

**BURLEIGH COUNTY COMMISSION  
MEETING MINUTES  
September 7, 2022**

**5:10 P.M.**

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

Roll call of the members; Commissioners, Armstrong, Jones, Matthews, Bitner, and Chairman Peluso present.

Motion by Comm. Matthews, 2<sup>nd</sup> by Comm. Armstrong to approve the August 15, 2022, meeting minutes; August 29, 2022, Special meeting minutes, and bills. All members present voted "AYE"; motion carried.

The following abatement 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:

Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to approve the Martens (2), Unruh, Graff, Silbernagel/Johnson and Pfennig (2) abatements; the raffle permits of Bismarck Cancer Center Foundation and Flash's Place LLC, stop payment on lost check number 117754 and reissue payment, along with the remainder of the Consent Agenda. All members present voted "AYE"; motion carried.

This was the hour and date set for a public hearing on the minor plat modification for Heritage Reserve Subdivision, lot 4, block 5, addressed as 12009 Acadia Drive.

County Building Official Director Flanagan mentioned that he was approached by Chad Moldenhauer regarding access points to a lot in the Heritage Reserve Subdivision. His request was to reduce the distance of the access points on the north lot line of 100' to 40' and the east lot line of 100' to 60'. Staff determined there were no concerns from this request. Because only 1 lot is petitioning the access line distances without changing the interior or exterior boundaries of the original subdivision, it was determined this modification qualifies for Title 33, Section 12 Minor Plat Modification of the Burleigh County Zoning Ordinances. Flanagan then made a recommendation to approve the minor plat modification to be recorded against the final Heritage Reserve Subdivision Plat.

Chairman Peluso closed the regular commission meeting and opened the public hearing and called for public testimony. As no one present appeared, the public hearing was closed, and the Burleigh County Commission immediately reconvened with all members present and made the following motion:

Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Matthews to approve the minor plat modification to be recorded against the final Heritage Reserve Subdivision Plat. All members present voted "AYE"; motion carried.

Two applicants for the replacement of the Burleigh County Weed Board member that was removed from the position at the August 15, 2022, County Commission meeting, were presented. After discussion a motion by Comm. Armstrong, 2<sup>nd</sup> by Comm. Jones to appoint Denise Brown to fill the vacancy position on the Burleigh County Weed Board All members present voted "AYE"; motion carried.

A lease agreement between the Burleigh County Highway Department and the Burleigh County Weed Board was presented and discussed and a motion was made by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner to accept the lease agreement for the use by the Burleigh County Weed Board of approximately 1000 square feet of office space and access to common areas, located at 8100 43<sup>rd</sup> Ave. All members present voted "AYE"; motion carried.

County Engineer Hall presented the proposal for the Equestrian and Ag Center predesign from JLG Architects and recommended that the proper County officials are hereby authorized to enter into an AIA agreement with JLG Architects for \$38,000.00 to perform predesign services for a County Equestrian and Ag Center at the Missouri Valley Complex, and to clarify that the money would come out of the Missouri Valley Complex fund. After discussion the commission felt that it is too early to commit to the project and felt that it should be something that the next commission should decide, therefore no motions were made.

County Engineer Hall mentioned that the 2023 annual budget has not been approved yet. As part of this budget, the Highway Department has requested the purchase of two new motor graders. They wish to purchase the motor graders under a 5-year total cost bid with a guaranteed repurchase agreement. The new units will replace unit #15-21 and #15-22. The existing units will be returned to the dealer under the 5-year guaranteed repurchase agreement. Hall felt to get the new motor graders in place before they need to return the existing one to the dealer, the process must get started sooner than normal. At this time, they would like to start the advertising process. They are not asking for approval of the purchase until the 2023 Budget is approved and will not receive or pay for the new motor graders until next year.

County Engineer Hall recommended that the County Auditor and the County Engineer are hereby authorized to advertise for bids for two new motor graders under a 5 year -total cost bid with a guaranteed repurchase price at the end of this period. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Matthews to approve the County Auditor and the County Engineer are hereby authorized to advertise for bids for two new motor graders under a 5 year -total cost bid with a guaranteed repurchase price at the end of this period. All members present voted "AYE"; motion carried.

Stuart Rifas requested a second approach permit to his property, Block 08, Lot 03, Copper Ridge Second (5221 Woodrow Drive). Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve the second approach permit to the Stuart Rifas property, Block 08, Lot 03, Copper Ridge Second (5221 Woodrow Drive). All members present voted "AYE"; motion carried.

Brad Fettig requested a second approach permit to his property on 80<sup>th</sup> Street NE (6260 80<sup>th</sup> Street NE). the second approach has already been constructed without County permission. The approach meets all the county standards. Fettig was present and appeared before the commission and apologized for not getting a permit. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Armstrong to approve a second approach permit to his property on 80<sup>th</sup> Street NE (6260 80<sup>th</sup> Street NE). All members present voted "AYE"; motion carried.

County Sheriff Leben asked for approval of an agreement between Lt Jeff Olson and the Burleigh County Sheriff's Department to allow Lt Jeff Olson to take ownership of his law enforcement K-9 upon retirement of the dog and asked that the proper County officials are hereby authorized to enter into an agreement with Lt Jeff Olson to take ownership of his Burleigh County Law Enforcement K-9. Motion by Comm. Jones, 2<sup>nd</sup> by Comm. Bitner that the proper County officials are hereby authorized to enter into an agreement with Lt Jeff Olson to take ownership of his Burleigh County Law Enforcement K-9. All members present voted "AYE"; motion carried.

County Sheriff Leben explained to the commission the North Dakota Department of Transportation along with NDA Co coordinates a Vision Zero Traffic Safety Program for the state with the goal of reducing traffic safety deaths. The program is designed with a coordinator in each zone with Burleigh County being part of the southwest zone. The NDA Co has requested Burleigh County be the host agency for the coordinator that is currently placed in Morton County. This coordinator position would be an employee of Burleigh County in accordance with the fully reimbursable contract. This coordinator position would work throughout the southwest zone in furtherance of the Vision Zero mission. The services of the coordinator would continue to work with the BCSD and Burleigh County Highway Department in addition to the other counties in the zone.

County Sheriff Leben recommended that the proper County officials are hereby authorized to enter into an agreement with NDACo for a Vision Zero Coordinator position in Burleigh County to take effect on October 1, 2022. Motion by Comm. Bitner, 2<sup>nd</sup> by Comm. Armstrong to approve that the proper County officials are hereby authorized to enter into an agreement with NDACo for a Vision Zero Coordinator position in Burleigh County to take effect on October 1, 2022. All members present voted "AYE"; motion carried.

Lon Klusmann, a property owner of land where the Summit Carbon Solutions plans to pass through shared is situation and issues, he is dealing with trying to stop Summit Carbon Solutions from trespassing on his property.

Meeting adjourned.

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Leo Vetter, Auditor/Treasurer

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Jim Peluso, Chairman