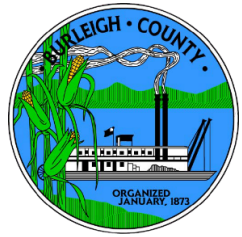




Lincoln, Fort Rice, Riverview, Florence Lake, Burnt Creek, Canfield, Lyman, & Phoenix
Unorganized Townships



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)

October 7, 2024

5:00 PM

Invocation and Pledge of Allegiance presented by Chaplain.

COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration of the September 16, 2024, meeting minutes and bills.
5. Consent Agenda:
 - a. Abatements.
 - b. Applications for licenses, raffles, and special events permits.
6. County Engineer Hall:
 - a. PUBLIC HEARING Vacation of excess Right of Way.
 - b. Consideration of Jake Brake ordinance.
 - c. County Highway 10.
 - d. Authorization to advertise for bids.
 - e. Authorization to sell used Equipment.
 - f. Annual fee schedule.
 - g. Developer Waiver Request.
 - h. Township/County Maintenance agreement.
7. County Planning Director Flanagan:
 - a. Aberle 2nd Subdivision.
 - b. Membership in Government Partners Program.
8. Bismarck/Burleigh Public Health JPA discussion.
9. City Recreation JPA discussion.
10. Garrison Diversion discussion.

11. County Auditor/Treasurer Splonskowski.

- a. Establishment of minimum sales price for property acquired by the County through tax deed proceedings (non-payment of real estate taxes).
- b. Approval of 2025 meetings calendar.
- c. Final budget meeting recap.

12. Comm. Munson:

- a. NDACO Conference.

13. Chairman Bitner:

- a. Provident Building bid package 1 (water line) bid opening is October 10, 2024, 2:00 PM, First floor conference room.
- b. Schedule Special Commission meeting at 3:00 PM to award contract for completion this fall.

14. Other business.

15. Adjourn.

The next regularly scheduled Commission meeting will be on October 21, 2024.

Mark Splonskowski
Burleigh County Auditor/Treasurer

**BURLEIGH COUNTY COMMISSION
MEETING
SEPTEMBER 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, and Chairman Bitner were present, with Comm. Bakken also present via conference call.

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

Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the September 4th, 2024 meeting minutes and bills. All members present voted, "AYE". Motion carried.

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

Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
Connie Ensz	2022	Lot 3 & E 1/2 of Lot 4, Block 9, Riverview	20% Homestead Credit	\$132,300	\$107,300
Connie Ensz	2023	Lot 3 & E 1/2 of Lot 4, Block 9, Riverview	50% Homestead Credit	\$178,900	\$89,450
Dustin & Deann Zaun	2024	Lot 8, Block 5, Island Park Est	True and full value exceeds market value	\$498,500	\$466,200
Kent & Renee Ward	2024	Auditor's Lot B of Lot 1, Block 1, Ash Land Estates	True and full value exceeds market value	\$733,300	\$659,300
Mark & Shirley Voss	2024	Pt sect 28-138-80	Home is uninhabitable	\$108,300	\$43,800

Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the Connie Ensz (2), Dustin & Deann Zaun, Kent & Renee Ward, and Mark & Shirley Voss abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

Comm. Munson brought to the Commission's attention that because the preliminary budget for the remodel of the Provident building was much higher than anticipated, the county should seriously consider other options once the engineers' estimates for the remodel return. No further action was taken.

County Planner Flanagan presented to the Commission for discussion only a consideration of a county fireworks ordinance – particularly about the actual size, noise, and duration of fireworks – and suggested that (if there was incentive) there should be a meeting where the general public can voice their concerns/opinions on the matter, which would be done via the procedures established in the county's home rule charter. This discussion was spurred by a complaint from Burke Strothman of southwest Bismarck, who came to the podium and recounted how this past Fourth of July his neighbors just outside of city limits were shooting fireworks well before and after July 4th and generally being a nuisance. Mr. Strothman also pointed out that the excessive fireworks in the area was also severely affecting the neighborhood's pets and causing them to run away if left outside. At Comm. Woodcox's request, Sheriff Leben came forward and further explained that this issue is not new to Burleigh County; Leben further stated that any meaningful change would either need to come through legislation from the state or from an

ordinance from the county, and even then any talks on limiting fireworks would necessitate discussion with representatives of the firework industry. The Commission gave Flanagan the go ahead to begin the process of developing a fireworks ordinance draft, and suggested he get in contact with commercial businesses with firework permits to appear at public hearings. No further action was taken.

Public Health Director Renee Moch gave an update to the Commission on the Community Health Needs assessment. Moch stated that after conducting surveys and meeting with both CHNA and housing & homeless stakeholders, Bismarck-Burleigh Public Health identified the biggest issues currently impacting the Bis-Man area: a lack of affordable housing, lack of public transportation, the absence of a 24/7 low barrier emergency shelter, and lack of emergency support services for people with addiction and/or mental health issues. Moch suggested that a community triage center would be a huge step in helping those in crisis with mental health and addiction issues, and to better direct them to resources in the area. It was also stated that the Bismarck city commission in their last meeting granted approval to Bismarck-Burleigh Public Health to coordinate talks between Bismarck-Mandan's hospitals, law enforcement, and local government on what a community triage center would look like.

County Engineer Hall gave an update regarding the request for appeal from the September 4th county commission meeting on the Highway Department's denial of a 2nd approach permit by the Misty Waters development. Hall said he was contacted by two officers from the association in Misty Waters after reaching out and was told that they needed more time to talk about the issue. Hall recommended the item be pushed back to next meeting on October 7th. No further action was taken.

Sheriff Leben spoke about the 2024/2025 North Dakota Dept. of Transportation Traffic Safety Grant in the amount of \$18,200 that has been awarded to Burleigh County to fund additional traffic safety enforcement in high-risk areas such as Impaired Driving, Distracted Driving, Occupant Protection, and Speed Enforcement. This is an annual grant reimbursable back to the county. Motion by Comm. Schwab, 2nd by Comm. Munson to participate in this grant. All members present voted "AYE". Motion carried.

Auditor/Treasurer Splonskowski presented to the Commission a new liquor license application for the Crossroads Tavern. Splonskowski stated that the license has new owners and a new agreement attached with it and stated that Hay Creek Township approved the license. Ryan Deichert, the new owner of the Crossroads Tavern, came forward to the podium and addressed the Commission, stating that after purchasing all tangible & intangible assets from the previous owners, Mr. Deichert has overseen the implementation of new lighting in the parking lot, additional cameras, ID scanners, and the hiring of trained security to the establishment; Mr. Deichert made a point however that Crossroads Tavern will continue to maintain the 2 AM closing time currently in place. Sheriff Leben came up again and said after talking with Mr. Deichert, he is confident that Crossroads is doing everything they can to start off on the best foot. Motion by Comm. Schwab to approve the new liquor license application for the Crossroads Tavern only if the closing time was moved up to 1 AM. There was no second; motion died. Motion by Comm. Munson, 2nd by Comm. Bakken to approve the new liquor license application for the Crossroads Tavern as presented. Comm. Munson, Bakken, Woodcox, and Bitner voted "AYE"; Comm. Schwab voted "NAY". Motion carried.

County Finance Director Jacobs came up to continue the discussion once again regarding property tax estimates. Jacobs said that there was an error in some of the estimated tax bills there were sent out, which was why some people were calling in confused about why there were some tax increases. Jacobs said the Finance Department is drafting a response to resolve the issue.

At this point, the Commission opened a public hearing for discussion of the final 2025 county budget, and for any items people wish to touch on before that.

Terry Fleck came to the podium and had some general questions about centrally assessed property, and then about the Burleigh County one cent sales tax.

Dwight Hinkle asked who he can talk to about numbers regarding his tax assessments.

Kristie Rose came forward and gave a quick statement about if normal people can't assess and tell government the value of their properties, then railroad companies and wind farms shouldn't be able to that either. Mrs. Rose also said that we can provide more affordable housing in the community by stopping artificial inflation of property values and stop raising tax because there's money on the table.

Karen Wolfer asked why her home went up 10 percent.

Joel Andres asked if there was anything in the Constitution that says you can't double tax.

Adam Rose came forward and gave a message urging people to talk to their legislators to get answers.

County Auditor/Treasurer Splonskowski then presented the budget to the Commission. He first gave a quick explanation of the tax estimates and that they were based upon official actions of the County Commission, although the Commission's desire may have been to have a zero dollar increase in taxes levied, their official actions did not facilitate that goal. Auditor Splonskowski then presented the final budget for 2025 and a review of the preliminary budget changes thus far. This is listed as the last four pages of the agenda packet.

As the Commission reviewed the final budget, the commissioners began discussing specific aspects of the budget as follows:

- First: Comm. Schwab questioned why there was \$200,000 in the budget proposed to fix the roof of the senior citizen center. While the county has a 99-year lease on the building, there was nothing in it concerning building maintenance by the county. The director of the senior citizen center explained that the amount was for the roof damaged during the heavy rainstorm, and for other maintenance projects. After some more back and forth and a couple of tangents later, no action was ultimately taken.
- Second: Comm. Munson stated that the Veterans' Services Office plans to eliminate a job position due to a recent retirement in the department and a decision to not refill said position; such a move would save \$114,219.08 in the county budget. Motion by Comm. Munson, 2nd by Comm. Woodcox to reduce the Veterans' Services Office by \$114,219.08. Comm. Schwab, Woodcox, Munson, and Bitner voted "AYE"; Comm. Bakken was absent. Motion carried.
- Third: A certain amount of money is needed to be appropriated for the weed board to qualify for the lab program. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the weed control budget of \$556,011.35, utilizing \$153,837.35 out of account number 2970 to balance the budget (thereby collecting the same dollar amount as last year). Comm. Schwab, Woodcox, Munson, and Bitner voted "AYE"; Comm. Bakken was absent. Motion carried.
- Fourth: Comm. Munson noted that in the Missouri Valley Complex fund, there was a duplicate of line items between himself and the Extension office. Motion by Comm. Munson, 2nd by Comm. Woodcox to remove the line item '4H Premium' from the Missouri Valley Complex budget of \$3,000. Comm. Schwab, Woodcox, Munson, and Bitner voted "AYE"; Comm. Bakken was absent. Motion carried.
- Fifth: The Commission noticed that under 'County Advertising', there was \$80,760 listed for the Lewis and Clark Development Group. However, the budget committee had recommended that the amount for the 2025 should be \$92,234.98. Motion by Comm. Munson, 2nd by Comm. Bakken to approve the \$92,234.98 for the Lewis and Clark Development Group. Comm. Munson, Bakken, and Woodcox voted "AYE"; Comm. Schwab and Bitner voted "NAY". Motion carried.
- Sixth: Concerning the county library, motion by Comm. Woodcox, 2nd by Comm. Munson to keep the library budget the same as last year's. Comm. Munson, Bakken, Schwab, and Woodcox voted "AYE"; Comm. Bitner voted "NAY". Motion carried.
- Seventh: After some input by the director of the senior citizens center, motion by Comm. Munson, 2nd by Comm. Woodcox to reduce the senior citizens budget by \$106,200. Said motion was then modified by Comm. Munson, 2nd by Comm. Woodcox to reduce the senior citizens budget by \$56,640. All members present voted, "AYE". Motion carried.
- Eighth: A discussion was had about the potential need to consolidate the individual department supply budgets into one overall county supplies budget. The Commission came to a consensus that this discussion is best suited on the next department head meeting agenda. No further action was taken.
- Ninth: Comm. Schwab once again began to talk about the Garrison Diversion Conservancy District and how it has only become a drain on Burleigh County taxpayers' dollars. Motion by Comm. Schwab, 2nd by Comm. Woodcox to not pay the yearly amount for the Garrison Diversion Conservancy, but the motion was later withdrawn. The Commission came to a consensus to put this item on the next commission meeting agenda. No further action was taken.
- Tenth: Motion by Comm. Woodcox, 2nd by Comm. Schwab to remove funding under the 'City Recreation' item (amounting to \$335,000 for the upkeep the city of Bismarck's parks), The motion was then withdrawn, and the Commission came to a consensus to put this item on the next commission meeting agenda. No further action was taken.

- Eleventh: There was some general confusion about the emergency fund amongst the commissioners. No concrete answers could be given; no further action was taken.
- Twelfth: Comm. Woodcox brought up the topic of new full-time county employees. In addition to already trying to add employees in the Sheriff's Department and the State Attorney's Office, County Planner Flanagan informed the Commission that he hopes to add a new Planner I position in the Planning and Zoning Department. Comm. Woodcox then pivoted to talk about employee wages and asked for some clarification about the finer details on both the two-step and two percent COLA increase to county employee salaries. County HR Director Binder, Sheriff Leben, and County Engineer Hall all helped to give some input on the matter. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the two-step and two percent COLA increase. All members present voted "AYE". Motion carried.

At this time the Burleigh County Commission adjourned and convened as the unorganized townships' Board of Supervisors for Burnt Creek, Riverview, Florence Lake, Fort Rice, Lincoln, Canfield, Lyman, and Phoenix. Roll call of the members: Commissioners Woodcox, Munson, Schwab, and Chairman Bitner were present, with Comm. Bakken also present via conference call. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the appropriate or maximum mills levies for the unorganized townships. All members present voted "AYE". Motion carried.

At this time the unorganized townships' Board of Supervisors adjourned and convened as the Burleigh County Commission. Roll call of the members: Commissioners Woodcox, Munson, Schwab, and Chairman Bitner were present, with Comm. Bakken also present via conference call. Motion by Comm. Munson, 2nd by Comm. Bakken to adopt the 2025 final budget and appropriate 2024 mill levies, then amended by Comm. Munson, 2nd by Comm. Woodcox to also include the utilization of general reserve funds to subsidize the difference between last year's mill levy and this year's \$27.224 million, up to \$393,565. 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
24-662	Brian Nelson	2023	Lots 7-8, Block 93, McKenzie & Coffin's	Error in property description	\$200,100	\$150,300
24-663	Brian Nelson	2024	Lots 7-8, Block 93, McKenzie & Coffin's	Error in property description	\$209,100	\$159,300
24-667	Bryan Haefner	2024	Lot 4, Block 6, Parkview	Error in property description	\$336,500	\$245,900
24-668	Allen Darling	2023	Block 36, Park Hill (Aud Lots), W 57' of N 165' of W1/2 of Aud Lot 36	Error in property description	\$200,800	\$168,300
24-669	Allen Darling	2024	Block 36, Park Hill (Aud Lots), W 57' of N 165' of W1/2 of Aud Lot 36	Error in property description	\$206,000	\$168,300
24-670	Luke Hauser	2024	Block 10, Flannery & Wetherby, Lots 7-8 & N1/2 of Lot 9	Error in property description	\$234,200	\$191,700
24-671	Cody Fleck	2024	Lot 3, Block 2, Country West X	Error in property description	\$529,700	\$336,100
24-672	Bruce & Holly Gaugler	2024	Lot 18, Block 21, Casey's 4th	Error in property description	\$238,000	\$223,400
24-673	Edward & Paula McLoughlin	2024	Lot 16, Block 9, Marian Park 1st	Error in property description	\$273,000	\$235,800
24-674	Michelle Welder	2024	Lot 7, Block 1, High Meadows	Error in property description	\$397,800	\$353,800
24-675	Grendahl Design Co LLC	2024	Lot 13, Block 3, Washington Heights	Error in property description	\$239,300	\$204,300
24-677	Bavendick Properties LLP & Harley Swenson	2022	Lot 13-C, Block 4, Eastdale	Error in property description	\$733,700	\$593,500
24-678	Bavendick Properties LLP & Harley Swenson	2023	Lot 13-C, Block 4, Eastdale	Error in property description	\$797,600	\$657,400
24-679	Bavendick Properties LLP & Harley Swenson	2024	Lot 13-C, Block 4, Eastdale	Error in property description	\$850,400	\$710,200
24-681	Morgan & Christopher Nelson	2024	Lot 19, Block 1, Southwood Terrace Replat Park Blk 1	Error in property description	\$278,900	\$239,100
24-682	City of Bismarck	2024	Lot 1, Block 3, South Meadows Addition	Property exempt from taxation	\$300	\$200

24-683	David + Roger Vollmers, Kerry Vossler	2023	Lots 2-4, Block 27, Sturgis	Error in property description	\$204,800	\$127,900
24-684	David + Roger Vollmers, Kerry Vossler	2024	Lots 2-4, Block 27, Sturgis	Error in property description	\$213,100	\$127,900
24-688	James & Pamela Vukelic	2023	Lots 11-16, Block 7, McKenzie's	Error in property description	\$739,600	\$621,400
24-690	Cary Schilling	2024	Block 33, City Lands 139-80, Beg 66' N of NE cor Blk 87 McKenzie & Coffins; thence E 117' to Ztrue point beg, thence N305' W267' S305' E267' to beg	Demo	\$366,100	\$296,100
24-691	Clubhouse West LLC	2024	Lot 2, Block 1, Schilling 2nd Addn	Structure demolished end of July 2024	\$2,100,000	\$1,521,400
24-692	Raymond & Beth Leischner	2023	Lot 12, Block 2, Jennings 1st	50% Homestead Credit	\$224,300	\$124,300



GAMING SITE AUTHORIZATION
 ND OFFICE OF ATTORNEY GENERAL
 SFN 17996 (4-2023)

G - _____ (_____) _____
 Site License Number
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization
Matpac Wrestling Club, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location
Crossroads Tavern

Street 1205 Northstar Drive	City Bismarck	ZIP Code 58503	County Burleigh
---------------------------------------	-------------------------	--------------------------	---------------------------

Beginning Date(s) Authorized 9/1/24	Ending Date(s) Authorized 6/30/25	Number of Twenty-One tables, if zero, enter "0" 2
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Specific location where games of chance will be conducted and played at the site (required)
Games will be conducted in bar area, excluding the restrooms.

If conducting Raffle or Poker activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Bingo | <input type="checkbox"/> Club Special | <input checked="" type="checkbox"/> Sports Pools |
| <input type="checkbox"/> ELECTRONIC Quick Shot Bingo | <input type="checkbox"/> Tip Board | <input checked="" type="checkbox"/> Twenty-One |
| <input checked="" type="checkbox"/> Raffles | <input type="checkbox"/> Seal Board | <input checked="" type="checkbox"/> Poker |
| <input type="checkbox"/> ELECTRONIC 50/50 Raffle | <input type="checkbox"/> Punchboard | <input checked="" type="checkbox"/> Calcuttas |
| <input checked="" type="checkbox"/> Pull Tab Jar | <input type="checkbox"/> Prize Board | <input type="checkbox"/> Paddlewheel with Tickets |
| <input checked="" type="checkbox"/> Pull Tab Dispensing Device | <input type="checkbox"/> Prize Board Dispensing Device | <input checked="" type="checkbox"/> Paddlewheel Table |
| <input checked="" type="checkbox"/> ELECTRONIC Pull Tab Device | | |

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
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If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
 Licensing Section
 600 E Boulevard Ave, Dept. 125
 Bismarck, ND 58505-0040
 Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
 SFN 9413 (7-2023)

License Number (Office Use Only)

Site Owner (Lessor) <i>Crossroads Bar Operators, LLC</i>		Site Name Crossroads Tavern		Site Phone Number
Site Address 1205 Northstar Drive	City Bismarck	State ND	Zip Code 58503	County Burleigh
Organization Matpac Wrestling Club, Inc.	Rental Period 9/1/24 to 6/30/25		Monthly Rent Amount	
1. Is Bingo going to be conducted at the site?		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	\$
Number of Tables with wagers over \$5 2 X Rent per Table \$ 300				\$ 600
3. Is Paddlewheels conducted at this site? Number of Tables 1 X Rent per Table \$ 200		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	\$ 200
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	\$ 325
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices 10		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	\$ 1250
Total Monthly Rent				\$ 2,375
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. <input type="checkbox"/>				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a credit ticket voucher from an electronic tab device, winning pull tab involving a dispensing device, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device, and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessors on call or temporary or permanent employee(s) will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, **the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.**

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

A LESSOR who is an officer or board member of an organization **may not** participate in the organization's decision-making that is a conflict of interest.

At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>[Signature]</i>	Title <i>Managing Member</i>	Date <i>8-15-2024</i>
Signature of Lessee <i>[Signature]</i>	Title <i>President</i>	Date <i>8-15-2024</i>



GAMING SITE AUTHORIZATION
 ND OFFICE OF ATTORNEY GENERAL
 SFN 17996 (4-2023)

G - _____ (_____) _____
 Site License Number
 (Attorney General Use Only)

24-010

Full, Legal Name of Gaming Organization

Matpac Wrestling Club, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Crossroads Tavern

Street 1205 Northstar Drive	City Bismarck	ZIP Code 58503	County Burleigh
Beginning Date(s) Authorized 7/1/24	Ending Date(s) Authorized 6/30/25	Number of Twenty-One tables, if zero, enter "0" 0	

Specific location where games of chance will be conducted and played at the site (required)

Conducted inside the business with the exception of restrooms

If conducting Raffle or Poker activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

- | | | |
|---|--|---|
| <input type="checkbox"/> Bingo | <input type="checkbox"/> Club Special | <input type="checkbox"/> Sports Pools |
| <input type="checkbox"/> ELECTRONIC Quick Shot Bingo | <input type="checkbox"/> Tip Board | <input type="checkbox"/> Twenty-One |
| <input type="checkbox"/> Raffles | <input type="checkbox"/> Seal Board | <input type="checkbox"/> Poker |
| <input type="checkbox"/> ELECTRONIC 50/50 Raffle | <input type="checkbox"/> Punchboard | <input type="checkbox"/> Calcuttas |
| <input type="checkbox"/> Pull Tab Jar | <input type="checkbox"/> Prize Board | <input type="checkbox"/> Paddlewheel with Tickets |
| <input type="checkbox"/> Pull Tab Dispensing Device | <input type="checkbox"/> Prize Board Dispensing Device | <input type="checkbox"/> Paddlewheel Table |
| <input checked="" type="checkbox"/> ELECTRONIC Pull Tab Device | | |

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General	Date
Signature of City/County Official <i>Mark Splonkowski</i>	Date 8-6-2024
PRINT Name and official position of person signing on behalf of city/county above <i>Mark Splonkowski</i>	

INSTRUCTIONS:

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3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
 Licensing Section
 600 E Boulevard Ave, Dept. 125
 Bismarck, ND 58505-0040
 Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
 SFN 9413 (7-2023)

License Number (Office Use Only)

Site Owner (Lessor) Jocelyn Miller		Site Name Crossroads Tavern		Site Phone Number 701-751-1189
Site Address 1205 Northstar Drive		City Bismarck	State ND	Zip Code 58503
County Burleigh		Rental Period 7/1/24 to 6/30/25		Monthly Rent Amount
Organization Matpac Wrestling Club, Inc.				
1. Is Bingo going to be conducted at the site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
Number of Tables _____ X Rent per Table \$ _____				\$
4. Is Pull Tabs Involving either a Jar bar or standard dispensing device conducted at this site?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 400
Please Check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device				
5. Are Electronic Pull-Tabs conducted at this site?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 1250
If "Yes" please indicate the number of devices 10				
Total Monthly Rent				\$ 1,650-

6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here.

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance. The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a credit ticket voucher from an electronic tab device, winning pull tab involving a dispensing device, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device, and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessors on call or temporary or permanent employee(s) will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

A LESSOR who is an officer or board member of an organization may not participate in the organization's decision-making that is a conflict of interest.

At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>Jocelyn Miller</i>	Title owner	Date 7-11-24
Signature of Lessee <i>Butt</i>	Title President	Date 7-11-24

ITEM

6

PUBLIC HEARING



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Request for County Board Action

DATE: October 7, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Vacation of excess Right of Way – PUBLIC HEARING

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

ACTION REQUESTED:

Conduct Public Hearing for the Vacation of excess Right of Way along County Highway 10.

BACKGROUND:

A local resident would like to have/purchase the excess Right of Way on County Highway 10 along their property. The property is located in the SE ¼ of Section 29, Township 139N, Range 76W, Sterling Township - Burleigh County (See attached map). The resident has filed a petition (see attached Application) to vacate the excess Right of Way. In order to vacate this roadway, the County/Township must conduct a Public Hearing and ascertain any damages that are caused by discontinuing this Right of Way along a Public Roadway.

RECOMMENDATION:

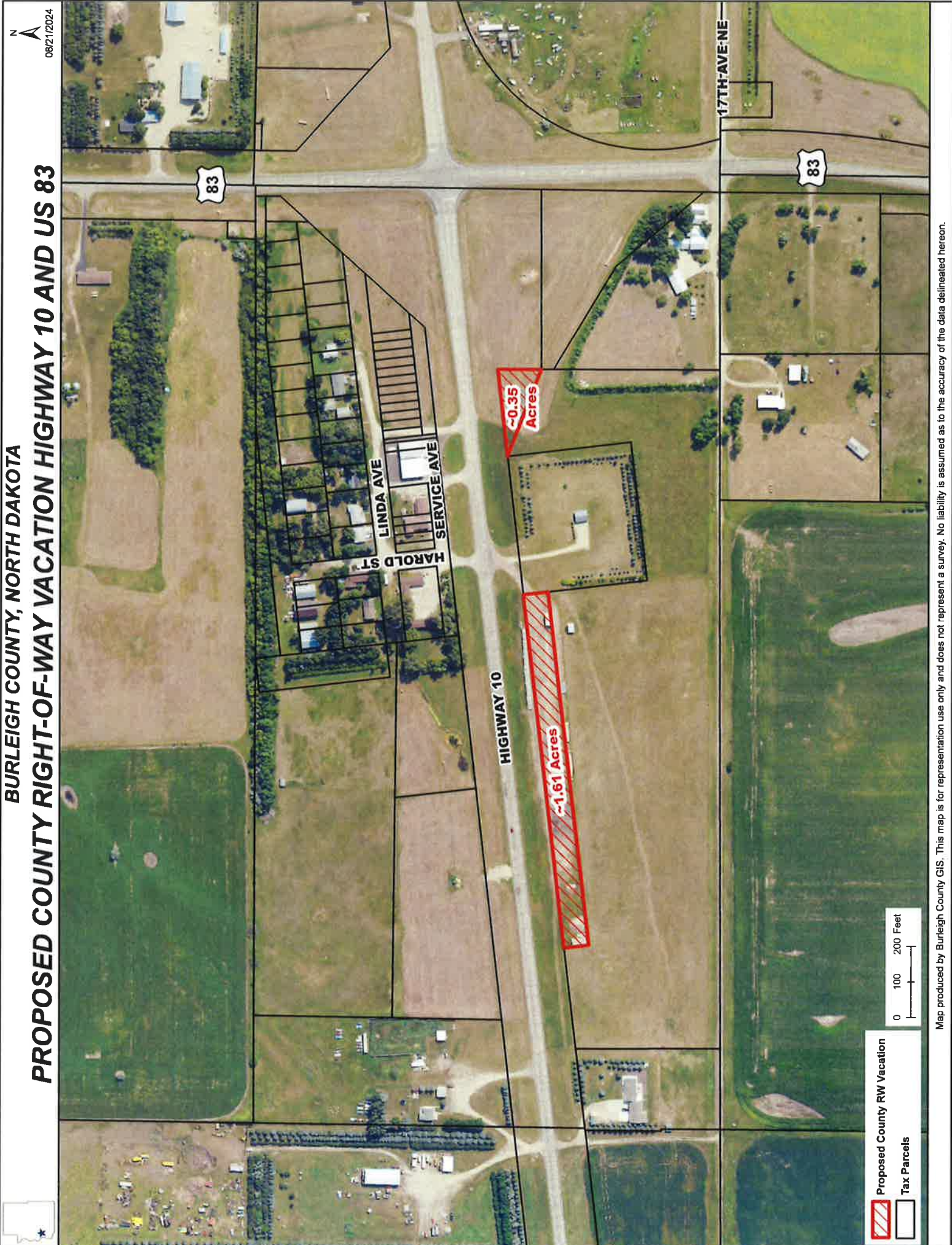
It is recommended that the Board review the attached application, conduct the Public Hearing and direct staff on how to proceed.

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

8/22/2024



PROPOSED COUNTY RIGHT-OF-WAY VACATION HIGHWAY 10 AND US 83



Map produced by Burleigh County GIS. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Email to: mahall@nd.gov



**BURLEIGH COUNTY
UNIFIED DEVELOPMENT APPLICATION**

Application submitted for (check all that apply):

- Preliminary Plat
- Road Vacation
- Lot Modification
- Final Plat
- Zoning Change
- Minor Plat Modification
- Development Permit
- Plat Vacation
- Special Use Permit

PROPERTY INFORMATION:			
Name of plat: <i>Biegler Subdivision</i>			
Legal description of property (lot, block, addition):			
Street address of property:			
Existing Zoning:		Proposed zoning:	
Acreage: <i>1.66 acres and 6.35 acres</i>		Number of lots:	
Description of development proposal, including reason(s) for the request:			
APPLICANT/DEVELOPER:			
Name: <i>Ronnie and Kathy Biegler</i>		Mailing address: <i>31302 5th Ave NE</i>	
Daytime telephone number: <i>701-387-4772</i>	FAX number: <i>701-387-4779</i>	E-mail address: <i>ronkathy@bektel.com</i>	
PROPERTY OWNER (IF DIFFERENT THAN APPLICANT/DEVELOPER):			
Name:		Mailing address:	
Daytime telephone number:	FAX number:	E-mail address:	
CONTACT PERSON/AGENT:			
Name/Firm: <i>Mark</i>		Mailing address: <i>4215 Old Red Trail - Mandan ND 58554</i>	
Daytime telephone number: <i>701-595-2079</i>	FAX number:	E-mail address: <i>mark@ilsurveynd.com</i>	

NOTE: APPLICATIONS ARE NOT COMPLETE UNTIL ALL REQUIRED SUBMITTALS HAVE BEEN RECEIVED

The following checklist must be completed and submitted with the application form.

COUNTY SUBMISSION CHECKLIST				
Applying for:			Submitted	N/A
<input type="checkbox"/>	Preliminary Plat	Required pre-application meeting	Date:	
		6 prints of plat, including all items listed in preliminary plat checklist		
		Preliminary plat checklist, completed by applicant		
		Fee of \$200-\$900 determined by number of lots		
		8½" x 11" reduction of plat		
		Digital copy of plat		
		Road master plan & adjacent owner's consent (if required)		
		For subdivisions proposed in areas not under the zoning jurisdiction of Burleigh County, documentation that the subdivision complies with the zoning requirements of the township		
		Written request for amendment to Fringe Area Road Master Plan (if applicable)		
		<input type="checkbox"/>	Final Plat	6 prints of plat, including all items listed in final plat checklist
Final plat checklist, completed by applicant				
8½" x 11" reduction of plat				
Digital copy of plat, if requested				
Attorney's opinion of ownership, including all easement owners				
Stormwater management plan				
<input type="checkbox"/>	Minor Plat Modifications 3 lots or less	Map of property to be modified		
		Fee of \$200.00		
		4 prints of modification		
		Fee of \$300.00		
<input checked="" type="checkbox"/>	Road Vacation	Legal description of property to be vacated		
		Map of property to be vacated		
		Fee of \$250.00		
		Legal description of property to be vacated		
		Letters of consent from utilities (street/alley vacation & easement release)		
<input type="checkbox"/>	Zoning Change	Fee of \$500.00 (zoning change)		
		Description of zoning change by legal description if multiple districts requested		
		Architectural/Engineered drawings (PUD only)		
		One (1) print of site plan, at 1"=100' scale (PUD only)		
		8½" x 11" reduction of site plan (PUD only)		
		Written statement (PUD only)		
<input type="checkbox"/>	Special Use	Fee of \$300.00		
		3 prints of site plan, at 1"=20' or larger scale		
		8½" x 11" reduction of site plan		
		Photograph of building (moving building only)		
		Adjacent property owner petition (required for moving of a building, trap or skeet shooting range, vehicular racetrack, rodeo or rodeo event and solid waste disposal facility only)		
<input type="checkbox"/>	Development Permit	Fee of \$200.00		
		Site plan, drawn to scale (no larger than 11" x 17"), with dimensions		
		Completed Development Application		

Lot Modification	Fee of \$200.00		
	Sketch of survey, showing how the lot is proposed to be modified		
	Legal description of lot(s), both existing & proposed with square footage/acreage		

COUNTY SUBMISSION CHECKLIST				
Applying for:			Submitted	N/A



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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www.burleighco.com

Request for County Board Action

DATE: October 7, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Consideration of Jake Brake Ordinances

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

ACTION REQUESTED:

Review a proposed ordinance on Jake Braking and set a Public Hearing.

BACKGROUND:

For some time the States Attorney, Sheriff and Highway Departments have been working on trying to solve numerous noise complaints that we have received using the existing North Dakota Century Code (NDCC). However, the existing NDCC does not provide a convenient method of fulfilling our residents' needs. The new process of establishing an ordinance under the Home Rule Charter seems to provide a much better method.

The vast majority of our complaints are generated because of individuals using un-muffled compression brakes (Jake Brakes) in residential areas. We believe that the attached proposed ordinance will provide law enforcement a method to help reduce the use of said brakes within posted areas.

RECOMMENDATION:

It is recommended that the Board review the attached Ordinance and set a Public Hearing date of November 4th for a second reading of the attached Ordinance.

A BURLEIGH COUNTY ORDINANCE FOR THE REGULATION/USE OF UN-MUFFLED COMPRESSION BRAKES WHERE PROHIBITED

NOW THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA:

SECTION 1. General Provisions

1. Burleigh County Home Rule Charter allows for the creation of an ordinance which prohibits the use of un-muffled compression brakes on public roadways in posted areas.

SECTION 2. Purpose

1. The purpose of this Ordinance is to control the use of engine breaks that create excessive noise that may disturb the public and to promote the general health, safety, and welfare of the citizens of Burleigh County.

SECTION 3. Definitions

1. "Compression Brakes" means the use of the engine to decelerate or reduce or slow the forward motion of a motor vehicle by compression of the engine. "Compression brakes" are also referred to as "exhaust brakes" and/or "Jake brakes."

SECTION 4. Use of un-muffled compression brakes where prohibited.

1. No person shall use motor vehicle brakes on public roadways within posted areas of the County that are in any way activated or operated by the un-muffled compression of the engine of that motor vehicle or any unit or part thereof. It shall be an affirmative defense to prosecution under this section that the un-muffled compression brakes were applied in an emergency and were necessary for the protection of persons and/or property.
2. This section shall not apply to motorcycles or vehicles of any fire department, whether or not responding to an emergency.

SECTION 5. Penalty for Offenses

1. The County engineer shall have authority to post appropriate signs consistent with these provisions. The penalty for a violation of this section is fifty dollars.

SECTION 6. Repealer

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

SECTION 7. Severability Clause

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

SECTION 8. When Effective

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

First Reading Passed: _____

Second Reading Passed: _____

Passed and adopted this ____ day of _____ 20__.

Burleigh County Commission – Chairperson

Attest: Mark Splonskowski, County Auditor



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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www.burleighco.com

Request for County Board Action

DATE: October 7, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: County Highway 10

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

ACTION REQUESTED:

Review the request and direct staff on how to proceed.

BACKGROUND:

At the September 6, 2023 County Board Meeting, the Board placed Load Restrictions and Speed Limit reduction on the portion of County Highway 10 from the Bismarck City Limit to 158th Street NE. The limits were placed on this segment of roadway due to the deteriorating condition of County Highway 10. The speed limit was reduced from 65 mph to 55 mph and the weight limit was reduced to 80,000 pounds with a 6-ton max single axle weight. During the discussion of this action it was stated that the Board would reconsider these restrictions once the roadway was refurbished.

We have just completed a 4" mill and overlay of this segment of roadway and local contractors are requesting that the County Board considers reinstating the previous speed limit and weight limits.

RECOMMENDATION:

It is recommended that the Board review the situation and direct the Highway Department on how to proceed.



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Request for County Board Action

DATE: October 7, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Authorization to advertise for bids.

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

ACTION REQUESTED:

Authorize the proper County officials to advertise for bids for two new motor graders.

BACKGROUND:

As part of the approved 2025 Burleigh County Budget, the Highway Department has requested the purchase of two new motor graders. We wish to purchase the motor graders under a 5 year - total cost bid with a guaranteed repurchase price at the end of this period. In order to get the new motor graders in place before end of the year increases we would like to start the process. At this time, we would like to start the advertising process; however, we will not receive or pay for the new motor graders until next year.

RECOMMENDATION:

It is recommended the Board adopt the attached proposed resolution.

PROPOSED RESOLUTIONS:

THEREFORE BE IT RESOLVED: That the County Auditor and the County Engineer are hereby authorized to advertise for bids for two new motor graders under a 5 year - total cost bid with a guaranteed repurchase price at the end of this period.



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Request for County Board Action

DATE: October 7, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Sale of equipment

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

ACTION REQUESTED:

Authorize the proper County officials to sell used equipment.

BACKGROUND:

The Highway Department would like to sell the attached list of used surplus equipment.

These units have been replaced with other units and are no longer needed within the Department.

RECOMMENDATION:

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

PROPOSED RESOLUTION:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to work with Public Surplus in selling the attached list of used surplus equipment.

ITEMS TO BE AUCTIONED TO PUBLIC

1. One (1) 2001 Tenco snowblower 275HP Serial #17434 Unit #19-91
2. One (1) 2011 Chevrolet 1500 Crew Cab 4x4 Serial #3GCPKSE37BG244248 5.3 liter V8 Unit # 10-28
3. One (1) 2002 Blaw-Knox Paver PF150 Serial # 15025-30
4. One (1) 2010 IH 7600 Tandem Axle Dump Truck Serial#1HTWXSJT5AJ176079 Workforce Diesel Unit # 11-77
5. One (1) 2010 IH 7600 Tandem Axle Dump Truck Serial#1HTWXSJT3AJ176078 Workforce Diesel Unit # 11-78
6. One (1) 1991 Trailking Trailer TKT40 20 ton Serial # 1TKC02827MM048908 Unit # 18-91
7. One (1) 2002 Loadtrail Utility Trailer Serial # 4ZEHH121831156367 Unit # 18-99
8. One (1) 2010 Kubota Zero Turn Mower Diesel Serial # 30951 Unit 21-06
9. One (1) Used Hydraulics Wet Kit
10. One (1) Used Forced America Hydraulics With Controlers
11. One (1) Used 8ft Ford pickup Box



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Request for County Board Action

DATE: October 7, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Annual Fee Schedule

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

ACTION REQUESTED:

The Burleigh County Board sets the 2025 Highway Department fee schedule.

BACKGROUND:

The Highway Department is seeking approval of the 2025 Highway Department fee schedule. This year we have made a few changes to the fee schedule and are asking for County Board approval.

The Highway Department's proposed fee schedule does include changes in the following areas:

- 1) In 2015 we started a new fee schedule for Township Road Maintenance agreements. Our goal at that time was to collect at least 25% of the actual cost of services for the prior three-year average expense. In 2016 we increased our goal to 50% of the actual cost of service. This year we are proposing to keep our goal at the 50% level. During the discussion regarding State reimbursement for snow removal during the 2022/2023 winter, the Townships and County agreed that the County would keep all of the reimbursement from the State (even for township roadways) and in return the County would not raise our annual maintenance fee for three years (2024, 2025, 2026). Therefore, we are recommending a proposed fee increases for 2025 to be as follows:

- a) 0% increase in 2025
 - b) As in 2024, we are also keeping a maximum fee charge to any township of 100% of what they would collect if they levied 18 mills.
- 2) We are also proposing minor changes in equipment rates. These increases/decreases are a result of the Department staying in compliance with Century Code section 24-05-04.1.

RECOMMENDATION:

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

THEREFORE, BE IT RESOLVED: That Burleigh County hereby adopts the attached 2025 Highway Department fee schedule.

APPENDIX B
BURLEIGH COUNTY HIGHWAY DEPARTMENT
2025 FEE SCHEDULE (Proposed 09/24/2024)

	2019 Fees	2020 Fees	2021 Fees	2022 Fees	2023 Fees	2024 Fees	2025 Fees
Permits							
Road Approach	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Utility/Right-of-Way	0.00	0.00	0.00	0.00	0.00	See attached	In Review
Oversize/Overweight	Load Pass	Load Pass	Load Pass	Load Pass	Load Pass	Load Pass	Load Pass
Culverts - under 24"							
Spiral CMP - 15" - per foot	10.80	11.28	**	**	**	**	**
Spiral CMP - 18" - per foot	13.50	14.10	**	**	**	**	**
Riveted CMP - 15" - per foot	12.96	13.56	**	**	**	**	**
Riveted CMP - 18" - per foot	16.20	16.95	**	**	**	**	**
Culvert Bands - 15" - each	32.40	33.96	**	**	**	**	**
Culvert Bands - 18" - each	40.50	42.45	**	**	**	**	**
Flared End Sections - 15" - each	68.60	73.90	**	**	**	**	**
Flared End Sections - 18" - each	90.00	97.00	**	**	**	**	**
<i>** Based on Bid Price</i>							
Signs							
Speed Limit & Standard Signs - 24 x 30	27.02	27.02	***	***	***	**	**
Minimum Maintenance - 30 x 18	28.00	28.00	***	***	***	**	**
Truck 40 MPH - 24 x 24	26.35	26.35	***	***	***	**	**
Stop Signs - 30 x 30	33.51	34.79	***	***	***	**	**
Yield Sign - 36 x 36	17.63	17.63	***	***	***	**	**
911 Address Material							
4" numbers - each	3.95	4.00	***	***	***	**	**
U Posts - each	5.56	5.56	***	***	***	**	**
Installation	xxx	xxx	xxx	xxx	xxx	xxx	xxx
Telespar							
Post 2" - per foot	3.58	3.63	***	***	***	**	**
Anchor 2 1/4" - per foot	4.09	4.35	***	***	***	**	**
Sleeve 2 1/2" - per foot	3.27	3.27	***	***	***	**	**

**** Sign charges are based on actual cost of sign at time of purchase*

xxx Installation costs will be charged per "Township Labor Rates" plus equipment costs

	2019 Fees	2020 Fees	2021 Fees	2022 Fees	2023 Fees	2024 Fees	2025 Fees
<u>Township Road Maintenance Agreement</u>							
Gravel Roads							
Summer Maintenance (Blading & Weed Mowing)	See	See	See	See	See	See	See
Winter Maintenance (Snow Plowing)	Below	Below	Below	Below	Below	Below	Below
Year-round Maintenance							
Subdivision Summer Maint. (Blading & Weed Mowing)							
Subdivision Winter Maintenance (Snow Plowing)							
Subdivision Year-round Maintenance							
Paved Roads							
Summer Maintenance (Asphalt Maint. & Weed Mowing)							
Winter Maintenance (Snow Plowing & Intersection Sanding)							
Year-round Maintenance							
Subdivision Summer Maint. (Asphalt Maint. & Weed Mowing)							
Subdivision Winter Maintenance (Snow Plowing)							
Subdivision Year-round Maintenance							
Subdivision Year-round Maintenance (Curbed Roadway)							
Crack Sealing & Asphalt Patching							
Fee to Expense Ratio Goal	50%	50%	50%	50%	50%	50%	50%

Below is the percentage of increase for townships based on the fee to cost ratio for the prior 3 years.

If your township 3 year average Fee to Cost ratio is:

Less than 30%	0%
Greater than 30% - less than 40%	0%
Greater than 40% - less than 45%	0%
Greater than 45% - less than 50%	0%
Greater than 50%	0%
Maximum Fee charged = 18 mills	

Gravel/Scoria/Sand - 2008-2012 Billed for royalty cost only - 2013 and on Billed for royalty & crushing costs per pit

<u>Pits Depleted in 2024</u>	<u>Gravel</u>	<u>2025</u>	<u>Sand</u>	<u>2025</u>
Sherman	<i>Ereth</i>	6.00	<i>Judy Jo</i>	0.50
County 1	<i>Glovich 2</i>	5.06	<i>Pile 12</i>	18.18
Clausen 2022	<i>Horneman 2</i>	5.60	<i>Schock Sand</i>	12.49
Randy Ryberg	<i>Mills-Mixed</i>	10.10	<i>Sterling</i>	18.18
	<i>Mills-Not Mixed</i>	6.00		
	<i>Schock</i>	6.65		
*Cost of gravel & sand is per CY	<i>Schock 2-2024</i>	12.49		
	<i>Sherman 2</i>	10.33		

	2019	2020	2021	2022	2023	2024	2025
	Fees	Fees	Fees	Fees	Fees	Fees	Fees

Township Labor Rates

Salary - Hourly Average for Road Personnel	41.39	43.42	42.88	46.22	49.26	50.98	57.35
Fringe Benefits charged for Regular Hours							
Salary-Overtime	38.58	40.14	41.05	44.86	46.96	47.17	53.06
Fringe Benefits not charged for Overtime							

					Actual Cost up to	Actual Cost up to	Actual Cost up to
Engineering & Supervision (% of Total Project Cost)	12.00%	12.00%	12.00%	12.00%	12.00%	12.00%	12.00%

Township Equipment Rates

Township received a 50% discount for 2008-2024 charges

50% discount for 2025

Pick-up	16.41	16.31	14.88	18.43	24.95	19.94	17.29
1 Ton Truck	28.72	28.65	25.80	32.71	46.75	36.46	32.16
Single Axle Dump	40.58	41.57	40.57	43.92	56.30	45.38	46.53
winter rate	78.34	80.15	79.60	97.79	94.50	85.43	76.61
Tandem Axle Dump	78.46	80.37	71.57	84.78	107.06	87.38	90.68
winter rate	118.44	121.09	112.52	129.86	140.14	121.80	125.55
Truck Tractor	59.82	61.27	60.58	72.23	91.48	74.02	76.86
Twin Engine Scraper	182.42	158.41	152.26	223.45	275.63	254.49	239.50
Mid-Size 6-way Dozer	80.86	76.54	76.44	94.55	113.13	106.81	77.12
Motorgrader	167.98	134.70	109.52	122.27	151.52	153.84	154.26
winter rate	198.80	165.80	140.43	153.94	181.09	184.47	185.86
Motorgrader V-Plow Attachment	50.42	50.76	50.35	51.50	49.00	50.63	52.31
Ag Tractor	30.00	30.00	30.00	40.00	40.00	40.00	45.00
4 yd Front End Loader	70.15	81.55	78.12	96.24	94.86	89.94	83.97
3 yd Front End Loader	74.43	50.89	50.92	60.04	70.57	66.32	50.05
Skid Steer	28.99	30.08	29.13	40.90	51.85	50.56	60.53
Excavator	87.09	86.81	87.10	112.85	134.69	133.83	120.30
Gravel Pup Trailer	10.35	10.50	10.38	11.24	8.73	9.13	8.98
Belly Dump Trailer	12.62	12.78	12.66	13.90	11.27	11.96	11.91
Side Dump Trailer	16.50	16.69	16.60	17.61	15.13	15.80	16.80
Tandem Bumper Hitch Trailer	10.58	6.01	6.36	7.73	6.59	7.04	7.07
Walk-n-Roller	16.95	17.32	17.22	19.05	14.49	15.62	16.18
13 Wheel Pull Type Roller	29.56	31.71	31.92	34.92	26.55	28.63	31.12
Water Truck	54.09	55.33	50.18	57.74	68.58	58.47	60.02
15' Rotary Mower	14.65	14.92	14.97	17.47	12.23	12.97	11.08
9' Disc Mower	15.18	15.48	15.58	16.68	11.59	12.22	10.33
Off-Set Mower Hitch	5.00	5.00	5.00	10.00	10.00	10.00	12.00
Tandem Taylor Way Disc	20.00	20.00	20.00	20.00	20.00	20.00	20.00
Two Stage Snow Blower	142.68	145.43	134.70	153.80	170.39	152.13	161.30

	2019 Fees	2020 Fees	2021 Fees	2022 Fees	2023 Fees	2024 Fees	2025 Fees
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Inter-Department Charges

Service Work	55.00	55.00	55.00	55.00	55.00	55.00	55.00
Fuel Sur-Charge							
Bismarck Shop	0.02	0.02	0.00	0.00	0.00	0.00	0.00
Wing Shop	0.05	0.05	0.05	0.05	0.05	0.05	0.05

Private Work

Driveway Blading - 1/4 hour	NA	44.53	38.10	42.12	50.20	51.21	52.90
Winter Rate-Snow Plowing	NA	52.31	45.83	50.04	57.59	58.87	60.80
Driveway Blading - 1/2 hour	104.69	89.06	76.20	84.25	100.40	102.41	105.81
Winter Rate-Snow Plowing	120.10	104.61	91.66	100.08	115.18	117.73	121.61
Driveway Blading - 3/4 hour	157.03	133.59	114.30	126.36	150.60	153.62	158.71
Winter Rate-Snow Plowing	180.14	156.92	137.48	150.12	172.77	176.59	182.41
Driveway Blading - 1 hour	209.37	178.12	152.40	168.49	200.78	204.82	211.61
Winter Rate-Snow Plowing	240.19	209.22	183.31	200.16	230.35	235.45	243.21

If other than motorgrader used in snow plowing - cost of work will be calculated using the non-discounted township equipment rates plus township labor rate.

In 2013 Burleigh County stopped providing gravel, gravel hauling or use of gravel from a county pit on any private driveway.



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Request for County Board Action

DATE: October 7, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Developer Waiver Request

Please include this item on the next Burleigh County Board agenda.

ACTION REQUESTED:

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

BACKGROUND:

Under the current Pavement Policy, developers (owners of property that is being platted) are required to: "Proposed platted subdivisions will include the construction and paving of all internal roadways and adjacent section line roads, and the construction and paving of at least one roadway that connects into the existing paved highway system."

The Rath's, in the NW $\frac{1}{4}$ of Section 4, Taft Township (see attached map), is proposing a four (4) lot subdivision (Rath Subdivision), and is requesting a waiver of the Pavement Policy. Under the Pavement Policy, the platting of this property would require them to re-construct and pave 0.50 miles of County/Township roadways along the north edge of the subdivision from SH 83 to the east edge of the subdivision.

Waiving the Pavement Policy allows the County Board to approve the proposed plat without the developer re-constructing and paving the required roadways at this time. It does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future.

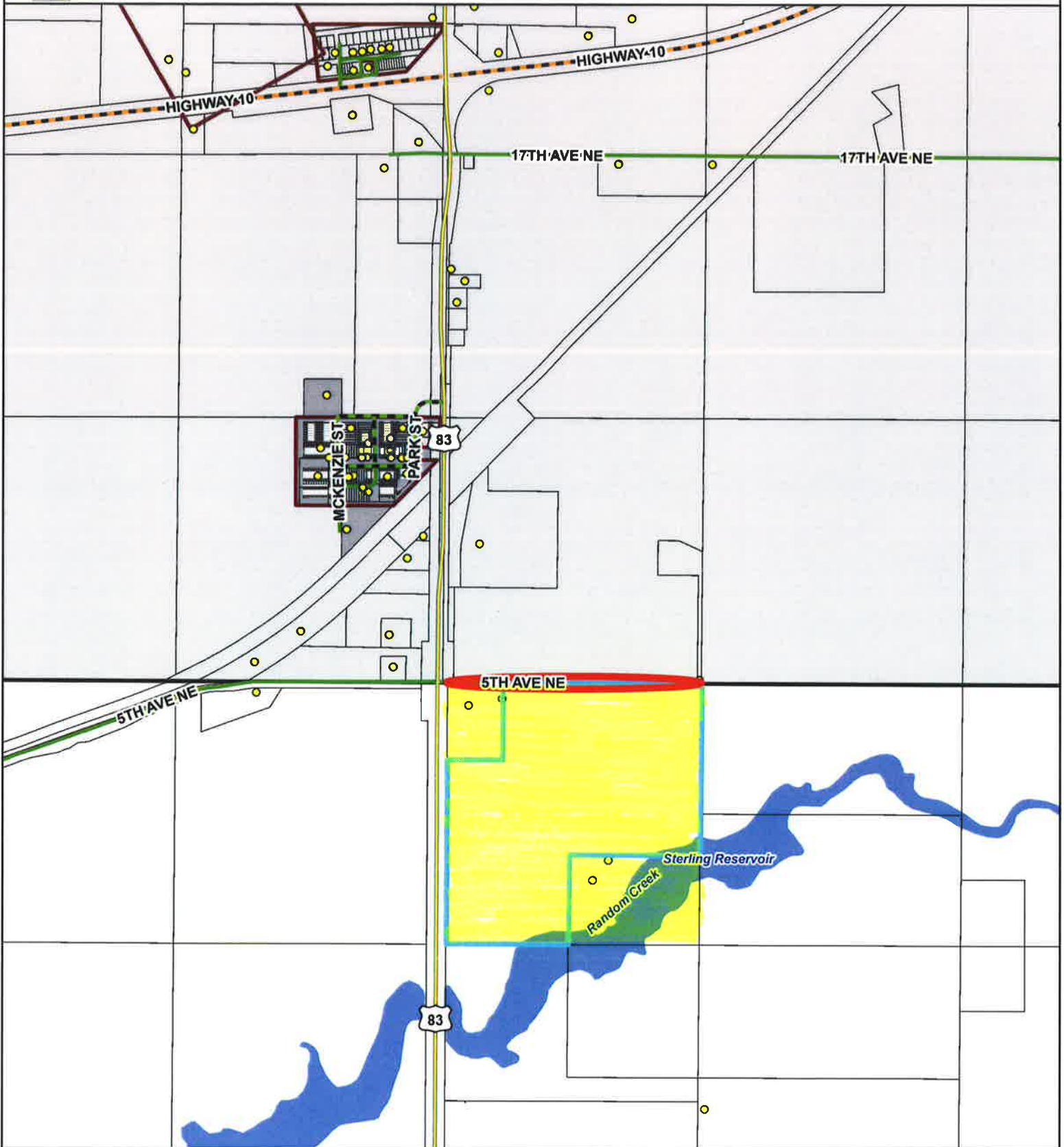
RECOMMENDATION:

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

PROPOSED RESOLUTION:

THEREFORE, BE IT RESOLVED: That the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future, and

THEREFORE, BE IT FURTHER RESOLVED: That the County Board of Commissioners do hereby grant the Rath's request to waive the construction and paving requirements "adjacent section line roads" listed in the Pavement Policy, in conjunction with the approval of the Rath Subdivision.



PARCEL ID: 42-138-76-00-04-400 OWNER: BOHRER, GAYLE ACRES: 118.69
SITE ADDRESS:
MAIL ADDRESS: 6806 W 3RD ST UNIT 36, GREELEY, CO 80634-9030
LEGAL: TAFT TOWNSHIP Section 04 NW1/4 LESS 27.27-430 & NP R/W & LESS HWY R/W LESS 10.0 AC-410; 460686 561798 04-138-76



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Request for County Board Action

DATE: October 7, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Maintenance Agreement between the County Highway Department and both organized and unorganized Townships.

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

ACTION REQUESTED:

Approve the Annual Road Maintenance Agreements

BACKGROUND:

Every year the Burleigh County Highway Department enters into an annual Township Road Maintenance Agreement with each township. The agreement clarifies the roles and responsibilities of each party in the maintenance of township roads. The County Board must approve the agreement and direct the proper County/Township officials to sign the agreement.

RECOMMENDATION:

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

PROPOSED RESOLUTION:

As the Burleigh County Board:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to enter into an agreement with the County's Townships, assigning the roles and responsibility for maintaining township roads within Burleigh County.

As the Unorganized Township Supervisors:

THEREFORE BE IT RESOLVED: That the proper Township officials are hereby authorized to enter into an agreement with the County, assigning the roles and responsibility for maintaining township roads within the township.

ITEM

7



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 September 11, 2024 meeting of Burleigh County Planning Commission
Date: 9-26-2024
From: Mitch Flanagan, Burleigh County Planning Director.

ITEM 1

Aberle 2nd Subdivision & Zoning Change

Legal Description: Part of the NW 1/4 of Section 29, Township 139 N Range 78 W

Property Address: TBD

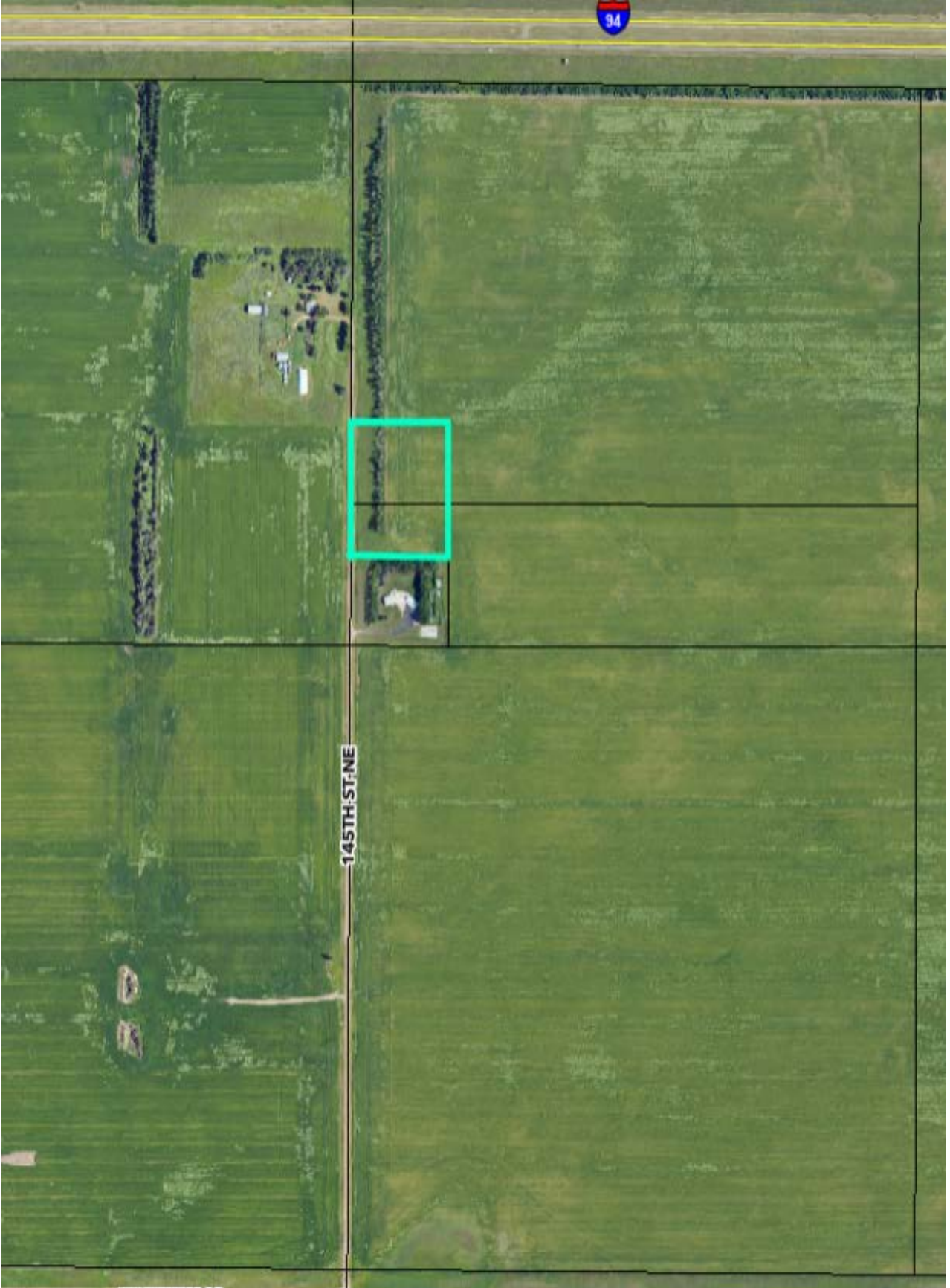
Burleigh County was asked in May of 2024 by Landon Niemiller of Swenson Hagen Surveying regarding creation of a 5.04 AC, one lot subdivision from 2 parcels containing 131.96 AC. The size and location of the proposed subdivision did not raise concerns during a preliminary review meeting. The zoning change from A-Agricultural to R1-Rural Single Family Residential did not raise concerns. The Planning Commission recommended approval for the zone change and final plat by a vote of 6-0.

ACTION REQUESTED

Based on supporting documents and findings of the Planning Commission, it is recommended to approve Aberle 2nd Final Subdivision Plat and Zone Change

Attachments:

- 01 Aberle 2nd Final Subdivision
- 02 Aberle Site Location
- 03 Aberle Site Location



SECTION 29
T. 139 N.
R. 78 W.

ND STATE PLANE
COORDINATES
SOUTH ZONE,
INTERNATIONAL
FEET
NAD 83
ADJUSTMENT
OF 2011
N 425,330.0
E 1,953,335.2

1726.48'
N00°26'54"E

S89°28'42"E 460.00'

385.00'

SECTION LINE

75'

145TH ST NE

20' UTILITY EASEMENT 570.00'

①

1

5.04 AC±

570.00'

S00°26'54"W 570.00'

S 1/2
NW 1/4
SECTION 29
T. 139 N.
R. 78 W.

N00°26'54"E 570.00'

3.3' STATUTORY RIGHT-OF-WAY

N00°26'54"E
350.00'

S89°33'06"E

30' WATERMAIN EASEMENT
DOC # 493814

210.9'

144.1'

S02°11'59"W

30' WATERMAIN EASEMENT

170.9'

75'

385.00'

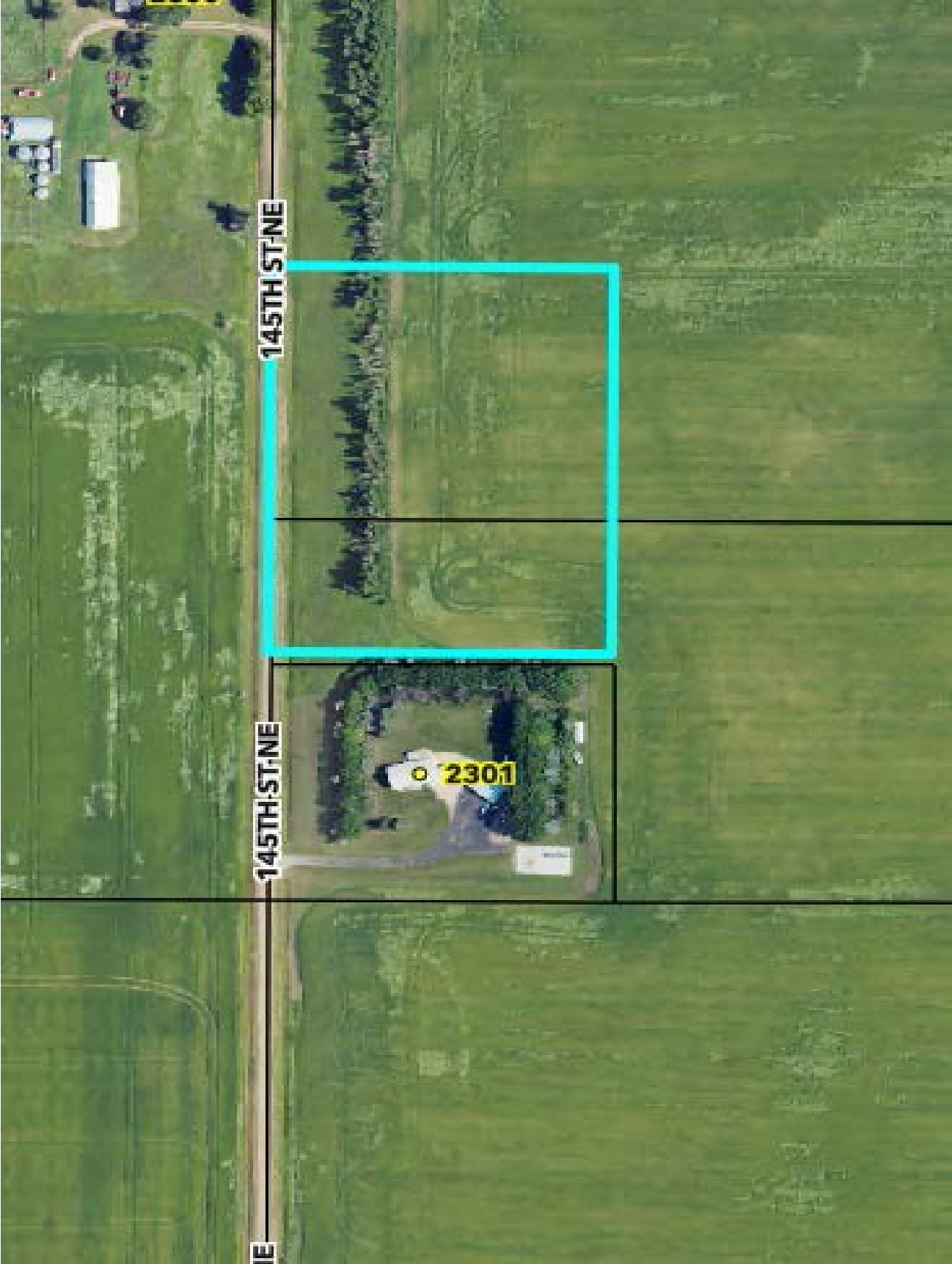
149.3'

N89°28'42"W 460.00'

ND STATE PLANE
COORDINATES
SOUTH ZONE,
INTERNATIONAL
FEET
NAD 83
ADJUSTMENT
OF 2011
N 424,760.1
E 1,953,330.8

S. 350' OF THE W. 460'

NW 1/4
SECTION 29
T. 139 N.
R. 78 W.





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

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Commission.
Re: Big Sky Passenger Rail Authority
Date: 10-1-2024
From: Mitch Flanagan, Burleigh County Planning Director. *lll*

ITEM 1

MPO Membership in the Government Partners Program

The Government Partners Program- GPP, has been developed by BSPRA (Big Sky Passenger Rail Authority) and is being offered to communities potentially impacted by future restoration/expansion of passenger rail service. This information is provided for this Board to consider and approve becoming a member of the BSPRA's GPP through the MPO. Participant costs to the County will not apply as the membership fee would be paid for by the MPO's budget.

17 routes were identified with the "Big Sky North Coast Corridor" replacing North Coast Hiawatha Line which was discontinued in 1979 and is a 2,300-mile corridor.

- Membership in the GPP gains access to support services provided by BSPRA to navigate the challenges and opportunities which will be presented to local communities;
 - Building or renovating train stations along the route – location and funding
 - Developing relevant services near stations and creating destinations
 - Creating connecting transit services and other transportation opportunities
 - The GPP will provide opportunities to learn from experiences of others through a collaborative "Passenger Rail Community"
 - The GPP will offer forums to support cooperation and coordination among communities
 - The GPP will provide tools for community planning and project development along with federal funding opportunities
 - The general program and resources of the GPP will be tailored to meet local needs

ACTION REQUESTED:

Consider motion to join the Government Partners Program through the MPO. A final action will need to take place prior to October 15th.

Attachments:
FRA_LDSS_Policy Board_Aug. 2024



FRA
LONG-DISTANCE
SERVICE STUDY

Long-Distance Service Study Engagement Schedule



About the FRA Long-Distance Service Study

The Infrastructure Investment and Jobs Act (IIJA) of 2021 requires the FRA to conduct a study to evaluate the restoration of daily intercity rail passenger service along —

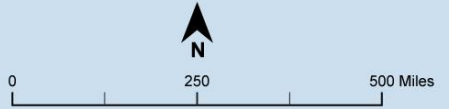
- any Amtrak Long-Distance routes that were discontinued; and
- any Amtrak Long-Distance routes that occur on a nondaily basis.
- FRA may also evaluate potential new Amtrak Long-Distance routes, including with specific attention provided to routes in service as of April 1971 but not continued by Amtrak.

Existing Network



Legend

- Existing Network**
- Amtrak Routes
 - Long-Distance
 - Northeast Corridor
 - State-Supported

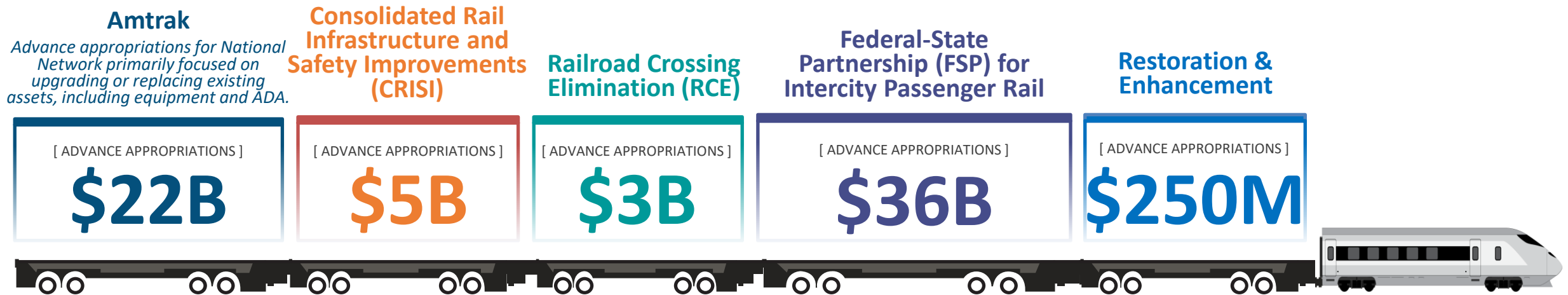


Federal Funding Program Overview: BIL Advance Appropriations

[ADVANCE APPROPRIATIONS]

From FY22-FY26

\$66B in total funding



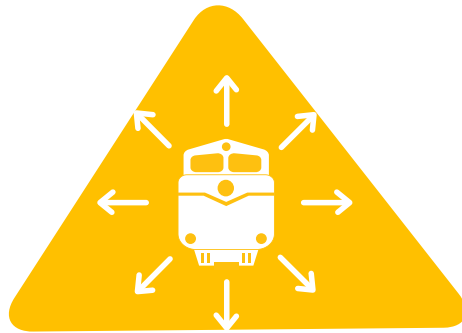
Corridor Identification and Development Program Overview

Build the foundation for a long-term rail program



Corridor ID creates a foundational framework for identifying and developing new or improved intercity passenger rail (IPR) services. Under the program, FRA will:

Bring world-class passenger rail service to regions across the country



Solicit proposals for implementing new or improving existing IPR services

Select corridors for development

Partner with corridor sponsor to prepare (or update) a Service Development Plan (SDP)

Grow a safer, cleaner, more equitable rail system



SDP includes a “corridor project inventory”

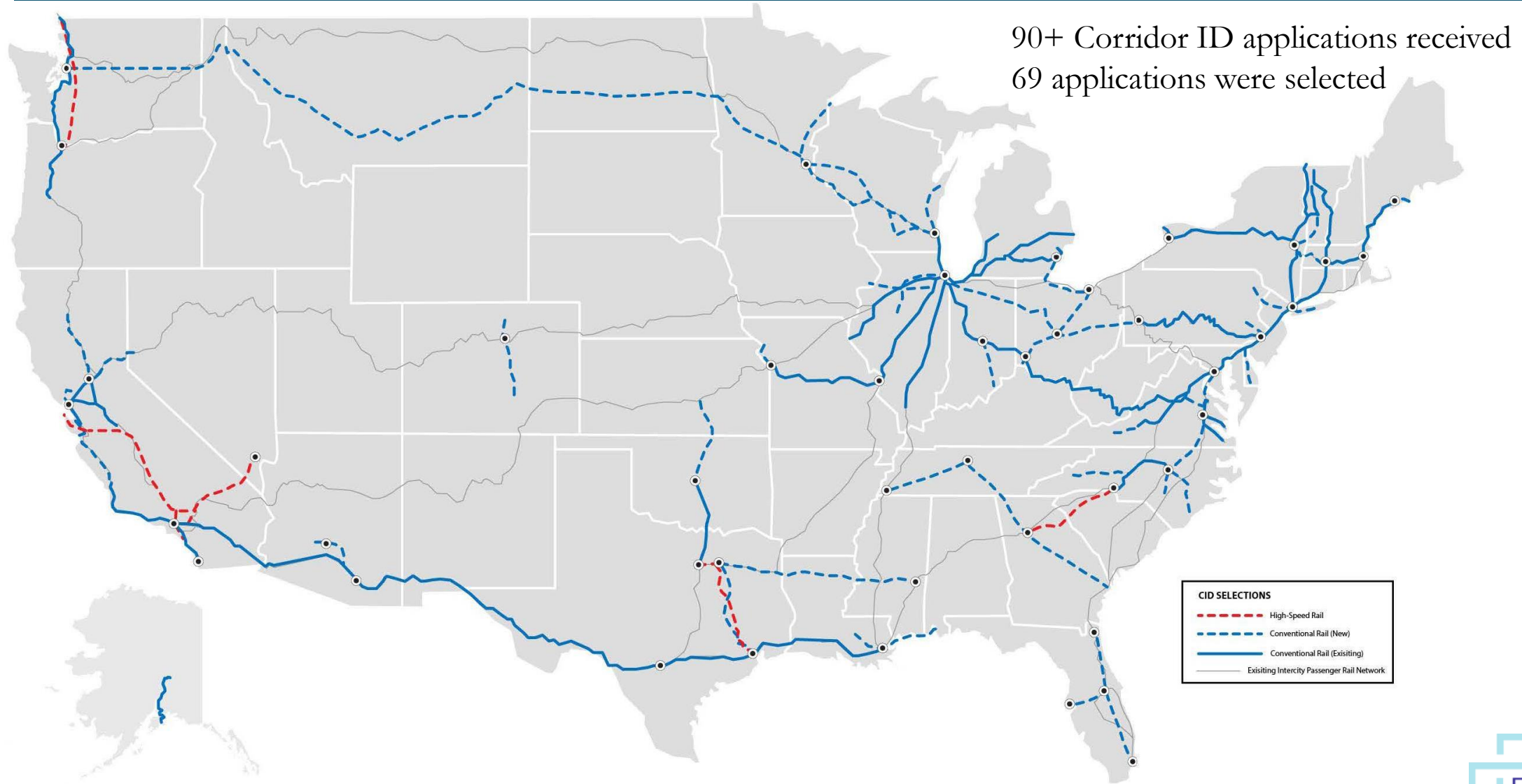
Corridor project inventories populate a prioritized “pipeline” of projects

Projects in the Corridor ID Pipeline are eligible for funding under FRA’s financial assistance programs

Nexus between the Long-Distance Service Study and Corridor ID Program

- Corridor ID eligibility includes both short-distance (less than 750 miles) services, along with increasing the frequency of long-distance service, and restoring service over any route formerly operated by Amtrak.
- Long-distance service corridors selected into Corridor ID include:
 - Daily Cardinal Service (Amtrak) – Increase service frequency of a long-distance route
 - Daily Sunset Limited Service (Amtrak) – Increase service frequency of a long-distance route
 - North Coast Hiawatha (Big Sky Passenger Rail Authority) - Restoration of service over all or portions of an intercity passenger rail route formerly operated by Amtrak

