

**OFFICIAL PROCEEDINGS
OF THE BOARD OF COUNTY
COMMISSIONERS
OF EMMONS COUNTY, NORTH
DAKOTA
AT IT'S REGULAR MEETING
SEPTEMBER 1, 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 August, 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 August 4, 2026 regular meeting. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

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

Old and Unfinished Business:

The Commission continued discussion of the utility permit for John McCrory to install a drain pipe between Section 36, Township 133, Range 75 and Section 31, Township 133, Range 77. Since the last meeting, Josh Odden inspected the area, took additional measurements, and shared the information with the Board. States Attorney Joseph M. Hanson reported that he had contacted Derrick Braaten, who stated he would be willing to handle the matter if appointed as Special Assistant States Attorney. Hanson stated that he is prepared to make the appointment upon Board approval. Alternatively, Hanson stated that he could request assistance from the Attorney General's office.

Commissioner Gartner asked State's Attorney Joseph M. Hanson whether,

in the event a conflict of interest existed between his duties as State's

Attorney and his private legal practice, the Commission could request that he withdraw from representing the private client. Mr. Hanson stated that, once a case has commenced, withdrawing from the representation would not change the conflict of interest.

After discussion, Commissioner Magrum motioned to appoint Derrick Braaten as a Special Assistant State's Attorney in accordance with State's Attorney Joseph M. Hanson's suggestion. Seconded by Commissioner Miller. Roll Call "YES" Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Syd Lawler was present and commented that there is a lack of guidance regarding tiling projects involving the County and the Water Resource Board.

New Business:

Human Service Director, Michelle Masset, appeared before the board to present a quote from Rough Rider Industries in the amount of \$6,440.00 for a new ADA-compliant countertop in the Human Service Office. Commissioner Vander Vorst motioned to accept the quote from Rough Rider Industries for a new counter. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Sheriff Gary Sanders appeared before the Commission to address the budget shortfall in the Capital Projects Fund line item pertaining to inmate-related costs. Sheriff Sanders also presented the Commission with documentation detailing the additional hours worked by the Sheriff and Chief Deputy Sheriff in order to maintain required sheriff services during staffing vacancies.

County Auditor/Treasurer, Marlys Ohlhauser, presented the preliminary budget proposal for fiscal year 2027. The proposed budget includes the General Fund and each Special Revenue Fund and provides detailed estimates of revenues and expenditures for the preceding year, the current year, and the ensuing year, together with the appropriations requested for fiscal year 2027. A public hearing on the proposed 2027 budget is scheduled for October 6,

2026 at 5:30 P.M.

Suggestions were made regarding the use of the permit funds to address road department needs. Proposed uses included paying off existing road equipment leases, purchasing gravel for road maintenance, and hiring an additional employee in the road department to assist with ongoing road maintenance and related responsibilities.

Commissioner Miller raised a question regarding the current grade and step salary structure and the manner in which benefits are provided to part-time employees. He questioned why four employees have their benefits prorated while there is one part-time employee who receives full benefits. Commissioner Miller asked how this arrangement came about, specifically questioning why the States Attorney, who is working part-time hours, is receiving full benefits while other part-time employees have their benefits prorated.

States Attorney Joseph M. Hanson addressed the matter and stated that the current grade and step salary structure reflected an inconsistency regarding the number of hours designated for his position. Mr. Hanson noted that the hours identified for his position do not accurately reflect the number of hours he routinely works. Mr. Hanson also stated that the matter could be placed on a future Commission agenda to allow for a more thorough discussion with appropriate information prepared in advance.

**PRELIMINARY BUDGET OF
EMMONS COUNTY
NORTH DAKOTA
CALENDAR YEAR BEGINNING
JANUARY 1, 2027
GENERAL GOVERNMENT**

County Board.....	220,536.19
State's Attorney	294,490.45
Clerk of Court/Register of Deeds.....	
.....	333,749.57
Sheriff	973,930.30
County Coroner	3,600.00
Auditor	378,756.91
Treasurer	194,457.13
Motor Vehicle.....	5,000.00

Director of Tax Equalization.....

