

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
OCTOBER 3, 2023**

Chairman Erin Magrum called the meeting to order at 9:00 A.M. with Commissioners Don Eberle, Gary Hulm, Dan Materi and Craig Miller being present. Also present was States Attorney, Joseph M. Hanson.

The Pledge of Allegiance was recited.

The September, 2023 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Materi motioned to approve the minutes of the September 5, 2023 regular meeting. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the agenda with the addition of meeting date for the November Commission meeting and City of Hague building discussion. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Old and Unfinished Business:

Tabled was the appointment of a County Committee member. Also tabled was Housing Authority Board Member replacing Dianne Kalberer.

Discussion was held regarding the public nuisance located on 8080 Highway 83 South, Linton, ND. Joseph M. Hanson reported that he didn't have any new updates at this time, but felt that the county should be able to enter the property to abate the nuisance by the 2nd week in November.

New Business:

The Commission received a request to change the stop sign to a yield sign by the Assembly of God Church, Linton. After some discussion, the board concluded that the stop sign should remain.

Tabled from the September 5, 2023 meeting, a public hearing was continued to consider the Petition for Order to discontinue, close and vacate a section line, Emmons County, in Township 130, Range 79, between Sections 28 and 27, beginning at the point where the Northeast corner of Section 28 meets the Northwest corner of Section 27, and running south to a point where the Northeast corner of the Southeast Quarter of Section 28 meets the Northwest corner of the Southwest Quarter of Section 27, as provided by NDCC 24-07-05 and 24-07-03.

The Commission watched a video that was recorded and submitted by Greg and Barb VanBeek who were driving a utility vehicle on the section line that is being petitioned for closure.

Present for the hearing was Francis Krumm who commented that the Commissioners created a lot of confusion on section line right-of-way's when they allowed a variance to the county's zoning ordinance to fence part of the right-of-way on 90th St. SE. Francis Krumm referenced the closure of the road in Temvik earlier this year where North Dakota Century Code was followed when a petition with adjacent landowner's signatures was filed and a public hearing was held, and now the same requirements are being followed again for this particular section line.

Chairman Magrum stated that he wasn't notified of anyone against closing the section line; but heard from others that were in favor of the closure. Chairman continued by stating that North Dakota Century Code allows for closing section lines, and the petitioners have fulfilled every part of the law by having adjacent land owners sign the petition to close the section line, with nobody protesting against it.

Commissioner Eberle stated that he didn't feel that the county should be closing section lines and felt that if they close this section line, other landowners will petition to do the same.

The public hearing closed and the Petition for Order was acted on later in the meeting.

Alan Paschal, Prairie Knights Casino, and several members of the Standing Rock Sioux Tribe appeared to revisit the subject that's been discussed for the past fifty-three years for building a bridge over the Missouri River between Mobridge, SD and Bismarck, ND.

Alan Paschal stated that positive meetings were held with Senators Kevin Cramer and John Hoeven who are both in full support of the bridge. The case was presented to Pete Buttigieg, U.S. Secretary of Transportation, who has expressed interest, and the proposed bridge site was visited by Michael Conner, Assistant Secretary of the Army (Civil Works), who's in charge of the U.S. Army Corp. of Engineers.

Alan Paschal stated that he feels that the benefits are substantial for both sides of the river, noting that this area is the longest gap without a bridge on a major waterway in North America of over 100 miles. Everyone who's in agriculture on the west side of the river has to bring their cows around to the auction lots on the east side for sale. Having a bridge across the river will create an economic corridor that will allow for easy access back and forth between business services and will also create employment opportunities. Based on the formula used in 2010, anticipated traffic count for cars to go across the bridge is between 1,200 – 1,500 per day.

Federal funding met at 100% is available for constructing the bridge. The cost of the bridge back in 2010 was projected at \$92.5 million. When you factor in construction inflation over a ten-year period at 4%, it would cost \$140 million and with double digits high inflation the last couple years, the bridge is now projected to cost between \$150 - \$160 million.

Several options for the location of the bridge were presented, with the ideal location being where the Prairie Knights Casino Marina is located coming across the east side on 80th St. SW.

District #31 Senator, Donald Schaible, was present and in full support of the bridge stating that it would have a positive economic impact on both Sioux and Emmons County.

Also present and in support of the bridge was Scott Davis, Vice President of District #31, and member of the Standing Rock Sioux Tribe.

On the phone and in support of the bridge was Andrew Zachmeier, Morton County Commissioner and Kenneth Snider, Sioux County Commissioner.

Alan Paschal will provide results for crime rates in Sioux County compared to Emmons County per request of Commissioner Materi.

According to Alan Paschal, the construction of the bridge could begin in 15 months. Chairman Magrum invited Paschal to future county commission meetings to provide updates on the project and to keep communication lines open.

County Extension Agents, Acacia Stuckle and Emily Leier, provided a quarterly narrative report.

Gary Sanders presented a Joint Powers Agreement for consideration between Emmons County and North Dakota Association of Counties for the purpose of collection and distribution of 911 fees. No action was taken.

Dan Carr appeared to request moving an existing approach 200 feet on 94th St. SE, Section 28, Township 130, Range 75. The Commission concluded that Dan Carr apply for an approach permit, waiving the application fee, and have the road superintendent inspect the area.

Dan Carr also made a request that Emmons County reinstate their policy for purchasing culverts to sell to landowners. The Commission agreed to provide this service by purchasing the culverts and reselling them to Emmons County landowners. The Road Superintendent will draw up a policy.

Skyler Prellwitz, Road Superintendent, reported on activities for the county road department.

Clerk of Court/Recorder, Kathleen Dosch, announced that Robin Mosset was hired as deputy Clerk of Court/Recorder and will start employment on October 6, 2023. Also, Anita Ibach will be assisting with a jury trial and reimbursed as a consultant.

The list of real estate property forfeited to the county due to delinquent taxes, pursuant to NDCC 57-28-10 was reviewed by the board. Commissioner Eberle motioned to set the minimum sale price for each property for the amount of the total taxes due. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller.

Commissioner Materi motioned to move the regular county commission meeting from November 7, 2023 to November 8, 2023. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle stated that the City of Hague is inquiring about the county contributing funding towards the demolition of the old café building. The Commission concluded to have the City of Hague present a plan and proposal.

At this time, the Commission acted on the Petition for Order to discontinue, close and vacate said section line as discussed earlier in the meeting. Commissioner Eberle motioned to deny the Petition for Order. Motion died due to lack of a second.

After further discussion, Commissioner Eberle motioned to deny the Petition for Order to discontinue, close and vacate said section line. Seconded by Commissioner Materi. Roll Call "YES": Eberle and Materi. "NO": Hulm, Magrum and Miller. Motion failed.

Commissioner Miller motioned to approve the Petition of Order to discontinue, close and vacate said section line. Seconded by Commissioner Hulm. Roll Call "YES": Hulm, Magrum, Materi and Miller. "NO": Eberle. Motion carried.

Commissioner Hulm motioned to approve the Plat for Outlots A, B, C & D, Section 31, Township 134, Range 74. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the Plat for Tract A located in the SE ¼ of Section 3, Township 133, Range 77 of the 5th Principal Meridian. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the applications for abatement of taxes for tax year 2023 for parcel numbers 27-0-3669-000, 53-6-265-000, 52-0011-00699-000, 52-0013-00784-000, and parcel number 51-2-182-0 for tax year 2022. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Duane Wald to erect a grain bin on Tract SE corner of SE corner 450’ X 990’, Section 36, Township 130, Range 75. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for Aaron Nieuwsma to erect a 34 X 98 residence with an attached 34 X 36 garage on the NW ¼ of Section 20, Township 129, Range 75. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to deny the building permit for Jim Voller to erect a grain bin on Lots 1, 2, and 3, Section 19, Township 131, Range 75 due to the setbacks not following the county zoning ordinance. Seconded by Commissioner Miller. Following discussion, Commissioner Hulm motioned to rescind his original motion.

Commissioner Hulm motioned to approve the building permit for Jim Voller to erect a grain bin on Lots 1, 2, and 3, Section 19, Township 131, Range 75 with the condition that Josh Odden verifies that the applicant is following the setbacks per county zoning ordinance. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

The board recessed and reconvened at 5:30 P.M.

At 5:30 P.M., a public hearing was held on the proposed preliminary budget for calendar year 2024 at which time written or oral comments from the public will be considered concerning the proposed annual budget.

One citizen addressed concerns regarding the two mills for the airport by stating that a lot of county roads are in dire need of repair.

Following the hearing, Chairman Magrum recommended utilizing the permit fund for gravel crushing and amending line item appropriations in the unorganized road district fund in order to balance the budget so the expenditures don’t exceed the projected revenues.

Commissioner Eberle motioned to decrease the gravel line item in the county road and bridge fund by \$214,000 and decrease budgeted amounts in the unorganized road and bridge fund as follows: \$300,000 gravel, \$8,000 road equipment purchase, \$10,000 engineering, \$10,000 contractors, \$7,000 equipment leasing, \$5,000 culverts, \$30,000 Parts/Labor/Supplies, \$20,000 Utilities/Propane/Internet, \$5,000 tires/tire repairs, \$75,000 Miscellaneous/Cutting Edges/Clay/Rock, \$2,500 telephone and \$2,500 technology. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to cut out the two mills appropriated in the capital project fund budgeted for the airport project. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to adopt the 2024 county budget as amended. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:
General and 911 – Voucher Numbers LP15580-LP15616, LP15642-LP15646, Payroll - \$90,557.78
Highway Tax – Voucher Numbers LP15617, LP15647-LP15660, Payroll – \$54,547.54

The following vouchers were reviewed and approved for payment:

43241	MDU	Utilities	111.84
43309	Advanced Business Methods	Extension Copier Contract	320.07
43310	Armor Interactive	Silver Plan Contract	3,245.80
43311	Auto Value Linton	Parts	63.24
43312	Balco Uniform Co., Inc.	Uniforms and Accessories	2,099.70
43313	Beastrom, Derrick	Mowing	300.00
43314	Beastrom Oil Co.	Diesel	13,307.92
43315	Braaten Law Firm	Legal Services	3,456.00
43316	Bruun, Mark	Mowing	90.00
43317	Burleigh County	Gravel Telfer Township	2,232.60
43318	Burleigh Morton Detention Center	Prisoner Billing	5,817.85
43319	Burleigh County Emergency Mgmt.	Emergency Management Services	4,200.00
43320	Butler Machinery Co.	Parts	299.38
43321	Campbell Count Treasurer	Culvert Replacement	12,500.00
43322	Circle H. Lumber	Material	742.90
43323	Hazelton City	Water Bill	36.00
43324	Linton City	Water Bill	162.70
43325	Strasburg City	Water Bill	92.39

43326	Cole Papers, Inc.	Supplies	185.72
43327	Deere Credit, Inc.	Road Equipment Lease	82,873.28
43328	Emmons County Treasurer	Carwash	13.00
43329	Emmons County Treasurer	Postal Machine Use	367.11
43330	Fireside Office Products, Inc.	Supplies	318.05
43331	Heartland Waste Management	Service	120.00
43332	Herreid Concrete	Concrete	582.00
43333	I State Truck Center	Parts	151.48
43334	Jack's Electric & Trenching	Service	137.12
43335	Jerome Distributing, Inc.	Water Refills	105.00
43336	Johnsen Trailer Sales, Inc.	Parts	89.36
43337	Leier, Emily	Expense Reimbursement	73.10
43338	Linton Auto Parts	Parts	402.34
43339	Maertens Welding & Machine Co.	Parts	591.27
43340	Martin Oil Co.	Gas	619.46
43341	Mathew Bender & Co., Inc.	ND Code 23 Update	320.11
43342	MDU	Utilities	1,264.85
43343	Mosset Welding, LLC	Service	20.00
43344	Nodak True Value	Supplies	343.94
43345	ODP Business Solutions	Supplies	96.93
43346	Payment Remittance Center	Gas/Fuel/Supplies	509.51
43347	Payment Remittance Center	Gas/Fuel/Supplies	353.74
43348	Payment Remittance Center	Gas/Fuel/Supplies	3,305.64
43349	Payment Remittance Center	Gas/Fuel/Supplies	621.35
43350	Payment Remittance Center	Gas/Fuel/Supplies	713.98
43351	Pharmchem, Inc.	Sweat Patch Analysis	95.85
43352	Power Plan Corp.	Parts	2,020.13
43353	Reditest Screening Devices	Testing Supplies	96.99
43354	Renschler, Norman	Maintenance to Langelier's/Rice Lake	2,890.00
43355	Sayler Implement, Inc.	Parts	90.41
43356	Schneider, Jackie	Food Pantry	500.00
43357	South Central Regional Water	Water Bill	180.00
43358	Stuckle, Acacia	Expense Reimbursement	73.36
43359	Suhr/Merkens Law P.L.L.C.	Case	340.00
43360	TC Specialties, Inc.	Service	57.00
43361	Tower Communications	Tower Rent	200.00
43362	Tyler Technologies, Inc.	Software	19,069.00
43363	Unlimited Office Products	W2 Forms	200.60
43364	Verizon Wireless	Cell Service	409.85
43365	Widmer Roel	Audit Services	2,084.96
43366	Wold Engineering, P.C.	Engineering	31,637.50
43369	CNH Industrial Accounts	Parts	359.21
43370	Emmons County Record	Publishing	1,019.32
43371	KEM Electric Coop, Inc.	Utilities	319.91
43372	BEK Communications	Telephone Service	1,779.53
43373	Information Technology Dept.	Internet Access & Netmotion	1,391.65
43375	Dakota Dust Tex, Inc.	Service	163.40
43376	Keller's Hardware	Supplies	13.99
43377	MDU	Utilities	115.31

There being no further business before the board, Chairman Magrum adjourned the meeting at 6:40 P.M.

Approved: November 8, 2023.

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
SEPTEMBER 5, 2023**

Chairman Erin Magrum called the meeting to order at 9:00 A.M. with Commissioners Don Eberle, Gary Hulm, Dan Materi and Craig Miller being present. Also present was States Attorney, Joseph M. Hanson.

The Pledge of Allegiance was recited.

The August, 2023 end of month fund balance report and the year to date expenditure report were distributed to the board.

State's Attorney, Joseph M. Hanson, administered the Oath of Office to Craig Miller, newly appointed member of the Emmons County Commission.

Commissioner Materi motioned to approve the minutes of the August 1, 2023 regular meeting and the August 16, 2023 special meeting. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the agenda with the addition of private drives during snow removal discussion, and the public nuisance on 8080 Highway 83 South, Linton, ND. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Old and Unfinished Business:

Tabled was the appointment of a County Committee member.

Discussion was held regarding the public nuisance located on 8080 Highway 83 South, Linton, ND. Joseph M. Hanson reported that the previous Judgment ordered by the court expired in August, 2023, and his office is currently working on filing a renewal Judgement that would authorize Emmons County to enter the property to abate the nuisance.

New Business:

Dianne Kalberer resigned her appointment as Emmons County Housing Authority Board Member. The Commission will need to appoint an individual to serve for the unexpired portion of the term.

As advertised, at 9:15 A.M., a public hearing was held to receive public comment and direction in regards to a Petition for Order requesting to discontinue, close and vacate a section line, Emmons County, in Township 130, Range 79, between Sections 28 and 27, beginning at the point where the Northeast corner of Section 28 meets the Northwest corner of Section 27, and running south to a point where the Northeast Corner of the Southeast Quarter of Section 28 meets the Northwest Corner of the Southwest Quarter of Section 27, as provided by N.D.C.C § 24-07-05 and 24-07-03.

States Attorney, Joseph M. Hanson, stated that Larry Umber, Jr. has an easement allowing him to construct a road on Greg VanBeek's property on the east side of one section, contingent upon Greg Van Beek closing off the section line as described on the Petition, which would prevent having two roads. The only landowners that own property up against the portion of the section line to be closed is Larry Umber, Jr. and Greg Van Beek, which accounts for 100% of the landowners having signed the Petition; therefore, there's no requirement to post or serve any notices.

Present for the hearing was Larry Umber, Jr., who stated that a couple of years ago the commissioners granted a conditional use permit for him to level the section line for use of travel on 8th Ave. SW, N ½ between Sections 26 and 27 and 9th Ave. SW, S ½ between Sections 21 and 22, Township 130, Range 79. Greg Van Beek signed an easement allowing Larry Umber Jr. to go on his property contingent that the section line described on the Petition is closed and vacated.

Commissioner Eberle stated that in his opinion he doesn't think that closing this section line is a good idea and expressed his concerns about any future landowners not being able to access their property. Commissioner Eberle felt that if the commissioners approve this petition, then other landowners will petition to shut down section lines.

Chairman Magrum stated that this public hearing was a short notice for the commissioners as they weren't aware of the petition until last week.

Commissioner Hulm motioned to table the Petition for Order for one month. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned that the annual starting salary for the position of Director of Tax Equalization be \$47,500.00. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried. Present for discussion was Wayne Ehley, Director of Tax Equalization.

Strasburg City Mayor, Adam Drescher, appeared and reported that the estimate for demolishing the homes in Strasburg City increased to \$22,400.00 due to costs for the pit and asbestos inspection. After discussion, Commissioner Hulm motioned to cost share 50/50 of the \$22,400.00 with the City of Strasburg for home demolitions. Motion died due to lack of a second.

Commissioner Materi motioned to cost share 20% of the \$22,400.00 with the City of Strasburg for home demolitions for a cost of \$4,480.00 to the county. Seconded by Commissioner Miller. Roll Call “YES”: Hulm, Magrum, Materi and Miller. “NO”: Eberle. Motion carried.

Commissioner Materi motioned to approve the contract between Comstock Construction, Inc. and Emmons County for project management services for the courthouse renovation project. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Skyler Prellwitz, Road Superintendent, reported on activities for the county road department.

Commissioner Eberle motioned to enter into an Agreement with Strata Corporation for the construction of Project CP-1500(023), Cement Stabilization on various county roads (Sites 1-3), for the sum of \$188,568.75. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Scott and Ingrid Miller appeared to request gravel on the road leading to their home located west of Hague. Skyler Prellwitz will look into the matter.

Robert Bauman, via telephone, had questions about the letter that he received from Wold Engineering, P.C. requesting an easement for a road project. Present was Michael R. Rivinius, PE, who confirmed that a temporary construction easement is needed for the culvert extension/replacement project on 88th St. SE.

Dennis Weigel appeared to address the prairie trail that’s washing out on 71st Street SE, Section 25, Township 134, Range 74. Mr. Weigel stated that nobody seems to know how deep the wind tower line is that’s underneath the trail, and is concerned about the motor grader hitting it. The Commission concluded that the responsibility falls on the utility company when there’s an erosion. Skyler Prellwitz will check into the matter, take photos, and report back to the board.

Brief discussion was held to consider grade raising the area of the road that goes under water on 3rd Ave SE, between 82nd St. SE and 84th St. SE.

Discussion was held regarding snow removal on private drives. Skyler Prellwitz stated that the county should not be removing snow on private drives and will work up a policy to bring forward to the Commissioners. Noted was that there are no other counties in the state that open private drives.

Commissioner Miller brought forward ditch mowing and stated that he doesn’t feel that the county can charge the landowners for cutting the weeds because the ridges on the gravel roads make it tough to mow. Skyler Prellwitz reported that the road department is working on maintaining and removing the ridges.

Commissioner Hulm motioned to approve the utility permits contingent on inspection and approval from the road department:

- * South Central Regional Water District – install one-inch rural waterline crossing 11th Ave SE.
- * KEM Electric – install cable from the intersection of 8th Ave SE and 81st St. SE.
- * KEM Electric – stall cable from the intersection of 9th Ave SE and 81st St. SE.

Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for T-Mobile to add six antennas, six RRUS, and two HCS 2.0 hybrid/COVP’s at the 285’ CL to the existing tower on the NE 1/4, NW 1/4, RW, Section 25, Township 131, Range 76. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Brady Weber to erect a 40 X 50 garage with living space on Lot Land 2, Rice Lake, 2nd Subdivision, Section 4, Township 129, Range 75. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the building permit for Jordan Anderson to erect a 30 X 70 residence with an attached 32 X 45 garage on the SE ¼ of Section 19, Township 132, Range 76. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Doug Vannurden to erect a 30 X 40 storage building on Lot 28, Glenwood Acres, Section 27, Township 132, Range 79. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for Jon Beitelspacher to move in a 16 X 80 trailer and erect a 24 X 40 garage on Irregular Tract/Section 3, Township 133, Range 77, contingent upon the approval of the plat by Josh Odden. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the application for abatement of taxes for parcel #52-0011-00699-000 for tax year 2022. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the application for abatement of taxes for parcel #02-7179 for tax year 2023. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the application for abatement of taxes for parcel #52-14-795-0 for tax year 2023. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the building permit for Dale Nagel to erect a 36 X 70 residence with a 32 X 35 attached garage on the NW 1/4 NE 1/4 & NE 1/4 NW 1/4 of Section 34, Township 133, Range 74. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for Jerome Kalberer to erect a 50 X 70 storage building on Tract E of Highway 1804 in N 1/2 SE 1/4 NE 1/4 of Section 31, Township 136, Range 78. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the Plat of Lot A, Part of Government Lot 1, and Part of the East Half of the West Half of Section 19, Township 134, Range 75. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Thomas Ell to erect a 40 X 60 shop on Lots 37, 38 and 45, Beaver Bay Subdivision, Section 23, Township 132, Range 79 contingent upon inspection by Josh Odden. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:

General and 911 – Voucher Numbers LP15523-LP15542, LP15580-LP15584, Payroll - \$88,664.61,
Expense Reimbursement - \$1,005.50
Highway Tax – Voucher Numbers LP15543, LP15585-LP15595; Payroll – \$68,375.53

The following vouchers were reviewed and approved for payment:

43090	MDU	Utilities	114.65
43100	ND Attorney General	Criminal History Request	15.00
43161	Acme Tools	Tools and Rental	197.95
43162	Advanced Business Methods	Extension Copier Contract	303.02
43163	Armor Interactive	Silver Plan Contract	215.00
43164	Aune Charles	Mowing	90.00
43165	Auto Value Linton	Parts	22.99
43166	Beastrom, Derrick	Mowing	300.00
43167	Beastrom Oil Co.	Fuel	20,601.04
43168	Braaten Law Firm	Legal Services	584.00
43169	Bravera Bank	Road Equipment Lease Payment	50,125.69
43170	Burleigh Morton Detention Center	Prisoner Billing	3,572.01
43171	Butler Machinery Co. Corp.	Parts	1,872.62
43172	Central Dakota Frontier Coop	Tire Repair	23.99
43173	Circle H. Lumber	Supplies	98.70
43174	Hazelton City	Water Bill	36.00
43175	Linton City	Water Bill	233.80
43176	Strasburg City	Cost Share – Demolition of Homes	4,480.00
43177	Strasburg City	Water Bill	92.01
43178	CNH Industrial Accounts	Supplies	3.61
43179	Code 4 Services, Inc.	Install Radios, Sirens and Camera’s	21,176.21
43180	Cole Papers, Inc.	Supplies	103.86
43181	Curtis Rud Oil Co.	Fuel	3,064.00
43182	Dakota Business Solutions	Ink	235.99
43183	Emmons County Treasurer	Current Expense	332.97
43184	Emmons County Treasurer	Postage	2,214.51
43185	Fireside Office Products	Supplies	259.00
43186	Heartland Waste Management	Service	120.00
43187	Heartland Consulting Group, LLC	Full Scale Exercise	6,790.00
43188	Innovative Office Solutions	Supplies	56.25
43189	Interstate Power Systems, Inc.	Generator Repairs	1,150.00
43190	Jack’s Electric & Trenching	Service and Supplies	120.92
43191	Jerome Distributing, Inc.	Water Refills	87.50
43192	Johnsen Trailer Sales, Inc.	Parts	27.36
43193	Magrum Excavating & Plumbing	Septic Pumping	350.00
43194	Matthew Bender & Co., Inc.	ND Century Code	107.01
43195	MDU	Utilities	1,353.91

43196	Mountain Plains Youth Service	Service	850.00
43197	Nelson International	Parts/Service	8,816.23
43198	Newman Signs, Inc.	Signs	979.48
43199	Nodak True Value	Supplies	641.30
43200	NDACO	Pre-employment Test	63.00
43201	NDACO	Computer Support	2,100.00
43202	ND Secretary of State	Notary	36.00
43203	NDSU Extension	Reimbursement of Salaries	14,505.23
43204	ODP Business Solutions, LLC	Supplies	71.92
43205	Paul Holzer	Carwash	6.00
43206	Payment Remittance Center	Gas/Fuel/Supplies	391.42
43207	Payment Remittance Center	Gas/Fuel/Supplies	1,699.05
43208	Payment Remittance Center	Gas/Fuel/Supplies	8,599.03
43209	Payment Remittance Center	Gas/Fuel/Supplies	741.68
43210	Payment Remittance Center	Gas/Fuel/Supplies	1,260.65
43211	Pfeifle on 83	Service	856.52
43212	Pharmchem, Inc.	Sweat Patch Analysis	95.85
43213	Power Plan Corp.	Parts	1,863.58
43214	Prellwitz, Ron	Surveying Wooden Lath	375.00
43215	RDO	Parts	429.61
43216	Renschler, Norman	Maintenance Langelier's Bay/Rice Lake	2,890.00
43217	Roehrich Construction	Concrete	691.00
43218	Sayler Implement, Inc.	Parts	222.46
43219	Schneider, Jackie	Food Pantry Wages	500.00
43220	Schreiners	Fridge	825.00
43221	South Central Regional Water	Water Bill	130.80
43222	TC Specialties, Inc.	Service	57.00
43223	Tower Communications	Tower Rent	200.00
43224	Twin City Roofing, LLC	Roof Repair	36,115.00
43225	Unlimited Office Products	Supplies	307.24
43227	Verizon Wireless	Cell Service	409.45
43228	Warrens Locks & Keys	Alarm Lock/Rekey	1,356.00
43229	Widmer Roel	Auditing	7,000.00
43230	Bobcat of Mandan	Equipment Rental	2,500.00
43231	Hulm, Dennis	Case of Grease	375.00
43232	KEM Electric	Utilities	281.31
43233	Martin Oil Co.	Gas	501.05
43234	Wold Engineering, PC	Engineering	38,606.25
43237	Dakota Dust Tex, Inc.	Service	509.25
43238	Linton Auto Parts	Parts/Supplies	1,063.99
43239	Information Technology	Internet Access & Netmotion	1,391.65
43240	Emmons County Record	Publishing	437.60
43242	Quadient Finance USA, Inc.	Postage	3,000.00
43243	Emmons County Treasurer	Correction	151.83
43244	BEK Communications	Telephone Service	1,788.47

There being no further business before the board, Commissioner Hulm motioned to adjourn. Seconded by Commissioner Materi. The meeting adjourned at 12:55 P.M.

Approved: October 3, 2023

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S SPECIAL MEETING
AUGUST 16, 2023**

Chairman Erin Magrum called the meeting to order at 9:00 A.M., with Commissioners Don Eberle, Gary Hulm and Dan Materi being present. Also present was States Attorney, Joseph M. Hanson.

The Pledge of Allegiance was recited.

Commissioner Materi motioned to approve the agenda. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Old and Unfinished Business:

Chairman Magrum reported that All-Purpose Services & Rentals owned by Jared Reis proposed an estimate for \$2,500.00 per day, \$150.00 travel cost, plus dumping fees to abate the public nuisance on 8080 Highway 83 South, Linton, ND. After discussion, Commissioner Eberle motioned to hire Jared Reis, All-Purpose Services & Rentals to bring the property located on 8080 Highway 83 South, Linton, ND into compliance. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

New Business:

Interviews were conducted with the six candidates that filed Petitions for the office of District One County Commissioner. Following the interviews, Chairman Magrum opened the floor for nominations. Commissioner Eberle nominated Craig Miller, Commissioner Hulm nominated Scott Baumiller and Commissioner Materi nominated Rodney Jahner. The Commissioners and County Auditor voted by paper ballot with Craig Miller receiving the highest number of votes. Commissioner Eberle motioned to appoint Craig Miller to fill the vacancy of District One County Commissioner. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

The public hearing for the 2024 county budget was set for October 3, 2023 at 5:30 P.M. in the Emmons County Courtroom.

The Interviewing Committee for Director of Tax Equalization will be Commissioner Eberle, Commissioner Materi and Ardella Deis who will conduct interviews on August 23, 2023.

Commissioner Hulm motioned to accept the contract proposal from Russell Lawler Construction, LLC for maintaining county roads in the amount of \$225.00 per hour. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

The weed cutting charges were determined to be \$500.00/shoulder mile.

Commissioner Eberle motioned to approve the Plat, Tracts 14-E, 14-F and 14-G, parcels of land in the NE ¼ of Section 14, Township 132, Range 79 West of the Fifth Principal Meridian, Emmons County. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to sign the Cost Sharing Agreement for culvert replacement with Campbell County, SD amending line four (4) to read each party shall be responsible for fifty (50%) of the cost of this project, up to \$25,000.00 for the total project cost. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

The following voucher was reviewed and approved for payment:

43093	Nelson Auto Center	2023 Ford Interceptor	38,956.61
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There being no further business before the board, Commissioner Hulm motioned to adjourn the meeting. Seconded by Commissioner Materi. The meeting adjourned at 1:10 P.M.

Approved: September 5, 2023

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
AUGUST 1, 2023**

Chairman Erin Magrum called the meeting to order at 9:00 A.M. with Commissioners Don Eberle, Gary Hulm and Dan Materi being present. Also present was States Attorney, Joseph M. Hanson.

The Pledge of Allegiance was recited.

The July, 2023 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Materi motioned to approve the minutes of the July 11, 2023 regular meeting. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the agenda. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Old and Unfinished Business:

Tabled was the appointment of a County Committee member.

States Attorney Joseph M. Hanson reported that he's waiting for bid proposals from a couple of contractors for abating the public nuisance on 8080 Highway 83 South, Linton, ND.

Approved by the Commission was to send a letter to the Office of Attorney General requesting an investigation regarding the investors in the Summit Carbon Solutions carbon dioxide pipeline for potential violations of 2023, House Bill 1135 and Senate Bill 2371.

New Business:

County Extension Agents, Acacia Stuckle and Emily Leier, provided a quarterly narrative report.

Permission was granted to VA Officer, Brad Huber, for purchasing a program for digitalizing Veterans records for an annual fee of \$449.00.

Linton City Council and Airport Authority Board Member, Randy Meidinger, reappeared to request that the Commissioners appropriate funding in the 2024 county budget to go towards the local cost share of the Linton Municipal Airport construction project that will begin in 2024. The total cost of the project is estimated at \$2.05 million where 90% of the costs is funded by the Federal Aviation Administration. The Airport is responsible for the remaining cost of \$100,000 - \$125,000. Randy Meidinger asked the Commissioners for \$75,000 - \$100,000 as a one-time lump sum payment to go towards the road portion of the project. Also present was Linton City Mayor, Dan Imdieke and Roger Martin, Airport Authority Board Member.

Commissioner Hulm motioned to enter into a License and Service Agreement with Tyler Technologies, Inc. for software and maintenance support for the Auditor, Treasurer, GIS and Tax Director offices. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to enter into an agreement with Comstock Construction for project management services for the courthouse renovation project. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Strasburg City Auditor, Adam Drescher, appeared and reported that two (2) bids were received for demolishing homes in Strasburg City. One bid was from Russ Lawler construction in the amount of \$21,000.00 and another bid was from Clyde Bosch in the amount of \$18,600.00.

Commissioner Hulm motioned to enter into a Court Services Contract between the State of North Dakota, Emmons County, and the City of Linton. Term of this Agreement is for one (1) year from August 1, 2023 through July 31, 2024. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Property Owners from Cattail Bay and the surrounding area reappeared requesting road maintenance on the gravel road from 1804 leading into Cattail Bay Resort. Darius Job mentioned a couple of individuals that are qualified to run equipment and would be interested in blading the Cattail Bay road and the surrounding area on weekends.

The board reviewed a preliminary budget proposal for the year 2024 prepared by County Auditor/Treasurer, Marlys Ohlhauser, for the general fund and each special revenue fund with a detailed breakdown of estimated revenues and expenditures for the preceding year, current year and ensuing year and the appropriations requested. Action was taken later in the meeting.

Skyler Prellwitz, Road Superintendent, reported on activities for the county road department.

The board reviewed an engineer's estimate from Wold Engineering, P.C. for Cement Stabilization in the amount of \$247,100.00. After discussion, Commissioner Hulm motioned to seek bids for Cement Stabilization on the following four sites:

- * Site 1 – 19th Ave SE, Section 29/30, Township 133, Range 74.
- * Site 2 – 65th St. SE, Section 30/31, Township 135, Range 74.
- * Site 3 – 76th St. SE, Section 22, Township 133, Range 74.
- * Site 4 – CMC 1523, Section 11/12, Township 136, Range 75.

Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the Utility Permit for South Central Regional Water District to install one-inch waterline crossing SE ¼ of Section 6, Township 134, Range 78 to NE ¼ of Section 7, Township 134, Range 78 and to install one-inch waterline crossing SE ¼ of Section 1, Township 134, Range 79 to NE ¼ of Section 12, Township 134, Range 79. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to enter into a 50/50 Cost Share Agreement with Campbell County, SD for the replacement of a culvert on 100th Street on the state line between Emmons County, North Dakota and Campbell County, South Dakota up to a total project cost of \$25,000.00 and to have the agreement signed and notarized by both parties. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Ryan Will to erect two (2) 56,000-bushel grain bins on Section 5, Township 133, Range 76, Temvik Elevator. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Tim Burgad to erect a 30 X 36 storage building on Lot 53 in Tract A, Section 27, Township 132, Range 79. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve a renewal building permit for Chris and Andrea Backhaus to erect a 38 X 56 residence with an attached 32 X 44 garage on Lot 1 of Tract 6, Section 17, Township 132, Range 76. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the Liquor License for The Quencher Bar for a one-day event held on August 13, 2023 at the Strasburg Rodeo Grounds, Portion SW ¼ of Section 36, Township 131, Range 76 and to approve the Liquor License for Mike Kelsch dba Cattail Resort for a two-day event held on September 2, 2023 and September 3, 2023 located on a tract in the SE ¼ of Section 8, Township 130, Range 79. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve a renewal building permit for Joe and Janelle Schlosser to erect a 28 X 30 garage on Lot 1 – 18, Block 5, Templeton, Section 5, Township 133, Range 76. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

A special meeting was scheduled for August 16, 2023 @ 9:00 A.M. for interviewing the candidates for District One County Commissioner.

Discussion was held on the 2024 preliminary county budget. Suggestion was made to increase the capital project levy up to three mills appropriating the taxable revenue towards the road department expenditures. Another suggestion was to appropriate funding equivalent to two mills from the capital project levy to apply towards the Linton Municipal Airport project. After discussion, Commissioner Hulm motioned to approve the 2024 preliminary budget increasing the capital project levy to five mills. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

**PRELIMINARY BUDGET OF EMMONS COUNTY
NORTH DAKOTA
CALENDAR YEAR BEGINNING JANUARY 1, 2024**

GENERAL GOVERNMENT

County Board	187,563.97
State's Attorney	257,020.10
Clerk of Court/Register of Deeds	297,192.61
Sheriff	824,888.74
County Coroner	3,600.00
Auditor	317,750.30
Treasurer	174,167.89
Motor Vehicle	4,500.00
Director of Tax Equalization	117,180.87
Veterans Service	38,465.92
Maintenance	85,500.13
Superintendent of Schools	2,000.00
Risk Management	3,300.00
GIS Coordinator	77,631.49

Extension Agent	159,598.44
Disaster of Emergency Services	34,209.80
Planning Commission	5,000.00
Community Service Restitution Program	4,800.00
Utilities	30,000.00
Courthouse Building and Grounds	50,000.00
Examination Fees	25,000.00
Elections	35,800.00
NDACO	7,152.00
Unemployment Compensation	3,000.00
Miscellaneous	20,000.00
Copier Expense - Extension	4,500.00
Copier Expense - Clerk of Court	1,600.00
Advertising - Lewis and Clark Regional Development	6,210.35
Technology	82,690.00
Neopost Rent	3,000.00
Abandoned Cemetery	3,500.00
Insurance Reserve/State Fire/Workers Comp.	105,000.00
County Park	71,800.00
Indirect Costs for Human Service	180,770.69
Human Service - Linton Indirect	3,300.00
Food Pantry Coordinator	6,000.00
911 General	38,874.72
Human Resource Consulting	10,000.00
TOTAL GENERAL FUND BUDGET/APPROPRIATION	3,282,568.02
Amount to be Levied for General Fund	1,698,694.10
Amount to be Levied for County Agent	84,032.40
Amount to be Levied for Veterans Officer	38,465.92
Appropriation for County Road and Bridge	1,029,400.00
Amount to be Levied	420,162.04
Appropriation for Federal Aid	314,000.00
Amount to be Levied	210,081.02
Appropriation for Highway Tax	897,800.00
Appropriation for Unorganized Road District	1,943,800.00
Amount to be Levied	667,723.41
Appropriation for Permit Fund	600,000.00
Appropriation for House Bill 1505	144,318.65
Appropriation for Prairie Dog/House Bill 1066	1,526,524.77
Appropriation for State Revenue	97,413.84
Appropriation for Emergency Fund	450,000.00
Amount to be Levied	0.00
Appropriation for Auditorium	800.00
Appropriation for 911	79,654.30
Appropriation for State Grants	70,300.00
Appropriation for Linton Police Contract	26,000.00

Appropriation for Capital Projects	296,070.02
Amount to be Levied	210,081.02
Appropriation for Sheriff 24-7 Program	12,000.00
Appropriation for Hazardous Chemical	7,000.00
Appropriation for Extension	5,000.00
Appropriation for District Court Trust Fund	1,000.00
State Medical Center - Amount to be Levied	42,016.20
Appropriation for DVVA	400.00
Appropriation for Reimbursable	315,000.00
Appropriation for Real Estate Tax	20,000.00
Appropriation for Asset Forfeiture Fund	3,000.00
Appropriation for Document Preservation	18,000.00
Appropriation for County Vehicle	7,000.00
Appropriation for ARPA Funds	500,000.00
Appropriation for LATCF Funds	100,742.16

OTHER COUNTY FUNDS

Ambulance - Amount to be Levied	84,032.40
Senior Citizens - Amount to be Levied	42,016.20
Historical Society - Amount to be Levied	10,504.05
Water Resource District - Amount to be Levied	62,000.00
County Health District - Amount to be Levied	120,000.00
Weed Control - Amount to be Levied	94,870.18
County Hospital District - Amount to be Levied	210,081.00
Soil Conservation District - Amount to be Levied	65,000.00

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:

General and 911 – Voucher Numbers LP15459-LP15480, LP15509-LP15511, Payroll - \$91,320.15,
Expense Reimbursement - \$57.64
Highway Tax – Voucher Numbers LP15481, LP15512-LP15522; Payroll – \$47,073.50

The following vouchers were reviewed and approved for payment:

42965	MDU	Utilities	90.40
43024	Advanced Business Methods	Extension Copier Contract	303.02
43025	Agtegra Coop	Grazon	418.16
43026	A Train Auto	2020 Chevy Tailgate	1,000.00

43027	Aune, Charles	Mowing	90.00
43028	Balco Uniform Co., Inc.	Uniforms	347.00
43029	Beastrom, Derrick	Mowing	450.00
43030	Beastrom Oil Co.	Fuel/Propane	4,940.03
43031	Bosch, Myron	Gravel	3,575.00
43032	Braaten Law Firm	Legal Services	8,864.00
43033	Burleigh Morton Detention Center	Prisoner Billing	2,271.87
43034	Butler Machinery Co.	Parts	561.38
43035	Circle H. Lumber	Supplies	83.55
43036	Linton City	Water Bill	206.65
43037	CNA Surety	Notary Bond	50.00
43038	CNH Industrial Accounts	Equipment Rental	2,422.20
43039	Cole Papers, Inc.	Supplies	176.42
43040	Emmons County Treasurer	State Grants	85.55
43041	Emmons County Treasurer	Postage	117.50
43042	Emmons County Treasurer	Postage	397.59
43043	Fettig Brothers Gravel Hauling	Gravel Hauling	11,639.70
43044	Fireside Office Products	Supplies	222.56
43045	Frontier Precision, Inc.	ArcGis	2,299.49
43046	Innovative Office Solutions	Supplies	543.03
43047	Jack's Electric & Trenching	Service	753.82
43048	Jamestown Communications	Radio Installation	1,469.00
43049	Jerome Distributing, Inc.	Water Refills	105.00
43050	Linton Auto Parts	Parts	70.56
43051	Mainstay Suites	Lodging	176.40
43052	Martin Oil Co.	Gas	343.22
43053	MDU	Utilities	1,329.00
43054	NDACO	ILG Course	60.00
43055	NDACO Resources Group	Computer Systems and Software	5,492.82
43056	NDACTVSO	Registration Fee	120.00
43057	ND One Call	Location Request	1.30
43058	ODP Business Solutions, LLC	Supplies	179.07
43059	Payment Remittance Center	Gas/Fuel/Supplies	385.75
43060	Payment Remittance Center	Gas/Fuel/Supplies	566.80
43061	Payment Remittance Center	Gas/Fuel/Supplies	3,191.18
43062	Payment Remittance Center	Gas/Fuel/Supplies	349.20
43063	Payment Remittance Center	Gas/Fuel/Supplies	1,816.38
43064	Pfeifle on 83	Parts	50.64
43065	Quadient Leasing	Postage Machine Rent	402.00
43066	Radisson Hotel	Lodging	176.40
43067	RDO Truck Center	Parts	578.56
43068	Renschler, Norman	Langelier's Bay/Rice Lake/Chemical	3,820.00
43069	Schneider, Jackie	Food Pantry	500.00
43070	South Central Regional Water	Water Bill	139.20
43071	Stuckle, Acacia	Expense Reimbursement	329.22
43072	TC Specialties	Service	57.00
43073	Verizon Wireless	Cell Service	409.45
43074	Western Dakota Energy Association	Load Pass Permit Dues	500.00
43075	White Cap LP	Vests/Parts	53.42
43076	Widmer, Roel	Auditing	13,527.74
43077	Hazelton City	Water Bill	36.00
43078	Strasburg City	Water bill	91.50
43079	Emmons County Record	Publishing	771.98
43081	Hulm, Dennis	Grease	375.00
43082	Tower Communications	Tower Rent	200.00
43083	RTS Shearing, LLC	Gravel Hauling	178,950.00
43085	Nodak True Value	Supplies	250.01
43086	KEM Electric	Utilities	241.65
43087	Dakota Dust Tex	Service	38.40
43088	BEK Communications	Telephone Service	1,975.67
43089	Information Technology	Internet Access & Netmotion	1,391.65
43092	Heartland Waste Management	Service	120.00

There being no further business before the board, Commissioner Hulm motioned to adjourn. Seconded by Commissioner Materi. The meeting adjourned at 1:15 P.M.

Approved: September 5, 2023

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
JULY 11, 2023**

Chairman Erin Magrum called the meeting to order at 9:00 A.M. with Commissioners Don Eberle, Gary Hulm and Dan Materi being present. Also present was States Attorney Joseph M. Hanson.

The Pledge of Allegiance was recited.

The June, 2023 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Materi motioned to approve the minutes of the June 6, 2023 regular meeting. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the agenda with the addition of discussion relative to the public nuisance on 8080 Highway 83 South, Linton, ND. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Old and Unfinished Business:

Commissioner Hulm motioned to appoint Spencer Larson as Emmons County Housing Authority Board Member filling the unexpired term of Jeffrey Ohlhauser. Term is effective July 11, 2023 and will expire on January 1, 2028. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

States Attorney, Joseph M. Hanson, stated that he's been unsuccessful in finding a contractor to abate the public nuisance on 8080 Highway 83 South, Linton, ND. The Commission concluded to check with Custer Health on the process for requesting bids for the construction of nuisance abatement.

New Business:

Corbley Ogren has resigned his appointment as County Committee member for school annexations, dissolutions and reorganizations. The Commission will need to appoint an individual to serve for the unexpired portion of the term.

Commissioner Eberle motioned to enter into a contract with Central Regional Education Association (CREA) for Superintendent of School Services. The term of the Agreement is effective July 1, 2023 through June 30, 2024. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to approve the building permit for Jaren Bender for moving a 14 X 70 trailer house on the SE ¼ of Section 5, Township 134, Range 76. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the building permit for Kevin Bernhardt to build a new home on Section 6, Township 133, Range 74. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Schick Land, LLP to build two (2) 55,000-bushel grain bins on Lot A, SW ¼ of Section 23, Township 135, Range 76. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the building permit for Jeremy and Sheri Holzer to erect a 24 X 36 storage building on Lot 12A in Glenwood Acres, Section 27, Township 132, Range 79. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to approve the building permit for Verizon Wireless for modification to existing antenna facility on existing 300' tower located on the NE ¼ NW ¼ of Section 25, Township 131, Range 76. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the building permit for David Schmidt to erect two (2) 35,000-bushel grain bins and an 80 X 150 pole machine shed on the NE ¼ of Section 36, Township 133, Range 76. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the building permit for Eric Bernhardt to erect a grain bin on Section 6, Township 133, Range 74. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to approve the building permit for Brian and Mary Schmaltz to remodel the existing home with new siding and windows and to also concrete a driveway located on Section 7, Township 132, Range 76. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the Plat, Auditor's Lot A in the SE ¼ of Section 25, Township 130, Range 79 West of the Fifth Principal Meridian. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the Plat for Auditor's Lot 2, S ½ SW ¼ of Section 25, Township 131, Range 75, 5th P.M. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the Liquor License for Mike Kelsch dba Cattail Resort for a one-day event held on July 22, 2023 located on a tract in the SE ¼ of Section 8, Township 130, Range 79. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to grant a raffle permit to the Grayla Foundation, Inc. Seconded by Commissioner Hulm. Roll Cal "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Mike Deerwester appeared and presented a Petition for Order requesting to discontinue, close and vacate Washington Avenue in Temvik, Emmons County, from Temvik Road North to Lincoln Street South. Following some discussion, Commissioner Materi motioned to approve the Petition for Order and to close and vacate Washington Avenue in Temvik, Emmons County, from Temvik Road North to Lincoln Street South. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Strasburg City Mayor, Sonja Schumacher, Council Member, Robbie Wald, and City Auditor, Adam Drescher, appeared to request the county's assistance in demolishing four (4) homes that were acquired by the City. The consensus of the board was that Strasburg City should contact local contractors that perform demolition services.

Jason Flack, Director of Pre-Construction for Comstock Construction, Inc., presented a project management proposal for the courthouse interior and exterior ARPA projects.

Discussion was held regarding the vacancy in the board of County Commission in District One. States Attorney, Joseph M. Hanson, stated that according to NDCC 44-02-05, when a vacancy occurs in the board of county commissioners, the remaining members of the board immediately shall appoint some suitable person to fill the vacancy from the district in which the vacancy occurred. The appointee holds office until the 2024 general election. After discussion, Commissioner Eberle motioned to advertise for the vacant position of District One Commissioner. Candidate must be a resident and qualified voter of District One. Candidate must file a petition containing at least ten signatures of qualified electors of Emmons County (at large) before 2:00 p.m. on August 11, 2023 at the Emmons County Auditor's office. Interviews will be conducted shortly after with the goal to have someone appointed by September 5, 2023. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to remove Anita Ibach and add Kathleen Dosch to have authorization to sign on the bank account for Emmons County Clerk of Court at BNC National Bank. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to provide a Certification of Significant Community Support to the City of Linton supporting the City's street poles and street lamps project. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Departmental budgets were presented for calendar year 2024.

Commissioner Eberle motioned to advertise the current vacancies for Deputy Sheriff's at the 2024 preliminary budgeted amounts, and to adjust the salaries for the current employees in the Sheriff's office to the 2024 preliminary budgeted amounts effective August 1, 2023. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm and Magrum. "NO": Materi. Motion carried.

The board recessed for lunch and reconvened at 1:00 P.M.

Road Department budgets for calendar year 2024 were discussed. Commissioner Hulm made a motion to accept Attachment E as part of a grade/step salary structure presented by Road Superintendent, Skyler Prellwitz, amending the salary for Skyler Prellwitz at \$75,000.00, Garlin Schmidt at \$72,000.00 and John Ibach at \$70,000.00. Motion died due to lack of a second.

Shane Steiner, Kadrmas Lee and Jackson, presented a Linton Municipal Airport funding history for projects completed from 2015 – 2022, and an opinion of probable costs for the reconstruct apron, construct fueling apron and widen the access road project in 2023. Also present was Roger Martin, Airport Authority Board Member and Randy Meidinger, Linton City Council Board Member. Randy Meidinger requested additional funding through a county airport authority mill levy which allows a maximum levy of up to four mills. No action was taken.

Skyler Prellwitz, Road Superintendent, reported on activities for the county road department.

Further discussion was held regarding the salaries for the road department employees. Commissioner Hulm motioned to accept Skyler Prellwitz grade/step salary structure with amending Skyler Prellwitz salary to \$75,000.00, Garlin Schmidt to \$72,000.00 and John Ibach's to \$70,000.00. Seconded by Commissioner Eberle. Roll Call "YES: Eberle, Hulm and Magrum. "NO": Materi. Motion carried. The Commission concluded to start the new salary increases effective August 1, 2023.

Chairman Magrum reported that Luke Mosset will prepare estimates for cattle guard maintenance.

Commissioner Hulm motioned to approve the Utility Permit for KEM Electric Cooperative to install and maintain 1/0 260 mil 25kv jacketed cable from the intersection of 11th Ave SE and 85th St. SE and to approve the Utility Permit for South Central Water District to install and maintain 1” poly line 5’ deep boring across 90th St. SW from Section 32, Township 131, Range 79 across to Section 5, Township 130, Range 79, Rudy’s Subdivision. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:

General and 911 – Voucher Numbers LP15385-LP15408, LP15442-LP15448, Payroll - \$106,678.58,
Expense Reimbursement - \$239.30
Highway Tax – Voucher Numbers LP15409, LP15449-LP15458; Payroll – \$40,522.18

The following vouchers were reviewed and approved for payment:

42806	MDU	Utilities	107.92
42881	Job Service ND	Notice of Reimbursement Due	1,047.00
42882	Advanced Business Methods	Extension Copier Contract	303.02
42883	Agtegra Coop	Fuel	403.80
42884	Armor Interactive	Silver Plan Contract	430.00
42885	Aune, Charles	Mowing	180.00
42886	Auto Value Linton	Parts	21.99
42887	Beastrom Derrick	Mowing	450.00
42888	Beastrom Oil Co.	Fuel	3,654.00
42889	BEK Communications	Telephone Service	2,001.25
42890	Binder, Pamela J.	HR Consulting Services	1,120.00
42891	Bobcat of Mandan	Parts	919.54
42892	Bosch, Tom	Ice	30.00
42893	Burleigh Morton Detention Center	Prisoner Billing	2,475.00
42894	Burleigh County Emergency Mgmt	DEM Services	8,400.00
42895	Butler Machinery Co.	Parts/Labor	9,727.88
42896	Central Dakota Frontier	Unleaded Gas	59.17
42897	Centre, Inc.	Community Service/Probation Program	1,200.00
42898	Hazleton City	Water Bill	36.00
42899	Linton City	Water Bill	215.47
42900	Strasburg City	Water Bill	91.50
42901	Cole Papers, Inc.	Supplies	123.49
42902	CREA	Supt. of School Services	435.04
42903	Curtis Rud Oil Co.	Unleaded	3,033.55
42904	Custom Truck Accessories	Parts	149.38
42905	Dakota Dust Tex, Inc.	Service	38.40
42906	Deere Credit, Inc.	Road Equipment Lease	61,274.33
42907	Digital Ally	Sheriff Equipment	10,800.00
42908	Dosch, Kathleen	Expense Reimbursement	19.92
42909	Electronic Communications	Remove Sheriff Equipment	510.00
42910	Emmons County Record	Publishing	1,414.49
42911	Emmons County Treasurer	Current Expense	983.35
42912	Emmons County Treasurer	Postal Machine Use	315.74
42913	Fireside Office Products	Supplies	305.54
42914	Frontier Precision, Inc.	Tablet and Supplies	1,691.49
42915	Great Plains Directory	Wall Maps and Plat Books	410.00
42916	Heartland Waste Management	Service	120.00
42917	Hulm, Dennis	Grease	375.00
42918	Hulm, Karen	Expense Reimbursement	36.24
42919	Information Technology Dept.	Internet Access and Netmotion	1,346.85
42920	Innovative Office Solutions	Supplies	701.56
42921	Jack’s Electric and Trenching	Service	1,448.53
42922	Jerome Distributing, Inc.	Water Refills	63.00
42923	John R. Beck Insurance	Insurance Premium	1,814.00
42924	John’s Autobody & Sales, Inc.	Sheriff Vehicle Repairs	900.52
42925	Johnsen Trailer Sales, Inc.	Parts	73.86
42926	KEM Electric Coop, Inc.	Utilities	251.54
42927	Leier, Emily	Expense Reimbursement	345.19
42928	Linton Auto Parts	Parts/Service	579.14
42929	Mabel’s Bakery and Coffee Shop	Cake	51.36
42930	Martin Oil Co.	Gas	322.41
42931	Matthew Bender & Co., Inc.	ND Legislative Updates	28.58
42931	MDU	Utilities	1,210.63
42933	Newman Signs, Inc.	Signs	2,194.65

42934	Nodak True Value	Shop Supplies	484.87
42935	ND State Radio Communications	Phone Collections	11,432.16
42936	ND State Radio Communications	LETS Billing	120.00
42937	NW Tire, Inc.	Tires and Service	1,957.69
42938	ODP Business Solutions	Supplies	307.32
42939	Holzer, Paul	Carwash	6.00
42940	Payment Remittance Center	Gas/Fuel/Supplies	550.51
42941	Payment Remittance Center	Gas/Fuel/Supplies	454.44
42942	Payment Remittance Center	Gas/Fuel/Supplies	795.35
42943	Payment Remittance Center	Gas/Fuel/Supplies	5,592.18
42944	Payment Remittance Center	Gas/Fuel/Supplies	925.03
42945	Payment Remittance Center	Gas/Fuel/Supplies	2,624.72
42946	Pfeifle on 83	Parts and Service	761.85
42947	PharmChem, Inc.	Sweat Patch Analysis & Patch Kit	936.22
42948	Power Plan Corp.	Parts and Service	1,736.45
42949	Renschler, Norman	Maintenance to Langelier's & Rice Lake	3,990.00
42950	Sannes Feist Funeral Home	Transport	350.00
42951	Sayler Implement, Inc.	Parts	110.59
42952	Schneider, Jackie	Food Pantry	500.00
42953	Softchoice Corp.	Software	1,166.00
42954	South Central Regional Water	Water Bill	100.20
42955	Strasburg Insurance Agency	Insurance Premium	6,947.00
42956	Stuckle, Acacia	Expense Reimbursement	224.01
42957	TC Specialties	Service	57.00
42958	Tower Communications	Tower Rent	200.00
42959	Unicom	Remove Graphics – Sheriff Vehicle	451.25
42960	Verizon Wireless	Cell Service	409.40
42961	Wallwork Truck Center	Parts	129.39
42962	Weber, Tena	Annual Report	67.74
42963	Widmer, Roel	Auditing	10,115.18
42964	Wold Engineering, PC	Gravel Analysis	9,121.25

There being no further business before the board, Commissioner Materi motioned to adjourn.
Seconded by Commissioner Hulm. The meeting adjourned at 3:45 P.M.

Approved: August 1, 2023

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
JUNE 6, 2023**

Chairman Erin Magrum called the meeting to order at 9:00 A.M. with Commissioners Don Eberle, Gary Hulm, David Kalberer and Dan Materi being present. Also present was States Attorney Joseph M. Hanson.

The Pledge of Allegiance was recited.

The May, 2023 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Materi motioned to approve the minutes of the May 2, 2023 regular meeting. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the agenda with the addition of Weed Board Member discussion. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Old and Unfinished Business:

Discussion was held regarding Jeff Ohlhauser's replacement on the Housing Authority Board. No action was taken.

Commissioner Eberle motioned to appoint Sterling Larson as Weed Control Board Member upon receiving of the resignation of Don Larson. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

The position of Director of Tax Equalization will be reopened statewide.

New Business:

As per publication, at 9:15 A.M., the County Board convened as a Board of Equalization to take-up matters of Equalization of Assessments. Present for the Equalization meeting were Ardella Deis and Josh Odden.

Reviewed was the true and full values and sales ratio adjustment worksheet for residential, lakeshore, commercial and vacant lots. The 2023 values are based on market values which fluctuate with general economic conditions. By North Dakota state law, as property values change in the market place, those changes must be reflected in the assessor's estimated market values.

Total sales ratio of all residential and lakeshore properties sold in 2022 showed a median ratio of 83.3%. There were 41 residential/lakeshore usable sales. As required by the State Board of Equalization to be between 90% - 100% of market value, residential/lakeshore properties increased by 10% - 12%, which brought the true and full market value ratio to 91.6% for 2023 after local equalization.

Total sales ratio of all commercial and vacant lots sold in 2022 showed a median ratio of 87.5%. There were 57 commercial and vacant lot usable sales. The total adjusted ratio after local equalization is 92.6% for 2023. The commercial and vacant lots are within the acceptable tolerance of 90% - 100% per state law.

Agricultural land values were discussed. Per North Dakota Century Code 57-02-27.2, agricultural land is assessed in accordance with North Dakota laws where values are based on the soil type and productivity index. The 2023 value per acre for Emmons County as calculated by NDSU is \$628.94. The value per acre as equalized by the county is \$584.99. Emmons County is maintaining a 93.01% tolerance level for agricultural land values which is following the North Dakota State Board of Equalization ruling that counties must maintain a tolerance level between 90% - 100%.

Larry Humann was present and questioned the time period used for sales that determined the value of his home. Mr. Humann also inquired about the \$25,000.00 true and full value notice of increase that he received on this home, and asked why the increase is so much greater than it was in 2022 where the value only increased by \$100.00. Ardella Deis confirmed that the time period used for sales to determine values was from January 1, 2022 to December 31, 2022. Joshua Odden will ask Vanguard to look into the valuation increase and report back to Mr. Humann.

Commissioner Materi motioned to approve the Homestead Property Tax Credits and Veterans Tax Credits for the 2023 tax year. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to approve the agricultural, residential and commercial true and full values and to equalize the assessments for 2023. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

The County Board of Equalization meeting adjourned at 10:15 A.M.

Human Service Zone Director, Michelle Masset, appeared to request consideration on moving the social service zone employee's compensation adjustments to the State's fiscal calendar of July 1st. After discussion, Commissioner Materi motioned to approve the social service zone compensation calendar switch to July 1st of

each year. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the renewal building permit for Stuart Alderin to erect a shop and log cabin on the S ½ S ½ RW of Section 25, Township 130, Range 79 with the condition that the proper notarized deed is submitted and approved by Josh Odden. Seconded by Commissioner Eberle.

Commissioner Hulm motioned to approve the building permit for Robin and Lane Schaner to move in a 30 X 64 mobile home on the NW ¼ of Section 26, Township 132, Range 75. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer and Materi. Magrum abstained from voting due to a conflict of interest. Motion carried.

Commissioner Materi motioned to approve the building permit for David Beastro to move a 28 X 56 manufactured home on Lot 40, Beaver Bay Subdivision, Section 23, Township 132, Range 79. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the building permit for Verizon Wireless to exchange six antennas and add three antennas and exchange ancillary tower equipment on the existing tower on the S ½ S ½ Less 4.42 A Parcel #10 and #11, Section 32, Township 131, Range 78. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Kalberer motioned to approve the building permit for Jeff Humann to erect a house and garage on the NW ¼ of Section 2, Township 134, Range 77. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the building permit for Ryan Will to move a mobile home on Lots 25, 26, 27, 28, Block 4, Section 5, Township 133, Range 76. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the Liquor License for The Quencher Bar for a one-day event held on August 12, 2023 at the Beaver Valley Horse Club Grounds located on a portion of the SW ¼ of Section 36, Township 131, Range 76. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the Liquor License for The Quencher Bar for a two-day event held on June 24, 2023 and June 25, 2023 at the Beaver Valley Horse Club Grounds located on a portion of the SW ¼ of Section 36, Township 131, Range 76. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

The annual compliance inspection for Langelier’s Bay Recreation Area with the U.S. Army Corps of Engineers is scheduled for July 6, 2023 at 10:00 A.M.

Commissioner Hulm motioned to approve the Plat of Tract C, Part of Government Lot 4, Section 31, Township 132, Range 75 and the Plat of Tracts A and B, Part of the SE ¼ of Section 36, Township 132, Range 76. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Joey and DelRae Baumgartner to construct a 37 X 58 single family residence with an attached garage on the NW ¼ of Section 12, Township 131, Range 76. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Mike Gullickson to move a 30 X 76 manufactured home on the SW ½ of Section 5, Township 134, Range 78. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Clerk of Court/Recorder, Anita Ibach, requested that the Commission appoint Deputy Recorder, Kathleen Dosch, as the Clerk of Court/Recorder effective July 1, 2023. After discussion, Commissioner Hulm motioned to appoint Kathleen Dosch to fill the vacancy of Clerk of Court/Recorder effective July 1, 2023. Appointment continues in force until the first general election that occurs at least ninety-five days after the vacancy pursuant to NDCC 44-02-08. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Skyler Prellwitz, Road Superintendent, reported on activities for the county road department.

Permission was granted to the road department to purchase a dump truck from the state auction.

Skyler Prellwitz informed the commission that Mathew Masset resigned his position as road equipment operator effective June 5, 2023.

Discussion was held regarding roadway easement payments to landowners. The commission concluded to continue with the same rates for temporary construction easements at \$500.00 per acre for crop and pasture. Permanent Construction Easements and Permanent Right-of-Way at \$2,200.00 per acre for cropland and \$1,000.00 per acre for pasture.

Jim Wagner along with several other property owners appeared regarding maintenance on the gravel road from 1804 leading into Cattail Bay Resort. Jim Wagner stated that three years ago the commissioners promised two

motor graders and a water truck to get the road fixed up. Chairman Magrum addressed that one of the issues is that the county is short on blade operators and are currently working on refilling those positions.

Skyler Prellwitz addressed the road on 17th Avenue SE that’s currently underwater and suggested pumping the water and replacing the collapsed culvert to equalize the bodies of water. Present for discussion was Vernon and Judith Carlson.

The Commission agreed to hire Wold Engineering, P.C to survey for the established section line in between Sections 27 and 28, Township 133, Range 77.

GIS Coordinator, Josh Odden, reported on the survey conducted with the departments regarding courthouse hours. Commissioner Eberle motioned to change the courthouse hours to Monday – Thursday, 8:00 AM to 4:30 PM, Friday 8:00 AM to 2:00 PM and closed Monday – Friday from 12:00 – 12:30 PM effective July 10, 2023. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commission Hulm motioned to contract with Braaten Law Firm as an assistant to the States Attorney to provide legal representation involving the proposed Summit Carbon Solutions Project. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Sheriff Gary Sanders brought the commissioners up to date on staffing issues within the sheriff office.

The board recessed for lunch and reconvened at 1:15 P.M.

Bob Bauman telephoned into the meeting requesting that the county rip rap and gravel the access road on the section line dividing Sections 27 and 26, Township 131, Range 75 for approximately 400 feet. No action was taken.

Commissioner Materi made a motion for Emmons County to request that the ND Attorney General investigate the investors of Summit Carbon Solutions as per HB 1135 and SB 2371. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Steve Huizenga appeared to request that the county have a plan for the roads because they are in bad shape and need gravel. Also present for discussion was Deb Vander Vorst, Loren Vander Vorste and Dennis Hulm.

Discussion was held with the department heads in regards to the pay grade and pay step structure proposed by HR Consultant, Pam Binder.

Commissioner Materi motioned to increase Kathleen Dosch’s salary to \$56,108.40 as the appointed Clerk of Court/Recorder. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:

General and 911 – Voucher Numbers LP15323-LP15345, LP15372-LP15375, Payroll - \$94,701.41, Expense Reimbursement - \$193.88
Highway Tax – Voucher Numbers LP15346, LP15376-LP15384; Payroll – \$46,973.10

The following vouchers were reviewed and approved for payment:

42660	MDU	Utilities	147.99
42731	Acme Tools	Machine Rental	154.00
42732	Advanced Business Methods	Extension Copier Contract	407.18
42733	Armor Interactive	Silver Plan Contract	1,465.00
42734	Aune, Charles	Mowing	90.00
42735	Auto Value Linton	Parts	115.94
42736	Beastrom, Derrick	Mowing	150.00
42737	Beastrom Oil Co.	Fuel	4,478.11
42738	Bobcat of Mandan	2023 Bobcat	7,374.26
42739	Burleigh Morton Detention Center	Prisoner Billing	2,410.47
42740	Burleigh County Sheriff’s Dept.	Delinquent Tax Services	132.00
42741	Butler Machinery Co. Corp.	Parts/Labor	16,630.68
42742	Central Dakota Frontier Coop	Unleaded Gas	46.97
42743	Hazleton City	Water Bill	36.00
42744	Linton City	Water Bill	99.48
42745	Strasburg City	Water Bill	97.75
42746	Cole Papers, Inc.	Supplies	178.56
42747	Curtis Rud Oil Co.	Unleaded Gas	3,164.64
42748	Dakota Dust Tex, Inc.	Service	38.40
42749	Emmons County Record	Publishing/Subscriptions	835.51
42750	Emmons County Treasurer	Current Expense	138.90
42751	Emmons County Treasurer	Postal Machine	1,400.46
42752	Emmons County Treasurer	Insurance Claim Adjustment	981.65

42753	Fireside Office Products	Supplies	944.59
42754	Great Plains Directory	Plat Books	487.20
42756	Jack's Electric & Trenching	Service	3,434.64
42757	Jamestown Communications, Inc.	Accessories	237.00
42758	Jerome Distributing, Inc.	Water Refills	122.50
42759	KEM Electric Coop, Inc.	Utilities	279.38
42760	Linton Auto Parts	Parts	1,927.29
42761	Magrum Excavating & Plumbing	Service	550.00
42762	Martin Oil Co.	Fuel	27,193.50
42763	Midwest Doors	Service/Supplies	3,380.58
42764	MDU	Utilities	1,299.60
42765	Moos Repair and Sales	2020 Pressure Washer	5,444.00
42766	Morton County Sheriff's Office	Delinquent Tax Service	45.00
42767	Motorola Solutions, Inc.	Radio Equipment	78,187.28
42768	Nodak True Value	Shop Supplies	329.03
42769	NDACS	Supt. of Schools Dues	50.00
42770	ND State Surplus Property	Tools	30.00
42771	NDSU	Ag Comm	25.00
42772	NDVAA	Dues	50.00
42773	NW Tire, Inc.	Tires/Service	515.15
42774	ODP Business Solutions, LLC	Supplies	1,012.48
42775	Payment Remittance Center	Gas/Fuel/Supplies	319.86
42776	Payment Remittance Center	Gas/Fuel/Supplies	1,295.16
42777	Payment Remittance Center	Gas/Fuel/Supplies	1,135.50
42778	Payment Remittance Center	Gas/Fuel/Supplies	8,151.47
42779	Payment Remittance Center	Gas/Fuel/Supplies	618.62
42780	Payment Remittance Center	Gas/Fuel/Supplies	2,377.45
42781	Pfeifle on 83	Parts/Service	2,378.01
42782	Pharmchem, Inc.	Sweat Patch Analysis	31.95
42783	Power Plan Corp.	Parts	921.37
42784	RDO Equipment Co.	2023 JD 872G Blade	320,790.00
42785	Renschler, Norman	Maintenance to Langelier's & Rice Lake	3,108.61
42786	Sayler Implement, Inc.	Parts	864.33
42787	Schneider, Jackie	Food Pantry	500.00
42788	South Central Regional Water	Water Bill	84.00
42789	Stuckle, Acacia	Expense Reimbursement	486.97
42790	TC Specialties, Inc.	Service	57.00
42791	Tower Communications	Tower Rent	200.00
42792	Vanguard Appraisals, Inc.	Renewal of Yearly Service Contract	7,025.00
42793	Verizon Wireless	Cell Service	389.93
42794	Walk N Roll	Tires and Supplies	3,599.88
42795	Ward County Sheriff's Office	Delinquent Tax Service	185.10
42796	Wright, Damian	Mowing	250.00
42797	ORR Auctioneer's, Inc.	2006 International Dump Truck	34,214.25
42799	ND Recorders Association	Registration Fee	200.00
42802	BEK Communications	Telephone Service	2,048.56
42803	Information Technology Dept.	Internet Access & Netmotion	1,333.60
42804	Heartland Waste Management	Service	120.00

There being no further business before the board, Commissioner Eberle motioned to adjourn. The meeting adjourned at 3:30 P.M.

Approved: July 5, 2023

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
MAY 2, 2023**

Chairman Erin Magrum called the meeting to order at 9:00 A.M. with Commissioners Don Eberle, Gary Hulm, David Kalberer and Dan Materi being present. Also present was States Attorney Joseph M. Hanson.

The Pledge of Allegiance was recited.

The April, 2023 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Materi motioned to approve the minutes of the April 4, 2023 regular meeting. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the agenda with the addition of fences from snow removal. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Old and Unfinished Business:

The interviewing committee for the Director of Tax Equalization recommended that the position be reopened due to lack of qualified candidates.

The VA Officer position was discussed and the consensus of the board was to re-interview the top two scoring candidates with a new interviewing committee.

Commissioner Materi motioned to approve the variance and building permit for Mike Deerwester to erect a 36 X 48 garage on Lot 1, Block 9, Temvik Road, Section 5, Township 133, Range 76. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

The board denied the request to contribute \$3,500.00 towards upgrading the Beaver Bay road.

Discussion was held regarding the public nuisance on Lots 8 & 9, Block 2, SW ¼ of Beaver Valley Subdivision and Lot 1, Block 1, SW ¼ Beaver Valley Subdivision on Section 17, Township 132, Range 76, Emmons County, North Dakota. Commissioner Eberle motioned granting authority to States Attorney Joseph M. Hanson to hire a contractor to clean up the property. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

New Business:

At 9:30 A.M., a County Park Board meeting was held. Present were Commissioners Don Eberle, David Kalberer, Gary Hulm, Erin Magrum and Dan Materi; County Park board Chairman, Andy Reis and County Park Board Member, Dean Weiss. Also present was Korlene Schmidt representing Kintyre Park Board, Rosalie Rambough representing Braddock City Park board and Phil Volk representing Hague City Park Board.

County Park Board Chairman, Andy Reis, called the meeting to order. Dan Materi motioned to approve the minutes of the May 3, 2022 meeting. Seconded by Gary Hulm. All members voting ‘YES’. Motion carried.

County Auditor, Marlys Ohlhauser, presented the following county park budget information to the board:

2022 County Park Expenditures	\$31,466.48
2023 County Park Budget	\$65,800.00
YTD 2023 Expense Report	\$ 821.02

The board agreed to budget \$15,000.00 for chip seal and \$15,000.00 for installing a water line at Langelier’s Bay for the 2024 budget.

Board members read a letter from Ann M. Moch, Kintyre Park, providing a summary of the park’s activities and projects.

Erin Magrum motioned to allocate \$3,000.00 to Linton City Park, Hazelton City Park, Braddock City Park, Hague City Park and to the park in Kintyre; and to allocate \$1,500.00 to the Strasburg City Park and \$1,500.00 to the Strasburg Park Expansion. Seconded by Commissioner Dan Materi. Roll Call “YES”: Don Eberle, Gary Hulm, David Kalberer, Erin Magrum, Dan Materi, Dean Weiss and Andy Reis. Motion carried.

Erin Magrum motioned to adjourn. The meeting adjourned at 9:45 A.M.

At 9:45 A.M., the Board of County Commissioners reconvened in regular session.

Jeff Ohlhauser appeared to inform the board about his decision to leave his position as board member of the Emmons County Housing Authority.

There was some discussion relating to corner posts damaged outside of the right-of-way from snow removal. Road Superintendent, Skyler Prellwitz, will evaluate the matter and report back to the board.

HR Consultant, Pam Binder, presented a pay grade and pay step structure for Emmons County.

Approval was granted to County Extension Agents, Acacia Stuckle and Emily Leier, for traveling out of state to attend National Conferences.

Ken Wolbaum appeared asking permission from the Commissioners to put dust control on the road that curves by his yard. Mr. Wolbaum will work with the Road Superintendent to do a small sample run.

Skyler Prellwitz, Road Superintendent, reported on activities for the county road department.

Approval was granted to the Road Department to purchase a New Quick Attach One Way Plow from Capital I Industries for \$35,000.00.

Commissioner Hulm motioned to extend the vacation use time for the road department employees to December 31, 2023. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commercial Hulm motioned to amend the building permit application fees as follows:

- Residential or commercial construction from \$2,000 - \$10,000. \$50.00
- Residential or commercial construction from \$10,001 - \$100,000. \$100.00
- Residential or commercial construction over \$100,000 \$300.00
- Mobile Homes \$100.00

and to amend the Industrial Conditional Use Permit application fee to 3% of the total cost of the project in Emmons County. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to deny the building permit for Kevin Evenson to put up a fence on 8080 Highway 83 South, Linton, ND 58552. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the building permit for Jim and Kim Kelsch to construct a 30 X 30 cabin with an attached 30 X 40 garage and an 8 X 8 storm shelter on Lots 115 and 116, Beaver Bay Scenic Properties Lakeview, Section 23, Township 132, Range 79. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Kayle Grinsteinner to build an 8 X 18 deck west of his camper on Lot 204 of Beaver Bay Walther Scenic Properties Lakeview II, Section 23, Township 132, Range 79. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the building permit for Ron Kaiser to erect a 16 X 24 building on a concrete slab on the NE ¼ of Section 7, Township 131, Range 78. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Nathan Jensen to erect a 32 X 56 pole barn on A 300' X 132' Tract located 900' W and 1,258' S of the NE corner of SE ¼ (AKA Lot 40 Glenwood Acres). Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to approve the building permit for Blake Selzler to move in a double wide mobile home on the NW ¼ - 2.51 A. RW, Section 24, Township 131, Range 79. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Kalberer motioned to approve the Gaming Site Authorization beginning July 1, 2023 and ending June 30, 2024 for the Joseph E. Appert American Legion Post 126 at Cattail Resort and R Place By the Bay. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to approve the application for abatement of taxes for parcel #02-7112 for tax year 2022. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Kalberer motioned to approve the Plat of Lot B of Lot 1, a Tract of land within the LIDC Retracement Survey/Subdivision within the NE ¼ of Section 30, Township 135, Range 76 West of the 5th Principal Meridian, City of Hazelton, Emmons County. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the Plat of Glen Woods Acres Second Addition, Lots 10-12 & 19-24, Block 1, Glen Woods Acres Addition of the SE ¼ of Section 27, Township 132, Range 79, Emmons County. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to approve the application for abatement of taxes for parcel #52-0013-00762-000 for tax year 2022. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:
General and 911 – Voucher Numbers LP15262-LP15284, LP15311-LP15314, Payroll - \$94,446.71, Expense Reimbursement - \$36.70
Highway Tax – Voucher Numbers LP15285, LP15315-LP15322; Payroll – \$47,607.56

The following vouchers were reviewed and approved for payment:

42501	MDU	Utilities	198.81
42546	Russell Lawler Construction	Emergency Snow Removal	20,021.50
42547	Sundre Sand & Gravel, Inc.	Emergency Snow Removal	60,996.25
42576	Job Service ND	Notice of Reimbursement	3,402.75
42578	Advanced Business Methods	Copier Contract	326.77
42579	Armor Interactive	Silver Plan Contract	215.00
42580	A Train Auto LLC	Pickup Box	1,500.00
42581	Auto Value	Parts	40.37
42582	Beastrom Oil Co.	Fuel/Propane	2,216.40
42583	Binder, Pamela	HR Services	3,787.50
42584	Burleigh Morton Detention Center	Prisoner Billing	4,575.00
42585	Butler Machinery Co. Corp.	Parts/Labor	3,319.52
42586	Central Dakota Frontier Coop	Parts	7.11
42587	Centre, Inc.	Community Service Program	1,200.00
42588	Circle H. Lumber	Material	251.30
42589	Hazelton City	Water Bill	36.00
42590	Linton City	Water Bill	89.11
42591	Strasburg City	Water Bill	103.15
42592	Cole Papers, Inc.	Supplies	337.60
42593	Emmons County Record	Publishing	228.40
42594	Emmons County Treasurer	Postage Machine Use	292.10
42595	Extreme Sales	Trailer	22,660.00
42596	Fireside Office Products	Supplies	76.91
42597	Innovative Office Products	Supplies	986.53
42598	I State Truck Center	Parts	159.08
42599	Jack’s Electric & Trenching	Supplies	812.80
42600	Jamestown Communications, Inc.	Supplies and Service	632.00
42601	Jerome Distributing, Inc.	Water Refills	87.50
42602	Johnsen Trailer Sales, Inc.	Parts/Service	4,783.56
42603	Keller’s Hardware	Shop Supplies	81.90
42604	Ken’s Auto, Inc.	2022 Chevy Silverado	28,325.00
42605	Kramer Chevrolet	Parts/Service	328.24
42606	Lexipol	Police One Academy Annual Rate	618.00
42607	Linde Gas & Equipment, Inc.	Supplies & Service	451.50
42608	Linton Auto Parts	Parts	7,426.64
42609	Little Falls Machine, Inc.	Parts	445.26
42610	Martin Oil Co.	Gas	550.36
42611	MDU	Utilities	1,857.95
42612	Mosset Welding LLC	Service	80.00
42613	Mountain Plains Youth Service	Shelter	850.00
42614	Nodak True Value	Supplies	498.35
42615	ND One Call	Location Request	1.30
42616	ND State Radio Communications	911 Collections	14,341.20
42617	ND State Radio Communications	LETS Billing and Renewal	263.00
42618	ND State Surplus Property	Tools	15.00
42619	NDSA	Two Brand Inspections	6.00
42620	NDSU Extension Service	Salary Reimbursement	12,433.05
42621	NW Tire, Inc.	Tire and Service	1,715.66
42622	Braddock Park Board	2023 County Contribution	3,000.00
42623	Hague Park Board	2023 County Contribution	3,000.00
42624	Hazelton Park Board	2023 County Contribution	3,000.00
42625	Linton Park Board	2023 County Contribution	3,000.00
42626	Strasburg Park Expansion	2023 County Contribution	1,500.00
42627	Strasburg City Park	2023 County Contribution	1,500.00
42628	Kintyre Park Board	2023 County Contribution	3,000.00
42629	Paul Holzer	Carwashes	12.00
42630	Payment Remittance Center	Gas/Fuel/Supplies	649.67
42631	Payment Remittance Center	Gas/Fuel/Supplies	1,072.50

42632	Payment Remittance Center	Gas/Fuel/Supplies	634.73
42633	Payment Remittance Center	Gas/Fuel/Supplies	6,920.33
42634	Payment Remittance Center	Gas/Fuel/Supplies	497.53
42635	Payment Remittance Center	Gas/Fuel/Supplies	361.46
42636	Pfeifle on 83	Parts/Service	1,089.11
42637	Pharmchem, Inc.	Sweat Patch Analysis	127.80
42638	Power Plan Corp.	Washer Tank	1,724.76
42639	Pro Forms	Deposit Tickets	139.20
42640	Quadient Leasing	Postal Machine	402.00
42641	St. Alexius CTC	CPR Training	15.00
42642	Sayler Implement Inc.	Parts	2.70
42643	Schneider, Jackie	Food Pantry	500.00
42644	Shipley Electric, Inc.	Service	545.20
42645	Sign Solutions	Road Signs	223.68
42646	South Central Regional Water	Water Bill	87.00
42647	Stuckle, Acacia	Expense Reimbursement	543.60
42648	TC Specialties, Inc.	Service	57.00
42649	Tower Communications	Tower Rent	200.00
42650	Verizon Wireless	Cell Service	409.40
42651	Warrens Locks & Keys	Uscan Lever	120.00
42652	Widmer Roel	Audit Service	2,000.00
42653	Verizon Wireless	Cell Service	724.30
42654	KEM Electric	Utilities	336.36
42657	Dakota Dust Tex, Inc.	Service	38.40
42658	Information Technology Dept.	Internet Access & Netmotion	1,329.95
42659	BEK Communications	Telephone Service	1,725.16

There being no further business before the board, Commissioner Hulm motioned to adjourn. The meeting adjourned at 12:50 P.M.

Approved: June 6, 2023

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
APRIL 4, 2023**

Chairman Erin Magrum called the meeting to order at 9:00 A.M. with Commissioners Don Eberle, Gary Hulm and Dan Materi being present. Absent was David Kalberer.

The Pledge of Allegiance was recited.

The March, 2023 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Materi motioned to approve the minutes of the March 7, 2023 regular meeting. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the agenda. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Old and Unfinished Business:

The Commission briefly discussed the public nuisance on Lots 8 & 9, Block 2, SW ¼ of Beaver Valley Subdivision and Lot 1, Block 1, SW ¼ Beaver Valley Subdivision on Section 17, Township 132, Range 76, Emmons County, North Dakota. The board will discuss legal options with the States Attorney due to a District Court Order.

New Business:

Mike Deerwester appeared to request a variance from the minimum setbacks of Article IX(B)(1) of the Emmons County Zoning Ordinance granting him permission to construct a 36 X 48 garage on Lot 1, Block 9, Temvik Road, Section 5, Township 133, Range 76. GIS Coordinator, Joshua Odden, was present and stated that due to the snow cover, he wasn't able to get the exact distance from the road to where the garage would be built, but believes the building could stick out on the right-of-way. After discussion, Commissioner Hulm motioned to table the variance and building permit until the weather permits and accurate measurement can be taken. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

County Extension Agent, Acacia Stuckle, provided a quarterly narrative report.

Ken Bitz and Robert Montgomery, via conference call, informed the Commission that property owners are committing to contribute funds towards hiring Russ Lawler Construction this spring for upgrading the Beaver Bay Road leading to their properties. The board agreed to have the county auditor manage the accounting for this project in the same manner as when the road was originally built in 2016.

Commissioner Eberle motioned to adopt the following Resolution:

**EMMONS COUNTY COMMISSION RESOLUTION
RESOLUTION IN SUPPORT OF LEGISLATION TO MAINTAIN
THE EXISTING NDPERS DEFINED BENEFIT MAIN PLAN**

WHEREAS, there is legislation proposed under Senate Bill #2239 relating to employer and employee contribution rates to support the existing North Dakota Public Employees Retirement System "NDPERS" defined benefit main plan and to provide for participation in the NDPERS defined contribution plan, and

WHEREAS, Emmons County and numerous political subdivisions have been in partnership with the State of North Dakota for 29 years in the NDPERS defined benefit main plan and have shown their commitment to NDPERS, and

WHEREAS, the Emmons County Commission recognizes there is an unfunded liability problem and has never opposed employer or employee contribution increases that the ND Legislature determined necessary or disagreed with past legislative efforts made to put the defined benefit plan on the road to recovery by reducing the multiplier from 2.00% to 1.75% and changing the Rule of 85 to the Rule of 90, and

WHEREAS, additional efforts are proposed under SB #2239 providing a cash infusion of \$250,000,000 in the 2023-2025 biennium and increased employee and/or employer contributions beginning in January of 2024 to reduce the unfunded liability in the NDPERS defined benefit main plan, and

WHEREAS, a defined benefit plan is a great tool for recruitment and retention of employees, especially in areas of North Dakota where there is a workforce shortage and where political subdivisions are in direct competition with the private industry in attracting qualified employees, and

WHEREAS, legislation under SB #2239 not only provides for participation in a defined benefit plan but also offers public employees the choice of participating in a defined benefit or a defined contribution plan, giving political subdivisions an even more attractive recruitment tool by allowing this choice, and

WHEREAS, the passage of SB #2239 would allow future State Legislatures a means to evaluate whether the implementation of contribution increases along with the cash infusion delivers a positive outcome for the continuance of the NDPERS defined benefit main plan; and

WHEREAS, the passage of SB #2239 would allow political subdivisions to gauge whether employees prefer a defined benefit program versus a defined contribution rather than State Legislatures taking a more drastic approach of working towards the elimination of the NDPERS defined benefit main plan that not only benefits employees but the economy as a whole, and

WHEREAS, the Teacher's Fund for Retirement Plan "TFFR", a successful defined benefit program, is on the road to recovery and there are other workable defined benefit programs administered through NDPERS which demonstrates a defined benefit plan can be maintained and offered as a choice for all dedicated public employees across the State of North Dakota, and

WHEREAS, political subdivisions will have a financial obligation regardless of the outcome of the NDPERS defined benefit main plan; Emmons County chooses to be part of a solution to make the existing plan solvent as the alternative to close the plan under House Bill #1040 proposes greater uncertainties to political subdivisions and their employees.

NOW THEREFORE IT BE RESOLVED, the Board of Emmons County Commissioners supports Senate Bill #2239 and their continued long-standing partnership with the State as a participant in NDPERS Defined Benefit Main Plan.

FURTHER BE IT RESOLVED, the Board of Emmons County Commissioners opposes House Bill #1040 which closes the NDPERS defined benefit main plan that has been offered as a benefit for decades to by far the State's greatest assets, its employees.

DATED at Linton, North Dakota this 4th day of April, 2023 in Linton, North Dakota.

ATTEST:
s/s Marlys Ohlhauser
County Auditor

APPROVED:
Erin Magrum, Chairman
Emmons County Commission

Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried. Present for discussion was Sharon Schiermeister in support of SB #2239 and in opposition of House Bill 1040.

Clarence Herz re-appeared with complaints involving the Emmons County Historical Society. The by-laws are incomplete and missing a section that defines board members and board meeting dates. Herz commented that the board hasn't had a meeting since October and whenever he requests a copy of the meeting minutes, he never receives a response.

Historical Society Board Member, Jeff Ohlhauser, reported that there wasn't a meeting in January due to a funeral and that the Historical Society has a full board who are currently working on updating the by-laws.

VA Officer, Jeff Ohlhauser, appeared and gave his quarterly activity report.

Clerk of Court/Recorder, Anita Ibach, introduced newly hired employee, Wayne Ehley, to the Commission.

The board reviewed the applications received for Veterans Service Officer and Director of Tax Equalization. Interviews will be conducted on April 18, 2023 with Chairman Magrum and Commissioner Hulm on the interviewing committee.

The Commission asked Sam Renschler to maintain Langelier's Bay Campground and restroom facilities and the facility at Rice Lake for calendar year 2023.

Skyler Prellwitz, Road Superintendent, reported on activities for the county road department.

Commissioner Eberle motioned to approve the Road Maintenance Agreement between Campbell Township and Emmons County for the following services:

Road Grading Services - \$350.00 per certified mile
Road Snow Removal - \$200.00 per hour

Agreement is effective April 1, 2023 and shall continue until March 31, 2024. Also included in the motion was to increase Emmons County's rate for crushed gravel to \$16.00 per yard for 2023. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Eric Weninger to erect a 20 X 30 storage building on Lot 17 in Lot 1A and 6-Rudy Subdivision, Section 5, Township 130, Range 79. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the Plat of Outlot A, Auditor's Lot 1 in the NW ¼ of Section 25, Township 131, Range 5 of the 5th P.M., Emmons County, North Dakota. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:

General and 911 – Voucher Numbers LP15199-LP15221, LP15249-LP15253, Payroll - \$90,841.95,
Highway Tax – Voucher Numbers LP15222, LP15254-LP15261; Payroll – \$62,991.39

The following vouchers were reviewed and approved for payment:

42370	MDU	Utilities	167.86
42437	Strasburg State Bank	Gravel Trucks Payment	33,893.55
42438	Advanced Business Methods	Copier Contracts	1,019.87
42439	Armor Interactive	Silver Plan Contract	215.00
42440	Beastrom Oil Co.	Diesel	41,156.34
42441	Burleigh Morton Detention Center	Prisoner Billing	6,225.00
42442	Burleigh County Emergency Mgmt.	DEM Contract	4,200.00
42443	Butler Machinery Co. Corp.	Parts	2,182.93
42444	Central Dakota Frontier Coop.	Gas	52.34
42445	CHS, Inc.	Propane	2,460.02
42446	Hazelton City	Water Bill	36.00
42447	Linton City	Water Bill	89.90
42448	Strasburg City	Water Bill	108.46
42449	Code 4 Services, Inc.	Equipment Installation	4,754.91
42450	Curtis Rud Oil Co.	Unleaded	2,973.75
42451	Dockter's Blacksmith	Service	111.00
42452	Emmons County Treasurer	Current Expense	36.45
42453	Emmons County Treasurer	Postage	864.11
42454	ESCO	Supplies	721.42
42455	Fireside Office Products	Supplies	34.15
42456	Herreid Sporting Center, Inc.	Service	40.00
42457	Jacks Electric & Trenching	LED Bulbs	572.25
42458	Jamestown Communications	Mobile Mics	91.50
42459	Jerome Distributing, Inc.	Water Refills	81.00
42460	Keller's Hardware	Supplies	162.99
42461	Kramer Chevrolet	Parts and Service	631.80
42462	Leier, Emily	Expense Reimbursement	745.05
42463	Linton Auto Parts	Parts	1,625.13
42464	Linton Food Center	Supplies	8.10
42465	Magrum Excavating & Plumbing	Drain Service	1,000.00
42466	Martin Oil Co.	Gas	193.62
42467	MDU	Utilities	2,537.12
42468	NDACO	Remote Support	656.25
42469	North Dakota Peace Officers	Memberships	160.00
42470	NDSAA	Dues	300.00
42471	Paul Holzer Carwash	Carwash	6.00
42472	Payment Remittance Center	Gas/Fuel/Supplies	418.91
42473	Payment Remittance Center	Gas/Fuel/Supplies	571.02
42474	Payment Remittance Center	Gas/Fuel/Supplies	1,222.54
42475	Payment Remittance Center	Gas/Fuel/Supplies	3,437.64
42476	Payment Remittance Center	Gas/Fuel/Supplies	679.86
42477	Payment Remittance Center	Gas/Fuel/Supplies	1,153.32
42478	Pfeifle on 83	Parts and Service	1,412.60
42479	Power Plan Corp.	Parts	166.67
42480	Russell Lawler Construction	Snow Removal	30,075.00
42481	Sayler Implement, Inc.	Parts	2,096.18
42482	Schneider, Jackie	Schneider, Jackie	500.00
42483	South Central Regional Water	Water Bill	78.60
42484	Statewide Services	Insurance Endorsements	7.00
42485	Stuckle, Acacia	Expense Reimbursement	436.56
42486	Sundre Sand and Gravel	Snow Removal	102,050.00
42487	TC Specialties, Inc.	Service	57.00
42488	Tower Communications	Tower Rent	200.00
42489	Unicom	Vehicle Graphics	890.00
42490	Unison Bank	Motor Grader Lease Payment	73,826.06
42491	Verizon Wireless	Cell Service	41.90
42492	Verizon Wireless	Cell Service	460.90
42493	Verizon Wireless	Cell Service	409.55
42495	Dakota Dust Tex, Inc.	Service	38.40
42496	Information Technology	Internet Access & Netmotion	1,328.60
42497	KEM Electric	Utilities	382.90
42498	BEK Communications	Telephone Service	1,747.15
42499	Emmons County Record	Publishing	957.41
42500	Nodak True Value	Shop Supplies	365.13

There being no further business before the board, Commissioner Eberle motioned to adjourn. The meeting adjourned at 12:00 P.M.

Approved: May 2, 2023

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
MARCH 7, 2023**

Chairman Erin Magrum called the meeting to order at 9:00 A.M. with Commissioners Don Eberle, Gary Hulm, David Kalberer and Dan Materi being present. Also present was States Attorney Joseph M. Hanson.

The Pledge of Allegiance was recited.

The February, 2023 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Materi motioned to approve the minutes of the February 7, 2023 regular meeting. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the agenda with the addition of Denise Nieuwsma, by telephone, to discuss the Director of Tax Equalization position. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Old and Unfinished Business:

States Attorney, Joseph M. Hanson, addressed the summons and complaint received notifying the county of a lawsuit requesting that the county be ordered to have the fence on 90th St. SE moved off the section line right-of-way, and that the variance was unlawfully granted. There is also a request for attorney fees to be paid as part of the lawsuit.

Joseph M. Hanson stated that he requested an opinion from the Attorney General's office on the fence issue back in November, 2022 and felt that all the parties involved were going to wait for that opinion. Hanson also stated that he has recently been in contact with the Attorney General's office trying to expedite the issuing of the opinion. The Attorney General's office is requesting additional information from Hanson which he will provide to them when he answers the summons and compliant prior to the deadline.

Chairman Magrum stated that the Attorney General's office is working on the opinion and there's no need for any discussion as it's been turned over to the State's Attorney.

Denise Nieuwsma, whose last day of employment was February 24, 2023 as Director of Tax Equalization, telephoned into the meeting to discuss the option of working remotely from her home in West Fargo. Chairman Magrum confirmed that he wasn't comfortable with Denise Nieuwsma taking the county's desktop computer to West Fargo which was never part of the original telework discussion. Also, Emmons County does not have a temporary telework policy and agreement in place which would take some planning and time to implement into the county's handbook. Chairman Magrum concluded that after talking to several offices in the courthouse about the ability to work outside of the courthouse, some employees working with the transition process felt it would be difficult, so he decided that the proper way to be fair with Denise Nieuwsma and the county was for the job to remain in the courthouse. Commissioner Hulm also expressed his opinion and stated that he wasn't in favor of working remotely in the first place.

Robert Montgomery and Ken Bitz appeared to inquire about building up the roadway access to the Beaver Bay Walther Scenic Properties. After some discussion, States Attorney, Joseph M. Hanson, agreed to do some research on developing a special assessment district.

Dennis and Tena Weber appeared to discuss the gravel road owned by the county that's on their property in Lot 25A, Beaver Bay Subdivision, Section 23, Township 132, Range 79. After some discussion, Chairman Magrum concluded that the county will keep looking into the matter and find a resolution to make this right.

At 10:00 A.M., a public hearing was held to receive public comment and direction in regards to a Petition for Order requesting to discontinue, close and vacate Washington Avenue in Temvik, Emmons County, from 72nd St. SE (north side) to TAFT St. (south side) and also a Petition of Order requesting to discontinue, close and vacate Alleyway in Temvik, Emmons County, from Washington Avenue, block 9 (east side) to Temvik Road, block 9 (west side).

Mike Deerwester provided a brief overview on the road and alleyway he is petitioning to close or vacate. Mr. Deerwester assured the commission that fire and ambulance would still have the same access to everyone living in the area if these roads are closed.

Chairman Magrum called for other comments from the public in favor of the petitions. With nobody else commenting in favor of the petitions, Chairman Magrum called for comments from the public that are in opposition of the petitions. Rose Hettich called into the meeting in opposition and stated that she felt that the petitions are totally senseless and not necessary, and questioned why Temvik can't be left alone because the roads have been this way for years and has worked fine.

The Commissioners received a written comment from Kathy Skachenko and Rose Hettich asking the board to table the discussion on the petition until after the snow has completely melted which would allow everyone involved in the decision-making process time to see the entire properties that are going to be discussed.

Commissioner Hulm stated that he received a call from a resident in Temvik who’s in opposition of the petitions because he uses the roads at times.

Present for the public hearing was Ron Dykema who asked the Commission to leave the roads as they currently are.

The public hearing closed at 10:10.

Following some discussion, Commissioner Hulm motioned to deny the Petition for Order requesting to discontinue, close and vacate Washington Avenue in Temvik, Emmons County, from 72nd St. SE (north side) to TAFT St. (south side) and to also deny the Petition of Order to discontinue, close and vacate Alleyway in Temvik, Emmons County, from Washington Avenue, block 9 (east side) to Temvik Road, block 9 (west side). Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Representatives from Paragon Geophysical Services, Inc. located in Wichita, Kansas, appeared to present a permit to perform work within the county right-of-way performing a 2D Seismic Survey, six linear miles, from 16th Ave SE to 22nd Ave SE, Phase 1 for a future carbon capture project. After discussion, Commissioner Materi motioned to deny the right-of-way permit as presented. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. “NO”: Kalberer. Motion carried.

Skyler Prellwitz, Road Superintendent, reported on activities for the county road department. Tabled was a salary structure for the road department.

Larry Smith, professional land surveyor for ND and SD, appeared on behalf of the North Dakota Society of Professional Land Surveyors to share a letter that was sent to the North Dakota Public Service Commission stating that the NDSPLS encourages that all utility corridor easements within the State of North Dakota be “Strip Easements” not “Blanket Easements” for all utilities, such as, but not limited to, overhead and underground electrical line and water, oil and gas pipelines. The letter references the requirements codified for licensed Land Surveyors to follow under North Dakota Century Code 47-05-02.1 and North Dakota Administrative Code 28-02.1-13-01 for preparation of legal descriptions and conveyance of property. The NDSPLS is requesting that the Public Service Commission review all aspects of all utility easements and to ensure that all current laws and rules for easements in North Dakota are followed as part of the review and permit process.

Commissioner Eberle motioned to approve the building permit for Tate Scherr to erect a 30,000-bushel grain bin on the SW ¼ of Section 28, Township 131, Range 78. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Taylor Grunefelder to erect two (2) bushel grain bins on the NE ¼ of Section 9, Township 134, Range 74. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:

General and 911 – Voucher Numbers LP15129-LP15152, LP15187-LP15190, Payroll - \$101,573.99, Expense Reimbursement - \$146.74
Highway Tax – Voucher Numbers LP15153, LP15191-LP15198; Payroll – \$44,062.15

The following vouchers were reviewed and approved for payment:

42240	MDU	Utilities	144.25
42309	Advanced Business Methods	Extension Copier Contract	305.19
42310	Armor Interactive	Silver Plan Contract	1,465.00
42311	Auto Value	Parts/Shop Supplies	1,943.81
42312	Balco Uniform Co., Inc.	Uniform Nametapes	94.65
42313	Beastrom Oil Co.	Propane/Fuel	4,331.39
42314	Burleigh Morton Detention Center	Prisoner Billing	3,300.00
42315	Butler Machinery	Parts/Labor	6,831.42
42316	Camp Knoll, LLC	Gravel	20,175.00
42317	CHS, Inc.	Propane	1,231.52
42318	Circle H. Lumber	Material	39.69
42319	Hazelton City	Water Bill	36.00
42320	Linton City	Water Bill	90.41
42321	Strasburg City	Water Bill	94.86
42322	Cole Papers	Supplies	262.03
42323	Dakota Dust Tex Inc.	Service	19.20
42324	Dockter’s Blacksmith	Service	51.09
42325	Electronic Communications	Mobile Radio Programming	150.00
42326	Emmons County Treasurer	Postage	81.54
42327	Emmons County Treasurer	Postage	309.18
42328	Fireside Office Products	Printer/Supplies	1,593.51
42329	Hanson, Joseph M.	Dues Reimbursement	380.00
42330	Information Technology	Internet Access & Netmotion	1,314.00
42331	Intergraph Corporation	I/Mobile CC – Sheriff	765.75

42332	Jerome Distributing, Inc.	Water Refills	131.25
42333	Johnsen Trailer Sales, Inc.	Parts and Service	4,246.08
42334	KEM Electric Coop, Inc.	Utilities	364.62
42335	Kramer Chevrolet	Parts/Service	167.94
42336	Linde Gas and Equipment, Inc.	Parts	294.26
42337	Linton Auto Parts	Parts	267.51
42338	Little Falls Machine, Inc.	Parts	381.12
42339	Martin Oil	Gas	370.35
42340	Matthew Bender & Co., Inc.	ND Court Rules Update	28.58
42341	MDU	Utilities	2,380.71
42342	Nodak True Value	Shop Supplies	436.20
42343	Nodland, Chad C. Attorney	Attorney Services	787.50
42344	ND Sheriff's & Deputies Association	Dues	400.00
42345	Paul Holzer	Carwash	6.00
42346	Payment Remittance Center	Gas/Fuel/Supplies	342.51
42347	Payment Remittance Center	Gas/Fuel/Supplies	434.73
42348	Payment Remittance Center	Gas/Fuel/Supplies	1,744.04
42349	Payment Remittance Center	Gas/Fuel/Supplies	6,504.08
42350	Payment Remittance Center	Gas/Fuel/Supplies	438.21
42351	Payment Remittance Center	Gas/Fuel/Supplies	351.35
42352	Pharmchem, Inc.	Sweat Patch Analysis	31.95
42353	Power Plan Corp.	Parts	2,197.93
42354	River City Lawn and Landscaping	Service	362.00
42355	Rough Rider Industries	Table	729.00
42356	Sayler Implement, Inc.	Parts	361.59
42357	Schneider, Jackie	Food Pantry	500.00
42358	Sign Solutions	Road Signs	75.20
42359	South Central Regional Water	Water Bill	79.20
42360	Tower Communications	Tower Rent	200.00
42361	True North Steel	Parts	290.75
42362	Verizon Wireless	Cell Service	41.90
42363	Verizon Wireless	Cell Service	460.90
42364	Verizon Wireless	Cell Service	409.55
42365	Wallwork Truck Center Corp	Parts	395.86
42366	Wold Engineering, PC	Surveys	4,445.00
42367	BEK Communications	Telephone Service	1,765.75
42368	Vanguard Appraisals, Inc.	Service Plus	5,200.00
42369	Emmons County Record	Publishing	860.50

There being no further business before the board, Commissioner Materi motioned to adjourn. The meeting adjourned at 11:50 A.M.

Approved: April 4, 2023

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
FEBRUARY 7, 2023**

Chairman Erin Magrum called the meeting to order at 9:00 A.M. with Commissioners Don Eberle, Gary Hulm, David Kalberer and Dan Materi being present. Also present was States Attorney Joseph M. Hanson.

The Pledge of Allegiance was recited.

The January, 2023 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Materi motioned to approve the minutes of the January 3, 2023 regular meeting and the January 18, 2023 and January 25, 2023 special meetings. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to approve the agenda with the addition of advertising for the Veterans Service Officer position. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Old and Unfinished Business:

Chairman Magrum read the proposed Zoning Ordinance No. 23-01-01 noting that the commission had the first and second readings and a public hearing was held on January 25, 2023.

As requested, a seven-minute video of the CO2 pipeline rupture in Satartia, Mississippi was played.

The Commissioners addressed some of their concerns about the pipeline including easements, plume dispersion in the event of a pipeline rupture, safety and pipelines setbacks.

Chairman Magrum explained that the Commission has ten days prior to the Public Service Commission public hearing, which is scheduled for May 9, 2023, to submit any county zoning changes or requirements to the PSC.

Following discussion, Commissioner Materi motioned to amend the proposed Ordinance No. 23-01-01, Subsection B(2)(b)(i), of Article VI, page 16, to read that the pipeline right-of-way does not pass within two miles (10,560') off the centerline of the designed pipeline of an established residence or occupied farmstead. Seconded by Commissioner Hulm. Roll Call "NO": Eberle, Hulm, Kalberer, Magrum and Materi. Motion failed.

Following further discussion, Commissioner Hulm motioned to amend the proposed Ordinance No. 23-01-01, to include CO₂, non-potable water or any other substance deemed hazardous by PHMSA to Subsection B of Article VI, page 16, increase the setback of any other building or surface water body to 500 feet in Subsection B(2)(b)(i), Article VI, page 16, and add in Subsection B(2)(b)(ii) that pipelines constructed for the transmission of potable water are not subject to the setback from inhabited residences. Also include a pipeline diameter scale of 0 to 6-inch setback would be 2,640 feet, 7 – 12-inch setback is 5,280 feet and a 13 – 24-inch pipeline would have a setback of 7,920 feet. Motion died due to lack of a second. The matter was tabled until later in the meeting.

Director of Tax Equalization, Denise Nieuwsma, announced that her last day in the office will be February 24, 2023 and instead of a straight resignation, she asked the board to consider a hybrid situation where she would work remotely from her new home in West Fargo, and occasionally be at the Tax Director office in Linton. This arrangement would be in effect through the end of June or July. After discussion, Chairman Magrum suggested contacting Pam Binder, Human Resource Consultant, to ensure that proper policies and procedures are followed.

Mike Deerwester appeared and presented a Petition for Order requesting to discontinue, close and vacate Washington Avenue in Temvik, Emmons County, from 72nd St. SE (north side) to TAFT St. (south side) and also a Petition of Order requesting to discontinue, close and vacate Alleyway in Temvik, Emmons County, from Washington Avenue, block 9 (east side) to Temvik Road, Block 9 (west side).

States Attorney, Joseph M. Hanson, provided legal opinion referencing North Dakota Century Code 24-07-10, that reads within thirty days after the board receives a petition, a notice must be given to all occupants of the land through which such highway may pass. Also referenced was North Dakota Century Code 24-07-11, that reads if at least seventy percent of the qualified electors who are owners or part owners of the land bordering on any existing or proposed road or highway have signed the original petition, it is not necessary to serve notices as provided in 24-07-10. After discussion, the consensus of the board was to provide a notice to all the adjacent landowners on both Petitions, and hold a public hearing on March 7, 2023 at 10:00 A.M. at the courthouse.

New York film director, Ejaz Khan, telephoned into the meeting and stated that they are filming another feature film titled "Trapped" in Linton, and requested permission to film a one-minute scene in the corridor of the courthouse. The Commission granted approval to film outside of the premises to the courthouse, and to coordinate with Sheriff Gary Sanders for the costs associated for providing security to be reimbursed to the county.

Clerk of District Court/Recorder, Anita Ibach, appeared and presented a resolution for the Commission to consider, opposing Legislation SB2277, that would make the Clerk of District Court's office a state office.

Commissioner Eberle motioned to adopt the following Resolution:

**RESOLUTION OPPOSING LEGISLATION MAKING
EMMONS COUNTY CLERK OF COURT’S OFFICE A STATE OFFICE**

WHEREAS, there is legislation being proposed pertaining to the transition of contract county clerk services to state funding and other legislative priorities; and

WHEREAS, such legislation would make the Emmons County Clerk of Court’s Office a state agency and the employees thereof state employees, which would take away local control and governance of such office and employees; and

WHEREAS, the Board of Commissioners of Emmons County, North Dakota is desirous of keeping the Emmons County Clerk of Court’s Office as a county office; and

NOW THEREFORE IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR EMMONS COUNTY, NORTH DAKOTA, that the following resolution be adopted as follows:

- 1. That the Board of County Commissioners of Emmons County directly opposes the passage of legislation pertaining to the transition of contract county clerk services to state funding and other legislative priorities; and
- 2. That the Board of County Commissioners of Emmons County resolves to keep the Emmons County Clerk of Court’s Office a county office that is contracted with the State of North Dakota for providing Clerk of Court services.

DATED this 7th day of February, 2023, in Linton, North Dakota.

ATTEST:
s/s Marlys Ohlhauser
Emmons County Auditor

APPROVED:
s/s Erin Magrum
Emmons County Chairman

Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Anita Ibach informed the Commission that she’s currently advertising for a Deputy Clerk of Court/Recorder position and also announced that she will be retiring as Clerk of Court/Recorder the end of June, 2023, and Karen Hulm will be retiring as Deputy Clerk of Court later this year.

Commissioner Eberle motioned to approve the application for abatement or refund of taxes for parcel #39-0000-01484-010 for tax year 2022. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Jon Martin, Wold Engineering, P.C., appeared and presented two cost estimates for road project CP-15-121-03.0, precast reinforced concrete box culvert, 4 miles west and 2 miles north of Braddock, ND. After discussion, the Commission concluded to proceed with the 25-mph alternate using the box culvert size from the 55-mph alternate estimate. Jon Martin also presented a cost estimate for road project CP-15-132-28.0, precast reinforced concrete box culvert, 14 miles east and 1.5 miles south of Linton. The Commission agreed to proceed with this project. The Commission also agreed to proceed with road project B23-01 CMC1536, installing pipe, 0.5 miles north and 5 miles east of Strasburg, ND on CMC1536 road.

The board recessed for lunch and reconvened at 1:00 P.M.

Representatives from RDO Equipment and Butler Machinery appeared to present proposals for two (2) Motor Graders. Later in the meeting, Commissioner Eberle motioned to purchase the following:

• 2023 John Deere 772 GP Motor Grader	\$474,928.00
Trade-In 2018 John Deere 772 G	\$175,000.00
Balance after trade-in	\$299,928.00
• 2023 John Deere 772 GP Motor Grader	\$464,100.00
Trade-In 2018 John Deere 772G	\$172,210.00
Balance after trade-in	\$291,890.00

Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Skyler Prellwitz, Road Superintendent, reported on activities for the county road department.

The Board reviewed a measurement report of the road gravel stockpile at the Wolbaum pit generated by Fisher Sand and Gravel. Chairman Magrum requested to have the pit surveyed by Wold Engineering, P.C. to double check the measurements.

Skyler Prellwitz presented an estimate for an overhead door from Midwest Doors for the Hazelton Shop in the amount of \$11,473.00. After some discussion, Commissioner Materi motioned to purchase the overhead door with three (3) windows being placed in the higher up panel, utilizing ARPA funding. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to adopt a policy to the employee handbook adding a \$250 per calendar year clothing allowance for the road department. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried. Policy is effective February 7, 2023.

Commissioner Hulm motioned to approve the utility permit for KEM Electric to bore utilities 375 ft. west of the intersection of 99th St. SE and 12th Ave. SE. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to extend the warranty on two (2) 140M3 Motor Graders for 2,000 hours at a total cost of \$37,110.00. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

The Commission instructed the County Auditor to advertise for the position of Veterans Service Officer.

Commissioner Eberle motioned authorizing the Chairman and the County Auditor to sign the Quit Claim Deed as follows:

Ronald W. Dykema and Loreli M. Dykema – A Tract of Land in the Northwest Quarter (NW1/4) of Section Five (5), Township 133, Range 76, West of the 5th P.M., Emmons County, ND, described as the beginning at the corner stone at the Northeast Corner of the NW ¼ of Section 5, Township 133, Range 76, thence extending due west along the section line a distance of 375 (375’) to a point; thence south and at right angles to said section line a distance of one hundred feet (100’) to a point; thence east at right angles to the last line a distance of 375 feet to a point; thence north at right angles to the point of beginning, a distance of one hundred feet (100’), excepting and reserving therefrom the north seventy-five (75’) of public right-of-way.

Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Sheriff Gary Sanders, Craig Kitzan and Michelle Masset, America Rescue Plan Act Working Group, provided a summary update on the improvements and repairs to the courthouse, auditorium, offices and county shop projects. Commissioner Hulm volunteered to serve on this working group also.

Commissioner Hulm motioned to approve the building permit for Nathan Baumgartner to add a 28 X 56 garage to the house located on the NE ¼ of Section 26, Township 132, Range 76. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned authorizing Chairman Magrum to execute the Langelier’s Bay Annual Management Program, Statement of Receipts and Expenditures for calendar year 2022 and the Annual Management Program and budget for 2023. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for River Plains Coop to install a billboard along Highway 83 in the SE ¼, SE ¼ of Section 22, Township 131, Range 76. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Steven C. Becker to erect a 32 X 24 home on the NW ¼ of Lot 1, Section 7, Township 129, Range 77. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to appoint Scott Baumiller for a three-year term to serve as the county committee for purposes of school district annexations, dissolutions, and reorganizations for Emmons County. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

The board re-discussed the proposed Ordinance No. 23-01-01. Commissioner Materi motioned to amend Ordinance No. 23-01-01, Subsection B(2)(b)(i), page 16, changing the pipeline setbacks to two (2) miles (10,560’) from city limits and a mile-and-a-half (7,920’) from an established residence in a rural setting, include CO₂, non-potable water or any other substance deemed hazardous by PHMSA to Subsection B of Article VI, page 16, and the addition of potable water to Subsection B(2)(b)(ii). Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Kalberer motioned to amend Ordinance No. 23-01-01, Subsection B(2)(b)(ii), changing the variance for the setback from an inhabited residence to an established residence and to change the setback from any other building or surface water body to five hundred (500) feet in Subsection B(2)(b)(i), of Article VI, page 16. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to adopt the following Ordinance No. 23-01-01 as amended:

ORDINANCE NO. 23-01-01

AN ORDINANCE OF EMMONS COUNTY, NORTH DAKOTA, TO AMEND THE ZONING ORDINANCES OF EMMONS COUNTY, NORTH DAKOTA.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EMMONS, NORTH DAKOTA, THAT THE FOLLOWING SECTIONS OF THE EMMONS COUNTY ZONING ORDINANCES ARE HEREBY AMENDED AS FOLLOWS:

SUBSECTION B of Article VI, page 16, shall be amended and revised to read as follows:

Electric transmission facilities and non-potable water, gas, oil, coal slurry, CO₂, or any other substance deemed to be hazardous by PHMSA transmission pipelines:

SUBSECTION B(2)(b)(i), of Article VI, page 16, shall be amended and revised to read as follows:

A map of the pipeline route which clearly indicates that the pipeline right-of-way does not pass within two miles (10,560') of the corporate boundaries of any organized city, a mile-and-a-half (7,920') of an established residence, within five hundred feet (500') of any other building or surface water body and is not within one hundred (100) feet of a highway right-of-way or section line unless perpendicular to said right-of-way or line;

SUBSECTION B(2)(b)(ii), shall be added to state as follows:

A variance for the setback from an established residence (7,920') may be allowed if the application for permit includes a signed by an owner of each such residence located within the setback from the proposed pipeline right-of-way. Pipelines constructed for the transmission of potable water are not subject to the setback from established residences.

APPROVED by unanimous vote (5-0) of the County Commission, County of Emmons, this 7th day of February, 2023.

ATTEST:
s/s Marlys Ohlhauser
County Auditor

APPROVED:
Erin Magrum
Emmons County Chairman

Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:

General and 911 – Voucher Numbers LP15069-LP15091, LP15117-LP15119, Payroll - \$94,739.71
Highway Tax – Voucher Numbers LP15092, LP15120-LP15128; Payroll – \$50,117.69

The following vouchers were reviewed and approved for payment:

42071	MDU	Utilities	191.93
42100	NDDDES	EMPG	20.00
42101	ND Attorney General	Criminal History Check	15.00
42147	Job Service	Unemployment Tax Notice	261.75
42148	Advanced Business Methods	Extension Copier Contract	313.93
42149	Armor Interactive	Silver Plan/Time Sheets/Hours	3,965.00
42150	Auto Value	Parts/Shop Supplies	785.58
42151	Axon Enterprise, Inc.	Cartridges	419.11
42152	Beastrom Oil Co.	Propane	2,413.53
42153	BEK Communications	Telephone Service	1,739.90
42154	Burleigh Morton Detention Center	Prisoner Billing	3,075.00
42155	Butler Machinery Co.	Parts/Labor	6,793.44
42156	Butler Machinery Co.	Equipment Lease Payment	69,309.49
42157	Butler Machinery Co.	Extended Warranty on Blades	37,110.00
42158	Carlson McCain, Inc.	Mitigation Monitoring 7 th Ave SE	2,121.30
42159	Central Dakota Frontier	Unleaded Fuel	66.71
42160	Central Dakota Six County Organ.	Dues	180.00
42161	Centre, Inc.	Community Service Program	1,200.00
42162	CHS, Inc.	Propane	1,942.15
42163	Hazelton City	Water Bill	36.00
42164	Linton City	Water Bill	91.20
42165	Strasburg City	Water Bill	98.90
42166	Cole Papers, Inc.	Supplies	201.02
42167	Crown Trophy	Name Tags	27.00
42168	Dockter's Blacksmith	Service	60.46
42169	Emmons County Treasurer	Postage/Supplies	15.65
42170	Emmons County Treasurer	Postal Machine Use	670.86
42171	Emmons County Treasurer	4-H Contribution	950.00
42172	Fireside Office Products, Inc.	Supplies	594.83
42173	Fisher Industries	Gravel Crushing	461,168.40
42174	Holiday Inn	Lodging	160.00
42175	Information Technology	Internet Access & Netmotion	1,312.65
42176	Innovative Office Solutions	Toner	85.00
42177	Jack's Electric & Trenching	Bulbs	1,392.96
42178	Jerome Distributing, Inc.	Water Refills	140.00
42179	Keller's Hardware	Shop Supplies	175.04
42180	KEM Electric	Utilities	380.00

42181	Krain Creek Fabrication, Inc.	Supplies	128.03
42182	Linton Auto Parts	Parts/Labor	316.38
42183	Little Falls Machine, Inc.	Parts	449.05
42184	Magrum Excavating & Plumbing	Service	5,750.00
42185	Martin Oil Co.	Gas	372.31
42186	Midwest Doors	Supplies/Service	372.46
42187	MDU	Utilities	3,156.88
42188	Moos Repair & Sales	Truck Super Wash	268.00
42189	National Sheriff's Association	Dues	71.00
42190	Nieuwsma, Denise	Expense Reimbursement	70.71
42191	Nodak True Value	Supplies	197.28
42192	Nodland, Chad C.	Attorney Services	540.00
42193	NDACE Conference	Registration Fees	450.00
42194	NDACO	Testing	1,090.40
42195	ND County Auditor's Association	Dues	100.00
42196	ND Clerks Association	Dues	100.00
42197	ND County Records Association	Dues	200.00
42198	ND County Treasurer's Association	Dues	100.00
42199	NDACTVSO	Dues	50.00
42200	ND One Call Concepts	Location request	3.90
42201	ND Secretary of State	Notary Public	36.00
42202	ND State Radio Communications	Everbridge Contact Fee	862.92
42203	ND State Radio	LETS Billing	120.00
42204	ND State Radio	Phone Collections	13,920.96
42205	NDSU Extension Service	Salary Reimbursement	12,432.92
42206	NW Tire, Inc.	Parts/Service	20,874.44
42207	ODP Business Solutions, LLC	Supplies	216.20
42208	Paul Holzer	Car Washes	12.00
42209	Payment Remittance Center	Gas/Fuel/Supplies	689.02
42210	Payment Remittance Center	Gas/Fuel/Supplies	746.25
42211	Payment Remittance Center	Gas/Fuel/Supplies	561.75
42212	Payment Remittance Center	Gas/Fuel/Supplies	4,094.26
42213	Payment Remittance Center	Gas/Fuel/Supplies	552.72
42214	Pfeifle on 83	Service	1,181.32
42215	Pfeifle	Parts/Service	498.97
42216	Pharmchem, Inc.	Sweat Patch Analysis	221.65
42217	Power Plan Corp.	Parts/Service	2,358.89
42218	Quadient Leasing USA, Inc	Post Machine Rent	402.00
42219	RDO Truck Center	Parts	100.78
42220	Russell Lawler Construction	Snow Removal	24,875.00
42221	Sayler Implement	Parts	114.30
42222	Schneider, Jackie	Food Pantry	500.00
42223	South Central Crime Conference	Dues	100.00
42224	South Central Regional Water	Water	88.24
42225	Strasburg Insurance Agency	Insurance Premium	69,743.00
42226	Strasburg State Bank	Equipment Lease Payment	54,104.16
42227	Sundre Sand & Gravel, Inc.	Snow Removal	60,472.50
42228	TC Specialties	Supplies	114.00
42229	TK Elevator Corp.	Elevator Maintenance Agreement	1,890.00
42230	Tower Communications	Tower Rent	200.00
42231	Vanguard Appraisals, Inc.	Service Fees	3,600.00
42232	Verizon Wireless	Cell Service	41.90
42233	Verizon Wireless	Cell Service	461.98
42234	Verizon Wireless	Cell Service	409.65
42235	John R. Beck Insurance	Notary Bond	50.00
42237	Payment Remittance Center	Gas/Fuel/Supplies	135.36
42238	Dakota Dust Tex, Inc.	Service	1,347.70
42239	Emmons County Record	Publishing/Stamp	440.70

There being no further business before the board, Commissioner Eberle motioned to adjourn. The meeting adjourned at 4:30 P.M.

Approved: March 7, 2023

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S SPECIAL MEETING
JANUARY 25, 2023**

Chairman Erin Magrum called the meeting to order at 6:00 P.M., with Commissioners Gary Hulm and Dan Materi being present. Absent was Don Eberle and David Kalberer. Also present was States Attorney Joseph M. Hanson.

The Pledge of Allegiance was recited.

As advertised, at 6:00 P.M., a public hearing was held to receive public comment and direction on a proposed Zoning Ordinance No. 23-01-01 that would amend and revise Subsection B(2)(b)(i) of the Emmons County Zoning Ordinance as follows: A map of the pipeline route which clearly indicates that the pipeline right-of-way does not pass within two thousand six hundred forty feet (2,640') of an inhabited residence, within two hundred feet (200') of any building or surface water body and is not within one hundred (100) feet of a highway right-of-way or section line unless perpendicular to said right-of-way or line.

If adopted, the ordinance would also add Subsection B(2)(b)(ii) of the Emmons County Zoning Ordinance as follows: A variance for the setback from an inhabited residence (2,640') may be allowed if the application for permit includes a signed and notarized waiver of setback from inhabited residence, signed by a resident of each such residence located within the proposed pipeline right-of-way. Pipelines constructed for the transmission of water are not subject to the setback from inhabited residences.

Chairman Magrum opened the public hearing and explained the format of the meeting by first allowing Summit Carbon Solutions to give an overview of the proposed carbon capture and storage project.

Jeff Skaare, Director of land, legal and regulatory affairs for Summit Carbon Solutions, presented a slide show with information about the pipelines impact on North Dakota, emphasizing that this project is strategic to the future of North Dakota's agriculture and energy sectors.

Grant Terry, Senior Project Manager for Summit Carbon Solutions, spoke on some of the public's construction concerns. One concern that was addressed is the technology of the project, and Mr. Terry emphasized that this project is not new technology, and that there are currently over 5,000 plus miles of CO₂ lines in service today. This proposed pipeline is going to be the largest CO₂ system in the world and is categorized as a 900-class system designed for 2,183 psi gauge. The Pipeline and Hazardous Materials Safety Administration (PHMSA), within the Department of Transportation, has statutory authority over CO₂ pipeline safety and enforces regulations for the construction, operation and maintenance and spill response planning. These federal regulations are available to the public in Document Title 49 of the Code of Federal Regulations §195.1.

Some of the public's testimonies:

Kevin Bernhardt, presented photos of Section 6, 7 and 8 of his property where the proposed pipeline would run. Mr. Bernhardt stated that his farm is on section 7 and his son's farm is on Section 6, and are one half mile apart from one another. The proposed pipeline would be 1,500 feet from his door, and if built, would stop any future development on these three sections. Mr. Bernhardt stressed that this 24" pipeline is odorless gas that's very dangerous. If inhaled, it will take the oxygen away from you. "Cattle will die!" "People will die!" Mr. Bernhardt asked the Commission to consider setbacks on any farmsteads and indicated that he would like a minimum of one mile, but would like to see two miles. "It's about protecting the people of Emmons County and any future development of farmsteads!" Mr. Bernhardt also stated that over the time of this proposed project, he's had four representatives from Summit Carbon Solutions try to get him to sign a contract, and he explained that he's not interested because the project is too close to his property. None of the representatives considered listening to him, instead they said that if he doesn't sign the contract, the company will use eminent domain and the company will win and he would get nothing. "This is wrong!"

Julie Smith, resident outside of Hazelton, addressed her concerns about the proposed pipeline being extremely close to the residence where she and her husband reside year-round and encouraged the commissioners to approve a larger set back from residences.

Charles Kurszewski questioned the life expectancy of the ethanol plants that the proposed pipeline is going to be furnishing over the years and also questioned if ethanol is going to be a viable product to be marketed over the years. Mr. Kurszewski addressed his concerns relative to safety factors of the pipeline questioning if the volunteer fire departments are going to be trained should problems arise.

Jeff Hill stated that California passed a law to outlaw gas vehicles by 2035 and questions the long-term outlook for marketing ethanol, and what happens if the market collapses? Mr. Hill asked if Summit Carbon Solutions is capable of providing a bond so the company continues paying the tax revenue to the county?

Rebecca Phillips suggested looking into data to see how far the high-pressure material would travel should there be a break or burst, and what the impact would be. Also questioned was how many miles of pipeline has this company installed.

Cindy Schmidt, HMB School Board Member, expressed her concern about the proposed pipeline being too close to the school.

Joe Vetter, Jr. feels that the positives of this CO₂ pipeline outweighs the negatives. Mr. Vetter asked the Commission to hold off on approving/disapproving the zoning ordinance until the Legislatures act on the eight bills introduced relating to pipelines. The state will set some guidelines on the pipelines, including eminent domain. Mr. Vetter spoke on property rights by stating that landowners have the right to negotiate with the pipeline without the county interfering with ordinances. He believes that this CO₂ pipeline will be built and addressed his concerns about any future pipelines such as gas and oil wanting to come to Emmons County but move on to another county because our ordinances are too restrictive. Mr. Vetter stated that the county went on record at the August 2, 2022 commission meeting where the industrial conditional use permit application fee was increased to 3% of the total cost of the project which would cost this CO₂ pipeline \$2,200,000 in fees for their \$73,000,000 project and questioned why the county would want to penalize a business for wanting to do business here. Vetter then spoke on the Utility companies that pay property taxes in Emmons County and stated that if this CO₂ pipeline should be built, one third of the property taxes in our county would be paid by utility companies. He also stated that without utility companies paying taxes in our county, property taxes would be 26% higher.

Steve Laine provided handouts to the commission that included information of the Denbury Gulf Coast Pipeline, LLC failure in Satartia, Mississippi, and a report from Accufacts, Inc. on carbon dioxide transmission pipeline safety and federal pipeline safety regulations within the U.S.

Stephanie Doolittle stated that she's been to numerous county commission meetings and Summit Carbon Solutions has yet to present any information concerning the safety of this CO₂ pipeline. The high concentration of carbon dioxide traveling through a 24" pipe at high pressure will be devastating in a rupture. The oxygen will be displaced, leaving it impossible to breath and vehicles with combustible engines inoperable. She asked the Commission to consider a setback of two miles and a requirement of the pipe to be six to eight feet in depth.

Mike Rohrich stated that the pipeline is crossing 700 feet from the home that he grew up in and someday a family member may want to live there. Mr. Rohrich commented on the first ten-year taxation exemption that the state has in NDCC for the pipeline and also questioned why the proposed route of this pipeline doesn't cross state school land.

Syd Lawler spoke briefly on property rights and encouraged the commission to take this into consideration especially when it comes down to eminent domain.

Eliot Huggins, Dakota Resource Council, shared some legal resource information to the commission to include a legal memo by a South Dakota Law Firm regarding hazardous liquid pipelines, a memo from Attorney Paul Blackburn in Nebraska to Mitch Flanagan, Burleigh County Planning and Zoning, and a handout by Attorney Paul Blackburn on "does the federal law prohibit counties from imposing setbacks on CO₂ Pipelines?"

John Beck spoke briefly about the unknowns of the project in regards to outdated regulations, insurance liabilities and safety concerns.

David Moch expressed his concerns because the danger is there to the residences, school children and neighbors should the pipeline leak or break and nobody can get direct answers from Summit Carbon Solutions.

Julia Stramer stated that she's in favor of setbacks to be as far away as possible from residences, buildings, waterbodies, section lines and highways.

Sharon Schiermeister suggested a variance to the setback ordinances to consider a further setback for schools and cities.

Following testimony from the public, Chairman Magrum allowed Summit Carbon Solutions representatives to answer some of the public's questions and concerns.

Jeff Skaare addressed setback concerns and asked to take into consideration that the distances for setbacks in the development for oil and gas wells in the Bakken is 500 feet. Coal mines is also 500 feet and the same for salt water disposal wells.

Rod Dillon, Director of Regulator Compliance for Summit Carbon Solutions, stated that last year he met with the county emergency managers to address how to move forward in educating First Responders to prepare, plan and respond to protect the public. First Responders, Fire Departments, Law Enforcement, ambulance services and hospitals will be educated on what CO₂ will do and what the affects are to humans. Data is being collected from the responders on what equipment is needed for responding to a CO₂ incident.

Jeff Skaare addressed the question on whether Summit Carbon Solutions is paying property taxes to the county. Summit Carbon Solutions is assessed taxes by state statutory and will be paying taxes to the county through the state of ND. The tax exemption that exists was set in place by the state of ND to encourage infrastructure development much like the CO₂ pipeline development. Jeff Skaare also confirmed that the comment made that Summit Carbon Solutions is avoiding state land is untrue.

Grant Terry briefly addressed fracture propagation and stated that the company uses a heavy wall with the pipe that helps eliminate the possibility of a fracture propagation.

Chairman Magrum closed the public hearing.

Commissioner Hulm stated that the commissioners are more for the safety of the people of Emmons County and finding the right answers and moving forward.

Commissioner Materi questioned if landowners can negotiate on royalties passing through the pipeline? Jeff Skaare stated that they have not negotiated any royalties across the pipeline and their preference is to do a onetime payment across the particular pipeline.

Commissioner Materi questioned that because Hazelton is within one half mile of this pipeline, would there be additional valves put in for safety reasons around the homesteads? Grant Terry stated the risk analysis study performed by engineers would dictate where the valves will be placed at.

In closing, Chairman Magrum made a few comments with one being that the only benefit that he hears about this project is money and doesn't foresee a lot of benefits right here in Emmons County such as cheaper fuel prices or electrical rates or any other benefit that would make this risk worth it. Chairman Magrum also commented that Emmons County has and will always oppose to eminent domain and also mentioned that the tax benefit would come from the State Treasury and not from Summit Carbon Solutions because of the ten-year tax exemption. Another comment made was that the Legislatures are in session right now, so any new laws passed by the Legislature wouldn't take effect until June or July and most of them probably won't take effect until the end of the year.

Chairman Magrum adjourned the public hearing and special meeting at 8:45 P.M.

Approved: February 7, 2023

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S SPECIAL MEETING
JANUARY 18, 2023**

Chairman Erin Magrum called the meeting to order at 9:00 A.M., with Commissioners Don Eberle, Gary Hulm, David Kalberer and Dan Materi being present. Also present was States Attorney Joseph M. Hanson.

The Pledge of Allegiance was recited.

The purpose of this meeting was to discuss snow removal on bus routes and private roads, independent contractor for snow removal update, equipment warranties and equipment operator discussion.

Arnold Vetter, Linton Public School Board President, was present and stated that school buses should be a priority. After a storm, the snow needs to be removed from the bus routes so they can resume school again. Mr. Vetter commented that in the past, and for a long time, the blade services were excellent. There needs to be better communication between the road superintendent and the school superintendents.

HMB School Superintendent, David Goetz, was also present and stated that it took a long time to get the roads opened after the last storm, and suggested that better communication be held between the road superintendent and the schools prior to the start of the season. Mr. Goetz also commented that one pass with the county blade going down the road would help because if the buses get stuck, the kids get stranded, and that's a big concern for everyone.

Chairman Magrum agreed that conversation needs to be better on all sides and communication should begin as early as August.

Road Superintendent, Skyler Prellwitz, informed the board that he offered the equipment operator position to a candidate who will be starting employment on January 23, 2023 and will be the blade operator in the Hazelton area.

Skyler Prellwitz provided an update on the Independent Contractors hired for snow removal services for the county.

The commission reviewed a proposed snow and ice removal policy statement presented by the Road Superintendent. No action was taken.

There was some discussion regarding snow removal on private roads. The consensus of the board was for the county to keep doing what's always been done with private roads, and work on a policy for next winter.

Briefly discussed warranties on (2) two Caterpillar motor graders. Further discussion will be held at the February 7, 2023 meeting.

There being no further business before the board, Commissioner Eberle motioned to adjourn the meeting. The meeting adjourned at 10:25 A.M.

Approved: February 7, 2022.

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
JANUARY 3, 2023**

County Auditor, Marlys Ohlhauser, called the reorganizational meeting to order at 9:00 A.M., with Commissioners Don Eberle, Gary Hulm, David Kalberer, Erin Magrum and Dan Materi being present.

The Pledge of Allegiance was recited.

County Auditor, Marlys Ohlhauser, opened nominations for the 2023 Chairman. Commissioner Kalberer nominated Commissioner Magrum and Commission Hulm seconded the nomination. Auditor Ohlhauser called for further nominations. There being no further nominations, Commissioner Magrum was elected Chairman for 2023 by all Commissioners voting "YES".

Chairman Magrum opened nominations for the 2023 Vice Chairman. Commissioner Materi nominated Commissioner Hulm and Commissioner Kalberer nominated Commissioner Eberle. Chairman Magrum called for further nominations. There being no further nominations, a verbal vote was taken and Commissioner Hulm was elected Vice Chairman for 2023.

Commissioner Hulm motioned to approve the minutes of the December 6, 2022 regular meeting. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the agenda with the addition of noon hour courthouse closure discussion and private drive snow removal discussion. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Old and Unfinished Business:

Discussion was held on amending the county zoning ordinance to include pipeline setbacks from residences. Chairman Magrum asked GIS Coordinator, Josh Odden, to prepare a map and provide a list of residents that would be affected within one mile of the proposed Summit Carbon Pipeline. Chairman Magrum also introduced a proposed ordinance that would amend and revise Emmons County's current zoning ordinance in subsection B(2)(b)(i) to include that a pipeline right-of-way does not pass within two thousand six hundred forty feet (2,640') of an inhabited residence.

After discussion, Commissioner Eberle motioned to approve the first reading of Ordinance No. 23-01-01 as follows:

ORDINANCE NO. 23-01-01

**AN ORDINANCE OF EMMONS COUNTY, NORTH DAKOTA, TO AMEND THE ZONING ORDINANCES
OF EMMONS COUNTY, NORTH DAKOTA**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EMMONS,
NORTH DAKOTA, THAT THE FOLLOWING SECTIONS OF THE EMMONS COUNTY ZONING
ORDINANCES ARE HEREBY AMENDED AS FOLLOWS:**

SUBSECTION B(2)(b)(i), located on page 16, shall be amended and revised to read as follows:

A map of the pipeline route which clearly indicates that the pipeline right-of-way does not pass within two thousand six hundred forty feet (2,640') of an inhabited residence, within two hundred feet (200') of any other building or surface water body and is not within one hundred (100) feet of a highway right-of-way or section line unless perpendicular to said right-of-way or line;

SUBSECTION B(2)(b)(ii), shall be added to state as follows:

A variance for the setback from an inhabited residence (2,640') may be allowed if the application for permit includes a signed and notarized waiver of setback from inhabited residence, signed by a resident of each such residence located within the proposed pipeline right-of-way. Pipelines constructed for the transmission of water are not subject to the setback from inhabited residences.

ADPPROVED by the County Commission, County of Emmons, this 3rd day of January, 2023.

ATTEST:
s/s Marlys Ohlhauser
County Auditor

APPROVED:
Erin Magrum, Chairman
Emmons County Chairman

Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

A public hearing is scheduled for January 25, 2023 at 6:00 P.M. at the Emmons County Courthouse (Courtroom).

New Business:

Maintenance Supervisor, Craig Kitzan, appeared to present quotes for snow removal equipment. The Commission agreed to purchase an ATV Rotary Broom/Snow Sweeper for \$4,499.00.

Theresa Liebsch, Vision Zero Outreach Coordinator for the Southwest Region, appeared to address the commission providing an overview of Vision Zero and what they have done over the past year and where they are going with the future. Vision Zero has an in-school program called Buckle Up with Bucky showing students why it is important to wear seat belts. Impact Teen Drivers, a reckless and distracted driving prevention presentation, has reached over 2,000 students and is hoping to grow. Interactive tools including fatal vision goggles, go-carts and drunk driver simulator are a big part of the program. Liebsch provided 2022 crash statistics for North Dakota. There were 100 fatalities in 2022 and 64.8 were not wearing a seat belt at the time of the crash.

Commissioner Materi motioned to appoint or re-appoint the following officers and board members:

Tax Director – Denise Nieuwsma
VA Officer – Jeffrey Ohlhauser
Risk Manager – Marlys Ohlhauser
911 Coordinator – Gary Sanders
Weed Board – Lenard Vetter
Water Board – Joey Kalberer
Water Board – Tim Weber
Water Board – John Deboer
Public Health Board – Jackie Grunefelder
Emmons County Housing Authority – Jeffrey Ohlhauser
South Country Human Services – Erin Magrum
County Committee – Corbley Ogren
County Committee – Kurt Weiser

Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned authorizing Auditor/Treasurer, Marlys Ohlhauser, to open a CD at Unison bank and to sign the documents for Emmons County. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Kalberer motioned to approve the following Resolution:

**SNOW EMERGENCY DECLARATION
EMMONS COUNTY, NORTH DAKOTA**

January 3, 2023

WHEREAS, Emmons County, North Dakota has received a significant amount of snow (17.9” December 13-16, 2022) and wind gusts up to 52 mph; and

WHEREAS, the Emmons County Road Department resources are committed to keeping emergency routes open and have made an inordinate effort to try to keep roads passable. Progress is impeded due to continued periods of snowfall, blowing snow and winds; and

WHEREAS, the impact of continued conditions and cleanup may threaten the health, well-being, and safety of the citizens in Emmons County; and

WHEREAS, this effort may have a serious financial effect on the townships and cities involved and Emmons County in general.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Emmons County Commissioners do declare a state of emergency exists in Emmons County, North Dakota.

DATED at Linton, North Dakota this 3rd day of January 2023.

ATTEST:
s/s Marlys Ohlhauser
County Auditor

APPROVED:
Erin Magrum
Emmons County Chairman

Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

County Extension Agents, Acacia Stuckle and Emily Leier, provided a quarterly narrative report.

Chairman Magrum volunteered to be assigned the portfolio for the Emmons County Extension Agents, and will participate in their performance reviews.

Commissioner Eberle motioned granting approval to County Extension Agent, Acacia Stuckle, to attend the Extension Leadership Conference on February 7-9, 2023 in Kansas City, Missouri. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Director of Tax Equalization, Denise Nieuwsma, appeared to present the 2023 agricultural land valuations provided by the Agribusiness and Applied Economics Department of the North Dakota State University. NDSU calculated the statewide average values per acre with the following results:

Cropland	\$956.37
Non-cropland	\$166.04
All agricultural land	\$706.63

Emmons County’s average value per acre for the year 2023 is as follows:

Cropland	\$941.75
Non-cropland	\$168.40
All agricultural land	\$628.94

North Dakota Century Code ruling requires County’s to be within a tolerance level of 91% - 100% on their agricultural land values determined by the North Dakota State University Agricultural Economics Department. Commissioner Hulm motioned to maintain a 93% tolerance level to keep the county average in compliance with state requirements. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Materi stated that he’s been approached by some citizens questioning about the courthouse being open during noon hour. After some discussion, Josh Odden volunteered to create a survey for all the departments and report the overall results back to the board at the next meeting.

VA Officer, Jeff Ohlhauser, appeared and gave his quarterly activity report.

Commissioner Eberle motioned to approve the applications for abatement of taxes for parcel #53-0001-00086-000, #52-0012-00733-000, #13-0000-5153-010 for tax year 2022 and parcel #13-0000-5153-010 and #30-8006-0091-000 for tax year 2023. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned authorizing the Chairman and the County Auditor to sign the County Deed conveying the county’s interest in tax deed property as follows:

City of Linton - Lots Seven (7) and Eight (8), Block Six (6), Petrie’s Subdivision, Linton, Emmons County, North Dakota.

Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to grant a raffle permit to the Linton Country Club. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the building permit for T-Mobile Central LLC to remove three (3) panel antennas and install six (6) new panel antennas and to install three (3) new RRU Radios and one (1) new hybrid cable on the existing guyed tower located on the W ½ W ½ of Section 26, Township 130, Range 79. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Your Home Improvement Company to install a new tub with tub surround in the main residence facility located on the NW ¼ NW ¼ NE ¼ of Section 24, Township 134, Range 74. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to amend the 2022 appropriation in HB 1505 Road Project fund by \$115,086.95 and to amend the 2022 appropriation in the ARPA fund by \$27,332.84. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Danielle Stoppler was present and commented that she’s getting less services for the tax dollars that she’s paying because the county road on 14th Avenue SE didn’t get bladed for weeks after the November snow storm and she was without access to her property. Danielle also expressed that she didn’t appreciate the way she was treated during a phone conversation with the Road Superintendent when she was told that her property wasn’t important and it may take until spring before the road is open.

Road Superintendent, Skyler Prellwitz, was present and stated that he was blading at the time that Danielle Stoppler called him, and after he told her that the road was not a priority at the time due to being a vacant farmstead, she became upset. The conversation became heated, and Skyler hung up the phone after she started to insult him.

Skyler Prellwitz, Road Superintendent, reported on activities for the county road department.

Discussion was held on abandoning secondary roads during emergency snow events.

There was some discussion on adopting a policy for blading and snow removal on private roads. A special meeting will be held in a couple of weeks for further discussion.

Discussion was held regarding culvert replacement on 88th St. SE. The road superintendent will contact Wold Engineering, P.C. for planning and developing a road project.

Commissioner Eberle motioned that Skyler Prellwitz be removed from probation effective January 3, 2023. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to extend the vacation use time for the road department employees to June 1, 2023. Seconded by Commissioner Materi. Roll Call “YES”: Eberle Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to enter into Independent Contractor Agreements with Russ Lawler and Sundre Sand and Gravel for snow removal services of certain roads, as the need arises, on the designated county road system on behalf of the Emmons County Road Department. The term of the agreement will begin immediately and will remain in full force and effect indefinitely until terminated by either party. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

There was some discussion regarding paid holidays and vacation or sick leave pay being counted in computing overtime hours. No action was taken.

Commissioner Eberle motioned to approve the application for abatement of taxes for parcel #52-0014-00813-000 for tax year 2022. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:

General and 911 – Voucher Numbers LP15002-LP15025, LP15058-LP15061, Payroll - \$94,340.67, Expense Reimbursement - \$35.00
Highway Tax – Voucher Numbers LP15026, LP15061-LP15068; Payroll – \$44,129.16

The following vouchers were reviewed and approved for payment:

41927	MDU	Utilities	146.51
41974	NDACO	2023 Workers Comp Premium	26,603.04
42016	Dakota Dust Tex, Inc.	Service	18.50
42017	Dockter’s Blacksmith	Welding	99.68
42018	Electronic Communications	Parts/Tool	229.00
42019	Emmons County Treasurer	Postal Machine Use	2,274.33
42020	Emmons County Treasurer	Specials	1,666.66
42021	Governsoft	Tax Program	13,583.00
42022	Harry Petrie Library	Contribution	2,500.00
42023	Herreid Concrete	Concrete	532.00
42024	Innovative Office Solutions	Paper	492.60
42025	Jack’s Electric & Trenching	Service to light at Langelier’s Bay	591.34
42026	Keller’s Hardware	Shop Supplies	74.88
42027	Kramer Electric	Wire Location	60.00
42028	Lewis & Clark Regional Dev.	Dues	6,116.44
42029	Lexipol, LLC	Annual Law Enforcement Policy	4,778.05
42030	Linton Auto Parts	Copier Contract	126.52
42031	Linton Fire Dept.	Contribution	2,500.00
42032	Martin Oil Co.	Gasoline	38,716.82
42033	MDU	Utilities	2,589.19
42034	NACO	Dues	450.00
42035	Nodak True Value	Parts/Supplies	762.24
42036	ND County Commissioners Assoc.	Dues	1,650.00
42037	NDDOT	Road Projects	5,334.21
42038	ND911 Association	Dues	25.00
42039	ODP Business Solutions	Cable	60.98
42040	Payment Remittance Center	Gas/Fuel/Supplies	412.48
42041	Payment Remittance Center	Gas/Fuel/Supplies	1,089.34
42042	Payment Remittance Center	Gas/Fuel/Supplies	398.78
42043	Payment Remittance Center	Gas/Fuel/Supplies	621.59
42044	Payment Remittance Center	Gas/Fuel/Supplies	489.69
42045	Payment Remittance Center	Gas/Fuel/Supplies	360.58
42046	Power Plan Corp.	Parts/Service	4,603.11
42047	Sayler Implement, Inc.	Parts	1,389.44
42048	Schneider, Jackie	Food Pantry	500.00
42049	Shipley Electric, Inc.	Supplies/Service	8,745.24
42050	Statewide Services	Insurance Endorsement	31.00
42051	Strasburg Fire Department	Contribution	1,000.00
42052	TC Specialties, Inc.	Service	57.00
42053	Tri-County Exhibitors	Contribution	2,000.00
42054	Tri-Energy Coop	Maxtron	5,882.25
42055	Verizon Wireless	Cell Service	460.68
42056	Verizon Wireless	Cell Service	409.65
42059	Tower Communications	Tower Rent	200.00
42061	KEM Electric	Utilities	413.21
42062	South Central Regional Water	Service	81.86

42063	ND Attorney General	History Record	15.00
42064	Verizon Wireless	Cell Service	41.88
42066	Emmons County Record	Publishing	359.62
42067	Information Technology Dept.	Internet Access & Netmotion	1,051.35
42069	BEK Communications	Telephone Service	1,722.48

There being no further business before the board, Commissioner Kalberer motioned to adjourn. The meeting adjourned at 1:30 P.M.

Approved: February 7, 2023

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
AUGUST 1, 2023**

Chairman Erin Magrum called the meeting to order at 9:00 A.M. with Commissioners Don Eberle, Gary Hulm and Dan Materi being present. Also present was States Attorney, Joseph M. Hanson.

The Pledge of Allegiance was recited.

The July, 2023 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Materi motioned to approve the minutes of the July 11, 2023 regular meeting. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the agenda. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Old and Unfinished Business:

Tabled was the appointment of a County Committee member.

States Attorney Joseph M. Hanson reported that he's waiting for bid proposals from a couple of contractors for abating the public nuisance on 8080 Highway 83 South, Linton, ND.

Approved by the Commission was to send a letter to the Office of Attorney General requesting an investigation regarding the investors in the Summit Carbon Solutions carbon dioxide pipeline for potential violations of 2023, House Bill 1135 and Senate Bill 2371.

New Business:

County Extension Agents, Acacia Stuckle and Emily Leier, provided a quarterly narrative report.

Permission was granted to VA Officer, Brad Huber, for purchasing a program for digitalizing Veterans records for an annual fee of \$449.00.

Linton City Council and Airport Authority Board Member, Randy Meidinger, reappeared to request that the Commissioners appropriate funding in the 2024 county budget to go towards the local cost share of the Linton Municipal Airport construction project that will begin in 2024. The total cost of the project is estimated at \$2.05 million where 90% of the costs is funded by the Federal Aviation Administration. The Airport is responsible for the remaining cost of \$100,000 - \$125,000. Randy Meidinger asked the Commissioners for \$75,000 - \$100,000 as a one-time lump sum payment to go towards the road portion of the project. Also present was Linton City Mayor, Dan Imdieke and Roger Martin, Airport Authority Board Member.

Commissioner Hulm motioned to enter into a License and Service Agreement with Tyler Technologies, Inc. for software and maintenance support for the Auditor, Treasurer, GIS and Tax Director offices. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to enter into an agreement with Comstock Construction for project management services for the courthouse renovation project. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Strasburg City Auditor, Adam Drescher, appeared and reported that two (2) bids were received for demolishing homes in Strasburg City. One bid was from Russ Lawler construction in the amount of \$21,000.00 and another bid was from Clyde Bosch in the amount of \$18,600.00.

Commissioner Hulm motioned to enter into a Court Services Contract between the State of North Dakota, Emmons County, and the City of Linton. Term of this Agreement is for one (1) year from August 1, 2023 through July 31, 2024. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum and Materi. Motion carried.

Property Owners from Cattail Bay and the surrounding area reappeared requesting road maintenance on the gravel road from 1804 leading into Cattail Bay Resort. Darius Job mentioned a couple of individuals that are qualified to run equipment and would be interested in blading the Cattail Bay road and the surrounding area on weekends.

The board reviewed a preliminary budget proposal for the year 2024 prepared by County Auditor/Treasurer, Marlys Ohlhauser, for the general fund and each special revenue fund with a detailed breakdown of estimated revenues and expenditures for the preceding year, current year and ensuing year and the appropriations requested. Action was taken later in the meeting.

Skyler Prellwitz, Road Superintendent, reported on activities for the county road department.

The board reviewed an engineer's estimate from Wold Engineering, P.C. for Cement Stabilization in the amount of \$247,100.00. After discussion, Commissioner Hulm motioned to seek bids for Cement Stabilization on the following four sites:

- * Site 1 – 19th Ave SE, Section 29/30, Township 133, Range 74.
- * Site 2 – 65th St. SE, Section 30/31, Township 135, Range 74.
- * Site 3 – 76th St. SE, Section 22, Township 133, Range 74.
- * Site 4 – CMC 1523, Section 11/12, Township 136, Range 75.

Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the Utility Permit for South Central Regional Water District to install one-inch waterline crossing SE ¼ of Section 6, Township 134, Range 78 to NE ¼ of Section 7, Township 134, Range 78 and to install one-inch waterline crossing SE ¼ of Section 1, Township 134, Range 79 to NE ¼ of Section 12, Township 134, Range 79. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to enter into a 50/50 Cost Share Agreement with Campbell County, SD for the replacement of a culvert on 100th Street on the state line between Emmons County, North Dakota and Campbell County, South Dakota up to a total project cost of \$25,000.00 and to have the agreement signed and notarized by both parties. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Ryan Will to erect two (2) 56,000-bushel grain bins on Section 5, Township 133, Range 76, Temvik Elevator. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the building permit for Tim Burgad to erect a 30 X 36 storage building on Lot 53 in Tract A, Section 27, Township 132, Range 79. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve a renewal building permit for Chris and Andrea Backhaus to erect a 38 X 56 residence with an attached 32 X 44 garage on Lot 1 of Tract 6, Section 17, Township 132, Range 76. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the Liquor License for The Quencher Bar for a one-day event held on August 13, 2023 at the Strasburg Rodeo Grounds, Portion SW ¼ of Section 36, Township 131, Range 76 and to approve the Liquor License for Mike Kelsch dba Cattail Resort for a two-day event held on September 2, 2023 and September 3, 2023 located on a tract in the SE ¼ of Section 8, Township 130, Range 79. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve a renewal building permit for Joe and Janelle Schlosser to erect a 28 X 30 garage on Lot 1 – 18, Block 5, Templeton, Section 5, Township 133, Range 76. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

A special meeting was scheduled for August 16, 2023 @ 9:00 A.M. for interviewing the candidates for District One County Commissioner.

Discussion was held on the 2024 preliminary county budget. Suggestion was made to increase the capital project levy up to three mills appropriating the taxable revenue towards the road department expenditures. Another suggestion was to appropriate funding equivalent to two mills from the capital project levy to apply towards the Linton Municipal Airport project. After discussion, Commissioner Hulm motioned to approve the 2024 preliminary budget increasing the capital project levy to five mills. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum and Materi. Motion carried.

**PRELIMINARY BUDGET OF EMMONS COUNTY
NORTH DAKOTA
CALENDAR YEAR BEGINNING JANUARY 1, 2024**

GENERAL GOVERNMENT

County Board	187,563.97
State's Attorney	257,020.10
Clerk of Court/Register of Deeds	297,192.61
Sheriff	824,888.74
County Coroner	3,600.00
Auditor	317,750.30
Treasurer	174,167.89
Motor Vehicle	4,500.00
Director of Tax Equalization	117,180.87
Veterans Service	38,465.92
Maintenance	85,500.13
Superintendent of Schools	2,000.00
Risk Management	3,300.00
GIS Coordinator	77,631.49

Extension Agent	159,598.44
Disaster of Emergency Services	34,209.80
Planning Commission	5,000.00
Community Service Restitution Program	4,800.00
Utilities	30,000.00
Courthouse Building and Grounds	50,000.00
Examination Fees	25,000.00
Elections	35,800.00
NDACO	7,152.00
Unemployment Compensation	3,000.00
Miscellaneous	20,000.00
Copier Expense - Extension	4,500.00
Copier Expense - Clerk of Court	1,600.00
Advertising - Lewis and Clark Regional Development	6,210.35
Technology	82,690.00
Neopost Rent	3,000.00
Abandoned Cemetery	3,500.00
Insurance Reserve/State Fire/Workers Comp.	105,000.00
County Park	71,800.00
Indirect Costs for Human Service	180,770.69
Human Service - Linton Indirect	3,300.00
Food Pantry Coordinator	6,000.00
911 General	38,874.72
Human Resource Consulting	10,000.00
TOTAL GENERAL FUND BUDGET/APPROPRIATION	3,282,568.02
Amount to be Levied for General Fund	1,698,694.10
Amount to be Levied for County Agent	84,032.40
Amount to be Levied for Veterans Officer	38,465.92
Appropriation for County Road and Bridge	1,029,400.00
Amount to be Levied	420,162.04
Appropriation for Federal Aid	314,000.00
Amount to be Levied	210,081.02
Appropriation for Highway Tax	897,800.00
Appropriation for Unorganized Road District	1,943,800.00
Amount to be Levied	667,723.41
Appropriation for Permit Fund	600,000.00
Appropriation for House Bill 1505	144,318.65
Appropriation for Prairie Dog/House Bill 1066	1,526,524.77
Appropriation for State Revenue	97,413.84
Appropriation for Emergency Fund	450,000.00
Amount to be Levied	0.00
Appropriation for Auditorium	800.00
Appropriation for 911	79,654.30
Appropriation for State Grants	70,300.00
Appropriation for Linton Police Contract	26,000.00

Appropriation for Capital Projects	296,070.02
Amount to be Levied	210,081.02
Appropriation for Sheriff 24-7 Program	12,000.00
Appropriation for Hazardous Chemical	7,000.00
Appropriation for Extension	5,000.00
Appropriation for District Court Trust Fund	1,000.00
State Medical Center - Amount to be Levied	42,016.20
Appropriation for DVVA	400.00
Appropriation for Reimbursable	315,000.00
Appropriation for Real Estate Tax	20,000.00
Appropriation for Asset Forfeiture Fund	3,000.00
Appropriation for Document Preservation	18,000.00
Appropriation for County Vehicle	7,000.00
Appropriation for ARPA Funds	500,000.00
Appropriation for LATCF Funds	100,742.16
<u>OTHER COUNTY FUNDS</u>	
Ambulance - Amount to be Levied	84,032.40
Senior Citizens - Amount to be Levied	42,016.20
Historical Society - Amount to be Levied	10,504.05
Water Resource District - Amount to be Levied	62,000.00
County Health District - Amount to be Levied	120,000.00
Weed Control - Amount to be Levied	94,870.18
County Hospital District - Amount to be Levied	210,081.00
Soil Conservation District - Amount to be Levied	65,000.00

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:

General and 911 – Voucher Numbers LP15459-LP15480, LP15509-LP15511, Payroll - \$91,320.15, Expense Reimbursement - \$57.64

Highway Tax – Voucher Numbers LP15481, LP15512-LP15522; Payroll – \$47,073.50

The following vouchers were reviewed and approved for payment:

42965	MDU	Utilities	90.40
43024	Advanced Business Methods	Extension Copier Contract	303.02
43025	Agtegra Coop	Grazon	418.16
43026	A Train Auto	2020 Chevy Tailgate	1,000.00

43027	Aune, Charles	Mowing	90.00
43028	Balco Uniform Co., Inc.	Uniforms	347.00
43029	Beastrom, Derrick	Mowing	450.00
43030	Beastrom Oil Co.	Fuel/Propane	4,940.03
43031	Bosch, Myron	Gravel	3,575.00
43032	Braaten Law Firm	Legal Services	8,864.00
43033	Burleigh Morton Detention Center	Prisoner Billing	2,271.87
43034	Butler Machinery Co.	Parts	561.38
43035	Circle H. Lumber	Supplies	83.55
43036	Linton City	Water Bill	206.65
43037	CNA Surety	Notary Bond	50.00
43038	CNH Industrial Accounts	Equipment Rental	2,422.20
43039	Cole Papers, Inc.	Supplies	176.42
43040	Emmons County Treasurer	State Grants	85.55
43041	Emmons County Treasurer	Postage	117.50
43042	Emmons County Treasurer	Postage	397.59
43043	Fettig Brothers Gravel Hauling	Gravel Hauling	11,639.70
43044	Fireside Office Products	Supplies	222.56
43045	Frontier Precision, Inc.	ArcGis	2,299.49
43046	Innovative Office Solutions	Supplies	543.03
43047	Jack's Electric & Trenching	Service	753.82
43048	Jamestown Communications	Radio Installation	1,469.00
43049	Jerome Distributing, Inc.	Water Refills	105.00
43050	Linton Auto Parts	Parts	70.56
43051	Mainstay Suites	Lodging	176.40
43052	Martin Oil Co.	Gas	343.22
43053	MDU	Utilities	1,329.00
43054	NDACO	ILG Course	60.00
43055	NDACO Resources Group	Computer Systems and Software	5,492.82
43056	NDACTVSO	Registration Fee	120.00
43057	ND One Call	Location Request	1.30
43058	ODP Business Solutions, LLC	Supplies	179.07
43059	Payment Remittance Center	Gas/Fuel/Supplies	385.75
43060	Payment Remittance Center	Gas/Fuel/Supplies	566.80
43061	Payment Remittance Center	Gas/Fuel/Supplies	3,191.18
43062	Payment Remittance Center	Gas/Fuel/Supplies	349.20
43063	Payment Remittance Center	Gas/Fuel/Supplies	1,816.38
43064	Pfeifle on 83	Parts	50.64
43065	Quadient Leasing	Postage Machine Rent	402.00
43066	Radisson Hotel	Lodging	176.40
43067	RDO Truck Center	Parts	578.56
43068	Renschler, Norman	Langelier's Bay/Rice Lake/Chemical	3,820.00
43069	Schneider, Jackie	Food Pantry	500.00
43070	South Central Regional Water	Water Bill	139.20
43071	Stuckle, Acacia	Expense Reimbursement	329.22
43072	TC Specialties	Service	57.00
43073	Verizon Wireless	Cell Service	409.45
43074	Western Dakota Energy Association	Load Pass Permit Dues	500.00
43075	White Cap LP	Vests/Parts	53.42
43076	Widmer, Roel	Auditing	13,527.74
43077	Hazelton City	Water Bill	36.00
43078	Strasburg City	Water bill	91.50
43079	Emmons County Record	Publishing	771.98
43081	Hulm, Dennis	Grease	375.00
43082	Tower Communications	Tower Rent	200.00
43083	RTS Shearing, LLC	Gravel Hauling	178,950.00
43085	Nodak True Value	Supplies	250.01
43086	KEM Electric	Utilities	241.65
43087	Dakota Dust Tex	Service	38.40
43088	BEK Communications	Telephone Service	1,975.67
43089	Information Technology	Internet Access & Netmotion	1,391.65
43092	Heartland Waste Management	Service	120.00

There being no further business before the board, Commissioner Hulm motioned to adjourn. Seconded by Commissioner Materi. The meeting adjourned at 1:15 P.M.

Approved: September 5, 2023

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor