

OFFICIAL PROCEEDINGS OF THE LAMOURE COUNTY BOARD OF COUNTY COMMISSIONERS
MEETING-Tuesday, May 6th, 2025

At 8:29 a.m., Chairman Keith Heidinger called the meeting to order and opened by reciting the Pledge of Allegiance. Commissioners: Bruce Klein, Robert Flath, Wayne Wald, and Jason Weigel were present. Also attending were Auditor Jan Hamlin; State's Attorney Fallon Kelly; Highway Superintendent Darrick Nitschke; Bryan Tykwinski with KLJ; and Art Hagebock, LaMoure Chronicle. DES/911 Coordinator, Kimberly Robbins attended virtually. Other attendees are recorded on Appendix A.

Chairman Heidinger called for additions to the agenda. Hamlin noted that she had Lawrence Welk Day, Primary Residence/Mobile Home Tax Credit Abatement review, Comm Weigel asked to address the Memorial Park bathhouse shingles, Comm Wald has questions on the CR 35 project. Motion by Comm Klein to approve the agenda with the additions, seconded by Comm Wald. All voting aye, motion carried.

Chairman Heidinger called for a motion to approve meeting minutes of April 15, 2025. Motion by Comm Flath, seconded by Comm Weigel to approve the minutes. All voting aye, motion carried.

Chairman Heidinger called on DES/911 Coordinator, Kimberly Robbins to give the Multi Hazard Mitigation Plan review. All activity was placed on hold after April 15th due to funding grant being eliminated. Today, the Federal BRIC grant has been reinstated and Robbins is asking to move forward with the contractor to complete the project. Kelly advised to put the change in a motion. Motion by Comm Flath to re-engage with the existing contractor, seconded by Comm Weigel. All voting aye, motion carried. Robbins will have an update at the next meeting on the storm shelter project after discussing it with KLJ. Burn restrictions are being left in place by the State until May 31st. It was recommended to follow the State's guidelines until the next meeting. Chairman Heidinger will put it on the next meeting agenda.

Highway Superintendent Nitschke reported that he is getting a lot of calls on load restrictions. Policy is to follow State dates for lifting restrictions while reserving the option to keep restrictions on county roads that are too soft to be lifted. Motion by Comm Weigel to follow the State restrictions with exemptions to be allowed as determined by the Road Superintendent, seconded by Comm Flath. All voting aye, motion carried. Nitschke presented a driveway permit application submitted by Jeffrey Dathe on CR 63 going to a field. There is no objection if culvert and other provisions are followed. Motion to approve the permit by Comm Klein, seconded by Comm Flath. All voting aye, motion carried. Comm Wald said he had calls regarding CR 35. Nitschke said it would be the same process as CR 34- grinding pavement, packing and graveling. Nitschke said he had the bids on the CR 35 overlay. Central Specialties was the low bid at \$278,000 per mile. Cost per mile last year was \$306,000 so the cost has gone down. Tentative time for doing the overlay would be September. Comm Klein moved to award the bid to Central Specialties, seconded by Comm Flath. All voting aye, motion carried. Bryan Tykwinski with KLJ said SRF grants were awarded for \$45,000 to have County Road Department do chip seal and crack sealing at Grand Rapids Memorial Park and \$45,360 for asphalt patching and chip sealing at Lake LaMoure. These are 60/40 grants. The deadline to accept is May 16th. Motion by Comm Flath to accept the grants, seconded by Comm Klein. All voting aye, motion carried.

Comm Wald also said he had questions from a Dickey resident regarding the distribution of the 25% increase in funds and whether the County would have a future liability regarding removal of wind towers when their lifespan was over. Having observed the disposal of them on a trip to Texas, it is a concern that the LaMoure County taxpayers would bear that cost. Bryan said the 25% involves grants and is not clear on distribution at this point. A lot of changes were happening at the end of the legislative session. The next meeting will present a clear picture on funding. Comm Flath said NDACo is having a Legislative update next week and it will be outlined there as well. He also commended Bryan and KLJ for all that they do representing our interests

with the legislature and getting our grant applications for all eligible grants. We have also been notified that the TRIP project grant of \$1.4 million dollars has been approved. Bryan also presented construction engineering agreements for paving on CR 35 and a box culvert near Edgeley. Kelly has reviewed and approved. Motion by Comm Klein to approve agreements, seconded by Comm Weigel. All voting aye, motion carried. Proposed easements for two bridge projects were presented. Kelly has reviewed and approved. Motion by Comm Flath to approve all easements, seconded by Comm Klein. All voting aye, motion carried.

Chairman Heidinger called on Tim Leppert who had requested to appear at the meeting to discuss wind towers and other energy issues. Heidinger said the board would allow ten minutes for the presentation of the issue. Leppert offered zoning ordinance examples for the board to review. He stated that LaMoure County landowners are concerned because they don't have zoning to protect their properties regarding upcoming development of energy projects. Asking County to implement a comprehensive plan and a moratorium to give the townships time to do zoning at township level. Julia Nelson brought SB2208 and HB1258 which would give the Public Service Commission superseding control over local governments. Inquired whether the board has seen any of the JET X contracts which have been presented to landowners. Concerned about ramifications to county infrastructure. Sandi Rupp also said that the original contracting company has changed names three times already. Concerns as to the responsibility being continued through the changes.

Chairman Heidinger asked State's Attorney Kelly to address the zoning question. Kelly said the purpose of a comprehensive plan is the first step in the zoning process. It sets the parameters for the zoning plan- it is not zoning. Many entities are involved, and a lot of statutes govern the process which can make it expensive to implement. A properly prepared plan would involve engineering and legal services. The comprehensive plan would be presented to developers to put them on notice that they should be on hold to avoid violating future zoning. He said in the past he has understood that the County Commission has not been interested in pursuing zoning. Heidinger asked for clarification on whether the County could have a comprehensive plan and not do zoning. Kelly said that is possible, but zoning could not be done without a comprehensive plan. He said the comprehensive plan should be very thorough to address future zoning plans. In the future, the comprehensive plan can be adjusted. Comm Wald had called Aaron Birst with the ND Association of Counties regarding the PSC authority to supersede local zoning. There is a process in the application regarding this. Kelly said the preponderance of evidence standard in this process is very low and would allow the PSC to override zoning most of the time. Kelly also stated that it would be advisable to hire an attorney with zoning expertise to look at this. A question was raised regarding township zoning that may be contradictory to county zoning. Comm Klein said this is the reason that in the past the county has deferred to townships for zoning. Comm Wald said that the county zoning would be a protection for landowners in unzoned townships. If no county zoning is in place, the unzoned townships are unprotected. He would like to see a comprehensive plan implemented to act as a moratorium to allow the townships to get zoning in place. Kelly advised that the next step would be to hire Derrick Braaten. Motion by Comm Weigel to hire attorney to advise on a comprehensive plan, seconded by Comm Wald. Chairman Heidinger accepted the motion and second and opened for discussion. He said that the energy project and zoning issue have gotten mixed together and recommended clarification of the motion specifically regarding the comprehensive plan. There isn't funding in the budget for a full zoning pursuit right now. Comm Klein said the county is tied to the budget and he would not be in favor of signing off on a blank check. If this is to be pursued, then estimates of cost should be presented so it can be considered in the upcoming budget. Comm Flath also concerned with legislative impacts on the county budget. Comm Wald moved to amend the motion to hire an outside attorney to determine whether a comprehensive plan can be developed that would place a binding moratorium on development. Motion seconded by Comm Weigel. All voted in favor of the amendment to the original motion. Roll call vote on amended motion, all voted yes, motion carried. Comm Wald said he would do some more looking into this and bring it to the next meeting. Chairman Heidinger addressed Molly Malone, community affairs representative of Invenergy. She offered to discuss any questions they may have regarding wind energy and plan concerns.

Break 9:44 to 9:59.

Chairman Heidinger asked for update on the weed spraying contract. Comm Klein presented a one-year contract with Walkers Lawn Care LLC, which has been reviewed and approved by the State’s Attorney, which will provide weed spraying for \$30,000 unless more is requested and approved later. They do state highways and about five counties. Motion by Comm Klein to accept, seconded by Comm Weigel. All voting aye, motion carried. Comm Wald inquired as to what the county will do with its spraying equipment. The county will hold on to it during this one-year contract to see if the spraying is satisfactory under the contract.

Chairman Heidinger reviewed a raffle permit submitted by the North Dakota EMS Foundation for a Memorial Park Scramble fundraiser. Motion by Comm Wald to approve the permit, seconded by Comm Weigel. All voting aye, motion carried.

Chairman Heidinger submitted a request to the board to stand in support of the celebration on July 2, 2025, of the 70th Anniversary of “The Lawrence Welk Show’s national debut and the positive contributions of Lawrence Welk of Strasburg, ND and Myron Floren of Day County, SD to music and television and through that to America. Motion by Comm Flath to send a letter of support, seconded by Comm Wald. All voting aye, motion carried.

Comm Weigel gave the board a report on the remodeling project on the Memorial Park bathhouse by the kitchen. The shingles are 25 years old and could be replaced as part of the remodel for an additional \$4,000. Klein said that he had the Auditor check the Weaver Fund and there is sufficient money in that fund to amend the budget to include the shingling in the remodel. Motion by Comm Klein to approve replacing shingles, seconded by Comm Weigel. All voting aye, motion carried.

County Treasurer, Cindy Worrel presented a letter from the ND State Tax Commissioner regarding abatements on Trust and/or mobile properties which qualify for Primary Residence Credit. She presented the board with the letter and report of approved trust properties. She reviewed the list with the board and pointed out some that were not eligible or needed to be changed. Motion by Comm Flath, seconded by Comm Weigel to approve the abatements according to the list presented by Treasurer Worrel for 2024 Primary Residence credit for trusts. All voting aye, motion carried.

Hamlin noted that she has received a notice of the Gackle Rural Ambulance District Organizational Meeting. She will be attending the meeting on May 22, 2025, at 6pm at the Gackle Rural Ambulance facility. Their proposed district includes portions of Glenn, Raney and Mikkelson townships in LaMoure County.

Comm Klein made a motion to pay the bills presented, seconded by Comm Wald. All voting aye, motion carried.

<u>Vendor Name</u>	<u>Amount</u>
ADVANCE BUSINESS METHODS	5,738.87
AGRI VALLEY INSURANCE	65.00
ALLIED ENERGY	14.99
AT&T MOBILITY	63.05
AXON ENTERPRISE INC	267.60
BALCO UNIFORM CO INC	124.01
BANKNORTH	630.00
BARNES COUNTY CORRECTIONAL CENTER	300.00
BARNES RURAL WATER DISTRICT	53.80
BUILDERS MART	220.54
CASS COUNTY SHERIFF'S DEPT	45.50
CITY OF KULM	83.82
CITY OF LAMOURE	443.00
COLE PAPERS INC	18.25
COMPUTER EXPRESS	5,180.96
COUNTIES PROVIDING TECHNOLOGY	3,193.00

DAKOTA CARRIER NETWORK	875.00
DAKOTA DYNAMICS	1,250.00
DICKEY RURAL COMMUNICATIONS	1,304.48
DINGER/DANIELLE	298.80
DUFFY/JESSICA	56.00
FASTENAL COMPANY	1,023.17
GACKLE/SARAHJOY	450.79
GOOD OIL COMPANY	2,672.35
HEATLAND STATE BANK/VISA	2,650.00
HI-WAY SERVICENTER,INC	64.99
HOLIDAY INN	396.00
INNOVATIVE OFFICE SOLUTIONS LLC	58.03
JAMESTOWN COMMUNICATIONS	589.00
JOHN DEERE FINANCIAL	9,429.61
KELLY/FALLON	2,817.36
KETTERLING/JACKIE	25.20
KULM SERVICE	90.60
LAMOURE CHRONICLE	497.25
LAMOURE DRUG STORE	19.43
LAMOURE FOODS, INC.	164.01
LAMOURE HARDWARE	654.79
LAMOURE PARTS CENTER	1,470.70
LAMOURE PRINTING COMPANY	392.62
LEAF	132.44
LEE'S SPINNING SPOOL	200.00
LINDE GAS & EQUIPMENT, INC	55.78
LYONS/JOEL, LYONS ENTERPRISES LLC,	875.00
MCINTOSH COUNTY	50,000.00
MINN-KOTA COMMUNICATIONS INC	395.00
MONTANA DAKOTA UTILITIES	67.13
NATIONAL SHERIFFS' ASSOCIATION	125.00
ND COMMUNITY CORRECTIONS ASSOCIATION	200.00
ND DEPARTMENT OF TRANSPORTATION	5.00
ND SAFETY COUNCIL	2,328.45
NDSU DEPT 3110	164.00
OFFICE OF ATTORNEY GENERAL - 1250	300.00
OTTERTAIL POWER COMPANY	3,183.83
PEPSI-COLA	327.65
PFIZER, INC.	2,090.63
PHARMCHEM INC	127.80
PITNEY BOWES	420.81
POLK COUNTY SHERIFF'S OFFICE	55.00
PRODUCTIVITY PLUS ACCOUNT	280.74
QUILL CORPORATION	770.94
RANSOM COUNTY AUDITOR	8,607.53
REKLEAN EQUIPMENT LLC	364.00
ROBBINS/KIMBERLY	42.00
STEPP MFG	1,425.42
STUTSMAN COUNTY CORRECTION CENTER	6,400.00
STUTSMAN RURAL WATER DISTRICT	58.43
SWANSTON EQUIPMENT CORPORATION	446.12
TEAM LABORATORY CHEMICAL CORP.	1,322.50
THE MEDICINE SHOPPE	9.80
VAN EEDEN/MIA	144.00
VERIZON WIRELESS	147.73
WALK-N-ROLL, INC	375.41

Chairman Heidinger adjourned the meeting at 11:00 a.m.

APPROVED THIS 20th DAY OF May, 2025

KEITH HEIDINGER, Chairman

ATTEST:

JAN HAMLIN, County Auditor

Appendix A

Molly Malone
Sandi Rupp
Dasan Sasse
Virginia Salzsieder
Bruce Salzsieder
Tim Leppert
Julia Nelson
Steve Nelson
Megan Domine
Dave Schweigert
Todd Langston
Mike Long
Daymond Syversen
Lillian Long
Lynn Kuska
Debbie Wald
Lucas Wald
Richard Long
Joel Leppert
Susan R. Long
Karen Stroh
Ervin Fischer
Arlene Holoman
Allen Fischer