

**OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF EMMONS COUNTY, NORTH DAKOTA
AT IT'S REGULAR MEETING
MAY 5, 2026**

Chairman Dan Materi called the meeting to order at 9:00 A.M. with Commissioners James Gartner, Erin Magrum, Craig Miller and James Vander Vorst being present. Also present was States Attorney, Joseph M. Hanson.

The Pledge of Allegiance was recited.

The April 2026 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Miller motioned to approve the minutes of the April 7, 2026 regular meeting. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Chairman Materi requested that the Cavendish Farms contract/agreement be added to the agenda. Commissioner Gartner requested the addition of Brady Weber – Lions Club, Rifle Range to the agenda noting that he may appear. Commissioner Gartner motioned to approve the agenda with the recommended additions. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Old and Unfinished Business:

Discussion was held regarding the expiration of the sunset clause on April 27, 2026, related to the additional compensation provided to the Sheriff and Chief Deputy Sheriff for extra hours worked to maintain required services during staffing vacancies. Sheriff Gary Sanders presented a summary of the hours worked during March and April for both himself and Chief Deputy Chris Vargas. The summary included a cost comparison between allocating one Deputy Sheriff salary between the Sheriff and Chief Deputy Sheriff versus paying overtime at a time-and-a-half rate. After discussion, Commissioner Gartner motioned to extend Sheriff Sanders proposal for splitting one deputy salary between the Sheriff and Chief Deputy Sheriff for another six months. Seconded by Commissioner Magrum. Commissioner Miller suggested extending the proposal for two months where the matter would be revisited. The Commission did agree for Sheriff Gary Sanders to provide an update to the Commissioners every two months. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

New Business:

Discussion was held regarding the estimated total project cost submitted by Cavendish Farms, Inc. as part of its Conditional Use Permit application. Project Manager Troy Hanson submitted a spreadsheet to States Attorney Joseph M. Hanson itemizing costs for the proposed Potato Storage Site and requested that the estimated total project cost on the application be amended to \$14,952,946.00. The amended amount was requested because the original total project cost on the original Conditional Use Permit application included several categories of expenses outside of building and construction costs, including surveys, engineering fees, potato loading and unloading equipment, snow removal equipment, and electrical engineering studies. Following discussion, Commissioner Gartner motioned to approve the amended estimated total project cost of \$14,952,946.00. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Materi, Miller and Vander Vorst. Motion carried. Commissioner Magrum abstained from voting due to a conflict of interest. It was noted that Cavendish Farms, Inc. will be required to pay 100% of the 3% application fee prior to the commencement of construction.

Kenneth Jochim appeared for discussion regarding the section line matter as discussed at the September 5, 2025 commission meeting, where a motion was approved directing that proper notification be sent to the landowners stating that encroachments must be removed from the section line right-of-way.

Kenneth Jochim asked the commissioners who was responsible for following up on the certified encroachment notices to ensure that the parties involved responded appropriately?

Commissioner Gartner stated that he had spoken with John McCrory, who had also received an encroachment notice, as well as with State's Attorney Joseph M. Hanson. The encroachment notice stated that all encroachments were required to be moved outside the 33-foot boundary. The renter using a portion of John McCrory's property had not removed the encroachment. According to McCrory, he had spoken with the renter, however, the encroachment remained in place. The notice also stated that recipients had thirty days to comply.

Following discussion, Commissioner Magrum motioned directing Josh Odden and the Sheriff's Department to verify whether the encroachment notice had been complied with. If compliance had not been achieved, the encroachment was to be brought into compliance within ten days. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum also instructed Josh Odden and the Sheriff's Department to inspect the area on the other side of the railroad tracks to verify whether the fence and gate were encroaching. If an encroachment was found, the Commission would begin the process of sending a notice letter to the landowner.

At 10:10 A.M., a County Park Board meeting was held. Present were Commissioners James Gartner, Erin Magrum, Dan Materi, Craig Miller and James Vander Vorst; County Park Board Member, Dean Weiss.

Also present was Korlene Schmidt representing Kintyre Park Board and Rosalie Rambough and Del Svalen representing Braddock City Park Board.

Dan Materi called the meeting to order. James Vander Vorst motioned to approve the minutes of the May 6, 2025 meeting. Seconded by Craig Miller. All members voting "YES". Motion carried.

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

2025 County Park Expenditures	\$43,429.49
2026 County Park Budget	\$77,500.00
YTD 2026 Expense Report	\$ 1,797.72

Received was a letter from Ann M. Moch, Kintyre Park Board, providing an update on the Kintyre Park for 2025.

There was discussion regarding chip sealing the Langelier's Bay Road. The Commission will explore applying for SRF funding through the NDDOT.

Craig Miller stated that he raised the subject of funding parks at the last six-county commission meeting, and out of the six counties, Emmons County is the only county that contributes to the county parks or city parks.

Craig Miller received a call regarding Braddock Park being leased to the city. Rosalie Rambough stated that back in 1984, when the park held its 100th anniversary, Pete and Mary Ellen Naaden donated the land for the park. Somewhere in the process, a deed was never recorded. The land is currently owned by Tami Naaden, and there is still no deed on record. Conversations have been held with Tami Naadan about leasing the land, as the park board maintains the park. State's Attorney Joseph M. Hanson provided Craig Miller with the North Dakota Century Code stating that parks can be owned or leased by municipalities. According to Rosalie Rambough, there is no lease agreement currently in place, only a verbal agreement. Craig Miller stated that he would like to see something in writing to make the arrangement official, such as a lease agreement. Rosalie Rambough stated that she will meet with the Naaden's to have a lease agreement drawn up.

Erin Magrum motioned to allocate \$3,000.00 to Linton City Park, Hazelton City Park, Braddock City Park, Hague City Park and to the park in Kintyre; and to allocate \$1,500.00 to the Strasburg City Park and \$1,500.00 to the Strasburg Park Expansion with contingency that Braddock's contribution be withheld until the City provides a written lease agreement that has been recorded. Seconded by Craig Miller. All members voting "YES". Motion carried.

Acacia Stuckle and Nancy Deis, Extension Agents, provided a quarterly narrative report.

Sam Renschler provided a quote of \$8,800.00 to replace the restrooms at Langelier's Bay, and \$1,100.00 to replace only the toilet lids. The Commission agreed not to proceed with the upgrade at this time.

Commissioner Miller motioned to approve the Chairman signing the Funding Agreement for Clerk of District Court Services. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum motioned to enter into an agreement with Central Regional Education Association (CREA) for County Superintendent of Schools Services. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Miller and Commission Gartner provided an update on the Planning and Zoning Commission meeting held on April 28, 2026. Eight of the nine board members were present. The board discussed moratoriums further and would like to speak to an outside attorney regarding moratoriums.

The Planning and Zoning board is requesting approval from the County Commission for spending authority utilizing county funds. Commissioner Magrum motioned to grant the Planning and Zoning board authority to utilize up to \$5,000.00 for outside legal services. Auditor Ohlhauser will determine which fund the expenses will be paid from. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The Planning and Zoning board reviewed the McIntosh County and Divide County Zoning Ordinances and determined that several revisions are necessary, as certain provisions do not align with our county's zoning regulations and policies. States Attorney Joseph M. Hanson was authorized to review the McIntosh County Zoning Ordinances and remove any wording or provisions that do not apply to Emmons County.

Doug Bichler appeared before the board to request a building permit to add a 20 X 14 three-season room to the north side of the house, install new siding on the entire house, replace the roof, and build a covered patio on the west side of the garage located in Section 32, Township 132, Range 77.

A seventy-foot setback variance was also requested by Doug Bichler for the three-season room, which would extend an additional six feet beyond the existing deck that will be removed. It was noted that the addition would not create an obstruction.

The Planning and Zoning board recommended a do pass at the meeting on April 28, 2026 for the building permit and the variance.

Following discussion, Commissioner Magrum motioned to approve the seventy-foot setback variance. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum motioned to approve the building permit for Doug Bichler to add a 20 X 14 three season room to the north side of the house, install new siding to the entire house and put on a new roof and build a covered patio on the west side of the garage on Section 32, Township 132, Range 77. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Christina Seppanen introduced Lindsay Bauman who started employment on May 1, 2026 as the Administrative Assistant for the Director of Tax Equalization.

Wes Mastel appeared before the board to request a building permit to build a 120 X 80 shop on the SW ¼ of Section 4, Township 129, Range 74.

A seventy-three-foot setback variance from the centerline of the road to the proposed shop location was also requested by Wes Mastel. It was noted that the existing grain bins are currently set back only seventy-three feet from the centerline of the road and do not create any obstruction problems.

At the Planning and Zoning board meeting, a couple of members referenced page 25 of the Zoning Ordinance Handbook under Article IX, Section B (3), which states, "Minimum setbacks from centerlines may be determined by computing the average setback of existing adjacent uses if such uses exist," and felt that this provision applies to the request; therefore, the board recommended approval.

Following discussion, Commissioner Vander Vorst motioned to approve the seventy-three (73) foot setback variance and also to approve the building permit for Wes Mastel to build a 120 X 80 shop on the SW ¼ of Section 4, Township 129, Range 74. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

North Dakota Department of Transportation road projects were discussed with Jon Martin present. The Grade Raise project, located one mile east and 3.5 miles north of Braddock, was approved for Flex Funding and will be bid through the NDDOT on May 8, 2026. The construction engineering services agreement must be approved and submitted to the state. The Engineering costs are reimbursable at 100% through the Flex Funding. Commissioner Magrum motioned to enter into a construction engineering services agreement with Wold Engineering, P.C. for road project SC-FXS-FXCA-1523(060), PCN 24348, the Grade Raise project located one mile east and 3.5 miles north of Braddock, North Dakota. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Gartner motioned to approve the final plans and specifications for the Cattail Bay Road Cement Stabilization project, located east-west for two miles on 89th St. SW, and to authorize Wold Engineering, P.C. to advertise the project for bids. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried. The bid opening will be held on June 1, 2026 at 9:00 A.M. at the Courthouse. The project completion date is September 18, 2026.

Jon Martin informed the Commission that notification was received from the North Dakota Department of Transportation that funding will be available for the Linton Country Club Road project. The project will be funded under the Special Road Fund Program, with funding limited to a maximum of \$500,000. Commissioner Gartner motioned to notify the state that Emmons County will accept the SRF funding for the Linton Country Club Road project and to proceed with the project. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Russell Lawler, Road Superintendent, provided a monthly update on activities for the county road department. Commissioner Gartner motioned to enter into a rental agreement with Russ Lawler for the rental of his excavator for ten days at a cost of \$3,000.00, and to use county equipment to mobilize it to and from the job site located between Sections 20 and 21, Township 131, Range 74, for the purpose of replacing the old wooden bridge with a culvert. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Russell Lawler provided the Commissioners with an estimate from Loiseau Construction, Inc. in the amount of \$100,471.43 for mobilization, grind with injection and layback, and dust pods on 84th Street SE from 4th Avenue SE to Highway 83. The Commission concluded that Russell Lawler should determine how late in the year the company would be able to complete the project if done this year, or whether it should be planned for next year. The Commission also requested a list of similar projects previously completed by the company.

Russell Lawler brought up vacation and sick leave hours accumulated by the Road Department, noting that some employees will need to use a portion of their vacation time by the end of the year. Commissioner Gartner suggested that employees provide sufficient advance notice when planning to use earned vacation time. The Commission requested that this item be placed on the Six County Commission agenda for discussion.

Commissioner Magrum reported that the road on 62nd St. SE has water up on the shoulder. Russell Lawler will check into the matter.

The Commission approved for Russell Lawler to proceed with hiring a fulltime equipment operator and to seek seasonal summer help and truck drivers.

The Commission revisited the trade-in of the two Mack trucks for two 2027 Mack trucks and agreed to keep the current trucks rather than proceed with the trade.

Clark Roth appeared before the Commission to inquire about a speed limit sign and dust control. He stated that the speed limit in Braddock is 25 mph, but there is no speed limit sign on the west side of Braddock, whereas there is a sign on the south side. He also raised concerns regarding dust control. The Commission suggested that Russell Lawler look into the possibility of installing a flashing speed limit sign.

Commissioner Magrum motioned to table the Utility Permit for John McCrory to install a 12” drain pipe on Main Ave. SW pending further information. Drain pipe to be installed between Sections 36, Township 133, Range 78 and Section 31, Township 133, Range 77. Seconded by Commissioner Vander Vorst. Roll Call “YES”: Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The agenda included an opportunity for an individual in attendance to provide public comment pursuant to Senate Bill No. 2180.

Commissioner Gartner motioned to table the Agreement for the Exchange of Property from the United States Department of the Interior U.S. Fish and Wildlife Service, pending further information. Seconded by Commissioner Magrum. Roll Call “YES”: Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Vander Vorst motioned to approve the following building permits:

1. Thomas and DeRicci Reineke to pour a concrete floor in the 30 X 40 shop, pour a 20 X 40 concrete pad and pour a 15 X 20 concrete pad by the decks. Location is Lot 219 Beaver Bay Walther Scenic Property – Lakeview II, Section 23, Township 132, Range 79.
2. Steve Schlosser to build a 75 X 62 home with a 32 X 38 attached garage on Lot 1, NE ¼ NE ¼ less acres to USA, Section 8, Township 131, Range 79.
3. Joseph L. Glass to add fill dirt, pour concrete and construct a 60 X 40 garage for storage on Auditor's Lot B of the SE ¼ of Section 8, Township 130, Range 79 of the fifth principal meridian.
4. Don and Deloris Wikenheiser to build a 70 X 40 home with a 40 X 40 attached garage on the SE ¼ of Section 2, Township 131, Range 76.
5. Shawn and Laura Glass to move in a 2026 Aspen Doublewide Mobile Home and attach a 12 X 12 breezeway and a 44 X 60 garage/shop on the NW ¼ of Section 24, Township 131, Range 79.
6. Todd and Jessica Feist to place a 20 X 8 shipping container on the W ½ SE ¼ SW ¼ NW ¼ in Section 16, Township 132, Range 76.
7. Lane Twardoski to build a 102 X 84 heated shop on 19.33 A tract in Lots 6-7, Section 6, Township 130, Range 76.

Seconded by Commissioner Miller. Roll Call “YES”: Gartner Magrum, Materi, Miller and Vander Vorst. Motion carried. Gartner abstained from voting on item #2, building permit for Steve Schlosser due to conflict of interest.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:
 General and 911 – \$114,151.22
 Highway Tax - \$71,638.92

The following vouchers were reviewed and approved for payment:

51167	MDU	Utilities	189.67
51194	ND Attorney General	Background Check	15.00
51202	Advanced Business Methods	Extension Copier Contract	359.96
51203	Agtegra Coop Strasburg	Maxtron	1,129.31
51204	Auto Value Linton	Parts	406.33
51205	Axon Enterprise, Inc.	Supplies	953.90
51206	Balco Uniform Center, Inc.	Uniforms	109.79
51207	Beastrom Oil Co.	Propane/Fuel	9,398.92
51208	Burleigh Morton Detention Center	Prisoner Billing	7,245.00
51209	Butler Machinery Co.	Parts/Labor	1,444.76
51210	Centre, Inc.	Community Service/Probation Program	1,200.00
51211	Curtis Rud Oil Co.	Diesel	35,257.50
51212	Dakota Awards, Inc.	Self-Ink Stamp	58.31
51213	Dakota Dynamics	HR Consulting	400.00
51214	Deis, Nancy	Expense Reimbursement	316.83
51215	Eide Ford	Vehicle Service	123.78
51216	Election Systems and Software	Programming	2,476.72
51217	Emmons County Record	Publishing	609.04
51218	Emmons County Treasurer	Registration/Supplies	691.70
51219	Emmons County Treasurer	Postage	288.38
51220	Fireside Office Products	Supplies	599.40
51221	Goldstar Products, Inc.	Asphalt Patch	499.50
51222	Information Technology Dept.	Internet Access & Netmotion	1,620.45
51223	Jack’s Electric & Trenching	Supplies/Service	5,689.99
51224	Jerome Distributing, Inc.	Water Refills	72.00

51225	Keller's Hardware	Paint	52.99
51226	KEM Electric	Utilities	467.33
51227	Linstar	ID Cards	51.20
51228	Linton Auto Parts	Parts/Supplies	1,873.57
51229	Locators & Supplies, Inc.	Supplies	283.02
51230	Magrum Excavating & Plumbing	Replace Hydrant at Langelier's Bay	1,850.00
51231	Martin Oil Co.	Gas	5,179.66
51232	Matthew Bender & Co., Inc.	ND Century Code Updates	16.88
51233	MDU	Utilities	1,924.40
51234	Morton County Highway Dept.	Crack Sealing Oil	4,907.16
51235	ND County Recorders Association	Dues	500.00
51236	ND State Radio Communications	Line Fees	15,826.86
51237	ND State Radio Communications	LETS Billing	120.00
51238	NDACO	Workers Comp	1,647.67
51239	NDACO	Network Services	5,272.00
51240	NDSU	Letterhead/Stationary	189.80
51241	NDSU Extension	Salary Reimbursement	14,657.76
51242	Nodak True Value	Supplies	633.71
51243	Payment Remittance Center	Gas/Fuel/Supplies	289.88
51244	Payment Remittance Center	Gas/Fuel/Supplies	591.19
51245	Payment Remittance Center	Gas/Fuel/Supplies	612.03
51246	Payment Remittance Center	Gas/Fuel/Supplies	3,354.92
51247	Peterson Brothers, LLC	Gravel Hauling	7,500.00
51248	Presort Plus	Mailings	837.59
51249	Proforms	Checks	120.58
51250	Quadient Leasing USA, Inc.	Postal Machine Rent	353.19
51251	Renschler, Norman	Maintenance to Langelier's Bay	1,872.97
51252	Rough Riders Industries	Signs	7.91
51253	Sayler Implement, Inc.	Parts	65.12
51254	Schneider, Jackie	Food Pantry	500.00
51255	South Central Regional Water	Water Bill	84.92
51256	Stuckle, Acacia	Expense Reimbursement	140.70
51257	TC Specialties, Inc.	Service	57.00
51258	Terracon Consultants, Inc.	Geotechnical Investigation	6,300.00
51259	Unicom	Sheriff Vehicle Maintenance	47.85
51260	Verizon Connect	Tracking Devices	260.10
51261	Verizon Wireless	Cell Service	297.70
51262	Widmer Roel	2024 Audit	3,000.00
51263	Wold Engineering, PC	Surveys	10,853.75
51264	Hague Park Board	Contribution	3,000.00
51265	Hazelton Park Board	Contribution	3,000.00
51266	Heartland Waste Management	Langelier's Bay	101.25
51267	Kintyre Park Board	Contribution	3,000.00
51268	Linton Park Board	Contribution	3,000.00
51269	ODP Business Solutions	Supplies	177.28
51270	Payment Remittance Center	Gas/Fuel/Supplies	452.30
51271	Strasburg City Park	Contribution	1,500.00
51272	Strasburg Park Expansion	Contribution	1,500.00
51273	Rough Rider Industries	Sign	50.00
51274	Dakota Dust Tex, Inc.	Service	190.76
51275	Strasburg City	Water Bill	95.95
51279	BEK Communications	Telephone Service	2,980.32
Nonck	ND Post Board	License Renewal	45.00
DD	Hazelton City	Water Bill	57.00
DD	Linton City	Water Bill	99.66
DD	Ibach, John	Supplies from Pilot Store	19.75
DD	Ellingson, David	Racking from Mac's	972.00
DD	Lauinger, Jerry	Truck Scale Fees	39.50

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

Approved: June 2, 2026

Daniel Materi, 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 7, 2026**

Chairman Dan Materi called the meeting to order at 9:00 A.M. with Commissioners James Gartner, Erin Magrum, Craig Miller and James Vander Vorst being present. Also present was States Attorney, Joseph M. Hanson.

The Pledge of Allegiance was recited.

The March, 2026 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Vander Vorst motioned to approve the minutes of the March 3, 2026 regular meeting. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Miller noted that Terry Holzer was unable to attend the meeting and motioned to approve the agenda with the deletion of the Terry Holzer – cattle crossings item. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Old and Unfinished Business:

Clint Scherb, Project Developer for NextEra Energy Resources, attended the meeting and inquired whether an additional permit was required for a temporary office connex trailer to be used on-site during construction of the Emmons-Logan Energy Storage project. The Commission determined that the connex trailer is included under the existing approved conditional use permit and that no additional permit is necessary.

New Business:

VA Officer, Brad Huber, appeared and delivered his quarterly report. Also noted that the Veterans Memorial for the courthouse is currently being installed in the auditorium, with a goal of completing the display by Memorial Day.

Commissioner Gartner motioned to approve the following Fire Emergency and Burn Restrictions:

**FIRE EMERGENCY AND BURN RESTRICTIONS
TIED TO DAILY FIRE DANGER RATING
for Emmons, County, North Dakota**

April 7, 2026

Emmons County, North Dakota has and is expected to continue to endure periods of dry conditions with significant vegetative fuels available; and

- Several rural fires have occurred due to current conditions; and
- All available resources remain committed to protecting life and property; and
- The impact of fires could threaten the health, well-being, and safety of citizens in Emmons County; and
- The cost of response and the inordinate equipment wear may be far more than available County resources.

The Board of Emmons County Commissioners declares a Fire Emergency and Burn Restrictions effective when the North Dakota Rangeland Fire Danger Rating is in the High, Very High, Extreme Rating, and/or a Red Flag Warning has been issued for Emmons County, North Dakota, effective immediately until rescinded or through October 31, 2026.

What's Included

No Open Burning: Includes campfires, controlled burns (i.e., wood piles, tumbleweeds, tree piles, etc.), cropland/agricultural burning, fireworks (aerial and ground), recreational explosives and/or explosive materials (i.e., binary explosive targets), garbage/pit burning, unnecessary off-road motorized travel (anything other than paved or gravel surface).

What's Excluded

Controlled Devices: Only when device (gas grills; gas patio fireplaces and chimineas; gas camp stoves; gas, charcoal, or wood-fired grills; patio fireplaces and chimineas; gas camp stoves; and smokers) is on a hard, non-organic surface and 15' from vegetation and an extinguisher or water is available on site.

**THE PENALTY FOR VIOLATION OF THESE BURN RESTRICTIONS IS A CLASS B MISDEMEANOR
(NDCC 37-17.1-10.1: MAXIMUM SENTENCE OF 30 DAYS IN JAIL AND \$1,500 FINE).**

Open burning is prohibited in the extreme category regardless of local restrictions and must comply with ND Administrative Code 33.1-15-04. Questions regarding open burning referred to the ND Department of Environmental Quality at 701-328-8153.

The daily Fire Danger Rating is available online: <https://ndresponse.gov>

Dan Materi, Chairperson
Emmons County Commission

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

Commissioner Gartner motioned to approve the Plat of Lots A & B, N ½ SW ¼ and S ½ NW ¼ of Section 21, Township 131, Range 76. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried. Present was Gary Hulm.

Russell Lawler, Road Superintendent, provided a monthly update on activities for the county road department. Crack sealing has been completed for the year. Boat docks have been installed at Langelier's Bay and on the east side of Beaver Bay.

Permission has been received to replace the bridge located between Sections 20 and 21, Township 131, Range 78 with a culvert. According to Jon Martin of Wold Engineering, P.C., after conducting a hydraulic study, the bridge can be replaced with a culvert measuring ten feet in diameter and fifty feet in length. The project will also include the installation of flared ends and rip rap. The cost of the culvert delivered to the site is \$13,524.00, with estimated additional costs of \$6,400.00 for the flared ends. After discussion, Commissioner Magrum motioned to proceed with the project to replace the old wooden bridge with a culvert. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

A quote was presented from RDO Truck Centers for the purchase of two (2) 2027 Mack P164T day cab tractors totaling \$296,338.00, including an extended warranty. The proposed trade-in value for the two currently owned Mack trucks was \$143,000.00, resulting in a net trade difference of \$153,338.00. Additionally, a separate quote of \$22,890.00 was provided for the purchase of a 24-month/250,000-mile extended warranty on the existing Mack trucks, which are scheduled to be paid off this month. No action was taken at this time.

Commissioner Vander Vorst made a motion to grant permission to Syd Lawler to clean the ditch located on the NE ¼ of Section 6, Township 132, Range 78. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The matter was first discussed last month, with additional conversation focusing on the hiring of an equipment operator. Commissioner Gartner presented a cost estimate from the auditor's office for the position, along with projected expenditures for employees working ten hours of overtime per week from April through October. It was noted that the position is currently being advertised.

Commissioner Gartner motioned to approve the Haul Road Agreement for Emmons-Logan Energy Storage, LLC. This agreement permits hauling of construction equipment for a battery storage facility, including 138 battery containers, 46 inverters, and additional equipment along 72nd St. SE and 21st Ave. SE. The approved haul period is from May 1, 2026 to May 1, 2027. The agreement also includes the Michel's Dust Mitigation Plan Route Addendum. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The agenda included an opportunity for an individual in attendance to provide public comment pursuant to Senate Bill No. 2180.

Becky Thatcher-Keller and Tony Holzer of Emmons County Food Services appeared and presented the annual report for the Emmons County Senior Food Service Program. Tony Holzer reported that the program has been operating under the name Emmons County Senior Food Services since January 2025 and has been running successfully. He noted that the community has been very supportive and that the program has received contributions. Becky Thatcher-Keller added that the transition has been very smooth and that they have an excellent staff in place.

A total of 10,388 meals were served in 2025. These included 4,963 congregate meals; 794 home-delivered meals in Linton; 1,127 takeout meals in Linton; 2,255 frozen meals in Linton; 583 hot-delivered meals in Strasburg; 152 frozen meals in Strasburg; 178 frozen meals in Hazelton; 10 frozen meals in Braddock; 75 hot-delivered medical meals; 15 frozen medical meals; and 236 ineligible meals served to individuals under the age of 60.

The average food cost per meal was \$4.00. Donation income from clients totaled \$49,476.00, based on a suggested donation of \$5.00 per meal. Donations covered 9,896 meals, leaving 492 meals without any donation contribution, as some clients either did not pay the full suggested amount or did not contribute.

State reimbursement totaled \$157,145.11, which included \$137,627.03 in general state reimbursement and \$19,518.08 in nutrition reimbursement. Additional revenue from the county mill levy amounted to \$45,547.62.

Total expenditures for the year were \$193,838.92. These included \$83,170.67 in food costs; \$1,013.60 in food-related costs; \$17,012.86 in facility, office, and utility expenses; \$1,462.00 in insurance; \$87,953.29 in payroll; and \$3,226.50 in miscellaneous expenses, including fees and training.

Improvements made during 2025, funded through mill levy income and donations, included the installation of a state-required dishwasher hood, new electrical outlets in the kitchen, updated kitchen equipment and utensils, and the purchase of a blast freezer to support frozen meal production.

Commissioner Miller and Commissioner Gartner provided a Planning and Zoning update to the board. The Planning and Zoning Board met on March 31, 2026, with seven of the nine board members in attendance. During the meeting, members discussed reviewing McIntosh County's recently adopted zoning ordinance in preparation for the next meeting. The ordinance originated in Divide County and, with permission from the Divide County State's Attorney, was shared with McIntosh County for their use.

Moratoriums were also discussed at the meeting, with a suggestion of implementing a two-year moratorium on artificial intelligence data centers, nuclear, carbon pipelines and bitcoin-related operations. No action was taken, as the board had several questions for State's Attorney Joseph M. Hanson that will be addressed at the next Planning and Zoning meeting.

The board raised questions regarding their authority to extend the current 60-day research period. Also discussed adding newly adopted resolutions to zoning manual, but will consult with the States Attorney.

Francis Krumm was on the agenda and stated that McIntosh County Zoning has a three-mile setback requirement for wind towers. He suggested that Emmons County consider reviewing and potentially adopting similar setback requirements.

The Commission discussed the employee handbook, prompted by concerns raised by Commissioner Magrum regarding who has the authority to hire and terminate employees working for Emmons County.

According to the current handbook, employees enter into an agreement with "Emmons County". This raises an important question: what is the definition of "Emmons County" in this context? A common assumption is that it refers to the Board of County Commissioners, which is also how many citizens interpret it. If this is not the case, the handbook language should be clarified to explicitly define who holds hiring and termination authority. Specifically, it should state whether "Emmons County" includes the Board of County Commissioners, elected officials, or both. And also, whether it includes Department Heads.

Commissioner Magrum also expressed concern that he has not received any official notification of an employee termination, despite hearing that one occurred. This raises the question of whether a termination is valid if the County Commission has not been formally informed or involved, depending on established authority.

Commissioner Vander Vorst suggested consulting with Tanya Wieler, Human Resource Consultant, to communicate how the Commission wants the policy to be structured and to have her draft appropriate language for the handbook.

Commissioner Gartner added that he has not been formally informed of any termination and has only heard about it through informal channels. He expressed frustration with being caught off guard by members of the public regarding personnel matters that the Commission was unaware of.

Commissioner Magrum further shared his frustration, noting that the Commission had previously discussed and decided to table filling a position at the last meeting. However, between meetings, an employee was reportedly terminated without the Commission's knowledge, and the position has since been advertised. This has created confusion about whether proper procedures were followed and whether the termination and subsequent job posting were authorized.

Chairman Materi stated that he spoke with Tanya Wieler in Human Resource, and based on the language in our policy, the responsibility falls to the department heads. The Commissioners hire the department heads, who are then responsible for conducting and managing their respective departments. Materi believes that if any issues arise, or if the Commissioners wish to make changes to the policy, the State's Attorney and Human Resource should coordinate with one another and then present recommendations to the Commission for consideration or any amendments to the handbook.

Commissioner Magrum disagreed with Tanya Wieler's interpretation. He stated that, as he reads the policy, it references "Emmons County" and does not specifically mention department heads. In his view, while department heads are responsible for managing their departments, any issues should ultimately be brought to the County Commissioners. He believes this approach ensures accountability to the citizens, and that is his interpretation of the policy.

Commissioner Magrum stated that, in his opinion, the termination is not valid until it has been voted on by the Commissioners. He also believes the process should be more closely scrutinized, as he feels he should have been notified. He stated that an official notice should be sent to the Commissioners indicating that an employee has been terminated, including the effective date and the reasoning. He further suggested that the department head should notify the Commission when an employee is placed on paid leave, along with the reasons for the potential termination, and that the Commission should make the final decision at the next meeting.

State's Attorney Joseph M. Hanson stated that the Commission is responsible for creating its policies and agreed that the current policy is vague. He indicated that he will work with Tanya Wieler, as her involvement is necessary in this matter. Hanson also emphasized that he does not want to dictate policy for the Commissioners, as they have been elected to create these policies, but rather to assist by providing guidance and clarification so the Commission can determine how it wishes to proceed.

Commissioner Vander Vorst stated that he feels department heads should have the authority to terminate an employee. Commissioner Gartner responded that there needs to be a defined process in place. He stated that the Commissioners should be notified immediately when such actions occur. He also expressed concern from an employee perspective, noting that it would be troubling to know another employee could be terminated without just cause or without an opportunity to improve through a performance plan. He emphasized that there needs to be a structured process leading up to any termination.

Chairman Materi stated that he spoke with Tanya Wieler last night, and she indicated that everything is in line with what occurred. He noted that the appropriate forms are being completed, and that if anyone has questions, they should contact Tanya Wieler.

Commissioner Gartner motioned to continue contracting with Sam Renschler for maintaining Langelier's Bay Campground and restroom facilities and the facility at Rice Lake for calendar year 2026 at a fee of \$200.00 per trip. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried. Present was Sam Renschler.

Upon recommendation of the Planning and Zoning Commission, Commissioner Magrum motioned to approve the building permit for Tyler and Alison Jacob to construct a 52 X 45 home with a 42 X 30 attached garage on a tract of land lying in the SE ¼ of Section 32, Township 134, Range 75 West of the 5th P.M. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Gartner motioned to approve the building permit for Chris Weigel to construct a 128 X 72 storage/heated shop on the NW ¼ NW ¼ NE ¼ of Section 24, Township 134, Range 74. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Materi, Miller and Vander Vorst. Motion carried. Commissioner Magrum abstained from voting due to conflict of interest.

Upon recommendation of the Planning and Zoning Commission, Commissioner Gartner motioned to approve the building permit for Chris Weigel to put up two (2) grain bins on the E ½ W ½ of Section 13, Township 134, Range 74. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Magrum motioned to approve the building permit for Rick Weigelt to replace the siding on the home located on tract 425.6' X 177' & tract 3 in the SE ¼ SE ¼ of Section 132, Range 76. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Gartner motioned to approve the building permit for Emmons-Logan Energy Storage, LLC for the construction of an Energy Storage Facility on 24 acres out of the W ½ SW ¼ of Section 34, Township 134, Range 74 of the 5th P.M. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Magrum motioned to approve the building permit for Alex Deis for new construction of a grain bin on the NW ¼ of Section 7, Township 133, Range 76. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Gartner motioned to approve the building permit for Clint Saylor to build a cabin and to move an existing building to the south and removing the trailer house on Lot 12, Coyote Hills Subdivision, Section 23, Township 132, Range 79. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Gartner motioned to approve the building permit for Dusty and Candace Hasper to set a 1 time use shipping container on the property for storage on Lot 204 of Beaver Bay Walther Scenic Properties Lakeview II, Section 23, Township 132, Range 79. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Miller motioned to approve the building permit for Paul A. Schneider to add an addition on the home on Lots 1-4, Block 1, Section 12, Township 136, Range 79. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Gartner motioned to approve the building permit for Steve and Billie Schumacher to construct a new home on Tract 115 X 330 in the SE ¼ SE ¼ of Section 33, Township 132, Range 79. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Magrum motioned to approve the Plat – Tract 1, N ½ of Section 14, Township 136, Range 77. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Gartner motioned to approve the applications for abatement or refund of taxes for parcel #42-0000-02074-000 for tax years 2024 and 2025, parcel #27-0000-03561-000 for tax years 2024 and 2025 and

parcel #52-0006-00242-000 for tax year 2025. Seconded by Commissioner Miller. Roll Call “YES”: Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Vander Vorst motioned to approve the appointment of election inspectors for the 2026 Elections pursuant to ND 16.1-05.01 as follows:

- Bernie Schiermeister – Voting Center, Hazelton City Hall
- Wayne Ehley – Voting Center, Emmons County Courthouse
- Rosalind Leier – Voting Center, Strasburg Blue Room

Seconded by Commissioner Magrum. Roll Call “YES”: Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:
 General and 911 – \$132,570.73
 Highway Tax - \$91,271.25

The following vouchers were reviewed and approved for payment:

51062	MDU	Utilities	219.71
51093	Acme Tools GF	Tools and Supplies	530.85
51094	Advanced Business Methods	Extension Copier	378.63
51095	API Garage Door, Inc.	Coax Antenna	340.00
51096	Balco Uniform Center, Inc.	Uniforms	1,345.30
51097	Beastrom Oil Co.	Propane/Fuel	3,465.21
51098	Braaten Law Firm	Legal Services	13,520.00
51099	Burleigh County Emergency Mgmt.	1 st and 2 nd Quarter Contract	9,000.00
51100	Burleigh Morton Detention Center	Prisoner Billing	6,566.56
51101	Butler Machinery Co.	Parts/Labor	966.25
51102	Central Dakota Frontier Coop	Gas	130.08
51103	Circle H. Lumber	Material	8,902.59
51104	Cole Papers, Inc.	Supplies	684.48
51105	Dakota Dust Tex, Inc.	Service	186.99
51106	Dakota Dynamics	HR Consulting	400.00
51107	Dakota Line Sales, LLC	Container	6,700.00
51108	Electronic Communications	Programming	225.00
51109	Emmons County 4-H Leader Council	County Contribution	950.00
51110	Emmons County Record	Publishing	395.81
51111	Emmons County Treasurer	Postage	7.70
51112	Emmons County Treasurer	Postage	625.91
51113	Fireside Office Products	Supplies	1,453.07
51114	Information Technology Dept.	Internal Access & Net Motion	1,620.45
51115	Jack’s Electric & Trenching	Service	40,153.65
51116	Jerome Distributing, Inc.	Water Refills	87.50
51117	KEM Electric Coop, Inc.	Utilities	477.29
51118	Linton Auto Parts	Parts	579.30
51119	Locators & Supplies, Inc.	Mounting Bracket	65.14
51120	Martin Oil Co.	Gas	1,642.05
51121	Mattern, Trevor	Payloader Service	150.00
51122	Matthew Bender & Co.	ND Court Rule Updates	79.93
51123	MDU	Utilities	2,471.95
51124	Model Bakery	Pesticide Training	65.90
51125	ND Clerks Association	Dues	100.00
51127	NDACO Resources Group, Inc.	IT Services	6,663.16
51128	NDACTVSO	Dues and Registration Fee	170.00
51129	New Vision Security, LLC	Service to Fire Alarm	555.00
51130	NW Tire, Inc.	Tire Service	1,185.75
51131	ODP Business Solutions	Supplies	344.79
51132	Outlawn Outdoor Lawn Service	Lawn Spray Service	475.00
51133	Pahlke Steel	Angles	449.74
51134	Payment Remittance Center	Gas/Fuel/Supplies	4,801.94
51135	Payment Remittance Center	Gas/Fuel/Supplies	1,638.23
51136	Payment Remittance Center	Gas/Fuel/Supplies	2,643.11
51137	Payment Remittance Center	Gas/Fuel/Supplies	148.17
51138	Payment Remittance Center	Gas/Fuel/Supplies	12,536.47
51139	Power Plan Corp.	Parts	5,648.08
51140	Psychological Resources	Evaluation	250.00
51141	RDO Truck Center	Parts	825.17
51142	Renschler, Norman	Maintenance to Rice Lake	380.00
51143	Rough Rider Industries	Sign	14.26
51144	Saylor Implement, Inc.	Parts	5,672.96

51145	Schneider, Jackie	Food Pantry	500.00
51146	South Central Regional Water	Water Bill	86.15
51147	Strasburg State Bank	Equipment Lease Payment	33,893.55
51148	Strasburg State Bank	Equipment Lease Payment	73,864.15
51149	Stuckle, Acacia	Expense Reimbursement	53.65
51150	TC Specialties	Service	57.00
51151	TK Elevator Corp.	Elevator Maintenance	4,064.65
51152	Tower Communications	Tower Rent	600.00
51153	Underground Vaults & Storage, Inc.	Micro Form Box	225.60
51154	Unicom	Vehicle Graphics	47.85
51155	Unison Bank	Equipment Lease Payment	150,391.47
51156	Unison Bank	Equipment Lease Payment	73,826.06
51157	Unison Bank	Equipment Lease Payment	139,668.44
51158	US Records Midwest LLC	Recording Book	699.58
51159	Verizon Connect	Tracking Devices	260.10
51160	Verizon Wireless	Cell Phones	297.80
51161	Widmer Roel	Auditing	5,005.00
51162	Youthworks	Certified Shelter	1,802.00
51166	Nodak True Value	Supplies	636.51
51168	Strasburg State Bank	Pay Off Lease Equipment Loan	58.93
51169	BEK Communications	Telephone Service	2,982.65
Nonck	Strasburg City	Water Bill	95.95
Nonck	Strasburg City	Water Bill	.67
Nonck	ND Post Board	License Renewal	45.00
DD	Hazelton City	Water Bill	57.00
DD	Linton City	Water Bill	99.66
DD	Ibach, John	Supplies from Pilot Store	19.75
DD	Ellingson, David	Racking from Mac's	972.00
DD	Lauinger, Jerry	Truck Scale Fees	39.50

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

Approved: May 5, 2026

Daniel Materi, 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 3, 2026**

Chairman Dan Materi called the meeting to order at 9:00 A.M. with Commissioners James Gartner, Erin Magrum, Craig Miller and James Vander Vorst being present. Also present was States Attorney, Joseph M. Hanson.

The Pledge of Allegiance was recited.

The February, 2026 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Miller motioned to approve the minutes of the February 3, 2026 regular meeting. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

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

Old and Unfinished Business:

The Commission revisited Sheriff Gary Sanders request recommending additional compensation for himself and Chief Deputy Chris Vargas, effective March 1, 2026, due to the additional time and hours worked each month to provide required services while continuing to fill vacant positions. After discussion, Commissioner Magrum motioned to accept Sheriff Gary Sanders proposal as requested with a sunset of April 27, 2026. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Miller and Vander Vorst. "NO": Materi. Motion carried. The Commission will reevaluate the matter at the May Commission meeting.

New Business:

Upon recommendation of the Planning and Zoning Commission, Commissioner Gartner motioned to approve the building permit and the conditional use permit for Lynda McClung, Network Connex (Authorized Agent for Intermountain Infrastructure Group, LLC) to install new fenced gravel compound expansion, (2) new prefabricated equipment shelters, (2) new generators, (1) new CT rated meter with test switch and 600A fused disconnect, (1) new CT rated meter with test switch and 400A fused disconnect, new conduit and conductors for power to factory installed ATS and panels in shelters. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Gartner motioned to approve the building permit and the conditional use permit for Cavendish Farms, Inc., to construct a new potato storage site consisting of two buildings and a permanent truck scale and scale houses. Each building will consist of two 5 million lb. storage bins and a fan house. Storage buildings and septic system are located on the SE ¼ of Section 26, Township 132, Range 77 and the truck scale and scale house are located on the SW ¼ of Section 26, Township 132, Range 77. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Materi, Miller and Vander Vorst. Motion carried. Commissioner Magrum abstained from voting due to conflict of interest.

Jon Martin, Engineer for Wold Engineering, P.C., appeared to discuss road project SC-FXS-1523(060), PCN 24348, a permanent grade raise project including centerline pipe and riprap beginning 1 mile east and 3 miles north of Braddock, then north 0.8 miles. Commissioner Vander Vorst motioned to approve the plans and specifications and to authorize the project to go out for bid. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried. The bid date is set for May 8, 2026.

The Commission revisited a request from Dave Twardowski for the county to build up approximately one and a half miles of road on 93rd St. SW in Section 14, Township 130, Range 79. According to Jon Martin, Engineer for Wold Engineering, P.C., the road had previously been surveyed by other surveyors, and the North Dakota Supreme Court determined the location of the legal corner. This is the corner the county would need to survey and stake. Martin estimated that surveying and staking every 100 feet along the road, with 100-foot offsets, would cost \$3,120.00. The commission agreed to hire Wold Engineering, P.C. to complete the survey of the road.

Jon Martin also provided cost estimates for grading, cement stabilization and graveling on 84th St. SE/Potato Storage Access Route, including the section west of the Federal Aid Route (2.40 miles) and the section east of the Federal Aid Route (1.25 miles).

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

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

Agreement is effective April 1, 2026 and shall continue until March 31, 2027. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Russell Lawler, Road Superintendent, provided a monthly update on activities for the county road department. The department is currently removing and replacing the concrete at the Linton County Shop and continuing work on other routine maintenance projects. An itemized list and information on the 2025 contracted gravel hauling were provided. Lawler requested approval to hire another equipment operator due to a staffing shortage. The request was tabled pending further discussion.

The board tabled the item to consider updating the job description and Employee Manual Section 3.11 (Inclement Weather/Emergency Closing) for Highway Department staff.

Commissioner Magrum motioned authorizing Chairman Materi to execute the Langelier's Bay Annual Management Program, Statement of Receipts and Expenditures for calendar year 2025 and the Annual Management Program and budget for 2026. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The Central Dakota Six-County Organization meeting will be held on March 10, 2026 @ 10:00 A.M. at the Vets Club in Steele, ND.

Upon recommendation of the Planning and Zoning Commission, Commissioner Vander Vorst motioned to approve the building permit for Wade Huber for building a 24 X 33 addition onto residence and construct a 63 X 48 garage on the S ½ NE ¼ SE ¼ NW ¼ & N ½ SE ¼ NW ¼ of Section 32, Township 133, Range 76. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Gartner motioned to approve the building permit for LeRoy Slater for moving in a 16 X 80 trailer house on Lot 7, Coyote Hill, Section 23, Township 132, Range 79. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Gartner motioned to approve the building permit for Fairview Farm, Inc. to erect a grain bin on Section 8, Township 130, Range 75. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Miller motioned to approve the building permit for Zach & Whitney Serr to move in a modular home on 330' X 660' Tract in the SE ¼ of Section 33, Township 133, Range 76. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Magrum motioned to approve the building permit for Craig Miller to remodel one stall garage into living space and mud room on the NE ¼ Less RW, Section 30, Township 134, Range 76. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Upon recommendation of the Planning and Zoning Commission, Commissioner Gartner motioned to approve the Plat of Tract 1, SW ¼ NE ¼ & the SE ¼ NW ¼ of Section 22, Township 134, Range 78, 5th P.M. and Plat of Tract 2, S ½ NE ¼ of Section 22, Township 134, Range 78, 5th P.M. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The agenda included an opportunity for an individual in attendance to provide public comment pursuant to Senate Bill No. 2180.

The next item on the agenda was an executive session with Derrick Braaten to discuss attorney consultation regarding pending litigation, specifically the Summit Solutions Pipeline appeal. Chairman Materi read information provided by State's Attorney Joseph M. Hanson. According to Mr. Hanson, this item may be discussed in executive session pursuant to NDCC 44-04-19.1 and 44-04-19.2, which authorizes a governing body to meet in executive session for attorney consultation regarding pending or reasonably foreseeable litigation.

After the executive session, the board will reconvene in an open meeting. Chairman Materi asked for a motion to discuss this topic in executive session rather than in an open meeting. Commissioner Magrum made a motion to enter into executive session for attorney consultation. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The executive session adjourned at 10:59 A.M. and the meeting reconvened in regular session.

The board granted permission for Extension Agent, Nancy Deis, to use the county vehicle while performing work-related field inspections.

Commissioner Vander Vorst motioned to enter into a funding agreement for the 2027-2029 biennium to receive reimbursement for providing clerk of district court services. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:
General and 911 – \$111,063.98
Highway Tax - \$66,191.35

The following vouchers were reviewed and approved for payment:

50990	Verdoorn, Candace	Refund of Building Permit	100.00
50996	Acme Tools	Tools	1,637.34
50997	Advanced Business Methods	Clerk of Court Copier Contract	477.41
50998	Beastrom Oil Co.	Propane	1,072.80
50999	Braaten Law Office	Legal Services	1,288.00
51000	Burleigh Morton Detention Center	Prisoner Billing	6,566.56
51001	Butler Machinery Co.	Parts/Labor	1,832.83
51002	Camp Knoll LLC	Gravel Pit Lease	175.00
51003	Central Dakota Frontier	Fuel	93.55
51004	Central Dakota Six-County Organ.	Dues	420.00
51005	CHS, Inc.	Propane	825.00
51006	Circle H. Lumber	Material	576.05
51007	Cole Papers, Inc.	Supplies	1,922.87
51008	Dakota Dust Tex, Inc.	Service	169.53
51009	Dakota Dynamics	HR Contract	800.00
51010	Deis, Nancy	Expense Reimbursement	30.00
51011	Dockter's Welding	Service	122.00
51012	Electronic Communications, Inc.	Portable Radio Battery	90.00
51013	Emmons County Record	Publishing	580.81
51014	Emmons County Treasurer	Motor Vehicle Licensing	25.00
51015	Emmons County Treasurer	Postal Machine Use	493.56
51016	Fireside Office Products	Supplies	208.35
51017	Force America Distribution	Couplers	1,847.10
51018	Jerome Distributing, Inc.	Water Refills	99.50
51019	Johnsen Trailer Sales, Inc.	Parts	4,591.05
51020	Keller's Hardware	Supplies	29.65
51021	Lexipol, LLC	Police One Academy	519.75
51022	Linstar	Set Up and Design Fee	200.00
51023	Linton Auto Parts	Parts	1,471.97
51024	Locators and Supplies, Inc.	Cabinet, Mounting Brackets, Supplies	3,486.61
51025	Martin Oil Co.	Gas	3,381.40
51026	MDU	Utilities	2,465.58
51027	NDACO	Dues	7,224.00
51028	New Vision Security LLC	Fire & Burglar Alarm Monitoring	225.00
51029	Nodak True Value	Supplies	744.68
51030	North Central International	Parts	446.06
51031	NW Tire, Inc.	Tires and Supplies	7,118.76
51032	CDP Business Solutions	Ink	147.66
51033	Pahlke Steel	Supplies/Labor	1,207.80
51034	Payment Remittance Center	Gas/Fuel/Supplies	296.34
51035	Payment Remittance Center	Gas/Fuel/Supplies	906.40
51036	Payment Remittance Center	Gas/Fuel/Supplies	798.94
51037	Payment Remittance Center	Gas/Fuel/Supplies	3,242.60
51038	Payment Remittance Center	Gas/Fuel/Supplies	208.53
51039	Power Plan Corp.	Parts	3,844.85
51040	RDO Truck Center	Parts	1,747.11
51041	Renschler, Norman	Maintenance to Rice Lake	380.00
51042	Rigging & Tools, Inc.	Socket	100.80
51043	Schneider, Jackie	Food Pantry	500.00
51044	South Central Regional Water	Water Bill	91.68
51045	Spiffy Biffs	Rental	105.25
51046	Strasburg Insurance Agency	Notary Bond	100.00
51047	Strasburg State Bank	Equipment Lease Payment	54,104.16
51048	Stuckle, Acacia	Expense Reimbursement	88.45
51049	TC Specialties, Inc.	Service	57.00
51050	Tyler Technologies, Inc.	Doc Pro Services	1,500.00
51051	Vanguard Appraisals, Inc.	Network Upgrade	5,417.00
51052	Verizon Wireless	Cell Service	260.10
51053	Verizon Wireless	Cell Service	297.80
51054	Warrens Locks & Keys	Rekey	60.00
51055	Widmer Roel	Auditing	19,412.40
51059	BEK Communications	Telephone Service	3,006.57
51060	Information Technology Dept.	Internet Access & Netmotion	1,647.10
51061	KEM Electric	Utilities	467.81
DD	Linton City	Water Bill	100.64
DD	Hazelton City	Water Bill	57.00
DD	Ehley, Wayne	Reim Notary Application	69.90
DD	Howe, Myckea	Reim Notary Application	69.90
DD	Strasburg City	Water Bill	95.95

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

Approved: April 7, 2026

**Daniel Materi, 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 3, 2026**

Chairman Dan Materi called the meeting to order at 9:00 A.M. with Commissioners James Gartner, Erin Magrum, Craig Miller and James Vander Vorst being present. Also present was States Attorney, Joseph M. Hanson.

The Pledge of Allegiance was recited.

The January, 2026 end of month fund balance report and the year to date expenditure report were distributed to the board.

Commissioner Vander Vorst motioned to approve the minutes of the January 6, 2026 regular meeting. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum motioned to approve the amended agenda, including the addition of the Linton Municipal Airport update under Old and Unfinished Business. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Old and Unfinished Business:

The Commission discussed a potential amendment to the haul road agreement to add a project manager who would be responsible for overseeing all project activities, including management of load pass permits.

Commissioner Miller motioned to appoint Charlotte Abrams to the County Committee Board. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum reported that the airport authority board met and discussed maintaining a five-member board structure consisting of one member from the county commission, one member from the county at large, and three members from the City of Linton. Commissioner Magrum volunteered to serve as the county commissioner representative for the remainder of his term. The Airport Authority Board also reviewed the airport's financials and long-term direction, focusing on ideas to generate revenue and improve self-sufficiency. Commissioner Gartner stated that he would like to see another county resident serve on the board to increase county involvement in the airport.

New Business:

Director of Tax Equalization, Christina Seppanen, reported that a mobile home in Emmons County is delinquent on property taxes. The family has indicated they do not plan to pay any property taxes for 2025 or 2026 and intend to abandon the property. The consensus of the commission was for the county to take ownership, abate the taxes, and have the road department remove the property from Sunrise Trailer Park. After further discussion, Commissioner Gartner motioned to abate the property taxes on the mobile home. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Discussion was held regarding property owners constructing buildings without first obtaining a building permit. According to State's Attorney, Joseph M. Hanson, current policy requires that the building permit fee to be doubled when construction occurs without first obtaining a permit.

Sheriff Gary Sanders requested and recommended additional compensation for himself and Chief Deputy Chris Vargas, effective March 1, 2026, due to the additional time and hours worked each month to provide required services while continuing to fill vacant positions. Commissioner Magrum motioned to accept Sheriff Gary Sanders temporary proposal for compensation effective March 1, 2026. Seconded by Commissioner Vander Vorst. Roll Call "YES": Magrum and Vander Vorst. "NO": Gartner, Materi and Miller. Motion failed. Further discussion will be held at the March meeting.

Jon Martin, Engineer with Wold Engineering, P.C., appeared to report that Emmons County was awarded a Flex Funding grant from the state for a grade raise project on 17th Avenue SE north of Braddock. The engineer's estimated cost of the project is \$2,912,465. Mr. Martin also reported that Emmons County was awarded funding for the Cattail Bay Road Cement Stabilization project (the first two miles from Highway 1804) through the state's Special Road Funding (SRF) program. The engineer's estimated cost of this project is \$671,764.50.

Commissioner Magrum motioned to enter into a Preliminary and Construction Engineering Services Agreement with Wold Engineering, P.C. for the Cattail Bay Road/Winoma Island Cement Stabilization project on 89th St. SW. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Russell Lawler, Road Superintendent, provided a monthly update on activities for the county road department. The Strasburg shop project is progressing well, and the Linton shop is receiving new lighting. Employees are working on general maintenance and some snow removal.

As advertised, sealed bids were opened for the 2013 Ford Explorer. One bid was received in the amount of \$2,000.00, and another bid was received in the amount of \$2,010.00. Commissioner Magrum motioned to accept the high bid of \$2,010.00. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The agenda included an opportunity for an individual in attendance to provide public comment pursuant to Senate Bill No. 2180.

Sheriff Gary Sanders requested that the Commission consider disabling comments on the Emmons County social media page. Commission Magrum motioned to turn off comments on the Emmons County social media page. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Gartner motioned that Emmons County adopt the social media policy shared by Burleigh County. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The Emmons County Weed Board requested clarification regarding the advertising process for the Secretary position, and the commission confirmed that the position should be advertised countywide.

Commissioner Miller motioned to approve the building permit for Kelly Nieuwsma for moving in a 28 X 72 double wide trailer and a utility shed, and construct a 28 X 40 three stall garage on the NE quarter of Section 17, Township 129, Range 75. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Materi, Miller and Vander Vorst. Motion carried. Commissioner Magrum abstained from voting due to conflict of interest.

Commissioner Gartner motioned to approve the application for abatement or refund of taxes for parcel #15-0000-05491-000 for tax year 2025. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Gartner motioned to approve the Plat, Lot 1 in the Northeast ¼ of Section 32, Township 131, Range 74 of the 5th P.M., Emmons County, North Dakota. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The Commission reviewed information received from Cavendish Farms for a new potato storage site project.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:
 General and 911 – \$111,063.98
 Highway Tax - \$66,191.35

The following vouchers were reviewed and approved for payment:

50843	MDU	Utilities	150.49
50884	Acme Tools, Inc.	Tools	513.01
50885	Advanced Business Methods	Extension Copier Contract	312.48
50886	Agtegra Coop Strasburg	Maxtron	3,234.20
50887	API Garage Door, Inc.	Service to Doors	285.00
50888	Auto Value Linton	Parts	110.09
50889	Beastrom Oil Co.	Propane and Supplies	1,511.00
50890	Braaten Law Firm	Legal Services	3,357.00
50891	Benco Equipment	Parts	178.71
50892	Burleigh Morton Detention Center	Prisoner Billing	3,200.00
50893	Butler Machinery Co.	Parts/Labor	27,805.38
50894	Central Dakota Frontier	Gas	117.15
50895	Centre, Inc.	Community Service Probation Contract	1,200.00
50896	Circle H. Lumber	Material	1,734.34
50897	Code 4 Services, Inc.	Upfit Patrol Unit	4,672.18
50898	Cole Papers, Inc.	Supplies	48.68
50899	Dakota Business Solutions	Maintenance Postal Machine	450.00
50900	Dakota Dust Tex, Inc.	Service	186.99
50901	Eide Bailly LLP	Data Drive	619.00
50902	Emmons County Record	Publishing	645.78
50903	Emmons County Treasurer	Postage	101.82
50904	Emmons County Treasurer	Postal Machine Use	456.30
50905	Fireside Office Products, Inc.	Supplies	1,065.58
50906	Force America Distributing, LLC	Hose Guard	43.74
50907	Hazelton Insurance Agency	NDIRF Insurance Policy	74,917.00
50908	Jack's Electric & Trenching	Service	100.15
50909	Jerome Distributing, Inc.	Water Refills	60.00
50910	Keller's Hardware	Supplies	258.70
50911	Linde Gas & Equipment, Inc.	Supplies	809.46
50912	Linton Auto Parts	Supplies	5,513.53

50913	Martin Oil	Gas	1,014.84
50914	MDU	Utilities	2,588.61
50915	ND One Call	Location Request	1.50
50916	ND Sheriff's & Deputies Association	Dues	400.00
50917	ND State Radio Communications	Everbridge Fee	640.64
50918	ND State Radio Communications	LETS Billings	263.00
50919	ND State Radio Communications	Line Fee	15,907.95
50920	NDACO	D & A Testing	529.20
50921	NDACO Resource Group	Special Operations/IT Services	2,912.00
50922	NDACTVSO	Dues/Spring Conference	170.00
50923	NDLTAP	Training Class	25.00
50924	NDSU	Adobe Cloud & Pro	403.76
50925	NDSU	Salary Reimbursements	14,657.83
50926	Nodak True Value	Supplies	433.85
50927	Payment Remittance Center	Gas/Fuel/Supplies	431.31
50928	Payment Remittance Center	Gas/Fuel/Supplies	2,697.19
50929	Payment Remittance Center	Gas/Fuel/Supplies	1,564.96
50930	Payment Remittance Center	Gas/Fuel/Supplies	3,779.30
50931	Payment Remittance Center	Gas/Fuel/Supplies	188.33
50932	Pomps Tire Center	Tires	1,536.00
50933	Power Plan Corp.	Parts/Supplies/Labor	4,082.66
50934	Quadient Leasing USA, Inc.	Postage Machine Rent	353.19
50935	Renschler, Norman	Maintenance Rice Lake	380.00
50936	Saylor Implement, Inc.	Parts/Service	1,419.27
50937	Schneider, Jackie	Food Pantry	500.00
50938	Sign Pro	Road Signs	55.50
50939	South Central Regional Water	Water Bill	90.00
50940	Spiffy Biffs	Service	164.50
50941	Stuckle, Acacia	Expense Reimbursement	105.85
50942	TC Specialties	Service	114.00
50943	Tyler Technologies, Inc.	Tax and Accounting Software	7,159.88
50944	Unicom	Sheriff Vehicle Graphics	1,084.95
50945	US Records Midwest, LLC	Recorder Books	587.59
50946	Verizon Wireless	Cell Service	297.80
50947	Visto's Trailer Sales	Trailer	20,159.97
50948	Volk, Duane	Strasburg Shop	704.50
50949	Wald Heating & Air, LLC	Service	4,210.00
50950	Widmer Roel	2024 Audit	5,000.00
50953	Information Technology	Internet Access & Netmotion	162.40
50954	KEM Electric	Utilities	472.13
50955	MDU	Utilities	197.26
50956	BEK Communications	Telephone Service	3,014.75
50959	Verizon Connect	Tracking Devices	260.10
DD	Hazleton City	Water Bill	57.00
DD	Linton City	Water Bill	99.89
DD	Strasburg City	Water Bill	95.90
Nonck	BNC National Bank	Safe Deposit Box Rent	15.00

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

Approved: March 3, 2026

Daniel Materi, 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 6, 2026**

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

The Pledge of Allegiance was recited.

County Auditor, Marlys Ohlhauser, opened nominations for the 2026 Chairman. Commissioner Vander Vorst nominated Commissioner Materi. Commissioner Gartner nominated Commissioner Miller. The Commission voted by paper ballot and Commissioner Materi, receiving the highest number of votes, was declared Chairman for 2026.

Chairman Materi opened nominations for the 2026 Vice Chairman. Commissioner Gartner nominated Commissioner Miller. Commissioner Miller nominated Commissioner Gartner. The Commission voted by paper ballot and Commissioner Miller, receiving the highest number of votes, was declared Vice Chairman for 2026.

Commissioner Vander Vorst motioned to approve the minutes of the December 2, 2025 regular meeting and the December 17, 2025 special meeting. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Gartner motioned to approve the agenda as presented. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum noted that the City of Hazelton is doing a pavement project and the county should consider paving the township road by Missouri Valley Ag while the paving company is in town, or just reduce that road back to gravel.

Old and Unfinished Business:

Commissioner Magrum motioned to approve the request from the Emmons County Weed Board for increasing the board members pay by \$50.00 per meeting. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Brief discussion was held regarding the merger for the Linton City Municipal Airport and how the board is structured. The Board is waiting for a meeting to be planned.

Commissioner Vander Vorst motioned to sell the 2013 Ford Explorer "out on bids". Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Discussion was held on amending the county's haul road agreement to include a daily rate fee.

Budget clarity was given that the new salary structure plan that was adopted is still keeping the county in line with the 3% cap requirement.

New Business:

Commissioner Magrum motioned to re-appoint the following officers for a one-year term effective January 1, 2026:

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

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

Commissioner Magrum motioned to re-appoint Joey Kalberer, Tim Weber and John Deboer to the Emmons County Water Resource Board for a three-year term effective January 1, 2026. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum motioned to re-appoint Gary Griffin to the Emmons County Public Health Board for a five-year term effective August 1, 2026. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum motioned to re-appoint Andy Hulm to the Emmons County Housing Authority Board for a five-year term effective January 1, 2026. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum motioned to appoint James Vander Vorst to the South Country Human Service Board for a three-year term effective January 1, 2026. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum motioned to re-appoint Corbley Ogren to the Emmons County Committee Board for a three-year term effective January 1, 2026. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

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

City of Linton – The West Fifty Feet (W 50') of Lot Twelve (12), Block Six (6), Seeman's First Addition to Linton, Emmons County, North Dakota.

City of Hazelton – Lot Twelve (12), Block Three (3), Roop's First Addition to Hazelton, Emmons County, North Dakota.

City of Hazelton – East Ten Foot (10") strip of the South One-Half (S ½) of Lot Eleven (11) and All of Lot Twelve (12), Block Eight (8), Original Town of Hazelton, Emmons County, North Dakota.

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

VA Officer, Brad Huber, appeared and gave his quarterly report. Presented was an image of a rotating wall mount for the Veterans pictures in the courthouse auditorium.

Acacia Stuckle and Nancy Deis, Extension Agents, provided a quarterly narrative report. Commissioner Miller volunteered to be assigned the portfolio for the Emmons County Extension Agents, and will participate in their performance reviews.

Russell Lawler, Road Superintendent, provided a monthly update on activities for the county road department. The Strasburg County Shop project is coming along. The department is performing general equipment maintenance on the blades and trucks and installing a quick coupler on the excavator. They are also going to be working on a few rip rap projects.

