



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)

May 20, 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 6, 2024, meeting minutes and bills.
5. Consent Agenda:
 - a. Abatements.
 - b. Applications for licenses, raffles, and special events permits.
6. Sheriff Leben:
 - a. Burleigh East renovation project.
 - b. Crossroads Tavern Liquor License renewal.
 - c. Variance to Burleigh County Policy.
7. County Engineer Hall:
 - a. Township mileage certification.
 - b. Developer Waiver Request.
 - c. Weight limits variance.
 - d. Developer Agreement.
 - e. Underground easement request.
8. Extension Agent Kelsey Deckert:
 - a. Office closure dates.
9. County Human Resources Director Pam Binder:
 - a. Burleigh County Health Insurance Plan Summary.

b. Health Insurance Committee Recommendations.

10. Finance Director Leigh Jacobs:

1. Burleigh/Morton Detention Center sales tax bond.

a. Update on escrow fund,

b. Timing and next steps,

c. Repurchase options,

d. Request for Commission approval.

11. County Planning Director Flanagan:

a. City of Lincoln Service Agreement.

b. CRS Application.

12. Comm. Munson:

a. Request for funding for the Lewis and Clark Development group.

13. Chairman Bitner:

a. CCUS, Carbon Capture Utilization and Storage.

b. Discussion on the U.S Army Corps of Engineers Section 58 Permit.

14. Other business.

15. Adjourn.

The next regularly scheduled Commission meeting will be on June 3rd, 2024.

Mark Splonskowski

Burleigh County Auditor/Treasurer

**BURLEIGH COUNTY COMMISSION
MEETING**

MAY 6TH, 2024

5:30 PM

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

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

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 April 15th, 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
Wayne Martinenson	2022	SW1/4 Sec 16-140-79 Naughton Twnshp	Ag property true & full value exceeds ag value defined in NDCC 57-02-27.2	\$88,100	\$74,700
Wayne Martinenson	2023	SW1/4 Sec 16-140-79 Naughton Twnshp	Ag property true & full value exceeds ag value defined in NDCC 57-02-27.3	\$93,100	\$79,000
Wayne Martinenson	2022	SE1/4 Sec 16-140-79 Naughton Twnshp	Ag property true & full value exceeds ag value defined in NDCC 57-02-27.4	\$104,600	\$96,900
Wayne Martinenson	2023	SE1/4 Sec 16-140-79 Naughton Twnshp	Ag property true & full value exceeds	\$110,500	\$102,400

			ag value defined in NDCC 57-02-27.5		
Ira Smith	2023	Lot 14, Block 24, Homan Acres 5th	80% Disabled Veteran	\$297,700	\$257,200
Laureen Fordyce Hollifield	2022	Block 5, Jennings 1st, N 57' of Lot 5 & S 7' of Lot 6	100% Disabled Veteran	\$252,800	\$162,800
Laureen Fordyce Hollifield	2023	Block 5, Jennings 1st, N 57' of Lot 5 & S 7' of Lot 6	100% Disabled Veteran	\$258,800	\$78,800
Russell & Jane Gilbertson	2022	Lot 19, Block 1, Calgary Court Addition	70% Disabled Veteran	\$305,100	\$179,100
Russell & Jane Gilbertson	2023	Lot 19, Block 1, Calgary Court Addition	70% Disabled Veteran	\$340,400	\$214,400
Tara Star Rittel	2023	Lots 15-16, Block 36, Governor Pierce	Error in property description	\$146,400	\$102,300
William McCoy	2023	Block 1, Tatley Meadows V, part of Lot 4 & all lot 5 Palace Virdes First Condo Unit 2865-A Garage 2865-A Building H	70% Disabled Veteran	\$167,200	\$33,440
John & Julie McConnell	2023	Block 6, Northern Pacific, commencing @ NW corner of Lot 3; E 82' S at right angles 39', W 82', N 39' to beginning	Error in property description	\$181,700	\$152,400
Sharee Nelson	2022	Lot 8, Block 3, High Meadows 2nd	Error in property description	\$362,500	\$321,300
Sharee Nelson	2023	Lot 8, Block 3, High Meadows 2nd	Error in property description	\$389,600	\$344,800
Corrine Lee	2023	N 50' of Lot 3, Block 3, Northern Pacific	Wheelchair exempt	\$141,000	\$41,000
Joshua Smith	2023	Lot 7, Block 4, Prairiewood Estates 2nd	50% Homestead Credit	\$173,200	\$73,200
Lillian Seifert	2023	Lot 17, Block 5, French's 1st	100% Homestead Credit	\$273,100	\$73,100

Vickie A Calheim	2024	1990 Schult 76 x 16	100% Homestead Credit	\$26,666	\$0
Eugene Clarence & Karen K Smith	2022	Lot 9, Block 1, Calgary Court Addition	20% Homestead Credit	\$293,800	\$268,800
James & Terral Frieboes	2023	Block 10, Replat Homan Acres, Lot 1 & N 13' of Lot 2 Turnpike Ave Condo Unit A	50% Homestead Credit	\$176,100	\$88,050
Donald & Marietta Nygaard	2023	1999 Liberty 28 x 64, #06L30250X4	50% Homestead Credit	\$65,372	\$32,686
Donald & Marietta Nygaard	2024	1999 Liberty 28 x 64, #06L30250X4	50% Homestead Credit	\$65,372	\$32,686
Donna Carufel	2023	Block 1, Vision Heights, E 54.43' of Lot 5 & W 5' of Lot 6	50% Homestead Credit	\$300,100	\$200,100
Janice Nesja	2023	Block 1, Pebble Creek 8th Add replat, Lot 2 3312 Arrow Head Ranch Condo Unit 4	50% Homestead Credit	\$316,700	\$216,700
Kathleen Gibbs	2023	Lot 2, Block 4, Nagel's 5th	100% Homestead Credit	\$276,400	\$176,400
Diane Linke	2023	Block 2, Airport Road, Lot 2 less E 180' & less W 30'	100% Homestead Credit	\$338,800	\$138,800
Trent & Shelly Sack	2023	Block 53, Governor Pierce, Lot D, Tract 210 less tract 210A & tract 218B of Blocks 52-53 26th St Shop Condo Assoc Unit 2	Error in property description	\$585,400	\$470,000
Jerry & Nancy Christianson	2023	Lot 1, Block 6, Wachter's 11th	50% Homestead Credit	\$255,300	\$155,300
Leona Hartman	2022	Block 47, Governor Pierce, E 50' of W 100' of Lots 13-16	10% Homestead Credit	\$170,400	\$157,889
Darlene Danielson	2023	Lot 4, Block 5, Eastside Heights	100% Homestead Credit	\$261,800	\$136,800
Carl & Thelma Kvanvig	2023	Block 1, Meeks, Lot 1 less R/W parcels 8-1 & 8-2	50% Homestead Credit	\$351,500	\$251,500

Jerry Wutzke	2023	Lot 7, Block 2, Northwest Acres 2nd	50% Homestead Credit	\$344,300	\$244,300
Steve Thingelstad	2023	Lot 2, Block 4, Nagel's 5th	100% Homestead Credit	\$176,400	\$76,400
Eugene Clarence & Karen K Smith	2023	Lot 9, Block 1, Calgary Court Addition	100% Homestead Credit	\$330,500	\$130,500
Julie Schmidt	2023	Lot 14, Block 3, Valley View Terrace	100% Homestead Credit	\$126,900	\$26,900
Bobbie Hackman	2023	Block 12, Replat Homan Acres, Lots 26-27 Homan Acres Condo Unit 7	100% Disabled Persons Credit	\$103,700	\$0
Douglas Ellingson	2023	Lot 14, Block 3, Valley View Terrace	100% Homestead Credit	\$226,900	\$126,900
Sharon Smith	2023	Lot 24, Block 22, Homan Acres 5th	100% Homestead Credit	\$290,500	\$90,500

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the Wayne Martinenson (4), Ira Smith, Lauren Fordyce Hollifield (2), Russell & Jane Gilbertson (2), Tara Star Rittel, William McCoy, John & Julie McConnell, Sharee Nelson (2), Corrine Lee, Joshua Smith, Lillian Seifert, Vickie A Calheim, Eugene Clarence & Karen K Smith (2), James & Terral Frieboes, Donald & Marietta Nygaard (2), Donna Carufel, Janice Nesja, Kathleen Gibbs, Diane Linke, Trent & Shelly Sack, Jerry & Nancy Christianson, Leona Hartman, Darlene Danielson, Carl & Thelma Kvanvig, Jerry Wutzke, Steve Thingelstad, Julie Schmidt, Bobbie Hackman, Douglas Ellingson, Sharon Smith, Dennis & Patricia Serafen, Berdell M Wilson, Donald Kasper, Larry A Holzer, Alan Kindt, Cynthia J Weekes, Ronald Seiler, Linnea Reeves, and David Swenson (2) abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

County Engineer Hall presented to the Commission a petition by Tony Fettig requesting the Commission vacate a section line in Wild Rose township. Chairman Bitner opened the public hearing. Arlene and Tony Fettig testified that there hasn't been any traffic that has gone through that area for about 40 years. She also stated that traversing the line is less than ideal, and it poses a potential fire risk as it dries during the summer. Tony also added that the Fettigs own land on both sides of the section line, and that they graze their cattle on either side of it. Paul Silbernagel, a neighbor of the Fettig's, also approached the podium and reiterated the same points. Alan Leier subsequently approached and stated that he was opposed to closing the section line for no reason. Motion by Comm. Schwab, 2nd by Comm. Munson to not abandon the section line due to the lack of any public benefit to closing the line. All members present voted "AYE". Motion carried.

County Planning Director Flanagan presented to the Commission the results of the April 10th planning commission meeting on the Baker Subdivision final plat in Missouri Township, and recommended the

Commission approve the Baker Subdivision final plat. Motion by Comm. Munson, 2nd by Comm. Bakken to approve the Baker Subdivision final plat. All members present voted "AYE". Motion carried. Chairman Bitner then opened the public hearing on the subject to amend Article 21 floodplain regulations; no one approached the podium and the public hearing was closed. Bitner pointed out to Flanagan that if the Commission were to approve the amended article, he'd like to have a word in section C to be changed from 'ridged' to 'rigid'. Motion by Comm. Munson, 2nd by Comm. Bakken to approve amended article 21 (including the word change). Comm. Munson, Bakken, and Bitner voted "AYE"; Comm. Schwab voted "NAY". Motion carried.

Sheriff Leben approached the Commission concerning the retirement release of a law enforcement K-9. Motion by Comm. Bakken, 2nd by Comm. Munson to approve the retirement release of a law enforcement K-9. All members present voted "AYE". Motion carried. Sheriff Leben then proceeded to present to the Commission the timeline of the building at 2000 North 52nd, also known as Burleigh East, and the general state/condition of the property. Leben stated that there is a lot of work and repair that needs to be done to make Burleigh East functional, up-to-date, and habitable, and hopes to complete the project for less than \$500,000 based on preliminary estimates. Motion by Comm. Munson, 2nd by Comm. Bakken to table the discussion for the next meeting for when Comm. Woodcox could be present. All members present voted "AYE". Motion carried.

Finance Director Jacobs came forward and explained that the former Burleigh County jail had around a couple million dollars in its maintenance fund prior to the current Burleigh-Morton Detention Center, which has its own fund. Jacobs expressed concern that some mingling of the two funds might cause some confusion in the future and suggested that in the future the money from the old fund be moved to a bank account set aside for the jail fund. Jacobs then gave an update on the Burleigh/Morton County Detention Center bond, stating that the county now had enough cash to meet its obligations for the bond; however, Morton County was unwilling to put forward the necessary funds to make it possible to stop the sales tax. Jacobs then presented the topic of the Budget Committee. The Commission decided to continue having the budget committee and that the next Budget Committee will consist of Chairman Bitner, Comm. Bakken, County Auditor Splonskowski, County HR director Binder, and County Finance Director Jacobs.

States Attorney Lawyer Julie presented a request to convert an Attorney I position into an Investigator position. The current investigator working at the States Attorney office has been swamped with work in recent weeks. The States Attorney office wants an additional investigator to help split their responsibilities and relieve some of the stress of the workload. Motion by Comm. Schwab, 2nd by Comm. Bakken to convert an Attorney I position into an Investigator position within the States Attorney office and fill it. All members present voted "AYE". Motion carried.

Comm. Munson presented to the Commission a request for reconsider funding for the Lewis and Clark Development group; however, a motion was made by Comm. Munson himself, 2nd by Comm. Bakken to table this request for next meeting so that Comm. Woodcox could be present. Comm. Schwab, Munson, and Bakken voted "AYE"; Chairman Bitner voted "NAY". Motion carried. Comm. Munson then requested the Commission for guidance/advice concerning uses of land at the Missouri Valley Complex and uses of Burleigh County assets for Burleigh County property. Chairman Bitner and Comm. Schwab stated that any work to be done on the property should be placed out for bids instead of using the County highway department.

Chairman Bitner brought to the attention of the Commission regarding the ETA Stormwater drainage that the county has spent vast sums of money taking care of infrastructure and cleaning up problems that the city of Bismarck made and left behind; Bitner suggested that steps should be taken to stop this. Chairman Bitner then brought to the attention of the Commission an update concerning the Summit CO2 pipeline, saying a technical hearing has been scheduled and that there will not be an opportunity for public comment at the hearing. Chairman Bitner, Comm. Bakken and Comm. Schwab all share great concerns about the entire project and how it would adversely affect Burleigh County.

Auditor-Treasurer Splonskowski went before the Commission to present the bids for the Missouri Valley Complex farmland. In total, one bid was received the bid was from Clark Coleman offering \$50 an acre per year with the recommendation of a three-year contract. Motion by Comm. Munson, 2nd by Comm. Bakken to reject the bid as is. All members present voted "AYE". Motion carried. Motion by Comm. Bakken, 2nd by Comm. Munson to accept the financial offer for the lease of agricultural property at the Complex on a one-year basis. All members present voted "AYE". Motion carried.

Comm. Munson invited people to attend the Bismarck-Mandan Chamber EDC open house to discuss the home rule charter 1 cent sales tax the following day on May 7th at 7pm.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

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

Abate #	Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
24-577	Charles & Suzanna Hitchcock	2023	Block 20, Park Hill (aud lots), beg 92.5' N & 10' E of SW cor of Aud Lot 20, th E 54.7' N 7.5' E 94.3' N 125' W 149' S 132.5' to pt of beg	80% Disabled Veteran	\$75,300	\$0
24-587	KPJ LLC	2023	Block 4, Northern Pacific, S 105' of E1/2 of Lot 3	House was removed in November, prorated value for year	\$226,000	\$198,200
24-595	Margaret Bjelanovic	2023	Lot 1, Block 27, Sturgis	Error in property description	\$98,600	\$79,100
24-596	Daniel & Genevieve Welder	2023	Lot 15, Block 3, Wachter's 5th	100% Homestead Credit	\$286,500	\$86,500
24-597	Michael & Janette Fetch	2023	Lot 7, Block 2, Haycreek Meadows	90% Disabled Veteran	\$330,500	\$168,500
24-598	Craig Boeckel	2023	Block 1, Southport Phase II, Tract 1016 of Lot 2	50% Homestead Credit	\$480,700	\$380,700
24-599	Marilyn Schlosser	2023	Lot 13, Block 1, Edgewood Village 5th	50% Homestead Credit	\$384,100	\$284,100
24-600	Timothy & Debra Schumacher	2023	Lot 14, Block 4, Gateway Addition	50% Homestead Credit	\$302,700	\$202,700
24-601	Dianne Herr	2023	Lot 7, Block 1, Trenton 2nd Addition	50% Homestead Credit	\$316,400	\$216,400
24-602	Peggy Ann Freije-Ray	2022	Lot 1, Block 22, Jennings's 5th	100% Homestead Credit	\$245,400	\$120,400
24-603	Peggy Ann Freije-Ray	2023	Lot 1, Block 22, Jennings's 5th	100% Homestead Credit	\$286,000	\$86,000
24-606	Terry Palmer	2023	1971 Boise Cas Genora 66 x 14, #GA36M01740	100% Homestead Credit	\$7,269	\$0
24-607	Terry Palmer	2024	1971 Boise Cas Genora 66 x 14, #GA36M01740	100% Homestead Credit	\$7,269	\$0
24-608	Leona & Arnold Ziegler	2023	Lot 9, Block 9, Casey's 2nd	50% Homestead Credit	\$193,000	\$144,750

24-609	Kay & Dennis Berg	2023	Lot 22, Block 5, Cottonwood Parkview Addition	100% Homestead Credit	\$321,600	\$121,600
24-610	Luanda Makedonski	2022	NW1/4 beg @ NW1/4 S 1133', E 100' to TR POB E 300', N 435', W 300', S 435' to POB	50% Homestead Credit	\$192,800	\$180,289
24-611	Luanda Makedonski	2023	NW1/4 beg @ NW1/4 S 1133', E 100' to TR POB E 300', N 435', W 300', S 435' to POB	50% Homestead Credit	\$198,700	\$98,700

APPLICATION FOR LIQUOR LICENSE

Name of Applicant MISTY WATERS MARINA Classification of License D

Primary Contact GERRY VAN BEEK Phone 

Address 5800 BURNT CREEK LOOP Date of Birth/Incorporation 9/1999

Is this a renewal of liquor license? Yes X No _____

If yes, give date of original application 2007

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
JEFF WOOD			91.25
GERRY VAN BEEK			8.75

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
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Date and type of any prior or present liquor business:

Exact legal description of proposed enterprise: *MISTY WATER TOWN: 139 RING: 81 BLK: 01*
MISTY WATERS BLOCK 01 LOT 2

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. *SECURITY FIRST BANK - BANKING*
2. *KRAMER AGENCY - INSURANCE CO.*
3. *RED CARPET PETROLEUM*
FARSTAD OIL - FUEL SUPPLIER

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.

