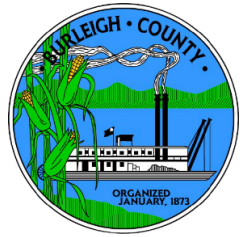




Lincoln, Fort Rice, Riverview, Florence Lake, Burnt Creek, Canfield, Lyman, & Phoenix
Unorganized Townships



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)

June 17, 2024

5:00 PM

Invocation and Pledge of Allegiance presented by Chaplain.

COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration and approval of the May 31st, 2024, special meeting minutes and June 3rd, 2024, meeting minutes and bills.
5. Consent Agenda:
 - a. Abatements.
 - b. Check replacement.
 - c. Applications for licenses, raffles, and special events permits.
6. U.S Fish and Wildlife Service:
 - a. Potential land purchase within the county.
7. County Planning Director Flanagan:
 - a. Appeal of complaint.
 - b. Fleck Subdivision.
 - c. Riverside 3rd Subdivision.
 - d. Peaceful View final plat.
8. Metropolitan Planning Organization Executive Director Rachel Lukaszewski:
 - a. Request to Consider the 2024 Urban Functional Classification System.
9. County Engineer Hall:
 - a. Underground Easement Request.

10. County Finance Director Jacobs:

- a. Detention Center sales tax update.
- b. Detention Center capital improvement and maintenance fund discussion.

11. Auditor/Treasurer Splonskowski:

- a. Crossroads Tavern Liquor License application.

12. Other business.

13. Adjourn.

COUNTY WEED BOARD

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Consideration of Herbicide bid, and Chemical applicator bid results.
4. Other business.
5. Adjourn.

The next regularly scheduled Commission meeting will be on July 1st, 2024.

Mark Splonskowski

Burleigh County Auditor/Treasurer

**BURLEIGH COUNTY COMMISSION
MEETING**

MAY 31ST, 2024

10:00 AM

Vice-Chairman Bakken called the special meeting of the Burleigh County Commission to order.

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

Sheriff Leben presented to the Commission a review of the Crossroads Tavern Liquor License renewal, with a recommendation to a non-renewal of said liquor license. Leben prefaced with a statement that there has never been an instance – at least in his time with the Sheriff's department – where the sheriff has come before the county commission with a such a recommendation, and that there is no state or county playbook for what's acceptable/not acceptable for handling with such a scenario.

Following the issuing of the second liquor license to Crossroads Tavern in June 2021, Leben explained that incidents and activity at the Crossroads started to ramp up during 2022 to the point that it drew the attention of the Sheriff's department. In 2023 incidents continued to rise, with Leben coming forward to the Commission to bring to their attention the situation up at the tavern. In 2024, serious incidents continued, including a recent incident where the bouncers at the Crossroads appeared intoxicated. Jake Miller, owner of the Crossroads Tavern, was receptive to concerns voiced by the Sheriff's Department and the County Commission, even promising to institute business changes & new safety measures to deter further incidents. However, after continued problems Leben made the decision to conduct undercover operations at the Crossroads in 2023; reports for the most part did not raise any causes for concern.

The owners of Crossroads were then discussed, Jake Miller along with his co-owner & wife Jocelyn Miller. In January 2024, Jocelyn was charged with domestic violence and later plead to a reduced charge in May. In February 2024, Jake was charged with driving under renovation and possessing cocaine, as well as duty upon striking. In March 2024, Jake is charged with a DUI, possession of cocaine, and refusal to test. In terms of whether the Crossroads qualifies for a liquor license renewal, Leben explained that its application was incomplete due to it lacking a township approval letter, and further commented that Mary Rennich, chairman of Hay Creek township, reached out to him and explained that she and the township were concerned and uncomfortable with renewing the license. Leben further elaborated that the application is inaccurate in that it didn't list all of Jake's charges and downplayed the severity of some charges. As to whether the Crossroads should have for a liquor license renewal, Leben states that a decision here should be made with the best interests of Burleigh County in mind. Additionally, with corroborating statements made by Deputy Trevor Pollard, Leben also summarized that the Sheriff's department uncovered on Jake Miller's cellphone evidence of purchasing narcotics (using his business to help facilitate these actions) and attempting to hire prostitutes. Overall, Leben strongly recommended that the liquor license should not be renewed by the Commission.

After examining North Dakota Century Code and presenting it to the Commission, Julie from the State's Attorney office likewise agreed with Sheriff Leben to not renew the liquor license for the Crossroads Tavern.

Jocelyn Miller approached the Commission to give details of her account of events and the nature of Crossroads, as well as discussed her role as co-owner of Crossroads Tavern.

Lloyd Sir, attorney of private practice in Bismarck currently representing Mr. Miller, informed the Commission that Jake Miller's absence at the special meeting was not out of indifference or lack of concern, but rather out of following the advice of counsel.

Rich Stedler of Mat Pack Wrestling Club didn't make any comments on the Millers' charges, instead talking about the Millers have been pleasant to work with and gave some personal insight on the nature of drinking establishments.

Motion by Comm. Schwab, 2nd by Comm. Woodcox to deny the renewal of a liquor license for Crossroads Tavern. All members present voted "AYE". Motion carried.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING**

JUNE 3RD, 2024

5:07 PM

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

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

Bitner added Bismarck Rural Fire Department to the meeting agenda per their request, and the State's Attorney office requested to add an agenda item concerning the investigator position. Motion by Comm. Bakken, 2nd by Comm. Munson to approve the revised meeting agenda. All members present voted "AYE". Motion carried.

Motion by Comm. Munson, 2nd by Comm. Woodcox, 3rd by Comm. Bakken to approve the May 20th, 2024 meeting minutes and bills. Comm. Munson, Schwab, Bakken, and Bitner voted, "AYE"; Comm. Woodcox voted "NAY". Motion carried.

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

Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
Kerry Gullickson	2022	Lot 33, Block 23, Southwood Terrace 2nd Rep	Error in property description	\$258,800	\$257,600
Kerry Gullickson	2023	Lot 33, Block 23, Southwood Terrace 2nd Rep	Error in property description	\$272,600	\$271,400
Sharon M Wheeler	2022	Tract 1240 of part of Lots 3 & 7, Block 1, Southport Phase II	Error in property description	\$506,200	\$461,500
Sharon M Wheeler	2023	Tract 1240 of part of Lots 3 & 7, Block 1, Southport Phase II	Error in property description	\$530,700	\$486,000
Leroy & Christi Mittleider	2023	Lot 4, Block 4, East Meadows Estates	90% Disabled Veteran	\$299,500	\$263,500
Dan & Pam Bauer	2023	1975 Marshfield 14 x 70, #19236	100% Homestead Credit	\$7,526	\$0
Harold & Rita Gefroh	2022	Lot 9, Block 11, Sonnet Heights Subdivision	10% Homestead Credit	\$316,700	\$304,189
Harold & Rita Gefroh	2023	Lot 9, Block 11, Sonnet Heights Subdivision	100% Homestead Credit	\$324,300	\$124,300
Gary & Murian Vennie	2023	Lot A in SW1/4	100% Homestead Credit	\$85,700	\$0
Gale McHenry	2022	Lot 3, Block 10, Replat of Calkins	40% Homestead Credit	\$220,000	\$195,000
Robert Schmidt	2023	2000 Skyline 16 x 76, #D9300471N	100% Homestead Credit	\$40,468	\$0
Robert Schmidt	2024	2000 Skyline 16 x 76, #D9300471N	100% Homestead Credit	\$40,468	\$0

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the Kerry Gullickson (2), Sharon Wheeler (2), Leroy & Christi Mittleider, Dan & Pam Bauer, Harold & Rita Gefroh (2), Gary & Murian Vennie, Gale McHenry, and Robert Schmidt (2) abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

Planning Director Flanagan brought forth to the Commission an appeal of complaint by Doug & Kristen Schultz regarding their storing of tree debris from the Beaver Creek Tree Service. A complaint was levied against the Schultzs concerning their moving of tree limbs, stumps, etc. from job sites to their property to burn. The Schultzs were subsequently told to clean up the debris within 30 days, but they requested the grace period be upped from 30 days to six months. Doug Schultz then came forward and explained that he and his wife use the logs and wood from that portion of property for personal use as lumber and firewood respectively, and stated that the Schultzs have approval from the state to burn some debris on their property. Doug also explained that operations to move the tree debris are ongoing and have been ongoing since the 2011 flood, as the bulk of the debris are remnants of that event. Kristen Dunbar likewise came forward and reiterated how some of the wood is used for personal use, and added that the area of property in question has naturally evolved into a nature preserve, and that they are currently no longer bring wood home. Motion by Comm. Bakken, 2nd by Comm. Munson to get a report from Planning Director Flanagan in three months to examine the state of the property and determine the rate of improvement. All members present voted "AYE". Motion carried.

HR Director Binder presented an update regarding timekeeping and payroll RFP to the Commission. It was revealed from Tyler Technologies, the current vendor, that county's HR payroll module is truly integrated with the general ledger system, and there is an update available for the general ledger system. Binder stated that HR will request to place a bid to Tyler Technologies to determine the cost of upgrading everything, and to perhaps have a group of stakeholders explore the tech. No decision was needed at this time.

A representative from the Sheriff's Department gave another update regarding the Burleigh East renovations, pertaining to the moving of funds from the old jail maintenance account towards the renovation of Burleigh East. The State's Attorney confirmed that the county can allocate those funds to the Burleigh East renovations as since the original purpose of the old jail maintenance account was fulfilled, the money is now a part of the general fund and can be used for whatever the county deems appropriate. Motion by Comm. Woodcox, 2nd by Comm. Bakken to allow the Sheriff's department to move forward with collecting bids, present final totals to the Commission, and pay the winning bids with the cash from the old jail maintenance account. Chairman Bitner recused himself from the vote. Comm. Munson, Woodcox, Schwab, and Bakken voted "AYE". Motion carried.

County Engineer Hall brought to the Commission a petition from North Cape Properties LLC to vacate a section line, and recommended the Commission accept the petition and set a public hearing for July 1st. Motion by Comm. Woodcox, 2nd by Comm. Bakken to accept the petition and set a public hearing for July 1st. All members present voted "AYE". Motion carried. Hall then presented a request for realignment of stormwater drainage easements in Whispering Ridge Second Subdivision, and recommended the Commission accept the proposed resolution. Motion by Comm. Schwab, 2nd by Comm. Munson to accept the proposed resolution. All members present voted "AYE". Motion carried.

Finance Director Jacobs on behalf of Comm. Schwab revealed that in previous years Burleigh County was enrolled in the Landowner Assistance Program, which helps counties deal with noxious weeds, and that a budget amendment would be sufficient to enroll in the program. Jacobs recommended the Commission increase the weed board budget by \$100,000 in anticipation of applying for the program. Motion by Comm. Schwab, 2nd by Comm. Munson to accept Jacobs' recommendation. All members present voted "AYE". Motion carried.

The Bismarck Rural Fire Department came forward and invited the Commission to a groundbreaking ceremony on June 19th at 6pm.

Julie from the State's Attorney office presented emails & resumes discussing promising prospects for their converted investigator position. Julie asked to convert an attorney position at the State's Attorney office into another investigator position, as there is enough of a workload to be distributed among additional investigators. Motion by Comm. Bakken, 2nd by Comm. Munson to convert an attorney position at the State's Attorney office into another investigator position. All members present voted "AYE". Motion carried. Julie then asked for permission to approve variance of salaries above step five for the prospective hires given their respective job experiences. Motion by Comm. Schwab, 2nd by Comm. Woodcox to approve the variance of salaries. All members present voted "AYE". Motion carried.

Chairman Bitner gave a brief update relating to the carbon pipeline.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

DRAFT

BURLEIGH COUNTY CHECK REPLACEMENT
(4-17)

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

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

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

NAME AND ADDRESS OF PAYEE:

Casey Sorch
Extension Office
Bismarck, ND 58501

Check Date: 05/03/2024
Original Check #: 129305
Check Amount: \$373.43

AFFIDAVIT AND AGREEMENT

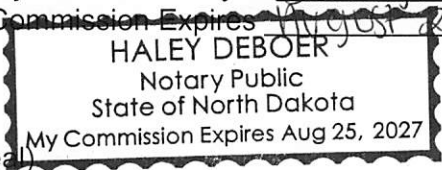
I execute this AFFIDAVIT AND AGREEMENT for the purpose of obtaining a duplicate payment from the County of Burleigh, North Dakota.

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

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

Subscribed and sworn to before me:

Casey Sorch
Signature of Payee
Date 6/12/2024

Haley DeBoer
Notary Public - County of Burleigh
My Commission Expires August 25 2027

(Seal)

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

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

Burleigh County Auditor/Treasurer

Date

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
24-615	Jesse Baker	2022	Lot 16, Block 19, Meadow Valley 4th	50% Disabled Veteran	\$243,900	\$198,900
24-616	Jesse Baker	2023	Lot 16, Block 19, Meadow Valley 4th	60% Disabled Veteran	\$249,500	\$195,500
24-621	Steven & Deborah Van Berkom	2023	Block 3, Auditor's Lot 2A being a part of Lot 2, Promontory Point II	70% Disabled Veteran	\$570,400	\$444,400
24-625	Michelle Welder	2022	Lot 7, Block 1, High Meadows	True and full value exceeds market value; nonexistent improvement assessed	\$371,800	\$327,800
24-626	Michelle Welder	2023	Lot 7, Block 1, High Meadows	True and full value exceeds market value; nonexistent improvement assessed	\$399,900	\$355,900
24-627	Thomas & Kellie Erhardt	2023	Lot 4, Block 1, Rolling Meadows	50% Disabled Veteran	\$331,500	\$241,500
24-628	Harold Rants Jr	2023	2001 Yellowstone 28 x 60	100% Homestead Credit	\$67,872	\$0
24-629	Harold Rants Jr	2024	2001 Yellowstone 28 x 60	100% Homestead Credit	\$67,872	\$0
24-632	Darlene Steffan	2023	Lot 5, Block 2, Pebble Creek 9th Condo Assoc Unit 1, Garage Unit 1	100% Homestead Credit	\$199,900	\$0



LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

GAMING DIVISION

SFN 17926 (2-2023)

Permit Number
24-007

Permit Type (check one)	
<input checked="" type="checkbox"/> Local Permit	<input type="checkbox"/> Restricted Event Permit*
Games Authorized	
<input type="checkbox"/> Bingo	<input checked="" type="checkbox"/> Raffle
<input type="checkbox"/> Raffle Board	<input type="checkbox"/> Calendar Raffle
<input type="checkbox"/> Sports Pool	<input type="checkbox"/> Poker*
<input type="checkbox"/> Twenty-One	<input type="checkbox"/> 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 Northern Lights Council, BSA (Boy Scouts of America)	Dates Authorized (Read Instruction 2) July 25, 2024
Organization or Group Contact Person Thomas D. Huether	E-mail [REDACTED]
	Telephone Number [REDACTED]
Mailing Address [REDACTED]	City Bismarck
	State ND
	ZIP Code 58503

SITE INFO	
Site Name Capital City Sporting Clays	County Burleigh
Site Address [REDACTED]	City Bismarck
	State ND
	ZIP Code 58503
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.)	
July 25, 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 (2-2023)

Applying for (check one)

Local Permit Restricted Event Permit*

Games to be conducted

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 Northern Lights Council, BSA		Dates of Activity (Does not include dates for the sales of tickets) July 25, 2024	
Organization or Group Contact Person Thomas D. Huether	E-mail [REDACTED]	Telephone Number [REDACTED]	
Business Address [REDACTED]	City Fargo	State ND	ZIP Code 58102
Mailing Address (if different) [REDACTED]	City Bismarck	State ND	ZIP Code 58503

SITE INFO

Site Name Capital City Sporting Clays	County Burleigh
Site Physical Address [REDACTED]	City Bismarck
	State ND
	ZIP Code 58503

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.)

July 25, 2024

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

Game Type	Description of Prize	Exact Retail Value of Prize
Raffle	Henry Golden Boy 22 S/L/LR	440.00
Raffle	ATI Cavalry O/U 12GA 28" 3" Walnut	429.95
Total (limit \$40,000 per year)		\$ 869.95

Intended Uses of Gaming Proceeds
Support Scouting in the Northern Lights Council

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: [REDACTED] (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 Thomas D. Huether	Title Assistant Scout Executive	Telephone Number [REDACTED]	E-mail Address [REDACTED]
Signature of Organization or Group's Top Official 		Title Scout Executive	Date 5/30/24

The raffle will be held on the 25th of July, 2024 at Capital City Sporting Clays and will be held around 6:00 PM following the Fun Shoot.

The Northern Lights Council will use the proceeds from the raffle to support program operations within the Northern Lights Council. Program Operations include training, membership materials, general support, and more.

Prizes & Dollar Value:

Henry Golden Boy .22 S/L/LR	\$440
ATI Cavalry O/U 12GA 28" 3" Walnut	\$429.95
Total Value:	\$869.95

All Items required for this Permit have been meet.

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

APPLICATION FOR LIQUOR LICENSE

Name of Applicant Tri-energy Cenex - Sterling Classification of License B1

Primary Contact Sarah Tschider Phone [REDACTED]

Address [REDACTED] Date of Birth/Incorporation 1989

Is this a renewal of liquor license? Yes No

If yes, give date of original application March 2017

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

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

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

1. Name of applicant _____
 Residence _____
 Post Office Address _____

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

Name	Residence	P.O. Address	Percent
<u>We are a cooperative. I have attached a list of our Board of Directors.</u>			

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

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------

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

Name	Residence	P. O. Address
------	-----------	---------------

Date and type of any prior or present liquor business:

We currently sell off-sale at four of our other c-store locations in Lincoln, Bismarck, and Mandan, ND.

Exact legal description of proposed enterprise:

C-CORP COOPERATIVE

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

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

If yes, give date and details:

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

Yes No

If yes, give date and details:

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

If yes, give date and details:

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

1. Kirkwood Bank & Trust [REDACTED]
- All of our banking is done here.
2. Pepsico [REDACTED]
- beverage vendor
3. Amcon [REDACTED]
- Primary wholesale vendor

The following two items shall accompany this application:

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

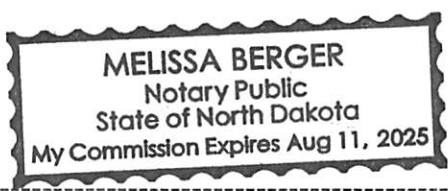
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches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

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

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

Sarah Tschider
Signature of Applicant

Subscribed and sworn to before me this 29 day of April, 2024



Melissa Berger
Notary Public

Recommend application be approved _____ denied _____

Reasons for negative recommendation

County Auditor

APPLICATION FOR LIQUOR LICENSE
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

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

application for a Type B1 Retail Liquor License for

 Tri-Energy Cenex - Sterling
(Name of Establishment)

owned by Tri-Energy Cooperative
(Licensee)

 [Redacted]
(Address) Bismarck, ND
 58502

 [Signature]
Chairman

 [Signature]
Member

 [Signature]
Member

ATTEST

 [Signature]
(Township Clerk)

Board of Directors

Dan Belohlavek



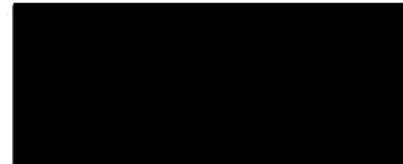
Elwood Barth



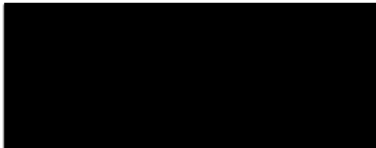
George Ferderer



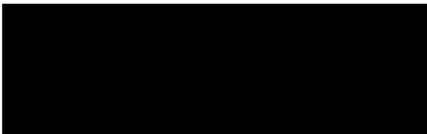
James Schmidt



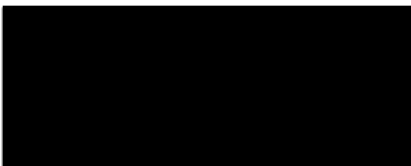
Kevin Schmidt



Jeff Perkins



Doug Boehm

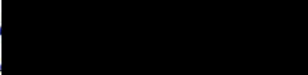


APPLICATION FOR LIQUOR LICENSE

Jim Laducer Inc.

Name of Applicant Apple Creek Country Club Classification of License E

Primary Contact Ty Hauglie Phone 

Address  Bismarck, ND 58502 Date of Birth/Incorporation 01-01-08

Is this a renewal of liquor license? Yes No

If yes, give date of original application 2-6-08


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

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

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

1. Name of applicant _____
 Residence _____
 Post Office Address _____

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

Name	Residence	P.O. Address	Percent
Jim Laducer	 Bis. ND 58504		100%

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

Name	Residence	P.O. Address	Percent
------	-----------	--------------	---------

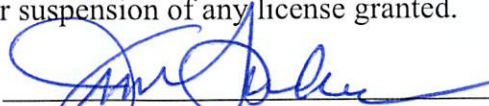
The following two items shall accompany this application:

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

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

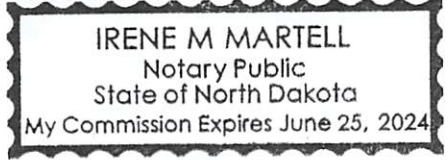
I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there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


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



 Signature of Applicant

Subscribed and sworn to before me this 20 day of May, 2024





 Notary Public

Recommend application be approved _____ denied _____

Reasons for negative recommendation

 County Auditor


APPLICATION FOR LIQUOR LICENSE
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Apple Creek ~~Country Club~~ approve the
(Name of Township)

application for a Type E Retail Liquor License for

Apple Creek Country Club
(Name of Establishment)

owned by Jim Cadaver Inc.
dba Apple Creek Country Club 
(Licensee) (Address) Bis NO 58501

Rayla L. Ramsey
Chairman

David R. ...
Member

Mont ...
Member

ATTEST

Stephen Schmitt
(Township Clerk)

ITEM

7



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

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Commission.
Re: Appeal of Complaint Form CF.103 Sent 5-23-2024
Date: 6-11-2024
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Appeal of Complaint

On April 26, 2024 this office received a complaint concerning the use of 2 primary residences located at 8601 S. Fork Junction A notice to owner was sent on 5-23-2024 informing the owner of 30 days to discuss alternatives. A meeting was held with the owner to convert the 2nd residence back to a private garage and sign a non-conversion agreement stating the same use.

ACTION REQUESTED:

Recommend removing the complaint after the non-conversion agreement is signed.

Attachments:

- Ex. 1. CF. 111 8601 Southfork Junction
- Ex. 2. 8602 Photos sent
- Ex. 3. Owner Response to Complaint 5-28-2024
- Ex. 4. Non-Conversion Agreement



NOTICE and ORDER

DATE. 5-23-2024

TO: Jonathan & Charmaine Byers,
8601 South Fork Jct, Bismarck, ND 58504

ZONING VIOLATION: 8601 SOUTH FORK JCT, BISMARCK, ND 58504
LEGAL DESCRIPTION: BRIARDALE 111 Block 01 L4 619110

Dear Property Owner:

It has been brought to our attention, that your property is in violation of Article 12, Section 3 of the Burleigh County Zoning Ordinances.

FINDINGS:

1. Article 12 Section 3. Density

Article 12 Section 3 Density

The maximum allowable density is one (1) family per net acre.

AUTHORIZATION:

No more than one residential home is allowed per lot in any zoning jurisdiction except R3 Single/Two-Family Residential District Regulations. Your lot is zoned RI Country Homes Residential District Regulation.

You should be advised that under Article 30 Section 4 Violations, Penalty for Disregarding: Burleigh County has the authority, if the conditions described above are not remedied in the time allowed under this notice, to undertake legal proceedings of the corrections required.

APPEAL

If you desire to appeal this order, you must file a written request within thirty (30) days receipt of this order with the Board of County Commissioners. The notice of appeal shall be delivered to and verified by the County Building Official, PO Box 5518 Bismarck ND. 58506.

Sincerely,

Mitch Flanagan, Building Official,
701-221-3727 Burleigh County, ND.

8601 South Fork Junction-Photos 5-20-2024





Jonathan and Charmaine Byers
8601 S Fork Jct
Bismarck, ND 58504
(701) 527-3892 jbs57gmc@earthlink.net

Board of County Commissioners
Burleigh County ND

Dear County Commissioners,

On May 24, 2024, we received notice that our property is in violation of Article 12, Section 3 Density. "The maximum allowable density is one (1) family per net acre.

We have only one family residing at this address. Only my wife and I reside here, with one adult son. We have lived here over 20 years, and we have not added any families or residential structures.

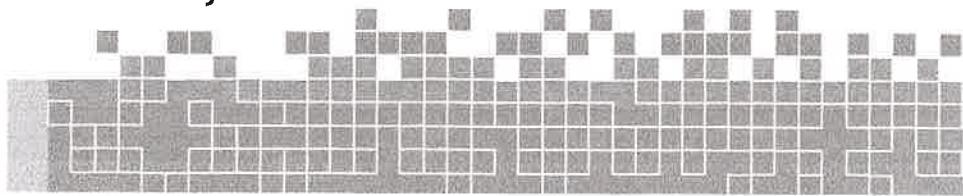
Recently, one of our neighbors reported 8520 S Fork Jct. as being in violation of ordinances and covenants, as they run three commercial businesses out of there, including a commercial horse breeding operation. I suspect they believe we reported them, and this report of a density violation is a retaliatory measure.

I wish to appeal the finding that we have more than one family per net acre.

Sincerely,

Jonathan Byers 5-28-2024

Jonathan Byers



NON-CONVERSION AGREEMENT

On this _____ day of _____, 20____, before me personally appeared _____, the Burleigh County Chairperson, _____ of the Burleigh County Commission and the Burleigh County County Auditor, _____ known to me to be the persons described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

Notary Public



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 June 12, 2024 Burleigh County Planning Commission Meeting
Date: 6-12-2024
From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Recommendation for the Fleck Subdivision Final Plat

Legal Description: Part of the E ½ of the W ½ of the SE ¼ of Section 23, all in Township 140 North, Range 80 West.

Property Address: 3566 NE 110th Ave. Bismarck, ND.

- Burnt Creek Township

Burleigh County staff members and applicants first met in March 2024 to discuss the Fleck Subdivision. It is a 3 lot Subdivision: Lot 1 is a 18.22 ac. parcel, Lot 2 is 10.00 ac., Lot 3 is 10.00 ac., that totals 39.97 acres with 1.75 ac. dedicated as ROW. This area is primarily AG and Rural Residential zoning.

History of Application:

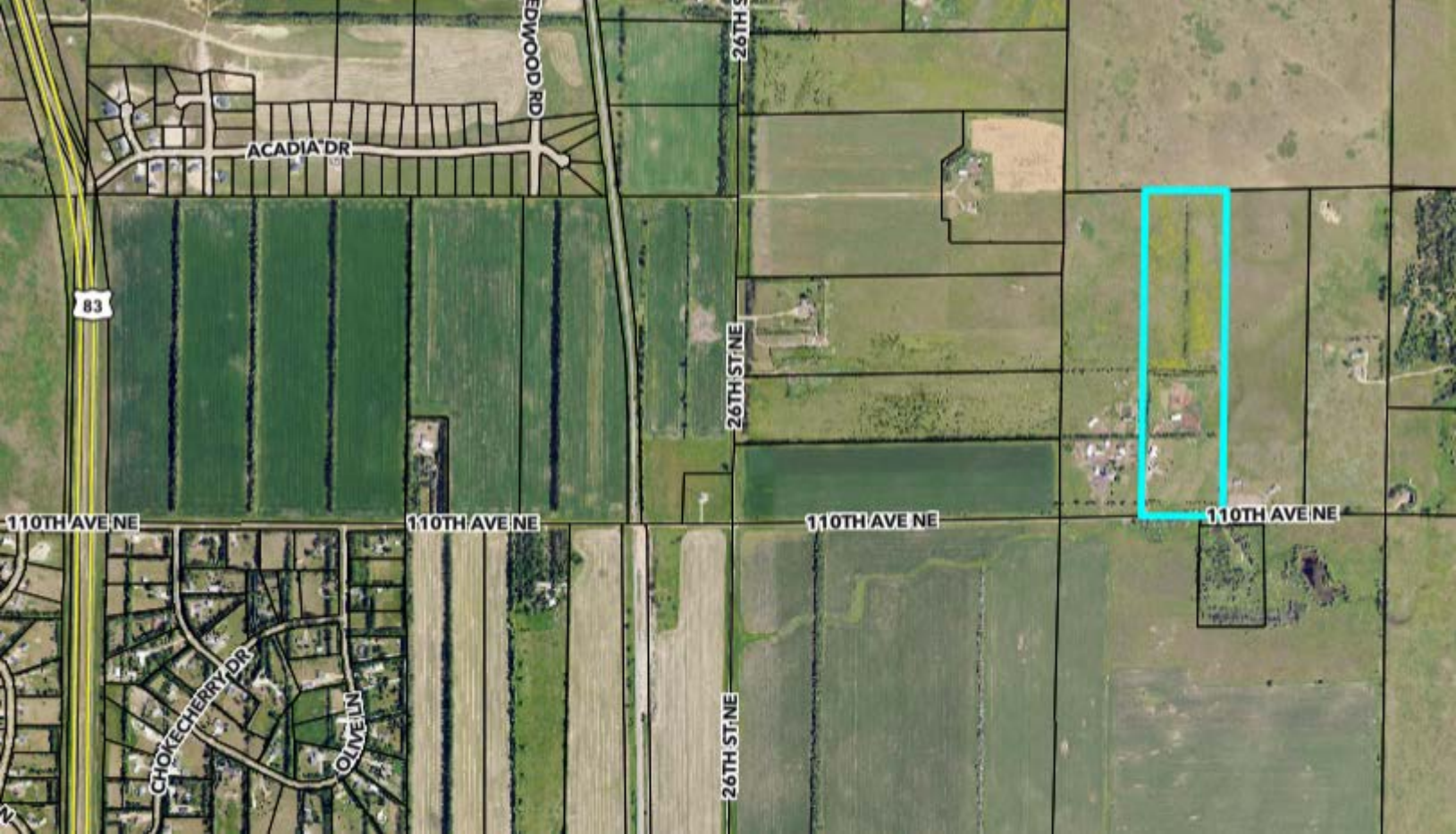
- SWMP Waiver was approved on: 6-3-2024
- P/H for Final Plat 6-12--2024
- The Preliminary and Final Plats contained 4 revisions to meet Art. 33 Subdivision Regulations.

A Paving Waiver will need to be approved by the Burleigh County Commission as part of all final approvals.

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

Attachments:

- Ex. 1. Fleck Subdivision Final Plat
- Ex. 2. Fleck Sub. site location



ACADIA DR

EDWOOD RD

26TH ST NE

26TH ST NE

26TH ST NE

83

110TH AVE NE

110TH AVE NE

110TH AVE NE

110TH AVE NE


CHOCHECHERRY DR

OLIVE LN



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 June 12, 2024 Burleigh County Planning Commission Meeting
Date: 6-12-2024
From: Mitch Flanagan, Burleigh County Planning Director. 

ITEM 1

Recommendation for the Riverside 3rd Final Subdivision Final Plat

Legal Description: A Replat of Lots 12, 13, & 14, Block 1 of Riverside Subdivision in Sections 27 & 28, Township 140 North, Range 81 West

Property Address: 9920 Island Rd. Bismarck, ND.

- Riverview Township

Burleigh County staff met with applicants in October 2023 to discuss the Riverside 3rd Subdivision. It is a 1 lot Subdivision combining 3 existing lots into 1 that totals 2.70 acres. The plat was reviewed under Article 33 Section 12 Short Plat process, which does not require a preliminary plat review or approval. This area is Rural Single Family Residential.

History of Application:

- SWMP Waiver was approved on: 11-1-2024
- P/H to Vacate Section line: 2-5-2024
- P/H for Final Plat 6-12-2024
- The Preliminary and Final Plats contained 5 revisions to meet Art. 33 Subdivision Regulations.

Suggested Motion: Based on supporting documents and findings of the Planning Commission, it is recommended to approve Riverview 3rd Subdivision. Final Plat.

Attachments:

- Ex. 1. Riverview 3rd Subdivision Final Plat
- Ex. 2. Riverview 3rd Sub. site location

RIVERSIDE 3RD SUBDIVISION

A PLAT OF LOTS 12,13 & 14, BLOCK 1 OF RIVERSIDE SUBDIVISION

IN SECTIONS 27 & 28, TOWNSHIP 140 NORTH, RANGE 81 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

All that certain real property situated in Lots 12, 13 and 14, Block 1 of Riverside Subdivision in Section 27 and 28, Township 140 North, Range 81 West of the 5th P.M., Burleigh County, North Dakota described as follows:

Beginning at the Southwest Corner of said Lot 12; thence N25°59'07"E, along the west line of said Lot 12, a distance of 100.10 feet to the Southwest Corner of said Lot 13; thence N26°00'01"E, along the west line of said Lot 13, a distance of 215.52 feet to the Northwest Corner of said Lot 14; thence S66°03'18"E, along the north line of said Lot 14, a distance of 300.04 feet to the Northeast Corner of said Lot 14; thence S23°43'27"W, along the east line of said Lot 14 and the westerly right-of-way line of Island Road, a distance of 114.85 feet to the Southeast Corner of said Lot 14; thence S23°51'46"W, along said west right-of-way line, a distance of 200.57 feet to the Southeast Corner of said Lot 12; thence N66°03'18"W, along the south line of said Lot 12, a distance of 312.06 feet to the Point of Beginning and containing 2.70 acres, more or less.

OWNER'S CERTIFICATE

Know all men by these presents: Paul Hartmann and Jeralyn Heiser are the owners of all the land herein platted as Riverside 3rd Subdivision, and that the plat and survey thereof was made at the request of Paul Hartmann for the purpose of establishing the platted subdivision. Paul Hartmann and Jeralyn Heiser also certify that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

They also dedicate easements to run with the land for gas, electric, telephone, water, or other public utilities or services on or under those certain strips of land designated hereon as "Utility Easement".

I do dedicate all public rights-of-ways as shown hereon to Burleigh County use forever.

Paul Hartmann _____, 2024
Date _____, 2024
Jeralyn Heiser _____, 2024
Date _____, 2024

STATE OF _____)
COUNTY OF _____) JSS

On this _____ day of _____, 2024, before me the undersigned officer, personally appeared Paul Hartmann and Jeralyn Heiser, known to me to be the persons described in, and who executed the foregoing instrument and acknowledged that they executed the same.

Notary Public _____

APPROVAL OF COUNTY PLANNING & ZONING COMMISSION

The County Planning and Zoning Commission of Burleigh County, North Dakota, hereby approves the Riverside 3rd Subdivision, as shown on this plat. This plat was done in accordance with the laws of the state of North Dakota, the comprehensive plan and ordinances of the County of Burleigh and regulations adopted by said Planning and Zoning Commission.

The foregoing action of the County Planning and Zoning Commission of Burleigh County, North Dakota, was taken by resolution approved on the _____ day of _____, 2024.

Dennis Agnew, Chairman

Attest: Mitch Flanagan, Building Official-Director

APPROVAL OF BOARD OF COUNTY COMMISSION

The Board of County Commissioners of the County of Burleigh, North Dakota, has approved the subdivision of land as shown on this plat, has accepted the dedication of all streets shown thereon, and does hereby vacate any previous platting within the boundary of this plat.

The plat was done in accordance with the laws of the State of North Dakota, the comprehensive plan and ordinances of the County of Burleigh.

The foregoing action of the Board of County Commissioners of Burleigh County, North Dakota, was taken by resolution approved on the _____ day of _____, 2024.

Brian Bitner, Chair

Attest: Mark Splonskowski, Burleigh County Auditor

APPROVAL OF COUNTY ENGINEER

I, Marcus J. Hall, County Engineer of the County of Burleigh, North Dakota, hereby approve this plat of Riverside 3rd Subdivision, Burleigh County, North Dakota as shown on this plat.

Dated this _____ day of _____, 2024.

Marcus J. Hall, P.E., County Engineer

SURVEYOR'S CERTIFICATE

I, Dayne Solem, a Professional Land Surveyor in and for the State of North Dakota, do hereby certify that at the request of Paul Hartmann, and under his direction, did complete a survey of the property described on this plat as Riverside 3rd Subdivision. The platted subdivision has the numbered lots, locations, dimensions and designations as shown on the plat which is correct to the best of my knowledge and belief. That all monuments shown thereon have been set, and that all dimensional and geodetic details are correct.

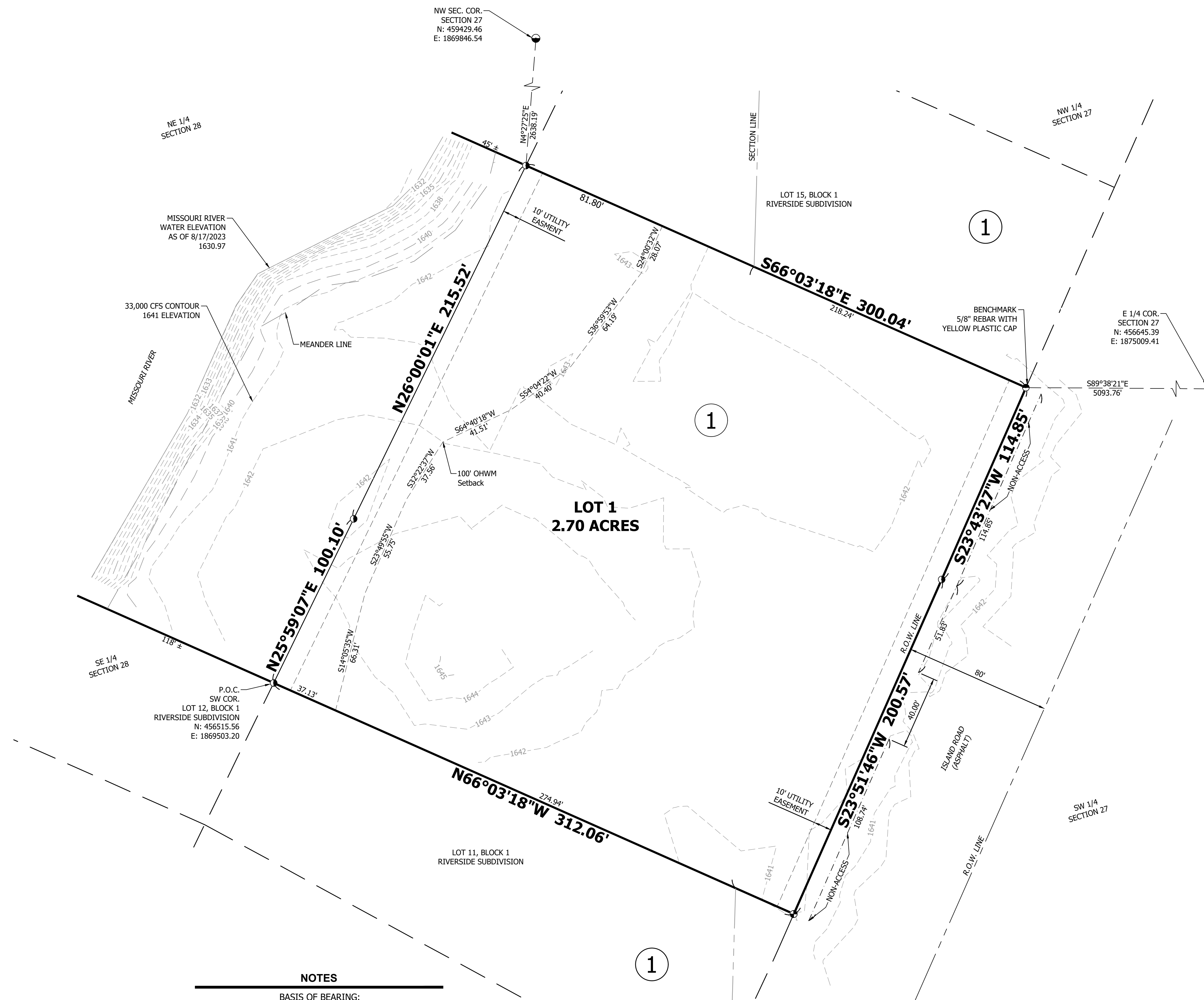
Dated this _____ day of _____, 2024.

Dayne Solem, LS-8423

STATE OF NORTH DAKOTA)
COUNTY OF _____) JSS

On this _____ day of _____, 2024, before me the undersigned officer, personally appeared Dayne Solem, known to me to be the person who is described in, and who executed the foregoing instrument and acknowledged that they executed the same.

Notary Public _____



NOTES

BASIS OF BEARING:
BEARINGS SHOWN ARE GRID BEARINGS BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH ZONE INTERNATIONAL FEET

VERTICAL DATUM: NAVD 88

*PROPERTY SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

FLOODPLAIN INFORMATION

FEMA FLOOD INSURANCE RATE MAP
PRELIMINARY COMMUNITY PANEL NUMBER 38015C0570E
DATED 5/13/2022 - ZONE AE
BASE FLOOD ELEVATION: 1642.50
PER BURLEIGH COUNTY BOARD

OWNER

PAUL HARTMANN & JERALYN HEISER
9922 ISLAND ROAD
BISMARCK, ND 58503

SURVEYOR

DAYNE SOLEM, PLS
BARTLETT & WEST
3456 E. CENTURY AVE
BISMARCK, ND 58503
701-258-1110

LEGEND

- SET 5/8"x18" REBAR W/ PLS CAP
STAMPED "D. SOLEM PLS 8423"
- FOUND IRON MONUMENT W/ LS 2363 CAP
- FOUND 5/8" REBAR
- SECTION CORNER
- COMPUTED CORNER

BENCHMARK

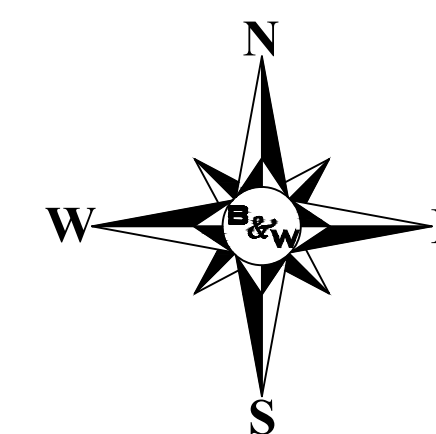
ELEVATION: 1641.12 (NAVD 88)
5/8" REBAR WITH YELLOW PLASTIC CAP
NE CORNER LOT 1 BLOCK 1

AREA

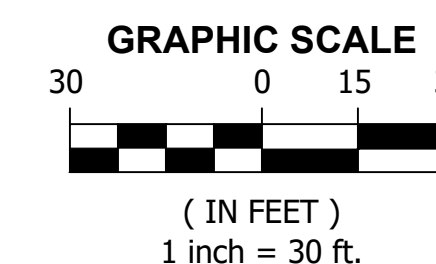
LOTS	117,201 S.F.	2.70 ACRES
STREETS	0 S.F.	0.00 ACRES
TOTAL	117,201 S.F.	2.70 ACRES

ACREAGE

SW 1/4 SEC. 27	31,269 S.F.	0.72 ACRES
SE 1/4 SEC. 28	85,749 S.F.	1.97 ACRES
NE 1/4 SEC. 28	183 S.F.	0.01 ACRES
TOTAL	117,201 S.F.	2.70 ACRES



DATE: JANUARY 18, 2024

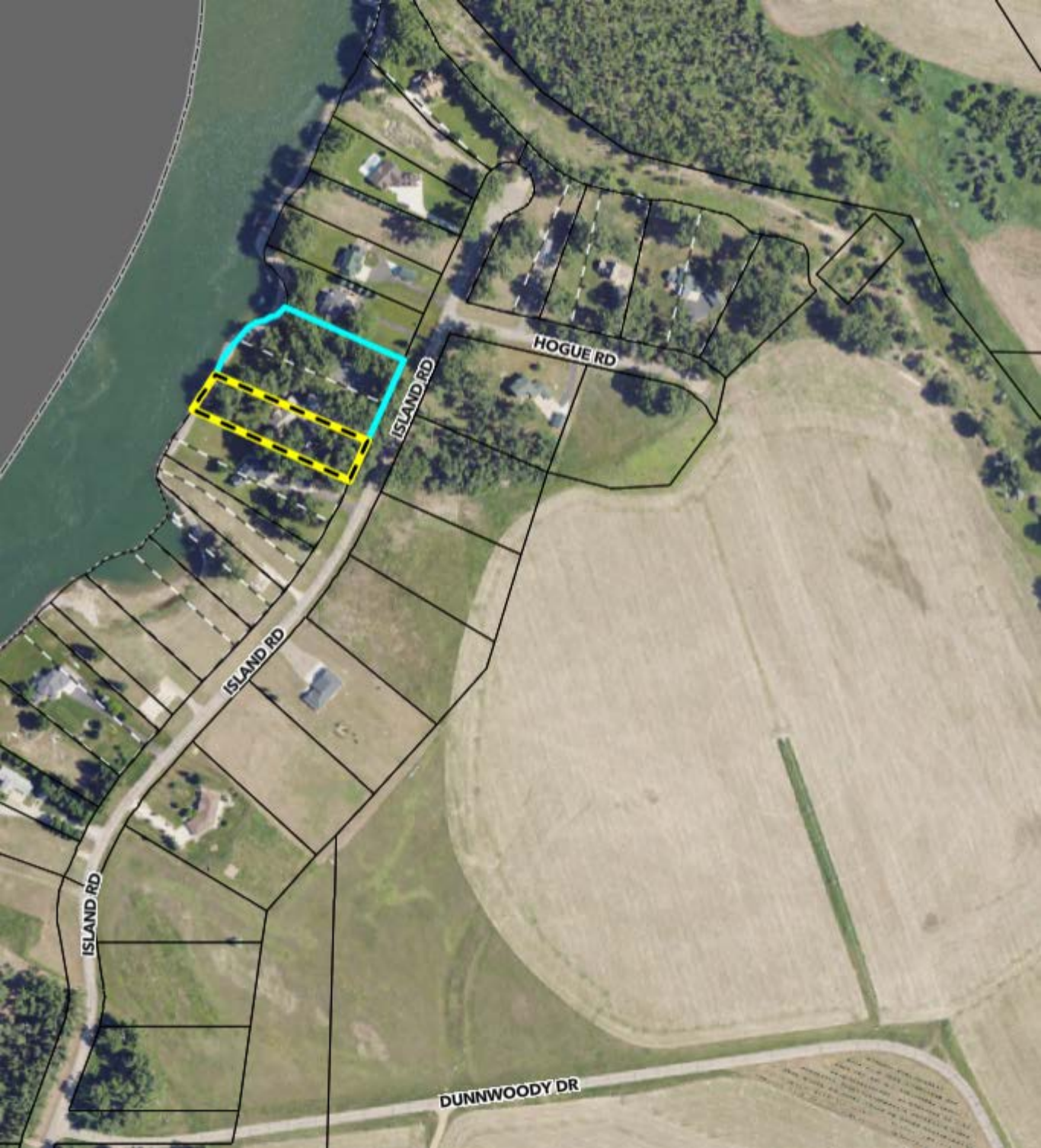


Project #21400.000

Prepared By:

Bartlett & West

3456 E. Century Ave. Bismarck,
North Dakota 58503 701-258-1110
FAX 701-258-1111 www.bartlettwest.com



ISLAND RD

HOGUE RD

ISLAND RD

ISLAND RD

DUNNWOODY DR



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 June 12, 2024 Burleigh County Planning Commission Meeting
 Date: 6-12-2024
 From: Mitch Flanagan, Burleigh County Planning Director. *MF*

ITEM 1

Recommendation for the Peaceful View Subdivision Final Plat

Legal Description: Part of the SW ¼ and the SE ¼ of Section 11, Part of Lot B, and Part of the NE ¼ of Section 14, all in Township 137 North, Range 80 West.

Property Address: 3300 SE 102nd Ave. Bismarck, ND.

- Fort Rice Township

Burleigh County staff met with applicants in December 2023 to discuss the Peaceful View Subdivision. It is a 2 lot Subdivision: Lot 1 is a 10.27 ac. parcel, Lot 2 is 7.62 ac., that totals 17.89 acres. This area is primarily a mix of AG and Rural Residential zoning. The proposed lot 2 is under ten (10) acres and will not qualify as A-Agricultural, the zoning change request from Agricultural Zoning to R1- Rural Single Family Residential is appropriate.

History of Application:

- Paving Waiver was approved on: 1-3-2024
- P/H to Vacate Section line: 3-2-2024
- SWMP Waiver was approved on: 6-3-2024
- P/H for Zone Change and Final Plat 6-12-2024
- The Preliminary and Final Plats contained 8 revisions to meet Art. 33 Subdivision Regulations.

Suggested Motion: Based on supporting documents and findings of the Planning Commission, it is recommended to approve zone change and Peaceful View Sub. Final Plat.

Attachments:

- Ex. 1. Peaceful View Subdivision Final Plat
- Ex. 2. Peaceful View Sub. site location

Burleigh County Final Plat Review

SUBDIVISION: Peaceful View Subdivision

Location: Part of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 11, Part of Lot B, and Part of the NE $\frac{1}{4}$ of Section 14, all in Township 137 North, Range 80 West, Burleigh County, North Dakota

Engineer: Independent Land Surveying & Engineering



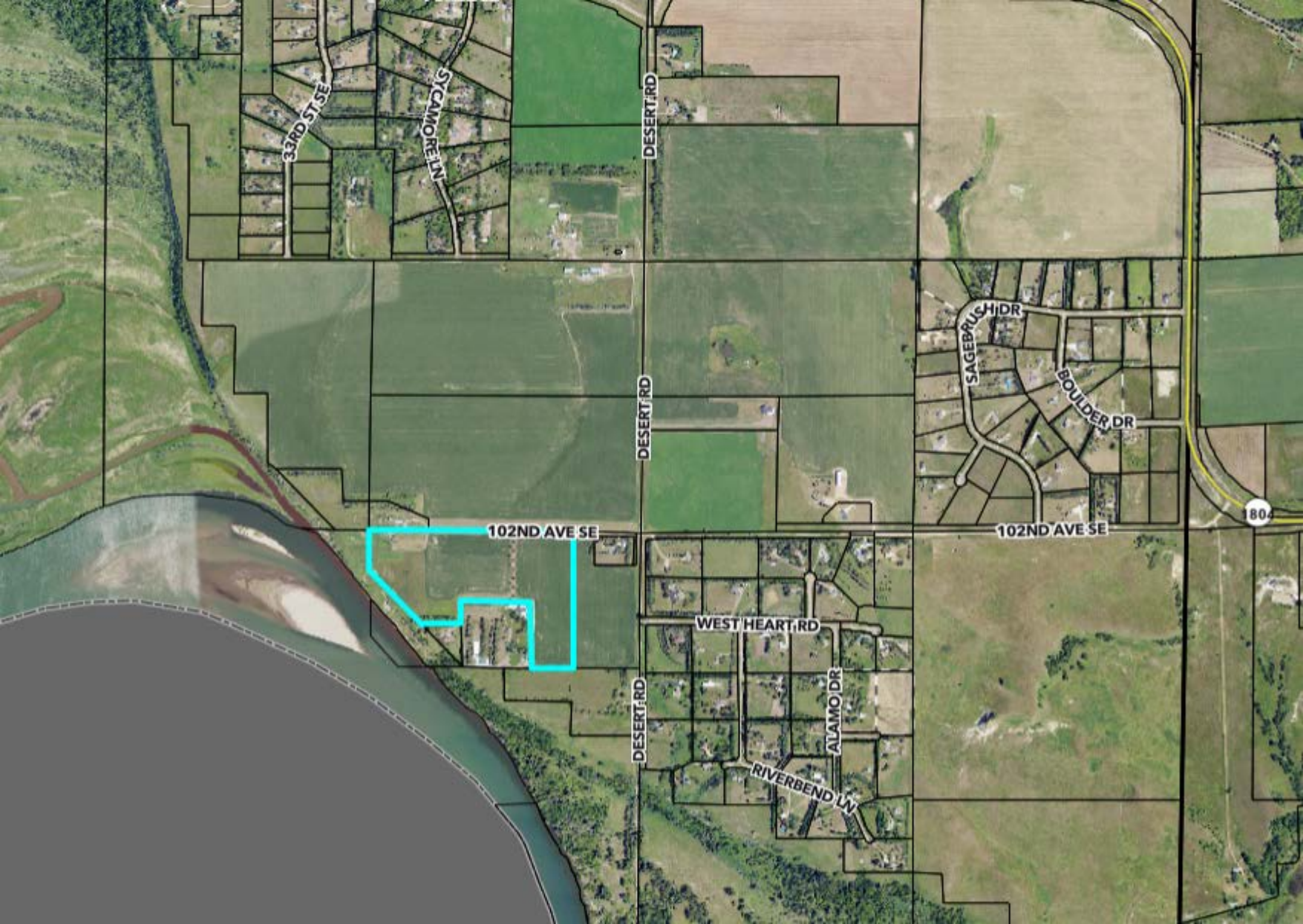
DATE: May 14, 2024

Burleigh County Highway Department:

Final Plat (Casey Einrem)

Comments:

1. On the drawing at the Point of Beginning, accidentally spelled "Coordinae", please change to "Coordinate".
2. Once the above minor change is made, all technical comments have been addressed and the submitted Final Plat meets the requirements in Burleigh County Ordinance for Final Plats. Recommend approval of the Final Plat for meeting the technical requirements.



33RD ST SE

SYCAMORE LN

DESERT RD

DESERT RD

SAGEBRUSH DR

BOULDER DR

102ND AVE SE

102ND AVE SE

180

WEST HEART RD

DESERT RD

ALAMO DR

RIVERBEND LN

ITEM

8

MEMO

DATE: June 7, 2024

TO: Board of Burleigh County Commissioners

FROM: Rachel Lukaszewski, Executive Director
Bismarck-Mandan Metropolitan Planning Organization (MPO)

RE: Request to Consider the 2024 Urban Functional Classification System

REQUEST:

The Bismarck-Mandan Metropolitan Planning Organization requests consideration and approval of the 2024 Urban Functional Classification System.

BACKGROUND/ALTERNATIVES:

Each time a Decennial Census is taken, the Bis-Man MPO updates the Urbanized Area Boundary (UZA) and the Urban Functionally Classified (FC) System. The UZA was updated in fall 2023. Since that time, the Bis-Man MPO has worked with the engineering and planning staff from its jurisdictions, including Burleigh County, to update the Urban FC System. The system identifies arterial and collector roadways within the Urbanized Area which are expected to funnel and carry local and regional traffic. Functionally Classified roadways will also be eligible for the Federal funding that is administered by NDDOT via the Bis-Man MPO.

The proposed changes can be viewed at: tinyurl.com/jy9ary8f. A list of changes are also attached. The first page outlines the changes requested within the UZA boundary. This includes additions, upgrades, and downgrades to roadways within the Urban FC System. The second page shows changes that may be requested in the future by NDDOT (on behalf of Morton County) or Burleigh County. Due to the UZA Boundary being made smaller, a few sections of the Urban FC System will be migrated onto the State and/or Rural Functional Class Systems.

The Bis-Man MPO TAC and Policy Board will consider approval of the 2024 Functional Class System at their June meetings. The MPO is likewise requesting consideration and approval from all jurisdictions in the month of June. The approved system will be sent to NDDOT by July 1.

FISCAL IMPACT:

No immediate financial impact for the Burleigh County. If a federal-aid grant is awarded to the County for a functionally classified roadway, the County may be required to provide a local funding match which is typically 10-20% of the project.

STAFF IMPACT:

NDDOT will request County Engineering staff to update the Rural Functional Class System after the Urban Functional Class changes are approved. The MPO has provided a list of suggested changes, which can be adjusted by the County. The MPO can also provide a shapefile of these changes to further assist County staff with their request to NDDOT.

SUGGESTED MOTION:

Motion to approval the 2024 Urban Functional Classification System.

CONTACT:

Rachel Lukaszewski, Bismarck-Mandan MPO Executive Director
rlukaszewski@bismarcknd.gov
701-355-1852

Map ID	Road	From	To	Change From	Final	Jurisdiction	Mileage Length	2022 AADT*	Justification
1	Sunset Drive	Old Red Trail	27th Street N	Collector	Minor Arterial	Mandan	0.3	5870 (2022)	Land development in this area increases and will increase traffic counts.
2	27th Street N	Sunset Drive	Hwy 1806	Collector	Minor Arterial	Mandan	1	2,775	Land development in this area increases and will increase traffic counts.
3	13th Ave NW	Lohstreter Rd	13th Ave NW	Collector	Local	Mandan	0.08	not applicable	Remove to reconfigure the collector network and add Lohstreter Rd.
4	6th St NW	13th Ave NW	12th Ave NW	Collector	Local	Mandan	0.15	not applicable	Remove to reconfigure the collector network and add Lohstreter Rd.
5	Lohstreter Rd	13th Ave NW	Custer Drive	Local	Collector	Mandan	0.25	830 (2019) - 975 (2006)	Traffic counts and geometry favor Lohstreter over the current alignment on 13th Ave/6th St. Lohstreter is the eventual collector for the area, and this adds Lohstreter onto the System.
6	Custer Drive	Lohstreter Rd	12th Ave NW	Local	Collector	Mandan	0.3	no data available	Closes the loop of Lohstreter Rd
7	12th Ave NW	Custer Drive	13th Ave NW	Local	Collector	Mandan	0.08	1450-2205 (2009)	Closes the loop of Lohstreter Rd
8	6th Ave NE	1st St NE	Main St	Local	Minor Arterial	Mandan	0.11	2,265	Continues 6th Ave NE in a northward direction. Captures a high volume block in downtown Mandan.
9	8th Ave SE	19th St SE	27th St SE	Local	Collector	Mandan	0.75	1,895	Geometries meet general design for a collector. Over 700 dwelling unites in this neighborhood
10	27th St SE	8th Ave SE	14th Av SE	Local	Collector	Mandan	0.35	no data available	Geometries meet general design for a collector. Over 700 dwelling unites in this neighborhood
11	14th Ave SE	27th Ave SE	19th St SE	Local	Collector	Mandan	0.71	1060	Geometries meet general design for a collector. Over 700 dwelling unites in this neighborhood
12	McKenzie Dr	39th Ave SE	34th Ave SE	Local	Collector	Mandan	0.23	1045	Extend classification along McKenzie Dr. More closely aligns with patterns in the neighborhood.
13	34th Ave SE	McKenzie Dr	21st St SE	Local	Collector	Mandan	0.4	no data available	Extend classification along McKenzie Dr. More closely along with patterns in the neighborhood.
14	21st St SE	34th Ave SE	40th Ave SE	Local	Collector	Mandan	0.6	2075	Extend classification along McKenzie Dr. More closely along with patterns in the neighborhood.
15	19th St SE	40th Ave SE	46th Ave SE	Collector	Local	Mandan	0.5	not applicable	Remove as the road does not carry much traffic.
16	Borden Harbor Dr SE	Southbay Dr SE	Bayshore Bend SE	Local	Collector	Mandan	0.52	1220	Since last reclassification the roads have been functioning more and more like collectors. Serves a development of over 500 homes.
17	Bay Shore Bend SE	Borden Harbor Dr SE	Lakewood Dr SE	Local	Collector	Mandan	0.2	no data available	Since last reclassification the roads have been functioning more and more like collectors. Serves a development of over 500 homes.
18	Lakewood Dr SE	Bay Shore Bend SE	40th Ave SE	Local	Collector	Mandan	0.42	no data available	Since last reclassification the roads have been functioning more and more like collectors. Serves a development of over 500 homes.
19	40th Ave SE	Lakewood Dr SE	Southbay Dr SE	Local	Collector	Mandan	0.93	565	Since last reclassification the roads have been functioning more and more like collectors. Serves a development of over 500 homes.
20	46th Ave SE	Memorial Hwy	McKenzie Ave SE	Collector	Minor Arterial	Mandan	0.55	3865 - 5835	Roadway functions more as an arterial, not a collector. Geometry is more similar to an arterial than a collector.
21	Bis-Man Ave	Memorial Hwy	Twin City Dr	Local	Collector	Mandan	0.37	945 - 1175 (2013)	Roadway collects traffic from the industrial park and Twin City Estates (over 200 dwelling units), and distributes onto Main St and Memorial Hwy.
22	Twin City Drive	Bis-Man Ave	E Main St	Local	Collector	Mandan	1.12	2470 - 2720 (2014)	Roadway collects traffic from the industrial park and Twin City Estates (over 200 dwelling units), and distributes onto Main St and Memorial Hwy.
23	REMOVED								
24	E Century Ave	Centennial Rd	Roosevelt Dr	Collector	Minor Arterial	Bismarck	0.55	8955	Land development and traffic volume increases. Section functions as a minor arterial, no longer as a collector.
25	Santa Fe Ave	S Washington St	Boston Dr	Local	Collector	Bismarck	0.62	no data available	Land development and traffic volume increases. Section functions as a collector, no longer as a local road.
26	Boston Dr	Santa Fe Ave	Burleigh Ave	Local	Collector	Bismarck	0.82	no data available	Land development and traffic volume increases. Section functions as a collector, no longer as a local road.
27	Ridgedale St Frontage Road	57th Ave NW	64th Ave N	Local	Collector	Bismarck	0.92	no data available	Frontage Road System along US83. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the US Highway.
28	State Street E Frontage Road	Holiday Inn	43rd Ave N	Local	Collector	Bismarck	0.38	445 (2019)	Frontage Road System along US83/State Street. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the US Highway.
29	State Street E/13 St N Frontage Road	Divide Ave	Capitol Ave	Local	Collector	Bismarck	0.46	1225 (2006)	Frontage Road System along US83/State Street. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the US Highway.
30	State Street W/ 12 St N Frontage Road - 1	Interchange Ave	Capitol Ave	Local	Collector	Bismarck	0.14	1720	Frontage Road System along US83/State Street. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the US Highway.
31	State Street W/ 12 St N Frontage Road - 2	Capitol Ave	North of Divide Ave/ 12 St N	Local	Collector	Bismarck	0.33	820 (2019)	Frontage Road System along US83/State Street. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the US Highway.
32	Bismarck Expressway South Frontage Road System - 1	Portland Dr	Laramie Dr	Local	Collector	Bismarck	0.45	140	Frontage Road System along Bismarck Expressway. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
33	Bismarck Expressway South Frontage Road System - 2	Bozeman Dr	S 7th St	Local	Collector	Bismarck	0.4	430	Frontage Road System along Bismarck Expressway. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
34	S 7th Street	Bismarck Expressway	Denver Ave	Local	Collector	Bismarck	0.3	2500 - 2910 (2014)	Needed to complete classification of the Frontage Road System along Bismarck Expressway. Frontage road is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
35	Industrial Dr Frontage Road	WAPA	Miriam Dr	Local	Collector	Bismarck	1.27	1530 (2009)	Frontage Road System along Bismarck Expressway. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
36	Miriam Dr	Interchange Ave	Bismarck Expressway	Local	Collector	Bismarck	0.04	2205	Needed to complete classification of the Frontage Road System along Bismarck Expressway. Frontage road is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
37	American Dr	University Dr	Basin Ave	Local	Collector	Bismarck	0.01	310	Needed to complete classification of the Frontage Road System along Bismarck Expressway. Frontage road is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
38	Basin Ave Frontage Rd	American Dr	Airport Ave	Local	Collector	Bismarck	0.83	no data available	Frontage Road System along Bismarck Expressway. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
39	Old Red Trail	2013 UZA Boundary	2023 UZA Boundary	Local	Minor Arterial	Morton County	0.42	630	Extension to meet new UZA boundary
40	McKenzie Dr	39th Ave SE	40th Ave SE	Minor arterial	Collector	Mandan	0.13	1045	The minor arterial was a stub. We are requesting this roadway be demoted to collector to better align with traffic patterns. Further sections of McKenzie are being requested to be a collector, see number 12.
41	Baretta St	Sunset Drive	Hwy 1806	Local	Collector	Mandan	1	no data available	Matches the FARMP alignment. New subdivision being built. Mandan said the roads will be constructed by the time 2024 FC is approved.
42	8th Ave NW	27th St N	Baretta St	Local	Collector	Mandan	0.5	385	Matches the FARMP alignment. New subdivision being built. Mandan said the roads will be constructed by the time 2024 FC is approved.
43	12th St NW	27th St N	Baretta St	Local	Collector	Mandan	0.5	no data available	Matches the FARMP alignment. New subdivision being built. Mandan said the roads will be constructed by the time 2024 FC is approved.
44	Sunset Drive	27th St N	Baretta St	Local	Collector	Mandan	0.5	no data available	Matches the FARMP alignment. New subdivision being built. Mandan said the roads will be constructed by the time 2024 FC is approved.

Proposed Changes to the Rural and State Functional Classification Systems - Corresponding to Changes in the 2023 UZA Boundary

101	ND 1804/ 71st Ave	2013 UZA Boundary	2023 UZA Boundary	Urban Minor Arterial	Rural Collector (or another designation requested by the State)	NDDOT	3.89	1670-3570	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
102	River Road	2023 UZA Boundary	Burnt Creek Lp	Urban Collector	Rural Collector (or another designation requested by the County)	Burleigh	1.12	1,495	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
103	Burnt Creek Rd	River Rd	US 1804/ 71st Ave	Urban Collector	Rural Collector (or another designation requested by the County)	Burleigh	0.08	<i>no data available</i>	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
104	Tyler Parkway	2023 UZA Boundary	US 1804/ 71st Ave	Urban Minor Arterial	Rural Collector (or another designation requested by the County)	Burleigh	0.35	1,050	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
105	REMOVED: Sonora Way								
106	US 83 (N Bound)	2023 UZA Boundary	2013 UZA Boundary	Urban Principle Arterial	Rural Principle Arterial (or another designation requested by the State)	NDDOT	1.3	11,190	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
107	US 83 (S Bound)	2023 UZA Boundary	2013 UZA Boundary	Urban Principle Arterial	Rural Principle Arterial (or another designation requested by the State)	NDDOT	1.3	11,190	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
108	Lincoln Rd	2023 UZA Boundary	80th Street	Urban Collector	Rural Collector (or another designation requested by the County)	Burleigh	0.35	210	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
109	ND 1804/ University Dr	2023 UZA Boundary	Sentinel St	Urban Minor Arterial	Rural Collector (or another designation requested by the State)	NDDOT	2.6	5500 (2015) - 6755 (2019)	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
201	ND 1806 N	2023 UZA Boundary	2013 UZA Boundary	Urban Principal Arterial	Rural Collector (or another designation requested by the State)	NDDOT	4.17	3220	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
202	ND 1806 S	2023 UZA Boundary	2013 UZA Boundary	Urban Principal Arterial	Rural Principle Arterial (or another designation requested by the State)	NDDOT	0.31	2475	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
203	ND 6	2023 UZA Boundary	2013 UZA Boundary	Urban Principal Arterial	Rural Principal Arterial (or another designation requested by the State)	NDDOT	1.8	2635	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
204	Old Red Trail/ Co Rd 139A	2023 UZA Boundary	State Hwy 25	Local	Rural Collector (or another designation requested by the State)	NDDOT	1.38	590	Adding to the Rural/State Highway System to complete the functional classification of Old Red Trail on the Urban System

Map ID	Road	From	To	Change From	Final	Jurisdiction	Mileage Length	2022 AADT*	Justification
1	Sunset Drive	Old Red Trail	27th Street N	Collector	Minor Arterial	Mandan	0.3	5870 (2022)	Land development in this area increases and will increase traffic counts.
2	27th Street N	Sunset Drive	Hwy 1806	Collector	Minor Arterial	Mandan	1	2,775	Land development in this area increases and will increase traffic counts.
3	13th Ave NW	Lohstreter Rd	13th Ave NW	Collector	Local	Mandan	0.08	not applicable	Remove to reconfigure the collector network and add Lohstreter Rd.
4	6th St NW	13th Ave NW	12th Ave NW	Collector	Local	Mandan	0.15	not applicable	Remove to reconfigure the collector network and add Lohstreter Rd.
5	Lohstreter Rd	13th Ave NW	Custer Drive	Local	Collector	Mandan	0.25	830 (2019) - 975 (2006)	Traffic counts and geometry favor Lohstreter over the current alignment on 13th Ave/6th St. Lohstreter is the eventual collector for the area, and this adds Lohstreter onto the System.
6	Custer Drive	Lohstreter Rd	12th Ave NW	Local	Collector	Mandan	0.3	no data available	Closes the loop of Lohstreter Rd
7	12th Ave NW	Custer Drive	13th Ave NW	Local	Collector	Mandan	0.08	1450-2205 (2009)	Closes the loop of Lohstreter Rd
8	6th Ave NE	1st St NE	Main St	Local	Minor Arterial	Mandan	0.11	2,265	Continues 6th Ave NE in a northward direction. Captures a high volume block in downtown Mandan.
9	8th Ave SE	19th St SE	27th St SE	Local	Collector	Mandan	0.75	1,895	Geometries meet general design for a collector. Over 700 dwelling units in this neighborhood
10	27th St SE	8th Ave SE	14th Av SE	Local	Collector	Mandan	0.35	no data available	Geometries meet general design for a collector. Over 700 dwelling units in this neighborhood
11	14th Ave SE	27th Ave SE	19th St SE	Local	Collector	Mandan	0.71	1060	Geometries meet general design for a collector. Over 700 dwelling units in this neighborhood
12	McKenzie Dr	39th Ave SE	34th Ave SE	Local	Collector	Mandan	0.23	1045	Extend classification along McKenzie Dr. More closely aligns with patterns in the neighborhood.
13	34th Ave SE	McKenzie Dr	21st St SE	Local	Collector	Mandan	0.4	no data available	Extend classification along McKenzie Dr. More closely along with patterns in the neighborhood.
14	21st St SE	34th Ave SE	40th Ave SE	Local	Collector	Mandan	0.6	2075	Extend classification along McKenzie Dr. More closely along with patterns in the neighborhood.
15	19th St SE	40th Ave SE	46th Ave SE	Collector	Local	Mandan	0.5	not applicable	Remove as the road does not carry much traffic.
16	Borden Harbor Dr SE	Southbay Dr SE	Bayshore Bend SE	Local	Collector	Mandan	0.52	1220	Since last reclassification the roads have been functioning more and more like collectors. Serves a development of over 500 homes.
17	Bay Shore Bend SE	Borden Harbor Dr SE	Lakewood Dr SE	Local	Collector	Mandan	0.2	no data available	Since last reclassification the roads have been functioning more and more like collectors. Serves a development of over 500 homes.
18	Lakewood Dr SE	Bay Shore Bend SE	40th Ave SE	Local	Collector	Mandan	0.42	no data available	Since last reclassification the roads have been functioning more and more like collectors. Serves a development of over 500 homes.
19	40th Ave SE	Lakewood Dr SE	Southbay Dr SE	Local	Collector	Mandan	0.93	565	Since last reclassification the roads have been functioning more and more like collectors. Serves a development of over 500 homes.
20	46th Ave SE	Memorial Hwy	McKenzie Ave SE	Collector	Minor Arterial	Mandan	0.55	3865 - 5835	Roadway functions more as an arterial, not a collector. Geometry is more similar to an arterial than a collector.
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22	Twin City Drive	Bis-Man Ave	E Main St	Local	Collector	Mandan	1.12	2470 - 2720 (2014)	Roadway collects traffic from the industrial park and Twin City Estates (over 200 dwelling units), and distributes onto Main St and Memorial Hwy.
23	REMOVED								
24	E Century Ave	Centennial Rd	Roosevelt Dr	Collector	Minor Arterial	Bismarck	0.55	8955	Land development and traffic volume increases. Section functions as a minor arterial, no longer as a collector.
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27	Ridgedale St Frontage Road	57th Ave NW	64th Ave N	Local	Collector	Bismarck	0.92	no data available	Frontage Road System along US83. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the US Highway.
28	State Street E Frontage Road	Holiday Inn	43rd Ave N	Local	Collector	Bismarck	0.38	445 (2019)	Frontage Road System along US83/State Street. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the US Highway.
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32	Bismarck Expressway South Frontage Road System - 1	Portland Dr	Laramie Dr	Local	Collector	Bismarck	0.45	140	Frontage Road System along Bismarck Expressway. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
33	Bismarck Expressway South Frontage Road System - 2	Bozeman Dr	S 7th St	Local	Collector	Bismarck	0.4	430	Frontage Road System along Bismarck Expressway. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
34	S 7th Street	Bismarck Expressway	Denver Ave	Local	Collector	Bismarck	0.3	2500 - 2910 (2014)	Needed to complete classification of the Frontage Road System along Bismarck Expressway. Frontage road is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
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Proposed Changes to the Rural and State Functional Classification Systems - Corresponding to Chagnes in the 2023 UZA Boundary

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103	Burnt Creek Rd	River Rd	US 1804/ 71st Ave	Urban Collector	Rural Collector (or another designation requested by the County)	Burleigh	0.08	no data available	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
104	Tyler Parkway	2023 UZA Boundary	US 1804/ 71st Ave	Urban Minor Arterial	Rural Collector (or another designation requested by the County)	Burleigh	0.35	1,050	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
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201	ND 1806 N	2023 UZA Boundary	2013 UZA Boundary	Urban Principal Arterial	Rural Collector (or another designation requested by the State)	NDDOT	4.17	3220	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
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203	ND 6	2023 UZA Boundary	2013 UZA Boundary	Urban Principal Arterial	Rural Principal Arterial (or another designation requested by the State)	NDDOT	1.8	2635	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
204	Old Red Trail/ Co Rd 139A	2023 UZA Boundary	State Hwy 25	Local	Rural Collector (or another designation requested by the State)	NDDOT	1.38	590	Adding to the Rural/State Highway System to complete the functional classification of Old Red Trail on the Urban System

ITEM

9



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: June 17, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Underground Easement request

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

ACTION REQUESTED:

Review request and direct staff on how to proceed.

BACKGROUND:

At the May 20th County Board Meeting, MDU requested an easement on Burleigh County Property (see attached easement and map) for underground Cable Television, Communication, Electric and Gas Line to serve properties to the east of our shop. The Board voiced several concerns regarding the language of the Easement and the due consideration for the granting of the easement.

County staff have rewritten the easement and MDU and CENTRAL POWER ELECTRIC COOPERATIVE INC. have agreed to allow the County to take/use the current pile of rocks on their site and to have access to any additional rocks that they uncover during the construction of their new operations in exchange for the granting of the easement.

RECOMMENDATION:

It is recommended the Board adopt the attached proposed resolution.

PROPOSED RESOLUTION:

THEREFORE, BE IT RESOLVED: That the County Board hereby grants the easement across the County property, described in the attached easement, and authorizes the proper County officials to sign said easement.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N
5/14/2024



.....
(Above space reserved for Burleigh County Recorder use)

UNDERGROUND UTILITY EASEMENT
Cable Television, Communication, Electric and Gas Lines

THIS EASEMENT, is made and entered into this _____ day of _____, 2024, by and between County of Burleigh, North Dakota whose address is 8100 43rd Ave NE, Bismarck ND 58503, hereinafter referred to as "Grantor", and the Montana-Dakota Utilities Co., a Delaware corporation, Capital Electric Cooperative Inc., Sioux Falls Cable Television, D/B/A Midcontinent Communications, a corporation and BEK Communications Cooperative, a cooperative corporation of Steele, North Dakota 58482 and their successors, hereinafter referred to as "COMPANIES" or "Grantees".

WHEREAS, said Grantor is the owner of real property in Section 16, Township 139N, Range 79W, County of Burleigh, State of North Dakota and,

WHEREAS, said Grantor has agreed to grant Grantee a 99-year easement, to construct, reconstruct, increase the capacity of, operate, inspect, maintain, repair, replace and remove such communication, electric and natural gas systems as the Companies may from time to time require, over, under, across and upon said property described as follows:

North ten (10) feet of the south 43 feet of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, Township 139N, Range 79W, Burleigh County, State of North Dakota.

WHEREAS, it is understood that the Companies' equipment may consist of underground cables, wires, conduits, manholes, drains and splicing boxes, surface testing terminals, repeaters, repeater housings, transformers, pedestals, pipelines and in their operations and,

WHEREAS, the Companies agree that all communications, electric, and natural gas systems will be bored across said tract of land and, that if the Burleigh County Board of Commissioners deems it necessary to reconstruct, expand, regrade 43rd Avenue NE adjacent to said tract of land that the Companies will move any and all of their respective utilities that are in conflict with the new

roadway to a new agreed upon location at their cost and,

WHEREAS, the Companies agree that any and all damages that may result to the improvements on said tract of land caused by the construction and maintenance of said communication, electric and/or natural gas systems will be paid for by the responsible Company and,

WHEREAS, said Grantor to allow the Grantee the right of ingress and egress at all reasonable times over and across the said tract of land of the Grantor and,

WHEREAS, the Grantor agrees not to build, create or construct any permanent obstruction, building, engineering works or other structures upon the said tract of land,

NOW, THEREFORE, said Grantor, for due consideration received, does hereby grant and convey unto the Grantee, its successors and assigns, a 99-year utility easement.

IN WITNESS WHEREOF, the County Engineer, by order of the Burleigh County Board of Commissioners dated June 17, 2024 has caused this instrument to be executed on the following date _____:

(Signature)

(Print Name)

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

The foregoing instrument was signed and acknowledged before me on this ____ day of _____, 2024, by

(Print Name)

Notary Public

ITEM

10



Burleigh County Finance Department

316 N 5th St Ste 104
Bismarck, ND 58501
(701) 712-8353

Leigh Jacobs, CPA
Finance Director

DATE: June 17, 2024

TO: Burleigh County Commission

FROM: Leigh Jacobs, Burleigh County Finance Director

RE: BMDC Sales Tax Bond Defeasance

REQUESTS

1. Select which quarter to defease the BMDC Sales Tax Bond.
2. Approve staff to take the following steps to defease BMDC Sales Tax Bond:
 - a. Liquidate current surplus fund investments.
 - b. Retain a bidding agent to select treasuries to fund escrow account.
 - c. Retain a verification agent to verify that the purchased treasuries will provide adequate cash flow for future bond payments.
 - d. Work with Colliers Securities and bond counsel to fulfill any other obligations of defeasance.

BACKGROUND

NOTE: The figures used for the following calculations contain estimates. Changes in future sales tax collections or US Treasury rates could alter the final amounts.

Burleigh County is required to continue collections of the half-cent sales tax until the outstanding BMDC Sales Tax Bonds are either paid off (Earliest Call Date: November 2025) or defeased. The bond is considered defeased when we have deposited funds in escrow that all parties agree will be sufficient to make future payments on the bond. The escrow deposit will be less than the total outstanding balance on the bonds because we are allowed to deposit US Treasuries that will earn enough interest to make future payments.

Researching bond defeasance, we learned that the County may choose the timing of the future bond payments in escrow – either at earliest maturity or at any point thereafter. While typically the bonds are paid at the earliest call date (2025), due to the current interest rates it is advantageous to continue to make payments until the maturity date (2032). Making payments until the maturity date rather than the earliest call date is estimated to save Burleigh County over **\$2,000,000**. Likewise, Morton County will experience a significant savings.



Burleigh County Finance Department

316 N 5th St Ste 104
 Bismarck, ND 58501
 (701) 712-8353

Leigh Jacobs, CPA
 Finance Director

	Total Escrow Amount	Joint Share	Burleigh Share	Morton Share
Earliest Call Date	42,878,646.00	8,752,396.89	28,433,990.76	5,692,258.35
Maturity	40,134,014.00	8,752,396.89	26,147,163.38	5,234,453.73
Savings	2,744,632.00	-	2,286,827.38	457,804.62

The ND Tax Department requires us to give notice to end sales tax collections before the end of a calendar quarter, with collections ceasing at the end of the subsequent quarter. Colliers advised us that we should begin the defeasance process at least 60 days before we plan to give notice to the tax department. Burleigh County has already collected our share of the defeasance. Morton County is estimated to collect their share with the September sales tax deposit. If Burleigh County wishes to give notice to the Tax Department by September 30, we are advised to start the defeasance process on August 1. As of that date, Morton County will owe an estimated \$300,000.

If Morton chooses not to deposit additional cash into escrow, Burleigh can deposit on their behalf or can wait until Morton collects sufficient funds – likely in September. Waiting means Burleigh County would forgo an additional three months of collections from the recently passed 1 cent sales tax, reducing total sales tax collections by nearly \$3,000,000. Another potential downside of waiting is interest rate risk, which is the risk that a change in interest rates adversely affects one’s financial position. For each quarter percentage point decrease in US Treasury yields, Burleigh County’s escrow cost increases by over \$250,000.

Tax Dept Notice	Final Half Cent Sales Collection	Defeasance Process Begins	Morton Under/Over Share of Escrow at Defeasance Date	Morton Under/(Over) Share of Escrow at Tax Notice Date	Burleigh Estimated 2025 Sales Tax Collections
Q3 - 09/30/2024	12/31/2024	8/1/2024	302,488.78	(116,639.60)	23,568,075.32
Q4 - 12/31/2024	3/31/2025	11/1/2024	(276,016.67)	(692,907.19)	20,538,744.45
				Difference:	3,029,330.87

FISCAL IMPACT

Costs of defeasance estimated at less than \$50,000.

ATTACHMENTS

1. Colliers Defeasance Estimate
2. Finance Department Defeasance Workpaper

Burleigh County, North Dakota

Multi-County Sales Tax Revenue Refunding Bonds Taxable Series 2020

Defeasance Analysis

Escrow to November 2032 Maturity

Sources & Uses

Dated 10/15/2024 | Delivered 10/15/2024

Sources Of Funds

Total Cash Contribution	31,383,488.50
Debt Service Reserve Funds on Deposit	5,155,292.21
Excess Sales Tax from Ongoing Collections	3,595,233.62

Total Sources **\$40,134,014.33**

Uses Of Funds

Total Cost of Investments	40,134,014.33
---------------------------	---------------

Total Uses **\$40,134,014.33**

\$53,120,000

Burleigh County, North Dakota

Multi-County Sales Tax Revenue Refunding Bonds Taxable Series 2020

Debt Service To Maturity And To Call

Date	Refunded Bonds	Refunded Interest	D/S To Call	Principal	Coupon	Interest	Refunded D/S
10/15/2024	-	-	-	-	-	-	-
11/01/2024	3,145,000.00	441,860.00	3,586,860.00	3,145,000.00	1.150%	441,860.00	3,586,860.00
05/01/2025	-	423,776.25	423,776.25	-	-	423,776.25	423,776.25
11/01/2025	4,175,000.00	423,776.25	4,598,776.25	4,175,000.00	1.300%	423,776.25	4,598,776.25
05/01/2026	-	396,638.75	396,638.75	-	-	396,638.75	396,638.75
11/01/2026	4,225,000.00	396,638.75	4,621,638.75	4,225,000.00	1.500%	396,638.75	4,621,638.75
05/01/2027	-	364,951.25	364,951.25	-	-	364,951.25	364,951.25
11/01/2027	4,290,000.00	364,951.25	4,654,951.25	4,290,000.00	1.700%	364,951.25	4,654,951.25
05/01/2028	-	328,486.25	328,486.25	-	-	328,486.25	328,486.25
11/01/2028	4,365,000.00	328,486.25	4,693,486.25	4,365,000.00	2.050%	328,486.25	4,693,486.25
05/01/2029	-	283,745.00	283,745.00	-	-	283,745.00	283,745.00
11/01/2029	4,455,000.00	283,745.00	4,738,745.00	4,455,000.00	2.200%	283,745.00	4,738,745.00
05/01/2030	-	234,740.00	234,740.00	-	-	234,740.00	234,740.00
11/01/2030	4,550,000.00	234,740.00	4,784,740.00	4,550,000.00	2.300%	234,740.00	4,784,740.00
05/01/2031	-	182,415.00	182,415.00	-	-	182,415.00	182,415.00
11/01/2031	4,655,000.00	182,415.00	4,837,415.00	4,655,000.00	2.422%	182,415.00	4,837,415.00
05/01/2032	-	126,046.25	126,046.25	-	-	126,046.25	126,046.25
11/01/2032	9,790,000.00	126,046.25	9,916,046.25	9,790,000.00	2.575%	126,046.25	9,916,046.25
Total	\$43,650,000.00	\$5,123,457.50	\$48,773,457.50	\$43,650,000.00	-	\$5,123,457.50	\$48,773,457.50

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	10/15/2024
Average Life	4.705 Years
Average Coupon	2.2986605%
Weighted Average Maturity (Par Basis)	4.705 Years
Weighted Average Maturity (Original Price Basis)	4.701 Years

Refunding Bond Information

Refunding Dated Date	10/15/2024
Refunding Delivery Date	10/15/2024

Burleigh County, North Dakota

Multi-County Sales Tax Revenue Refunding Bonds Taxable Series 2020

Defeasance Analysis

Escrow to November 2032 Maturity

Escrow Fund Cashflow

Date	Principal	Rate	Interest	Receipts	Disbursements	Cash Balance
10/15/2024	-	-	-	916.12	-	916.12
10/31/2024	3,127,000.00	2.250%	458,953.14	3,585,953.14	-	3,586,869.26
11/01/2024	-	-	-	-	3,586,860.00	9.26
04/30/2025	-	-	423,774.39	423,774.39	-	423,783.65
05/01/2025	-	-	-	-	423,776.25	7.40
10/31/2025	4,175,000.00	3.246%	423,774.39	4,598,774.39	-	4,598,781.79
11/01/2025	-	-	-	-	4,598,776.25	5.54
04/30/2026	41,000.00	0.750%	356,021.89	397,021.89	-	397,027.43
05/01/2026	-	-	-	-	396,638.75	388.68
10/31/2026	4,266,000.00	1.125%	355,868.14	4,621,868.14	-	4,622,256.82
11/01/2026	-	-	-	-	4,621,638.75	618.07
04/30/2027	33,000.00	0.500%	331,871.89	364,871.89	-	365,489.96
05/01/2027	-	-	-	-	364,951.25	538.71
10/31/2027	4,323,000.00	4.125%	331,789.39	4,654,789.39	-	4,655,328.10
11/01/2027	-	-	-	-	4,654,951.25	376.85
04/30/2028	86,000.00	1.250%	242,627.51	328,627.51	-	329,004.36
05/01/2028	-	-	-	-	328,486.25	518.11
10/31/2028	4,451,000.00	1.375%	242,090.01	4,693,090.01	-	4,693,608.12
11/01/2028	-	-	-	-	4,693,486.25	121.87
04/30/2029	73,000.00	2.875%	211,489.38	284,489.38	-	284,611.25
05/01/2029	-	-	-	-	283,745.00	866.25
10/31/2029	4,528,000.00	4.000%	210,440.00	4,738,440.00	-	4,739,306.25
11/01/2029	-	-	-	-	4,738,745.00	561.25
04/30/2030	116,000.00	3.500%	119,880.00	235,880.00	-	236,441.25
05/01/2030	-	-	-	-	234,740.00	1,701.25
10/31/2030	4,666,000.00	4.875%	117,850.00	4,783,850.00	-	4,785,551.25
11/01/2030	-	-	-	-	4,784,740.00	811.25
04/30/2031	178,000.00	4.625%	4,116.25	182,116.25	-	182,927.50
05/01/2031	-	-	-	-	182,415.00	512.50
08/15/2031	4,837,000.00	-	-	4,837,000.00	-	4,837,512.50
11/01/2031	-	-	-	-	4,837,415.00	97.50
02/15/2032	126,000.00	-	-	126,000.00	-	126,097.50
05/01/2032	-	-	-	-	126,046.25	51.25
08/15/2032	9,916,000.00	-	-	9,916,000.00	-	9,916,051.25
11/01/2032	-	-	-	-	9,916,046.25	5.00
Total	\$44,942,000.00	-	\$3,830,546.38	\$48,773,462.50	\$48,773,457.50	-

Investment Parameters

Investment Model [PV, GIC, or Securities]	Securities
Default investment yield target	Unrestricted
Cash Deposit	916.12
Cost of Investments Purchased with Bond Proceeds	40,133,098.21
Total Cost of Investments	\$40,134,014.33
Target Cost of Investments at bond yield	\$48,773,457.50
Actual positive or (negative) arbitrage	8,639,443.17
Yield to Receipt	4.5504778%
Yield for Arbitrage Purposes	-

Defeasance Burleigh Co Serie | SINGLE PURPOSE | 5/ 6/2024 | 10:43 AM

Burleigh County, North Dakota

Multi-County Sales Tax Revenue Refunding Bonds Taxable Series 2020

Defeasance Analysis

Escrow to November 2032 Maturity

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

\$53,120,000

Burleigh County, North Dakota

Multi-County Sales Tax Revenue Refunding Bonds Taxable Series 2020

Total Refunded Debt Service

Date	Principal	Coupon	Interest	Total P+I
11/01/2024	3,145,000.00	1.150%	441,860.00	3,586,860.00
11/01/2025	4,175,000.00	1.300%	847,552.50	5,022,552.50
11/01/2026	4,225,000.00	1.500%	793,277.50	5,018,277.50
11/01/2027	4,290,000.00	1.700%	729,902.50	5,019,902.50
11/01/2028	4,365,000.00	2.050%	656,972.50	5,021,972.50
11/01/2029	4,455,000.00	2.200%	567,490.00	5,022,490.00
11/01/2030	4,550,000.00	2.300%	469,480.00	5,019,480.00
11/01/2031	4,655,000.00	2.422%	364,830.00	5,019,830.00
11/01/2032	9,790,000.00	2.575%	252,092.50	10,042,092.50
Total	\$43,650,000.00	-	\$5,123,457.50	\$48,773,457.50

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	10/15/2024
Average Life	4.705 Years
Average Coupon	2.2986605%
Weighted Average Maturity (Par Basis)	4.705 Years
Weighted Average Maturity (Original Price Basis)	4.701 Years

Refunding Bond Information

Refunding Dated Date	10/15/2024
Refunding Delivery Date	10/15/2024

	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	3,597,065.71	.00	.00	3,597,065.71	.00
1120013634 Reserve Fund 44-13-224	76,503.66	.00	.00	76,503.66	.00
1120013635 Burleigh Co Revenue 44-13-232	182.53	.00	.00	182.53	.00
1120013636 Morton Co Revenue 44-13-240	27.75	.00	.00	27.75	.00
1120013637 Burleigh Co Surplus 44-13-275	1,192,316.70	.00	.00	1,192,316.70	.00
1120013638 Morton Co Surplus 44-13-283	331,626.73	.00	.00	331,626.73	.00
1210013633 Debt Service Fund	.00	.00	.00	.00	.00
1210013634 Reserve Fund	5,078,827.52	.00	.00	5,078,827.52	.00
1210013637 Burleigh Co Surplus	28,340,723.31	.00	.00	28,340,723.31	.00
1210013638 Morton Co Surplus	4,244,749.17	.00	.00	4,244,749.17	.00
TOTAL ASSETS	42,862,023.08	.00	.00	42,862,023.08	.00
3100013622 Liability Fund Balance	42,862,023.08	.00	.00	42,862,023.08	.00
TOTAL LIABILITY/CAPITAL	42,862,023.08	.00	.00	42,862,023.08	.00
DIFFERENCE	.00	.00	.00	.00	.00

Amount needed to defease bond		\$ 40,134,014.00	<<---This number came from John at Colliers
less shared Reserve Fund		5,155,331.18	
less shared Debt Service Fund		3,597,065.71	
Amount to split between counties		<u>31,381,617.11</u>	
Burleigh	83.32%	26,147,163.38	
Morton	16.68%	\$ 5,234,453.73	

		BURLEIGH		MORTON			
Balance 5/31/2024 (cash basis)		\$	29,533,222.54	\$	4,576,403.65		
Defeasance amount, less debt service & reserve			<u>26,147,163.38</u>		<u>5,234,453.73</u>		
Amount needed to defease as of 5/31/2024, net of debt service and reserve funds		\$	<u>(3,386,059.16)</u>	\$	<u>658,050.08</u>		
						BURLEIGH	MORTON
						<i>Amount needed to defease, Burleigh</i>	<i>Amount needed to defease, Morton</i>
Receipt Quarter	Collection Quarter	Sales Tax Receipts, Historical					
		Receipt Month	Collection Month	Burleigh	Morton		
Q2	Q2	6/22/2024	4/30/2024	936,128.60	180,232.01	ACTUAL (UNPAID)	
Q3	Q2	7/24/2024	5/31/2024	987,741.14	175,329.29	ESTIMATE	
Q3	Q2	8/21/2024	6/30/2024	1,095,716.25	218,445.94	ESTIMATE	
Q3	Q3	9/22/2024	7/31/2024	1,021,130.79	200,682.44	ESTIMATE	
Q4	Q3	10/20/2024	8/31/2024	716,756.35	159,377.07	ESTIMATE	
Q4	Q3	11/22/2024	9/30/2024	1,366,765.51	235,014.56	ESTIMATE	
Q4	Q4	12/21/2024	10/31/2024	950,487.81	181,875.96	ESTIMATE	
Q1	Q4	1/21/2025	11/31/2024	700,759.27	127,606.44	ESTIMATE	
Q1	Q4	2/21/2025	12/31/2024	1,405,633.01	248,832.50	ESTIMATE	
Q1	Q1	3/21/2025	1/31/2025	922,938.59	158,318.59	ESTIMATE	
Q2	Q1	4/21/2025	2/28/2025	488,370.25	103,451.54	ESTIMATE	
Q2	Q1	5/21/2025	3/30/2025	1,191,610.09	227,088.66	ESTIMATE	
						(3,386,059.16)	658,050.08
						(4,322,187.76)	477,818.07
						(5,309,928.90)	302,488.78
						(6,405,645.15)	84,042.84
						(7,426,775.94)	(116,639.60)
						(8,143,532.29)	(276,016.67)
						(9,510,297.80)	(511,031.23)
						(10,460,785.61)	(692,907.19)
						(11,161,544.88)	(820,513.62)
						(12,567,177.89)	(1,069,346.13)
						(13,490,116.48)	(1,227,664.71)
						(13,978,486.73)	(1,331,116.25)
						(15,170,096.82)	(1,558,204.91)



Burleigh County Finance Department

316 N 5th St Ste 104
Bismarck, ND 58501
(701) 712-8353

Leigh Jacobs, CPA
Finance Director

DATE: 06/17/2024

TO: Burleigh County Commission

FROM: Leigh Jacobs, Burleigh County Finance Director

RE: County Jail Maintenance Fund Info

BACKGROUND

The County Jail Maintenance Fund is a special revenue fund that has served multiple purposes since its creation. Monies used for maintenance of the old jail, renovation of the old jail, construction of the BMDC, and maintenance of the BMDC have all flowed through this account. As of 05/31/2024 there is a balance of \$2,883,812.28 of assets in this account.

The assets in the account come from multiple historical sources of revenue. In recent years we have been using those assets to cover our annual commitment to BMDC Capital Improvement Fund per the 2017 JPA. This JPA requires Burleigh County to set aside \$255,000 per year and Morton County to set aside \$45,000. Accordingly, we are responsible for 85% of capital improvements, and Morton is responsible for 15%.

The BMDC Capital Improvement Fund is comingled with the remaining funds from the “old” maintenance fund. After accounting for our annual commitments, expenses, and reimbursements from Morton County, the BMDC Capital Improvement Fund’s balance as of 05/31/2024 is \$1,609,217.54 This leaves a remaining balance of \$1,274,594.75 of unallocated funds.

ATTACHMENTS

1. Jail Maintenance and Construction Fund Balance Allocation
2. 2017 BMDC JPA

JPA Ledger 01/01/2018 - 05/31/2024

Date	Description	Amount
1/1/2018	Annual Burleigh JPA Responsibility	255,000.00
1/1/2019	Annual Burleigh JPA Responsibility	255,000.00
1/1/2020	Annual Burleigh JPA Responsibility	255,000.00
1/1/2021	Annual Burleigh JPA Responsibility	255,000.00
1/1/2022	Annual Burleigh JPA Responsibility	255,000.00
12/19/2022	Progress billing for MAU equipment	(25,000.00)
12/19/2022	Morton Share - Progress billing for MAU equipment	3,750.00
1/1/2023	Annual Burleigh JPA Responsibility	255,000.00
1/17/2023	Invoice #24580	(55,000.00)
1/17/2023	Morton Share - Invoice #24580	8,250.00
8/4/2023	Wired new make up air unit	(7,161.00)
8/4/2023	Morton Share - Wired new make up air unit	1,074.15
8/25/2023	Invoice #25784	(18,918.00)
8/24/2023	Morton Share - Invoice #25784	2,837.70
11/30/2023	Mount,add new controller	(6,100.00)
9/8/2023	Morton Share - Mount,add new controller	915.00
1/1/2024	Annual Burleigh JPA Responsibility	255,000.00
2/16/2024	Cooling Tower	(70,660.00)
2/16/2024	Morton Share Cooling Tower	10,599.00
5/31/2024	Heat Exchanger	(17,350.00)
5/31/2024	Morton Share Heat Exchanger	2,602.50
5/31/2024	Replacement Glass	(6,613.90)
5/31/2024	Morton Share Replacemtn Glass	992.09
5/31/2024	JPA Agreement Burleigh Fund Balance	1,609,217.54

Fund 2985 Fund Balance Allocation 04/30/2024

Description	Amount
5/31/2024 Cash Balance	1,775,533.75
5/31/2024 Investment Balance	1,108,278.53
5/31/2024 Intergovernment Receivable	-
5/31/2024 Fund Balance 05/31/2024	2,883,812.28
5/31/2024 Less: JPA Agreement Burleigh Fund Balance	(1,609,217.54)
5/31/2024 Fund 2985 Non-Allocated Fund Balance	1,274,594.75

ITEM

11

APPLICATION FOR LIQUOR LICENSE

Name of Applicant Jocelyn L. Miller Classification of License "D"

Primary Contact Jocelyn L. Miller Phone [REDACTED]

Address [REDACTED] Date of Birth/Incorporation 6/1/20

Is this a renewal of liquor license? Yes _____ No

If yes, give date of original application _____

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

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

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

1. Name of applicant Jocelyn L. Miller
 Residence [REDACTED] Bismarck, N.D. 58503
 Post Office Address [REDACTED] Bismarck, N.D. 58503

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

Name	Residence	P.O. Address	Percent
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3. List name, residence and post office address of all co-partners:

Name	Residence	P.O. Address	Percent
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4. List the name and residence of anyone having a financial interest in the proposed enterprise:

Name	Residence	P. O. Address
Jocelyn Miller	[REDACTED]	Bismarck, ND 58503

Date and type of any prior or present liquor business:

Class D-2020 Class D-2023
Class D-2021
Class D-2022

Exact legal description of proposed enterprise:

Bar + Grill serving food + drink to customers +21 of age.

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

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

If yes, give date and details: yes, on 5/31/2024 - JJ Miller Holdings had an Application in with co-applicant, Jacob Miller. He is being removed (in process) of all business aspects with Crossroads Tavern.

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

Yes No

If yes, give date and details:

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

If yes, give date and details: January 2024, I, Jocelyn L. Miller was charged with D.V., and on 5/21/24 my charge was lessened to Disorderly conduct and is closed.

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

1. MEK Book Services, accountant since 2020
millie Kaufman, [REDACTED]
2. BNC Bank, Crossroads Tavern Bank.
Nate Palczewski, [REDACTED]
3. Jerome Dist, Beverage Rep since 2020
Jay Mock, [REDACTED]

The following two items shall accompany this application:

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

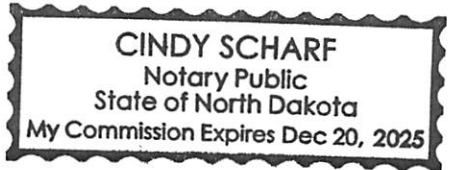
I hereby agree and consent that authorized officers or representatives of the County may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota, relative to searches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

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

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

Jocelyn Leigh McQueen
 Signature of Applicant Jocelyn Leigh McQueen

Subscribed and sworn to before me this 3rd day of June, 2024



Cindy Scharf
 Notary Public
State of North Dakota County of Burleigh

Recommend application be approved _____ denied _____

Reasons for negative recommendation

 County Auditor


APPLICATION FOR LIQUOR LICENSE
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Hay Creek approve the
(Name of Township)

application for a Type "D" Retail Liquor License for

Crossroads Tavern
(Name of Establishment)

owned by Jocelyn Miller 
(Licensee) (Address)

Bismarck, ND
58103

Chairman

Member

Member

ATTEST

(Township Clerk)

DENIED
Hay Creek Township
Board
6/5/24

05/02/2024

APPLICATION FOR LIQUOR LICENSE
TOWNSHIP BOARD APPROVAL

To: Burleigh County Auditor

We, the Township Board of Hay Creek approve the
(Name of Township)

application for a Type D Retail Liquor License for

Crossroads Tavern
(Name of Establishment)

owned by JJ Miller Holdings LLC
(Licensee)

(Address)

Chairman

Member

Member

ATTEST

(Township Clerk)

~~DENIED~~

Hay Creek Township
Board
6/5/24

Hay Creek Township Monthly Meeting Minutes

June 5, 2024

Zoom Meeting

- I. Meeting Called to Order- 5:59 p.m. Mary, Jim, Larry, Scott, Brandy and Claudia all present. Additional constituents present: Jeff Carlson, Doug Schmidt, Darin Berger, Pat Spilman, two unknown callers.
- II. Agreement of Agenda- Addition of Abatement request under New Business. Moved to approve with changes Jim second by Larry. Unanimous.
- III. Approval of Minutes from May 2024 meeting- Moved to approve by Larry, second by Jim. Unanimous.
- IV. Treasurer Report- Brandy
 - a. Bills Payable- Report by Brandy - Motion to approve report and payables by Larry, seconded by Jim. Unanimous.
 - b. Account Balance- Motion to approve by Jim and seconded by Larry. Unanimous.
- V. Reports-
 - a. Assessments- Scott provided updates.
 - 11 new permits this month
 - 2640- total parcels
 - 72 current properties with new or ongoing construction
 - 30 hours for the past month
 - 36 miles driven.
 - b. Roads- Road repairs and maintenance. Update by Mary. Burnt Creek Loop damage on corner of Misty Waters. Mary did speak to Dan with Burleigh Co., they proposed gravel to low areas, this was not an ideal plan. Dan spoke with Mary and Misty Water residents regarding the road in this area. Awaiting a response from Burleigh County.
 - c. Constituent Calls/Emails- Larry had call re: constituent Bryce Weisbeck wishes to no longer receive services from Burleigh County road maintenance. A formal written request will need to be provided to the county. Email regarding light pollution, Mary will investigate other options.
 - d. Public Input- Darin Berger, Misty Water resident, brought up a petition in the development to amend the covenants. Discussion held. Motion to nominate Larry Haisley, Larry notes he will not be available on dates of planning and zoning committee meetings regarding this amendment. Motion withdrawn. Moved to nominate Mary for planning and zoning representation by Larry, seconded by Jim, unanimous.

- e. Planning and Zoning Committee Report, MPO, Water Board updates. Barth's wish to change zoning on their property from rural residential/agriculture to just agricultural. Wish to build a riding arena north of Pioneer Park. Public hearing scheduled for June 26th with Planning and Zoning. Information only.

VI. Unfinished Business- None.

VII. New Business-

a. Crossroads Liquor License Renewal- Update Motion to not approve current liquor license nor the updated liquor license under just Jocelyn Miller's name by Jim, seconded by Mary. Larry recused himself from the vote. Motion passes. Addendum: a2. Hawk Tree Liquor license request. Motion to approve by Larry, seconded by Jim, unanimous.

b. Township Speed Bump Agreement- Mulligan Way has placed speed bumps in residential neighborhood without township board approval. Mary visited Burleigh County, they suggested the township have the county remove the speed bumps. The speed bumps will not be damaged and will be stored at Burleigh County shop. The owners may then contact the board and go through the proper channels to have the speed bumps replaced if approved. Motion to remove the speed bumps and county store them by Larry, seconded by Jim; unanimous.

c. Public Input- No further public comments.

d. Abatement request for Thomas and Kellie Erhardt- 4750 Rolling Ridge Rd. Motion by Larry to accept abatement, seconded by Jim; unanimous.

VIII. For the Good of the Order-

- Next meeting, July 9, 2024, at 6:00 P.M. via Zoom.

IX. Adjournment: 7:25 PM meeting adjourned.

Respectfully submitted,

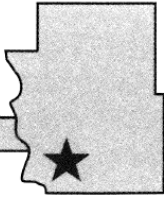
Claudia Kuball

Hay Creek Township Clerk

COUNTY

WEED

BOARD



Request for County Board Action

DATE: 6/17/2024

TO: Burleigh County Weed Board

FROM: Mark Splonskowski

ITEM: Herbicide and Chemical applicator bids.

REQUEST: On June 10th, the County opened bids for herbicides as well as a Chemical applicator. We received three bids for chemicals and one bid for application services. Please advise staff on how you wish to proceed.