

**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 5<sup>th</sup> 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

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Erin Magrum, Chairman  
Board of County Commissioners

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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 4<sup>th</sup> 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 5<sup>th</sup> 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 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 CO<sub>2</sub> lines in service today. This proposed pipeline is going to be the largest CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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

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Erin Magrum, Chairman  
Board of County Commissioners

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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.

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Erin Magrum, Chairman  
Board of County Commissioners

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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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 14<sup>th</sup> 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 88<sup>th</sup> 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

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Erin Magrum, Chairman  
Board of County Commissioners

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Marlys Ohlhauser  
Emmons County Auditor