

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
NOVEMBER 7, 2024**

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

The Pledge of Allegiance was recited.

The October, 2024 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 October 1, 2024 regular meeting and the October 18, 2024 special meeting. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Miller motioned to approve the agenda with the addition of road issues. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Old and Unfinished Business:

There was no old and unfinished business.

New Business:

At 9:15 A.M., a public hearing was held on the appraisals of property acquired by the county through tax deed proceedings. Any objections to the minimum sale price would have to be made by Officials of Cities/Township in which the property is located. No one appeared to object to the minimum sale price as determined by the County Commissioners.

Tabled was the Annual Maintenance Certification for county federal aid projects.

Commissioner Materi motioned to respond to the USDA Farm Service Agency with written notification that Emmons County requires county producers who plan to construct grain storage bins on their farmsteads and owned land are required to obtain building permits and site plans with our local authority. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for Lyle Kenner (Northern Veterinary Service) for a 50 X 100 attached addition on the west side of existing building on 2.80 A Tract in the NW ¼ of Section 17, Township 132, Range 76. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the application and issue a liquor license to Cody Schulthess/R Place By The Bay LLC. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned authorizing the Chairman and the County Auditor to sign the County Deeds conveying the county's interest in tax deed property as follows:

Tony and Tracey Vetsch – Lot One (1) and the East Forty Feet (E 40') of Lot Two (2), Block Two (2), Fischer's Addition to Strasburg City, Emmons County, ND.

Jeramie R. Kautz – Lot Eight (8), Hunter's Second Addition to Linton City, Emmons County, ND.

Leatta Horner – North Forty-Nine Feet (N 49') of Lot Five (5), Block Four (4), Hunter's First Addition to Linton City, Emmons County, ND.

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

Discussion was held regarding employees who are active volunteer firefighters on whether authorization be permitted to leave work to respond to fire calls during regular working hours. Auditor Ohlhauser will reach out to Tanya Wieler for human resource assistance to outline policy and procedures for employees who are volunteer fire fighters/EMS in the county's employee handbook.

Discussion was held on the bridge needing repair in the SE ¼ of the NE ¼ of Section 28 of Township 133, Range 75, approximately 5.5 miles east and 2 miles north of Linton, ND. The Commission reviewed the hydraulic analysis and recommendation for a culvert replacement installation by Wold Engineering, P.C. Following discussion, Commissioner Materi motioned to attempt to repair the bridge. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried. Present was Mike Schwab.

Reported was damage to Dan Mock's farm equipment where he hit a rock and ruts in the field which he claims to be caused by the road department while working on the temporary grade raise road project on 17th Ave SE., Section 13, Township 136, Range 75. Auditor Ohlhauser will contact the county's agent for North Dakota Insurance Reserve Fund.

Commissioner Hulm motioned to table the application submitted by Commissioner Materi for a permit to maintain an existing fence at 32+ feet from the center of 89th St. SE in Section 28, Township 131, Range 76. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum and Miller. Motion carried. Materi abstained from voting due to conflict of interest.

Commissioner Hulm motioned to approve a quote from New Vision Security Systems in the amount of \$6,100.00 for updating the panic alarm system in the courthouse. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle was appointed to serve on the Canvassing Board for the General Election.

Deputy Clerk of Court/Recorder, Robin Mosset, appeared to inform the Commission that District Court Administrator, Donna Wunderlich, reached out to her asking that she attend Clerk of Court training for 3 to 4 days in Bismarck before January 1, 2025. Commissioner Eberle approved for Robin Mosset to attend Clerk of Court training in Bismarck. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Chairman Magrum suggested to Robin Mosset that a hiring freeze take place in the Clerk of Court/Recorder’s office until she is sworn into office in January, 2025.

Tony Holzer representing Emmons County Senior Food Services appeared to inform the board that effective January 2, 2025, Emmons County will open their own entity serving senior meals.

Commissioner Eberle motioned to approve two permits for Brady Weber to construct road approaches on 1st Ave SW, Section 13, Township 133, Range 78 and on Main Avenue, Section 24, Township 133, Range 78. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Magrum. Motion carried.

Road issues were discussed naming roads that need gravel and culverts replaced.

Commissioner Eberle motioned to approve the building permit for Brady Weber for moving a 70 X 32 house with a 50 X 36 attached garage on the property located on the NE ¼ of Section 24, Township 133, Range 78. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Tabled was the voucher for Mark Bruun for mowing the right-of-way in Braddock City.

Commissioner Hulm motioned to approve the building permit for Northern Plains Ag, Inc. of Linton for a 100 X 80 cold storage business, Lot 1 in the SW ¼ Less RR, Section 20, Township 132, Range 76. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the Plat for property lying within the SE ¼ SW ¼ of Section 20, Township 129, Range 74. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

General and 911 – Voucher Numbers LP16502 – LP16525, LP16564 – LP16565, Payroll - \$103,978.18
Highway Tax – Voucher Numbers LP16566 – LP16580, Payroll - \$60,868.00

The following vouchers were reviewed and approved for payment:

45466	MDU	Utilities	126.62
45535	Advanced Business Methods	Copier Contracts	325.87
45536	Agtegra Coop	Maxtron	630.30
45537	API Garage Door, Inc.	Door Maintenance	1,168.00
45538	Auto Value Linton	Parts	141.93
45539	Beastrom Oil Co.	Fuel	32,853.99
45540	Braaten Law Firm	Legal Service	400.00
45541	Burleigh Morton Detention Center	Prisoner Billing	6,507.66
45542	Butler Machinery Co. Corp.	Parts/Labor	3,964.11
45543	Central Specialties, Inc.	Structure Replacement	559,600.87
45544	Centre, Inc.	Contract	1,200.00
45545	Circle H. Lumber	Stakes	135.00
45546	Hazleton City	Water Bill	36.00
45547	Linton City	Water Bill	180.91
45548	Strasburg City	Water Bill	92.82
45549	Cole Papers, Inc.	Supplies	274.76
45550	Comstock Construction, Inc.	Courthouse Project	112,441.11
45551	Dakota Dynamics	Human Resource Service	942.80
45552	Dakota Dust Tex, Inc.	Service	134.90
45553	Deis, Nancy	Expense Reimbursement	256.61
45554	Election Systems and Software	Election Programming	4,976.05
45555	Emmons County Record	Publishing	2,982.92

45556	Emmons County Treasurer	Current Expense	266.80
45557	Emmons County Treasurer	Postal Machine Use	550.03
45558	Fireside Office Products	Supplies	1,589.22
45559	Heartland Waste Management	Service	120.00
45560	Hulm, Duane	Payloader Rent and Haul Water	562.50
45561	Hulm, Karen	Wages	433.60
45562	Ibach, Anita	Wages	762.41
45563	Information Technology	Internet Access & Netmotion	1,590.25
45564	Inland Truck Parts & Service	Parts and Service	6,781.49
45565	I State Truck Center	Parts and Service	656.20
45566	Jerome Distributing, Inc.	Water Refills	72.00
45567	Johnson Trailer Sales, Inc.	Parts	483.84
45568	KEM Electric Coop, Inc.	Utilities	283.68
45569	Kitzan, Craig	Expense Reimbursement	30.91
45570	Linton Auto Parts	Parts	272.32
45571	Linton Regional Medical Center	Kit for LifePak	495.99
45572	Magrum Excavating and Plumbing	Septic Pump	750.00
45573	Martin Oil Company	Gas	1,047.91
45574	Master Fire and Safety	Annual Inspection	542.50
45575	McLean County Jail	Prisoner Billing	180.00
45576	MDU	Utilities	1,176.75
45577	MDU	Utilities	1,012.60
45578	Morrow Law	Legal Service	825.00
45579	Nodak True Value	Parts	253.91
45580	NDACO	Reg Fee/Pre-employment Drug Test	318.00
45581	NDACO Resources Group	Server Support Computer	6,354.00
45582	ND One Call	Location Request	6.00
45583	ND State Radio Communication	State Radio Fees	11,545.34
45584	ND State Radio Communication	LETS Billing	120.00
45585	NDSU Extension Service	Salary Reimbursement	11,828.53
45586	NW Tire, Inc	Tires	296.78
45587	ODP Business Solutions	Supplies	110.28
45588	Paul Holzer	Carwashes	12.00
45589	Payment Remittance Center	Gas/Fuel/Supplies	321.66
45590	Payment Remittance Center	Gas/Fuel/Supplies	1,392.43
45591	Payment Remittance Center	Gas/Fuel/Supplies	1,644.60
45592	Payment Remittance Center	Gas/Fuel/Supplies	496.18
45593	Payment Remittance Center	Gas/Fuel/Supplies	200.26
45594	Power Plan Corp.	Parts	1,314.13
45595	Proforms	Deposit Tickets	93.16
45596	Quadient Leasing USA, Inc.	Postal Machine Rent	402.00
45597	RDO Truck Center	Parts	404.72
45598	Renschler, Norman	Maintenance to Langelier's/Rice Lake	2,850.00
45599	Sayler Implement, Inc.	Parts	736.96
45600	Schneider, Jackie	Food Pantry	500.00
45601	Sign Solutions	Road and Street Signs	2,430.05
45602	Sign Pro	Decals	80.00
45603	South Central Reg Water	Water Bill	191.40
45604	Stuckle, Acacia	Expense Reimbursement	684.96
45605	TC Specialties	Supplies	57.00
45606	Triple P. Rentals	Rental	700.00
45607	Tyler Technologies, Inc.	Software	7,995.00
45608	Verizon Wireless	Cell Service	412.75
45609	Widmer Roel	Auditing	2,000.00
45610	Wold Engineering	Engineering	42,321.25
45611	Zoom Away	Oil Change and Service	172.60
45612	BEK Communications	Telephone Service	2,973.28
45613	Payment Remittance Center	Gas/Fuel/Supplies	2,466.85
45614	Wangler Tree Service	Service	2,061.00

There being no further business before the board, Commissioner Hulm motioned to adjourn the meeting. Seconded by Commissioner Eberle. The meeting adjourned at 12:25 P.M.

Approved: December 3, 2024

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 BY TELECONFERENCE
OCTOBER 18, 2024**

Chairman Erin Magrum called the meeting to order at 10:30 A.M., with Commissioners Gary Hulm, Don Eberle, Dan Materi and Craig Miller being present.

Emergency Management Director, Mary Senger, explained that the October 12, 2024 Fire Emergency and Burn Restrictions Declaration is valid for seven days when signed by the Chair and can only be continued with the consent of the Board. Current restrictions would be in place through November 15, 2024.

Commissioner Materi motioned to continue the Declaration until November 15, 2024. Seconded by Commissioner Eberle. Roll Call: "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

There being no further business before the board, Commissioner Miller motioned to adjourn the meeting. The meeting adjourned at 10:36 A.M.

Approved: November 7, 2024

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
OCTOBER 1, 2024**

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

The Pledge of Allegiance was recited.

The September, 2024 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Hulm motioned to approve the minutes of the September 3, 2024 regular meeting and the September 5, 2024 special meeting. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the agenda with the addition of survey information, road department step/grade salary discussion, intersection on 7th Avenue SE and 89th Street SE, other road gravel maintenance and ditch mowing. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Old and Unfinished Business:

New Business:

Chairman Magrum brought forward the cutting of regrown grass in the ditches suggesting that the county be lenient on the October 1st deadline due to the windy and dry weather, and the landowners use caution and make their own judgements on getting the ditches mowed in the next week or two.

Commissioner Materi presented a survey by Wold Engineering, P.C. dated September 20, 2024, showing the location of the two fences located between Sections 28 and 33 in Township 131, Range 76, 5th P.M. Commissioner Materi received a letter from the county in October, 2021 asking him to remove his fence due to encroaching on a 75-foot right-of-way. The fence was not removed by Commissioner Materi because there are records filed in the Recorders office that show that there's a 60-foot right-of-way easement on this road, and he also has documentation dated back in 2006 where the county commissioners supported for the fence to be allowed within the sixty-foot right-of-way.

Commissioner Materi reported that Burleigh County Commissioner, Brian Bitner, has agreed to speak to the commission regarding a permit or variance that Burleigh County created for fence encroachments along natural lakes and creeks. The NDDOT has a process for allowing encroachments for areas where there's a creek or lake to bring the fence up out of the right-of-way, but not in the clear zone. Derek Pfeifer, NDDOT Local Government Engineer, suggested asking the county to issue a permit as it was approved back in 2006, and file the permit with the survey. No action was taken. The Commission will consult with the States Attorney.

As advertised, at 9:15 A.M. a public hearing was held to consider the Petition for discontinuance of the road beginning at a point on the Northwest corner of the Northwest quarter (NW ¼) of Section Three (3), thence due East 1,584 feet, thence due South 5,280 feet, sixty (60) feet wide along the old road approximately in the middle of Section Three (3), Township One Hundred Thirty-Three (133), Range Seventy-Seven (77), Emmons County, North Dakota. An Easement on the Northeast quarter (NE ¼) of Section Ten (10), beginning at a point from the Southeast corner of the Northeast quarter (NE ¼) of Section Ten (10), thence due northwesterly sixty (60) feet along the old road 2,640 feet of Section Ten (10), Township One Hundred Thirty-Three (133), Range Seventy-Seven (77), Emmons County, North Dakota. Present for the hearing was Therese Beitelspacher. With no other comments having been received, nor appearances either in favor of or opposed to the discontinuance of the road, Chairman Magrum closed the public hearing at 9:30 A.M. The commission agreed to consult with States Attorney, Joseph M. Hanson, for an opinion before they make any ruling.

Commissioner Materi motioned to transfer the county's NDIRF and State Fire and Tornado insurance policies to Hazelton Insurance Agency for the years 2025-2026. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

VA Officer, Brad Huber, appeared and gave his quarterly report.

Commissioner Eberle motioned to enter into a Joint Powers Agreement with the North Dakota Association of Counties (NDACO) for collection and distribution of 9-1-1 fees. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Materi and Miller. "NO": Magrum. Motion carried. Present for discussion was Sheriff Gary Sanders, Aaron Birst, NDACO Executive Director, and Jason Horning, Next Generation 9-1-1 Program Manager for NDACO.

Russell Lawler appeared to update the Commission on road project SC-1536(061), culvert replacement located 0.5 miles north and 5 miles east of Strasburg, ND, and also asked the Commissioners if his employment start date as Road Superintendent could be extended due to the November 1, 2024 completion date of this road project. The Commission agreed to extend the employment start date to November 4, 2024.

Francis Krumm, Francis Gabriel and Ken Werlinger appeared for clarification of the road project on 22nd Ave SE and 97th St. SE, Township 129, Range 74 as discussed at the September 3, 2024 Commission meeting.

According to Francis Krumm, there were eight culverts replaced, instead of nine, as indicated at the September 3, 2024 meeting. Two culverts were replaced going south on 22nd Ave SE, two culverts were replaced going east on 97th St. SE, and four culverts were replaced south on 22nd Ave SE. Through an open records request for the road department time cards made by Francis Krumm, records show that these eight culverts installed only took two and a half days, instead of two and a half weeks as indicated at the September 3, 2024 Commission meeting. The time card records showed that on March 19, 2024, four employees worked five hours for a half day. On April 22, 2024, three employees worked ten hours and on April 23, 2024, three employees worked another ten hours for a total of two and a half days.

Francis Gabriel reported that in the fall of 2014, the county road on 22nd Ave SE, Township 129, Range 74 became very difficult to travel due to lack of maintenance, large rocks, and water running over the road, so he attended the county commissioner meeting on February 3, 2015 along with Russell Schumacher to request maintenance on the road. At the March 3, 2015 county commission meeting, the commissioners approved a motion to repair the county road in between section 2 and 3, extending in section 11 and in-between sections 13 and 14 in Township 129, Range 74. During the summer of 2015, the road department employees pulled up the shoulders and Francis Gabriel did many hours of disking and digging out large rocks. He also removed trees growing in the ditch and on the shoulders next to his property. The road department returned to put a crown on the road. Francis Gabriel stated that he was told that the culverts would be replaced the following year, but due to other primary roads needing attention and lack of time, they didn't get replaced until 2024.

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

Commissioner Miller addressed the intersection on 7th Avenue SE and 89th Street SE where there's a six-inch drop with piled up stone. The intersection on 3rd Avenue SE and 92nd Street SE was also addressed due to a drop in the road.

There was some discussion relative to the grade/step salary structure for the road department where the commission suggested to wait for the new road superintendent to come on board for further discussion.

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

Commissioner Eberle motioned to adopt the following Resolution:

RESOLUTION APPROVING AGREEMENT WITH THE COUNTY OF EMMONS AND LEWIS AND CLARK REGIONAL DEVELOPMENT COUNCIL FOR THE PURPOSE OF REGIONAL LIVESTOCK PLANNING GRANT ACCEPTANCE

WHEREAS, the County of Emmons on behalf of its County Commission desires to enter into an Agreement with the Lewis and Clark Regional Development Council to apply for a Regional Livestock Planning Grant which the County is eligible. The Agreement further provides the County with identification of suitable locations for rural economic development, including animal feeding operations, agricultural processing and storage facilities and other agriculture related development.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Emmons County, North Dakota as follows:

1. Following completion of the site analysis process the county will review county and township zoning and land use regulations. The county may update any zoning or land use regulations based on recommendations of site analysis process. Additionally, the county will provide information to townships of said county so they may review and update zoning and land use regulations as they see fit.
2. That Erin Magrum, the Chair of the County of Emmons, and Marlys Ohlhauser, the Auditor, are authorized to sign the Agreement.

Passed and adopted by the Commission on the 1st day of October, 2024 in Linton, North Dakota, County of Emmons.

ATTEST:
s/s Marlys Ohlhauser
County Auditor

APPROVED:
Erin Magrum
Emmons County Chairman

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

Commissioner Hulm motioned to enter into a contract with Centre, Inc. for providing Community Service programming and Misdemeanor probation for Emmons County. This agreement shall be for the period effective January 1, 2025 and shall expire December 31, 2025 for a quarterly payment of \$1,200.00. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the building permit for Robert C. Weber to add a 32 X 34.6 addition to the house on the S ½ Less 9.76 A RW, Section 4, Township 132, Range 78. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Materi and Miller. Motion carried. Magrum abstained from voting due to conflict of interest.

Commissioner Eberle motioned to approve the application for abatement or refund of taxes for parcel #30-0000-04176-043 for tax year 2024. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to change the November regular meeting date to November 7, 2024. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for CHS, Inc. for addition of 1.6M bushel covered ground pile storage and receiving pit, Section 27, Township 131, Range 76. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the building permit for Jay Bren to move a 32 X 28 pole barn onto property for cold storage located at Triangle Tract in the NW ¼ of Section 29, Township 133, Range 76. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

David Moch and Stephanie Doolittle were present and provided a handout with information on Ballot Measure #4.

The board recessed until 5:30 P.M.

At 5:30 P.M., a public hearing was held on the proposed preliminary budget for calendar year 2025 at which time written or oral comments from the public will be considered concerning the proposed annual budget.

Following the hearing, Commissioner Eberle motioned to reduce appropriations in the county road and bridge fund, federal aid fund and the unorganized road district fund as to not exceed estimated revenues. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to remove three mills from the capital projects fund and three mills from the emergency fund, and to adopt the 2025 county budget with all the amended changes. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

General and 911 – Voucher Numbers LP16432 – LP16456, LP16486 – LP16488, Payroll - \$110,508.13
Highway Tax – Voucher Numbers LP16489 – LP16501, Payroll - \$54,999.35

The following vouchers were reviewed and approved for payment:

45322	MDU	Utilities	107.53
45325	ND Attorney General	Background Check	15.00
45390	Advanced Business Methods	Copier Contracts	345.46
45391	Agtegra Coop	Blue Guard	566.28
45392	Arrow Service Team	Clean Up Property	23,600.00
45393	Aune, Charles	Mowing	150.00
45394	Auto Value Linton	Supplies	37.98
45395	Bosch, Calvin	Approach	2,000.00
45396	Burleigh Morton Detention Center	Prisoner Billing	1,300.00
45397	Burleigh County Emergency Mgmt.	Emergency Management Services	9,000.00
45398	Butler Machinery Co Corp	Parts/Labor	5,019.45
45399	Linton City	Water Bill	108.63
45400	Cole Papers, Inc.	Supplies	413.43
45401	Election Systems & Software	Election Programming	2,379.50
45402	Electronic Communications, Inc.	Speakers	90.00
45403	Emmons County Treasurer	Server	5,307.66
45404	Emmons County Treasurer	Postage/Supplies	602.67
45405	Emmons County Treasurer	Emmons County Treasurer	536.70
45406	Hulm, Karen	Wages	1,388.88
45407	Jerome Distributing, Inc.	Water Refill	81.00
45408	Job, Dave	Replace Door	187.50
45409	Kiefer, Jason	Temporary Construction Easement	525.00
45410	Language Link	Telephonic Service	4.73
45411	Linton Auto Parts	Parts/Supplies	618.89
45412	Martin Oil Co.	Gas	582.82
45413	MDU	Utilities	1,281.73
45414	MDU	Utilities	454.96
45415	Mosset Welding, LLC	Service	250.00
45416	NDACO Resources Group	Server/Computer	3,883.74
45417	NDEAFCS NDSU Extension	Dues	125.00
45418	NDSU	Plant Lab Testing	50.00
45419	NW Tire, Inc.	Tire Mount and Service	11,373.52
45420	Paul Holzer	Carwash	12.00

45421	Payment Remittance Center	Gas/Fuel/Supplies	216.19
45422	Payment Remittance Center	Gas/Fuel/Supplies	102.25
45423	Payment Remittance Center	Gas/Fuel/Supplies	723.43
45424	Payment Remittance Center	Gas/Fuel/Supplies	310.85
45425	Payment Remittance Center	Gas/Fuel/Supplies	2,609.31
45426	Payment Remittance Center	Gas/Fuel/Supplies	167.07
45427	Payment Remittance Center	Gas/Fuel/Supplies	373.83
45428	Pfeifle on 83	Parts	87.34
45429	Power Plan Corp.	Parts/Service	3,999.60
45430	RDO Truck Center	Parts	257.64
45431	Renschler, Norman	Maintenance to Langelier's/Rice Lake	3,040.00
45432	Rough Rider Industries	Desk	1,608.00
45433	Sayler Implement, Inc.	Parts	947.45
45434	Schneider, Jackie	Food Pantry	500.00
45435	Schlosser, Steve	Gravel Hauling	6,975.00
45436	Senger Farms	Temporary Construction Easement	570.00
45437	Sign Pro	Decals	80.00
45438	Softchoice Corp	Computer Program	291.51
45439	South Central Regional Water	Water Bill	109.80
45440	Strasburg Insurance Agency	Insurance Endorsement	92.00
45441	Stuckle, Acacia	Expense Reimbursement	179.56
45442	TC Specialties, Inc.	Service	107.00
45443	Tower Communications	Tower Rent	600.00
45444	Tyler Technologies, Inc.	Software	4,529.79
45445	Unlimited Office Products	W2 Forms	214.89
45446	Verizon Wireless	Cell Service	412.70
45447	Wickenheiser, Mike Sr.	Oak Boards	398.40
45448	Widmer Roel	Audit	3,000.00
45449	Wold Engineering, P.C.	Engineering	11,956.25
45450	Comstock Construction, Inc.	Construction Project	12,277.08
45451	Heartland Waste Management, Inc.	Service	120.00
45452	Nodak True Value	Supplies	201.65
45455	Hazelton City	Water Bill	36.00
45456	Strasburg City	Water Bill	92.22
45457	Information Technology	Internet Access & Netmotion	1,590.25
45458	KEM Electric	Utilities	270.97
45461	BEK Communications	Telephone Service	2,977.62
45462	Dakota Dust Tex, Inc.	Service	294.00
45463	Emmons County Record	Publishing	968.00

There being no further business before the board, Commissioner Eberle motioned to adjourn the meeting. Seconded by Commissioner Materi. The meeting adjourned at 7:30 P.M.

Approved: November 7, 2024

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
SEPTEMBER 5, 2024**

Chairman Erin Magrum called the meeting to order at 8:00 A.M., with Commissioners Don Eberle, Gary Hulm, Dan Materi and Craig Miller being present. Also present was States Attorney, Joseph M. Hanson.

The Pledge of Allegiance was recited.

The reason for the meeting was to discuss the road superintendent position.

Present was Russell Lawler who stated that the commission came with an offer of an annual salary of \$78,073.00, and his initial thought was that the position should be at \$85,000.00. After visiting with Tanya Wieler, Independent Human Resource Consultant specializing in working with local governments, who assisted Emmons County with the interviewing process, he agreed to accept \$80,000.00 and the use of the county pickup for driving back and forth to work. The reason for wanting to use the pickup is because currently there is no office space at the county shop for the road superintendent, so the county pickup basically becomes their mobile office. Another convenience is in case of an emergency situation, it would save time for the road superintendent by being able to drive directly to the emergency site.

There was some discussion in regards to installing GPS in all the county vehicles.

Chairman Magrum stated that recently the commission held discussions about how the county vehicle should be going to the shop at night and not leaving again until the morning, unless there's a special circumstance. Also mentioned was with a probation process, you have the opportunity to understand if the newly hired employee is a fit for the position, and this usually means some kind of pay restriction should be part of the probation period. The original motion approved on September 3, 2024 was to offer Russell Lawler \$78,073.00, and we should stick to that motion. After the six-month probation period, the board can re-discuss the salary.

Commissioner Hulm motioned to accept Russell Lawler's counter offer of \$80,000.00 annual salary with permitted use of the county vehicle in accordance with the employee handbook. Seconded by Commissioner Miller. There was discussion regarding the grade/step salary structure that was adopted by the commissioners last fall for the road department, and trying to stay consistent with this structure for all the employees. The commission telephoned Tanya Wieler for her opinion where she commented that because she works with pay plans often, she always thinks that it's wise to take a number directly from the grade/step compensation plan. She suggested a grade ten, step five at an annual salary of \$79,634.00, which is the closest step to the offer of \$80,000.00. It's always best to maintain the integrity of the pay plan to use the number directly if you can, rather than using a rounded number. There's no right or wrong answer, it's a matter of moving forward and begin to build some consistency. Following this discussion, a roll call vote was taken. Roll Call "NO": Eberle, Hulm, Magrum, Materi and Miller. Motion failed.

Following discussion, the commission voted on the motion. "NO": Eberle, Hulm, Magrum, Materi and Miller. Motion failed.

Commissioner Hulm motioned to offer the position of road superintendent to Russell Lawler for an annual salary of 79,634.00, which is a grade ten, step five of the compensation pay plan, with permitted use of the county vehicle in accordance with the employee hand book. Seconded by Commissioner Materi. Roll Call "YES": Hulm, Materi, and Miller. "NO": Eberle and Magrum. Motion carried.

Russell Lawler accepted the employment offer and will begin employment on October 7, 2024.

Commissioner Miller motioned to approve the claim voucher for Comstock Construction, Inc. for the courthouse project in the amount of \$267,439.50. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the claim voucher for Karen Hulm for salary in the Clerk of Court/Recorders office in the amount of \$1,348.23. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

There being no further business before the board, Chairman Magrum adjourned the meeting. The meeting adjourned at 9:15 A.M.

Approved: October 1, 2024

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
SEPTEMBER 3, 2024**

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

The Pledge of Allegiance was recited.

The August, 2024 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Miller motioned to approve the minutes of the August 6, 2024 regular meeting and the August 20, 2024 special meeting. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the agenda with the addition of road issues. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Old and Unfinished Business:

Discussion was held regarding the public nuisance on 8080 Highway 83 South, Linton. The Commission and States Attorney, Joseph M. Hanson, reviewed photos of the property after the clean up by Arrow Service Team and agreed that the Judgment has been satisfied. The matter was closed.

New Business:

Lewis & Clark Development Group Executive Director, Brent Ekstrom, appeared to provide an update on programs. The Lewis and Clark Development Group is the umbrella organization for four entities that provide opportunities to develop North Dakota's economy and communities through flexible financing and support for businesses and affordable housing. The Group is the go-to resource for business lending, affordable housing, and community building in North Dakota. Brent Ekstrom touched on the meat and poultry intermediary lending program (MPILP) that provides low interest loans for meat and poultry processing businesses. Another program introduced was the Regional Livestock Development and Planning Grant Program through the North Dakota Department of Agriculture that assists counties with livestock development planning, including animal feeding operations, agricultural processing and storage facilities and other agricultural related development.

Commissioner Materi motioned to appoint Lyle Kenner to serve on the Emmons County Public Health Board. Term is effective August 1, 2024 for a five-year term. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the Utility Permit for South Central Regional Water District to install one-inch rural waterline crossing on 12th Ave SE from NW ¼ of Section 18, Township 133, Range 75 to the NE ¼ of Section 13, Township 133, Range 76. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the Utility Permits for BEK Communications to bury fiber optic cable on 74th St. SE and 9th Ave SE and to bury fiber optic cable on 83rd St. SE and 84th St. SE. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Miller reported that he received a phone call from a landowner regarding water hemlock weed, so he asked Emmons County Weed Officer, CJ Pearce, to provide some information on this weed to the Commission. CJ Pearce reported that water hemlock is a perennial wetland plant that is native to North America and doesn't believe that the weed is a problem in Emmons County. The stems and leaves of the weed increase in palatability immediately after being sprayed with herbicide. The most poisonous part of the plant is the root system, particularly the tubers. Cattle graze in the lower part of the plant and this is where the highest concentration of poison is found. If ingested by cattle, they can die from seizing and their respiratory system could collapse. There's no treatment for this. CJ Pearce has had conversations with the Emmons County Weed Board who are weighing options on putting water hemlock on the list of noxious weeds.

Nancy Deis, Extension Agent, Agricultural and Natural Resources, reported that she contacted the weed specialist at NDSU to find out more information on water hemlock. The specialist stated that water hemlock could be found in every county if you looked hard enough; but, no other county in ND has made the plant a noxious weed yet. The specialist explained that a noxious weed is considered a weed that causes economic harm and she didn't feel that water hemlock was doing that. Nancy Deis suggested that the Weed Board create a cautious weed list and allow landowners to cost share from the cautious weed list versus making water hemlock a noxious weed. The weed is controllable with 2, 4-D, glyphosate control or DuraCor herbicide.

Discussion (by phone) was held with Tanya Wieler, Independent Human Resource Consultant specializing in working with local governments, who assisted Emmons County with the interviewing/hiring for the road superintendent position. Tanya Wieler reported that the committee interviewed five candidates that varied in terms of their experience with roadwork and management. The committee narrowed the candidates down and one candidate they felt rose to the top. The commission asked Tanya Wieler to reach out to that candidate to make an employment offer, contingent upon a quality reference check, and base the salary off of the grade/step compensation structure. Later in the meeting, Tanya Wieler telephoned into the meeting and

reported that the candidate that the committee would be recommending to the commission for hire is Russell Lawler, who seemed to really have the best combined background of an equipment operator experience and management experience overall. Tanya Wieler performed reference checks and received three very positive feedbacks on his job performance from the three references that were contacted.

Commissioner Hulm motioned to offer Russell Lawler the position of Road Superintendent using the grade and step compensation structure at a grade ten, step four salary of \$78,073.00, with a six-month probationary period and the salary being reviewed upon this probation period. Seconded by Commissioner Miller. Roll Call "YES": Hulm, Magrum, Materi and Miller. "NO": Eberle. Motion carried. During discussion, Chairman Magrum addressed a letter placed in Russell Lawler's file that doesn't concern him with his creditability; but the concern is that the commission created a precedent that the county is not supposed to hire people that have any imperfections in their employee file, and now there's someone with an imperfection in their file. This happened with the previous road superintendent. "He was a candidate who came with a letter in his file at his previous employment and now we have the same issue." Chairman Magrum stressed that "so long as this is understood and agreed upon that it's about the consistency."

Commissioner Eberle brought forward the fence on 89th Street SE on the S ½ SW ¼ of Section 28, Township 131, Range 76 where he had conversations with Brandon Beise and Paul Benning from the Local Government Division who said that the fence is not acceptable, and the county should take measures to get the fence off the right-of-way. Commissioner Eberle also talked to an Insurance Underwriter with NDIRF who also felt that the fence should be moved.

Comments were made by Commissioner Hulm and Commissioner Miller regarding other fences that are encroaching throughout the county; but, Commissioner Eberle commented that because the fence was surveyed, and an encroachment was found, it's on public record.

States Attorney, Joseph M. Hanson, stated that there might be other encroachments in the county; but, according to an Attorney General's opinion, the county doesn't have a duty to examine every single right-of-way. It's one thing if the county isn't aware of an encroachment, but once the county has become aware, then there's a potential for liability to the county. If there was an accident and it showed that the fence contributed to the damage or the injury, and the county allowed the fence to be on the right-of-way of the clear zone, more than likely the county would assume some liability. Hanson stressed that the liability questions are not black and white as it would depend on the facts.

Joseph M. Hanson also stated that there are records going back to 2006 in the county commission meeting minutes regarding this fence, and Dan Materi had a letter from an engineering firm where they outlined how the fence could be allowed by the Commission. The Commissioners back then did not approve a variance nor report anything, there was just some discussion held in the meeting.

Commissioner Miller suggested tabling the matter until more information is gathered.

Commissioner Materi asked Commissioner Eberle if he's traveled on the state highways and observed where there are creeks, lakes or waterways and how the fences are on those wetland areas? "According to the state, they grant variances to those landowners because there's no other way for them to fence down in those wetland swamps."

Commissioner Materi read encroachment exceptions from an email that was sent by Brandon Beise, Local Government Division, that stated "on rare occasions the county could permit encroachments within the right of way. The NDDOT suggests that the county draft a document with the State's Attorney and get signatures from all parties. The document should clearly explain the location, conditions, and responsibilities of the parties involved."

Chairman Magrum asked Joseph M. Hanson if he has any verification that the fence is encroaching and Hanson replied that he doesn't have any proof. Chairman Magrum stated that in his opinion there's going to have to be some kind of verified proof that the fence is encroaching, and then find out if there was any reason for it to be encroached and if anything was recorded.

Commissioner Eberle made a motion that Dan Materi remove his fence off the right-of-way. Motion died due to lack of second.

Chairman Magrum suggested that the matter be tabled until Commissioner Eberle or Commissioner Materi produce the survey from Wold Engineering, P.C., and to verify if there was a valid variance issued.

Commissioner Miller inquired about blading the road between 56th Street SE and 3rd Avenue SE as the pasture cannot be accessed. The commission concluded that it's not the responsibility of the county to maintain the quality of this road as they only maintain certified roads.

Commissioner Hulm brought forward a road matter on Township 129, Range 74 which he checked into after receiving some reports. The road located on 22nd Ave SE going south off the highway, the first mile is on a section line where there were three (3) culverts installed. The road then turns and goes east about a quarter of a mile and then south another mile where there were six (6) culverts installed. Overall, there was a total of nine (9) culverts installed on this two and a quarter mile stretch. This road project was constructed in April of 2024. Commissioner Hulm shared his frustration and stated that the only commissioner that knew about this project was commissioner Eberle. The other four commissioners were never made aware of this road project. "How can one commissioner go ahead and have the right to approve a project like this?" Commissioner Hulm stated that it took several county employees to complete this project in April of 2024 when they should have been blading the roads.

Commissioner Eberle commented that this road was brought up at commissioner meetings before when Michael Lawler was road superintendent where he promised the landowners that he would install those culverts, and this was never done. This road was brought up again when Francis Krumm was road superintendent and the culverts didn't get installed. Commissioner Eberle then mentioned this road matter to Skyler Prellwitz who looked into this road.

Chairman Magrum received requests for installing a culvert on the intersection of 74th St. SE and Center Avenue as water runs over the road when it rains. This culvert installation will be put on the project list for the new road superintendent.

Commissioner Materi motioned to approve the building permit for Billy Stubbs for adding (6) antennas, (6) RRUS, and (2) HCS 2.0 hybrid/COCs at the 285' CL. Proposing a 10 X 15 lease area with an 8 X 10 platform included inside the lease area on Section 25, Township 131, Range 76. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Loren VanderVorst to erect a 200 X 60 storage building on the NW ¼ of Section 20, Township 129, Range 76. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the building permit for Joseph R. Nowers for grading, prep site for a mobile home to be moved in and to erect a 30 X 30 detached garage on .69 A Tract in W ½ SW ¼ NW ¼ SE ¼ SE ¼ & E ½ E ½ SE ¼ NE ¼ SW ¼ SE ¼ of Section 8, Township 130, Range 79. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Gerald and Denise Van Beek to construct a 75 X 35 home with a 28 X 28 attached garage on Lot 9 of the Rice Lake Subdivision located in the N ½ of Section 4, Township 129, Range 75, West of the Fifth Principal Meridian. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Materi and Miller. Motion carried. Magrum abstained from voting due to conflict of interest.

