

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
DECEMBER 6, 2022**

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

The Pledge of Allegiance was recited.

State's Attorney, Joseph M. Hanson, administered the Oath of Office to Erin Magrum and Dan Materi, newly elected members of the Emmons County Commission.

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

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

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

Old and Unfinished Business:

Chairman Magrum suggested that the county follow through with low water boat ramps and start communicating with the ND Game and Fish and the U.S. Army Corps of Engineers.

Chairman Magrum asked the board to prepare for next month's discussion on reevaluating pipeline setbacks to the zoning ordinance. Chairman Magrum emphasized that we need to protect our landowners.

New Business:

VA Officer, Jeff Ohlhauser, appeared to announce his retirement effective July 1, 2023.

Director of Tax Equalization, Denise Nieuwsma, presented a list of parcels that are pending approval for one tax abatement where the landowner was double taxed as residential and as agricultural, three omitted tax applications for new home construction and eleven omitted tax applications for farm residence exemption denials.

Gilbert Silbernagel telephoned into the meeting to dispute the denial of a farm residence exemption for parcel #28-0000-03823-000. Mr. Silbernagel requested reconsideration to approve the farm residence exemption because his farming practice hasn't changed for fourteen years and he hasn't received any notification from the county or the state indicating any law changes. Out of the 880 acres, 690 acres are leased and cultivated while the remaining 190 acres are actively farm hay land and pasture. Mr. Silbernagel expressed that there's a lot of responsibility being an active farmer as he cuts, mows and hays every year and is responsible for weed control, fencing, rocks, debris and also maintains over a mile of shelter belt. The residence is totally used for farming and 100% of his income comes from farming.

Denise Nieuwsma stated that there are no black and white laws where you must be a ND resident, or your income must be from ND, or what actively farming represents; therefore, the state has allowed the counties to make their judgement on administrative practices on whether a farmer qualifies for the farm residence exemption.

Denise Nieuwsma explained that she interprets the law to read that you must be a ND resident to qualify for the farm residence exemption and believes that the law was intended for farmers in ND who reside here, vote here, and are a primary resident of ND, and asked that the Commissioners deny the farm residence exemption.

States Attorney, Joseph M. Hanson, stated that Denise Nieuwsma is looking at the state law and guidelines. She reached out to the state and was told that the state would defend her decision; therefore, in his opinion, it should be Denise Nieuwsma's call on whether the farm residence exemption should be approved or denied.

After further discussion, Commissioner Eberle motioned to deny the farm residence exemption for parcel #28-0000-03823-000. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to approve the application for abatement of taxes for parcel #27-0000-03713-000 for tax years 2021 and 2022, approve the applications for omitted taxes for new homes on parcel #50-0004-00141-000, #47-0000-00192-013 and #47-0000-00192-014 for tax year 2022 and to approve the applications for omitted taxes for farm residence exemption denials for parcel #14-0000-05409-010, #14-0000-05328-000, #02-0000-07179-000, #20-0000-05113-000, #22-0000-04644-020, #22-0000-04736-000, #14-0000-05324-010, #28-0000-03823-000, #25-0000-03262-000, #09-0000-06642-000 and #08-0000-06765-000 for tax year 2022. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

County Extension Agent, Acacia Stuckle, appeared to inform the commission that Connie Job will be retiring from the county on February 28, 2023.

The board reviewed appointments of Officials and Board Members with expiring terms effective January 1, 2023.

Noted was the courthouse will be closing at noon on December 23, 2022, closed on December 26, 2022 and closed on January 2, 2023 for the Christmas and New Year Holidays.

Commissioner Materi motioned to approve the applications and issue liquor licenses to R Place by the Bay LLC, Mike Kelsch dba Cattail Resort, and South-Central Threshing Association. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Materi motioned to approve the renewal building permit for Bobbi and Savanna Kramer to erect a residence with an attached garage on Lot 1 of Beaver Creek Addition, Section 18, Township 132, Range 76. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned to approve the Plat for Derek Wald, Tract A in the S ½ of the NE ¼ of Section 28, Township 130, Range 74 of the 5th Principal Meridian, Emmons County. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. 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 – East Thirteen Feet (E13') of Lot Four (4) and all of Lot Five (5), Block Seventeen (17), Milwaukee Land Company's Third Addition to Strasburg City, Emmons County, North Dakota.

Lots Twelve (12) and Thirteen (13), Block Four (4), Original Town to Strasburg City, Emmons County, North Dakota.

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

Commissioner Hulm motioned to enter into a contract with Central Regional Education Association (CREA) for Superintendent of Schools Services. The initial term of this Agreement is from December 1, 2022 through June 30, 2023. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Kalberer motioned to enter into an agreement with Burleigh County for providing emergency management services for Emmons County. This agreement is for one year beginning upon the effective date of January 1, 2023 and terminating on December 31, 2023. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

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

- Reported that two (2) new culverts were installed on 61st St.
- County started digging up the new garbage pit for Linton City.
- Fischer Sand and Gravel crushed 111,000 yards at the Wolbaum pit so far.
- Discussed implementing a road maintenance agreement for the South-Central Water (water treatment plant).
- Discussed drafting a policy for school bus routes and elderly citizens living in the country.
- Skyler requested an additional 2% pay increase for the road department. No action was taken.

Per recommendation by Skyler Prellwitz, the invoice for Prairie Winds Construction was amended to \$100.00 (two loads of concrete disposal).

On November 17, 2022, a selection committee consisting of Erin Magrum, Don Eberle, Skyler Prellwitz and John Ibach conducted interviews for Engineering Services for Project BRJ-0015(021), structure replacement on 20th Ave SE, over the south branch beaver creek, 9 miles east, 4 miles north of Strasburg, ND. The committee interviewed Moore Engineering, SRF Consulting Group and Wold Engineering, P.C. After completing the interviews, the committee recommended that Wold Engineering, P.C. would provide the best services needed for Emmons County. Commissioner Eberle motioned to award the project to Wold Engineering, P.C. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Hulm motioned to approve the Utility Permit for KEM Electric to install cable from the intersection of 3rd Ave SW and 90th St. SW. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

Commissioner Eberle motioned authorizing the Chairman, County Auditor, States Attorney and Highway Supervisor to sign the North Dakota Department of Transportation annual maintenance certification for county federal aid projects. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Materi. Motion carried.

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

There was some discussion regarding employee evaluations. Commissioner Eberle stated that the landowners south of Hague lost their equipment operator, David Krumm, because he decided to retire after the

chastising he received at the special meeting on September 27, 2022. Commissioner Eberle stated that it wasn't right the way David Krumm was treated and felt that the blame should have landed on the Road Supervisor instead. "David Krumm received permission from the road superintendent, but took the blame anyways because that's the person that he is". Commissioner Eberle apologized to David Krumm for making the motion that was approved at the September 27, 2022 special meeting asking for a one-year wage increase restriction and for placing him on a probation period of one year. Eberle expressed that some people just wanted to cause trouble for David Krumm and they got the job done, and it was wrong.

Commissioner Eberle then brought forward his concerns about another road department employee's time card matter and past behavior issues. Chairman Magrum explained that the road superintendent and commissioners are monitoring the time cards closer and the county is implementing a new automated clock system, so the issues have been recognized, and now we need to move forward.

After further discussion, Commissioner Eberle motioned to fire Allan Hulm on the grounds that he chased after a truck in one incident and chastised other employees at the county shop. Motion died due to lack of a second.

Commissioner Eberle motioned that Allan Hulm doesn't get a pay increase for two years and is also placed on a two-year probation period. Motion died due to lack of a second.

Commissioner Eberle made a motion to resend the motion from the September 27, 2022 special meeting where David Krumm was placed on a probation period of one year with a one-year wage increase restriction. Motion died due to lack of a second.

Commissioner Hulm motioned to approve the estimate from Magrum Excavating and Plumbing in the amount of \$4,350.00 for installing new pipe in the bathroom facility at the Hazelton shop. Seconded by Commissioner Materi. Roll Call "YES": Eberle, Hulm, Kalberer and Materi. Chairman Magrum abstained from voting due to conflict of interest. Motion carried.

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

General and 911 – Voucher Numbers LP14940-LP14963, LP14989-LP14991, Payroll - \$91,866.04,
Highway Tax – Voucher Numbers LP14964, LP14992-LP15001; Payroll – \$70,312.21

The following vouchers were reviewed and approved for payment:

41753	MDU	Utilities	92.26
41823	Borneman, Andrew	Canvassing	50.00
41824	Borneman, Dawn	Election Judge	216.00
41825	Bosch, Barb	Election Judge	208.00
41826	Kuss, Theresa	Election Clerk	200.00
41827	Larson, Deann	Election Clerk	176.00
41828	Leier, Rosalind	Election Inspector	224.00
41829	MacDonald, Terry	Election Inspector	248.00
41830	Mastel, Rita	Election Judge	200.00
41831	Mosset, Alvin	Election Judge	208.00
41832	Phillips, Beckie	Election Judge	216.00
41833	Schmidt, Rhonda	Election Clerk	208.00
41834	Seeklander, Verda	Election Clerk	216.00
41835	Serr, Nicki	Election Clerk	208.00
41836	Ternes, Joanne	Election Clerk	200.00
41837	Weiss, Torchy	Election Clerk	192.00
41838	Advanced Business Methods	Copier Contract	303.02
41839	Advanced Truss Fabricators	Trusses	709.80
41840	Armor Interactive	Silver Plan Contract/Laptop	2,196.74
41841	Auto Value Linton	Parts	259.79
41842	Balco Uniform Co., Inc.	Uniforms	119.30
41843	Beastrom Oil, Co.	Fuel/Propane	58,909.18
41844	Bobcat of Mandan	Parts/Service	7,650.49
41845	Burleigh Morton Detention Center	Prisoner Billing	1,575.00
41846	Butler Machinery Co. Corp.	Parts/Service	9,224.68
41847	Carlson McCain, Inc.	Rice Lake Grade Raise	1,733.28
41848	Central Dakota Frontier	Unleaded Fuel	119.29
41849	Central Door & Hardware, Inc.	Shop Doors	2,890.00
41850	CHS, Inc.	Propane	1,002.40
41851	Circle H. Lumber	Material	2,788.60
41852	Hazelton City	Water Bill	36.00
41853	Linton City	Water Bill	84.44
41854	Strasburg City	Water Bill	95.71
41855	Cole Papers, Inc.	Supplies	274.72
41856	Crowder Supply Co. LLC	Parts	1,501.05
41857	Dakota Dust Tex, Inc.	Service	18.50
41858	DS Solutions, Inc.	Test Deck	275.00

41859	Election Systems & Software	Programming	3,808.93
41860	Emmons County Record	Publishing	2,959.20
41861	Emmons County Treasurer	Current Expense	91.90
41862	Emmons County Treasurer	Postal Machine Use	233.95
41863	Expressway Suites	Lodging	88.20
41864	Fed Ex	Ground Service	25.17
41865	Fireside Office Products	Supplies	993.68
41866	Fisher Industries	Gravel Crushing	499,999.50
41867	General Equipment & Supplies	Parts and Service	5,744.33
41868	Herreid Concrete	Concrete	820.00
41869	Holiday Inn	Lodging	176.80
41870	Allan Hulm	Bobcat Rental/Post Hole Digger	275.00
41871	Innovative Office Solutions	Envelopes	627.98
41872	Jamestown Communications	Radio Installation	1,086.76
41873	Jerome Distributing	Water Refills	100.80
41874	Keller's Hardware	Supplies	86.11
41875	Kramer's Blue Room	Rent	300.00
41876	Leier, Emily	Expense Reimbursement	185.38
41877	Linton Auto Parts	Parts	729.90
41878	Linton Food Center	Supplies	43.00
41879	Martin Oil Co.	Gas	323.07
41880	Midwest Doors	Door for County Shop	11,005.00
41881	MDU	Utilities	2,102.49
41882	Mosset Welding, LLC	Service	80.00
41883	Nodak True Value	Tools and Supplies	382.64
41884	NDACO	D & A Testing	6,973.00
41885	NDACO Resources Group, Inc.	Computer Support & Annual Anchor	1,122.50
41886	NDDOT	Bridge Inspection	1,744.90
41887	ND Newspaper Association	Analysis of Measures	127.30
41888	NDSU	Table Runner	172.00
41889	Paul Holzer	Carwash	6.00
41890	Payment Remittance Center	Gas/Fuel/Supplies	711.86
41891	Payment Remittance Center	Gas/Fuel/Supplies	776.32
41892	Payment Remittance Center	Gas/Fuel/Supplies	1,260.97
41893	Payment Remittance Center	Gas/Fuel/Supplies	284.57
41894	Payment Remittance Center	Gas/Fuel/Supplies	11,340.20
41895	Payment Remittance Center	Gas/Fuel/Supplies	685.59
41896	Pfeifle on 83	Parts/Service	1,755.78
41897	Post Board	Officer License	180.00
41898	Power Plan	Parts	2,744.40
41899	RDO Equipment Co.	Parts	2,215.00
41900	RDO Truck Center	Parts	143.39
41901	Renschler, Norman	Maintenance to Rice Lake	340.00
41902	Rigging & Tools, Inc.	Supplies	737.64
41903	Rough Rider Industries	Cabinet	869.00
41904	Sayler Implement, Inc.	Parts	1,215.68
41905	Schneider, Jackie	Food Pantry	500.00
41906	Schreiner's	Parts	25.00
41907	Sign Solutions	Signs	6,908.67
41908	South Central Regional Water	Service	77.80
41909	Statewide Services	Endorsements	333.00
41910	Stuckle, Acacia	Expense Reimbursement	923.75
41911	TC Specialties	Supplies	57.00
41912	Terracon Consultants, Inc.	Mechanical Analysis	1,420.00
41913	Titan Machinery	Parts	194.21
41914	Tower Communications	Tower Rent	200.00
41915	Trash, Inc.	Service	1,000.00
41916	True North Steel	Culverts	25,292.00
41917	Verizon Wireless	Cell Service	41.92
41918	Verizon Wireless	Cell Service	461.12
41919	Verizon Wireless	Cell Service	398.45
41920	Shipley Electric, Inc.	Service Panel	5,648.57
41922	BEK Communications	Telephone Service	1,702.88
41923	Information Technology Dept.	Internet Access & Netmotion	2,074.35
41924	KEM Electric	Service	321.95
41925	ODP Business Solutions	Supplies	934.05
41926	Payment Remittance Center	Gas/Fuel/Supplies	1,373.89
41928	Wangler Tree Service	Tree Service	2,320.00

There being no further business before the board, Commissioner Materi motioned to adjourn. The meeting adjourned at 2:00 P.M.

Approved: January 3, 2023

**Erin Magrum, Chairman
Board of County Commissioners**

**Marlys Ohlhauser
Emmons County Auditor**

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
NOVEMBER 1, 2022**

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

The Pledge of Allegiance was recited.

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

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

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

Old and Unfinished Business:

Discussion was held regarding the public nuisance on the property located at 8080 Highway 83 South, Linton, ND. Joseph M. Hanson will contact Trash, Inc. for a time line to clean up the property prior to winter or seek another company.

GIS Coordinator, Josh Odden, provided maps of the proposed Summit Carbon Solutions pipeline.

Commissioner Eberle motioned to deny the plat for Larry and Wanda Huether as the lots shown on the plat do not comply with the required minimum lot size according to the Emmons County Zoning Ordinances. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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 Commission.

The board re-discussed the vacant Emmons County Superintendent of Schools position.

Maintenance Supervisor, Craig Kitzan, appeared to provide an ARPA committee update and presented the following proposals:

- Northern Plains Plumbing, Heating & Air – labor, materials and mileage to remove existing galvanized hot water lines and replace with new copper pipe and fittings in the courthouse for \$8,400.00.
- Apex – replacing the existing fire alarm system in the courthouse for \$40,000.00. Engineering services for designs, bidding and construction for \$6,100.00.
- Prairie Heating & Air, Inc. – furnish and install a 20-ton, roof top heating and cooling unit for the courthouse auditorium for \$59,344.71.

After discussion, Commissioner Weichel motioned granting approval to move forward with the proposals from Northern Plains Plumbing, Heating and Air in the amount of \$8,400.00 and Apex in the amount of \$40,000.00 plus engineering services of \$6,100.00. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Marlys Ohlhauser presented estimates from Eide Bailly LLP and Widmer Roel for performing the Emmons County audit for the years ending in 2021 and 2022. No decision was made as further contacts will be made to several other auditing firms.

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

The board discussed the survey plat conducted by Wold Engineering, P.C. for lot 25A and 25B, Beaver Bay Subdivision, Section 23, Township 132, Range 79, 5th P.M. A portion of the existing gravel road owned by the county through delinquent taxes is on the property in lot 25A and the owner is requesting that the county move the roadway.

Commissioner Hulm motioned to approve the Utility Permit for KEM Electric to install cable from the intersection of 64th St. SW and Highway 1804 and to also approve the Utility Permit for KEM Electric to install cable from the intersection of 65th St. SW and Highway 1804. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the applications for abatement of taxes for parcel #05-0000-07661-010, #24-0000-04376-000, #28-0000-03830-020, #25-0000-03211-020, #27-0000-03679-000, 39-0000-01489-

000, #46-0000-00523-00, #29-0000-03956-000, #52-0013-00783-000, #49-0001-00025-010 and #52-0006-00379-000 for tax year 2022. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried. Present for discussion was Director of Tax Equalization, Denise Nieuwsma.

Commissioner Kalberer motioned to approve the Plat for Section 7, Township 135, Range 76 of the 5th Principal Meridian, Emmons County. Seconded by Commissioner Weichel. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for South Central Threshing Association to move in a 24 X 36 garage on TCT 850’ X 1,170’ in the NE ¼ NE ¼ of Section 27, Township 136, Range 75 contingent that all county ordinances and fees are met according to the Director of Tax Equalization. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to approve the application and issue a liquor license to the Linton Country Club. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm volunteered to serve on the canvassing board on November 21, 2022 at 9:00 A.M.

Commissioner Hulm motioned to approve the Plat for Lots D & E, S ½ of the SE 1/4, Section 6, Township 132, Range 76. Seconded by Commissioner Weichel. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motion to approve the Plat for Ron Dykema. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

General and 911 – Voucher Numbers LP14867-LP14890, LP14927-LP14929, Payroll - \$91,470.23,
Expense for reimbursement – \$299.75
Highway Tax – Voucher Numbers LP14891, LP14930-L14939; Payroll – \$53,294.60

The following vouchers were reviewed and approved for payment:

41607	MDU	Utilities	109.53
41679	Acme Tools	Tools	341.47
41680	Advanced Business Methods	Extension Copier Contract	349.52
41681	Armor Interactive	Silver Plan Contract	215.00
41682	Axon Enterprise, Inc.	Taser	1,400.00
41683	Balco Uniform Co., Inc.	Uniforms and Accessories	744.55
41684	Binder, Pamela	HR Consulting	1,387.50
41685	Burleigh Morton Detention Center	Prisoner Billing	2,400.00
41686	Butler Machinery Co.	Parts/Labor	7,117.98
41687	Centre, Inc.	Community Service Program	1,200.00
41688	Linton City	Water Bill	106.59
41689	Strasburg City	Water Bill	101.49
41690	Curtis Rud Oil, Co.	Unleaded	2,983.50
41691	Election Systems & Software	Election Ballots and Supplies	1,793.20
41692	Emmons County Record	Publishing	1,017.91
41693	Emmons County Treasurer	Current Expense	68.70
41694	Emmons County Treasurer	Postage	532.97
41695	Fireside Office Products	Supplies	78.25
41696	Innovative Office Solutions	Supplies	225.42
41697	I State Truck Center	Parts	49.31
41698	Jack’s Electric & Trenching	Service	818.85
41699	Jerome Distributing, Inc.	Water Refills	77.85
41700	Leier, Emily	Dues/Expense Reimbursement	268.13
41701	Linton Auto Parts	Parts/Supplies	211.76
41702	Martin Oil Co.	Gasoline	243.70
41703	MDU	Utilities	1,520.05
41704	Mountain Plains Youth Service	Shelter Contract	1,000.00
41705	NDACO	Registration Fee	170.00
41706	NDDOT	Chip Seal Project	10,250.53
41707	NDEAFCS	Dues	115.00
41708	One Call Concepts	Location Request	18.20
41709	ND State Radio Communications	Phone Collections	13,949.52
41710	ND State Radio Communications	LETS Billing	120.00
41711	NDSU Extension	Reimbursement of Salaries	9,833.03
41712	NDAE4-HYW	Dues	100.00
41713	NW Tire, Inc.	Tires	23,641.28
41714	OK Tire Store	Tire Repair	35.00
41715	Paul Holzer	Carwashes	18.00

41716	Payment Remittance Center	Gas/Fuel/Supplies	470.70
41717	Payment Remittance Center	Gas/Fuel/Supplies	3,257.81
41718	Payment Remittance Center	Gas/Fuel/Supplies	672.27
41719	Payment Remittance Center	Gas/Fuel/Supplies	336.08
41720	Payment Remittance Center	Gas/Fuel/Supplies	412.84
41721	Payment Remittance Center	Gas/Fuel/Supplies	11,345.66
41722	Payment Remittance Center	Gas/Fuel/Supplies	596.11
41723	Pfeifle on 83	2023 Chevy Silverado	49,770.00
41724	Pfeifle on 83	Brake Pads	1,246.04
41725	Productivity Plus Account	Glass/Supplies	657.00
41726	Quality Asphalt Repair	Asphalt	7,600.00
41727	Quadient Leasing USA, Inc.	Postal Machine	402.00
41728	RDO Truck Center	Parts	129.12
41729	Renschler, Norman	Maintenance to Rice Lake	850.00
41730	River City Lawn & Landscaping	Service	88.00
41731	Sayler Implement, Inc.	Parts	60.56
41732	Schneider, Jackie	Food Pantry	500.00
41733	Seachange Print Innovations	Publication Ballot	394.00
41734	South Central Regional Water	Service	161.32
41735	Statewide Services	Endorsement	55.00
41736	Stuckle, Acacia	Expense Reimbursement	343.25
41737	TC Specialties	Service	57.00
41738	Terracon Consultants, Inc.	Mechanical Analysis	1,278.00
41739	Tower Communications	Tower Rent	200.00
41740	Tri-Energy Coop	Bluegard	492.80
41741	True North Steel	Culverts	38,974.20
41742	Verizon Wireless	Cell Service	409.65
41743	Wold Engineering, PC	Engineering Services	1,602.68
41744	Nodak True Value	Supplies	333.19
41745	Verizon Wireless	Cell Service	461.12
41747	Dakota Dust Tex, Inc.	Service	37.00
41748	KEM Electric Coop, Inc.	Utilities	262.93
41749	Hazleton City	Water Bill	36.00
41750	Heartland Waste Management	Service	120.00
41751	Verizon Wireless	Cell Service	41.92
41752	BEK Communications	Telephone Service	1,696.23
41755	ND Secretary of State	Notary Bond	36.00
41756	Power Plan	Parts	4,131.75
41757	Agtegra Coop	Diesel	409.11
41758	Nelson Auto Center	2022 Ford Interceptor	35,218.27

There being no further business before the board, Commissioner Weichel motioned to adjourn. The meeting adjourned at 11:45 A.M.

Approved: December 6, 2022

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
OCTOBER 4, 2022**

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

The Pledge of Allegiance was recited.

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

Commissioner Weichel motioned to approve the minutes of the September 6, 2022 regular meeting and the September 27, 2022 special meeting. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

Old and Unfinished Business:

Chairman Magrum reported that the Emmons County Historical Society provided minutes and By-Laws to the Auditor's office as requested from the Commissioners at the September 6, 2022 meeting.

Chairman Magrum reported that Luke Mosset could repair the cattle guards on 3rd Avenue SW by replacing all the pipe and reusing the rails for a cost of \$1,500.00 - \$2,000.00.

New Business:

Francis Krumm appeared to request that the Emmons County Commission clarify their position on North Dakota Century Code 24-07-03 and 24-06-28, regarding rights-of-ways. Krumm provided a letter with details from the county commission meetings and minutes from 2019 up to September 2022 in regards to actions made by the Commission pertaining to the Werlinger fence on 90th St. SE. Krumm stated that each commissioner signs an oath of office solemnly swearing or affirming to support the constitution of the United States and the Constitution of the State of North Dakota and faithfully discharge the duties of the office of Emmons County Commissioner according to the best of my ability, so help me God. So, by Commissioners Weichel, Hulm, and Kalberer voting to grant a variance to the Werlinger's, they are overriding NDCC 24-06-28 and 24-07-03. Are they also violating their oath of office to uphold the Constitution of North Dakota? Krumm also stated that the situation is that Commissioners Magrum and Eberle, State's Attorney Hanson, and myself agree that North Dakota century codes should be followed. The problem is that Commissioners Weichel, Hulm, and Kalberer tell us that they recognize century codes, but feel that they have authority over century codes by using what they call "discretionary law". The real problem is the interpretation of the law by these three commissioners. At this point, these three commissioners have become activists who feel that they are not bound to North Dakota century codes. If all the commissioners who have served over the past 100 years, would have used, so called "discretionary law", based on their personal feelings, emotions, attitudes, likes and dislikes, and their discriminations against the public and adjacent landowners of Emmons County, as Commissioners Weichel, Hulm and Kalberer did on 90th St. SE, there probably would not be a section line right-of-way left in Emmons County for the public or adjacent landowners to travel. In closing, our county commissioners, have taken an oath and have an obligation, under the constitution, to uphold NDCC 24-07-003 and 24-06-28. In this case, it appears that county commissioners cannot override century codes with a local, county variance.

Chairman Magrum asked States Attorney Joseph M. Hanson to submit a written request to the North Dakota Attorney General for a formal opinion.

Chairman Magrum read the following letter from Road Equipment Operator, David Krumm: Esteemed Emmons County Commissioners, this correspondence regards the special meeting on September 27, 2022. During the meeting, when discussing the operating cost for the use of the grader, some commissioners expressed the opinion that it should be twice the normal cost of \$200.00 per hour equaling \$400.00 per hour plus \$100.00 for fuel just to make sure everything was copacetic. After ruminating about this matter for several days, I have decided to acquiesce to those commissioners on this issue even though the actual use time was 1.8 hours as verified by the photos that were presented. Included in this correspondence is a check for \$400.00 in addition to the \$500.00 that was paid on September 27, 2022. Also, to appease and satisfy all those involved and concerned, I am freely donating the three months (January, February, and March of 2021) use of my personal shop welder, which I brought from home, for the use of the Emmons County Road Department. Thank you for your attention in this matter and best of wishes for a bright future. Sincerest Regards, David Krumm.

The Commission agreed to not accept the check from David Krumm in the amount of \$400.00 and considered the matter closed.

Commissioner Eberle motioned to enter into an agreement with the North Dakota Department of Corrections and Rehabilitation and its Division of Juvenile Services, the North Dakota Association of Counties, city and county jurisdictions as listed in Appendix A and Youthworks for providing Juvenile temporary placement and staffing for an annual fee of \$1,000.00. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel.

Sheriff Gary Sanders informed the commission that Deputy Sheriff John Bartlette submitted his resignation. His last day of employment with Emmons County is November 18, 2022. Sanders will start advertising for the position next week.

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, 2023 and shall expire December 31, 2023 for a quarterly payment of \$1,200.00. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

Commissioner Hulm motioned to table the Plat for Larry and Wanda Huether pending an opinion from States Attorney Joseph M. Hanson regarding zoning. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Joey Borracci, Relationship Manager for Summit Carbon Solutions, appeared to inquire about utility permitting, approach permits and conditional use permits. Also inquired was permitting for county drainage and flood plain permitting where the Chairman directed Borracci to the Water Resource Board and the City of Linton. Chairman Magrum requested a map from Borracci that will show residents, siting distances from residents, tract owners, sections, township and ranges. Josh Odden also requested GIS shapefiles.

Clay Cameron, Sarah Montone and Josh Akers from NextEra Energy Resources appeared to introduce a potential battery storage project that would be located near the Emmons Logan Wind Project. Mr. Cameron stated that the battery storage project will increase grid reliability for the region, optimize the way power grid delivers renewable electricity to customers (even after the sun goes down or the wind stops blowing), reduce the frequency of unexpected and rolling blackouts and avoid the need for some system upgrades, including big transmission projects. The 100-120 megawatt 4-hour battery storage facility will be located on a 12-acre project site near the existing substation that would include battery enclosures and power conversion system. Construction duration would take three months with expected commercial operation by December 2024.

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

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

Dave Weiler, promotional representative with the Wall of Honor, telephoned into the meeting to inquire about placing a Wall of Honor in the courthouse. The monument is a TV that scrolls through photos of veterans and first responders throughout the state and lists where and when they served. There is a one-time cost of \$3,000.00 which includes the bracket, TV, installation and technology. There's also an annual maintenance fee of \$1,000.00 that takes affect after the first year. Weiler stated that other county's that have the Wall of Honor in their courthouses reached out to find sponsors to help fund the project.

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 Hulm motioned to set the minimum sale price for each property as recommended by Director of Tax Equalization. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

Commissioner Hulm motioned to transfer the county's NDIRF and State Fire and Tornado insurance policies to Strasburg Insurance Agency for the years 2023-2024. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the building permit for O'Brien and Brenda Schaffner to erect a 40 X 48 garage on the W 1/2 NW 1/4 NE 1/4 SE 1/4 SE 1/4 of Section 8, Township 130, Range 79. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for Chris Huizenga to erect a 36 X 44 garage on Rice Lake South Subdivision 2, Lots 3 and 4, Section 4, Township 129, Range 75. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the building permit for Lenard Vetter to erect (2) grain bins on the SW 1/4 of section 22, Township 133, Range 74. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the building permit for Jordan and Samantha Gross to erect a 30 X 40 garage on the SW 1/4 less 2.64 A. R/W, Section 27, Township 133, Range 74. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Kalberer motioned to approve the building permit for Schick Land LLP to erect (2) 55,000-bushel grain bins on 10 acres in the SW 1/4 of Section 23, Township 135, Range 76. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to approve the renewal building permit for Paul Schneider to add an addition onto the existing home on Glencoe Estates Section 12, Township 136, Range 79. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for SBA Network Services, LLC to add new antennas to the existing telecom tower on Section 32, Township 133, Range 78. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to approve the building permit for Bruce and Dixie Bosch to move in a 28 X 56 manufactured home on Lot 17, Rice Lake Subdivision, N ½ of Section 4, Township 129, Range 75. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve a building permit for Donald Larson to erect a 48 X 96 pole barn on part of the SE ¼ of Section 32, Township 130, Range 77. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

Commissioner Weichel motioned to 50/50 split the \$4,155.00 cost of labor with Keith and Sarah Vogel for road work on 6th Avenue SW. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to resend the previous approval of the building permit for Michael Schneider, Jr. and Cheryl Jangula from the July 5, 2022 meeting. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the building permit for Michael Schneider, Jr. and Cheryl Jangula as applied for on June 20, 2022. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried. Present for discussion was Michael Schneider, Jr.

David Schlittenhart appeared to request road maintenance on 57th St. SE. The roadway washed from flooded waters last year and is full of potholes. The county has always graveled and maintained the culverts on this road because east of the Schlittenhart farm is a gravel pit that the county used to screen gravel from. Joseph M. Hanson will draw up a road access agreement.

Paul Foertsch appeared to discuss road matters including the cost, approval process and the quality of work on 98 St. SE., ditch mowing concerns, and road maintenance and flagged culverts on 86th St. SE. Mr. Foertsch also asked about county policy for tobacco use on county vehicles and equipment.

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

Skyler Prellwitz reported that Tena Weber contacted him regarding the property on Lot 25A, Beaver Bay Subdivision, Section 23, Township 132, Range 79 stating that the Beaver Bay roadway goes through their property. The county will hire Wold Engineering, P.C to survey for property lines.

There was some discussion regarding the road on 93rd St. SW. Skyler Prellwitz stated that the Supreme court ruled on the section line markers and determined the center of the section line and suggested that meetings be held with all the adjoining landowners and have agreements in place prior to constructing the road.

Bob Bauman telephoned into the meeting asking for clarification on the road work done on 98 St. SE.

Commissioner Eberle motioned to approve the following Utility Permits:

- South Central Regional Water to install a 2" waterline approximately 1800' on the west side of 4th Ave SE, NE ¼ of Section 10, Township 135, Range 77.
- Alfred Bosch to install power cable on 72nd Street, S ½ of Section 31, Township 134, Range 76.
- KEM Electric to install cable on 72nd St SE boring north to south.
- KEM Electric to install cable on 9th Ave SE boring east to west.

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

At 5:30 P.M., a public hearing was held on the proposed preliminary budget for calendar year 2023 at which time written or oral comments from the public will be considered concerning the proposed annual budget. One citizen appeared and requested to receive budget information by email.

Following the hearing, the Commissioners made recommendations on amending the budget by utilizing the permit fund for the \$78,000 appropriation for SIREN and the \$50,000 appropriation for courthouse maintenance, decrease the mill levy for Water Resource from 1.50 to 1.09 mills, decrease \$45,000 in road district equipment purchase, removing the \$5,000 appropriation for video equipment and the \$36,000 appropriation for a new security system as grants have been approved for these purchases, and utilizing ARPA funds for capital projects in the courthouse and county shops for \$90,000.

Commissioner Hulm motioned to approve the amendments as recommended and adopt the 2023 county budget. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

General and 911 – Voucher Numbers LP14802-LP14825, LP14853-LP14856, Payroll - \$93,926.64,
Expense for reimbursement – \$386.50
Highway Tax – Voucher Numbers LP14826, LP14857-L14866; Payroll – \$52,491.30, Expense for
reimbursement - \$373.75

The following vouchers were reviewed and approved for payment:

41456	MDU	Utilities	110.68
41531	Advanced Business Methods	Copier Contract	931.13
41532	Armor Interactive	Silver Contract	215.00
41533	Auto Value Linton	Parts	129.26
41534	Beastrom Oil Co.	Propane Line	902.29
41535	Burleigh Morton Detention Center	Prisoner Billing	1,275.00
41536	Burleigh County Emergency Mgmt.	Quarterly Contract	4,200.00
41537	Butler Machinery Co.	Road Equipment Lease	27,087.86
41538	Butler Machinery Co.	Parts/Labor	2,706.66
41539	Circle H. Lumber	Supplies	158.20
41540	Hazelton City	Water Bill	36.00
41541	Linton City	Water Bill	197.01
41542	Linton City	50% Share of cost to repair boulevard	4,400.00
41543	Strasburg City	Water Bill	92.56
41544	Code 4 Services, Inc.	Sheriff Vehicle Accessories	86.79
41545	Cole Papers, Inc.	Supplies	227.16
41546	Curtis Rud Oil Co.	Fuel	3,462.10
41547	Deere Credit, Inc.	Road Equipment Lease	82,873.28
41548	Emmons County Treasurer	Supplies	37.60
41549	Emmons County Treasurer	Postage	519.36
41550	Fireside Office Products	Supplies	318.56
41551	Highway 13 Spray Foam LLC	Spray Foam Shop Walls	12,800.00
41552	I State Truck Center	Parts	98.62
41553	Jack's Electric & Trenching	Service	42.24
41554	Jerome Distributing	Water Refills	100.80
41555	Kramer Electric	Parts and Service	235.12
41556	Krumm, Francis	Rock Rake Rental	2,300.00
41557	Leier, Emily	Expense Reimbursement	357.03
41558	Linde Gas & Equipment, Inc.	Parts	36.55
41559	Linton Auto Parts	Parts/Supplies	978.04
41560	Master Fire and Safety	Annual Maintenance	554.50
41561	Merkens Law PLLC	Attorney Services	150.00
41562	Midwest Investigation & Security	Alarm Monitoring Services	312.00
41563	MDU	Utilities	1,540.93
41564	Nieuwsma, Denise	Expense Reimbursement	86.40
41565	Nodak True Value	Shop Supplies	256.92
41566	NDACO	Computer Support	393.75
41567	NDDOT	Bridge Inspection	1,430.25
41568	NDLTAP UGPTI	Training	50.00
41569	NW Tire, Inc.	Tires	577.52
41570	Holzer, Paul	Carwashes	12.00
41571	Payment Remittance Center	Gas/Fuel/Supplies	746.22
41572	Payment Remittance Center	Gas/Fuel/Supplies	559.10
41573	Payment Remittance Center	Gas/Fuel/Supplies	837.51
41574	Payment Remittance Center	Gas/Fuel/Supplies	623.63
41575	Payment Remittance Center	Gas/Fuel/Supplies	656.67
41576	Payment Remittance Center	Gas/Fuel/Supplies	2,381.38
41577	Payment Remittance Center	Gas/Fuel/Supplies	1,355.19
41578	RDO Truck Center	Parts	64.56
41579	Renschler, Norman	Maintenance to Langelier's/Rice Lake	2,380.00
41580	Sayler Implement, Inc.	Parts	166.04
41581	Schneider, Jackie	Food Pantry	500.00
41582	Sign Solutions	Road Signs	1,053.30
41583	South Central Regional Water	Service	245.42
41584	Statewide Services	Endorsements	1,110.00
41585	Stuckle, Acacia	Expense Reimbursement	130.00
41586	TC Specialties, Inc.	Servicer	57.00
41587	Terracon Consultants, Inc.	Gravel Pile Analysis	1,202.00
41588	Terry's Service	Tire Service	80.00
41589	Titan Machinery	Parts	967.23
41590	Tower Communications	Tower Rent	200.00
41591	True North Steel	Culverts	38,951.96

41592	Unlimited Office Solutions	Forms	242.66
41593	Verizon Wireless	Cell Service	461.56
41594	Verizon Wireless	Cell Service	409.85
41595	Vogel, Sarah & Keith	Labor Cost	2,077.50
41596	Wold Engineering, PC	Engineering Services	15,385.21
41597	Office of Attorney General	SCRAM Fees	150.00
41598	Emmons County Record	Publishing	1,042.18
41599	KEM Electric	Utilities	254.29
41600	Martin Oil Co.	Fuel	38,015.76
41601	Verizon Wireless	Cell Service	41.96
41602	Dakota Dust Tex, Inc.	Service	36.50
41603	Heartland Waste Management	Service	120.00
41604	Informational Technology Dept.	Internet Access & Netmotion	1,040.55
41605	Agtegra Coop	Fuel	553.23
41606	BEK Communications	Telephone Service	1,708.16
41608	Camp Knoll LLC	Gravel	21,250.00

There being no further business before the board, Chairman Magrum adjourned the meeting at 6:50 P.M.

Approved: November 1, 2022

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S SPECIAL MEETING
SEPTEMBER 27, 2022**

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

The Pledge of Allegiance was recited.

The purpose of this meeting was to address the issue of using a county blade for private purposes.

Road Superintendent, Skyler Prellwitz, explained to the Commission that David Krumm's route ties on the Emmons-McIntosh county line and it's closer for Krumm to take the blade home at the end of the work day than it is to drive all the way back to the Strasburg shop. Prellwitz gave Krumm permission to take the county blade home and park it there for the evening. Krumm asked Prellwitz if he could use the blade to fix a waterway and blade his driveway and Prellwitz granted him approval. Prellwitz commented that they didn't try to hide anything, and apologized to the Commission for any undue stress that they caused.

David Krumm stated that he doesn't want the blame to fall on Prellwitz and is taking full responsibility as he incorrectly assumed that there was a provision that if the county did private work, and it was approved by the supervisor, it was okay so long as the hours are tracked and reimbursed to the county at the going rate. Krumm did submit a check to the county in the amount of \$500.00.

Commissioner Hulm expressed that this puts the commissioners in such a bad situation. "How do you explain to the public that we let a county worker take a blade home to do work on his land". "It opens such a can of worms"! Hulm stated that he received numerous calls regarding this matter.

Commissioner Weichel shared his frustrations with Prellwitz and Krumm and told them that this is a political year and the commissioners are doing their best to maintain fires and your throwing gas on it. "This reflection comes back to the Commissioners!" Weichel told Prellwitz that this was a mistake on his part also and it was a bad choice at a bad time and will not end very well for neither him nor Krumm.

Chairman Magrum also shared his frustrations with Prellwitz and Krumm stating that when they step in the county equipment, it's a reflection on everyone. Magrum expressed that what frustrates him the most is that people seen this and think that the commissioners are ok with it. "People think that if one person does this, that's how the county is, and that's my biggest disappointment. Because the entire time that I've been here, the one thing that I've tried to do is to stop this private work type stuff from going on."

Chairman Magrum consulted with the county's human resource consultant, Pam Binder, prior to the meeting and the advice he received was that some county's dealt with similar situations and on the light side they wrote the employee up with probation, charged for equipment time, and restricted a pay increase for one year, and on the heavy end is grounds for termination. Chairman stated that in his opinion, Skyler Prellwitz should get a written warning in his personnel file and basically be on notice should something like this happen again, he would be terminated. David Krumm should pay for equipment time with a little extra to pay for every inch that he did, a written notice in his personnel file, and no pay increase for one year.

After further discussion, Commissioner Weichel made a motion asking for David Krumm's resignation today. Seconded by Commissioner Hulm. Roll Call "YES": Hulm and Weichel. "NO": Eberle, Kalberer and Magrum. Motion failed.

Commissioner Eberle motioned that David Krumm be placed on probation for one year with a one-year wage increase restriction. Seconded by Commissioner Kalberer.

Commissioner Eberle motioned to amend the previous motion to also include that David Krumm pay for two hours of equipment time and \$100.00 in fuel costs. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer. "NO": Hulm and Weichel. Motion carried.

Roll Call for the motion to place David Krumm on probation for one year with a one-year wage increase restriction and to include the approved amendment that David Krumm pay for two hours of equipment time and \$100.00 in fuel costs. "YES:" Eberle, Hulm, Kalberer. "NO": Magrum and Weichel. Motion carried.

Chairman Magrum instructed the Road Superintendent to shift David Krumm's route to another area in the county.

There being no further business before the board, Commissioner Magrum adjourned the meeting at 9:35 A.M.

Approved: October 2, 2022

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
SEPTEMBER 6, 2022**

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

The Pledge of Allegiance was recited.

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

Commissioner Weichel motioned to approve the minutes of the August 2, 2022 regular meeting. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

Old and Unfinished Business

States Attorney Joseph M. Hanson reported that Trash, Inc. is interested in cleaning up the nuisance located at 8080 Highway 83 South, Linton, ND.

Craig Kitzan presented a quote for a work table to use in the courtroom during county commission meetings from Rough Rider Industries in the amount of \$1,277.00. The commission agreed to hold off for now and tabled the matter.

Commissioner Hulm addressed the folder with employee evaluation information that was received from Francis Krumm at the August 2, 2022 commission meeting. Commissioner Hulm felt that the commissioners went over this information at the November 2, 2021 commission meeting with the county's HR Consultant, Pam Binder, and everything was addressed and taken care of and now it's time to move on and drop the issue. Commissioner Hulm also expressed that evaluation records are open to the public, and open record requests should be made through the Auditor's office and not through commissioners.

Commissioner Eberle disagreed and stated that the information in the packets was not addressed per his conversation with Pam Binder, and felt that the discrepancies to the time cards and unverifiable wages is a lot of money which is not fair to the taxpayers and other county employees.

Chairman Magrum stated that because the packet was from the former road superintendent and some of the information was on former road department employees, he felt that the current road superintendent's opinion on the employees is more relevant. Also, going forward employee's time is being tracked more accurately. "Just because there was a discrepancy in the time cards doesn't actually mean that the employees weren't working those hours." The county is currently moving forward with cell phone automated time keeping that will track the employees time more accurately. Chairman Magrum agreed that the issue was found, and now we need to move forward.

New Business:

Commissioner Hulm reported that Linton City Mayor, Daniel Imdieke, could not make the meeting, but wanted the commission updated on the project to repair the hillside north of the courthouse. Linton City decided that instead of cementing the hillside as previously discussed, they will try landscaping the area with rock for a cost of \$10,000.00. If the landscaping doesn't hold, then the city will continue with the plans on cementing the hillside as discussed at the August 2, 2022 commission meeting. The County Commissioners previously approved to split the costs 50/50 with the City of Linton for a total cost up to \$25,000.

Commissioner Kalberer motioned to approve the building permit for Cole Moch to move in a 30 X 72 house on the NE ¼ of the NE ¼, Section 10, Township 135, Range 77. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the building permit for Mark Kramer to erect a 70 X 120 storage building on the SE ¼ of Section 14, Township 131, Range 77. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for Brady Weber to erect a grain bin on the SE 2.73 acres of the W ½ in Section 12, Township 133, Range 78. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for Carol Neis to replace windows in the existing home on the NE ¼ less 2.51 A RW to Co., Section 32, Township 131, Range 74. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to remove Kayla Hendrickson and Helen Renschler and add Deputy Treasurer Ardella Deis and Deputy Treasurer Lisa Ternes to have authorization to sign on the bank accounts for

Emmons County at the Bank of Hazelton, Hometown Credit Union and Strasburg State Bank. Seconded by Commissioner Weichel. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Linton Airport Authority Board Members, Roger Martin and Ken Wikenheiser, appeared to request that the commissioners resend the motion to place a measure on the ballot for levying up to two mills for the airport. After discussion, Commissioner Hulm motioned to resend the motion approved at the August 2, 2022 commission meeting that adopted a Resolution to create a county airport mill levy for up to two mills and for placing the measure on the November 8, 2022 general election ballot. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

County Auditor/Treasurer, Marlys Ohlhauser, provided a report of the permits issued through load pass from 2016 – 2021 and an up to date count for 2022. Emmons County pays annual membership dues of \$500.00 to the Western Dakota Energy Association for the load permit system. Membership responsibility is that the county must designate a contact person during business hours to respond to permit requests within reasonable time of one to two hours. The county must also provide a designated contact person during non-business hours to respond to requests which is once in the evening and once or twice per weekend day for permit requests. Marlys Ohlhauser stated that back in 2016, she volunteered to be the contact person during business hours and also the contact person for evenings and weekends where a total of 1,140 permits were issued. These permits generated over a million dollars of revenue to the county.

County Extension Agents, Acacia Stuckle and Emily Leier, informed the commissioners that the biennium Legislative update where NDSU provides information on Extension programs and activities will be held in Bismarck on September 20, 2022. Chairman Magrum RSVP'd for the event.

Director of Tax Equalization, Denise Nieuwsma, reported that she's been doing a drive through at the recreation areas listing properties that are not in compliance with the new ordinance.

Discussion was held regarding (4) four cattle guards placed in the road on 3rd Ave SW. Chairman Magrum stated that the cattle guards were the responsibility of the county as part of a way to secure easements to build the road back in 1964. Previously, the road department would clean out the guards, but nothing has been done for the past ten years. Chairman Magrum cleaned the guards using his hydro vac to prevent the cattle from crossing over. The commission will research the easement agreements and look into rebuilding the guards if the county is responsible. For the time being, the county will continue maintaining the guards as needed.

Donavin Grenz appeared to request permission to install cattle crossing on the road leading into JT Ranch, ½ mile off Highway 1804. Donavin also commented that the gravel piles on the side of the roads is making mowing ditches almost impossible and questioned why the gravel isn't pushed up to the middle of the roads.

Francis and Steven Werlinger appeared to discuss the fence matter on 90th St. SE. Also present for discussion was Francis Krumm. Chairman Magrum stated that he contacted Wold Engineering, P.C. to survey the fence and according to the survey, Werlinger's did not construct the fence according to the variance agreed upon at the July 5, 2022 commission meeting. The fence actually crosses over the section line in one area.

Steven Werlinger stated that there was a survey marker on the west side of the road. They measured thirty-three feet back and that is where they put the corner post. After they left the survey marker from the road, they had nothing to go off of. Werlinger also expressed that at the commission meeting he was told that he could go to the hill by the creek, and then the agreement was that they could be 10 – 12 feet off the section line by Leo Meier's fence. Also, there was an area where their fence would not go up the hill, but the landowner Terry Buechler, approved to have the fence on his property so long as he still owns the land.

Commissioner Weichel commented that he looked at the fence after Werlinger's moved it and felt that the fence is in an area that doesn't affect anyone and it's not a heavy traveled road. REA poles are in the same area also.

Commissioner Eberle commented that the fence is still on the right-of-way and that's not fair to the next guy. The law states the fence is suppose to be thirty-three feet off the right-of-way. If we let everyone get by, what do we gain?

Francis Krumm referenced chapters 24-07-03 and 24-06-28 from the North Dakota Century Code. Chapter 24-06-28 states that unless written permission is first secured from the board of county commissioners or board of township supervisors, a fence may not be established on the right-of-way. Chapter 24-07-03 states that the board of county commissioners, if petitioned by a person having an interest in the adjoining land or a portion thereof, after public hearing and a finding by the commissioners of public benefit. Krumm stated that if any of the landowners (Werlinger, Krumm, Meier and Buechler) want to encroach on the right-of-way, the landowners would need to have a public hearing with the commissioners and if anyone in the public wanted to contest the encroachment, the commissioners would have to go with the public benefit. A section line is four rods wide and each landowner has to provide thirty-three feet. The only way that you can fence on a right-of-way is if there's no public contest or if the encroachment is so severe such as a cliff. North Dakota considers section lines as public roads open to public travel and are defined as 66 feet wide.

Francis Krumm also referenced Wayne Stenehjem's eleven-piece opinion on right-of-way and stated that it is very key the last three pages that public opinion always has priority over adjacent landowners, and that commissioners always have to do that through a public hearing. Stenehjem writes that this opinion is issued pursuant to North Dakota Century 54-12-01. It governs the actions of public officials until such time as the question presented is decided by the courts. Francis Krumm told the commissioners that they cannot play God. “A century code is a century code. You don't get to rewrite them. You don't get to use your public opinion nor

your personal opinion. You couldn't grant me this waiver nor can you grant the Werlinger's this waiver unless you have that public hearing. Joe Hanson can provide you this century code and it is my intentions if you go forward and allow this fence here, that I will file suit and fight this in court because that is the law."

Commissioner Weichel stated that as a board of commission, we have an option to use discretion to look at every case individually. "We are not a court of law, we are county commissioners!" Commissioner Weichel then motioned to grant a variance to Francis and Steven Werlinger to allow the fence as constructed. Seconded by Commissioner Hulm.

Joe Hanson stated that the approval of the variance back in July was that Werlinger's had to stay out of the right-of-way and the only time they could get into the right-of-way was to deal with a certain piece of terrain. Wold Engineering, P.C surveyed the fence and Werlinger's didn't comply with that variance. In Joe Hanson's opinion, if the commissioners are going to pass another variance, this should be done after a public hearing pursuant to North Dakota Century Code 24-07-03.

After discussion, a roll call vote was taken. "YES": Hulm, Kalberer and Weichel. "NO": Eberle and Magrum. Motion carried.

Dave Twardoski reappeared to check the status about the road he requested on 93rd St. SW, Section 14, Township 130, Range 79. Skyler Prellwitz reported that there's not much that the county can do on the north side due to the power pole, fence and waterline. Some work can be done on the southside, but it won't fix the snow blocking problem. In order to eliminate the snow blockage, the county would have to cut the back slope on the northside of the road where there's utilities. Suggestion was to hire Wold Engineering, P.C. for surveying to determine where the right-of-way is.

Chairman Magrum brought forward discussion regarding pipeline setbacks. Chairman researched other county's and reported that McPherson County, SD has a one-mile setback from occupied residents, and in Nebraska, a county passed a resolution implementing one to two miles set back from occupied structures for pipelines carrying hazardous material.

Present was landowner, Kevin Bernhardt, who stated that the proposed carbon pipeline is ¼ mile from his yard and their son has a place where he wants to put a house on is a ½ mile from the pipeline. Bernhardt expressed that it's too close and recommended a two- or three-mile setback from occupied residences.

Landowner, Stephanie Doolittle, provided a handout that has a web address for viewing a video that was recorded after a carbon pipeline ruptured last year in Satartia, Mississippi. Doolittle also commented that they were served papers by Summit Solutions stating that if they don't sign a voluntary survey, then Summit Solutions wants a court date in twenty-one days. Doolittle applauded the commissioners for everything that they are doing for the safety of the landowners in Emmons County.

Chairman Magrum asked the commissioners to do homework by researching information on pipeline setbacks for more discussion at future meetings.

Commissioner Hulm reported that he's received several calls about the washboards on 84th St. which is a school bus route. Skyler Prellwitz will look into the matter.

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

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

Calvin Kelsch appeared to discuss the road in sections 21 and 22, township 132, range 74, approximately 14 miles east and 1.5 miles south of Linton, ND. Following a hydraulic analysis study by Wold Engineering, P.C., two alternates were recommended for culvert replacement. Alternate one consists of removing the existing steel and concrete pipe and installing three (3) 60" corrugated steel pipe, placing riprap on the in slopes for erosion protection along with three inch plus diameter aggregate for a driving surface across the overflow section of the existing roadway. This alternate would handle a 10-year discharge with overtopping the roadway. The total costs for alternate one is \$161,000.00. These culverts would not be available until October. Alternate two consists of removing the existing steel and concrete pipe and installing a double (2) 16' wide X 9' high reinforced concrete box culvert (RCB), raising the roadway to an elevation 1,850.33'. This alternate would handle a 15-year discharge without over topping the roadway. The total costs for alternate two is \$478,000.00. This box culvert would not be available until June, 2023.

