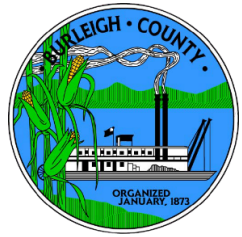




Lincoln, Fort Rice, Riverview, Florence Lake, Burnt Creek, Canfield, Lyman, & Phoenix
Unorganized Townships



Burleigh County Commission Meeting Agenda

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

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

October 21, 2024

5:00 PM

Invocation and Pledge of Allegiance presented by Chaplain.

COUNTY PARK BOARD

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration of the July 15, 2024 meeting minutes.
5. Parks Update.
6. Other Business.
7. Adjourn.

COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration of the October 7, 2024, meeting minutes and bills.
5. Consent Agenda:
 - a. Abatements.
 - b. Applications for licenses, raffles, and special events permits.
 - c. Check replacements.
6. Engineer Hall:
 - a. PUBLIC HEARING: Vacation of excess right of way.
 - b. Maintenance Certification.
 - c. Highway 10 weight limits.
7. Bravera Insurance presentation.

8. City Recreation discussion.
9. County Planner Flanagan:
 - a. Makedonski Subdivision.
 - b. Cherney Morrissette Subdivision.
10. Finance Director Jacobs:
 - a. Unclaimed property list.
11. County Sheriff Leben:
 - a. Capital Electric rate fee agreement.
 - b. Burleigh East renovation project.
12. Auditor/Treasurer Splonskowski:
 - a. Delinquent tax list minimum sales price approval.
13. Garrison Diversion discussion.
14. Other business.
15. Adjourn.

The next regularly scheduled Commission meeting will be on November 4, 2024.

Mark Splonskowski
Burleigh County Auditor/Treasurer

**COUNTY
PARK
BOARD**

**BURLEIGH COUNTY PARK BOARD
MEETING MINUTES
JULY 15, 2024**

11:06 AM

Chairman Bitner called the Burleigh County Park Board meeting to order.

A roll call of members: Commissioners Munson, Woodcox, Bakken, Schwab, Behm and Chairman Bitner were present: Comm. Herman was absent.

Motion by Chairman Bitner, 2nd by Comm. Munson to approve the June 3rd, 2024 minutes and bills subject to Comm. Schwab's review. All members present voted, "AYE." Motion carried.

Comm. Munson lead a discussion concerning boat ramps for the years 2025 and 2026. With the proposed closing of one of the boat ramps in Bismarck, Comm. Munson presented to the Board requests he's heard from local anglers to increase boat ramps and parking spaces in other places around Burleigh County, and that plans to implement these requested ramps and spaces are slowly getting underway.

An update to the ramp dredging at Kimball Bottoms and Kniefel Boat Landing was presented to the Board, stating that both projects were completed.

Meeting adjourned.

Mark Splonskowski, Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING**

OCTOBER 7TH, 2024

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

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

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

The Commission added two items to the agenda, one concerning a 2nd approach permit for Andrew Hetland and another for the appointment of state fair delegates. The Commission also removed from the agenda item number nine, which was a discussion concerning the city recreation joint powers agreement. Motion by Comm. Bakken, 2nd by Comm. Munson to approve the meeting agenda. All members present voted "AYE". Motion carried.

Motion by Comm. Bakken, 2nd by Comm. Munson to approve the September 16th, 2024 meeting minutes and bills. All members present voted, "AYE". Motion carried.

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

Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
Brian Nelson	2023	Lots 7-8, Block 93, McKenzie & Coffin's	Error in property description	\$200,100	\$150,300
Brian Nelson	2024	Lots 7-8, Block 93, McKenzie & Coffin's	Error in property description	\$209,100	\$159,300
Bryan Haefner	2024	Lot 4, Block 6, Parkview	Error in property description	\$336,500	\$245,900
Allen Darling	2023	Block 36, Park Hill (Aud Lots), W 57' of N 165' of W1/2 of Aud Lot 36	Error in property description	\$200,800	\$168,300
Allen Darling	2024	Block 36, Park Hill (Aud Lots), W 57' of N 165' of W1/2 of Aud Lot 36	Error in property description	\$206,000	\$168,300
Luke Hauser	2024	Block 10, Flannery & Wetherby, Lots 7-8 & N1/2 of Lot 9	Error in property description	\$234,200	\$191,700
Cody Fleck	2024	Lot 3, Block 2, Country West X	Error in property description	\$529,700	\$336,100
Bruce & Holly Gaugler	2024	Lot 18, Block 21, Casey's 4th	Error in property description	\$238,000	\$223,400
Edward & Paula McLoughlin	2024	Lot 16, Block 9, Marian Park 1st	Error in property description	\$273,000	\$235,800
Michelle Welder	2024	Lot 7, Block 1, High Meadows	Error in property description	\$397,800	\$353,800
Grendahl Design Co LLC	2024	Lot 13, Block 3, Washington Heights	Error in property description	\$239,300	\$204,300
Bavendick Properties LLP & Harley Swenson	2022	Lot 13-C, Block 4, Eastdale	Error in property description	\$733,700	\$593,500

Bavendick Properties LLP & Harley Swenson	2023	Lot 13-C, Block 4, Eastdale	Error in property description	\$797,600	\$657,400
Bavendick Properties LLP & Harley Swenson	2024	Lot 13-C, Block 4, Eastdale	Error in property description	\$850,400	\$710,200
Morgan & Christopher Nelson	2024	Lot 19, Block 1, Southwood Terrace Replat Park Blk 1	Error in property description	\$278,900	\$239,100
City of Bismarck	2024	Lot 1, Block 3, South Meadows Addition	Property exempt from taxation	\$300	\$200
David + Roger Vollmers, Kerry Vossler	2023	Lots 2-4, Block 27, Sturgis	Error in property description	\$204,800	\$127,900
David + Roger Vollmers, Kerry Vossler	2024	Lots 2-4, Block 27, Sturgis	Error in property description	\$213,100	\$127,900
James & Pamela Vukelic	2023	Lots 11-16, Block 7, McKenzie's	Error in property description	\$739,600	\$621,400
Cary Schilling	2024	Block 33, City Lands 139-80, Beg 66' N of NE cor Blk 87 McKenzie & Coffins; thence E 117' to Ztrue point beg, thence N305' W267' S305' E267' to beg	Demo	\$366,100	\$296,100
Clubhouse West LLC	2024	Lot 2, Block 1, Schilling 2nd Addn	Structure demolished end of July 2024	\$2,100,000	\$1,521,400
Raymond & Beth Leischner	2023	Lot 12, Block 2, Jennings 1st	50% Homestead Credit	\$224,300	\$124,300
Ronny Kraft	2023	Lot 40, Block 5, Falconer Estates	100% Homestead Credit	\$287,400	\$87,400

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the Brian Nelson (2), Bryan Haefner, Allen Darling (2), Luke Hauser, Cody Fleck, Bruce & Holly Gaugler, Edward & Paula McLoughlin, Michelle Welder, Grendahl Design Co LLC, Bavendick Properties LLP & Harley Swenson (3), Morgan & Christopher Nelson, City of Bismarck, David + Roger Vollmers/Kerry Vossler (2), James & Pamela Vukelic, Cary Schilling, Clubhouse West LLC, Raymond & Beth Leischner, and Ronny Kraft abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

