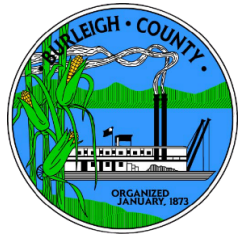




Lincoln, Fort Rice, Riverview, Florence Lake, Burnt Creek, Canfield, Lyman, & Phoenix
Unorganized Townships



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)

August 5, 2024

5:00 PM

Invocation and Pledge of Allegiance presented by Chaplain.

COUNTY WEED BOARD

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration of the July 1, 2024, meeting minutes and bills.
5. Update and discussion on approval of bills.
6. Other business.
7. Adjourn

COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration of the July 15, 2024, meeting minutes and bills.
5. Consent Agenda:
 - a. Abatements.
 - b. Applications for licenses, raffles, and special events permits.
6. Planning Director Flanagan:
 - a. Zoning change for Burleigh County Soil Conservation District.
 - b. Appeal of special use permit.
7. County Engineer Hall:
 - a. 2025 budget adjustments.
8. County Sheriff Leben:

- a. Quarterly jail report.
9. County Auditor Splonskowski/ County Finance Director Jacobs:
 - a. Preliminary Budget Discussion.
10. County Finance Director Jacobs.
 - a. Sales tax bond escrow fund.
 - b. Financial Statement Audit report.
11. Chairman Bitner:
 - a. Digitalization of County records.
12. County HR Director Binder:
 - a. Tyler Technologies Infinite Vision HR Module Implementation.
 - b. Finance Director and Deputy Finance Director Job Description.
13. Other business.
14. Adjourn.

The next regularly scheduled Commission meeting will be on August 19, 2024.

Mark Splonskowski
Burleigh County Auditor/Treasurer

COUNTY

WEED

BOARD

**BURLEIGH COUNTY WEED BOARD
MEETING MINUTES
JULY 1, 2024**

6:06 P.M

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

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

Motion by Comm. Schwab, 2nd by Comm. Munson to approve the June 17th, 2024 minutes. All members present voted, "AYE." Motion carried.

Comm. Schwab brought to the Board's attention that a couple of companies expressed interest in doing some spraying for the county. Comm. Schwab said he'll be helping Weed Officer Johnson with negotiations so that some spraying can be done as soon as possible. Comm. Schwab warned that due to the circumstances they're in, the county won't have time to do the state highway rights-of-ways, which includes the interstate. No further action was taken.

Meeting adjourned.

Mark Splonskowski, Auditor/Treasurer

Steve Bakken, Chairman

COUNTY

COMMISSION

**BURLEIGH COUNTY COMMISSION
MEETING**

JULY 15TH, 2024

8:30 AM *Pledge of Allegiance*

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

Roll call of the members: Commissioners Woodcox, Munson, and Chairman Bitner were present; Comm. Bakken and Schwab were initially absent, both of whom arrived later.

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

Motion by Comm. Schwab, 2nd by Comm. Munson to approve the July 1st, 2024 meeting minutes and bills subject to Comm. Schwab's review. All members present voted, "AYE".

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
Bryan & Krista Diede	2023	Block 3, Country West XXVI, Lot 1 & N 5' of Lot 2	100% Disabled Veteran	\$283,000	\$229,000
Dennis & Aleja-Laura Larson	2023	Lot 14, Block 25, Wachter's 9th	100% Disabled Veteran	\$451,500	\$271,500
Jerome & Gloria Braxmeyer	2023	Lot 90 & undivided interest in common areas, Block 3, Southbay 2nd Addn	60% Disabled Veteran	\$680,700	\$572,700
Nii Amahtey Sampah & Antoinette Newman	2023	Lot 26, Block 8, Heritage Park Addition	100% Disabled Veteran	\$414,600	\$234,600
William & Jeanne Hunt	2023	Lot 2, Block 4, High Meadows 5th	Error in property description	\$365,400	\$346,900
William & Jeanne Hunt	2024	Lot 2, Block 4, High Meadows 5th	Error in property description	\$376,600	\$358,100
Tyler & Danielle Goetz	2022	Lot 1, Block 2, Pebble Creek 7th	Error in property description	\$376,000	\$340,400
Tyler & Danielle Goetz	2023	Lot 1, Block 2, Pebble Creek 7th	Error in property description	\$403,000	\$367,400
Tyler & Danielle Goetz	2024	Lot 1, Block 2, Pebble Creek 7th	Error in property description	\$412,200	\$376,600
Marsha Reimnitz	2023	Block 2, East View, Lot 502B of Lot 22 less S 50' of W 22' of said Lot 22	100% Homestead Credit	\$192,300	\$0
Heather Housley	2023	SW1/4 Com at pt 890.8' W & 157' N of SE cor N80' E235' S80' W235' to pt of beg and tract 15' x 235', Block 2, Wing lands	100% Homestead Credit	\$42,500	\$0
Dennis & Pamela Buchholz	2023	Block 29, Stein's 4th, Lot 1A of Lot A of Lot 2 also known as tract AA	50% Homestead Credit	\$214,500	\$114,500

Andrew Reimnitz	2023	Lot 2, Block 5, Parkview	50% Homestead Credit	\$217,700	\$117,700
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Motion by Comm. Woodcox, 2nd by Comm. Munson to approve the Diede, Larson, Braxmeyer, Sampah & Newman, Hunt (2), Goetz (3), M. Reimnitz, Housley, Buchholz, & A. Reimnitz abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

Jason Bohoer provided the Commission an update from the Lignite Energy Council, giving a rundown on how several factors – such as recent regulatory pushes by the Environmental Protection Agency, pressure from the neighboring state of Minnesota, and difficulty getting access to capital – have been affecting the state of North Dakota's lignite industry.

Brent Ekstrom from the Lewis & Clark Development Group came forward next and clarified to the Commission about what the Lewis & Clark Development Group does as an organization, namely lending for homeownership, affordable housing, and helping businesses connect with banks.

County Engineer Hall presented to the Commission from the city of Bismarck the Central Outpost Subdivision plat and recommended the Commission accept the platted right of way. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the platted right of way. All members present voted "AYE". Motion carried.

Emergency manager Senger presented to the Commission an idea to apply for the National Flood Insurance Community Rating System in a cost share opportunity alongside the Burleigh County Water Resource District for a 10 percent discount. Motion by Comm. Woodcox, 2nd by Comm. Bakken to the cost share. All members present voted "AYE". Motion carried.

Finance Director Jacobs appeared and gave an update on the general funds reserve, stating that the general fund reserves is currently sitting somewhere around \$16.6 million and leaves a current reserve balance of 47.6 percent. Jacobs estimated that the general funds reserve at year's end could end somewhere in the realm of \$19.5 to \$21.5 million.

The Missouri Valley Complex Committee brought to the Commission a request to approve engaging in the services of Swenson and Hagen phases one and two on behalf of the Committee to update the plat, and to approve the funding for the engineering services. Motion by Comm. Munson, 2nd by Comm. Woodcox to the approve the Missouri Valley Complex Committee's request. All members present voted "AYE". Motion carried.

Auditor/Treasurer Splonskowski presented to the Commission the preliminary review for Burleigh County's 2025 budget, with important points of focus including an update to the courthouse's boiler system (which would be paid through the county's general fund reserves), employee retention & recruitment, increased funding for public health, additional staff, and increased funding for the highway department. Splonskowski stated that the total 2025 general fund expenditure budget is \$40,383,254 (70 percent of that amount – or \$28,526,548 – is from salaries and fringe benefits), and the 2025 expenditure budget is \$75,018,395.

The Commission discussed individual items in the preliminary budget as follows:

- First: a discussion about the need to update the boiler in the county courthouse arose. Given that the issue had been brought up time and time again in past meetings and is necessary for day-to-day functioning of the courthouse, a motion was made by Comm. Munson, 2nd by Comm. Bakken to pay for a new boiler in the county courthouse out of the county's current maintenance fund, with any excess to come from general fund reserves. All members present voted "AYE". Motion carried.
- Second: Comm. Munson made a point that the county needs to be more involved in the management of Public Health, as Burleigh County only has a 25 percent share on the board of Bismarck-Burleigh Public Health; Comm. Munson advocated for Burleigh County to develop the necessary funds and reserves to either create its own or take over current public health operations. Motion by Comm. Bakken, 2nd by Comm. Schwab to not go with Munson's proposal and instead maintain the county's current commitment to Bismarck-Burleigh Public Health at 25 percent. Comm. Bakken, Schwab, and Bitner voted "AYE"; Comm. Munson and Woodcox voted "NAY". Motion carried.
- Third: within the current preliminary budget, the budget includes a two-step and two percent COLA increase to county employee salaries. This was discussed by the Commission, who decided to hold off on making any changes to this aspect until the next budget meeting. No further action was taken.

- Fourth: the Commission reviewed a request by the Planning Department for an additional planner employee as well as \$90,000 for a comprehensive planning update. County Planning Director Mitch Flanagan was not present to help answer some of the details the Commission wanted answers for. Motion by Comm. Bakken, 2nd by Comm. Woodcox to keep the employee and eliminate the plan update. Comm. Bakken, Schwab, Woodcox, and Bitner voted "AYE"; Comm. Munson voted "NAY". Motion carried.
- Fifth: the Commission reviewed a renewed proposal for the hiring of a county administrator. While Chairman Bitner and Comm. Munson said they didn't see a need for that position, Comm. Bakken and Woodcox disagreed. Both dissenting commissioners argued that with the current fractionalized nature of county operations – and as said operations look to move into the Provident Building and grow from there – the position of a county administrator should be considered more seriously. As discussion on this topic eventually came to a deadlock, a motion was made by Comm. Bakken, 2nd by Comm. Schwab to strike the county administrator position out of the budget. Comm. Bakken, Schwab, Woodcox, and Bitner voted "AYE"; Comm. Munson voted "NAY". Motion carried.
- Sixth: the Commission reviewed a request by the Auditor's office for an additional accountant. Auditor/Treasurer Splonskowski informed the Commission that this year the Finance Department was expressly forbidden from assisting the Auditor's office by decision of the current portfolio holder of both the Finance Department and Auditor's office (who is currently Chairman Bitner). Historically, the Finance Department has always assisted the Auditor's office in the budget-making process; thus, the decision to bar the Finance Department and Auditor's office from working together has resulted in an increased workload on the Auditor's side. Splonskowski continued by saying if some of the Finance Director's responsibilities are to be transferred over to the Auditor's office, additional staff in the Auditor's office is required to help with the increased workload. In the absence of the Finance Department, it was acknowledged that former Burleigh County Finance Director Clyde Thompson had been offering his services to help craft the budget for Burleigh County. Commissioner Munson pointed out that there was an agreement in place for the Finance Director Jacobs and Assistant Finance Director Schmidt to have 20 hours per week dedicated to working in the Auditor's office for training and interdepartmental assistance, and perhaps suggested strengthening that option to resolve the problem. Comm. Schwab and Chairman Bitner both also proposed furthering the education of current staff within both the Auditor's office and Finance Department. Motion by Comm. Munson, 2nd by Comm. Bakken to strike the accountant position out of the budget and maintain the 20-hours per week floating arrangement. Comm. Bakken, Schwab, Munson, and Bitner voted "AYE"; Comm. Woodcox voted "NAY". Motion carried.
- Seventh: the Commission reviewed a request by the State's Attorney office for additional staff. All of the Commission was in agreement to keep the request as is due to the State's Attorney office remaining consistently understaffed. No further action was taken.
- Eighth: the Commission reviewed the Sheriff's Department's portion of the budget and had no questions for the Sheriff's Department. No further action was taken.

The County Commission adjourned at 11:06 AM to allow the Burleigh County Park Board to conduct its meeting after reaching a quorum. The County Commission then reconvened at 11:12 AM to enter an executive session regarding the Provident Building; it publicly reconvened at 11:30 AM to continue its discussion of the preliminary budget. Roll call of the members: Commissioners Woodcox, Munson, Bakken, Schwab, and Chairman Bitner were present. Motion by Comm. Bakken, 2nd by Comm. Munson to proceed with their discussion from executive session to just affirm their consensus. All members present voted "AYE".

- Ninth: the Commission reviewed the Highway Department's portion of the budget. It was noted that the 2025 Highway Department proposed budget was around \$2 million less than 2024's, as the Highway Department made many cuts to their budget. After some discussion, motion by Comm. Munson, 2nd by Comm. Bakken to have the Highway Department use their previous 2024 budget amount of \$16,482,488 for their 2025 operating budget with no mill levy increase using Legacy fund, General fund reserves, and Prairie Dog funds to fill it. Comm. Bakken, Schwab, Munson, and Bitner voted "AYE"; Comm. Woodcox voted "NAY". Motion carried.

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the preliminary budget. All members present voted "AYE". Motion carried.

Emergency manager Senger returned to inform the Commission that at some point the county should look at negotiating a contract for the bid pot project for the water line and remodel, but the Commission had already taken the next steps necessary for that project.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

DRAFT

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

Abate #	Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
24-643	Bismarck Parks and Recreation District	2024	Lot 21, Block 8, Silver Ranch 3rd Addition	Property exempt from taxation	\$200	\$100
24-652	Todd Schimke	2023	Lots 1-2, Block 19, Fisher	50% Homestead Credit	\$254,400	\$154,400
24-653	Betty Baker	2023	Lot 8 & N 48' of Lot 9, Blk 22, Cliffords Subdivision	50% Homestead Credit	\$145,000	\$72,500



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

24-010

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 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	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) Jocelyn Miller		Site Name Crossroads Tavern		Site Phone Number [REDACTED]
Site Address 1205 Northstar Drive	City Bismarck	State ND	Zip Code 58503	County Burleigh
Organization Matpac Wrestling Club, Inc.	Rental Period 7/1/24 to 6/30/25		Monthly Rent Amount	
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? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	\$ 400
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				\$ 1,650-
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>Jocelyn Miller</i>	Title owner	Date 7-11-24
Signature of Lessee <i>Aut Heston</i>	Title President	Date 7-11-24



LOCAL PERMIT OR RESTRICTED EVENT PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 GAMING DIVISION
 SFN 17926 (2-2023)

Permit Number
24-010

Permit Type (check one)
 Local Permit Restricted Event Permit*
 Games Authorized
 Raffle by a Political or Legislative District Party
 Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.
LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group Sanford Health Foundation		Dates Authorized (Read Instruction 2) Sept. 7, 2024	
Organization or Group Contact Person Kortney Moore	E-mail [REDACTED]	Telephone Number [REDACTED]	
Mailing Address [REDACTED]	City Bismarck	State ND	ZIP Code 58501

SITE INFO

Site Name Beard Arena	County Burleigh
Site Address 16030 62nd Ave SE	City Menoken
	State ND
	ZIP Code 58558

If the city or county is placing restrictions on the permit, please explain

Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)

50/50 Raffle on Sept. 7, 2024

Permits must be issued prior to the 1st event date.

Local governing bodies please see the instructions on the backside of this form on how to complete the permit. Be certain to provide the organization or group with the "Information Required to be Preprinted on a Standard Raffle Ticket" found on the backside of this forms if a raffle is being conducted. If a "Restricted Event Permit" is being issued, either provide organization or group with SFN 52880 "Report on a Restricted Event Permit" or make them aware that the report must be filed with the city or county and the Office of Attorney General within 30 days after the event. Before approving a site location, ensure compliance with the gaming law below

Before approving a local permit or restricted event permit the local governing body should review North Dakota Century Code 53-06.1-03(3)(a) which states:

3. A licensed organization or organization that has a permit shall conduct games as follows:
- Only one licensed organization or organization that has a permit may conduct games at an authorized site on a day, except that a raffle may be conducted for a special occasion by another licensed organization or organization that has a permit when one of these conditions is met:
 - When the area for the raffle is physically separated from the area where games are conducted by the regular organization.
 - Upon request of the regular organization and with the approval of the alcoholic beverage establishment, the regular organization's license or permit is suspended for that specific time of day by the Attorney General.

Local governing bodies should also review North Dakota Administrative Code 99-01.3-01-05 (Permits) for the administrative rules governing permits. These rules may be viewed on the North Dakota Attorney General's website at <https://attorneygeneral.nd.gov/licensing-and-gaming/gaming/gaming-laws-rules-and-publications>

CITY OR COUNTY CONTACT PERSON

Name Mark Splonskowski	Title Burleigh County Auditor	Telephone Number 701-712-2887	E-mail Address msplonskowski@nd.gov
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input checked="" type="checkbox"/> County

City or County must submit a copy of the permit above to the Office of Attorney General within 14 days of issuance.



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
SFN 9338 (4-2023)

Applying for (check one)
 Local Permit Restricted Event Permit*
 Games to be conducted
 Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.
LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group Sanford Health Foundation		Dates of Activity (Does not include dates for the sales of tickets) Sept. 7, 2024	
Organization or Group Contact Person Kortney Moore		Telephone Number	
[Redacted]		City Bismarck	State ND
Mailing Address (if different)		City	ZIP Code 58501

SITE INFO

Site Name Beard Arena		County	
Site Physical Address 16030 62nd Ave. SE		City Menoken	State ND
		ZIP Code 58558	
Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.) 50/50 raffle on Sept. 7th, 2024			

PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
50/50 raffle	50% of collected cash	TBD
Total (limit \$40,000 per year)		\$ TBD

Intended Uses of Gaming Proceeds

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)
 Yes No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit)
 Yes No

Has the organization or group received a local permit from an city or county for the (fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded)
 No Yes - Total Retail Value: \$1,300 total, \$650 once split (prize) (This amount is part of the total prize limit for \$40,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)
 Yes No

Name Sara Hawgen	Title Vice President	Telephone Number [Redacted]	E-mail Address Sara.hawgen@sanfordhealth.org
Signature of Organization or Group's Top Official [Signature]		Title Vice President	Date 7/10/2024

All Items required for this Permit have been meet.

These Items are on file and can be seen upon request.

ITEM

6



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

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Commission
Re: Recommendations from the July 10, 2024 Burleigh County Planning Commission Meeting.
Date: 7-29-2024
From: Mitch Flanagan, Burleigh County Planning Director.

ITEM 1

Zoning Change for Burleigh County Soil Conservation District

Legal Description: Section 34 N OF NPRR ALL N1/2 LESS R/W 412690 34-139-78

Property Address: 1107 NE 171st St., Menoken, ND.

The Burleigh County Soil Conservation District is intending to construct an office space/ learning center facility. The 8,300-sf building will be used for public assembly that includes an educational/learning center. The proposed zoning will be Public Use District, which is established for areas in which the principal land use is governmental, civic or institutional uses. Current zoning is A-AG District.

The building permit and plans information have been reviewed. The zone change is the final step before issuing a permit. At the Planning Commission meeting a motion to recommend approval with 1 condition: apply a double chip seal to the gravel on 171st NE St.

Vote was 8-0 to recommend approval of zone change.

SUGGESTED MOTION:

Based on supporting documents and findings by County Staff, it is recommended to approve the zoning change to Public Use District.

Attachments: Ex. 1.1107 Site Location Facing SE
Ex. 2.1107 Site Location Facing NE



Ex. 2. 1107 Site Location Facing NE



Ex. 1. 1107 Site Location Facing SE



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

burleighcobuilding@nd.gov
 701-221-3727

To: Burleigh County Commission.
 Re: Appeal of Planning Commission Decision
 Date: 7-29-2024
 From: Mitch Flanagan, Burleigh County Planning Director.

ITEM 1

Information for Appeal of Special Use Permit

On July 10th, 2024 the Planning Commission held a public hearing to consider permitting a commercial corn maze on the grounds of the Baldwin Greenhouse by Mary Podoll/ Stoll Farms LLC. 1725 201st Ave. NE, Baldwin, ND. The corn maze would run from August thru October. Clark Coleman, who has operated a corn maze at the Buckstop Junction would run the maze, Friday thru Sunday for the remainder of the week it will be operated by Stoll Farms. Onsite there will be a food truck, portable bathrooms, and a gravel parking lot. It will be open up to a half hour before sunset.

HISTORY and INFORMATION

Stoll Farms purchased the Baldwin Greenhouse in November of 2022. Prior to this, the Werre family operated the greenhouse during the growing and planting season and was closed during the fall and winter months. Since purchasing the greenhouse Stoll Farms have held several events which include food trucks, for example on Mother’s Day, 2024 over 2,000 people visited the green house and enjoyed the food available thru the food trucks on site. The greenhouses are open Monday through Sunday, closed on Wednesday

In the Spring of 2023, Burleigh County began to receive complaints about the activities and the amount of people on the greenhouse property. The concerns expressed were that the activities being held was not “agricultural” in nature.

Jamie Feist owns the property west of the greenhouse. Mr. Feist and his family breed and raise deer, which are wild and are not pets. The additional activities from the events and the food trucks alone have caused his deer to bolt against their pens, death and miscarriage within his stock. The pens are located approximately 35-40’ from the shared property line. In August of 2020, when Mr. Feist purchased his property, the greenhouse traffic was limited to those purchasing items at the greenhouse. Food trucks and various activities were not held on the property.

Mr. Feist is very concerned that the additional activity of a corn maze and participants in the corn maze trespassing on his property to see the deer. His male deer are just growing antlers and very skittish, the deer might bolt, break an antler and bleed out. The bolting of deer in one pen will cause a chain reaction in his other pens.

After lengthy testimony, the planning commission voted 7-2 in favor of denial.

ACTION REQUESTED:

1. Unless neighbors are able to reconcile the complaint-based conflict, the motion and recommendation from the Planning Commission should stand.
2. If approval is a consideration, the Special Use Permit for Stoll Farms should follow the draft Article 8 Section 28 requirements for Agricultural Recreation.

Attachments:

Ex. 1 Site Location 1725 201st Ave. NE.

Ex. 2 Appeal Request SUP Stoll Farms

Ex. 3 Draft Article 8 Section 28 requirements for Agricultural Recreation.

ORDINANCE 24-0-----

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 8 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO SECTION 28 AGRICULTURAL RECREATION

Section 1. **Amendment** Article 8 of the Zoning Ordinance is hereby amended and re-enacted as follows:

Section 28 Agriculture Recreation

Agriculture Recreation may be permitted in an Agricultural District as a special use. All persons, entities or organizations wishing to establish the use of Agricultural Recreation within Burleigh County must apply for and be granted a special-use permit.

Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

Agriculture. The Science or practice of cultivating the soil, producing crops and or raising livestock.

Agriculture Recreation. An agriculture recreation use combines agricultural production with recreational uses that are in common with and ancillary to the primary agricultural use and in conjunction with a single-family dwelling.

Agriculture Recreation Tier 1 Any agriculture-related activity, in conjunction with agricultural production which is intended to educate the public in a singular one-day event about agriculture, agricultural practices, agricultural activities, or agricultural products.

Agricultural Recreation Tier II Any agricultural-related use that combines agriculture production with recreation uses that are in common with and ancillary to the primary agricultural use, such as pumpkin patches, farm festivals, corn mazes, hayrides, trail rides, U-Pick orchards,

on-farm markets, floriculture, demonstration farms, U-Pick Christmas tree farms or similar activities for someone other than the property owner, involving the gathering of individuals assembled for the common purpose of said event.

Special Uses In order to carry out the purposes of this title. Board of Burleigh County Commissioners find it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the Burleigh County Planning and Zoning Commission prior to the granting of a building permit or certificate of occupancy and that the Burleigh County Planning and Zoning Commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such a permit or certificate.

1. **Permanent Uses** (Planning and Zoning Commission approval) Burleigh County Planning and Zoning Commission is authorized to recommend approval of Special Use Permits for the following uses:

A. **Agriculture Recreation Tier II** may be permitted in any A-Agricultural District as a Special Use provided:

1. The use is ancillary to the primary agricultural uses and in conjunction with an owner-occupied single-family dwelling.
2. The lot in which the use is located is at least forty (40) acres in area, thirty-five (35) acres aliquot description.
- ~~3. Attendance is limited to seventy-five (75) persons in attendance per day. at any time.~~
4. Limited to thirty (30) events per year
5. Site design and building(s) must conform to all applicable requirements of the International Building Code (IBS) and the International Fire Code (IFC) as adopted by the State of North Dakota.
6. The events or activities shall not involve the construction or use of new or permanent structures.
7. All parking areas shall be mowed and designed to prevent debris from the site entering the public right-of-way, and be arranged to provide for orderly and safe loading or unloading and parking.
8. Sound generated by the use shall meet the requirements as outlined in NDCC.
9. All outdoor light fixtures shall be installed in a manner intended to limit the amount of off-site impacts. Light fixtures located near adjacent properties may require special shielding devices to prevent light trespass.

10. The use is setback a minimum of 100 feet to all adjacent properties.
11. A site plan is required.
12. If necessary, a stormwater management plan is required to be submitted for review and approval prior to the issuance of a building permit
13. Off-street parking is required. Parking on grass and agricultural areas may be gravel or low-cut grass area. Parking ratios shall be determined in accordance with Article 10 Automobile Parking.
14. Under certain circumstances, items for road/ditch repair and dust control application at the permittees cost, may be required.
15. Additional conditions may be included in the Special Use Permit.
16. After approval and issuance of a Special Use Permit, any violations of Section 28 may/shall be basis for revocation of the Special Use Permit.

Article 11 A-Agricultural Zoning District In an A-Agricultural District, the following regulations shall apply:

1. **Uses Permitted.** The following uses are permitted.
 - a. **Agricultural Recreation Tier 1**
 - i. Agriculture Recreation Tier 1 shall be allowed on a parcel of land forty (40) acres in area, (thirty-five (35) aliquot description.)
2. The following Special Uses are allowed as per Section 28 hereof:
 - a. **Agricultural Recreation Tier II**

Section 2 Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Severability If any section provision or part of this ordinance shall be adjudged invalid or unconstitutional such as 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 4. Effective Date This ordinance shall take effect after final passage, adoption and publication as provided by law

First Reading Passed: _____

Passed and adopted this _____ day of _____, 2024

Brian Bitner

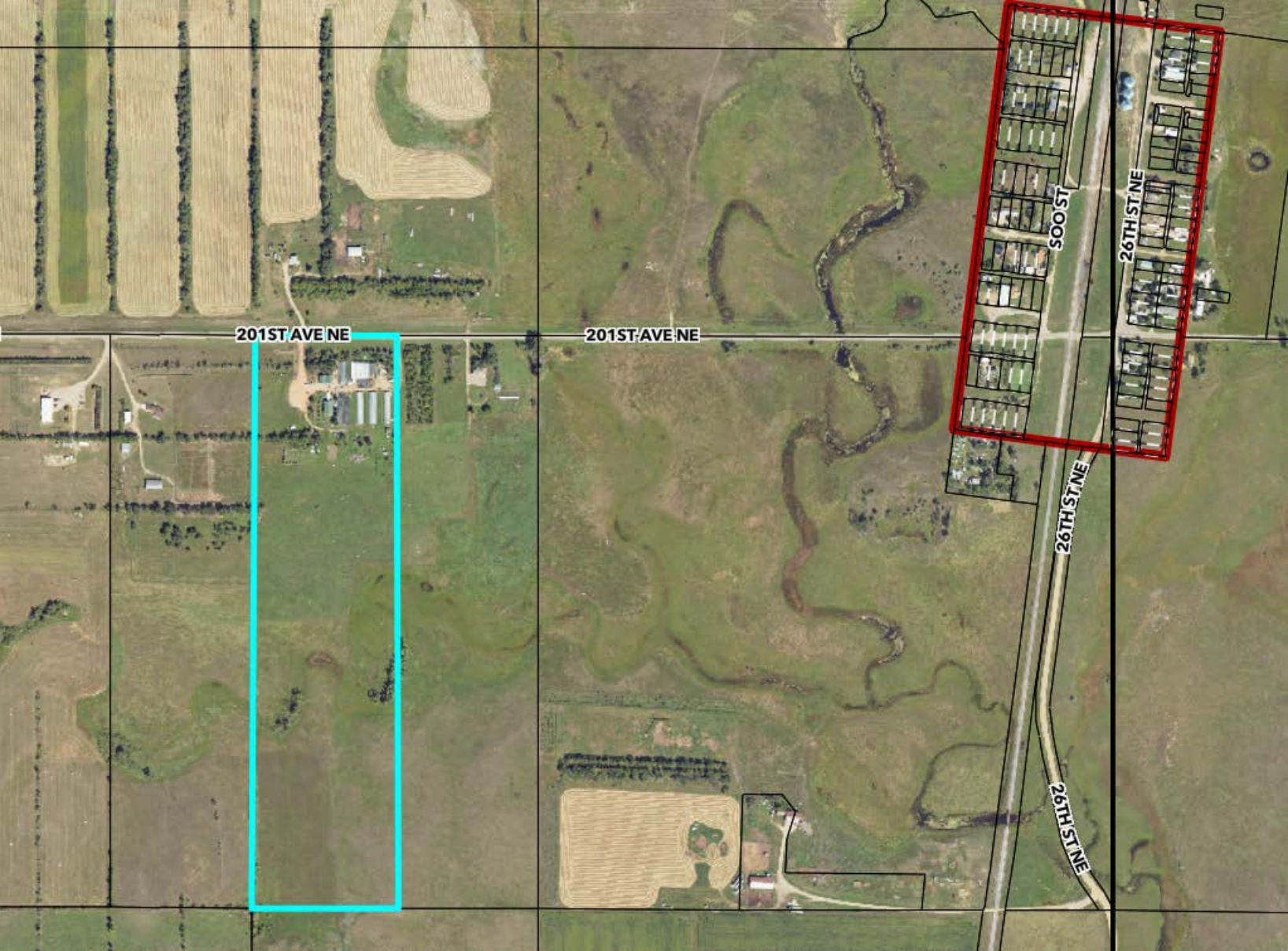
Chairperson

Final passage and adoption:

I, Mark Splonskowski, do hereby certify that I am the duly elected auditor of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting of

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh County this _____ day of _____, 2024

Mark Splonskowski, Burleigh County Auditor/Treasurer



201ST AVE NE

201ST AVE NE

500 ST

26TH ST NE

26TH ST NE

28TH ST NE

ORDINANCE 24-0-----

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Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

Agriculture. The Science or practice of cultivating the soil, producing crops and or raising livestock.

Agriculture Recreation. An agriculture recreation use combines agricultural production with recreational uses that are in common with and ancillary to the primary agricultural use and in conjunction with a single-family dwelling.

Agriculture Recreation Tier 1

1. Any agriculture-related activity, in conjunction with agricultural production which is intended to educate the public in a singular one-day event about agriculture, agricultural practices, agricultural activities, or agricultural products.
2. Any agricultural-related use that combines agriculture production with commercial recreational activities that are ancillary to the primary agricultural use. Such uses include farm to table dinners, pumpkin patches, u-pick orchards, U-pick Christmas tree farm, and hayrides for

someone other than the property owner. Tier 1 agriculture recreation uses shall not exceed an occupancy of fifty (50) people per day.

Agricultural Recreation Tier II

Any agricultural-related use that combines agriculture production with recreation uses that are in common with and ancillary to the primary agricultural use, such as pumpkin patches, farm festivals, corn mazes, hayrides, trail rides, U-Pick orchards, on-farm markets, floriculture, demonstration farms, U-Pick Christmas tree farm or similar activities for someone other than the property owner, involving the gathering of individuals assembled for the common purpose of said event. Tier II agriculture recreation uses shall not exceed an occupancy of One-hundred (100) people per day.

Special Uses In order to carry out the purposes of this title. Board of Burleigh County Commissioners find it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the Burleigh County Planning and Zoning Commission prior to the granting of a building permit or certificate of occupancy and that the Burleigh County Planning and Zoning Commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such a permit or certificate.

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 1. The use is ancillary to the primary agricultural uses and in conjunction with an owner-occupied single-family dwelling.
 2. The lot in which the use is located is at least forty (40) acres in area, thirty-five (35) acres aliquot description.
 - ~~3.~~ Attendance is limited to One hundred (100) persons in attendance per day.
 4. Limited to thirty (35) events per year

5. Site design and building(s) must conform to all applicable requirements of the International Building Code (IBS) and the International Fire Code (IFC) as adopted by the State of North Dakota.
6. The events or activities shall not involve the construction or use of new or permanent structures.
7. All parking areas shall be mowed and designed to prevent debris from the site entering the public right-of-way, and be arranged to provide for orderly and safe loading or unloading and parking.
8. Sound generated by the use shall meet the requirements as outlined in NDCC.
9. All outdoor light fixtures shall be installed in a manner intended to limit the amount of off-site impacts. Light fixtures located near adjacent properties may require special shielding devices to prevent light trespass.
10. The use is setback a minimum of 100 feet to all adjacent properties.
11. A site plan is required.
12. If necessary, a stormwater management plan is required to be submitted for review and approval prior to the issuance of a building permit
13. Off-street parking is required. Parking on grass and agricultural areas may be gravel or low-cut grass area. Parking ratios shall be determined in accordance with Article 10 Automobile Parking.
14. Under certain circumstances, items for road/ditch repair and dust control application at the permittees cost, may be required.
15. Additional conditions may be included in the Special Use Permit.
16. After approval and issuance of a Special Use Permit, any violations of Section 28 may/shall be basis for revocation of the Special Use Permit.