Skyler Prellwitz presented an estimate for (2) 84" X 50' culverts with (4) end sections for a total cost of \$38,928.60. These culverts are available now. Road elevation would be raised to elevation 1,847.30. After discussion, Commissioner Eberle motioned to move forward with the installation of (2) 84" X 50' culverts. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried. The Commission concluded that this is a temporary fix for getting the road open, and the goal is to work on getting the box culvert installed.

Emmons County applied for federal funding through the new county bridge program and was accepted for 100% funding for replacing bridge #15-131-31.1, 9 miles east and 4 miles north of Strasburg, ND. Construction will take place in 2024. Jon Martin, Wold Engineering, P.C., was present and presented an engineer's cost estimate of \$900,000.

Mike Paul appeared to request a road easement from the county on the SW ¼ of Section 13, Township 132, Range 79. Joe Hanson will work with the Corp of Engineers and Paul on obtaining the easement.

Discussion was held relating to the bridge on 63rd St. SE. Present was Becky Wald who questioned the condition of the bridge. Skyler Prellwitz stated that NDDOT inspects county bridges every other year and the most recent report showed that this bridge was cleared by the inspector as being in fair operating condition. Skyler will check with NDDOT and post weight limit signs.

Discussion was held regarding the road on 82 ½ St. SW and 6th Ave SW. Keith and Sarah Vogel had a neighbor blade up the shoulders and gravel the road and are now requesting that the roads be added to the county’s regular maintenance route for blading and snow removal. The road will be a future school bus route.

Commissioner Weichel motioned to hire Quality Asphalt Repair, Inc. for patching the road on 6th Ave SE for a cost of \$7,030.00. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Kalberer, Hulm, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the Utility Permit for Wesley Mastel to install a waterline on the section line on 97th St. SE, Section 9 crossing the section line to Section 4, Township 129, Range 74. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Clarence Herz appeared to request that the County Commissioners cut off the funding for the Historical Society. Herz stated that after he moved from Fargo to Linton in 2018, he got involved with the Historical Society and attended his first meeting in January, 2018. Elections were held at this meeting and Herz was elected as their Secretary-Treasurer. He took this position over, but was denied access to the records and the previous Secretary-Treasurer refused to hand the books over to him. Herz stated that from the beginning, the members were not operating under Roberts Rules of Order, didn’t have by-laws, and were not producing minutes and financial statements. Herz submitted a request to the Attorney General’s office asking for an opinion because the Historical Society is publicly funded and not providing minutes as required.

James Klein was present and stated that the committee for the Historical Society is all voluntary. If they don’t do the work, who will?

Jeff Ohlhauser was present and stated that the minutes are up to date and the only thing that hasn’t been done according to the by-laws is that they need a President and Vice President. The Historical Society has been operating with a joint President and Vice President which will get changed when they meet again in February, 2023 and update the by-laws. Ohlhauser stated that they didn’t have a full board because there weren’t any members.

Chairman Magrum asked Jeff Ohlhauser to submit a copy of the latest minutes and by-laws to the County Auditor so the county has record of them.

Joe Hanson suggested that the Commissioners wait and see what the outcome of the Attorney General’s opinion states prior to acting on Herz’s request.

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

General and 911 – Voucher Numbers LP14731-LP14755, LP14790-LP14791, Payroll - \$94,795.24,
Expense for reimbursement – \$307.50
Highway Tax – Voucher Numbers LP14756, LP14792-L14801; Payroll – \$64,697.46

The following vouchers were reviewed and approved for payment:

41310	MDU	Utilities	123.61
41376	Advanced Business Methods	Extension Copier Contract	303.02
41377	Agtegra Coop	Fuel	2,113.56
41378	Applied Concepts, Inc.	Sheriff Vehicle Accessories	6,174.00
41379	Armor Interactive	Silver Plan Contract	1,465.00
41380	Aune, Charles	Braddock Shop Mowing	90.00
41381	Auto Value	Supplies	17.99
41382	Balco Uniform Co., Inc.	Uniform Accessories	74.00
41383	Beastrom Oil Co.	Service	8,608.06
41384	Bobcat of Mandan	Parts	86.26
41385	Burleigh County Detention Center	Prisoner Billing	975.00
41386	Butler Machinery Co Corp	Parts/Labor	756.30
41387	Chesak Seed House	Seed	2,120.00
41388	Circle H. Lumber	Supplies	11.75
41389	Hazleton City	Water Bill	36.00
41390	Linton City	Water Bill	182.63
41391	Strasburg City	Water Bill	89.29
41392	Code 4 Services, Inc.	Service Call	650.62
41393	Cole Papers, Inc.	Supplies	87.48
41394	Dakota Dust Tex, Inc.	Service	54.75
41395	Emmons County Record	Publishing	781.63
41396	Emmons County Treasurer	Postal Machine Use	2,040.26
41397	Fireside Office Products	Supplies	568.84
41398	Grand Hotel	Lodging	86.40

41399	Heartland Waste Management	Service	120.00
41400	Innovative Office Solutions	Supplies	119.59
41401	Interstate Power Systems	Service	1,105.00
41402	Jack's Electric & Trenching	Service	31.48
41403	Jerome Distributing, Inc.	Water Refills	92.40
41404	Keller's Hardware	Supplies	115.33
41405	Kriss Engineering, Inc.	Cutting Edges	12,029.04
41406	Leier, Emily	Expense Reimbursement	62.25
41407	Linde Gas & Equipment	Supplies	36.55
41408	Linton Auto Parts	Parts/Supplies	512.54
41409	Martin Oil Co.	Gas	477.55
41410	Matthew Bender & Co., Inc.	ND Century Code Updates	199.89
41411	MDU	Utilities	1,715.90
41412	Nodak True Value	Supplies	399.07
41413	NDACO Resources Group, Inc.	Remote Support	175.00
41414	NDACTVSO	Registration Fee	120.00
41415	NDDOT	Chip Seal Project/Bridge Inspections	83,988.09
41416	NDSU Ag Budget	Salary Reimbursement	12,782.41
41417	ODP Business Solutions, LLC	Supplies	128.32
41419	Payment Remittance Center	Gas/Fuel/Supplies	690.60
41420	Payment Remittance Center	Gas/Fuel/Supplies	944.05
41421	Payment Remittance Center	Gas/Fuel/Supplies	1,091.95
41422	Payment Remittance Center	Gas/Fuel/Supplies	901.28
41423	Payment Remittance Center	Gas/Fuel/Supplies	795.99
41424	Payment Remittance Center	Gas/Fuel/Supplies	2,654.36
41425	Payment Remittance Center	Gas/Fuel/Supplies	812.69
41426	Pfeifle on 83	Service	122.33
41427	Pharm Chem	Sweat Patch Analysis	62.90
41428	Power Plan Corp	Supplies	1,348.49
41429	Precise Transplant	Trailer Rent	2,250.00
41430	Quality Inn	Lodging	259.20
41431	RDO Truck Center	Parts	547.97
41432	Renschler, Norman	Maintenance to Langelier's & Rice Lake	3,311.50
41433	River City Lawn & Landscaping	Service	88.00
41434	Rough Rider Industries	Parking Signs	46.78
41435	Sayler Implement, Inc.	Parts	799.06
41436	Schneider, Jackie	Food Pantry	500.00
41437	South Central Regional Water	Water Bill	204.82
41438	TC Specialties, Inc.	Service	57.00
41439	Telfer Township	Graveling	1,629.05
41440	Titan Machinery Co.	Tires	1,200.00
41441	Tower Communications	Towner Rent	200.00
41442	Verizon Wireless	Cell Service	42.04
41443	Verizon Wireless	Cell Service	462.44
41444	Verizon Wireless	Cell Service	410.25
41445	Warrens Locks & Keys	Keys	104.00
41446	Western Dakota Energy Association	Load Pass Dues	500.00
41447	Wold Engineering, P.C.	Chip Seal Road Project	26,415.60
41449	BEK Communications	Telephone Service	1,722.37
41450	Information Technology Dept.	Internet Access & Netmotion	1,040.55
41451	KEM Electric	Utilities	245.52

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

Approved: October 4, 2022

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
AUGUST 2, 2022**

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

The Pledge of Allegiance was recited.

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

Commissioner Weichel motioned to approve the minutes of the July 5, 2022 regular meeting and the July 19, 2022 special meeting. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to approve the agenda with the addition of weed cutting fees, Langelier's Bay inspection and Bob Bauman by telephone. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Old and Unfinished Business:

GIS Coordinator, Josh Odden, reported that Mary Senger, DEM, purchased a video system through a cost share grant for the county's use during meetings and trainings. Odden contacted other counties that record their commission meetings and found that video recording and uploading to a you tube channel has been successful and is more cost effective than live streaming. There will be a link on the Emmons County's website that will take the public directly to the you tube channel. The cost share of the grant for the video recording equipment was \$750.00 and the laptop computer was \$1,700.00. There is no cost for the you tube channel.

Josh Odden also reported that the county received approval from the State Court Administrator to hold commission meetings in the courtroom. The commissioners will explore meeting in the courtroom starting in September.

Commissioner Eberle motioned to approve the renewal building permit for Thomas and Dericci Reineke to add a 5 X 20 deck onto the residence and an 8 X 30 deck onto the shop on Lot 219 of Beaver Bay Walthers Scenic Properties Lakeview II, Section 23, Township 132, Range 79. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the building permit for Senger Farms to move in a 14 X 70 mobile home on the NE ¼ NE ¼ of Section 8, Township 131, Range 74. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for Kayle Grinsteinner to erect a 12 X 16 storage shed on Lot 204 of Beaver Bay Walther Scenic Properties, Section 23, Township 132, Range 79. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for Wesley Mastel to erect a 67 X 260 hoop livestock building on the SW ¼ of Section 4, Township 129, Range 74. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for Kayle Grinsteinner to place a 16 X 20 Pergola on Lot 204 of Beaver Bay Walther Scenic Properties on Section 23, Township 132, Range 79. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for Jonathan Van Boven to move a 30 X 70 manufactured home on the NE ¼ of Section 1, Township 129, Range 76. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the application and issue a liquor license to Cattail Resort for a one-day event on September 3, 2022 on a tract in the SE ¼ of Section 8, Township 130, Range 79. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the application and issue a liquor license to the Blue Room for a one-day event held on August 14, 2022 on a portion of the SW ¼ of Section 36, Township 131, Range 76. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to approve the plat for Gadler LLC, parcel 401, part of Beaver Bay Walther Scenic Properties-Lakeview IV, which is part of Lot 47, Beaver Bay Subdivision, Section 23, Township 132, Range 79. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to approve the building permit for Joe and Janelle M. Schlosser to move in a 26.8 X 60 mobile home and add a 26 X 26 garage on Lot 1-18, Block 5, Templeton, Section 5, Township 133, Range 76, contingent that the setback is a minimum of 40 feet from the center of the road. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the application for abatement or refund of taxes for parcel #52-0001-00004-000 for tax year 2021. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the application for classification as inundated agricultural land and to approve the application for abatement or refund of taxes for tax year 2022 for parcel #39-0000-01595. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the application for classification as inundated agricultural land and to approve the applications for abatement or refund of taxes for tax year 2022 for parcel #02-0000-07194-000, #11-0000-06155, #11-0000-06157-000 and #11-0000-06158-000. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the application for classification as inundated agricultural land and to approve the applications for abatement or refund of taxes for tax year 2022 for parcel #34-0000-02683-000 and 34-0000-02675-000. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Brent Ekstrom, Executive Director for Lewis and Clark Regional Development Council, provided an annual update on the organizations loans and programs that support businesses, local governments and individuals for affordable housing. The organization took over property management from Lutheran Social Services in 2020 and are now managing over 500 units throughout the state. Lewis & Clark Development Groups work with our local banks in providing revolving loans for businesses opening or wanting to expand. The interest rates are determined on a project by project basis, but are generally below the market rate. The organization received \$400,000 in federal CARES Act funds to coordinate and assist with community and economic development throughout the region. Commissioner Weichel is currently serving on the Lewis & Clark Regional Development Board of Directors for Emmons County.

Sharon Jangula and Daniel Imdieke representing Linton City and Roger Martin, LAA Board member, appeared to discuss the ten-year project planning and financials for the Linton Municipal Airport. Sharon Jangula presented the preliminary annual budget for 2023 which estimates a 01/01/2023 beginning balance of \$83,936.11, projected 2023 revenues of \$79,160.00, projected expenses \$133,900.00, transfer out \$60,095.00 for capital improvements, Linton City Airport mill levy \$10,240.00, which leaves a cash deficit of \$20,658.89 for the end of 2023. Only the citizens of Linton City pay property taxes on the airport which is currently at the maximum mill levy of four mills. Linton City is asking the county to levy two mills to help the airport cash flow which would generate approximately \$77,391.60 in property tax revenue. According to the North Dakota Century Code, the county commissioners can adopt a resolution to levy up to four mills for airport or airport authority purposes.

Roger Martin provided a capital improvement plan and map for the airports designs and projects for the next ten years. Projects include apron rehabilitation and improving the access road, seal coat and crack seal airside pavements, runway 9-27 extension and widening and design and construct parallel taxiway for a ten-year project approximate costs of \$4,840,000.00. The FAA shares 90% of the costs (\$4,356,000.00) while the state and NDAC share 5% of the costs.

Roger Martin stated that there are currently three spraying companies that use the airport so he feels that the county should pay their fair share because the spraying does not benefit the city as much as the county.

Commissioner Hulm motioned to adopt a Resolution to create a county airport mill levy for up to two mills. Seconded by Commissioner Weichel. Roll Call "YES": Hulm and Weichel. "NO": Eberle, Kalberer and Magrum. Motion failed.

Chairman Magrum stated that he does not disagree with the merits of the levy, but felt that since it's a creation of a mill levy, it should go to a vote of the people. Commissioner Eberle agreed with this statement.

Commissioner Hulm motioned to adopt a Resolution to create a county airport mill levy for up to two mills and to place a measure on the November 8, 2022 general election ballot. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Virgil Hulm, City of Linton, provided photos of the hillside north of the courthouse in front of the city shop. The side hill washed out last year. The City cemented the hill and it washed out again this spring. The City is proposing excavating the whole side hill and cementing it out. The damaged hillside is becoming a safety hazard to the public. Present was Chris Roehrich who presented an estimate in the amount of \$45,500.00 which includes excavating, concrete, material and labor. There will be some additional costs for moving utilities. After discussion, Commissioner Hulm motioned to approve the estimate from Roehrich Construction and to split the costs 50/50 with the City of Linton for a total cost up to \$25,000 for Emmons County and to utilize ARPA funding. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

The Commission approved a request from Sheriff Gary Sanders to allocate the \$200.00 a month salary budgeted for in the 911 general fund to GIS Coordinator, Josh Odden, for maintaining the mapping for 911.

The board reviewed a preliminary budget proposal for the year 2023 prepared by County Auditor/Treasurer, Marlys Ohlhauser, for the general fund and each special revenue fund with a detailed breakdown of estimated revenues and expenditures for the preceding year, current year and ensuing year and the appropriations requested. A public hearing date is set for October 4, 2022 at 5:30 P.M.

**PRELIMINARY BUDGET OF EMMONS COUNTY
NORTH DAKOTA
CALENDAR YEAR BEGINNING JANUARY 1, 2023**

GENERAL GOVERNMENT

County Board	178,829.73
State's Attorney	234,658.61
Clerk of Court/Register of Deeds	273,075.94
Sheriff	699,698.03
County Coroner	2,400.00
Auditor	286,206.77
Treasurer	158,173.88
Motor Vehicle	4,500.00
Director of Tax Equalization	114,809.34
Veterans Service	32,152.08
Maintenance	79,676.85
Superintendent of Schools	3,191.25
Risk Management	3,300.00
GIS Coordinator	53,546.32
Extension Agent	152,583.02
Disaster of Emergency Services	33,009.80
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	15,000.00
Elections	10,300.00
NDACO	6,953.00
Unemployment Compensation	3,000.00
Miscellaneous	20,000.00
Copier Expense - Extension	4,500.00
Copier Expense - Clerk of Court	1,600.00
Advertising - Lewis and Clark Regional Development	6,116.44
Technology	117,375.00
Neopost Rent	3,000.00
Abandoned Cemetery	3,500.00
Insurance Reserve/State Fire/Workers Comp.	100,000.00
County Park	65,800.00
Indirect Costs for Human Service	143,539.45
Food Pantry Coordinator	6,000.00
911 General	47,650.56
Human Resource Consulting	10,000.00
TOTAL GENERAL FUND BUDGET/APPROPRIATION	2,963,946.07
Amount to be Levied for General Fund	1,707,746.47
Amount to be Levied for County Agent	82,803.90
Amount to be Levied for Veterans Officer	32,152.08
Appropriation for County Road and Bridge	724,889.71
Amount to be Levied	330,633.63
Appropriation for Federal Aid	302,000.00
Amount to be Levied	207,009.75
Appropriation for Highway Tax	836,900.00
Appropriation for Unorganized Road District	1,634,050.00

Amount to be Levied	661,978.20
Appropriation for State Revenue	109,800.00
Appropriation for Emergency	300,000.00
Amount to be Levied	144,149.13
Appropriation for Auditorium	1,800.00
Appropriation for 911	89,298.00
Appropriation for State Grants	13,500.00
Appropriation for Linton Police Contract	52,000.00
Appropriation for County Jail	222,627.00
Amount to be Levied	188,727.86
Appropriation for Permits	600,000.00
Appropriation for Sheriff 24-7 Program	12,000.00
Appropriation for Hazard Chemical	5,000.00
Appropriation for Extension	5,000.00
Appropriation for District Court Trust Fund	1,000.00
Appropriation for State Medical Levy	46,442.80
Amount to be Levied	41,500.00
Appropriation for State Game & Fish	1,000.00
Appropriation for DVVA	400.00
Appropriation for Reimbursable	40,000.00
Appropriation for Real Estate Tax	20,000.00
Appropriation for Document Preservation	18,000.00
Appropriation for Siren Equipment	78,000.00
<u>OTHER COUNTY FUNDS</u>	
Ambulance - Amount to be Levied	82,803.90
Senior Citizens - Amount to be Levied	41,401.95
Historical Society - Amount to be Levied	10,350.48
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	115,173.69
County Hospital District - Amount to be Levied	207,009.75

Joey Borracci, Relationship Manager for Summit Carbon Solutions, appeared to discuss pipeline casings and to clarify the requirements for conditional use permits. The commission concluded that two separate conditional use permits will be required for both phases of the project. Chairman Magrum stated that in his opinion he feels that steel casings under major roads is the proper way to go, but the commissioners will have to consult with the county's engineer.

Commissioner Weichel questioned whether Summit Carbon Solutions is wasting everyone's time because he hasn't heard from anyone that's in favor of this project and expressed that he will stand behind the people. Commissioner Weichel also expressed that he's received numerous letters from concerned citizens and landowners that really don't have interest in this project, and that the majority of the people don't want to see this project happen, and they have good reasons.

Chairman Magrum stated that his main question is the proper course of action, as he received the same letters from concerned citizens and land owners also, but questions whether the county's in any situation to deny a permit that hasn't been applied for. Chairman Magrum felt that the main concern is eminent domain more than anything, and because there's enough concern with eminent domain, there will need to be more discussion and probably some extra requirements put on this project. Chairman Magrum expressed that "as a county we adopted the Resolution that we oppose eminent domain, and we need to stand by this as well."

Commissioner Hulm stated that the commissioners have to serve the people, and if they are against the project, that doesn't leave the commissioners with much of an option.

Commissioner Eberle asked Joey Borracci what Summit Carbon Solutions intentions are for going around all those people that own land and don't want to be in the project. "How will you get from point A to point B without going between them?" Joey Borracci stated that Summit Carbon Solutions is working with all the landowners to avoid that property or going around the property. Eminent domain is not on the company's radar and they are averaging 200 re-routes every week. Chairman Magrum questioned why Summit Carbon Solutions submitted documentation with the North Dakota Public Service Commission that they are a common carrier if eminent domain is not on their radar?

Commissioner Weichel asked Stephanie Doolittle if anyone from Summit Carbon Solutions has been in contact with them since the last commission meeting regarding re-routing? Stephanie Doolittle stated that their attorney reached out to Summit Carbon Solutions after the last letter they received and they received another letter from their attorney yesterday stating that Summit Carbon Solutions is still requiring those easements.

Kevin Bernhardt stated that they also received a letter on re-routing from Summit Carbon Solutions and they are saying that they will go through their land no matter what. Kevin asked why they have to hire an attorney to protect their land.

Larry Smith, Professional Land Surveyor, asked Joey Borracci if all the casing locations will be surveyed according to laws in ND or as the state land requirements are in ND? Joey Borracci stated that Summit Carbon Solutions will be hiring certified surveying companies and will meet all federal and state regulations.

Greg Johnson, Professional Land Surveyor, suggested that the Commissioners send a letter to the Public Service Commissioner transferring their concerns, particularly eminent domain, as this would be a good tool for them to have.

David Moch asked Joey Borracci if there was a regulation book on how the agricultural land will be put back in the same condition, and Joey Borracci's response was that the contracts verbiage states "like or better condition."

Chairman Magrum suggested to amend the industrial conditional use permit fee because it's too low, and to require that the project have 100% voluntary easements to get an industrial conditional use permit otherwise it's automatically declined, making it difficult to use eminent domain.

After discussion, Commissioner Eberle motioned to amend the industrial conditional use permit to include a requirement to have 100% voluntary easements from the landowners for all projects. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to amend the industrial conditional use permit application fee to 3% of the total cost of the project. Seconded by Commissioner Hulm. Roll Call "YES": Hulm, Kalberer and Weichel. "NO": Eberle and Magrum. Motion carried.

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

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

Road Equipment Operator, David Krumm, appeared to set the record straight regarding road work on 98th St. SE. Krumm stated that the road work he's doing on 98th St. SE was nothing more than yearly springtime regimen by pulling curb and gutter that has resulted from years of poor road maintenance. Krumm commented that he was hired by former Road Superintendent, Michael Lawler, to pull curb and gutter, and in his four years of employment with Emmons County, he has pulled 152 miles on the county roads. Krumm requested that the following statement be on record: "I state here and now, under oath, that Commissioner Eberle had absolutely

nothing to do with my decision to pull 98th St. SE.” “As a matter of fact, Commissioner Eberle did not even know that I was even going to do it.”

Francis Krumm was present for discussion regarding the no truck and speed limit signs on 9th Ave SE. Krumm prepared and read the following letter to the Commission: According to the minutes of the April 5, 2022 commissioner meeting posted in the May 12, 2022 issue of the Emmons County Record, “The commissioners agreed to put the no truck signs and speed limit signs back up on 9th Ave SE between 88th & 89th St SE. Mr. Dan Materi requested this closure and was present for this discussion. No reasons were provided to the public, in the meeting minutes, for this decision. The Commissioners have been provided with two annual books, from the road department, for the years of 2020 and 2021, consisting of 626 and 572 pages respectively. These books contain records of any work performed on the roads throughout Emmons County for those two years. If the Commissioners would have reviewed these books or contacted the road department, they would have known that, other than basic grading, there was nothing done to and nothing was wrong with this 1-mile of road. In fact, in 2020, when there were 309 frost boils recorded and documented for FEMA, throughout Emmons County, by the Road Department employees, this 1-mile of road had none despite being used in the spring of 2020 by farmers who were harvesting fall crops, from fields they couldn’t combine in the fall of 2019, and used this road to deliver their crops to the CHS north terminal. In addition, the summer of 2021, was one of the driest on record. Water levels in local lakes dropped by 3’ to 4’ and the winter of 2021-2022 provided very little snowfall to bring water tables up. Since this section of 9th Ave SE was in good condition, other than needing a little gravel, could the commissioners explain the reasons for permanently closing this road to all trucks, loaded or empty? Can they also explain why the local sheriff’s department was not notified about this road closure to trucks, yet was expected to enforce the road closure? I am providing a list of 80 residencies, throughout southern Emmons County, which is probably only half, just as close to a gravel road as Mr. Materi. In theory, these people could all make the same request to have no truck and speed limit signs placed near their residence. By keeping trucks off the 1-mile of blacktop road, on the west side of Strasburg, it would save taxpayers a lot of money by extending the life of this blacktop road. I am providing 2 estimates to improve the 1-mile of 9th Ave SE between 88th & 89th St. SE, as well as, ¾ mile of 88th St. SE going from 9th Ave SE to the CHS terminal. Lastly, I circulated a petition with the assistance of Commissioners Eberle and others. We obtained 57 signatures in favor of the immediate opening of this road. Many of the taxpayers in district #4 and district #5 are unhappy with the decision of the commissioners to close this road and think that it was nothing more than election year politics. According to Mr. Materi’s campaign card slogan, he listed integrity, accountability, transparency & equality as his qualifications for becoming the new district #4 county commissioner. End of letter.

During discussion, Francis Krumm asked the Commissioners if there was a reason why this road was closed? Commissioner Weichel questioned whether the road had water on both sides of the road at one time and that’s why the signs were originally put up. Commissioner Hulm stated that he also thought that with water on both sides of the road, that the road wasn’t good enough to handle the loaded trucks.

Road Superintendent, Skyler Prellwitz, recommended graveling the road and putting up no shoulder or narrow road signs.

The final decision of the Commission was to leave it up to the Road Superintendent to monitor and manage the conditions of the road.

Francis Krumm also brought forward the variance that was granted to Francis and Steve Werlinger at the July 5, 2022 commission meeting. Krumm prepared and read the following letter to the Commission: At the July 5, 2022 commissioner meeting, Mr. Frank Werlinger was granted a variance for approximately 1500’ of section line right-of-way on 90th St. SE, but there were no reasons given in the minutes for this particular variance. I am providing pictures A & B of Mr. Werlinger’s newly constructed fence, going at an angle, across the right-of-way, which is violating and disregarding the terms of the variance. I am also providing pictures C & D of my sprayer moving along the right-of-way, showing that no variance is needed or justified by the commissioners for this right-of-way, as well as, additional pictures E through J, and documentation with measurements. Pictures G & H show that by allowing a variance, travel has been made more difficult by fencing off the best passageway across the right-of-way. Would our commissioners please provide clarification on the reasons for this variance? The public is entitled to 66’ of right-of-way travel, whenever possible. The landowner on either side of the right-of-way is obligated to provide 33’ each for public use. It is not fair to require one landowner to provide 33’ while the other provides little to none. The commissioners are supposed to deal impartially with taxpaying landowners and treat them all fair and equal. Because today’s meeting is being recorded, I would request the commissioners to ask State’s Attorney Hanson to provide specific written and detailed reasons for the variance in the agreement between Emmons County and Mr. Werlinger. If approved, this variance will probably become the basis and standard in Emmons County by which any landowner along a section line right-of-way can request their own variance, including all the landowners along this right-of-way on 90th St. SE. With thousands of miles of right-of-way section lines throughout the county, no doubt in the future, other landowners who want a right-of-way variance can make an argument and will site these same reasons for their own variance to the Emmons County Commissioners. As stated in Mr. Al Meier’s letter to the editor in the July 28, 2022 edition of the Emmons County Record, “The commissioners who are all fair and honest servants of the taxpayers of Emmons County will favorably and impartially address your concerns. The commissioners want to treat all their constituents equally and not give preferential treatment to some and not others.” End of letter.

According to States Attorney Joseph M. Hanson, the variance has not been drafted nor signed by the Commissioners. Further discussion was held later in the meeting where the Commission agreed to hire Wold Engineering, P.C to perform a survey of the right-of-way.

Francis Krumm completed the employee evaluations for the years 2020 & 2021 (Summary A), and compiled a comparison of wages for the years 2017, 2018 and 2019 (Summary B). Pam Binder, HR Consultant

for Emmons County, reviewed both summaries and said they were well-written and she had no revisions. The Commissioners received copies of both summaries as well.

Paul Foertsch was present and asked if the gravel piles have been sprayed. Road Superintendent, Skyler Prellwitz, stated that all but one gravel pile has been sprayed. Foertsch questioned why the county can't put a gravel windrow in the middle of the road and work it out because he feels that the gravel is being put in the grass. Foertsch also commented about a shoulder washing away and a culvert that's not marked on 86th St. SW and 5th Ave SW.

Dave Twardoski appeared to request a road on 93rd St. SW, Section 14, Township 130, Range 79. Skyler Prellwitz stated that this is a large reconstruction project that will require engineering so he will keep evaluating and see what the options are.

The board reviewed an estimate and hydraulic analysis from Wold Engineering, P.C. for replacing an existing 96" corrugated steel pipe and installing a double 16' wide x 10' high reinforced concrete box culvert 4 miles west and 2 miles north of Braddock, Section 13, Township 136, Range 76.

Skyler Prellwitz reported that according to the North Dakota Bridge Inspection Report, the bridge on 4th Ave SE, located 8 miles west and 1 mile north of Hazelton has a bridge health index of 97.72, which means the bridge is in good condition.

Re-discussed the three (3) five-foot culverts that are plugged on 88th St. SE and 16th Ave. SE. The road superintendent will look into renting a pump for pumping the water.

Bob Bauman, participating by telephone, requested that the county rip-rap both sides of the section line on 88th St. SE and 16 Ave. SE because the work that the county previously did on this road washed away. The Commission reminded Bauman of the road use and road maintenance agreement entered into between Emmons County and Florian Bauman whereas the county was concerned that improving or stabilizing the access road at its current elevation, without a sufficient grade raise, will leave the road vulnerable to sustaining reoccurring damage from high water levels and winds, resulting in a total loss of investment. Per the agreement, the county agreed to cost share the proposal presented by Bob Bauman to rip-rap the west side of the access road on the condition that the owner understood that the county will not expend any future funds or resources to build, fix, stabilize, maintain, or otherwise improve or preserve the access road, including the portion located on the section line.

Commissioner Eberle motioned to approve the utility permit for Donovan Silbernagel to bore a 2" conduit for electrical line under 98th St. SE. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer and Weichel. Magrum abstained from voting due to conflict of interest.

Commissioner Weichel motioned to extend the six-month probation period for Road Superintendent, Skyler Prellwitz, until the end of the year 2022 to give him time to fulfill his residency in Emmons County. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Approval was granted to Extension Agent, Acacia Stuckle, to attend the National Association of Extension 4-H Youth Development Professionals in Madison, Wisconsin the week of October 9, 2022.

Commissioner Weichel motioned to adopt the following Resolution:

**RESOLUTION 22-04-01
RESOLUTION TO INCREASE COUNTY ROAD AND BRIDGE
MILL LEVY PURSUANT TO NDCC § 24-05-01(2) AND BALLOT ISSUE**

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

WHEREAS, N.D.C.C. § 24-05-01(1) allows the Board of County Commissioners to levy a tax not exceeding a tax rate of ten mills per dollar of the taxable valuation of property in the county for the improvement of county roads and bridges.

WHEREAS, the Board of County Commissioners currently levies the full amount allowed for roads and bridges.

WHEREAS, N.D.C.C. § 24-05-01(2) allows the Board of County Commissioners to levy an additional tax not exceeding a tax rate of ten mills per dollar of the taxable valuation of property in the county for the improvement of county roads and bridges, when authorized by a majority of the qualified electors voting upon the question at a regular or special election in the county.

WHEREAS, N.D.C.C. § 57-15-06.3 previously allowed the Board of County Commissioners to levy a tax not exceeding a tax rate of five mills per dollar of the taxable valuation of property in the county for the maintenance, repair and upkeep of the farm to market and federal aid roads, but this levy is set to expire in 2024. The Board currently levies the full five mills.

WHEREAS, the Board of County Commissioners seeks to keep the tax revenue currently being generated through the N.D.C.C. § 57-15-06.3 tax levy authorization, by obtaining voter approval to increase the tax levy allowed for County Road and Bridge, pursuant to N.D.C.C. § 24-05-01(2).

WHEREAS, the Emmons County Commission seeks to place the following issue(s) onto the ballot during the 2022 (Primary) (General) Election:

EMMONS COUNTY MEASURE

Emmons County currently levies 5.00 mills for the maintenance, repair and upkeep of their farm to market and federal aid roads, and said 5.00 mill levy will soon be expiring. Emmons County currently levies 10.00 mills for county road and bridge improvements. Should the Emmons County Commissioners have the authority to levy up to an additional 5.00 mills in the county's road and bridge fund in order to continue for the maintenance, repair and upkeep of the county's farm to market and federal aid roads?

- YES A "YES" vote means you approve the measure as summarized above.
- NO A "NO" vote 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 N.D.C.C. § 24-05-01 (2), and a ballot issue regarding the matter.

DATED at Linton, North Dakota this 2nd day of August, 2022 in Linton, North Dakota.

ATTEST:
s/s Marlys Ohlhauser
County Auditor

APPROVED:
Erin Magrum, Chairman
Emmons County Commission

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

Commissioner Weichel reported the results from the annual inspection of Langelier's Bay with the US Army Corp of Engineers. The comments and instructions resulting from the report were to continue spraying the noxious weeds, complete the ongoing maintenance of the security light, fix the gap in the dock using suitable cover material, remove the wheel chair access ramp, pull existing rip-rap in closer to the boat ramp, remove the wasp/hornet mud nest from the inside of the vault toilet and replace/fix the door latch on the vault toilet.

Joseph M. Hanson informed the Commission that the Judge signed the Court Order to abate the nuisance located at 8080 Highway 83 South, Linton, ND.

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

General and 911 – Voucher Numbers LP14668-LP14691, LP14718-LP14720, Payroll - \$87,543.03,
Expense for reimbursement – \$410.01
Highway Tax – Voucher Numbers LP14692, LP14721-L14730; Payroll – \$51,582.81

The following vouchers were reviewed and approved for payment:

41162	MDU	Utilities	92.66
41227	Acme Tools	Tools	584.19
41228	Advanced Business Methods	Extension Copier Contract	303.02
41229	Armor Interactive	Silver Contract	2,214.86
41230	Aune, Charles	Mowing	90.00
41231	Beastrom Oil Co.	Fuel	6,065.29
41232	Binder, Pamela	HR Services	3,562.50
41233	Bismarck Printing	Scans	144.44
41234	Bobcat of Mandan	Antifreeze	30.85
41235	Burleigh Morton Detention Center	Prisoner Billing	600.00
41236	Butler Machinery	Parts/Service	14,888.24
41237	Centre, Inc.	Community Service Program	1,200.00
41238	CHS, Inc.	Propane	1,079.37
41239	Circle H Lumber	Material	5,301.58
41240	Hazelton City	Water Bill	36.00
41241	Linton City	Water Bill	167.76
41242	Strasburg City	Water Bill	96.09
41243	Code 4 Services, Inc.	Vehicle Equipment	17,178.14
41244	Curtis Rud Oil Co.	Unleaded	3,960.60
41245	Dakota Business Solutions	Labels/Ink	281.98
41246	Dakota Dust Tex, Inc.	Service	37.00
41247	Digital Ally	Five Year Sub Plan	11,295.00
41248	DS Solutions	Election Test Deck	327.60
41249	Election Systems & Software	Election Programming	5,772.45
41250	Emmons County Record	Publishing	1,149.02
41251	Emmons County Treasurer	Jury Supplies	39.78
41252	Emmons County Treasurer	Postal Machine Use	392.05

41253	Fireside Office Products	Printer/Supplies	3,426.15
41254	Innovative Office Solutions	Envelopes	84.00
41255	Jack's Electric & Trenching	Supplies/Service	616.71
41256	Jerome Distributing, Inc.	Water Refills	94.80
41257	Johnsen Trailer Sales, Inc.	Parts	96.64
41258	Kidder County E911	Trunk Sharing	450.00
41259	Leier, Emily	Expense Reimbursement	65.56
41260	Linde Gas & Equipment, Inc.	Supplies	36.02
41261	Linton Auto Parts	Parts	830.02
41262	Martin Oil Co.	Fuel	38,342.52
41263	MDU	Utilities	1,392.61
41264	Nodak True Value	Shop Supplies	298.30
41265	NDACO	Drug Testing	20.00
41266	NDDOT	Rice Lake Road Project	690.18
41267	NDLTAP	Motor Grader Operator Training	500.00
41268	ND One Call, Inc.	Location Requests	15.60
41269	ND State Radio Communications	Phone Collections	13,892.40
41270	ND State Radio Communications	LETS Billing	120.00
41271	NW Tire, Inc.	Tires	665.76
41272	ODP Business Solutions, LLC	Supplies	387.92
41273	Paul Holzer Carwash	Carwashes	42.00
41274	Payment Remittance Center	Gas/Fuel/Supplies	825.89
41275	Payment Remittance Center	Gas/Fuel/Supplies	694.25
41276	Payment Remittance Center	Gas/Fuel/Supplies	482.81
41277	Payment Remittance Center	Gas/Fuel/Supplies	171.69
41278	Payment Remittance Center	Gas/Fuel/Supplies	624.63
41279	Payment Remittance Center	Gas/Fuel/Supplies	4,942.79
41280	Payment Remittance Center	Gas/Fuel/Supplies	800.06
41281	Power Plan Corp.	Parts	822.25
41282	Quality Asphalt Repair	Braddock Highway Asphalt	14,260.00
41283	Quadient Leasing USA, Inc.	Postal Machine Rent	402.00
41284	RDO Truck Center	Parts	1,322.30
41285	Renschler, Norman	Maintenance to Langelier's Bay	3,241.19
41286	River City Lawn and Landscaping	Service	115.00
41287	Sayler Implement, Inc.	Parts	715.48
41288	Schneider, Jackie	Food Pantry Wages	500.00
41289	Sign Solutions	Signs	10.19
41290	South Central Regional Water	Service	148.56
41291	Statewide Services, Inc.	Insurance Endorsements	166.00
41292	Stuckle, Acacia	Expense Reimbursement	421.97
41293	TC Specialties, Inc.	Service	57.00
41294	Verizon Wireless	Cell Service	462.44
41295	Verizon Wireless	Cell Service	410.25
41296	Roll – On Tire Service	Tire Repair	225.00
41297	Warrens Locks & Keys	Re-Key	209.00
41298	Wold Engineering, PC	Hydraulic Study	3,120.00
41299	Wright, Damian	Mowing	300.00
41300	Zoom Away	Parts/Service	1,007.32
41301	Agtegra Coop	Fuel	3,282.81
41302	KEM Electric Coop, Inc.	Service	241.11
41303	Tower Communications	Tower Rent	200.00
41304	Verizon Wireless	Cell Service	42.04
41305	Heartland Waste Management	Service	120.00
41306	Information Technology	Internet Access & Netmotion	1,040.55
41308	BEK Communications	Telephone Service	1,683.24
41309	Precise Transport Logistics	Trailer Rent	2,250.00
41311	Statewide Services	Insurance Endorsements	1,232.00

There being no further business before the board, Commissioner Weichel motioned to adjourn. The meeting adjourned at 5:20 P.M.

Approved: September 6, 2022

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 SPECIAL MEETING
JULY 19, 2022**

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

The Pledge of Allegiance was recited.

As advertised, at 6:00 P.M., a public hearing was held to receive public comment and direction on a proposed zoning Resolution adopting an ordinance instituting an emergency moratorium on solar energy farms. In attendance were approximately fifteen landowners.

Chairman Magrum opened the public hearing stating that Savion, a renewable energy company, is proposing a solar energy project west of Linton and the concerns of the county commission is that Emmons County's current zoning ordinance is not designed for the development of solar energy farms. "This is the first of our kind and we need to be prepared." "We are going to see a lot of alternative energy projects coming at us in the future, so as a commission we need stay ahead of the game to protect our citizens and landowners."

At the request of several landowners in the county, Chairman Magrum drafted a resolution to adopt a zoning ordinance instituting an emergency moratorium for a period not to exceed twenty-four months on solar energy farms. The first reading of the resolution was adopted at the May 3, 2022 commission meeting.

Landowner Dan Weber, representing himself, explained that he was contacted by the company to see if he would be interested in leasing land for solar energy. At this time, the company said they were acquiring 3,000 acres of land, leased for twenty years, at \$200.00 per acre. Dan Weber told the company that they were not interested. Later on, the Weber's were invited to a landowner meeting where the company (Savion) indicated that the area they were looking at for building the solar energy farm is no longer 3,000 acres, instead it's now 5,000 acres for a long-term lease of up to forty-five years. "This is a significant number of acres taken out of agricultural!"

Dan Weber expressed that he does not believe that this project will go away and will have an impact on people who farm and live here. "I encourage the Commission to adopt the Resolution to be ahead of the game, but I also feel that a two-year moratorium is not long enough."

Chairman Magrum stated that according to some research done, Solar is a very new thing in ND and he does not want Emmons County to be the "guinea pig" and would like to see the project go somewhere else. Chairman Magrum recommended a moratorium for a minimum of ten years.

Several other comments were made by landowners who believe this area was chosen because of the terrain, fewer environmental concerns and no wet lands. In addition, the landowners present felt that this location is being targeted because the project would be located near a major electric transmission line that runs from Stanton to Huron, SD.

David Moch expressed that these companies are coming to North Dakota and targeting small county's because we are not prepared and ready for them.

Stephanie Doolittle expressed that "whatever the commissioners can do to protect us landowners, they need to do it!" "These companies will keep coming and we do not want to sell out our land for tax dollars!"

Chairman Magrum closed the public hearing at 7:00 P.M. and the Commission reconvened the special meeting.

Commissioner Hulm stated that he would be in favor of extending the moratorium for a period of ten years, instead of two years.

Commissioner Eberle agreed that two years does not give the commission enough time to research and recommended a ten-year moratorium. "This project may only benefit a few people, while having negative impacts on a lot of landowners."

Commissioner Weichel motioned to amend the moratorium extending it from 2 years to 15 years and it shall not be overturned or amended without a 75% or greater majority vote by the Emmons County Board of Commissioners. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to adopt the following Resolution with the amended moratorium:

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

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

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

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

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

WHEREAS, the Emmons County Board of Commissioners finds:

1. An emergency zoning ordinance instituting a moratorium prohibiting Solar Energy Farms is necessary in order to hold discussions and hearing to determine where a longer term moratorium zoning ordinance or new zoning ordinances shall be adopted and implemented to protect the public health, safety, and general welfare of the residents of Emmons County.
2. An emergency exists because based on the recent development pressures as well as the comments received from the county citizens, the Emmons County Zoning Ordinance does not afford the protection needed to ensure that the residents of Emmons County are not adversely affected.
3. It is in the interests of public health, safety, and general welfare to impose a moratorium for a period not to exceed 15 years.

NOW THEREFORE BE IT RESOLVED, by the Emmons County Board of Commissioners, that this resolution adopting an emergency zoning ordinance instituting a fifteen-year moratorium on approval and acceptance of applications for Solar Energy Facilities shall become effective immediately upon its passage and publication and shall remain in effect for a period not to exceed 15 years unless reinstated by the Emmons County Board of Commissioners; and it shall not be overturned or amended without a 75% or greater majority vote by the Emmons County Board of Commissioners; and

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

FINALLY, BE IT FURTHER RESOLVED, that the Emmons County Board of Commissioners shall schedule, publish, and notice public hearings as necessary for the purpose of studying and drafting proposed amendments and changes to the Emmons County Solar Ordinance and that a final hearing on any proposed changes or amendments shall be held within 15 years.

DATED at Linton, North Dakota this 19th day of July, 2022.

ATTEST:
s/s Marlys Ohlhauser
Emmons County Auditor

APPROVED:
s/s Erin Magrum
Emmons County Chairman

s/s Joseph M. Hanson
Emmons County States Attorney

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

There being no further business before the board, Commissioner Weichel motioned to adjourn. The meeting adjourned at 7:15 P.M.

Approved: August 2, 2022

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
JULY 5, 2022**

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

The Pledge of Allegiance was recited.

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

Commissioner Weichel motioned to approve the minutes of the June 7, 2022 regular meeting and the June 21, 2022 special meeting. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Kalberer motioned to approve the agenda with the addition of mowing the county lot on the W ½ 245' X 288' in Section 17, Township 132, Range 76, Resolution for fast tracking employee background checks and water concerns on the main road on 88th St. SE. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Representatives from Summit Carbon Solutions appeared and provided an update on the proposed CO2 pipeline in Emmons County. Joey Borracci, Relationship Manager, provided an infographic that showed a total project investment of \$73,753,741 in Emmons County that's expected to generate \$423,197.00 in property tax revenue. Mr. Borracci informed the board that of the 36.43 miles of anticipated pipeline in Emmons County, twelve miles has been acquired, which is 32%. The completion date for the project would be August, 2023.

Mr. Borracci inquired about permitting requirements for the project and was informed by the Commission that in addition to the required utility and approach permits, a conditional use permit is required for the pipeline and also for the pump station in phase two of the project. A haul road agreement would need to be entered into between Summit Carbon Solutions and Emmons County for restoration of the road system.

Brent Niece with Summit Carbon Solutions, stated that the diameter of the pipe will be 24" and intended to be at least 4 to 5 feet deep. Information on pipeline casings was provided with further discussion to be held at the August meeting.

Clerk of Court/Recorder, Anita Ibach, questioned why Summit Carbon Solutions was filing easements without maps? "How is anyone going to know where the easement is at without any maps attached?" The easements will need to be filed with maps, and there will be additional filing fees.

David Moch was present and stated that the earlier easements were not surveyed. "They didn't survey correctly when they surveyed his land and the Recorder could not correctly record the easement, so the surveyor came back and re-surveyed his land because they didn't follow state law the first time."

David Moch inquired about the roads getting repaired following construction. Brent Niece stated that the company will repair all the roads and section lines.

Stephanie Doolittle was present and questioned Summit Carbon Solutions about land acquisition. "We are not in favor of the project and will not jump on board with it, so how will you re-route the project?" Brent Niece stated that the hope is to acquire as much land as possible through easements, but eminent domain practices is a possibility.

Old and Unfinished Business:

Chairman Magrum stated that Don Volk will mow and bale the county property on the W ½ 245' X 288' in Section 17, Township 132, Range 76 without any reimbursement.

Chairman Magrum instructed States Attorney Joseph M. Hanson to create a resolution for fast tracking employee background checks.

Commissioner Eberle motioned to adopt the following Resolution:

RESOLUTION 22-03-01 REGULATING MOBILE HOMES, CONEX BOXES AND OTHER STRUCTURES

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

WHEREAS, the Emmons County Commission acts as the Emmons County Zoning Commission; and

WHEREAS, the Emmons County Commission has previously approved and adopted the Emmons County Zoning Ordinance; and

WHEREAS, the Emmons County Commission seeks to amend the above-described Emmons County Zoning Ordinance, as follows:

[1] The current, applicable provision in Article 1(I.A.) (3), on page 4, reads as follows:

ARTICLE 1, § I.A. (3) – “Single-family dwellings (permanent-type construction) including mobile homes on permanent foundations.”

The Emmons County Commission seeks to amend the above-described Emmons County Zoning Ordinance, to add the following subsections to paragraph 3, to read as follows:

a. In order to comply with this section, mobile homes must meet the following minimum standards:

- 1) An Affidavit of Affixation must be previously filed or must accompany any new building permit, and any provisions on the Affidavit must be followed;
- 2) The mobile home must be set on a permanent foundation, using earth anchors and either piers, footings, or a basement;
- 3) The structure must be actively connected to basic utilities, including power, water and sewer.
- 4) Mobile homes must be skirted.

{2} The above-described regulations on mobile homes shall be applicable to the following zoning districts: RA – Recreation District; A – Agricultural District; and R – Residential District.

{3} The Emmons County Commission further seeks to specifically regulate Conex boxes or similar structures, by adding the following provisions to the Emmons County Zoning Ordinance:

- a. “Conex Box” means any cargo container, shipping container, intermodal or freight container, or similar structure, typically used as a tool or storage shed.
- b. This section shall be applicable in the following Zoning Districts: RA – Recreational District.
- c. A Storage Unit Permit is required for the use or installation of any Conex Box.
- d. Conex Boxes must have a paint color that matches all other structures on the property. If no structures are on the property, the paint color must be beige, and must not include lettering.
- e. There shall be a limit of one Conex Box per Lot.
- f. Conex Boxes are required to comply with any applicable set-back for structures within the district.
- g. The following is a non-exclusive list of storage structures that are not permitted within the RA – Recreation District: Semi Trailers; Reefer Containers or Trailers; Buses; Trailers or other Vehicles used for storage; and any non-licensed or junk vehicles or trailers.

{4} **Notice of Violation.** The County, or an agent thereof, is hereby authorized and empowered to notify, in writing, the owner of any lot or area within the County or the agent of such owner, to remove or bring into compliance, any Mobile Home, Conex Box, or non-permitted storage structure {(3)(g)}, if the structure is determined to be in violation of this Resolution or any other applicable section of the Emmons County Zoning Ordinance. The notice shall be by registered or certified mail addressed to said owner or agent of said owner at their last known address or by personal service, and shall include the penalty \$100.00 for each violation, including the failure to secure a Storage Unit Permit prior to placement of any Conex Box on any RA – Recreation District lot.

{5} **Action Upon Non-Compliance.** Upon the failure, neglect, or refusal of any owner or agent to comply with the terms of the above-described notice, after 30 days have elapsed from the date of service of such notice, or after 45 days from the date of mailing said notice, whichever is soonest, the County, or an agent thereof, is hereby authorized and empowered to remove or bring the structure into compliance, or order the removal or repair of the non-compliant structure. If the violation continues after 30 days, a \$100.00 fine shall be issued.

{6} **Cost Assessed to Property.** When the County has affected the removal or repair of such structure, or has paid for the same, the actual cost thereof, if not paid by said owner prior thereto, including any fines assessed, shall be charged and assessed against the property upon which the structure or violation was located.

{7} **Compliance:** The Resolution is effective as of the date of its passing, and shall be immediately enforced on new construction. Properties with existing violations shall have until September 1, 2022 to bring their properties into compliance with this Resolution.

IT IS HEREBY RESOLVED that the Emmons County Commission hereby adopts Resolution No. 22-03-01 pertaining to the Regulation of Mobile Homes, Conex Boxes and Other Structures.

DATED this 5th day of July, 2022, in Linton, North Dakota.

ATTEST:
s/s Marlys Ohlhauser
Emmons County Auditor

APPROVED:
s/s Erin Magrum
Emmons County Chairman

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

New Business:

Director of Tax Equalization, Denise Nieuwsma, appeared and provided an explanation on the five (5) applications for classification as inundated agricultural land and to explain the omitted tax process. Commissioner Weichel motioned to approve the applications for classification as inundated agricultural land as follows and to approve any applications for abatement of taxes if necessary:

- Parcel 29-0000-04056-000 – 31.46 acres – year 2022
- Parcel 47-0000-00228-000 – 20.24 acres – year 2022
- Parcel 47-0000-00242-000 – 14.27 acres – year 2022
- Parcel 47-0000-00340-000 – 35.65 acres – year 2022
- Parcel 47-0000-00353-000 – 12.86 acres – year 2022
- Parcel 38-0000-01262-000 – 29.69 acres – year 2022
- Parcel 09-0000-06550-000 – 34.34 acres – year 2022

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

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

Commissioner Eberle motioned to approve the building permit for David German to erect a 32 X 36 Cabin on Lot 9, Beaver Bay Subdivision, Section 23, Township 132, Range 79. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Kalberer motioned to approve the building permit for Joanne F. Buck to erect a 24 X 40 Farm Shop on Section 7, Township 134, Range 76. Seconded by Commissioner Weichel. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Kalberer motioned to approve the building permit for Robert Bornemann to erect a garage onto the mobile home on the SE ½ of Section 26, Township 136, Range 74. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Kalberer motioned to approve the building permit for Robert Bornemann to erect a 100 X 120 farm shop on the SW ¼ of Section 25, Township 136, Range 74. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the application and issue a liquor license to Cattail Resort for a one-day event held on July 16, 2022 on a tract in the SE ¼ of Section 8, Township 130, Range 79. Seconded by Commissioner Weichel. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

Departmental budgets were presented for calendar year 2023. A budget proposal will be reviewed at the August 2, 2022 meeting.

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

Paul Foertsch was present and expressed his concerns about a rock that the road department moved off to the side of the road and is now hiding in the tall grass on 67th St SE. Mr. Foertsch also inquired about gravel on 67th St SE.

Another concern addressed by Mr. Foertsch was the culvert on the main Braddock road that is running clean now; but if we get more rain, the water will run over the road.

Mr. Foertsch also expressed concerns on how one of the motor grader operators was blading the roads.

Road Superintendent, Skyler Prellwitz, will check into all these matters.

