” Campaign. **This DSOGPO campaign requires a minimum of four (4) shifts to be worked.**

Participating agencies are required to conduct a minimum of two (2) shifts per enforcement period.

Please refer to the Contract for the full Scope of Work.

### SPEED (SP) ENFORCEMENT DATES

Enforcement Dates	Enforcement Log Due Date	Reimbursement Voucher Due Date
July 1 – August 15, 2024	8/20/2024	9/20/2024

Participating agencies are required to conduct a minimum of two (2) shifts per enforcement period.

Contractor may not work any other dates for the speed enforcement campaign.

Please refer to the Contract for the full Scope of Work.

## DISTRACTED DRIVING (DD) ENFORCEMENT DATES

Enforcement Dates	Enforcement Log Due Date	Reimbursement Voucher Due Date
*April 1 – 30, 2024	5/5/2024	6/15/2024
September 1 – 30, 2024	10/5/2024	10/31/2024

\*April 1 – 30, 2024 coincides with the National Distracted Driving Awareness Month campaign.

Participating agencies are required to conduct a minimum of two (2) shifts per enforcement period.

Please refer to the Contract for the full Scope of Work.

**Appendix A to Part 1300—Certifications and Assurances for Highway Safety Grants**

*[Each fiscal year, the Governor's Representative for Highway Safety must sign these Certifications and Assurances affirming that the State complies with all requirements, including applicable Federal statutes and regulations, that are in effect during the grant period. Requirements that also apply to subrecipients are noted under the applicable caption.]*

State: North Dakota

Fiscal Year: 2024

**By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, Public Law 109-59, as amended by Section 25024, Public Law 117-58, the State Highway Safety Office acknowledges and agrees to the following conditions and requirements. In my capacity as the Governor's Representative for Highway Safety, I hereby provide the following Certifications and Assurances:**

**GENERAL REQUIREMENTS**

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended;
- Sec. 1906, Public Law 109-59, as amended by Sec. 25024, Public Law 117-58;
- 23 CFR part 1300—Uniform Procedures for State Highway Safety Grant Programs;
- 2 CFR part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- 2 CFR part 1201—Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

**INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS**

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

**FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)**

The State will comply with FFATA guidance, *OMB Guidance on FFATA Subaward and Executive Compensation Reporting*, August 27, 2010, ([https://www.fsrs.gov/documents/OMB\\_Guidance\\_on\\_FFATA\\_Subaward\\_and\\_Executive\\_Compensation\\_Reporting\\_08272010.pdf](https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf)) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;

- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
  - Unique entity identifier (generated by **SAM.gov**);
- The names and total compensation of the five most highly compensated officers of the entity if:
  - (i) the entity in the preceding fiscal year received—
    - (I) 80 percent or more of its annual gross revenues in Federal awards;
    - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
  - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

## **NONDISCRIMINATION**

**(applies to subrecipients as well as States)**

The State highway safety agency [and its subrecipients] will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- *Title VI of the Civil Rights Act of 1964* (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 CFR 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- *Federal-Aid Highway Act of 1973*, (23 U.S.C. 324 et seq.), and *Title IX of the Education Amendments of 1972*, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- *Section 504 of the Rehabilitation Act of 1973*, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- *The Age Discrimination Act of 1975*, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- *The Civil Rights Restoration Act of 1987*, (Pub. L. 100-209), (broadens scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the

Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);

- *Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189)* (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (preventing discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);
- *Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency* (requiring that recipients of Federal financial assistance provide meaningful access for applicants and beneficiaries who have limited English proficiency (LEP));
- *Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government* (advancing equity across the Federal Government); and
- *Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation* (clarifying that sex discrimination includes discrimination on the grounds of gender identity or sexual orientation).

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

**GENERAL ASSURANCES**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA.”*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

## SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in § 21.23(b) and (e) of 49 CFR part 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:  
*“The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*
3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT Order 1050.2A) <sup>[1]</sup> in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or

structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the State highway safety agency also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The State highway safety agency gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

**THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)**

The State will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace, and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
  1. The dangers of drug abuse in the workplace;
  2. The grantee's policy of maintaining a drug-free workplace;

3. Any available drug counseling, rehabilitation, and employee assistance programs;
4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
  1. Abide by the terms of the statement;
  2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted—
  1. Taking appropriate personnel action against such an employee, up to and including termination;
  2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

**POLITICAL ACTIVITY (HATCH ACT)**

**(applies to subrecipients as well as States)**

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

**CERTIFICATION REGARDING FEDERAL LOBBYING**

**(applies to subrecipients as well as States)**

**CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a

Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### **RESTRICTION ON STATE LOBBYING**

**(applies to subrecipients as well as States)**

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (*e.g.*, "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

#### **CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

**(applies to subrecipients as well as States)**

#### **INSTRUCTIONS FOR PRIMARY TIER PARTICIPANT CERTIFICATION (STATES)**

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an

erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.

4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled “Instructions for Lower Tier Participant Certification” including the “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction,” provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate the transaction for cause or default.

## CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS—PRIMARY TIER COVERED TRANSACTIONS

1. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
  - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
  - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

### INSTRUCTIONS FOR LOWER TIER PARTICIPANT CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled “Instructions for Lower Tier Participant Certification” including the “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION—LOWER TIER COVERED TRANSACTIONS**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**BUY AMERICA**

**(applies to subrecipients as well as States)**

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

**CERTIFICATION ON CONFLICT OF INTEREST**

**(applies to subrecipients as well as States)**

**GENERAL REQUIREMENTS**

No employee, officer, or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
  - a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
  - b. The code or standards shall establish penalties, sanctions, or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

**DISCLOSURE REQUIREMENTS**

No State or its subrecipient, including its officers, employees, or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in

organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present, or currently planned organizational, financial, contractual, or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor, and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

**PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE**  
(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

**POLICY ON SEAT BELT USE**

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at [www.trafficsafety.org](http://www.trafficsafety.org). The NHTSA website ([www.nhtsa.gov](http://www.nhtsa.gov)) also provides information on statistics, campaigns, and program evaluations and references.

**POLICY ON BANNING TEXT MESSAGING WHILE DRIVING**

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

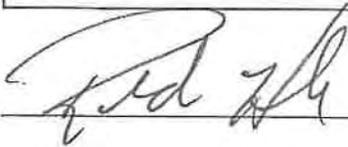
**SECTION 402 REQUIREMENTS**

1. To the best of my personal knowledge, the information submitted in the annual grant application in support of the State's application for a grant under 23 U.S.C. 402 is accurate and complete.
2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))
3. At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or on behalf of political subdivisions of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and on behalf of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)
4. The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1)(D))
5. As part of a comprehensive program, the State will support a data-based traffic safety enforcement program that fosters effective community collaboration to increase public safety, and data collection and analysis to ensure transparency, identify disparities in traffic enforcement, and inform traffic enforcement policies, procedures, and activities. (23 U.S.C. 402(b)(1)(E))
6. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:

- Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to—
    - Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
    - Increase use of seat belts by occupants of motor vehicles;
  - Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;
  - An annual statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
  - Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
  - Coordination of triennial Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a); and
  - Participation in the Fatality Analysis Reporting System (FARS), except for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands
7. The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))
  8. The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system, except in a work zone or school zone. (23 U.S.C. 402(c)(4))

**I understand that my statements in support of the State's application for Federal grant funds are statements upon which the Federal Government will rely in determining qualification for grant funds, and that knowing misstatements may be subject to civil or criminal penalties under 18 U.S.C. 1001. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.**

Click here to validate form fields and permit signature



Signature Governor's Representative for Highway Safety

7/31/2023

Date

Ron Henke

Printed name of Governor's Representative for Highway Safety

**Certificate Of Completion**

Envelope Id: C432EDA267464E5093B5788AB9476549

Status: Sent

Subject: SO Burleigh Contract #12231129

Contract Number: 12231129

PCN:

Source Envelope:

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Envelope Originator:

Certificate Pages: 3

Initials: 1

Sheila Kitzan

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skitzan@nd.gov

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**Signature**

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Shannon Sauer

ssauer@nd.gov

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Resent: 9/8/2023 9:47:26 AM

Resent: 9/11/2023 7:01:12 AM

Viewed: 9/11/2023 9:40:25 AM

Signed: 9/11/2023 9:40:30 AM

Signature Adoption: Pre-selected Style

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**Authentication Details**

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Result: passed

Vendor ID: TeleSign

Type: SMSAuth

Performed: 9/11/2023 9:40:19 AM

Phone: +1 701-426-9825

**Electronic Record and Signature Disclosure:**

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Security Level: Email, Account Authentication (None)

**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

Security Level: Email, Account Authentication (None)

**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

Karin Mongeon

kamongeon@nd.gov

Security Level: Email, Account Authentication (None), Authentication

**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

Signer Events	Signature	Timestamp
Clint Morgenstern cdmorgenstern@nd.gov Security Level: Email, Account Authentication (None), Authentication <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		
Robin R. Rehborg rrehborg@nd.gov Security Level: Email, Account Authentication (None), Authentication <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		
Lauren M. Martin lmartin@nd.gov Security Level: Email, Account Authentication (None), Authentication <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		

In Person Signer Events	Signature	Timestamp
<b>Editor Delivery Events</b> Sheila Kitzan skitzan@nd.gov North Dakota Highway Patrol Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	<b>Status</b> <div style="border: 1px solid black; padding: 5px; text-align: center; font-weight: bold; font-size: 1.2em;">VIEWED</div> Using IP Address: 165.234.252.245	<b>Timestamp</b> Sent: 9/6/2023 9:53:18 AM Viewed: 9/7/2023 11:18:18 AM Completed: 9/7/2023 11:20:00 AM

Agent Delivery Events	Status	Timestamp
Tracy Nelson tnelson@burleighsd.com Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		Sent: 9/11/2023 9:40:38 AM Viewed: 9/12/2023 12:53:16 PM

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp
Sheila Kitzan skitzan@nd.gov Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		

Carbon Copy Events	Status	Timestamp
DOT Legal Admin dotlegaladmin@nd.gov Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		

<b>Carbon Copy Events</b>	<b>Status</b>	<b>Timestamp</b>
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DOT Legal Admin

dotlegaladmin@nd.gov

Security Level: Email, Account Authentication  
(None)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Security Level: Email, Account Authentication  
(None)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
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Envelope Updated	Security Checked	9/7/2023 11:20:00 AM
Envelope Updated	Security Checked	9/7/2023 11:20:00 AM

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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**ITEM**

**# 8**

## **Burleigh County Equestrian and Ag Facility Summary**

### **Purpose:**

The Burleigh County Equestrian and Ag Facility is to be a premier public equestrian, agriculture and livestock facility for local, state and national education, recreation, social events and competitions on the Missouri Valley Complex.

### **What it is:**

- Located at the Missouri Valley Complex
- Owned by Burleigh County
- Multi-use, multi-discipline facility
- Main dirt floor event arena connected to warm up arena
- Configurable stall facilities for events and shows
- Relocation and inclusion of the current outdoor arena
- RV and LQ hookups

### **What it serves:**

- Growing demands of
  - Agriculture
  - Education
  - Farm Safety
  - Work Force Development
  - Equestrian
  - Livestock
  - Recreation
  - Tourism...and many more!

### **How it will be funded:**

- Public and private partnerships
  - Land\*, Grants, Donations

### **Initial Project Steering Committee**

- Julie Kuennen – Chair
- Scott Flach
- Steve Neu
- Alan Heim
- Dan Reis
- Kay Laco
- Tisa Peek
- Katie Oakland

\*Land for the project will be provided by Burleigh County, no additional County funds are to be used for the building of the facility.

**ITEM**

**# 10**

NOTICE IS HEREBY GIVEN, that the following real estate has been forfeited to the County of Burleigh, State of ND, for delinquent taxes; that said County has taken tax deed to such property and will offer for sale at public auction at the Office of the County Auditor in said County on Tuesday, November 21, 2023 beginning at 10:00 am ACCORDING to NDCC 57-28-19, some Cities have the first option to purchase property; therefore, some parcels may not be listed at sale time. EACH PARCEL of real estate will be offered separately and sold to the highest bidder thereof, but not for a sum less than the minimum sale price. The purchaser will be required to pay cash for all parcels of real estate sold plus \$23.00 as and for the filing fee with the County Recorder. This sale will continue from day to day until complete. REAL PROPERTY, fixtures, and structures are without warranty or representation.

LISTED OWNER	PROPERTY ADDRESS	PARCELID#	All Delinquent Tax, Specials, Penalty & Interest	2023 Est. Tax & Specials	Total	2023 MV	MV x 65%	2022 Specials Current	Specials Delinquent w/ Penalty & Interest	MIN SALE
										AMOUNT
83 PROPERTIES LLC	1401 SKYLINE BLVD UNIT J	1453-001-210	\$14,088.82	\$4,216.68	\$18,305.50	316,900.00	\$205,985	\$53.44	\$204.06	\$18,305.50
BOULDER RIDGE DEVELOPMENT INC	637 E LASALLE DR	1514-004-001	\$12,067.84	\$3,856.13	\$15,923.97	47,000.00	\$30,550	\$3,066.75	\$10,199.14	\$15,923.97
BRYANS, SARAH ANN	1431 EASTWOOD ST	0497-024-026	\$7,779.17	\$2,534.12	\$10,313.29	181,600.00	\$118,040	\$358.46	\$1,048.68	\$10,313.29
BURLEIGH COUNTY TAX SALE	4612 NORMANDY ST	1511-002-120	\$1,744.36	\$329.26	\$2,073.62	-	\$0	\$339.33	\$1,413.84	\$50.00
BURLEIGH COUNTY TAX SALE	5117 NORMANDY ST	1516-002-001	\$11,453.27	\$2,346.55	\$13,799.82	-	\$0	\$2,666.43	\$11,322.14	\$50.00
BURLEIGH COUNTY TAX SALE	622 BOEHM DR	0115-003-100	\$5,627.02	\$979.51	\$6,606.53	-	\$0	\$1,009.16	\$5,464.71	\$50.00
BURLEIGH COUNTY TAX SALE	NONE	CR-143-78-00-10-151	\$601.77	\$74.69	\$676.46	1,000.00	\$650	\$60.00	\$375.00	\$1.00
CALHEIM, GARY	NONE	48-137-76-00-17-830	\$93.84	\$13.60	\$107.44	2,000.00	\$1,300	\$0.00	\$0.00	\$107.44
CONDON, CHENILLE	3128 TYLER PKWY	0933-002-010	\$14,566.90	\$6,309.23	\$20,876.13	502,500.00	\$326,625	\$379.62	\$909.59	\$20,876.13
CONMY, MICHAEL & TANA BECKER	314 W RENO AVE	0497-022-015	\$7,763.30	\$2,434.37	\$10,197.67	166,900.00	\$108,485	\$435.24	\$1,343.74	\$10,197.67
CREEK PROPERTIES LLC & BUFFALO JUMP PROP	3950 N 15TH ST	2045-001-001	\$873.85	\$239.19	\$1,113.04	18,200.00	\$11,830	\$0.00	\$0.00	\$1,113.04
EAGLES NEST	2627 E ROSSER AVE	0655-004-001	\$5,054.58	\$155.25	\$5,209.83	8,700.00	\$5,655	\$42.16	\$4,637.70	\$5,209.83
ECKHOLM, CAROLYN J	804 E LASALLE DR UNIT C	1585-002-008	\$11,638.28	\$3,409.05	\$15,047.33	233,400.00	\$151,710	\$824.98	\$3,143.49	\$15,047.33
GENDRON, KEITH & PATRICIA	6437 KINGSWOOD RD	23-140-81-50-07-020	\$6,774.38	\$2,202.51	\$8,976.89	262,300.00	\$170,495	\$0.00	\$0.00	\$8,976.89
GOLIK, ALICE J	717 W AVE B	0040-019-055	\$9,914.06	\$3,200.03	\$13,114.09	260,300.00	\$169,195	\$123.56	\$1,285.74	\$13,114.09
GROSS, JORDON M	1934 CATHERINE DR	0460-007-005	\$12,268.97	\$3,317.75	\$15,586.72	223,100.00	\$145,015	\$699.73	\$2,738.93	\$15,586.72
HAHN, BYRON J & BRENDA J	513 S 10TH ST	0035-012-037	\$8,640.51	\$2,876.73	\$11,517.24	225,000.00	\$146,250	\$221.99	\$847.40	\$11,517.24
HAMEL, CAROLINE	730 W BOWEN AVE	0125-002-005	\$14,519.37	\$4,540.50	\$19,059.87	362,800.00	\$235,820	\$256.71	\$979.31	\$19,059.87
HAMMES, JAMES A & LEONA E	NONE	31-139-81-72-09-100	\$335.07	\$84.77	\$419.84	9,300.00	\$6,045	\$1.86	\$6.78	\$419.84
INVESCO HOLDINGS INC & MDS PROPERTIES LLC	1700 SKYLINE BLVD	1457-001-700	\$33,629.95	\$9,008.98	\$42,638.93	428,100.00	\$278,265	\$3,487.98	\$15,697.07	\$42,638.93
INVESTCORE INC	124 NINA LN	2225-002-150	\$19,723.48	\$4,069.98	\$23,793.46	12,500.00	\$8,125	\$4,616.33	\$19,107.64	\$23,793.46
JOHNSON, BRYAN	1518 E AVE C	0050-028-030	\$4,804.60	\$1,362.61	\$6,167.21	115,200.00	\$74,880	\$0.00	\$0.00	\$6,167.21
JOHNSON, FRED & MITZI	NONE	34-139-77-92-01-060	\$1,794.05	\$683.09	\$2,477.14	102,700.00	\$66,755	\$0.00	\$0.00	\$2,477.14
KUHN, DEBRA & KUHN, JESSICA	203 MAIN ST	CW-142-76-00-08-230	\$1,266.49	\$378.51	\$1,645.00	32,000.00	\$20,800	\$0.00	\$0.00	\$1,645.00
LISTER, JAMES R	506 N 17TH ST	0050-045-025	\$6,550.78	\$1,986.43	\$8,537.21	165,000.00	\$107,250	\$439.81	\$1,054.88	\$8,537.21
LUNA, MARK & VALERIE	503 GREENFIELD LN	31-139-80-45-05-030	\$6,709.47	\$2,246.89	\$8,956.36	280,000.00	\$182,000	\$0.00	\$0.00	\$8,956.36
MADSON, GINA	1554 OAKLAND DR	0605-031-025	\$11,668.01	\$3,572.13	\$15,240.14	265,300.00	\$172,445	\$442.64	\$1,589.92	\$15,240.14
MDS PROPERTIES LLC & INVESCO HOLDINGS INC	4601 N 19TH ST	1452-006-010	\$27,330.34	\$5,165.91	\$32,496.25	18,700.00	\$12,155	\$5,074.43	\$26,433.86	\$32,496.25
MDS PROPERTIES LLC & INVESCO HOLDINGS INC	4415 N 15TH ST	1466-001-002	\$20,224.61	\$6,146.09	\$26,370.70	297,600.00	\$193,440	\$2,297.69	\$7,740.24	\$26,370.70
MDS PROPERTIES LLC & INVESCO HOLDINGS INC	1609 SKYLINE BLVD	1466-001-050	\$30,372.96	\$8,403.37	\$38,776.33	455,900.00	\$296,335	\$2,492.25	\$11,275.93	\$38,776.33
MDS PROPERTIES LLC & INVESCO HOLDINGS INC	1619 SKYLINE BLVD	1466-001-100	\$28,355.22	\$9,396.49	\$37,751.71	539,700.00	\$350,805	\$2,380.24	\$10,510.10	\$37,751.71
MDS PROPERTIES LLC & INVESCO HOLDINGS INC	1701 SKYLINE BLVD	1466-001-150	\$26,272.73	\$7,233.46	\$33,506.19	372,800.00	\$242,320	\$2,411.77	\$10,648.25	\$33,506.19
MDS PROPERTIES LLC & INVESCO HOLDINGS INC	1711 SKYLINE BLVD	1466-001-200	\$14,333.45	\$3,829.62	\$18,163.07	187,400.00	\$121,810	\$1,412.13	\$6,454.09	\$18,163.07
MDS PROPERTIES LLC & INVESCO HOLDINGS INC	1713 UPTOWN LN	1466-001-250 / 251	\$27,292.87	\$7,367.81	\$34,660.68	390,700.00	\$253,955	\$2,307.35	\$10,503.17	\$34,660.68
MDS PROPERTIES LLC & INVESCO HOLDINGS INC	1703 UPTOWN LN	1466-001-300	\$27,344.60	\$7,437.52	\$34,782.12	395,900.00	\$257,335	\$2,308.74	\$10,504.84	\$34,782.12
MDS PROPERTIES LLC & INVESCO HOLDINGS INC	1621 UPTOWN LN	1466-001-350	\$27,119.96	\$7,381.41	\$34,501.37	396,800.00	\$257,920	\$2,238.81	\$10,242.63	\$34,501.37
MDS PROPERTIES LLC & INVESCO HOLDINGS INC	1611 UPTOWN LN	1466-001-400	\$27,181.55	\$7,302.40	\$34,483.95	380,200.00	\$247,130	\$2,382.80	\$11,008.53	\$34,483.95
MDS PROPERTIES LLC & INVESCO HOLDINGS INC	1601 UPTOWN LN	1466-001-450	\$27,360.40	\$7,349.99	\$34,710.39	382,500.00	\$248,625	\$2,400.78	\$11,089.53	\$34,710.39
MOYER, CARLA & TOTH, ASHLEY	160 AUSTIN ST	CR-143-78-00-07-060	\$829.63	\$360.64	\$1,190.27	7,300.00	\$4,745	\$264.00	\$10,620.40	\$1,190.27
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 301	0636-002-069	\$3,132.66	\$630.22	\$3,762.88	39,300.00	\$25,545	\$389.34	\$1,512.66	\$3,762.88
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 303	0636-002-070	\$3,105.63	\$621.02	\$3,726.65	38,600.00	\$25,090	\$389.34	\$1,512.66	\$3,726.65

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LISTED OWNER	PROPERTY ADDRESS	PARCELID#	All Delinquent Tax, Specials, Penalty & Interest	2023 Est. Tax & Specials	Total	2023 MV	MV x 65%	2022 Specials Current	Specials Delinquent w/ Penalty & Interest	MIN SALE
										AMOUNT
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 305	0636-002-071	\$2,752.63	\$504.31	\$3,256.94	30,200.00	\$19,630	\$382.84	\$1,487.79	\$3,256.94
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 307	0636-002-072	\$2,752.63	\$504.31	\$3,256.94	30,200.00	\$19,630	\$382.84	\$1,487.79	\$3,256.94
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 309	0636-002-073	\$2,752.63	\$504.31	\$3,256.94	30,200.00	\$19,630	\$382.84	\$1,487.79	\$3,256.94
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 311	0636-002-074	\$2,752.64	\$504.31	\$3,256.95	30,200.00	\$19,630	\$382.85	\$1,487.80	\$3,256.95
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 313	0636-002-075	\$2,752.63	\$504.31	\$3,256.94	30,200.00	\$19,630	\$382.84	\$1,487.79	\$3,256.94
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 315	0636-002-076	\$3,054.30	\$599.93	\$3,654.23	36,800.00	\$23,920	\$391.99	\$1,522.78	\$3,654.23
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 317	0636-002-077	\$2,851.98	\$536.26	\$3,388.24	32,400.00	\$21,060	\$385.97	\$1,499.76	\$3,388.24
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 319	0636-002-078	\$2,851.98	\$536.26	\$3,388.24	32,400.00	\$21,060	\$385.97	\$1,499.76	\$3,388.24
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 321	0636-002-079	\$2,851.98	\$536.26	\$3,388.24	32,400.00	\$21,060	\$385.97	\$1,499.76	\$3,388.24
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 323	0636-002-080	\$3,140.09	\$627.93	\$3,768.02	38,700.00	\$25,155	\$395.13	\$1,534.75	\$3,768.02
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 325	0636-002-081	\$3,294.39	\$677.90	\$3,972.29	42,200.00	\$27,430	\$399.22	\$1,550.40	\$3,972.29
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 302	0636-002-082	\$3,140.13	\$634.16	\$3,774.29	39,600.00	\$25,740	\$389.34	\$1,512.68	\$3,774.29
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 304	0636-002-083	\$3,105.65	\$621.02	\$3,726.67	38,600.00	\$25,090	\$389.34	\$1,512.68	\$3,726.67
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 306	0636-002-084	\$2,752.65	\$504.31	\$3,256.96	30,200.00	\$19,630	\$382.84	\$1,487.81	\$3,256.96
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 308	0636-002-085	\$2,752.63	\$504.31	\$3,256.94	30,200.00	\$19,630	\$382.84	\$1,487.79	\$3,256.94
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 310	0636-002-086	\$2,752.63	\$504.31	\$3,256.94	30,200.00	\$19,630	\$382.84	\$1,487.79	\$3,256.94
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 312	0636-002-087	\$2,752.63	\$504.31	\$3,256.94	30,200.00	\$19,630	\$382.84	\$1,487.79	\$3,256.94
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 314	0636-002-088	\$2,752.63	\$504.31	\$3,256.94	30,200.00	\$19,630	\$382.84	\$1,487.79	\$3,256.94
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 316	0636-002-089	\$3,054.30	\$599.93	\$3,654.23	36,800.00	\$23,920	\$391.99	\$1,522.78	\$3,654.23
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 318	0636-002-090	\$2,851.98	\$536.26	\$3,388.24	32,400.00	\$21,060	\$385.97	\$1,499.76	\$3,388.24
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 320	0636-002-091	\$2,851.98	\$536.26	\$3,388.24	32,400.00	\$21,060	\$385.97	\$1,499.76	\$3,388.24
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 322	0636-002-092	\$2,851.98	\$536.26	\$3,388.24	32,400.00	\$21,060	\$385.97	\$1,499.76	\$3,388.24
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 324	0636-002-093	\$3,140.07	\$627.93	\$3,768.00	38,700.00	\$25,155	\$395.13	\$1,534.73	\$3,768.00
ND PROPERTIES & INVESTMENTS LLC	1309 TACOMA AVE 326	0636-002-094	\$3,342.49	\$692.90	\$4,035.39	43,200.00	\$28,080	\$401.15	\$1,557.73	\$4,035.39
NELSON, MARK	1416 E AVE F	0050-006-035	\$7,802.19	\$2,623.51	\$10,425.70	184,800.00	\$120,120	\$767.74	\$1,656.88	\$10,425.70
OPP, RACHEL	3703 JERICHO RD	1275-001-085	\$6,461.01	\$1,984.77	\$8,445.78	159,800.00	\$103,870	\$97.04	\$446.93	\$8,445.78
SC2 DEVELOPMENT, LLC	1425 SKYLINE WAY	1458-001-150	\$32,646.99	\$9,377.13	\$42,024.12	516,000.00	\$335,400	\$2,673.04	\$10,399.11	\$42,024.12
SKY 19 DEVELOPMENT LLC	4600 N 19TH ST UNIT 101	1457-001-651	\$14,345.04	\$4,555.03	\$18,900.07	312,300.00	\$202,995	\$464.79	\$1,996.22	\$18,900.07
SKY 19 DEVELOPMENT LLC	4600 N 19TH ST UNIT 201	1457-001-652	\$13,946.99	\$4,393.76	\$18,340.75	301,100.00	\$195,715	\$450.25	\$1,933.83	\$18,340.75
SKY 19 DEVELOPMENT LLC	4600 N 19TH ST UNIT 301	1457-001-653	\$13,942.14	\$4,393.76	\$18,335.90	301,100.00	\$195,715	\$450.25	\$1,933.83	\$18,335.90
SKY 19 DEVELOPMENT LLC	4600 N 19TH ST UNIT 401	1457-001-654	\$11,853.59	\$3,663.03	\$15,516.62	245,500.00	\$159,575	\$450.25	\$1,933.83	\$15,516.62

BURLEIGH COUNTY COMMISSION AND PARK BOARD  
2024 MEETING SCHEDULE  
TOM BAKER MEETING ROOM - CITY\COUNTY BUILDING

<u>DATE</u>	<u>AGENDA</u>
Jan. 3 <b>(Wed)</b> 17 <b>(Wed)</b>	Regular Meeting – Reorganize/Assign Portfolios 2 <sup>nd</sup> Meeting
Feb. 5 21 <b>(Wed)</b>	Regular Meeting 2 <sup>nd</sup> Meeting
Mar. 4 18	Regular Meeting 2 <sup>nd</sup> Meeting
Apr. 1 15	Regular Meeting 2 <sup>nd</sup> Meeting
May 6 20	Regular Meeting 2 <sup>nd</sup> Meeting
June 3 17	Regular Meeting/Equalization 2 <sup>nd</sup> Meeting
July 1 15 & 16	Regular Meeting 2 <sup>nd</sup> Meeting & Preliminary Budget Introduction (8:30AM)
Aug. 5 19	Regular Meeting 2 <sup>nd</sup> Meeting
Sept. 4 <b>(Wed)</b> 16	Regular Meeting 2 <sup>nd</sup> Meeting/Final Budget Hearing
Oct. 7 21	Regular Meeting Hearing to establish minimum sales prices for tax sale 2 <sup>nd</sup> Meeting
Nov. 4 18 19	Regular Meeting 2 <sup>nd</sup> Meeting Annual Tax Sale (10:00 AM)
Dec. 2 16	Regular Meeting 2 <sup>nd</sup> Meeting

11-11-05. Meetings of board - Time and place.

The board of county commissioners shall meet and hold regular meetings for the transaction of business at a time and place to be designated by the commission on a date certain established by resolution or ordinance of the commission. The county auditor shall have power to call special meetings when the interests of the county demand it. The chairman of the board, or a majority of the members thereof, may call special meetings that must be noticed in accordance with section 44-04-20.

# **PUBLIC HEARING**

# County of Burleigh

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

September 13, 2023

Honorable Commissioners:

The following is the final budget for Burleigh County for calendar year 2024. The document contains the budgets for the General, Special Revenue, and Debt Service Funds.

The budget process is coordinated by the Finance Department under direction of the Budget Committee, County Commissioners, Department Directors, and the Auditor/Treasurer. The Budget Committee consists of Commissioner Munson, Commissioner Matthews, Auditor/Treasurer Splonskowski, and Deputy Finance Director Schulz. Burleigh County uses best practices to prepare the annual budget by using annual revenues for ongoing operational costs and cash reserves/fund balance for one-time expenditures. These methods serve as the keys for a balanced budget.

The County's goal for the 2024 budget is to maintain services at the current level and to remain sustainable in future years while making the adjustments needed to better balance the budget.

The County is continuing to recover from the impacts of COVID-19 and the rapid inflationary period that followed. The County continues to monitor these factors to best address them.

The Budget Committee identified areas of significant need for the 2024 budget. The Budget Committee focused on:

1. Remodel of the Provident Building to consolidate our departments currently within the City/County Building into the Provident Building already owned by the County.
2. Infrastructure needs including:
  - a. Construction of 66<sup>th</sup> Street SE Railroad Overpass (\$2,801,812 for 2024). Funds reallocated by the Commission following the Preliminary Budget Hearing due to the project being cancelled.
  - b. Replacement of a bridge on 236<sup>th</sup> St SE and removal of a bridge on 102 Ave SE (\$1,500,000 total cost with Federal Funds covering all but \$150,000).
  - c. Replacement of a bridge on Apple Creek Road one half mile east of 80<sup>th</sup> Street (\$1,440,000 total cost with Federal Funds covering all but \$144,000).
3. Update the Boiler System within the Courthouse (\$1,130,000 from ARPA funds). Commission chose to remove this at the July 19, 2023 meeting.
4. Employee retention and recruitment.
5. Addition of a County Administrator within the county to aid in county management related to both past and future growth. The Commission chose to remove this following the Preliminary Budget Hearing.
6. Public Health – Discussions between the City and County have resulted in the creation of an independent Health Board that is equally represented by both entities. A proposal from the city of an expense split of 75% City and 25% County will more closely match the split in population for the given areas. This will lead to an increase of about \$285,000 to the County Public Health budget. The Commission decided at the September 13, 2023 meeting to reduce the \$580,664 request to \$300,000.
7. Address revenues to better match them with ongoing operational costs.

The Budget Committee approved only 4 additional positions (FTEs) requested in the 2024 budget. FTEs that were approved included: Four full-time positions within the Highway Department and a reduction of six temporary employees.

The total 2024 General Fund Expenditure Budget is \$34,948,349, with \$25,566,980 or 73% coming from Salary and Fringe Benefits.

The County used the 2023 true and full property valuation for the 2024 property tax calculations. Property values increased on average 9.08% from the previous year.

The expenditure Budget for 2024 is \$79,146,345 compared to 2023 at \$71,250,381 for an increase of \$7,895,964. Of the \$7,895,964, \$5,201,812 is a transfer from the Special Road Fund. That leaves an actual expense increase of \$2,694,152 or 3.8%. That increase consists of the following:

1. \$2,140,039 for Salary and Fringe Benefits.
2. \$660,000 (1 Mill) for the Highway Department.
3. \$4,582 for Public Health.
4. \$332,500 for a Capital Improvement Fund.
5. That leaves an actual decrease outside of numbers 1-3 of \$442,969.

In the 2024 budget, the County Commission will use a collection of \$30,817,361 in property tax revenues, which is an increase of \$8,047,809 from the previous year. New growth amounts to \$511,845 for a net difference of \$7,535,964 on existing parcels.

This equates to an increase on a \$300,000 home inside city limits of \$119.88 and outside of city limits of \$120.69 for an increase of 8.88 and 8.94 mills respectively.

As we have discussed over the last six months, the 2023 budget included a use of \$5,500,000 of reserve funds to be used to balance the budget for ongoing operational costs. This is an unsustainable activity and with our current general fund reserves below 40%, it is recommended that we cannot utilize reserve funds again this year to cover that \$5,500,000 of the \$8,047,809 increase.

Debt service funds are established to collect special assessments annually and make payments on existing debt service. These funds are budgeted based on the annual debt service needed to pay for special assessment bonds using special assessment collections.

The County Commission approved a salary increase of a step and 3% COLA. This was based on data from CPI reports and the Kiplinger Letter. Along with this data, it was identified that recruiting and retention of employees is experiencing some significant hurdles.

The Health Insurance committee recommends an 8% increase in the plan premiums this year with a \$500,000 General Fund Loan payback in 2024.

The County continues to have new construction in both residential and commercial development within the county. This creates opportunities for new growth but, also creates challenges to increase services and provide infrastructure maintenance and improvements. Many estimates were made based on the information available at the time this budget was approved. The County Commission and Budget Committee continue to monitor inflationary impacts on operations to create strategies to offset cost increases while creating minimal impact on the taxpayers as the county continues to grow and expand.

A summary of Expenditures and Revenues for the 2024 General Fund Balance is:

Revenue: \$34,448,349

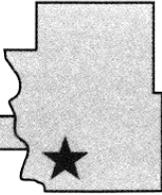
Expenditure: \$34,948,349

Difference: (\$500,000) This difference is made up by a \$500,000 loan payback from the Health Insurance Fund to the General Fund.

Justin Schulz  
Deputy Finance Director

Mark Splonskowski  
Burleigh County Auditor/Treasurer/Tax

# County of Burleigh



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

TO: Burleigh County Commissioners  
FROM: Justin Schulz, Deputy Finance Director  
DATE: September 13, 2023  
SUBJECT: 2024 Preliminary Budget Changes

1. Removal of County Administrator from the County Board Budget.
  - a. \$127,462 Salary reduction
  - b. \$55,777 Fringe Benefits reduction
    - i. Total Reduction of \$183,239
2. Removal of \$5,000 from County Involvement from the County Board Budget.
3. Removal of \$86,000 from the Planning budget line item 1001.41980.00382.
4. Removal of \$91,721 for County Advertising – Lewis and Clark Development.
5. Reduce Public Health from \$580,664 to \$300,000.
6. TOTAL combined reduction of \$646,624.



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

October 2, 2023

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

### COUNTY PARK BOARD

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Consideration and approval of the August 21<sup>st</sup>, 2023, meeting minutes and bills.
4. Dave Mayer:
  - a. County Docks update.

### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Public Comment (excluding public hearing items.)
5. Consideration and approval of the September 13, 20, and 25, 2023 meeting minutes and bills.
6. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
  - c. Access permit.
7. Public hearing concerning objections to the minimum sales prices as determined for the annual tax sale (November 21, 2023)
8. Commissioner Munson:
  - a. Missouri Valley Complex.
  - b. Review of land appraisal for proposed multi-purpose ag facility.

9. County HR Director Pam Binder:
  - a. Finance Department discussion.
  - b. NDPER public safety defined benefit retirement plan.
10. Planning Director Flanagan:
  - a. Zoning change.
  - b. Horseshoe Flats subdivision.
11. County Engineer Hall:
  - a. 71<sup>st</sup> Ave NE Roundabout.
  - b. Authorization to advertise for bids.
  - c. Annual fee schedule.
  - d. Developer waiver request.
  - e. Falconer Estates.
  - f. 2<sup>nd</sup> Approach permit, Finley.
  - g. 2<sup>nd</sup> approach permit, Rauhauser.
12. Commissioner Schwab:
  - a. Weed board discussion.
13. Commissioner Bitner:
  - a. Architect RFP for Provident Building.
14. Auditor Splonskowski:
  - a. Public Health Contract.
  - b. City I.T Contract.
15. Other Business:
16. Adjourn.

*Mark Splonskowski*  
Burleigh County Auditor/Treasurer/Tax

Next scheduled Commission meeting is October 16<sup>th</sup>, 2023.

**COUNTY  
PARK  
BOARD**

**BURLEIGH COUNTY PARK BOARD  
MEETING MINUTES  
AUGUST 21ST, 2023**

**5:00 PM**

Chair Matthews called the Burleigh County Park Board meeting to order.

Roll call of members: Commissioners Behm, Woodcox, Munson, Bitner, Schwab, Herman, and Chair Matthews present.

Motion by Commissioner Woodcox, 2<sup>nd</sup> by Commissioner Schwab to approve the July 19<sup>th</sup>, 2023 meeting minutes and bills. All members present voted "AYE". Motion carried.

Commissioner Munson presented a discussion of the City Recreation line item in the budget. He stated that in 1998 and again in 2014, Burleigh County entered into a Joint Powers Agreement for this mill levy. The 1 mill (City mill) is collected from the City of Bismarck residents only, with the distribution being as follows: 35% of the mill shall be split 50/50 between the County and Park District for the benefit of riverfront improvements on lands under the management or ownership of the City of Bismarck, Bismarck Park District, or the County. 35% of the mill shall be used for the operation and improvements of Sibley Park. 15% of the mill shall be used for the operation and improvement to County and riverfront facilities. 15% of the mill shall be used for Law Enforcement and maintenance of riverfront facilities. Commissioner Munson suggested that this line item be left in the budget but that will ultimately be determined at the budget hearing moving forward. He will give copies of both the Joint Powers Agreement and the expenditures from this fund since 2013 to Auditor Splonskowski and will also make it available to the public.

Commissioner Munson then presented a discussion of the Equine Center with Steve & Julie Neu from the Burleigh County Equestrian & Ag Center sharing some possibilities of what this facility can perform beyond just using it as an equestrian center. They included supporting Motocross, Buckstop Junction, Extension Service (4H), and the existing Rodeo Arena, plus having educational opportunities such as horse therapy. They would like this to be a 12-month facility with 200 stalls for overnighting horses and livestock passing through, concessions, restrooms, parking lots with an option for 50 camping spots, and Ag bringing in equipment to show during the winter. They added that several groups would be able to utilize it covering a broad range of activities and events for both youth and adults plus adding to the economy of the area. Motion by Commissioner Munson to allow this group to file for a grant application (which closes at the end of August) from the State of North Dakota requesting \$5 million from the ND Commerce Destination Development Grant Fund and earmarking \$5 million matching funds from the Missouri Valley Fairgrounds Fund. After that the rest of the funds would have to be raised privately. Commission Bitner recommended that this discussion be transferred to the Burleigh County Commission and not the Park Board as it had to do with allocating county funds.

Meeting adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Becky Matthews, Chairman

**COUNTY**

**COMMISSION**

**BURLEIGH COUNTY COMMISSION  
SPECIAL MEETING MINUTES  
SEPTEMBER 13TH, 2023**

**1:00 PM**

Vice-Chair Bitner called the special meeting of the Burleigh County Commission to order.

Judge Lofgren swore in our newly appointed County Commissioner, Steve Bakken.

Auditor Splonskowski took nominations for Chairman and Vice Chairman of the board. Comm. Schwab nominated Comm. Bakken as Chairman, 2<sup>nd</sup> by Comm. Bitner. Comm. Woodcox then nominated Brian Bitner as Chairman, 2<sup>nd</sup> by Comm. Bakken. Commissioners Bitner, Bakken, and Schwab voted "AYE" for Comm. Bakken. Commissioners Woodcox and Munson voted "NAY". Motion carried. Comm. Woodcox then nominated Comm. Bitner as Vice-Chair, 2<sup>nd</sup> by Comm. Schwab. Commissioners Woodcox, Bitner, Schwab, and Chairman Bakken voted "AYE". Comm. Munson voted "NAY". Motion carried.

Comm. Bitner then discussed assigning portfolios. He suggested having Chairman Bakken take over the same portfolios as former Chair Matthews had but offered to take over HR considering Chairman Bakken was new to the board. Comm. Woodcox then offered to take over the library portfolio to help Chairman Bakken as well. Offers were accepted. Portfolio assignments will be looked at again in January. Motion by Comm. Bitner to adopt the changes, 2<sup>nd</sup> by Comm. Woodcox. All members present voted "AYE". Motion carried.

Chairman Bakken then asked to initiate the reciting of the Pledge of Allegiance at the beginning of each commission meeting going forward. All members were in favor. The Pledge of the Allegiance was then recited.

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

There was then a discussion of the 2024 budget. Comm. Munson brought up Dr. Rick Becker's current proposal to stop all property taxes and cautioned us that if the voters change the ND constitution and we are no longer allowed to charge property taxes, it will freeze our income from the State at 2024 levels. We will still be able to charge fees and specials in other ways, however. Right now, signatures are being collected to have this on the June 2024 ballot. Comm. Woodcox shared his concerns with this as four political entities are funded by collecting property taxes such as rural fire departments, some ambulance services, and school districts etc. He is unsure how the state will provide for this. Comm. Bitner discussed the budget request for the county board. We went from \$235,828 in 2022 to \$221,467 for 2023, and we have a request for \$434,447 for 2024. This is due to the county administrator position and Comm. Bitner stated that he cannot support that proposal at this time. Comm. Bitner also questioned \$10,000 being requested for County Involvement for 2024 which is an increase of \$7,500. According to Auditor Splonskowski in past meetings \$5,000 was requested for 4H and \$5,000 for the Symphony Orchestra for the 4<sup>th</sup> of July. Deputy Finance Director Justin Schulz clarified that 4H gets budgeted through the Extension Center and this was for the Symphony Orchestra 4<sup>th</sup> of July and things like that. He stated that he is not aware of the state contribution but that at previous meetings it was requested to budget \$10,000.

Comm. Bitner added that anything that is not a necessity right now should be looked at very seriously. Comm. Munson believed the county would be better with a County Administrator and it would take a load off of the Auditor. Commissioners Woodcox, Schwab and Chairman Bakken agreed, but felt this is an unusual year and it needs to wait. Pam from HR shared that the Finance Director position is also off the table for now as we are not even able to find an accountant in the Auditor's Office. Comm. Bitner then asked staff to keep a running tally of the reductions during this meeting as they are discussed. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to reduce the county board budget by the amount of the administrator position (\$185,000) and county involvement (\$5,000) figures which totals \$190,000. Commissioners Woodcox, Bitner, Schwab and Chairman Bakken voted "AYE". Comm. Munson voted "NAY". Motion carried. There was then a discussion about the Planning & Zoning Long Range Comprehensive Plan which hasn't been updated since 2014 and was adopted in 2015. Burleigh County Planning Director Mitch Flanagan shared that it would be best to have a local consultant who is an engineer come in to help with this as well as the need to have the future land use map updated. Comm. Bitner disagreed with consultants coming in telling us what to think since we have competent staff who could take care of all of it. Comm. Bitner encouraged Mr. Flanagan to pursue grants if they are available. Mr. Flanagan shared concerns of lawyers attacking our comprehensive plan if it is a controversial approval and would request an RFP approved by the board first. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to reduce the Planning and Zoning Long Range Comprehensive Plan budget from \$113,000 to \$27,000. All members present voted "AYE". Motion carried. There was then a discussion on City IT and Emergency Services. Comm. Woodcox shared that in a previous discussion with Emergency Manager Mary Senger, Burleigh County IT will not be ready by the end of this year, so she is suggesting continuing our contract with the City of Bismarck. Comm. Munson stated that according to the City of Bismarck, they are ready for us to be done with City IT services by the end the 2024. Several departments are budgeting for computer services (City IT services). If we do not have our own County I.T fully in place by the end of 2024, the city prefers an annual contract and would like notice so they can budget past that time. Comm. Bitner then stated how disappointed he is that we are having conversations about increased rent on the City/County building which is a building that the public owns. We have paid \$48,000 in rent for many years. The county also increased the city's rent for the courthouse municipal court space. He wonders how we are renting what the public owns? He recommends not charging anything for rent for the county or the city as we each pay utilities and other costs. This increases property taxes for the citizens. Auditor Splonskowski stated we have an annual lease contract but pay rent monthly to the city. He will review whether there is a provision in the current lease for us to go month to month in our payments and what the increase in cost would be do that. This will be revisited at the next meeting. There was a question from Comm. Woodcox regarding RC & D and what it is for. Mr. Schulz clarified that falls under the County Advertising department and is for Lewis & Clark Recreation & Development which Burleigh County pays 15% of a city mill for. Motion from Comm. Woodcox, 2<sup>nd</sup> by Commissioners Bitner and Schwab to remove RC & D from our budget which would reduce that line item by \$91,721 to zero. Commissioners Woodcox, Bitner, Schwab and Chairman Bakken voted "AYE. Comm. Munson voted "NAY". Motion carried. Comm. Munson asked State's Attorney Lawyer if there was any written document stating the county had to be a part of the RC & D and she stated that there was not. Comm. Bitner then had a question for Sheriff Leben regarding the Sheriff's Department and Detention Center budget regarding a line item for "Teletype". Sheriff Leben explained that this is for the NCIC System (National Crime Information Center) administered through the FBI and it is still used. He shared that it is a communication system between law enforcement nationwide

and the federal enforcement branches of the government. Comm. Woodcox raised a question with the Technology Department that we haven't used any of the monies from that line item this year totaling \$121,000. He also questioned what \$25,000 for furniture and equipment is for? Comm. Bitner stated that these contracted services are for the website, licenses for computer programs, etc. It is an all-inclusive item for all technologies. He added that we haven't spent any of it due to the upcoming changes with technology as it pertains to the Provident building move with the goal of being self-sufficient in the future. Mr. Schulz clarified that the county is not double budgeting on this item but that it is one dollar amount allocated in multiple locations. Comm. Bitner then discussed that we need to look at where we are at as it pertains to pulling the funding for the 66<sup>th</sup> Street Bridge Project and the substantial amount from the state for Prairie Dog funding. He stated that Prairie Dog funding was intended to reduce property taxes. He added that in this budget there is a request for a mill levy increase and we have done that in the past with the goal of reducing property taxes. We need to utilize funding that way. He said the objective is to fund the highway department appropriately and not have excess property taxes. He thinks we need to look at a mill levy decrease and not an increase and replace it with Prairie Dog funds. County Engineer Marcus Hall then came forward to state that Prairie Dog funding was never intended to reduce property taxes but was intended to support highway departments and the expansion of the existing systems that we have in the state. Comm. Bitner disagreed. Mr. Hall stated that Burleigh County is not overtaxed as far as the Highway Department goes. He added that the top 10 counties in the state all set aside 10 mills for their highway departments and Burleigh County has only set aside four mills with the current request of one mill. Mr. Hall's concern is that just recently \$8 million walked out the door due to previous commissions from four to five years ago not thinking ahead and setting aside mill levy money so we could match those projects. He stated that in another three to four years, we have two more projects coming our way with federal money (\$8 million) and if we don't move now to save money so we can match those things, we may have the same problem again. Chairman Bakken asked Mr. Hall what the timeline is for putting money into the savings account so we can match them. Mr. Hall stated that we have projects for 2026 and 2027 and they are both approximately \$3.5 to \$4.5 million of federal money. So, the sooner we set aside the money for that the better, so we don't lose the federal funding. He stated that construction inflation also was a huge factor that no one could have anticipated. Comm. Bitner then shared he would contact the legislators that wrote the Prairie Dog funding legislation and will find out from them what their intent was in writing it. Comm. Woodcox added that we are contracting for three new graders and two new dump trucks this year to which Comm. Schwab stated that wouldn't be a need now because there have been more resignations. Mr. Hall then confirmed that the Highway Department just recently lost six or seven positions in the last couple months mostly due to salary. Mr. Hall, Comm. Schwab and HR are working on resolving that issue. There was also a discussion on the need for equipment and the distance the drivers are having to drive on old equipment. Comm. Woodcox then opened a discussion regarding the County Nurse and how to handle the increase requested from \$295,000 to \$580,000 which is the county contribution of the total Bismarck/Burleigh Public Health budget. Comm. Bitner stated that after extensive investigation, the numbers being provided are false and he provided examples. He said that the justification of this having 75% of county citizens living in town pay 75% of the cost and 25% of citizens out of town pay 25% of the costs is a ridiculous way of allocating costs due to 100% of the citizens in Bismarck also being Burleigh County citizens. Property taxes in Burleigh County for Public Health are 100% for all Burleigh County citizens. Comm. Munson questioned why Burleigh County is not contributing 100% so we can control what Burleigh County Public Health is, does and what it provides for services. Through the work of former

Comm. Matthews, we now have an agreement of a five-person board to be set up comprised of one county commissioner, one city commissioner, and three people from the medical community in the county to determine what Public Health provides. Comm. Bitner stated that at the last city board meeting, the City of Bismarck committed to take Public Health out of the budget and he wants this topic on the agenda for the next commission meeting. This transfers the tax burden from the city to the county and we cannot have the city enforcing on the county. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to reduce the contribution Burleigh County pays to the Bismarck/Burleigh Public Health budget to \$300,000 from the requested \$580,000. Comm. Woodcox, Bitner, Schwab, and Chairman Bakken all voted "AYE". Comm. Munson voted "NAY". Motion carried. Comm. Munson then stated that what we are doing is asking the citizens of Bismarck to pay 97% of this. Comm. Bitner then stated that he doesn't have any confidence in the numbers that have been provided to him to which Comm. Munson added that he has verified the numbers with staff, and they are correct. State's Attorney Lawyer stated that the only requirements of a county to be a part of public health are that the county must be part of a health district and if we are not part of a county wide public health unit then we can contract with a city that already has a public health unit. She stated that we are required to have public health and be a part of it and what we are doing right now is contracting with a city who already has a public health unit. As far as services that are required to be provided, Lawyer stated that public health units are required to provide communicable disease control which has three parts to it: chronic disease and injury prevention, environmental public health, maternal child and family health, and access to clinical care. Those are the core basics spelled out in North Dakota Century Code. Comm. Bitner stated that a service as simple as toenail clipping for the elderly which was supposed to be provided by Bismarck/Burleigh Public Health, was instead provided by the Senior Center nurse due to difficulty in getting a county nurse to come out. Renee Kipp, Executive Director of the Senior Adult Program came forward to say that they have a contract with the State of North Dakota to provide health maintenance in Burleigh County. They also oversee Kidder, Emmons, and all of the counties under Western Plains for their health maintenance services for the elderly which is primarily foot care. They also do blood pressure checks, blood sugar checks, and home visits. These services are only for people who are 60 or over. It is all done by donation, and they do it every other month by demand. Before Covid it was done monthly. They do receive a reimbursement for a certain number of units by the state. Barb Knutson came forward to say that she has tried working with Bismarck/Burleigh Public Health and it has been a colossal failure. She cited communication problems, incorrect dates for appointments, and lack of vaccines as her reasoning for the failure. Then there was a discussion regarding city recreation. Comm. Munson stated that the county currently levies a city mill for city recreation. Comm. Bitner then stated that we have specific budgets for Park & Rec and they have their own funding. He added that this funding on the county's end should stop for Park & Rec as costs are being shifted to Burleigh County all the time. Comm. Munson talked about a joint powers agreement with Park & Rec and notifying them before cutting their funding out of the budget. State's Attorney Lawyer is going to look into the details of the joint powers agreement and will bring it back to the next meeting. Comm. Woodcox questioned what the Weed Board surplus balance was. Mr. Schulz stated it was just over \$300,000. Comm. Schwab brought concerns to the commission regarding the Weed board. According to Pam from HR, the Weed Board rents office space from the Highway Department. Comm. Schwab stated that we will have to build a new Weed Board from the bottom up. He stated they never brought the budget to him and, by their actions, have decided they aren't accountable to the county. There are no invoices for anything, and he recommends a deep audit. Mr. Schulz stated that he recommends their chemicals be receipted in and invoiced out, however he

does get annual financials from them. Comm. Schwab shared that the Weed Board is determining their own budgets instead of requesting them through the commission. Chairman Bakken recommends a review and recommendation for the next meeting. Comm. Bitner then started a discussion about the County Library specifically the County Bookmobile which serves the rural schools in Burleigh County. He then asked why it is going to Shiloh Christian School and to long term care facilities. He recommended rural schools and long-term care facilities have their own library budgets and stated that again this is under the flag of the county for \$370,000. Christine from the Library came forward to clarify that part of the total amount they are asking for includes state funding. She spoke with her Bookmobile staff and stated that for the 26 annual stops in the City of Bismarck it costs \$7,638 and Shiloh is no longer a stop. Comm. Bitner stated that all these services are worthwhile, but this should not be under the county umbrella but rather the Burleigh County schools. Comm. Woodcox asked Christine if she could provide the commission with information on the activity they do outside of city limits with the Bookmobile by the next meeting. Comm. Woodcox asked about Soil Conservation and what that provides to Burleigh County for \$350,000. Staff will provide information on this by the next meeting. Comm. Bitner then referred everyone to page 111 and that staff provide information regarding the County Agent and what we are doing and supposed to be doing. Also the building rental is already paid for by the county but now that got transferred to the Park Board. Comm. Schwab would like to ask the State's Attorney if the transfer is legitimate. Auditor Splonskowski has also been investigating this situation. He stated that he discovered it was a 20-year payment, and the last Mita-Bond payment was made in 2020 with the ownership of the building being transferred from Burleigh County to County 4H rent free. County 4H then transferred the ownership for \$1 to Park & Rec. This is still being looked at closely, and Auditor Splonskowski is going to talk with the Extension agent to be at the next meeting. The question is why are we spending \$67,432 per year on rent for this building? According to State's Attorney Lawyer, if the commission voted on and approved the transaction, the Chair would sign the transfer document. Comm. Munson states that it was former Comm. Jones at that time. In summary, Auditor Splonskowski reviewed all the motions from the evening and the amounts the commission voted on to reduce the budgets. They are as follows: \$185,000 from County Administrator, \$5,000 for the County Involvement Fund, \$86,000 from Planning & Zoning, \$91,721 from the Lewis & Clark Foundation, \$280,000 from Bismarck/Burleigh Public Health, totaling \$647,721 in reductions. It was also agreed to review the contract for the city recreation line item, have the Library Bookmobile discussed for the next meeting, have staff investigate the Garrison Diversion Soil Conservation District, as well as have the County Agent come to the next meeting. Comm. Woodcox asked what we would have to account for to have a zero increase in mill levies approximately. Mr. Schulz referred everyone to the summary letter in section one, page 2. He stated that we would be at \$8.1 million with all the reductions. Motion to adjourn by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson. All members present voted "AYE". Motion carried.

Meeting adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Steve Bakken, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING & FINAL BUDGET HEARING MINUTES  
SEPTEMBER 20TH, 2023**

**5:00 PM**

Pledge of Allegiance.

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

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

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to approve the meeting agenda. All members present voted "AYE". Motion carried.

Chairman Bakken opened the meeting for public comment. No one appeared for public comment. Comm. Woodcox suggested Public Comment be amended to delete "restricted to items on the agenda" as the public is always welcome to comment on anything and not just agenda items. The public cannot comment on public hearing items however as there is a set time for that.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to approve the Sept. 6th, 2023 meeting minutes and bills. All members present voted, "AYE". Motion carried.

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

<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
Jessica Knutson	2023	Lot 73, Block 3, Southbay 2 <sup>nd</sup> Addition & undivided interest in common areas	Error in property description	\$990,300	\$971,500
James Shea	2023	Lot 18, Block 18, & south 10' of Lot 3	Error in property description	\$522,600	\$478,600
Gary D & Karen M Kok	2023	Lots 5-6, Block 6, Fisher	Error in property description	\$191,800	\$171,000
David A & Sharon E Fischer	2023	Lot 11, Block 2, Meadow Valley	Error in property description	\$279,500	\$229,500
Ray & Karen Daly	2023	Lot 1, Block 2, Fort Lincoln Estates #1 City of Lincoln, Burleigh County, North Dakota	Adjustment due to home condition	\$201,600	\$179,500
Thomas & Twylla Rausch	2023	W30' of S15' of Lot 7, W30' of Lots 8-12, E10' of Alley ADJ on West; E15' of Lot 42, All Lots 43-44 & W10' Alley ADJ Lot 44, Block 85, McKenzie & Coffin's	Error in property description	\$473,300	\$343,300

Shonna Auld	2023	Block 5, South 50' of Lot 4, Northern Pacific	Error in property description	\$321,400	\$267,000
Gregory & Julie Boreen	2023	Lot 10, Block 2, Wachter's 7 <sup>th</sup>	Error in property description	\$334,500	\$300,600
Derrick & Amanda Levey	2021	Lot 6, Block 2, Horizon Heights 5 <sup>th</sup>	60% Disabled Vet	\$387,600	\$279,600
Derrick & Amanda Levey	2022	Lot 6, Block 2, Horizon Heights 5 <sup>th</sup>	60% Disabled Vet	\$453,800	\$345,800
Jason & Jennifer Glasser	2023	Lot 2, Block 1, Spiritwood Estates	Equalized with surrounding properties	\$700,600	\$547,700
John Lies	2023	Lot 1, Block 3, Timber Lane Place 2 <sup>nd</sup>	True and full value exceeds market value	\$60,000	\$30,000

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to approve the Jessica Knutson, James Shea, Gary D. & Karen M. Kok, David A. & Sharon E. Fischer, Ray & Karen Daly, Thomas & Twylla Rausch, Shonna Auld, Gregory & Julie Boreen, Derrick & Amanda Levey (2), Jason & Jennifer Glasser, and John Lies abatements along with the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

Sheriff Leben spoke about the 2023-24 North Dakota Department of Transportation Traffic Safety Grant in the amount of \$17,500 that has been awarded to Burleigh County to fund additional traffic safety enforcement in high-risk areas such as Impaired Driving, Distracted Driving, Occupant Protection, and Speed Enforcement. This is an annual grant reimbursable back to the county. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to participate in this grant. All members present voted "AYE". Motion carried.

Comm. Schwab presented a discussion on the Equine Center. He stated that the group is asking to commit the land so they can get a grant for \$5 million. Burleigh County would own it and not lease it. The money from the grant will go to the county. If the commission doesn't like what is going on, they can cancel the whole thing. The worst-case scenario would be if they don't succeed, the County would have a building and land sale. He expressed his support with this endeavor and believed they will do well. Comm. Munson shared that this group will be raising money for each stage of the project to build an Equestrian and Ag Facility on County land and Burleigh County will manage the construction. No additional county funds will be used for the building of the facility. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox for Burleigh County to commit up to 60 acres of land in the NE corner of the Missouri Valley Fairgrounds to the facility project. The project will utilize the land as a grant match for the facility's initiatives as defined in the State Destination Development Grant. The land is offered with the intent of furthering the goals and objectives of the Burleigh County Equestrian and Ag Facility as outlined in a previous presentation of materials. The commitment of land is subject to the following conditions: That a development authority be formed accountable to the Burleigh County Commission composed of representatives from relevant stakeholders to oversee and manage the project development. This development authority shall be responsible for facility planning, coordinating program development, and raising funds to include managing those funds for investment in the Burleigh County Equestrian and Ag facility and re-investing proceeds back into the project ensuring transparent and efficient execution of the initiative. Comm. Schwab suggests they change their name to include the fact that it's a multi-use facility. He added that they cannot put up a building strictly for horses, and if a board is created, they can meet at the highway department for meetings

and the rules of open meetings will apply. Comm. Bitner stated that he doesn't think it's in the county's best interest to commit 60 acres to get a \$5 million grant as the land is very under-valued. Comm. Munson then shared that it is "up to 60 acres" based on the value of the land. He will be conferring with Tax Equalization Director, Al Vietmeier to get an appraisal. He doesn't anticipate using all 60 acres but stated it that way to get the grant. Comm. Bakken asked what the acreage will be that will be utilized for the facility. Comm. Munson related that there are only preliminary drawings at this point. They have approximately 45 acres in the blueprints now plus the area for a campground for horse trailers or other campers. Camping acreage vs. facility acreage has not been decided on yet. The county did spend \$9,000 towards this to develop a site plan. The goal is not to use Hwy 10, but to use the main road by Midwest Motor and come down to the existing entrance into the fairgrounds. This is a heavy-duty road that can withstand truck traffic. Comm. Bitner wants to see an appraisal to better match the acres to the amount of the grant as the land is far more valuable than \$5 million. Mr. Vietmeier came forward to say he can do an appraisal any time and could get it done by next week but needs to obtain the guidance. At this time, he stated that the value is roughly \$175,000 an acre. One thing he said to remember is that there is a huge WAPA line through there so that land can't be used for any development, but it can be used for parking, temporary camping structures, etc. and that can be done under those power lines. Comm. Woodcox asked if there was an extension on the grant as it is already past the August 31st deadline. Julie from the Equine Center stated that there is not an extension on the grant but they are waiting to provide an update on Burleigh County's commitment of the land as the match to the grant so they can then update the grant administrator. Also Comm. Matthews was the applicant on the grant application. Chairman Bakken then asked State's Attorney Lawyer if the commission could do a preliminary approval based on what the value of the property would be. Ms. Lawyer stated that without looking at the grant application she wasn't sure the commission could do a preliminary approval without the assessed value on the land, and she advised against approving until we have all the information as we may not be able to withdraw the commitment. Chairman Bakken then asked Comm. Munson to provide State's Attorney Lawyer with the information she needs to which Comm. Munson agreed to do, but really wanted a decision from the board tonight. To be clearer, Comm. Munson then updated his motion, 2<sup>nd</sup> by Comm. Woodcox to say, "Burleigh County will commit up to 60 acres of land in the NE corner of the Missouri Valley Fairgrounds to the facility project – not to exceed the \$5 million grant." All members present voted "AYE". Motion carried. Comm. Munson then made another motion, 2<sup>nd</sup> by Comm. Schwab for Burleigh County to agree to accept the funding from the applied destination development grant, if awarded, as it aligns with Burleigh County's Equestrian & Ag facility to streamline the process and avoid delays in accepting the funding. All members present voted "AYE". Motion carried.

Auditor Splonskowski introduced a discussion on Bismarck/Burleigh Public Health at the request of the special meeting from last week and what the commission desires with the proposed joint board of health. He stated that currently the Burleigh County Commission is the health board. Commissioners Bitner, Schwab, and Chairman Bakken expressed concerns that public health decisions should not be made by an appointed board but rather an elected board as we do not want to lose our liberties again and go through another shut down. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to discontinue any involvement with a joint public health board. Commissioners Woodcox, Bitner, Schwab and Chairman Bakken all voted "AYE". Comm. Munson voted "NAY". Motion carried. Burleigh County Commission remains the board of health.

Auditor Splonskowski introduced a report on the establishment of minimum sales prices for property acquired by the county through tax deed proceedings (non-payment of real estate taxes). These properties will go up for sale at the County Auditor's Office on Tuesday, Nov. 21<sup>st</sup>, 2023 beginning at 10am. Purchaser's must pay cash in addition to a \$23 filing fee for the County Recorder. Properties will be sold to

the highest bidder but not for a sum less than the minimum sales price. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to approve this report. All members present voted "AYE". Motion carried. Mr. Splonskowski also submitted the 2024 meeting calendar for approval. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the 2024 meeting calendar. All members present voted "AYE". Motion carried. Comm. Bitner let everyone know that tomorrow morning, Sept. 21st at 9:30am he is meeting with architects to create construction plans for the Provident building remodel and will be getting quotes as to what it will cost and will bring that information back to the commission.

Comm. Schwab updated the commission on the Weed Board. He stated that we have no Weed Board but will be taking suggestions at a future commission meeting as to how to set up a new one. Comm. Bitner requested a copy of the current contract for the weed spraying be available at the next meeting as there was a bill in question that he wanted to investigate. Comm. Schwab wants to present in chronological order how we got to the point we did on the Weed Board and how to resolve these problems in the future. He stated that all meetings must be recorded, and the highway department is set up for that now.

Meeting adjourned until final budget hearing at 6pm.

Chairman Bakken called the Final Budget Public Hearing to order.

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

Burleigh County Soil Conservation District Manager Darrell Oswald spoke sharing about the history of the district and what they do. He shared that their main emphasis is conservation, education, and demonstration. He distributed hand outs and flash drives with videos to watch as well as referred us to the MenokenFarm.com website and their YouTube channel. The soil conservation district is a political subdivision and is allotted by ND State law up to two mills. They currently levy .6 mills and are requesting \$350,000 for 2024. Comm. Schwab informed Mr. Oswald that he requires the board of supervisor meetings for the Soil District to be videotaped and made available to the public. Mr. Oswald responded that he was not aware of that requirement and stated that the meetings have always been open to the public and will look into doing that for the future as all their other events are recorded and put on their YouTube channel.

Duane Dekrey spoke about the Garrison Diversion and what they do. He stated that they are levied one mill set by the ND State legislature and have never asked for an increase since 1988 when Burleigh County opted in. They are also a political subdivision of the state. He and his Communications Director, Kimberly Cook provided handouts and shared that \$57 million went back to Burleigh County to date for rural water based on the funding received from MR&I funds. Also, through their matching recreation grant program, Burleigh County has been awarded \$825,588 in matching grant funds since 1993 through 2022 for things such as park updates, walking trails, and welcome centers.

Shaundra Ziemann-Bolinske from the Burleigh County Extension Office then shared about who they are what they do in Burleigh County. Their emphasis is strengthening agriculture, stimulating communities, developing youth's potential, building strong families, and protecting the environment. They have three agents that are full time with half of their salary being paid by the county and the other half being paid by NDSU. NDSU covers their full benefits. 4H students in Burleigh County increased from 217 last year to 254 this year in 2023. Tyler Kralicek, the Ag & Natural Resources Agent then shared that he works with livestock and crop producers. He also educates in farm safety and handles certification for Burleigh County

private and commercial chemical applicators for weeds. They also have gone into the schools doing enrichment classes as well as programs for the aging. She also emphasized that they are all about prevention and stated that the earlier you can catch a problem, the less you will have to spend on it. They have worked with weed boards and are willing to be a resource to the county.

Public Hearing on 2024 Budget: Several individuals shared their concerns with the Commission: Their names were Bruce Kasper, Dallas Leno, Joyce Falkenstein, Robert Field, Bob Blotske, and Isaac Sevlie. Concerns presented were property taxes going up 20-50% depending on land valuation. Tax Equalization Director Al Vietmeier was present and looked at some of their proposed tax statements and clarified that overall, these were the percentages if you are looking at the grand totals, but some other fees listed on the statement significantly increased such as for Fire and Ambulance services in smaller communities such as Wing and Wilton, plus the Wilton school bond issues was a \$200 increase by itself on one person's statement. These types of fees Burleigh County has no control over and need to be addressed with those individual entities. Citizens also stated that some are retired and on fixed incomes and they can no longer afford to pay these increases--especially for services that reach the smaller communities such as Regan where it was stated that there was no snow removal last winter and they had to rely on help from neighbors to get them out and roads are not being maintained to be drivable. There was also a request from a few citizens to be able to see the entire budget. Comm. Bitner stated that it was just posted online for the first time a few days ago to be more transparent with the public and will be available on the county website going forward. Comm. Bitner also stated that when valuation goes up, taxes automatically go up and unfortunately the commission has no control over that. Chairman Bakken suggested that the commission reach out to the League of Counties to contact the legislature, so people don't keep seeing these huge increases. Comm. Munson noted that there was no increase in taxes last year and in the previous three years reserves were used to fill the needs of the budget. However, since there weren't enough reserves this year, that was the reason for the tax increase. Deputy Finance Director, Justin Schulz referred the commission to the comparative mill levy sheet in their folders and stated that mills have actually decreased since 2019 up until 2022 which was achieved using county reserves. One citizen asked why the county is funding a weed board when NDSU Extension provides those services? He stated that government seems so unorganized and inefficient, and the people have had enough. Another person suggested getting private bids for the work needed to maintain the roads and that it might be cheaper. This same person suggested picking a percentage and cutting the entire budget by that amount across the board because that is what the citizens do. One gentleman asked who polices the increases to our taxes. State's Attorney Lawyer stated that such entities like Garrison Diversion and Soil Conservation sets their own taxes and the county collects it for them. The county commission doesn't have any say over what that is going to be. She also stated that the North Dakota Legislature enacted those laws, and the County Auditor is required to collect those taxes by state law. It was also suggested to have a link in the tax notices directing people where to go online to see the county budget. Mr. Schulz told everyone that the state gives us the layout of the tax statement so we would have to check to see if adding a link would work. He said he can include information of other hearings and put that on the website for people to see. Comm. Schwab stated that he is hoping to get a 1% sales tax through on the Primary ballot to so we can buy back the mills and even cut a little bit to avoid this from happening in the future. Comm. Woodcox asked if townships contracted with private businesses. Mr. Hall stated that all the townships contract with Burleigh County to take care of the roads. Our subsidies for the townships are currently 50% for maintenance and repair. Chairman Bakken called up Sheriff Leben to discuss how the joint powers agreement works and any cost sharing with the city as that was addressed in the law enforcement budget. Sheriff Leben clarified that the budget is not \$61 million but rather just over \$8,578,422 for Sheriff and just over \$11,836,104 for the Detention Center. As far as joint powers, by North Dakota law the Sheriff is a constitutional office. It would be up to the city to give up their police department.

They do have a joint SWAT team (Burleigh/Morton and Bismarck/Mandan) to reduce that cost from every agency having a team. The Sheriff by law does civil process and runs the jail. The police department polices the municipality. The Sheriff polices the rural areas however we have jurisdiction in all of Burleigh County. There is truly a separation of power as to how the different agencies operate. Public Library Director Christine Kujawa, Head of Burleigh County Library KeliAnn McDonald, and Library Board President Dianna Kindseth gave a presentation on the services Burleigh County Library provides to the rural residents. In the slide presentation, it was shared that the Bookmobile provides access to print books, audio books, music, WiFi, printing, notary public services, lesson plan assistance for rural teachers, summer reading programs, activities and craft kits and overall access to all city library services, programs and events, and much more. The Bookmobile made 513 stops this last year and 347 of them were rural which is 68% of the total stops. Out of the 44 rural location stops, six of them are rural schools. They then discussed the unique relationship between the staff and the patrons and how every time the Bookmobile makes a stop, they are those patrons' library. Comm. Woodcox had a question as to whether there was any information about libraries under state law. State's Attorney Lawyer shared that in North Dakota State Century Code Chapter 40-38 there isn't anything specific to bookmobiles, but services can be a joint public library service with the city and county by agreement on a 5-year term. There must be a 2-year notice to withdraw from that joint agreement. To discontinue or start library services, it must be done by a vote. There is not definition as to what a public library service is, however. Comm. Bitner then stated that 68% of the stops for the Bookmobile are in rural areas and that means the Bookmobile is funded entirely by rural residents. There is not a property tax being paid by city residents. So, any stops that are not in the county is being paid for by people in the county. He said that anyone getting the service should also be paying for it and the Library Director is not following our advice on this. Comm. Woodcox added that other departments have crossover with city and county such as 4H and the Senior Center and that both use the services. Chairman Bakken then closed the Public Hearing.

Auditor Splonskowski then presented the final budget for 2024 and a review of the preliminary budget changes thus far. This is listed as the last four pages of the agenda packet. The budget recommendations are as follows: 1. \$5,500,000 is what was covered by General Fund Reserves in 2023. It is recommended that this amount be funded in 2024 through a property tax increase. 2. \$2,694,152 or 3.8% is the actual expense increase in 2024 vs. 2023. The options to lower that amount are: a) Reduce the Highway Department's additional mill that was approved in the preliminary budget. This would reduce the expense increase to \$2,035,000 or 2.9%. b) Consider utilizing a portion of the \$5.4 million Missouri Valley Complex Fund to cover the expense increase noted in #2. If the commission chooses to utilize Complex Funds keep in mind that whatever is utilized will potentially be an additional increase to the needed 2025 budget levy. This is because the expense increase noted in #2 is generated from ongoing and not one-time expenses.

Comm. Bitner then asked County Highway Engineer Marcus Hall how the Prairie Dog funds were used. Mr. Hall stated that those funds were put in the savings account and was allocated to the Apple Creek and 71<sup>st</sup> Street projects. Comm. Bitner stated that he spoke to the legislators regarding the Prairie Dog Funding and their intent for that was to reduce property taxes. Mr. Hall stated that may have been their intent, but the law says that those funds may only be used for road and bridge infrastructure projects and if we use them for anything else, the state will reduce future grants of Prairie Dog money by the same amount. Comm. Bitner addressed Mr. Hall saying that he thinks he spends too much money and has a history of borrowing ahead. Mr. Hall then replied that historically highway projects are planned years in advance, and we have to set aside money to do that. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schwab to reduce the requested three new graters to two new graters and extend the warranty and maintenance agreements on the one we were going to replace. All members present voted "AYE". Motion carried. Motion by Comm. Bitner to reduce the

Highway Department budget by two mills (remove the increase and remove the additional mill). There was not a second to the motion. Motion died. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to reduce the Highway Department budget from the mill levy that was added to the existing mill levy. All members present voted "AYE". Motion carried. Comm. Bitner asked about the four full-time positions with the Highway Department and do we still need that budget. In conferring with Mr. Schulz and Auditor Splonskowski any unused funds would go back in the Highway Department cash reserves as it is its own separate mill. There was then a discussion on the Missouri Valley Complex and the dollar amount budgeted for reserves which is \$98,100. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to reduce the Missouri Valley Complex budget by \$20,000 (\$10,000 from capital overlay and \$10,000 from contract services). All members present voted "AYE". Motion carried. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to reduce the Boat Ramp budget by \$60,000 with an itemized list that will come later. All members present voted "AYE". Motion carried. Comm. Schwab then made a motion to cut the Garrison Diversion Project by \$665,000 but State's Attorney Lawyer said that was not allowed according to Century Code as they set their own tax not to exceed one mill annually and the county just collects the taxes for them. Motion by Comm. Bitner to reduce four full time Highway Department positions. There was no second. Motion died. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to reduce two full time highway positions. All members present voted "AYE". Motion carried. Comm. Bitner requested more information on the 4H building rental which we already paid for. Auditor Splonskowski said the investigation on this is ongoing and when he has all the information, he will submit it to the State's Attorney. Motion by Comm. Bitner to reduce the County Library budget to 68% of their request which is \$251,600 from \$370,000. There was no second. Motion died. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to remove half a mill (\$335,000) from the Capital Improvement Project reserves. All members present voted "AYE". Motion carried. Comm. Bitner asked if we took any action regarding City Recreation. Deputy Finance Director Justin Schulz stated that there is a joint powers agreement, and you must give a one-year notice to end the agreement. We would have to give the notice the end of 2023 to not be committed to it for 2025. Chairman Bakken stated that this should be put on a future agenda as it's not for this budget meeting. The total reductions the commission has come up with just this evening is \$1,780,776 which is 2.5 mills. According to Mr. Schulz there is still \$6.4 million left to balance the budget which is 9.6 mills. Comm. Bitner asked if we took action on the rent of the City/County Building. Auditor Splonskowski stated that the most current action taken was the passing of \$15/sq. ft to \$13/sq. ft. for 2024. It previously was \$4/sq. ft. Comm. Munson stated that we already agreed to the contract with the rent of \$13/sq. ft a couple months ago so this would be putting us back in renegotiations. Mr. Schulz stated with State's Attorney Lawyer verifying that procedurally we would have to make a motion to rescind the previous approval and then address the budget. Lawyer added that we are also bound by the terms of the contract as well so if we rescinded the contract, we would have to do it within a given number of days to give notice. Mr. Schulz then gave a recap as to the budget cuts approved thus far for the evening:

- \$450,000 for 1 grader in the Highway Department
- \$660,000 1 mill from the Highway Department
- \$10,000 Complex Fund from p. 117-line item 382
- \$10,000 Complex Fund from p. 117-line item 609
- \$60,000 Boat Ramps
- \$258,276.41 Two additional full-time employees in the Highway Department
- \$332,500 Capital Improvement Plan
- \$1,780,776.41 Total reductions

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox to approve the final 2024 budget. Commissioners Woodcox, Schwab, and Chairman Bakken voted "AYE". Commissioners Munson and Bitner voted "NAY".

Motion carried. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to approve maximum levies for the Unorganized Townships. All members present voted "AYE". Motion carried. The next Commission meeting will be Oct. 2<sup>nd</sup>, 2023.

Meeting Adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Steve Bakken, Chairman

DRAFT

**BURLEIGH COUNTY COMMISSION  
SPECIAL MEETING MINUTES  
SEPTEMBER 25TH, 2023**

**8:00 AM**

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

Roll call of the members; Commissioners Bitner (via Teams), Schwab, Munson, and Chairman Bakken present. Commissioner Woodcox absent.

Pledge of Allegiance.

Auditor Splonskowski explained the reason for the special meeting was to get clarification and consensus on two items that were voted on from the budget hearing on Sept. 20th. Regarding the Highway Department, there was a motion made with no second to reduce the Highway Department by 2 mills taking it from 5 down to 3. The motion died. There was another motion made to reduce it by one mill and that did pass. So now we are at 4 mills which is what we had last year. Upon further discussion, the commission chose to not certify the purchase of one grader and two full time employees out of the 4 that were requested on the budget. Is the intention of the commission to further reduce those mills because all the money that goes to that department is in their own mill levy? If so, it would reduce it by approximately an additional ½ mill bringing the highway department down to roughly 3.5 mills. That's one option. The other option is does the commission not want the highway department to spend the money but still charge that 4 mills and have that money go into their savings account? County Highway Engineer Marcus Hall stated that he prefers language to not say 3.5 mills but rather "reduce the mill levy by the subtraction of the blade and the two employees." Comm. Munson asked if the Highway Department's dollars from the state are based on the amount of mills we collect. Mr. Hall stated that yes, the federal formula is based on how many mills you charge yourself for the highway department. Going to 3.5 will then reduce the amount of money coming in from federal programs. Comm. Munson stated that unfortunately, Comm. Woodcox isn't present to know his intent since he made the motion, yet we have to make a decision. Auditor Splonskowski stated that the impression of the action taken was to reduce the overall mill levy on property taxes. He added that he didn't need an official motion but just consensus. All members present concurred except Comm. Schwab with the intent being to reduce the mill levy by the subtraction of the grader and the two full time employees which is on top of the one mill total reduction to the highway department.

Regarding the Boat Ramps, Comm. Munson provided the itemized list replacing the page that is currently in everyone's budget folder. This is not changing any numbers but is just showing where the numbers are going. All members present concurred.

Meeting adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Steve Bakken, Chairman

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
23-178	Robert and Janice Adams	2021	Lot 2, Block 1, Copper Ridge 2nd	100% Disabled Veteran	\$261,900	\$81,900
23-179	Robert and Janice Adams	2022	Lot 2, Block 1, Copper Ridge 2nd	100% Disabled Veteran	\$288,200	\$108,200
23-180	Larry Barnhardt	2021	SW1/4SW1/4 28-139-79	80% Disabled Veteran	\$291,100	\$147,100
23-181	Larry Barnhardt	2022	SW1/4SW1/4 28-139-79	80% Disabled Veteran	\$301,000	\$157,000
23-185	Michael J Lanctot	2022	Lot 1, Block 3, Apple Meadows First	50% Disabled Veteran	\$384,600	\$294,600
	Park District of the City of					
23-198	Bismarck	2023	Lot A, City Lands 139-80 Section 30	Exempt from taxation	\$25,200	\$0
23-199	Glenn A & Loretta Roth	2022	Lot 9, Block 1, North Hills 17th	50% Disabled Veteran	\$361,400	\$271,400
			Fleck Interstate			
23-200	Investments	2023	Commerical Park	Error in property description	\$3,340,400	\$2,986,000
			Douglas J & Debra L			
23-204	Dixon	2023	Lot 50, Block 16, Pebble Creek 4th Less south 17' taken for ST R/W	Error in property description	\$547,400	\$470,900
				Error in property description		
23-205	Barry A Holm	2023	Lot 8, Block 7, Sattler's Sunrise 5th	Error in property description	\$351,600	\$307,900
				Error in property description		
23-206	Andrew T Nagel	2023	Lot 9, Block 2, Sattler's Sunrise 7th	Error in property description	\$435,600	\$369,300
			Harold L & Debra L			
23-207	Rasmusson	2023	Lot 2, Block 2, Country West XXVIII	Error in property description	\$554,000	\$508,300
				Error in property description		
23-208	Kimberly A Speidel	2023	Lot 18, Block 18, Morningside Heights	Error in property description	\$202,700	\$175,200
			Jeffery L & Doreen			
23-209	Schumacher	2023	Lot 12, Block 47, Northern Pacific 2nd	Error in property description	\$235,400	\$196,600
			Jeff & Doreen			
23-210	Schumacher	2023	Block 3, Sasse, Lots 2-4 less E 25' of Lot 2	Error in property description	\$464,600	\$395,200
			Block 7, Park Hill 1st, North 50' of Lots 13-			
23-211	Terrance Pinks	2021	14	80% Homestead Credit	\$96,900	\$19,380
			Block 7, Park Hill 1st, North 50' of Lots 13-			
23-212	Terrance Pinks	2022	14	60% Homestead Credit	\$145,600	\$70,600
			Block 1, Park District, Lot 1 & 1/2 of VAC			
23-213	Dale & Kristi Preszler	2023	Alley Adj	Error in property description	\$360,700	\$332,200

23-214	Marleen Anderson	2021	15	Block 1, North Hills 6th, Lots 5-6 less W 3.48' of said lots Centennial Condominium unit 106 & Garage G-39 & Parking Space P-	60% Homestead Credit	\$156,000	\$81,000
23-215	Marleen Anderson	2022	15	Block 1, North Hills 6th, Lots 5-6 less W 3.48' of said lots Centennial Condominium unit 106 & Garage G-39 & Parking Space P-	80% Homestead Credit	\$162,700	\$62,700



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Memo

Date: October 2, 2023

To: Mark Splonskowski  
County Auditor

From: Marcus J. Hall P.E.  
County Engineer

RE: Second access permit for Kevin Fettig

Kevin Fettig from Gibbs Township, Section 11 (11081 NE 71<sup>st</sup> Avenue) has requested a second access permit to his property. The first access approach is off of 71<sup>st</sup> Avenue NE. He wishes to have a second approach off of 71<sup>st</sup> Avenue NE in order to have better access to the west side of his property. We have reviewed the location of the new proposed access off of 71<sup>st</sup> Avenue NE and have determined that it will meet our requirements.

Please place the approval of a 2<sup>nd</sup> approach for Kevin Fettig on the October 2, 2023 County Board Consent Agenda.

### 2<sup>nd</sup> Approach Permits 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.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N  
9/27/2023



PARCEL ID: 32-139-79-00-11-400      OWNER: FETTIG, KEVIN H & DIANNA R      ACRES: 40.02  
SITE ADDRESS: 11081 NE 71ST AVE  
MAIL ADDRESS: 11081 71ST AVE NE, BISMARCK, ND 58503  
LEGAL: GIBBS TOWNSHIP Section 11 OUT LOT 2 IN THE NW1/4 651128 11-139-79

**BURLEIGH COUNTY, NORTH DAKOTA  
LOCATION MAP**

N  
9/27/2023



**PARCEL ID:** 32-139-79-00-11-400      **OWNER:** FETTIG, KEVIN H & DIANNA R      **ACRES:** 40.02  
**SITE ADDRESS:** 11081 NE 71ST AVE  
**MAIL ADDRESS:** 11081 71ST AVE NE, BISMARCK, ND 58503  
**LEGAL:** GIBBS TOWNSHIP Section 11 OUT LOT 2 IN THE NW1/4 651128 11-139-79

**ITEM**

**# 7**

# PUBLIC HEARING

**ITEM**

**# 8**

Addenda item for October 2<sup>nd</sup>, 2023 Meeting

Action Requested

Request from Scott Olson to utilize the Oval racetrack located at MVC

Description:

Scott explained to us that while this area of the country has the largest amount of dirt tracks and dirt track racing, there aren't any locations available for practice. Understanding that the track at the MVC isn't used for scheduled races any longer, Scott hopes that there is a potential to use the track for practice. Dave Mayer of Bismarck Parks and Rec reviewed the process with Scott, explaining the County's commitment to the public to maintain access to those who want to learn how to ride UTV and ATVs in that area as a practice grounds.

Dave Mayer has also looked at the past few year's agreements for the area to see what groups have utilized the track for training.

Scott said he understood the potential for others to use the track and would be open to discussion about keeping it open to all.

Action needed:

Requesting Board approval to work out an agreement with Scott Olson to use/rent the oval track.

# **APPRAISAL REPORT**

Lot 15 Block 1 Missouri Valley Complex Subdivision Land  
In the City of Bismarck, Burleigh County ND

## **For**

Burleigh County Commission  
221 N 5<sup>th</sup> Street  
Bismarck, ND 58501

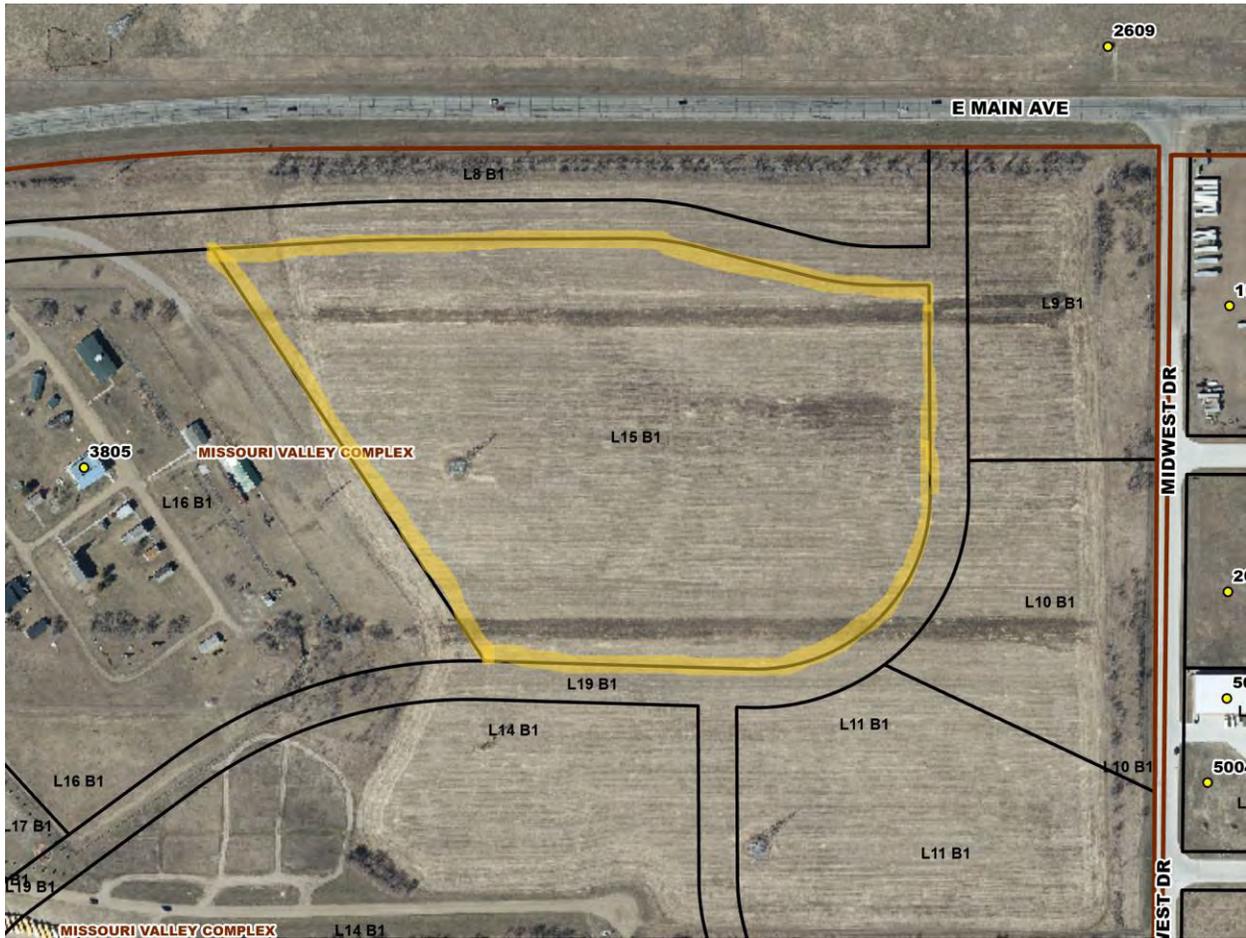
## **By**

Allan Vietmeier  
Burleigh County Tax Equalization Director  
Tessa Knudson  
Burleigh County Senior Appraiser

## **Valuation Date**

September 27<sup>th</sup>, 2023

# SUBJECT PROPERTY



Dear Commission Members:

As requested, we have conducted an inspection of the above property for the purpose of estimating the fair market value for matching fund grant for the future Multi-Use Agricultural facility. We understand that this report will be used for determining the price in dollars for this property that is used as an asset for a matching grant for the start of construction.

The subject is Lot 15 Block 1 Missouri Valley Complex Subdivision

Parcel consists of one million, six thousand, and two hundred (1,006,200) square feet or twenty-three and one tenth (23.1) acres+/- . This land appears to be used as farmland at the current time with water and sewer provided by the City of Bismarck available at the property lines. The Current zoning is a PUD with adjacent land zoned MA (Light Industrial). There is three (3) acres +/- that is under a powerline easement with restrictions listed on the face of the plat.

Based upon the inspection of the subject property and the investigation and analysis undertaken, we have formed the opinion that as of September 27<sup>th</sup>, 2023, subject to the standard assumptions set forth in this report, the market value of the subject is:

**Five Million, One Hundred Thousand Dollars  
(\$5,100,000)**

We certify that the property has been personally inspected, and carefully examined and analyzed all factors pertinent to the final estimate of value reached herein.

Allan Vietmeier  
Burleigh County Tax Equalization Director

Tessa Knudson  
Burleigh County Senior Appraiser

**SUMMARY OF FACTS AND CONCLUSIONS**

**Subject Property:** Lot 15 Block 1 Missouri Valley Complex Subdivision to the City of Bismarck

**Property Type:** Undeveloped land in PUD zoning adjacent to MA zoned property

**Interest Appraised:** Fee Simple, subject to being used for determining the value of the Missouri Valley Complex Land being used as a matching funds grant

**Description:** Vacant land that is going to be used for a new Multi-use Agricultural facility. This property is in a commercial/industrial area with all the needed services already located at the property lines. All land is located outside of the flood plain

**Zoning:** PUD (Planned Urban Development). MA (Industrial) adjacent

**Tax ID:** 1990-001-001

**Highest and Best Use:** As improved, commercial, or industrial use.

<b>Value Indications:</b>	Cost Approach	Not Applicable
	Income Approach	Not Applicable
	Market Approach	\$5,100,000

**Final Value:** **\$5,100,000**

**Date:** September 27<sup>th</sup>, 2023

## **IDENTIFICATION OF THE PROPERTY**

The subject property consists of 23.1 acres (more or less) in the Northeast corner of a Missouri Valley Complex Subdivision. City water and sewer are located at the property lines and the streets adjacent to the property are improved and paved.

## **PROPERTY OWNERSHIP & RECENT HISTORY**

The current owner, Burleigh County, has owned the property more than 5 years. There are no other options, listings, or current sales on the subject property.

## **SUBJECT OF THE APPRAISAL**

The subject of this appraisal consists of a vacant piece of commercial property within the incorporated city limits of Bismarck. It is adjacent to East Main Ave and Midwest Dr in a high traffic light to Medium industrial area of town.

## **PROPERTY RIGHTS APPRAISED**

Fee simple ownership. I have been asked to value this property as if all rights were being conveyed with a sale.

## **PURPOSE AND FUNCTION OF THE APPRAISAL**

The purpose of this report is to set forth an opinion of the market value of the subject as a vacant property for the determination of a value for a matching grant application.

## **DATE OF VALUE & PROPERTY INSPECTION**

September 29<sup>th</sup>, 2023

## **LEGAL DESCRIPTION**

The subject is identified on the tax records of City of Bismarck, County of Burleigh in the State of North Dakota. The subject is Lot 15 Block 1 Missouri Valley Complex Subdivision to the City of Bismarck, Township 139 North, and Range 80 West.

## **SCOPE OF THE APPRAISAL**

The scope of the appraisal project is to determine the fair market value of the subject property for the Burleigh County Commission. This is to be used to apply for a matching funds grant for the future construction of a Multi-use Agricultural facility on this property.

A physical inspection of the property has been made. The subject data with respect to its size, location, quality, and zoning are considered and presented in this report. The general demographics of the area were researched and analyzed to provide the basis used in formulating and estimate of market value. Data sources include City and County sources. Market data has been analyzed and is present. All the data was used to determine the highest and best value of the subject property.

The appraiser lacks the knowledge and experience with respect to the detection and/or measurement of hazardous substances. The value estimate derived herein is predicated on the absence of such substances. It is recommended that an expert be retained to determine the presence of any hazardous or toxic materials at the subject property.

Recent sales of properties like the subject were analyzed in applying the sales comparison approach.

## THE APPRAISAL PROCESS

There are three generally accepted approaches to estimating value of real property: the Cost, Income, and Sales Comparison Approaches.

**The Cost Approach** is a real estate valuation method that surmises that the price someone should pay for a piece of property should not exceed what someone would have to pay to build an equivalent building. In cost approach pricing, the market price for the property is equivalent to the cost of land plus cost of construction, less depreciation. It is often most accurate for market value when the property is new.

**The Income Approach** is a real estate appraisal method that allows investors to estimate the value of the property based on the income produced. The income approach is computed by taking the net operating income of the rent collected and dividing it by the capitalization rate (the investor's rate of return).

**The Sales Comparison Approach** is a real estate appraisal method that compares a piece of property to other properties with similar characteristics that have been sold recently. The sales comparison approach considers the affect that individual features have on the overall property value, meaning that the total value of the property is a sum of the values of all its features. Real estate agents and appraisers may use this approach when evaluating properties to sell.

This approach derives its validity for the principle of substitution which holds that a prudent buyer will not pay more for a property than the cost of acquiring a similarly desirable property. When sufficient comparable sales are available, the sales comparison approach can produce a reliable indicator of value.

### **Valuation Methodology**

In estimating the value of the subject property, I utilized the sales comparison approach.

## **SALES COMPARISON APPROACH**

The Sales Comparison (Market) Approach values a property based on the process of analyzing recent sales of similar properties in the area to derive a market value indication of the property being appraised. Typically, units of comparison are developed and applied to the subject. This approach represents the actions of buyers, sellers, and investors in the market. Any dissimilarities, such as size, location, condition, and date are reconciled through the process of adjustments.

This process adjusts the difference in sales prices so to make the sales cited as comparable to the subject as possible. Those sales requiring the least amount of adjustment are usually the most like the subject and therefore, provide the most meaningful indication of value.

An investigation was undertaken for the purpose of disclosing sales of similar type properties which have occurred in the surrounding area.

The comparable properties contained herein are the best available indicators of market value for the subject property.

The units of comparison selected are the price per square foot and the price per acre. Adjustments between the sales data and the subject property were made for time, size, and location.

On the following pages are found summaries of three comparable sales and their subsequent analysis.

### SALES COMPARABLE DATA

VALUE FACTORS	SUBJECT PROPERTY	SALE 1	SALE 2	SALE 3
Date of Sale		12-19-2022	02-08-2022	2-25-2020
Sales Price		1,025,000	1,204,761	2,725,000
Dollars per square foot		\$5.18	\$5.75	\$4.94
Description		Vacant land zoned MA (Industrial)	Vacant land zoned MA (Industrial)	Vacant land zoned MA (Industrial)
Improvements at time of sale		None	None	None
Time Adjustment		3.75%	8%	15%
Time Adjusted Price		1,063,400	1,301,100	3,133,700
Conditions of Sale		Normal Arm's Length Transaction	Normal Arm's Length Transaction	Normal Arm's Length Transaction
Area in Flood Plain or Flood Way		None	None	None
Number of square feet		197,800 (+/-)	209,500 (+/-)	551,500 (+/-)
Adjusted Dollar per square foot		\$5.37	\$6.21	\$5.68
Size Adjustment		+4,341,100	+4,947,500	+2,582,700
Flood Plain Adjustment		none	none	none
Unbuildable Acres Adjustment		-590,100	-703,500	-632,000
Adjusted Value		4,814,400	5,565,100	5,084,400
Indicated Value of Subject Property	\$5,100,000			

## COMPARABLE SALE #1

**Location:** 2013 Channel Dr  
Bismarck, ND

**Sale Date:** 12/19/2022

**Parcel Number:** 2235-002-100

**Legal Description:** Lot 3 Block 2 RDO Hay Creek Industrial Addition to the City of Bismarck

**Grantor:** PROFFUTT LLC  
**Grantee:** SAIA MOTOR FREIGHT LINE LLC

**Consideration:** \$1,025,000

**Deed:** WD950981

**Size:** 197,900 (+/-) Square Feet

**Comments:** This lot is in the industrial area east of the Expressway in Bismarck. This property is located outside of flood plain and is smaller than the subject. It was sold to a freight company that is similar to the company adjacent to our subject property.

## COMPARABLE SALE #2

**Location:** Northern Plains Dr  
Bismarck, ND

**Sale Date:** 02/08/2022

**Parcel Number:** 1997-001-075

**Legal Description:** Northern Plains Commerce Centre 2nd Addition Block 1 Tract B of  
Lot 6 City of Bismarck, Burleigh County, North Dakota

**Grantor:** White Tip Real Estate LLC  
**Grantee:** 2022 Bismarck LLC

**Consideration:** \$1,204,761

**Deed:** WD939012

**Size:** 209,500 (+/-) Square Feet

**Comments:** This lot is in the industrial area southwest of the subject in Bismarck.  
This property is located outside of the flood plain and is smaller in  
size than the subject. At the time of the sale the property was vacant.

### COMPARABLE SALE #3

**Location:** 3700 Apple Creek Rd  
Bismarck, ND

**Sale Date:** 2/25/2020

**Parcel Number:** 1991-002-150

**Legal Description:** Lot 2A of lot 2 Block 2 Missouri Valley Complex 1<sup>st</sup> Replat  
of the City of Bismarck, Burleigh County, North Dakota

**Grantor:** Strata Corporation  
**Grantee:** Copart of Washington Inc

**Consideration:** \$2,725,000

**Deed:** WD897602

**Size:** 551,500 (+/-) Square Feet

**Comments:** This lot is in the Missouri Valley Complex West of Yagen Rd. This property is located outside of flood plain and is smaller than the subject. At the time of the sale the property was vacant.

## RECONCILIATION

The purpose of this appraisal is to estimate the market value of the subject property. In the valuation process, I have considered the three approaches to value which have indicated the following estimates:

<b>Sales Comparison Approach</b>	<b>\$5,100,000</b>
<b>Income Approach</b>	<b>Not Applicable</b>
<b>Cost Approach</b>	<b>Not Applicable</b>

The **Sales Comparison Approach** (Market Approach) is predicated upon prices paid for similar type properties. This approach was applied by adjusting comparable properties for location, size, date of sale and other features. These adjusted values formed a range of values which were then analyzed to yield an estimate of Market Value. Our investigation into available transactions revealed 3 comparable sales upon which to base a value conclusion via this approach. Our value conclusion is \$5,100,000

The **Income Approach** is not an applicable method when valuing vacant land.

The **Cost Approach** is not an applicable method when valuing vacant land.

### Final Opinion of Value

Typically, land is valued using the Sales Comparison Approach. This is the best approach because it shows what other buyers are willing to pay for similar type properties. In the subject's case this is a very desirable location for MA zoned property. With the completion of the Apple Creek Road project this property has become even more desirable. This location for the use of a joint jail is ideal because it allows entry onto the Expressway and is closely located to the prison facility.

Based upon the examination and analyses presented above and our knowledge and experience as the Burleigh Director of Tax Equalization and Senior Appraiser, our estimation of the Market Value of the subject property as of September 27<sup>th</sup>, 2023, is:

**Five Million, One hundred thousand Dollars**  
**(\$5,100,000)**

**An appraisal is made under conditions of uncertainty with limited data:**

As can be seen from the limitations presented herein, this appraisal has been performed with a limited amount of data. Limitations result from certain areas of expertise by the appraiser (that go beyond the scope of the ordinary knowledge of the appraiser), the inability of the appraiser to view certain portions of the property, and the inherent limitations of relying upon information provided by others.

Information provided by local sources, such as government agencies, financial institutions, accountants, attorneys, and others is assumed to be true, correct, and reliable. No responsibility for the accuracy of such information is assumed by the appraiser.

The comparable sales relied upon in the appraisal is believed to be from reliable sources. Though all the comparable properties were examined, it was not possible to inspect them all in detail. The value conclusions are subject to such limitations.

All values shown in the appraisal report are projections based on our analysis as of the date of the appraisal. These values may not be valid in other time periods or as conditions change. We take no responsibility for events, conditions, or circumstances affecting the property's market that take place subsequent to either the date of the value contained in this report or the date of the field inspection.

The appraisal is an estimate of value based on an analysis of information known to us at the time the appraisal was made. We do not assume any responsibility for incorrect analysis because of incorrect or incomplete information.

**Appraisal report limitations:**

Appraisal reports are technical documents addressed to the specific technical needs of clients. Casual readers should understand that this report does not contain all the information we have concerning the subject property or the real estate market.

This appraisal was prepared at the request of, and for the exclusive use of, the client to whom the appraisal is addressed.

Values and conclusions for various components of the subject parcel as contained within this report are valid only when making a summation; they are not to be used independently for any purpose and must be considered invalid if so used.

**ITEM**

**# 9**

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

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PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

### Memorandum

To: Chairman Steve Bakken  
Commissioner Brian Bitner  
Commissioner Wayne Munson  
Commissioner Steve Schwab  
Commissioner Jerry Woodcox

From: Pam Binder, SPHR, SHRM-SCP  
HR Director/Risk Manager

Date: September 26, 2023

Re: Human Resource's Agenda item for October 2, 2023, Commission Meeting

**Subject One:** NDPERS Public Safety Retirement Plan – Law Enforcement Employees Transfer

#### **BACKGROUND:**

With the legislation that freezes new participants in the NDPERS Main Retirement Plan effective January 1, 2025, The discussion was had with the Burleigh County Commission earlier this year, of the need to transfer our Law Enforcement officers in the Sheriff and Burleigh-Morton Detention Center from the NDPERS Main Retirement Plan to the NDPERS Public Safety Retirement Plan. In order to recruit and retain law enforcement personnel, we need to keep competitive with the other law enforcement agencies in our area. Enrolling employees in a Defined Contribution Retirement Plan that is not as competitive with the benefits as the current NDPERS Retirement Plans is not an option. We have planned to transfer our law enforcement officers from the NDPERS Main Retirement Plan to the NDPERS Public Safety Retirement Plan effective January 1, 2024. The costs for this transfer were included in the 2024 budget.

#### **RECOMMENDATION:**

In order for Burleigh County to transfer our Law Enforcement employees from the current NDPERS Main Retirement Plan to the NDPERS Public Safety Retirement Plan the following items need to be done.

The Board of County Commissioners must approve the resolution included in the board packet allowing all eligible employees (Law Enforcement employees) to join the NDPERS Public Safety Defined Benefit Plan.

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

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PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

The Employer Participation Agreement in the North Dakota Public Employees Retirement System Public Safety Retirement Plan must also be completed and signed by Steve Bakken Board Chairman and Mark Splonskowski Auditor/Treasurer.

**Subject Two:** Finance Department

### **BACKGROUND:**

The Burleigh County Finance Department currently consists of two positions. These positions are the Deputy Finance Director, and Accountant II. The Finance Department falls under the Burleigh County Commission.

On September 19, 2023 the current Deputy Finance Director, Justin Schulz submitted his resignation with an effective date of October 6, 2023.

I was asked by Commissioner Brian Bitner, the portfolio holder for the Finance Department, to review the requirements for and the relevance of the Deputy Finance Director position itself.

Per North Dakota Century Code Chapter (N.D.C.C.) 11-13 County Auditor, 11-13-02. Duties of county auditor – 2. Prepare a financial statement of the county annually unless otherwise ordered by the board of county commissioners.

N.D.C.C. 11-13-04. Auditor is chief financial officer of county – to keep account with treasurer.

The county auditor shall be the chief financial officer of the county and shall keep complete and detailed records of all financial transactions of the county, charging with he amount of all property taxes assessed and levied by the state and by any auditor's predecessor. In determining the treasurer's responsibility for collections, the county auditor shall credit the treasurer with all tax payments, cash discounts allowed, abatements, the amount of uncollected taxes delivered to the treasurer's successor in office, or other credits as provided by law. The county auditor shall charge the treasurer's official capacity and shall credit the treasurer with all payments by warrant or as otherwise provided by law and with all moneys delivered to the treasurer's successor in office.

As Burleigh County has combined the Auditor and Treasurer positions the same position is responsible for assessing the tax payments and other payments, as well as, collecting the payments, and abatements. There is not a separation of duties. Although we do have several employees that process the financial transactions for Burleigh County, these employees, with the exception of the Finance Department employees, all report to the Auditor. The Auditor in N.D.C.C. 11-13 County Auditor does not have any other requirements to qualify for the position

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

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PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
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DESIREE HILBORN

other than being elected by a voting majority of Burleigh County Constituents. Unlike the Sheriff and States Attorney positions that require the appropriate licensing requirements in order to hold the positions, as well as, being elected to the position. The Auditor/Treasurer position is not required to have any formal education, licensing and/or certifications to hold the position.

Therefore, the Auditor/Treasurer may not have the knowledge, education or prior experience in Accounting Principles or Business Administration Principles to completely understand the financial workings of Burleigh County on their own.

In the past history of Burleigh County, we were able to employ a Finance Director that had a Certified Public Accountant (CPA) certification. This position was the true check and balance to the Auditor/Treasurer position. It is important to mention that in the past Burleigh County did have a person in the Auditor/Treasurer position that did have the education, experience and knowledge that allowed that person to understand the financial workings of Burleigh County. However, after that Auditor/Treasurer retired, Burleigh County did not change the reporting structure of the position and when the Finance Director retired as well, shortly after the Auditor/Treasurer retired, the amount of experience and knowledge of the inner financial workings of Burleigh County left with the retirements.

The Finance role is needed within Burleigh County and the checks and balances with the Auditor's office is also a necessity. Burleigh County has gone through two other Finance positions in various versions of the Finance Director role. Mentoring and training are obstacles that need to be addressed in order for the next employee to succeed in the Finance role.

The Finance role is actually a Senior Accountant – Comptroller role. According to research from Indeed and O-NET sources, the duties of a Senior Accountant – Comptroller role are as follows:

- Building financial strategies for an entity
- Creating and tracking annual budgets
- Developing and forecasting budgets under the direction of the CFO and The Board of Commissioners
- Evaluating and managing financial risk of the entity
- Implementing finance and accounting policies and procedures
- Determining the effect of potential business decisions on financial policy
- Collaborate with department heads and county commissioners
- Overseeing and auditing the entity's accounting and financial reporting procedures, such as payables, receivables, and general ledger entries.
- A Senior level position that supervises other accountant(s)
- A Comptroller performs a number of important duties within an entity. Their overall responsibility is the smooth running of the entity from a financial perspective. This means

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

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PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

making sure each employee involved in accounting performs to those standards. The Comptroller is also responsible for conducting internal control audits, both internal and external, to be sure the entity is in compliance with legal and ethical financial practices.

The Senior Accountant – Comptroller does not have to be a department head. This position will be a supervisor position for the Finance Department.

### **RECOMMENDATION:**

With the information that was researched regarding the Finance Director requirements, I have come up with the following recommendation:

The Deputy Finance Director is currently a Department Head position and is classified as a Pay Grade 14. Upon initial review and performing a quick job analysis, the Senior Accountant – Comptroller position will be classified as a Pay Grade 12. The difference is based on the focus in the finance role and the lack of department head duties.

This position will be a direct report of the Board of County Commissioners and will have daily contact with the Auditor's office. The Performance of this position will be monitored by both the Portfolio Holding Commissioner and the Auditor/Treasurer.

The Comptroller job duties, although similar to the Deputy Finance Director duties, are not as intricate as the Finance Director duties. Burleigh County needs to step back from the prior structure and fill the vacant position in Finance with an employee that can perform the duties that provide a stable foundation for the financial workings of Burleigh County.

When we have the right structure in the Finance Department that will allow Burleigh County to ensure the policies and procedures are in place and the checks and balances are also in place, we can reassess the direction of the Finance Department and the structure of the total County Administration strategically in the future.

**BURLEIGH COUNTY COMMISSION RESOLUTION**

**RESOLUTION IN SUPPORT JOINING THE NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT  
SYSTEM PUBLIC SAFETY PLAN**

**WHEREAS**, A motion was made by {insert County Commissioner Name} for Burleigh County to affirm to North Dakota Public Employees Retirement System that Burleigh County is formed pursuant to N.D.C.C. § 11 – Counties and is neither a non-profit corporation nor a for-profit corporation, to join the NDPERS Public Safety Defined Benefit Retirement Plan.

**WHEREAS**, Burleigh County intends to offer the NDPERS Public Safety Defined Benefit Retirement Plan to all eligible employees of Burleigh County.

**WHEREAS**, The motion was seconded by {Insert County Commissioner Name}.

**NOW THEREFORE IT BE RESOLVED**, the Board of Burleigh County Commissioners approved joining the NDPERS Public Safety Defined Benefit Retirement Plan effective January 1, 2024.

Dated at Bismarck, North Dakota this \_\_\_\_\_ day of October, 2023.

BURLEIGH COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_  
Steve Bakken, Chairman

ATTEST: \_\_\_\_\_  
Mark Splonskowski, County Auditor

**EMPLOYER PARTICIPATION AGREEMENT  
IN THE  
NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PUBLIC SAFETY RETIREMENT PLAN**

This agreement is entered into pursuant to Section 54-52-02.1 of the North Dakota Century Code by and between BURLEIGH COUNTY 300008, North Dakota, as authorized by the resolution hereto attached and the NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM (NDPERS) as authorized by the Retirement Board through its chairman and executive director and shall be effective on January 1, 2024.

Whereas, a referendum has been held of the eligible peace officers, correctional officers, and firefighters of BURLEIGH COUNTY, North Dakota, pursuant to Chapter 54-52-02.2 of the North Dakota Century Code, and a majority of such eligible employees have voted in favor of participation in the Retirement System and BURLEIGH COUNTY has determined that this agreement should be entered into; and

Whereas, the North Dakota Public Employees Retirement Board agrees to extend the benefits of the Public Employees Retirement System to eligible employees of BURLEIGH COUNTY;

Now, therefore, it is agreed and understood that:

1. All of the provisions of Chapter 54-52 of the North Dakota Century Code and the current or later amended rules of the Retirement Board shall apply with regard to benefits, contributions and administration of the system.
2. The employee contribution rate has been actuarially determined to be as percentage of "wages" and "salaries" as defined in Section 54-52-01 of the North Dakota Century Code for those eligible employees employed at the date of this agreement and for those eligible employees whose date of employment is after the effective date.
3. The employer contribution rate shall be a percentage of "wages" and "salaries" for all eligible employees as defined in Sections 54-52-01 of the North Dakota Century Code, which specific percentage shall be determined by the retirement board. (Ref. N.D.C.C. 54-52-06 and 54-52.1-03.2.)
4. Eligible employees who are employed by BURLEIGH COUNTY at the time this agreement is entered into have the option of not participating in the Public Employees Retirement System. Eligible employees who waive participation in the Public Employees Retirement System may not have their pay increased as a result of that waiver, which determination shall be made by the retirement board in its sole discretion, and any violation of this requirement will constitute a breach of this agreement.
5. All eligible employees hired by BURLEIGH COUNTY on or after January 1, 2024, must participate in the Public Employees Retirement System.

6. Should BURLEIGH COUNTY wish to terminate membership with the Public Employees Retirement System, it shall do so only after:
  - (a) Submitting a request in writing to the Retirement Board at least sixty (60) days prior to the requested date of withdrawal; and
  - (b) Complying with Section 54-52-02.1 of the North Dakota Century Code and the Rules of the Retirement Board found in the North Dakota Administrative Code 71-02-08-02 regarding withdrawal from the system.
7. This Agreement may be amended in writing by mutual agreement of both parties.
8. If the BURLEIGH COUNTY fails to perform according to its statutory participation requirements and the terms of this agreement, the NDPERS Board may terminate the BURLEIGH COUNTY's enrollment in NDPERS. The termination shall be performed pursuant to the withdrawal procedures outlined in N.D.C.C. Chapter 54-52.

Executed at \_\_\_\_\_, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BURLEIGH COUNTY

By \_\_\_\_\_

By \_\_\_\_\_

Executed at Bismarck, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT

By \_\_\_\_\_  
Executive Director

Senior Accountant - Comptroller				12	Job Description #:	08-41110-000
Salary Grade:				CS1	O*NET Position #:	11-3031.01
DBM Rating:				DBM Ranking		
Responsibilities:	Percentage of Time (Annualized)			DBM Ranking		
1 Manage and perform complex administrative duties and professional work in coordinating the assigned accounting and budgetary operations of the County, acting as the comptroller, overseeing all revenue and expenditures for the County.	55%			C	4	4
2 Responsible for assisting the Auditor/Treasurer with computing mill levies for all taxing districts in the County in accordance with state statute, prepare tax abstracts for the state and prepare financial data/information for the State Legislature.	25%			C	4	4
3 Responsible for assisting department heads in preparation and review of annual budgets, review purchase orders, and journal entries, maintain procedures for accounting processes, internal audits, and internal controls.	20%			C	4	4
Essential Duties:	Decisions Required (Programming, Interpretive, Process, Operational, Defined)	Frequency (Daily, Weekly, Monthly, Quarterly, Annually)	Percentage of time	BAND	GRADE	SUB GRADE CALCULATION
1 Assist the Budget Committee with the County budget preparation including reviewing preliminary department budgets and compiling combined budget. Works with the Budget Committee in conducting budgetary hearings. Assists with final budget preparation and communications.	Process	Annually	*	C	1	375
2 Prepare County Budget variance reports on a monthly basis and distribute to appropriate elected officials, department heads, and general public.	Process	Monthly	*	C	1	375
3 Monitor journal entries, purchase orders, abstracts for the state, and review bank statement reconciliations as directed.	Process	Daily	*	C	1	375
4 Assist in annual calculation of tax levies and preparing assessment list/abstract and tax abstract.	Process	Annually	*	C	1	375
5 Responsible for assisting with the administration of the County's liability insurance policies to include claims filing and monitoring.	Operational	As Needed	*	B	2	250
6 Prepare and process end-of-year adjusting entries and schedule for annual audit; assist in the preparation of annual financial statements; assist with audit preparation and implementation of necessary recommendations for internal controls and/or other needed revisions.	Operational	Annually	*	B	2	250
7 Preparation of presentations, records, and reports such as flow charts/diagrams, statistical analysis, tax reports, budget reports, federal and state reports.	Process	As Needed	*	C	1	375
8 Perform responsibilities in a manner that clearly shows effective communication and cooperation and that promotes open exchange of information, respect, high ethical standards, and professionalism.	Process	Daily	*	C	1	375
9 Assist Auditor/Treasurer. Tax Equalization in the preparation of finance items for the Commissioner meetings.	Process	As Needed	*	C	1	375
10 Perform responsibilities in a manner that clearly shows effective communication and cooperation and that promotes open exchange of information, respect, high ethical standards, and professionalism.	Process	Daily	*	C	1	375
11 Perform other duties as required and/or assigned.	Defined	As Needed	*	A	2	100
<b>Job Qualifications, Experience and Education</b>				Totals 3600		
Bachelor's Degree with major coursework in accounting or business administration or related field and three years related experience in tax or appraisal work, and/or an knowledge of state and local laws governing the assessment and collection of real estate taxes.						
1 Must have the ability to design, prepare and present complex budget and computerized accounting systems.						
2 Must possess excellent communication skills to establish and maintain effective working relationships with County officials and employees, and the general public.						
3 Ability to perform day-to-day accounting operations, technical computer skills sufficient in the implementation of an integrated financial management system, and problem solving and analytical skills sufficient to identify problem areas.						
4						
5						

Wage Analysis						
Treasurers and Controllers	11-3031.01	Minimum	25%	Market	75%	Maximum
O-NET Research	Bismarck-Mandan Area	\$ 78,810.00	\$ 98,980.00	\$ 124,990.00	\$ 152,350.00	\$ 208,000.00
O-NET Research	North Dakota	\$ 76,350.00	\$ 95,990.00	\$ 125,730.00	\$ 162,110.00	\$ 206,590.00
O-NET Research	United States	\$ 77,040.00	\$ 99,620.00	\$ 131,710.00	\$ 191,860.00	\$ 208,000.00

Treasurers and Controllers	11-3031.01	Hiring Minimum	Hiring Maximum	Location
Indeed Compensation Research Center	Controller Position	\$ 68,392.00	\$ 82,364.00	MN
Indeed Compensation Research Center	Corporate Controller	\$ 85,000.00	\$ 110,000.00	ND
Indeed Compensation Research Center	Assistant Finance Manager	\$ 72,000.00	\$ 79,000.00	ND

Burleigh County Similar Jobs in Pay Grade 12	Burleigh County Pay Grade	Step 1	Step 5	Step 9	Step 13	Step 17
County Recorder	Grade 11	\$ 67,912.00	\$ 75,358.40	\$ 84,739.20	\$ 94,952.00	\$ 105,123.20
Deputy Auditor/Treasurer	Grade 12	\$ 71,988.80	\$ 79,892.80	\$ 89,814.40	\$ 100,651.20	\$ 111,425.60
Deputy Auditor/Tax Equalization Director	Grade 13	\$ 75,587.20	\$ 83,886.40	\$ 94,307.20	\$ 105,684.80	\$ 117,000.00

Senior Accountant	NDACo Salary Survey Reports	Budget Low	Budget High	Budget Average
	Burleigh County	\$ 77,563.00	\$ 77,563.00	\$ 77,563.00
	Cass County	\$ -	\$ -	\$ -
	Grand Forks County	\$ 62,192.00	\$ 62,192.00	\$ 62,192.00
	Morton County	\$ -	\$ -	\$ -
	Stark County	\$ 62,400.00	\$ 62,400.00	\$ 62,400.00
	Ward County	\$ 70,548.00	\$ 70,548.00	\$ 70,548.00
	Williams County	\$ 51,979.00	\$ 51,979.00	\$ 51,979.00
	Averages	\$ 46,383.14	\$ 46,383.14	\$ 46,383.14

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 09/27/2023  <b>Job Description #</b> 08-41110-000
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**Employee:** \_\_\_\_\_  
**Job Title:** Senior Accountant - Comptroller  
**Job Status:** Exempt (Appointed)  
**Salary Grade:** 12

**Location:** Bismarck  
**Department:** Finance  
**Reports to:** Commission  
**DBM Rating:** C44/C51

**Job Summary:** Under the general supervision of the Burleigh County Commission and daily coordination with the Auditor/Treasurer/Tax Equalization and the Auditor's department in general, is responsible for performing a number of important duties within the County. The overall responsibility is the smooth running of the County from a financial perspective. This means making sure there are strategies and controls in place to keep the County in good fiscal health, as well as, making sure each employee involved in the finance process performs to those standards. The Senior Accountant – Comptroller is also responsible for conducting internal control audits to be sure the County is in compliance with legal and ethical financial practices.

**Responsibilities:**

- 55 % time      1. Manage and perform complex administrative duties and professional work in coordinating the assigned accounting and budgetary operations of the County, acting as the comptroller, overseeing all revenue and expenditures for the County.
- 25 % time      2. Responsible for assisting the Auditor/Treasurer/Tax Equalization with computing mill levies for all taxite districts in the County in accordance with state statute, prepare tax abstracts for the state and prepare financial data/information for the State Legislature.
- 20 % time      3. Responsible for assisting department heads in preparation and review of annual budgets, review purchase orders, and journal entries, maintain procedures for accounting processes, internal audits, and internal controls.

**Essential Job Duties:**

1. Assist the Budget Committee with the County budget preparation including reviewing preliminary department budgets and compiling combined budget. Works with the Budget Committee in conducting budgetary hearings. Assists with final budget preparation and communication.
2. Prepare County Budget variance reports on a monthly basis and distribute to appropriate elected officials, department heads, and general public.
3. Monitor journal entries, purchase orders, tax abstracts for the state, and review bank statement reconciliations as directed.
4. Assist in the annual calculation of tax levies and preparing assessment list/abstract and tax abstract.
5. Responsible for the administration of the County's liability insurance policies to include claims filing and monitoring.
6. Prepare and process end-of-year adjusting entries and schedule for annual audit; assist in the preparation of annual financial statements; assist with audit preparation and implementation of necessary recommendations for internal controls and/or other needed revisions.
7. Assist with the administration and monitoring for federal grant programs.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 09/27/2023  <b>Job Description #</b> 08-41110-000
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8. Preparation of presentations, records, and reports such as flow charts/diagrams, statistical analyses, tax reports, budget reports, federal and state reports.
9. Assist Auditor/Treasurer/Tax Equalization in the preparation of finance items for the Commissioner meetings.
10. Perform responsibilities in a manner that clearly shows effective communication and cooperation and that promotes open exchange of information, respect, high ethical standards, and professionalism.
11. Perform other duties as required and/or assigned.

**Job Qualifications, Experience and Education**

1. Bachelor's Degree with major coursework in accounting or business administration or related field and three years related experience in tax or appraisal work, and/or an equivalent combination of education and experience.
2. Knowledge of state and local laws governing the assessment and collection of real estate taxes.
3. Must have the ability to design, prepare and present complex budget and computerized accounting systems.
4. Must possess excellent communication skills to establish and maintain effective working relationships with County officials and employees, and the general public.
5. Must possess computer skills with proficiency in MS Excel. Must have the ability to plan, organize and supervise the work of others, and analyze, interpret, and prepare reports and records.
6. Must have valid North Dakota drivers license with clean driving record.
7. Applicants will be subject to a standard post offer background and criminal records check.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of a desk job in the standard environment. Will include physical motions of finger dexterity for use of keyboard, sitting and standing motions.
2. May endure high levels of stress while preparing budget, establishing mill levies, and ensuring expenditures do not exceed budget.
3. May travel and be exposed to extremes of weather when going on location to attend meetings or attend finance duties.

**Clarification Clause:**

This is an appointed position and is subject to reappointment by the Board of County Commissioners on an annual basis. This job description is not intended and should not be construed to be a complete list of all skills, duties, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Senior Accountant - Comptroller position. The job description is not a contract. The County reserves the right to modify job descriptions at any time.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

**ITEM**

**# 10**



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission  
Re: Recommendations from the September 13, 2023 meeting of Burleigh County Planning Commission.  
Date: 9-25-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

8N2E Zoning Change from A-Ag. to R1-Rural Single Family

Legal Description: Burnt Creek Township Section 24 NW ¼ S 1/2 NE 1/4-SE 1/4  
-SW 1/4 Less 30.18 Acre Tract 1, and 11.19 Acre Tract 2 and 14

Property Address: South of 123<sup>rd</sup> Ave SE and East of 52<sup>nd</sup> St NE

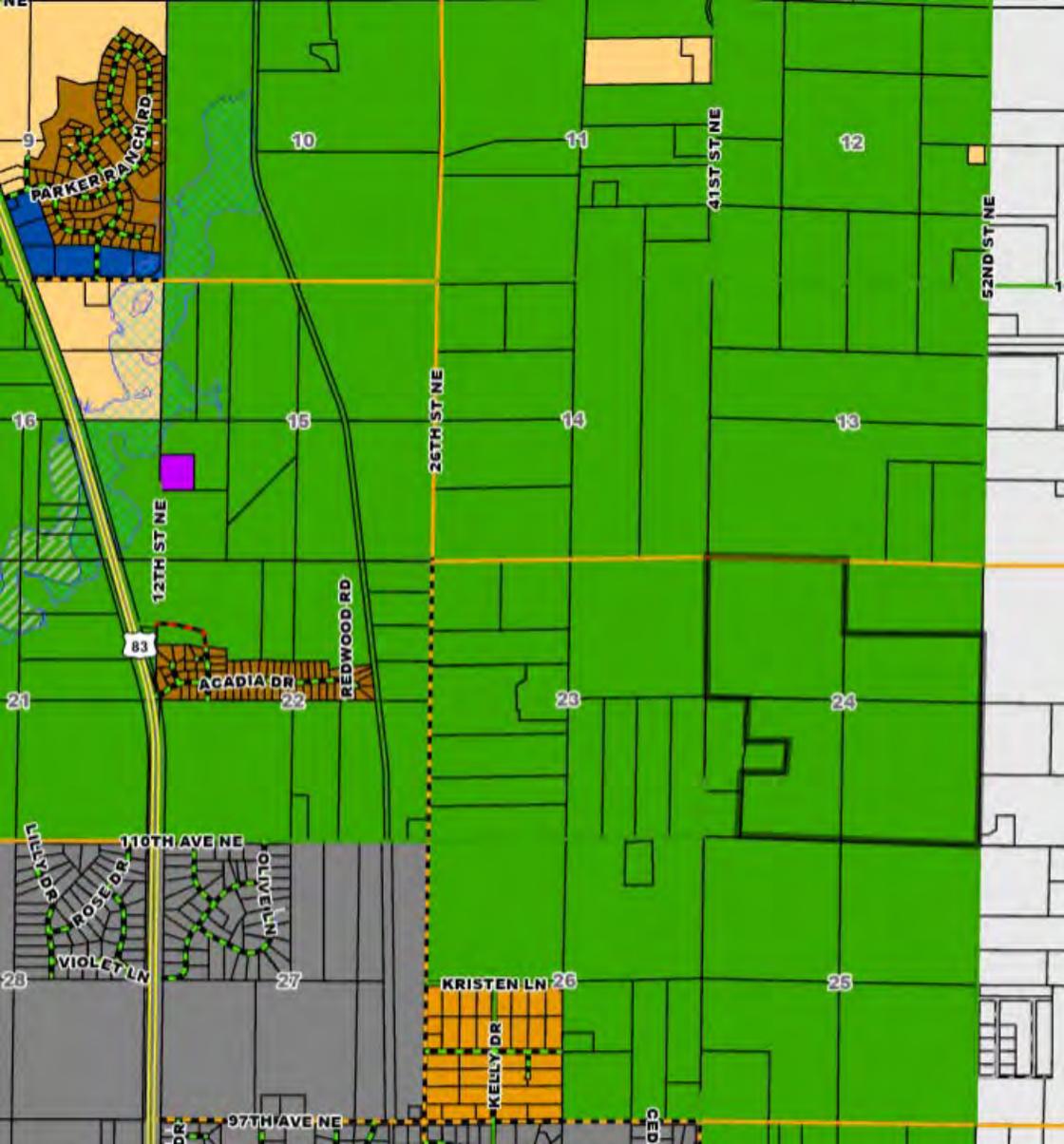
A preliminary meeting was held by Burleigh County and representatives of 8N2E Properties, LLP concerning re-zoning of 4 parcels located in Burnt Creek Township. Combined there is a total of 503 acres, it has been their intention to develop this acreage into parcels of 10 acres or more subdivision.

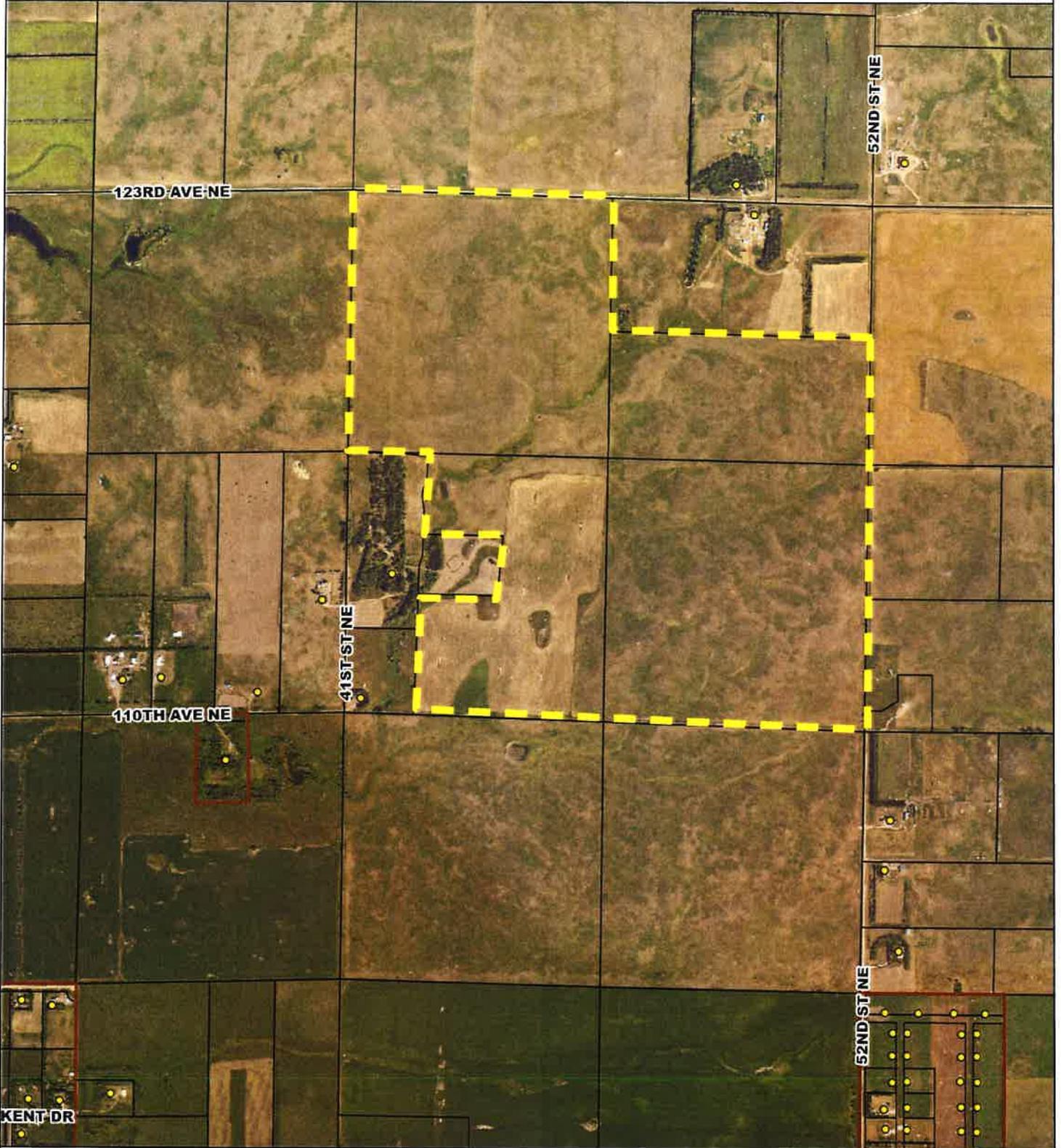
At the Planning Commission meeting a motion of “Do Pass” for the zone change was recommended. After discussion the motion was approved without condition: 8 –0

SUGGESTED MOTION:

Based on supporting documents and findings by County Staff, it is recommended to approve the zoning change of A-Ag- R1 Rural Single Family Residential.

Attachments: 1. 01 8N2E Zoning Map  
1. 02 8N2E Location Map





P



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission

Re: Recommendations from the September 13, 2023 meeting of Burleigh County Planning Commission.

Date: 9-25-2023

From: Mitch Flanagan, Burleigh County Planning Director. *llk*

ITEM 1

Subdivision Plat and Zoning Change from R1 to A-Agricultural for Horseshoe Flats Subdivision

Legal Description: *Part of Lot 2, Block 2 in Zuraff Subdivision and Tracts A, 33A and 33B all in the NE & NW1/4 of Section 33, Township 139N, Range 78W*

Property Address: 1355 Zuraff Drive Menoken, ND. 58558

A preliminary review for the platting of a 58-acre parcel into a 3-lot subdivision was held on February 23 with the Planning Staff, County Engineering, Rural Fire and Mark Isaacs, ILS, Engineering representing the owners-Kenneth and Rochelle Couch. Lot 3, Block 1 of Horseshoe Flats Subdivision also required a zoning change from R1-Rural Single Family to A-Agricultural. Lots 1 and 2, Block 1 Horseshoe Flats Subdivision will retain the existing A-Agricultural zoning.

At the Planning Commission meeting a motion of "Do Pass" for the zone change and final plat approval was recommended. After discussion, the motion was approved without condition: 8-0

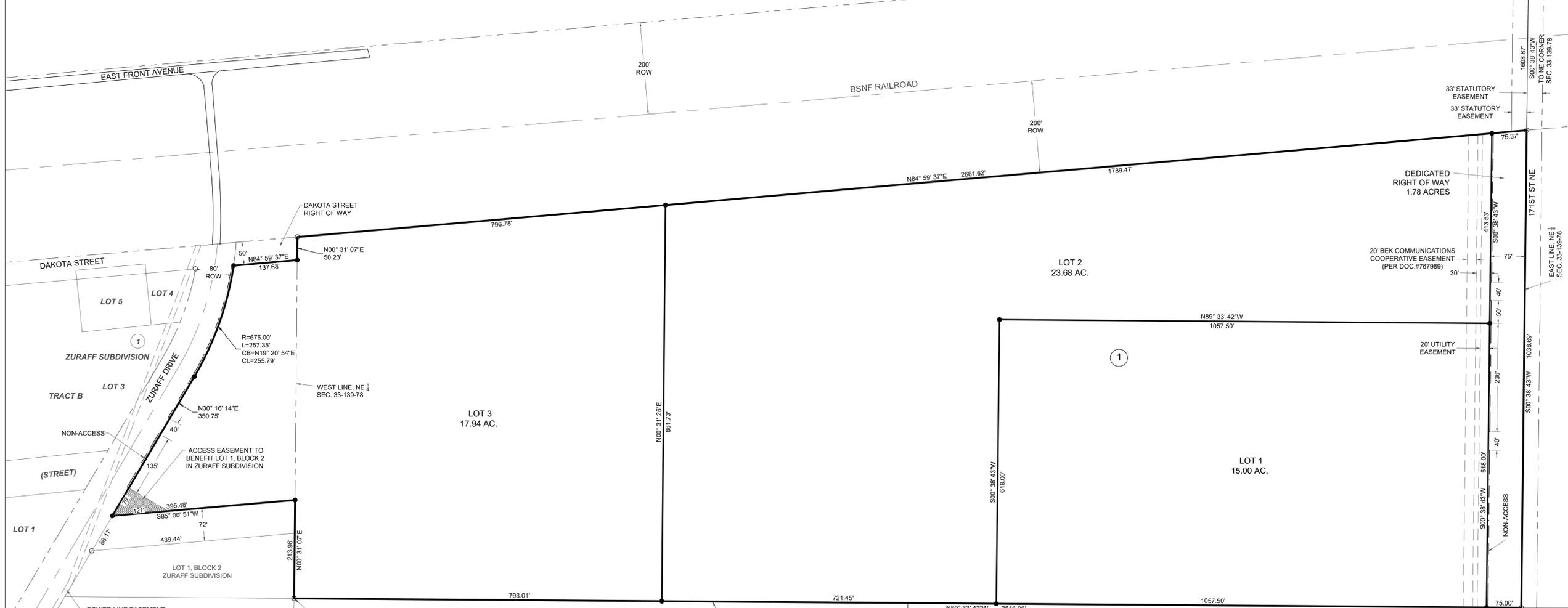
SUGGESTED MOTION:

Based on supporting documents and findings by County Staff, it is recommended to approve the final plat and zoning change for the Subdivision

Attachments: 1.1 Horseshoe Flats Subdivision Final Plat  
1.2 Horseshoe Flats Subdivision site map

# HORSESHOE FLATS SUBDIVISION

OF BURLEIGH COUNTY, NORTH DAKOTA  
PART OF LOT 2, BLOCK 2 IN ZURAFF SUBDIVISION AND  
TRACTS A, 33A, AND 33B ALL IN THE  
NE & NW 1/4 OF SECTION 33, T139N, R78W  
IN BURLEIGH COUNTY, NORTH DAKOTA



- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
  - SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
  - THE 40' ACCESS EASEMENT IN DOC. #584915 IS VACATED BY THIS PLAT.
  - THE ACCESS EASEMENT SHOWN HEREON IS FOR THE BENEFIT OF LOT 1, BLOCK 2 IN ZURAFF SUBDIVISION.

**OWNER:**  
KENNETH J & ROCHELLE COUCH  
1178 171st ST NE  
MENOKEN, ND 58558

**OWNER:**  
BRIAN HALSE  
1355 ZURAFF DRIVE  
MENOKEN, ND 58558

**LEGEND**

- FOUND SURVEY MONUMENT
- SET CAPPED REBAR - LS9628

**ACREAGE TABLE**

LOT 1	15.00 ACRES
LOT 2	23.68 ACRES
LOT 3	17.94 ACRES
DEDICATED ROW	1.78 ACRES
TOTAL	58.40 ACRES
NE 1/4	55.46 ACRES
NW 1/4	2.94 ACRES

POINT OF BEGINNING  
FND CAPPED REBAR  
E 1/2 CORNER, S33-T139N-R78W  
ND STATE PLANE COORDINATE=  
N = 419409.2  
E = 1963417.6

**LAND DESCRIPTION**

A TRACT OF LAND BEING PART OF LOT 2, BLOCK 2 IN ZURAFF SUBDIVISION AND ALL OF TRACTS A, 33A, AND 33B IN THE NORTHEAST AND NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 139 NORTH, RANGE 78 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE NORTH 89° 33' 42" WEST ON THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 2646.96 FEET TO THE CENTER CORNER OF SAID SECTION 33; THENCE NORTH 00° 31' 07" EAST ON THE EAST LINE OF ZURAFF SUBDIVISION A DISTANCE OF 213.96 FEET; THENCE SOUTH 85° 00' 51" WEST A DISTANCE OF 395.48 FEET TO THE EAST RIGHT OF WAY LINE OF ZURAFF DRIVE; THENCE NORTH 30° 16' 14" EAST ON SAID EAST RIGHT OF WAY LINE A DISTANCE OF 350.75 FEET TO THE PC OF A CURVE TO THE LEFT; THENCE NORTHEASTERLY ON SAID CURVE FOR AN ARC DISTANCE OF 257.35 FEET; HAVING A RADIUS OF 675.00 FEET; SAID CURVE HAS A CHORD BEARING NORTH 19° 20' 54" EAST A DISTANCE OF 255.79 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK 2 IN SAID ZURAFF SUBDIVISION; THENCE NORTH 84° 59' 37" EAST ON THE SOUTH RIGHT OF WAY LINE OF DAKOTA STREET A DISTANCE OF 137.68 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE NORTH 00° 31' 07" EAST A DISTANCE OF 50.23 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF BSNF RAILROAD; THENCE NORTH 84° 59' 37" EAST ON SAID RIGHT-OF-WAY LINE A DISTANCE OF 2861.82 FEET TO THE EAST LINE OF SAID SECTION 33; THENCE SOUTH 00° 38' 43" WEST ON SAID EAST LINE A DISTANCE OF 1038.69 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 58.40 ACRES MORE OR LESS.

**SURVEYOR'S CERTIFICATE**

I, MARK R. ISAACS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON AUGUST 10, 2023. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

MARK R. ISAACS, RLS 9628

**OWNER'S CERTIFICATE OF DEDICATION**

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER, OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

THEY ALSO DEDICATE ACCESS EASEMENTS TO ALL LAND OWNING PARTIES, TO RUN WITH THE LAND FOR THE PURPOSE OF CONSTRUCTING, OPERATING, AND MAINTAINING THE ACCESS UNDER OR UPON THE REAL PROPERTY OF THOSE CERTAIN STRIPS OF LAND SO DESIGNATED.

KENNETH J. COUCH  
LOT 1 AND LOT 2, BLOCK 1

ROCHELLE COUCH

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC \_\_\_\_\_

BRIAN HALSE  
LOT 3, BLOCK 1

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC \_\_\_\_\_

**APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION**

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES HORSESHOE FLATS SUBDIVISION AS SHOWN ON THIS PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

DENNIS AGNEW - CHAIRMAN

ATTEST: MITCH FLANAGAN - SECRETARY

**APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS**

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

BECKY MATTHEWS - CHAIRMAN

ATTEST: MARK SPLONSKOWSKI,  
COUNTY AUDITOR/TREASURER

**APPROVAL OF THE COUNTY ENGINEER**

I, MARCUS J. HALL, COUNTY ENGINEER FOR THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF "HORSESHOE FLATS SUBDIVISION" AS SHOWN ON THE PLAT, DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

MARCUS J. HALL, PE  
COUNTY ENGINEER



SCALE: 1" = 100'  
0 50 100  
DATE: AUGUST 25, 2023

VERTICAL DATUM - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET. MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

BENCHMARK - SOUTHEAST CORNER OF LOT 1, BLOCK 1, A CAPPED REBAR FLUSH WITH THE GROUND. ELEVATION = 1732.25

PROFESSIONAL LAND SURVEYOR  
MARK R. ISAACS, LS-9628

HORSESHOE FLATS SUBDIVISION  
PART OF NORTHEAST QUARTER  
SECTION 33, T-139-N, R-78-W  
BURLEIGH, NORTH DAKOTA

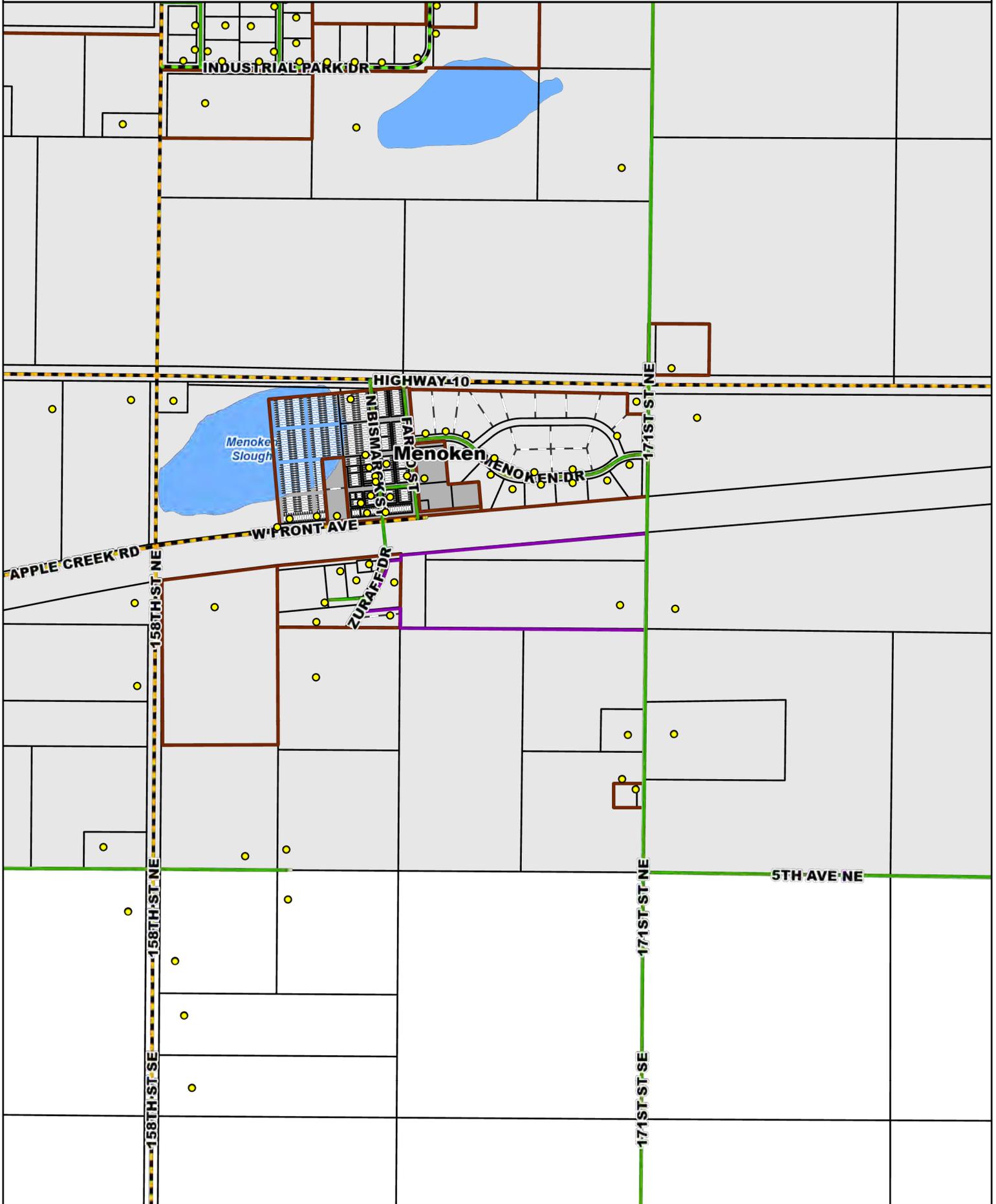
Independent  
Land  
Surveying &  
Engineering

SHEET: 1 OF 1 JOB NUMBER: 22127  
SCALE: 1"= 100' DWG REVISION DATES  
DRAWN BY: MRI 8/22/23 -  
DWG DATE: 8/14/23 8/25/23 -

4215 Old Red Trail NW  
Mendota, ND 58554  
Phone: 701-563-5184  
Cell: 701-595-2378  
mark@surveynd.com

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N  
9/25/2023



**ITEM**

**# 11**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** October 2, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE: Moving forward on the 71<sup>st</sup> Ave NE roundabout projects**

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

**ACTION REQUESTED:**

Authorize the proper County officials to seek engineering services.

**BACKGROUND:**

In the Fall of 2021, the North Dakota Department of Transportation (NDDOT) awarded Burleigh County \$3,300,000 of Highway Safety Improvement Program (HSIP) funds for the construction of a roundabout at the intersection of 71<sup>st</sup> Avenue NE and Centennial Road (Rooster Road and 41<sup>st</sup> Street NE will also be included in this roundabout). The money is currently programmed for 2026. In addition, just recently, the North Dakota Department of Transportation (NDDOT) has awarded Burleigh County \$3,600,000 of Highway Safety Improvement Program (HSIP) funds for the construction of a roundabout at the intersection of 71<sup>st</sup> Avenue NE and 26<sup>th</sup> Street NE. The money for this project is currently programmed for 2027. The Highway Department would like to have a discussion regarding going forward with these projects. It appears that design of the current projects will be around \$750,000 and future construction engineering cost around another \$750,000. Additionally, wetland mitigation, right of way and utilities relocation will cost us another \$350,000. Also, we need to keep in mind that the grants require a 10% match (\$690,000) and we are required to cover any additional construction costs above the grant amount (?). The Highway Department feels that these costs can be covered through the Highway Department Savings Account; however, during recent budget discussion it was implied that we may not want to commit our savings account to long term construction projects. The known total local

share for these projects is currently \$2,540,000. The Department would like the County Board to discuss the cost impact of these projects and direct the staff on how to proceed.

**RECOMMENDATION:**

It is recommended the Burleigh County Board discuss the roundabout projects and direct staff on how to proceed with these projects.



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** October 2, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Authorization to advertise for bids.

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

### **ACTION REQUESTED:**

Authorize the proper County officials to advertise for bids for two new motor graders.

### **BACKGROUND:**

As part of the approved 2024 Burleigh County Budget, the Highway Department has requested the purchase of two new motor graders. We wish to purchase the motor graders under a 5 year - total cost bid with a guaranteed repurchase price at the end of this period. In order to get the new motor graders in place before end of the year increases we would like to start the process. At this time, we would like to start the advertising process; however, we will not receive or pay for the new motor graders until next year.

### **RECOMMENDATION:**

It is recommended the Board adopt the attached proposed resolution.

### **PROPOSED RESOLUTIONS:**

THEREFORE BE IT RESOLVED: That the County Auditor and the County Engineer are hereby authorized to advertise for bids for two new motor graders under a 5 year - total cost bid with a guaranteed repurchase price at the end of this period.



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** October 2, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Annual Fee Schedule

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

### **ACTION REQUESTED:**

The Burleigh County Board sets the 2024 Highway Department fee schedule.

### **BACKGROUND:**

The Highway Department is seeking approval of the 2024 Highway Department fee schedule. This year we have made a few changes to the fee schedule and are asking for County Board approval.

The Highway Department's proposed fee schedule does include changes in the following areas:

- 1) In 2015 we started a new fee schedule for Township Road Maintenance agreements. Our goal at that time was to collect at least 25% of the actual cost of services for the prior three-year average expense. In 2016 we increased our goal to 50% of the actual cost of service. This year we are proposing to keep our goal at the 50% level. During the discussion regarding State reimbursement for snow removal during the 2022/2023 winter, the Townships and County agreed that the County would keep all of the reimbursement from the State (even for township roadways) and in return the County would not raise our annual maintenance fee for three years (2024, 2025, 2026). Therefore, we are recommending a proposed fee increases for 2024 to be as follows:

- a) 0% increase in 2024
  - b) As in 2023, we are also keeping a maximum fee charge to any township of 100% of what they would collect if they levied 18 mills.
- 2) We are also proposing minor changes in equipment rates. These increases/decreases are a result of the Department staying in compliance with Century Code section 24-05-04.1.

**RECOMMENDATION:**

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

**THEREFORE, BE IT RESOLVED:** That Burleigh County hereby adopts the attached 2024 Highway Department fee schedule.

**APPENDIX B**  
**BURLEIGH COUNTY HIGHWAY DEPARTMENT**  
**2024 FEE SCHEDULE (Proposed 09/25/2023)**

	2018	2019	2020	2021	2022	2023	2024
	Fees	Fees	Fees	Fees	Fees	Fees	Fees
<b>Permits</b>							
Road Approach	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Utility/Right-of-Way	0.00	0.00	0.00	0.00	0.00	0.00	See attached
Oversize/Overweight	0.00	Load Pass					
<b>Culverts - under 24"</b>							
Spiral CMP - 15" - per foot	8.52	10.80	11.28	**	**	**	**
Spiral CMP - 18" - per foot	10.65	13.50	14.10	**	**	**	**
Riveted CMP - 15" - per foot	9.37	12.96	13.56	**	**	**	**
Riveted CMP - 18" - per foot	11.72	16.20	16.95	**	**	**	**
Culvert Bands - 15" - each	21.30	32.40	33.96	**	**	**	**
Culvert Bands - 18" - each	26.63	40.50	42.45	**	**	**	**
Flared End Sections - 15" - each	51.88	68.60	73.90	**	**	**	**
Flared End Sections - 18" - each	67.26	90.00	97.00	**	**	**	**
<i>** Based on Bid Price</i>							
<b>Signs</b>							
Speed Limit & Standard Signs - 24 x 30	27.02	27.02	27.02	***	***	***	**
Minimum Maintenance - 30 x 18	28.00	28.00	28.00	***	***	***	**
Truck 40 MPH - 24 x 24	26.35	26.35	26.35	***	***	***	**
Stop Signs - 30 x 30	33.51	33.51	34.79	***	***	***	**
Yield Sign - 36 x 36	17.63	17.63	17.63	***	***	***	**
<b>911 Address Material</b>							
4" numbers - each	3.95	3.95	4.00	***	***	***	**
U Posts - each	5.56	5.56	5.56	***	***	***	**
<b>Installation</b>							
	xxx	xxx	xxx	xxx	xxx	xxx	xxx
<b>Telespar</b>							
Post 2" - per foot	3.63	3.58	3.63	***	***	***	**
Anchor 2 1/4"- per foot	2.90	4.09	4.35	***	***	***	**
Sleeve 2 1/2" - per foot	3.27	3.27	3.27	***	***	***	**

*\*\*\* Sign charges are based on actual cost of sign at time of purchase*

*xxx Installation costs will be charged per "Township Labor Rates" plus equipment costs*

	2018 Fees	2019 Fees	2020 Fees	2021 Fees	2022 Fees	2023 Fees	2024 Fees
<b><u>Township Road Maintenance Agreement</u></b>							
<b>Gravel Roads</b>							
Summer Maintenance (Blading & Weed Mowing)	See						
Winter Maintenance (Snow Plowing )	Below						
Year-round Maintenance							
Subdivision Summer Maint. (Blading & Weed Mowing)							
Subdivision Winter Maintenance (Snow Plowing)							
Subdivision Year-round Maintenance							
<b>Paved Roads</b>							
Summer Maintenance (Asphalt Maint. & Weed Mowing)							
Winter Maintenance (Snow Plowing & Intersection Sanding)							
Year-round Maintenance							
Subdivision Summer Maint. (Asphalt Maint. & Weed Mowing)							
Subdivision Winter Maintenance (Snow Plowing)							
Subdivision Year-round Maintenance							
Subdivision Year-round Maintenance (Curbed Roadway)							
Crack Sealing & Asphalt Patching							
<b>Fee to Expense Ratio Goal</b>	25%	50%	50%	50%	50%	50%	50%

*Below is the percentage of increase for townships based on the fee to cost ratio for the prior 3 years.*

**If your township 3 year average Fee to Cost ratio is:      Then your increase in Fee will be:**

Less than 30%	40%	0%
Greater than 30% - less than 40%	30%	0%
Greater than 40% - less than 45%	20%	0%
Greater than 45% - less than 50%	10%	0%
Greater than 50%	0%	0%

**Maximum Fee charged = 18 mills**

**Gravel/Scoria/Sand - 2008-2012 Billed for royalty cost only - 2013 and on Billed for royalty & crushing costs per pit**

**Pits Depleted in 2023**

	<b><u>Gravel</u></b>	<b><u>2023</u></b>	<b><u>Sand</u></b>	<b><u>2023</u></b>
Clausen 2	Clausen 2	6.12	Judy Jo	0.50
Schroeder	County 1	3.35	Pile 12	18.18
	Ereth	6.00	Sterling	18.18
	Glovich 2	5.06		
	Horneman	5.60		
	Horneman 2	5.60		
	Mills-Mixed	10.10		
	Mills-Not Mixed	6.00		
	Randy Ryberg	6.00		
	Saeman	6.53		
	Schock	6.65		
	Schroeder 1	6.10		

	2018 Fees	2019 Fees	2020 Fees	2021 Fees	2022 Fees	2023 Fees	2024 Fees
<b><u>Township Labor Rates</u></b>							
Salary - Hourly Average for Road Personnel	38.79	41.39	43.42	42.88	46.22	49.26	50.98
Fringe Benefits charged for Regular Hours							
Salary-Overtime	37.50	38.58	40.14	41.05	44.86	46.96	47.17
Fringe Benefits not charged for Overtime							

						Actual Cost up to	Actual Cost up to
Engineering & Supervision (% of Total Project Cost)	12.00%	12.00%	12.00%	12.00%	12.00%	12.00%	12.00%

### **Township Equipment Rates**

*Township received a 50% discount for 2008-2021 charges*

#### **50% discount for 2022**

Pick-up	15.18	16.41	16.31	14.88	18.43	24.95	19.94
1 Ton Truck	26.21	28.72	28.65	25.80	32.71	46.75	36.46
Single Axle Dump	37.40	40.58	41.57	40.57	43.92	56.30	45.38
winter rate	75.16	78.34	80.15	79.60	97.79	94.50	85.43
Tandem Axle Dump	72.51	78.46	80.37	71.57	84.78	107.06	87.38
winter rate	112.48	118.44	121.09	112.52	129.86	140.14	121.80
Truck Tractor	54.91	59.82	61.27	60.58	72.23	91.48	74.02
Twin Engine Scraper	181.82	182.42	158.41	152.26	223.45	275.63	254.49
Mid-Size 6-way Dozer	78.22	80.86	76.54	76.44	94.55	113.13	106.81
Motorgrader	140.38	167.98	134.70	109.52	122.27	151.52	153.84
winter rate	171.20	198.80	165.80	140.43	153.94	181.09	184.47
Motorgrader V-Plow Attachment	50.39	50.42	50.76	50.35	51.50	49.00	50.63
Ag Tractor	30.00	30.00	30.00	30.00	40.00	40.00	40.00
4 yd Front End Loader	70.15	70.15	81.55	78.12	96.24	94.86	89.94
3 yd Front End Loader	70.93	74.43	50.89	50.92	60.04	70.57	66.32
Skid Steer	27.82	28.99	30.08	29.13	40.90	51.85	50.56
Excavator	84.23	87.09	86.81	87.10	112.85	134.69	133.83
Gravel Pup Trailer	10.39	10.35	10.50	10.38	11.24	8.73	9.13
Belly Dump Trailer	12.66	12.62	12.78	12.66	13.90	11.27	11.96
Side Dump Trailer	16.56	16.50	16.69	16.60	17.61	15.13	15.80
Tandem Bumper Hitch Trailer	10.64	10.58	6.01	6.36	7.73	6.59	7.04
Walk-n-Roller	16.95	16.95	17.32	17.22	19.05	14.49	15.62
13 Wheel Pull Type Roller	29.56	29.56	31.71	31.92	34.92	26.55	28.63
Water Truck	50.80	54.09	55.33	50.18	57.74	68.58	58.47
15' Rotary Mower	14.65	14.65	14.92	14.97	17.47	12.23	12.97
9' Disc Mower	15.23	15.18	15.48	15.58	16.68	11.59	12.22
Off-Set Mower Hitch	5.00	5.00	5.00	5.00	10.00	10.00	10.00
Tandem Taylor Way Disc	20.00	20.00	20.00	20.00	20.00	20.00	20.00
Two Stage Snow Blower	136.65	142.68	145.43	134.70	153.80	170.39	152.13

	2018	2019	2020	2021	2022	2023	2024
	Fees						

**Inter-Department Charges**

Service Work	55.00	55.00	55.00	55.00	55.00	55.00	55.00
Fuel Sur-Charge							
Bismarck Shop	0.02	0.02	0.02	0.00	0.00	0.00	0.00
Wing Shop	0.05	0.05	0.05	0.05	0.05	0.05	0.05

**Private Work**

Driveway Blading - 1/4 hour	NA	NA	44.53	38.10	42.12	50.20	51.21
Winter Rate-Snow Plowing	NA	NA	52.31	45.83	50.04	57.59	58.87
Driveway Blading - 1/2 hour	89.56	104.69	89.06	76.20	84.25	100.40	102.41
Winter Rate-Snow Plowing	104.97	120.10	104.61	91.66	100.08	115.18	117.73
Driveway Blading - 3/4 hour	134.33	157.03	133.59	114.30	126.36	150.60	153.62
Winter Rate-Snow Plowing	157.45	180.14	156.92	137.48	150.12	172.77	176.59
Driveway Blading - 1 hour	179.11	209.37	178.12	152.40	168.49	200.78	204.82
Winter Rate-Snow Plowing	209.93	240.19	209.22	183.31	200.16	230.35	235.45

If other than motorgrader used in snow plowing - cost of work will be calculated using the non-discounted township equipment rates plus township labor rate.

*In 2013 Burleigh County stopped providing gravel, gravel hauling or use of gravel from a county pit on any private driveway.*

**UTILITY PERMIT FEE SCHEDULE  
EFFECTIVE: March 20, 2023**

<u>TYPE OF FACILITY</u>	<u>CROSSING</u>	<u>LONGITUDINAL</u>
OVERHEAD	\$ 100	\$ 100/MILE
BURIED CABLE	\$ 50	\$ 100/MILE
PIPELINES:		
8 INCH AND SMALLER	\$ 100 BORED	\$ 100/MILE
10 – 16 INCH	\$ 150 BORED	\$ 200/MILE
OVER 16 INCH	\$ 200 BORED	\$ 300/MILE
BRIDGE ATTACHMENTS (if approved)	\$ 500	\$ 500
OTHER	\$ 100 MIN	\$ 100 MIN

ALL FEES WITH A UNIT PRICE PER MILE WILL BE ROUNDED UP TO THE NEXT WHOLE MILE.



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** October 2, 2023  
**TO:** Mark Splonskowski  
County Auditor  
**FROM:** Marcus J. Hall  
County Engineer  
**RE:** Developer Waiver Request

Please include this item on the next Burleigh County Board agenda.

### **ACTION REQUESTED:**

Review and Direct the County Highway Department on how to proceed with the Developer's request.

### **BACKGROUND:**

Under the current Pavement Policy, developers (owners of property that is being platted) are required to: "Proposed platted subdivisions will include the construction and paving of all internal roadways and adjacent section line roads, and the construction and paving of at least one roadway that connects into the existing paved highway system."

Kris & Rebecca Lengenfelder, in the NE ¼ of Section 8, Clear Lake Township (see attached map), is proposing a two (2) lot subdivision (Lengenfelder Subdivision), and is requesting a waiver of the Pavement Policy. Under the Pavement Policy, the platting of this property would require them to pave a minimum of 4.0 miles of County/Township roadways from the Subdivision to reach the pavement on 405<sup>th</sup> Street NE.

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

**RECOMMENDATION:**

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

**PROPOSED RESOLUTION:**

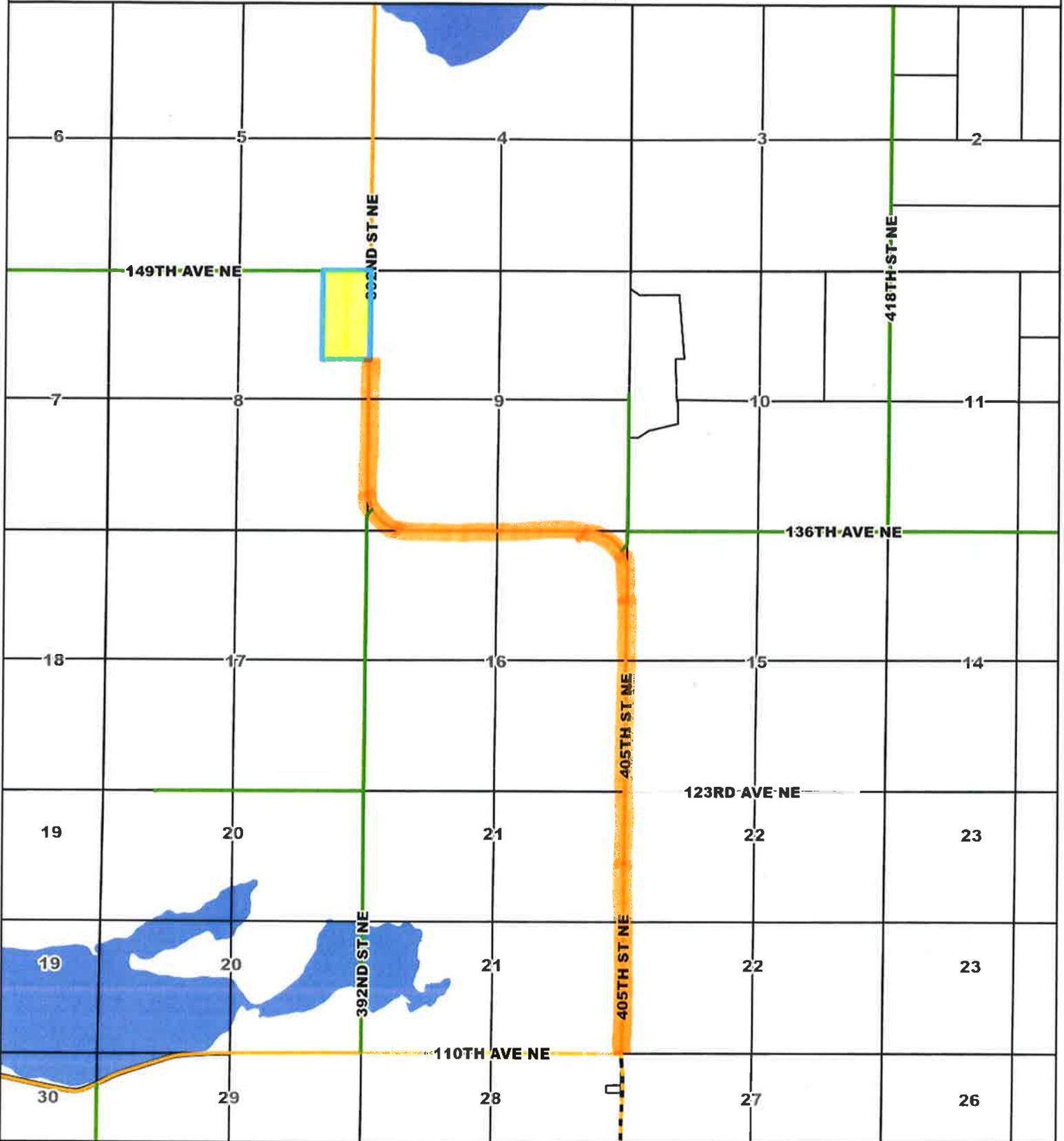
THEREFORE BE IT RESOLVED: That the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future, and

THEREFORE, BE IT FURTHER RESOLVED: That the County Board of Commissioners do hereby grant Kris & Rebecca Lengenfelder's request to waive the paving requirements "*paving of all internal roadways and adjacent section line roads*" listed in the Pavement Policy, in conjunction with the approval of the Lengenfelder Subdivision.



# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N  
9/19/2023



PARCEL ID: 20-140-75-00-08-205      OWNER: LENGENFELDER, KRIS & REBECCA      ACRES: 40  
SITE ADDRESS:  
MAIL ADDRESS: 916 N WASHINGTON ST, BISMARCK, ND 58501  
LEGAL: CLEAR LAKE TOWNSHIP Section 08 AUDITOR'S LOT A IN NE1/4 657806 657808 08-140-75



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

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## **Request for County Board Action**

**DATE:** October 2, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Falconer Estates Subdivision

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

### **ACTION REQUESTED:**

Declare a Resolution of Necessity for the Falconer Estates Subdivision's special assessment district (SAD #76) and call for a Public Hearing.

### **BACKGROUND:**

The residents of Falconer Estates 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 12 landowners or 85.7% of the property owners.

The County Special Assessment Screening Committee met on September 20, 2023 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 Falconer Estates Subdivision's special assessment district (SAD #76), and to authorize the call for a Public Hearing regarding the same.



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

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## Engineering Report Falconer Estates Subdivision

Residents of Falconer Estates Subdivision have asked the Burleigh County Highway Department to review the suitability of paving part of their subdivision. (See attached map for location)

**Existing Condition:** The part of Falconer Estates Subdivision that is being considered for this Special Assessment District contains 14 benefitted lots and has approximately 1,750 ft. of gravel roadway that is about 18 feet wide. The cost estimate for this Special Assessment District (SAD) will be based on a 18 feet wide pavement top. The roadway base is in ok to good condition and will require only minor graveling and grading before receiving asphalt paving.

**Proposal:** Under the Burleigh County Gravel Road Improvement Policy, residents will be required to "...pave all internal roadways and at least one roadway that connects into the existing paved highway system." In this case residents will be required to pave the following roadway: Sully Drive from Oahe Bend Drive to Apple Creek Drive. Paving will included 4 inches of hot bituminous and a chip seal treatment. All work will take place in 2024 and 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 \$198,635.00 (\$14,188.00 per lot).

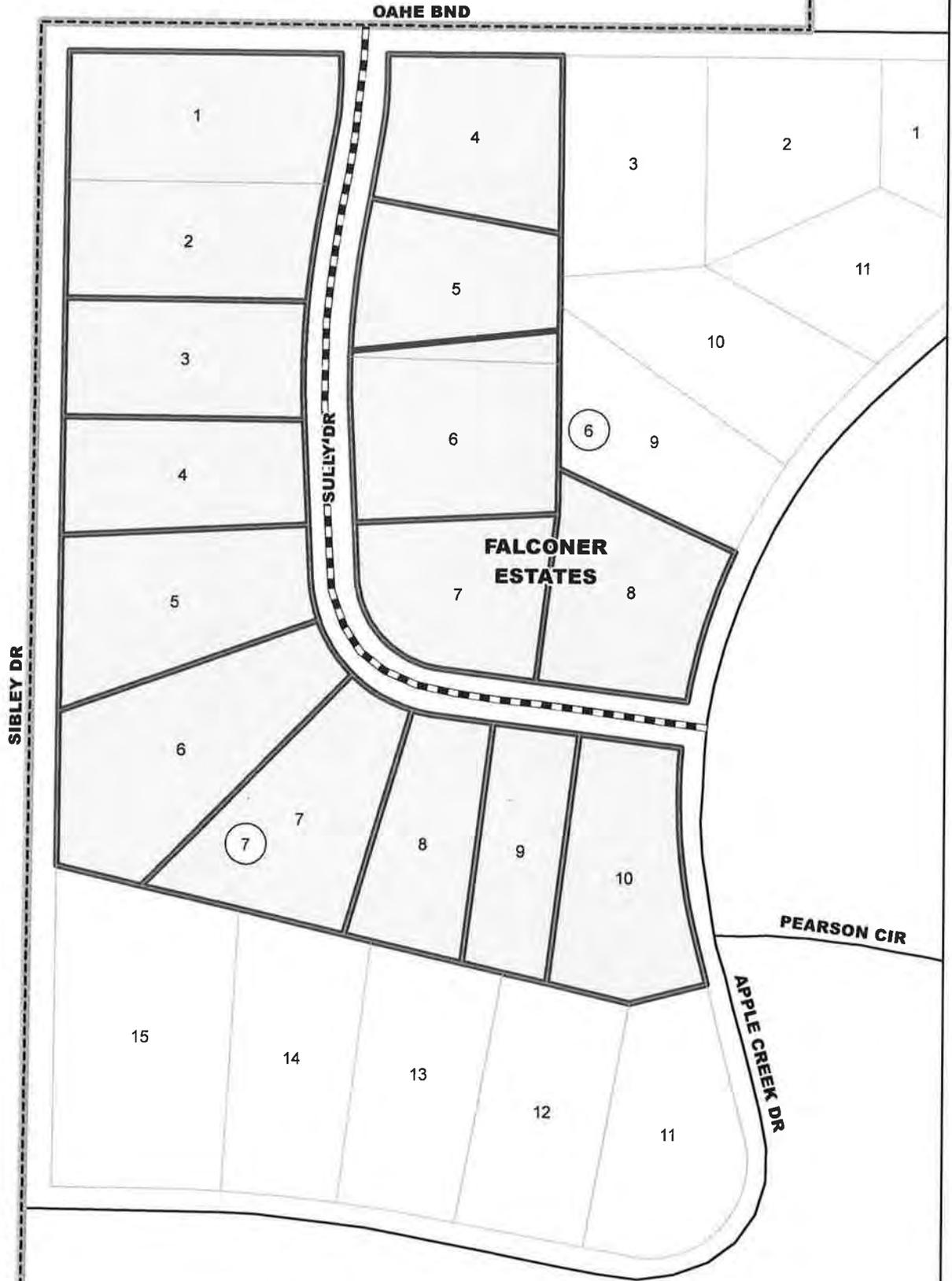
Marcus J. Hall P.E.  
Burleigh County Highway Engineer

Attachments:  
Map of benefitted properties  
Falconer Estates Subdivision Petition for Paving



# BURLEIGH COUNTY, NORTH DAKOTA BENEFITED PROPERTIES

N  
09/27/2018



- BENEFITED PROPERTIES
- SUBDIVISION BOUNDARY
- LOT BOUNDARY
- PROPOSED PAVED ROADWAY
- PAVED ROAD

## **FALCONER ESTATES 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 14 adjoining property owners by the special assessment commission as follows:

The following lots within Falconer Estates Subdivision are to be included:

Block 6, Lot 4	Block 7, Lot 3
Block 6, Lot 5a of 5	Block 7, Lot 4
Block 6, Lot 5b of 5 & Lot 6	Block 7, Lot 5
Block 6, Lot 7	Block 7, Lot 6
Block 6, Lot 8	Block 7, Lot 7
	Block 7, Lot 8
Block 7, Lot 1 & Lot 2	Block 7, Lot 9
	Block 7, Lot 10

A) Location: Falconer Estates Subdivision

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

C) Improvement Extent: Paving of Sully Drive from Oahe Bend Drive to Apple Creek Drive. Paving will included 4 inches of hot bituminous and a chip seal treatment.

These areas are highlighted in the attached map.

Total length of improvement is approximately 1,750 feet. (0.331 miles)

D) Estimated Total Cost: \$198,635 (\$14,188 per lot). The maximum per lot cost is limited by North Dakota Century Code to 120% of the Estimated Total Cost.

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

E) Desired Improvement Completion Date: Summer 2024 or A.S.A.P.

F) Contact Persons:            Alissa Kleinsasser    701-391-3955



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

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BISMARCK, ND 58503  
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## **Request for County Board Action**

**DATE:** October 2, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** 2<sup>nd</sup> Approach Permits

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

### **ACTION REQUESTED:**

Review and Direct the County Highway Department on how to proceed with Peter Finley request.

### **BACKGROUND:**

Peter Finley has requested a second approach permit to a property described as Block 05, Lot 6, of Copper ridge Second Subdivision (6825 Trademark Drive). The first approach currently enters the property from Trademark Drive. The second approach will also enter the property from Trademark Drive. The second approach was rejected because it is too close to the first approach (around 50 feet).

Peter Finley has requested an appeal of the Highway Department's denial to the County Board.

### **RECOMMENDATION:**

It is recommended that the Burleigh County Board discuss the above item and direct the County Highway Department on how to proceed.



BURLEIGH COUNTY, NORTH DAKOTA  
LOCATION MAP

N  
9/26/2023



PARCEL ID: 39-138-79-31-05-060      OWNER: FINLEY, PETER & BARBARA      ACRES: 1.492  
SITE ADDRESS: 6825 TRADEMARK DR  
MAIL ADDRESS: 6825 TRADEMARK DR, BISMARCK, ND 58504-9215  
LEGAL: COPPER RIDGE SECOND Block 05 LOT 6 737982



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

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## **Request for County Board Action**

**DATE:** October 2, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** 2<sup>nd</sup> Approach Permits

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

### **ACTION REQUESTED:**

Review and Direct the County Highway Department on how to proceed with Robert Rauhauser request.

### **BACKGROUND:**

Robert Rauhauser has requested a second approach permit to a property described as Block 01, Lot 2, of Pheasant Valley Subdivision (6924 Golden Crest Road). The first approach currently enters the property from Golden Crest Road. The second approach will also enter the property from Golden Crest Road. The second approach was rejected because it is too close to the first approach (around 75 feet).

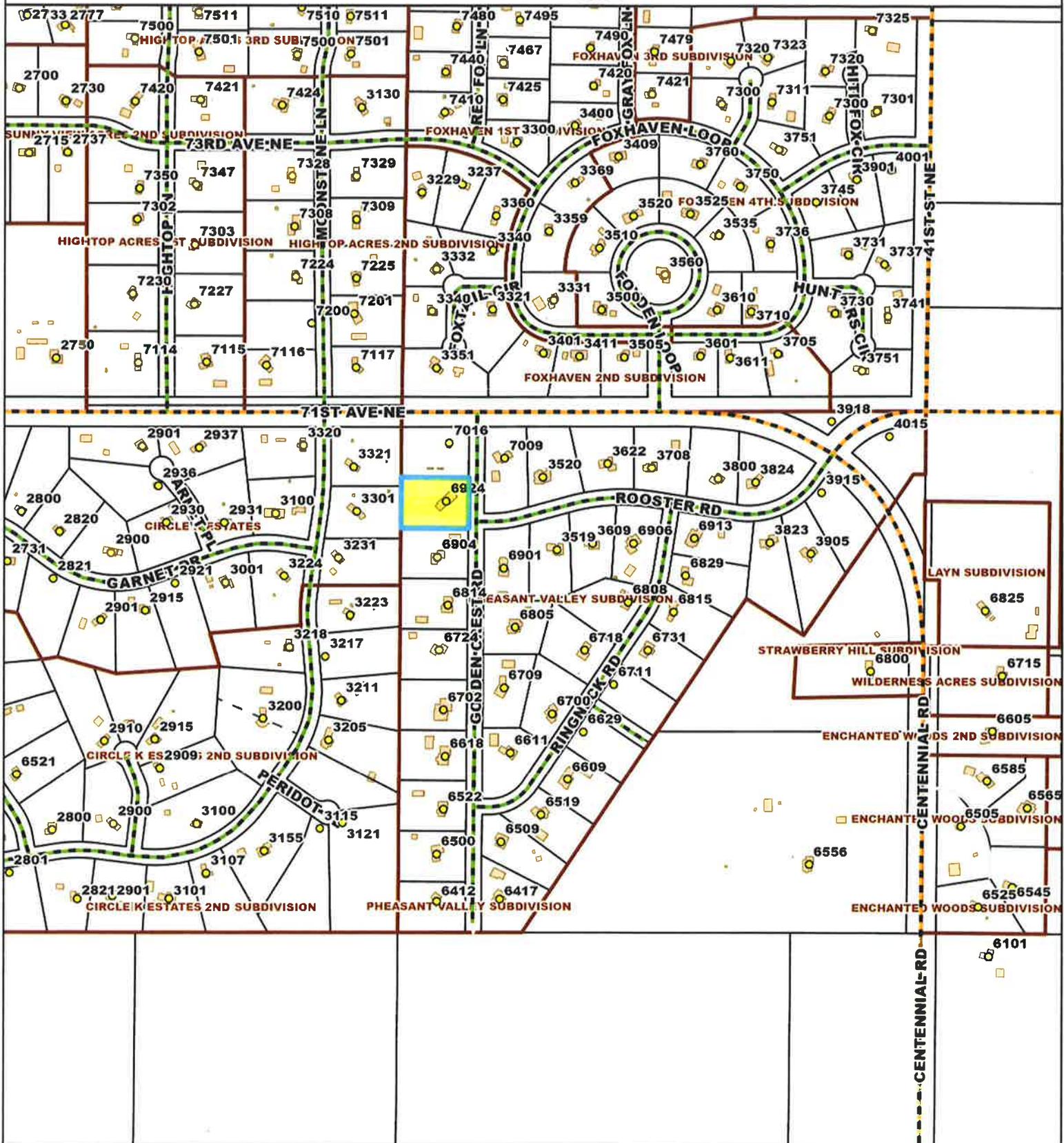
Robert Rauhauser has requested an appeal of the Highway Department's denial to the County Board.

### **RECOMMENDATION:**

It is recommended that the Burleigh County Board discuss the above item and direct the County Highway Department on how to proceed.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N  
9/26/2023



PARCEL ID: 31-139-80-0T-01-020      OWNER: RAUHAUSER, ROBERT A &      ACRES: 1.994  
SITE ADDRESS: 6924 GOLDEN CREST RD  
MAIL ADDRESS: TANG-RAUHAUSER, BARBARA 6924 GOLDEN CREST RD, BISMARCK, ND 58503-6913  
LEGAL: PHEASANT VALLEY Block 01 LOT 2 804215

BURLEIGH COUNTY, NORTH DAKOTA  
LOCATION MAP

N  
9/26/2023



PARCEL ID: 31-139-80-0T-01-020      OWNER: RAUHAUSER, ROBERT A &      ACRES: 1.994  
SITE ADDRESS: 6924 GOLDEN CREST RD  
MAIL ADDRESS: TANG-RAUHAUSER, BARBARA 6924 GOLDEN CREST RD, BISMARCK, ND 58503-6913  
LEGAL: PHEASANT VALLEY Block 01 LOT 2 804215

**ITEM**

**# 12**

**ITEM**

**# 13**

# REQUEST FOR PROPOSALS

For Architectural Services

Burleigh County, North Dakota

Proposal Opening: 3:30 PM, Tuesday, October 24<sup>th</sup>, 2023  
Tom Baker Room, City/County Building

## **Scope of the Request**

The Board of Burleigh County Commissioners is requesting proposals for architectural services for the remodel of the Provident Life Building located at 316 N 5<sup>th</sup> St, Bismarck. (approx. 34,000 sq. ft.).

## **Requirements of Proposals**

Persons submitting proposals to work with the County Board and perform these architectural services shall be a registered architect in the state of North Dakota. All proposals shall be submitted in a sealed envelope with the name, address, phone number, and North Dakota registration number of the architect clearly printed on the outside of the envelope. All envelopes must clearly indicate they enclose a proposal for architectural services and the date and time the proposals shall be opened.

Each proposal shall include a resume of the architectural firm as well as the highlights of major work of the principal architect or architects who would most likely work with the County. Such a resume should include information on similar and applicable projects done by the principal architect(s). Resumes should be limited to three pages.

Proposals shall identify the basis on which the fees for services shall be determined including consultation, planning, plan preparation, bidding, construction supervision, project completion and any other incidental services or fees such as travel, engineering, support staff or materials.

A sample of the contract proposed to be entered into between the architect and the County must be included with the proposal.

All proposals must be signed and dated by a principal architect or authorized representative.

## **Consideration for Accepting a Proposal**

Proposals shall address the firm's ability to perform the necessary services. The primary consideration items will be, but not limited to, the firms: 1. Organization, 2. Capability, 3. Experience and performance record, 4. Understanding of project, 5. Proposed work approach, and 6. Personnel (qualifications, specialized experience, technical competence, etc.).

The Board of Burleigh County Commissioners intends to select the architect who, in the judgement of the Board, will best serve the needs of the County, however, the County Board reserves the right to reject any or all proposals and to waive any technicalities or irregularities it deems minor in the preparation or presentation of the proposals.

**Information or Clarification**

Persons interested in participation in this call for proposals and who believe any additional information may be helpful or needed may contact County Auditor Mark Splonskowski at 701-222-6718.

**ITEM**

**# 14**

CITY OF BISMARCK, NORTH DAKOTA  
And  
BURLEIGH COUNTY, NORTH DAKOTA  
INFORMATION TECHNOLOGY SERVICES AGREEMENT

ARTICLE 1  
RECITALS AND INTENT

1.1 This Agreement (“Agreement”) is made by and between the City of Bismarck (“City”) and Burleigh County (“County”), acting by and through their duly authorized representatives, and is effective on the date stated herein.

1.2 The County has requested information technology support (“IT”) for the County and desires to engage City to provide certain IT services in connection with the work assigned (“Services”).

ARTICLE 2  
CONTRACTUAL RELATIONSHIP

2.1 The County agrees to employ the City, and the City agrees to perform, as an independent contractor, certain professional services on an as-needed basis pursuant to County issued task or work orders in accordance with the project described therein, except for the County’s highway department, social services department, and weed officer.

2.2 This Agreement shall serve as the general agreement for IT services under the terms and amounts listed on attached Exhibit A.

2.3 The Services to be provided under this Agreement are intended to include services within the scope of City’s IT department education, training and experience. At times, solutions may require the services beyond the scope of what the City provides. If there is an additional charge for this type of assistance, written notice will be provided to the County with the approval of the County Auditor before those services are engaged for vendors outside the City.

2.4 City shall comply with all applicable laws, rules and regulations governing all Services and any projects authorized by this Agreement.

ARTICLE 3  
THE COUNTY’S RESPONSIBILITIES

3.1 The County shall provide to City all its criteria and requirements for any Project and all available information pertinent to the Project including previous reports. City may reasonably rely upon such information. County’s use of the hardware, software and network services under this agreement will follow all software agreements and user policies that City determines are necessary and communicated to County in order to comply with all agreements with third parties and for security measures for IT services. Any additional costs for software that requires a separate agreement with the County will be County’s responsibility. In order to prioritize and assign tasks as appropriate, all requests for IT services by County must be provided through SysAid. Large projects and upgrades should be provided to City in advance of each calendar year. If the upgrade or new software requires a large amount of staff time (i.e. 20 hours or more) or resources, County will be informed of that additional cost and time needed to complete those services.

The County is responsible for financing any hardware and software updates or upgrades that are required to maintain cybersecurity, network security, maintain warranty, and comply with IT policies and requirements. The City requires all hardware and software to be under warranty or under a software maintenance agreement. As a result, the City will not be able to troubleshoot any software or hardware that is out of warranty or does not comply with City policies and requirements.

All computer IT equipment must be approved by the City IT before purchase. This includes all software and hardware, including monitors, phones, tablets, laptops, or other hardware and software applications. If County purchases an unapproved device, the City may not be able to troubleshoot or maintain that software or hardware.

Desk phones? Smartphones and cell phones are not on the City's network.

3.2 The County shall arrange for access to and make all provisions for City to enter upon public and private property as required for City to perform Services under this Agreement.

3.3 The County will examine City's studies, reports, sketches, drawings, specifications, proposals and other information submitted by City, consult with others as County deems appropriate, and render timely written approvals and decisions to the City. No new projects, major upgrades or hardware/software purchases will be supported by City unless those are approved by City Information Technology Department prior to purchase. If a purchase is done outside of this process, it or any hardware on which it runs will not be allowed to connect to the City's infrastructure nor hold the City responsible for supporting this with City staff, including network services. Purchases by County should be planned in advance and communicated to City to ensure proper resources are available. Exhibit A reflects the current server and use capacity. If more services or server space is needed for County, they will be required to pay for that additional need. If County's unauthorized purchase causes damage to the network or otherwise requires City to remedy any damage from a virus or unauthorized purchase, the County will pay the costs to return the system back to the same functionality prior to the unauthorized purchase. County is aware that the services under this Contract are for maintenance and support for existing IT needs. Any upgrades or new systems would need to be approved in advance by City with timeframes and personnel needs planned through the City's process and information technology governance council (ITGC), whose description and process is attached in Exhibit B. City usually makes those plans in advance of the beginning of each calendar year for the entire year.

County is currently working on migration to own network.

3.4 The County shall give prompt written notice to City whenever County becomes aware of any development that affects the scope or timing of City's Services or of any defect or nonconformance in the Services of the City or work of the Contractor. In addition, the County shall notify the City of any employee separations/terminations immediately in order to avoid cybersecurity risk.

#### ARTICLE 4 PROFESSIONAL'S COMPENSATION

4.1 Invoices for Services performed under a task order may be submitted to County by City quarterly. Invoices will be due and payable within thirty (30) days after receipt.

4.2 No statement, term or provision in any invoice, bill or statement submitted to County by City will be construed to waive, amend or modify any term or provision of this Agreement.

#### ARTICLE 5 INDEMNIFICATION AND INSURANCE

5.1 The parties will indemnify, defend and hold harmless the other party, its directors, officers, agents and employees against claims, demands or causes of action; and all costs, losses, liabilities, expenses and judgments incurred in connection therewith, including attorneys' fees and court costs, brought by any other third party, based upon, in connection with, resulting from, arising out of, or occasioned by the acts, omissions or conduct of the party, its officers, agents, or employees in the execution or performance of this Agreement.

5.2 The parties shall each obtain and maintain, throughout the term of the Agreement, General Liability insurance with a limit of not less than \$1,000,000 general aggregate.

#### ARTICLE 6 DURATION, EXTENSION AND TERMINATION

6.1 This agreement shall be for a term of one (1) year and shall be eligible to renew for additional terms of one (1) year annually upon the written agreement of both parties. Time is of the essence in the performance of this Agreement.

6.2 This agreement may be terminated by either party for cause if either party fails substantially to perform through no fault of the other and does not commence correction of such non-performance within fifteen (15) business days of written notice and diligently complete the correction thereafter. Upon delivery of such notice, the City shall, unless the notice states otherwise, immediately discontinue all Services, proceed to cancel promptly all existing orders and

Include an "out clause" similar to the Public Health contract.

contracts insofar as such orders or contracts are chargeable to the Services, and deliver to the County all instruments of service produced under this Agreement. Upon termination, the County will owe the City for all compensation earned under this Agreement to date of termination, without termination expenses.

## ARTICLE 7 MISCELLANEOUS

7.1 This Agreement shall be effective upon its execution by the City and the County, and shall remain in full force until all obligations under this Agreement have been fulfilled, unless sooner terminated as provided herein.

7.2 This Agreement shall be construed and enforced for all purposes pursuant to the laws of the State of North Dakota. Venue shall be exclusively in the state courts of proper jurisdiction of Burleigh County, North Dakota.

7.3 This Agreement is non-assignable. Neither the City nor the County shall assign, sublet or transfer its interest in this Agreement without the prior written consent of the other.

7.4 This Agreement represents the entire agreement between the City and the County with respect to the subject matter hereof and supersedes and merges all prior negotiations, representations, discussions or agreements, either written or oral, with respect to the subject matter hereof.

7.5 This Agreement may be amended only by written instrument signed by duly authorized representatives of both the City and the County. The County's payment of invoices or statements shall not be deemed as the County's acceptance of any term or provision that amends or modifies this Agreement or the task order under which payment is made.

7.7 No consent or waiver, express or implied, by either party to this Agreement, to or of any breach of default by the other in the performance of any obligations under this Agreement shall be deemed or construed to be a consent or waiver to or of any other or future breach or default by such party. Failure on the part of any party to this Agreement to complain of any act or failure to act of the other party or to declare the other party in default hereunder, irrespective of how long such failure continues, shall not constitute a waiver of the rights of such party hereunder.

7.8 If a provision of this Agreement, or the application thereof to any person or circumstances, is rendered or declared illegal for any reason or shall be invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby, but shall be enforced to the greatest extent permitted by applicable law. The parties agree to negotiate in good faith for a proper amendment to this Agreement in the event any provision hereof is declared illegal, invalid or unenforceable.

7.9 All notices required or permitted hereunder shall be in writing and shall be deemed delivered three (3) days after deposit with the United States Postal Service, certified mail, return receipt requested, addressed to the respective other party at the addresses shown below:

If to City:           Dmitriy Chernyak, Finance Director  
                          dchernyak@bismarcknd.gov  
                          PO Box 5503  
                          Bismarck, ND 58502-5503

If to County:       Mark Splonskowski, Auditor  
                          msplonskowski@nd.gov  
                          PO Box 5518  
                          Bismarck, ND 58506-5518

7.10 The headings and captions used in this Agreement are for convenience only and shall not affect in any way the meaning or interpretations of the provisions set forth herein.

7.11 This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

IN WITNESS WHEREOF, this Agreement is hereby executed as of the last date set forth below.

COUNTY OF BURLEIGH, NORTH DAKOTA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
County Chairperson

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
State's Attorney

CITY OF BISMARCK, NORTH DAKOTA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Michael Schmitz, President City Commission

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
City Attorney

City of Bismarck  
 Billing for IT Service to Burleigh County - Exhibit A  
 For Calendar Year 2024

**Note: ALL requests for services MUST be submitted through SysAid and/or ITGC**

	<b>2023</b>	<b>2024</b>
<b>Annual Service Charges</b>		
IT Services - Minimum Charge (Cost per Device)	\$ 118,191	\$ 135,802
Cybersecurity Initiative (ClearPass, Aruba Central, etc.)	9,500	10,165
Equipment Use Allocation	2,500	2,675
<b>Total Annual Service Charges</b>	<u>130,191</u>	<u>148,642</u>
<b>Continuous Annual Costs</b>		
Microsoft Licensing Costs (Microsoft SQL, Windows, Server, and RDS Licensing)	\$ -	\$ -
AS400 CPU Time (Continue)	475	-
WAN Access Charge / Fiber Costs (Annual)	5,325	5,698
Network Infrastructure Costs (Annual)	1,279	1,368
<b>Total Continuous Annual Costs</b>	<u>5,800</u>	<u>5,698</u>
<b>Total Costs to County (excluding on-call and variable license costs)</b>	<u><u>\$ 135,991</u></u>	<u><u>\$ 154,339</u></u>
<b>Services Outside of Regular Work Schedule (8am - 5pm) / On-Call</b>		
Minimum 2-hour charge for on-call (after hours)	\$ 170	\$ 196
Hourly overtime charge (after minimum 2-hour charge)	\$ 85	\$ 98

Note: The City of Bismarck is no longer providing Microsoft Office licensing for Burleigh County based on Burleigh County decision.



# INFORMATION TECHNOLOGY GOVERNANCE COMMITTEE (ITGC) 2021 - 2022 Guidance

## **Purpose**

To support City Departments in accessing new technology and computer related products and services, with priority based on value to operations and the community, funding and staff time constraints. This guidance builds on the foundation of the 2004 ITGC Charter approved by the City Commission, and adapts to current processes and needs of the City.

## **Background**

Each Department within the City has their own expertise and unique roles and responsibilities to provide internal and external customer service. When new technology and computer related products and services are being considered, there is additional technical planning required to ensure the initial procurement and the continued upkeep of those systems can be supported and are the best use of available resources for the entire City operations.

The ITGC serves as the board guided by the ITGC charter approved by the City Commission in 2002 to review Department IT / GIS requests, provide IT / GIS resources to further develop preliminary proposals into active projects, gain understanding of the Department request's value to City operations and the community, and then make recommendations to the Budget Committee.

The IT / GIS Division within the Finance Department has technical expertise to assist ITGC in the review of new products and services and implementation of active projects. The IT / GIS Division has core responsibility for maintaining current software and hardware, City-wide updates, and support of emergency operations. These core responsibilities have priority over new projects. The IT / GIS Division will dedicate time to support and manage the new ITGC approved active projects. The IT / GIS Division is not able to undertake a Department's new projects requiring more than 32 hours of time without review and prioritization through ITGC.

## **Process**

New project requests are submitted by each Department director or designee at least two weeks prior to the ITGC meeting. The Department will complete the ITGC Request Form to the best of their ability to make an initial request, including estimated cost, project plan and timeline, staff time necessary, benefits to operations and community. Once the form is completed, it is submitted to the IT Manager and ITGC Chair via [L:\@ITGC](mailto:L:\@ITGC). Requested budget amounts must consider contingencies and potential changes in scope for each project.

There will be times when a Department has a need but does not have information or requires technical support from the IT / GIS Division to assist with the request. Departments are encouraged to still start the process with ITGC. Initial projects that are submitted and approved



by the ITGC without all the details will be placed in a Preliminary Project List and IT / GIS resources will be assigned to help the department to further investigate solutions and estimates.

Once all information is available to allow ITGC to decide to proceed, the project will be reviewed and, if accepted, will be placed in the Active Project List. Following any budget authority approval, if required, the project will be prioritized on the list and IT / GIS resources will be assigned to move the project to final completion. The list will be managed to allow completion of highest priority projects while maintaining core responsibilities. Certain approved projects may be placed in an “on hold” status until adequate staff resources become available. Hiring outside resources may also be considered.

ITGC meetings will occur quarterly, and special meetings can be called by the Chair. During the meeting, the Departments will present their projects within an allotted time.

### **Preliminary List**

This list is created for those projects given an initial approval to proceed that are in the planning stages or require additional information before an in-depth review and vote by the ITGC. Projects on this list will be assigned an IT / GIS resource to assist the Department in review of demonstrations and gathering initial and recurring costs relating to the project, including server and storage costs. A subsequent ITGC meeting will be scheduled with updated information for the ITGC to make a final decision on the project.

### **Active Projects List**

This list is created for those projects with ITGC recommendation to proceed. This list will include notation of priority for completion and time frame, or, if project is on hold, awaiting staff resources or budget approval. These projects are organized by priority by the ITGC. The order of projects may be reviewed by the ITGC periodically to address emergencies and unexpected circumstances. This list will contain project milestones and deadlines for completion and the IT / GIS Manager or designee will provide a quarterly status update on each project. Alternatives may be discussed regarding certain time-sensitive projects, such as hiring outside IT / GIS contractors if approved via budget appropriation by the Budget Committee and/or City Commission.

### **Voting**

The decision-making process is based on the guidance provided in the 2004 ITGC Charter. However, ITGC may consider additional factors as part of the decision-making, as follows:

- City-wide necessity based on timing, expirations, cybersecurity, etc.
- Individual department necessity and value to the City
- Budgetary availability
- IT / GIS staff availability
- Efficiency across the City
- Reaction to emergencies, uncontrollable circumstances, or outside influences
- Staff availability from other departments, if necessary

The ITGC will decide from the information provided and presented by the requesting department. After the necessary information regarding the project is presented for ITGC to make a reasonable decision, ITGC will vote on the approval or denial of the project by a simple



majority vote contingent upon approval of a budget appropriation. Approved IT / GIS projects will be placed on the respective prioritized project list as noted above. Priorities of multiple projects across City Departments will be reviewed and determined by the ITGC by a simple majority vote.

### **Project Progress and Updates**

The IT Manager or designee will provide quarterly updates to active projects. Departments will receive an update from the Committee Chair or designee regarding the decision made by the ITGC within 48 hours after the ITGC meeting.

On a quarterly basis, the ITGC will e-mail the Preliminary List and the Active Projects List to the City's Department Directors and stakeholders to provide an update on the ITGC projects.

### **2021 - 2022 ITCG Members**

- Chair – Dmitriy Chernyak, Finance Director
- Member – Jason Tomanek, Assistant City Administrator
- Member – Michelle Klose, Public Works Utilities Director
- Member – Jannelle Combs, City Attorney
- Member – Mike Dannenfelzer, CenCom Director
- Member – Gabe Schell, City Engineer
- Member – Tandra Kraft, IT / GIS Manager

CITY OF BISMARCK, NORTH DAKOTA  
And  
BURLEIGH COUNTY, NORTH DAKOTA  
INFORMATION TECHNOLOGY SERVICES AGREEMENT

ARTICLE 1  
RECITALS AND INTENT

1.1 This Agreement (“Agreement”) is made by and between the City of Bismarck (“City”) and Burleigh County (“County”), acting by and through their duly authorized representatives, and is effective on the date stated herein.

1.2 The County has requested information technology support (“IT”) for the County and desires to engage City to provide certain IT services in connection with the work assigned (“Services”).

ARTICLE 2  
CONTRACTUAL RELATIONSHIP

2.1 The County agrees to employ the City, and the City agrees to perform, as an independent contractor, certain professional services on an as-needed basis pursuant to County issued task or work orders in accordance with the project described therein, except for the County’s highway department, social services department, and weed officer.

2.2 This Agreement shall serve as the general agreement for IT services under the terms and amounts listed on attached Exhibit A.

2.3 The Services to be provided under this Agreement are intended to include services within the scope of City’s IT department education, training and experience. At times, solutions may require the services beyond the scope of what the City provides. If there is an additional charge for this type of assistance, written notice will be provided to the County with the approval of the County Auditor before those services are engaged for vendors outside the City.

2.4 City shall comply with all applicable laws, rules and regulations governing all Services and any projects authorized by this Agreement.

ARTICLE 3  
THE COUNTY’S RESPONSIBILITIES

3.1 The County shall provide to City all its criteria and requirements for any Project and all available information pertinent to the Project including previous reports. City may reasonably rely upon such information. County’s use of the hardware, software and network services under this agreement will follow all software agreements and user policies that City determines are necessary and communicated to County in order to comply with all agreements with third parties and for security measures for IT services. Any additional costs for software that requires a separate agreement with the County will be County’s responsibility. In order to prioritize and assign tasks as appropriate, all requests for IT services by County must be provided through SysAid. Large projects and upgrades should be provided to City in advance of each calendar year. If the upgrade or new software requires a large amount of staff time (i.e. 20 hours or more) or resources, County will be informed of that additional cost and time needed to complete those services.

The County is responsible for financing any hardware and software updates or upgrades that are required to maintain cybersecurity, network security, maintain warranty, and comply with IT policies and requirements. The City requires all hardware and software to be under warranty or under a software maintenance agreement. As a result, the City will not be able to troubleshoot any software or hardware that is out of warranty or does not comply with City policies and requirements.

All computer IT equipment must be approved by the City IT before purchase. This includes all software and hardware, including monitors, phones, tablets, laptops, or other hardware and software applications. If County purchases an unapproved device, the City may not be able to troubleshoot or maintain that software or hardware.

3.2 The County shall arrange for access to and make all provisions for City to enter upon public and private property as required for City to perform Services under this Agreement.

3.3 The County will examine City's studies, reports, sketches, drawings, specifications, proposals and other information submitted by City, consult with others as County deems appropriate, and render timely written approvals and decisions to the City. No new projects, major upgrades or hardware/software purchases will be supported by City unless those are approved by City Information Technology Department prior to purchase. If a purchase is done outside of this process, it or any hardware on which it runs will not be allowed to connect to the City's infrastructure nor hold the City responsible for supporting this with City staff, including network services. Purchases by County should be planned in advance and communicated to City to ensure proper resources are available. Exhibit A reflects the current server and use capacity. If more services or server space is needed for County, they will be required to pay for that additional need. If County's unauthorized purchase causes damage to the network or otherwise requires City to remedy any damage from a virus or unauthorized purchase, the County will pay the costs to return the system back to the same functionality prior to the unauthorized purchase. County is aware that the services under this Contract are for maintenance and support for existing IT needs. Any upgrades or new systems would need to be approved in advance by City with timeframes and personnel needs planned through the City's process and information technology governance council (ITGC), whose description and process is attached in Exhibit B. City usually makes those plans in advance of the beginning of each calendar year for the entire year.

3.4 The County shall give prompt written notice to City whenever County becomes aware of any development that affects the scope or timing of City's Services or of any defect or nonconformance in the Services of the City or work of the Contractor. In addition, the County shall notify the City of any employee separations/terminations immediately in order to avoid cybersecurity risk.

#### ARTICLE 4 PROFESSIONAL'S COMPENSATION

4.1 Invoices for Services performed under a task order may be submitted to County by City quarterly. Invoices will be due and payable within thirty (30) days after receipt.

4.2 No statement, term or provision in any invoice, bill or statement submitted to County by City will be construed to waive, amend or modify any term or provision of this Agreement.

#### ARTICLE 5 INDEMNIFICATION AND INSURANCE

5.1 The parties will indemnify, defend and hold harmless the other party, its directors, officers, agents and employees against claims, demands or causes of action; and all costs, losses, liabilities, expenses and judgments incurred in connection therewith, including attorneys' fees and court costs, brought by any other third party, based upon, in connection with, resulting from, arising out of, or occasioned by the acts, omissions or conduct of the party, its officers, agents, or employees in the execution or performance of this Agreement.

5.2 The parties shall each obtain and maintain, throughout the term of the Agreement, General Liability insurance with a limit of not less than \$1,000,000 general aggregate.

#### ARTICLE 6 DURATION, EXTENSION AND TERMINATION

6.1 This agreement shall be for a term of one (1) year and shall be eligible to renew for additional terms of one (1) year annually upon the written agreement of both parties. Time is of the essence in the performance of this Agreement.

6.2 This agreement may be terminated by either party for cause if either party fails substantially to perform through no fault of the other and does not commence correction of such non-performance within fifteen (15) business days of written notice and diligently complete the correction thereafter. Upon delivery of such notice, the City shall, unless the notice states otherwise, immediately discontinue all Services, proceed to cancel promptly all existing orders and

contracts insofar as such orders or contracts are chargeable to the Services, and deliver to the County all instruments of service produced under this Agreement. Upon termination, the County will owe the City for all compensation earned under this Agreement to date of termination, without termination expenses.

## ARTICLE 7 MISCELLANEOUS

7.1 This Agreement shall be effective upon its execution by the City and the County, and shall remain in full force until all obligations under this Agreement have been fulfilled, unless sooner terminated as provided herein.

7.2 This Agreement shall be construed and enforced for all purposes pursuant to the laws of the State of North Dakota. Venue shall be exclusively in the state courts of proper jurisdiction of Burleigh County, North Dakota.

7.3 This Agreement is non-assignable. Neither the City nor the County shall assign, sublet or transfer its interest in this Agreement without the prior written consent of the other.

7.4 This Agreement represents the entire agreement between the City and the County with respect to the subject matter hereof and supersedes and merges all prior negotiations, representations, discussions or agreements, either written or oral, with respect to the subject matter hereof.

7.5 This Agreement may be amended only by written instrument signed by duly authorized representatives of both the City and the County. The County's payment of invoices or statements shall not be deemed as the County's acceptance of any term or provision that amends or modifies this Agreement or the task order under which payment is made.

7.7 No consent or waiver, express or implied, by either party to this Agreement, to or of any breach of default by the other in the performance of any obligations under this Agreement shall be deemed or construed to be a consent or waiver to or of any other or future breach or default by such party. Failure on the part of any party to this Agreement to complain of any act or failure to act of the other party or to declare the other party in default hereunder, irrespective of how long such failure continues, shall not constitute a waiver of the rights of such party hereunder.

7.8 If a provision of this Agreement, or the application thereof to any person or circumstances, is rendered or declared illegal for any reason or shall be invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby, but shall be enforced to the greatest extent permitted by applicable law. The parties agree to negotiate in good faith for a proper amendment to this Agreement in the event any provision hereof is declared illegal, invalid or unenforceable.

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If to City:           Dmitriy Chernyak, Finance Director  
                          dchernyak@bismarcknd.gov  
                          PO Box 5503  
                          Bismarck, ND 58502-5503

If to County:       Mark Splonskowski, Auditor  
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IN WITNESS WHEREOF, this Agreement is hereby executed as of the last date set forth below.

COUNTY OF BURLEIGH, NORTH DAKOTA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
County Chairperson

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
State's Attorney

CITY OF BISMARCK, NORTH DAKOTA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Michael Schmitz, President City Commission

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
City Attorney

City of Bismarck  
 Billing for IT Service to Burleigh County - Exhibit A  
 For Calendar Year 2024

**Note: ALL requests for services MUST be submitted through SysAid and/or ITGC**

	<b>2023</b>	<b>2024</b>
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# INFORMATION TECHNOLOGY GOVERNANCE COMMITTEE (ITGC) 2021 - 2022 Guidance

## **Purpose**

To support City Departments in accessing new technology and computer related products and services, with priority based on value to operations and the community, funding and staff time constraints. This guidance builds on the foundation of the 2004 ITGC Charter approved by the City Commission, and adapts to current processes and needs of the City.

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## **Process**

New project requests are submitted by each Department director or designee at least two weeks prior to the ITGC meeting. The Department will complete the ITGC Request Form to the best of their ability to make an initial request, including estimated cost, project plan and timeline, staff time necessary, benefits to operations and community. Once the form is completed, it is submitted to the IT Manager and ITGC Chair via [L:\@ITGC](mailto:L:\@ITGC). Requested budget amounts must consider contingencies and potential changes in scope for each project.

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### **Preliminary List**

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### **Active Projects List**

This list is created for those projects with ITGC recommendation to proceed. This list will include notation of priority for completion and time frame, or, if project is on hold, awaiting staff resources or budget approval. These projects are organized by priority by the ITGC. The order of projects may be reviewed by the ITGC periodically to address emergencies and unexpected circumstances. This list will contain project milestones and deadlines for completion and the IT / GIS Manager or designee will provide a quarterly status update on each project. Alternatives may be discussed regarding certain time-sensitive projects, such as hiring outside IT / GIS contractors if approved via budget appropriation by the Budget Committee and/or City Commission.

### **Voting**

The decision-making process is based on the guidance provided in the 2004 ITGC Charter. However, ITGC may consider additional factors as part of the decision-making, as follows:

- City-wide necessity based on timing, expirations, cybersecurity, etc.
- Individual department necessity and value to the City
- Budgetary availability
- IT / GIS staff availability
- Efficiency across the City
- Reaction to emergencies, uncontrollable circumstances, or outside influences
- Staff availability from other departments, if necessary

The ITGC will decide from the information provided and presented by the requesting department. After the necessary information regarding the project is presented for ITGC to make a reasonable decision, ITGC will vote on the approval or denial of the project by a simple



majority vote contingent upon approval of a budget appropriation. Approved IT / GIS projects will be placed on the respective prioritized project list as noted above. Priorities of multiple projects across City Departments will be reviewed and determined by the ITGC by a simple majority vote.

### **Project Progress and Updates**

The IT Manager or designee will provide quarterly updates to active projects. Departments will receive an update from the Committee Chair or designee regarding the decision made by the ITGC within 48 hours after the ITGC meeting.

On a quarterly basis, the ITGC will e-mail the Preliminary List and the Active Projects List to the City's Department Directors and stakeholders to provide an update on the ITGC projects.

### **2021 - 2022 ITCG Members**

- Chair – Dmitriy Chernyak, Finance Director
- Member – Jason Tomanek, Assistant City Administrator
- Member – Michelle Klose, Public Works Utilities Director
- Member – Jannelle Combs, City Attorney
- Member – Mike Dannenfelzer, CenCom Director
- Member – Gabe Schell, City Engineer
- Member – Tandra Kraft, IT / GIS Manager

**ITEM**

**# 15**



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

October 16, 2023

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

### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Public comment (excluding public hearing items.)
5. Consideration and approval of the October 2<sup>nd</sup>, 2023, meeting minutes and bills.
6. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
7. County Planner Flanagan:
  - a. Lengenfelder subdivision.
8. County Sheriff Leben:
  - a. Quarterly Jail report.
  - b. Deputy Sheriff unfunded-backfill positions.
9. HR Director Binder:
  - a. Open enrollment for 2024.
  - b. Temporary stipend for position in Auditor/Treasurer office.
  - c. Adjustments for the Highway maintenance and shop maintenance workers in the Highway department.
10. County Auditor/Treasurer Splonskowski
  - a. Re-evaluation of job descriptions for the finance department.
  - b. Unclaimed property.

- c. Consideration of changing collection process for 911 fees.
11. Bismarck Rural Fire Chief Dustin Theurer
    - a. Bismarck Rural Fire Department station 2 ARPA fund request.
  12. Commissioner Bitner:
    - a. Electrical bid for Provident Building.
  13. County engineer Hall:
    - a. Township maintenance agreement.
    - b. Joint Powers agreement.
  14. Commissioner Schwab:
    - a. Weed board discussion.
  15. Kevin Seher:
    - a. Baldwin resident property concerns.
  16. Executive session under NDCC 44-04-19.2 for contract negotiation.
  17. Other Business:
  
  18. Adjourn.

The next regularly scheduled Commission meeting will be on November 1<sup>st</sup>, 2023.

*Mark Splonskowski*  
Burleigh County Auditor/Treasurer/Tax

**BURLEIGH COUNTY COMMISSION  
MEETING  
OCTOBER 2ND, 2023**

**5:00 PM**

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

Roll call of the members: Commissioners Woodcox, Munson, Schwab, and Vice Chair Bitner present. Chairman Bakken was absent.

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

Vice Chair Bitner opened the meeting for public comment. Jackie M. Stebbins came forward and spoke to an item on the agenda regarding the Public Health contract. She stated that it is absolutely vital that the commission fully support and fully fund the efforts of Bismarck/Burleigh Public Health for the good of the entire county and specifically the most marginalized among us. She said that the county recently voted against having a joint board without a review of the proposed bylaws and only approved \$300,000 of the requested \$580,664 budget. She stated that the programs and services that Public Health offers are critical not only in treating problems, but also in providing educational and preventative measures. She also added that from her own experience, the nurses in Public Health have always been competent, courteous, and professional. She asked the commission to please revisit their decision on a joint public health board and to allocate the full \$580,664 as requested to show the county citizens that they support this endeavor. There were no questions from the commissioners.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the Sept. 13<sup>th</sup>, 20<sup>th</sup>, and 25<sup>th</sup>, 2023 meeting minutes and bills. All members present voted, "AYE". Motion carried.

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

<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
Robert & Janice Adams	2021	Lot 2, Block 1, Copper Ridge 2nd	100% Disabled Veteran	\$261,900	\$81,900
Robert & Janice Adams	2022	Lot 2, Block 1, Copper Ridge 2nd	100% Disabled Veteran	\$288,200	\$108,200
Larry Barnhardt	2021	SW1/4SW1/4 28-139-79	80% Disabled Veteran	\$291,100	\$147,100
Larry Barnhardt	2022	SW1/4SW1/4 28-139-79	80% Disabled Veteran	\$301,000	\$157,000
Michael J Lanctot	2022	Lot 1, Block 3, Apple Meadows First	50% Disabled Veteran	\$384,600	\$294,600
Park District of the City of Bismarck	2023	Lot A, City Lands 139-80 Section 30	Exempt from taxation	\$25,200	\$0

Glenn A & Loretta Roth	2022	Lot 9, Block 1, North Hills 17th	50% Disabled Veteran	\$361,400	\$271,400
Fleck Interstate Investments	2023	All of Lots 5-6, Block 1, Register's Commercial Park	Error in property description	\$3,340,400	\$2,986,000
Douglas J & Debra L Dixon	2023	Lot 50, Block 16, Pebble Creek 4 <sup>th</sup> Less south 17' taken for ST R/W	Error in property description	\$547,400	\$470,900
Barry Holm	2023	Lot 8, Block 7, Sattler's Sunrise 5th	Error in property description	\$351,600	\$307,900
Andrew T Nagel	2023	Lot 9, Block 2, Sattler's Sunrise 7th	Error in property description	\$435,600	\$369,300
Harold L & Debra L Rasmusson	2023	Lot 2, Block 2, Country West XXVIII	Error in property description	\$554,000	\$508,300
Kimberly A Speidel	2023	Lot 18, Block 18, Morningside Heights	Error in property description	\$202,700	\$175,200
Jeffery L & Doreen Schumacher	2023	Lot 12, Block 47, Northern Pacific 2nd	Error in property description	\$235,400	\$196,600
Jeffery L & Doreen Schumacher	2023	Block 3, Sasse, Lots 2-4 less E 25' of Lot 2	Error in property description	\$464,600	\$395,200
Terrance Pinks	2021	Block 7, Park Hill 1 <sup>st</sup> , North 50' of Lots 13-14	80% Homestead Credit	\$96,900	\$19,380
Terrance Pinks	2022	Block 7, Park Hill 1 <sup>st</sup> , North 50' of Lots 13-14	60% Homestead Credit	\$145,600	\$70,600
Dale & Kristi Preszler	2023	Block 1, Park District, Lot 1 & ½ of VAC Alley Adj	Error in property description	\$360,700	\$332,200
Marleen Anderson	2021	Block 1, North Hills 6 <sup>th</sup> , Lots 5-6 less W 3.48' of said lots Centennial Condominium unit 106 & Garage G-39 & Parking Space P-15	60% Homestead Credit	\$156,000	\$81,000
Marleen Anderson	2022	Block 1, North Hills 6 <sup>th</sup> , Lots 5-6 less W 3.48' of said lots Centennial Condominium unit 106 & Garage G-39 & Parking Space P-15	80% Homestead Credit	\$162,700	\$62,700

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the Robert & Janice Adams (2), Larry Barnhardt (2), Michael J. Lanctot, Park District of the City of Bismarck, Glenn A. & Loretta Roth, Fleck Interstate Investments, Douglas J. & Debra L. Dixon, Barry Holm, Andrew T. Nagel, Harold L. & Debra L. Rasmusson, Kimberly A. Speidel, Jeffery L. & Doreen Schumacher (2), Terrance Pinks (2), Dale & Kristi Preszler, and Marleen Anderson (2) abatements in addition to the applications for licenses, raffles, and special events permits. All members present voted "AYE". Motion carried. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to approve the second access permit on the Consent Agenda. All members present voted "AYE". Motion carried.

There was then a Public Hearing concerning objections to the minimum sales prices as determined for the annual tax sale (Nov. 21<sup>st</sup>, 2023). No one came forward to object. Public Hearing was then closed.

David Mayer of Bismarck Parks and Rec presented a request from Scott Olson to utilize the oval racetrack located at the Missouri Valley Complex. Mr. Mayer explained that there weren't any locations available for practicing and since the track wasn't used for races anymore this would be ideal. Mr. Mayer stated that Mr. Olson would maintain the track with his own equipment. Mr. Mayer checked with law enforcement regarding noise issues and since the UTV's and ATV's have motorcycle engines, it wouldn't be any different than the motorcycles already out there. The city stated that they would be ok with this if the county commission approves it. Comm. Munson discussed proper insurance and that the racetrack could list the county's as additional insurance. There was also discussion about safety standards and Mr. Mayer stated that he would work with Mr. Olson to make sure everything was safe and secure before developing safety standards. Comm. Bitner also suggested that Mr. Mayer and Mr. Olson consider the track for go carts. The commission was supportive, but no motion was made until an inventory of what needs to be done is presented, safety standards are put in place, and information on the legalities from State's Attorney Lawyer is received. Tax Equalization Director Al Vietmeier reviewed the land appraisal for the proposed multi-purpose Ag facility. He chose to use Lot 15, Block 1 of the Missouri Valley Complex Subdivision as that was the most defined property, however the facility is not bound to use Lot 15. He stated that based on the inspection of the property and the investigation and analysis undertaken, that as of Sept. 27<sup>th</sup>, 2023, the market value of the property is \$5.1 million. He provided in the agenda packet a summary of the facts and conclusions as well as the comparable market analysis. Since this was a review, no motions were made.

HR Director Pam Binder discussed the current vacancy with Deputy Finance Director Justin Schulz's resignation effective Oct. 6<sup>th</sup>, 2023, and recommended that the county hire a Senior Accountant-Comptroller who will be classified as Pay Grade 12 (\$79,000). The Deputy Finance Director's Pay Grade was 14. The difference was based on the focus in the finance role and not having to be a department head. The Comptroller job duties, although similar to the Deputy Finance Director duties, will not be as intricate as the Finance Director's. It would not be required that this position have a CPA degree. Auditor Splonskowski then presented three options for the board to consider to help fill the position, to help the retention of future hires to that position, and to ensure the core functions of Burleigh County are upheld. Consideration #1 would be to hire a CPA to fill the position of Finance Director with all duties to remain the same. The estimated hiring range for this option would be \$130,000+. Consideration #2 would be to change the position title to Comptroller with the requirements of a bachelor's degree in accounting or business administration. The estimated hiring range for this option would be \$115,000+. Consideration #3 would be the same as #2 but all presentations to the commissions would be given by the Auditor/Treasurer at commission meetings. Estimated hiring range would be \$95,000+. Comm. Bitner stated that as he researched the Century Code on this, it stated that the Auditor/Treasurer would function as the Chief Finance Officer in the absence of a Finance Director. Ms. Binder stated that they had a possible applicant that fits the requirements of the Comptroller if they are interested but needed board approval to post the position if that is the direction the commission wants to go. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve Ms. Binder's proposal of a Senior Accountant-Comptroller and start the recruiting process. Commissioners Woodcox, Munson, and Vice Chair Bitner voted "AYE". Comm. Schwab voted "NAY". Motion carried. Ms. Binder then presented a recommendation for Law Enforcement Officers to transfer from the current NDPERS Main Retirement Plan to the NDPERS Public Safety Retirement Plan effective Jan. 1<sup>st</sup>, 2024, since State legislation froze new participants in the Main Plan effective Jan. 1<sup>st</sup>, 2025. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the resolution allowing all eligible Law Enforcement Employees to join the NDPERS Public Safety Defined Benefit Plan effective Jan. 1<sup>st</sup>, 2024. All members present voted "AYE". Motion carried. Sheriff Leben stated that he was supportive of this decision to stay competitive and meet the needs of these employees, however he was concerned going forward that there was no disability provision in a Defined Benefit Plan. Auditor Splonskowski then asked the commission for direction to get through the

rest of this mill levy tax season without Mr. Schulz as well as in training new employees and suggested the possibility of working with the former Finance Director Clyde Thompson or Mr. Schulz so they could help tie that process up to move forward. The commission agreed that assistance was needed from one or both until someone is hired and discussion on compensation for them will be coming soon.

Burleigh County Planning Director Mitch Flanagan presented an 8N2E Zoning Change from A-Ag to R1-Rural Single Family. This was regarding four parcels in the Burnt Creek Township specifically south of 123<sup>rd</sup> Avenue SE and East of 52<sup>nd</sup> Street NE. Combined there was a total of 503 acres, and it was their intention to develop this acreage into parcels of 10 acres or more subdivision. At the Planning Commission meeting a motion of "Do Pass" for the zone change and final plat approval was recommended with a unanimous motion to approve. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the zoning change of A-Ag to R1 Rural Single Family Residential. All members present voted "AYE". Motion carried. Mr. Flanagan presented another zoning change from R1 Rural Single Family to A-Agricultural for Horseshoe Flats Subdivision – specifically 1355 Zuraff Drive in Menoken. At the Planning Commission meeting a motion of "Do Pass" for the zone change and final plat approval was recommended with a unanimous motion to approve. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the zoning change from R1 Rural Single Family to A-Agricultural for Horseshoe Flats Subdivision. All members present voted "AYE". Motion carried.

County Engineer Marcus Hall presented a discussion on the 71<sup>st</sup> Avenue NE roundabout projects. He stated that when calculating everything it would cost the county \$2,540,000 and that money could be better spent doing maintenance projects. He recommended that this project be terminated. If the county did terminate the project, he could inform the DOT that we had decided to back out of that project which will then give them a chance to re-allocate that money somewhere else whether locally or another place in the state. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox to terminate the roundabout projects. All members present voted "AYE". Motion carried. The commissioners added that they were concerned about the speed limit being too high at that location and Mr. Hall stated that he would perform a speed study there and bring the results of that back to the commission. Mr. Hall then proposed that the County Auditor and the County Engineer advertise for bids for two new motor graders under a 5 year total cost bid with a guaranteed repurchase price at the end of this period. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve this request. All members present voted "AYE". Motion carried. Mr. Hall requested that the Burleigh County Board adopt the 2024 Highway Department fee schedule provided in the agenda packets with the following changes: 0% increase in 2024, keeping a maximum fee charge to any township of 100% of what they would collect if they levied 18 mills, and minor changes in equipment rates to stay in compliance with Century Code. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve this recommendation. All members present voted "AYE". Motion carried. Mr. Hall then brought a developer waiver request to the commission regarding a two-lot subdivision in Clear Lake Township. The Pavement Policy would require the family to pave 4 miles of county road. The resolution stated that the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways that benefit this property in the future. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to grant Kris & Rebecca Lengenfelder's request to waive the paving requirements "paving of all internal roadways and adjacent section line roads" listed in the Pavement Policy in conjunction with the approval of the Lengenfelder Subdivision. All members present voted "AYE". Motion carried. Mr. Hall presented a request for a Resolution of Necessity for the Falconer Estates Subdivision's special assessment district #76 and called for a public hearing. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to accept the Engineering Report and Petition for Paving Improvements and approve a Resolution of Necessity for the

Falconer Estates Subdivision's special assessment district #76 in addition to scheduling a public hearing regarding this matter. All members present voted "AYE". Motion carried. Mr. Hall then presented two 2<sup>nd</sup> Approach Permits. The first one was for the Peter Finley property at 6825 Trademark Drive. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve Peter Finley's 2<sup>nd</sup> Approach Permit. All members present voted "AYE". Motion carried. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the Robert Rauhauser 2<sup>nd</sup> Approach Permit at 6924 Golden Crest Road. All members present voted "AYE". Motion carried.

Comm. Schwab presented a discussion on the Weed Board. He asked if the commission wanted a 5 or 3 member Weed Board. He said that in Morton County, the portfolio holder had to be on the Weed Board. Comm. Schwab stated that if State's Attorney Lawyer agreed, the commission would have to become the Weed Board until a new Weed Board could be formed. The commission agreed that a three person Weed Board would be sufficient. Comm. Schwab stated that he had been getting calls for chemicals, but the county is all out. Comm. Bitner stated that this was very disappointing to the public since the second-best time to spray for weeds is right after the first frost. Mr. Schulz stated that the State Agriculture Commissioner told the former Weed Control Officer that Burleigh County would not be eligible for the Landowner Assistance Program (LAP) for 2024 which provided farmers with a 50% discount of chemicals up to a certain dollar amount. The reason was because the Weed Department must levy 3 mills to qualify for that program. No one was aware of this. Last year the county was barely over 1 mill. Auditor Splonskowski said he would contact the State Ag Commissioner to find out more information and what can be done. Comm. Schwab stated that it was a wage issue trying to get a weed officer. Other counties are paying much higher than what Burleigh County pays. HR Director Pam Binder came forward to say that some other county's weed control officers have a combination position and/or partnered with another department. Mr. Schulz stated that the statute allowed that position to be contracted and it doesn't have to be an employee. Burleigh County could share it with multiple counties which might be something to explore. Auditor Splonskowski said he would call Morton, Emmons and Kidder counties to see about the possibility of contracting with them. Ms. Binder stated that across the board Burleigh County's positions are underpaid and it is affecting the recruitment process. She also stated that the commission needed to look at the retention of our loyal employees as well. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to approve the advertising process for a full time Weed Control Officer. All members present voted "AYE". Motion carried. Comm. Munson asked if the commission needed a motion to act as the weed board or if that was an automatic thing. The commission will get clarification from State's Attorney Lawyer on this at the next meeting.

Vice Chair Bitner discussed the Request for Proposals for Architectural Services regarding the Provident Building and stated that the updated RFP for this can be obtained from the Auditor. Auditor Splonskowski offered to email that to all the commissioners. Comm. Bitner stated that the reason why the county was doing an RFP for architectural services was to be consistent with state law and to allow all available architects to participate. In a meeting with a few of the architects, Comm. Bitner requested the county have an alternate plan, which was not on the drawings, to consider a meeting room set up in the basement rather than in an office area, provided there was sufficient funding.

Auditor Splonskowski presented a discussion on the Public Health contract. He stated that since the last meeting the City Commission had asked to have a joint meeting with the County Commission to discuss Bismarck/Burleigh Public Health. The city gave two options for the commission to consider. The first option was to remain Bismarck/Burleigh Public Health Unit and accept the \$300,000 from the county, plus reduce the level of services provided and reduce the outreach specific to Burleigh County rural residents. The city felt that Bismarck citizens would be paying more than their fair share for public health services with this first

option. The second option was to contract for services with a fee per service plan. The city questioned this option due to a concern that the county wouldn't be complying with ND Century Code requirements stating that all land must be in a public health unit thereby making them the Bismarck Department of Health. Auditor Splonskowski then asked the commission if they would share a few possible dates that might work for this joint meeting with the City Commission and stated that the city would like to meet before the end of October if possible. The commissioners could submit their schedules for October to the Auditor so a meeting can be scheduled. Comm. Bitner recommended that the commission review the contract and see what changes the commission thought were appropriate. Comm. Munson stated that he would like to see the proposed agreement between the joint board on this even though the joint board was discontinued. Auditor Splonskowski will find what is available on the agreement as it hadn't been fully drafted. Mr. Splonskowski then presented a discussion on the City IT contract. He stated that it would be advisable that the county contract through the end of 2024 for IT Services with the city. He added that details of this new contract were being worked on by Emergency Management Director Mary Senger. Comm. Bitner asked all department heads for lists of all programs, applications, connections, and special requirements that would be utilized by the County IT department be submitted as soon as possible. The IT agreement that was in the agenda packets was included in the budget, so the costs were already there for everyone's information. There was also an "out" clause in Article 6 of the agreement.

Meeting Adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Steve Bakken, Chairman

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
23-216	Matthew Flom	2023	Lot 10, Block 3, Replat of Lounsberry Outlots 17-20 & 24	Error in property description	\$199,500	\$165,600
23-220	William H & Gretchen G Curl	2023	Block 1, Grandview Heights, Lot 27 & Tract A of Lot 26	Error in property description	\$678,900	\$579,500
23-221	The Diocese of Bismarck Trustee Inc	2023	Block 14, McKenzie's, South 100' of West 5' of Lot 9, South 100' of Lots 10-11, South 100' of East 15' of Lot 12	Exempt from taxation	\$271,600	\$135,800
23-222	Troy & Robyn Garrison	2023	Lot 26, Block 1, Edgewood Village 7th	Error in property description	\$619,800	\$558,600
23-223	Lee & Lavora Keeler	2023	Lot 4, Block 2, Sattler's Sunrise 5th	Error in property description	\$290,500	\$260,000
23-224	Sirrah Properties LLC	2023	Lot 2, Block 1, Capital Electric Headquarters	Error in property description	\$2,943,100	\$2,553,600
23-225	Ward Properties LLC	2023	Block 55, Northern Pacific 2nd, Lot 12 Less parcel #10 for Alley R/W	Error in property description	\$371,800	\$322,300
23-226	Joseph M & Patricia A Fylak	2023	Lot 8, Block 2, Contessa Addition	Error in property description	\$539,200	\$499,100
23-227	Liberty Investments LLC	2023	Lot 4, Block 5, Trillium 4th addition	Error in property description	\$4,483,500	\$4,097,900
23-230	Phoenix Property Management LLC	2023	Block 2, River Heights, N 200' Blk 2 E of Fraine Barracks Road	Error in property description	\$2,452,600	\$2,173,400
23-232	Richard Elefson Jr	2023	Block 93, McKenzie & Coffin's, N 15' of Lot 31 & all Lot 32	Error in property description	\$204,500	\$175,200
23-233	Roger F Higgins & Deborah A Jaeger	2023	Block 84, McKenzie & Coffin's, Lots 12-14 & North 70' of Lot 15	Error in property description	\$355,100	\$232,100
23-234	Mari Cox Supp Needs Trust	2023	Lot 1, Block 26, Jennings's 6th	Error in property description	\$383,500	\$313,200
23-235	Raymond & Alicia Heck	2022	Lot 7-J, Block 6, High Meadows	Error in property description	\$620,200	\$569,500
23-236	Raymond & Alicia Heck	2023	Lot 7-J, Block 6, High Meadows	Error in property description	\$653,700	\$569,500

23-237	Arden W Freitag & Elsa Remer	2023	Lot 9, Block 6, Cottonwood Lake 4th	Error in property description	\$548,800	\$470,500
23-238	Christopher & Allison Klym	2023	Block 23, Stein's 4th, Lot 21 less that part Beg SW Cor thence NWLY5'NELY71.66' SELY2.5' to SE Cor SWLY 72.24' to Pt Beg	Error in property description	\$482,800	\$463,500
23-239	Jenette Leblang	2023	Lot 10, Block 2, Promontory Point	Error in property description	\$539,900	\$508,400
23-240	Sandra Glovich	2021	Lot 19, Block 4, East View	100% Homestead Credit	\$183,100	\$58,100
23-241	Sandra Glovich	2022	Lot 19, Block 4, East View	100% Homestead Credit	\$185,100	\$60,100
23-242	Andrew Steichen & Karin Willis	2021	Lot 4, Block 2, Mills 2nd	Nonexisting improvement assessed, sq ft was incorrect	\$599,600	\$545,200
23-243	Andrew Steichen & Karin Willis	2022	Lot 4, Block 2, Mills 2nd	Nonexisting improvement assessed, sq ft was incorrect	\$651,400	\$591,900
23-244	Andrew Steichen & Karin Willis	2023	Lot 4, Block 2, Mills 2nd	Nonexisting improvement assessed, sq ft was incorrect	\$751,100	\$686,400
23-253	Owen Halvorson	2021	Lot 3, Block 7, Morningside Heights	100% Homestead Credit	\$165,300	\$40,300
23-254	Owen Halvorson	2022	Lot 3, Block 7, Morningside Heights	100% Homestead Credit	\$178,900	\$53,900
23-255	Dennis A & Constance L Jorde	2021	Lot 15, Block 4, Country West II	100% Homestead Credit	\$226,200	\$101,200
23-256	Dennis A & Constance L Jorde	2022	Lot 15, Block 4, Country West II	100% Homestead Credit	\$240,200	\$115,200
23-260	Kevin & Karen Kalamaha	2023	S1/2 S1/2 NE1/4 Sec 1 140N 80W	Homestead gets farm exempt	\$51,800	\$11,800

23-263	Mariah J Tenamoc	2021	Lot 3, Block 20, Register's 3rd	40% Homestead Credit	\$224,100	\$174,100
23-264	Mariah J Tenamoc	2022	Lot 3, Block 20, Register's 3rd	20% Homestead Credit	\$271,400	\$246,400



**GAMING SITE AUTHORIZATION**  
 ND OFFICE OF ATTORNEY GENERAL  
 SFN 17996 (4-2023)

23-008

G - \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
 Site License Number  
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization  
*Bismarck Cancer Center Foundation*

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location  
*Capital City Sporting Clays*

Street <i>12945 71st Ave NE</i>	City <i>Bismarck</i>	ZIP Code <i>58501</i>	County <i>Burleigh</i>
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Beginning Date(s) Authorized <i>July 1, 2023</i>	Ending Date(s) Authorized <i>June 30, 2024</i>	Number of Twenty-One tables, if zero, enter "0"
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Specific location where games of chance will be conducted and played at the site (required)

If conducting Raffle or Poker activity provide date(s) or month(s) of the event(s) if known

**RESTRICTIONS FOR CITY/COUNTY USE ONLY**

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bingo                       | <input type="checkbox"/> Club Special                  | <input type="checkbox"/> Sports Pools             |
| <input type="checkbox"/> ELECTRONIC Quick Shot Bingo | <input type="checkbox"/> Tip Board                     | <input type="checkbox"/> Twenty-One               |
| <input checked="" type="checkbox"/> Raffles          | <input type="checkbox"/> Seal Board                    | <input type="checkbox"/> Poker                    |
| <input type="checkbox"/> ELECTRONIC 50/50 Raffle     | <input type="checkbox"/> Punchboard                    | <input type="checkbox"/> Calcuttas                |
| <input type="checkbox"/> Pull Tab Jar                | <input type="checkbox"/> Prize Board                   | <input type="checkbox"/> Paddlewheel with Tickets |
| <input type="checkbox"/> Pull Tab Dispensing Device  | <input type="checkbox"/> Prize Board Dispensing Device | <input type="checkbox"/> Paddlewheel Table        |
| <input type="checkbox"/> ELECTRONIC Pull Tab Device  |  |   |

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

**APPROVALS**

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

**INSTRUCTIONS:**

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

**RETURN ALL DOCUMENTS TO:**

Office of Attorney General  
 Licensing Section  
 600 E Boulevard Ave, Dept. 125  
 Bismarck, ND 58505-0040  
 Telephone: 701-328-2329 OR 800-326-9240



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Capital City Sporting Clays		Site Name		Site Phone Number (701) 484-2272	
Site Address 12945 71st Ave Ne		City Bismarck	State ND	Zip Code 58501	County Burleigh
Organization (Lessee) Bismarck Cancer Center Foundation		Rental Period 7/1/2023 to 6/30/2024		Monthly Rent Amount	
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the <b>primary</b> game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.			<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
			<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$	
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$	
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$	
<input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____					\$
Total Monthly Rent				\$ 0.00	

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.

**TERMS OF RENTAL AGREEMENT:**  
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.  
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.  
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.  
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.  
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.  
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.  
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.  
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.  
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>Mark Sandness</i>	Title Owner	Date 9/1/23
Signature of Lessee <i>Amy Gross</i>	Title Executive Director	Date 9/1/23

BURLEIGH COUNTY CHECK REPLACEMENT  
(4-17)

Carefully read the AFFIDAVIT AND AGREEMENT; then sign it before a Notary Public.

When we receive the signed and notarized Affidavit and Agreement a duplicate payment will be issued and forwarded to you. In the event you recover possession of the original check, DO NOT CASH IT, please advise the Burleigh County Auditor/Treasurer immediately. Our telephone number is (701) 222-6718.

MAIL THE SIGNED AND NOTARIZED AFFIDAVIT AND AGREEMENT TO:  
Burleigh County Auditor/Treasurer, P.O. Box 5518, Bismarck, ND 58506-5518.

NAME AND ADDRESS OF PAYEE:

KENNY PLAZA  
909 E SWEET AVE  
BISMARCK, ND 58504

Check Date: 1/14/2022  
Original Check #: 121901  
Check Amount: \$11.20

AFFIDAVIT AND AGREEMENT

I execute this AFFIDAVIT AND AGREEMENT for the purpose of obtaining a duplicate payment from the County of Burleigh, North Dakota.

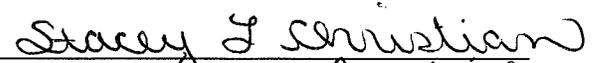
I hereby state under oath that the above-described check has never been presented to me for payment, nor transferred to any other person or persons, and the same is believed to have been lost or destroyed, and that I hereby request the County of Burleigh to issue a duplicate payment for said check.

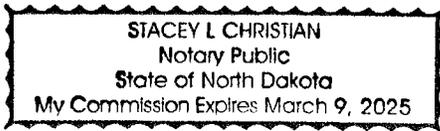
I agree to indemnify, compensate, or make restitution to the County of Burleigh for any and all loss, damage and expense as a result of this issue of said new duplicate payment. If said original check alleged to have been lost or destroyed shall come into my possession, or under my control, I shall immediately return same to the Burleigh County Auditor, PO Box 5518, Bismarck, ND 58506-5518, for cancellation. If the aforesaid check shall at any time be cashed or presented to the Burleigh County Auditor/Treasurer by me, or transferred to another person by me and result in a loss to the County of Burleigh, I shall promptly reimburse the Burleigh County Auditor/Treasurer for any such loss.



Signature of Payee

Subscribed and sworn to before me on  
10-6, 2023.

  
Notary Public - County of Burleigh  
My Commission Expires 3-9-25



(Seal)

\*\*\*\*\*

Application approved by the Burleigh County Commission on \_\_\_\_\_, 20\_\_\_\_.

Duplicate warrant # \_\_\_\_\_ issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Burleigh County Auditor/Treasurer

\_\_\_\_\_  
Date

**ITEM**

**# 7**



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

---

To: Burleigh County Commission

Re: Recommendations from the October 11, 2023 meeting of Burleigh County Planning Commission.

Date: 10-12-2023

From: Mitch Flanagan, Burleigh County Planning Director. lll

ITEM 1

Final Plat for Lengenfelder Subdivision

Legal Description: *Auditor's Lot A in the NE 1/4, Section 8, Township 140N, Range 75W*

Property Address: Address has not been assigned

There was no preliminary meeting held for the platting of a 40-acre parcel into a 2-lot subdivision with the County Staff, instead review comments were sent to the Surveyor Mark Isaacs, ILS.

The final plat has two (2) lots: Lot 1 containing 15 acres and Lot 2 containing 20.35 acres. 4.65 acres will be dedicated to the 149th Ave NE ROW and the 392nd Street NE ROW.

At the Planning Commission meeting a motion of "Do Pass" for the final plat approval was recommended. After discussion, the motion was to approve without condition: 7-0

SUGGESTED MOTION:

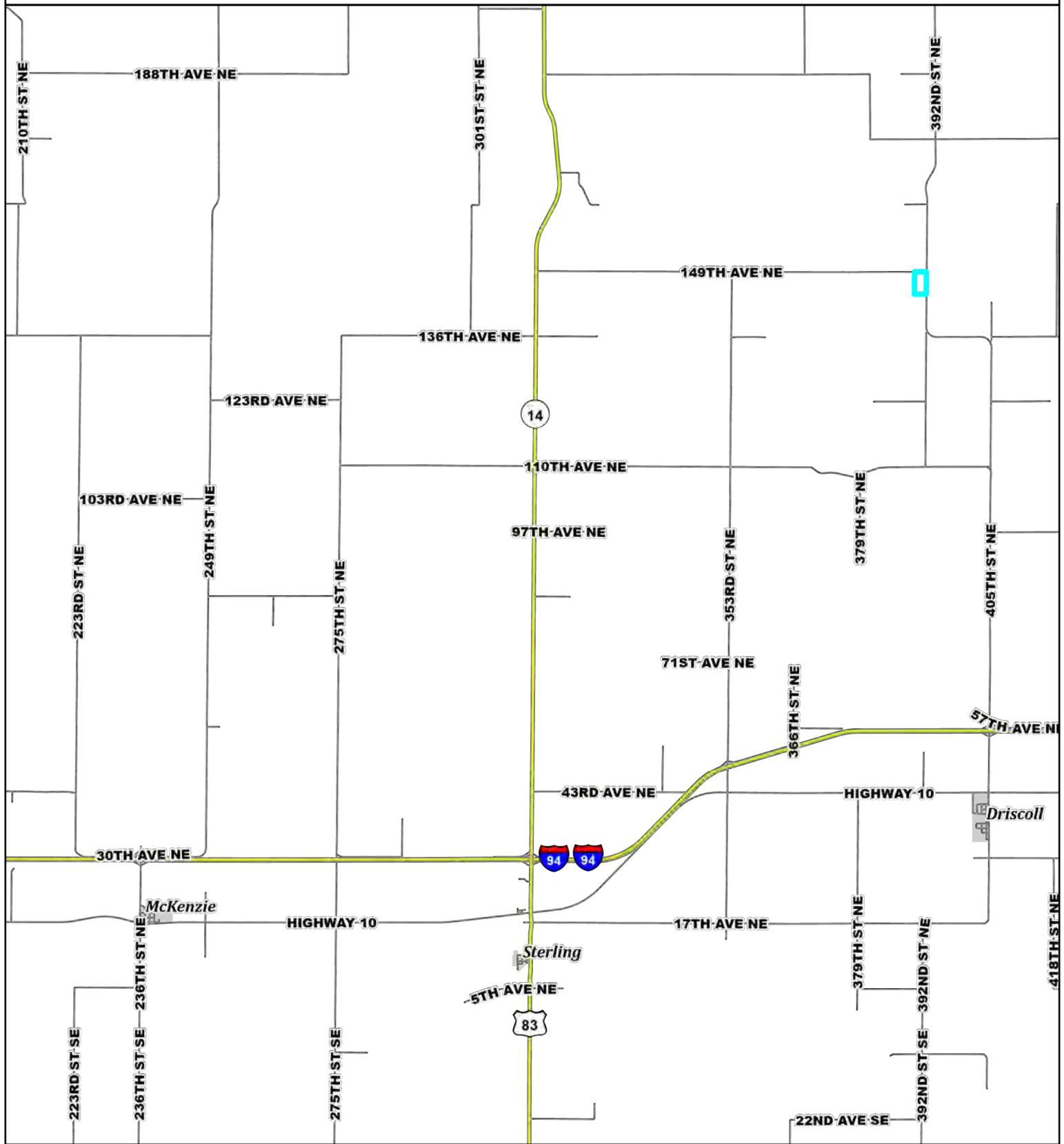
Based on supporting documents and findings by County Staff, it is recommended to approve the final plat for the Subdivision

Attachments: 1.1 Lengenfelder Subdivision Final Plat  
1.2 Lengenfelder Site Plan



# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N  
10/10/2023



PARCEL ID: 20-140-75-00-08-205      OWNER: LENGENFELDER, KRIS & REBECCA      ACRES: 40  
SITE ADDRESS:  
MAIL ADDRESS: 916 N WASHINGTON ST, BISMARCK, ND 58501  
LEGAL: CLEAR LAKE TOWNSHIP Section 08 AUDITOR'S LOT A IN NE1/4 657806 657808 08-140-75

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

**ITEM**

**# 8**

## BURLEIGH - MORTON COUNTY COMMISSION

### DETENTION REPORT October 2023

1. September Housing Report:

- a. Average Daily Population (ADP) 225
- b. Total Bookings: 617 or 21 per day average.

2. Breakdown of Inmate Days:

a. Bismarck inmate days:

596 nights	20 per night	\$39,336 billed
------------	--------------	-----------------

b. Mandan inmate days:

38 nights	1 per night	\$2,508 billed
-----------	-------------	----------------

c. U.S. Marshall/Bureau of Prisons:

1,025 nights	34 per night	\$76,875 billed
--------------	--------------	-----------------

d. Others (Counties/Cities):

641 nights	21 per night	\$35,175 billed
------------	--------------	-----------------

e. Burleigh/ Morton Average per night:

5,258 nights	175 per night	
--------------	---------------	--

3. Total billed : \$153,092                      Year: \$1,453,983

4. Burleigh County alternatives to jail program (24/7Program): 224 Participants

- 65 on the drug patch.
- 83 on the ankle bracelet.
- 47 on twice a day breath tests.
- 23 people testing in other counties.
- 0 Remote Breath Testing





# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN  
SHERIFF

## Request for County Commission Action

**Date:** October 6, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben   
Burleigh County Sheriff

**Re:** Unfunded Back-fill Positions

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

**Action Requested:**

Request authorization to hire two (2) Deputy Sheriff unfunded backfill positions.

**Background:**

The Burleigh County Sheriff's Department has been operating with vacancies in our deputy sheriff positions due to hiring difficulties. Due to the extended hiring process we employ, these vacancies can continue for a while. With prior commission approval, one method we have used at the Burleigh Morton Detention Center is to hire unfunded backfill positions with unspent budgeted salary money created from vacancies. This allows us to better manage our vacant positions.

**Recommendation:**

It is recommended that the County Commission authorize the Burleigh County Sheriff's Department to hire up to two (2) unfunded deputy sheriff backfill positions.

**Proposed Resolution:**

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to hire two (2) unfunded Grade 7 Deputy Sheriff positions as backfill.

**COURTHOUSE**

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

 [www.facebook.com/BurleighCountySheriffsDepartment](https://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

## **Request for County Commission Action**

**Date:** October 6, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben  
Burleigh County Sheriff

**Re:** Unfunded Back-fill Positions

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**Background:**

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**ITEM**

**# 9**

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

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PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

### Memorandum

To: Chairman Steve Bakken  
Commissioner Brian Bitner  
Commissioner Wayne Munson  
Commissioner Steve Schwab  
Commissioner Jerry Woodcox

From: Pam Binder, SPHR, SHRM-SCP  
HR Director/Risk Manager

Date: October 12, 2023

Re: Human Resource's Agenda item for October 16, 2023, Commission Meeting

#### **Subject One:** Open Enrollment for 2024

##### **BACKGROUND:**

I have included the 2024 Benefits Open Enrollment information for you. The Burleigh County Open Enrollment Period will go from October 9, 2023 through November 3, 2023. Employees can change their benefit selections during those dates. The changes will be effective for January 1, 2024.

##### **RECOMMENDATION:**

No recommendation needed this is for your information only.

#### **Subject Two:** Finance Position Update and Interim Pay

##### **BACKGROUND:**

We had the Senior Accountant-Comptroller position posted for five days and we did not receive any applicants for the position. What is the Commission's wish for this position? Do we repost, look at different options for the position? HR Director Binder is seeking guidance from the Commissioners on next steps for the Finance Position.

Also, even though the Auditor/Treasurer and Commission are negotiating contracts for possible assistance with the Finance duties from former employee(s), there will still be a need for an

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

---

PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

employee in the Auditor's office to perform some of the duties of the Finance Department. This is currently being done by the Auditor and the Deputy Auditor/Treasurer. As the Auditor is an elected position there is not a requirement for interim pay for duties assumed. However, in the past we have allowed for interim pay for duties assumed over and above the normal scope of duties for appointed employees. There has been a precedence set already as this has been done in past situations. (Interim duties of for Auditor/Treasurer in 2020).

### RECOMMENDATION:

The recommendation of Auditor/Treasurer Splonskowski and I, as HR Director, is to allow for the interim pay for Brandi Caya, Deputy Auditor/Treasurer as she will be performing some of the duties for the Finance Department. These would be the duties that are over and above the duties that have been or will be contracted to the consulting former employee(s). The recommended interim pay would be in effect until the Finance Position is hired and trained for sixty days after hire. Please see attached Personnel Action Form for the details.

**Subject Three:** Highway Department Compensation Adjustment Plan

### BACKGROUND:

The Burleigh County Highway Department has been experiencing some turn over within their Highway Maintenance Workers. Although, some of this is due to retirements, hiring replacements for those retiring, has been challenging because the starting compensation is so low for the market.

We have had applicants that have applied for the Highway Maintenance Worker II job openings decline the offer after they find out the starting compensation. There have been three applicants so far that made it all the way through to the job offer and then declined due to pay being too low. We had one applicant that wanted to work for us, however, he could not afford the apartment rent in Bismarck with the compensation that we were offering him to relocate to Bismarck. He also looked in the surrounding towns for housing and was not able to find a place that met his needs. Burleigh County incurs expenses in the hiring process; there are background check fees, driver's license inquiry fees, and medical fitness for duty physicals that we have to pay. We incur these costs regardless of whether the job applicant accepts or declines the job offer.

After doing a quick market salary comparison, by performing a phone survey in August, 2023, it was discovered that Burleigh County Highway Maintenance Workers and Shop Maintenance Workers are underpaid within the local market area by between \$5,000 to \$10,000 annually.

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

---

PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

Please see the table below of starting pay rates for other area entities:

Entity	Minimum	Midpoint	Maximum
Burleigh County	\$45,260.80	\$56,472.00	\$70,075.20
Morton County	\$42,972.80	N/A	\$62,316.80
Kidder County	\$52,000.00	\$52,000.00	\$52,000.00
McLean County	\$55,547.56	N/A	\$73,153.60
Emmons County	\$60,801.00	\$71,239.00	\$85,137.00
Ward County	\$46,956.05	\$57,211.38	\$69,706.52
City of Bismarck	\$51,058.23	\$68,822.79	\$76,587.34
City of Mandan	\$46,217.60	\$57,761.60	\$69,305.60
City of Minot	\$42,529.00	\$51,888.00	\$53,135.00

The increase in Highway Maintenance Worker compensation demand is due to the change in regulations for the attainment of a North Dakota Class A Commercial Driver’s License (CDL). The background for the CDL is that in the past, a person could take an online computer test and obtain a permit to drive commercial vehicles. Within one year of obtaining a CDL permit the applicant was required to take the behind-the-wheel driving test and if they passed this test, the person was awarded a CDL license. The regulations changed effective February, 2022.

The new regulations state that a person must enroll and attend a Commercial Driver’s License School. This School costs anywhere between \$5,000 and \$10,000. Then a student must have a specified number of driving hours logged with a certified trainer prior to being able to take the behind-the-wheel driving test to obtain their Class A Commercial Driver’s License.

With the changes in regulations any job that requires a class A CDL is having a harder time finding qualified applicants. The number of CDL licenses have decreased due to the cost associated with obtaining this license. Demand being greater than supply, the compensation costs for these positions has increased across the United States.

County Engineer Marcus Hall, along with Road Superintendent Wayne Klein came up with a possible Pay Step Adjustment Plan for increases for these key positions. I helped refine the analysis and cost associated with this plan.

**RECOMMENDATION:**

The proposed Recommendation is to provide additional Pay Steps for the remainder of 2023 for the following positions:

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

---

PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

Road Superintendent will remain at the same Pay Step for 2023 and will increase the Budgeted amount for 2024 (Pay Step and 3% Cola).

The following positions would move three (3) Pay Steps for the remainder to 2023 and then get the Budgeted amount for 2024 (Pay Step and 3% Cola):

- Highway Maintenance Worker III
- Highway Maintenance Worker II
- Highway Maintenance Worker I (for 2024)

The following positions would move two (2) Pay Steps for the remainder to 2023 and then get the Budgeted amount for 2024 (Pay Step and 3% Cola):

- Traffic Safety Supervisor
- Shop Maintenance Worker III
- Shop Maintenance Worker II

The following positions would move one(1) Pay Step for the remainder to 2023 and then get the Budgeted amount for 2024 (Pay Step and 3% Cola):

- Highway Maintenance Supervisor
- Shop Maintenance Supervisor

The number of employees in each position are included below along with any open positions in that job title:

- Road Superintendent - 1
- Highway Maintenance Supervisor – 3
- Highway Maintenance Worker III – 3
- Highway Maintenance Worker II - 18, Plus - 3 Current Openings, Plus - 2 Openings in 2024
- Highway Maintenance Worker I – 0 (Temporary Employees only at this point)
- Traffic Safety Supervisor – 1
- Shop Maintenance Supervisor – 1
- Shop Maintenance Worker III – 1
- Shop Maintenance Worker II- 1

The additional costs associated with this recommendation are listed below:

- 2023 Additional Cost over Budget for the months of November and December is estimated at **\$32,616.41**

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

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PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

- 2024 Additional Costs over Budget for the year would be estimated at **\$191,146.81**

The recommendation would be to implement the proposed Pay Step Adjustment Plan and move the above listed positions to the recommended Pay Steps.

It is important to note that this is only a temporary fix and it does not correct the two employees that are already at the maximum pay step for the Pay Grade 5 Pay Range. If the Job Classifications are not completed in 2024, this will only lead to employees getting to the maximum Pay Step in the Pay Range faster and only receiving the Cost-of-Living Allowance (COLA) after that.

We will still have to perform the Job Analysis and the Job Classification Analysis in order to ensure these positions are where they need to be within the market. The last time these positions were classified was around eighteen to twenty years ago. Technology requirements for operators have changed based on the technology in the equipment being updated (GPS, GIS, Automation, etc.). Also, as I mentioned already, the CDL requirements have changed making it harder to obtain the required CDL license for these job classifications.

# Burleigh County Plan Year 2024



**October 9 , 2023 - November 3, 2023**

Open Enrollment begins Monday, October 9, 2023 and continues through Friday, November 3, 2023. Don't miss your deadline to enroll. Changes will **NOT** be accepted after midnight November 3, 2023.

**All changes must be turned into the Human Resources Office by Friday, November 3rd.**

You should use this guide to:

- \* Learn about your benefit options
- \* Reference throughout the year as you have questions about your benefits

**Please reach out to a member from HR for applications to enroll, make changes or to cancel a policy.**

**\*\*\*\*ELECTRONIC SIGNATURES NOT ALLOWED\*\*\*\***

**\*\*CHANGES EFFECTIVE JANUARY 1, 2024\*\***



## **Benefits Eligibility**

You are eligible to enroll for health, vision, dental and life insurance benefits if you are classified as a full-time employee. Benefit elections made during the Open Enrollment period from October 9, 2023 through November 3, 2023 will be effective on January 1, 2024.

### **DEPENDENT ELIGIBILITY**

If you are eligible to elect coverage for yourself, you may also elect coverage for your eligible dependents.

Your eligible dependents include:

- ◆ Your legal spouse
- ◆ Your children under the age of 26 (unmarried or married), including:
  - ⇒ Natural Children
  - ⇒ Stepchildren
  - ⇒ Adopted children (with appropriate placement for adoption agreement)
  - ⇒ Children whose legal guardianship has been granted to you

## **Mid—Year Changes**

The only time you can make changes to your benefits outside of the annual open enrollment period is when you experience a family status change event (qualifying event). You must enroll new dependents or make changes to your benefits within the specified timeframe noted below. If you do not make a change within the designated timeframe, your next opportunity to make changes will not be until the next annual open enrollment period in the fall of 2024, for coverage starting January 1, 2025.

### **MAKE CHANGES TO YOUR BENEFITS WITHIN 31 DAYS OF EVENT**

- ◆ Birth/Adoption
- ◆ Marriage
- ◆ Legal Separation/Divorce
- ◆ Death
- ◆ Spouse/Dependent Gain or Loss of other Coverage



Burleigh County offers a Self-Funded Health Insurance Plan through BlueCross BlueShield of North Dakota.

**WHAT IS A SELF-FUNDED BENEFIT PLAN?**

In a self-funded plan, the employer assumes the financial risk of all claims instead of the insurance carrier. This means that Burleigh County pays all the employee claims and Blue Cross Blue Shield of North Dakota is only the third party administrator, meaning they only process the claims on the County’s behalf.

**WHAT DO YOU PAY FOR COVERAGE**

Burleigh County pays 95% of the Health Insurance Premium for both a Single Plan and a Family Plan. Premiums can be seen below.

**Burleigh County  
Health Insurance Premiums  
January 1, 2024 through December 31, 2024**

	<b>Employee</b> (Monthly)	<b>Employee</b> (Semi-Monthly)	<b>Employer</b> (Monthly)	<b>Employer</b> (Semi-Monthly)	<b>Total</b> (Monthly)
<b>BCBS ND</b>					
<b>Single</b>	<b>\$48.00</b>	<b>\$24.00</b>	<b>\$910.00</b>	<b>\$575.50</b>	<b>\$958.00</b>
<b>Family</b>	<b>\$114.00</b>	<b>\$57.00</b>	<b>\$2,169.00</b>	<b>\$1,084.50</b>	<b>\$2,283.00</b>

**Cost-Sharing Amounts**

	PPO	Basic
<b>Individual Participation</b> Or an individual family member		
Deductible amount	\$500	\$500
Out-of-pocket maximum	\$1,500	\$2,000
<b>Parent and Child Participation</b>		
Deductible amount	\$1,500	\$1,500
Out-of-pocket maximum	\$3,500	\$4,500
<b>Parent and Children Participation</b>		
Deductible amount	\$1,500	\$1,500
Out-of-pocket maximum	\$3,500	\$4,500
<b>Two Person Participation</b>		
Deductible amount	\$1,500	\$1,500
Out-of-pocket maximum	\$3,500	\$4,500
<b>Family Participation</b>		
Deductible amount	\$1,500	\$1,500
Out-of-pocket maximum	\$3,500	\$4,500
<b>Outpatient Prescription Drug Coinsurance Maximum</b>	\$1,200 per individual per benefit period \$2,400 per family per benefit period	

This chart reflects the cost-sharing amounts for each benefit period. PPO and Basic amounts accumulate jointly. Outpatient prescription drug cost sharing amounts do not apply to the out-of-pocket maximum.

**If you do not have any changes to make to your Health Insurance Plan,  
there is nothing you will need to do for the 2024 Plan Year.**



## Burleigh County

Effective January 1, 2024 through December 31, 2024

- PREVENTATIVE (CLASS 1)**  
(CLEANINGS, X-RAYS, EXAMS)
- BASIC (CLASS 2)**  
(FILLINGS, SIMPLE EXTRACTIONS)
- MAJOR (CLASS 3)**  
(ROOT CANALS, ENDODONTICS,  
PERIODONTICS, BRIDGES, DENTURES)
- ORTHODONTIA (CLASS 4)**
- DEDUCTIBLE**
- ANNUAL MAXIMUM BENEFIT**
- WAITING PERIODS**
- PREMIUMS (MONTHLY)**

Elite Choice Plan		Premier Plan
IN-NETWORK	OUT-OF-NETWORK	ALL DENTISTS
Each dental procedure has a pre-determined fee.		100%
Please refer to the co-payment brochure for a detailed list.		80%
		50%
Not Covered		\$1,500.00 <small>applies to children and adults</small>
None	\$50.00/\$150.00	\$100.00 Lifetime
\$2,000.00		\$1,500.00
None	6 Months	12 Months
Single \$34.40		Single \$44.44
Single + 1 \$64.88		Single +1 \$91.44
Family \$108.12		Family \$140.94

Burleigh County offers Total Dental Administrators (TDA) Dental Insurance, with 2 Dental Plans offered. The Elite Dental Plan has an In-Network and an Out of Network side, the Premier Plan has no list of set providers and instead there is an agreed upon set amount that they will cover for services.

**If you do not have any changes to make to your TDA Dental Insurance Plan, there is nothing you will need to do for the 2024 Plan Year.**



## Burleigh County

**Group ID:** 50790-1226  
**Effective Date:** January 1, 2023  
**Plan ID:** 050130CZL2

VISION CARE SERVICES	IN-NETWORK MEMBER COST	OUT-OF-NETWORK REIMBURSEMENT
<b>Vision Examination</b> (includes Refraction)	Covered in full after \$10 copay	Up to \$35
<b>MATERIALS*</b>	\$10 copay (Materials copay applies to frame or spectacle lenses, if applicable.)	
<b>Frame Allowance</b> (Up to 20% discount above frame allowance.)	Members receive a \$50 wholesale allowance up to \$150 retail value	Up to \$45
<b>Standard Spectacle Lenses</b>		
Single Vision	Covered in full after \$10 copay	Up to \$25
Bifocal	Covered in full after \$10 copay	Up to \$40
Trifocal	Covered in full after \$10 copay	Up to \$50
Lenticular	Covered in full after \$10 copay	Up to \$80
<b>Preferred Pricing Options</b>		
<b>Level 2 Lens Option Package</b>		
Polycarbonate (Single Vision/Multi-Focal)	Covered in Full	Up to \$10
Standard Scratch-Resistant Coating	\$17	N/A
Ultra-Violet Screening	\$15	N/A
Solid or Gradient Tint	\$17	N/A
Standard Anti-Reflective Coating	\$45	N/A
Level 1 Progressives	\$75	Up to \$40
Level 2 Progressives	\$110	Up to \$40
All Other Progressives	\$50 allowance + up to 20% discount	Up to \$40
Transitions® (Single Vision/Multi-Focal)	\$70/\$80	N/A
Polarized	\$75	N/A
PGX/PBX	\$40	N/A
Other Lens Options	Up to 20% Discount	N/A
<b>Contact Lenses †</b> (in lieu of frame and spectacle lenses)		
Elective (10% discount on amount exceeding allowance)	\$130 allowance	Up to \$110
Medically Necessary	Covered in full	Up to \$250
<b>Refractive Laser Surgery</b>	Onetime/lifetime \$150 allowance Provider discount up to 25%	Onetime/lifetime \$150 allowance
<b>PLAN DETAILS</b>		
<b>Contribution</b>	Voluntary	
<b>Frequency</b>		<b>Monthly Rates</b>
Eye Exam	Once every 12 months	Single \$12.84
Lenses	Once every 12 month	Single + 1 \$22.54
Frame	Once every 24 month	Family \$33.56
Contact Lenses	Once every 12 month	

### RELIABLE & DEPENDABLE

Avesis is a national leader in providing exceptional vision care benefits for millions of commercial members throughout the country.

The Avesis vision care products give our members an easy-to-use wellness benefit that provides excellent value.

Policies and rates are guaranteed for 2 years.

Underwritten by: Fidelity Security Life Insurance Company, Kansas City, MO  
 Policy #: VC-16, Form M-9059

EO = Employee Only  
 E1 = Employee + One  
 ES = Employee + Spouse  
 EC = Employee + Child(ren)  
 EF = Employee + FAM

#### How can we help you?

**Avesis Website:**  
[www.avesis.com](http://www.avesis.com)  
 800-828-9341  
 7:00 a.m. to 8:00 p.m. EST  
**LASIK Provider:**  
 877-712-2010

Discounts are not insured benefits.

\*At participating Walmart/Sam's locations, retail pricing for your plan is \$68. At participating Costco locations, retail pricing is \$54.99.

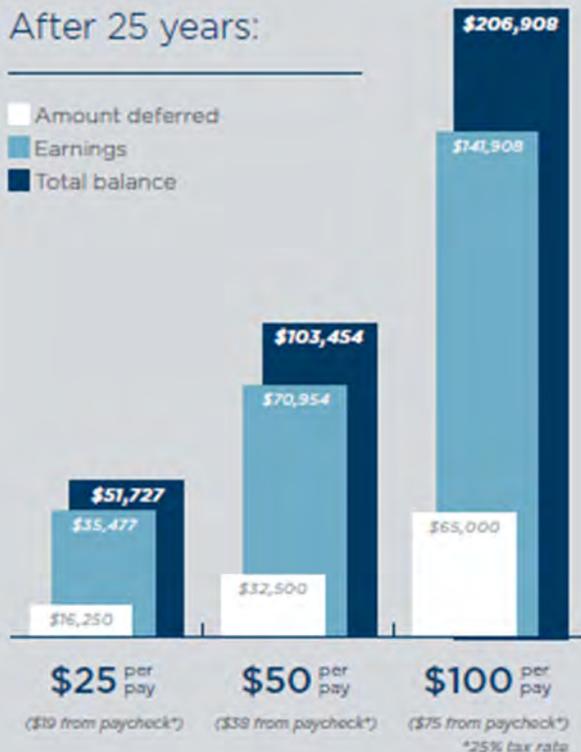
†Prior Authorization is required for medically necessary contacts.



**If you do not have any changes to make to your Avesis Vision Insurance Plan, there is nothing you will need to do for the 2024 Plan Year.**

After 25 years:

Amount deferred  
 Earnings  
 Total balance



### Put the power of time to work.

This hypothetical illustration shows how much different deferral amounts per biweekly paycheck for 25 years could accumulate, given an 8% annual rate of return for an investor. The white sections show how much is actually contributed, the light blue shows how much could be earned on top of those deferrals in that 25-year period, and the dark blue shows the total balance after 25 years. This example is not a yield projection for any specific investment. If fees, taxes, and expenses were reflected, the return would be less.

Withdrawals are taxed as ordinary income.

Nationwide representatives cannot offer investment, tax or legal advice. You should consult your own counsel before making retirement plan decisions.

## Why you should consider enrolling in Deferred Compensation

By contributing a little each payday to the Deferred Compensation Plan, you can put the power of time to work toward building a potentially more comfortable retirement.

### Plan participation is:

- **Convenient** — Contributions are automatically deducted from your pay
- **Easy for saving** — Contribute as little as \$25 per pay
- **Flexible** — Make changes whenever you want (subject to federal regulation)
- **Accessible** — Manage your account 24/7/365 at nrsforu.com
- **Low cost** — As a governmental program, the Plan has no profit incentive

Take control of your retirement income now. **Enroll in your Deferred Compensation Plan today.**

*Investing involves market risk, including possible loss of principal. There is no guarantee that any investment strategy will generate a profit or avoid losses. Actual results will vary, depending on your investment and market experience.*

NRM-7298M1.3 (03/17)

Let me help you get started.



Contact your Nationwide® Retirement Specialist:  
**Steve Mahn**  
 720-749-9101  
 Mahns1@Nationwide.com

**Nationwide Enrollments and changes can be done at ANYTIME during the year, NOT just during Open Enrollment. Any changes are made effective the following month after signature.**

Nationwide Retirement Solutions and Nationwide Life Insurance Company (collectively "Nationwide") have endorsement relationships with the National Association of Counties, the International Association of Fire-Fighters Corporation, the United States Conference of Mayors and the National Association of Police Organizations.

Information provided by Retirement Specialists is for educational purposes only and not intended as investment advice. Nationwide Retirement Specialists and plan representatives are Registered Representatives of Nationwide Investment Services Corporation (NISC), member FINRA, Columbus, Ohio.

Nationwide and the Nationwide N and Eagle are service marks of Nationwide Mutual Insurance Company. ©2020 Nationwide



# Medical FSA and Dependent Care FSA

## Contribution limits & IRS regulations

The IRS sets the maximum dollar amount you can elect and contribute to a medical flexible spending account (medical FSA) and dependent care FSA. The FSA annual contribution limit is:

**Medical FSA - \$3,050**

**Dependent Care FSA - \$5,000 per family or \$2,500 if filing separately**



### Medical FSA

Once you elect, all of your medical FSA dollars are available for you to use the very first day of the plan year. For example, if you elect to contribute \$1,200 to your medical FSA, your contributions will be deducted evenly across all of your paychecks for the year, but you have access to all \$1,200 on Day 1! You can use your funds for expenses incurred by you, your spouse or eligible dependents.



### Dependent care FSA

The dependent care FSA allows you to use the funds in your account as you contribute to the dependent care FSA from your paycheck. After each payroll contribution has been made, those funds are applied to your account and available for reimbursement. This is different from a medical FSA because you cannot use all of the funds Day 1.



### Use-or-lose

Don't forget to spend your FSA dollars. If you have not used all of your FSA dollars before the end of the plan year, you will forfeit any money left in your account. (Check with your employer to confirm how many days you have to submit claims for reimbursement after the plan year ends.)

## Changing your FSA election

During open enrollment, you can elect an FSA and determine how much you want to contribute. In order to make changes after open enrollment, you need to experience a qualifying life event.

### Qualifying life events for any FSA:

- Change in marital status
- Change in the number of dependents
- Increase due to birth, adoption or marriage
- Decrease due to death, divorce or loss of eligibility
- Gain or loss of eligibility due to a change in participant, spouse or dependent employment status

### Additional dependent care FSA qualifying life events include:

Change in daycare providers

- Child turning age 13
- Increase or decrease in the cost of qualifying day care expenses
- Judgement, decree or order requiring a change in coverage

If you experience a qualifying life event, contact your employer to make changes to your election.



**DC FSA  
(Video)**



**What is FSA  
(Video)**



**This is the only Benefit you must RE-ENROLL in every year in order to participate.**

# Take a look at what your employer is offering



**Burleigh County is pleased to provide you and your family with a wide range of competitive benefits. Your benefits are an important part of your total compensation. You have the flexibility to choose the benefits that are right for you and your family - to keep you physically and financially healthy now and in the future**



## Short term disability insurance

Short term disability insurance is sometimes called income protection or “paycheck insurance.” It can replace a portion of your **weekly income** if you are unable to work for a few weeks or months due to an illness or injury — or childbirth. A pre-existing condition is an injury or illness for which you have received advice or treatment from a doctor within 12 months of the effective date of your insurance plan.

### You have the option to purchase this coverage.

Cover 70% of your weekly income, up to a maximum benefit of \$750 per week. The weekly maximum may be reduced or offset by other sources of income. Benefits begin after a 1-day elimination period for injury, or a 8-day elimination period for illness. Benefits may be paid for up to 13 weeks.



## Cancer Insurance

Did you know that 1 in 3 Americans are expected to get cancer in their lifetime. A cancer diagnosis is the start of a very long and expensive journey for both the patient and the family. From the cost of treatment to the loss of income, the costs associated with cancer can often be too much for a family to even afford treatment. Cancer insurance provides cash you can spend any way you choose for medical or non medical expenses. There is a lump sum payout for chemotherapy/radiation.

You have the option to purchase this coverage on yourself, spouse, and dependent children up to age 26. Cancer plans allow you to make money to offset bills while still continuing to work if your healthy. The plan will cover hospital stays, lodging and transportation, hospice care, wigs and hair pieces, and much more. There is a \$75 wellness benefit per insured per year that you can claim on.



## Accident Insurance

What would happen if you had an accident and were unable to work? Would you be covered financially? Accident coverage is designed to provide a cash benefit in the event of a covered accident or injury. The plan will pay a set amount based on the injury suffered and treatment received, regardless of any other insurance.

You have the option to purchase this coverage on yourself, spouse, and dependent children up to age 26. This plan is 100% voluntary coverage and is not medical insurance. Benefits are paid directly to you. They can help pay for expenses other insurances may not cover, such as out of pocket expenses and accidental death benefit. The plan does include a wellness benefit of \$60 or \$75 depending on your plan level.

### Sample of Eligible Expenses

 <b>Emergency Room Visits</b>	 <b>Hospital Stays</b>
 <b>Medical Exams</b> – Including major diagnostic exams	 <b>Physical Therapy</b>
 <b>Fractures and Dislocations</b>	 <b>Transportation and Lodging</b> – if you are away from home when the accident happens



### Critical Illness

Every 34 seconds, someone will have a coronary event. Even with stable finances, a serious illness can create a heavy financial burden. Critical Illness Insurance is a wise investment that provides additional financial security. Cash benefits are paid directly to you and can be used to pay a multitude of expenses, including copays, deductibles, and treatment. You can pick from \$5,000 - \$100,000 in coverage in \$5,000 increments. If you get diagnosed with any illness below the plan will pay a benefit.

Cancer

Heart Attack

End Stage Renal Disease

Lou Gehrig's Disease

Quadriplegia

Major Organ Transplant Surgery

Coronary Artery Bypass

Stroke

Surgery Carcinoma in Situ

Balloon Angioplasty, Stent, or Laser Relief Procedure

You can get coverage for yourself, spouse, or dependent children (\$5,000 option or \$10,000 option). There is also a \$75 wellness benefit that is payable per insured per year.



### Hospital Insurance

Is designed to provide a cash benefit in the event of a hospitalization and can help pay for expenses not covered by your medical plan. The plan will pay regardless of any other insurances.

How does it work? Hospital insurance helps covered employees and their families cope with the financial impacts of a hospitalization. You can receive benefits when you're admitted to the hospital for a covered accident, illness, or childbirth. The money is paid directly to you. The money can also help you pay for out of pocket expenses your medical plan may not cover, such as co-insurance, co-pays, and deductibles. The cost of the insurance is conveniently deducted from your paycheck. There is a \$75 wellness benefit available for plan 2 or 3.

**Questions?**  
**Please Contact:**



*For all life holds™*

Julie Schirado, Sales Executive  
701.471.0155  
Julie.Schirado@AzuranceGroup.net

OR

Megan Benson, Account Manager  
507.884.9946  
Megan.Benson@AzuranceGroup.net

AFLAC policies are different than major medical, they are focused on you, not the doctors or hospitals! Voluntary insurance provides additional coverage to help pay out-of-pocket costs like deductibles, copays, etc.!



Or, visit your benefits page at:  
[www.aflacenrollment.com/BurleighCounty/OCU263803875](http://www.aflacenrollment.com/BurleighCounty/OCU263803875)

- \* **Affordable**
- \* **Renewable**
- \* **Claims are paid directly to you**
- \* **Portable**
- \* **Fast and easy claims process**
- \* **No coordination of benefits**

#### ***Accident Coverage (24 hours a day)***

Helps lower the financial impact of a covered accident. Accident emergency treatment benefit, initial accident hospitalization benefit, specific sum injuries benefit, follow ups, physical therapy, chiropractor care, accidental death benefit, appliance benefit, etc.

#### ***Cancer Coverage***

Cancer is the leading cause for medical bankruptcy! Initial treatment benefit, hospital confinement benefit, injected and oral chemotherapy benefits, radiation therapy benefit, surgical/anesthesia benefit, ambulance, transportation, and lodging benefits.

#### ***Critical Care Coverage***

Pays first occurrence benefit, as well as hospital confinement and continuing care benefits for: coma, stroke, paralysis, heart attack, end-stage renal failure, major third-degree burns, coronary artery bypass surgery, and major human organ transplant.

#### ***Hospital Coverage***

Most major medical insurances do not cover all hospitalization costs, which means you may not be prepared for this out-of-pocket expense. Pays initial benefit on first day in the hospital, additional benefits for daily confinement, surgical benefit, ER benefits, daily ICU benefits, invasive diagnostic exam benefits, hospital short stay benefit.

#### ***Short-Term Disability Coverage***

Provides a source of income if a disability occurs due to a covered accident or illness, including maternity leave. You chose monthly benefit amount, elimination period, and length of time the benefit pays.

For more information, contact your Aflac Agent - Lynn Brokaw 701-208-0617  
or email @ [Lynn\\_Brokaw@us.aflac.com](mailto:Lynn_Brokaw@us.aflac.com)



**Burleigh County Human Resource Department  
Personnel Action Form**

To: Human Resource Director

Date: 10/16/2023

**Request for:**

Step Increase:	<input type="checkbox"/>	New Employee:	<input type="checkbox"/>
Probation Adjustment:	<input type="checkbox"/>	Promotion:	<input type="checkbox"/>
Re-Classification:	<input type="checkbox"/>	Termination:	<input type="checkbox"/>
Transfer:	<input type="checkbox"/>	Other:	<input checked="" type="checkbox"/> Adjustment
COLA Increase:	<input type="checkbox"/>		

EMPLOYEE NAME: Brandi Caya  
 PRESENT JOB TITLE: Deputy Auditor/Treasurer  
 PROPOSED JOB TITLE: \_\_\_\_\_

PRESENT PAY GRADE:	<u>12</u>	PROPOSED PAY GRADE:	<u>12</u>
PRESENT STEP:	<u>6</u>	PROPOSED STEP:	<u>9</u>
CURRENT ANNUAL SALARY:	\$ <u>82,160.00</u>	OR HOURLY RATE:	\$ <u>39.50</u>
PROPOSED ANNUAL SALARY:	\$ <u>89,814.40</u>	OR HOURLY RATE:	\$ <u>43.18</u>

IF ANNUAL SALARY – AMOUNT PER PAY PERIOD (26 pay periods): \$ 3,454.40

EFFECTIVE DATE OF CHANGE: 11/03/2023

REASON FOR REQUESTED CHANGE: Interim Duties (Finance Department)

\_\_\_\_\_  
Department Administrator

To: Human Resource Assistant (Payroll)

Date: \_\_\_\_\_

From: Human Resource Director

Be advised that the above request has been considered and the following action has been taken:

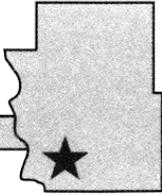
Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_  
 Employee replacement authorized: Yes \_\_\_\_\_ No: \_\_\_\_\_

\_\_\_\_\_  
Human Resource Director

Date entered in payroll system: \_\_\_\_\_ By: \_\_\_\_\_ Position Control: \_\_\_\_\_

**ITEM**

**# 10**



## Request for County Board Action

**DATE:** October 16, 2023

**TO:** Burleigh County Commission

**FROM:** Mark Splonskowski  
Auditor/Treasurer

**RE:** Re-evaluation of job descriptions for the finance department.

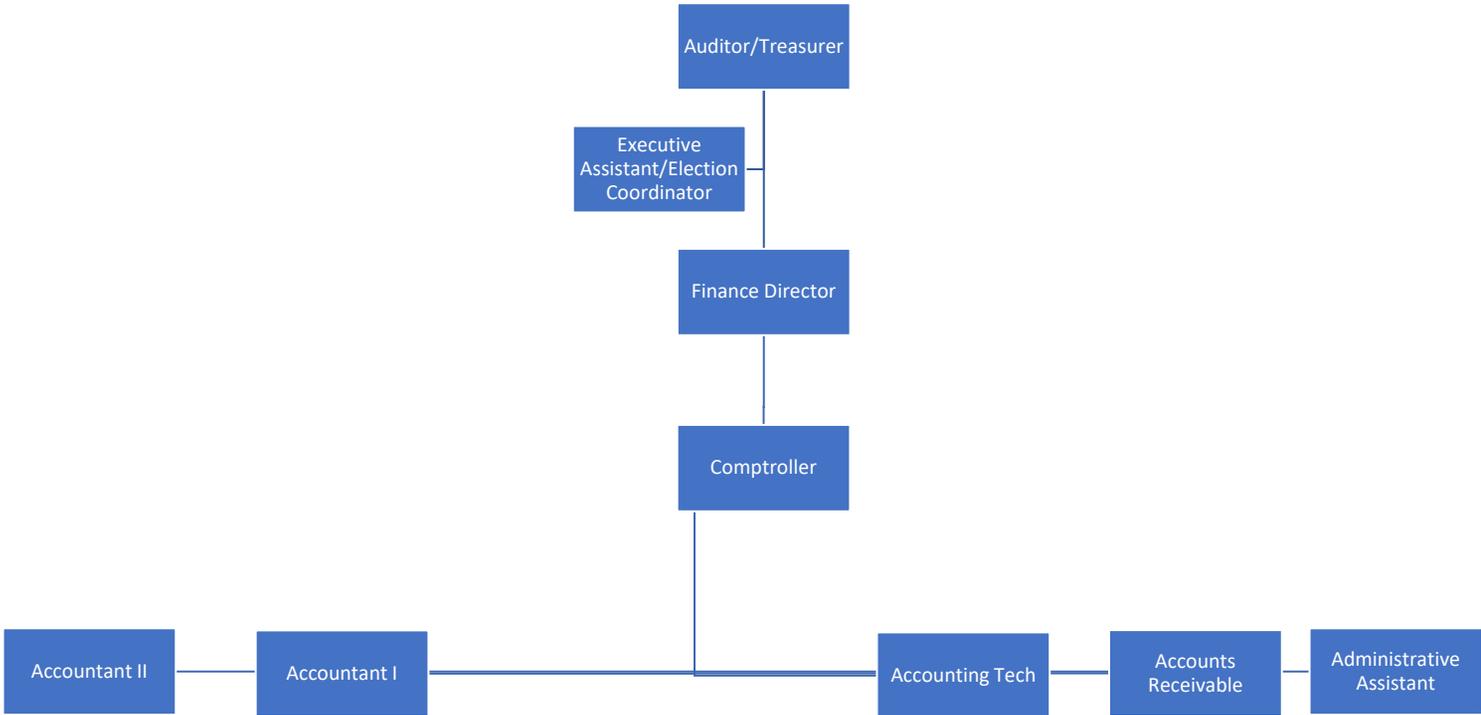
**Please place the following item on the next Burleigh County Board agenda.**

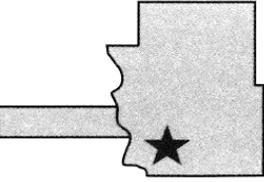
**BACKGROUND:**

At the October 5<sup>th</sup> special meeting, the commission chose to table the re-evaluation of the job descriptions for the finance department in order to get more information about compliance with North Dakota Century Code.

**RECOMMENDATION:**

It is recommended the Board direct staff on how to proceed with the finance department.





# County of Burleigh

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

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October 12, 2023

TO: BURLEIGH COUNTY COMMISSIONERS

The following list of outstanding checks were written before July 2022. The money for these checks will be sent to the Unclaimed Property Division at the State Land Department according to North Dakota Century Code, Chapter 47-30.2. We are asking it be put in the County Commission minutes that these checks are to be cancelled.

Checks written from Wells Fargo checking account:

Check #	Date Written	Check Payable To	Amount
120544	7/9/2021	ADAM REMBOLDT	\$12.00
120545	7/9/2021	ANDREW JENSEN	\$5.00
120549	7/9/2021	GABE DEGROAT	\$5.00
120554	7/9/2021	NICHOLAS A TOUCHE	\$18.00
120556	7/9/2021	TALLON HOOGEBOOM	\$5.00
120559	7/9/2021	WENDY E MENDEZCENTENO	\$14.00
120751	8/6/2021	HANNAH PETERSON	\$30.97
120772	8/13/2021	JOHN C LINDLER	\$5.00
120774	8/13/2021	JOSEPH M REED	\$5.00
120775	8/13/2021	JOSHUA J FETTIG	\$21.00
120778	8/13/2021	NATHAN VANOUS	\$5.00
120779	8/13/2021	NICHOLAS WATSON	\$22.00
120780	8/13/2021	SHAWN BELGARDE	\$14.00
120869	8/27/2021	TERRANCE SAMPSON	\$168.00
120955	9/10/2021	DUSTY L ENSZ	\$31.00
120960	9/10/2021	KAREN MOSS	\$20.00
120961	9/10/2021	SHANICE D REDFOX	\$18.00
120967	9/10/2021	TERRANCE SAMPSON	\$6.00
121207	10/22/2021	CHAD WALKER	\$32.00
121336	11/12/2021	JAY HOULE	\$13.00
121337	11/12/2021	JORDAN WATSON	\$10.00
121534	12/10/2021	NICOLE LANDSEM	\$13.00
121773	1/7/2022	SETH D HOWE-KELLAR	\$3.68
121857	1/14/2022	IAN C FYFE	\$265.18
121886	1/14/2022	ASPEN C CLAIRMONT	\$5.00
121887	1/14/2022	CHRISTOPHER J ELL	\$5.00
121890	1/14/2022	MARCIA K PITTENGER	\$5.00
121895	1/14/2022	LEEANN LEMKE	\$72.00

122043	1/28/2022	LEEANN LEMKE	\$7.00
122291	2/18/2022	DEBORAH J DASINGER	\$5.00
122292	2/18/2022	JACOB E KLINNER	\$5.00
122296	2/18/2022	MADISON R LANG	\$5.00
122320	2/18/2022	BOJAN BUZAKOVIC	\$5.00
122389	2/25/2022	RICHARD SOLBERG	\$27.94
122402	3/5/2022	ALEXYS LAFROMBOISE	\$5.00
122405	3/5/2022	BRANDON M FOUST	\$6.00
122414	3/5/2022	MARY M HAIRYCHIN	\$34.00
122416	3/5/2022	RAYLYNN WARE	\$5.00
122487	3/16/2022	JON KOLBERG	\$25.00
122569	3/18/2022	KAYLA LEMIEUX	\$25.00
122589	3/18/2022	J & A PROPERTIES LLP	\$3,034.58
122607	3/31/2022	TERENCE MCCLANAHAN	\$14.00
122656	4/11/2022	ALYSSA BAKER	\$5.00
122659	4/11/2022	DEVONA M SPARKS	\$9.00
122660	4/11/2022	DOROTHY M LEAR	\$10.00
122661	4/11/2022	HUNTER D JOHNSON	\$6.00
122666	4/11/2022	OLIVIA D LAROCHE	\$5.00
122668	4/11/2022	RAMON A THOMAS	\$9.00
122670	4/11/2022	SHONDALE L MORSETTE	\$49.00
122671	4/11/2022	VERINDA M SPOTTEDHORSE	\$5.00
122918	5/16/2022	ANDREW WIEDMER	\$8.00
122921	5/16/2022	CAROL KRUEGER	\$6.00
122922	5/16/2022	DEREK C DUEWEL	\$6.00
122927	5/16/2022	TREY PELLETT	\$12.00
122931	5/16/2022	FRED WINCHELL	\$105.00
123067	6/3/2022	AMY KRUCKENBERG	\$277.20
123103	6/3/2022	WHITNEY BEARSTAIL	\$12.05
123109	6/8/2022	JUAN CASTRO	\$55.00
123112	6/8/2022	STEPHEN HIMES	\$5.00
123176	6/20/2022	MATTHEW PEREZ	\$25.00
123197	6/20/2022	ROBERT HOSKINS	\$5.64
123242	6/29/2022	BRADY WOLF	\$25.00
123245	6/29/2022	CHANCE STEVENSON	\$25.00
123257	6/29/2022	KIM SORTEBERG	\$25.00
123258	6/29/2022	KRISTY RIPPLINGER-MAHER	\$25.00
123261	6/29/2022	LUCAS STROH	\$25.00
123279	6/29/2022	VALENTIN HIDALGO-ROJAS	\$50.00
		<b>TOTAL</b>	<b>\$4,822.24</b>

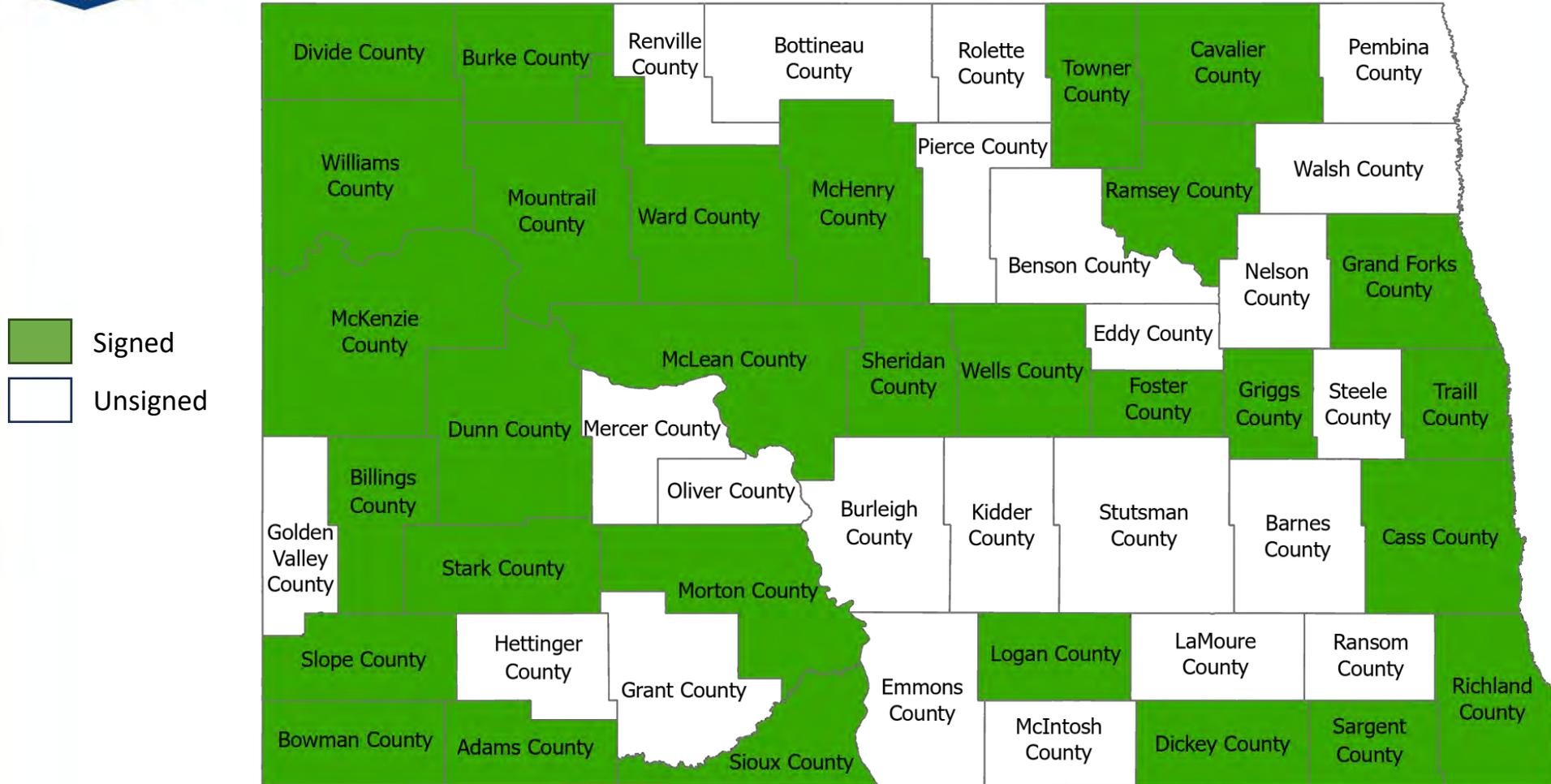
If you should have any questions, please contact me at 222-6714.

Thank You,

Bernadette Ivey  
Accountant II



# Collection and Distribution of 9-1-1 Fees – JPA Status



Updated 10/4/2023

# JOINT POWERS AGREEMENT FOR PURCHASING RESOLUTION OF ACKNOWLEDGMENT

WHEREAS various counties of North Dakota have entered into a Joint Powers Agreement for the centralized and coordinated acquisition and delivery of essential and optional services by participating member counties (hereafter referred to as the "Master JPA");

AND WHEREAS, the undersigned county ("County") is a participating member of such Master JPA;

AND WHEREAS, the North Dakota Association of Counties (NDACo) has previously secured a joint powers agreement with the counties for the purpose of statewide coordination and contracting to implement the networking, equipment, testing, and ongoing services necessary for Emergency Services Communications (9-1-1) in the Next Generation (IP) environment;

AND WHEREAS, the County has determined efficiencies exist in the collection and distribution of 9-1-1 fees;

## **SERVICE: COLLECTION AND DISTRIBUTION OF 9-1-1 FEES**

NOW THEREFORE, it is hereby RESOLVED:

1. The various Counties throughout the State have imposed differing fees pursuant to NDCC 57-40.6-02.
2. The Counties previously collected their individual fees and monthly remitted a portion of the fees to NDACo to secure statewide contracts to implement Next Generation 9-1-1.
3. The County acknowledges and approves the most efficient use of county resources is for allowing the central collection of such fees by NDACo to be distributed back to the counties pursuant to their individual fee rate minus the previously agreed amount to support the implementation of Next Generation 9-1-1 and state imposed fees associated with the statewide interoperable radio network (SIRN).
4. The County agrees to provide NDACo the authority to collaborate with all the State's telecommunications providers to implement this agreement.
5. The North Dakota 911 Association governance board shall continue to monitor and advise NDACo on the appropriateness of the various statewide contracts in addition to reviewing the collection and distribution of fees by NDACo.
6. This acknowledgement supplements and enhances the previously signed agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

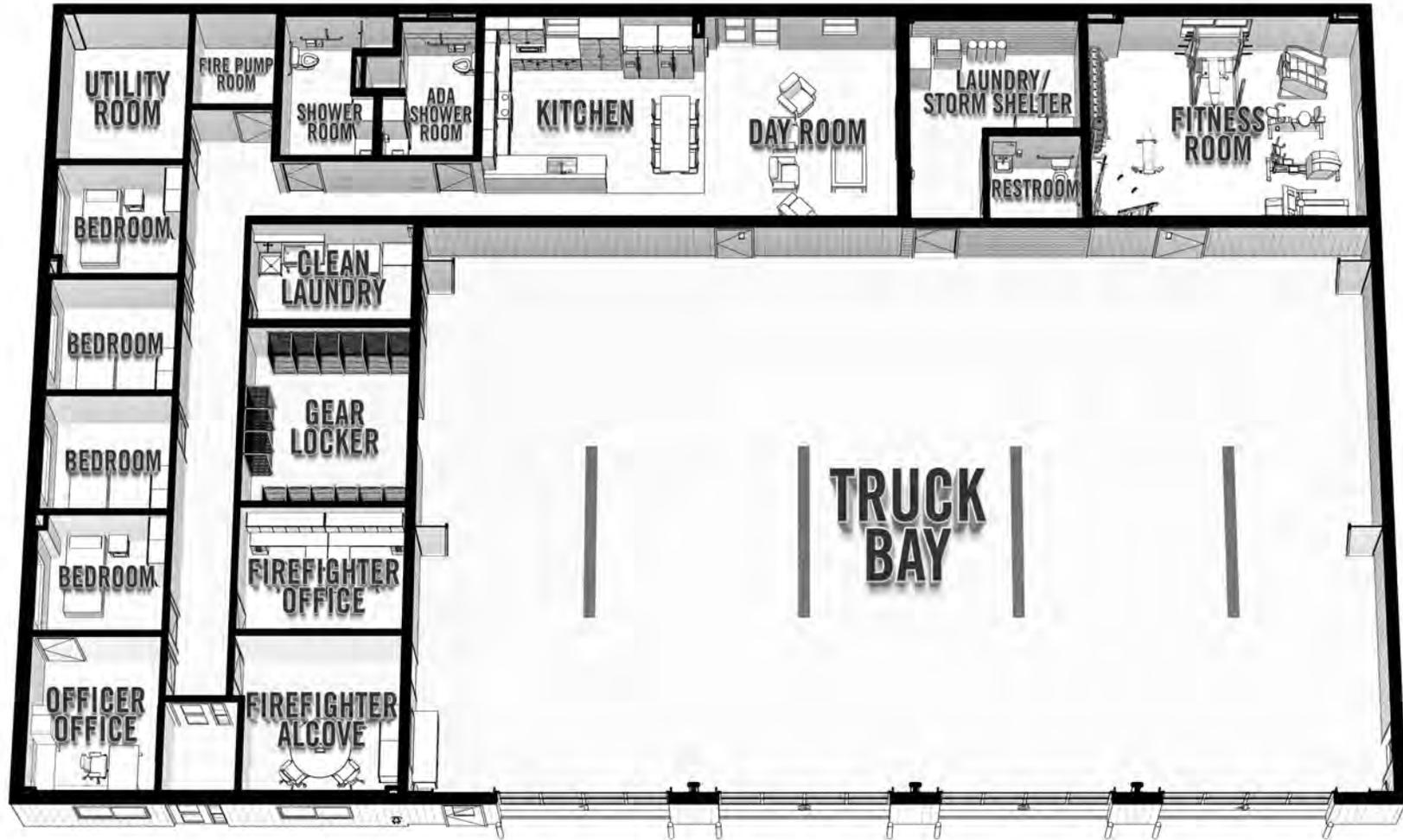
\_\_\_\_\_ COUNTY  
(The "County" herein)

By: \_\_\_\_\_  
County Commission Chair

Attest: \_\_\_\_\_  
County Auditor

**ITEM**

**# 11**



**BISMARCK RURAL FIRE DEPARTMENT**

**3D Floor Plan**



6909 AURORA LOOP  
BISMARCK ND, 58503



## BISMARCK RURAL FIRE DEPARTMENT

6909 AURORA LOOP  
BISMARCK ND, 58503

## Perspectives

*This rendering is provided for illustrative purposes only.  
It is an artistic representation and may not indicate each  
incidental item necessary to complete the work*



## BISMARCK RURAL FIRE DEPARTMENT

6909 AURORA LOOP  
BISMARCK ND, 58503

## Perspectives

*This rendering is provided for illustrative purposes only.  
It is an artistic representation and may not indicate each  
incidental item necessary to complete the work*

**ITEM**

**# 12**

October 11, 2023

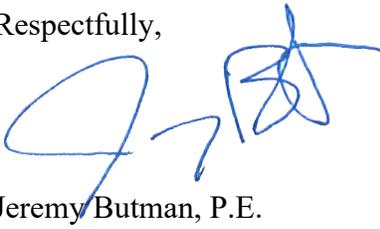
Mr. Kevin Quinn  
Burleigh County  
221 North 5<sup>th</sup> Street  
Bismarck, North Dakota 58501

RE: Provident Life Building  
Electrical Gear Upgrade  
Bismarck, North Dakota  
Project No. 23529

Dear Mr. Quinn,

Five bids were received and opened Wednesday, October 11<sup>th</sup> for the Provident Life Building Electrical Gear Upgrade, in Bismarck, North Dakota. All bids are in proper order and I have enclosed a copy of the bid tab. I recommend awarding the contract to Electric Systems, Inc. in the amount of \$323,450.00 for base bid, and \$57,450 for the alternate bid. When directed, our office is prepared to draw up Owner/Contractor agreements for your review.

Respectfully,



Jeremy Butman, P.E.  
**Prairie Engineering, P.C.**

Enclosure: Bid Tab

Copy to: File

**BID TABULATION**

**Provident Life Building  
Electrical Gear Upgrade  
Bismarck, North Dakota**

**PROJECT NO: 23529**

**BID OPENING: Wednesday, October 11<sup>th</sup>**



<u>ELECTRICAL CONTRACTORS</u>	<u>BID BOND</u>	<u>LICENSE</u>	<u>ACKNOWLEDGE ADDENDUM</u>	<u>BASE BID</u>	<u>ALTERNATE</u>
Electric Systems	✓	✓	✓	\$323,450	Add \$57,450
Magnum Electric	✓	✓	✓	\$399,830	Add \$164,340
Rafter Electric	✓	✓	✓	\$500,000	Add \$73,000
Skeels Electric	✓	✓	✓	\$698,744	Add \$81,976
Edling Electric	✓	✓	✓	\$918,000	Add \$89,800
Denny's Electric	--	--	--	No Bid	--
Fetzer Electric	--	--	--	No Bid	--

**ITEM**

**# 13**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** October 16, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE: Maintenance Agreement between the County Highway Department and both organized and unorganized Townships.**

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

**ACTION REQUESTED:**

Approve the Annual Road Maintenance Agreements

**BACKGROUND:**

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

**RECOMMENDATION:**

It is recommended that the County Board adopt the attached proposed resolutions.

**PROPOSED RESOLUTION:**

**As the Burleigh County Board:**

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to enter into an agreement with the County's Townships, assigning the roles and responsibility for maintaining township roads within Burleigh County.

**As the Unorganized Township Supervisors:**

THEREFORE BE IT RESOLVED: That the proper Township officials are hereby authorized to enter into an agreement with the County, assigning the roles and responsibility for maintaining township roads within the township.



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

2000 NORTH 52ND STREET  
BISMARCK, ND 58501-7900  
701-221-6870  
FAX 701-221-6872  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** October 16, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE: Joint Powers Agreement**

Please include the following item in the next Burleigh County Board packet.

### **ACTION REQUESTED:**

Authorize the proper County officials to enter into a Joint Powers agreement of the procurement of various items.

### **BACKGROUND:**

Sourcewell is a cooperative procurement organization serving government agencies in North Dakota and across the country. Cooperative purchasing contracts offer the same qualities of any government contract, and more. The solicitations are bid to meet requirements of government procurement rules including public advertising and fair solicitation evaluation where price and value are among the most important factors in determining responsible and responsive vendors.

During the last legislative session, SB 2370 extended the authority to counties and cities and allowed them to enter into cooperative purchasing agreements with other political subdivisions.

Cooperative purchasing provides government efficiencies, access to industry leading goods and services, and cost savings. Cooperative purchasing combines multiple governments buying requirements into a single contract to harness volume discounts and purchasing power. By using cooperative contracts, procurement teams can further negotiate lower prices and reduce procurement time. Industry also recognizes the role cooperative purchasing plays in government procurement in that it provides them an opportunity to serve governments and satisfy their rules and regulations. The value of

cooperative purchasing has long been recognized as an acceptable and legal means of government procurement by both the American Bar Association as well as the National Institute of Government Procurement. It is currently utilized widely by both the State of North Dakota and North Dakota school districts.

Currently, we would like to do a Joint Powers Agreement with Sourcewell and the Minnesota Department of Administration – State Procurement Division.

**RECOMMENDATION:**

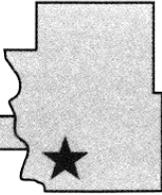
It is recommended the Board adopt the attached proposed resolution.

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the County Board hereby directs the proper county officials to enter into a Joint Powers Agreement with Sourcewell and the Minnesota Department of Administration – State Procurement Division.

**ITEM**

**# 14**



Request for County Board Action

**DATE:** October 16, 2023  
**TO:** Burleigh County Commission  
**FROM:** Mark Splonskowski  
County Auditor/Treasurer  
**RE:** Weed board information

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

**INFORMATION:**

I spoke with the office of the Ag Commissioner, and they stated that the LAP program is dependent upon three mills being dedicated to the Weed board. Burleigh County does not have the required mills assigned and therefore does not receive the program. The restrictions have not been changed recently but the program is based on information submitted to the State by the Weed officer and County Auditor.

**RECOMMENDED ACTION:**

**ITEM**

**# 15**



FRANKLIN AVE

20306

2601

2603

2607

20309

20305

26TH ST NE

BALDWIN TOWNSITE



20205

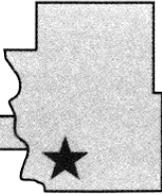
2604

20203

MARIAN AVE

**ITEM**

**# 16**



Request for County Board Action

**DATE:** October 16, 2023

**TO:** Burleigh County Commission

**FROM:** Mark Splonskowski  
Auditor/Treasurer

**ITEM:** Go into Executive Session under NDCC 44-04-19.1 and 44-04-19.2 for contract negotiations for County Finance Department services

**REQUEST:**

Consider the request from the Auditor/Treasurer to enter into Executive Session under NDCC 44-04-19.1 and 44-4-19.2 for contract negotiations for County Finance Department services.



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

November 1, 2023

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

### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Public comment (excluding public hearing items.)
5. Consideration and approval of the October 5<sup>th</sup> special meeting minutes, and October 16<sup>th</sup>, 2023, meeting minutes and bills.
6. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
7. Daniel Nairn:
  - a. Renaissance Zone program.
8. HR Director Binder:
  - a. Finance Department update.
9. County Engineer Hall:
  - a. Bids for motor graders.
10. Comm. Munson:
  - a. Home rule charter update.
11. Other Business:
12. Adjourn.

The next regularly scheduled Commission meeting will be on November 20<sup>th</sup>, 2023.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax



**BURLEIGH COUNTY COMMISSION  
SPECIAL MEETING MINUTES**

**OCTOBER 5TH, 2023**

**3:00 PM**

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

Roll call of the members; Commissioners Bitner (via Teams), Munson, Woodcox, and Chairman Bakken present. Commissioner Schwab was absent.

Pledge of Allegiance.

Chair Bakken stated that the reason for calling the special meeting was to get clarification on consultation services for the finance position due to Deputy Finance Director Justin Schulz's resignation and also to get through the rest of the year in conjunction with the State Audit. Comm. Woodcox congratulated Mr. Schulz on his new position and expressed that he would be missed. He stated that the county however does need to consult with the Former Finance Director Clyde Thompson and Mr. Schulz in an hour-by-hour consulting basis to get through the rest of the year. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to engage Clyde Thompson and Mr. Schulz for consulting services. All members present voted "AYE". Motion carried.

There was then a discussion on the re-evaluation of job descriptions for the finance department. Chair Bakken stated that he looked at where that position was in the past and added that it could change later once a County Administrator was in place. He also stated that what was previously in place worked. Auditor Splonskowski presented a proposed flow chart that he, Deputy Finance Director Justin Schulz, and Deputy Auditor/Treasurer Brandi Caya worked on. Auditor Splonskowski explained that the Administrative Assistant (the entry level position for the office), followed by the Accounts Receivable person, Accounting Tech, Accountant I & II would report to the Comptroller (currently the Deputy Auditor/Treasurer). The Comptroller would report to the Finance Director who would then report to the Auditor/Treasurer. The Executive Assistant/Elections Coordinator would also report to the Auditor/Treasurer. It was proposed that Brandi Caya's position be changed to Comptroller which would be more of a managerial position. Mr. Splonskowski explained this would be a good plan for progression of employment as well as for employee retention. He stated it would also be a more linear flow and everyone would only have one person they would report to. The goal of the flow chart was that when one person retires, the person under them would want to move up. Chair Bakken asked Auditor Splonskowski if the pay grade would remain the same for the Deputy Auditor/Treasurer being changed to the Comptroller position. Auditor Splonskowski indicated that it would remain the same for now at Pay Grade 12. Comm. Munson stated that Monday night the commission approved the hiring of a Comptroller which had been posted. HR Director Pam Binder came forward to answer questions from the commission. Chair Bakken asked her if she saw any issues with the flow perspective Auditor Splonskowski presented. She stated there was no dual control as everyone was reporting to the auditor and that would be fine if everyone had the right degrees to be able to promote up, but if they don't there would be no promoting and we would end up hiring anyway. She also stated that the Finance Director had always reported to the commission because we had a combined Auditor/Treasurer position. If the Auditor and Treasurer positions were separate, they would balance each other out and then

there would be dual control. Comm. Munson had an issue with this plan. Comm. Woodcox stated that since the Auditor/Treasurer was the Chief Financial Officer for the county he should be the number one position with everyone reporting to him as he already signed off on all the bills and the audits. Auditor Splonskowski agreed and added that for checks and balances the commission also had to approve all bills as well and none of that would change, plus the Auditor/Treasurer's office would still have a portfolio holder. Comm. Bitner stated that he feels it would be a mistake having the finance department under the Auditor's Office. He stated it was unfortunate that Burleigh County had a relatively new Auditor, and it would be a mistake to put the Finance Department under him. Comm. Woodcox asked for Comm. Bitner's reasoning on that. Comm. Bitner stated that it was because of the separation of powers and that the commission may not be made aware of certain things in the normal process of business which is bad for Burleigh County. Comm. Munson asked Auditor Splonskowski who it was that reported to the Finance Director and who reported to him as the Auditor/Treasurer. Mr. Splonskowski replied that the Accountant II person currently reports to the Finance Director, the Accountant I, Accounting Tech, Accounts Receivable and Administrative Assistant all report to the Deputy Auditor/Treasurer and the Deputy Auditor/Treasurer and Executive Assistant/Elections Coordinator report to the Auditor/Treasurer with the Finance Director reporting to the commission. Comm. Bitner stated that this was similar to what already was in place with the exception that the Finance Director reports to the Commission and not to the Auditor. He stated that the Auditor was an elected position and if we moved the Finance Director under the Auditor, it would remove the checks and balances that we already had in place. The issue was separation of powers regardless of them working together every day, not career path. He stated that we have had difficulties filling these positions up to this point. Comm. Woodcox asked what Mr. Schulz's views were. Mr. Schulz stated that the Auditor/Treasurer's office is one office whether it's decided to call it a separate office or not, and it is a mistake to not set up your structure to run autonomously without the Auditor because the Auditor can change by the vote of the people. If the Auditor leaves, the office still needs to function as if that person was never there and having it separated creates the need for the Auditor to be in the day-to-day business. If the Finance Director is in charge of the overall office and the Auditor in the oversight role, the office can still function should the Auditor leave or not win an election. Comm. Bitner said that would be fine if the Auditor was an experienced manager but that was not the case today. Comm. Woodcox stated that we can't do anything about who the Auditor is, but we need to be concerned about streamlining the office and keeping people. He said that the Auditor is still the CFO, and everyone should report to him. Chair Bakken stated that in two years this will be moot when the county has the budget for a County Administrator with the Finance Director reporting to that position. He stated that this is a short-term solution for staffing issues. HR Director Pam Binder stated that the current Deputy Auditor/Treasurer qualified as a Comptroller. Mr. Schulz stated that under the structure that Auditor Splonskowski was proposing, the Comptroller's job duties that were recently posted would not be the same. The Comptroller title would replace the title Brandi currently has with an update in job description. The position the county would then post would be Finance Director with the Finance Director requirements. Comm. Bitner stated again that this is a separation of powers issue and Burleigh County needs that for accountability. He stated Ms. Binder has done a good job with the job descriptions and this doesn't address any of the concerns that have been laid out. Putting it under the Auditor is a mistake and he will maintain that position. Auditor Splonskowski stated that the main duties of the Comptroller would be shifted away from daily duties over to managerial duties. Currently for the Deputy Auditor/Treasurer position it states that 60% of the duties were to be managerial but she was only doing 30% managerial. He stated that the Accountant II position would take on more of the daily duties. Comm.

Bitner stated that we need more workers not more supervisors. He added that the position of Senior Accountant-Comptroller was very clear that Ms. Binder laid out and it was very difficult to fill the Finance Director position. Comm. Woodcox asked Mr. Schulz if it was difficult reporting to the commission as Deputy Finance Director. Mr. Schulz stated his preference would have been reporting to the Auditor and that was the plan when he was hired but then it was changed to reporting to the Commission. He stated that no matter what it says on paper a finance role must report to their CFO. All the reports have the Auditor's name on it. He added that reporting only to the commission is what removes dual control. In response to a question from Comm. Woodcox regarding if doing an Audit twice a year was enough, Mr. Schulz replied that the county was audited by a CPA from the State every year, so every legal requirement was fulfilled. He stated that every bill has been reviewed by the county technician, the finance director, the Auditor and then the Commission so it goes through 4 layers of review and approval before any expense is paid so the controls and the policies are there. He also noted that dual control wasn't completed by a reporting structure but rather by policy and procedure and both those were in place. Comm. Munson asked HR Director Pam Binder how long it would take her to look at this structure that the Auditor has presented and give her opinion on job descriptions. She stated that she can't keep putting off other departments as she still has the highway and sheriff's department to work on, plus she added that she was the only person who can do this in her department. She suggested she might not get to it until December. State's Attorney Lawyer read off the duties of the Auditor and the duties of the Treasurer. She stated that as the county treasurer he is the Chief finance officer for the county. Comm. Bitner stated that list of duties lays out a clear reason why there is a separation of powers, and it is vital to the security of the financial information for the county to have it. Comm. Woodcox had the exact opposite opinion stating that Auditor/Treasurer Splonskowski is the Chief Financial Officer and there shouldn't be two as having two people causes conflicts in the long run. Comm. Bitner stated that Mr. Schulz and the Auditor have reported financial information to him and to the commission and it has been good with all the commissioners receiving it in their emails. The separation is so things don't get swept under the rug. If you have two positions that are relatively equal, things can come to light (not that there are any issues like that), but if there was a problem and only one department head you only get that one person's input. Comm. Woodcox asked Mr. Schulz if his portfolio holder asked him questions or tried to help. Comm. Munson stated that budget-wise Mr. Schultz was flawless. Comm. Woodcox asked if Mr. Schulz reported to the portfolio holder and Mr. Schulz stated that he would have liked to have had a closer relationship with the portfolio holder. Comm. Bitner then responded that Mr. Schulz should keep in mind that he communicated with Ms. Binder, and they discussed that Mr. Schulz was not communicating well with his portfolio holder (Comm. Bitner). Chair Bakken then stated this becomes moot until a County Administrator comes on board and we were just trying to streamline or protect the assets we currently have while protecting the assets of the county. Mr. Schulz stated that he gave an answer to the question that was asked, and he didn't make any personal attacks however that wasn't the response he received. State's Attorney Lawyer then asked if she could get information on how the finance department got set up and when that stepped away from the treasurer's office. In Century Code it states that if there is a County Administrator, then we can have a Finance Director under that position. She also stated that the finance department needs to be under the Treasurer where it belongs until we have a County Administrator. Tax Equalization Director Al Vietmeier came forward to state that the finance department was created when Clyde Thompson was hired as the Finance Director in 1986, and then the voters voted to combine the offices of the Auditor and Treasurer in 1998 which then took effect in 2003 after the term was finished out and they continued like that. The former

Auditor was elected in 1987. Ms. Lawyer wanted to know how and why this happened. Mr. Vietmeier stated that the Auditor/Treasurer's Office had another division as he was the Tax Equalization Director who reports directly to the County Commission and was appointed by the County Commission. He also stated that he also served as the Deputy Auditor in his current role, so there was another set of checks and balances in place in our department. Mr. Vietmeier sets the overall assessment values. He added that Auditor Splonskowski knows he doesn't have authority to overstep his bounds and tell Mr. Vietmeier how to change those values, and Mr. Vietmeier doesn't overstep his bounds and tell the Auditor how to change the mill levies, so there are already checks and balances that exist in the department. State's Attorney Lawyer stated that as a combined office the Auditor/Treasurer is allowed to restructure and reassign duties of employees. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson that we go with the flow chart presented with the Auditor/Treasurer being the head as presented. Chair Bakken wanted to wait until the next meeting to see what the State's Attorney could find out about whether the county is in compliance. Comm. Munson stated that hiring a Comptroller would be easier than hiring a Finance Director as discussed previously and the commission has not authorized a Finance Director to be advertised for. Ms. Binder stated that there had been no activity on the Comptroller posting. Ms. Binder stated that the commission must authorize whatever posting they wish to be posted. Comm. Woodcox will be gone for the next meeting but was going to try to call in so he can be a part of it. Commissioners Woodcox and Munson then withdrew their motions.

Meeting Adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Steve Bakken, Chairman

**BURLEIGH COUNTY COMMISSION  
MEETING  
OCTOBER 16TH, 2023**

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

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

Roll call of the members: Commissioners Woodcox (via phone), Munson, Schwab, Bitner, and Chair Bakken present.

Comm. Munson requested that agenda item 17 for Other Business be placed before agenda item 16 for the Executive Session.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the meeting agenda with the request from Comm. Munson. All members present voted "AYE". Motion carried.

Chair Bakken opened the meeting for public comment. Comm. Bitner asked Marv Heinert, retired CPA, to speak about the Finance Director and Finance Department positions and how they were created in Burleigh County. Mr. Heinert was the outside independent auditor for 17 years for Burleigh County (1974-1990). He stated that at the time, the county was several months behind in posting records and the county auditor and treasurer's office was in disarray. The office was also in the red by \$250,000 in the general fund due to some adverse advice given by the State Auditor. He organized the Auditor's and Treasurer's office, reorganized the policies and procedures as well as the methods used to prepare and collect/distribute property tax statements. The county didn't not have a budget system in place then. He took over and started managing the budget. He then put in place an HR department and each department had their own salary schedule. He consulted for the county for 4-5 years after this was in place until the county could hire a Finance Director to take over those responsibilities. Clyde Thompson who was employed under Mr. Heinert applied for the Finance Director job and held it for many years until his retirement. He felt it was important for this position to report directly to the commission since it was not an elected position. Then Kevin Horneman then came forward to share that he had a county gravel pile on his property and wanted to speak to someone about a weed issue. Since the weed board resigned, he was told to come to the board of commissioners. He wondered why the weed board resigned and who is now in charge of spraying weeds. Comm. Schwab stated that the county has a contract with a weed officer until the end of the year and he would reach out to Kevin about this. Public comment was then closed.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the Oct. 2<sup>nd</sup>, 2023 meeting minutes and bills. All members present voted, "AYE". Motion carried.

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

Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
Matthew Flom	2023	Lot 10, Block 3, Replat of Lounsberry Outlots 17-20 & 24	Error in property description	\$199,500	\$165,600
William H & Gretchen G Curl	2023	Block 1, Grandview Heights, Lot 27 & Tract A of Lot 26	Error in property description	\$678,900	\$579,500
The Diocese of Bismarck Trustee Inc	2023	Block 14, McKenzie's, South 100' of West 5' of Lot 9, South 100' of Lots 10-11, South 100' of East 15' of Lot 12	Exempt from taxation	\$271,600	\$135,800
Troy & Robin Garrison	2023	Lot 26, Block 1, Edgewood Village 7 <sup>th</sup>	Error in property description	\$619,800	\$558,600
Lee & Lavora Keeler	2023	Lot 4, Block 2, Sattler's Sunrise 5 <sup>th</sup>	Error in property description	\$290,500	\$260,000
Sirrah Properties LLC	2023	Lot 2, Block 1, Capital Electric Headquarters	Error in property description	\$2,943,100	\$2,553,600
Ward Properties LLC	2023	Block 55, Northern Pacific 2 <sup>nd</sup> , Lot 12 Less parcel #10 for Alley R/W	Error in property description	\$371,800	\$322,300
Joseph M & Patricia A Fylak	2023	Lot 8, Block 2, Contessa Addition	Error in property description	\$539,200	\$499,100
Liberty Investments LLC	2023	Lot 4, Block 5, Trillium 4 <sup>th</sup> addition	Error in property description	\$4,483,500	\$4,097,900
Phoenix Property Management LLC	2023	Block 2, River Heights, N 200' Blk 2 E of Fraine Barracks Road	Error in property description	\$2,452,600	\$2,173,400
Richard Elefson Jr	2023	Block 93, McKenzie & Coffin's, N 15' of Lot 31 & all Lot 32	Error in property description	\$204,500	\$175,200
Roger F Higgins & Deborah A Jaeger	2023	Block 84, McKenzie & Coffin's, Lots 12-14 & North 70' of Lot 15	Error in property description	\$355,100	\$232,100
Mari Cox Supp Needs Trust	2023	Lot 1, Block 26, Jennings's 6 <sup>th</sup>	Error in property description	\$383,500	\$313,200
Raymond & Alicia Heck	2022	Lot 7-J, Block 6, High Meadows	Error in property description	\$620,200	\$569,500
Raymond & Alicia Heck	2023	Lot 7-J, Block 6, High Meadows	Error in property description	\$653,700	\$569,500
Arden W Freitag & Elsa Remer	2023	Lot 9, Block 6, Cottonwood Lake 4 <sup>th</sup>	Error in property description	\$548,800	\$470,500
Christopher & Allison Klym	2023	Block 23, Stein's 4 <sup>th</sup> , Lot 21 less that part Beg SW Cor thence NWLY5'NELY71.66' SELY2.5' to SE Cor SWLY 72.24' to Pt Beg	Error in property description	\$482,000	\$463,500
Janette Leblang	2023	Lot 10, Block 2, Promontory Point	Error in property description	\$539,900	\$508,400
Sandra Glovich	2021	Lot 19, Block 4, East View	100% Homestead Credit	\$183,100	\$58,100

Sandra Glovich	2022	Lot 19, Block 4, East View	100% Homestead Credit	\$185,100	\$60,100
Andrew Steichen & Karin Willis	2021	Lot 4, Block 2, Mills 2 <sup>nd</sup>	Nonexisting improvement assessed, sq ft was incorrect	\$599,600	\$545,200
Andrew Steichen & Karin Willis	2022	Lot 4, Block 2, Mills 2 <sup>nd</sup>	Nonexisting improvement assessed, sq ft was incorrect	\$651,400	\$591,900
Andrew Steichen & Karin Willis	2023	Lot 4, Block 2, Mills 2 <sup>nd</sup>	Nonexisting improvement assessed, sq ft was incorrect	\$751,100	\$686,400
Owen Halvorson	2021	Lot 3, Block 7, Morningside Heights	100% Homestead Credit	\$165,300	\$40,300
Owen Halvorson	2022	Lot 3, Block 7, Morningside Heights	100% Homestead Credit	\$178,900	\$53,900
Dennis A & Constance L Jorde	2021	Lot 15, Block 4, Country West II	100% Homestead Credit	\$226,200	\$101,200
Dennis A & Constance L Jorde	2022	Lot 15, Block 4, Country West II	100% Homestead Credit	\$240,200	\$115,200
Kevin & Karen Kalamaha	2023	S1/2 S1/2 NE1/4 Sec 1 140N 80W	Homestead gets farm exempt	\$51,800	\$11,800
Mariah J Tenamoc	2021	Lot 3, Block 20, Register's 3 <sup>rd</sup>	40% Homestead Credit	\$224,100	\$174,100
Mariah J Tenamoc	2022	Lot 3, Block 20, Register's 3 <sup>rd</sup>	20% Homestead Credit	\$271,400	\$246,400

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the Matthew Flom, William H. & Gretchen G. Curl, The Doicese of Bismarck Trustee Inc, Troy & Robyn Garrison, Lee & Lavora Keeler, Sirrah Properties LLC, Ward Properties LLC, Joseph M. & Patricia A. Fylak, Liberty Investments LLC, Phoenix Property Management LLC, Richard Elefson Jr, Roger F. Higgins & Deborah A. Jaeger, Mari Cox Supp Needs Trust, Raymond & Alicia Heck (2), Arden W. Freitag & Elsa Remer, Christopher & Allison Klym, Jenette Leblang, Sandra Glovich (2), Andrew Steichen & Karin Willis (3), Owen Halvorson (2), Dennis A. & Constance L. Jorde (2), Kevin & Karen Kalamaha, and Mariah J. Tenamoc (2) abatements and the rest of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

County Planner Mitch Flanagan presented a request for the final plat of the Lengenfelder Subdivision in Clear Lake Township. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the final plat for this subdivision. All members present voted "AYE". Motion carried.

County Sheriff Kelly Leben presented the quarterly Detention Report for October 2023 with the September Housing Report, Breakdown of Inmate Days, Total billed for September and for the year, and shared on the alternatives to the jail program. The average daily population was 225 and the total bookings were 21 per day on average. The total billed for September was \$153,092, and \$1,453,983 billed for the year. There were 224 participants in the Burleigh County Alternatives to Jail Program. Staffing was the biggest issue as the jail was down nine positions and one nurse. He had a lot of employees working overtime and he will be interviewing 30 people for the Detention Center soon. He stated it costs \$700 for one background check per applicant and it takes roughly six to nine months to train a person as most applying have no experience. Sheriff Leben also requested that the County Commission authorize the Burleigh County Sheriff's Department to hire up to two unfunded Grade 7 Deputy Sheriff backfill positions to better manage the vacant positions. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve this request. All members present voted "AYE". Motion carried.

HR Director Pam Binder stated that Burleigh County has open enrollment for any employee or commissioner from Oct. 9-Nov. 3, 2023. Anyone wishing to change their benefits may do so by Nov. 3<sup>rd</sup>. The changes will be effective Jan. 1<sup>st</sup>, 2024. If no changes, then nothing needs to be done. Ms. Binder also gave an update on the finance position for Senior Accountant Comptroller in the Auditor/Treasurer's Office. That position was open for five days and closed with no applicants. She also stated that since we have no Finance Director, there will still be tasks to be done and the Deputy Auditor/Treasurer, Brandi Caya, would be the best one to do that. She stated that in the past when this was done, a stipend was given for performing these extra duties. She recommended a stipend of three pay steps that would be in effect until the Finance Director is hired and trained for 60 days after hire. Motion by Comm. Bitner to approve this request, 2<sup>nd</sup> by Comm. Munson. All members present voted "AYE". Motion carried. Ms. Binder also presented a possible pay step adjustment plan created by County Engineer Marcus Hall and Road Superintendent Wayne Klein for increases in Highway and Shop Maintenance Workers' compensation due to changes in regulations for the attainment of a ND Class A Commercial Driver's License. The proposed recommendation is to provide additional pay steps for the remainder of 2023 for the following positions as a temporary fix until the positions can be reclassified in the right pay structure:

Road Superintendent (1 employee) will remain at the same Pay Step for 2023 and will increase the budgeted amount for 2024 (Pay Step and 3% Cola).

The following positions would move three (3) Pay Steps for the remainder of 2023 and then get the budgeted amount for 2024 (Pay Step and 3% Cola):

- Highway Maintenance Worker III – 3 employees
- Highway Maintenance Worker II – 18 employees, Plus - 3 Current Openings, Plus - 2 Openings in 2024
- Highway Maintenance Worker I (for 2024) – 0 (Temporary employees only at this point)

The following positions would move two (2) Pay Steps for the remainder of 2023 and then get the Budgeted amount for 2024 (Pay Step and 3% Cola):

- Traffic Safety Supervisor – 1 employee
- Shop Maintenance Worker III – 1 employee
- Shop Maintenance Worker II – 1 employee

The following positions would move one (1) Pay Step for the remainder of 2023 and then get the Budgeted amount for 2024 (Pay Step and 3% Cola):

- Highway Maintenance Supervisor – 3 employees
- Shop Maintenance Supervisor – 1 employee

The additional costs associated with this recommendation are listed below:

- 2023 Additional Cost over Budget for the months of November and December is estimated at **\$32,616.41** which according to Marcus Hall is not a problem to cover.
- 2024 Additional Costs over Budget for the year would be estimated at **\$191,146.81**. Mr. Hall stated that some of the money set aside for the terminated roundabout projects can be used to cover the adjustments in pay steps for these employees.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the proposed pay step adjustment plan and move the above listed positions to the recommended pay step. All members present voted "AYE". Motion carried. Comm. Schwab suggested using the \$1000/year county program to reimburse highway employees in getting their CDL. Ms. Binder said the county is set up for that, and the commission recommended using it going forward to help offset costs.

Auditor Mark Splonskowski presented a re-evaluation of the job descriptions for the finance department. There was a question on compliance and State's Attorney Julie Lawyer stated that with the way the county combined the offices of Auditor and Treasurer, job duties can be rearranged so the structure we have been using has been correct. Comm. Bitner stated that he still recommended the Auditor/Treasurer's office operate according to State Century Code and that the Finance Department retain the current structure of reporting to the County Commission. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to repost the Finance Director and Assistant Finance Director positions so applications can start coming in. These motions were later withdrawn. Auditor Splonskowski recommended that since there were no applicants the first time, to discuss what the structure and proper compensation of the positions should be before posting again because when that position is vacant, all those duties fall onto him and to the Auditor/Treasurer's Office. Comm. Bitner then stated that the positions Mr. Splonskowski is referring to are statutory responsibilities of the Auditor/Treasurer's office. The commissioner said the Finance Department is an oversight role that reports to the County Commission, so the burden is on Mr. Splonskowski to rise to the position he was elected to. Mr. Splonskowski replied that if the commission chooses to eliminate the Finance Director positions, then all other positions in the Auditor/Treasurer's Office should be eliminated too as those also perform the responsibilities of the Auditor/Treasurer. Comm. Munson then stated that he is not asking for a Finance Director and doesn't care at this point where it sits on the flow chart but wants to ask for applications to fill the roles. He then asked Pam Binder if we had been looking for a Finance Director or an Assistant Finance Director or both. Comm. Bitner then stated that was why he asked the HR Director to come up with a Comptroller position. Ms. Binder clarified that the Finance Director position was advertised last November (2022), the Assistant Finance Director was advertised internally, and we got an internal candidate, the Senior Accountant Comptroller position was posted two weeks ago for 5 days with no applicants. She then handed the commission the job description for Finance Director. Comm. Munson stated that on the flow chart we asked for both a Finance Director and a Senior Accountant Comptroller and wondered what the county wants to take applications for? Comm. Bitner then stated that we should take whatever position answers to the posting to give more flexibility. Ms. Binder stated that we should put the positions out as they are because although it says Finance Director, it's actually an internal auditor, but we already have an auditor who does the finance, so we made this the Finance Director position. She stated it's as clear as mud and in a private business, you would have an internal auditor that reports to the board. That is this position. They do the board variance reporting on the budget, the internal controls for everything finance (auditor, treasurer, payroll, benefits) for annual audits, and internal audits. It would cover the HR department as well. She stated that this position shouldn't be doing the general ledger, adjustments, transactions, etc. They should be reviewing them as then they would be the true internal auditor. Comm. Bitner then stated that former Finance Director Clyde Thompson was good at his job, but he didn't understand how he picked up the extra duties that he had taken on. He felt we needed to maintain this

position, so the county has checks and balances in place regardless of what we called it. Comm. Munson then asked if we had a Comptroller in place. Auditor Splonskowski stated that we did not, but the Auditor/Treasurer's Office wanted to get through the next three months to calculate the mill levies correctly, fill the position with a great candidate, and then for the following three plus months after that set up the office to function successfully. Auditor Splonskowski stated that we already have an internal auditor, and he is it. He added that if the commission wants a Finance Director to report to the commission, that is fine if the duties are getting done, but if the commission wishes to take away the duties of the Finance Director position, he will need to hire another accountant for the office. He stated he would rather have less employees than more, so it's less of a burden on the taxpayers. Comm. Munson then asked Ms. Binder if the position of Comptroller is being advertised. She stated that currently it is not as the commission only authorized it to be advertised for 5 days and it's now closed. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to authorize HR to advertise for all three positions until they are filled: Finance Director, Assistant Finance Director, and Senior Accountant Comptroller. All members present voted "AYE". Motion carried. Comm. Woodcox stated that the commission should be considering salary ranges. Ms. Binder then shared comparable positions and their salaries which showed Burleigh County was low on the Finance Director position but within the ballpark on the others. Ms. Binder recommended that if the county was looking for a CPA quality person, they should upgrade a whole step in the paygrade for the Finance Director position and require that person to be a CPA. Auditor Splonskowski stated that the county won't see any applicants for Finance Director with a CPA for anything less than \$130,000. He also added that the former Finance Director who retired was at that level when he left, and he was also a CPA. Ms. Binder said that we are not a merit system, but rather a pay grade and pay step system much like a union. Chair Bakken then asked Ms. Binder to give updates at each meeting as to the status of these positions. He added it would be nice to have one or all three positions filled. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to move the salary for the Finance Director position to Step 17. Commissioners Woodcox, Bitner, Munson, and Chair Bakken voted "AYE". Comm. Schwab voted "NAY". Motion carried. Chair Bakken stated that he wanted the commission to look at Auditor Splonskowski's flow chart again upon the hiring of an administrator. Auditor Splonskowski then shared a list of outstanding checks written before July 2022. The money for these checks will be sent to the Unclaimed Property Division at the State Land Department according to ND Century Code. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve this request and cancel those checks. All members present voted "AYE". Motion carried. Mr. Splonskowski then presented a discussion on having Burleigh County participate in a Joint Powers Agreement with the NDACo to collect and distribute 911 fees at no cost to the county. This supplements and enhances the previous agreement. State's Attorney Lawyer stated that she would need to see the original agreement to see if there is an opt out clause. Mike with CenCom will look at the previous agreement and send it to Auditor Splonskowski. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to participate provided there is an opt out clause. All members present voted "AYE". Motion carried.

Bismarck Rural Fire Chief Dustin Theurer presented a discussion on the Bismarck Rural Fire Department Station 2 ARPA fund request. He stated that after the county commission voted to allocate money to the station, he got the original architect's estimate which was \$3.93 million with soft costs and \$3.4 million without soft costs. They have been working to reduce the costs yet still meet the needs of the station. The last estimate they had was \$3.495 million with soft costs and \$3.069 million without soft costs. The project will go out for bid in January 2024 and will be breaking ground in the spring. He asked for more funds from the county to complete the project and staff it once it is done. He stated the most the station can pull is capped at 13 mills by State Century Code. Auditor Splonskowski stated that \$2 million has been allocated to this project thus far and there were \$982,918 in unallocated funds. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to allocate \$900,000 of the remaining unallocated funds to this project. Comm. Schwab

asked for dimensions to which the Fire Chief said he would send them. Commissioners Munson, Bitner, Woodcox, and Chair Bakken voted "AYE". Comm. Schwab voted "NAY". Motion carried. Chair Bakken asked if there were any other projects that needed the ARPA funds and Auditor Splonskowski stated that to his knowledge there were none. Marcus Hall came forward to say that there were five other project applications that were requesting ARPA funds and the commission can choose which ones they want to allocate to.

Comm. Bitner brought an update on the electrical bid for the Provident Building. He emphasized that this was not the actual wiring for the reconstructed walls or data cabling, but was for the backbone wiring, switch gears and additional boxes. Several bids were received. Motion by Comm. Bitner, 2nd by Comm. Munson to go with Electric Systems, Inc. in the amount of \$323,450 for a base bid and \$57,450 for the alternate bid of a generator. It is possible the county could get a grant for the generator which would then offset the costs. Mary Senger stated that she cannot apply for a grant for the generator until she received an architectural plan. All members present voted "AYE". Motion carried.

County Engineer Marcus Hall presented a request to approve two proposed resolutions. One was for the Burleigh County Commission to enter into an agreement with the county's townships, assigning the roles and responsibilities for maintaining township roads within Burleigh County. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the organized township agreement. All members present voted "AYE". Motion carried. The other was for the Unorganized Township supervisors to enter into an agreement with the County, assigning roles and responsibilities for maintaining township roads with the township. Chair Bakken asked for a motion to adjourn as the County Commission at the recommendation of State's Attorney Lawyer to approve the unorganized township agreement. Motion by Comm. Munson, 2nd by Comm. Woodcox to adjourn the meeting. All members present voted "AYE". Motion carried. Motion by Comm. Munson, 2nd by Comm. Bitner to convene as the Unorganized Township Board. All members present voted "AYE". Motion carried. Motion by Comm. Bitner, 2nd by Comm. Munson to approve the unorganized township agreement. All members present voted "AYE". Motion carried.

Chair Bakken then called the Burleigh County Commission to back to order. Roll call of the members: Commissioners Woodcox (via phone), Munson, Schwab, Bitner, and Chair Bakken present.

County Engineer Marcus Hall recommended that that County Board enter into a Joint Powers Agreement with Sourcewell and the Minnesota Department of Administration-State Procurement Division so the county can get lower prices when they purchase equipment in the future. Motion by Comm. Munson, 2nd by Comm. Bitner to approve this request. All members present voted "AYE". Motion carried.

Comm. Schwab then shared an update on the Weed Board. He referred to State's Attorney Julie Lawyer for direction and she stated that there wasn't a way to set up a temporary Weed Board but the commission needed to reappoint people to the positions that have been vacated. Ms. Lawyer suggested that the commission advertise for these positions and encourage people to apply. She also stated that the commission can set up the Weed Board differently than the current "At Large" membership which means that anyone in the county can serve on any one of the five positions of the Weed Board. It can also be set up as a "Regional" Weed Board where the county can be broken up into different areas and have one person in each area. She recommended it would be easier to fill the positions if the commission set it up as an "At Large" Weed Board. Ms. Lawyer also stated that the business of the Weed Board still needed to continue, and the County Commission would be the Weed Board temporarily until a new Weed Board can be formed. Motion by Comm. Schwab, 2nd by Comm. Bitner to make the Burleigh County Commission the

temporary Weed Board. Commissioners Munson, Bitner, Schwab and Chair Bakken voted "AYE". Comm. Woodcox voted "NAY". Motion carried. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to have Chair Bakken also be the Chairman of the temporary Weed Board. Commissioners Munson, Bitner, Schwab and Chair Bakken voted "AYE". Comm. Woodcox voted "NAY". Motion carried. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to have Comm. Schwab be the Vice Chair of the temporary Weed Board. Commissioners, Munson, Woodcox, Bitner and Chair Bakken voted "AYE". Comm. Schwab voted "NAY". Motion carried. Comm. Bitner and Auditor Splonskowski stated they had received emails from people interested in being on the Weed Board. State's Attorney Lawyer shared that the Weed Board can be made up of 3, 5, or 7 members to serve four-year terms however the terms have to be staggered so that no more than two people are out every two years. The commission could appoint a member for two years, another for 4 years, and another for three years according to how the commission desires so it's staggered. The portfolio holder for the Weed Board would also serve for four years as that is the length of his term on the commission. The commission concluded they will not officially decide on the number of Weed Board members until they see how many applications come in. Regarding the LAP program, Auditor Splonskowski reported that after contacting the Department of Agriculture, Burleigh County does not have the required three mills to participate in the program. Burleigh County is barely at one mill. He stated that Morton, Kidder, and Emmons Counties were not willing to share any of their Weed Control Officers however he will contact the Extension Office to see if there could be a partnership with them. Emmons County shared that they might be willing to do some contracting work with us if we are unable to fulfill our requirements. Chair Bakken also asked Auditor Splonskowski if he would find out the benefit the LAP program would be to the taxpayers and gave him permission to advertise for the Weed Board positions.

Baldwin resident, Kevin Seher presented some property concerns. He stated that a neighbor was trying to turn a 60 ft. portion of his property into a road. He stated that his neighbor was upset that he used an alley off Albert Avenue to get to his property, however that was the only access he had to get to his back yard, and he had done so for 35 years. He referred to ND Century Code 84-03-01 that stated that since the property is covered in sod, it can't be turned into a road. He was concerned about the increasing number of delinquents he has seen and had security cameras set up. His neighbor was deliberately driving down 26<sup>th</sup> Street, turning on vacant piece of property, going down his alley and setting off his security alarms even though they should be turning on Albert Avenue to get to their property. He requested that the commission allow him or Burleigh County to put up signs saying "No Vehicle Travel" as it was not a road. Comm. Bitner stated that it was a platted street and the county cannot intervene unless the citizens do a plat modification and have it recorded. County Planner Mitch Flanagan shared that in 1904 this was platted as the City of Baldwin and at that time the streets, alleys, and right of ways were dedicated to Burleigh County. He stated that the only way to change that would be to replat it and vacate all of those. He stated that some of the alleys have never been used and that there were many problems in this city. He advised Mr. Seher that the only way to deal with this would be to publicly vacate it and replat the entire town. Mr. Seher also shared that his neighbors put up a fence on his property line and have put up derogatory signs about him along the fence. The neighbor in question then came forward to say they have followed the regulations required of them but they put up the fence to end the harassment from Mr. Seher. Another Baldwin resident and Crofte Township Board member Kirby Freutel stated that a letter was sent to both parties about issues, but neither would accept it and they are both problems for various reasons. The commission concluded this was a civil issue and moved on to other business.

Marcus Hall requested that a developer in Misty Waters is moving forward with a replat of an area there. The first requested action deals with acceptance of a right of way on a replat of the property which is the exact same as the right of way established when the plat was put together originally, but the city process

requires accepting the right of way for a replat. The second item is an agreement between the developer and the county to allow a landscape buffer to be placed in the right of way. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve these agreements between the county and the developer. All members present voted "AYE". Motion carried.

Meeting Adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Steve Bakken, 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
23-201	Prairie Aire Homes	2023	Lot 9, Block 1, Whispering Ridge 2nd	Equalize property with like properties	\$839,900	\$788,000
23-202	Kevin & Elizabeth Schieve	2023	N1/2 N1/2 NE1/2 Section 2 138-79	Farm exempt	\$137,800	\$19,400
23-229	Robert Dorneman & Jodee Aubol	2022	Lot 11, Block 5, Wheatland Hills 2nd	10% Disability	\$310,000	\$292,000
23-231	Thomas & Kim Fettig	2023	Lot 1, Block 1, TNK Ranch, Gibbs Township 139 N 79W	Removal of all basement finish & yard shed	\$342,100	\$303,100
23-245	Joseph & Amanda Dosch	2023	Lot 3, Block 3, Eagle Crest 5th addition	Error in property description	\$717,700	\$660,000
23-246	Tim J & Bonnie A Fischer	2023	Lot 5, Block 8, North Hills 13th	Error in property description	\$389,400	\$348,900
23-247	Charles F & Carol M Iten	2023	Lot 10, Block 1, Promontory Point IV 2nd Replat	Error in property description	\$645,000	\$569,300
23-248	Dean D & Marianne Moos	2023	Lot 14, Block 5, Cottonwood Lake 4th	Error in property description	\$512,200	\$467,600
23-249	Rebecca S Rykowsky	2021	Lot 21, Block 4, The Pointe	Error in property description	\$304,300	\$259,200
23-250	Rebecca S Rykowsky	2022	Lot 21, Block 4, The Pointe	Error in property description	\$326,100	\$281,000
23-251	Rebecca S Rykowsky	2023	Lot 21, Block 4, The Pointe	Error in property description	\$330,500	\$285,400
23-252	Nicholas S & Leah B Walker	2023	Lot 12, Block 9, Register's 2nd	Error in property description	\$221,800	\$189,800
23-257	William & Yvonne Janko	2023	Lot 24, Block 3, Haycreek Meadows	Error in property description	\$358,800	\$297,500
23-258	Mark D & Julie A Wetzstein	2023	Lots 17-18 & S1/2 Lot 19, Block 28, Fisher	Property improvement was destroyed or damaged	\$261,600	\$243,400

23-259	Daniel O & Pamela K Donlin	2023	Lot 9, Block 2, Promontory Point IV	Error in property description	\$634,000	\$597,200
23-261	Kathy J Van Ningen	2023	Lot 4, Block 1, Sonnet Heights, Sonnet Heights Subdivision 6th Replat	Error in property description	\$415,300	\$389,200
23-262	Todd & Lindsey Tescher	2023	Lot 4, Block 3, Southbay 5th Addition	Error in property description	\$749,900	\$647,800
23-265	ASM Properties LLC	2023	Lot 4, Block 1, 43rd Avenue Commerical Park 2nd	Error in property description	\$4,948,400	\$4,644,300
23-266	Taylor R Hack	2023	Lot 11, Block 6, Cottonwood Parkview Addition	Error in property description	\$662,400	\$580,200
23-267	Wade D & Susan K Dunbar	2021	Block 3, Rolling Hills 1st, Lot 3 Less W 15'	40% Homestead Credit	\$247,900	\$197,900
23-268	David D & Suzanne Schweigert	2023	Block 2, Eagle Crest 4th, Lot 2 and Lot 3B of Lot 3	Error in property description	\$1,603,300	\$1,513,200
23-269	Daniel W & Debrann M Derouchey	2023	Lot 4, Block 8, Horizon Heights 5th	Error in property description	\$662,700	\$621,000
23-270	Elesha & Devon McAlexander	2023	Lot 17, Block 12, Eagle Crest 6th Addition	Error in property description	\$528,600	\$485,100
23-272	Arnold L Hanson	2021	Lots 1-3, Block 2, East View, Cedar Ridge Condominiums Unit C	40% Homestead Credit	\$174,300	\$124,300
23-273	Arnold L Hanson	2022	Lots 1-3, Block 2, East View, Cedar Ridge Condominiums Unit C	40% Homestead Credit	\$173,200	\$123,200
23-274	Elizabeth A Stack	2021	Block 25, Wachter's 3rd, Lots 1-3 Bernies Continental Arms Condominium Unit 5	60% Homestead Credit	\$153,000	\$78,000
23-275	Elizabeth A Stack	2022	Block 25, Wachter's 3rd, Lots 1-3 Bernies Continental Arms Condominium Unit 5	60% Homestead Credit	\$156,800	\$81,800
23-276	Connie Ybarra	2022	1981 Holly Park 76x16	100% Homestead Credit	\$12,355	\$0
23-277	Connie Ybarra	2023	1981 Holly Park 76x16	100% Homestead Credit	\$13,158	\$0

23-278	Myron & Jody Martin	2021	Block 2, Lewis & Clark Estates, Lot 5 Less Parcel 1-1 Hwy 1804 R/W	40% Homestead Credit	\$275,500	\$225,500
23-279	Myron & Jody Martin	2022	Block 2, Lewis & Clark Estates, Lot 5 Less Parcel 1-1 Hwy 1804 R/W	100% Homestead Credit	\$290,900	\$165,900

**ITEM**

**# 7**



## MEMORANDUM

### RENEWAL OF BISMARCK RENAISSANCE ZONE PROGRAM

TO: Chairman Bakken and Burleigh County Commission

FROM: Daniel Nairn, AICP, Planning Manager

DATE: October 17, 2023

The City of Bismarck is seeking renewal of Bismarck's Renaissance Zone Program, and we would like to formally request support for a 5-year renewal during your November 1, 2023 regular meeting.

We appreciated the opportunity to discuss this program during your July 19, 2023 meeting. Attached to this memo are new or reaffirmed letters of support for a Bismarck Renaissance Zone program from organizations in our community.

The Bismarck City Commission has voted to pursue renewal of the program, and the Bismarck School Board and Bismarck Parks Board both unanimously voted to support the program in August. If the Burleigh County Commission chooses to grant support, the City of Bismarck will enter into a memorandum of agreement with the State Department of Commerce for a five-year period, at which point renewed support from Burleigh County Commission and other political subdivisions will be necessary.

We appreciate your careful consideration of this decision, and please feel free to ask any questions or let the Renaissance Zone Authority know what needs to be done to earn your support.



*Imagine better health.®*

900 East Broadway Avenue  
PO Box 5510  
Bismarck, ND 58506-5510

P 701.530.7000  
CHISTAlexiusHealth.org

August 30, 2023

Burleigh County Commission  
221 N. 5<sup>th</sup> Street  
Bismarck, ND 58501

Dear Burleigh County Commission:

Please accept this letter on behalf of CHI St. Alexius Health in support of the proposed reauthorization of the Bismarck Renaissance Zone.

The Renaissance Zone Program was initially created as a statewide tax incentive program designed to spur revitalization in North Dakota's downtowns. Since the establishment of Bismarck's Renaissance Zone in 2001, the Program has led to many quantifiable successes including:

- \$83 million in documented private investments within downtown Bismarck
- 72 new businesses have opened within buildings built or rehabilitated as RZ projects
- 604 new full-time jobs have been created by those new or expanding businesses
- 250 housing units, of which approximately 40% are currently under construction

Due to this success, CHI St. Alexius Health is in support of the reauthorization.

Thank you for your consideration and please feel free to contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read "Reed Reyman".

Reed Reyman, Ed.S.  
CEO

CHI St. Alexius Health  
900 E. Broadway  
Bismarck, ND 58501  
reed.reyman@commonspirit.org



# BISMARCK MANDAN CHAMBER | EDC

August 18, 2023

Dear Chairman Matthews and Burleigh County Commission,

Please accept this letter on behalf of the Bismarck Mandan Chamber EDC and our more than 1,200 members in support of the proposed reauthorization of the Bismarck Renaissance Zone.

The Renaissance Zone Program was initially created as a statewide tax incentive program designed to spur revitalization in North Dakota's downtown communities. Since the establishment of Bismarck's Renaissance Zone in 2001, the Program has led to many quantifiable successes including:

- ✓ \$83 million in documented private investment within downtown Bismarck
- ✓ 72 new businesses have opened within buildings built or rehabilitated as RZ projects
- ✓ 604 new full time jobs have been created by those new or expanding businesses
- ✓ 250 housing units providing much needed housing in downtown Bismarck

By 2020, the Renaissance Zone had essentially paid for itself because in 2020 the sum of those taxes paid since exempted properties reentered the tax rolls exceeded the value of the exemptions they originally received.

Given this evidence of the success of the Renaissance Zone in the past in Bismarck, the Chamber EDC's Board of Directors continues to vote to formally support reauthorization and I am pleased to share that support.

Sincerely,

Brenda Nagel, President & CEO  
Bismarck Mandan Chamber EDC



August 25, 2023

Burleigh County Commission  
221 N 5<sup>th</sup> Street  
Bismarck, ND 58501

Dear Commissioners,

I am writing this letter in support of the renewal of the Bismarck Renaissance Zone on behalf of First International Bank & Trust. We believe that the Renaissance Zone is vitally important for continued development and growth in downtown Bismarck, and that this growth benefits the entire Bismarck/Mandan community with quality of life enhancements that maintain our competitiveness.

In addition to quality of life enhancements, we are approaching \$100 million in new investment in our downtown that has been strongly driven by the program. This investment adds to the net tax revenue (after factoring in exemptions) that the City of Bismarck, Bismarck Parks District, and Burleigh County receive. The renewal of the program will allow this to continue while adding jobs.

Please accept this letter of support from myself and First International Bank & Trust. Our company fully supports the renewal of the program as important for the further development, growth and competitiveness as a community.

Thank you,

A handwritten signature in blue ink, appearing to read 'Brad Thompson', with a long, sweeping underline.

Brad Thompson  
Bismarck President  
First International Bank & Trust





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400 North Fourth Street  
Bismarck, ND 58501  
(701) 222-7900

July 21, 2023

Burleigh County Commission  
221 N 5<sup>th</sup> Street  
Bismarck, ND 58501

Dear Burleigh County Commissioners,

Please accept this letter on behalf of Montana-Dakota Utilities Co. (Montana-Dakota) in support of the proposed reinstatement of the Bismarck Renaissance Zone.

The Renaissance Zone Program was created as a statewide tax incentive program designed to spur revitalization in North Dakota's downtowns. Bismarck's Renaissance Zone was established in 2001 and has led to many quantifiable successes including:

- Over \$83 Million in verified private investment in 136 completed Renaissance Zone projects.
- Another, \$23 Million of investment proposed in six approved projects that are currently under construction.
- Over 600 new full-time jobs have been created from approved Renaissance Zone projects since inception of the program.
- In 2020, the sum of taxes paid since exempted properties reentered the tax rolls exceeded the value of the exemptions they originally received.

Montana-Dakota is an electric and natural gas service provider. We make investments in infrastructure to provide those services to our customers across our service territory, which includes Bismarck and other parts of Burleigh County. Reinvestment within downtown Bismarck provides benefits to the broader community and the region by allowing for cost-effective utilization of existing infrastructure like electricity, natural gas, and many other public services.

Montana-Dakota believes there is overwhelming evidence of the success of the Bismarck Renaissance Zone and supports its reinstatement.

Sincerely,

A handwritten signature in black ink that reads 'Nicole A. Kivisto'. The signature is written in a cursive, flowing style.

Nicole Kivisto  
President and CEO  
Montana-Dakota Utilities Co.



**FIRST WESTERN**  
BANK & TRUST

*You can bank on us*

*P.O. Box 1090 • Minot, ND 58702-1090 • 701-852-3711*

July 31, 2023

Burleigh County Commission  
221 N 5<sup>th</sup> St  
Bismarck, ND 58501

Dear Commissioners,

I am writing this letter in support of the renewal of the Bismarck Renaissance Zone on behalf of First Western Bank & Trust and myself as a 40 year resident of Bismarck who grew up near downtown Bismarck.

I feel strongly for the continued need for the renewal of the Bismarck Renaissance Zone. We are approaching \$100 Million in new investment in our downtown. The large investment driven strongly by the prior Renaissance Zone has brought a stronger tax base, additional employment, revitalization, and a better quality of life for the residents of Bismarck and Burleigh County.

The renewal of the Renaissance Zone will continue to bring investment into our city and county, further increasing our tax base and making Bismarck a welcomed destination for tourism, local entertainment, housing, and continued business expansion. The renewal will continue to revitalize our downtown economy which in turn creates a vibrant economy for Bismarck and Mandan as a whole.

Please accept this letter of support from myself and First Western Bank & Trust for the renewal of the Bismarck Renaissance Zone.

Sincerely,

Joel Kostelecky  
Market President  
First Western Bank & Trust



216 N 2<sup>nd</sup> St, Suite 100 | Bismarck, ND 58501

August 8, 2023

Burleigh County Commission

221 N 5<sup>th</sup> St

Bismarck, ND 58501

Dear Commissioners,

I am writing this letter to express support for the reinstatement of the Bismarck Renaissance Zone on behalf of The CRA Group and myself.

As a proud resident and advocate for downtown revitalization, I have witnessed the tangible and positive impact the Downtown Renaissance Zone has had. By providing incentives for businesses and investors, the program has successfully attracted new businesses, invigorated existing ones, and created employment opportunities, breathing new life into our downtown district.

The Bismarck Renaissance Zone has played an instrumental role in fostering urban renewal and the beautification of our downtown core. The program has incentivized developers to restore and repurpose historic buildings, transforming them into vibrant commercial spaces as well as spur residential growth with multifamily projects. This transformation has not only revitalized our downtown landscape but has also strengthened the sense of community and pride among our residents. In order to continue this positive growth, there are still more improvements that need to happen.

I urge you to wholeheartedly support the reinstatement of the Bismarck Renaissance Zone. Its continuation will serve as a crucial catalyst for ongoing growth and prosperity in our downtown area, attracting further investment, and creating a thriving urban center we can all be proud of.

Thank you for your dedication and tireless efforts in promoting the well-being of our city and county. Your commitment to preserving and enhancing the unique character of our city center is deeply appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kristyn Steckler', with a long horizontal line extending to the right.

Kristyn Steckler

Broker | Partner

The CRA Group, LLC



Support: Bismarck's Renaissance Zone Reinstatement

The Downtown Business Association of Bismarck represents over 200 members with 9,000 employees, and along with our Downtown Bismarck Community Foundation, we are again supporting the Bismarck Renaissance Zone Program and we ask for your support in its reinstatement.

Bismarck's Renaissance Zone Program is still very much needed to achieve the financial and programmatic goals set out in the RZ Development Plan and Infill & Redevelopment Plan. This program can make the difference between financing a project and getting it accomplished, or not having a project move forward. Rising interest rates have made the market even more difficult for development. Our Downtown goal of adding new housing mixed use projects has started. Having residents creates an 18 hour Downtown that benefits the businesses and property owners in Bismarck and Burleigh County. There are a few takeaways we think everyone should know about the program:

- 1: The zone has now "paid" for itself. Like any other investment there is a front loaded time period of contribution, that contribution then over time gains critical and exponential momentum. We've always likened the zone to an IRA and not a savings account. Each taxing entity is now reaping the benefits of these Renaissance Zone investments and will continue to in perpetuity.
- 2: We are already at a bit of a competitive disadvantage in Bismarck by not using other incentives like Fargo, Grand Forks and other midwestern competitors. To lose our only infill incentive would be a hard deficit to overcome for Bismarck.
3. The program is still needed for future infill and redevelopment. Particularly infill of surface parking lots, which creates the most ROI for the taxing entities due to the lack of a taxable structure and the benefit of existing infrastructure.
4. Infill isn't a fast investment, but it's a long lasting one for the taxing entities.

We ask that you continue your support of this program for the benefit of Bismarck and Burleigh County.

Thank you for your consideration,

Kate Herzog, COO  
Chief Operating Officer  
Downtown Business Association of Bismarck

President,  
Downtown Bismarck Community Foundation

Rolf Eggers  
360 32<sup>nd</sup> Ave. W.  
West Fargo, ND 58078

July 26<sup>th</sup>, 2023

Burleigh County Commission  
221 N 5th St  
Bismarck, ND 58501

Dear Burleigh County Commissioners:

I wrote a letter to you fourteen months ago and I detailed many points in support of the Bismarck renaissance zone. Everything I said in that letter still holds true.

When we try to attract new businesses to Bismarck, the potential businesses have a list of what they want in a new community. They want to move to a community that is vibrant, progressive, and has a good quality of life. Part of having a quality of life is that we have things to do for the new worker transplants. A vibrant, livable, walkable, and busy downtown is part of what they want. For those of us who have lived in Bismarck most of our lives, we think that we have everything that we need for a good quality of life already. However, I believe that potential transplants see this differently. They view us as having a very inhospitable climate and a very isolated location with not much to do. Are they wrong?

If we do gain the interest of an employer and they come to look at our city, viewing the downtown is part of what they do. When they tour downtown Bismarck, what do they see? They see that Blarney Stone is active and that we have a couple of other better restaurants. They also see that we have many vacant storefronts and that it is pretty quiet. What they cannot see is the massive and growing amount of vacant office space but they will see that lack of vibrancy due to the lack of downtown workers. If people want to spend much time downtown, do we have enough to keep them busy? We don't. The downtown has come a long way but it has a very long way to go.

When my wife and I travel, we love going to interesting towns to enjoy the local attractions and mom and pop restaurants for special foods from the area. It usually is the downtown that has the nicer, local attractions. When people evaluate towns, the health of the downtowns pretty much sets the tone for what people expect the rest of the town to be like. You will never hear of potential employers moving to Bismarck because we have a great Cracker Barrel.

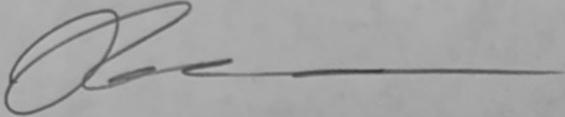
Last year and recently, Daniel Nairn did a wonderful job of explaining to you how the Bismarck renaissance zone has been a big financial benefit for our tax base. His presentations were very well presented and unambiguously show the benefits to the county taxpayers. Nobody has presented any information refuting anything that Mr. Nairn has presented. It is clear that Mr. Nairn's information is unassailable.

In the last few years we have seen the oil bubble deflate and Covid decimate many of our small businesses. In the last year, we have also seen interest rates double. We have a very hard time attracting new workers to the area and the best and brightest of our young people continue to leave the state as

soon as they graduate from high school. Do you think that we can afford to get rid of a program that is a net-gain financially for our county?

If you only look at the financial benefit to our county, the renaissance zone is a clear winner for the county taxpayers and we get a revitalized downtown and its resulting economic benefits as an added bonus. Recently I heard that that our county budget is in poor shape and that you have to raise our property taxes again. Why would any commission vote against something that would improve our downtown, our way of life, and put money in the county coffers?

I respectfully request that you do the right thing for Burleigh County taxpayers and vote for the renaissance zone.

A handwritten signature in black ink, appearing to read 'Rolf Eggers', followed by a long horizontal line extending to the right.

Rolf Eggers

We're in this Together.

Dear Burleigh County Commissioners/Bismarck Leaders -

We are writing in strong support of renewing the Renaissance Zone tax deferral program in downtown Bismarck. In full disclosure, we are recipients of the 5 year tax increase deferral benefit in the Renaissance Zone for our Fleck House, Roanoke Apartments and the Annex housing projects on Thayer and 2<sup>nd</sup> Street on the north edge of downtown. There is a visible new market prompting new investment in downtown. More existing and new residents and businesses are seeking 'walkable' neighborhoods. Downtown provides that alternative. We are excited to bring new housing options to downtown Bismarck.

A strong downtown is vital to the economic success of the region. The downtown works together with well planned transportation and new development areas to create a 'complete', forward thinking community. It's not 'either/or'. We're in this together.

Critics argue they want a 'level playing field'. Land economics experts recognize there is **not a level playing field**. Each type of development has different needs. Urban redevelopment and greenfield development are different. It's complicated. There are many variables, but it's more expensive to build in the downtown. Land costs are much higher - greenfield sites don't require demolition and cleaning up environmental sins of the past. And building costs are higher in the core.

There are significant federal, state, and local public investments made to provide infrastructure and services to greenfield development. Most are 'less visible' than the Renaissance Zone program. Tax policy and government spending have long been used to direct private investment to support community goals. Locally, think of the farm and energy programs employed to support business delivering community goals. In real estate, the low income housing tax credit has helped 'level the playing field' to produce much needed affordable housing. Many Bismarck residents benefit from the mortgage interest deduction and Federal loan programs, both significant public investments to support home ownership. I'm sure the Renaissance Zone critics take full advantage of the tremendous - and costly - federal tax benefits afforded real estate investors. But it's not either/or - it's both/and.

The benefits of the Renaissance Zone are a small step in 'leveling the playing field'. The value of our tax deferral represents 2% of our total project budget - 98% of the funding is private. Yet our project will produce almost 10x the previous real estate taxes on the site. Using public tools, like the RZ tax deferral, has proven to be a very good investment in smart towns and cities all over the country. There is no City money paid out. The only

'subsidy' is the City deferring collecting the new higher taxes for 5 years. For the rest of time the taxes will be almost 10x the previous level and contribute to the 'cost of running Bismarck'. It's a fact that downtown development pays much more tax per acre than lower density development. Done properly (very important), investment in downtown is economic development.

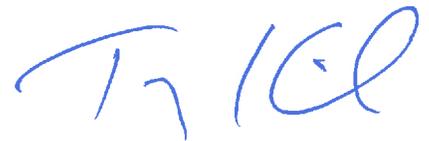
In addition to the economic benefits, the social and environmental benefits of downtown create value for the whole community. Downtown celebrates history and provides identity for the community - important for residents and for recruitment. It's a place for all people to gather and celebrate. And it's green. Beginning with reuse and cleanup of land, higher density, compact, walkable development has proven to have less environmental cost than low density development.

We encourage the Bismarck leaders to renew the Renaissance Zone and look at **all ways to support high quality development from center to edge.**

Sincerely,



Michael Lander



Tony Kriha



Pine Properties, LLC  
P.O. Box 6151 • Bismarck, ND 58506-6151  
(701) 751-2325

July 20, 2023

Dear Commissioners:

I wrote a letter two years ago in support of the Renaissance Zone tax benefits. I am now updating my previous letter in hopes this time the City and County will both approve this tax incentive.

The Broadway Centre is located at 100 West Broadway Avenue. The building is a multi-use project with 17 luxury condos on the third floor, the second floor and first floor are for retail and professional tenants, and provides underground parking for the condo owners and a number of commercial tenants. The building also holds the Broadway Grill & Tavern (also owned by my wife, Carla, and myself), The building, including the parking, is approximately 155,000 sq. ft. Prior to the construction of our building the land was previously occupied by the Wilhelm car dealership.

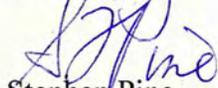
I have been fortunate in my oil companies endeavors and through numerous speculative ventures in the Williston Basin we achieved a certain modicum of success. My wife and I enjoy the Bismarck area and wanted to do something in downtown Bismarck that would benefit the community. This probably will sound backwards, but it was only after we were successful in purchasing the property that we developed a business plan, that is now the Broadway Centre. We would not have considered a project of this magnitude without the tax incentives provided by the Renaissance Zone; the risk is too great. And, there is now a substantial tax base for downtown that was not there before. We have been at this for more than 10-years now, and we still have one finished condo (model available for sale) and two unfinished units to sell and approximately 13,500 sq. ft. of commercial space on the second floor available to lease. Our property tax exemption has expired and we now are paying approximately \$150,000 annually in real estate taxes (this includes the 3-condos). As you can see from our previous letter in two years not much has changed other than leasing approximately 2,500 sq. ft. to a new tenant on space that was already built-out. My main concern is the city of Bismarck is over developed for commercial space and because more people are working from home it will take a number of years to lease the remaining commercial space. I try to remain optimistic we may sell the remaining 3-condos in the next couple of years, although nothing happened in the past two years. We certainly could have made more money if we would have invested in other businesses or the stock market, but we chose to do this project instead.

If the city wants to see future growth and development downtown, it needs to keep the Renaissance Zone tax benefits in place. We removed a dilapidated building and replaced it with a beautiful three-story structure, provided Class A commercial space, downtown housing and a great

restaurant. All of the things we did are needed to revitalize downtown Bismarck and more projects like ours are also necessary to help the city grow.

Renaissance Zone tax incentives do not compete with development in other parts of the city. It is much more expensive to revitalize downtown than to move into a new development that has new infrastructure for power, sewer and water and streets. It takes dedicated developers investing significant money, time, and energy to revive downtown Bismarck. Please do not take that incentive away again. This program has been used throughout the country with great success.

Sincerely,



Stephen Pine  
Pine Properties, LLC



To: Burleigh County Commissioners  
From: Barry Schumaier, General Manager & Vice  
President, KFYR TV  
Re: Renaissance Zone reinstatement  
August 1, 2023

I would respectfully ask you, as a commission, to vote to reinstate the Renaissance Zone program. I've lived here in Bismarck since 1999. My desire is to retire here one day, and I desperately want a thriving community for my kids and grandkids to live and work in. I work in downtown Bismarck, for KFYR TV. When I moved here in 1999, I would get off work at 5pm on a Friday, I could walk outside our station and not see a single person or vehicle engaged in any commerce, I believe there were only two restaurants within four blocks. Now, when I leave the station, almost any evening, I can see crowded restaurants and shops and no parking spaces available. Surely not all that progress is due to the RZ, but if 118 structures and buildings have received funding, we must recognize the impact. The single most important metric of any growing or thriving community, like Bismarck, is the health of the downtown sector. If you think of Sioux Falls, Fargo, Rapid City, their growth is very linked to their improved downtown economy.

Our city, like every city in the midwest is fighting for commerce. I believe in Bismarck enough to know that we can win a fair fight, but we will not win a fight that is unfairly stacked against us. When downtown districts like Minot, Fargo, Dickinson, Grand Forks, even Mandan across the river, have more incentives than Bismarck, it doesn't bode well for our future. Our great states Capital deserves more.

Thank you to anyone that took the time to read this, and I implore you to reinstate the Renaissance Zone funding, so Bismarck and Burleigh County can continue to thrive and win against other communities we will surely be in competition with.

Sincerely,

A handwritten signature in blue ink that reads 'Barry Schumaier'. The signature is fluid and cursive, written over a light blue horizontal line.

Barry Schumaier  
General Manager V.P.  
KFYR TV

Tue, Aug 22, 4:44 PM ()

**Tim Atkinson**

August 22, 2023

Kate Herzog, COO

Downtown Business Association

Bismarck, ND

Dear Kate,

I'm writing to let you know that I support the reinstatement of the Bismarck Renaissance Zone Program. Over the many years that it was in place, I observed that it supported the Program's mission of encouraging reinvestment in downtown properties, which did indeed strengthen the core of the Bismarck community. It's been a fabulous start but there is still plenty of opportunity left to harvest. I hope that the Program is renewed so that additional benefits to the community can be received from it.

Sincerely,

Timothy R. Atkinson

# Reaffirmations of Previously Submitted Letters

**Schaffer, Todd**  
<Todd.Schaffer@sanfordhealth.org>

Aug 3, 2023  
10:12 AM

to me,  
dnairn@bismarcknd.gov

Dear Interested Parties,

Please accept this message on behalf of Sanford Health in support of the proposed reauthorization of the Bismarck Renaissance Zone as noted in the attached support letter from last year.

v/r:

**Todd Schaffer, MD**

President/CEO

Sanford Health | Bismarck

Mr. Jim Peluso, Chairman  
Burleigh County Commission  
221 N 5<sup>th</sup> St  
Bismarck, ND 58501

Dear Chairman Peluso,

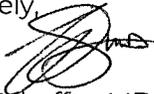
Please accept this letter on behalf of Sanford Health in support of the proposed reauthorization of the Bismarck Renaissance Zone.

As the largest private employer in Burleigh County, Sanford Health understands the importance of maintaining a high quality of life in our community to attract and retain workforce. A vibrant downtown plays a key role in that effort. The Renaissance Zone Program, a statewide tax incentive program designed to spur revitalization of North Dakota's downtown, has helped elevate Bismarck's downtown and the entire community since the establishment of the city's Renaissance Zone in 2001.

In that time, the program has led to \$83 million in private investment in downtown Bismarck, 72 new businesses within buildings built or rehabilitated as Renaissance Zone projects and 250 housing units in the downtown area. These projects have helped enhance Bismarck and help make the community a destination of choice for employees, including physicians, nurses and other in-demand healthcare professionals.

Given the success of Bismarck's Renaissance Zone to date and the importance of a thriving downtown to the community, Sanford Health encourages the Burleigh County Commission to support extending the program.

Sincerely,



Todd Schaffer, MD  
President/CEO  
Sanford Health, Bismarck Region

Fri, Aug 4, 8:51 AM

**Karel Sovak**

to me

Kate,

We are all in support of having the Renaissance Zone reinstated for Bismarck.

Thank you,

Karel



To: Downtowners/City and County Commissions/School Board and Bismarck-Mandan Chamber EDC

From: Dr. Karel Sovak, Dean, Gary Tharaldson School of Business

May 20, 2022

Re: Renaissance Zone renewal

To Whom It May Concern,

I am writing to encourage the support to extend the Renaissance Zone (RZ) program which is up for renewal. This program has provided an incredible revival of our downtown area and has enhanced the entire community. As it has been noted, when a community's downtown is vibrant, the quality of life is increased throughout the entire community.

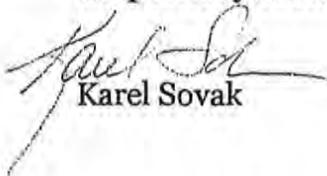
Bismarck is no different.

From my understanding, the RZ program has paid for itself through the fiscal impact to the city, county, schools, and parks. Those businesses on the exemption list have now entered the tax rolls and the values on those properties have increased significantly. This has resulted in an estimated \$688,091 revenue generated from building construction and/or rehabilitation. This success helps to pave the way for future investments in this RZ area, with a proposed over \$23 million investment underway. The overall value of property in the RZ has risen from \$91 million to \$241 million since 2001. The program not only makes it attractive for investors, but it has also not detracted developers from investing in our community in other areas. This rising tide has helped to lift all boats.

If the RZ program were to go away, Bismarck would be at a significant disadvantage with the communities who have opted to keep the program intact. Investment dollars that could otherwise be considered for Bismarck would seek to develop in those areas where such programs are still in place. Additionally, once this program is removed, it would take a considerable effort to get it back in place. Even if that could be secured, Bismarck would experience a deficit in any additional new building and/or rehabilitation until the program could be put back into place.

Every developer makes a decision on where they desire to locate and what is an incentive for them to choose a community. Some use the growth of an area or heavily populated traffic counts, perhaps even existing competition. Others utilize incentive programs like the RZ. This is just one of the factors used; however, it is a critical factor for many who wish to see a certain part of the community made more whole – whether that is proper in-fill, new building or rehabilitation of existing buildings. The growth in our community comes from everyone pulling together. There is a need and a place for the RZ to exist in Bismarck. Please consider supporting the renewal of this program.

Respectfully submitted,



Karel Sovak

**David Witham**

Mon, Aug 7, 3:03 PM

to Dawn, me

Dawn Kate,

Please see attached my original letter of support from last year. Denizen Partners remains supportive of the RZ program!

**David Witham**

Denizen Partners

David.Witham@Denizen.Partners

Main: 701-989-5943

Direct: 701-934-3277



P A R T N E R S

June 1, 2022

Dawn Kopp, CEO  
Downtown Business Association of Bismarck  
215 N. 3rd Street  
PO Box 521  
Bismarck, ND 58502-0521  
701-663-4758

Dawn,

I am writing to you in support of the Renewal of the Renaissance Zone (RZ) as the formal approval of the program is considered by the various local political subdivisions. Please forward this letter as you see fit to elected officials and others that may find my testimony of interest. As you know, I can speak from professional experience how this program affects the feasibility of development projects located within the RZ.

As a matter of introductions -- to those who may be reading this -- I am the managing partner of Denizen Partners. We are the sponsors of the development of a new mix-ed use building located at 630 E Main Ave in Bismarck, which we have branded as the "Trestle". This development included 52 market-rate apartments, and 10k sq. ft. of commercial space on the ground floor. This property will likely contribute well north of \$100k in take revenue to public revenues annually, where no taxable improvement value existed before.

We are a locally owned and operated firm, with an exclusive focus on infill development in our local market. Denizen Partners seeks out development opportunities, vets' development concept feasibility, assembled capital for the execution of the projects, and oversees the execution and long-term management of the new properties. We anticipate this to be the first among many similar projects in and around downtown Bismarck.

I am aware of two primary criticisms of the RZ program:

- Concerning its effectiveness - The growth in the tax base that it allegedly facilitates would happen even without the concessions from public taxing entities.
- Concerning Fairness - the assistance granted through the program is picking winners and losers on an arbitrary basis, with no benefit to anyone but a targeted special interest group.

Concerning the effectiveness of the RZ program:

- **The RZ delivers projects that would not occur without the program.** RZ provides a substantial degree of risk mitigation in the first few years of a new development's operation, such that it becomes an attractive-enough investment opportunity -- with regards to risk vs return vs alternative investment opportunities - to attract private equity investment. I can say definitively that we would not have been able to complete the financing of our project without the RZ factor.
- **The RZ program creates a substantial return on investment of public dollars.** The RZ stipulates a minimum 50% improvement value vs existing, coupled with the maximum 5-year deferral period, these policies ensure a minimum 10% return on investment each year. In the case of the Trestle, we are generating a 20x increase in property value. As such, we will generate 400% rate of return each year, vs the pre-existing tax.

But would that same growth occur elsewhere? With a similar (or better?) rate of return on public investment? That brings us to the issue of fairness:



P A R T N E R S

- **Infill and Edge growth serve different segments of the market**, with different value-proposition to the end-user/customer. Edge development will not necessarily address the same market demand if infill development is no longer financially feasible.
- **They require different kinds of public investment.** Where infill becomes feasible with sensible tax policies, edge development requires government to fund expansion of arterial roadways, and other facility costs. Edge development does not occur without government investment in infrastructure.
- **Bookkeeping on infill is simple and straightforward.** As demonstrated above.
- **We are not currently analyzing financial performance of public investment in the expansion of services.** Where infrastructure costs are necessary to facilitate new growth, the ratio of public to private investment must be scrutinized to ensure that revenues will exceed cost over the long term. We are not currently conducting this analysis. We should!

Concerning Fairness:

- I agree with the sentiment that “Government should not be in the business of picking winners and users, but rather should treat all development equally and fairly”
- As a way of defining fairness, Government should act in its rational best interest regarding any growth-oriented expenditures.
  - Clear and concise policies should be in place and available for public scrutiny.
  - These policies should be designed to ensure a return on investment and downward pressure on overall tax rates.
- The RZ meets these criteria.
  - The RZ Development Plan is available for all to review.
  - The accounting of the financial impact of the program on public finances are demonstrably positive, with a minimum 10% annual yield to taxing entities vs existing values.
- No other development process provides the same level of transparency nor receives this level of scrutiny, but when it comes to the question of fairness, and generating a positive long term cashflow, and downward pressure on property taxes.... Perhaps it should!

In the rational best interest of the taxpayers, please continue the RZ program. In the interest of fairness, please support the development of a comprehensive policy that will allow the same level of public, financial scrutiny of all growth-oriented government expenditures to the same standard that the RZ Development Plan currently provides for the projects that receive its support.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Witham'.

David Witham, Managing Partner  
Denizen Partners

Mon, Aug 7, 9:57 AM

**Lance Thorson**

to me

JL Beers is still in support of the Renaissance Zone in Downtown Bismarck.

Thanks!

**Lance Thorson**

**JL Beers of America, Inc.**

Phone: 701-237-5151 ext. 15

Mobile: 701-388-7000

Email: [lance@jlbeersusa.com](mailto:lance@jlbeersusa.com)

[www.jlbeers.com](http://www.jlbeers.com)



16 Broadway, Suite 208  
PO Box 2043  
Fargo, ND 58107-2043  
Phone: 701-237-5151 • Fax 701-237-3189

May 31<sup>st</sup>, 2022

Burleigh County Commissioners,

I'm writing to you on behalf of our businesses - JL Beers & Borrowed Bucks Roadhouse – that are in the heart of Downtown Bismarck. We have been members of the downtown community for nearly 30 years and we want to voice our support for renewing the Renaissance Zone in Downtown. Many great improvements have been made with the assistance of the Renaissance Zone over the years, but there is still more work to be done to continue the development & growth of Downtown Bismarck.

Thank you for your consideration!

Sincerely,

A handwritten signature in blue ink that reads "Lance Thorson". The signature is fluid and cursive, with a large loop at the end of the last name.

Lance Thorson  
JL Beers  
Borrowed Bucks Roadhouse

Aug 3, 2023

10:15 AM

**Dave Diebel**

to me

Hey Kate,

**As a partner in two businesses based in Downtown Bismarck, I would like to express our continued support for the Renaissance Zone. I firmly believe that the reinstatement of the Renaissance Zone is crucial for sustained growth and development. With its reinstatement, we can continue to build upon the successes of the past and ensure a promising future for our community.**

**David Diebel**

**D&N Cinematics LLC**

**River Road Partners LLC**

Thanks!

Dave

**David Diebel | Producer**

D&N Cinematics LLC

701.220.7724

[dncinematics.com](http://dncinematics.com)

May 24th, 2022

To Whom It May Concern:

We'd like express our appreciation and support for the Renaissance Zone program. In 2016 our group of 5 friends saw an opportunity to invest in a nearly 100 year old property on East Main Street. This was an ambitious undertaking for us from a time, capital and resources standpoint. Our group successfully applied for the renaissance zone incentive which took effect officially in 2018.

The benefit we have received from being part of the renaissance zone has helped us to directly reinvest into the property. Since taking ownership of the property we have invested over 250,000.00 into the building including facade improvements, safety improvements, plumbing, mechanical and electrical updates and extensive renovations and restorations throughout the building.

The building features mixed uses with 3 residential units in addition to the main level and basement office space. The impact to the businesses within have been notable, all demonstrating growth and adding full time employees since 2018.

The property tax deferment helped us reinvest into the structure and subsequently create a more valuable property as part of the tax base. In the time since we purchased the property, the entire block has become increasingly vibrant with food, nightlife and assorted retail and services—many of which have utilized this program to bolster their respective business. This is a visible and tangible testament to the success of the renaissance zone and its continued impact on our community, our local businesses, and Bismarck residents.

Thank you,

**David Diebel**

Co-Founder | D&N Cinematics LLC  
Partner | River Road Partners LLC  
212 E Main Ave, Bismarck, ND 58501

Mon, Aug 7, 9:30 AM

(1 day ago)

**Jon Youness**

to me

Kate,

We are in support of the Renaissance Zone reinstatement efforts. This tool is critical to continuing downtown revitalization efforts. Without the RZ, or First Street Lofts project would not have moved forward. Thanks.

Jon

Jonathan Youness, PE

Eagle Ridge Development

3280 Veterans Blvd – Suite 300

Fargo, ND 58104

(o) 701-936-8092

(c) 701-306-0799

(f) 701-281-8007

(e) [jyouness@eagleridgecompanies.com](mailto:jyouness@eagleridgecompanies.com)



May 31, 2022

Burleigh County  
221 N 5th St  
Bismarck, ND 58501

RE: Bismarck Renaissance Zone Support

To whom it may concern:

EagleRidge Development is in full support of renewing Bismarck's Renaissance Zone. The Renaissance Zone program allowed our project, First Street Lofts, in Downtown Bismarck to be financially feasible. First Street Lofts brought 56 modern apartments to the neighborhood. Without this program, the project would not have been constructed.

We are very happy to be a part of the Downtown Bismarck community.

Thank you for your consideration.

Sincerely,



Jon Youness, PE  
EagleRidge Development  
3280 Veterans Blvd, Suite 300  
Fargo, ND 58104

**Steph Smith**

Tue, Aug 1, 2023  
12:06 PM (2 days ago)

to me

Kate,

My letter is attached and I am still in support of the RZ Reinstatement.

Thank you,

**Steph Smith**

Office Manager

313 East Main Avenue

Bismarck, ND 58501

work: 701.323.0891

cell: 701.590.1732

**STEPH SMITH**

Architect

BISMARCK . ND

701.590.1732

Chair Peluso and Commissioners,

After watching the replay of the April 18<sup>th</sup> County Commission meeting, I felt the need to reach out.

I'm extremely disheartened at the vote to 'pause' the Renaissance Zone Program. It's my understanding that if the program expires, state law does not allow it to be renewed and our city would lose a vital economic development tool. Therefore, without County support it would not be 'paused' it would be cancelled, without any clear path for our city to gain access to those funds again.

I do understand the need for economic incentives benefiting the whole community, but as stated, the city's core is generating more taxes, that are then benefiting the community as a whole. Perhaps we look at options to add other programs/incentives for city wide new development versus cutting what's already available. The Renaissance Zone Program is a necessary tool to remain competitive in attracting new developers and to revitalize property which may sit vacant for years and years.

It's my belief that we need more initiatives to revitalize existing infrastructure, versus spending obscene amounts on expanding utilities which are just creating in urban sprawl situation.

I am asking you to please support the extension of the Renaissance Zone Program.

Sincerely,

A handwritten signature in black ink that reads "Steph Smith". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

**ITEM**

**# 9**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** November 1, 2023  
**TO:** Mark Splonskowski  
County Auditor  
**FROM:** Marcus J. Hall  
County Engineer

**RE:** Award of Bids

Please include the following item in the next Burleigh County Board packet.

### **ACTION REQUESTED:**

Authorize the proper County officials to accept the low bid for 2 (two) new motor graders.

### **BACKGROUND:**

On October 2, 2023, the County Board authorized the County Auditor and the County Engineer to advertise for bids for 2 (two) new motor graders under a 5 year - total cost bid with a guaranteed repurchase price at the end of this period. Bids were opened on October 26, 2023 and the following bids were received:

	At Bid Opening		
	<u>Total Sum bid</u>	<u>Less Buy Back</u>	<u>Total Bid Cost</u>
Butler Machinery	\$433,600.00	\$170,000.00	\$263,600.00
RDO Equipment	\$396,750.00	\$126,500.00	\$270,250.00

Budget Amount \$900,000  
New unit will be a 140-15A

### **RECOMMENDATION:**

It is recommended the Board adopt the attached proposed resolution.

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the County Board hereby accepts the following low bid from Butler Machinery for 2 (two) motor graders of \$867,200.00 under a 5 year - total cost bid with a guaranteed repurchase price at the end of this period, and authorize the proper County officials to enter into a contract with said bidder.

**ITEM**

**# 10**



**Home Rule Charter  
for Burleigh County**

**DATE**

Submitted by the Home Rule Charter Commission Committee Members:

Dustin Gawrylow  
Pat Heinert  
Kay LaCoe  
Julie Lawyer  
Mary Senger  
Steve Schwab  
Wayne Munson

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## **Preamble**

We, the people of Burleigh County, do establish this Home Rule Charter.

### **Article I – Board of County Commissioners to Exercise Powers**

Subject to the limitations imposed by the North Dakota Constitution, state law, and this charter, the home rule powers of Burleigh County will be vested in the Board of County Commissioners.

### **Article II – Home Rule Powers of County**

In addition to powers granted counties under the constitution and laws of the State of North Dakota, Burleigh County will have the power to:

1. Levy a one percent (1%) sales, use, and gross receipts tax.
2. Provide for the adoption, amendment, repeal, initiation, referral, enforcement, and penalties for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, and welfare. However, this subsection does not confer any authority to regulate any industry or activity which is exclusively regulated by state or federal law or by rules adopted by a state or federal agency. This subsection does not confer the authority to regulate the private use of agricultural chemicals.

### **Section 1. Sales, Use, and Gross Receipts Tax**

**Definitions:** All terms defined in chapters 11-09.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the N.D.C.C. include amendments adopted by the North Dakota Legislative Assembly.

**Collection and Administration:** Where not in conflict with the provisions herein, the provisions of N.D.C.C. chapters 11-09.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter “Tax Commissioner”) of the taxes imposed.

**Sales Tax Imposed:** Subject to the provisions of N.D.C.C. § 11-09.1-05, and except as otherwise provided, or the sales and use tax laws of the State of North Dakota, a tax of one percent (1%) is imposed upon the gross receipts of retailers from all sales at retail, including the leasing or renting of tangible personal property, within the corporate limits of the county of Burleigh, North Dakota.

**Use Tax Imposed:** Subject to the provisions of N.D.C.C. § 11-09.1-05, and except as otherwise provided, or the sales and use tax laws of the State of North Dakota, an excise tax is imposed upon the storage, use, or consumption within the corporate limits of the county of Burleigh, North Dakota of tangible personal property purchased at retail for storage, use, or

consumption in this county, at the rate of one percent (1%) of the purchase price of the property. An excise tax is imposed on the storage, use, or consumption within the corporate limits of the county of Burleigh, North Dakota of tangible personal property not originally purchased for storage, use, or consumption in this county at the rate of one percent (1%) of the fair market value of the property at the time it was brought into this county.

With respect to the purchase price of tangible personal property used by a contractor or subcontractor to fulfill a contract as defined in N.D.C.C. § 57-40.2-03.3, the tax imposed by this section applies only to bids submitted on or after the effective date of this Ordinance.

**Gross Receipts of Alcoholic Beverages:** Subject to the provisions of N.D.C.C. § 11-09.1-05, and except as otherwise provided, a gross receipts tax of one percent (1%) is imposed upon all gross receipts from the sale of alcoholic beverages within the county. A person who receives alcoholic beverages for storage, use, or consumption in this state is subject to tax on storage, use, or consumption of those alcoholic beverages at the rate of one percent (1%).

**Gross Receipts of New Farm Machinery and New Farm Irrigation Equipment:** Subject to the provisions of N.D.C.C. § 11-09.1-05, and except as otherwise provided, a gross receipts tax of one percent (1%) is imposed upon all gross receipts from the sale of new farm machinery and new farm irrigation equipment within the county. A person who receives new farm machinery or new farm irrigation equipment for storage, use, or consumption in this state is subject to tax on storage, use, or consumption of that machinery and/or equipment at the rate of one percent (1%).

**Exemptions:** No additional exemptions from imposition and computation of the county sales and use tax other than those provided by state law are provided for.

Sales to contractors that are exempt pursuant to subsection 15 of N.D.C.C. § 57-39.2-04 shall be exempt from any county sales tax, but contractors shall be subject to the county use tax on those items used within the county that would be taxed pursuant to N.D.C.C. § 57-40.2-03.3 on which the county sales tax has not previously been paid.

**Maximum Tax Imposed:** Any patron or user paying a tax imposed in excess of \$25 upon any single transaction of one or more items may obtain a credit or refund of the excess tax at the time of purchase directly from the vendor or request a refund of the excess tax payment by filing a request for refund upon the forms provided by the Tax Commissioner.

**Contract with Tax Commissioner:** The Burleigh County Auditor/Treasurer is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed. The County Auditor/Treasurer has all powers granted to the Tax Commissioner and in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties, shall perform these duties in place of the Tax Commissioner.

**Dedication of Tax Proceeds:** All revenues raised and collected under this charter, less administrative expenses shall be dedicated only to offset property taxes used for public safety department budgets within Burleigh County. Revenues raised and collected from July 1 of the proceeding year through June 30 of the current year shall be used towards the budgetary needs of the public safety departments for the following year. Specifically, revenues shall be used for the following departments in the following priority order:

- A. Burleigh County's obligation to the Burleigh Morton County Detention Center;
- B. Sheriff; and
- C. State's Attorney.

Any proceeds remaining that exceed the budgetary needs of the listed departments shall be used to offset property taxes by dedicating the excess revenue to other public safety needs of the county as determined by the County Commission.

**Compensation:** County sales, use, and gross receipts tax permit holders are allowed to retain a portion of tax collected to help recover administrative expenses. This compensation shall equal three percent (3%) of the county tax due; however, the deduction is limited to \$83.33 per month or \$250 per quarter. A tax return must be filed and paid in full by the scheduled due date or the compensation will be disallowed and the tax obligation will be subject to penalty and interest.

## **Section 2. Adoption of Ordinances and Resolutions**

**Definitions:** An ordinance is any enactment by the Board of County Commissioners or the people which prescribes a permanent rule or statute governing the actions of persons or bodies.

A resolution is any enactment by the Board of County Commissioners or the people which defines policies or procedures governing the actions of persons or bodies for a limited period of time.

**Procedures:** Any enactments by the people or the Board of County Commissioners implementing charter provisions, or expanding or curtailing any of the powers or authorizations provided herein, will be in the form of ordinances or resolutions. Each ordinance or resolution introduced through the Board of County Commissioners will have two readings, with the first reading consisting of announcement of the title of the ordinance or resolution at a meeting of the Board of County Commissioners and publication of a summary of the enactment in the official newspaper of the county at least twenty (20) days before the second reading.

The proposed enactment will then be given second reading, which will be by title, and submitted to a roll call vote of the Board of County Commissioners. If a majority of the elected commissioners concur, the enactment will become effective on the date stated in the enactment or if no date is stated, on the first day of the month following the date of enactment.

**Initiative and Referendum:** The powers of initiative and referendum are reserved to the electors of Burleigh County. The applicable provisions of state law will govern the exercise of powers of initiative and referendum under this charter. The number of signatures required to exercise these powers is at least equal in number to fifteen per cent of the number of electors voting in the county of the office of governor in the last general election.

**Limitations:** No ordinance enacted under this charter will supersede any ordinance of any political subdivision without its consent.

No ordinance may be enacted to diminish the authority of the boards of supervisors of townships or change the structure of organized township government.

### **Article III – Elections**

1. The Board of County Commissioners shall consist of five members who shall be elected on a nonpartisan ballot. All of the candidates seeking the office of county commissioner shall be voted upon by the qualified electors.
2. The Board of County Commissioners may follow state law concerning the organization and structure of elected county offices in accordance with state law.
3. The Board of County Commissioners may follow state law converting the elected offices of the county auditor/treasurer and the county recorder into appointed offices. Any resolution to convert an elected office to an appointed office shall not shorten the term for which the official was elected nor reduce the salary of the official's office for that term.
4. The elected offices of the County Sheriff, and State's Attorney shall remain as elected positions voted upon by the qualified electors.

### **Article IV – Amendments, Repeal and Termination**

In the manner provided by state law, this charter may be amended or repealed by a proposal of the Board of County Commissioners or by petition bearing signatures of qualified voters at least equal in number to fifteen percent (15%) of the number of electors voting in the county for the office of governor in the last general election.

Respectfully submitted by the Burleigh County Home Rule Charter Commission, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

### Ballot Language proposal

Please use the ballot language, in the following order, based upon which fits on the ballot but does not cause the ballot to exceed 2 pages.

#### **Option 1**

The Home Rule Charter proposed amendment requires that all revenues raised and collected from a 1% sales and use tax, less administrative expenses, shall be dedicated only to offset property taxes used for public safety department budgets within Burleigh County. Revenues raised and collected from July 1 of the preceding year through June 30 of the current year shall be used towards the budgetary needs of the public safety departments for the following year. Specifically, revenues shall be used for the following departments in the following priority order: A. Burleigh County's obligation to the Burleigh Morton County Detention Center; B. Sheriff; and C. State's Attorney. Any proceeds remaining that exceed the budgetary needs of the listed departments shall be used to offset property taxes by dedicating the excess revenue to other public safety needs of the county as determined by the County Commission.

Shall the Home Rule Charter, as amended as follows, be approved?

A "yes" vote means you approve the proposed amendment.

A "no" vote means you reject the proposed amendment.

#### **Option 2**

The Home Rule Charter proposed amendment requires that all revenues raised and collected from a 1% sales and use tax shall be used to offset property taxes used for the following departments in the following priority order: A. Burleigh County's obligation to the Burleigh Morton County Detention Center; B. Sheriff; and C. State's Attorney. Any proceeds remaining that exceed those budgetary needs shall be used to offset property taxes by dedicating the excess revenue to other public safety needs of the county as determined by the County Commission.

Shall the Home Rule Charter, as amended as follows, be approved?

A "yes" vote means you approve the proposed amendment.

A "no" vote means you reject the proposed amendment.

#### **Option 3**

The Home Rule Charter proposed amendment requires that all revenues raised and collected from a 1% sales and use tax shall be used to offset property taxes used for the budgets of the Detention Center, Sheriff, and State's Attorney, and other public safety needs of the county.

Shall the Home Rule Charter, as amended as follows, be approved?

A "yes" vote means you approve the proposed amendment.

A "no" vote means you reject the proposed amendment.



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

November 20, 2023

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

### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of agenda.
4. Public comment (excluding public hearing items.)
5. Consideration and approval of the November 1<sup>st</sup>, 2023, meeting minutes and bills.
6. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
7. County Engineer Hall:
  - a. Developer Waiver Request.
8. States Attorney Lawyer:
  - a. Opioid settlement funds.
9. County Planner Flanagan:
  - a. Aberle Park 4<sup>th</sup> subdivision.
  - b. Riverbend subdivision.
  - c. CLH Acres final subdivision.
10. Emergency Manager Senger:
  - a. Emmons County Joint powers agreement.
  - b. Sheriff's Dept. vehicle rotation.
11. Sherriff Leben:
  - a. Crossroads Tavern update.
  - b. Back the Blue Program.

- c. Part time nurse positions.

12. Commissioner Bitner:

Provident building Discussion.

- a. Blinds for office space.
- b. RFP Discussion.
- c. Building name discussion.

13. Auditor/Treasurer Splonskowski

- a. Outstanding checks.
- b. Auxiliary Board applications.

14. Other Business:

15. Adjourn.

The next regularly scheduled Commission meeting will be on December 4<sup>th</sup>, 2023.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax

**BURLEIGH COUNTY COMMISSION  
MEETING  
NOVEMBER 1ST, 2023**

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

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

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

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

Chair Bakken opened the meeting for Public Comment. Kay LaCoe representing the Burleigh County Home Rule Charter Committee expressed her thanks to the county for the opportunity to learn and serve on the committee and that she supported the work they did. Brenda Nagel, President of the Bismarck/Mandan Chamber EDC requested the commission's support of the Renaissance Zone program. She shared that our higher education institutions in the area have done a great work attracting students outside of Bismarck/Mandan and they will stay if we continue to create a vibrant community that is attractive to work, live, and play in. The Renaissance Zone will help with all of this, and she encouraged the commission to support it. Kate Herzog, Chief Operating Officer at the Downtowners Association encouraged the commission to support the reinstatement of the Renaissance Zone. She stated that since the last time she was before the commission, she had gone to the state legislature and got their support to change Century Code to allow any zone to be reinstated within the state of North Dakota. Terry Fleck then shared that it's easy to support property tax exemptions when you don't pay property taxes. He stated that the county doesn't have a property tax problem, but rather a property tax exemption problem. He requested the commission to vote yes on reinstating the Renaissance Zone with two exceptions: No new construction and no residential. Public comment was then closed.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the Oct. 5<sup>th</sup> special meeting minutes and the corrected Oct. 16th, 2023 meeting minutes and bills. All members present voted, "AYE". Motion carried.

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

<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
Prairie Aire Homes	2023	Lot 9, Block 1, Whispering Ridge 2nd	Equalize property with like properties	\$839,900	\$788,000
Kevin & Elizabeth Schieve	2023	N1/2 N1/2 NE1/2 Section 2 138-79	Farm Exempt	\$137,800	\$19,400
Robert Dorneman & Jodee Aubol	2022	Lot 11, Block 5, Wheatland Hills 2 <sup>nd</sup>	10% Disability	\$310,000	\$292,000
Thomas & Kim Fettig	2023	Lot 1, Block 1, TNK Ranch, Gibbs Township 139 N 79W	Removal of all basement finish & yard shed	\$342,100	\$303,100

Joseph & Amanda Dosch	2023	Lot 3, Block 3, Eagle Crest 5 <sup>th</sup> addition	Error in property description	\$717,700	\$660,000
Tim J & Bonnie A Fischer	2023	Lot 5, Block 8, North Hills 13 <sup>th</sup>	Error in property description	\$389,400	\$348,900
Charles F & Carol M Iten	2023	Lot 10, Block 1, Promontory Point IV 2 <sup>nd</sup> Replat	Error in property description	\$645,000	\$569,300
Dean D & Marianne Moos	2023	Lot 14, Block 5, Cottonwood Lake 4 <sup>th</sup>	Error in property description	\$512,200	\$467,600
Rebecca S Rykowsky	2021	Lot 21, Block 4, The Pointe	Error in property description	\$304,300	\$259,200
Rebecca S Rykowsky	2022	Lot 21, Block 4, The Pointe	Error in property description	\$326,100	\$281,000
Rebecca S Rykowsky	2023	Lot 21, Block 4, The Pointe	Error in property description	\$330,500	\$285,400
Nicholas S & Leah B Walker	2023	Lot 12, Block 9, Register's 2 <sup>nd</sup>	Error in property description	\$221,800	\$189,800
William & Yvonne Janko	2023	Lot 24, Block 3, Haycreek Meadows	Error in property description	\$358,800	\$297,500
Mark D & Julie A Wetzstein	2023	Lots 17-18 & S1/2 Lot 19, Block 28, Fisher	Property improvement was destroyed or damaged	\$261,600	\$243,400
Daniel O & Pamela K Donlin	2023	Lot 9, Block 2, Promontory Point IV	Error in property description	\$634,000	\$597,200
Kathy J Van Ningen	2023	Lot 4, Block 1, Sonnet Heights, Sonnet Heights Subdivision 6 <sup>th</sup> Replat	Error in property description	\$415,300	\$389,200
Todd & Lindsey Tescher	2023	Lot 4, Block 3, Southbay 5 <sup>th</sup> Addition	Error in property description	\$749,900	\$647,800
ASM Properties LLC	2023	Lot 4, Block 1, 43 <sup>rd</sup> Avenue Commercial Park 2 <sup>nd</sup>	Error in property description	\$4,948,400	\$4,644,300
Taylor R Hack	2023	Lot 11, Block 6, Cottonwood Parkview Addition	Error in property description	\$662,400	\$580,200
Wade D & Susan K Dunbar	2021	Block 3, Rolling Hills 1 <sup>st</sup> , Lot 3 Less W 15'	40% Homestead Credit	\$247,900	\$197,900
David D & Suzanne Schweigert	2023	Block 2, Eagle Crest 4 <sup>th</sup> , Lot 2 and Lot 3B of Lot 3	Error in property description	\$1,603,300	\$1,513,200
Daniel W & Debrann M Derouchey	2023	Lot 4, Block 8, Horizon Heights 5 <sup>th</sup>	Error in property description	\$662,700	\$621,000
Elesha & Devon McAlexander	2023	Lot 17, Block 12, Eagle Crest 6 <sup>th</sup> Addition	Error in property description	\$528,600	\$485,100
Arnold L Hanson	2021	Lots 1-3, Bk 2, East View, Cedar Ridge Condominiums Unit C	40% Homestead Credit	\$174,300	\$124,300
Arnold L Hanson	2022	Lots 1-3, Block 2, East View, Cedar Ridge Condominiums Unit C	40% Homestead Credit	\$173,200	\$123,200

		Block 25, Wachter's 3 <sup>rd</sup> , Lots 1-3 Bernies Continental Arms Condominium Unit 5	60% Homestead Credit	\$153,000	\$78,000
Elizabeth A Stack	2021				
		Block 25, Wachter's 3 <sup>rd</sup> , Lots 1-3 Bernies Continental Arms Condominium Unit 5	60% Homestead Credit	\$156,800	\$81,800
Elizabeth A Stack	2022				
		1981 Holly Park 76x16	100% Homestead Credit	\$12,355	\$0
Connie Ybarra	2022				
		1981 Holly Park 76x16	100% Homestead Credit	\$13,158	\$0
Connie Ybarra	2023				
		Block 2, Lewis & Clark Estates, Lot 5 Less Parcel 1-1 Hwy 1804 R/W	40% Homestead Credit	\$275,500	\$225,500
Myron & Jody Martin	2021				
		Block 2, Lewis & Clark Estates, Lot 5 Less Parcel 1-1 Hwy 1804 R/W	100% Homestead Credit	\$290,900	\$165,900
Myron & Jody Martin	2022				

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the Prairie Aire Homes, Kevin & Elizabeth Schieve, Robert Dorneman & Jodee Aubol, Thomas & Kim Fettig, Joseph & Amanda Dosch, Tim J & Bonnie A Fischer, Charles F & Carol M Iten, Dean D & Marianne Moos, Rebecca S Rykowsky (3), Nicholas S & Leah B Walker, William & Yvonne Janko, Mark D & Julie A Wetzstein, Daniel O & Pamela K Donlin, Kathy J Van Ningen, Todd & Lindsey Tescher, ASM Properties LLC, Taylar R Hack, Wade D & Susan K Dunbar, David D & Suzanne Schweigert, Daniel W & Debrann M Derouchey, Elesha & Devon McAlexander, Arnold L Hanson (2), Elizabeth A Stack (2), Connie Ybarra (2), and Myron & Jody Martin (2) abatements and the rest of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

Jim Christianson, Chair of the Renaissance Zone Authority stated that the City Commission, the School Board, and the Park Board have all approved the renewal of the Renaissance Zone and he asked for the county's support. He gave each commissioner a Return-On-Investment Case Study that Mayor Schmitz (CPA) put together that listed four examples of how the Renaissance Zone generated more revenue once the taxes kicked in for a total of \$180,000 in new property taxes. He added that the renewal would be for 5 years. The commission discussed wanting the ability to have a voting presence on the Zone as well as the ability to make development plan changes. Mr. Christianson stated that anyone is welcome to attend the meetings, but he cannot make that decision without the Renaissance Zone Authority. Ricki Roehrich, Deputy Director of the Division of Community Services at the Department of Commerce and who has also worked with the Renaissance Zone Program since 2014, clarified that the way Century Code was written the Zone would have to be reinstated first and then development plan changes could be made later, but they could be submitted concurrently. She preferred it to be done in two separate motions. She also stated that Century Code mandates that every community include both residential and commercial properties in their Renaissance Zone. Mr. Christianson added that the changes the Zone Authority made to the development plan had to be approved by the City Commission and then by the Department of Commerce. Comm. Schwab asked if the Renaissance Zone was lumping parking ramps in the figures with regular development because the TIF Zone paid for the parking ramps, and he wanted documentation on it. Bismarck Community Development Director Ben Ehreth said they have provided an itemized list on this several times in the past but can provide it again. Comm. Woodcox asked if there were any properties that benefitted from the TIF Funds and the Renaissance Zone. Mr. Ehreth stated that the TIF Fund also funded the Core Incentive

Program which helped with façade improvements and signage but had nothing to do with parking ramps, yet some TIF money was used for parking ramps. Mr. Christianson who also chairs the Parking Authority stated that TIF funds were used to pay for the new parking ramp across the alley as well as Quiet Rail and approximately \$8-9 million was returned to the political subdivisions 10 years ago. Comm. Bitner then stated that some time ago Burleigh County offered to get together with the City of Bismarck to discuss all these items and the city never responded. Burleigh County Tax Director Al Vietmeier came forward and shared that Ben Ehreth did say in an email that a meeting should happen, but it didn't, and it was probably the fault of both sides as everyone got busy. He also stated that keeping a base value allows our taxpayers to not have to pick up the dime. It's only the new construction that is being exempted off such as improvements to existing buildings, improvements on properties that aren't paying taxes, and improvements on properties that pay a lot of taxes. Mr. Vietmeier shared that the benefit of increased tax collections to the county had been huge since the program started, but one had to determine if that project wouldn't have happened without the exemption. It had stimulated growth but it's impossible to quantify that number. Comm. Munson then stated that when the tax collections were reported to be \$58,000, that means the county didn't have to increase mills because the program had already taken care of that. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to table the reinstatement of the Renaissance Zone until they hear the results from the Renaissance Zone Board. Chair Bakken stated that he wanted this back on the agenda at the next meeting. Ben Ehreth stated that if the county is asking for a revised development plan, it will take longer than the next City Commission meeting to put in place. Mr. Ehreth added that if this is supported by the Renaissance Zone Authority, the earliest it could be brought before the City Commission would be the last meeting of November. Comm. Munson then withdrew his motion with Comm. Schwab withdrawing his second. Motion by Comm. Munson to ask the Renaissance Zone Authority with the approval of the city to request our concerns regarding the tax base to be left as it is, that there is a Burleigh County commissioner as a voting member on the Renaissance Zone Authority, and that all political subdivisions be able to approve changes to the program. There was no second. Motion failed. Chair Bakken then asked if there was at least a consensus on the items for Mr. Ehreth to take back to the city in lieu of no motion. Comm. Woodcox abstained and Comm. Schwab wouldn't agree until he got information about the TIF Zone. Commissioners Munson, Bitner and Chair Bakken stated they were in favor of it. Comm. Bitner asked if Mr. Ehreth would include the Tax Director and the Auditor/Treasurer in on the conversation following the City Commission meeting.

HR Director Pam Binder brought an update regarding the Finance Department positions. All three positions have been posted (Finance Director, Deputy Finance Director, and Senior Accountant Comptroller) and some applications had been received which are being reviewed for qualifications. Once they are finished being reviewed, an interview panel will be arranged, and interviews will begin.

County Engineer Marcus Hall proposed a resolution to accept the low bid for two new motor graders. At first there was a question as to whether this bidder met the specifications as there had appeared to be a mistake on the 34-question specification form, but after further examination it was exactly the type of grader the county needed and met all the qualifications. Motion by Comm. Schwab to reject this bid and go with the bid from RDO Equipment. He stated he didn't like honest mistakes, their specs were not right, and that wasn't the county's fault. There was no 2<sup>nd</sup>. Motion failed. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to accept the low bid from Butler Machinery for two motor graders of \$867,200 under a 5-year total cost bid with a guaranteed repurchase price at the end of this period and enter into a contract with the bidder. Comm. Bitner stated that this wasn't a mistake at all and had Lowell Mallard of Butler Machinery clarify his document that was included in the bid packet in which he shared that the bid actually exceeded the specifications and what he tried to communicate on the form was an attempt to be honest. Commissioners

Woodcox, Bitner, and Chair Bakken voted "AYE". Commissioners Schwab and Munson voted "NAY". Motion carried.

Comm. Munson introduced an update on the Home Rule Charter. Representative Pat Heinert, member of the Home Rule Charter Committee shared that on June 10th of 2014 the Home Rule Charter was passed by public vote with the effective date of the charter being Oct. 1<sup>st</sup>, 2014 for the half cent sales tax specifically to fund Burleigh County's portion of the new Burleigh/Morton Detention Center and to remodel the old facility into office space for the Sheriff and the State Attorney's office. He stated that this would be paid for by the end of 2024 from that half cent sales tax. He shared the annual sales tax collection in 2022 was \$10,876,345.54 and was collected with a half-cent sales tax, and since the committee decided to go with a one cent sales tax, the estimated tax collected from that for the purposes of property tax reform would be approximately \$22 million. This one cent sales tax will be on the ballot in June of 2024 and will go to offset the budgets of Burleigh County's portion of the Detention Center (2024 estimate \$6,792,326), the Sheriff's Department (2024 estimate \$8,156,422), and the State Attorney's Office (\$4,940,294). The remaining \$1,710,958 will be used to offset property taxes by dedicating the excess revenue to other public safety needs. He then submitted the ballot language for the commission to consider. Comm. Bitner stated that he didn't believe we should use the word "safety" in the last sentence of the ballot language proposal but rather have the sentence say, "Any proceeds remaining that exceed the budgetary needs of the listed departments shall be used to offset property taxes by dedicating the excess revenue to other public needs (**instead of public safety needs**) of the county as determined by the County Commission." State's Attorney Lawyer suggested that everywhere it said, "half percent" should now say "one percent". She also stated that she found a typo on page 5 under "Dedication of Tax Proceeds" that the word "proceeding" should be changed to "preceding". Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to change "proceeding" to "preceding". Commissioners Woodcox, Munson, Bitner and Chair Bakken voted "AYE". Comm. Schwab voted "NAY". Motion carried. Comm. Bitner stated that it would have been simpler to say that the county will have a one cent sales tax to reduce property taxes instead of prioritizing the Detention Center, Sheriff's Department and State Attorney's Office. Comm. Munson shared that on the half cent ballot measure the voters made it very clear that they wanted it spelled out specifically what the money was being used for. Comm. Schwab then stated that he is on the Home Rule Charter Commission, and he walked out of the last meeting because it wasn't recorded properly and wasn't transparent. He disagreed with listing the departments that the tax was going to go to and just wanted it to say that it was going to go to reduce property taxes. Comm. Munson stated that the concern from several members of the committee was that it had to be specific where the money was going, or it would be considered a slush fund and that can't happen. Comm. Schwab stated that this is so confusing he can't support it and will campaign against it. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to remove the word "safety" where it says, "Any proceeds remaining that exceed the budgetary needs of the listed departments shall be used to offset property taxes by dedicating the excess revenue to other public needs (**instead of public safety needs**) of the county as determined by the County Commission." Commissioners Woodcox, Munson, Bitner, and Chair Bakken voted "AYE". Comm. Schwab voted "NAY". Motion carried. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to go with option three on the ballot language proposal and remove the word "safety" to match the Charter language as suggested by State's Attorney Lawyer. Option 3 would then say, "The Home Rule Charter proposed amendment requires that all revenues raised and collected from 1% sales and use tax shall be used to offset property taxes used for the budgets of the Detention Center, Sheriff, and State's Attorney, and other public needs of the county." Commissioners Woodcox, Munson, Bitner, and Chair Bakken voted "AYE". Comm. Schwab voted "NAY". Motion carried.

Comm. Bitner presented a concern from Comm. Schwab that the Home Rule Charter meetings weren't being video recorded but only audio recorded. Comm. Bitner recommended that a Meeting Owl be purchased which was what the Highway Department used. It sits on the table and the camera turns to whoever is speaking. The meetings can then be uploaded to the county's YouTube Channel and posted on the Burleigh County Website. He stated they are roughly \$1000 each. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to purchase two Meeting Owls provided they are still within the \$1000 range and use remaining funds from the Auditor/Treasurer's Office budget, if available, to pay for it to use for whenever Dakota Media Access cannot video record the meetings. Commissioners Woodcox, Bitner, Schwab, and Chair Bakken voted "AYE". Comm. Munson voted "NAY". Motion carried. Auditor Splonskowski suggested that if the Commission desired to have all committee meetings be video recorded it should be put in the policy manual and he could write something up for their approval on that but noted that there was nothing in state law that required video recorded meetings but rather only providing minutes. Comm. Bitner responded that he was just specifically talking about board and committee meetings and not meetings with a department head. Comm. Bitner then updated everyone on the Provident Building. He said there were no Requests for Proposals for architectural services received. He asked State's Attorney Lawyer if she had any suggestions. She stated that the commission look at other entities that could perform the work of an architect and see if another RFP could be put together. State's Attorney Lawyer then shared that the county was a part of the Class Action Opioid Lawsuit, and we received money that can be used for preventative and treatment measures. The state passed a law this legislative session that required the opioid settlement money to either be placed in a state Opioid Settlement Fund or be with the Public Health Unit and the political subdivision along with the Public Health Unit can determine where that money will go. Either way it must be reported to the state. Public Health got a letter from the state asking what the county's decision was on this, and they need to know by Nov. 22<sup>nd</sup>, 2023. She will put some information together on the pros and cons of both choices for the commission to consider at the Nov. 20<sup>th</sup> meeting.

Meeting Adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Steve Bakken, Chairman

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
23-228	Sunne Lutheran Church Elesha & Devon	2023	Block 6, Lots 3, 4 & E1/2 of Lot 5, Macomber's First, City of Wilton	Parsonage for Church	\$290,200	\$0
23-271	McAlexander	2022	Lot 17, Block 12, Eagle Crest 6th Addition	Error in property description	\$508,000	\$464,500
23-280	Michael & Sara Dewald	2023	Lot 14, Block 4, Promontory Point IV	Error in property description	\$620,100	\$549,200
23-281	Duane Vanvleet	2021	Block 79, William's Survey, Lot 15 & S1/2 of Lot 16	100% Homestead Credit	\$99,300	\$0
23-282	Duane Vanvleet	2022	Block 79, William's Survey, Lot 15 & S1/2 of Lot 16	100% Homestead Credit	\$108,300	\$0
23-283	Sharon R Bull	2021	Block 2, Sonnet Heights Subdivision 1st Replat, Lot 2 Canada Acres Condominium Unit 811 Building 1	100% Homestead Credit	\$187,500	\$7,500
23-284	Sharon R Bull	2022	Block 2, Sonnet Heights Subdivision 1st Replat, Lot 2 Canada Acres Condominium Unit 811 Building 1	100% Homestead Credit	\$211,700	\$31,700
23-285	John & Karla Saylor	2023	Block 1, Southport, Lot 7 & Undivided Interest in Common Areas	Error in property description	\$868,000	\$835,200
23-286	Park District of the City of Bismarck	2023	Section 30, PT N1/2 #481451 30-139-80, Hay Creek Township	Exempt from taxation	\$7,200	\$0
23-287	Park District of the City of Bismarck	2023	Section 19, Lot 10A in SW1/4SE1/4 (IRR PLT #291979) 19-139-80, Hay Creek Township	Exempt from taxation	\$500	\$0
23-288	Park District of the City of Bismarck	2023	Section 19, 26.42 A of SE1/4SW1/4 & .90 A of SW1/4SE1/4 481499 19-139-80, Hay Creek Township	Exempt from taxation	\$13,700	\$0
23-289	Park District of the City of Bismarck	2023	Section 30, PT NW1/4 ORD5386 653587 664848 506569 507067 ORD4892 510401 514205 627434 627435 627426 627427 627430 30-139-80, Hay Creek Township	Exempt from taxation	\$5,500	\$0

			Section 30, PT W1/2 LESS TR FOR HOSP ADD, TYLERS 1ST TYLERS WEST VLG LESS 9.82A-412 & 11.74A-414 & 13.10A TO CTY			
23-290	Park District of the City of Bismarck	2023	W XVI ORD #4752 & 487540 30-139-80	Exempt from taxation	\$1,900	\$0
23-291	Park District of the City of Bismarck	2023	Section 30, PT N1/2 #442674 443378 443379 30-139-80, Hay Creek Township	Exempt from taxation	\$4,900	\$0
23-292	Park District of the City of Bismarck	2023	Section 30, PT N1/2 #481451 30-139-80, Hay Creek Township	Exempt from taxation	\$5,900	\$0
23-293	Hope Keller	2022	Lots 1-2, Block 62, McKenzie & Coffin's Block 1, Cottonwood Lake 8th, Lot 5 981	100% Homestead Credit	\$155,500	\$30,500
23-294	Darlene M Meier	2022	Santa Fe Condominium Assoc Unit 1 & Garage 1	60% Homestead Credit	\$209,000	\$134,000
23-295	Eric B Kubischta	2023	Lot 2, Block 49, Northern Pacific 2nd	Error in property description	\$133,900	\$112,500
23-299	Darren Davis	2022	Lot 14, 2006 Friendship 66' x 14'	100% Disabled Veteran	\$43,197	\$0
23-300	Darren Davis	2023	Lot 14, 2006 Friendship 66' x 14'	100% Disabled Veteran	\$47,124	\$0
23-301	R Miller Properties LLC #1 Matthew A & Kelly J	2023	Lot 13, Block 3, Jennings 1st	Error in property description	\$356,200	\$339,900
23-302	Olson Vern Scott & Cheryl Ann	2023	Lot 4, Block 4, Promontory Point IV	Error in property description	\$664,800	\$619,900
23-303	Engh Ingrid W Omlid Living	2023	Lot 4, Block 1, RPT L14-23 B.1 The Pointe	Error in property description	\$523,100	\$488,200
23-304	Trust	2022	Lot 3, Block 19, Morningside Heights	20% Homestead Credit	\$253,100	\$228,100

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			Section 21, Riverview Township, PT SE1/4					
			21 beg at the SE Cor Sec21 W along S line					
	North Cape Properties		to river th to pob etc (incl PT Lot 1 Block 1		Structures in serious			
23-305	LLP	2023	Corwin 139'X 8'+ 40' DED R/W) 21-140-81		disrepair	\$453,800	\$322,500	

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**ITEM**

**# 7**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** November 20, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Developer Waiver Request

Please include this item on the next Burleigh County Board agenda.

### **ACTION REQUESTED:**

Review and Direct the County Highway Department on how to proceed with the Developer's request.

### **BACKGROUND:**

Under the current Pavement Policy, developers (owners of property that is being platted) are required to: "Proposed platted subdivisions will include the construction and paving of all internal roadways and adjacent section line roads, and the construction and paving of at least one roadway that connects into the existing paved highway system."

James and Stacey Braunagel, in the SE ¼ of Section 33, Menoken Township (see attached map), is proposing a one (1) lot subdivision (Braunagel Subdivision), and is requesting a waiver of the Pavement Policy. Under the Pavement Policy, the platting of this property would require them to pave a minimum of 0.6 miles of County/Township roadways from the Subdivision to reach the pavement on County Highway #10.

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

**RECOMMENDATION:**

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

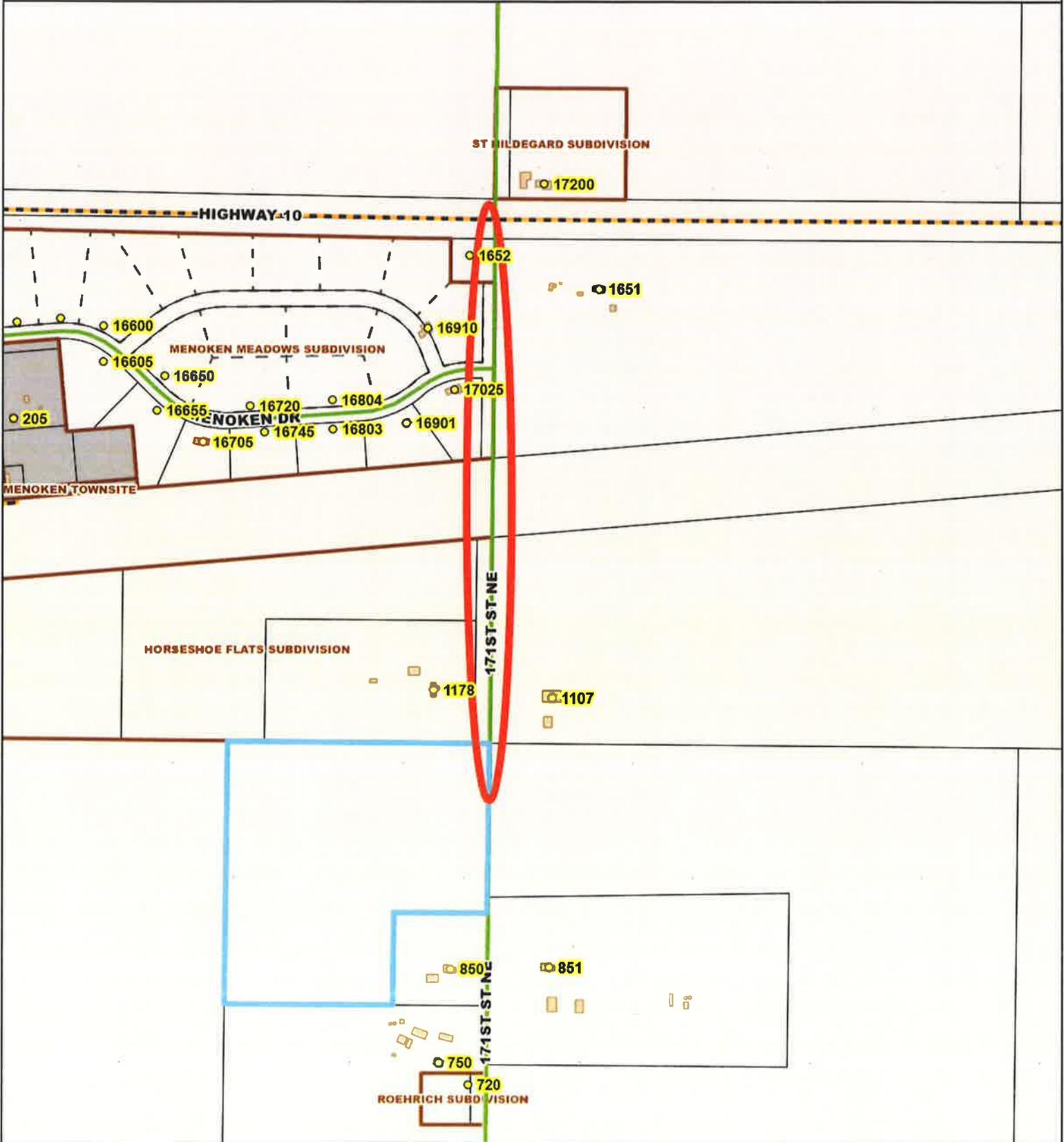
**PROPOSED RESOLUTION:**

THEREFORE BE IT RESOLVED: That the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future, and

THEREFORE, BE IT FURTHER RESOLVED: That the County Board of Commissioners do hereby grant James and Stacey Braunagel's request to waive the paving requirements "*paving of all internal roadways and adjacent section line roads*" listed in the Pavement Policy, in conjunction with the approval of the Braunagel Subdivision.

# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N  
11/3/2023



PARCEL ID: 33-139-78-00-33-810      OWNER: BRAUNAGEL, JAMES J & STACEY      ACRES: 35  
SITE ADDRESS:  
MAIL ADDRESS: 850 171ST ST NE, MENOKEN, ND 58558  
LEGAL: MENOKEN TOWNSHIP Section 33 NE1/4 SE1/4 LESS 5 A TO -815 600744 33-139-78



**ITEM**

**# 8**



**Public Health**  
Prevent. Promote. Protect.

**Bismarck-Burleigh Public Health**



## **MEMORANDUM**

**DATE:** 10/31/2023

**TO:** Mark Splonskowski, Auditor, Treasurer  
Burleigh County Commission

**FROM:** Renae Moch, Public Health Director  
Kelly Leben, Burleigh County Sheriff

**ITEM:** Opioid Settlement Funds

Please place this item on the November 20, 2023 Burleigh County Commission Agenda.

### **BACKGROUND INFORMATION:**

In the most recently completed legislative session, HB1447 was passed requiring a political subdivision that recovers money as a result of opioid litigation to either deposit the money into the state fund or retain the money and transfer to the public health unit providing services to that political subdivision.

If funds are retained by the political subdivision, the political subdivision must collaborate with public health on the use of the money for local programs remediating and abating the opioid crises. The political subdivision and public health unit shall work together to ensure all reporting requirements are met. An allocation plan must be submitted to the ND Department of Health and Human Services behavioral health division prior to expenditure.

As of 8/3/2023, Burleigh County has received a total of \$93,616.99 in opioid settlement payments

### **REQUEST:**

Burleigh County Commission needs to determine if the opioid litigation money received by Burleigh County should be:

1. Deposited to the state fund  
OR

2. Retained locally and transferred to the public health unit providing services to that political subdivision for the development of plans to remediate and abate the opioid crises.

**Supporting Information/Resources:**

**North Dakota Century Code 50-36-06:**

<https://www.ndlegis.gov/cencode/t50c36.pdf#nameddest=50-36-06>

**Political Subdivision Allocation Plans:**

As required by [North Dakota Century Code 50-36-06](#), a political subdivision that recovers and retains moneys as a result of opioid litigation shall collaborate with a public health unit on the use of the moneys for local programs for remediating and abating the opioid crisis. All political subdivisions shall provide an allocation plan to the behavioral health division prior to expenditure. Plans should be submitted [online](#).

Opioid Settlement Funds must be used in a way that aligns with [Exhibit E](#).

View the most up to date list of payments received by political subdivisions [here](#).

## MEMORANDUM

To: Burleigh County Commissioners  
From: Julie Lawyer, State's Attorney  
CC: Mark Splonskowski, Auditor / Treasurer  
RE: Opioid Settlement legislation

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Pursuant to N.D.C.C. Ch. 50-36, there are two options the Commission can choose from regarding the county's opioid settlement funds:

- 1) Deposit the moneys in the state's opioid settlement fund
- 2) Retain money received in the settlement

the results of both options are explained below.

### **Option 1: Deposit money in State's fund**

The money the State receives from the opioid settlement fund and any money deposited in the fund by political subdivisions who receive opioid settlement funds are placed into their own fund to be used in compliance with any court-ordered restrictions and as authorized by the state legislature.

An advisory committee will be formed to forward recommendations for spending the money to the Department of Health and Human Services. They will be developing a process for receiving spending recommendations from political subdivisions and the public and are required to consider cultural practices and alternative best practice treatment methods when making those recommendations.

The committee will consist of the following individuals appointed for a two-year term by the chairman of the legislative management:

- a) One member of the ND Association of Counties;
- b) One member of the ND League of Cities;
- c) One member of the ND State Association of City and County Health Officials;

Appointed for a two-year term by the Highway Patrol superintendent:

- d) One member who represents the Highway Patrol;

Appointed for a two-year term by the Governor (nonvoting member):

- e) One member to act as the presiding officer of the committee;

Appointed based upon position with no term limit

- f) Executive Director of the Behavioral Health Division of the ND Department of Health and Human Services;
- g) Managing Director of the Officer of Recovery Reinvented;

The Department of Health and Human Services' annual spending decisions must include at least twenty percent for opioid use and prevention and overdose prevention.

If this option is chosen, the Commission would be able to provide spending recommendations to the Committee for consideration on how the money is spent.

**Option 2: Retain money received**

If the settlement money is retained, it must be transferred to the public health unit that provides services to the political subdivision.

The money must be spent in compliance with any court-ordered restrictions.

The Commission is required to collaborate with the public health unit on the use of the money for local programs for remediating and abating the opioid crisis.

An allocation plan must be submitted to the Behavioral Health Division of the ND Department of Health and Human Services before money can be spent. The ND Department of Health and Human Services is required to report to the legislature on state fund and local political subdivisions have spent opioid settlement funds.

“The department shall implement or assist with the implementation of spending decisions made under this chapter.” N.D.C.C. § 50-36-05(2)

If this option is chosen, the Commission would have to work with Bismarck / Burleigh Public Health to determine how the money is spent and would have to submit their plan to the ND Department of Health and Human Services prior to spending any money.

Eligible Political Subdivision	Distributor payments received ( year 1-2)	Janssen 1/13/22 (1)	Janssen 1/13/22 (2)	Janssen 1/13/22 (3)	Janssen 1/13/22 (4)	Janssen 1/13/22 (5)	Distributor payment year 3 (8/3/23)	Total (8/3/23)
Adams County	\$1,480.64	\$ 259.81	\$ 485.14	\$ 606.14	\$ 744.92	\$ 825.66	\$ 758.71	\$5,161.02
Barnes County	\$5,255.83	\$ 922.25	\$ 1,722.12	\$ 2,151.63	\$ 2,644.25	\$ 2,930.86	\$ 2,693.20	\$18,320.14
Benson County	\$3,736.24	\$ 655.61	\$ 1,224.21	\$ 1,529.54	\$ 1,879.73	\$ 2,083.48	\$ 1,914.53	\$13,023.34
Billings County	\$240.76	\$ 42.25	\$ 78.89	\$ 98.56	\$ 121.13	\$ 134.25	\$ 123.37	\$839.21
Bismarck	\$35,678.20	\$ 6,260.53	\$ 11,690.27	\$ 14,605.94	\$ 17,949.96	\$ 19,895.62	\$ 18,282.27	\$124,362.79
Bottineau County*								
Bowman County*								
Burke County	\$607.45	\$ 106.59	\$ 199.04	\$ 248.68	\$ 305.61	\$ 338.74	\$ 311.27	\$2,117.38
Burleigh County	\$26,857.60	\$ 4,712.76	\$ 8,800.12	\$ 10,994.96	\$ 13,512.25	\$ 14,976.89	\$ 13,762.41	\$93,616.99
Cass County	\$41,965.93	\$ 7,363.85	\$ 13,750.50	\$ 17,180.01	\$ 21,113.36	\$ 23,401.91	\$ 21,504.24	\$146,279.80
Cavalier County*								
Devils Lake	\$1,641.87	\$ 288.10	\$ 537.98	\$ 672.15	\$ 826.04	\$ 915.58	\$ 841.33	\$5,723.05
Dickey County	\$2,748.68	\$ 482.32	\$ 900.63	\$ 1,125.26	\$ 1,382.88	\$ 1,532.78	\$ 1,408.48	\$9,581.03
Dickinson	\$4,792.13	\$ 840.89	\$ 1,570.18	\$ 1,961.80	\$ 2,410.96	\$ 2,672.29	\$ 2,455.59	\$16,703.84
Divide County*								
Dunn County	\$2,274.13	\$ 399.05	\$ 745.14	\$ 930.98	\$ 1,144.13	\$ 1,268.15	\$ 1,165.31	\$7,926.89
Eddy County	\$1,009.78	\$ 177.19	\$ 330.86	\$ 413.38	\$ 508.03	\$ 563.09	\$ 517.43	\$3,519.76
Emmons County*								
Fargo	\$58,303.37	\$ 10,230.61	\$ 19,103.60	\$ 23,868.23	\$ 29,332.84	\$ 32,512.33	\$ 29,875.89	\$203,226.87
Foster County	\$1,785.06	\$ 313.23	\$ 584.89	\$ 730.77	\$ 898.08	\$ 995.42	\$ 914.70	\$6,222.15
Golden Valley County	\$1,032.74	\$ 181.22	\$ 338.39	\$ 422.78	\$ 519.58	\$ 575.90	\$ 529.20	\$3,599.81
Grand Forks	\$32,632.48	\$ 5,726.09	\$ 10,692.31	\$ 13,359.08	\$ 16,417.63	\$ 18,197.20	\$ 16,721.58	\$113,746.37
Grand Forks County	\$24,764.11	\$ 4,345.41	\$ 8,114.17	\$ 10,137.93	\$ 12,459.00	\$ 13,809.48	\$ 12,689.66	\$86,319.76
Grant County	\$948.89	\$ 166.50	\$ 310.91	\$ 388.46	\$ 477.39	\$ 529.14	\$ 486.23	\$3,307.52
Griggs County	\$939.74	\$ 164.90	\$ 307.91	\$ 384.71	\$ 472.79	\$ 524.04	\$ 481.54	\$3,275.63
Hettinger County	\$950.28	\$ 166.75	\$ 311.37	\$ 389.02	\$ 478.09	\$ 529.91	\$ 486.94	\$3,312.36
Jamestown	\$3,183.78	\$ 558.66	\$ 1,043.19	\$ 1,303.38	\$ 1,601.78	\$ 1,775.41	\$ 1,631.44	\$11,097.64
Kidder County	\$1,393.58	\$ 244.53	\$ 570.50	\$ 456.62	\$ 701.12	\$ 777.12	\$ 714.10	\$4,857.57
La Moure County	\$1,376.04	\$ 241.46	\$ 450.87	\$ 563.32	\$ 692.30	\$ 767.34	\$ 705.11	\$4,796.44
Lisbon	\$622.03	\$ 109.15	\$ 203.81	\$ 254.64	\$ 312.94	\$ 346.87	\$ 318.74	\$2,168.18
Logan County	\$743.90	\$ 130.53	\$ 243.74	\$ 304.54	\$ 374.26	\$ 414.83	\$ 381.19	\$2,592.99
Mandan	\$5,104.69	\$ 895.73	\$ 1,672.59	\$ 2,089.76	\$ 2,568.20	\$ 2,846.58	\$ 2,615.75	\$17,793.30
Mchenry County*								
McIntosh County	\$1,300.80	\$ 228.25	\$ 426.22	\$ 532.52	\$ 654.44	\$ 725.38	\$ 666.56	\$4,534.17
Mckenzie County	\$5,580.41	\$ 979.21	\$ 1,828.47	\$ 2,284.51	\$ 2,807.54	\$ 3,111.86	\$ 2,859.52	\$19,451.52
McLean County	\$5,159.86	\$ 905.41	\$ 1,690.67	\$ 2,112.34	\$ 2,595.96	\$ 2,877.35	\$ 2,644.02	\$17,985.61
Mercer County	\$5,094.78	\$ 893.99	\$ 1,669.35	\$ 2,085.70	\$ 2,563.22	\$ 2,841.06	\$ 2,610.67	\$17,758.77
Minot	\$13,102.69	\$ 2,299.16	\$ 4,293.21	\$ 5,363.98	\$ 6,592.05	\$ 7,306.59	\$ 6,714.10	\$45,671.78
Morton County	\$12,102.87	\$ 2,123.71	\$ 3,965.61	\$ 4,954.67	\$ 6,089.04	\$ 6,749.05	\$ 6,201.77	\$42,186.72
Mountrail County	\$5,050.28	\$ 886.18	\$ 1,654.77	\$ 2,067.48	\$ 2,540.83	\$ 2,816.24	\$ 2,587.87	\$17,603.65
Nelson County	\$2,148.74	\$ 377.05	\$ 704.06	\$ 879.65	\$ 1,081.05	\$ 1,198.23	\$ 1,101.06	\$7,489.84
Oliver County	\$1,009.90	\$ 177.21	\$ 330.90	\$ 413.43	\$ 508.09	\$ 563.16	\$ 517.49	\$3,520.18
Pembina County	\$5,678.96	\$ 996.50	\$ 1,860.76	\$ 2,324.85	\$ 2,857.13	\$ 3,166.82	\$ 2,910.02	\$19,795.04
Pierce County	\$3,301.58	\$ 579.34	\$ 1,081.79	\$ 1,351.60	\$ 1,661.05	\$ 1,841.10	\$ 1,691.80	\$11,508.26
Ramsey County	\$5,771.58	\$ 1,012.75	\$ 1,891.11	\$ 2,362.77	\$ 2,903.72	\$ 3,218.46	\$ 2,957.48	\$20,117.87
Ransom County	\$2,802.62	\$ 491.78	\$ 918.30	\$ 1,147.34	\$ 1,410.02	\$ 1,562.86	\$ 1,436.12	\$9,769.04
Renville County*								
Richland County	\$11,017.77	\$ 1,933.31	\$ 3,610.07	\$ 4,510.45	\$ 5,543.12	\$ 6,143.96	\$ 5,645.74	\$38,404.42
Rolette County	\$8,247.88	\$ 1,447.27	\$ 2,702.49	\$ 3,376.52	\$ 4,149.57	\$ 4,599.35	\$ 4,226.39	\$28,749.47
Sargent County	\$2,616.79	\$ 459.17	\$ 857.42	\$ 1,071.26	\$ 1,316.53	\$ 1,459.23	\$ 1,340.90	\$9,121.30
Sheridan County	\$406.04	\$ 71.25	\$ 133.04	\$ 166.23	\$ 204.28	\$ 226.43	\$ 208.06	\$1,415.33
Sioux County	\$3,021.32						\$ 1,548.19	\$4,569.51
Slope County	\$213.43	\$ 37.45	\$ 69.93	\$ 87.37	\$ 107.38	\$ 119.02	\$ 109.37	\$743.95
Stark County	\$15,195.29	\$ 2,666.35	\$ 4,978.87	\$ 6,220.65	\$ 7,644.86	\$ 8,473.51	\$ 7,786.39	\$52,965.92
Steele County	\$1,103.58	\$ 193.65	\$ 361.60	\$ 451.79	\$ 555.22	\$ 615.40	\$ 565.50	\$3,846.74
Stutsman County	\$8,955.29	\$ 1,571.40	\$ 2,934.28	\$ 3,666.12	\$ 4,505.47	\$ 4,993.83	\$ 4,588.88	\$31,215.27
Towner County	\$819.21	\$ 143.75	\$ 268.42	\$ 335.37	\$ 412.15	\$ 456.82	\$ 419.78	\$2,855.50
Traill County	\$4,798.63	\$ 842.03	\$ 1,572.31	\$ 1,964.46	\$ 2,414.22	\$ 2,675.91	\$ 2,458.92	\$16,726.48
Walsh County	\$9,300.76	\$ 1,632.02	\$ 3,047.47	\$ 3,807.54	\$ 4,679.28	\$ 5,186.48	\$ 4,765.91	\$32,419.46
Ward County	\$15,794.97	\$ 2,771.57	\$ 5,175.35	\$ 6,466.14	\$ 7,946.56	\$ 8,807.91	\$ 8,093.68	\$55,056.18
Wells County	\$1,970.00	\$ 345.68	\$ 645.49	\$ 806.48	\$ 991.12	\$ 1,098.56	\$ 1,009.47	\$6,866.80
West Fargo	\$8,347.15	\$ 1,464.69	\$ 2,735.01	\$ 3,417.15	\$ 4,199.51	\$ 4,654.71	\$ 4,277.26	\$29,095.48
Williams County	\$10,454.80	\$ 1,834.53	\$ 3,425.61	\$ 4,279.99	\$ 5,259.89	\$ 5,830.02	\$ 5,357.26	\$36,442.10
Williston	\$6,806.13	\$ 1,194.29	\$ 2,230.09	\$ 2,786.29	\$ 3,424.21	\$ 3,795.37	\$ 3,487.61	\$23,723.99
<b>TOTAL SUBDIVISIONS</b>	<b>\$439,244.04</b>	<b>\$76,544.92</b>	<b>\$143,046.00</b>	<b>\$178,466.92</b>	<b>\$219,466.76</b>	<b>\$243,255.54</b>	<b>\$225,078.00</b>	<b>\$1,525,102.18</b>

Distributor payments 439,244.04  
Janssen payments \$76,544.92 \$143,046.00 \$178,466.92 \$219,466.76 \$243,255.54 \$225,078.00 \$664,322.04  
\*Subdivision did not participate \$860,780.14

## **CHAPTER 50-36 OPIOID SETTLEMENT**

### **50-36-01. Definitions.**

As used in this chapter:

1. "Committee" means the opioid settlement advisory committee.
2. "Department" means the department of health and human services.
3. "Fund" means the opioid settlement fund.
4. "Opioid litigation" means statewide opioid settlement agreements, judgments, or other recoveries in connection with a defendant's actual or alleged liability for contributing to the opioid crisis in this state which must be used for purposes of remediating or abating the opioid crisis in this state.

### **50-36-02. Opioid settlement fund.**

There is created in the state treasury an opioid settlement fund. Moneys recovered by the state as a result of opioid litigation must be deposited in the fund. Moneys recovered by a political subdivision as a result of opioid litigation may be deposited in the fund. The state investment board shall invest moneys in the fund and income earned on the moneys in the fund must be credited to the fund. Moneys in the fund may be used in compliance with any court-ordered restrictions and as authorized by legislative appropriation and this chapter; however, legislative appropriations from the fund may not exceed eight million dollars in a biennium. The fund does not include funds not retained by the state pursuant to law or court order.

### **50-36-03. Opioid settlement advisory committee.**

1. The committee is composed of:
  - a. One member of the North Dakota association of counties appointed by the chairman of the legislative management, who shall serve a term of two years.
  - b. One member of the North Dakota league of cities appointed by the chairman of the legislative management, who shall serve a term of two years.
  - c. One member of the North Dakota state association of city and county health officials appointed by the chairman of the legislative management, who shall serve a term of two years.
  - d. One member who represents the highway patrol appointed by the highway patrol superintendent, who shall serve a term of two years.
  - e. The executive director of the department's division of behavioral health.
  - f. The managing director of the office of recovery reinvented.
  - g. One member appointed by the governor who shall serve as a nonvoting member and as the presiding officer of the committee, who shall serve a term of two years.
2. The committee shall forward recommendations to the department on spending decisions of the legislatively appropriated funds for remediation or abatement of the opioid crisis in this state.
  - a. The committee shall develop a process for receiving spending recommendation input from political subdivisions and the public.
  - b. The committee shall develop a process for making recommendations to the department under this subsection.
  - c. The committee shall consider cultural practices and alternative best practice treatment methods when considering and making recommendations to the department under this subsection.

### **50-36-04. Department of health and human services - Report to budget section.**

1. The department shall develop a process for receiving and evaluating spending recommendations of the committee.

2. Annually, each political subdivision that recovers and retains moneys as a result of opioid litigation shall submit to the department a report detailing the decisions of the governing body of the political subdivision regarding use of the moneys.
3. Annually, the department shall make a report to the budget section of the legislative management on the status of the fund and of spending decisions made by the department and the political subdivisions under this chapter.

**50-36-05. Opioid remediation and abatement spending decisions - Implementation.**

1. The department's spending decisions of the legislatively appropriated funds from the fund for remediating and abating the opioid crisis must include at least twenty percent for opioid use prevention and overdose prevention, including best practices relating to fentanyl drug overdose, and approved use for workforce development.
2. The department shall implement or assist with the implementation of spending decisions made under this chapter.

**50-36-06. Political subdivisions - Public health units.**

1. A political subdivision that recovers moneys as a result of opioid litigation may deposit the moneys in the fund or may retain the moneys and transfer the moneys to the public health unit that provides services to that political subdivision.
2. A political subdivision that recovers and retains moneys as a result of opioid litigation shall collaborate with a public health unit on the use of the moneys for local programs for remediating and abating the opioid crisis. The use of moneys under this subsection must be in compliance with any court-ordered restrictions. The political subdivision and public health unit shall work together to ensure all reporting requirements are met.
3. All political subdivisions shall provide an allocation plan to the behavioral health division prior to expenditure.

**EXHIBIT E**

**List of Opioid Remediation Uses**

**Schedule A  
Core Strategies**

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies (“*Core Strategies*”).<sup>14</sup>

- A. **NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES**
1. Expand training for first responders, schools, community support groups and families; and
  2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.
- B. **MEDICATION-ASSISTED TREATMENT (“MAT”) DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT**
1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;
  2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
  3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
  4. Provide treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

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<sup>14</sup> As used in this Schedule A, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

C. **PREGNANT & POSTPARTUM WOMEN**

1. Expand Screening, Brief Intervention, and Referral to Treatment (“*SBIRT*”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“*OUD*”) and other Substance Use Disorder (“*SUD*”)/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with OUD, including housing, transportation, job placement/training, and childcare.

D. **EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME (“*NAS*”)**

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. **EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES**

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;
4. Provide comprehensive wrap-around services to individuals in recovery, including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. **TREATMENT FOR INCARCERATED POPULATION**

1. Provide evidence-based treatment and recovery support, including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

G. **PREVENTION PROGRAMS**

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. **EXPANDING SYRINGE SERVICE PROGRAMS**

1. Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.

I. **EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE**

**Schedule B**  
**Approved Uses**

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

PART ONE: TREATMENT

**A. TREAT OPIOID USE DISORDER (OUD)**

Support treatment of Opioid Use Disorder (“*OUD*”) and any co-occurring Substance Use Disorder or Mental Health (“*SUD/MH*”) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:<sup>15</sup>

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (“*MAT*”) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (“*ASAM*”) continuum of care for OUD and any co-occurring SUD/MH conditions.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including *MAT*, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (“*OTPs*”) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Provide treatment of trauma for individuals with OUD (*e.g.*, violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (*e.g.*, surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

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<sup>15</sup> As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

8. Provide training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Offer fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Offer scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD/MH or mental health conditions, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (“*DATA 2000*”) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a *DATA 2000* waiver.
13. Disseminate of web-based training curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service–Opioids web-based training curriculum and motivational interviewing.
14. Develop and disseminate new curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service for Medication–Assisted Treatment.

**B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY**

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the programs or strategies that:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED**  
**(CONNECTIONS TO CARE)**

Provide connections to care for people who have—or are at risk of developing—OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund SBIRT programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Provide training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

**D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS**

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
  1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (“*PAARP*”);
  2. Active outreach strategies such as the Drug Abuse Response Team (“*DART*”) model;
  3. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
  4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (“*LEAD*”) model;
  5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
  6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.

4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (“CTP”), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

**E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME**

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (“NAS”), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women—or women who could become pregnant—who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Provide training for obstetricians or other healthcare personnel who work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; and expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with NAS get referred to appropriate services and receive a plan of safe care.
6. Provide child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Provide enhanced family support and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including, but not limited to, parent skills training.
10. Provide support for Children’s Services—Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION
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**F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS**

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Providing Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Supporting enhancements or improvements to Prescription Drug Monitoring Programs (“*PDMPs*”), including, but not limited to, improvements that:

1. Increase the number of prescribers using PDMPs;
2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increasing electronic prescribing to prevent diversion or forgery.
8. Educating dispensers on appropriate opioid dispensing.

**G. PREVENT MISUSE OF OPIOIDS**

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Funding community anti-drug coalitions that engage in drug prevention efforts.
6. Supporting community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction—including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (“SAMHSA”).
7. Engaging non-profits and faith-based communities as systems to support prevention.

8. Funding evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

**H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)**

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities providing free naloxone to anyone in the community.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enabling school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expanding, improving, or developing data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.
8. Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expanding access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Supporting mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Providing training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Supporting screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES
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**I. FIRST RESPONDERS**

In addition to items in section C, D and H relating to first responders, support the following:

1. Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

**J. LEADERSHIP, PLANNING AND COORDINATION**

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment

intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

**K. TRAINING**

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, those that:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (*e.g.*, health care, primary care, pharmacies, PDMPs, etc.).

**L. RESEARCH**

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (*e.g.*, Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations, including individuals entering the criminal justice system, including, but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (“ADAM”) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

**ITEM**

**# 9**



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission

Re: Recommendations from the November 8, 2023 meeting of Burleigh County Planning Commission.

Date: 11-14-2023

From: Mitch Flanagan, Burleigh County Planning Director. *mlf*

ITEM 1

Recommendation of the Aberle 4<sup>th</sup> Final Subdivision Plat

Legal Description: Lots 1, 2, 3, Block 1, Aberle Park Third Subdivision of the North ½ of Section 28, Township 139 North, Range 78 West

Property Address: 16230 Industrial Park Dr. Menoken, ND 58558

On October 9<sup>th</sup>, Swenson Hagen and Company applied for a short form subdivision. The proposed subdivision would combine Lots 1, 2, 3, Block 1 of Aberle Park 3<sup>rd</sup> Sub. into two (2) lots. Aberle 4<sup>th</sup> Subdivision, as submitted, meets the administrative requirements of Article 33 Subdivision Regulations.

Suggested Motion:

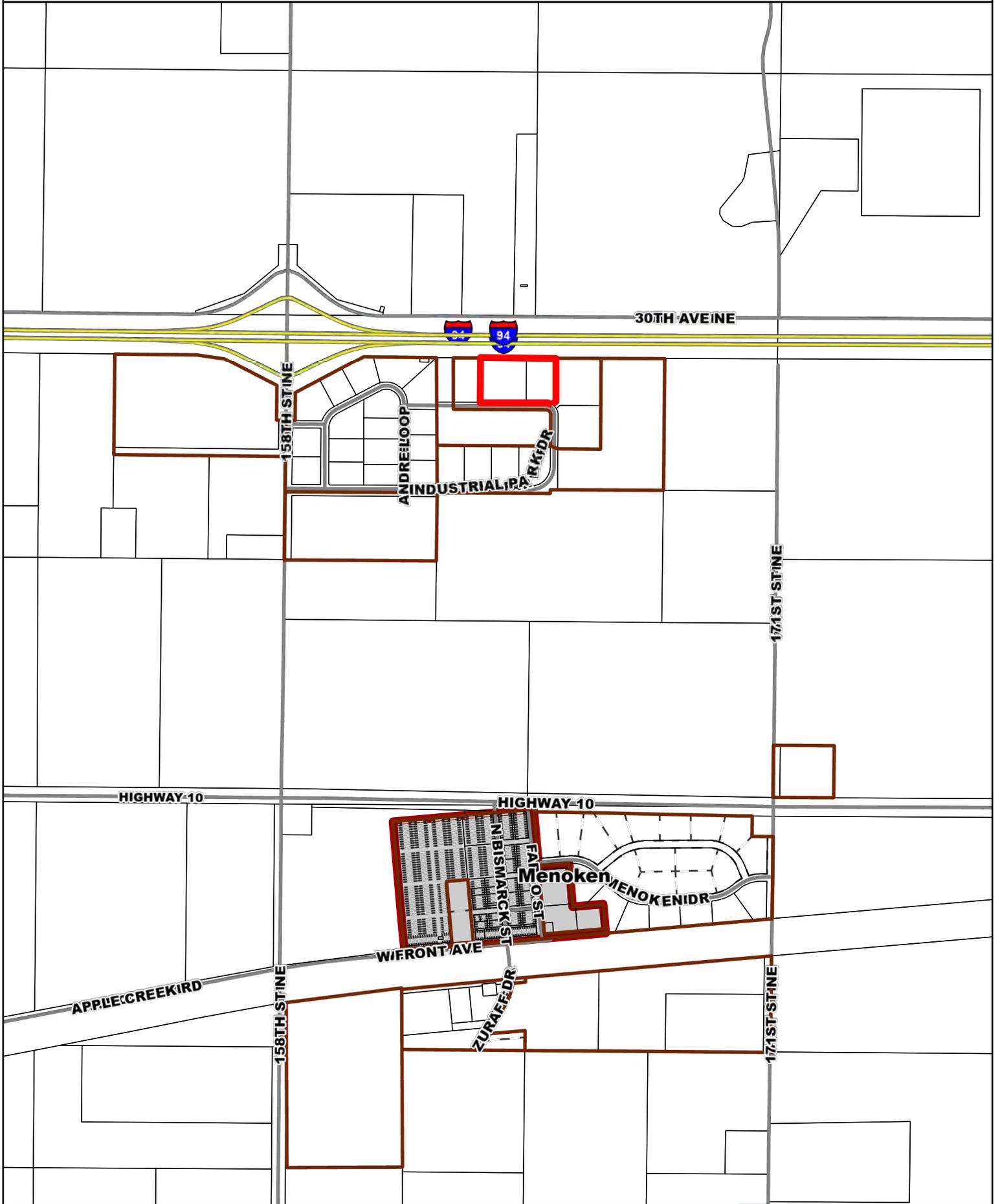
Based on supporting documents and the findings by the planning commission, it is recommended to approve the Aberle Park 4<sup>th</sup> Subdivision Final Plat.

Attachments: 1.1 Aberle Park 4th Subdivision Final Plat.  
1.2. Aberle 4th Subdivision site location map.



# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N  
11/14/2023





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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission  
Re: Recommendations from the November 8, 2023 meeting of Burleigh County Planning Commission.  
Date: 11-14-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *ill/*

ITEM 1

Recommendation of Zoning Change for Riverbend Subdivision

Legal Description: Auditor's Lot B in the SW 1/4 Section 3, Township 137N, Range 80W  
Property Address: 8641 Sibley Drive, Bismarck, ND 58504

Riverbend Subdivision is a 57-acre parcel with five (5) lots consisting of:

1. Two (2) lots comprised of 4 acres each,
2. Two (2) lots comprised of 3.72 acres each,
3. One (1) lot comprised of 40 acres.

The zone changes for the smaller 4 lots is from AG- Agricultural to R1- Rural Single Family Residential. The 40-acre lot would retain its current AG zoning.

ITEM 2

Recommendation of the Riverbend Final Subdivision Plat

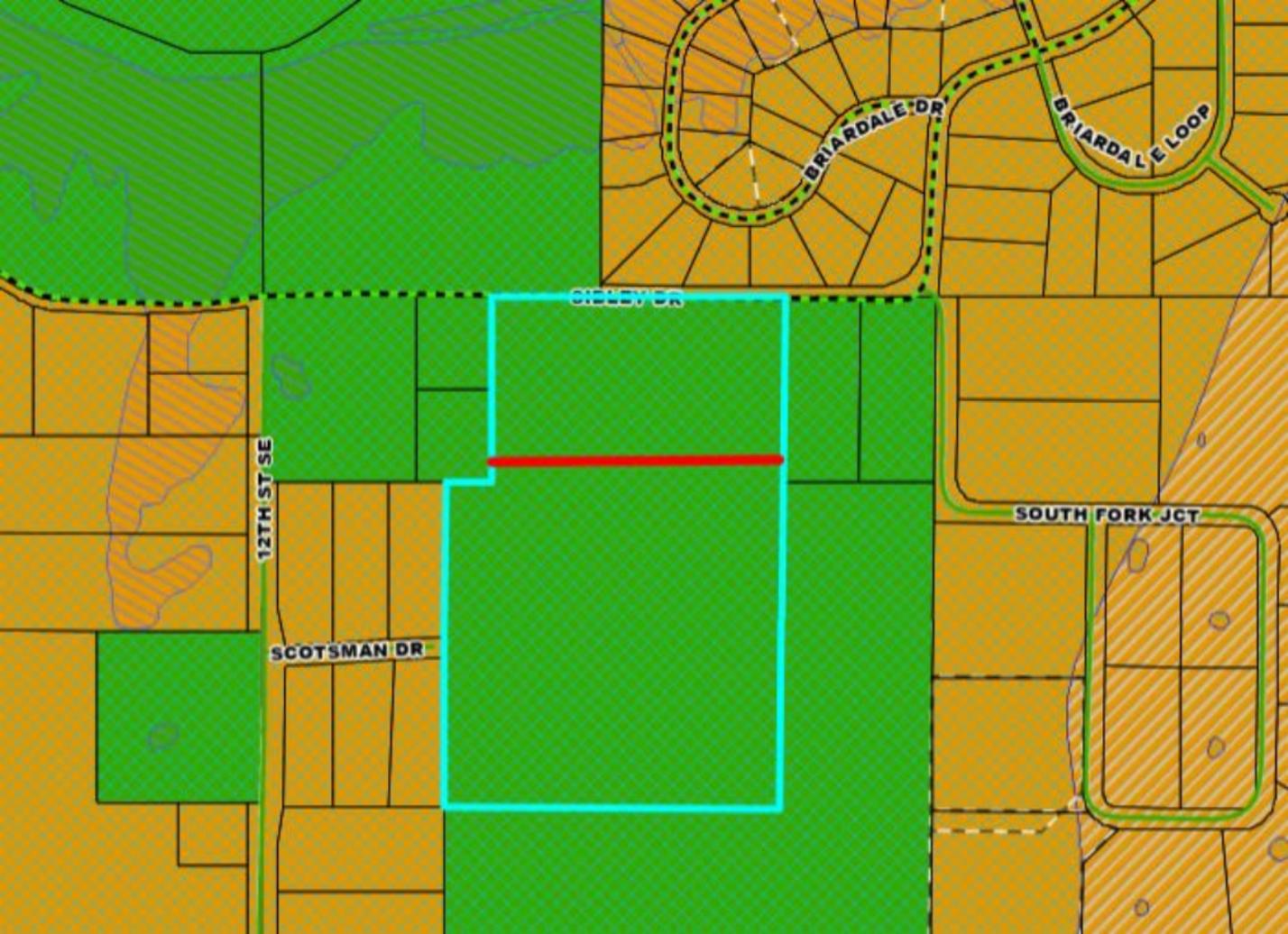
Legal Description: Auditor's Lot B in the SW 1/4 Section 3, Township 137N, Range 80 W  
Property Address: 8641 Sibley Drive, Bismarck, ND 58504

A preliminary review meeting was held on July 18<sup>th</sup> with the County Staff, Mark Isaacs, ILS and property owners Ryan Melin and Kyle Leftwich. The owners intend to develop a five (5) lot subdivision consisting of four (4) lots: two (2) lots comprised of 4 acres each, two (2) lots comprised of 3.72 acres each with the fifth lot comprised of 40 acres.

Suggested Motion:

Based on supporting documents and the findings by the planning commission, it is recommended to approve the zone change from AG to R1 and the Riverbend Subdivision Final Plat.

Attachments: 1.1 Riverbend Subdivision Existing and Proposed Zoning.  
1.2 Riverbend Subdivision Final Plat.  
1.3 Riverbend Subdivision Location Map.



BRIARDALE DR

BRIARDALE LOOP

CIDLEY DR

12TH ST SE

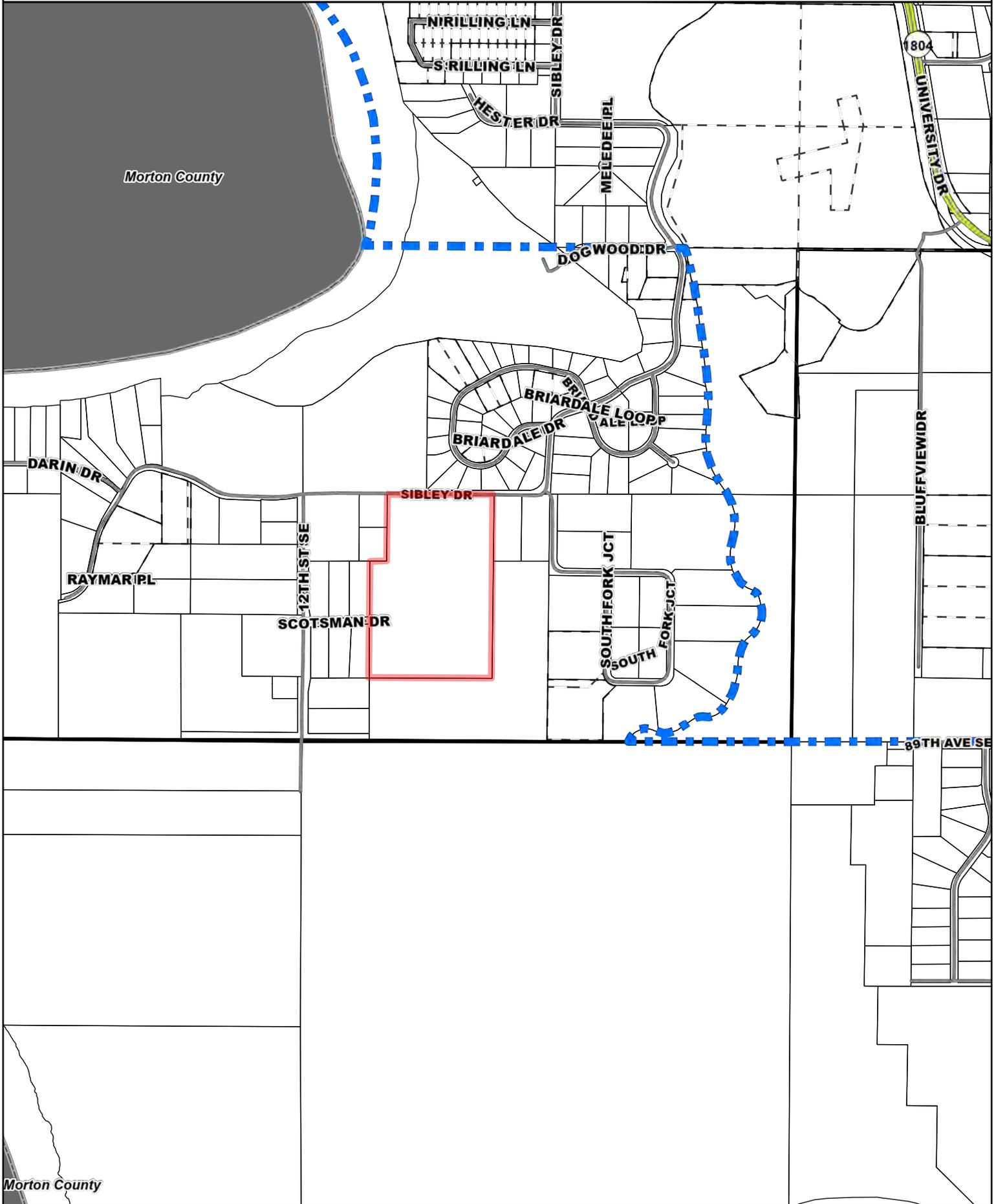
SOUTH FORK JCT

SCOTSMAN DR



# BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N  
11/14/2023





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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission

Re: Recommendations from the May 10, 2023 meeting of Burleigh County Planning Commission.

Date: 11-14-2023

From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Recommendation of the CLH Acres Final Subdivision Plat

Legal Description: Riverview Township, Section 14, S 1/2 NE 1/4 Including Outlot A

Property Address: 13250 NW 34<sup>th</sup> St. Bismarck, ND. 58503-8420

Planning Staff, Rural Fire and Mountain Plains LLC representing Rocky Ridge Limited Partnership met end of February 2023. The final subdivision will contain eighty (80) acres, divided into two (2) lots. Lot 1 (west lot) will contain 56 acres. Lot 2 (east lot) will contain 22 acres, both lots will retain their A-Agricultural zoning. CLH Acres Final Subdivision meets the administrative requirements of Article 33 Subdivision Regulations.

Suggested Motion:

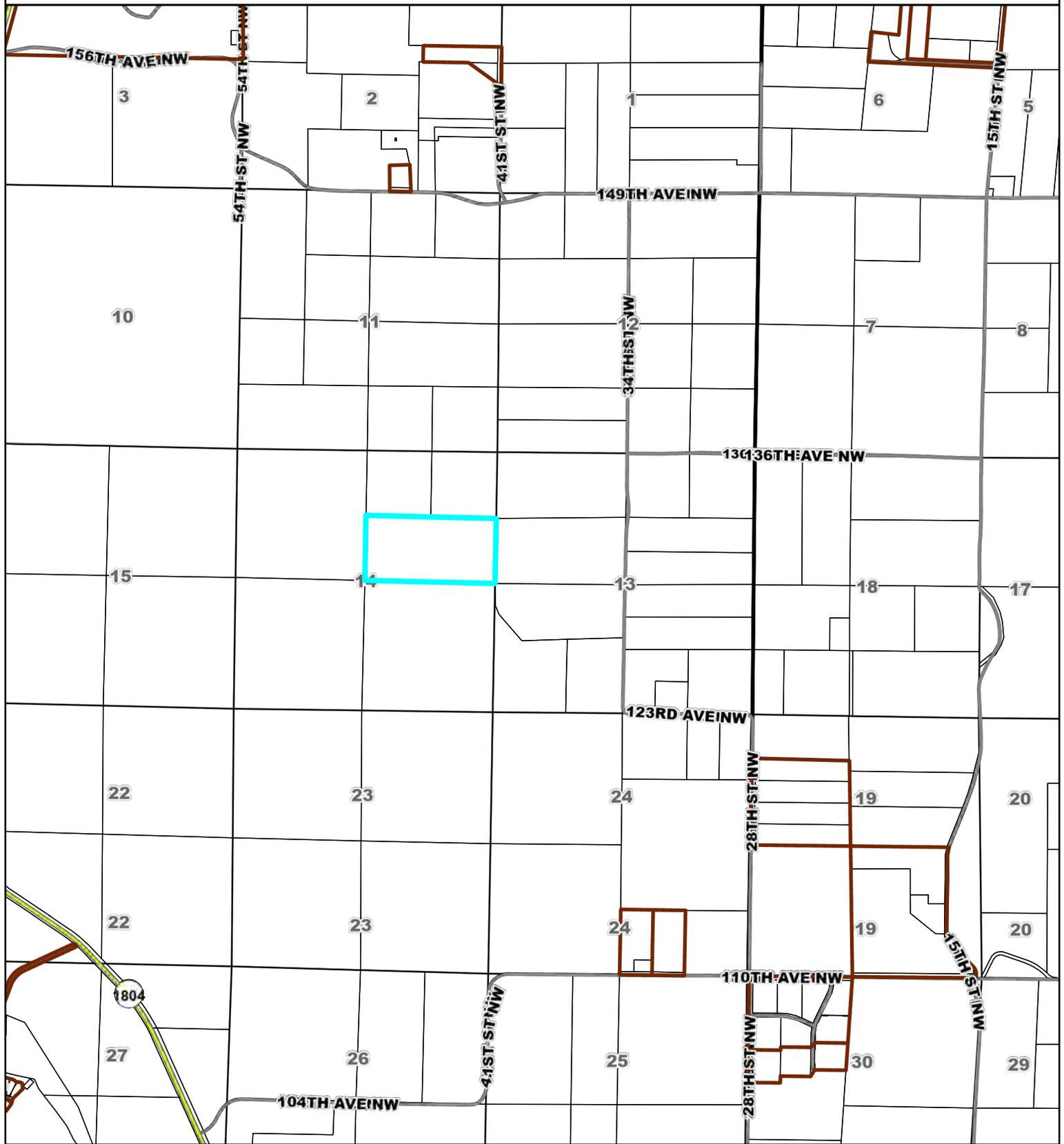
Based on supporting documents and the findings by the planning commission, it is recommended to approve the CLH Acres Subdivision Final Plat.

Attachments: 1.1 CLH Acres Subdivision Final Plat.  
1.2 CLH Acres Location Map.



BURLEIGH COUNTY, NORTH DAKOTA  
LOCATION MAP

N  
11/13/2023



PARCEL ID: 23-140-81-00-14-210      OWNER: ROCKY RIDGE LIMITED PTRNSHP      ACRES: 80  
SITE ADDRESS: 13250 NW 34TH ST  
MAIL ADDRESS: 13250 34TH ST NW, BISMARCK, ND 58503-8420  
LEGAL: RIVERVIEW TOWNSHIP Section 14 S1/2NE1/4 INCLUDING OUTLOT A 526331 640023 640743 641140 14-140-81

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

**ITEM**

**# 10**



## Burleigh County Emergency Management

4200 Coleman St  
Bismarck ND 58503  
(701) 222-6727  
burleighco.com

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To: Burleigh County Commission  
From: Mary Senger, Director  
Date: November 16, 2023  
Subject: Joint Powers Agreement with Emmons County

### **Request**

Approve the 2024 Joint Powers Agreement for Provision of Emergency Management Services. The attached Agreement has not changed from 2023 except for a \$100 monthly fee increase. The Agreement was approved by the Emmons County Commission at their regularly-scheduled meeting on November 7, 2023.

### **Background Information**

Burleigh County has been providing Emergency Management services to Emmons County since 2010 and became the first multi-county program. The Agreement has been maintained with minor price adjustments and has served as a template for other counties to contract services.

### **Recommendation**

Motion to approve the 2024 Joint Powers Agreement for Provision of Emergency Management Services.

**JOINT POWERS AGREEMENT  
FOR PROVISION OF  
EMERGENCY MANAGEMENT SERVICES**

This agreement is made this 20th day of November 2023, by and between Burleigh County, North Dakota, a political subdivision, and Emmons County, North Dakota, a political subdivision.

WHEREAS, Burleigh County and Emmons County are organized and operated pursuant to Title 11 of the North Dakota Century Code and have the authority to enter into a Joint Powers Agreement pursuant to Section 54.40.3.01, North Dakota Century Code and Article VII, Section 10 of the North Dakota Constitution.

WHEREAS, North Dakota Century Code (N.D.C.C) 37-17.1·07 provides that "each county shall maintain an emergency management organization that serves the entire county or must be a member of a regional emergency management organization that serves more than one county"; and

WHEREAS, Emmons County has been challenged to maintain an effective emergency management program based on its part-time requirements, and after exploring various cost effective options to provide for an emergency management program has determined the most cost-effective method would be to pay for services; and

WHEREAS, Burleigh County maintains highly qualified fulltime staff in its emergency management program, is willing and capable of providing emergency management services, and has determined that it can leverage efficiency within its own program to provide fee based emergency management services;

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants contained herein the parties agree as follows:

1. Scope of Services: Burleigh County and Emmons County agree that Burleigh County, through its Emergency Management Services Department, shall furnish services to and for Emmons County by providing emergency management services in accordance with the terms and conditions of this Agreement. Burleigh County assumes the obligation to provide such services through its Emergency Management Services employees consistent with the terms of this Agreement in compliance with established professional standards. In furtherance, but not in limitation of the scope of services designated herein, such duties, obligations and responsibilities shall include the following:
  - A. Burleigh County shall incorporate the National Incident Management System, which includes the Incident Command System (ICS)/Unified Command System (UCS), into the local emergency operations plan (LEOP).

- B. Burleigh County shall develop, review, and update the LEOP to ensure it adequately addresses all hazards and issues that may arise during an emergency/disaster, identify resources including local, private, voluntary, and mutual aid, and conduct planning meetings to review and identify roles and responsibilities.
  - C. Burleigh County shall manage Emmons County's Homeland Security Program; ensuring that any funds are fairly and equitably distributed through an allocation process with county government entities and responder agencies. Further, Burleigh County shall submit spending plans for the State Homeland Security Grants and the Law Enforcement Terrorism Prevention Grant to the appropriate state and/or federal agencies, submit reimbursement requests (including an invoice and proof of payment) for grants under the Department of Emergency Services, maintain grant records, including the inventory of equipment purchases for grants under the Department of Emergency Services, and submit quarterly progress reports for grants awarded by the Department of Emergency Services.
  - D. Burleigh County shall manage the Emmons County's Emergency Management Program Grant (EMPG) to include the submission of a grant application with budget and work plan. Further, Burleigh County shall complete the items in the work plan, provide an accounting for grant funds, submit reimbursement requests, including proper documentation and proof of payments, submit quarterly progress reports, and maintain grant records, including the inventory of equipment purchases.
  - E. Burleigh County shall complete a training plan for Emmons County responders based upon Homeland Security Exercise and Evaluation Program results and NIMS training requirements. (Based upon monies allotted via budget and/or grants).
2. Term: The agreement of this term shall be for a period of one year beginning upon the effective date of January 1, 2024 and terminating on December 31, 2024. This agreement shall renew yearly unless either party delivers a sixty (60) day written notice, at any time during the contract period, to the other party of its intention to discontinue further services under this agreement.
3. Compensation: Emmons County agrees to pay Burleigh County for the services to be provided under the terms of this Agreement as follows:
- A. A base monthly fee of \$1,500.00 will be paid Burleigh County to offset the current Emergency Management Program budget since services will be provided in day-to-day activities.
  - B. Emmons County agrees to pay additional fees based upon an hourly rate for dedicated service hours and specific operational costs identified per month. A cost estimate is provided in Attachment A (Budget).

- C. The fees generated through Attachment A will not include hours of work required to support emergency and disaster response. Those fees will be a separate cost and will be based on regular or overtime hours and apportioned to supported jurisdictions,
  - D. As the program matures, the monthly fee will adjust according to a documented work history. Depending on workload requirements, the service provider may need to increase staff to sustain service goals.
4. Insurance: Each County will agree to assume its own liability for any and all claims of any nature including all costs, expenses and attorneys' fees which may in any manner result from or arise out of this agreement.

Burleigh County shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-insurance pools or government self-retention funds, authorized to do business in North Dakota the following insurance policies: commercial general liability; automobile liability; and workers' compensation insurance covering any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$250,000 per person and \$500,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers' compensation. The Counties shall furnish certificates of insurance evidencing these coverages are in effect and providing that the coverages may not be canceled or modified without thirty (30) days prior writing notice to the other County.

5. Status of Burleigh County Employees: In the performance of the services rendered by Burleigh County through its designated employees are employees of Burleigh County and not employees of Emmons County.
6. Relationship of Parties: This Agreement shall not be construed to create any form of any employment relationship between any Burleigh County Emergency Management Services employee and Emmons County under the provisions of this Agreement. It is the intention of the parties hereto to maintain separate and distinct organizations, and Burleigh County through its designated employees shall at all times be acting as an independent contractor in providing services to and for the benefit of Emmons County. Burleigh County shall be responsible to control and supervise all of its employed Emergency Management Services employees and to pay compensation to the same for all wages, salaries, taxes, withholding payments, fees, as well as other professional education, professional liability insurance premiums, and contributions to any pension plans. Burleigh County shall not claim that Emmons County is responsible for the payment of any of the foregoing payments, withholdings, contributions, or taxes in relationship to its designated employees.

7. Indemnification and Liability of Parties: Each party to this Agreement shall be responsible for the claims, losses, damages and expenses, which may arise out of the negligent or wrongful acts or omissions of that party or that party's agents, employees, or representatives acting in the scope of their duties in this Agreement. Each party to this Agreement agrees to inform the other in the event such party is notified of an investigation or claim arising out of the services provided under the terms and conditions of this Agreement and shall provide reasonable access to the information involving such investigation or claim. Each party shall further notify the other party of the disposition of any such investigation or claim.
8. Termination: This Agreement shall terminate upon the expiration of the term established herein. Either party may further terminate this Agreement for breach of any of the duties outlined herein upon Ninety (90) days written notice delivered to the other party. Upon termination of this Agreement, as provided for above, neither party shall have any further obligation or duty hereunder except for those obligations which have accrued prior to the date of termination.
9. Governing Law: This Agreement shall be construed in accordance with and governed by the laws of the State of North Dakota and shall further be subject to all applicable federal laws, rules and regulations.
10. Compliance with Laws and Regulations: It is the intention of Emmons County and Burleigh County to fully comply with all applicable laws and regulations in performing their respective duties and responsibilities under this Agreement. The parties shall cooperate during the entire term of this Agreement to assist each party in fully complying with the laws and regulations required in providing emergency management services.
11. Notices: Any notice required or permitted to be given under this Agreement shall be deemed properly given at the time it is mailed, properly addressed and postage prepaid to the addresses specified below, or to such other and further addresses as may be specified in writing:

Burleigh County Auditor  
221 N 5th St  
Bismarck, ND 58501

Emmons County Auditor  
100 4th St NW  
Linton, ND 58552

Dated this 20th day of November 2023  
Burleigh County:

BY: \_\_\_\_\_  
Steve Bakken, Commission Chairperson

Dated this 7th day of November 2023  
Emmons County:

BY:  \_\_\_\_\_  
Erin Magrum, Commission Chairperson

**Attachment A**

	<b>Yearly</b>	<b>Monthly</b>
<b>Burleigh County Fixed Operating Expenses/Supplies</b>		
	\$ 18,000.00	\$1,500

<b>Emmons County Emergency Management Budget</b>		
EM Contract Per Hour	\$ 13,200.00	\$ 1,100.00
*Estimate Only		
FICA	\$ 818.40	\$ 68.20
Medicare	\$ 191.40	\$ 15.95
Other Expenses	\$ 2,000.00	\$ 166.67
<b>Program Cost</b>	<b>\$ 34,209.80</b>	<b>\$ 2,850.82</b>



## Burleigh County Emergency Management

4200 Coleman St  
Bismarck ND 58503  
(701) 222-6727  
burleighco.com

---

To: Burleigh County Commission  
From: Mary Senger, Director  
Date: November 16, 2023  
Subject: Sheriff's Department Vehicle Rotation

### **Request**

Approve the addition of another Sheriff's Department fleet vehicle in the Emergency Management Department with a three-year rotation.

### **Background Information**

Every three years, Burleigh County Emergency Management receives a vehicle from the Burleigh County Sheriff's Department fleet and the old vehicle is returned for sale. Essentially, the vehicle is "borrowed" for three years. The Information Technology Division employee starts in a full-time capacity on January 1, 2024 and will be traversing among County facilities. Sheriff Leben offered another fleet vehicle to be utilized in the three-year rotation.

### **Recommendation**

Motion to approve the addition of another Sheriff's Department fleet vehicle in Emergency Management for the IT Division with a three-year rotation.

**ITEM**

**# 11**



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

---

**KELLY LEBEN**  
SHERIFF

## Request for County Commission Action

**Date:** November 14, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben *Kelly L*  
Burleigh County Sheriff

**Re:** Update on Crossroads Tavern

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

**Action Requested:**

Provide the Commission an update on Crossroads Tavern activity,

**Background:**

The Crossroads Tavern Liquor License was up for renewal in June of 2023. Sheriff Leben provided the commission an overview of law enforcement related activity that had occurred during the current licensing period. Per Commission direction, Sheriff Leben will provide an update on activity since the recent license re-issuance.

---

**COURTHOUSE**

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

[www.facebook.com/BurleighCountySheriffsDepartment](https://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



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN  
SHERIFF

## Request for County Commission Action

**Date:** November 9, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben   
Burleigh County Sheriff

**Re:** Back the Blue Grant Program

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

**Action Requested:**

Request authorization to receive and supplement funding from ND Back the Blue Grant Program.

**Background:**

HB 1307 approved during the 2023 legislative session awards money to ND Law Enforcement agencies to assist with recruitment and retention of Deputy Sheriff and Detention Officer positions. The Burleigh County Sheriff's Department requests authorization to accept the grant awarded in the amount of \$168,903 and supplement it with \$2,697 of salary budget dollars to equal \$1,300 per applicable BCSD position. The plan will be implemented as outlined in the attached document.

**Recommendation:**

It is recommended that the County Commission authorize the Burleigh County Sheriff's Department to accept the grant from the ND Attorney General and implement the plan developed and presented.

**Proposed Resolution:**

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to Accept the ND Back the Blue Grant and implement the program as presented.

---

**COURTHOUSE**

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

 [www.facebook.com/BurleighCountySheriffsDepartment](https://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

## ND State Back the Blue Grant Program

- I. Back the Blue Grant Program came from HB 1307 in the 2023 Legislative Session.
- II. ND Sheriff's & Deputies Association was very involved in this bill and other bills.
- III. HB 1307 provides a one-time allotment of \$3.5 million to ND law enforcement for recruitment and retention of licensed peace officer and detention officers with no local match dollars.
- IV. Money is awarded to agencies based on a formula contained in the law and administered by the ND Attorney General.
- V. Burleigh County will be awarded \$168,903 to use by March 25, 2023. Unspent funds will be returned to the NDAG. Our agency will be required to submit a report to the NDAG detailing how we have implemented the plan and our overall success with the funding.
- VI. Our plan for the money:
  1. Implement our plan December 15<sup>th</sup>, 2023.
  2. Two prong plan to work on recruitment and retention.
  3. Money allocated based on total FTE slots for Deputy Sheriff and Detention Officer positions.
  4. Sheriff position won't be included in our plan.
- VII. How the Plan will work:
  1. The retention bonus will be paid in December 2024 to all Deputy Sheriffs and Detention Officers who are employed by the department on December 15, 2023 and remain employed until December 15, 2024.
  2. The recruitment bonus will be paid to all new hires who are hired during the program dates and remain employed for one year.
- VIII. Funding
  1. Funding allocated to this program amounts to \$1,279.56 for every applicable FTE position.
  2. Current FTE positions are 58 Deputy Sheriffs and 74 Detention Officers.
  3. Request authorization to supplement this program with \$2,697 of budgeted salary dollars to bring the amount to \$1,300 per position for rounding purposes.
  4. If three positions turn over during program period, Burleigh County won't expend any allocated funds.
- IX. Program Review
  1. We will do quarterly monitoring during program and continue one year after the program ends.
  2. Will provide an assessment on effectiveness of recruitment and retention bonuses with little or no cost to Burleigh County.
  3. Data may provide insight to be used for future hirings for all Burleigh County departments.



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN  
SHERIFF

## Request for County Commission Action

**Date:** November 9, 2023

**To:** Mark Splonskowski  
Burleigh County Auditor

**From:** Kelly Leben *Kelly Leben*  
Burleigh County Sheriff

**Re:** Part-time Nurse Positions

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

**Action Requested:**

Request authorization to hire part-time nursing positions until full-time position can be filled.

**Background:**

The Burleigh County Sheriff's Department has been operating with a vacancy in our nursing staff since June 2023. Due to the extended vacancy and the difficulty in recruiting qualified candidates for a full-time position, we request authorization to employ part-time positions with existing salary money to augment our nursing staff. These positions would be in accordance with Burleigh County Policy for pay and benefits.

**Recommendation:**

It is recommended that the County Commission authorize the Burleigh County Sheriff's Department to hire part-time nursing positions..

**Proposed Resolution:**

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to hire part-time nursing positions as needed.

**COURTHOUSE**

514 E. Thayer • PO Box 1416  
Bismarck, ND 58502-1416  
P 701-222-6651 • F 701-221-6899

[www.facebook.com/BurleighCountySheriffsDepartment](https://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

**ITEM**

**# 12**

**ITEM**

**# 13**

## County of Burleigh

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

November 3, 2023

TO: BURLEIGH COUNTY COMMISSIONERS

The following list of outstanding checks were written before July 2022. The money for these checks will be sent to the Unclaimed Property Division at the State Land Department according to North Dakota Century Code, Chapter 47-30.2. We are asking it be put in the County Commission minutes that these checks are to be cancelled.

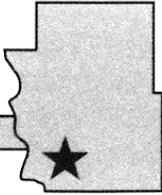
Checks written from Wells Fargo checking account:

<b>Check #</b>	<b>Date Written</b>	<b>Check Payable To</b>	<b>Amount</b>
120771	8/13/2021	DERICK SENEY	\$5.00
122408	3/5/2022	HEIDI HENDRICKS	\$13.00
122571	3/18/2022	SAMUEL PEREZ	\$50.00
		<b>TOTAL</b>	<b>\$68.00</b>

If you should have any questions, please contact me at 222-6714.

Thank You,

Bernadette Ivey  
Accountant II



Request for County Board Action

**DATE:** November 16, 2023  
**TO:** Burleigh County Commission  
**FROM:** Mark Splonskowski  
County Auditor/Treasurer  
**RE:** Auxiliary Board members

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

**REQUEST:**

There are several terms on the County's Auxiliary Boards that will be expiring at the end of December. These openings have been posted and we will be accepting applications for them. I will present the Commission any applications that have been received at every Commission for your consideration until all the positions are filled.

**RECOMMENDED ACTION:**

Consider the received applications.

## Burleigh County Board Appointments

<i>Bismarck Planning Commission – 5 year term</i>		
<b>Paul Levchak</b> (County Appointed)	(2019)	12/31/2023
<b>Trent Wangen</b> (County Appointed)	(2020)	12/31/2024
<b>Robert Field</b> (County Appointed)	(2023)	12/31/2027
<b>Brian Bitner</b> (County Appointed)		
<b>Cole Johnson</b>		
<b>Daniel Lukens</b>		
<b>Gabe Schell</b>		
<b>Mike Schmitz</b>		
<b>Wendy VanDuyne</b>		
<b>Paul Zent</b>		
<b>Mike Schwartz</b>		
<i>County Planning Commission – 4 year term</i>		
<b>Bea Streifel</b>	(2020)	12/31/2023
<b>Dennis Agnew</b>	(2020)	12/31/2023
<b>Dale Patrick</b>	(2019)	12/31/2025
<b>Alvie Jarratt</b>	(2021)	12/31/2025
<b>Brian Zuroff</b>	(2020)	12/31/2025
<b>Steve Marquart</b>		
<b>Mike Schmitz</b>		
<b>Brian Bitner</b>		
<b>Wayne Munson</b>		
<i>County Housing Authority – 5 year term</i>		
<b>Arlene Olson</b>	(2003)	12/31/2023
<b>Cynthia Chavez</b>	(2020)	12/31/2024
<b>Lois Sundquist</b>	(2020)	12/31/2025
<b>Steven Sathre</b>	(2017)	12/31/2026
<b>Sister Kathleen Atkinson</b>	(2015)	12/31/2027
<i>Human Service Zone Board – 3 year term</i>		
<b>Tracy Famias</b>	(2020)	11/30/2023
<b>James Hulm</b>	(2020)	11/30/2023
<b>Leslie Percy</b>	(2021)	11/30/2024
<b>Dick Dever</b>	(2021)	11/30/2024
<b>Trevor Vannett</b>	(2021)	11/30/2024
<b>Gaylynn Becker</b>	(2020)	11/30/2025
<b>Chelsea Flory</b>		
<b>Becky Matthews</b>		
<i>Lincoln City Planning Commission – 5 year term</i>		
<b>Elizabeth Flemming</b>	(2017)	12/31/2026
<i>County Park Board – 3 year term</i>		
<b>Jeffery Herman</b>	(2021)	12/31/2024
<b>Errol Behm</b>	(2019)	12/31/2024
<i>School District Reorganization – 3 year term</i>		
<b>Kim Birkeland</b>	(2011)	6/30/2024
<b>Brenda Blazer</b>	(2011)	6/30/2024
<b>Joyce Falkenstein</b>	(1995)	6/30/2024
<b>Dawn Aberle</b>	(2016)	6/30/2025
<b>Linda MacDonald</b>	(2007)	6/30/2025

## Burleigh County Board Appointments

<i>Special Assessment Commission – 6 year term</i>		
<b>Lee Lunde</b>	(2007)	3/31/2025
<b>Jeff Eslinger</b>	(2015)	3/31/2027
<b>Mike Heim</b>	(2005)	3/31/2029
<i>Water Management Board – 3 year term</i>		
<b>Cory Palm</b>	(2020)	12/31/2023
<b>Randall Binegar</b>	(2021)	12/31/2024
<b>Roger Smith</b>	(2021)	12/31/2024
<b>Dennis Reep</b>	(2014)	12/31/2025
<b>James Landenberger</b>	(2017)	12/31/2025
<i>Wood Control Board – 4 year term</i>		
<b>David Nehring</b>	(2020)	12/31/2023
<b>Greg Anderson</b>	(2022)	12/31/2023
<b>Larry Falkenstein</b>	(2021)	12/31/2025
<b>Denise Brown</b>	(2022)	12/31/2025
<b>Cole Anderson</b>	(2012)	12/31/2025

### *Officials Appointed to Serve at the Pleasure of the Board*

<b>Joshua Seil</b>	County Coroner	11/30/2027
<b>Mary Senger</b>	Emergency Manager/Disaster Preparedness Director	
<b>Marcus J Hall</b>	Engineer	
<b>Kelly Leben</b>	Jail Administrator	
<b>Pamela Binder</b>	Safety/Risk Management Director & Human Resource Director	
<b>Chelsea Flory</b>	Human Service Director	
<b>Al Vietmeier</b>	Tax Equalization Director/County Assessor	
<b>Mark Landis</b>	Veterans Service Officer	
<b>Tyler Kralicek</b>	County Agent	
<b>Mitch Flanagan</b>	Building Official/Director	

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: DENNIS AGNEW

Address: 27901 MOFFIT RD, MOFFIT, ND 58560

Home Phone: [REDACTED] Work: [REDACTED] Cell: [REDACTED]

Email: [REDACTED]

Board or Commission on which you prefer to serve:

PLANNING & ZONING

List below the skills or qualifications you could bring to this Board or Commission:

- INTEREST IN PLANNING & ZONING
- EXPERIENCE WITH PLANNING & ZONING AT MULTIPLE LEVELS
- EXPERIENCED WITH ROBERTS RULES OF ORDER

If you have any special interest or reason for serving on this Board or Commission, please explain below.

- I HAVE SERVED ON THIS COMMISSION BEFORE AND ENJOY THE WORK

Principal Occupation/Source of Income (check one)

- |                                     |                                    |   |  |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales        |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input checked="" type="checkbox"/> Professional |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            |  |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

- AGNEW STEEL INC.

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

- CHAMBER EDC ECONOMIC DEVELOPMENT COMMITTEE
- LEADERSHIP BISMARCK/MANDAN STEERING COMMITTEE
- MORTON TOWNSHIP BOARD OF SUPERVISORS

Signature:  Date: 14 NOV 23

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

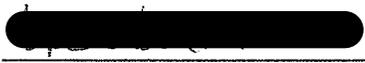
Oath Returned \_\_\_\_\_

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: Bea Streifel

Address: 11260 41st St NE Bismarck ND 58503-6606

Home Phone: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: 

Email: 

Board or Commission on which you prefer to serve:

Burleigh County Planning & Zoning

List below the skills or qualifications you could bring to this Board or Commission:

See attached page

If you have any special interest or reason for serving on this Board or Commission, please explain below.

See attached page

Principal Occupation/Source of Income (check one)

- |                                     |                                    |   |  |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales        |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input checked="" type="checkbox"/> Professional |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            |  |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

Signature:  Date: 11/9/2023

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY  
Date Appointed by Commission \_\_\_\_\_  
Term Start Date \_\_\_\_\_  
Term End Date \_\_\_\_\_  
Oath Returned \_\_\_\_\_

**List below the skills or qualifications you could bring to this Board or Commission:**

Listen well and let constituents speak.

Enjoy being of service to fellow Burleigh County land owners.

Respect property rights.

Studied the Comprehensive Plan and the Zoning Ordinances and watched years of past meeting to educate myself in order to be fair and reasonable in my vote and to best serve the Burleigh County community.

Honor God and the Constitution of the United States of America.

**If you have any special interest or reason for serving on this Board or Commission, please explain below:**

I have served for 4 years and enjoy my time on the Burleigh County Planning & Zoning commission. I would be honored to be appointed to serve another 4 years.

More importantly, if you take the time to look at the addresses of the commissioners on the current Burleigh County P&Z Commission, there is a minority number who represent the of rural land owners who live outside the ETA of Bismarck. I believe the Burleigh County P&Z Commission should consist of land owners who represent their constituents. We are slowly losing our rural representation and an effort should be made to find members from different areas of the County who represent those who live outside of Bismarck City limits. We have City representation on the County P&Z Commission with a City Commissioner and the City of Bismarck Mayor, and we already have a Bismarck City Planning & Zoning Commission.

I appreciate your consideration of my application for the Burleigh County P&Z Commission.

**BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM**

Name: ARLENE OLSON

Address: 25401 227<sup>th</sup> Ave. NE Wing, ND 58494

Home Phone: [REDACTED] Work: [REDACTED] Cell: [REDACTED]

Email: [REDACTED]

Board or Commission on which you prefer to serve:

BURLEIGH COUNTY HOUSING AUTHORITY

List below the skills or qualifications you could bring to this Board or Commission:

I have a wide variety of skills and experience working with the people of Burleigh County. I would like to continue to add a rural perspective to the Housing Authority Board.

If you have any special interest or reason for serving on this Board or Commission, please explain below.

Affordable housing has become a greater concern for more and more individuals. As a lifelong resident of Burleigh County, I am deeply committed to our elderly, and those in need. I am a firm believer that everyone should be given the chance to live independently as long as possible in safe and sanitary dwellings. As a member of this board, I will continue to do my best to make sure that the policy that is set, is fair for all housing assistance programs. I would welcome the opportunity to do my part in this mission.

Principal Occupation/Source of Income (check one)

Farm Owner/Retired

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

NONE

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

I currently serve as Treasure of the Golden Wing Club and as a board member of the Burleigh County Council on Aging.

Signature:           Arlene Olson           Date:           11-02-2023          

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck, ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

Oath Returned \_\_\_\_\_



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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

December 4, 2023

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

### COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Public comment (excluding public hearing items.)
5. Consideration and approval of the November 20<sup>nd</sup>, 2023, meeting minutes and bills.
6. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
  - c. <https://youtu.be/shhiA7xJeJg> Commissioner Schwab's meeting with City and County staff about the Renaissance Zone.
7. County Engineer Hall:
  - a. PUBLIC HEARING for SAD #76 Falconer Estates.
  - b. Maintenance certification.
8. Daniel Nairn:
  - a. Renaissance Zone letter of intent.
9. Shandra Ziemann-Bolinske
  - a. County extension update.
10. Human Service Zone Director Chelsea Flory:
  - a. Vehicle procurement.
11. Julie Lawyer:
  - a. Attorney recruitment and retention.
12. County Election Coordinator Lisa Hart:

a. 2024 Precincts and Polling Locations.

13. Adjourn.

The next regularly scheduled Commission meeting will be on December 18<sup>th</sup>, 2023.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer/Tax

**BURLEIGH COUNTY COMMISSION  
MEETING  
NOVEMBER 20TH, 2023**

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

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

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to approve the meeting agenda. All members present voted "AYE". Motion carried.

Chair Bakken opened the meeting for public comment and there was none.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the November 1<sup>st</sup>, 2023 meeting minutes and bills. All members present voted, "AYE". Motion carried.

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

<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
Sunne Lutheran Church	2023	Block 6, Lots 3, 4 & E1/2 of Lot 5, Macomber's First, City of Wilton	Parsonage for Church	\$290,200	\$0
Elesha & Devon McAlexander	2022	Lot 17, Block 12, Eagle Crest 6 <sup>th</sup> Addition	Error in property description	\$508,000	\$464,500
Michael & Sara Dewald	2023	Lot 14, Block 4, Promontory Point IV	Error in property description	\$620,100	\$549,200
Duane Vanvleet	2021	Block 79, William's Survey, Lot 15 & S1/2 of Lot 16	100% Homestead Credit	\$99,300	\$0
Duane Vanvleet	2022	Block 79, Williams's Survey, Lot 15 & S1/2 of Lot 16	100% Homestead Credit	\$108,300	\$0
Sharon R Bull	2021	Block 2, Sonnet Heights Subdivision 1 <sup>st</sup> Replat, Lot 2 Canada Acres Condominium Unit 811 Building 1	100% Homestead Credit	\$187,500	\$7,500
Sharon R Bull	2022	Block 2, Sonnet Heights Subdivision 1 <sup>st</sup> Replat, Lot 2 Canada Acres Condominium Unit 811 Building 1	100% Homestead Credit	\$211,700	\$31,700
John & Karla Saylor	2023	Block 1, Southport, Lot 7 & Undivided Interest in Common Areas	Error in property description	\$868,000	\$835,200

Park District of the City of Bismarck	2023	Section 30, PT N1/2 #481451 30-139-80, Hay Creek Township	Exempt from taxation	\$7,200	\$0
Park District of the City of Bismarck	2023	Section 19, Lot 10A in SW1/4SE1/4 (IRR PLT #291979) 19-139-80, Hay Creek Township	Exempt from taxation	\$500	\$0
Park District of the City of Bismarck	2023	Section 19, 26.42 A of SE1/4SW1/4 & .90 A of SW1/4SE1/4 481499 19-139-80, Hay Creek Township	Exempt from taxation	\$13,700	\$0
Park District of the City of Bismarck	2023	Section 30, PT NW1/4 ORD5386 653587 664848 506569 507067 ORD4892 510401 514205 627434 627435 627426 627427 627430 30-139-80, Hay Creek Township	Exempt from taxation	\$5,500	\$0
Park District of the City of Bismarck	2023	Section 30, PT W1/2 LESS TR FOR HOSP ADD, TYLERS 1 <sup>ST</sup> TYLERS WEST VLG LESS 9.82A-412 & 11.74A-414 & 13.10A TO CTY W XVI ORD #4752 & 487540 30-139-80	Exempt from taxation	\$1,900	\$0
Park District of the City of Bismarck	2023	Section 30, PT N1/2 #442674 443378 443379 30-139-80, Hay Creek Township	Exempt from taxation	\$4,900	\$0
Park District of the City of Bismarck	2023	Section 30, PT N1/2 #481451 30-139-80, Hay Creek Township	Exempt from taxation	\$5,900	\$0
Hope Keller	2022	Lots 1-2, Block 62, McKenzie & Coffin's	100% Homestead Credit	\$155,500	\$30,500
Darlene M Meier	2022	Block 1, Cottonwood Lake 8 <sup>th</sup> , Lot 5 981 Santa Fe Condominium Assoc Unit 1 & Garage 1	60% Homestead Credit	\$209,000	\$134,000
Eric B Kubischta	2023	Lot 2, Block 49, Northern Pacific 2 <sup>nd</sup>	Error in property description	\$133,900	\$112,500
Darren Davis	2022	Lot 14, 2006 Friendship 66' x 14'	100% Disabled Veteran	\$43,197	\$0
Darren Davis	2023	Lot 14, 2006 Friendship 66' x 14'	100% Disabled Veteran	\$47,124	\$0
R Miller Properties LLC #1	2023	Lot 13, Block 3, Jennings 1 <sup>st</sup>	Error in property description	\$356,200	\$339,900
Matthew A & Kelly J Olson	2023	Lot 4, Block 4, Promontory Point IV	Error in property description	\$664,800	\$619,900
Vern Scott & Cheryl Ann Engh	2023	Lot 4, Block 1, RPT L14-23 B.1 The Pointe	Error in property description	\$523,100	\$488,200
Ingrid W Omlid Living Trust	2022	Lot 3, Block 19, Morningside Heights	20% Homestead Credit	\$253,100	\$228,100
North Cape Properties LLP	2023	Section 21, Riverview Township, PT SE1/4 21 beg at the SE Cor Sec21 W along S line to river th to pob etc (incl PT Lot 1 Block 1 Corwin 139'X8'+40' DED R/W) 21-140-81	Structures in serious disrepair	\$453,800	\$322,500

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the Sunne Lutheran Church, Elesha & Devon McAlexander, Michael & Sara Dewald, Duane Vanvleet (2), Sharon R. Bull (2), John & Karla Saylor, Park District of the City of Bismarck (7), Hope Keller, Darlene M. Meier, Eric B. Kubischta, Darren Davis (2), R. Miller Properties LLC #1, Matthew A. & Kelly J. Olson, Vern Scott & Cheryl Ann Engh, Ingrid W. Omlid Living Trust, and North Cape Properties LLP abatements in addition to the applications for licenses, raffles, and special events permits. All members present voted "AYE". Motion carried.

County Engineer Marcus Hall presented a developer waiver request on behalf of James & Stacey Braunagel from the Menoken area. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve. All members present voted "AYE". Motion carried. Mr. Hall also updated the commission on the frost developing underneath a lot of the county's roadways since the end of October. The county has been using a DOT recommended gravel that is not working well in wet conditions. Mr. Hall stated that as of the end of October, the budget has been spent for this and asked the commission to set aside monies from the emergency fund to help with the costs as bills are now coming in. Mr. Hall also stated that other counties are experiencing the same issues. Chair Bakken recommended contacting the DOT since this is now a liability issue with them and see if they can contribute any funds towards fixing this problem. He also recommended reaching out to the Association of Counties for funding and come back to the commission with an update before county emergency funds are used.

State's Attorney Julie Lawyer presented a discussion on the Opioid Settlement Funds stating that as of Aug. 3<sup>rd</sup>, 2023, Burleigh County had received a total of \$93,616.99 in opioid settlement payments and the commission needed to determine if these monies should be deposited to the state fund or retained locally and transferred to the public health unit providing services to that political subdivision for the development of plans to remediate and abet the opioid crises. Public Health Director Renea Moch stated that the funds can be spent in a variety of ways locally and has talked to various people regarding potential uses of that money. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to retain the opioid litigation money locally and transferring it to the Public Health Unit. All members present voted "AYE". Motion carried.

Burleigh County Planning Director Mitch Flanagan presented findings from the Nov. 8<sup>th</sup> Planning Commission. The first recommendation was to combine Lots 1-3, Block 1 of Aberle Park 3<sup>rd</sup> Subdivision into two lots with no paving required. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to approve the Aberle 4<sup>th</sup> Subdivision Final Plat in Menoken Township. All members present voted "AYE". Motion carried. Mr. Flanagan then presented a recommendation for a zoning change for Riverbend Subdivision in addition to a recommendation for the Riverbend Final Subdivision Plat. Comm. Bitner expressed concerns of limiting development due to only having one entrance and one exit as well as concerns over safety should there be a fire, tornado, flood, or landslide. Mr. Flanagan stated that there is nothing in Article 33 that restricts these developments and that what was written was that subdivisions should have two access points out and this subdivision does. Tim Miller appeared to say that he was told he couldn't split his land in two. He wondered what the saturation number was as far as how many subdivisions to allow and thought a traffic study should be done. Ryan Melin came forward who is the co-owner of this property and talked about the Comprehensive Plan and the Future Land Use Plan that he had used as a guide for decision making with this property. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to approve the zoning change. Commissioners Woodcox, Munson, Bitner, and Chair Bakken voted "AYE". Comm. Schwab voted "NAY". Motion carried. Mr. Flanagan then presented his third recommendation for the CLH Acres Final Subdivision Plat located in Riverview Township which contains 80 acres divided into two lots, one of which will contain 56 acres and the other will contain 22 acres. Both lots will retain their A-Agricultural zoning and meets Article

33 subdivision regulations and ordinance standards. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the final plat for the CLH Acres Subdivision. All members present voted "AYE". Motion carried.

Emergency Manager, Mary Senger discussed the 2024 Joint Powers Agreement with Emmons County. Ms. Senger stated that the agreement hadn't changed from 2023 except for a \$100/month fee increase and that it was approved at the Emmons County Commission meeting earlier this month. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the 2024 Joint Powers Agreement for provision of Emergency Management services. All members present voted "AYE". Motion carried. Ms. Senger then presented a request for an addition of another Sheriff's Department fleet vehicle in the Emergency Management Department with a three-year rotation. As Jan. 1<sup>st</sup>, 2024, the new IT employee starts full time and will be traversing among county facilities using this vehicle. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve this addition. All members present voted "AYE". Motion carried.

Burleigh County Sheriff Kelly Leben gave an update on Crossroads Tavern since the recent license re-issuance in June 2023. He stated things have gotten better. The department ran two undercover operations at the tavern which gave them a good view of what was happening. The owner had worked on security but was limited due to costs. Sheriff Leben stated that the department will continue to monitor the tavern and stated there were still some problems, but the cooperation was good and recommended signing off on the liquor license. Sheriff Leben then requested authorization to receive and supplement funding from the ND Back the Blue Grant Program to use for recruitment and retention. The amount the county would be awarded was \$168,903, and the amount supplemented from the Sheriff Department's budget dollars would be \$2,697, to equal an even \$1,300 per applicable Burleigh County Sheriff's Department position (excluding Sheriff's Leben). Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to approve this request. All members present voted "AYE". Motion carried. Sheriff Leben also shared an update regarding nursing positions. His jail leadership and nursing supervisor stated there would be more of an opportunity for recruiting part time nurses vs. full time as it's getting harder to get full time nurses. He stated that he had been working with HR on a part time salary but there would be no benefit package for part time nurses. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the request to hire part time nursing positions as needed. All members present voted "AYE". Motion carried. Sheriff Leben added that the county needed to look at salaries and shared that Emmons County just raised their starting salary for Deputy Sheriffs to \$70,000 while Burleigh County is at \$55,000. Comm. Bitner shared that Burleigh County had an educational benefit. HR Director Pam Binder added that the county has a tuition reimbursement program with some stipulations.

Comm. Bitner shared that with the window project at the Provident building, some of the panels came down off the windows and there was a concern that more privacy was needed in some of the offices there such as in Human Resources and Social Services. He stated he authorized them to look for quotes on blinds and the installation of them and that those funds would come out of the Provident Building maintenance fund. Regarding RFPs for architects for the Provident Building, he suggested running the RFP again and directed staff to contact architect/engineering firms around the state with the hope that a broader scope of architects to choose from would be more helpful than just listing it locally in the Bismarck Tribune. State's Attorney Lawyer stated that a general contractor could also be contacted as well and that it doesn't have to be an architect, but it must be sent to the entire region and not just selected architects. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to approve seeking RFPs from contractors at risk, general contractors, or architects around North Dakota rather than just locally for the Provident Building with staff contacting possible applicants. All members present voted "AYE". Motion carried. Comm. Bitner then presented a discussion on renaming the Provident Building. Comm. Bitner stated that the design of the building will stay the same and

only the signage would change so it wasn't an issue. The commission will be thinking of possible names and will share ideas at a future meeting.

Auditor/Treasurer Mark Splonskowski presented a list of outstanding checks that were written before July 2022. The money for these checks will be sent to the Unclaimed Property Division at the State Land Department according to ND Century Code, Chapter 47-30.2. Motion by Comm Bitner, 2<sup>nd</sup> by Comm. Munson to cancel these checks. All members present voted "AYE". Motion carried. Mr. Splonskowski also presented a list of terms on the County's Auxiliary Boards that will be expiring at the end of December 2023. He stated that the openings had been posted and the county will be accepting applications for them. He will present all applications received at every commission meeting until all the positions are filled. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to take no action right now to allow more time to collect additional applications. All members present voted "AYE". Motion carried.

Comm. Bitner also shared that Burleigh County garbage trucks are leaving their back doors open as they drive down the road and garbage is flying everywhere. He would like the commission to consider a strong ordinance under the Home Rule Charter to address this and increase the fine substantially such as \$2,000. He and the State's Attorney will work on potential language for this ordinance. Comm. Munson shared that the Home Rule Charter ballot language was presented at the Chamber's Local Issues Committee meeting recently and was approved and sent to the full Chamber Board. He also shared that the commission's three requests for the Renaissance Zone were approved from the Zone board as well as from the city. He also added that there was an open seat on the Renaissance Zone Board and there have been discussions on having that seat filled by a County Commissioner. Comm. Munson stated that if they do make that offer, he would be willing to sit on the Board. Comm. Schwab stated that they had an applicant for the Weed Officer position and asked if there would be another commissioner who would sit in on that interview with him. Chair Bakken volunteered. Comm. Schwab stated that he, the Tax Director, and Auditor Splonskowski met with three people from the city to discuss the Renaissance Zone. The meeting was taped but Auditor Splonskowski advised not to publish it until the State's Attorney gave her recommendation since it was not a public meeting and was not noticed. Comm. Bitner shared that if a commissioner wants a meeting published it should be published to enhance communication. State's Attorney Lawyer asked if the meeting that Comm. Schwab was talking about was noticed so that the public could attend. He stated it was not. She added that the Owls that were purchased were for recording and publishing noticed meetings. She explained that a meeting according to the law is very specific as far as what must be done with that meeting. She advised that the commission put some parameters in place as far as what meetings to have recorded and published but noted that there was no requirement to record and publish any meetings. It's done as a courtesy to the public. She added that a "meeting" would be defined as a quorum of a government body getting together to discuss county business with it being noticed so the public had the right to be there. She stated that the meeting they had was not technically a meeting under the law. She added that if Comm. Schwab wanted to have the information shared from that meeting, the people who were at that meeting should be invited to come discuss it with the full commission. She also stated she was concerned that if Comm. Schwab was passing along information without it being in a public meeting, then he's holding a meeting without noticing it. Comm. Schwab stated that he still wanted the video of that meeting published. State's Attorney Lawyer approved the recorded session Comm. Schwab was in to being added to the next commission meeting agenda so the public and commissioners could hear it. Chair Bakken requested that Comm. Schwab add it to the consent agenda for the next commission meeting. Ms. Lawyer suggested that a link be available in the agenda packet's consent agenda for people to reference to save time. Comm. Woodcox then asked if the interview for the Weed Officer should be broadcast to which Comm. Schwab stated that it absolutely should. State's Attorney Lawyer stated that she would caution broadcasting job interviews. Comm Bitner

added that was a privacy issue and we had to have some balance. Comm. Schwab later admitted he was wrong in wanting to video interviews.

Meeting Adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Steve Bakken, 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
23-306	Duane Vanvleet	2023	Block 79, William's Survey, Lot 15 & S1/2 of Lot 16	Error in property description	\$136,300	\$117,800
23-307	David H & Mary G Fleck	2023	Lot B, Block 2, Eastbluff Village	Error in property description	\$480,200	\$445,600
23-308	Ben & Danielle Kappel	2023	Lots 7-9, Block 34, Flannery & Wetherby	Error in property description	\$201,700	\$172,300
23-309	Joseph & Samuel Harris	2023	Lot 10, Block 1, Cottonwood Lake 6th Add Replat	Error in property description	\$414,700	\$362,500
23-310	Andy Schmit	2023	Block 1, The Pointe, Lot 8 less sely 2', said 2' being measured adj & parallel to Lot Line Common to Lots 7-8 & Sely 2' Lot 9 said 2' meas adj & parallel to lots 8-9	Error in property description	\$354,600	\$350,200
23-311	Joel H & Donna N Fricke	2023	Lot 15, Block 12, Replat Tibesar's 1st subdivision	Error in property description	\$339,800	\$291,600
23-312	Joel H & Donna N Fricke	2023	Lot 25, Block 2, Eagle Crest	Error in property description	\$577,500	\$512,900
23-313	Terrie Rath	2023	Block 2, Haight & Little's, West 71' of Lots 1-5 & West 71' of North 5' Lot 6	Error in property description	\$201,000	\$177,700
23-314	Ryan J Horner	2023	Lot 14, Block 12, Rolling Hills 6th	Error in property description	\$263,000	\$233,100
23-315	Patrick B Lewis; Kathryn L & Jennifer E	2023	Block 11, Gateway Addition, Lot 5 less West 2' Lambton Condominiums Unit 4 Building 916	100% Homestead Credit (2/3rds ownership)	\$181,000	\$47,667
23-316	Debra A Hertz	2023	Lot 6, Block 9, Park Hill 2nd	50% Homstead Credit	\$193,700	\$93,700
23-317	Maxine Doll	2023	Block 1, Hamilton's 1st Addition, Lot 1A of Lot 1 Legacy Condominiums I Unit 3 & Garage 3	50% Homstead Credit (exempt 2 months)	\$201,400	\$184,733
23-318	Walter J & Marilyn M Eiseman	2023	Lot 10, Block 5, Promontory Point IV	100% Homestead Credit	\$488,000	\$288,000
23-319	Oscar & Cincinnati Rueb	2023	Lots 25-26, Block 21, Fisher	100% Homestead Credit	\$196,800	\$0

23-320	Keith Fordahl	2022	Lot 7 & South 5' of Lot 8, Block 1, Nagel's 1st	40% Homestead Credit	\$242,200	\$192,200
23-323	Renee Atkinson	2023	Lot 8, Block 17, Ponderosa Riverside Vlg 2nd	50% Homestead Credit	\$407,500	\$307,500
23-324	Brent & Joanne Hanson	2023	W1/2 of Government Lot 3	Nonexisting improvement assessed	\$296,700	\$151,050
23-325	Melvin V & Ruth A Will	2023	Lot 7, Block 30, Wachter's 3rd	100% Homestead Credit	\$264,500	\$64,500
23-326	Gary S & Connie Lund	2023	Lot 4, Block 13, Rolling Hills 6th	50% Homestead Credit	\$227,200	\$127,200
23-327	Steve Sayler	2023	Lot 4A of Lot 4, Block 1, Gary Nelson Addition	50% Homestead Credit	\$372,300	\$272,300
23-330	Joel H & Connie L Hughes	2023	Lots 21-22, Block 62, McKenzie & Coffin's	50% Homestead Credit	\$267,200	\$167,200
23-331	Wanda Glasser & Jordan Glasser	2023	Lot 14, Block 22, Wachter's 3rd	100% Homestead Credit @ 50% int.	\$277,500	\$177,500
23-333	Dennis R & Gloria F Dollinger	2023	Lots 1-2 East Ridge Condominiums Unit 8, Block 3, Shannon Valley 4th	50% Homestead Credit	\$221,500	\$121,500

**ITEM**

**# 7**

# PUBLIC HEARING



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** December 4, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Falconer Estates Subdivision

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

### **ACTION REQUESTED:**

Conduct Public Hearing for the Falconer Estates Subdivision's special assessment district (SAD #76).

### **BACKGROUND:**

The residents of Falconer Estates Subdivision have presented Burleigh County with a Petition for Paving Improvements. The County Auditor and County Engineer have reviewed the petition and have determined that the petition contained signatures of 12 landowners or 85.7% of the property owners. The County Special Assessment Screening Committee and the County Board have reviewed the Petition and have set this date for a Public Hearing for SAD #76.

Conduct Public Hearing. If after the public hearing the petition still contains at least 60% of the benefited property, the County Board shall direct the County Engineer to prepare plans and specifications for approval by resolution of the County Board.

### **RECOMMENDATION:**

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

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the County Board notes insufficient protest for Falconer Estates Subdivision's special assessment district (SAD #76), and therefore directs the County Engineer to prepare plans and specifications for approval by resolution of the County Board.

**NOTICE OF HEARING BEFORE THE BOARD OF  
BURLEIGH COUNTY COMMISSIONERS  
Falconer Estates Subdivision  
SPECIAL ASSESSMENT DISTRICT #76**

(INSERT MAP)

NOTICE IS HEREBY GIVEN that there will be a hearing before the Board of Burleigh County Commissioners on December 4, 2023, at the hour of 5:00 PM in the Tom Baker Meeting Room, City/County Office Building, 221 N 5th Street, Bismarck, ND, on the matter of declaring the necessity of an improvement in Street Improvement District #76, which consists of surfacing Sully Drive from Oahe Bend Drive to Apple Creek Drive. Paving will include 4 inches of hot bituminous and a chip seal treatment.

**RESOLUTION OF NECESSITY  
RESOLUTION DECLARING THE NECESSITY OF AN IMPROVEMENT  
IN STREET IMPROVEMENT DISTRICT NUMBER #76**

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

1. It is hereby found, determined, and declared that it is necessary and expedient for the County to construct an improvement to consist of Improvement District Number #76 such improvement to consist of construction of Asphalt Paving and Related Work, in accordance with and as described in the Resolution creating said District, adopted in the preliminary report of the Engineer, approved by this Board on October 2, 2023.
2. Cost of the Improvement will be paid for by Special Assessments to be levied against the properties benefited by the improvement in amounts proportionate to and not exceeding such benefits. The estimated costs by the Engineer for said improvement is in the amount of \$198,635.
3. The County Auditor is hereby authorized and directed to cause this Resolution, together with a map of the area showing the Improvement District, to be published once each week for two (2) consecutive weeks in the Official Newspaper of the County. The owners of property within said Improvement District and liable to be specially assessed for said improvement shall be afforded the opportunity to file written protests with the County Auditor at any time within thirty (30) days after the first publication of the Resolution. The Board of County Commissioners shall at its next meeting after the expiration of said period, to wit December 4, 2023, at 5:00 PM, meet at the City/County Building, Tom Baker Meeting Room for the purpose of hearing and determining the sufficiency of any protests to be filed and to take such other and further action with reference to said improvement as may then be deemed necessary and expedient.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS,  
BURLEIGH COUNTY, NORTH DAKOTA

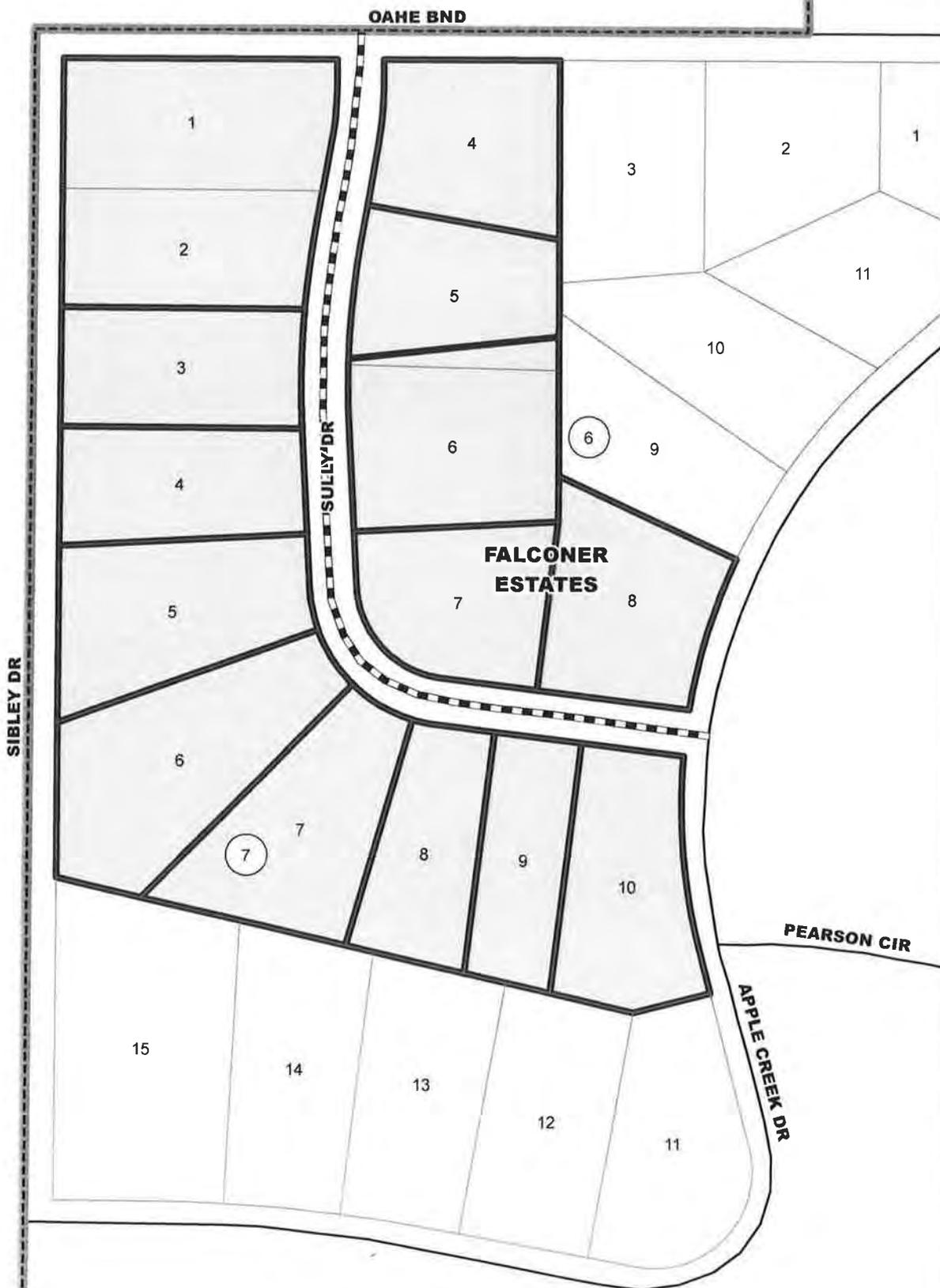
ATTEST: Mark Splonskowski  
Burleigh County Auditor/Treasurer  
PO Box 5518  
221 N 5th Street  
Bismarck ND 58506

Dated this 2nd day of October, 2023.

Publish: 10/19 & 10/26/23

# BURLEIGH COUNTY, NORTH DAKOTA BENEFITED PROPERTIES

09/27/2018



- BENEFITED PROPERTIES
- SUBDIVISION BOUNDARY
- LOT BOUNDARY
- PROPOSED PAVED ROADWAY
- PAVED ROAD



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** December 4, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Maintenance Certification

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

### **ACTION REQUESTED:**

Authorize County Officials to sign Maintenance Certification

### **BACKGROUND:**

Every year the Burleigh County Highway Department reviews all federal aid highway projects and certifies that they are being maintained in a good and safe condition for general public use, and that maintenance is being done in accordance with the North Dakota Department of Transportation "Construction and Maintenance Agreements."

Under current State and Federal rules, the County Board must approve the certification and direct the proper County officials to sign the certification.

### **RECOMMENDATION:**

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

### **PROPOSED RESOLUTION:**

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to sign the annual county federal aid projects Maintenance Certification.

**MAINTENANCE CERTIFICATION  
COUNTY FEDERAL AID PROJECT**

North Dakota Department of Transportation, Local Government  
SFN 51026 (8-2017)

All federal aid highway projects have been inspected and are being maintained in a good and safe condition for general public use. Maintenance is in accordance with the North Dakota Department of Transportation "Construction and Maintenance Agreements".

Approved as to form:

States Attorney (Type or print) Julie Lawyer
Signature

County of Burleigh
Date 12/4/2023

County Auditor (Type or print) Mark Splonskowski
Signature

Chairman, Board of County Commissioners (Type or print) Steve Bakken
Signature

Recommended for approval:

County Engineer/Highway Supervisor (Type or print) Marcus J. Hall
Signature

**ITEM**

**# 8**



## MEMORANDUM

### LETTER OF INTENT FOR RENAISSANCE ZONE PROGRAM

TO: Chairman Bakken and Burleigh County Commission  
FROM: Daniel Nairn, AICP, Planning Manager  
DATE: 11/22/2023

The Bismarck City Commission has issued a Letter of Intent regarding modifications to the Bismarck Renaissance Zone program. This was made in response to guidance provided by the Burleigh County Commission during your November 1, 2023 regular meeting.

The letter, signed by Bismarck Mayor Schmitz, is attached for your consideration.



## LETTER OF INTENT

November 15, 2023

Burleigh County Commission  
Steve Bakken, Chair  
221 N 5th St  
Bismarck, ND 58501

Chair Bakken,

The Bismarck Board of City Commissioners expresses the intent to make the following modifications to the Bismarck Renaissance Zone Program:

- Appoint a member of the Burleigh County Commission to the Renaissance Zone Authority through the existing authority granted to the City Commission for a one-year period, to begin on January 1, 2024.
- Initiate a public process to amend Section 07-08-01 of the Bismarck Code of Ordinances and the Renaissance Zone Development Plan to change the constitution of the board overseeing the Renaissance Zone Program to allow for one member appointed by and from the Burleigh County Commission, one member appointed by and from the Bismarck School Board, and one member appointed by and from the Bismarck Parks and Recreation Board. If any political subdivision declines to appoint a member, the number of at-large appointments may be reduced to result in an odd number of overall members.
- Initiate a public process to amend the Renaissance Zone Development Plan to require future amendments of this Plan to be voted on by the Burleigh County Commission, the Bismarck School Board, and the Bismarck Parks and Recreation Board.
- Initiate a public process to amend the Renaissance Zone Development Plan to limit the value of a Renaissance Zone property tax exemption such that property owners continue to pay taxes on the base value of the property at the time of initial project approval.

Given this intent, the Bismarck City Commission requests that Burleigh County Commission support a one-year renewal of the Bismarck Renaissance Zone Program. Over the course of

this year, the Renaissance Zone Authority, including a member of the Burleigh County Commission, will recommend revised language for these changes and the Bismarck Board of City Commissioners will realize the intent of this letter. Once the aforementioned changes are completed, City staff will present the changes to all political subdivisions in expectation of a further renewal of the Renaissance Zone program.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Schmitz". The signature is fluid and cursive, with the first name "Michael" and last name "Schmitz" clearly distinguishable.

Michael Schmitz,  
Bismarck Board of City Commissioners, President

**ITEM**

**# 9**

# Family and Community Wellness Program

We are North Dakota State University Extension. We are the link between the public and land-grant university, North Dakota State University, in Fargo. Our emphasis is on strengthening agriculture, stimulating communities, developing youth potential, building strong families and protecting the environment. We accomplish this through a network of local Extension agents who offer educational programs within our three program areas:

- 4-HYD** 4-H youth development
- ANR** agriculture and natural resources
- FCW** family and community wellness

## What is FCW?

The family and community wellness program is a key part of the Extension model. FCW programs enhance the lives of individuals, families and communities through educational experiences, and encourage leadership and service to the community.

## Why FCW Agents are Essential

FCW agents are the local face of Extension. Based on their knowledge of local issues and the input they receive from citizens, our agents deliver educational programs to meet the needs of the people and communities they serve.

In addition to collaborating with other agencies and organizations, FCW agents have a direct link to their fellow Extension agents across the state, Extension specialists and a network of land-grant universities across the nation.



As of August 2022, these North Dakota counties have an NDSU Extension FCW agent providing programming.

## Educational Programs Delivered

FCW agents offer programs in response to emerging needs within a community. Topics may include:

### Food, Nutrition and Health

People are often bombarded with conflicting and confusing information about health and nutrition every day. FCW agents are trusted, local sources that community members can turn to for information based on evidence and research, not fads or trends. FCW agents help people across all ages to adopt healthy behaviors, prevent and manage chronic disease, prepare and preserve food, practice food safety and have improved access to healthful food.

### Healthy Aging

FCW agents can help older adults age in place, improve mobility and reduce their fall risks, strengthen social connections and better understand the various changes that occur with age. They also help to provide family caregivers the self-care tools needed to manage caregiving responsibilities.

### Leadership and Civic Engagement

"I wish more people would run for the school board." "Nobody seems willing to step up and lead that community project." "How do we come together as a group and plan our organizations future?" If these are thoughts you've had about leadership in your community, Extension has resources to help. An FCW agent can help bring positive change to schools, organizations and communities through Extension's leadership programs.

### Parent and Family Education

It takes a village to raise a child. FCW agents can help parents and families be most effective in supporting the growth and development of children and youth, prenatal to young adults. FCW agents assist parents and other family members with navigating important transitions in an individual's or family's life.

### Personal and Family Finance

An FCW agent can help families and individuals better understand complex financial issues. Thriving communities need people who are healthy physically and financially. Creating a family budget, understanding your credit score, paying off debt and understanding common financial terms are just a few of the educational topics an FCW agent can bring to a community.

[www.ndsu.edu/extension](http://www.ndsu.edu/extension)

# NDSU Extension Update

## Item 1

### Extension Agent Resignation

- Effective December 31, 2023 Shaundra Ziemann-Bolinske is resigning her position as the Family Community Wellness (FCW) agent to accept the Food Systems Coordinator position with NDSU Extension.
- Dena Kemmet, NDSU Extension Central District Director, is seeking formal action from the board to support refilling the FCW position.

## Item 2

### Horticulture Agent Position

- With the resignation of the FCW agent, NDSU Extension believes now would be a good time to adjust the horticulture agent position to a full-time Burleigh County position.
- The horticulture agent position is currently split between Burleigh and Morton counties. NDSU Extension pays 50% of her salary and each of the two counties pays .25% of the salary.

# NDSU Extension Financial Partnership between County and State Base Policy<sup>1</sup>

Effective July 1, 2019

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NDSU Extension is committed to maintaining nonformal education in all counties if the county provides a financial commitment and an Extension presence is desired by local interests. The financial commitment includes having the county pay 50% of the salary costs for the Extension agents and all the operating expenses. Operating expenses include office space, travel, telephone, secretarial support and other costs relating to running an office such as paper, copying, mail, office supplies, etc. Computer equipment and other technology costs may be covered through a combination of state and county funds as determined by both parties. NDSU pays the other 50% of the salaries and all fringe benefits. NDSU provides sick and annual leave payout, most training programs, access to specialists, curricula, educational materials, email and website service, payroll processing, supervision (in collaboration with the county commission), hiring and coaching/mentoring. Annual county budget requests, initiated by the county Extension coordinator in consultation with NDSU Extension administration, are acted upon by the Board of County Commissioners.

NDSU Extension pays the full salary and invoices the county for half. By doing this, the county and NDSU equally share the salary paid to Extension agents and educators. NDSU is the employer of record.

Annual salary adjustments for Extension agents and educators are directed by the North Dakota Legislature, North Dakota State University system and based on annual performance review and periodic market review. Annual performance reviews are conducted with the Extension agent and a county commissioner. Raise considerations are then discussed and determined by NDSU Extension district directors. Consequently, counties are asked to budget salary adjustments for Extension agents according to the raise decisions. Counties automatically are invoiced for salary and raise adjustments. If the county is unable to pay the increase, the balance will be carried until such a time that the county has adequate funding to cover the increase.

County commissioners are invited to collect feedback from county residents prior to evaluation and annual performance review meetings.

**NDSU**

EXTENSION

<sup>1</sup> This policy was unanimously supported by a committee appointed by the North Dakota County Commissioners Association (NDCCA), North Dakota Association of Counties (NDACo) and the NDSU Extension in October 1998. It was reviewed and updated in consultation with the North Dakota County Commissioners Association Board of Directors in 2004, 2011, and 2019. This policy is intended to be reviewed on a biennial basis.

NDSU does not discriminate in its programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, participation in lawful off-campus activity, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, or veteran status, as applicable. Direct inquiries to Vice Provost, Title IX/ADA Coordinator, Old Main 201, [\(701\) 231-7708](tel:7012317708), [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu).

**ITEM**

**# 10**

**ITEM**

**# 11**

**ITEM**

**# 12**



**BURLEIGH COUNTY**  
Request for County Board Action

**DATE:** December 4, 2023

**TO:** Burleigh County Commission

**FROM:** Lisa Hart  
Burleigh County Elections Coordinator

**RE:** Designation of Precincts and Polling Locations

**ACTION REQUESTED:**

Approve the establishment of precincts and polling locations for the 2024 election cycle per NDCC 16.1-04, 16.1-07, and 16.1-11.1.

**BACKGROUND:**

Currently, under state law, the Board of County Commissioners, in cooperation with the county auditor, shall set precinct boundaries by December 31<sup>st</sup> of the year preceding an election. Polling locations must be established by the 64<sup>th</sup> day before the election though traditionally, Burleigh County has set polling locations at the same time as precinct boundaries.

The Burleigh County Auditor/Treasurer and Elections Coordinator are committed to providing a positive voting experience to all voters within Burleigh County while simultaneously upholding the security and integrity of elections. Precinct boundaries were determined using logical boundaries within the county. Proximity, accessibility, and availability of locations were considered when selecting polling locations. The recommendation includes establishing 30 precincts and 18 polling locations in Burleigh County.

**RECOMMENDATION:**

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

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED that the Burleigh County Commission approves the establishment of precincts and polling locations for the 2024 election cycle as presented (attached); and authorizes the Burleigh County Auditor/Treasurer to establish early vote and absentee ballot precincts, as necessary.

## Polling Locations 2024

Precinct	Early Vote	Election Day	Election Day Vote Center
0701	Bismarck Event Center	Liberty Elementary School	Bismarck Event Center
0702	Bismarck Event Center	Liberty Elementary School	Bismarck Event Center
0703	Bismarck Event Center	Sunrise Elementary School	Bismarck Event Center
0704	Bismarck Event Center	East Auditorium (fka: The Element)	Bismarck Event Center
0705	Bismarck Event Center	Sunrise Elementary School	Bismarck Event Center
0801	Bismarck Event Center	Wilton County Shop	Bismarck Event Center
0802	Bismarck Event Center	Liberty Elementary School	Bismarck Event Center
0803	Bismarck Event Center	4H Building	Bismarck Event Center
0804	Bismarck Event Center	4H Building	Bismarck Event Center
0805	Bismarck Event Center	Lincoln Elementary School	Bismarck Event Center
0806	Bismarck Event Center	Menoken School	Bismarck Event Center
1401	Bismarck Event Center	Wilton County Shop	Bismarck Event Center
1402	Bismarck Event Center	Wing Fire Hall	Bismarck Event Center
1403	Bismarck Event Center	Sterling School	Bismarck Event Center
3001	Bismarck Event Center	United Tribes Technical College	Bismarck Event Center
3002	Bismarck Event Center	United Tribes Technical College	Bismarck Event Center
3003	Bismarck Event Center	Lord of Life Church	Bismarck Event Center
3004	Bismarck Event Center	Solheim Elementary School	Bismarck Event Center
3201	Bismarck Event Center	Bismarck Event Center	Bismarck Event Center
3202	Bismarck Event Center	Bismarck Event Center	Bismarck Event Center
3203	Bismarck Event Center	Bismarck Event Center	Bismarck Event Center
3204	Bismarck Event Center	Bismarck Event Center	Bismarck Event Center
3501	Bismarck Event Center	Grimsrud Elementary School	Bismarck Event Center
3502	Bismarck Event Center	Good Shepherd Lutheran Church	Bismarck Event Center
3503	Bismarck Event Center	Hillside Aquatic Complex	Bismarck Event Center
3504	Bismarck Event Center	Hillside Aquatic Complex	Bismarck Event Center
4701	Bismarck Event Center	Century Baptist Church	Bismarck Event Center
4702	Bismarck Event Center	GracePoint Church	Bismarck Event Center
4703	Bismarck Event Center	GracePoint Church	Bismarck Event Center
4704	Bismarck Event Center	Century Baptist Church	Bismarck Event Center

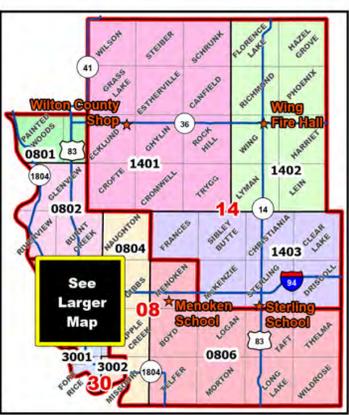
30 Precincts

18 Polling Locations

\*Bismarck Event Center will be utilized as a Super-Precinct for all Precincts to vote in during Early Vote and Primary/General Elections

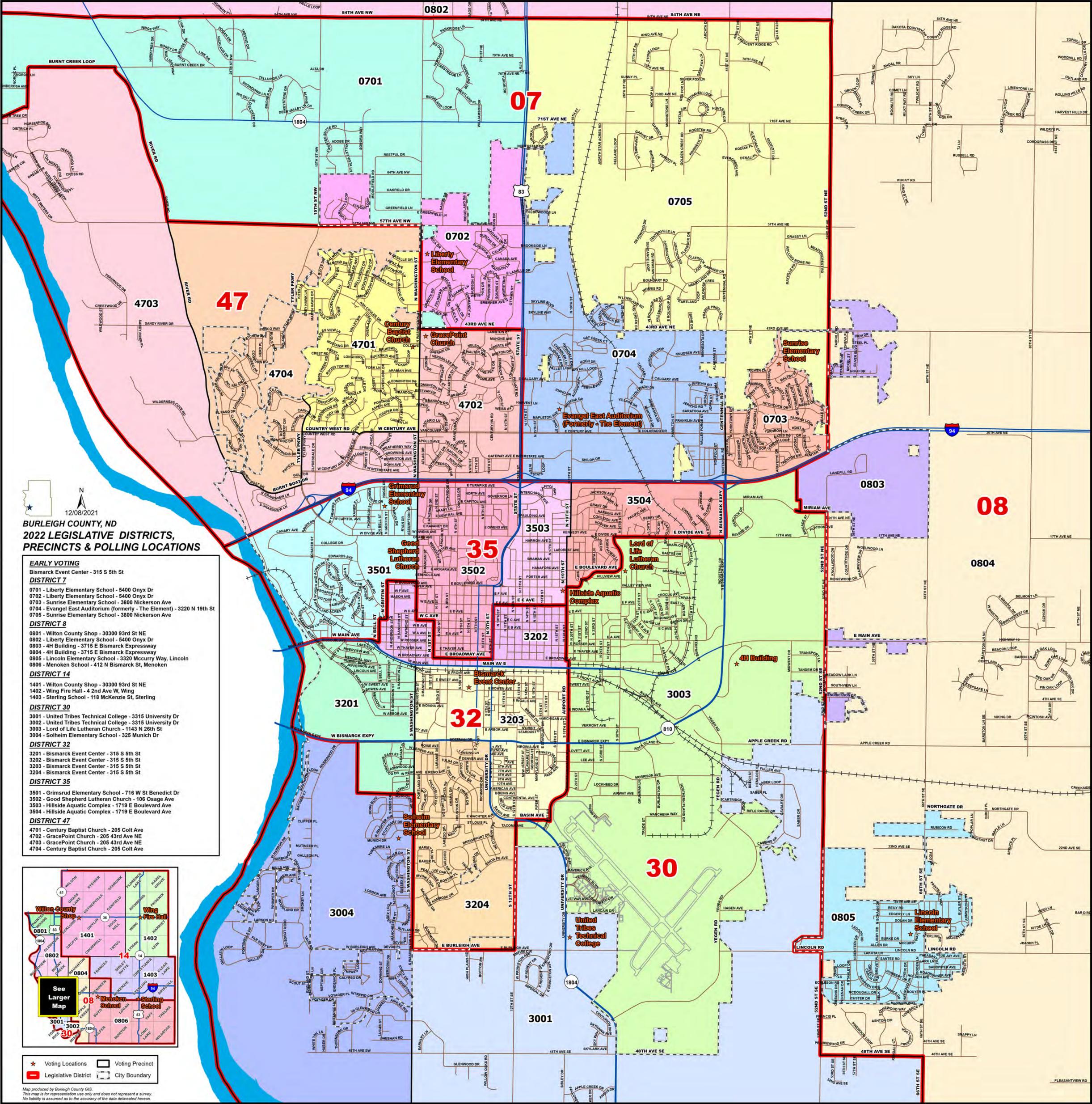
12/08/2021  
**BURLEIGH COUNTY, ND**  
**2022 LEGISLATIVE DISTRICTS,**  
**PRECINCTS & POLLING LOCATIONS**

- EARLY VOTING**  
 Bismarck Event Center - 315 S 5th St
- DISTRICT 7**  
 0701 - Liberty Elementary School - 5400 Onyx Dr  
 0702 - Liberty Elementary School - 5400 Onyx Dr  
 0703 - Sunrise Elementary School - 3800 Nickerson Ave  
 0704 - Evangel East Auditorium (formerly - The Element) - 3220 N 19th St  
 0705 - Sunrise Elementary School - 3800 Nickerson Ave
- DISTRICT 8**  
 0801 - Wilton County Shop - 30300 93rd St NE  
 0802 - Liberty Elementary School - 5400 Onyx Dr  
 0803 - 4H Building - 3715 E Bismarck Expressway  
 0804 - 4H Building - 3715 E Bismarck Expressway  
 0805 - Lincoln Elementary School - 3320 McCurry Way, Lincoln  
 0806 - Menoken School - 412 N Bismarck St, Menoken
- DISTRICT 14**  
 1401 - Wilton County Shop - 30300 93rd St NE  
 1402 - Wing Fire Hall - 4 2nd Ave W, Wing  
 1403 - Sterling School - 118 McKenzie St, Sterling
- DISTRICT 30**  
 3001 - United Tribes Technical College - 3315 University Dr  
 3002 - United Tribes Technical College - 3315 University Dr  
 3003 - Lord of Life Lutheran Church - 1143 N 26th St  
 3004 - Soheim Elementary School - 325 Munich Dr
- DISTRICT 32**  
 3201 - Bismarck Event Center - 315 S 5th St  
 3202 - Bismarck Event Center - 315 S 5th St  
 3203 - Bismarck Event Center - 315 S 5th St  
 3204 - Bismarck Event Center - 315 S 5th St
- DISTRICT 35**  
 3501 - Grimsrud Elementary School - 716 W St Benedict Dr  
 3502 - Good Shepherd Lutheran Church - 106 Osage Ave  
 3503 - Hillside Aquatic Complex - 1719 E Boulevard Ave  
 3504 - Hillside Aquatic Complex - 1719 E Boulevard Ave
- DISTRICT 47**  
 4701 - Century Baptist Church - 205 Colt Ave  
 4702 - GracePoint Church - 205 43rd Ave NE  
 4703 - GracePoint Church - 205 43rd Ave NE  
 4704 - Century Baptist Church - 205 Colt Ave



★ Voting Locations  
 □ Voting Precinct  
 ■ Legislative District  
 - - - City Boundary

Map produced by Burleigh County GIS.  
 This map is for representation use only and does not represent a survey.  
 No liability is assumed as to the accuracy of the data delineated herein.





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 5<sup>th</sup> St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |  
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

December 18, 2023

**5:00 PM**

### **COUNTY COMMISSION**

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Invocation and Pledge of Allegiance presented by Chaplain.
4. Approval of Agenda.
5. Public comment (excluding public hearing items.)
6. Consideration and approval of the December 4<sup>th</sup>, 2023, meeting minutes and bills.
7. Consent Agenda:
  - a. Abatements.
  - b. Applications for licenses, raffles, and special events permits.
  - c. Check replacements.
  - d. City of Wing Letter of concurrence.
8. County Planning Director Flanagan:
  - a. Permit Fee waiver request.
  - b. Public Hearing on OHV Ordinance.
9. States Attorney Lawyer:
  - a. Attorney recruitment and retention.
10. County Engineer Hall:
  - a. Petition to vacate section line.
  - b. Fund transfer.
11. HR Director Binder:
  - a. Holiday Policy.
  - b. Weed control Officer position update and alternate Job Description.
  - c. Update on the Finance Positions.

12. Commissioner Munson:

- a. Burleigh County Equestrian Center.

13. Auditor/Treasurer Splonskowski:

- a. Consideration of applications for Auxiliary Boards.

14. Other business.

15. Adjourn.

The next regularly scheduled Commission meeting will be on January 3<sup>rd</sup>, 2024.

*Mark Splonskowski*

Burleigh County Auditor/Treasurer

**BURLEIGH COUNTY COMMISSION  
MEETING  
DECEMBER 4TH, 2023**

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

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

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

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

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

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to approve the November 20<sup>th</sup>, 2023 meeting minutes and bills. All members present voted, "AYE". Motion carried.

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

<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
Duane Vanvleet	2023	Block 79, William's Survey, Lot 15 & S1/2 of Lot 16	Error in property description	\$136,300	\$117,800
David H & Mary G Fleck	2023	Lot B, Block 2, Eastbluff Village	Error in property description	\$480,200	\$445,600
Ben & Danielle Kappel	2023	Lots 7-9, Block 34, Flannery & Wetherby	Error in property description	\$201,700	\$172,300
Joseph & Samuel Harris	2023	Lot 10, Block 1, Cottonwood Lake 6 <sup>th</sup> Add Replat	Error in property description	\$414,700	\$362,500
Andy Schmit	2023	Block 1, The Pointe, Lot 8 less sely 2', said 2' being measured adj & parallel to Lot Line Common to Lots 7-8 & Sely 2' Lot 9 said 2' meas adj & parallel to lots 8-9	Error in property description	\$354,600	\$350,200
Joel H & Donna N Fricke	2023	Lot 15, Block 12, Replat Tibesar's 1 <sup>st</sup> subdivision	Error in property description	\$339,800	\$291,600
Joel H & Donna n Fricke	2023	Lot 25, Block 2, Eagle Crest	Error in property description	\$577,500	\$512,900
Terrie Rath	2023	Block 2, Haight & Little's, West 71' of Lots 1-5 & West 71' of North 5' Lot 6	Error in property description	\$201,000	\$177,700
Ryan J Norner	2023	Lot 14, Block 12, Rolling Hills 6 <sup>th</sup>	Error in property description	\$263,000	\$233,100

Patrick B Lewis; Kathryn L & Jennifer E	2023	Block 11, Gateway Addition, Lot 5 less West 2' Lambton Condominiums Unit 4 Building 916	100% Homestead Credit (2/3rds ownership)	\$181,000	\$47,667
Debra A Hertz	2023	Lot 6, Block 9, Park Hill 2 <sup>nd</sup>	50% Homestead Credit	\$193,700	\$93,700
Maxine Doll	2023	Block 1, Hamilton's 1 <sup>st</sup> Addition, Lot 1A of Lot 1 Legacy Condominiums	50% Homestead Credit (exempt 2 months)	\$201,400	\$184,733
Walter J & Marilyn M Eiseman	2023	Lot 10, Block 5, Promontory Point IV	100% Homestead Credit	\$488,000	\$288,000
Oscar & Cincinnati Rueb	2023	Lots 25-26, Block 21, Fisher	100% Homestead Credit	\$196,800	\$0
Keith Fordahl	2022	Lot 7 & South 5' of Lot 8, Block 1, Nagel's 1 <sup>st</sup>	40% Homestead Credit	\$242,200	\$192,200
Renee Atkinson	2023	Lot 8, Block 7, Ponderosa Riverside Vlg 2 <sup>nd</sup>	50% Homestead Credit	\$407,500	\$307,500
Brent & Joanne Hanson	2023	W1/2 of Government Lot 3	Nonexisting improvement assessed	\$296,700	\$151,050
Melvin V & Ruth A Will	2023	Lot 7, Block 30, Wachter's 3 <sup>rd</sup>	100% Homestead Credit	\$264,500	\$64,500
Gary S & Connie Lund	2023	Lot 4, Block 13, Rolling Hills 6 <sup>th</sup>	50% Homestead Credit	\$227,200	\$127,200
Joel H & Connie L Hughes	2023	Lots 21-22, Block 62, McKenzie & Coffin's	50% Homestead Credit	\$267,200	\$167,200
Wanda Glasser & Jordan Glasser	2023	Lot 14, Block 22, Wachter's 3 <sup>rd</sup>	100% Homestead Credit @50% int.	\$277,500	\$177,500
Dennis R & Gloria F Dollinger	2023	Lots 1-2 East Ridge Condominiums Unit 8, Block 3, Shannon Valley 4 <sup>th</sup>	50% Homestead Credit	\$221,500	\$121,500

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the Duane Vanvleet, David H. & Mary G. Fleck, Ben & Danielle Kappel, Joseph & Samuel Harris, Andy Schmit, Joel H. & Donna N. Fricke (2), Terrie Rath, Ryan J. Horner, Patrick B. Lewis; Kathryn L & Jennifer E., Debra A. Hertz, Maxine Doll, Walter J & Marilyn M. Eiseman, Oscar & Cincinnati Rueb, Keith Fordahl, Renee Atkinson, Brent & Joanne Hanson, Melvin V. & Ruth A. Will, Gary S. & Connie Lund, Joel H. & Connie L. Hughes, Wanda Glasser & Jordan Glasser, and Dennis R. & Gloria F. Dollinger abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

County Engineer Marcus Hall introduced a Public Hearing for the Falconer Estates Subdivision's special assessment district (SAD #76). No one came forward for the Public Hearing. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to approve the County Engineer preparing plans and specifications for this subdivision. All members present voted "AYE". Motion carried. Mr. Hall then presented a request for maintenance

certification. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schwab to approve the signing of the annual County Federal Aid Projects Maintenance Certification. All members present voted "AYE". Motion carried.

Ben Ehreth, Community Development Director presented a Letter of Intent from the Bismarck City Commission signed by Mayor Schmitz regarding modifications to the Bismarck Renaissance Zone program. The modifications listed in the Letter of Intent were those requested by the commission at the Nov. 1<sup>st</sup> meeting. Mr. Ehreth and the City Commission requested support for a one-year renewal of the Bismarck Renaissance Zone Program and once these changes were completed, the city staff will present the changes to all political subdivisions in expectation of a further renewal. Mr. Ehreth explained that all the changes proposed required public hearings (which is why some of the modifications in the Letter of Intent say "initiate a public process") and depending on how those go could take approximately 3-6 months to finalize. He added that all other political subdivisions have given a 5-year extension so by the county giving one year for now, it would not affect the exemptions given to businesses. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the request for a letter of support to the City Commission for a one-year renewal. Commissioners Woodcox, Munson, and Chair Bakken voted "AYE". Commissioners Bitner and Schwab voted "NAY". Motion carried.

Shaundra Ziemann-Bolinske from the NDSU Extension Office shared that effective Dec. 31<sup>st</sup>, 2023, she is resigning her position as the Family Community Wellness agent to accept the Food Systems Coordinator position with NDSU Extension. Her supervisor, NDSU Extension Central District Director, Dena Kemmet appeared seeking formal action to fill the position Shaundra is vacating. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schwab to approve the NDSU Extension Office to move forward with filling Shaundra's position. All members present voted "AYE". Motion carried. Ms. Kemmet also requested a change in the horticulture agent position currently split between Burleigh and Morton counties. The request is for that position for be just a Burleigh County designated agent. She stated the Chairman of the Morton County Commission supported this decision. Normally NDSU Extension pays 50% of the salary for this position with each of the two counties paying 25% of the remaining salary. However, since the 2024 budget has already been approved, the NDSU Extension would absorb the 25% of Morton County's share for 2024, if Burleigh County would pay 50% for 2025. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox to approve this request. Commissioners Woodcox, Bitner, Schwab and Chair Bakken all voted "AYE". Comm. Munson voted "NAY". Motion carried.

Human Services Zone Director Chelsea Flory approached the commission regarding purchasing a vehicle for the Zone. She wondered what process to go with as the Zone currently had just one vehicle which was a 2002 Malibu with over 280,000 miles on it that is driven to transport children locally and around the state. Auditor Splonskowski recommended that she budget this for 2025 or if it is within her 2024 budget, that she brings that before the commission for their approval. Ms. Flory wondered what the actual process was as they already have a vehicle budget. She stated that most Zones have a fleet of vehicles, but they just have the one and were paying staff gas mileage or using rental vehicles when that vehicle was in use. She stated the Zone was encouraged to purchase a vehicle yet in 2023 and an additional one in 2024. Comm. Bitner recommended that Ms. Flory talk to Sheriff Leben about how they procure vehicles as there is a state bid process. The commission stated that she would not need to come back to them if it is already in her budget to purchase one. Also Ms. Flory stated that since Human Services is now run and budgeted by the state, she still must follow county processes so that is why she came before the commission.

Assistant State's Attorney Isaac Lees came on behalf of State's Attorney Julie Lawyer requesting that the agenda item regarding attorney recruitment and retention be tabled until the next commission meeting when Ms. Lawyer can be present.

County Elections Coordinator Lisa Hart presented a request to approve the establishment of precinct and polling locations for the 2024 election cycle and to authorize the County Auditor/Treasurer to establish early vote and absentee ballot precincts as necessary. She shared that there were no changes to the precincts and polling locations from the last election and all polling locations were confirmed for 2024. She added that the Bismarck Event Center will be used again for early vote as well as a Super Precinct as a second option for Burleigh County voters. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve this request. All members present voted "AYE". Motion carried.

Meeting Adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Steve Bakken, Chairman

DRAFT

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

<b>Abate #</b>	<b>Owner</b>	<b>Tax Year</b>	<b>Legal Description</b>	<b>Credit Type</b>	<b>Current MV</b>	<b>Reduced MV</b>
23-340	Lyle W & Doris M Anderson	2023	West 70' of Lots 1-2, Block 92, McKenzie & Coffin's	100% Homestead Credit	\$138,400	\$0
23-341	Melinda Pudwill	2023	Lots 1-3 and Lots 4-6 less West 75' Inver-Wood Townhomes Unit 10, Block 114, Original Plat	100% Homestead Credit	\$164,100	\$0
23-342	Carla Albrecht	2023	Lot 5, Block 2, Replat of North Hills 12th	50% Homestead Credit	\$321,600	\$221,600
23-344	Larry & Janice Strand	2023	Lot 3, Block 1, Circle K Estates	50% Homestead Credit	\$307,300	\$207,300
23-347	Mike & Lianne Weninger	2023	Lot 29, Block 2, Wachter's 5th	100% Homestead Credit	\$305,100	\$105,100
23-348	Bernadette Heidrich	2023	Block 13, Replat Homan Acres, Lot H of Lot 1 Washington	50% Homestead Credit	\$112,700	\$56,350
23-349	Marva Finck	2023	Lot 20, Block 14, Register's 2nd	100% Homestead Credit	\$195,600	\$0
23-350	Valentine & Genevieve F Gross	2023	Lot 1, Block 2, Indian Hills	100% Homestead Credit	\$244,800	\$44,800
23-351	Marvin & Doris Usselmann	2023	Lot C, Block 13, Washington Court	100% Homestead Credit	\$110,100	\$0
23-352	Gary Grensteiner	2022	1984 Blair House 76 x 18	100% Homestead Credit	\$25,246	\$0
23-353	Gary Grensteiner	2023	1985 Blair House 76 x 18	100% Homestead Credit	\$26,258	\$0

23-354	Paulette Renhowe	2023	Lot 5, Block 3, Country West II	50% Homestead Credit	\$300,000	\$200,000
23-355	Elizabeth A Lucas	2023	Lot 17, Block 5, Replat Highland Acres 3rd	50% Homestead Credit	\$343,100	\$243,100
23-356	Debbie J Eisenhauer	2023	Lot 11, Block 1, Homan Acres 1st	100% Homestead Credit	\$278,800	\$78,800
23-357	Rita Hunting	2023	Lot 6, Block 1, Calgary Court Addition	100% Homestead Credit	\$310,600	\$110,600
23-358	Leanne J Ehli-Lotridge	2023	Block 2, Weston Village 1st, Lot 2 & the South 2' of Lot 3 & undivided int in Common Area	50% Homestead Credit	\$256,400	\$156,400
23-359	Nicholas D & Mary J Choukalos	2023	Lots 6-8, Block 87, McKenzie & Coffin's	100% Homestead Credit	\$225,500	\$25,500
23-360	Robert & Judith Railsback	2022	Lot 5, Shamrock Acres	40% Homestead Credit	\$288,700	\$238,700
23-361	Robert & Judith Railsback	2023	Lot 5, Shamrock Acres	100% Homestead Credit	\$337,900	\$137,900
23-362	Deland & Charlotte Galster	2023	Block 62, McKenzie & Coffin's, E 60' of Lots 30-32	100% Homestead Credit	\$174,400	\$0
23-364	Delores F Amundson	2023	Lot 3, Block 2, Kilber North Addition	50% Homestead Credit	\$344,500	\$244,500
23-365	Larry Parkos	2023	Section 6, Boyd Township, Pt of NW1/4 North + West of HWY R/W 459267	50% Homestead Credit	\$358,500	\$258,500
23-367	Jack T & Dalene M Langan	2023	Block 47, Governor Pierce, East 70' of west 110' of Lots 1-6	50% Homestead Credit	\$215,300	\$115,300

23-368	Marvin & Betty Dacar	2023	Lot 15, Block 21, Wachter's 3rd	50% Homestead Credit	\$257,100	\$157,100
23-370	Gayle D Moyle	2023	Block 4, McKenzie's, S 80' of Lots 15-18	50% Homestead Credit	\$296,200	\$196,200
23-371	Carla J Oster	2023	Lot 36, Block 20, Homan Acres 6th	100% Homestead Credit	\$275,100	\$75,100
23-372	Brenda E Broderick	2023	Block 3, RPT PT B3 Sleepy Hollow Ht, Condominium Association Unit C	100% Homestead Credit	\$255,100	\$55,100
23-373	Thomas & Karen Weigel	2023	Block 2, North Hills 11th Addition, Lot 1 North Star Condominiums Unit 3350	50% Homestead Credit	\$362,400	\$262,400
23-375	Christine Lovejoy	2022	1970 Magnolia 52' x 17'	Demolished	\$7,656	\$0
23-376	Christine Lovejoy	2023	1970 Magnolia 52' x 17'	Demolished	\$8,080	\$0
23-377	Jerome Morsette	2023	1974 Buddy 14' x 64'	Demolished	\$7,111	\$0
23-378	Kelly & Dee Bertsch	2023	Lot 5, Block 1, Crested Butte Amended	50% Homestead Credit	\$265,600	\$165,600
23-379	Alvin & Teresa Fliginger	2023	Lot 2, Otto's Acres	50% Homestead Credit	\$238,100	\$138,100
23-380	Veronica M Schneider	2023	Block 1, Replat of Calkins, Lots 3-6 Capitol View Estates unit 17 & parking space 8 & storage area 14 & undivided interest in common area	100% Homestead Credit	\$84,100	\$60,100

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23-381	Sharon Schenfisch	2023	Block 2, Pebble Creek 8th, Lots 4,6,8,10, Block 1 Pebble Creek 8th RPT & Lot 15 less WLY 148' of SLY 180', Block 2, Pebble Creek 8th Arrow Head Ranch unit 4 Bldg 3118	100% Homestead Credit	\$300,900	\$100,900
23-382	Michael L Patch	2023	Lot 12, Block 4, Cirlice K Estates 2nd	50% Homestead Credit	\$378,900	\$278,900
23-383	Nancy A Boldt	2023	Block 2, Cottonwood Lake 5th, W10' of L7 all L8-9 & E10' of Lot 10 824 Bridgeport Drive Condo Assoc Unit 3	50% Homestead Credit	\$177,400	\$88,700
23-384	Dennis J Scherr	2023	Lot 13, Block 2, Sleepy Hollow Heights 2nd	50% Homestead Credit	\$408,800	\$308,800
23-385	Wayne & Candace Richter	2023	Block 4, North Hills 1st, Lot 5 less north 1' & north 2' of Lot 4	100% Homestead Credit	\$196,300	\$0
23-389	James & Nancy Skaret	2023	Block 5, Edgewood Village 2nd Addition, Lot 1A of Lot 1 Star Condos Unit 3403 Building 1	100% Homestead Credit	\$351,700	\$151,700
23-390	Roland Sr & Elaine Siirtola	2023	Lot 7, Block 1, Wachter's 5th	50% Homestead Credit	\$245,400	\$145,400

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BURLEIGH COUNTY CHECK REPLACEMENT  
(4-17)

Carefully read the AFFIDAVIT AND AGREEMENT; then sign it before a Notary Public.

When we receive the signed and notarized Affidavit and Agreement a duplicate payment will be issued and forwarded to you. In the event you recover possession of the original check, DO NOT CASH IT, please advise the Burleigh County Auditor/Treasurer immediately. Our telephone number is (701) 222-6718.

MAIL THE SIGNED AND NOTARIZED AFFIDAVIT AND AGREEMENT TO:  
Burleigh County Auditor/Treasurer, P.O. Box 5518, Bismarck, ND 58506-5518.

NAME AND ADDRESS OF PAYEE:  
CRAIG VAULTERS

Check Date: 10/06/2023  
Original Check #: 127220  
Check Amount: \$45.00

AFFIDAVIT AND AGREEMENT

I execute this AFFIDAVIT AND AGREEMENT for the purpose of obtaining a duplicate payment from the County of Burleigh, North Dakota.

I hereby state under oath that the above described check has never been presented to me for payment, nor transferred to any other person or persons, and the same is believed to have been lost or destroyed, and that I hereby request the County of Burleigh to issue a duplicate payment for said check.

I agree to indemnify, compensate, or make restitution to the County of Burleigh for any and all loss, damage and expense as a result of this issue of said new duplicate payment. If said original check alleged to have been lost or destroyed shall come into my possession, or under my control, I shall immediately return same to the Burleigh County Auditor, PO Box 5518, Bismarck, ND 58506-5518, for cancellation. If the aforesaid check shall at any time be cashed or presented to the Burleigh County Auditor/Treasurer by me, or transferred to another person by me and result in a loss to the County of Burleigh, I shall promptly reimburse the Burleigh County Auditor/Treasurer for any such loss.

Subscribed and sworn to before me

Craig Vaulters  
Signature of Payee  
Date 11/29/23

Marcy Hilzendeger  
Notary Public - County of Burleigh  
My Commission Expires 9/17/20

MARCY HILZENDEGER  
NOTARY PUBLIC  
STATE OF NORTH DAKOTA  
MY COMMISSION EXPIRES SEP. 17, 2028

(Seal)

\*\*\*\*\*  
Application approved by the Burleigh County Commission on \_\_\_\_\_, 20\_\_.

Duplicate warrant # \_\_\_\_\_ issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Burleigh County Auditor/Treasurer

\_\_\_\_\_  
Date

BURLEIGH COUNTY CHECK REPLACEMENT  
(4-17)

Carefully read the AFFIDAVIT AND AGREEMENT; then sign it before a Notary Public.

When we receive the signed and notarized Affidavit and Agreement a duplicate payment will be issued and forwarded to you. In the event you recover possession of the original check, DO NOT CASH IT, please advise the Burleigh County Auditor/Treasurer immediately. Our telephone number is (701) 222-6718.

MAIL THE SIGNED AND NOTARIZED AFFIDAVIT AND AGREEMENT TO:  
Burleigh County Auditor/Treasurer, P.O. Box 5518, Bismarck, ND 58506-5518.

NAME AND ADDRESS OF PAYEE:

CRAIG VAULTERS

Check Date: 09/22/2023  
Original Check #: 127115  
Check Amount: \$68.50

AFFIDAVIT AND AGREEMENT

I execute this AFFIDAVIT AND AGREEMENT for the purpose of obtaining a duplicate payment from the County of Burleigh, North Dakota.

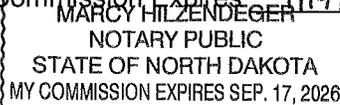
I hereby state under oath that the above described check has never been presented to me for payment, nor transferred to any other person or persons, and the same is believed to have been lost or destroyed, and that I hereby request the County of Burleigh to issue a duplicate payment for said check.

I agree to indemnify, compensate, or make restitution to the County of Burleigh for any and all loss, damage and expense as a result of this issue of said new duplicate payment. If said original check alleged to have been lost or destroyed shall come into my possession, or under my control, I shall immediately return same to the Burleigh County Auditor, PO Box 5518, Bismarck, ND 58506-5518, for cancellation. If the aforesaid check shall at any time be cashed or presented to the Burleigh County Auditor/Treasurer by me, or transferred to another person by me and result in a loss to the County of Burleigh, I shall promptly reimburse the Burleigh County Auditor/Treasurer for any such loss.

Subscribed and sworn to before me

Craig Vaulters  
Signature of Payee  
Date 11/29/23

Marcy Hilzenegger  
Notary Public - County of Burleigh  
My Commission Expires 9/17/26



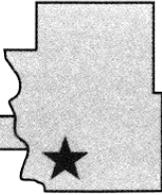
(Seal)

\*\*\*\*\*  
Application approved by the Burleigh County Commission on \_\_\_\_\_, 20\_\_.

Duplicate warrant # \_\_\_\_\_ issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Burleigh County Auditor/Treasurer

\_\_\_\_\_  
Date



Request for County Board Action

**DATE:** December 18<sup>th</sup>, 2023

**TO:** Burleigh County Commission

**FROM:** Mark Splonskowski  
County Auditor/Treasurer

**RE:** City of Wing Sanitary Sewer Letter of concurrence

**REQUEST:**

The City of Wing is working on obtaining funding for a sanitary sewer improvement project through the USDA Rural Development program. One thing required by USDA rural development is a letter of concurrence from the county commissioners that indicates that this project will not interfere with any county comprehensive development plan for the area. I have spoken with the County Planning Director, and he sees no issues with the project, he only recommends the City of Wing reaches out the NDDOT since they will be going under a State Highway. No Commission action is necessary on this item.



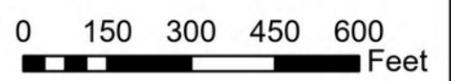
Lift Station

Lagoon Site

Storm Sewer Inlet

**PARCEL MAP**  
**WING, NORTH DAKOTA**

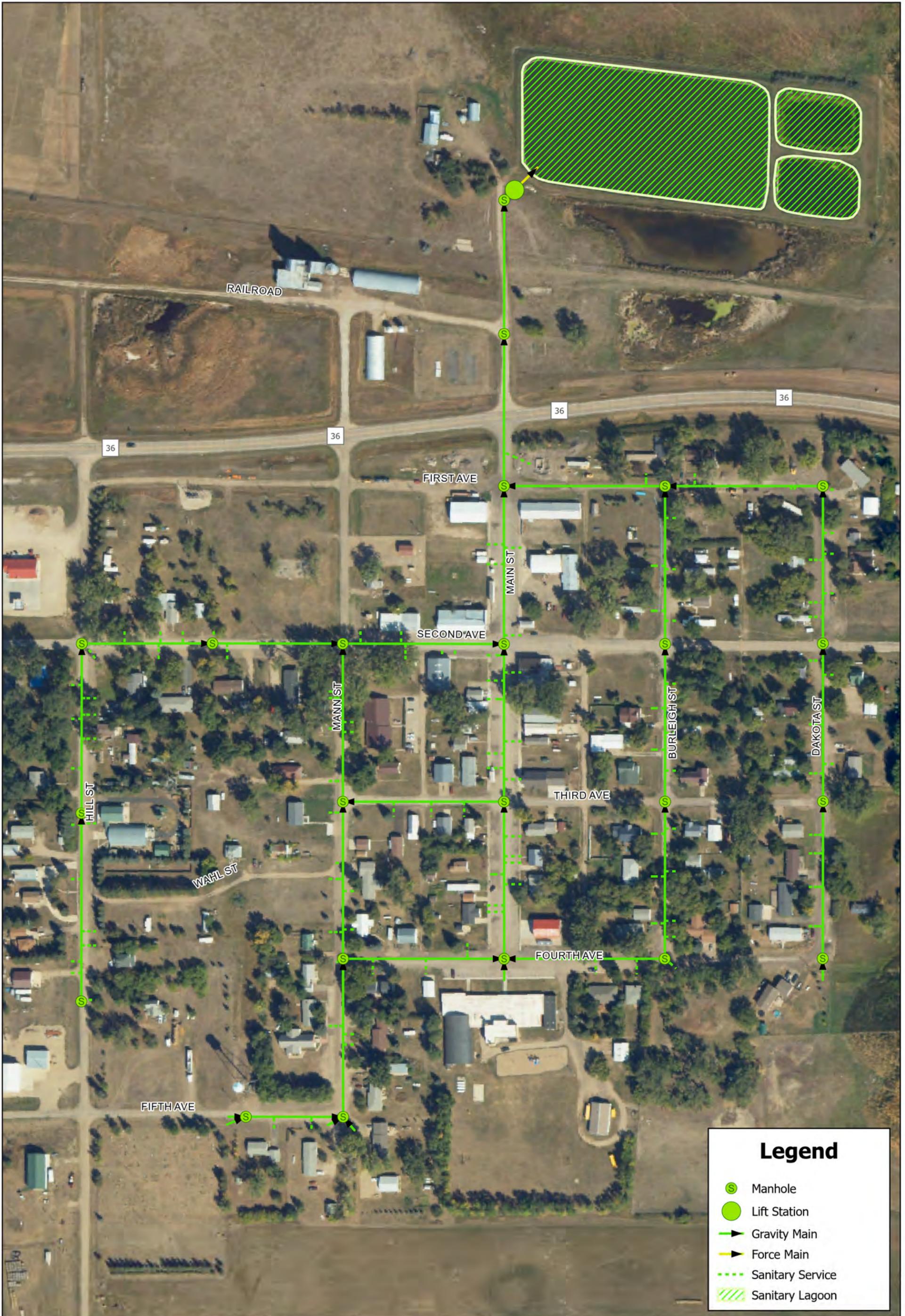
Created By: BAS Date Created: 07/26/2023 Date Saved: 07/11/23 Date Plotted: N/A Date Exported: 07/26/23  
 Plotted By: brook.smith Parcel Date: N/A Aerial Image: 2022 County NAIP SIDS  
 Elevation Data: N/A Horizontal Datum: N/A  
 T:\Projects\21200\21243\10\_ArcPro\Wing, ND Plat.aprx  
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**Legend**

 Project Area



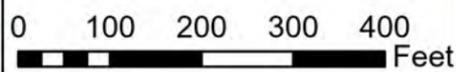


### Legend

- Manhole
- Lift Station
- ▶ Gravity Main
- ▶ Force Main
- ⋯ Sanitary Service
- ▨ Sanitary Lagoon

## SANITARY SEWER SYSTEM WING, NORTH DAKOTA

Created By: BAS Date Created: 12/04/2023 Date Saved: 12/04/23 Date Plotted: N/A Date Exported: 12/05/23  
 Plotted By: brook.smith Parcel Date: N/A Aerial Image: 2022 County NAIP SIDS  
 Elevation Data: N/A Horizontal Datum: N/A Vertical Datum: NAVD1988  
 T:\BaseData\ND\City\Wing\09\_ArcPro\Wing Sanitary Sewer 23137\Wing Sanitary Sewer 23137.aprx



**ITEM**

**# 8**



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission  
Re: Consider a waiving permit fee.  
Date: 12-13-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Permit Fee

A request has been made by Advanced Mechanical to waive a permit fee for the replacement of a furnace for the family of Al Peterson, in the City of Lincoln. Their 10-year-old son is battling cancer.

Suggested Motion:

Motion to waive permit fee.

Attachments: Ex.1 Waiver Request

# **-A** **ADVANCED** **MECHANICAL INC.**

1415 Airport Road, Bismarck, ND 58504  
(701)222-0352

12/12/23

Burleigh County Bldg, Planning, Zoning  
221 N 5<sup>th</sup> Street  
Bismarck ND 58506

To Whom It May Concern,

We are writing to you today to see if you can vacate a fee for us with regards to a permit/inspection for a family that we are donating a furnace for as well as our installation costs of the furnace, as Brave the Shave reached out to us and the family is in desperate need. Their 10 yr old son has been battling cancer and they have exhausted their savings on his treatment.

The family name is : Al Peterson at 78 Weir Dr, Lincoln, ND 58504. PH# 701-527-1400.

If this doesn't work for you, then do not worry, as I just wanted to check and see if it was a possibility?

Sincerely

Jami Benz

Vice President

Advanced Mechanical

1415 Airport Road

Bismarck ND 58504



# PUBLIC HEARING



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

[burleighcobuilding@nd.gov](mailto:burleighcobuilding@nd.gov)  
701-221-3727

To: Burleigh County Commission  
Re: Consider an OHV Ordinance  
Date: 12-18-2023  
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Proposed Ordinance

Due to public discourse and concerns brought to the Burleigh County Commission, it has been requested to create a local ordinance for the residents of Burleigh County when operating Off Highway Vehicles in a Public Right of Way.

Suggested Motion:

Based on supporting documents, it is recommended to adopt ordinance.

Attachments: 1) OHV Ordinance

**A BURLEIGH COUNTY ORDINANCE FOR THE SAFETY REGULATIONS OF OFF HIGHWAY VEHICLES WHEN OPERATING WITHIN PUBLIC RIGHT OF WAYS**

NOW THEREFORE, BE IT ENACTED BY THE 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 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.

- 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.

**SECTION 5. 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 6. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 7. 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 8. 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 \_\_\_\_\_ 2023.

\_\_\_\_\_  
, Chairperson

ORDINANCE NO. \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Mark Splonskowski, County Auditor

**ITEM**

**# 9**

MEMORANDUM

To: Burleigh County Commissioners  
From: Julie Lawyer, State's Attorney   
Date: December 18, 2023  
RE: Attorney Retention & Recruitment

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We have been short-staffed with attorneys since 2019. Attached is information regarding staffing and the work the attorneys in our office have done from 2019 through November 30, 2023:

Pages 1-3: attorney staffing  
Pages 4-7: case statistics for **new** cases received in our office  
Page 8: number of trials and number of days spent in trial by each attorney  
Pages 9-13: final budget numbers from 2019 through November 30, 2023

I've also included information related to attorney recruitment. During the budget subcommittee hearings, the subcommittee discussed potential recruitment ideas, to include "sponsoring" a law student. The idea was to pay the tuition of the law student through law school on the condition that they work as a law clerk with our office over the summers and, once they've passed the bar exam, work as an assistant state's attorney for a minimum of five years. Included are:

Pages 14-17: current tuition reimbursement policy  
Pages 18-19: law school tuition, fees, and requirements

We have paid for specialized advertising of our positions directly to attorneys through the American Bar Association and through targeted advertising throughout the Midwest. In our experience, individuals coming to North Dakota from out of state across the country don't stay long before they return to their home area. We have had better luck with retention of attorneys from the Midwest. However, you can see from the attachments that we have had a lot of turnover of attorneys.

**Retention:**

In 2019, we had positions for 14 attorneys, which included a dedicated attorney to social services cases of deprived children in need of protection. The vacancies in 2019 were due to an attorney leaving for a job with the State of North Dakota, another took a job with the US Attorney's Office in West Virginia (he was from Maryland), and two attorneys retired. (Page 1)

We were able to contract with an experienced attorney to fill a vacancy. He has been under contract with us since February 2019, working up to 30 hours a week and paid an hourly rate. In 2019, since we weren't able to fill all of our attorney positions, we converted one of our attorney positions to an investigator and were able to hire an experienced investigator to fill that position. With that investigator, that alleviated some of the attorney work in trying to locate victims, reviewing reports to determine what additional information may be needed, and conducting follow-up on cases.

The trial statistics on page 8 only reflect the trials of those attorneys that are currently employed by the State's Attorney's office. More trials were presented those years by attorneys who have left the office. In 2019, our current attorneys presented seven felony and four misdemeanor

cases to juries, spending fourteen days doing so. The reason this information is included is that preparation for jury trials requires more time and effort than a case that is resolved without trial. Generally, for a felony case, each day of trial requires twenty-four hours of preparation between preparing jury instructions, voir dire, meeting with witnesses, reviewing and preparing exhibits for presentation, arguments to the jury, and anticipating defenses. Generally, for a misdemeanor trial, each day of trial requires 16 hours of preparation. For a complex case, such as a homicide or financial fraud or rape, each trial day generally requires thirty to forty hours of preparation.

We ended 2019 with two vacant positions, one of which was filled with the 30-hour contract attorney. (Page 1). A total of \$260,732.95 in budgeted salary and benefits was returned to the general fund. (Page 9).

In 2020, we added a paralegal position along with an additional attorney position which we had converted to the investigator position, again leaving us with fourteen positions for attorneys. (Page 2). In reviewing our statistics of new cases received in 2020 (page 4), with just the new cases received and not including the cases carried over from previous years, seventeen full time attorneys were recommended based on the maximum standards from the American Bar Association. That would entail seventeen attorneys handling the maximum recommended caseload of just new cases coming into the office. We did include the statistics of active homicide and sex offenses that year as those cases require more time and work than other types of cases.

Despite the fact that the courts discontinued trials for approximately six months in 2020, our attorneys still presented ten felony trials, including a murder / child abuse trial, and two misdemeanor trials, spending twenty days in trial. (Page 8).

In 2020, we lost two attorneys and hired two more, so we ended the year with eleven full-time attorneys and three vacancies with one of them filled by the 30-hour contract attorney. (Page 1). A total of \$588,072.77 in budgeted salary and benefits was returned to the general fund. (Page 10).

In 2021, we did not add any new positions, although based on our new incoming workload, not including active cases from the previous year, the recommended number of full-time attorneys to carry a maximum caseload was 18. (Page 5). We saw an increase in violent crimes and crimes where a weapon was used. In 2021, we had nine new homicide cases and fifty-two new sex offenses. Our attorneys presented sixteen felony trials, including two attempted murder and six rape cases, and six misdemeanor cases, spending thirty-two days in trial. (Page 8).

We ended 2021 with one attorney vacancy that was filled by the 30-hour contract attorney. (Page 2). However, three of those positions had been open for more than six months. Due to the length of time the vacancies were open, a total of \$517,301.44 in budgeted salary and benefits was returned to the general fund. (Page 11).

Again, despite the fact eighteen full-time attorneys were required to carry a recommended maximum caseload based on our new incoming cases in 2021 (page 5), we only requested one additional attorney position, bringing our total attorney positions to fifteen. (Page 2). In 2022, we lost five attorneys and were able to hire four attorneys, leaving us with three vacancies, one of which was filled with the 30-hour contract attorney.

In 2022, our new incoming caseload justified having over 16 full-time employees handling a maximum caseload. (Page 6). We had seven new homicide cases and thirty-one new sex offenses. Our attorneys presented ten felony trials, four homicide cases and five rape cases, and six misdemeanor cases, spending thirty-three days in trial. (Page 8).

We ended 2022 with three vacancies for our fifteen attorney positions, one of which was filled by the 30-hour contract attorney, and two of which were for senior attorneys which requires a minimum of four years of experience. (Page 2). A total of \$790,452.85 in budgeted salary and benefits was returned to the general fund. (Page 12).

The 2023 statistics are as of November 30, 2023. We requested an additional three full-time and one part-time attorney positions in 2023 given our need for those positions based upon our new incoming cases for each of the last three years. (Pages 4-6). Unfortunately, we lost three attorneys in 2023, two of which took jobs down the street at the US Attorney's office. However, we were able to hire three additional attorneys, including a senior attorney, and one part-time attorney. (Page 3). However, we currently have six vacant attorney positions, one of which is filled with the 30-hour contract attorney.

In 2023, our twelve full-time attorneys are putting in extra hours to handle the caseload of seventeen attorneys. We have two new homicide cases in 2023 along with twenty-one active cases from previous years. These active cases include cases that occurred in prior years that are still awaiting trial, appeals, post-conviction relief, and probation revocation. We have received thirty-one new sex offenses along with the eighty-two active cases. (Page 7). Our attorneys have presented thirty felonies and eleven misdemeanor trials, spending seventy-six days in trial. (Page 8). These trials included three homicide cases and four rapes.

We are projected to end the year with six vacancies, one of which is filled with the 30-hour contract attorney. We had five vacancies that were open for more than one year. It is projected that a total of \$1,580,303.72 in budgeted salary and benefits will be returned to the general fund. (Page 13).

Our attorneys have done incredible work with less but at a high cost.

Attorneys are exempt employees and are paid a salary. They are paid the same whether they work the required 40 hours a week or the typical 50-60 hours a week they have been putting in. It is commonplace to see attorneys in the office after hours, on the weekends, and taking work home with them on a daily basis to keep up with their caseloads.

**Proposal:**

Attorneys are exempt employees paid a salary. They are exempt from overtime pay. All other employees in our office are non-exempt so they get paid overtime if they work extra hours.

I am proposing the Commission pay attorneys a retention bonus based on years of service and work they have done during those years.

Suggestions would be:

1. Set bonus per years of service for attorneys;
2. Additional bonus per years of service for senior attorneys who also have additional supervision duties
3. Additional bonus per trial presented or trial days presented as trials represent additional work beyond the normal casework

**Recruitment:**

We hire summer law clerks who are first and second year law students to work over the summer and give them experience in trials, brief and motion writing, etc. We use that as a recruitment to work in our office upon graduation. We have hired several law clerks over the years after their graduation and admission to the bar.

Burleigh County already has a tuition reimbursement program. (Pages 14-17). That program assists employees with tuition costs as a rate of 100% for an associates degree, 75% for a bachelors degree, and 50% for a masters degree. Because attorneys require a law degree and passing of the bar exam for admission to the bar in order to be eligible for employment, I am proposing a new program for potential attorneys. The county would “sponsor” a law student and reimburse 100% of the tuition if the student meets the criteria in the tuition reimbursement policy (based on grades, in-state resident tuition). The law student would, in turn, work at our office in the summers and then be required to work at the State’s Attorney’s office for five years upon admission to the Bar.

Based on 2024 rates of law school tuition (page 18) and the credit hours required for a law degree (page 19), the cost of law school tuition per year is \$16,966.92 per year (\$508.42 per credit hour x 30 credit hours per year + fees). Based on 2024 tuition rates, the cost of the three years of law school would be \$50,900.76.

**Proposal:**

I am requesting permission to work with Human Resources put together a policy for your approval to provide tuition reimbursement for a law student who would then work for the county.

2019	Attorney	Date Left	Years with County	New Hire	Start Date	Days of Vacancy
	Conor Kennelly					
	Derek Steiner	1/17/2019	2.32	Converted position to Investigator		
	Julie Lawyer					
	Justin Schwarz					
	Karlei Neufeld					
	Marina Spahr	10/16/2019	3.84			76
	Mindy Anderson					
	Patrick Waters	5/16/2019	0.74	Anna Argenti	7/29/2019	193
	SheraLynn Ternes	1/18/2019	0.45	Joshua Amundson	9/23/2019	248
	Tessa Vaagen					
	Vacant	11/30/2018		Scott Miller	4/29/2019	119
	Vacant	12/14/2018		Dennis Ingold	3/4/2019	80
	Vacant	12/31/2018		Mary Melech	4/1/2019	91
	Vacant - Senior	12/31/2018		Wayne Goter	2/1/2019	63

(Contract)

12/31/2019 Ended 2019 with 2 attorney vacancies (with one of those filled by contract) of 13 positions (we had converted one open position to Investigator)

2020	Attorney	Date Left	Years with County	New Hire	Start Date	Days of Vacancy
	Anna Argenti					
	Conor Kennelly	1/31/2020	2.83			335
	Dennis Ingold					
	Joshua Amundson					
	Julie Lawyer					
	Justin Schwarz					
	Karlei Neufeld	11/28/2020	4.29			33
	Mary Melech					
	Mindy Anderson					
	Scott Miller					
	Tessa Vaagen					
(contract)	Wayne Goter					
	Vacant	10/16/2019		Edem Okudzeto	1/27/2020	103
	Vacant - added position	1/1/2020		Nick Baker	11/16/2020	320

12/31/2020 Ended 2020 with 3 attorney vacancies (with one of those filled by contract) of 14 positions

2021	Attorney	Date Left	Years with County	New Hire	Start Date	Days of Vacancy
	Anna Argenti					
	Dennis Ingold					
	Edem Okudzeto					
	Joshua Amundson					
	Julie Lawyer					
	Justin Schwarz					
	Mary Melech					
	Mindy Anderson	10/29/2021	4.21	Audra Fisher	12/20/2021	52
	Nick Baker					
	Scott Miller	4/14/2021	1.96	David Rappenecker	10/4/2021	173
	Tessa Vaagen					
(contract)	Wayne Goter					
	Vacant	1/31/2020		Kelly Owen	2/1/2021	367
	Vacant	11/28/2020		Omid Kardoust	5/17/2021	170

12/31/2021 Ended 2021 with 1 attorney vacancy (filled by contract) of 14 positions

2022	Attorney	Date Left	Years with County	New Hire	Start Date	Days of Vacancy
	Anna Argenti					
	Audra Fisher	9/12/2022	0.73	Wade Bromke	12/28/2022	107
	David Rappenecker					
	Dennis Ingold					
	Edem Okudzeto	5/13/2022	2.29	Mallory Block	8/1/2022	80
	Joshua Amundson	8/19/2022	2.91	Isaac Lees	11/28/2022	101
	Julie Lawyer					
	Justin Schwarz					
	Kelly Owen	5/27/2022	1.32	Dan Vondrachek	8/8/2022	73
	Mary Melech					
	Nick Baker					
	Omid Kardoust					
	Tessa Vaagen	5/13/2022	6.61			232
(contract)	Wayne Goter					
	Vacant - added position (Senior)	1/1/2022				364

12/31/2022 Ended 2022 with 3 attorney vacancies (one filled by contract) of 15 positions (we only requested one additional attorney position despite the caseload which indicated we needed a minimum of 17 FT attorneys to handle the caseload)

2023	Attorney	Date Left	Years with County	New Hire	Start Date	Days of Vacancy
	Anna Argenti					
	Dan Vondrachek					
	David Rappenecker	7/7/2023	1.76	Dan Gulya	11/13/2023	129
	Dennis Ingold					
	Isaac Lees					
	Julie Lawyer					
	Justin Schwarz					
	Mallory Block	3/21/2023	0.64	Robert Togni	4/23/2023	33
	Mary Melech					
	Nick Baker	10/10/2023	2.90			82
	Omid Kardoust					
	Wade Bromke					
(contract)	Wayne Goter					
	Vacant - Senior	1/1/2022		Gabrielle Goter	1/23/2023	387
	Vacant - Senior	5/13/2022				597
	Vacant - added position (PT)	1/1/2023		Rebecca Flanders	2/27/2023	57
	Vacant - added position	1/1/2023				364
	Vacant - added position	1/1/2023				364
	Vacant - added position	1/1/2023				364

12/31/2023 Will end 2023 with 6 attorney vacancies (one filled by contract) of 18 FT and 1 PT positions

2020 Attorney Stats

Attorney	Active				Attorney Review	Closed				Declined Charges	Revocations		Restitution Owing			SA Inquiry	Search Warrant	Traffic Citations
	Felony	Misdemeanor	Juvenile	Civil		Felony	Misdemeanor	Juvenile	Civil		Felony	Misdemeanor	Felony	Misdemeanor	Juvenile			
Amundson, Josh	39	19	9	0	87	69	97	13	0	21	4	4	4	0	1	2	27	0
Anderson, Mindy	79	63	1	1	52	90	101	3	95		16	28				2	34	0
Argenti, Anna	46	50	0	0	25	56	82	0	0	85	5	18	1			1		0
Baker, Nickolas	15	24	0	0	16	1	6	0	0		0	0					2	0
Goter, Wayne	46	26	7	0	28	38	45	16	0	5	5	2	2	3	3			0
Ingold, Dennis	75	68	2	2	30	96	154	0	1	18	15	43	1			1	47	0
Kennelly, Conor	1	1	0	2	0	0	17	0	6		0	1						1
Lawyer, Julie	30	24	0	2	51	79	37	0	2	28	3	14	1			5	21	0
Melech, Mary	0	0	35	0	0	0	0	79	0		0	0						0
Miller, Scott	44	62	0	3	58	59	36	0	0	10	10	1	6	2		6	21	2
Neufeld, Karlei	14	8	2	1	36	37	34	8	0	53	2	10		1		3	29	0
Okudzeto, Edem	61	123	8	0	294	43	258	0	12	46	5	18					8	112
Owen, Kelly	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Schwarz, Justin	44	41	0	0	12	42	35	0	0	33	6	2	4	7		2		0
Vaagen, Tessa	97	55	5	6	18	98	100	19	1	26	16	41			2	2		0
<b>TOTALS</b>	<b>592</b>	<b>564</b>	<b>69</b>	<b>17</b>	<b>707</b>	<b>708</b>	<b>1002</b>	<b>138</b>	<b>117</b>	<b>325</b>	<b>87</b>	<b>182</b>	<b>19</b>	<b>13</b>	<b>6</b>	<b>24</b>	<b>189</b>	<b>115</b>

Attorney	Felony	Misdemeanor	Juvenile	Civil	Total Cases*
Amundson, Josh	116	120	23	0	396
Anderson, Mindy	185	192	4	96	469
Argenti, Anna	108	150	0	0	369
Baker, Nickolas	16	30	0	0	64
Goter, Wayne	91	76	26	0	226
Ingold, Dennis	187	265	2	3	550
Kennelly, Conor	1	19	0	8	20
Lawyer, Julie	113	75	0	4	293
Melech, Mary	0	0	114	0	114
Miller, Scott	119	101	0	3	315
Neufeld, Karlei	53	53	10	1	237
Okudzeto, Edem	109	399	8	12	864
Owen, Kelly	1	0	0	0	1
Schwarz, Justin	96	85	0	0	228
Vaagen, Tessa	211	196	26	7	479
<b>Totals</b>	<b>1406</b>	<b>1761</b>	<b>213</b>	<b>134</b>	<b>4625</b>

Maximum Standards+ 150 300 200 200 +Maximum Standards are from the ABA's recommended criminal caseload per attorney  
 \*Total cases includes all felony, misdemeanor, juvenile, attorney review, declined, SA inquiry, and search warrants  
 this does not include total counts charged nor does it differentiate between severity of case  
 # of FTE needed 9.4 5.9 1.1 0.7 17.0 Based on new incoming cases for year; does not include pending cases from previous years

Ch. 12.1-16 (Homicide) 13  
 Ch. 12.1-20 (Sex offenses) 30

2021 Attorney Stats

Attorney	Active				Attorney Review	Closed				Declined Charges	Revocations		Restitution Owing			SA Inquiry	Search Warrant	Traffic Citations
	Felony	Misdemeanor	Juvenile	Civil		Felony	Misdemeanor	Juvenile	Civil		Felony	Misdemeanor	Felony	Misdemeanor	Juvenile			
Amundson, Josh	26	10	12		67	59	56	34		31	3	2		1		3	29	
Anderson, Mindy	11	24	4	36	107	55	109	17	35	27	1	1				4	23	
Argenti, Anna	23	22			3	54	63			77	5	8				1		
Baker, Nickolas	54	140			123	100	155			34	16	45	1			1	17	6
Fisher, Audra	4	23		1	1	2	5			2		1						
Goter, Wayne	22	32	10	3	3	28	34	21		15	4	3	4	1		1		
Ingold, Dennis	55	68		2	21	132	210			58	15	12	2	1		2	112	
Kardoust, Omid	33	65		3	50	57	95	1	7	23	19	16				3	6	
Lawyer, Julie	22	11			16	97	13			62		2				7	16	
Melech, Mary			84															
Miller, Scott	1	11		19	23	4	45		25	40								13
Okudzeto, Edem	34	101	8	21	110	92	175	15	31	67	8	16	1				13	50
Owen, Kelly	18	50		13	11	85	262		17	32	4	19	5	5		14	20	28
Rappenecker, David	24	17			3	21	37			24	2		1			1	4	
Schwarz, Justin	39	52			14	88	31			33	5	2	8	7		1	1	
Vaagen, Tessa	12	7	1		2	80	48		1	48	1	6				2		
TOTALS	378	633	119	98	554	954	1338	88	116	573	83	133	22	15	0	40	241	97

Attorney	Felony	Misdemeanor	Juvenile	Civil	Total Cases*
Amundson, Josh	88	69	46	0	333
Anderson, Mindy	67	134	21	71	383
Argenti, Anna	82	93	0	0	256
Baker, Nickolas	171	340	0	0	686
Goter, Wayne	58	70	31	3	178
Ingold, Dennis	204	291	0	2	688
Kardoust, Omid	109	176	1	10	368
Lawyer, Julie	119	26	0	0	246
Melech, Mary	0	0	84	0	84
Miller, Scott	5	56	0	44	124
Okudzeto, Edem	135	292	23	52	640
Owen, Kelly	112	336	0	30	525
Schwarz, Justin	140	92	0	0	281
Vaagen, Tessa	93	61	1	1	207
Totals	1383	2036	207	213	4999

New Cases  
 Ch. 12.1-16 (Homicide) 9  
 Ch. 12.1-20 (Sex offenses) 52

Maximum Standards+	150	300	200	200	
# of FTE needed	9.2	6.8	1.0	1.1	18.1

+Maximum Standards are from the ABA's recommended criminal caseload per attorney  
 \*Total cases includes all felony, misdemeanor, juvenile, attorney review, declined, SA inquiry, and search warrants  
 this does not include total counts charged nor does it differentiate between severity of case  
 Based on new incoming cases for year; does not include pending cases from previous years

2022 Attorney Stats

Attorney	Active				Attorney Review	Closed				Declined Charges	Revocations		Restitution Owing			SA Inquiry	Search Warrant	Traffic Citations	First day	Last day
	Felony	Misdemeanor	Juvenile	Civil		Felony	Misdemeanor	Juvenile	Civil		Felony	Misdemeanor	Felony	Misdemeanor	Juvenile					
Amundson, Josh		1			13	13	31	20	10	36					1	17	1			8/19/2022
Argenti, Anna	26	19				87	64			68	20	22		1	5	2				
Baker, Nickolas	43	94			199	65	82		1	44	27	26	2	1		26	58			
Block, Mallory	1	16			3	11	31			12	2	1			3	10	48	8/1/2022		
Fisher, Audra	9	21		1	20	35	165			54	11	9		1		4	55		9/12/2022	
Goter, Wayne	19	24	39		5	48	53	29		29	6	1	4	2	1					
Ingold, Dennis	27	13			22	126	72			42	22	14	2	1		2	86			
Kardoust, Omid	23	57			38	213	75	236		89	121	24	19	2			13			
Lawyer, Julie	19			1	20	144	11		5	47	9	4	1		5	13				
Lees, Isaac	9	13			5	2	12			13								11/28/2022		
Melech, Mary			98					68												
Okudzeto, Edem	17	34	5		93	12	123	1		36	2	1				1	2			5/13/2022
Owen, Kelly		5		11	5	8	42		34	24		1		3	8	15				5/27/2022
Rappenecker, David	21	22			11	84	115			83	10	12	1	2	4	18				
Schwarz, Justin	31	37			6	73	64			61	16	3	30	9	17					
Vaagen, Tessa					2	13	14			8										5/13/2022
Vondrachek, Daniel	2	13	18			13	46	31		15	5	9		1		3				8/8/2022
TOTALS	247	369	160	51	617	809	1161	149	139	693	154	122	42	21	1	45	208	164		

Attorney	Felony	Misdemeanor	Juvenile	Civil	Total Cases*	New Cases
Amundson, Josh	13	32	20	10	132	
Argenti, Anna	133	106	0	0	314	Ch. 12.1-16 (Homicide) 7
Baker, Nickolas	137	203	0	1	609	Ch. 12.1-20 (Sex offenses) 31
Block, Mallory	14	48	0	0	90	
Fisher, Audra	55	196	0	1	329	
Goter, Wayne	77	80	69	0	260	
Ingold, Dennis	177	100	0	0	429	
Kardoust, Omid	124	312	0	127	0	
Lawyer, Julie	173	15	0	6	273	
Lees, Isaac	11	25	0	0	54	Cases Days of trial
Melech, Mary	0	0	166	0	166	Bench Trials 5 5
Okudzeto, Edem	31	158	6	0	325	Jury Trials 27 45
Owen, Kelly	8	51	0	45	111	
Rappenecker, David	116	151	0	0	383	
Schwarz, Justin	150	113	0	0	347	
Vaagen, Tessa	13	14	0	0	37	
Vondrachek, Daniel	20	69	49	0	156	
Totals	1252	1673	310	190	4015	

Maximum Standards+ 150 300 200 200 +Maximum Standards are from the ABA's recommended criminal caseload per attorney  
 \*Total cases includes all felony, misdemeanor, juvenile, attorney review, declined, SA inquiry, and search warrants  
 this does not include total counts charged nor does it differentiate between severity of case  
 # of FTE needed 8.3 5.6 1.6 1.0 16.4 Based on new incoming cases for year; does not include pending cases from previous years

2023 Attorney Stats

Attorney	Active				Attorney Review	Closed				Declined Charges	Revocations		Restitution Owing			SA Inquiry	Search Warrant	Traffic Citations	First day	Last day
	Felony	Misdemeanor	Juvenile	Civil		Felony	Misdemeanor	Juvenile	Civil		Felony	Misdemeanor	Felony	Misdemeanor	Juvenile					
Argenti, Anna	52	54			49	56	34		1	17					6	1				
Baker, Nickolas	19	26			24	46	60			18	1	1				15			10/10/2023	
Block, Mallory		2				2	8			1			1		3		1		3/21/2023	
Bromke, Wade	48	341			312	48	347			155		1			1	5	167		1/1/2023	
Goter, Gabrielle	62	32		4	24	71	39		6	5		1			1	45			1/23/2023	
Goter, Wayne	19	31	18		12	25	39	30		20						1				
Gulya, Daniel			9	1					1										11/13/2023	
Ingold, Dennis	53	25			5	95	55			8					2	50				
Kardoust, Omid	91	57		61	45	92	109		65	48	1	1				9				
Lawyer, Julie	23	2			22	78	13		2	12					1	11	1			
Lees, Isaac	50	36			85	40	68			14		1			1	11	28			
Melech, Mary			109					13												
Rappenecker, David	2	2				15	28			21					2	11			7/7/2023	
Schwarz, Justin	56	58			12	66	69			50	1		2	2	16					
Togni, Robert	66	47			29	21	30			17						9			4/23/2023	
Vondrachek, Daniel	53	60	17		3	33	68	25		16		1		1	3	51				
TOTALS	594	773	153	66	622	688	967	68	75	402	3	6	3	3	0	36	219	197		

Attorney	Felony	Misdemeanor	Juvenile	Civil	Total Cases*
Argenti, Anna	108	88	0	1	269
Baker, Nickolas	66	87	0	0	210
Bromke, Wade	96	689	0	0	1258
Goter, Gabrielle	133	72	0	10	280
Goter, Wayne	44	70	48	0	195
Ingold, Dennis	148	80	0	0	293
Kardoust, Omid	184	167	0	126	453
Lawyer, Julie	101	15	0	2	162
Lees, Isaac	90	105	0	0	306
Melech, Mary	0	0	122	0	122
Rappenecker, David	17	30	0	0	81
Schwarz, Justin	125	129	0	0	332
Togni, Robert	87	77	0	0	219
Vondrachek, Daniel	86	130	42	0	331
Totals	1285	1739	212	139	4511

New Cases Active Cases

Ch. 12.1-16 (Homicide)	2	21
Ch. 12.1-20 (Sex offenses)	31	82

Cases Days of trial

Bench Trials	5	5
Jury Trials	41	62

Maximum Standards+	150	300	200	200	
# of FTE needed	8.6	5.8	1.1	0.7	16.1

+Maximum Standards are from the ABA's recommended criminal caseload per attorney  
 \*Total cases includes all felony, misdemeanor, juvenile, attorney review, declined, SA inquiry, and search warrants  
 this does not include total counts charged nor does it differentiate between severity of case  
 Based on new incoming cases for year; does not include pending cases from previous years

As of 11/30/2023

Year	Name	Days	Felony	Misdemeanor
2019	Argenti	1	1	
	Lawyer	8	5	
	Schwarz	5	1	4

2020	Argenti	1		1
	Ingold	3	1	
	Lawyer	11	5	
	Schwarz	5	4	1

2021	Argenti	11	4	4
	Ingold	10	5	1
	Lawyer	10	6	1
	Schwarz	1	1	

2022	Argenti	3	2	1
	Ingold	7	3	3
	Kardoust	2	1	1
	Lawyer	20	4	
	Schwarz	1		1

2023	Argenti	6	4	
	Bromke	4	2	2
	G.Goter	1		1
	Ingold	20	5	2
	Kardoust	1		1
	Lawyer	28	9	1
	Lees	7	6	
	Schwarz	3	3	
	Togni	4	1	2
	Vondrachek	2		2

Totals	Days	Felony	Misdemeanor
Argenti	22	11	6
Bromke	4	2	2
G.Goter	1	0	1
Ingold	40	14	6
Kardoust	3	1	2
Lawyer	77	29	2
Lees	7	6	0
Schwarz	15	9	6
Togni	4	1	2
Vondrachek	2	0	2

County of Burleigh

General Ledger - States Attorney Budget Expense Report

Fiscal Year: 2019-2019 From Date:12/1/2019 To Date:12/31/2019

FUND / DEPARTMENT / ACCOUNT	2019 Adopted Budget	Adjusted Budget	Range To Date	Year To Date	Budget Balance	Percent Used
1001 - GENERAL FUND						
41430 - STATES ATTORNEY						
00111 - SALARIES	\$1,630,705.00	\$1,630,705.00	\$57,212.71	\$1,453,049.99	\$177,655.01	89.11%
00211 - FRINGE BENEFITS	\$736,432.00	\$736,432.00	\$21,826.14	\$653,354.06	\$83,077.94	88.72%
00317 - WITNESS & CASE EXPENSES	\$1,500.00	\$1,500.00	\$4.53	\$1,262.49	\$237.51	84.17%
00318 - SERVICES & FILING FEES	\$400.00	\$400.00	\$36.00	\$461.00	(\$61.00)	115.25%
00319 - TRANSCRIPTS	\$2,500.00	\$2,500.00	\$0.00	\$1,269.50	\$1,230.50	50.78%
00341 - TRAVEL	\$7,000.00	\$7,000.00	\$316.00	\$4,998.58	\$2,001.42	71.41%
00373 - ORGANIZATIONAL DUES	\$8,200.00	\$8,200.00	\$1,392.67	\$6,684.37	\$1,515.63	81.52%
00411 - OFFICE SUPPLIES	\$14,500.00	\$14,500.00	\$280.86	\$14,829.46	(\$329.46)	102.27%
00444 - COMPUTER SERVICES	\$15,000.00	\$15,000.00	\$294.92	\$11,365.67	\$3,634.33	75.77%
00641 - FURNITURE & EQUIPMENT	\$13,000.00	\$13,000.00	\$503.36	\$9,626.58	\$3,373.42	74.05%
00920 - CONTINUING EDUCATION	\$750.00	\$750.00	\$0.00	\$0.00	\$750.00	0.00%
00921 - LEGAL INSTITUTES	\$2,500.00	\$2,500.00	\$0.00	\$1,988.00	\$512.00	79.52%
00922 - LIBRARY	\$22,000.00	\$22,000.00	\$1,589.89	\$16,229.84	\$5,770.16	73.77%
00923 - CONTINGENT FUND	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00	0.00%
1001 - GENERAL FUND Total:	\$2,456,487.00	\$2,456,487.00	\$83,457.08	\$2,175,119.54	\$281,367.46	88.55%
2989 - ST ATT DRUG ASSET FORFEIT						
41430 - STATES ATTORNEY						
00641 - FURNITURE & EQUIPMENT	\$9,000.00	\$9,000.00	\$167.79	\$4,672.06	\$4,327.94	51.91%
00911 - MISCELLANEOUS	\$9,000.00	\$9,000.00	\$0.00	\$2,362.84	\$6,637.16	26.25%
2989 - ST ATT DRUG ASSET FORFEIT Total:	\$18,000.00	\$18,000.00	\$167.79	\$7,034.90	\$10,965.10	39.08%
Grand Total:	\$2,474,487.00	\$2,474,487.00	\$83,624.87	\$2,182,154.44	\$292,332.56	88.19%

End of Report

Unused salary & benefits = \$260,732.95  
 Difference in General Fund total = \$20,634.51

County of Burleigh

General Ledger - States Attorney Budget Expense Report

Fiscal Year: 2020-2020 From Date:12/1/2020 To Date:12/31/2020

FUND / DEPARTMENT / ACCOUNT	2020 Adopted Budget	Adjusted Budget	Range To Date	Year To Date	Budget Balance	Percent Used
1001 - GENERAL FUND						
41430 - STATES ATTORNEY						
00111 - SALARIES	\$2,010,116.00	\$2,010,116.00	\$62,145.61	\$1,634,035.61	\$376,080.39	81.29%
00211 - FRINGE BENEFITS	\$948,012.00	\$948,012.00	\$39,719.97	\$736,019.62	\$211,992.38	77.64%
00317 - WITNESS & CASE EXPENSES	\$1,500.00	\$1,500.00	\$54.24	\$1,679.63	(\$179.63)	111.98%
00318 - SERVICES & FILING FEES	\$400.00	\$400.00	\$0.00	\$144.00	\$256.00	36.00%
00319 - TRANSCRIPTS	\$2,500.00	\$2,500.00	\$0.00	\$1,571.05	\$928.95	62.84%
00341 - TRAVEL-LODGING-MEALS	\$7,000.00	\$7,000.00	\$0.00	\$722.27	\$6,277.73	10.32%
00373 - ORGANIZATIONAL DUES	\$8,300.00	\$8,300.00	\$1,087.57	\$5,495.05	\$2,804.95	66.21%
00411 - OFFICE SUPPLIES	\$16,000.00	\$16,000.00	\$1,647.69	\$13,772.22	\$2,227.78	86.08%
00444 - COMPUTER SERVICES	\$16,000.00	\$16,000.00	\$606.00	\$10,242.85	\$5,757.15	64.02%
00641 - FURNITURE & EQUIPMENT	\$10,500.00	\$10,500.00	\$760.93	\$11,808.06	(\$1,308.06)	112.46%
00920 - CONTINUING EDUCATION	\$750.00	\$750.00	\$0.00	\$325.00	\$425.00	43.33%
00921 - LEGAL INSTITUTES	\$2,800.00	\$2,800.00	\$0.00	\$575.00	\$2,225.00	20.54%
00922 - LIBRARY	\$20,000.00	\$20,000.00	\$1,730.26	\$16,485.48	\$3,514.52	82.43%
00923 - CONTINGENT FUND	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00	0.00%
1001 - GENERAL FUND Total:	\$3,045,878.00	\$3,045,878.00	\$107,752.27	\$2,432,875.84	\$613,002.16	79.87%
2989 - ST ATT DRUG ASSET FORFEIT						
41430 - STATES ATTORNEY						
00641 - FURNITURE & EQUIPMENT	\$9,000.00	\$9,000.00	\$253.64	\$3,934.90	\$5,065.10	43.72%
00911 - MISCELLANEOUS	\$9,000.00	\$9,000.00	\$62.50	\$898.29	\$8,101.71	9.98%
2989 - ST ATT DRUG ASSET FORFEIT Total:	\$18,000.00	\$18,000.00	\$316.14	\$4,833.19	\$13,166.81	26.85%
Grand Total:	\$3,063,878.00	\$3,063,878.00	\$108,068.41	\$2,437,709.03	\$626,168.97	79.56%

End of Report

Unused salary & benefits = \$588,072.77  
 Difference in General Fund total = \$24,929.39

County of Burleigh

General Ledger - States Attorney Budget Expense Report

Fiscal Year: 2021-2021 From Date:12/1/2021 To Date:12/31/2021

FUND / DEPARTMENT / ACCOUNT	2021 Adopted Budget	Adjusted Budget	Range To Date	Year To Date	Budget Balance	Percent Used
1001 - GENERAL FUND						
41430 - STATES ATTORNEY						
00111 - SALARIES	\$2,091,877.00	\$2,091,877.00	\$135,811.50	\$1,756,722.98	\$335,154.02	83.98%
00211 - FRINGE BENEFITS	\$928,306.00	\$928,306.00	\$45,443.11	\$746,158.58	\$182,147.42	80.38%
00317 - WITNESS & CASE EXPENSES	\$1,500.00	\$1,500.00	\$392.15	\$1,685.98	(\$185.98)	112.40%
00318 - SERVICES & FILING FEES	\$400.00	\$400.00	\$0.00	\$153.76	\$246.24	38.44%
00319 - TRANSCRIPTS	\$2,000.00	\$2,000.00	\$111.50	\$1,552.15	\$447.85	77.61%
00341 - TRAVEL-LODGING-MEALS	\$2,500.00	\$2,500.00	\$73.92	\$556.78	\$1,943.22	22.27%
00373 - ORGANIZATIONAL DUES	\$8,200.00	\$8,200.00	\$324.29	\$6,706.13	\$1,493.87	81.78%
00411 - OFFICE SUPPLIES	\$15,000.00	\$15,000.00	\$852.35	\$10,950.20	\$4,049.80	73.00%
00444 - COMPUTER SERVICES	\$27,000.00	\$27,000.00	\$1,019.60	\$10,320.63	\$16,679.37	38.22%
00641 - FURNITURE & EQUIPMENT	\$15,000.00	\$15,000.00	\$5,794.40	\$20,747.17	(\$5,747.17)	138.31%
00920 - CONTINUING EDUCATION	\$750.00	\$750.00	\$0.00	\$145.00	\$605.00	19.33%
00921 - LEGAL INSTITUTES	\$2,800.00	\$2,800.00	\$0.00	\$115.00	\$2,685.00	4.11%
00922 - LIBRARY	\$15,000.00	\$15,000.00	\$2,319.50	\$14,214.41	\$785.59	94.76%
00923 - CONTINGENT FUND	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00	0.00%
1001 - GENERAL FUND Total:	\$3,112,333.00	\$3,112,333.00	\$192,142.32	\$2,570,028.77	\$542,304.23	82.58%
2989 - ST ATT DRUG ASSET FORFEIT						
41430 - STATES ATTORNEY						
00641 - FURNITURE & EQUIPMENT	\$9,000.00	\$9,000.00	\$1,931.48	\$6,915.77	\$2,084.23	76.84%
00911 - MISCELLANEOUS	\$9,000.00	\$9,000.00	\$0.00	\$2,621.00	\$6,379.00	29.12%
2989 - ST ATT DRUG ASSET FORFEIT Total:	\$18,000.00	\$18,000.00	\$1,931.48	\$9,536.77	\$8,463.23	52.98%
Grand Total:	\$3,130,333.00	\$3,130,333.00	\$194,073.80	\$2,579,565.54	\$550,767.46	82.41%

End of Report

Unused salary & benefits = \$517,301.44  
 Difference in General Fund total = \$25,002.79

County of Burleigh

General Ledger - States Attorney Expense Budget Report

Fiscal Year: 2022-2022 From Date:12/1/2022 To Date:12/31/2022

FUND / DEPARTMENT / ACCOUNT	2022 Adopted Budget	Adjusted Budget	Range To Date	Year To Date	Budget Balance	Percent Used
1001 - GENERAL FUND						
41430 - STATES ATTORNEY						
00111 - SALARIES	\$2,380,893.00	\$2,380,893.00	\$145,055.06	\$1,876,044.75	\$504,848.25	78.80%
00211 - FRINGE BENEFITS	\$1,082,174.00	\$1,082,174.00	\$54,161.14	\$796,569.40	\$285,604.60	73.61%
00317 - WITNESS & CASE EXPENSES	\$1,500.00	\$1,500.00	\$440.00	\$2,292.58	(\$792.58)	152.84%
00318 - SERVICES & FILING FEES	\$600.00	\$600.00	\$36.00	\$180.00	\$420.00	30.00%
00319 - TRANSCRIPTS	\$2,000.00	\$2,000.00	\$0.00	\$3,128.70	(\$1,128.70)	156.44%
00341 - TRAVEL-LODGING-MEALS	\$8,000.00	\$8,000.00	\$1,007.20	\$5,762.31	\$2,237.69	72.03%
00373 - ORGANIZATIONAL DUES	\$9,500.00	\$9,500.00	\$4,015.01	\$7,099.26	\$2,400.74	74.73%
00411 - OFFICE SUPPLIES	\$20,500.00	\$20,500.00	\$414.54	\$10,194.73	\$10,305.27	49.73%
00444 - COMPUTER SERVICES	\$30,000.00	\$30,000.00	\$10,544.99	\$52,545.91	(\$22,545.91)	175.15%
00641 - FURNITURE & EQUIPMENT	\$21,000.00	\$21,000.00	\$535.66	\$15,068.48	\$5,931.52	71.75%
00920 - CONTINUING EDUCATION	\$750.00	\$750.00	\$0.00	\$0.00	\$750.00	0.00%
00921 - PROGRAMMING	\$3,000.00	\$3,000.00	\$745.00	\$2,410.00	\$590.00	80.33%
00922 - LIBRARY	\$15,000.00	\$15,000.00	\$1,235.09	\$12,004.28	\$2,995.72	80.03%
00923 - CONTINGENT FUND	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00	0.00%
1001 - GENERAL FUND Total:	\$3,576,917.00	\$3,576,917.00	\$218,189.69	\$2,783,300.40	\$793,616.60	77.81%
2989 - ST ATT DRUG ASSET FORFEIT						
41430 - STATES ATTORNEY						
00641 - FURNITURE & EQUIPMENT	\$9,000.00	\$9,000.00	\$178.56	\$5,022.88	\$3,977.12	55.81%
00911 - MISCELLANEOUS	\$9,000.00	\$9,000.00	\$0.00	\$0.00	\$9,000.00	0.00%
2989 - ST ATT DRUG ASSET FORFEIT Total:	\$18,000.00	\$18,000.00	\$178.56	\$5,022.88	\$12,977.12	27.90%
Grand Total:	\$3,594,917.00	\$3,594,917.00	\$218,368.25	\$2,788,323.28	\$806,593.72	77.56%

End of Report

Unused salary & benefits = \$790,452.85  
 Difference in General Fund total = \$3,163.75

County of Burleigh

General Ledger - States Attorney Expense Budget Report

Fiscal Year: 2023-2023 From Date:11/1/2023 To Date:11/30/2023

FUND / DEPARTMENT / ACCOUNT	2023 Adopted	Adjusted Budget	Range To Date	Year To Date	Budget Balance	Percent Used
1001 - GENERAL FUND						
41430 - STATES ATTORNEY						
00111 - SALARIES	\$3,245,008.00	\$3,245,008.00	\$175,332.13	\$2,017,739.14	\$1,227,268.86	62.18%
00211 - FRINGE BENEFITS	\$1,498,533.00	\$1,498,533.00	\$81,553.68	\$888,612.33	\$609,920.67	59.30%
00317 - WITNESS & CASE EXPENSES	\$1,500.00	\$1,500.00	\$451.99	\$17,914.29	(\$16,414.29)	1194.29%
00318 - SERVICES & FILING FEES	\$400.00	\$400.00	\$36.00	\$305.25	\$94.75	76.31%
00319 - TRANSCRIPTS	\$1,500.00	\$1,500.00	\$0.00	\$1,346.00	\$154.00	89.73%
00341 - TRAVEL-LODGING-MEALS	\$8,000.00	\$8,000.00	\$0.00	\$1,054.83	\$6,945.17	13.19%
00373 - ORGANIZATIONAL DUES	\$12,600.00	\$12,600.00	\$2,367.62	\$5,432.62	\$7,167.38	43.12%
00411 - OFFICE SUPPLIES	\$20,500.00	\$20,500.00	\$1,128.95	\$14,739.47	\$5,760.53	71.90%
00444 - COMPUTER SERVICES	\$55,100.00	\$55,100.00	\$1,199.50	\$43,643.50	\$11,456.50	79.21%
00641 - FURNITURE & EQUIPMENT	\$35,000.00	\$35,000.00	\$1,091.59	\$36,291.81	(\$1,291.81)	103.69%
00920 - CONTINUING EDUCATION	\$500.00	\$500.00	\$0.00	\$0.00	\$500.00	0.00%
00921 - PROGRAMMING	\$3,000.00	\$3,000.00	\$0.00	\$3,620.00	(\$620.00)	120.67%
00922 - LIBRARY	\$15,000.00	\$15,000.00	\$1,658.00	\$15,004.58	(\$4.58)	100.03%
00923 - CONTINGENT FUND	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00	0.00%
1001 - GENERAL FUND Total:	\$4,898,641.00	\$4,898,641.00	\$264,819.46	\$3,045,703.82	\$1,852,937.18	62.17%
2989 - ST ATT DRUG ASSET FORFEIT						
41430 - STATES ATTORNEY						
00641 - FURNITURE & EQUIPMENT	\$9,000.00	\$9,000.00	\$363.87	\$11,150.03	(\$2,150.03)	123.89%
00911 - MISCELLANEOUS	\$9,000.00	\$9,000.00	\$0.00	\$0.00	\$9,000.00	0.00%
2989 - ST ATT DRUG ASSET FORFEIT Total:	\$18,000.00	\$18,000.00	\$363.87	\$11,150.03	\$6,849.97	61.94%
Grand Total:	\$4,916,641.00	\$4,916,641.00	\$265,183.33	\$3,056,853.85	\$1,859,787.15	62.17%

End of Report

Projected unused salary & benefits = \$1,580,303.72

## **Chapter 4**

### **SECTION 16: TUITION REIMBURSEMENT**

#### **STATEMENT OF PHILOSOPHY:**

For peak performance, it is necessary that employees and elected officials of Burleigh County maintain a high degree of efficiency within their position, secure the best training available to ready themselves for promotional opportunities, and keep up to date with advanced programs which reflect technical and professional changes within their fields.

#### **SEMINARS, WORKSHOPS, CONTINUING EDUCATION, & CONFERENCES:**

1. Each department, based on available department continuing education funds, should provide opportunity for employees to develop their work skills.
2. Regular employees interested in improving their work-related skills may be considered for training at County expense provided:
  - a. The employee has been in regular status at least ninety days, unless excepted by the Board of Commissioners, and Department Head recommends training to assist with job responsibilities, and
  - b. The employee has been performing at an acceptable level on the job, and
  - c. The training is directly related to the tasks performed by the employee.
3. Non-elected employees must secure approval from the department head prior to registration of classes or seminars.

#### **ACADEMIC DEGREE PROGRAMS:**

1. Burleigh County shall assist employees and elected officials with the cost of securing a college degree.
2. To be eligible for Tuition Reimbursement, an employee must be on active regular full-time status and have successfully completed probationary period at the time of enrollment in, and completion of the class. Employees on leave of absence status are ineligible.
3. Tuition costs will be reimbursed at in-state public school (resident) rates only, on the following basis:
  - a. Associates Degree: Burleigh County will reimburse 100% of tuition for academic course work leading to an Associates Degree.
  - b. Bachelors Degree: Burleigh County will reimburse 75% of tuition for academic course work leading to a Bachelors Degree.
  - c. Masters Degree: Burleigh County will reimburse 50% of tuition for academic course work leading to a Masters Degree.
4. Limits and regulations;
  - a. Prior to starting the course(s) a county approved application and a degree plan with an outline of required course study should be submitted by the employee to the appropriate Department Head and the Human Resources Director. The

- degree plan may be used as a planning tool for both the manager and the employee.
- b. Each applicant will be notified by the Human Resource office by acceptance letter for the approved degree within two weeks of receipt of application for reimbursement. A copy of receipt of payment for the course must be included with application.
  - c. Educational costs covered by Veteran's Educational Assistance, scholarships, grants, or fellowships are excluded to the extent benefits are paid to the employee. (the actual amount of tuition paid will be considered for reimbursement)
  - d. Courses must be taken at, or on-line from, an accredited academic institution (two or four year college, vocational, or trade school) and must be approved business-related course work. Tuition reimbursement will not be granted for correspondence course work.
  - e. Reimbursement shall be paid at completion of the course(s) provided that the employee receives a "B" grade or better. Grades need to be submitted to the Human Resource office before reimbursement will be given.
  - f. Attendance at classes must not interfere with scheduled work, this is at the approval of the Department Head and Portfolio Commissioner (i.e.: time off during scheduled work to attend class may be granted as annual leave).
  - g. The cost of related expenses such as books, cassettes, computers, special laboratory equipment, refundable laboratory (breakage) fees, transportation, meals or postage will not be reimbursed.
  - h. No more than two courses will be approved for tuition reimbursement during any one school term.
  - i. All assignments and homework are to be completed outside of working hours.
5. An employee who has accepted reimbursement for tuition, who voluntarily leaves the employment of the County after completion of the class within:
    - a. Two years will refund 100% of the paid tuition to the County.
    - b. Two to three years will refund 75% of the paid tuition to the County.
    - c. If separation takes place more than three years after the tuition reimbursement has been paid, no reimbursement to the County will be required.
    - d. If the employee is terminated within three years of the tuition reimbursement, the Board of Commissioners has the option to waive reimbursement under this policy, unless the termination is for cause.
  6. Employees who receive training by county, state, or federal agencies as a mandatory requirement to maintain their professional status will not be required to reimburse the County for the cost of such training regardless of when they separate from County service.
  7. The County Director of Human Resources shall design and implement appropriate forms and controls to insure that County's Tuition Reimbursement program operates in an efficient manner.
  8. Funding for the Tuition Reimbursement Program shall be included in the Human Resource Budget and may be suspended due to budget constraints.

Revised August 28, 1998. Modified and approved by the Board of Commissioners on August 7, 2004.

## **ACADEMIC DEGREE PROGRAMS:**

1. Burleigh County shall assist employees and elected officials with the cost of securing a college degree.
2. Tuition costs will be reimbursed at in-state public school (resident) rates only, on the following basis:
  - a. Associates Degree: Burleigh County will reimburse 100% of tuition for academic course work leading to an Associates Degree.
  - b. Bachelors Degree: Burleigh County will reimburse 75% of tuition for academic course work leading to a Bachelors Degree.
  - c. Masters Degree: Burleigh County will reimburse 50% of tuition for academic course work leading to a Masters Degree.
3. Limits and regulations;
  - a. Prior to starting the course(s), a county approved application and a degree plan with an outline of required course study should be submitted by the employee to the appropriate Department Head and the Human Resources Director.
  - b. Educational costs covered by Veteran's Educational Assistance, scholarships, grants, or fellowships are excluded to the extent benefits are paid to the employee. (the actual amount of tuition paid will be considered for reimbursement)
  - c. Courses must be taken at, or on-line from, an accredited academic institution and must be approved business-related course work. Tuition reimbursement will not be granted for correspondence course work.
  - d. Reimbursement shall be paid at completion of the course(s) provided that the employee receives a "B" grade or better.
  - e. Attendance at classes must not interfere with scheduled work, (i.e.: time off during scheduled work to attend class may be granted as annual leave).
  - f. No more than two courses will be approved for tuition reimbursement during any one school term.
  - g. All assignments and homework are to be completed outside of working hours.
4. An employee who has accepted reimbursement for tuition, who voluntarily leaves the employment of the County after completion of the class within:
  - a. Two years will refund 100% of the paid tuition to the County.
  - b. Two to three years will refund 75% of the paid tuition to the County.
  - c. If separation takes place more than three years after the tuition reimbursement has been paid, no reimbursement to the County will be required.
  - d. If the employee is terminated within three years of the tuition reimbursement, the Board of Commissioners has the option to waive reimbursement under this policy, unless the termination is for cause.
5. Funding for the Tuition Reimbursement Program shall be included in the appropriate department budget and may be suspended due to budget constraints.

See Tuition Reimbursement Policy maintained in the Burleigh County Personnel Manual for more clarification on policy details.

Revised and approved by the Board of County Commissioners, August 2, 2004



# Law School Tuition & Fees

## How much does it cost to go to law school?

Tuition and fees for the school year are listed below. The semester fees include a law school professional fee, student activity fee and University fees for general benefits available to students, such as student health services, wellness center, drama, athletic events and campus publications.

## Law Tuition & Fees

### On-Campus Tuition Costs

**NORTH DAKOTA RESIDENTS**

2022/2023  2023/2024

	Per Credit	Academic Year
<b>Tuition</b>	\$508.42	Based on Credits
<b>Fees</b>	\$71.43	\$1,714.32
<b>Total</b>	<b>\$579.85</b>	<b>Based on Credits</b>

Academic year includes fall and spring semesters. Minnesota, Montana, South Dakota, Manitoba and Saskatchewan residents receive contiguous tuition rates. See [cost details](https://und.edu/admissions/cost-and-aid/cost-details.html#law) (<https://und.edu/admissions/cost-and-aid/cost-details.html#law>) for more information. Active duty military, veterans, and dependents are eligible to receive the North Dakota in-state tuition rate. To receive military benefits, you must follow the [military admissions process](https://und.edu/admissions/military/apply.html) (<https://und.edu/admissions/military/apply.html>).

# Discover an accredited, respected and affordable law program at UND.

We value you as an individual and invest in both your professional and personal growth in a close-knit and supportive community.

---

Program type:

Law Degree

---

Format:

On Campus

---

Est. time to complete:

3 years

---

Credit hours:

90

**REQUEST INFORMATION**

**ITEM**

**# 10**



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** December 18, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE: Petition to Vacate Section line – PUBLIC HEARING**

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

### **ACTION REQUESTED:**

Review petition to vacate section line and direct staff on how to proceed.

### **BACKGROUND:**

Under North Dakota Century Code (NDCC 24-07-03), the Board of County Commissioners may close a section line if the request meets certain criteria (if petitioned by a person having an interest in the adjoining land and after a public hearing). A property owner, as part of the Baker Subdivision, has filed a petition (see attached Application) with the County (Under NDCC 24-07) to vacate a portion of a section line on their property. In order to vacate this section line, the County/Township must conduct a Public Hearing, determine the public benefit of vacating this section line and ascertain any damages that are caused by discontinuing this roadway.

### **RECOMMENDATION:**

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

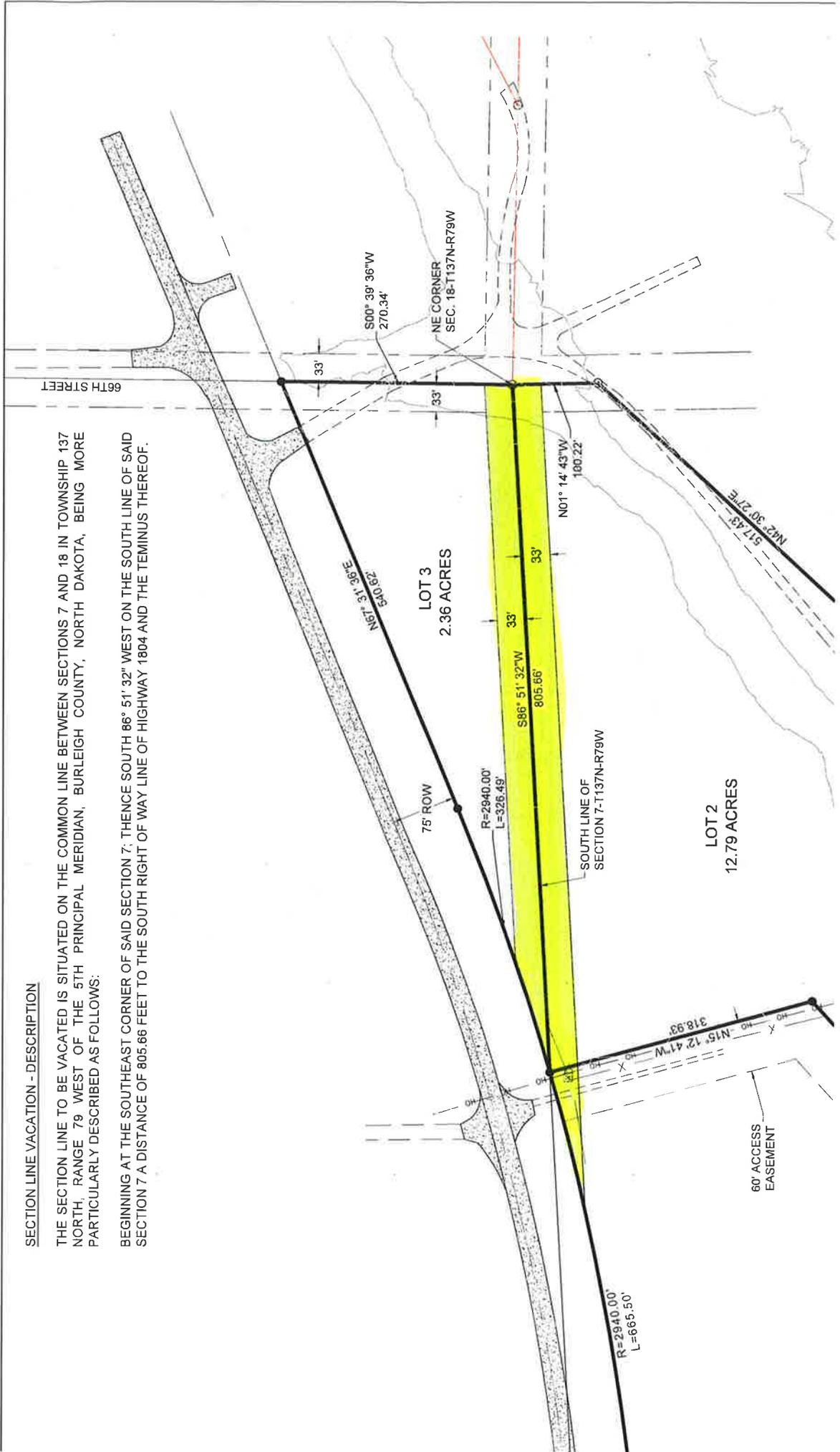
### **PROPOSED RESOLUTION:**

**THEREFORE, BE IT RESOLVED:** That Burleigh County hereby accepts the petition to vacate said section line, and sets January 17, 2024 at 5:00 p.m. as the time and date for a Public Hearing to review discontinuing this section line and ascertain any damages that are caused by this action.

SECTION LINE VACATION - DESCRIPTION

THE SECTION LINE TO BE VACATED IS SITUATED ON THE COMMON LINE BETWEEN SECTIONS 7 AND 18 IN TOWNSHIP 137 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 7; THENCE SOUTH 86° 51' 32" WEST ON THE SOUTH LINE OF SAID SECTION 7 A DISTANCE OF 805.66 FEET TO THE SOUTH RIGHT OF WAY LINE OF HIGHWAY 1804 AND THE TERMINUS THEREOF.





# BURLEIGH COUNTY UNIFIED DEVELOPMENT APPLICATION

**Application submitted for (check all that apply):**

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Preliminary Plat         | <input type="checkbox"/> Final Plat    | <input type="checkbox"/> Minor Plat Modification | <input type="checkbox"/> Plat Vacation      |
| <input checked="" type="checkbox"/> Road Vacation | <input type="checkbox"/> Zoning Change | <input type="checkbox"/> Development Permit      | <input type="checkbox"/> Special Use Permit |

PROPERTY INFORMATION:			
Name of plat: <span style="font-size: 1.2em; font-family: cursive;">BAKER SUBDIVISION</span>			
Legal description of property (lot, block, addition): <span style="font-size: 1.2em; font-family: cursive;">PART OF THE SE 1/4 SECTION 7 &amp; PART OF THE NE 1/4 SECTION 18 ALL IN T137N, R79W</span>			
Street address of property: <span style="font-size: 1.2em; font-family: cursive;">5951 SE HIGHWAY 1804, BISMARCK, ND 58503</span>			
Existing Zoning: <span style="font-size: 1.2em; font-family: cursive;">AG</span>		Proposed zoning: <span style="font-size: 1.2em; font-family: cursive;">AG</span>	
Acreage: <span style="font-size: 1.2em; font-family: cursive;">66.89</span>		Number of lots: <span style="font-size: 1.2em; font-family: cursive;">2</span>	
Description of development proposal, including reason(s) for the request: <span style="font-size: 1.2em; font-family: cursive;">DIVIDE PROPERTY INTO 2 LOTS.</span>			
APPLICANT/DEVELOPER:			
Name: <span style="font-size: 1.2em; font-family: cursive;">DOROTHY BAKER</span>		Mailing address: <span style="font-size: 1.2em; font-family: cursive;">2200 KOCH DRIVE #337, BISMARCK, ND 58503</span>	
Daytime telephone number:		FAX number:	
		E-mail address:	
PROPERTY OWNER (IF DIFFERENT THAN APPLICANT/DEVELOPER):			
Name: <span style="font-size: 1.2em; font-family: cursive;">DANIEL L BAKER</span>		Mailing address: <span style="font-size: 1.2em; font-family: cursive;">1508 CANYON RD SW MANDAN ND 58554</span>	
Daytime telephone number: <span style="font-size: 1.2em; font-family: cursive;">701-220-6172</span>		FAX number:	
		E-mail address: <span style="font-size: 1.2em; font-family: cursive;">daniel.L.Baker@hotmail.com</span>	
CONTACT PERSON/AGENT:			
Name/Firm: <span style="font-size: 1.2em; font-family: cursive;">MARK R. ISAACS ; ILSE, INC.</span>		Mailing address: <span style="font-size: 1.2em; font-family: cursive;">4215 OLD RED TRAIL NW, MANDAN, ND 58554</span>	
Daytime telephone number: <span style="font-size: 1.2em; font-family: cursive;">701-595-2079</span>		FAX number:	
		E-mail address: <span style="font-size: 1.2em; font-family: cursive;">marke@surveynd.com</span>	

**NOTE: APPLICATIONS ARE NOT COMPLETE UNTIL ALL REQUIRED SUBMITTALS HAVE BEEN RECEIVED**



The following checklist must be completed and submitted with the application form.

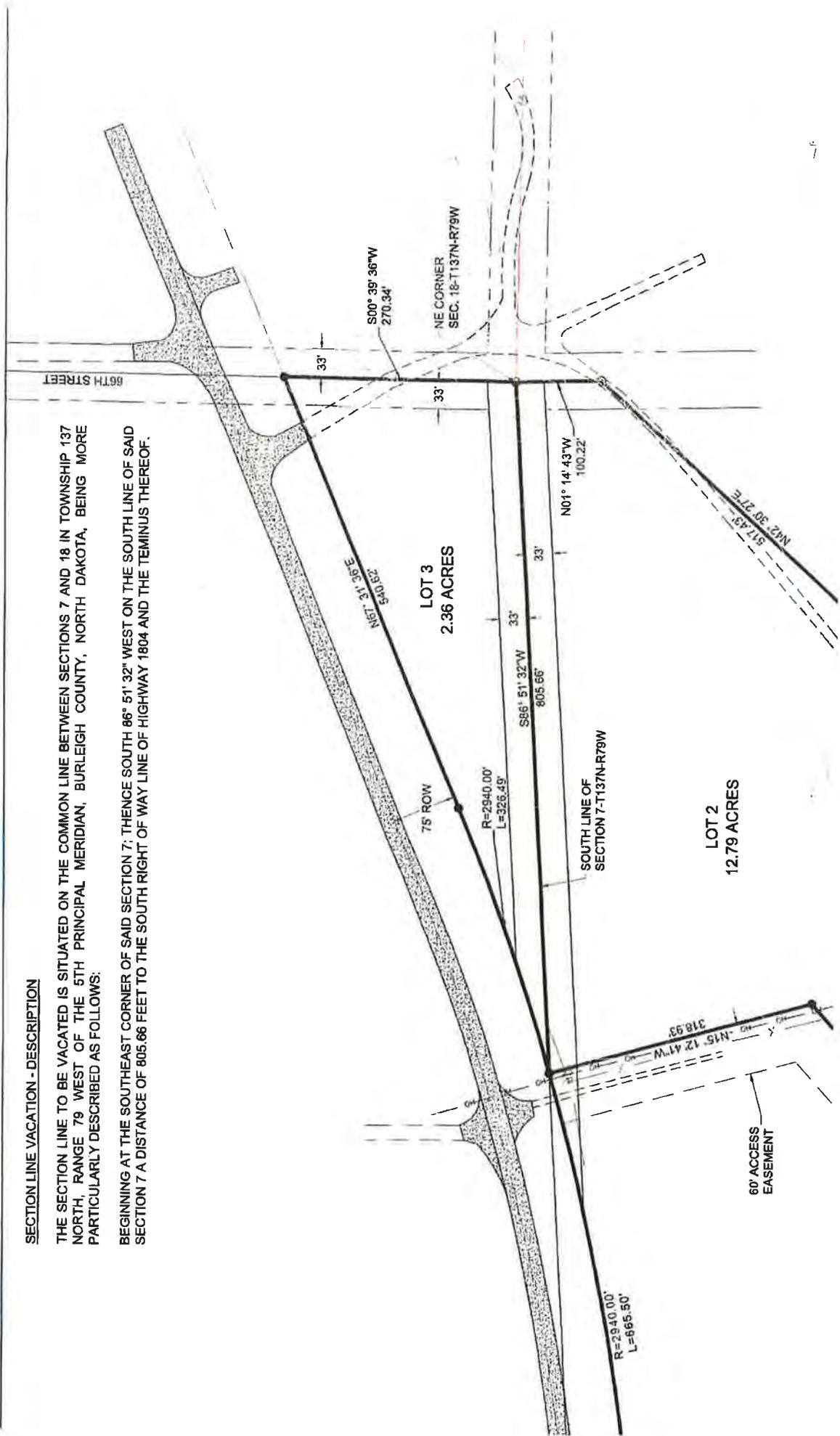
COUNTY SUBMISSION CHECKLIST			
Applying for:		Submitted	N/A
<input type="checkbox"/> Preliminary Plat	Required pre-application meeting	Date:	
	5 prints of plat, including all items listed in preliminary plat checklist		
	Preliminary plat checklist, completed by applicant		
	Fee determined by lot number: 1 - 2 lots \$200.00    3 - 10 lots \$300    11 - 20 lots \$400    21 or more lots \$900		
	8½" x 11" reduction of plat		
	Digital copy of plat		
	Road master plan & adjacent owner's consent (if required)		
	For subdivisions proposed in areas not under the zoning jurisdiction of Burleigh County, documentation that the subdivision complies with the zoning requirements of the township		
<input type="checkbox"/> Final Plat	Written request for amendment to Fringe Area Road Master Plan (if applicable)		
	Final plat fee \$250.00		
	Stormwater Management Plan Review Fee \$200 (includes permit if approved)		
	6 prints of plat, including all items listed in final plat check list		
	Final plat checklist, completed by applicant		
	8½" x 11" reduction of plat		
	Digital copy of plat, if requested		
<input type="checkbox"/> Development Application Review	Attorney's opinion of ownership, including all easement owners		
	Fee determined by number of lots: 1 - 2 lots \$25    3 to 10 lots \$100    11 to 20 lots \$200    21 or more \$600		
	Site plan, drawn to scale (no larger than 11" x 17")		
<input type="checkbox"/> Development Permit & Field Review	Completed Development Application and all exhibits		
	Fee determined by number of lots: 1 - 2 lots \$200    3 to 10 lots \$400.00    11 - 20 lots \$1,500    21 or more lots \$2,500.		
<input type="checkbox"/> Plat Vacation	Review and Approval of Development Application		
	Map of property to be vacated		
	Fee of \$300.00		
<input checked="" type="checkbox"/> Road Vacation	Legal description of property to be vacated		
	Map of property to be vacated		✓
	Fee of \$250.00		✓
	Legal description of property to be vacated		✓
<input type="checkbox"/> Zoning Change	Letters of consent from utilities (street/alley vacation & easement release)		
	Fee of \$500.00 (zoning change)		
	Description of zoning change by legal description if multiple districts requested		
	Architectural drawings (PUD only)		
	One (1) print of site plan, at 1"=100' scale (PUD only)		
	8½" x 11" reduction of site plan (PUD only)		
<input type="checkbox"/> Special Use	Written statement (PUD only)		
	Fee of \$300.00		
	3 prints of site plan, at 1"=20' or larger scale		
	8½" x 11" reduction of site plan		
	Photograph of building (moving building only)		
Adjacent property owner petition (required for moving of a building, trap or skeet shooting range, vehicular racetrack, rodeo or rodeo event and solid waste disposal facility only)			

Variance	Fee of \$300.00		
	Site plan, drawn to scale (no larger than 11" x 17"), with dimensions		
	Elevations of proposed structure (s), if required		
	Written statement of hardship (separate form that must be completed for variances)		
	Adjacent property owner petition (required for accessory building prior to residence)		
Minor Plat/Lot Modification	Fee of \$200.00 (Only applies to 3 lots or less)		
	Sketch of survey, showing how the lot is proposed to be split		
	Legal description of lot(s), both existing & proposed with square footage/acreage		

SECTION LINE VACATION - DESCRIPTION

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# BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43<sup>RD</sup> AVENUE NE  
BISMARCK, ND 58503  
701-204-7748  
FAX 701-204-7749  
[www.burleighco.com](http://www.burleighco.com)

## Request for County Board Action

**DATE:** December 18, 2023

**TO:** Mark Splonskowski  
County Auditor

**FROM:** Marcus J. Hall  
County Engineer

**RE:** Authorization to advertise for bids.

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

### **ACTION REQUESTED:**

Authorize the proper County officials to transfer money from the General fund to the Road and Bridge Fund.

### **BACKGROUND:**

During the latter part of November, the Highway Department along with Northern Improvement, Circle C Enterprises and Knife River conducted an all-out effort to haul a mixture of high-grade gravel, Blended Base and Crushed Concrete on a number of gravel roadways throughout the County. An unusual long cold snap in October created a frozen layer below our gravel roadways, once the weather turned warmer in November the roadways started to thaw from the top down. Since the water could not be absorbed into the road bed (due to the frozen layer) the surface gravels became super saturated. Gravels with high Plasticity Index (PI) are prone to rutting under these conditions and made driving conditions hazardous. Fearing that this could also happen in the spring, it was decided to try and firm up as many roadways as we could (by adding high-grade gravel, Blended Base and Crushed Concrete to the roadways) before winter set in for good.

We have now completed adding material to most of the worst locations and with sub-freezing temps coming back we have ended this operation. The attached table shows a breakdown of the cost to perform this work. The Highway Department costs (labor, equipment and our material) is by and large included in our current 2023 budget. However, Contractor expense (both their trucking cost and their material cost) were not,

and because of the unusually expensive 22/23 winter season we are unable to cover this cost. In addition, the 22/23 winter season consumed most of our 2023 fuel budget so by the end of October we had spent all of this line items. With this in mind, the Highway Department is requesting that **\$347,382 (Contactor's expense and County fuel expense)** be transferred from the General Fund to the Road and Bridge Fund to cover the cost of this operation.

**RECOMMENDATION:**

It is recommended that the County Board adopt the attached proposed resolutions.

**PROPOSED RESOLUTION:**

THEREFORE, BE IT RESOLVED: That the County Auditor transfer **\$347,382** from the General Fund to the Road and Bridge fund to cover cost associated with the Fall Graveling operation.

**Gravel Road Repairs**

Project #	Highway Dept			Northern Improvement			Circle C Enterprises		Knife River		Project Description
	Equip Total	Labor Total	Gravel Total	Total Cost	Total Trucking Cost	Total Blended Base Cost	Total Cost	Total Trucking Cost	Total Crushed Concrete Cost	Project Total	
23071	\$4,155.45	\$2,044.52	\$0.00	\$6,199.97					\$6,866.22	\$13,066.19	Welle Lp(only) 10/24-10/25
23072	\$121,497.60	\$62,077.29	\$59,623.20	\$243,198.09	\$62,280.08	\$115,550.35	\$177,830.43	\$36,160.00	\$10,958.82	\$468,147.34	County Roads
23073	\$10,511.07	\$5,028.17	\$0.00	\$15,539.24				\$8,160.00	\$22,030.88	\$45,730.12	Burnt Creek
23074	\$2,747.75	\$886.68	\$0.00	\$3,634.43					\$1,580.80	\$5,215.23	Lincoln
23075	\$18,025.69	\$8,505.95	\$1,832.58	\$28,364.22					\$9,515.39	\$37,879.61	Riverview
23076	\$3,218.89	\$2,020.12	\$0.00	\$5,239.01				\$7,800.00	\$13,177.83	\$26,216.84	Apple Creek
23077	\$8,660.73	\$4,084.86	\$4,435.20	\$17,180.79					\$0.00	\$17,180.79	Estherville
23078	\$569.38	\$168.69	\$201.60	\$939.67					\$27,592.75	\$28,532.42	Apple Creek - Sunrise Subd.
Totals	\$169,386.56	\$84,816.28	\$66,092.58	\$320,295.42	\$62,280.08	\$115,550.35	\$177,830.43	\$52,120.00	\$91,722.69	\$641,968.54	
<b>Total Cost out of pocket \$321,673.12</b>											

**Total Fuel & Gas Cost \$25,709.81 Total Hwy Cost \$346,005.23**

Trucking cost = \$8,000/day (assuming 10 hour days) - Northern & Circle C  
 \$160/per hour - per truck  
 Blended Base = \$20.75/TN  
 Crushed Concrete = \$19.00/TN

**GRAND TOTAL (COUNTY & CONTRACTORS) \$667,678.35**

**Total Amount Requested (out of pocket costs & fuel costs) \$347,382.93**

**ITEM**

**# 11**

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

---

PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

### Memorandum

To: Chairman Steve Bakken  
Commissioner Brian Bitner  
Commissioner Wayne Munson  
Commissioner Steve Schwab  
Commissioner Jerry Woodcox

From: Pam Binder, SPHR, SHRM-SCP  
HR Director/Risk Manager

Date: December 12, 2023

Re: Human Resource's Agenda items for December 18, 2023, Commission Meeting

#### **Subject One: Holiday Policy**

##### **BACKGROUND:**

I have included the Burleigh County Holiday Policy. Under Holidays (1)a-l lists the paid holidays that Burleigh County has observed in the past years. Juneteenth is not on this list. Although Juneteenth is a recognized holiday by the Federal government, it is not observed as a recognized paid holiday by the state of North Dakota. Burleigh County has not recognized Juneteenth as a paid holiday either.

##### **RECOMMENDATION:**

My recommendation is to keep the paid Holidays as listed on the current Holiday Policy.

#### **Subject Two: Finance Position Update**

##### **BACKGROUND:**

All three of the Finance positions were posted as directed by the Burleigh County Commission. The job postings were for the Senior Accountant Comptroller, Deputy Finance Director, and Finance Director position. We received applicants for all of the positions. The interview panel consisted of Chairman Steve Bakken, Commissioner Brian Bitner, Emergency Management Director Mary Senger, Sheriff Kelly Leben and me. We had five candidates that were interviewed based on their qualifications for the various positions. The top two finalist were

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

---

PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

invited back to meet with former retired Finance Director Thompson and myself. There was some confusion on interview timing, so the interviews consisted of the top two finalists meeting with just myself. I was able to answer their questions and give them the vision of the Finance positions and the workings of the Finance department. We then moved forward with the reference checking phase of the Selection process. When this was completed, I sent the summary of the meetings that I had and the references for the top two candidates to the Interview Panel for review and suggestions.

As a note, in the 2024 budget the approved positions were the Deputy Finance Director and the Accountant II. The Burleigh County Commission may have to amend the budget if the finance positions were to vary from what was approved for the 2024 budget.

### **RECOMMENDATION:**

I will defer to Commissioner Brian Bitner who holds the Finance Department portfolio for any recommendations on hiring for the Finance Department. The Burleigh County Commission has the final approval of the Finance Department positions as the Finance Director will report to the Burleigh County Commission.

### **Subject Three: Weed Control Officer Update**

### **BACKGROUND:**

At the direction of the Burleigh County Commission, who is the acting Weed Board, the Human Resources department was directed to post the Weed Control Officer position as a Grade 5 the formerly approved Weed Control Officer Job Description.

We received one qualified applicant for the Weed Control Officer position. That candidate was interviewed by an interview panel consisting of Chairman Bakken, Commissioner Schwab and me. The reference check and background check have come back and a conditional job offer has been made to this candidate. The Commission, as the acting Weed Board must approve this job offer.

The Candidate meets the qualifications for the alternate Weed Control Officer Job Description due to his education and prior experience. Therefore, I have included the Grade 6 Job Description to be approved by the Burleigh County Commission. This will provide a compensation that is fair based on the combination of education and experience required for the Weed Control Officer position.

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

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PAM BINDER, SPHR, SHRM-SCP  
DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN

### RECOMMENDATION:

There are two recommendations that I need to make regarding the Weed Control Officer position.

1. The first recommendation to the Commission is to ask for their approval of the revised Weed Control Officer job description. This job description provides a better understanding of the Weed Control Officer position and the current candidate meets the education and experience requirements for the Grade 6 versus the Grade 5 position.
2. The second recommendation, I will defer to Commissioner Schwab as the Portfolio Holder for the Weed Department regarding, whether the Commission acting as the Weed Board should approve the hiring of the Weed Control Officer candidate.

	<b>Holiday Policy</b>	<p style="text-align: center;"><b>BCHR – 03</b></p> <p style="text-align: center;"><b>Last Revision Date:</b> <b>06/28/2021</b></p> <p style="text-align: center;"><b>Board Approved:</b> <b>07/07/2021</b></p>
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**Statement of Philosophy:** It is the policy of Burleigh County to identify observed holidays and the eligibility for and circumstances under which Holidays are allowed.

**Purpose:** identify observed holidays and the eligibility for and circumstances under which Holidays are recognized and paid.

**Holidays:** Burleigh County observes the Federal Holidays that have been approved by the Burleigh County Commission at the first meeting in December of the preceding year.

- 1) The approved holidays for Burleigh County employees are listed below:
  - a) New Year’s Day
  - b) Martin Luther King, Jr Day
  - c) President’s Day
  - d) Good Friday
  - e) Memorial Day
  - f) Independence Day
  - g) Labor Day
  - h) Veteran’s Day
  - i) Thanksgiving Day
  - j) County Offices will close at noon on December 24<sup>th</sup>, unless it is a holiday or weekend
  - k) Christmas Day
  - l) Any additional holiday that has been approved by the Burleigh County Commission prior to the occurrence of the holiday.
  
- 2) If such holiday falls on a Saturday, the preceding Friday shall be observed as the holiday, or if the holiday falls on Sunday, the Monday following shall be observed as the holiday.
  
- 3) Standard Holiday Policy Full-time and part-time employees who are not otherwise required to work, shall take each holiday off and receive full pay. In the event the Burleigh County Commissioners designate a portion of a day as a holiday, only that portion will be considered as a holiday. To receive compensation for holidays, an employee must have worked a full shift on the employee's scheduled work shift or be on an approved leave with pay on the day before and the day after the holiday.

- 4) Condition A Non-exempt full-time and salaried part-time employee (as defined by the Fair Labor Standard Act and identified by the Burleigh County Commissioners) who work on a holiday shall receive double compensation.
- 5) Condition B Non-exempt full-time and salaried part-time employees whose regular day off falls on a holiday shall receive regular rate compensation for the day (or portion thereof as is applicable) and shall have the holiday off.
  - a) Under both Condition A and Condition B the employee's department head shall have the option of crediting the employee with compensatory time off, on an hour for hour basis or paying straight time in lieu of the compensation due beyond normal pay. Unless otherwise specified by the department head before the holiday, the additional compensation shall be compensatory time off.
- 6) Employees who are employed less than full time (40 hours per week) but 20 hours or more per week shall be paid holiday pay based on a prorated number of hours worked.
  - a) Holiday pay will be prorated based on the number of hours worked in a pay period divided by the number of hours available for work in the pay period.
- 7) Employees who are employed less than 20 hours per week and seasonal employees shall receive neither paid holiday time nor additional compensation for working on a holiday.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 12/12/2023  <b>Job Description #:</b> 01-49130
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**Employee:** \_\_\_\_\_  
**Job Title:** Weed Control Officer  
**Job Status:** Non-exempt  
**Salary Grade:** 6

**Location:** Bismarck  
**Department:** Weed Control  
**Reports to:** Weed Board  
**DBM Rating:** B23

**Job Summary:** Under the supervision of the Weed Board and the approval of the Burleigh County Commission, this position is responsible for the enforcement of applicable regulations under the North Dakota Century Code (NDCC) 4.1-47 Noxious Weed Control. The Burleigh County Weed Control Officer may enter upon any land within the jurisdiction of the officer to perform duties and to exercise powers under NDCC sections 4.1-47-01 through 4.1-47-30, including taking specimens of weeds or other materials, without the consent of the landowner or other person responsible for the land and without being subject to any action for trespass or damages, provided reasonable care is exercised. This position may also assist in the Highway department if needed.

**Responsibilities:**

- 30 % time      1. Cooperate with the weed board and the county commission to be responsible for the operation and enforcement of NDCC.4.1-47 within the county.
- 25 % time      2. Encourage noxious weed control by all landowners and land occupants within the county. Become acquainted with the location of noxious weeds within the county and investigate all signed complaints received by the Weed Board or County Commission regarding noxious weeds.
- 20 % time      3. Prepare reports as requested by the Weed Board, County Commission or Agriculture Commissioner and, attend meetings called by any of the above-mentioned parties, or any designee to further noxious weed control following the Noxious Weed Control regulations.
- 15 % time      4. Post or publish in the official newspaper of the county any notices the Weed Board, County Commission or Agricultural Commissioner deems necessary to further noxious weed control under this chapter.
- 10 % time      5. Meet the pesticide certification requirements set forth in NDCC Chapter 4-35.

**Essential Job Duties:**

1. Applies chemicals for the control of noxious weeds on State, County and Township Right-of-Way, public and private land by using spraying equipment and correct formulas.
2. Work with township officials in identifying areas of need within appropriate areas and notifying where and when spraying will be done.
3. Surveys and plots noxious weeds and biological control areas (insectaries) and after determining needs, arranges for distribution.
4. Receive calls and information regarding noxious weed issues in the county, work with farmers, homeowners, and other members of the public to address needs and answer questions.
5. Provides information and education to the public and users through newsletters and other methods of communication.
6. Updates mapping program of pesticides and noxious weeds designed for spraying on a systematic basis.
7. Documents applications of pesticides and insecticides and ensures master sheets by township and highways are completed.
8. Prepares and files reports in compliance with federal and state laws.
9. Prepares and updates contracts and calls for bids when needed.

	<b>Burleigh County, North Dakota</b>  <b>Job Description</b>	<b>Last Date Revised:</b> 12/12/2023  <b>Job Description #:</b> 01-49130
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10. Ensures other sprayers keep accurate and detailed records for each spraying, checks records for accuracy and completeness.
11. Investigates complaints and reports findings to appropriate County Officials.
12. Maintain Material Safety Data Sheets on all insecticides and pesticides for Weed Control and its storage facility and provides training to any staff at least annually.
13. Ensures proper storage of chemicals and inspects storage areas at least monthly.
14. Updates inventory and maintenance logs for chemicals, insects and equipment that are county owned at least monthly.
15. Provides progress reports to the Weed Board monthly, and to the County Commission at least quarterly.
16. Performs other duties required and/or assigned.

**Accountabilities:**

1. Observe established safety practices and procedures when working with tools and equipment including the wearing of orange per DOT regulations.
2. Create a positive and productive work atmosphere by communicating, maintaining a professional manner, with supervisors, employees, and the general public.
3. Ability to work harmoniously with federal, state, and local officials in carrying out duties.

**Job Qualifications, Experience and Education**

1. Requires Associates Degree (A.S., A.A.) or two-year technical certificate in Agriculture or related field, and three (3) years of herbicide application experience: or the equivalent combination of education, training and/or experience that provides required knowledge and abilities.
2. B.S. Degree in agriculture or related field preferred.
3. Must have or be able to obtain a commercial applicator’s certification from the North Dakota State University Pesticide Division. Upon hire, must obtain and maintain Commercial Applicator’s License in the following categories: CORE, Agricultural Pest Control, and Right-of-Way.
4. Must possess and retain at the employee’s expense, a Class D driver’s license as issued by the Driver’s License Division of the State of North Dakota, and a clean driving record.
5. Working knowledge of pesticide application, federal and state weed control laws, identification of noxious weeds, and application formulas and distribution.
6. Required skills include word processing, spreadsheets, email, internet, and other general computer usage skills, familiarity with GPS data recorders and mapping software.

**Working Conditions/ Physical and Mental Demands**

1. Physical environment consists of indoor/outdoor exposure to various extremes of climate and weather.
2. Will include physical motions of sitting, standing, walking, bending, pushing, pulling, crouching, twisting, grasping, climbing, lifting, and carrying heavy items, and other physical motions.
3. Occasionally required to respond to call back, emergency and overtime procedures.

**Clarification Clause:**

This job description is not intended and should not be construed to be a complete list of all duties, skills, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principal job elements essential in maintaining the Weed Control Officer related position. The job description is not a contract for employment. Burleigh County reserves the right to modify job descriptions at any time.

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**Employee Signature**

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**Date**

**ITEM**

**# 12**

Addenda item for December 18th, 2023 Meeting

Action Requested

Discussion for the Proposed Burleigh County Equestrian Center

Description:

The motion that was approved by the Burleigh County commission was to allow the development of the Equestrian and Ag center whether the grant was received or not. The committee is continuing its communications with potential donors.

I met with the Bismarck Community Development department – we discussed the property at length including changing its zoning to Public rather than PUD. According to their documentation this was a discussion about 20 years ago, but it was never completed. The Public designation would allow all of the plans that are currently being discussed with less restrictions as long as the county maintains ownership of the land.

We discussed the proposed new sewer line easement that should be presented to the county soon. The proposed line would run on the North side of the racetrack instead of the South side of the road that travels east to west. When the new sewer line is installed the old line will be abandon.

A discussion was also had that we might consider the East West Road to become a City Street. This could join Tandem Drive (East of the MVC) to Bismarck Expressway.

Chair Bakken has requested that I research reactivating the Fair Board. I am currently researching that possibility along with that Boards make up and duties. Attached is the section of Century Code that provides for the Fair Board.

Action needed:

There is no action needed at this time.

**CHAPTER 11-39**  
**AGRICULTURE FAIR ASSOCIATIONS**

**11-39-01. County fair association organization as nonprofit corporation.**

A county fair association must be organized under the nonprofit corporation laws of this state. In addition to the powers and duties of nonprofit corporations under the laws of this state, a county fair association has the powers and duties specified in this chapter.

**11-39-02. Fair association - County funding.**

1. A fair association may be organized in any county. The officers and directors must be residents of the county or, if the association is to conduct a multicounty fair, residents of one of the participating counties. The association may make written application to the board of county commissioners for a grant to aid in the erection of buildings and other improvements suitable to conduct the fair and to pay premiums and expenses that may be awarded on fair exhibits. An application must include evidence that the association is incorporated in this state as a nonprofit corporation, the names and places of residence of all its officers and directors, and evidence of ownership or right to use of sufficient real property in the county to conduct the fair.
2. The board of county commissioners may not provide county funding or official county fair authorization under this chapter to more than one fair association or to any association organized for profit.
3. If the board of county commissioners is satisfied the statements in the application are true and the association intends in good faith to annually hold a fair within the county for the exhibition of agricultural, livestock, horticultural, mining, mechanical, industrial, and manufactured products of the county, and of those articles as are usually exhibited at fairs, and other public displays of human art, industry, and skill, the board may provide the association official county fair authorization and funding from revenues derived from the county general fund levy authority. If the funding is approved, the county treasurer shall pay to the secretary of the association, by the following July thirty-first, the amount of funding approved and shall take the receipt of the association for the payment.
4. Any amount received by the county fair association must be deposited by the secretary of the association in a special fund.
5. To promote holding a county fair, the board of county commissioners may purchase or lease in the name of the county not to exceed two hundred forty acres [97.12 hectares] of real estate and construct buildings and improvements for the conduct of a county fair. The board of county commissioners may issue bonds in the name of the county if approved by electors of the county in accordance with sections 21-03-06 and 21-03-07 to purchase not to exceed two hundred forty acres [97.12 hectares], of real estate and construct buildings and improvements for the conduct of a county fair.
6. Upon the board's own motion, the board of county commissioners may continue to provide funding under this section after the first year's grant of aid.
7. The authority of this section may be used by a county to join in formation and funding of a multicounty fair association under terms of an agreement with one or more other counties.

**11-39-03. County fair association funding to be submitted to vote.**

If the board of county commissioners has voted and ordered county general fund funding for a fair association and a petition is addressed to the board and filed with the county auditor, asking the discontinuance of the funding and containing the signatures of qualified electors of the county in a number equal to twenty percent or more of the total vote cast in the county at the last preceding general election, the board shall submit to the qualified electors of the county at the next succeeding general election the question of whether funding is to be continued. The ballot must be in the following form:

Shall the board of county commissioners continue the annual

Yes

funding in aid of a county fair? No

If a majority of all the ballots cast on the question at the election is in favor of discontinuing the funding, the board of county commissioners may not thereafter provide funding in aid of a county fair under this chapter until the question of resuming the annual funding is approved by a vote of the qualified electors of the county. The ballot must be in the following form:

Shall the board of county commissioners resume the annual Yes

funding in aid of a county fair? No

If a majority of the ballots cast on the question at the election is in favor of resuming the funding, the board of county commissioners shall resume the annual funding subject to the other provisions of this chapter.

**11-39-04. County fair authorization - Forfeiture.**

Any county fair association that fails to hold a county fair for ten consecutive years forfeits its official authorization. After a forfeiture, another fair association may organize within a county and apply, or the forfeiting organization may reapply, to the board of county commissioners for official county fair authorization and aid under this chapter.

**11-39-05. Disposition of property.**

The board of county commissioners may sell property used for county fair purposes and held in the name of the county upon terms and conditions set by the board. The proceeds of such sale must be placed in the county general fund.

If the county fair association fails to hold a fair within the county for two consecutive years, the board of county commissioners may direct that any county property on hand be sold and the proceeds of the sale and any unexpended balance in the county fair fund be transferred to the county general fund.

**11-39-06. County funding to cease when fair not held - Misappropriation of funds.**

The board of county commissioners shall refuse to provide funding for a county fair association that failed to hold a fair within the county in any year for which it has received funding from the county. In such a case, the board of county commissioners shall inquire into the disposition of moneys paid by the county to the association after its last annual report, and if there has been any misappropriation it shall institute proceedings at once to recover the sum misappropriated. For any such misappropriation, the officers, trustees, or directors of the association shall be liable personally to the county.

**11-39-07. Power to make regulations governing premises.**

Fair associations may make rules, regulations, and provisions necessary and proper for the government, management, and control of the premises used by them for the holding of fairs and expositions and for the regulation of the use of the premises.

**11-39-08. Director's civil immunity.**

The individual members of the board of directors of any fair association are immune from civil liability for any act or omission relating to service as a director for the negligence of any person, firm, corporation, or limited liability company staging any show, race, or other amusement at any county or municipal fair and are immune from civil liability for any negligence of any person employed by the board of directors or the association conducting such fair.

**11-39-09. Treasurer to give bond - Duty of officers and directors.**

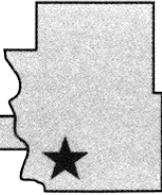
The officers and directors of any fair association shall require the treasurer of the association to give a sufficient bond to those officers and directors, conditioned for the faithful keeping of that money as may come into the treasurer's hands as the treasurer. The treasurer may not receive funds of a fair association until the treasurer is properly bonded.

**11-39-10. Nonliability of state for debts - Exception.**

The state is not liable for any of the debts or liabilities of a fair association except to the extent appropriations are made for that purpose by the legislative assembly.

**ITEM**

**# 13**



## Request for County Board Action

**DATE:** December 18, 2023  
**TO:** Burleigh County Commission  
**FROM:** Mark Splonskowski  
County Auditor/Treasurer  
**RE:** Auxiliary Board members

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

**REQUEST:**

There are several terms on the County's Auxiliary Boards that will be expiring at the end of December. These openings have been posted and we have been accepting applications for them. Included in the packet are the applications we have received at this time.

**RECOMMENDED ACTION:**

Consider the received applications.

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: DENNIS AGNEW

Address: 27901 MOFFIT RD, MOFFIT, ND 58560

Home Phone: [REDACTED] Work: [REDACTED] Cell: [REDACTED]

Email: [REDACTED]

Board or Commission on which you prefer to serve:

PLANNING & ZONING

List below the skills or qualifications you could bring to this Board or Commission:

- INTEREST IN PLANNING & ZONING
- EXPERIENCE WITH PLANNING & ZONING AT MULTIPLE LEVELS
- EXPERIENCED WITH ROBERTS RULES OF ORDER

If you have any special interest or reason for serving on this Board or Commission, please explain below.

- I HAVE SERVED ON THIS COMMISSION BEFORE AND ENJOY THE WORK

Principal Occupation/Source of Income (check one)

- |                                     |                                    |   |  |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales        |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input checked="" type="checkbox"/> Professional |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            |  |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

- AGNEW STEEL INC.

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

- CHAMBER EDC ECONOMIC DEVELOPMENT COMMITTEE
- LEADERSHIP BISMARCK/MANDAN STEERING COMMITTEE
- MORTON TOWNSHIP BOARD OF SUPERVISORS

Signature:  Date: 14 NOV 23

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

Oath Returned \_\_\_\_\_

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: Bea Streifel

Address: 11260 41st St NE Bismarck ND 58503-6606

Home Phone: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: [REDACTED]

Email: [REDACTED]

Board or Commission on which you prefer to serve:

Burleigh County Planning & Zoning

List below the skills or qualifications you could bring to this Board or Commission:

See attached page

If you have any special interest or reason for serving on this Board or Commission, please explain below.

See attached page

Principal Occupation/Source of Income (check one)

- |                                     |                                    |   |  |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales        |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input checked="" type="checkbox"/> Professional |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            |  |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

Signature: Bea Streifel Date: 11/9/2023

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY  
Date Appointed by Commission \_\_\_\_\_  
Term Start Date \_\_\_\_\_  
Term End Date \_\_\_\_\_  
Oath Returned \_\_\_\_\_

**List below the skills or qualifications you could bring to this Board or Commission:**

Listen well and let constituents speak.

Enjoy being of service to fellow Burleigh County land owners.

Respect property rights.

Studied the Comprehensive Plan and the Zoning Ordinances and watched years of past meeting to educate myself in order to be fair and reasonable in my vote and to best serve the Burleigh County community.

Honor God and the Constitution of the United States of America.

**If you have any special interest or reason for serving on this Board or Commission, please explain below:**

I have served for 4 years and enjoy my time on the Burleigh County Planning & Zoning commission. I would be honored to be appointed to serve another 4 years.

More importantly, if you take the time to look at the addresses of the commissioners on the current Burleigh County P&Z Commission, there is a minority number who represent the of rural land owners who live outside the ETA of Bismarck. I believe the Burleigh County P&Z Commission should consist of land owners who represent their constituents. We are slowly losing our rural representation and an effort should be made to find members from different areas of the County who represent those who live outside of Bismarck City limits. We have City representation on the County P&Z Commission with a City Commissioner and the City of Bismarck Mayor, and we already have a Bismarck City Planning & Zoning Commission.

I appreciate your consideration of my application for the Burleigh County P&Z Commission.

**BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM**

Name: ARLENE OLSON

Address: 25401 227<sup>th</sup> Ave. NE Wing, ND 58494

Home Phone: [REDACTED] Work: [REDACTED] Cell: [REDACTED]

Email: [REDACTED]

Board or Commission on which you prefer to serve:

BURLEIGH COUNTY HOUSING AUTHORITY

List below the skills or qualifications you could bring to this Board or Commission:

I have a wide variety of skills and experience working with the people of Burleigh County. I would like to continue to add a rural perspective to the Housing Authority Board.

If you have any special interest or reason for serving on this Board or Commission, please explain below.

Affordable housing has become a greater concern for more and more individuals. As a lifelong resident of Burleigh County, I am deeply committed to our elderly, and those in need. I am a firm believer that everyone should be given the chance to live independently as long as possible in safe and sanitary dwellings. As a member of this board, I will continue to do my best to make sure that the policy that is set, is fair for all housing assistance programs. I would welcome the opportunity to do my part in this mission.

Principal Occupation/Source of Income (check one)

Farm Owner/Retired

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

NONE

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

I currently serve as Treasure of the Golden Wing Club and as a board member of the Burleigh County Council on Aging.

Signature:           Arlene Olson           Date:           11-02-2023          

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck, ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

Oath Returned \_\_\_\_\_

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: Chelsea Flory

Address: 415 E Rosser Ave Bismarck, ND 58501

Home Phone: \_\_\_\_\_ Work: [REDACTED] Cell: [REDACTED]

Email: [REDACTED]

Board or Commission on which you prefer to serve:

Housing Authority

List below the skills or qualifications you could bring to this Board or Commission:

WORK with community partners on housing programs, work with DD + social services with clients in need of housing, work with court improvement on  
If you have any special interest or reason for serving on this Board or Commission, please explain below. fair housing  
Current role as director of Burleigh County Human Service Zone, vested interest in improving quality housing for the community

Principal Occupation/Source of income (check one)

- |  |                                    |   |   |
|--|------------------------------------|---|---|
| <input type="checkbox"/> Farmer                | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales |
| <input type="checkbox"/> Laborer               | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input type="checkbox"/> Professional     |
| <input checked="" type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            |   |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest: NONE

List below the associations or institutions with which you are closely associated, or serve as a director or officer: Member of ND association of Counties as a Zone director, BCHSZ director - Economic assistance + Child Welfare services

Signature: Chelsea Flory Date: 11/17/23

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_  
Term Start Date \_\_\_\_\_  
Term End Date \_\_\_\_\_  
Oath Returned \_\_\_\_\_

BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM

Name: Kathleen Jones

Address: 4380 Wildwood ST.

Home Phone: [REDACTED] Work: SAME Cell: [REDACTED]

Email: [REDACTED]

Board or Commission on which you prefer to serve:

Burleigh Co. Water Resource District

List below the skills or qualifications you could bring to this Board or Commission:

*I have 10 plus years of water experience. My focus has been the Missouri River and drainage issues.*  
If you have any special interest or reason for serving on this Board or Commission, please explain below.

Principal Occupation/Source of Income (check one)

- |  |                                    |  |   |
|--|------------------------------------|--|---|
| <input checked="" type="checkbox"/> Farmer | <input type="checkbox"/> Military  | <input checked="" type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales |
| <input type="checkbox"/> Laborer           | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner              | <input type="checkbox"/> Professional     |
| <input type="checkbox"/> Government        | <input type="checkbox"/> Student   | <input type="checkbox"/> Other                       |   |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

*None*

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

*Missouri River Joint River Board.*

Signature: Kathleen Jones Date: 12-8-2023

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission \_\_\_\_\_

Term Start Date \_\_\_\_\_

Term End Date \_\_\_\_\_

Oath Returned \_\_\_\_\_

**BURLEIGH COUNTY  
AUXILIARY BOARD  
APPLICATION FORM**

Name: Scott Harmstead

Address: 2840 Keith Dr. Bismarck ND 58503

Home Phone: [REDACTED] Work: [REDACTED] Cell: Same as Home phone

Email: ~~sharmstead@stfraser~~ [REDACTED]

Board or Commission on which you prefer to serve:

City Planning Zoning - ETA Representative

List below the skills or qualifications you could bring to this Board or Commission:

Planner  
certification - Professional city planning, family in Rural Residential subdivision  
(AICP) Served on focus group for city comprehensive plan  
 If you have any special interest or reason for serving on this Board or Commission, please explain below.

Masters  
Public  
 World like to give back my time and knowledge to serve  
 Principal Occupation/Source of Income (check one) those in the ETA.

- Administration
- |                                     |                                    |   |  |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer     | <input type="checkbox"/> Military  | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales                      |
| <input type="checkbox"/> Laborer    | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner   | <input checked="" type="checkbox"/> Professional (Consultant - |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student   | <input type="checkbox"/> Other            | <u>transportation planning, engineer</u>                       |
- community + environment  
planning

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

NA

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

North Dakota Planning Association

Signature: [Signature] Date: 12/13/23

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY  
 Date Appointed by Commission \_\_\_\_\_  
 Term Start Date \_\_\_\_\_  
 Term End Date \_\_\_\_\_  
 Oath Returned \_\_\_\_\_

**ITEM**

**# 14**