Article 11 A-Agricultural Zoning District In an A-Agricultural District, the following regulations shall apply:

1. Uses Permitted. The following uses are permitted.
 - a. Agricultural Recreation Tier 1
 - i. Agriculture Recreation Tier 1 shall be allowed on a parcel of land forty (40) acres in area, (thirty-five (35) aliquot description.)
2. The following Special Uses are allowed as per Section 28 hereof:
 - a. Agricultural Recreation Tier II

Section 2 Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Severability If any section provision or part of this ordinance shall be adjudged invalid or unconstitutional such as 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 4. Effective Date This ordinance shall take effect after final passage, adoption and publication as provided by law

First Reading Passed: _____

Passed and adopted this _____ day of _____, 2024

Brian Bitner Chairperson

Final passage and adoption:

I, Mark Splonskowski, do hereby certify that I am the duly elected auditor of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting of

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh County this _____ day of _____, 2024

Mark Splonskowski, Burleigh County Auditor/Treasurer



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

burleighcobuilding@nd.gov
701-221-3727

CERTIFIED

July 11, 2024

Stoll Farms LLC
1725 201st Ave NE
Baldwin, ND 58521

RE: Special Use Permit Request

Dear Mary:

This letter is to inform you the Burleigh County Planning and Zoning Commission at its July 10, 2024 meeting denied a recommendation of "Do Pass" to the Board of Burleigh County Commissioners for the special use permit to hold a corn maze on your property described as:

Glenview Township Section 24, W 1/2 E 1/2 NW 1/4
Addressed as: 1725 201st Ave NE
Zoned: A-Agriculture

If you do not agree with the Burleigh County Planning and Zoning Commission decision, you can appeal their decision to the Burleigh County Board of Commissioners as per Article 2- Section 7 Appeals of the Burleigh County Zoning Ordinances:

"Any final decision of the Planning and Zoning Commission may be appealed to the Board of County Commissioners. Notice of appeal in writing shall be delivered to the County Auditor or the Chairman of the Board of County Commissioners within ten (10) days after the Planning and Zoning Commission's decision. A meeting on the appeal shall be scheduled for the Board of County Commissioners within forty-five (45) days of receipt of the notice of appeal. After the appeal has been heard, the Board of County Commissioners shall make its decision." Article 2, Section 7, Burleigh County Zoning Ordinances

Please let me know if you have any questions or concerns about this notification.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. McMonagle". The signature is fluid and cursive, with the first name "Marla" and last name "McMonagle" clearly distinguishable.

Marla McMonagle
Associate Planner

E-mailed 7/11/2024



Burleigh County Planning and Zoning Commission Meeting Agenda

Tom Baker Meeting Room, City/County Building, 221 5th Street N,
Bismarck, ND



5:15pm

Attend in Person || Watch Live on Government Access Channels 2 or 602 || 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)

AGENDA **July 10, 2024**

1. Roll Call
2. Approval of the June Minutes
3. Consent Agenda *(The following item(s) are request(s) for a public hearing)*
 - 3-1 Aberle 2nd Subdivision
 - 3-2 Amendment to Zoning Ordinance
 - Article 8 – Special Use, Section 28 - Agri-Recreation
 - 3-3 Amendment to Zoning Ordinance
 - Article 8 – Special Use, Section 29- Solar Farms
4. Public Hearing Agenda
 - 4-1 Menoken Farm Facility Zoning Change
A-Agricultural to P-Public Use District
 - 4-2 Baldwin Greenhouse Special Use Permit
 - Corn Maze for 2024 Session
5. Other Business:
 - 5-1 Draft Ordinance Article 8, Section 30 – Data Centers
 - 5-2 Draft Ordinance Article 8, Section 31 Accessory Dwelling Units on A-Agricultural and R1-Rural Single-Family Residential Zoning Districts.
6. Adjourn – Next meeting – August 14, 2024

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Agenda Item 3-1

Application for a Preliminary Subdivision & Zoning Change

Project Summary	
Consent Agenda:	Aberle 2 nd Subdivision
Status:	Planning and Zoning Commission – Consideration
Petitioner/Developer	Janice Aberle
Engineer	Swenson Hagen & Co.
Location:	Part of the NW 1/4 of Section 29, Township 139 N Range 78 W, Burleigh County, ND
	
Project Size:	6 acres more or less Zoning Change A-Agricultural to R1 Rural Single Family Residential
Petitioners Request	Approval of the preliminary plat and zoning change. Call for a public hearing

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



PLANNING AND ZONING COMMISSION

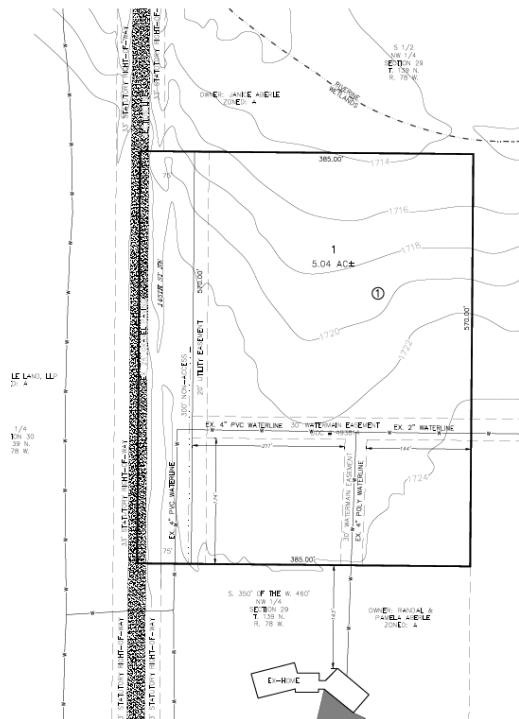
July 10, 2024

History/Description

Burleigh County was approached regarding a one (1) lot subdivision and zoning change from A-Agricultural to R1-Rural Single Family Residential.

The review committee did not find issues of concern. A Stormwater Waiver has been requested and approved. A paving waiver has been requested and was granted by the Board of Burleigh County Commissioners in May.

The surrounding properties are zoned A- Agricultural, however, the size of the property conforms to similar parcels in the area.



Attachment 3-1-2 Preliminary Plat



PLANNING AND ZONING
COMMISSION

July 10, 2024

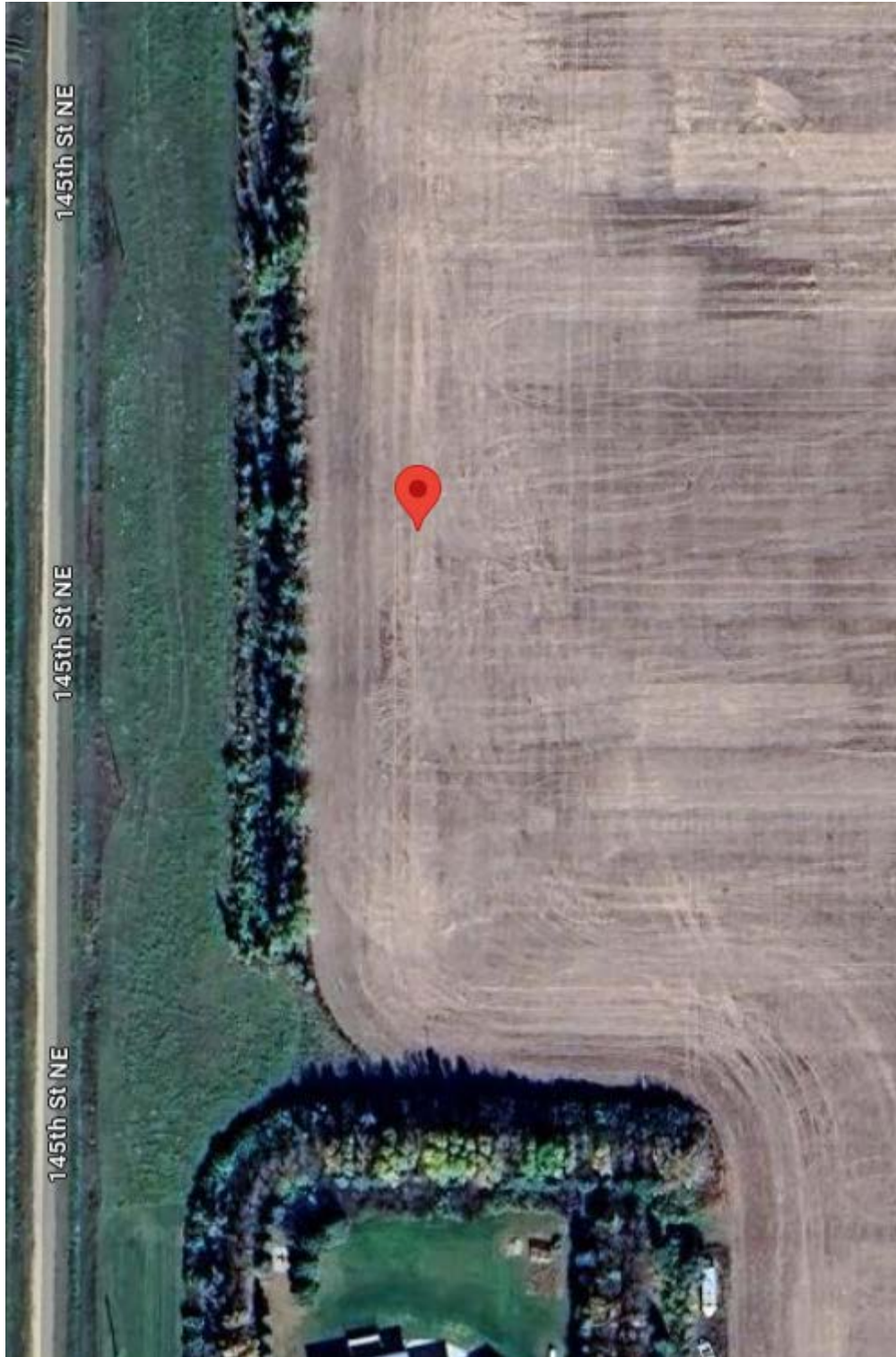


Attachment 3-1-3 Site Map



PLANNING AND ZONING
COMMISSION

July 10, 2024

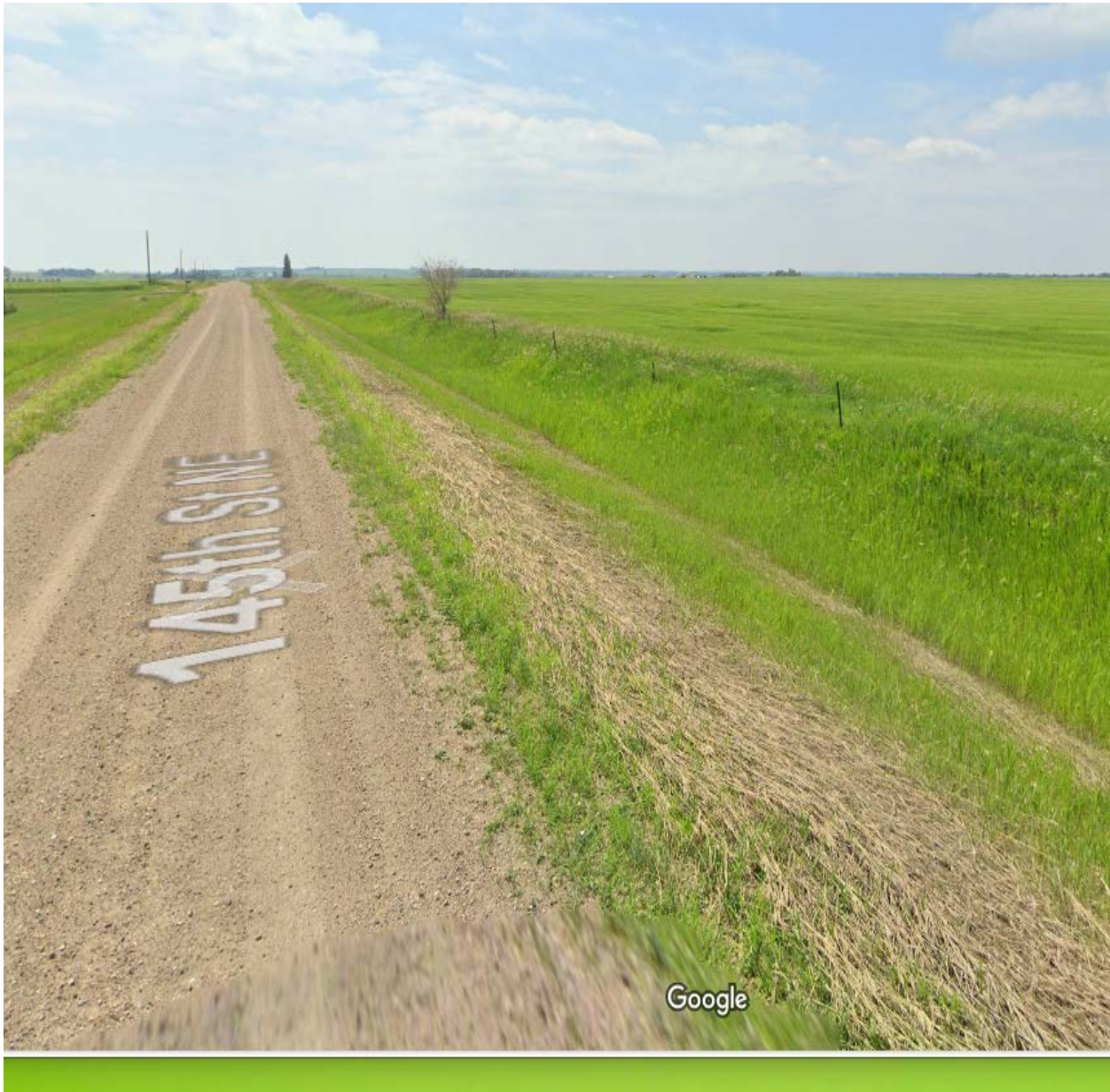


Aerial View –
google maps



PLANNING AND ZONING
COMMISSION

July 10, 2024



South View



North View

Staff Findings:

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This zoning change fulfills the requirements of Article 12 of the Burleigh County Zoning Ordinance
3. A paving waiver has been granted
4. A Stormwater Management Plan or Waiver Request has been granted
5. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.



PLANNING AND ZONING COMMISSION

July 10, 2024

6. This subdivision and zoning change meet the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Planning Staff Recommendation

The petition for a preliminary plat and zoning change meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and zoning change. and calling for a public hearing.

Planning Commission Action

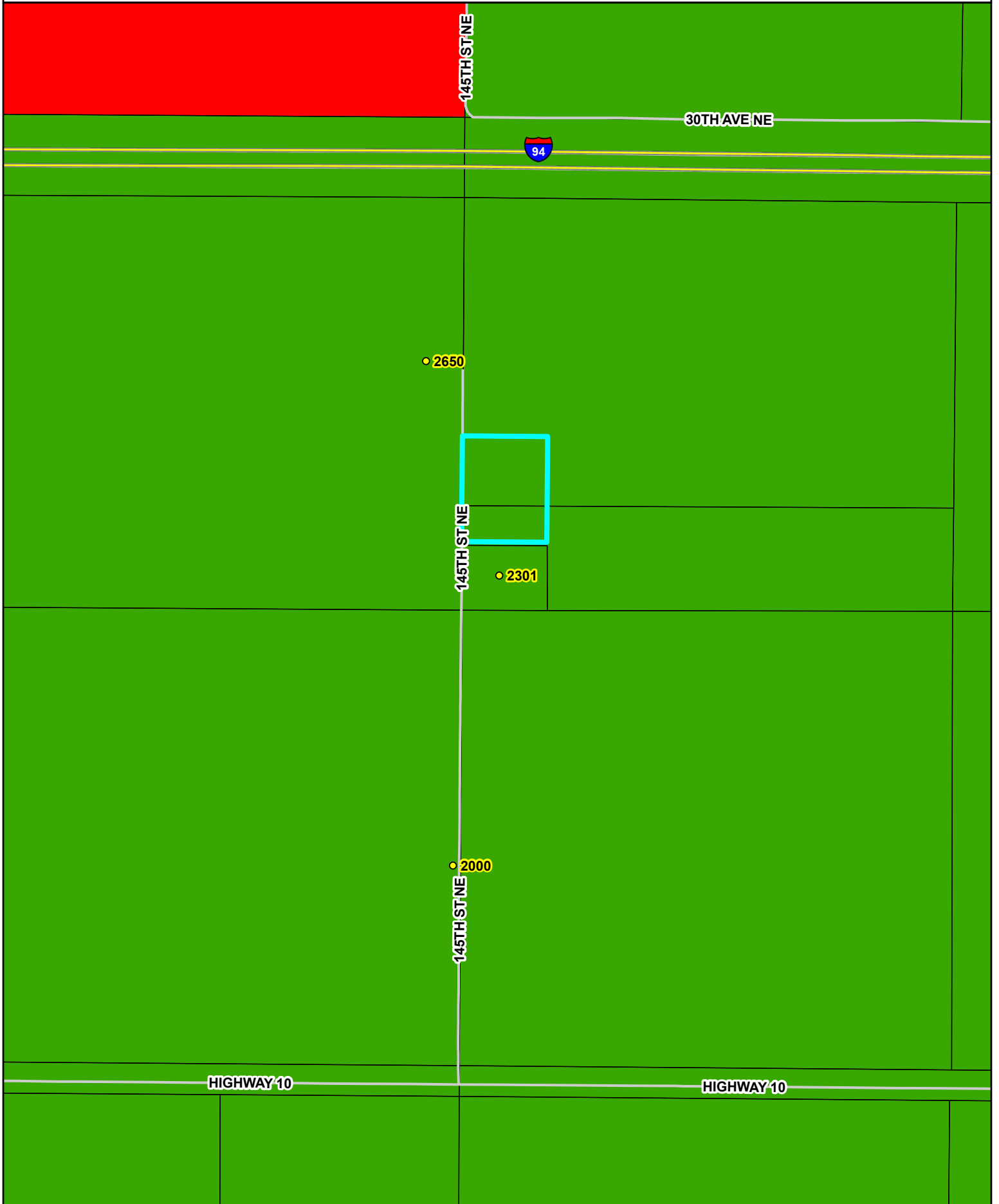
The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat and zoning change. Call for a public hearing.
2. Approve the preliminary plat and zoning change with conditions and call for a public hearing after all condition have been completed.
3. Deny the preliminary plat and zoning change with reason.
4. Table the preliminary plat and zoning change for more information.

Attachments - Aberle 2nd Subdivision and Zoning Change

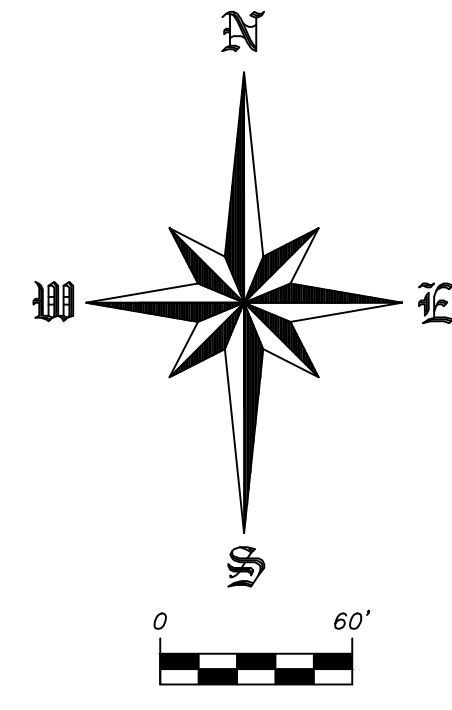
BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

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7/1/2024



ABERLE SECOND SUBDIVISION

PART OF THE NW 1/4 OF SECTION 29
TOWNSHIP 139 NORTH, RANGE 78 WEST
BURLEIGH COUNTY, NORTH DAKOTA
PRELIMINARY PLAT

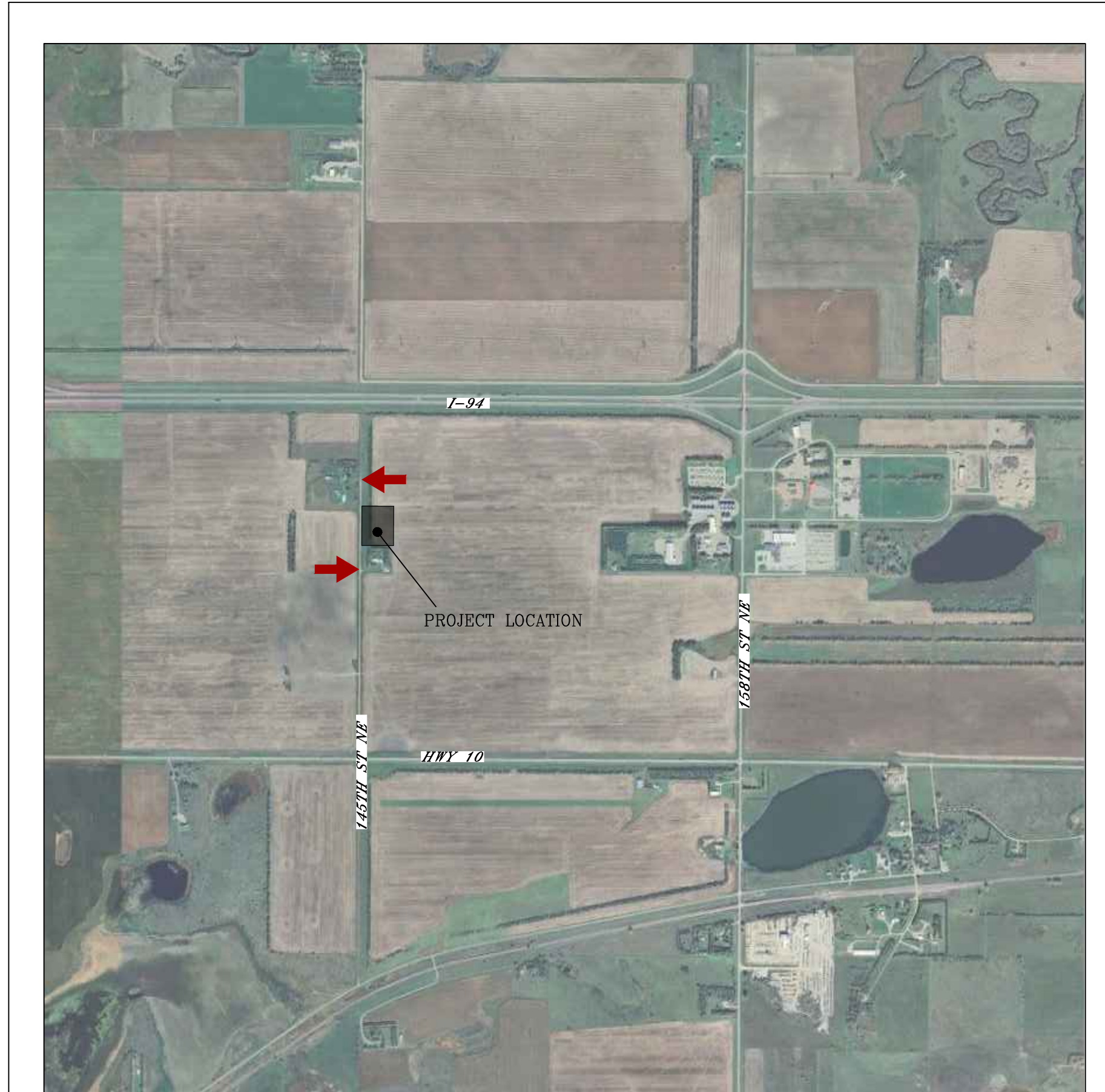


SCALE - 1" = 60'
VERTICAL DATUM: NAVD 88
JUNE 26, 2024

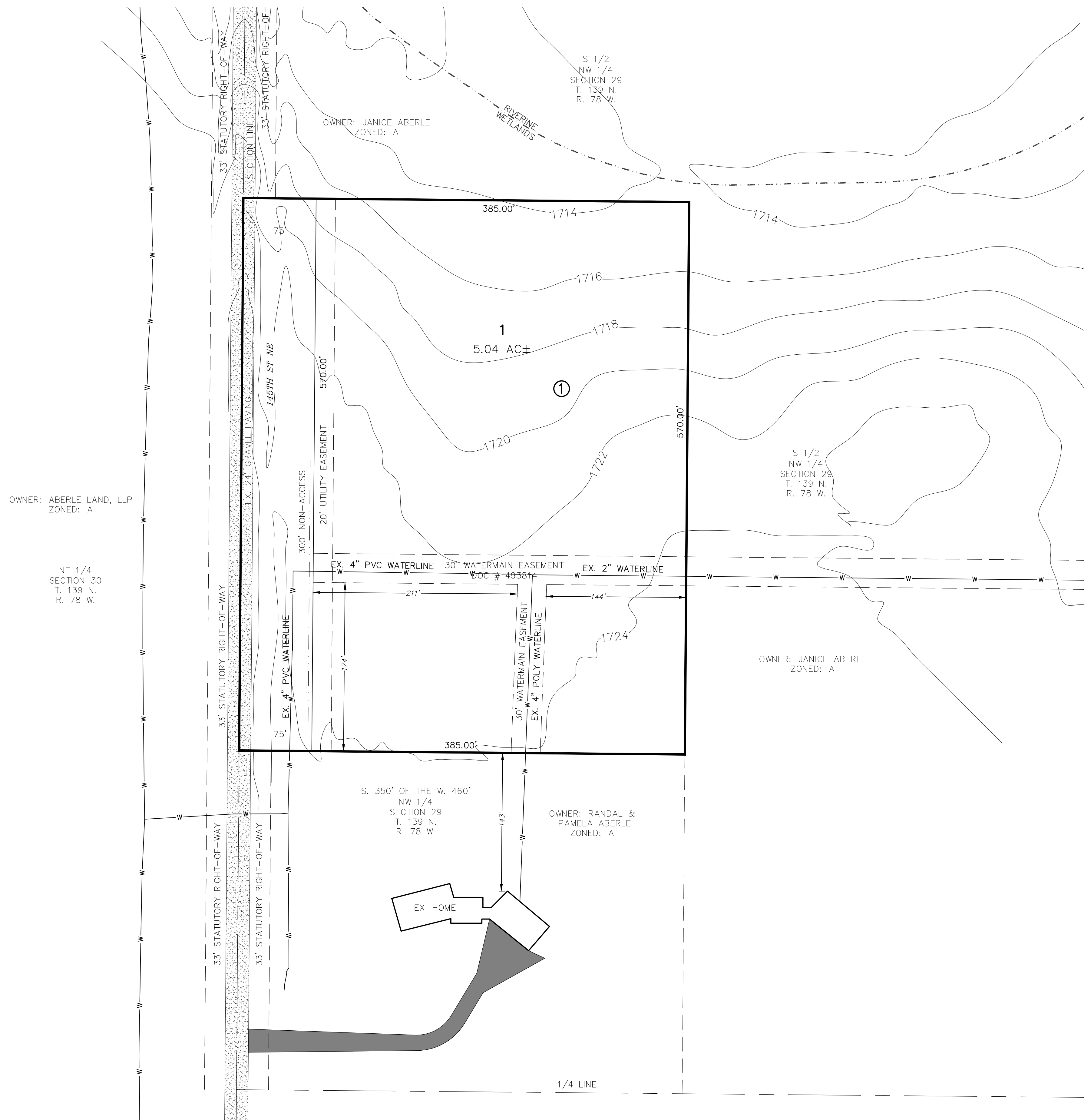
6.00 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R1
1 LOT 1 BLOCK

OWNER: JANICE ABERLE
5801 PRAIRIE ROSE LOOP
BISMARCK, ND 58501

SURVEYOR: SWENSON HAGEN & CO
TERRY BALTZER
909 BASIN AVE
BISMARCK, ND 58504

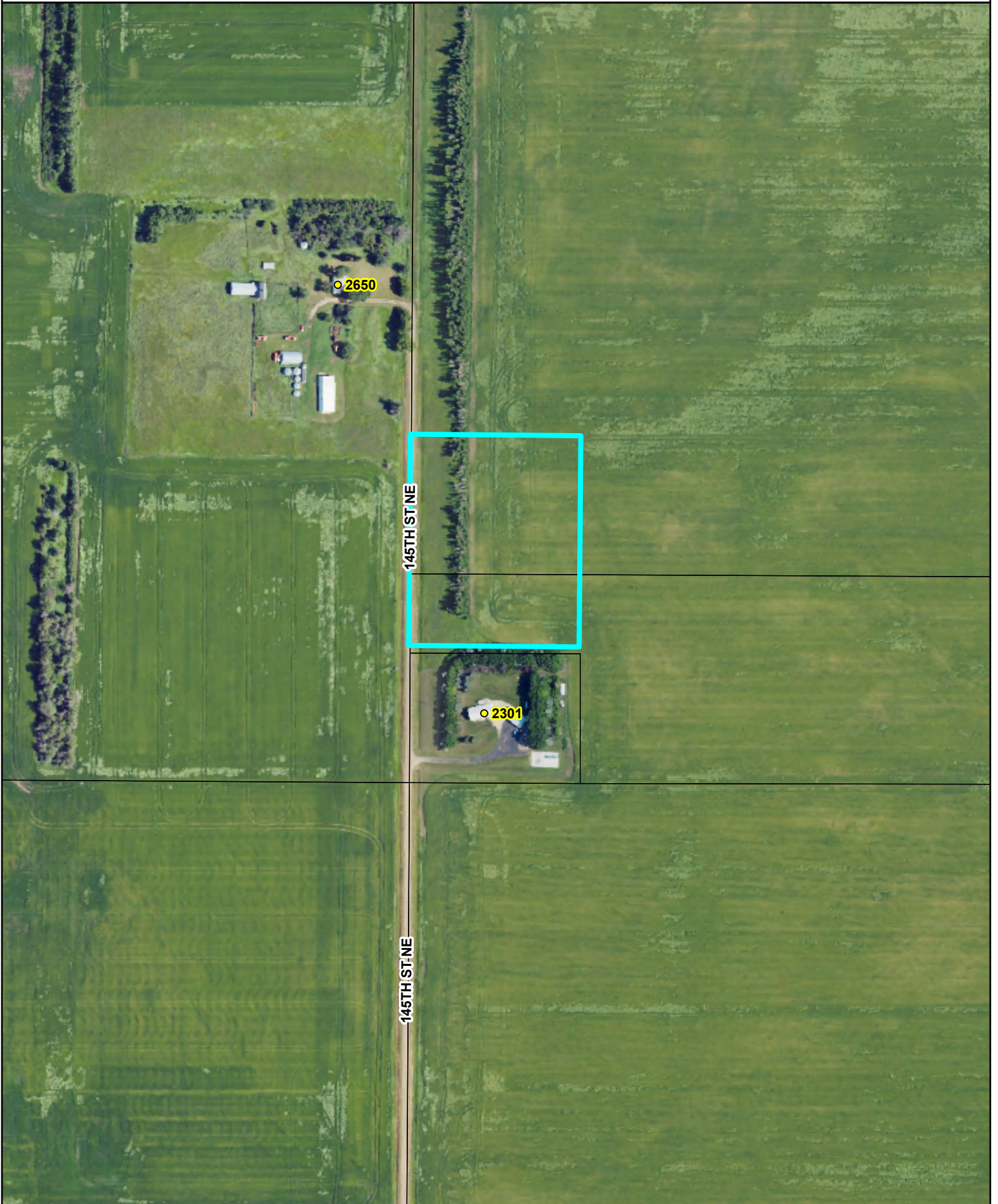


LOCATION MAP



BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
7/1/2024



3-1-4 Aerial View



3-1-5 South View



3-1-6 North View



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on-farm markets, floriculture, demonstration farms, U-Pick Christmas tree farms or similar activities for someone other than the property owner, involving the gathering of individuals assembled for the common purpose of said event.

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2. The lot in which the use is located is at least forty (40) acres in area, thirty-five (35) acres aliquot description.
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4. Limited to thirty (30) events per year
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2. The following Special Uses are allowed as per Section 28 hereof:
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Section 2 Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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Chairperson

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Mark Splonskowski, Burleigh County Auditor/Treasurer

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ORDINANCE 24-0-----

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 8 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO SECTION 29 SOLAR FARMS

Section 1. **Amendment** Article 8 of the Zoning Ordinance is hereby amended and re-enacted as follows:

SECTION 29 Solar Energy System Facilities

A solar energy system may be permitted in an Agricultural District upon approval as a special use, provided the criteria and submittal requirements are met.

Burleigh County finds that it is in the public interest to encourage the use and development of renewable energy systems (including solar energy systems) that have a positive impact on energy conservation with limited adverse impact on nearby properties. Burleigh County supports the use of solar collection systems and the development of solar energy farms. Consistent with the Burleigh County Comprehensive Plan, it is the intent of the County with this Section to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource and encourage the development and use of solar energy.

I. DEFINITIONS

The following words, terms and phrases, when used in this Article and Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

1. *Agrivoltaics*- The dual use of land for combining agriculture with solar energy production, typically, with raised co-located solar arrays above agricultural activity.
2. *Building-Integrated Solar System*- An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or thermal solar

systems that are contained within roofing materials, windows, skylights and awnings.

3. Community Solar Energy System- A solar-electric (photovoltaic) array that provides retail electric power between 100kW and 10 MW (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system.
4. Ground Mounted Panels- Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.
5. Photovoltaic System- An active solar energy system that converts solar energy directly into electricity.
6. Roof or Building Mounted SES- Solar Energy System (panels) that are mounted to the roof or building using brackets, stands or other apparatus.
7. Roof Pitch- The final exterior slope of a building roof calculated by the rise over the run, typically, but not exclusively, expressed in twelfths such as 3/12, 9/12, 12/12.
8. Solar Access- A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.
9. Solar Collector- A device, structure or a part of a device or structure that the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.
10. Solar Energy- Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
11. Solar Energy System (SES)- An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, thermal or chemical means.

12. Solar Farm- A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the primary land use for the parcel on which it is located.
13. Solar Hot Water System- A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including hot water for commercial processes.

II. APPLICABILITY

These regulations are for all solar energy systems and solar energy farms on properties and structures under the jurisdiction of the Burleigh County Zoning Ordinance except that Burleigh County requires the owner or operator of solar farms that would generate electricity greater than 50 megawatts of power to have approval for such a system from the North Dakota Public Service Commission.

Types of Solar Energy Systems.

1. Rooftop solar energy systems:

Accessory to the primary land use, designed to supply energy for the primary use:

- a. These systems are permitted accessory uses in all districts in which buildings are permitted. The owner or contractor shall receive a electrical, building and or a mechanical permit before installing a rooftop solar energy system.

2. Ground-mount solar energy systems:

Accessory to the primary land use, designed to supply energy for the primary use.

- a. Ground-mount systems are permitted accessory uses in all districts in which buildings are permitted.
- b. Ground-mount systems require a Burleigh County building permit and are subject to the accessory use standards for the district in which it is located, including setback. The height of a ground-mounted shall not exceed 10 feet and shall not cover or encompass more than 10 percent of the total property area or lot size.

3. Community solar energy systems:

Roof or ground-mount solar energy systems, may be either accessory or primary use, designed to supply energy for off-site uses on the distribution grid, but not for export to the wholesale market or connection to the electric transmission grid.