Francis Werlinger and Steve Werlinger appeared in regards to the barbed wire fence near 22nd Avenue SE and 90th St. SE, adjacent to the NW ¼ of Section 2, Township 130, Range 74. The county sent a letter to the Werlinger’s instructing them to remove the fence off the section line right-of-way. Steve Werlinger asked the Commission to grant a variance because it’s impossible to move the fence the 33 feet without running into the creek. After discussion, the Commission agreed that the Werlinger’s move the fence off the right of way for the first 1,150 feet, and the county grant a variance for the remainder feet of the fence (where the section line curves). Joseph M. Hanson will draft a variance for the August 2, 2022 meeting.

Scott Kelsch appeared to discuss the following:

- Requested a culvert one mile south on 19th Ave SE, west on 82nd St SE. There’s currently a huge sink hole in the road.
- Requested to move his current cattle loading area to the section line right of way on 88th St. SW. The section line is not traveled on by the public due to a bridge that’s not operational. Also discussed the option to install an approach with a culvert on 3rd Ave SW near the existing cattle holding pen.
- Replacing the damaged culvert on 18th Ave SE to allow access to the section line.

Skyler Prellwitz, Road Superintendent, reported on activities for the county road department. Skyler reported that in addition to blading, the department is graveling the roads. Skyler is waiting on quotes for chip sealing and he also reported on the trailer house that the road department moved out of the trailer court in Linton.

Brought to the table were comments made by some citizens about building up the road on 98th St. SE. Commissioner Eberle stated that the road is used by several landowners and has always been maintained by the county. The road is not being built up; instead David Krumm is pulling up the shoulders as he does on other roads and is just doing regular maintenance.

Also mentioned was that the culvert on the road on 7th Ave SE near Duane Ternes's should be marked.

Brief discussion was held on blading private roads.

On the agenda was a resignation letter from Francis Krumm. Chairman Magrum will visit with Francis and report back to the board.

Commissioner Weichel reported that the road located on 88th St. SE and 16th Ave SE is 3.75 feet higher on the north side compared to the south side. The three (3) five-foot culverts are plugged. Skyler Prellwitz will check into a Jetter truck.

John Ibach was present to discuss road department budgets for 2023.

Danielle Stoppler was present and voiced concerns with the commissioners about lack of accountability in the board. She stated that at the March meeting, the commission decided to put up signs on her road and Commissioner Hulm said he would talk to Al Hulm about maintaining the quarter mile on 14th Ave SE. Danielle called and talked to four of the commissioners about her concerns and nothing was done.

Commissioner Hulm stated that he would like to see the county maintain the quarter mile by Danielle's road and will talk to Al Hulm about the maintenance and to also place a sign on the north side of the road.

Also discussed was recording and live streaming county commission meetings. Chairman Magrum will contact another county and work with Josh Odden on video equipment.

Michael Schneider, Jr. appeared to request approval of a building permit for adding an addition onto his home and to request a setback variance allowing the home to be three feet from the property line. After discussion, Commissioner Hulm motioned to approve the building permit for Michael Schneider to add a 16 X 22 addition onto the home located on Lot 17 and part of Lot 18, Beaver Bay Subdivision, Section 23, Township 132, Range 79 with the condition that there's a signed agreement in place between Michael Schneider, Jr. and John Nagel. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to proceed with upgrading the County Shop in Hazelton, not to exceed \$30,000.00, utilizing ARPA funds. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to adopt the following Resolution and Ballot Language:

PROPOSED 9-1-1 FEE RESOLUTION AND BALLOT LANGUAGE

WHEREAS, emergency 9-1-1 services are critical to public safety in Emmons County; and

WHEREAS, the County imposed a local \$1.00 fee per month per "assessed communications service" (telephone access line, wireless access line, voice over internet protocol service) for the operation and maintenance of the 9-1-1 emergency services communications system; and

WHEREAS, the monthly 9-1-1 fee on assessed communications service imposed by the County pursuant to NDCC 57-40.6 is essential to implementing, maintaining, and operating the 9-1-1 emergency services communication system in this County; and

WHEREAS, the current fee, limited to \$1.00 per month per assessed communications service, was initially authorized on November 8, 1994 by the voters of Emmons, and

WHEREAS, the 57th Legislative Assembly amended NDCC 57-04.6 to permit the extension of existing 9-1-1 fees to wireless communications service by a governing board resolution which was accomplished by a Wireless 911 Fee Resolution signed by the Emmons County Board of Commissioners on August 10, 2001, and

WHEREAS, the current local fee of \$1.00 per month per assessed communications service is inadequate to appropriately fund the operations and maintenance of emergency 9-1-1 services in Emmons County, and

WHEREAS, the NDCC 57-40.6-02 provides a process of imposing 9-1-1 fees by governing board resolution and approval of the voters.

THEREFORE, BE IT RESOLVED that the Emmons County Board of Commissioners proposes an increase of the existing, local 9-1-1 fee from \$1.00 to \$1.50 to continue to maintain and operate the 9-1-1 emergency services communication system in Emmons County and directs the following measure to be placed on the County ballot for the County General Election scheduled for November 8, 2022.

Emmons County Measure

Should the current local emergency services communication (9-1-1) fee of \$1.00 per month per assessed communications service be increased to a maximum local collection of \$1.50 per month per assessed communications service for the purpose of continued maintenance and operations of 9-1-1 for this County?

YES A "YES" vote means you approve the increase of the local fee up to \$1.50 per month

NO A "NO" vote means you do not approve the increase of the local fee and it would remain at \$1.00 per month

DATED this 5th day of July, 2022, in Linton, North Dakota.

ATTEST:
s/s Marlys Ohlhauser
Emmons County Auditor

APPROVED:
s/s Erin Magrum
Emmons County Chairman

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

Pam Binder, Human Resource, explained the salary data analysis that she preformed for Emmons County.

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

General and 911 – Voucher Numbers LP14601-LP14624, LP14651-LP14656, Payroll - \$93,976.52, Expense for reimbursement – \$218.28
Highway Tax – Voucher Numbers LP14625, LP14657-L14667; Payroll – \$53,302.31, Expense for reimbursement - \$58.50

The following vouchers were reviewed and approved for payment:

40991	MDU	Utilities	121.17
41000	ND Attorney General	Employee Background Check	15.00
41046	RDO Equipment Co.	2022 JD Motor grader	249,520.00
41074	Bornemann, Dawn	Election Judge	212.00
41075	Bosch, Barb	Election Judge	220.00
41076	Horner, Patricia	Election Judge	212.00
41077	Kuss, Theresa	Election Clerk	212.00
41078	Larson, Deanne	Election Judge	212.00
41079	Leier, Rosalind	Election Inspector	244.00
41080	MacDonald, Terry	Election Inspector	224.00
41081	Mosset, Alvin	Election Judge	192.00
41082	Pederson, Gloria	Election Judge	184.00
41083	Schmidt, Rhonda	Election Clerk	220.00
41084	Seeklander, Verda	Election Clerk	212.00
41085	Serr, Nicki	Election Clerk	220.00
41086	Ternes, Joann	Election Clerk	212.00
41087	Weiss, Torchy	Election Clerk	212.00
41088	Advanced Business Methods	Extension Copier Contract	343.29
41089	Agtegra Coop	Fuel	1,908.39
41090	Armor Interactive	Silver Plan	215.00
41091	Aune, Charles	Mowing Braddock Shop	135.00
41092	Balco Uniform Co., Inc.	Uniform Accessories	46.89
41093	Beastrom Oil Co.	Fuel/Propane	5,640.67
41094	Burleigh Morton Detention Center	Prisoner Billing	375.00
41095	Burleigh County Emergency Mgmt.	DEM Services	4,200.00
41096	Butler Machinery Co.	Parts/Labor	557.14
41097	Hazleton City	Water Bill	36.00
41098	Linton City	Water Bill	168.29
41099	Strasburg City	Water Bill	89.54
41100	Cole Papers, Inc.	Supplies	391.22
41101	Dakota Dust Tex, Inc.	Service	35.75
41102	Deere Credit, Inc.	Equipment Lease	61,274.33
41103	Digital Ally	Mirror Assembly	719.00
41104	Eggers Electric Motor Co.	Motor	187.39

41105	Emmons County Treasurer	Current Expense	881.79
41106	Emmons County Treasurer	Postal Machine Use	329.96
41107	Fireside Office Products	Supplies	546.45
41108	Hilton Garden Inn	Lodging	172.80
41109	Innovative Office Solutions	Supplies	580.00
41110	Jacks Electric & Trenching	Service	3,164.49
41111	Jamestown Communications, Inc.	Radio Installation	763.00
41112	Jerome Distributing	Water Refill	117.60
41113	John R. Beck Insurance	Bond	100.00
41114	John R. Beck Insurance	Housing Authority Insurance Premium	1,621.00
41115	Johnsen Trailer Sales, Inc.	Parts	149.97
41116	Kimble's Guns and Repair	Gun Racks	55.00
41117	Linde Gas & Equipment, Inc.	Parts	36.55
41118	Linton Auto Parts	Parts/Shop Supplies	420.03
41119	The Lodge at Deadwood	Lodging	496.00
41120	Martin Oil Co.	Gas	1,165.14
41121	Midwest Doors	Shop Doors	12,120.00
41122	Midwest Investigation & Security	Service	250.00
41123	MDU	Utilities	1,300.01
41124	MR Sign Co, Inc	Signs	254.53
41125	Nieuwsma, Denise	Expense Reimbursement	143.52
41126	Nodak True Value	Shop Supplies	3,798.33
41127	NDAAO	Registration Fee	140.00
41128	NDDOT	Road Oil	2,813.12
41129	ND State Surplus Property	Compressor & Supplies	2,120.00
41130	Northern Plains Label	Labels	37.90
41131	NW Tire, Inc.	Parts/Service	341.70
41132	ODP Business Solutions, LLC	Supplies	330.03
41133	Paul Holzer Carwash	Carwashes	24.00
41134	Payment Remittance Center	Gas/Fuel/Supplies	654.14
41135	Payment Remittance Center	Gas/Fuel/Supplies	2,758.17
41136	Payment Remittance Center	Gas/Fuel/Supplies	516.69
41137	Payment Remittance Center	Gas/Fuel/Supplies	831.09
41138	Payment Remittance Center	Gas/Fuel/Supplies	430.62
41139	Payment Remittance Center	Gas/Fuel/Supplies	654.65
41140	Power Plan	Parts	1,122.18
41141	Productivity Plus Account	Rental	620.00
41142	Renschler, Norman	Maintenance to Langelier's & Rice Lake	2,210.00
41143	Rothwell Tree Service, LLC	Fencing Around Gravel Pile	1,910.00
41144	Schneider, Jackie	Food Pantry	500.00
41145	Sign Solutions	Signs	1,236.34
41146	South Central Regional Water	Water Bill	133.48
41147	Stramer's Automotive	Gas	154.17
41148	TC Specialties, Inc.	Service	57.00
41149	Tower Communications	Tower Rent	200.00
41150	Tri-Energy Coop	Grease	574.60
41151	Vanguard Appraisals, Inc.	Service Fees	5,500.00
41152	Verizon Wireless	Cell Service	41.96
41153	Verizon Wireless	Cell Service	461.56
41154	Verizon Wireless	Cell Service	409.85
41155	Wright, Damian	Mowing Hazelton Shop	300.00
41156	KEM Electric	Utilities	257.54
41157	Butler Machinery	Equipment Lease	51,939.14
41158	Heartland Waste Management	Service	120.00
41159	Payment Remittance Center	Gas/Fuel/Supplies	734.18
41160	Information Technology	Internet Access & Netmotion	1,040.55
41161	Emmons County Record	Publishing/Stamp	2,848.17
41163	BEK Communications	Telephone Service	1,720.10

There being no further business before the board, Commissioner Weichel motioned to adjourn. The meeting adjourned at 5:45 P.M.

Approved: August 2, 2022

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S SPECIAL MEETING
JUNE 21, 2022

Chairman Erin Magrum called the meeting to order at 10:00 A.M., with Commissioners Don Eberle, Gary Hulm, David Kalberer and Leonard Weichel being present. Also present was States Attorney Joseph M. Hanson.

The Pledge of Allegiance was recited.

Discussion was held on putting a fence around the Camp Knoll, LLC gravel pit. Commissioner Eberle will contact Paul Foertsch for an estimate.

The Commission amended Resolution 22-03-01, regulating mobile homes, Conex boxes and other structures as follows:

Mobile Homes:

1. An Affidavit of Affixation must be previously filed or must accompany any new building permit, and any provisions on the Affidavit must be followed.
2. The mobile home must be set on a permanent foundation, using earth anchors and either piers, footings, or a basement.
3. The structure must be actively connected to basic utilities, including power, water and sewer.
4. Mobile homes must be skirted.

Conex boxes or similar structures:

- a. "Conex Box" means any cargo container, shipping container, intermodal or freight container, or similar structure, typically used as a tool or storage shed.
- b. This section shall be applicable in the following Zoning Districts: RA – Recreation District.
- c. A Storage Unit Permit is required for the use or installation of any Conex Box.
- d. Conex Boxes must have a paint color that matches all other structures on the property. If no structures are on the property, the paint color must be beige, and must not include lettering.
- e. There shall be a limit of one Conex Box per Lot.
- f. Conex Boxes are required to comply with any applicable set-back for structures within the district.
- g. The following is a non-exclusive list of storage structures that are not permitted within the RA – Recreation District: Semi Trailers; Reefer Containers or Trailers; Buses, Trailers or other Vehicles used for storage; and any non-licensed or junk vehicles or trailers.

Notice of Violation – The County, or an agent thereof, is hereby authorized and empowered to notify, in writing, the owner of any lot or area within the County or the agent of such owner, to remove or bring into compliance, any Mobile Home, Conex Box, or non-permitted storage structure {{(3)}, if the structure is determined to be in violation of this Resolution or any other applicable section of the Emmons County Zoning Ordinance. The notice shall be by registered or certified mail addressed to said owner or agent of said owner at their last known address, or by personal service, and shall include the penalty of \$100.00 for each violation, including the failure to secure a Storage Unit Permit prior to placement of any Conex Box on any RA – Recreation District lot.

Properties with existing violations shall have until September 1, 2022 to bring their properties into compliance with this Resolution.

The Commission will act on the amended Resolution at the July 5, 2022 meeting. Also present for discussion was Joe Vetter, Jr. who expressed that the citizens who attended the public hearing commented that they do not want Conex boxes in recreational districts.

The date for the public hearing to consider the proposed Resolution adopting a zoning ordinance instituting an emergency moratorium on solar energy farms is set for July 19, 2022 at 6:00 P.M. in the courthouse auditorium.

John Ibach presented extended warranty quotes from Butler Machinery for the 2018 140M3 motor graders. No action was taken.

Reviewed job descriptions for the road department. A decision was made to remove that an equipment operator must possess and retain a Class A CDL.

There being no further business before the board, Commissioner Weichel motioned to adjourn. The meeting adjourned at 11:15 A.M.

Approved: July 5, 2022

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
JUNE 7, 2022**

Chairman Erin Magrum called the meeting to order at 9:00 A.M. with Commissioners Don Eberle, David Kalberer and Leonard Weichel being present. Gary Hulm was absent until 1:00 P.M. Also present was States Attorney Joseph M. Hanson.

The Pledge of Allegiance was recited.

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

Commissioner Weichel motioned to approve the minutes of the May 3, 2022 regular meeting. Seconded by Commissioner Eberle. Roll Call "YES": Eberle, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the agenda with the addition of discussion with Water Resource regarding Schwahn Lake. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Kalberer, Magrum and Weichel. Motion carried.

As per publication, at 9:15 A.M., the County Board convened as a Board of Equalization to take-up matters of Equalization of Assessments. Present for the Equalization meeting was Director of Tax Equalization, Denise Nieuwsma.

Agricultural land values were discussed. Per North Dakota Century Code 57-02-27.2, agricultural values are determined by productivity of the soils versus market value. The 2022 value per acre for Emmons County is \$627.23. The State Board of Equalization has the tolerance set for 2022 between 90 – 100%. At this time, Emmons County is within tolerance for agricultural land at 93%.

Denise Nieuwsma and GIS Coordinator, Josh Oden, provided information on various soil types in Emmons County with the productivity index ratings and total agricultural acres.

Betty McLeish was present and asked if something different will be done with soils this year because her property taxes increased tremendously. Betty also stated that pastureland should be taxed less than crop land.

Reviewed were the 2021 sales for Ag land, commercial, vacant lots, residential and lake/river property.

Total sales ratio of all residential and lakeshore properties sold in 2021 shows a median ratio of 92.8% for 2022. There were 54 residential/lakeshore usable sales. The residential/lakeshore properties are within the accepted tolerance of 90% - 100%.

The sales ratio study for Emmons County shows a median ratio of 91.2% for commercial/vacant lot sales. There were 45 useable commercial/vacant lot sales. The commercial/vacant lot properties are within the accepted tolerance of 90% - 100%.

Commissioner Weichel motioned to approve the agricultural, residential and commercial true and full values and to equalize the assessments for 2022. Seconded by Commissioner Eberle. Roll Call "YES: Eberle, Kalberer, Magrum and Weichel. Motion carried.

Old and Unfinished Business:

Commissioner Eberle motioned to approve the building permit for Stuart Alderin to erect a 28 X 38 cabin and a 36 X 54 detached shop with the condition that applicant pays the penalty for beginning work prior to applying for a building permit. Seconded by Commissioner Weichel. Roll Call "YES": Eberle, Kalberer, Magrum and Weichel. Motion carried.

There was brief discussion relative to Resolution 22-03-01 regulating mobile homes, conex boxes and other structures. Commissioner Weichel motioned to hold a special meeting on June 21, 2022 at 10:00 A.M. to fine-tune the Resolution. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Kalberer, Magrum and Weichel. Motion carried.

New Business:

The Director of Tax Equalization requested a part time employee to perform clerical duties in her office. This position will be proposed in the 2023 budget cycle.

