# OFFICIAL PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS OF EMMONS COUNTY

NORTH DAKOTA
AT IT'S REGULAR MEETING
OCTOBER 6, 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 September, 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 September 1, 2026 regular meeting. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

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

Old and Unfinished Business:

Clint Scherb, Nextera Energy Resources, LLC, provided an update on the Emmons-Logan Energy Storage Project. The project is expected to be mechanically complete within two weeks. Fencing installation will begin this week and continue into next week. There will be crews returning to clean up disturbed areas and begin reseeding next week. The project remains on schedule, with a targeted completion date of December 2026.

New Business:

Commissioner Gartner motioned to transfer the county's NDIRF and State Fire and Tornado Insurance policies to Farmers Union Insurance for the years 2027-2028. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

VA Officer, Brad Huber, appeared and delivered his quarterly report.

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

The list of real estate property forfeited to the county due to delinquent taxes, pursuant to NDCC 57-28-10 was reviewed by the board. Commissioner Magrum motioned to value the three properties at their true and full value. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Troy Hanson, Project Manager for Cavendish Farms, Inc., provided an update on the new potato storage site in Emmons County. Mr. Hanson reported that Cavendish Farms received approval to proceed with the additional storage capacity on January 28, 2026. Site grading began April 15, 2026; the first building footings were poured June 4, 2026; and construction of the first building began the week of June 29, 2026. By late July, the facility had progressed sufficiently to allow electrical installation.

Mr. Hanson reported that the first potatoes were loaded in Building 1 on September 22, 2026, and the site was fully loaded by October 2, 2026, successfully meeting the project's goal of supporting the 2026 harvest. He credited the accomplishment to the efforts of the Cavendish Farms project team, contractors, consultants, suppliers, and local partners. Mr. Hanson also thanked the Emmons County Commissioners and Planning and Zoning Commission for their cooperation and support throughout the project.

Commissioner Magrum motioned to grant approval to Syd Lawler to clean the drainage of the ditch on 3rd Ave SW and 78th St. SW with final approval from Road Superintendent, Russell Lawler. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum also motioned that Syd Lawler provide proof of liability insurance of a minimum of $1,000,000.00. 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. He reported that the grade raise project located one mile east and three miles north of Braddock is expected to be completed next week.

The road department completed its work on the Cattail Bay Road on Saturday. Cement Stabilization is scheduled to begin on October 12, 2026.

The department is currently working on 93rd St. SW, Section 14, Township 130, Range 79 and should finish up by Thursday.

The Commission agreed to purchase between 4,000 and 5,000 tons of gravel from Guthmiller Earthmoving, Inc. at a cost of $7.00 per ton.

The Commission approved Russell Lawler's request to hire an additional equipment operator for the County Road Department.

The Commission discussed the road project on 84th St. SE and directed Russell Lawler to obtain updated quotes for the 3.5-mile project, with work anticipated to take place during the summer of 2027.

Russell Lawler reported that Wold Engineering, P.C., is continuing to verify the location of the section line and right-of-way in the southeast quarter of Section 32, Township 131, Range 79. An update will be provided at the next Commission meeting.

Commissioner Magrum reported that Wayne Haak is requesting permission to haul loads of dirt to an approach near Rice Lake, southeast of 96th St. SE, to repair flood damage. The Commission agreed that no permit would be required for the work.

Commissioner Gartner motioned to approve the Utility Permit for South

Central Regional Water to install 1" rural water line crossing 4th Ave SW from NE SE ¼ of Section 29 to NW SW ¼ of Section 28, Township 131, Range 78 and to approve the Utility Permit for South Central Regional Water to install a 2" yellomine crossing 9th Ave SE from NW ¼ of Section 27, Township 133, Range 76 to NE ¼ of Section 28, Township 133, Range 76. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Miller revisited a previous discussion regarding amending the employee manual to combine sick leave and vacation time under a single paid time off (PTO) policy. Concerns were raised regarding how employees accumulated sick leave and vacation balances would be converted under a new policy. No action was taken.

Commissioner Miller and Commissioner Gartner provided a Planning and Zoning update. The last meeting was held on September 29, 2026, at 7:30 A.M., with two members absent. Jennifer Schultes of the South Central Regional Council is working on the Comprehensive Plan. Upon completion of the plan, she will begin working on the zoning ordinances. The board discussed board member attendance and the process for appointing replacements. Joseph M. Hanson will research the century code.

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

The second reading of Ordinance No. 26-09-01, Emmons County, North Dakota Utility Installation and County Road Right-of-Way Ordinance, was held. States Attorney Joseph M. Hanson recommended removing Section 3.4, which required permission from adjoining landowners. Chapters 5.1 and 5.2 were amended to include the phrase, "unless otherwise approved in writing by the Emmons County Board of County Commissioners." Chapter 5.3 was amended to specify a boring depth of six (6) feet. Discussion was held regarding changing the required boring depth from six (6) feet to eight (8) feet. Chapter 6.1 was amended to include the phrase "without prior written approval of the Emmons County Board of County Commissioners."

Following further discussion, Commissioner Magrum motioned to amend Chapter 5.3 of Ordinance No. 26-09-01 to change the required boring depth from six (6) feet below the ground surface throughout the crossing to eight (8) feet below the ground surface throughout the crossing. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Miller motioned to approve amended Ordinance No. 26-09-01, Emmons County, North Dakota Utility Installation and County Road Right-of-Way Ordinance. Seconded by Commissioner Gartner. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

The second reading of Ordinance No. 26-09-02, the Emmons County Load pass and Oversize or Overweight Vehicle Permit Ordinance, was held. States Attorney Joseph M. Hanson amended Chapter 6.1 from the previous month's draft to include the $100.00 fee authorized by North Dakota Century Code 39-12-08.

Commissioner Magrum motioned to approve Ordinance No. 26-09-02, the Emmons County Load pass and Oversize or Overweight Vehicle Permit Ordinance as written. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Discussion was held regarding the property located at 8080 Highway 83, Linton, legally described as Lots 8-9, Block 2, Beaver Valley Subdivision, SW ¼ of Section 17, Township 132, Range 76. States Attorney Joseph H. Hanson will have the Sheriff's Office take photographs of the property.

Commissioner Miller brought forward the matter of the Danbury Cemetery, located at the northeast corner of the southwest quarter of Section 12, Township 134, Range 77. He reported that a fire occurred in the area approximately two years ago and the PVC pipe markers previously placed at the cemetery are now missing.

Joann Buck, a former resident of the area northeast of the cemetery, was present and stated that the cemetery had previously been surrounded by rocks, which were removed years ago, and that the cemetery had been dug up. She reported that an archaeologist from Bismarck had determined that the site was a cemetery. Ron Kramer of Linton subsequently placed markers and PVC posts at the site, which remained undisturbed. Bone-witching methods were used to help locate the graves. Posts were installed and wire was strung around the cemetery.

Commissioner Miller stated that he would attempt to locate the cemetery corners, install pipe corner markers, and fence the area to help protect the cemetery.

States Attorney Joseph M. Hanson referenced North Dakota Century Code Section 23-06-30, regarding the registration of abandoned cemeteries with the Department of Health and Human Services. Hanson stated that he would contact the Department to determine whether the Danbury Cemetery had been registered and to address any necessary registration requirements.

The November Commission meeting was rescheduled to November 5, 2026, due to election day occurring on November 3, 2026.

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 – Lots A, B, and C of Outlot 4 to the Town of Hague, Less platted area, Government Lot 4, of the NW ¼ of Section 6, Township 129, Range 74 West. Seconded by Com-

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

Commissioner Magrum motioned to approve the Plat – Lots D and F of Part of Government Lot 5 and Part of the SE ¼ of the NW ¼ and Lot E of the SE ¼ of the NW ¼ of Section 6, Township 129, Range 74. 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 Aaron Ternes to add a 60 X 36 storage unit addition on Lot 2, Section 14, Township 132, Range 79. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Miller motioned to approve the building permit for James Vander Vorst to move a 4,200 bushel grain bin from the NE ¼ of Section 30, Township 130, Range 77 to the NW ¼ of Section 9, Township 129, Range 76. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi and Miller. Motion carried. Commissioner Vander Vorst abstained from voting due to conflict of interest.

Commissioner Magrum motioned to approve the building permit for Candace Verdoorn to move an 8 X 40 Conex Box to the NE corner of lot. Lot 30 in Lot 1A, Rudy's Subdivision, Section 5, Township 130, Range 79. Seconded by Commissioner Vander Vorst. Roll Call "YES": Magrum, Materi, Miller and Vander Vorst. "NO": Gartner. Motion carried.

Commissioner Gartner motioned to approve the building permit for Kasey Welch to construct a 59 X 32 home with a 32 X 32 garage on Tract 1 in the 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 Vander Vorst motioned to approve the building permit for Jim Lagro to place a 60 X 26'8" manufactured home on Lot 14 of Tract B in the W ½ SW ¼ of Section 9, Township 130, Range 79. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Gartner motioned to enter into a contract with Centre, Inc. for providing Community Service programming and Misdemeanor probation for Emmons County. This agreement shall be for the period effective January 1, 2027 and shall expire December 31, 2027 for a quarterly payment of $1,200.00. Seconded by Commissioner Magrum. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Magrum motioned to approve the applications for abatement or refund of taxes for parcel #52-0017-00846-000 for tax year 2024, 2025 and 2026. Seconded by Commissioner Gartner. 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 #10-0000-06361 for tax year 2026. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried.

Commissioner Vander Vorst motioned to recess until 5:30 P.M. Seconded by Commissioner Miller. Roll Call "YES": Gartner, Magrum, Materi, Miller and Vander Vorst. Motion carried. The meeting recessed at 1:15 P.M.

At 5:30 P.M., a public hearing was held on the proposed preliminary budget for calendar year 2027.

The 2027 proposed county budget included a 3% cost of living adjustment (COLA) for all employees, department heads, and officials, as well as step increases for six employees. The proposal reflected a 1.09-mill levy decrease and a $94,464.18 increase in property tax revenue compared to 2025, while remaining within the 3% property tax revenue growth cap pursuant to House Bill 1176. Discussion was held regarding employee performance evaluations, with further discussion to be held with Human Resources representative Tanya Wieler.

The Commission discussed using the Permit Fund to pay off the outstanding motor grader loans, which would decrease the mill levy by 12.03 mills and reduce property tax revenue by 8.99% compared to 2025. Commissioner Magrum motioned to transfer the $500,000 budgeted for gravel from the Unorganized Road District Fund to the Permit Fund, pay off the motor grader loans using the Permit Fund, levy zero mills for the County Road and Bridge Fund and adopt the 2027 county budget with these amendments. Seconded by Commissioner Vander Vorst. Roll Call "YES": Gartner, Magrum, Materi and Vander Vorst. "NO": Miller. Motion carried.

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

General and 911 – $117,839.91

Highway Tax - $101,608.46

The following vouchers were reviewed and approved for payment:

51694 MDU Utilities 136.47

51717 ND Attorney General Background Check 15.00

51732 Advanced Business Methods Copier Contract 347.74

51733 Ampride Gas 454.84

51734 AT&T Mobility Cell Service 389.60

51735 Auto Value Parts 60.99

51736 Beastrom Oil Co. Fuel 52,317.49

51737 BEK Communications Telephone Service 2,979.17

51738 Braaten Law Firm Legal Consultation 320.00

51739 Burleigh County Emergency Mgmt. DEM Contract 9,000.00

51740 Burleigh Morton Detention Center Prisoner Billing 15,755.00

51741 Butler Machinery Co. Corp. Parts/Labor 1,701.36

51742 Cole Papers. Inc. Supplies 494.89
51743 Dakota Dust Tex, Inc. Service 147.69
51744 Dakota Dynamics HR Contract 400.00
51745 Donley, Austin Mowing 150.00
51746 Election Systems & Software, Inc. Election Expense 2,745.23
51747 Emmons County Record Envelopes/Publishing 1,052.40
51748 Emmons County Treasurer Post Machine Use 446.45
51749 Emmons County Treasurer Jury Trial Expense 59.91
51750 Fireside Office Products Calculator 189.99
51751 Hazelton Insurance Agency Insurance Policy 8,745.00
51752 Information Technology Dept. Internet Access & Netmotion 1,609.80
51753 Jerome Distributing, Inc. Water Refills 105.00
51754 KEM Electric Utilities 342.53
51755 Linton Food Center Supplies 26.51
51756 Martin Oil Company Gas 6,325.29
51757 Maverick Ag Product 125.00
51758 MDU Utilities 1,426.77
51759 Moos Repair & Sales Super wash 1,060.00
51760 NDACO IT Service Agreement 2,536.00
51761 NDSU Envelopes 111.32
51762 Newman Traffic Signs Signs 234.95
51763 New Vision Security LLC Alarm Service 555.00
51764 Nodak True Value Supplies 1,331.91
51765 NW Tire, Inc. Tires 7,244.60
51766 Office Depot Supplies 402.33
51767 Payment Remittance Center Gas/Fuel/Supplies 534.32
51768 Payment Remittance Center Gas/Fuel/Supplies 530.12
51769 Payment Remittance Center Gas/Fuel/Supplies 2,292.37
51770 Payment Remittance Center Gas/Fuel/Supplies 3,252.64
51771 Payment Remittance Center Gas/Fuel/Supplies 890.06
51772 Peterson Brothers, LLC Gravel Hauling 69,525.00
51773 Power Plan Corp. Parts 223.57

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51774 Renschler, Norman Maintenance to Langelier's/Rice Lake 2,000.00
51775 RTS Shearing, LLC Gravel Stockpile at Haak Pit 133,785.68
51776 Schneider, Jackie Food Pantry 500.00
51777 South Central Regional Water Water Bill 290.33
51778 Stuckle, Acacia Expense Reimbursement 118.56
51779 TC Specialties, Inc. Service 57.00
51780 Tower Communications Tower Rent 600.00
51781 Twin City Roofing, LLC Courthouse Roof Repair 35,054.00
51782 Tyler Business Forms Forms 210.88
51783 Tyler Technologies, Inc. Doc Pro Support 403.66
51784 Umber 1 Service, Inc. Contract Service 16,800.00
51785 Verizon Wireless Cell Service 297.80
51786 Warrens Locks & Keys Door Locks 3,841.00
51787 Widmer Roel 2025 County Audit 25,000.00
51788 Wold Engineering, PC Braddock Grade Raise Road Project 22,515.63
51789 Bravera Bank Equipment Lease 48,249.21
51790 Heartland Waste Management Service Langelier's Bay 135.00
51791 Strasburg State Bank Equipment Lease 193,904.16
51792 Unison Bank Equipment Lease 755,222.59
51793 Linton Auto Parts Parts 560.07
51795 Central Dakota Frontier Gas 131.92
Nonck Steffes Group, Inc. 2026 Land Honor No-Till Seed Drill 1,677.50
Nonck Strasburg City Water Bill 96.40
DD Linton City Water Bill 186.74
DD Braddock Park Board 2026 County Contribution 3,000.00
DD Hazelton City Water Bill 57.00

There being no further business before the board, Commissioner Gartner motioned to adjourn the meeting. Seconded by Commissioner Vander Vorst. The meeting adjourned at 7:20 P.M.

Approved: November 5, 2026
Marlys Ohlhauser
Board of County Commissioners
Emmons County Auditor
(11.12.26)