Commissioner Materi motioned to approve the building permit for Bill Geiger/Bev Anton to place a 20 X 8 shipping container that will be sited on Lot 1 of Beaver Bay Subdivision, Section 23, Township 132, Range 79. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

General and 911 – Voucher Numbers LP16364 – LP16388, LP16420 – LP16431, Payroll - \$117,276.74
Highway Tax – Voucher Numbers LP16389, LP16420 – LP16431, Payroll - \$68,153.47

The following vouchers were reviewed and approved for payment:

45179	MDU	Utilities	107.86
45242	A & K Kinzler Farm LLC	Gravel Hauling	9,187.50
45243	Advanced Business Methods	Copier Contracts	409.93
45244	Agtegra Coop	Maxtron	229.36
45245	API Garage Door, Inc.	Door Repair	800.00
45246	Auto Value Linton	Parts	7.98
45247	Braaten Law Firm	Services	2,024.00
45248	Bravera Bank	Equipment Lease Payment	50,125.69
45249	Burleigh County	Gravel Haul – Telfer Township	1,353.20
45250	Burleigh Morton Detention Center	Prisoner Billing	4,000.00
45251	Butler Machinery	Parts/Labor	2,025.40
45252	Central Dakota Frontier Coop	Tire Repair	77.90
45253	Circle H. Lumber	Material	425.41
45254	Hazelton City	Water Bill	36.00
45255	Linton City	Water Bill	85.84
45256	Strasburg City	Water Bill	93.16
45257	Code 4 Services, Inc.	Sheriff Vehicle Equipment	32,608.50
45258	Cole Papers, Inc.	Supplies	534.60
45259	Comstock Construction, Inc.	Courthouse Project	213,574.28
45260	Curtis Rud Oil Co.	Valve	51.58
45261	D & E Supply	Supplies	77.18
45262	Donley, Austin	Mowing	450.00
45263	Election Systems & Software	Coding	13.00
45264	Emmons County Treasurer	Postal Machine Use	2,558.95
45265	Fireside Office Products	Supplies	662.34
45266	Heartland Waste Management	Service	120.00
45267	Interstate Power Systems, Inc.	Generator Service	1,207.50
45268	Jerome Distributing, Inc.	Water Refills	72.00
45269	KEM Electric Coop, Inc.	Utilities	4.50
45270	Linton Auto Parts	Parts	815.56

45271	Lowery, Steven B. & Doris J.	Water use at Langelier's Bay	300.00
45272	Martin Oil Co.	Gas	732.28
45273	Matthew Bender & Co., Inc.	ND Court Rule Updates	107.01
45274	MDU	Utilities	1,401.67
45275	NDACTVSO	Registration	120.00
45276	NDLTAP	Motor Grader Operator Training	250.00
45277	NDSU	Letterhead	235.05
45278	ODP Business Solutions, LLC	Supplies	132.08
45279	Paul Holzer	Carwashes	24.00
45280	Payment Remittance Center	Gas/Fuel/Supplies	95.85
45281	Payment Remittance Center	Gas/Fuel/Supplies	742.38
45282	Payment Remittance Center	Gas/Fuel/Supplies	726.49
45283	Payment Remittance Center	Gas/Fuel/Supplies	367.99
45284	Payment Remittance Center	Gas/Fuel/Supplies	608.25
45285	Payment Remittance Center	Gas/Fuel/Supplies	678.74
45286	Payment Remittance Center	Gas/Fuel/Supplies	527.93
45287	Pfeifle on 83	Windshield Repair	71.50
45288	Power Plan Corp.	Parts/Labor	9,781.62
45289	RDO Truck Center	Parts	833.57
45290	Renschler, Norman	Maintenance to Langelier's/Rice Lake	3,040.00
45291	RTS Shearing, LLC	Gravel Hauling	82,462.50
45292	Sannes Feist Funeral Home	Transport to Medical Examiner	500.00
45293	Sayler Implement, Inc.	Parts	15.16
45294	Schneider, Jackie	Food Pantry	500.00
45295	South Central Regional Water	Water Bill	139.80
45296	TC Specialties, Inc.	Service	57.00
45297	Traffic Safety Services, Inc.	Pavement Marking	37,640.69
45298	Tyler Technologies, Inc.	Program Support	59,179.28
45299	Verizon Wireless	Cell Service	412.55
45300	Wallwork Truck Center	Parts	675.80
45301	Warren's Locks and Keys	Alarm Lock	750.00
45302	Western Dakota Energy Association	Dues for Load Pass	500.00
45303	Widmer Roel	Auditing	15,727.98
45304	WL Hall Co Interior	Service to Smoke Guard Units	3,643.93
45305	Wold Engineering, PC	Engineering Services	5,945.00
45308	Beastrom Oil Co.	Fuel/Pump	8,959.19
45309	Nodak True Value	Supplies	410.46
45314	KEM Electric Coop, Inc.	Utilities	254.09
45316	Dakota Dust Tex, Inc.	Service	195.10
45317	Information Technology Dept.	Internet Access & Netmotion	1,632.65
45318	Quadient Finance USA, Inc.	Postage	3,000.00
45320	BEK Communications	Telephone Service	2,958.38
45321	Emmons County Record	Publishing/Envelopes	903.98

There being no further business before the board, Commissioner Miller motioned to adjourn the meeting. Seconded by Commissioner Eberle. The meeting adjourned at 12:20 P.M.

Approved: October 1, 2024.

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S SPECIAL MEETING
AUGUST 20, 2024**

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

The Pledge of Allegiance was recited.

The reason for the meeting was to discuss a plan of action on repairing the Cattail Bay road on 89th St. SE. There was discussion on having a couple of road department employees (David Krumm and David Ellingson) repair some soft spots and shoulder pulling to the road starting next week with an estimated time line of two weeks. One concern addressed was the timing may interrupt potato harvesting with Sea View Farms as they plan on starting harvest on September 5th. Another suggestion was to hire a couple of seasonal temporary employees to repair the soft spots on the road this fall instead of pulling road department blade operators off their regular routes.

Chairman Magrum mentioned that he had a conversation with Michael Rivinius from Wold Engineering, P.C., and asked him to provide an estimate for paving the road in the future should funding become available.

After discussion, Commissioner Materi motioned to hire Dennis Glass and Brian Rudy as part time seasonal temporary employees to assist in the maintenance of the Cattail Bay road, 89th St. SW, for a wage of \$26.00 per hour. Seconded by Commissioner Miller. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to appoint Garlin Schmidt as project manager on the Cattail Bay Road, 89th St. SW, maintenance repair project. Seconded by Commissioner Miller. Roll Call "YES": Hulm, Materi and Miller. "NO": Magrum. Motion carried.

Commissioner Hulm motioned to hire outside trucking services for gravel hauling as long as they provide proof of a valid CDL and valid insurance at a compensation rate of \$150.00 per hour, and to appoint John Ibach to be the project manager/contact person. Seconded by Commissioner Miller. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the Plat of Tracts 16-1, 16-2, 16-3 & 16-4, parcels of land in the SE ¼ of Section 16, Township 131, Range 76 of the Fifth Principal Meridian, Emmons County. Seconded by Commissioner Miller. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

There being no further business before the board, Commissioner Hulm motioned to adjourn the meeting. The meeting adjourned at 10:40 A.M.

Approved: September 3, 2024

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
AUGUST 6, 2024**

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

The Pledge of Allegiance was recited.

The July, 2024 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Miller motioned to approve the minutes of the July 2, 2024 regular meeting. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the agenda with the addition of right-of-way discussion. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Old and Unfinished Business:

Discussion was held regarding the public nuisance on 8080 Highway 83 South, Linton. States Attorney, Joseph M. Hanson, presented a cleanup proposal from Arrow Service Team in the amount of \$23,600.00 for labor and equipment to clean up all debris around the residence yard and haul off for disposal, and \$3,000.00 for full-service tow and haul away including three autos total.

Commissioner Eberle motioned to hire Arrow Service Team to clean up the property at 8080 Highway 83 South, Linton. Motion died due to lack of second.

After further discussion, Commissioner Eberle motioned to accept the cleanup bid for \$23,600.00 from Arrow Service Team to clean up the property at 8080 Highway 83 South, Linton. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried. Noted was this motion excluded the tow and haul away of the three vehicles.

New Business:

Commissioner Hulm motioned to approve a Water Access and Use Easement between Steven B. Lowery and Doris J. Lowery and Emmons County for the use, access, and electricity needed to serve the water utility provided for county business and public use at Langelier's Bay for a sum of \$300.00 per year for three (3) years (2024, 2025, 2026). Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to enter into a contract with CREA for Superintendent of Schools Services for land annexations and other duties as listed in the NDCC. Term of the agreement is from July 1, 2024 through June 30, 2025. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Jim Wagner reappeared regarding road maintenance on the Cattail Road (89th St. SW).

Skyler Prellwitz resigned his position as Road Superintendent for Emmons County with his last day of employment being on August 2, 2024. The position will be advertised with the application deadline of August 19, 2024. The board reviewed the job description and made some necessary changes. Interviews will be conducted by Tanya Wieler, Dakota Dynamics Human Resources Consultant for Local Government, Commissioner Materi and Commissioner Miller.

Stephanie Doolittle appeared asking to be part of the road maintenance discussion and reported that 68th Street, near 12th Avenue SE is used heavily by numerous landowners and needed maintenance and gravel. At the end of June this year, the road department moved in and started repairing areas between 12th Avenue SE and 14th Avenue SE where they spent days laying in a nice layer of gravel. On June 27, 2024, they received over an inch of rain. Ten minutes after the rain stopped, they heard equipment move pass their farm. A semi-trailer was heading west to highway 83 on the newly repaired road. The road was a complete mess and the county had to repair the deep ruts that were made. Mrs. Doolittle expressed that users of these county roads need to use common sense and we all need to do our part too. "We all need to work together with county leadership to come up with solutions for maintaining 1,200 miles of roads." Mrs. Doolittle stated that she's grateful for the Emmons County Commissioners that we have and with the extra hours spent beyond monthly meetings researching issues.

Stephanie Doolittle also addressed the petition being circulated to recall Chairman Magrum and respectfully asked that those collecting signatures reconsider. Mrs. Doolittle expressed how Chairman Magrum's knowledge of the Constitution and responsibilities of local government are vital to this Commission as our private property rights are being challenged daily. Magrum's leadership and the work of the Commission has made sure that maximum setbacks were placed to protect the safety of property owners living near wind towers. A solar moratorium was put into place by the Commissioners to protect concerned landowners from a company trying to secure 5,000 acres of land west of Linton. The Commission amended their Industrial Conditional Use Permit application to protect landowners from eminent domain. They approved a setback distance of 1.5 miles from a residence and 3 miles from a city to protect citizens from a high-pressure CO2 pipeline carrying hazardous and deadly gas through our county. "Chairman Magrum has proven his commitment to Emmons County and it's

residents through his years on the Commission.” “With all that is going on in our country, we cannot afford to compromise our leadership!”

David Moch was present to support Chairman Magrum and the Commissioners on the road issues and mentioned that he served on a board for years and realizes how tough it is to put up with people, problems and taking the heat for things. Mr. Moch talked about his road that hadn't been graveled for ten years and two years ago the road was getting down to the black dirt. After calling the county and talking nice and having excellent communication and patience, the road was graveled. Everyone is guilty of pulling a horse trailer, semi-trailers or SUV. We're speeding and throwing gravel in the ditches. The roads will all get graveled eventually, we all need to be patient. Also suggested was for the road superintendent to inform the public of where they are working by posting information on the county website or social media.

David Moch complimented Chairman Magrum for getting the county through some hard times and stressed how lucky the county is to have someone young on the board to fight for us. “We need more young people on boards. Magrum has done more than what people realize and the rest of the board stands up for our property rights.”

Winston Heifort, construction manager for Comstock, explained the change proposal for additional masonry work to the front steps of the courthouse. The original plan that was drawn included the main steps and the left side of the steps, but did not address the right side of the steps where the masonry is giving away. After discussion, Commissioner Hulm motioned to approve the contractor's proposal for changing the contract price for the front steps of the courthouse. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve Comstock's contractor proposals to change the contract price for door infill and stage lighting for the courthouse project. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Bridgette Gullickson along with several other landowners appeared to discuss road maintenance. Bridgette Gullickson commented that they only see a blade in their area once a year and according to other county road superintendents that she spoke with are able to make six to seven rounds with the blade on their county roads between the months of April – October. Landowners questioned what changed over the years because the road are deteriorating and there's grass and weeds growing in the middle of the roads. Landowners are looking for a solution or a plan from the county.

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

Tony Holzer and Deloris Volk appeared on behalf of the Kidder Emmons County Senior Meal Program. Tony Holzer explained that Emmons and Kidder have held a partnership for many years and recently there was a dispute regarding Linton employee's hours, which led to Kidder County cutting off services to Emmons County on July 31, 2024 without giving any notice.

Deloris Volk stated that the dispute was a matter of the employee hours that were cut, and when the Linton employees asked for their hours back, Kidder County said no, packed up all the food, computer, fax machine and the food sealer, and had plans on coming back to get the appliances. Tony Holzer then changed all the door locks.

Conversations were held with the State and also with Burleigh County. In the midst of trying to figure out if Emmons County wants to join Burleigh County or go on their own with meals on wheels and offering meals to the seniors, Kidder County called a meeting wanting Emmons County to meet with them this Thursday at 1:30 pm in Steele, ND.

Tony Holzer explained the reason for appearing before the Commissioners is because there are tax dollars involved and also some money in the bank that only Kidder County has control of. Mr. Holzer and a few others from the Linton Senior Center are going to the meeting on Thursday to meet with Kidder County to try and reason with them. Chairman Magrum stated that he will be attending this meeting also.

Discussion was held on compensating Skyler Prellwitz for unused annual and sick leave where the consensus of the board was to follow the employee handbook.

Commissioner Eberle motioned to appoint John Ibach as the Project Manager for road project number SC-1536(061), culvert replacement .5 mile north and 5 miles east of Strasburg. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

The Commissioners agreed to extend the time for the contractor to haul gravel for the county for another week or two.

Commissioner Miller motioned to approve the renewal building permit for One Way Wireless Construction on behalf of T-Mobile for adding six antennas, six RRUS and two HCS 2.0 hybrid/COVPs at 285' CL Ground. Proposing a 10 X 15 lease area with an 8 X 10 platform included inside the lease area on the NE ¼ NW ¼ RW on Section 25, Township 131, Range 76. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the building permit for Randy and Nancy Bosch to build a 60 X 40 storage building on Tract A, Section 14, Township 132, Range 79. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the Utility Permit for South Central Regional Water District to install a 10-inch rural waterline crossing 78th St. SE, Section 33, Township 133, Range 74 onto the west side of 19th Ave SE, NW ½ of Section 5, Township 132, Range 74. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Miller motioned to approve the building permit for Nate Keller to construct a 300 X 80 farm shop for Sea View Farms on Section 4, Township 130, Range 79. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the building permit for Ryan Nagel to erect a 42’ grain bin on Section 30, Township 134, Range 76. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for John Colton Beck and Madison Shae Vander Vorst for building a basement and placing a modular home on the SE ¼ of Section 14, Township 133, Range 77. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for Billy Stubbs for removing three antenna’s, one hybrid cable, one COVP and adding three antenna’s, one hybrid cable and three RR to the existing wireless facility on the SW ¼ of Section 25, Township 135, Range 77. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the application and issue a Liquor License to the Quencher Bar for a one-day event held on August 18, 2024 at the Strasburg Rodeo Grounds, portion SW ¼ of Section 36, Township 131, Range 76. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the building permit for Brandon and Nicole Sehn to erect a 64 X 50 residence with a 28 X 34 attached garage on the N ½ of N ½ of SE ¼ on Section 11, Township 132, Range 78. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the Utility Permit for KEM Electric Cooperative to install facilities on the county right-of-way on Section 23, Township 132, Range 79, from intersection of Sturgeon Alley and Beaver Bay TRL SW, west 240 feet to a point where KEM will trench across Sturgeon Alley north to south. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the Utility Permit for South Central Regional Water District to install a two-inch rural waterline crossing 69th St. SE from N ½ Section 20, Township 134, Range 77 to S ½ Section 17, Township 134, Range 77. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle brought forward his concerns about the liability pertaining to right-of-way encroachments and stated that according to the state, fences are to be off the county right-of-way or landowners are breaking the law and causing a liability to the county and the tax payers.

Commissioner Eberle motioned to grant permission to Extension Agent, Acacia Stuckle, for traveling out of state to attend the 2024 National Association of Extension 4-H Youth Development Professionals Annual Conference on October 13-18, 2024. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

The board reviewed a preliminary budget proposal for the year 2025 prepared by County Auditor/Treasurer, Marlys Ohlhauser, for the general fund and each special revenue fund with detailed breakdown of estimated revenues and expenditures for the preceding year, current year and ensuing year and the appropriations requested. Commissioner Hulm motioned to approve the preliminary budget for the year 2025 with an amendment to apply the maximum number of mills to the emergency levy and the capital project levy. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

**PRELIMINARY BUDGET OF EMMONS COUNTY
NORTH DAKOTA
CALENDAR YEAR BEGINNING JANUARY 1, 2025**

GENERAL GOVERNMENT

County Board	196,945.09
State's Attorney	268,808.93
Clerk of Court/Register of Deeds	287,097.69
Sheriff	846,550.24
County Coroner	3,600.00
Auditor	341,783.34
Treasurer	183,962.09
Motor Vehicle	8,000.00

Director of Tax Equalization	144,634.82
Veterans Service	42,449.53
Maintenance	88,632.82
Superintendent of Schools	3,000.00
Risk Management	3,300.00
GIS Coordinator	83,029.90
Extension Agent	170,845.00
Disaster of Emergency Services	34,209.80
Planning Commission	5,000.00
Community Service Restitution Program	4,800.00
Utilities	30,000.00
Courthouse Building and Grounds	50,000.00
Examination Fees	28,000.00
Elections	10,300.00
NDACO	7,409.00
Unemployment Compensation	3,000.00
Miscellaneous	20,000.00
Copier Expense - Extension	6,000.00
Copier Expense - Clerk of Court	1,800.00
Advertising - Lewis and Clark Regional Development	6,625.84
Technology	144,450.00
Neopost Rent	3,000.00
Abandoned Cemetery	3,500.00
Insurance Reserve/State Fire/Workers Comp.	110,000.00
County Park	77,500.00
Indirect Costs for Human Service	250,000.00
Human Service - Linton Indirect	5,000.00
Food Pantry Coordinator	6,000.00
911 General	46,874.72
Human Resource Consulting	10,000.00
TOTAL GENERAL FUND BUDGET/APPROPRIATION	3,536,108.81
Amount to be Levied for General Fund	1,727,456.36
Amount to be Levied for County Agent	85,756.63
Amount to be Levied for Veterans Officer	42,449.53
Appropriation for County Road and Bridge	571,698.41
Amount to be Levied	428,783.16
Appropriation for Federal Aid	658,347.28
Amount to be Levied	214,391.58
Appropriation for Highway Tax	936,800.00
Appropriation for Unorganized Road District	1,305,278.00
Amount to be Levied	679,298.25
Appropriation for Permit Fund	500,000.00
Appropriation for Prairie Dog/House Bill 1066	1,180,590.00
Appropriation for State Revenue	70,000.00
Appropriation for Emergency Fund	450,000.00
Amount to be Levied	0.00
Appropriation for Auditorium	800.00
Appropriation for 911	87,976.00

Appropriation for State Grants	35,000.00
Appropriation for Police Contract	26,000.00
Appropriation for Capital Projects	566,927.00
Amount to be Levied	428,783.16
Appropriation for Sheriff 24-7 Program	12,000.00
Appropriation for Hazardous Chemical	7,000.00
Appropriation for Extension	7,000.00
Appropriation for District Court Trust Fund	1,000.00
State Medical Center - Amount to be Levied	48,001.80
Appropriation for DVVA	400.00
Appropriation for Reimbursable	315,000.00
Appropriation for Real Estate Tax	20,000.00
Appropriation for Asset Forfeiture Fund	3,000.00
Appropriation for Document Preservation	18,000.00
Appropriation for County Vehicle	3,126.97
Appropriation for LATCF Funds	66,650.16
Appropriation for Legacy Fund	400,000.00
Appropriation for Back the Blue Grant	1,923.00
<u>OTHER COUNTY FUNDS</u>	
Ambulance - Amount to be Levied	83,702.94
Senior Citizens - Amount to be Levied	42,878.32
Historical Society - Amount to be Levied	10,719.57
Water Resource District - Amount to be Levied	62,000.00
County Health District - Amount to be Levied	120,000.00
Weed Control - Amount to be Levied	70,274.38
County Hospital District - Amount to be Levied	214,391.58
Soil Conservation District - Amount to be Levied	65,000.00

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

General and 911 – Voucher Numbers LP16283 – LP16306, LP16345 – LP16349, Payroll - \$110,588.49
Highway Tax – Voucher Numbers LP12307, LP16350 – LP16363, Payroll - \$83,256.29

The following vouchers were reviewed and approved for payment:

