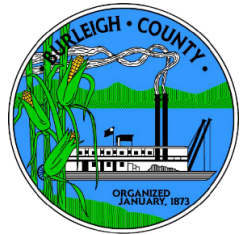




Lincoln, Fort Rice, Riverview, Florence Lake, Burnt Creek, Canfield, Lyman, & Phoenix
Unorganized Townships



Burleigh County Commission Meeting Agenda

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

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September 3, 2025

5:00 P.M

Invocation and Pledge of Allegiance presented by Chaplain.

COUNTY COMMISSION

1. Meeting called to order.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration of August 18th, 2025, meeting minutes and bills. *(Pg. 4)*
5. **PUBLIC COMMENT.** Restricted to Burleigh County residents and landowners.
 - a. Grand Jury indictments information. *(Pg. 8-17)*
6. Consent Agenda:
 - a. Abatements. *(Pg. 19)*
 - b. Amended License request. *(Pg. 20-28)*
 - c. Second access permit. *(Pg. 29-31)*
 - d. Check replacement. *(Pg. 32)*
7. County Engineer Hall:
 - a. **PUBLIC HEARING** on Northridge Subdivision. *(Pg. 35-38)*
 - b. Second access permits. *(Pg. 39-42)*
8. WBI Energy- Right of entry request. *(Pg. 44-48)*
9. Sheriff Leben:
 - a. Burleigh East renovation. *(Pg. 50)*
10. County Planning Director Flanagan:
 - a. Sabot special use permit. *(Pg. 52-55)*
11. Missouri Valley Complex Committee:
 - a. Development and Operating agreement. *(Pg. 57)*
12. Continued ETA discussion.

13. Commissioner Woodcox.
 - a. Budget discussion.

14. Other Business.

15. Adjourn.

The next regularly scheduled Commission meeting will be on September 15th, 2025.

Mark Splonskowski

Burleigh County Auditor/Treasurer

ITEM

4

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
AUGUST 18th, 2025**

5:00 PM *Invocation by Chaplain and Pledge of Allegiance*

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

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

Motion by Comm. Bakken, 2nd by Comm. Munson to approve the agenda with Chairman Bitner adding a discussion on sales tax to other business. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. ***Motion carried.***

Motion by Comm. Bakken, 2nd by Comm. Munson to approve the August 4th, 2025 meeting minutes and bills. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. ***Motion carried.***

Chairman Bitner opened the meeting to public comment.

- Lydia Gessele spoke regarding law enforcement.
- County resident Travis Jensen spoke regarding the bussing of Bismarck Public School students.

Chairman Bitner closed the public comment segment.

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the Pamela Whiteley, Lee Enterprises Inc., Melodie Jorgenson & Kirk Bachmeier, Rhet Volk, Beck Real Estate Holdings LLC, Norma Anfinson, Gerald & Charlene Lelm, Lidna Seidel, Angelica Jimenez, Norma Nicholson, Wayne & Mary Jane Jensen, Patricia Ruth abatements, and the consent agenda in its entirety. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. ***Motion carried.***

Vision Zero Regional Outreach Coordinator Theresa Thom presented an update on the Vision Zero program.

County Engineer Marcus Hall requested a developer waiver of the Pavement Policy for LGO Trust. Motion by Comm. Bakken, 2nd by Comm. Munson to recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future and to grant LGO Trust' request to waive the construction and paving requirements "all internal roadways" listed in the Pavement Policy, in conjunction with the approval of the LGO Subdivision. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. ***Motion carried.***

Engineer Hall requested approval supporting the Townships Flex Fund grants. Motion by Comm. Bakken, 2nd by Comm. Woodcox to support all 2025 qualifying Township Flex Fund project applications. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.**

Engineer Hall requested approval supporting the County Flex Fund grants. Motion by Comm. Bakken, 2nd by Comm. Woodcox to support the micro surfacing of 71st Avenue and Centennial Road from US 83 to the city limits of Bismarck, the paving of 66th Street (two miles from 43rd Avenue NE to 71st Avenue NE) and 57th Avenue NE (one mile from 52nd Street NE to 66th Street NE), the micro surfacing of Moffit Road from US 83 to ND Highway 1804, and the micro surfacing of 80th Street NE from Apple Creek Road to 71st Avenue NE projects for the 2025 County Flex Fund grants. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.**

County Human Resources Director Pam Binder requested approval to post the Facilities Director position. Binder suggested that the County post a Facilities Manager position as an underfill option. Motion by Comm. Bakken, 2nd by Comm. Munson to post both the Facilities Director and Facilities Manager positions. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.** Binder requested a stipend for Buildings & Grounds senior employees Mike Kruckenberg and Dean Van Vleet due to increased duties due to the absence of a Facilities Director. Motion by Comm. Bakken, 2nd by Comm. Munson to approve temporary pay increase of one pay grade and two pay steps for Kruckenberg and Van Vleet until three months after the hire date of the new Facilities Director or Facilities Manager. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.** Binder requested an annual leave exception for Mike Krukenberg due to the inability to take paid time off with the Building & Grounds Department being short staffed. Motion by Comm. Bakken, 2nd by Comm. Munson to approve an annual leave exception for Mike Krukenberg above the 240 hour limit to be used within the first six months of 2026. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.**

Item 10b was moved to join item 14b.

County Finance Director/Interim Treasurer Leigh Jacobs provided an update on the Provident Building remodel financing and bonding options. Discussion was had.

Commissioner Bakken requested feedback from the Commission on the joint meeting of the Burleigh and Bismarck Commissions meeting regarding the Extra Territorial Area (ETA). Bismarck Commissioner Mike Connelly and county resident Travis Jensen spoke on the topic. Discussion was had. Chair Bitner requested the ETA discussion be continued on the next meeting's agenda.

Commissioner Woodcox requested a budget amendment to the community involvement fund for the Provident Building mural. Motion by Comm. Munson, 2nd by Comm. Bakken to amend the community involvement fund budget by increasing it by \$5,000 for 2025. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.**

Chairman Bitner discussed current portfolio assignments. He stated that he would be willing to retain the Treasurer, Finance Department, and Tax Equalization portfolios while Comm. Bakken would hold the Auditor portfolio. Consensus was had by the Commission.

County Finance Director/Interim Treasurer Leigh Jacobs discussed a budget amendment to split the budgets of the Auditor and Treasurer's offices. The Auditor and Elections Coordinator being separated into the Auditor's budget and the remaining staff being placed under the Treasurer's budget. County Human Resources Director Pam Binder provided information on the Administrative Assistant – Real Estate position and moving it from the Auditor's office to the Treasurer's office as a hybrid position utilized by both offices. County Auditor Mark Splonskowski provided input on the topic. Motion by Comm. Bakken, 2nd by Comm. Woodcox to move the Administrative Assistant – Real Estate from the Auditor's office to the Treasurer's office with the same duties and responsibilities. Commissioners Bakken, Munson, Schwab, Woodcox, and Chairman Bitner voted 'AYE'. **Motion carried.**

County Auditor Mark Splonskowski presented a request from WBI Energy to survey a county property for a proposed natural gas pipeline. Motion by Comm. Munson, 2nd by Comm. Bakken to approve WBI Energy's request to survey County property (Parcel # 09-142-81-00-10-611). Commissioners Bakken and Munson voted 'AYE'. Commissioners Schwab, Woodcox, and Chairman Bitner voted 'NAY'. **Motion Failed.** The Commission requested more information on the project.

Other Business:

- Chairman Bitner discussed the county sales tax and how mega corporations are benefiting from it versus the county residents.
- Commissioner Bakken discussed the Bismarck Public Schools bussing. County Engineer Marcus Hall provided additional information.
- County States Attorney Julie Lawyer provided information on Lydia Gessele's public comment earlier in the meeting. Lawyer stated that county law enforcement was not breaking the law as mentioned in Gessele's comments.

Meeting Adjourned.

6:35 PM

Mark Splonskowski,
County Auditor/Treasurer

Brian Bitner,
Chairman

ITEM

5

West's North Dakota Century Code Annotated
Constitution of North Dakota
Article I. Declaration of Rights (Refs & Annos)

NDCC Const. Art. 1, § 10

Section 10.

[Currentness](#)

Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information. The legislative assembly may change, regulate or abolish the grand jury system.

Codifications: [Const. 1889, Art. I, § 8.](#)

[Notes of Decisions \(17\)](#)

NDCC Const. Art. 1, § 10, ND CONST Art. 1, § 10

The constitution is current with results of the Nov. 3, 2020 general election.

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4 S.Ct. 111

Supreme Court of the United States

HURTADO

v.

PEOPLE OF THE STATE OF CALIFORNIA.

March 3, 1884.

Synopsis

In Error to the Supreme Court of the State of California.

For dissenting opinion, see [4 S.Ct. 292](#).**Attorneys and Law Firms******111 *519** *A. L. Hart*, for plaintiff in error.*John T. Carey*, for defendant in error.**Opinion**

MATTHEWS, J.

517** The constitution of the state of California adopted in 1879, in article 1, § 8, provides as follows: ‘Offenses heretofore required to be *112** prosecuted by indictment, shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once a year in each county.’ Various provisions of the Penal Code regulate proceedings before the examining and committing magistrate in cases of persons arrested and brought before them upon charges of having committed public offenses. These require, among other things, that the testimony of the witnesses shall be reduced to writing in the form of depositions; and section 872 declares that if it appears from the examination that a public offense has been committed, and there is sufficient cause to believe the defendant guilty thereof, the magistrate must indorse on the depositions an order, signed by him, to that effect, describing the general nature of the offense committed, and ordering that the defendant be held to answer thereto. Section 809 of the Penal Code is as follows: ‘When a defendant has been examined and committed, as provided in section 872 of this Code, it shall be the duty of the district attorney, within thirty days thereafter, to file in the superior court of the county in which the offense is triable, an information charging the

defendant with such offense. The information shall ***518** be in the name of the people of the state of California, and subscribed by the district attorney, and shall be in form like an indictment for the same offense.’

In pursuance of the foregoing provision of the constitution, and of the several sections of the Penal Code of California, the district attorney of Sacramento county, on the twentieth day of February, 1882, made and filed an information against the plaintiff in error, charging him with the crime of murder in the killing of one Jose Antonio Stuardo. Upon this information, and without any previous investigation of the cause by any grand jury, the plaintiff in error was arraigned on the twenty-second day of March, 1882, and pleaded not guilty. A trial of the issue was thereafter had, and on May 7, 1882, the jury rendered its verdict, in which it found the plaintiff in error guilty of murder in the first degree. On the fifth day of June, 1882, the superior court of Sacramento county, in which the plaintiff in error had been tried, rendered its judgment upon said verdict, that the said Joseph Hurtado, plaintiff in error, be punished by the infliction of death, and the day of his execution was fixed for the twentieth day of July, 1882. From this judgment an appeal was taken, and the supreme court of the State of California affirmed the judgment. On the sixth day of July, 1883, the superior court of said county of Sacramento ordered that the plaintiff in error be in court on the eleventh day of July, 1883, in order that a day for the execution of the judgment in said cause should be fixed. In pursuance of said order, plaintiff in error, with his counsel, appeared at the bar of the court, and thereupon the judge asked him if he had any legal reason to urge why said judgment should not be executed, and why an order should not then be made fixing the day for the execution of the same. Thereupon the plaintiff in error, by his counsel, objected to the execution of said judgment, and to any order which the court might make fixing a day for the execution of the same, upon the grounds (7) that it appeared upon the face of the judgment that the plaintiff in error had never been legally, or otherwise, indicted or presented by any grand jury, and that he was proceeded against by information made and filed by the district attorney of the county of Sacramento, after examination and commitment by a magistrate of the said county; (8) that the said proceedings, as well as the laws and constitution of California, attempting to authorize them, and the alleged verdict of the jury, and judgment of the said superior court of said county of Sacramento, were in conflict with and prohibited by the fifth and fourteenth articles of amendment of the constitution of the United States, and that they were therefore void; (9) that the said plaintiff in error had been held to answer for the said crime of murder by the district

attorney of ****113** the said county of Sacramento, upon an information filed by him, and had been tried and illegally found guilty of the said crime, without any presentment or indictment of any grand or other jury, and that the judgment rendered upon the alleged verdict of the jury in such case was and is void, and if executed would deprive the plaintiff in error of his life or liberty without due process of law. Thereupon the court overruled the said objections, and fixed the thirtieth day of August, 1883, as the time for the execution of the sentence. From this latter judgment the plaintiff in error appealed to the supreme court of the state. On the eighteenth day of September, 1883, the supreme court of the state affirmed the said judgment, to review which the present writ of error was allowed and has been prosecuted.

It is claimed on behalf of the prisoner that the conviction and sentence are void, on the ground that they are repugnant to that clause of the fourteenth article of amendment to the constitution of the United States, which is in these words: ***520** 'Nor shall any state deprive any person of life, liberty, or property without due process of law.' The proposition of law we are asked to affirm is that an indictment or presentment by a grand jury, as known to the common law of England, is essential to that 'due process of law,' when applied to prosecutions for felonies, which is secured and guaranteed by this provision of the constitution of the United States, and which accordingly it is forbidden to the states, respectively, to dispense with in the administration of criminal law. The question is one of grave and serious import, affecting both private and public rights and interests of great magnitude, and involves a consideration of what additional restrictions upon the legislative policy of the states has been imposed by the fourteenth amendment to the constitution of the United States. The supreme court of California, in the judgment now under review, followed its own previous decision in *Kalloch v. Super. Ct.* 56 Cal. 229, in which the question was deliberately adjudged. Its conclusion was there stated as follows: 'This proceeding, as [it] is regulated by the constitution and laws of this state, is not opposed to any of the definitions given of the phrases 'due process of law' and 'the law of the land;' but, on the contrary, it is a proceeding strictly within such definitions, as much so in every respect as is a proceeding by indictment. It may be questioned whether the proceeding by indictment secures to the accused any superior rights and privileges; but certainly a prosecution by information takes from him no immunity or protection to which he is entitled under the law.' And the opinion cites and relies upon a decision of the supreme court of Wisconsin in the case of *Rowan v. State*, 30 Wis. 129. In that case the court, speaking of the fourteenth amendment, says: 'But its design was not to confine the states

to a particular mode of procedure in judicial proceedings, and prohibit them from ***521** prosecuting for felonies by information instead of by indictment, if they chose to abolish the grand jury system. And the words 'due process of law' in the amendment do not mean and have not the effect to limit the powers of state governments to prosecutions for crime by indictment; but these words do mean law in its regular course of administration, according to prescribed forms, and in accordance with the general rules for the protection of individual rights. Administration and remedial proceedings must change, from time to time, with the advancement of legal science and the progress of society; and, if the people of the state find it wise and expedient to abolish the grand jury and prosecute all crimes by information, there is nothing in our state constitution and nothing in the fourteenth amendment to the constitution of the United States which prevents them from doing so.'

On the other hand, it is maintained on behalf of the plaintiff in error that the phrase 'due process of law' is equivalent to 'law of the land,' as found in the twenty-ninth chapter of *Magna Charta*; that by immemorial usage it has acquired a fixed, definite, and technical meaning; that it refers to and includes, not only the general principles of public liberty and private right, ****114** which lie at the foundation of all free government, but the very institutions which, venerable by time and custom, have been tried by experience and found fit and necessary for the preservation of those principles, and which, having been the birthright and inheritance of every English subject, crossed the Atlantic with the colonists and were transplanted and established in the fundamental laws of the state; that, having been originally introduced into the constitution of the United States as a limitation upon the powers of the government, brought into being by that instrument, it has now been added as an additional security to the individual against oppression by the states themselves; that one of these institutions is that of the grand jury, an indictment or presentment by which against the accused in cases of alleged felonies is an essential part of due process of law, in order that he may not be harassed and destroyed by prosecutions founded only upon private malice or popular fury. This view is certainly supported by the authority of the ***522** great name of Chief Justice SHAW and of the court in which he presided, which, in *Jones v. Robbins*, 8 Gray, 329, decided that the twelfth article of the bill of rights of Massachusetts, a transcript of *Magna Charta* in this respect, made an indictment or presentment of a grand jury essential to the validity of a conviction in cases of prosecutions for felonies. In delivering the opinion of the court in that case, MERRICK, J., alone dissenting, the chief justice said: 'The

right of individual citizens to be secure from an open and public accusation of crime, and from the trouble, expense, and anxiety of a public trial before a probable cause is established by the presentment and indictment of a grand jury, in case of high offenses, is justly regarded as one of the securities to the innocent against hasty, malicious, and oppressive public prosecutions, and as one of the ancient immunities and privileges of English liberty. * * * It having been stated,' he continued, 'by Lord COKE, that by the 'law of the land' was intended a due course of proceeding according to the established rules and practice of the courts of common law, it may, perhaps, be suggested that this might include other modes of proceeding, sanctioned by the common law, the most familiar of which are, by informations of various kinds, by the officers of the crown, in the name of the king. But, in reply to this, it may be said that Lord COKE himself explains his own meaning by saying by 'the law of the land.' as expressed in *Magna Charta*, was intended due process of law; that is, by indictment or presentment of good and lawful men. And further, it is stated. On the authority of Blackstone, that informations of every kind are confined by the constitutional law to misdemeanors only. 4 Bl. Comm. 310.' Referring again to the passage from Lord COKE, he says, page 343: 'This may not be conclusive, but, being a construction adopted by a writer of high authority before the emigration of our ancestors, it has a tendency to show how it was then understood.'

This passage from COKE seems to be the chief foundation of the opinion for which it is cited; but a critical examination and *523 comparison of the text and context will show that it has been misunderstood; that it was not intended to assert that an indictment or presentment of a grand jury was essential to the idea of due process of law in the prosecution and punishment of crimes, but was only mentioned as an example and illustration of due process of law as it actually existed in cases in which it was customarily used. In beginning his commentary on this chapter of *Magna Charta*, (2 Inst. 46,) COKE says: 'This chapter containeth nine several branches: (1) That no man may be taken or imprisoned but *per legem terroe*,—that is, by the *common law, statute law, of custom of England*; for the words *per legem terroe*, being towards the end of this chapter, doe referre to all the precedent matters in this chapter, etc. (2) No man shall be disseized, etc., unless it be by the lawful judgment, that is. verdict, of his equals, (that is, of men of his own condition,) *or by the law of the land, (that is, to speak it once for all,) by the due course and process of law.*' He then proceeds to state that (3) no man shall be *115 outlawed, unless according to the law of the land; (4) no man shall be exiled, unless according to the law of the land;

(5) no man shall be in any sort destroyed, 'unless it be by the verdict of his equals, or according to the law of the land;' (6) 'no man shall be condemned at the king's suite, either before the king in his bench, where the pleas are *coram rege*, (and so are the words *nec super eum ibimus* to be understood,) nor before any other commissioner or judge whatsoever, and so are the words *nec super eum mittemus* to be understood, but by the judgment of his peers, that is, equals, or according to the law of the land.'

Recurring to the first clause of the chapter, he continues: '(1) No man shall be taken (that is) restrained of liberty by petition or suggestion to the king, or to his council, unless it be by indictment or presentment of good and lawful men, where such deeds be done. This branch and divers other parts of this act have been notably explained by divers acts of parliament, etc., quoted in the margent.' The reference is to various acts during the reign of Edward *524 III. And reaching again the words '*nisi per legem terroe*,' he continues: 'But by the law of the land. For the true sense and exposition of these words see the statute of 37 E. 3, cap. 8, where the words, 'by the law of the land' are rendered, without due proces of law, for there it is said, though it be contained in the great charter, that no man be taken, imprisoned, or put out of his freehold without proces of the law; that is by indictment of good and lawfull men, where such deeds be done in due manner, or by writ originall of the common law. Without being brought in to answere swere but by due proces of the common law. No man be put to answer without presentment before justices, or thing of record, or by due proces, or by writ originall, according to the old law of the land. Wherein it is to be observed that this chapter is but declaratory of the old law of England.'

It is quite apparent from these extracts that the interpretation usually put upon Lord COKE's statement is too large, because if an indictment or presentment by a grand jury is essential to due process of law in all cases of imprisonment for crime, it applies not only to felonies, but to misdemeanors and petty offenses, and the conclusion would be inevitable that informations as a substitute for indictments would be illegal in all cases. It was indeed so argued by Sir FRANCIS WINNINGTON in *Prynn's Case*, 5 Mod. 457, from this very language of *Magna Charta*, that all suits of the king must be by presentment or indictment, and he cited Lord COKE as authority to that effect. He attempted to show that informations had their origin in the act of 11 Hen. VII. c. 3, enacted in 1494, known as the infamous Empson and Dudley act, which was repealed by that of 1 Hen. VIII. c. 6, in 1509. But the argument was overruled, Lord HOLT saying that to hold otherwise 'would be a reflection on

the whole bar.' Sir BARTHOLOMEW SHOWER, who was prevented from arguing in support of the information, prints his intended argument in his report of the case under the name of *The King v. Berchet*, 1 Show. 106, in which, with great thoroughness, he arrays all the learning of the time on the subject. He undertakes to 'evince that this method of prosecution is noways contrariant *525 to any fundamental rule of law, but agreeable to it.' He answers the objection that it is inconvenient and vexatious to the subject by saying, (page 117:) 'Here is no inconvenience to the people. Here is a trial *per pais*, fair notice, liberty of pleading *dilatories* as well as *bars*. Here is *subpoena* and *attachment*, as much time for defense, charge, etc., for the prosecutor makes up the record, etc.; then, in case of malicious prosecution, the person who prosecutes is known by the note to the coroner, according to the practice of the court.' He answers the argument drawn from *Magna Charta*, and says 'that this method of prosecution no way contradicts that law, for we say this is *per legem terroe et per communem legem terroe*; for otherwise there never had been so universal a practice of it in all ages.' And referring to COKE's comment, that 'no man shall be taken,' *i. e.*, **116 restrained of liberty, by petition or suggestion to the king or his council unless it be by indictment or presentment, he says, (page 122:) 'By petition or suggestion can never be meant of the king's bench, for he himself had preferred several here; that is meant only of the king alone, or in council, or in the star chamber. In the king's bench the information is not a suggestion to *the king* but to the *court* upon record;' and he quotes 3 Inst. 136, where Coke modifies the statement by saying, 'The king cannot put any to answer, but his court must be apprized of the crime by indictment, presentment, or *other matter of record*,' which, Shower says, includes an information. So it has been recently held that upon a coroner's inquisition taken concerning the death of a man, and a verdict of guilty of murder or manslaughter is returned, the offender may be prosecuted and tried without the intervention of a grand jury. *Reg. v. Ingham*, 5 Best & S. 257. And it was said by BULLER, J., in* *526 *Rex v. Jolliffe*, 4 Term R. 285–293, that if to an action for slander in charging the plaintiff with felony a justification is pleaded which is found by the jury, that of itself amounts to an indictment, as if it had been found by the grand jury, and is sufficient to put the party thus accused on his trial.

The language of Lord COKE applies only to forfeitures of life and liberty at the suit of the king, and hence appeals of murder, which were prosecutions by private persons, were never regarded as contrary to *Magna Charta*. On the contrary, the appeal of death was by Lord HOLT 'esteemed a noble remedy, and a badge of the rights and liberties of an Englishman.' *Rex*

v. Toler, 1 Ld. Raym. 557; 12 Mod. 375; Holt, 483. We are told that in the early part of the last century, in England, persons who had been acquitted on indictments for murder were often tried, convicted, and executed on appeals. Kendall, Trial by Battel, (3d Ed.) 44–47. An appeal of murder was brought in England as lately as 1817, but defeated by the appellant's declining to accept the wager of battel. *Ashford v. Thornton*, 1 Barn Ald. 405. The English statutes concerning appeals of murder were in force in the provinces of Pennsylvania and Maryland. Report of Judges, 6 Bin. 599–604; Kitty, Md. St. 141, 143, 158. It is said that no such appeal was ever brought in Pennsylvania; but in Maryland, in 1765, a negro was convicted and executed upon such an appeal. *Soaper v. Tom*, 1 Har. & McH. 227. See note to *Paxton's Case*, Quincy, (Mass.) 53, by Mr. Justice GRAY.

This view of the meaning of Lord COKE is the one taken by MERRICK, J., in his dissenting opinion in *Jones Robbins*, *supra*, who states his conclusions in these words: 'It is the forensic trial, under a broad and general law, operating equally upon every member of our community, which the words 'by the law of the land,' in *Magna Charta*, and in every subsequent declaration of rights which has borrowed its phraseology, make essential to the safety of the citizen, securing thereby both his liberty and his property, by preventing the unlawful arrest of his person, or any unlawful interference with his estate.' See, also, *state v. Starling*, 15 Rich. (S. C.) Law, 120.

*527 Mr. Reeve, in 2 Hist. Eng. Law, 43, translates the phrase, *nisi per legale iudicium parium suorum vel per legem terroe*, 'but by the judgment of his peers, or by some other legal process or proceeding adapted by law to the nature of the case.' Chancellor KENT, (2 Comm. 13,) adopts this mode of construing the phrase. Quoting the language of *Magna Charta*, and referring to Lord COKE's comment upon it, he says: 'The better and larger definition of *due process of law* is that it means law in its regular course of administration through courts of justice.' This accords with what is said in *Westervelt v. Gregg*, 12 N. Y. 202, by DENIO, J., p. 212: 'The provision was designed to protect the citizen against all mere acts of power, whether flowing from the legislative or executive branches of the government.' The principle and true meaning of the phrase have never been more tersely or accurately stated than by Mr. Justice JOHNSON in **117 *Bank of Columbia v. Okely*, 4 Wheat. 235–244: 'As to the words from *Magna Charta*, incorporated into the constitution of Maryland, after volumes spoken and written with a view to their exposition, the good sense of mankind has at last settled down to this: that they were intended to secure the individual

from the arbitrary exercise of the powers of government, unrestrained by the established principles of private right and distributive justice.' And the conclusion rightly deduced is as stated by Mr. Cooley, (Const. Lim. 356:) 'The principles, then, upon which the process is based, are to determine whether it is 'due process' or not, and not any considerations of mere form. Administrative and remedial process may *528 be changed from time to time, but only with due regard to the landmarks established for the protection of the citizen.'

It is urged upon us, however, in argument, that the claim made in behalf of the plaintiff in error is supported by the decision of this court in *Murray's Lessee v. Hoboken Land & Imp. Co.* 18 How. 272. There, Mr. Justice CURTIS, delivering the opinion of the court, after showing (page 276) that due process of law must mean something more than the actual existing law of the land, for otherwise it would be no restraint upon legislative power, proceeds as follows: 'To what principle, then, are we to resort to ascertain whether this process, enacted by congress, is due process? To this the answer must be twofold. We must examine the constitution itself to see whether this process be in conflict with any of its provisions. If not found to be so, we must look to those settled usages and modes of proceeding existing in the common and statute law of England before the emigration of our ancestors, and which are shown not to have been unsuited to their civil and political condition by having been acted on by them after the settlement of this country.' This, it is argued, furnishes an indispensable test of what constitutes 'due process of law;' that any proceeding otherwise authorized by law, which is not thus sanctioned by usage, or which supersedes and displaces one that is, cannot be regarded as due process of law. But this inference is unwarranted. The real syllabus of the passage quoted is that a process of law, which is not otherwise forbidden, must be taken to be due process of law, if it can show the sanction of settled usage both in England and in this country; but it by no means follows, that nothing else can be due process of law. The point in the case cited arose in reference to a summary proceeding, questioned on that account as not due process of law. The answer was, however exceptional it may be, as tested by definitions and principles of ordinary procedure, nevertheless, this, in substance, has been immemorially the actual law of the land, and, therefore, is due process of law. *529 But to hold that such a characteristic is essential to due process of law, would be to deny every quality of the law but its age, and to render it incapable of progress or improvement. It would be to stamp upon our jurisprudence the unchangeableness attributed to the laws of the Medes and Persians.

This would be all the more singular and surprising, in this quick and active age, when we consider that, owing to the progressive development of legal ideas and institutions in England, the words of *Magna Charta* stood for very different things at the time of the separation of the American colonies from what they represented originally. For at first the words *nisi per legale iudicium parium* had no reference to a jury; they applied only to the *pares regni*, who were the constitutional judges in the court of exchequer and *coram rege*. Bac. Abr. 'Juries,' (7th Ed. Lond.) note; 2 Reeves, Hist. Eng. Law, 41. And as to the grand jury itself, we learn of its constitution and functions from the assize of Clarendon, (A. D. 1164,) and that of Northampton, (A. D. 1176;) Stubbs, Chart. 143–150. By the latter of these, which was a republication of the former, it was provided that 'if any one is accused before the justices of our lord the king of murder or theft or robbery, or of harboring persons committing those crimes, or of forgery or arson, by the oath of 12 knights of the hundred, or, if there are no knights, by the oath of 12 free **118 and lawful men, and by the oath of four men from each township of the hundred, let him go to the ordeal of water, and, if he fails, let him lose one foot. And at Northampton it was added, for greater strictness of justice, (*pro rigore justitiae*,) that he shall lose his right hand at the same time with his foot, and adjure the realm and exile himself from the realm within 40 days. And, if he is acquitted by the ordeal, let him find pledges and remain in the kingdom, unless he is accused of murder or other base felony by the body of the country and the lawful knights of the country; but, if he is so accused as aforesaid, although he is acquitted by the ordeal of water, nevertheless he must leave the kingdom in 40 days, and take his chattels with him, subject to the rights of his lords, and he must adjure the kingdom at the mercy of our lord the king.' *530 'The system thus established,' says Mr. Justice STEPHENS, (1 Hist. Crim. Law Eng. 252,) 'is simple. The body of the country are the accusers. Their accusation is practically equivalent to a conviction, subject to the chance of a favorable termination of the ordeal by water. If the ordeal fails, the accused person loses his foot and his hand. If it succeeds, he is, nevertheless, to be banished. Accusation, therefore, was equivalent to banishment, at least.' When we add to this that the primitive grand jury heard no witnesses in support of the truth of the charges to be preferred, but presented upon their own knowledge, or indicted upon common fame and general suspicion, we shall be ready to acknowledge that it is better not to go too far back into antiquity for the best securities for our 'ancient liberties.' It is more consonant to the true philosophy of our historical legal institutions to say that the spirit of personal liberty and

individual right, which they embodied, was preserved and developed by a progressive growth and wise adaptation to new circumstances and situations of the forms and processes found fit to give, from time to time, new expression and greater effect to modern ideas of self-government.

This flexibility and capacity for growth and adaptation is the peculiar boast and excellence of the common law. Sir JAMES MACKINTOSH ascribes this principle of development to *Magna Charta* itself. To use his own language: 'It was a peculiar advantage that the consequences of its principles were, if we may so speak, only discovered slowly and gradually. It gave out on each occasion only so much of the spirit of liberty and reformation as the circumstances of succeeding generations required, and as their character would safely bear; for almost five centuries it was appealed to as the decisive authority on behalf of the people, though commonly so far only as the necessities of each case demanded.' 1 Hist. Eng. 221.

The constitution of the United States was ordained, it is true, by descendants of Englishmen, who inherited the traditions of the English law and history; but it was made for an undefined *531 and expanding future, and for a people gathered, and to be gathered, from many nations and of many tongues; and while we take just pride in the principles and institutions of the common law, we are not to forget that in lands where other systems of jurisprudence prevail, the ideas and processes of civil justice are also not unknown. Due process of law, in spite of the absolutism of continental governments, is not alien to that Code which survived the Roman empire as the foundation of modern civilization in Europe, and which has given us that fundamental maxim of distributive justice, *suum cuique tribuere*. There is nothing in *Magna Charta*, rightly construed as a broad charter of public right and law, which ought to exclude the best ideas of all systems and of every age; and as it was the characteristic principle of the common law to draw its inspiration from every fountain of justice, we are not to assume that the sources of its supply have been exhausted. On the contrary, we should expect that the new and various experiences of our own situation and system will mould and shape it into new and not less useful forms.

**119 The concessions of *Magna Charta* were wrung from the king as guaranties against the oppressions and usurpations of his prerogative. It did not enter into the minds of the barons to provide security against their own body or in favor of the commons by limiting the power of parliament; so that bills of attainder, *ex post facto* laws, laws declaring forfeitures of estates, and other arbitrary acts

of legislation which occur so frequently in English history, were never regarded as inconsistent with the law of the land; for notwithstanding what was attributed to Lord COKE in *Bonham's Case*, 8 Reporter, 115, 118a, the omnipotence of parliament over the common law was absolute, even against common right and reason. The actual and practical security for English liberty against legislative tyranny was the power of a free public opinion represented by the commons. In this country written constitutions were deemed essential to protect the rights and liberties of the people against the encroachments of power delegated to their governments, and the provisions of *Magna Charta* were incorporated into bills of* *532 rights. They were limitations upon all the powers of government, legislative as well as executive and judicial. It necessarily happened, therefore, that as these broad and general maxims of liberty and justice held in our system a different place and performed a different function from their position and office in English constitutional history and law, they would receive and justify a corresponding and more comprehensive interpretation. Applied in England only as guards against executive usurpation and tyranny, here they have become bulwarks also against arbitrary legislation; but in that application, as it would be incongruous to measure and restrict them by the ancient customary English law, they must be held to guaranty, not particular forms of procedure, but the very substance of individual rights to life, liberty, and property. Restraints that could be fastened upon executive authority with precision and detail, might prove obstructive and injurious when imposed on the just and necessary discretion of legislative power; and while, in every instance, laws that violated express and specific injunctions and prohibitions might without embarrassment be judicially declared to be void, yet any general principle or maxim founded on the essential nature of law, as a just and reasonable expression of the public will, and of government as instituted by popular consent and for the general good, can only be applied to cases coming clearly within the scope of its spirit and purpose, and not to legislative provisions merely establishing forms and modes of attainment. Such regulations, to adopt a sentence of Burke's 'may alter the mode and application, but have no power over the substance of original justice.' Tract on Popery Laws, 6 Burke's Works, (Ed. Little & Brown,) 323.

Such is the often repeated doctrine of this court. In *Munn v. Illinois*, 94 U. S. 113-134, the chief justice, delivering the opinion of the court, said: 'A person has no property, no vested interest, in any rule of the common law. That is only one of the forms of municipal law, and is no more sacred than any other. Rights of property which have been created

by the common law cannot be taken* *533 away without due process; but the law itself, as a rule of conduct, may be changed at the will or even at the whim of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances.’ And in *Walker v. Sauvinet*, 92 U. S. 90, the court said: ‘A trial by jury in suits at common law pending in state courts is not, therefore, a privilege or immunity of national citizenship which the states are forbidden by the fourteenth amendment to abridge. A state cannot deprive a person of his property without due process of law; but this does not necessarily imply that all trials in the state courts affecting the property of persons must be by jury. This requirement of the constitution is met if the trial is had according to the settled course of judicial proceedings. Due process of law is process according to the **120 law of the land. This process in the states is regulated by the law of the state.’ In *Kennard v. Louisiana ex rel.* 92 U. S. 480, the question was whether a mode of trying the title to an office, in which was no provision for a jury, was due process of law. Its validity was affirmed. The chief justice, after reciting the various steps in the proceeding, said: ‘From this it appears that ample provision has been made for the trial of the contestation before a court of competent jurisdiction; for bringing the party against whom the proceeding is had before the court and notifying him of the case he is required to meet; for giving him an opportunity to be heard in his defense; for the deliberation and judgment of the court; for an appeal from this judgment to the highest court of the state, and for hearing and judgment there. A mere statement of the facts carries with it a complete answer to all the constitutional objections urged against the validity of the act.’ And Mr. Justice MILLER, in *Davidson v. New Orleans*, 96 U. S. 97–105, after showing the difficulty, if not the impossibility, of framing a definition of this constitutional phrase which *534 should be ‘at once perspicuous, comprehensive, and satisfactory,’ and thence deducing the wisdom ‘in the ascertaining of the intent and application of such an important phrase in the federal constitution, by the gradual process of judicial inclusion and exclusion, as the cases presented for decision shall require,’ says, however, that ‘it is not possible to hold that a party has, without due process of law, been deprived of his property, when, as regards the issues affecting it, he has by the laws of the state fair trial in a court of justice, according to the modes of proceeding applicable to such a case.’ See, also, *Missouri v. Lewis*, 101 U. S. 22–31; *Ex parte Wall*, 107 U. S. 288–290; [2 SUP. CT. REP. 569.]

We are to construe this phrase in the fourteenth amendment by the *usus loquendi* of the constitution itself. The same words are contained in the fifth amendment. That article makes specific and express provision for perpetuating the institution of the grand jury, so far as relates to prosecutions for the more aggravated crimes under the laws of the United States. It declares that ‘no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself.’ It then immediately adds: ‘nor be deprived of life, liberty, or property without due process of law.’ According to a recognized canon of interpretation, especially applicable to formal and solemn instruments of constitutional law, we are forbidden to assume, without clear reason to the contrary, that any part of this most important amendment is superfluous. The natural and obvious inference is that, in the sense of the constitution, ‘due process of law’ was not meant or intended to include, *ex vi termini*, the institution and procedure of a grand jury in any case. The conclusion is equally *535 irresistible, that when the same phrase was employed in the fourteenth amendment to restrain the action of the states, it was used in the same sense and with no greater extent; and that if in the adoption of that amendment it had been part of its purpose to perpetuate the institution of the grand jury in all the states, it would have embodied, as did the fifth amendment, express declarations to that effect. Due process of law in the latter refers to that law of the land which derives its authority from the legislative powers conferred upon congress by the constitution of the United States, exercised within the limits therein prescribed, and interpreted according to the principles of the common law. In the fourteenth amendment, by parity of reason, it refers to that law of the land in each state which derives its authority from the inherent and reserved powers of the state, exerted within the limits of those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions, **121 and the greatest security for which resides in the right of the people to make their own laws, and alter them at their pleasure. ‘The fourteenth amendment,’ as was said by Mr. Justice BRADLEY in *Missouri v. Lewis*, 101 U. S. 22–31, ‘does not profess to secure to all persons in the United States the benefit of the same laws and the same remedies. Great diversities in these respects may exist in two states separated only by an imaginary line. On one side of this line there may

be a right of trial by jury, and on the other side no such right. Each state prescribes its own modes of judicial proceeding.’

But it is not to be supposed that these legislative powers are absolute and despotic, and that the amendment prescribing due process of law is too vague and indefinite to operate as a practical restraint. It is not every act, legislative in form, that is law. Law is something more than mere will exerted as an act of power. It must be not a special rule for a particular person or a particular case, but, in the language of Mr. Webster, in his familiar definition, ‘the general law, a law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial,’ so ‘that every citizen shall *536 hold his life, liberty, property, and immunities under the protection of the general rules which govern society,’ and thus excluding, as not due process of law, acts of attainder, bills of pains and penalties, acts of confiscation, acts reversing judgments, and acts directly transferring one man's estate to another, legislative judgments and decrees, and other similar special, partial, and arbitrary exertions of power under the forms of legislation. Arbitrary power, enforcing its edicts to the injury of the persons and property of its subjects, is not law, whether manifested as the decree of a personal monarch or of an impersonal multitude. And the limitations imposed by our constitutional law upon the action of the governments, both state and national, are essential to the preservation of public and private rights, notwithstanding the representative character of our political institutions. The enforcement of these limitations by judicial process is the device of self-governing communities to protect the rights of individuals and minorities, as well against the power of numbers, as against the violence of public agents transcending the limits of lawful authority, even when acting in the name and wielding the force of the government.

The supreme court of Mississippi, in a well-considered case, (*Brown v. Levee Com'rs*, 50 Miss. 468,) speaking of the meaning of the phrase ‘due process of law,’ says: ‘The principle does not demand that the laws existing at any point of time shall be irrevocable, or that any forms of remedies shall necessarily continue. It refers to certain fundamental rights which that system of jurisprudence, of which ours is a derivative, has always recognized. If any of these are disregarded in the proceedings by which a person is condemned to the loss of life, liberty, or property, then the deprivation has not been by ‘due process of law.’

‘It must be conceded,’ said this court, speaking by Mr. Justice MILLER, in *Loan Ass'n v. Topeka*, 20 Wall. 655–662, ‘that there are such rights in every free government beyond the

control of the state. A government *537 which recognized no such rights,—which held the lives, the liberty, and the property of its citizens subject at all times to the absolute disposition and unlimited control of even the most democratic depository of power,—is after all but a despotism. It is true, it is a despotism of the many,—of the majority, if you choose to call it so,—but it is nevertheless a despotism. It may be doubted, if a man is to hold all that he is accustomed to call his own, all in which he has placed his happiness, and the security of which is essential to that happiness, under the unlimited dominion of others, whether it is not wiser that this power should be exercised by one man than by many.’

It follows that any legal proceeding enforced by public authority, whether sanctioned by age and custom, or newly devised in the discretion of the legislative power in furtherance of the general public good, which regards and **122 preserves these principles of liberty and justice, must be held to be due process of law.

The constitution of Connecticut, adopted in 1818 and in force when the fourteenth amendment took effect, requires an indictment or presentment of a grand jury only in cases where the punishment of the crime charged is death or imprisonment for life, and yet it also declares that no person shall ‘be deprived of life, liberty or property but by due course of law.’ It falls short, therefore, of that measure of protection which it is claimed is guaranteed by *Magna Charta* to the right of personal liberty; notwithstanding which it is no doubt justly said in Swift's Digest, 17, that ‘this sacred and inestimable right, without which all others are of little value, is enjoyed by the people of this state is as full extent as in any country on the globe, and in as high a degree as is consistent with the nature of civil government. No individual or body of men has a discretionary or arbitrary power to commit any person to prison; no man can be restrained of his liberty, be prevented from removing himself from place to place as he chooses, be compelled to go to a place contrary to his inclination, or be in any way imprisoned or confined, unless by virtue of the expressed laws of the land.’

*538 *Tried by these principles, we are unable to say that the substitution for a presentment or indictment by a grand jury of the proceeding by information after examination and commitment by a magistrate, certifying to the probable guilt of the defendant, with the right on his part to the aid of counsel, and to the cross-examination of the witnesses produced for the prosecution, is not due process of law. It is, as we have seen, an ancient proceeding at common law, which might include every case of an offense of less grade

than a felony, except misprision of treason; and in every circumstance of its administration, as authorized by the statute of California, it carefully considers and guards the substantial interest of the prisoner. It is merely a preliminary proceeding, and can result in no final judgment, except as the consequence of a regular judicial trial, conducted precisely as in cases of indictments. In reference to this mode of proceeding at the common law, and which he says 'is as ancient as the common law itself,' Blackstone adds, (4 Comm. 305:) 'And as to those offenses in which informations were allowed as well as indictments, so long as they were confined to this high and respectable jurisdiction, and were carried on in a legal and regular course in his majesty's court of king's bench,

the subject had no reason to complain. The same notice was given, the same process was issued, the same pleas were allowed, the same trial by jury was had, the same judgment was given by the same judges, as if the prosecution had originally been by indictment.'

For these reasons, finding no error therein, the judgment of the supreme court of California is affirmed.

All Citations

110 U.S. 516, 4 S.Ct. 111, 28 L.Ed. 232

End of Document

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ITEM

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

Abate #	Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
25-472	Jared & Alison Sherven	2024	Lot 23, Block 2, Horizon Heights 4th Addn 1st Replat	60% Disabled Veteran	\$349,700	\$241,700
25-473	Marlene Hovda	2023	Ely 62.5' Lot 2 as measured parallel to E line Lot 2, Block 3, North Hills 4th	Wheelchair & 50% HC	\$299,500	\$99,750
25-474	Marlene Hovda	2024	Ely 62.5' Lot 2 as measured parallel to E line Lot 2, Block 3, North Hills 4th	Wheelchair & 50% HC	\$303,300	\$103,300
25-475	Marlene Hovda	2025	Ely 62.5' Lot 2 as measured parallel to E line Lot 2, Block 3, North Hills 4th	Wheelchair exemption	\$301,500	\$201,500
25-476	Alta Properties	2025	GOVERNOR PIERCE Block: 50 PT OF B50 & 55 VACATED STREETS & ALLEY LYING ERLY OF A LINE RUNNING PARALLEL WITH & 283.54 ACRES...	Error in property description	\$1,928,500	\$1,744,500
25-482	James & Betty Mitzel	2024	Tract 1332 of tract B1 & tract D of part of Lot 1, Block 1, Southport Phase II	100% Disabled Veteran	\$218,200	\$182,200
25-483	Harold & Brenda Rants	2025	2001 Yellowstone Three 28 x 60	100% Homestead Credit	\$67,872	\$0
25-484	Jeanne Bernhardt	2023	Lot 36, Block 15, Replat Tibesar's 1st Sub	100% Homestead Credit	\$285,200	\$85,200
25-485	Jeanne Bernhardt	2024	Lot 36, Block 15, Replat Tibesar's 1st Sub	100% Homestead Credit	\$284,600	\$84,600

Berger, Diane

From: Kelly Leben <kleben@burleighsd.com>
Sent: Monday, August 25, 2025 10:08 AM
To: Berger, Diane
Subject: FW: Crossroads
Attachments: DJI_0975.JPG

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

Diane,

Please add this to the packet. At this time from a law enforcement perspective, we are good with this plan. Thanks!

KL

From: Tracy Nelson <tnelson@burleighsd.com>
Sent: Friday, August 22, 2025 3:25 PM
To: Kelly Leben <kleben@burleighsd.com>
Subject: Crossroads

Just sending you a picture of the new outdoor area of Crossroads for your reference.

Lieutenant Tracy Nelson
Burleigh County Sheriff's Department
Enforcement Division
701-222-6651
tnelson@burleighsd.com





STATE RETAIL ALCOHOLIC BEVERAGE FLOOR PLAN
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 14985 (03-2020)

License Number
AA-04069

Floor Plan Submitted for	
<input type="checkbox"/> New License	<input checked="" type="checkbox"/> Amendment to Existing License

Applicant or Licensee Name (if corporation, limited liability company, etc., enter legal name)
Crossroads Bar Operators, LLC dba: Crossroads Bar and Grill

Business Name
Crossroads Bar and Grill

Street Address of Business 1205 Northstar Dr	City Bismarck	State ND	ZIP Code 58503	County Burleigh
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Use the space below to draw a clear and understandable floor plan of the premises to be licensed. Show all exits, bars, dining areas (if any), beverage coolers and beverage storage areas. Indicate which are solid walls, dividers, and movable partitions. Use a different color to outline the area to be used for the sale and/or dispensing of alcoholic beverages, or the "licensed premises" of the establishment. This should include the areas where alcoholic beverages are served to or paid for by customers. Floor plan can be attached on 8 1/2" x 11" standard size form.

See Attachment.

Printed Name of Individual Submitting Floor Plan
Ryan Deichert

Official Position
Managing Member

Signature of Individual

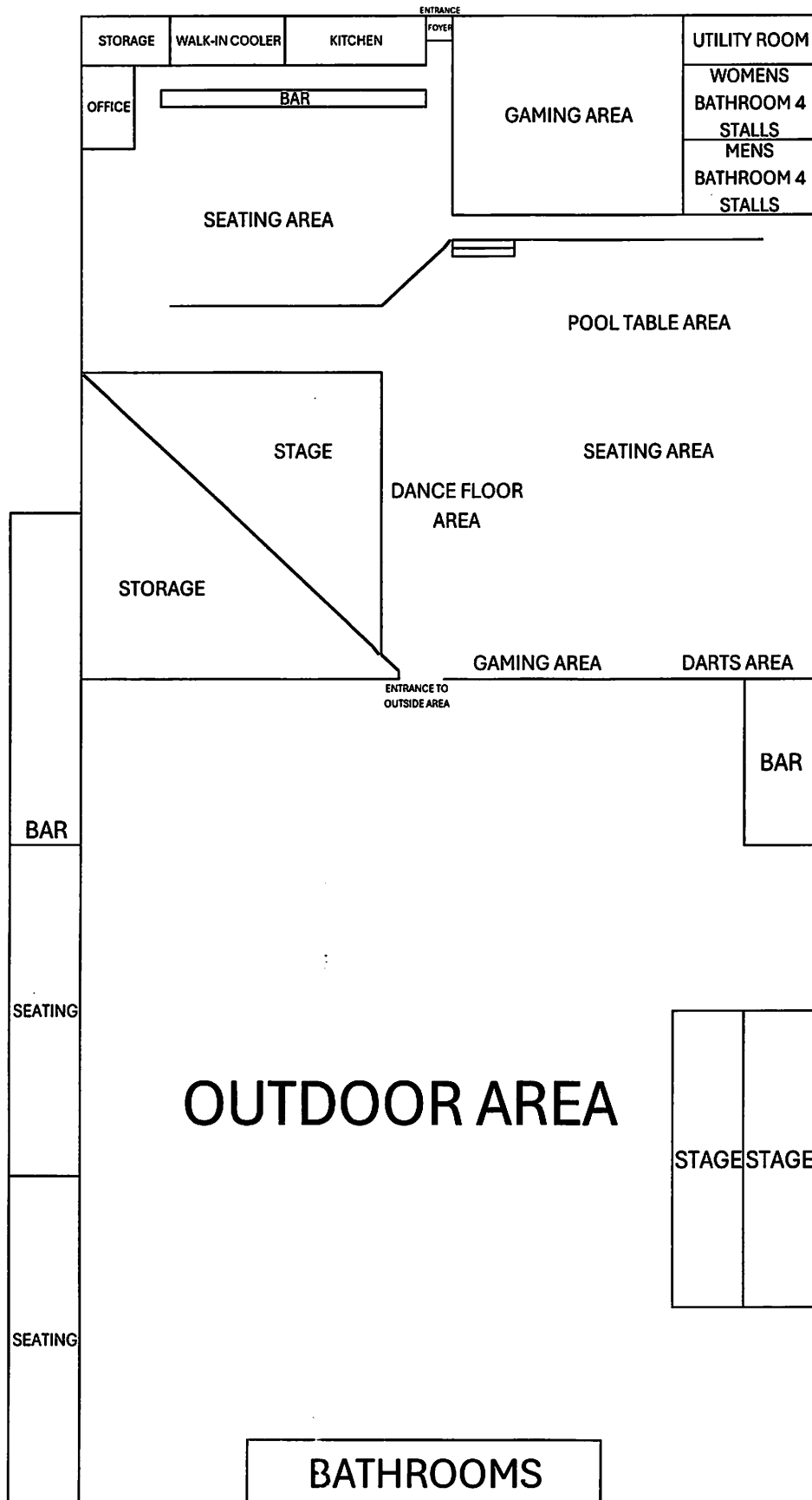
Date
8/22/2025

Mail to:
Office of Attorney General
Licensing Section
600 E Boulevard Ave Dept. 125
Bismarck ND 58505-0040

Questions please call (701) 328-2329

For Licensing Use Only

Attachment



APPLICATION FOR LIQUOR LICENSE

Name of Applicant Crossroads Bar Operators Classification of License D

Primary Contact Ryan Deichert Phone [REDACTED]

Address 1205 Northstar Drive, Bismarck, ND Date of Birth/Incorporation 08-16-2024

Is this a renewal of liquor license? Yes X No

If yes, give date of original application August 16-2024

Check one of the following to indicate who is applying for the license:

- _____ 1. A physical resident and citizen of the State of North Dakota; or
- X 2. A domestic private corporation organized under the laws of the State of North Dakota with primary place of business in Burleigh County; or
- _____ 3. A co-partnership, all members of which are over 21 years of age and residents and citizens of North Dakota.

Answer the number below (1, 2 or 3) which corresponds to the number checked above:

1. Name of applicant _____

Residence _____

Post Office Address

2. List name, residence and post office address of all holding one or more percent of capital stock in Domestic, Private Corporation:

Name	Residence	P.O. Address	Percent
Ryan Deichert			50%
Corey Schick			
Lloyd Deringer			

3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
Same as above			

4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name

Residence

P. O. Address

Same as above

Date and type of any prior or present liquor business:

Owners are also affiliated w/
Jimmy V's - Bismarck
Pier Bar - GMI - Bismarck

Central Station - Mandan
Big Stick Cigar Lounge - Mandan
Aviators Bar - Mandan

Exact legal description of proposed enterprise:

N/2 of Lots 1 & 2, Block 5, Northstar Commercial Park Third Addition

Does building meet all state and local sanitation and safety requirements? Yes ☒ No ☐

Have you ever had a liquor license revoked or rejected by any authority? Yes ☐ No ☒

If yes, give date and details:

Have you ever been convicted of the violation of any local, state or Federal law regarding liquor:

Yes ☐ No ☒

If yes, give date and details:

Have you ever been charged with or convicted of any crime in this state (do not include minor traffic violations), or any other state, or under any Federal Law? Yes ☐ No ☒

If yes, give date and details:

List three business references, including one bank, and state briefly the nature and extent of business relations with each:

1. Reed Hendrickson - Station Bank - Commercial Banker 701-250-1447
2. Chris Fraser - Bravera Bank - Commercial Banker - 701-221-4706
3. ~~Jason McCauley~~ - US Foods - 701-320-4235
Erick Ahman

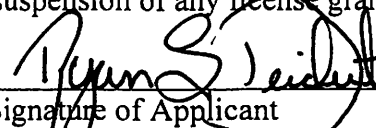
The following two items shall accompany this application:

1. The receipt from the County Treasurer indicating that the prescribed fee for the license has been deposited with the County Treasurer.
2. A statement from the County Treasurer indicating that all property taxes and special assessments of the applicant(s) have been paid.

I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches and seizures without issuance or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

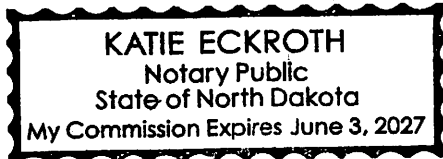
I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership during the period of the license, prior approval of the Board of County Commissioners is required.


I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.



Signature of Applicant

Subscribed and sworn to before me this 6th day of May, 2020

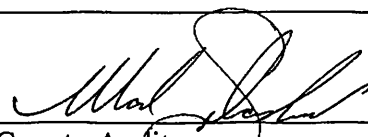




Notary Public
Morton County

Recommend application be approved ☒ denied ☐

Reasons for negative recommendation



County Auditor

APPLICATION FOR LIQUOR LICENSE
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Haycreek approve the
(Name of Township)

application for a Type D Retail Liquor License for

Crossroads Bar & Grill
(Name of Establishment)

1205 Northstar Drive, Bismarck, ND 58503
(Address of Establishment)

owned by Crossroads Bar Operators, LLC
(Licensee) (Address)

Mary L. Rennie
Chairman

Larry Haisley
Member

[Signature]
Member

ATTEST

[Signature]
(Township Clerk)

5-7-2025
(Date)

Retail Liquor License

No. 25-006

Type: D

Fee Received \$1100

Crossroads Bar Operators, LLC, Burleigh County, North Dakota is hereby licensed to sell alcoholic beverages as allowed under the provisions of Title V of the North Dakota Century Code, and acts supplemental and amendatory thereto for retail purposes at the following location:

For consumption of on and off said premises including Sunday, for the period ending
July 1, 2025 – June 30, 2026

Licensee hereinbefore named, in consideration of the issuance of this license, hereby agrees to abide by all State laws relating to sale of alcoholic beverages and in addition agrees to abide by all local regulations, ordinances, or resolutions regulating or restricting the operation and sale of alcoholic beverages by licensees and by future amendments thereto.

This license is not transferable without specific authority from the local issuing governing body and only as provided by the laws of the state of North Dakota.

Dated this 19th day of May, A.D. 2025.



Brian Bitner, Chairman, Burleigh County Commission



Mark Splonskowski, Burleigh County Auditor/Treasurer

(SEAL)



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Memo

Date: September 3, 2025

To: Mark Splonskowski
County Auditor

From: Marcus J. Hall P.E.
County Engineer

RE: Second access permit for David Rost

David Rost from 11806 Glacier Circle (Heritage Reserve, Block 1, Lot 14) has requested a second access permit to his property. The first access approach is off of Glacier Circle. He wishes to have a second approach off of Glacier Road in order to have better access to his property. We have reviewed the location of the new proposed access off of Glacier Road and have determined that it will meet our requirements.

Please place the approval of a 2nd approach for David Rost on the September 3, 2025 County Board Consent Agenda.

2nd Approach Permits Requirements

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

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

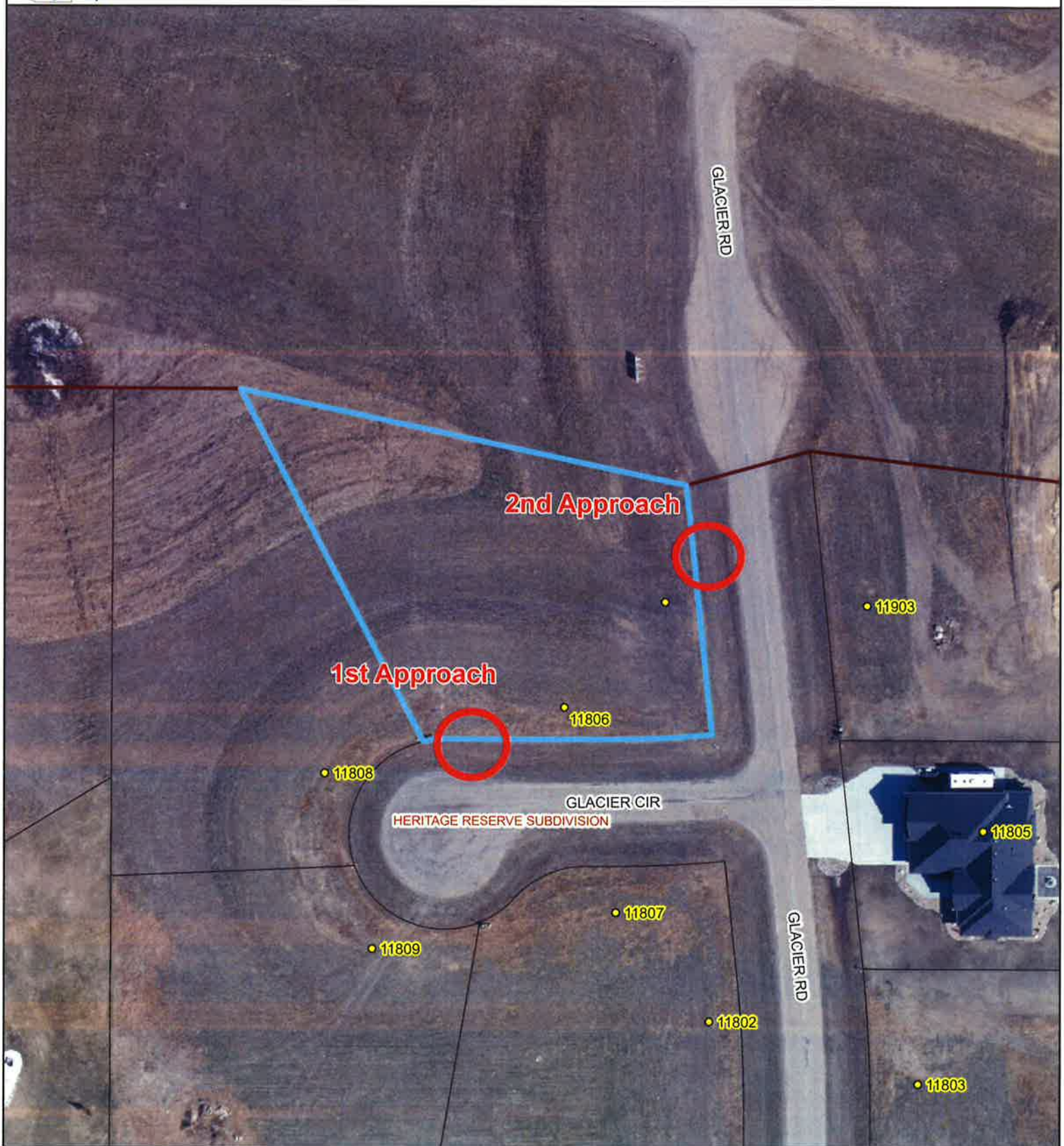


PARCEL ID: 24-140-80-51-01-140 OWNER: ROST, DAVID C & KELSY M ACRES: 0

SITE ADDRESS: 11806 GLACIER CIR

MAIL ADDRESS: 2835 E CALGARY AVE, BISMARCK, ND 58503

LEGAL: HERITAGE RESERVE BLOCK 1 LOT 14ALTERNATE ADDRESS:11902 GLACIER RD



PARCEL ID: 24-140-80-51-01-140 OWNER: ROST, DAVID C & KELSY M ACRES: 0
SITE ADDRESS: 11806 GLACIER CIR
MAIL ADDRESS: 2835 E CALGARY AVE, BISMARCK, ND 58503
LEGAL: HERITAGE RESERVE BLOCK 1 LOT 14ALTERNATE ADDRESS:11902 GLACIER RD

BURLEIGH COUNTY CHECK REPLACEMENT
(4-17)

Carefully read the AFFIDAVIT AND AGREEMENT; then sign it before a Notary Public.

When we receive the signed and notarized Affidavit and Agreement a duplicate payment will be issued and forwarded to you. In the event you recover possession of the original check, DO NOT CASH IT, please advise the Burleigh County Auditor/Treasurer immediately. Our telephone number is (701) 222-6718.

MAIL THE SIGNED AND NOTARIZED AFFIDAVIT AND AGREEMENT TO:
Burleigh County Auditor/Treasurer, P.O. Box 5518, Bismarck, ND 58506-5518.

NAME AND ADDRESS OF PAYEE:

HAYSTACK BUTTE 4H CLUB
45800 HWY 14
WING, ND 58494

Check Date:	<u>6/13/2025</u>
Original Check #:	<u>134419</u>
Check Amount:	<u>\$4,400.00</u>

AFFIDAVIT AND AGREEMENT

I execute this AFFIDAVIT AND AGREEMENT for the purpose of obtaining a duplicate payment from the County of Burleigh, North Dakota.

I hereby state under oath that the above-described check has never been presented to me for payment, nor transferred to any other person or persons, and the same is believed to have been lost or destroyed, and that I hereby request the County of Burleigh to issue a duplicate payment for said check.

I agree to indemnify, compensate, or make restitution to the County of Burleigh for any and all loss, damage and expense as a result of this issue of said new duplicate payment. If said original check alleged to have been lost or destroyed shall come into my possession, or under my control, I shall immediately return same to the Burleigh County Auditor, PO Box 5518, Bismarck, ND 58506-5518, for cancellation. If the aforesaid check shall at any time be cashed or presented to the Burleigh County Auditor/Treasurer by me or transferred to another person by me and result in a loss to the County of Burleigh, I shall promptly reimburse the Burleigh County Auditor/Treasurer for any such loss.

Subscribed and sworn to before me:

Signature of Payee
Date _____

Notary Public - County of _____
My Commission Expires _____

(Seal)

Application approved by the Burleigh County Commission on _____, 20__.

Duplicate warrant # _____ issued this _____ day of _____, 20__

Burleigh County Auditor/Treasurer

Date

ITEM

7

PUBLIC HEARING



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Request for County Board Action

DATE: September 3, 2025

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Northridge Estates Subdivision

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

ACTION REQUESTED:

Conduct Public Hearing for the Northridge Estates Subdivision's special assessment district (SAD #77).

BACKGROUND:

Hay Creek Township has requested that the Burleigh County Board create a special assessment district in Northridge Estates Subdivision to perform pavement patching and a micro surfacing application to the existing paved roadways. (approximately 3.77 miles). North Dakota Century Code allows the local unit of government to establish a special assessment district without a petition from the local residents.

Hay Creek Township has decided to allocate \$127,000 from their general fund to reduce to total cost of the project.

It is the Highway Departments recommendation that the County Board should conducts the Public Hearing. If after the public hearing at least 60% of the benefited property do not protest the Special Assessment District, the County Board shall direct the County Engineer to prepare plans and specifications for approval by resolution of the County Board.

RECOMMENDATION:

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

PROPOSED RESOLUTION:

THEREFORE, BE IT RESOLVED: That the County Board notes insufficient protest for Northridge Estates Subdivision's special assessment district (SAD #77), and therefore directs the County Engineer to prepare plans and specifications for approval by resolution of the County Board.

NOTICE OF HEARING BEFORE THE BOARD OF
BURLEIGH COUNTY COMMISSISONERS
Northridge Estates Subdivision
SPECIAL ASSESSMENT DISTRICT #77



NOTICE IS HEREBY GIVEN that there will be a hearing before the Board of Burleigh County Commissioners on September 3rd, 2025 at 5:00 PM in the Tom Baker Room, City/County Office Building, 221 N 5th Street, Bismarck, ND on the matter of declaring the necessity of improvement in Street Improvement District #77, which consists of the Micro-surfacing of Ridgeland Loop from North Washington Street to Ridgeland Drive. Ridgeland Drive from Highway 1804 to 84th Avenue NE. Crestland Place from Ridgeland Drive to and including the cul-de-sac on the east edge of Northridge Estates Subdivision. Highridge Drive from Ridgeland Drive to the east edge of Northridge Estates Subdivision. 79th Avenue NE from Ridgeland Drive to the east edge of Northridge Estates Subdivision. Parkridge Lane from Northwood Drive to and including the cul-de-sac on the east edge of Northridge Estates Subdivision. Northwood Drive from Ridgeland Loop to 84th Avenue NE. Crestridge Lane from the west edge of Northridge Estates Subdivision to Ridgeland Drive. Northwood Place from Northwood Drive to and including the cul-de-sac by Block 5, Lots 4 & 5 in Northridge Estates Second subdivision. Work will include patching and a Micro-surfacing treatment.

**RESOLUTION OF NECESSITY
RESOLUTION DECLARING THE NECESSITY OF AN IMPROVEMENT
IN STREET IMPROVEMENT DISTRICT NUMBER 77**

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

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

1. It is hereby found, determined, and declared that it is necessary and expedient for the County to construct an improvement to consist of Improvement District Number #77 such Improvement to consist of construction of Micro-surfacing and Related Work, in accordance with and as described In the Resolution creating said District, adopted in the preliminary report of the Engineer, approved by this Board on July 21, 2025.
2. Cost of the Improvement will be paid for by Special Assessments to be levied against the properties benefited by the improvement in amounts proportionate to and not exceeding such benefits. The estimated costs by the Engineer for said improvement is in the amount or \$668,533.91. Hay Creek Township has agreed to allocate \$127,000 to this project, therefore the total cost to the residents is estimated at \$540,933.91 (\$4,663 per lot).
3. The County Auditor is hereby authorized and directed to cause this Resolution, together with a map of the area showing the Improvement District, to be published once each week for two (2) consecutive weeks in the Official Newspaper of the County. The owners of property within said Improvement District and liable to be specially assessed for said improvement shall be afforded the opportunity to file written protests with the County Auditor at any time within thirty (30) days after the first publication or the Resolution. The Board of County Commissioners shall at its next meeting after the expiration of said period, to wit September 3, 2025, at 5:00 PM, meet at the City/County Building, Tom Baker Meeting Room for the purpose of hearing and determining the sufficiency of any protests lo be filed and to take such other and further action with reference to said improvement as may then be deemed necessary and expedient.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS,
BURLEIGH COUNTY, NORTH DAKOTA

ATTEST: Mark Splonskowski
Burleigh County Auditor/Treasurer
PO Box 5518
221 N 5th Street
Bismarck, ND 58506
Dated this 21st day of July 2025.
07/30 & 08/6/2025



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Request for County Board Action

DATE: August 18, 2025

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: 2nd Approach Permits

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

ACTION REQUESTED:

Review and Direct the County Highway Department on how to proceed with Jesse Zander's request.

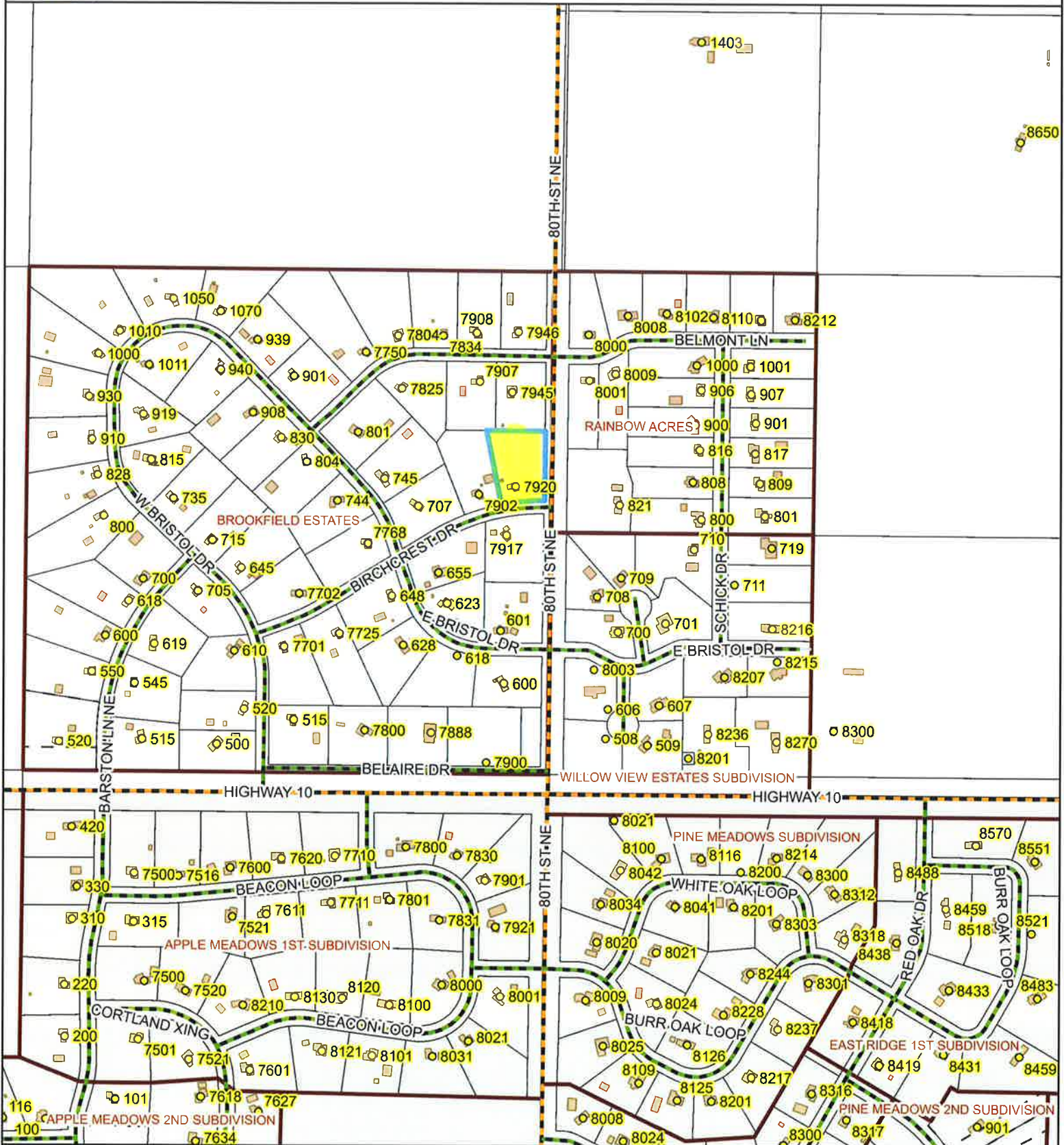
BACKGROUND:

Jesse Zander has requested a second approach permit to a property described as Block 03, Lot 08, of Brookfield Estates (7920 Birchcrest Drive). The first approach is off of Birchcrest Drive. The request is to add a second approach off of 80th Street NE in order to better access his property. The second approach was rejected because 80th Street NE is a County Collector and is a high speed/high volume roadway. Brookfield Estates is an older plat and did not contain non-access lines; however, if the plat was reviewed and approved at this time we would have shown a non-access line on this lot along 80th Street NE. The Highway Department believes that granting this access decreases the safety of the traveling public and recommends rejecting this request.

Jesse Zander has requested an appeal of the Highway Department's denial to the County Board.

RECOMMENDATION:

It is recommended that the Burleigh County Board discuss the above item and direct the County Highway Department on how to proceed.



PARCEL ID: 32-139-79-16-03-080

OWNER: ZANDER, JESSE & JENNIFER; JOB, DAVID A

ACRES: 2.12

SITE ADDRESS: 7920 BIRCHCREST DR

MAIL ADDRESS: %ZANDER, JESSE & JENNIFER 7920 BIRCHCREST DR, BISMARCK, ND 58501

LEGAL: BROOKFIELD ESTATES Block 03 LOT 8 757135

BROOKFIELD ESTATES

S.E. 1/4, SEC. 32, T 139 N., R. 79 W.
BURLEIGH COUNTY, NORTH DAKOTA



CURVE		DATA					
Curve	Δ	Station	Chord	Δ	Station	Chord	Δ
A	53°-20'-00"	50+00.00	455.43	88°-12'-00"	1146.08	86.18	
B	48°-20'-00"	6+00.00	329.17	58°-20'-00"	716.78	83.87	
C	11°-00'-00"	6+00.00	18.20	181.87	353.17	4.87	
D	71°-00'-00"	14+30.00	379.41	484.02	331.72	89.44	
E	32°-00'-00"	14+30.00	287.01	378.31	1033.82	41.73	
F	24°-00'-00"	17+00.00	121.10	325.70	273.40	13.33	
G	44°-00'-00"	18+00.00	145.15	275.00	330.27	28.71	
H	48°-00'-00"	18+00.00	158.87	300.00	383.07	31.56	
I	18°-00'-00"	18+00.00	88.13	80.77	378.31	655.55	



North Dakota Highway No. 10 Right-Of-Way

S. 89°-39'-50" W. 2639.37'

Section Line
Southeast Corner
Sec. 32, T. 139 N., R. 79 W.



PARCEL ID: 32-139-79-16-03-080 OWNER: ZANDER, JESSE & JENNIFER; JOB, DAVID A ACRES: 2.12
SITE ADDRESS: 7920 BIRCHCREST DR
MAIL ADDRESS: %ZANDER, JESSE & JENNIFER 7920 BIRCHCREST DR, BISMARCK, ND 58501
LEGAL: BROOKFIELD ESTATES Block 03 LOT 8 757135

ITEM

8

Splonskowski, Mark D.

From: Cameron, Stephen <scameron@burnsmcdonnell.com>
Sent: August 25, 2025 10:19 AM
To: Splonskowski, Mark D.
Cc: Farr, Kenneth L; Albrecht, Paulette
Subject: Burleigh County Tract 3231
Attachments: 2024-12-06_WBI_Survey Info Brochure.pdf; 3231-Burligh County Map.pdf

 You don't often get email from scameron@burnsmcdonnell.com. [Learn why this is important](#)

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

Good morning, Mark.

Here's a map of the County tract at the proposed Missouri River crossing. WBI is planning an HDD bore that would begin on the east side of HWY 1804 and extend west to the other side of the river. I just spoke with the engineers, and they are discussing test bores for this location and suggested that there would be no test bores on the county tract. Those test bores would likely be conducted on the east side of HWY 1804. It looks like there would be no surface disturbance on the county tract, so currently we are only requesting survey permission on the county property. These surveys would include wetland, archeological, biological and civil survey teams.

I've attached a map of the river crossing showing the county tract, etc. I've also included a survey brochure.

I look forward to the call Sept. 3 at 5 pm. Let me know if you need anything else.

Steve

Steve Cameron

Assistant Project Manager

[Burns & McDonnell](#)

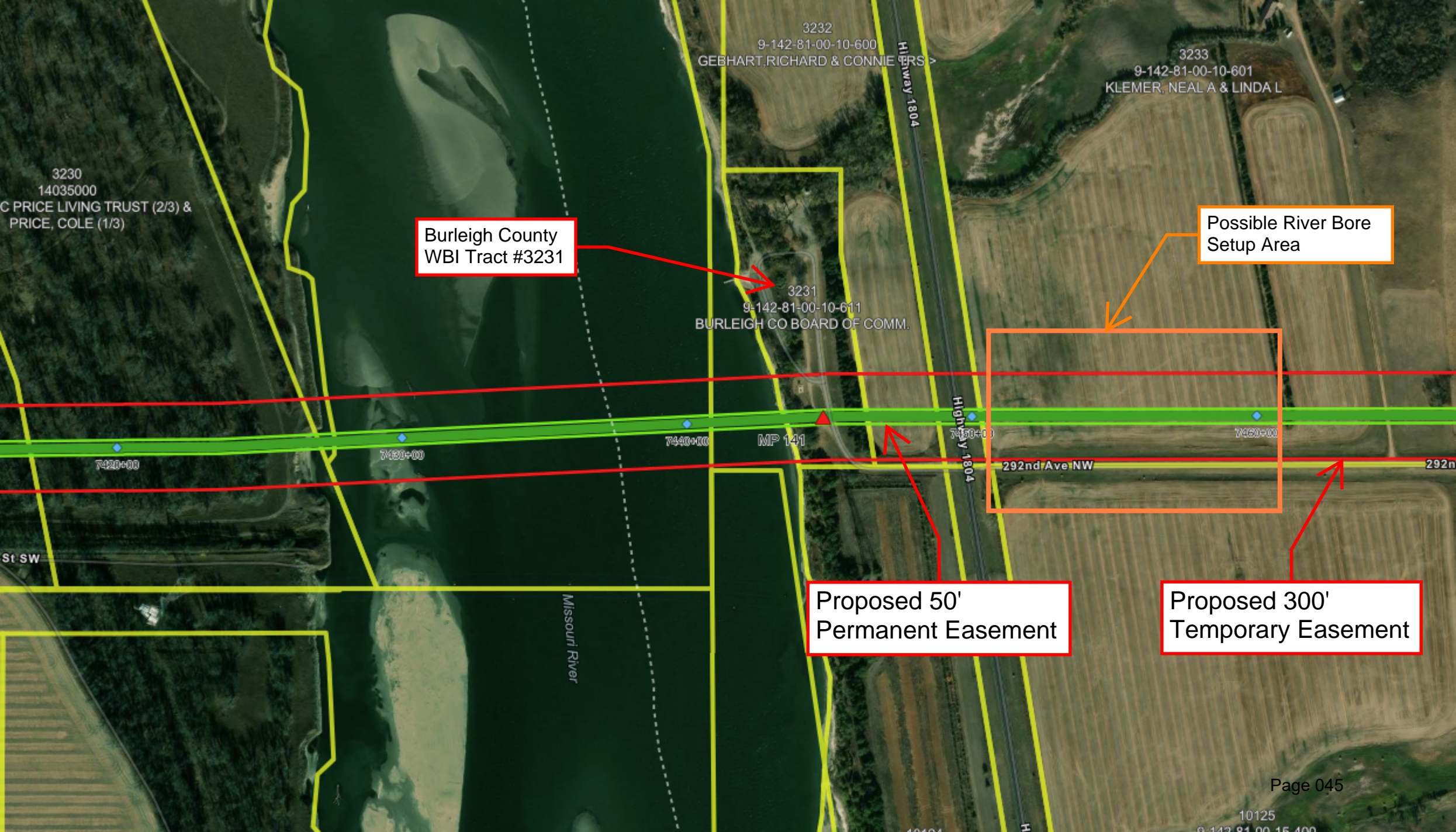
3255 Greensboro Dr, Ste 104, Bismarck, ND 58503

(

E s



[Explore career opportunities >](#)



Burleigh County
WBI Tract #3231

Possible River Bore
Setup Area

Proposed 50'
Permanent Easement

Proposed 300'
Temporary Easement

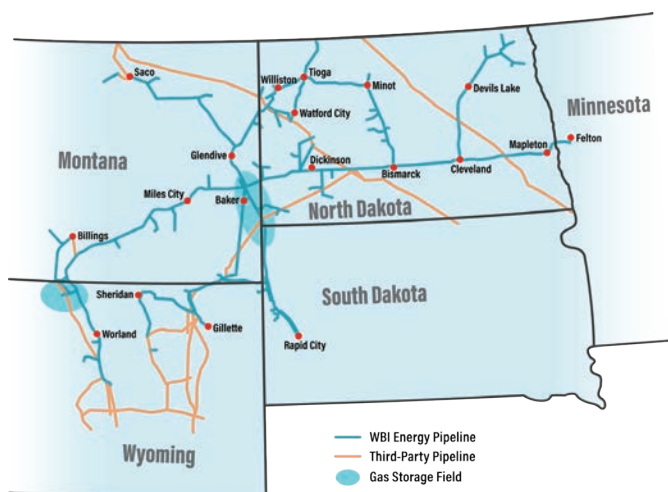
Introduction

WBI Energy currently owns and operates approximately 3,800 miles of natural gas transmission and gathering pipeline spanning major portions of North Dakota, South Dakota, Minnesota, Montana and Wyoming. These operations deliver much-needed natural gas to the city gates of the cities and towns in the region as well as to a number of large-scale industrial operations.

WBI Energy has headquarters in Bismarck, North Dakota, with an operations center in Glendive, Montana.

The Company is part of the MDU Resources Group, Inc. family of companies. MDU Resources, a member of the S&P SmallCap 600 index, provides essential products and services through its regulated energy delivery businesses. Founded in 1924 as a small electric utility, MDU Resources has grown to serve nearly 1.2 million customers across eight states. The Company operates in the Pacific Northwest and Midwest, constructing and operating infrastructure that delivers natural gas and electricity that energizes homes and businesses. For more information about MDU Resources, visit www.mdu.com.

WBI Energy pipeline system map



Why are surveys necessary?

Having accurate, current information on the proposed pipeline route is necessary for regulatory permitting processes and to identify appropriate construction and restoration techniques. Some information is found in maps, aerial photos, and public records, but certain types of data must be collected on site.

What do you look for in the field?

This varies depending on the scope of the project, the types of properties crossed, and regulatory requirements. We typically conduct civil, archaeological and wetland delineation surveys.

Other studies, such as surveys for vegetation types, stream crossings, habitat, sensitive species, or soil types, also may be necessary.

How will the surveys affect my property?

Civil and environmental field studies cause little or no disruption to landowners. Field crews will walk the study area across your property. In some cases the crews may need to excavate small holes, which are filled back in, or leave small stakes or flagging tape behind until all surveys are complete. Disturbance to your property is minimal and short term. We will ask your permission and notify you prior to conducting a field survey on your property.

What is a civil survey?

Civil survey crews (teams of two to three people) will survey the proposed pipeline route, often placing stakes and lath at defined intervals along the proposed pipeline centerline. These stakes are typically embedded about a half-foot into the ground and extend about three feet above the ground. They are marked with bright orange paint to make them clearly visible and serve as a guide to other specialists who need to acquire field information in the same area. Survey crews will use all-terrain vehicles during the civil survey.

What does an archaeological survey entail?

Archaeological surveys document the presence of prehistoric and historic artifacts and structural remnants within the study area. Professional archaeologists (teams of three to six people) walk across the study area and look for artifacts on the surface. Small shovel tests or auger tests are excavated by hand if visibility of the ground surface is obscured by vegetation or if there is a likelihood of buried artifacts (including in agricultural lands). Shovel tests are typically about 14 inches in diameter by 2 to 3 feet in depth. Auger tests are typically about 4 inches in diameter by up to 6 feet in depth. Soils from shovel and auger tests are screened and artifacts are collected. The holes are then filled and sod, if present, is replaced.

What if an archaeological site is found on my property?

In most cases, the archaeological sites found in the study area will have been disturbed by previous activity (such as plowing). Sometimes a site is found that can yield important information about the past. In this case, WBI Energy's archaeologists may need to return to your property to conduct additional work. Our land agent will contact you if this is necessary, and explain the type of work that will need to be completed.

Artifacts found on your property belong to you. Once the artifacts have been studied, they will be returned at your request. Because some artifacts may have educational value, WBI Energy supports the donation of rare or significant artifacts to a state repository (such as a museum). If you choose to donate, WBI Energy will make arrangements to curate your artifacts. On rare occasions, human remains and associated artifacts may be found. In these instances, state law protects these unmarked cemeteries. WBI Energy will treat any discoveries of human remains in accordance with state law.

What is wetland delineation?

Delineation, or mapping of wetlands, helps identify where permits are needed and what types of construction and restoration methods will be necessary. Typically, teams of two to three people walk the route to perform a visual check and conduct limited soil probes. Teams will sometimes leave flagging tape or small stakes behind, marking areas that may require further survey. These temporary markers will be removed shortly after completion of the survey work.

What happens if a wetland is delineated on my property?

If a wetland is delineated on your property, WBI Energy will need to use special construction and restoration methods on that section of the right-of-way. The delineation of wetlands does not affect or alter your use of the land, and future uses will remain your prerogative, subject to existing regulations.

What other kinds of work may be necessary?

WBI Energy may need to conduct surveys for vegetation types, stream crossing, habitat, sensitive species, or soil types, or conduct other field work depending on site-specific needs. To the extent feasible, multiple surveys will be coordinated to limit visits to your property (e.g., vegetation and stream crossings may be documented during the wetland delineation survey). Information collected during the surveys will be used to identify appropriate construction and restoration methods. Regardless of the type of fieldwork, you will receive advance notice from a land agent. In all cases, WBI Energy's survey methods will be low-impact and cause minimal disruption.

Why survey for endangered species?

If it appears that protected species (or habitat for these species) may be present on your property, regulatory agencies may require WBI Energy to field-verify the presence of those species or habitat. If endangered species or habitat are identified on your property, the agencies will be notified and WBI Energy will be required to work with the agencies to determine the best method of construction in these areas.

What if a survey results in damage to my property?

WBI Energy's environmental surveyors have extensive experience in completing work on private property and are careful not to disturb crops or livestock, or damage properties. Surveyors carry liability insurance, and WBI Energy will fairly compensate you for damages if any should occur.



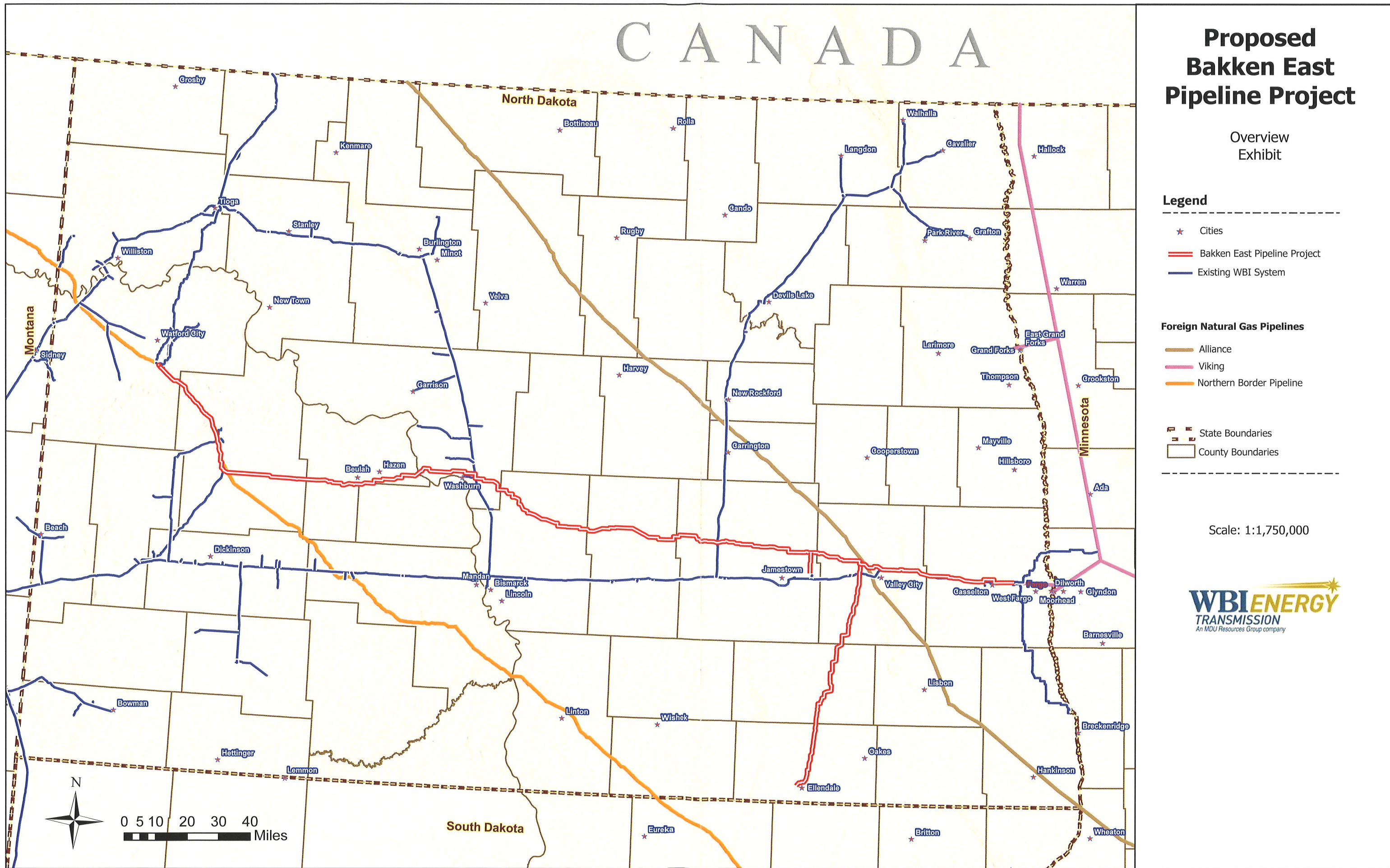
For more information on this project:

Please call 1-888-451-1119
or email contact@wbienenergy.com.



1250 W. Century Ave.
Bismarck, ND 58503
contact@wbienenergy.com

www.WBIENERGY.com



ITEM

9



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Request for County Commission Action

Date: August 21, 2025

To: Mark Splonskowski
Burleigh County Auditor

From: Kelly Leben 
Burleigh County Sheriff

Re: Burleigh East Renovation Project Update and Fund Commitment

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

Action Requested:

Update on the proposed renovation of the Burleigh County property at 2000 N 52nd St. and discuss committing additional funding to mitigate water issues discovered during summer rain event.

Background:

Burleigh County Sheriff's Department began the process for remodeling the building identified as Burleigh East located at 2000 N 52nd St. Renovation began in the basement and is nearing completion. Work will commence very soon on the main level. One of the summer rain events resulted in water seepage in the lower level of the building. Further inspection indicated that this issue had occurred prior and has gone on undetected and unmitigated.

Recommendation:

It is recommended that the County Commission discuss the issue and determine potential funding sources for the mitigation and repairs.

Proposed Resolution:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to commit the identified funds for renovation of the described property.

COURTHOUSE

514 E. Thayer • PO Box 1416

Bismarck, ND 58502-1416

P 701-222-6651 • F 701-221-6899

 www.facebook.com/BurleighCountySheriffsDepartment

BURLEIGH MORTON DETENTION CENTER

4000 Apple Creek Road • PO Box 2499

Bismarck, ND 58502-2499

P 701-255-3111 • F 701-258-5319

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ITEM

10



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

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Commission.
Re: Findings of Burleigh County Planning Commission
Date: 8-26-2025
From: Mitch Flanagan, Burleigh County Planning Director. 

ITEM 1

Special Use Permit to Move a Residential Building.

On August 13, 2025 a public hearing was held for Luke Sabot to move a single-family home from 7801 52nd Street NE. Burleigh County to their property at 8251 52nd Street NE.

Moving a building requires the approval of a special use request.

The proposed home is 1,638 sq./ft. and meets the minimum requirements of Article 12 as a single-family dwelling.

The application for the Special Use Permit was recommended for approval by a vote of 8-0.

ACTION REQUESTED:

Consider to approve the Special Use Permit for moving a Residential Structure.

Attachments:

Ex. 1- Site Location Map

Ex. 2- Ex. 2 Photos

Ex. 3- SUP Sabot

Special Use Permit – Sabot House Move



BURLEIGH COUNTY

STATE OF NORTH DAKOTA

Building and Planning Department
221 N. 6th St.
Bismarck, North Dakota 58506
Phone: 701-221-3727

PERMIT NO. 25- 003

BURLEIGH COUNTY SPECIAL USE PERMIT to allow the moving and placement of a single-family dwelling in: SECTION 6 N1/2N1/2NW1/4 06-139-79 Gibbs Township Range 79 Burleigh County, North Dakota.

The Burleigh County Board of Commissioners has granted a Special Use Permit to allow the moving and placement of a single-family dwelling in Section 6 Gibbs Township Range 79 Burleigh County, North Dakota

This Special Use Permit is subject to the following conditions:

Move and place a single-family residential building at 8251 52nd Street NE.

Approved by the Burleigh County Board of County Commissioners on: September 3, 2025

Attest:

Mark Splonskowski, Burleigh County Auditor

ITEM

11

At the August 20, 2025, meeting of the Missouri Valley Complex Committee (MVCC) a request was made on behalf of the Equestrian and Ag Committee, that the MVCC support a request to establish a **Development and Operating Agreement** with the Burleigh County Commission for the Equestrian and Ag Center project at the Missouri Valley Complex.

The Motion was made by Committee Member Alan Heim, that the MVCC supports the request of the Equestrian and Ag Committee to develop a Development and Operating Agreement with the Burleigh County Commission for the Equestrian and Ag Center at the Missouri Valley Complex and forward it to the County Commission.

The motion was seconded by Marie Horning.

The motion was approved. 8 yeas, 1 no. 1 member absent.