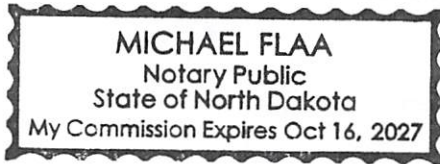
I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform County officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there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

Gerald Van Der

Signature of Applicant

Subscribed and sworn to before me this 19th day of APRIL, 2024



Michael Flaa

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 Hay Creek approve the
(Name of Township)

application for a Type D Retail Liquor License for

Misty Waters LLC
(Name of Establishment)

owned by River City Sports 3751 East Rossar Ave.
(Licensee) (Address) Bismark ND 58501

Mary L. Rennie
Chairman

Larry Heisley
Member

James C. Martel
Member

ATTEST

Clay Kubow
(Township Clerk)



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

Permit Number
24-006

Permit Type (check one)							
<input checked="" type="checkbox"/> Local Permit				<input type="checkbox"/> Restricted Event Permit*			
Games Authorized				<input type="checkbox"/> Raffle by a Political or Legislative District Party			
<input type="checkbox"/> Bingo	<input type="checkbox"/> Raffle	<input checked="" 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 UND Alumni Association & Foundation			Dates Authorized (Read Instruction 2) June 13, 2024	
Organization or Group Contact Person Ellie Johnson		E-mail [REDACTED]		Telephone Number [REDACTED]
Mailing Address 3501 University Avenue Stop 8157		City Grand Forks	State ND	ZIP Code 58202

SITE INFO

Site Name Hawktree Golf Club			County Burleigh	
Site Address 3400 Burnt Creek Loop		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.)

Raffe Board occuring on June 13, 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 (9-2023)

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 UND Alumni Association & Foundation		Dates of Activity (Does not include dates for the sales of tickets) June 13, 2024	
Organization or Group Contact Person Ellie Johnson	E-mail [REDACTED]	Telephone Number [REDACTED]	
Business Address 3501 University Avenue Stop 8157	City Grand Forks	State ND	ZIP Code 58202
Mailing Address (if different)	City	State	ZIP Code

SITE INFO

Site Name Hawktree Golf Club	County Burleigh
Site Physical Address 3400 Burnt Creek Loop	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.)
Raffle Board occurring on June 13, 2024

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

Game Type	Description of Prize	Exact Retail Value of Prize
Raffle Board	50/50 Drawing - Cash	\$500
Total (limit \$40,000 per year)		\$ 500

ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds
To benefit Athletic Scholarships at the University of North Dakota

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: **4,500** (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

Printed Name of Organization Group's Permit Organizer Kristie Hunt	Telephone Number [REDACTED]	E-mail Address [REDACTED]
Signature of Organization Group's Permit Organizer 	Title Controller	Date 5/8/24

All Items required for this Permit have been meet.

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

ITEM

6



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Request for County Commission Action

Date: May 13, 2024

To: Mark Splonskowski
Burleigh County Auditor

From: Kelly Leben 
Burleigh County Sheriff

Re: Crossroads Tavern Liquor License Renewal

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

Action Requested:

Request a Special Meeting of the Burleigh County Commission in regards to the Crossroads Tavern Liquor License Renewal.

Background:

The Crossroads Tavern located at 1205 Northstar Drive Bismarck, ND has had a Class D Liquor license since May 28, 2020. The business has been owned and operated by JJ Miller Holdings LLC with the original application listing Jocelyn Miller as owner and subsequent applications listing Jake and Jocelyn Miller as equal co-owners. Prior to the 2024 license renewal, Sheriff Leben provided information to the Burleigh County Commission relevant to the fitness of the owners as required by Burleigh County Alcoholic Beverage Rules and Regulations. During this current licensing period, on-going and additional information applicable to this license renewal has occurred. In accordance with the Burleigh County Alcoholic Beverage Rules and Regulations, the Sheriff shall investigate the facts stated in the application, and the character, reputation, and fitness of persons named in the application and shall report on such matters to the Board of County Commissioners.

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 East (BEAST) Presentation
2000 N 52nd St

- I. 1989-Burleigh County constructed a County Shop at 2000 N 52nd St.**
- II. 2014- Burleigh County constructed a new County Shop and the Sheriff's Department took possession of the old County Shop.**
- III. Since 1989, we are not aware of any major renovations to the existing buildings.**
- IV. In 2014, the Sheriff's Department moved its Patrol Section to the main shop and office building. In addition, the department hired a full-time mechanic and put him and a deputy assigned to our Training Section in that same building to oversee and maintain all equipment and vehicles in addition to maintaining all buildings and property located in that complex.**
- V. When the department moved into the building in 2014, as a cost-savings measure, the department acquired used office furniture from NDACo for use in that building.**
- VI. Since 2014, the department has relied mainly on budget dollars to maintain and update the properties. Budgeted repairs and updates include window replacement, fuel pump replacement, parking lot work, fuel tank maintenance, and gate and shop door replacement.**
- VII. In 2022, our department requested and received ARPA funds in the amount of \$324, 312 for inside and outside repairs to Burleigh East. The inside repairs identified and completed were the replacement of the heating and cooling system, the replacement of three walk-through doors, and the**

replacement of the pressure washer and venting system for the machine.

The outside repairs identified and completed were the replacement of the roof over the administrative area of the building and repair to the damaged brick as a result of the failing roof.

One major repair that was deemed unnecessary and not completed was the repair/replacement of the roof over the shop area. We learned that the problem with inside moisture was not caused by a failing roof, but rather was being caused by the failing heating/cooling system and the build-up of inside moisture as a result.

VIII. Due to the age of the building, the gender make-up of employees using the building, damage caused by water leaks during the roof issues, the general wear and tear of the building over the years, and the fact that the building transitioned from a long term shop to a quasi-office building with no refresh or updates, we felt it was appropriate to come up with a plan to refresh the building, determine approximate costs, and identify potential funding sources to pay for the costs.

IX. A summary of the project needs are as follows:

Main Office Area

New Ceiling tiles

New Lighting

Updated Computer Wiring

New Wall Paint

Updated Electrical

New Flooring

Remodeled Bathrooms

**New Server Room
New Office Furniture**

Downstairs Shop Area

Remodel Existing Bathroom/Locker room facilities to accommodate male and female employees.

New lockers for locker rooms.

Refresh Mechanic Office

- X. Based upon preliminary discussion with contractors and some of the estimates we have received, we are hopeful that we could complete the project we are envisioning for less than \$500,000.**
- XI. In discussion with department staff and Finance Director Leigh Jacobs, funding sources we have identified include the following:**
- Re-dedicate remaining ARPA funds originally dedicated for repair work at BEAST- \$142,272. Original amount \$324,312.**
 - Re-dedicate remaining ARPA funds originally dedicated for PPE purchases for Burleigh County- \$142,384. Original amount \$374,440.**
 - Dedicate Local Assistance and Tribal Consistency Funds (LATCF) - \$100,000.**
 - Dedicate \$11,512 of remaining ARPA funds that have not been dedicated to any project.**
- XII. Based on those identified funds, we would estimate an \$80,000 shortfall on the project. Based on the board's direction, we could either budget for 2025 for a one-time spending to complete the project or authorize money to be spent from the**

“old” jail maintenance fund for the jail when it was located in the courthouse.

XIII. In conclusion, we are at a crossroads with that building and need to put some resources into it at some point in the near future. Basically, we wanted to get this before the commission so we could start the discussion.



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Request for County Commission Action

Date: May 14, 2024

To: Mark Splonskowski
Burleigh County Auditor

From: Kelly Leben
Burleigh County Sheriff

Re: Variance to Burleigh County Policy- Chapter 2 SECTION 10: STARTING SALARY

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

Action Requested:

Approve a variance to the starting salary for Deputy Sheriff Taylor Wray.