44793	MDU	Utilities	117.35
44832	A & K Kinzler Farm LLC	Gravel Hauling	12,525.00
44833	Advanced Business Methods	Extension Copier Paper	322.09
44834	Agtegra Coop	Oil	4,390.80
44835	Ampride	Gas	21.00
44836	A Train Auto	2024 H & H Trailer	8,493.00
44837	Auto Value Linton	Shop Supplies	41.98
44838	Beastrom Oil Co.	Diesel	35,441.23
44839	Bruun, Mark	Mowing	200.00
44840	Burleigh Morton Detention	Prisoner Billing	3,000.00
44841	Capital I Industries	Mulcher Tip	1,017.21
44842	Central Dakota Frontier Coop	Unleaded	202.95
44843	Centre, Inc.	2 nd Quarter Contract	1,200.00
44844	CHS, Inc.	Propane	714.00
44845	Circle H. Lumber	Material	32.26
44846	City Air Mechanical, Inc.	Repairs	310.00
44847	Hazleton City	Water Bill	36.00
44848	Linton City	Water Bill	134.44
44849	Strasburg City	Water Bill	102.30
44850	Cole Papers, Inc.	Supplies	196.96
44851	CREA	Supt. of Schools	338.00
44852	Dakota Dust Tex, Inc.	Service	233.25
44853	Deere Credit, Inc.	Equipment Lease	5,600.00
44854	Deis, Nancy	Expense Reimbursement	88.24
44855	Diesel Machinery, Inc.	Parts	494.32
44856	DMC Wear Parts, LLC	Overlay for Road Project	6,838.00
44857	Donley, Austin	Mowing	450.00
44858	Dosch, Kathleen	Expense for Reimbursement	15.92
44859	Ellingson, Martin	Mowing	200.00
44860	Emmons County Record	Publishing/Envelopes	578.74
44861	Emmons County Treasurer	Current Expense	73.18
44862	Emmons County Treasurer	Postage	558.92
44863	Fireside Office	Supplies	897.93
44864	Heartland Waste Management	Service	120.00
44865	Information Technology Dept.	Internet Access & Netmotion	1,611.45
44866	Jack's Electric & Trenching	Supplies	34.92
44867	Jerome Distributing	Water Refills	87.50
44868	John R. Beck Insurance LLC	Fire and Tornado Insurance Premium	2,233.00
44869	Keller's Hardware	Supplies	248.75
44870	KEM Electric	Utilities	267.26
44871	Kidder County E911	Trunk Fees	450.00
44872	Linton Auto Parts	Parts/Supplies	609.04
44873	Martin Oil Co.	Gas	3,239.08
44874	Matthew Bender & Co., Inc.	ND Century Code Updates	164.61
44875	MDU	Utilities	1,418.68
44876	Nelson International	Parts/Service	4,256.87
44877	Nodak True Value	Trimmers/Supplies	1,978.34
44878	NDACO Resources Group, Inc.	IT Services	9,008.00
44879	NDLTAP	Training	100.00
44880	ND One Call	Location Requests	24.00
44881	ND State Radio	LETS Billing	120.00
44882	ND State Radio Communications	Phone Collections	13,195.27
44883	NDSU Extension Service	Salary Reimbursement	8,351.46
44884	Northern Improvement Co.	Crushed Concrete	2,086.10
44885	ODP Business Solutions LLC	Supplies	1,215.60
44886	Paul Holzer Carwash	Carwashes	12.00
44887	Payment Remittance Center	Gas/Fuel/Supplies	222.48
44888	Payment Remittance Center	Gas/Fuel/Supplies	259.12
44889	Payment Remittance Center	Gas/Fuel/Supplies	1,411.50
44890	Payment Remittance Center	Gas/Fuel/Supplies	500.45
44891	Payment Remittance Center	Gas/Fuel/Supplies	905.27
44892	Payment Remittance Center	Gas/Fuel/Supplies	537.48
44893	Payment Remittance Center	Gas/Fuel/Supplies	560.36
44894	Pfeifle on 83	Parts	42.92
44895	Power Plan Corp.	Parts/Service	6,804.75
44896	Prairie Heating and Air, Inc.	Service	287.00
44897	Quadient Leasing USA, Inc.	Postal Machine Rent	402.00

44898	Renschler, Norman	Maintenance to Langelier's/Rice Lake	3,725.00
44899	RTS Shearing LLC	Gravel Hauling	64,275.00
44900	Saylor Implement, Inc.	Parts	615.40
44901	Schneider, Jackie	Food Pantry	500.00
44902	Singh Contracting, Inc.	Gutters	5,465.00
44903	South Central Regional Water	Water Bill	123.00
44904	Strasburg Insurance	Insurance Premium	8,745.00
44905	Stuckle, Acacia	Expense Reimbursement	458.28
44906	TC Specialties, Inc.	Service	57.00
44907	Trane US Inc.	Air Conditioning Repair	1,797.15
44908	Tyler Technologies, Inc.	Software Program	1,225.00
44909	Verizon Wireless	Cell Service	412.82
44910	Vetter, Darold	Service	65.00
44911	Walk N Roll	Parts	489.35
44912	White Cap LP	GeoGrid	53,915.40
44913	Wold Engineering, PC	Engineering	4,227.50
44914	BEK Communications	Telephone Service	2,998.00

There being no further business before the board, Commissioner Eberle motioned to adjourn the meeting. Seconded by Commissioner Miller. The meeting adjourned at 4:10 P.M.

Approved: September 3, 2024

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**UNOFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
JULY 2, 2024**

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

The Pledge of Allegiance was recited.

The June, 2024 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Hulm motioned to approve the minutes of the June 3, 2024 regular meeting. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

Old and Unfinished Business:

Discussion was held regarding the public nuisance on 8080 Highway 83 South, Linton. Chairman Magrum reported that Advanced Cleaning and Restoration looked at the property, but never responded back. The Commission reviewed photos shared by Kevin Evenson showing his clean up progress. Chairman Magrum suggested asking the City of Linton about assisting the county road department on cleaning up the property. Present for the meeting was James Gartner who stated that he would visit with Tyler Gross, Linton City Director of Public Works.

New Business:

Commissioner Miller, speaking on behalf of David Moch, asked that the road department keep an eye on the half mile road leading to the Braddock Cemetery in order for it to be usable during funerals. Chairman Magrum suggested that communication take place with the road department whenever there's a funeral.

Bob Bauman appeared to request that the county rip/rap and gravel the access road on the section line dividing Sections 27 and 26, Township 131, Range 75 for approximately 400 feet. According to Bob Bauman, his dad, sister and himself signed an agreement for the county to fix the road; but in his opinion only half of the work was completed where the county hauled some rock and put two loads of gravel on the road. Mr. Bauman presented photos of the road where the Bauman's hired Russ Lawler Construction for rip/rapping and graveling their portion of the access road to the residence, and also shared photos of the road that the county fixed where it washed away. Mr. Bauman asked that the Commissioners fix the road as promised, or he will hire a contractor and bill the county.

Previous Road Superintendent, Francis Krumm, was present and provided a history of what took place with this road. The county contracted with an engineer to determine the elevation the road should be to match the elevation of the residence. The access road should be raised approximately 4.5 feet in elevation. Because the estimate costs for building up the road was \$60,000.00, the Commissioners and Bauman's agreed to rip rap the west side of the access road from 88th St. SE to the residence, and add 2" of gravel to the road surface. The county was responsible for rip/rapping and graveling the portion of the access road that is located on the section line (approximately 400 feet). The Bauman's were responsible for rip/rapping and graveling the remaining of the access road to the residence as this becomes a private drive. The county hauled in thirteen loads of rock and applied a gravel base on top. The county did the west side which is county right-of-way, the county did not do the private drive. The west side is a deep lake that takes the bulk of the wind and the bulk of the water at an angle. Within a month, water was going over that road. Per the Agreement with the Bauman's, the county agreed to do a partial fix as agreed by both parties.

Also referenced was a letter sent by States Attorney, Joseph M. Hanson, to Sidney A. Gross on April 19, 2021 where Hanson stated that he advised the commission that the county has no duty or obligation to maintain a private road at public expense nor does the county have the duty to improve or maintain any road, which is not part of the designated county road system.

Next item on the agenda was road issues in the southern part of Emmons County where citizens came from all areas of the county to address their concerns. Commissioner Eberle stated that he's been getting a lot of phone calls as the citizens don't feel that the roadwork is getting done throughout the county. Commissioner Eberle has been asked by the citizens to do something about the roads so he decided to bring everyone together.

Commissioner Eberle heard comments about the management where the citizens feel that if the Road Superintendent was living in Emmons County, he could associate with the people more. When Skyler Prellwitz was asked if he's going to move to Emmons County, his reply was "no".

Jim Vander Vorst was present and commented that the roads have been declining the past few years and are becoming unpassable.

Other comments and concerns addressed by the citizens was that they haven't seen a blade for some time and the roads only get bladed once or twice per year. First Responders are unable to get to their calls due to the condition of the roads. Roads are not passable for the Ambulance. School bus routes should be first priority for the safety of the children. Comments were made about the possibility of hiring contractors to help with the

blading. Questions regarding state mandates for gravel specifications were asked. Concerns were addressed regarding lack of leadership for the equipment operators. Another concern addressed several times was the county pickup used for traveling to and from Bismarck/Mandan for picking up parts where Commissioner Materi expressed that this stops immediately.

Several citizens made suggestions to the commissioners that there needs to be a plan for the roads and it needs to be followed through.

Present was Danielle Stoppler who addressed her opinion on the matter and stated that the last several years there's been no accountability by the commissioners and no accountability for any of the workers. "When Skyler was hired he was asked to move to Emmons County and the commission did not enforce this. Over the last two years, Skyler's been driving the county pickup continuously to and from Bismarck. He's been told by the commission that he's not to drive this vehicle to go back and forth to work. Every parts place in Bismarck has a route coming to Emmons County. We have an overpriced parts runner in a \$60,000 to \$70,000 pickup that the tax payers are paying fuel for. Skyler Prellwitz was given extra money when he was hired so that he drives his own personal vehicle. Nobody is holding anyone accountable. The commission took Prellwitz off of probation and gave him a raise."

Commissioner Materi instructed the road superintendent that he should not let the blades sit idle. When the blades are stopped and the operators are being pulled off the blades to help with a culvert project, the employees working in the shop need to step up and get in those blades and run the routes.

Troy Roemmich was present and voiced his opinion towards the road superintendent stating that he's not respectful to the county residents and he's driving the county vehicle to and from work.

There was some discussion regarding the salary for David Krumm, seasonal highway maintenance worker, where some citizens felt that his salary should be increased. Later in the meeting, Commissioner Eberle motioned to increase the salary of David Krumm from \$26.00 per hour to \$35.00 per hour effective immediately. Motion died due to lack of a second.

Commissioner Eberle brought forward encroaching on county and federal aid roads and felt that the commissioners need to be held accountable and follow through with any encroachment violations. The NDDOT requires all counties receiving federal dollars to enter into an agreement with their department to ensure that all federally funded highway projects constructed are being maintained as required, which includes preventing right of way encroachments.

Road Superintendent, Skyler Prellwitz, reported on the activities for the county road department. Provided was an update on 17th Ave SE, temporary grade raise road project. Prellwitz also reported that Scherbenske, Inc. was hired to gravel the roads at \$150.00 per hour.

Commissioner Eberle motioned to mandate that Skyler Prellwitz move to Emmons County and establish a residency by August 1, 2024. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Materi and Miller. "NO": Magrum. Motion carried.

The board recessed for lunch and reconvened at 1:30 P.M.

VA Officer, Brad Huber, appeared and gave his quarterly report.

Commissioner Hulm motioned to appropriate \$2,000.00 from the abandoned Cemetery fund towards an approach, culvert and miscellaneous road work to the Tiraspol Cemetery. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried. Tiraspol Cemetery should turn in a bill to the county.

Discussion was held whether a conditional use permit is required for a gravel pit site. The board concluded that a conditional use permit, haul road agreement and load pass permits are required.

Commissioner Eberle motioned to approve the renewal building permit for Stuart Alderin to erect a 38 X 28 Cabin on the S ½ S ½ Less RW in Section 25, Township 130, Range 79. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for Jordan Bosch to move in a 56.5 X 27.5 doublewide home on the E ½ SE ¼ of Section 17, Township 132, Range 77. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to grant a raffle permit to Strasburg 125th for a 50/50 raffle at the Bull Bash on August 18, 2024 at the Strasburg Rodeo Grounds. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for Trenton Schwahn to construct a 40 X 14 Guest House on Lots 217 and 218 of Walther's Beaver Bay Subdivision, Section 23, Township 132, Range 79. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the Utility Permit for South Central Regional Water District to install a two-inch rural waterline crossing 2nd Ave SE from Section 17, Township 132, Range 77 to Section 16, Township 132, Range 77. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to enter into an Agreement with the ND Department of Emergency Services' Division of State Radio for 911 services. Emmons County agrees to pay fees for 911 services at the rate of \$1.59 per line. The term of this Agreement is July 1, 2025 through June 30, 2027. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve Comstock's contractor's proposal (change proposal #1) in the amount of \$12,287.00 for ceramic wall tile in the ceiling of the bathroom in the courthouse. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Departmental budgets were presented for calendar year 2025.

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

General and 911 – Voucher Numbers LP16211 – LP16235, LP16266 – LP16269, Payroll - \$116,297.49
Highway Tax – Voucher Numbers LP16236, LP16270 – LP16282, Payroll - \$64,423.19

The following vouchers were reviewed and approved for payment:

44594	MDU	Utilities	139.11
44642	Comstock Construction, Inc.	Doors and Security Project	37,672.63
44668	Bornemann, Andrew	Canvass Board	60.30
44669	Bornemann, Dawn	Election Judge	246.50
44670	Grossman, Amanda	Election Clerk	229.50
44671	Larson, Deanne	Election Judge	250.75
44672	Leier, Rosalind	Election Inspector	259.25
44673	MacDonald, Terry	Election Inspector	246.50
44674	Martin, Vickie	Election Judge	238.00
44675	Mastel, Rita	Election Judge	250.75
44676	Mosset, Alvin	Election Judge	238.00
44677	Phillips, Beckie	Election Judge	246.50
44678	Scherr, Shari	Election Clerk	238.00
44679	Schumacher, Debra	Election Inspector	238.00
44680	Serr, Nicki	Election Clerk	238.00
44681	Ternes, Joann	Election Clerk	233.75
44682	Tschritter, Patricia	Election Clerk	233.75
44683	Weiss, Torchy	Election Clerk	229.50
44687	Advanced Business Methods	Extension Copier Contract	312.71
44688	API Garage Door, Inc.	Door Maintenance	1,019.48
44689	Axon Enterprise, Inc.	Taser Instructor Course	495.00
44690	Badlands Environmental Consultant	Asbestos Survey	400.00
44691	Baker Township	Share of Slough Maintenance	2,700.00
44692	Beastrom Oil Co.	Diesel	4,403.35
44693	Bobcat of Mandan	Parts	356.88
44694	Braaten Law Firm	Legal Services	15,153.67
44695	Bruun, Mark	Mowing	150.00
44696	Burleigh Morton Detention Center	Prisoner Billing	3,300.00
44697	Butler Machinery Co., Corp.	Parts/Labor	2,228.14
44698	Capital I Industries, Inc.	Mulcher	40,202.00
44699	Central Dakota Frontier Coop	Fuel	190.40
44700	Strasburg City	Water Bill	94.09
44701	Code 4 Services, Inc.	Vehicle Supplies	1,196.80
44702	Curtis Rud Oil Co.	Unleaded Gas	1,740.00
44703	Dakota Dust Tex, Inc.	Service	195.10
44704	Dakota Mint	Strong Hold	1,500.00
44705	Deere Credit, Inc.	Equipment Lease Payment	61,274.33
44706	Donley, Austin	Mowing	300.00
44707	Election Systems and Software	Pre-Marked Test Ballot	135.27
44708	Ellingson, Martin	Mowing	150.00
44709	Emmons County Record	Publishing/Subscriptions	1,527.08
44710	Emmons County Treasurer	Box Renewals/Election Expense/Supplies	1,092.67
44711	Emmons County Treasurer	Postage	274.49
44712	Fireside Office Products	Supplies	265.41
44713	Heartland Waste Management, Inc.	Langelier's Bay Garbage Collections	120.00
44714	Jerome Distributing, Inc.	Water Refills	39.00
44715	Johnsen Trailer Sales, Inc.	Parts	22.22
44716	Linton Auto Parts	Parts/Supplies	225.55
44717	Martin Oil Co.	Gas	781.69
44718	Matthew Bender & Co., Inc.	ND Century Code	81.60
44719	MDU	Utilities	1,170.94
44720	Moos Repair & Sales	Car/Truck Super Wash	500.00
44721	Nelson Auto	2024 Ford Expedition	53,797.41

44722	Newman Signs, Inc.	Signs	2,701.08
44723	Nodak True Value	Parts/Supplies	434.46
44724	NDACO Resources Group	Server Service	4,273.00
44725	ODP Business Solutions, LLC	Treasurer Stamp	22.99
44726	Paul Holzer	Car Wash	12.00
44727	Payment Remittance Center	Gas/Fuel/Supplies	574.38
44728	Payment Remittance Center	Gas/Fuel/Supplies	659.24
44729	Payment Remittance Center	Gas/Fuel/Supplies	4,396.26
44730	Payment Remittance Center	Gas/Fuel/Supplies	409.75
44731	Payment Remittance Center	Gas/Fuel/Supplies	1,049.22
44732	Payment Remittance Center	Gas/Fuel/Supplies	507.06
44733	Payment Remittance Center	Gas/Fuel/Supplies	563.03
44734	Pfeifle on 83	Oil Change	859.11
44735	Power Plan Corp.	Service	6,320.64
44736	Prairie Heating & Air, Inc.	Filters	1,011.34
44737	RDO Truck Center	Parts	1,305.33
44738	Renschler, Norman	Maintenance to Langelier's/Rice Lake	3,954.00
44739	Rough Rider Industries	MVD Sign	17.59
44740	RTS Shearing	Truck Hauling	40,171.00
44741	Schneider, Jackie	Food Pantry	500.00
44743	South Central Regional Water	Water Bill	94.80
44744	Stuckle, Acacia	Expense Reimbursement	273.54
44745	TC Specialties, Inc.	Service	57.00
44746	Tower Communications	Tower Rent	600.00
44747	True North Steel	Culverts	19,891.26
44748	Tyler Technologies, Inc.	Program Updates	1,515.00
44749	Unicom	Supplies	336.15
44750	Verizon Wireless	Cell Service	412.45
44751	Roll on Tire Service	Tire Repair	427.00
44752	Warrens Locks & Keys	Keys	218.50
44753	Woodworth Law Office PLLC	Legal Services	380.00
44754	Zoom Away	Oil Change	160.15
44755	Hazelton City	Water Bill	36.00
44756	Linton City	Water Bill	157.95
44757	KEM Electric	Utilities	281.21
44760	Information Technology Dept.	Internet Access & Netmotion	1,798.45
44761	BEK Communications	Telephone Service	2,981.63

There being no further business before the board, Commissioner Hulm motioned to adjourn the meeting. Seconded by Commissioner Materi. The meeting adjourned at 5:15 P.M.

Approved: August 6, 2024.

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
JUNE 3, 2024**

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

The Pledge of Allegiance was recited.

The May, 2024 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Miller motioned to approve the minutes of the May 7, 2024 regular meeting. Seconded by Commissioner Materi. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Miller motioned to approve the May 21, 2024 special meeting minutes with a correction of a motion made by Commissioner Miller, instead of Commissioner Magrum, for approving an amended building permit for Jesus and Taylor Maggiorani. Seconded by Commissioner Hulm. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the agenda with the addition of road projects agreement with the City of Linton. Seconded by Commissioner Materi. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

Old and Unfinished Business:

Discussion was held regarding the public nuisance on 8080 Highway 83 South, Linton. Joseph M. Hanson reported that a contractor was down to look at the property and will be providing a quote. Chairman Magrum also reported that he received names of a couple of contractors that may be interested in cleaning up the property.

