



Legislative Assembly

North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Matt Heilman

District 7
5501 Flatrock Drive
Bismarck, ND 58503-8929
mheilman@ndlegis.gov

COMMITTEES:
Education
Political Subdivisions

January 23rd, 2025

Chairman Longmuir and members of the Political Subdivisions Committee,

I am Representative Matt Heilman from North Dakota's seventh legislative district in Bismarck. I come before you today to testify in favor of HB 1384. This legislation requires a full-time county auditor to be elected. I do have an amendment from legislative council that is a better way to go about this issue, so I will present the bill as the amendment. The original version is not the best way to approach this issue. However, there are a few reasons as to why a full-time county auditor should be elected and not appointed. I will also lay out some events that have been happening in Burleigh County going back to 2020.

The first reason a county auditor should be elected is because they are held accountable by the public as opposed to merely a few county commissioners. This can lead a county auditor to increase their focus on issues that matter to taxpayers and voters. Chapter 11-13 of the North Dakota Century Code (NDCC) lists all the duties and responsibilities of a county auditor. NDCC 11-13-04 states that the county auditor is the official Chief Financial Officer of the county. With a critical full-time job like a county auditor, we should make sure these positions are held accountable by the voters. If voters decide they want their auditor appointed, then that should be decided by them in a transparent manner.

Another reason we should have full-time auditors elected is because of the public engagement. Having this position on the ballot will cause more voters to pay attention to the county finances and elections. We need more civic engagement with more citizens actively involved in monitoring local government spending and policy.

One of the other reasons for having full-time auditors elected is the possibility of having institutional knowledge. Assuming an auditor is doing their job in good faith and truly representing the people residing in the county, they should be re-elected. This can lead to an auditor being in the position for a longer amount of time and gaining institutional knowledge others may not know. An example of this would be former Burleigh County sheriff Bob Harvey who was our sheriff from 1974 until retiring in 2002. I can't imagine the kind of knowledge he gained over the years that most people do not know.

The biggest benefit of an elected auditor as mentioned earlier is being held accountable by the public and not a select few county commissioners. However, there have been efforts in Burleigh County to make this job appointed going back to 2020. In the 2020 primary election, it was placed on the ballot by the county commission to appoint the auditor rather than elect. I have included the election results, and the language as presented on the ballot to voters. As you can see, the measure failed by a wide margin. The people of Burleigh County decided they want to be able to vote for their county auditor.

In 2022, this was attempted again. This time, the ballot language did not include anything about the auditor being appointed. The ballot language only mentions adopting ordinances. As you can see, it narrowly passed. Intentionally or not, this clearly misled voters within Burleigh County. Since the measure failed in 2020 by such a wide margin, I suspect that it would have failed in 2022 if the ballot language mentioned the position being appointed. The notice was published in the Bismarck Tribune but not everybody reads the Bismarck Tribune. On top of that, how many people read notices in their entirety?

I do apologize for this amendment not being the original bill. My goal with this amendment is to ensure this does not happen again anywhere else. These decisions on the local level should be transparent and honest. With this amendment, we are still allowing local control, but clearly, we need to address this issue of ballot language.

11-13-02. Duties of county auditor.

The county auditor shall:

1. Act as clerk of the board of county commissioners and keep an accurate record of the official proceedings of the board.
2. Prepare a financial statement of the county annually unless otherwise ordered by the board of county commissioners.
3. Upon receipt of any document, bond, or other paper required to be filed in the auditor's office, number and index the same and make the proper entries in the reception book.
4. Carefully preserve all documents, books, records, maps, and other papers required to be deposited or kept in the auditor's office.
5. Have recorded in the office of the recorder all bonds not issued by the state bonding fund that are required to be deposited in the auditor's office.
6. Perform and transact all county business without extra compensation.
7. Keep all books required to be kept by the board of county commissioners.
8. File and preserve in the auditor's office all accounts, vouchers, and other papers pertaining to the settlement of any and all accounts to which the county is a party, and copies of such papers certified under the hand and seal of the auditor shall be admitted as evidence in all courts in this state.
9. Perform all acts required of the auditor relative to the making out and delivering of notices of general and special elections, making abstracts of and canvassing the votes cast at an election, issuing certificates of election, and forwarding the abstract of votes cast to the secretary of state.
10. On or before August first of each odd-numbered year, report to the insurance commissioner the sound depreciated value of each county building or risk, and the contents therein.
11. On going out of office, deliver to the successor in office all moneys, books, records, documents, maps, papers, vouchers, and other property in the auditor's hands belonging to the county, and in case of the death of the auditor, the auditor's personal representatives shall deliver the same to the auditor's successor.
12. Do and perform all acts not enumerated in this section which the auditor is required to do by law.

Burleigh County Measure No. 1 08 -
Burleigh
Vote For 1

Precincts Fully: 36 / 36
Partially: 0 / 36

☐ Track this Contest

EXPORT



● Yes

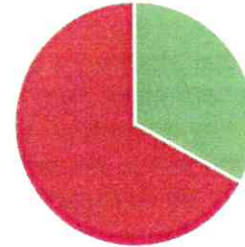
7,036 33.01%

● No ✓

14,277 66.99%

TOTAL VOTES 21,313

Bar Graph | Map



PRECINCT

TOP ↑

STATE OF NORTH DAKOTA	BURLEIGH COUNTY	Sunrise School
NO-PARTY PRIMARY BALLOT To vote for the candidate of your choice, you must darken the oval (●) next to the name of that candidate. To vote for a person whose name is not printed on the ballot, you must darken the oval (●) next to the blank line provided and write that person's name on the blank line. Superintendent of Public Instruction Vote for no more than ONE name Brandt J Dick Charles J Tuttle Kirsten Baesler Justice of the Supreme Court Vote for no more than ONE name Jon Jay Jensen Judge of the District Court South Central Judicial District Judgeship No. 1 Vote for no more than ONE name David Reich Judge of the District Court South Central Judicial District Judgeship No. 2 Unexpired 2-Year Term Vote for no more than ONE name Douglas Bahr Judge of the District Court South Central Judicial District Judgeship No. 7 Vote for no more than ONE name Bonnie Storbakken Gabrielle Goter Scott R Miller Judge of the District Court South Central Judicial District Judgeship No. 8 Vote for no more than ONE name James S Hill County Commissioner Vote for no more than TWO names Brian Bitner Becky Matthews Jerry Woodcox Brian Geloff County Auditor/Treasurer Unexpired 2-Year Term Vote for no more than ONE name Tracy Potter Dale Patrick Leo Vetter	Director, Garrison Diversion Conservancy Vote for no more than ONE name Larry Kassian Commissioner City of Bismarck Vote for no more than TWO names Brandt Jude Michael Connelly Steve Marquardt Mark Splonskowski Municipal Judge City of Bismarck Vote for no more than ONE name William Severin Park Board Member City of Bismarck Vote for no more than TWO names Wayne Munson Andrew Jordan School Board Member Bismarck Public School Dist. 1 Vote for no more than TWO names Brooke LeBeau Kristine Johnson Sargianna Wulfe Dan Eastgate Donnell Preske Karen D. ... Nicholas J. ...	MEASURES BALLOT Vote by darkening the oval (●) next to the word "YES" or "NO" following the explanation of each measure. Burleigh County Measure No. 1 Shall the Burleigh County Home Rule Charter Amendment, as published in the Bismarck Tribune, be approved to remove the requirement that the offices of the County Auditor/Treasurer and County Recorder be elected positions? ☐ Yes - Means you approve the Burleigh County Home Rule Charter Amendment. ☐ No - Means you do not approve the Burleigh County Home Rule Charter Amendment. City of Bismarck City Measure No. 1 Shall Article 3 of the Home Rule Charter for the City of Bismarck be amended: To amend Article 3, section 17 to add an additional 1/2 cent sales, use and gross receipts tax with the proceeds to be dedicated exclusively to construct one new indoor community recreation complex by the Bismarck Parks and Recreation District with said tax to be levied once the bonds up to \$10 million used to fund the construction of the complex are paid in full. ☐ Yes - Means you approve the measure as summarized above. ☐ No - Means you reject the measure as summarized above. City of Bismarck City Measure No. 2 Shall a complete summary of the minutes of Bismarck City Commission meetings be published in the official newspaper? ☐ Yes - Means you approve the printing of a complete summary of the Bismarck City Commission minutes in the official newspaper. ☐ No - Means you reject the printing of a complete summary of the Bismarck City Commission minutes in the official newspaper. Bismarck School District Measure No. 1 Shall a record of the proceedings of the Bismarck School Board be published in the official newspaper of the district? ☐ Yes ☐ No VOTE BOTH SIDES Typ-01 Seq.0004 Spl-01

Burleigh County Measure No. 1 relating to the Home Rule Charter. 08 - Burleigh
Vote For 1

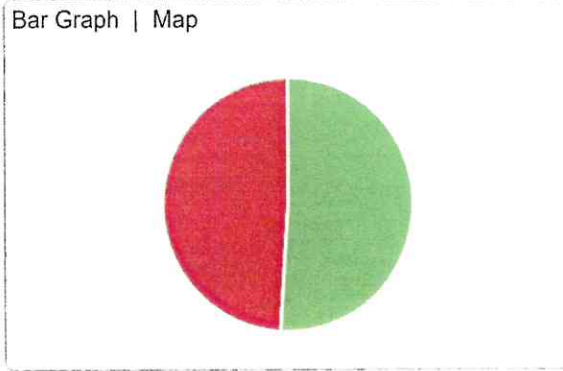
Precincts Fully: 30 / 30
Partially: 0 / 30

☐ Track this Contest

EXPORT



Yes ✓	15,409	50.99%
No	14,811	49.01%
TOTAL VOTES	30,220	



PRECINCT TOP ↑

STATE OF NORTH DAKOTA	BURLEIGH COUNTY	Wilton County Shop 0801
NO-PARTY BALLOT	MEASURES BALLOT	Burleigh County Measure No. 1
To vote for the candidate of your choice, you must darken the oval (●) next to the name of that candidate.	Vote by darkening the oval (●) next to the word "YES" or "NO" following the explanation of each measure.	Shall Burleigh County adopt the Home Rule Charter as published in The Bismarck Tribune?
To vote for a person whose name is not printed on the ballot, you must darken the oval (●) next to the blank line provided and write that person's name on the blank line.	Initiated Constitutional Measure No. 1	☐ Yes - A yes vote means you approve the changes to the original home rule charter to give the County Commission and the citizens the authority to adopt ordinances. ☐ No - A no vote means you do not approve the changes to the home rule charter and the original home rule charter remains in effect.
County Commissioner at Large Vote for no more than THREE names	This initiated measure would add a new article to the North Dakota Constitution. Under the measure, an individual could not serve as a state legislator for a total of more than eight years in either the North Dakota House of Representatives or the North Dakota Senate, separately. It also would prohibit an individual from being elected as Governor more than twice. Service as a member of the legislature or election to the office of governor before the effective date of this measure would not count towards an individual's eight-year or two-election limit. An individual would not be allowed to serve a full or remaining term as a member of the legislature if serving the term would cause the individual to serve a total of more than eight years in that particular house. Any amendment to this article could not be proposed by the legislature, but only by citizen initiative. The article would become effective on January 1, 2023 if approved by the voters. If the measure conflicts with any other provision of the constitution, the measure states it would prevail over the other constitutional provision.	
☐ Dustin Gawrylow ☐ Amelia Doll ☐ Jerry Woodcox ☐ Wayne Munson ☐ Steve Schwab ☐ _____ ☐ _____ ☐ _____		
County Auditor/Treasurer Vote for no more than ONE name	The estimated fiscal impact of this measure is \$0 per biennium.	
☐ Mark Splonskowski ☐ Kirsten Dvorak ☐ _____	☐ Yes - means you approve the measure summarized above. ☐ No - means you reject the measure summarized above.	
County State's Attorney Vote for no more than ONE name	Initiated Statutory Measure No. 2	
☐ Julie Lawyer ☐ _____	This initiated measure would create a new chapter of the North Dakota Century Code. It would legalize the production, processing, and sale of cannabis and the possession and use of various forms of cannabis by individuals who are 21 years of age or older, within limitations as to location; direct a state entity to regulate and register businesses that produce or dispense cannabis for use by individuals aged 21 years or older, and the businesses' agents; permit an individual aged 21 years or older to possess a limited amount of cannabis product; provide protections, limitations, penalties, and employer rights relating to use of cannabis products; and specify that fees are to be appropriated for administration of the chapter.	
County Recorder Vote for no more than ONE name	The estimated fiscal impact of this measure beginning in 2023 through the 2025-2027 Biennium is Revenue of \$3,145,000 and Expenses of \$4,985,000.	
☐ Missy Hanson ☐ _____	☐ Yes - means you approve the measure summarized above. ☐ No - means you reject the measure summarized above.	
County Sheriff Vote for no more than ONE name		
☐ Kelly Leben ☐ _____		
Supervisor, Soil Conservation District Burleigh County Soil Conservation District Vote for no more than ONE name		
☐ Jeremy Saeman ☐ _____		
County Official Newspaper Vote for no more than ONE name		
☐ The Bismarck Tribune ☐ _____		
08080101	Wilton County Shop 0801	Typ:01 Seq:0006 Spl:01

VOTE BOTH SIDES

Public Notices

County 1500 from 123 Ave NE & 97 Ave NE. Total Run Located at 010 Indus. Dr. Bismarck ND 58501 701-258-3451.
10/10, 21, 22, 24, 25, 26 & 27 - 59834

NOTICE OF SALE:

YOU ARE HEREBY NOTIFIED that 34th Street Storage by RJR Maintenance and Management, 3519 OH Red Trail, Mandan, North Dakota will conduct a public auction of abandoned personal property units #32 and #215 on the 21st day of October 2022 at One thirty P.M. The sale shall occur at 3015 34th St NW Mandan, North Dakota Terms of Sale: Cash only. Questions should be directed to RJR Maintenance and Management, 1106 32nd Ave SE Mandan, North Dakota 58554 701-662-1736.
34th Street Storage
By: Jacqueline Fidler
Jacqueline Fidler, Agent
RJR Maintenance and Management
107, 14 & 21 - 52473

NOTICE OF SALE:

YOU ARE HEREBY NOTIFIED that All Purpose Storage, DBA 19th St. Storage by RJR Maintenance and Management will conduct a public auction of abandoned personal property in unit SSS D-8 and 13 and unit SS-A-18 on the 21st day of October 2022 at One thirty P.M. The sale shall occur at 4300 14th St SE, Mandan, North Dakota, Terms of Sale: Cash Only. Questions should be directed to RJR Maintenance and Management, 1106 32nd Ave SE Mandan, North Dakota 58554 701-662-1736.
19th Street Storage
By: Jacqueline Fidler
Jacqueline Fidler, Agent
RJR Maintenance and Management
107, 14 & 21 - 52473

NOTICE OF SALE:

YOU ARE HEREBY NOTIFIED that West River Properties, DBA West River Storage by RJR Maintenance and Management, 4439 Memorial Hwy, Mandan, North Dakota will conduct a public auction of abandoned personal property in unit #601 and 4618 on the 21st day of October 2022 at Two O'clock P.M. The sale shall occur at 4439 Memorial Hwy, Mandan, North Dakota Terms of Sale: Cash Only. Questions should be directed to RJR Maintenance and Management, 1106 32nd Ave SE Mandan, North Dakota 58554 701-662-1736.
West River Properties
By: Jacqueline Fidler
Jacqueline Fidler, Agent
RJR Maintenance and Management
107, 14 & 21 - 52473

Public Notice

Notice is hereby given that the Lincoln Planning and Zoning Commission will hold a public hearing Tuesday October 25, at 7:00 PM at Lincoln City Hall, 74 Sanborn Road, Lincoln, North Dakota, to consider the following item:
Consideration of Final Plat and PUD Amendment for Evergreen Cove 2E, 1/2 of Section 18, T138N R79W.
At the hearing, all interested persons will have an opportunity to be heard with respect to this item. A copy of this application may be viewed between 7:30 AM and 5:00 PM, Monday-Thursday and Friday 7:30 AM-12:00 PM, at the city auditor's office at 74 Sanborn Road, Lincoln, North Dakota 58559-5689.
10/14 & 21 - 52472

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

SECTION 00 0200-INVITATION TO BID

PROJECT: State Capitol Mechanical Upgrades - REBID GS Scope of Work Only
State of North Dakota
600 East Boulevard
Bismarck ND 58505
BIDS CLOSE: Nov. 14, 2022, 2:00 P.M. CDT

SAPC PROJECT # 20221140

DATE OF ISSUE: Oct 21, 2022
BY EAPC Architects Engineers
116 West Main Ave
Bismarck, ND 58501
PHONE: 701-250-2046
OUTLINE OF PROJECT: General clean-up and new oakway above legislative chambers suspended plaster ceilings New Doors and hardware wall demo, painting and create partition work. Work of other contractors for reference. Remove and replace legislative wing air handler systems. Modifications to air distribution & ducting of systems serving legislative wing as well as plating systems serving new air handlers. New standstill ventilation wing heating water piping system including a shell & tube heat exchanger for utilization when steam is available & a natural gas boiler when steam is not available. Remove & replace water cooled chiller in Judicial wing. Remove and replace Haugland room heat pumps with hot water in tube & coil heat exchanger. Install modifications to existing judicial wing heating water system including the Phase 1 addition of supplemental natural gas boilers and the Phase 2 removal of an existing shell & tube heat exchanger to be replaced by another natural gas boiler. Modifications to include expansion in mechanical rooms due to new room layouts. Planned work to be coordinated with owner and schedule of Legislative Session.

TYPE OF BIDS: Separate bids will be received from qualified bidders at the same time on the following portions of the work, separately as listed or combined at the Bidders' option:

General Contract
Mechanical Contract & Electrical Contract already bid and awarded.
RUE GUNWEN John Boyle Director - Facilities Management
600 East Boulevard
Bismarck, ND 58505
BID PLACE: Room 101 in
ND State Capitol Judicial Wing
600 East Boulevard
Bismarck, ND 58505
Bids received after the designated time will not be accepted. All interested parties are invited to attend. Bids will be opened and publicly read aloud. It is the Bidders' responsibility to see that printed or electronic Bids are in the hands of the Owner prior to the time of the bid opening.

OBTAINING DOCUMENTS: Drawings and Specifications may be examined at the Architect/Engineers' office and the Owners' office at the address shown above and:

CND Construction Market Data (www.cndm.com)
Design Plan Room (www.construction.com)
BIDDER INFORMATION
Bismarck, SD: O'Neil; Minnesota Builders Exchange in Minneapolis
North Dakota: Bismarck-Mandan Construction Plans Exchange in Bismarck
Dakota: FM Builders Exchange; Grand Forks: MHI-Wilson
South Dakota: Aberdeen Construction Industry Center in Rapid City, Plains Builders Exchange in Sioux Falls, Sioux Falls Builders Exchange
Montana: Builders Exchange at Billings
Wyoming: Northeast Wyoming Plan

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10/14 & 21 - 52472

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

PUBLIC NOTICE OF ZONING

ORDINANCE CHANGE

Notice is hereby given that the Board of Burleigh County Commissioners, on October 17, 2022, approved an ordinance amending the 1972 Zoning Ordinance of Burleigh County as follows:

Amendment, Article 33 of the 1972

Amended Zoning Ordinance of Burleigh County North Dakota is hereby amended and re-enacted as follows:
The following described property: MCKENZIE TOWNSHIP Section 27 2ND AUDITOR'S LOT A OF SW 1/4 SW 1/4 IRR PLAT 207856 451655 492750 807627-28 27-139-78
Shall be legally and tightly considered as a subdivision of Burleigh County, North Dakota.
St. Michael's Subdivision, Burleigh County, North Dakota
Taking Effect: This ordinance shall be in full force and effect thirty (30) days after first publication of this notice unless a petition for a separate hearing is filed pursuant to N.D.C.C. Section 11-33.10.
This ordinance is available for review during normal office hours in the Burleigh County Building, Planning and Zoning Department, 221 N 5th Street, Bismarck, ND.
By Leo Vetter, Burleigh County Auditor
For the Board of Burleigh County Commissioners
Dated this 18th day of October, 2022
10/21 & 28 - 52387

PUBLIC HEARING NOTICE

Notice is hereby given that the Burleigh Planning and Zoning Commission will hold public hearings on Wednesday, October 26, 2022, at 5:00 p.m. in the Town Board Meeting Room, City-Country Building, 221 North 5th Street, Bismarck, North Dakota, to consider the following items:
• Request of Calvin and Brenda Metz and Frank Properties, LLC for approval of a zoning change from the A - Agricultural zoning district to the CG - Commercial zoning district and a major subdivision plat for Frank Addition, a two-lot subdivision on 1.76 acres. The property is located in north Bismarck, north of 43rd Avenue NE, along the east side of Osborn Street (east of the SW 1/4 of Section 16, T139 R80W City Land).
• Request of Tim and Deb Staloch for approval of a zoning change from the A - Agricultural zoning district to the RRS - Residential zoning district and a major subdivision plat for Aster Ridge Subdivision, a four-lot subdivision on 40.5 acres. The property is located northeast of Bismarck, between 57th Avenue NE and 71st Avenue NE, along the west side of 68th Street NE (east of the NE 1/4 of Section 27, T139N R80W Gibbs Township).
• Request of Daniel Brundskill for approval of a zoning change from the A - Agricultural zoning district to the RRS - Residential zoning district and a major subdivision plat for Brundskill Subdivision, a four-lot subdivision on 39.95 acres. The property is located southeast of Bismarck, in the northeast quadrant of the intersection of 68th Street SE and 55th Avenue SE (the SE 1/4 of the NE 1/4 of Section 20, T138N R80W Apple Creek Township).
• Request of Albert Penix, III for approval of a special use permit to increase the total area of accessory buildings to 3,200 square feet on Lot 7 Block 3, Pleasant Valley Subdivision. The property is located northeast of Bismarck, west of Central Road and south of 71st Avenue NE (west of Ramsey's Room).
• Request of a Star Properties, LLP for approval of a special use permit to allow an electronic message center sign adjacent to a residential area on Lot 2, Block 1, Carls Addition. The property is

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By Leo Vetter, Burleigh County Auditor
For the Board of Burleigh County Commissioners
Dated this 18th day of October, 2022
10/21 & 28 - 52388

PUBLIC HEARING NOTICE

Notice is hereby given that the Burleigh County Commission will hold public hearings on Tuesday, October 25, 2022, at 5:45 p.m. in the Town Board Meeting Room, City-Country Building, 221 North 5th Street, Bismarck, North Dakota, to consider the following items:
• Request of TPR, LLP, Bedford Access Terminal, LLC, and Ronald and Ruth Knutson for approval of a zoning change from the A - Agricultural zoning district to the RT - Residential and CG - Commercial zoning district for Daybreak Second Addition, a 12-lot subdivision on 124.81 acres. The property is located in north Bismarck, north of 57th Avenue NE along the west side of US Highway 83 (State Street east of Section 9

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By Leo Vetter, Burleigh County Auditor
For the Board of Burleigh County Commissioners
Dated this 18th day of October, 2022
10/21 & 28 - 52388

PUBLIC HEARING NOTICE

Notice is hereby given that the Burleigh County Commission will hold public hearings on Tuesday, October 25, 2022, at 5:45 p.m. in the Town Board Meeting Room, City-Country Building, 221 North 5th Street, Bismarck, North Dakota, to consider the following items:
• Request of TPR, LLP, Bedford Access Terminal, LLC, and Ronald and Ruth Knutson for approval of a zoning change from the A - Agricultural zoning district to the RT - Residential and CG - Commercial zoning district for Daybreak Second Addition, a 12-lot subdivision on 124.81 acres. The property is located in north Bismarck, north of 57th Avenue NE along the west side of US Highway 83 (State Street east of Section 9

BURLEIGH COUNTY HOME RULE

CHARTER

APPEARING ON THE GENERAL ELECTION BALLOT NOVEMBER 8, 2022

The following Home Rule Charter will appear on the Burleigh County General Election ballot on November 8, 2022. This publication is to assist voters to become familiar with the Home Rule Charter. The following is the complete Burleigh County Home Rule Charter.

Preamble

We, the people of Burleigh County, do establish this Home Rule Charter, and this charter, the Home Rule powers of Burleigh County will be vested in the Board of County Commissioners.

Article I - Board of County Commissioners to Exercise Powers

Subject to the limitations imposed by the North Dakota Constitution, state law, and this charter, the Home Rule powers of Burleigh County will be vested in the Board of County Commissioners.

Article II - Home Rule Powers of County

In addition to powers granted counties under the constitution and laws of the State of North Dakota, Burleigh County will have the power to:

1. Levy a one half of one percent (0.5%) sales, use, and gross receipts tax.
2. Provide for the adoption, amendment, repeal, retention, renewal, enforcement, and penalties for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety and welfare. However, this subsection does not confer any authority to regulate any industry or activity which is exclusively regulated by state or federal law or by rules adopted by a state or federal agency. This subsection does not confer the authority to regulate the private use of agricultural chemicals.

Section 1 - Sales, Use, and Gross Receipts Tax

Ordinances: All taxes defined in chapters 11-09.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the N.D.C.C. include amendments accepted by the North Dakota Legislative Assembly.

Collection and Administration: Where

not in conflict with the provisions herein, the provisions of N.D.C.C. chapters 11-09.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter "Tax Commissioner") of the taxes imposed.

Sales Tax Imposed: Subject to the

provisions of N.D.C.C. § 11-09.1.03, and except as otherwise provided, the sales and use tax of the State of North Dakota, a tax of one half of one percent (0.5%) is imposed upon the gross receipts of retailers from all sales at retail, including the leasing or renting of tangible personal property, within the corporate limits of the county on the date of enactment.

Use Tax Imposed: Subject to the

provisions of N.D.C.C. § 11-09.1.03, except as otherwise provided, or and law the laws of the State of North Dakota, an excise tax is imposed the storage use, or consumption the corporate limits of the Burleigh, North Dakota of personal property purchased at storage, use, or consumption county, at the rate of one half percent (0.5%) of the purchase or

Burleigh County Auditor/Treasurer is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed. The County Auditor/Treasurer has all powers granted to the Tax Commissioner and in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties, shall perform those duties in place of the Tax Commissioner.

Dedication of Tax Proceeds: All

revenues raised and collected under this charter, less administrative expenses shall be dedicated only to the construction of a Detention Center and the remodeling of the current Detention Center.

Compensation: County sales, use, and

gross receipts tax permit holders are allowed to retain a portion of tax collected to fully recover administrative expenses. This compensation shall equal 3% percent of the county tax due. However, the deduction is limited to \$83.33 per month or \$250 per quarter. A tax return must be filed and paid in full by the scheduled due date or the compensation will be disallowed and the tax obligation will be subject to penalty and interest.

Sales Tax Termination Date: The sales

tax shall expire when all necessary funds for the construction of the Detention Center and demolition and remodeling of the current Detention Center are collected. At such point notice will be provided to the Office of the Tax Commissioner of the county date. Such will be provided at least ninety days prior to the start of a calendar year.

Section 2 - Adoption of Ordinances and

Resolutions: An ordinance is any enactment by the Board of County Commissioners or the people which prescribes a permanent rule or statute governing the actions of persons or bodies.

A resolution is any enactment by the

Board of County Commissioners or the people which defines policies or procedures governing the actions of persons or bodies for a limited period of time.

Procedures: Any enactments by the

people or the Board of County Commissioners implementing charter provisions, or expanding or curtailing any of the powers or authorizations provided herein, will be in the form of ordinances or resolutions. Each ordinance or resolution introduced through the Board of County Commissioners will have two readings, with the first reading consisting of announcement of the title of the ordinance or resolution at a meeting of the Board of County Commissioners and publication of a summary of the enactment in the official newspaper of the county at least 20 days before the second reading.

The proposed enactment will then be

given second reading, which will be by file, and submitted to a roll call vote of the Board of County Commissioners. If a majority of the elected commissioners concur the enactment will become effective on the date stated in the enactment or if no date is stated on the first day of the month following the date of enactment.

Amendments and Resolutions: The

provisions of N.D.C.C. § 11-09.1.03, and except as otherwise provided, or and law the laws of the State of North Dakota, an excise tax is imposed the storage use, or consumption the corporate limits of the Burleigh, North Dakota of personal property purchased at storage, use, or consumption county, at the rate of one half percent (0.5%) of the purchase or

IN DISTRICT COURT

SOUTH CENTRAL JUDICIAL DISTRICT
State of North Dakota by 1
Workforce Safety & Insurance
Plaintiff v.

Alejandro Fernandez Perez
323 Ponderosa Drive
Bismarck, ND
Employer Account No. 1515 W9

SUMMONS

THE STATE OF NORTH DAKOTA TO
THE ABOVE NAMED DEFENDANT
You are hereby summoned and required
to appear and defend against the
attached complaint which is herewith
served upon you, by serving upon the
plaintiff an answer within twenty-one (21)
days after the service of this summons
upon you, exclusive of the date of service.
If you fail to serve an answer, judgment
by default will be taken against you for the
relief demanded in the complaint.
Dated this 29th day of September, 2022
v. Anna Johnson Green

Anna Johnson Green
Special Assistant Attorney General
State Bar ID No. 52641
Workforce Safety & Insurance
PO Box 5586, Bismarck, ND 58506-5586
(701) 328-5400 - agreen@nd.gov
Attorney for Plaintiff

107-14-01-21-52517

THOMAS SEVERN

Attorney at Law
313 Ponderosa Drive
Severn, ND 58550
(701) 433-1411
Attorney for the Estate of Randal K.
Wison Deceased

IN THE DISTRICT COURT OF BUR-
LEIGH COUNTY, STATE OF NORTH
DAKOTA

In the Matter of the Estate of
Randal K. Wison, Deceased
Probate No. 03-2022-PR-00250

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that all
persons having claims against the said
deceased are required to present their
claims within three months after the date
of the first publication of this notice or said
claims will be forever barred. Claims must
be presented to Thomas W. Severn,
Attorney at Law, 313 Ponderosa Drive,
Severn, ND 58550, or presented to the
Court at Clerk of Court, Burleigh
County, 514 E. Third Ave Bismarck, ND
58501.

Dated October 3, 2022

by Thomas W. Severn

Thomas W. Severn

Attorney at Law

313 Ponderosa Drive

Severn, ND 58550

(701) 433-1411

ts@severn-law.com

ND State Bar ID: K08807

107-14-01-21-52516

Room of Estate

If Contractor receives the bidding
documents from a plans exchange, it is
the Contractor's responsibility to contact
EAPC Architects Engineers to be added
to the plan holders list.

Complete digital project bidding docu-
ments are available from EAPC -
Bismarck, Call 701-258-3115 or email
bids@eapc.com for a digital copy.

An official paper set of project
documents is also available for a
retailable price of \$100.00 per set from
EAPC Architects Engineers, 116 West
Main Ave Bismarck, ND. If this Bidder
returns the set of documents in good
condition within 10 days following the Bid
Date, the deposit will be refunded. If the
Bidder does not return the set of
documents within the designated time,
none of the deposit will be refunded.

Please allow 2 days for printing.
Partial or complete sets of prints and
specifications may be obtained from
EAPC by other than the above. The sets
or partial sets will be distributed upon
receipt of payment for the information
charged at the current reproduction rate.

None of this payment will be refunded.
Completeness and accuracy of the set of
documents furnished shall be the
responsibility of the person making the
request.

BID SECURITY. Bid Security in the
amount of five (5%) percent of the Bid
including all add alternates, must
accompany each Bid in accord with 00
1000 - Instructions to Bidders. Bidders
Bond cashiers checks or certified checks
will be accepted.

NORTH DAKOTA LAW. All bidders must
be licensed for the highest amount of their
Bids as provided by North Dakota
Century Code Section 43-07-07, and no
bid will be read or considered which does
not fully comply with the above provisions
as to bond and licenses, and any bid
forfeit in these requests submitted will
be re sealed and returned to the bidder
immediately.

PRE-BID MEETING. There is no
scheduled Pre-Bid Meeting. Contractors
wishing to visit the site please contact
Tom Job, Project Manager with Facility
Management at the Capitol.

BID SUBMISSION. Bids shall be
submitted to the person and place, and by
the time indicated in 00 02000 - In addition
to Bid Bids shall be packaged in
accordance with 00 1000 - Instructions to
Bidders.

THE OWNER reserves the right to waive
regularly, to reject Bids and to hold all
Bids for a period of 30 days after the date
fixed for the opening thereof.

By order of Tom Job, Project Manager
EAPC Project 20221149, Published Oct
21, 2022, and Nov 4.

END OF SECTION 00 0200
107-14-01-21-52516

located in north Bismarck, in the
southwest quadrant of the intersection of
North Washington Street and Buckskin
Avenue (125 Buckskin Avenue).

* Request of Bismarck School for
approval of a special use permit to
increase the total area of accessory
buildings to 3200 square foot on Lot 4,
Block 3, Apple Meadows First Subdivi-
sion. The property is located east of
Bismarck, south of County Highway 10
East Main Avenue, west of 87th Street
NE, at the intersection of Baron Lane and
Buckskin Loop (1921 Buckskin Loop).

* Request of Peter Huester for approval of
a special use permit to increase the total
area of accessory buildings to 3200
square foot on Lot 3, Block 6, Glance
Prairie Estates Third Subdivision. The
property is located northeast of Bismarck,
north of 43rd Avenue NE and west of
Centennial Road, along the east side of
Junction Road (5221 Junction Road).

At the next meeting of the Bismarck Planning &
Zoning Commission will provide an
opportunity for all interested parties to be
heard with respect to these items.
Interested parties may submit written or
oral comments regarding these requests
in person at 8:00 AM the day of the
meeting to the Community Development
Department, PO Box 3503, Bismarck,
North Dakota 58508-5503, far
701-222-6450 or email - planning@bismarcknd.gov. Written comments
received after 8:00 AM on Wednesday,
October 26, 2022 and those submitted
anonymously will not be forwarded to the
Planning & Zoning Commissioners or
included in the minutes of the meeting.

Interested persons may also call
701-355-1840 with questions, for addi-
tional information, or to facilitate alternate
means to appear at the public hearing
without having to appear in person.

Descriptions of these requests are on file
and may be viewed or copied any working
day between 8:00 a.m. and 3:00 p.m. at
the Bismarck Community Development
Department, 721 North 5th Street,
Bismarck, North Dakota

Ben Ehrhart, ACP, Community Develop-
ment Director
For Bismarck Planning & Zoning
Commission

Dated this 16th day of October, 2022.
10-14-21-52748

**DEADLINES
PUBLIC NOTICES**

PUBLISH BY **RECEIVE BY**
Mon. 5:00 PM
Tues. 5:00 PM
Wed. 5:00 PM
Thurs. 5:00 PM
Fri. 5:00 PM
Sat. 5:00 PM

*Early Deadlines For Holidays.

1138N-BRIVE-City Limits and Hay Creek
Township).

* Request of Denzen Properties, LLC and
the City of Bismarck for approval of a
zoning change from the P-Public and RUD-Planned
Unit Development zoning districts for
Municipal Fourth Addition First Parcel, a
3.1-acre subdivision on 33.4 acres. The
property is located in west Bismarck along
the south and west sides of Edwards
Avenue (a repal of Municipal Fourth
Addition).

* Request of Holiday Estates of Bismarck,
LLC for approval of a zoning change from
the CO - Commercial zoning district to
the RMH - Residential zoning district for
Lots 1-18, Block 10 and the S1/2 of the
vacated Ingals Avenue adjacent to Lot 1,
Block 10, Lots 1-24, Block 10; all of the
vacated Ingals Avenue adjacent to
Block 10 and 19; and Lots 1-5 and
13-24, Block 18 and the N1/2 of the
vacated Michigan Avenue adjacent to
Block 18, Corner Addition. The property is
located in south-central Bismarck, on both
sides of South 5th Street between East
Ingals Avenue and the vacated East
Michigan Avenue.

At the hearing, the Bismarck City
Commission will provide an opportunity
for all interested parties to be heard with
respect to this item. The City of Bismarck
is encouraging citizens to provide their
comments for this hearing via email to
bismarckadmin@bismarcknd.gov. The
comments will be sent to the City
Commissioners and included with the
minutes of the meeting. Please submit
your written comments by 3:30 p.m. on
the day of the meeting and reference the
specific item your comment addresses,
including the agenda item.

Citizens may also appear via video or
audio link for a 15-minute comment on
this public hearing item by providing an
email address and contact information
via email to bismarckadmin@bismarcknd.gov at least one business
day before the meeting.

A description of this request may be
viewed at our website at www.bismarcknd.gov
or by contacting the Community
Development Department - Planning
Division at planning@bismarcknd.gov or
701-355-1840.

BOARD OF CITY COMMISSIONERS
BISMARCK, NORTH DAKOTA
Attest: Keith J. Hunkle
City Administrator

Dated this 16th day of October, 2022
10-14-21-52749

**To Place a
Legal Advertisement**

Call 355-8818 or
Fax 223-0959 or Email
legalads@bismarcktribune.com

property. An excise tax is imposed on the
storage, use, or consumption within the
corporate limits of the county of Burleigh
County, North Dakota, of tangible personal
property not originally purchased for
storage, use, or consumption in this
county at the rate of one-half of one
percent (1/2%) of the fair market value of
the property at the time it was brought into
this county.

With respect to the purchase price of
tangible personal property used by a
contractor or subcontractor to fulfill a
contract as defined in N.D.C.C. §
57-40-2-03.3, the tax imposed by this
section applies only to bids submitted on
or after the effective date of this
Ordinance.

Gross Receipts of Alcoholic Beverages.
Subject to the provisions of N.D.C.C. §
11-09-1-05, and except as otherwise
provided, a gross receipts tax of one-half
of one percent (1/2%) is imposed upon all
gross receipts from the sale of alcoholic
beverages within the county. A person
who receives alcoholic beverages for
storage, use, or consumption in this state
is subject to tax on storage, use, or
consumption of those alcoholic beverages
at the rate of one-half of one percent
(1/2%).

**Gross Receipts of New Farm Machin-
ery and New Farm Irrigation Equip-
ment.** Subject to the provisions of
N.D.C.C. § 11-09-1-05, and except as
otherwise provided, a gross receipts tax
of one-half of one percent (1/2%) is
imposed upon all gross receipts from the
sale of new farm machinery and new farm
irrigation equipment within this county. A
person who receives new farm machinery
or new farm irrigation equipment for
storage, use, or consumption in this state
is subject to tax on storage, use, or
consumption of that machinery and/or
equipment at the rate of one-half of one
percent (1/2%).

Exemptions: No additional exemptions
from imposition and computation of the
county sales and use tax other than those
provided by state law are provided for.

Sales to contractors: that are exempt
pursuant to subsection 15 of N.D.C.C. §
57-38-2-04, shall be exempt from any
county sales tax but contractors shall be
subject to the county use tax on those
items used within the county that would
be taxed pursuant to N.D.C.C. §
57-40-2-03.3 on which the county sales
tax has not previously been paid.

Maximum Tax Imposed: Any patron or
user paying a tax imposed in excess of
\$25 upon any single transaction of one or
more items may obtain a credit or refund
of the excess tax at the time of purchase
directly from the vendor or request a
refund of the excess tax payment by filing
a request for refund upon the forms
provided by the Tax Commissioner.
Contact with Tax Commissioner: Fax

of any political subdivision without its
consent.

No ordinance may be enacted to diminish
the authority of the boards of supervisors
of townships or change the structure of
organized township government.

Article III - Elections
1. The Board of County Commissioners
shall consist of five members who shall be
elected on a nonpartisan ballot. All of the
candidates seeking the office of county
commissioner shall be voted upon by the
qualified electors.

2. The Board of County Commissioners
may follow state law concerning the
organization and structure of elected
county offices in accordance with state
law.

3. The Board of County Commissioners
may follow state law concerning the
elected offices of the county auditor,
treasurer and the county recorder and
appeals officers. Any resolution to
convert an elected office to an appointed
office shall not shorten the term for which
the official was elected nor reduce the
salary of the official's office for that term.

4. The elected offices of the County
Shall and County State's Attorney shall
remain as elected positions voted upon by
the qualified electors.

**Article IV - Amendments, Repeal and
Termination**
In the manner provided in state law, the
charter may be amended or repealed by a
proposal of the Board of County
Commissioners or by petition bearing
signatures of qualified voters at least
equal in number to fifteen percent of the
number of electors voting in the county for
the office of governor in the last general
election.

Respectfully submitted by the Burleigh
County Home Rule Charter Commission
this 16th day of October, 2022
Mark Armstrong, Chairman

Enka Wingo, Charter Commissioner
Brian Feltz, Charter Commissioner
Michael Connolly, Charter Commissioner
Dustin Gonyea, Charter Commissioner

10-20-4-10-27-53001

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Mark Armstrong, Chairman

Enka Wingo, Charter Commissioner
Brian Feltz, Charter Commissioner
Michael Connolly, Charter Commissioner
Dustin Gonyea, Charter Commissioner

10-20-4-10-27-53001

PUBLIC NOTICES
A public notice is informa-
tion informing citizens of
government activities that
may affect the citizens'

everyday lives
Public notices have been
printed in local newspa-
pers, the trusted sources
for community information,
for more than 200 years.

Public Notices

Legal Notice

Notice is hereby given that Choice Bank, a division of Choice Financial Group, will accept banking operations at its option at 1113 S. Western Boulevard, Bismarck, North Dakota 58503, effective December 30, 2022. Choice Bank has additional locations in Bismarck, ND and Steele, ND to serve customer's financial needs. Customers may be contacted at 1-800-838-3333. Commissioner, North Dakota Department of Financial Institutions, 2010 Snodgrass Street, Suite G, Bismarck, North Dakota 58503-1224, or Federal Deposit Insurance Corp. After Regional Director, Kansas City Regional Office, 1100 Walnut Street, Suite 2100, Kansas City, Missouri 64108 no later than December 1, 2022. 10/28 & 11/4 - 53104

IN THE DISTRICT COURT OF BURLEIGH COUNTY STATE OF NORTH DAKOTA

In the Matter of the Estate of Michael Henrich, Deceased.

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN, that the undersigned has been appointed personal representative of the above estate. All persons having claims against the deceased are required to present their claims within three months after the date of the first publication of this notice in said claims will be forever barred. Claims must either be presented to Lori Vason, personal representative of the estate at 710 North 33rd Street, Bismarck, ND 58501, or filed with this Court. Dated this 28th day of October 2022. Lori Vason, Personal Representative 710 North 33rd Street Bismarck ND 58501

First publication on the 28th day of October 2022. 10/28, 11/4 & 11 - 53218

IN DISTRICT COURT BURLEIGH COUNTY, NORTH DAKOTA IN THE MATTER OF THE PETITION ASHLYN DENISE HENRY

NOTICE OF PETITION FOR NAME CHANGE

1. PLEASE TAKE NOTICE that a Petition in this above-captioned matter will be filed with the Clerk of District Court for Burleigh County, North Dakota, requesting an Order changing the name of Ashlyn Denise Henry (current full legal name) to Ashlyn Denise Kellan requested full legal name.

2. NOTICE IS FURTHER GIVEN that thirty days after publication, the Petitioner intends to file a petition requesting entry of the Court's Order changing the Petitioner's name. Any objection to granting this name change must be given in writing to the address listed below within 30 days of the date of this publication. The written objection must also be filed with the Court, if no objections are given the Court may proceed to the Petition without further notice.

Dated this 28th day of October 2022. Ashlyn Henry 1684 Capital Way Apt 108 Bismarck ND 58501 10/28 - 53223

PUBLIC NOTICE OF ZONING ORDINANCE CHANGE

Notice is hereby given that the Board of Burleigh County Commissioners on October 17, 2022, approved an ordinance amending the 1972 Zoning Ordinance of

STATE OF NORTH DAKOTA COUNTY OF BURLEIGH IN DISTRICT COURT IN THE MATTER OF THE ESTATE OF MARYANN M. AGNEW AKA MARY ANN M. AGNEW AKA MARY ANN MARGARET AGNEW AKA MARYANN AGNEW AKA MARY ANN AGNEW, DECEASED Probate File No. 08-2022-PH-00372

NOTICE TO CREDITORS IN THE COUNTY OF BURLEIGH, STATE OF NORTH DAKOTA

In the Matter of the Estate of MaryAnn M. Agnew AKA Mary Ann M. Agnew AKA Mary Ann Margaret Agnew AKA MaryAnn Agnew AKA Mary Ann Agnew, Deceased

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication of this notice in said claims will be forever barred. Claims must either be presented to Janet Long, personal representative of this estate at 19100 ARN Ave NE, Minnetonka, ND 58558 or filed with the Court. Dated 10/21/2022. Janet Long

19100 ARN Ave NE, Minnetonka, ND 58558 Email: jzimmern@nd.gov 10/21/2022 Attorney for the Estate 919 S 7th St, Suite 507 Bismarck ND 58504 701-224-1519

First publication on the 28th day of October 2022. 10/28, 11/4 & 11 - 53217

REQUEST FOR QUALIFICATIONS (RFQ)

The North Dakota Department of Water Resources (DWR) is requesting proposals from qualified firms to develop a Capital Improvement Plan (CIP) for the Devils Lake West End Outlet (West Outlet). The purpose of the CIP is to outline capital improvements for the West Outlet to maintain long term operations.

The State Water Commission owns and operates two outlets from Devils Lake: West Outlet and East End Outlet. The West and East End Outlets are emergency infrastructure operating to reduce flood inundation caused by high lake levels on Devils Lake. DWR staff operate the Devils Lake Outlets on behalf of the State Water Commission. The West Outlet was originally commissioned in 2005 and has been operating ever since. Selected firms will provide technical assistance to develop a CIP for the West Outlet. The anticipated project scope will include performing a review of as-built plans and other information available related to the West Outlet; inspection of infrastructure for the West Outlet; documentation of inspection findings and development of a West Outlet CIP. Interested firms should have experience with:

1. Water infrastructure projects.
 2. Capital improvement plans.
- For more information and to request a copy of the RFQ documents, please contact:

Chris Kerkowski, Investigations Section Chief, North Dakota State Water Commission 500 East Boulevard Avenue Bismarck ND 58505-0450 DIRECT: 701-328-2762 Email: ckorkowski@nd.gov Submittals must be received by DWR

THE LINCOLN CITY COUNCIL REGULAR MEETING THURSDAY OCTOBER 6, 2022 7:00PM

The regular City Council meeting of the City of Lincoln was called to order by President Carrie Praska at 7:00pm. Pledge of Allegiance was said.

ROLL CALL: Ryan Glavis, Amanda Davis, Jamie Leming, Carrie Praska. Glass moved to approve the agenda with the removal of Eric Fischer addressing the council, seconded as amended by Davis, MCU.

Under the consent agenda, Glass moved to approve the minutes from 9-15-22, seconded by Davis, MCU. Old Business: Clarification of the TransTrash Contract was given. Council accepted an extension of the previous contract to add 5 more years in the original contract.

New Business: Volunteer Pairs gave a summary of September's activities and a summary of the City's projects. Moore Engineering provided a plan for the Water Reservoir and Water Main Improvements. Davis moved to table the approving of the plan until the Council has had more time to review it, second by Glavis, MCU.

Davis moved to table the final plan for Edge Hill Estates, seconded by Glavis, MCU. Burleigh County Rural Fire Department, Assistant Fire Chief Brian Rivette, presented totals for 2022. There were 311 calls with 115 to Lincoln, average call time for September is 6 min 40 seconds.

October is Fire Prevention Month. His wants to remind everyone to change the batteries in the alarm and to review fire escape plans with your families. Lincoln Police Department reported 31 criminal arrests with 633 calls for service in September. Total calls for 2022 is 3,934.

Portfolios: Councilman Leming reported that Rob DeChon has resigned. Leming made a motion to appoint Terry Schult as interim Public Works Director, seconded by Glavis, MCU.

Councilwoman Davis thanked Carrie Praska putting together the Moel and Gravel event on September 18. She is excited to serve on the City Council and is willing to visit with anyone who may have concerns. She also wanted to clarify that she is not in favor of defunding the Lincoln PD. Davis requested assistance to have the billboard on Ecclesien removed or reduced. There is also a bush on Finley Street that is obstructing a light pole. She asked if the Tree Board was able to replace the trees that were removed on 28th Street. Praska informed her that planting will happen in the Spring of 2023. Street signs on McNally and 28th Ave. need to be evaluated as they are not clearly read. Davis requested that Dakota Media Access be utilized and to be added to the agenda for October 20th.

Councilman Glavis had nothing to report. Several citizens wanted to know if any action was taken regarding the Lincoln Police Department and Facebook comments. City Attorney stated that the City has no authority to restrict private Facebook accounts. However, the situation is still under investigation. Paul Wilkins is looking to have a civil relationship with the Lincoln Police Department and the citizen.

Carrie Praska stated the Tree Board was presented with 2022 Tree City USA. She also asked if there were enough volunteers for Cleanup on October 3rd. Davis moved to approve the payables as presented, seconded by Glavis, MCU. ACME Electric 573 97 Advanced Business North Dakota 58502 1-800-368-6076

SECTION 08 0200-INVITATION TO BID PROJECT: State Capitol Mechanical Upgrades - REBD GC Scope of Work Only

State of North Dakota 500 East Boulevard Bismarck ND 58505 BIDS CLOSE Nov. 14, 2022 2:00 P.M. CDT

EAPC PROJECT # 20221140 DATE OF ISSUE Oct 21, 2022 BY: EAPC Architects Engineers 116 West Main Ave Bismarck ND 58501 PHONE: 701-220-2646

OUTLINE OF PROJECT: General clean up and new walkway above legislative chambers' suspended glass ceilings. New Doors and hardware, nail ferris painting, and window partition work. Work of other contractors for reference.

Remove and replace legislative wing or hardware systems. Modifications to air distribution & ducting of systems serving legislative wing as well as piping systems serving new air handlers. New standing legation wing heating water piping system including a steel & tube heat exchanger for utilization when steam is available & a natural gas boiler when steam is not available. Remove & replace water cooled chiller in Judicial wing. Remove and replace Haug and room heat pumps with hot water in tubs & chilled water fan coils. Phase modifications to existing judicial wing heating water system including the Phase 1 addition of supplemental natural gas coils and the Phase 2 removal of an existing shell & tubes heat exchanger to be replaced by another natural gas boiler. Modifications to fire sprinkler in mechanical rooms due to new room layout. Phased work to be coordinated with general and selective of Legislative Session.

TYPE OF BIDS: Separate bids will be received from qualified bidders at the same time on the following portions of the work, separately as listed or combined at the Bidder's option.

General Contract (Mechanical, Contract & Electrical Contract already bid and awarded)

THE OWNER, John Boyle, Director - Facilities Management 600 East Boulevard Bismarck ND 58505 BID PLACE, Room 101 6 BID State Capitol Judicial Wing 500 East Boulevard Bismarck, ND 58505 Bids received after the designated time will not be accepted. All interested parties are invited to attend. Bids will be opened and publicly read aloud. It is the Bidder's responsibility to see that mailed or delivered bids are in the hands of the Owner prior to the time of the Bid opening.

OBTAINING DOCUMENTS: Drawings and Specifications may be examined at the Architect/Engineer's office, and the Owner's office at the address shown above and:

CMD (Construction Market Data) (www.cmdgroup.com)

Dodge Plan Room (www.construction.com)

SGF (www.sgfi.com)

Bidders Exchanges: Minnesota: St. Cloud: Minnesota Builders Exchange in Minneapolis

North Dakota: Bismarck-Mandan Construction Plans Exchange in Bismarck

Dickinson: FIA Builders Exchange; Grand Forks: Mand. Wilston

South Dakota: Aberdeen: Construction Industry Center in Rapid City; Pierre: Builders in Sioux Falls; Sioux Falls: Builders Exchange

Bids for a period of 30 days after the date fixed for the opening thereof. By order of: Tom Job, Project Manager EAPC Project 20221140 Published Oct 21, 2022 and Nov. 4, 2022 END OF SECTION 08 0200 10/21, 28 & 11/4 - 53072

BURLEIGH COUNTY HOME RULE CHARTER APPEARING ON THE GENERAL ELECTION BALLOT NOVEMBER 8, 2022

The following Home Rule Charter will appear on the Burleigh County General Election ballot on November 8, 2022. This publication is to assist voters to become familiar with the Home Rule Charter. The following is the complete Burleigh County Home Rule Charter.

Preamble

We, the people of Burleigh County, do establish this Home Rule Charter.

Article I - Board of County Commissioners to Exercise Powers

Subject to the limitations imposed by the North Dakota Constitution, state law, and this charter, the home rule powers of Burleigh County will be vested in the Board of County Commissioners.

Article II - Home Rule Powers of County

In addition to powers granted counties under the constitution and laws of the State of North Dakota, Burleigh County will have the power to:

1. Levy a one-half of one percent (1/2%) sales tax, and gross receipts tax.
2. Provide for the adoption, amendment, repeal, initiation, referral, enforcement, and penalties for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety and welfare. However, this subsection does not confer any authority to regulate any industry or activity which is exclusively regulated by state or federal law or by rules adopted by a state or federal agency. This subsection does not confer the authority to regulate the private use of agricultural chemicals.

Section 1. Sales, Use, and Gross Receipts Tax

Definitions: All taxes defined in chapters 11-09.1, 57-33.2, 57-39.4, 57-39.5, 57-39.8, and 57-40.2 of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the N.D.C.C. include amendments adopted by the North Dakota Legislative Assembly.

Collection and Administration: Where not in conflict with the provisions herein, the provisions of N.D.C.C. chapters 11-09.1, 57-39.2, 57-39.4, 57-39.5, 57-39.8, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the sales, use, and gross receipts taxes, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner hereinafter "Tax Commissioner" of the taxes imposed.

Sales Tax Imposed: Subject to the provisions of N.D.C.C. § 11-09.1-05, and except as otherwise provided, at the sales and use tax laws of the State of North Dakota, a tax of one-half of one percent (1/2%) is imposed upon the gross receipts of retailers from all sales in retail including the leasing or renting of tangible personal property, within the corporate limits of the county of Burleigh, North Dakota.

Use Tax Imposed: Subject to the provisions of N.D.C.C. § 11-09.1-05, and except as otherwise provided, at the sales and use tax laws of the State of North Dakota, an excise tax is imposed upon

57-40.2.031 on which the county sales tax has not previously been paid. Maximum Tax Imposed: Any person or user paying a tax imposed in excess of \$25 upon any single transaction of one or more items may obtain a credit or refund of the excess tax at the time of payment, or the vendor or request a refund of the excess tax payment by filing a request for refund upon the forms provided by the Tax Commissioner.

Contract with Tax Commissioner: The Burleigh County Auditor/Treasurer is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed. The County Auditor/Treasurer has all powers granted to the Tax Commissioner and in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties, shall perform those duties in place of the Tax Commissioner.

Dedication of Tax Proceeds: All revenues raised and collected under this charter, less administrative expenses, shall be dedicated only to the construction of a Detention Center and demolition and remodeling of the current Detention Center.

Compensation: County sales use, and gross receipts tax, permit fees, and allowed to retain a portion of the collected to help recover administrative expenses. This compensation shall equal 3% percent of the county tax due, however the deduction is limited to \$83.33 per month or \$250 per quarter. A tax return must be filed and paid in full by the scheduled due date of the compensation will be deducted and the tax obligation will be subject to penalty and interest.

Sales Tax Termination Date: The sales tax that requires all necessary funds for the construction of the Detention Center and demolition and remodeling of the current Detention Center are collected. At such point, notice will be provided to the Office of the Tax Commissioner of the state date. Such will be provided at least ninety days prior to the start of a calendar quarter.

Section 2. Adoption of Ordinances and Regulations

Definitions: An ordinance is any enactment by the Board of County Commissioners or the people which defines policies or procedures governing the actions of persons or bodies for a limited period of time.

Procedures: Any enactments by the people of the Board of County Commissioners, implementing charter provisions, or expanding or clarifying any of the powers or authorizations provided herein, will be in the form of ordinances or resolutions. Each ordinance or resolution introduced through the Board of County Commissioners will have two readings with the first reading consisting of announcement of the title of the ordinance or resolution at a meeting of the Board of County Commissioners and publication of a summary of the enactment in the official newspaper of the county at least 30 days before the second reading.

The proposed enactment will then be given second reading, which will be by the Board and submitted to a ratification of the Board of County Commissioners. If a majority of the elected commissioners concur, the enactment will become effective on the date stated in the enactment or if no date is stated on the first day of the month following the date of

