

**Commissioner Meeting  
October 3, 2023**

Commissioner John Hokana called the meeting to order at 9:00 am. Also present were Jerry Walsh, Kacey Holm, and Marke Roberts. Auditor Sheppard was also present. The media was not present. The Pledge of Allegiance was recited.

Additions to the agenda

Concern on platting of Pheasant Lake

Roberts made a motion to approve the minutes from the September 19<sup>th</sup> and September 26<sup>th</sup> meeting as corrected. Holm seconded. Motion carried

Holm made a motion to approve the vouchers, as submitted. Walsh seconded. Roll call was unanimous. Motion carried.

Hokana discussed the moving of a Commission meeting to Oakes before the end of the year. After review of the calendar, a decision was made to move the meeting on November 7<sup>th</sup> to Oakes City Hall, if available. Sheppard will reserve the room.

Sheppard presented a letter from ND State Fair Association requested a delegate from Dickey County for their annual meeting. Holm made a motion to nominate Danielle Dinger, Family and Community Wellness Agent, as the delegate for the ND State Fair annual meeting. Roberts seconded. Motion carried.

Commission saw in the LaMoure newspaper that LaMoure County is interested in possibly renting an asphalt grinder. Discussion followed about concerns about renting our equipment and the need to send at least one person with the machine and what price per hour would be appropriate. No action was taken.

Treasurer Wonada Lematta joined the meeting at 9:40. Lematta presented the six properties that have passed the October 2<sup>nd</sup> deadline and will now be sold at the County Land Sale in November. A hearing will be set for the next Commission meeting to set the minimum price for the sale.

Sheppard presented the 2024 Budget for the final review. No changes have been made since the preliminary budget was approved. Roberts made a motion to approve the final 2024 budget. Holm seconded. Roll call was unanimous. Motion carried.

The Commission meeting went into recess at 10:17 and returned at 10:30.

A group of residents from Dickey County and three representatives from Summit Carbon Solutions (SCS) joined the meeting. Resident Carollee Carruth presented a petition with numerous signatures requesting the Commission adopt a proposed hazardous liquid pipeline zoning ordinance. An ordinance has been adopted by Burleigh and Emmons Counties. Carruth stated that in her mind, that sets a precedence. Carruth stated that SCS doesn't care about the safety of the pipeline or the residents of Dickey County. In Carruth's opinion, SCS has refused to work with the residents.

DES/911 Coordinator Charlie Russell and Sheriff Chris Estes joined the meeting at 10:39.

Resident James Tiegs spoke concerning the incident in Mississippi and how SCS has downplayed the incident. The seriousness of the incident was worse than portrayed and it involved a smaller city than Ellendale. Tiegs stated that when the landowner says no, they mean no. Tiegs introduced Eliot Huggins with Dakota Resource Council.

Huggins presented information that he had compiled concerning the legal rights of the county to make such resolutions. This information was compiled while working with Burleigh and Emmons Counties on their ordinances. Huggins stated that SCS is asking the Public Service Commission to bypass the ordinances. Huggins stated that he can't tell the Commission what to do but can share the information.

Resident Gary Visto stated that the proposed pipeline will lay 700 feet from his house. Visto would like the setbacks to be extended. Jackson Township in Sargent County has a half mile setback in a pasture. Hokana stated that the Commission is aware of the situation with five residences in Dickey County. In those cases, the pipeline is actually in a different section than the residence is located. Roberts stated that the States Attorney is researching if the Commission legally cannot dictate what happens on private property because the county is currently not zoned. Roberts stated that the Commission has started the process of putting a Zoning Board together, but are having difficulty filling two or three of the positions required by North Dakota Century Code. Roberts stated that he is in favor of the ordinance, but wonders if it will stand up in court.

Resident Pat Roney stated that he thinks 700 feet is too close. When asked, Roney stated he would like to see 1.50 miles. Tiegs would like the Commission to pass the Emmons County ordinance. Discussion followed concerning the likelihood of the pipeline going through with a 1.50-mile setback. Carruth stated that she felt safety needs to come first

Holm thanked the group for their appropriate handling of their request. Holm also pointed out the fact of infringing on private property rights if something is put in place.

Resident Jason Rattei reminded those in attendance that it is the job of the commission to look out for the good of the residents of Dickey County and fired if they do not. Rattei stated that he had been told of an ordinance the city of Ellendale passed, which does not allow the pipeline within five

miles of city limits. Roberts stated that the Commission is not sidestepping their duties. The first rule of being on the Commission Board is to not go against our legal counsel.

Walsh made a motion to adopt the ordinance of Emmons County, contingent on the approval of the States Attorney. Roberts seconded. Discussion followed.

Resident Thor Sand stated that he understands not going against legal counsel, but stated that doesn't make them right all the time.

SCS representative Jeff Skaare addressed the Commission. Skaare pointed out that ND Century Code requires a 500-foot setback. Skaare state that Dickey County is at 77% for signed voluntary easements. Skaare reminded the Commission that the Dakota Resource Council is not a friend of oil and gas. Skaare also reminded the Commission of the various CO2 pipelines that are already in the state of North Dakota. Skaare apologized to residents for some of the land agents that originally worked with SCS. Skaare stated he would be willing to speak with anyone that had a bad meeting with these individuals.

Holm called the question on the floor. Hokana stated that his vote is with hesitation. Roll call was unanimous. Hokana encouraged those in attendance to visit with their representatives at the state level and to voice their concerns.

Hagen stated that they are still hauling gravel and have started mowing ditches. Hokana stated that there has been concerns from landowners by the drain on Dickey County #3 east of Oakes, as there is a ridge in the ditch that doesn't allow them to mow. Hagen stated he would make a note of it.

Hagen gave an update on County Road 14A, where worked as stopped. The contractor is having a hard time getting the pipe in the ground, because of the amount of water. Hagen was unsure as to the length of the problem, but stated that approximately 2,500 feet of pipe has been placed.

Russell updated the Commission on the National Flood insurance Program and the required ordinances that will be required of the county, cities, and townships. Russell will forward all information to keep all informed of the status of this program.

Walsh made a motion to adjourn at 12:20.

### **Commissioner Meeting**

**October 17, 2023**

Commissioner John Hokana called the meeting to order at 9:00 am. Also present were Jerry Walsh, Kacey Holm, Brandon Carlson, and Marke Roberts. Auditor Sheppard was also present. The media was not present. The Pledge of Allegiance was recited.

Additions to the agenda

Use of Zoom for meeting

Status on County Road 14A Drain Project

Performance appraisals

Recap of convention

Walsh made a motion to approve the minutes with corrections from the October 3<sup>rd</sup> meeting. Holm seconded. Motion carried.

Roberts made a motion to approve the vouchers as submitted. Holm seconded. Roll call was unanimous. Motion carried.

Carlson made a motion to approve the September 2023 financials, as presented. Roberts seconded. Roll call was unanimous. Motion carried.

Treasurer Wonada Lematta joined the meeting at 9:20 to discuss the two CDs that are expiring at the end of this week. Lematta presented the CD rates from the local bank. Walsh made a motion to reinvest the \$1,000,000 with Dakota Plains Credit Union for six months at 5.35%. Roll call was unanimous. Motion carried.

Discussion followed considering resuming the use of Zoom for those wanting to attend electronically. The concern earlier was those attending the meeting while not acknowledging who they were. North Dakota Century Code states that we cannot require them to state their name. Holm made a motion to resume the use of Zoom. Carlson seconded. Roll call with Walsh no; Hokana yes; Roberts no; Holm yes; Carlson yes. Motion carried.

Risk Manager Cresta Miller joined the meeting at 9:35 to review the annual safety inspection list. No action was taken.

Clerk of Court Andi Schimke joined the meeting at 9:45, requesting a signature for the grant that Schimke is applying for through Court Administration. Walsh made a motion to sign the grant application. Holm seconded. Motion carried. Schimke reminded the Commissioners this is in the budget for 2024 and the state of North Dakota picks up 75% of the cost.

Discussion followed concerning completing job performance reviews for all staff. Dickey County does not currently have a form, but Sheppard could do research requesting from other counties and NDACo for samples. Roberts discussed the review form that the city of Oakes uses. Carlson made a motion to have Sheppard get the form from the city of Oakes for Department heads to use to complete performance reviews by February 28, 2024. Roberts seconded. Roll call was unanimous. Motion carried.

Holm made a motion to open the minimum delinquent tax sale price hearing. Carlson seconded. Motion carried.

Lematta informed the Commission that the count is down to five properties. Carlson made a motion to set the opening bid will be the total amount due. Walsh seconded. Roll call was unanimous. Motion carried.

Holm made a motion to close the minimum delinquent tax sale price hearing. Roberts seconded. Motion carried.

Holm made a motion to open the survey/plat bid hearing. Carlson seconded. Motion carried.

Sheppard presented the only bid received from KLJ in the amount of \$6,300. If there were twenty lots, that would be \$315 per lot. Hokana asked for a motion. The issue died due to a lack of a motion.

Walsh stated a resident of Pheasant Lake who opposes getting rid of the property talked with him. Walsh informed the resident that if they feel that way, they need to come to a meeting and express that. Holm stated that his concern on platting the land was that not all lots will sell.

Walsh made a motion to close the hearing. Holm seconded. Motion carried.

Summit Carbon Solutions representative Charlie Adam joined the meeting at 10:25.

Sheppard requested a change in the amount an employee can elect for their medical flexible spending account. The Federal guidelines increased from \$3,050 to \$3,200. Roberts made a motion to increase the allowed amount to match the federal guideline for 2024. Walsh seconded. Roll call was unanimous. Motion carried.

Sheriff Chris Estes and DES/911 Coordinator Charlie Russell joined the meeting at 10:52.

Highway Superintendent Jeff Hagen, KLJ engineer Bryan Tykwinski, Water Resource Board member John Quandt, and Dakota Improvement representative Pat Kelly joined the meeting at 10:55.

Quandt gave an update on the drain/road project on County Road #14A. The project had started but ran into an issue when they got to pure sand. There is currently approximately 2,620 feet of pipe in the ground. Quandt and Kelly have spoken with Ellingson Company, who are experts in the field of draining. In Quandt's opinion, the project should continue with Ellingson laying the rest of the pipe. There will be loss of power during the process but should not be for a long time. There will be additional costs but feel the project should continue. Walsh made a motion to approve the changes, continuing the project. Holm seconded. Roll call was unanimous. Motion carried.

Hagen presented a utility permit from Quandt Farms to bore under County Road #5. Quandt Farms will return the road to its original state. Carlson made a motion to sign the permit. Roberts seconded. Roll call was unanimous. Motion carried.

Tykwinski updated the Commission on the new flex spending program through the ND DOT. The applications are due by the end of the year. Tykwinski and Hagen will work on a list of road projects for this funding. Walsh stated that the county would need to have a five-year plan in place to apply for this program.

Walsh stated he had attended a class at the annual NDACo conference concerning this funding. Walsh also stated he spoke with a company, DustPods, whose product is a gravel additive. However, the cost of their product is significantly less than PermaZine that Walsh had suggested earlier. Walsh stated there is a special on the product until the end of the year. Tykwinski stated he will check into DustPods.

Commission discussed the hiring of a Highway Foreman, from the resumes received. Each Commission ranked the four candidates and Sheppard tallied the results. Jesse Filbert received the best rating. Roberts made the motion to offer the Foreman position to Jesse Filbert. Carlson seconded. Roll call was unanimous. Motion carried.

Holm made a motion to increase Filbert's salary by \$3,600 with an annual review, starting November 1<sup>st</sup> and through the end of the year. Walsh seconded. Roll call was unanimous. Motion carried.

Discussion followed concerning blading after it rained. Staff may need to work on a Friday after it has rained, even when the office is not open on Friday.

Russell reminded the Commission of the ordinances that will need to be completed for the National Flood Insurance Program. Russell states that the city of Ellendale accepted the ordinance as presenting. Russell has not heard from the city of Oakes.

Russell spoke on the new developments at Applied Digital. One of the biggest needs for the city of Ellendale will be housing. With the new addition, the site will be the biggest computing area in the nation and third in the world.

Estes spoke with the Commission concerning the retaining of his current employees and the lack of additional staffing at this time. Estes stated that LaMoure is offering sign-on bonuses. Walsh feels the Commission needs to be proactive in this situation, so that staffing is not lost. Sheppard will investigate the salary scale of other counties in the surrounding area.

Carlson made a motion to adjourn at 12:25.

## Salaries

\$177,078.21 61190-61284

Cities, Townships, Schools	Cities, Townships, Schools	44,389.19	114678-114723
Human Services	Monthly Expenses	54,821.10	114724-114737
Amy Mittleider	Meals for FEMA Training	90.00	114738
Aramark	Rug Services	129.07	114739
Carlson Brandon	Meeting Mileage	29.48	114740
Central Business Systems INC	Meter Reading for Copier	263.96	114741
Ellendale True Value	Caution tape, bulbs, battery, bungee cord, paint, concrete mix, Plexi glass	843.27	114742
Flaherty Don	Meals for Vanguard Training	93.00	114743
Hokana John	Meeting Mileage	41.92	114744
Holm Kacey	Meeting Mileage	38.64	114745
Jarman's Water Systems	3 Months' Rent Water Softener	195.00	114746
Kempf Nicole	Meals for Vanguard User Group Meeting	36.00	114747
Lexisnexis Matthew Bender	ND Code 23 supp pkg & index	915.57	114748
Montana Dakota Utilities	Park Lighting	90.46	114749
NDSU	2023 Extension/Rec Fall Conference	150.00	114750
Overpayment Refund	Overpayment Refund	28.83	114751
Overpayment Refund	Overpayment Refund	119.74	114752
Overpayment Refund	Overpayment Refund	36.82	114753
Overpayment Refund	Overpayment Refund	11.12	114754
Overpayment Refund	Overpayment Refund	12.34	114755
Overpayment Refund	Overpayment Refund	66.13	114756
Overpayment Refund	Overpayment Refund	12.79	114757
Overpayment Refund	Overpayment Refund	38.28	114758
Overpayment Refund	Overpayment Refund	11.84	114759
Overpayment Refund	Overpayment Refund	8.83	114760
Overpayment Refund	Overpayment Refund	13.21	114761
Quadient Leasing USA, INC	Postage for jan-aug- social services	427.29	114762
Ramada Bismarck Hotel	Room Stay Don & Nicole	352.80	114763
Roberts Marke	Meeting Mileage	40.61	114767
Russell Charles	Fema Class- Meals, Parking pass, Room Stay	163.20	114765
Starion Bank- Bis North	Holly Notary	50.00	114766
Uecker Lauri	Meals for FEMA Training	90.00	114767
Z's Fresh Market	Sunflower Seeds	5.36	114768
Aramark	Rug Services	180.10	114769
Climate Control	Dust Control	13,403.35	114770
Dakota Fluid Power INC	1/2 ORFS Strt Bulkhead w/nut	51.17	114771
Dakota Plains Credit Union	Apple Phone Storage, Fuel	518.77	114772
Economy Oil Co	Red Fuel for Hwy Dept	2,545.47	114773
Ellendale True Value	Sm Eng fuel, Trimmer line, Towels, Soap, Trash Bags, Cat Food, Shop Supplies	272.55	114774
Sign Solutions	Road Signs	4,726.31	114775
Southeast Water Users	Utilities For west shop	50.56	114776
True North Steel	Culverts	10,113.00	114777
KLJ Engineering LLC	DC Hwy 8 Overlay Task 5	5,410.66	114778
Retzlaff R Trucking LLC	Hauled Gravel DC # 3	10,893.69	114779
Dickey County Hwy Dept	Gasoline for VSO Vehicle	294.62	114780

Middlestead Donald	Used Personal card for car wash	14.87	114781
Tyler Technologies	Vetra spec state solution renewal	449.00	114782
Central Business Systems INC	Quarterly Billing County Agent printer, Printing Cost	505.60	114783
Center for 4-H	Youth Real Color Booklets	175.00	114784
Gemar Justin	Mileage for Beaver Dam	6.55	114785
House of Glass INC	Non-Glare Plexi for map frame	203.50	114786
Tyler Technologies	Doc Pro- Land & Vital Records Solution	1,000.00	114787
Starion Bond Services	Basement Bond Payment	3,653.75	114788
AT&T Mobility	Courthouse, Pio, Road, Weed Board iPad, 911-Phone Charges	772.48	114789
Dakota Plains Credit Union	NEAFCS Tour, NAE4-HYDA 2023 Annual Conference, Extension Fall Conference	740.00	114790
Ellendale City Auditor	Courthouse, Sprinklers, Park, Hwy Dept. Weed Board Building Utilities	3,112.00	114791
Q&N Corporation	10FT DisplayPort Cable, Drop box pro, Apple Pencil	455.79	114792
Community Volunteer EMS of LaMoure	Ambulance Collections	74.00	114793
Kulm Ambulance Corps INC. C/O Jennifer McDermid	Ambulance Collections, Sad	131.43	114794
Edgeley Ambulance Service	Ambulance Collections, Sad	69.96	114795
Oakes Volunteer Ambulance Service	Ambulance Collections, Sad	842.43	114796
Ellendale City Auditor	Airport, SAD, Ambulance	866.57	114797
Oakes City	Airport, SAD, Ambulance	255.89	114798
Garrison Diversion	Collections, SAD	665.47	114799
James River Soil Conservation	Collections, SAD	658.83	114800
Ellendale Fire	Collections, SAD	411.86	114801
Oakes Fire	Collections, SAD	490.46	114802
Dickey Sargent Joint Water Resource District	Special Assessment, Bond Special Assessments	1,482.31	114803
Dickey County Senior Citizens	Collections, SAD	497.61	114804
Dickey County Historical	Collections, SAD	124.41	114805
State Treasurer	State Medical, Clerk of Court Fees, Sirn	2,760.70	114806
Dickey County Treasurer	Clerk of Court Fees	1,120.00	114807
ND Public Employees Retirement	BCBS	48,947.16	114808
ND Public Employees Retirement	LIFE INS	507.50	114809
ND Public Employees Retirement	BCBS HD	8,223.10	114810
ND Public Employees Retirement	Dental	486.36	114811
ND Public Employees Retirement	Life ins hd	91.16	114812
ND Public Employees Retirement	Def Comp	1,569.00	114813
ND Public Employees Retirement	Def Comp HD	520.00	114814
Wex Health INC	Flex	1,031.57	114815
ND Public Employees Retirement	HSA	107.65	114816
Wex Health INC	Cancer	50.00	114817
Balco Uniform	Uniforms for Deputy	980.40	114818

Central Business Systems INC	Copier Stand- Andi office	189.00	114819
Cole Paper	Stripping Pads, Air Freshener, Trash Bags	463.20	114820
Dakota Electronics	Radio Repair Parts	124.00	114821
Dakota Plains Credit Union	Gasoline for Law Enforcement Vehicles	619.06	114822
Dakota Plains Credit Union	Hotel stay, gasoline for county car, earth point subscription	456.27	114823
Dickey County Hwy Dept	Repaired Speed Limit Sign at lake	133.50	114824
Dickey County Hwy Dept	Fuel for Des Truck	236.77	114825
Dickey County Hwy Dept	Gasoline for Law Enforcement Vehicles	1,011.24	114826
Dinger Danielle	National Conference Airport Parking	72.00	114827
Durheim Dennis	Rock Work for Texas Crossing west of Lake	1,500.00	114828
Estes Chris	Sheriff Inservice's	158.00	114829
Farmers Union Oil Co	Oil Change and tire Rotate on 22' Tahoe	147.81	114830
Information Technology Dept	Intune, Tech Fee- state Attorney, Sheriff- Tech Fee, Courthouse Tech Fee	1,404.70	114831
Lematta Wonada	Mileage and Room Stay- NDACO Convention	413.39	114832
Merkel Ross	Safety Glasses	144.00	114833
Mertz Const & Supply Ellendale	Quikrete for steps	32.97	114834
Miller Cresta	Mileage to training in Fargo	203.05	114835
Napa Central	Loom- Split Poly	44.50	114836
ND State Radio	LET'S Terminal Quarterly Billing	120.00	114837
Oakes Times	Paper Renewal	40.00	114838
Overpayment Refund	Overpayment Refund	35.56	114839
Overpayment Refund	Overpayment Refund	124.28	114840
Overpayment Refund	Overpayment Refund	218.72	114841
Overpayment Refund	Overpayment Refund	89.98	114842
Overpayment Refund	Overpayment Refund	9.60	114843
Overpayment Refund	Overpayment Refund	25.97	114844
Overpayment Refund	Overpayment Refund	68.26	114845
Overpayment Refund	Overpayment Refund	39.07	114846
Overpayment Refund	Overpayment Refund	66.49	114847
Overpayment Refund	Overpayment Refund	33.36	114848
Overpayment Refund	Overpayment Refund	246.32	114849
Q&N Corporation	APC for server, Scansnap, Monthly Services Agreement	3,704.00	114850
Quadient Leasing USA, INC	Mail Machine Lease Payment	294.99	114851
Z's Fresh Market	Seeds for Farmers Market	5.36	114852
Agtegra Oakes	Fuel for Hwy Dept	1,283.59	114853
BG Glass LLC	New Glass in blade and freightliner	500.00	114854
Dakota Improvement	Roller rent dc #3 E of Oakes	4,500.00	114855
Dakota Plains Credit Union	iPhone Storage, Title Work, Municipal Service Fee	29.49	114856
Farmers Union Oil Co	Diesel Fuel, Lube, Hydraulic Fitting	21,363.65	114857
Jerry Ernst	Mileage Checking Roads	5.24	114858
John Deere Financial	Edge	12,922.98	114858
Montana Dakota Utilities	Fullerton Shop Utilities	113.19	114860
Muckey Construction	Building Brackets for the blades	28.10	114861
Napa Central	Filters, Fittings, Battery	689.05	114862
North Dakota One Call	Locate Calls	6.50	114863
Oakes Truck & Trailer	Work Done on '19 Workstar International	2,376.89	114864

Ottertail Power Company	Oakes Garage Utilities	58.05	114865
Sign Solutions	Signs	380.41	114866
Vistos Carquest	Yellow Grab hook, Ratchet Binder	326.85	114866
Bear Creek Gravel LLC	Gravel Loading	1,868.30	114868
Office of Attorney General	24/7 Program	600.00	114869
Dakota Plains Credit Union	4-H Week Fabric, Subscription, Plant Sample	278.29	114870
Ellendale True Value	3 WHT Plastic Pails	20.97	114871
ESP	Membership Renewal	75.00	114872
Viking Print Shop	Printing Cost	28.50	114873
Central Business Systems INC	Copier Andi Office, Annual Billing	2,555.75	114874
Imaging Spectrum Inc.	LED Background Panel- Passport	533.80	114875
Dickey Rural Networks	Dickey 911 Trunks	231.00	114876
ND Association of Counties	6% Wireless	447.28	114877
Dakota Valley Electric Coop	Wilson Da, West Shop, Guelph Tower Utilities	313.00	114878
Department of Transportation	Bridge Inspection/Load Rating, Milling, Rap Hop Mix Asphalt	36,844.78	114879
Dickey Rural Networks	Phone Charges	1,771.80	114880
Dickey County Hwy Dept	Tax Office, Maintenance, Fema, County Agent-Mileage	58.28	114881
Montana Dakota Utilities	Courthouse, Weed Board Building Utilities	1,567.50	114882
Human Services	Monthly Expenses	2,611.41	114883-114891
John Quandt	Mileage	67.11	114892
Moore Engineering INC	Engineering Consultant	48.75	114893
Ohnstad Twichell PC	Legal Fees	779.06	114894
Dakota Improvement	Maintenance	500.00	114895
Starion Bond Services	Yorktown Maple Bond Payment	11,785.00	114896
ND Public Employees Retirement	Retirement	21,649.34	114897
ND Public Employees Retirement	Def Comp	1,569.00	114898
ND Public Employees Retirement	Def Comp HD	520.00	114899
Wex Health INC	Flex	1,031.57	114899
ND Public Employees Retirement	HSA	107.65	114901
Aflac	Cancer	2,978.85	114902
Delta Dental Plan of MN	Dental	2,510.55	114903
Ameritas Life Insurance Corp.	Vision	465.24	114904
ND Child Support Division	Garnish	200.00	114905
ND Public Employees Retirement	Retirement	3,104.19	114906
ND Public Employees Retirement	Retirement HD	87.16	114906

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John Hokana, Chairman

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Wanda Sheppard, Auditor