Commissioner Hulm reported that he talked to Linton City Mayor, Dan Imdieke, suggesting that a written agreement be put in place regarding shared road projects between Emmons County and the City of Linton. Later in the meeting, the Commission agreed that Emmons County be responsible for the chip seal/fog seal from the fuel tanks to the stop sign on Highway 13, 7th Ave SE to the Catholic Cemetery and 79th St. SE, and the City of Linton be responsible for the chip seal/fog seal on Aspen Ave. Skyler Prellwitz will coordinate with Tyler Gross of Linton City and have a written agreement drawn up.

New Business:

County Extension Agent, Acacia Stuckle, introduced Vicki Schwab, newly hired Administrative Assistant, and also informed the board that Nancy Deis accepted the NDSU Agriculture and Natural Resources Extension Agent position.

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

Commissioner Materi motioned to approve the application and issue Liquor Licenses for Todd Nieuwsma//The Quencher Bar for a two-day event held on June 29th & 30th, 2024 and also for a one-day event held on August 17, 2024 on the Beaver Horse Club Grounds located on a portion of the SW ¼ of Section 36, Township 131, Range 76. Seconded by Commissioner Hulm. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve Gaming Site Authorizations beginning July 1, 2024 and ending June 30, 2025 for the Joseph E. Appert, American Legion Post 126, at R Place by the Bay and at Cattail Resort. Seconded by Commissioner Hulm. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the application and issue a Liquor License to Cody Schulthess//R Place by the Bay for a one-day event held on June 21, 2024 on the tract W ½ NE ¼ E ½ NW ¼ of Section 14, Township 132, Range 79. Seconded by Commissioner Hulm. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Miller motioned to appoint Don Eberle to serve on the Canvassing Board for the 2024 Primary Election. Seconded by Commissioner Materi. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

A per publication, at 9:15 A.M., the County Board convened as a Board of Equalization to take up matters of Equalization of Assessments.

Reviewed was the true and full values and sales ratio adjustment worksheet for residential, lakeshore, commercial and vacant lots. The 2024 values are based on market values which fluctuate with general economic

conditions. By North Dakota state law, as property values change in the market place, those changes must be reflected in the assessor's estimated market values.

Total sales ratio of all residential and lakeshore properties sold in 2023 showed a median ratio of 91.9%. There were 34 residential/lakeshore usable sales. The true and full market value ratio after local equalization is 91.3% for 2024. Commissioner Hulm motioned to approve the residential and lakeshore true and full values and to equalize the assessments for 2024. Seconded by Commissioner Materi. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

Total sales ratio of all commercial and vacant lots sold in 2023 showed a median ratio of 91.44%. There were 28 commercial and vacant lot usable sales. The true and full market value ratio after local equalization is 95.2% for 2024. Commissioner Miller motioned to approve the commercial and vacant lots true and full values and to equalize the assessments for 2024. Seconded by Commissioner Materi. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

Per North Dakota Century Code 57-02-27.2, agricultural land is assessed in accordance with North Dakota laws where values are based on the soil type and productivity index. The 2024 value per acre for Emmons County as calculated by NDSU is \$655.25. The value per acre as equalized by the county is \$602.83. Emmons County is maintaining a 92.0% tolerance level for agricultural land values which is following the North Dakota State Board of Equalization ruling that counties must maintain a tolerance level between 90% - 100%. Commissioner Miller motioned to approve the agricultural land values for 2024. Seconded by Commissioner Hulm. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the Homestead Property Tax Credits and Veterans Tax Credits for the 2024 tax year. Seconded by Commissioner Materi. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

The County Board of Equalization meeting adjourned at 10:00 A.M.

Sheriff Gary Sanders informed the board that he will not be renewing the Law Enforcement Contract with the City of Linton effective January 1, 2025.

Commissioner Hulm motioned to deny the building permit for Michael Schneider and Cheryl Jangula to add a 12 X 10 Pergola on Section 23, Township 132, Range 46 due to non-compliance with setback zoning regulations. Seconded by Commissioner Miller. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to accept the quote and enter into an agreement with Twin City Roofing for installing new roofing material on the auditorium roof, south entry roof and the back-entry roof of the courthouse for \$85,347.00. Project will be scheduled for 2025. Seconded by Commissioner Materi. Roll Call "YES": Hulm, Magrum, Materi and Miller. Motion carried. Present for discussion was Craig Kitzan.

The Commission reviewed a petition for the vacation and release part of the 66' access, stormwater & drainage easement, as described in the Easement Document #173515, Book 78 MI, Page 49 that is within Lots M, N, O, P, Q, R, S, T, & U from the Plat of Survey in Document #173405, Book 6 PLA, Page 222. After discussion, the Commission approved to proceed with the plan on moving the road and amending the plat.

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

Discussion was held regarding the trees on the right-of-way on 100th St. SE & 3rd Ave SE where the Commission agreed that Chris Ryckman cut down the trees and the county will hire Wangler's Tree Service to grind the stumps.

Christy Werre was present for discussion on the road construction project on 17th Ave SE and asked that the road department coordinate with Judy and Vernon Carlson so a path can be determined for accessing in and out of their place.

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

General and 911 – Voucher Numbers LP16144- LP16168, LP16199-LP16200, Payroll - \$110,955.60
Highway Tax – Voucher Numbers LP16169, LP16201-LP16210, Payroll – \$61,421.86

The following vouchers were reviewed and approved for payment:

44446	MDU	Utilities	159.80
44514	Advanced Business Methods	Copier	7,140.39
44515	Angel Armor	Sheriff Accessories	1,255.00
44516	API Garage Door, Inc.	Door Repair	271.66
44517	Archangel Device LLC	Real Blue Infrared Hybrid Elite Series	624.95
44518	Auto Value Linton	Parts	3.18
44519	Balco Uniform Co., Inc.	Uniform Accessories	81.88
44520	Beastrom Oil Co.	Diesel	6,764.70
44521	Braaten Law Firm	Legal Services	3,960.00
44522	Bruun, Mark	Mowing Braddock Shop	200.00
44523	Burleigh County	Crack Seal Oil	1,950.29

44524	Burleigh Morton Detention Center	Prisoner Billing	4300.00
44525	Burleigh County Sheriff's Dept.	Delinquent Tax Service	98.00
44526	Butler Machinery Co. Corp	Parts/Labor	2,970.84
44527	Central Dakota Frontier Coop	Supplies	4.69
44528	Central Dakota Six County	Dues	180.00
44529	Hazelton City	Water Bill	36.00
44530	Linton City	Water Bill	83.75
44531	Strasburg City	Water Bill	170.47
44532	Code 4 Services, Inc.	Windshield Pucks	40.00
44533	Cole Papers, Inc.	Supplies	479.12
44534	CREA	Superintendent of Schools Service	1,755.00
44535	Dakota Dust Tex, Inc.	Service	175.75
44536	Defensive Edge Training	Registration Fee	550.00
44537	Digital Ally	Five Year Subscription Plan	10,800.00
44538	Donley, Austin	Mowing Hazelton Shop	450.00
44539	Election Systems & Software	Election Expense	7,116.49
44540	Ellingson, David	Mowing Strasburg Shop	325.00
44541	Emmons County Record	Publishing	1,856.55
44542	Emmons County Treasurer	Current Expense	92.00
44543	Fireside Office Products	Supplies	144.11
44544	Heartland Waste Management	Service	90.00
44545	Herreid Sporting Center, Inc.	Tracks Removal	50.00
44546	Jerome Distributing, Inc.	Water Refills	63.00
44547	Connie Job	Salary	1,469.13
44548	Lexipol, LLC	Police One Academy Annual Rate	636.54
44549	Linton Auto Parts	Parts	496.92
44550	Magrum Excavating & Plumbing	Service at Langelier's Bay	935.00
44551	Martin Oil Co.	Diesel	25,005.61
44552	MDU	Utilities	1,270.40
44553	NDACO Resources Group	Server	11,005.49
44554	NDACS	Dues	50.00
44555	ND Dept. of Environmental Quality	Boiler Inspection	105.00
44556	NDSU	Record Books/Tags	105.00
44557	ODP Business Solutions, LLC	Supplies	250.66
44558	Paul Holzer Carwash	Carwashes	12.00
44559	Payment Remittance Center	Gas/Fuel/Supplies	575.10
44560	Payment Remittance Center	Gas/Fuel/Supplies	176.45
44561	Payment Remittance Center	Gas/Fuel/Supplies	1,580.16
44562	Payment Remittance Center	Gas/Fuel/Supplies	337.16
44563	Payment Remittance Center	Gas/Fuel/Supplies	301.90
44564	Payment Remittance Center	Gas/Fuel/Supplies	546.13
44565	Payment Remittance Center	Gas/Fuel/Supplies	422.07
44566	Power Plan Corp.	Window Panes	1,707.51
44567	Prairie Heating & Air, Inc.	Service	1,082.99
44568	RDO Truck Center	Parts	72.36
44569	Renschler, Norman	Maintenance to Langelier's/Rice Lake	3,610.00
44570	Saber Shred Solutions, Inc.	Loads of Tires	1,152.00
44571	Saylor Implement, Inc.	Parts	198.60
44572	Schneider, Jackie	Food Pantry	500.00
44573	Sign Solutions	Signs	922.35
44574	South Central Regional Water	Water Bill	76.80
44575	Strasburg Insurance	Endorsements	124.00
44576	Stuckle, Acacia	Expense Reimbursement	681.70
44577	TC Specialties	Service	57.00
44578	Tyler Technologies	Program Project	3,620.00
44579	Vanguard Appraisals, Inc.	Service Fees	12,892.00
44580	Verizon Wireless	Cell Service	412.45
44581	Widmer Roel	Auditing Services	2,000.00
44582	Wold Engineering, PC	Engineering	8,185.00
44583	NDSU	Farm Record Books	104.00
44584	NDPERS Health & Life	Added Employee	2,042.80
44585	Emmons County Treasurer	Postal Machine Use	1,344.93
44586	KEM Electric	Utilities	290.88
44588	Quadient Finance USA	Postage	1,000.00
44591	Information Technology	Internet Access & Netmotion	1,456.45
44596	Missouri Valley Regional Lodge #3	Reissue	135.00
44597	Nodak True Value	Supplies	215.99
44598	Tower Communications	Tower Rent	200.00

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S SPECIAL MEETING
MAY 21, 2024**

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

The Pledge of Allegiance was recited.

Kevin Evenson requested to place black plastic and move in two (2) Conex Boxes on 8080 Highway 83 South, Linton. Permission was denied by the Commission due to the property being out of compliance as Kevin Evenson has failed to comply with the court order to abate the nuisance on the property.

Discussion was held in regards to a temporary slightly grade raise on 17th Avenue Southeast. Road Superintendent, Skyler Prellwitz, stated that the project will be done in house with the exemption of hauling gravel where a contractor will be hired. This two-week project will start sometime next month.

Commissioner Eberle motioned to grant permission to Loren Vander Vorste to tile the intersection of 98th St. SE and 7th Ave. SE on his own property, at his own expense, and to be supervised by Skyler Prellwitz to make sure the land is reclaimed properly. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Graveling road discussion was held where suggestions were made to spot gravel the bad spots instead of graveling the entire road which would be more economically feasible.

Discussion was held regarding a request from Chris Ryckman to cut down trees on the county right-of-way on 100th St. SE and 3rd Ave. SE, and have the county grind the tree stumps and fix the road. Further discussion will be held on the June 3, 2024 Commission meeting.

Brad Stoppler is requesting gravel on 3rd Ave SE. The Commission concluded to only gravel the county road and not the private drive.

Commissioner Hulm motioned to adopt the following Resolution:

RESOLUTION

WHEREAS, the bid in the amount of \$299,625.48 from Russell Lawler Construction LLC received in the bid opening of May 10, 2024 for Project SC-1536(061) 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 Russell Lawler Construction LLC the contract for Project SC-1536(061) 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 21st day of May, 2024 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, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the following Emergency Declaration:

**EMERGENCY DECLARATION
EMMONS COUNTY, NORTH DAKOTA
MAY 21, 2024**

WHEREAS, Emmons County, North Dakota, has received American Rescue Plan Act (ARPA) funding; and

WHEREAS, a Request for Proposal was completed for repairs and updates to the Emmons County Courthouse; and

WHEREAS, the amount of repairs and updates needed for the Courthouse far exceeds the allocations; and

WHEREAS, the Emmons County Courthouse no longer has an entrance that meets Americans with Disabilities Act (ADA) accessibility standards or complies with the “Help America Vote Act” as a polling site; and

WHEREAS, the current ramp slopes toward the courthouse causing issues with rain and freeze/thaw cycles against the building.

NOW, THEREFORE, BE IT RESOLVED, the Board of County Commissioners declare an accessibility emergency exists at the Emmons County Courthouse in Emmons County, North Dakota.

DATED at Linton, North Dakota this 21st day of May, 2024 in Linton, North Dakota.

ATTEST:
s/s Marlys Ohlhauser
County Auditor

APPROVED:
Erin Magrum, Chairman
Emmons County Commission

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

Commissioner Materi motioned to approve the following Utility Permits for South Central Regional Water:

1. Install and maintain one-inch rural waterline crossing 88th St. SE from N ½ of Section 25, Township 131, Range 75 to the S ½ of Section 24, Township 131, Range 75.
2. Install and maintain one-inch rural waterline crossing 72nd St. SE from N ½ of Section 2, Township 133, Range 77 to S ½ of Section 35, Township 134, Range 77.
3. Install and maintain potable water 10” PVC pipeline for service to Ashley, ND MTL Expansion. Crossing 19th Ave SE on 78th St. SE, 19th Ave SE on 79 St. SE and 20th Ave SE on 79th St. SE.

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

Wayne Ehley has submitted his resignation as Director of Tax Equalization. His last day of employment with Emmons County is May 31, 2024.

Commissioner Miller motioned to approve the amended building permit for Jesus and Taylor Maggiorani to move a 28 X 95 modular home and add a 40 X 68 garage/shop on the E ½ SE ¼ NE ¼ of Section 13, Township 133, Range 76. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Materi and Miller. Magrum abstained from voting due to conflict of interest. Motion carried.

Commissioner Miller motioned to approve the building permit for Bradley Stoppler to move a 28 X 58 home and add an attached garage on the SE ¼ of Section 10, Township 136, Range 77. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Aaron Ternes to add onto the storage unit on Lot 2, Tract B, Section 14, Township 132, Range 79. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Miller motioned to approve the application for abatement or refund of taxes for parcel #30-0000-04211-015 for tax year 2023. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle 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 Strasburg – Lot Six (6), Block Four (4), Original Town to Strasburg City, Emmons County, North Dakota.

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

There being no further business before the board, Commissioner Hulm motioned to adjourn the meeting. Seconded by Commissioner Materi. The meeting adjourned at 10:40 A.M.

Approved: June 3, 2024

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
MAY 7, 2024**

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

The Pledge of Allegiance was recited.

The April, 2024 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Miller motioned to approve the minutes of the April 2, 2024 regular meeting and the April 17, 2024 special meeting. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

Old and Unfinished Business:

Discussion was held regarding the public nuisance on 8080 Highway 83 South, Linton. Joseph M. Hanson stated that he wasn't able to get a hold of Trash, Inc. to see if they had any interest on cleaning up the property. Commissioner Miller commented that he knows of someone interested in the cleanup, but wants to look at the property first. Chairman Magrum informed Kevin Evenson that he's parking his vehicles south of the access road that is privately owned property and not a public right-of-way.

County vehicle policy discussion was held. Chairman Magrum stated that after reviewing the employee manual, the decision on how to handle the situation of what's going on with the county vehicle driven by the road superintendent is not a policy violation; instead, it's an interpretation of the policy.

Commissioner Miller reported that a company vehicle has been seen parked at the Dollar General where the employees are buying snacks on county time, and this should be done after hours. Later in the meeting, Skyler Prellwitz confirmed that the road department shops locally and purchases shop supplies at the Dollar General.

Commissioner Hulm stated that when Skyler Prellwitz was hired as road superintendent, the Commissioners agreed to increase the salary by \$3,000.00 annually for using his personal vehicle for commuting back and forth to work, and this is recorded in the minutes. Skyler Prellwitz was also supposed to fulfill his residency in Emmons County. "This was all thrown out the window".

Commissioner Materi questioned where the commissioners go with a policy as far as this pickup being driven back and forth, stressing that he wants to stop this vehicle from being driven back and forth to Bismarck overnight.

Commissioner Eberle suggested that the road superintendent use his personal vehicle and be compensated for mileage whenever he picks up parts for the county.

No action was taken.

New Business:

Troy Roemmich appeared to address some county issues that included the severe decline in the quality of the road conditions, stressing that with a small amount of rain (less than an inch), he's unable to get to his home. This has been the case since August of 2023. Mr. Roemmich complained about the interview process when the commission hired for the road superintendent position, pointing out that a reference check with previous employment was not completed. Also addressed was the use of the county vehicle driven to and from Bismarck by the road superintendent, and taking Mr. Prellwitz off of probation without fulfilling his residency in Emmons County.

At 9:50 A.M., a County Park Board meeting was held. Present were Commissioners Don Eberle, Gary Hulm, Erin Magrum, Dan Materi and Craig Miller; County Park Board Member, Dean Weiss. Absent was County Park Board Chairman, Andy Reis. Also present was Korlene Schmidt representing Kintyre Park Board, Rosalie Rambough representing Braddock City Park Board, Phil Volk representing Hague City Park and Becky Thatcher-Keller representing Linton City Park.

Erin Magrum called the meeting to order. Dean Weis motioned to approve the minutes of the May 2, 2023 meeting. Seconded by Erin Magrum. All members voting "YES". Motion carried.

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

2023 County Park Expenditures	\$39,294.37
2024 County Park Budget	\$71,800.00
YTD 2024 Expense Report	\$1,774.51

Board members read a letter from Ann M. Moch, Kintyre Park Board, providing a summary of the park's activities and projects. Becky Thatcher-Keller, grant writer for the Linton City Park Board, provided an update on several of the Park's projects. Other City Park representatives provided updates on their park's projects as well, and requested funding to help with maintenance costs for mowing, light bill, etc.

Don Eberle 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 Craig Miller. Roll Call "YES": Don Eberle, Gary Hulm, Erin Magrum, Dan Materi, Craig Miller and Dean Weiss. Motion carried.

Dean Weiss motioned to adjourn. Seconded by Dan Materi. The meeting adjourned at 10:15 A.M.

At 10:15 A.M., the Board of County Commissioners reconvened in regular session.

Herman Jahner was present and addressed concerns about the condition of the gravel road on 6th Ave SE.

County Extension Agent, Acacia Stuckle, provided a staffing update informing the board that Ashley Praus resigned her position as Administrative Assistant with May 3, 2024 being her last day of employment. The position is currently being advertised.

Jon Martin, PE, Wold Engineering, P.C., appeared and stated that an application was submitted for a grant through the NDDOT Flexible Transportation Fund Program where Emmons County was approved for the construction engineering and the twenty percent county cost share of the project for culvert replacement on 88th Street Southeast. This project will be bid on Friday, May 10, 2024. Commissioner Eberle motioned to enter into a construction engineering services agreement with Wold Engineering, P.C. for road project SC-1536(061) – culvert replacement located 0.5 miles north and 5 miles east of Strasburg, ND. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Emmons County was also awarded a grant through the NDDOT Flex funding for the preliminary engineering costs for the grade raise project on 17th Avenue Southeast. Commissioner Hulm motioned to enter into a preliminary engineering services agreement with Wold Engineering, P.C. for road project CP-1523(025) grade raise 1 mile east and 3.5 miles north of Braddock, ND. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried. Discussion was held to come up with a feasible plan for a temporary slightly grade raise. Further discussion will be held at a special meeting scheduled for May 21, 2024.