.....197,113.59
 Veterans Service 42,856.51
 Maintenance 99,067.72
 Superintendent of Schools ... 3,300.00
 Risk Management..... 3,300.00
 GIS Coordinator..... 87,637.04
 Extension Agent..... 195,124.73
 Disaster of Emergency Services
 34,209.80
 Planning Commission..... 15,000.00
 Community Service Restitution
 Program..... 4,800.00
 Utilities 30,000.00
 Courthouse Building and Grounds
 50,000.00
 Examination Fees..... 40,000.00
 Elections 10,000.00
 NDACO..... 7,684.00
 Unemployment Compensation
 3,000.00
 Miscellaneous..... 35,000.00
 Copier Expense - Extension. 6,000.00
 Copier Expense - Clerk of Court.....
 1,000.00
 Wellness - Sanford Health - FICA -
 Medicare 2,300.00
 Advertising - Lewis and Clark Regional
 Development 5,525.24
 Technology 142,700.00
 Neopost Rent..... 3,000.00
 Abandoned Cemetery..... 7,000.00
 Insurance Reserve/State Fire/Workers
 Comp..... 120,000.00
 County Park..... 77,500.00
 Indirect Costs for Human Service.....
 250,000.00
 Fire Extinguisher - Annual smoke door
 inspection elevator..... 2,300.00
 Food Pantry Coordinator 6,000.00
 911 General..... 50,050.00
 Human Resource Consulting 5,000.00
 TOTAL GENERAL FUND BUDGET/
 APPROPRIATION 3,940,989.18
 Amount to be Levied for General Fund
 2,120,845.23
 Amount to be Levied for County Agent
 91,409.00
 Amount to be Levied for Veterans
 Officer 43,000.00
 Appropriation for County Road and
 Bridge 720,000.00
 Amount to be Levied..... 500,000.00
 Appropriation for Federal Aid.....
 274,945.27
 Amount to be Levied..... 0.00
 Appropriation for Highway Tax.....
 964,800.00

Appropriation for Unorganized Road
 District..... 1,464,065.00
 Amount to be Levied..... 706,701.37
 Appropriation for Permit Fund
 1,500,000.00
 Appropriation for Prairie Dog/House Bill
 1066..... 540,180.04
 Appropriation for Flex Funding
 554,761.67
 Appropriation for State Revenue.....
 50,000.00
 Appropriation for Emergency Fund.....
 400,000.00
 Amount to be Levied..... 49,054.23
 Appropriation for Auditorium. 9,700.00
 Appropriation for 911 71,950.00
 Appropriation for State Grants.....
 36,700.00
 Appropriation for Police Contract.....
 31,000.00
 Appropriation for Capital Projects.....
 268,427.00
 Amount to be Levied..... 168,403.03
 Appropriation for Sheriff 24-7 Program
 9,000.00
 Appropriation for Hazardous Chemical
 6,000.00
 Appropriation for Extension.. 7,000.00
 State Medical Center - Amount to be
 Levied 45,704.23
 Appropriation for DVVA..... 400.00
 Appropriation for Reimbursable
 265,000.00
 Appropriation for Real Estate Tax.....
 60,000.00
 Appropriation for Document
 Preservation 25,000.00
 Appropriation for County Vehicle.....
 10,000.00
 Appropriation for Opioid Settlements..
 12,497.30
 OTHER COUNTY FUNDS
 Senior Citizens - Amount to be Levied
 45,704.23
 Historical Society - Amount to be
 Levied 11,426.05
 Water Resource District - Amount to be
 Levied 62,000.00
 County Health District - Amount to be
 Levied 120,000.00
 Weed Control - Amount to be Levied..
 91,388.26
 County Hospital District - Amount to be
 Levied 228,521.16

Soil Conservation District - Amount to

be Levied 65,000.00
 Airport..... 165,000.00

Ron Dykema appeared before the Commission and provided an update regarding his role in managing the load pass at the Emmons Logan Energy Storage Project site. He reported that, of the 136 batteries associated with the project, only one battery remains to be delivered, which is expected to arrive by tomorrow. Mr. Dykema reported that all other aspects of the project went smoothly. He expressed his appreciation to the Commission for the opportunity to be involved with the project.

Russell Lawler, Road Superintendent, provided a monthly update on activities for the county road department. The entire department is going to be working on the Cattail Bay road project beginning September 8, 2026.

Russell Lawler reported that Tim Wikenheiser had applied for an approach permit on Section 35, Township 131, Range 76, to provide trail rider access to his pasture during the Strasburg's 125th celebration. Wikenheiser also requested that the County construct the approach. Commissioner Gartner stated that the County should support community events that bring people in the county. Commissioner Vander Vorst motioned to approve the approach permit and have the County construct the approach. Seconded by Commissioner Gartner. Roll Call "YES": Gartner and Vander Vorst. "NO": Magrum, Materi, Miller. Motion failed. Following further discussion regarding the removal of the approach following the event and the Road Department's busy work schedule, Commissioner Vander Vorst motioned to approve the approach permit for Section 35, Township 131 Range 76 for Tim Wikenheiser, with the County performing no construction work. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum motioned authorizing Russell Lawler to purchase 15,000 – 20,000 yards of gravel from RTS Shearing, LLC at the Haak pit. Seconded by Commissioner Vander

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

Commissioner Vander Vorst reported that a landowner contacted him regarding a cattle guard with posts located along the edges making it difficult to pass through with a combine header.

There was some discussion relative to the heaved culvert on 20th Avenue SE between 62nd St. SE and 63rd St. SE.

Commissioner Gartner motioned to approve the following utility permit applications:

- * KEM Electric to bore underground primary cable across gravel roadway for new service on the intersection of 97th St. SE and 21st Ave SE.

- * KEM Electric to bore underground primary cable from intersection of 78th

St. SE and 7th Ave. SE.

- * South Central Regional Water to install 1" rural water line crossing 58th St. SE from SW ¼ Section 24 to NW ¼ Section 25, Township 136, Range 76.

- * South Central Regional Water to install 1" rural water line crossing 73rd St. SE from NW ¼ Section 3, Township 133, Range 74.

- * South Central Region Water to install 1" rural water line crossing 78th St. SE from NE ¼ Section 5, Township 132, Range 75 to SW ¼ Section 34, Township 133, Range 75

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

Chairman Materi expressed concern regarding the closure of the Clerk of Court/Recorder's public office from a late Thursday morning through Friday. He stated that members of the public had come to the courthouse to conduct business but were unable to access the office. Chairman Materi asked Clerk of Court/Recorder Robin Mosset to explain the reason for the office closure to the public. Robin Mosset stated that Wayne Ehley was scheduled to be out of the office that week. Myckea and herself were also

out of the office and unavailable. A note was placed on the door notifying the public that the office was closed and would reopen Monday during regular business hours. She reported that Bismarck Court Administration had arrangements in place to ensure coverage for any documents that were e-filed and required filing that same day. She further reported that a neighboring county had agreed to provide coverage for court hearings during their absence. A Bismarck Court Administration telephone number was provided for individuals needing to contact the office. Josh Odden was provided a key to the office in the event access was needed during their absence. Robin also notified the Sheriff's Office and the State's Attorney's Office of the absence and the coverage arrangement. The Commission agreed that employee expectations and procedures for office coverage should be clearly outlined in the employee manual.

Commissioner Gartner and Commissioner Miller provided a planning and zoning update. The last meeting was held on August 25, 2026, with Jennifer Schultes from the South Central Dakota Regional Council in attendance. Ms. Schultes presented a rough draft of the Comprehensive Plan. By the next meeting, Ms. Schultes is expected to have the Comprehensive Plan completed, at which time the County can begin working on restructuring the County ordinances. The revised ordinance structure will build upon the Planning and Zoning Ordinance Draft previously prepared by Joseph M. Hanson.

The first readings of Ordinance No. 26-09-01, Emmons County, North Dakota Utility Installation and County Road Right-of-Way Ordinance, and Ordinance No. 26-09-02, Emmons County, North Dakota Load Pass and Oversize or Overweight Vehicle Permit Ordinance, were held.

Commissioner Gartner motioned granting approval to the North Dakota Game and Fish to revamp a slide in metal boat ramp and small parking area on the SE ¼ of Section 32, Township 130, Range 75 in order to maintain

boating access to Rice Lake. 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 approve the application for abatement or refund of taxes for parcel #51-0001-00068-000 for tax year 2026. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The following were presented to the County Commission with a "do pass" recommendation from the Planning and Zoning Commission:

Commissioner Gartner motioned to approve the Plat of Auditor's Lot A, NE ¼ NE ¼ of Section 30, Township 129, Range 75. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Miller motioned to approve the Plat of Tract 1 located in the NW ¼ of Section 33, Township 134, Range 75, 5th P.M. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Gartner motioned to approve the building permit for Larry and Sharon Jangula to replace siding and windows and add one stall to existing garage on the SE ¼ Less 4.24 RW of Section 17, Township 132, Range 75. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Vander Vorst motioned to approve the building permit for Joe Hanson to add 20' X 22' addition to detached garage on Tract 1, Horner Addition, E ½ of Section 26, Township 132, Range 77. 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 Mark Lawler to build a 67 X 30 home with a 51 X 34 attached garage on the NE ¼ of the NW ¼ of Section 22, Township 133,

Range 78, West 5th Principal Meridian. 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 Jeremy and Tiffany Kuntz for a 58 X 30 new manufactured home with a 24 X 14'2" attached garage, cement slab, and septic system on Lot R, Part of the NW ¼ of Section 28, Township 130, Range 75 of the 5th Principal Meridian, Emmons County. 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 Gerald and Sheila Hartman for a 20 X 12 prefab shed, custom made to meet CCR's, on Lot 12 in Rice Lake Subdivision, Section

4, Township 129, Range 75. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Vander Vorst motioned to approve the building permit for Chris Chase to build a 64 X 27.5 home and an 80 X 40 detached garage on Lot 20 in Lot 1A, Rudy's Subdivision, Section 5, Township 130, Range 79. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The Central Dakota Six County meeting will be held on September 10, 2026 at 10:00 A.M. at the Ashley American Legion Hall.