Background:

Taylor Wray is a former employee of the Burleigh County Sheriff's Department and is seeking re-employment after a thirteen month separation. See attached documentation.

Recommendation:

It is recommended that the County Commission approve the variance to the starting salary for Deputy Sheriff.

Proposed Resolution:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to authorize the variance to Burleigh County Policy Chapter 2 Section 10-Starting Salary.

COURTHOUSE

514 E. Thayer • PO Box 1416
Bismarck, ND 58502-1416
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Taylor Wray
Burleigh County Sheriff's Department
Employment History

April 10, 2017 Hired as a Deputy Sheriff.
April 5, 2020- Promoted to Corporal in Sheriff's Department.
May 29, 2022- Promoted to Sergeant in Sheriff's Department.
April 28, 2023- Resigned his position with Sheriff's Department.

Additional Information:

- Served as a Field Training Officer for new employees.
- Former Investigator
- Former School Resource Officer
- Former SWAT Team Member
- Former instructor in multiple disciplines.
- Reinstated as Deputy Sheriff Grade 7 Step 8 with a probationary increase after six months to step and grade at time of resignation Pay Grade 7 Step 9.

ITEM

7



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Request for County Board Action

DATE: May 20, 2024
TO: Mark Splonskowski
County Auditor
FROM: Marcus J. Hall
County Engineer

RE: Township Mileage Certification

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

ACTION REQUESTED:

Approve the Biennial/Amended Township Road Mileage

BACKGROUND:

Every year the County Board of Commissioners are required by the State of North Dakota to certify the number of township road miles in each township. The Highway Department has reviewed the County/Township roadway system and has prepared the required forms for the County Commissioner Chair's signature. The total roadway mileage is as follows:

County Roadways:	586 miles
Organized Township Roadways:	746 miles
Un-Organized Township Roadways:	<u>153 miles</u>
Total:	1,485 miles

RECOMMENDATION:

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

PROPOSED RESOLUTION:

THEREFORE BE IT RESOLVED: That Burleigh County certifies the township road mileage breakdown and authorizes the Board Chairman to sign the required state forms.



COUNTY TOWNSHIP ROAD MILEAGE CERTIFICATIONS

OFFICE OF STATE TREASURER

SFN 58292 (9-2022)

Type of Certification (See Instructions)

Biennial (Effective July 1, 20 24)

Amendment (Effective: _____)

Name of County Burleigh	Name of County Official Preparing Form Nichole Howe	Telephone Number (701) 204-7748	Date 5/6/2024
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ORGANIZED Townships

	A Organized Township Name	B Congressional Township and Range Number (List Only One Per Line)	C Road Miles in Each Congressional Township (Rounded to the Nearest Hundredth of a Mile)	D If the Congressional Township (Column B) is in more than one county, place an "X" in this column	E If Column D is marked List the Other County or Counties	F If the Township & Range Number in Column (B) is Repeated on this Form Place an "X" in this Column
1.	Apple Creek	138-79	51.20			
2.	Boyd	138-78	25.42			
3.	Christiana	140-76	16.47			
4.	Clear Lake	140-75	22.16			
5.	Crofte	141-79	17.37			
6.	Gromwell	141-78	15.33			
7.	Driscoll	139-75	19.51			
8.	Ecklund	142-79	37.34			
9.		142-80	11.22			X
10.	Estherville	143-78	24.79			
11.	Frances	140-78	12.42			
12.	Ghylin	142-78	16.28			
13.	Gibbs	139-79	35.68			
14.	Glenview	141-80	17.30			
15.		141-81	0.18	X	Oliver	X
16.	Grass Lake	143-79	26.46			
17.	Harriet	142-75	11.82			
18.	Hay Creek	139-80	42.08	X	Morton	
19.		139-81	15.27	X	Morton	
20.	Hazel Grove	144-75	23.18			
21.	Lein	141-75	12.11			
22.	Logan	138-77	17.15			
23.	Long Lake	137-76	14.08			
24.	McKenzie	139-77	17.58			
25.	Menoken	139-78	24.75			
26.	Missouri	137-79	14.01	X	Morton	
27.	Morton	137-77	18.38			
28.	Naughton	140-79	15.73			

ORGANIZED Townships (continued)

	A Organized Township Name	B Congressional Township and Range Number (List Only One Per Line)	C Road Miles In Each Congressional Township (Rounded to the Nearest Hundredth of a Mile)	D If the Congressional Township (Column B) is in more than one county, place an "X" in this column	E If Column D is marked List the Other County or Counties	F If the Township & Range Number in Column (B) is Repeated on this Form Place an "X" in this Column
29.	Painted Woods	142-81	7.40	X	Oliver	
30.		142-80	14.47			X
31.		141-81	0.23	X	Oliver	X
32.	Richmond	143-76	9.31			
33.	Rock Hill	142-77	14.17			
34.	Schrunk	144-77	4.91			
35.	Sibley Butte	140-77	10.08			
36.	Steiber	144-78	7.35			
37.	Sterling	139-76	18.17			
38.	Taft	138-76	12.61			
39.	Telfer	137-78	26.03			
40.	Thelma	138-75	7.32			
41.	Tygg	141-77	12.31			
42.	Wild Rose	137-75	8.05			
43.	Wilson	144-79	13.57			
44.	Wing	142-76	4.66			
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Organized Township Total			745.91			

UNORGANIZED Townships

	A Congressional Township and Range Number	B Road Miles Maintained in Township (Rounded to the Nearest Hundredth of a Mile)	C If the Number in Column (A) is Also Listed in the ORGANIZED section of This Form Place an "X" in This Column	D If the Congressional Township (Column A) is in more than one county, place an "X" in this column	E If Column D is marked List the Other County or Counties
1.	Fort Rice 137-80	7.08		X	Morton
2.	Lincoln 138-80	40.27		X	Morton
3.	Burnt Creek 140-80	39.47			
4.	Riverview 140-81	22.37		X	Morton
5.	Lyman 141-76	11.60			
6.	Phoenix 143-75	11.34			
7.	Canfield 143-77	9.86			
8.	Florence Lake 144-76	10.52			
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31.					
32.					
33.					

UNORGANIZED Townships (continued)

	A Congressional Township and Range Number	B Road Miles Maintained in Township (Rounded to the Nearest Hundredth of a Mile)	C If the Number in Column (A) is Also Listed in the ORGANIZED section of This Form Place an "X" in This Column	D If the Congressional Township (Column A) is in more than one county, place an "X" in this column	E If Column D is marked List the Other County or Counties
34.					
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62.					
Unorganized Township Total		152.51			
Organized Township Total		745.91			
Countywide Total		898.42			

I certify this schedule is a true account of township road mileage for our county. The mileage is based on the township road definitions as contained in the North Dakota Administrative Code, Article 84-03. The Office of State Treasurer will accept an electronic signature and printed name on the form.

Signature of County Commissioner Chair	Printed Name of County Commissioner Chair Brian Bitner	Date
--	---	------

INSTRUCTIONS FOR COMPLETING SCHEDULE

1. Types of Certification: Mark the proper one for the report being sent. (Biennial or Amendment)
 - a. Biennial: Biennial certification is only sent by the County Commission to the Office of State Treasurer by July 1 of each even numbered year.
 - b. Amendment: Whenever there is a mileage change in a township between biennial certifications, an amendment certified by the County Commission must be sent to the Office of State Treasurer. The amended mileage should be computed by increasing or decreasing mile increments listed on the most recent township mileage certification (Biennial or Amended) filed with the Office of State Treasurer. Amended changes will be effective the first day of the next quarter after received by the State Treasurer's Office.
2. Reporting Requirements:
 - a. Mileage must be listed to the **nearest hundredth of a mile** for both organized and unorganized townships. If an organized township consists of more than one township and range number, mileage must be listed individually for each township and range number.
 - b. Each organized township and its mileage must be listed individually. The name as well as the township and range numbers must be put on the form.
 - c. List the township and range numbers for each of the un-organized townships individually in the Unorganized Township section above.
 - d. Countywide total line is the sum of both the organized and unorganized township total lines.
 - e. County commission chairman must sign form sent to the Office of State Treasurer. The Office of State Treasurer will accept an electronic signature and printed name on the form.



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: May 20, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Developer Waiver Request

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

ACTION REQUESTED:

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

BACKGROUND:

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

Janice Aberle, in the NW ¼ of Section 29, Menoken Township (see attached map), is proposing a one (1) lot subdivision (? Subdivision), and is requesting a waiver of the Pavement Policy. Under the Pavement Policy, the platting of this property would require them to re-construct and pave a minimum of 0.7 miles of County/Township roadways from the Subdivision to reach the pavement on CR 10.

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

RECOMMENDATION:

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

PROPOSED RESOLUTION:

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

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

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N
5/13/2024



PARCEL ID: 33-139-78-00-29-400 OWNER: ABERLE, JANICE ACRES: 102.99
SITE ADDRESS:
MAIL ADDRESS: 5801 PRAIRIE ROSE LP, BISMARCK, ND 58501
LEGAL: MENOKE TOWNSHIP Section 29 NW1/4 LESS R/W LESS S539' (32.8) A TO -29-220 470922 801821 29-139-78

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.



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: May 20, 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 request and direct staff on how to proceed.

BACKGROUND:

On September 6, 2023 the County Board passed following resolution regarding County Highway 10 from Bismarck City limit to 158th St. NE:

Motion by Comm. Woodcox, 2nd by Comm. Munson to approve a reduced speed limit of 55 mph for all vehicles in addition to reducing the Max Gross Vehicle Weight to 80,000 pounds with a 6-ton max single axle weight, and eliminate all overload permits on this segment of the roadway.

We have received a request for a variance to this resolution. The County Highway Department has denied this request and Nick Mariner is appealing this denial to the County Board.

Good Morning. I am writing requesting a variance for load restrictions we have for a development project that requires fill off of Hwy 10. The area I am requesting this variance for begins at the intersection of Hwy 10 and 66th SE and would continue East to Fairview Lane (the entrance to Apple Creek County Club.

Please feel free to call or email back with any questions.

Thank You,
Nick Mariner

RECOMMENDATION:

It is recommended by the Highway Department that the County Board review and discuss the Mariner request and direct the staff on how to proceed.



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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www.burleighco.com

Request for County Board Action

DATE: May 20, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Developer Agreement

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

ACTION REQUESTED:
Review and Approve Developer Agreement.

BACKGROUND:
The Developers of Summit Point 1st Subdivision will not be able to complete roadway construction this year. They have asked the County to waive one of our County platting requirements and allow the Developers to record the plat before the Chip Seal is complete.

The Highway Department has developed the attached agreement to lay out the required criteria that needs to be met in order for the County to allow the plat to move forward to be recorded.

Once the Developers of Summit Point 1st Subdivision have signed the agreement and complete all other requirements of Burleigh County, they will be able to record the plat.

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

PROPOSED RESOLUTION:

THEREFORE, BE IT RESOLVED: That the proper County officials are hereby authorized to enter into an agreement with SP Developers LLC to allow them to record the Summit Point 1st Subdivision prior to the completion of required roadway work.

Burleigh County Developer Agreement

THIS AGREEMENT is made and entered into this ____ day of _____, 2024 by and between **Burleigh County**, hereinafter called the County, the **North Dakota Department of Transportation**, hereinafter called the NDDOT, and **SP Developers LLC**, hereinafter called the Developer.

WHEREAS, the Developer wishes to have the plat for the Summit Point 1st Subdivision approved by the County prior to completion of the chip seal, which is a deviation from County policy. The Developer also wishes to have the construction of a right turn lane on North Dakota Highway 1804 (Northbound Lane) to Blue Spruce Road constructed after the Summit Point 1st Subdivision plat is recorded because a traffic study done regarding the Subdivision indicates that a right turn lane is not needed until after 30 Occupancy Permits are issued.

WHEREAS, the County and the NDDOT wish to safeguard the public interest in attempting to assure that said work will be in accordance with plans and requirements of the County and the NDDOT and will be completed in a proper, safe, and timely manner.

NOW THEREFORE the Developer has agreed to the following conditions:

1. Repair any damage to existing roadways in the subdivision caused by construction activities prior to the chip seal being placed on the roadways. Repair any damage to North Dakota State Highway 1804 adjacent to Spruce Hill Subdivision and Summit Point 1st Subdivision. The Developer must get a permit from the NDDOT before doing any repair work on Highway 1804.
2. Place the chip seal on all subdivision roadways by July 1, 2025.
3. It shall not be a requirement for the first 30 Occupancy Permits applied for within Summit Point 1st Subdivision that the North Dakota Highway 1804 (Northbound Lane) right turn lane to Blue Spruce Road be fully designed, constructed, and operational prior to the issuance of an Occupancy Permit. No additional Occupancy Permits shall be issued by Burleigh County until the turn lane is fully designed, constructed, operational, and approved in accordance with applicable NDDOT policies, guidelines, and procedures in the year the turn lane is to be constructed. The Developer shall contact the NDDOT Bismarck District Engineer when it is ready to request permission to construct the right turn lane and follow all NDDOT requirements and procedures to do so.
4. Perform all other activities deemed necessary by the County Engineer and the NDDOT to meet safety requirements, County standards, and NDDOT standards.
5. Be responsible for maintenance of the constructed roadways until final acceptance by the County Engineer and the NDDOT.
6. The Chip Seal on the subdivision roads must be completed no later than July 1, 2025. If this date is not met, no new approach permits or building permits will be issued by Burleigh County and Certificate of Occupancy's will be withheld on any open permits.

7. This agreement does not supersede any other stipulations that have been set forth by either the NDDOT or the Burleigh County Commission.
8. Provide Burleigh County with a signed agreement, between the Developer and a County approved contractor, to perform all subdivision road work as described above in the timeline prior to Burleigh County signing the plat for the subdivision.
9. In no event shall the County or the NDDOT be responsible for any costs whatsoever, including costs for additional work or costs occasioned by unforeseen or changed conditions encountered during the above-described work.
10. The decision of the Burleigh County Commission and the NDDOT upon any question connected with the execution of this agreement or upon any failure or delay in the prosecution of work by the Developer shall be final and conclusive.
11. To recognize that this is a special case and that this agreement shall not be interpreted as a new standard policy for the development of subdivisions.

The County, NDDOT and Developer each binds themselves, their partners, associates, successors, assigns, and legal representatives to the other party to this Agreement and to the partners, associates, successors, assigns, and legal representative of such other party with respect to all covenants of this Agreement without the written consent of the other.

The Developer shall defend, indemnify, and hold harmless the County and the NDDOT from and against all actions and claims, including attorney's fees and other costs of litigation related thereto, involving or in any way relating to establishing the right to indemnification, which may arise out of or in any way relates to Developer's failure to perform any of its obligations under this Agreement.

BURLEIGH COUNTY

Brian Bitner
Chairman, Burleigh County Commission

Date

Attest:

Burleigh County Auditor/Treasurer

Date

Burleigh County Engineer

Date

SP DEVELOPERS LLC

Cam Knutson, President

Date

Attest:

Date

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

Ronald Henke, NDDOT Director

Date

Approved as to Substance:

Matthew Linneman

Date

Attest:

Date



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: May 20, 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:
MDU is requesting an easement on Burleigh County Property (see attached easement and map) for under ground Cable Television, Communication, Electric and Gas Line to serve properties to the east of our shop.

RECOMMENDATION:
It is recommended by the Highway Department that the County Board review and discuss the MDU request and direct the staff on how to proceed.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP



**UNDERGROUND EASEMENT
CABLE TELEVISION, COMMUNICATION, ELECTRIC AND GAS LINES**

THIS EASEMENT, made this _____ day of _____, 20____, between MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., 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," and the following named persons, hereinafter, whether singular or plural, referred to as "OWNER," namely:

Burleigh County, whose address is 8100 43rd Ave NE, Bismarck, ND 58503

WITNESSETH, That for valuable consideration received, OWNER does hereby grant unto Companies for 99 years, jointly and severally, its and their respective successors and assigns, an easement to construct thereon, and thereafter reconstruct, increase the capacity of, operate, inspect, protect, maintain, repair, replace and remove such communication, electric and natural gas systems as the Companies may from time to time require, consisting of underground cables, wires, conduits, manholes, drains and splicing boxes, surface testing terminals, repeaters, repeater housings, markers, transformers, pedestals, pipelines, and other facilities used in the construction, operation, maintenance, increasing the capacity of, repair, replacement, and removal of said communication, electric and natural gas systems, upon, over and under a strip of land **10** feet wide across the following described real estate, situated in the County of Burleigh, State of North Dakota, to wit:

The North Ten (10) feet of the South Forty-three (43) feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 139 North, Range 79 West of the Fifth Principal Meridian, Burleigh County, North Dakota.

OWNER, its successors and assigns, hereby grants to Companies, jointly and severally, its and their successors and assigns, the right of ingress and egress at all reasonable times over and across the lands of Owner, to and from said strip of land for the purpose of exercising the rights herein granted; and to place surface markers beyond said strip. These communication, electric and natural gas systems will be bored across said tract of land.

ITEM

9

BURLEIGH COUNTY

HUMAN RESOURCES DEPARTMENT

PAM BINDER, SPHR, SHRM-SCP
DIRECTOR

HUMAN RESOURCE ASSISTANTS:
MEGAN MARTIN
DESIREE HILBORN

Memorandum

To: Chairman Brian Bitner
Commissioner Steve Bakken
Commissioner Wayne Munson
Commissioner Steve Schwab
Commissioner Jerry Woodcox

From: Pam Binder, SPHR, SHRM-SCP
HR Director/Risk Manager

Date: May 15, 2024

Re: Human Resource's Agenda item for May 20, 2024 Commission Meeting

Subject: Burleigh County Health Insurance Plan Summary & Recommendation

BACKGROUND:

Burleigh County established a self-insured health insurance plan effective for January 1, 2019. The Burleigh County Health Insurance Plan (The Plan) has been in place since that time. Blue Cross Blue Shield North Dakota (BCBSND) was contracted as the Third-Party Claims Administrator for The Plan.

The Health Insurance Committee was formed to help administer The Plan and to make recommendations to the Burleigh County Commission for the ongoing administration of The Plan. The Health Insurance Committee consists of the following members:

- Brian Bitner – Commission Chairman
- Mark Splonskowski – Auditor/Treasurer
- Brandi Caya – Deputy Auditor/Treasurer
- Leigh Jacobson – Finance Director
- Taylor Schmidt – Deputy Finance Director
- Marcus Hall – County Engineer
- Pam Binder – HR Director
- Megan Martin – HR Assistant II
- Tayonne Nachatilo – Business Manager
- Melissa Hanson - Recorder

BURLEIGH COUNTY

HUMAN RESOURCES DEPARTMENT

PAM BINDER, SPHR, SHRM-SCP
DIRECTOR

HUMAN RESOURCE ASSISTANTS:
MEGAN MARTIN
DESIREE HILBORN

When The Plan was implemented, the Burleigh County Commission approved a \$3.2 million dollar loan for The Plan. This was done as a safeguard in case the claims for the first few years were more than the contributions into The Plan. There has been two \$500,000.00 payments made from the Health Insurance Loan back into the General Fund. These transfers were made in 2022 and 2023. There will be another loan payment of \$500,000.00 made in 2024. The balance of that loan is currently at \$2.2 million dollars and will be \$1.7 million dollars after the 2024 payment has been made.

I have enclosed the Burleigh County Health Insurance Plan (The Plan) Report. This report gives us a year-over-year analysis of how The Plan has operated since its implementation on January 1, 2019. This report reflects all of the costs associated with operating The Plan and it subtracts the income that is coming in from the contributions and other payment reimbursement arrangements for The Plan. Theoretically, what is left is either the Profit (which builds the reserves for The Plan), or the Loss (which reduces the reserve levels for The Plan).

The Plan has managed to stand on its own even with the COVID pandemic in the first years of The Plan's existence. That means that thus far, we have not had to access the Health Insurance Loan Funds.

In addition to the cost of the health insurance plans claims, there are other expenses that are included into the Plan costs.

The Burleigh County Health Insurance Plan (The Plan) purchases a reinsurance product called Stop-Loss Insurance. The current Stop-Loss product is purchased through BCBSND. The premiums for the Stop-Loss contract have gone up substantially over the years due to our claim's ratio. The table below shows the year-over-year difference in the Stop-Loss Premiums paid and the Stop-Loss credits received:

Burleigh County Actual	2019	2020	2021	2022	2023
Stop Loss Premiums	\$804,031.00	\$1,055,284.00	\$1,400,979.00	\$1,778,812.00	\$1,907,566.00
Stop Loss Credits	\$926,416.00	\$1,186,961.00	\$1,951,838.00	\$2,003,334.00	\$1,094,851.00
Totals	\$(122,385.00)	\$(131,677.00)	\$(550,859.00)	\$(224,522.00)	\$812,715.00

BURLEIGH COUNTY

HUMAN RESOURCES DEPARTMENT

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The Plan also pays a Third-Party Administrative fee to BCBSND. This is the fee charged for processing claims and other operating duties for the Plan. The table below shows a year-by-year overview of the Administrative Fees:

	2019	2020	2021	2022	2023	2024
Administrative Fee (pmpm)	\$50.00	\$50.00	\$52.94	\$55.06	\$57.26	\$59.84
Expected Administrative Fee	\$175,200.00	\$175,200.00	\$181,690.00	\$204,162.00	\$206,136.00	\$214,706.00

The goal of any self-insured health insurance plan is to have a reserve built up for the years when claims costs may be higher than contributions and other reimbursements that are deposited into The Plan. The only way to build up that reserve is to raise the contributions that come into The Plan or to modify the Plan design.

With this goal in mind the Health Insurance Committee proposes the following recommendation to the Burleigh County Commission for the 2024 Plan year:

RECOMMENDATION:

The Health Insurance Committee approved the motion to recommend that the Burleigh County Commission increase the Health Insurance Premiums for 2025 to the monthly premium amounts listed in the below table:

Premiums	2024 Employee	2024 Employer	2024 Total Monthly	2025 Employee	2025 Employer	2025 Total Monthly
Single	\$48.00	\$910.00	\$958.00	\$64.80	\$1,231.20	\$1,296.00
Family	\$114.00	\$2,169.00	\$2,283.00	\$123.50	\$2,346.50	\$2,478.00

Burleigh County pays 95% of the premium and the employee pays 5% of the premium for the Burleigh County Health Insurance Plan. This is approximately an 8% increase.

The Health Insurance Committee did not recommend a loan payment for 2025. The remaining balance for the Health Insurance Plan Loan would be \$1.7 million dollars.

Burleigh County Health Insurance Plan Report

	01/01/2019 - 12/31/2019	01/01/2020 - 12/31/2020	01/01/2021 - 12/31/2021	01/01/2022 - 12/31/2022	01/01/2023 - 12/01/2023
Section 1: Source Document is the BCBSND Financial Report					
Total Average Subscribers	289	292	305	302	304
Total Average Members	819	830	858	838	836
Health Payments	\$ 3,498,895.34	\$ 3,675,060.66	\$ 4,453,494.41	\$ 4,458,212.00	\$ 4,096,984.00
Rx Payments	\$ 797,373.25	\$ 1,096,655.89	\$ 1,489,106.17	\$ 1,344,965.00	\$ 1,461,581.00
Blue Alliance Care Management	\$ 1,249.07	\$ 25,428.19	\$ 28,159.10	\$ 23,448.00	\$ -
Blue Alliance Shared Savings	\$ 19,744.20	\$ 102,833.84	\$ 55,079.65	\$ 74,830.00	\$ -
Total Group Paid	\$ 4,317,261.86	\$ 4,899,978.58	\$ 6,025,839.33	\$ 5,901,455.00	\$ 5,558,565.00
Stop Loss Credits	\$ (926,416.15)	\$ (1,364,824.44)	\$ (1,951,838.47)	\$ (2,003,334.00)	\$ (1,094,851.00)
Adjusted Group Liability	\$ 3,390,845.71	\$ 3,535,154.14	\$ 4,074,000.86	\$ 3,898,121.00	\$ 4,463,714.00
Rx Pharmacy Rebates	\$ (83,440.53)	\$ (280,623.93)	\$ (376,460.34)	\$ (304,781.49)	\$ (138,592.90)
Healthy Blue Rewards	\$ (20,851.75)	\$ -	\$ -	\$ -	\$ -
Adjusted Group Liability-Rx Rebates	\$ 3,286,553.43	\$ 3,254,530.21	\$ 3,697,540.52	\$ 3,593,339.51	\$ 4,325,121.10
Percentage Change		-1%	14%	-3%	20%
Section 2: Source Document is the Weekly BCBSND Health Insurance Plan Claims Invoices and Tax Statements.					
Stop Loss Premium Totals	\$ 875,931.54	\$ 1,055,283.93	\$ 1,400,979.40	\$ 1,778,812.00	\$ 1,907,566.00
BCBS ND Administrative Fees	\$ 173,500.00	\$ 175,450.00	\$ 193,813.34	\$ 199,813.00	\$ 208,541.00
Blue Card Administrative Fees	\$ 1,042.00	\$ 1,679.00	\$ 1,735.00	\$ 1,638.00	\$ 1,512.00
PQORI Fees	\$ -	\$ 2,077.72	\$ 2,210.46	\$ 2,393.82	\$ 2,514.00
Total Plan Premiums and Fees	\$ 1,050,473.54	\$ 1,234,490.65	\$ 1,598,738.20	\$ 1,982,656.82	\$ 2,120,133.00
Percentage Change		18%	30%	24%	7%
TOTAL PLAN COSTS	\$ 4,337,026.97	\$ 4,489,020.86	\$ 5,296,278.72	\$ 5,575,996.33	\$ 6,445,254.10
		4%	18%	5%	16%
Section 3: Source Document is the Infinite Visions Payroll Deductions Register Report					
Health Insurance Contributions:					
Employer	\$ 4,678,033.00	\$ 4,720,055.00	\$ 4,857,917.50	\$ 5,069,254.00	\$ 5,892,475.50
Employee	\$ 246,822.50	\$ 238,482.50	\$ 255,646.00	\$ 266,492.00	\$ 307,908.00
COBRA	\$ 22,334.19	\$ 27,008.00	\$ 28,883.00	\$ -	\$ 7,604.40
Total Premiums Collected	\$ 4,947,189.69	\$ 4,985,545.50	\$ 5,142,446.50	\$ 5,335,746.00	\$ 6,207,987.90
		1%	3%	4%	16%
PROFIT/(LOSS)	\$ 610,162.72	\$ 496,524.64	\$ (153,832.22)	\$ (240,250.33)	\$ (237,266.20)
On-Going Reserves		\$ 1,106,687.36	\$ 952,855.14	\$ 712,604.81	\$ 475,338.61
Loan Payable to BCC*	\$ 3,200,000.00	\$ 3,200,000.00	\$ 3,200,000.00	\$ 2,700,000.00	\$ 2,200,000.00

* The loan balance of \$2.2 million is listed separately and is not included in the on-going reserves balance.

ITEM

10

BMDC SALES TAX BOND UPDATE

- Burleigh County Finance Department

BACKGROUND

While researching all possible scenarios for bond defeasance we recently discovered, and confirmed with bond counsel and outside counsel, that because we refinanced our previous tax-exempt bond into taxable bonds, we are not subject to the restrictions that prohibit profit in a defeasance.

We are no longer limited to investing our escrow in SLGS, instead we can invest in US Treasuries. Additionally, rather than being required to call the bonds at the earliest date (November 1, 2025) we can instead invest our escrow out until the final payoff (November 1, 2032).

UPDATED ESCROW ESTIMATE

As a result of these changes, Colliers has prepared two new estimates for funding the escrow. Both estimates assume that the escrow will be funded with a combination of US Treasuries. The difference is the structure of bond payoff within the escrow account (Earliest Call Date vs Maturity).

By structuring the escrow to pay the bonds until maturity, Burleigh County will save over **\$2.2M**.

	Total Escrow Amount	Joint Share	Burleigh Share	Morton Share
Earliest Call Date	42,878,646.00	9,192,385.83	28,067,391.97	5,618,868.20
Maturity	40,134,014.00	9,192,385.83	25,780,564.59	5,161,063.58
Savings	2,744,632.00	-	2,286,827.38	457,804.62

TIMING AND NEXT STEPS

Colliers has advised us that because this defeasance will be more complicated than usual, we should start the defeasance process at least 60 days before we give notice to the tax dept.

Morton County is estimated to have collected enough sales tax to fund their share of the escrow in **September of 2024**. However, it is unlikely that they will have sufficient collections in time to begin the defeasance process on August 1, 2024. If Morton is not willing to deposit additional cash into escrow, Burleigh can deposit on their behalf, or wait until Q4 to give notice to the tax department.

Tax Dept Notice	Final Half Cent Sales Tax Collection	Defeasance Process Begins	Morton Under/(Over) Share of Escrow at Defeasance Date	Morton Under/(Over) Share of Escrow at Tax Notice Date
Q3 - 9/30/2024	12/31/2024	8/1/2024	318,487.56	(100,640.82)
Q4 - 12/31/2024	3/31/2025	10/1/2024	(260,017.89)	(676,908.41)

INTEREST RATE RISK

One potential downside to waiting until Q4 to give notice is interest rate risk. For each quarter of a percentage point US Treasury Yields decrease, Burleigh County’s cost to fund our share of the escrow could increase by over \$250,000.

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
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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	4,037,093.62	.00	.00	4,037,093.62	.00
1120013634 Reserve Fund 44-13-224	76,464.69	.00	.00	76,464.69	.00
1120013635 Burleigh Co Revenue 44-13-232	182.44	.00	.00	182.44	.00
1120013636 Morton Co Revenue 44-13-240	27.74	.00	.00	27.74	.00
1120013637 Burleigh Co Surplus 44-13-275	489,508.77	.00	.00	489,508.77	.00
1120013638 Morton Co Surplus 44-13-283	104,443.78	.00	.00	104,443.78	.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	27,815,923.31	.00	.00	27,815,923.31	.00
1210013638 Morton Co Surplus	4,244,749.17	.00	.00	4,244,749.17	.00
TOTAL ASSETS	41,847,221.04	.00	.00	41,847,221.04	.00
3100013622 Liability Fund Balance	41,847,221.04	.00	.00	41,847,221.04	.00
TOTAL LIABILITY/CAPITAL	41,847,221.04	.00	.00	41,847,221.04	.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		5,155,292.21	
less shared Debt Service Fund		4,037,093.62	
Amount to split between counties		<u>30,941,628.17</u>	
Burleigh	83.32%	25,780,564.59	
Morton	16.68%	\$ 5,161,063.58	

				BURLEIGH		MORTON			
		Balance 3/31/2024 (cash basis)		\$ 28,305,614.52		\$ 4,349,220.69			
		Defeasance amount, less debt service & reserve		<u>25,780,564.59</u>		<u>5,161,063.58</u>			
		Amount needed to defease as of 4/30/2024, net of debt service and reserve funds		<u>\$ (2,525,049.93)</u>		<u>\$ 811,842.89</u>			
								BURLEIGH	MORTON
								<i>Amount needed to defeafe, Burleigh</i>	<i>Amount needed to defeafe, Morton</i>
Receipt Quarter	Collection Quarter	Receipt Month	Collection Month	Sales Tax Receipts, Historical					
				Burleigh	Morton			(2,525,049.93)	811,842.89
Q2	Q1	5/19/2024	3/31/2024	688,155.85	132,196.41	ESTIMATE		(3,213,205.78)	679,646.48
Q2	Q2	6/22/2024	4/30/2024	1,066,011.06	185,829.63	ESTIMATE		(4,279,216.84)	493,816.85
Q3	Q2	7/24/2024	5/31/2024	987,741.14	175,329.29	ESTIMATE		(5,266,957.98)	318,487.56
Q3	Q2	8/21/2024	6/30/2024	1,095,716.25	218,445.94	ESTIMATE		(6,362,674.23)	100,041.62
Q3	Q3	9/22/2024	7/31/2024	1,021,130.79	200,682.44	ESTIMATE		(7,383,805.02)	(100,640.82)
Q4	Q3	10/20/2024	8/31/2024	716,756.35	159,377.07	ESTIMATE		(8,100,561.37)	(260,017.89)
Q4	Q3	11/22/2024	9/30/2024	1,366,765.51	235,014.56	ESTIMATE		(9,467,326.88)	(495,032.45)
Q4	Q4	12/21/2024	10/31/2024	950,487.81	181,875.96	ESTIMATE		(10,417,814.69)	(676,908.41)
Q1	Q4	1/21/2025	11/31/2024	700,759.27	127,606.44	ESTIMATE		(11,118,573.96)	(804,514.85)
Q1	Q4	2/21/2025	12/31/2024	1,405,633.01	248,832.50	ESTIMATE		(12,524,206.97)	(1,053,347.35)
Q1	Q1	3/21/2025	1/31/2025	922,938.59	158,318.59	ESTIMATE		(13,447,145.56)	(1,211,665.94)
Q2	Q1	4/21/2025	2/28/2025	488,370.25	103,451.54	ESTIMATE		(13,935,515.81)	(1,315,117.47)
Q2	Q1	5/21/2025	3/30/2025	688,155.85	132,196.41	ESTIMATE		(14,623,671.66)	(1,447,313.88)

ITEM

11



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

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Commission.
Re: City of Lincoln Service Agreement
Date: 5-15-2024
From: Mitch Flanagan, Burleigh County Planning Director. *lll*

ITEM 1

Authorization of a Service Agreement with City of Lincoln

The City of Lincoln has requested that Burleigh County amend the existing service agreement for issuing of permits and providing building inspections to include floodplain management regulations within the agreement.

ACTION REQUESTED:

Recommend approval of new agreement.

Attachments:

Ex. 1- City of Lincoln Service Agreement 2024

Burleigh County and City of Lincoln Service Agreement

This is a service Agreement between the Burleigh County Building/ Planning/ Zoning Department (hereinafter "Burleigh County") and City of Lincoln, wherein Burleigh County will provide permit issuance, floodplain regulation and building inspection services to City of Lincoln.

In consideration of the conditions contained herein, Burleigh County and City of Lincoln agree as follows:

1. **Services Provided:** Burleigh County will issue all Building, Septic System, Plumbing and Mechanical permits for City of Lincoln, including all Regulatory Floodplain requirements. Burleigh County code enforcement inspectors shall provide building, mechanical inspections and septic system inspections in City of Lincoln pursuant to the State Building codes. Burleigh County will integrate the City of Lincoln inspections into its daily inspection schedule.
2. **Standards:** The construction, design, erection, alteration, demolition, removal, conversion, repair and maintenance of all buildings and structures on any properties within the jurisdiction of City of Lincoln shall be done in accordance with standards contained in the North Dakota State Building Code including the appendices contained therein except such portions as may be deleted, modified or amended by the Board of County Commissioners.
3. **Floodplain Regulations Specific Standards;** In all special flood hazards areas where base flood elevation data has not been determined or provided by FEMA FIRM Mapping, the following provisions shall be required:
 - a. Reference BLE Base Level Engineering as best available information in review and issuance of all development permit applications and non-structural development permit applications.
4. **Hours:** The hours of inspection services will be normal Burleigh County working hours, generally 8:00AM—5:00PM Monday through Friday, excepting holidays.
5. **Employment Status:** The inspectors performing the services under this Agreement are employees of Burleigh County and not employees of City of Lincoln. Burleigh County agrees to pay the inspectors performing services under this Agreement. City of Lincoln shall not be responsible for, and Burleigh County agrees to indemnify and hold City of Lincoln harmless, from liability for all costs of the inspectors related to the work of the inspectors for City of Lincoln, including and limited to work of the inspectors for City of Lincoln.
6. **Supervision:** Burleigh County agrees that it will supervise its inspectors and provide administrative and technical support as is necessary to fulfill the requirements of this Agreement.

7. **Reliance on Information:** Burleigh County inspectors are not responsible for relying or acting upon any incorrect information provided by a permit holder or for actions resulting from information not provided by a permit holder.
8. **Payment Terms:** City of Lincoln agrees that Burleigh County will collect and retain all fees related to inspection services rendered during the term of this Agreement. Such fees shall be according to Burleigh County's fee schedule which may be amended by the Burleigh County Commission from time to time.
9. **Representations as to Adequate Insurance Coverage:** Each party to this Agreement represents and warrants to the other that it has and shall maintain in effect liability insurance coverage in an amount of not less than \$5M workforce safety, and other appropriate forms of insurance coverage sufficient to generally protect the respective parties and their employees in carrying out the objectives of this Agreement.
10. **Liability:** Each party to this Agreement agrees to be responsible for its own negligent acts and the negligent acts of its respective officers, officials, employees or agents.
11. **Term of Agreement:** The term of this Agreement shall be for a period of one year from the date of approval noted below and shall automatically renew for successive five- year terms unless terminated pursuant to Paragraph 12.
12. **Termination:** This Agreement may be terminated by either party upon at least a thirty—day written notice.
13. **Modification or Alteration:** This Agreement may be modified or altered only by the mutual written agreement of both parties

Burleigh County


Dated this _____ day of _____, 2024

Mark Splonskowski, Auditor, Treasurer

Burleigh County Commission, Chair



Mayor, City of Lincoln




City Engineer, City of Lincoln



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

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Commission.
Re: Contract Development for Community Rating System Application
Date: 5-15-2024
From: Mitch Flanagan, Burleigh County Planning Director. 

ITEM 1

Review Community Rating System Incentive Program.

Participation in the Community Rating System was reviewed by the previous Planning Director; however, lack of availability prevented completion of an application. Functions of the Department have continued to increase; however, there is an opportunity to contract out for the development of the application. The proposal would be a cost share between the Emergency Management Department and Water Resource District Board budgets to contract the application development for a cost of up to \$20,000. A successful application would provide a flood insurance discount for current and future policy holders. The program would be maintained through the Building/Planning/Zoning Department.

ACTION REQUESTED:

Approve application development for the Community Rating System through a cost share between Emergency Management and the Water Resource District Board.

Attachments:

Ex. 1- CRS Information Sheet

National Flood Insurance Program Community Rating System

The Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program (NFIP). Over 1,500 communities participate nationwide.

In CRS communities, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community's efforts that address the three goals of the program:

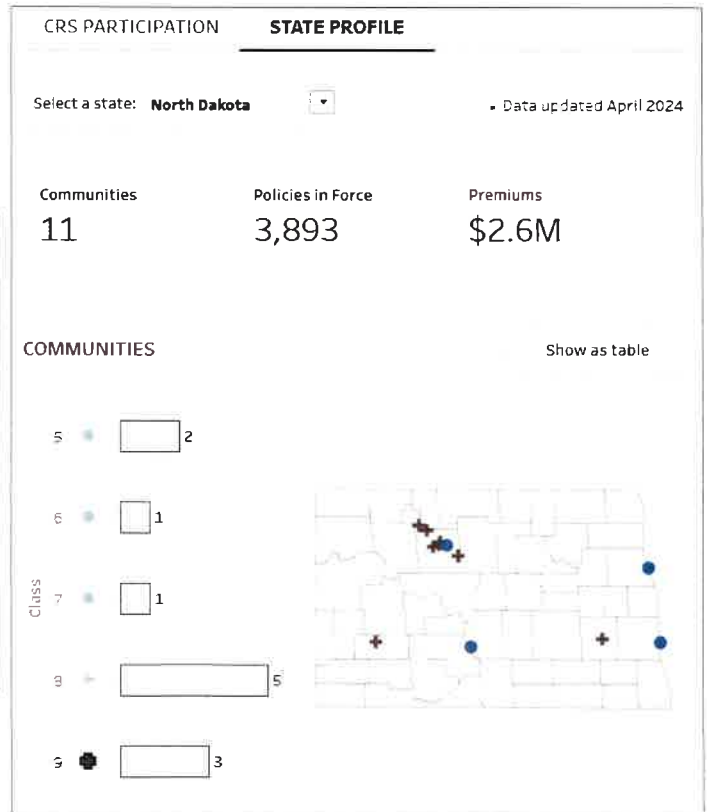
1. Reduce and avoid flood damage to insurable property.
2. Strengthen and support the insurance aspects of the National Flood Insurance Program.
3. Foster comprehensive floodplain management.

Burleigh County (outside Bismarck's ETA)

Policies in Force	165
Value of Insured Properties	\$49,138,000
Total Annual Premiums	\$144,694
Target Class 8 (10% Reduction)	\$14,470 Annual Savings

CRS Eligible Communities April 1, 2024 Effective Date

Community	Original Effective Date	Current Effective Date	CRS Class	% Discount
Bismarck, City of	10/1/2017	4/1/2023	7	15
Burlington, City of	5/1/2017	10/1/2023	9	5
Burlington, Township of	5/1/2017	5/1/2017	8	10
Carpio, City of	5/1/2017	10/1/2023	8	10
Dickinson, City of	5/1/2018	5/1/2018	9	5
Donnybrook, City of	5/1/2017	10/1/2023	8	10
Fargo, City of	5/1/2006	10/1/2017	5	25
Grand Forks, City of	10/1/1991	10/1/2003	5	25
Minot, City of	10/1/2016	4/1/2022	6	20
Sawyer, City of	5/1/2017	10/1/2023	8	10
Valley City, City of	5/1/2017	5/1/2017	9	5
Ward County	5/1/2017	10/1/2023	8	10



(Source: <https://www.fema.gov/floodplain-management/community-rating-system#visualizations>)

ITEM

12

Addenda item for May 6th Meeting

Action Requested: Reconsider Lewis & Clark Development Groups request for funding

Description: During our distribution of portfolios in November of 2022, it was suggested and voted on to drop the Lewis & Clark Development portfolio as we were no longer a participating member. From what we learned at our last meeting; we must participate according to the North Dakota Century Code. However we are not required to make an annual contribution. It has been suggested that we contribute .15 of a county mill which is approximately \$92,000. These funds are instrumental in providing funding for Grant Matches which are used in our community to assist local businesses and low income housing.

Action needed:

I request approval to fund the requested funding by the Lewis & Clark Development Group.

ITEM

13