County Engineer Hall presented multiple items to the Commission, which are as follows:

- Chairman Bitner opened the floor for a public hearing on for the vacation of an excess right of way located along Highway 10 near Sterling. Kathy Biegler, one of the owners of the adjacent property to the right of way, stepped forward and asked that the right of way be annexed into their property, stating that the ND Department of Transportation had used that right of way for their operations and were now in the process of withdrawing their equipment and removing structures they had accidentally built on her land. The public hearing was then closed. Motion by Comm. Woodcox, 2nd by Comm. Bakken to extent the public hearing to next meeting to allow the state's attorney time to analyze a proper course of action. All members present voted "AYE". Motion carried.
- In response to various noise complaints caused by unmuffled compression brakes, Hall presented for consideration to the Commission a draft ordinance titled *Burleigh County Ordinance for the Regulation or Use of Unmuffled Compression Brakes Where Prohibited*; Hall recommended that a public hearing be held on November 4th. Motion by Comm. Munson, 2nd by Comm. Bakken to recommend a public hearing on November 4th for the draft ordinance titled *Burleigh County Ordinance for the Regulation or Use of Unmuffled Compression Brakes Where Prohibited*. All members present voted "AYE". Motion carried.

- Hall then discussed with the Commission about the load and speed limit restrictions currently in place on County Highway 10. In a previous meeting on September 6th, 2024, the Commission voted in favor of implementing new restrictions on County Highway 10 due to a pressing need to fix the damage done to the highway, reducing the speed limit from 65mph to 55mph and reducing the weight limit down to 80,000 lbs with a six-ton max weight. The Commission stated that it would reconsider these restrictions once the Highway Department finished refurbishing the highway. With construction now finished, Hall asked the Commission to discuss the restrictions and direct the Highway Department on how to proceed moving forward. While some residents asked the Commission revert to the pre-September 6th numbers, many others also asked to keep the current restrictions in place. After some back and forth, motion by Comm. Schwab, 2nd by Comm. Munson to make no changes and keep the restrictions currently in place as they are (55mph speed limit and 80,000 lbs with a six-ton maximum single-axle weight). Comm. Woodcox motioned to amend Comm. Schwab's motion to keep car traffic at 65mph, but because it wasn't his motion to amend and Comm. Schwab was unwilling to amend, the Commission voted on Comm. Schwab's motion as is. Comm. Schwab, Munson, and Woodcox voted "AYE"; Comm. Bakken and Bitner voted "NAY". Motion carried. Comm. Woodcox was confused why the motion that was just passed still had the 55mph speed limit in place, as he thought other commissioners has a right to amend other commissioners' motions. After some confusion, motion by Comm. Woodcox, 2nd by Comm. Munson to reconsider Comm. Schwab's motion and change it so that the car traffic speed limit is at 65mph, not 55mph. Comm. Woodcox, Bakken, and Bitner voted "AYE"; Comm. Munson and Schwab voted "NAY". Motion carried. General confusion follows. At Chairman Bitner's request for a new motion, motion by Comm. Munson, 2nd by Comm. Bakken to have a 65mph speed limit for automobiles, a 55mph speed limit for trucks, and a maximum 80,000 lbs/six-ton axle weight on County Highway 10, amended by Comm. Munson to have the new speed limits be applied from city limits all the way to the county line. Motion then pulled by Comm. Munson and placed on the agenda for next meeting so that Hall can look at some finer details. No further action was taken.
- Hall asked for authorization for the county auditor and county engineer to advertise for bids regarding two motor gratters, and recommended approval. Motion by Comm. Schwab, 2nd by Comm. Munson to approve Hall's recommendation. All members present voted "AYE". Motion carried.
- Hall asked for authorization to sell used equipment at public auction, and recommended approval. Motion by Comm. Bakken, 2nd by Comm. Schwab to approve Hall's recommendation. All members present voted "AYE". Motion carried.
- Hall asked for approval of the Highway Department's annual fee schedule, save for the utility permits (which will be brought forward at a later date). Motion by Comm. Munson, 2nd by Comm. Bakken to approve the Highway Department's 2025 fee schedule. All members present voted "AYE". Motion carried.
- Hall presented a developer waiver request for a plat in Taft township, and recommended approval for both resolutions in the agenda packet. Motion by Comm. Bakken, 2nd by Comm. Munson to approve both resolutions. All members present voted "AYE". Motion carried. Hall also suggested that in terms of developer waiver requests, if there are four or less lots, they could be automatically placed on the consent agenda. The commissioners by consensus agreed with Hall's suggestion; no further action was taken.
- Hall presented a township/county maintenance agreement for the Commission's approval and recommended that the Commission approve the agreement from the county's perspective, and then sit as the unorganized township board and approve it from that perspective as well. Motion by Comm. Bakken, 2nd by Comm. Munson to approve the maintenance agreement between the county and all organized townships. All members present voted "AYE". Motion carried. At this time the Burleigh County Commission recessed and convened as the unorganized townships' Board of Supervisors for Burnt Creek, Riverview, Florence Lake, Fort Rice, Lincoln, Canfield, Lyman, and Phoenix. Roll call of the members: Commissioners Woodcox, Bakken, Munson, Schwab, and Chairman Bitner were present. Motion by Comm. Bakken, 2nd by Comm. Munson to approve the maintenance agreement between the county and all unorganized townships. All members present voted "AYE". Motion carried. At this time the unorganized townships' Board of Supervisors adjourned and convened as the Burleigh County Commission.
- The 2nd approach permit for Andrew Hetland was in a way an update regarding the request for appeal from the September 4th county commission meeting on the Highway Department's denial of a 2nd approach permit by the Misty Waters development. Hall finally heard back from the Misty Waters Association and said that they told him they were okay with approving the 2nd approach permit; Hall recommended moving forward and approving the permit. Motion by Comm. Bakken, 2nd by Comm. Woodcox to approve the 2nd approach permit. Comm. Woodcox, Schwab, Bakken, and Bitner voted "AYE"; Comm. Munson voted "NAY". Motion carried.

County Planning Director Flanagan brought forward papers for a zone change for Aberle 2nd subdivision and recommended approval of the Planning Commission's recommendations. Motion by Comm. Munson, 2nd by Comm. Bakken to approve the Planning Commission's recommendations. All members present voted "AYE". Motion carried. Flanagan then brought up the idea of county MPO membership in the Government Partners Program (GPP) via the Big Sky Passenger Rail Authority, in regards to the efforts to reopen and expand passenger rail services across the United States. Membership would be approximately \$180 dollars per year (assuming all five jurisdictions – Bismarck, Mandan, Lincoln, Morton County, and Burleigh County – join the GPP). Motion by Comm. Munson, 2nd by Comm. Schwab to join the GPP through the MPO with the authorization of a fee of \$180 from the planning budget – if the amount changes GPP representatives must come before the Commission to ask for additional funding. All members present voted "AYE". Motion carried.

