



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 |
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November 20, 2023

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. Public comment (excluding public hearing items.)
5. Consideration and approval of the November 1st, 2023, meeting minutes and bills.
6. Consent Agenda:
 - a. Abatements.
 - b. Applications for licenses, raffles, and special events permits.
7. County Engineer Hall:
 - a. Developer Waiver Request.
8. States Attorney Lawyer:
 - a. Opioid settlement funds.
9. County Planner Flanagan:
 - a. Aberle Park 4th subdivision.
 - b. Riverbend subdivision.
 - c. CLH Acres final subdivision.
10. Emergency Manager Senger:
 - a. Emmons County Joint powers agreement.
 - b. Sheriff's Dept. vehicle rotation.
11. Sherriff Leben:
 - a. Crossroads Tavern update.
 - b. Back the Blue Program.

- c. Part time nurse positions.

12. Commissioner Bitner:

Provident building Discussion.

- a. Blinds for office space.
- b. RFP Discussion.
- c. Building name discussion.

13. Auditor/Treasurer Splonskowski

- a. Outstanding checks.
- b. Auxiliary Board applications.

14. Other Business:

15. Adjourn.

The next regularly scheduled Commission meeting will be on December 4th, 2023.

Mark Splonskowski

Burleigh County Auditor/Treasurer/Tax

**BURLEIGH COUNTY COMMISSION
MEETING
NOVEMBER 1ST, 2023**

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

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

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

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

Chair Bakken opened the meeting for Public Comment. Kay LaCoe representing the Burleigh County Home Rule Charter Committee expressed her thanks to the county for the opportunity to learn and serve on the committee and that she supported the work they did. Brenda Nagel, President of the Bismarck/Mandan Chamber EDC requested the commission's support of the Renaissance Zone program. She shared that our higher education institutions in the area have done a great work attracting students outside of Bismarck/Mandan and they will stay if we continue to create a vibrant community that is attractive to work, live, and play in. The Renaissance Zone will help with all of this, and she encouraged the commission to support it. Kate Herzog, Chief Operating Officer at the Downtowners Association encouraged the commission to support the reinstatement of the Renaissance Zone. She stated that since the last time she was before the commission, she had gone to the state legislature and got their support to change Century Code to allow any zone to be reinstated within the state of North Dakota. Terry Fleck then shared that it's easy to support property tax exemptions when you don't pay property taxes. He stated that the county doesn't have a property tax problem, but rather a property tax exemption problem. He requested the commission to vote yes on reinstating the Renaissance Zone with two exceptions: No new construction and no residential. Public comment was then closed.

Motion by Comm. Munson, 2nd by Comm. Bitner to approve the Oct. 5th special meeting minutes and the corrected Oct. 16th, 2023 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
Prairie Aire Homes	2023	Lot 9, Block 1, Whispering Ridge 2nd	Equalize property with like properties	\$839,900	\$788,000
Kevin & Elizabeth Schieve	2023	N1/2 N1/2 NE1/2 Section 2 138-79	Farm Exempt	\$137,800	\$19,400
Robert Dorneman & Jodee Aubol	2022	Lot 11, Block 5, Wheatland Hills 2 nd	10% Disability	\$310,000	\$292,000
Thomas & Kim Fettig	2023	Lot 1, Block 1, TNK Ranch, Gibbs Township 139 N 79W	Removal of all basement finish & yard shed	\$342,100	\$303,100

Joseph & Amanda Dosch	2023	Lot 3, Block 3, Eagle Crest 5 th addition	Error in property description	\$717,700	\$660,000
Tim J & Bonnie A Fischer	2023	Lot 5, Block 8, North Hills 13 th	Error in property description	\$389,400	\$348,900
Charles F & Carol M Iten	2023	Lot 10, Block 1, Promontory Point IV 2 nd Replat	Error in property description	\$645,000	\$569,300
Dean D & Marianne Moos	2023	Lot 14, Block 5, Cottonwood Lake 4 th	Error in property description	\$512,200	\$467,600
Rebecca S Rykowsky	2021	Lot 21, Block 4, The Pointe	Error in property description	\$304,300	\$259,200
Rebecca S Rykowsky	2022	Lot 21, Block 4, The Pointe	Error in property description	\$326,100	\$281,000
Rebecca S Rykowsky	2023	Lot 21, Block 4, The Pointe	Error in property description	\$330,500	\$285,400
Nicholas S & Leah B Walker	2023	Lot 12, Block 9, Register's 2 nd	Error in property description	\$221,800	\$189,800
William & Yvonne Janko	2023	Lot 24, Block 3, Haycreek Meadows	Error in property description	\$358,800	\$297,500
Mark D & Julie A Wetzstein	2023	Lots 17-18 & S1/2 Lot 19, Block 28, Fisher	Property improvement was destroyed or damaged	\$261,600	\$243,400
Daniel O & Pamela K Donlin	2023	Lot 9, Block 2, Promontory Point IV	Error in property description	\$634,000	\$597,200
Kathy J Van Ningen	2023	Lot 4, Block 1, Sonnet Heights, Sonnet Heights Subdivision 6 th Replat	Error in property description	\$415,300	\$389,200
Todd & Lindsey Tescher	2023	Lot 4, Block 3, Southbay 5 th Addition	Error in property description	\$749,900	\$647,800
ASM Properties LLC	2023	Lot 4, Block 1, 43 rd Avenue Commercial Park 2 nd	Error in property description	\$4,948,400	\$4,644,300
Taylor R Hack	2023	Lot 11, Block 6, Cottonwood Parkview Addition	Error in property description	\$662,400	\$580,200
Wade D & Susan K Dunbar	2021	Block 3, Rolling Hills 1 st , Lot 3 Less W 15'	40% Homestead Credit	\$247,900	\$197,900
David D & Suzanne Schweigert	2023	Block 2, Eagle Crest 4 th , Lot 2 and Lot 3B of Lot 3	Error in property description	\$1,603,300	\$1,513,200
Daniel W & Debrann M Derouchey	2023	Lot 4, Block 8, Horizon Heights 5 th	Error in property description	\$662,700	\$621,000
Elesha & Devon McAlexander	2023	Lot 17, Block 12, Eagle Crest 6 th Addition	Error in property description	\$528,600	\$485,100
Arnold L Hanson	2021	Lots 1-3, Bk 2, East View, Cedar Ridge Condominiums Unit C	40% Homestead Credit	\$174,300	\$124,300
Arnold L Hanson	2022	Lots 1-3, Block 2, East View, Cedar Ridge Condominiums Unit C	40% Homestead Credit	\$173,200	\$123,200

		Block 25, Wachter's 3 rd , Lots 1-3 Bernies Continental Arms Condominium Unit 5	60% Homestead Credit	\$153,000	\$78,000
Elizabeth A Stack	2021				
		Block 25, Wachter's 3 rd , Lots 1-3 Bernies Continental Arms Condominium Unit 5	60% Homestead Credit	\$156,800	\$81,800
Elizabeth A Stack	2022				
		1981 Holly Park 76x16	100% Homestead Credit	\$12,355	\$0
Connie Ybarra	2022				
		1981 Holly Park 76x16	100% Homestead Credit	\$13,158	\$0
Connie Ybarra	2023				
		Block 2, Lewis & Clark Estates, Lot 5 Less Parcel 1-1 Hwy 1804 R/W	40% Homestead Credit	\$275,500	\$225,500
Myron & Jody Martin	2021				
		Block 2, Lewis & Clark Estates, Lot 5 Less Parcel 1-1 Hwy 1804 R/W	100% Homestead Credit	\$290,900	\$165,900
Myron & Jody Martin	2022				

Motion by Comm. Munson, 2nd by Comm. Woodcox to approve the Prairie Aire Homes, Kevin & Elizabeth Schieve, Robert Dorneman & Jodee Aubol, Thomas & Kim Fettig, Joseph & Amanda Dosch, Tim J & Bonnie A Fischer, Charles F & Carol M Iten, Dean D & Marianne Moos, Rebecca S Rykowsky (3), Nicholas S & Leah B Walker, William & Yvonne Janko, Mark D & Julie A Wetzstein, Daniel O & Pamela K Donlin, Kathy J Van Ningen, Todd & Lindsey Tescher, ASM Properties LLC, Taylar R Hack, Wade D & Susan K Dunbar, David D & Suzanne Schweigert, Daniel W & Debrann M Derouchey, Elesha & Devon McAlexander, Arnold L Hanson (2), Elizabeth A Stack (2), Connie Ybarra (2), and Myron & Jody Martin (2) abatements and the rest of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

Jim Christianson, Chair of the Renaissance Zone Authority stated that the City Commission, the School Board, and the Park Board have all approved the renewal of the Renaissance Zone and he asked for the county's support. He gave each commissioner a Return-On-Investment Case Study that Mayor Schmitz (CPA) put together that listed four examples of how the Renaissance Zone generated more revenue once the taxes kicked in for a total of \$180,000 in new property taxes. He added that the renewal would be for 5 years. The commission discussed wanting the ability to have a voting presence on the Zone as well as the ability to make development plan changes. Mr. Christianson stated that anyone is welcome to attend the meetings, but he cannot make that decision without the Renaissance Zone Authority. Ricki Roehrich, Deputy Director of the Division of Community Services at the Department of Commerce and who has also worked with the Renaissance Zone Program since 2014, clarified that the way Century Code was written the Zone would have to be reinstated first and then development plan changes could be made later, but they could be submitted concurrently. She preferred it to be done in two separate motions. She also stated that Century Code mandates that every community include both residential and commercial properties in their Renaissance Zone. Mr. Christianson added that the changes the Zone Authority made to the development plan had to be approved by the City Commission and then by the Department of Commerce. Comm. Schwab asked if the Renaissance Zone was lumping parking ramps in the figures with regular development because the TIF Zone paid for the parking ramps, and he wanted documentation on it. Bismarck Community Development Director Ben Ehreth said they have provided an itemized list on this several times in the past but can provide it again. Comm. Woodcox asked if there were any properties that benefitted from the TIF Funds and the Renaissance Zone. Mr. Ehreth stated that the TIF Fund also funded the Core Incentive

Program which helped with façade improvements and signage but had nothing to do with parking ramps, yet some TIF money was used for parking ramps. Mr. Christianson who also chairs the Parking Authority stated that TIF funds were used to pay for the new parking ramp across the alley as well as Quiet Rail and approximately \$8-9 million was returned to the political subdivisions 10 years ago. Comm. Bitner then stated that some time ago Burleigh County offered to get together with the City of Bismarck to discuss all these items and the city never responded. Burleigh County Tax Director Al Vietmeier came forward and shared that Ben Ehreth did say in an email that a meeting should happen, but it didn't, and it was probably the fault of both sides as everyone got busy. He also stated that keeping a base value allows our taxpayers to not have to pick up the dime. It's only the new construction that is being exempted off such as improvements to existing buildings, improvements on properties that aren't paying taxes, and improvements on properties that pay a lot of taxes. Mr. Vietmeier shared that the benefit of increased tax collections to the county had been huge since the program started, but one had to determine if that project wouldn't have happened without the exemption. It had stimulated growth but it's impossible to quantify that number. Comm. Munson then stated that when the tax collections were reported to be \$58,000, that means the county didn't have to increase mills because the program had already taken care of that. Motion by Comm. Munson, 2nd by Comm. Schwab to table the reinstatement of the Renaissance Zone until they hear the results from the Renaissance Zone Board. Chair Bakken stated that he wanted this back on the agenda at the next meeting. Ben Ehreth stated that if the county is asking for a revised development plan, it will take longer than the next City Commission meeting to put in place. Mr. Ehreth added that if this is supported by the Renaissance Zone Authority, the earliest it could be brought before the City Commission would be the last meeting of November. Comm. Munson then withdrew his motion with Comm. Schwab withdrawing his second. Motion by Comm. Munson to ask the Renaissance Zone Authority with the approval of the city to request our concerns regarding the tax base to be left as it is, that there is a Burleigh County commissioner as a voting member on the Renaissance Zone Authority, and that all political subdivisions be able to approve changes to the program. There was no second. Motion failed. Chair Bakken then asked if there was at least a consensus on the items for Mr. Ehreth to take back to the city in lieu of no motion. Comm. Woodcox abstained and Comm. Schwab wouldn't agree until he got information about the TIF Zone. Commissioners Munson, Bitner and Chair Bakken stated they were in favor of it. Comm. Bitner asked if Mr. Ehreth would include the Tax Director and the Auditor/Treasurer in on the conversation following the City Commission meeting.

HR Director Pam Binder brought an update regarding the Finance Department positions. All three positions have been posted (Finance Director, Deputy Finance Director, and Senior Accountant Comptroller) and some applications had been received which are being reviewed for qualifications. Once they are finished being reviewed, an interview panel will be arranged, and interviews will begin.

County Engineer Marcus Hall proposed a resolution to accept the low bid for two new motor graders. At first there was a question as to whether this bidder met the specifications as there had appeared to be a mistake on the 34-question specification form, but after further examination it was exactly the type of grader the county needed and met all the qualifications. Motion by Comm. Schwab to reject this bid and go with the bid from RDO Equipment. He stated he didn't like honest mistakes, their specs were not right, and that wasn't the county's fault. There was no 2nd. Motion failed. Motion by Comm. Bitner, 2nd by Comm. Woodcox to accept the low bid from Butler Machinery for two motor graders of \$867,200 under a 5-year total cost bid with a guaranteed repurchase price at the end of this period and enter into a contract with the bidder. Comm. Bitner stated that this wasn't a mistake at all and had Lowell Mallard of Butler Machinery clarify his document that was included in the bid packet in which he shared that the bid actually exceeded the specifications and what he tried to communicate on the form was an attempt to be honest. Commissioners

Woodcox, Bitner, and Chair Bakken voted "AYE". Commissioners Schwab and Munson voted "NAY". Motion carried.