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

Discussion was held for the road department employees to consider rotating work schedules from Monday – Thursday and Tuesday – Friday, and work some Saturdays if needed.

Skyler Prellwitz presented an estimate for chip seal projects and a 2024 graveling location map.

Wesley Mastel appeared to request approval for a building permit for erecting a 72 X 100 farm shop with a 73-foot set back from the road on 20th Avenue SE. Emmons County's zoning ordinance requires a minimum setback of 100 feet from the centerline on all minor county and township roads. After discussion, Commissioner Eberle motioned to approve the building permit for Wes Mastel to erect a 72 X 100 farm shop on the SW ¼ of Section 4, Township 129, Range 74, and to grant a variance for a 75-foot set back from the center of the road on 20th Avenue SE. Seconded by Commissioner Materi. Roll Call "YES": Eberle and Materi. "NO": Hulm, Magrum and Miller. Motion failed.

After further discussion, Commissioner Eberle motioned to approve the building permit for Wes Mastel to erect a 72 X 100 farm shop on the SW ¼ of Section 4, Township 129, Range 74, without a variance, and has to comply with the setback zoning ordinance of 100 feet from the centerline of the road. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

The Commission discussed the request for gravel from James Haid on the road located on the NE ¼ of Section 32, Township 133, Range 76. Joseph M. Hanson will draw up temporary easements with the landowners.

Brief discussion was held in regards to the county's zoning ordinances for battery energy storage systems.

Commissioner Miller motioned to approve the building permit for Jeremy Holzer to construct a 32 X 48 residence on Lots 12A in Glenwood Acres, Section 27, Township 132, Range 79. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the building permit for Bruce and Dixie Bosch to move in a 12 X 16 shed on Rice Lake Subdivision, Section 4, Township 129, Range 75. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Jesus and Taylor Maggiorani to construct a 75 X 87 residence with a 24 X 47 garage on the E ½ SE ¼ of Section 13, Township 133, Range 76. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Materi and Miller. Magrum abstained from voting due to conflict of interest. Motion carried.

Commissioner Miller motioned to approve the building permit for Your Home Improvement Company to replace ten windows on the residence located in the SW ¼ NE ¼ of Section 31, Township 136, Range 74. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Eric Hulm to erect an 80 X 120 shop on the S ½ of the SW ¼ of Section 3, Township 130, Range 75. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the building permit for Lance Jangula to erect an 81 X 200 shop on the SW ¼ SW ¼ of Section 16, Township 132, Range 75. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the Certificate of Survey, Tracts B, C, AND D, located in Section 3, Township 133, Range 77 of the Principal Meridian. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to appoint Commissioner Materi to serve on the Lewis and Clark Regional Development Council. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum and Miller. “NO”: Materi. Motion carried.

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

General and 911 – Voucher Numbers LP16071, LP16095, LP16131-LP16133, Payroll - \$106,623.83
Highway Tax – Voucher Numbers LP16096, LP16134-LP16143, Payroll – \$74,086.03

The following vouchers were reviewed and approved for payment:

44281	MDU	Utilities	143.48
44315	NDSAA	Dues	300.00
44358	Job Service of ND	Benefit Reimbursement	2,486.52
44359	Advanced Business Methods	Extension Copier Contract	374.67
44360	Ampride	Diesel	136.71
44361	Auto Value Linton	Parts/Supplies	600.71
44362	Badlands Environmental	Asbestos Survey Report	1,020.00
44363	Balco Uniform Co., Inc.	Uniform Accessories	353.56
44364	Beastrom Oil Co.	Fuel	4,203.85
44365	Bobcat of Mandan	Equipment Rental	900.00
44366	Braaten Law Firm	Legal Services	4,872.00
44367	Burleigh Morton Detention Center	Prisoner Billing	2,800.00
44368	Burleigh County Emergency Mgmt.	DEM Contract	9,000.00
44369	Butler Machinery Co. Corp	Parts/Labor	698.87
44370	Centre, Inc.	Community Service Program	1,200.00
44371	CHS, Inc.	Propane	450.00
44372	Circle H. Lumber	Material	64.23
44373	Hazelton City	Water Bill	36.00
44374	Hazelton City	Landfill Use	30.00
44375	Linton City	Water Bill	85.80
44376	Strasburg City	Water Bill	172.17
44377	Cole Papers, Inc.	Supplies	1,089.61
44378	Dakota Business Solutions	Ink Cartridge	253.99
44379	Dakota Dust Tex, Inc.	Service	195.10
44380	Dockter’s Blacksmith	Service	106.50
44381	Election Systems and Software	Election Expense	2,135.69
44382	Emmons County Record	Publishing	714.97
44383	Emmons County Treasurer	Current Expense	31.85
44384	Emmons County Treasurer	Postal Machine Use	258.47
44385	Fireside Office Products, Inc.	Supplies	729.12
44386	Ibach, Anita	Wages	2,143.37
44387	Information Technology Dept.	Internet Access & Netmotion	1,440.25
44388	I State Truck Center	Parts	21.14
44389	Jerome Distributing, Inc.	Water Refills	81.00
44390	KEM Electric	Utilities	332.28
44391	Kimble’s Guns & Repair	Shop Use for Cleaning Guns	50.00
44392	Linton Auto Parts	Parts/Supplies	633.25
44393	Martin Oil Co.	Gas	3,890.86
44394	Mighty Gnomes	Computer Program	3,876.00
44395	MDU	Utilities	1,625.24
44396	Nodak True Value	Parts/Supplies	411.00
44397	ND County Recorder Association	Dues	200.00
44398	NDLTAP-UGPTI	Roadway Training	200.00
44399	ND One Call	Location Requests	5.20

44400	NDPOA	Membership	40.00
44401	ND State Radio Communications	Everbridge Fee	836.08
44402	ND State Radio Communications	Phone Collections	4,067.14
44403	ND State Radio Communications	LETS Billing and License Renew	263.00
44404	NDSU Extension Service	Reimbursement of Salaries	7,262.76
44405	NW Tire, Inc.	Tires and Service	5,810.62
44406	Outlaw'n Lawn Services	Service	361.00
44407	Braddock Park Board	Contribution	3,000.00
44408	Hague Park Board	Contribution	3,000.00
44409	Hazelton Park Board	Contribution	3,000.00
44410	Linton Park Board	Contribution	3,000.00
44411	Strasburg Park Expansion	Contribution	1,500.00
44412	Strasburg City Park	Contribution	1,500.00
44413	Kintyre Park Board	Contribution	3,000.00
44414	Payment Remittance Center	Gas/Fuel/Supplies	267.55
44415	Payment Remittance Center	Gas/Fuel/Supplies	536.10
44416	Payment Remittance Center	Gas/Fuel/Supplies	4,246.26
44417	Payment Remittance Center	Gas/Fuel/Supplies	482.64
44418	Payment Remittance Center	Gas/Fuel/Supplies	1,311.46
44419	Payment Remittance Center	Gas/Fuel/Supplies	897.47
44420	Payment Remittance Center	Gas/Fuel/Supplies	1,016.58
44421	Pfeifle on 83	Parts/Labor	79.72
44422	PharmChem, Inc.	Sweat Patch Analysis	31.95
44423	Power Plan Corp.	Parts/Service	8,703.57
44424	Quadient Leasing USA, Inc.	Post Machine Rent	402.00
44425	RDO Truck Center	Parts	610.32
44426	Renschler, Norman	Maintenance to Langelier's & Rice Lake	1,700.00
44427	Saber Shred Solutions, Inc.	Tires	2,474.40
44428	Sannes Feist Funeral Home	Coroner Service	500.00
44429	Sayler Implement, Inc.	Parts	215.49
44430	Schneider, Jackie	Food Pantry	500.00
44431	Sign Solutions	Signs	1,300.15
44432	Softchoice Corporation	Server	4,560.64
44433	South Central Regional Water	Water Bill	78.60
44434	Storey Kenworthy	Election Expense	221.03
44435	Strasburg Insurance Agency	Endorsement	27.00
44436	Suhr/Merkens Law P.L.L.C.	Legal Service	180.00
44437	TC Specialties, Inc.	Service	57.00
44438	Tower Communications	Tower Rent	200.00
44439	Tyler Technologies, Inc.	Software Programming	16,565.00
44440	Verizon Wireless	Cell Service	412.45
44441	Wallwork Truck Center	Parts	137.54
44442	Wold Engineering, PC	Engineering	10,682.50
44443	BEK Communications	Telephone Service	2,974.72

There being no further business before the board, Commissioner Eberle motioned to adjourn the meeting. Seconded by Commissioner Miller. The meeting adjourned at 3:00 P.M.

Approved: June 3, 2024

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
APRIL 17, 2024**

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

The Pledge of Allegiance was recited.

Representatives from Comstock Construction, Inc., participating virtually, presented the final bids for the courthouse remodel project from the public bidding held on April 4, 2024. There was some discussion regarding contractor bidding requirements and the shortfall of ARPA funding where the decision was made to proceed with the project utilizing funding from courthouse maintenance and the permit fund.

Commissioner Miller motioned to accept the base bid for plumbing from City Air Mechanical for \$30,662.00. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to accept the base bid for general construction from Comstock Construction for \$298,125.00. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to accept the base bid for electrical and fire alarm system from Raftor Electric for \$98,800.00. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to accept the base bid and the alternate no. 01 bid for HVAC from Prairie Heating and Air for a total of \$135,398.24. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to accept the base bid and the alternate no. 01 bid for electrical and fire alarm system from Raftor Electrical for a total of \$108,300.00. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the appointment of election inspectors for the 2024 Elections pursuant to ND 16.1-05.01 as follows:

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

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

Commissioner Materi motioned to grant a raffle permit to the Miss Rodeo North Dakota Organization. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Magrum, Materi and Miller. Motion carried.

Myron Heilman appeared to present a building permit to construct a 30 X 48 post frame building on Lot 10 of Lot 1A, Rudy Addition, Section 5, Township 130, Range 79. Determination was made that the application does not fully comply with the setback requirements of the Emmons County Zoning Ordinances. After considerable discussion, Commissioner Eberle motioned to approve a variance to allow a five-foot setback from the U.S. Army Corps of Engineer's property line, and to approve the above-described building permit application. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Magrum, Materi and Miller. Motion carried.

There being no further business before the board, Commissioner Eberle motioned to adjourn the meeting. Seconded by Commissioner Materi. The meeting adjourned at 11:00 A.M.

Approved: May 7, 2024

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 2, 2024**

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

The Pledge of Allegiance was recited.

The March, 2024 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Miller motioned to approve the minutes of the March 5, 2024 regular meeting. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the agenda with the addition of the public nuisance located on 8080 Highway 83 South, Linton, ND, Squatter rights, and discussion on the bridge replacement project located on 20th Ave SE, South of 85th St. SE. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Old and Unfinished Business:

Commissioner Miller received another proposal for GPS Tracking from GPS Insight for five vehicles at an annual service cost of \$1,197.00.

Commissioner Eberle suggested that instead of spending thousands of dollars on GPS Tracking, try to resolve the problem by having the road superintendent drive his personal vehicle to work, and reimburse him for mileage whenever he picks up parts for the county.

Commissioner Materi made the statement that citizens are questioning why this pickup is being driven to Bismarck, and felt that this problem needs to be resolved before the county purchases a GPS tracking system. Referenced was the county employee handbook, section 8.2, use of equipment and vehicles, that outlines that employees are not permitted to use county vehicles in place of personal vehicles for transportation to and from the workplace, nor to fill or charge gas or fuel to the county for their private vehicles. Commissioner Materi stated that everyone should comply with this policy and if parts are being picked up by an employee with their personal vehicle, bills should be submitted to the county for mileage reimbursement. Noted was that there's five common carriers that drive down from Bismarck, and also that shipping parts is cheaper than depreciation on the county vehicle.

Commissioner Hulm stated that the county already has a policy in place regarding the use of county vehicles, and unless the commissioners are going to amend this policy, we need to abide by it.

Human Service Director, Michelle Masset, was present and stated that social service employees do not take the zone vehicles home because it's against the county policy. There's one employee that drives back and forth from Bismarck everyday with her personal vehicle.

Commissioner Miller commented that sometimes new laws need to be made to enforce existing rules or laws.

Chairman Magrum suggested that the county enforce the current employee handbook policy, and if there's an alternative to the current policy, then a new law will need to be re-created. Further discussion was held later in the meeting with Skyler Prellwitz present where the board concluded to review the handbook at the May Commission meeting, making any necessary changes, and then enforce the policy.

Discussion was held regarding the public nuisance on 8080 Highway 83 South, Linton, ND. Chairman Magrum stated that according to Jared Reis, he's been busy and is getting booked up. Joseph M. Hanson will reach out to Trash Inc. and report back to the board.

New Business:

Marcy Sanders appeared on behalf of KEM Electric to present a Good Neighbor Agreement between KEM Electric Cooperative, Inc. and Emmons County. This agreement is one of the requirements in order for KEM Electric to submit a grant through the federal government for a resiliency electric grid project. The county is not responsible for any of the local cost share of the grant. Commissioner Hulm motioned to enter into a Good Neighbor Agreement between KEM Electric, Inc. and Emmons County. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

Dennis and Tena Weber appeared for discussion regarding the road that runs through Lot 25A, Beaver Bay Subdivision, Section 23, Township 132, Range 79. This road was forfeited to the county due to delinquent taxes in 2018. Dennis Weber explained that the road used to be a dirt trail that went through the trees, but over the years the road has widened. The Weber's would like to sell the property; but the road is taking up one third of the lot.

Suggestions were made for the county to remove the trees and move the road back to where it should be, or purchase the lot at the asking price of \$40,000.

Questions and concerns were addressed about the description of the property when it was acquired by the county, and whether the entire road actually belongs to the county? Josh Odden confirmed that the description of the property when acquired by the county was roadways in Beaver Bay Subdivision.

After further discussion, Commissioner Hulm motioned to table the matter pending further information. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

VA Officer, Brad Huber, appeared and gave his quarterly activity report.

Commissioner Eberle motioned to change the date of the June Commission meeting to Monday, June 3, 2024 due to the Public Service Commission public hearing scheduled on June 4, 2024 in Linton. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Sam Renschler appeared to discuss maintaining Langelier's Bay Campground and restroom facilities and the facility at Rice Lake for calendar year 2024 requesting a fee of \$190.00 per trip.

James Haid appeared to request gravel on the road located on the NE ¼ of Section 32, Township 133, Range 76. The matter was tabled pending research of Josh Odden to see if there's an established right-of-way.

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

Brief discussion was held regarding the status of the bridge replacement project on 20th Ave SE, South of 85th St. SE. Skyler Prellwitz will contact Wold Engineering, P.C for updates and report back to the board.

The Commissioners reviewed proposals from RDO Equipment and Butler Machinery for two (2) Motor Graders. Commissioner Hulm motioned to purchase the following:

- | | |
|---|--------------|
| • 2025 Caterpillar Model 150 15A AWD Motor Grader | \$481,900.00 |
| Trade-In 2018 Caterpillar 140M Motor Grader | \$137,750.00 |
| Balance after trade-in | \$344,150.00 |
| • 2025 Caterpillar Model 150 15A AWD Motor Grader | \$481,900.00 |
| Trade-In 2018 Caterpillar 140M Motor Grader | \$149,850.00 |
| Balance after trade-in | \$332,050.00 |

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

Commissioner Miller brought forward Squatter's rights questioning what the law is in ND if someone takes up residency in a house where they have no right to do so. States Attorney Joseph M. Hanson explained how squatting is different from trespassing and also talked about the legal eviction process for removing a squatter in ND which begins with the property owner serving an eviction notice.

Commissioner Eberle motioned to approve the Plat of Lot 2, Emmons-Logan Energy Center, SW ¼ of Section 34, Township 134, Range 74, Emmons County, ND. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm and Magrum. "NO": Materi and Miller. Motion carried.

Commissioner Miller motioned to approve the Plat of Glen Woods Acres Third Addition, SE ¼ of Section 27, Township 132, Range 79, Emmons County, ND. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the application for abatement or refund of taxes for parcel #09-0000-06532-010. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Miller motioned to approve the renewal building permit for Paul Schneider to complete an addition onto the home on Lots 1-4, Block 1, Glencoe Estates, Section 12, Township 136, Range 79. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

Commissioner Hulm motioned to approve the building permit for Justin and James H. Bashus for the removal of the current detached garage and construct a 30 X 40 garage on the SE ¼ Less Acres to USA Less RW, Section 4, Township 130, Range 79. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for Carol Neis to install metal roofing on the farm residence in Section 32, Township 131, Range 74. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for Myron Heilman to erect a 30 X 48 post frame storage building on Lot 10 of Lot 1A, Rudy Subdivision, Section 5, Township 130, Range 79.

Seconded by Commissioner Eberle. Roll Call “YES”: Eberle. “NO”: Hulm, Magrum, Materi and Miller. Motion failed. Noted was the setbacks were not in compliance with the county’s zoning ordinance.

Commissioner Miller motioned to approve the building permit for Clint Saylor to erect a 16 X 24 picnic shelter with no side walls on Lot 12, Coyote Hills Subdivision, Section 23, Township 132, Range 79. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

Commissioner Eberle motioned to approve Liquor Licenses for Cody Schulthess//R Place By The Bay LLC for a one-day event held on May 25, 2024 and also for a one-day event held on July 20, 2024 located on a tract W ½ NE ¼ E ½ NW ¼ of Section 14, Township 132, Range 79. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the building permit for Rosemary David to add a 40 X 40 addition onto the existing pole building located on the E ½ SE ¼ Less RW, Section 31, Township 136, Range 78. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

General and 911 – Voucher Numbers LP16059, LP16060, LP16009-LP16032, Payroll - \$108,046.22
 Highway Tax – Voucher Numbers LP16033, LP16061-LP16070, Payroll – \$55,543.52

The following vouchers were reviewed and approved for payment:

44132	MDU	Utilities	150.83
44205	Advanced Business Methods	Extension Copier Contract	319.53
44206	Armor Interactive	Silver Plan	215.00
44207	Auto Value Linton	Parts	143.98
44208	Balco Uniform Co., Inc.	Uniforms	499.36
44209	Beastrom Oil Co.	Propane/Fuel	27,018.09
44210	Burleigh Morton Detention	Prisoner Billing	3,200.00
44211	Butler Machinery Co. Corp.	Parts/Labor	2,224.24
44212	Chevrolet of Mandan	Parts/Service	172.44
44213	Circle H. Lumber	Supplies	123.50
44214	Linton City	Water Bill	84.07
44215	Cole Papers, Inc.	Supplies	530.51
44216	Curtis Rud Oil Co.	Propane	90.65
44217	D & B Engraving	Spelling Bee Medals/Plaque	31.00
44218	Electronic Communications	Radio Programming	380.00
44219	Emmons County 4-H Leader Council	Contribution	950.00
44220	Emmons County Treasurer	Current Expense	80.06
44221	Emmons County Treasurer	Postal Machine Use	614.98
44222	Fireside Office Products, Inc.	Supplies	510.59
44223	Jack’s Electric & Trenching	Supplies	81.86
44224	Jerome Distributing, Inc	Water Refills	81.00
44225	John R. Beck Insurance	Notary Bond	50.00
44226	Johnsen Trailer Sales, Inc.	Parts	384.08
44227	Linton Auto Parts	Parts	474.28
44228	Logan County	Mileage	51.09
44229	Martin Oil Co.	Gas	355.78
44230	Matthew Bender & Co., Inc.	Updates	74.73
44231	MDU	Utilities	1,669.49
44232	Mosset Welding, LLC	Service	50.68
44233	Nodak True Value	Shop Supplies	631.68
44234	NDACO Resources Group	Computer Support	256.00
44235	ND County Commissioners Assn.	Registration Fee	100.00
44236	NDDOT	Bridge Inspections	8,047.54
44237	NDPOA	Memberships	80.00
44238	NDVAA	Dues	50.00
44239	NW Tire, Inc.	Tires	1,206.23
44240	Paul Holzer	Carwash	6.00
44241	Payment Remittance Center	Gas/Fuel/Supplies	95.12
44242	Payment Remittance Center	Gas/Fuel/Supplies	1,150.71
44243	Payment Remittance Center	Gas/Fuel/Supplies	2,396.86
44244	Payment Remittance Center	Gas/Fuel/Supplies	377.30
44245	Payment Remittance Center	Gas/Fuel/Supplies	440.06
44246	Payment Remittance Center	Gas/Fuel/Supplies	480.53
44247	Payment Remittance Center	Gas/Fuel/Supplies	554.84

44248	Pfeifle on 83	Floor Mats	230.20
44249	Prairie Heating and Air, Inc.	Service	949.84
44250	Proforms	Deposit Tickets	90.09
44251	RDO Truck Center	Parts	4,053.28
44252	Renschler, Norman	Maintenance to Rice Lake	340.00
44253	Saber Shred Solutions, Inc.	OTR	180.00
44254	Schneider, Jackie	Food Pantry	500.00
44255	Sign Solutions	Road Signs	1,472.81
44256	Sign Pro	Road Signs	1,428.21
44257	South Central Regional Water	Water Bill	83.40
44258	Strasburg State Bank	Equipment Lease Payments	33,893.55
44259	Strasburg State Bank	Equipment Lease Payments	73,864.15
44260	Stuckle, Acacia	Expense Reimbursement	36.18
44261	TC Specialties Inc.	Service	57.00
44262	Tower Communications	Tower Rent	200.00
44263	Tyler Technologies, Inc.	Programming	569.00
44264	Unison Bank	Equipment Lease Payment	73,826.06
44265	Unison Bank	Equipment Lease Payment	139,668.44
44266	Valley Express, Inc.	Tank	1,700.00
44267	Verizon Wireless	Cell Service	410.05
44268	Walk N Roll	Parts	513.08
44269	Widmer Roel	County Audit	4,000.00
44270	Wold Engineering, P.C.	Engineering	27,417.50
44272	Hazelton City	Water Bill	36.00
44273	Kellers Hardware	Supplies	96.21
44274	Dakota Dust Tex, Inc.	Service	195.10
44275	Emmons County Record	Publishing	596.78
44276	KEM Electric Coop, Inc.	Utilities	351.29
44277	NDAAO	Registration Fee	650.00
44278	Information Technology Dept.	Internet Access & Netmotion	1,440.25
44279	Strasburg City	Water Bill	169.15
44282	Ducks Unlimited, Inc.	Wetland Mitigation	23,240.00
44283	BEK Communications	Telephone Service & Security System	62,215.38

There being no further business before the board, Commissioner Miller motioned to adjourn the meeting. Seconded by Commissioner Eberle. The meeting adjourned at 1:20 P.M.

Approved: May 7, 2024

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 5, 2024**

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

The Pledge of Allegiance was recited.

The February, 2024 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Hulm motioned to approve the minutes of the February 6, 2024 regular meeting. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the agenda with the addition of Summit Carbon Pipeline safety discussion, public nuisance on 8080 Highway 83 South, Linton, ND 58552, and the Airport Apron Rehabilitation Project. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Old and Unfinished Business:

Mariam Ghanem, GPX Intelligence, appeared remotely (by Zoom) and provided a demonstration of their dashboard and platform for GPS data tracking. Discussion on county vehicle policy for GPS tracking will be discussed at the April 2, 2024 commission meeting.

New Business:

Commissioner Hulm motioned to adopt the following Resolution:

**EMMONS COUNTY, NORTH DAKOTA
RESOLUTION TO SHIFT THE SOON TO BE EXPIRING 5.00 MILL FARM TO MARKET/FEDERAL AID
ROAD LEVY NO. 1212 TO COUNTY ROAD & BRIDGE FUND LEVY NO. 1204**

WHEREAS, the Emmons County Highway Department along with the Emmons County Board of Commissioners are charged with maintaining the roads and bridges in Emmons County for the safety of its residents, and

WHEREAS, Emmons County currently levies 5.00 mills for maintenance, repair and upkeep of 177 miles of farm to market and federal aid roads under levy No. 1212, and currently levies 10.00 mills for County Road & Bridge repair and upkeep under levy No. 1204. The 5.00 mill Farm to Market/Federal Aid Road Levy will be expiring in December, 2024; and

WHEREAS, the Emmons County Highway Department will not be able to maintain or repair current farm to market/federal aid roads plus county roads and bridges (total of 1,191 miles) with the 10.00 mills allowed for levy number 1204, it is therefore proposed that the Emmons County Commission shift/move those 5.00 mills lost from Farm to Market levy No. 1212 to County Road and Bridge levy No. 1204, moving that levy from 10.00 mills to 15.00 mills as allowed by the approval of the voters of Emmons County per North Dakota Century Code Chapter 57-15-06.7(5); and

NOW THEREFORE, BE IT RESOLVED that the Emmons County Board of Commissioners requests authority from the Emmons County electors to shift the revenue eliminated from the County Farm to Market Road Levy (5.00 mills) to the County Road and Bridge Levy, thereby decreasing the Farm to Market Fund from 5.00 mills to 0.00 mills and increasing the County Road and Bridge Levy from 10.00 mills to 15.00 mills, and directs that the following measure be placed on the county ballot for the statewide Primary Election scheduled for June 11, 2024 to become effective January 1, 2025.

Emmons County Measure No. 1

The 2015 Legislature, through SB2144, eliminated the County Farm to Market Road Levy (5.00 Mills) effective in 2024. Therefore, per NDCC 57-15-06.7(5), shall the governing body of Emmons County shift those mills to the County Road and Bridge Levy moving that fund from 10.00 to 15.00 mills? In summary, this will decrease the Farm to Market Fund from 5.00 mills to 0.00 mills, and increasing the County Road and Bridge Levy from 10.00 mills to 15.00 mills.

**YES – MEANS YOU APPROVE THE MEASURE AS SUMMARIZED ABOVE
NO – MEANS YOU REJECT THE MEASURE AS SUMMARIZED ABOVE**

IT IS HEREBY RESOLVED that the Emmons County Commission hereby adopts Resolution No. 22-04-01 pertaining to an increase in the County Road and Bridge Mill Levy, Pursuant to NDCC 24-05-01(2), and a Ballot Issue regarding the matter.

DATED this 5th day of March, 2024, in Linton, North Dakota.

ATTEST:
s/s Marlys Ohlhauser
County Auditor

APPROVED:
Erin Magrum, Chairman
Emmons County Commission

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

Commissioner Eberle motioned to enter into a funding agreement for the 2025-2027 biennium to receive reimbursement for providing clerk of district services. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried. Present for discussion was Clerk of Court/Recorder, Kathleen Dosch.

Discussion was held on whether a second deputy position is needed in the Clerk of Court/Recorder office. Present was Clerk of Court/Recorder, Kathleen Dosch. Commissioner Materi stated that whenever there’s retirements or resignations, there’s a true opportunity for the county commissioners and the departments to take a serious look to see if we really need to continue operating with the same amount of staff, by taking a look at the activity that goes through that office per day, week, and month to see if we can justify a fulltime employee. Commissioner Materi suggested that the hiring of a fulltime deputy recorder be put on hold to see if we really need a fulltime employee or can get by with a part time employee instead. Further discussion was held later in the meeting.

Gary Sanders, Craig Kitzan and Michelle Masset, representing the ARPA Working Group, and Comstock Construction, Inc., participating remotely (by Zoom), provided a list of priority projects which included the renovation of the main auditorium area, stage area, men and women’s bathrooms, south auditorium entrance, courthouse fire alarm system and repairing the courthouse main entrance steps and landing, noting that some of the projects were cut from the original RFP due to funding restraints. Commissioner Hulm motioned to proceed with the revised RFP with the addition of the removal and installing a new handicap access ramp as an alternative for the ARPA courthouse and auditorium renovation project. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Jon Martin, PE, Wold Engineering, P.C., and Road Superintendent, Skyler Prellwitz, presented the bid results for road projects CP 15-121-03.0 and CP 15-132-28.0. Commissioner Hulm motioned to accept the bid from Midwest Contracting, LLC for road project CP 15-121-03.0, structure replacement on 11th Ave SE, option 1 – double 16’ X 12’ reinforced concrete box culvert in the amount of \$1,112,752.95, and to accept the bid from Central Specialties for road project CP 15-132-28.0, structure replacement on 21st Ave SE, option 2 – triple 10’ diameter corrugated steel pipe in the amount of \$715,102.46. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Joann Glass, Shawn Glass and Chris Roehrich appeared to request maintenance to the road on 87th St. SW. After some discussion, Commissioner Eberle motioned for the county to blade 87th St. SW, between Highway 1804 and 6th Ave SW, and to add this road to the blade route. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Materi and Miller. “NO”: Magrum. Motion carried.

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

Noted was that the Westfield Church will tar the parking lot themselves.

Discussion was held on building of a road on 93rd St. SW, Section 14, Township 130, Range 79. Skyler Prellwitz will work with Wold Engineering, P.C. to come up with a plan.

There was some discussion relative to the gravel road owned by the county in Lot 25A, Beaver Bay Subdivision, Section 23, Township 132, Range 79. The consensus of the board was to table the matter pending discussion on what the county options are with States Attorney Joseph M. Hanson.

The board reviewed a 2024 to 2025 paved road plan and countywide pavement marking cost estimates presented by Skyler Prellwitz.

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, 2024 and shall continue until March 31, 2025. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

At 1:30 P.M., a motion was made by Commissioner Eberle to enter into executive session pursuant to NDCC 44-04-19.1 to discuss options involving county ordinances in regards to the Summit Carbon Solutions pipeline and Public Service Commission hearings. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

The executive session was called to order by Chairman Magrum at 1:30 P.M. with Commissioners Don Eberle, Gary Hulm, Dan Materi and Craig Miller in attendance along with States Attorney, Joseph M. Hanson. The Commissioners engaged in Attorney consultation with Braaten Law Firm.

Commissioner Materi motioned to adjourn the executive session. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried. The executive session adjourned at 2:30 P.M.

Commissioner Miller motioned that the Board vote to waive the potential conflict of interest as outlined in the representation agreement presented by Braaten Law Firm. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to direct Braaten Law Firm to appeal the decisions related to the Emmons County ordinance in the ND Public Service Commission’s Case No. PU-22-391. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to continue having Braaten Law Firm represent Emmons County Commission with regard to ND Public Service Commission’s Case No. PU-22-391 and any appeals and other proceedings requested by Emmons County Commission, and to sign the proposed representation agreement. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

The Commissioners referenced the email from Emergency Manager, Mary Senger, stating that Summit Carbon Solutions hosted a “Pipeline Information Session for First Responders” on January 24, 2024 and she did receive a draft Emergency Response Plan that was very preliminary. The plan will not become more specific until they start construction; therefore, Mary Senger will not be able to provide monthly updates to the County Commission. Commissioner Materi questioned whether Summit Carbon Solutions released a plume model at the training, and Sheriff Gary Sanders stated that the training was more informational with basic information.

States Attorney Joseph M. Hanson provided an update on the property located at 8080 Highway 83 South, Linton, ND and provided a copy of the Judgement that authorized the county to enter the property to abate the nuisance by removing and disposing items as listed. Commissioner Eberle motioned to mitigate the nuisance as the Judgement reads. Motion died due to lack of a second. After further discussion, Commissioner Materi motioned to seek bids on cleaning the Evenson property at 8080 Highway 83 South, Linton, ND. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm brought forward the Linton Municipal Airport Apron Rehabilitation Project and expressed that the airport benefits the entire county and motioned that the County contribute \$30,000 towards the project. Motion died due to lack of a second.

Commissioner Eberle motioned to enter into a Court Services Contract between the State of North Dakota, Emmons County, and the City of Hazelton. Term of this agreement is for one (1) year from March 1, 2024 through February 28, 2025. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Clerk of Court/Recorder, Kathleen Dosch, re-appeared for further discussion on the hiring of a deputy recorder and stated that at this point she didn’t feel that the office could run with less people because the work load hasn’t dropped, and she doesn’t think it would be a wise choice to go from a fulltime position to a part time position. After further discussion, Commissioner Materi motioned to table the hiring of a fulltime person in the Clerk of Court/Recorder’s office for 60 days. Seconded by Commissioner Eberle. Roll Call “YES”: Materi. “NO”: Eberle, Hulm, Magrum and Miller. Motion failed.

Commissioner Eberle motioned to approve the application for abatement or refund of taxes for parcel #53-0002-00123-000 for tax year 2023. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Miller motioned to approve the building permit for Anthony LaFond for adding a 10 X 20 “lean to” addition to the west side of existing structure on Auditor’s Lot A, Section 2, Township 136, Range 78. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the building permit for Bob Kramer to replace metal on the existing pole barn located on Lot B of the SE ¼ of Section 18, Township 132, Range 76. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Miller motioned to approve the Plat of Outlot “A” located within the SW Quarter of Section 26, Township 130, Range 77, 5th P.M., Emmons County, ND. Seconded by Commissioner Materi. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Kyle and Sarah Miller to construct a 40 X 80 Pole Building on the NE ¼ NE ¼ of Section 10, Township 132, Range 79. Seconded by Commissioner Miller. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the application for abatement or refund of taxes for parcel #52-0012-00720-000 for tax year 2023. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Magrum, Materi and Miller.

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

General and 911 – Voucher Numbers LP15935-LP15958, LP15997-LP15998, Payroll - \$117,996.25

Highway Tax – Voucher Numbers LP15959, LP15999-LP16008, Payroll – \$56,589.98

The following vouchers were reviewed and approved for payment:

43997	MDU	Utilities	239.88
44068	Advanced Business Methods	Extension Copier Contract	312.48
44069	API Garage Door, Inc.	Door Service	369.10
44070	A Train Auto	Flat Bed Mount	1,630.00
44071	Auto Value Linton	Parts	118.21
			1,911.08
44072	Balco Uniform Co., Inc.	Uniform Accessories	
44073	Bauman, Florian	Temporary Construction Easement	230.00
44074	Beastrom Oil Co.	Propane	1,454.85
44075	Bobcat of Mandan	Parts	578.98
44076	Braaten Law Firm	Legal Services	3,088.00
44077	Burleigh Morton Detention Center	Prisoner Billing	4,000.00
44078	Camp Knoll	Gravel Contract	25,583.00
44079	CHS, Inc.	Propane	858.00
44080	Circle H. Lumber	Supplies	21.12
44081	Hazleton City	Water Bill	36.00
44082	Linton City	Water Bill	86.27
44083	Code 4 Services, Inc.	Equipment	458.21
44084	Cole Papers, Inc.	Supplies	1,641.45
44085	Comstock Construction, Inc.	Project Management Preconstruction	32,722.92
44086	Curtis Rud Oil Co.	Propane	168.35
44087	Dakota Dust Tex, Inc.	Service	194.60
44088	Dakota Mint	Cabinet	1,500.00
44089	Emmons County Treasurer	Postal Machine Use	339.86
44090	Fireside Office Products, Inc.	Supplies	1,144.47
44091	Herreid Sporting Center, Inc.	Polaris Ranger	29,885.00
44092	Jerome Distributing, Inc.	Water Refills	45.25
44093	Johns Auto Body & Sales	Vehicle Repair	3,601.76
44094	Kimble's Guns & Repair	Glock G22	329.50
44095	Linde Gas & Equipment, Inc.	Parts	231.40
44096	Linton Auto Parts	Parts/Supplies	1,046.43
44097	Martin Oil Co.	Gas	3,640.80
44098	MDU	Utilities	1,749.13
44099	Mountain Plains Youth Service	Attendant Care	1,700.00
44100	Nodak True Value	Parts/Supplies	524.07
44101	NDACO Resources Group, Inc.	Computer Support	430.00
44102	ND Secretary of State	Notary Public Renewal	36.00
44103	ND Sheriff's & Deputies Association	2024 Dues	400.00
44104	NDSU	Wallet Cards	56.00
44105	ODB Business Solutions, LLC	Office Supplies	20.34
44106	Paul Holzer Carwash	Carwashes	36.00
44107	Payment Remittance Center	Gas/Fuel/Supplies	143.92
44108	Payment Remittance Center	Gas/Fuel/Supplies	1,074.79
44109	Payment Remittance Center	Gas/Fuel/Supplies	3,854.58
44110	Payment Remittance Center	Gas/Fuel/Supplies	388.07
44111	Payment Remittance Center	Gas/Fuel/Supplies	1,587.99
44112	Payment Remittance Center	Gas/Fuel/Supplies	358.64
44113	Payment Remittance Center	Gas/Fuel/Supplies	354.95
44114	Power Plan Corp.	Supplies	1,601.02
44115	RDO Truck Center	Mirror	1,225.10
44116	Renschler, Norman	Maintenance to Rice Lake	340.00
44117	Roehrich, Leo & Eugenia LE	Temporary Construction Easement	230.00
44118	Schneider, Jackie	Food Pantry	500.00
44119	South Central Regional Water	Water Bill	85.20
44120	Strasburg State Bank	Road Equipment Lease Payment	54,104.16
44121	Stuckle, Acacia	Expense Reimbursement	100.50
44122	TC Specialties, Inc.	Services	57.00
44123	Verizon Wireless	Cell Service	460.04
44124	Warrens Locks and Keys	Service	695.00
44125	Woodworth Law Office, PLLC	Cases	615.00
44128	Tower Communications	Tower Rent	200.00
44129	Strasburg City	Water Bill	95.24
44130	Information Technology Dept.	Internet Access & Netmotion	1,440.25
44131	Strasburg City	Water Bill	76.50
44135	BEK Communications	Telephone Service	1,791.05

44136	KEM Electric	Utilities	360.30
44145	Emmons County Record	Publishing/Supplies	1,651.43

There being no further business before the board, Commissioner Hulm motioned to adjourn the meeting. The meeting adjourned at 5:00 P.M.

Approved: April 2, 2024

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 6, 2024**

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

The Pledge of Allegiance was recited.

The January, 2024 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 January 2, 2024 regular meeting. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the agenda with the addition of discussion on local emergency planning updates to the commissioners, and discussion relative to the newspaper article published by Francis Krumm. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Old and Unfinished Business:

Commissioner Miller provided an update on vehicle GPS tracking. Verizon Wireless quoted a monthly per unit fee of \$15.95 for a tracking device that plugs into the vehicle's computer. This device gives more information, including camera's, which Commissioner Miller didn't feel was necessary. GPX Intelligence quoted a monthly rate of \$10.50 per unit for a tracking device that reports the location of the vehicle. The Commission will further continue its research.

Commissioner Materi referenced the article in the Emmons County Record regarding Local Emergency Planning Committee meeting where the group discussed state requirements on hazardous materials, and that Summit Carbon Solutions will be working with Emmons County Emergency Management to schedule a meeting with Emmons County first responders to discuss its project overview, including dispersion modeling. Commissioner Materi requested that the commission be notified on what Summit Carbon Solutions is doing in the county with certain departments, and have those departments provide monthly updates to the commissioners.

Commissioner Eberle brought forward the attorney fees paid to Braaten Law Firm, requesting that the Auditor/Treasurer provide a running total to the commission every month. Commissioner Eberle also commented on the lawsuit of Krumm vs Emmons County where the court ordered the county to pay \$15,695.10 towards attorney fees.

