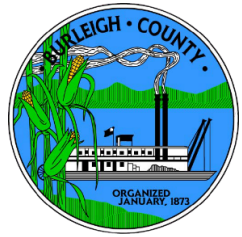




Lincoln, Fort Rice, Riverview, Florence Lake, Burnt Creek, Canfield, Lyman, & Phoenix
Unorganized Townships



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)

November 4, 2024

5:00 PM

Invocation and Pledge of Allegiance presented by Chaplain.

COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration of the October 10th special meeting minutes and October 21st meeting minutes and bills.
5. Consent Agenda:
 - a. Abatements.
 - b. Applications for licenses, raffles, and special events permits.
 - c. Check replacements.
 - d. 2nd access permits.
6. County Engineer Hall:
 - a. **PUBLIC HEARING:** Jake Brake Ordinance.
 - b. Accepting Platted Right of Way.
7. Sheriff Leben:
 - a. Attendant care shelter agreement.
 - b. 2024 Justice Assistance Grant.
 - c. Salary variance request.
8. Comm. Munson:
 - a. Auxiliary board applications.
9. Comm. Schwab:
 - a. Update on CO2 Pipeline.
10. Other business.

11. Adjourn.

The next regularly scheduled Commission meeting will be on November 18, 2024.

Mark Splonskowski
Burleigh County Auditor/Treasurer

**BURLEIGH COUNTY COMMISSION
SPECIAL MEETING MINUTES
OCTOBER 10, 2024**

2:00 PM

Chairman Bitner called the Burleigh County Commission special meeting to order.

A roll call of members: Commissioners Munson and Bitner were present, with Comm. Bakken also present via conference call. Comm. Woodcox and Schwab were absent.

Kylie from HTG Architects presented two bids for Provident Building Bid Package 1 (water line) of the Burleigh County Provident building renovation. Roers submitted a bid for \$96,500, and Northwest Contracting submitted a bid for \$43,197.

Motion by Chairman Bakken, 2nd by Comm. Munson to accept the low bidder and award the bid to Northwest Contracting. All members present voted, "AYE." Motion carried.

Meeting adjourned.

Mark Splonskowski, Auditor/Treasurer

Brian Bitner, Chairman

**BURLEIGH COUNTY COMMISSION
MEETING
OCTOBER 21ST, 2024**

5:09 PM

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

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

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

Motion by Comm. Bakken, 2nd by Comm. Munson to approve the October 7th, 2024 meeting minutes and bills, and to amend item 6a, denoting it as an extended public hearing rather than just a public hearing. 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
Travis & Cora Strand	2024	Lot 1, Block 5, Country Creek 5th	Equalize with similar homes in area	\$408,400	\$380,700
Larry Kershaw	2022	Lot E of SE1/4	60% Homestead Credit	\$262,300	\$187,300
Larry Kershaw	2023	Lot E of SE1/4	100% Homestead Credit	\$271,000	\$71,000
Eric & Lorraine Richards	2024	Lot 1 in NE1/4, Morton Township	Property qualifies for farm res exemption	\$124,500	\$14,800
Francis & Carol Miller	2024	SE1/4, Section 22, Menoken Township	Property qualifies for farm res exemption	\$234,600	\$48,000

Motion by Comm. Munson, 2nd by Comm. Bakken to approve the Travis & Cora Strand, Larry Kershaw (2), Eric & Lorraine Richards, and Francis & Carol Miller abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

County Engineer Hall came forward and presented more information relating to the undecided vacation of an excess right of way located along Highway 10 near Sterling from last meeting. Hall informed the Commission that if the county would relinquish the right of way to the property owners adjacent to it, the county would still have some degree of right of way to operate on should any projects in the area were to occur on Highway 10, and that the value of the 1.96 acre property would be worth \$3,500 per acre, or \$6,860 total. Chairman Bitner opened the floor for a continuation of the public hearing from October 7th's meeting on the vacation of an excess right of way. Since no one came forward, the public hearing was then closed. Motion by Comm. Woodcox, 2nd by Comm. Bakken to approve the sale of the 1.96 acres at \$3,500 an acre. All members present voted "AYE". Motion carried. Hall then presented a maintenance certification to the Commission for approval. Motion by Comm. Bakken, 2nd by Comm. Woodcox to approve the certification as recommended. All members present voted "AYE". Motion carried.