The agenda included an opportunity for an individual in attendance to provide public comment pursuant to Senate Bill No. 2180.

Director of Tax Equalization, Christina Seppanen, presented the 2026 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	\$868.78
Non-cropland	\$149.37
All agricultural land	\$644.22

Emmons County's average value per acre for the year 2026 is as follows:

Cropland	\$883.33
Non-cropland	\$151.69
All agricultural land	\$643.71

North Dakota Century Code ruling requires County's to be within a tolerance level of 90% - 100% on their agricultural land values determined by the North Dakota State University Agricultural Economics Department. Christina Seppanen recommended a 97% tolerance level as previous increases are moving the county closer to the state average. After discussion, Commissioner Magrum motion to maintain a 96% tolerance level, decreasing the average value per acre by .62%. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Clark Roth appeared and stated that he's circulating a petition to annex property out of the City of Braddock into the county which included a couple of homes on Lots 2-4, Block 3, Betzers Addition Braddock and Lots 7-8, Block 3, Betzers V. Add Lots 5-6, Block 4 & All Blocks 5-7 Betzer's vacated addition, Braddock, Section 27, Township 136, Range 75, and asked the Commissioners if they would consider signing the petition. After discussion the Commission concluded that they would not sign the petition.

Commissioner Magrum motioned to amend the 2025 appropriations in the county road and bridge fund by \$4,273.52, Flex funding by \$307,425.77, State Revenue by \$40,441.02, County Vehicle by \$3,512.72 and the auditorium fund by \$49,640.20. Seconded by Commissioner Vander Vorst. Motion carried.

Commissioner Gartner motioned to approve the application for abatement or refund of taxes for parcel #52-0014-00804-000 for tax year 2025. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Gartner motioned to approve the building permit for Jack McCrory to construct a grain bin on tract of land in the N 2/3 of the NW ¼, East of Highway and West of RR Less Tract, Section 20, Township 132, Range 76 contingent upon approval by Josh Odden that the setbacks are following zoning ordinances.

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

Commissioner Vander Vorst motioned to approve the application for abatement or refund of taxes for parcel #52-0008-00582-000 for tax year 2025. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum motioned to recess the meeting until 5:30 P.M. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

As advertised, at 5:30 P.M., a public hearing was held to receive public comment and direction on proposed Resolution 25-12-01 to adopt amended conditional use permit process and form, and to dissolve industrial conditional use permit.

Chairman Materi opened the public hearing asking for public comment.

Mandy Olson commented that her only issue with the resolution is that any entrepreneurship or small business type that's going to need a conditional use permit would need the \$500,000 surety bond that's now required, and the 3% total cost of the project application fee may not be affordable.

David Moch recommended that the resolution include surveying, that all projects are required to be surveyed according to state law. Commissioner Miller suggested that surveying be done prior to applying for a permit.

Kevin Bernhardt questioned if the \$750.00 application fee applies to building permits and approaches, where the Commission made clear that this fee would only apply to projects needing a conditional use permit.

Holly Will suggested that the fee structure should read non-refundable.

Following the public hearing, Commissioner Magrum motioned to approve the amended Resolution 25-12-01 and the amended application for the Conditional Use Permit with the amendment that the county requires 10% cost of construction bond requirement in place of the \$500,000, and the amendments that all fees made to the county are non-refundable under the fee structure. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The following payroll and expense for reimbursement vouchers were examined, approved and ordered paid:
General and 911 – \$108,529.61
Highway Tax - \$65,456.32

The following vouchers were reviewed and approved for payment:

50726	MDU	Utilities	141.19
50760	Acme Tools, Inc.	Tools	324.79
50761	Advanced Business Methods	Extension Copier Contract	367.37
50762	Appert Land Enterprise	Tools and Supplies	3,130.00
50763	Baker Township	Road Maintenance	203.93
50764	Balco Uniform, Inc.	Uniforms and Accessories	145.01
50765	Beastrom Oil Co.	Propane	5,611.49
50766	Braaten Law Firm	Legal Services	320.00
50767	Burleigh Morton Detention Center	Prisoner Billing	4,300.00
50768	Butler Machinery Co.	Parts/Labor	4,706.29
50769	Central Dakota Frontier Coop	Batteries/Gas	332.49
50770	CHS, Inc.	Propane	828.30
50771	Circle H. Lumber	Material	1,750.69
50772	Cole Papers, Inc.	Supplies	205.33
50773	Custom Truck Accessories	Tool Box/Wheel Harness	1,212.85
50774	Dakota Dust Tex, Inc.	Service	223.20
50775	Dakota Dynamics	HR Contract	400.00
50776	Dockter's Blacksmith	Service	289.11
50777	Emmons County Record	Publishing and Envelopes	1,039.92
50778	Emmons County Treasurer	Supplies	49.09
50779	Emmons County Treasurer	Specials on Strasburg County Shop	756.12
50780	Fed Ex	Service	39.89
50781	Fireside Office Products	Supplies	93.05
50782	Harry Petrie Library	Contribution	2,500.00
50783	Jack's Electric & Trenching	Service	201.18
50784	Jerome Distributing, Inc.	Water Refills	99.50
50785	Jochim Construction	Labor	8,627.77
50786	Johnson, Steven & Francine	Easement	1,000.00
50787	Keller's Hardware	Supplies	984.83
50788	Lewis & Clark Regional Dev.	Dues	5,359.79
50789	Lexipol, LLC	Manuals	5,744.56
50790	Linton Auto Parts	Parts	677.64
50791	Magrum Excavating & Plumbing	Service	375.00

50792	Martin Oil Co.	Gas	3,848.83
50793	Matthew Bender & Co., Inc.	ND Century Code Updates	174.61
50794	MDU	Utilities	2,435.23
50795	Mosset Welding, LLC	Metal	45.36
50796	Mudge, Travis	Easement	760.00
50797	NACO	Dues	450.00
50798	ND911 Association	Dues	100.00
50799	ND County Auditor's & Treasurer's	Dues	400.00
50800	ND County Commissioners Assoc.	Dues	1,775.00
50801	NDACO Resources Group	IT Support	2,456.00
50802	New Vision Security, LLC	Fire Alarm Monitor	330.00
50803	Nodak True Value	Parts/Supplies	771.99
50804	NW Tire, Inc.	Tire Repair	600.00
50805	Pahlke Steel	Wing Pins	161.61
50806	Payment Remittance Center	Gas/Fuel/Supplies	312.74
50807	Payment Remittance Center	Gas/Fuel/Supplies	2,585.82
50808	Payment Remittance Center	Gas/Fuel/Supplies	122.52
50809	Payment Remittance Center	Gas/Fuel/Supplies	4,638.08
50810	Payment Remittance Center	Gas/Fuel/Supplies	1,883.14
50811	Payment Remittance Center	Gas/Fuel/Supplies	948.05
50812	Pomp's Tire Service, Inc.	Tires	2,958.54
50813	Power Plan Corp	Parts/Labor	6,061.95
50814	Prairie Heating & Air, Inc.	Service	467.00
50815	Proforms	Supplies	192.00
50816	Remboldt, Brothers, LLP	Easement	3,130.00
50817	Renschler, Norman	Maintenance to Rice Lake	380.00
50818	Rigging & Tools, Inc.	Tools	1,994.34
50819	Sayler Implement, Inc.	Parts	1,974.29
50820	Schlosser, Marilyn	Easement	760.00
50821	Schneider, Jackie	Food Pantry	500.00
50822	Silvernagel, James and Janel	Easement	1,000.00
50823	South Central Regional Water	Water Bill	79.20
50824	Spiffy Biff's/Bruce's Manufactured	Rentals	157.00
50825	Stryker Sales, LLC	Electrode	348.00
50826	Taylor Print Impressions	Election Envelopes	3,088.02
50827	TC Specialties, Inc.	Service	57.00
50828	TKE Corporation	Elevator Contract	2,187.92
50829	Tower Communications	Tower Rent	600.00
50830	Tri-County Exhibitors	Contribution	2,000.00
50831	Tyler Business Forms	1099 Forms/Envelopes	71.79
50832	Tyler Technologies, Inc.	Software Support	2,640.00
50833	Unicom	Removal of Graphics	450.00
50834	Vanguard Appraisals, Inc.	Program Service	2,640.00
50835	Verizon Wireless	Cell Service	174.78
50836	Verizon Wireless	Cell Service	297.80
50837	Widmer Roel	Auditing	450.00
50838	Emmons County Treasurer	Postal Machine Use	2,760.74
50839	Information Technology	Internet Access & Netmotion	1,593.80
50840	KEM Electric	Utilities	276.98
50844	Herreid Concrete	Concrete	1,457.00
50854	BEK Communications	Telephone Service	3,041.42
DD	Hazleton City	Water Bill	57.00
DD	Linton City	Water Bill	168.11
DD	Linton Fire Dept.	Contribution	2,500.00
DD	Strasburg Fire District	Contribution	1,000.00
DD	Strasburg City	Water Bill	91.84
DD	Mary Senger	Expense Reimbursement	22.19

There being no further business before the board, Commissioner Magrum motioned to adjourn the meeting. Seconded by Commissioner Miller. The meeting adjourned at 7:00 P.M.

Approved: February 3, 2026

Daniel Materi, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor