

OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
MAY 3, 2022

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

The Pledge of Allegiance was recited.

The April, 2022 end of month fund balance report and the year to date expenditure report were distributed to the board.

Danielle Stoppler was present and requested that her concerns with the commissioners that were addressed at the last meeting be included in the April 5, 2022 official proceedings.

Commissioner Weichel motioned to approve the minutes of the April 5, 2022 regular meeting with the addition as requested by Danielle Stoppler. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the agenda with the addition of the Bauman Road discussion. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Old and Unfinished Business:

Joseph M. Hanson presented a building permit variance approval document for the variance and exception that was granted to Tom Schaeffbauer at the April 5, 2022 meeting. Commissioner Eberle motioned to adopt the building permit variance approval as presented. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Kalberer and Magrum. "NO": Hulm and Weichel. Motion carried.

Discussion was held regarding the public nuisance on the property located on 8080 Highway 83 South, Linton. Sheriff Gary Sanders stated that he's received numerous phone calls from citizens with concerns that the property owner is moving vehicles and items to the motel. States Attorney Joseph M. Hanson will meet with Custer Health to initiate a process.

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 Leonard Weichel; 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. Erin Magrum motioned to approve the minutes of the May 4, 2021 meeting. Seconded by Leonard Weichel. All members voting "YES". Motion carried.

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

2021 County Park Expenditures	\$32,970.46
2022 County Park Budget	\$65,800.00
YTD 2022 Expense Report	\$ 215.10

Noted was \$30,000.00 is budgeted for installing a new water line at Langelier's Bay.

Board members read a letter from Ann M. Moch, Kintyre Park, and LeAnn Donley, Hazelton City Park, providing a summary of their park's activities and projects.

There was some discussion about appropriating ARPA funding in the county park fund for distribution to the city parks.

Leonard Weichel motioned to allocate \$2,500.00 to Linton City Park, Hazelton City Park, Braddock City Park, Hague City Park and to the park in Kintyre; and to allocate \$1,250.00 to the Strasburg City Park and \$1,250.00 to the Strasburg Park Expansion. Seconded by Don Eberle. Roll Call "YES": Don Eberle, Gary Hulm, David Kalberer, Erin Magrum, Leonard Weichel, Dean Weis and Andy Reis. Motion carried.

Leonard Weichel motioned to adjourn. The meeting adjourned at 9:40 A.M.

At 9:40 A.M., the Board of County Commissioners reconvened in regular session.

Michelle Masset was present for courthouse hours discussion. The idea was brought forward in order to serve the public earlier in the morning and over lunchtime. Suggestions made were to open the courthouse at 8:00 A.M., rotate lunchbreaks with the offices that have two or more employees working, which would allow the offices to remain open over lunch hour, and close earlier on Fridays. After discussion, Commissioner Hulm motioned that the hours for the courthouse be changed to 8:00 A.M. to Noon, 12:45 P.M. to 5:00 P.M. Monday

through Thursday and 8:00 A.M. to 12:30 PM. on Fridays from June 1st through Labor Day Weekend and offices with two or more employees remain open over lunch hour. Motion died due to lack of a second.

Michelle Masset stated that she hasn't been able to find an entity to provide funding for the supervisor position at the thrift store. The goal would be for another organization to take over the store or sell it to a private owner. The store will close the end of June if a solution is not found by then.

Commissioner Eberle motioned to accept the proposal from Twin City Roofing in the amount of \$31,795.00 for replacing the roofing material on the north upper roof of the courthouse. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

A conference call was held with Pat Peiock, U.S. Army Corps of Engineers Natural Resource Specialist, and Bob Frohlich, Fisheries Development Supervisor, to discuss options for a boat ramp at Langelier's Bay. According to Pat Peiock, the county can apply for a regulatory permit and submit a plan for a proposed boat ramp. The plan should include the fill and gravel leading to the boat ramp and any material needed for the parking lot. Bob Frohlich will evaluate a boat access site at Langelier's Bay with cost estimates and also prepare proposals for a low water boat ramp.

AJ Tuck, Moore Engineering, Inc. appeared and presented a rate analysis using ARPA funds for the City of Strasburg Wastewater Treatment Lagoons project.

Commissioner Weichel motioned to approve the Plat of Lot 1 located in the SE ¼ of Section 25, Township 131, Range 76, Emmons County, ND. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Doug Smith with South Central Regional Water District telephoned into the meeting to request gravel on the road located on 79th St. SW leading to the water treatment plant. Doug also requested that the county build up the section line located on 7th Ave SW, Sections 1 and 2, Township 132, Range 79, leading to their tank. The Commission will instruct the Road Superintendent to look into the matter.

Commissioner Kalberer motioned to approve the Gaming Site Authorization beginning July 1, 2022 and ending June 30, 2023 for the Joseph E. Appert American Legion Post 126 at Cattail Resort and R Place By the Bay. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit and charge a penalty of \$150.00 for Stuart Alderin to erect a 28 X 38 residence with a 36 X 54 detached garage in the S ½ S ½ -RW, Section 25, Township 130, Range 79. Motion died due to lack of a second.

Commissioner Weichel motioned to table the building permit for Stuart Alderin to erect a 28 X 38 residence with a 36 X 54 detached garage in the S ½ S ½ -RW, Section 25, Township 130, Range 79. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer and Weichel. "NO": Magrum. Motion carried.

Commissioner Hulm motioned to approve the building permit for Mason Ryckman to erect a 44 X 58 residence with a 26 X 28 attached garage on Auditor's Lot A in the N ½ of Section 24, Township 134, Range 79. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for Keith and Sarah Vogel to erect a 34 X 45 residence with a 40 X 60 attached garage on 8.18 acres tract in Section 30, Township 132, Range 78. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer and Weichel. Magrum abstained from voting due to conflict of interest. Motion carried.

Commissioner Eberle motioned to approve the renewal building permit for Michael Goldade to erect a 34 X 34 attached garage on Rice Lake Subdivision, Lot 14, Section 4, Township 129, Range 75. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned authorizing the Vice Chairman and County Auditor to sign the Quit Claim Deed conveying the county's interest for the right-of-way on Old Highway 83. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer and Weichel. Magrum abstained from voting due to conflict of interest. Motion carried.

Commissioner Hulm motioned to approve the appointment of election inspectors for the 2022 Elections pursuant to NDCC 16.1-05.01 as follows:

- Terry Macdonald – Voting Center, Hazelton City Hall
- Josh Odden – Voting Center, Emmons County Courthouse
- Rosalind Leier – Voting Center, Strasburg Blue Room

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

Commissioner Kalberer motioned to pass the first reading of the following Resolution and schedule a public hearing for July 5, 2022 at 5:00 P.M. at the Emmons County Courthouse:

RESOLUTION ADOPTING A ZONING ORDINANCE INSTITUTING AN EMERGENCY MORATORIUM ON SOLAR ENERGY FARMS

WHEREAS, the Emmons County zoning Ordinance contains no standards for the issuance of a conditional use permit for Solar Energy Farms; and

WHEREAS, as Solar Energy Farm is being defined in (NDCC 49-22-03-5b) meaning, Generation by any means other than wind energy conversion exceeding 50 megawatts of electricity; and

WHEREAS, the Emmons County Board of Commissioners has never accepted an application related to the creation of Solar Energy Farms and as a result has never received comments from townships, cities, or members of the general public pertaining to Solar Energy Farms; and

WHEREAS, the Emmons County Board of Commissioners need to review the Emmons County Zoning Ordinance with respect to Solar Energy Farms and include necessary ordinances to protect public health, safety, general welfare and property rights for the citizens of Emmons County; and

WHEREAS, the Emmons County Board of Commissioners finds:

1. An emergency zoning ordinance instituting a moratorium prohibiting Solar Energy Farms is necessary in order to hold discussions and hearings to determine where a longer-term moratorium zoning ordinance or new zoning ordinances shall be adopted and implemented to protect the public health, safety, and general welfare of the residents of Emmons County.
2. An emergency exists because based on the recent development pressures as well as the comments received from the county citizens, the Emmons County Zoning Ordinance does not afford the protection needed to ensure that the residents of Emmons County are not adversely affected.
3. It is in the interests of public health, safety, and general welfare to impose a moratorium for a period not to exceed twenty-four months.

NOW THEREFORE BE IT RESOLVED, by the Emmons County Board of Commissioners, that this resolution adopting an emergency zoning ordinance instituting a twenty-four-month moratorium on approval and acceptance of applications for Solar Energy Facilities shall become effective immediately upon its passage and publication and shall remain in effect for a period not to exceed twenty-four months unless reinstated by the Emmons County Board of Commissioners; and

BE IT FURTHER RESOLVED, that the Emmons County Board of County Commissioners is directed to administratively deny any applications during the period in which this interim ordinance is in effect; and

FINALLY, BE IT FURTHER RESOLVED, that the Emmons County Board of Commissioners shall schedule, publish, and notice public hearings as necessary for the purpose of studying and drafting proposed amendments and changes to the Emmons County Solar Ordinance and that a final hearing on any proposed changes or amendments shall be held within twenty-four months.

DATED at Linton, North Dakota this 3rd day of May, 2022.

ATTEST:

s/s Marlyv Ohlhauser
Emmons County Auditor

s/s Joseph M. Hanson
States Attorney, Emmons County

APPROVED:

s/s Erin Magrum
Emmons County Chairman

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

Commissioner Eberle motioned to adopt the following Resolution:

RESOLUTION TO FORMALLY OPPOSE THE USE OF EMINENT DOMAIN BY SUMMIT CARBON SOLUTIONS CARBON PIPELINE IN EMMONS COUNTY

NOW THEREFORE BE IT RESOLVED; that the Emmons County Board of Commissioners formally opposes the use of eminent domain practices to secure easements in Emmons County by Summit Carbon Solutions, LLC for their carbon pipeline project.

DATED at Linton, North Dakota this 3rd day of May, 2022.

ATTEST:

s/s Marlyv Ohlhauser
Emmons County Auditor

s/s Joseph M. Hanson
Emmons County States Attorney

APPROVED:

s/s Erin Magrum
Emmons County Chairman

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

VA Officer, Jeff Ohlhauser, was present to discuss some advertising for his office.

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

Michael R. Rivinius, PE, Wold Engineering, P.C., appeared and provided a bid summary and cost breakdown for road project SC-SVD-1500(050), Chip Seal 10.385 miles on CMC 1510, 1523 and 1529.

Commissioner Hulm motioned to adopt the following Resolution:

RESOLUTION

WHEREAS, the bid in the amount of \$564,976.42 from Morris Sealcoat & Trucking, Inc. received in the bid opening of April 8, 2022 for project SC-CVD-1500(050) was the low bid received.

WHEREAS, this bid is considered reasonable.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Emmons County will award to Morris Sealcoat & Trucking, Inc. the contract for Project SC-CVD-1500(050) and hereby authorizes the Chairman of the Board to sign said contract.

It is further understood that the County shall reimburse the North Dakota Department of Transportation for any payments made under this contract, which are not collectible from the Federal Highway Administration.

DATED at Linton, North Dakota this 3rd day of May, 2022.

ATTEST:
s/s Marlys Ohlhauser
Emmons County Auditor

APPROVED:
s/s Erin Magrum
Emmons County Chairman

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

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

For safety concerns, a road closed sign will be placed on the road located in-between Sections 35 and 36, Township 129, Range 77.

Out of one hundred seventy-nine entries, six students from Mrs. Pfeifer's class at Linton Public School won the NDLTAP "Save our Signs" poster contest. The road department will provide examples of road safety signs to the class on May 13, 2022.

Dennis Walther telephoned into the meeting with concerns relative to the road that Jon Richter is constructing for Oahe Subdivision. Dennis stated that he does not want truck nor car traffic on his road. Present was Jon Richter who assured that he is accessing his own land right now while building his road per his building permit. Dennis and Jon will communicate and come to a resolution.

Denied a request from Bob Bauman to haul in small rock on the road leading into Florian Bauman's farmstead.

John Ibach was present with a representative from Armor Interactive to discuss an electronic timekeeping program for tracking and reporting hours worked for the road department. There's a one-time fee between \$2,000.00 - \$2,500.00.

Francis and Kelly Krumm presented books prepared by Kelly that detailed road departments hours by job summary and road project costs for the year 2021.

Commissioner Weichel motioned to approve the Utility Permit for KEM Electric to install 3-1/0 260 mil 25kv jacketed cable on 10th Avenue SW and 90th St. SW. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the Utility Permit for KEM Electric to install 1/0 260 mil 25kv jacketed cable on 6th Avenue SW and 83rd St. SW. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Troy Roemmich appeared to voice concerns regarding the competitive personnel system used when interviewing the candidates for the road supervisor position. Troy questioned the systems accuracy and asked if the system was subjective, competitive, and if there was room for bias?

As advertised, at 5:00 P.M., a public hearing was held to receive public comment and direction on the proposed zoning resolution 22-03-01. The resolution would require mobile homes in recreation, residential and agriculture to file an Affidavit of Affixation before being approved for a building permit. It would require mobile homes to be anchored to a permanent foundation, using piers, footings or a basement. It would also require tires, tongues or hitches to be removed. Mobile homes would be required to maintain an active connection to basic utilities, including power, water and sewer. The resolution would also regulate conex boxes, cargo, shipping, intermodal and freight containers and other similar structures typically used as tool or storage

sheds. Those regulations would apply to recreation districts only, and the resolution would require such conex boxes to be painted to match existing structures. If no structures are on the property, the paint color must be white or beige, and must not include lettering. This resolution would require building permits for conex boxes and limit recreational districts to one conex box per lot.

Joe Vetter, Jr. was present and requested that the resolution be amended as follows:

- All outbuildings including garage and cold storage buildings must be on permanent cement foundation. Mobile homes must be on permanent cement foundation using piers, footings or a basement, and must be anchored and skirted.
- Conex box means any cargo container, shipping container, intermodal or freight container, railroad cars, truck vans, converted mobile homes, trailers, recreation vehicles, camper trailers, bus bodies, vehicles, and similar items built for purpose other than storage.
- No on-site conex box shall be permitted in recreational districts. Any pre-existing on-site shipping containers and freight containers in place prior to said effective date shall be permitted non-conforming.

Doug Vannurden was present and stated that they purchased a place on Little Beaver Trail sixteen years ago and have made this their permanent home; but snow bird over the winter months. Doug expressed that conex boxes should not be permanent. They should be temporary for up to two years, until the property owner gets things established. Doug also stated that skirting on mobile homes should be a requirement in the resolution.

Commissioner Weichel expressed that conex boxes have a good use to some people; but how do we enforce the ordinance if they are temporary?

David Vetter was present and stated that the last thing he wants to do is get into a fight with his neighbor. "There's a lot of ordinances that have not been followed!" "Who's going to enforce how the county resolution is being proposed (example - color of conex boxes, etc.)?" David also feels that someone has to watch what's going on at Beaver Bay whether it's about storage containers or decks.

Patrick Vetter was present and stated that he has a nice lot and doesn't want more junk around him. Patrick feels that if the owners want storage, they should pay the property taxes and put up a building.

Dan Carr was present and commented that at Rice Lake there is strict covenants where the structures have to be a certain size with earth tone colors, and trailer houses are not allowed.

Joe Vetter, Jr. expressed that property values have gone up because of inflation and rural water. He wants to keep the valuations up, but feels that a neighborhood that is not kept up will cause values to decrease.

Chairman Magrum stated that in his opinion he doesn't believe the values have been affected. Chairman is not in favor of eliminating conex boxes, but keep a color scheme. "You drive around and a lot of people have nice ones." "Building a garage is better, but not everyone can do this." Chairman stated that he doesn't have a problem with requiring skirting and removing hitches on mobile homes.

Commissioner Eberle stated that buses, old trailer houses and conex boxes that say "China" on them should be gone.

Commissioner Kalberer stated that conex boxes should be eliminated.

Commissioner Weichel stated that "there are existing conex boxes and no more should be allowed." "The county should approach people and give them a three-year tax break if they put up a storage building and remove the conex box".

The public hearing ended at 5:55 P.M.

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

General and 911 - Voucher Numbers LP14467-LP14490, LP14519-LP14521, Payroll - \$90,503.38, Expense for reimbursement - \$446.76
Highway Tax - Voucher Numbers LP14491, LP14522-L14531; Payroll - \$60,357.61, Expense for reimbursement - \$73.71

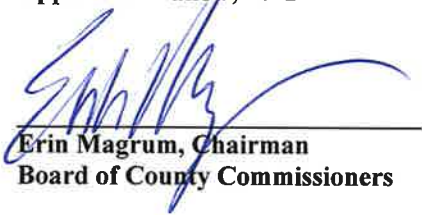
The following vouchers were reviewed and approved for payment:

40693	MDU	Utilities	223.02
40758	Job Service ND	Notice of Reimbursement	4,499.00
40759	Armor Interactive	Silver Plan Contract	1,026.77
40760	Auto Value Linton	Parts	62.81
40761	Beastrom Oil Co.	Fuel	8,377.22
40762	Burleigh Morton Detention Center	Prisoner Billing	3,300.00
40763	Butler Machinery	Parts/Labor	3,349.00
40764	Centre, Inc.	Community Service Contract	1,200.00
40765	Chesak Seed House	Seed	2,395.01
40766	CHS, In	Propane	927.50
40767	Circle H. Lumber	Material	147.34

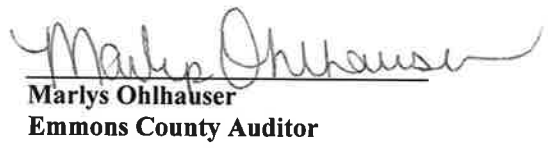
40768	Hazelton City	Water Bill	36.00
40769	Linton City	Water Bill	83.37
40770	Strasburg City	Water Bill	94.39
40771	Cole Papers, Inc.	Supplies	445.45
40772	Ellingson, David	Crosby Clevis	600.00
40773	Emmons County Record	Publishing	548.16
40774	Emmons County Treasurer	Postage	8.95
40775	Emmons County Treasurer	Postal Machine Use	335.57
40776	Eureka Manufacturing Co.	Parts & Service	1,521.85
40777	Fireside Office Products, Inc.	Supplies	196.84
40778	Jacks Electric & Trenching	Service	356.64
40779	Jerome Distributing, Inc.	Water Refills	166.80
40780	Keith's Service & Repair	Snow Blower Repair	187.90
40781	Kris Engineering, Inc.	Curved Carbide	2,019.56
40782	Krumm, Kelly	Contracting Services	800.00
40783	Krumm, Kelly	Office Supplies	169.85
40784	Krumm, Kelly	Binders	420.31
40785	Krumm, Francis	Office Supplies	194.62
40786	Linde Gas & Equipment, Inc.	Parts	176.26
40787	Linton Auto Parts	Parts	1,145.90
40788	Martin Oil Co.	Gas	294.42
40789	Matthew Bender & Co., Inc.	ND Court Rules Update	93.85
40790	Midwest Doors	Remote Coding	285.75
40791	MDU	Utilities	1,806.16
40792	NDDOT	Bridge Inspections/Road Project	2,157.84
40793	NDLTAP	Trenching	175.00
40794	NW Tire, Inc.	Tires	16,038.96
40795	Office Depot	Supplies	121.96
40796	Braddock Park Board	Contribution	2,500.00
40797	Hague Park Board	Contribution	2,500.00
40798	Hazelton Park Board	Contribution	2,500.00
40799	Linton Park Board	Contribution	2,500.00
40800	Strasburg Park Expansion	Contribution	1,250.00
40801	Strasburg City Park	Contribution	1,250.00
40802	Kintyre Park Board	Contribution	2,500.00
40803	Paul Holzer Carwash	Carwashes	12.00
40804	Payment Remittance Center	Gas/Fuel/Supplies	608.79
40805	Payment Remittance Center	Gas/Fuel/Supplies	341.61
40806	Payment Remittance Center	Gas/Fuel/Supplies	389.11
40807	Payment Remittance Center	Gas/Fuel/Supplies	731.36
40808	Payment Remittance Center	Gas/Fuel/Supplies	948.90
40809	Payment Remittance Center	Gas/Fuel/Supplies	6,568.94
40810	Payment Remittance Center	Gas/Fuel/Supplies	688.02
40811	Power Plan Corp.	Parts & Service	1,040.79
40812	Prairie Heating & Air, Inc.	Service	454.00
40813	Pro-Forms	Supplies	327.38
40814	Quadient Leasing	Postal Machine Rent	402.00
40815	Radisson Hotel	Lodging	86.40
40816	RDO Truck Center	Parts	241.70
40817	Renschler, Norman	Maintenance to Rice Lake	510.00
40818	Schneider, Jackie	Food Pantry	500.00
40819	Seachange Print Innovations	Election Expense	1,419.80
40820	Statewide Services	Insurance Endorsement	46.00
40821	Stuckle, Acacia	Expense Reimbursement	226.98
40822	TC Specialties	Supplies	57.00
40823	Tower Communications	Tower Rent	200.00
40824	Verizon Wireless	Cell Service	461.56
40825	Verizon Wireless	Cell Service	759.84
40826	Wallwork Truck Center	Parts	539.57
40827	Wold Engineering, PC	Hydraulic Studies/Engineering	27,609.06
40828	Dakota Dust Tex, Inc.	Service	34.50
40829	KEM Electric	Utilities	424.40
40830	Nodak True Value	Supplies	211.83
40831	Sign Solutions	Flag Material	385.49
40832	South Central Regional Water	Water Bill	105.64
40833	Verizon Wireless	Cell Service	41.96
40834	Information Technology	Internet Access & Netmotion	1,040.55
40836	Lenco Construction Equipment	Packer	11,000.00
40837	BEK Communications	Telephone Service	1,684.39

There being no further business before the board, Commissioner Kalberer motioned to adjourn. The meeting adjourned at 6:15 P.M.

Approved: June 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
APRIL 5, 2022

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

The Pledge of Allegiance was recited.

The March, 2022 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Weichel motioned to approve the minutes of the March 1, 2022 regular meeting. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the agenda for this meeting. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Old and Unfinished Business:

Commissioner Eberle motioned to approve the Plat for Lot 1 of Auditor's Lot 14A of the NW ¼ NE ¼ of Section 14, Township 132, Range 79. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

New Business:

Maintenance Supervisor, Craig Kitzan, provided an update on the courthouse windows and doors. Craig is waiting for grant approval to replace the exterior doors and will contact a contractor to re-caulk the windows of the courthouse.

Commissioner Hulm motioned granting permission to Denise Nieuwsma to attend the NCRAAO Conference in South Dakota June 26 – 30, 2022. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Denise Nieuwsma's six-month probation period is up on April 18, 2022. The Commissioners stated that Denise is performing at an overall satisfactory level. Commissioner Hulm motioned to increase Denise Nieuwsma's annual salary to \$49,521.95 effective May 1, 2022. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

The Commission asked Sam Renschler to maintain Langelier's Bay Campground and restroom facilities and the facility at Rice Lake for calendar year 2022.

Eric Nagel telephoned into the meeting to discuss the building permits approved in 2020-2021 for the mobile homes placed on lots 118, 119, and 120 at Beaver Bay Scenic Properties. Discussion was held and the previously approved building permits will stand.

As advertised, at 10:15 A.M., a public hearing was held to consider the application for a Conditional Use Permit for constructing new wastewater treatment facility lagoons, new sanitary sewer, force main, lift station modifications, and miscellaneous other work located on Section 25, Township 131, Range 76 filed by the City of Strasburg. The property is located in an agricultural zoned district. There were no appearances or comments from the public. Commissioner Weichel motioned to approve the Conditional Use Permit for constructing the wastewater treatment facility lagoons, sanitary sewer, force main, lift station modifications and miscellaneous work. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to remove Kayla Hendrickson and add Leann Volk and Lisa Ternes on all bank accounts with BNC National Bank, including the Clerk of Courts checking account. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to enter into an agreement by and between the City of Linton and Emmons County for the shared use of the Linton Inert Waste Landfill. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

There was some discussion relative to the expiring farm to market mill levy. The 2015 Legislature passed SB2144, the Levy Consolidation bill, which consolidated and repealed certain county mill levies. If a voter-approved levy was authorized before January 14, 2015, it would remain in effect for up to 10 taxable years under the provisions of law in effect at the time it was approved, and would require a majority approval by the voters to continue using the levy. The farm to market mill levy, approved by the voters in Emmons County to levy up to five mills, was repealed with SB2144 and will expire in 2024. The Board of County Commissioners could seek to keep the tax revenue currently being generated through the farm to market levy, by obtaining voter approval to increase the tax levy allowed in the county road and bridge levy pursuant to NDCC 24-05-01. The consensus of the board was to re-discuss this in August to consider placing the measure on the 2022 General Election ballot.

Kevin Evenson appeared for discussion relative to the Notice of Public Nuisance and demand for abatement received from States Attorney Joseph M. Hanson. The Notice directs Kevin Evenson to remove and abate the nuisance existing on his property located on 8080 Highway 83 South, Linton, ND within 30 days of receipt of the Notice, which is April 18, 2022. Kevin asked the Commission for an extension to allow him time to burn as the garbage is currently frozen to the ground, and needs extra time to move stuff. After further discussion, Commissioner Hulm motioned to extend the deadline to May 1, 2022 for Kevin Evenson to bring the property in compliance. If the property is not in compliance by May 1, 2022, the county will move forward to clean up the nuisance and assess the costs against the property. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned authorizing the Chairman and County Auditor to sign the Quit Claim Deeds conveying the county's interest for the right-of ways on Old Highway 83. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

Commissioner Weichel motioned to approve the building permit for Malvin Wynveen to erect a 20 X 36 addition and remodeling to the residence on 20.18 A Tract in the SE ¼ SE ¼ of Section 26, Township 131, Range 76. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Kalberer motioned to approve the Plat for Auditor Lot A of Gov't Lot 4, Section 2, Township 136, Range 78. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to grant a raffle permit to the Linton Senior Citizens Club. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for Brent Boltz to install a 12 X 16 deck onto the mobile home on Lot 9, Coyote Hills Subdivision, Section 23, Township 132, Range 79. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to approve the building permit for Casey Olheiser/Legendary Homes, Inc., owner Alex Deis, to erect a 47 X 76 home with a 36 X 51 attached garage on the NW ¼ of Section 7, Township 133, Range 76. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the Plat for Lot 1 of Auditor's Lot 14C of the N ½ of Section 14, Township 132, Range 79. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Kalberer motioned to approve the building permit for Chris Scouten to erect a 30 X 50 home with a 50 X 60 attached garage on the SW ¼ of Section 17, Township 135, Range 78. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the building permit for Kayle Grinsteinner to install a retaining wall 16' from the north property line, adjacent to the existing camper spots, on Lot 204 of Beaver Bay Walther Scenic Properties, Section 23, Township 132, Range 79. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for Craig Svalen to move a 16 X 80 mobile home on Lot 30, Glenwood Acres, Section 27, Township 132, Range 79. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Kalberer motioned to approve the building permit for Teddy Bossert to add a 26 X 28 addition onto the existing home located in Tract 330 X 170, Section 33, Township 132, Range 79. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to approve the application for abatement or refund of taxes for parcel #30-8006-143-000 for tax year 2022. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to table the Raffle Permit for Grayla Foundation, pending further information. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried. Note: the permit application was acted on again later in the meeting.

Commissioner Kalberer motioned to approve the Plat for Auditor's Lot A in the N1/2 of Section 24, Township 134, Range 79 West of the Fifth Principal Meridian. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

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

Cole Reamann appeared to request a culvert on the intersection of 16th Avenue SE and 63rd St. SE. Skyler Prellwitz will consult with Michael Rivinius, Engineer for Wold Engineering, P.C.

Loren VanderVorste was present and provided photos of county roads that need maintenance and repair, including roads that became narrow over the years. Loren also presented photos of a culvert that was placed beside a road years ago, but was never installed. After some discussion, the Commission concluded to consult with Wold Engineering, P.C. to see what size culvert would be needed for the road located in-between Sections 35 and 36, Township 129.

Thomas Schaeftbauer appeared to discuss his building permit application for removing two (2) old grain bins and putting up one (1) new grain bin in the same location on the NE corner of Section 14, Township 130, Range 76. Schaeftbauer's grain bins are setback 75 feet from the road centerline. According to the Emmons County Zoning Ordinance, the minimum setback from the centerline on all minor county and township roads is 100 feet in agricultural zoning district. After discussion, Commissioner Eberle motioned to grant a variance and exception from the minimum setbacks of Article IX (B)(1) of the Emmons County Zoning Ordinance allowing the current location of the grain bin to be constructed in the NE corner of Section 14, Township 130, Range 76, and to approve the building permit for Thomas Schaeftbauer to remove the two (2) old grain bins and put up one (1) new 30 X 30 grain bin at such location. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Kalberer and Magrum. "NO": Hulm and Weichel. Motion carried.

Danielle Stoppler re-appeared for further discussion regarding safety maintenance to the road on 14th Avenue SE, between Sections 4 & 5 and 8 & 9, Township 132, Range 75. No action was taken.

Danielle Stoppler also voiced concerns with the commission violating North Dakota Century Code (44-04-09) and Emmons County Employee policy regarding nepotism. She also voiced concerns in regards to the lack of consistency in pre-employment background checks, the rate at which employees are getting raises, having county meetings recorded or streamed live to ensure accuracy in minutes, and the volume of regular business being handled during special meetings.

Larry J. Smith, SES, Geomatics, and David Moch appeared for surveying land in the county relative to the Summit Carbon Solutions CO2 pipeline being proposed. Larry J. Smith provided copies from Chapter 8 (Surveys) from the Manual of Practice for land surveying in North Dakota and suggested that the landowners request that Summit Carbon Solutions follow the North Dakota Century Code for surveying. Pipeline surveys are a servitude and encumbrance of the use of real property and fall into the requirements of easements outlined in NDCC 47-05-02.1, and must be properly surveyed and described. David Moch requested that the Emmons County Commission support the North Dakota Century Code and Manual of Practice for Surveys in ND as it relates to the Summit Pipeline easements, and all easements will be prepared by a Professional Surveyor register in the State of ND.

Commissioner Hulm 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

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

Commissioner Kalberer motioned to approve the Utility Permits for Leo Ohlhauser to install waterlines for cattle pasture in Section 2, Township 134, Range 78, crossing the road to Section 35, Township 135, Range 78 and in Section 4, Township 134, Range 78 crossing the road to Section 3, Township 134, Range 78. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the Utility Permit for Sea View Farm LLP to install and maintain facilities on the county right-of-way on 89th St. SW and 10th Ave SW. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to approve the Utility Permit for KEM Electric Cooperative, Inc. to install 1/0 260 mil 25kv jacketed cable from the intersection of 19th Ave SE and 90th St. SE travel south 1,350 feet on 19th Ave SE boring from east to west and to install 3-1/0 260 mil 25kv jacketed cable at the intersection of 9th Ave SW and 89th St. SW boring diagonally NW across the intersection. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Emily Leier, County Extension, provided a quarterly narrative report.

Representatives from Wanrack telephoned into the meeting to explain their process for applying for federal and state funding programs.

Michelle Masset appeared on behalf of the Thrift Store. Experienced Works changed their name to National Experienced Workforce Solutions and now requires a full-time person to assist the Experienced Works employee. Michelle asked if the county would consider hiring a supervisor for the Thrift Store. Commissioner Hulm suggested that Michelle communicate with Sharon Jangula, LIDC, to see if any programs would be available.

There was some discussion in regards to adjusting the courthouse hours. Further discussion will be held at the May meeting.

The Commission agreed to put the no truck signs and speed limit signs back up on 9th Avenue SE between 88th St. SE and 89th St. SE. Present for discussion was Dan Materi.

Jay Volk and Joey Borracci, Representatives of Summit Carbon Solutions, appeared to introduce a proposed CO2 pipeline that will route approximately 303.82 miles in North Dakota which includes 36.43 miles of anticipated pipeline in Emmons County. Summit is partnering with over 30 ethanol plants across the states of Iowa, Minnesota, Nebraska, North Dakota and South Dakota to build a carbon capture and storage project. Carbon dioxide from the ethanol plants would be transported through a 2,000-mile pipeline network to North Dakota, where it would be permanently stored in underground rock formations. Summit will be holding a meeting with the landowners in the near future at the Hazelton Community Center.

Commissioner Eberle motioned to enter into a funding agreement for the 2023-2025 biennium to receive reimbursement for providing clerk of district court services. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

At this time the board reached out to Kelsie Burza regarding the Raffle Permit for Grayla Foundation. Kelsie explained that the Grayla Foundation helps the youth up to the age of 18 with health expenses, community events and school supplies. The Foundation also holds a bike raffle at Easter and also purchases Christmas presents for children ages 1-8 in Emmons, Burleigh and Morton counties. Following the phone conversation, Commissioner Hulm motioned to grant a raffle permit to the Grayla Foundation. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

General and 911 – Voucher Numbers LP14401-LP14424, LP14454-LP14456, Payroll - \$94,200.13, Expense for reimbursement – \$308.77
 Highway Tax – Voucher Numbers LP14425, LP14457-L14466; Payroll – \$53,211.44, Expense for reimbursement - \$46.80

The following vouchers were reviewed and approved for payment:


40609	Advanced Business Methods	Extension Copier Contract	982.57
40610	Armor	Silver Plan Contract	1,465.00
40611	Auto Value Linton	Parts	268.64
40612	Balco Uniform Co., Inc.	Uniform Access	15.00
40613	Beastrom Oil Co.	Propane & Diesel	34,813.43
40614	BEK Communications	Telephone Service	1,611.94
40615	Bobcat of Mandan	2022 Bobcat	20,610.46
40616	Burleigh Morton Detention Center	Prisoner Billing	375.00
40617	Burleigh County Emergency Mgmt.	Contract Payment	8,400.00
40618	Butler Machinery Co.	Labor/Parts	3,952.50
40619	CHS, Inc.	Propane	420.00
40620	Circle H. Lumber	Material	188.40
40621	Hazelton City	Water Bill	36.00
40622	Linton City	Water Bill	89.73
40623	Strasburg City	Water Bill	91.33
40624	Cole Papers, Inc.	Supplies	164.72
40625	Dakota Dust Tex, Inc.	Service	105.50
40626	Dockter's Blacksmith	Supplies & Service	185.96
40627	Emmons County Record	Publishing	464.29
40628	Emmons County Treasurer	Current Expense	25.03
40629	Emmons County Treasurer	Postal Use	492.42
40630	Eureka Manufacturing Co.	Parts	1,606.24
40631	Fireside Office Products, Inc.	Supplies	1,409.94
40632	Force America Dist.	Parts	9.28
40633	FS Manufacturing	Truck Mounted Sprayer	6,725.12
40634	Innovative Office Solutions	Supplies	41.00
40635	Jerome Distributing	Water Refill	151.20
40636	John's Autobody & Sales	Repairs	1,724.18
40637	Johnsen Trailer Sales, Inc.	Parts & Service	2,804.14
40638	Keller's Hardware	Tools/Supplies for Shop	191.17
40639	Kidder County E911	Trunk Sharing	450.00
40640	Kramer Chevrolet	Parts/Service	1,210.62
40641	Krumm, Kelly	Contracting Services	800.00
40642	Leier, Emily	Expense Reimbursement	224.29
40643	Lexipol	Police One Academy Renewal	600.00
40644	Linton Auto Parts	Parts	2,080.41
40645	Linton Food Center	Supplies	1.69
40646	Martin Oil Company	Gas	4,447.59
40647	Matthew Bender & Co., Inc.	ND Century Code Updates	70.43
40648	Mid Dakota Wheel Alignment	Parts/Service	434.70
40649	MDU	Utilities	2,741.02
40650	Moos Repair & Sales	T&T Car and Truck Wash	402.05
40651	Nodak True Value	Shop Supplies	701.23
40652	NDDOT	Rice Lake Road Project	6,457.70
40653	NDPOA	Memberships	200.00

40654	ND Recorders Association	Registration Fee	200.00
40655	ND State Radio Communication	911 Phone Collections	14,985.84
40656	ND State Radio Communications	LETS Renewal/1 st Quarter Billing	265.00
40657	ND State Surplus Property	Supplies	20.00
40658	NW Tires, Inc.	Tires	860.47
40659	Office Depot	Supplies	381.85
40660	Paul Holzer Carwash	Carwashes	24.00
40661	Payment Remittance Center	Gas/Fuel/Supplies	892.15
40662	Payment Remittance Center	Gas/Fuel/Supplies	456.14
40663	Payment Remittance Center	Gas/Fuel/Supplies	555.18
40664	Payment Remittance Center	Gas/Fuel/Supplies	878.59
40665	Payment Remittance Center	Gas/Fuel/Supplies	887.04
40666	Payment Remittance Center	Gas/Fuel/Supplies	10,058.10
40667	Payment Remittance Center	Gas/Fuel/Supplies	559.45
40668	Pfeifle on 83	Parts and Service	85.14
40669	PharmChem, Inc.	Sweat Patch Analysis	62.90
40670	Power Plan Corp.	Glass Repair	967.53
40671	Prairie Heating & Air, Inc.	Service	1,503.93
40672	RDO Truck Center	Parts	100.02
40673	Runge, Gregory Ian	Attorney Fees	299.00
40674	Sayler Implement, Inc.	Parts	111.28
40675	Schneider, Jackie	Food Pantry Wages	500.00
40676	Senger, Mary	Expense Reimbursement	85.59
40677	South Central Regional Water	Water Bill	98.10
40678	Statewide Services	Insurance Endorsement	718.00
40679	Strasburg State Bank	Gravel Trucks Loan	33,893.55
40680	TC Specialties, Inc.	Service	102.50
40681	TK Elevator	Maintenance Agreement	1,800.00
40682	Tower Communications	Tower Rent	200.00
40683	Verizon Wireless	Cell Service	41.97
40684	Verizon Wireless	Cell Service	448.74
40685	Verizon Wireless	Cell Service	409.90
40686	Verizon Wireless	Cell Service	50.00
40687	Wold Engineering	404 Permit	1,280.00
40688	Zoom Away	Parts & Service	110.39
40689	Information Tech Dept.	Internet Access & Net Motion	1,039.20
40690	KEM Electric	Utilities	471.25
40691	Emmons County 4-H Leader Council	County Contribution	950.00
40692	Quadient Finance USA, Inc.	Postage	1,000.00

There being no further business before the board, Commissioner Weichel motioned to adjourn. The meeting adjourned at 6:05 P.M.

Approved: May 3, 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 SPECIAL MEETING
FEBRUARY 22, 2022**

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

The Pledge of Allegiance was recited.

Mark Ficker appeared and stated that water is over the road leading to his property at W 363' of W1/2 SW ¼ of Section 28, Township 130, Range 75. The Commission concurred that the county allows landowners to use and improve section lines; but the county is not in the business to build roads. Mark Ficker will have the land surveyed and coordinate with Dan Carr.

Bob Bauman telephoned into the meeting to discuss rip rapping the road/section line on 88th Street SE and 16th Ave SE. According to elevation shots performed by Wold Engineering, P.C., the access road should be raised approximately 4.5 feet in elevation. Also, it was suggested that a 404 permit be obtained prior to any construction.

Previously, Russ Lawler, LLC submitted an estimate for rip rapping the road where the county's share of the project would be \$28,000.00. Road Superintendent, Francis Krumm, presented an estimate of \$13,520.00 for rip rapping the 400' on the west side of the road and graveling 400' of the section line for an additional cost of \$5,675.00 if the road department does the work.

Commissioner Hulm motioned to hire Russ Lawler, LLC to rip rap the road for a county cost of \$28,000.00. Seconded by Commissioner Weichel. Further discussion was held including a 404 study, clean rock versus dirty rock, having an engineer monitor the project, and releasing the county from future repairs to the road. After discussion, a roll call vote was taken as follows: "YES": Kalberer. "NO": Eberle, Hulm, Weichel and Magrum. Motion failed.

Commissioner Hulm motioned to have the county road department rip rap 400' on the west side of the road, apply 2 inches of gravel, obtain the proper permits, and include an amendment releasing the county from future repairs on both the east side of the road and the section line. Seconded by Commissioner Weichel. Further discussion was held with Commissioner Eberle motioning to amend the previous motion to include that a road use and road maintenance agreement, releasing liability to the county for any future repairs to the road on 88th Street SE and 16th Ave SE, by and between Emmons County and Florian Bauman be executed. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Weichel and Magrum. Motion carried. A roll call vote was taken for the previous motion to include the amendment as follows: "YES": Eberle, Hulm, Kalberer and Weichel. "NO": Magrum. Motion carried.

The Commission reviewed a Permitted Encroachment Policy presented by Chairman Erin Magrum. Further discussion will be held at the next meeting.

There being no further business before the board, Commissioner Eberle motioned to adjourn. The meeting adjourned at 10:30 A.M.

Approved: March 1, 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
MARCH 1, 2022**

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

The Pledge of Allegiance was recited.

The February, 2022 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Eberle motioned to approve the minutes of the February 1, 2022 regular meeting and the February 9, 2022 and February 22, 2022 special meetings. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

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

Old and Unfinished Business:

Commissioner Eberle motioned to approve the building permit for Clint Saylor to erect a 24 X 25 steel building on Lot 13, Coyote Hills, Section 23, Township 132, Range 79. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

New Business:

Commissioner Hulm motioned to table the Plat of Lot 1 of Auditor's Lot 14A of the NW ¼ NE ¼ of Section 14, Township 132, Range 79. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

Commissioner Hulm motioned to grant a raffle permit to the Emmons County 4-H Council. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

Commissioner Hulm motioned to approve the Plat of the NW ¼ NE ¼ of Section 34, Township 133, Range 74 of the 5th Principal Meridian. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

Commissioner Hulm motioned to approve the building permit for the City of Strasburg to construct a new wastewater treatment, new sanitary sewer, force main, lift station modifications, aggregate road and miscellaneous other work. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

Commissioner Hulm motioned to approve the Plat of Lot 1 of Tract G of the NW ¼ of Section 17, Township 132, Range 76. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

Commissioner Eberle motioned to approve the building permit for Daniel Vetter to erect a 30 X 50 Ag Shop on Section 14, Township 132, Range 74. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

Commissioner Eberle motioned to approve the building permit for Ryan Frank to erect a 30 X 48 post frame building on Beaver Bay Walther Scenic Properties Lakeview IV, Section 23, Township 132, Range 79. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

Commissioner Hulm motioned to approve the building permit for Jack McCrory to concrete a 26 X 56 basement to move on a home and attached garage on Section 2, Township 132, Range 78. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. 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 2021 and the Annual Management Program and budget for 2022. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

The board reviewed Resolution 22-03-01, regulating mobile homes, Conex boxes and other structures. Also present for discussion was Joe Vetter Jr. and Ken Bitz.

The Resolution amends Article I (I.A.) (3) of the zoning ordinance – single-family dwellings (permanent-type construction) including mobile homes on permanent foundations. An Affidavit of Affixation must be filed within 30 days of affixation on all mobile homes. Mobile homes must be anchored to a permanent foundation, using piers, footings or a basement; any tires, tongues, or hitch must be removed and the structure must be actively connected to basic utilities, including power, water and sewer.

The Resolution also specifically regulates Conex boxes or similar structure by adding provisions to the zoning ordinance to include that "Conex Box" means any cargo container, shipping container, intermodal or freight container, or similar structure, typically used as a tool or storage shed. This section shall be applicable in the Recreation District. Building permits are required for the use or installation of Conex Boxes. Conex Boxes must have a paint color that matches all other structures on the property. If no structures are on the property, the paint color must be white or beige, and must not include lettering. There shall be a limit of one Conex Box per Lot.

Commissioner Eberle motioned to pass the first reading of Resolution 22-03-01 regulating mobile homes, Conex boxes and other structures and schedule a public zoning hearing. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

AJ Tuck, Moore Engineering, Inc. presented preliminary drawings for the road leading to the new Lagoon site in Strasburg.

Clerk of Court/Recorder, Anita Ibach, introduced Kathleen Dosch, newly hired Deputy Recorder, to the Commission.

Pat Feiock, U.S Army Corps of Engineers Natural Resource Specialist, appeared to discuss boating access issues on Lake Oahe due to low water levels. Also present was Sam Renschler and Ken Moser. Pat Feiock stated that given current water levels and projected runoff based on mountain snowpack, it's likely that Lake Oahe will be five to ten feet lower than the lake elevations experienced in 2021. At these forecasted elevations, boating access at many boat ramps, including the ramp at Langelier's Bay, will become problematic. The U.S. Army Corp of Engineers identified potential boat ramp sites that will be impacted by lower water levels in 2022, including the site at Langelier's Bay, and applied for funding to install low water boat ramps. If funding is approved, the low water boat ramp will be located just west of the current ramp at Langelier's Bay.

The board reviewed the report of recommendations from State Fire and Tornado following an on onsite property survey on December 13, 2021. Commissioner Hulm motioned to increase the valuations on the properties as suggested by State Fire and Tornado and insure the fuel and tanks located in both the Linton and Strasburg county shops. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

Denise Nieuwsma, Director of Tax Equalization, presented three (3) separate tax parcels that contained errors on Homestead Credit and Veterans Credit applications from previous years. The following motions were made to correct the errors per recommendations by Denise Nieuwsma:

Commissioner Hulm motioned to not do an omitted tax process for parcel #42-000-02095-000. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

Commissioner Eberle motioned to approve the applications for abatement of taxes for parcel #34-0000-02644-000 for tax years 2020 and 2021 and to approve the applications for abatement of taxes for parcel #10-0000-06460-000 for tax years 2020 and 2021. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

GIS Coordinator, Josh Odden, presented maps for Old Highway 83 Right of Way discussion. States Attorney Joseph M. Hanson will present the deeds at the April meeting.

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

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

Danielle Stoppler appeared to request maintenance to the road on 14th Avenue SE, between Sections 4 & 5 and 8 & 9, Township 132, Range 75.

Tom Schaeftbauer appeared to inquire about a culvert on the corner of 10th Avenue SE and 93rd St. SE, Township 130, Range 76.

The Commission requested that Joseph M. Hanson send a notice of public nuisance to the owner of the property located on Section 17, Township 132, Range 76, 8080 Highway 83 South, Linton, ND.

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

General and 911 – Voucher Numbers LP14363-LP14364, LP14374-LP14398, Payroll - \$108,676.54
Highway Tax – Voucher Numbers LP14365-LP14373, LP14399-L14400; Payroll – \$39,958.61, Expense for reimbursement - \$42.00

The following vouchers were reviewed and approved for payment:

40388	MDU	Utilities	327.31
40432	Advanced Business Methods	Extension Copier Contract	326.18
40433	Aramark	Service	453.73
40434	Armor Interactive	Silver Plan	3,965.00
40435	A Train Auto	Vehicle Inspection	50.00
40436	Auto Value Linton	Parts	161.13

40437	Bartlette, Dayna	Spelling Bee Expense	17.36
40438	Beastrom Oil Co.	Propane/Fuel	9,779.13
40439	Burleigh Morton Detention Center	Prisoner Billing	825.00
40440	Butler Machinery Co.	Labor/Parts	2,316.15
40441	Butler Machinery Co.	Two Motor Grader Payments	69,309.49
40442	CHS, Inc.	Propane	2,097.35
40443	Curtis Rud Oil	Propane	94.05
40444	D & B Engraving	Spelling Bee	36.06
40445	Dakota Business Solutions	Solution for Postal Machine	38.99
40446	Eggers Electric Motor Co.	Supplies	204.78
40447	Emmons County Record	Publishing/Maps	555.33
40448	Emmons County Treasurer	Current Expense	36.48
40449	Emmons County Treasurer	Postal Machine Use	235.13
40450	Fireside Office Products	Supplies	374.04
40451	Hanson, Joseph M.	Expense Reimbursement	172.80
40452	Innovative Office Solutions	Supplies	400.24
40453	Interstate Distribution	Supplies	155.72
40454	I State Truck Center	Parts	716.06
40455	Jacks Electric & Trenching	Service	1,061.91
40456	Johns Autobody & Sales	Repairs	4,162.88
40457	Johnsen Trailer Sales, Inc.	Parts	13,047.58
40458	Keller's Hardware	Supplies	274.29
40459	Kelsch, Kriz & Associates	Forms	1,395.00
40460	Krain Creek Fabrication, Inc.	Parts	164.35
40461	Krumm, Kelly	Contracting Services/Supplies	925.42
40462	Leier, Emily	Expense Reimbursement	360.13
40463	Linton Auto Parts	Parts	1,212.55
40464	Little Falls Machine, Inc.	Parts	284.91
40465	Martin Oil Co.	Gas	251.00
40466	Midwest Doors	Door Repair	411.60
40467	MDU	Utilities	2,266.02
40468	Mosset Welding, Inc.	Tar Machine	1,000.00
40469	NDACTVSO	Conference Registration	75.00
40470	ND Sheriff's & Deputies Association	Dues	400.00
40471	ND State Radio Communications	Everbridge Contact Fee	900.76
40472	ND State Surplus Property	Cabinets	20.00
40473	Office Depot Corp	Supplies	659.49
40474	OK Tire Store	Tires	45.04
40475	Pahlke Steel	Supplies	47.52
40476	Paul Holzer Carwash	Carwash	6.00
40477	Payment Remittance Center	Gas/Fuel/Supplies	699.10
40478	Payment Remittance Center	Gas/Fuel/Supplies	605.05
40479	Payment Remittance Center	Gas/Fuel/Supplies	352.59
40480	Payment Remittance Center	Gas/Fuel/Supplies	712.33
40481	Payment Remittance Center	Gas/Fuel/Supplies	389.31
40482	Payment Remittance Center	Gas/Fuel/Supplies	8,573.88
40483	Payment Remittance Center	Gas/Fuel/Supplies	689.92
40484	PharmChem, Inc.	Sweat Patch Analysis	31.45
40485	RDO Truck Center	Parts & Service	529.32
40486	Sayler Implement, Inc.	Parts	26.21
40487	Schneider, Jackie	Food Pantry	500.00
40488	Senger, Mary	Monitor Stand	39.58
40489	Sign Solutions	Signs	1,171.13
40490	South Central Regional Water	Service	102.16
40491	Stuckle, Acacia	Expense Reimbursement	253.89
40492	TK Elevator	Elevator Repair	1,359.91
40493	Verizon Wireless	Cell Service	409.90
40494	Wallwork Truck Center	Parts	59.31
40495	Warrens Locks & Key	Service	240.00
40496	Wold Engineering, PC	Surveying	812.50
40522	Linton City	Water Bill	86.52
40523	Strasburg City	Water Bill	93.15
40524	Cole Papers, Inc.	Supplies	276.77
40525	NDACO	Phone Collections	520.35
40527	Great Plains Directory	Plat Books	201.00
40528	Information Technology Dept.	Internet Access & Netmotion	1,031.85
40529	KEM Electric	Utilities	478.94
40530	Hazelton City	Water Bill	36.00


40531	Tower Communications	Tower Rent	200.00
40532	Verizon Wireless	Cell Service	41.97
40533	Verizon Wireless	Cell Service	503.64
40536	Nodak True Value	Supplies	414.16
40538	BEK Communications	Telephone Service	1,688.68
40542	Productivity Plus Account	Charges	2.81

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

Approved: April 5, 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
FEBRUARY 1, 2022**

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

The Pledge of Allegiance was recited.

The January, 2022 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Weichel motioned to approve the minutes of the January 4, 2022 regular meeting and the January 18, 2022 special meeting. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Interviews were conducted for the Road Superintendent position. The board used a competitive personnel system that scored the candidates based on objective set of skills, knowledge, abilities, behaviors and other characteristics. Commissioner Eberle motioned to offer the position to Skyler T. Prellwitz for an annual salary of \$65,000 with a six month probation period. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Discussion was held regarding the U.S Treasury's Final Rule for ARPA Fiscal Recovery Funds.

Maintenance Supervisor, Craig Kitzen, appeared and presented a proposal for replacing the carpeting in the offices of States Attorney. Also discussed was replacement of windows in the courthouse and the fire alarm system.

John C. Deboer and Glen Geffre, Water Resource Board members, appeared to review and discuss the Linton South Drainage Study performed by Moore Engineering, Inc.

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

Francis Krumm, Road Superintendent, reported on activities for the county road department.

Commissioner Eberle motioned to update the contract entered with Fisher Industries amending the cubic yards of gravel to 145,000 at the Wolbaum Pit. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Bob Bauman telephoned into the meeting to discuss riprapping the road leading into Florian Bauman's farmstead. Bob will get a cost estimate from a contractor to rip rap the road and report back to the board.

Extension Agent, Acacia Stuckle, announced that she was selected to attend the Public Issues Leadership Development Conference on April 3 - 6, 2022 in Washington DC.

Director of Tax Equalization, Denise Nieuwsma, appeared to present the 2022 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	\$890.28
Non-cropland	\$162.96
All agricultural land	\$661.07

Emmons County's average value per acre for the year 2022 is as follows:

Cropland	\$941.67
Non-cropland	\$165.28
All agricultural land	\$627.63

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 Weichel. Motion carried.

Commissioner Eberle motioned to table the building permit for Clint Saylor to erect a 25 X 24 steel building and landscaping pending a building inspection. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

The Commission hired Josh Odden as the building inspector to inspect all construction or work prior to the approval of building permits for a salary of \$30.72 per hour.

Commissioner Hulm motioned granting the Chairman permission to sign the Road Maintenance Agreement between Emmons County and the City of Linton. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the application for abatement of taxes for parcel #27-0000-03678-000 for tax years 2020 and 2021. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the application for abatement of taxes for parcel #06-0000-07733-000 for tax year 2021. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

General and 911 – Voucher Numbers LP14261-LP14284, LP14314-LP14315, Payroll - \$86,685.92
Highway Tax – Voucher Numbers LP14316-LP14324, LP14285; Payroll – \$40,782.38, Expense for reimbursement - \$35.10

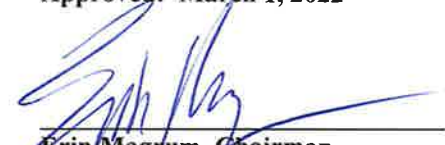
The following vouchers were reviewed and approved for payment:

40088	MDU	Utilities	276.31
40308	Job Service ND	Unemployment Tax	409.00
40309	Advanced Business Methods	Extension Copier Contract	303.02
40310	Armor Interactive	Silver Plan/Computer	1,279.78
40311	Auto Value Linton	Parts	23.89
40312	Beastrom Oil	Propane	1,002.25
40313	Binder, Pamela	Human Service Hours	525.00
40314	Burleigh Morton Detention Center	Prisoner Billing	2,475.00
40315	Butler Machinery Co.	Labor/Parts	4,671.27
40316	Centre, Inc.	Community Service Program	1,200.00
40317	CHS, Inc.	Propane	803.25
40318	Cole Papers, Inc.	Supplies	81.62
40319	Digital Ally	Supplies	719.00
40320	Dockter's Blacksmith	Service	44.14
40321	Emmons County Record	Publishing/Business Cards	1,074.98
40322	Emmons County Treasurer	Current Expense	20.36
40323	Emmons County Treasurer	Two Mills for CRB	79,000.00
40324	Emmons County Treasurer	Postal Machine Use	571.15
40325	Eureka Manufacturing Co.	Parts	503.04
40326	Fisher Industries	Hummel Pit	2,800.00
40327	Inland Truck Parts & Service	Parts & Service	4,518.94
40328	Innovative Office Solutions	Toner	41.00
40329	Jack's Electric & Trenching	Service	283.57
40330	Jerome Distributing, Inc.	Water Refills	84.20
40331	Johnsen Trailer Sales, Inc.	Parts	10,012.19
40332	Keller's Hardware	Supplies	98.14
40333	Krumm, Kelly	Contracting Services	800.00
40334	Prairie Gear/Inland Parts Trucks	Parts/Material	1,398.58
40335	Linton Auto Parts	Supplies	195.46
40336	Martin Oil Co.	Gas	479.13
40337	MDU	Utilities	2,780.81
40338	Moos Repair & Sales	Scale	44.00
40339	NDACO	Special Operations/Drug Testing	1,125.60
40340	ND County Auditors Association	Dues	100.00
40341	ND County Recorders Association	Dues	200.00
40342	ND County Treasurer Association	Dues	100.00
40343	NDACTVSO	Dues	50.00
40344	NDDOT	Rice Lake Road & Bridge Inspections	44,109.21
40345	ND911 Association	Dues	25.00
40346	ND One Call Inc.	Location Requests	12.50
40347	ND State Radio Communications	Phone Collections	14,124.96
40348	ND State Radio	LETS Billing	120.00
40349	NDSU Extension	Salary Reimbursement	11,772.41
40350	NW Tire, Inc.	Tires	643.88
40351	Office Depot	Supplies	290.65
40352	Paul Holzer Carwash	Carwashes	12.00
40353	Payment Remittance Center	Gas/Fuel/Supplies	406.82
40354	Payment Remittance Center	Gas/Fuel/Supplies	421.68
40355	Payment Remittance Center	Gas/Fuel/Supplies	282.78
40356	Payment Remittance Center	Gas/Fuel/Supplies	319.89

40357	Payment Remittance Center	Gas/Fuel/Supplies	328.70
40358	Payment Remittance Center	Gas/Fuel/Supplies	4,450.53
40359	Payment Remittance Center	Gas/Fuel/Supplies	566.55
40360	Power Plan Corp.	Parts	1,012.53
40361	Prairie Heating & Air, Inc.	Boiler System	2,793.46
40362	Quadient Leasing USA, Inc.	Postal Machine Rent	402.00
40363	RDO Truck Center	Parts	443.65
40364	Redwood Toxicology Lab, Inc.	Test Kits	95.70
40365	Runge, Gregory Ian	Attorney Costs Indigent	176.80
40366	Sayler Implement, Inc.	Parts	29.81
40367	Schneider, Jackie	Food Pantry	500.00
40368	Sign Solutions	Road Signs	38.30
40369	South Central Regional Water	Water Bill	93.47
40370	TC Specialties	Supplies	102.50
40371	Tower Communications	Tower Rent	200.00
40372	Vanguard Appraisals, Inc.	Website Package	2,200.00
40373	Verizon Wireless	Cell Service	503.64
40374	Verizon Wireless	Cell Service	409.90
40375	Volk, Tony	Rock	560.00
40376	Warrens Locks & Keys	Keys	32.00
40377	Wold Engineering PC	Engineering	12,487.72
40378	Linton City	Water Bill	83.27
40379	Strasburg City	Water Bill	103.86
40380	KEM Electric	Utilities	232.63
40381	Verizon Wireless	Cell Service	41.97
40382	Information Technology Dept.	Internet Access & Netmotion	1,017.25
40385	Nodak True Value	Supplies	862.78
40389	Dakota Dust Tex, Inc.	Service	45.50
40390	Hazleton City	Water Bill	36.00
40391	BEK Communications	Telephone Service	1,681.61
40392	KEM Electric Coop, Inc.	Utilities	576.11

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

Approved: March 1, 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 SPECIAL MEETING
FEBRUARY 9, 2022

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

The Pledge of Allegiance was recited.


On February 1, 2022, the Road Superintendent position was offered to applicant Skyler Prellwitz who has since inquired about using the county vehicle for commuting back and forth to work. After discussion, Commissioner Eberle motioned to offer the Road Superintendent position to Skyler Prellwitz for an annual salary of \$68,000 with a six month probation period using his own personal vehicle for commuting back and forth to work. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

The Board reviewed an estimate from Russ Lawler Construction, LLC for rip rapping the west side of the Florian Bauman road/section line on 16th Avenue SE to connect with landowners rip rap project 1,100 feet for a county cost share of \$28,000. Commissioner Hulm motioned to consult with Michael R. Rivinius, Wold Engineering, P.C., for engineering services and lake elevations. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

There being no further business before the board, Commissioner Hulm motioned to adjourn. The meeting adjourned at 9:45 A.M.

Approved: March 1, 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 SPECIAL MEETING
JANUARY 18, 2022

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

The Pledge of Allegiance was recited.

Discussion was held regarding coyote hill road, also known as smelt lane, at Beaver Bay. At the December 7, 2021 Commissioner meeting, several citizens appeared to express concerns with this road becoming unsafe for travel and unusable without proper maintenance. After researching records in the County Recorder's office, there are no records on file indicating that the county has an interest in this road. The county has no easement, no ownership and no right-of-way.

The Commission reviewed the covenants and restrictions filed with the Plat for Beaver Bay Walther Scenic Properties – Lakeview. The following Covenant was filed with the approved Plat:

ROADS:

- (1) **Maintenance:** It is further covenanted by all owners of Lots 101 through Lot 124 in Lot 47, Beaver Bay Subdivision, Section 23, T 132 N, R 79 W for themselves, their successors and assigns that any maintenance and or improvements of any roads is the sole responsibility of the owners. These covenants shall run with the land, and the cost of the upkeep and repair referred to above shall be a charge on the land and whatsoever hands it shall be at the time of such improvements.

The Commission concluded that the coyote hill road or smelt lane is a private road and the county has no obligation to maintain or repair the road. States Attorney Joseph M. Hanson will draft a notice and send it to the landowners.

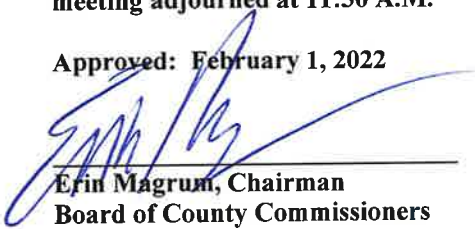
There was some discussion with regards to road encroachment policies.


Discussion was held on updating the Emmons County Planning and Zoning Ordinance in all Recreational Districts as follows:

- Article 1, item #3, defining permanent foundations on single family dwellings including mobile home. Suggestions were to add the language to include mobile homes need to be hooked to power, water and sewer, tires need to be off, removal of the tongue/hitch and anchored to a permanent foundation using piers, footings or basement.
- Conex boxes need to have a paint color that matches all other structures on the property. If no structures are on the property, the paint color must be white or beige with no lettering.
- Property owners must be in compliance by July 1, 2022.

There being no further business before the board, Commissioner Weichel motioned to adjourn. The meeting adjourned at 11:30 A.M.

Approved: February 1, 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 4, 2022**

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 Leonard Weichel being present. Also present was States Attorney Joseph M. Hanson.

The Pledge of Allegiance was recited.

County Auditor, Marlys Ohlhauser, opened nominations for the 2022 Chairman. Commissioner Hulm nominated Commissioner Weichel and Commissioner Eberle nominated Commissioner Magrum. Auditor Ohlhauser called for further nominations. There being no further nominations, Commissioner Weichel motioned to cease nominations. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried. Ballots were cast by the Board and Commissioner Magrum was elected Chairman for 2022.

Chairman Magrum opened nominations for the 2022 Vice Chairman. Commissioner Weichel nominated Commissioner Eberle with Commissioner Kalberer seconding the nomination. Chairman Magrum called for further nomination. There being no further nominations, Commissioner Weichel motioned to cease nominations and to cast a unanimous ballot to elect Commissioner Eberle as Vice-Chairman for 2022. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the minutes of the December 7, 2021 regular meeting and the December 9, 2021 special meeting. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Rhonda Kelsch, Soil Conservation District Administrator, appeared to report on various Soil Conservation activities.

Old and Unfinished Business:

Commissioner Eberle motioned to approve the building permit for Brent and Sarah Boltz for moving a 16 X 66 mobile home on 52 Lot 9, Coyote Hills Subdivision, Section 23, Township 132, Range 79. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Maintenance Supervisor, Craig Kitzan, appeared to report that grants may be available for replacing some of the exterior doors to the courthouse. Also discussed was inventory reduction and stone repair to the courthouse.

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

Sharon Jangula, LIDC Development Coordinator, City Administrator/Auditor, telephoned into the meeting requesting a letter of support to the Linton City Council for establishing a Renaissance Zone incentive program as allowed by North Dakota Century Code 40-63. The aim of the program is to encourage the rehabilitation of properties, redevelopment of infill properties, creation of new businesses, expansion of existing businesses, and attracting new residents. Applicants may take advantage of both property and income tax exemptions if they were to undertake an approved purchase, expansion, or rehabilitation project. After discussion, Commissioner Weichel motioned to approve the establishment of Linton City's Renaissance Zone and provide a letter of support to the Linton City Council. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum and Weichel. "NO": Kalberer. Motion carried.

Commissioner Hulm serves on the Board of Directors as a Public Sector Representative for Community Action Program Region VII, and reported that the Board meets quarterly in Bismarck for 2.5 hours. Community Action provides services and programs for low-income individuals and families in 10 counties of North Dakota. Services include housing, energy conservation, food programs and emergency services.

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

Tax Director – Denise Nieuwsma
VA Officer – Jeffrey Ohlhauser
Rick Manager – Marlys Ohlhauser
911 Coordinator – Gary Sanders
Coroner – Gary Sanders
Park Board – Andrew J. Reis
Park Board – Dean Weiss
Water Resource Board – Richard Keller
Public Health Board – Jackie Grunefelder
Public Health Board – Christine Nieuwsma
Housing Authority – Andrea Hulm
South Country Human Services – Marlys Ohlhauser
County Committee – Steven Nieuwsma

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

Commissioner Eberle motioned to amend the Federal Aid 2021 appropriation by \$80,310.39. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to amend the Employee Handbook, Chapter 3.12, as follows:

"An employee who either reports to work late, or who leaves work early for any reason with Supervisor approval, including during inclement weather conditions, while the employee's place of work remains open, must be charged appropriate leave for the time not worked."

Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel.

Commissioner Hulm motioned to enter into an Engineering Services Agreement with Wold Engineering, P.C. for design and preparation of plans and construction for road project SC-1500(050) Chip Seal Coat County Wide on CMC 1506, 1515, 1523 and 1529. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried. Present for discussion was Michael R. Rivinius, Wold Engineering, P.C.

Commissioner Hulm motioned granting permission to Strasburg City and Moore Engineering, Inc. to improve the section line for the Strasburg Lagoon Project. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried. Present for discussion was AJ Tuck, PE, Moore Engineering, Inc.

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

Francis Krumm, Road Superintendent, reported on activities for the county road department.

Commissioner Hulm motioned to approve the invoice from Fisher Industries in the amount of \$85,735.90 for crushing/stockpiling gravel at the Knoll Pit. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel.

Commissioner Eberle motioned to approve the building permit for Mark Dykema to erect a grain bin on the SW of the SE ¼ of Section 23, Township 130, Range 76. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the Plat for Bryce Weber. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to approve the application for abatement of taxes for parcel #52-12-733 for tax year 2021. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the application for abatement of taxes for parcel #30-4147-030 for tax year 2021. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Emily Leier, County Extension, provided a quarterly narrative report.

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

General and 911 – Voucher Numbers LP14182-LP14206, LP14245-LP14247, Payroll - \$80,755.28,
Expense for Reimbursement - \$162.40
Highway Tax – Voucher Numbers LP14248-LP14260, LP14207; Payroll – \$52,302.03


The following vouchers were reviewed and approved for payment:

40088	MDU	Utilities	202.40
40157	Advanced Business Methods	Copier Contract	381.33
40158	Auto Value Linton	Parts/Material	190.07
40159	Bobcat of Mandan	Glass Door and Seal	393.92
40160	Burleigh Morton Detention Center	Prisoner Billing	2,775.00
40161	Butler Machinery Co Corp.	Parts/Labor	7,642.50
40162	Central Dakota Six County Org.	Dues	180.00
40163	CHS, Inc.	Propane	1,143.45
40164	Linton City	Water Bill	88.24
40165	Strasburg City	Water Bill	91.71
40166	Cole Papers, Inc.	Supplies	105.56
40167	Dakota Dust Tex, Inc.	Service	45.50
40168	Emmons County Record	Publishing/Inking Stamp	364.55
40169	Emmons County Treasurer	Current Expense	9.99
40170	Emmons County Treasurer	Indirect Cost Contribution	7,310.71
40171	Emmons County Treasurer	Postal Machine Use	1,925.11
40172	Fireside Office Products	Supplies	668.96
40173	Fisher Industries	Gravel Crushing/Stockpiling	85,735.90
40174	Governsoft	Dakota Programs Software	13,583.00

40175	Hanson, Joseph	Dues	380.00
40176	Harry Petrie Library	Contribution	2,500.00
40177	Hulm, Duane	Loader Rental	1,144.00
40178	Office Depot	Supplies	62.17
40179	Innovative Office Solutions	Supplies	93.03
40180	Jerome Distributing, Inc.	Water Refills	8.70
40181	Johnsen Trailer Sales, Inc.	Parts	76.74
40182	Keller's Hardware	Supplies	55.32
40183	Krumm, Kelly	Contracting Services	800.00
40184	Lewis & Clark Regional Dev	Annual Dues	6,024.25
40185	Lexipol	Annual Law Enforcement Manual	4,424.12
40186	Linton Auto Parts	Parts	474.07
40187	Linton Fire Dept.	Contribution	2,500.00
40188	Martin Oil Company	Gasoline	3,273.49
40189	Matthew Bender & Co., Inc.	ND Century Code Update	187.70
40190	Midwest Investigation & Security	Service	225.00
40191	MDU	Utilities	2,274.99
40192	NACO	Dues	450.00
40193	Nodak True Value	Supplies	354.39
40194	NDACO	Dues	6,712.00
40195	ND Clerks Association	Dues	100.00
40196	ND County Commissioners	Dues	1,650.00
40197	NDDOT	Rice Lake Road/Bridge Inspections	22,998.30
40198	NW Tire, Inc.	Parts/Service	393.39
40199	Office Depot Corp	Supplies	305.60
40200	Paul Holzer Carwash	Carwashes	18.00
40201	Payment Remittance Center	Gas/Fuel/Supplies	569.35
40202	Payment Remittance Center	Gas/Fuel/Supplies	566.83
40203	Payment Remittance Center	Gas/Fuel/Supplies	414.01
40204	Payment Remittance Center	Gas/Fuel/Supplies	786.49
40205	Payment Remittance Center	Gas/Fuel/Supplies	509.04
40206	Payment Remittance Center	Gas/Fuel/Supplies	2,217.78
40207	Payment Remittance Center	Gas/Fuel/Supplies	376.16
40208	Power Plan	Parts	2,584.46
40209	Radisson Hotel	Lodging	345.60
40210	RDO Truck Center	Parts	18.26
40211	Runnings	Fuel Cap Kit	29.99
40212	Sayler Implement, Inc.	Parts	212.78
40213	Schneider, Jackie	Food Pantry Salary	500.00
40214	Sign Solutions	Road Signs	150.43
40215	South Central Regional Water	Water Bill	93.47
40216	Statewide Services	2022 Insurance Premium	67,277.00
40218	Strasburg Fire Dept.	County Contribution	1,000.00
40219	TC Specialties	Supplies	51.25
40220	Tri-County Exhibitors	County Contribution	2,000.00
40221	Verizon Wireless	Cell Service	504.00
40222	Verizon Wireless	Cell Service	410.05
40223	Vetter, Darold	Service	308.00
40224	Wald, Duane	Rock Hauling	1,080.00
40225	Wallwork Truck Center	Parts	314.29
40226	Wolbaum, Kenny	Gravel	21,192.50
40227	Hazelton City	Water Bill	36.00
40228	Verizon Wireless	Cell Service	42.00
40229	Information Technology	Internet Access & Netmotion	1,017.25
40230	Tower Communication	Tower Rent	200.00
40231	BEK Communications	Telephone Service	1,676.42

There being no further business before the board, Commissioner Eberle motioned to adjourn. The meeting adjourned at 3:50 P.M.

Approved: February 1, 2022


Erin Magrum, Chairman
Board of County Commissioners


Marlys Ohlhauser
Emmons County Auditor