Comm. Munson introduced an update on the Home Rule Charter. Representative Pat Heinert, member of the Home Rule Charter Committee shared that on June 10th of 2014 the Home Rule Charter was passed by public vote with the effective date of the charter being Oct. 1st, 2014 for the half cent sales tax specifically to fund Burleigh County's portion of the new Burleigh/Morton Detention Center and to remodel the old facility into office space for the Sheriff and the State Attorney's office. He stated that this would be paid for by the end of 2024 from that half cent sales tax. He shared the annual sales tax collection in 2022 was \$10,876,345.54 and was collected with a half-cent sales tax, and since the committee decided to go with a one cent sales tax, the estimated tax collected from that for the purposes of property tax reform would be approximately \$22 million. This one cent sales tax will be on the ballot in June of 2024 and will go to offset the budgets of Burleigh County's portion of the Detention Center (2024 estimate \$6,792,326), the Sheriff's Department (2024 estimate \$8,156,422), and the State Attorney's Office (\$4,940,294). The remaining \$1,710,958 will be used to offset property taxes by dedicating the excess revenue to other public safety needs. He then submitted the ballot language for the commission to consider. Comm. Bitner stated that he didn't believe we should use the word "safety" in the last sentence of the ballot language proposal but rather have the sentence say, "Any proceeds remaining that exceed the budgetary needs of the listed departments shall be used to offset property taxes by dedicating the excess revenue to other public needs (**instead of public safety needs**) of the county as determined by the County Commission." State's Attorney Lawyer suggested that everywhere it said, "half percent" should now say "one percent". She also stated that she found a typo on page 5 under "Dedication of Tax Proceeds" that the word "proceeding" should be changed to "preceding". Motion by Comm. Bitner, 2nd by Comm. Munson to change "proceeding" to "preceding". Commissioners Woodcox, Munson, Bitner and Chair Bakken voted "AYE". Comm. Schwab voted "NAY". Motion carried. Comm. Bitner stated that it would have been simpler to say that the county will have a one cent sales tax to reduce property taxes instead of prioritizing the Detention Center, Sheriff's Department and State Attorney's Office. Comm. Munson shared that on the half cent ballot measure the voters made it very clear that they wanted it spelled out specifically what the money was being used for. Comm. Schwab then stated that he is on the Home Rule Charter Commission, and he walked out of the last meeting because it wasn't recorded properly and wasn't transparent. He disagreed with listing the departments that the tax was going to go to and just wanted it to say that it was going to go to reduce property taxes. Comm. Munson stated that the concern from several members of the committee was that it had to be specific where the money was going, or it would be considered a slush fund and that can't happen. Comm. Schwab stated that this is so confusing he can't support it and will campaign against it. Motion by Comm. Bitner, 2nd by Comm. Woodcox to remove the word "safety" where it says, "Any proceeds remaining that exceed the budgetary needs of the listed departments shall be used to offset property taxes by dedicating the excess revenue to other public needs (**instead of public safety needs**) of the county as determined by the County Commission." Commissioners Woodcox, Munson, Bitner, and Chair Bakken voted "AYE". Comm. Schwab voted "NAY". Motion carried. Motion by Comm. Bitner, 2nd by Comm. Munson to go with option three on the ballot language proposal and remove the word "safety" to match the Charter language as suggested by State's Attorney Lawyer. Option 3 would then say, "The Home Rule Charter proposed amendment requires that all revenues raised and collected from 1% sales and use tax shall be used to offset property taxes used for the budgets of the Detention Center, Sheriff, and State's Attorney, and other public needs of the county." Commissioners Woodcox, Munson, Bitner, and Chair Bakken voted "AYE". Comm. Schwab voted "NAY". Motion carried.

Comm. Bitner presented a concern from Comm. Schwab that the Home Rule Charter meetings weren't being video recorded but only audio recorded. Comm. Bitner recommended that a Meeting Owl be purchased which was what the Highway Department used. It sits on the table and the camera turns to whoever is speaking. The meetings can then be uploaded to the county's YouTube Channel and posted on the Burleigh County Website. He stated they are roughly \$1000 each. Motion by Comm. Bitner, 2nd by Comm. Schwab to purchase two Meeting Owls provided they are still within the \$1000 range and use remaining funds from the Auditor/Treasurer's Office budget, if available, to pay for it to use for whenever Dakota Media Access cannot video record the meetings. Commissioners Woodcox, Bitner, Schwab, and Chair Bakken voted "AYE". Comm. Munson voted "NAY". Motion carried. Auditor Splonskowski suggested that if the Commission desired to have all committee meetings be video recorded it should be put in the policy manual and he could write something up for their approval on that but noted that there was nothing in state law that required video recorded meetings but rather only providing minutes. Comm. Bitner responded that he was just specifically talking about board and committee meetings and not meetings with a department head. Comm. Bitner then updated everyone on the Provident Building. He said there were no Requests for Proposals for architectural services received. He asked State's Attorney Lawyer if she had any suggestions. She stated that the commission look at other entities that could perform the work of an architect and see if another RFP could be put together. State's Attorney Lawyer then shared that the county was a part of the Class Action Opioid Lawsuit, and we received money that can be used for preventative and treatment measures. The state passed a law this legislative session that required the opioid settlement money to either be placed in a state Opioid Settlement Fund or be with the Public Health Unit and the political subdivision along with the Public Health Unit can determine where that money will go. Either way it must be reported to the state. Public Health got a letter from the state asking what the county's decision was on this, and they need to know by Nov. 22nd, 2023. She will put some information together on the pros and cons of both choices for the commission to consider at the Nov. 20th meeting.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Steve Bakken, 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
23-228	Sunne Lutheran Church Elesha & Devon	2023	Block 6, Lots 3, 4 & E1/2 of Lot 5, Macomber's First, City of Wilton	Parsonage for Church	\$290,200	\$0
23-271	McAlexander	2022	Lot 17, Block 12, Eagle Crest 6th Addition	Error in property description	\$508,000	\$464,500
23-280	Michael & Sara Dewald	2023	Lot 14, Block 4, Promontory Point IV	Error in property description	\$620,100	\$549,200
23-281	Duane Vanvleet	2021	Block 79, William's Survey, Lot 15 & S1/2 of Lot 16	100% Homestead Credit	\$99,300	\$0
23-282	Duane Vanvleet	2022	Block 79, William's Survey, Lot 15 & S1/2 of Lot 16	100% Homestead Credit	\$108,300	\$0
23-283	Sharon R Bull	2021	Block 2, Sonnet Heights Subdivision 1st Replat, Lot 2 Canada Acres Condominium Unit 811 Building 1	100% Homestead Credit	\$187,500	\$7,500
23-284	Sharon R Bull	2022	Block 2, Sonnet Heights Subdivision 1st Replat, Lot 2 Canada Acres Condominium Unit 811 Building 1	100% Homestead Credit	\$211,700	\$31,700
23-285	John & Karla Saylor	2023	Block 1, Southport, Lot 7 & Undivided Interest in Common Areas	Error in property description	\$868,000	\$835,200
23-286	Park District of the City of Bismarck	2023	Section 30, PT N1/2 #481451 30-139-80, Hay Creek Township	Exempt from taxation	\$7,200	\$0
23-287	Park District of the City of Bismarck	2023	Section 19, Lot 10A in SW1/4SE1/4 (IRR PLT #291979) 19-139-80, Hay Creek Township	Exempt from taxation	\$500	\$0
23-288	Park District of the City of Bismarck	2023	Section 19, 26.42 A of SE1/4SW1/4 & .90 A of SW1/4SE1/4 481499 19-139-80, Hay Creek Township	Exempt from taxation	\$13,700	\$0
23-289	Park District of the City of Bismarck	2023	Section 30, PT NW1/4 ORD5386 653587 664848 506569 507067 ORD4892 510401 514205 627434 627435 627426 627427 627430 30-139-80, Hay Creek Township	Exempt from taxation	\$5,500	\$0

			Section 30, PT W1/2 LESS TR FOR HOSP ADD, TYLERS 1ST TYLERS WEST VLG LESS 9.82A-412 & 11.74A-414 & 13.10A TO CTY			
23-290	Park District of the City of Bismarck	2023	W XVI ORD #4752 & 487540 30-139-80	Exempt from taxation	\$1,900	\$0
23-291	Park District of the City of Bismarck	2023	Section 30, PT N1/2 #442674 443378 443379 30-139-80, Hay Creek Township	Exempt from taxation	\$4,900	\$0
23-292	Park District of the City of Bismarck	2023	Section 30, PT N1/2 #481451 30-139-80, Hay Creek Township	Exempt from taxation	\$5,900	\$0
23-293	Hope Keller	2022	Lots 1-2, Block 62, McKenzie & Coffin's Block 1, Cottonwood Lake 8th, Lot 5 981	100% Homestead Credit	\$155,500	\$30,500
23-294	Darlene M Meier	2022	Santa Fe Condominium Assoc Unit 1 & Garage 1	60% Homestead Credit	\$209,000	\$134,000
23-295	Eric B Kubischta	2023	Lot 2, Block 49, Northern Pacific 2nd	Error in property description	\$133,900	\$112,500
23-299	Darren Davis	2022	Lot 14, 2006 Friendship 66' x 14'	100% Disabled Veteran	\$43,197	\$0
23-300	Darren Davis	2023	Lot 14, 2006 Friendship 66' x 14'	100% Disabled Veteran	\$47,124	\$0
23-301	R Miller Properties LLC #1 Matthew A & Kelly J	2023	Lot 13, Block 3, Jennings 1st	Error in property description	\$356,200	\$339,900
23-302	Olson	2023	Lot 4, Block 4, Promontory Point IV	Error in property description	\$664,800	\$619,900
23-303	Vern Scott & Cheryl Ann Engh	2023	Lot 4, Block 1, RPT L14-23 B.1 The Pointe	Error in property description	\$523,100	\$488,200
23-304	Ingrid W Omlid Living Trust	2022	Lot 3, Block 19, Morningside Heights	20% Homestead Credit	\$253,100	\$228,100

			Section 21, Riverview Township, PT SE1/4					
			21 beg at the SE Cor Sec21 W along S line					
	North Cape Properties		to river th to pob etc (incl PT Lot 1 Block 1		Structures in serious			
23-305	LLP	2023	Corwin 139'X 8'+ 40' DED R/W) 21-140-81		disrepair	\$453,800	\$322,500	

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: November 20, 2023

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."

James and Stacey Braunagel, in the SE ¼ of Section 33, Menoken Township (see attached map), is proposing a one (1) lot subdivision (Braunagel Subdivision), and is requesting a waiver of the Pavement Policy. Under the Pavement Policy, the platting of this property would require them to pave a minimum of 0.6 miles of County/Township roadways from the Subdivision to reach the pavement on County Highway #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.

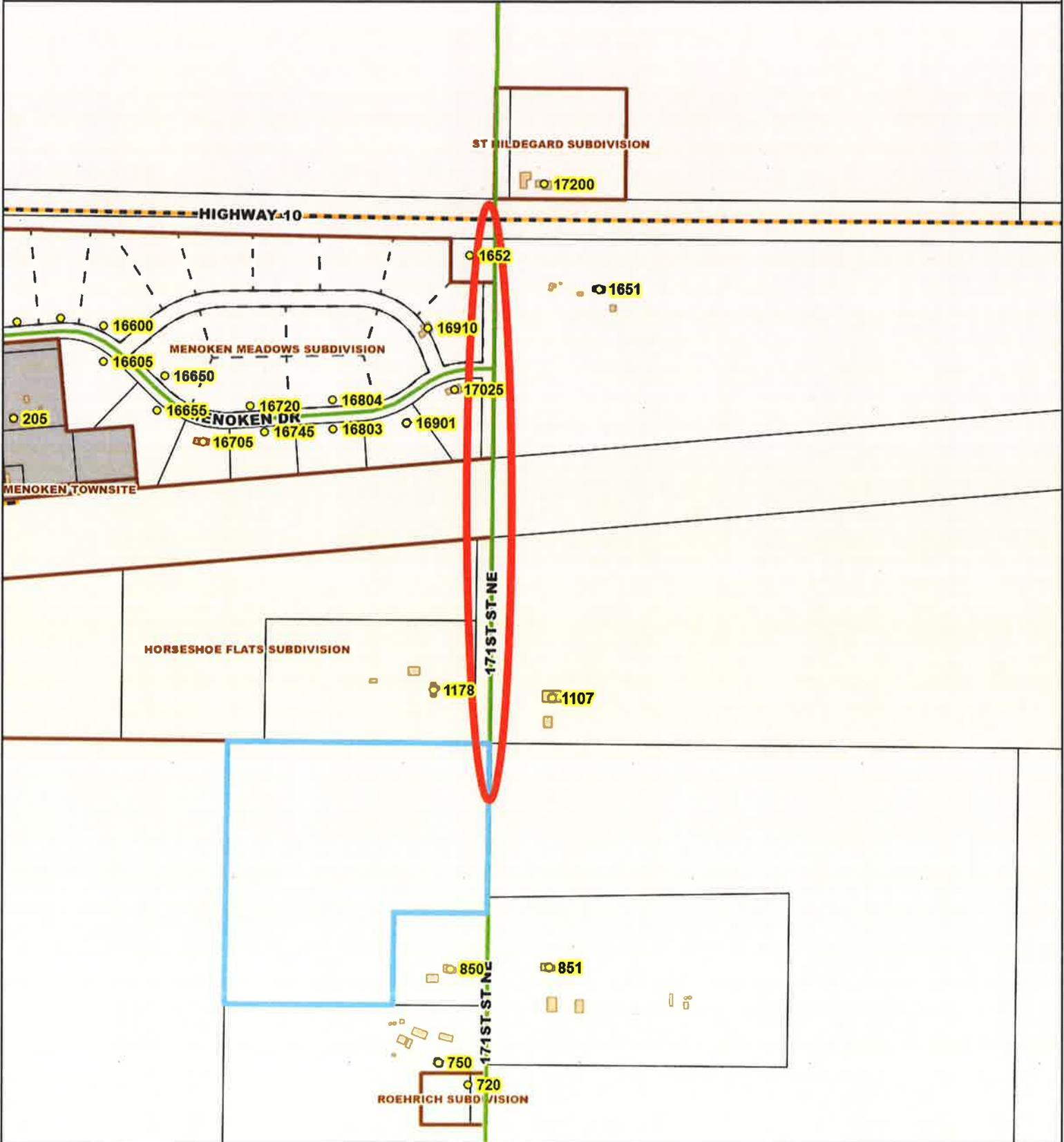
PROPOSED RESOLUTION:

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 James and Stacey Braunagel's request to waive the paving requirements "*paving of all internal roadways and adjacent section line roads*" listed in the Pavement Policy, in conjunction with the approval of the Braunagel Subdivision.

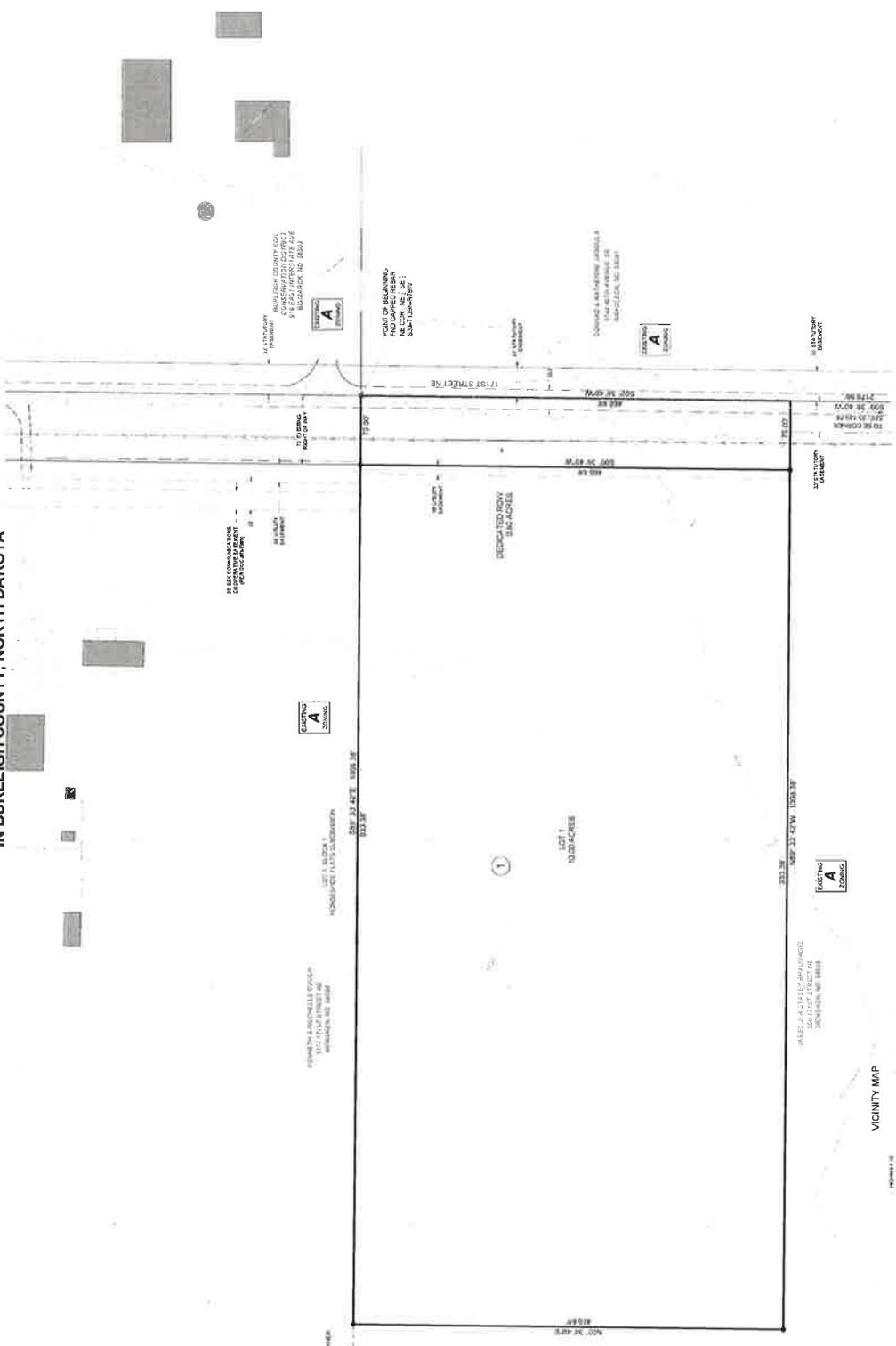
BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
11/3/2023



PARCEL ID: 33-139-78-00-33-810 OWNER: BRAUNAGEL, JAMES J & STACEY ACRES: 35
SITE ADDRESS:
MAIL ADDRESS: 850 171ST ST NE, MENOKEN, ND 58558
LEGAL: MENOKEN TOWNSHIP Section 33 NE1/4 SE1/4 LESS 5 A TO -815 600744 33-139-78

PRELIMINARY PLAT
BRAUNAGEL SUBDIVISION
 OF BURLEIGH COUNTY, NORTH DAKOTA
 PART OF THE SE 1/4 OF SECTION 33, T139N, R78W
 IN BURLEIGH COUNTY, NORTH DAKOTA

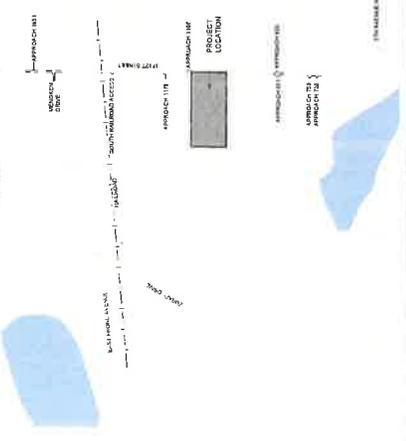


LAND DESCRIPTION
 A TRACT OF LAND BEING PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T139N, R78W, NORTH 1/4, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 1. 100.00 ACRES BEING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 33, T139N, R78W, NORTH 1/4, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 489.8 FEET THENCE NORTH 89° 32' 42" WEST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; 100.00 FEET THENCE NORTH 89° 32' 42" EAST ON THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND CONTAINING 0.82 ACRES MORE OR LESS

ACREAGE TABLE

LOT 1	10.00 ACRES
DEDICATED ROW	8.88 ACRES
TOTAL	18.88 ACRES

VICINITY MAP



- LEGEND**
- FOUND BARNY MONUMENT
 - SET CAPPED REBAR - 1/2" DIA
 - EXISTING GRADWELL
 - EXISTING FENCE
 - EXISTING OVERHEAD ELECTRIC
 - EXISTING POWER POLE
 - NON-ACCESS LINE



DATE: OCTOBER 18, 2023
 VERTICAL DATUM: NAD 83
 HORIZONTAL DATUM: NAD 83
 BASED ON NORTH DAKOTA SOUTH
 ZONE ADJUSTED INTERNATIONAL FEET
 BY 1/4" FROM THE "BASIC CREATION"
 AND ARE REPORTED IN FID

PROFESSIONAL LAND SURVEYOR
 MARK ISAACS, LS6928

INSURANCE SUBDIVISION
 PART OF SOUTHWEST QUARTER
 SECTION 33, T139N, R78W
 BUILDING NORTH DAKOTA

ISAACS &
 ENGINEERING

4370 6th Ave SW
 Fargo, ND 58103
 (701) 785-1111
 www.isaacs-engineering.com

OWNER: JAMES BRAUNAGEL
 801 1/2 STREET NW
 MENARD, ND 58558

- NOTES**
1. BEARINGS AND DISTANCES MAY VARY FROM DIFFERENT METHODS OF FIELD MEASUREMENTS.
 2. DIMENSIONS OF RECORD DRAWINGS SHALL PREVAIL OVER THIS PLAT.
 3. THIS PLAT SHOWS THE LOCATION OF THE PROPOSED ZONING LOT, ELEC., AND ACCESS LINE.

1873 J. 62273 8 8/18/2023
 801 1/2 STREET NW
 MENARD, ND 58558

EXISTING
A
 ZONING

ITEM

8



Public Health
Prevent. Promote. Protect.

Bismarck-Burleigh Public Health



MEMORANDUM

DATE: 10/31/2023

TO: Mark Splonskowski, Auditor, Treasurer
Burleigh County Commission

FROM: Renae Moch, Public Health Director
Kelly Leben, Burleigh County Sheriff

ITEM: Opioid Settlement Funds

Please place this item on the November 20, 2023 Burleigh County Commission Agenda.

BACKGROUND INFORMATION:

In the most recently completed legislative session, HB1447 was passed requiring a political subdivision that recovers money as a result of opioid litigation to either deposit the money into the state fund or retain the money and transfer to the public health unit providing services to that political subdivision.

If funds are retained by the political subdivision, the political subdivision must collaborate with public health on the use of the money for local programs remediating and abating the opioid crises. The political subdivision and public health unit shall work together to ensure all reporting requirements are met. An allocation plan must be submitted to the ND Department of Health and Human Services behavioral health division prior to expenditure.

As of 8/3/2023, Burleigh County has received a total of \$93,616.99 in opioid settlement payments

REQUEST:

Burleigh County Commission needs to determine if the opioid litigation money received by Burleigh County should be:

1. Deposited to the state fund
OR

2. Retained locally and transferred to the public health unit providing services to that political subdivision for the development of plans to remediate and abate the opioid crises.

Supporting Information/Resources:

North Dakota Century Code 50-36-06:

<https://www.ndlegis.gov/cencode/t50c36.pdf#nameddest=50-36-06>

Political Subdivision Allocation Plans:

As required by [North Dakota Century Code 50-36-06](#), a political subdivision that recovers and retains moneys as a result of opioid litigation shall collaborate with a public health unit on the use of the moneys for local programs for remediating and abating the opioid crisis. All political subdivisions shall provide an allocation plan to the behavioral health division prior to expenditure. Plans should be submitted [online](#).

Opioid Settlement Funds must be used in a way that aligns with [Exhibit E](#).

View the most up to date list of payments received by political subdivisions [here](#).

MEMORANDUM

To: Burleigh County Commissioners
From: Julie Lawyer, State's Attorney
CC: Mark Splonskowski, Auditor / Treasurer
RE: Opioid Settlement legislation

Pursuant to N.D.C.C. Ch. 50-36, there are two options the Commission can choose from regarding the county's opioid settlement funds:

- 1) Deposit the moneys in the state's opioid settlement fund
- 2) Retain money received in the settlement

the results of both options are explained below.

Option 1: Deposit money in State's fund

The money the State receives from the opioid settlement fund and any money deposited in the fund by political subdivisions who receive opioid settlement funds are placed into their own fund to be used in compliance with any court-ordered restrictions and as authorized by the state legislature.

An advisory committee will be formed to forward recommendations for spending the money to the Department of Health and Human Services. They will be developing a process for receiving spending recommendations from political subdivisions and the public and are required to consider cultural practices and alternative best practice treatment methods when making those recommendations.

The committee will consist of the following individuals appointed for a two-year term by the chairman of the legislative management:

- a) One member of the ND Association of Counties;
- b) One member of the ND League of Cities;
- c) One member of the ND State Association of City and County Health Officials;

Appointed for a two-year term by the Highway Patrol superintendent:

- d) One member who represents the Highway Patrol;

Appointed for a two-year term by the Governor (nonvoting member):

- e) One member to act as the presiding officer of the committee;

Appointed based upon position with no term limit

- f) Executive Director of the Behavioral Health Division of the ND Department of Health and Human Services;
- g) Managing Director of the Officer of Recovery Reinvented;

The Department of Health and Human Services' annual spending decisions must include at least twenty percent for opioid use and prevention and overdose prevention.

If this option is chosen, the Commission would be able to provide spending recommendations to the Committee for consideration on how the money is spent.

Option 2: Retain money received

If the settlement money is retained, it must be transferred to the public health unit that provides services to the political subdivision.

The money must be spent in compliance with any court-ordered restrictions.

The Commission is required to collaborate with the public health unit on the use of the money for local programs for remediating and abating the opioid crisis.

An allocation plan must be submitted to the Behavioral Health Division of the ND Department of Health and Human Services before money can be spent. The ND Department of Health and Human Services is required to report to the legislature on state fund and local political subdivisions have spent opioid settlement funds.

“The department shall implement or assist with the implementation of spending decisions made under this chapter.” N.D.C.C. § 50-36-05(2)

If this option is chosen, the Commission would have to work with Bismarck / Burleigh Public Health to determine how the money is spent and would have to submit their plan to the ND Department of Health and Human Services prior to spending any money.

Eligible Political Subdivision	Distributor payments received (year 1-2)	Janssen 1/13/22 (1)	Janssen 1/13/22 (2)	Janssen 1/13/22 (3)	Janssen 1/13/22 (4)	Janssen 1/13/22 (5)	Distributor payment year 3 (8/3/23)	Total (8/3/23)
Adams County	\$1,480.64	\$ 259.81	\$ 485.14	\$ 606.14	\$ 744.92	\$ 825.66	\$ 758.71	\$5,161.02
Barnes County	\$5,255.83	\$ 922.25	\$ 1,722.12	\$ 2,151.63	\$ 2,644.25	\$ 2,930.86	\$ 2,693.20	\$18,320.14
Benson County	\$3,736.24	\$ 655.61	\$ 1,224.21	\$ 1,529.54	\$ 1,879.73	\$ 2,083.48	\$ 1,914.53	\$13,023.34
Billings County	\$240.76	\$ 42.25	\$ 78.89	\$ 98.56	\$ 121.13	\$ 134.25	\$ 123.37	\$839.21
Bismarck	\$35,678.20	\$ 6,260.53	\$ 11,690.27	\$ 14,605.94	\$ 17,949.96	\$ 19,895.62	\$ 18,282.27	\$124,362.79
Bottineau County*								
Bowman County*								
Burke County	\$607.45	\$ 106.59	\$ 199.04	\$ 248.68	\$ 305.61	\$ 338.74	\$ 311.27	\$2,117.38
Burleigh County	\$26,857.60	\$ 4,712.76	\$ 8,800.12	\$ 10,994.96	\$ 13,512.25	\$ 14,976.89	\$ 13,762.41	\$93,616.99
Cass County	\$41,965.93	\$ 7,363.85	\$ 13,750.50	\$ 17,180.01	\$ 21,113.36	\$ 23,401.91	\$ 21,504.24	\$146,279.80
Cavalier County*								
Devils Lake	\$1,641.87	\$ 288.10	\$ 537.98	\$ 672.15	\$ 826.04	\$ 915.58	\$ 841.33	\$5,723.05
Dickey County	\$2,748.68	\$ 482.32	\$ 900.63	\$ 1,125.26	\$ 1,382.88	\$ 1,532.78	\$ 1,408.48	\$9,581.03
Dickinson	\$4,792.13	\$ 840.89	\$ 1,570.18	\$ 1,961.80	\$ 2,410.96	\$ 2,672.29	\$ 2,455.59	\$16,703.84
Divide County*								
Dunn County	\$2,274.13	\$ 399.05	\$ 745.14	\$ 930.98	\$ 1,144.13	\$ 1,268.15	\$ 1,165.31	\$7,926.89
Eddy County	\$1,009.78	\$ 177.19	\$ 330.86	\$ 413.38	\$ 508.03	\$ 563.09	\$ 517.43	\$3,519.76
Emmons County*								
Fargo	\$58,303.37	\$ 10,230.61	\$ 19,103.60	\$ 23,868.23	\$ 29,332.84	\$ 32,512.33	\$ 29,875.89	\$203,226.87
Foster County	\$1,785.06	\$ 313.23	\$ 584.89	\$ 730.77	\$ 898.08	\$ 995.42	\$ 914.70	\$6,222.15
Golden Valley County	\$1,032.74	\$ 181.22	\$ 338.39	\$ 422.78	\$ 519.58	\$ 575.90	\$ 529.20	\$3,599.81
Grand Forks	\$32,632.48	\$ 5,726.09	\$ 10,692.31	\$ 13,359.08	\$ 16,417.63	\$ 18,197.20	\$ 16,721.58	\$113,746.37
Grand Forks County	\$24,764.11	\$ 4,345.41	\$ 8,114.17	\$ 10,137.93	\$ 12,459.00	\$ 13,809.48	\$ 12,689.66	\$86,319.76
Grant County	\$948.89	\$ 166.50	\$ 310.91	\$ 388.46	\$ 477.39	\$ 529.14	\$ 486.23	\$3,307.52
Griggs County	\$939.74	\$ 164.90	\$ 307.91	\$ 384.71	\$ 472.79	\$ 524.04	\$ 481.54	\$3,275.63
Hettinger County	\$950.28	\$ 166.75	\$ 311.37	\$ 389.02	\$ 478.09	\$ 529.91	\$ 486.94	\$3,312.36
Jamestown	\$3,183.78	\$ 558.66	\$ 1,043.19	\$ 1,303.38	\$ 1,601.78	\$ 1,775.41	\$ 1,631.44	\$11,097.64
Kidder County	\$1,393.58	\$ 244.53	\$ 570.50	\$ 456.62	\$ 701.12	\$ 777.12	\$ 714.10	\$4,857.57
La Moure County	\$1,376.04	\$ 241.46	\$ 450.87	\$ 563.32	\$ 692.30	\$ 767.34	\$ 705.11	\$4,796.44
Lisbon	\$622.03	\$ 109.15	\$ 203.81	\$ 254.64	\$ 312.94	\$ 346.87	\$ 318.74	\$2,168.18
Logan County	\$743.90	\$ 130.53	\$ 243.74	\$ 304.54	\$ 374.26	\$ 414.83	\$ 381.19	\$2,592.99
Mandan	\$5,104.69	\$ 895.73	\$ 1,672.59	\$ 2,089.76	\$ 2,568.20	\$ 2,846.58	\$ 2,615.75	\$17,793.30
Mchenry County*								
McIntosh County	\$1,300.80	\$ 228.25	\$ 426.22	\$ 532.52	\$ 654.44	\$ 725.38	\$ 666.56	\$4,534.17
Mckenzie County	\$5,580.41	\$ 979.21	\$ 1,828.47	\$ 2,284.51	\$ 2,807.54	\$ 3,111.86	\$ 2,859.52	\$19,451.52
McLean County	\$5,159.86	\$ 905.41	\$ 1,690.67	\$ 2,112.34	\$ 2,595.96	\$ 2,877.35	\$ 2,644.02	\$17,985.61
Mercer County	\$5,094.78	\$ 893.99	\$ 1,669.35	\$ 2,085.70	\$ 2,563.22	\$ 2,841.06	\$ 2,610.67	\$17,758.77
Minot	\$13,102.69	\$ 2,299.16	\$ 4,293.21	\$ 5,363.98	\$ 6,592.05	\$ 7,306.59	\$ 6,714.10	\$45,671.78
Morton County	\$12,102.87	\$ 2,123.71	\$ 3,965.61	\$ 4,954.67	\$ 6,089.04	\$ 6,749.05	\$ 6,201.77	\$42,186.72
Mountrail County	\$5,050.28	\$ 886.18	\$ 1,654.77	\$ 2,067.48	\$ 2,540.83	\$ 2,816.24	\$ 2,587.87	\$17,603.65
Nelson County	\$2,148.74	\$ 377.05	\$ 704.06	\$ 879.65	\$ 1,081.05	\$ 1,198.23	\$ 1,101.06	\$7,489.84
Oliver County	\$1,009.90	\$ 177.21	\$ 330.90	\$ 413.43	\$ 508.09	\$ 563.16	\$ 517.49	\$3,520.18
Pembina County	\$5,678.96	\$ 996.50	\$ 1,860.76	\$ 2,324.85	\$ 2,857.13	\$ 3,166.82	\$ 2,910.02	\$19,795.04
Pierce County	\$3,301.58	\$ 579.34	\$ 1,081.79	\$ 1,351.60	\$ 1,661.05	\$ 1,841.10	\$ 1,691.80	\$11,508.26
Ramsey County	\$5,771.58	\$ 1,012.75	\$ 1,891.11	\$ 2,362.77	\$ 2,903.72	\$ 3,218.46	\$ 2,957.48	\$20,117.87
Ransom County	\$2,802.62	\$ 491.78	\$ 918.30	\$ 1,147.34	\$ 1,410.02	\$ 1,562.86	\$ 1,436.12	\$9,769.04
Renville County*								
Richland County	\$11,017.77	\$ 1,933.31	\$ 3,610.07	\$ 4,510.45	\$ 5,543.12	\$ 6,143.96	\$ 5,645.74	\$38,404.42
Rolette County	\$8,247.88	\$ 1,447.27	\$ 2,702.49	\$ 3,376.52	\$ 4,149.57	\$ 4,599.35	\$ 4,226.39	\$28,749.47
Sargent County	\$2,616.79	\$ 459.17	\$ 857.42	\$ 1,071.26	\$ 1,316.53	\$ 1,459.23	\$ 1,340.90	\$9,121.30
Sheridan County	\$406.04	\$ 71.25	\$ 133.04	\$ 166.23	\$ 204.28	\$ 226.43	\$ 208.06	\$1,415.33
Sioux County	\$3,021.32						\$ 1,548.19	\$4,569.51
Slope County	\$213.43	\$ 37.45	\$ 69.93	\$ 87.37	\$ 107.38	\$ 119.02	\$ 109.37	\$743.95
Stark County	\$15,195.29	\$ 2,666.35	\$ 4,978.87	\$ 6,220.65	\$ 7,644.86	\$ 8,473.51	\$ 7,786.39	\$52,965.92
Steele County	\$1,103.58	\$ 193.65	\$ 361.60	\$ 451.79	\$ 555.22	\$ 615.40	\$ 565.50	\$3,846.74
Stutsman County	\$8,955.29	\$ 1,571.40	\$ 2,934.28	\$ 3,666.12	\$ 4,505.47	\$ 4,993.83	\$ 4,588.88	\$31,215.27
Towner County	\$819.21	\$ 143.75	\$ 268.42	\$ 335.37	\$ 412.15	\$ 456.82	\$ 419.78	\$2,855.50
Traill County	\$4,798.63	\$ 842.03	\$ 1,572.31	\$ 1,964.46	\$ 2,414.22	\$ 2,675.91	\$ 2,458.92	\$16,726.48
Walsh County	\$9,300.76	\$ 1,632.02	\$ 3,047.47	\$ 3,807.54	\$ 4,679.28	\$ 5,186.48	\$ 4,765.91	\$32,419.46
Ward County	\$15,794.97	\$ 2,771.57	\$ 5,175.35	\$ 6,466.14	\$ 7,946.56	\$ 8,807.91	\$ 8,093.68	\$55,056.18
Wells County	\$1,970.00	\$ 345.68	\$ 645.49	\$ 806.48	\$ 991.12	\$ 1,098.56	\$ 1,009.47	\$6,866.80
West Fargo	\$8,347.15	\$ 1,464.69	\$ 2,735.01	\$ 3,417.15	\$ 4,199.51	\$ 4,654.71	\$ 4,277.26	\$29,095.48
Williams County	\$10,454.80	\$ 1,834.53	\$ 3,425.61	\$ 4,279.99	\$ 5,259.89	\$ 5,830.02	\$ 5,357.26	\$36,442.10
Williston	\$6,806.13	\$ 1,194.29	\$ 2,230.09	\$ 2,786.29	\$ 3,424.21	\$ 3,795.37	\$ 3,487.61	\$23,723.99
TOTAL SUBDIVISIONS	\$439,244.04	\$76,544.92	\$143,046.00	\$178,466.92	\$219,466.76	\$243,255.54	\$225,078.00	\$1,525,102.18

Distributor payments 439,244.04
Janssen payments \$76,544.92 \$143,046.00 \$178,466.92 \$219,466.76 \$243,255.54 \$225,078.00 \$664,322.04
*Subdivision did not participate \$860,780.14

CHAPTER 50-36 OPIOID SETTLEMENT

50-36-01. Definitions.

As used in this chapter:

1. "Committee" means the opioid settlement advisory committee.
2. "Department" means the department of health and human services.
3. "Fund" means the opioid settlement fund.
4. "Opioid litigation" means statewide opioid settlement agreements, judgments, or other recoveries in connection with a defendant's actual or alleged liability for contributing to the opioid crisis in this state which must be used for purposes of remediating or abating the opioid crisis in this state.

50-36-02. Opioid settlement fund.

There is created in the state treasury an opioid settlement fund. Moneys recovered by the state as a result of opioid litigation must be deposited in the fund. Moneys recovered by a political subdivision as a result of opioid litigation may be deposited in the fund. The state investment board shall invest moneys in the fund and income earned on the moneys in the fund must be credited to the fund. Moneys in the fund may be used in compliance with any court-ordered restrictions and as authorized by legislative appropriation and this chapter; however, legislative appropriations from the fund may not exceed eight million dollars in a biennium. The fund does not include funds not retained by the state pursuant to law or court order.

50-36-03. Opioid settlement advisory committee.

1. The committee is composed of:
 - a. One member of the North Dakota association of counties appointed by the chairman of the legislative management, who shall serve a term of two years.
 - b. One member of the North Dakota league of cities appointed by the chairman of the legislative management, who shall serve a term of two years.
 - c. One member of the North Dakota state association of city and county health officials appointed by the chairman of the legislative management, who shall serve a term of two years.
 - d. One member who represents the highway patrol appointed by the highway patrol superintendent, who shall serve a term of two years.
 - e. The executive director of the department's division of behavioral health.
 - f. The managing director of the office of recovery reinvented.
 - g. One member appointed by the governor who shall serve as a nonvoting member and as the presiding officer of the committee, who shall serve a term of two years.
2. The committee shall forward recommendations to the department on spending decisions of the legislatively appropriated funds for remediation or abatement of the opioid crisis in this state.
 - a. The committee shall develop a process for receiving spending recommendation input from political subdivisions and the public.
 - b. The committee shall develop a process for making recommendations to the department under this subsection.
 - c. The committee shall consider cultural practices and alternative best practice treatment methods when considering and making recommendations to the department under this subsection.

50-36-04. Department of health and human services - Report to budget section.

1. The department shall develop a process for receiving and evaluating spending recommendations of the committee.

2. Annually, each political subdivision that recovers and retains moneys as a result of opioid litigation shall submit to the department a report detailing the decisions of the governing body of the political subdivision regarding use of the moneys.
3. Annually, the department shall make a report to the budget section of the legislative management on the status of the fund and of spending decisions made by the department and the political subdivisions under this chapter.

50-36-05. Opioid remediation and abatement spending decisions - Implementation.

1. The department's spending decisions of the legislatively appropriated funds from the fund for remediating and abating the opioid crisis must include at least twenty percent for opioid use prevention and overdose prevention, including best practices relating to fentanyl drug overdose, and approved use for workforce development.
2. The department shall implement or assist with the implementation of spending decisions made under this chapter.

50-36-06. Political subdivisions - Public health units.

1. A political subdivision that recovers moneys as a result of opioid litigation may deposit the moneys in the fund or may retain the moneys and transfer the moneys to the public health unit that provides services to that political subdivision.
2. A political subdivision that recovers and retains moneys as a result of opioid litigation shall collaborate with a public health unit on the use of the moneys for local programs for remediating and abating the opioid crisis. The use of moneys under this subsection must be in compliance with any court-ordered restrictions. The political subdivision and public health unit shall work together to ensure all reporting requirements are met.
3. All political subdivisions shall provide an allocation plan to the behavioral health division prior to expenditure.

EXHIBIT E

List of Opioid Remediation Uses

**Schedule A
Core Strategies**

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies (“*Core Strategies*”).¹⁴

- A. **NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES**
1. Expand training for first responders, schools, community support groups and families; and
 2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.
- B. **MEDICATION-ASSISTED TREATMENT (“MAT”) DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT**
1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;
 2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
 3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
 4. Provide treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

¹⁴ As used in this Schedule A, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

C. **PREGNANT & POSTPARTUM WOMEN**

1. Expand Screening, Brief Intervention, and Referral to Treatment (“*SBIRT*”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“*OUD*”) and other Substance Use Disorder (“*SUD*”)/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with OUD, including housing, transportation, job placement/training, and childcare.

D. **EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME (“*NAS*”)**

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. **EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES**

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;
4. Provide comprehensive wrap-around services to individuals in recovery, including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. **TREATMENT FOR INCARCERATED POPULATION**

1. Provide evidence-based treatment and recovery support, including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

G. **PREVENTION PROGRAMS**

1. Funding for media campaigns to prevent opioid use (similar to the FDA’s “Real Cost” campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. **EXPANDING SYRINGE SERVICE PROGRAMS**

1. Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.

I. **EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE**

Schedule B
Approved Uses

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (“*OUD*”) and any co-occurring Substance Use Disorder or Mental Health (“*SUD/MH*”) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:¹⁵

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (“*MAT*”) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (“*ASAM*”) continuum of care for OUD and any co-occurring SUD/MH conditions.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including *MAT*, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (“*OTPs*”) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Provide treatment of trauma for individuals with OUD (*e.g.*, violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (*e.g.*, surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

¹⁵ As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

8. Provide training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Offer fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Offer scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD/MH or mental health conditions, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (“*DATA 2000*”) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a *DATA 2000* waiver.
13. Disseminate of web-based training curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service–Opioids web-based training curriculum and motivational interviewing.
14. Develop and disseminate new curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service for Medication–Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the programs or strategies that:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED
(CONNECTIONS TO CARE)**

Provide connections to care for people who have—or are at risk of developing—OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund SBIRT programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Provide training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
 1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (“*PAARP*”);
 2. Active outreach strategies such as the Drug Abuse Response Team (“*DART*”) model;
 3. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (“*LEAD*”) model;
 5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
 6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.

4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (“CTP”), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (“NAS”), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women—or women who could become pregnant—who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Provide training for obstetricians or other healthcare personnel who work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; and expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with NAS get referred to appropriate services and receive a plan of safe care.
6. Provide child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Provide enhanced family support and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including, but not limited to, parent skills training.
10. Provide support for Children’s Services—Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Providing Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Supporting enhancements or improvements to Prescription Drug Monitoring Programs (“*PDMPs*”), including, but not limited to, improvements that:

1. Increase the number of prescribers using PDMPs;
2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increasing electronic prescribing to prevent diversion or forgery.
8. Educating dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Funding community anti-drug coalitions that engage in drug prevention efforts.
6. Supporting community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction—including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (“SAMHSA”).
7. Engaging non-profits and faith-based communities as systems to support prevention.

8. Funding evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities providing free naloxone to anyone in the community.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enabling school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expanding, improving, or developing data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.
8. Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expanding access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Supporting mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Providing training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Supporting screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items in section C, D and H relating to first responders, support the following:

1. Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment

intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, those that:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (*e.g.*, health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (*e.g.*, Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations, including individuals entering the criminal justice system, including, but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (“ADAM”) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

ITEM

9



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

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Commission
Re: Recommendations from the November 8, 2023 meeting of Burleigh County Planning Commission.
Date: 11-14-2023
From: Mitch Flanagan, Burleigh County Planning Director. *mlf*

ITEM 1

Recommendation of the Aberle 4th Final Subdivision Plat

Legal Description: Lots 1, 2, 3, Block 1, Aberle Park Third Subdivision of the North ½ of Section 28, Township 139 North, Range 78 West

Property Address: 16230 Industrial Park Dr. Menoken, ND 58558

On October 9th, Swenson Hagen and Company applied for a short form subdivision. The proposed subdivision would combine Lots 1, 2, 3, Block 1 of Aberle Park 3rd Sub. into two (2) lots. Aberle 4th Subdivision, as submitted, meets the administrative requirements of Article 33 Subdivision Regulations.

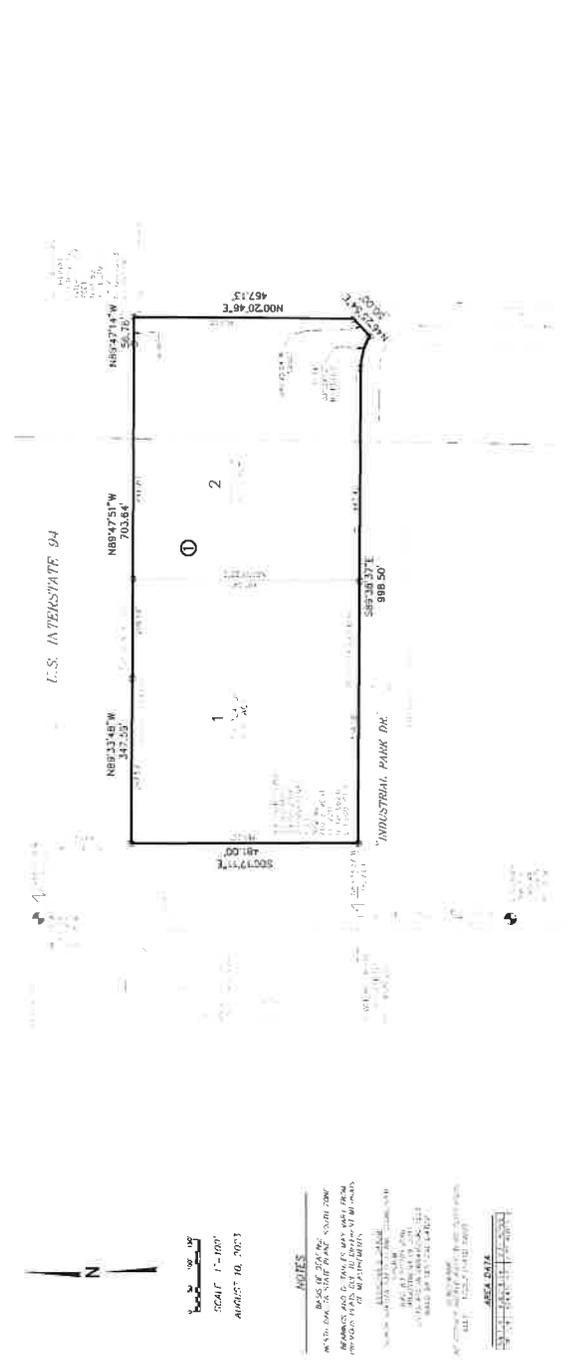
Suggested Motion:

Based on supporting documents and the findings by the planning commission, it is recommended to approve the Aberle Park 4th Subdivision Final Plat.

Attachments: 1.1 Aberle Park 4th Subdivision Final Plat.
1.2. Aberle 4th Subdivision site location map.

ABERLE PARK FOURTH SUBDIVISION

BEING A REPLAT OF LOTS 1-3 BLOCK 1 ABERLE THIRD SUBDIVISION OF
THE NORTH 1/2 OF SECTION 28, TOWNSHIP 139 NORTH, RANGE 78 WEST
OF THE FIFTH PRINCIPAL MERIDIAN
BURLEIGH COUNTY, NORTH DAKOTA



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Scale: 1" = 100'

August 10, 2023

NOTES

1. THIS PLAT IS BASED UPON THE SURVEY OF THE ABERLE THIRD SUBDIVISION, BEING A REPLAT OF LOTS 1-3 BLOCK 1, TOWNSHIP 139 NORTH, RANGE 78 WEST, SECTION 28, TOWNSHIP 139 NORTH, RANGE 78 WEST, BURLEIGH COUNTY, NORTH DAKOTA, AS SHOWN ON PLAT 10020487E, DATED 08/10/2023.

2. THE TOTAL AREA OF THIS SUBDIVISION IS 1.25 ACRES, MORE OR LESS.

3. THE BOUNDARIES OF THIS SUBDIVISION ARE AS SHOWN ON THE PLAT.

4. THE DISTANCES AND BEARINGS ARE AS SHOWN ON THE PLAT.

5. THE PLAT IS SUBJECT TO ALL EASEMENTS AND ENCUMBRANCES OF RECORD.

ABSTRACT

1. THE STATE OF NORTH DAKOTA HAS RECEIVED FROM THE STATE OF SOUTH DAKOTA, BY DEED DATED 08/10/2023, THE FOLLOWING DESCRIBED LAND:

1.25 ACRES, MORE OR LESS, BEING A REPLAT OF LOTS 1-3 BLOCK 1, TOWNSHIP 139 NORTH, RANGE 78 WEST, SECTION 28, TOWNSHIP 139 NORTH, RANGE 78 WEST, BURLEIGH COUNTY, NORTH DAKOTA, AS SHOWN ON PLAT 10020487E, DATED 08/10/2023.

DESCRIPTION

THE ABOVE DESCRIBED LAND IS BEING REPLATED INTO TWO LOTS, TO-WIT: LOT 1 AND LOT 2, AS SHOWN ON THE PLAT. THE TOTAL AREA OF THIS SUBDIVISION IS 1.25 ACRES, MORE OR LESS. THE BOUNDARIES OF THIS SUBDIVISION ARE AS SHOWN ON THE PLAT. THE DISTANCES AND BEARINGS ARE AS SHOWN ON THE PLAT. THE PLAT IS SUBJECT TO ALL EASEMENTS AND ENCUMBRANCES OF RECORD.

SWORN STATEMENT

I, THE UNDERSIGNED, A PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF NORTH DAKOTA, AND THAT I HAVE PERSONALLY AND INDEPENDENTLY EXAMINED THE PLAT AND THE FIELD NOTES AND RECORDS OF THIS SURVEY, AND I AM Satisfied THAT THE SAME ARE TRUE AND CORRECT, AND I HAVE NOTED THE SAME IN MY FIELD BOOKS.

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH
CITY OF BISMARCK

DATE: 08/10/2023

BY: [Signature]

STATEMENT OF PREPARED AND REVIEWED

I, THE UNDERSIGNED, A PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF NORTH DAKOTA, AND THAT I HAVE PERSONALLY AND INDEPENDENTLY EXAMINED THE PLAT AND THE FIELD NOTES AND RECORDS OF THIS SURVEY, AND I AM Satisfied THAT THE SAME ARE TRUE AND CORRECT, AND I HAVE NOTED THE SAME IN MY FIELD BOOKS.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS REVIEWED AND APPROVED THIS PLAT AND THE FIELD NOTES AND RECORDS OF THIS SURVEY, AND I HAVE NOTED THE SAME IN MY FIELD BOOKS.

STATE NOTARY PUBLIC

I, THE UNDERSIGNED, A NOTARY PUBLIC IN THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I AM A LICENSED NOTARY PUBLIC IN THE STATE OF NORTH DAKOTA, AND THAT I HAVE PERSONALLY AND INDEPENDENTLY EXAMINED THE PLAT AND THE FIELD NOTES AND RECORDS OF THIS SURVEY, AND I AM Satisfied THAT THE SAME ARE TRUE AND CORRECT, AND I HAVE NOTED THE SAME IN MY FIELD BOOKS.

OWNER'S CERTIFICATE & DECLARATION

I, THE UNDERSIGNED, THE OWNER OF THE ABOVE DESCRIBED LAND, DO HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE ABOVE DESCRIBED LAND, AND THAT I HAVE NOTED THE SAME IN MY FIELD BOOKS.

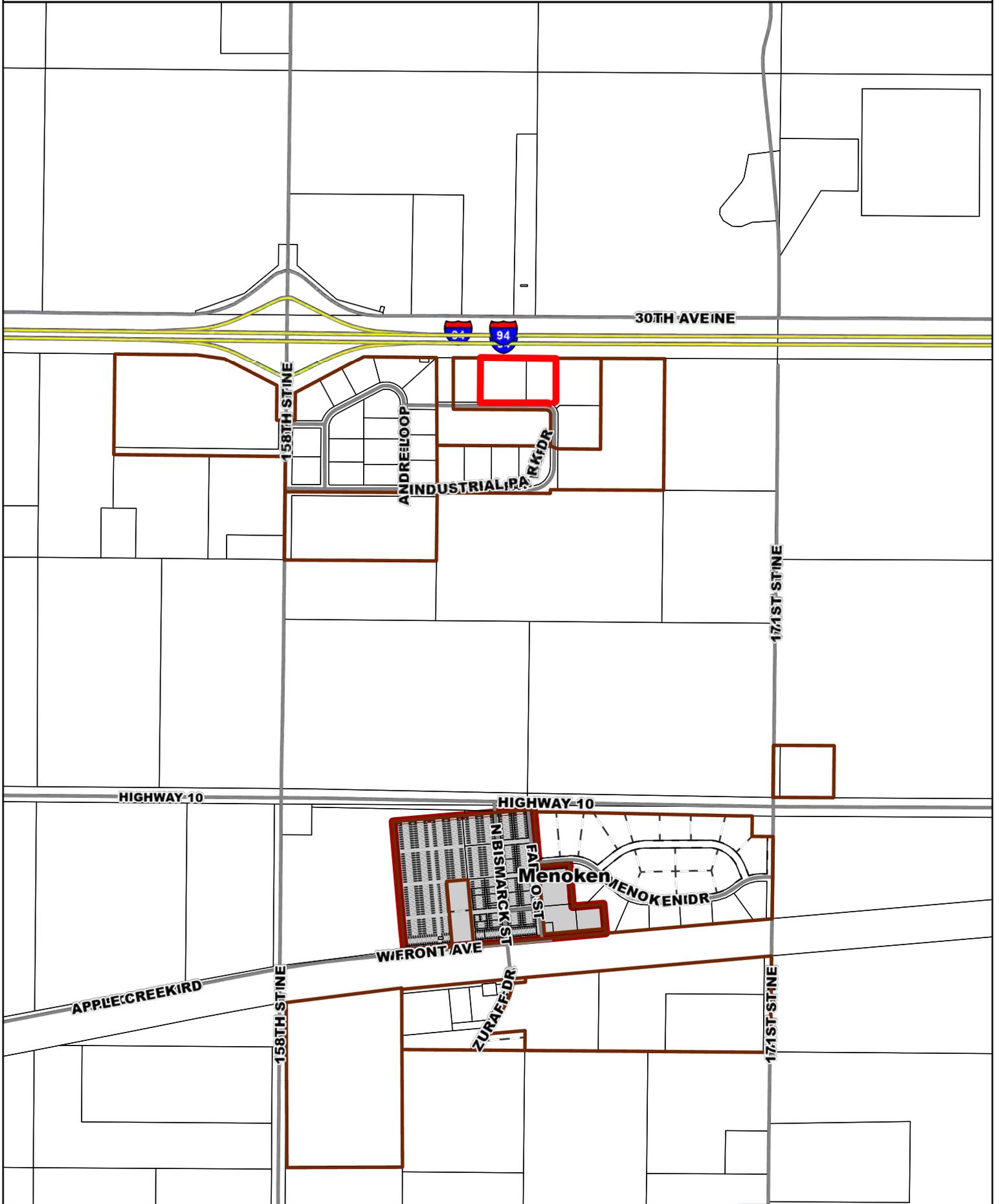
STATE NOTARY PUBLIC

I, THE UNDERSIGNED, A NOTARY PUBLIC IN THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I AM A LICENSED NOTARY PUBLIC IN THE STATE OF NORTH DAKOTA, AND THAT I HAVE PERSONALLY AND INDEPENDENTLY EXAMINED THE PLAT AND THE FIELD NOTES AND RECORDS OF THIS SURVEY, AND I AM Satisfied THAT THE SAME ARE TRUE AND CORRECT, AND I HAVE NOTED THE SAME IN MY FIELD BOOKS.



BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
11/14/2023





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

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Commission
Re: Recommendations from the November 8, 2023 meeting of Burleigh County Planning Commission.
Date: 11-14-2023
From: Mitch Flanagan, Burleigh County Planning Director. *ill/*

ITEM 1

Recommendation of Zoning Change for Riverbend Subdivision

Legal Description: Auditor's Lot B in the SW 1/4 Section 3, Township 137N, Range 80W
Property Address: 8641 Sibley Drive, Bismarck, ND 58504

Riverbend Subdivision is a 57-acre parcel with five (5) lots consisting of:

1. Two (2) lots comprised of 4 acres each,
2. Two (2) lots comprised of 3.72 acres each,
3. One (1) lot comprised of 40 acres.

The zone changes for the smaller 4 lots is from AG- Agricultural to R1- Rural Single Family Residential. The 40-acre lot would retain its current AG zoning.

ITEM 2

Recommendation of the Riverbend Final Subdivision Plat

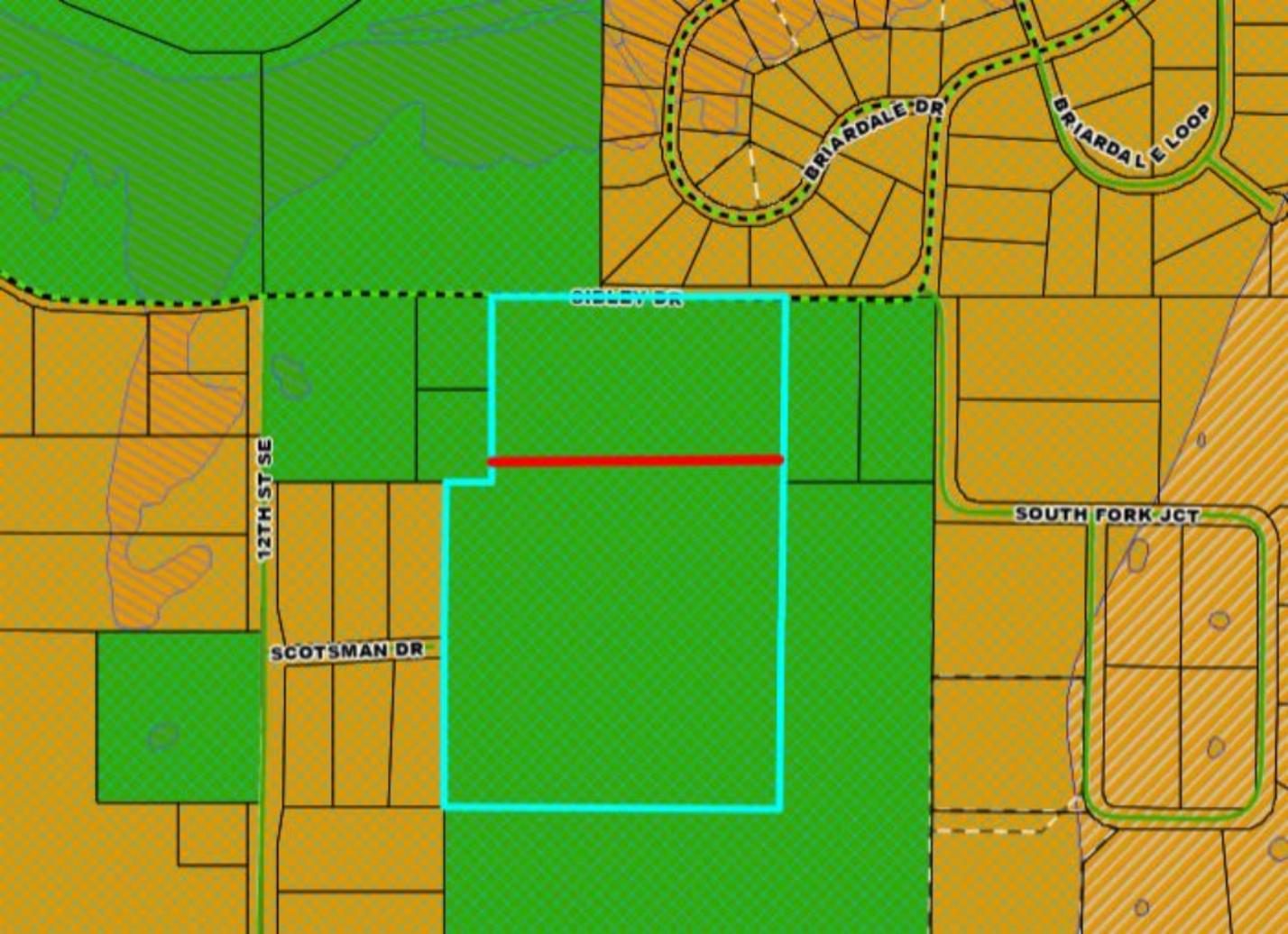
Legal Description: Auditor's Lot B in the SW 1/4 Section 3, Township 137N, Range 80 W
Property Address: 8641 Sibley Drive, Bismarck, ND 58504

A preliminary review meeting was held on July 18th with the County Staff, Mark Isaacs, ILS and property owners Ryan Melin and Kyle Leftwich. The owners intend to develop a five (5) lot subdivision consisting of four (4) lots: two (2) lots comprised of 4 acres each, two (2) lots comprised of 3.72 acres each with the fifth lot comprised of 40 acres.

Suggested Motion:

Based on supporting documents and the findings by the planning commission, it is recommended to approve the zone change from AG to R1 and the Riverbend Subdivision Final Plat.

Attachments: 1.1 Riverbend Subdivision Existing and Proposed Zoning.
1.2 Riverbend Subdivision Final Plat.
1.3 Riverbend Subdivision Location Map.



12TH ST SE

SCOTSMAN DR

SIBLEY DR

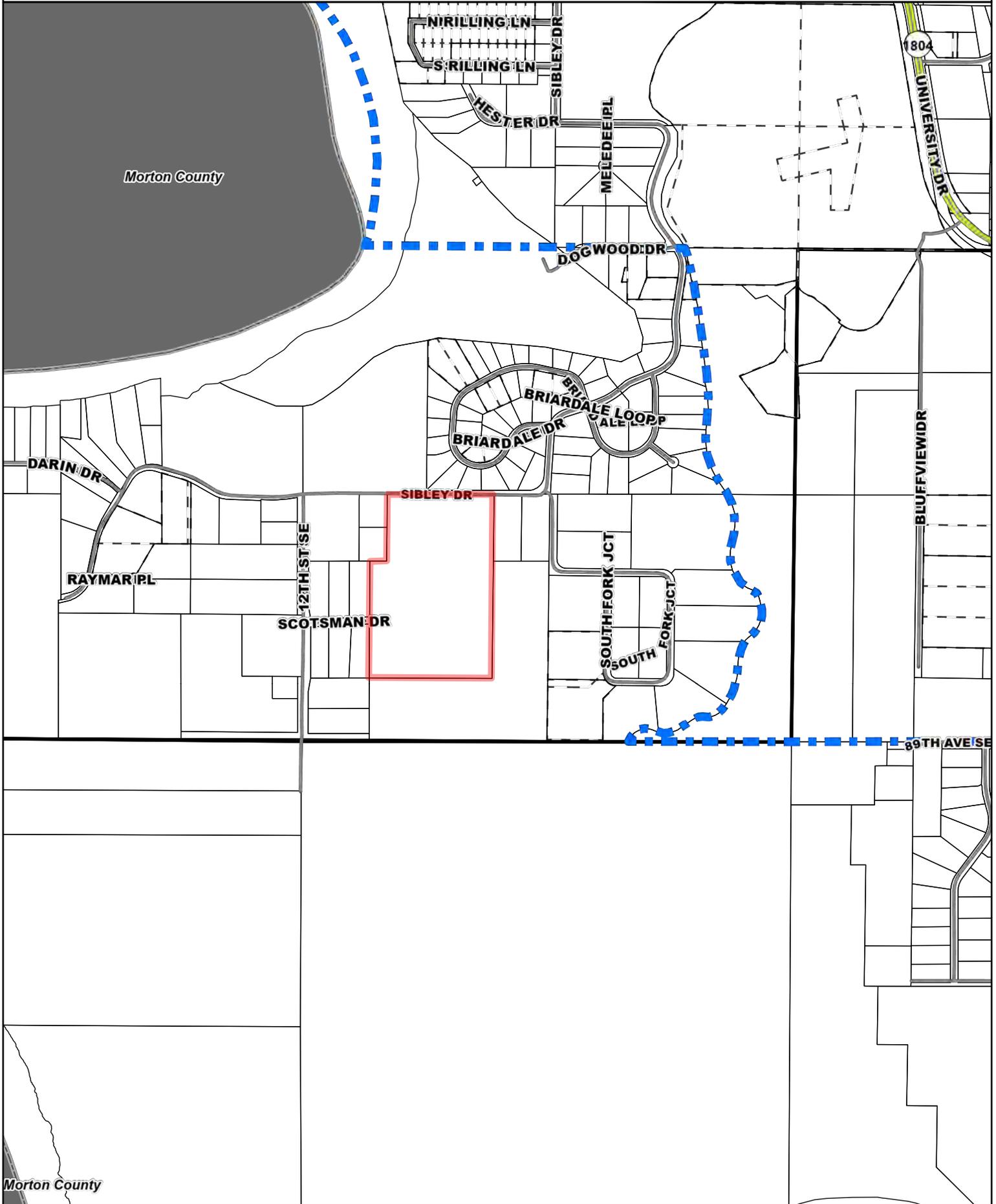
BRIARDALE DR

BRIARDALE LOOP

SOUTH FORK JCT

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
11/14/2023





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

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Commission

Re: Recommendations from the May 10, 2023 meeting of Burleigh County Planning Commission.

Date: 11-14-2023

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

ITEM 1

Recommendation of the CLH Acres Final Subdivision Plat

Legal Description: Riverview Township, Section 14, S 1/2 NE 1/4 Including Outlot A

Property Address: 13250 NW 34th St. Bismarck, ND. 58503-8420

Planning Staff, Rural Fire and Mountain Plains LLC representing Rocky Ridge Limited Partnership met end of February 2023. The final subdivision will contain eighty (80) acres, divided into two (2) lots. Lot 1 (west lot) will contain 56 acres. Lot 2 (east lot) will contain 22 acres, both lots will retain their A-Agricultural zoning. CLH Acres Final Subdivision meets the administrative requirements of Article 33 Subdivision Regulations.

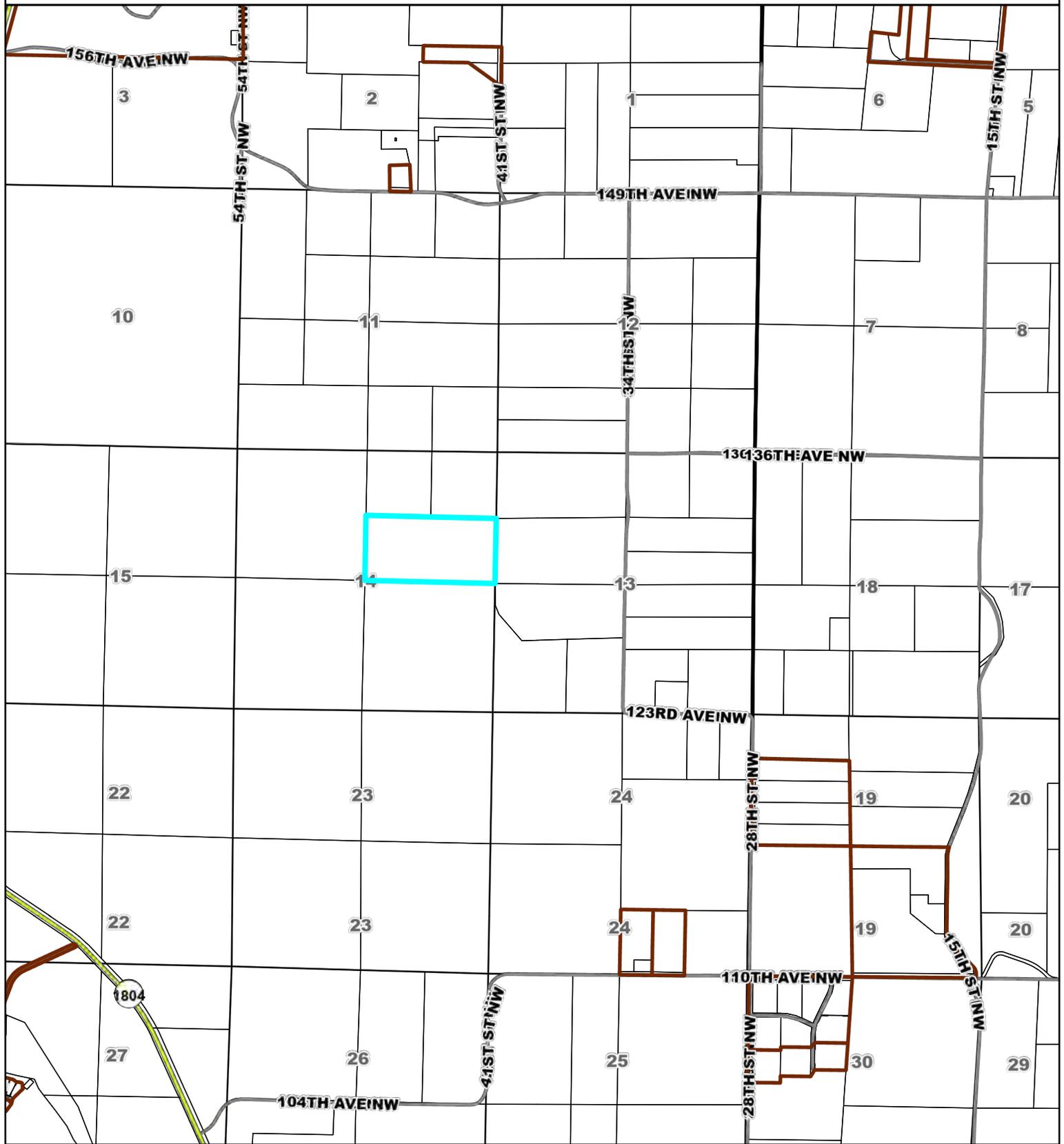
Suggested Motion:

Based on supporting documents and the findings by the planning commission, it is recommended to approve the CLH Acres Subdivision Final Plat.

Attachments: 1.1 CLH Acres Subdivision Final Plat.
1.2 CLH Acres Location Map.

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
11/13/2023



PARCEL ID: 23-140-81-00-14-210

OWNER: ROCKY RIDGE LIMITED PTRNSHP

ACRES: 80

SITE ADDRESS: 13250 NW 34TH ST

MAIL ADDRESS: 13250 34TH ST NW, BISMARCK, ND 58503-8420

LEGAL: RIVERVIEW TOWNSHIP Section 14 S1/2NE1/4 INCLUDING OUTLOT A 526331 640023 640743 641140 14-140-81

ITEM

10



Burleigh County Emergency Management

4200 Coleman St
Bismarck ND 58503
(701) 222-6727
burleighco.com

To: Burleigh County Commission
From: Mary Senger, Director
Date: November 16, 2023
Subject: Joint Powers Agreement with Emmons County

Request

Approve the 2024 Joint Powers Agreement for Provision of Emergency Management Services. The attached Agreement has not changed from 2023 except for a \$100 monthly fee increase. The Agreement was approved by the Emmons County Commission at their regularly-scheduled meeting on November 7, 2023.

Background Information

Burleigh County has been providing Emergency Management services to Emmons County since 2010 and became the first multi-county program. The Agreement has been maintained with minor price adjustments and has served as a template for other counties to contract services.

Recommendation

Motion to approve the 2024 Joint Powers Agreement for Provision of Emergency Management Services.

**JOINT POWERS AGREEMENT
FOR PROVISION OF
EMERGENCY MANAGEMENT SERVICES**

This agreement is made this 20th day of November 2023, by and between Burleigh County, North Dakota, a political subdivision, and Emmons County, North Dakota, a political subdivision.

WHEREAS, Burleigh County and Emmons County are organized and operated pursuant to Title 11 of the North Dakota Century Code and have the authority to enter into a Joint Powers Agreement pursuant to Section 54.40.3.01, North Dakota Century Code and Article VII, Section 10 of the North Dakota Constitution.

WHEREAS, North Dakota Century Code (N.D.C.C) 37-17.1·07 provides that "each county shall maintain an emergency management organization that serves the entire county or must be a member of a regional emergency management organization that serves more than one county"; and

WHEREAS, Emmons County has been challenged to maintain an effective emergency management program based on its part-time requirements, and after exploring various cost effective options to provide for an emergency management program has determined the most cost-effective method would be to pay for services; and

WHEREAS, Burleigh County maintains highly qualified fulltime staff in its emergency management program, is willing and capable of providing emergency management services, and has determined that it can leverage efficiency within its own program to provide fee based emergency management services;

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants contained herein the parties agree as follows:

1. Scope of Services: Burleigh County and Emmons County agree that Burleigh County, through its Emergency Management Services Department, shall furnish services to and for Emmons County by providing emergency management services in accordance with the terms and conditions of this Agreement. Burleigh County assumes the obligation to provide such services through its Emergency Management Services employees consistent with the terms of this Agreement in compliance with established professional standards. In furtherance, but not in limitation of the scope of services designated herein, such duties, obligations and responsibilities shall include the following:
 - A. Burleigh County shall incorporate the National Incident Management System, which includes the Incident Command System (ICS)/Unified Command System (UCS), into the local emergency operations plan (LEOP).

- B. Burleigh County shall develop, review, and update the LEOP to ensure it adequately addresses all hazards and issues that may arise during an emergency/disaster, identify resources including local, private, voluntary, and mutual aid, and conduct planning meetings to review and identify roles and responsibilities.
 - C. Burleigh County shall manage Emmons County's Homeland Security Program; ensuring that any funds are fairly and equitably distributed through an allocation process with county government entities and responder agencies. Further, Burleigh County shall submit spending plans for the State Homeland Security Grants and the Law Enforcement Terrorism Prevention Grant to the appropriate state and/or federal agencies, submit reimbursement requests (including an invoice and proof of payment) for grants under the Department of Emergency Services, maintain grant records, including the inventory of equipment purchases for grants under the Department of Emergency Services, and submit quarterly progress reports for grants awarded by the Department of Emergency Services.
 - D. Burleigh County shall manage the Emmons County's Emergency Management Program Grant (EMPG) to include the submission of a grant application with budget and work plan. Further, Burleigh County shall complete the items in the work plan, provide an accounting for grant funds, submit reimbursement requests, including proper documentation and proof of payments, submit quarterly progress reports, and maintain grant records, including the inventory of equipment purchases.
 - E. Burleigh County shall complete a training plan for Emmons County responders based upon Homeland Security Exercise and Evaluation Program results and NIMS training requirements. (Based upon monies allotted via budget and/or grants).
2. Term: The agreement of this term shall be for a period of one year beginning upon the effective date of January 1, 2024 and terminating on December 31, 2024. This agreement shall renew yearly unless either party delivers a sixty (60) day written notice, at any time during the contract period, to the other party of its intention to discontinue further services under this agreement.
3. Compensation: Emmons County agrees to pay Burleigh County for the services to be provided under the terms of this Agreement as follows:
- A. A base monthly fee of \$1,500.00 will be paid Burleigh County to offset the current Emergency Management Program budget since services will be provided in day-to-day activities.
 - B. Emmons County agrees to pay additional fees based upon an hourly rate for dedicated service hours and specific operational costs identified per month. A cost estimate is provided in Attachment A (Budget).

- C. The fees generated through Attachment A will not include hours of work required to support emergency and disaster response. Those fees will be a separate cost and will be based on regular or overtime hours and apportioned to supported jurisdictions,
 - D. As the program matures, the monthly fee will adjust according to a documented work history. Depending on workload requirements, the service provider may need to increase staff to sustain service goals.
4. Insurance: Each County will agree to assume its own liability for any and all claims of any nature including all costs, expenses and attorneys' fees which may in any manner result from or arise out of this agreement.

Burleigh County shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-insurance pools or government self-retention funds, authorized to do business in North Dakota the following insurance policies: commercial general liability; automobile liability; and workers' compensation insurance covering any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$250,000 per person and \$500,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers' compensation. The Counties shall furnish certificates of insurance evidencing these coverages are in effect and providing that the coverages may not be canceled or modified without thirty (30) days prior writing notice to the other County.

5. Status of Burleigh County Employees: In the performance of the services rendered by Burleigh County through its designated employees are employees of Burleigh County and not employees of Emmons County.
6. Relationship of Parties: This Agreement shall not be construed to create any form of any employment relationship between any Burleigh County Emergency Management Services employee and Emmons County under the provisions of this Agreement. It is the intention of the parties hereto to maintain separate and distinct organizations, and Burleigh County through its designated employees shall at all times be acting as an independent contractor in providing services to and for the benefit of Emmons County. Burleigh County shall be responsible to control and supervise all of its employed Emergency Management Services employees and to pay compensation to the same for all wages, salaries, taxes, withholding payments, fees, as well as other professional education, professional liability insurance premiums, and contributions to any pension plans. Burleigh County shall not claim that Emmons County is responsible for the payment of any of the foregoing payments, withholdings, contributions, or taxes in relationship to its designated employees.

7. Indemnification and Liability of Parties: Each party to this Agreement shall be responsible for the claims, losses, damages and expenses, which may arise out of the negligent or wrongful acts or omissions of that party or that party's agents, employees, or representatives acting in the scope of their duties in this Agreement. Each party to this Agreement agrees to inform the other in the event such party is notified of an investigation or claim arising out of the services provided under the terms and conditions of this Agreement and shall provide reasonable access to the information involving such investigation or claim. Each party shall further notify the other party of the disposition of any such investigation or claim.
8. Termination: This Agreement shall terminate upon the expiration of the term established herein. Either party may further terminate this Agreement for breach of any of the duties outlined herein upon Ninety (90) days written notice delivered to the other party. Upon termination of this Agreement, as provided for above, neither party shall have any further obligation or duty hereunder except for those obligations which have accrued prior to the date of termination.
9. Governing Law: This Agreement shall be construed in accordance with and governed by the laws of the State of North Dakota and shall further be subject to all applicable federal laws, rules and regulations.
10. Compliance with Laws and Regulations: It is the intention of Emmons County and Burleigh County to fully comply with all applicable laws and regulations in performing their respective duties and responsibilities under this Agreement. The parties shall cooperate during the entire term of this Agreement to assist each party in fully complying with the laws and regulations required in providing emergency management services.
11. Notices: Any notice required or permitted to be given under this Agreement shall be deemed properly given at the time it is mailed, properly addressed and postage prepaid to the addresses specified below, or to such other and further addresses as may be specified in writing:

Burleigh County Auditor
221 N 5th St
Bismarck, ND 58501

Emmons County Auditor
100 4th St NW
Linton, ND 58552

Dated this 20th day of November 2023
Burleigh County:

BY: _____
Steve Bakken, Commission Chairperson

Dated this 7th day of November 2023
Emmons County:

BY:  _____
Erin Magrum, Commission Chairperson

Attachment A

	Yearly	Monthly
Burleigh County Fixed Operating Expenses/Supplies		
	\$ 18,000.00	\$1,500

Emmons County Emergency Management Budget		
EM Contract Per Hour	\$ 13,200.00	\$ 1,100.00
*Estimate Only		
FICA	\$ 818.40	\$ 68.20
Medicare	\$ 191.40	\$ 15.95
Other Expenses	\$ 2,000.00	\$ 166.67
Program Cost	\$ 34,209.80	\$ 2,850.82



Burleigh County Emergency Management

4200 Coleman St
Bismarck ND 58503
(701) 222-6727
burleighco.com

To: Burleigh County Commission
From: Mary Senger, Director
Date: November 16, 2023
Subject: Sheriff's Department Vehicle Rotation

Request

Approve the addition of another Sheriff's Department fleet vehicle in the Emergency Management Department with a three-year rotation.

Background Information

Every three years, Burleigh County Emergency Management receives a vehicle from the Burleigh County Sheriff's Department fleet and the old vehicle is returned for sale. Essentially, the vehicle is "borrowed" for three years. The Information Technology Division employee starts in a full-time capacity on January 1, 2024 and will be traversing among County facilities. Sheriff Leben offered another fleet vehicle to be utilized in the three-year rotation.

Recommendation

Motion to approve the addition of another Sheriff's Department fleet vehicle in Emergency Management for the IT Division with a three-year rotation.

ITEM

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BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Request for County Commission Action

Date: November 14, 2023

To: Mark Splonskowski
Burleigh County Auditor

From: Kelly Leben *Kelly L*
Burleigh County Sheriff

Re: Update on Crossroads Tavern

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

Action Requested:

Provide the Commission an update on Crossroads Tavern activity,

Background:

The Crossroads Tavern Liquor License was up for renewal in June of 2023. Sheriff Leben provided the commission an overview of law enforcement related activity that had occurred during the current licensing period. Per Commission direction, Sheriff Leben will provide an update on activity since the recent license re-issuance.

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: November 9, 2023

To: Mark Splonskowski
Burleigh County Auditor

From: Kelly Leben 
Burleigh County Sheriff

Re: Back the Blue Grant Program

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

Action Requested:

Request authorization to receive and supplement funding from ND Back the Blue Grant Program.

Background:

HB 1307 approved during the 2023 legislative session awards money to ND Law Enforcement agencies to assist with recruitment and retention of Deputy Sheriff and Detention Officer positions. The Burleigh County Sheriff's Department requests authorization to accept the grant awarded in the amount of \$168,903 and supplement it with \$2,697 of salary budget dollars to equal \$1,300 per applicable BCSD position. The plan will be implemented as outlined in the attached document.

Recommendation:

It is recommended that the County Commission authorize the Burleigh County Sheriff's Department to accept the grant from the ND Attorney General and implement the plan developed and presented.

Proposed Resolution:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to Accept the ND Back the Blue Grant and implement the program as presented.

COURTHOUSE

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

 www.facebook.com/BurleighCountySheriffsDepartment

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Bismarck, ND 58502-2499
P 701-255-3113 • F 701-258-5319

ND State Back the Blue Grant Program

- I. Back the Blue Grant Program came from HB 1307 in the 2023 Legislative Session.
- II. ND Sheriff's & Deputies Association was very involved in this bill and other bills.
- III. HB 1307 provides a one-time allotment of \$3.5 million to ND law enforcement for recruitment and retention of licensed peace officer and detention officers with no local match dollars.
- IV. Money is awarded to agencies based on a formula contained in the law and administered by the ND Attorney General.
- V. Burleigh County will be awarded \$168,903 to use by March 25, 2023. Unspent funds will be returned to the NDAG. Our agency will be required to submit a report to the NDAG detailing how we have implemented the plan and our overall success with the funding.
- VI. Our plan for the money:
 1. Implement our plan December 15th, 2023.
 2. Two prong plan to work on recruitment and retention.
 3. Money allocated based on total FTE slots for Deputy Sheriff and Detention Officer positions.
 4. Sheriff position won't be included in our plan.
- VII. How the Plan will work:
 1. The retention bonus will be paid in December 2024 to all Deputy Sheriffs and Detention Officers who are employed by the department on December 15, 2023 and remain employed until December 15, 2024.
 2. The recruitment bonus will be paid to all new hires who are hired during the program dates and remain employed for one year.
- VIII. Funding
 1. Funding allocated to this program amounts to \$1,279.56 for every applicable FTE position.
 2. Current FTE positions are 58 Deputy Sheriffs and 74 Detention Officers.
 3. Request authorization to supplement this program with \$2,697 of budgeted salary dollars to bring the amount to \$1,300 per position for rounding purposes.
 4. If three positions turn over during program period, Burleigh County won't expend any allocated funds.
- IX. Program Review
 1. We will do quarterly monitoring during program and continue one year after the program ends.
 2. Will provide an assessment on effectiveness of recruitment and retention bonuses with little or no cost to Burleigh County.
 3. Data may provide insight to be used for future hirings for all Burleigh County departments.



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Request for County Commission Action

Date: November 9, 2023

To: Mark Splonskowski
Burleigh County Auditor

From: Kelly Leben *Kelly Leben*
Burleigh County Sheriff

Re: Part-time Nurse Positions

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

Action Requested:

Request authorization to hire part-time nursing positions until full-time position can be filled.

Background:

The Burleigh County Sheriff's Department has been operating with a vacancy in our nursing staff since June 2023. Due to the extended vacancy and the difficulty in recruiting qualified candidates for a full-time position, we request authorization to employ part-time positions with existing salary money to augment our nursing staff. These positions would be in accordance with Burleigh County Policy for pay and benefits.

Recommendation:

It is recommended that the County Commission authorize the Burleigh County Sheriff's Department to hire part-time nursing positions..

Proposed Resolution:

THEREFORE BE IT RESOLVED: That the proper County officials are hereby authorized to hire part-time nursing positions as needed.

COURTHOUSE

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

www.facebook.com/BurleighCountySheriffsDepartment

BURLEIGH MORTON DETENTION CENTER

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

ITEM

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ITEM

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County of Burleigh

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

November 3, 2023

TO: BURLEIGH COUNTY COMMISSIONERS

The following list of outstanding checks were written before July 2022. The money for these checks will be sent to the Unclaimed Property Division at the State Land Department according to North Dakota Century Code, Chapter 47-30.2. We are asking it be put in the County Commission minutes that these checks are to be cancelled.

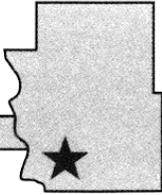
Checks written from Wells Fargo checking account:

<u>Check #</u>	<u>Date Written</u>	<u>Check Payable To</u>	<u>Amount</u>
120771	8/13/2021	DERICK SENEY	\$5.00
122408	3/5/2022	HEIDI HENDRICKS	\$13.00
122571	3/18/2022	SAMUEL PEREZ	\$50.00
		TOTAL	<u>\$68.00</u>

If you should have any questions, please contact me at 222-6714.

Thank You,

Bernadette Ivey
Accountant II



Request for County Board Action

DATE: November 16, 2023
TO: Burleigh County Commission
FROM: Mark Splonskowski
County Auditor/Treasurer
RE: Auxiliary Board members

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

REQUEST:

There are several terms on the County's Auxiliary Boards that will be expiring at the end of December. These openings have been posted and we will be accepting applications for them. I will present the Commission any applications that have been received at every Commission for your consideration until all the positions are filled.

RECOMMENDED ACTION:

Consider the received applications.

Burleigh County Board Appointments

<i>Bismarck Planning Commission – 5 year term</i>		
Paul Levchak (County Appointed)	(2019)	12/31/2023
Trent Wangen (County Appointed)	(2020)	12/31/2024
Robert Field (County Appointed)	(2023)	12/31/2027
Brian Bitner (County Appointed)		
Cole Johnson		
Daniel Lukens		
Gabe Schell		
Mike Schmitz		
Wendy VanDuyne		
Paul Zent		
Mike Schwartz		
<i>County Planning Commission – 4 year term</i>		
Bea Streifel	(2020)	12/31/2023
Dennis Agnew	(2020)	12/31/2023
Dale Patrick	(2019)	12/31/2025
Alvie Jarratt	(2021)	12/31/2025
Brian Zuroff	(2020)	12/31/2025
Steve Marquart		
Mike Schmitz		
Brian Bitner		
Wayne Munson		
<i>County Housing Authority – 5 year term</i>		
Arlene Olson	(2003)	12/31/2023
Cynthia Chavez	(2020)	12/31/2024
Lois Sundquist	(2020)	12/31/2025
Steven Sathre	(2017)	12/31/2026
Sister Kathleen Atkinson	(2015)	12/31/2027
<i>Human Service Zone Board – 3 year term</i>		
Tracy Famias	(2020)	11/30/2023
James Hulm	(2020)	11/30/2023
Leslie Percy	(2021)	11/30/2024
Dick Dever	(2021)	11/30/2024
Trevor Vannett	(2021)	11/30/2024
Gaylynn Becker	(2020)	11/30/2025
Chelsea Flory		
Becky Matthews		
<i>Lincoln City Planning Commission – 5 year term</i>		
Elizabeth Flemming	(2017)	12/31/2026
<i>County Park Board – 3 year term</i>		
Jeffery Herman	(2021)	12/31/2024
Errol Behm	(2019)	12/31/2024
<i>School District Reorganization – 3 year term</i>		
Kim Birkeland	(2011)	6/30/2024
Brenda Blazer	(2011)	6/30/2024
Joyce Falkenstein	(1995)	6/30/2024
Dawn Aberle	(2016)	6/30/2025
Linda MacDonald	(2007)	6/30/2025

Burleigh County Board Appointments

<i>Special Assessment Commission – 6 year term</i>		
Lee Lunde	(2007)	3/31/2025
Jeff Eslinger	(2015)	3/31/2027
Mike Heim	(2005)	3/31/2029
<i>Water Management Board – 3 year term</i>		
Cory Palm	(2020)	12/31/2023
Randall Binegar	(2021)	12/31/2024
Roger Smith	(2021)	12/31/2024
Dennis Reep	(2014)	12/31/2025
James Landenberger	(2017)	12/31/2025
<i>Wood Control Board – 4 year term</i>		
David Nehring	(2020)	12/31/2023
Greg Anderson	(2022)	12/31/2023
Larry Falkenstein	(2021)	12/31/2025
Denise Brown	(2022)	12/31/2025
Cole Anderson	(2012)	12/31/2025

Officials Appointed to Serve at the Pleasure of the Board

Joshua Seil	County Coroner	11/30/2027
Mary Senger	Emergency Manager/Disaster Preparedness Director	
Marcus J Hall	Engineer	
Kelly Leben	Jail Administrator	
Pamela Binder	Safety/Risk Management Director & Human Resource Director	
Chelsea Flory	Human Service Director	
Al Vietmeier	Tax Equalization Director/County Assessor	
Mark Landis	Veterans Service Officer	
Tyler Kralicek	County Agent	
Mitch Flanagan	Building Official/Director	

BURLEIGH COUNTY
AUXILIARY BOARD
APPLICATION FORM

Name: DENNIS AGNEW

Address: 27901 MOFFIT RD, MOFFIT, ND 58560

Home Phone: [REDACTED] Work: [REDACTED] Cell: [REDACTED]

Email: [REDACTED]

Board or Commission on which you prefer to serve:

PLANNING & ZONING

List below the skills or qualifications you could bring to this Board or Commission:

- INTEREST IN PLANNING & ZONING
- EXPERIENCE WITH PLANNING & ZONING AT MULTIPLE LEVELS
- EXPERIENCED WITH ROBERTS RULES OF ORDER

If you have any special interest or reason for serving on this Board or Commission, please explain below.

- I HAVE SERVED ON THIS COMMISSION BEFORE AND ENJOY THE WORK

Principal Occupation/Source of Income (check one)

- | | | | |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer | <input type="checkbox"/> Military | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales |
| <input type="checkbox"/> Laborer | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner | <input checked="" type="checkbox"/> Professional |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student | <input type="checkbox"/> Other | |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

- AGNEW STEEL INC.

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

- CHAMBER EDC ECONOMIC DEVELOPMENT COMMITTEE
- LEADERSHIP BISMARCK/MANDAN STEERING COMMITTEE
- MORTON TOWNSHIP BOARD OF SUPERVISORS

Signature: [Signature] Date: 14NOV23

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission _____

Term Start Date _____

Term End Date _____

Oath Returned _____

BURLEIGH COUNTY
AUXILIARY BOARD
APPLICATION FORM

Name: Bea Streifel

Address: 11260 41st St NE Bismarck ND 58503-6606

Home Phone: _____ Work: _____ Cell: 

Email: 

Board or Commission on which you prefer to serve:

Burleigh County Planning & Zoning

List below the skills or qualifications you could bring to this Board or Commission:

See attached page

If you have any special interest or reason for serving on this Board or Commission, please explain below.

See attached page

Principal Occupation/Source of Income (check one)

- | | | | |
|-------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> Farmer | <input type="checkbox"/> Military | <input type="checkbox"/> Investor/Retired | <input type="checkbox"/> Clerical & Sales |
| <input type="checkbox"/> Laborer | <input type="checkbox"/> Craftsman | <input type="checkbox"/> Business Owner | <input checked="" type="checkbox"/> Professional |
| <input type="checkbox"/> Government | <input type="checkbox"/> Student | <input type="checkbox"/> Other | |

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

Signature:  Date: 11/9/2023

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck ND 58506

OFFICE USE ONLY

Date Appointed by Commission _____

Term Start Date _____

Term End Date _____

Oath Returned _____

List below the skills or qualifications you could bring to this Board or Commission:

Listen well and let constituents speak.

Enjoy being of service to fellow Burleigh County land owners.

Respect property rights.

Studied the Comprehensive Plan and the Zoning Ordinances and watched years of past meeting to educate myself in order to be fair and reasonable in my vote and to best serve the Burleigh County community.

Honor God and the Constitution of the United States of America.

If you have any special interest or reason for serving on this Board or Commission, please explain below:

I have served for 4 years and enjoy my time on the Burleigh County Planning & Zoning commission. I would be honored to be appointed to serve another 4 years.

More importantly, if you take the time to look at the addresses of the commissioners on the current Burleigh County P&Z Commission, there is a minority number who represent the of rural land owners who live outside the ETA of Bismarck. I believe the Burleigh County P&Z Commission should consist of land owners who represent their constituents. We are slowly losing our rural representation and an effort should be made to find members from different areas of the County who represent those who live outside of Bismarck City limits. We have City representation on the County P&Z Commission with a City Commissioner and the City of Bismarck Mayor, and we already have a Bismarck City Planning & Zoning Commission.

I appreciate your consideration of my application for the Burleigh County P&Z Commission.

**BURLEIGH COUNTY
AUXILIARY BOARD
APPLICATION FORM**

Name: ARLENE OLSON

Address: 25401 227th Ave. NE Wing, ND 58494

Home Phone: [REDACTED] Work: [REDACTED] Cell: [REDACTED]

Email: [REDACTED]

Board or Commission on which you prefer to serve:

BURLEIGH COUNTY HOUSING AUTHORITY

List below the skills or qualifications you could bring to this Board or Commission:

I have a wide variety of skills and experience working with the people of Burleigh County. I would like to continue to add a rural perspective to the Housing Authority Board.

If you have any special interest or reason for serving on this Board or Commission, please explain below.

Affordable housing has become a greater concern for more and more individuals. As a lifelong resident of Burleigh County, I am deeply committed to our elderly, and those in need. I am a firm believer that everyone should be given the chance to live independently as long as possible in safe and sanitary dwellings. As a member of this board, I will continue to do my best to make sure that the policy that is set, is fair for all housing assistance programs. I would welcome the opportunity to do my part in this mission.

Principal Occupation/Source of Income (check one)

Farm Owner/Retired

List the name of each business or trust that is NOT the principal source of income, in which you have a financial interest:

NONE

List below the associations or institutions with which you are closely associated, or serve as a director or officer:

I currently serve as Treasure of the Golden Wing Club and as a board member of the Burleigh County Council on Aging.

Signature: Arlene Olson Date: 11-02-2023

Please return application to: Burleigh County Auditor/Treasurer - PO Box 5518 - Bismarck, ND 58506

OFFICE USE ONLY

Date Appointed by Commission _____

Term Start Date _____

Term End Date _____

Oath Returned _____