These systems shall be subject to the following conditions:

- a. Rooftop community solar energy systems are permitted in AG districts in which buildings are permitted.
- b. Ground-mount community solar energy systems are an accessory use in all districts.
- c. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
- d. All structures must meet the setback, height and coverage limitations for the district in which the system is located.
- e. Ground-mount systems must meet all required standards for structures in the district in which the system is located.
- f. Site Plan Required: The owner or operator shall submit to the County a detailed site plan for both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, the existing and proposed structures, property lines, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high-water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the County.
- g. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. The Building Official or their designee may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.

4. Solar farms:

Ground-mount solar energy arrays that are the primary use on the lot or of a property, designed for providing energy to off-site uses or export to the wholesale market. These types of systems are permitted and regulated by the North Dakota Public Service Commission and ND State Electrical Board.

- a. Solar farms are allowed under a special use permit in Agricultural (AG) zoning.
- b. Shall be on properties of at least 10 acres in size.
- c. Stormwater management and erosion and sediment control, if required, shall meet the design restrictions of the County.
- d. Foundations. If required, the manufacturer's engineer or a ND registered design professional shall certify that the foundation and design of the solar panels meet the accepted professional standards, given local soil and climate conditions.
- e. Other standards and codes. All solar farms shall meet all applicable local, state and federal regulatory standards, including the State of North Dakota Building Code and the National Electric Code.
- f. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. The Building Official or their designee may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines as reviewed by the manufacturer's engineer or a ND registered design professional.
- g. Interconnection. The owner or operator of the solar farm must complete an interconnection agreement with the electric utility in whose service territory the system is located.
 - a. Site Plan Required. The owner or operator of the solar farm must submit to the County a detailed site plan for both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, proposed location and distances from the existing and proposed structures, property lines, access points to the site, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high- water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the County.
 - b. The County allows the installation of small operations, security and equipment buildings on the site of solar farms as permitted accessory uses to the solar farm.

- c. ~~No freestanding accessory solar energy system may exceed 1,000 square feet in area per acre of land in the lot or parcel.~~
- d. The owner or operator shall contain all unenclosed electrical conductors located above ground within structures that control access or they must be protected from entry by a six-foot-tall fence. All electrical connections to the utility system must meet or exceed the National Electrical Safety Code and any additional requirements set forth by the ND State Electrical Board.
- e. ~~Solar farms that have panels that would cover more than 20 acres of land must meet the approval review and design standards of the North Dakota Public Service Commission and ND State Electrical Board.~~

5. Accessory Solar Energy Systems:

- a. Solar Access: an applicant may obtain solar easements from the adjoining property owners to preserve direct access to sunlight, as authorized by Section 47-05-01.2 of the North Dakota Century Code. A permit granted by Burleigh County to install a solar energy system does not guarantee solar access.
- b. Accessory Use: Solar energy systems are permitted as an accessory use, subject to all requirements of Article 8 Section 30 and the building code requirements of Article 22 Section 1.
- c. An accessory solar energy system must be located on the same lot or parcel of land as the primary use it is intended to serve.
- d. An accessory solar energy system is intended to produce energy primarily for on-site consumption but excess electrical power may be transferred to a power supply grid pursuant to utility company interconnection agreements.

6. Decommissioning Plan:

The County requires the owner or operator to submit a decommissioning plan for ground-mounted systems to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life.

The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet all County requirements and the requirements of the County Solid Waste Ordinance. The County also may require the owner or operator to post a bond, letter of credit or establish and escrow account to ensure property decommissioning.

7. Prohibitions:

The County prohibits community solar farms located within:

- a. All Floodplain Districts and Designated SFHA Areas.

8. Additional standards:

In addition to the requirements listed above, all solar energy systems shall meet the following standards.

- a. The owners or operators of electric solar energy systems that are connected to the electric distribution or transmission system, either directly or through the existing service of the primary use on the site, shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement.
- b. Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
- c. All solar energy systems shall meet the standards of the North Dakota Electrical Code and National Electric Code.
- d. Solar farms shall control all Noxious Weeds according to NDCC Chapter 4.1-47.
- e. All electrical lines serving a freestanding accessory solar energy system shall be buried.
- f. All rooftop solar systems shall meet the standards of the North Dakota Building Code.
- g. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties.

Steps to minimize glare nuisance may include selective placement of the system, screening on the north side of the solar array, reducing use of the reflector system or other remedies that limit glare.

- h. Roof-mounted solar systems shall not exceed the maximum allowed height in any zoning district.
- i. All exterior electrical and plumbing lines, batteries, and other appurtenant features serving a building-mounted accessory solar energy system shall be either screened, ~~or painted/coated to match the color of adjacent roofing or siding materials.~~ This provision does not apply to a solar collector.
- j. The non-collecting side of a solar collector and other appurtenant features of any freestanding accessory solar energy system shall be screened from view of said public right-of-way with landscape buffer and/or fencing.
- k. Commercial rooftop systems shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.
- l. Setbacks. All equipment and structures shall meet the setback and coverage limitations for the zoning district in which the system is located. No freestanding accessory solar energy system may extend into or over a legally recorded easement

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Severability. 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 4. Effective Date. This ordinance shall take effect after final passage, adoption and publication as provided by law.

First Reading Passed: _____

Passed and adopted this _____ day of _____, 2024

Brian Bitner, Chairperson

Final passage and adoption:

I, Mark Splonskowski, do hereby certify that I am the duly elected auditor of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting of _____ day of _____, 2024

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh County this _____ day of _____, 2024

Mark Splonskowski, Burleigh County Auditor/Treasurer

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PLANNING AND ZONING
COMMISSION

July 10, 2024

Agenda Item: 4-1 Menoken Farm Facility Zoning Change

Public Hearing

Project Summary

Public Hearing

Menoken Farm Facility – Zoning Change
A-Agricultural to P-Public unit
Development
Public Hearing

Status:

Petitioner/Developer

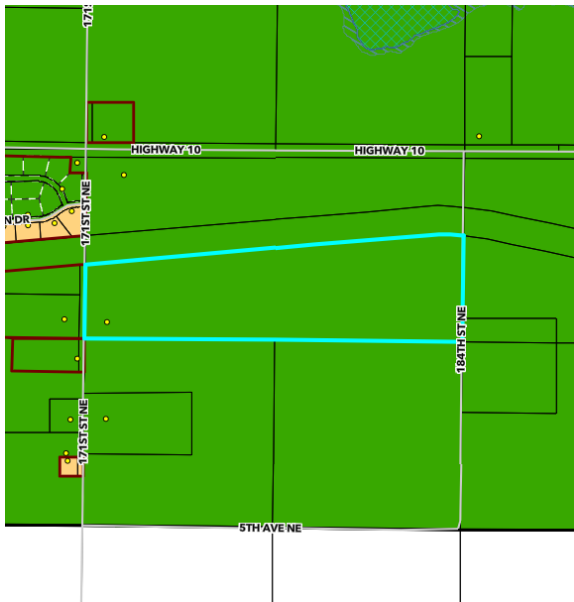
Burleigh County Soil Conservation District

Engineer

N/A

Location:

Menoken Township Section 34 N1/2 lying
South of RR ROW



Attachment 4-1-1 Location Map

Project Size:

150 acres more or less
A- Agricultural Zoning

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



PLANNING AND ZONING COMMISSION

June 12, 2024

Posted Dates:

Bismarck Tribune - 6/24/2024 & 7/3/2024
Surrounding Property Owners - 6/27/2024
Burleigh County Website - 6/28/2024

Notification Distance

2 miles - 113 notifications sent

History

Burleigh County was approached by the Burleigh County Soil Conservation District regarding their plan to build a learning center/assembly area building. The 8,300-sf building will be a public use building with a learning center, larger assembly area and office space.

The building plans have been submitted and a review is starting. A septic system for the site is being designed for the site. The Stormwater Management Plan has been submitted and approved.



4-1-2 Site Map



Analysis

The Menoken Farm Facility combines natural resource education and a systems approach to conservation. The 150-acre property is a demonstration farm established in 2009 to explore soil conservation methods. The farm is owned and operated by the Burleigh County Soil Conservation District. They receive additional funding from:

- Section 319 Nonpoint Source Pollution Control Program through the North Dakota Department of Health/Water Quality Division
- Natural Resources Conservation Service, US Department of Agriculture.

The Menoken Farm Facility holds various events at the site and offers training and education in conservation methods for rural and urban areas. Visitors have two (2) access points the location:

- I94 East to Exit 170, 158th Street NE/County Hwy 10, 171st Street NE
- Main Ave East to 171st Street



PLANNING AND ZONING COMMISSION

June 12, 2024

Article 20.1 – Public Use District, Burleigh County Zoning Ordinance

The P-Public Use District is established for areas which the principal land use is governmental, civic or institutional uses, including major public facilities. The regulation is intended to prohibit any other use which would diminish its value in serving the needs of the public. P-Public Use District is an alternative zoning classification for public and institutional uses.

The Menoken Farm Facility meets the criteria of Article 20.1 – P – Public Use District Regulations of the Burleigh County Planning and Zoning Ordinance. The principal land use is a governmental, civic and institutional.

The Menoken Farm Facility meets the criteria of the 2014 Burleigh County Comprehensive Plan Article 4 - Parks & Recreation Goal: *Conserve and expand the County's recreational and scenic areas, natural features, parks, and open spaces for the benefit and enjoyment of the public.* The Menoken Farm Facilities offers educational seminars and farm tours to the public.



North View



Menoken Farm Facility

Staff Findings:

1. The zoning change from A-Agricultural to P – Public Use District fulfils the requirements of Article 20.1 of the Burleigh County Zoning Ordinance.
2. Stormwater Management plan has been completed.
3. All concerns of the necessary county entities have been addressed.
4. The established use of the parcel will not change.
5. The parcel is owned and operated by a government agency
6. The parcel is in Menoken Township. The township has been notified regarding the zoning change request.
7. The parcel meets the criteria of 2014 Burleigh County Comprehensive Plan



PLANNING AND ZONING COMMISSION

June 12, 2024

Planning Staff Recommendation

The requested zoning change meets all the criteria of Article 20.1 – Public Use District of the Burleigh Zoning Ordinance. Staff recommends approving the request with a “Do Pass” recommendation.

Planning Commission Action

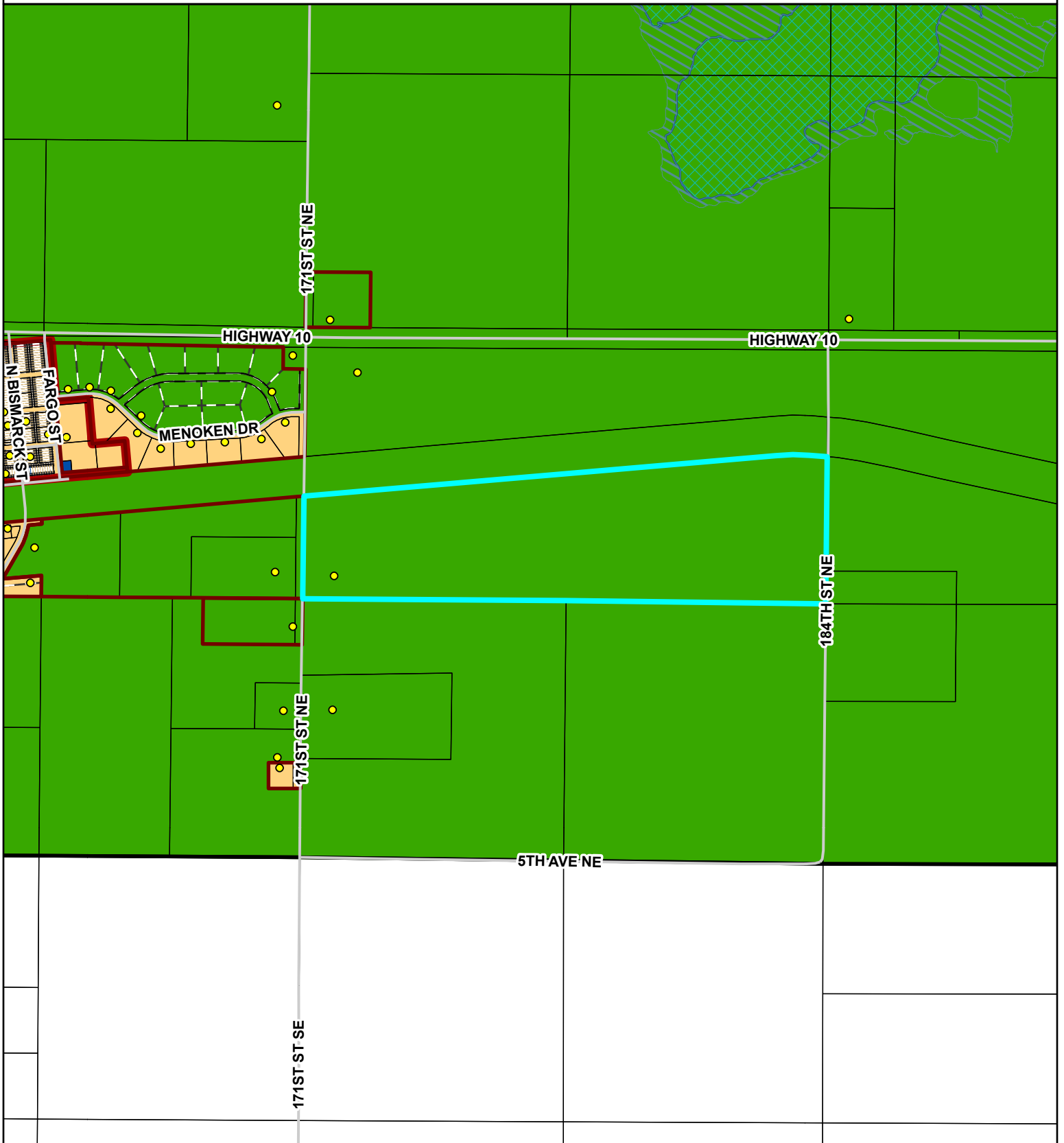
The Burleigh County Planning and Zoning Commission can:

1. Approve the request and give a “Do Pass” recommendation to the Board of Burleigh County Commissioners.
2. Approve the request with conditions.
3. Deny the request with reason.
4. Table the request for more information.

Attachments - Menoken Farm Facility - Zoning Change

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

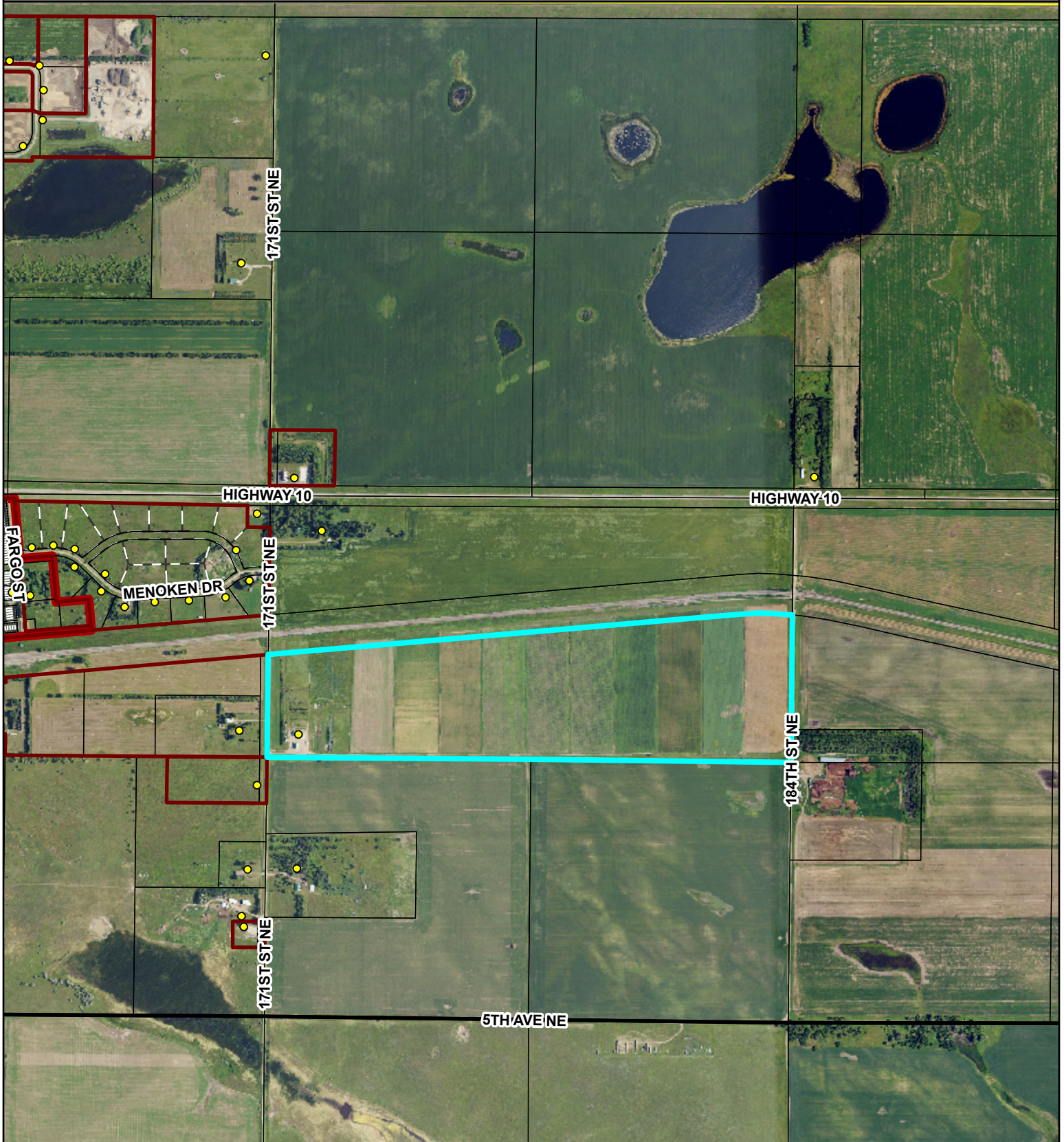
N
5/31/2024



PARCEL ID: 33-139-78-00-34-220 OWNER: BURLEIGH CO SOIL CONS DISTRICT ACRES: 150.12
SITE ADDRESS: 1107 NE 171ST ST
MAIL ADDRESS: 916 E INTERSTATE AVE #6, BISMARCK, ND 58503-0560
LEGAL: MENOKEN TOWNSHIP Section 34 N1/2 LYING SOUTH OF RR R/W 701210 34-139-78

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
6/4/2024



PARCEL ID: 33-139-78-00-34-220

OWNER: BURLEIGH CO SOIL CONS DISTRICT

ACRES: 150.12

SITE ADDRESS: 1107 NE 171ST ST

MAIL ADDRESS: 916 E INTERSTATE AVE #6, BISMARCK, ND 58503-0560

LEGAL: MENOKEN TOWNSHIP Section 34 N1/2 LYING SOUTH OF RR R/W 701210 34-139-78



Google

© Google



Menoken Farm

The Menoken Farm is a conservation demonstration farm located in central North Dakota, owned and operated by the Burleigh County Soil Conservation District

The systems approach management enhances erosion protection, sunlight harvest, plant diversity, carbon, pollinators, beneficial insects, wildlife, salinity control, livestock forage and more

Advancing Soil Health through innovation and education.



Cropping Systems

Menoken Farm is divided into 10 fields, each about 12 acres. The cropping system includes no-till seeding, high crop diversity and rotations with cover crop combinations seeded after harvest and as season-long plantings.



Compost

Each fall compost is made from a number of organic materials, including common ingredients such as hay, straw, wood shavings, fish and manure. Upon completion, the compost is applied to available cropland and gardens.



Windbreaks

A number of windbreaks have been planted and serve as an arboretum for information and education on energy, wildlife and forestry topics.



Grazing Systems

Rotational perennials are part of the crop rotation. These fields are seeded to 21 species of perennial grasses, legumes and flowering forbs. The grazing system is managed with short livestock exposure periods, followed by long plant recovery periods. Livestock are also rotated to season-long cover crops, fall seeded cover crops and crop residue, when available. Paddock size is managed with single-wire electric fence. Each paddock is usually a half acre or larger.



Gardens

Menoken Farm has a high tunnel greenhouse garden and outside garden. The soil health principles and compost are used to manage the gardens. Healthy, fresh produce is donated to the Bismarck/Mandan food pantries, in cooperation with the Hunger Free North Dakota Garden Project.



Education

With continued support from the North Dakota Department of Health and NRCS-USDA, Menoken Farm provides natural resource education. Tours are available from May - October and are open to farmers, ranchers, gardeners, Soil Conservation District employees and supervisors, NRCS employees, Extension Service employees, no-till associations and the general public. Some of the topics our tour participants will learn include: soil health principles; carbon cycle; soil function demonstrations; crop rotations; cover crop combinations; grazing systems; and gardening.

Visit us at: www.menokenfarm.com



The farm is owned and operated by Burleigh County Soil Conservation District. Additional financial and technical support is provided by:

- Section 319 Nonpoint Source Pollution Control Program through the North Dakota Department of Health/Water Quality Division
- Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA)

After identifying a number of resource concerns across the Menoken Farm landscape, work focused on providing these basic building blocks to improve soil health:

- 🌿 Soil armor
- 🌿 Minimal soil disturbance
- 🌿 Plant diversity
- 🌿 Continual live plant/root
- 🌿 Livestock integration

The systems approach management enhances erosion protection, sunlight harvest, plant diversity, carbon, pollinators, beneficial insects, wildlife, salinity control, livestock forage and more.



Menoken Farm

Schedule a Menoken Farm Tour:

- 👤 Darrell Oswald
- ☎ 701-250-4518, ext. 3
701-391-5830
- ✉ darrell.oswald@nd.nacdnet.net
menokenfarm@gmail.com
- 🌐 www.menokenfarm.com

The Menoken Farm address is:

- ➔ Menoken Farm
1107 171st St. N.E.
Menoken, ND 58558

Driving directions to Menoken Farm are:

- From I-94, take Menoken Exit 170 (about 10 miles east of Bismarck, ND)
- 1 mile south to Highway 10
- 1 mile east to St. Hildegard's Church
- 1/2 mile south

*This brochure is based upon work supported by the Natural Resources Conservation Service, U.S. Department of Agriculture, under number 68-6633-16-516. USDA is an equal opportunity provider and employer



Menoken Farm

Burleigh County Soil Conservation District, North Dakota

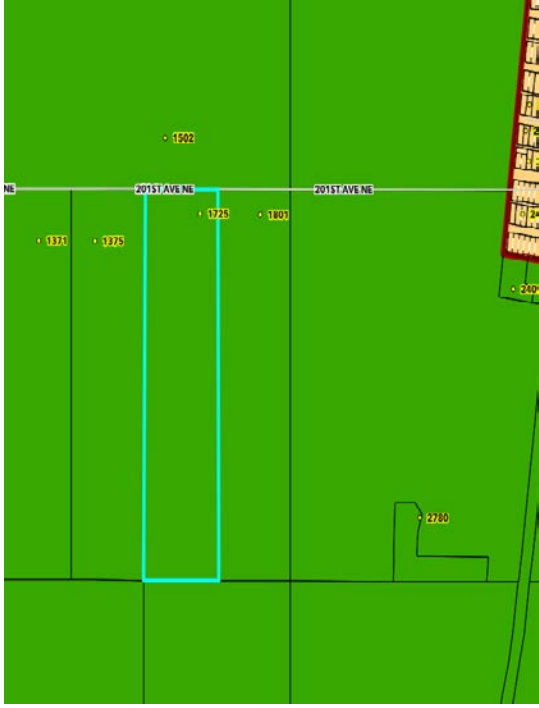
Menoken Farm was established in 2009 and is a combination of natural resource education and systems approach conservation



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Agenda Item 4-2

Application for a Special Use Permit

Project Summary	
Public Hearing Status:	Baldwin Green House – Corn Maze Planning and Zoning Commission – Consideration
Petitioner/Developer	Stoll Farms LLC – Mary Podoll
Address:	1725 201 st Ave. NE, Baldwin, ND
Location:	Glenview Township, Section 24, W 1/2 E 1/2 NW 1/4 Range 80
	 <p>Attachment 4-2-1 Location Map</p>
Project Size:	40 acres more or less A- Agricultural Zoning
Petitioners Request	Approval of a Special Use Permit and a “Do Pass” recommendation to the Board of Burleigh County Commissioners.
Posted	Bismarck Tribune 6/26 & 7/1/2024 Burleigh County Website 6/28/2024 Surrounding Property Owners 6/28/2024
2-mile notification area – 132 letters	

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



History/Description

The petitioner approached Burleigh County on June 20, 2024 requesting a special use permit to have a commercial corn maze on the grounds of the Baldwin Greenhouse. The corn maze would run from August thru October. Clark Coleman, who in the past has had a corn maze at the Buckstop Junction will run the maze, Friday thru Sunday. Stoll Farms will run the maze the remainder of the week. There will also be a food truck, portable bathrooms, and a gravel parking lot. The last person to enter the maze on any day will be a half hour before sunset.

This is not the first Special Use application we have received from the petitioner. Stoll Farms, LLC had originally applied for a Special Use permit to operate a corn maze, teaching facility with an additional building, a commercial kitchen and educational growing sites for attendees. The petitioner was advised, her request does not fall under a special use category as the ordinance is written at this time. She was asked to wait with the first special use, until the ordinance is written. She was also advised because she has commercial activities, although farm related, they would not fit under allowable uses nor special uses of Article 12 – A-Agricultural Zoning of the Burleigh County Ordinances. Staff advised her to apply for a PUD. The petitioner is part of the Stakeholders Group for Agri-Recreation.

The Baldwin Greenhouse was owned and operated by the Werre family before being purchased by Stoll Farms in November of 2022. The Werre family operated the greenhouse during the growing and planting season. The green house was closed during the fall and winter months. Stoll Farms, LLC since purchasing the greenhouse have held several events which include food trucks. On Mother's Day of 2024 for example over 2,000 people visited the green house and enjoyed the food available thru the food trucks on site.

Starting in the Spring of 2023, Burleigh County started to receive complaints about the activities and the amount of people on the greenhouse property. The concern expressed was that the activities being held were not agricultural in nature. These non-agricultural events were affecting the neighboring property and his livestock.



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Jamie Feist is a neighbor who shares the east/west property line with the greenhouse. Mr. Feist and his family raise and breed deer on his property. His animals are wild and are not pets. The additional activities with the food trucks alone have caused his deer to bolt against their pens and has caused death and miscarriage in his stock. His pens are located approximately 40' from the shared property line. When Mr. Feist purchased his property in August of 2020, the greenhouse was only operational between the summer months and traffic was limited to those purchasing items at the greenhouse. Food trucks and various activities were not held on the property.

The most recent complaint from Mr. Feist was the encroachment on his property by the equipment used to seed the corn maze. The operator of the equipment used Mr. Feist's 40' buffer zone to turn around while seeding the corn maze. The equipment caused damage to the plants and shrubbery Mr. Feist was trying to grow as an additional buffer to the deer pens on his property.

Mr. Feist is very concerned that the additional activity of a corn maze and participants in the corn maze trespassing on his property to see the deer. His male deer are just growing antlers and very skittish, the deer might bolt, break an antler and bleed out. The bolting of deer in one pen will cause a chain reaction in his other pens.

Mr. Feist has submitted documentation with his complaints (attachment – Feist Documentation)

County staff visited the site on June 28 to address Mr. Feist's complaint and verify additional information on the location of the corn maze. Measurements and pictures were taken at this time. (Attachment – Staff Documentation)

Facing East





Analysis

The request for a Special Use Permit to have a corn maze is allow per the Burleigh County Zoning Ordinance Article 8 which states:

"In order to carry out the purpose of this Article, The board of County Commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the County Planning and Zoning Commission and the Board of County Commissioners be and are hereby given limited discretionary powers relating to the granting of such permit or certificate."

The petitioner has submitted a site and operating plan for the corn maze as follows:

Hours will be from 9:00 am with the last person entering the maze one half hour before sunset. Normal operating hours are from 9:00am to 6:00pm on Monday, Tuesday, Thursday, Friday and Saturday. 10:00 am to 5:00pm on Sunday.

1. The maze will operate from late August through October.
2. Clark Coleman will operate the maze Friday thru Sunday. Stoll Farms may run the maze the remaining days of the week or by appointment.
3. Parking will be in a gravel parking lot, located approximately 100' feet from the west property line. Over flow parking is not available
4. Restrooms/Porta Potties will be available and located within the greenhouse complex.
5. The maze is located in the middle of the parcel and approx. 6 acres in size.
6. A buffer of 7 rows of corn has been planted on the west side of property.



Facing South



County staff visited the site on June 28, 2024. Staff notes on the site visit are as follows:

1. Measurements were taken along the west side property line to the corn maze. The average distance to the property line is 15'. (see Staff Documentation)
2. A footpath is located along the property line to the south end of the maze on both the east and west sides of the site.
3. The buffer rows of corn run east to west. The buffer rows should run north to south to provide a more effective visual buffer between the maze and the neighboring property.

Staff Findings:

1. The special use application fulfills the administrative requirements of Article 8, Section 1, General Provisions.
2. Growing of corn is allowed in an A-Agricultural Zoning District
3. The operators of the corn maze will charge a fee for participation.
4. The petitioner states 400 to 2000 people could participate in the maze on any given day.
5. The corn maze does not have a 100' buffer between properties.
6. The maze is approximately 15' from the east/west property line.
7. The corn maze could be considered a commercial enterprise which is not allowed in an A-Agricultural Zoning District.



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COMMISSION

July 10, 2024

8. Operation of the corn maze does not follow the intent of Article 11 A- Agricultural District Regulations, Section 1 – Description which states:
 - a. *The A-Agricultural District is established as a district in which the principal use of land is for general agricultural uses. The regulations are intended to prohibit commercial and industrial usage of the land and to prohibit any other use which would interfere with the development or continuation of the agricultural use of the land; and to discourage any use which because of its character or size, would create requirements and cost to public services such as police and fire protection, water supply, and sewerage before such services can be systematically and adequately provided.*
9. Food Trucks are not considered an agricultural activity.
10. According to the “proposed” Agri-Recreational Ordinance: operation of the corn maze will have a size limit of 75 people per event and limited to 30 events per year.
11. The operation of a corn maze for commercial purposes is not an allowable use in A-Agricultural Zoned Districts.
12. Operation of the corn maze will impact the surrounding property owners use and enjoyment of their property.
13. The application for this type Special Use Permit does not coincide with the Burleigh County Comprehensive Plan

Planning Staff Recommendation

Staff recommends denial of the Special Use Permit as the operation of a corn maze is not an allowable use or special use in an A-Agricultural Zoned District.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the Special Use Permit and give a “Do Pass” recommendation to the Board of County Commissioners



PLANNING AND ZONING
COMMISSION

July 10, 2024

2. Approve the Special Use Permit with conditions and give a "Do Pass" after all condition have been completed.
3. Deny the Special Use Permit with reason.
4. Table the Special Use for more information.

Attachments - Special Use Permit - Stoll Farms

STAFF
DOCUMENTATION

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

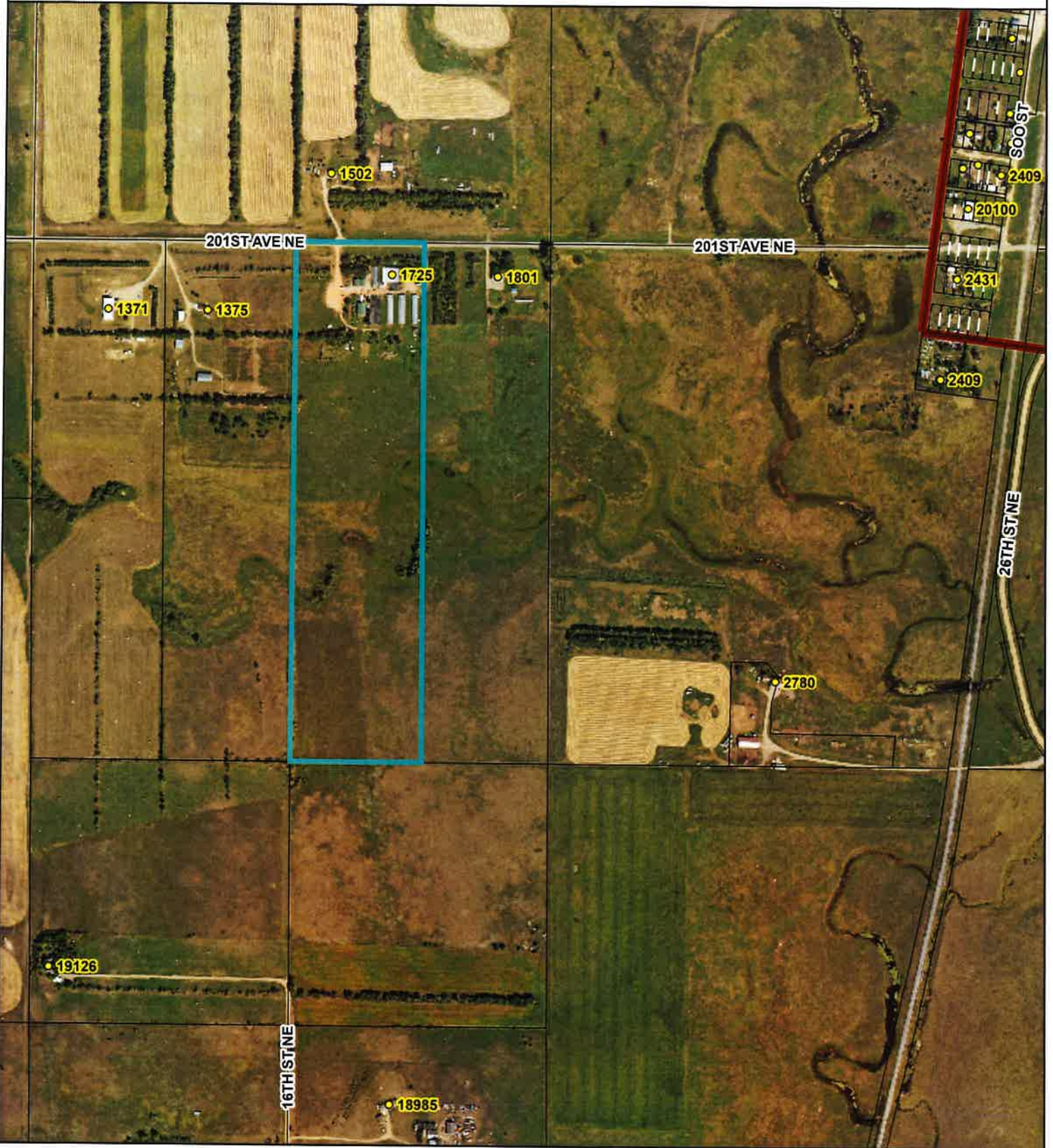
N
7/2/2024



PARCEL ID: 16-141-80-00-24-403 OWNER: STOLL HOLDINGS LLP ACRES: 40
SITE ADDRESS: 1725 NE 201ST AVE
MAIL ADDRESS: 1725 201ST AVE NE, BALDWIN, ND 58521
LEGAL: GLENVIEW TOWNSHIP Section 24 W1/2E1/2NW1/4 772217 24-141-80

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N
7/2/2024



PARCEL ID: 16-141-80-00-24-403 OWNER: STOLL HOLDINGS LLP ACRES: 40
SITE ADDRESS: 1725 NE 201ST AVE
MAIL ADDRESS: 1725 201ST AVE NE, BALDWIN, ND 58521
LEGAL: GLENVIEW TOWNSHIP Section 24 W1/2E1/2NW1/4 772217 24-141-80

Distance from property line to
corn maze 13'



From property line
to deer pens

POSTED
NO TRESPASSING
KEEP OUT



Distance of property line to corn
maze.



Property Line Marker





Corn maze - corn
planted east to west



Feist Property Line

corn maze

East

Looking East
From Feist Property Line

West



STOLL FARM
DOCUMENTATION

McMonagle, Marla M.

From: Baldwingreenhouse@outlook.com
Sent: Monday, June 10, 2024 12:30 PM
To: McMonagle, Marla M.
Subject: Request for a temporary variance approval for a corn maize

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

In September, Stoll Farms LLC would like to host the Coleman's Corn Maize. Length of the activity is weather dependent, but the goal is to start in late August and continue through October. The field is agriculture and the corn will be harvested. The location is zoned for agriculture. There is adequate parking, spiffy biffs on site,

The location is 1725 201st Ave NE, Baldwin, ND 58521. This address is also the location of the Baldwin Greenhouse & Nursery.

Since the current policy for special permits is in draft, I believe that this the current process to use. However, whatever the title, please present to the board for awareness?

The primary roads are Highway 83 and 201st street - both are paved and well cared for roads.

Please let me know if any additional information is needed?

As for the other activities, I will put together a better packet for the larger plan now that I have more information about the final plan for the new farmer program. I hope that the special permit issue will be resolved before August, so I can turn in the official request in September!

Thank for all you do!

Mary

Mary Podoll
Baldwin Greenhouse & Nursery volunteer
Americorp Member Strengthen ND
Strong Farm Incubator.

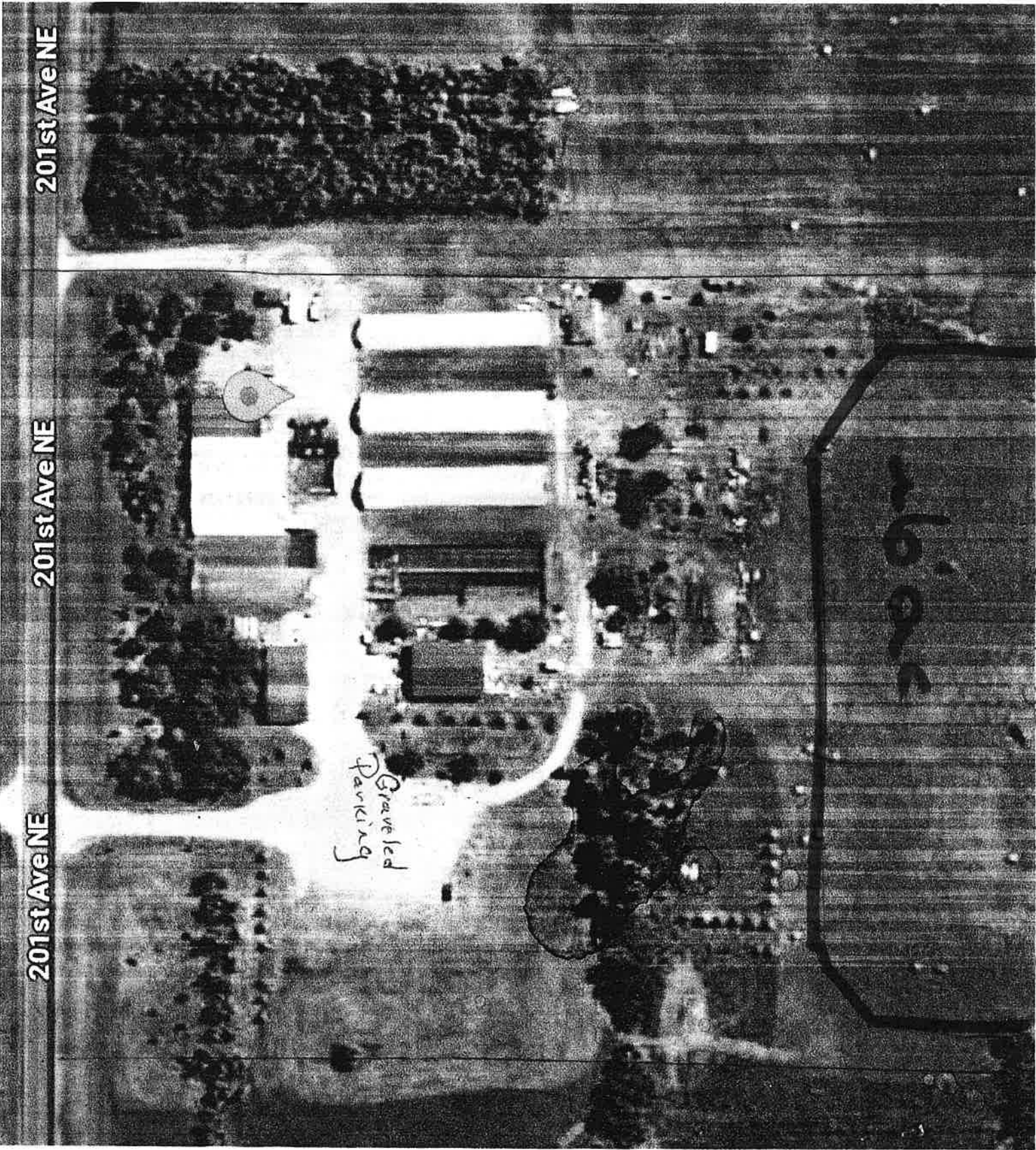
27

201st Ave NE

201st Ave NE

201st Ave NE

40 ACRES NOT TO SCALE NOT TO SCALE



corn maze in Ag Field

Fw: Special Use Permit Information needed

2 messages

Baldwingreenhouse@outlook.com <Baldwingreenhouse@outlook.com>
Reply-To: Baldwingreenhouse@outlook.com <Baldwingreenhouse@outlook.com>
To: Mary Podoll <mary@strengthennd.com>

Thu, Jun 20 at 8:02 PM

Yahoo Mail: Search, Organize, Conquer

----- Forwarded Message -----

From: "McMonagle, Marla M." <mmcmonagle@nd.gov>
To: "Baldwingreenhouse@outlook.com" <Baldwingreenhouse@outlook.com>
Cc: "Flanagan, Mitch" <mflanagan@nd.gov>
Sent: Thu, Jun 20, 2024 at 4:46 PM
Subject: Special Use Permit Information needed

Hi Mary,

I was looking over your site plan. I will need some addition information on the site plan and regarding your special use permit.

Can you show on the site plan the following?

*Stoll Farms LLC / Baldwin Greenhouse & Nursery
easily handled 400 on our busiest day.
Transactions
Families (most) Probably 2,000 people
4-8*

1. Show and label distances from the sides of the corn maze and property lines.
2. Show and label all walking pathways, parking areas, restrooms etc. If within 100' of the neighboring properties please show and list the distance. *ALL Greater than 100'*
3. Show and label distances from properties lines all parking areas and overflow parking areas.
4. Label all parking surfaces i.e. gravel, grass, etc. *GRAVEL*
5. If corn maze is to operated in the evenings, please show and describe lighting. *NOT at dark*

Here are the questions I have regarding the special use permit:

1. How many people do you plan to go through the maze? Per day? *? 1st Year -> 200 maybe*
2. Is there a limit to the amount of people per day in the maze?
3. Is there a limit to the amount of people in the maze at one time? *NOT AT this time*
4. What days and hours do you plan to operate the corn maze? Is it going to be every day, specific days of the week?
5. Is the maze going to operated at night, what are your lighting plans? *NA F, S, S - by the Coleman's*
6. What other activities/events will be associated with the corn maze? *M-Th by the Stoll's Food Truck on site*

I have attached some maps to help you with your site plan. Things do not have to be to scale, but I need a detailed site plan for the project. If you could get this information to me as soon as possible that would be great. I need to include as much information as possible for my staff report which is due on June 27th.

McMonagle, Marla M.

From: Mary Podoll <mary@strengthennd.com>
Sent: Monday, June 24, 2024 2:24 PM
To: Mary Podoll; Flanagan, Mitch; McMonagle, Marla M.
Subject: Re: Stoll Farms LLC Baldwin Greenhouse & Nursery special permit corn maze
Attachments: Mary Podoll mary@strengthennd.com.pdf

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

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

Good afternoon, I scanned documents for special permit information. It is titled with email address I used to copy-sorry about that.

The only area that may be closer than 100ft is the cropland field. However, there are a minimum of 7 rows of corn that create a sight and sound barrier for this neighbor, as he raises deer. With the corn maze being away from the property line.

We handled about 2000 people on Mothers Day with parking and food trucks. Parking is graveled, walk paths are mowed grass, and the last participants will be allowed no later than 30 minutes before sunset.

Clark Coleman and his family are running the corn maze on Friday-Sunday. They have been near the Buckstop Junction in the past. They have exhibited a professional and manageable agriculture related activity and I'm excited to work with them.

The township chair had no concerns, neighbors north and east and Baldwin community and Wilton Community are welcoming this activity. The neighbor with deer should be accustomed to people and noise, And we included a sound and sight barrier with 7 rows of corn that are not part of the maze...

I do not know how to estimate numbers, but we should be able to manage appropriately with day to day on site management and cooperation with the Coleman family.

Thank you!

Mary Podoll
701-391-7759

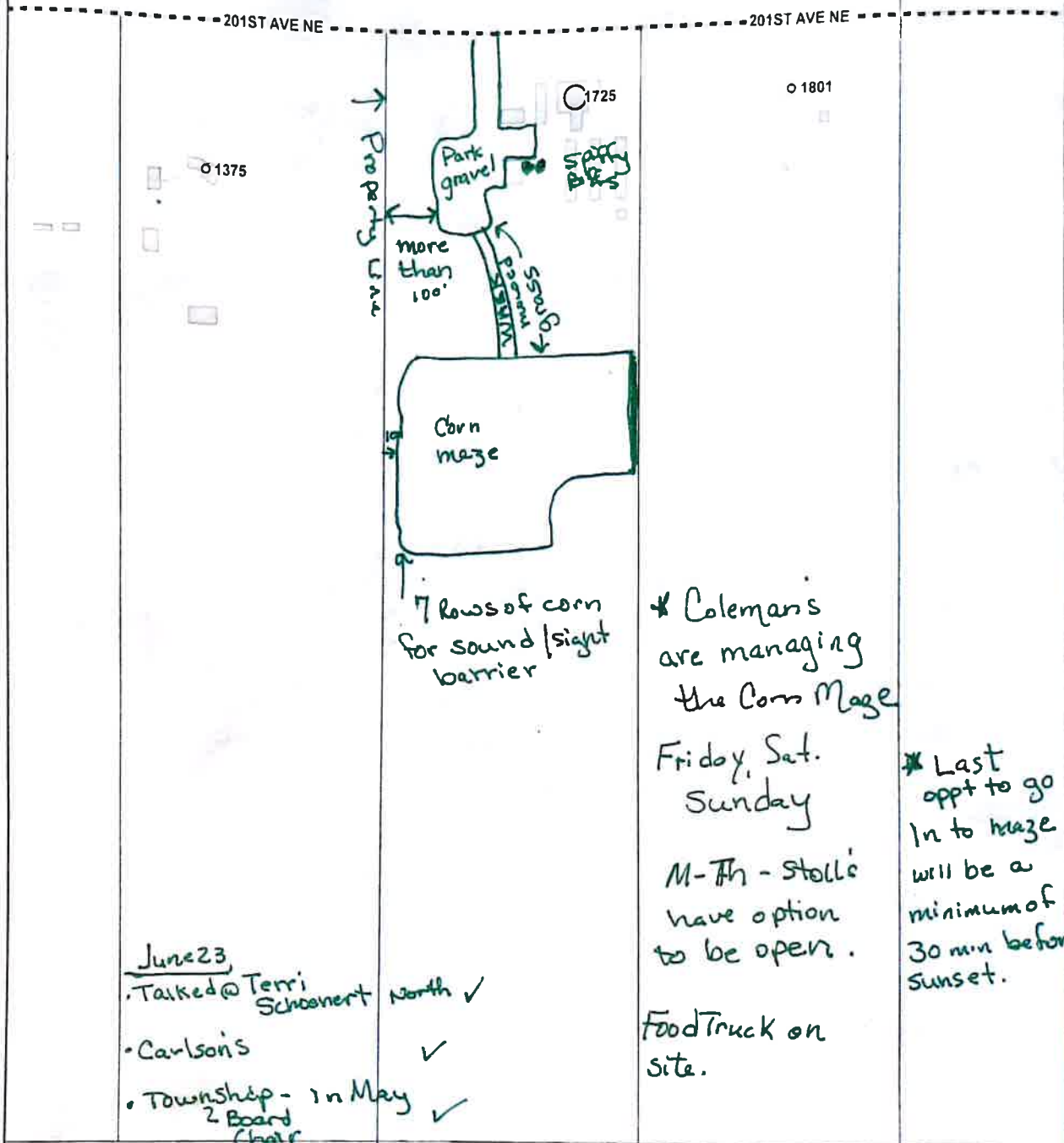
On Mon, Jun 24, 2024 at 2:06 PM Mary Podoll <mpodoll7@icloud.com> wrote:

Sent from my iPhone

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

6/26/2024

01502
Stoll Farm LLC
Baldwin Greenhouse & Nursery



If you need letters of support:
Wilton Mayor / Coleman's / People in Baldwin Area

Burleigh County, North Dakota

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

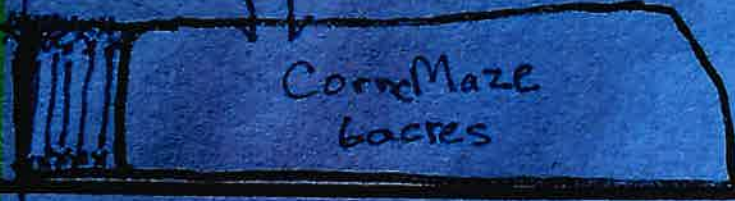
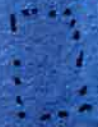
201st Ave

erial
photo



Parking

Porta
XX Potties



Corn Maze
barrier

100'

100'

Free K

sign
for
sight
er

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

8/29/2024



Property Line ↓

Property Line ↓

Corn maze
r. loc

★ There is a sound/sight barrier of 4 corn rows before the maze starts.

- 3. Parking Areas > 100'
- 4. Graveled Parking
- 5. will NOT be operated after dark

- 1. # People - unknown
- 2. No Limitations
- 3. Planned at this time
- 4. Friday, Saturday, Sunday, and weekdays M, T, TH } by the Coleman's
or by a ppt } by the Stoll's

6. Includes a maybe a food truck on site.

FEIST
DOCUMENTATION

Private Road

Pen 1 Pen 2

Pen 5 Pen 4 Pen 3

Proposed
CORN
MAZE

FEIST
JAMIE

WEDDE
SCOTT

Sat

2D

Hunt Map

Pen 3

CORN MAZE

6 feet from property line

5 feet from property line

2 feet from property line

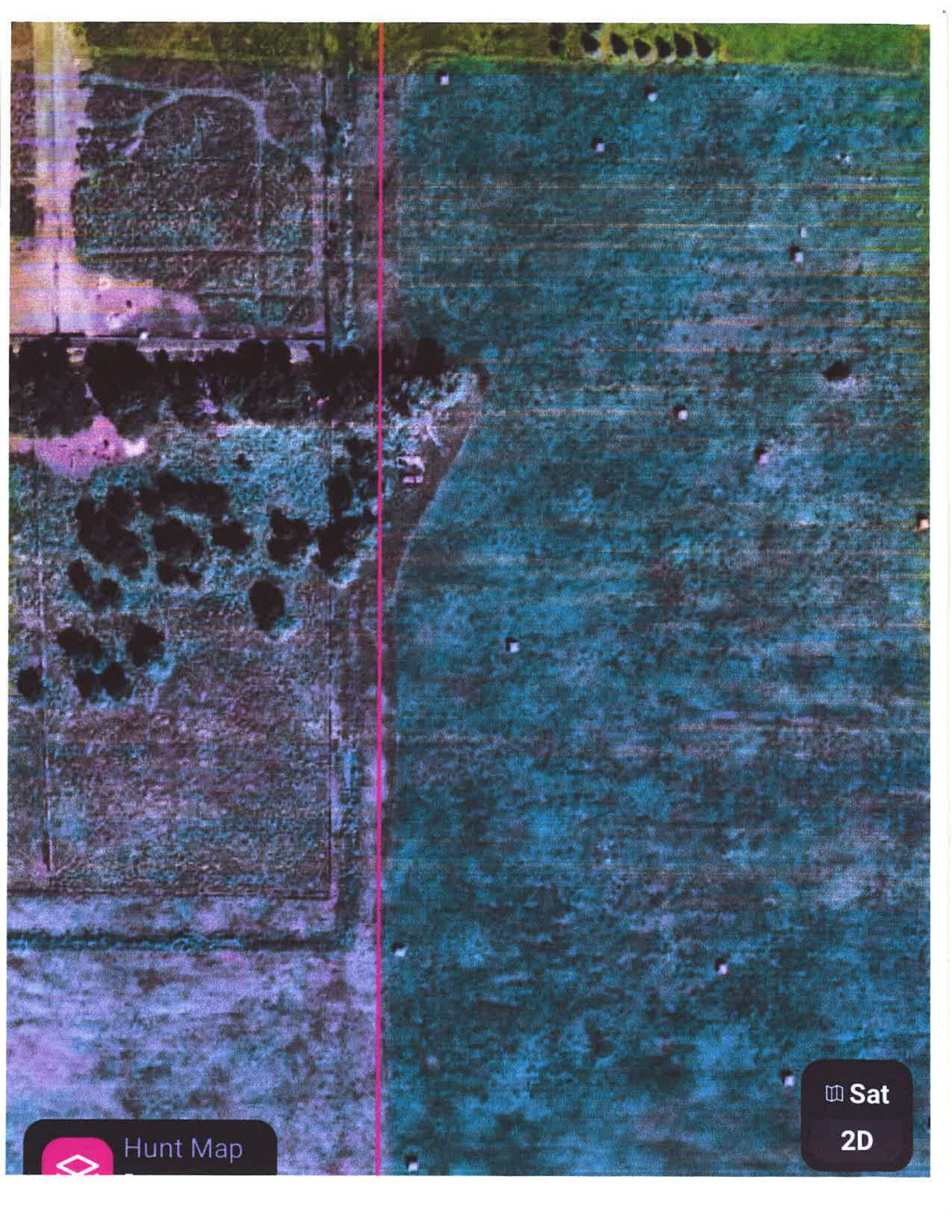
35 feet

privacy screen

Property Line

planted by Feist
in 2023 and trampled
and ruined by seeding of corn maze
from tractor driving around my no trespassing signs and along pen 3. 35' into my property.

multiple videos of tractor doing this during planting



 Hunt Map

 Sat
2D



Add line

Save



Undo

Drop Point

Line name

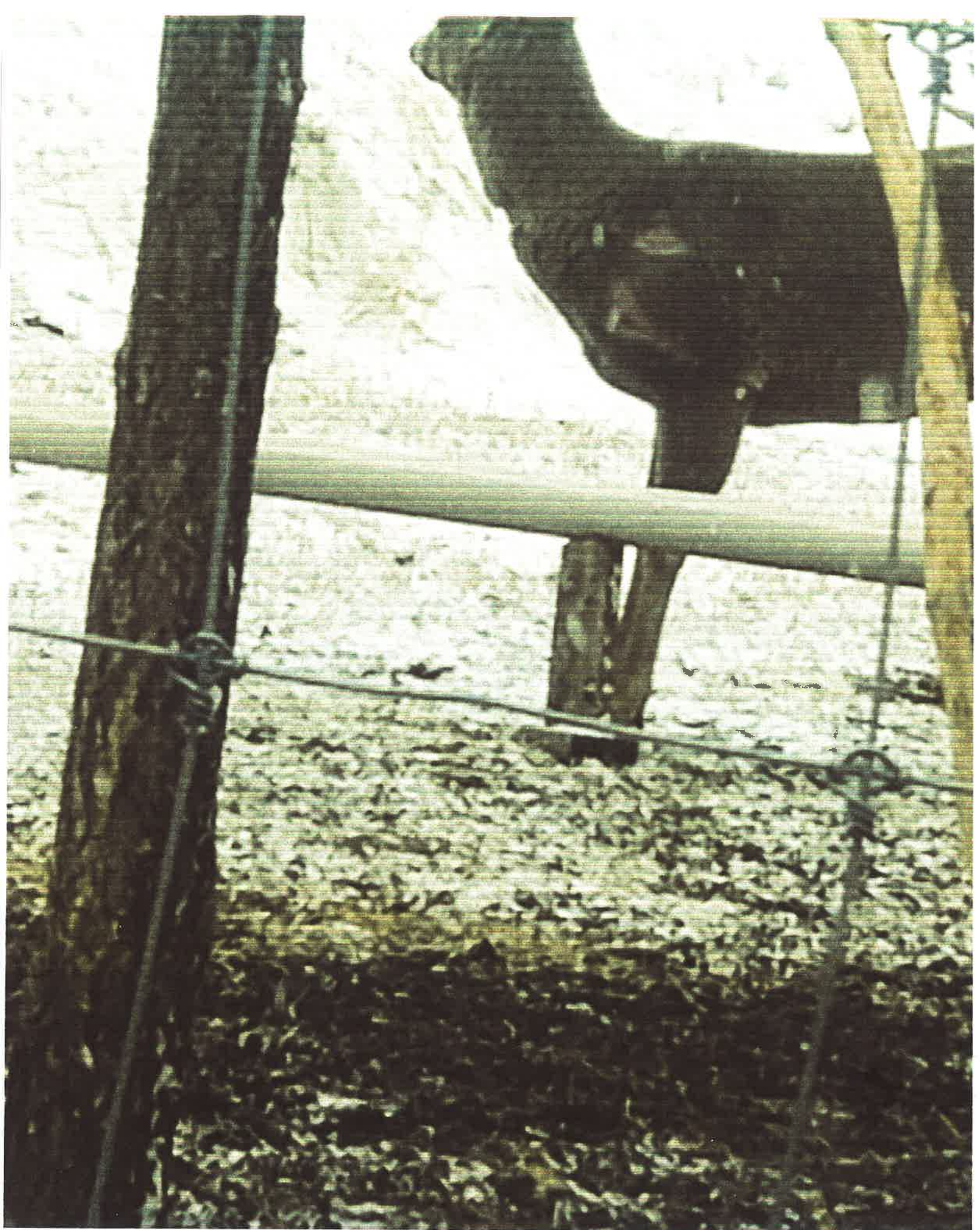
Save

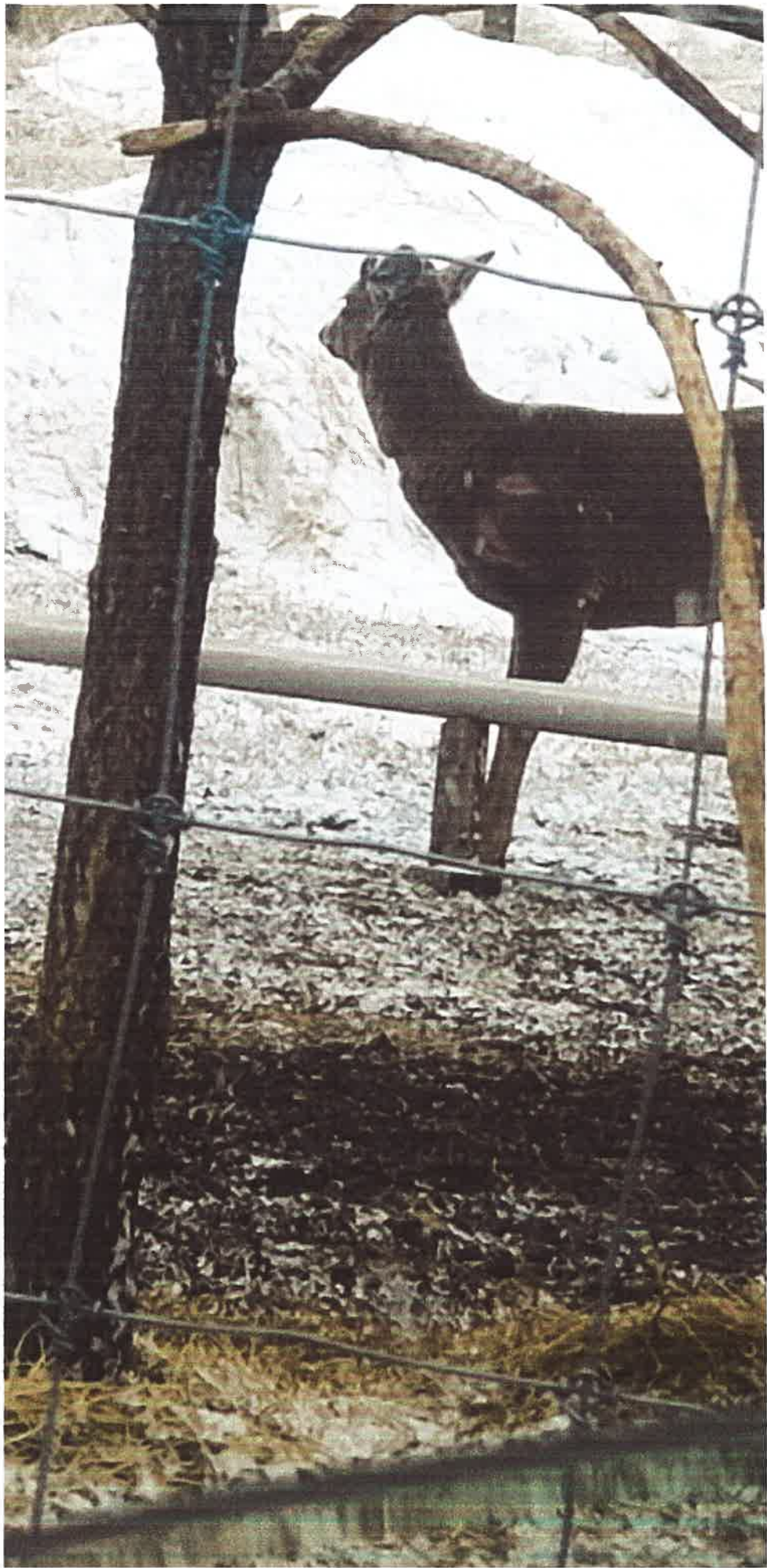












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ORDINANCE 24-0-----

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 8 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO SECTION 30 DATA CENTERS

Section 1. **Amendment** Article 8 of the Zoning Ordinance is hereby amended and re-enacted as follows:

SECTION 30 Data Center Facilities

This section is adopted to allow data centers in appropriate locations in Burleigh County and minimize the potential off-site impacts of development and reduce long-term exposure that may impact the public health, safety, and the general welfare of Burleigh County residents. The low-frequency sounds emitted by data centers consist of long wavelengths that are not easily absorbed by the air or blocked by a sound barrier.

I. DEFINITIONS

The following words, terms and phrases, when used in this Article and Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

1. *Data Center*- a building, structure, complex or group of buildings and/or structures, facility, or dedicated space within a building, structure, complex, or facility that houses IT infrastructure, including, but not limited to, computer systems, networks, servers, applications, appliances, services, and other associated components or facilities used for the remote storage, processing, or transmission of digital data associated with those computer systems, networks, servers, applications, appliances, services, and other associated components or facilities. Associated components and facilities may also include air handlers, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations. This definition also includes cryptocurrency mining, which involves the use of blockchain technology to verify and secure cryptocurrency transactions, as the terms “cryptocurrency”, “cryptocurrency mining”, “blockchain”, and “blockchain technology” are defined by any applicable State law or, if no applicable State law, by generally accepted industry standards. Data centers are intensive land uses that can consume large quantities of water and electricity. Buildings often include industrial HVAC systems or water cooling/storage systems to prevent computer servers from overheating. Such systems commonly generate continuous sound that can spread across property lines.

I. **APPLICABILITY**

These regulations are for Data Center Facilities on properties and structures under the jurisdiction of the Burleigh County Zoning Ordinance. The installation or construction of a data center, or any modification to a lawfully existing data center beyond routine maintenance, requires a Special Use Permit and also requires a Burleigh County Building Permit obtained from the County Building Department. Data centers may only be permitted in the Industrial (I) District with a Special Use Permit.

1. Exemption

- a. Data centers which subject to the exclusive jurisdiction of the North Dakota Industrial Commission pursuant to N.D.C.C. Chapter 38-08, or any successor statute, are exempt from the provisions of this Chapter.

2. Application Requirements

The application for the installation or construction a data center, or for modifications to a lawfully existing data center beyond routine maintenance, shall follow the application procedures for Special Use Permits Article 8 and any other procedures as may be required by this Ordinance for data centers, such as zoning map amendments, platting, or variances. In addition, applications shall include the following:

- a. Applicant name(s) and contact information. The applicant must also identify on the application, the record owner of the property, the occupant or lessee of the property, and the operator of the data center.
- b. A narrative describing the proposed project, including a description of how the project meets market demand, the facility's processing capacity, and the facility's anticipated water and electricity needs.
- c. A study prepared by an acoustical engineer that describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, etc.
- d. A site plan, drawn to scale, showing the location and dimensions of all existing and proposed structures, screening, fencing, lighting, electrical connections, property lines, and roadway access.
- e. A map of the project area showing all single-family and multi-family dwellings, schools, churches, synagogues, and other similar religious institution or structures, and public parks located within one (1) mile of the exterior boundaries of the property where the data center will be located.
- f. All application fees, including the required fees for a Special Use Permit and building permits, in the amounts determined by the Board of County Commissioners.
- g. Copies of signed permits or other documentation that indicates compliance with all applicable State and Federal laws, statutes, rules, regulatory standards, including but not limited to the North Dakota State Electrical Board.

- h. Copy of the signed electrical power purchase agreement.
- i. Financial security for the following:
 - i. Financial security for maintenance of the data center, as fully constructed and operational or, if the project only involves modifications to a lawfully existing data center beyond routine maintenance as permitted by this Ordinance, financial security for maintenance of the lawfully existing data center as modified. The financial security shall be in the amount of 125% of the estimated cost to maintain the data center, as fully constructed and operational, or as modified, as determined by the applicant's ND State registered engineer, with such estimated costs subject to review and approval by the Burleigh County Building Department and
 - ii. Financial security for reclamation and restoration of any data center and the property on which the data center is located or, if the project only involves modifications to a lawfully existing data center beyond routine maintenance as permitted by this Ordinance, financial security for reclamation and restoration of the property on which the data center as modified is located. Reclamation and restoration shall include, but is not limited to, the removal and disposal of all above-ground structures, underground structures, and utilities to depth of four feet, and the removal and disposal of all other facilities, structures, equipment, and materials on or under the property. The financial security shall be in the amount of 125% of the estimated cost to reclaim and restore property on which the data center, or the data center as modified, is located as determined by the applicant's ND State registered engineer, with such estimated costs subject to review and approval of the Burleigh County Building Department. Any financial security provided by the applicant which is required by this Chapter shall be subject to review and approval by the County and be in the form of one or more of the following:
 - iii. an irrevocable letter of credit issued by an FDIC insured financial institution authorized to do business in the State of North Dakota to be effective beginning on the date that installation and/or construction of, or the approved modifications to, the data center start and provides for annual automatic renewals continuing to the date when full reclamation and restoration is complete as approved by the County;
 - iv. a surety bond which is effective beginning on the date that installation and/or construction of, or the approved modifications to, the data center start and provides for annual automatic renewals continuing to the date when full reclamation and restoration is complete as approved by the County; and/or;
 - i. cash in escrow to be held in trust by Burleigh County effective beginning on the date that installation and/or construction of, or the approved modifications to, the data center start and continuing to the date when full reclamation and restoration is complete as approved by the County. The financial security required above shall be provided to Burleigh

County prior to commencement of any work to install and/or construct the data center, or to modify a lawfully existing data center beyond routine maintenance, but no later than the date determined by the Board of County Commissioners in approving the data center or in approving the modifications to a lawfully existing data center beyond routine maintenance.

- j. Other relevant studies, reports, certifications, or approvals as may be required by the County to ensure compliance with this Chapter and this Ordinance.

II. Prohibitions:

The County prohibits data center facilities located within:

- a. All Floodplain Districts and Designated SFHA Areas.

III. Design Standards

1. Data centers shall be set back at least one (1) mile from all single-family and multi-family dwellings, schools, churches, synagogues, and other similar religious institution or structures, and public parks as measured from the nearest property line of any of these sensitive properties to the data center's exterior property lines.
2. Separation from other data centers. New data centers shall be set back at least three (3) miles from any lawfully existing data center.
3. Height. All buildings, structures, and appurtenances on the property where the data center will be located shall meet the height requirements of the Industrial I district in this Ordinance.
4. Electrical wiring. All electrical wiring shall be buried underground, except where wiring is brought together for interconnection to system components or the local utility power grid, provided that all electrical wiring shall comply with the North Dakota State Electrical Board, and any of its rules and regulations.
5. Security fencing. A secured chain link or solid wood or masonry fence at least six (6) feet in height shall be constructed and maintained around the entire perimeter of the facility to prevent unauthorized entry onto the property or into the facility. Any fencing shall comply with the Development Standards in this Ordinance.
6. Buffering and screening. Landscaped buffers shall be required around the entire perimeter of the property where the data center is located in accordance with the requirements of this Ordinance.
7. All outdoor light fixtures shall be installed in a manner intended to limit the amount of off-site impacts. Light fixtures located near adjacent properties may require special shielding devices to prevent light trespass.
8. Accessory structures and appurtenances. All accessory structures or appurtenances, including those constructed for noise mitigation, shall be designed in a manner that is complementary with the primary building(s) and shall be finished in a non-obtrusive color.

9. Roads. All adjacent exterior access roads serving a data center shall conform to the Development Standards in this Ordinance and Article 33. Exterior road construction or improvements shall be subject to approval by the Burleigh County Highway Engineer or their designee. A road maintenance agreement with any government entity having jurisdiction over the adjacent exterior access roads shall be required during installation or construction of the data center, or during modification of a lawfully existing data center beyond routine maintenance. All interior roads serving the data center shall be subject to review by the Burleigh County Fire Department to ensure safe and adequate access for emergency response vehicles.
10. Storm Drainage, Erosion Control, Grading, Drainage and Stormwater Management Permit for the data center shall comply with the requirements in Article 33 of this Ordinance.
11. Development Agreement. The applicant and, if different than the applicant, the record owner of the property, the occupant or lessee of the property, and/or the operator of the data center and of the property on which the data center will be located, as determined appropriate by Burleigh County, must sign a development agreement which shall include provisions related to, but are not limited to, the posting and use of financial security, exterior and interior road construction or improvement, road maintenance, improvements related to storm drainage, erosion control, grading, and drainage, reclamation and restoration, and/or any other condition imposed by this Chapter, this Ordinance, or the Board of County Commissioners in approving installation of construction of the data center or modifications to a lawfully existing data center beyond routine maintenance.

IV. Decommissioning Plan:

It is the responsibility of the original applicant, or if different, the record owner of the property, the occupant or lessee of the property, and the operator of the data center to notify Burleigh County in writing, at least six (6) months in advance, of the intent to abandon or cease operations of the data center. Any data center that is not operated for a continuous period of six (6) months shall automatically be considered abandoned, and Burleigh County may require the original applicant, or if different, the record owner of the property, the occupant or lessee of the property, and the operator of the data center to reclaim and restore the property within ninety (90) days after written notice to reclaim and restore the property from Burleigh County. Any such reclamation and restoration shall include, but is not limited to, removal and disposal of all above-ground structures, underground structures, and utilities to depth of four feet, and removal and disposal of all other facilities, structures, equipment, and materials on or under the property. If the property is not fully reclaimed and restored as required by this Article within ninety (90) days after written notice from Burleigh County, the County may reclaim and restore the property, or cause the property to be reclaimed and restored, including, but not limited to, removal and disposal of all above-ground structures, underground structures, and utilities to depth of four feet, and removal and disposal of all other facilities, structures, equipment, and materials on or under the

property and recover costs directly from the original applicant, or if different, the record owner of the property, the occupant or lessee of the property, and/or the operator of the data center. Burleigh County may also, in its discretion, recover such costs, by access to and use of the financial security provided and on file for the data center, or by lien or special assessment, or any other remedy, authorized by law or the Development Agreement entered into under this Article. Nothing in this Article is intended to impose a mandatory obligation on Burleigh County to reclaim and restore the property.

Article 18, I-Industrial Zoning District, the following regulations shall apply:

1. Special Uses Permitted. The following Special Uses are allowed as per Article 8 Section 30 hereof:
 - a. Data Center Facilities

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Severability. 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 4. Effective Date. This ordinance shall take effect after final passage, adoption and publication as provided by law.

First Reading Passed: _____

Passed and adopted this _____ day of _____, 2024

Brian Bitner, Chairperson

Final passage and adoption:

I, Mark Splonskowski, do hereby certify that I am the duly elected auditor of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting of _____ day of _____, 2024

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh County this _____ day
of _____, 2024

Mark Splonskowski, Burleigh County Auditor/Treasurer

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ORDINANCE 24-0-----

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 8 OF THE 1972
AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH
DAKOTA RELATING TO SECTION 31 ACCESSORY DWELLING UNITS

Section 1. **Amendment** Article 8 of the Zoning Ordinance is hereby
amended and re-enacted as follows:

Section 31 Accessory Dwelling Units

To provide for a broader range of housing options, efficient use of existing infrastructure and housing stock, and preserve the character of existing single-family neighborhoods. accessory dwelling unit to a single-family dwelling is permitted as a special use within any R1 – Rural Residential, and A – Agricultural zoning district subject to all requirements of the Burleigh County Ordinances, unless otherwise stated within this section.

Definitions The following definitions represent the meanings of terms
as they are used in these regulations:

Accessory Dwelling Unit: A separate and complete dwelling unit established in conjunction with and ancillary to, the principal single-family dwelling unit, whether within the same structure as the principal unit or within a detached accessory structure on the same lot or parcel. An accessory dwelling unit contains one bedroom, kitchen and bathroom facilities, and a separate exterior entrance.

Accessory Use: A use or structure that is clearly incidental to and customarily found in connection with a principal structure or use; is ancillary in purpose to the principal building or uses; contributes to the comfort, convenience or necessity of occupants of the principal use; and is located on the same lot as the principal structure.

Building-Accessory: A permanent, or semi-permanent, ancillary building or structure, the use of which is customarily incidental to that of a principal building on the same lot, including, without limitation, garages, storage sheds, playhouses, kennels, statuary, trellises, barbecue stoves, residential greenhouses, tent-like structures, or similar structures, storm or civil defense shelter, radio towers, satellite receiving or transmitting stations or antennas, and other structures, towers, antenna, ornaments or devices

Special Uses. In order to carry out the purposes of this section, the Board of Burleigh County Commissioners find it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the Burleigh County Planning and Zoning Commission prior to the granting of a building permit or certificate of occupancy and that the Burleigh County Planning and Zoning Commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such a permit or certificate.

1. Applicability:

An accessory dwelling unit to a single-family dwelling is permitted as a special use within any R1 Rural Residential and A – Agricultural zoning district subject to all requirements of the Burleigh County Zoning Ordinances,

2. Requirements for All Accessory Dwelling Units. Prior to receiving a special use permit an applicant shall demonstrate that the following requirements will be met:

- a. No more than one accessory dwelling unit may be permitted on each lot or parcel.
- b. An accessory dwelling unit must be contained completely within the principal structure on the lot or parcel, or contained within an accessory structure that meets all requirements of this Code, including size and setback requirements of the underlying zoning district. The height of any accessory structure containing an accessory dwelling unit may be up to twenty-five (25) feet.
- c. The principal or accessory dwelling unit must be occupied by the owner of the subject parcel as a legal residence for more than six (6) months of any given year. The home may not be owned by a corporation, but the owner-occupant may be a benefited person in a private trust or life estate. The owner-occupancy requirement applies to the applicant as well as all subsequent owners of the property.
- d. At least one off-street parking space shall be provided for an accessory dwelling, in addition to any parking required for the principal dwelling unit on the lot. However, in such cases where existing conditions render additional parking infeasible, the applicant may submit a parking plan to demonstrate how on-street facilities or other methods are sufficient to meet anticipated parking demand, such as the dwelling unit being reserved for a class or individual who does not need to store a personal vehicle on-site.

3. Size requirements.

- a. No accessory dwelling unit may include more than one (1) bedroom.
- b. Units within Principal Structure: The floor area of an accessory dwelling unit may not exceed forty percent (40%) of the gross floor area of the principal structure, excluding any attached garage, and may not be greater than 800 square feet or less than 300 square feet.

- c. Units within Accessory Structure: The floor area of an accessory dwelling unit may not be greater than 800 square feet or less than 300 square feet on any lot or parcel five (5) acres in area or less. The floor area of an accessory dwelling unit may be up to 1,200 square feet on any lot or parcel that is greater than five (5) acres in area.
 - d. An accessory dwelling unit on any lot or parcel that does not conform to the minimum lot size requirement of the underlying zoning district may only be permitted inside the principal building.
 - e. To protect the privacy of neighbors, rooftop decks and balconies are not allowed within 25 feet of a neighboring property.
 - f. An accessory dwelling unit must be connected to public utilities if available on the lot or parcel. If the lot is serviced by an on-site septic system, the applicant must show that sufficient sewage treatment capacity will be available to meet anticipated needs.
 - g. An accessory dwelling unit must comply with all residential building code requirements as defined by Article 22 and Article 23 of the Burleigh County Zoning Ordinance.
 - h. An accessory dwelling unit may be occupied by no more than one family, as defined by Article 3 of the Burleigh County Zoning Ordinance.
4. Methods of Creation. A new accessory dwelling unit may be created in any of the following ways:
- a. Conversion of a portion of an existing principal or accessory structure into a separate accessory dwelling unit.
 - b. Expansion of an existing structure that is in compliance with all setback, lot coverage, and height requirements of the underlying zoning district.
 - c. Construction of a new structure containing a single-family dwelling unit with an internal accessory dwelling unit.
 - d. Construction of a new detached accessory structure containing a dwelling unit on a lot with an existing principal structure.
 - e. Reuse of a non-conforming second dwelling unit within a residence that has ceased to be continuously utilized as a dwelling unit and thus does not qualify as a non-conforming use.
5. Special Use Permit Submittal Requirements. The following documents shall be submitted with any application for a special use permit to allow an accessory dwelling unit:
- a. A building plan that demonstrates compliance with all requirements of the residential building code.
 - b. For all new construction of an accessory structure, a site plan is required. The site plan must show, to scale, the location and dimensions of the building, all required setbacks, and any easements on the property.

- c. For all accessory dwelling units that would be served by an on-site septic system, documentation to provide compliance with Article 24 is required.
6. Termination of Special Use Permit. A special use permit for an accessory dwelling shall automatically expire:
- a. If the permitted accessory dwelling unit is substantially altered and is no longer in conformance with these provisions,
 - b. The owner of the property no longer occupies one of the units,
 - c. The required parking is no longer maintained and available for use by the occupant,
 - d. Or the permit is not put to use within twenty-four (24) months from date of approval.

Section 2 Repeal All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Severability If any section provision or part of this ordinance shall be adjudged invalid or unconstitutional such as 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 4. Effective Date This ordinance shall take effect after final passage, adoption and publication as provided by law

First Reading Passed: _____

Passed and adopted this _____ day of _____, 2024

Brian Bitner

Chairperson

Final passage and adoption:

I, Mark Splonskowski, do hereby certify that I am the duly elected auditor of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh

County Commissioners at its regular meeting of

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh
County this _____ day of _____, 2024

Mark Splonskowski, Burleigh County Auditor/Treasurer

DRAFT

July 12, 2024

Mark Splonskowski, County Auditor
Brian Bitner, Burleigh County Commissioner Chairperson

Regarding: Appeal to action by Planning and zoning to deny Special Permit

Dear leaders,

This letter, delivered to you by email today, July 12, 2024 is a notice of appeal regarding the Planning and Zoning Committion's decision regarding our request for a corn maze.

I will include some information with this email in support of my request to allow a corn maze in Burleigh County at the Stoll Farms/Baldwin Greenhouse & Nursery, however it is my understanding that I will have the opportunity to provide additional information at the appeal meeting.

Planning and zoning staff have approached me about the vision that my family has for this property upon purchase due to a complaint from a neighboring property. It is my understanding from previous owners, this complaining by this neighbor was fairly regular. Mitch Flanagan suggested that int he spirit of being neighborly, I should request a special permit for some of the planned agriculture activities.

I did turn in this request in May, I think. But concurrently, there has been work on language for special permits.

Attachment A is a copy of the current Special permit language. It has no reference to corn mazes, pick your own produce activities, farmers markets or on farm sales of products.

Attachment B is the current language moving forward.

This special permit language and the lack of the staff to acknowledge the input from those stakeholders impacted by such language caused me great concern so I verbally asked to withdraw that request and focused solely on a Corn maze. In working with Farmer Clark Coleman, there has not been a requirement in the past and he suggested I not ask for permission. I beleive we were already down the road, and was fearful that the don't ask, beg for forgiveness was not the right approach.

The Corn Maze is on agriculture land, zoned ag land at 1725 201st ave NE Baldwin ND. You may know it better as the Baldwin Greenhouse & Nursery. The Greenhouse business is also considered ag, but is contained to the north 8-9 acres. The remaining property has been cropped, hayed or grazed. The area of where corn is planted is considered by USDA to be cropland - and if we were USDA participants we would meet Highly erodible land and swampbuster rules.

The area will not be impacted by traffic as the Greenhouse has already demonstrated capacity of over 1000 people (I might say 2000 on busiest of days). Gravel parking lots can easily accomodate 100 vehicles, and there is also secondary parking on gravel throughout the greenhouse.

This issue at hand and the reason for denial, my understanding, is that one nieghbor says that we adversely impact his right to raise confined livestock - in his case, whitetail deer.

July 12, 2024

Whether or not the planning and zoning staff had the authority to recommend a special permit process is a mute point now.

My ask is approval to host a corn maze on the Stoll Farm/Baldwin Greenhouse property. Impact to infrastructure is minimal, the site has adequate parking and facilities and is an excellent opportunity to highlight agriculture in the community. It is my observation that people in Burleigh County would enjoy such an event.

I recognize my neighbors right to raise whitetail deer. I even tip toe around them while doing agriculture activities like planting trees, managing weeds and considering fencing options.

In reading information on line about whitetail deer, most all sites included the value to creating good relationships. This is also my value, which is why I introduced myself and family to our neighbors with a nice bag of Christmas hot chocolate and our contact information. The neighbor with the deer made no effort after that time to continue discussion or share his concerns about noise or ask to share the cost of a fence. With our focus on getting the greenhouse running, asking our neighbors about fencing was not a priority.

In late March or April, with snow still on the ground (2022 - 2023), the family finally got a chance to walk past the greenhouses to the south 1/2 of the property. Two people walking in the pasture to check out grasses, weeds, look at the creek for fishing opportunities and camping! That was when Jamie came across their pasture yelling at them. Later that day he and his wife finally came by crying and telling my family they had killed or damaged a deer. It was very confrontational. In my opinion they had ample time to create communication.

We have been visited several times by the planning and zoning staff as well as the sheriff's department for going about our own business.

I would ask that this neighbor to neighbor dispute not be basis of simply saying no to what I view as an acceptable practice, an activity that the community wants and is an awesome bridge of community and agriculture.

Had he asked, we would have gladly worked to compromise a barrier fence. For example, there are portable windbreak panel structures that could be used as a model in critical places on our property boundary. Where there is deer to human viewscape, it would be our responsibility to build or finance.

Signage by neighbor is clear to customers, however, I am agreeable to adding more sign posts along his designated property line.

Attachment C is my recommendation

My request is a do pass for a special permit to have a corn maze, or an acknowledgment that there is not current requirement for such. If asked about applying for a PUD, please note that it was the special permit process recommended to me by staff.

Thank you for allowing me the appeals process and consideration for a change in decision

Mary Podoll, representative and family
Stoll Farms LLC/Baldwin Greenhouse & Nursery



Stoll Farms LLC Appeal to Corn Maze Do not Pass

There is no legal or reasonable basis for denial when all facts are allowed. The location has adequate parking, ease to accomodate vehicles and neighbor complaints are based on grudges and misinformation.

Contact: Mary Podoll, Family member

[REDACTED] [REDACTED]

4 Points of appeal

- 1. Corn Maze Request and Supporting Information**
- 2. INACCURATE, BIASED, and HARRASSING information provided to support a do not pass recommendation**
- 3. A Path to Yes for the community**
- 4. Applicability of Special permit ordinance as in place of corn maze application**

CORN MAZE

Early 2024, Clark Coleman offered the idea to host the Corn Maze at the Stoll Farms. He and his family had already decided they were not going to go back to the location at Buckstop Junction. The distance for equipment and labor was a deciding factor. Stoll Farms - includes the location of the Baldwin Greenhouse & Nursery (provided to help identify site).

Stoll Farms has 40 acres, approximately 8 acres of greenhouse/nursery and home. The remainder is pasture and cropland. The corn is planted on approximately 6 acres.

At the time of agreement, there was no known ordinance to impact this decision based on the experience of the Coleman's.

This location has adequate space for volume and low impact to infrastructure of roads.

A great activity for the community of all Burleigh County.

Corn Maze Special Permit Application

WHY: Discussion with Planning and Zoning staff regarding operations of Stoll Farms Produce growing and the Baldwin Greenhouse & Nursery Operations became a topic of discussion in the spring of 2023, just short months after purchase of property December 1, 2022, because Mitch Flanagan had been contacted by a neighbor. No significant changes were or are being made to the agriculture operation of growing and selling nursery and greenhouse crops. There is an added agriculture use of produce to this acreage zoned agriculture. Future plans and visions were shared with Mitch. There was no requirement needed for current operation, as I understood it at that time. To my knowledge, no additional calls or letters came from Planning and Zoning staff.

In Summer of 2024, I was made aware of the special permit draft for many of the agriculture activities that I mentioned to Planning and Zoning staff, therefore I made a call and was invited to the stakeholders meeting. That draft is still in discussion and will be heard at a public hearing in the future. In the meantime, I wanted to be proactive and follow the recommended action by PZ, even though the ordinance has not been passed. It was made clear to me that to be a good neighbor, I should ask for permission. Therefore, I applied for a variance, not knowing the correct terminology; and followed the recommendation to request a special permit.

In early July, Stoll Farms provided a check for \$300.00 and a map and information to show that our location is adequate (More than) for a corn maze.

Below are clarifications for this 40 acre property with a residence on site:

1. Corn Maze will be operated approximately 6-8 weeks (weather dependent) in the fall of 2024. T2. Site is on 201st Ave. Well maintained with asphalt.
3. Corn Maze traffic, according to the farmer planting corn will be less than 75 families (vehicles) per day. A day is an 8 hour day, 3 days per week with much smaller numbers the remainder of the week. Please note this is a clarification to the application.
4. There is parking on gravel that can easlily handle these 75 vehicles (More parking is availble in the fall when barriers are removed and parking can extend east and west along the gravel area between greenhouses). In May, on the busiest day, over a 10 hour period 200 cars have been accomodated for many years.
5. Porta potties are on site. Hosting schools tours easily accomodated 80 students at any one time (that was maximum on site 3rd graders/teachers in my recent experience).
6. Parking and people are well over 150' feet from property line. And, many hundred feet from residence.
In the corn maze, the path is a minumum of 100' from the CORRECT property line. In addition the corn is very tall and provides a sight and sound barrier from deer at about 2 rows into the field.
7. Checked in with township, they provided positive comments
8. Letters of support from Wilton Community and others

Because the Stoll Farms has already demonstrated the ability to manage volume on this location with no cause for additional road maintenance and residential concerns **I am requesting a do pass recommendation.** As for frequency, the corn maze request is for a single year 2024. We will work with planning and zoning for additional regulations/permit needs as they become part of the ordinance.

It is my desire to highlight why Stoll Farms/Baldwin Greenhouse Nursery and the 40 acres upon which it sits is a good site for a corn maze. Roads, Infrastructure, examples of success managing crowds. I believe that this has been demonstrated in the numbers of customers already utilizing Baldwin Greenhouse & Nursery.

Inaccurate, Bias and harrassing Information

In my effort to do the right thing, it opened up criticism from a neighbor who farms whitetail deer and the planning and zoning staff. I will address Jamie Fiest's concerns in Part 2, as well as statement and photos from planning and zoning staff.

In the court of public opinion, we have been tried and found wanting. This is the only place I have to correctly and publicly defend statements made with innaccurate, bias and harrassing information.

1. The no Trespassing signs placed between Jamie Fiest and Stoll Farms have been used as measurements by Jamie and by Planning and Zoning. These are as much as 40' inaccurate in places. 40 feet. In my conundrum to 'not' disturb Fiest's gorgeous deer, I did not continue to measure these distances. It can be noted that each measurement from the "Officially" staked property line boundary got substantially farther from Fiest's no tresspassing signs that he claimed marked the property. See photos and videos for verifiable documentation.

PHOTO Documentation
Included

The cost to the Stoll's was \$1800 to trust but verify. I no longer trust Jamie's or the Planning and Zoning staff's measurements and credibility. I hope you take this into consideration in this appeal.

2. Photos of deer damaged are publically damning to the Stoll's. I can neither confirm nor deny these photos. Here is what I know:

a. In December 2022, Jamie was provided a bag of Christmas goodies and my homemade Hot Cholote mix along with contact information for Jared and Ashley Stoll. Cell phones and the Greenhouse landline phone numbers were given. It was a meet and greet, and I gave him a great story of our vision for the 40 acres for agriculture and the nursery business. Which has all been used against my family, even if we haven't implemented.

b. In the spring, after much snow on the ground, Jared and Ashley had a chance to walk in the pasture south of their house for the 1st time. Just 2 people checking out their new place... They came back to the house clearly shaken by the experience of having Jamie - a stranger, coming at them across their property aggressively and loudly. Later that day, Jamie brought his wife and they yelled and cried and accused my family of killing their deer.

Just a reminder - that was the 1st time they met Jamie. I opened the door with communication and contact in December.

It did create resentment by my family who loves animals and would not intentionally hurt them. Also, the Fiest's didn't ask to share in additional fencing, barriers - they demanded that we do it. And during the previous meeting requested that we pay for their deer because they can't get insurance.

Making these requests in the court of public opinion - this feels like harrassment.

c. I have no verification of how many times the sheriff or planning or zoning was called by the Fiests based on rumor or assumptions. I do know that one of the Fiest's made my friend, very nervous because they would follow her with their vehicle when she came to help us at the Greenhouse. I do know, and can share videos of myself being on the property planting trees being watched by Jamie the entire time. I have also observed the Sheriff's deputies driven into the parking lot and out each May (albiet that is 2x).

d. I have been told but not verified that Jamie has talked poorly about us with the State Veterenarian who shared that with a friend of mine. He continues to share his point of view loudly and in a harrassing manner to anyone who gives him the time (As friends, should I suppose), but should a state employee - including the planning and zoning staff be sharing information shared in a conversation with others or be used as documentation in a report???

C. The spokespeople for Jamie and White Tail Deer raising represent groups that value good neighbor relationships. In fact is value number 3 on their website. Jamie is not a poster child as he not only has not made an effort, he has abused his neighbor. I have been told that Jamie did this to the previous owners as well. Scott Weere said with Mel fighting cancer, he didn't have time to fight the neighbor.

D. Lastly, because of my ill stated concerns at the stakeholders meeting, and expressing anger, I have created animosity with at least one or more of the board members. As you make this decision, please note that my family can not control my anger or my mouth and should not be penalized because I speak up in support of others opposition. E. In addition, I know that some of you know that Jamie Feist called the Sheriff after the last Planning and Zoning meeting that I threathened him. Here is what I said and these are facts 1. I have 11 grandchildren, 2. They all have bikes, atv's, and horses, 3. Maybe I should just let them all ride in the fields. (I also added "I can, but I won't). I'm 5'2, 59 years old, I don't carry anything more dangerous than a pocket knife or snippers for plant care at the greenhouse).

E. Whether or not, you like Jamie and his deer and dislike me, there should be path to yes for activities that the community wants. This should not be the court of law between neighbors with poor relationships.

A path to Yes

In addition to clearly marking the property boundary with a legal survey, we will:

1. Add Windbreak Panels: There is approximately 650' of deer fencing between properties. If Corn Maze is approved, we will add about 100' of panels. (Known as windbreak panels, picture provided). Some of the 650' has trees or other protection from deer eye of sight to areas where people other than family may be. (A map is included). This includes the area along the cropped field AND, it will be right next to the corn 40' from the property line. In addition there are at least 7 rows before the west end of the corn) making the maze 100' away from Deer Fence and several hundred feet from residences. (No clear information about 100' rule - that came about "After" the application was made. Also, it is cropped field and in no other ag application does one have to be 100' from property line).

The cost of panels is \$1000/30' at first search. I hope to borrow and find used panels to reduce this cost. Please note that the Fiest's have owned this property for how long(2020??) and have made no effort to add sound/sight barriers between properties????

2. More signs - We will add 9 more signs that indicate that our property ends. Most with tact and kindness... One even says "Shh, Deer Sleeping".

What rules apply?

In hindsight, I should not have applied for any type of request, even though Mitch Flanagan said in a discussion that I should. In the scheme of things a PUD may be needed for the overall operation of Stoll Farms, but until we have completed our vision and mission and "Plan", this would be premature. Therefore, since it was quite apparent that corn mazes would be included in the Special Ordinance regarding Ag tourism/recreation, and it might have been passed before we began hosting people to the corn maze, I did want to be a good neighbor and even a good stakeholder to follow the process.

Here are my points.

1. Previous experience by farmer planting corn maze did not include a need for any type of permit.
2. If I didn't have to have a Special permit, why was it accepted.
3. If it was needed with the current ordinance rules, which rules apply is vague.
4. The volume and frequency of the activity has already occurred at this location that has been the Baldwin Greenhouse & Nursery for over 20 years (with 31 years total agbusiness in operation)
5. Just because a neighbor complains, there should still be a path to yes, other than the opinions of the planning and zoning staff and board.
6. The planning and zoning staff used Feist's faulty information without verifying, and no one informed the Stoll's this was occurring.

Having a corn maze in the community is a good thing. It is located on a site that accomodate volume. Actions can be taken by Stolls to reduce impact to deer at their own costs.

Please consider a Do pass Recommendation.

Thank you very much for your consideration,

Mary Podoll

On behalf of my family Jared, Ashley, and Emmett Stoll.
Stoll Farms/Baldwin Greenhouse& Nursery

Attachments 1

Measurements made
at ~~First's~~ ^{No} Tresspassing signs

are 8' to 40'

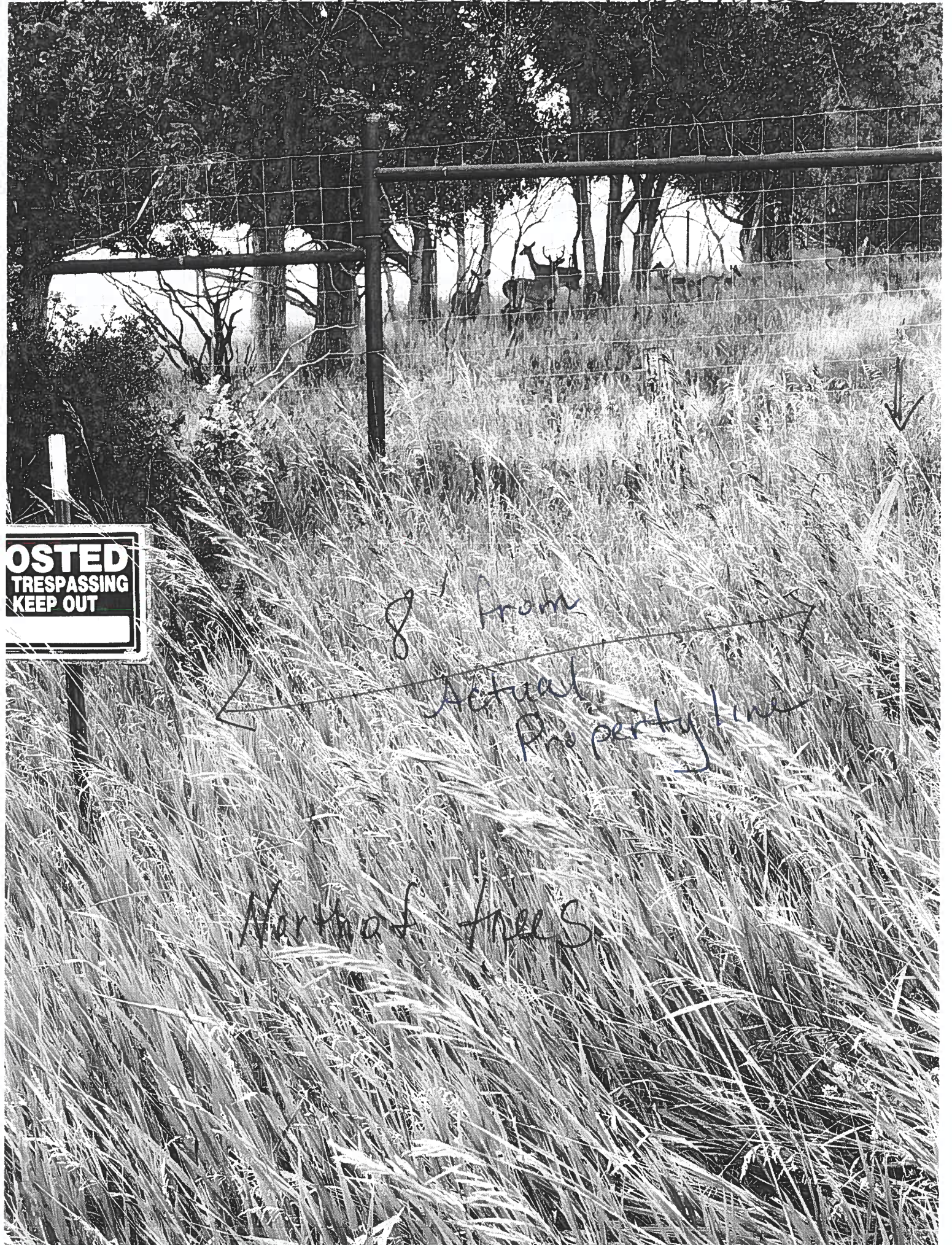
from property line

The one used by P:Z staff
40'

Invoice Available upon
Request

①

POST A NE Corner of deer fence



POSTED
TRESPASSING
KEEP OUT

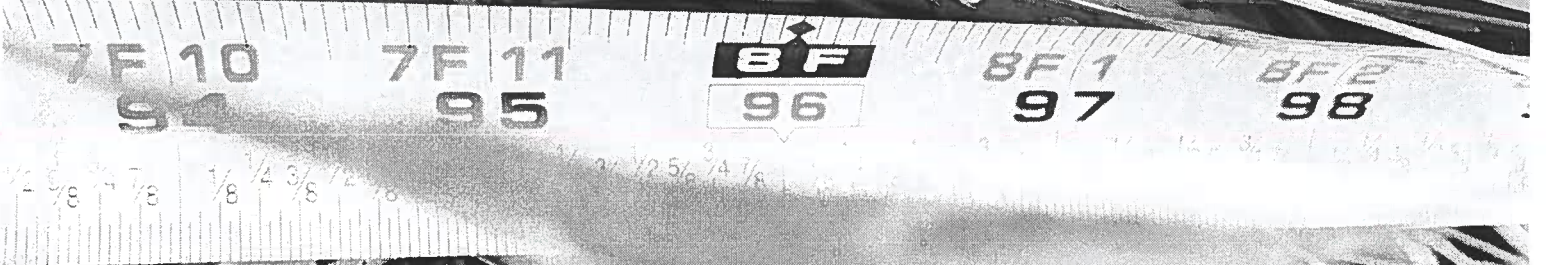
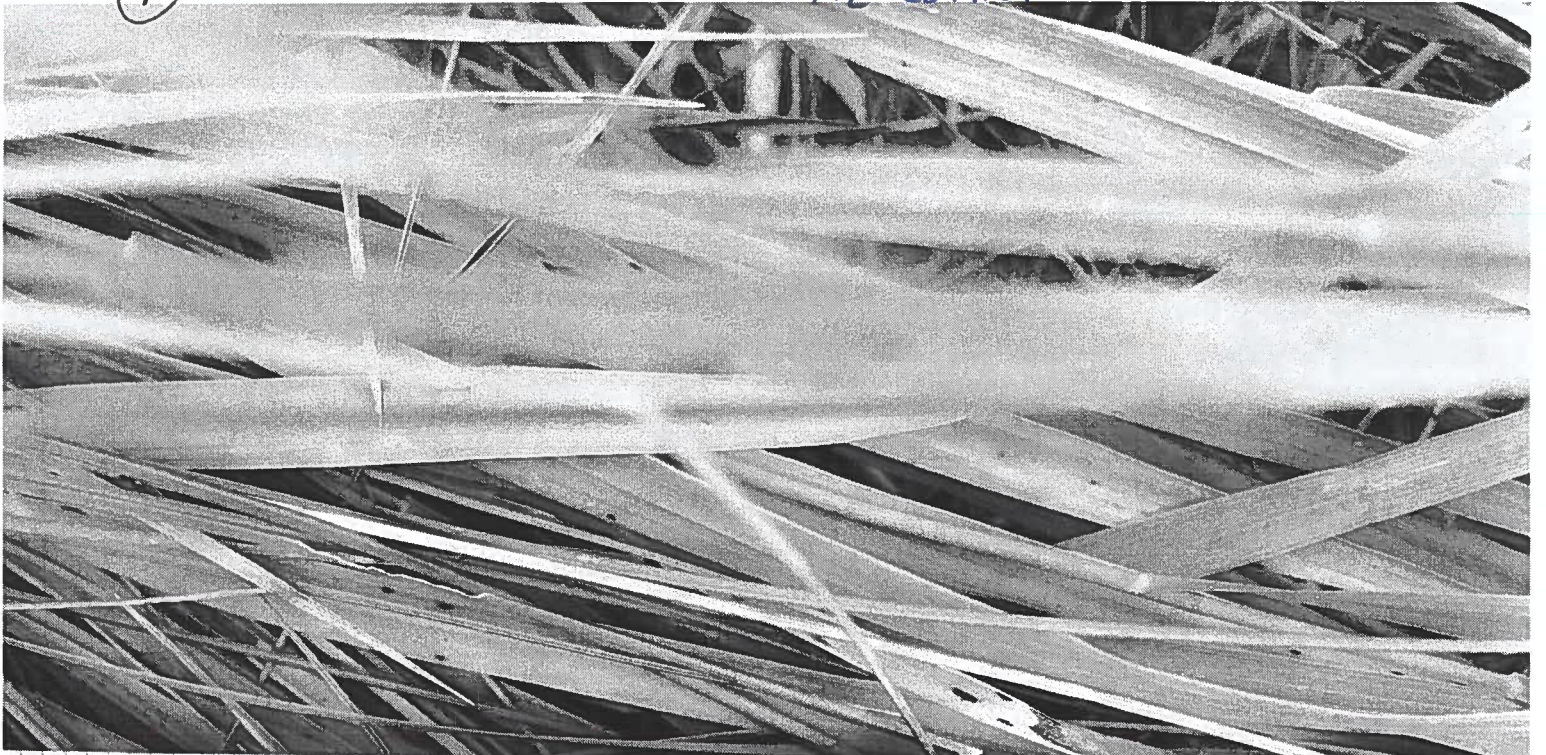
8' from

Actual Property line

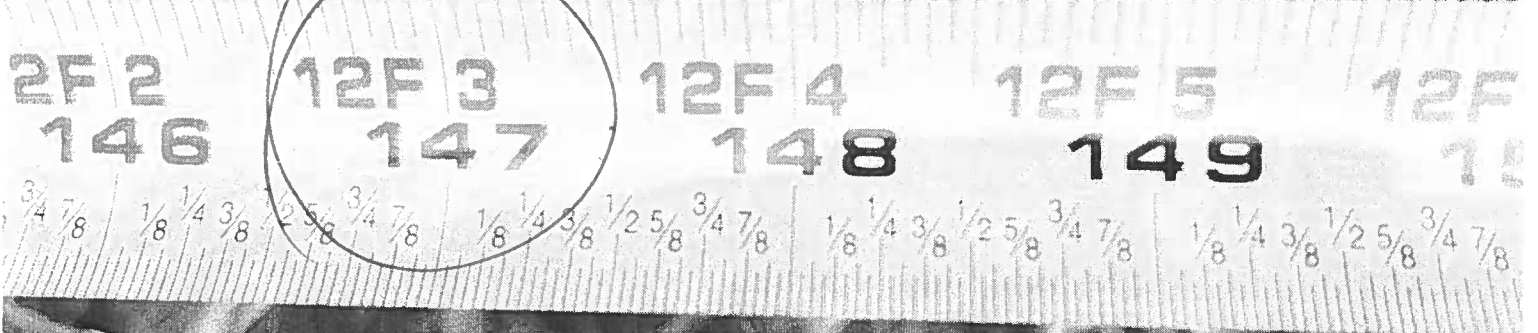
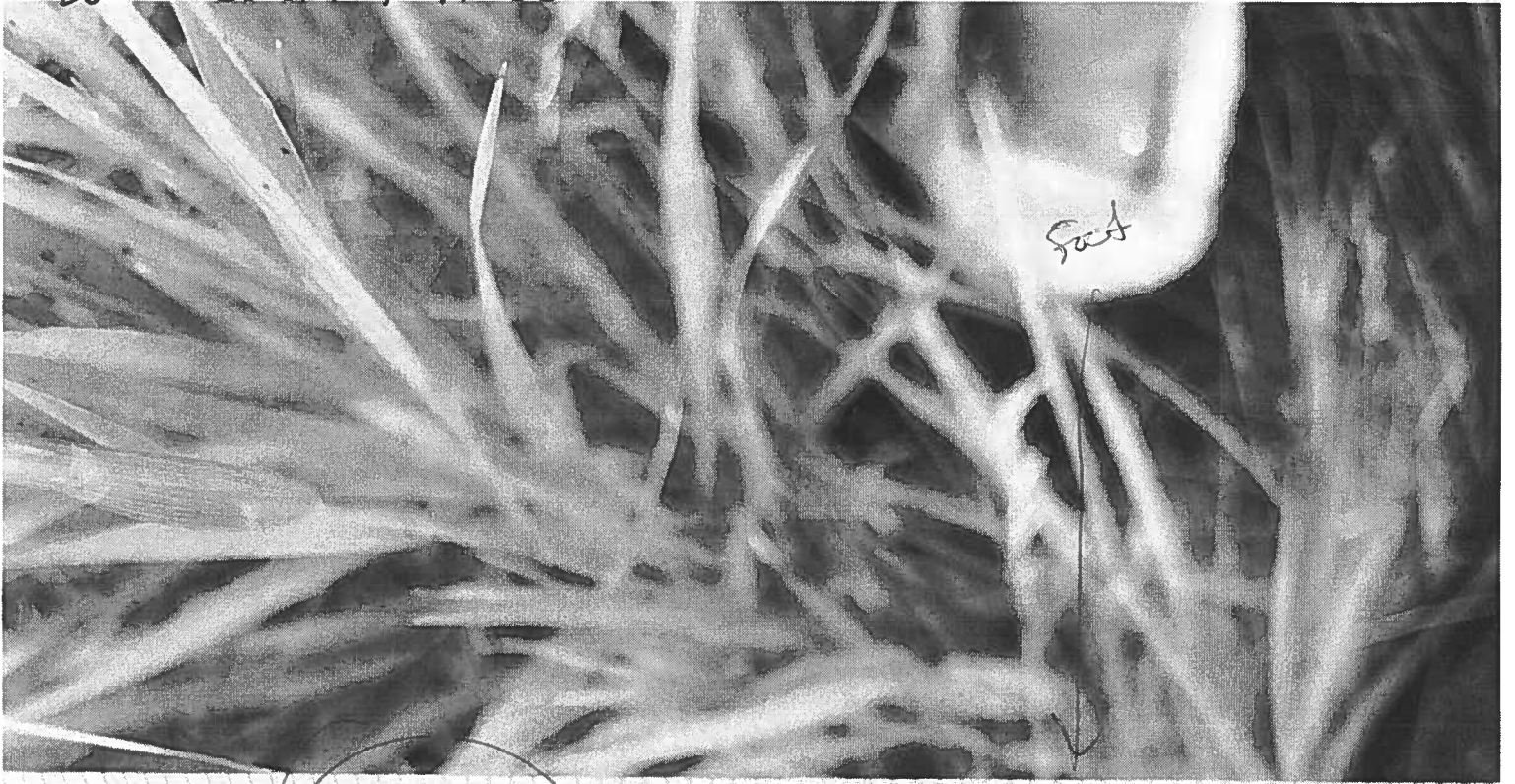
North of trees

①

NE corner



2 South of trees



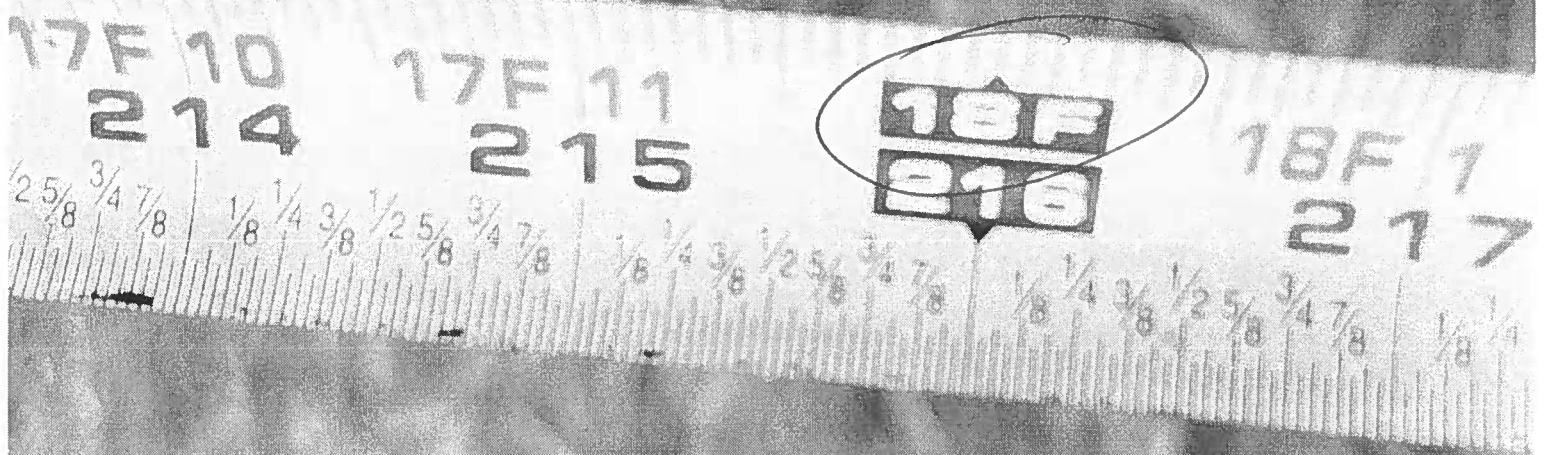
2F 2	12F 3	12F 4	12F 5	12F
146	147	148	149	150

South of
trees



3rd post

from (NE corner of deer fence)



17F 10
214

17F 11
215

18F
216

18F 7
217



4th No Trespassing Sign from

See
Video

NE corner is approximately 40'
from Property line

Video shows that I was trying to
not disturb deer.

This sign was stated to be
Property line, when P&Z staff
measured w/ Jamie Feist.

Clearly this was inaccurate
information. Since Jamie
Placed the signs, he surely
knew he wasn't on the property line.

Attachments

A Path to

YES

Signs
,

In addition to
Jamie Feist's No
Trespassing sign

,'
Panels

9 more



9 Signs for Property line



83238204

Order Information		Shipping	
Sales Order Number: VP_GCNK94QQ Fulfillment Order Number: 79944114 Package Ref. Number: 79944-114 a Order Date: 7/16/2024 Shipping Method: Ground		MARY 1725 201st Ave NE Baldwin ND 58521-9793 United States	
Contents of this Package (box weight: 5.7 lbs)			Special Instructions
1	<p><i>Person a use</i></p>	Custom Sign (892488935) 18" x 24" Single Sided Corrugated Plastic	B19
2		Custom Sign (892488936) 18" x 24" Single Sided Corrugated Plastic	B19
3		Custom Sign (892488937) 18" x 24" Single Sided Corrugated Plastic	B19
1		Custom Sign (892488938) 18" x 24" Single Sided Corrugated Plastic	B19
2		Custom Sign (892488939) 18" x 24" Single Sided Corrugated Plastic	B19
1		Custom Sign (892488940) 24" x 18" Single Sided	B19

9 signs received





Corrugated Plastic

This shipment completes your order.

79944114

Box: Mini Sandwich Board Box (32x21x3)

**MACK METAL SALES WILL BE CLOSED THURSDAY, JULY 4TH AND FRIDAY, JULY 5TH IN
OBSERVANCE OF INDEPENDENCE DAY.
HAVE A SAFE AND WONDERFUL HOLIDAY!**

✕



HOME PAGE FARM AND RANCH INVENTORY
FABRICATION AND MANUFACTURING OUR STORY

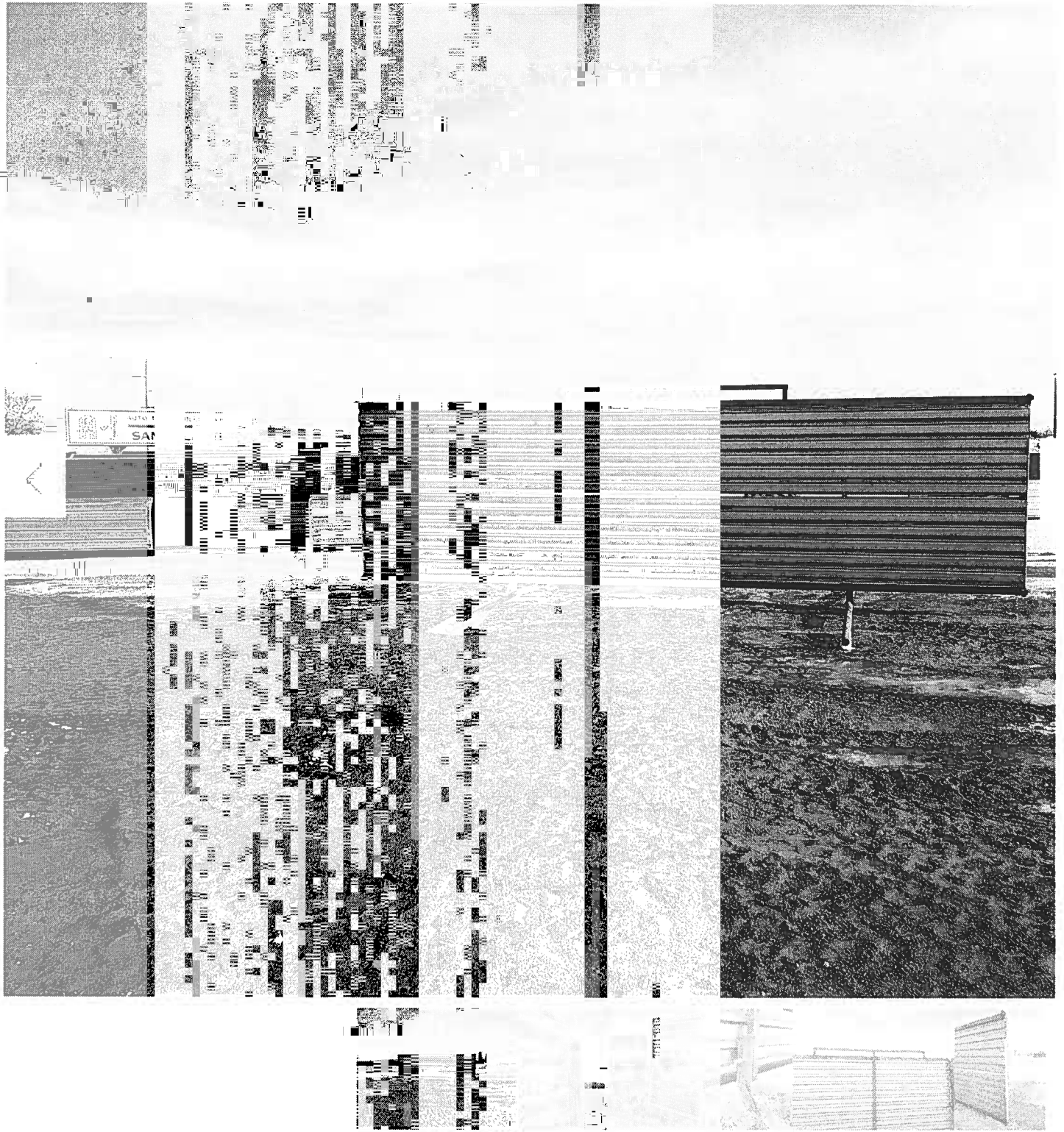
CONTACT US



Mack Metal 24' Free Standing Windbreak Panels

Our Free Standing Windbreak Panels are an essential piece of farm and ranch equipment that help keep your livestock warm and protected from harsh weather elements. Our 24' Windbreaks are 8 foot tall and come with removable legs—which are 12 foot wide. They are made with heavy duty 3" x 2" rectangular tubing and 22 ga super steel windbreak decking. They also come with lifting loops across the top horizontal brace to be easily moved and transported.

24' WINDBREAKS ARE MADE WITH 22 GAUGE TIN



Mack Metal's Standing Floor Panels

STANDARD SIZE WITH HEAVY DUTY

Incorrect,

Bias,

Harassing

Information

1st complaint March 2023

~~*~~ Stoll's had owned since Dec 1 2022

4 months - snowed Dec
and didn't stop!

The only thing done outside was
push snow.

opening of Nursery - April 27th



NOTES

PLANNING AND ZONING COMMISSION

July 10, 2024

Analysis

The request for a Special Use Permit to have a corn maze is allow per the Burleigh County Zoning Ordinance Article 8 which states:

"In order to carry out the purpose of this Article, The board of County Commissers finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reaseans, be reviewed by the County Planning and Zoning Commission and the Board of County Commissioners be and are hereby given limited descretionary powers relating to the granting of such permit or certificate."

The petitioner has submitted a site and operating plan for the corn maze as follows:

Hours will be from 9:00 am with the last person entering the maze one half hour before sunset. Normal operating hours are from 9:00am to 6:00pm on Monday, Tuesday, Thursday, Friday and Saturday. 10:00 am to 5:00pm on Sunday.

Corrective

only for small groups

1. The maze will operate from late August through October.
2. Clark Coleman will operate the maze Friday thru Sunday. Stoll Farms may run the maze the remaining days of the week or by appointment.
3. Parking will be in a gravel parking lot, located approximately 100' feet from the west property line. Over flow parking is not available
4. Restrooms/Porta Potties will be available and located within the greenhouse complex.
5. The maze is located in the middle of the parcel and approx. 6 acres in size.
6. A buffer of 7 rows of corn has been planted on the west side of property.

Primay crowd on F, S, Sunday.

PLANNING AND ZONING COMMISSION

July 10, 2024

Harassment of Stolls started March 23

The P&Z staff ~~is~~ knows that nothing was valid in that complaint Yet - here it is

History/Description

The petitioner approached Burleigh County on June 20, 2024 requesting a special use permit to have a commercial corn maze on the grounds of the Baldwin Greenhouse. The corn maze would run from August thru October. Clark Coleman, who in the past has had a corn maze at the Buckstop Junction will run the maze, Friday thru Sunday. Stoll Farms will run the maze the remainder of the week. There will also be a food truck, portable bathrooms, and a gravel parking lot. The last person to enter the maze on any day will be a half hour before sunset.

This is not the first Special Use application we have received from the petitioner. Stoll Farms, LLC had originally applied for a Special Use permit to operate a corn maze, teaching facility with an additional building, a commercial kitchen and educational growing sites for attendees. The petitioner was advised, her request does not fall under a special use category as the ordinance is written at this time. She was asked to wait with the first special use, until the ordinance is written. She was also advised because she has commercial activities, although farm related, they would not fit under allowable uses nor special uses of Article 12 - A-Agricultural Zoning of the Burleigh County Ordinances. Staff advised her to apply for a PUD. The petitioner is part of the Stakeholders Group for Agri-Recreation.

The Baldwin Greenhouse was owned and operated by the Werre family before being purchased by Stoll Farms in November of 2022. The Werre family operated the greenhouse during the growing and planting season. The green house was closed during the fall and winter months. Stoll Farms, LLC since purchasing the greenhouse have held several events which include food trucks. On Mother's Day of 2024 for example over 2,000 people visited the green house and enjoyed the food available thru the food trucks on site.

Starting in the Spring of 2023, Burleigh County started to receive complaints about the activities and the amount of people on the greenhouse property. The concern expressed was that the activities being held were not agricultural in nature. These non-agricultural events were affecting the neighboring property and his livestock.

INACCURATE
INFO GIVEN WAS WITHOUT CLARITY
to which item action needs a PUD or Special Permit

with ~~draw~~ draw

Not in writing

people

Food trucks sales NOT THIS HIGH

True

Harassment

But
No Activities

1st

In Spring of 2023 we didn't open until the last weekend in APRIL.



PLANNING AND ZONING COMMISSION

July 10, 2024

Jamie Feist is a neighbor who shares the east/west property line with the greenhouse. Mr. Feist and his family raise and breed deer on his property. His animals are wild and are not pets. The additional activities with the food trucks alone have caused his deer to bolt against their pens and has caused death and miscarriage in his stock. His pens are located approximately 40' from the shared property line. When Mr. Feist purchased his property in August of 2020, the greenhouse was only operational between the summer months and traffic was limited to those purchasing items at the greenhouse. Food trucks and various activities were not held on the property.

INACCURATE Info

ON 6-9 Acres

w/ property line surveyed

INACCURATE

NOT SO

- They did host education - They did open doors other times

The most recent complaint from Mr. Feist was the encroachment on his property by the equipment used to seed the corn maze. The operator of the equipment used Mr. Feist's 40' buffer zone to turn around while seeding the corn maze. The equipment caused damage to the plants and shrubbery Mr. Feist was trying to grow as an additional buffer to the deer pens on his property.

BIAS

Mr. Feist is very concerned that the additional activity of a corn maze and participants in the corn maze trespassing on his property to see the deer. His male deer are just growing antlers and very skittish, the deer might bolt, break an antler and bleed out. The bolting of deer in one pen will cause a chain reaction in his other pens.

Has done Nothing for signs said

Mr. Feist has submitted documentation with his complaints (attachment - Feist Documentation)

County staff visited the site on June 28 to address Mr. Feist's complaint and verify additional information on the location of the corn maze. Measurements and pictures were taken at this time. (Attachment - Staff Documentation)

NO ONE told the Stoll's they would be on their Property

Facing East



Property line Verified - Feist's were 8" to 40' ON Stoll Property

~~- Add Receipt for Surveyor~~

- Add video

~~- Add signage copy of receipt~~















POSTED
NO HUNTING
800-555-1234



POSTED
TRESPASSING
KEEP OUT



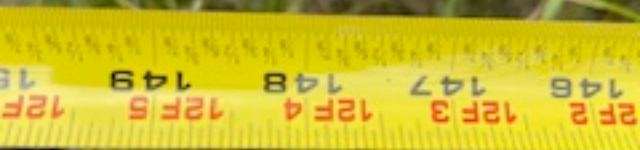


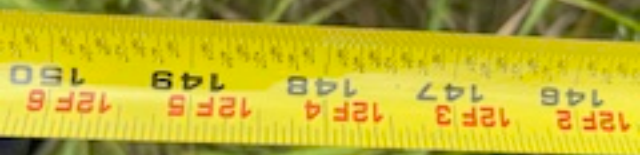
D
100















17F 10
214

17F 11
215

18F
216

18F 1
217



ITEM

7



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: August 5, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: 2025 Budget Adjustments

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

ACTION REQUESTED:

Review proposed changes to the 2025 Budget and direct the Highway Department on how to proceed.

BACKGROUND:

During the July 15, 2024 County Board Meeting the Board directed the Highway Department to change their 2025 Proposed Budget expenditures to match their 2024 Approved Budget expenditures and then adjust their 2025 revenues to balance the 2025 budget. With this direction, the Highway Department budget (expenditures and revenues) will increase from \$14,127,876 to \$16,482,488 (an increase of \$2,354,612). In addition, the Board directed the Highway Department to eliminate any mill levy increase (over the approved 2024 level of 3.613 mills) shown in the proposed 2025 budget and replace additional mill levy revenues (\$2,798,800) with Legacy Funds, Highway Department Savings, General Fund transfer, or Prairie Dog Funds. The total increase in revenues required for the 2025 Proposed budget is \$5,153,412 coming from the following sources:

Legacy Fund:	\$1,041,296 (half of our allotment)
Highway Department Savings:	\$1,000,000
General Fund Transfer:	\$1,188,504
Selling of existing Equipment:	\$50,000
Prairie Dog Funds:	<u>\$1,873,612</u> (Used on Construction Projects)
Total	\$5,153,412

Budget Expenditures:	
Expenditures covered by multiple funds	\$2,798,800
Motor grader	\$481,000
Construction Projects*	<u>\$1,873,612</u>
	\$5,153,412

*Microsurfacing of 71st Ave NE from US83 to Centennial Road. Centennial Road from 71st Ave NE to Jericho Road. 66th Street SE from County Highway 10 to Lincoln Road.

*Mill and overlay of County Highway 10 from 236th Street SE to US83. (Fed/Local: 80%/20%)

*Chip seal of County Highway 10 from 66th Street SE to US83. (Fed/Local: 80%/20%)

RECOMMENDATION:

It is recommended that the County Board review the proposed changes and direct staff on how to proceed.

ITEM

9

BURLEIGH COUNTY FINANCE DEPARTMENT

Burleigh County
316 N. 5th St
Bismarck, ND 58501
701-712-8353

REQUEST FOR COUNTY BOARD ACTION

DATE: August 5th, 2024

TO: Mark Splonskowski, County Auditor

RE: Amendment to the Preliminary Budget

Please Include this item in the next Burleigh County Board agenda packet.

ACTION REQUESTED:

Amend the Preliminary Budget to show the general fund tax levy as \$21,805,080 with any budget deficit funded by utilizing general fund reserves. Amend the Preliminary Budget to show the County Road & Bridge fund tax levy as \$2,413,491 with any budget deficit funded by utilizing a combination of sources as identified by the County Engineer.

BACKGROUND:

The County Commission voted on July 15th 2024 to accept the Preliminary Budget presented by the County Auditor with various changes as discussed at the meeting. The County Commission discussed funding the budget without raising taxes. The only mechanism available to do this is to use reserves.

RECOMMENDATION:

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

PROPOSED RESOLUTION:

THEREFORE, BE IT RESOLVED: That the Burleigh County Board of Commissioners do hereby amend the Preliminary Budget to levy \$21,805,080 in property taxes in the general fund and to utilize \$4,802,392 in general fund reserves to fund the difference between budgeted revenues and budgeted expenditures in the general fund, and to levy \$2,413,491 in property taxes in the County Road & Bridge fund and to use various non-property tax means to fund the difference between the budgeted revenues and budgeted expenditures in this fund as identified by the County Engineer.

**BURLEIGH COUNTY, NORTH DAKOTA
PRELIMINARY BUDGET 2025
GENERAL FUND**

GENERAL FUND REVENUES

	2022	2023	2024	2024	2025	CHANGE
	ACTUAL	ACTUAL	BUDGETED	ESTIMATE	BUDGET	
TAXES	\$ 13,146,683	\$ 14,588,484	\$ 20,956,366	\$ 20,560,000	\$ 20,560,000	\$ (396,366)
IN LIEU OF TAXES	28,982	32,899	32,000	46,000	33,000	1,000
LICENSES	11,275	11,195	12,000	12,000	11,500	(500)
PERMITS	180,792	112,483	180,000	115,000	112,000	(68,000)
FEDERAL IN LIEU	41,994	44,995	91,000	48,000	45,000	(46,000)
STATE GRANTS & FEES	190,476	229,576	175,000	175,000	175,000	-
STATE AID DISTRIBUTION	4,237,562	4,822,093	4,328,109	4,490,000	4,413,000	84,891
HOMESTEAD CREDIT	187,875	201,967	218,000	422,000	253,000	35,000
REIMBURSEMENTS	585,062	23,630	113,400	25,000	114,000	600
COUNTY COURT	25,907	25,991	25,000	25,000	25,000	-
COUNTY RECORDER	575,645	435,854	525,000	420,000	420,000	(105,000)
COUNTY AUDITOR	19,339	16,917	20,000	10,000	10,000	(10,000)
EMERGENCY MANAGEMENT	78,695	98,911	75,000	80,000	91,000	16,000
STATES ATTORNEY	101	920	500	500	500	-
COUNTY SHERIFF	561,033	392,141	422,000	560,000	539,000	117,000
SOC SRV MISC	811,505	802,032	550,000	800,000	196,000	(354,000)
DETENTION	3,183,577	4,177,877	5,043,778	4,770,000	4,706,000	(337,778)
INTEREST	(85,703)	1,556,965	1,113,000	1,800,000	1,460,000	347,000
RENT (MUNI COURT)	10,848	10,848	35,000	35,000	35,000	-
SALE OF ASSETS	-	80	10,000	1,000	1,000	(9,000)
MISC.	112,939	111,500	111,500	40,000	40,000	(71,500)
SUBTOTAL	23,904,587	27,697,356	34,036,653	34,434,500	33,240,000	(796,653)
TRANSFER IN	1,035,646	342,354	322,700	322,700	1,322,700	1,322,700
TOTAL	<u>\$ 24,940,233</u>	<u>\$ 28,039,709</u>	<u>\$ 34,359,353</u>	<u>\$ 34,757,200</u>	<u>\$ 34,562,700</u>	<u>\$ 526,047</u>

**BURLEIGH COUNTY, NORTH DAKOTA
PRELIMINARY BUDGET 2025
GENERAL FUND**

GENERAL FUND EXPENSES

	2022 ACTUAL	2023 ACTUAL	2024 BUDGETED	2024 ESTIMATE	2025 BUDGET	CHANGE
COUNTY BOARD	\$ 428,212	\$ 468,236	\$ 585,809	\$ 585,809	\$ 642,351	\$ 56,542
JUVENILE COURT	313,317	260,599	300,000	300,000	300,000	-
AUDITOR / TREASURER	694,648	742,788	821,955	818,055	856,965	35,010
ELECTIONS	522,746	225,686	536,000	536,000	143,500	(392,500)
TAX EQUALIZATION	426,454	426,213	513,973	499,474	550,034	36,061
RECORDER	359,258	422,021	458,121	458,121	525,505	67,384
HUMAN RESOURCES	442,538	573,340	651,573	651,573	797,129	145,556
PLANNING	379,023	415,939	422,291	422,291	596,526	174,235
INFO TECH DEPARTMENT	3,913	159,252	360,701	340,000	602,987	242,286
INCOME MAINTENANCE	650,944	671,044	538,500	-	-	(538,500)
CRTHSE BLDG & GRDS	946,163	469,729	534,311	534,311	2,209,689	1,675,378
CITY/COUNTY BUILDING	112,734	225,686	221,581	221,581	221,581	-
SUPT. OF SCHOOLS	72,000	72,000	75,000	75,000	79,000	4,000
PUBLISHING & PRINTING	13,675	16,367	15,000	15,000	15,000	-
SUPPLIES	12,173	12,232	12,000	12,000	12,000	-
TELEPHONE & POSTAGE	124,834	133,786	132,500	132,500	134,000	1,500
TECHNOLOGY	93,656	112,788	156,100	156,100	156,100	-
AUDIT FEES	74,500	35,000	-	-	-	-
INSURANCE	165,242	172,571	200,000	200,000	200,000	-
EMERGENCY MANAGEMENT	170,973	169,584	353,344	187,343	356,335	2,991
AMBULANCE	1,500	1,500	1,500	1,500	1,500	-
YOUTH BUREAU	66,777	87,781	93,444	93,444	93,444	-
PUBLIC ADMINISTRATOR	6,300	6,300	6,300	6,300	25,000	18,700
STATES ATTORNEY	2,800,863	3,335,237	4,940,294	4,278,467	5,895,670	955,376
VICTIM/WITNESS ADVOCATE	424,001	515,137	576,397	576,397	634,891	58,494
SHERIFF	6,744,396	7,300,764	8,578,422	8,000,000	9,370,952	792,530

Continued

**BURLEIGH COUNTY, NORTH DAKOTA
PRELIMINARY BUDGET 2025
GENERAL FUND**

YOUTH BUREAU	66,777	87,781	93,444	93,444	93,444	-
PUBLIC ADMINISTRATOR	6,300	6,300	6,300	6,300	25,000	18,700
STATES ATTORNEY	2,800,863	3,335,237	4,940,294	4,278,467	5,895,670	955,376
VICTIM/WITNESS ADVOCATE	424,001	515,137	576,397	576,397	634,891	58,494
SHERIFF	6,744,396	7,300,764	8,578,422	8,000,000	9,370,952	792,530

	2022 ACTUAL	2023 ACTUAL	2024 BUDGETED	2024 ESTIMATE	2025 BUDGET	CHANGE
DETENTION CENTER	9,048,356	9,864,749	11,836,104	11,000,000	12,626,404	790,300
PUBLIC HEALTH	214,249	295,418	300,000	300,000	582,201	282,201
BOAT RAMPS	37,923	43,512	41,747	41,747	161,500	119,753
KIMBALL BOTTOMS BOAT RAMP	18,795	19,633	23,433	23,433	46,500	23,067
MITCHELL LAKE/ DRISCOLL SIBLEY	3,741	8,429	10,300	10,300	16,500	6,200
CITY RECREATION	280,407	306,992	335,000	335,000	335,105	105
ADVERTISING	80,638	83,389	-	-	98,235	98,235
COMMUNICATIONS CENTER	675,241	658,578	897,149	658,578	917,288	20,139
ABANDONED CEMETERY	9,440	10,915	9,500	9,500	11,200	1,700
SUBTOTAL	26,419,630	28,323,194	34,538,349	31,479,824	39,215,092	4,676,743
TRANSFER OUT	550,000	118,640	350,000	350,000	150,000	(200,000)
TOTAL	\$ 26,969,630	\$ 28,441,833	\$ 34,888,349	\$ 31,829,824	\$ 39,365,092	\$ 4,476,743

Estimated Budget Revenue over (under) Budgeted Expenditures \$ (4,802,392)

Estimated Beginning Fund Balance, January 1 2025 19,546,308

Estimated Ending Balance, December 31 2025 \$ 14,743,916

Appropriation for General Government	\$ 39,365,092
Plus Delinquent Taxes	607,903
Plus Estimated Reserve Fund Balance, Dec 31, 2025	14,743,916
Less: Resources	32,911,831
	\$ 21,805,080

**BURLEIGH COUNTY, NORTH DAKOTA
PRELIMINARY BUDGET 2025
COUNTY ROAD AND BRIDGE FUND**

COUNTY ROAD AND BRIDGE FUND REVENUES

	2022 ACTUAL	2023 ACTUAL	2024 BUDGETED	2024 ESTIMATE	2025 BUDGET	CHANGE
MH & RE TAX	\$2,144,300	\$2,337,484	\$2,292,816	\$2,292,816	\$4,976,966	\$2,684,150
IN LIEU OF TAXES	4,706	5,289	3,300	3,300	5,000	1,700
PERMITS	55,559	70,217	79,500	79,500	75,500	(4,000)
STATE AID DISTRIBUTION	8,925	10,277	6,500	6,500	9,000	2,500
HOMESTEAD CREDIT	29,875	32,240	16,900	16,900	20,000	3,100
OPERATING GRANT	-	1,440,785	-	-	-	-
CTY RD WORK-POL SUBS	2,245,752	2,423,417	1,778,610	1,778,610	1,598,610	(180,000)
CTY RD WORK-STATE	-	-	-	-	-	-
CTY RD WORK-FEDERAL	3,000,000	-	-	-	-	-
CTY RD WORK-MISC	4,905	13,177	3,000	3,000	5,000	2,000
SERVICE WORK	101	44	-	-	-	-
INTEREST EARNINGS	2,246	21,833	-	-	10,000	10,000
SALE OF ASSETS	342,339	-	30,000	30,000	365,400	335,400
FUEL	3,482	3,047	1,200	1,200	1,200	-
OTHER MISC REVENUE	104,916	855,209	18,850	18,850	31,350	12,500
SUBTOTAL	7,947,106	7,213,018	4,230,676	4,230,676	7,098,026	2,867,350
TRANSFER IN	6,560,950	10,016,087	12,251,812	12,251,812	7,050,000	7,050,000
TOTAL	\$ 14,508,056	\$ 17,229,105	\$ 16,482,488	\$ 16,482,488	\$ 14,148,026	\$ 9,917,350

**PRELIMINARY BUDGET 2025
COUNTY ROAD AND BRIDGE FUND**

COUNTY ROAD AND BRIDGE FUND EXPENSES

	2022	2023	2024	2024	2025	CHANGE
	ACTUAL	ACTUAL	BUDGETED	ESTIMATE	BUDGET	
SALARIES	\$ 3,523,750	\$ 3,198,084	\$ 3,805,284	\$ 3,805,284	\$ 3,805,284	\$ -
TEMPORARY SERVICES	19,477	-	10,000	10,000	10,000	-
FRINGE BENEFITS	1,277,204	1,355,977	1,690,319	1,690,319	1,794,228	103,909
WORKMENS COMP	69,359	32,442	75,000	75,000	75,000	-
UNEMPLOYMENT COMP	2,743	200	20,000	20,000	20,000	-
ENGINEERING SUPPLIES	9,342	7,158	15,000	15,000	12,500	(2,500)
INSURANCE	91,822	111,804	100,000	100,000	115,000	15,000
EQUIPMENT RENTAL	25,480	26,280	25,000	25,000	25,000	-
TRAVEL-LODGING-MEALS	9,670	5,029	10,000	10,000	10,000	-
UTILITIES	162,415	189,747	190,000	190,000	210,000	20,000
ORGANIZATIONAL DUES	1,775	631	2,000	2,000	1,500	(500)
REPAIRS & MAINTENANCE	470,757	555,983	475,000	475,000	540,000	65,000
COUNTY SERVICES	-	-	-	-	-	-
OFFICE SUPPLIES	24,241	27,043	30,000	30,000	30,000	-
SHOP SUPPLIES	47,563	67,861	60,000	60,000	70,000	10,000
CONSTRUCTION SUPPLIES	1,512	3,162	25,000	25,000	20,000	(5,000)
GAS OIL & FUEL	726,193	662,461	500,000	500,000	600,000	100,000
BUILDING MAINTENANCE	119,750	100,740	120,000	120,000	180,000	60,000
COMPUTER SERVICES	48,820	54,497	60,000	60,000	70,000	10,000
GIS	15,017	14,426	17,000	17,000	20,000	3,000
RADIO SERVICE AGREEMENT	6,969	269,512	10,000	10,000	10,000	-
SIGNING	42,823	37,666	50,000	50,000	45,000	(5,000)
SALT SAND	23,055	24,889	80,000	80,000	50,000	(30,000)
FURNITURE & EQUIPMENT	7,472	20,158	90,000	90,000	70,000	(20,000)
MACHINERY & EQUIPMENT	1,436,552	1,391,701	1,770,000	1,770,000	1,640,000	(130,000)
CRACK POURING	68,360	38,228	75,000	75,000	50,000	(25,000)
CUTTING EDGES	24,015	92,552	35,000	35,000	90,000	55,000
CULVERTS & BRIDGES	11,064	5,522	70,000	70,000	40,000	(30,000)

Continued

**PRELIMINARY BUDGET 2025
COUNTY ROAD AND BRIDGE FUND**

	2022 ACTUAL	2023 ACTUAL	2024 BUDGETED	2024 ESTIMATE	2025 BUDGET	CHANGE
RIGHT OF WAY	-	-	30,000	30,000	15,000	(15,000)
GRAVELING & CRUSHING	459,355	304,315	458,701	458,701	758,164	299,463
VEGETATION CONTROL	3,750	4,100	4,000	4,000	4,000	-
DUST CONTROL	137,026	124,215	140,000	140,000	100,000	(40,000)
COUNTY WORK - IMPROVEMENTS	905,370	7,371,469	3,985,718	3,985,718	2,354,612	(1,631,106)
COUNTY WORK - MAINTENANCE	1,071,809	314,553	225,000	225,000	550,000	325,000
STATE ARPA FUNDS	500,000	-	-	-	-	-
CENTERLINE STRIPING	227,263	260,569	290,000	290,000	275,000	(15,000)
COLD PATCHING MIX	367,942	391,189	500,000	500,000	500,000	-
GRAVEL HAULING	334,393	520,666	382,000	382,000	352,000	(30,000)
BRIDGE INSPECTION	16,088	17,945	50,000	50,000	50,000	-
BISMARCK SHOP	18,669	1,300	20,000	20,000	20,000	-
MPO DUES & COST SHARING	3,004	19,345	20,000	20,000	8,000	(12,000)
CONTINUING EDUCATION	11,600	7,207	9,000	9,000	7,500	(1,500)
EMERGENCY FUND	-	-	-	-	-	-
TIRES	72,184	71,740	90,000	90,000	90,000	-
SAFETY	51,810	42,559	45,000	45,000	45,000	-
911 SIGNING	-	-	-	-	-	-
20% OF TAXES TO CITIES	-	-	-	-	-	-
BILLABLE MAINTENANCE WORK	-	-	-	-	600,000	600,000
SUBTOTAL	12,449,488	17,746,945	15,661,046	15,661,046	15,334,813	(326,234)
TRANSFERS OUT	1,956,625	1,057,625	1,105,000	1,105,000	1,149,700	1,149,700
	\$ 14,406,113	\$ 18,804,570	\$ 16,766,046	\$ 16,766,046	\$ 16,484,513	\$ 823,466

**Estimated Budget Revenue over (under) Budgeted Expenditures
to fund by a variety of non-property tax resources as suggested
by the County Engineer**

\$ (2,336,487)

ITEM

10

	CURRENT BALANCE	TODAYS DEBITS	TODAYS CREDITS	PREVIOUS BALANCE	NET BAL CHANGE
1110013631 Escrow Fund	.00	.00	.00	.00	.00
1120013632 Cost of Issuance 44-17-524	.00	.00	.00	.00	.00
1120013633 Debt Service Fund 44-13-259	3,598,839.61	.00	.00	3,598,839.61	.00
1120013634 Reserve Fund 44-13-224	5,156,454.25	.00	.00	5,156,454.25	.00
1120013635 Burleigh Co Revenue 44-13-232	182.62	.00	.00	182.62	.00
1120013636 Morton Co Revenue 44-13-240	27.76	.00	.00	27.76	.00
1120013637 Burleigh Co Surplus 44-13-275	13,941,888.15	.00	.00	13,941,888.15	.00
1120013638 Morton Co Surplus 44-13-283	4,757,699.29	.00	.00	4,757,699.29	.00
1210013633 Debt Service Fund	.00	.00	.00	.00	.00
1210013634 Reserve Fund	.00	.00	.00	.00	.00
1210013637 Burleigh Co Surplus	16,530,500.00	.00	.00	16,530,500.00	.00
1210013638 Morton Co Surplus	.00	.00	.00	.00	.00
TOTAL ASSETS	43,985,591.68	.00	.00	43,985,591.68	.00
3100013622 Liability Fund Balance	43,985,591.68	.00	.00	43,985,591.68	.00
TOTAL LIABILITY/CAPITAL	43,985,591.68	.00	.00	43,985,591.68	.00
DIFFERENCE	.00	.00	.00	.00	.00

Amount needed to defease bond		\$ 40,505,971.28	<<---This number came from Bidding Agent
less shared Reserve Fund		5,156,454.25	
less shared Debt Service Fund		3,598,839.61	
Amount to split between counties		<u>31,750,677.42</u>	
Burleigh	83.32%	26,454,664.43	
Morton	16.68%	\$ 5,296,012.99	

From: [Scott Wegner](#)
To: [Jacobs, Leigh](#); [John Lundby](#); [Willits, Carrie R](#)
Cc: [Rhone, Dawn R.](#); [Jason Kloos](#); [Unrath, Erica R.](#); [Splonskowski, Mark D.](#)
Subject: RE: Burleigh Morton Sales Tax
Date: Tuesday, March 12, 2024 4:30:46 PM
Attachments: [image001.png](#)

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

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

Leigh,

Just a few comments:

- a. to be clear, the Prior Issue Reserve, is really the DSR or debt service reserve for the outstanding bonds.
- b. and, Prior Issue DSR Funds, should be just: debt service fund
- c. the debt service fund amount - \$4,033,048.51 was accumulated from sales tax based on percentages, so each county should be credited a proportionate share
- d. however, the DSR amount - \$5,097,575.34 was funded from bond proceeds, not sales tax collections. So, this amount should reduce the total payoff first, before county shares are determined.

Scott D. Wegner

Arntson Stewart Wegner PC

701.255.1008

From: Jacobs, Leigh <ljacobs@nd.gov>
Sent: Tuesday, March 12, 2024 3:48 PM
To: John Lundby <John.Lundby@colliers.com>; Scott Wegner <swegner@aswbondlaw.com>; Willits, Carrie R <cwillits@nd.gov>
Cc: Rhone, Dawn R. <dawn.rhone@mortonnd.org>; Jason Kloos <Jason.Kloos@colliers.com>; Unrath, Erica R. <eunrath@nd.gov>; Splonskowski, Mark D. <msplonskowski@nd.gov>
Subject: RE: Burleigh Morton Sales Tax

Good afternoon,

In this case, each party has a share of the defeasance. Burleigh owes 83.32% or \$35,277,357.41, and Morton owes 16.68% or \$7,062,245.82. I think this is consistent with the amended JPA to use the average sales tax received over the life of the project.

Each party has its own surplus fund which they fund 100%, while the reserve and DSR are essentially funded based on sales taxes collected – basically 83/17. In this case, each party's amount due should

	BURLEIGH	MORTON
Balance 06/30/2024 (cash basis)	\$ 30,472,570.77	\$ 4,757,727.05
Defeasance amount, less debt service & reserve	<u>26,454,664.43</u>	<u>5,296,012.99</u>
Amount needed to defease as of 6/30/2024, net of debt service and reserve funds	<u>\$ (4,017,906.34)</u>	<u>\$ 538,285.94</u>

Receipt Quarter	Collection Quarter	Sales Tax Receipts, Historical					BURLEIGH	MORTON
		Receipt Month	Collection Month	Burleigh	Morton		Amount needed to defease, Burleigh	Amount needed to defease, Morton
Q3	Q2	7/22/2024	5/31/2024	582,771.95	152,213.06	ACTUAL	(4,017,906.34)	538,285.94
Q3	Q2	8/21/2024	6/30/2024	1,095,716.25	218,445.94	ESTIMATE	(4,600,678.29)	386,072.88
Q3	Q3	9/22/2024	7/31/2024	1,021,130.79	200,682.44	ESTIMATE	(5,696,394.54)	167,626.94
Q4	Q3	10/20/2024	8/31/2024	716,756.35	159,377.07	ESTIMATE	(6,717,525.33)	(33,055.50)
Q4	Q3	11/22/2024	9/30/2024	1,366,765.51	235,014.56	ESTIMATE	(7,434,281.68)	(192,432.57)
Q4	Q4	12/21/2024	10/31/2024	950,487.81	181,875.96	ESTIMATE	(8,801,047.19)	(427,447.13)
Q1	Q4	1/21/2025	11/31/2024	700,759.27	127,606.44	ESTIMATE	(9,751,535.00)	(609,323.09)
Q1	Q4	2/21/2025	12/31/2024	1,405,633.01	248,832.50	ESTIMATE	(10,452,294.27)	(736,929.52)
Q1	Q1	3/21/2025	1/31/2025	922,938.59	158,318.59	ESTIMATE	(11,857,927.28)	(985,762.03)
Q2	Q1	4/21/2025	2/28/2025	488,370.25	103,451.54	ESTIMATE	(12,780,865.87)	(1,144,080.61)
Q2	Q1	5/21/2025	3/30/2025	1,191,610.09	227,088.66	ESTIMATE	(13,269,236.12)	(1,247,532.15)
							(14,460,846.21)	(1,474,620.81)

County of Burleigh, North Dakota

Multi-County Sales tax Revenue Refunding Bonds

Taxable Series 2020

Escrow to Maturity 11/1/2032

DEFEASANCE ESTIMATE JULY 31, 2024

Escrow Summary Cost

Maturity	Type	Coupon	Yield	\$ Price	Par Amount	Principal Cost	+Accrued Interest	= Total Cost
Escrow								
10/31/2024	T-NOTE	1.500%	5.283%	99.1093750%	3,174,000	3,145,731.56	12,549.38	3,158,280.94
04/30/2025	T-NOTE	2.875%	4.921%	98.5312500%	36,000	35,471.25	272.81	35,744.06
10/31/2025	T-NOTE	5.000%	4.658%	100.4062500%	4,211,000	4,228,107.19	55,498.23	4,283,605.42
04/30/2026	T-NOTE	4.875%	4.454%	100.6875000%	114,000	114,783.75	1,464.88	116,248.63
10/31/2026	T-NOTE	1.125%	4.292%	93.3125000%	4,342,000	4,051,628.75	12,875.56	4,064,504.31
04/30/2027	T-NOTE	2.750%	4.196%	96.2968750%	110,000	105,926.56	797.35	106,723.91
10/31/2027	T-NOTE	0.500%	4.128%	89.1093750%	4,401,000	3,921,703.59	5,800.23	3,927,503.82
04/30/2028	T-NOTE	1.250%	4.099%	90.2187500%	86,000	77,588.13	283.36	77,871.49
10/31/2028	T-NOTE	1.375%	4.066%	89.6250000%	4,452,000	3,990,105.00	16,135.48	4,006,240.48
04/30/2029	T-NOTE	2.875%	4.055%	94.9531250%	72,000	68,366.25	545.63	68,911.88
10/31/2029	T-NOTE	4.000%	4.049%	99.7656250%	4,528,000	4,517,387.50	47,740.87	4,565,128.37
04/30/2030	T-NOTE	3.500%	4.056%	97.1718750%	115,000	111,747.66	1,060.94	112,808.60
10/31/2030	T-NOTE	4.875%	4.058%	104.4531250%	4,667,000	4,874,827.34	59,970.32	4,934,797.66
04/30/2031	T-NOTE	4.625%	4.060%	103.2968750%	180,000	185,934.38	2,194.36	188,128.74
08/15/2031	STRIPS-I	-	4.109%	75.1390000%	4,835,000	3,632,970.65	-	3,632,970.65
02/15/2032	STRIPS-I	-	4.131%	73.5070000%	126,000	92,618.82	-	92,618.82
08/15/2032	STRIPS-I	-	4.146%	71.9340000%	9,916,000	7,132,975.44	-	7,132,975.44
Subtotal		-	-	-	\$45,365,000	\$40,287,873.82	\$217,189.40	\$40,505,063.22
Total		-	-	-	\$45,365,000	\$40,287,873.82	\$217,189.40	\$40,505,063.22

Escrow

Cash Deposit	908.06
Cost of Investments Purchased with Bond Proceeds	40,505,063.22
Total Cost of Investments	\$40,505,971.28

Delivery Date 8/05/2024

	Yield	Total Escrow Amount	Joint Share	Burleigh Share	Morton Share
May 6, 2024 Estimate	4.550%	40,134,014.00	8,752,396.89	26,147,163.38	5,234,453.73
July 31, 2024 Estimate	4.132%	40,505,971.28	8,752,396.89	26,457,078.18	5,296,496.21
Change	-0.418%	371,957.28	-	309,914.81	62,042.47

Burleigh County, North Dakota

Multi-County Sales Tax Revenue Refunding Bonds Taxable Series 2020

Defeasance Analysis

Escrow to November 2032 Maturity

DEFEASANCE ESTIMATE MAY 6, 2024

Escrow Summary Cost

Maturity	Type	Coupon	Yield	\$ Price	Par Amount	Principal Cost	+Accrued Interest	= Total Cost
Escrow								
10/31/2024	T-NOTE	2.250%	5.334%	99.8593750%	3,127,000	3,122,602.66	32,119.73	3,154,722.39
10/31/2025	T-NOTE	0.250%	4.969%	95.2656250%	1,542,000	1,468,995.94	1,759.89	1,470,755.83
10/31/2025	T-NOTE	5.000%	4.966%	100.0312500%	2,633,000	2,633,822.81	60,101.09	2,693,923.90
04/30/2026	T-NOTE	0.750%	4.817%	94.0156250%	41,000	38,546.41	140.38	38,686.79
10/31/2026	T-NOTE	1.125%	4.716%	93.0781250%	4,266,000	3,970,712.81	21,909.62	3,992,622.43
04/30/2027	T-NOTE	0.500%	4.637%	90.1875000%	33,000	29,761.88	75.33	29,837.21
10/31/2027	T-NOTE	4.125%	4.614%	98.6250000%	4,323,000	4,263,558.75	81,408.67	4,344,967.42
04/30/2028	T-NOTE	1.250%	4.568%	89.2500000%	86,000	76,755.00	490.76	77,245.76
10/31/2028	T-NOTE	1.375%	4.536%	88.4375000%	4,451,000	3,936,353.13	27,939.70	3,964,292.83
04/30/2029	T-NOTE	2.875%	4.517%	93.3281250%	73,000	68,129.53	958.13	69,087.66
10/31/2029	T-NOTE	4.000%	4.513%	97.7031250%	4,528,000	4,423,997.50	82,685.22	4,506,682.72
04/30/2030	T-NOTE	3.500%	4.505%	95.1093750%	116,000	110,326.88	1,853.48	112,180.36
10/31/2030	T-NOTE	4.875%	4.509%	101.9218750%	4,666,000	4,755,674.69	103,843.86	4,859,518.55
04/30/2031	T-NOTE	4.625%	4.501%	100.6875000%	178,000	179,223.75	3,758.32	182,982.07
08/15/2031	STRIPS-I	-	4.523%	73.6630000%	4,837,000	3,563,079.31	-	3,563,079.31
02/15/2032	STRIPS-I	-	4.524%	72.0290000%	126,000	90,756.54	-	90,756.54
08/15/2032	STRIPS-I	-	4.529%	70.4090000%	9,916,000	6,981,756.44	-	6,981,756.44
Subtotal		-	-	-	\$44,942,000	\$39,714,054.03	\$419,044.18	\$40,133,098.21
Total		-	-	-	\$44,942,000	\$39,714,054.03	\$419,044.18	\$40,133,098.21

Escrow

Cash Deposit	916.12
Cost of Investments Purchased with Bond Proceeds	40,133,098.21
Total Cost of Investments	\$40,134,014.33

Delivery Date 10/15/2024

BURLEIGH COUNTY FINANCE DEPARTMENT

Burleigh County
316 N. 5th St
Bismarck, ND 58501
701-712-8353

REQUEST FOR COUNTY BOARD ACTION

DATE: August 5th, 2024

TO: Mark Splonskowski, County Auditor

RE: Amendment to the Preliminary Budget

Please Include this item in the next Burleigh County Board agenda packet.

ACTION REQUESTED:

Direct the County Auditor to complete and sign the escrow agreement with Morton County related to our Detention Center Sales Tax Bond.

BACKGROUND:

The County Commission voted on February 27 2024 in a joint meeting with the Morton County Commission to empower the County Auditor to enter into an escrow agreement with Morton County relating to our Detention Center Sales Tax Bonds.

RECOMMENDATION:

It is recommended that the County Board adopt the below proposed resolution(s).

PROPOSED RESOLUTION:

THEREFORE, BE IT RESOLVED: That the Burleigh County Board of Commissioners do hereby direct the State's Attorney to draft an escrow agreement with the Morton County Auditor. The agreement should specify the following:

- (1) the basis for calculating the relative amount of the escrow cost payable by each County;
- (2) the relative amounts of the escrow cost payable by each County;
- (3) the payoff order for the escrow fund (i.e., first exhaust the mutual Reserve Fund, then the debt service fund, then each County's respective surplus funds);
- (4) if agreed by the Commission, that Burleigh is loaning to Morton County the difference between Morton County's relative amount of the escrow cost at (2) above and the amount Morton County has deposited at the Bank of North Dakota at the time the escrow agreement is signed;
- (5) if agreed by the Commission, when Morton must repay Burleigh County for loan;
- (6) any other terms deemed necessary by the State's Attorney

BURLEIGH COUNTY FINANCE DEPARTMENT

**Burleigh County
316 N. 5th St
Bismarck, ND 58501
701-712-8353**

THEREFORE, BE IT RESOLVED: That the Burleigh County Board of Commissioners do hereby direct the County Auditor, upon receipt of the escrow agreement from the State's Attorney to contact the Morton County Auditor at the earliest possible convenience and set a date to review and sign the escrow agreement. The County Auditor is directed to invite the following to this meeting: the Morton County Commission Chair, the Burleigh County Commission Chair, and the Burleigh County Finance Director. If the County Auditor is unable to reach the Morton County Auditor within five (5) business days of receipt of the escrow agreement from the State's Attorney, he must notify the portfolio holder immediately.

BURLEIGH COUNTY, NORTH DAKOTA

**2023 FINANCIAL STATEMENT AUDIT
FINDING AND RECOMMENDATIONS**

Prepared by

BURLEIGH COUNTY FINANCE DEPARTMENT

**BURLEIGH COUNTY, NORTH DAKOTA
2023 FINANCIAL STATEMENT AUDIT
FINDINGS AND RECOMMENDATIONS**

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BURLEIGH COUNTY

Schedule of Audit Findings and Questioned Costs
For the Year Ended December 31, 2023

SECTION I – FINANCIAL STATEMENT FINDINGS

2023-001 – AUDIT ADJUSTMENTS – COUNTY & COMPONENT UNIT - MATERIAL WEAKNESS

Condition

During the audit of Burleigh County and Burleigh County Water Resource District, we proposed material adjusting entries to the financial statements in accordance with generally accepted accounting principles (GAAP). The adjustments were approved by management and are reflected in the financial statements.

Effect

There is an increased risk of material misstatement to Burleigh County's and Burleigh County Water Resource District's financial statements.

Cause

Burleigh County and Burleigh County Water Resource District may not have had procedures in place to ensure the financial statements are complete and accurate.

Criteria

Burleigh County and Burleigh County Water Resource District are responsible for the presentation of their financial statements and related note disclosures to ensure they are reliable, accurate, free of material misstatement, and in accordance with GAAP.

Repeat Finding

No.

Recommendation

We recommend Burleigh County and Burleigh County Water Resource District review their procedures for the preparation of the financial statements to ensure the financial statements are complete and accurate in accordance with GAAP.

Burleigh County and Burleigh County Water Resource District's Response

See Corrective Action Plan

BURLEIGH COUNTY

Schedule of Audit Findings and Questioned Costs - Continued

2023-002 – UNDER PLEDGED SECURITIES – SIGNIFICANT DEFICIENCY AND OTHER NONCOMPLIANCE

Condition

Burleigh County did not obtain adequate pledge of assets at Wells Fargo as of December 31, 2023. The County was under pledged by \$3,008,772.

Effect

Burleigh County is not in compliance with N.D.C.C. §21-04-09.

Cause

Burleigh County did not have a process to ensure the entity is adequately pledged.

Criteria

N.D.C.C. §21-04-09 states “When securities are pledged to the board of any public corporation, the treasurer or other individual legally charged with the custody of public funds shall require security in the amount of one hundred ten dollars for every one hundred dollars of public deposits.”

Additionally, the Committee of Sponsoring Organizations of the Treadway Commission (COSO) model defines internal control as a process designed to provide reasonable assurance of the achievement of objectives that involve the effectiveness and efficiency of operations, reliability of financial reporting, and compliance with applicable laws and regulations. Pertaining to the pledging of assets, management is responsible for adequate internal controls surrounding pledging of assets.

Repeat Finding

No.

Recommendation

We recommend that Burleigh County ensures that it maintains adequate pledges of securities at any bank where the bank balances could exceed FDIC Insurance.

Burleigh County’s Response

See Corrective Action Plan

BURLEIGH COUNTY

Schedule of Audit Findings and Questioned Costs - Continued

2023-003 – LACK OF SEGREGATION OF DUTIES – COMPONENT UNIT- MATERIAL WEAKNESS

Condition

Burleigh County Water Resource District has limited personnel responsible for most accounting functions. A lack of segregation of duties exists as limited personnel are responsible to collect and deposit monies, issue checks, send checks to vendors, record receipts disbursement in journals, maintain the general ledger, create credit memos, and perform bank reconciliations.

Effect

Limited segregation of duties exposes the District to the risk of loss of assets, potential liabilities, and damage to the reputation, whether due to error or fraud.

Cause

The Burleigh County Water Resource District has no full-time staff. They outsource their secretarial bookkeeping duties to a private company, which has limited staff, making segregating of duties difficult to accomplish.

Criteria

According to the COSO framework, proper internal controls surrounding custody of assets, the recording of transactions, reconciling bank accounts and preparation of financial statements dictates that there should be sufficient accounting personnel, so duties of employees are properly segregated. The segregation of duties would provide better control over the assets of Burleigh County Water Resource District.

Repeat Finding

Yes.

Recommendation

To mitigate the risk associated with this lack of segregation of duties, we recommend the following:

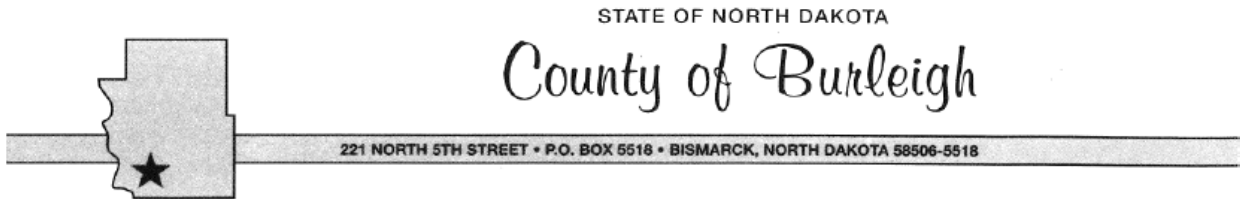
- Financial statements, credit memos, and payroll registers should be reviewed, analyzed, and spot-checked by a responsible official.
- Where possible, segregate the functions of approval, posting, custody of assets, and reconciliation as they relate to any amounts which impact the financial statements.

Burleigh County Water Resource District's Response

See Corrective Action Plan

SECTION II – FEDERAL AWARD FINDINGS AND QUESTIONED COSTS

No matters were reported.



Date: June 27, 2024
To: Joshua C. Gallion, ND State Auditor
From: Leigh Jacobs – Finance Director and Mark Splonskowski – County Auditor/Treasurer
RE: Burleigh County – FY2023 Corrective Action Plan

Contact Person Responsible for Corrective Acton Plan: Leigh Jacobs and Mark Splonskowski

Section I – Financial Statement Findings:

2023-001 – AUDIT ADJUSTMENTS – COUNTY & COMPONENT UNIT - MATERIAL WEAKNESS

Condition:

During the audit of Burleigh County and Burleigh County Water Resource District, we proposed material adjusting entries to the financial statements in accordance with generally accepted accounting principles (GAAP). The adjustments were approved by management and are reflected in the financial statements.

Corrective Action Plan:

We agree with the recommendation. Burleigh County will review the list of proposed audit adjustments and ensure future audit years have financial statements in accordance with GAAP.

Anticipated Completion Date:

FY 2024

2023-002 - UNDER PLEDGED SECURITIES – SIGNIFICANT DEFICIENCY & OTHER NONCOMPLIANCE

Condition:

Burleigh County did not obtain adequate pledge of assets at Wells Fargo as of December 31, 2023. The County was under pledged by \$3,008,772.

Corrective Action Plan:

We agree with the recommendation. Burleigh County will review the current procedures in place and ensure cash held at banks have adequate pledging in accordance with state law.

Anticipated Completion Date:

FY 2024

Section II –Federal Award Findings and Questioned Costs:

No issues were reported.



Burleigh County Water Resource District

PO Box 1255
Bismarck, North Dakota 58502-1255
(701) 354-1501
www.bcwrdd.org

Date: June 4, 2024
To: Joshua C. Gallion, ND State Auditor
From: Wendy Egli, Executive Secretary
RE: Burleigh County Water Resource District – FY2023 Management's Response

Contact Person Responsible for Corrective Acton Plan: Wendy Egli, Executive Secretary

Section I – Financial Statement Findings:

2023-001 AUDIT ADJUSTMENTS – COUNTY & WATER RESOURCE DISTRICT – MATERIAL WEAKNESS

Condition:

During the audit of Burleigh County and Burleigh County Water Resource District, we proposed material adjusting entries to the financial statements in accordance with generally accepted accounting principles (GAAP). The adjustments were approved by management and are reflected in the financial statements.

Management's Response:

We Agree. The adjustments have been implemented at the time of the audit.

Anticipated Completion Date:

6/5/2024

2023-003 SEGREGATION OF DUTIES – WATER RESOURCE DISTRICT – MATERIAL WEAKNESS

Condition:

Burleigh County Water Resource District has limited staff responsible for the primary accounting functions. A lack of segregation of duties exists as one employee is responsible to collect monies, deposit monies, issue checks, send checks to vendors, record receipts and disbursements in the check register, maintain the general ledger, and perform bank reconciliations.

Management's Response:

We Agree. The Burleigh County Water Resource District has received this same material weakness recommendation in the past. A lack of resources to employ permanent staff and the use of consultants for our office administration limits the ability to truly segregate these functions. The Burleigh County Water Resource District has taken steps to mitigate the situation by having the Secretary/Treasurer Board Position review monthly balance sheets, financial transactions, bank statements, invoices, etc. separate from the office administration consultant. These reviews are documented via electronic edits, presented at monthly board meetings, and approved by the board via a formal motion.

Anticipated Completion Date:

We will evaluate this next fiscal year to see if it's feasible to hire more staff.

Current Board Members:

James Landenberger, Chairman 701-426-6439 Randy Binegar, Vice Chairman 701-595-4947
Dennis Reep, Secretary/Treasurer 701-595-2142 Roger Smith, Manager 701-400-6283
Kathleen Jones, Manager 701-400-7129



Burleigh County Water Resource District

PO Box 1255
Bismarck, North Dakota 58502-1255
(701) 354-1501
www.bcwrld.org

Date: June 10, 2024
To: Joshua C. Gallion, ND State Auditor
FROM: Wendy Egli, Executive Secretary
RE: Burleigh County Water Resource District 2023 Schedule of Prior Year Findings

2022-001 **SEGREGATION OF DUTIES – COMPONENT UNIT- MATERIAL WEAKNESS**

Condition

Burleigh County Water Resource District has limited personnel responsible for most accounting functions. A lack of segregation of duties exists as limited personnel are responsible to collect and deposit monies, issue checks, send checks to vendors, record receipts disbursement in journals, maintain the general ledger, create credit memos, and perform bank reconciliations.

Recommendation

To mitigate the risk associated with this lack of segregation of duties, we recommend the following: • Financial statements, credit memos, and payroll registers should be reviewed, analyzed, and spot-checked by a responsible official. • Where possible, segregate the functions of approval, posting, custody of assets, and reconciliation as they relate to any amounts which impact the financial statements.

Current Status

Not implemented. Burleigh County Water Resource District will evaluate next fiscal year to see if it is feasible to hire more staff.

Current Board Members:

James Landenberger, Chairman 701-426-6439 Randy Binegar, Vice Chairman 701-595-4947
Dennis Reep, Secretary/Treasurer 701-595-2142 Roger Smith, Manager 701-400-6283
Kathleen Jones, Manager 701-400-7129

STATE AUDITOR
Joshua C. Gallion



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701-328-2241

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STATE OF NORTH DAKOTA
OFFICE OF THE STATE AUDITOR
STATE CAPITOL
600 E. Boulevard Ave. Dept. 117
Bismarck, North Dakota, 58505

ndsao@nd.gov

GOVERNANCE COMMUNICATION

July 1, 2024

Board of County Commissioners
Burleigh County
Bismarck, North Dakota

We have audited the financial statements of the governmental activities, the discretely presented component unit, each major fund and the aggregate remaining fund information of Burleigh County, North Dakota, for the year ended December 31, 2023. Professional standards require that we provide you with information about our responsibilities under general accepted auditing standards (and, if applicable, *Government Auditing Standards* and the Uniform Guidance), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated March 6, 2024. Professional standards also require that we communicate to you with the following information related to our audit.

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Burleigh County are described in Note 1 to the financial statements. No new accounting policies were adopted, and the application of existing policies was not changed during 2023. We noted no transactions entered into by Burleigh County during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements presented by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the governmental activities financial statements were:

Management's estimate of the useful lives of capital assets is based on past history of each classification of capital assets. We evaluated the key factors and assumptions used to develop the useful lives capital assets in determining that is reasonable in relation to the financial statements taken as a whole.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

BURLEIGH COUNTY, NORTH DAKOTA 2023 FINANCIAL STATEMENT AUDIT FINDINGS AND RECOMMENDATIONS

FINDING #1 – AUDIT ADJUSTMENTS

Description of Finding

While preparing our financial statements, the State Auditor’s Office required a significant number of adjustments to our general ledger to prepare financial statements which comply with generally accepted accounting principles (GAAP). The specific adjustments are at **Appendix B**.

The SAO identified the cause as “Burleigh County...may not have had procedures in place to ensure the financial statements are complete and accurate.” This is a correct statement, but we need to identify specific causes and specific effects for corrective action to take place. Since each adjustment made by the SAO may have a different cause – or groups of adjustments may have a related cause – it is helpful review the list of adjusting entries individually to identify the cause of each individual adjustment or group of adjustments.

Adjusting entry not included in report: Reclassify ARPA fund balance as a liability

Description of entry

When the County received ARPA funds, we classified the entire amount as revenue when we received it. In total this was over \$18,000,000. This amount then became our fund balance; however, the cash received for the ARPA grant should be properly classified as a liability, because we must return it if we do not properly perform all requirements under the grant.

The Finance Department provided the County Auditor’s office with an journal entry on February 28, 2024 to properly classify the ARPA fund balance as a liability. The Finance Department approached the County Auditor’s office again in a meeting on March 6, 2024. The County Auditor’s office refused to make the adjusting entry to properly classify this account as a liability.

We sent our Trial Balance to the State Auditor’s Office on March 26, 2024, without correcting the ARPA account.

Consequently, this entry ended up as an audit finding.

Cause

The cause is a lack of continuing education in generally accepted accounting principles and a failure to make audit adjusting entries in prior years.

Effect

The effect is to overstate revenues in the years the grant was received and to understate liabilities for all years since the grant was received. This error is causing other issues in accounting for ARPA funds because we should be booking revenues as we expense things under the grant, since this is a reimbursement grant.

BURLEIGH COUNTY, NORTH DAKOTA 2023 FINANCIAL STATEMENT AUDIT FINDINGS AND RECOMMENDATIONS

Recommendation

See recommendation #3.

Adjusting entry #1: Offset Negative Cash Balances

Description of entry

The County has a handful of funds with a negative balance in cash. Some funds, such as the CenComm fund, have carried a negative cash balance for several years. In effect, this means that such funds are borrowing money from other funds. This entry re-classifies the negative cash balances as a liability (“due to another fund.”)

Cause

The primary cause of this is a lack of cash management policies at both the County-wide level and at the fund level. The secondary issue is a failure to properly classify transactions at year-end for GAAP compliance and for financial statement presentation.

For example, it might be harmless to carry a negative balance in cash for a few months, but we must properly classify transactions in our ledger at year-end. Part of the reason for the State Auditor’s adjusting entry is that it’s simply hard to read a ledger with negative because cash is typically carried with a positive (debit) balance. Another reason for the entry is to maintain consistency within our ledger by showing a negative cash balance as a liability in the liabilities section of the balance sheet along with other similar items, rather than in the asset section of the balance sheet.

Effect

By carrying negative cash balances in accounts, the County is unable to correctly allocate interest revenue from certain pooled investments such as the Wells Fargo “sweep” account, especially with no inter-fund loan documents. This has led to the County possibly over-allocating interest to the CenComm fund which is shared with the City of Bismarck. Per the joint powers agreement, we must leave all interest earned on the CenComm investments in the fund. **See Appendix C.**

Recommendation

See recommendations #1, #2, and #3.

Citation: GASB Codification I. General Principles, 1800.802

BURLEIGH COUNTY, NORTH DAKOTA 2023 FINANCIAL STATEMENT AUDIT FINDINGS AND RECOMMENDATIONS

Adjusting Entry #3: Reclassify Interest Income to Change in Investment Market Value

Description of entry

The County accounts for any change in an investment value from month to month as “interest revenue.” The adjusting entry breaks out the change in market value component from the interest revenue account within the County’s ledger.

Cause

The cause is the County classifying any change in investment value as interest revenue. Although the County is required to display investments at market value on the face of the financial statements, the County should not classify any change in value as interest revenue. In fact, there are several different reasons why an investment would change value. Among them are the amortization of a bond discount or premium; change in market value; or capitalization of interest expense. The County is currently recording all these transactions as “interest revenue.” The County is also recording bank fees as a reduction in interest revenue rather than as a separate line item within the account.

GASB does not require the County to separate the different elements of investment income on the financial statements; however, in this case, the recognition of the various elements of investment income in our general ledger provide management with critical decision-making information.

Effect

The effect is a loss of nuance in the financial records of the County. Some years this has been misleading for decision makers. In the year 2022, our financial statements showed negative interest of (\$85,703). This leads management to believe we do not have cash from interest revenue available to finance the County. **In fact, the County earned several hundred thousand dollars in interest during the 2022 fiscal year**, but due to a change in interest rates, our investments lost value. Since we are recording a change in market value as interest revenue, we show negative interest for the year, but the change in value had no impact on cash from interest revenue.

Recommendation

See recommendation #4.

Additionally, we recommend the County to account separately for each distinct transaction relating to investments. Typically, this will include transactions such as amortization of bond discounts or premiums; interest; fees; and unrealized gain or loss on investments. On the balance sheet, the change in investment value should be recorded in a contra-asset account to the investments called “Fair Value Adjustment.” An example adjustment is below:

**BURLEIGH COUNTY, NORTH DAKOTA
2023 FINANCIAL STATEMENT AUDIT
FINDINGS AND RECOMMENDATIONS**

The market value of a bond declined by \$1,000 during the month.

	<i>Debit</i>	<i>Credit</i>
<i>Unrealized Gain or Loss</i>	<i>\$1,000</i>	
<i>Fair Value Adjustment</i>		<i>\$1,000</i>

On the balance sheet, the fair value adjustment represents a **temporary decline** in the value of the investment. The unrealized gain or loss represents a loss on the income statement.

Citation: GASB Statement No. 31 Accounting and Financial Reporting for Certain Investments and for External Investment Pools

Adjusting Entry #4: Record Reimbursement from Morton County for BMDC

Description of entry

The County incorrectly removed Morton’s share of ARPA-funded detention center expenditures from the ledger.

Cause

The County has four (4) detention center positions which are funded by the ARPA grant. The County has a side letter with Morton County governing the reimbursement of those positions. In this letter, the Counties agreed that Morton would reimburse Burleigh 24.5% of these four positions. In the general ledger, when the County transferred these expenses from the general fund to the ARPA fund, we incorrectly transferred 100% of the salaries which includes the amount funded by Morton. Upon reimbursement from ARPA, we remove these expenses from the ARPA fund (crediting the expense) rather than crediting a revenue account because the County incorrectly booked all ARPA revenue upon receiving the cash. This means that these expenses are not recorded anywhere, nor are the associated reimbursement revenues from Morton.

Effect

The effect of this error is to understate jail revenues and expenses for the 2023 fiscal year by approximately \$150,000.

BURLEIGH COUNTY, NORTH DAKOTA 2023 FINANCIAL STATEMENT AUDIT FINDINGS AND RECOMMENDATIONS

Recommendation

See recommendation #5

Additionally, the County should correct this transaction for fiscal year 2024 and onward.

Adjusting Entry #5: Reclassify Salary Expenses to Contracted Service Expenses

Description of entry

The County classified contracted services related to Clyde Thompson and Wayne Goter as salaries expenses in the County Board and State's Attorney funds, respectively.

Cause

The cause of this entry is the failure by the County to expand its general ledger accounts and account elements (Columns) as the County has grown over the decades. In this specific case, because the County Board and State's Attorney funds did not have a contracted services account added in the general ledger (although a contracted services account was subsequently added to the States Attorney), staff utilized the existing salaries expense account to account for contracted services. This practice goes back to 2019 at least.

Effect

The effect is to overstate salaries expense while understating contracted services. This could create some confusion with FICA compliance because we do not pay FICA taxes to contracted services, but we would expect all salaries expenses to have an associated FICA component.

Recommendations

See recommendation #4.

Additionally, the County should reclassify all such transactions as contracted services for fiscal year 2024 and beyond.

Adjusting Entry #6: Reclassify Interest Income from Internal Service Fund to Transfer In

Description of entry

The SAO is reclassifying interest expense recorded in the Health Insurance fund as a transfer out.

Cause

The general fund loaned money to the health insurance fund, which was invested. There were no loan documents drawn up at the time of the loan indicating a repayment schedule or an interest rate. At some point, the County made the decision to transfer interest earnings on this loan from the health

BURLEIGH COUNTY, NORTH DAKOTA 2023 FINANCIAL STATEMENT AUDIT FINDINGS AND RECOMMENDATIONS

insurance fund to the general fund; however, we are not making the correct accounting entries to accomplish this.

We are booking interest revenue in the health insurance fund and booking the same amount of interest revenue in the general fund; then we are booking interest expense for the same amount in the health insurance fund. The net effect moves interest from the health insurance fund to the general fund, but in the process we double-book revenue and create an interest expense in the health insurance fund which has no explanation or logical reason to be there.

Without loan documents to support the inter-fund loan, there is no way to assign an interest rate to these funds. Consequently, this transaction should be recorded as a transfer.

Effect

The effect of booking interest revenue in the health insurance fund and the general fund for the same investment activity overstates our interest revenue.

Recommendation

See recommendation #7.

Adjusting Entry #7: Offset Negative Cash Balances

See adjusting entry #1.

Adjusting Entry #8: Adjustment to Decrease Inventory for 2023 Used Amount

Description of entry

The County has significant inventories, mostly in the Highway Department. These consist mainly of gravel and culverts. The County failed to adjust inventories to reflect the amounts on hand during the year-end inventory conducted by the highway department.

Cause

The County made no entries to inventory during the 2023 fiscal year. The cause is a failure to follow of policies and procedures, and a general lack of financial statement awareness within the County. The Highway Department sends these year-end adjusting entries to the County Auditor's Office or the Finance Department. This year, with no Finance Director or Assistant Finance Director at year end, the Highway Department sent this entry to the County Auditor and Deputy County Auditor. The County then failed to make this adjustment during the year-end closing process.

BURLEIGH COUNTY, NORTH DAKOTA 2023 FINANCIAL STATEMENT AUDIT FINDINGS AND RECOMMENDATIONS

Effect

The effect understated expenditures in the highway department by approximately \$580,000, and overstated assets (inventory) by the same amount.

Recommendation

See recommendations #2, #5

Adjusting Entry #9: Adjustment to Record Retainage Payable

Description of entry

The County failed to record an expenditure and account payable related to a Retainage Payable on the 71st Ave Road Project.

Cause

The cause is a lack of policies and procedures relating to the year-end closing process.

Effect

The effect understates expenditures for 2023 by \$82,390 and understates liabilities by the same amount.

Recommendation

See recommendation #2

Adjusting Entry #10: Reclassify Interest Income to Change in Investment Market Value

Recommendation

See recommendation #3

Adjusting Entry #11: Reclassify Prairie Dog Funds from a Transfer In to Intergovernmental Revenue

Description of entry

The County recorded Prairie Dog funds received from the State as a Transfer In. The State Auditor's Office reclassified it as intergovernmental revenue (Note that under GASB, Transfers In are not considered revenues).

Cause

The cause is the failure to add new accounts to the ledger as needed and a lack of continuing education in governmental accounting. In this case, the Special Road and Bridge fund did not have an

BURLEIGH COUNTY, NORTH DAKOTA 2023 FINANCIAL STATEMENT AUDIT FINDINGS AND RECOMMENDATIONS

Intergovernmental Revenue account set up. Rather than create a new account, the County booked Prairie Dog revenue as a transfer in. This is not consistent with GASB terminology which defines revenue as follows: “*revenues* means increases in (sources of) fund financial resources other than from interfund transfers and debt issue proceeds and redemptions of demand bonds.” Since we recorded this transaction as a transfer in, it is excluded from revenue under GASB.

Effect

The effect is to understate County revenues by \$4,000,000.

Recommendation

Reclassify this transaction as intergovernmental revenue in the 2023 ledger.

See recommendation #3, #4

Citation: Citation: GASB Codification I. General Principles, 1800.131

Adjusting Entry #12: Reclassify Miscellaneous Revenue to Intergovernmental Revenue and Sale of Assets

Description of entry

GASB classifies governmental fund revenues by fund and source. Major revenue sources are taxes, licenses and permits, intergovernmental revenues, charges for services, fines and forfeits, and miscellaneous.

GASB requires that sale of capital assets be reported as other financing sources.

This entry reclassifies our revenues to comply with GASB requirements.

While researching this entry, we learned that the County Auditor’s Office failed to remove six (6) deleted assets from our fixed asset listing after receiving the year-end update from the Highway Department. Included on these were the two motorgraders from the adjusting entry.

We sold these Motorgraders for \$330,000, but left them on the asset listing with a book value of \$301,500. In addition to the other assets we failed to dispose of from the asset listing at the end of 2023, we overstated our assets by \$344,850.56.

Cause

The cause is a failure to add new accounts to the ledger as needed. The cause is also a lack of continuing education in generally accepted accounting principles.

Effect

The effect is to lose the nuanced source of revenues by putting sale of assets and intergovernmental revenues into a miscellaneous account. We also increase the difficulty of preparing financial statements

BURLEIGH COUNTY, NORTH DAKOTA 2023 FINANCIAL STATEMENT AUDIT FINDINGS AND RECOMMENDATIONS

that comply with generally accepted account principles because we are burying transactions that have specific reporting requirements among miscellaneous revenues.

Recommendation

See recommendation #3.

Citation: Citation: GASB Codification I. General Principles, 1800.130; GASB 34, ¶188

Adjusting Entry #13: Establish a Due to Other Funds Asset to Offset Negative Cash Balances

See Adjusting Entry #1.

Adjusting Entry #14: Adjustment to Record Off-Book Activity for the 2020 Sales Tax Bond

Description of entry

The County incorrectly accounted for the bond sinking fund at Bank of North Dakota related to our Detention Center Sales Tax bond. The County was essentially double-counting cash which resulted in a massively inflated cash balance on the books. The State Auditor's Office corrected this entry for us several years in a row, but we failed to make the adjusting entry on our books.

In 2023, rather than correct the entry, the County removed the bond sinking fund from our books. We also ceased to account for sales tax revenues at this time.

The Finance Department provided the County Auditor's office with an adjusting entry to add this account back to our books in the proper amounts on February 20, 2024 with an email showing the entry to make and the back up (support) for the entry. The Finance Department approached the County Auditor's office again in a meeting on March 6, 2024. The County Auditor's office refused to make the adjusting entry to add this account back to our books.

We sent our Trial Balance to the State Auditor's Office on March 26, 2024, without correcting the bond sinking entry.

Consequently, this entry ended up as an audit finding.

Cause

The cause is the failure to make the adjusting entries provided by the State Auditor's during financial statement audits over the years.

Effect

The effect is to understate assets, revenues, and fund balance by millions of dollars.

BURLEIGH COUNTY, NORTH DAKOTA 2023 FINANCIAL STATEMENT AUDIT FINDINGS AND RECOMMENDATIONS

Recommendation

See recommendation #3, #5

Adjusting Entry #15: Prior Period Adjustment to Record Missed Payable from 2022

Description of entry

The County failed to properly accrue an expenditure at the end of 2022. The State Auditor's Office apparently missed this entry during the last audit. During the current year's financial audit, the State Auditor's Office corrected this error in our 2023 books.

Cause

The cause is the lack of effective year end closing procedures and the failure to record transactions using the transaction date. The date the County uses in the general ledger is the date the general ledger entry is made, not the transaction date. This is a departure from normal accounting practices. In virtually all cases, entities record the date the underlying transaction occurred, such as the date on an invoice, in the general ledger. The transaction date is vital for many reasons including classifying transactions within the correct year.

Effect

The effect is to understate expenditures during the 2022 year and to overstate expenditures during 2023.

Recommendation

See recommendation #2 and #8.

Adjusting Entry #16: Reclassify Interest Expense to Transfer Out

See adjusting entry #6.

Adjusting Entry #17: Prior Period Adjustment to Remove 66th St Project from CIP; reclassify assets 4578 and 4579 to CIP, and add back asset 4053

Adjusting Entry #18: Adjustment to Record Current Period Capital Asset Additions

Description of entry

This adjustment removes the 66th street project from construction in progress at the end of 2022; reclassifies to construction in progress 2 semi-trucks we started building in 2022 but finished in 2023; and adds an asset that the County Auditor's Office incorrectly deleted in 2021.

BURLEIGH COUNTY, NORTH DAKOTA 2023 FINANCIAL STATEMENT AUDIT FINDINGS AND RECOMMENDATIONS

Cause

The cause is a lack of policies and procedures related to fixed assets and a lack of continuing education in generally accepted accounting principles.

Relating to the two semi-trucks we built, the County purchased the chassis in 2022, but the trucks were not finished until 2023. When the trucks were finished in 2023, the County simply went back to the asset listing and changed the cost of the assets, which will impact our prior year general ledger. The trucks should be classified as “construction in progress” until completed in 2023 then added to the fixed asset ledger and depreciated.

Effect

The effect is to misstate fixed assets in 2022 and to misstate depreciation.

Recommendation

See recommendations #2, #6.

Adjusting Entry #19: Record Payables found during the audit

Adjusting Entry #20: Record retainage payable

Description of entry

The County recorded expenses and payables relating to 2023 in 2024. The County did the same with a retainage. The State Auditor’s Office made the entry to move these expenses into the 2023 fiscal year.

Cause

The cause is a lack of year-end policies and procedures and the failure to record the transaction date in the ledger.

Effect

The effect is to understate liabilities and expenditures in the 2023 year.

Recommendation

See recommendation #2 and #8.

BURLEIGH COUNTY, NORTH DAKOTA 2023 FINANCIAL STATEMENT AUDIT FINDINGS AND RECOMMENDATIONS

FINDING #2: UNDER PLEDGED SECURITIES

Description of Finding

The County Treasurer, under NDCC 21-04-09, is required to obtain security for public funds in the amount of 110% of the deposit. The pledge acts as a form of insurance on amounts over the FDIC limit of \$250,000. The County failed to obtain sufficient pledged securities in the Wells Fargo account at year end.

Cause

The cause is a lack of policies and procedures surrounding the Auditor/Treasurer duties and a lack of internal controls to identify instances of non-compliance with laws and regulations.

Effect

The effect is to put public funds at risk.

Recommendation

The County should adopt policies and procedures surrounding the Auditor/Treasurer duties. The County should adopt internal controls to identify instances of non-compliance with laws and regulations.

FINDING #3: LACK OF SEGREGATION OF DUTIES

Description of Finding

Burleigh County Water Resources District has limited personnel responsible for most accounting functions, resulting in incompatible duties being performed by staff. An incompatible duty are duties that increase the risk of fraud or error.

Cause

The cause is a lack of staff.

Effect

The effect is to increase the risk of fraud or error.

Recommendation

The recommendation is to consider whether the cost of fully staffing the Water Resource District would exceed the risk of loss due to fraud or error, and to consider whether other procedures can be performed to minimize the risk associated with the lack of segregation of duties.

APPENDIX A - SUMMARY OF RECOMMENDATIONS

Finding No.	Summary of Recommendations	Related Audit Adjustment
1.	Cash Management	#1, #7, #13
2.	Year End Policies and Procedures	#1, #7, #8, #9, #13, #15, #17, #18, #19, #20
3.	GAAP Continuing Education	#1, #7, #11, #12, #14, ARPA entry
4.	General Ledger Update	#3, #5, #10, #11, #13
5.	Supervisory Review	#4, #8, #14
6.	Improve Fixed Asset Policies & Procedures	#17, #18
7.	Improve Documentation	#6, #16
8.	Add transaction date to general ledger	#15, #19, #20

Recommendation #1: Adopt County-wide and Fund-level Cash Management Policies

The County has several funds with a negative cash balance. Some of these accounts have carried a negative cash balance for several years. The reason for the negative cash balances is the County lacks County-wide and Fund-level cash management policies. The County simply “writes a check” from these funds without regard to how much cash the funds have. Some county funds, such as unorganized townships, cannot be made positive on the long-term due to economic factors (too few residents); other funds, such as CenComm, are negative because of a lack of cash management, planning, or awareness from staff and Treasurer.

The County should adopt County-wide and Fund-level cash management policies in coordination with department heads and the County Commission. The plan should include a cash forecast at both the County-wide and the Fund level, including plans to invest excess cash so investments mature in line with cash needs. The plan should include policies or procedures for situations where funds have negative cash, including identifying which funds are loaning money to the negative funds and reclassifying negative balances as a liability at period end.

By carrying negative cash balances in accounts, the county is unable to correctly allocate interest revenue from certain pooled investments such as the Wells Fargo “sweep” account, especially with no inter-fund loan documents. This has led to the County possibly over-allocating interest to the CenComm fund which is shared with the City of Bismarck. Per the joint powers agreement, we must leave all interest earned on the CenComm investments in the fund. **See Appendix C.**

Recommendation #2#: Improve year-end policies and procedures

Most of the County’s adjusting entries relate to the year-end process. In the past, the County Finance Director prepared Financial Statements, and it seems likely that this process acted as a review of the books, especially the year-end, because that is when many financial statement adjustments take place, such as accruing expenditures. The County is now outsourcing the financial statement preparation and the year-end process is suffering.

It is common in accountancy to revert to the “SALY” principal, an acronym which means “same as last year.” That seems to be the case with the County’s year-end process. We rely heavily on the prior year’s records to close the current year. The challenge becomes when we have new or different scenarios

APPENDIX A - SUMMARY OF RECOMMENDATIONS

develop throughout the year, which is often the case. In those cases, there is no record from prior years to rely on.

Rather than rely on a list of duties or on the prior year's activities, the County should take a holistic approach to closing the books by reflecting on broad categories such as payables, receivables, fixed assets, cash, etc. Another approach might be to create a checklist that reviews broad categories. For example, the checklist might ask, "Have all expenses been accrued?" and ask the accountant to check off fund-by-fund.

Whatever approach the County chooses, it must go further than simply a list of procedures we did last year. The County should involve more staff in the closing process. For example, the receivables accountant should oversee accruing receivables; likewise, the payables accountant with payables. This would improve the speed of the process rather than having one staff member do most of the work. It would also create opportunities for a level of review since one person wouldn't be doing all the work.

Recommendation #3 – Continuing Education in GAAP

Some of the adjusting entries relate to a misunderstanding or lack of continuing education in generally accepted accounting principles as they relate to governmental entities. For example, GASB statement 34 requires that revenue from sale of capital assets be reported as "Other Financing Sources." The County reported capital asset sales as "Miscellaneous Revenue," essentially burying the transaction in the ledger and making compliance with accounting standards much more difficult. Additionally, recording Prairie Dog Funds as a Transfer In is not correct under GAAP because transfers are not considered revenues; in this case, the Prairie Dog funds are intergovernmental revenues which must be reported as revenues.

Accounting standards are evolving, and sometimes we will encounter a new situation where we must apply an old accounting standard that we haven't applied up to this point. The county should adopt a continuing education policy for accounting staff which requires a certain number of hours per year.

Recommendation #4 – General Ledger Update

Some of the adjustments relate to the inadequacy of our general ledger to capture the breadth of economic activity in Burleigh County. Economic activity has exploded in the last 10-15 years, but our ledger has not been updated. We haven't added significantly more accounts – in fact, we have 17 fewer accounts in 2023 than in 2015. We haven't added any additional accounting elements – such as sub-departments or project codes.

The County should consider re-writing the general ledger to provide an adequate number of accounts and account elements (Funds, departments, sub-departments, accounts, project codes, etc.) to properly account for the vast increase in economic activity in Burleigh County since the current ledger was adopted.

One example is the Gas Tax Refund revenue account. Since at least 2015, this account recorded our quarterly Township distributions from the ND Treasurer; however, we have begun using this account as a catch-all for various State financial aid packages such as SB2016 in 2019; HB 1015 in 2021; and more recently in 2023, Prairie Dog and Legacy Fund distributions.

APPENDIX A - SUMMARY OF RECOMMENDATIONS

By adding various new State financial distributions to this existing account, we create inconsistencies within the ledger and make year-to-year comparisons impossible. These funds, especially permanent funding mechanisms such as Prairie Dog and Legacy Fund, should be in their own, new account, not in an account that historically captures the Township Road Distribution.

This is a systemic issue within our ledger goes back for years. Economic activity has dramatically increased in the State and in the region in the past decade, but we are using the same ledger from decades ago.

Other counties are handling their ledgers in completely different ways. Grand Forks County has five account elements (columns) and they have a wide range of accounts which capture the depth of their economic activity. For example, we have eleven (11) distinct sources of tax revenue represented in our "MH AND RE TAX" account, number 31110, including real estate tax; mobile home tax; railroad assessments; utility assessments; and more. Grand Forks County breaks each of these distinct sources of revenue out into their own account number. In total Grand Forks has over 4,000 accounts in their ledger while Burleigh has only 1,600.

Grand Forks County also provides for additional columns to capture important information. For example, they have a column with a unique identifier for grant-funded expenditures. They also use this column to capture the tax year. For example, every year they add a new account for the tax year. For 2025, they will add an account "xxxx.xxxx.xxxx.xxxx.2025." Another use for this column is to track Highway Department projects by a unique project number.

Recommendation #5 – Supervisory Review

A handful of adjusting entries were simple errors. The complexity of the underlying transaction can increase the chances of error. One such adjustment is the adjustment to correct Morton County's reimbursement for the Burleigh Morton Detention Center ARPA funded staff. This is a complex entry because it involves reimbursement from two sources: ARPA and Morton County. We failed to correctly account for this transaction, and as a result understated both revenues and expenditures by approximately \$150,000.

The County should implement policies so that adjusting entries are reviewed and signed off on by a supervisor, if possible. The Finance Director job description includes a duty to review journal entries; however, accounting staff do not report to the Finance Director and have refused to make the journal entries recommended by the Finance Director in the past. Consequently, this is not an effective internal control, unless it goes to the level of the County Commission, because the County Commission can direct the County Auditor to keep all books and records required by the Commission per NDCC 11-03-02 paragraph 7.

Recommendation #6 – Improve Fixed Assets Policies & Procedures

Several adjustments relate to fixed assets. Fixed Assets are generally kept in a part of the software called a "subsidiary ledger." The subsidiary ledger is a detailed list of all assets with their purchase date, cost, accumulated depreciation, current depreciation, book value, salvage value, and disposal date if disposed. The fixed asset subsidiary ledger is a critical part of the accounting record because it accounts for a large portion of the balance sheet by dollar value.

APPENDIX A - SUMMARY OF RECOMMENDATIONS

The County had errors relating to failure to add assets; delete assets; correctly classify assets as construction in progress; or remove construction in progress projects that were cancelled. The County should evaluate and improve fixed asset policies. Policy books and manuals are available online; the County should research and adopt fixed asset policies appropriate for its operations.

Recommendation #7 – Improve Documentation

The County general ledger has 149 funds and 82 departments but lacks any centralized documentation describing why the funds exist or what laws, agreements, regulations, or resolutions govern them. This is a major weakness in our accounting system and all but guarantees errors will occur. We've already had issues with the lack of documentation this year with a failure to pay the Bismarck Parks District based on an agreement from 1998. We needed a reminder from the Bismarck Parks District to make the agreed-upon payment.

This issue of a lack of documentation is systemic, and it's often hard to track issues such as Commission actions that impact accounting or finance. The County should organize documentation related to the general ledger by fund and department in a centralized, digital location.

Recommendation #8 – Add Transaction Date to General Ledger

The date field is a critical piece of accounting information recorded in every general ledger. In almost every case, the date shown in the ledger is the transaction date. This is often the date on an invoice, for example. Rather than record the transaction date, Burleigh County records the journal date – the date staff made the entry into the general ledger. The journal date is a trivial piece of information, whereas the transaction date is critical.

Without the transaction date, it's nearly impossible to forecast the current year's results or to compare the current year with the prior year, especially in years of staff turnover. As staff get busy or are in training, there's a greater delay between when a transaction occurs and when staff find time to enter the transaction into the ledger. Consequently, if staff fall behind compared to the previous year, then the transaction will show up at a later date in the ledger.

No transaction date makes the year-end process much more difficult, because we are required by GAAP to keep our books based on the transaction date, but we can't easily assess that information based on the general ledger.

Adding the transaction date to the ledger is a critical step in improving our financial report both to external users through our financial statements and internally with reports to management.

APPENDIX B - AUDIT ADJUSTING ENTRIES

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and report them to the appropriate level of management. Management has corrected all such misstatements. The schedules list all misstatements provided by management or detected as a result of audit procedures that were corrected by management.

2023 Adjustments - Primary Government

		<u>Audit Adjustments</u>	
		<u>Debit</u>	<u>Credit</u>
General Fund			
#1.	<u>Establish a Due From Other Funds Asset to Offset Negative Cash Balances in Special Revenue and Debt Service Funds</u>		
	Due From Other Funds	\$ 1,721,451	\$ -
	Cash	-	1,721,451
#2.	Remove February 2024 State Aid from Intergovernmental Receivables Revenue	496,424	-
	Intergovernmental Receivable	-	496,424
#3.	<u>Reclassify Interest Income to Change in Investment Market Value OFS</u>		
	Interest Income	156,293	-
	Change in Investment Market Value	-	156,293
#4.	<u>To Record Reimbursement from Morton County for BMDC</u>		
	Expenditures	148,099	-
	Charge for Service Revenues	-	148,099
#5.	<u>Reclassify Salary Expenses to Contracted Service Expenses</u>		
	Contracted Service Expenses	120,370	-
	Salary Expenses	-	120,370
#6.	<u>Reclassify Interest Income from Internal Service Fund to Transfer In</u>		
	Interest Earnings	75,671	-
	Transfer In	-	75,671
Special Revenue Fund			
#7.	<u>Establish a Due to Other Funds Asset to Offset Negative Cash Balances in Special Revenue Fund with the General Fund</u>		
	Cash	\$ 1,691,164	\$ -
	Due to Other Funds	-	1,691,164
#8.	<u>Adjustment to Decrease Inventory for 2023 Used Amount</u>		
	Expenditures	579,738	-
	Inventory	-	579,738
#9.	<u>Adjustment to Record Retainage Payable</u>		
	Expenditures	82,390	-
	Retainage Payable	-	82,390
#10.	<u>Reclassify Interest Income to Change in Investment Market Value OFS</u>		
	Interest Income	271,702	-
	Change in Investment Market Value	-	271,702

Note: This adjusting entry was made in error; per discussion with SAO it is not material to our financial statements as a whole

APPENDIX B - AUDIT ADJUSTING ENTRIES

2023 Adjustments - Primary Government		Audit Adjustments	
		Debit	Credit
#11.	Special Revenue Fund <u>Reclassify Prairie Dog Funds from a Transfer In to Intergovernmental Revenue</u>		
	Transfers In	4,160,080	-
	Intergovernmental Revenue	-	4,160,080
#12.	<u>Reclassify Miscellaneous Revenue to Intergovernmental Revenue and Sale of Assets</u>		
	Miscellaneous Revenue	\$ 755,539	\$ -
	Sale of Assets	-	330,000
	Intergovernmental Revenue	-	425,539
#13.	Debt Service Fund <u>Establish a Due to Other Funds Asset to Offset Negative Cash Balances in Debt Service Fund with the General Fund</u>		
	Cash	\$ 30,286	\$ -
	Due to Other Funds	-	30,286
#14.	<u>Adjustment to Record Off-Book Activity for the 2020 Sales Tax Bond</u>		
	Cash	31,924,816	-
	Intergovernmental Receivable	2,106,392	-
	Fund Balance, December 31, 2023	-	34,031,208
	Principal Expense	2,647,750	-
	Interest & Fees Expense	781,718	-
	Net Change Fund Balance, December 31, 2023	9,338,908	-
	Sales Tax Revenue	-	11,518,431
	Interest Earnings	-	208,780
	Miscellaneous Revenue	-	1,041,165
#15.	Internal Service Fund <u>Prior Period Adjustment to Record Missed Payable from 2022</u>		
	Net Position, January 1, 2023 PPA	\$ 224,159	\$ -
	Accounts Payable PPA	-	224,159
#16.	<u>Reclassify Interest Expense to Transfer Out</u>		
	Transfer Out	75,671	-
	Interest Expense	-	75,671
#17.	Government Wide Activities <u>Prior Period Adjustment to Remove 66th St Project from CIP, Reclassify Assets 4578 & 4579 to CIP, and to add back Asset 4053 to Capital Assets</u>		
	Net Position, January 1, 2023 PPA	351,030	-
	Capital Assets - Nondepreciable PPA	-	30,758
	Capital Assets, Depreciable, Net PPA	-	320,272
#18.	<u>Adjustment to Record Current Period Capital Asset Additions for Assets 4578 & 4579</u>		
	Capital Assets - Nondepreciable Expenditures	61,450	-
	Expenditures	-	61,450

APPENDIX B - AUDIT ADJUSTING ENTRIES

2023 Adjustments - Water Resource District		Audit Adjustments	
Fund Level Adjustments		Debit	Credit
#19.	<u>To Record Audit Found Payables</u> Expenditures	150,829	-
	Accounts Payable	-	150,829
#20.	<u>To Record Retainage Payable</u> Expenditures	11,050	-
	Retainage Payable	-	11,050

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, or reporting matter that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated July 1, 2024.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the County's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the *budgetary comparison information, schedule of employer's share of net pension liability and employer contributions, schedule of employer's share of net OPEB liability and employer contributions, and notes to the required supplementary information* which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the *schedule of expenditures of federal awards and notes to the schedule of expenditures of federal awards*, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

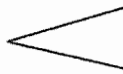
APPENDIX C - CENCOMM JOINT POWERS AGREEMENT

FIRST AMENDMENT TO AGREEMENT FOR JOINT EXERCISE OF GOVERNMENTAL POWERS

Paragraph 6 of the Agreement for Joint Exercise of Governmental Powers dated November 20, 2015, between the Bismarck City Commission, the Mandan City Commission and the Burleigh County Commission is amended to read as follows:

6. **Funding of the Central Dakota Communications Center.** The Central Dakota Communications Center, through the Authority, shall establish a budgeting process inclusive of fiscal agents from each of the **Parties**. The process shall coincide with the budgeting process of the **Parties** and annual budget management shall be accomplished through the **City of Bismarck**, complying with its ordinances, policies and procedures.

After revenue and that portion of 911 fees allocated for the annual operating budget, the remainder of the budget responsibility shall initially be split by the **Parties**:

<u>80%</u> - Burleigh County		35% - Burleigh County
		65% - City of Bismarck
<u>20%</u> - City of Mandan		

The allocated split shall be subject to review during the second year of operation and subsequent review and re-negotiation shall be every five (5) years thereafter, or as determined necessary by the Authority. Specialized grants that apply to specialized equipment, training or processes are excluded from this formula.

The **Parties** agree that the 911 fees collected under 57-40.6-02 shall be remitted to Burleigh County for management under the Authority but be accounted for as one fund. Any investment interest accrued on 911 fees shall remain within that fund. Fees collected will be allocated as follows:

75%	- Central Dakota Communications Center annual operating budget revenue
15%	- 911 Capital Improvement Fund
10%	- North Dakota Association of Counties

A copy of each 911 fee remittance receipt shall be provided to the Director of the Central Dakota Communications Center for tracking, planning and budgeting purposes.

Each of the **Parties** agrees to make financial allocations based on the adopted Authority budget.

The **City of Bismarck**, Finance Department shall bill each of the **Parties** no less than quarterly for their share of budgetary obligations under this Agreement.

Approved this 5th day of July, 2016.