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

General and 911 - \$119,010.81

Highway Tax - \$89,270.28

The following vouchers were reviewed and approved for payment:

51594, MDU, Utilities..... 125.98
51627, Advanced Business Methods, Copier Contract 482.96
51628, Agtegra Coop Strasburg, Maxtron..... 3,421.46
51629, Auto Value Linton, Parts 61.99
51630, Axon Enterprise, Inc., Taser Cartridge..... 459.40
51631, Balco Uniform Co, Inc. Uniforms and Accessories 952.79
51632, Beastron Oil Co., Diesel

.....11,265.41
51633, Braaten Law Firm, Legal Services..... 808.00
51634, Bravera BankRoad Equipment Lease Payment..... 50,125.69
51635, Bruun, Mark, Mowing... 200.00
51636, Burleigh Morton Detention Center, Prisoner Billing11,845.00
51637, Butler Machinery Co., Parts/Labor 2,534.03
51638, CHS, Inc., Propane..... 694.55
51639, Circle H. Lumber, Supplies 102.10
51640, Dakota Business SolutionsInk/Sealing Solution 322.00
51641, Dakota Dust Tex, Inc., Service 147.69
51642, Dakota Dynamics, HR Contract 800.00
51643, Dakota Line Sales, LLC, Container 3,500.00
51644, Deis, Nancy, Expense Reimbursement 55.48
51645, Dockter's Blacksmith, Service 179.87
51646, Emmons County Record, Publishing 762.88
51647, Emmons County Treasurer, Postage 8.30
51648, Emmons County Treasurer, Postage 2,336.80
51649, Fireside Office Products, Printer/Supplies 1,456.03
51650, Hazelton Newsletter Extension Annual Subscription 30.00
51651, Interstate Power Systems, Generator Service 1,341.30
51652, Jack's Electric & TrenchingWell hook up 490.00
51653, Jerome Distributing, Inc. Water Refills..... 27.00
51654, Keller's Hardware, Supplies 12.99
51655, Linton Auto Parts, Parts. 48.76
51656, Lowery, Steven & Doris, Langelier's Water Use 300.00
51657, Martin Oil Co., Gas... 1,371.06
51658, Matthew Bender & Co., Inc.ND Century Code 253.04
51659, Maverick Ag, Products..... 1,810.26
51660, MDU, Utilities..... 1,652.28
51661, ND One Call Location Request 1.50
51662, NDACO Resource GroupServer Management..... 2,436.00

51663, Nodak True Value, Supplies 797.85
51664, NW Tire, Inc., Tires... 4,132.88
51665, Payment Remittance Center .. Gas/Fuel/Supplies 416.58
51666, Payment Remittance Center .. Gas/Fuel/Supplies 267.46
51667, Payment Remittance Center Gas/Fuel/Supplies 1,647.01
51668, Payment Remittance Center .. Gas/Fuel/Supplies 4,104.18
51669, Payment Remittance Center Gas/Fuel/Supplies 717.65
51670, Peterson Brothers, LLC Gravel Hauling 47,625.00
51671, Power Plan Corp., Parts 2,400.92
51672, Psychological Resources, Evaluation..... 250.00
51673, PV Business Solutions, Osha Journal..... 298.50
51674, Renschler, Norman, Maintenance to Langelier's/Rice Lake 2,400.00
51675, Roehrich Construction LLC, Replace Curb..... 950.00
51676, Saylor Implement, Inc., Parts/Service..... 592.71
51677, Schneider, Jackie Food Pantry 500.00
51678, South Central Regional Water Water Bill 295.25
51679, TC Specialties, Inc., Service... .. 57.00
51680, Tyler Technologies, Inc., Document Pro Support 88.65
51681, US Records Midwest LLC Poly Tab Sheets..... 186.59
51682, Verizon Wireless, Cell Service 297.80
51683, Wald Heating & Air, LLCService 220.00
51684, Wold Engineering, PC, Engineering - Grade Raise Project.... .. 11,715.02
51685, Matthew Bender & Co., Inc.ND Century Code 34.43
51686, Office of Attorney General, SCRAM Fees..... 95.00
51687, Heartland Waste Management Service..... 135.00
51688, KEM Electric, Utilities .. 366.89
51689, Information Technology Dept. Internet Access & Netmotion 1,609.80
51690, Quadiant Finance USA, Inc., Postage 2,000.00
51693, BEK Communications,

Telephone Service 2,970.67
DD, Hazelton City, Water Bill 57.00
DD, Strasburg City, Water Bill 96.98
DD, Linton City, Water Bill 279.62

There being no further business
before the board, Commissioner

Gartner motioned to adjourn the
meeting. Seconded by Commissioner
Miller. The meeting adjourned at 1:00
P.M.

Approved: October 6, 2026

Daniel Materi, Chairman
Board of County Commissioners

Marlys Ohlhauser
Emmons County Auditor
(10-15-2026)