Hall then discussed again with the Commission about the load and speed limit restrictions on County Highway 10. 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. In a previous meeting on October 7th, 2024, Hall asked the Commission to discuss the restrictions and direct the Highway Department on how to proceed moving forward, where various contradictory and confusing motions were made. Hall presented a proposed resolution to the Commission based on all the points that were discussed at the last meeting. Regarding the speed limits, the proposed resolution stated that from the Bismarck city limits at 66th Street out to 119th Street the speed limit be set at 55mph for all vehicles, and that from 119th Street to the county line the speed limit be set at 65mph for automobiles and 55mph for trucks. Comm. Bakken expressed his strong aversion to splitting the speed limits and stood firm on a uniform speed limit for all vehicles, regardless whether it be 55 or 65mph. Comm. Schwab stated that he wouldn't support a speed limit going over 55mph in general. Motion by Comm. Bakken, 2nd by Comm. Munson to have a uniform speed limit of 55mph from the Bismarck city limits through Apple Valley and then 65mph past Apple Creek to the county line. Comm. Woodcox, Munson, Bakken, and Bitner voted "AYE"; Comm. Schwab voted "NAY". Motion carried. Regarding weight limits, within the proposed resolution Hall recommended an 80,000 lb limit with legal axel loads from the Bismarck city limits at 66th Street to 158th Street, a 105,500 lb limit with legal axel loads from 158th to US Highway 83 by Sterling, and an 80,000 lb limit with legal axel loads again from Sterling to the county line. Hall also recommended for restarting the approval of overload permits from the city limits to the county line, and to use and allow harvest permits for farmers in the area. Motion by Comm. Munson,

2nd by Comm. Bakken to approve the weight limits as outlined in the packet and recommended by Hall. All members present voted "AYE". Motion carried.

A Bravera Insurance presentation was to be shown to the Commission, but no representatives from Bravera Bank were present at the meeting. The item was added to the next county commission agenda on November 4th; no further action was taken.

Comm. Woodcox talked about a joint powers agreement that was signed in 1998 between the city of Bismarck, the city park district, and Burleigh County. In it, it said that the JPA will levy one city mill to city residents and divvy the funds as follows: 35 percent will be split evenly 50/50 between the county and city park district for the benefit of riverfront improvement, 35 percent will be used at Sibley Park, 15 percent will be used for the Burleigh County Park Board, and 15 percent will be used for law enforcement along the riverfront. Kevin Klipfel from Bismarck Parks and Rec was present to answer any questions. The main issue the commissioners mulled over was if the Bismarck City Parks and Recreation District has its own mill levy authority, budget, and park board, then why should the county collect funds for the city park district. A consensus was reached to have the county auditor look in the 1998 commission minutes to find more details about the JPA's creation; no further action was taken.

County Planner Flanagan presented to the Commission two items for recommendation from the Planning Commission. The first item was concerning Makedonski final subdivision near Sterling. Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the Makedonski final subdivision. All members present voted "AYE". Motion carried. The second item was concerning Cherney Morrisette subdivision in Riverview Township. Motion by Comm. Munson, 2nd by Comm. Bakken to approve the Cherney Morrisette subdivision. All members present voted "AYE".

Deputy Finance Director Schmidt gave a list that noted outstanding checks the county has sent out, and stated that with the Commission's approval the Finance department could cancel those checks and send the amounts to unclaimed properties. Motion by Comm. Bakken, 2nd by Comm. Woodcox to cancel said checks and send the amounts to unclaimed properties. All members present voted "AYE".

Sheriff Leben came forward and talked about a new rate fee agreement with Capital Electric regarding the Burleigh-Morton Detention Center. With some further explanations by Josh Schaffner with Capital Electric, the Commission was told that the rate structures at Capital Electric are changing and would go into effect starting January 1st, 2025. However, the Burleigh-Morton Detention Center could switch to a coincident peak rate fee right now and save roughly \$1,700 a month for the remainder of the 2024 year before the forced changes in January. Motion by Comm. Bakken, 2nd by Comm. Munson to approve switching the Burleigh-Morton Detention Center to a coincident peak rate fee. All members present voted "AYE". Sheriff Leben then discussed about the architectural and engineering selection process for the Burleigh East renovation project. Leben said that out of the four companies the Sheriff's Department looked and talked with, Ubl Design Group was the most promising candidate. Leben then requested the Commission to grant the Sheriff's Department the ability to move forward and enter into a contract with Ubl Design Group. Motion by Comm. Munson, 2nd by Comm. Woodcox to allow the Sheriff's Department to enter into contract with Ubl Design Group. Comm. Woodcox, Munson, and Bakken voted "AYE"; Comm. Schwab and Bitner voted "NAY". Motion carried.

Auditor-Treasurer Splonskowski presented to the Commission once again a list of three-year delinquent properties and the proposed minimum sales price for the upcoming tax sale on November 19th. Splonskowski stated that the full list was not printed out in its entirety at the last commission meeting due to a technical error when the list transferred from Excel to Adobe, so he wanted to make sure the full list was shown to the commissioners. Motion by Comm. Woodcox, 2nd by Comm. Munson to approve the minimum sales prices for the listed three-year delinquent properties. All members present voted "AYE". Motion carried.

A continuation of last meeting's discussion about the Garrison Diversion Conservancy District then occurred. Comm. Woodcox informed the other commissioners that the county Water Resource District will be looking into their records to see if the Garrison Diversion program ever benefitted the Water Resource District and thus the county. If the program does benefit the Burleigh County Water Resource District, then the main argument for leaving said program – that Burleigh County is not benefiting at all from being in the Garrison Diversion Conservancy District – becomes moot. Kim Cook from the Garrison Diversion Conservancy District stepped to the podium and offered to answer any questions. Comm. Schwab then asked to table the discussion so that the county can gather more information.

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
24-694	Jeffery & Doreen Schumacher	2024	Block 33, City Lands 139-80, Beg 66' N of NE cor Blk 86 McKenzie & Coffins; thence W50' N150' E50' S150' to beg	Error in property description	\$379,200	\$267,600
24-697	Kristie Kulzer	2024	Block 16, Southwood Terrace Replat pt Blk 1, W40' of Lot 3, All Lots 4-7 Willow Wood Condo Unit 322	Error in property description	\$189,900	\$176,200
24-703	Stephen Crossairt	2024	1983 Blairhouse 70 x 14, VIN#74B4Z	Mobile home was removed from lot	\$17,050	\$0
24-704	Marlene Warnke	2022	2003 Champion 28 x 66, #05033200734	40% Homestead Credit	\$79,002	\$47,402
24-708	Richard Sprynczynatyk	2023	Block 41, Fisher, S20' of E75' of Lot 11 & E75' of Lots 12-13	100% Homestead Credit	\$129,200	\$29,200
24-709	Michael Sprynczynatyk	2023	Block 41, Fisher, S20' of E75' of Lot 11 & E75' of Lots 12-13	100% Homestead Credit	\$29,200	\$0
24-715	Kurtis Bender	2022	1974 Rollohome 14 x 72, #J1353	100% Homestead Credit	\$7,546	\$0
24-716	Kurtis Bender	2023	1974 Rollohome 14 x 72, #J1353	100% Homestead Credit	\$8,029	\$0
24-717	Kurtis Bender	2024	1974 Rollohome 14 x 72, #J1353	100% Homestead Credit	\$8,029	\$0

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:

CHERYL ENERVOLD
6825 N STAR ACRES RD
BISMARCK, ND 58503

Check Date: 03/22/2023
Original Check #: 125732
Check Amount: \$194.60

AFFIDAVIT AND AGREEMENT

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

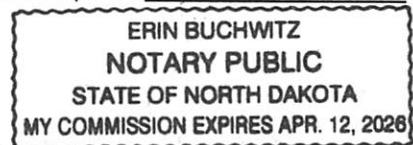
I hereby state under oath that the above-described check has never been presented to me for payment, nor transferred to any other person or persons, and the same is believed to have been lost or destroyed, and that I hereby request the County of Burleigh to issue a duplicate payment for said check.

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

Subscribed and sworn to before me:

Cheryl Enerbold
Signature of Payee
Date 10-29-24

Erin Buchwitz
Notary Public - County of _____
My Commission Expires _____



(Seal)

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

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

Burleigh County Auditor/Treasurer

Date



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Memo

Date: November 4, 2024

To: Mark Splonskowski
County Auditor

From: Marcus J. Hall P.E.
County Engineer *MJH*

RE: Second access permit for Reggie Pahl

Reggie Pahl from 1016 Silver Spur Place (The Ranch Subdivision Block 4, Lot 7) has requested a second access permit to his property. The first access approach is off of Silver Spur Place. He wishes to have a second approach off of Trail Boss Way in order to have access to his shop. We have reviewed the location of the new proposed access off of Trail Boss Way and have determined that it will meet our requirements.