New Business:

Clerk of Court/Recorder, Kathleen Dosch, introduced Robin Mosset, Deputy Clerk of Court, to the board.

Roger Martin, Airport Authority Board Member, appeared to answer questions of the board, and to continue requesting funding for the Airport Apron Rehabilitation Project. The amount of funding that the Airport is requesting from the county is \$120,000 over a two year period. Discussion was held regarding board member requirements, proposing a county airport mill levy on the county ballot, establishing a county airport board, rental for hanger space, and charging the sprayers/farmers. Roger Martin stated that the Airport Authority is a government entity and not a private business. The Airport is a service and is not there to make a profit; instead, it's there to provide a place for people to make a profit. The Airport is an entity that allows businesses to come in and provide service to the farmers and to the City of Linton and Emmons County. Since 2015, the Airport had forty (40) medical flights with eight (8) of those flights occurring this past month.

Director of Tax Equalization, Wayne Ehley, appeared to present the 2024 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	\$908.33
Non-cropland	\$161.57
All agricultural land	\$674.04

Emmons County's average value per acre for the year 2024 is as follows:

Cropland	\$894.44
Non-cropland	\$164.12
All agricultural land	\$655.25

North Dakota Century Code ruling requires County's to be within a tolerance level of 90% - 100% on their agricultural land values determined by the North Dakota State University Agricultural Economics Department. Commissioner Hulm motioned to maintain a 92% tolerance level to keep the county average in compliance with state requirements. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Pete Gesellchen appeared for some discussion concerning the Historical Society mill levy funds and questioned why some of the funding isn't sent to Hazelton and Braddock. It was confirmed that the mill levy collections are sent to the Emmons County Historical Society who have their own board membership. States Attorney Joseph M. Hanson will check the NDCC to determine how the Historical Society board members are chosen and how mill levy funds can be appropriated.

Sheriff Gary Sanders introduced Deputy Taylen Mendoza who started her employment with Emmons County on January 1, 2024.

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

Newly hired road equipment operators, Wayne Nelson, Loren Vaughn and Travis Schafer appeared to be introduced to the Commissioners.

The road department will close the road and clean out the cattle guard on 3rd Avenue, near Section 28, Township 132, Range 77.

Skyler Prellwitz brought forward the road requested by Dave Twardoski on 93rd St. SW, Section 14, Township 130, Range 79 where discussion was held for creating a special district. Further discussion will be held at the March meeting.

Brought forward was the gravel road owned by the county that's on Dennis and Tena Weber's property in Lot 25A, Beaver Bay Subdivision, Section 23, Township 132, Range 79. After discussing the options of moving the road or the county purchasing the Lot, Chairman Magrum will talk to the Weber's and report back to the board.

Commissioner Eberle motioned authorizing Chairman Magrum to execute the Langelier's Bay Annual Management Program, Statement of Receipts and Expenditures for calendar year 2023 and the Annual Management Program and budget for 2024. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Gerald Hartman to build a residence off site and delivered to Hummels Haven, Section 4, Township 129, Range 75. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Materi and Miller. Magrum abstained from voting due to conflict of interest. Motion carried.

Commissioner Hulm motioned to enter into a mutual aid agreement with Morton County for emergency assistance. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the applications for abatement or refund of taxes for parcel #52-0012-00717-000, parcel #27-0000-03561-000 and parcel #30-0000-04176-043 for tax year 2023. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Joe Vetter Construction to erect a 74 X 76 residence with a 36 X 45 garage for Randy Weigel on the NW ¼ of Section 30, Township 135, Range 74. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit for Your Home Improvement Company to remodel the main floor bath to the residence on the NW ¼ of Section 30, Township 129, Range 74. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

General and 911 – Voucher Numbers LP15896-LP15921, LP15923-LP15924, Payroll - \$118,053.11
Highway Tax – Voucher Numbers LP15922, LP15925-LP15934, Payroll – \$66,792.54

The following vouchers were reviewed and approved for payment:

43836	MDU	Utilities	180.89
43837	BNC National Bank	Box Rent	15.00
43910	Job Service ND	Notice of Reimbursement	1,168.58
43911	Advanced Business Methods	Extension Copier Contract	376.43
43912	Armor Interactive	Silver Plan Contract	215.00
43913	Auto Value Linton	Parts	420.28
43914	Balco Uniform Co., Inc.	Uniforms	951.35
43915	Beastrom Oil Co.	Propane	2,639.40
43916	BEK Communications	Telephone Service	1,781.24
43917	Braaten Law Firm	Legal Services	6,368.00
43918	Burleigh Morton Detention Center	Prisoner Billing	2,925.00
43919	Butler Machinery Co.	Parts/Labor	1,736.76
43920	Central Dakota Frontier	Fuel	46.64
43921	Centre, Inc.	Community Service Contract	1,200.00
43922	CHS, Inc.	Propane	1,609.15

43923	Circle H. Lumber	Material	74.30
43924	Hazleton City	Water Bill	36.00
43925	Linton City	Water Bill	84.54
43926	Code 4 Services, Inc.	Equipment Installation	6,531.34
43927	Cole Papers, Inc.	Supplies	618.38
43928	Dakota Business Solutions	Sealing Solutions	48.99
43929	Dakota Dust Tex, Inc.	Service	529.15
43930	Dakota Mint	Cabinets	6,000.00
43931	Deere Credit, Inc.	Tractor Lease	3,000.00
43932	Electronic Communications, Inc.	Microphones	280.00
43933	Emmons County Record	Publishing	377.64
43934	Emmons County Treasurer	Current Expense	64.50
43935	Emmons County Treasurer	Postal Machine Use	374.42
43936	Emmons County Treasurer	City Specials	800.24
43937	Fireside Office Products, Inc.	Supplies	742.41
43938	Hulm, Dennis	Loader Rental	1,000.00
43939	Inland Truck Parts & Service	Parts	47.22
43940	Jack's Electric	Light	31.28
43941	Jerome Distributing, Inc.	Water Refills	131.25
43942	Johnsen Trailer Sales, Inc.	Parts	53.70
43943	KEM Electric Coop, Inc.	Service	400.91
43944	Kidder County E911	Trunk Sharing	900.00
43945	Linton Auto Parts	Parts/Supplies	882.84
43946	Martin Oil Co.	Gasoline	2,778.62
43947	MDU	Utilities	2,251.10
43948	Newman Signs, Inc.	Signs	3,326.72
43949	Nodak True Value	Parts/Supplies	572.72
43950	ND Association of County Engineers	Dues	275.00
43951	NDACO	Programs	942.20
43952	ND County Auditors Association	Dues	200.00
43953	ND County Treasurer's Association	Dues	200.00
43954	NDACTVSO	Dues	170.00
43955	NDDOT	Bridge Inspection	1,535.13
43956	ND One Call	Location Request	11.70
43957	ND State Radio Communications	LETS Billing	120.00
43958	ND State Radio Communications	Phone Collections	11,600.94
43959	ND State Surplus Property	Storage Containers	1,500.00
43960	NDSU Extension Service	Salary Reimbursement	13,427.68
43961	NW Tire, Inc.	Tire Service	181.42
43962	ODP Business Solutions, LLC	Supplies	691.01
43963	Payment Remittance Center	Gas/Fuel/Supplies	390.76
43964	Payment Remittance Center	Gas/Fuel/Supplies	2,250.73
43965	Payment Remittance Center	Gas/Fuel/Supplies	344.40
43966	Payment Remittance Center	Gas/Fuel/Supplies	665.25
43967	Payment Remittance Center	Gas/Fuel/Supplies	708.44
43968	Payment Remittance Center	Gas/Fuel/Supplies	486.40
43969	Pfeifle on 83	Parts and Service	1,213.74
43970	Pfeifle	Parts and Service	313.24
43971	Pharmchem, Inc.	Sweat Patch Analysis	159.75
43972	Power Plan Corp.	Parts	80.69
43973	Prairie Heating & Air, Inc.	Heater Repair	197.00
43974	Proforms	Checks	148.10
43975	Quadient Leasing	Postal Machine Rent	402.00
43976	RDO Truck Center	Parts	470.59
43977	Renschler, Norman	Maintenance to Rice Lake	340.00
43978	Schneider, Jackie	Food Pantry	500.00
43979	South Central Crime Conference	Dues	100.00
43980	South Central Regional Water	Water Bill	84.00
43981	Strasburg Insurance Agency	Endorsements	2,193.00
43982	Strasburg Insurance Agency	Insurance Premium	75,699.00
43983	Stuckle, Acacia	Expense Reimbursement	72.36
43984	TC Specialties	Service	114.00
43985	TK Elevator Corp.	Elevator Maintenance Contract	1,984.50
43986	Tower Communications	Tower Rent	200.00
43987	Tyler Technologies, Inc.	Software	205.00
43988	Unicom	Vehicle Graphics	1,186.25
43989	Verizon Wireless	Cell Service	410.05

43990	Zoom Away	Oil Change	102.90
43991	Strasburg City	Water Bill	412.84
43992	Information Technology	Internet Access and Netmotion	1,440.25

There being no further business before the board, Commissioner Eberle motioned to adjourn the meeting. The meeting adjourned at 12:40 P.M.

Approved: March 5, 2024

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 2, 2024**

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

The Pledge of Allegiance was recited.

County Auditor, Marlys Ohlhauser, opened nominations for the 2024 Chairman. Commissioner Eberle nominated Commissioner Magrum and Commissioner Miller seconded the nomination. Auditor Ohlhauser called for further nominations. There being no further nominations, Commissioner Magrum was elected Chairman for 2024 by all Commissioners voting "YES".

Chairman Magrum opened nominations for the 2024 Vice Chairman. Commissioner Materi nominated Commissioner Hulm. Chairman Magrum called for further nominations. There being no further nominations, Commissioner Hulm was elected Vice Chairman for 2024 by all Commissioners voting "YES".

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

Commissioner Hulm motioned to approve the agenda with the addition of discussion regarding the fence on the section line right-of-way near 22nd Avenue SE and 90th St. SE. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Old and Unfinished Business:

Commissioner Hulm motioned to appoint Randall Meidinger to serve on the County Committee Board. Motion died due to lack of a second.

The board reviewed the Court Order authorizing Emmons County to enter the property on 8080 Highway 83 South, Linton, ND 58552 which constitutes a public nuisance under the North Dakota Century Code chapter 42-01 and 23-35. Chairman Magrum suggested that the board work on an Ordinance that would reference laws and guidelines, defining what compliance is, in order to be consistent with all properties.

Commissioner Eberle confirmed that the fence that was on the section line right-of-way near 22nd Avenue SE and 90th St. SE was taken down by the road department employees, and moved off the right-of-way.

Commissioner Miller reported that he received a bid for GPS data tracking from GPX Intelligence. The bid included a one-time purchase price of \$1,566 for transmitters with an annual cost of \$1,100 for tracking eight vehicles. The board agreed to continue looking into GPS tracking alternatives.

New Business:

Commissioner Eberle motioned to re-appoint the following officers for a one-year term beginning January 1, 2024:

Director of Tax Equalization – Wayne Ehley
VA Officer – Brad Huber
Risk Manager – Marlys Ohlhauser
911 Coordinator – Gary Sanders

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

Commissioner Miller motioned to re-appoint Cole Schneider to serve on the Emmons County Weed Board for a four-year term effective January 1, 2024. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi nominated Elmer Brandner to serve on the Emmons County Weed Board for a four-year term effective January 1, 2024. Receiving no other nominations, a unanimous ballot was cast for Elmer Brandner.

Commissioner Eberle nominated Glen Geffre to serve on the Emmons County Water Resource Board for a three-year term effective January 1, 2024. Receiving no other nominations, a unanimous ballot was cast for Glen Geffre.

Chairman Magrum nominated Lyle Kenner to serve on the Emmons County Public Health Board for a five-year term effective August 1, 2024. Receiving no other nominations, a unanimous ballot was cast for Lyle Kenner.

Chairman Magrum nominated Melvin Jahner to serve on the Emmons County Housing Authority Board for a five-year term effective January 1, 2024. Receiving no other nominations, a unanimous ballot was cast for Melvin Jahner.

Chairman Magrum nominated JoAnn Humann to serve on the County Committee for School District annexation, dissolution and reorganization for a three-year term effective January 1, 2024. Receiving no other nominations, a unanimous ballot was cast for JoAnn Humann.

Commissioner Materi nominated Bernice Keller to serve on the County Committee for School District annexation, dissolution and reorganization for a three-year term effective January 1, 2024. Receiving no other nominations, a unanimous ballot was cast for Bernice Keller.

Human Service Director, Michelle Masset, appeared and inquired about observing Friday, July 5, 2024 as a Holiday. After discussion, Commissioner Materi motioned for Emmons County to observe July 5th as a holiday in 2024. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

VA Officer, Brad Huber, appeared and gave his quarterly activity report.

Commissioner Eberle motioned to adopt the following Resolution:

**RESOLUTION 24-01-01 – RESOLUTION TO AFFIRM TO
NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM**

BE IT RESOLVED by the Emmons County Commission, the governing body of the County of Emmons, North Dakota;

WHEREAS, a Motion was made by Don Eberle, for Emmons County to affirm to North Dakota Public Employees Retirement System that Emmons County is formed pursuant to N.D.C.C. § 11-01-16 and is neither a non-profit corporation nor a for-profit corporation, to join the NDPERS Public Safety Defined Benefit Retirement Plan and offer the plan to all eligible employees of Emmons County.

WHEREAS, the Motion was seconded by Dan Materi.

WHEREAS, the Board approved joining the NDPERS Public Safety Defined Benefit Retirement Plan effective April 1, 2024.

NOW, THEREFORE, the Emmons County Commission hereby Resolves to join the NDPERS Public Safety Defined Benefit Retirement Plan effective April 1, 2024.

IT IS HEREBY RESOLVED, that the Emmons County Commission hereby adopts Resolution No. 24-01-01 pertaining to affirming to North Dakota Public Employees Retirement System.

DATED this 2nd day of January, 2024, in Linton, North Dakota.

ATTEST:
s/s Marlys Ohlhauser
County Auditor

APPROVED:
Erin Magrum
Emmons County Chairman

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

The Commission conducted the Second Reading of the Emmons County Floodplain Management Ordinance.

Commissioner Materi motioned to adopt the Emmons County Floodplain Management Ordinance. Seconded by Commissioner Miller. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to amend the 2023 appropriations for VA Officer by an additional \$5,720.69, Defendant Costs by \$15,695.10, NDACO by \$199.00, County Corner by \$950.00, HS General Indirect Costs by \$45,843.30, ER Site Road Project by \$3,231.40 and Emergency Fund by \$34,927.69. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Materi motioned to approve the application for abatement or refund of taxes for parcel #52-0006-00282-000. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

Commissioner Eberle motioned to approve the applications for abatement or refund of taxes for parcel #52-0004-00160-000, #52-0014-00810-000, #53-0006-00286-000 and #30-0000-04103-000 for tax year 2023. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Hulm motioned to approve the building permit application for Jack McCrory to construct a 63 X 63 grain bin on a tract of land in the N 2/3 of the NW ¼ East of Highway and West of RR Less TCT, Section 20, Township 132, Range 76. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

Commissioner Eberle motioned to approve the building permit application for Robbie Wald to erect a 42 X 42 grain bin in Section 32, Township 131, Range 75. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Magrum, Materi and Miller. Motion carried.

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

General and 911 – Voucher Numbers LP15793-LP15852, LP15777-LP15855, Payroll - \$102,413.59,
Expense Reimbursement - \$123.58
Highway Tax – Voucher Numbers LP15816, LP15856-LP15866, Payroll – \$56,298.45

The following vouchers were reviewed and approved for payment:

43684	MDU	Utilities	169.24
43739	NDSU Extension	Salary Reimbursement	11,189.74
43744	Advanced Business Methods	Extension Copier Contract	696.66
43745	Armor Interactive	Silver Plan	215.00
43746	Balco Uniform Co., Inc.	Uniforms	285.00
43747	Bobcat of Mandan	Parts	140.00
43748	Braaten Law Firm	Service	248.00
43749	Burleigh Morton Detention Center	Prisoner Billing	1,875.00
43750	Butler Machinery Co. Corp.	Parts	223.58
43751	CHS, Inc.	Propane	722.25
43752	Circle H. Lumber	Material	616.82
43753	Linton City	Water Bill	83.28
43754	Dakota Business Solutions	Labels	60.99
43755	Dakota Dust Tex, Inc.	Service	38.40
43756	Emmons County Treasurer	Current Expense	13.65
43757	Emmons County Treasurer	Postal Machine Use	2,854.39
43758	Fireside Office Products, Inc.	Supplies	735.29
43759	Governsoft	Software	13,990.00
43760	Harry Petrie Library	Contribution	2,500.00
43761	Innovative Office Solutions	Supplies	354.06
43762	Jack's Electric & Trenching	Service	132.87
43763	Jerome Distributing, Inc.	Water Refills	87.50
43764	Johnsen Trailer Sales, Inc.	Parts	15.28
43765	Lewis & Clark Regional Dev.	County Membership	6,210.35
43766	Lexipol LLC	Law Enforcement Manual	5,064.74
43767	Linton Auto Parts	Parts	300.49
43768	Linton Fire Dept.	Contribution	2,500.00
43769	Martin Oil Co.	Gas	375.12
43770	Matthew Bender & Co., Inc.	ND Century Code Update	81.60
43771	MDU	Utilities	1,622.95
43772	Moos Repair & Sales	Parts	668.90
43773	Mosset, Robin	Expense Reimbursement	68.47
43774	NACO	Membership Dues	450.00
43775	Nodak True Value	Parts	309.20
43776	NDACO Resources Group, Inc.	Computer Support	875.00
43777	ND County Commissioners Assoc.	Dues	1,725.00
43778	NW Tire, Inc.	Tires	9,731.02
43779	Payment Remittance Center	Gas/Fuel/Supplies	341.92
43780	Payment Remittance Center	Gas/Fuel/Supplies	387.46
43781	Payment Remittance Center	Gas/Fuel/Supplies	267.00
43782	Payment Remittance Center	Gas/Fuel/Supplies	640.42
43783	Payment Remittance Center	Gas/Fuel/Supplies	431.97
43784	Phat Shack	Retirement Party	120.00
43785	Power Plan Corp.	Parts and Service	437.07
43786	Prairie Heating & Air, Inc.	Boiler Inspection	60.00
43787	RDO Equipment Co.	Glass Repair	13,433.08
43788	Renschler, Norman	Maintenance to Rice Lake	510.00
43789	Sayler Implement, Inc.	Parts	1,866.40
43790	Schneider, Jackie	Food Pantry	500.00
43791	South Central Regional Water	Water Bill	75.60
43792	Strasburg Fire Dept.	Contribution	1,000.00
43793	TC Specialties	Service	57.00
43794	Tower Communications	Tower Rent	200.00
43795	Tri-County Exhibitors	Contribution	2,000.00
43796	Verizon Wireless	Cell Service	509.98
43797	Wold Engineering, PC	Mechanical Analysis	145.00
43823	Strasburg City	Water Bill	94.35
43824	John Deere Financial	Tractor Lease	3,000.00

43825	Keller's Hardware	Supplies	347.39
43826	Hazelton City	Water Bill	36.00
43827	KEM Electric Coop, Inc.	Utilities	344.31
43828	Emmons County Record	Publishing	379.28
43829	Information Technology	Internet Access & Netmotion	1,425.05
43835	BEK Communications	Telephone Service	1,779.75

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

Approved: February 6, 2024

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor