

CONTINUED FROM PAGE B5

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## PUBLIC NOTICES

### 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 Naaden 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.

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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

## PUBLIC NOTICES

### ADVERTISEMENT FOR BIDS PROJECT NO. SRF-0015(022) EMMONS COUNTY, NORTH DAKOTA

NOTICE IS HEREBY GIVEN THAT the Commissioners of the County of Emmons, North Dakota, will receive sealed bids for Emmons County Project SRF-0015(022) - Cement Stabilization and Graveling on 2 Miles of Cattail Bay Road, at the office of the County Auditor of said County until 9:00 A.M. CDT on July 6, 2026, at which time said bids will be opened and read aloud.

Complete digital project bidding documents are available at www.woldengr.com or www.questcdn.com. You may download the digital plan documents for \$30.00 from the Quest website. Please contact QuestCDN. com at 952-233-1632 or info@questcdn.com for assistance in free membership registration, downloading, and working with this digital project information. An optional paper set of project documents is also available for non-refundable price of \$100.00 per set. Please make your check payable to Wold Engineering, P.C., 316 Eastdale Drive, PO Box 1277, Bismarck, North Dakota, 58501-1277. Please contact Wold Engineering, P.C. at 701-258-9227 if you have any questions.

The approximate quantities of work and material for construction of the project are as follows:

CONTRACT BOND 1 L SUM COUNTY PILE GRAVEL BASE

COURSE	2	MILE
CEMENT STABILIZED SUBGRADE-12IN	35,821	SY
PORTLAND CEMENT	1,094	TON
GRAVEL SURFACING	3,369	TON
MOBILIZATION	1	L SUM

Each bid is to be submitted on the basis of cash payment for the work and is to be enclosed in a sealed envelope addressed to the undersigned County Auditor. Each bid is to be accompanied by a Bidder's Bond in the amount of five (5) percent of the bid, as specified by the North Dakota Century Code Par. 11-11-28, to be forfeited to Emmons County should the Bidder fail to effect a contract within ten (10) days after notice of an award. Bidder will execute and effect a contract in the amount of the bid and a Bidder's Bond as required by law and regulation and determination of Emmons County.

The work on said project shall be completed by October 16, 2026; from such date liquidated damages shall be paid.

The right is reserved to reject all bids, and to waive any informality in any bid, and to hold the bids for a period not to exceed thirty (30) days from the date of opening bids.

DATE: June 2, 2026

SIGNED: Marlys Ohlhauser  
Emmons County Auditor  
PO Box 129  
Linton, ND 58552-0129  
(06-11-2026)(06-18-2026)(06-25-2026)



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