Discussion was held with county officials, department heads and county employees in regards to allocating American Rescue Plan Act funding towards major repairs and renovation projects to the courthouse, county buildings, fire alarm system and other equipment needs that have been delayed or postponed in the past due to lack of funding. The commission agreed to organize a working group of five people consisting of officials, department heads and county employees to itemize a list of projects with cost estimates and bring them forward to the commissioners.

Francis Krumm telephoned into the meeting to discuss the fence on 22nd Avenue SE. The commission agreed that the landowner should be allowed until October 1, 2022 to remove the fence. If the fence is not

removed by October 1, 2022, the county will hire a contractor to remove the fence. The landowner will be liable to the county for all costs involved.

Sheriff Gary Sanders appeared and provided a 911 financial report and an update on the state radio system and service fees. The financial report for Emmons County's 911 is showing a deficit of \$3,035.10 per month which is a deficit of .90 per line. The county's general fund has been supporting some of the costs for the county's operation of the 911 communications system. ND State Radio fees which are currently \$1.36 per line for Emmons County will be increasing for the 2023 – 2025 biennium. The Commission will consider adopting a Resolution to propose an increase of the existing local 911 fee from \$1.00 to \$1.50 for maintaining and operating the 911 emergency services communication system. If adopted, a measure will be placed on the 2022 general election ballot.

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

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

- Skyler stated that citizens are inquiring about the county doing private work. The Commission agreed that the county will not do any private construction work.
- Skyler requested to hire a fulltime blade operator and temporary seasonal maintenance workers. No action was taken.
- Reported encroaching on 90th St. SE and 10th Ave SE.
- Discussed hiring contractors for hauling gravel.

Clark Roth appeared to request dust control on the road located on 58th St. SE going into the City of Braddock.

James Silbernagel appeared to inquire about an approach and culvert on 59th St. SE, Section 30, Township 136, Range 75. James was instructed to apply for an approach permit.

Paul Foertsch was present and asked the Commissioners who is responsible for the county roads? Paul addressed concerns with the maintenance and condition of all the roads in Emmons County.

Shelly Serr appeared and addressed concerns about the condition of the road on 69th St. SW. Shelly stated that trying to get one of her parents to a doctor's appointment is tough as she had to cancel appointments because the roads are too muddy.

Glenn Geffre, Chairman for Emmons County Water Resource Board, stated that the board is waiting for approval for funding to drain Schwahn Lake, and according to the State Water Commission, they should have an answer by July 1, 2022.

Herbert Grenz appeared and stated that Emmons County should negotiate with the Corp to return excess land 1,620 feet above sea level at Lake Oahe to the county. Emmons County would then take ownership of the land, lease acres to the landowners and take care of the spraying of weeds. Also present for discussion was Kenneth Moser.

Noted was Emmons County property on tract in the W ½ 245' X 288' in Section 17, Township 132, Range 76 was included in the FEMA acquisition process; therefore, the property cannot be sold nor leased and the county is responsible for maintaining the property. Chairman Magrum will contact Don Volk about mowing the grass.

Commissioner Eberle motioned to approve the Utility Permit for South Central Regional Water District to install a one-inch water line crossing from the SE ¼ of Section 22 under 100th St. SE into the NE ¼ of Section 27 on the east side of the ½ mile line in Township 129, Range 74. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to deny a request from Bob Bauman to receive reimbursement in the amount of \$5,000.00 for building the road leading to the Florian Bauman farmstead. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Representatives from RDO Equipment and Butler Machinery appeared to present proposals for Motor Graders. Commissioner Eberle motioned to purchase the following and obtain quotes for extended warranty on the 2 (two) 2018 Caterpillar motor graders:

- | | |
|--|--------------|
| • 2022 John Deere 872GP Motor Grader | \$451,150.00 |
| Trade-In 2017 Caterpillar Model 140M3 Motor Grader | \$154,000.00 |
| Balance after trade-in | \$297,150.00 |

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

Commissioner Eberle motioned to approve the building permit for Tim and Marlena Kelsch to move in a house with attached garage and erect a 40 X 60 pole barn on the NE ¼ - RW in Section 21, Township 133, Range 76. Seconded by Commissioner Hulm. Roll Call "YES": Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for Daniel P. Carr to move in a house on Lot M, NW ¼ of Section 28, Township 130, Range 75. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Weichel motioned to approve the building permit for Dylan Senger to move in a house and erect a 30 X 30 garage on the SE ¼ of Section 32, Township 132, Range 74. Seconded by Commissioner Eberle. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the building permit for Legendary Homes, Inc. to erect a 52 X 82 residence with a 38 X 40 garage on Lot 2, Beaver Creek Addition, W ½ of Section 18, Township 132, Range 76. Seconded by Commissioner Weichel. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the application and issue a liquor license to the Quencher Bar for a two-day event held on June 25, 2022 and June 26, 2022 at the Strasburg Rodeo Grounds, portion of the SW ¼ of Section 36, Township 131, Range 76. Seconded by Commissioner Weichel. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to approve the application and issue a liquor license to the Blue Room for a one-day event held on July 16, 2022 at the Strasburg Welk Farmstead, 845 88th St., Strasburg, ND. Seconded by Commissioner Weichel. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

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

Commissioner Eberle motioned to approve the building permit for Duane Wald to build grain bins on Section 36, Township 130, Range 35. Seconded by Commissioner Hulm. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Hulm motioned to approve the building permit for Chris and Andrea Backhaus to erect a 60 X 87 home with a 35 X 44 attached garage on Lot 1 of Tract 6, Section 17, Township 132, Range 76. Seconded by Commissioner Kalberer. Roll Call “YES”: Eberle, Hulm, Kalberer, Magrum and Weichel. Motion carried.

Commissioner Eberle motioned to approve the renewal building permit for Darek and Cheryl Nieuwsma for building a deck and garage on Rice Lake Subdivision 1, Lot 13, Section 4, Township 129, Range 75. Seconded by Commissioner Weichel. Motion carried.

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

General and 911 – Voucher Numbers LP14532-LP14555, LP14590-LP14591, Payroll - \$92,516.29, Expense for reimbursement – \$184.25
 Highway Tax – Voucher Numbers LP14556, LP14592-L14600; Payroll – \$62,376.38, Expense for reimbursement - \$23.99

The following vouchers were reviewed and approved for payment:

40839	MDU	Utilities	199.43
40865	Martin Oil Co.	Fuel	37,536.85
40904	Advanced Business Methods	Copier Maintenance Agreement	753.57
40905	Agtegra Coop	Fuel	1,739.25
40906	Armor Interactive	Silver Contract/Computer	1,866.99
40907	Aune, Charles	Mowing Braddock Shop	90.00
40908	Beastrom Oil Co.	Fuel/Propane	6,459.86
40909	BEK Communications	Telephone Service	1,712.67
40910	Burleigh Morton Detention Center	Prisoner Billing	1,575.00
40911	Burleigh County Sheriff’s Dept.	Serve Notice of Foreclosure	79.00
40912	Butler Machinery Co.	Parts & Service	33,257.01
40913	Circle H. Lumber	Material	2,271.00
40914	Hazelton City	Water Bill	36.00
40915	Linton City	Water Bill	143.58
40916	Strasburg City	Water Bill	93.75
40917	Cole Papers, Inc.	Supplies	178.66
40918	Curtis Rud Oil Co.	Unleaded Gas	3,958.50
40919	D & B Engraving & Tees	Plates	6.39
40920	Dakota Dust Tex, Inc.	Service	910.75
40921	DC Welding & Repair, LLC	Service	343.42
40922	Election Systems & Software	Election Expense	2,044.56
40923	Emmons County Treasurer	Current Expense	93.20
40924	Emmons County Treasurer	Postage	1,725.02
40925	Fireside Office Products, Inc.	Supplies	133.39
40926	Heartland Waste Management	Maintenance to Langelier’s Bay	120.00
40927	Information Technology Dept.	Internet Access & Netmotion	1,040.55

40928	Innovative Office Solutions	Supplies	41.00
40929	Jacks Electric & Trenching	Service	2,557.28
40930	Jahner, Chris	AED Install	425.68
40931	John R Beck Insurance LLC	Notary Bond	60.00
40932	Keller's Hardware	Parts/Supplies	22.99
40933	KEM Electric Coop, Inc.	Utilities	284.50
40934	Kimble's Guns and Repair	Ammo	99.00
40935	Kramer Chevrolet	Parts & Service	734.76
40936	Krumm, Francis	Air Seed Grass	1,100.00
40937	Linde Gas & Equipment, Inc.	Parts	36.02
40938	Linton Auto Parts	Parts	1,305.67
40939	Linton Regional Medical Center	Splint/Suction Starter Kit	36.76
40940	Magrum Excavating & Plumbing	Service	275.00
40941	Martin Oil Co.	Gasoline	369.05
40942	Matthew Bender & Co., Inc.	Renewal North Dakota Century Code	171.66
40943	MDU	Utilities	1,730.22
40944	Nodak True Value	Supplies	813.15
40945	NDACO	Workers Compensation	3,304.22
40946	NDACO Resources Group	Computer Support	87.50
40947	NDDOT	Bridge Inspection	3,232.36
40948	ND Secretary of State	Notary Bond Application Fee	36.00
40949	NDSAA	2022 Dues	300.00
40950	ND State Surplus Property	Supplies	120.00
40951	NDSU Extension Service	1 st Quarter Salary Reimbursement	11,772.49
40952	NDSU Extension	FCW Spring Development Training	60.00
40953	NW Tire, Inc.	Tires	544.12
40954	ODP Business Solutions	Supplies	126.14
40955	OK Tire Store	Tires	1,038.52
40956	Paul Holzer Carwash	Carwash	6.00
40957	Payment Remittance Center	Gas/Fuel/Supplies	1,208.14
40958	Payment Remittance Center	Gas/Fuel/Supplies	2,587.33
40959	Payment Remittance Center	Gas/Fuel/Supplies	726.73
40960	Payment Remittance Center	Gas/Fuel/Supplies	1,609.81
40961	Payment Remittance Center	Gas/Fuel/Supplies	620.61
40962	Payment Remittance Center	Gas/Fuel/Supplies	3,561.80
40963	Payment Remittance Center	Gas/Fuel/Supplies	825.56
40964	Prairie Heating & Air, Inc.	Air Filters	102.00
40965	Prellwitz, Schad	14 Foot Krause Disk	4,600.00
40966	Proforms	Checks	127.80
40967	Quadient Finance USA, Inc.	Postage	2,000.00
40968	Ramada	Lodging	86.40
40969	RDO Truck Center	Supplies	46.76
40970	Renschler, Norman	Maintenance to Langelier's & Rice Lake	2,210.00
40971	River City Lawn & Landscaping	Lawn Spray	88.00
40972	Sayler Implement, Inc.	Parts	33.08
40973	Schneider, Jackie	Food Pantry	500.00
40974	Seachange Print Innovations	Election Expense	380.00
40975	South Central Regional Water	Water Bill	117.82
40976	Statewide Services	Insurance Endorsements	284.00
40977	Stuckle, Acacia	Expense Reimbursement	369.56
40978	TC Specialties, Inc.	Supplies	57.00
40979	Tower Communications	Tower Rent	200.00
40980	Tri-Energy Coop	Maxtron 5w-40 Enviro Edge	5,703.50
40981	True North Steel	Culverts	9,928.00
40982	Tyler Technologies, Inc.	Public View License	310.00
40983	Unlimited Office Products	Checks	269.68
40984	Verizon Wireless	Cell Service	41.96
40985	Verizon Wireless	Cell Service	461.56
40986	Verizon Wireless	Cell Service	409.85
40987	Ward County Sheriff's Dept.	Notice of Foreclosure	32.00
40988	Wold Engineering, PC	Survey	1,663.75
40989	Wright, Damian	Mowing	500.00
40990	Emmons County Record	Publishing	846.17
40992	Martin Oil Co.	Fuel	31,633.00
41000	ND Attorney General	History Record Application Fee	15.00
41001	Statewide Services, Inc.	Insurance Premium	6,076.00

There being no further business before the board, Commissioner Eberle motioned to adjourn. The meeting adjourned at 5:30 P.M.

Approved: July 5, 2022

Erin Magrum, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor

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

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

The Pledge of Allegiance was recited.

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

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

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

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

Old and Unfinished Business:

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

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

New Business:

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

County Park Board Chairman, Andy Reis, called the meeting to order. Erin Magrum motioned to approve the minutes of the May 4, 2021 meeting. Seconded by Leonard Weichel. All members voting "YES". Motion carried.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Emmons County Board of Commissioners finds:

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

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

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

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

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

ATTEST:

s/s Marlys Ohlhauser
Emmons County Auditor

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

APPROVED:

s/s Erin Magrum
Emmons County Chairman

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

Commissioner Eberle motioned to adopt the following Resolution:

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

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

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

ATTEST:

s/s Marlys Ohlhauser
Emmons County Auditor

s/s Joseph M. Hanson
Emmons County States Attorney

APPROVED:

s/s Erin Magrum
Emmons County Chairman

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

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

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

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

Commissioner Hulm motioned to adopt the following Resolution:

RESOLUTION

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

WHEREAS, this bid is considered reasonable.

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

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

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

ATTEST:
s/s Marlys Ohlhauser
Emmons County Auditor

APPROVED:
s/s Erin Magrum
Emmons County Chairman

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Kalberer stated that conex boxes should be eliminated.

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

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

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

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

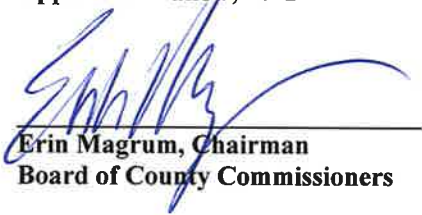
The following vouchers were reviewed and approved for payment:

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

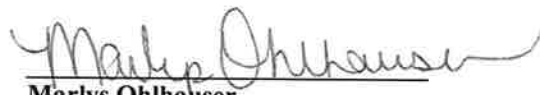
40768	Hazelton City	Water Bill	36.00
40769	Linton City	Water Bill	83.37
40770	Strasburg City	Water Bill	94.39
40771	Cole Papers, Inc.	Supplies	445.45
40772	Ellingson, David	Crosby Clevis	600.00
40773	Emmons County Record	Publishing	548.16
40774	Emmons County Treasurer	Postage	8.95
40775	Emmons County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

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

Approved: June 7, 2022



Erin Magrum, Chairman
Board of County Commissioners



Marlys Ohlhauser
Emmons County Auditor

OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
APRIL 5, 2022

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

The Pledge of Allegiance was recited.

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

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

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

Old and Unfinished Business:

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

New Business:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The following vouchers were reviewed and approved for payment:


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

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

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

Approved: May 3, 2022


 Erin Magrum, Chairman
 Board of County Commissioners


 Marlys Ohlhauser
 Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
MARCH 1, 2022**

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

The Pledge of Allegiance was recited.

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

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

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

Old and Unfinished Business:

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

New Business:

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

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

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

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

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

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

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

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

Commissioner Eberle motioned authorizing Chairman Magrum to execute the Langelier's Bay Annual Management Program, Statement of Receipts and Expenditures for calendar year 2021 and the Annual Management Program and budget for 2022. Seconded by Commissioner Kalberer. Roll Call "YES": Eberle, Hulm, Kalberer and Magrum. Motion carried.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The following vouchers were reviewed and approved for payment:

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


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

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

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

Approved: April 5, 2022


 Erin Magrum, Chairman
 Board of County Commissioners


 Marlys Ohlhauser
 Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S SPECIAL MEETING
FEBRUARY 22, 2022**

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

The Pledge of Allegiance was recited.

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

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

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

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

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

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

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

Approved: March 1, 2022


Erin Magrum, Chairman
Board of County Commissioners


Marlys Ohlhauser
Emmons County Auditor

OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S SPECIAL MEETING
FEBRUARY 9, 2022

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

The Pledge of Allegiance was recited.


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

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

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

Approved: March 1, 2022


Erin Magrum, Chairman
Board of County Commissioners


Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
FEBRUARY 1, 2022**

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

The Pledge of Allegiance was recited.

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

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

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

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

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

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

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

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

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

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

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

Director of Tax Equalization, Denise Nieuwsma, appeared to present the 2022 agricultural land valuations provided by the Agribusiness and Applied Economics Department of the North Dakota State University. NDSU calculated the statewide average values per acre with the following results:

Cropland	\$890.28
Non-cropland	\$162.96
All agricultural land	\$661.07

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

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

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

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

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

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

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

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

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

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

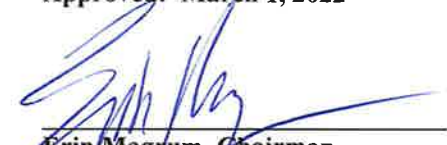
The following vouchers were reviewed and approved for payment:

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

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

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

Approved: March 1, 2022


 Erin Magrum, Chairman
 Board of County Commissioners


 Marlys Ohlhauser
 Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S SPECIAL MEETING
JANUARY 18, 2022**

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

The Pledge of Allegiance was recited.

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

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

ROADS:

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

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

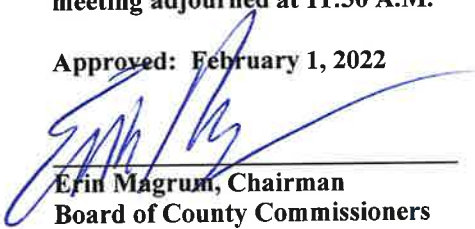
There was some discussion with regards to road encroachment policies.


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

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

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

Approved: February 1, 2022


Erin Magrum, Chairman
Board of County Commissioners


Marlys Ohlhauser
Emmons County Auditor

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
JANUARY 4, 2022**

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

The Pledge of Allegiance was recited.

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

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

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

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

Old and Unfinished Business:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The following vouchers were reviewed and approved for payment:

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

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

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

Approved: February 1, 2022


Erin Magrum, Chairman
Board of County Commissioners


Marlys Ohlhauser
Emmons County Auditor