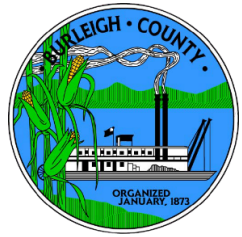




Lincoln, Fort Rice, Riverview, Florence Lake, Burnt Creek, Canfield, Lyman, & Phoenix
Unorganized Townships



Burleigh County Commission Meeting Agenda

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

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

January 6, 2025

5:00 PM

Invocation and Pledge of Allegiance presented by Chaplain.

COUNTY WEED BOARD

1. Roll Call of members.
2. Approval of agenda
3. Consideration of November 18, 2024, Meeting minutes.
4. Burleigh County Weed Officer Johnson:
 - a. Opening and reading of right of way bids.
5. Other Business
6. Adjourn.

COUNTY COMMISSION

1. Meeting called to order, board reorganization (election of chair & vice-chair) and assignment of portfolios.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration of the December 2nd, 2024 minutes, December 4, 2024 special meeting minutes December 23, 2024 special meeting minutes and December 16th, 2024, meeting minutes and bills.
5. Consent Agenda:
 - a. Abatements.
 - b. Waiving of delinquent taxes and specials related to annual tax sale.
6. County Planner Flanagan:
 - a. Rath Subdivision.

7. County Engineer Hall:
 - a. Authorization to advertise for bids.
8. Continuation of discussion regarding Auditor/Treasurer.
9. Chairman Bitner:
 - a. Burleigh County Investment Discussion.
10. Other Business.
11. Adjourn.

The next regularly scheduled Commission meeting will be on January 21st, 2025.

Mark Splonskowski
Burleigh County Auditor/Treasurer

COUNTY

WEED

BOARD

**BURLEIGH COUNTY WEED BOARD
MEETING MINUTES
NOVEMBER 18, 2024**

5:00 PM

Chairman Bakken called the Burleigh County Weed Board meeting to order.

A roll call of members: Commissioners Munson, Woodcox, Bitner, Schwab, and Chairman Bakken present.

Motion by Comm. Bitner, 2nd by Comm. Munson to approve the agenda. All present voted "AYE". Motion carried.

Motion by Comm. Schwab, 2nd by Comm. Munson to approve the October 4th, 2024, meeting minutes. All members present voted, "AYE." Motion carried.

County Weed Officer Johnson came forward to discuss the chemical application bids for the 2025 season. Johnson explained that there were some details & parameters in previous contracts that he felt weren't specific enough and wished to clarify in future bids. Johnson also mentioned that he planned to remove details in future bids that no longer apply/aren't necessary moving forward. A consensus was reached among the board members to some language changes. No further action was taken.

Johnson also informed/updated the Board about having a generator for the distribution center, saying that after checked in with an electrical inspector, an outside generator with an extension cord and temporary heater is fine as long as the county uses its better judgement . A consensus was reached among the board members to allow Johnson to move forward with purchasing a generator from the TAG program. No further action was taken.

Meeting adjourned.

Mark Splonskowski, Auditor/Treasurer

Steve Bakken, Chairman

ITEM

4

COUNTY

COMMISSION

2024 Commissioners and Portfolios

Chair

Brian Bitner
221 N 5th St
Bismarck, ND 58501
701-226-3456 (cell)
Dec 7, 2020 - Dec 2, 2024

[E-mail](#)

Portfolios:

- Auditor/Treasurer
- Bismarck Planning & Zoning Commission (ex-officio member)
- Building/Planning/Zoning
- Buildings, Grounds & Abandoned Cemeteries
- Emergency Management
- Finance
- Human Resources

Vice Chair

Steve Bakken
221 N 5th St
Bismarck, ND 58501
701-781-0021 (cell)
September 13, 2023 - Dec 2, 2024

[E-mail](#)

Portfolios:

- Bismarck Renaissance Zone Authority
- Bismarck-Burleigh Joint Committee
- Central Dakota Communications Center (911)
- Council on Aging/Senior Adults Program
- Government Coordination & Community Involvement: Intergovernment Committee
- Human Service Zone (Social Services)

Commissioner

Wayne Munson
221 N 5th St

Bismarck, ND 58501
701-400-0010
December 5, 2022 - December 7, 2026

[E-mail](#)

Portfolios:

- Building/Planning/Zoning
- Burleigh/Morton Detention Center Board
- County Parks
- Government Coordination & Community Involvement: Bismarck Mandan Chamber EDC
- Home Rule Charter
- Lewis and Clark Regional Development Council
- Missouri Valley Complex
- Public Health
- Veterans Services

Commissioner

Steve Schwab
221 N 5th St
Bismarck, ND 58501
701-220-0741
December 5, 2022 - December 7, 2026

[E-mail](#)

Portfolios:

- Extension
- Highway Department
- Metropolitan Planning Organization
- Weed Board

Commissioner

Jerry Woodcox
221 N 5th St
Bismarck, ND 58501
701-202-0189
December 5, 2022 - December 7, 2026

[E-mail](#)

Portfolios:

- Burleigh/Morton Detention Center Board
- County Library
- Recorder
- Sheriff's Office
- State's Attorney
- Superintendent of Schools
- Water Resource Board

**BURLEIGH COUNTY COMMISSION
MEETING
DECEMBER 2ND, 2024**

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

Administration of Oath of Office by Judge Feland for re-elected Commissioners Brian Bitner and Steve Bakken

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

Roll call of the members: Commissioners Woodcox, Munson, Schwab, Bakken, and Chairman Bitner were present.

Several revisions were made to the agenda. Firstly, item 7A on the agenda regarding clarification on the First Quarter 2024 investment report by County Auditor/Treasurer Splonskowski was removed. Secondly, the discussion on the CO2 pipeline was moved up to be had after the approval of the consent agenda. Thirdly, an item regarding an investigation report was added to item 13 (formal grievance discussion by Comm. Munson). Lastly, an item regarding human services appointments by the request of Comm. Bakken was added under "other business". Motion by Comm. Munson, 2nd by Comm. Bakken to approve the meeting agenda as amended. All members present voted "AYE". Motion carried.

Motion by Comm. Schwab, 2nd by Comm. Munson to approve the November 18th, 2024 meeting minutes and bills, including an amendment to the November 18th minutes regarding a correction to the location of the 236th Street bridge. All members present voted, "AYE". Motion carried.

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

Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
Sprynczynatyk, Michael & Richard	2023	S20' of E75' of Lot 11 & E75' of Lots 12-13	Error in property description	\$129,200	\$109,000
Sprynczynatyk, Michael & Richard	2024	S20' of E75' of Lot 11 & E75' of Lots 12-13	Error in property description	\$129,200	\$109,000
Old Dominion Freight Line Inc	2022	Lot 26, Block 1, Northern Plains Commerce Centre 2nd Addn	Error in property description	\$4,130,000	\$3,221,400
Old Dominion Freight Line Inc	2023	Lot 26, Block 1, Northern Plains Commerce Centre 2nd Addn	Error in property description	\$4,501,700	\$3,511,300
Old Dominion Freight Line Inc	2024	Lot 26, Block 1, Northern Plains Commerce Centre 2nd Addn	Error in property description	\$4,740,900	\$3,700,000
Douglas & Karen Sokolofsky	2024	Lot 12, Block 1, North Hills 13th	50% Homestead Credit	\$445,500	\$345,500
Ronald & Laurie Jensen	2023	Lots 1-2 less N 59'(or S 55.08' of Lots 1-2), Block 6, Riverview	50% Homestead Credit	\$214,000	\$114,000
Carma Branch and Leslie Edison	2024	Lot 9, Block 11, Highland Acres	100% Homestead Credit	\$265,100	\$65,100
Dana Clairmont c/o Dana Breiner	2023	Lot 4, Block 21, Morningside Heights	100% Disabled Persons Credit	\$113,400	\$13,400
Thomas & Twylla Rausch	2024	Block 85, McKenzie & Coffin's, W30' of S15' of Lot 7, W30' of Lots 8-12, E10' of alley adj on W; E15' of Lot 42 all lots 43-44 & W10' alley adj Lot 44	100% Homestead Credit	\$358,100	\$158,100
Susan Lemke	2023	Lot 20, Block 2, Eastside Heights	100% Homestead Credit	\$260,700	\$60,700
Susan Lemke	2024	Lot 20, Block 2, Eastside Heights	100% Homestead Credit	\$272,200	\$72,200
Dennis & Paula Duffield	2023	Lot 13, Block 3, Cottonwood Lake 4th & undivided interest in Lot 32, Block 1	50% Homestead Credit	\$434,800	\$334,800

Motion by Comm. Woodcox, 2nd by Comm. Bakken to approve the Michael & Richard Sprynczynatyk (2), Old Dominion Freight Line Inc (3), Douglas & Karen Sokolofsky, Ronald & Laurie Jensen, Carma Branch and Leslie Edison, Dana Clairmont c/o Dana Breiner, Thomas & Twylla Rausch, Susan Lemke (2), and Dennis & Paula Duffield abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

The Commission decided via consensus to hold a special meeting/executive session at 10am on Wednesday, December 4th to discuss potential litigation and appeal of Summit Carbon Solutions' CO2 permit. Chairman Bitner then once again opened the floor for public comment on the CO2 pipeline situation. Public comments about Summit and its pipeline were shared by Jeff Jennings, Curtis Jundt, Gary Anderson, and Kevin Schieve.

County Finance Director Jacobs provided a follow up on the first quarter 2024 Investment report discussion from the last meeting regarding the BND National Bank CD maturation on March 28, 2024, which was not deposited in the Wells Fargo account until April 12, 2024. The delay was not due to BNC National Bank, the check was sent the day the CD matured. The County did not process the check for 7-10 days. Comm. Munson asked about the makeup of the investment committee and how often they meet. Director Jacobs stated membership includes the Finance Director, Deputy Finance Director, Auditor/ Treasurer, and the Deputy Auditor/Treasurer. The Committee met in February, May, and September of 2024. There are no set meeting requirements. Investment recommendations included budgeted interest revenue, timely investments, better following investment policy and suggestions on how to follow the policy with action items.

County Auditor/Treasurer Splonskowski asked for a clarification on the 2025 final budget, as Burleigh County doesn't collect any reserves for the Water Resource District. In order to buy them down, the county would need to use \$66,038 in general fund dollars or force the Water Resource District to use their own reserves for that amount to do so. After some deliberation, a consensus was reached among the commissioners to collect the same dollar amount for the Water Resource District as last year but not give them any general funds. No further action was taken. Splonskowski then presented to the Commission an amended 2025 meeting calendar, which replaced the Wednesday, January 22nd, 2025 meeting with a Tuesday, January 21st, 2025 meeting due to a conflict in scheduling. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the amended 2025 meeting calendar. All members present voted "AYE". Motion carried.

County Engineer Hall presented a concurrence letter from the NDDOT about the Highway 10 mill project, which requested that Burleigh County concur with the estimated cost-sharing amount for the project; Hall then presented to the Commission a proposed resolution for approval. Motion by Comm. Schwab, 2nd by Comm. Munson to approve Hall's proposed resolution. All members present voted "AYE". Motion carried. Hall subsequently requested Commission approval for the Highway Department to look for consultant engineering firms willing to assist in the Highway 10 project. Motion by Comm. Munson, 2nd by Comm. Bakken to approve Hall's request for consultant engineering. All members present voted "AYE". Motion carried. Hall lastly asked for approval from the Commission to authorize the Highway Department to advertise for annual bids. Motion by Comm. Woodcox, 2nd by Comm. Schwab to authorize the advertisement of bids by the Highway Department. All members present voted "AYE". Motion carried.

Kim Ripple from Bismarck-Mandan MPO and MPO consultant Jason Carby from HDR presented to the Commission the Arrive 2050 Metropolitan Transportation Plan, which aims to improve the local transportation network through expansion or maintenance, and requested the Commission approve the Arrive 2050 Metropolitan Transportation Plan through a resolution of receipt. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the Arrive 2050 Metropolitan Transportation Plan with an amendment to correctly identify the county chair. All members present voted "AYE". Motion carried.

County Planner Flanagan presented a Wiese Subdivision plat in Gibbs township to the Commission and requested approval by the Commission. Motion by Comm. Schwab, 2nd by Comm. Bakken to approve the Wiese Subdivision plat. All members present voted "AYE". Motion carried. Flanagan then showed a conceptual letter of support by Burleigh County for the Big Sky North Coast passenger rail project for Commission review. Motion by Comm. Bakken, 2nd by Comm. Munson to send a letter of support for the project with an amendment to correct the Chairman's name. All members present voted "AYE". Motion carried.

County HR Director Binder asked for Commission approval of the same list of holidays from 2024 in the new 2025 Holiday Policy. Motion by Comm. Munson, 2nd by Comm. Bakken to approve the 2025 Holiday Policy. All members present voted "AYE". Motion carried.

Chairman Bitner recused himself from the next item, relinquishing chairmanship over to Comm. Bakken. Sheriff Leben gave a brief update on the Burleigh East renovation project, stating that any remaining ARPA funds need to be committed prior to the year's end in order to be used in the project, and spent by the end of 2026. Motion by Comm. Schwab, 2nd by Comm. Munson to authorize remaining ARPA funds and Local Assistance & Tribal Consistency Funds to the Burleigh East renovation project. All members (excluding Bitner) present voted "AYE". Motion carried. Chairmanship was then returned to Comm. Bitner.

Comm. Munson presented to the Commission a formal grievance request by Auditor/Treasurer Splonskowski. Auditor/Treasurer Splonskowski did not have enough copies of the letter he attached with the grievance report form. A consensus among the commissioners was had to move this item to the next Commission meeting. No further action was taken.

State's Attorney Lawyer came up and presented the findings of an internal investigation within the Auditor/Treasurer's office. The investigation originally stemmed from a complaint made on October 5th, 2024, about text messages sent by Auditor/Treasurer Splonskowski being a potential policy violation of the federal Hatch Act. Allegations of a potential hostile workplace environment in the Auditor/Treasurer's office were also included in the investigation following Elections Coordinator Lisa Hart's resignation on October 15th, 2024, and subsequent phone call with County HR Director Binder on October 17th, 2024, but these were subsequently dismissed. In short, 66 text messages were sent by Auditor/Treasurer Splonskowski during work hours to various individuals, telling them "I am just letting you know from the perspective of being the County Auditor for the last year and ahalf please do not vote for Brian Bitner for County Commissioner. If you want more details as to why let me know. Also let your friends know too." When provided with an open records request from the State's Attorney's Office, some but not all the desired material were provided by the Auditor/Treasurer. Splonskowski indicated to Lawyer that he did not believe that his personal opinions sent on his personal phone met the criteria of an open record, and that he didn't believe that as an elected official that the Hatch Act applied to him. Lawyer determined that the Hatch Act does in fact apply to elected officials, and that she believed the Auditor/Treasurer did violate the Hatch Act, as he used his position to try and influence an election result via the text messages. Only the U.S Office of special Council can determine if there in fact was a violation, but if there was, it could cost the County two years' worth of the individual's salary which would be taken off the loan or grant if they remain employed by the County. Since the Auditor/Treasurer cannot be terminated from his position as he is an elected official and there is very little the Commission can effectively do in terms of discipline, Lawyer recommended that the Auditor/Treasurer attend Secretary of State elections training for Hatch Act compliance, as well as remedial training regarding open records/meetings. Chairman Bitner

recused himself from the discussion and again relinquished Chairmanship over to Comm. Bakken. As the commissioners talked about how to ensure/verify the Auditor/Treasurer completes the recommended training, the conversation evolved into an open discussion on how to potentially remove the current Auditor/Treasurer from office or eliminate the Auditor/Treasurer as an elected office altogether and convert the position into a Commission-appointed one. Ultimately, motion by Comm. Schwab, 2nd by Comm. Woodcox to table the item for next commission meeting. All members (excluding Bitner) present voted "AYE". Motion carried. Chairmanship was then returned to Comm. Bitner.

Comm. Bakken gave the floor to Burleigh County Human Service Zone Director Chelsea Flory, who informed the Commission that three positions on the human services board are expiring. Flory requested the Commission approve the reappointment of Senator Dick Devers and Trevor Vennett to the board and to open Leslie Percy's position up for applications, as she is not seeking reappointment. Motion by Comm. Munson, 2nd by Comm. Bakken to approve the reappointment of Senator Dick Devers and Trevor Vennett, open Percy's position up for applications, and for Comm. Bakken to retain the portfolio of the human services board until portfolios change. Comm. Munson, Schwab, Bakken, and Bitner voted "AYE"; Comm. Woodcox abstained. Motion carried.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

DRAFT

BURLEIGH COUNTY COMMISSION
SPECIAL MEETING
DECEMBER 4, 2024

10:00 AM

Meeting called to Order.

Chairman Bitner via telephone, Commissioners Bakken, Woodcox, Munson and Schwab.

Motion by Comm. Munson to enter into executive session, 2nd by Comm. Woodcox, all members present voted, "AYE." Motion Carried.

The Commission then entered executive session per **N.D.C.C. § 44-04-19.1(9)** regarding Carbon pipeline litigation 10:02 AM.

The Commission adjourned the executive session at 10:45 AM and reconvened into open session.

Motion by Comm. Munson 2nd by Comm. Woodcox to move forward with consensus reached in executive session. All members present voted, "AYE." Motion carried.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
SPECIAL MEETING MINUTES
DECEMBER 23, 2024**

11:00 AM

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

Roll call of members: Comm. Bakken, Schwab, and Chairman Bitner were present, with Comm. Woodcox and Munson also present via conference call.

County Finance Director Jacobs started the discussion surrounding the county's ARPA funds. Jacobs shared that the Finance Department and the State's Attorney's Office had discussed options for obligating the ARPA funds by the year's end. The Finance Department discovered that the creation of a memorandum of understanding (MOU) would be sufficient to cover the county per Treasury guidance, and subsequently forwarded this information to the State's Attorney. Jacobs also suggested that if the MOUs don't work, the county could rely on revenue replacement within the ARPA program.

State's Attorney Lawyer then came forward and presented copies of a draft of the MOU to the Commission. Lawyer mentioned that two small changes were made to the MOU draft. Firstly, adjustments were made to the budget numbers to ensure the figures would include all the funds needed for the project and are as follows: the budget of the Highway Department is listed as \$1 million, the budget of the Sheriff's Department is listed as \$652,561, and the budget of Emergency Management is listed as \$6,214,739. Secondly, in each of the MOUs under the budget, the phrase *"...in addition to any funds previously obligated for this project."* was included. When Lawyer asked the Commission for any questions, changes, or modifications on the MOU, Chairman Bitner pointed out that a line in both the Sheriff's Department and Emergency Management's MOU read "for good and services" and said it should have just said "goods". Lawyer acknowledged the error and said she will make that change.

Motion by Comm. Bakken, 2nd by Comm. Schwab to approve the MOU as presented. All members present voted "AYE". Motion carried.

State's Attorney Lawyer presented a discussion regarding a request for an audit of the Burleigh County finances. Lawyer explained that there were some issues noticed by the current Finance Department regarding Burleigh County's bookkeeping of finances – it was noticed that in a previous audit done by the State Auditor's office, money had been marked down as obligated, even though it wasn't contracted, therefore not fulfilling the requirements of obligation. The previous Finance Department had stated that they implemented the changes recommended by the State Auditor's office; however, the same error occurred during the next audit. Lawyer herself had suggested the county should have its books audited to ensure that things aren't being missed, misplaced, or mishandled, either by asking the State Auditor's office to do a typical audit or by hiring a CPA to conduct a forensic audit. Chairman Bitner mentioned that he contacted a number of local firms but had only heard back from one (Eide Bailly) so far and forwarded the information to State's Attorney Lawyer. North Dakota State Auditor Josh Gallion was present at the meeting and was asked by the Commission if he had any input on the situation. Gallion said that there is no missing money from Burleigh County that his office is aware of, but offered to help assist the county should the need arise moving forward on this issue.

Motion by Comm. Schwab, 2nd by Comm. Bakken to inquire from the firms contacted so far on how much a forensic audit of the county's accounts would cost, and to determine whether a competitive bidding process

would be needed. Comm. Bakken, Schwab, and Bitner voted "AYE"; Comm. Woodcox and Munson voted "NAY". Motion carried.

Meeting adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING
DECEMBER 16TH, 2024**

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 Woodcox, Munson, Schwab, Bakken, and Chairman Bitner were present.

Several changes were made to the agenda, mainly the order of items. After the consent agenda, item 10A (CO2 pipeline discussion continuation) was inserted. Item 6 (County States Attorney Lawyer) then became item 9, item 7 (John Fraase) became item 6, item 9 (Auditor/Treasurer Splonskowski) became item 7, and the words "CISA" were added to item 10B (standalone election computer discussion). Motion by Comm. Bakken, 2nd by Comm. Munson to approve the meeting agenda. All members present voted "AYE". Motion carried.

Motion by Comm. Bakken, 2nd by Comm. Munson to table the December 16th, 2024 meeting minutes in order to properly review a revised draft due to unnecessary language in original version. All members present voted, "AYE". Motion carried. Motion by Comm. Schwab, 2nd by Comm. Munson to approve the December 16th, 2024 meeting bills. All members present voted, "AYE". Motion carried.

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

Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
Clayton & Mary Felchle	2023	Lot 18, Block 22, Wachter's 3rd	50% Homestead Credit	\$248,500	\$148,500
Clayton & Mary Felchle	2024	Lot 18, Block 22, Wachter's 3rd	50% Homestead Credit	\$266,400	\$166,400
Robert & Gayle Moyle	2024	S80' of Lots 15-18, Block 4, McKenzie's	50% Homestead Credit	\$294,300	\$194,300
Steven Blakely	2022	1976 Marshfield 66 x 14, VIN# 29553	Mobile home removed	\$7,484	\$0
Steven Blakely	2023	1976 Marshfield 66 x 14, VIN# 29553	Mobile home removed	\$7,983	\$0
Steven Blakely	2024	1976 Marshfield 66 x 14, VIN# 29553	Mobile home removed	\$7,983	\$0
Etta Schue	2024	Lot 11, Block 13, Register's 2nd	100% Homestead Credit	\$277,300	\$77,300
Robert & Jayme Holmberg	2024	Lot 10, Block 1, Horizon Heights 1st	50% Homestead Credit	\$357,000	\$257,000
Kevin & Christine Soule	2024	Block 21, Lounsberry Outlots, Beg pt 500' S & 180' E of NW corner, E 117' S 50' W 117' N 50' to beg	100% Homestead Credit	\$168,600	\$0

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the Clayton & Mary Felchle (2), Robert & Gayle Moyle, Steven Blakely (3), Etta Schue, Robert & Jayme Holmberg, and Kevin & Christine Soule abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

Chairman Bitner gave a brief update on the CO2 pipeline situation, saying that attorneys representing Burleigh County have filed to the courts an appeal of the Public Service Commission decision to approve a pipeline permit to Summit Carbon Solutions within the designated timeframe required by the law. Discussion on Summit Carbon Solutions' CO2 pipeline was then continued from previous meeting(s). Chairman Bitner then once again opened the floor for public comment. Opinions about Summit and its pipeline were had and shared by Charles Tuttle, Tommy Collins, and Curtis Jundt.

John Fraase came up to the Commission and started his talk about the possibility of renaming the municipal courtroom in the county courthouse after former Judge William C. Severin of Bismarck, subsequently giving a presentation about Judge Severin's career and arguing in favor of such a memorial. Comm. Woodcox volunteered to work with Mr. Fraase to help the project along. Motion by Comm. Munson, 2nd by Comm. Bakken to rename the municipal courtroom in the county courthouse in honor of former Judge William C. Severin. Comm. Woodcox, Munson, and Bakken voted "AYE"; Comm. Schwab and Bitner voted "NAY". Motion carried.

Auditor/Treasurer Splonskowski came up and presented to the Commission some clarifications regarding the 2024 First Quarter investment report provided by County Finance Director Jacobs back on November 18th, 2024. The points of clarifications are as follows:

- Firstly, Splonskowski stated that the benchmarks used in Director Jacobs' report did not follow the current investment policy in the Burleigh County Finance Manual. Jacobs' report had compared treasuries against CDs for example rather

than comparing treasuries against treasuries, CDs against CDs, etc., as prescribed in the manual; the report's figures were also based solely on treasuries and had not included CDs or money markets.

- Secondly, Splonskowski informed the Commission that the 2023 yield exceeded the budgeted yield by over \$100,000, and that as of August 2024, Burleigh County investments yielded \$1.1 million beyond what was budgeted. Based on Director Jacobs' report & benchmark, the calculated loss in 2023 only amounted to 0.0088 percent (9/10^{ths} of 1%) and the loss of 2024's 1st quarter likewise only amounted to 0.0018 percent (1/5th of 1%).
- Thirdly, Splonskowski stated to the Commission that on more than one of the investments made in 2024, both Finance Director Jacobs and Deputy Finance Director Schmidt agreed with and supported the various investment decisions made by the Auditor/Treasurer's office. However, the November 18th report later given by Director Jacobs seems to run contrary to these decisions.
- Fourthly, the unmodified opinion of the 2023 annual Audit from the State's Auditor's Office was highlighted to show the Commission that no funds in Burleigh County were mishandled or misplaced.
- Fifthly, Splonskowski further stated that Director Jacobs's report did not take into the consideration the workforce issues and challenges effecting the Auditor/Treasurer's office. Splonskowski refuted a point that was seemingly made in Director Jacobs' report stating that the Auditor/Treasurer's office did not experience any turnover in the 2023 year, as not only did he enter the office of County Auditor/Treasurer on April 1st, 2023, but that multiple hirings and re-hirings took place within the Auditor/Treasurer's office across 2023. Furthermore, Splonskowski also explained that in 2024 the county Commission had transferred several duties historically held by the Finance Director over to his office but did not allow for the addition of new staff help disperse the workload (even removing a proposed accountant position in the Auditor/Treasurer's office during the 2025 preliminary budget). Paired with the office's standard election duties, the Auditor/Treasurer's office – and the Deputy Auditor/Treasurer in particular – suffered from overwork and was thus prevented from researching & pursuing better investment options.

Ultimately, Splonskowski ended by stating that his office exceeded the budgeted yields, and that a combination of improving internal processes, a continued adherence to North Dakota century code, and the addition of new staff to the Auditor/Treasurer's office would greatly help the investment process for Burleigh County.

Tommy Collins approached the podium to express her opinions on Auditor/Treasurer Splonskowski's clarifications.

Splonskowski then presented to the Commission a recap on the November 5th, 2024 general election. Although Elections Coordinator Hart resigned during the general election process, her duties were reallocated within the office and members of the Auditor/Treasurer's office quickly took on more responsibilities to keep the process going. The Secretary of State's office assisted the Auditor/Treasurer's office in finding, correcting, and noting mistakes to prevent them from happening again, and other departments within Burleigh County lent available staff to the Auditor/Treasurer's office to assist in daily election operations. Splonskowski informed the Commission that there were 52,866 ballots cast in total throughout the course of the general election, which included 9,637 absentee votes, 19,065 early votes, and 24,164 votes cast on Election Day. Overall, Burleigh County saw a 69.9 percent voter turnout, which beat the statewide turnout of 62.61 percent.

County Finance Director Jacobs came up the podium and briefly addressed a couple of points before his items. Firstly, he stated that he took exception to any implications/accusations of unethical behavior on his part, and secondly, Jacobs rebutted an earlier point made by Auditor/Treasurer Splonskowski during his clarification presentation. Jacobs clarified that in his report, he never claimed there was no turnover in the Auditor/Treasurer's office during the 2023 year; rather, he had stated that there was no turnover in the Deputy Auditor/Treasurer position specifically.

County Finance Director Jacobs then began an overview of both the 2023 Investment Report and the Q2 2024 & Q3 2024 Investment Returns. Jacobs stated that in 2023, Burleigh County underperformed the benchmark of a similar term investment in US treasuries by \$751,055. The Burleigh County Auditor/Treasurer is also responsible for investing Morton County's sales taxes – in 2023, Morton County underperformed the benchmark by \$77,800. According to Jacobs, Burleigh County underperformed in 2023 mainly due to a failure to invest, a failure to capitalize on rising rates, and poor investment choices. Jacobs then went on to give the county figures for each quarter in 2024:

- In Q1 of 2024, Burleigh County underperformed by \$136,000, with Morton County underperforming by \$26,000.
- In Q2 of 2024, Burleigh County underperformed by \$168,000, with Morton County underperforming by \$19,000.
- In Q3 of 2024, Burleigh County underperformed by \$226,900, with Morton County underperforming by \$38,000. Jacobs gave some clarification as to why the numbers in Q3 of 2024 were so high, the explanation being that Burleigh County at that time was engaged in some bond defeasance activity at the advice of the county's bidding agent. If one were to remove the bond defeasance activity from Q3 of 2024, Burleigh County would underperform only by \$150,000, and Morton County would underperform only by \$25,000.
- In Q4 of 2024, Burleigh County underperformed by \$226,900, with Morton County underperforming by \$38,000.

According to Jacobs, Burleigh County underperformed in 2024 mainly due to a failure to invest and poor investment choices. Jacobs then touched on a couple of examples of a failure to invest along with other minor issues in 2023 under both Auditor Splonskowski and the previous County Auditor/Treasurer Leo Vetter. Jacobs then stood for questions from the Commission.

County States Attorney Lawyer notified the Commission that in September 2024, the Burleigh County victim/witness program was awarded \$110,285 in federal VOCA grants through the state of North Dakota for the period of October 1st, 2024 through September 30th, 2025. Lawyer also stated that in a memo on December 9th, 2024, the state of North Dakota allocated an additional \$50,715 in federal VOCA grants to the Burleigh County victim/witness program for the period of October 1st, 2024 through June 30th, 2025. No further action was taken. Lawyer then continued last meeting's discussion regarding the county's internal investigation within the Auditor/Treasurer's office, mainly regarding the topics of removing a position from office and converting an elected office into an appointed office. Lawyer presented a summary of laws related to removing a position from office, and then went into detail about how petition process works when a petition is submitted to the state governor's office by

either the public or the States Attorney. Additionally, Lawyer gave more insight into the process of what the Commission needed to do according to state law when converting an elected office into an appointed one. Motion by Comm. Munson, 2nd by Comm. Bakken, 3rd by Comm. Schwab to table the item until the next meeting. All members present voted "AYE". Motion carried.

Chris Legenfelder, Charles Tuttle, Curtis Jundt, and Steve Nagel were allowed to approach the podium and express their opinions concerning States Attorney Lawyer's item on the investigation discussion.

Chairman Bitner gave a brief report regarding the county's standalone election computer. Before the election, the Secretary of State's office had discovered that Burleigh County's standalone election computer had been connected to the Internet. Since the Internet connection instantly compromised the computer's internal security and could call into question the integrity of future elections, it had to be removed from the county and returned to its vendor for recalibration. Bitner also highlighted a 'security assessment at first entry' report from August 1st, 2024, written by officials at CISA (Cybersecurity Infrastructure Security Administration) of the Department of Homeland Security. In it, the report mentioned potential issues with the county's standalone election computer.

The Commission then began reviewing for consideration applications of Auxiliary Board members. Positions were open in the following boards & committees: Bismarck Planning Commission for an ETA member (1), Burleigh County Housing Authority (1), Burleigh County Human Service Zone Board (1), Burleigh County Park Board (2), Burleigh County School District Reorganizational Board (3), Burleigh County Water Resource Board (2), and Missouri Valley Complex Committee for a Junior/High School Rodeo Appointee (1). Motion by Comm. Munson, 2nd by Comm. Bakken to reappoint Trent Wangen to the Bismarck Planning Commission as an ETA member. All members present voted "AYE". Motion carried. Motion by Comm. Munson, 2nd by Comm. Bakken to reappoint Cynthia Chavez to the Burleigh County Housing Authority. All members present voted "AYE". Motion carried. Motion by Comm. Bakken, 2nd by Comm. Munson to appoint Keli Berglund to the Burleigh County Human Service Zone Board. All members present voted "AYE". Motion carried. Motion by Comm. Bakken, 2nd by Comm. Munson to reappoint Errol Behm and Jeffery Herman to the Burleigh County Park Board. All members present voted "AYE". Motion carried. Motion by Comm. Bakken, 2nd by Comm. Munson to table the positions for Burleigh County School District Reorganizational Board. All members present voted "AYE". Motion carried. Motion by Comm. Woodcox, 2nd by Comm. Munson to reappoint Roger Smith and appoint Chuck Mischel to the Burleigh County Water Resource Board. All members present voted "AYE". Motion carried. Motion by Comm. Bakken to table the Junior/High School Rodeo Appointee position on the Missouri Valley Complex Committee. A consensus was reached among the commissioners to table the Junior/High School Rodeo Appointee position on the Missouri Valley Complex Committee. No further action was taken.

County Engineer Hall presented to the Commission a pavement waiver request by a couple on Sandy River Drive. This request was essentially a reconsideration of a waiver which had been denied in 2016; the waiver had included a lot split and would've required both the reconstruction and paving of Fernwood Drive. Hall stated that he recommends approval of the current waiver (which will only do a lot split), with an added caveat which states that this approval doesn't preclude the county or township from coming back in the future and requiring the individuals to share in the cost associated with rebuilding Fernwood Drive. Motion by Comm. Bakken, 2nd by Comm. Woodcox to grant the waiver as recommended by Hall. All members present voted "AYE". Motion carried. Hall then began a discussion about the bridge located on 236th St SE, as the deteriorating condition of the bridge's timber deck, beams, and piling are an area of concern. The bridge has a current posted load of 10 tons. Hall stated that the county applied for federal bridge funds from the DOT in 2021 and were approved to receive funds by 2024; however, due to inflation the project and funds were pushed back to 2026. Hall proposed two options on how to tackle the issue. The first option would be to stay on schedule and replace the bridge in 2025, using local funds and tapping into reserve funds to pay for the bridge. The total estimated cost for replacing the bridge would lie between \$900,000 and \$1 million, and the bridge would be completed by the fall of 2025. The second option would be to wait an additional year for those federal funds from the DOT to arrive in 2026 (assuming there are no further delays). With this latter option, the county would be on the hook for only \$250,000 in local funds and the bridge would be completed by the fall of 2026. Hall also highlighted a major concern that the county at some point might need to close the bridge, which would greatly affect the people living in that area due to the bridge being on an important route. A detour route has already been planned and prepared, but all three legs of the detour would need some extra work to be more efficient and safer. Motion by Comm. Munson, 2nd by Comm. Schwab to go with option one and stay on schedule to replace the bridge. All members present voted "AYE". Motion carried.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

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

Abate #	Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
24-730	Vicki L Williams	2024	Lot 3A, Block 10, Sonnet Heights Subdivision	Error in property description	\$271,700	\$261,200
24-735	Sherri Woehl	2024	Block 30, Wachter's 3rd, Lots 17-20 Albert Square Condominiums Unit 1531	100% Disabled Veteran	\$216,900	\$36,900
24-739	Michaela Fuchs & Orlin Perdue III	2024	Lots 17-18, Block 2, McKenzie's	Significant water damage in basement	\$332,100	\$224,800
24-740	Century Baptist Church	2024	Lot 4, Block 2, Mayfair Managers	Property exempt from taxation - parcel fully exempt for 1 month of 2024	\$842,700	\$772,400
24-741	Jorge Santiago	2024	Lot 2, Block 2, Southbay 4th Addition	100% Disabled Veteran	\$255,100	\$210,100
24-742	Robert & Lorraine Faulhaber	2024	Lot 11, Block 1, Heritage Park Addition 1st Replat	100% Disabled Veteran	\$396,800	\$321,800
24-745	Ross Gerhardt	2023	Lot 13, Block 1, Promised Land	Error in property description	\$242,400	\$209,200
24-746	Ross Gerhardt	2024	Lot 13, Block 1, Promised Land	Error in property description	\$248,500	\$218,300
24-747	Kent Stroh & Trang Nguyen III	2023	Lot 1, Block 1, Elk Ridge Addition	Error in property description	\$376,900	\$346,600
24-757	Michael & Karen Lalonde	2024	Lot 13, Block 11, Meadow Valley 3rd	50% Homestead Credit	\$334,800	\$234,800
24-758	Porch & Fence Properties LLC	2024	Block 92, McKenzie & Coffin's, Lot 6 & 6A of Schultz's Subdivision in Lots 21-23 & S 20' of Lot 24	True and full value exceeds market value, error in property description	\$137,100	\$113,700
24-762	Curtis Smith & Marilyn Schroder	2024	Lot 11, Block 7, Imperial Valley	50% Homestead Credit	\$338,800	\$238,800
24-763	Douglas & Carol Alm	2024	Block 3, Cottonwood Lake 4th, Lot 8 & undivided interest in Lot 32 Block 1	50% Homestead Credit	\$417,700	\$317,700
24-768	Thomas & Cynthia Anderst	2024	Lot 9A being part of Lots 3-5, Block 4, Stein's 5th	50% Homestead Credit	\$234,000	\$134,000

Lot 6 Brandon Heights Condominiums Six						
24-774	Janet Frohlech	2024	Unit 205, Block 1, Brandon Heights	100% Homestead Credit	\$228,800	\$28,800
24-775	Keith Greig	2023	Lot 1, Block 2, Prairie Hills	50% Homestead Credit	\$287,200	\$187,200
24-776	Keith Greig	2024	Lot 1, Block 2, Prairie Hills	50% Homestead Credit	\$308,000	\$208,000
24-777	Charlette Middlestead	2024	N 152.11' of Aud Lot F of Lot 3, Block 1, Brandon Heights	100% Homestead Credit	\$308,000	\$108,000
24-778	Dean & Carolyn Miller	2024	Lots 17-20 Albert Square Condos Unit 1523, Block 30, Wachter's 3rd	50% Homestead Credit	\$219,100	\$119,100
24-779	Fred & Charlotte Miller	2024	Block 1, North Mills 6th, Lots 5-6 less W 3.48' of said lots Centennial Condo Unit 210 garage G-35 parking P-12	100% Homestead Credit	\$192,500	\$80,208
24-780	Caroline Monroe	2024	Block 4, East Hills Addn Replat, Lot 8 Baumgartner's Sharloh Loop Condo Unit 12 Garage unit A12 Building A	100% Homestead Credit	\$183,400	\$152,833
24-781	Debbie A Opp Leopold & Kathryn	2024	Lot 13, Block 7, Replat of Calkins	50% Homestead Credit	\$221,600	\$121,600
24-782	Richter	2024	Lots 1-2 less W10', Block 1, Sturgis	100% Homestead Credit	\$203,200	\$3,200
24-783	Richard & Barbara Scott	2024	Aud Lot 3B of Lot 3, Block 17, Sonnet Heights	50% Homestead Credit	\$264,100	\$164,100
24-784	Travis Pederson	2024	1996 Chief Bonnavilla 16 x 80, #NEB69A2490	Mobile home moved to Pierce County in 2023	\$58,100	\$0
24-785	Jaren Bender	2024	1973 Sharva-R 15 x 66, #3911	Mobile home moved to Emmons County in 2023	\$24,000	\$0
24-787	Dorothy Kastner	2024	Block 13, Replat Homan Acres, Lot H of Lot 1 Washington Court Condo Building 215 Unit 9 garage 9	100% Homestead Credit	\$26,000	\$0
24-788	Harley Wagner	2024	1971 Homecrest 67 x 14, #B080388	Mobile home damaged by fire	\$7,204	\$0

24-789	Paul & Shari Huettl	2024	Lot 2, Block 3, Country Creek 1st Block 1, North Hills 6th, part Lots 7-8 Dakota Condominiums unit 325 & garage G-	Basement finish not completed gave 10% obs	\$477,800	\$436,500
24-790	Krystyna Gorzelska	2024	9 & parking space P-22	100% Homestead Credit	\$239,900	\$39,900

LISTED OWNER	PROPERTY ADDRESS	PARCEL ID#	Delq. Taxes + Pen. & Int.	Delq. Specials + Pen. & Int.	TOTAL DELQ. AMOUNT + \$50 FEE(S)	Sold at Auction for	REMAINING TOTAL TO WAIVE
BURLEIGH COUNTY TAX SALE (2022)	622 BOEHM DR	0115-003-100	\$69.12	\$8,101.39	\$8,320.51	\$325.00	\$7,995.51
BURLEIGH COUNTY TAX SALE (2023)	2627 E ROSSER AVE	0655-004-001	\$533.09	\$5,226.84	\$5,859.93	\$20.00	\$5,839.93
BURLEIGH COUNTY TAX SALE (2022)	5117 NORMANDY ST	1516-002-001	\$34.53	\$17,487.96	\$17,672.49	\$1.00	\$17,671.49
BURLEIGH COUNTY TAX SALE (2023)	124 NINA LN	2225-002-150	\$808.83	\$32,295.32	\$33,204.15	\$1.00	\$33,203.15

ITEM

6



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

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Commission.
Re: Recommendations from the December 11, 2024 meeting of Burleigh County Planning Commission
Date: 12-26-2024
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Rath Final Subdivision

Legal Description: Part of the Northwest 1/4 – Section 4, Township 138N, Range 76W.

Property Address: 32051 NE 5th Ave. Sterling ND.

Beginning in September, Burleigh County staff was asked by ILS Surveying to begin review of a four (4) lot subdivision containing 149.44 acres with 4.37 acres dedicated to ROW. Project Size is a total of 153.81 acres. All parcels are zoned A-Agricultural:

- Lot 1 – 10.00 acres
- Lot 2 – 96.60 acres
- Lot 3 – 13.03 acres
- Lot 4 – 29.91 acres

Taft Township approved the zoning and recommended approval of the plat.

At the December 11th public hearing, the Planning Commission recommended approval of the final plat by a vote of 8-0.

ACTION REQUESTED

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

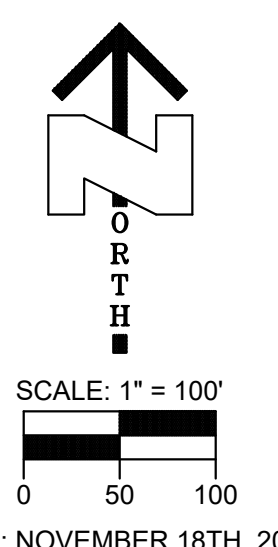
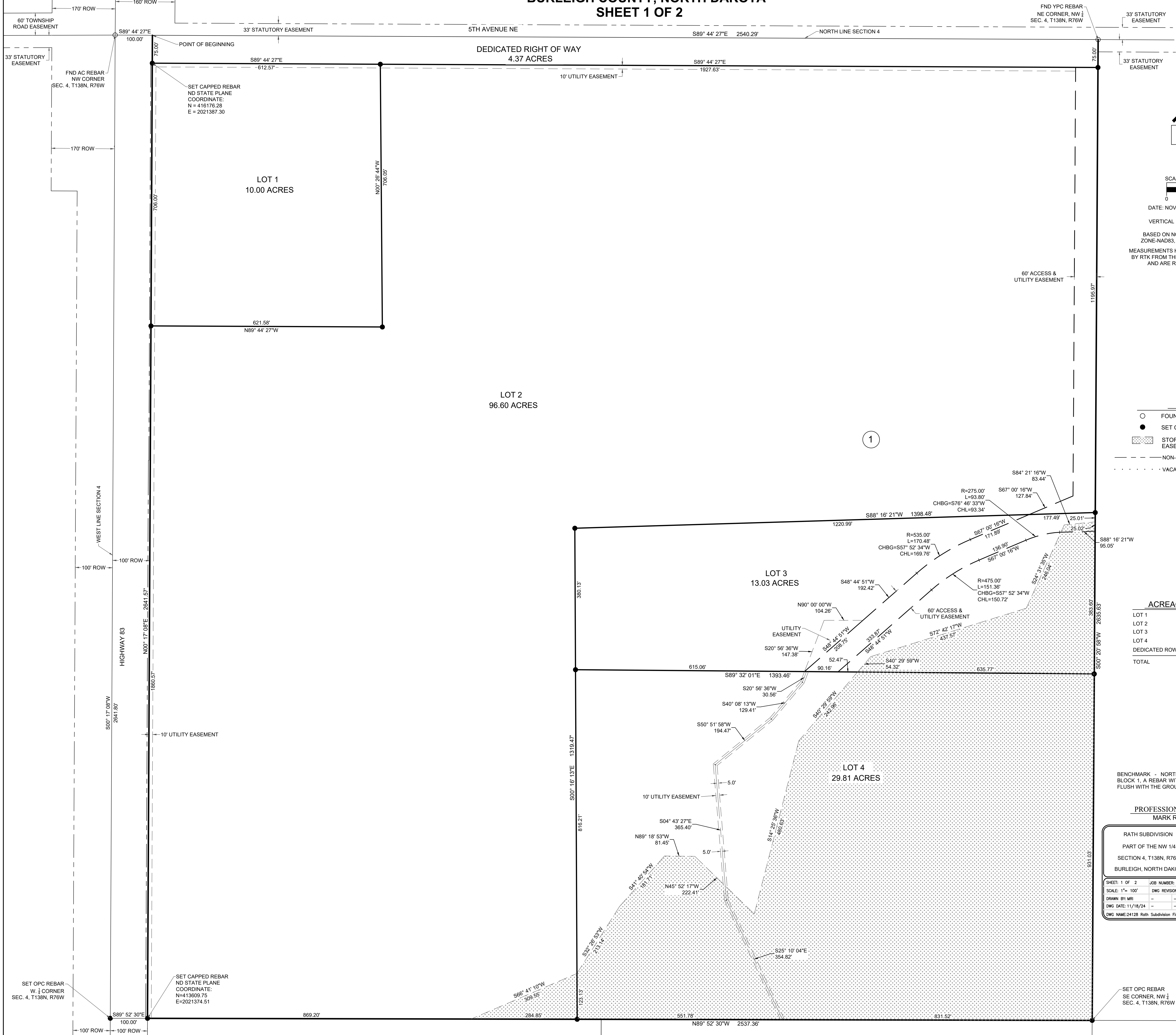
Attachments: Ex. 1 Rath Subdivision Final Plat.
Ex. 2 Site Location.

RATH SUBDIVISION

PART OF THE NW 1/4 SECTION 4, T138N, R76W

BURLEIGH COUNTY, NORTH DAKOTA

SHEET 1 OF 2



DATE: NOVEMBER 18TH, 2024
 VERTICAL DATUM - NAVD 1988.
 BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.
 MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

LEGEND

- FOUND SURVEY MONUMENT
- SET CAPPED REBAR - LS9628
- ▨ STORMWATER AND DRAINAGE EASEMENT
- NON- ACCESS LINE
- ⋯ VACATED PARCEL LINE

ACREAGE TABLE

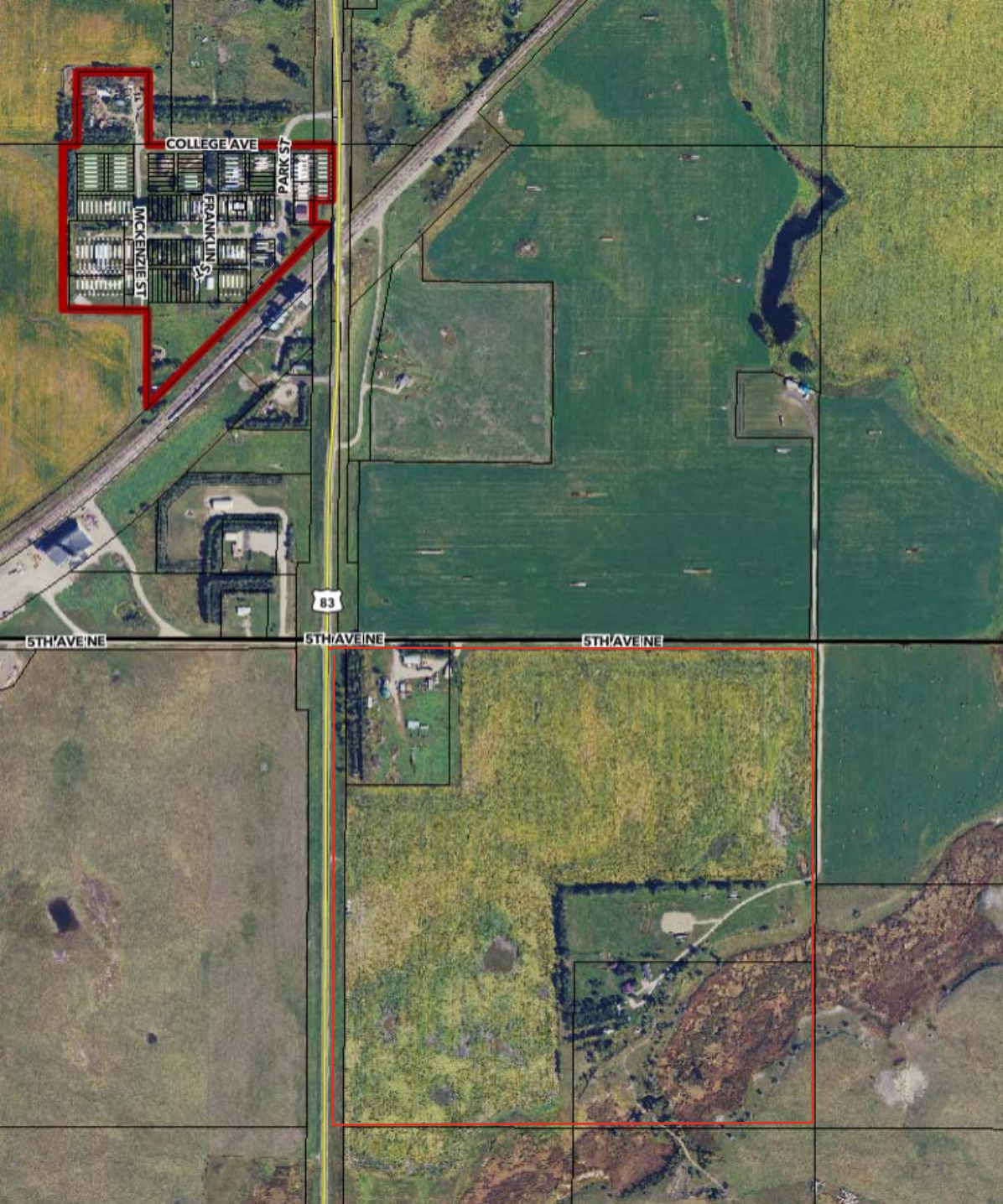
LOT 1	10.00 ACRES
LOT 2	96.60 ACRES
LOT 3	13.03 ACRES
LOT 4	29.81 ACRES
DEDICATED ROW	4.37 ACRES
TOTAL	153.81 ACRES

BENCHMARK - NORTHWEST CORNER OF LOT 1, BLOCK 1, A REBAR WITH ORANGE PLASTIC CAP SET FLUSH WITH THE GROUND. ELEVATION = 1797.22

PROFESSIONAL LAND SURVEYOR
 MARK R. ISAACS, LS-9628

RATH SUBDIVISION PART OF THE NW 1/4 SECTION 4, T138N, R76W BURLEIGH, NORTH DAKOTA		
SHEET: 1 OF 2 JOB NUMBER: 24128		
SCALE: 1" = 100' DRAWN BY: MRI DWG DATE: 11/18/24	DWG REVISION DATES -- --	4215 Old Red Trail NW Mandan, ND 58554 Phone: 701-663-5184 Cell: 701-595-2079 mark@isurveynd.com
DWG NAME: 24128 Rath Subdivision Final Plat.dwg		

SET OPC REBAR
 SE CORNER, NW 1/4
 SEC. 4, T138N, R76W



ITEM

7



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: January 6, 2025

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Authorization to advertise for bids.

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

ACTION REQUESTED:

Authorize the proper County officials to advertise for bids to purchase the RCB Culverts to replace Bridge #08-126-40.0

BACKGROUND:

At the December 16th County Board Meeting, the Board directed the Highway Department to move forward with the replacement of Bridge 08-126-40.0 (located on 236th Street SE, 4.2 miles south of County Highway 10). In order to speed up the replacement of this bridge, it was decided to purchase the RCB Culverts ahead of time and have them ready for the contractor once permits, right of way, and project bidding is complete. The Highway Department is seeking authority to move forward with the bidding of the replacement RCB Culverts.

RECOMMENDATION:

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

PROPOSED RESOLUTION:

THEREFORE, BE IT RESOLVED: That the County Auditor and the County Engineer are hereby authorized to advertise to purchase the RCB Culverts for the Bridge #08-126-40.0 replacement project.

BURLEIGH COUNTY COMMISSION AND PARK BOARD
2025 MEETING SCHEDULE

TOM BAKER MEETING ROOM, CITY/COUNTY BUILDING
221 N 5TH ST, BISMARCK, ND 58501

	<u>DATE</u>	<u>AGENDA</u>
WOODCOX	Jan. 6 21 (Tues)	Regular Meeting – Reorganize/Assign Portfolios 2 nd Meeting
BITNER	Feb. 3 19 (Wed)	Regular Meeting 2 nd Meeting
BAKKEN	Mar. 3 17	Regular Meeting 2 nd Meeting
MUNSON	Apr. 7 21	Regular Meeting 2 nd Meeting
SCHWAB	May 5 19	Regular Meeting 2 nd Meeting
WOODCOX	Jun. 2 16	Regular Meeting/Equalization 2 nd Meeting
BITNER	Jul. 7 21 & 22	Regular Meeting 2 nd Meeting & Preliminary Budget Introduction (8:30 AM)
BAKKEN	Aug. 4 18	Regular Meeting 2 nd Meeting
MUNSON	Sept. 3 (Wed) 15	Regular Meeting 2 nd Meeting/Final Budget Hearing
SCHWAB	Oct. 6 20	Regular Meeting Hearing to establish minimum sales prices for tax sale 2 nd Meeting
WOODCOX	Nov. 3 17 18	Regular Meeting 2 nd Meeting Annual Tax Sale (10:00 AM)
BITNER	Dec. 1 15	Regular Meeting 2 nd Meeting

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

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