FY 22 Corridor ID Selections

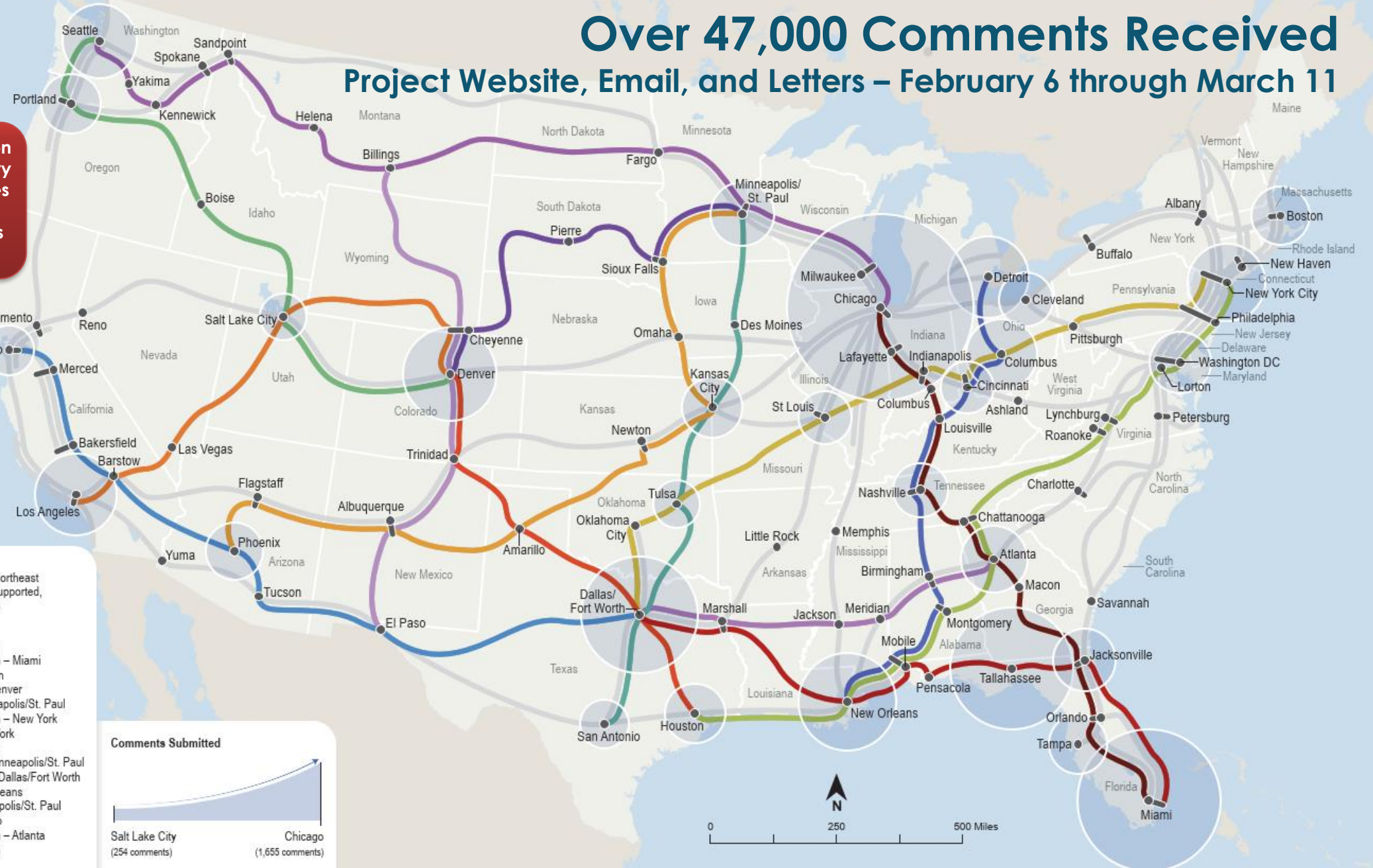
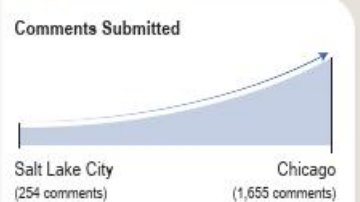


Over 47,000 Comments Received

Project Website, Email, and Letters – February 6 through March 11

Further analysis after completion of this study would be necessary to advance the preferred routes through project planning and project development activities prior to implementation.

- Legend**
- Baseline Network**
 - Long-Distance, Northeast Corridor, State-Supported, Baseline Projects
 - Preferred Routes**
 - Chicago – Miami
 - Dallas/Fort Worth – Miami
 - Denver – Houston
 - Los Angeles – Denver
 - Phoenix – Minneapolis/St. Paul
 - Dallas/Fort Worth – New York
 - Houston – New York
 - Seattle – Denver
 - San Antonio – Minneapolis/St. Paul
 - San Francisco – Dallas/Fort Worth
 - Detroit – New Orleans
 - Denver – Minneapolis/St. Paul
 - Seattle – Chicago
 - Dallas/Fort Worth – Atlanta
 - El Paso – Billings



SEATTLE - CHICAGO

Seattle - Chicago

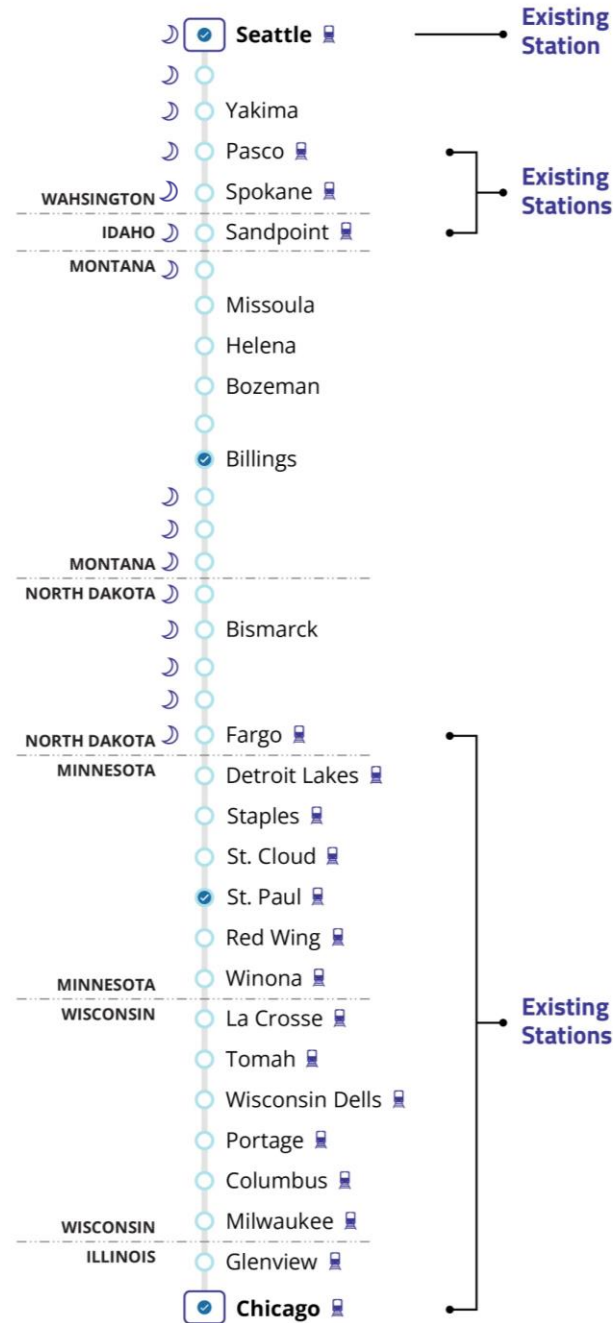
Conceptual Service Overview

Not an FRA proposal for service

Route Service Metrics		
Scheduled run time	avg. of both directions	approx. 50 hours
Route length	avg. of both directions	2,314 miles
Seattle, WA departure time	local time	early afternoon
Chicago, IL arrival time	local time	late afternoon ⁺²
Chicago, IL departure time	local time	early morning
Seattle, WA arrival time	local time	nighttime ⁺²
Average travel time improvements	hours	11
Route Stations		
Total number of stations	count of stations	34
Stations in small communities	count of stations	11
Existing stations adding new service	count of stations	19

Average travel time improvements are for existing OD pairs when using a new route compared to an existing route

Daytime = 5:00 a.m.-10:59 p.m. (5 a.m.-7:59 a.m. early morning; 8 a.m.-10:59 a.m. late morning; 11 a.m.-12:59 p.m. midday; 1 p.m.-3:59 p.m. early afternoon; 4 p.m.-5:59 p.m. late afternoon; 6 p.m.-8:59 p.m. early evening; 9 p.m.-10:59 p.m. late evening). Nighttime = 11 p.m.-4:59 a.m.



Legend

- ☾ Some Arrivals at Night
- 🌑 All Arrivals at Night
- Station
- Terminal
- 🚂 Connecting Existing Amtrak Rail Service
- ✓ Connecting Preferred Route

Some arrivals at night depends on direction. All existing stations and new stations in cities with over 50K people are labeled.

These conceptual schedules are not FRA proposals for service. This study selected conceptual departure times to maximize daytime service for highest population market pairs on a preferred route.

Further analysis and identification of funding after completion of this study would be necessary to advance the preferred routes through project planning and project development activities, including detailed schedule development.

Seattle - Chicago

Equity and Accessibility

1,285 miles
of discontinued
long-distance
routes restored

Additional Populations Served		
Population served	in thousands of people	1,090
Rural population	in thousands of people	210
Rural population in areas of persistent poverty	in thousands of people	40
Rural population that is transportation disadvantaged	in thousands of people	38
Rural population that is health disadvantaged	in thousands of people	49
Population on tribal lands	in thousands of people	42

Legend

Baseline Network

- Long-Distance, Northeast Corridor, State-Supported, Baseline Projects

Preferred Routes

- Preferred Routes
- Preferred Route: **Seattle - Chicago**
- Stations in Cities with Populations over 50K: **Seattle - Chicago**

Not an FRA proposal for service

Further analysis and identification of funding after completion of this study would be necessary to advance the preferred routes through project planning and project development activities, including detailed schedule development.

Additional Institutions Served		
Medical centers	count of centers	2
Higher education institutions	count of institutions	24
Historically black colleges and universities	count of institutions	0
Military installations	count of installations	4
NPS Lands	count of NPS units measured	2

Seattle - Chicago

Selected Passenger Service-Required Cost Estimate Ranges

Selected Passenger Service-Required Cost Ranges		
Vehicle costs	2025 dollars, in millions	\$850-1,100
Station and maintenance facility costs	2025 dollars, in millions	\$1,340-1,740
Track class and PTC upgrade costs	2025 dollars, in millions	\$720-930
O&M costs (annual)	2025 dollars, in millions	\$96-136

Cost estimate ranges include Professional Services. Cost estimate ranges do not include other capital projects including track capacity and operational improvement projects.

Legend

Baseline Network

— Long-Distance, Northeast Corridor, State-Supported, Baseline Projects

Preferred Routes

— Preferred Routes

— Preferred Route: Seattle - Chicago

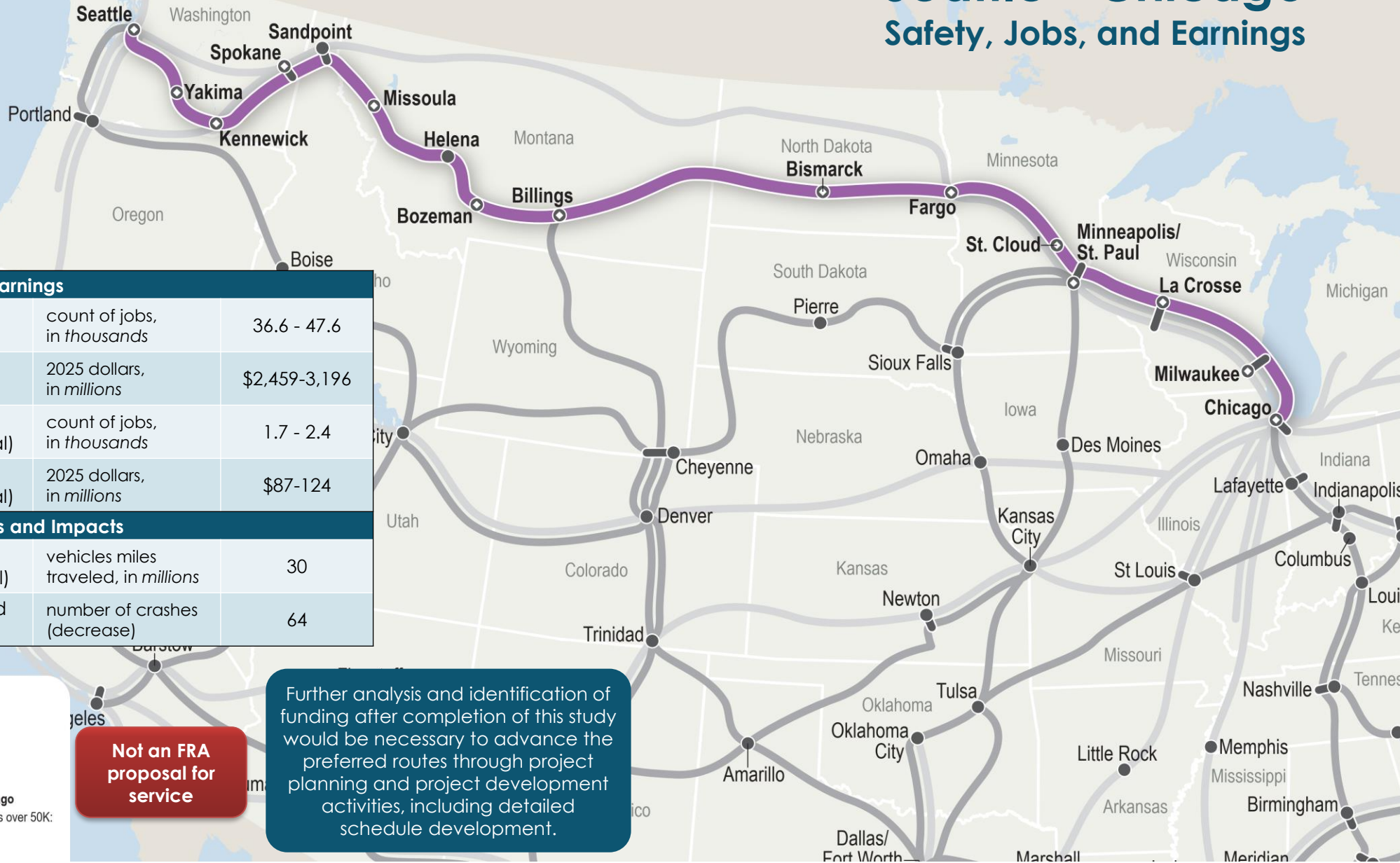
○ Stations in Cities with Populations over 50K: Seattle - Chicago

Not an FRA proposal for service

Further analysis and identification of funding after completion of this study would be necessary to advance the preferred routes through project planning and project development activities, including detailed schedule development.

Seattle - Chicago

Safety, Jobs, and Earnings



Estimated Jobs and Earnings		
Jobs supported by construction	count of jobs, in thousands	36.6 - 47.6
Earnings supported by construction	2025 dollars, in millions	\$2,459-3,196
Jobs supported by operations (annual)	count of jobs, in thousands	1.7 - 2.4
Earning supported by operations (annual)	2025 dollars, in millions	\$87-124
Route Travel Changes and Impacts		
Travel shifted from vehicle to rail (annual)	vehicles miles traveled, in millions	30
Total crashes avoided (annual)	number of crashes (decrease)	64

- Legend**
- Baseline Network**
 - Long-Distance, Northeast Corridor, State-Supported, Baseline Projects
 - Preferred Routes**
 - Preferred Routes
 - Preferred Route: **Seattle - Chicago**
 - Stations in Cities with Populations over 50K: **Seattle - Chicago**

Not an FRA proposal for service

Further analysis and identification of funding after completion of this study would be necessary to advance the preferred routes through project planning and project development activities, including detailed schedule development.

Preferred Routes

Corridor ID Program

Initial Program Selections to Support Project Development Activities

- Seattle - Chicago (North Coast Hiawatha)
- Daily Cardinal
- Daily Sunset Limited

Additional Preferred Routes

Next steps: Initiate Project Planning

- Houston - New York
- Chicago - Miami
- Dallas/Fort Worth - New York
- Denver - Houston
- Los Angeles - Denver
- Phoenix - Minneapolis/St. Paul
- San Francisco - Dallas/Fort Worth
- Detroit - New Orleans
- Dallas/Fort Worth - Atlanta
- San Antonio - Minneapolis/St. Paul
- Denver - Minneapolis/St. Paul
- Dallas/Fort Worth - Miami
- Seattle - Denver
- El Paso - Billings

There is currently no sustained funding or program to advance the development of preferred routes identified by this study

CLOSING AND NEXT STEPS

Moving Forward



Report to Congress

- Complete later in 2024
- Establish options for restoring and expanding long-distance service
- Include ideas for ongoing collaboration and planning
- Acknowledge the need for additional analysis, coordination, funding



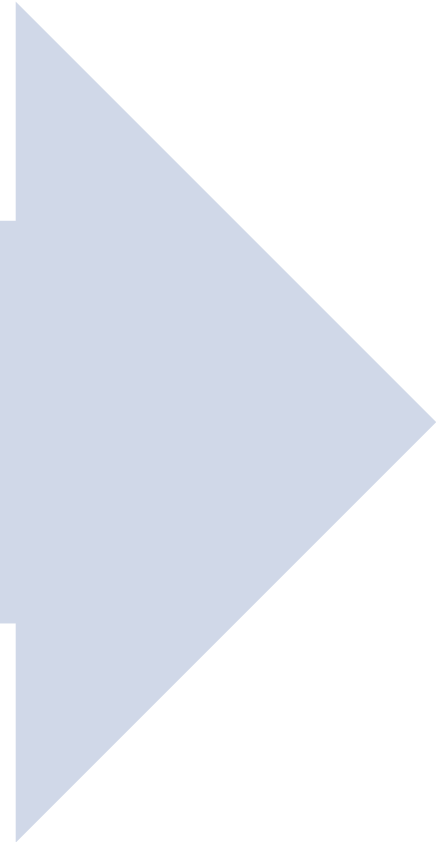
Corridor ID

- Provides sustained support for new or improved passenger corridors through planning and project development stages
- Includes some long-distance routes
 - Daily Cardinal
 - Daily Sunset Limited
 - North Coast Hiawatha



Comments Received

- Maintain a database of comments for reference in future planning processes



Thank You!

- After the final report is submitted to Congress, it will be published on the study and FRA websites.
- www.fralongdistancerailstudy.org



ITEM

8

MEMORANDUM

DATE: 10/01/2024
TO: Mark Splonskowski, Auditor, Treasurer
Burleigh County Commission
FROM: Commissioner Munson / Renae Moch
ITEM: 2025 Joint Powers Agreement for Public Health Services

REQUEST:

Approve and sign the 2025 Joint Powers Agreement with the City of Bismarck for Public Health Services in Burleigh County.

Please place this item on the October 7, 2024, Burleigh County Commission Agenda.

BACKGROUND INFORMATION:

At the September 4, 2024, Burleigh County Commission meeting, the commission approved the 2025 Joint Powers Agreement for Public Health services. The agreement was approved but not signed.

1. On September 24, 2024, the Bismarck City Commission met and approved a modification to the 2025 Joint Powers Agreement. The modification to the 2025 Joint Powers Agreement adds the following statement:

“In consideration of the payment of \$280,664.00 paid by **Burleigh** to **Bismarck** for Public Health after the 2024 tax rates were set and **Burleigh’s** continued contribution in 2025, **Bismarck** reduced the property tax mill rate for the 2025 tax levy.

The total contract amount of \$582,502, representing a 25% cost share of the public health budget, remains unchanged and all contract terms remain the same as approved by the Burleigh County Commission on September 4, 2024.

REQUEST:

Approve and sign the updated 2025 Joint Powers Agreement with the City of Bismarck for Public Health services.

ATTACHMENTS:

- 1 – Digital copy updated 2025 Joint Powers Agreement with changes in red font.
- 2 – Hard copies of the 2025 Joint Powers Agreement for signature.

**2025 JOINT POWERS AGREEMENT
FOR PROVISION OF PUBLIC HEALTH SERVICES**

THIS AGREEMENT is between the City of Bismarck (**Bismarck**) and Burleigh County (**Burleigh**) collectively known as the "Parties".

PRELIMINARY STATEMENT

Bismarck is a home rule city organized and operated under a Home Rule Charter pursuant to [Chapter 40-05.1](#), North Dakota Century Code. **Burleigh County (Burleigh)** is a county organized and operated pursuant to Title 11 of the North Dakota Century Code.

The Parties have the authority to enter into a Joint Powers Agreement pursuant to Section [54.40.3-01](#), North Dakota Century Code and [Article VII](#), Section 10 of the North Dakota Constitution. The Parties each have the authority to provide public health services.

FOR VALUABLE CONSIDERATION and pursuant to NDCC Chapter [54-40.3](#), Article VII, Section 10, North Dakota Constitution, and NDCC Section [23-35-04](#) which allows Burleigh and Bismarck to enter into an agreement to provide health services to Burleigh and the cities throughout Burleigh which do not have a public health unit, the parties agree as follows (the "Agreement"):

1. Purpose. Burleigh and Bismarck hereby enter into this Agreement in accordance with state statute to provide public health services in Burleigh and in the cities throughout Burleigh which do not have a public health unit.
2. Authority. Bismarck has the authority under NDCC [Chapter 23-35](#) to form and operate a public health department and to provide public health services. Burleigh has the authority under NDCC Section 23-35-04(2) to enter into an agreement, with a city public health department, that complies with NDCC Chapter 54-40.3, for the provision of health services within the county and in cities throughout the county which do not have public health services. The Parties, pursuant to the authority contained in NDCC Chapter 54-40.3 and North Dakota Constitution Article VII, Section 10 and the above listed sections hereby enter into this Agreement for the provision of health services in Burleigh and cities in Burleigh that do not have public health services.
3. Financial Administration. **Burleigh** will pay to **Bismarck** an annual sum billed in equal monthly payments, in return for the provision of services by Bismarck-Burleigh Public Health as set forth below. **The total contract amount for 2025 is - \$582,502.**

In consideration of the payment of \$280,664.00 paid by **Burleigh** to **Bismarck** for Public Health after the 2024 tax rates were set and **Burleigh's** continued contribution in 2025, **Bismarck** reduced the property tax mill rate for the 2025 tax levy.

4. Contracts. All contracts, grant applications, or grant acceptances regarding the normal operations of Bismarck-Burleigh Public Health shall be approved by Bismarck. Any grant funds awarded to Bismarck-Burleigh Public Health shall be applied to programs for the benefit of both rural Burleigh and Bismarck residents.
5. General Administration-Committee. The general administration of this Agreement shall be under the supervision of a committee (the Committee) made up of the Burleigh County Auditor, the Bismarck City Administrator, and the Director of Bismarck-Burleigh Public Health. The Committee is not an independent entity. It is an administrative entity without separate legal existence from its constituent members. The committee shall have no decision-making authority regarding the operation of Bismarck-Burleigh Public Health. The committee's primary responsibility shall be mediating and addressing any issues that may arise in the provision of services under this Agreement. Reports concerning the proposed disposition of issues arising under this Agreement shall be reported to each governing body for final disposition.
6. Services. Under this Agreement, public health services provided in rural Burleigh County by Bismarck-Burleigh Public Health will include, but are not limited to, the core functions outlined in ND Century Code [23-35-02](#).
7. Relationship of Parties: This Agreement shall not be construed to create any form of any employment relationship between Burleigh and Bismarck-Burleigh Public Health, or any person designated by Bismarck-Burleigh Public Health under the provisions of this Agreement. It is the intention of the parties hereto to maintain separate and distinct organizations, and Bismarck-Burleigh Public Health through its designated employees shall at all times be acting as an independent contractor in providing services to and for the benefit of Burleigh. Bismarck-Burleigh Public Health shall be responsible to control and supervise all of its employees and to pay compensation to or for the employees of all wages, salaries, taxes, withholding payments, fees, as well as other benefits or compensation to any pension or retirement plans. Bismarck-Burleigh Public Health shall not claim that Burleigh is responsible for the payment of any of the foregoing payments,

withholdings, contributions, or taxes in relationship to its designated employees.

8. Effective Date. This Agreement shall become effective upon signature of all of the parties.

9. Term. The term of this Agreement is from **January 1, 2025, through December 31, 2025** subject to cancellation by either Burleigh County or the City of Bismarck upon 60 days' notice.

10. This Agreement supersedes and replaces the AGREEMENT FOR PROVISION OF PUBLIC HEALTH SERVICES FOR BURLEIGH COUNTY BY THE CITY OF BISMARCK PUBLIC HEALTH or any other agreement for the provision of public health services currently in affect between the Parties.

BURLEIGH COUNTY

Dated this _____ day of _____, 20__

Brian Bitner, Chair
Burleigh County Commission

Attest: _____
Mark Splonskowski
Burleigh County Auditor/Treasurer

CITY OF BISMARCK

Dated this _____ day of _____, 20__

Michael T. Schmitz, President
Board of Bismarck City Commissioners
City of Bismarck

Rena A. Moch, Director
Bismarck-Burleigh Public Health

Attest: _____
Jason Tomanek, Administrator
City of Bismarck

ITEM

9

Let's Play!

November 12, 2014

Dear Burleigh County Commission Chair Jim Peluso:

The Bismarck Parks and Recreation District was informed by letter dated October 14, 2014 that the Burleigh County Commission voted to reduce the County Park mill levy from one (1) mill to one-half (1/2) mill on October 8, 2014 (Exhibit A). This includes the mill levy for county parks extended within the City of Bismarck.

An Agreement for the Joint Exercise of Governmental Powers ("JPA") between Burleigh County, City of Bismarck, Bismarck Park District and Burleigh County Park Board was executed on July 1, 1998 (Exhibit B). This JPA is an agreement regarding the levy of one mill for the expenses and activities program of the County Park Board, under the control of the City or City Park District. The agreement was made for the purpose of enhancing the recreational opportunities for residents of the City and the County and to provide for adequate law enforcement and other support for existing and recreational facilities.

The JPA outlines how "[r]evenue from the one mill levy within the City of Bismarck shall be used." In summary, the JPA provides that part of the one mill levy goes to the Park District for riverfront improvements and Sibley Park.

Section 54-40-04 of the North Dakota Century Code on joint powers agreements provides that a JPA "may be continued for a definite term or until rescinded or terminated in accordance with its terms." The terms of this JPA are that the JPA can be terminated at the close of any calendar year by any party upon one year's written notice to all other parties. Therefore, a notice to terminate is required to all the parties. If such a notice was given now, in November 2014, the earliest the JPA could terminate is December 31, 2015.

The Park District has approved its budget for 2015. The budget was based upon estimated value of the mill being \$290,456. Reducing the County mill levy from one (1) mill to one-half (1/2) mill reduces the Bismarck Parks and Recreation District's share of the tax levy by \$98,029 (Exhibit C).

Reducing the mill from one to one-half effectively terminates the one mill agreement and if this reduction to one-half mill takes place for calendar year 2015, the termination is not in accordance with law or the terms of the JPA. It is understood that the County Park mill levy cannot legally be reinstated to the full one-mill levy for 2015. However, since the Park District's budget has already been approved with the expectation of the full one mill per the JPA, we ask that the Burleigh County Commission consider providing additional money to fund the Park District at the one mill rate. In addition, we would like to invite the Burleigh County Commissioners or their designated representative(s) to discuss this Joint Powers Agreement and expectations for 2016.

Sincerely,

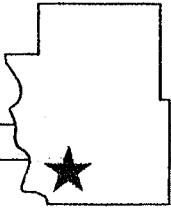


Julie Jeske
Bismarck Board of Park Commissioners President

A nationally accredited park and recreation agency.

STATE OF NORTH DAKOTA

County of Burleigh



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

October 14, 2014

Mr. Randy Bina
Director
Bismarck Park & Rec District
400 East Front Avenue
Bismarck, North Dakota 58504

Dear Randy:

Please be advised that the Burleigh County Commission at their October 8, 2014 regular meeting, upon conclusion of the 2015 budget hearing, voted to reduce the County Park mill levy from one (1) mill to ½ mill.

This included the mill levy for county parks extended within the City of Bismarck.

Sincerely,

A handwritten signature in cursive script, which appears to read "Jim Peluso". The signature is written in black ink and is positioned above the printed name and title.

Jim Peluso
Chairman, Burleigh County Commission

AGREEMENT FOR THE JOINT EXERCISE OF GOVERNMENTAL POWERS

The City of Bismarck ("City"), Burleigh County ("County"), the City of Bismarck Park District ("Park District") and the Burleigh County Board of Park Commissioners ("County Park Board"), having in common a portion of their territories, hereby agree to jointly or cooperatively exercise their respective separate powers with regard to the levy of one mill for the expenses and activities program of the County Park Board, including construction, improvement, repair, operation, and maintenance of park and recreational areas and their facilities and those recreational activities of benefit to the general populace of the County which are under the control of the City or City Park District. This agreement is made pursuant to the provisions of Chapter 54-40 of the North Dakota Century Code for the purpose of enhancing the recreational opportunities for residents of the City and County, and to provide for adequate law enforcement and other support for existing and recreational facilities.

- 1) Consent to one Mill Levy. The City hereby consents to the levy of up to one mill within the City, as provided by Section 11-28006, N.D.C.C., and subsection 10 of Section 57-15-06.7, N.D.C.C., for the purposes authorized by Section 11-28-06 and by the terms of this agreement. The Mayor and City Administrator are authorized and directed to execute a resolution consenting to this levy.
- 2) Distribution of Funds. Revenue from the one mill levy within the City of Bismarck shall be used as follows:
 - a) 35% of the mill shall be split 50/50 between the County and City/Park District for the benefit of Riverfront Improvements on lands under the management or ownership of the City of Bismarck, Bismarck Park District, or the County.
 - b) 35% of the mill shall be used for the operation and improvements of Sibley Park, under the management of the City Park District.
 - c) 15% of the mill shall be used for the operation and improvements to county riverfront facilities under management of the Burleigh County Park Board.
 - d) 15% of the mill shall be used for law enforcement and maintenance to riverfront facilities under management or ownership of the Park District and the City of Bismarck.
- 3) Distribution of Funds. The County Auditor shall distribute funds as collected with monthly apportionment in amounts equal to the agreed to percentages to the County Park Board and the Bismarck Park District. The Park District shall be holder of the funds for City and Park District use.
- 4) Term. This agreement shall be in affect for successive (one) 1 year terms or until terminated.
- 5) Termination. This agreement may be terminated effective at the close of any calendar year by any party upon one year's written notice to all other parties. When terminated, the County's authority to levy the one mill shall also terminate.

6) Ownership. Unless otherwise agreed to in writing, all facilities constructed or improved pursuant to this agreement, shall remain the property of the party who holds title to the land on which the facilities are located, inventoried and insured accordingly.

Date: July 1, 1998

CITY OF BISMARCK:

By: [Signature]
Mayor, City of Bismarck

Attest: [Signature]
City Administrator

BURLEIGH COUNTY:

By: [Signature]
President, Board of County Commissioners

(SEAL)
Attest: [Signature]
County Auditor

BURLEIGH COUNTY PARK BOARD
BISMARCK PARK DISTRICT:

By: [Signature]
President, Board of Park Commissioners

(SEAL)
Attest: [Signature]
Clerk

BISMARCK PARK DISTRICT
BURLEIGH COUNTY-PARK-BOARD:

By: [Signature]
President, Board of Park Commissioners

Attest: [Signature]
Clerk

10/21/2014

Impact of County Cutting Mill to 1/2

	Projected @ 1/2 mill	Actual Projected Deficit
General Sibley	\$ 50,830	\$ (50,830)
Fund 31	\$ 47,199	\$ (47,199)
	<u>\$ 98,029</u>	<u>\$ (98,029)</u>

Estimated Value of 2015 mill: \$ 290,456

General Sibley (35%)	\$ 101,660	x 1/2=	\$ 50,830
Fund 31 (32.5%)	\$ 94,398	x 1/2=	\$ 47,199
Burleigh County (32.5%)	\$ 94,398		
	<u>\$ 290,456</u>		<u>\$ 98,029</u>

\$ 266,456.21

ITEM

10

Garrison Diversion Conservancy District (GDCD)

Procedure to request withdrawal from the conservancy district

1. Commissioners pass resolution to petition the GDCD Board of Directors (“Board”) to exclude the county.
 - a. Resolution must state specific reasons why such county will not be benefited by the establishment and development of the Garrison diversion unit.
2. Auditor and Commission Chair file a petition to exclude the county.
 - a. Petition must state specific reasons why such county will not be benefited by the establishment and development of the Garrison diversion unit.
3. Within 60 days, the Board shall meet to consider the petition where they can:
 - a. Grant the petition; OR
 - b. Set a time and place for a hearing
 - i. The Board must publish the hearing notice for 2 consecutive weeks; and
 - ii. The hearing must be within 10-20 days of the last publication.
4. If there is a hearing, the Board must determine whether the county will or will not be benefited by the establishment and development of the Garrison diversion unit.
 - a. If determine will not be benefited, then shall grant the petition.
 - i. The county shall be liable for and shall pay to the district taxes levied before exclusion.
 - b. If determine will be benefited, then shall deny the petition.

The Commission will need to list specific reasons why Burleigh County will not be benefited by continued membership in the Garrison Diversion Conservancy District.

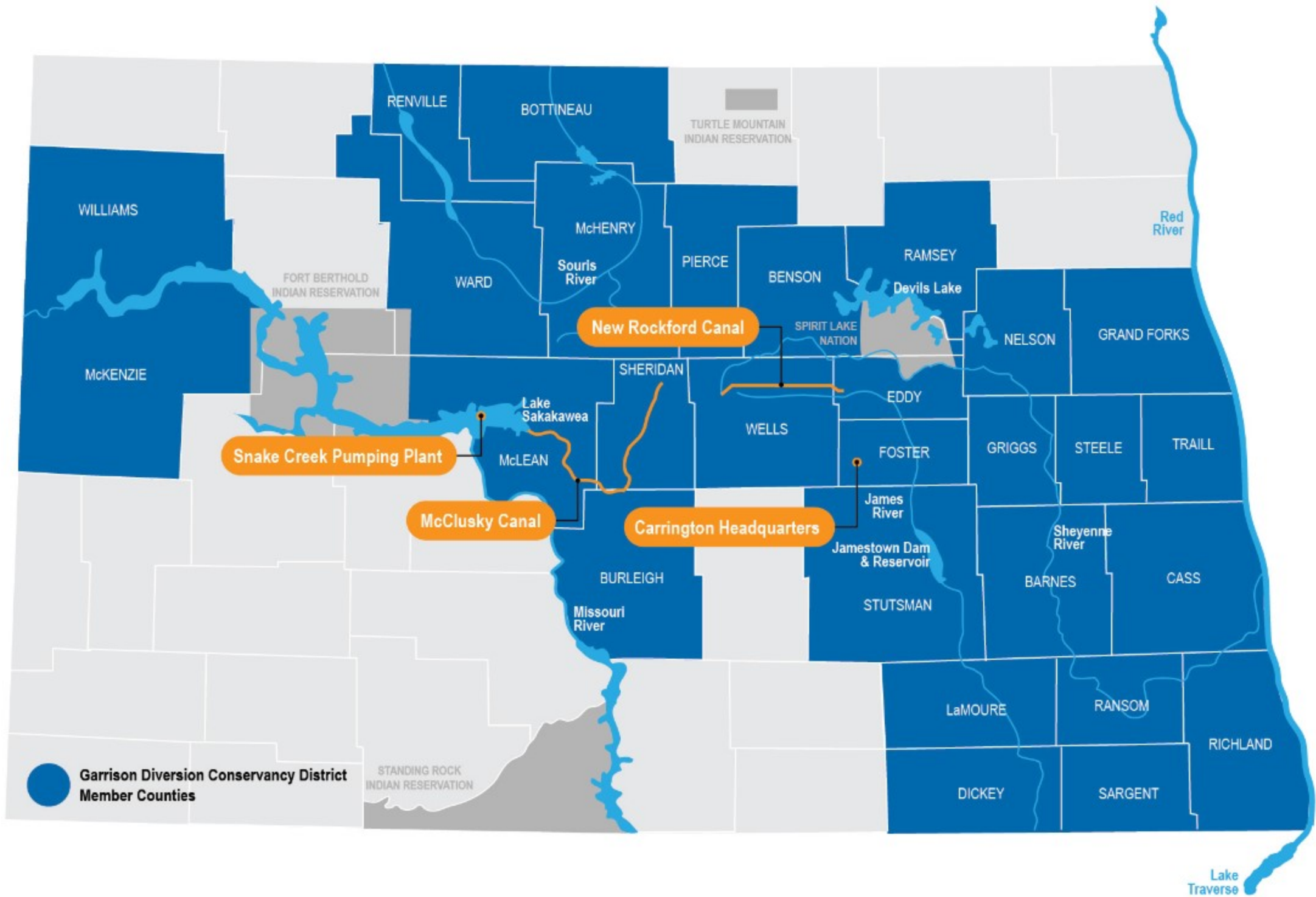
According to the Garrison Diversion website, Burleigh County petitioned to join in 1988. It is suggested to review what projects the GDCD has done since that time and whether those projects have benefited Burleigh County and to look at current and future projects to determine if those projects will benefit Burleigh County.

GDCD annual reports from 2003 - 2022 can be found here - <https://garrisondiversion.org/about-garrison-diversion/annual-reports/>

A list of current projects and programs can be found here - <https://garrisondiversion.org/> - under the “Focus Areas” tab.

61-24-16. County may be excluded from conservancy district if not benefited.

1. Any county in the conservancy district not benefited or not to be benefited, in whole or in part, by the establishment of the Garrison diversion unit of the Missouri River basin project as authorized by Act of Congress, approved December 22, 1944 [58 Stat. 887], and acts amendatory thereof or supplementary thereto, may be excluded from the district as provided herein. The board of county commissioners of any such county may by resolution direct the county auditor and the chairman of the board to file with the board of directors of the conservancy district a petition, for and on behalf of the county, requesting the board of directors of the district to exclude such county therefrom. A certified copy of the resolution of the county board shall accompany and be filed with such petition. The petition and resolution shall state specific reasons why such county will not be benefited by the establishment and development of the Garrison diversion unit.
2. Within sixty days from the date of filing said resolution and petition for exclusion from the district, the district board shall meet to consider such petition. It may grant such petition or it may fix a time and place for a hearing thereon. If a hearing be set, the secretary of the board shall cause notice of the filing of such petition for exclusion, and of the time and place for a hearing, to be published once each week for two consecutive weeks in a newspaper of general circulation printed in the district. The hearing mentioned in such notice shall be held not less than ten nor more than twenty days after the last publication of such notice. The notice shall state that any person, corporation, limited liability company, municipality, and county in the district may appear or be represented at the hearing and show cause why the petition should or should not be granted. The board shall hear the petition at the time and place mentioned in the notice.
3. If after the hearing on the petition the district board of directors shall determine that the county requesting to be excluded from the district will not be benefited, the district board shall by resolution grant the petition and shall direct the chairman and secretary to execute the order of the board excluding such county from the conservancy district. If, however, the district board shall decide that such county will be benefited it shall deny the petition and direct the chairman and secretary to execute its order refusing to exclude such county from the district. A county excluded from the conservancy district shall not be liable for any obligations thereof incurred after exclusion but shall be liable for and shall pay to the district taxes levied before exclusion.
4. If any contract shall have been made with the United States or any agency thereof before such petition is filed, such petition shall not be granted unless consented thereto by the appropriate agency of the United States and if such agency gives its consent upon condition, such conditions shall be included in the order of exclusion and the county may be required to and in that event such county shall continue to pay any tax levies required to meet the obligations of any such contract.



Garrison Diversion Conservancy District Member Counties

STANDING ROCK INDIAN RESERVATION

TURTLE MOUNTAIN INDIAN RESERVATION

FORT BERTHOLD INDIAN RESERVATION

SPIRIT LAKE NATION

Red River

Lake Traverse

RENVILLE

BOTTINEAU

WILLIAMS

McHENRY

PIERCE

BENSON

RAMSEY

WARD

Souris River

Devils Lake

New Rockford Canal

NELSON

GRAND FORKS

McKENZIE

SHERIDAN

WELLS

EDDY

Snake Creek Pumping Plant

Lake Sakakawea

McLEAN

FOSTER

GRIGGS

STEELE

TRAIL

McClusky Canal

Carrington Headquarters

James River

Jamestown Dam & Reservoir

Sheyenne River

BURLEIGH

Missouri River

STUTSMAN

BARNES

CASS

LaMOURE

RANSOM

RICHLAND

DICKEY

SARGENT

Resolution to Authorize Filing of Petition to Exclude Burleigh County from the Garrison Diversion Conservancy District

Purpose

The purpose of this resolution is to authorize the Burleigh County Auditor and the Chair of the Burleigh County Board of Commissioners to file with the board of directors of the Garrison Diversion Conservancy District a petition, drafted by the Burleigh County State's Attorney pursuant to this resolution, for and on behalf of the county, requesting the Board of Directors of the Garrison Diversion Conservancy District to exclude Burleigh County from the Garrison Diversion Conservancy District.

Resolution

WHEREAS, Burleigh County has been a member of the Garrison Diversion Conservancy District since 1988;

WHEREAS, [benefiting projects, if any] have been done that have benefited Burleigh County;

WHEREAS, [benefiting projects, if any] have been completed and will not be of future benefit to Burleigh County;

WHEREAS, [non-benefiting projects] have been done that have not benefited Burleigh County;

WHEREAS, no future projects have been identified that will benefit Burleigh County;

NOW BE IT RESOLVED, that the Burleigh County Commission authorizes the Burleigh County Auditor and the Chair of the Burleigh County Board of Commissioners to file with the board of directors of the Garrison Diversion Conservancy District a petition, drafted by the Burleigh County State's Attorney pursuant to this resolution, for and on behalf of the county, requesting the Board of Directors of the Garrison Diversion Conservancy District to exclude Burleigh County from the Garrison Diversion Conservancy District.

ITEM

11

NOTICE IS HEREBY GIVEN, that the following real estate has been forfeited to the County of Burleigh, State of ND, for delinquent taxes; that said County has taken tax deed to such property and will offer for sale at public auction at the Office of the County Auditor in said County on Tuesday, November 19, 2024 beginning at 10:00 am ACCORDING to NDCC 57-28-19, some Cities have the first option to purchase property; therefore, some parcels may not be listed at sale time. EACH PARCEL of real estate will be offered separately and sold to the highest bidder thereof, but not for a sum less than the minimum sale price. The purchaser will be required to pay cash for all parcels of real estate sold plus \$20.00 as and for the filing fee with the County Recorder. This sale will continue from day to day until complete. REAL PROPERTY, fixtures, and structures are without warranty or representation.

LISTED OWNER	PROPERTY ADDRESS	PARCEL ID#	2024 MV	Delq. Taxes + Pen. & Int	Delq. Specials + Pen. & Int.	TOTAL DELQ. AMOUNT + \$50 FEE	Est. 2024 Tax	Est. 2024 Specials	EST. 2024 TOTAL	MINIMUM SALE AMOUNT
3-D PROPERTIES LLP	1421 BURINGTON DR #4	1463-003-154	222,400.00	\$8,386.52	\$843.03	\$9,279.55	\$2,890.09	\$225.31	\$3,115.40	\$12,394.95
3-D PROPERTIES LLP	4903 PLATOON AVE	2200-004-001	54,500.00	\$2,225.51	\$14,684.18	\$16,959.69	\$708.23	\$3,659.91	\$4,368.14	\$21,327.83
3-D PROPERTIES LLP	1701 BRIGADE ST	2200-004-050	84,100.00	\$3,437.81	\$19,942.25	\$23,430.06	\$1,092.88	\$4,916.44	\$6,009.32	\$29,439.38
A TO Z TRAGEDY RELIEF AND	4300 FULLER AVE	38-138-80-46-05-010	9,100.00	\$293.49	\$0.00	\$343.49	\$83.55	\$0.00	\$83.55	\$427.04
A TO Z TRAGEDY RELIEF AND	4200 FULLER AVE	38-138-80-46-05-020	37,300.00	\$1,202.98	\$0.00	\$1,252.98	\$342.45	\$0.00	\$342.45	\$1,595.43
BAILEY, ROSE R	NONE	48-137-76-63-13-200	1,000.00	\$22.34	\$0.00	\$72.34	\$6.65	\$0.00	\$6.65	\$78.99
BOULDER RIDGE DEVELOPMENT INC	636 E LASALLE DR	1514-005-001	800.00	\$2,000.00	\$6,806.64	\$8,856.64	\$10.40	\$2,394.20	\$2,404.60	\$11,261.24

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