Comm. Munson began a discussion regarding the Bismarck/Burleigh Public Health joint powers agreement that was recently approved, citing how he would like the JPA amended to state the dollars that the city of Bismarck did remove from their budget this year. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the new JPA. Comm. Woodcox, Munson, and Bakken voted "AYE"; Comm. Schwab and Bitner voted "NAY". Motion carried.

A discussion on the Garrison Diversion Conservancy District popped off, with the Burleigh County Director for Garrison Diversion Larry Cashion stepping forward to the podium. Larry explained that for Burleigh County specifically, the Garrison Diversion Unit helps maintain the 14 miles of the McClusky Canal within Burleigh County, maintains the recreational facilities on the Chain of Lakes, assists farmers with developing irrigation along the canal, and helps administer the funds from the federal MRNI program to promote state water projects. Alan Walter, Chairman of the Garrison Diversion Board, came forward and gave some background information on how the Garrison Diversion Unit has changed since its inception, and Tammy Norgard, attorney from Vogel Law Firm, came forward to elaborate that the tax levy by Burleigh County is not being used directly to pay for other projects under the GDU and on how the process for leaving the Garrison Diversion Conservancy District works. A consensus was reached to continue this discussion at the next commission meeting and think what to put into a petition to leave the GDU; no further action was taken.

The Commission then briefly discussed about the appointment of delegates to the North Dakota State Fair Committee. Motion by Comm. Woodcox, 2nd by Comm. Munson to appoint Tyler Kralicek and Steve Bakken as Burleigh County delegates to the North Dakota State Fair Committee. All members present voted "AYE". Motion carried.

Auditor-Treasurer Splonskowski presented to the Commission a list of three-year delinquent properties and the proposed minimum sales price for the upcoming tax sale on November 19th. Motion by Comm. Bakken, 2nd by Comm. Schwab to approve the minimum sales prices for the listed three-year delinquent properties. All members present voted "AYE". Motion carried. Splonskowski then presented a proposed 2025 county commission meeting calendar for approval. Motion by Comm. Munson, 2nd by Comm. Bakken to approve the 2025 meeting calendar. All members present voted "AYE". Motion carried.

A recap of the final budget meeting was then had, mostly for clarification. During that meeting, when the motion by Comm. Munson was made to have the overage not covered by property taxes be covered by the reserve funds, it was not clarified that the reserve funds mentioned were the individual department reserve funds, not the county general reserve funds. Splonskowski warned the Commission if they chose to reduce the total amount of reserves collected for this year, it could potentially cause a snowball effect where there are that much less resources for each of those funds for the following year. Additionally, he also warned that should each of the individual funds buy themselves down, the amount that they will need to levy will be larger than this year because they'll have less reserves. Clarification about the emergency fund was also given, with Splonskowski explaining that the county emergency fund essentially is its own mill levy and line item. The reason the emergency fund is bigger this year is because of the interest accrued on it. Clarified motion by Comm. Munson, 2nd by Comm. Bakken to utilize the reserve funds in each department's reserve balances to help balance out the total budget. Comm. Schwab, Munson, Bakken, and Bitner voted "AYE"; Comm. Woodcox voted "NAY". Motion carried.

Comm. Munson informed the Commission that he will be attending the North Dakota Association of Counties conference and offered to go as a delegate representing Burleigh County. A consensus was reached to let Comm. Munson attend the conference representing Burleigh County. No further action was taken.

Chairman Bitner announced a bid opening for the Provident Building bid package on October 10th, 2024, at 2pm in the first floor conference room of the City/County Building. Bitner also scheduled a special commission meeting at 3pm that same day to award a contract for completion this fall.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

DRAFT

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

Abate #	Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
24-689	Travis & Cora Strand	2024	Lot 1, Block 5, Country Creek 5th	Equalize with similar homes in area	\$408,400	\$380,700
24-698	Larry Kershaw	2022	Lot E of SE1/4	60% Homestead Credit	\$262,300	\$187,300
24-699	Larry Kershaw	2023	Lot E of SE1/4	100% Homestead Credit	\$271,000	\$71,000
24-701	Eric & Lorraine Richards	2024	Lot 1 in NE1/4, Morton Township	Property qualifies for farm res exemption	\$124,500	\$14,800
24-702	Francis & Carol Miller	2024	SE1/4, Section 22, Menoken Township	Property qualifies for farm res exemption	\$234,600	\$48,000

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:

KASY OR CHERE STAUS
713 N 23RD ST
Bismarck, ND 58501

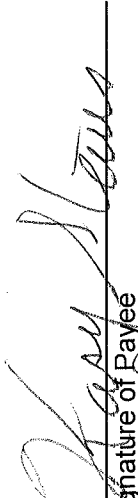
Check Date: 1/31/2023
Original Check #: 125268
Check Amount: \$495.73

AFFIDAVIT AND AGREEMENT

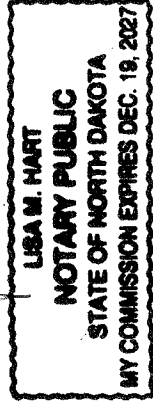
I execute this AFFIDAVIT AND AGREEMENT for the purpose of obtaining a duplicate payment from the County of Burleigh, North Dakota.

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.


Signature of Payee

Subscribed and sworn to before me on
October 4th, 2024



Notary Public - County of Burleigh
My Commission Expires 12-19-2027

***** (Seal) *****

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

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

Burleigh County Auditor/Treasurer Date

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.

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Burleigh County Auditor/Treasurer, P.O. Box 5518, Bismarck, ND 58506-5518.

NAME AND ADDRESS OF PAYEE:

KAYLA MAHOWALD
3407 CHISHOLM TRAIL
Bismarck, ND 58503

Check Date: 12/2/2022
Original Check #: 124678
Check Amount: \$30

AFFIDAVIT AND AGREEMENT

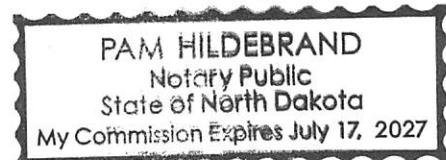
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Kayla Mahowald
Signature of Payee

Subscribed and sworn to before me on 10-8, 2024.
[Signature]
Notary Public - County of Burleigh
My Commission Expires 7-17-27



(Seal)

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

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

Burleigh County Auditor/Treasurer

Date

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.

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Burleigh County Auditor/Treasurer, P.O. Box 5518, Bismarck, ND 58506-5518.

NAME AND ADDRESS OF PAYEE:

KAYLA MAHOWALD
3407 CHISHOLM TRAIL
Bismarck, ND 58503

Check Date: 12/2/2022
Original Check #: 124678
Check Amount: \$264.13

AFFIDAVIT AND AGREEMENT

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

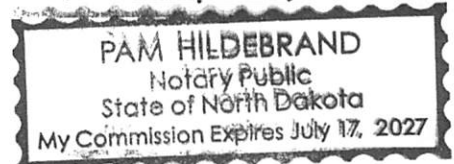
I hereby state under oath that the above-described check has never been presented to me for payment, nor transferred to any other person or persons, and the same is believed to have been lost or destroyed, and that I hereby request the County of Burleigh to issue a duplicate payment for said check.

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.

Kayla Mahowald
Signature of Payee

Subscribed and sworn to before me on 12-8, 2024.

[Signature]
Notary Public - County of Burleigh
My Commission Expires 7-17-27



(Seal)

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

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

Burleigh County Auditor/Treasurer

Date

BURLEIGH COUNTY CHECK REPLACEMENT
(4-17)

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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:

MISSOURI RIVER CORONERS
16101 54TH ST NW
BISMARCK, ND 58503

Check Date: 09/13/2024
Original Check #: 130557
Check Amount: \$6,510.00

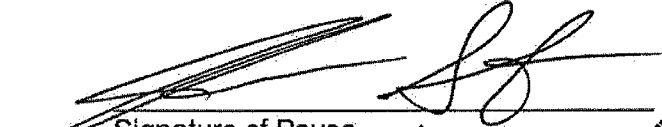
AFFIDAVIT AND AGREEMENT

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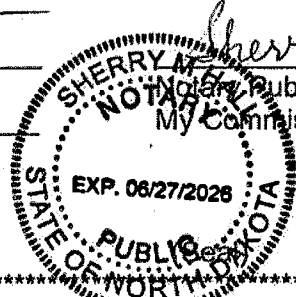
I hereby state under oath that the above-described check has never been presented to me for payment, nor transferred to any other person or persons, and the same is believed to have been lost or destroyed, and that I hereby request the County of Burleigh to issue a duplicate payment for said check.

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

Subscribed and sworn to before me:



Signature of Payee
Date 10/8/2024


Sherry M. Hall

Notary Public - County of Burleigh
My Commission Expires 6-27-26

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

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

Burleigh County Auditor/Treasurer

Date

ITEM

6

PUBLIC HEARING



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Request for County Board Action

DATE: ~~October 7, 2024~~ **October 21, 2024**

TO: **Mark Splonskowski**
County Auditor

FROM: **Marcus J. Hall**
County Engineer

RE: Vacation of excess Right of Way – PUBLIC HEARING

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

ACTION REQUESTED:

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

BACKGROUND:

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

Additional information: If approved by the County Board it would be the Highway Department's plan to (once the property is vacated by the NDDOT) Quit Claim the property to the adjacent Property owners after due compensation is received.

As stated in the October 7th meeting, the Highway Department is currently paying \$3,000 per acre for Roadway Right of Way. We have also reviewed the value of the property with the Burleigh County Tax Director and he has stated that he feels comfortable with saying that the land is worth \$3,500 per acre. Once the County Board

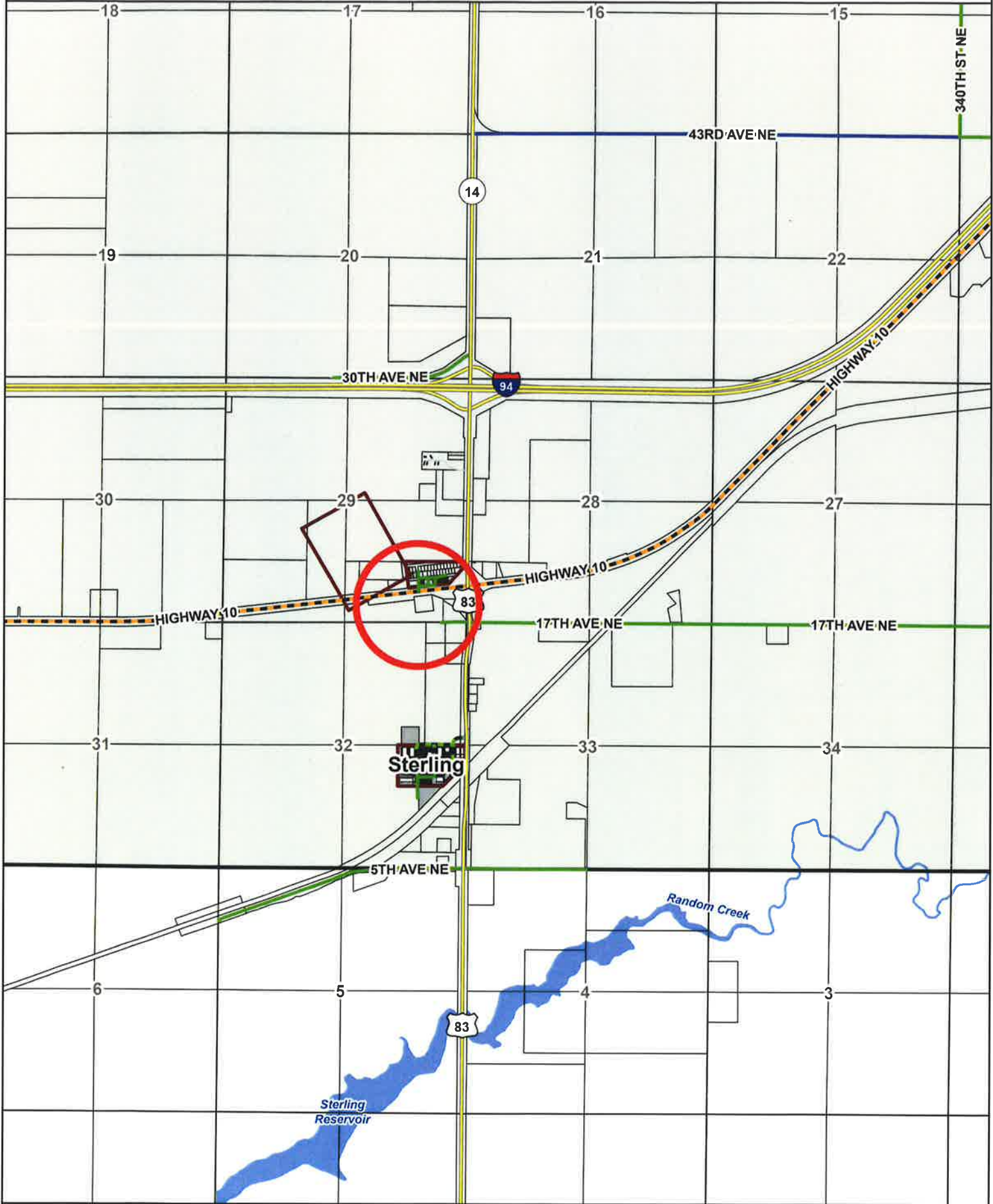
sets the value of the property, the Highway Department will execute the required agreements.

RECOMMENDATION:

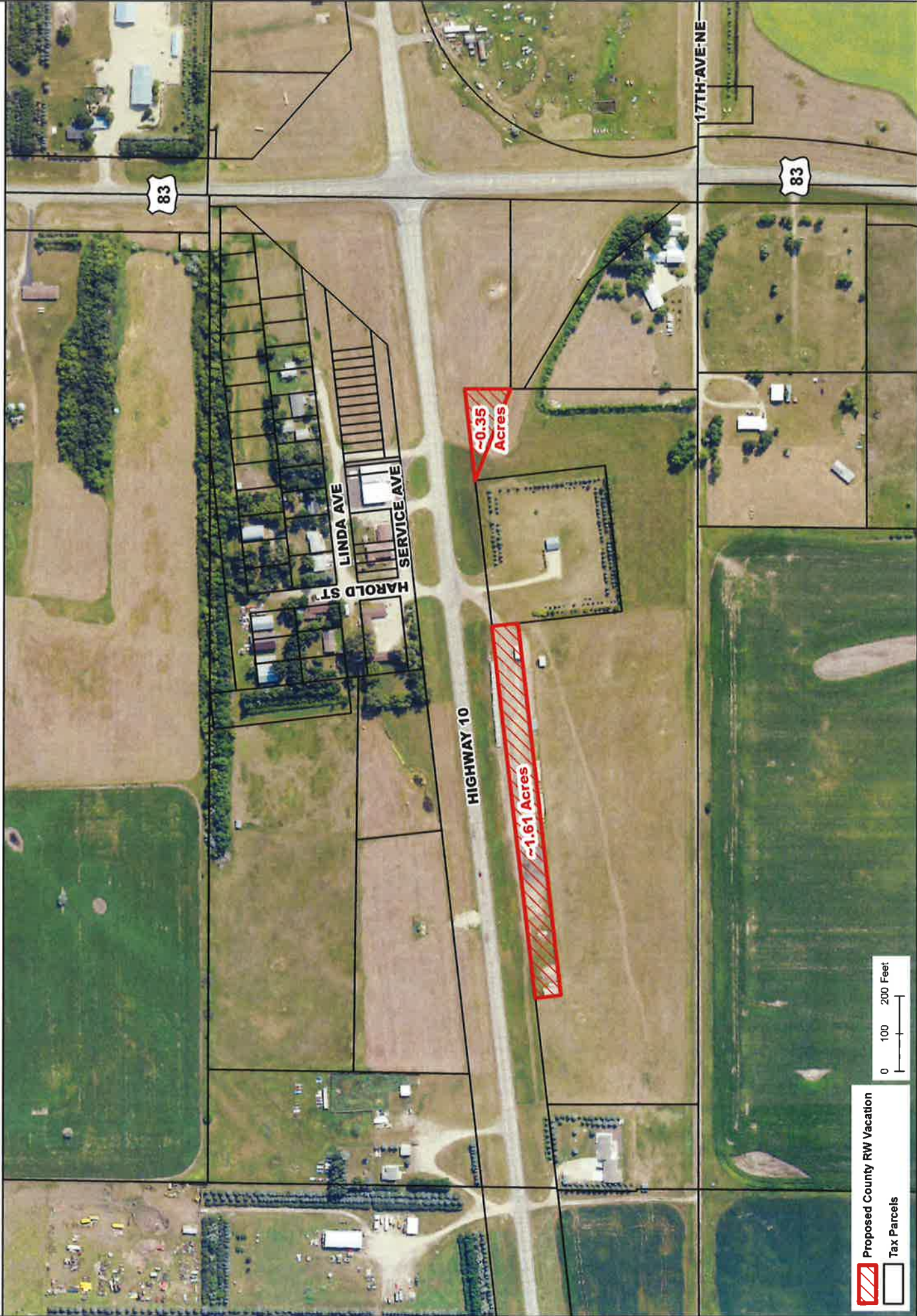
It is recommended that the Board review the attached application, conduct the Public Hearing and direct staff on how to proceed.

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

8/22/2024



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



 Proposed County RW Vacation
 Tax Parcels



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



**BURLEIGH COUNTY
UNIFIED DEVELOPMENT APPLICATION**

Application submitted for (check all that apply):

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat | <input type="checkbox"/> Minor Plat Modification | <input type="checkbox"/> Plat Vacation |
| <input checked="" type="checkbox"/> Road Vacation | <input type="checkbox"/> Zoning Change | <input type="checkbox"/> Development Permit | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Lot Modification | | | |

PROPERTY INFORMATION:			
Name of plat: <i>Biegler Subdivision</i>			
Legal description of property (lot, block, addition):			
Street address of property:			
Existing Zoning:		Proposed zoning:	
Acreage: <i>1.66 acres and 0.35 acres</i>		Number of lots:	
Description of development proposal, including reason(s) for the request:			
APPLICANT/DEVELOPER:			
Name: <i>Ronnie and Kathy Biegler</i>		Mailing address: <i>31302 5th Ave NE</i>	
Daytime telephone number: [REDACTED]	FAX number: [REDACTED]	E-mail address: [REDACTED]	
PROPERTY OWNER (IF DIFFERENT THAN APPLICANT/DEVELOPER):			
Name:		Mailing address:	
Daytime telephone number:	FAX number:	E-mail address:	
CONTACT PERSON/AGENT:			
Name/Firm: <i>Mark</i>		Mailing address: <i>4215 Old Red Trail - Mandan ND 58554</i>	
Daytime telephone number: [REDACTED]	FAX number:	E-mail address: [REDACTED]	

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

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

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

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

COUNTY SUBMISSION CHECKLIST				
Applying for:			Submitted	N/A



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Request for County Board Action

DATE: October 21, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Maintenance Certification

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

ACTION REQUESTED:

Authorize County Officials to sign Maintenance Certification

BACKGROUND:

Every year the Burleigh County Highway Department reviews all federal aid highway projects and certifies that they are being maintained in a good and safe condition for general public use, and that maintenance is being done in accordance with the North Dakota Department of Transportation "Construction and Maintenance Agreements."

Under current State and Federal rules, the County Board must approve the certification and direct the proper County officials to sign the certification.

RECOMMENDATION:

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

PROPOSED RESOLUTION:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to sign the annual county federal aid projects Maintenance Certification.

**MAINTENANCE CERTIFICATION
COUNTY FEDERAL AID PROJECT**

North Dakota Department of Transportation, Local Government
SFN 51026 (8-2017)

All federal aid highway projects have been inspected and are being maintained in a good and safe condition for general public use. Maintenance is in accordance with the North Dakota Department of Transportation "Construction and Maintenance Agreements".

Approved as to form:

States Attorney (Type or print) Julie Lawyer
Signature

County of Burleigh
Date

County Auditor (Type or print) Mark Splonskowski
Signature

Chairman, Board of County Commissioners (Type or print) Brian Bitner
Signature

Recommended for approval:

County Engineer/Highway Supervisor (Type or print) Marcus Hall
Signature



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Request for County Board Action

DATE: ~~October 7, 2024~~ **October 21, 2024**

TO: **Mark Splonskowski**
County Auditor

FROM: **Marcus J. Hall**
County Engineer

RE: County Highway 10

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

ACTION REQUESTED:

Review the request and direct staff on how to proceed.

BACKGROUND:

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

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

The Highway Department has reviewed the current road condition and restrictions and makes the following recommendations:

Speed Limits:

- 1) From the Bismarck City Limit (66th Street NE) east to 119th Street NE the Speed Limit should be 55 mph for all vehicles.
- 2) From 119th Street NE east to the County Line the Speed Limit should be 65 mph with a Truck Speed Limit of 55 mph.

Weight Limits:

- 1) From the Bismarck City Limits (66th Street NE) east to 158th Street NE the Weight Limit should be max weight of 80,000 pounds with legal axle load configuration.
- 2) From 158th Street NE east to US 83 (Sterling) the Weight Limit should be max weight of 105,500 pounds with legal axle load configuration.
- 3) From US 83 (Sterling) east to the County Line the Weight Limit should be max weight of 80,000 pounds with legal axle load configuration.
- 4) The Highway Department shall also permit one-time Over-Weight Permits (that meet previously established rules) under/using the LoadPass Permit system on Highway 10 from the Bismarck City Limit (66th Street NE) east to the County Line.
- 5) The County will also allow Haulers to purchase (and use) a Harvest Permit from the LoadPass Permit system. Harvest Permits are valid between July 15 and November 30 each year and allow the hauler to increase loads weights on 80,000-pound roadways to 88,000 pounds.

RECOMMENDATION:

It is recommended that the Board approve the attached proposed resolution.

PROPOSED RESOLUTION:

THEREFORE, BE IT RESOLVED: That the Burleigh County Board establishes the following Speed and Weight Limits on County Highway 10:

Speed Limits:

- 1) From the Bismarck City Limit (66th Street NE) east to 119th Street NE the Speed Limit should be 55 mph for all vehicles.
- 2) From 119th Street NE east to the County Line the Speed Limit should be 65 mph with a Truck Speed Limit of 55 mph.

Weight Limits:

- 1) From the Bismarck City Limits (66th Street NE) east to 158th Street NE the Weight Limit should be max weight of 80,000 pounds with legal axle load configuration.
- 2) From 158th Street NE east to US 83 (Sterling) the Weight Limit should be max weight of 105,500 pounds with legal axle load configuration.

- 3) From US 83 (Sterling) east to the County Line the Weight Limit should be max weight of 80,000 pounds with legal axle load configuration.
- 4) The Highway Department shall also permit one-time Over-Weight Permits (that meet previously established rules) under/using the LoadPass Permit system on Highway 10 from the Bismarck City Limit (66th Street NE) east to the County Line.
- 5) The County will also allow Haulers to purchase (and use) a Harvest Permit from the LoadPass Permit system. Harvest Permits are valid between July 15 and November 30 each year and allow the hauler to increase loads weights on 80,000-pound roadways to 88,000 pounds.

ITEM

8

November 12, 2014

Dear Burleigh County Commission Chair Jim Peluso:

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

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

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

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

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

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

Sincerely,

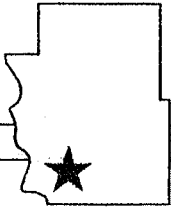


Julie Jeske
Bismarck Board of Park Commissioners President

A nationally accredited park and recreation agency.

STATE OF NORTH DAKOTA

County of Burleigh



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

October 14, 2014

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

Dear Randy:

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

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

Sincerely,

A handwritten signature in cursive script, which appears to read "Jim Peluso", is written over the word "Sincerely,".

Jim Peluso
Chairman, Burleigh County Commission

AGREEMENT FOR THE JOINT EXERCISE OF GOVERNMENTAL POWERS

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

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

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

Date: July 1, 1998

CITY OF BISMARCK:

By: [Signature]
Mayor, City of Bismarck

Attest: [Signature]
City Administrator

BURLEIGH COUNTY:

By: [Signature]
President, Board of County Commissioners

(SEAL)
Attest: [Signature]
County Auditor

BURLEIGH COUNTY PARK BOARD
BISMARCK PARK DISTRICT:

By: [Signature]
President, Board of Park Commissioners

(SEAL)
Attest: [Signature]
Clerk

BISMARCK PARK DISTRICT
BURLEIGH COUNTY-PARK-BOARD:

By: [Signature]
President, Board of Park Commissioners

Attest: [Signature]
Clerk

10/21/2014

Impact of County Cutting Mill to 1/2

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

Estimated Value of 2015 mill: \$ 290,456

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

\$ 266,456.21

ITEM

9



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

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Commission.

Re: Recommendations of the October 9, 2024 meeting of Burleigh County Planning Commission

Date: 10-15-2024

From: Mitch Flanagan, Burleigh County Planning Director. *ull*

ITEM 1

Makedonski Final Subdivision

Legal Description: Part of the West 1/2 of the Northwest 1/4 Section 9, Township 139N, Range 76W

Property Address: 6799 Hwy 17, Sterling ND. 58572

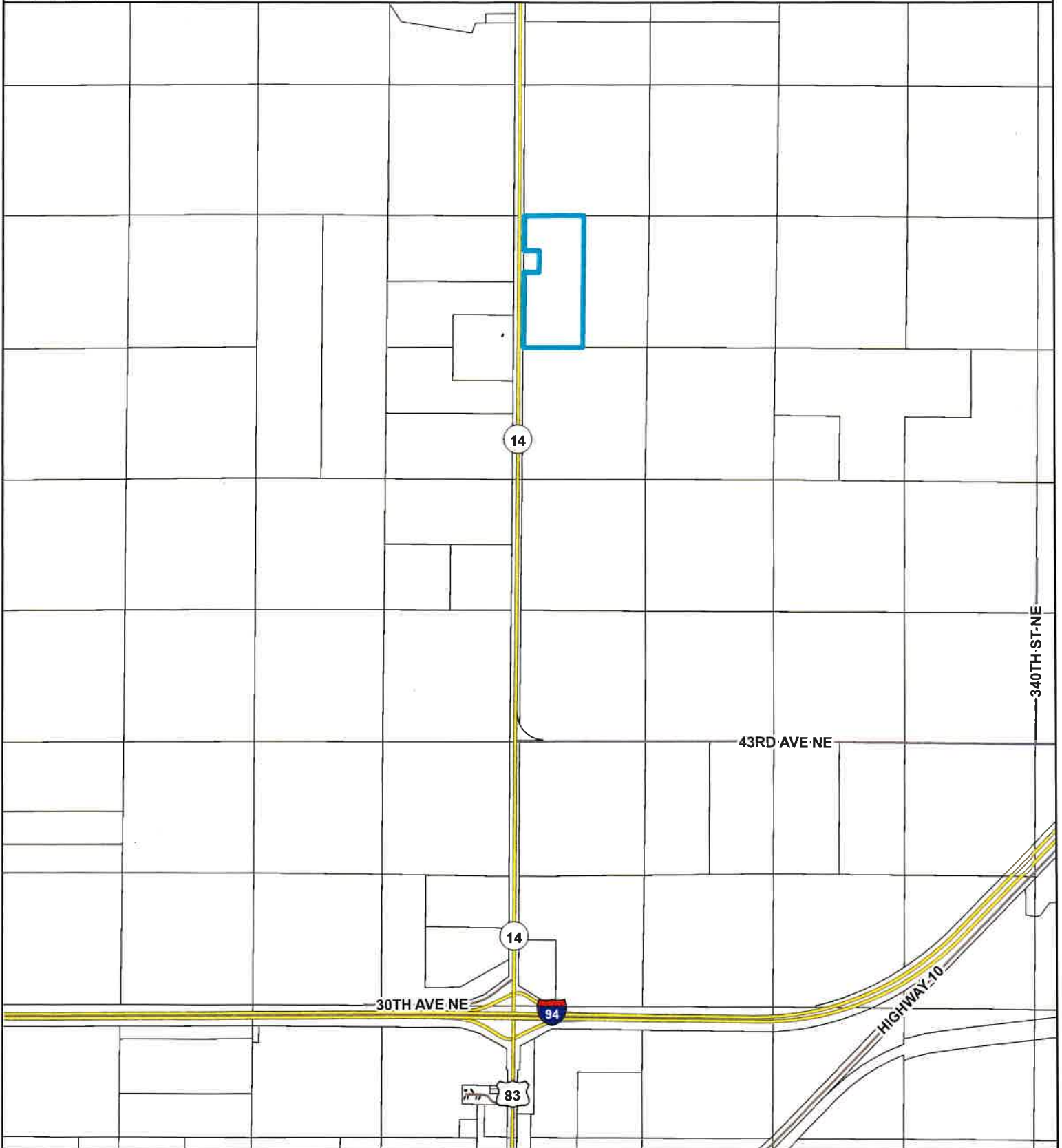
In July of 2024, Burleigh County was asked by Mark Isaacs of ILS Surveying concerning a four (4) lot subdivision from 2 parcels containing 76 AC. The size and location of the proposed subdivision did not raise concerns during the preliminary and final plat meeting. Sterling Township recommended approval of the plat and to leave the zoning as AG. The Planning Commission recommended approval of the final plat by a vote of 6-0.

ACTION REQUESTED

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

Attachments: Ex.1 Makedonski Final Plat.
Ex. 2 Site Location.

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



PARCEL ID: 35-139-76-00-09-400 OWNER: MAKEDONSKI, LUCINDA J & MAKEDONSKI, KENNETH ACRES: 73
SITE ADDRESS:
MAIL ADDRESS: 6601 HWY 14, STERLING, ND 58572-9712
LEGAL: STERLING TOWNSHIP Section 09 W1/2NW1/4 LESS 3AC-401 & R/W 690113 09-139-76



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 October 9, 2024 meeting of Burleigh County Planning Commission
Date: 10-16-2024
From: Mitch Flanagan, Burleigh County Planning Director. *ill*

ITEM 1

Cherney Morrissette Final Subdivision

Legal Description: Part of the Northeast 1/4 Section 5, Township 140N, Range 81 W

Property Address: 15700 NW 80th St. Bismarck, ND 58501

Burleigh County was asked by Mark Isaacs of ILS Surveying regarding a two (2) lot subdivision containing 6.05 acres. The review committee did not find issues or concern. Zoning for this property will remain R1-Rural Single Family Residential.

The Planning Commission recommended approval of the final plat by a vote of 6-0.

ACTION REQUESTED

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

Attachments: Ex.1 Cherney Morrissette Final Plat.
Ex. 2 Site Location.



PARCEL ID: 23-140-81-00-05-210 OWNER: MORRISSETEE, JACOB ACRES: 2.37

SITE ADDRESS:

MAIL ADDRESS: 8131 RIDGELAND DR, BISMARCK, ND 58503

LEGAL: RIVERVIEW TOWNSHIP Section 05 A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 140 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST SECTION CORNER OF SECTION 5, TOWNSHIP 140 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA; THENCE S0°01'41W, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 1408.04', TO THE POINT OF BEGINNING. THENCE S0

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

ITEM

11



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Request for County Commission Action

Date: October 16, 2024

To: Mark Splonskowski
Burleigh County Auditor

From: Kelly Leben
Burleigh County Sheriff

A handwritten signature in blue ink that reads "Kelly Leben".

Re: Capital Electric Rate Fee Agreement

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

Action Requested:

Discuss transferring the Burleigh Morton Detention Center from a Large Commercial Rate Fee to a Coincident Peak Rate Fee.

Background:

The Burleigh Morton Detention Center is billed under the Large Commercial Rate Fee for electrical services by Capital Electric Cooperative. Capital Electric Cooperative has analyzed BMDC's electrical usage and has indicated BMDC will benefit financially in the short term by transferring to the Coincident Peak Rate Fee for electrical services. In 2025, BMDC will be required to transfer to the Coincident Peak Rate Fee and projected rate increases will more than likely negate short-term savings. Other cost savings factors are being considered in conjunction and cooperation with Capital Electric Cooperative.

Recommendation:

It is recommended that the County Commission authorize the Burleigh County Sheriff's Department to enter into the Coincident Peak Rate Fee Agreement with Capital Electric Cooperative.

Proposed Resolution:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to enter into an agreement with Capital Electric Cooperative on their Coincident Peak Rate Fee Agreement.

COURTHOUSE

514 E. Thayer • PO Box 1416
Bismarck, ND 58502-1416
P 701-222-6651 • F 701-221-6899

www.facebook.com/BurleighCountySheriffsDepartment

**BURLEIGH MORTON
DETENTION CENTER**

4000 Apple Creek Road • PO Box 2499
Bismarck, ND 58502-2499
P 701-255-3113 • F 701-258-5319

Burleigh-Morton County Detention Center Rate Change Information:

Starting January 1, 2025, the facility will be automatically converted from a Large Commercial electric rate to Capital Electric's Coincident Peak (CP) rate. Here is a chart showing how the (2) rates compare:

Large Commercial Rate		Coincident Peak Rate	
Service charge:	\$75.00	Service charge:	\$23.00
Usage Charge:	\$0.045	Usage Charge:	\$0.03323
Demand:	\$14.50	On-Peak Demand:	\$23.26
Grid Capacity:	\$2.00	Grid Capacity:	\$2.50

By simply switching from our Large Commercial rate to our Coincident Peak (CP) rate, the facility stands to save \$1,695/month. **If additional action is taken to avoid all On-Peak usage, the facility has the potential to save \$13,358/month!**

The recommended action would be to operate the facility on the generator during peak time periods. To achieve this action, Capital Electric would provide the facility with an automatic controller to activate the generator and transfer switch. When the controller receives a signal from Capital Electric signaling a peak time period, the controller will switch the facility over to generator operation. After the peak time period has passed, the controller will return the facility to the electric grid.

Here is an outline of the pros and cons of this procedure change:

PROS:

1. Reduced base charge
2. Reduced KWH rate
3. Only pay demand for On-Peak demand. (The facility currently pays for demand regardless of when it occurs in the month.
4. Replenishing the fuel for the generator. (The fuel is currently 7-years old).

CONS:

1. Additional generator run hours
2. Additional generator fuel costs (Estimated at \$3,600/month)
3. Potential additional generator maintenance costs.
4. Up-front investment costs to enhance the generators from Tier III to Tier IV emissions standards. (Roughly estimated to be \$70,000)
5. Up-front investment costs to connect additional electric services to the transfer switch.

***Based on the potential savings that can be achieved by utilizing the generator for On-Peak operation, the payback on the Up-front investments is estimated to be under 1 year.**



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Request for County Commission Action

Date: October 16, 2024

To: Mark Splonskowski
Burleigh County Auditor

From: Kelly Leben 
Burleigh County Sheriff

Re: Burleigh East Renovation Project

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

Action Requested:

Authorize the Burleigh County Sheriff's Department to negotiate and enter into a contract with Ubl Design Group for architectural services for the Burleigh East (BEAST) renovation project.

Background:

The Burleigh County Sheriff's Department solicited proposals from four companies for architectural services for the Burleigh East Renovation Project. All four companies submitted proposals after completing walk-throughs and discussion with department leads for the renovation. A review committee of three department evaluators and one county employee evaluator selected Ubl Design Group based on submitted proposals and walk-through feedback.

Recommendation:

It is recommended that the County Commission authorize the Burleigh County Sheriff's Department to enter into negotiations and final contract with Ubl Design Group for the Burleigh East Renovation Project.

Proposed Resolution:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to negotiate and contract with Ubl Design Group for renovation of the described property.

COURTHOUSE

514 E. Thayer • PO Box 1416
Bismarck, ND 58502-1416
P 701-222-6651 • F 701-221-6899

 www.facebook.com/BurleighCountySheriffsDepartment

**BURLEIGH MORTON
DETENTION CENTER**

4000 Apple Creek Road • PO Box 2499
Bismarck, ND 58502-2499
P 701-255-3113 • F 701-258-5319

ITEM

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

LISTED OWNER	PROPERTY ADDRESS	PARCEL ID#	2024 MV	Delq. Taxes + Pen. & Int	Delq. Specials + Pen. & Int.	TOTAL DELQ. AMOUNT + \$50 FEE	Est. 2024 Tax	Est. 2024 Specials	EST. 2024 TOTAL	MINIMUM SALE AMOUNT
3-D PROPERTIES LLP	1421 BURINGTON DR #4	1463-003-154	222,400.00	\$8,386.52	\$843.03	\$9,279.55	\$2,890.09	\$225.31	\$3,115.40	\$12,394.95
3-D PROPERTIES LLP	4903 PLATOON AVE	2200-004-001	54,500.00	\$2,225.51	\$14,684.18	\$16,959.69	\$708.23	\$3,659.91	\$4,368.14	\$21,327.83
3-D PROPERTIES LLP	1701 BRIGADE ST	2200-004-050	84,100.00	\$3,437.81	\$19,942.25	\$23,430.06	\$1,092.88	\$4,916.44	\$6,009.32	\$29,439.38
A TO Z TRAGEDY RELIEF AND	4300 FULLER AVE	38-138-80-46-05-010	9,100.00	\$293.49	\$0.00	\$343.49	\$83.55	\$0.00	\$83.55	\$427.04
A TO Z TRAGEDY RELIEF AND	4200 FULLER AVE	38-138-80-46-05-020	37,300.00	\$1,202.98	\$0.00	\$1,252.98	\$342.45	\$0.00	\$342.45	\$1,595.43
BAILEY, ROSE R	NONE	48-137-76-63-13-200	1,000.00	\$22.34	\$0.00	\$72.34	\$6.65	\$0.00	\$6.65	\$78.99
BOULDER RIDGE DEVELOPMENT INC	636 E LASALLE DR	1514-005-001	800.00	\$2,000.00	\$6,806.64	\$8,856.64	\$10.40	\$2,394.20	\$2,404.60	\$11,261.24
BURLEIGH COUNTY TAX SALE (2022)	622 BOEHM DR	0115-003-100	-	\$168.12	\$7,057.42	\$7,275.54	\$0.00	\$949.86	\$949.86	\$1.00
BURLEIGH COUNTY TAX SALE (2023)	2627 E ROSSER AVE	0655-004-001	-	\$575.81	\$5,114.82	\$5,740.63	\$0.00	\$39.65	\$39.65	\$1.00
BURLEIGH COUNTY TAX SALE (2022)	4612 NORMANDY ST	1511-002-120	-	\$352.03	\$1,912.82	\$2,314.85	\$0.00	\$319.20	\$319.20	\$1.00
BURLEIGH COUNTY TAX SALE (2023)	637 E LASALLE DR	1514-004-001	-	\$2,711.34	\$14,792.34	\$17,553.68	\$0.00	\$3,132.98	\$3,132.98	\$1.00
BURLEIGH COUNTY TAX SALE (2022)	5117 NORMANDY ST	1516-002-001	-	\$134.04	\$14,993.71	\$15,177.75	\$0.00	\$2,292.44	\$2,292.44	\$1.00
BURLEIGH COUNTY TAX SALE (2023)	124 NINA LN	2225-002-150	-	\$847.81	\$26,796.67	\$27,694.48	\$0.00	\$3,783.78	\$3,783.78	\$1.00
HUDSON, CRAY J	1937 HOUSTON DR	0608-002-125	350,300.00	\$11,169.51	\$0.00	\$11,219.51	\$4,096.93	\$0.00	\$4,096.93	\$15,316.44
KREIN, DALE A & JESSICA L	NONE	35-139-76-65-03-150	1,000.00	\$22.75	\$0.00	\$72.75	\$7.28	\$0.00	\$7.28	\$80.03
KREIN, DALE A & JESSICA L	NONE	35-139-76-65-03-160	1,000.00	\$22.75	\$0.00	\$72.75	\$7.28	\$0.00	\$7.28	\$80.03
KREIN, DALE A & JESSICA L	NONE	35-139-76-65-03-170	1,000.00	\$22.75	\$0.00	\$72.75	\$7.28	\$0.00	\$7.28	\$80.03
KREIN, DALE A & JESSICA L	NONE	35-139-76-65-03-180	1,000.00	\$22.75	\$0.00	\$72.75	\$7.28	\$0.00	\$7.28	\$80.03
KREIN, DALE A & JESSICA L	NONE	35-139-76-65-03-190	1,000.00	\$22.75	\$0.00	\$72.75	\$7.28	\$0.00	\$7.28	\$80.03
KREIN, DALE A & JESSICA L	224 MAIN AVE	35-139-76-65-03-200	18,000.00	\$325.54	\$0.00	\$375.54	\$117.98	\$0.00	\$117.98	\$493.52
KUHN, DEBRA & KUHN, JESSICA	203 MAIN ST	CW-142-76-00-08-230	32,700.00	\$1,277.46	\$0.00	\$1,327.46	\$382.57	\$0.00	\$382.57	\$1,710.03
MCGUIRE, DONALD M	3100 E AVE C	0430-011-010	242,800.00	\$9,973.44	\$959.07	\$10,982.51	\$2,839.67	\$19.06	\$2,858.73	\$13,841.24
OTTO PROPERTIES, LLC	3330 CROCUS AVE	1345-005-001	2,000.00	\$92.38	\$1,600.61	\$1,742.99	\$25.99	\$0.00	\$25.99	\$1,768.98
SHERMAN, MARVIN	NONE	33-139-78-62-21-180	7,200.00	\$171.92	\$0.00	\$221.92	\$48.13	\$0.00	\$48.13	\$270.05
SOUTHBAY DEVELOPMENT LLC	911 CALYPSO DR	1555-003-270	14,000.00	\$545.90	\$1,452.07	\$2,047.97	\$181.93	\$138.10	\$320.03	\$2,368.00
SOUTHBAY DEVELOPMENT LLC	4053 DOWNING ST	1555-007-035	13,700.00	\$533.74	\$954.99	\$1,538.73	\$178.03	\$0.00	\$178.03	\$1,716.76