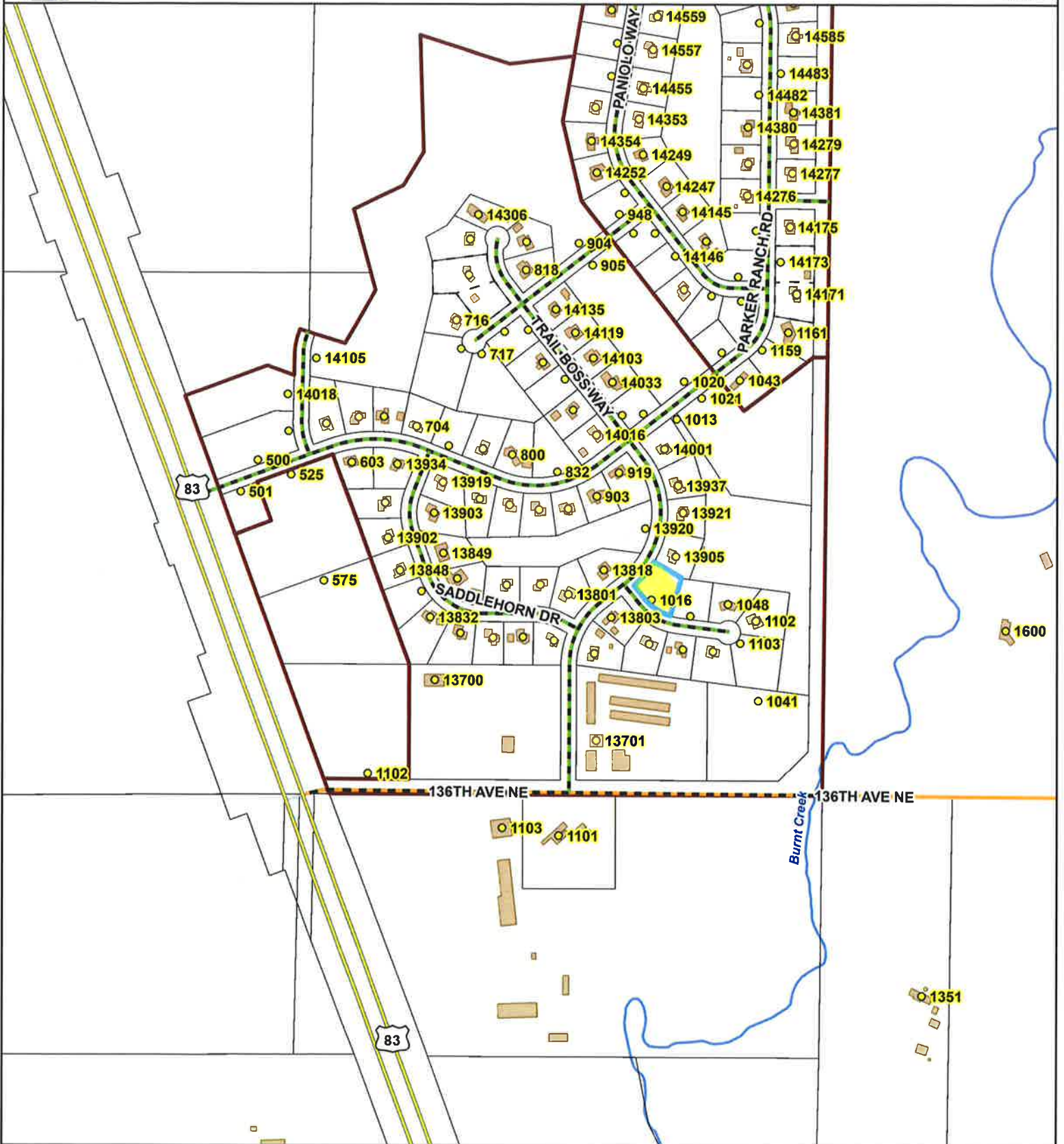
Please place the approval of a 2nd approach for Reggie Pahl on the November 4, 2024 County Board Consent Agenda.

