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PUBLIC NOTICES

OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS OF EMMONS COUNTY, NORTH DAKOTA AT IT'S REGULAR MEETING MARCH 4, 2025

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.

Commissioner Gartner motioned to approve the minutes of the February 4, 2025 regular meeting. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

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

Old and Unfinished Business:

Auditor Ohlhauser reported that the NDIRF adjuster completed the claim investigation regarding the farm equipment damage from a rock and ruts in a field, and will be denying the claim because there were no findings where the county is negligent. The adjuster sent an email to Dan Moch asking him to provide her with his story, and he never

responded back to her. Commissioner Magrum motioned to remove this item from old and unfinished business on the agenda going forward, unless something resurfaces. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

New Business:

Commissioner Magrum motioned to approve the building permit for Verizon and Crown Castle USA for minor modification to the existing wireless facility in the NE ¼ NW ¼ of Section 25, Township 131, Range 76, W of the 5th P.M., and to approve the building permit for New Cingular Wireless PCS, LLC to install six (6) new antennas, remove twelve (12) RRH radios, install nine (9) new RRH radios. Remove and replace one (1) tower mounted surge protector. Install one (1) new DC power trunk cable on the cell tower in the NE ¼ NW ¼ Less RW, Section 25, Township 131, Range 76. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Gartner motioned to approve the application for abatement or refund of taxes for parcel #52-6-446-0 and for parcel #29-0000-04017-000 for tax year 2024. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum motioned authorizing Chairman Materi to execute the Langelier's Bay Annual Management Program, Statement of Receipts and Expenditures for calendar year 2024 and the Annual Management Program and budget for 2025. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum motioned to approve the building permit for Richard Weigelt to replace windows, doors and flooring to the residence, tract 425.6 X 177' and tract 3 in the SE ¼ SE ¼ of Section 6, Township 132, Range 76. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The Six County Commission meeting hosted by McIntosh County will be held on March 11, 2025 in Ashley, ND.

As advertised, at 9:15 A.M., a public hearing was held to receive public comment and direction in regards to a Petition to close the section line in between the N ½ of Section 7, Township 130, Range 75 and the N ½ of Section 8, Township 130, Range 75, pursuant to North Dakota Century Code 24-07-03. Kenny and Danny Nieuwsma were present and provided a history of the road from 1950 to present. States Attorney, Joseph M. Hanson provided his opinion from Chapter 24-07 in the

North Dakota Century Code that reads the board of county commissioners, if petitioned by a person having an interest in the adjoining land, after a public hearing, may close section lines which are not used for ten years, are not traveled due to natural obstacles or difficulty of terrain, are not required due to readily accessible alternate routes of travel, or are intersected by interstate highways causing the section line to be a dead end. There were no citizens present in opposition to close the section line. Commissioner Gartner motioned to close the section line. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The board reviewed zoning ordinance, general provisions and Article 1, RA – Recreation District. Commissioner Magrum motioned to begin a list of amendments with the first amendment proposed for the list would be to take item #2 under 1.A. and move it into item #8 under 1.B. in Article 1. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

There was some discussion regarding the potential hiring of an engineer. Commissioner Gartner reported that the county engineer should have expertise in gravel, culverts, bridges, and if there's going to be a cost share with any of the cities, the engineer should also

have expertise on curb and gutter and pavement. Noted was the salary range for an experienced engineer, and the lack of office space in the county shops and courthouse, suggesting possible location at Linton City Hall.

Eric Hoberg, Napoleon Economic Development, and Carl Jackson, Market Engineer for Moore Engineering, Inc., appeared to further discuss the proposed Irrigation project aimed at utilizing water from the Missouri River into Logan County for Irrigation. Eric Hoberg stated that he's trying to make a large impact by utilizing water from the Missouri River for an irrigation project with the potential to impact local agriculture and economic development. Carl Jackson reported that in order for this project to move forward one of the requirements of the Department of Water Resources is that an Irrigation District is formed. This would involve a feasibility study to gauge interest among landowners and assess the potential costs and logistics of establishing an Irrigation District. Requested was for Emmons County to contribute \$25,000.00 towards the local cost share of the \$200,000.00 grant received from the Department of Water Resources to generate the feasibility study so the district can be brought to a vote of the landowners. Commissioner Magrum expressed concerns about