

**BURLEIGH COUNTY COMMISSION  
MEETING  
DECEMBER 18TH, 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. Bitner to approve the December 4th, 2023 meeting minutes and bills. All members present voted, "AYE". Motion carried.

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the Lyle W. & Doris M. Anderson, Melinda Pudwill, Carla Albrecht, Larry & Janice Strand, Mike & Lianne Weninger, Bernadette Heidrich, Marva Finck, Valentine & Genevieve F. Gross, Marvin & Doris Usselmann, Gary Grensteiner (2), Paulette Renhowe, Elizabeth A. Lucas, Debbie J. Eisenhauer, Rita Hunting, Leanne J. Ehli-Lotridge, Nicholas D. & Mary J. Choukalos, Robert & Judith Railsback (2), Deland & Charlotte Galster, Delores F. Amundson, Larry Parkos, Jack T. & Dalene M. Langan, Marvin & Betty Dacar, Gayle D. Moyle, Carla J. Oster, Brenda E. Broderick, Thomas & Karen Weigel, Christine Lovejoy (2), Jerome Morsette, Kelly & Dee Bertsch, Alvin & Teresa Fliginger, Veronica M. Schneider, Sharon Schenfisch, Michael L. Patch, Nancy A. Boldt, Dennis J. Scherr, Wayne & Candace Richter, James & Nancy Skaret, Roland Sr. & Elaine Siirtola abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

Burleigh County Planning Director Mitch Flanagan brought a request to waive a permit fee of \$60 for the replacement of a furnace that Advanced Mechanical is donating for a family in the City of Lincoln whose son is battling cancer and they had exhausted their savings for his treatment. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to reject that request since Comm. Bitner stated he would take care of paying that fee himself as he didn't want the commission to set a precedent of waiving permit fees based on hardship. All members present voted "AYE". Motion carried. Mr. Flanagan then presented the second Public Hearing regarding the OHV Ordinance. Ken Preskey appeared expressing his support of the ordinance and that everyone is needed to work together on this issue. The Public Hearing was then closed. Mr. Flanagan stated that in a meeting with county staff to review the suggested solutions after the first Public Hearing, it was determined that the changes such as getting signs for the entire county and providing legal counsel for minors with traffic offenses would be costly. It would also be hard to enforce. So as not to supersede Century Code it was decided to focus on section 3 for exhibition driving since that was where most of the damage was done and on giving a definition of exhibition driving and jumping in ditches. He added that there will be a fine of \$50 for anyone who violates this ordinance. Comm. Bitner didn't think \$50 was enough but State's Attorney Julie Lawyer stated that in Century Code the fine is \$50 for reckless driving so

that was how that amount was chosen. He also asked about licensing for OHV's and Mr. Flanagan stated that in Century Code it says that OHV's must be licensed. Comm. Bitner also expressed concern over making sure that it's stated that those doing Ag business are allowed to in the ordinance. Comm. Munson stated that if the definition says "disturbing the peace" it is understood that people riding in ditches to do their job do not fall under that category of "disturbing the peace". Comm. Schwab was concerned about the language of government employees in section 4. Sheriff Leben stated that law enforcement would be exempt as they are performing the enforcement of any part of the ordinance and verified that there is latitude for extraneous circumstances as well. Motion by Comm. Munson, 2nd by Comm. Bitner to approve the ordinance as presented. All members present voted "AYE". Motion carried.

State's Attorney Julie Lawyer spoke on recruitment and retention for her office. She stated the office has been dealing with retaining attorneys since 2019 and currently 12 attorneys are doing the work of 17 full time attorneys and it is taking a toll on them and on her. There are significant overtime hours being put in by all of them to keep up with the workload and very little time off, yet the cases and trials increase. Her proposal was for the Commission to pay attorneys a retention bonus based on years of service and work they have done during those years. She also proposed a request to work with Human Resources to put together a policy with the commission's approval to provide possibly 100% tuition reimbursement for a law student who would then work for Burleigh County provided they pass the bar. She also requested being compensated for overtime. She stated there is over \$2 million in unpaid salaries and benefits in the general fund. She did not want a decision at the meeting but wanted the commissioners to think her proposals over. Comm. Bitner stated the County should assist with tuition reimbursement. Chair Bakken agreed. There was enough in the general fund with the amount returned. Comm. Woodcox was in favor of a bonus yet for 2023. Comm. Bitner stated having retention bonuses caused morale problems with staff in other departments in the past. Ms. Lawyer said this only applies to attorneys who aren't paid an hourly salary. HR Director Pam Binder stated that the county usually gave a stipend for exempt employees that go over and above their job and the attorneys somehow got missed so what was lacking was a back pay stipend and not a bonus. There was consensus on the commission to give Ms. Lawyer and Pam Binder permission to work on getting the attorneys the proper stipend and to also work on a tuition reimbursement policy. State's Attorney Lawyer added that their office was now turning away cases due to lack of staffing.

County Engineer Marcus Hall proposed a resolution to accept the petition to vacate said section line as part of the Baker Subdivision and set January 17th, 2024 at 5pm as the time and date for a Public Hearing to review discontinuing this section line and ascertain any damages that are caused by this action. Motion by Comm. Woodcox, 2nd by Comm. Munson to approve this request. All members present voted "AYE". Motion carried. Mr. Hall also presented a request to transfer \$347,382 from the General Fund to the Road and Bridge Fund to cover costs associated with the fall graveling operation. He stated that upon reaching out to the DOT there was no funding available to cover these costs, but the DOT will be meeting to rework the spec as they have gotten a lot of complaints. At the request of Comm. Bitner, Mr. Hall will be listing the locations where this work was done on the county website and on social media. Motion by Comm. Woodcox, 2nd by Comm. Munson to approve this request out of the General Fund. Commissioners Munson and Woodcox voted "AYE". Commissioners Schwab, Bitner, and Chair Bakken voted "NAY". Motion failed. Motion by Comm. Woodcox to approve the use of the 2023 interest proceeds from the Missouri Valley Complex Fund to pay for it with the remaining balance from the General Fund. There was no 2nd. Motion failed. Motion by Comm. Schwab, 2nd by Comm. Woodcox to use the 2023 interest accumulated from the Missouri Valley Fairgrounds budget with the balance coming out of the General Fund to pay for this request. Motion by Comm. Munson, 2nd by Commissioners Woodcox and Schwab to table

this decision until the Auditor can provide actual numbers from the budget. All members present voted AYE. Motion carried.

HR Director Pam Binder requested approval of the Holiday Policy for 2024. The state and the county did not pay for Juneteenth even though it's a federal holiday. The request was to approve the holidays as presented without Juneteenth. Motion by Comm. Woodcox, 2nd by Comm. Munson to approve the request. All members present voted "AYE". Motion carried. Ms. Binder then presented an update on the Weed Control Officer. There was one qualified applicant, and an offer was made and accepted. Ms. Binder requested that the updated Grade 6 job description be approved. Motion by Comm. Bitner, 2nd by Comm. Munson to approve this request. All members present voted "AYE". Motion carried. She then requested that the Burleigh County Commission acting as the Weed Board approve the hiring of this Weed Board Officer. Motion by Comm. Schwab, 2nd by Comm. Bitner to approve. All members present voted "AYE". Motion carried. The commission then reconvened as the Burleigh County Commission. Ms. Binder presented an update on the finance positions for the Auditor/Treasurer's Office and then turned it over to Comm. Bitner. Comm. Bitner stated we got an applicant with a CPA and that the commission needed to make a budget amendment however given that the positions had been open for so long, there is adequate funds available for these two people. Motion by Comm. Bitner, 2nd by Comm. Woodcox to approve the hiring of the Finance Director and Deputy Finance Director positions. All members present voted "AYE". Motion carried. The commission then gave Ms. Binder permission to make offers to these two individuals.

Comm. Munson presented an update on the Missouri Valley Complex/Equestrian Center. They did not get their grant that they applied for with the state however they were still moving forward were are very close to raising the funds that they need. They want a new sewer line easement going through the north of the racetrack instead of the south side of the road that runs east and west and will be presenting that request at a future commission meeting. Comm. Munson recommended convening a Fair Board to help with planning and scheduling events out there. Chair Bakken then invited Julie Kuennen, Chair of the Burleigh County Equestrian and Ag Center to come forward and share. She stated that they were in support of a Fair Board being created and were currently sending letters of support and memorandums of understanding to a variety of entities and stakeholders and it's been positively received with everyone ready to work together. Following this update, Comm. Bitner stated that the description Comm. Munson had in the agenda packet before them where it said "was to allow the development of the Equestrian and Ag Center whether the grant was received or not" did not match the motion he made in the meeting minutes from a few months ago. Comm. Munson suggested watching the video again as it was clear. Auditor Splonskowski reviewed the video and the minutes and thought they were good, and Julie Kuennen stated that the motion was stated in the memorandum they had presented to the commission that it was not dependent on the grant. Despite all that Comm. Munson agreed that we do want the minutes to match and will review everything to see if the minutes need to be amended in which the findings will be presented at the next meeting.

Auditor Splonskowski presented a list of terms that will be expiring at the end of December on the County's Auxiliary Boards. The openings have been posted and applications were accepted that were included in the agenda packet. Two applications were received for the Burleigh County Planning and Zoning Board, two for the Bismarck Planning and Zoning Board, and two applicants for the Burleigh County Housing Authority. One of the applicants for the Housing Authority has served since 2003 and there was provision for that if there were no other applicants however in this case there was. Motion by Comm. Bitner, 2nd by Commissioners Schwab and Munson to appoint Chelsea Flory to Burleigh County Housing Authority Board because of the work she does with the Human Services Zone Board and the people needing those services. All members present voted "AYE". Motion carried. Motion by Comm. Munson, 2nd by Comm.

Woodcox to approve the two applicants for Burleigh County Planning and Zoning. All members voted "AYE". Motion carried. Comm. Bitner stated that he wanted to table the rest of the applicants for the City Planning and Zoning Board until the next meeting to have a discussion with them. Auditor Splonskowski will give Comm. Bitner the phone numbers for these individuals. Auditor Splonskowski stated that one application was received for the Burleigh County Water Resource District and there was only one opening. Kathleen Jones was the only one who applied. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve her application. Commissioners Woodcox, Munson and Chair Bakken voted "AYE". Commissioners Bitner and Schwab voted "NAY". Motion carried. Mr. Splonskowski added that there was one application for the Weed Board however Comm. Schwab requested that it be delayed. He would like the board to be made up of the Weed Control Officer, the portfolio holder, and a citizen. He also had a copy of the duties and responsibilities of the Weed Board from the Department of Agriculture and would like copies made. HR Director Pam Binder stated that is actually the Century Code for Noxious Weeds and it is posted on the Weed Board page of our website. Comm. Schwab would like to see the Weed Board Officer under the Highway Department. Comm. Woodcox doesn't think the Weed Board Officer should be on the Weed Board and thinks it should be the portfolio holder and two at large citizens who preferably live out in the county. Pam Binder stated that the Weed Board is a stipend position. She stated that in Century Code the Weed Board Officer must report to the Weed Board and can't be under the Highway Department however the Highway Department could do some day-to-day supervision if that was needed. Motion by Comm. Munson, 2nd by Comm. Schwab to create a three member board with the portfolio holder being one of those voting members. Comm. Woodcox was concerned about having a commissioner on the Weed Board as he will be controlling the whole thing. It was discussed that if that ended up being a problem the commission could make changes. Commissioners Munson, Bitner, Schwab and Chair Bakken voted "AYE". Comm. Woodcox voted "NAY". Motion carried.

Comm. Woodcox wanted to see a report from the Auditor of all the budgets and the money that was returned at the end of the year by Feb. 1st. Ken Preskey came forward again to state that we must fix the State Attorney's office issue and overtime. Comm. Bitner brought up some errors on the valuation of two lots he owns and asked why his lots were more expensive than others. He also wanted to discuss the many errors in the consent agenda at nearly every meeting and will be talking to the Tax Director about this.

Chair Bakken presented Comm. Bitner a Certificate of Appreciation for 15 years of service on the commission.

Meeting Adjourned.

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Mark Splonskowski, County Auditor/Treasurer

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Steve Bakken, Chairman

**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:

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. 1st 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, 2nd 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. 31st, 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, 2nd 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, 2nd 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 are 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, 2nd 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

**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:

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 Sayler, 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, 2nd 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. 8th Planning Commission. The first recommendation was to combine Lots 1-3, Block 1 of Aberle Park 3rd Subdivision into two lots with no paving required. Motion by Comm. Woodcox, 2nd by Comm. Munson to approve the Aberle 4th 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, 2nd 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, 2nd 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, 2nd 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. 1st, 2024, the new IT employee starts full time and will be traversing among county facilities using this vehicle. Motion by Comm. Bitner, 2nd 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, 2nd 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, 2nd 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, 2nd 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, 2nd 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, 2nd 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

**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. 16<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:

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, 2nd 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 2nd. Motion failed. Motion by Comm. Bitner, 2nd 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. 1st, 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, 2nd 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, 2nd 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, 2nd 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, 2nd 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. 22nd, 2023. She will put some information together on the pros and cons of both choices for the commission to consider at the Nov. 20th meeting.

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:

Motion by Comm. Munson, 2nd 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, 2nd 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, 2nd 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. 3rd. The changes will be effective Jan. 1st, 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, 2nd 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, 2nd 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, 2nd 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, 2nd 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, 2nd 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, 2nd 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, 2nd 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, 2nd 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, 2nd 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, 2nd 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 26th 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 there have been several problems in the area besides the ones stated and that Mr. Seher's neighbors have caused several issues. 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, 2nd 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

**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 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:

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. 21st, 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. 27th, 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. 6th, 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, 2nd 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. 1st, 2024, since State legislation froze new participants in the Main Plan effective Jan. 1st, 2025. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the resolution allowing all eligible Law Enforcement Employees to join the NDPERS Public Safety Defined Benefit Plan effective Jan. 1st, 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 123rd Avenue SE and East of 52nd 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, 2nd 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, 2nd 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 71st 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, 2nd 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, 2nd 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, 2nd 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, 2nd 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, 2nd 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 2nd Approach Permits. The first one was for the Peter Finley property at 6825 Trademark Drive. Motion by Comm. Woodcox, 2nd by Comm. Munson to approve Peter Finley's 2nd Approach Permit. All members present voted "AYE". Motion carried. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the Robert Rauhauser 2nd 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, 2nd 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



**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 grater 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 we don'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 grater 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

**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:

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. 21<sup>st</sup> 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



**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 believes our county would be better with a County Administrator and it would take a load off of our Auditor. Commissioners Woodcox, Schwab and Chairman Bakken agree but feel 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 IT 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 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



**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. 1st, 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, 2nd by Commissioner Bitner to approve the August 7th, 2023 meeting minutes and bills. All members present voted, "AYE". Motion carried.

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

Motion by 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 do 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

**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, 2nd by Comm. Munson to approve the agenda. All members present voted, "AYE." Motion carried. Motion by Comm. Woodcox, 2nd by Comm. Munson to approve the July 19th and July 20th, 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:

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.

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Mark Splonskowski, County Auditor/Treasurer

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Becky Matthews, Chairman

**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



**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:

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

**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:

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Schwab to approve the Mitzel (2), Kinsella, Baker, Meyer, Geier, Rocky Ridge Limited Partnership (2), and Kiemele (2) 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

**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:

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 determined 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 Burleigh 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

**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:

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

**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:

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 to 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, Sheriff'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 to the 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 Matthews 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 Matthews 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

**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:

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

**BURLEIGH COUNTY COMMISSION  
SPECIAL MEETING MINUTES  
April 24, 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**  
**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:

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



**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

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.

CenCom 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

**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:

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 Gawrylow 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

**BURLEIGH COUNTY COMMISSION  
SPECIAL MEETING MINUTES  
March 8, 2023**

1:00 P.M.

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

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

Motion by Comm. Munson and seconded by Comm. Bitner to convene in executive session pursuant to N.D.C.C. § 40-04-17.1(2) for attorney consultation regarding King et al v. Burleigh County. All members present voted "AYE"; motion carried.

The executive session was called to order at 1:02 p.m. with Commissioners Woodcox, Munson, Bitner, Schwab, Chairperson Matthews, County Highway Engineers Hall and Einrem, County Planning Director Flanagan and County Auditor/Treasurer Vetter. Pursuant to N.D.C.C. § 44-04-19.1 and NDCC § 44-04-19.2, commissioners engaged in the settlement negotiations with respect to the King et al v. Burleigh County. The executive session was adjourned at 2:02 p.m.

The Burleigh County Commission reconvened from executive session at 2:03 p.m. with all members present. Motion by Comm. Bitner and seconded by Comm. Munson for our Attorney to proceed in accordance with the direction provided in the executive session meeting. All members present voted "AYE"; motion carried.

Adjourn.

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Leo Vetter, Auditor/Treasurer

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Becky Matthews, Chairperson



**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
March 6, 2023**

**5:17 P.M.**

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

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

Chairperson Matthews invited County Auditor Elect Mark Splonskowski to the podium to speak, at which time he talked about the concerns of conflict of interest being the County Auditor and City Commissioner and stated that he will resign as City Commissioner effective March 20, 2023.

The commission agreed to add the request for County action from County Engineer Hall to the end of the agenda.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to approve the February 23, 2023, meeting minutes, and bills. All members present voted "AYE"; motion carried.

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to approve the Emmel, Enervold, Pfeiffer (2), Uskevicz, Seibel, Bachmeier, Brotton, Huston (2), Meadowlands Park, Flath (3), Houn (2) and Brennan abatements, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Chairperson Matthews closed the Burleigh County Commission Meeting and reconvened as the Burleigh County Board of Health.

County Planning Director Flanagan presented the Proposed Public Health Statement and recommended to adopt the issuance of a Burleigh County Board of Health Statement. After discussion motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to adopt the issuance of a Burleigh County Board of Health Statement. Commissioners Woodcox, Munson, Bitner, Matthews, voted "AYE"; Commissioner Schwab voted "NAY"; motion carried.

Chairperson Matthews closed the Burleigh County Board of Health Meeting and reconvened as the Burleigh County Commission.

This was the hour and date set for the PUBLIC HEARING regarding the Resolution of the Ordinance concerning Hazardous Liquid Pipelines.

County Planning Director Flanagan went over the Ordinance draft with the commissioners.

Chairperson Matthews closed the regular commission meeting and opened the public hearing and called for public testimony first, for those in favor of the ordinance. Eliot Huggins, Carl Rocco, Lon Klusmann, Gaylen Dewing, Roberta Klusmann, Marty Beard, Justin Buckingham, and John Warford appeared and spoke in favor of the ordinance. Matthews then asked for public testimony for those opposing the ordinance and Carbon Summit Solutions Land Director Jeff Skaare and Engineer Manager Alex Lang spoke in opposition of the ordinance. As no one else appeared the public hearing was closed, and the Burleigh County Commission immediately reconvened with all members present and made the following motion:

Motion by Comm. Bitner, 2nd by Comm. Woodcox to adopt the ordinance as presented. All members present voted "AYE"; motion carried.

The Commission took a break at 7:55 p.m. and reconvened at 8:06 p.m.

Glenview Township Officer Steve Krentz to express that they would like to reacquire their zoning authority stating that they have a Memorandum of Understanding Agreement (MOU) included in the packet for review. The next step was discussed, and State's Attorney Lawyer said she would need to do some time to research on how to proceed with their request and get back to the commission once she has the process information.

County Auditor/Treasurer Vetter stated that their office discussed the idea of putting the agenda packet on the county website before each meeting. Motion by Comm. Schwab, 2nd by Comm. Munson to post the agenda packet to the county website before each meeting. Commissioners Schwab, Bitner, Munson, and Chairperson Matthews voted "AYE"; Commissioner Woodcox voted "NAY"; motion carried.

The Commission discussed the idea of presenting a statement to the PSC from Burleigh County Commission. After discussion Commissioner Bitner and Planning Director Flanagan agreed present the adopted ordinance along with a statement to the PSC with regards to the Hazardous Liquid Pipelines. The statement would be created with the assistance of State's Attorney Lawyer.

Senior Assistant County Engineer Schriock stated that at the February 23, 2023 Burleigh County Commission Meeting the awarding of bids for widening and paving of 71st Avenue NE from Aleutian Drive to 80th Street was tabled until a County Workshop could be held for discussion of projects and priorities, which was held on March 3, 2023, and the consensus was to bring it back to the Board for further discussion and/or possible approval.

Motion by Comm. Munson, 2nd by Comm. Woodcox to accept the following low bid from Northern Improvement Company of \$4,187,897.70 for the widening and paving of 71st Avenue NE project and authorize the proper County officials to enter into a contract with said bidder. All members present voted "AYE"; motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Becky Matthews, Chairperson

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 23, 2023**

**5:00 P.M.**

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

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the agenda adding Larry Smith at the end of the agenda. All members present voted "AYE"; motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the February 6, 2023, meeting minutes, with the removal of Eileen Elhard from the Abatements. All members present voted "AYE"; motion carried.

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to approve the bills. All members present voted "AYE"; motion carried.

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to approve the Sunne Lutheran Church, Willoughby/Reiman, Schieve (2), Meier, Parker, Conlon, Lang, Larson (2), Schantz (2), Wurtz, Boeckel (2), Archambault (2), Roemmich, Jungling, Martin, Evans (2), Dwelle, Fladeland, Meidinger, Lamberth, Blaeser, Keller, Koppinger, Schmidkunz, Schafer, Klain, Hauff, Havenpark Capital Partners and Hoffman Gappert abatements, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Jaden Deckert with the Soil Conservation District appeared before the commission and gave them an overview of what the Soil Conservation District does and his roll with the organization.

Chairperson Matthews closed the Burleigh County Commission Meeting and reconvened as the Burleigh County Board of Health.

Bismarck-Burleigh Public Health Director David J. Pengilly, MD, appeared and gave an overview and opinion of the threat to Public Health, Welfare and Life Safety of CO2 pipeline stating that there is no unacceptable risk to health, welfare and life safety to a CO2 pipeline, and recommended reviewing Summit Carbon Solutions submitted emergency response plan upon completion.

Environmental Health Division Administrator appeared and read the public health statement submitted by Dr. Pengilly to the commission.

After discussion Chairperson Matthews closed the Burleigh County Board of Health Meeting and reconvened as the Burleigh County Commission.

State's Attorney Lawyer clarified with the commission that City Commissioner Splonskowski comment at the February 14<sup>th</sup> City Commission meeting that he had talked to her about the conflict of interest did not happen. Lawyer went on to explain the concern of conflict of interest being the County Auditor and a City Commissioner and stated although her opinion is that there is a conflict it is a grey area.

Auditor Vetter informed the Commission that the Auditor's Office has received a copy of the SCS Carbon Transport LLC Application and will be retained on file for review.

Commissioner Munson stated that he had the pipeline follow up on the agenda to have State's Attorney Lawyer give an update on the ordinance that the County is drafting regarding Hazardous Liquid Pipelines. Lawyer handed out her latest draft of the ordinance and went over the verbiage with the commission.

County Planning Director Flanagan presented two items, first; recommendation of Zoning Change for Country Hills 3<sup>rd</sup> with the change from AG-Agricultural to R1-Rural Single Family Residential, and second; Subdivision and Country Hills 3<sup>rd</sup> Subdivision Plat and recommended approval of both. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the Zoning Change for Country Hills 3<sup>rd</sup> Subdivision from AG-Agricultural to R1-Rural Single Family Residential and approve the Country Hills 3<sup>rd</sup> Subdivision Plat. All members present voted "AYE"; motion carried.

County Engineer Hall presented the bids for Township Gravel Hauling and explained that there was a technicality with the low bidder and after discussion Comm. Munson made a motion to rebid the Township Gravel Hauling which was seconded by Comm. Schwab. All members present voted "AYE"; motion carried.

County Engineer Hall presented the bids for Crushing of Gravel and recommended that the County Board accepts the low bid from Sundre Sand and Gravel in the amount of \$119,400.00 for Crushing of Gravel and authorize the proper County officials to enter a contract with said bidder. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to accept the low bid from Sundre Sand and Gravel in the amount of \$119,400.00 for Crushing of Gravel and authorize the proper County officials to enter a contract with said bidder. All members present voted "AYE"; motion carried.

County Engineer Hall presented the bids for furnishing Concrete and Metal Culverts and stated that there were no bids for concrete culverts but did receive one metal culvert bid from TrueNorth Steel and recommended that the County Board accepts the low bid from TrueNorth Steel for various Metal Culverts and authorize the proper County officials to enter a contract with said bidder. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Munson to accept the low bid from TrueNorth Steel for various Metal Culverts and authorize the proper County officials to enter a contract with said bidder. All members present voted "AYE"; motion carried.

County Engineer Hall presented the bids for painted pavement markings and recommended that the County Board hereby accepts the painted pavement markings low bid from J & J Striping for \$260,572.06 and authorize the proper County officials to enter contracts with said bidder. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to accept the painted pavement markings low bid from J & J Striping for \$260,572.06 and authorize the proper County officials to enter contracts with said bidder. All members present voted "AYE"; motion carried.

County Engineer Hall presented the bids for Dust Control and recommended that the County Board hereby accepts the supplying and applying Magnesium Chloride low bid from Dustbusters Enterprises for \$138,100.00 and authorize the proper County officials to enter contracts with said bidder. Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to accept the supplying and applying Magnesium Chloride low bid from Dustbusters Enterprises for \$138,100.00 and authorize the proper County officials to enter contracts with said bidder. All members present voted "AYE"; motion carried.

County Engineer Hall presented bids for a mill and overlay of Apple Creek Roadway from the City Limits to the west of the 66<sup>th</sup> Street SE Railroad Overpass project and recommended that the County Board accepts the following low bid from Strata Corporation of \$1,194,811.25 for the overlay of Apple Creek project and authorize the proper County officials to enter into a contract with said bidder. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to accept the following low bid from Strata Corporation of \$1,194,811.25 for the overlay of Apple Creek project and authorize the proper County officials to enter into a contract with said bidder. All members present voted "AYE"; motion carried. Agenda items 12g. and 12j. were removed from the agenda.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to table the widening and paving of 71<sup>st</sup> Avenue NE from Aleutian Drive to 80<sup>th</sup> and call for a County Roads Workshop. All members present voted "AYE"; motion carried.

County Engineer Hall presented the bids for the overlay of 93<sup>rd</sup> Street NE from Highway 10 to the entrance of McDowell Dam Recreational area and recommended that the County Board accepts the following low bid from Northern Improvement Company of \$446,998.70 for the overlay of 93<sup>rd</sup> Street NE project and authorize the proper County officials to enter into a contract with said bidder. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to accept the following low bid from Northern Improvement Company of \$446,998.70 for the overlay of 93<sup>rd</sup> Street NE project and authorize the proper County officials to enter into a contract with said bidder. All members present voted "AYE"; motion carried.

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner to place a soft shutdown on the 66<sup>th</sup> Street I94 project until the State of North Dakota supports the project. All members present voted "AYE"; motion carried.

Larry Smith, a Professional Land Surveyor, appeared from the public to address the State Land Survey rules, laws, and codes. Smith delivered a handout and went over the contents with the commission for their better understanding of surveying in North Dakota and to stress that all rules, laws and codes are being followed.

Tom Dutton with the Burleigh County Township Association informed the commission that the annual Township meeting is scheduled for March 15<sup>th</sup> at the Amvets Club.

Lon Klusmann appeared from the public to share his thoughts of Dr. Pengilli's comments of his opinion of the Health report.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Becky Matthews, Chairperson

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
February 6, 2023**

**5:00 P.M.**

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

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the agenda with an additional item of health Insurance payback into the General Fund. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to approve the January 18, 2023, meeting minutes, and bills. All members present voted "AYE"; motion carried.

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve Krebsbach, Arnold, Farrell, Berry, Bavendick, Harbor Properties LLC, Hrubby, Herman, Parker, Ebach, Kershaw, Stroh, Berger, Jacobson, Rambur, Kannel, Denning, Symington, Fisher, Airport Village LLC, Schaeffer, Glasser, Siems, Lacher, abatements, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

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

This was the hour and date set for the PUBLIC HEARING regarding the Resolution of vacating a section line requested by property owner as part of Dakota Bluffs, LLC.

Chairperson Matthews closed the regular commission meeting and opened the public hearing and called for public testimony. Donald Schonert appeared from the public and shared his concerns with the fire department access if the section line was closed; Todd Hartleben, the site consultant for the land fill, stated a health benefit to the public since there is heavy equipment crossing the road; Larry Hogue, an adjacent land owner stated that he would be landlocked if the section line was vacated; Mitch Kalber, owner of the landfill property appeared and expressed his wishes to vacate the section line. As no one else appeared the public hearing was closed, and the Burleigh County Commission immediately reconvened with all members present and made the following motion:

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox to not approve vacating a section line requested by property owner as part of Dakota Bluffs, LLC. Commissioners Bitner, Schwab, Woodcox, and Chairperson Matthews voted "AYE"; Commissioner Munson voted "NAY"; motion carried.

Chairperson Matthews closed the Burleigh County Commission Meeting and reconvened as the Burleigh County Board of Health.

County Planning Director Flanagan stated that because of the public discourse and concerns brought to the Burleigh County Commission regarding the transportation of a hazardous liquid through a hazardous liquid pipeline within the County, the Board may take into consideration the issuance of a public health statement for the protection of life safety. Flanagan then read a draft public health statement to the commission.

After discussion Comm. Munson made a motion, 2<sup>nd</sup> by Comm. Schwab to have the Public Health Statement language corrected and reviewed by the County Chief Health Officer Dr. Pengilly and once satisfied return to the commission for approval.

Comm. Woodcox made a motion to amend the motion, “to have the Public Health Statement language corrected and reviewed by the County Chief Health Officer Dr. Pengilly and once satisfied return to the commission for approval”, to include State’s Attorney Lawyer review the Public Health Statement first, then forward to Dr. Pengilly for review. All members present voted “AYE”; motion carried.

A vote was cast for the amended motion. All members present voted “AYE”; motion carried.

Chairperson Matthews closed the Burleigh County Board of Health Meeting and reconvened as the Burleigh County Commission.

This was the hour and date set for the PUBLIC HEARING regarding the Ordinance concerning Hazardous Liquid Pipelines.

County Planning Director Flanagan stated that due to the public discourse and concerns brought to the Burleigh County Commission, it has been requested to create a local ordinance for the public health and life safety of Burleigh County residents when transporting hazardous liquid through a Hazardous Liquid Pipeline. Flanagan gave an overview of the proposed ordinance.

Chairperson Matthews closed the regular commission meeting and opened the public hearing and called for public testimony. Several people from the public; John Warford, Rachelle Herbel, Karl Rakow, Lon Klusmann, Susan Doppler, Larry Smith, Al Houn, Marty Beard, and Brent Herbel, shared information and expressed their opinions on opposing the Hazardous Liquid Pipeline to be buried through Burleigh County with the commission.

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

State’s Attorney Lawyer went over the Ordinance or Resolution Procedure under the Home Rule Charter with the commission and stated that the information is in writing and will be available and published on the county website, in the Auditor’s Office, or the State’s Attorney’s Office.

Chairperson Matthews mentioned that we will need to Public Notice the PSC public comment meeting scheduled for March 14<sup>th</sup> since a quorum of the commissioners may be present at that meeting.

County Deputy Finance Director Schulz explained to the commissioners that an additional accountant position was approved for the Auditor/Treasurers office at the prior commission meeting, but the budget was not amended and asked for approval to amend the budget with the thought that the Finance Director position will not be filled at this time. Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to amend the budget for the additional accountant position for the Auditor/Treasurers office. All members present voted “AYE”; motion carried.

County Deputy Finance Director Schulz recapped the financial information with the commission that was discussed at the January 13, 2023, special meeting for better clarification for the public. Schulz stated that there are not any missing funds,

the intent was to inform the new commission, where the fund balance is and what the 2023 budget entailed. The 2022 books have not been closed out yet since there are still invoices funneling in from other entities that are adjusted to the 2022 year and should be complete within a few weeks, but an estimate of the fund balance is roughly 17.5 million dollars, down about 1.5 million dollars from the 2021 fund balance. The approved 2023 budget was discussed including roughly 7.4 million dollars of reserves which would bring the fund balance down to approximately 10 million dollars at the end of 2023, which was the discussion at the meeting since that is not a sustainable trend and more discussion going forward preparing the 2024 budget. Schulz also shared with the commission the investment projections for 2023, rates have improved and visiting with the counties investment firms the county is able to capitalize on a much better rate of return.

County Engineer Hall presented a Developer Waiver Request and stated that 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 on roadway that connects into the existing paved highway system.”

Hall also mentioned that Eric Wagner, in the SW ¼ of Section 7, Gibbs Township, is proposing a two (2) lot subdivision (Tall Pines Subdivision) and is requesting a waiver on 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 to reach the pavement on 52<sup>nd</sup> Street NE. In addition, the Developer would be required to construct and pave (1,800 feet) of a roadway along the east edge 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.

Hall proposed the 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) int the future, and THEREFORE, BE IT FURTHER RESOLVED: That the County Board of Commissioners do hereby grant Eric Wagner’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 Tall Pines Subdivision.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to approve the 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) int the future, and THEREFORE, BE IT FURTHER RESOLVED: That the County Board of Commissioners do hereby grant Eric Wagner’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 Tall Pines Subdivision. All members present voted “AYE”; motion carried.

County Engineer Hall asked for authorization to seek design services from consultant engineering firms on the 66<sup>th</sup> Street NE I94 Interchange. After going over the background of the request Hall made the recommendation to adopt the proposed resolution: THEREFORE, BE IT RESOLVED: That the County Auditor and the County Engineer are hereby authorized to advertise to seek additional design service proposals for the 66<sup>th</sup> Street NE I-94 Interchange Project.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to approve the recommendation to adopt the proposed resolution: THEREFORE, BE IT RESOLVED: That the County Auditor and the County Engineer are hereby authorized to advertise



to seek additional design service proposals for the 66th Street NE I-94 Interchange Project. All members present voted "AYE"; motion carried.

County Engineer Hall stated that Pe Ben USA, Inc. (aka Summit Carbon Solution – JTP LLP property) has requested a second and third approach permit to a property described as, Lot 1 of Auditor's Lot A, SE ¼ of the SW ¼ of Section 21, R77W, T139N McKenzie Township). The first approach currently enters Endless Tubing. The second approach is located to the east and could be approved and placed on the County Board Consent Agenda; however, the third approach was rejected because we do not approve third approaches. Pe Ben USA, Inc. has requested an appeal of the Highway Department's denial to the County Board.

Motion by Comm. Woodcox, 2<sup>nd</sup> by Comm. Bitner to deny the 2<sup>nd</sup> and 3<sup>rd</sup> Approach permits that Pe Ben USA, Inc. (aka Summit Carbon Solution – JTP LLP property) has requested to a property described as, Lot 1 of Auditor's Lot A, SE ¼ of the SW ¼ of Section 21, R77W, T139N McKenzie Township). All members present voted "AYE"; motion carried.

County Engineer Hall talked about the "Permit for Installation or Maintenance of Utilities within County Right-of-Way" with the commission. After discussion it was agreed that Hall will bring it back to the commission at a later meeting with some adjusted changes.

Commissioner Munson revisited the subject to create a City of Bismarck and Burleigh County Special Committee. City of Bismarck Mayor Schmitz spoke to the commissioners his reasons why he felt it would benefit both the City and County since there are several areas both need to work together on.

After discussion Comm. Munson made a motion, 2<sup>nd</sup> by Comm. Woodcox create a City of Bismarck and Burleigh County Special Committee made up of Bismarck Mayor, Bismarck Administrator, Burleigh County Chair, and Burleigh County Auditor. All members present voted "AYE"; motion carried.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to close the contract with JLG for the work performed at the Provident building upon the review and approval by State's Attorney Lawyer. All members present voted "AYE"; motion carried.

Commissioner Schwab informed the commission that on February 23, 2023, at 8:00 am, he will sit on a review panel with NDSU for the annual review and was asking for another commissioner to volunteer with him. Commissioner Munson said he would do sit on the review panel as well.

Chairperson Matthews mentioned that Sheriff Leben was invited to the State of the Union at the Nations Capitol by Senator Kramer to represent law informant in Burleigh County.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to pay back the \$500,000 loan that was done to fund the employee health package into the general fund that was recommended by the Health Committee. All members present voted "AYE"; motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Becky Matthews, Chairperson

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 18, 2023**

**5:00 P.M.**

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

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Bitner to approve the January 4, 2023, meeting minutes, January 13, 2023, special meeting, and bills. All members present voted "AYE"; motion carried.

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to approve Getz, Haugen, Legenfelder, Cargle, Kumerow, Johnson (2), Soule, Brown, Yanez, Rothacker, Lindsey, Czczok, Fetzer, Beyer, Feland, Stolt, Vogel, Collins, Lechner, Volk, Davison, Kraft, Howe (2), Haider (2) and Anderson abatements; along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Dana Brandenburg requested permission to pile snow on county property near the Detention Center, and after discussion with the commission and Sheriff Leben a motion was made by Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner to not approve Dana Brandenburg to pile snow on county property near the Detention Center. All members present voted "AYE"; motion carried.

County Engineer Hall presented a request for approval to advertise for bids for the Apple Creek Roadway mill and overlay project (from City Limits to the west limit of the 66<sup>th</sup> Street SE Railroad Overpass project) which was included in the approved (during the budget process) 2023 project list. The Highway Department has been working on a plan for this project and is now ready to advertise for bids. We will be using 100% local funds for the construction of this project. Hall recommended the Board adopt the proposed resolution: Therefore, be it Resolved: That the County Auditor and the County Engineer are hereby authorized to advertise for bids for the Apple Creek Roadway mill and overlay project.

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Munson to approve the proposed resolution: Therefore, be it Resolved: That the County Auditor and the County Engineer are hereby authorized to advertise for bids for the Apple Creek Roadway mill and overlay project. All members present voted "AYE"; motion carried.

County Engineer Hall stated the Highway Department decided to pull agenda item (6.b.) pertaining to the use of emergency funds for snow removal since they are still gathering information and would like to review everything with Commissioner Schwab before bringing it back to the board.

County Engineer Hall presented the Highway Department request for Authorization to seek a consultant engineering firm to design the reconstruction of 08-115-37.0, 08-126-40.0 and 08-117-43.0. Hall recommended approval by the Burleigh County Board of the proposed resolution; Therefore, be it Resolved: That the County Auditor and the County Engineer are hereby authorized to advertise to seek engineering design service proposals for the reconstruction of Bridges 08-115-37.0, 08-126-40.0 and 08-117-43.0 and the removal of Bridges 08-118-34.0 and 08-133-44.0.

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Schwab to approve the Burleigh County Board of the proposed resolution; Therefore, be it Resolved: That the County Auditor and the County Engineer are hereby authorized to advertise to seek engineering design service proposals for the reconstruction of Bridges 08-115-37.0, 08-126-40.0 and 08-117-43.0 and the removal of Bridges 08-118-34.0 and 08-133-44.0. All members present voted "AYE"; motion carried.

County Engineer Hall presented the Highway Department request for Authorization to seek a consultant engineering firm to perform construction engineering services for the reconstruction of Bridges 08-117-05.0. Hall recommended approval by the Burleigh County Board of the proposed resolution; Therefore, be it Resolved: that the County Auditor and the County Engineer are hereby authorized to advertise to seek construction engineering services proposals for the reconstruction of Bridges 08-117-05.0.

Motion by Comm. Bitner 2<sup>nd</sup> by Comm. Schwab to approve the Burleigh County Board of the proposed resolution; Therefore, be it Resolved: that the County Auditor and the County Engineer are hereby authorized to advertise to seek construction engineering services proposals for the reconstruction of Bridges 08-117-05.0. All members present voted "AYE"; motion carried.

County Engineer Hall presented the McLean County Cost Share Project and stated that the Burleigh County Highway Department has been approached with a proposed cost sharing project. McLean County is planning on milling, overlaying and sliver widening several roadways in the Wilton area. To complete all their roadways in the area they would like to perform work on several roadways that are jointly owned with Burleigh County. Historically, Burleigh County has worked with McLean County on maintenance to these roadways. This work is proposed to take place in 2023 and Burleigh County's share would be around \$137,000. The work would be 100% local funded.

Hall recommended the County Board approve the proposed resolution; Therefore, be it Resolved: That the Highway Department is hereby authorized to use local funds to pay our share of the McLean County milling, overlaying and sliver widening project (of Burleigh County Roadways) in the City of Wilton area.

Motion by Comm. Bitner, 2<sup>nd</sup> by Schwab to approve the County Board of the proposed resolution; Therefore, be it Resolved: That the Highway Department is hereby authorized to use local funds to pay our share of the McLean County milling, overlaying and sliver widening project (of Burleigh County Roadways) in the City of Wilton area, adding to include "only" the roads in Burleigh County. All members present voted "AYE"; motion carried.

County Engineer Hall shared with the commission that during the development of the 2023 Highway Department Budget, they set aside \$270,000 to replace two of their existing 2006 International single axle dump trucks (Unit #11-67 and Unit #11-65) (including chassis and all new required components). Hall intended to sell both of the older units on Public Surplus auction; however, since the development of the budget they have decided that placing on of the old units in the Wilton Shop would help our operations in the north half of the county.

Hall continued to explain to achieve this (and stay reasonably close to our 2023 Equipment Budget line item) they will need to do the following items: Instead of purchasing the trucks off the North Dakota State Bid, they will need to purchase them off the Minnesota State Bid (saving approximately \$32,266 per truck chassis). (they will still be working and buying the trucks from a local vender however, using the reciprocal agreement in order to use the Minnesota State Bid.) The Highway Department will need to reuse some of the existing attachments (such as the existing plows and wings) and assemble the trucks using their staff, this saving additional money. Hall felt that they would be able to purchase the required new components (box/hydraulics, etc.) for around \$50,000. In addition to the money set aside within the 2023 budget, the Highway Department is also receiving a grant for 50% of the cost of replacing Unit #11-65 chassis. Any additional money needed to complete the units will come out of their existing equipment budget.

The Minnesota State Bid is listed as follows:

Istate Truck Center of Bismarck \$102,734.00 per truck.

Hall made a recommendation to approve the proposed resolution; Therefore, be it Resolved: That the County Board hereby accepts the Minnesota State Contract low bid from Istate Truck Center of Bismarck of \$205,468 for two (2) – 2024 Freightliner 114SD single axle dump truck and authorize the proper County officials to enter a contract with said bidder.

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner to approve the proposed resolution; Therefore, be it Resolved: That the County Board hereby accepts the Minnesota State Contract low bid from Istate Truck Center of Bismarck of \$205,468 for two (2) – 2024 Freightliner 114SD single axle dump truck and authorize the proper County officials to enter a contract with said bidder.

Bismarck Parks and Recreation District Operations Director Mayer appeared before the commission and explained the award of the Transportation Alternatives (TA) funds for the Bismarck South Washington Street Trail Extension – Meridian Drive to Sibley Park Project for construction in 2025. Mayer stated the Park District would need a sponsor, asking Burleigh County, as a pass through to receive the grant from the NDDOT, also stating that it would not be a cost to the County. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson that Burleigh County would act as the pass through for the Transportation Alternatives (TA) funds for the Bismarck South Washington Street Trail Extension – Meridian Drive to Sibley Park Project for construction in 2025. All members present voted "AYE"; motion carried.

County Sheriff Leben presented an overview of the quarterly jail report to the commission going over the average daily population, including the breakdown of the inmate days for Bismarck, Mandan, U.S. Marshall/Bureau of Prisons, Counties and Cities, and the Burleigh/Morton average per night. Leben covered the 24/7 Program which is an alternative to jail time. Leben also mentioned that they are in the process of hiring for detention officers, stating that the turnover rate is about 14%, and overall inspections went well.

County HR Director Binder explained to the commission that Burleigh County has an established Job Classification Plan and process in place for the addition and reclassification of all jobs within Burleigh County. The Decision Band Method "DMB Method" is the method used for classifying every job in Burleigh County. Binder stated that she is working on revising the Classification Review and Appeal Policy into an inhouse process.

The commission visited about the possibility of adding an additional accountant in the Auditor/Treasurer's Office. County HR Director Binder explained that the accountant position would be a Grade 9, approximately \$60,000 annually. The discussion also included that the budget would have to be amended. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to move forward with the process of hiring an accountant for the Auditor/Treasurers Office. All members present voted "AYE"; motion carried.

Commissioner Matthews requested to create the City of Bismarck-Burleigh County special committee made up of Mayor Schmitz and Keith Hunke, City Administrator representing the city of Bismarck, and Burleigh County Commissioner Chair Becky Matthews and Burleigh County Auditor Leo Vetter. Commissioner Bitner indicated that he felt that the portfolio of Government Coordination & Community Involvement: Intergovernmental Committee which Commissioner Matthews is assigned to is essentially the same and did not feel a need for the new committee. A motion was made by Comm. Munson for the approval of the requested committee but died for lack of a second.

Commissioner Matthews suggested some meeting changes, one being the idea of the board adopting Robert's Rule of Order which Commissioner Bitner stated that the board has always followed Robert's Rule of Order in a gentlemanly fashion allowing flexibility since it is not a formal adoption. Another idea was to add public comment to the agenda separate from Public Hearings and Commissioner Bitner commented that the board has always allowed someone from

the public to speak if they wanted indicating no need to add it to the agenda. Also, to have the chair repeat the motions that are being made before a second for clarification.

State's Attorney Lawyer informed the commission that they cannot pass a moratorium on pipelines where permits have been issued. Lawyer also stated that she recommended to refer to the verbiage in the ordinance referencing the CO2 pipeline as hazardous liquid pipeline to cover all situations in the future. Lawyer said the ordinance is in draft form and she would have it available for review at the next meeting.

County Planning Director Flanagan presented a Proposed Resolution that Burleigh County hereby accepts the petition to create a local ordinance for CO2 pipelines, and sets February 6, 2023, at 5:00 p.m. as the time and date for a Public Hearings to review the proposed ordinance due to public discourse and concerns brought to the Burleigh County Commission. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the Proposed Resolution that Burleigh County hereby accepts the petition to create a local ordinance for CO2 pipelines, and sets February 6, 2023, at 5:00 p.m. as the time and date for a Public Hearings to review the proposed ordinance. Commissioners Bitner, Schwab, and Munson voted "AYE", Chairperson Matthews voted "NAY"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the Proposed Resolution that Burleigh County hereby accepts the petition to create a local ordinance for Hazardous Liquid pipelines, and sets February 6, 2023, at 5:00 p.m. as the time and date for a Public Hearings to review the proposed ordinance. All members present voted "AYE"; motion carried.

The commission discussed whether to proceed to the next phase of creating construction documents and advertise for bids for the Provident Building renovation for the county offices and agreed to put the entire project on hold at this point without any timeline on when it will be revisited.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Becky Matthews, Chairperson

**BURLEIGH COUNTY COMMISSION SPECIAL  
MEETING MINUTES  
January 13, 2023**

**1:30 P.M.**

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

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

Eric Hoffer with JLG Architects presented an overview of the drawings and estimates for the potential renovation project at the Provident Building.

Deputy Finance Director Schulz presented financial information for the commission to consider for options for the payment of the proposed renovation project at the Provident Building.

No action was taken.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Becky Matthews, Chairperson

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
January 4, 2023**

**5:00 P.M.**

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

County Auditor/Treasurer Vetter called the meeting to order and immediately called for nominations for the Chairman for the year 2023. Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to nominate Comm. Matthews for the Chairmanship. All members present voted "AYE"; motion carried.

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Woodcox to nominate Comm. Bitner for the Vice-Chairman. All members present voted "AYE"; motion carried.

Chair Matthews asked for discussion on any changes to the portfolios and Commissioner Munson state that the Government Coordination & Community Involvement: Intergovernmental Committee was listed under him but should be listed under Chair Matthews which she agreed to the clarification.

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

Motion by Comm. Munson, 2<sup>nd</sup> by Comm. Woodcox to approve the December 19, 2022, meeting minutes, with the correction changing the portfolio holder of the County Parks/Missouri Valley Complex from Comm. Schwab to Comm. Munson, and bills. All members present voted "AYE"; motion carried.

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

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the Schwehr/Schumaier, Delta Waterfowl Foundation, Tschider, Zaun, Wesson, Moench, Ambrose, Kittleson, Grounds/Stewart, Westgard, Opp, Ozbun, Giese, Munsch, Schmidt, Wetzstein and Wald abatements; resolution authorizing County Auditor/Treasurer to make payment upon demand for all invoices and claims for utility services, gas, fuel, and oil (per Bill Payment Policy); the designation of the public depositories; along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to appoint Curtis Jundt to the Bismarck Planning Commission – one (1) five (5) year term. All members present voted "AYE"; motion carried.

County Planning Director Flanagan began the discussion of a Draft Ordinance for the Regulation of Land Use when Transporting Hazardous Liquid through a Hazardous Liquid Pipeline with the commission. Commissioner Bitner asked State's Attorney Lawyer if the County could implement a moratorium until the ordinance is complete. Lawyer indicated that she would have to do some research. After discussion Commissioner Bitner recommended to have a public hearing once the draft ordinance is ready.

County Emergency Management Director Senger presented the 2023 Memorandum of Understanding with Rough Rider Snowmobile Association and recommended approval. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Munson to approve the 2023 Memorandum of Understanding with Rough Rider Snowmobile Association. All members present voted "AYE"; motion carried.

County Emergency Management Director Senger presented the 2023 Joint Powers Agreement with Emmons County and recommended approval. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Schwab to approve the 2023 Joint Powers Agreement with Emmons County. All members present voted "AYE"; motion carried.

County Engineer Hall presented a request for approval to advertise for bids for the following items: Painted Pavement Markings, Furnishing Concrete and Metal Culverts, Crushing of Gravel, Township Gravel Hauling, Dust Control, and Chip Seal projects, which is bid every year. Hall recommended approval of the proposed resolution: Therefore, be it resolved: That the County Auditor and the County Engineer are hereby authorized to advertise for bids for: Painted Pavement Markings, Furnishing Concrete and Metal Culverts, Crushing of Gravel, Township Gravel Hauling, Dust Control, and Chip Seal projects.

Motion by Comm. Schwab, 2<sup>nd</sup> by Comm. Bitner to approve the proposed resolution: Therefore, be it resolved: That the County Auditor and the County Engineer are hereby authorized to advertise for bids for: Painted Pavement Markings, Furnishing Concrete and Metal Culverts, Crushing of Gravel, Township Gravel Hauling, Dust Control, and Chip Seal projects. All members present voted "AYE"; motion carried.

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Woodcox to start Deputy Finance Directors pay grade at a Grade 12 step 6 and on to a step 7 assuming he meets the probationary period. All members present voted "AYE"; motion carried.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Becky Matthews, Chairperson