2nd Approach Permits Requirements

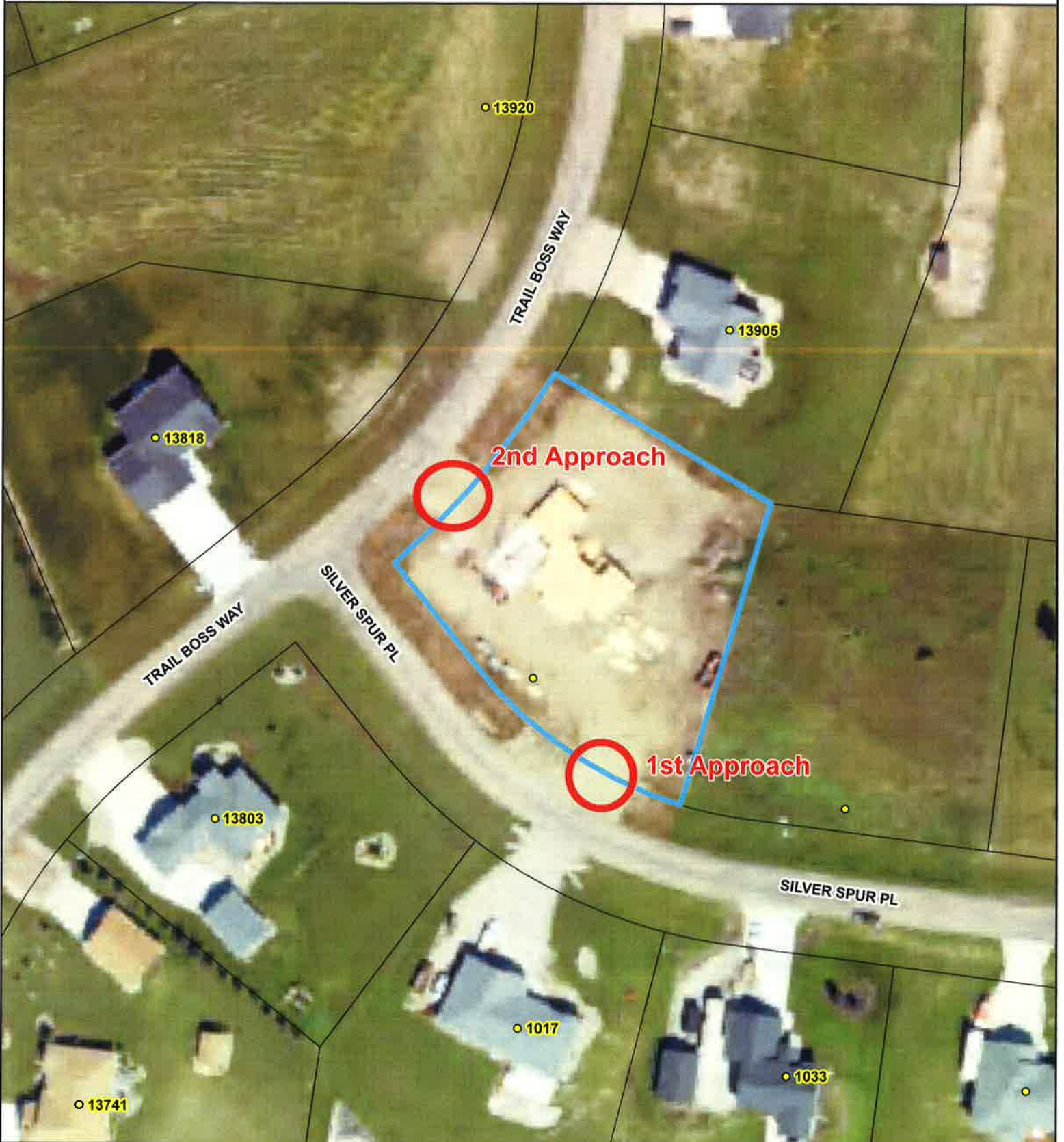
A second approach permit shall be granted by the County Engineer unless the application does not meet one of the following criteria:

- 1) The distance between adjacent approaches and the requested approach must be larger than 100 feet (center to center distance)
- 2) The requested approach provides adequate sight distance for the given speed zone (As set forth in "A Policy on Geometric Design of Highways and Street" by AASHTO.)
- 3) The second approach meets standards set out in the existing Burleigh County Zoning Ordinance.

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



PARCEL ID: 24-140-80-80-04-070 OWNER: BOSCHERT, KATELYN & BOSCHERT, SUMNER ACRES: 0.84
SITE ADDRESS: 1016 SILVER SPUR PL
MAIL ADDRESS: %PAHL, REGINALD L & AMY L LE 4101 COLEMAN ST UNIT 4, BISMARCK, ND 58503
LEGAL: THE RANCH Block 04 LOT 7



PARCEL ID: 24-140-80-80-04-070 OWNER: BOSCHERT, KATELYN & BOSCHERT, SUMNER ACRES: 0.84
SITE ADDRESS: 1016 SILVER SPUR PL
MAIL ADDRESS: %PAHL, REGINALD L & AMY L LE 4101 COLEMAN ST UNIT 4, BISMARCK, ND 58503
LEGAL: THE RANCH Block 04 LOT 7



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Memo

Date: November 4, 2024

To: Mark Splonskowski
County Auditor

From: Marcus J. Hall P.E. *MJH*
County Engineer

RE: Second access permit for Daron Johnson

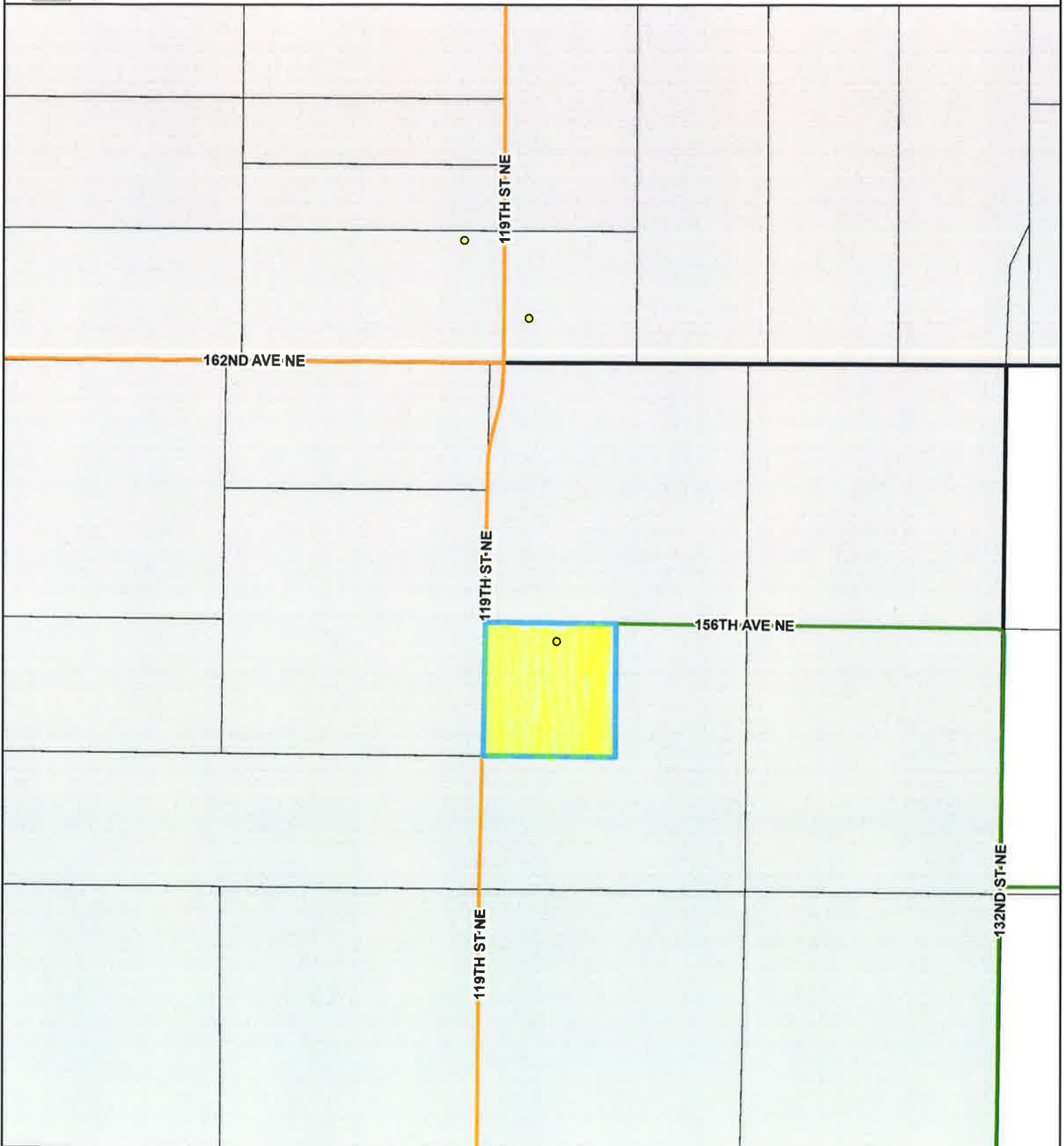
Daron Johnson from 12051 156th Ave NE has requested a second access permit to his property. The first access approach is off of 156th Ave NE. He wishes to have a second approach off of 119th Street NE in order to have access the south side of his property. We have reviewed the location of the new proposed access off of 119th Street NE and have determined that it will meet our requirements.

Please place the approval of a 2nd approach for Daron Johnson on the November 4, 2024 County Board Consent Agenda.

2nd Approach Permits Requirements

A second approach permit shall be granted by the County Engineer unless the application does not meet one of the following criteria:

- 1) The distance between adjacent approaches and the requested approach must be larger than 100 feet (center to center distance)
- 2) The requested approach provides adequate sight distance for the given speed zone (As set forth in "A Policy on Geometric Design of Highways and Street" by AASHTO.)
- 3) The second approach meets standards set out in the existing Burleigh County Zoning Ordinance.



PARCEL ID: 25-140-79-00-01-605 OWNER: JOHNSON, DARON S & > ACRES: 40
SITE ADDRESS: 12051 NE 156TH AVE
MAIL ADDRESS: PIERETTE JOHNSON, JEAN 12051 156TH AVE NE, MENOKEN, ND 58558-9622
LEGAL: NAUGHTON TOWNSHIP Section 01 NW1/4SW1/4 699017 01-140-79



PARCEL ID: 25-140-79-00-01-605 OWNER: JOHNSON, DARON S & > ACRES: 40
SITE ADDRESS: 12051 NE 156TH AVE
MAIL ADDRESS: PIERETTE JOHNSON, JEAN 12051 156TH AVE NE, MENOKE, ND 58558-9622
LEGAL: NAUGHTON TOWNSHIP Section 01 NW1/4SW1/4 699017 01-140-79

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: November 4, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Jake Brake Ordinances – Public Hearing

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

ACTION REQUESTED:

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

BACKGROUND:

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

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

RECOMMENDATION:

It is recommended that the Board review the attached Ordinance and conduct a Public Hearing. After Public Hearing, direct Staff on how to proceed. Approve Ordinance, Approve Ordinance with changes, Reject Ordinance, Table for additional information.

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

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

SECTION 1. General Provisions

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

SECTION 2. Purpose

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

SECTION 3. Definitions

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

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

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

SECTION 5. Penalty for Offenses

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

SECTION 6. Repealer

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

SECTION 7. Severability Clause

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

SECTION 8. When Effective

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

First Reading Passed: _____

Second Reading Passed: _____

Passed and adopted this ____ day of _____ 20__.

Burleigh County Commission – Chairperson

Attest: Mark Splonskowski, County Auditor



BURLEIGH COUNTY HIGHWAY DEPARTMENT

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

Request for County Board Action

DATE: November 4, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Accepting Platted Right of Way

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

ACTION REQUESTED:

Accept platted right of way shown on the attached Plat.

BACKGROUND:

Burleigh County is required to accept (on their own behalf or on the behalf of one of our Townships) Right of Way shown on Plats that are approved by the City of Bismarck, City of Lincoln or Burleigh County.

Landsberger Second Subdivision has been approved by the City of Bismarck and we are requesting that the County Board accept the Right of Way that is shown on the attached plat.

RECOMMENDATION:

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

PROPOSED RESOLUTION:

THEREFORE, BE IT RESOLVED: That the Burleigh County Board of Commissioners do hereby accept the Right of Way shown on the Landsberger Second Subdivision.

ITEM

7



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Request for County Commission Action

Date: October 28, 2024

To: Mark Splonskowski
Burleigh County Auditor

From: Kelly Leben 
Burleigh County Sheriff

Re: Attendant Care Shelter Agreement

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

Action Requested:

Approve the Attendant Care Shelter Agreement. The agreement is available for review in the Burleigh County Auditor's Office.

Background:

The Attendant Care Shelter Agreement is an annual contract to provide attendant care services for Burleigh County. The agreement is for non-secure, short term placement of delinquent, and Children in Need of Services (CHINS).

Recommendation:

It is recommended that the County Commission approve the shelter care agreement.

Proposed Resolution:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to enter in to an agreement between Burleigh County, North Dakota Association of Counties, and the State of North Dakota.

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 COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Request for County Commission Action

Date: October 21, 2024

To: Mark Splonskowski
Burleigh County Auditor

From: Kelly Leben 
Burleigh County Sheriff

Re: 2024 Justice Assistance Grant

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

Action Requested:

Approve the 2024 Justice Assistance Grant between Burleigh County and the City of Bismarck

Background:

The Justice Assistance Grant (JAG) is an annual grant awarded to the City of Bismarck with Burleigh County as a Sub-Grantee. The grant award is used to aid in equipment purchases.

Recommendation:

It is recommended that the County Commission approve the grant agreement.

Proposed Resolution:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to authorize the JAG Agreement between Burleigh County and the City of Bismarck.

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

GMS APPLICATION NUMBER O-BJA-2024-172239

AGREEMENT FOR USE OF JUSTICE ASSISTANCE GRANT AWARD (JAG)

The City of Bismarck ("City") and Burleigh County ("County") collectively known as "Parties" agree as follows:

1. **Disparate Allocation.** The City and County hereby agree that the County bears more than 50% of the costs associated with prosecution or incarceration of the City's Part 1 violent crime. As the City and County have concurrent jurisdiction and the City is scheduled to receive 150% more in grant funding, the City and County agree there is a disparate allocation and will therefore submit a joint application for the total eligible allocation to be shared as outlined in this agreement.
2. **Expenditure of JAG Grant.** The City and County hereby agree to expend JAG funds in the following manner and for the purpose stated below.
3. **Purpose.** That the Bismarck Police Department and the Burleigh County Sheriff's Department will share the grant funds under CFDA# 16.738 with 65% or \$17,501.25 the City and 35% or \$9,423.75 to the County. The program will encompass equipment and programs that have been applied for and approved through the JAG application process.
4. **Budget.** The grant amount is \$26,925 and requires funds be expended in 3 years. In addition, grant mandates require a budget which was submitted with the grant application. Both parties agree that the budget will be followed as outlined in the application.
5. **Fund Expenditures.** Funds may be expended by either Department in the furtherance of the stated purpose area and upon agreement of both the Chief of Police and Sheriff. Use of the funds will be consistent with the terms of the grant.
6. **Fiscal Agent.** The City of Bismarck, Bismarck Police Department will designate an individual as the fiscal agent whom will administer the financial and program requirements.
7. **Grant Assurances.** Both the City and the County agree to comply with all of the applicable Guidance for Grants and Agreements and including all applicable Standard Assurances and Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements which are attached to and made a part of this Agreement.
8. **Equipment.** The County agrees that tangible personal property having a useful life of more than one year and a purchase price that exceeds the lesser of the capitalization level of the City, or \$5000, (Equipment) purchased with federal funds will remain the property of the County and, when no longer needed, will be returned to the City or disposed of pursuant to the direction of the City. This paragraph shall survive the end of the term or other termination of this Agreement and remain in effect until such time as the personal property is disposed of pursuant to this paragraph.
9. The County shall respond to and clear all material weaknesses resulting from A-133 Audits. Material weaknesses identified in County current A-133 Audit must be reconciled prior to



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: 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 Kenneth Custodio.

Background:

Kenneth Custodio is a former employee of the Burleigh County Sheriff's Department and is seeking re-employment after a twenty-two 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
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

Kenneth Custodio
Burleigh County Sheriff's Department
Employment History

April 9, 2018 Hired as a Deputy Sheriff.
December 23, 2022 Resigned his position with Sheriff's Department.

Additional Information:

- Served as a Field Training Officer for new employees.
- Former Investigator
- Former Rural Enforcement and Outreach Deputy
- Former SWAT Team Member
- Former Drone Operator.
- Reinstated as Deputy Sheriff Grade 7 Step 6 with a probationary increase after six months to step and grade at time of resignation Pay Grade 7 Step 7.