

OFFICIAL PROCEEDINGS OF THE MCHENRY COUNTY BOARD OF COMMISSIONERS

March 3, 2026

9:00 AM

Chairman Anderson called the meeting to order. Commissioners Lance Johnson, Bryan Bruner, David Schmitt, Brady Nelson and Armann Anderson present.

A motion was made by Nelson and seconded by Johnson to approve the February 3rd minutes. Motion carried unanimously.

The following individuals were in attendance for the discussion of a concentrated feeding operation located in the SW ¼ less OL 1 & 2 in Section 9-155-81 in the name of Smith Family Land Company II, LLC. David Ashley McHenry County Water Board member, Lance Lenton, Daniel Jung Surrey Township Board member, ND Deputy Ag Commissioner Tom Bodine, Ward County Commissioner John Fjeldahl, Ward County Water Resource Board member and State Water Commissioner Jason Zimmerman, Ward County Sheriff Deputy Dale Clemens, Director of the ND Division of Water Quality Marty Haroldson and Sarah Waldron Feld Program Manager for the Permit Program with the ND Division of Water Quality.

Commissioner Nelson expressed McHenry County's concern regarding a large feedlot built in the creek bed of an active waterstream known as Egg Creek which flows into Buffalo Lodge, a popular county park in McHenry County. Commissioner Nelson stated the feedlot has been in existence for several years and questioned why the feedlot has been allowed to operate without a single permit. Marty Haroldson with the ND State Division of Water Quality stated their department has been trying to work with Mr. Smith since April 2024, when they were made aware of the situation. Mr. Smith has disregarded all correspondence with them as well as Surrey Township, who had zoning authority at the time the feedlot was built. Recently, the township relinquished their zoning authority to Ward County, as they did not have the resources for enforcement. Mr. Haroldson mentioned they have drafted a Notice of Violation and are having their legal staff review the document since they have not experienced anyone refusing to work with them to get into compliance. David Ashley expressed the need for urgency to expedite the process, as spring runoff season is here and this will cause irreparable damage to Buffalo Lodge. The State DEQ has not taken water samples, but recommended McHenry County officials collect samples at multiple points downstream.

Tom Bodine spoke on behalf of the ND Department of Agriculture and expressed their support of agricultural development, but the rules must be followed, it must be done right. Mr. Bodine urged the State DEQ to take immediate action. It was asked if fines could be imposed due to non-compliance. Mr. Haroldson provided information on grace periods and a penalty matrix that could impose fines up to \$12,500 per day. Commissioner Nelson stated in Century Code, the grace periods are not recognized if there are environmental impacts. Mortality pits also exist onsite, which have not been permitted. It was recommended by the State DEQ that Ward County pursue enforcing the zoning violations. Ward County Commissioner, John Fjeldahl stated all entities would need to work together. Jason Zimmerman recommended McHenry County file a drainage complaint with the Ward County Water Board, due to the modified watercourse. If pollution and contamination is found in Buffalo Lodge, the State DEQ suggested McHenry County consider applying for Section 319 funding through the State for nonpoint source pollution situations.

A motion was made by Nelson and seconded by Bruner to file a drainage complaint with the Ward County Water Board. Motion carried unanimously.

The board discussed bridge repair and replacement options with David Ashley and inquired about possible funding through the McHenry County Water Board.

Trey Skager joined the meeting.

A motion was made by Nelson and seconded by Bruner to issue the proper deeds to the following individuals for the sale of county land and to cancel any remaining taxes: Gene Scott Hansen – Lot 1 and North ½ Lot 2 Block 2 in Original Upham; Jeff and Andrew Stains – Outlot 333 of SW1/4SW1/4 in Section 22-159-78 in Unplatted Upham; correction deed previously issued to Dakota Urban (document 335814) to correct the legal description. Motion carried unanimously.

A motion was made by Bruner and seconded by Nelson to reissue lost instrument #1869. Motion carried unanimously.

A motion was made by Johnson and seconded by Bruner to approve abatements 1694-1699. Motion carried unanimously.

A motion was made by Bruner and seconded by Schmitt to approve the pledge of assets from Peoples State Bank. Motion carried unanimously.

A motion was made by Bruner and seconded by Nelson to enter into a funding agreement with the state for the 2027-2029 biennium to receive reimbursement for providing clerk services. Motion carried unanimously.

Tore Knudsen with Gravel Products joined the meeting for the review of the conditional use application to mine gravel in the Grim Pit located in the S1/2NE1/4 of Section 8-153-79 and the Howe Pit located in the SE1/4 of Section 8-153-79. A motion was made by Nelson and seconded by Schmitt to approve the CUP pending receipt of the road use agreement, as recommended by the zoning board. Motion carried unanimously.

Commissioner Nelson informed the board of the Karlsruhe City council's approval to survey the street out of Lots 11 and 12 of Block 1 in Sengers and Boechlers Addition to Karlsruhe City and to split the cost of the survey with the county. A motion was made by Nelson and seconded by Bruner to advertise both lots on bids, with the top three bidders given the option to increase their bid. Motion carried unanimously.

A motion was made by Johnson and seconded by Nelson to hold a public hearing on March 24th at 9:00 AM to receive public comment on the updated floodplain ordinance. Motion carried unanimously.

A motion was made by Nelson and seconded by Bruner to follow the State's load restrictions. Motion carried unanimously.

Jason Mayfield with Wold Engineering met with the board. A motion was made by Nelson and seconded by Schmitt to enter into a contract with Wold Engineering to provide preliminary engineering services as well as environmental inspections for the upcoming bridge replacement projects. Motion carried unanimously.

A consent motion was made by Johnson and seconded by Nelson to approve the following: Treasurer's Miscellaneous Receipts #51073-51171; the monthly payroll in the amount of \$169,514.86; Clerk of Court February County fees \$1,030.00, State fees \$18,684.92, City of Towner \$20.00; County Recorder January recording fees of \$2,647.00 and misc fees of \$249.10; Sheriff January statement of fees \$658.00, Sheriff mileage \$533.00, Sheriff February statement of fees \$968.00, Sheriff mileage \$896.00, Deputy reports for Jan.

The board continued to audit bills until completed. A motion was made by Bruner and seconded by Schmitt that the following bills be approved and the proper checks be issued thereof:

Warrant	Paid	Reason	Amount
92779	Acme Tools	Jobbers	8.57
92780	Amazon Capital Services	Battery, Bite Gloves, Wipers, Toner	598.12
92781	American Welding Gas Inc	Cylinder Rental	38.68
92782	Armann Anderson	Mileage	159.50
92783	B & J Excavating Inc	Salt/Sand-Granville	1,461.37
92784	Bryan Bruner	Mileage	75.40
92785	Butler Machinery Co.	2025 Cat 150-15AWD	321,419.53
92786	Cenex Fleetcard	Gas	3,584.84
92787	Charles Nyhus	Coroner Fees 2025	2,500.00
92788	Dacotah Paper Company	Copy Paper, Urinal Guard/Floor Mats	1,960.36
92789	Dakota Pipe Steel	SQ Tube, Iron for Angle Plow	357.03
92790	Dakota Truck Farm Service	Sensor, Coolant-Towner Sand Truck	127.79
92791	Darlene Carpenter	Mileage, Notary fees, Checks	219.01
92792	David Schmitt	Mileage, Snap Ring	210.10
92793	DK Service	Oil Change, Fuel	4,554.42
92794	Elite K-9 Inc	Martin System K9 Remote, Misc K9 Items	1,698.72
92795	Enerbase	Gas-Velva Shop, Sign Truck	208.70
92796	Envision Cooperative	Diesel, Gas	109.81
92797	First District Health Unit	Mill Levy	28,197.00
92798	Flower Barn	Funeral Flowers	105.00
92799	Gallows Motorcycle Club	Room Rent for Pesticide Training	250.00
92800	Galls LLC	Shipping Labels, Shipping Cost	32.98
92801	Gerdau	3x2x1/4 Tube-Upham Shop	278.97
92802	Glints Car Wash	Yearly fee Sheriff fleet	1,270.00
92803	HACTC	Board Prisoners	11,811.58
92804	Hardware Hank	Shop Supplies-Floor Dry,	905.99
92805	Heart of America Medical Ctr	Prisoner Medical Services	500.00
92806	Heartland Market	NDSU class supplies	54.50
92807	Heilman's Diesel Repair	Weatherstrip Glue, Floor Dry-Towner Shop	31.60
92808	Heringer Lumber	Garden Hose end, Water Softener Salt	50.95
92809	Holly Christianson	Culligan Water, Mileage	91.56
92810	HR Collaborative	2026 Conference Registration	150.00
92811	Ihry Insurance Agency Inc	Notary Bond, K9 & 2025 Cat 150	1,715.00
92812	Information Technology Dept	Data Processing Fee - March	1,391.20
92813	Kathryn Slavick	Mileage, Baskets(4),Spring Conf Fee	412.38
92814	Lance Johnson	Mileage	424.04
92815	Lesley Jones	Canva Sub,Ink, SO Class Snacks, Mileage	296.19
92816	Linde Gas Equipment Inc	Rental Period	114.03
92817	Lisa Marshall	VSO registration	400.00
92818	Lowes's printing	Spelling Bee Awards	304.20
92819	Mac's Hardware	Casters, Batteries, Drill Bit Set	212.28
92820	McHenry County Treasurer	Culvert-Red Cross	1,856.00
92821	Menards	First Aid Kits-Upham(1), Granville(2)	298.62
92822	Mouse River Journal	Minutes, Notice of Bids, Deputy Aud Pos.	446.70
92823	Mouse River Oil Co	Diesel, Battery	983.10
92824	Napa Auto Parts of Minot	Floor Dry, Clamps, Wipers, Antifreeze	719.70
92825	ND Dept of Transportation MVD	Plate Transfer	5.00
92826	NDACO Resources Group	Datto Backup-Mar	225.72
92827	NDSU - Dept. 3110	NDSU Envelopes	114.80
92828	Northside Autobody and Repair	Collision Repairs, Impound	2,890.18
92829	NW Tire Inc	Mud Flaps,2 Front Tires	1,208.65

92830	Office Depot Inc	Envelopes, HDMI Cable	63.56
92831	Otter Tail Power Co	Electric Service	5,791.91
92832	PharmChem Inc	Sweat Patch Analysis	159.75
92833	PowerPlan OIB	Filter Kits, Filters, Battery Charge,	1,417.67
92834	Redwood Toxicology Lab Inc	Drug Test Prisoner	80.59
92835	Rugby Welding & Machine	Seal Kit, Chrome Shaft, Repair Cylinder	755.89
92836	Smette Oil Co	Gas, Diesel	2,067.10
92837	SRT Communications Inc	Phone, 911 Service	994.44
92838	Star City Senior Center	Facility Rental Pesticide Training	100.00
92839	Tanner Volson	Witness Reimbursement	75.75
92840	Thomas Law Firm	Health Screenings	175.00
92841	Thomas Severin	Execution Payment 26-001X	3,872.00
92842	Thomson Reuters West	St Atty Online Resource Fee	233.97
92843	Towner City	Utilities	393.33
92844	Towner Health & Wellness	St Atty Office Rent-Feb	832.00
92845	Towner Parts & Equipment	Filter, Wire Hose, Antifreeze	513.72
92846	Transunion Risk Alternative	Resource Fee-Feb	110.00
92847	Trey Skager	Reimbursement for Dog Kennel	119.99
92848	Tri n Propane	Propane-Granville, Deering	636.48
92849	Tyler Technologies Inc	School ERP	1,840.00
92850	Upham City	Upham Shop	81.00
92851	Velva Area Voice	Subscription Renewal	98.00
92852	Verendrye Electric Cooperative	Electric Service	382.43
92853	Verizon Wireless	Wireless Service	795.03
92854	Wold Engineering PC	M-22-193 HLC-2500(026) HSIP	25,790.00
92855	Ziegler Oil Co	Propane-Drake	3,469.35
92856	John Deere Financial	Break Fluid	15.82
92857	OK Tires Store Minot	Singular Tire-Car 002 Dewanz	129.58
92858	SKM Collections Division	24-007X, 25-001X	200.00

At 12:30 PM, there being no further business to come before the board at this time, a motion was made by Nelson and seconded by Schmitt to adjourn. Motion carried unanimously.

ATTEST:

Darlene Carpenter, Auditor/Treas.

Armann Anderson, Chairman